

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

**Trial Court Unification:
Publication of Legal Notice**

October 2015

California Law Revision Commission
c/o King Hall Law School
Davis, CA 95616
www.clrc.ca.gov

NOTE

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent *Annual Report*.

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STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

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October 8, 2015

To: The Honorable Edmund G. Brown, Jr.
Governor of California, and
The Legislature of California

Some statutes call for publication of a legally required notice (such as a notice of a foreclosure sale) in a newspaper that is circulated within a particular judicial district. The purpose of such a requirement is to target notice to the local community. This recommendation proposes modifications to clarify the location of these districts.

Originally, judicial districts were established for the business and elections of the courts of limited jurisdiction. However, the Legislature later made use of these districts in notice publication statutes as a means of targeting such notices locally.

Over time, courts consolidated and the corresponding judicial districts became larger. In 1967, the Legislature enacted Government Code Section 71042.5 to, upon consolidation, retain the former judicial districts for notice publication purposes. In the absence of this provision, notice publication would have been less localized as judicial districts consolidated and became larger.

The trend of court consolidation culminated with trial court unification, in which the remaining trial courts unified into a countywide superior court. Trial court unification eliminated the

trial courts of limited jurisdiction and thus eliminated the function of their judicial districts in court administration and elections.

When the courts unified, the Law Revision Commission recommended continuing to use the former judicial districts for notice publication. The Commission viewed that as a temporary solution. Accordingly, the Legislature directed the Commission to revisit the matter when appropriate.

Enough time has now elapsed for courts, newspapers, and others to gain experience with the functioning of the notice publication statutes post-unification. The Commission thus studied the situation to assess the need for change. It found that the existing requirements are cumbersome and confusing. In particular, accessing relevant district descriptions and boundary information is quite difficult.

This recommendation addresses that problem. Consistent with the scope of the Commission's authority, the proposed legislation would revise the statutes to ensure that they continue to operate effectively, while preserving existing expectations and legislative policy choices.

Specifically, the revisions contained in this recommendation would:

- (1) Redesignate the districts used for publishing legal notice as "public notice districts."
- (2) Codify simplified "public notice district" descriptions, which are based on the areas comprising former judicial districts.
- (3) Authorize a newspaper certified to publish notice in a particular judicial district to publish notice in the successor public notice district.

Respectfully submitted,

Taras Kihiczak
Chairperson

TRIAL COURT UNIFICATION: PUBLICATION OF LEGAL NOTICE

In 1997, given the significant statutory changes required to accommodate trial court unification, the Legislature requested that the Commission make recommendations “pertaining to statutory changes that may be necessitated by court unification.”¹ The Commission did so through its 1998 recommendation on *Trial Court Unification: Revision of Codes*.²

When the Commission prepared that recommendation, it addressed the many references to a “judicial district” in the codes.³ Generally, the Commission concluded that a statutory reference to a “judicial district” should be treated as a reference to the county after the courts unified. However, this rule was subject to exceptions. One exception related to the use of judicial districts to define the boundaries for publishing a legally required notice, such as a notice of a foreclosure sale or a sale of stored property.⁴ The Commission recommended, and the Legislature enacted, a provision that continued the status quo, retaining former judicial district boundaries for that purpose.⁵ However, the Commission recognized that this provision would need to be revisited and identified the matter as appropriate for future study.⁶ The

1. 1997 Cal. Stat. res. ch. 102; see also 1998 Cal. Stat. res. ch. 91.

2. 28 Cal. L. Revision Comm’n Reports 51 (1998) (hereafter, “*Revision of Codes*”).

3. “Statutes refer to ‘judicial districts’ for various purposes. The references generally intend the ‘municipal court district’ in a county. On unification of the municipal and superior courts in a county, the former municipal court districts have little relevance for most purposes.” *Id.* at 70 (footnote omitted).

4. *Id.* at 70, 72; see also Bus. & Prof. Code § 21707; Civ. Code § 2924f.

5. See Gov’t Code § 71042.5 (retaining former municipal court districts for publication purposes if municipal and superior courts unify); see also 1998 Cal. Stat. ch. 931, § 263 (former Gov’t Code § 71042.5); *Revision of Codes*, *supra* note 2, at 72, 349.

6. *Revision of Codes*, *supra* note 2, at 86, n. 131.

Legislature assigned that issue to the Commission, along with several other projects identified in the Commission's recommendation.⁷

Since then, the Commission has completed work on all of the other projects.⁸ This recommendation addresses the final, outstanding issue identified for future work by the Commission in its 1998 recommendation: “[p]ublication of legal notice in a county with a unified superior court.”⁹

The Commission has conducted extensive research on that matter and solicited input from key stakeholders. From that work, it is clear that the statutes requiring publication of notice in judicial districts are posing practical challenges. In particular, it has become quite difficult for affected persons to ascertain the relevant district boundaries.

The proposed legislation contained in this recommendation is intended to address those challenges. Specifically, the proposal is intended to ensure that the notice publication requirements are clear and the districts used for notice publication are easily determinable, without disrupting the current legislative policy requiring publication of notice locally. The proposed legislation

7. Gov't Code § 70219; see also 1998 Cal. Stat. ch. 931, § 257 (former Gov't Code § 70219).

8. See *Trial Court Unification: Issues Identified for Future Study*, 30 Cal. L. Revision Comm'n Reports 507 (2000); see also *Authority to Appoint Receivers*, 30 Cal. L. Revision Comm'n Reports 291 (2000); 2001 Cal. Stat. ch. 44 (SB 562 (Morrow)) (implementing Commission recommendation on authority to appoint receivers); *Cases in Which Court Reporter Is Required*, 31 Cal. L. Revision Comm'n Reports 223 (2001); 2002 Cal. Stat. ch. 71 (SB 1371 (Morrow)) (implementing Commission recommendation on cases in which court reporter is required); *Stay of Mechanic's Lien Enforcement Pending Arbitration*, 30 Cal. L. Revision Comm'n Reports 307 (2000); 2003 Cal. Stat. ch. 22 (SB 113 (Ackerman)) (implementing Commission recommendation on stay of mechanic's lien enforcement pending arbitration); *Obsolete Reporting Requirements*, 33 Cal. L. Revision Comm'n Reports 267 (2003); 2004 Cal. Stat. ch. 193 (SB 111 (Knight)) (implementing Commission recommendation on obsolete reporting requirements).

9. *Revision of Codes*, *supra* note 2, at 86.

would also preserve existing rights of a newspaper of general circulation that is eligible to publish notice in a judicial district. The proposal would thus conform to existing expectations and legislative policy choices, while making the law more workable and readily understandable.

Scope of the Commission's Study

In studying this issue, the Commission was mindful of the narrow scope of its original task, addressing statutory changes necessitated by trial court unification. Throughout its work on that topic, the Commission took great care to preserve existing statutory rights and procedures, while making the statutes workable in a unified court system.¹⁰

The Commission took a similarly restrained approach in studying the issue of judicial district notice publication, purposefully avoiding broader questions of policy related to legal notice. Specifically, the Commission did not address questions regarding the best medium for providing notice, the appropriate timing of notice, the required content for notice, or the remedies for inadequate notice.

The Commission recognizes that legal notice policy questions have been the subject of legislative attention in recent years.¹¹ In this study, the Commission takes no position on those policy questions.

Rather, the Commission focused solely on determining what, if any, changes to the existing requirements for notice publication in a judicial district are necessary to ensure that the statutes continue to achieve the publication of the relevant notices locally, with minimal disruption of existing rights and expectations.

10. *Revision of Codes*, *supra* note 2, at 60.

11. See, e.g., AB 642 (Rendon), as introduced February 20, 2013; SB 617 (Evans), as amended May 28, 2013; SB 1199 (Hancock), as introduced February 20, 2014.

Background on Judicial Districts

Historically, California had several different kinds of trial courts with limited jurisdiction, as well as countywide superior courts with unlimited jurisdiction. In the 1950s, in an effort to standardize the trial court system, California voters approved a constitutional amendment reducing the types of limited jurisdiction trial courts to just two: justice courts and municipal courts.¹²

Counties often had multiple municipal and/or justice courts. In such cases, the county was divided up into multiple judicial districts, each of which corresponded with a municipal or justice court. In general, a county's Board of Supervisors was responsible for establishing and adjusting the boundaries of the judicial districts.¹³

Initially, the counties created 400 judicial districts statewide.¹⁴ By the late 1960s, there were roughly 325 judicial districts statewide.¹⁵ Over time, there was a clear trend of consolidating courts and reducing the number of judicial districts. The trend of court consolidation continued with the statewide elimination of the justice courts,¹⁶ and culminated with trial court unification in the late 1990s. By that time, the number of judicial districts statewide had decreased to just over 100.¹⁷

In 1998, the voters approved a measure authorizing, under specified conditions, unification of the remaining trial courts in

12. See generally Judicial Council of California, Fourteenth Biennial Report to the Governor and the Legislature 13-28 (Jan. 31, 1953).

13. See California Courts and Judges 32 (James Publishing, 1998 ed.); see also 1953 Cal. Stat. ch. 1130, § 1 (former Gov't Code § 71040); 1967 Cal. Stat. ch. 1226, § 1 (former Gov't Code § 71042).

14. See Judicial Council Fourteenth Biennial Report, *supra* note 12, at 16.

15. See Judicial Council of California, Annual Report of the Administrative Office of the California Courts 195-98, 246-55 (Jan. 6, 1969).

16. 1994 Cal. Stat. res. ch. 113 (SCA 7) (Prop. 191, approved Nov. 8, 1994).

17. See Judicial Council of California, Administrative Office of the Courts, 1997 Judicial Council Report on Court Statistics 73-77.

each county to form a single, countywide superior court.¹⁸ By early 2001, the trial courts in every county had unified.¹⁹ Upon the vote to unify, the trial courts in a county combined their operations in a unified, countywide superior court.²⁰

Trial court unification eliminated all of the trial courts of limited jurisdiction and thus eliminated the function of their judicial districts in court administration and elections. Upon unification, the former judicial districts had “little relevance for most purposes.”²¹ Notice publication is a notable exception to that rule.

Use of Judicial Districts for Notice Publication

Several California statutes have relied and continue to rely on judicial districts as defining the location for the publication of legal notice.²² These include, for example, the statute governing notice of a home foreclosure sale made under a power of sale,²³ and the

18. Proposition 220, authorizing “unification of the municipal and superior courts in a county on a vote of a majority of the municipal court judges and a majority of the superior court judges in that county,” was approved by California voters at the June 2, 1998 statewide election, and became operative the day after the election. See 1996 Cal. Stat. res. ch. 36; *Revision of Codes*, *supra* note 2, at 59 (citing Cal. Const. XVIII, § 4).

19. Judicial Council of California, *Trial Court Unification Factsheet* (February 2005) (*available at* <http://www.courts.ca.gov/documents/tcunif.pdf>) (“By January 2001, all 58 California counties had voted to unify their municipal and superior court operations.”).

20. See former Cal. Const. art. VI, § 5(e) (1996 Cal. Stat. res. ch. 36), approved by the voters June 2, 1998 (Proposition 220).

21. *Revision of Codes*, *supra* note 2, at 70.

22. Bus. & Prof. Code § 21707; Civ. Code §§ 2924f, 3440.1, 3440.5; Code Civ. Proc. §§ 701.540, 1208.5; Com. Code § 6105; Rev. & Tax. Code §§ 3381, 3702. Cf. Code Civ. Proc. § 38 (“judicial district” defined, subject to contrary statute). At the time of trial court unification, Commercial Code Section 7210(b)(5) required publication of notice in a judicial district, but has since been amended to remove the judicial district reference. See 2006 Cal. Stat. ch. 254, §§ 48, 49.

