

PROPOSED JUDGMENT

On April 21, 2026, plaintiff Chantico Aleman (Aleman or plaintiff) filed a verified complaint for partition by sale of real property against Iram Mendez Perez (Mendez) and Freedom Mortgage Corp. (Freedom)(collectively, defendants). Plaintiff asked for a partition by sale of real property located at 927 West Orchard St., Santa Maria (real property), which was owned by Aleman and Mendez as joint tenants (i.e., each owning a ½ interest in the real property). Freedom is the beneficiary under a deed of trust, which was secured for a loan by Aleman and Mendez. Plaintiff asks that Freedom's lien be paid in the normal priority from the sale proceeds of the real property at closing. Plaintiff also asks to sever the joint tenancy pursuant to Civil Code section 683.2, subdivision (a)(2), creating a tenancy in common as part of the partition action. Plaintiff alleges that the value of the real property is in excess of the encumbrances on the real property after costs of sale. No party has answered; instead, all parties on June 8, 2026, stipulated that 1) Freedom is the beneficiary and senior lienholder under a valid deed of trust on the real property, and it consents to the partition sale and agrees to be bound by any interlocutory judgment for partition by sale or subsequent order of sale concerning the real property; 2) Freedom's lien and all outstanding principal, as well as advances and permissible fees, "shall be paid in full through escrow from the gross sale proceeds at closing of the partition sale prior to any disbursement of net proceeds" to the other parties; 3) plaintiff waives any right to seek affirmative relief, damages, offsets, referee expenses, or attorney's fees against Freedom; and 4) Freedom shall not be required to file a responsive pleading, and that no first appearance fee is due from Freedom. The court signed the stipulation on June 8, 2026. Entry of default was made against Mendez on June 16, 2026.

On June 23, 2026, Aleman filed a "Motion for Interlocutory Judgment of Partition by Sale and Appointment of Partition Referee," a declaration of Brandon Anand, who has agreed to act as a referee in the matter and use his broker's license to list the property for sale and bill for his services, based on an hourly rate and a 3% broker's fee. The request is made pursuant to a Code of Civil Procedure sections 872.210, subd. (a)(1), 872.120-872.140, 873.010, 873.070, 873.010, 873.110, 873.160, 873.510, 873.520, 873.530-873.850, and 874.010.) The proposed order conforms to the existing statutory scheme. No opposition has been filed. The court will grant motion and sign the proposed order.

This being said, the court directs the parties to discuss the impact of the entry of default, and the request for sale, on Mendez. According to the proof of service, Mendez lives at the real property. It is unclear to the court whether this will pose future problems when the property is listed/sold. The parties should come prepared to discuss this (as well as the next stages of these proceedings). There is a CMC scheduled for today.