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7 Counsel and Trustee for
8 CALIFORNIA PACIFIC LAND TRUST

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JAN 10 2025

COUNTY OF FRESNO
CLERK, BOARD OF SUPERVISORS
By: Hana Cesar
Time: mail

9 **BEFORE THE BOARD OF SUPERVISORS**

10 **COUNTY OF FRESNO**

11 CALIFORNIA PACIFIC LAND TRUST,
12 BERNARD AUSTIN, TRUSTEE,

13 Petitioner,

14 v.

15 COUNTY OF FRESNO; AND THE
16 BOARD OF SUPERVISORS OF THE
17 COUNTY OF FRESNO;

18 Respondents.

**PETITION TO THE COUNTY OF FRESNO
BOARD OF SUPERVISORS TO RESCIND
THE SALE OF A TAX DEED PURSUANT
TO REVENUE AND TAXATION CODE
§ 3731**

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22 **PETITION TO THE COUNTY OF FRESNO BOARD OF SUPERVISORS TO RESCIND
23 THE SALE OF A TAX DEED PURSUANT TO REVENUE AND TAXATION CODE § 3731**

24 1. Petitioner CALIFORNIA PACIFIC LAND TRUST ("Petitioner" or "Trust"), by and
25 through its Trustee and counsel, BERNARD J. AUSTIN, respectfully submits this petition to the
26 Honorable Board of Supervisors of the County of Fresno ("Board") requesting that the Board rescind
27 and set aside the March 2024 tax sale of the real properties identified as Assessor's Parcel Numbers
28

1 (APN) 085-080-13 and 085-080-13-02 ("Subject Properties").

2 2. Petitioner invokes California Revenue and Taxation Code § 3731 and related statutory
3 provisions, as well as fundamental constitutional principles of due process, to obtain relief from a
4 procedurally defective tax sale conducted without legally mandated notice.

5 3. Petitioner's property interest, consisting of a 96% undivided stake in valuable
6 agricultural land, was stripped away without any advance warning or opportunity for redemption. The
7 absence of proper notice not only violates controlling statutes and established precedents but also
8 offends basic notions of fairness and due process enshrined in both the Fourteenth Amendment to the
9 United States Constitution and Article I, Section 7 of the California Constitution.

10 4. The Subject Properties comprise approximately forty acres of agricultural land in
11 Fresno County, California, legally described as the Southwest Quarter of the Southwest Quarter of
12 Section 16, Township 21 South, Range 17 East, Mount Diablo Base & Meridian. Petitioner's interest
13 in these parcels was conclusively adjudicated by a Stipulated Final Judgment of Partition issued on
14 August 19, 2013, in the Superior Court of California, County of Fresno, Case No. 12CECG01620 (the
15 "2013 Judgment"), which allocated a 96% interest in the surface estate to Petitioner. A true and correct
16 copy of the judgment, attached as Exhibit 1, establishes beyond doubt Petitioner's significant stake in
17 the Property. This judgment was a matter of public record, placing the County on constructive and
18 actual notice that Petitioner held a controlling interest in the Subject Properties. A further judgment
19 transferring additional interest is attached as Exhibit 2. Petitioner is the current trustee of the subject
20 trust. A true and correct copy of the trustee transfer is attached as Exhibit 8.

21 5. To ensure that all parties, including prospective buyers and the County, were aware of
22 its claims and the ongoing litigation affecting the Subject Properties, Petitioner recorded a Notice of
23 Pending Action (Lis Pendens) on April 20, 2013. This lis pendens, a true and correct copy of which
24 is attached as Exhibit 3, served as constructive notice to any interested party that title to the Subject
25 Properties was subject to dispute and that Petitioner's claims were actively being litigated.

26 6. Under California law, a recorded lis pendens binds all subsequent purchasers and
27 ensures they cannot claim they were unaware of the proceedings. It further compels any diligent
28 official, including county personnel, to investigate the petitioner's interests before undertaking actions

1 like a forced tax sale.

2 7. Litigation over the Subject Properties continued after the 2013 Judgment, culminating
3 in an Amended Judgment of Partition and Order of Sale entered on May 10, 2024 ("2024 Amended
4 Judgment"). A true and correct copy is attached as Exhibit 4. This Amended Judgment corrected
5 clerical errors and reaffirmed Petitioner's majority interest. Both judgments provided for a court-
6 supervised sale process, further emphasizing that any sale of the Subject Properties could not properly
7 occur without reference to judicial oversight and knowledge of the actual parties in interest.

8 8. The combination of the 2013 Judgment, the 2024 Amended Judgment, and the recorded
9 lis pendens should have left no doubt that Petitioner was a principal stakeholder and that any sale of
10 the Subject Properties required careful compliance with all notice and due process requirements.

11 9. Despite these recorded judgments and the lis pendens, Petitioner discovered the County
12 conducted a tax sale of the Subject Properties in March 2024, resulting in a tax deed recorded on April
13 29, 2024, purportedly transferring title to Gutierrez Properties, LLC. Petitioner was never notified of
14 any tax delinquency or impending sale, never offered the opportunity to redeem the Property by paying
15 delinquent taxes, and never informed that its substantial property interest was at imminent risk of
16 forfeiture.

17 10. The County of Fresno claims to have mailed notice to California Pacific Land Trust at
18 2730 Gateway Oaks Dr #100, Sacramento, CA 95833, but the trust has not utilized that address for
19 more than 7 years and no one was authorized to sign for the trust at that address. A signature by
20 anyone at the former Gateway Oaks address was unauthorized. None of the certified mail cards show
21 a signature by California Pacific Land Trust or Bernard J. Austin. The last recorded judgment indicates
22 Mr. Austin as the recording party and the address should have been updated by the County Assessor
23 from the former Sacramento, CA address to Mr. Austin's address. There is no indication in the
24 County's file that Bernard J. Austin was properly notified.

25 11. The County's mailing logs indicate the certified mail to Mr. Austin was returned. At
26 this juncture, the County should have performed a search to determine a current address, but that
27 search was not completed.

28 12. Charmla K. Capanaro is a 4% owner pursuant to the recorded judgment and no notice

1 was ever provided to her estate or heirs in any of the County records. The Assessor did not properly
2 update the owners of record and their mailing addresses resulting in lack of notice for the tax sale of
3 the Property.

4 13. The County knew that Mr. Austin had paid the taxes previously. A true and correct
5 copy of the payment receipt is attached as Exhibit 9. A true and correct copy of Bank of America
6 cashier's check from Mr. Austin is attached as Exhibit 10.

7 14. Petitioner first learned of the tax sale not from the County, but through a third party,
8 Nick Anderson of Global Discoveries, who alerted Petitioner after the fact. By this time, the damage
9 was done, and Petitioner's statutory and constitutional rights had been violated.

10 15. Mr. Austin contacted the County of Fresno on April 5, 2024 to report that notice was
11 not received. A true and correct copy of the County's phone contact log is attached as Exhibit 11.
12 This contact was 24 days before the tax deed was recorded.

13 16. The legal requirements governing tax sales in California are explicit. California
14 Revenue and Taxation Code § 3701 mandates that the Tax Collector provide notice of the proposed
15 tax sale to all parties of interest at least 45 days before the sale. Such notice must be sent by certified
16 mail to all known interested parties at their last known addresses, or by another means reasonably
17 calculated to inform the interest holder. Compliance with § 3701 is not discretionary; it is a
18 jurisdictional prerequisite. Courts have held that failure to comply with these notice requirements
19 voids the tax sale. (*Bank of Am. v. Giant Inland Empire R.V. Ctr., Inc.* (2000) 78 Cal.App.4th 1267,
20 1274-76 [invalidating a tax sale due to failure to locate and notify interested parties]).

