

1 PAUL GORDON HOFFMAN (SBN 71243)
2 JERYLL S COHEN (SBN 125392)
3 **HOFFMAN, SABBAN & WATENMAKER**
4 A Professional Corporation
5 10880 Wilshire Blvd Suite 2200
6 Los Angeles, CA 90024
7 Telephone [REDACTED]
8 Facsimile [REDACTED]

9 HOWARD WEITZMAN (SBN 38723)
10 JEREMIAH T REYNOLDS (SBN 223554)
11 **KINSELLA WEITZMAN ISER KUMP**
12 & ALDISERT LLP
13 808 Wilshire Boulevard, 3rd Floor
14 Santa Monica, California 90401
15 Telephone [REDACTED]
16 Facsimile [REDACTED]

17 Attorneys for Petitioners John Branca and John
18 McClain and Third Party Custodians of Record

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

21 In re the Matter of the Estate of

22 Michael Joseph Jackson

23 Decedent

24 CASE NO BP117321

25 **PETITION FOR ORDER TO VACATE**
26 **AND DELIVER POSSESSION AND**
27 **CONTROL OF REAL PROPERTY**

28 [Probate Code § 850 *et seq.*]

Date
Time 8 30 A M
Dept 5
Judge Hon Mitchell L Beck

Action Filed June 29, 2009
Trial Date None Set

CHECK: 395.00
CASH:
CHANGE:

CIT/CASE: BP117321 LEA/REF#
RECEIPT #: FIN221151034
DATE PAID: 01/06/11 03:26:55 PM
PAID: \$395.00
RECEIVED: 0310

FILED
Los Angeles Superior Court

JAN 6 - 2011

John A. Clarke Executive Officer/Clerk

BY E. Hunsy
Att. [unclear]

DATE OF HEARING:
3-15-

Times: 8:30 **Dept.:** 5

1 John McClain ("Mr McClain") and John Branca ("Mr Branca") (collectively, the
2 "Executors"), Executors of the Estate of Michael Joseph Jackson (the "Estate") bring this
3 verified *Petition for Order to Vacate and Deliver Possession and Control of Real Property* (the
4 "Petition"), and allege as follows

5 PURPOSE

6 1 The purpose of this Petition is to obtain an order of this Court pursuant to its
7 authority under Probate Code § 850 *et seq* to require Alejandra Jackson ("Alejandra"), her minor
8 children, and Genevieve Jackson, Randy Jackson, Jr and Donte Jackson to vacate the Estate's
9 real property located at [REDACTED] Encino, California 91436 in the County of
10 Los Angeles, California (the "Hayvenhurst Residence") and deliver possession and control of the
11 Hayvenhurst Residence to the Executors

12 BACKGROUND

13 2. **Date of Death.** Michael Joseph Jackson (hereafter referred to as
14 "Michael Jackson") died testate on June 25, 2009 in the County of Los Angeles At the time of
15 his death, Michael Jackson was a resident of Los Angeles County Michael Jackson was not
16 married at the time of his death He was survived by his three minor children, namely,
17 Michael Joseph Jackson, Jr , Paris-Michael Katherine Jackson, and Prince Michael Jackson II
(collectively, the "Minor Children")

18 3. **The Guardian and the Guardian Ad Litem.** Michael Jackson's mother,
19 Katherine Esther Jackson, is the Guardian of the Person of the Minor Children, having been
20 appointed the Temporary Guardian on June 29, 2010 and the Permanent Guardian on
21 August 3, 2010 Margaret G Lodise is the Guardian Ad Litem for the Minor Children
22 Ms Lodise has not been discharged

23 4. **Sole Beneficiary of the Decedent's Estate.** The sole beneficiary of
24 Michael Jackson's Estate is his inter vivos trust, namely, the Michael Jackson Family Trust (the
25 "Trust") Messrs Branca and McClain are the currently serving Co-Trustees of the Trust The
26 beneficiaries under the Trust are the Minor Children, Mrs Jackson and unnamed charities

27 5. **Will Admitted / Executors Appointed.** Michael Jackson's Will was
28 admitted to probate on August 8, 2009, and John Branca and John McClain were appointed
Executors of the Estate on November 11, 2009

6. **Respondents.** Alejandra, her minor children, and Genevieve Jackson, Randy Jackson, Jr and Donte Jackson, are individuals who are currently residing at the Hayvenhurst Residence. There may be additional individuals unlawfully residing at the Hayvenhurst Residence, and therefore the Executors name those unknown individuals as Does 1 through 25. The Executors will supplement this Petition to name those individuals if and when their identities become known to the Executors.

