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Real Party in Interest.

25PR000590

# INTRODUCTION

## STATEMENT OF FACTS

Respondent's claim that assets were "Unknown" in the November 24, 2025 Petition is demonstrably false based on her counsel's own correspondence. On August 18, 2025 (Exhibit

1 E), Respondent's counsel (Jacqueline Nicora) emailed Appellant's then-counsel (Carl Jones)  
2 specifically requesting agreement to distribute "\$10,650.00" in estate proceeds. This confirms  
3 that the firm possessed precise knowledge of the asset's value and existence three months  
4 prior to filing the verified petition denying knowledge of the same. The subsequent filing of a  
5 petition stating assets were "Unknown" was therefore a knowing and willful  
6 misrepresentation to the Probate Court, designed to bypass bond requirements and conceal the  
7 asset's diversion to a third-party account.

8 3. The Spoliation Nexus (May 24, 2025):

9 On the exact day Respondent surrendered a wiped "Decoy Phone" to Appellant, a cash  
10 deposit matching the missing funds was made into a third-party account (Exhibit D).

11 4. The Collapse (January 23, 2026):

12 On January 21, 2026, Respondent threatened litigation regarding a Lis Pendens. Just 48 hours  
13 later, on January 23, Respondent defaulted on the appellate filing fee (Exhibit C). This sudden  
14 cessation confirms Respondent has abandoned the defense of the fraudulent judgment.

15  
16 **LEGAL ARGUMENT**

17 **I. WRIT OF ERROR CORAM VOBIS IS THE PROPER REMEDY FOR EXTRINSIC**  
18 **FRAUD.**

19 Extrinsic fraud occurs when a party is deprived of the opportunity to present their claim or  
20 defense to the court, or when they are kept in ignorance or otherwise fraudulently prevented  
21 from fully participating in the proceeding. (In re Marriage of Modnick (1983) 33 Cal.3d 897.)  
22 The concealment of the \$10,985.39 asset, coupled with the "Same Day" spoliation, constitutes  
23 quintessential specific extrinsic fraud.

24 **II. SUMMARY REVERSAL IS REQUIRED DUE TO RESPONDENT'S**  
25 **ABANDONMENT.**

26 The Court has inherent power to summarily reverse a judgment to prevent a miscarriage of  
27 justice. (In re Clark (1993) 5 Cal.4th 750.) Respondent's default on the filing fee, following  
28

1 the exposure of the fraud, signals an abandonment of the defense.

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4 **VERIFICATION**

5  
6 I, ERIC BRAKEBILL JONES, declare that I am the Appellant in this action. I have read the foregoing

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

8 Executed on January 28, 2026, at Monterey, California.

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10 \_\_\_\_\_  
11 ERIC BRAKEBILL JONES

12 Appellant In Pro Per  
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