



Superior Court of California County of San Benito

Tentative Decisions for June 2, 2025

Courtroom #1: Judge J. Omar Rodriguez

CU-21-00204 Western Resources Legal Center vs. San Benito County

The Case Management Conference is continued to August 4, 2025, at 10:30 a.m. The continuance is based on the representations made in the Case Management Conference Statements regarding progress towards settlement following mediation.

CU-23-00089 Venegas vs. Fhurong

In light of the Notice of Settlement indicating a conditional agreement, the Trial Confirmation and Hearing on the Order to Show Cause are continued to July 7, 2025, at 10:30 a.m.

CU-23-00273 Christopher Padilla dba CP Construction Custom Building and Remodeling vs. Williams

Exemptions from the writ for sale, including homestead exemptions, are governed by Code of Civil Procedure sections 704.010-704.850, which define exempt property. For the court's determination, the moving party is required to provide the information mandated by Code of Civil Procedure sections 704.760(a)-(d) through declaration(s) as to the nature of the property, its homestead exemption status, and the liens on title against the subject property, and whether the judgment is based on a consumer debt. Courts look to determine if there is an automatic homestead exemption (Cal. Code Civ. Proc. §§704.710-704.850), or a recorded

declaration of homestead (Cal. Code Civ. Proc. §704.930, et seq.) The homestead exemption protects a “dwelling”, as broadly defined at Code of Civil Procedure section 704.040, which are generally free from forced sale to satisfy judgment, save where there is an exception defined by the legislature. One such exception to the homestead exemption is a judgment to foreclose a mechanic’s lien. (Cal. Code Civ. Proc. §703.010(b).) This is a long-standing exception. (See *Palmer v. Lavigne* (1894) 104 Cal. 30, 34.)

The court has reviewed the declaration of Attorney Liddicoat to address the requirements of Code of Civil Procedure section 704.760. Under oath, the declaration reports that there are no recorded exemptions in the record of the county tax assessor indicating a current homeowner’s exemption or a disabled veteran’s exemption for the subject property. (Dec. of Liddicoat, ¶2; Cal. Code Civ. Proc. §704.760(a).) There are no recorded homestead declarations, and the dwelling is not a homestead, as the property at issue is an unfinished, red tagged house, unroofed, barely framed, without running water or power. (Ibid, ¶3, Cal. Code Civ. Proc. §704.760 sub (b).) Attorney Liddicoat’s declaration at paragraphs 4 through 9, Exhibits A-E provides a statement of the amount of the liens on the dwelling. (Cal. Code Civ. Proc. §704.760(c).) Finally, the judgment herein is not based upon consumer debt, as attested to by counsel. (Dec. of Liddicoat, ¶10; Cal. Code Civ. Proc. §704.760(d).) The judgment entered in this matter is to foreclose a mechanic’s lien which, as noted in Code of Civil Procedure section 703.010(b) is an exception to the homestead exemptions as a matter of statute. The proposed request clearly states the amounts of sales proceeds to be distributed to each person having a lien and encumbrance on the dwelling and includes their name and addresses. The statutory requirements have been met in full. As a result, the court grants Plaintiff’s application as prayed.

CU-24-00026 In re the Matter of San Benito High School District

The motion for attorneys’ fees and costs is continued to December 8, 2025, at 10:30 a.m. to trail the pending appeal to the Sixth District Court of Appeals.

CU-24-00195 Kraig Klauer Family Limited Partnership vs. Valles & Associates, LLC, et al.

In light of the upcoming motions, the Case Management Conference is continued to June 16, 2025, at 10:30 a.m.

CU-25-00049 In re the matter of Bronze Marcel Branchal

Petition for Change of Name is granted

CU-25-00050 In re the Matter of Jorge Manuel Molina, Jr.

Petition for Change of Name is granted

PR-24-00053 In re the Matter of Kathleen Mazotti

The Petition for Final Distribution is APPROVED as requested.

PR-25-00024 In re the Matter of Emelie R. Castro

The Petition is APPROVED as requested. Bond is fixed at \$606,000.00. Lucia Areias is appointed as referee. Full authority is granted to administer the estate under the Independent Administration of Estates Act. Petitioner is to file an Inventory and Appraisal within four months of issuance of letters (Prob. Code section 8800(b)) and either a petition for an order for final distribution of the estate or a report of status of administration within the timeframe set out in Probate Code section 12200.

The matter is set for hearing on December 15, 2025, at 10:30 a.m. for status of estate or final account and distribution. No appearances at the hearing will be required if the court determines that administration of the estate is timely proceeding, or good cause is shown why more time is required.

PR-25-00026 In re the Matter of Nancy Eleanor Wells

The Petition is APPROVED as requested.

The hearing is continued to September 8, 2025, at 10:30 a.m. to allow for the investigation to take place and the investigator to prepare a report regarding the petition.

END OF TENTATIVE DECISIONS