23. Civ. Code § 2924f.

statute governing notice of a sale of stored goods conducted by a self-storage facility when a customer fails to pay rent.²⁴

In 1967, the Legislature enacted Government Code Section 71042.5, presumably in response to the trend of court consolidation.²⁵ This section sought to preserve the judicial districts for purposes of notice publication. It provided that upon consolidation of two or more judicial districts, the prior component districts would remain separate judicial districts for the purpose of notice publication.²⁶

This rule applied prospectively, to future consolidations of judicial districts.²⁷ If it had not been enacted, such consolidations could have resulted in notice being provided less locally, because the territory of the resulting, consolidated judicial district would

24. Bus. & Prof. Code § 21707.

25. See generally Judicial Council of California, Annual Report of the Administrative Office of the California Courts 58-59 (January 8, 1968) (“In the period since June 30, 1958 there has been a net decrease of 54 judicial districts, reflecting a decline of 66 justice court districts which was partly offset by an increase of 12 municipal court districts.

...

The trend towards fewer justice courts principally reflects two factors: (1) population growth which results in the creation of municipal courts as district populations increase to levels exceeding the 40,000 constitutional limit for justice courts; and (2) local redistricting resulting in the consolidation of separate justice court districts into either municipal court districts or larger justice court districts.”).

26. As originally enacted, Section 71042.5 read as follows:

71042.5. Notwithstanding any other provision of law, upon consolidation of judicial districts, the territory embraced within the respective prior component judicial districts shall be separate judicial districts for the purpose of publication within a judicial district.

1967 Cal. Stat. ch. 1066, § 1.

27. See 1967 Cal. Stat. ch. 1066, § 2 (As enacted in that legislation, Government Code Section 71042.6 provided in part “[s]uch map and boundaries shall be applicable to any consolidation which becomes effective on or after the effective date of this section.”).

have encompassed the territories of all of the prior component judicial districts.

When the concept of trial court unification was gaining momentum, the Legislature tasked the Law Revision Commission with revising California's laws to accommodate that reform. As part of that effort, the Commission recommended, and the Legislature enacted, an amendment to Government Code Section 71042.5 to continue the status quo. The amendment preserved the former judicial districts for notice publication purposes after the courts in a county unified, not just when districts were consolidated.²⁸

The Commission recognized, however, that retaining the former judicial districts to serve as the location for the publication of legal notice "may be unsatisfactory in the long-term"²⁹ The Legislature assigned the issue of "[p]ublication of legal notice in a county with a unified superior court" for future work by the Commission, as the Commission itself proposed.³⁰

The Commission's Current Study

Over a decade has passed since all counties in California unified their trial courts.³¹ Sufficient time has thus elapsed for newspapers, courts, and other affected persons to gain experience with notice publication in the post-unification environment.

28. Section 71042.5 currently reads:

71042.5. Notwithstanding any other provision of law, where judicial districts in a county have been consolidated, or where the municipal and superior courts in a county have unified, the territory embraced within the respective prior component judicial districts shall be separate judicial districts for the purpose of publication within a judicial district.

2002 Cal. Stat. ch. 784, § 344; see also 1998 Cal. Stat. ch. 931, § 263.

29. *Revision of Codes*, *supra* note 2, at 86, n. 131.

30. *Id.* at 86, Gov't Code § 70219; see also 1998 Cal. Stat. ch. 931, § 257 (former Gov't Code § 70219).

31. Judicial Council Trial Court Unification Factsheet, *supra* note 19.

Accordingly, the Commission commenced a study reexamining the statutes that rely on former judicial districts to define boundaries for publishing legally required notices. More specifically, the Commission has been assessing whether those statutes need any revisions to accomplish their underlying objectives.

Function of Judicial District References in Notice Publication Statutes

As an initial matter, the Commission considered the function of the references to judicial districts in the notice publication statutes prior to trial court unification.

At that time, judicial districts provided a set of geographical boundaries that circumscribed areas for the publication of legal notice. Based on the constitutional requirements for judicial districts, the geographical area of a judicial district necessarily was contained within a single county.³² In general, each city was fully contained within a single judicial district.³³

Thus, the requirements for the publication of legal notice within a judicial district offered a means to target a notice to a less-than-countywide, local population. In proposing this recommendation, the Commission sought to respect that legislative preference for targeting the publication of notice to a local community.

Challenges Posed by Notice Publication Requirements

Based on the information the Commission has obtained, the statutes requiring the publication of notice in judicial districts

32. Former Cal. Const. art. VI, § 5(a) (as amended June 8, 1976). (“Each county shall be divided into municipal court and justice court districts as provided by statute...”).

33. *Id.* (“...[A] city may not be divided into more than one district.”); but see *id.* § 5(b) (“Notwithstanding the provisions of subdivision (a), any city in San Diego County may be divided into more than one municipal court or justice court district if the Legislature determines that unusual geographic conditions warrant such division.”).

appear to be posing practical challenges. Those practical challenges are discussed below.

Confusing Terminology

The term “judicial district” is itself a potential source of confusion, particularly after trial court unification. In the absence of judicial districts actively maintained for municipal or justice court purposes, a person required to publish notice in a judicial district must first determine what the judicial district reference means. Currently, it is not readily apparent that a reference to a “judicial district” in a statute requiring publication of legal notice is meant to refer to a *former* judicial district, as per Government Code Section 71042.5. Consequently, it may be difficult for a person to correctly publish legal notice in accordance with the statutory requirements.

For instance, a person required to publish notice in a judicial district could easily overlook Government Code Section 71042.5, which preserves the former judicial districts for purposes of publication. Such a person could mistakenly conclude that, under Code of Civil Procedure Section 38, the reference to “judicial district” means “the county.”³⁴ Thus, in this situation, a person might erroneously publish notice in a county newspaper, as opposed to a newspaper in the former judicial district.

Given the possibility of confusion regarding the term “judicial district,” a statutory requirement that legal notice be published in a judicial district may not give sufficient guidance to persons who must comply with this obligation.

Difficulty of Ascertaining Notice Boundaries

Under Government Code Section 71042.5, a “judicial district” reference in a statute governing publication of legal notice means either (1) a judicial district that existed prior to pre-unification consolidation of two or more judicial districts, or (2) a judicial

34. Subdivision (d) of Code of Civil Procedure Section 38 provides that, “[a]s it relates to a county in which there is no municipal court,” judicial district means “the county.”

district that existed prior to trial court unification. Because trial court unification was completed in early 2001, the relevant judicial district boundaries have been frozen for at least thirteen years. If the judicial districts were consolidated prior to unification, the relevant boundaries may be much older.

For notice publication to comport with Section 71042.5, the historic district boundaries must be retained and made available to the public. The Legislature enacted a companion provision, Government Code Section 71042.6, that appears tailored to address this issue. Section 71042.6 requires each county recorder to maintain a map showing the boundaries of former judicial districts “[f]or the purpose of establishing boundaries under Section 71042.5.” Unfortunately, such maps do not appear to be readily available to the public at this point.

In preparing this recommendation, the Commission received stakeholder input suggesting that determining the relevant boundaries for judicial district notice publication poses practical difficulties.³⁵ For instance, one stakeholder sought judicial district maps from several counties and found that those maps were often difficult to access. In at least one case, no map was available.³⁶ In addition, when a map was available, it was generally difficult to read, impeding the ability to ascertain the exact boundaries.³⁷

The Commission directed its staff to seek maps from a sample of county recorders. The Commission staff similarly found that the maps were difficult to access and, when available, did not appear to include all of the relevant districts.³⁸

These practical difficulties in ascertaining judicial district boundaries place a significant burden on parties required to publish notice in a judicial district.

35. See Commission Staff Memorandum 2014-15 (March 28, 2014), p. 10, Exhibit pp. 1-3.

36. *Id.* at Exhibit pp. 1, 3.

37. *Id.* at Exhibit p. 1.

38. See First Supplement to Commission Staff Memorandum 2014-56 (Jan. 29, 2015), pp. 1, 3.

Potentially Serious Consequences of Publishing Notice in the Wrong Location

If notice is mistakenly published in the wrong location, the underlying action could be challenged by an interested party. Resolving a challenge to the adequacy of notice could require litigation and considerable public and private expense.

Changes Recommended by the Commission

In light of the difficulties in ascertaining the boundaries used for notice publication and the potentially serious consequences of an error, the Commission recommends a number of statutory revisions. Generally, the Commission recommends preserving the status quo for notice publication requirements, but making changes to ensure that the requirements are clear and understandable. The proposed approach is described in further detail below.

While the proposed legislation may appear lengthy, the structure of the legislation is designed to allow the public to quickly and easily determine the appropriate district in which to publish a notice. This would be a significant improvement over the current system, in which the public does not have ready access to the district information.

Redesignate the Districts Used for Notice Publication as “Public Notice Districts”

Since Government Code Section 71042.5 took effect, the set of judicial districts used for notice publication became increasingly dissociated from the set of judicial districts used for court administration and business as courts consolidated.

Using the same term – “judicial district” – in the codes to refer to both the districts preserved by operation of Government Code Section 71042.5 and the districts formerly used for court administration and business is confusing.

Therefore, the Commission recommends redesignating the districts used for notice publication as “public notice districts.”

Codify Simplified Descriptions of the Public Notice Districts

The Commission's work revealed that the boundaries of the former judicial districts are difficult to determine. Often, information about the boundaries is not readily accessible and can be unclear or otherwise hard to understand.

In order to improve accessibility and usability of the boundary information, the Commission recommends codifying the district descriptions. This would make it possible to cross-refer to the district descriptions in the code sections that require notice publication in a judicial district. Codification of the district descriptions would thus facilitate public access to those descriptions.

Many of the historic district descriptions are lengthy and rely on descriptors that are not readily known or available.³⁹ To address this problem, the Commission recommends describing the districts in a simplified manner, by referring to the population centers (cities and census designated places⁴⁰) in each district.

Under this approach, each public notice district is based on a former judicial district.⁴¹ Each public notice district description

39. Commission Staff Memorandum 2014-56, p. 13 (Nov. 24, 2014). Among the problematic features are township and range designations, references to prior component districts, and boundaries shown on particular maps held by the county recorder.

40. A census designated place or "CDP" is "the statistical counterpart[] of [an] incorporated place[], and [is] delineated to provide data for settled concentrations of population that are identifiable by name but are not legally incorporated under the laws of the state in which they are located." See https://www.census.gov/geo/reference/gtc/gtc_place.html.

For Los Angeles County, the situation was more complicated. To alleviate potential confusion, it was necessary to use some neighborhood names and islands in describing the districts, as well as cities and CDPs. For further explanation of the treatment of Los Angeles County, see Commission Staff Memorandum 2015-11, pp. 8-9 (April 2, 2015).

41. Generally, the historical judicial districts used in developing the Commission's proposal were those existing on the effective date of Section 71042.5. See Commission Staff Memorandum 2015-11, *supra* note 40, at 4-5. In two counties, San Bernardino and San Diego, the public notice districts were

consists of one or more population centers, depending on the composition of the relevant historical judicial district.⁴² For the most part, the historical judicial district names would continue to apply to the successor public notice districts.⁴³

Not every location in the state would be included in a public notice district. Thus, a notice requirement might sometimes be triggered for a location outside such a district (such as when a home in a rural area is subject to a foreclosure sale). The proposed legislation would establish a rule⁴⁴ to cover these situations:

- If the location in question is within a specified number of miles from a district, the notice must be published in the nearest district.
- If the location in question is beyond the specified mileage range, notice shall be given as if the location is in a district without a newspaper of general circulation.⁴⁵

Using population centers as district descriptors allows the districts to be described concisely, in a manner that will be easily understood by the public. It will largely achieve the same result as

based instead on a 1984 court directory prepared by the Association of Municipal Court Clerks of California. See Ass'n of Municipal Court Clerks of Cal., *California Courts Directory and Fee Schedule* (1984 ed.). The Commission received input that, for these counties, the 1984 Directory reflects the districts "currently recognized by newspapers in these areas." Letter to the Commission from the California Newspaper Publishers Association (Aug. 28, 2015), p. 2 (attached to Commission Staff Memorandum 2015-44 (Sept. 21, 2015)).

