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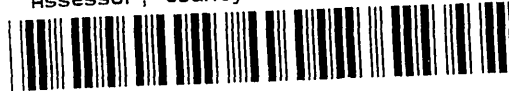
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FINAL JUDGEMENT AND ORDER OF CONDEMNATION

CASE NO. RIC 397538

D-16137



This document is Exempt from Filing Fee Pursuant to *Government Code* § 6103.

16137

AUG 29 2005

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 15 2005

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(Fee Exempt Govt. Code § 6103)

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF RIVERSIDE

11 CITY OF RIVERSIDE, a municipal
corporation,

12 Plaintiff,

13 vs.

14 ERNEST M. ULFIG; EVANGELINE ULFIG;
15 CALIFORNIA ELECTRIC POWER
COMPANY; CAL FED ENTERPRISES, a
16 California corporation; FIRST NATIONWIDE
MORTGAGE CORPORATION, a Delaware
17 corporation; JAMES L. WOLFE; LAURA C.
WOLFE; EAST RIVERSIDE WATER
18 COMPANY; ORANGE COUNTY
TEACHERS FEDERAL CREDIT UNION, a
19 Federally Chartered Credit Union; DELBERT
L. SCHROEDER, Co-Trustee of the Delbert L.
20 Schroeder and Caroline R. Schroeder
Revocable Living Trust Dated October 10,
21 2001; CAROLINE R. SCHROEDER, Co-
Trustee of the Delbert L. Schroeder and
22 Caroline R. Schroeder Revocable Living Trust
Dated October 10, 2001; WHELAN ESCROW
23 COMPANY, a California corporation; LEO
RICHERT; COUNTY OF RIVERSIDE;
24 RAFAEL PEREZ; CORINNE M. PEREZ;
ANTONIO E. RIOS; HARTFORD ESCROW
25 INC., a California corporation; MISSION
HILLS MORTGAGE CORPORATION, a
26 California corporation; CORINNE PEREZ;
IAN YEN NGUYEN; CALIFORNIA
27 ELECTRIC COMPANY; CALIFORNIA
RECONVEYANCE COMPANY;

CASE NO.: 397538

**FINAL JUDGEMENT AND ORDER
OF CONDEMNATION**

Assessor's Parcel Nos.: 250-052-003
250-052-004
250-052-005
250-052-006
250-052-007
250-052-008
250-052-009
250-052-010
250-052-011
250-052-012
250-052-013
250-052-014

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1 WASHINGTON MUTUAL BANK, FA; THE)
 2 PACIFIC TELEPHONE AND TELEGRAPH)
 3 COMPANY; EDWIN G. CUBE; MARIA C.)
 4 CUBE; MASTER MORTGAGE COMPANY,)
 5 a California corporation; CALIFORNIA)
 6 FEDERAL BANK; GUSTAVO PEREZ S.;)
 7 LUISA PEREZ; CHICAGO TITLE)
 8 COMPANY; NEW CENTURY MORTGAGE)
 9 CORPORATION, a California corporation;)
 10 DAVID H. FLESNER; PAMELA A.)
 11 FLESNER; ROGER D. WARREN; JOAN H.)
 12 WARREN; R & R DISTRIBUTING CO. INC.,)
 13 a California corporation; WILLIAM W.)
 14 SITTON; DOES 1 through 100; and ALL)
 15 PERSONS UNKNOWN CLAIMING AN)
 16 INTEREST IN THE PROPERTY)
 17
 18 Defendants.)

11 This Final Judgment and Order of condemnation is hereby made as to all parties and
 12 property interests alleged in the Complaint in Eminent Domain following disposition of all
 13 Defendants through these court proceedings.

14 NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED:

15 1. Pursuant to its Charter, §§ 37350.5, 39792, and 40404(f) of the Government
 16 Code of the State of California, § 1240.010 of the Code of Civil Procedure of the State of
 17 California, and Article I § 19 of the Constitution of the State of California, Plaintiff CITY OF
 18 RIVERSIDE is authorized to acquire real property or interests therein for public uses and purposes.

