

PETITIONER: Ioan Gruffudd RESPONDENT: Alice Evans OTHER PARENT/PARTY:	CASE NUMBER: 21STFL02019
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REQUEST FOR ORDER

Note: Place a mark in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration (form MC-031)* for this purpose.)

1. RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between (*specify*):

Petitioner Respondent Other Parent/Party (*Attach a copy of the orders if you have one.*)

The orders are from the following court or courts (*specify county and state*):

- a. Criminal: County/state (*specify*): Case No. (*if known*):
- b. Family: County/state (*specify*): Case No. (*if known*):
- c. Juvenile: County/state (*specify*): Case No. (*if known*):
- d. Other: County/state (*specify*): Case No. (*if known*):

2. CHILD CUSTODY

I request temporary emergency orders

VISITATION (PARENTING TIME)

a. I request that the court make orders about the following children (*specify*):

<u>Child's Name</u>	<u>Date of Birth</u>	<input type="checkbox"/> Legal Custody to (<i>person who decides: health, education, etc</i>):	<input type="checkbox"/> Physical Custody to (<i>person with whom child lives</i>):
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b. The orders I request for child custody visitation (parenting time) are:

(1) Specified in the attached forms:

Form FL-305 Form FL-311 Form FL-312 Form FL-341(C)
 Form FL-341(D) Form FL-341(E) Other (*specify*):

(2) As follows (*specify*):

Attachment 2a.

Attachment 2b.

c. The orders that I request are in the best interest of the children because (*specify*):

Attachment 2c.

d. This is a change from the current order for child custody visitation (parenting time).

(1) The order for legal or physical custody was filed on (*date*): . The court ordered (*specify*):

(2) The visitation (parenting time) order was filed on (*date*): . The court ordered (*specify*):

Attachment 2d.

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3. CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

I request support for each child based on the child support guideline.

Monthly amount (\$) requested (if not by guideline)

Attachment 3a.

b. I want to change a current court order for child support filed on (date):

The court ordered child support as follows (specify):

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

Attachment 3d.

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)

a. Amount requested (monthly): \$

b. I want the court to change end the current support order filed on (date):
The court ordered \$ per month for support.

c. This request is to modify (change) spousal or partner support after entry of a judgment.

I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

Attachment 4e.

5. PROPERTY CONTROL

I request temporary emergency orders

a. The petitioner respondent other parent/party be given exclusive temporary use, possession, and control of the following property that we own or are buying lease or rent (specify):

b. The petitioner respondent other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

c. This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

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6. ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$. I filed the following to support my request:

- a. A current *Income and Expense Declaration* (form FL-150).
- b. A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- a. The *Restraining Order After Hearing* (form DV-130) was filed on (date):
- b. I request that the court change end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- c. I request that the court make the following changes to the restraining orders (specify): Attachment 7c.
- d. I want the court to change or end the orders because (specify): Attachment 7d.

8. OTHER ORDERS REQUESTED (specify): Attachment 8.
See Attachment 8.

9. TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
a. To serve the *Request for Order* no less than (number): court days before the hearing.
b. The hearing date and service of the *Request for Order* to be sooner.
c. I need the order because (specify): Attachment 9c.

10. FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. Attachment 10.
See attached Declaration of Petitioner Ioan Gruffudd.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: December 2, 2022

Ioan Gruffudd
(TYPE OR PRINT NAME)

DocuSigned by:

 E2CB2EDDA083481...
 (SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

ATTACHMENT 8 TO FL-300

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ATTACHMENT 8 TO FL-300

Other Orders Requested

1. The parties' real property located on North La Jolla Avenue in Los Angeles, CA (the "La Jolla residence") shall forthwith be listed for sale, and shall remain listed for sale until sold.

2. The Court shall retain jurisdiction to resolve any disputes. In the event the parties are unable to agree upon any issue or term relating to the sale of the La Jolla residence, or any issue relating to the net sale proceeds, either party may request a court hearing to resolve the dispute by way of ex parte application, with 24-hour notice to the other party.

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MEMORANDUM OF POINTS AND AUTHORITIES

MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner Ioan Gruffudd ("Petitioner"), submits this Memorandum of Points and Authorities in support of his Request for Order for the immediate listing and sale of the parties' real property located on North La Jolla Avenue in Los Angeles, CA (the "La Jolla residence").¹

I.

