

1 MARY CUMMINS  
 2 Defendant  
 3 645 W. 9th St. #110-140  
 4 Los Angeles, CA 90015  
 5 In Pro Per  
 6 Telephone: (310) 877-4770  
 7 Email: [mmmaryinla@aol.com](mailto:mmmaryinla@aol.com)

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 BAT WORLD SANCTUARY,  
 11 AMANDA LOLLAR  
 12 *Plaintiff*

13 v.

14 MARY CUMMINS  
 15 *Defendant*

) Case No. BS140207

)  
 )  
 ) **DEFENDANT’S REPLY TO**  
 ) **PLAINTIFFS’ OPPOSITION TO**  
 ) **CLAIM OF EXEMPTION**

) **Date: December 12, 2013**  
 ) **Time: 8:30**  
 ) **Dept.: 24**  
 ) **Judge: Robert Hess**  
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 )

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 18 **RELIEF REQUESTED**

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 20 Defendant Mary Cummins, (hereinafter “Defendant”) objects to Plaintiffs’ notice of  
 21 opposition to claim of exemption. In support hereof, the Defendant shows the Court  
 22 the following:

23 **INTRODUCTION**

24 Defendant Judgment Debtor Cummins is not an attorney, has no funds to hire an  
 25 attorney and has not had the advice of any attorney. Cummins believes she has cited  
 26 valid exemptions. Defendant needs the funds released to pay for the basic necessities  
 27 of life, i.e. rent, utilities, food. The funds belonged to Defendant’s landlord at the time  
 28 of the bank levy. Defendant works out of the home. The home is used in the exercise of

1 the trade, business, or profession by which the judgment debtor earns a livelihood. The  
2 home is also occupied by non-profit Animal Advocates. The funds in the account were  
3 the result of a settlement in an injury case.

4 **FACTUAL BACKGROUND**

5 November 9, 2012 the Orders to be vacated were entered.

6 September 6, 2013 LA County Sheriff filed a levy on Defendant.

7 September 16, 2013 LA County Sheriff withdrew \$4,390 from the account

8 October 6, 2013 Defendant filed exemption of bank levy

9 **STATEMENT OF THE CASE AND GROUNDS TO VACATE THE ORDER**

10 Defendant currently rents an 700 sf one bedroom home at 858 N. Beverly Glen, Los  
11 Angeles, CA for \$2,100/month (Exhibit 1, lease). 12 months ago Defendant sublet part  
12 of the home for \$1,100/month because Defendant could not afford the full amount of  
13 the rent. Defendant received \$2,200 from sub-lessee then sent two checks to her  
14 landlord for \$2,100 on July 28, 2013 #126 and August 28, 2013 #130 for a total of  
15 \$4,200 (Exhibit 2) . Defendant did not know that her landlord was out of the country  
16 and did not cash the rent checks until the account was levied. The rent checks were  
17 sent and received before the levy. That money belonged to the landlord and sub-lessee.

18 Defendant works out of the home on Beverly Glen. It is therefore 704.060. (a)  
19 Tools, implements, instruments, materials, uniforms, furnishings, books, equipment,  
20 one commercial motor vehicle, one vessel, and other personal property are exempt to  
21 the extent that the aggregate equity therein does not exceed: (1) Six thousand seventy-  
22 five dollars \$6,075), if reasonably necessary to and actually used by the judgment  
23 debtor in the exercise of the trade, business, or profession by which the judgment  
24 debtor earns a livelihood.

25 The back part of the property is used by Animal Advocates a 501 3c non-profit  
26 organization. Large animal enclosures are located on the property on Beverly Glen.  
27  
28

1 Defendant needs the \$4,390 to pay back rent (\$4,200) which is still unpaid. If  
2 Defendant cannot pay the back rent, she, her business and non-profit may be evicted.  
3 Defendant will suffer irreparable damage if this occurs.

4 The funds in the account are exempt under 704.140 because they were the result of  
5 a cause of action for personal injury, “an award of damages or a settlement arising out  
6 of personal injury is exempt to the extent necessary for the support of the judgment  
7 debtor and the spouse and dependents of the judgment debtor.” Defendant Cummins  
8 sued and received a settlement from the City of Los Angeles for unlawful termination,  
9 harassment and other damages case # BC 374596<sup>1</sup>.

10 Defendant needs the funds in the bank account for the basic necessities of life.  
11 Defendant is currently only making enough to pay the rent, food, utilities. Defendant  
12 does not own a car, has no assets of any value and does not have a job. Defendant  
13 applied for public assistance and was told she met the requirements. Defendant is  
14 waiting for the paperwork to be processed to receive assistance.

15 Defendant claims a hardship exemption. The bank levy would put Defendant in dire  
16 financial straits.

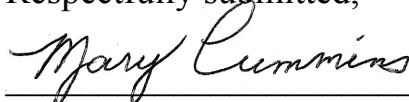
17 Defendant has appealed the case related to this judgment and should win. The  
18 opinion should be released shortly. Defendant also filed a motion to vacate.

19 **PRAYER**

20 Defendant respectfully requests that this Court release the levy of \$4,300 on  
21 Defendant’s bank account.

22 Such other relief as the Court may deem just and proper.

23 Respectfully submitted,

24 

25 Mary Cummins, Defendant

26 Dated: December 9, 2013

27 645 W. 9th St. #110-140, LA 90015

28 <sup>1</sup> [http://clkrep.lacity.org/onlinedocs/2009/09-0704\\_ca\\_06-30-09.pdf](http://clkrep.lacity.org/onlinedocs/2009/09-0704_ca_06-30-09.pdf)

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PROOF OF SERVICE BY MAIL  
(FRCivP 5 (b)) or  
(CCP 1013a, 2015.5) or  
(FRAP 25 (d))

I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles, California 90015-1640. I am over the age of eighteen years.

I further declare that on the date hereof I served a copy of:

**DEFENDANT’S REPLY TO PLAINTIFFS’ OPPOSITION TO CLAIM OF EXEMPTION**

on the following interested parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640, faxed and emailed.

David C. Watts P.O. Box 827 Davis, CA 95617

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this day, December 9, 2013, at Los Angeles, California.

Respectfully submitted,  
*Mary Cummins*

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Mary Cummins, Plaintiff  
Dated: December 9, 2013  
645 W. 9th St. #110-140  
Los Angeles, CA 90015