

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

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JOEL GILBERT, Petitioner	)	CASE NO. 26WM000011
	)	
vs	)	<b>NOTICE OF MATERIAL MISREPRESENTATION</b>
SHIRLEY N. WEBER, in her	)	<b>IN DECLARATION AND REQUEST FOR</b>
capacity as California Secretary	)	<b>JUDICIAL NOTICE OF PUBLIC RECORDS</b>
of State	)	
Respondent	)	Date: March 23, 2026
	)	Time: 9:00 a.m.
and	)	Dept: 21
	)	Judge: Hon. Shelleyanne W.L. Chang
Eric Michael Swalwell	)	
Real Party in Interest	)	
_____	)	

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

Petitioner respectfully submits this Notice to inform the Court of official government records that directly contradict a sworn declaration submitted in support of Real Party in Interest’s opposition.

**I. DECLARATION SUBMITTED TO THE COURT**

Real Party in Interest submitted a declaration from Kristina Mrzywka in support of his Opposition. In that declaration, Ms. Mrzywka states under penalty of perjury:

“I entered a lease agreement with Eric and Brittany Swalwell in June 2017 for a property that I own in Livermore, California. Mr. and Mrs. Swalwell have leased the property from me since June 2017.”

The declaration is offered to the Court as evidence that the Swalwells have rented and resided at the Livermore property since 2017.

**II. OFFICIAL COUNTY RECORDS DIRECTLY CONTRADICT THIS STATEMENT**

1 Public records from the Alameda County Assessor’s Office show that the property owned by Ms.  
2 Mrzywka is located at 320 Michell Court, Livermore, California, as reflected in the title records  
3 attached as Exhibit A, has received the California Homeowners’ Property Tax Exemption every  
4 year from 2017 through 2025. The assessor’s records show a \$7,000 homeowner exemption applied  
5 to the property for each tax year. These records are attached as Exhibit B:

- 6 • **2017 tax year** – \$7,000 Homeowner Exemption
- 7 • **2018 tax year** – \$7,000 Homeowner Exemption
- 8 • **2019 tax year** – \$7,000 Homeowner Exemption
- 9 • **2020 tax year** – \$7,000 Homeowner Exemption
- 10 • **2021 tax year** – \$7,000 Homeowner Exemption
- 11 • **2022 tax year** – \$7,000 Homeowner Exemption
- 12 • **2023 tax year** – \$7,000 Homeowner Exemption
- 13 • **2024 tax year** – \$7,000 Homeowner Exemption
- 14 • **2025 tax year** – \$7,000 Homeowner Exemption
- 15

16 **III. CALIFORNIA LAW REQUIRES OWNER OCCUPANCY**

17  
18 Under California Revenue and Taxation Code §218, the Homeowners’ Exemption is available only  
19 when the dwelling is: “the principal place of residence of the owner.”

20 The exemption applies only where the property is the owner’s principal residence and is not leased  
21 to tenants as their residence.

22  
23 Thus, in order to receive the exemption, the owner must represent to the county that the owner  
24 personally occupies the property as their primary residence.

25 **IV. THE DECLARATION AND THE TAX RECORDS CANNOT BOTH BE TRUE**

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1 Ms. Mrzywka's declaration states the property has been leased to the Swalwells since June 2017.  
2 However, the assessor's records show that Ms. Mrzywka simultaneously claimed the owner-  
3 occupied Homeowners' Exemption for every year from 2017 through 2025.

4  
5 These two representations are mutually exclusive. Notably, although the declaration asserts that a  
6 lease agreement has existed since June 2017, no lease agreement or other documentation of the  
7 alleged tenancy has been submitted to the Court. The declaration submitted by Real Party in Interest  
8 therefore fails to reliably establish that the Livermore property was occupied by the Swalwells  
9 during the period claimed.

10 If the property was rented to tenants beginning in 2017:

- 11 • The Homeowners' Exemption could not lawfully be claimed.

12  
13 Conversely, if the exemption was properly claimed:

- 14 • The owner must have been occupying the property as her principal residence.

