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10 UNITED STATES BANKRUPTCY COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 In re:
13 VILLA CHARDONNAY HORSES
14 WITH WINGS, INC.,
15 Debtor.

Case No.: 25-04245-JBM11

Adv. No.: ____

COMPLAINT FOR:
**(1) TURNOVER OF REAL
PROPERTY OF ESTATE AND
(2) ISSUANCE OF WRIT OF
EXECUTION FOR
POSSESSION OF REAL
PROPERTY**

16
17 LESLIE T. GLADSTONE, Chapter 7
18 Trustee,

19 Plaintiff,

Date: None Set

Time: None Set

Dept: Two (2)

Honorable J. Barrett Marum

20 v.

21
22 MONIKA KERBER PEREZ, an
23 individual; and MERCEDES
24 FLORES, an individual,

25 Defendants.

26
27 Plaintiff Leslie T. Gladstone, the chapter 11 trustee (“**Plaintiff**”) in the
28 bankruptcy case of debtor Villa Chardonnay Horses With Wings, Inc. (“**Debtor**”),

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1 by and through her counsel, as and for her Complaint against Monika Kerber
2 Perez and Mercedes Flores (collectively, “**Defendants**”), respectfully alleges on
3 behalf of the estate of Debtor as follows:

4 **JURISDICTION AND VENUE**

5 1. This proceeding arises in the bankruptcy case *In re Villa Chardonnay*
6 *Horses With Wings, Inc.*, Case No. 24-04245-JBM11 (the “**Case**”), which was
7 commenced on October 14, 2025 (the “**Petition Date**”), when Debtor filed a
8 voluntary petition under chapter 11 of Title 11 of the United States Code (the
9 “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern
10 District of California (the “**Court**”).

11 2. This Court has jurisdiction over this proceeding pursuant to 28
12 U.S.C. Sections 157 and 1334 and the Bankruptcy Code.

13 3. This adversary proceeding is a core proceeding under 28 U.S.C.
14 Section 157(b) and this Court may, consistent with Article III of the Constitution,
15 enter final orders or judgments and conduct a trial absent consent of the parties. If
16 it is determined that this Court may not enter final orders or judgments or conduct
17 a trial absent consent of the parties, Plaintiff hereby so consents.

18 4. Venue is proper in the Southern District of California pursuant to 28
19 U.S.C. Section 1409 because Debtor’s Case is pending in this Court.

20 5. In the related case of *In re Monika Kerber Perez*, Case No. 25-
21 04318-JBM7, on March 26, 2026, the Court terminated the automatic stay as to
22 Plaintiff, *nunc pro tunc* to February 24, 2026, to allow, among other things,
23 Plaintiff to proceed with this Complaint against defendant Monika Kerber Perez.
24 (Case No. 25-04318-JBM7, ECF No. 52)

25 **PARTIES**

26 6. Plaintiff is the chapter 11 trustee in this Case and was appointed by
27 the United States Trustee for the Southern District of California on or about
28

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1 January 29, 2026, to represent the interests of the bankruptcy estate (the “Estate”)
2 in Debtor’s Case.

3 7. Plaintiff is informed and believes and thereon alleges that defendant
4 Monika Kerber Perez (“Perez”) is an individual who resides in Julian, California,
5 and at the Petition Date was an officer of Debtor.

6 8. Plaintiff is informed and believes and thereon alleges that Perez
7 signed Debtor’s bankruptcy petition (the “Petition”) that initiated the Case.

8 9. Plaintiff is informed and believes and thereon alleges that defendant
9 Mercedes Flores (“Flores”) is an individual who resides with Perez in Julian,
10 California and at the Petition Date was an officer and/or manager of Debtor.

11 **GENERAL ALLEGATIONS**

12 10. Upon her appointment as chapter 11 trustee, Plaintiff became the
13 representative of the bankruptcy Estate and succeeded to all rights of Debtor
14 pursuant to 11 U.S.C. sections 323 and 541.

15 11. Debtor owns certain real property commonly known as 4554 Boulder
16 Creek Road, Julian, CA 92036 and 4430 Boulder Creek Road, Julian, CA 92036
17 (collectively, the “Real Property”).

