

DOC # 2012-0558001

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Larry W. Ward

Assessor, County Clerk & Recorder



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Order Granting Plaintiff's motions to enforce written Settlement  
Agreement and payment of property taxes, Entry of partial  
judgment and final order of condemnation as to Defendant NCHG IS

Title of Document

D- 16842



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Riverside Superior Court  
Date Rec'd: NOV 02 2012

12/10

1 GREGORY P. PRIAMOS, City Attorney, SBN 136766  
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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

NOV 09 2012

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NOV 14 2012

6 MARK A. EASTER, Esq., SBN 143435  
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12 mark.easter@bbkllaw.com

10 Attorneys for Plaintiff, City of Riverside (Fee Exempt Gov't Code § 6103)

12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF RIVERSIDE

14 CITY OF RIVERSIDE, a California charter city and ) Case No. RIC542539  
15 municipal corporation, )  
16 Plaintiff, ) **ORDER GRANTING PLAINTIFF'S**  
17 vs. ) **MOTION TO ENFORCE WRITTEN**  
18 MANUEL R. ARTEAGA JR, etc.; et al. ) **SETTLEMENT AGREEMENT AND**  
19 Defendants. ) **PAYMENT OF PROPERTY TAXES,**  
20 ) **ENTRY OF PARTIAL JUDGMENT AND**  
21 ) **FINAL ORDER OF CONDEMNATION**  
22 ) **AS TO DEFENDANT NOUHA ISSA**  
23 ) **HREISH**

20 Complaint filed: December 18, 2009

22 This matter came on regularly for a hearing on plaintiff's Motion to Enforce Written  
23 Settlement and Payment of Property Taxes in Department 2 on October 25, 2012, in the above-  
24 entitled matter. The matter was heard by Honorable Daniel A. Ottolia, Judge of the Superior  
25 Court. Plaintiff, City of Riverside, was represented by Deputy City Attorney Brandon S. Mercer.  
26 Defendant, Nouha Issa Hreish, was represented by Joseph Dzida, Esq., of Callanan, Rogers &  
27 Dzida, LLP.

28 ///

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

**ORDER GRANTING PLAINTIFF'S MOTION TO ENFORCE WRITTEN SETTLEMENT AND  
PAYMENT OF PROPERTY TAXES, ENTRY OF PARTIAL JUDGMENT AND  
FINAL ORDER OF CONDEMNATION AS TO DEFENDANT NOUHA ISSA HREISH**



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1           Upon the court's review of the motion, including supporting and opposing  
2 documentation, as well as oral argument by counsel, the court granted plaintiff's Motion to  
3 Enforce Written Settlement and Payment of Property Taxes.

4           The court ordered that defendant Nouha Issa Hreish to pay the property taxes due as  
5 calculated in the Certified Tax Information filed herein on October 16, 2012, by deduction from  
6 the eminent domain award.

7           The court ordered that plaintiff submit this Partial Judgment and Final Order of  
8 Condemnation as to Defendant Nouha Issa Hreish ("Defendant") pursuant to the written  
9 settlement agreement attached hereto as Exhibit 'A' ("Settlement Agreement") to be made and  
10 entered herein in accordance with the terms and conditions hereof without further notice to said  
11 defendant,

12           **IT IS HEREBY FOUND AND DETERMINED:**

13           1.       The interest of Defendant in and to the real property designated in the complaint  
14 as Assessor's Parcel Numbers 146-162-018 and 146-162-038 is fee simple absolute. The  
15 interests being acquired by the City through this eminent domain action is a fee simple, as more  
16 particularly described in Exhibit 'B' hereto.

17           2.       Pursuant to the Settlement Agreement, Defendant waives the right to jury trial,  
18 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final  
19 Order of Condemnation as to Assessor's Parcel Numbers 146-162-018 and 146-162-038, and the  
20 right and time for appeal.

21           3.       Pursuant to the Settlement Agreement, Defendant expressly waives the right to  
22 challenge the City's right to acquire the property by eminent domain, the right to further and  
23 greater compensation, and the right to an award of interest, attorneys fees and costs, to the extent  
24 that they may be allowable by law.

25           4.       Pursuant to the Settlement Agreement, the total compensation is in complete  
26 settlement of any and all claims for compensation arising from the taking of the real property  
27 described in Exhibit 'B' hereto ("Subject Property"), including costs, statutory interest,  
28



1 severance damages, fixtures, equipment, or inventory, loss of business goodwill, relocation  
2 assistance, loss of or damage to improvements pertaining to the realty, damages for  
3 precondemnation or inverse condemnation, attorney's fees, all costs and litigation expenses of  
4 Defendant against the City by reason of taking of the Subject Property.

