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DOC # 2011-0232054

05/26/2011 10:35A Fee:NC

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Recorded in Official Records
County of Riverside

Larry W. Ward
Assessor, County Clerk & Recorder



This instrument is for the benefit of the City of Riverside and is exempt from recording fees (Government Code § 27383¹)

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**PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION
AS TO DEFENDANT ANH MAI LOAN NGUYEN
CASE NO. RIC542539**

C
522

D- 16670

¹ Government Code § 27383: "No fee shall be charged by the recorder for services rendered to the State, to any municipality, county in the State or other political subdivision thereof, except for making a copy of a paper or record."

1 GREGORY P. PRIAMOS, City Attorney, SBN 136766
HERIBERTO F. DIAZ, Deputy City Attorney, SBN 132821
2 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
CITY OF RIVERSIDE
3 City Hall, 3900 Main Street
Riverside, California 92522
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5 ediaz@riversideca.gov

NFD
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MAY 17 2011

2AA
MAY 18 2011 10:28

6 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code §6103)

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and
11 municipal corporation,

12 Plaintiff,

13 vs.

14 MANUEL R. ARTEAGA JR, etc.; et al.

15 Defendants.

) Case No. RIC542539
) Assigned To Dept. 6 For Case Management
) Purposes

) PARTIAL JUDGMENT AND FINAL
) ORDER OF CONDEMNATION AS TO
) DEFENDANT ANH MAI LOAN NGUYEN

) APN: 146-162-019

) [Stipulation re Settlement and for Entry of
) Partial Judgment and Final Order Of
) Condemnation submitted concurrently
) herewith.]

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19 Complaint filed: December 18, 2009
MSC: May 24, 2011
Trial: June 3, 2011

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22 Pursuant to a written stipulation by and between plaintiff City of Riverside (hereinafter
23 "City"), by and through Heriberto F. Diaz, Deputy City Attorney, and defendant Anh Mai Loan
24 Nguyen ("Nguyen"), by and through her attorneys, Sullivan, Workman & Dee, LLP, by Karyn
25 A. McCreary, Esq., that a Partial Judgment and Final Order of Condemnation as to Assessor's
26 Parcel Number 146-162-019 may be made and entered herein in accordance with the terms and
27 conditions hereof without further notice to said defendants,
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IT IS HEREBY FOUND AND DETERMINED:

1. The interest of Nguyen in and to the real property designated in the complaint as Assessor's Parcel Number 146-162-019 is fee simple absolute. The interest being acquired by the City through this eminent domain action is a fee simple, as more particularly described in Exhibit 'A' hereto.

2. By execution of the Stipulation re Settlement and for Entry of Partial Judgment and Final Order of Condemnation herein ("Stipulation"), Nguyen waives the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of Condemnation as to Assessor's Parcel Number 146-162-019, and the right and time for appeal.

3. By execution of the Stipulation, Nguyen expressly waives the right to challenge the City's right to acquire the property by eminent domain, the right to further and greater compensation, and the right to an award of interest, attorneys fees and costs, to the extent that they may be allowable by law.

4. Pursuant to the Stipulation, the total amount of just compensation to be paid by plaintiff to Nguyen is the sum of Four Hundred Thirty-five Thousand Dollars (\$435,000.00) ("Award"). Said sum is inclusive of fair market value and interest thereon, attorney's fees and all costs of suit, including those costs defined in California Code of Civil Procedure section 1268.710 and litigation expenses including, but not limited to those defined in California Code of Civil Procedure section 1235.140.

5. On December 18, 2009, City deposited the sum of Three Hundred Ninety Thousand Dollars (\$390,000.00) with the Treasurer of the State of California, Condemnation Fund, as a deposit of probable just compensation for Assessor's Parcel Number 146-162-019.

6. On April 30, 2010, the court entered an Order for Withdrawal of Deposit of Probable Amount of Just Compensation ("Withdrawal Order") in favor of Nguyen in the amount of \$390,000 less \$2,500 to be left on deposit for unpaid property taxes.

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1 7. On or about June 4, 2010, the Treasurer of the State of California issued payment
2 in the amount of \$387,500 pursuant to the Withdrawal Order. Said payment was paid to, or for
3 the benefit of, Nguyen. Two Thousand Five Hundred Dollars (\$2,500) remains on deposit with
4 the Treasurer of the State of California, Condemnation Fund.

