

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address): <b>JW Howard/Attorneys, Ltd.</b> <b>701 B Street, Suite 1725</b> <b>San Diego, CA 92101</b>  TELEPHONE NO.: <b>Primary: (619) 234-2842</b> FAX NO.: <b>Fax: (619) 234-1716</b> E-MAIL ADDRESS: ATTORNEY FOR (Name): <b>Ann G. Mitchell</b>		LEVYING OFFICER (Name and Address): <b>San Diego County Sheriff's Office</b> <b>San Diego County Sheriff</b> <b>250 E. Main St.</b> <b>El Cajon, CA 92020</b>  <b>Phone: (619) 441-4564</b> <b>Fax: (619) 441-4068</b>  <b>California Relay Service Number</b> <b>(800) 735-2929 TDD or 711</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Diego</b> STREET ADDRESS: <b>330 W Broadway, Rm. 225</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Diego, CA 92101</b> BRANCH NAME: <b>San Diego County Superior Court</b>		COURT CASE NUMBER: <b>37-2018-00061015</b>
PLAINTIFF/PETITIONER: <b>Ann G. Mitchell</b> DEFENDANT/RESPONDENT: <b>Jorge I. Hernandez</b>		LEVYING OFFICER FILE NUMBER: <b>2020300497</b>
<b>Notice of Sheriff's Sale of Real Property (CCP 701.540)</b>		

Date **07/14/2021**

☒ Writ of Execution

Under a ☐ Writ of Sale for Partition

☐ Warrant Issued by the State of California

Issued out of the above court on 10/27/2020, on the Judgment rendered on 10/04/2019.

for the sum of \$1,500,040.00; I have levied upon all the rights, title, and interest of the judgment debtor(s),

**Jorge I. Hernandez**

in the real property, in the county of San Diego, described as follows: 1040 Baywood Cir., #D, Chula Vista, CA 91915, See Attachment A APN: 595-321-63-04

Minimum Bid Amount (if applicable): \$0.00

PROSPECTIVE BIDDERS SHOULD REFER TO SECTIONS 701.510 to 701.680, INCLUSIVE, OF THE CODE OF CIVIL PROCEDURE FOR PROVISIONS GOVERNING THE TERMS, CONDITIONS, AND EFFECT OF THE SALE AND THE LIABILITY OF DEFAULTING BIDDERS.

PUBLIC NOTICE IS HEREBY GIVEN that I will proceed to sell at public auction to the highest bidder, for cash in lawful money of the United States, all the rights, title, and interest of said judgment debtor(s) in the above described property, or so much thereof as may be necessary to satisfy said execution, with accrued interest and costs on:

Date/Time of Sale	Location of Sale
09/15/2021 9:00AM	Main Courthouse Entrance, 250 E. Main Street, El Cajon, CA 92020

Directions to the property location can be obtained from the levying officer upon oral or written request.

**William D. Gore, Sheriff**



**S. Phan 9392, Sheriff's Authorized Agent**

**LIENS MAY BE PRESENT WHICH MAY OR MAY NOT SURVIVE THIS LEVY.**

PLAINTIFF: Ann G. Mitchell

DEFENDANT: Jorge I. Hernandez

CASE NUMBER: 37-2018-00061015-CU-PN-CTL

JUDGMENT DEBTOR(S)/DEFENDANT(S) (whose interest in the real property is being levied/attached):

JORGE I. HERNANDEZ

THIRD PARTY RECORD OWNERS

COMMON STREET ADDRESS, (if any): 1040 Baywood Cir., #D, Chula Vista, CA 91915

ASSESSOR'S PARCEL NUMBER: 595-321-63-04

LEGAL DESCRIPTION: (Enter the full legal description below)

See attached legal description

Plan as Exclusive Use Common Area, subject to such easements, conditions and restrictions as may be contained in the Declaration, the Supplemental Declaration and the Supplementary Declaration described hereinafter.

Parcel 5:

A non-exclusive easement for ingress, egress, use and enjoyment on, over and under the Condominium Common Area of Lots 3, 4 and 5 of Chula Vista Tract No. 90-8, Fairway Villas, in the City of Chula Vista, County of San Diego, State of California, according to the Map thereof No. 12728, filed in the Office of the County Recorder of San Diego County, October 19, 1990; Excepting therefrom any Condominium Buildings thereon and any portion thereof which is designated as Exclusive Use Common Area, which easement shall be appurtenant to Parcel 1 described above. Subject to such easements, conditions and restrictions as may be contained in the Declaration described hereinafter and as may be of record in the office of the San Diego County Recorder, California, as to each of such respective Lots 3, 4 and 5.

