

DOC # 2013-0132786

03/19/2013 03:49P Fee:NC

Page 1 of 20

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

When Recorded Mail To:



Riverside City Attorney's Office

3900 Main Street

Riverside, CA 92522

Ref: CA# L08-0037.1

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

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FINAL ORDER OF CONDEMNATION
AS TO APNS 233-062-023 AND 233-062-024
CASE NO. RIC512328

D- 16861

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GREG P. PRIAMOS, City Attorney, SBN 136766
KRISTI J. SMITH, Supv. Deputy City Attorney,
SBN 120218
BRANDON S. MERCER, Deputy City Attorney,
SBN 244413
CITY OF RIVERSIDE
3900 Main Street, 5th Floor
Riverside, California 92501
Telephone: (951) 826-5567
Telecopier: (951) 826-5540
bmercer@riversideca.gov

MARK A. EASTER, Bar No. 143435
MONA M. NEMAT, Bar No. 234050
BEST BEST & KRIEGER LLP
3390 University Avenue, Fifth Floor
P.O. Box 1028
Riverside, California 92502
Telephone: (951) 686-1450
Facsimile: (951) 686-3083

Attorneys for Plaintiff, CITY OF RIVERSIDE

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE
SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MAR -7 2013
J. Castillo

MC
MAR 11 2013
R

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

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

Plaintiff,

vs.

AAR PROPERTIES, LLC et al,

Defendants.

Case No. RIC 512328

FINAL ORDER OF CONDEMNATION
AS TO APNS 233-062-023 AND 233-062-024

[Filed concurrently with:

- 1. Stipulation and Order For Entry of Judgment in Condemnation;
- 2. Judgment in Condemnation;
- 3. Application for an Order to Disburse Funds; and
- 4. Order to Disburse Funds.]

Complaint filed: November 5, 2008

21501.00020V7535308.2

FINAL ORDER OF CONDEMNATION AS TO APNS 233-062-023 AND 233-062-024



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LAW OFFICES OF
BEST BEST & KRIEGER LLP
3380 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1 Final Judgment having been entered in the above-entitled action, and it appearing to the
2 satisfaction of the Court that Plaintiff City of Riverside ("City"), pursuant to said Judgment, has
3 paid to and Defendants AAR Properties, LLC; Aldo Vaccher; The Heirs and Devises of Rose
4 Vaccher; Aldo Vaccher as Trustee of the Survivor's, Administrative, and Marital Trusts Created
5 Under the Vaccher Family 1999 Administrative Trust; Robert Vaccher and Anita Husted
6 ("Defendants"), the total sum awarded by the Court as just compensation and payment for all
7 claims or demands against the City for the fee and temporary construction easement interests in
8 portions of real property located in Riverside County, described in the City's Complaint for the
9 purpose of widening and improving Van Buren Boulevard and the bridge structure at the
10 interchange with State Route 91, in Riverside County, California ("Project"), identified as
11 Assessor Parcel Numbers 233-062-023 and 233-062-024 ("Subject Properties") and attached
12 hereto as Exhibit "A".

13
14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Subject Properties
15 and related interests described in Exhibit "A" attached hereto shall be condemned to the City as
16 against Defendants as follows:

- 17 a. Fee simple absolute and temporary construction easement interests in a
18 portion of the real property identified as Assessor Parcel Number 233-062-
19 023; and
20
21 b. Fee simple absolute and temporary construction easement interests in a
22 portion of the real property identified as Assessor Parcel Number 233-062-
23 024.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Subject Properties
25 are condemned for the use and purpose described as the widening and improving of Van Buren
26 Boulevard and the bridge structure at the interchange with State Route 91, in Riverside County,
27 California and for such other uses as are permitted by Article I, section 19 of the California
28 Constitution, sections 37350.5, 39792, and 40404 of the California Government Code, and

21501.00020\7535308.2

FINAL ORDER OF CONDEMNATION AS TO APNS 233-062-023 AND 233-062-024



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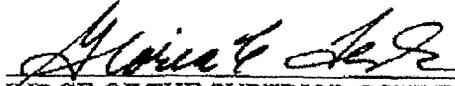
LAW OFFICES OF
BEST BEST & KRIEGER LLP
3300 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

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section 1240.010 of the California Code of Civil Procedure, which is a public use authorized by law, and the taking of said Subject Properties is necessary for said use and purpose.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all liens, charges, conditions and restrictions upon the Property being condemned, including all real property taxes, assessments, penalties and costs, are hereby ordered canceled from and after March 25, 2009, the date the City was entitled to and did take possession of the Subject Properties.