THE COURT CAN AND SHOULD ORDER THE LA JOLLA RESIDENCE TO BE LISTED FOR SALE, AND SOLD, FORTHWITH.

This Court has the authority to order the sale of a community asset at any time in order to preserve the community's interest therein. Specifically, Family Code section 2108 provides:

"At any time during the proceeding, the court has the authority, on application of a party and for good cause, to order the liquidation of community or quasi-community assets so as to avoid unreasonable market or investment risks, given the relative nature, scope, and extent of the community estate. However, in no event shall the court grant the application unless, as provided in this chapter, the appropriate declaration of disclosure has been served by the moving party."

Family Code section 2108 is applicable to the instant case. As described in Petitioner's declaration filed herewith, the La Jolla residence is held by Petitioner and Respondent Alice Evans ("Respondent") as community property, and Petitioner's Preliminary Declaration of Disclosure was served on Respondent, through her former counsel, on January 6, 2022.

The parties do not have sufficient income or assets to pay the monthly expenses required to maintain the La Jolla residence. Good cause therefore exists to immediately list and sell the La Jolla

¹ As explained in Petitioner's declaration, the complete address of the La Jolla residence is not included for safety purposes. There should be no uncertainty about which property is the subject of this RFO. The La Jolla residence is the only real property in which the parties have an interest.

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1 residence pursuant to Family Code section 2108, as it is the only way to preserve the community's
2 interest therein.

3 Petitioner has been paying the expenses for the La Jolla residence since the parties separated
4 in January 2021. He can no longer afford to do so. The regular expenses for the La Jolla residence
5 are over \$6,570 per month and include, but are not limited to, the mortgage (\$3,679.67 per month),
6 property taxes (approximately \$1,950 per month), and homeowner's insurance (about \$940 per
7 month). These regular expenses exceed Petitioner's current income. Petitioner also does not have
8 sufficient liquid assets to pay the La Jolla residence expenses on an ongoing basis.

9 Petitioner is an actor, and his income has decreased dramatically since 2021. As an actor,
10 Petitioner's work and income are inconsistent and depend almost entirely on the projects for which
11 he is hired. Petitioner has been hired for one limited project since the beginning of 2022, he does
12 not have any current projects, and he has no contracts for future work at this time. While Petitioner
13 continues to receive residuals for past work, this income is not consistent, and Petitioner's residuals
14 alone (which generally total less than \$30,000 per year) are not sufficient to pay the ongoing
15 expenses for the La Jolla residence of at least \$6.570 per month. Petitioner has no sources of income
16 other than acting.

17 Petitioner also does not have sufficient liquid assets to pay the ongoing expenses for the La
18 Jolla residence for any extended period of time. Petitioner's savings have been depleted since the
19 parties separated; he current holds about \$2,829 in his American bank accounts and approximately
20 £12,193 in his United Kingdom bank account.² He has no investment accounts.

21 Meanwhile, the parties' debts are mounting. The mortgage payments for the La Jolla
22 residence are three months behind, and at least \$15,271 is currently owed. The last semiannual
23 property tax payment was is due in November 2022, in the amount of \$11,793.58, and is now past
24 due. Petitioner owes €67,760 in taxes to the French government for his 2021 work there. \$2,959 is
25 owed for the parties' joint 2021 federal tax returns, and \$910 is owed for the 2021 California state

26 _____
27 ² Petitioner has an interest in several modest retirement accounts, but none can be accessed without
28 penalties.

1 returns. \$4,616.65 is also owed to the Los Angeles Department of Water and Power for the La Jolla
2 residence for the last four months. These are just some examples.

3 Petitioner understands and believes that Respondent also does not have sufficient funds or
4 income to pay the expenses for the La Jolla residence for any extended period of time.

5 For all of these reasons, Petitioner has repeatedly asked Respondent to cooperate with him
6 to list La Jolla residence for sale. Respondent has not agreed.