42. For further detail on the methodology that the Commission used in drafting district descriptions, see Commission Staff Memorandum 2015-11, *supra* note 40, at 4-9.

43. In some instances, the Commission deviated from this naming convention where there was a judicial district name change or the historical name might be confusing in the new framework. See *id.* at 5.

44. See, e.g., proposed Gov't Code §§ 6085.100(b), 6085.130(b), 6085.140(b) *infra*.

45. For further detail on this rule for locations outside of the districts (the "plus rule"), see Commission Staff Memorandum 2015-11, *supra* note 40, at 9.

the existing lengthy, complicated, and difficult-to-access descriptions.

Safe Harbor

Although the Commission crafted the public notice district descriptions so as to provide clear direction and minimize confusion, the Commission recognized that the possibility of a reasonable, good faith mistake still remains. Therefore, the proposed legislation includes a safe harbor provision.⁴⁶ This provision provides that if a person makes a reasonable, good faith error in determining the proper district for publication of a notice, the error shall not be grounds for invalidating the notice.

Grandfather Clause to Preserve Existing Rights of Newspapers

One aspect of preserving the status quo is avoiding disruption of the existing rights of newspapers.

In order to publish a legally required notice in a judicial district, a newspaper must have a judicial decree establishing it as a newspaper of general circulation in the relevant district.⁴⁷

Rather than requiring each newspaper to seek a new court decree to continue publishing notices in the proposed public notice district that succeeds the newspaper's judicial district, the Commission recommends preserving a newspaper's existing rights by expressly "grandfathering" them into the new framework. Thus, an existing judicial decree for a newspaper in a former judicial district would be treated as a "decree establishing the newspaper as a newspaper of general circulation in the successor public notice district."⁴⁸

46. See proposed Gov't Code § 6081 *infra*.

47. See Gov't Code § 6040 ("Whenever any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required by law to be published in a newspaper, such publication shall be made only in a newspaper of general circulation.").

48. See proposed Gov't Code § 6082 *infra*.

PROPOSED LEGISLATION

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PROPOSED LEGISLATION

GOVERNMENT CODE

Gov't Code §§ 6080-6085.670 (added). Publication of notice in public notice districts

SEC. ____. Chapter 1.1 (commencing with Section 6080) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 1.1. PUBLICATION OF NOTICE IN PUBLIC NOTICE DISTRICT

Comment. Chapter 1.1 is new. This chapter establishes public notice districts as a place for the publication of notice. Public notice districts replace the former judicial districts preserved for publication by former Section 71042.5.

Article 1. Public Notice Districts, Generally

§ 6080. Application of chapter

6080. This chapter governs any statute requiring publication of notice in a public notice district.

Comment. Section 6080 is new. This section establishes the application of this chapter.

§ 6081. Safe harbor for notice error

6081. A notice published or posted in a manner that is contrary to the provisions of this chapter shall not be invalidated as a consequence of a reasonable, good faith error as to the applicable public notice district.

Comment. Section 6081 is new. This section provides a safe harbor for a person who makes a reasonable, good faith error in identifying the applicable public notice district under this chapter.

§ 6082. Status of newspaper of general circulation in judicial district

6082. (a) Notwithstanding Section 6027, a judicial decree establishing a newspaper as a newspaper of general circulation in a former judicial district shall be treated as a judicial decree establishing the newspaper as a newspaper of general circulation in the successor public notice district.

(b) For the purposes of this section, the “successor public notice district” is the public notice district, described in Article 2, that contains substantially the same population centers as the applicable, former judicial district preserved for notice publication by former Section 71042.5.

Comment. Section 6082 is new. It makes clear that a newspaper that was adjudicated to be a newspaper of general circulation in a former judicial district is not required to seek a new judicial decree solely because the former judicial district has been replaced with a public notice district.

Article 2. Public Notice Districts by County

§ 6085.100. Alameda County

6085.100. (a) Alameda County contains the following public notice districts:

- (1) Alameda District, which is comprised of the city of Alameda.
- (2) Berkeley-Albany District, which is comprised of the cities of Albany and Berkeley.
- (3) Fremont-Newark-Union City District, which is comprised of the cities of Fremont, Newark, and Union City.
- (4) Livermore District, which is comprised of the city of Livermore.
- (5) Oakland-Piedmont District, which is comprised of the cities of Emeryville, Oakland, and Piedmont.
- (6) Pleasanton District, which is comprised of the cities of Dublin and Pleasanton.
- (7) San Leandro-Hayward District, which is comprised of the cities of Hayward and San Leandro and the unincorporated areas known as Ashland, Castro Valley, Cherryland, Fairview, and San Lorenzo.

(b) For the purpose of publishing notice arising from a location within Alameda County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.100 is new. This section establishes public notice districts for Alameda County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.110. Alpine County

6085.110. Alpine County contains a single, countywide public notice district.

Comment. Section 6085.110 is new. This section establishes a public notice district for Alpine County. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.120. Amador County

6085.120. Amador County contains a single, countywide public notice district.

Comment. Section 6085.120 is new. This section establishes a public notice district for Amador County. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.130. Butte County

6085.130. (a) Butte County contains the following public notice districts:

- (1) Biggs District, which is comprised of the city of Biggs.
- (2) Chico District, which is comprised of the city of Chico.
- (3) Gridley District, which is comprised of the city of Gridley.
- (4) Oroville District, which is comprised of the city of Oroville.

(5) Paradise District, which is comprised of the city of Paradise and the unincorporated area known as Magalia.

(b) For the purpose of publishing notice arising from a location within Butte County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.130 is new. This section establishes public notice districts for Butte County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.140. Calaveras County

6085.140. (a) Calaveras County contains the following public notice districts:

(1) Angels-Murphys District, which is comprised of the city of Angels Camp and the unincorporated area known as Murphys.

(2) San Andreas District, which is comprised of the unincorporated areas known as Rancho Calaveras, San Andreas, and Valley Springs.

(b) For the purpose of publishing notice arising from a location within Calaveras County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.140 is new. This section establishes public notice districts for Calaveras County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.150. Colusa County

6085.150. (a) Colusa County contains the following public notice districts:

(1) Colusa District, which is comprised of the city of Colusa.

(2) Williams District, which is comprised of the city of Williams.

(b) For the purpose of publishing notice arising from a location within Colusa County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.150 is new. This section establishes public notice districts for Colusa County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.160. Contra Costa County

6085.160. (a) Contra Costa County contains the following public notice districts:

(1) Antioch District, which is comprised of the city of Antioch.

(2) Brentwood-Byron District, which is comprised of the city of Brentwood and the unincorporated areas known as Byron and Discovery Bay.

(3) El Cerrito-Kensington District, which is comprised of the city of El Cerrito and the unincorporated area known as Kensington.

(4) Mount Diablo District, which is comprised of the cities of Clayton, Concord, Martinez, and Pleasant Hill.

(5) Oakley District, which is comprised of the city of Oakley and the unincorporated area known as Knightsen.

(6) Pinole-Hercules-Rodeo District, which is comprised of the cities of Pinole and Hercules and the unincorporated area known as Rodeo.

(7) Pittsburg District, which is comprised of the city of Pittsburg and the unincorporated area known as Bay Point.

(8) Richmond District, which is comprised of the city of Richmond.

(9) San Pablo District, which is comprised of the city of San Pablo and the unincorporated areas known as Bayview, East Richmond Heights, El Sobrante, Montalvin Manor, North Richmond, Rollingwood, and Tara Hills.

(10) Walnut Creek-Danville District, which is comprised of the cities of Danville, Lafayette, Moraga, Orinda, San Ramon, and Walnut Creek and the unincorporated areas known as Alamo, Contra Costa Centre, and Reliez Valley.

(b) For the purpose of publishing notice arising from a location within Contra Costa County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.160 is new. This section establishes public notice districts for Contra Costa County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.170. Del Norte County

6085.170. (a) Del Norte County contains the following public notice district:

(1) Crescent District, which is comprised of Crescent City.

(b) For the purpose of publishing notice arising from a location within Del Norte County that is not within the district described in subdivision (a):

(1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.170 is new. This section establishes public notice districts for Del Norte County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.180. El Dorado County

6085.180. (a) El Dorado County contains the following public notice districts:

(1) El Dorado District, which is comprised of the unincorporated areas known as Cameron Park, Diamond Springs, and El Dorado Hills.

(2) Lake Valley District, which is comprised of the city of South Lake Tahoe.

(3) Placerville District, which is comprised of the city of Placerville.

(b) For the purpose of publishing notice arising from a location within El Dorado County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.180 is new. This section establishes public notice districts for El Dorado County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.190. Fresno County

6085.190. (a) Fresno County contains the following public notice districts:

(1) Clovis District, which is comprised of the city of Clovis and the unincorporated area known as Tarpey Village.

(2) Coalinga District, which is comprised of the cities of Coalinga and Huron.

(3) Firebaugh District, which is comprised of the cities of Firebaugh and Mendota.

(4) Fowler District, which is comprised of the city of Fowler.

(5) Fresno District, which is comprised of the city of Fresno.

(6) Kerman District, which is comprised of the cities of Kerman and San Joaquin.

(7) Kingsburg District, which is comprised of the city of Kingsburg.

(8) Parlier District, which is comprised of the city of Parlier and the unincorporated area known as Del Rey.

(9) Reedley District, which is comprised of the cities of Orange Cove and Reedley.

(10) Sanger District, which is comprised of the city of Sanger.

(11) Selma District, which is comprised of the city of Selma.

(b) For the purpose of publishing notice arising from a location within Fresno County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.190 is new. This section establishes public notice districts for Fresno County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.200. Glenn County

6085.200. (a) Glenn County contains the following public notice districts:

(1) Orland District, which is comprised of the city of Orland.

(2) Willows District, which is comprised of the city of Willows.

(b) For the purpose of publishing notice arising from a location within Glenn County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.200 is new. This section establishes public notice districts for Glenn County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.210. Humboldt County

6085.210. (a) Humboldt County contains the following public notice districts:

(1) Arcata District, which is comprised of the cities of Arcata, Blue Lake, and Trinidad and the unincorporated area known as McKinleyville.

(2) Eureka District, which is comprised of the city of Eureka.

(3) Fortuna District, which is comprised of the cities of Ferndale, Fortuna, and Rio Dell.

(b) For the purpose of publishing notice arising from a location within Humboldt County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.210 is new. This section establishes public notice districts for Humboldt County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.220. Imperial County

6085.220. (a) Imperial County contains the following public notice districts:

- (1) Brawley District, which is comprised of the city of Brawley.
- (2) Calexico District, which is comprised of the city of Calexico.
- (3) Calipatria District, which is comprised of the city of Calipatria.
- (4) El Centro District, which is comprised of the city of El Centro.
- (5) Holtville District, which is comprised of the city of Holtville.
- (6) Imperial District, which is comprised of the city of Imperial.
- (7) Westmoreland District, which is comprised of the city of Westmoreland.

(b) For the purpose of publishing notice arising from a location within Imperial County that is not within one of the districts described in subdivision (a):

- (1) If the location is within ten miles of a district, notice shall be published in the nearest district.
- (2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.220 is new. This section establishes public notice districts for Imperial County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.230. Inyo County

6085.230. (a) Inyo County contains the following public notice district:

- (1) Northern Inyo District, which is comprised of the city of Bishop.

