

Tentative Rulings – May 13, 2004

To request a hearing on any matter on this calendar, you must call the Court at (209) 223-6360 by 4:30 p.m. today. Notice of the intention to appear must also be given to all other parties. If the clerk is not notified of a party's intention to appear, there will be no hearing and the tentative ruling becomes the order of the court.

People v. Sutter Hill Development – 03CV2641 – Motion of Preferred Properties, LLC, for Leave of Court to Intervene

The motion of Preferred Properties, LLC, for leave to intervene is denied. In an eminent domain proceeding a motion to intervene is not necessary. A person not named in the complaint, who claims a legal or equitable interest in the property described in the complaint, may appear in the proceeding as a defendant by filing an answer. (Code of Civil Procedure Section 1250.230; San Bernardino v. Gage Canal Co. (1964) 225 Cal.App.2d 206.) Leave of court is not required.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.

People v. Sutter Hill Development – 03CV2641 – Motion of Preferred Properties, LLC, to Expunge Lis Pendens

The motion of Preferred Properties, LLC, to expunge the lis pendens is denied. A lis pendens is required in an eminent domain proceeding. (Code of Civil Procedure Section 1250.150.) This claim clearly relates to a real property claim and the probable validity of the claim is well established. (Code of Civil Procedure Sections 405.31 and 405.32.) Therefore, Preferred Properties has not established grounds exist for expungement of the lis pendens.

Furthermore, the court takes judicial notice of the evidence submitted by the parties in connection with the motion to intervene. The deeds submitted by Preferred Properties appear to identify properties different from those involved in this action. (See Declaration of Gregory Hartman, dated May 3, 2004, submitted in opposition to motion to intervene.)

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.

Bontemps v. Knowles – 04CV3200 – Defendants' Demurrer to Complaint

There is no tentative ruling in this matter.