DATED: 3/6/13


JUDGE OF THE SUPERIOR COURT

Gloria Connor Trask



EXHIBIT "A"



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Van Buren SR91 Interchange Improvements
REAL PROPERTY INTERESTS

A – Fee Simple Absolute – (Grant Deed)

Fee simple absolute interest.

A – Fee Simple Interest – (Grant Deed)

Fee simple interest.

B – Temporary Construction Easement - (Temporary Construction Easement)

A temporary easement and right-of-way for the purpose of installing public improvements. Such use may include, but is not limited to ingress and egress of persons and vehicles, grading of slopes, the deposit of tools, equipment, machinery, and materials used in the performance of the construction, and for similar purposes.

Upon completion of construction, Grantee promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. Grantee further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation, to its original condition prior to entry. This easement shall terminate upon completion of the public improvements and acceptance by City of the construction of the improvements on the affected real property.

C – Access Denial - (Access Denial to Freeway)

For freeway purposes, lands abutting said freeway shall have no right or easement of access thereto.

C – Access Denial - (Access Denial to Public Street)

The extinguishment of certain access rights to and from private lands to a public street as so defined.

D – Wall Tie-Back Easement - (Wall Tie-Back Facilities and Incidents Easement)

An easement upon, over and across grantor's property for wall tie-back purposes and incidents thereto.

F – Access Easement - (Ingress/Egress Easement)

An easement upon, over and across grantor's property for ingress and egress purposes to provide vehicular and pedestrian access to a public street.



PARCEL 05
Van Buren SR-91
A.P.N. 233-062-023

Parcel 05 A – *Fee Simple Absolute*

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

That portion of Lot 10 in Block 25 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the intersection of the northwesterly line of said Lot 10, with a line that is parallel with and distant 18.287 meters (60.00 feet) northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, shown as Van Buren Street by La Hacienda Rancho Tract, on file in Book 26, Page 17 of Maps, records of Riverside County, California;

THENCE along said parallel line, South 33°38'07" East, a distance of 47.183 meters (154.79 feet) to the most southerly corner of that certain parcel of land described as Parcel 106 in Notice of Pendency Action, recorded September 27, 2005, per Document No. 2005-0797709 of Official Records of Riverside County, California, and the POINT OF BEGINNING of the parcel of land being described;

THENCE continuing along said parallel line, South 33°38'07" East, a distance of 56.399 meters (185.04 feet) to the northwesterly line of that certain parcel of land described as Transfer Parcel No. 2 in Quitclaim Deed recorded May 4, 2001, per Document No. 2001-194840 of Official Records of Riverside County, California;

THENCE along said northwesterly line of Transfer Parcel No. 2, North 56°21'53" East, a distance of 9.055 meters (29.71 feet);

THENCE North 37°18'24" West, a distance of 31.852 meters (104.50 feet) to the beginning of a tangent curve concaving northeasterly and having a radius of 1477.148 meters (4846.28 feet);

THENCE northwesterly to the right along said last mentioned curve through a central angle of 1°31'24" an arc length of 39.275 meters (128.85 feet) to a point in the northeasterly line of said Parcel 106; said point also being a point of cusp with a non-tangent curve



concaving southwesterly, having a radius of 53.015 meters (173.93 feet) and to which the radius bears South 67°03'53" West;

THENCE along said northeasterly line of Parcel 106 and southeasterly to the right along said last mentioned curve through a central angle of 14°50'22" an arc length of 13.731 meters (45.05 feet) to the end of said curve;

THENCE continuing along said northeasterly line of Parcel 106, South 8°05'46" East, a distance of 1.770 meters (5.81 feet) to the POINT OF BEGINNING.

Area - 445.746 square meters (4797.95 square feet).

