

DOC # 006-0186817

03/16/2006 08:00A Fee:NC

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Assessor, County Clerk & Recorder



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PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION

AS TO DEFENDANTS RAFAEL PEREZ, CORINNE M. PEREZ,

AND ANTONIO E. RIOS FOR APN 250-052-007

CASE NO. RIC 397538

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

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AUG 29 2005

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5 Riverside, California 92522
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 15 2005

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Attorneys for Plaintiff, City of Riverside

SUPERIOR COURT OF CALIFORNIA

COUNTY OF RIVERSIDE

11 CITY OF RIVERSIDE, a municipal
12 corporation,

Plaintiff,

vs.

14 ERNEST M. ULFIG, et al.,

Defendants.

CASE NO.: RIC 397538

**PARTIAL JUDGMENT AND FINAL
ORDER OF CONDEMNATION AS TO
DEFENDANTS RAFAEL PEREZ,
CORINNE M. PEREZ, AND ANTONIO E.
RIOS FOR APN 250-052-007**

Assessor's Parcel Numbers:

250-052-007
250-052-005
250-052-014

18 Pursuant to a written Stipulation by and between Plaintiff City of Riverside, by and through
19 Heriberto F. Diaz, Deputy City Attorney, and Defendants Rafael Perez, Corinne M. Perez, and
20 Antonio E. Rios (hereinafter collectively "Perez and Rios"), by and through their attorneys of
21 record Sedgwick, Detert, Moran & Arnold LLP, by Ronald B. Pierce, that a Partial Judgment and
22 Final Order of Condemnation as to Assessor's Parcel Numbers 250-052-007, 250-052-005, and
23 250-052-014 may be made and entered herein in accordance with the terms and conditions hereof,
24 without further notice to said Defendants.

IT IS HEREBY FOUND AND DETERMINED:

26 1. The interests of Defendants Perez and Rios in the real property, designated in the
27 complaint as Assessor's Parcel Numbers 250-052-007, together with a one-sixteenth interest in

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1 and to Assessor's Parcel Numbers 250-052-005 and 250-052-014, to be condemned herein is fee
2 simple absolute.

3 2. By execution of the Stipulation herein, each of the parties waived the right to jury trial,
4 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
5 Order of Condemnation as to Assessor's Parcel Numbers 250-052-007, 250-052-005 and 250-052-
6 014, and the right and time for appeal.

7 3. Defendants Perez and Rios expressly waive the right to challenge the City of
8 Riverside's right to acquire the property by eminent domain; the right to further and greater
9 compensation; the right to an award of interest, attorneys fees and costs, to the extent that they may
10 be allowable by law except as to the payments provided hereunder.

11 4. Pursuant to said stipulation, the total amount of just compensation interest, attorneys'
12 fees, and costs to be paid by Plaintiff to Defendants Perez and Rios is the sum of Three Hundred
13 Sixty-five Thousand Dollars (\$365,000.00) for Assessor's Parcel No. 250-052-007, together with
14 said defendants' one-sixteenth interest in and to Assessor's Parcel Numbers 250-052-005 and
15 250-052-014. Said sum is inclusive of fair market value and interest thereon, attorneys fees and all
16 costs of suit, including those costs defined in California Code of Civil Procedure §1268.710 and
17 litigation expenses including, but not limited to those defined in California Code of Civil
18 Procedure §1235.140.

19 5. On or about July 12, 2004, Defendants Perez and Rios withdrew the sum of Two
20 Hundred Ninety-four Thousand Nine Hundred Ninety-nine Dollars and Fifty-two Cents
21 (\$294,999.52), from the deposit of probable compensation made by Plaintiff. The sum of
22 \$70,000.48 remains due to Defendants Perez and Rios for Assessor's Parcel Number 250-052-007,
23 together with a one-sixteenth interest in and to Assessor's Parcel Numbers 250-052-005 and
24 250-052-014.

25 6. Defendants Perez and Rios own a fee simple absolute interest in and to Assessor's
26 Parcel Number 250-052-007, together with a one-sixteenth interest in and to Assessor's Parcel
27 Numbers 250-052-005 and 250-052-014.

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1 7. The use for which an interest in and to Assessor's Parcel Numbers 250-052-007,
2 250-052-005 and 250-052-014 is being acquired, is a use authorized by law and the acquisition of
3 said interest is necessary to said use.

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

5 1. The total compensation, award and damages to be paid as a result of the condemnation
6 of the interests of Defendants Rafael Perez, Corinne M. Perez, and Antonio E. Rios, in Assessor's
7 Parcel Numbers 250-052-007, together with a one-sixteenth interest in and to Assessor's Parcel
8 Numbers 250-052-005 and 250-052-014, is the total sum of Three Hundred Sixty-five Thousand
9 Dollars (\$365,000.00).