7 This situation is not sustainable. Due to the parties' inability to pay ongoing expenses for the
8 La Jolla residence, and Respondent's refusal to list the residence for sale, the Court can and should
9 order that the residence be immediately listed for sale and sold pursuant to Family Code section
10 2108. This is the only way to preserve and protect the parties' interest in the residence, and to prevent
11 it from going into foreclosure.


12 **II.**

13 **CONCLUSION**

14 For the reasons set forth above, Petitioner respectfully requests that the Court order the La
15 Jolla residence to be immediately listed for sale and sold.

16
17 DATED: December 2, 2022

ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP

18
19 By: 
20 KATHERINE HEERSEMA
21 Attorneys for Petitioner,
22 IOAN GRUFFUDD
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DECLARATION OF IOAN GRUFFUDD

DECLARATION OF IOAN GRUFFUDD

I, IOAN GRUFFUDD, declare as follows:

1. I am the Petitioner in this action. I have first-hand personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify thereto. I submit this declaration in support of my request for sale of the real property located on North La Jolla Avenue in Los Angeles, CA (the "La Jolla residence").¹

2. Respondent Alice Evans ("Alice") and I were married on August 2, 2007 and we have two minor children, Elsie Evans Griffith, age 9 ("Elsie"), and Ella Evans Griffith, age 13 ("Ella") (collectively "the children"). I purchased the La Jolla residence before Alice and I married, and we lived there together with the children during marriage. Alice and I separated on or around January 1, 2021. I moved out of the La Jolla residence on January 25, 2021, and I filed for dissolution of marriage on March 1, 2021.

3. I am requesting an order for the immediate listing and sale of the La Jolla residence because Alice and I cannot afford to keep it, yet Alice will not agree to sell it. I estimate the current value of the La Jolla residence is over \$2 million, and the mortgage balance is approximately \$745,000. Even though I acquired the home before marriage, it is held as community property. I understand and believe I am entitled to a reimbursement for my separate property contribution toward the acquisition, and Alice and I have a premarital agreement which states the same.²

4. Alice has continued to reside in the La Jolla residence with the children since she and I separated in January 2021. Since January 2021, I have paid all of the mortgage payments that have

¹ I am intentionally not listing the complete address of the La Jolla residence in this declaration for safety purposes. Past documents filed in this case have been published in the media, and Alice and the children continue to reside in the La Jolla residence. I will provide the complete address to the Court at the hearing. There should be no uncertainty about which property is the subject of this motion. The La Jolla residence is the only real property in which Alice or I have an interest, and it is the only property in which we resided during marriage.

² There has not yet been any judicial determination regarding the enforceability of the premarital agreement. If for some reason it is determined to be invalid, which I do not believe it will, I understand and believe I will still have a reimbursement right for my separate property contribution pursuant to Family Code section 2640.

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In Re the Marriage of Gruffudd/Evans

L.A.S.C. Case No. 21STFL02019

1 been made for the La Jolla residence, and I have paid all property taxes and homeowner's insurance
2 premiums that have been paid; I have paid the utilities for the La Jolla residence, including electricity,
3 gas, telephone, and cable/internet; I have paid all health insurance premiums for Alice, the children
4 and myself; I have paid for insurance for the community car Alice drives; I have paid the cellular
5 phone bills for Alice, the children, and myself; and I have paid all gardening and pool maintenance
6 expenses for the La Jolla residence. Until approximately April 2022, Alice typically charged day to
7 day expenses such as groceries on joint credit and debit cards, and I paid those credit card bills. Up
8 until April 2022, I paid for the nanny/housekeeper, Gloria.³ I also paid Ella's private school tuition
9 and fees for the 2021/2022 school year. Some community funds were used to pay these expenses
10 early on after separation, but the primary sources of these payments were my separate property
11 earnings and separate property saving from before marriage and after separation.

12 5. I can no longer afford to pay the mortgage or other expenses for the La Jolla residence.
13 The cost of everyone's living expenses have increased due to this dissolution and Alice and I living
14 apart, and also due to inflation. Meanwhile, my income in 2022 is drastically lower than it was in
15 2021 and other recent years. I am struggling to keep paying even basic living expenses for myself,
16 Alice and the children such as health insurance, utilities, etc.