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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

 4/21/08 Date Prep. 
Mark S. Brown, L.S. 5655
License Expires 9/30/09

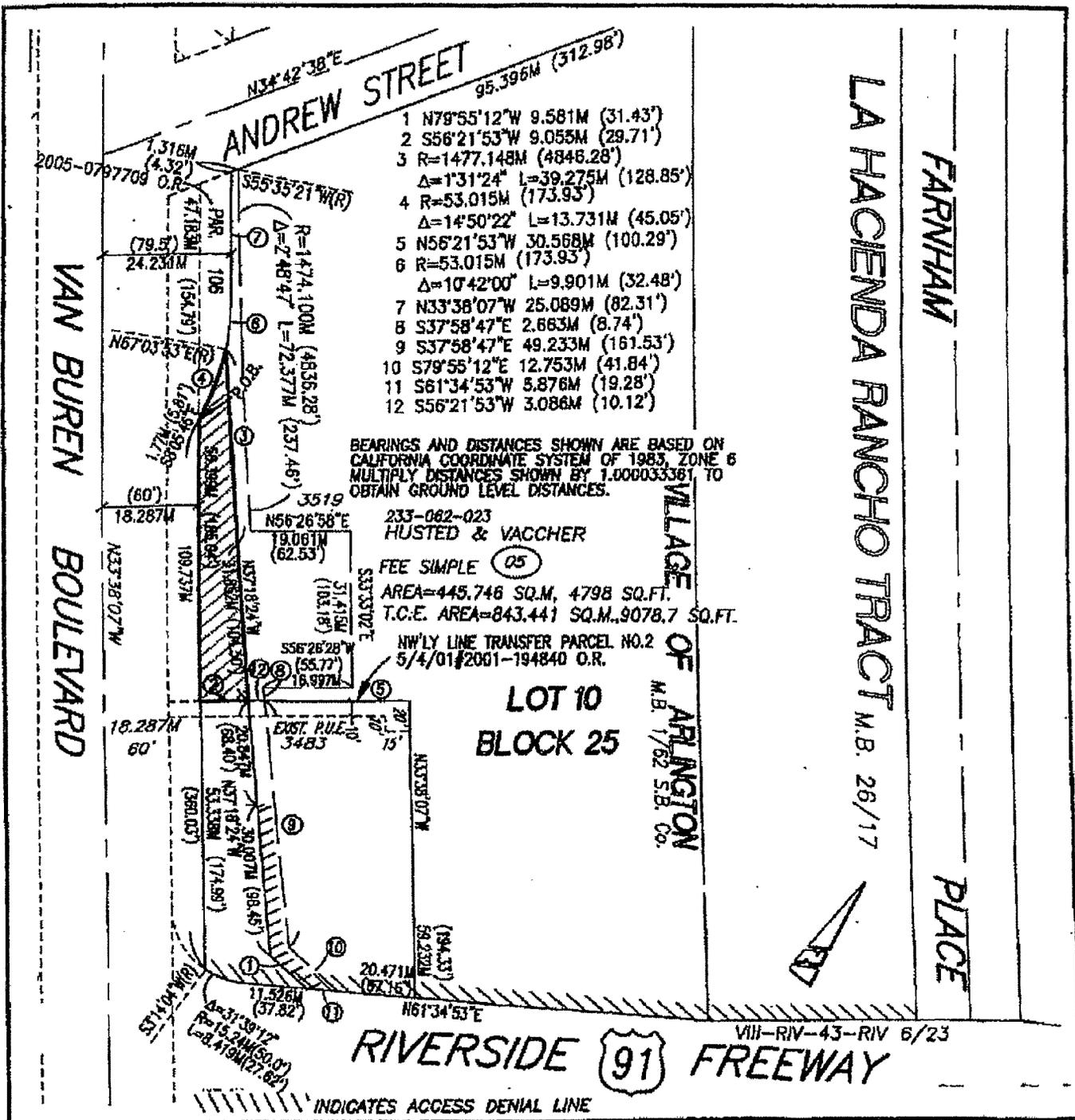


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- 1 N79°55'12"W 9.581M (31.43')
- 2 S56°21'53"W 9.055M (29.71')
- 3 R=1477.148M (4848.28')
- 4 R=53.015M (173.93')
- 5 N56°21'53"W 30.568M (100.29')
- 6 R=53.015M (173.93')
- 7 N33°38'07"W 25.089M (82.31')
- 8 S37°58'47"E 2.663M (8.74')
- 9 S37°58'47"E 49.233M (161.53')
- 10 S79°55'12"E 12.753M (41.84')
- 11 S61°34'53"W 5.876M (19.28')
- 12 S56°21'53"W 3.086M (10.12')

• 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: N.T.S. DRAWN BY: Kgs DATE: 4/29/08 SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS - PARS. 4&5



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PARCEL 05
Van Buren SR-91
A.P.N. 293-062-023

Parcel 05 B – Temporary Construction Easement

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

That portion of Lot 10 in Block 25 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the intersection of the northwesterly line of said Lot 10, with a line that is parallel with and distant 18.287 meters (60.00 feet) northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, shown as Van Buren Street by La Hacienda Rancho Tract, on file in Book 26, Page 17 of Maps, records of Riverside County, California;