5 8. City will make payment of the Award remaining to be paid in the amount of
6 Forty-seven Thousand Five Hundred Dollars (\$47,500) within thirty (30) days after entry of this
7 Partial Judgment and Final Order of Condemnation.

8 9. An Order of Prejudgment Possession became effective as to the interest of
9 Nguyen in and to Assessor's Parcel Number 146-162-019 on June 10, 2010.

10 10. The use for which an interest in and to Assessor's Parcel Number 146-162-019 is
11 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
12 use.

13 11. The total of all applicable unpaid taxes, penalties, and costs for prior, current, and
14 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>
146-162-019	\$0.00

17 12. The following defendants filed a Disclaimer of Interest on the date indicated
18 below and are entitled to no compensation herein:

<u>Defendant</u>	<u>Date Filed</u>
Marin Conveyancing Corporation	March 8, 2010
GreenPoint Mortgage Funding, Inc.	March 8, 2010

22 13. The following defendants were dismissed by plaintiff without prejudice from this
23 action on the dates indicated below:

<u>Defendant</u>	<u>Date Dismissed</u>
Wire-Outlet	August 12, 2010
AMP Designs	August 12, 2010
Mark Burkhart	January 14, 2010

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1 Ann Burkhart January 14, 2010
2 Debra Burkhart January 14, 2010
3 Ruth de Mars January 14, 2010

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
6 condemnation of the interests of defendant Anh Mai Loan Nguyen ("Nguyen") in and to
7 Assessor's Parcel Number 146-162-019 is the total sum of Four Hundred Thirty-five Thousand
8 Dollars (\$435,000.00).

9 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant
10 to California Code of Civil Procedure section 1268.710 and all litigation expenses including, but
11 not limited to, those defined in California Code of Civil Procedure section 1235.140. Payment
12 hereunder shall further be deemed to be the total just compensation and damages, if any, to
13 which Nguyen shall be entitled by reason of the condemnation of Assessor's Parcel Number
14 146-162-019.

15 3. The award remaining to be paid herein in the amount of Forty-seven Thousand
16 Five Hundred Dollars (\$47,500) shall be paid by plaintiff outside these court proceedings to
17 Nguyen as follows: the draft shall be made payable to "Sullivan, Workman & Dee, LLP Client
18 Trust Account #2" in trust for Anh Mai Loan Nguyen and forwarded to:

19 Karyn A. McCreary, Esq.
20 Sullivan, Workman & Dee, LLP
21 800 South Figueroa Street, 12th Floor
Los Angeles CA 90017-2521

22 4. The funds remaining on deposit with the Treasurer of the State of California,
23 Condemnation Fund, in the amount of Two Thousand Five Hundred Dollars (\$2,500) shall be
24 disbursed to plaintiff as follows: the draft shall be made payable to City of Riverside and
25 forwarded to:

26 Heriberto F. Diaz, Deputy City Attorney
27 City of Riverside
City Hall, 3900 Main Street
28 Riverside CA 92522

1 5. Payment to Nguyen of the sums herein above specified shall constitute payment
2 in full for the real property taken and for all damages of any kind and nature whatsoever suffered
3 by said defendant by reason of such taking.

4 6. An Order of Prejudgment Possession became effective as to the interest of
5 Nguyen in and to Assessor's Parcel Number 146-162-019 on June 10, 2010.

6 7. Pursuant to Revenue and Taxation Code section 5082, all current, general, and
7 special county taxes due and owing to the county of Riverside as to the property shall be
8 prorated to June 10, 2010. As of June 10, 2010, the property shall be exempt from general and
9 special county taxes and all such taxes shall be canceled after that date pursuant to Revenue and
10 Taxation Code sections 4985 et seq. and 5081 et seq. Nguyen reserves the right to seek a refund
11 of overpaid taxes, if any, outside of these proceedings.

12 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
13 CONDEMNATION:

14 The interest of defendant Anh Mai Loan Nguyen ("Nguyen") in the real property
15 described in Exhibit "A" as a fee simple in and to Assessor's Parcel Number 146-162-019 is
16 hereby condemned for the public use and purposes described in the Complaint as the
17 realignment of La Sierra Avenue, Hole Avenue, and Pierce Street at Five Points. Plaintiff City
18 of Riverside to take title to the interests of Nguyen in said real property, together with all
19 improvements thereon in which said defendants have an interest, free and clear of any and all
20 liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

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23 DATED: 5/12/10


Judge of the Superior Court

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26 O:\Cyc\com\WPDocs\D002\P009\00063496.DOC
27 L09-0233.1
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EXHIBIT A



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FIVE POINTS
APN: 146-162-019
FEE SIMPLE INTEREST


That certain real property in the City of Riverside, County of Riverside, State of California described as follows:

Lot 2 of Marolo Tract, as shown by map on file in Book 21 of Maps at Page 15 thereof, Records of Riverside County, California.