Parcel 6:

A non-exclusive easement for ingress, egress, use and enjoyment on, over and under the Condominium Common Area of Module M-1, as described in the Plan. Excepting therefrom any Condominium Buildings thereon and any portion thereof, which is designated as an Exclusive Use Common Area, which easement shall be appurtenant to Parcel 1 described above. Subject to such easements, conditions and restrictions as may be contained in the Declaration and Supplemental Declaration described hereinafter and as may be of record in the office of the San Diego County Recorder, California as to each of such Module M-1.

Parcel 7:

A non-exclusive easement for ingress, egress, use and enjoyment on, over and under the Condominium Common Area of Lot 1, as described in the Plan, and Modules M-3 of Lot 2 as described in the Plan and Modules M-1, M-2 and M-A of Lot 6 as described in the Lot 6 Plan, respectively, Excepting therefrom any Condominium Buildings thereon and any portion thereof which is designated as an Exclusive Use Common Area, which easement shall be appurtenant to Parcel 1 described above. Subject to such easements, conditions and restrictions as may be contained in the Declaration and Supplemental Declaration described hereafter and as may be of record in the office of the San Diego County Recorder, California, as to each of said respective Lot 1 and Module M-3 of Lot 2 and Modules M-1, M-2 and M-A of Lot 6.

Parcel 8:

Easements and rights as set forth in the Section entitled "Easements for Owners", including, without limitation, a non-exclusive easement over the non-exclusive Common Areas of each Phase as more particularly described in said Section. "Support, Settlement and Encroachment", "Utilities and Cable Television" and "Enforcement" of the Declaration as referenced hereafter.

**Exhibit A  
LEGAL DESCRIPTION**

All that certain real property in the County of San Diego , State of California, described as follows:

A Condominium Comprised of:

A Condominium located within the boundaries of Lot 2 of Chula Vista Tract No. 90-8, Fairway Villas, in the City of Chula Vista, County of San Diego, State of California, according to the Map thereof No. 12728, filed in the Office of the County Recorder of San Diego County, October 19, 1990, described as follows:

Parcel 1:

Unit No. 4 in Module M-2 of Lot 2, as shown on that certain Composite Condominium Plan for Fairway Villas Lot 1, Lot 2 (Modules 1, 2 and 3, Modules A and B) recorded in the office of the County Recorder of San Diego county, California, on November 22, 1994 as instrument no. 94-674735 of Official Records (hereafter the "Plan").

Parcel 2:

An undivided 1/14th fractional interest in and to Module M-2 of Lot 2 as shown and described in the Plan.

Excepting therefrom:

- (I) Units 1 through 8, inclusive and Units 13 through 18, inclusive located within Module M-2 of Lot 2, as shown and defined in the Plan and
- (II) The right to the use and enjoyment of those portions of the Common Area described in the Plan and the Declaration hereinafter defined, as "Exclusive Use Common Areas."

Parcel 3:

An undivided 1/29th fractional interest in and to Module M-A of Lot 2, as shown and described in the Plan.

Parcel 4:

An undivided 1/29th fractional interest in and to Module M-B of Lot 2, as described in the Plan.

Reserving from Parcels 2, 3 and 4 above non-exclusive easements on, over and under the Condominium Common Areas of Modules M-2 and M-A of Lot 2, as shown and/or described on the Plan for ingress, egress and use and enjoyment, subject to the terms as more particularly set forth in the Declaration, the Community Declaration, the Supplemental Declaration, the Supplementary Declaration and the Community Supplementary Declaration, to which references are hereby made; Excepting therefrom any Condominium Buildings thereon and any portion thereof which is designated by the Declaration or the

Parcel 9:

Easements and rights as set forth in the Section entitled "Owners Easements and Encroachments", "Community Facilities Easement" and "Enforcement" of the Community Declaration as referenced hereafter.

Note: The Declaration referred to herein was recorded on April 12, 1991 as instrument no. 91-166436 of Official Records.

The Community Declaration referred to herein was recorded on February 21, 1990 as instrument no. 90-94670 of Official Records.

The Supplemental Declaration referred to herein was recorded on November 22, 1994 as instrument no. 94-674737 of Official Records.

The Supplementary Declaration referred to herein was recorded on November 22, 1994 as instrument no. 94-674738 of Official Records.

The Community Supplementary Declaration referred to herein was recorded on November 22, 1994 as instrument no. 94-674739 of Official Records.

APN No: 595-321-63-04