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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

JOSEFINA MORALES et al.,  
  
Plaintiffs and Respondents,  
  
v.  
  
MARIA GUADALUPE RIVERA  
BARRAGAN,  
  
Defendant and Appellant.

H037387  
(Monterey County  
Super. Ct. No. M105511)

**I. INTRODUCTION**

Appellant Maria Guadalupe Rivera Barragan, a self-represented litigant, entered into a real estate transaction with respondents Josefina Morales and Juan Morales (hereafter, plaintiffs) that led to a lawsuit. Plaintiffs obtained a default judgment after Barragan failed to answer the first amended complaint. As we will explain, we will affirm the judgment because Barragan did not meet her burden as an appellant to present cogent legal argument supported by relevant authority as to each issue raised on appeal.

**II. FACTUAL AND PROCEDURAL BACKGROUND**

Plaintiffs filed their original complaint on April 28, 2010. They alleged that in 2006 they sold “certain commercial/residential real property” in Salinas to Barragan for a purchase price of \$650,000. The seller-financed transaction included Barragan’s down payment of \$163,502.41 and an installment note in the amount of \$487,000 payable to plaintiffs. The installment note was secured by a deed of trust on the property.

Plaintiffs further alleged that sometime later in 2006, when Barragan sought to refinance the property “in order to pull out equity to pay down the obligation owed to Plaintiff[s],” they agreed to her request that they reconvey the deed of trust to her. Plaintiffs understood that once the refinancing was completed, Barragan “would execute a new deed of trust to secure the balance of the purchase price.” After refinancing the property and making further payment to plaintiffs, Barragan executed a new promissory note for her remaining obligation of \$155,000.

According to plaintiffs, after executing the new promissory note “the Parties errantly executed a grant deed, which both parties mistakenly thought was a deed of trust.” The errant grant deed named as grantees the plaintiffs, Barragan, and Veronica Banta. After the errant grant deed was recorded, Barragan ceased making the payments she owed under the new promissory note. Although Barragan subsequently agreed to meet with plaintiffs to execute a “proper deed of trust,” she failed to do so. Plaintiffs claimed that Barragan owed the unpaid balance of \$155,000 on the new promissory note, and stated causes of action for vendor’s lien, breach of contract, and reformation of the errant grant deed.

On September 21, 2010, plaintiffs filed a first amended complaint in which they stated causes of action for reformation of the errant grant deed and equitable lien, and omitted the cause of action for vendor’s lien. Barragan responded to the first amended complaint by filing a demurrer and motion to strike the complaint. The trial court overruled the demurrer and denied the motion to strike on February 18, 2011. The record reflects that Barragan did not file an answer to the first amended complaint.

Plaintiffs filed a defective request for entry of default on May 31, 2011, that was not entered. They filed a second request for entry of default on June 15, 2011, that was entered as requested. Barragan filed an “opposition to default” on July 5, 2011. She did not appear at the default hearing that was held on August 17, 2011.

The judgment in plaintiffs' favor entered on August 17, 2011, states: "It appearing that defendant, [Barragan], having been regularly served with process, having failed to appear and answer plaintiffs' complaint filed herein, and the default of this defendant having been duly entered; on application of plaintiff to the court and after having heard and considered the evidence, [¶] IT IS ORDERED that plaintiffs have and recover judgment from defendant, [Barragan], as follows: [¶] 1. That the purported deed of trust, executed by and between the parties on July 16, 2007, is hereby reformed so as to be in the form and contain the terms of the deed of trust attach[ed] hereto as Exhibit 'A', securing the amount of \$155,000, against the real property described therein; [¶] 2. That Peter Brazil [plaintiffs' attorney] is hereby appointed, designated and authorized to execute the deed of trust attached as Exhibit 'A', in the place and stead of [Barragan]."

Thereafter, Barragan filed a timely notice of appeal from the judgment. The record reflects that she did not challenge the judgment by way of postjudgment motion.

### **III. DISCUSSION**

In her opening brief, Barragan attempts to assert four issues on appeal. We understand Barragan to contend that the judgment is void because plaintiffs and their attorneys committed fraud and forgery.

In their respondents' brief, plaintiffs argue that Barragan's appeal is improper because she fails to raise an appealable issue of law and also fails to state any basis on which this court may grant relief.

As we will discuss, we find that Barragan's failure to meet her burden as an appellant is fatal to her contentions on appeal. For that reason, we will begin by providing an overview of the pertinent general rules that govern our appellate review and also place certain burdens on the appellant.

In conducting our appellate review, we presume that a judgment or order of a lower court is correct. "All intendments and presumptions are indulged to support [the

judgment] on matters as to which the record is silent, and error must be affirmatively shown.” (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564; see also *In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133.) Therefore, a party challenging a judgment or an appealable order “has the burden of showing reversible error by an adequate record.” (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574.) “ ‘A necessary corollary to this rule is that if the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed.’ [Citations.]” (*Gee v. American Realty & Construction, Inc.* (2002) 99 Cal.App.4th 1412, 1416.) Thus, where the appellant fails to provide an adequate record as to any issue the appellant has raised on appeal, the issue must be resolved against the appellant. (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295.)

The appellant must also present argument supported by relevant legal authority as to each issue raised on appeal. “ ‘[E]very brief should contain a legal argument with citation of authorities on the points made. If none is furnished on a particular point, the court may treat it as waived, and pass it without consideration. [Citations.]’ [Citations.] This principle is especially true when an appellant makes a general assertion, unsupported by specific argument, regarding insufficiency of evidence. [Citation.]” (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) Thus, as this court has previously stated, “The absence of cogent legal argument or citation to authority allows this court to treat the contentions as waived. ([Citation]; see also Cal. Rules of Court, rule 8.204(a)(1)(B).)” (*In re Marriage of Falcone & Fyke* (2008) 164 Cal.App.4th 814, 830.)

Barragan is not exempt from compliance with these general rules of appellate practice because she is representing herself on appeal. “Under the law, a party may choose to act as his or her own attorney. [Citations.] ‘[S]uch a party is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys. [Citation.]’ [Citation.]” (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246-1247.) Therefore, a self-represented litigant is not entitled to lenient treatment. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.)

Having reviewed the general rules of appellate review and appellate practice, we turn to the issues that Barragan seeks to raise on appeal. We find that in both her opening brief and her reply brief, Barragan has entirely failed to state any cogent legal argument or to provide any citations to legal authority. Accordingly, we will treat all of her contentions as waived and we will affirm the judgment.

#### **IV. DISPOSITION**

The judgment is affirmed. Costs on appeal are awarded to respondents.

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BAMATTRE-MANOUKIAN, J.

WE CONCUR:

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PREMO, ACTING P.J.

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GROVER, J.\*

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\*Judge of the Monterey County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.