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23 UNITED STATES DISTRICT COURT
 24 CENTRAL DISTRICT OF CALIFORNIA

25 UNITED STATES OF AMERICA,)	Case No. 5:16-cv-01164 MWF (SPx)
)	
26 Plaintiff,)	Hon. Michael W. Fitzgerald
)	Courtroom 5A
27 v.)	
)	STIPULATED FINAL
28 4,263.92 ACRES OF LAND,)	JUDGMENT
LESS, SITUATE IN)	
SAN BERNARDINO COUNTY,)	

1 CALIFORNIA, AND THE)
2 GM GABRYCH FAMILY)
3 LIMITED PARTNERSHIP, *et al.*)
4 Defendants.)

5 **STIPULATED FINAL JUDGEMENT**

6 Pursuant to this stipulation signed and jointly filed herein by the Plaintiff, United
7 States of America, and Defendant GM Gabyrch Family Limited Partnership, IT IS
8 HEREBY ORDERED AND ADJUDGED THAT:

- 9
- 10 1. On June 3, 2016, the United States filed a Complaint in Condemnation and a
11 Declaration of Taking against 4,263.92 acres of land owned by GM Gabyrch
12 Family Limited Partnership. ECF No. 1 & 6.
 - 13 2. The United States deposited in the registry of this Court estimated just
14 compensation in the sum of \$1,279,200.00 on May 31, 2016. ECF No. 10. At
15 that time, title to the property, to the extent set forth in the Declaration of
16 Taking, vested in the United States by operation of law. 40 U.S.C. § 3114.
 - 17 3. On September 19, 2016, pursuant to the Defendant's request, the Court
18 ordered that the Clerk of the Court pay the entire amount of the deposit
19 (\$1,279,200) to the Defendant. ECF No. 23.
 - 20 4. The full just compensation payable by the United States for the taking of the
21 property interests identified in the Complaint in Condemnation (ECF No. 1)
22 and Declaration of Taking (ECF No. 6), the title to which has already vested
23 in the United States, shall be the sum of Three Million Three Hundred and
24 Fifty Three Thousand Dollars (\$3,353,000). The parties agree that this
25 settlement is inclusive of all costs, fees, and interest.
 - 26 5. Judgment shall be and hereby is entered against the United States in the
27 amount of Three Million Three Hundred and Fifty Three Thousand Dollars
28 (\$3,353,000).
 6. The said sum of Three Million Three Hundred and Fifty Three Thousand
Dollars (\$3,353,000) shall be just compensation and in full satisfaction of any

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and all claims of whatsoever nature against the United States by reason of the institution and prosecution of this action and taking of the said interests.

7. The said sum of Three Million Three Hundred and Fifty Three Thousand Dollars (\$3,353,000) shall be subject to all liens, encumbrances, and charges of whatsoever nature existing against the Property at the time of vesting of title thereto in the United States, and all such liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from the said sum.
8. As the United States has previously deposited \$1,279,200 as estimated just compensation, the deficiency amount plus interest, between the amount deposited and the stipulated just compensation of \$3,353,000 is \$2,073,800. Upon entry of a judgment on this stipulation, the United States shall pay into the registry of the Court the deficiency amount plus accrued interest of \$2,073,800.
9. Upon the Court's Order entering judgment and the United States' deposit of the deficiency into the registry of the Court, in accord with this stipulation of just compensation, the parties may seek immediate distribution of the deficiency to GM Gabyrch Family Limited Partnership, with check payable to: Graham • Vaage LLP Trust Account, on behalf of Defendant GM Gabyrch Family Limited Partnership.
10. Defendant GM Gabyrch Family Limited Partnership warrants that it was the sole owner of the subject property at the date of the taking, and that it has the exclusive right to the compensation herein, excepting the interests of parties having liens or encumbrances of record and unpaid taxes and assessments, if any, and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
11. In the event that any other party is ultimately determined by a Court of competent jurisdiction to have any right to receive compensation for the property taken in this case, Defendant GM Gabyrch Family Limited Partnership shall refund into the registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at the rate of 52-week Treasury Bills, calculated in accordance with the provisions of 40 U.S.C. §3116, from the date of receipt of the deposit by defendant to the date of repayment into the registry of the Court.

1 12. Defendant shall save and hold harmless the United States of America from all
2 claims or liability resulting from any unrecorded leases or agreements
3 affecting the Property on the date of taking.

4 13. By stipulation, the signatory parties hereto will take no appeal from this
5 Stipulated Judgment.

6 14. Parties shall be responsible for their own legal fees, costs, and expenses
7 (including attorney's fees, consultant's fees, and any other expenses).

8 15. This proposed stipulated judgment may be signed in counter parts.

9 16. The District Court shall retain jurisdiction to the extent needed to enforce this
10 stipulated judgment.

11 Dated this 29th day of January, 2018



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13
14 HON. MICHAEL W. FITZGERALD
15 UNITED STATES DISTRICT JUDGE

16 DATED: January 29, 2018

17 UNITED STATES OF AMERICA

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