21 17. Beyond statutory notice, the United States Supreme Court has long recognized that due
22 process requires actual notice to parties who hold substantial property interests in actions that may
23 affect those interests. *Mullane v. Central Hanover Bank & Trust Co.* (1950) 339 U.S. 306, 314
24 established the constitutional minimum, holding that notice must be reasonably calculated to apprise
25 interested parties of the pendency of proceedings and afford them an opportunity to present their
26 objections. "An elementary and fundamental requirement of due process in any proceeding which is
27 to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise
28 interested parties of the pendency of the action and afford them an opportunity to present their

1 objections” (*Id.* at 314)

2 18. In the specific context of tax sales, *Menmonite Board of Missions v. Adams* (1983) 462
3 U.S. 791, 800 clarified that due process demands direct notice to owners of property subject to a tax
4 sale, if their names and addresses are reasonably ascertainable. Furthermore, in *Jones v. Flowers*
5 (2006) 547 U.S. 220, 227-229, the Supreme Court reaffirmed that where initial mailed notice fails, the
6 government must take additional reasonable steps to provide actual notice if such steps are practicable.
7 Here, the County’s failure to provide notice to Petitioner or its then Trustee falls far below these
8 constitutional standards.

9 19. Petitioner’s Trustee, Bernard J. Austin, is a licensed California attorney whose business
10 address and contact information are readily accessible via public directories, including the State Bar
11 of California’s official website. A true and correct copy of the State Bar profile from its website is
12 attached as Exhibit 5. Moreover, Mr. Austin had previously paid property taxes related to the Subject
13 Properties, and in 2016 the County itself mailed him notices concerning these parcels. (Exhibits 6 and
14 7) This prior correspondence evidences that the County knew or should have known how to reach Mr.
15 Austin and thereby notify Petitioner of any impending tax sale. The County’s failure to utilize such
16 readily available information is not a mere oversight; it constitutes a clear dereliction of its statutory
17 and constitutional duties.

18 20. Without the required notice, Petitioner was denied the fundamental right to redeem the
19 Property by paying the delinquent taxes, penalties, and costs. Redemption is a crucial safeguard in the
20 statutory scheme, ensuring that owners are not unjustly divested of their property without a fair
21 opportunity to cure the delinquency.

22 21. The absence of notice made it impossible for Petitioner to act. Had Petitioner been
23 informed, it would have promptly remitted payment. By proceeding in secret, the County effectively
24 deprived Petitioner of a core property right without due process.

25 22. The County may attempt to argue the presumption of validity set forth in Revenue and
26 Taxation Code § 3711, which states that a duly executed tax deed is prima facie evidence of
27 compliance with the statutory requirements. However, this presumption is not absolute. It is easily
28 overcome where the record shows a clear failure to provide the mandated notice.

1 23. In addition to the lack of notice, the tax sale purports to sell undivided interests of 75%
2 and 21.8%, which do not even align with the known ownership interests established by the 2013
3 Judgment and reaffirmed by the 2024 Amended Judgment. Petitioner's 96% interest and the other
4 party's 4% interest were matters of public record. Selling non-existent fractional interests reveals a
5 fundamental error and lack of diligence. No tax sale can lawfully convey property interests that do not
6 correspond to the title structure.

7 24. California courts have long insisted that tax collectors must exercise reasonable
8 diligence to identify and notify interested parties. In *Willard George Hotel Co. v. Warden* (1929) 99
9 Cal.App. 401, 407, the court invalidated a tax sale where the County failed to use readily available
10 means to locate the property owner. Similarly, *Sinclair & Valentine Co. v. County of Los Angeles*
11 (1988) 201 Cal.App.3d 1021, 1025-27 held that the county must undertake modest administrative
12 burdens, such as consulting recorded instruments or readily available directories, to ensure that notice
13 reaches interested owners. Failure to do so deprives the County of the authority to proceed with the
14 sale. These principles apply forcefully here, where Mr. Austin's address was a matter of public record
15 and easily accessible.

16 25. The existence of the 2024 Amended Judgment is particularly telling. Entered shortly
17 before the tax sale, it corrected clerical errors in the original partition and reaffirmed Petitioner's
18 controlling interest. This judicial oversight should have alerted the County that it was dealing with a
19 property subject to ongoing litigation and special conditions. A reasonable search would have verified
20 the precise ownership interests and ensured notice was sent to all known parties at their current
21 addresses, especially the party holding a 96% interest.

22 26. The County cannot credibly argue that it could not find Mr. Austin's current address.
23 State Bar records are a matter of public record. Court filings, recorded judgments, and the lis pendens
24 all identify the parties involved. Mr. Austin had even received mail from the County regarding tax
25 matters in the past. If the County suspected that address was outdated, it was obligated to take
26 additional steps, as contemplated by *Jones v. Flowers*, supra, 547 U.S. at p.227.

27 27. Ensuring adequate notice and verifying the interested parties' addresses is not a heavy
28 burden. In *Bank of America*, supra, 78 Cal.App.4th at p.1275, the court noted that a county should

1 undertake at least a minimal search of recorded documents before conducting a tax sale that would
2 permanently extinguish ownership interests. Similarly, in *Sinclair & Valentine*, supra, 201 Cal.App.3d
3 at p.1027, the court found that a county must perform relatively modest administrative tasks to identify
4 interested parties. By ignoring this duty, the County failed the test of reasonable diligence and forfeited
5 any claim to a valid sale.

6 28. From a constitutional perspective, the lack of notice also violates the core due process
7 principles articulated in *Mullane*, supra, 339 U.S. at p.314, and *Memmonite*, supra, 462 U.S. at p.800.
8 These precedents forbid state actors from depriving parties of significant property interests without
9 meaningful notice and an opportunity to respond. The *Mullane* court recognized that constructive
10 notice by publication may suffice in some cases where interested parties are unknown or
11 unascertainable. But here, Petitioner's identity and location were known or at least easily discoverable.
12 Thus, the standard for due process required actual mailed notice or an equivalent method. The
13 County's inaction contradicts these constitutional guarantees.

14 29. The presence of judicial determinations, the 2013 Judgment, and the 2024 Amended
15 Judgment, should have heightened the County's vigilance. In *Numitor Gold Mining Co. v. Katzer*
16 (1927) 83 Cal.App. 161, 163-164, a failure to comply with notice requirements led to voiding the sale.
17 These precedents underscore that the statutory and constitutional notice mandates are not technicalities
18 but fundamental conditions precedent to a valid transfer of property through a forced tax sale.

19 30. Petitioner, having no knowledge of the alleged delinquency or the planned sale, could
20 not appear, pay, or otherwise prevent the irretrievable loss of its property interest without notice of the
21 redemption amount. This loss constitutes a significant property deprivation. Revenue and Taxation
22 Code § 3731 grants the Board authority to rescind a tax sale that was consummated in violation of
23 mandatory requirements. This statute provides a vital remedial mechanism. A decision in favor of
24 Petitioner would reaffirm the Board's commitment to ensuring that tax enforcement adheres to lawful
25 procedures and respects property owners' rights. The Board's exercise of its statutory authority in this
26 instance would restore Petitioner's title, allowing Petitioner an opportunity to redeem its tax
27 obligations.

28 31. Without proper notice, Petitioner was deprived not only of the right to redeem but also

1 of any meaningful hearing at any stage. Due process requires a fair chance to be heard. *Mullane*, supra,
2 339 U.S. at p.314 teaches that a fundamental requisite of due process is an opportunity to present
3 objections. Petitioner never even knew there were any taxes in arrears, let alone that a sale was
4 imminent. By the time Petitioner learned of it from a third party, the deed had already been recorded,
5 and Petitioner's property rights had been trampled.

6 32. The County's disregard of readily available resources to locate Petitioner cannot go
7 unnoticed. With modern technology, checking the State Bar directory or reviewing recorded court
8 judgments is neither time-consuming nor expensive. The courts have emphasized that where simple,
9 "relatively modest administrative burden[s]" (*Sinclair & Valentine*, supra, 201 Cal.App.3d at p.1027)
10 can prevent a major injustice, the government must undertake them.

11 33. By selling interests that do not conform to the 2013 and 2024 judgments' allocation of
12 shares (96% to Petitioner and 4% to another party), the County introduced further irregularities. Such
13 a misalignment suggests the County failed to verify title or understand the actual interests available
14 for sale. Had the County performed a simple title check or consulted the recorded judgments, it would
15 have seen that offering 75% and 21.8% shares was baseless. A tax sale cannot lawfully proceed where
16 the fundamental nature of what is being sold is so misunderstood or misrepresented.