10 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant to
11 California Code of Civil Procedure §1268.710 and all litigation expenses including, but not
12 limited to, those defined in California Code of Civil Procedure §1235.140. Payment hereunder
13 shall further be deemed to be the total just compensation and damages, if any, to which Defendants
14 Perez and Rios shall be entitled by reason of the condemnation of Assessor's Parcel Number
15 250-052-007, including said defendants' one-sixteenth interest in and to Assessor's Parcel
16 Numbers 250-052-005 and 250-052-014.

17 3. The award remaining to be paid herein is the amount of Seventy Thousand Dollars and
18 Forty-eight Cents (\$70,000.48) for Assessor's Parcel Numbers 250-052-007, 250-052-005 and
19 250-052-014.. Said sum shall be paid outside of these court proceedings and shall be payable as
20 follows:

21 To Defendants Rafael Perez, Corinne M. Perez, and Antonio E. Rios, the sum of
22 \$70,000.48, at the following address:

23 Sedgwick, Detert, Moran & Arnold LLP
24 c/o Ronald B. Pierce
25 3 Park Plaza, 17th Floor
Irvine, California 92614-8540

26 4. Payment to Defendants Perez and Rios of the sums herein above specified shall
27 constitute payment in full for the real property described herein as taken and for all damages of any
kind and nature whatsoever suffered by said defendants by reason of such taking.

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1 5. An Order for Prejudgment Possession as to Assessor's Parcel Number 250-052-007,
2 together with said defendants' one-sixteenth interest in and to Assessor's Parcel Numbers
3 250-052-005 and 250-052-014, became effective on December 15, 2003, ninety (90) days after
4 service.

5 6. Plaintiff's portion of taxes, if any, are cancelled as of the effective date of possession.

6 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
7 CONDEMNATION:

8 The interests of Defendants Rafael Perez, Corinne M. Perez, and Antonio E. Rios, in the
9 following described real property, designated as Assessor's Parcel Number 250-052-007, together
10 with a one-sixteenth interest in and to Assessor's Parcel Numbers 250-052-005 and 250-052-014,
11 are hereby condemned for the public use and purposes described in the Complaint herein
12 (affordable housing and development), Plaintiff City of Riverside to take title to the interests of
13 said defendants' in said real property, together with all improvements thereon in which said
14 defendants' have an interest, free and clear of any and all liens, encumbrances, easements, and
15 leaseholds, of whatever kind or nature:

16 APN 250-052-007

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

19 Together with:

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

22 Plaintiff City of Riverside is to record this Judgment and Order forthwith in the Official
23 Records of the County of Riverside at no expense to Defendants, Rafael Perez, Corinne
24 Perez, and Antonio E. Rios.

25
26 DATED: 9-12-05


Judge of the Superior Court

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1 **PROOF OF SERVICE BY MAIL--[1013a, (3) 2015.5 Code Civ. Proc.]**

2 **STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

3 I am a resident of the county aforesaid; I am over the age of 18 years and not a party to the
4 within above-entitled action; my business address is 3900 Main Street, Riverside, California 92522.

5 On July 28, 2005, I served the within:

6 **PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO**
7 **DEFENDANTS RAFAEL PEREZ, CORRINE M. PEREZ AND ANTONIO E. RIOS**
8 **FOR APN 250-052-007**

9 on the interested parties in said action addressed as follows:

10 (XX) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this
11 business office, with which I am familiar, by means of which mail is deposited with the United
12 States Postal Service at Riverside, California, that same day in the ordinary course of business,
13 I deposited such sealed envelope for collection and mailing on this same date following
14 ordinary business practices.

15 () **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee
16 pursuant to Code Civ. Proc. § 1011.

17 () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the
18 office of the addressee via overnight delivery pursuant to Code Civ. Proc. § 1013(c). Said
19 document was deposited at the box regularly maintained by said express service carrier on the
20 date set forth above.

21 () **VIA FACSIMILE** - I caused such document to be delivered to the office of the addressee via
22 facsimile machine pursuant to Code Civ. Proc. § 1013(e). Said document was transmitted
23 from the office of City Attorney in Riverside, California, on the date set forth above.

24 I declare under penalty of perjury, under the laws of the State of California that the foregoing is
25 true and correct.

26 Executed on July 28, 2005, at Riverside, California.

27 

Joann Whitehead



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SERVICE LIST

City of Riverside vs. Ernest M. Ulfig, et al; Case No. RIC 397538

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