5 5. Pursuant to the Settlement Agreement, Defendant makes a knowing waiver of any  
6 and all rights created by California Civil Code section 1542.

7 6. Pursuant to the Settlement Agreement, the total amount of just compensation to  
8 be paid by plaintiff to Defendant is the sum of One Million Thirty Thousand Dollars  
9 (\$1,030,000.00) ("Award").

10 7. On December 18, 2009, City deposited the sum of Eight Hundred Sixty Thousand  
11 Dollars (\$860,000.00) with the Treasurer of the State of California, Condemnation Fund, as a  
12 deposit of probable just compensation for Assessor's Parcel Numbers 146-162-018 and 146-  
13 162-038.

14 8. On March 7, 2011, the court entered an Order for Withdrawal of Funds on  
15 Deposit ("Withdrawal Order") in favor of Defendant in the amount of Eight Hundred Sixty  
16 Thousand Dollars (\$860,000.00).

17 9. On or about March 25, 2011, the Treasurer of the State of California disbursed  
18 payment in the amount of \$860,000.00 pursuant to the Withdrawal Order. No funds remain on  
19 deposit for APNs 146-162-018 and 146-162-038.

20 10. City represents that payment of that portion of the Award remaining to be paid in  
21 the amount of One Hundred Seventy Thousand Dollars (\$170,000.00) ("Award Balance"), less  
22 the amounts owed for property taxes as set forth in paragraph 11 below, will be made within  
23 thirty (30) days after entry of this Partial Judgment and Final Order of Condemnation.

24 11. Property taxes shall be prorated in accordance with Revenue and Taxation Code  
25 sections 5081 through 5091 as of the date when the City took possession of the subject property  
26 under the order for possession. Pursuant to order of this court and as itemized in the Certified  
27 Tax Information filed herein, the City will deduct from the Award Balance the total amount of  
28



1 \$23,899.45 to satisfy any delinquent taxes due, together with penalties and interest thereon.  
2 More specifically, the City will deduct \$22,682.11 from the Award Balance to satisfy delinquent  
3 taxes related to assessor parcel number 146-162-018, and the City will also deduct \$1,217.34  
4 from the Award Balance to satisfy delinquent taxes related to assessor parcel number 146-162-  
5 038.

6 12. An Order of Prejudgment Possession became effective as to the interest of  
7 Defendant in and to Assessor's Parcel Numbers 146-162-018 and 146-162-038 on May 10,  
8 2010.

9 13. The use for which an interest in and to Assessor's Parcel Numbers 146-162-018  
10 and 146-162-038 is being acquired is a use authorized by law and the acquisition of said interest  
11 is necessary to said use.

12 **WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

13 1. The Plaintiff's Motion to Enforce Written Settlement Agreement and Payment of  
14 Property Taxes is hereby granted pursuant to Code of Civil Procedure section 664.6 and  
15 Revenue and Taxation Code section 5084, and judgment pursuant to the terms of the Settlement  
16 Agreement attached as Exhibit 'A' hereto is hereby entered against defendant Nouha Issa Hreish  
17 ("Defendant").

18 2. The total compensation, award, and damages to be paid as a result of the  
19 condemnation of the interests of Defendant in and to Assessor's Parcel Numbers 146-162-018  
20 and 146-162-038 is the total sum of One Million Thirty Thousand Dollars (\$1,030,000.00)  
21 ("Award").

22 3. Payment of the Award hereunder shall be deemed to expressly include all costs of  
23 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses  
24 including, but not limited to, those defined in California Code of Civil Procedure section  
25 1235.140. Payment hereunder shall further be deemed to be the total just compensation and  
26 damages, if any, to which Defendant shall be entitled by reason of the condemnation of  
27 Assessor's Parcel Number 146-162-018 and 146-162-038.