17 34. Contrary to any assertion that Petitioner was somehow at fault for not updating an
18 address or making itself more accessible, the law places the burden on the government to provide
19 notice when the owner's identity and location are reasonably ascertainable. Petitioner's Trustee was
20 not hiding. He is a licensed professional with a known address. The County's records from 2016 and
21 Mr. Austin's prior tax payments established a historical pattern of communication. Blaming the victim
22 of inadequate notice would invert the statutory and constitutional scheme that requires the County, not
23 the property owner, to ensure that lawful notice is accomplished.

24 35. While Revenue and Taxation Code § 3701 sets forth the procedural requirements for
25 notice, these must be interpreted in light of constitutional due process standards. Where, as here, the
26 government's failure is so complete that it never even attempts to notify an easily found interested
27 party, the resulting tax sale is necessarily void. No presumption of validity, no claim of administrative
28 convenience, can rescue a sale that lacks the fundamental underpinning of fairness and notice.

1 36. Petitioner's financial readiness and willingness to redeem the Subject Properties upon
2 proper notice is not speculative. Given Petitioner's majority interest and the importance of these
3 agricultural lands, it is entirely reasonable and expected that Petitioner would have taken immediate
4 steps to preserve its ownership rights. The County's omission thereby caused actual harm by denying
5 Petitioner a straightforward and entirely lawful remedy—redemption—to avert the loss of a valuable
6 asset.

7 37. Equitable considerations reinforce the conclusion that the tax sale must be set aside.
8 Gutierrez Properties, LLC, the purported purchaser, was on constructive notice of Petitioner's interests
9 due to the recorded lis pendens and judgments. Thus, rescinding the sale would not unfairly prejudice
10 a bona fide purchaser.

11 38. The County cannot credibly argue that notice was too burdensome. Checking recorded
12 judgments, reviewing past mailing addresses used for tax billing, and consulting public directories for
13 attorneys' contact details are all tasks for a government agency entrusted with the solemn duty of
14 noticing tax delinquent owners prior to the sale. The minimal effort required to avoid the scenario at
15 hand stands in stark contrast to the severity of the harm inflicted upon Petitioner.

16 39. The statutory authorization under § 3731 for the Board to rescind defective tax sales is
17 the legislative recognition that human errors, oversight, or lack of diligence can occur, and when they
18 do, fairness and legality must be restored. Far from being an extraordinary remedy, rescission is
19 exactly the tool the Legislature provided to correct precisely the kind of procedural failures present
20 here.

21 40. For these reasons, Petitioner respectfully requests that the Board invoke its authority
22 under Revenue and Taxation Code § 3731 to rescind the March 2024 tax sale and to restore Petitioner's
23 title to the Subject Properties. Doing so would allow Petitioner to exercise its lawful rights, including
24 paying any delinquent taxes due, and would rectify the fundamental violation of statutory and
25 constitutional standards that occurred.

26 Dated: Jan. 6, 2025



Bernard J. Austin
Attorney at Law and Trustee of
California Pacific Land Trust

1 VERIFICATION

2 I, Bernard J. Austin, am the Petitioner, Trustee and Attorney the in the above-entitled
3 matter. I have read the foregoing Petition and exhibits and know the contents thereof. The same is
4 true of my own knowledge, except as to those matters which are therein stated on information and
5 belief, and, as to those matters, I believe them to be true.

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

8 Executed on January 7, 2025 in Crestline, California.

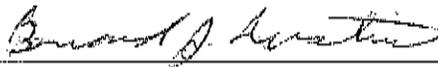
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11 Bernard J. Austin
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Exhibit “1”

1 Bernard J. Austin SBN 241917
2 Attorney at Law
2064 South Willow Ave. #7
3 Fresno, CA 93727
Phone: 559-457-1740

4 Attorney for Plaintiff

FILED

AUG 19 2013

FRESNO COUNTY SUPERIOR COURT
By  DEPT. 501

5
6 **SUPERIOR COURT OF CALIFORNIA**

7 **COUNTY OF FRESNO**

9 CALIFORNIA PACIFIC LAND TRUST, a)
10 trust governed by the laws of the State of)
California)

11 Plaintiff,

12 v.

13 BLOEMER ESTATE, a Limited Partnership;)
14 GERI BLOEMER, an individual, RAY V.)
MCGINNIS; an individual; CHARMLA K.)
15 CAPANARO, an individual; THE TESTATE)
AND INTESTATE SUCCESSORS OF)
16 CHARMALINE K. KIRILLA, deceased, and)
all persons claiming by, through, or under such)
17 decedent; THE TESTATE AND INTESTATE)
18 SUCCESSORS OF LEWIS S. EATON,)
deceased, and all persons claiming by,)
19 through, or under such decedent; THE)
TESTATE AND INTESTATE SUCCESSORS)
20 OF B. FRANKLIN KNAPP deceased, and all)
21 persons claiming by, through, or under such)
22 decedent; all persons unknown, claiming any)
23 legal or equitable right, title, estate, lien, or)
24 interest in the property described in the)
complaint adverse to Plaintiff's interests or)
title, or any cloud upon Plaintiff's interests or)
title thereto and DOES 1 through 30.

25 Defendants

Case No.: 12CECG01620 MBS

11 **[PROPOSED] STIPULATED FINAL**
12 **JUDGMENT OF PARTITION**
13 **ADJUDICATION PROPERTY**
14 **INTERESTS IN PARCEL NUMBER 085-**
15 **080-13 AND ORDER OF SALE**

16 Judge: Hon. M. Bruce Smith

1 **STIPULATED FINAL JUDGMENT OF PARTITION ADJUDICATION PROPERTY**

2 **INTERESTS IN PARCEL NUMBER 085-080-13 AND ORDER OF SALE**

3 This Stipulated Final Judgment is pursuant to the stipulations on file in this action. The
4 Court finds all Parties to this lawsuit have been properly served and it has jurisdiction over these
5 Parties who are listed in the caption. In exercise of such jurisdiction, based on the evidence and
6 previous stipulations before the Court and for good cause, the Court makes the following decrees
7 and findings pursuant to stipulation:

8 **I. PRESENT OWNERSHIP INTERESTS OF THE SURFACE RIGHTS/SURFACE**

9 **ESTATE OF THE SUBJECT PROPERTY**

10 Based on the evidence in this action, the stipulations of the parties, and for good cause, the
11 following ownership interests in the County of Fresno property, known as Assessor's Parcel
12 Number 085-080-13, legally described as Southwest Quarter of the Southwest Quarter, Section
13 16, Township 21 South, Range 17 East (hereinafter the "Subject Property") are hereby declared
14 and ordered as to the surface rights/surface estate in the Subject Property:

15 A. CALIFORNIA PACIFIC LAND TRUST, a trust governed by the laws of the State
16 of California, now owns the undivided ninety-six (96%) interest in the surface estate/surface rights
17 of the Subject Property.

18 B. CHARMLA K. CAPANARO, an individual, now owns an undivided three and one
19 half percent (3.5%) interest in the surface estate/surface rights of the Subject Property.

20 No other persons, parties or entities have any legal or equitable right to any title or interest
21 in the surface estate/surface rights in the Subject Property other than CALIFORNIA PACIFIC
22 LAND TRUST, a trust governed by the laws of the State of California and CHARMLA K.
23 CAPANARO, an individual in the percentages defined above.

24 **II. PRESENT OWNERSHIP INTERESTS OF THE MINERAL INTERESTS OF THE**

25 **SUBJECT PROPERTY**

26 Based on the evidence in this action, the stipulations of the parties, and for good cause, the
27 following ownership interests in the County of Fresno property, known as Assessor's Parcel
28

1 Number 085-080-13, legally described as Southwest Quarter of the Southwest Quarter, Section
2 16, Township 21 South, Range 17 East (hereinafter the "Subject Property") are hereby declared
3 and ordered as to the oil, gas and other minerals in the Subject Property:

4 E. CHARMLA K. CAPANARO, an individual, owns and reserves an undivided three
5 and one half percent (3.5%) interest the oil, gas and other minerals (including without
6 limitation oil, gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the
7 real property described above, including any and all royalties, bonus amounts, delay
8 rentals and other payments due and payable under any existing or future oil, gas or
9 mineral lease, and including all rights of surface use to the maximum extent allowable
10 by law for the exploration, development, and production of such oil, gas and other
11 mineral interest including, without limitation, all rights of access on and through the
12 property for ingress and egress.

