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**F I L E D**  
Clerk of the Superior Court  
**NOV 13 '08**

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6 Attorney for Petitioner – Dianne York Goldman

NOV 12 2008

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO  
9 NORTH COUNTY JUDICIAL DISTRICT

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11 In Re: Marriage of YORK-GOLDMAN

CASE NO. DN149413

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13 Petitioner: DIANNE YORK-GOLDMAN

DECLARATION OF PETITIONER, DIANNE  
YORK-GOLDMAN IN SUPPORT OF  
ORDER TO SHOW CAUSE

14  
15 and

Date: December 5, 2008  
Time: 1:30 pm  
Dept. JAMS

16  
17 Respondent: MITCHELL GOLDMAN

Judge: Hon. William J. Howett, (Ret.)

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20 I, DIANNE YORK-GOLDMAN am the Petitioner herein and would and could  
21 testify as follows if called upon to do so:

- 22 1. On or about July 2002, I formed Fay Avenue Properties, LLC for the purpose  
23 of holding the commercial real property I was in the process of purchasing  
24 located at 7630 Fay Avenue, La Jolla, CA.  
25 2. A true and correct copy of the Grant Deed to 7630 Fay Avenue Properties,  
26 LLC, is attached to the Notice of Lodgment filed herewith as Exhibit "1".  
27 3. On or about June 2002, I paid approximately \$1,050.00 million dollars from a  
28 separate property trust account for the down payment on 7630 Fay Avenue.

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4. A true and correct copy of the original Membership Certificate for Fay Avenue LLC is attached to the Notice of Lodgment filed herewith as Exhibit "2".
5. I transferred the \$1,050.00 million dollars from my personal trust account.
6. A true and correct copy of the Joint Escrow Statement for 7630 Fay Avenue is attached to the Notice of Lodgment as Exhibit "3".
7. A true and correct copy of the Final Closing Statement for 7630 Fay Avenue is attached to the Notice of Lodgment filed herewith as Exhibit "4".
8. Respondent did not contribute any money to my personal trust account or to the purchase of 7630 Fay Avenue at the time of purchase.
9. A true and correct copy of the June, 2002 statement from my Dianne York – Goldman trust account, showing a transfer of \$960,000.00 to the down payment of 7630 Fay Avenue is attached to the Notice of Lodgment filed herewith as Exhibit "5".
10. A true and correct copy of the July, 2003, statement from my Dianne York-Goldman trust account, showing a transfer of \$90,000, for the down payment on 7630 Fay Avenue as Exhibit "6".
11. On or about January, 2003, I briefly considered conveying a 10% interest in Fay Avenue, LLC to Respondent based upon his assertions that his father had loaned us money that would not have to be repaid.
12. I later discovered that Respondent had lied to me about the loans from his father and about their repayment and as such, I retracted the 10% transfer.
13. As such, currently, I own 100% of Fay Avenue Properties, LLC., and Fay Avenue Properties, LLC., owns 100% of 7630 Fay Avenue.
14. On or about July 31, 2008, this Court ordered me to be excluded from my property and the businesses therein.

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15. Although this Court ordered that I be allowed to attend marketing functions at the La Jolla Spa MD. However, I have not been allowed to attend any marketing events and have been excluded completely from anything having to do with my businesses.

16. A true and correct copy of email correspondence I received from Dan Close regarding my exclusion from marketing events is attached to the Notice of Lodgment filed herewith as Exhibit 8.

17. I am deeply concerned about the fate of the businesses at 7630 Fay Avenue.

18. While this Court ordered the sale of the Vitaphenol trademark based upon assurances that it would create cash flow and income, none has been realized.

19. Based upon the fact that I have established ownership of 7630 Fay Avenue and based upon the fact that the businesses therein are struggling and suffering without me, I wish to be allowed to return to the property and to the businesses immediately.

I declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed in San Diego, California on the 12<sup>th</sup> day of November, 2008.

Dated: *November 12, 2008*

*Dianne York Goldman*  
Dianne York-Goldman