(b) For the purpose of publishing notice arising from a location within Inyo County that is not within the district described in subdivision (a):

- (1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.230 is new. This section establishes public notice districts for Inyo County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.240. Kern County

6085.240. (a) Kern County contains the following public notice districts:

(1) Arvin-Lamont District, which is comprised of the city of Arvin and the unincorporated areas known as Lamont and Weedpatch.

(2) Bakersfield District, which is comprised of the city of Bakersfield and the unincorporated areas known as Oildale and Rosedale.

(3) Delano-McFarland District, which is comprised of the cities of Delano and McFarland.

(4) Indian Wells District, which is comprised of the city of Ridgecrest.

(5) Kern River-Rand District, which is comprised of the unincorporated areas known as Bodfish, Kernville, Lake Isabella, Weldon, and Wofford Heights.

(6) Maricopa-Taft District, which is comprised of the cities of Maricopa and Taft.

(7) Mojave District, which is comprised of California City and the unincorporated areas known as Mojave and Rosamond.

(8) Shafter District, which is comprised of the city of Shafter.

(9) Tehachapi District, which is comprised of the city of Tehachapi and the unincorporated area known as Bear Valley Springs.

(10) Wasco District, which is comprised of the city of Wasco.

(b) For the purpose of publishing notice arising from a location within Kern County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.240 is new. This section establishes public notice districts for Kern County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.250. Kings County

6085.250. (a) Kings County contains the following public notice districts:

(1) Avenal District, which is comprised of the city of Avenal.

(2) Corcoran District, which is comprised of the city of Corcoran.

(3) Hanford District, which is comprised of the city of Hanford.

(4) Lemoore District, which is comprised of the city of Lemoore.

(b) For the purpose of publishing notice arising from a location within Kings County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.250 is new. This section establishes public notice districts for Kings County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.260. Lake County

6085.260. (a) Lake County contains the following public notice districts:

(1) Clearlake Highlands District, which is comprised of the city of Clearlake.

(2) Lakeport District, which is comprised of the city of Lakeport.

(b) For the purpose of publishing notice arising from a location within Lake County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.260 is new. This section establishes public notice districts for Lake County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.270. Lassen County

6085.270. (a) Lassen County contains the following public notice district:

(1) Westwood-Honey Lake District, which is comprised of the city of Susanville and the unincorporated area known as Westwood.

(b) For the purpose of publishing notice arising from a location within Lassen County that is not within the district described in subdivision (a):

(1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.270 is new. This section establishes public notice districts for Lassen County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.280. Los Angeles County

6085.280. (a) Los Angeles County contains the following public notice districts:

(1) Alhambra District, which is comprised of the cities of Alhambra, Monterey Park, San Gabriel, and Temple City and the unincorporated areas known as East San Gabriel and South San Gabriel.

(2) Antelope District, which is comprised of the cities of Lancaster and Palmdale and the unincorporated areas known as Antelope, Del Sur, Elizabeth Lake, Green Valley, Lake Hughes, Lake Los Angeles, Leona Valley, Little Rock, Llano, Pearblossom, Quartz Hill, Sun Village, and Wilsona.

(3) Beverly Hills District, which is comprised of the cities of Beverly Hills and West Hollywood.

(4) Burbank District, which is comprised of the city of Burbank.

(5) Catalina District, which is comprised of San Clemente Island and Santa Catalina Island.

(6) Citrus District, which is comprised of the cities of Azusa, Baldwin Park, Covina, Glendora, Industry, Irwindale, and West Covina and the unincorporated areas known as Citrus, Charter Oak, Rowland Heights, South San Jose Hills, Valinda, Vincent, and West Puente Valley.

(7) Compton District, which is comprised of the cities of Carson, Compton, Lynwood, and Paramount and the unincorporated areas known as Athens, East Compton, East Rancho Dominguez, West Carson, West Compton, West Rancho Dominguez, and Willowbrook.

(8) Culver District, which is comprised of Culver City and the unincorporated areas known as Centinela, Ladera Heights, Marina Del Rey, View Park, and Windsor Hills.

(9) Downey District, which is comprised of the cities of Downey, La Mirada, and Norwalk.

(10) East Los Angeles District, which is comprised of the cities of Commerce and Montebello and the unincorporated areas known as Belvedere and East Los Angeles.

(11) El Monte-Rio Hondo District, which is comprised of the cities of El Monte, La Puente, Rosemead, and South El Monte and the unincorporated areas known as Avocado Heights, East Arcadia, Hacienda Heights, Mayflower Village, North El Monte, and Rio Hondo.

(12) Glendale District, which is comprised of the cities of Glendale and La Cañada Flintridge and the unincorporated areas known as La Crescenta and Montrose.

(13) Inglewood District, which is comprised of the cities of El Segundo, Hawthorne, and Inglewood and the unincorporated areas known as Del Aire, Lennox, West Athens, and Westmont.

(14) Long Beach District, which is comprised of the cities of Long Beach and Signal Hill.

(15) Los Angeles District, which is comprised of the cities of Los Angeles and San Fernando.

(16) Los Cerritos District, which is comprised of the cities of Artesia, Bell Flower, Cerritos, Hawaiian Gardens, and Lakewood.

(17) Malibu District, which is comprised of the cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village and the unincorporated areas known as Agoura, Malibu Heights, Topanga, and West Hills.

(18) Newhall-Soledad District, which is comprised of the city of Santa Clarita and the unincorporated areas known as Acton, Agua Dulce, Castaic, Canyon Country, Halsey Canyon, Gorman, Neenach, Newhall, Santa Susana Mountains, Saugus, Stevenson Ranch, Val Verde, and Valencia.

(19) Pasadena District, which is comprised of the cities of Pasadena, San Marino, Sierra Madre, and South Pasadena and the unincorporated areas known as Altadena, East Pasadena, Kinneloa Mesa, and San Pasqual.

(20) Pomona District, which is comprised of the cities of Claremont, Diamond Bar, La Verne, Pomona, San Dimas, and Walnut.

(21) Santa Anita District, which is comprised of the cities of Arcadia, Bradbury, Duarte, and Monrovia and the unincorporated area known as South Monrovia Island.

(22) Santa Monica District, which is comprised of the city of Santa Monica.

(23) Southeast District, which is comprised of the cities of Bell, Bell Gardens, Cudahy, Huntington Park, Maywood, South Gate, and Vernon and the unincorporated areas known as Florence-Graham and Walnut Park.

(24) South Bay District, which is comprised of the cities of Gardena, Hermosa Beach, Lawndale, Lomita, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, and Torrance and the unincorporated areas known as Alondra Park and El Camino Village.

(25) Whittier District, which is comprised of the cities of La Habra Heights, Pico Rivera, Santa Fe Springs, and Whittier and the unincorporated areas known as East Whittier, Rose Hills, South Whittier, and West Whittier-Los Nietos.

(b) For the purpose of publishing notice arising from a location within Los Angeles County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.280 is new. This section establishes public notice districts for Los Angeles County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.290. Madera County

6085.290. (a) Madera County contains the following public notice districts:

(1) Chowchilla District, which is comprised of the city of Chowchilla.

(2) Madera District, which is comprised of the city of Madera.

(3) Sierra District, which is comprised of the unincorporated areas known as Ahwahnee, Coarsegold, Oakhurst, and Yosemite Lakes.

(b) For the purpose of publishing notice arising from a location within Madera County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.290 is new. This section establishes public notice districts for Madera County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.300. Marin County

6085.300. (a) Marin County contains the following public notice district:

(1) Central District, which is comprised of the cities of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon and the unincorporated area known as Tamalpais-Homestead Valley.

(b) For the purpose of publishing notice arising from a location within Marin County that is not within the district described in subdivision (a):

(1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.300 is new. This section establishes public notice districts for Marin County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.310. Mariposa County

6085.310. Mariposa County contains a single, countywide public notice district.

Comment. Section 6085.310 is new. This section establishes a public notice district for Mariposa County. This district is the successor to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.320. Mendocino County

6085.320. (a) Mendocino County contains the following public notice districts:

- (1) Arena District, which is comprised of the city of Point Arena.
- (2) Little Lake District, which is comprised of the city of Willits.
- (3) Ten Mile River District, which is comprised of the city of Fort Bragg.

(4) Ukiah District, which is comprised of the city of Ukiah.

(b) For the purpose of publishing notice arising from a location within Mendocino County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.320 is new. This section establishes public notice districts for Mendocino County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.330. Merced County

6085.330. (a) Merced County contains the following public notice districts:

- (1) Atwater District, which is comprised of the city of Atwater and the unincorporated areas known as Cressey, McSwain, and Winton.

(2) Dos Palos District, which is comprised of the city of Dos Palos.

(3) Gustine District, which is comprised of the city of Gustine.

(4) Livingston District, which is comprised of the city of Livingston and the unincorporated areas known as Ballico, Delhi, and Stevinson.

(5) Los Banos District, which is comprised of the city of Los Banos and the unincorporated area known as Santa Nella.

(6) Merced District, which is comprised of the city of Merced and the unincorporated area known as Franklin.

(b) For the purpose of publishing notice arising from a location within Merced County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.330 is new. This section establishes public notice districts for Merced County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.340. Modoc County

6085.340. (a) Modoc County contains the following public notice district:

(1) Alturas District, which is comprised of the city of Alturas.

(b) For the purpose of publishing notice arising from a location within Modoc County that is not within the district described in subdivision (a):

(1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.340 is new. This section establishes public notice districts for Modoc County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.350. Mono County

6085.350. Mono County contains a single, countywide public notice district.

Comment. Section 6085.350 is new. This section establishes a public notice district for Mono County. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.360. Monterey County

6085.360. (a) Monterey County contains the following public notice districts:

(1) Castroville-Pajaro District, which is comprised of the unincorporated areas known as Castroville, Pajaro, and Pruneville.

(2) Gonzales District, which is comprised of the city of Gonzales.

(3) Greenfield District, which is comprised of the city of Greenfield.

(4) King City District, which is comprised of King City.

(5) Monterey-Carmel District, which is comprised of the cities of Carmel, Del Rey Oaks, Monterey, Sand City, and Seaside.

(6) Pacific Grove District, which is comprised of the city of Pacific Grove and the unincorporated area known as Del Monte Forest.

(7) Salinas District, which is comprised of the cities of Marina and Salinas.

(8) Soledad District, which is comprised of the city of Soledad.

(b) For the purpose of publishing notice arising from a location within Monterey County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.360 is new. This section establishes public notice districts for Monterey County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.370. Napa County

6085.370. (a) Napa County contains the following public notice districts:

(1) Calistoga District, which is comprised of the city of Calistoga.

(2) Napa District, which is comprised of the cities of American Canyon, Napa, and Yountville.

(3) St. Helena District, which is comprised of the city of St. Helena and the unincorporated areas known as Angwin, Oakville, and Rutherford.

(b) For the purpose of publishing notice arising from a location within Napa County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.370 is new. This section establishes public notice districts for Napa County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.380. Nevada County

6085.380. (a) Nevada County contains the following public notice districts:

(1) Grass Valley District, which is comprised of the city of Grass Valley.

(2) Nevada District, which is comprised of Nevada City.

(3) Truckee District, which is comprised of the city of Truckee.

(b) For the purpose of publishing notice arising from a location within Nevada County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.380 is new. This section establishes public notice districts for Nevada County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.390. Orange County

6085.390. (a) Orange County contains the following public notice districts:

(1) Central Orange County District, which is comprised of the cities of Orange, Santa Ana, Tustin, and Villa Park and the unincorporated area known as North Tustin.