13 F. Based on previous stipulations, the BLOEMER ESTATE, L.P. owns and reserves all
14 those undivided rights titles, and interests previously owned by Bloemer Estate, L.P.,
15 Geri Bloemer, or the Testate and Intestate Successors of Geri Bloemer in the oil, gas and
16 other minerals (including without limitation oil, gas, hydrocarbons, sulfur, coal, lignite
17 and uranium) in, on, and under the real property described above, including any and all
18 royalties, bonus amounts, delay rentals and other payments due and payable under any
19 existing or future oil, gas or mineral lease, and including all rights of surface use to the
20 maximum extent allowable by law for the exploration, development, and production of
21 such oil, gas and other mineral interest including, without limitation, all rights of access
22 on and through the property for ingress and egress.

23 G. Based on previous stipulations, the RAY MCGINNIS, owns and reserves all those
24 undivided rights, titles, and interests previously owned by Ray McGinnis in the oil, gas
25 and other minerals (including without limitation oil, gas, hydrocarbons, sulfur, coal,
26 lignite and uranium) in, on, and under the real property described above, including any
27 and all royalties, bonus amounts, delay rentals and other payments due and payable
28

1 under any existing or future oil, gas or mineral lease, and including all rights of surface
2 use to the maximum extent allowable by law for the exploration, development, and
3 production of such oil, gas and other mineral interest including, without limitation, all
4 rights of access on and through the property for ingress and egress.

5 H. CALIFORNIA PACIFIC LAND TRUST, acting by and through its trustee, owns and
6 reserves ALL REMAINING UNDIVIDED RIGHTS, TITLES AND INTEREST IN
7 THE OIL, GAS AND OTHER MINERALS (including without limitation oil, gas,
8 hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the real property
9 described above, including any and all royalties, bonus amounts, delay rentals and other
10 payments due and payable under any existing or future oil, gas or mineral lease, and
11 including all rights of surface use to the maximum extent allowable by law for the
12 exploration, development, and production of such oil, gas and other mineral interest
13 including, without limitation, all rights of access on and through the property for ingress
14 and egress which are NOT OWNED AND RESERVED BY THE PARTIES
15 SPECIFIED IN PARAGRAPHS II((A)-(C)) ABOVE.

16 No other persons, parties or entities have any legal or equitable right to any title or interest
17 in the oil, gas or other mineral rights in the Subject Property other than those parties specified in
18 Paragraph II (A) -- (D) above.

19 III. FURTHER ORDERS

20 A. The oil, gas and other mineral rights of BLOEMER ESTATE, L.P. and RAY
21 MCGINNIS are reserved and are not subject of this sale order.

22 B. The Court reserves jurisdiction to make any further orders required to effectuate
23 the sale of the property interests of CALIFORNIA PACIFIC LAND TRUST and CHARMLA K.
24 CAPANARO.

25 C. The subject real property shall be sold at the best price and terms obtainable
26 (excepting that the mineral rights of BLOEMER ESTATE, L.P. and RAY MCGINNIS may not
27 be sold in this action pursuant to prior order of this court and are reserved).

1 D. The Court shall reserve jurisdiction over the entire sale process until entry of final
2 judgment in this case, the distribution of all proceeds in this case, and the adjudication of all
3 outstanding matters. Title Insurance and Escrow companies licensed to do business in this State
4 may rely on this order in insuring title to the subject property.

5 E. The parties shall cooperate in the sale of the subject property by way of sale
6 through a private real estate broker or brokers. The broker(s) selected by the parties shall have
7 experience in the sale of agricultural properties and shall be paid a reasonable commission.

8 H. The highest and best offer shall be submitted to the Court for approval on an ex-
9 parte basis, but with at least 96 hours notice to all parties. The Court shall then make a decision
10 whether to approve or reject the proposed offer.

11 F. In the event the parties cannot mutually agree, or are unable or unwilling to agree
12 as to the terms and means for the sale of the subject real property and appointment of real estate
13 broker or brokers, the Court shall reserve jurisdiction, upon noticed motion, to appoint a referee to
14 handle the sale process and report directly to the Court.

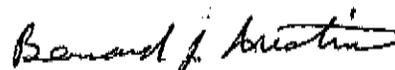
15 G. The proceeds of the sale property shall remain in an escrow account with a
16 licensed title company or the Court's trust account until a final distribution order of this Court.

17 H. In the event that a party fails or refuses to promptly execute and deliver the
18 documents and/or deeds required by Court, then the Clerk of the Court is hereby authorized to and
19 shall execute the same on behalf of the party, in their place and stead.

20 I. To the extent that a party is represented, this agreement may be signed by
21 his/her/its counsel of record and may be signed in counterparts.

22 **IT IS SO STIPULATED**

23 Dated: June 14, 2013

24 

25 BERNARD J. AUSTIN
26 Attorney for Plaintiff
27 California Pacific Land Trust
28

1 Dated: June 17, 2013

Charmla K. Capanaro
CHARMLA CAPANARO
IN PRO PER

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4 **IT IS SO ORDERED.**

5
6 8/19/13

[Signature]
JUDGE OF THE SUPERIOR COURT

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Exhibit “2”

Recording Requested By & When Recorded, Return To:



Name: Bernard J. Austin

FRESNO County Recorder

Street: 2064 S Willow Ave. #7

Paul Dictos, C.P.A.

DOC- 2015-0083463

Post Office Box #:

Tuesday, JUN 30, 2015 14:43:05

City / St. / Zip: Fresno, CA

Ttl Pd \$40.00

Rcpt # 0004343978

93727

KJE/R5/1-8

Stipulated Order

(Document Title)

This page added to provide adequate space for the above information only.

(Government Code 27361.6)
(Additional recording fee applies)

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Bernard J. Austin SBN 241917
Attorney at Law
2064 South Willow Ave. #7
Fresno, CA 93727
Phone: 559-457-1740

Attorney for Plaintiff

FILED

JUN 28 2013

FRESNO COUNTY SUPERIOR COURT
By _____ DEPT. 501

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO**

CALIFORNIA PACIFIC LAND TRUST, a
trust governed by the laws of the State of
California

Plaintiff,

v.

BLOEMER ESTATE, a Limited Partnership;
GERI BLOEMER, an individual, RAY V.
MCGINNIS; an individual; CHARMLA K.
CAPANARO, an individual; THE TESTATE
AND INTESTATE SUCCESSORS OF
CHARMALINE K. KIRILLA, deceased, and
all persons claiming by, through, or under such
decendent; THE TESTATE AND INTESTATE
SUCCESSORS OF LEWIS S. EATON,
deceased, and all persons claiming by,
through, or under such decendent; THE
TESTATE AND INTESTATE SUCCESSORS
OF B. FRANKLIN KNAPP deceased, and all
persons claiming by, through, or under such
decendent; 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 interests or
title, or any cloud upon Plaintiff's interests or
title thereto and DOES 1 through 30.