15  
16 Because California law permits the Homeowners' Exemption only when the property is the owner's  
17 principal residence, the sworn declaration submitted in this case and the Alameda County  
18 Assessor's records cannot both be accurate. The Court therefore faces two mutually exclusive  
19 representations made under penalty of perjury regarding the occupancy of the same property during  
20 the same period.

21  
22 Under California property tax law, eligibility for the Homeowners' Exemption is determined as of  
23 January 1 of each tax year. Thus, for the exemption to apply in tax years 2018 through 2025, the  
24 owner was required to represent that the property was her principal residence on January 1 of each  
25 of those years. This further underscores the conflict between the sworn declaration submitted in this  
26 case and the official property tax records.

1 The declaration is offered to establish that Real Party in Interest resides at the Livermore property.  
2 However, the Alameda County Assessor records show that the owner of that property has claimed  
3 the California Homeowners' Exemption for each year since 2017, which is available only when the  
4 owner occupies the property as their principal residence. The public records therefore indicate that  
5 the owner—not tenants—represented to the County that she resided at the property during the same  
6 period the declaration claims the Swalwells were leasing and occupying it.

7  
8 Real Party in Interest separately declares that he has lived in Livermore, California since June 2017.  
9 The declaration of Ms. Mrzywka is offered to corroborate that assertion. Because the declaration  
10 relied upon for that purpose directly conflicts with official public records regarding occupancy of  
11 the property, the evidentiary support for that claim is correspondingly undermined.

12 **V. THE COURT SHOULD DISREGARD THE DECLARATION**  
13

14 Because the sworn declaration directly conflicts with official government records, the reliability of  
15 Ms. Mrzywka's declaration is seriously called into question and the Court should accord it little, if  
16 any, evidentiary weight.

17  
18 The declaration is offered by Real Party in Interest as key evidence regarding Mr. Swalwell's  
19 alleged residence.

20 Because the declaration is contradicted by government records, its reliability and credibility are  
21 severely undermined.

22  
23 Petitioner respectfully requests that the Court:

- 24  
25 1. Take judicial notice of the Alameda County Assessor records attached as Exhibit B; and  
26 2. Disregard the declaration of Kristina Mrzywka to the extent it conflicts with those official  
27 records.  
28

1 **VI. REQUEST FOR JUDICIAL NOTICE**

2  
3 Pursuant to California Evidence Code §§452(c) and 452(h), the Court may take judicial notice of  
4 official government records and facts not reasonably subject to dispute.

5 The Alameda County Assessor property records attached as Exhibit B are official public records  
6 and therefore proper subjects of judicial notice.

7  
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9 Dated: March 11 2026

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12 Joel Gilbert, Petitioner (Pro Se)

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# EXHIBIT A



# Alameda County, California Clerk-Recorder Web Access

Welcome Visitor.

Welcome   Fictitious Business Names   Marriage   **Real Estate**   FAQ

To order Real Estate copies online, go to: <https://www.acgov.org/auditor>

Other Options

[New Search](#)  
[Refine Search](#)  
[Back to Results](#)

⏪ ⏩ 2022051831 ⏪ ⏩

**General**   Legal Description   Related Documents

## 2022051831

Image for this record is not available

### Document Detail

**Instrument #:** 2022051831

**Multi Seq:** 0

**Date Filed:** 03/11/2022 08:45:00 AM

**Document Type:** DEED

**Book:**

**Page:**

**# Pages in Image:** 5

**Image:**

### Grantor Names

- 1 MRZYWKA KRISTINA M
- 2 PINTO KRISTINA M
- 3 PINTO STEPHEN L
- 4 PINTO STELLA D

### Grantee Names

- 1 MRZYWKA KRISTINA M
- 2 MRZYWKA NICHOLAS F

### Returnee

**Name:**

**Address:**

**City, State, Zip:**



# Alameda County, California Clerk-Recorder Web Access

Welcome Visitor.

