

JAN 05 2021

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**FILED**  
**SUPERIOR COURT**  
**COUNTY OF LAKE**

JAN 06 2021

BY Krista LeVier  
Deputy Clerk

9 Attorney for Plaintiff,  
10 PROSPECTOR FUND, a California Limited Partnership

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 IN AND FOR THE COUNTY OF LAKE

13 PROSPECTOR FUND, a California Limited  
14 Partnership,

Case No.: CV421321

15 Plaintiff,

~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF'S APPLICATION FOR AN  
ORDER GRANTING LEAVE TO SERVE BY  
PUBLICATION ~~ROY O. FIELDS AND 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

16 vs.

17 ROY O. FIELDS (aka ROY O. FIELDS II), an  
18 individual; DEBRA R. FIELDS, an individual;  
19 RICHARD A. CANRIGHT, an individual;  
20 DONNA R. CANRIGHT, an individual;  
21 INTERNAL REVENUE SERVICE, an agency  
22 of the GOVERNMENT OF THE UNITED  
23 STATES OF AMERICA; CALIFORNIA  
24 DEPARTMENT OF EMPLOYMENT, a  
25 department of the STATE OF CALIFORNIA;  
26 CALIFORNIA BOARD OF EQUALIZATION,  
27 an agency of the STATE OF CALIFORNIA;  
28 CALIFORNIA FRANCHISE TAX BOARD, an  
agency of the STATE OF CALIFORNIA; 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; and DOES 1 through 50, inclusive,

[Filed concurrently with Application; Memorandum  
of Points and Authorities; Declaration of Scott D.  
Long; Declaration of Michael B. Garcia]

Complaint Filed: October 27, 2020  
Trial Date: None Set

Defendants.

BY FAX

1 This Order affects the real property that is located in the County of Lake, State of California,  
2 which is commonly known as 60 3<sup>rd</sup> Street, Lakeport, California, CA, which bears Assessor's Parcel  
3 Number (APN) 025-383-23-0000.

4 The Court, having reviewed and considered the application of Plaintiff PROSPECTOR FUND, a  
5 California Limited Partnership ("Plaintiff") for an order directing the service by publication of the  
6 Summons and Complaint as Roy O. Fields (a.k.a. Roy O. Fields II) and All Persons Unknown, Claiming  
7 Any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint  
8 Adverse to Plaintiff's Title, or Any Cloud on Plaintiff's Title Thereto ("Unknown Defendants"), the  
9 Memorandum of Points and Authorities, the Declaration of Scott D. Long, the Declaration of Michael B.  
10 Garcia, and the evidence presented in support of the Application, finds that the Plaintiff has used  
11 reasonable diligence to ascertain the identity and residence of, and to otherwise serve summons on, Roy  
12 O. Fields (a.k.a. Roy O. Fields II) and all Unknown Defendants named in the Complaint and these  
13 defendants cannot be served with reasonable diligence in any other manner provided in Code of Civil  
14 Procedure Sections 415.10 through 415.30.

15 The Court also finds that a cause of action exists against Roy O. Fields (a.k.a Roy O. Fields II)  
16 and the Unknown Defendants which is subject to the jurisdiction of the Court. In addition, the Court  
17 finds that the relief being sought against the named and Unknown Defendants consists, in part, in  
18 excluding all Defendants from any interest in the Subject Property.

19 For good cause appearing therefore,

20 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

21 (1) Service of the Summons, Complaint, and ADR Information shall be made ~~on Roy O.~~  
22 ~~Fields (a.k.a. Roy O. Fields II) and~~ All Persons Unknown, Claiming Any Legal or  
23 Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint  
24 Adverse to Plaintiff's Title, or Any Cloud on Plaintiff's Title Thereto by publication at  
25 least once per week for four (4) consecutive weeks in the *Lake County News or Record-*  
26 *Bee*, which are newspapers that have been adjudicated as being of general circulation  
27 throughout Lake County, California as per California Government Code § 6000.  
28

1 (2) The Plaintiff shall post, not later than ten (10) days after the date the order is made, a copy of  
2 the summons and complaint in a conspicuous place on the Subject Property.

3 (3) The publication shall describe the Subject Property that is the subject of the action.

4 (4) In addition to particularly describing the Subject Property, the publication shall describe the  
5 Subject Property by giving its street address, if any, or other common designation, if any; but, if a legal  
6 description of the Subject Property is given, the validity of the publication shall not be affected by the  
7 fact that the street address or other common designation recited is erroneous or that the street address or  
8 other common designation is omitted.

9 (5) A copy of the Summons, Complaint and Order for Publication of Summons shall be served  
10 upon Roy O. Fields (a.k.a. Roy O. Fields II) and/or the Unknown Defendants if the identity of any such  
11 person and/or address is ascertained prior to the expiration of the publication period.

12 IT IS SO ORDERED.

13  
14 Dated: 1-6-21, 2021

15  
16  Michael S. Lunas  
17 \_\_\_\_\_  
18 Judge of the Superior Court

19 THE APPLICATION IS DENIED AS TO ROY O. FIELDS.  
20 THERE IS NOT A SUFFICIENT SHOWING OF DILIGENCE  
21 TO LOCATE AND SERVE PERSONALLY, INCLUDING NO  
22 EVIDENCE HE ATTEMPTS TO LOCATE AND SERVE  
23 AT THE MAIL BOX ADDRESS.  
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