

**Tentative Rulings for April 15, 2026**  
**Department 403**

**For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)**

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There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

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The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

24CECG04081      *Larry Zamora v. Juan Bautista* is continued to Wednesday, April 29, 2026, at 3:30 p.m. in Department 403.

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# **Tentative Rulings for Department 403**

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**Tentative Ruling**

Re: ***Tou Lee v. John Moua, et al.***  
Superior Court Case No. 25CECG03861

Hearing Date: April 15, 2026 (Dept. 403)

Motion: (1) by Plaintiff to Determine Value and Send Buyout Notice  
(2) Demurrer

**Tentative Ruling:**

To deny plaintiff's motion to set a hearing to determine the fair market value without prejudice.

To take the demurrer off calendar as no papers have been filed.

**If oral argument is timely requested, it will be entertained on  
Thursday, April 16, 2026, at 3:30 p.m. in Department 403.**

**Explanation:**


Plaintiff Tou Lee seeks an order appointing an appraiser and setting a hearing to determine the fair market value of the real property that is the subject of his complaint for partition. Plaintiff moves pursuant to the Partition of Real Property Act, which applies to real property held in tenancy in common where there is no agreement governing the partition of the property binding all cotenants. (Code Civ. Proc., § 874.311, subd. (b).) Although the application of the Act to this action is consistent with the complaint alleging the property is held equally by the parties as cotenants, there has been no adjudication of the complaint and no admissible evidence submitted with the motion to support the application of the Act. The motion is supported only by the declaration of plaintiff's attorney whose attestations as to the property ownership and agreement among the cotenants are hearsay.

Plaintiff proposes Christine Radcliffe for appointment as the real estate appraiser but failed to provide evidence of her qualifications.

In the absence of admissible evidence to support the motion, the motion is denied.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

**Issued By:**          **on**     4-14-26    .

(Judge's initials)

(Date)