- Welcome
- Fictitious Business Names
- Marriage
- Real Estate**
- FAQ

To order Real Estate copies online, go to: <https://www.acgov.org/auditor/clerk/opr/opr.htm>

Criteria: Party Name Begins With MRZYWKA, KRISTINA;  
Showing Records 1 through 4 ( 4 records found as of 03/11/2026 05:51:55 AM [count again](#) )

Other Options  
[New Search](#)  
[Refine Search](#)

Page 1

Sort By:

#	<input type="checkbox"/>	Instrument # Book-Page	Date Filed	Document Type	Name Associated Name
1	<input type="checkbox"/>	<a href="#">2022051831</a>	03/11/2022	DEED	[R] MRZYWKA KRISTINA M (+) [E] MRZYWKA KRISTINA M (+)
2	<input type="checkbox"/>	<a href="#">2022051831</a>	03/11/2022	DEED	[E] MRZYWKA KRISTINA M (+) [R] MRZYWKA KRISTINA M (+)
3	<input type="checkbox"/>	<a href="#">2022052677</a>	03/11/2022	DEED OF TRUST	[R] MRZYWKA KRISTINA M (+) [E] GUARANTEED RATE INC (+)
4	<input type="checkbox"/>	<a href="#">2022152706</a>	09/02/2022	UCC FIN STMT(3&+PGS)	[R] MRZYWKA KRISTINA M (+) [E] CORNING FEDERAL CREDIT UNION

Property Information

Bedrooms	3	Floors	1
Bathrooms	2	Year Built	1956
Living Sq. Ft	1350	APN#	098a-0607-011
Land Sq. Ft	14158	Type	Single Family Residence/Townhouse

Current Owners

Owner Name Date Owned  
Kristina M Mrzywka 03/11/2022

Find Person Report >

Owner Name  
Nicholas F Mrzywka

Ownership Details

Document Number	51831	Property Indicator	Single Family Residence/Townhouse
Sale Date	Feb 28, 2022	Resale New Construction	Resale
Residential Model Indicator	Based On Zip Code And Value Property Is Residential	Recording Date	Mar 11, 2022
Title Company	DOMA TITLE/CA INC	Ownership Relationship Type	Husband/Wife
Owner	Kristina M Mrzywka; Nicholas F Mrzywka   320 Michell Ct, Livermore, California, 94551	Absentee Indicator	Situs Address Taken From Sales Transaction - Determined Owner Occupied
Seller	Pinto Kristina M & Stephen L	Deed Securities Category	Interfamily Transfer, Resale, Residential (Modeled)

## **EXHIBIT B**



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

Parcel Number: 98A-607-11 Active: Yes

Property Address: 320 MICHELL CT, LIVERMORE, CA 94551

Mailing Address: 320 MICHELL CT, LIVERMORE, CA 94551

### Values

Select the year to see value details

Roll Year	Land Value
<a href="#">2020</a>	
<a href="#">2019</a>	
<a href="#">2018</a>	
<a href="#">2017</a>	
<a href="#">2016</a>	

Navigation: 1 2 3 4 5 6

\*Corrected values

### Use Code

1100  
SINGLE FAMILY RESIDENTIAL HOMES  
USED AS SUCH

[Use Code Reference](#)

No Parent Parcels I

### Maps

## Value Detail



### Year 2017 Assessed Value Detail

Parcel Number: 98A-607-11

Roll Surrender Date: 07/01/2017

Land: \$148,013

Improvements: \$345,365

**Total Land &  
Improvements:** \$493,378

Fixtures: \$0

**Total Real  
Property:** \$493,378

Personal  
Property: \$0

Household  
Personal  
Property: \$0

BPP Penalty  
Included: No

**Total Business  
Personal  
Property:** \$0

**Total Taxable  
Value:** \$493,378

Homeowner  
Exemption: \$7,000

Other  
Exemption: \$0

**Total Net Tax  
Value:** \$486,378



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

### Values

Select the year to see value details

Roll Year	Land Value
<a href="#">2020</a>	
<a href="#">2019</a>	
<a href="#">2018</a>	
<a href="#">2017</a>	
<a href="#">2016</a>	

