

No. \_\_\_\_\_

IN THE

**SUPREME COURT OF THE UNITED STATES**

---

FLOYD M. CHODOSH, SUE EICHERLY, and OLE HAUGEN,

*PETITIONERS*

vs.

PALM BEACH PARK ASSOCIATION,  
a California non-profit mutual benefit corporation,

*RESPONDENT*

On Petition For a Writ of Certiorari to the  
California Fourth District Court of Appeal, Division 3

After California Supreme Court Denied Petition for Review

---

---

---

**MOTION FOR LEAVE TO PROCEED**

***IN FORMA PAUPERIS***

---

Petitioners and moving parties Floyd Chodosh, Sue Eicherly and Ole Haugen ask leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioners have **not** previously been granted leave to proceed *in forma pauperis* in any court; and

Petitioners' declarations in support of this motion are attached hereto.

Respectfully submitted: 6/11/19

/s/ Patrick J. Evans, USSC Bar #309160  
Attorney for Petitioners  
16897 Algonquin St., Suite F  
Huntington Beach, CA 92649  
[pevans@pevanslawoffice.com](mailto:pevans@pevanslawoffice.com)  
714-594-5722 fax:714-840-6861

Declaration of Moving Party Petitioner  
Floyd M. Chodosh

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, FLOYD CHODOSKY, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>2080</u>	\$ <u>N/A</u>	\$ <u>1300</u>	\$ <u>N/A</u>
Self-employment	\$ <u>X</u>	\$ <u>—</u>	\$ <u>X</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>650</u>	\$ <u>N/A</u>	\$ <u>650</u>	\$ <u>N/A</u>
<i>From Sublet</i>				
Interest and dividends	\$ <u>X</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Gifts	\$ <u>0</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Alimony	\$ <u>X</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Child Support	\$ <u>0</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>1515</u>	\$ <u>—</u>	\$ <u>1515</u>	\$ <u>—</u>
Disability (such as social security, insurance payments)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Unemployment payments	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Public-assistance (such as welfare)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Other (specify): _____	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Total monthly income:	\$ <u>4245</u>	\$ <u>—</u>	\$ <u>3465</u>	\$ <u>—</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>ALLIED UNIVERSAL</u>	<u>765 CITY DR. SUITE 150 ORANGE, CA. 92868</u>	<u>8/17 - PRESENT</u>	<u>\$ 2080</u>
			<u>\$</u> _____
			<u>\$</u> _____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>ALLIED (SEE ABOVE)</u>		<u>8/17</u>	<u>\$ N/A</u>
			<u>\$</u> _____
			<u>\$</u> _____

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>CHECKING</u>	<u>\$ 250</u>	<u>\$</u> _____
	<u>\$</u> _____	<u>\$</u> _____
	<u>\$</u> _____	<u>\$</u> _____

PO

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home  
Value ✓

Other real estate SUBLET PART OF HOME  
Value 1300

Motor Vehicle #1  
Year, make & model 2012 F150  
Value 500

Motor Vehicle #2  
Year, make & model ✓  
Value \_\_\_\_\_

Other assets  
Description ✓  
Value \_\_\_\_\_

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>DR. WILCOX</u>	\$ <u>3000</u>	\$ <u>NOT COLLECTIBLE</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>SUE EICHENLY</u>	<u>CARETAKER</u>	<u>69</u>
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>1600</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>375</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>40</u>	\$ _____
Food	\$ <u>350</u>	\$ _____
Clothing	\$ <u>100</u>	\$ _____
Laundry and dry-cleaning	\$ <u>35</u>	\$ _____
Medical and dental expenses	\$ <u>125</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 350	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 120	\$ }
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 12	\$ }
Life	\$ 8	\$ }
Health	\$ 95	\$ }
Motor Vehicle	\$ 85	\$ }
Other: <u>PET INSURANCE</u>	\$ 76	\$ }
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>DMV</u>	\$ 30	\$ }
Installment payments		
Motor Vehicle	\$ 293	\$ }
Credit card(s)	\$ 8	\$ }
Department store(s)	\$	\$ }
Other: <u>APPLIANCE RENTALS</u>	\$ 54	\$ }
<u>PER MEDICAL CARE</u>	\$ 160	\$ }
Alimony, maintenance, and support paid to others	\$	\$ }
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 8	\$ }
Other (specify): <u>CIGARETTES</u>	\$ 200	\$ }
<b>Total monthly expenses:</b>	<b>\$ 4100</b>	<b>\$ N/A</b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*I AM 84 yrs old WORKING FULL TIME. I MUST CUT BACK ON MY HOURS BECAUSE OF MEDICAL REASONS*

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

Executed on: JUNE 10, 20 19

  
(Signature)

Declaration of Moving Party Petitioner  
Sue Eicherly

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Sue Eicherly, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Self-employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>650</u>	\$ <u>n/a</u>	\$ <u>650</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Gifts	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Alimony	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>2,300</u>	\$ <u>n/a</u>	\$ <u>2,300</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>CARETAKER</u>	\$ <u>200.00</u>	\$ <u>n/a</u>	\$ <u>200</u>	\$ <u>0</u>
Total monthly income:	\$ <u>3,150</u>	\$ <u>n/a</u>	\$ <u>3,150</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Ø	n/a	n/a	\$ n/a
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Ø	n/a	n/a	\$ n/a
			\$

