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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

SYLVIA ALEMAN,

Plaintiff and Appellant,

v.

ALEXANDRA LOPEZ,

Defendant and Respondent.

B240551

(Los Angeles County  
Super. Ct. No. NC044234)

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Roy L. Paul, Judge. Affirmed.

Sylvia Aleman, in pro. per., for Plaintiff and Appellant.

Laurence H. Lishner for Defendant and Respondent.

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Plaintiff and appellant Sylvia Aleman (Aleman) appeals from a judgment entered following the trial court's order sustaining defendant and respondent Alexandra Lopez's (Lopez) demurrer without leave to amend.

We affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

According to the complaint,<sup>1</sup> this litigation concerns the validity of a grant deed identifying Lopez as the owner of real property where Aleman was a tenant. Aleman sought declaratory relief determining (1) who was the legal owner of the property that she rented, (2) her rights and duties as a tenant, and (3) who was entitled to collect the rental money from her.

In response to the complaint, Lopez filed a demurrer. Citing Evidence Code section 1600 (section 1600), Lopez asserted that her ownership of the property was established by a grant deed dated May 24, 2007. In support of her demurrer, Lopez requested judicial notice of the grant deed, which had been recorded at the Los Angeles County Recorder's office. Aleman opposed the demurrer, contending in part that the grant deed did not establish Lopez's ownership of the property.

On February 2, 2012, the trial court sustained the demurrer without leave to amend. Judgment was entered, and Aleman's timely appeal ensued.

### **DISCUSSION**

#### *I. Standard of review*

“Our Supreme Court has set forth the standard of review for ruling on a demurrer dismissal as follows: ‘On appeal from a judgment dismissing an action after sustaining a demurrer without leave to amend, the standard of review is well settled. The reviewing court gives the complaint a reasonable interpretation, and treats the demurrer as admitting

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<sup>1</sup> “Because this matter comes to us on demurrer, we take the facts from plaintiff's complaint, the allegations of which are deemed true for the limited purpose of determining whether plaintiff has stated a viable cause of action. [Citation.]” (*Stevenson v. Superior Court* (1997) 16 Cal.4th 880, 885.)

all material facts properly pleaded. [Citations.] The court does not, however, assume the truth of contentions, deductions or conclusions of law. [Citation.] The judgment must be affirmed “if any one of the several grounds of demurrer is well taken. [Citations.]” [Citation.] However, it is error for a trial court to sustain a demurrer when the plaintiff has stated a cause of action under any possible legal theory. [Citation.] And it is an abuse of discretion to sustain a demurrer without leave to amend if the plaintiff shows there is a reasonable possibility any defect identified by the defendant can be cured by amendment. [Citation.]’ [Citations.]” (*Payne v. National Collection Systems, Inc.* (2001) 91 Cal.App.4th 1037, 1043–1044.)

## II. *The trial court did not err*

Mindful of the standard of review, we considered the complaint independently and determined that Aleman did not state a cause of action for declaratory relief against Lopez.

It is well-established that a tenant may not challenge the title of her landlord unless she claims that she is connected in some way with the title. (*Commissioners v. Barnard* (1893) 98 Cal. 199, 202.) Here, there are no allegations that Aleman is in any way connected to the title of the property. Thus, Aleman does not have a claim against Lopez.<sup>2</sup>

Our conclusion is bolstered by the grant deed, which establishes Lopez’s ownership of the property. On appeal, Aleman argues that the trial court erred in taking judicial notice of the grant deed.<sup>3</sup> Her challenge is unavailing. Section 1600 provides, in relevant part: “(a) The record of an instrument or other document purporting to establish or affect an interest in property is prima facie evidence of the existence and content of the original recorded document and its execution and delivery by each person by whom it

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<sup>2</sup> Because the trial court rightly sustained the demurrer, it did not unfairly deny Aleman any statutory right to relief.

<sup>3</sup> There is no evidence in the appellate record that the trial court granted Lopez’s request for judicial notice. In order to address the arguments raised by the parties, we presume it did so.

purports to have been executed if: [¶] (1) The record is in fact a record of an office of a public entity; and [¶] (2) A statute authorized such a document to be recorded in that office.” (§ 1600.) Pursuant to section 1600, we conclude that the trial court properly took judicial notice of the grant deed and determined that it was validly executed, compelling the conclusion that Lopez is the owner of the property.

Aleman argues on appeal that the trial court erred in failing to hold a case management conference in compliance with local rules of court. As the trial court properly sustained Lopez’s demurrer, there was no need for the trial court to hold a case management conference to evaluate the merits of Aleman’s case.

Aleman’s further asserts that Lopez failed to comply with the Rent Stabilization Ordinance. But, Aleman offers no legal authority to support her proposition that she can pursue a claim for declaratory relief against Lopez based upon Lopez’s alleged noncompliance. (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852.)

To the extent Aleman is concerned with foreclosure proceedings at the property, Aleman offers no evidence of any foreclosure or any legal argument as to how such a foreclosure would allow her to pursue a claim for declaratory relief against Lopez. Thus, this argument has been waived on appeal. (*Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 545–546.)

Finally, we note that at the heart of Aleman’s appeal appears to be her dispute with what occurred at an unlawful detainer action. As the unlawful detainer action is not before this court, we decline to offer any opinion regarding its validity.

**DISPOSITION**

The judgment is affirmed. Lopez is entitled to costs on appeal.

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\_\_\_\_\_, J.  
ASHMANN-GERST

We concur:

\_\_\_\_\_, P. J.  
BOREN

\_\_\_\_\_, J.  
CHAVEZ