(2) North Orange County District, which is comprised of the cities of Anaheim, Brea, Buena Park, Cypress, Fullerton, Garden Grove, La Habra, La Palma, Placentia, Stanton, and Yorba Linda.

(3) Orange County Harbor District, which is comprised of the cities of Costa Mesa, Irvine, and Newport Beach.

(4) South Orange County District, which is comprised of the cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano and the unincorporated areas known as Coto de Caza and Ladera Ranch.

(5) West Orange County District, which is comprised of the cities of Fountain Valley, Huntington Beach, Los Alamitos, Seal Beach, and Westminster and the unincorporated area known as Rossmoor.

(b) For the purpose of publishing notice arising from a location within Orange County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.390 is new. This section establishes public notice districts for Orange County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.400. Placer County

6085.400. (a) Placer County contains the following public notice districts:

(1) Auburn District, which is comprised of the city of Auburn and the unincorporated areas known as Meadow Vista, Newcastle, and North Auburn.

(2) Colfax-Alta-Dutch Flat District, which is comprised of the city of Colfax and the unincorporated areas known as Alta and Dutch Flat.

(3) Lincoln District, which is comprised of the city of Lincoln.

(4) Loomis District, which is comprised of the cities of Loomis and Rocklin and the unincorporated areas known as Granite Bay and Penryn.

(5) Roseville District, which is comprised of the city of Roseville.

(b) For the purpose of publishing notice arising from a location within Placer County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.400 is new. This section establishes public notice districts for Placer County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.410. Plumas County

6085.410. (a) Plumas County contains the following public notice district:

(1) Beckwourth District, which is comprised of the city of Portola and the unincorporated area known as Beckwourth.

(b) For the purpose of publishing notice arising from a location within Plumas County that is not within the district described in subdivision (a):

(1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.410 is new. This section establishes public notice districts for Plumas County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.420. Riverside County

6085.420. (a) Riverside County contains the following public notice districts:

(1) Beaumont District, which is comprised of the cities of Beaumont and Calimesa and the unincorporated area known as Cherry Valley.

(2) Coachella District, which is comprised of the city of Coachella and the unincorporated areas known as Thermal and Vista Santa Rosa.

(3) Corona District, which is comprised of the cities of Corona, Eastvale, and Norco and the unincorporated areas known as El Sobrante, Home Gardens, and Temescal Valley.

(4) Desert District, which is comprised of the cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage.

(5) Elsinore District, which is comprised of the cities of Canyon Lake, Lake Elsinore, and Wildomar and the unincorporated areas known as Lakeland Village and Meadowbrook.

(6) Hemet District, which is comprised of the city of Hemet and the unincorporated areas known as East Hemet, Green Acres, Idyllwild-Pine Cove, Valle Vista, and Winchester.

(7) Jurupa District, which is comprised of the city of Jurupa Valley.

(8) Mecca District, which is comprised of the unincorporated areas known as Oasis and Mecca.

(9) Murrieta District, which is comprised of the cities of Murrieta and Temecula and the unincorporated area known as French Valley.

(10) Palo Verde District, which is comprised of the city of Blythe.

(11) Perris District, which is comprised of the cities of Menifee and Perris and the unincorporated areas known as Good Hope, Homeland, Lake Mathews, Mead Valley, and Nuevo.

(12) Riverside District, which is comprised of the cities of Moreno Valley and Riverside and the unincorporated areas known as March AFB and Woodcrest.

(13) San Geronio District, which is comprised of the city of Banning and the unincorporated areas known as Cabazon and Whitewater.

(14) San Jacinto District, which is comprised of the city of San Jacinto.

(b) For the purpose of publishing notice arising from a location within Riverside County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.420 is new. This section establishes public notice districts for Riverside County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.430. Sacramento County

6085.430. (a) Sacramento County contains the following public notice districts:

(1) Elk Grove-Galt District, which is comprised of the cities of Elk Grove and Galt and the unincorporated areas known as Rancho Murieta, Vineyard, and Wilton.

(2) Fair Oaks-Folsom District, which is comprised of the city of Folsom and the unincorporated areas known as Fair Oaks, Gold River, and Orangevale.

(3) Sacramento District, which is comprised of the cities of Citrus Heights, Rancho Cordova, and Sacramento and the unincorporated areas known as Antelope, Arden-Arcade, Carmichael, Florin, Foothill Farms, La Riviera, Lemon Hill, North Highlands, Parkway, Rio Linda, and Rosemont.

(4) Walnut Grove-Isleton District, which is comprised of the city of Isleton and the unincorporated area known as Walnut Grove.

(b) For the purpose of publishing notice arising from a location within Sacramento County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.430 is new. This section establishes public notice districts for Sacramento County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.440. San Benito County

6085.440. (a) San Benito County contains the following public notice districts:

- (1) Hollister District, which is comprised of the city of Hollister.
- (2) San Juan District, which is comprised of the city of San Juan Bautista.

(b) For the purpose of publishing notice arising from a location within San Benito County that is not within one of the districts described in subdivision (a):

- (1) If the location is within ten miles of a district, notice shall be published in the nearest district.
- (2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.440 is new. This section establishes public notice districts for San Benito County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.450. San Bernardino County

6085.450. (a) San Bernardino County contains the following public notice districts:

- (1) Barstow District, which is comprised of the city of Barstow.
- (2) Bear Valley District, which is comprised of the city of Big Bear Lake and the unincorporated area known as Big Bear City.
- (3) Bloomington District, which is comprised of the cities of Fontana and Rialto and the unincorporated areas known as Bloomington and Lytle Creek.
- (4) Chino District, which is comprised of the cities of Chino and Chino Hills.
- (5) Crest Forest District, which is comprised of the unincorporated areas known as Crestline and Lake Arrowhead.
- (6) Cucamonga-Etiwanda District, which is comprised of the cities of Montclair, Ontario, Rancho Cucamonga, and Upland.
- (7) Needles District, which is comprised of the city of Needles.

(8) San Bernardino District, which is comprised of the cities of Colton, Grand Terrace, Highland, Loma Linda, and San Bernardino and the unincorporated area known as Muscoy.

(9) Twentynine Palms District, which is comprised of the cities of Twentynine Palms and Yucca Valley.

(10) Victorville District, which is comprised of the cities of Adelanto, Apple Valley, Hesperia, and Victorville and the unincorporated areas known as Lucerne Valley and Phelan.

(11) Yucaipa District, which is comprised of the cities of Redlands and Yucaipa and the unincorporated area known as Mentone.

(b) For the purpose of publishing notice arising from a location within San Bernardino County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.450 is new. This section establishes public notice districts for San Bernardino County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.460. San Diego County

6085.460. (a) San Diego County contains the following public notice districts:

(1) El Cajon District, which is comprised of the cities of El Cajon, La Mesa, Lemon Grove, and Santee and the unincorporated areas known as Alpine, Bostonia, Casa de Oro, Jamul, La Presa, Lakeside, Mount Helix, Ramona, Rancho San Diego, San Diego Country Estates, Spring Valley, and Winter Gardens.

(2) North County District, which is comprised of the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista and the unincorporated areas known as

Camp Pendleton, Fairbanks Ranch, Fallbrook, and Rancho Santa Fe.

(3) San Diego District, which is comprised of the cities of Poway and San Diego, excluding that part of the City of San Diego that is in the South Bay District.

(4) South Bay District, which is comprised of the cities of Chula Vista, Coronado, Imperial Beach, and National City, the unincorporated area known as Bonita, and that part of the City of San Diego lying south of the City of Chula Vista.

(b) For the purpose of publishing notice arising from a location within San Diego County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.460 is new. This section establishes public notice districts for San Diego County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.470. City and County of San Francisco

6085.470. The City and County of San Francisco contains a single, countywide public notice district.

Comment. Section 6085.470 is new. This section establishes a public notice district for the City and County of San Francisco. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.480. San Joaquin County

6085.480. (a) San Joaquin County contains the following public notice districts:

(1) Lodi District, which is comprised of the city of Lodi.

(2) Manteca-Ripon-Escalon District, which is comprised of the cities of Escalon, Lathrop, Manteca, and Ripon and the unincorporated area known as French Camp.

(3) Stockton District, which is comprised of the city of Stockton and the unincorporated area known as Garden Acres.

(4) Tracy District, which is comprised of the city of Tracy.

(b) For the purpose of publishing notice arising from a location within San Joaquin County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.480 is new. This section establishes public notice districts for San Joaquin County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.490. San Luis Obispo County

6085.490. (a) San Luis Obispo County contains the following public notice districts:

(1) First District, which is comprised of the city of El Paso de Robles.

(2) Second District, which is comprised of the city of Atascadero and the unincorporated area known as Templeton.

(3) Third District, which is comprised of the city of Morro Bay and the unincorporated area known as Los Osos.

(4) Fourth District, which is comprised of the city of San Luis Obispo and the unincorporated areas known as Avila Beach and Los Ranchos.

(5) Fifth District, which is comprised of the cities of Arroyo Grande, Grover Beach, and Pismo Beach and the unincorporated areas known as Edna and Nipomo.

(b) For the purpose of publishing notice arising from a location within San Luis Obispo County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.490 is new. This section establishes public notice districts for San Luis Obispo County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.500. San Mateo County

6085.500. (a) San Mateo County contains the following public notice districts:

(1) Central District, which is comprised of the cities of Belmont, Burlingame, Foster City, Half Moon Bay, Hillsborough, Millbrae, and San Mateo and the unincorporated area known as Montara.

(2) Northern District, which is comprised of the cities of Brisbane, Colma, Daly City, Pacifica, San Bruno, and South San Francisco.

(3) Southern District, which is comprised of the cities of Atherton, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos, and Woodside and the unincorporated area known as North Fair Oaks.

(b) For the purpose of publishing notice arising from a location within San Mateo County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.500 is new. This section establishes public notice districts for San Mateo County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.510. Santa Barbara County

6085.510. Santa Barbara County contains the following public notice districts:

(1) Carpinteria-Montecito District, which is comprised of the city of Carpinteria and the unincorporated area known as Montecito.

(2) Guadalupe District, which is comprised of the city of Guadalupe.

(3) Lompoc District, which is comprised of the city of Lompoc and the unincorporated area known as Vandenberg AFB.

(4) Santa Barbara-Goleta District, which is comprised of the cities of Goleta and Santa Barbara and the unincorporated area known as Isla Vista.

(5) Santa Maria District, which is comprised of the city of Santa Maria and the unincorporated areas known as Los Alamos and Orcutt.

(6) Solvang District, which is comprised of the cities of Buellton and Solvang.

(b) For the purpose of publishing notice arising from a location within Santa Barbara County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.510 is new. This section establishes public notice districts for Santa Barbara County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.520. Santa Clara County

6085.520. (a) Santa Clara County contains the following public notice districts:

(1) Gilroy-Morgan Hill District, which is comprised of the cities of Gilroy and Morgan Hill.

(2) Los Gatos-Campbell-Saratoga District, which is comprised of the cities of Campbell, Los Gatos, Monte Sereno, and Saratoga.

(3) Palo Alto-Mountain View District, which is comprised of the cities of Los Altos, Los Altos Hills, Mountain View, and Palo Alto and the unincorporated areas known as Loyola and Stanford.

(4) San Jose-Milpitas-Alviso District, which is comprised of the cities of Milpitas and San Jose and the unincorporated area known as Alum Rock.

(5) Santa Clara-Cupertino District, which is comprised of the cities of Cupertino and Santa Clara.

(6) Sunnyvale District, which is comprised of the city of Sunnyvale.

