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3750 University Ave. #250
Riverside, CA 92501
Ref: CA# L16-0089.27

2017-0494695

11/27/2017 10:55 AM Fee: \$ 0.00

Page 1 of 12

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



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

D-17444

780

Space above this line reserved for Recorder's use.

JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1613293

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."

D-17444

1 GARY G. GEUSS, City Attorney, SBN 128022
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

NOV 16 2017


K. Rahlwes

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

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 MIGUEL P. SOLIS; et al.,

15 Defendants.

) Case No. RIC1613293
) Assigned for all purposes to the
) Honorable Judge Irma Asberry
) Dept. 3

) JUDGMENT AND FINAL ORDER OF
) CONDEMNATION

) Complaint filed: 10/11/2016
) OSC: 11/08/2017

18
19 This Judgment and Final Order of Condemnation is made following disposition through
20 the court proceedings described below of all parties and property interests alleged in the
21 Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of
22 Riverside (hereinafter "City" or "Plaintiff"), and defendant Mortgage Electronic Registration
23 Systems, Inc., a Delaware Corporation, its successors or assigns, as nominee for Financial
24 Freedom Acquisition LLC ("Defendant") that a Judgment and Final Order of Condemnation as
25 to Assessor's Parcel Number ("APN") 143-040-016 may be made and entered herein in
26 accordance with the terms and conditions hereof without further notice to said Defendant,

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3. Plaintiff named the following defendants in this action:

| Defendants | Property Interest |
|---|---------------------------|
| Miguel P. Solis | Owner |
| Emma Solis | Owner |
| LSI, CA | Deed of Trust Trustee |
| Mortgage Electronic Registration Systems, Inc., a Delaware Corporation, its successors or assigns, as nominee for Financial Freedom Acquisition LLC | Deed of Trust Beneficiary |
| Secretary of the U.S. Department of Housing and Urban Development | Deed of Trust Beneficiary |
| All persons unknown claiming an interest in the property | Potential Claimant |

4. The interest of Defendant in and to the real property designated in the complaint as APN 143-040-016 is deed of trust beneficiary. The interest being acquired by the City through this eminent domain action is a public utility easement against the foregoing real property, as more particularly described in Exhibit 'A' hereto.

5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final Order of Condemnation herein ("Stipulation"), Defendant 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 the Subject Property, and the right and time for appeal.

6. By execution of the Stipulation, Defendant expressly waives the right to challenge the City's right to acquire the Subject Property by eminent domain, the right to further and greater compensation and damages of whatever kind or nature, and the right to an award of interest, attorney's fees and costs, to the extent that they may be allowable by law.

7. By execution of the Stipulation, the total compensation is in complete settlement of any and all claims for compensation arising from the taking of the Subject Property described in Exhibit 'A' hereto, including costs, statutory interest, severance damages, fixtures, equipment, or inventory, loss of business goodwill, relocation assistance, loss of or damage to improvements pertaining to the realty, damages for precondemnation or inverse condemnation,

1 attorney's fees, all costs and litigation expenses of Defendant against the City by reason of
2 taking of the Subject Property.

3 8. Pursuant to the Stipulation, Defendant makes a knowing waiver of any and all
4 rights created by California Civil Code section 1542 with respect to claims released under the
5 Stipulation.

6 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
7 Plaintiff to Defendant is the sum of Twenty-nine Thousand Dollars (\$29,000.00) ("Award").

8 10. On September 15, 2016, the City deposited the sum of Twenty-nine Thousand
9 Dollars (\$29,000.00) ("Deposit") with the Treasurer of the State of California, Condemnation
10 Fund, as the probable amount of just compensation for the Subject Property.

11 11. No funds have been withdrawn from the Deposit and \$29,000.00 remains on
12 deposit with the State Treasurer condemnation fund.