EXCEPTING THEREFROM the Northerly 82.46 feet thereof, the Southerly line of said 82.46 feet being parallel with the Northerly line of said Lot 2.

The above described parcel of land contains 0.145 acres, more or less.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.


Mark S. Brown, L.S. 5655
License Expires 9/30/09

8/1/09 Date
Prep. E.V.

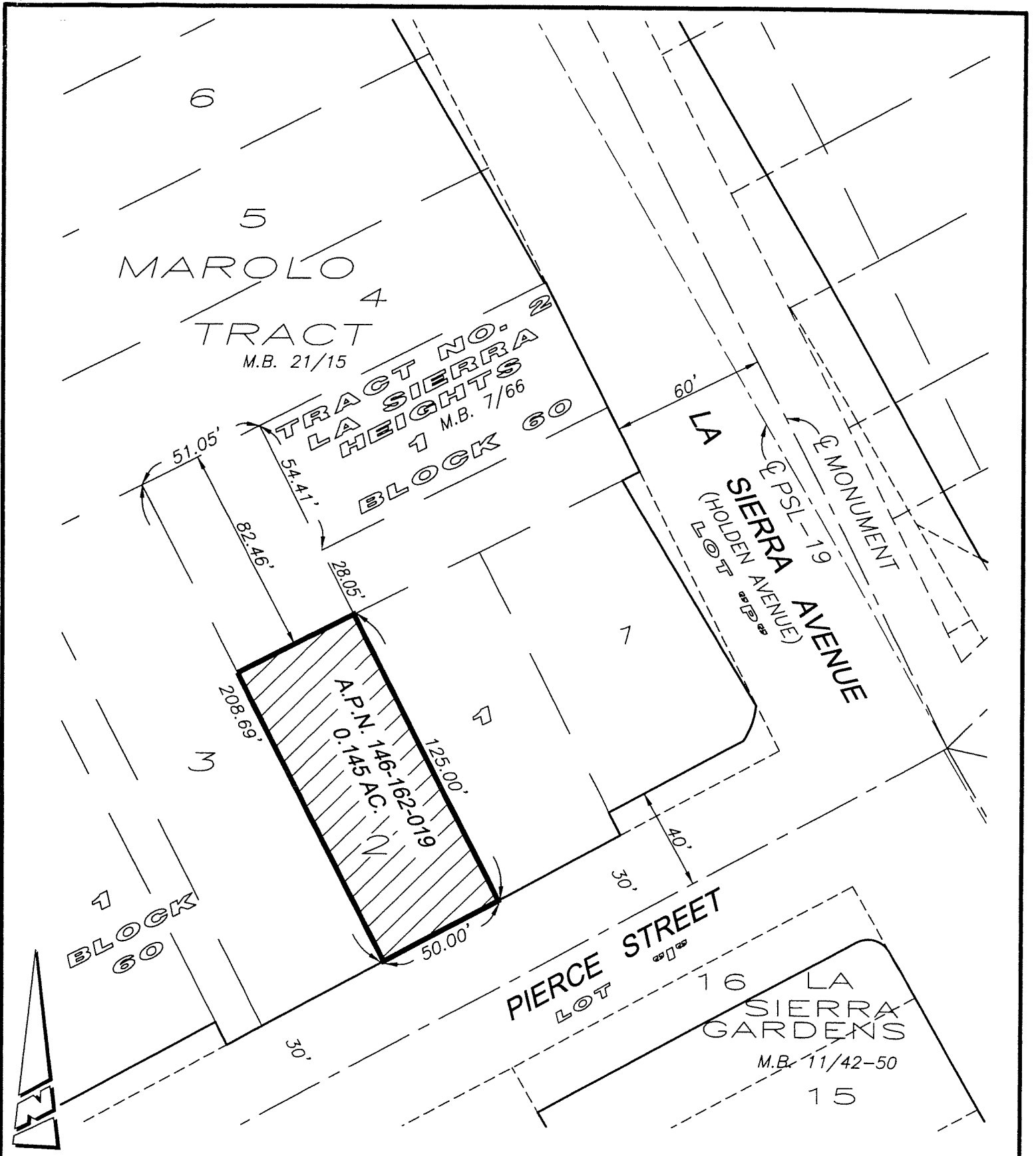


NGUYEN APN 146-162-019 LEGAL



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NOT PART OF THE RECORDED DOCUMENT

• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

SCALE: 1"=50'

DRAWN BY: EV DATE: 7/31/08

SUBJECT: FIVE POINTS PROJECT - NGUYEN 16670

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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

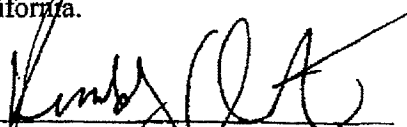
On May 10, 2011, I served the within STIPULATION RE SETTLEMENT AND FOR ENTRY OF PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANT ANH MAI LOAN NGUYEN on the interested parties in said action addressed as follows:

SEE MAILING LIST ON FOLLOWING PAGE.

- (XX) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this business office, with which I am familiar, by means of which mail is deposited with the United States Postal Service at Riverside, California, that same day in the ordinary course of business, I deposited such sealed envelope for collection and mailing on this same date following ordinary business practices.
- () **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to C.C.P. § 1011.
- () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(e). Said document was deposited at the box regularly maintained by said express service carrier on the date set forth above.
- () **VIA FACSIMILE** - I caused such document to be delivered to the office of the addressee via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted from the office of City Attorney in Riverside, California, on the date set forth above.

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

Executed on May 10, 2011, at Riverside, California.

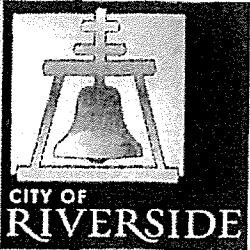

Kimberly Cehlen



City of Riverside v. Arteaga, et al.
Riverside County Superior Court Case Number RIC542539
Mailing List

<p>Charles D. Cummings, Esq. Gary A. Kovacic, Esq. Karyn A. McCreary, Esq. SULLIVAN, WORKMAN & DEE, LLP 800 South Figueroa Street, 12th Floor Los Angeles CA 90017-2521 Tel: 213-624-5544 Fax: 213-627-7128</p>	<p>Attorneys for defendant: Anh Mai Loan Nguyen</p>
<p>Edward O. Lear, Esq. Daniel A. Woodford, Esq. Rizza Gonzales, Esq. CENTURY LAW GROUP, LLP 5200 W. Century Blvd., Ste. 345 Los Angeles CA 90045 Tel: 310-642-6900 Fax: 310-642-6910</p>	<p>Attorneys for defendants: Manuel R. Arteaga, Jr., individually, Silvia Arteaga, individually, and Manuel Arteaga dba La Sierra Dental Center</p>
<p>Curtis C. Jung, Esq. Clifford P. Jung, Esq. Cindy Tong, Esq. JUNG & YUEN, LLP 888 S. Figueroa St., Suite 720 Los Angeles CA 90017 Tel: 213-689-8880 Fax: 213-689-8887</p>	<p>Attorneys for defendant: United Commercial Bank n/k/a East West Bank</p>
<p>Joseph S. Dzida, Esq. CALLANAN, ROGERS & DZIDA, LLP 800 S Figueroa St. Ste. 1100 Los Angeles, CA 90017 Tel: (213) 599-7595 Fax: (213) 599-7596 jdzida@crdattorneys.com</p>	<p>Attorneys for defendants: Nouha Issa Hreish; and Total Educational Activity Model Corporation (for itself and doing business as and for Seatec Isi/Mar-Vel International and as and for Seatec)</p>





MEMORANDUM

CITY ATTORNEY'S OFFICE

RECEIVED


JUN 15 2011

City of Riverside
City Clerk's Office

TO: City Clerk
FROM: Kimberly Oehlert
DATE: June 14, 2011
RE: CITY V. ARTEAGA (FIVE POINTS STREET IMPROVEMENT PROJECT); CA L09-0233.1;
RIVERSIDE SUPERIOR COURT CASE NO. RIC542539

Enclosed is the original recorded Partial Judgment and Final Order of Condemnation re Defendant Anh Mai Loan Nguyen. Please retain this document as the City's official record.

If you have any questions regarding the foregoing, please do not hesitate to call me.


Kimberly Oehlert
Legal Assistant
Ext. 5768

D-16670

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