Defendants

Case No.: 12CECG01620 MBS

**[PROPOSED] STIPULATED ORDER
ADJUDICATING PROPERTY
INTERESTS BETWEEN BLOEMER
ESTATE, L. P., GERI BLOEMER, AN
INDIVIDUAL, THE TESTATE AND
INTESTATE SUCCESSORS OF GERI
BLOEMER, AND CALIFORNIA PACIFIC
LAND TRUST**

Judge: Hon. M. Bruce Smith

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1 **STIPULATED ORDER ADJUDICATING PROPERTY INTERESTS BETWEEN THE**
2 **TESTATE AND INTESTATE SUCCESSORS OF BLOEMER ESTATE, L. P., THE**
3 **TESTATE AND INTESTATE SUCCESSORS OF GERI BLOEMER, AND CALIFORNIA**
4 **PACIFIC LAND TRUST**

5 This Stipulated Order is pursuant to a Stipulation between BLOEMER ESTATE, L. P.
6 AND THE TESTATE AND INTESTATE SUCCESSORS OF GERI BLOEMER and
7 CALIFORNIA PACIFIC LAND TRUST by their respective counsel of record. The Court finds
8 the Parties have been properly served and it has jurisdiction over these Parties. In exercise of
9 such jurisdiction, based on the evidence before the Court and for good cause, the Court makes the
10 following decrees and findings pursuant to stipulation:

11 **I. PRESENT OWNERSHIP INTERESTS OF THE SUBJECT PROPERTY**

12 Based on the evidence on file in this action, the stipulations of the parties above, and for
13 good cause, the Court finds the following ownership interests in property in the County of Fresno,
14 known as Assessor's Parcel Number 085-080-13, legally described as Southwest Quarter of the
15 Southwest Quarter, Section 16, Township 21 South, Range 17 East (hereinafter the "Subject
16 Property");

17 A. CALIFORNIA PACIFIC LAND TRUST, a trust governed by the laws of the State
18 of California, now owns all undivided interest in the surface estate in the Subject Property
19 previously owned by BLOEMER ESTATE, L. P., GERI BLOEMER, an individual, and THE
20 TESTATE AND INTESTATE SUCCESSORS OF GERI BLOEMER, reserving and saving unto
21 Bloemer Estate, L.P. and to its successors and assigns the following:

22 All rights, titles, and interests previously owned by Bloemer Estate, L.P., Geri Bloemer, or
23 the Testate and Intestate Successors of Geri Bloemer in the oil, gas and other minerals (including
24 without limitation oil, gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the real
25 property described above, including any and all royalties, bonus amounts, delay rentals and other
26 payments due and payable under any existing or future oil, gas or mineral lease, and including all
27 rights of surface use to the maximum extent allowable by law for the exploration, development, and

1 production of such oil, gas and other mineral interest including, without limitation, all rights of
2 access on and through the property for ingress and egress. Said reservation shall not affect the
3 rights of the other interest holders to their oil, gas and other minerals interests in the Subject
4 Property.

5 B. All undivided interest in the surface estate of the Subject Property owned by
6 BLOEMER ESTATE, L.P., GERI BLOEMER, and THE TESTATE AND INTESTATE
7 SUCCESSORS OF GERI BLOEMER are hereby transferred to CALIFORNIA PACIFIC LAND
8 TRUST, reserving and saving unto Bloemer Estate, L.P. and to its successors and assigns the
9 following:

10 All rights, titles, and interests previously owned by Bloemer Estate, L.P., Geri Bloemer, or
11 the Testate and Intestate Successors of Geri Bloemer in the oil, gas and other minerals (including
12 without limitation oil, gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the real
13 property described above, including any and all royalties, bonus amounts, delay rentals and other
14 payments due and payable under any existing or future oil, gas or mineral lease, and including all
15 rights of surface use to the maximum extent allowable by law for the exploration, development, and
16 production of such oil, gas and other mineral interest including, without limitation, all rights of
17 access on and through the property for ingress and egress. Said reservation shall not affect the
18 rights of the other interest holders to their oil, gas and other minerals interests in the Subject
19 Property.

20 C. As of the date of this stipulation, California Pacific Land Trust is the titleholder of
21 the undivided surface estate of the Subject Property previously asserted to be owned by BLOEMER
22 ESTATE, L. P., GERI BLOEMER, an individual and THE TESTATE AND INTESTATE
23 SUCCESSORS OF GERI BLOEMER, reserving and saving unto Bloemer Estate, L.P. and to its
24 successors and assigns the following:

25 All rights, titles, and interests previously owned by Bloemer Estate, L.P., Geri Bloemer, or
26 the Testate and Intestate Successors of Geri Bloemer in the oil, gas and other minerals (including
27 without limitation oil, gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the real
28

1 property described above, including any and all royalties, bonus amounts, delay rentals and other
2 payments due and payable under any existing or future oil, gas or mineral lease, and including all
3 rights of surface use to the maximum extent allowable by law for the exploration, development, and
4 production of such oil, gas and other mineral interest including, without limitation, all rights of
5 access on and through the property for ingress and egress. Said reservation shall not affect the
6 rights of the other interest holders to their oil, gas and other minerals interests in the Subject
7 Property.

8 D. No other persons or entities have any legal, equitable, right to any title or interest in
9 the undivided interest in the surface estate of the Subject Property which were previously owned by
10 BLOEMER ESTATE, L. P., GERI BLOEMER, an individual and THE TESTATE AND
11 INTESTATE SUCCESSORS OF GERI BLOEMER other than CALIFORNIA PACIFIC LAND
12 TRUST, a trust governed by the laws of the State of California, reserving and saving unto Bloemer
13 Estate, L.P. and to its successors and assigns the following:

14 All rights, titles, and interests previously owned by Bloemer Estate, L.P., Geri Bloemer, or
15 the Testate and Intestate Successors of Geri Bloemer in the oil, gas and other minerals (including
16 without limitation oil, gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the real
17 property described above, including any and all royalties, bonus amounts, delay rentals and other
18 payments due and payable under any existing or future oil, gas or mineral lease, and including all
19 rights of surface use to the maximum extent allowable by law for the exploration, development, and
20 production of such oil, gas and other mineral interest including, without limitation, all rights of
21 access on and through the property for ingress and egress. Said reservation shall not affect the
22 rights of the other interest holders to their oil, gas and other minerals interests in the Subject
23 Property.

24 C. As of the date of the Judgment, California Pacific Land Trust is the sole owner of the
25 undivided surface estate of the Subject Property previously owned by BLOEMER ESTATE, L. P.,
26 GERI BLOEMER, an individual and THE TESTATE AND INTESTATE SUCCESSORS OF
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5

1 GERI BLOEMER, reserving and saving unto Bloemer Estate, L.P. and to its successors and assigns
2 the following:

3 All rights, titles, and interests previously owned by Bloemer Estate, L.P., Geri Bloemer, or
4 the Testate and Intestate Successors of Geri Bloemer in the oil, gas and other minerals (including
5 without limitation oil, gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the
6 real property described above, including any and all royalties, bonus amounts, delay rentals and
7 other payments due and payable under any existing or future oil, gas or mineral lease, and
8 including all rights of surface use to the maximum extent allowable by law for the exploration,
9 development, and production of such oil, gas and other mineral interest including, without
10 limitation, all rights of access on and through the property for ingress and egress. Said
11 reservation shall not affect the rights of the other interest holders to their oil, gas and other
12 minerals interests in the Subject Property.

13 D. No other persons or entities have any legal, equitable, right to any title or interest
14 in the undivided interests in the Subject Property other than that set forth herein.

15 **II. ADDITIONAL ORDER**

16 The Court reserves jurisdiction to continue to enforce the agreements reached in the
17 stipulation between the parties which gives rise to this Order.

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1 **IT IS SO STIPULATED.**

2 Dated: June 12, 2013

3

Bernard J. Austin
BERNARD J. AUSTIN
Attorney for Plaintiff
California Pacific Land Trust

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6 Dated: June 24, 2013

EHRlich PLEDGER LAW, LLP

7

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Jean M. Pledger
JEAN M. PLEDGER
Attorney for Stipulating Defendants

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10 **IT IS SO ORDERED.**

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6/28/13

Amber Smith
JUDGE OF THE SUPERIOR COURT

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The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: JUN 30 2015

State of California, Superior Court Clerk
County of Fresno
By Isabel Pano DEPUTY

Exhibit “3”

1 Bernard J. Austin, SBN 241917
2 Attorney at Law
3 2064 S. Willow Ave. #7
4 Fresno, California 93727
5 Phone: 559-456-1740

6 Attorney for Plaintiff



FRESNO County Recorder
Paul Dictos, C.P.A.

