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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 1.73 ACRES OF LAND, MORE OR LESS,
SITUATE IN TULARE COUNTY, STATE OF
15 CALIFORNIA; RICK R. ALBA AND
PATRICIA J. ALBA, HUSBAND AND WIFE
16 AS JOINT TENANTS; ROSEDALE WATER
COMPANY, A CALIFORNIA CORPORATION;
17 SUCCESS DEVELOPMENT COMPANY, A
CALIFORNIA CORPORATION; SUCCESS
18 MUTUAL WATER COMPANY, A
CALIFORNIA CORPORATION; RANDALL
19 CARROLL; CARL ADAIR BROWN aka C.
ADAIR BROWN; PROVIDENT MORTGAGE
20 CORPORATION; TULARE COUNTY
TREASURER AND TAX COLLECTOR; and
21 UNKNOWN OWNERS,

22 Defendants.
23

CASE NO. 1:11-cv-01492 AWI MJS

APPLICATION AND PROPOSED
ORDER FOR PUBLICATION

24 The United States of America, plaintiff herein, applies for an order of publication as follows:

25 1. Rule 71.1(d)(3)(B) of the Federal Rules of Civil Procedure provides that, upon the filing
26 of a Certificate for Service by Publication (*see* Attachment), defendants whose addresses cannot be
27 determined after diligent inquiry within the state and unknown owners may be served by publication by a
28 notice addressed to such defendants and/or to "Unknown Owners."

1 2. Local Rule 171 (Fed. R. Civ. P. 83), Eastern District of California, provides that the Court
2 shall designate by order the appropriate newspaper for publication upon the filing by counsel of a motion
3 proposing the place and manner of such publication setting forth such information as the language to be
4 published, the frequency of publication, the reasons underlying selection of the proposed vehicle of
5 publication, and related matters;

6 3. Plaintiff proposes that publication be made as follows:

7 a. Publication shall be made once a week for not less than three successive weeks
8 pursuant to Fed. R. Civ. P. 71.1(d)(3)(B);

9 b. Service by publication is complete upon the date of the last publication. Proof of
10 publication and mailing shall be made by certificate of plaintiff's attorney, to which shall be attached a
11 printed copy of the published notice with the names and dates of the newspaper marked thereon.

12 c. Publication shall be made in the **TULARE ADVANCE-REGISTER**, a newspaper
13 of general circulation, printed and published in the City of Visalia, County of Tulare, which newspaper
14 has been adjudged a newspaper of general circulation within the County of Tulare, by the Superior Court
15 of the County of Tulare, State of California;

16 d. The publication is to be addressed to: Success Development Company, a
17 California corporation, whose address cannot be determined after diligent inquiry within the state and
18 which is believed to have been dissolved in 1951 (*see* Exhibit A hereto), and "Unknown Owners," and is
19 to include the following:

- 20 (1) The Court, title and number of the action;
- 21 (2) That the action is to condemn the property;
- 22 (3) A description of the property sufficient for its identification;
- 23 (4) The interest to be taken;
- 24 (5) The authority for the taking;
- 25 (6) The uses for which the property is to be taken;
- 26 (7) That the defendant may serve upon the plaintiff's attorney an answer within 20
27 days after service of the notice, and that failure to do so constitutes a consent to the

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1 taking and to the authority of the court to proceed to hear the action and to fix the
2 compensation; and

3 (8) The name and address of the attorney for the plaintiff where the attorney may be
4 served, and the telephone number of the attorney.

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6 DATED: August 31, 2011

BENJAMIN B. WAGNER
United States Attorney

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8 By: /s/ Lynn Trinka Ernace
LYNN TRINKA ERNACE
Assistant United States Attorney

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11 **ORDER**

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15 IT IS SO ORDERED.

16 Dated: September 9, 2011

17 /s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE