



1 this condemnation proceeding (the “Subject Property”), as of the date of taking,  
2 were Jack T. and Patty Holmes, husband and wife, as joint tenants, as to an  
3 undivided one-half interest, and Vicki Uleman, as sole known heir to Richard  
4 Primeaux, as to a one-half interest. Having considered the motion and the  
5 evidence before the Court, the Court makes the following findings of fact:  
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- 8 1. The Court has subject matter jurisdiction over this action pursuant to 28  
9 U.S.C. § 1358.
- 10  
11 2. This is an eminent domain action brought pursuant to 40 U.S.C. §§  
12 3113 and 3114 to acquire twenty acres of vacant desert land, as well as  
13 easements over neighboring parcels, in San Bernardino County,  
14 California.
- 15  
16 3. As evidenced by a Grant Deed, recorded on May 5, 1966, at Book  
17 6620, Page 947 of San Bernardino records, Exhibit A to the United  
18 States’ Memorandum in Support of Unopposed Motion for a  
19 Determination of Just Compensation and Title, Entry of Stipulation as  
20 to Just Compensation, Transfer of Possession, and Entry of Judgment,  
21 Jack T. Holmes and Patty Holmes, husband and wife, as joint tenants,  
22 are the owners of an undivided one-half interest in the Subject Property.  
23  
24 4. As evidenced by Grant Deed, recorded on May 5, 1966, at Book 6620,  
25 Page 947 of San Bernardino records, Exhibit A to the Memorandum in  
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1 Support of Unopposed Motion for a Determination of Just  
2 Compensation and Title, Entry of Stipulation as to Just Compensation,  
3 Transfer of Possession, and Entry of Judgment, Richard Primeaux was  
4 the owner of a one-half interest in the Subject Property. Mr. Primeaux  
5 died intestate in 2004, leaving one heir—his daughter, Vicki Uleman.  
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7 Mr. Primeaux’s estate has not been probated; thus, title to his interest in  
8 the Subject Property has never passed to Ms. Uleman. As Mr.  
9  
10 Primeaux’s sole known heir, Ms. Uleman is the owner of a one-half  
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12 interest in the Subject Property.

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14 5. Other parties who have or may claim an interest in the parcels are as  
15 follows:

- 16 a. Unknown heirs of Richard Primeaux
- 17  
18 b. Chicago Title Company, *as successor in interest to Title*  
19 *Insurance and Trust Company*
- 20  
21 c. Unknown heirs of Dewey S. Butler and Verona D. Butler,  
22 *husband and wife, as joint tenants*
- 23  
24 d. San Bernardino County Auditor-Controller/Treasurer/Tax  
25 Collector, *as taxing authority*
- 26  
27 e. Richard Olhoffer
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6. The United States negotiated with Jack T. Holmes, Patty Holmes, and Vicki Uleman and came to an agreement that just compensation for the Subject Property is \$8,000.
7. The United States filed this action to acquire the Subject Property, thereby clearing title and allowing payment to the landowners.
8. Jack T. Holmes and Patty Holmes waived service. Dkt. Nos. 8-9.
9. Vicki Uleman waived service. Dkt. No. 11.
10. Richard Olhoffer waived service. Dkt. No. 10.
11. San Bernardino County Auditor-Controller/Treasurer/Tax Collector waived service (Dkt. No. 7) and disclaimed any interest it may have in the property (Dkt. No. 12).
12. Chicago Title Company waived service (Dkt. No. 15) and disclaimed any interest it may have in the Subject Property (Dkt. No. 18).
13. The United States effected service by publication, pursuant to Rule 71.1(d)(3)(B), on the Unknown Heirs of Richard Primeaux and the Unknown Heirs of Dewey S. Butler and Verona D. Butler by publishing notice once a week for three successive weeks in the local newspaper on June 1, June 8, and June 15, 2019. Dkt. No. 17. None have filed an answer or otherwise appeared in this matter.
14. Service of process is complete.

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15. On July 18, 2019, the United States deposited \$8,000 as estimated just compensation. Dkt. No. 19.

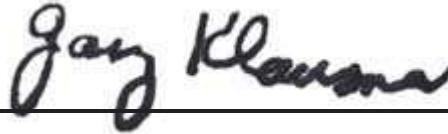
Based upon the foregoing findings of fact, the Court concludes:

1. The owners of the Subject Property, on the date of taking, were Jack T. and Patty Holmes, husband and wife, as joint tenants, of an undivided one-half interest, and Vicki Uleman, as sole known heir to Richard Primeaux, of a one-half interest.
2. Title to the Subject Property transferred to the United States upon the filing of the Declaration of Taking and the deposit of estimated just compensation, as provided by 40 U.S.C. § 3114(b).
3. The full just compensation payable by Plaintiff, United States of America, for the taking of the property identified in the Complaint and Declaration of Taking (Dkt. Nos. 1 and 3) filed herein shall be the sum of \$8,000, inclusive of interest.
4. Final Judgment will be entered against the United States in the sum of \$8,000 (said sum being full and just compensation) in full satisfaction of any and all claims of whatsoever nature against the United States by reason of the institution and prosecution of this action and the taking of the said lands and all appurtenances thereunto.

- 1           5. That \$8,000 is to be allocated to Jack T. Holmes and Patty Holmes,  
2           husband and wife, as joint tenants, of an undivided one-half interest,  
3           and Vicki Uleman, as sole known heir to Richard Primeaux, of a one-  
4           half interest as full and just compensation for the Subject Property.  
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6           6. In the event that any other party is ultimately determined by a court of  
7           competent jurisdiction to have any right to receive compensation for the  
8           Subject Property, Jack T. Holmes, Patty Holmes, and Vicki Uleman  
9           shall refund into the registry of the Court the compensation distributed  
10          herein, or such part thereof as the Court may direct, with interest  
11          thereon at the rate of 52-week Treasury Bills, calculated in accordance  
12          with the provisions of 40 U.S.C. § 3116, from the date of receipt of the  
13          deposit to the date of repayment into the registry of the Court.  
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15          7. The Clerk of the Court is to draw a check and make the following  
16          distribution to the entitled owner whose address is known:  
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18               a. Jack T. Holmes and Patty Holmes – \$4,000, together with any  
19                apportioned interest accrued thereon while in the Registry of the  
20                Court, by check made payable to Jack T. Holmes and Patty  
21                Holmes, 9179 Cardinal Avenue, Fountain Valley, CA 92708.  
22                b. Vicki Uleman – \$4,000, together with any apportioned interest  
23                accrued thereon while in the Registry of the Court, by check  
24                accrued thereon while in the Registry of the Court, by check  
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1                                   made payable to Vicki Uleman, 25812 Webster Place, Stevenson  
2                                   Ranch, CA 91318.  
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4 It is **SO ORDERED** on this 8th day of October 2019.  
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8 HON. R. GARY KLAUSNER  
9 UNITED STATES DISTRICT JUDGE  
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