13 12. Pursuant to the Stipulation, the Treasurer of the State of California shall disburse
14 to the City the full \$29,000.00 on deposit in the Condemnation Fund after entry of this Judgment
15 and Final Order of Condemnation.

16 13. Pursuant to the Stipulation, Payment of the Award by the City to Defendant shall
17 be by check in the amount of \$29,000.00 made payable to CIT Bank, N.A. and delivered to
18 Defendant's counsel, Christopher L. Dueringer, Bryan Cave LLP, 120 Broadway, Suite 300,
19 Santa Monica, CA 90401, within thirty (30) days after entry of this Judgment and Final Order of
20 Condemnation.

21 14. An Order of Prejudgment Possession became effective as to Defendant's interest
22 in and to the Subject Property on or about March 10, 2017.

23 15. The use for which an interest in and to the Subject Property is being acquired is a
24 use authorized by law and the acquisition of said interest is necessary to said use.

25 16. The following defendant was dismissed from this action on the date indicated
26 below:

| <u>DEFENDANT</u> | <u>DATE OF FILING</u> |
|------------------|-----------------------|
| Emma Solis | 01/13/2017 |

1 17. The following defendants have 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:

| <u>DEFENDANT</u> | <u>DATE OF FILING</u> |
|--|-----------------------|
| Miguel P. Solis | 04/20/2017 |
| LSI, CA | 04/20/2017 |
| Secretary of the U.S. Department of Housing and Urban Development | 04/20/2017 |
| All persons unknown claiming an interest in the property | 04/20/2017 |

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

12 1. The total compensation, award, and damages to be paid as a result of the
13 condemnation of the interests of defendant Mortgage Electronic Registration Systems, Inc., a
14 Delaware Corporation, its successors or assigns, as nominee for Financial Freedom Acquisition
15 LLC ("Defendant") in and to the Subject Property is the total sum of Twenty-nine Thousand
16 Dollars (\$29,000.00).

17 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
18 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
19 including, but not limited to, those defined in California Code of Civil Procedure section
20 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
21 damages, if any, to which Defendant shall be entitled by reason of the condemnation of and
22 construction activities by plaintiff on the Subject Property as described in Exhibit A hereto.

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1 3. The State Treasurer is authorized and directed to disburse to Plaintiff the sum of
2 Twenty-nine Thousand Dollars (\$29,000.00) from those funds on deposit in the Condemnation
3 Fund in connection with the above-entitled matter. Payment of said funds shall be made payable
4 to "City of Riverside" and forwarded to:

5 Office of the City Attorney
6 c/o Brandon S. Mercer, Esq.
7 3750 University Ave. #250
8 Riverside, CA 92501

8 4. The Award in the amount of Twenty-nine Thousand Dollars (\$29,000.00) shall be
9 paid by Plaintiff outside these court proceedings to Defendant as follows: the draft shall be made
10 payable to "CIT Bank, N.A." and forwarded within thirty (30) days after entry of this Judgment
11 and Final Order of Condemnation to:

12 Christopher L. Dueringer, Esq.
13 Bryan Cave LLP
14 120 Broadway, Suite 300
15 Santa Monica, CA 90401

15 5. Payment to Defendant of the total Award shall constitute payment in full for the
16 Subject Property taken and for all damages of any kind and nature whatsoever suffered by
17 Defendant by reason of such taking.

18 6. An Order of Prejudgment Possession became effective as to the interest of
19 Defendant in and to the Subject Property on March 10, 2017.

