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3900 Main Street
Riverside, CA 92522
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DOC # 2008-0606999

11/17/2008 08:00A 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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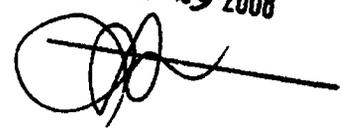
JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC483783

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."

RCF SEP 12 2008

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 23 2008



LJF
SEP 25 2008

1 GREGORY P. PRIAMOS, City Attorney, SBN 136766
2 HERIBERTO F. DIAZ, Deputy City Attorney, SBN 132821
3 CITY OF RIVERSIDE
4 City Hall, 3900 Main Street
5 Riverside, California 92522
6 951-826-5567
7 951-826-5540
8 ediaz@riversideca.gov

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF RIVERSIDE

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

13 Plaintiff,

14 vs.

15 BESSIE JOHNSON; GOLDEN STATE
16 MORTGAGE TRUST, INC.; CHASE
17 MANHATTAN MORTGAGE CORPORATION;
18 ANTOINETTE MOOREHEAD; EUGENE E.
19 IVEY; ALL PERSONS UNKNOWN CLAIMING
20 AN INTEREST IN THE PROPERTY; AND DOES
21 1 THROUGH 100, inclusive,

22 Defendant

Case Number RIC483783
Assigned for all purposes to the
Honorable Commissioner Paulette Barkley
Department 2

**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

Assessor's Parcel Number 210-043-042

23 This Final Judgment is hereby made following disposition, through the court
24 proceedings described below, of all parties and property interests alleged in the Complaint in
25 Eminent Domain.

///

CITY ATTORNEY'S OFFICE
3900 MAIN STREET
RIVERSIDE, CA 92522
(951) 826-5567

JUDGMENT AND FINAL ORDER OF CONDEMNATION



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1 IT IS HEREBY FOUND AND DETERMINED:

2 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government
3 Code of the State of California, section 4090 of the Streets and Highways Code of the State
4 of California, section 1240.010 of the Code of Civil Procedure of the State of California, and
5 Article I, section 19 of the Constitution of the State of California, plaintiff City of Riverside
6 is authorized to acquire real property or interests therein for public uses and purposes, to wit:
7 construction of a grade separation at the railroad crossing on Columbia Avenue from La
8 Cadena Drive to Iowa Avenue, and for related incidental improvements ("Project").

9 2. After a duly noticed public hearing and an opportunity to be heard in
10 compliance with Code of Civil Procedure section 1245.235, on August 28, 2007, plaintiff's
11 City Council adopted Resolution Number 21494 authorizing plaintiff to acquire the property
12 described in the complaint on file herein, including Riverside County Assessor's Parcel
13 Number 210-043-042 by eminent domain. In compliance with sections 1245.220 and
14 1245.230 of the Code of Civil Procedure, the City Council found and determined that: (a) the
15 public interest and necessity require the proposed project, (b) the proposed project is
16 planned and located in the manner that will be the most compatible with the greatest public
17 good and least private injury, (c) the acquisition and taking of permanent easements and
18 lesser interests in the property sought to be acquired are necessary for the Project, and (d) the
19 offer required by section 7267.2 of the Government Code has been made to the owners of
20 record of the subject property interests.

21 3. Plaintiff City of Riverside commenced this eminent domain action to
22 condemn the following property interests: fee simple over APN 210-043-042.

23 4. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Bessie Johnson	Owner



1 Golden State Mortgage Trust, Inc. Trustee
 2 Chase Manhattan Mortgage Corporation Potential Claimant
 3 Antoinette Moorehead Potential Claimant
 4 Eugene E. Ivey Potential Claimant

5 5. The following defendants have been regularly served with process herein
 6 and having failed to appear or answer within the time allowed by law, had their defaults
 7 taken on the dates indicated below:

<u>Defendant Name</u>	<u>Date of Filing</u>
Golden State Mortgage Trust, Inc.	February 25, 2008
Chase Manhattan Mortgage Corporation	February 25, 2008

10 6. A Stipulation re Settlement and Withdrawal of Deposit of Probable
 11 Compensation ("Stipulation") was filed as to defendants on Bessie Johnson, Antoinette
 12 Moorehead, and Eugene Ivey on February 25, 2008. Pursuant to the Stipulation, defendants
 13 Bessie Johnson, Antoinette Moorehead, and Eugene Ivey were to be paid outside of these
 14 court proceedings.