17 6. I work as an actor and have done so since before Alice and I married. My work
18 depends on the projects for which I am hired, and my income is not consistent. My most recent work
19 was as a presenter for an event in November 2022. Before that, my last work was in France in 2021.
20 I am continually looking for new projects. I do not have any contracts for future work at this time.
21 The amount of residuals I receive for past work vary, but they are generally less than \$30,000 per
22 year; in 2020 I received \$27,439 in residuals and in 2021 I received \$29,296. I do not have any source
23 of income other than acting.

24 ///

26 ³ I directly paid Gloria through January 2022, when I told her we could no longer afford to employ
27 her and had no choice but to let her go. I realized in April 2022 that for that last several months,
28 Alice had been using our joint account, which at that point contained my separate property
earnings, to continue to employ and pay Gloria without my knowledge or permission.

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1 7. The mortgage for the La Jolla residence is \$3,679.67 per month, and homeowner's
2 insurance is \$940 per month. Property taxes are on average approximately \$1,950 per month. Our
3 most recent semiannual property tax payment was due in November 2022, in the amount of
4 \$11,793.58; it has not been paid. The mortgage payments are three months behind and at least \$15,271
5 is currently owed. I am trying to request a forbearance from the mortgage company; nothing has been
6 finalized and I will also need Alice's cooperation. Even if a forbearance is granted, I do not know
7 how long that will last and our other debts will continue accumulate in the meantime. I owe €67,760
8 in taxes to the French government for my 2021 work there; the first payment was due in November
9 2022. \$2,959 is owed for my and Alice's joint 2021 federal tax returns, and \$910 is owed for the 2021
10 California state returns. \$4,616.65 is also owed to the Los Angeles Department of Water and Power
11 for the La Jolla residence for the last four months.

12 8. I do not have any remaining sources of funds I can use to pay the expenses for the La
13 Jolla residence, or any other living expenses for myself, Alice or the children, for any extended period
14 of time. I currently have about \$2,829 in my American bank accounts, and approximately £12,193 in
15 my bank account in the United Kingdom. I do not have any investment accounts, or any liquid
16 retirement accounts that can be accessed without penalties. I am currently paying \$2,348 per month
17 for health insurance for myself, Alice and the children. The rent for my apartment is \$3,400 per
18 month; I live there with my girlfriend, who has been paying the majority of our living expenses, and
19 all of our rent, since September 2022 due to my financial circumstances.

20 9. I have explained these financial circumstances to Alice and have asked her numerous
21 times since we separated, through counsel, to help financially and to agree to sell the La Jolla
22 residence. I am unable to disclose the substance of our privileged settlement communications or the
23 confidential communications we exchanged while participating in the collaborative law process in
24 2021, but Alice has not agreed to my requests or settlement proposals.

25 10. I believe Alice is capable of contributing to the La Jolla residence expenses short-
26 term. However, based on the information I have, I understand and believe Alice cannot afford to
27 pay the expenses for the residence long-term. I do not know if Alice is currently working or what
28 her exact income is. The joint 2021 income tax returns show that Alice had business profits of

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L.A.S.C. Case No. 21STFL02019

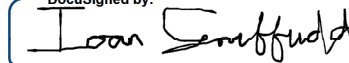
1 \$43,608 last year, before taxes. They also show that that one of Alice's separate property accounts
2 in the United Kingdom had a balance of \$133,038 at some point in 2021. Alice also has a public
3 GoFundMe account through which she received \$5,444 in donations in 2022. On November 3, 2022
4 Alice served her Preliminary Declaration of Disclosure. Her November 2, 2022 Schedule of Assets
5 and Debts included therewith showed that she now has three bank accounts with a combined total
6 balance of approximately \$27,633 based on current exchange rates: one American bank account
7 with a balance of \$1,366 (as of October 31, 2022), and two bank accounts in the United Kingdom
8 with balances of £18,616 (as of September 22, 2022) and £3,092. I will be conducting discovery to
9 determine how the rest of Alice's funds (approximately \$105,000) were used during the last year.

10 11. For all of these reasons, I am now at the stage where I am simply unable to sustain
11 the status quo. I must therefore ask the Court for permission to sell the La Jolla residence to avoid
12 the risk of foreclosure. I also believe it would be in the best interest of the community to sell the
13 residence before any further increase in interest rates and/or decrease in home values.