THENCE along said parallel line, South 33°38'07" East, a distance of 103.582 meters (339.83 feet) to the northwesterly line of that certain parcel of land described as Transfer Parcel No. 2 in Quitclaim Deed recorded May 4, 2001, per Document No. 2001-194840 of Official Records of Riverside County, California;

THENCE along said northwesterly line of Transfer Parcel No. 2, North 56°21'53" East, a distance of 9.055 meters (29.71 feet) to the POINT OF BEGINNING of the parcel of land being described;

THENCE North 37°18'24" West, a distance of 31.852 meters (104.50 feet) to the beginning of a tangent curve concaving northeasterly and having a radius of 1477.148 meters (4846.28 feet);

THENCE northwesterly to the right along said last mentioned curve through a central angle of 1°31'24" an arc length of 39.275 meters (128.85 feet) to a point in the northeasterly line of that certain parcel of land described as Parcel 106 in Notice of Pendency Action, recorded September 27, 2005, per Document No. 2005-0797709 of Official Records of Riverside County, California; said point also being in a non-tangent curve concaving southwesterly, having a radius of 53.015 meters (173.93 feet) and to which the radius bears South 67°03'53" West;

THENCE along said northeasterly line of Parcel 106 and northwesterly to the left along said last mentioned curve through a central angle of 10°42'00" an arc length of 9.901 meters (32.48 feet) to the end of said curve; the end of said curve also being in a line



that is parallel with and distant 24.231 meters (79.50 feet) northeasterly, as measured at right angles, from said centerline of Van Buren Boulevard;

THENCE continuing along said northeasterly line of Parcel 106 and along said last mentioned parallel line, North 33°38'07" West, a distance of 25.089 meters (82.31 feet) to said northwesterly line of Lot 10;

THENCE along said northwesterly line of Lot 10, North 33°42'38" East, a distance of 1.316 meters (4.32 feet) to the beginning of a non-tangent curve concaving northeasterly and having a radius of 1474.100 meters (4836.28 feet), being concentric with the previously described curve having a radius of 1477.148 meters (4846.28 feet) and to which the radius bears North 55°35'21" East;

THENCE southeasterly to the left along said last mentioned curve through a central angle of 2°48'47" an arc length of 72.377 meters (237.46 feet);

THENCE North 56°26'58" East, a distance of 19.061 meters (62.53 feet);

THENCE South 33°33'02" East, a distance of 31.451 meters (103.18 feet);

THENCE South 56°26'28" West, a distance of 16.997 meters (55.77 feet);

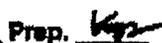
THENCE South 37°58'47" East, a distance of 2.663 meters (8.74 feet) to said northwesterly line of Transfer Parcel No. 2;

THENCE along said northwesterly line of Transfer Parcel No. 2, South 56°21'53" West, a distance of 3.086 meters (10.12 feet) to the POINT OF BEGINNING.

Area - 843.441 square meters (9078.7 square feet).

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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. 5656
License Expires 9/30/09
Date 4/21/08 Prep. 