(b) For the purpose of publishing notice arising from a location within Santa Clara County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.520 is new. This section establishes public notice districts for Santa Clara County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.530. Santa Cruz County

6085.530. Santa Cruz County contains a single, countywide public notice district.

Comment. Section 6085.530 is new. This section establishes a public notice district for Santa Cruz County. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.540. Shasta County

6085.540. (a) Shasta County contains the following public notice districts:

(1) Anderson District, which is comprised of the city of Anderson.

(2) Central Valley District, which is comprised of the city of Shasta Lake.

(3) Redding District, which is comprised of the city of Redding.

(b) For the purpose of publishing notice arising from a location within Shasta County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.540 is new. This section establishes public notice districts for Shasta County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.550. Sierra County

6085.550. Sierra County contains a single, countywide public notice district.

Comment. Section 6085.550 is new. This section establishes a public notice district for Sierra County. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.560. Siskiyou County

6085.560. (a) Siskiyou County contains the following public notice districts:

(1) Dorris District, which is comprised of the city of Dorris.

(2) Dunsmuir-Mount Shasta District, which is comprised of the cities of Dunsmuir and Mount Shasta.

(3) Scott Valley District, which is comprised of the cities of Etna and Fort Jones.

(4) Shasta Valley District, which is comprised of the cities of Montague and Weed.

(5) Tulelake District, which is comprised of the city of Tulelake.

(6) Yreka District, which is comprised of the city of Yreka.

(b) For the purpose of publishing notice arising from a location within Siskiyou County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.560 is new. This section establishes public notice districts for Siskiyou County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.570. Solano County

6085.570. (a) Solano County contains the following public notice districts:

(1) Benicia District, which is comprised of the city of Benicia.

(2) Dixon District, which is comprised of the city of Dixon.

(3) Fairfield-Suisun District, which is comprised of the cities of Fairfield and Suisun City.

(4) Rio Vista District, which is comprised of the city of Rio Vista.

(5) Vacaville District, which is comprised of the city of Vacaville.

(6) Vallejo District, which is comprised of the city of Vallejo.

(b) For the purpose of publishing notice arising from a location within Solano County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.570 is new. This section establishes public notice districts for Solano County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.580. Sonoma County

6085.580. (a) Sonoma County contains the following public notice districts:

(1) Central Sonoma County District, which is comprised of the cities of Cotati, Rohnert Park, Santa Rosa, and Sebastopol and the unincorporated areas known as Bloomfield, Forestville, and Guerneville.

(2) Northern District, which is comprised of the cities of Cloverdale, Healdsburg, and Windsor.

(3) Petaluma District, which is comprised of the city of Petaluma and the unincorporated area known as Penngrove.

(4) Sonoma District, which is comprised of the city of Sonoma and the unincorporated areas known as Boyes Hot Springs and Kenwood.

(b) For the purpose of publishing notice arising from a location within Sonoma County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.580 is new. This section establishes public notice districts for Sonoma County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.590. Stanislaus County

6085.590. (a) Stanislaus County contains the following public notice districts:

(1) Ceres District, which is comprised of the cities of Ceres and Hughson and the unincorporated areas known as Bystrom, Keyes, and Parklawn.

(2) Modesto District, which is comprised of the city of Modesto and the unincorporated areas known as Airport, Del Rio, Empire, and Salida.

(3) Newman District, which is comprised of the city of Newman and the unincorporated area known as Crows Landing.

(4) Oakdale-Waterford District, which is comprised of the cities of Oakdale and Waterford.

(5) Patterson District, which is comprised of the city of Patterson and the unincorporated area known as Grayson.

(6) Riverbank District, which is comprised of the city of Riverbank.

(7) Turlock District, which is comprised of the city of Turlock.

(b) For the purpose of publishing notice arising from a location within Stanislaus County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.590 is new. This section establishes public notice districts for Stanislaus County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.600. Sutter County

6085.600. (a) Sutter County contains the following public notice districts:

(1) Butte District, which is comprised of the city of Live Oak.

(2) Yuba District, which is comprised of Yuba City.

(b) For the purpose of publishing notice arising from a location within Sutter County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.600 is new. This section establishes public notice districts for Sutter County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.610. Tehama County

6085.610. (a) Tehama County contains the following public notice districts:

(1) Corning District, which is comprised of the city of Corning and the unincorporated area known as Los Molinos.

(2) Red Bluff District, which is comprised of the cities of Red Bluff and Tehama and the unincorporated area known as Gerber.

(b) For the purpose of publishing notice arising from a location within Tehama County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.610 is new. This section establishes public notice districts for Tehama County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.620. Trinity County

6085.620. Trinity County contains a single, countywide public notice district.

Comment. Section 6085.620 is new. This section establishes a public notice district for Trinity County. This district is the successor to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.630. Tulare County

6085.630. (a) Tulare County contains the following public notice districts:

(1) Dinuba District, which is comprised of the city of Dinuba and the unincorporated areas known as Cutler and Orosi.

(2) Exeter-Farmersville District, which is comprised of the cities of Exeter and Farmersville.

(3) Lindsay District, which is comprised of the city of Lindsay and the unincorporated area known as Strathmore.

(4) Pixley District, which is comprised of the unincorporated areas known as Earlimart, Pixley, Tipton, and Woodville.

(5) Porterville District, which is comprised of the city of Porterville and the unincorporated areas known as Cotton Center and Poplar.

(6) Tulare District, which is comprised of the city of Tulare.

(7) Visalia District, which is comprised of the city of Visalia and the unincorporated area known as Ivanhoe.

(8) Woodlake District, which is comprised of the city of Woodlake.

(b) For the purpose of publishing notice arising from a location within Tulare County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.630 is new. This section establishes public notice districts for Tulare County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5.

§ 6085.640. Tuolumne County

6085.640. (a) Tuolumne County contains the following public notice district:

(1) Sonora District, which is comprised of the city of Sonora.

(b) For the purpose of publishing notice arising from a location within Tuolumne County that is not within the district described in subdivision (a):

(1) If the location is within ten miles of the district, notice shall be published in the district.

(2) If the location is not within ten miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.640 is new. This section establishes public notice districts for Tuolumne County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.650. Ventura County

6085.650. Ventura County contains a single, countywide public notice district.

Comment. Section 6085.650 is new. This section establishes a public notice district for Ventura County. This district is the successor to the former countywide judicial district that was preserved for notice publication in accordance with former Section 71042.5.

§ 6085.660. Yolo County

6085.660. (a) Yolo County contains the following public notice districts:

(1) Davis District, which is comprised of the city of Davis.

(2) Washington District, which is comprised of the city of West Sacramento.

(3) Winters District, which is comprised of the city of Winters.

(4) Woodland District, which is comprised of the city of Woodland.

(b) For the purpose of publishing notice arising from a location within Yolo County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.660 is new. This section establishes public notice districts for Yolo County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

§ 6085.670. Yuba County

6085.670. (a) Yuba County contains the following public notice districts:

(1) Marysville District, which is comprised of the city of Marysville and the unincorporated areas known as Linda, Olivehurst, and Plumas Lake.

(2) Wheatland District, which is comprised of the city of Wheatland and the unincorporated area known as Beale AFB.

(b) For the purpose of publishing notice arising from a location within Yuba County that is not within one of the districts described in subdivision (a):

(1) If the location is within ten miles of a district, notice shall be published in the nearest district.

(2) If the location is not within ten miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

Comment. Section 6085.670 is new. This section establishes public notice districts for Yuba County. These districts are the successors to the former judicial districts that were preserved for notice publication in accordance with former Section 71042.5. Not every former judicial district is continued.

CONFORMING REVISIONS

BUSINESS AND PROFESSIONS CODE

Bus. & Prof. Code § 21707 (amended). Notice requirement for self-storage facility lien sale

SEC. _____. Section 21707 of the Business and Professions Code is amended to read:

21707. (a) After the expiration of the time given in the notice of lien sale, pursuant to subdivision (b) of Section 21705, or following the failure of a claimant to pay rent or obtain a court order pursuant to Section 21709, an advertisement of the sale shall be published once a week for two weeks consecutively in a newspaper of general circulation published in the judicial public notice district where the sale is to be held. The advertisement shall include a general description of the goods, the name of the person on whose account they are being stored, and the name and location of the storage facility. If there is no newspaper of general circulation published in the judicial public notice district where the sale is to be held, the advertisement shall be posted at least 10 days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale. The sale shall be conducted in a commercially reasonable manner. After deducting the amount of the lien and costs of sale, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within one year of the date of sale. Thereafter, the owner shall pay any remaining excess proceeds to the treasury of the county in which the sale was held.

(b) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

Comment. Section 21707 is amended to replace “judicial district” with “public notice district” and to refer to the provisions governing publication of notice in a “public notice district.”

CIVIL CODE

Civ. Code § 2924f (amended). Home foreclosure sale made under power of sale

SEC. ____ . Section 2924f of the Civil Code is amended to read:

2924f. (a) As used in this section and Sections 2924g and 2924h, “property” means real property or a leasehold estate therein, and “calendar week” means Monday through Saturday, inclusive.

(b)(1) Except as provided in subdivision (c), before any sale of property can be made under the power of sale contained in any deed of trust or mortgage, or any resale resulting from a rescission for a failure of consideration pursuant to subdivision (c) of Section 2924h, notice of the sale thereof shall be given by posting a written notice of the time of sale and of the street address and the specific place at the street address where the sale will be held, and describing the property to be sold, at least 20 days before the date of sale in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the ~~judicial district in which~~ area of the property is to be sold, and publishing a copy once a week for three consecutive calendar weeks.

(2) The first publication to be at least 20 days before the date of sale, in a newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in a newspaper of general circulation published in the ~~judicial~~ public notice district in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or ~~judicial~~ public notice district, as the case may be, in a newspaper of general circulation published in the county in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or ~~judicial~~ public notice district or county, as the case may be, in a newspaper of general

circulation published in the county in this state that is contiguous to the county in which the property or some part thereof is situated and has, by comparison with all similarly contiguous counties, the highest population based upon total county population as determined by the most recent federal decennial census published by the Bureau of the Census. For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

(3) A copy of the notice of sale shall also be posted in a conspicuous place on the property to be sold at least 20 days before the date of sale, where possible and where not restricted for any reason. If the property is a single-family residence the posting shall be on a door of the residence, but, if not possible or restricted, then the notice shall be posted in a conspicuous place on the property; however, if access is denied because a common entrance to the property is restricted by a guard gate or similar impediment, the property may be posted at that guard gate or similar impediment to any development community.

(4) The notice of sale shall conform to the minimum requirements of Section 6043 of the Government Code and be recorded with the county recorder of the county in which the property or some part thereof is situated at least 20 days prior to the date of sale.

(5) The notice of sale shall contain the name, street address in this state, which may reflect an agent of the trustee, and either a toll-free telephone number or telephone number in this state of the trustee, and the name of the original trustor, and also shall contain the statement required by paragraph (3) of subdivision (c). In addition to any other description of the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any, and a county assessor's parcel number; but if the property has no street address or other common designation, the notice shall contain a legal description of the property, the name and address of the beneficiary at whose request the sale is to be conducted, and a statement that directions may be

obtained pursuant to a written request submitted to the beneficiary within 10 days from the first publication of the notice. Directions shall be deemed reasonably sufficient to locate the property if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If a legal description or a county assessor's parcel number and either a street address or another common designation of the property is given, the validity of the notice and the validity of the sale shall not be affected by the fact that the street address, other common designation, name and address of the beneficiary, or the directions obtained therefrom are erroneous or that the street address, other common designation, name and address of the beneficiary, or directions obtained therefrom are omitted.

(6) The term "newspaper of general circulation," as used in this section, has the same meaning as defined in Article 1 (commencing with Section 6000) of Chapter 1 of Division 7 of Title 1 of the Government Code.

