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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

20.00 ACRES OF LAND, MORE OR
LESS, SITUATE IN SAN BERNARDINO
COUNTY, STATE OF CALIFORNIA;
HEIRS OF KATHERINE HASEKIAN;
HEIRS OF HARRY HASEKIAN, SR.;
HEIRS OF HARRY HASEKIAN, JR.;
CHARLES HASEKIAN; JOHN
HASEKIAN; STEPHEN HASEKIAN;
JAMES PRATTY; HEIRS OF SANDRA
TORIGAN; CYNTHIA ANN GIRARD;
UNKNOWN OTHERS; STATE OF
CALIFORNIA and SAN BERNARDINO
COUNTY TAX COLLECTOR, et al.,
Defendants.

No. EDCV 13-1643-GW(OPx)

**JUDGMENT ON STIPULATION
FOR JUDGMENT APPROVING
JUST COMPENSATION**

Stipulation for Judgment Approving Just
Compensation Filed Concurrently
Herewith

Pretrial Conference: January 22, 2015

Trial: February 3, 2015

The Honorable George H. Wu

1 Based upon the filed Stipulation for Judgment Approving Just Compensation filed
2 herein by Plaintiff United States of America (“United States”) and defendants Charles
3 Torigian and James Pratty (“Defendants”), and collectively the (“Parties”), and good
4 cause appearing therefor,

5 IT IS ORDERED, ADJUDGED AND DECREED that:

6 1. By December 2010 the United States Department of the Army had
7 determined that pursuant to 40 U.S.C. § § 3113 and 3114, the Military Construction
8 Authorization Act for Fiscal Year 2007, Pub. L. No. 109-364, 120 Stat. 2444, 2445-
9 2446; and the Revised Continuing Appropriations Resolution, 2007, Pub. L. No. 110-5,
10 121 Stat. 8, which Act appropriated funds for the acquisition, it was necessary to obtain
11 ownership of certain real property commonly known as San Bernardino County
12 Assessor’s Parcel Number 0507-101-14-0000, containing 20.00 acres, more or less,
13 legally described in the Declaration of Taking filed herein (Dkt. #1) (“Subject
14 Property”), in order to expand the training facilities at the National Training Center, Fort
15 Irwin, California.

16 2. By December 2010 the United States and Charles Torigian, James Pratty
17 and Harry Hasekian had agreed that the Subject Property was owned in fee simple as
18 follows: (1) a one-sixth (1/6) interest by James Pratty; (2) a one-sixth (1/6) interest by
19 Charles Torigian; and (3) a two-thirds (2/3) interest by Harry Hasekian (collectively
20 referred to herein as the “December 2010 Owners”). The United States and the
21 December 2010 Owners agreed to a sales price of \$43,500.00 for the Subject Property,
22 increased to \$45,500.00 to compensate Charles Torigian for the \$2,000.00 in legal fees
23 incurred by him to resolve certain title issues relating to the Subject Property. The
24 \$45,500.00 was to be distributed among the December 2010 Owners as follows: (1)
25 \$7,250.00 to James Pratty [one-sixth (1/6) of \$43,500.00 = \$7,250.00]; (2) \$9,250.00 to
26 Charles Torigian [one-sixth (1/6) of \$43,500.00 + \$2,000.00 = \$9,250.00] and (3)
27 \$29,000.00 to Harry Hasekian [two-thirds (2/3) of \$43,500.00 = \$29,000.00]. The
28 United States and the December 2010 Owners then executed a written agreement entitled

1 “Offer to Sell Real Property,” a copy of which is attached to the Stipulation as Exhibit A.
2 Pursuant to the Offer to Sell Real Property, the December 2010 Owners were required
3 to, *inter alia*, execute further documents and validate their ownership of fee simple title
4 to the Subject Property.

5 3. Before the further documents were executed and the ownership of the
6 December 2010 Owners was validated, Harry Hasekian died. Harry Hasekian left three
7 heirs, his sons Charles Hasekian, Steven Hasekian and Jon Hasekian, who had resided
8 with Harry Hasekian at his home on Hartsook Street in Sherman Oaks, California.
9 However, attempts by the remaining December 2010 Owners to contact Charles
10 Hasekian, Steven Hasekian and Jon Hasekian were unsuccessful. The Hartsook Street
11 home had been foreclosed. Communications to previously functioning telephone
12 numbers and email addresses were unanswered.