28



1           4.       That portion of the Award remaining to be paid herein in the amount of One  
2 Hundred Seventy Thousand Dollars (\$170,000.00) ("Award Balance"), less \$23,899.45 as set  
3 forth in paragraph 11 above, shall be paid by plaintiff outside these court proceedings to  
4 Defendant as follows: the draft shall be made payable to "Callanan, Rogers & Dzida, LLP, Trust  
5 Account for the benefit of Nouha Hreish" and forwarded to:

6                     Joseph S. Dzida, Esq.  
7                     CALLANAN, ROGERS & DZIDA, LLP  
8                     800 S Figueroa St. Ste. 1100  
9                     Los Angeles, CA 90017

10           5.       Payment to Defendant of the total Award shall constitute payment in full for the  
11 real property taken and for all damages of any kind and nature whatsoever suffered by said  
12 defendant by reason of such taking.

13           6.       An Order of Prejudgment Possession became effective as to the interest of  
14 Defendants in and to Assessor's Parcel Number 146-162-018 and 146-162-038 on May 10,  
15 2010.

16           7.       Pursuant to Revenue and Taxation Code section 5082, all current, general, and  
17 special county taxes due and owing to the county of Riverside as to the real property described  
18 in Exhibit 'B' shall be prorated to May 10, 2010. As of May 10, 2010, the property shall be  
19 exempt from general and special county taxes and all such taxes shall be canceled after that date  
20 pursuant to Revenue and Taxation Code sections 4985 et seq. and 5081 et seq.

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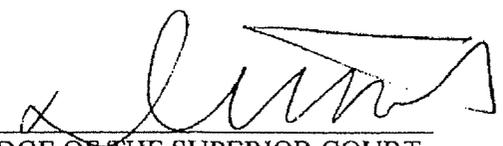


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**WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
CONDEMNATION:**

The interest of defendant Nouha Issa Hreish ("Defendant") in the real property described in Exhibit 'B' as to Assessor's Parcel Numbers 146-162-018 and 146-162-038 is hereby condemned for the public use and purposes described in the Complaint as the realignment of La Sierra Avenue, Hole Avenue, and Pierce Street at Five Points. Plaintiff City of Riverside to take title to the interests of Defendant in said real property, together with all improvements thereon in which said defendants have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

DATED: 11-6-12

  
JUDGE OF THE SUPERIOR COURT

**Daniel A. Ottolla**

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# EXHIBIT A



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SETTLEMENT AGREEMENT

Case No. RIC 542539 Date: 5/21/2012

The parties to this Agreement agree to completely settle this case.

~~Defendant(s) to pay plaintiff(s)~~  
~~Plaintiff(s) Defendant(s)~~

\$ 1,030,000 in full settlement <sup>of real property claims only</sup> subject to City Council approval and finalization of a settlement agreement

THIS IS A BINDING SETTLEMENT AGREEMENT THAT CANNOT BE CANCELED. It is enforceable pursuant to Code of Civil Procedure section 664.6 and Evidence Code Section 1123(b). If it becomes necessary for any party to institute proceedings under these sections to enforce the settlement agreement that party shall be entitled to reasonable attorney fees.

~~Upon satisfaction of the terms herein the complaint and all cross-complaints, if any, shall be dismissed with prejudice (forever). Each party shall bear own costs and attorney fees.~~

<sup>This is a settlement of all claims related to the real property including all fees, costs and interest.</sup>  
The plaintiff(s) shall execute the customary release of all claims, including a waiver of Civil Code section 1542, which is to be prepared and sent by defense counsel to plaintiff's counsel.

Upon receipt by <sup>plaintiff's</sup> defense counsel of the signed release and <sup>stipulated settlement</sup> dismissal, <sup>and awarded judgment,</sup> payment of the agreed amount shall be sent to plaintiff's counsel.

- \$ \_\_\_\_\_ is to be paid (to) (by) \_\_\_\_\_  
(to) (by) \_\_\_\_\_
- \$ \_\_\_\_\_ is to be paid (to) (by) \_\_\_\_\_  
(to) (by) \_\_\_\_\_
- \$ \_\_\_\_\_ is to be paid (to) (by) \_\_\_\_\_  
(to) (by) \_\_\_\_\_
- \$ \_\_\_\_\_ is to be paid (to) (by) \_\_\_\_\_  
(to) (by) \_\_\_\_\_

Other Terms: The finalization of the settlement agreement shall be executed by a stipulation re settlement and partial judgment to be followed by a final order of confirmation.