(7) The notice of sale shall contain a statement of the total amount of the unpaid balance of the obligation secured by the property to be sold and reasonably estimated costs, expenses, advances at the time of the initial publication of the notice of sale, and, if republished pursuant to a cancellation of a cash equivalent pursuant to subdivision (d) of Section 2924h, a reference of that fact; provided, that the trustee shall incur no liability for any good faith error in stating the proper amount, including any amount provided in good faith by or on behalf of the beneficiary. An inaccurate statement of this amount shall not affect the validity of any sale to a bona fide purchaser for value, nor shall the failure to post the notice of sale on a door as provided by this subdivision affect the validity of any sale to a bona fide purchaser for value.

(8)(A) On and after April 1, 2012, if the deed of trust or mortgage containing a power of sale is secured by real property containing from one to four single-family residences, the notice of sale shall contain substantially the following language, in addition

to the language required pursuant to paragraphs (1) to (7), inclusive:

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call [telephone number for information regarding the trustee's sale] or visit this Internet Web site [Internet Web site address for information regarding the sale of this property], using the file number assigned to this case [case file number]. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale.

(B) A mortgagee, beneficiary, trustee, or authorized agent shall make a good faith effort to provide up-to-date information regarding sale dates and postponements to persons who wish this information. This information shall be made available free of charge. It may be made available via an Internet Web site, a telephone recording that is accessible 24 hours a day, seven days a week, or through any other means that allows 24 hours a day, seven days a week, no-cost access to updated information. A disruption of any of these methods of providing sale date and postponement information to allow for reasonable maintenance or due to a service outage shall not be deemed to be a violation of the good faith standard.

(C) Except as provided in subparagraph (B), nothing in the wording of the notices required by subparagraph (A) is intended to modify or create any substantive rights or obligations for any person providing, or specified in, either of the required notices. Failure to comply with subparagraph (A) or (B) shall not invalidate any sale that would otherwise be valid under Section 2924f.

(D) Information provided pursuant to subparagraph (A) does not constitute the public declaration required by subdivision (d) of Section 2924g.

(9) If the sale of the property is to be a unified sale as provided in subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, the notice of sale shall also contain a description of the personal property or fixtures to be sold. In the case where it is contemplated that all of the personal property or fixtures are to be sold, the description in the notice of the personal property or fixtures shall be sufficient if it is the same as the description of the personal property or fixtures contained in the agreement creating the security interest in or encumbrance on the personal property or fixtures or the filed financing statement relating to the personal property or fixtures. In all other cases, the description in the notice shall be sufficient if it would be a sufficient description of the personal property or fixtures under Section 9108 of the Commercial Code. Inclusion of a reference to or a description of personal property or fixtures in a notice of sale

hereunder shall not constitute an election by the secured party to conduct a unified sale pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, shall not obligate the secured party to conduct a unified sale pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, and in no way shall render defective or noncomplying either that notice or a sale pursuant to that notice by reason of the fact that the sale includes none or less than all of the personal property or fixtures referred to or described in the notice. This paragraph shall not otherwise affect the obligations or duties of a secured party under the Commercial Code.

(c)(1) This subdivision applies only to deeds of trust or mortgages which contain a power of sale and which are secured by real property containing a single-family, owner-occupied residence, where the obligation secured by the deed of trust or mortgage is contained in a contract for goods or services subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3).

(2) Except as otherwise expressly set forth in this subdivision, all other provisions of law relating to the exercise of a power of sale shall govern the exercise of a power of sale contained in a deed of trust or mortgage described in paragraph (1).

(3) If any default of the obligation secured by a deed of trust or mortgage described in paragraph (1) has not been cured within 30 days after the recordation of the notice of default, the trustee or mortgagee shall mail to the trustor or mortgagor, at his or her last known address, a copy of the following statement:

YOU ARE IN DEFAULT UNDER A
_____ ,
(Deed of trust or mortgage)
DATED _____. UNLESS YOU TAKE ACTION TO

PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

(4) All sales of real property pursuant to a power of sale contained in any deed of trust or mortgage described in paragraph (1) shall be held in the county where the residence is located and shall be made to the person making the highest offer. The trustee may receive offers during the 10-day period immediately prior to the date of sale and if any offer is accepted in writing by both the trustor or mortgagor and the beneficiary or mortgagee prior to the time set for sale, the sale shall be postponed to a date certain and prior to which the property may be conveyed by the trustor to the person making the offer according to its terms. The offer is revocable until accepted. The performance of the offer, following acceptance, according to its terms, by a conveyance of the property to the offeror, shall operate to terminate any further proceeding under the notice of sale and it shall be deemed revoked.

(5) In addition to the trustee fee pursuant to Section 2924c, the trustee or mortgagee pursuant to a deed of trust or mortgage subject to this subdivision shall be entitled to charge an additional fee of fifty dollars (\$50).

(6) This subdivision applies only to property on which notices of default were filed on or after the effective date of this subdivision.

(d) With respect to residential real property containing no more than four dwelling units, a separate document containing a summary of the notice of sale information in English and the languages described in Section 1632 shall be attached to the notice of sale provided to the mortgagor or trustor pursuant to Section 2923.3.

Comment. Paragraph (b)(1) of Section 2924f is amended to reflect the elimination of former judicial districts as a location for publication of notice. Paragraph (b)(2) is amended to replace “judicial district” with “public notice district” and refer to the provisions governing publication of notice in a “public notice district.”

Civ. Code § 3440.1 (amended). Exemption of debtor's conveyance of personal property without delivery from fraudulent transfer rules

SEC. ____ . Section 3440.1 of the Civil Code is amended to read:

3440.1. This chapter does not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes if either are at sea or in a foreign port.

(c) The sale of accounts, chattel paper, payment intangibles, or promissory notes governed by the Uniform Commercial Code, security interests, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged, and if the transfers are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) A transfer or assignment made for the benefit of creditors generally or by an assignee acting under an assignment for the benefit of creditors generally.

(f) Property exempt from enforcement of a money judgment.

(g) Standing timber.

(h) Subject to the limitations in Section 3440.3, a transfer of personal property if all of the following conditions are satisfied:

(1) Before the date of the intended transfer, the transferor or the transferee files a financing statement, with respect to the property transferred, authorized in an authenticated record by the transferor. The financing statement shall be filed in the office of the Secretary of State in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code, but may use the terms "transferor" in lieu of "debtor" and "transferee" in lieu of "secured party." The provisions of Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code shall apply as appropriate to the financing statement.

(2) The transferor or the transferee publishes a notice of the intended transfer one time in a newspaper of general circulation published in the ~~judicial~~ judicial public notice district in which the personal

property is located, if there is one, and if there is none in the ~~judicial public notice~~ district, then in a newspaper of general circulation in the county ~~embracing the judicial district in which the personal property is located~~. The publication shall be completed not less than 10 days before the date the transfer occurs. The notice shall contain the name and address of the transferor and transferee and a general statement of the character of the personal property intended to be transferred, and shall indicate the place where the personal property is located and a date on or after which the transfer is to be made.

(i) Personal property not located within this state at the time of the transfer or attachment of the lien if the provisions of this subdivision are not used for the purpose of evading this chapter.

(j) A transfer of property that (1) is subject to a statute or treaty of the United States or a statute of this state that provides for the registration of transfers of title or issuance of certificates of title and (2) is so far perfected under that statute or treaty that a bona fide purchaser cannot acquire an interest in the property transferred that is superior to the interest of the transferee.

(k) A transfer of personal property in connection with a transaction in which the property is immediately thereafter leased by the transferor from the transferee provided the transferee purchased the property for value and in good faith pursuant to subdivision (c) of Section 10308 of the Commercial Code.

(l) Water supply property, as defined in Section 849 of the Public Utilities Code.

(m) A transfer of property by any governmental entity.

(n) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

Comment. Section 3440.1 is amended to replace “judicial district” with “public notice district” and refer to the provisions governing publication of notice in a “public notice district.”

Civ. Code § 3440.5 (amended). Exemption of certain security agreements from fraudulent transfer rules

SEC. ____ . Section 3440.5 of the Civil Code is amended to read:

3440.5 (a) This chapter does not affect the rights of a secured party who, for value and in good faith, acquires a security interest in the transferred personal property from the transferee, or from the transferee's successor in interest, if the transferor is no longer in possession of the personal property at the time the security interest attaches.

(b) Additionally, except as provided in Section 3440.3, this chapter does not affect the rights of a secured party who acquires a security interest from the transferee, or from the transferee's successor in interest, in the personal property, if all of the following conditions are satisfied:

(1) On or before the date the security agreement is executed, the intended debtor or secured party files a financing statement with respect to the property transferred, signed by the intended debtor. The financing statement shall be filed in the office of the Secretary of State in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code, but shall use the terms "transferor" in lieu of "debtor," "transferee" in lieu of "secured party," and "secured party" in lieu of "assignee of secured party." The provisions of Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code shall apply as appropriate to ~~such a~~ the financing statement. For the purpose of indexing, and in any certification of search, the Secretary of State may refer to any financing statement filed pursuant to this paragraph as a financing statement under the Commercial Code and may describe the transferor as a debtor and the transferee as a secured party.

~~Compliance with this paragraph shall, however, not perfect the security interest of the secured party. Perfection of such a security interest shall be governed by Division 9 (commencing with Section 9101) of the Commercial Code.~~

(2) The intended debtor or secured party publishes a notice of the transfer one time in a newspaper of general circulation published in the ~~judicial~~ public notice district in which the personal

property is located, if there is one, and if there is none in the ~~judicial~~ public notice district, then in a newspaper of general circulation in the county ~~embracing the judicial district in which the personal property is located.~~ The publication shall be completed not less than 10 days before the date of execution by the intended debtor of the intended security agreement. The notice shall contain the names and addresses of the transferor and transferee and of the intended debtor and secured party, a general statement of the character of the personal property transferred and intended to be subject to the security interest, the location of the personal property, and the date on or after which the security agreement is to be executed by the intended debtor.

(c) Compliance with paragraph (1) of subdivision (b) shall not perfect the security interest of the secured party. Perfection of that security interest shall be governed by Division 9 (commencing with Section 9101) of the Commercial Code.

(d) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

Comment. Section 3440.5 is amended to replace “judicial district” with “public notice district” and refer to the provisions governing publication of notice in a “public notice district.”

The section is also amended to make technical changes.

CODE OF CIVIL PROCEDURE

Code Civ. Proc. § 701.540 (amended). Notice of sale of interest in real property

SEC. ____ . Section 701.540 of the Code of Civil Procedure is amended to read:

701.540. (a) Notice of sale of an interest in real property shall be in writing, shall state the date, time, and place of sale, shall describe the interest to be sold, and shall give a legal description of the real property and its street address or other common designation, if any. If the real property has no street address or other common designation, the notice of sale shall include a

statement that directions to its location may be obtained from the levying officer upon oral or written request or, in the discretion of the levying officer, the notice of sale may contain directions to its location. Directions are sufficient if information as to the location of the real property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If an accurate legal description of the real property is given, the validity of the notice and sale is not affected by the fact that the street address or other common designation, or directions to its location, are erroneous or omitted.

(b) Not less than 20 days before the date of sale, notice of sale of an interest in real property shall be served, mailed, and posted by the levying officer as provided in subdivisions (c), (d), (e), and (f).

(c) Notice of sale shall be served on the judgment debtor. Service shall be made personally or by mail.

(d) Notice of sale shall be posted in the following places:

(1) One public place in the city in which the interest in the real property is to be sold if it is to be sold in a city or, if not to be sold in a city, one public place in the county in which the interest in the real property is to be sold.