13 4. Plaintiff filed this action on September 12, 2013, together with the
14 Declaration of Taking (Dkt. #1). The Notice of Deposit of Just Compensation was filed
15 on January 21, 2014, in the sum of \$45,500.00 (Dkt. #9) and \$45,500.00 was deposited
16 into the Registry of the Court (the “Deposit”). Upon making the Deposit, title to the
17 Subject Property in fee simple vested in the United States. Since Plaintiff was unable to
18 locate the heirs of Harry Hasekian, it filed its *ex parte* Application for Order for
19 Extension of Time to Serve Process by Publication and Certificate of Publication on
20 January 16, 2014 (Dkt. #7) and its Proof of Service by Publication on February 21, 2014
21 (Dkt. #11.) The *ex parte* Application for Order of Possession was filed on March 20,
22 2014 (Dkt. #13). The Order for possession was issued on March 21, 2014 (Dkt. #14)
23 and was recorded.

24 5. Neither plaintiff United States nor defendants James Pratty or Charles
25 Torigian have been able to locate Charles Hasekian, Steven Hasekian or Jon Hasekian.

26 6. The just compensation payable by the United States for the taking of the
27 entire Subject Property shall be the total sum of \$45,500.00. The sum of \$45,500.00
28 shall be full and just compensation and in full satisfaction of any and all claims of

1 whatsoever nature against the United States by reason of the institution and prosecution
2 of this action and taking of the Subject Property. Judgment shall be entered against the
3 United States in the total sum of \$45,500.00.

4 7. Defendants Charles Torigian and James Pratty have warranted in the
5 Stipulation that, at the date of taking they, together with Charles Hasekian, Steven
6 Hasekian and Jon Hasekian, had exclusive right to the compensation herein, excepting
7 the interest of parties having liens or encumbrances of record and unpaid taxes and
8 assessments, if any, and that no other person or entity is entitled to the same or any part
9 thereof. In the event that any other party is ultimately determined by a court of
10 competent jurisdiction to have any right to receive compensation for the property taken
11 in this case, Defendants shall refund into the Registry of the Court the compensation
12 distributed herein, or such part thereof as the Court may direct, with interest thereon
13 calculated in accordance with law, from the date of the receipt of the deposit by
14 Defendants to the date of repayment into the Registry of the Court.

15 8. Judgment shall be entered in favor of defendant James Pratty in the sum of
16 \$7,250.00 as the owner of a one-sixth (1/6) interest in the Subject Property and in favor
17 of Defendant Charles Torigian in the sum of \$9,250.00 as the owner of a one-sixth
18 interest (1/6) in the Subject Property. Except as provided herein, the Parties shall be
19 responsible for their own attorneys' fees, costs and expenses. The Parties consent to the
20 entry of all orders and judgment necessary to effectuate this Stipulation.

21 9. Title to the Subject Property in fee simple shall vest in the United States.

22 10. The Clerk is ordered to maintain the sum of \$29,000.00, representing the
23 remainder of the \$45,500.00 deposited by the United States (Dkt. # 9), subject to the
24 claims of Charles Hasekian, Steven Hasekian and Jon Hasekian pursuant to 28 U.S.C.
25 § 2042, for five (5) years from the date hereof. If unclaimed by them within five (5)


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1 years, the Clerk is ordered to return that sum to the United States Treasury, pursuant to
2 28 U.S.C. § 2042.

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4 DATED: January 20, 2015

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7 GEORGE H. WU, U.S. DISTRICT JUDGE

8 Respectfully submitted,

9 STEPHANIE YONEKURA
10 Acting United States Attorney
11 LEON W. WEIDMAN
12 Assistant United States Attorney
13 Chief, Civil Division

14 /s/ Jonathan B. Klinck
15 JONATHAN B. KLINCK
16 Assistant United States Attorney
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18 Attorneys for Plaintiff United States
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