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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

BALLENA BAY TOWNHOUSE  
ASSOCIATION NO.1,

Plaintiff and Respondent,

v.

AUDREY KRAMER et al.

Defendants and Appellants.

A147087

(Alameda County  
Super. Ct. No. RG12655656)

Appellants Audrey and Leo Kramer appeal from a default judgment against them on the ground that the judgment was entered in violation of orders entered in federal bankruptcy proceedings.<sup>1</sup> Respondent Ballena Bay Townhouse Association No. 1 has advised this court “that it does not object to the relief sought in Appellant’s Opening Brief.” Therefore, the default judgment dated December 14, 2015 is reversed and the matter is remanded to the superior court for such further proceedings as may be appropriate under the circumstances.<sup>2</sup>

The parties shall bear their respective costs on appeal.

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<sup>1</sup> Appellants’ unopposed motion to augment the records to include federal bankruptcy case documents and for judicial notice is granted.

<sup>2</sup> Appellants’ prayer in their opening brief also requests the reversal of a default judgment dated July 7, 2014. However, the record reflects no such judgment having been entered and the appeal was taken only from the judgment of December 14, 2015. The record reflects that on July 7, 2014, the trial court ordered the entry of appellants’ default. Upon proper motion or stipulation of the parties, the trial court may consider any application to set aside the default.

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Pollak, J.

We concur:

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McGuinness, P. J.

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Siggins, J.

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