18 12. The Real Property is property of the Estate under 11 U.S.C. section
19 541.

20 13. The Real Property is improved and has been used to house
21 approximately 600 rescued animals (collectively, the “Animals”) as part of
22 Debtor’s nonprofit activities.

23 14. Defendants currently reside in structures located at the Real Property.

24 15. Perez has directly represented to Plaintiff that Defendants do not
25 have a written lease with Debtor for their possession of the Real Property.

26 16. Plaintiff is informed and believes and thereon alleges that Defendants
27 have not paid rent to Debtor for use or occupancy of the Real Property.

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1 17. Defendants have not paid rent to Plaintiff or the Estate for use or
2 occupancy of the Real Property

3 18. Plaintiff has terminated any occupancy by Defendants of the Real
4 Property.

5 19. Given that defendant Perez executed the Petition on behalf of Debtor,
6 Defendants have had notice of Debtor’s bankruptcy filing as of at least the
7 Petition Date.

8 20. Defendants have not turned over possession of the Real Property to
9 Plaintiff as required under 11 U.S.C. section 542.

10 21. Defendants are currently in wrongful possession of the Real Property.

11 22. Plaintiff has determined that sale of the Real Property is necessary
12 and in the best interests of the Estate and its creditors.

13 23. Plaintiff is preparing to market the Real Property for sale pursuant to
14 Bankruptcy Code section 363.

15 24. According to Debtor’s sworn schedules, the value of the Real
16 Property is approximately \$3,625,000.

17 25. Many liens encumber the Real Property. Plaintiff is working with
18 applicable lienholders regarding carveout agreement(s) and sale arrangements.

19 26. The Real Property holds substantial value for the Estate.

20 27. Plaintiff requires the prompt and orderly turnover of the Real
21 Property and removal of all the Animals in order to sell the Real Property for the
22 benefit of the Estate.

23 **FIRST CLAIM FOR RELIEF**
24 **Turnover of Property of Estate – Against Both Defendants**
25 **(11 U.S.C. § 542)**

26 28. Plaintiff realleges and incorporates by reference in this claim for
27 relief Paragraphs 1 through 27 of this Complaint as though fully set forth herein.

28 29. The Real Property is property of the Estate.

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1 30. The Real Property is property that Plaintiff may use, sell, or lease
2 under 11 U.S.C. § 363.

3 31. Defendants are in possession, custody, and control of the Real
4 Property.

5 32. Defendants have failed to deliver possession, custody, and control of
6 the Real Property to Plaintiff.

7 33. The Real Property is of substantial value or benefit to the Estate.

8 34. Plaintiff seeks an Order of the Bankruptcy Court compelling
9 Defendants to remove any and all remaining Animals from the Real Property by
10 no later than April 30, 2026, and a money judgment against Defendants for all
11 damages to the Estate as a result of Defendants’ failure to comply by April 30,
12 2026.

13 35. Plaintiff seeks an Order of the Bankruptcy Court compelling
14 Defendants to orderly turn over the Real Property to Plaintiff by no later than
15 April 30, 2026, and a money judgment against Defendants for all damages to the
16 Estate as a result of Defendants’ failure to comply by April 30, 2026.

17 **SECOND CLAIM FOR RELIEF**

18 **Issuance of Writ of Execution for Possession of Real Property –**
19 **Against Both Defendants**
20 **(11 U.S.C. § 105; Fed. R. Bank. P. 7070)**

21 36. Plaintiff realleges and incorporates by reference in this claim for
22 relief Paragraphs 1 through 35 of this Complaint as though fully set forth herein.

23 37. Upon the Court’s issuance of the Orders described in Paragraphs 34
24 and 35 above, Plaintiff is entitled under Bankruptcy Code section 105 and Federal
25 Rules of Bankruptcy Procedure 7070, to issuance by the Court of a Writ of
26 Execution for Possession of the Real Property, including but not limited to an
27 order to the U.S. Marshal and/or other applicable law enforcement to promptly
28

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1 assist Plaintiff to take possession of the Real Property and remove all
2 unauthorized occupants at the Real Property.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for judgment as follows:

5 On the First Claim for Relief:

6 1. For an Order compelling Defendants to remove any and all remaining
7 Animals from the Real Property by April 30, 2026;

8 2. For a money Judgment against Defendants for all damages to the
9 Estate as a result of Defendants' failure remove any and all remaining Animals
10 from the Real Property by April 30, 2026.

