



# Superior Court of California County of San Benito

## **Tentative Decisions for March 24, 2025**

**Courtroom #1: Judge J. Omar Rodriguez**

**CU-24-00002    Petition of Olga Cordova Alderete**

The Petition for Change of Name is APPROVED as requested.

**CU-24-00138    Castro, et al. vs. Bedolla, et al.**

The Case Management Conference is continued to April 14, 2025, at 10:30 a.m. to coincide with the Hearing on the Demurrer. The Court is continuing the Hearing on the Demurrer filed by City of Hollister and Carlos Bedolla Jr. in light of the Demurrer filed by Defendant Karen Mead.

The Hearings on the Demurrers filed by the City of Hollister, Carlos Bedolla Jr. and Karen Mead will be heard on April 14, 2025, at 10:30 a.m.

**CU-24-00323    County of San Benito vs. Low, Truste of the Wendy Low Trust, et al.**

Plaintiff's Motion for Order for Service of Summons by Publication is GRANTED.

Pursuant to California Code of Civil Procedure section 415.50, if service by other means authorized by statute is impossible, service may be effected by publication upon approval by the trial court. (See also *Watts v. Crawford* (1995) 10 Cal.4th 743, 748-749, fn. 5.) For service by publication, a plaintiff must show that they have exercised reasonable diligence to attempt to locate and serve the defendants in another manner. Summons may be served by publication if the plaintiff can, by affidavit, show the court that the party cannot be served with reasonable diligence in another manner specified in that article, and “ [t]he party

to be served has or claims an interest in real property in this state that is subject to the jurisdiction of the court or the relief demanded in the action consists wholly or in part in excluding the party from any interest in the property.” (Cal. Code Civ. Proc. §415.50(a)(2).) Code of Civil Procedure sections 415.10 through 415.30 provide the manner of service in proceedings for eminent domain. There are additional requirements as required in Code of Civil Procedure section 1250.130, which specifies that the court also order the plaintiff to post a copy of the summons and complaint at the property and record a lis pendens.

In determining whether to grant a motion to serve by publication, a number of reasonable, honest attempts to determine the defendant’s whereabouts will usually be sufficient. This is needed because it is recognized that service by publication rarely results in actual notice. (*Rios v. Singh* (2021) 65 Cal. App. 5th 871, 880.) The determination of whether the diligence exercised is sufficient to justify the order will depend on the facts of the case. (*Donel, Inc. v. Badalian* (1978) 87 Cal. App. 3rd 327, 333.) T

Plaintiff’s application, specifically the declaration of Mr. Theiring, demonstrates the reasonable, good faith efforts made by Plaintiff to serve Defendants and give notice to interested parties. The declaration is supported by probative facts and based upon the personal knowledge of the declarant. These efforts include obtaining a Chain of Title Litigation Guarantee to determine who might have any ownership interest in the portion of the subject property for this suit in eminent domain. (*Theiring Dec* ¶5.) Further, the history of the contact and communication with other Defendants, and the attempt to obtain confirmation regarding the names and addresses of other remaining fee owners, heirs of the deceased owners, and written confirmation of authorization to represent the remaining heirs, which was verbally agreed but has yet to be confirmed in writing. (*Id.* ¶¶3-8, Ex A-C.) A lis pendens has been recorded and public record searched. (*Id.* ¶¶12-13; *ex D.*) Plaintiff’s efforts have been extensive and exhaustive. Plaintiff met the requirements of Code of Civil Procedure section 415.50 demonstrating that it is not possible to serve Defendants through other means authorized in the article, and that Plaintiff has exhausted reasonable avenues of inquiry and investigation with reasonable diligence under the circumstances, warranting grant of the motion in compliance with statutory mandates.

**CU-25-00022    Petition of Isayah Day-Vingara**

The Petition for Change of Name is APPROVED as requested.

**CU-25-00024    In the matter of Nakai Toshul McGowan**

The hearing on the Petition for Change of Name is continued to April 28, 2025, at 10:30 a.m. to allow for the Court to receive the CLETS Background Information Report.

**PR-13-00042    In Re: Limited Conservatorship of Mary Meza**

The Petition to Transfer Proceeds to Kern County is APPROVED. The Court finds good cause to transfer the matter.

**PR-23-00052    Estate of Phyllis S. Swallow**

The Petition for Final Distribution, for Allowance of Statutory Compensation to Executor, and for Allowance of Statutory Compensation for Attorney is APPROVED as requested.

**PR-25-00008    In the Matter of Jose Antonio Agredano**

The Hearing on the Petition is continued to April 28, 2025, at 10:30 a.m. to allow for Petitioner to file a Proof of Publication as required by Probate Code section 12405 and amend the Petition.

Probate Code §12404(c) requires that “(i)n addition to the matters otherwise required in a petition for administration of the estate, the petition shall include: (1) The last known place of residence and the last known address of the missing person. (2) The time and circumstances when the missing person was last seen or heard from; (3) That the missing person has not been seen or heard from for a continuous period of five years by the persons likely to have seen or heard from the missing person (naming them and their relationship to the missing person) and that the whereabouts of the missing person is unknown to those persons and to the petitioner; and (4) A description of the search or the inquiry made concerning the whereabouts of the missing person.” Probate Code section 8002 requires that the a petition to commence proceedings for administration of the estate of the decedent shall

contain the following information: (1) The date and place of the decedent's death; (2) The street number, street, and city, or other address, and the county, of the decedent's residence at the time of death; (3) The name, age, address, and relation to the decedent of each heir and devisee of the decedent, so far as known to or reasonably ascertainable by the petitioner; (4) The character and estimated value of the property in the estate; and (5) The name of the person for whom appointment as personal representative is petitioned. Additionally, Form DE-111 is adopted for mandatory use, which was not used in this Petition. Form DE-11 must be used and the title should be adapted to read: "Estate of [name], A Missing Person Under Probate Code §§12400–12408."

### **END OF TENTATIVE DECISIONS**