14 12. My Preliminary Declaration of Disclosure was served on Alice, via her prior attorney,
15 on January 6, 2022, and it included a current Income and Expense Declaration, a completed Schedule
16 of Assets and Debts, and my tax returns for the prior two years (which at that time were 2019 and
17 2020). My Declaration Regarding Service of Preliminary Declaration of Disclosure and Income and
18 Expense Declaration reflecting same was filed on January 7, 2022, and a true and correct copy is
19 attached as **Exhibit A**.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct.

23 Executed December 2, 2022 at Los Angeles, California.

24 DocuSigned by:

E2CB2EDDA083481...

25 IOAN GRUFFUDD

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EXHIBIT "A"

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anne C. Kiley 145489 Elkins Kalt Weintraub Reuben Gartside LLP 10345 W. Olympic Boulevard Los Angeles, CA 90064	
TELEPHONE NO.: (310) 746-4400 FAX NO.: (310) 746-4499 E-MAIL ADDRESS: akiley@elkinskalt.com ATTORNEY FOR (Name): Petitioner, Ioan Gruffudd	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL	
PETITIONER: Ioan Gruffudd RESPONDENT: Alice Evans OTHER PARENT/PARTY:	
DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION <input checked="" type="checkbox"/> Petitioner's <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Respondent's <input type="checkbox"/> Final	CASE NUMBER: 21STFL02019

1. I am the attorney for petitioner respondent in this matter.
2. Petitioner's Respondent's Preliminary Declaration of Disclosure (form FL-140), current* Income and Expense Declaration (form FL-150), completed Schedule of Assets and Debts (form FL-142) or Community and Separate Property Declarations (form FL-160) with appropriate attachments, all tax returns filed by the party in the two years before service of the preliminary disclosures, and all other required information under Family Code section 2104 were served on:
 the other party the other party's attorney by personal service mail
 Other (specify): Email: LFB@leonfbennettlaw.com
 on (date): January 6, 2022
3. Petitioner's Respondent's Final Declaration of Disclosure (form FL-140), current* Income and Expense Declaration (form FL-150), completed Schedule of Assets and Debts (form FL-142) or Community or Separate Property Declarations (form FL-160) with attachments, and the material facts and information required by Family Code section 2105 were served on:
 the other party other party's attorney by personal service mail
 Other (specify):
 on (date):
4. Service of Petitioner's Respondent's preliminary final declaration of disclosure current income and expense declaration has been waived as follows:
 - a. The parties agreed to waive final declaration of disclosure requirements under Family Code section 2105(d.) (Form FL-144 may be used for this purpose.) The waiver was filed on (date):
 is being filed at the same time as this form.
 - b. The party has failed to comply with disclosure requirements, and the court has granted the request for voluntary waiver of receipt under Family Code section 2107 on (date):
 - c. This is a default proceeding that does not include a stipulated judgment or settlement agreement. Petitioner waives final disclosure requirements under Family Code section 2110.

*Current is defined as completed within the past three months providing no facts have changed. (Cal. Rules of Court, rule 5.260.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 6, 2022

Elkins Kalt Weintraub Reuben Gartside LLP/Anne C. Kiley



(TYPE OR PRINT NAME)

SIGNATURE

NOTE: File this document with the court.
 Do not file a copy of the Preliminary or Final Declaration of Disclosure or any attachments to either declaration of disclosure with this document.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 10345 W. Olympic Blvd., Los Angeles, CA 90064.

On January 7, 2022, I served true copies of the following document(s) described as **PETITIONER'S PRELIMINARY DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION** on the interested parties in this action as follows:

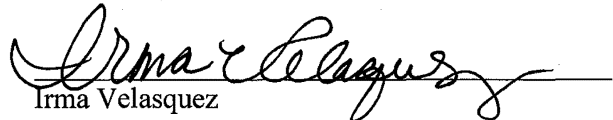
SERVICE LIST

Leon F. Bennett, Esq.
Law Offices of Leon F. Bennett APC
6320 Canoga Avenue, Suite 1400
Woodland Hills, CA 91367
Email: LFB@leonfbennettlaw.com

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address ivelasquez@elkinskalt.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 7, 2022, at Los Angeles, California.


Irma Velasquez