20 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
21 CONDEMNATION:

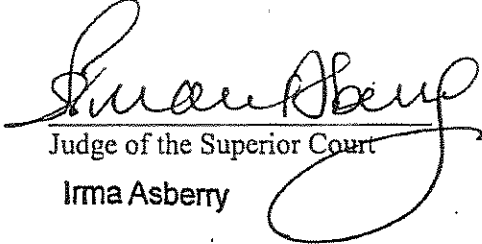
22 The interest of defendants Miguel P. Solis; LSI, CA; Mortgage Electronic Registration
23 Systems, Inc., a Delaware Corporation, its successors or assigns, as nominee for Financial
24 Freedom Acquisition LLC; Secretary of the U.S. Department of Housing and Urban
25 Development; and All persons unknown claiming an interest in the property (collectively
26 "Defendants") in the real property described in Exhibit "A" as to Assessor's Parcel Number
27 143-040-016 is hereby condemned for the public use and purposes described in the Complaint as
28 installing approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV

1 to 69kV substation, improvements to five existing substations, relocation of existing distribution
2 lines, and installation of new telecommunication lines, from Riverside's Energy Resource
3 Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.
4 Plaintiff City of Riverside to take title to the interests of Defendants in said real property, as
5 described in Exhibit A hereto, together with all improvements thereon in which said Defendants
6 have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of
7 whatever kind or nature.

8 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
9 143-040-016 are legally described in Exhibit 'A' hereto.

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DATED: 11-14-17


Judge of the Superior Court
Irma Asberry

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L16-0089.27

EXHIBIT A

D-17444

Public Utility Easement
POR. A.P.N. 143-040-016

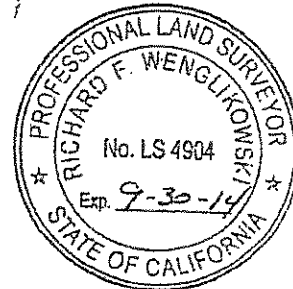
All that certain real property situated in the City of Riverside, County of Riverside, State of California, described as follows:

The easterly 11.0 feet of Lot 25 of El Rincon Tract, as shown by Map on file in Book 11, Pages 85 and 86 of Maps, in the office of the County Recorder of said County.


Containing 0.038 Acres or 1,650 square feet more or less.

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


Richard F. Wenglikowski, L.S. 4904 9/23/13
Date



DESCRIPTION APPROVAL:

BY:  11/5/2013
DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

D-17444

PROOF OF SERVICE
City of Riverside v. Solis

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE
City of Riverside v. Miguel P. Solis
RIC1613293

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 3750 University Avenue #250, Riverside, California 92501.

On November 9, 2017, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

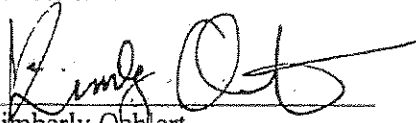
Christopher L. Dueringer, Esq.
David J. Joerger, Esq.
BRYAN CAVE LLP
3161 Michelson Drive #1500
Irvine CA 92612-4414
c.dueringer@bryancave.com
david.joerger@bryancave.com

Attorneys for defendant:
Mortgage Electronic Registration
Systems, Inc., a Delaware Corporation,
its successors or assigns, as nominee
for Financial Freedom Acquisition
LLC

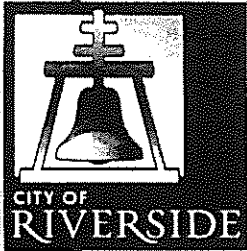
(XX) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this business office, with which I am familiar, by means of which mail is deposited with the United States Postal Service at Riverside, California, that same day in the ordinary course of business, I deposited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

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

Executed on November 9, 2017, at Riverside, California.



Kimberly Oehlert



MEMORANDUM
CITY ATTORNEY'S OFFICE

RECEIVED

NOV 28 2017

City of Riverside
City Clerk's Office

TO: City Clerk
FROM: Kimberly Oehlert
DATE: November 28, 2017
RE: CITY V. MIGUEL P. SOLIS (RIVERSIDE TRANSMISSION RELIABILITY PROJECT); CA L16-0089.27; RIVERSIDE SUPERIOR COURT CASE NO. RIC1613293

Enclosed is the original recorded Judgment and Final Order of Condemnation regarding the above-referenced eminent domain matter.

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
Paralegal
Ext. 5768

D-17444