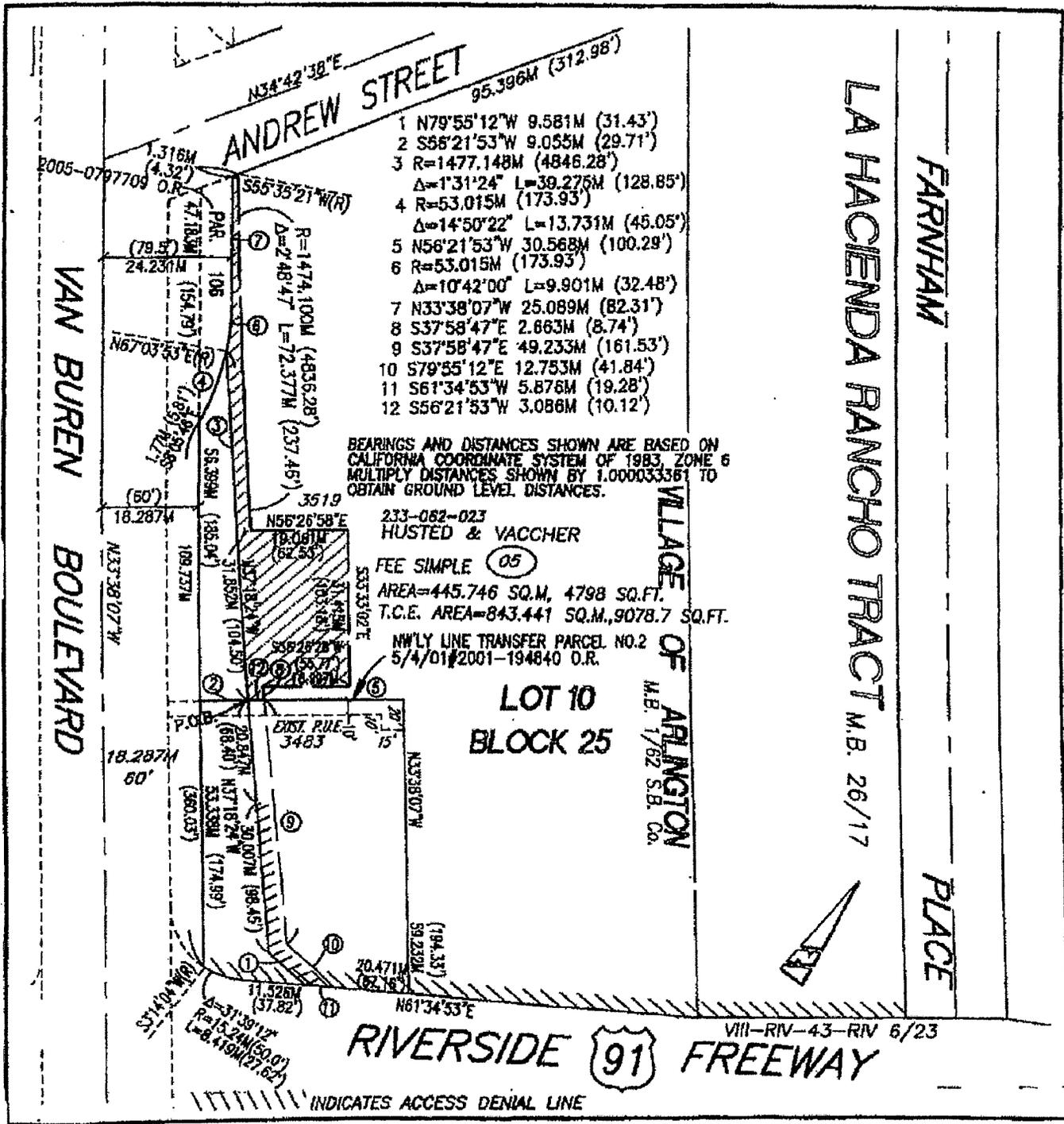


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• CITY OF RIVERSIDE, CALIFORNIA •

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: N.T.S. DRAWN BY: Kgs DATE: 4/29/08 SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS - PARS. 4&5



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PARCEL 04
State Parcel No. 20892 - KP 22.85
Van Buren SR-91
A.P.N. 233-062-024

Parcel 04 A - *Fee Simple Absolute*

Parcel 20892: For freeway purposes, that certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Lot 10 in Block 25 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the intersection of the northwesterly line of said Lot 10, with a line that is parallel with and distant 18.287 meters (60.00 feet) northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, shown as Van Buren Street by La Hacienda Rancho Tract, on file in Book 26, Page 17 of Maps, records of Riverside County, California;

THENCE along said parallel line, South 33°38'07" East, a distance of 103.582 meters (339.83 feet) to the northwesterly line of that certain parcel of land described as Transfer Parcel No. 2 in Quitclaim Deed recorded May 4, 2001, per Document No. 2001-194840 of Official Records of Riverside County, California, and the POINT OF BEGINNING of the parcel of land being described;

THENCE continuing along said parallel line, South 33°38'07" East, a distance of 53.338 meters (174.99 feet) to a point in the northwesterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 6 of 23 Sheets on file with the County Surveyor of Riverside County, California; said point being in a curve concaving northeasterly, having a radius of 15.240 meters (50.00 feet) and to which the radius bears North 3°14'04" East;

THENCE along said northwesterly line of State Highway Route 91 and along said curve to the left through a central angle of 31°39'12" an arc length of 8.419 meters (27.62 feet) to the end of said curve;

THENCE continuing along said northwesterly line of State Highway Route 91, North 61°34'53" East, a distance of 11.526 meters (37.82 feet);

THENCE departing from said northwesterly line, North 79°55'12" West, a distance of 9.581 meters (31.43 feet);



THENCE North $37^{\circ}18'24''$ West, a distance of 30.007 meters (98.45 feet); the preceding two courses are hereinafter referred to as Course "A";

THENCE continuing North $37^{\circ}18'24''$ West, a distance of 20.847 meters (68.40 feet) to said northwesterly line of Transfer Parcel No. 2;

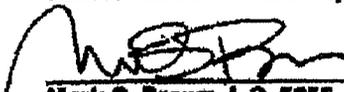
THENCE along said northwesterly line of Transfer Parcel No. 2, South $56^{\circ}21'53''$ West, a distance of 9.055 meters (29.71 feet) to the POINT OF BEGINNING.