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\*Corrected values

### Use Code

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No Parent Parcels I

Maps

### Value Detail ✕

#### Year 2018 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2018

Land:	\$150,973
Improvements:	\$352,272
<b>Total Land &amp; Improvements:</b>	<b>\$503,245</b>
Fixtures:	\$0
<b>Total Real Property:</b>	<b>\$503,245</b>
Personal Property:	\$0
Household Personal Property:	\$0
BPP Penalty Included:	No
<b>Total Business Personal Property:</b>	<b>\$0</b>
<b>Total Taxable Value:</b>	<b>\$503,245</b>
Homeowner Exemption:	\$7,000
Other Exemption:	\$0
<b>Total Net Tax Value:</b>	<b>\$496,245</b>



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes

**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551

**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

### Values

Select the year to see value details

Roll Year	Land Value
<a href="#">2020</a>	
<a href="#">2019</a>	
<a href="#">2018</a>	
<a href="#">2017</a>	
<a href="#">2016</a>	

Navigation: ◀ ◁ 1 2 3 4 5 6

\*Corrected values

### Use Code

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No Parent Parcels

### Maps

## Value Detail



### Year 2019 Assessed Value Detail

Parcel Number: 98A-607-11

Roll Surrender Date: 07/01/2019

Land: \$153,992

Improvements: \$359,316

**Total Land & Improvements:** \$513,308

Fixtures: \$0

**Total Real Property:** \$513,308

Personal Property: \$0

Household Personal Property: \$0

BPP Penalty Included: No

**Total Business Personal Property:** \$0

**Total Taxable Value:** \$513,308

Homeowner Exemption: \$7,000

Other Exemption: \$0

**Total Net Tax Value:** \$506,308



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

**Values**  
 Select the year to see value details

Roll Year	Land Value
<u>2020</u>	
<u>2019</u>	
<u>2018</u>	
<u>2017</u>	
<u>2016</u>	

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\*Corrected values

**Use Code** **No Parent Parcels**  
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[Use Code Reference](#)

**Maps**  
[Map](#)

### Value Detail ×

#### Year 2020 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2020

Land: \$157,071  
 Improvements: \$366,499  
**Total Land & Improvements:** \$523,570  
 Fixtures: \$0  
**Total Real Property:** \$523,570  
 Personal Property: \$0  
 Household Personal Property: \$0  
 BPP Penalty Included: No  
**Total Business Personal Property:** \$0  
**Total Taxable Value:** \$523,570  
 Homeowner Exemption: \$7,000  
 Other Exemption: \$0  
**Total Net Tax Value:** \$516,570



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

### Values

Select the year to see value details

Roll Year	Land Value
<a href="#">2025</a>	
<a href="#">2024</a>	
<a href="#">2023</a>	
<a href="#">2022</a>	
<a href="#">2021</a>	

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\*Corrected values

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No Parent Parcels

### Maps

## Value Detail



### Year 2021 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2021

Land: \$158,697  
 Improvements: \$370,295  
**Total Land & Improvements:** \$528,992  
 Fixtures: \$0  
**Total Real Property:** \$528,992  
 Personal Property: \$0  
 Household Personal Property: \$0  
 BPP Penalty Included: No  
**Total Business Personal Property:** \$0  
**Total Taxable Value:** \$528,992  
 Homeowner Exemption: \$7,000  
 Other Exemption: \$0  
**Total Net Tax Value:** \$521,992



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

### Values

Select the year to see value details

Roll Year	Land Value
<a href="#">2025</a>	
<a href="#">2024</a>	
<a href="#">2023</a>	
<a href="#">2022</a>	
<a href="#">2021</a>	

Navigation: 1 2 3 4 5 6

\*Corrected values

**Use Code**  
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**No Parent Parcels**

### Maps

[Maps Disclaimer](#)