19 2. After a duly noticed public hearing and an opportunity to be heard in compliance
 20 with Code of Civil Procedure § 1245.235, on July 8, 2003, Plaintiff's City Council adopted
 21 Resolution No. 20468 authorizing Plaintiff to acquire by eminent domain the real property
 22 described in the complaint on file herein, including Riverside County Assessor's Parcel Numbers
 23 250-052-003, 250-052-004, 250-052-005, 250-052-006, 250-052-007, 250-052-008, 250-052-009,
 24 250-052-010, 250-052-011, 250-052-012, 250-052-013, 250-052-014 ("Parcels"). Of those
 25 Parcels, Assessor Parcel Numbers 250-052-005 and 250-052-014 are jointly owned in fee by the
 26 owners of the Parcels and were used as common area prior to this action. In compliance with §§
 27 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined

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1 that: (a) the public interest and necessity require the proposed project; (b) the proposed project is
 2 planned and located in the manner that will be most compatible with the greatest public good and
 3 least private injury; (c) the acquisition and taking of fee simple absolute interests in the Parcels
 4 sought to be acquired are necessary for the Project; and (d) the offer required by § 7267.2 of the
 5 Government Code has been made to the owners of record of the subject properties.

6 3. Plaintiff CITY OF RIVERSIDE commenced this eminent domain action to
 7 condemn a fee simple absolute estate in and to the Parcels.

8 4. Partial Judgments and Final Orders of Condemnation have been made and
 9 entered as to the following parcels and parties on the dates indicated below:

10	<u>APN</u>	<u>DEFENDANT</u>	<u>DATE OF FILING</u>
11	(a) 250-052-003	Ernest Ulfig	12/08/03
12	250-052-005	Evangeline Ulfig	12/08/03
13	250-052-014	CitiMortgage, Inc.	12/08/03
14	(b) 250-052-004	James Wolfe	03/08/04
15	250-052-005	Laura Wolfe	03/08/04
16	250-052-014	Orange County Teachers Federal Credit Union	03/08/04
17	(c) 250-052-005	Delbert Schroeder	05/10/04
18	250-052-006	Caroline Schroeder	05/10/04
19	250-052-014		
20	(d) 250-052-005	Ian Yen Nguyen	03/03/04
21	250-052-009	Washington Mutual Bank,	03/03/04
22	250-052-010	F.A.	
23	250-052-014		
24	(e) Parcels	Pacific Bell Telephone Company, sued and served herein as Pacific Telephone and Telegraph Company	04/25/05
25	(f) 250-052-005	Edwin Cube	09/03/03
26	250-052-011	Maria Cube	09/03/03
27	250-052-014	CitiMortgage, Inc.	09/03/03



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	<u>APN</u>	<u>DEFENDANT</u>	<u>DATE OF FILING</u>
1			
2	(g) 250-052-005	Gustavo Perez S.	12/21/04
3	250-052-012	Luisa Perez	12/21/04
4	250-052-014	Downey Savings and Loan Association	12/21/04
5	(h) 250-052-005	Rafael Perez	Concurrently herewith
6	250-052-007	Corinne Perez	Concurrently herewith
7	250-052-008	Antonio Rios	Concurrently herewith
8	250-052-014		

8 Said Final Orders of Condemnation failed to identify the "fee" interest being
9 condemned, wherefore, said Final Orders of Condemnation only, shall be superceded by the Final
10 Order of Condemnation contained in this Judgment.

11 5. A 90-day Order for Prejudgment Possession was signed by the Honorable Gary
12 B. Tranbarger on August 28, 2003, authorizing Plaintiff to take possession of the Parcels. Effective
13 dates for Orders of Prejudgment Possession have been established by way of Partial Judgment and
14 Final Orders of Condemnation as to the parcels identified in paragraph 4 of this Judgment. As to
15 the following parcels, Plaintiff was authorized to take possession on the following dates:

	<u>PARCEL NUMBER</u>	<u>POSSESSION DATE</u>
18	250-052-003	12/08/03
19	250-052-005	12/18/03
20	250-052-011	09/03/03
21	250-052-012	01/21/04
22	250-052-013	12/13/03
23	250-052-014	12/12/03

24 6. Plaintiff's portion of taxes, if any, as to the Parcels shall be cancelled as of the
25 effective date of possession established in the Partial Judgements and Final Orders of
26 Condemnation identified in paragraph 4, and as to the parcels identified in paragraph 5 of this
27 Judgment.



1 7. The remaining interests, of whatever kind or nature, of all Defendants in and to
2 the Parcels and the cancellation of taxes are disposed of in this Final Judgment and Order of
3 Condemnation.