Together with the extinguishment of all easements of access appurtenant to that portion of the owner's remaining property which lies northerly and northeasterly of the above described Parcel 20892 in and to said Van Buren Boulevard over and across Course "A" hereinabove described.

Area -- 624.098 square meters (6717.7 square feet).

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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

5/29/08 Date
Prep. Kop

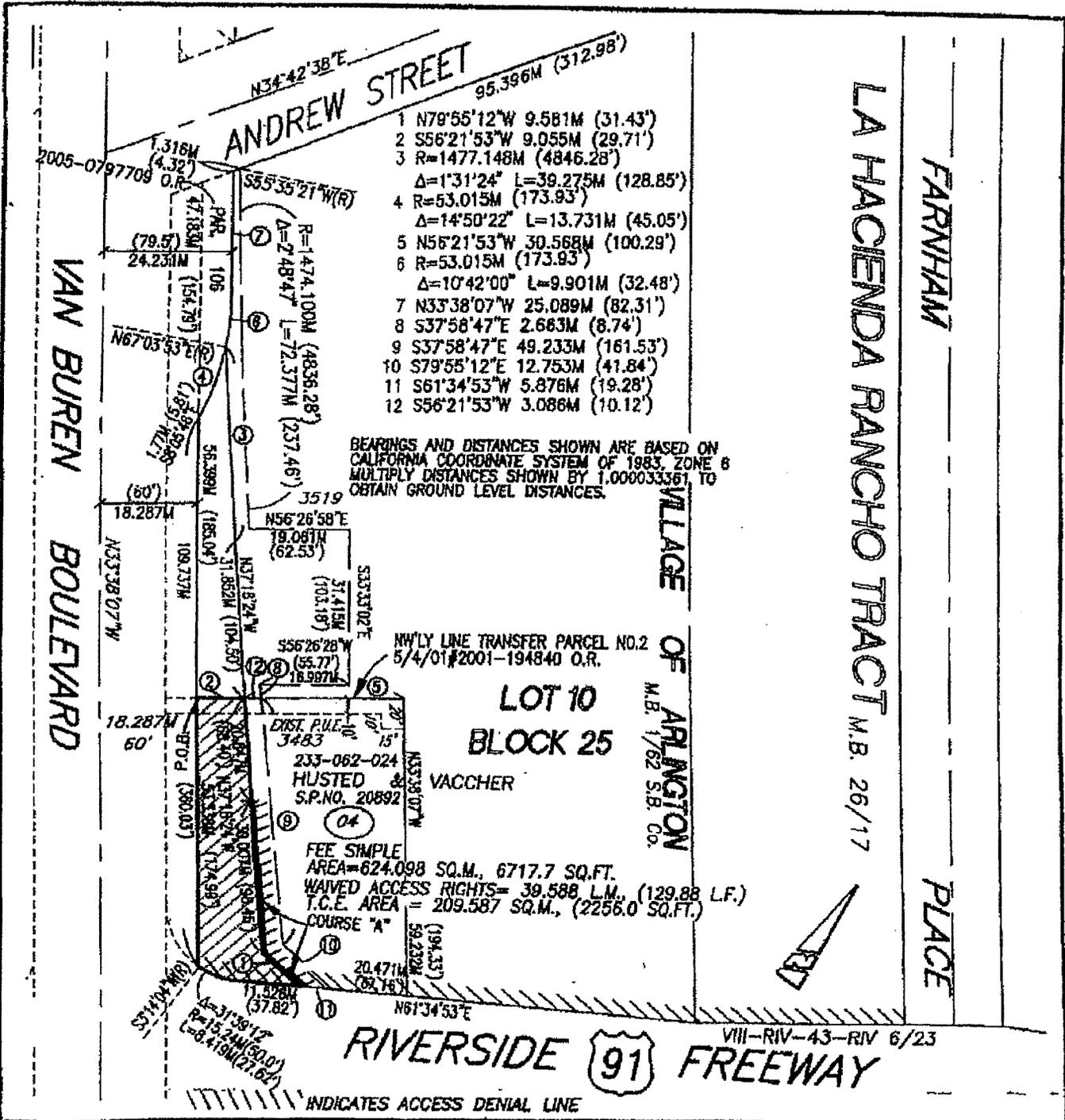


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FARNHAM PLACE
LA HACIENDA RANCHO TRACT M.B. 26/17
VILLAGE OF ARLINGTON

