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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

KATHLEEN SOMMER,

Plaintiff and Appellant,

v.

GEORGINE F. BRAVE et al.,

Defendants and Respondents.

D058476

(Super. Ct. No. 37-2009-00099705-  
CU-PN-CTL)

ORDER MODIFYING OPINION  
AND DENYING PETITION FOR  
REHEARING

**NO CHANGE IN JUDGMENT**

THE COURT:

The opinion filed July 30, 2012 is modified as follows:

Page 4, third paragraph, beginning with the sentence following the citation to Civil Code section 683.2, is modified as follows: The deed expressly provided that Gloria, as a joint tenant, quitclaimed her ~~50 percent~~ interest to: "*William H. Moser and Gloria Moser, Husband and Wife, as Tenants in Common . . . .*" (Italics added.); ~~if Gloria had deeded it to herself alone, the result would likely have been different, although Brave still disputes this.~~ Sommer assisted her mother by having the deed recorded at the San Diego County Recorder's office on December 5, 2006, and she kept a copy.

That portion will now read: The deed expressly provided that Gloria, as a joint tenant, quitclaimed her interest to: "William H. Moser and Gloria Moser, *Husband and Wife, as Tenants in Common . . .*" (Italics added.) Sommer assisted her mother by having the deed recorded at the San Diego County Recorder's office on December 5, 2006, and she kept a copy.

The petition for rehearing is denied.

**THERE IS NO CHANGE IN JUDGMENT.**

HUFFMAN, Acting P. J.