4. How much cash do you and your spouse have? \$ \_\_\_\_\_

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
checkings,	\$ 25.00	\$ 0
	\$	\$
	\$	\$
	\$	n/a

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home  
Value Ø

Other real estate  
Value Ø

Motor Vehicle #1  
Year, make & model 2015 VW Beetle.  
Value 12,000

Motor Vehicle #2  
Year, make & model Ø  
Value Ø

Other assets  
Description Ø Home furnishings  
Value \$ 1,000

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>Debbie Wilcox</u>	\$ 3,000	\$ <u>Not Collectible</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>n/a</u>	<u>n/a</u>	<u>69</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	<del>Your spouse</del>
<u>Share House</u>		
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 300	\$ <u>n/a</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 450	\$ <u>n/a</u>
Home maintenance (repairs and upkeep)	\$ 20	\$ <u>n/a</u>
Food	\$ 550	\$ <u>n/a</u>
Clothing	\$ 100.00	\$ <u>n/a</u>
Laundry and dry-cleaning	\$ 20.00	\$ <u>n/a</u>
Medical and dental expenses	\$ 320.	\$ <u>n/a</u>

	You	<u>NO</u> Your spouse
Transportation (not including motor vehicle payments)	\$ 120.00	\$ <u>A/1P</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ 100.00	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ <u>N/A</u>
Life	\$ 0	\$ <u>N/A</u>
Health	\$ 150.00	\$ <u>N/A</u>
Motor Vehicle	\$ 85.00	\$ <u>N/A</u>
Other: <u>Ins. car repair</u>	\$ 130.00	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>DMV</u>	\$ 30.00	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ 571.00	\$ <u>N/A</u>
Credit card(s)	\$ 100.00	\$ <u>N/A</u>
Department store(s) <u>refrig, washer, dryer</u>	\$ 0	\$ <u>N/A</u>
Other: <u>Appliance Rental</u>	\$ 54.00	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ 0	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ <u>N/A</u>
Other (specify): <u>Pay off vet bill</u>	\$ 30.00	\$ <u>N/A</u>
<b>Total monthly expenses:</b>	<b>\$ 3,130</b>	<b>\$ <u>N/A</u></b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

n/a

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

n/a

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No n/a

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

n/t

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*I am disabled with medical issues  
unable to earn an income*

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

Executed on: June 10, 2019

Sue Eichley  
(Signature)

Declaration of Moving Party Petitioner  
Ole Haugen

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, OLE HAUGEN, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Self-employment	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Gifts	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Alimony	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Child Support	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>901.</u>	\$ <u>NA</u>	\$ <u>901.</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>137.</u>	\$ <u>NA</u>	\$ <u>137.</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>1038.</u>	\$ <u>NA</u>	\$ <u>1038.</u>	\$ <u>NA</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
✓	NA	NA	\$ NA \$ NA \$ NA

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
✓	✓	✓	\$ NA \$ _____ \$ _____

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 334	\$ NA
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
--	---

<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model 92 LEXUS SC 400 Value \$900	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
---	--

<input checked="" type="checkbox"/> Other assets Description FRA Value \$510
--

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

*NA*

Amount owed to you

\$ *0*  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Amount owed to your spouse

\$ \_\_\_\_\_  
\$ *NA*  
\$ \_\_\_\_\_

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

*0*  
*NA*

Relationship

*NA*

Age

*NA*

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

*NO*  
Your spouse

*storage unit*

Rent or home-mortgage payment  
(include lot rented for mobile home)

*134.-*

\$ *NA*

Are real estate taxes included?  Yes  No  
Is property insurance included?  Yes  No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ *0*

\$ *NA*

Home maintenance (repairs and upkeep)

\$ *0*

\$ *NA*

Food

\$ *200.-*

\$ *NA*

Clothing

\$ *10.-*

\$ *NA*

Laundry and dry-cleaning

\$ *20.-*

\$ *NA*

Medical and dental expenses

\$ *250.-*

\$ *NA*

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 40-	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 20-	\$ NA
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ NA	\$ NA
Life	\$ NA	\$ NA
Health	\$ NA	\$ NA
Motor Vehicle	\$ NA	\$ NA
Other: _____	\$ NA	\$ NA
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ NA
Installment payments		
Motor Vehicle	\$ 0	\$ NA
Credit card(s)	\$ 200-	\$ NA
Department store(s)	\$ 0	\$ NA
Other: <u>LOAN FROM Relative Friends</u>	\$ 0	\$ Pay when can
Alimony, maintenance, and support paid to others	\$ 0	\$ NA
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ NA
Other (specify): <u>NAVY VET CHARGES</u>	\$ 136-	\$ NA
Total monthly expenses:	\$ 110-	\$ NA

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

NA

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

NA

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

NA

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am homeless, live in my car  
I RENT STORAGE UNIT  
I AM 75 YEAR OLD NAVY VET

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

Executed on: JUNE 10, 2019

At San Clemente, CA

Ol Haugen  
(Signature)