● **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: N.T.S.	DRAWN BY: Kgs DATE: 4/29/08	SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS - PARS. 4&5

16861

PARCEL 04
State Parcel No. 20892 - KP 22.85
Van Buren SR-91
A.P.N. 293-062-024

Parcel 04 B - Temporary Construction Easement

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

That portion of Lot 10 in Block 25 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the intersection of the northwesterly line of said Lot 10, with a line that is parallel with and distant 18.287 meters (60.00 feet) northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, shown as Van Buren Street by La Hacienda Rancho Tract, on file in Book 26, Page 17 of Maps, records of Riverside County, California;

THENCE along said parallel line, South 33°38'07" East, a distance of 156.920 meters (514.83 feet) to a point in the northwesterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 6 of 23 Sheets on file with the County Surveyor of Riverside County, California; said point being in a curve concaving northeasterly, having a radius of 15.240 meters (50.00 feet) and to which the radius bears North 3°14'04" East;

THENCE along said northwesterly line of State Highway Route 91 and along said curve to the left through a central angle of 31°39'12" an arc length of 8.419 meters (27.62 feet) to the end of said curve;

THENCE continuing along said northwesterly line of State Highway Route 91, North 61°34'53" East, a distance of 11.526 meters (37.82 feet) to the POINT OF BEGINNING of the parcel of land being described;

THENCE North 79°55'12" West, a distance of 9.581 meters (31.43 feet);

THENCE North 37°18'24" West, a distance of 50.854 meters (166.84 feet) to the northwesterly line of that certain parcel of land described as Transfer Parcel No. 2 in Quitclaim Deed recorded May 4, 2001, per Document No. 2001-194840 of Official Records of Riverside County, California;



THENCE along said northwesterly line of Transfer Parcel No. 2, North $56^{\circ}21'53''$ East, a distance of 3.086 meters (10.12 feet);

THENCE South $37^{\circ}58'47''$ East, a distance of 49.233 meters (161.53 feet)

THENCE South $79^{\circ}55'12''$ East, a distance of 12.753 meters (41.84 feet) to said northwesterly line of State Highway Route 91;

THENCE along said northwesterly line of State Route 91, South $61^{\circ}34'53''$ West, a distance of 5.876 meters 19.28 feet to the POINT OF BEGINNING.

Area - 209.587 square meters (2256.0 square feet).

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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

 4/29/09
Date

Prep. 

