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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

EVERHOME MORTGAGE COMPANY,

Plaintiff, Cross-defendant and  
Respondent,

v.

ALMA FLORES,

Defendant, Cross-complainant and  
Appellant.

G045449

(Super. Ct. No. 30-2010-00358979)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Richard W. Luesebrink, Judge. Affirmed.

Alma Flores, in pro. per., for Defendant, Cross-complainant and Appellant.

Malcolm ♦ Cisneros, William G. Malcolm, Donald W. Robinson and Brian S. Thomley for Plaintiff, Cross-defendant and Respondent.

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Defendant, cross-complainant, and appellant Alma Flores appeals from a judgment in favor of plaintiff, cross-defendant, and respondent EverHome Mortgage Company after a bench trial. Plaintiff filed an action to cancel an instrument defendant recorded purporting to reconvey a deed of trust she had previously signed to secure a note. The note had not been repaid in full.

Apparently misunderstanding the nature of judicial jurisdiction, defendant attacks the judgment essentially on the basis that the court lacked jurisdiction. To the extent that we understand her argument, she appears to claim that she herself is a court of record and she did not cede jurisdiction to the superior court or to the judges of that court. Because defendant is not a court of record or any court at all and because the superior court can exercise its jurisdiction over her whether she cedes it or not, we affirm the judgment.

## FACTS

EverHome filed a complaint pleading Flores owned real property on Featherhill Road in Tustin. It alleged that some five years earlier, Flores executed a note for \$625,000, secured by a deed of trust encumbering the property, in favor of Opteum Financial Services. The note and deed of trust were subsequently sold to EverHome. Less than three months before the complaint was filed, Flores caused a full reconveyance of the trust deed to be recorded even though the note had not been paid in full. EverHome's complaint sought cancellation of the instrument recorded by Flores and declaratory relief. In her answer to the complaint, Flores claimed to have no knowledge of the reconveyance.

She also filed a cross-complaint entitled “counterclaim for trespass on the case” (capitalization omitted). Most of the cross-complaint is incomprehensible. Flores alleged that she “[e]xercise[d] her right to hold a free and clear title” to the property by recording the reconveyance. She also alleged in an attachment to the cross-complaint that the court lacks jurisdiction.

After two rounds of demurrers, Flores filed her second amended “counterclaim for trespass on the case” (capitalization omitted) wherein she alleged that her recording of the reconveyance, “satisf[ied] the loan.” Shortly after EverHome filed an answer to the second amended cross-complaint Flores filed a “motion for contempt” (bold and capitalization omitted) wherein she sought to hold the court (Judge Kirk H. Nakamura) guilty of civil or criminal contempt because of his adverse rulings. The court denied the motion. Flores then filed a 24-page document entitled “ruling and order re motion for contempt” (bold and capitalization omitted). Acting as her own tribunal and identifying herself as “Attornatus Privates,” she took judicial notice of various facts, and issued a number of findings and conclusions, including adjudging Judge Nakamura “guilty of contempt of this court.”

The matter was assigned to Judge Richard W. Luesebrink for trial. At the trial, the original note and deed of trust were shown to the court, and Flores and the court permitted copies of these documents to be admitted into evidence. Testimony was introduced that EverHome acquired the note and deed of trust in 2007. No payments were made on the loan after November 2008 and EverHome did not release the lien. Flores declined an offer to cross-examine EverHome’s witnesses and did not offer any evidence. The court ordered judgment entered for EverHome and characterized the document recorded by Flores as an “egregious fraudulent conveyance.”

## DISCUSSION

In her briefs, Flores repeats her contention that she is a court of record and a sovereign. She states “Alma [i.e., Flores] is not subject to the superior Court but the court is to Alma as one of the People . . . .” The rest of her opening brief continues in this manner. She obviously is confused as to the role of courts and of citizens.

Jurisdiction may be “defined as “the power to hear and determine” the cause.’ [Citation.]” (*Hahn v. Diaz-Barba* (2011) 194 Cal.App.4th 1177, 1188.) It is ““the right to adjudicate concerning the subject matter in a given case.”” [Citation.]” (*Rogers v. Hirschi* (1983) 141 Cal.App.3d 847, 851.) And the superior court undoubtedly had jurisdiction to adjudicate the subject matter of this litigation and Flores having been properly served, the superior court had jurisdiction over her. The sole means by which one can become a regularly constituted incumbent of a court of record is through election or appointment by the governor to a vacancy. (Cal. Const., art. VI, § 16.) Not having been so elected or appointed, it is obvious that Flores errs when she identifies herself as a “court of record.”

Flores lists five issues to be decided by this court. We do so summarily.

The first issue is “[w]hether [judges] Nakamura and Luesebrink can rule without jurisdictional consent being granted to the . . . court of record, Alma Flores opened.” The answer is: Yes. Flores’s consent is not required for the court to exercise jurisdiction.

Secondly, she poses “[w]hether any public officer can rule without proper leave of the court of record that Alma Flores has so decreed.” Again, the answer is: Yes. Flores is not a court of record or a court of any kind and there is no requirement that she grant leave for the proper court to exercise its jurisdiction.

Next she asks “[w]hether all courts of the state of Californi[a] are courts of record when decreed so by the people of the state of California.” Article VI, section 1 of

the California Constitution provides the answer to this query: “The judicial power of this State is vested in the Supreme Court, courts of appeal and superior courts, all of which are courts of record.” Our Constitution does not recognize any other “courts of record.”

Flores’s fourth issue: “[w]hether Alma Flores yield [*sic*] any sovereignty when using any public agencies to aid in the conduct of the people’s business, unless they expressly reserve that right.” If this query means whether Flores did, in fact, yield sovereignty, it is immaterial because no sovereignty needs to be yielded to permit the court to exercise its jurisdiction.

Finally, she poses “[w]hether Alma Flores acted accordingly with both writs off [*sic*] error and motion for contempt to preserve the justness of the court of record.” Answer: Assuming she refers to herself as “the court of record,” we have already noted she does not qualify for this status.

#### DISPOSITION

The judgment is affirmed. Respondent shall recover its costs on appeal.

RYLAARSDAM, J.

WE CONCUR:

O’LEARY, P. J.

ARONSON, J.