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Attorney for Plaintiff

FILED

02 MAR 20 AM 10: 27

SUPERIOR COURT OF CALIF
COUNTY OF TUOLUMNE

CLERK *Sandra Anderson*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF TUOLUMNE

ODD FELLOWS SIERRA RECREATION
ASSN, INC.,

Plaintiff,

v.

MANUEL SOARES, JR., et al.,

Defendants.

Case No. CV 48735

DECLARATION OF ROGER A. BROWN
IN SUPPORT OF APPLICATION FOR
ORDER FOR PUBLICATION OF
SUMMONS
[CCP §415.50]

I, the undersigned, declare as follows:

1. I am the attorney of record for Plaintiff in this action and have personal knowledge of each of the facts set forth in this Declaration, and can testify competently thereto, except as to the matters stated on information and belief, and as to such matters I believe them to be true.

2. This declaration is being submitted in support of Plaintiff's Application for an order directing publication of summons on ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE THERETO, pursuant to the provisions of C.C.P. sections 415.50 and 763.010.

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DECL FOR PUBLICATION

1 3. The *Union Democrat* is a newspaper of general circulation, published in Sonora,
2 California. I am informed and believe that publication of summons in said newspaper is most
3 likely to give actual notice to unknown defendants of the pendency of this action.

4 4. To the best of my knowledge, no person, firm, or entity is likely to know the
5 whereabouts of said unknown defendants and I know of no other source from which the unknown
6 defendants whereabouts can be ascertained.

7 5. On behalf of my client, I obtained a Litigation Guaranty Policy of Title Insurance to
8 ascertain any and all persons who might have or claim an interest in the property. The Litigation
9 Guaranty did not disclose any potential claimants other than those named as identifiable
10 defendants in this action.

11 6. The United States Government, Internal Revenue Service and the State of California,
12 Franchise Tax Board have each served me with their notice disclaiming any interest in the
13 property. I have had no contact with the other named defendant, Manuel Soares, Jr. who was
14 personally served with complaint and summons and I believe he will default.

15 7. I have had numerous discussions with Cimarron Service Corporation, the firm that
16 handled the trustee sale which resulted in Plaintiff obtaining their Trustee's Deed on Sale.
17 Cimarron Service Corporation had no information about any other claimants or possible
18 claimants.

19 8. On February 13, 2002, I caused to be recorded a Lis Pendens with the office of the
20 Tuolumne County Recorder and it can be found in Book 1857, Page 0087, as Document No.
21 3202. No person who has not already been served in the action has contacted my office to claim
22 an interest in the property.

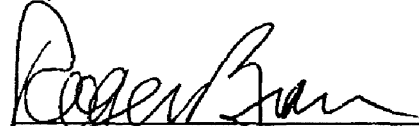
23 9. I have waited as long as possible to seek an order for publication in order to be sure
24 we could personally serve any person we discovered to have an interest in the property.
25 Accordingly, we seek the order for publication to bring before the court any and all unknown
26 persons who may have an interest in the property at issue herein so that Plaintiff may obtain a
27 judgment quieting title against any and all possible claimants, known or unknown.

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

Executed on March 20, 2002, at Sonora, California.



ROGER A. BROWN
Attorney for Plaintiff