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Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

13.03 ACRES OF LAND, MORE OR LESS,
SITUATE IN TULARE COUNTY, STATE OF
CALIFORNIA; JOSEPH M. HANNEGAN,
TRUSTEE UNDER THE JOSEPH E.
HANNEGAN TRUST; ROSEDALE WATER
COMPANY, A CALIFORNIA
CORPORATION; SUCCESS DEVELOPMENT
COMPANY, A CALIFORNIA
CORPORATION; JOYCE D. TZUGARIS AKA
JOYCE D. KING AKA J.D. TZUGARIS AKA
J.D. KING; CARL ADAIR BROWN AKA C.
ADAIR BROWN; BARBARA J. BROWN;
HEIRS AND ASSIGNS OF GARY A.
CHRISTENSEN; HEIRS AND ASSIGNS OF
EVA C. CHRISTENSEN; CHICAGO TITLE
INSURANCE COMPANY; HEIRS AND
ASSIGNS OF WILLIAM R. REYNOLDS;
ARLENE REYNOLDS, TRUSTEE UNDER
THE REYNOLDS SURVIVOR'S TRUST;
TULARE COUNTY TREASURER AND TAX
COLLECTOR; and UNKNOWN OWNERS,

Defendants.

CASE NO. 1:14-cv-01816-TLN-SKO

**APPLICATION AND ORDER FOR
PUBLICATION**

1 The United States of America hereby applies for an order of publication as follows:

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

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

11 3. The United States proposes that publication be made as follows:

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

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

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

21 d. The publication is to be addressed to: Success Development Company, a California
22 corporation; Heirs and Assigns of William R. Reynolds; Heirs and Assigns of Gary A. Christensen;
23 Heirs and Assigns of Eva C. Christensen; and “Unknown Owners” and is to include the following:

- 24 (1) The Court, title and number of the action;
25 (2) That the action is to condemn the property;
26 (3) A description of the property sufficient for its identification;
27 (4) The interest to be taken;
28 (5) The authority for the taking;

- 1 (6) The uses for which the property is to be taken;
- 2 (7) That the defendant may serve upon the United States' attorney an answer within
- 3 21 days after service of the notice, and that failure to do so constitutes consent to
- 4 the taking and to the authority of the court to proceed to hear the action and to fix
- 5 the compensation; and
- 6 (8) The name and address of the United States' attorney, where the attorney may be
- 7 served, and the telephone number of the attorney.

8 DATED: November 19, 2014

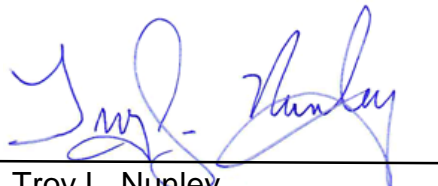
BENJAMIN B. WAGNER
United States Attorney

10 /s/ Lynn Trinka Ernce
11 LYNN TRINKA ERNCE
Assistant United States Attorney

14 **ORDER**

16 **IT IS SO ORDERED.**

17 Dated: December 10, 2014

18 
19
20 Troy L. Nunley
United States District Judge