DOC- 2013-0062566

Tuesday, APR 30, 2013 14:45:00

Ttl Pd \$27.00 Rcpt # 0003887371
JZG/R3/1-4

7 **SUPERIOR COURT OF CALIFORNIA**

8 **COUNTY OF FRESNO**

9 CALIFORNIA PACIFIC LAND TRUST, a)
10 trust governed by the laws of the State of)
11 California)

11 Plaintiff,

12 v.

13 BLOEMER ESTATE, a Limited Partnership;)
14 GERI BLOEMER, an individual; RAY V.)
15 MCGINNIS; an individual; CHARMLA K.)
16 CAPANARO, an individual; THE TESTATE)
17 AND INTESTATE SUCCESSORS OF)
18 CHARMALINE K. KIRILLA, deceased, and)
19 all persons claiming by, through, or under such)
20 decedent; THE TESTATE AND INTESTATE)
21 SUCCESSORS OF LEWIS S. EATON,)
22 deceased, and all persons claiming by,)
23 through, or under such decedent; THE)
24 TESTATE AND INTESTATE SUCCESSORS)
25 OF B FRANKLIN KNAPP deceased, and all)
26 persons claiming by, through, or under such)
27 decedent; all persons unknown, claiming any)
28 legal or equitable right, title, estate, lien, or)
interest in the property described in the)
complaint adverse to Plaintiff's interests or)
title, or any cloud upon Plaintiff's interests or)
title thereto and DOES 1 through 30.

Case No.: 12CECG01620

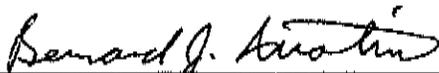
NOTICE OF PENDING ACTION

1 NOTICE IS HEREBY GIVEN that the above-referenced action affects title to and
2 possession of the Subject Real Property located in Fresno and described as Assessor's
3 Parcel Number 085-080-13 in the official records of the County of Fresno bearing a legal
4 description of:

5 UNDIVIDED 75% INTEREST IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4
6 SECTION 16 TWP 21 SOUTH RGE 17 EAST MDB & M (the "Subject Real Property").

7 The action seeks PARTITION BY SALE OF REAL PROPERTY AND QUIET
8 TITLE related to the Subject Real Property described above. The parties to the action are
9 CALIFORNIA PACIFIC LAND TRUST, a trust governed by the laws of the State of
10 California, the Plaintiff, and BLOEMER ESTATE, a Limited Partnership; GERI
11 BLOEMER, an individual, RAY V. MCGINNIS; an individual; CHARMLA K.
12 CAPANARO, an individual; THE TESTATE AND INTESTATE SUCCESSORS OF
13 CHARMALINE K. KIRILLA, deceased, and all persons claiming by, through, or under
14 such decedent; THE TESTATE AND INTESTATE SUCCESSORS OF LEWIS S.
15 EATON, deceased, and all persons claiming by, through, or under such decedent; THE
16 TESTATE AND INTESTATE SUCCESSORS OF B. FRANKLIN KNAPP deceased, and
17 all persons claiming by, through, or under such decedent; all persons unknown, claiming
18 any legal or equitable right, title, estate, lien, or interest in the property described in the
19 complaint adverse to Plaintiff's interests or title, or any cloud upon Plaintiff's interests or
20 title thereto and DOES 1 through 30, the Defendants.

21
22
23 Dated: April 30, 2013



Bernard J. Austin
Attorney for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Bernard J. Austin 241917 2064 South Willow Avenue #7 Fresno, California 93727 TELEPHONE NO 559-456-1740 FAX NO (Optional) E-MAIL ADDRESS (Optional) bjAustin99999@yahoo.com ATTORNEY FOR (Name) California Pacific Land Trust	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS 1130 O Street MAILING ADDRESS 1130 O Street CITY AND ZIP CODE Fresno 93721-2220 BRANCH NAME B. F. Sisk Courthouse	
PETITIONER/PLAINTIFF California Pacific Land Trust RESPONDENT/DEFENDANT Bloemer Estates LP, et al	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER 12CECG01620

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- 1 I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place
- 2 My residence or business address is.
2064 South Willow Avenue #7
Fresno, California 93727
- 3 On (date): April 30, 2013 I mailed from (city and state): Fresno, California the following documents (specify):
Notice of Pending Action

The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D))

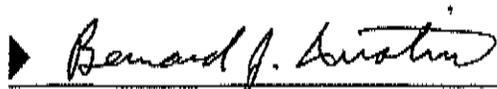
4. I served the documents by enclosing them in an envelope and (check one):
 - a depositing the sealed envelope with the United States Postal Service with the postage fully prepaid
 - b placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid
- 5 The envelope was addressed and mailed as follows
 - a. Name of person served:
 - b. Address of person served:

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date April 30, 2013

Bernard J. Austin
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


 (SIGNATURE OF PERSON COMPLETING THIS FORM)

SHORT TITLE California Pacific Land Trust v. Bloemer Estates LP, et al	CASE NUMBER
	12CECG01620

ATTACHMENT TO PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL (PERSONS SERVED)

(This Attachment is for use with form POS-030)

NAME AND ADDRESS OF EACH PERSON SERVED BY MAIL:

<u>Name of Person Served</u>	<u>Address (number, street, city, and zip code)</u>
Jean M. Pledger, Esquire, Attorney at Law	California Plaza, 5001 California Ave. Suite 223 Bakersfield, CA 93309
Ray V. McGinnis	P.O. Box 6895 San Diego, CA 92166
Charmia K. Capanaro	34452 Carpenter Cir. Lewes, DE 19958-3300
Hadi-Ty Seyedin Kharazi Yarra, Kharazi & Associates	2000 Fresno St., Suite 300 Fresno, CA 93721

4

Exhibit “4”

RECORDING REQUESTED BY

NAME: Bernard J. Austin

WHEN RECORDED MAIL TO:

NAME: Bernard J. Austin

ADDRESS: PO BOX 1619

CITY / STATE / ZIP: Crestline, CA 92325

(DOCUMENT WILL ONLY BE RETURNED TO NAME & ADDRESS IDENTIFIED ABOVE)

(SPACE ABOVE FOR RECORDER'S USE)

AMENDED JUDGMENT OF PARTITION
AND ORDER OF SALE (APN 085-080-13)
(DOCUMENT TITLE)

FILED

MAY 10 2024

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

1 Bernard J. Austin SBN 241917
2 Attorney at Law
3 P.O. Box 1619
4 Crestline, CA 92325
5 Phone: (909) 744-2313

6 Attorney for Plaintiff
7 California Pacific Land Trust

RECEIVED
5/2/2024 2:04 PM
FRESNO COUNTY SUPERIOR COURT
By: Estela Gonzalez, Deputy

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF FRESNO

10 CALIFORNIA PACIFIC LAND TRUST, a
11 trust governed by the laws of the State of
12 California

13 Plaintiff,

14 v.

15 BLOEMER ESTATE, a Limited Partnership;
16 GERI BLOEMER, an individual; RAY V.
17 MCGINNIS; an individual; CHARMLA K.
18 CAPANARO, an individual; THE TESTATE
19 AND INTESTATE SUCCESSORS OF
20 CHARMALINE K. KIRILLA, deceased, and
21 all persons claiming by, through, or under such
22 decedent; THE TESTATE AND INTESTATE
23 SUCCESSORS OF LEWIS S. EATON,
24 deceased, and all persons claiming by,
25 through, or under such decedent; THE
26 TESTATE AND INTESTATE SUCCESSORS
27 OF B. FRANKLIN KNAPP deceased, and all
28 persons claiming by, through, or under such
decedent; 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 interests or
title, or any cloud upon Plaintiff's interests or
title thereto and DOES 1 through 30.

Defendants

Case No.: 12CECG01620

**AMENDED JUDGMENT OF
PARTITION AND ORDER OF SALE (APN
085-080-13)**

Date: March 12, 2024
Courtroom: 503
Hon. Jeff Hamilton

1 **AMENDEND JUDGMENT OF PARTITION AND ORDER OF SALE (APN 085-080-13)**

2 This Amended Judgment of Partition corrects a clerical error in the judgment entered on
3 August 19, 2013.

4 In exercise of such jurisdiction, based on the evidence before the court and for good cause,
5 the court makes the following decrees and findings pursuant to stipulation:

6 **I. PRESENT OWNERSHIP INTERESTS OF THE SURFACE RIGHTS/**
7 **SURFACE ESTATE OF THE SUBJECT PROPERTY**

8 Based on the evidence in this action, the court finds the following ownership interests in the
9 County of Fresno property, known as Assessor's Parcel Number 085-080-13, legally described as
10 Southwest Quarter of the Southwest Quarter, Section 16, Township 21 South, Range 17 East
11 (hereinafter the "Subject Property") are hereby declared and ordered as to the surface rights/surface
12 estate in the Subject Property:

13 A. CALIFORNIA PACIFIC LAND TRUST, a trust governed by the laws of the State of
14 California, now owns the undivided ninety-six percent (96%) interest in the surface rights/surface
15 estate of the Subject Property.

16 B. The Testate and Intestate Successors of CHARMLA K. CAPANARO, who passed on
17 March 28, 2018, now own an undivided four percent (4.00%) interest in the surface rights/surface
18 estate of the Subject Property.

19 No other persons, parties, or entities have any legal or equitable right to any title or interest in
20 the surface rights/surface estate in the Subject Property other than CALIFORNIA PACIFIC LAND
21 TRUST, a trust governed by the laws of the State of California, and the TESTATE AND INTESTATE
22 SUCCESSORS OF CHARMLA K. CAPANARO, who passed on March 28, 2018, in the percentages
23 defined above.

24 **II. PRESENT OWNERSHIP INTERESTS OF THE MINERAL INTERESTS**
25 **OF THE SUBJECT PROPERTY**

26 Based on the evidence in this action, the stipulations of the parties, and for good cause, the
27 following ownership interests in the County of Fresno property, known as Assessor's Parcel
28

1 Number 085-080-13, legally described as Southwest Quarter of the Southwest Quarter, Section 16,
2 Township 21 South, Range 17 East (hereinafter the "Subject Property") are hereby declared and
3 ordered as to the oil, gas, and other minerals in the Subject Property:

4 A. The Testate and Intestate Successors of CHARMLA K. CAPANARO, who passed
5 March 28, 2018, own any oil, gas and other minerals (including without limitation oil,
6 gas, hydrocarbons, sulfur, coal, lignite and uranium) in, on, and under the real property
7 described above, previously owned by Charmla K. Capanaro, which rights are reserved
8 and transferred to the Testate and Intestate Successors of CHARMLA K. CAPANARO,
9 including any and all royalties, bonus amounts, delay rentals, and other payments due
10 and payable under any existing or future oil, gas, or mineral lease, and including all
11 rights of surface use to the maximum extent allowable by law for the exploration,
12 development, and production of such oil, gas, and other mineral interest including,
13 without limitation, all rights of access on and through the property for ingress and
14 egress.

15 B. Based on previous stipulations, the BLOEMER ESTATE, L.P. owns and reserves all
16 those undivided rights, titles, and interests previously owned by Bloemer Estate, L.P.,
17 Geri Bloemer, or the Testate and Intestate Successors of Geri Bloemer in the oil, gas,
18 and other minerals (including without limitation oil, gas, hydrocarbons, sulfur, coal,
19 lignite, and uranium) in, on, and under the real property described above, including any
20 and all royalties, bonus amounts, delay rentals, and other payments due and payable
21 under any existing or future oil, gas, or mineral lease, and including all rights of surface
22 use to the maximum extent allowable by law for the exploration, development, and
23 production of such oil, gas, and other mineral interest including, without limitation, all
24 rights of access on and through the property for ingress and egress.

25 C. Based on previous stipulations, RAY MCGINNIS owns and reserves all those
26 undivided rights, titles, and interests previously owned by Ray McGinnis in the oil, gas,
27 and other minerals (including without limitation oil, gas, hydrocarbons, sulfur, coal,
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1 lignite, and uranium) in, on, and under the real property described above, including any
2 and all royalties, bonus amounts, delay rentals, and other payments due and payable
3 under any existing or future oil, gas, or mineral lease, and including all rights of surface
4 use to the maximum extent allowable by law for the exploration, development, and
5 production of such oil, gas, and other mineral interest including, without limitation, all
6 rights of access on and through the property for ingress and egress.

7 D. CALIFORNIA PACIFIC LAND TRUST, acting by and through its trustee, owns and
8 reserves ALL REMAINING UNDIVIDED RIGHTS, TITLES, AND INTEREST IN
9 THE OIL, GAS, AND OTHER MINERALS (including without limitation oil, gas,
10 hydrocarbons, sulfur, coal, lignite, and uranium) in, on, and under the real property
11 described above, including any and all royalties, bonus amounts, delay rentals, and other
12 payments due and payable under any existing or future oil, gas, or mineral lease, and
13 including all rights of surface use to the maximum extent allowable by law for the
14 exploration, development, and production of such oil, gas, and other mineral interest
15 including, without limitation, all rights of access on and through the property for ingress
16 and egress which are NOT OWNED AND RESERVED BY THE PARTIES
17 SPECIFIED IN PARAGRAPH II (A) - (C) ABOVE.

18 No other persons, parties, or entities have any legal or equitable right to any title or interest
19 in the oil, gas, or other mineral rights in the Subject Property, other than those parties specified in
20 Paragraph II (A) - (D) above.

21 **III. FURTHER ORDERS**

22 A. The oil, gas, and other mineral rights of BLOEMER ESTATE, L.P. and RAY
23 MCGINNIS are reserved and are not subject of this sale order.

24 B. The court reserves jurisdiction to make any further orders required to effectuate the
25 sale of the property interests of CALIFORNIA PACIFIC LAND TRUST and the TESTATE AND
26 INTESTATE SUCCESSORS OF CHARMLA K. CAPANARO.

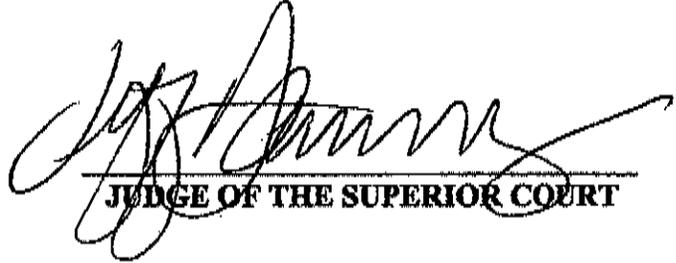
1 C. The court reserves jurisdiction over the entire sale process until entry of final
2 judgment in this case, the distribution of all proceeds in this case, and the adjudication of all
3 outstanding matters. Title Insurance and Escrow companies licensed to do business in this state
4 may rely on this order in insuring title to the subject property.

5 D. The highest and best offer shall be submitted to the court for approval on an ex-parte
6 basis, but with at least 96 hours' notice. The court shall then make a decision whether to approve
7 or reject the proposed offer for the property.

8 E. The proceeds of the sale of the property shall remain in an escrow account with a
9 licensed title company or the court's trust account until a final distribution order of this court.

10 **IT IS SO ORDERED.**

11 Dated: 5/10/24



JUDGE OF THE SUPERIOR COURT

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Exhibit “5”

Bernard James Austin #241917

License Status: Active

Address: PO Box 1619, Crestline, CA 92325-1619

Phone: Not Available | Fax: Not Available

Email: bjAustin99999@yahoo.com | Website: Not Available

More about This Attorney 

All changes of license status due to nondisciplinary administrative matters and disciplinary actions.