### Value Detail



#### Year 2022 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2022

Land: \$161,871  
 Improvements: \$377,700  
**Total Land & Improvements:** \$539,571  
 Fixtures: \$0  
**Total Real Property:** \$539,571  
 Personal Property: \$0  
 Household Personal Property: \$0  
 BPP Penalty Included: No  
**Total Business Personal Property:** \$0  
**Total Taxable Value:** \$539,571  
 Homeowner Exemption: \$7,000  
 Other Exemption: \$0  
**Total Net Tax Value:** \$532,571



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

### Values

Select the year to see value details

Roll Year	Land Value
<a href="#">2025</a>	
<a href="#">2024</a>	
<a href="#">2023</a>	
<a href="#">2022</a>	
<a href="#">2021</a>	

Navigation: 1 2 3 4 5 6

\*Corrected values

**Use Code**  
 1100  
 SINGLE FAMILY RESIDENTIAL HOMES  
 USED AS SUCH  
[Use Code Reference](#)

No Parent Parcels

Maps

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### Value Detail



#### Year 2023 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2023

Land: \$165,108  
 Improvements: \$385,252  
**Total Land & Improvements:** \$550,360  
 Fixtures: \$0  
**Total Real Property:** \$550,360  
 Personal Property: \$0  
 Household Personal Property: \$0  
 BPP Penalty Included: No  
**Total Business Personal Property:** \$0  
**Total Taxable Value:** \$550,360  
 Homeowner Exemption: \$7,000  
 Other Exemption: \$0  
**Total Net Tax Value:** \$543,360



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

**Values**  
 Select the year to see value details

Roll Year	Land Value
<a href="#">2025</a>	
<a href="#">2024</a>	
<a href="#">2023</a>	
<a href="#">2022</a>	
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\*Corrected values

**Use Code**  
 1100  
 SINGLE FAMILY RESIDENTIAL HOMES  
 USED AS SUCH  
[Use Code Reference](#)

**No Parent Parcels**

**Maps**  
[Maps Disclaimer](#)

### Value Detail ×

#### Year 2024 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2024

Land: \$168,409  
 Improvements: \$392,956  
**Total Land & Improvements:** \$561,365  
 Fixtures: \$0  
**Total Real Property:** \$561,365  
 Personal Property: \$0  
 Household Personal Property: \$0  
 BPP Penalty Included: No  
**Total Business Personal Property:** \$0  
**Total Taxable Value:** \$561,365  
 Homeowner Exemption: \$7,000  
 Other Exemption: \$0  
**Total Net Tax Value:** \$554,365



# ALAMEDA COUNTY ASSESSOR'S OFFICE

## Parcel Details for Parcel 98A-607-11

**Parcel Number:** 98A-607-11 **Active:** Yes  
**Property Address:** 320 MICHELL CT, LIVERMORE, CA 94551  
**Mailing Address:** 320 MICHELL CT, LIVERMORE, CA 94551

**Values**  
 Select the year to see value details

Roll Year	Land Value
<u>2025</u>	
<u>2024</u>	
<u>2023</u>	
<u>2022</u>	
<u>2021</u>	

Navigation: 1 2 3 4 5 6

\*Corrected values

**Use Code**  
 1100  
 SINGLE FAMILY RESIDENTIAL HOMES  
 USED AS SUCH  
[Use Code Reference](#)

No Parent Parcels I

**Maps**  
[Maps Disclaimer](#)

### Value Detail



#### Year 2025 Assessed Value Detail

Parcel Number: 98A-607-11  
 Roll Surrender Date: 07/01/2025

Land: \$171,777  
 Improvements: \$400,814  
**Total Land & Improvements:** \$572,591  
 Fixtures: \$0  
**Total Real Property:** \$572,591  
 Personal Property: \$0  
 Household Personal Property: \$0  
 BPP Penalty Included: No  
**Total Business Personal Property:** \$0  
**Total Taxable Value:** \$572,591  
 Homeowner Exemption: \$7,000  
 Other Exemption: \$0  
**Total Net Tax Value:** \$565,591