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SHORT TITLE:	CASE NUMBER:

ATTACHMENT *(Number):* _____

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MEMORANDUM OF POINTS AND AUTHORITIES
in support of RFO for Appt. of an Elisor to (e.g., Execute Interspousal Transfer Deed)

A. A Trial Court Has Power to Compel Obedience to Its Judgments

In Blueberry Properties, LLC v. Chow (2014) 230 Cal. App. 4th 1017, 1020–1021, the trial court entered a judgment pursuant to Code Civ. Proc. § 664.6 in favor of the plaintiff against the defendant, setting forth the terms of their settlement agreement, requiring the defendant to execute all documents to carry execute the property sale. The defendant refused. The defendant applied for an order appointing the clerk of the court as an elisor to execute the escrow documents on the defendant's behalf, which the trial court granted. The defendant appealed.

The court of appeal stated that an elisor is a person appointed by the court to perform functions such as the execution of a deed or document. A court typically appoints an elisor to sign documents on behalf of a recalcitrant party in order to effectuate its judgments or orders, when the party refuses to execute such documents (Blueberry Properties, LLC, supra, at p. 1020). The court held that under Code Civ. Proc. § 128(a), courts have the power to compel obedience to their judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending therein (Blueberry Properties, LLC, supra, at p. 1021). The court held that by appointing the clerk as an elisor to execute the documents on the defendant's behalf, the trial court properly exercised its power under Code Civ. Proc. § 128(a) to enforce its judgment (Blueberry Properties, LLC, supra, at p. 1021).

13-131 California Points & Authorities § 131.161

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MC-025 [Rev. July 1, 2009]

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