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8 UNITED STATES DISTRICT COURT  
 9 CENTRAL DISTRICT OF CALIFORNIA  
 10 WESTERN DIVISION

12 THE PEOPLE OF THE STATE OF  
 13 CALIFORNIA, acting by and through the  
 Department of Transportation,  
 14  
 15 Plaintiff,  
 16 -vs-  
 17 DENISE MARIE GRIGGS, Administrator  
 18 of the Estate of Ulysses S. Griggs, Jr.,  
 deceased; et al.  
 19 Defendants.

Case No. 2:15-CV-03972-DSF-PJW

**JUDGMENT IN CONDEMNATION**

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 23 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through  
 24 the Department of Transportation (“Plaintiff”), and defendants Sun West Mortgage Company  
 25 (“Sun West”); the State of California Franchise Tax Board (“FTB”); and the United States of  
 26 America (“USA”), erroneously sued as the “Internal Revenue Service,” (collectively  
 27 “Defendants”, who are collectively with the Plaintiff referred to as the “parties”) through  
 28 their respective counsel of record, have stipulated that this Judgment in Condemnation as to

1 the real property, or interests in real property, described as Parcels 80297-1 and 80297-2 in  
2 Plaintiff's complaint filed in this proceeding may be entered herein.

3 The real property, or interests in real property, designated by Caltrans as Parcels  
4 80297-1 and 80297-2, as specifically described in Plaintiff's complaint, are partial  
5 acquisitions of the larger parcel, which is designated as Assessor's Parcel Number 4366-015-  
6 033, which is located at 375 Dalkeith Avenue, Los Angeles, CA 90049 ("Larger Parcel").

7 Default has been entered against defendants Denise Marie Griggs, Administrator of  
8 the Estate of Ulysses S. Griggs, Jr.; Denise Marie Griggs, Co-Trustee of the Ann B. Griggs  
9 Revocable Trust under Declaration of Trust Dated October 22, 1991; Denise Marie Griggs,  
10 aka Denise M. Griggs, aka Denise Griggs; Diane Rae Griggs, Co-Trustee of the Ann B.  
11 Griggs Revocable Trust under Declaration of Trust Dated October 22, 1991; Diane Rae  
12 Griggs, aka Diane Griggs (hereinafter collectively, "Griggs").

13 Defendants Secretary of Housing and Urban Development and Clear Recon  
14 Corporation, disclaimed any and all right, title or interest in Parcels 80297-1 and 80297-2.

15 NOW, THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED,  
16 ADJUDGED AND DECREED:

17 1. The total principal sum to be paid in this proceeding for the acquisition of  
18 Parcels 80297-1 and 80297-2 as described in Plaintiff's complaint is \$227,000.00.

19 2. The purpose for which Parcels 80297-1 and 80297-2 are being condemned is  
20 for a public use authorized by law, and the taking of these parcels is necessary for this use.  
21 Plaintiff has taken the necessary actions under California law to condemn the real property at  
22 issue in this case. On October 8, 2014, the California Transportation Commission convened  
23 at Glendale, California pursuant to California Code of Civil Procedure sections 1245.210  
24 through 1245.270 and passed and adopted Resolution of Necessity No. C-21284, declaring  
25 that certain real property, including Parcels 80297-1 and 80297-2, or an interest therein is  
26 necessary for state highway purposes and is to be acquired by Plaintiff pursuant to California  
27 Streets and Highways Code section 102.

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1           3. Pursuant to California Code of Civil Procedure section 1268.010, Plaintiff has  
2 deposited the sum of \$227,000.00 into the California State Treasury pursuant to California  
3 Code of Civil Procedure section 1255.010 which is being held in the California State  
4 Treasury under the name Denise M. Griggs, and the \$227,000.00 deposit into the California  
5 State Treasury shall be deemed a deposit made in payment of this judgment pursuant to  
6 section 1268.110 of the California Code of Civil Procedure.