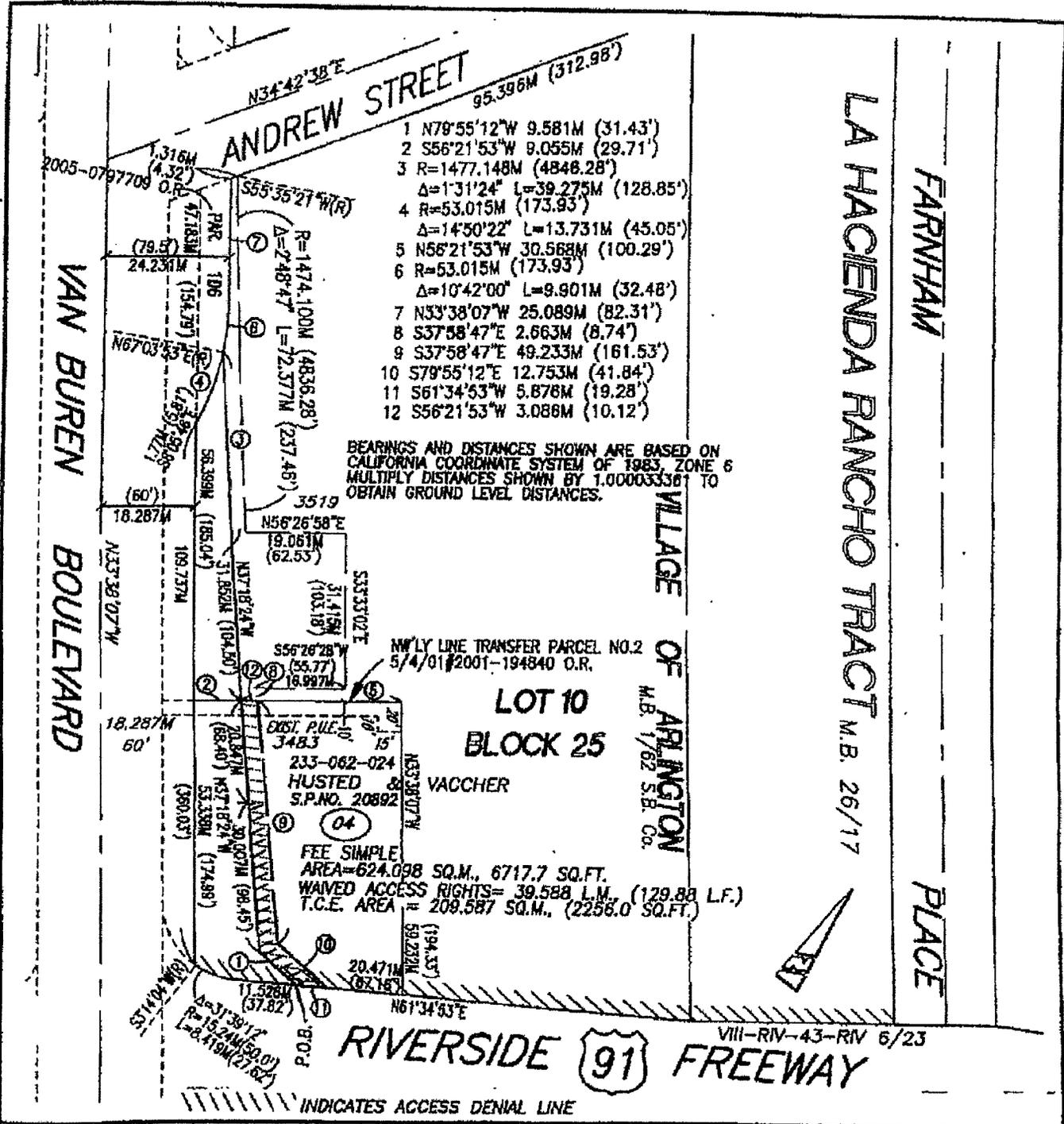


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- 1 N78°55'12"W 9.581M (31.43')
- 2 S56°21'53"W 9.055M (29.71')
- 3 R=1477.148M (4846.28')
- 4 R=53.015M (173.93')
- 5 N56°21'53"W 30.568M (100.29')
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- 10 S78°55'12"E 12.753M (41.84')
- 11 S61°34'53"W 5.876M (19.28')
- 12 S56°21'53"W 3.086M (10.12')

BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000033381 TO OBTAIN GROUND LEVEL DISTANCES.

LOT 10 BLOCK 25

VACCHER

FEE SIMPLE
 AREA=624,098 SQ.M., 6717.7 SQ.FT.
 WAIVED ACCESS RIGHTS= 39,588 L.M., (129.88 L.F.)
 T.C.E. AREA = 209,587 SQ.M., (2256.0 SQ.FT.)

• CITY OF RIVERSIDE, CALIFORNIA •

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SCALE: N.T.S. DRAWN BY: Kgs DATE: 4/29/08 SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS - PARS. 4&5



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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 March 4, 2013, I served the within FINAL ORDER OF CONDEMNATION AS TO APNS 233-062-023 AND 233-062-024 on the interested parties in said action addressed as follows:

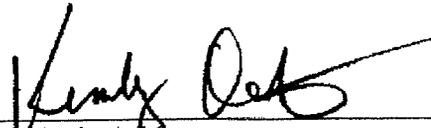
David F. Hubbard, Esq.
HUBBARD LAW FIRM
3890 11th Street, Ste. 214
Riverside, CA 92501
Fax: 951.788.9040
Ph: 951.686.2660
hubbardlawfirm@gmail.com

*Attorney for AAR Properties, LLC;
Aldo Vaccher; The Heirs and Devises of
Rose Vaccher' Aldo Vaccher, as Trustee
of the Survivor's, Administrative, and
Marital Trusts, Created Under the
Vaccher Family 1999 Administrative
Trust, Robert Vaccher and Anita Husted*

(X) 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 pursuant to C.C.P § 1013(a).

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

Executed on March 4, 2013, at Riverside, California.



Kimberly Oehlert