(2) A conspicuous place on the real property.

(e) At the time notice is posted pursuant to paragraph (2) of subdivision (d), notice of sale shall be served or service shall be attempted on one occupant of the real property. Service on the occupant shall be made by leaving the notice with the occupant personally or, in the occupant's absence, with any person of suitable age and discretion found upon the real property at the time service is attempted who is either an employee or agent of the occupant or a member of the occupant's household. If the levying officer is unable to serve ~~such~~ an occupant as specified at the time service is attempted, the levying officer is not required to make any further attempts to serve an occupant.

(f) If the property described in the notice of sale consists of more than one distinct lot, parcel, or governmental subdivision and any of the lots, parcels, or governmental subdivisions lies with relation to any of the others so as to form one or more continuous,

unbroken tracts, only one service pursuant to subdivision (e) and posting pursuant to paragraph (2) of subdivision (d) need be made as to each continuous, unbroken tract.

(g) Notice of sale shall be published pursuant to Section 6063 of the Government Code, with the first publication at least 20 days prior to the time of sale, in a newspaper of general circulation published in the city in which the real property or a part thereof is situated if any part thereof is situated in a city or, if not, in a newspaper of general circulation published in the ~~judicial~~ public notice district in which the real property or a part thereof is situated. If no newspaper of general circulation is published in the city or ~~judicial~~ public notice district, notice of sale shall be published in a newspaper of general circulation in the county in which the real property or a part thereof is situated.

(h) Not earlier than 30 days after the date of levy, the judgment creditor shall determine the names of all persons having liens on the real property on the date of levy that are of record in the office of the county recorder and shall instruct the levying officer to mail notice of sale to each ~~such person~~ lienholder at the address used by the county recorder for the return of the instrument creating the ~~person's~~ lien after recording. The levying officer shall mail notice to each ~~such person~~ lienholder, at the address given in the instructions, not less than 20 days before the date of sale.

(i) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

Comment. Section 701.540 is amended to replace “judicial district” with “public notice district” and refer to the provisions governing publication of notice in a “public notice district.”

This section is also amended to make technical changes.

COMMERCIAL CODE

Com. Code § 6105 (amended). Notice requirement for bulk sale

SEC. ____ . Section 6105 of the Commercial Code is amended to read:

6105. ~~In order to comply with subdivision (b) of Section 6104 each of the following shall be satisfied:~~

(a) ~~The~~ A notice that is governed by this section shall comply with each of the following:

(1) State that a bulk sale is about to be made.

(2) State the name and business address of the seller together with any other business name and address listed by the seller (subdivision (a) of Section 6104) and the name and business address of the buyer.

(3) State the location and general description of the assets.

(4) State the place and the anticipated date of the bulk sale.

(5) State whether or not the bulk sale is subject to Section 6106.2 and, if so subject, the matters required by subdivision (f) of Section 6106.2.

(b) At least 12 business days before the date of the bulk sale, ~~the~~ a notice that is governed by this section shall be:

(1) Recorded in the office of the county recorder in the county or counties in this state in which the tangible assets are located and, if different, in the county in which the seller is located (paragraph (2) of subdivision (a) of Section 6103).

(2) Published at least once in a newspaper of general circulation published in the ~~judicial~~ public notice district in this state in which the tangible assets are located and in the ~~judicial~~ public notice district, if different, in which the seller is located (paragraph (2) of subdivision (a) of Section 6103), if in either case there is one, and if there is none, then in a newspaper of general circulation in the county in which the ~~judicial~~ public notice district is located. If the tangible assets are located in more than one public notice district in this state, the publication shall be in a newspaper of general circulation published in the public notice district in this state in which a greater portion of the tangible assets are located, on the

date the notice is published, than in any other public notice district in this state and, if different, in the public notice district in which the seller is located (paragraph (2) of subdivision (a) of Section 6103).

(3) Delivered or sent by registered or certified mail to the county tax collector in the county or counties in this state in which the tangible assets are located. If delivered during the period from January 1 to May 7, inclusive, the notice shall be accompanied by a completed business property statement with respect to property involved in the bulk sale pursuant to Section 441 of the Revenue and Taxation Code.

~~If the tangible assets are located in more than one judicial district in this state, the publication required in paragraph (2) shall be in a newspaper of general circulation published in the judicial district in this state in which a greater portion of the tangible assets are located, on the date the notice is published, than in any other judicial district in this state and, if different, in the judicial district in which the seller is located (paragraph (2) of subdivision (a) of Section 6103). As used in this subdivision, “business day” means any day other than a Saturday, Sunday, or day observed as a holiday by the state government.~~

(c) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

(d) As used in this section, “business day” means any day other than a Saturday, Sunday, or day observed as a holiday by the state government.

Comment. Section 6105 is amended to replace “judicial district” with “public notice district” and refer to the provisions governing publication of notice in a “public notice district.”

This section is also revised to reflect its application to any notice governed by this section. See, e.g., §§ 6103(c)(9)(iv), 6103(c)(15), 6104(b), 6106.2(f), 6108(a)(3).

This section is also amended to make technical changes.

GOVERNMENT CODE

Gov't Code § 6008 (amended). Criteria for establishing standing as newspaper of general circulation

SEC. _____. Section 6008 of the Government Code is amended to read:

6008. (a) Notwithstanding any provision of law to the contrary, a newspaper is a “newspaper of general circulation” if it meets all of the following criteria:

(a) (1) It is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers and has been established and published at regular intervals of not less than weekly in the city, district, or ~~judicial~~ public notice district for which it is seeking adjudication for at least three years preceding the date of adjudication.

(b) (2) It has a substantial distribution to paid subscribers in the city, district, or ~~judicial~~ public notice district in which it is seeking adjudication.

(c) (3) It has maintained a minimum coverage of local or telegraphic news and intelligence of a general character of not less than 25 percent of its total inches during each year of the three-year period.

(d) (4) It has only one principal office of publication and that office is in the city, district, or ~~judicial~~ public notice district for which it is seeking adjudication.

(b) For the purposes of Section 6020, a newspaper meeting the criteria of this section which desires to have its standing as a newspaper of general circulation ascertained and established, may, by its publisher, manager, editor, or attorney, file a verified petition in the superior court of the county in which it is established and published.

(c) As used in this section:

(1) “Established” means in existence under a specified name during the whole of the three-year period, except that a modification of name in accordance with Section 6024, where the

modification of name does not substantially change the identity of the newspaper, shall not affect the status of the newspaper for the purposes of this definition.

(2) “Published” means issued from the place where the newspaper is sold to or circulated among the people and its subscribers during the whole of the three-year period.

(3) “Public notice district” means a public notice district described in Chapter 1.1 (commencing with Section 6080).

Comment. Section 6008 is amended to replace “judicial district” with “public notice district” and refer to the provisions describing public notice districts.

This section is also amended to make technical changes.

Heading of Article 2 (commencing with Section 71042.5) (amended)

SEC. ____ . The heading of Article 2 (commencing with Section 70142.5) of Chapter 6 of Title 8 of the Government Code is amended to read:

Article 2: ~~Preservation of~~ Judicial Districts

Gov’t Code § 71042.5 (repealed). Preservation of judicial districts for purpose of publication

SEC. ____ . Section 71042.5 of the Government Code is repealed.

Comment. Section 71042.5 is repealed. The former judicial districts designated for the publication of notice are replaced with public notice districts. See Sections 6080-6085.670.

Note. The text of the repealed section is set forth below.

71042.5. Notwithstanding any other provision of law, where judicial districts in a county have been consolidated, or where the municipal and superior courts in a county have unified, the territory embraced within the respective prior component judicial districts shall be separate judicial districts for the purpose of publication within a judicial district.

Gov’t Code § 71042.6 (repealed). Map to establish district boundaries

SEC. ____ . Section 71042.6 of the Government Code is repealed.

Comment. Section 71042.6 is repealed. The former judicial districts designated for the publication of notice are replaced with public notice districts. See Sections 6080-6085.670.

Note. The text of the repealed section is set forth below.

71042.6. For the purpose of establishing boundaries under Section 71042.5, a map approved by the county surveyor shall be kept on file with the county recorder showing the boundaries of all consolidated or unified districts and component districts as of the date of consolidation or unification. The map shall be conclusively presumed to be accurate and may be used in evidence in any proceeding involving application of Section 71042.5.

REVENUE AND TAXATION CODE

Rev. & Tax. Code § 3381 (amended). Alternate means of notice of intent to sell property of delinquent taxpayer

SEC. _____. Section 3381 of the Revenue and Taxation Code is amended to read:

3381. (a) In each county where the tax collector or, if the county is a chartered county, the board of supervisors determines that the public interest, convenience and necessity require the local publication of the delinquent list required by Section 3371, or the published notice of power and intent to sell required by Section 3361, in order to afford adequate notice, all items required to be published shall be published as provided in this article.

(b) After the determination, the tax collector or, if the county is a chartered county, the board of supervisors shall divide and distribute the items to be published and cause the same to be published either within ~~(a)~~ (1) the municipal corporations, ~~(b)~~ (2) the elementary, high school, or junior college districts, ~~(c)~~ (3) the supervisorial districts, ~~(d) judicial districts~~ (4) public notice districts described in Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code, ~~(e)~~ (5) tax districts, areas included in map books, or tax code areas, or ~~(f)~~ (6) by any annexation or annexations of same, or any combination of same, or any combination of those districts, annexations, areas included in map books, and code areas, within the county as they

shall determine most likely to afford adequate notice to owners of the property.

(c) Except as provided in this article, the publication shall be in the same manner as provided in Article 1.7 (commencing with Section 3371).

(d) The publication provided for in this article shall be made once a week for two successive weeks in a newspaper or newspapers of general circulation. The publication shall be made in a newspaper published not less frequently than once a week.

Comment. Section 3381 is amended to replace “judicial district” with “public notice district” and refer to the Government Code provisions governing publication of notice in a “public notice district.”

This section is also amended to add subdivision designations and make other technical changes.

Rev. & Tax. Code § 3702 (amended). Means of notice of intended sale of property of delinquent taxpayer

SEC. _____. Section 3702 of the Revenue and Taxation Code is amended to read:

3702. (a) The tax collector shall publish the notice of intended sale once a week for three successive weeks in a newspaper of general circulation published in the county seat and in a newspaper of general circulation published in the judicial public notice district in which the property is situated. If the same newspaper of general circulation is published in both the county seat and in ~~such the~~ public notice district, or if the publication of the notice of sale is made in a newspaper which is determined pursuant to Section 3381 as most likely to afford adequate notice of the sale, a publication in ~~such that~~ that paper shall satisfy the requirements for publication set forth in this section. If there is no newspaper of general circulation published in the county seat ~~or in the judicial district~~, then publication may be made by posting notice in three public places in the county seat ~~or in the judicial district, as the case may be, where no such newspaper is published.~~ If there is no newspaper of general circulation published in the public notice district, then publication may be made by posting notice in three public places

in the area of the property. The publication shall be started not less than 21 days prior to the date of the sale.

(b) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

Comment. Section 3702 is amended to replace “judicial district” with “public notice district” and refer to the provisions governing publication of notice in a “public notice district.”

This section is also amended to make technical changes.

Rev. & Tax. Code § 3703 (amended). Alternate means of notice if property is lower in value than cost of publication

SEC. _____. Section 3703 of the Revenue and Taxation Code is amended to read:

3703. If in the judgment of the board of supervisors any property to be sold under this chapter will bring at auction less than the cost of publication in a newspaper, the publication of the notice of intended sale may be made in the same manner as if there were no newspaper published in the county seat or in the judicial public notice district.

Comment. Section 3703 is amended to replace “judicial district” with “public notice district.”