Date	License Status 	Discipline 	Administrative Action 
Present	Active		
8/5/2024	Active		
7/2/2024	Not eligible to practice law in CA		Admin Inactive/CTAPP noncompliance
3/24/2006	Admitted to the State Bar of California		

Additional Information:

- [About the disciplinary system](#)

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Exhibit “6”



FRESNO County Recorder
 Paul Dictos, C.P.A.
DOC- 2016-0037487

RECORDING REQUESTED BY:
 FRESNO COUNTY TAX COLLECTOR

Check Number 140392285
 Friday, MAR 25, 2016 14:18:13
 Ttl Pd \$17.00 Rcpt # 0004500337
 APR/R7/1-1

WHEN RECORDED MAIL TO:

BERNARD AUSTIN
 2064 S WILLOW AVE #7
 FRESNO CA 93727

stop

RESCISSION OF NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

Which was declared to be defaulted for the nonpayment of delinquent property taxes for the

Fiscal Year 2007-2008 Default Number 07-01670 Assessor's Parcel Number 085-080-13-03

On file in the office of the Tax Collector of Fresno County is a Certificate of Redemption, Number, 421676 dated 01-25-16 attesting to payment of the amount required to redeem the property described herein, assessed to CALIFORNIA PACIFIC LAND TRUST.

Therefore, in accordance with Chapter 1, part 7, of Division 1 (Section 4112) of the Revenue and Taxation Code, I the undersigned Tax Collector of Fresno County do hereby rescind that certain Notice of Power to Sell Tax-Defaulted Property recorded 7-29-13 under instrument Number 105675 in Volume 0, at page 0, Official Record of Fresno County.

UNDIVIDED 75% INTEREST IN APN 085-080-13 03
 MORE PARTICULARLY DESCRIBED AS
 THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16,
 TOWNSHIP 21 SOUTH, RANGE 17 EAST, COUNTY OF FRESNO,
 STATE OF CALIFORNIA. SUBJECT TO EXCEPTIONS AND RESERVATIONS
 OF RECORD.

Executed on

03-16-16 By *Vicki Crow*
 Vicki Crow, Fresno County Tax Collector

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Fresno on 03-16-16, before me, Cathy Lilly, deputy County Clerk, personally appeared VICKI CROW, C.P.A. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Cathy Lilly*



Exhibit “7”

RECORDING REQUESTED BY:
FRESNO COUNTY TAX COLLECTOR

WHEN RECORDED MAIL TO:

BERNARD J AUSTIN
2064 S WILLOW #7
FRESNO CA 93727

JP



FRESNO County Recorder
Paul Dictos, C.P.A.
DOC- 2016-0142208

Check Number 140401935
Monday, OCT 17, 2016 09:08:57
Ttl Pd \$17.00 Rcpt # 0004637157
RGR/R4/1-1

RESCISSION OF NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

Which was declared to be defaulted for the nonpayment of delinquent property taxes for the

Fiscal Year 2010-2011 Default Number 10-00740 Assessor's Parcel Number 085-080-13-02

On file in the office of the Tax Collector of Fresno County is a Certificate of Redemption, Number, 118784 dated 08-04-16 attesting to payment of the amount required to redeem the property described herein, assessed to CALIFORNIA PACIFIC LAND TRUST; FERNANDEZ, ELROY TRUSTEE

Therefore, in accordance with Chapter 1, part 7, of Division 1 (Section 4112) of the Revenue and Taxation Code, I the undersigned Tax Collector of Fresno County do hereby rescind that certain Notice of Power to Sell Tax-Defaulted Property recorded 7-29-16 under instrument Number 098662 in Volume 0, at page 0, Official Record of Fresno County.

APN 085-080-13-03 UNDIVIDED 20% INTEREST IN 085-080-13 MORE PARTICULARLY DESCRIBED AS THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 TWP 21S RGE 17E COUNTY OF FRESNO STATE OF CALIFORNIA SUBJECT TO EXCEPTIONS AND RESERVATIONS OF RECORD

Executed on

10-10-16 By

Vicki Crow

Vicki Crow, Fresno County Tax Collector

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno

On 10-10-16, before me, Cathy Lilly, deputy County Clerk, personally appeared VICKI CROW, C.P.A. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Cathy Lilly



Exhibit “8”

TRANSFER OF TRUSTEESHIP POWERS

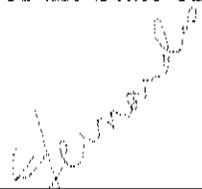
I, Elroy Fernandes, do hereby declare as follows:

1. I make this certification pertaining to California Pacific Land Trust, which is a revocable trust duly established under the laws of the State of California and subject to the jurisdiction of its courts.

2. As of the date of this certification, I transfer all my trusteeship powers which I previously held to Bernard J. Austin of Crestline, California.

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

Dated: April 7, 2024



Elroy Fernandes

Exhibit “9”

Exhibit “10”

MAILING INFORMATION

CASHIER'S CHECK

No. 1146203995

Notes to Purchaser - In the event this check is lost, misplaced or stolen, a report must be filed with the issuing office within 90 days of the date of issuance and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

Date 01/25/16 01:55:55 PM

91-1701221

NAZ

SUNNYSIDE

0013 0001083 0054



Pay

***\$4,314.98

To The FRESNO COUNTY
Order Of

Remitter (Purchased By): BERNARD AUSTIN ATTORNEY AT LAW

Bank of America, N.A.
PHOENIX, AZ

AUTHORIZED SIGNATURE

⑆ 1146203995⑆ ⑆ 122101706⑆ 45700293171⑆

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. ■ HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS. ■

Exhibit “11”

July 1, 2023 to June 30, 2024						
COUNTER			PHONE			
DATE	#	APN	#	APN	NAME	NOTES
3/11/2024			140	085-080-13		3/11/24 - POI LETTER 510-339-2069 KNOTS, JUST TRYING TO SEE WHY HE GOT A POI LETTER AND WILL CHECK IF HE HAS ANY INTEREST IN THE PROPERTY
3/11/2024				085-080-13		POI LETTER
3/13/2024	156		1	085-080-13	Ronald Knox	Ronald called because he got a skip tracing letter regarding this property. He was wondering if he had any rights to this property, but it looks like this was a skip tracing error from RCU. The name was the same as the one of the party of interest people, a.k.a. Kox Ricksen LLP, one of the partners. The statistics of avoiding this are small since the name was identical.
4/5/2024				085-080-13	bernard austin rep the owner	CLAIMED HE NEVER RECEIVED ANY POI LETTER.
						CALL DISCONNECTED
						11 POI LETTER WAS SENT AND 4 WAS RECEIVED AND NO REPLY/ ATTEMPT TO REDEEM

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PROOF OF SERVICE

On January 7 2025, I served the following document:

1) **PETITION TO THE COUNTY OF FRESNO BOARD OF SUPERVISORS TO RESCIND THE SALE OF A TAX DEED PURSUANT TO REVENUE AND TAXATION CODE § 3731**

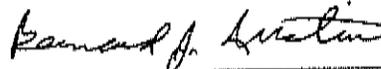
[x] By Certified Mail - Return Receipt Requested. I am familiar with my practices for the collection and processing of correspondence for mailing with the United States Postal Service and that each day's mail is deposited with the United States Postal Service that same day in the ordinary course of business. On the date set forth above, I served the aforementioned document(s) on the individuals by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, for collection and mailing on this date, following ordinary business practices, addressed as set forth below:

Bernice E. Seidel
Clerk of the Board of Supervisors, County of Fresno
2281 Tulare St # 301
Fresno, CA 93721

Daniel C. Cederborg
County Counsel
2220 Tulare St, Fifth Floor
Fresno, CA 93721

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in the State of California on the date given below.

DATED: January 7, 2025



Bernard J. Austin

CERTIFIED MAIL

**BERNARD AUSTIN
PO BOX 1
CRESTLINE**



Retail



RDC 99



93721

U.S. POSTAGE PAID
FCM LG ENV
CRESTLINE, CA 92325
JAN 07, 2025

\$13.26

R2305K132492-87

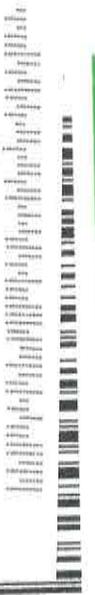
*Bernice E. Seidel
Clerk of the Board of Supervisors
2281 Tulare St. #301
Fresno, CA 93721*



BERNARD I ALISTIN

PO BOX 1

CRESTLIN



9589 0710 5270 2262 9783 46

Retail



RDC 99



93721

Bernice E. Soidel
Clert of the Board of Supervisors
2281 Tulare St. #301
Fresno, CA 93721