15 7. On October 22, 2007, plaintiff deposited a total of Three Hundred Twenty-
 16 one Thousand Dollars (\$321,000.00) with the Treasurer of the State of California
 17 condemnation fund as a deposit of probable just compensation for Assessor's Parcel Number
 18 210-043-042.

19 8. On or about, March 21, 2008, payment in the amount of Three Hundred
 20 Twenty-one Thousand Dollars (\$321,000.00) was made by plaintiff pursuant to the
 21 Stipulation as follows:

- In the amount of Two Hundred Sixty-three Thousand Six Hundred Sixty-three Dollars and Eighty-five Cents (\$263,663.85) payable to Lottie Cohen Attorney Client Trust Account;



1 • In the amount of Fifty-seven Thousand Three Hundred Thirty-six
2 Dollars and Fifteen Cents (\$57,336.15) payable to Chase Manhattan
3 Mortgage Company.

4 9. On April 22, 2008, the court made and entered an Amended Order
5 Permitting Withdrawal of Deposit of Probable Compensation ("Order"). Pursuant to the
6 Order, on May 1, 2008, the State of California Treasurer's office disbursed to plaintiff the
7 funds on deposit in the amount of Three Hundred Twenty-one Thousand Dollars
8 (\$321,000.00). No funds remain on deposit with the state.

9 10. The interest of defendants Bessie Johnson, Antoinette Moorehead, and
10 Eugene Ivey in the real property designated in the complaint as Assessor's Parcel Number
11 210-043-042 to be condemned herein is fee simple absolute.

12 11. By execution of the Stipulation herein, defendants Bessie Johnson,
13 Antoinette Moorehead, and Eugene Ivey waived the right to jury trial, Statement of
14 Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of
15 Condemnation as to Assessor's Parcel Number 210-043-042, and the right to and time for
16 appeal.

17 12. Defendants Bessie Johnson, Antoinette Moorehead, and Eugene Ivey
18 expressly waived the right to challenge the City of Riverside's right to acquire the property
19 by eminent domain, the right to further and greater compensation, and the right to an award
20 of interest, attorney fees and costs, to the extent they may be allowable by law.

21 13. Defendants Bessie Johnson, Antoinette Moorehead, and Eugene Ivey made
22 a knowing waiver of any and all rights created by California Code of Civil Procedure section
23 1542.

24 14. Pursuant to the Stipulation, the total amount of just compensation to be paid
25 by plaintiff to defendants Bessie Johnson, Antoinette Moorehead, and Eugene Ivey is Three



1 Hundred Twenty-one Thousand Dollars (\$321,000.00). Said amount is inclusive of fair
2 market value and interest thereon, attorney fees, and all costs of suit, including those costs
3 defined in California Code of Civil Procedure section 1268.70, and litigation expenses
4 including, but not limited to, those defined California Code of Civil Procedure section
5 1235.140.

6 15. Pursuant to the Stipulation, plaintiff took possession of Assessor's Parcel
7 Number 210-043-042 effective January 1, 2008.

8 16. The use for which an interest in and to Assessor's Parcel Number 210-043-
9 042 is being acquired is a use authorized by law and the acquisition of said interest is
10 necessary to said use.

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 defendants Bessie Johnson, Antoinette Moorehead, and
14 Eugene Ivey is the total sum of Three Hundred Twenty-one Thousand Dollars
15 (\$321,000.00).

16 2. Payment hereunder shall be deemed to expressly include all costs of suit
17 pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
18 including, but not limited to, those defined in California Code of Civil Procedure section
19 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
20 damages, if any, to which defendants Bessie Johnson, Antoinette Moorehead, and Eugene
21 Ivey shall be entitled by reason of the condemnation of Assessor's Parcel Number 210-043-
22 042.

23 3. Defendants Bessie Johnson, Antoinette Moorehead, and Eugene Ivey's
24 portion of taxes as to Assessor's Parcel Number 210-043-042 is cancelled as of the effective
25 date of possession herein, January 1, 2008.





EXHIBIT (1)



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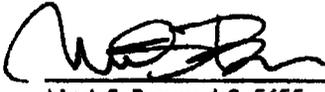
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A.P.N. 210-043-042
Fee Simple

Lot 11 in Block 2 of Landsdowne Division, in the City of Riverside, County of Riverside, State of California, as shown by map filed in Map Book 8, Page 82, records of said County;

EXCEPTING THEREFROM that certain parcel conveyed to the City of Riverside per document recorded July 31, 1981, as Instrument No. 81557, Official Records of Riverside County.

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

 6/14/07 Date Prep. R
Mark S. Brown, L.S. 5655
License Expires 9/30/07