4 8. The following Defendants filed disclaimers on the dates indicated below, and are
5 entitled to no compensation herein:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
County of Riverside	04/29/04
California Reconveyance Company	07/08/04
Washington Mutual Bank	07/08/04
Greenpoint Mortgage Funding, Inc.	Concurrently herewith

11 9. The following Defendants were dismissed by Plaintiff without prejudice from
12 this action on the dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
California Electric Power Company	05/06/04
Cal Fed Enterprises	11/09/04
First Nationwide Mortgage	11/09/04
R & R Distributing Co.	11/23/04
East Riverside Water Company	05/06/04
Orange County Teachers Federal Credit Union	11/09/04
Hartford Escrow, Inc.	05/07/04
Mission Hills Mortgage Corporation	05/07/04
Master Mortgage Company	11/09/04
California Federal Bank	11/09/04
Chicago Title Company	11/09/04
New Century Mortgage Corp.	11/09/04
California Electric Company	05/12/04



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1 10. The following Defendants having been regularly served with process herein and
 2 having failed to appear or answer within the time allowed by law, had their defaults taken on the
 3 dates indicated below and are entitled to no compensation herein:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Roger D. Warren	11/09/04
Joan H. Warren	11/09/04
William Sitton	11/09/04
Whelan Escrow Company	10/06/04
Leo Richert	11/09/04

10 11. On August 28, 2003, Plaintiff deposited the sum of Two Million Five Hundred
 11 Forty Thousand Dollars (\$2,540,000) with the Treasurer of the State of California, Condemnation
 12 Fund, as a deposit of probable just compensation. Said deposit was made for the parcels
 13 condemned herein in fee and was apportioned as follows:

<u>Parcel Number</u>	<u>Amount</u>
250-052-003	\$280,000
250-052-004	\$280,000
250-052-006	\$260,000
250-052-007	\$300,000
250-052-008	\$300,000
250-052-009	\$280,000
250-052-010	\$280,000
250-052-012	\$280,000
250-052-013	\$280,000

24 12. The following distributions were made from funds deposited with the State of
 25 California pursuant to application and order of the court on the dates indicated below:

<u>APPLICANT</u>	<u>ORDER</u>	<u>WITHDRAWAL</u>	<u>DATE of W/D</u>
City of Riverside	03/19/04	\$1,400,000.00	03/30/04

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<u>APPLICANT</u>	<u>ORDER</u>	<u>WITHDRAWAL</u>	<u>DATE of W/D</u>
City of Riverside	06/30/04	\$ 540,000.00	07/13/04
Rafael Perez, Corinne M. Perez and Antonio E. Rios	07/12/04	\$ 125,478.26 \$ 122,428.96	07/21/04
Countrywide Home Loans	07/12/04	\$ 169,521.26 \$ 172,571.04	07/21/04

13. The sum of Ten Thousand Dollars and Forty-Eight Cents (\$10,000.48) remains on deposit with the State of California.

14. Statutory offers for the following parcels were made by the City, accepted by the Parties, and filed with the court on the dates indicated below:

<u>APN</u>	<u>DEFENDANT</u>	<u>DATE OF FILING</u>
250-052-005	David Flesner	03/25/05
250-052-013	Pamela Flesner	03/25/05
250-052-014		

Pursuant to said acceptance, the total compensation due David and Pamela Flesner is the sum of Three Hundred Fifty-Seven Thousand Five Hundred Dollars (\$357,500), inclusive of fair market value, interest, litigation expenses, costs of suit and other damages of whatever kind or nature.

15. The totals of all applicable unpaid taxes, penalties, and costs for prior, current, and next succeeding tax years, prorated, to the date of possession are as follows:

<u>Assessor's Parcel Number</u>	<u>Total Unpaid Taxes, Penalties and Costs</u>
250-052-003	\$ 74.64
250-052-004	\$ 84.11
250-052-005	\$ -0-
250-052-006	\$ 74.64
250-052-007	\$ 74.64
250-052-008	\$ 1,305.66
250-052-009	\$ 74.04

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1	250-052-010	\$ 73.75
2	250-052-011	\$ 74.34
3	250-052-012	\$ 74.34
4	250-052-013	\$ 74.34
5	250-052-014	\$ -0-

6 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

7 1. The total compensation, award and damages to be paid as a result of the
8 condemnation of the interests of Defendants DAVID FLESNER and PAMELA FLESNER in and
9 to Assessor's Parcel Numbers 250-052-005, 250-052-013 and 250-052-014 is the total sum of
10 Three Hundred Fifty-Seven Thousand Five Hundred Dollars (\$357,500). Said sum shall be paid by
11 Plaintiff to defendants entitled thereto, outside of these court proceedings.

12 2. That the sum of One Thousand Nine Hundred Eighty-Four Dollars and Fifty
13 Cents (\$1,984.50), apportioned pursuant to Paragraph 15 above, be paid outside these court
14 proceedings by the Plaintiff to the County of Riverside tax collector for unpaid taxes, penalties, and
15 costs for prior, current, and succeeding tax years prorated to the date of possession.