7           4. The deposit of \$227,000.00 into the California State Treasury is for the benefit  
8 of defendants Sun West, FTB, USA and Griggs and shall be in full payment for the interests  
9 of defendants Sun West, FTB, USA and Griggs in Parcels 80297-1 and 80297-2 and  
10 damages with respect to Parcels 80297-1 and 80297-2 caused by any or all of the following:  
11 (a) the acquisition of Parcels 80297-1 and 80297-2; (b) the severance of Parcels 80297-1 and  
12 80297-2 from Assessor's Parcel Number 4366-015-033 (the "Larger Parcel"); and (c) the  
13 construction and use of the project for which Parcels 80297-1 and 80297-2 are being taken in  
14 the manner proposed by Plaintiff. The \$227,000.00 shall be in full payment for the claims of  
15 Sun West, FTB, USA, and Griggs for just compensation arising out of the condemnation of  
16 and acquisition of Parcels 80297-1 and 80297-2, including, without limitation, defendants'  
17 claims for the fair market value of the real and personal property taken, severance damages,  
18 loss of rents, loss of business goodwill, pre-condemnation damages, and all damages of every  
19 kind and nature suffered or to be suffered by reason of Plaintiff's acquisition of Parcels  
20 80297-1 and 80297-2, and the construction and use of the project in the manner proposed.

21           5. Sun West has in interest in Parcels 80297-1 and 80297-2 as the beneficiary of  
22 an assignment of deed of trust recorded on October 27, 2009, as Instrument Number  
23 20091224568 ("Assignment"). The Assignment was secured by parcels 80297-1 and 80297-  
24 2 through a Home Equity Conversion Deed of Trust for \$938,250.00 recorded on August 11,  
25 2009 under instrument number 20091224568.

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1           6.       The FTB duly recorded Notices of State Tax Liens in the County of Los  
2 Angeles, California, on December 10, 2009, and October 28, 2014, recorded as Instrument  
3 Numbers 20091877098 and 20141136239, respectively, which attached to Parcels 80297-1  
4 and 80297-2, among other real property.

5           7.       The IRS duly recorded a Notice of Federal Tax Lien on April 25, 2011, as  
6 Instrument Number 20110590700, which attached to Parcels 80297-1 and 80297-2.

7           8.       The California State Treasurer shall pay the \$227,000.00 to the payees  
8 identified, in the amounts specified, and shall cause the payment checks or warrants to be  
9 mailed to the addresses, as follows:

<b>PAYEE</b>	<b>AMOUNT &amp; PER DIEM</b>	<b>ADDRESS</b>
Sun West Mortgage Company	\$227,000.00	Aldridge Pite, LLP Attn: Stephen Kitagawa 1920 Main St. Suite 760 Irvine, CA 92614

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17           9.       Upon payment of the above-specified sums of money Parcels 80297-1 and  
18 80297-2, as described in Plaintiff's complaint, shall be condemned to Plaintiff and as against  
19 Sun West, FTB, USA, Griggs, Secretary of Housing and Urban Development and Clear  
20 Recon Corporation for state highway purposes, in fee simple absolute, unless a lesser estate  
21 is described, and all interests of Sun West, FTB, USA, Griggs, Secretary of Housing and  
22 Urban Development and Clear Recon Corporation in and to these parcels shall be terminated.

23           10.      This judgment shall not in any manner whatsoever prejudice the rights of FTB  
24 and the USA to collect the taxes owed by Ulysses S. Griggs, Jr. that remain unpaid.

25           11.      This Judgment shall have no effect on USA's federal tax liens or FTB's state  
26 tax liens against any part of the Larger Parcel (Assessor's Parcel Number 4366-015-033),  
27 which is not being acquired by Plaintiff as Parcels 80297-1 and 80297-2 by this Judgment.

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12. Defendants Secretary of Housing and Urban Development and Clear Recon Corporation, having disclaimed any and all right, title or interest in Parcels 80297-1 and 80297-2, are not entitled to any compensation in this proceeding.

13. The parties shall each bear their own costs and attorney's fees as against each other in these proceedings.

5/26/16



DATED: \_\_\_\_\_

\_\_\_\_\_  
DALE S. FISCHER  
United States District Judge