FACTS

7 Michael Jackson died owning the Hayvenhurst Residence, and that property is now an asset of the Estate. The legal description of the Hayvenhurst Residence is set forth on Exhibit A which is attached to this petition and incorporated by this reference.

8 Alejandra, Alejandra's minor children, Genevieve Jackson, Randy Jackson
 9 Jr., and Donte Jackson are currently occupying certain rooms at the Hayvenhurst Residence

9 Alejandra, each of Alejandra's minor children, Genevieve Jackson, Randy Jackson Jr , and Donte Jackson and any other unknown occupants are tenants at sufferance with no legally cognizable right to possess, reside or occupy the premises Neither Alejandra nor Alejandra's children, or Genevieve Jackson, Randy Jackson Jr , and Donte Jackson have ever paid any rent with respect to the Hayvenhurst Residence

10 Neither Alejandra nor any of Alejandra's children or Genevieve Jackson, Randy Jackson Jr., and Donte Jackson are beneficiaries of the Estate or of the Trust.

11 The Excutors have repeatedly requested orally and in writing to Alejandra and her attorneys that Alejandra and Alejandra's children as well as Genevieve Jackson, Randy Jackson Jr , and Donte Jackson vacate the Hayvenhurst Residence

12 Alejandra, on behalf of herself and her children, and Genevieve Jackson, Randy Jackson Jr , and Donte Jackson have refused to vacate the Hayvenhuist Residence Alejandra, and Genevieve Jackson, Randy Jackson Jr , and Donte Jackson have failed to explain why they are entitled to occupy the Hayvenhuist Residence despite the demand of the Executors that they vacate the Hayvenhuist Residence Accordingly, the Executors seek an order and judgment that Alejandra and Alejandra's children as well as Genevieve Jackson, Randy Jackson Jr , and Donte Jackson immediately vacate the Hayvenhurst Residence and deliver possession and control of the Hayvenhurst Residence to the Executors

01/05/2017

1
2 **THE COURT HAS AUTHORITY TO ORDER ALEJANDRA JACKSON**
3 **AND HER CHILDREN TO VACATE THE HAYVENHURST RESIDENCE**
4 **AND DELIVER POSSESSION AND CONTROL TO THE EXECUTORS**

5 13 Probate Code Section 850(a)(2)(D) provides that a personal representative
6 may file a petition for a court to order delivery of possession and control of real property to the
7 personal representative where the decedent died having a claim to real or personal property, title to
8 or possession of which is held by another

9 14 Michael Jackson died owning the Hayvenhurst Residence Alejandra and
10 her children are unlawfully occupying the Hayvenhurst Residence Pursuant to Probate Code
11 Section 850(a)(2)(D), the Executors respectfully request that this Court issue a Writ of Possession
12 requiring Alejandra, Genevieve Jackson, Randy Jackson Jr , and Donte Jackson and her minor
13 children to vacate the Hayvenhurst Residence

14 **PRAYER**

15 WHEREFORE, Petitioner prays

16 1 For an order directing Alejandra Jackson, her minor children, Genevieve
17 Jackson, Randy Jackson Jr , and Donte Jackson and Does 1 through 25 to immediately vacate and
18 deliver to the Executors possession and control of the property located at 4641 Hayvenhurst
19 Avenue, Encino, California 91436 in the County of Los Angeles, California,

20 2 For an order directing immediate issuance of a writ of possession against all
21 occupants, including but not limited to, Alejandra Jackson, Genevieve Jackson, Randy Jackson Jr ,
22 and Donte Jackson and Alejandra's minor children,

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3 For such other relief as the Court deems just and proper

Dated January 6, 2011

Respectfully submitted,

HOFFMAN, SABBAN & WATENMAKER
A Professional Corporation

KINSELLA WEITZMAN ISER KUMP
& ALDISERT LLP

By

HOWARD WEITZMAN
Attorneys for Petitioners,
John McClain and John Branca,
Executors of the Estate of
Michael Joseph Jackson