16 3. That funds remaining on deposit with the Treasurer of the State of California,
17 Condemnation Fund, in the amount of Ten Thousand Dollars and Forty-Eight Cents (\$10,000.48),
18 including all interest remaining on deposit be disbursed to Plaintiff CITY OF RIVERSIDE,
19 forthwith and made payable as follows:

20 City of Riverside, City Attorney's Office
21 c/o Heriberto F. Diaz
22 3900 Main Street, Fifth Floor
23 Riverside, California 92522

24 4. Plaintiff's portion of taxes, if any, as to the Parcels are hereby cancelled as of the
25 dates of possession established by Paragraphs 4 and 5 of this Judgment.

26 5. The condemning language contained in the Partial Orders of Condemnation,
27 heretofore filed, is hereby superceded by this Final Order of Condemnation.

27 ///

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1 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
2 CONDEMNATION:

3 The interests of each of the Defendants in and to the real property identified as
4 Riverside County Assessor Parcel Numbers 250-052-003, 250-052-004, 250-052-005, 250-052-
5 006, 250-052-007, 250-052-008, 250-052-009, 250-052-010, 250-052-011, 250-052-012, 250-052-
6 013, 250-052-014, are hereby condemned for the public use and purposes described in the
7 Complaint herein, to wit, the rehabilitation/renovation of existing substandard residential structures
8 and conversion to decent, safe and sanitary low and moderate-income housing. Plaintiff hereby
9 takes title in fee simple absolute in and to the following described real property together with all
10 improvements therein in which said Defendants have an interest, free and clear of any and all liens,
11 encumbrances, easements, and leaseholds, of whatever kind or nature:

12 APN 250-052-003

13 Lot 14 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
14 records of Riverside County California;

15 Together with:

16 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
17 2032.

18 APN 250-052-004

19 Lot 13 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
20 records of Riverside County, California;

21 Together with:

22 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
23 2032.

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1 APN 250-052-006

2 Lot 12 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
3 records of Riverside County, California;

4 Together with a 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lot 5 of said Tract
5 2032;

6 Excepting therefrom said Lot 12, a 15/16th (fifteen-sixteenths) interest in the northerly 44.69
7 feet thereof.
8

9
10 APN 250-052-007

11 Lot 11 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
12 records of Riverside County, California;

13 Together with:

14 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
15 2032.
16

17
18 APN 250-052-008

19 Lot 10 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
20 records of Riverside County, California;

21 Together with:

22 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
23 2032.
24

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1 APN 250-052-009
2 Lot 9 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
3 records of Riverside County, California;

4 Together with:
5
6 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
7 2032.

8
9 APN 250-052-010
10 Lot 8 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
11 records of Riverside County, California;

12 Together with:
13
14 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
15 2032.

16
17 APN 250-052-011
18 Lot 7 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
19 records of Riverside County, California;

20 Together with:
21
22 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
23 2032.

24 ///
25 APN 250-052-012
26 Lot 6 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
27

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1 records of Riverside County, California;

2 Together with:

3 A 1/16th (one-sixteenth) interest in the northerly 44.69 feet of Lots 5 and 12 of said Tract
4 2032.

5 APN 250-052-013

6 Lot 5 of Tract 2032 as shown by map on file in Map Book 40, pages 27 and 28 thereof,
7 records of Riverside County, California;

8 EXCEPTING THEREFROM:

9 The northerly 44.69 feet of said Lot 5.

10 APN 250-052-014

11 Parcel 5B

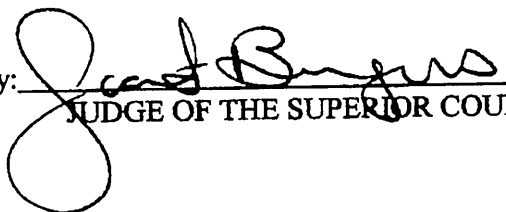
12 All rights, title, and interest in the northerly 44.69 feet of Lot 5 of Tract 2032 as shown by map
13 on file in Map Book 40, pages 27 and 28 thereof, records of Riverside County, California;

14 APN 250-052-005

15 Parcel 12B

16 All rights, title, and interest in the northerly 44.69 feet of Lot 12 of Tract 2032 as shown by
17 map on file in Map Book 40, pages 27 and 28 thereof, records of Riverside County,
18 California.

19 Dated: 9-12, 2005

20 By: 
21 JUDGE OF THE SUPERIOR COURT

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