Attorney for plaintiff (s)  
[Signature]  
Plaintiff's Counsel for City of Riverside

Attorney for defendant (s)  
[Signature] (months ISSA Housh)  
Attorney for defendant (s)

Plaintiff  
Plaintiff  
Plaintiff

Attorney for defendant (s)  
Attorney for defendant (s)  
Attorney for defendant (s)

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LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

www.riversideacr.com

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

Date Resolved.  
Settlement  
Plaintiff  
Defendant  
of Real property, claims only.  
Subject to city Council Approval and finalization of  
a Self Settlement Agreement.  
This is a settlement of all claims related to the  
Real property including all fees, costs and interest.  
Plaintiff's  
Stipulated settlement and partial judgment,  
defense  
The finalization of the settlement Agreement shall  
be executed by a stipulation re settlement and  
partial judgment to be followed by a final order  
of condemnation.

Date: 11/19/12

Signature: *Erica Barnes*

Print Name: Erica Barnes



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**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

www.riversideacr.com

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

Counsel for City of Riverside  
Nouha Issa Hreish

Date: 11/19/12

Signature: *Erica Barnes*

Print Name: Erica Barnes

# EXHIBIT B



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FIVE POINTS  
APN: 146-162-018 & 038  
FEE SIMPLE INTEREST

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

Lot 3 of Marolo Tract, as shown by map on file in Book 21 of Maps at Page 15 thereof, Records of Riverside County, California.

**TOGETHER WITH** that portion of Lot 1 in Block 60 of Tract No. 2 of La Sierra Heights, as shown by map on file in Book 7 of Maps at Page 66 thereof, Records of Riverside County, California, described as follows:

Beginning on the Southeasterly line of said Lot 1, at a point 601.50 feet Northeasterly from the most Southerly corner of said Lot 1, said point also being the most Easterly corner of the parcel as conveyed to Mattie E. Schulz, et al., by Deed recorded April 15, 1974 as Instrument No. 43618, Official Records of Riverside County, California;

Thence Northwesterly along the Northeasterly line of said parcel conveyed to Mattie E. Schulz, et al., a distance of 210.00 feet to the most Northerly corner thereof;

Thence Northeasterly, a distance of 15.60 feet to the most Westerly corner of Lot 3 of said Marolo Tract;

Thence Southeasterly along the Southwesterly line of said Lot 3, a distance of 210.01 feet to the Southeasterly line of said Lot 1;

Thence Southwesterly along the Southeasterly line of said Lot 1, a distance of 15.60 feet to the point of beginning.

**EXCEPTING THEREFROM** the Southeasterly 4.00 feet in Pierce Street.

The above described parcel of land contains 0.325 acres, more or less.

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

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



**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 November 2, 2012, I served the within ORDER GRANTING PLAINTIFF'S MOTION TO ENFORCE WRITTEN SETTLEMENT AGREEMENT AND PAYMENT OF PROPERTY TAXES, ENTRY OF PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANT NOUHA ISSA HREISH 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(c). 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 November 2, 2012, at Riverside, California.

  
Kimberly Oehlert



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

<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 &amp; 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 &amp; 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>

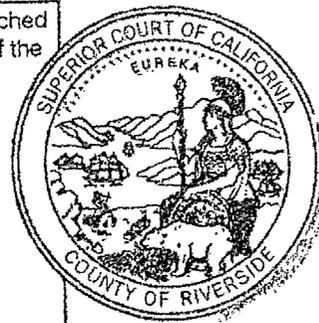
*12 pages* This must be in red to be a  
**"CERTIFIED COPY"**

Each document to which this certificate is attached is certified to be a full, true and correct copy of the original on file and of record in my office.

Superior Court of California  
County of Riverside

By: *K Deaton*  
DEPUTY

Dated: *11-15-2012*



Certification must be in red to be a  
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2012-0558001  
11/19/2012 11:47A  
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*City of Riverside v. Arteaga, et al.*  
**Riverside County Superior Court Case Number RIC542539**  
Mailing List

<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 &amp; 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 &amp; 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>

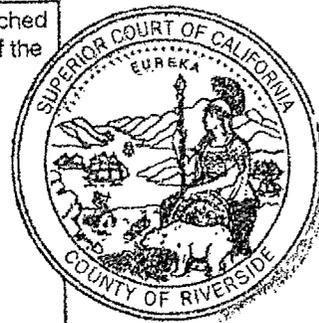
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Each document to which this certificate is attached is certified to be a full, true and correct copy of the original on file and of record in my office.

Superior Court of California  
County of Riverside

By: *K Deaton*  
DEPUTY

Dated: *11-15-2012*



Certification must be in red to be a  
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