11 3. For an Order compelling Defendants to orderly turn over the Real
12 Property to Plaintiff by April 30, 2026;

13 4. For a money Judgment against Defendants, jointly and severally, for
14 all damages to the Estate as a result of Defendants' failure to orderly turn over the
15 Real Property to Plaintiff by April 30, 2026;

16 5. For such other and further relief as the Court deems just and proper.

17 On the Second Claim for Relief:

18 6. For a Writ of Execution for Possession of the Real Property,
19 including but not limited to an order to the U.S. Marshal and/or other applicable
20 law enforcement to promptly assist Plaintiff to take possession of the Real
21 Property and remove all unauthorized occupants at the Real Property.

22 7. For such other and further relief as the Court deems just and proper.

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1 On All Claims for Relief:

2 Plaintiff seeks prejudgment and postjudgment interest, attorneys' fees, costs
3 of suit, collection costs thereafter, and all other amounts allowed by law.

4 Dated: April 4, 2026

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6 By: /s/ Christin A. Batt

7 Christin A. Batt, Esq.
8 Attorneys for Leslie T. Gladstone,
9 Trustee

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B1040 (FORM 1040) (12/24)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS LESLIE T. GLADSTONE, CHAPTER 11 TRUSTEE	DEFENDANTS MONIKA KERBER PEREZ; MERCEDES FLORES	
ATTORNEYS (Firm Name, Address, and Telephone No.) Christin A. Batt, Esq. 5656 La Jolla Blvd., La Jolla, CA 92037 858-454-9887	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) COMPLAINT FOR (1) TURNOVER OF REAL PROPERTY OF ESTATE AND (2) ISSUANCE OF WRIT OF EXECUTION FOR POSSESSION OF REAL PROPERTY 11 U.S.C. § 105; 11 U.S.C. § 542(b); Fed. R. Bank. P. 7070		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<p>FRBP 7001(a) – Recovery of Money/Property</p> <input checked="" type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other <p>FRBP 7001(b) – Validity, Priority or Extent of Lien</p> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property <p>FRBP 7001(c) – Approval of Sale of Property</p> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) <p>FRBP 7001(d) – Objection/Revocation of Discharge</p> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) <p>FRBP 7001(e) – Revocation of Confirmation</p> <input type="checkbox"/> 51-Revocation of confirmation <p>FRBP 7001(f) – Dischargeability</p> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <p style="text-align: center;">(continued next column)</p>	<p>FRBP 7001(f) – Dischargeability (continued)</p> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other <p>FRBP 7001(g) – Injunctive Relief</p> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other <p>FRBP 7001(h) Subordination of Claim or Interest</p> <input type="checkbox"/> 81-Subordination of claim or interest <p>FRBP 7001(i) Declaratory Judgment</p> <input type="checkbox"/> 91-Declaratory judgment <p>FRBP 7001(j) Determination of Removed Action</p> <input type="checkbox"/> 01-Determination of removed claim or cause <p>Other</p> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ TO BE DETERMINED AT TRIAL	
Other Relief Sought: ISSUANCE OF WRIT OF EXECUTION FOR POSSESSION OF REAL PROPERTY 11 U.S.C. § 105; Fed. R. Bank. P. 7070		

B1040 (FORM 1040) (12/24)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR VILLA CHARDONAY HORSES WITH WINGS, INC.		BANKRUPTCY CASE NO. 25-04245-JBM11
DISTRICT IN WHICH CASE IS PENDING SOUTHERN DISTRICT OF CALIFORNIA		DIVISION OFFICE NAME OF JUDGE J. BARRETT MARUM
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Christin A. Batt		
DATE April 6, 2026	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Christin A. Batt	

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.