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NO JS-6

11 Attorneys for Plaintiff
United States of America

12 **IN THE UNITED STATES DISTRICT COURT FOR THE**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14
15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18
19 5 ACRES OF LAND, MORE OR LESS,
20 SITUATE IN SAN BERNARDINO
21 COUNTY, CALIFORNIA, AND
22 HENRY C. GARVIN, et al.,

23 Defendants.

Case No.: 5:19-CV-1076-MWF-SP

**FINAL JUDGMENT APPROVING
STIPULATION OF JUST
COMPENSATION**

40 U.S.C. § 3114

24 Upon consideration of the Stipulation of Just Compensation executed by the
25 Plaintiff United States of America and Defendant Henry C. Garvin, it is hereby
26 ORDERED, ADJUDGED, AND DECREED that:

27 1. The United States filed its Complaint in Condemnation (ECF No. 1)
28 and Declaration of Taking (ECF No. 3) in this eminent domain proceeding on June

FINAL JUDGMENT APPROVING STIPULATION OF JUST COMPENSATION - 1

1 12, 2019, and deposited \$6,500.00 with the Court registry as estimated just
2 compensation for the taking on June 18, 2019. ECF No. 15. At that time, title to
3 the property, as set forth in the Declaration of Taking, vested in the United States.

4 2. The property consists of 5 acres of land in San Bernardino County,
5 California, as described in the Declaration of Taking (hereinafter, the "Property").

6 3. Defendant Henry C. Garvin was the record owner of the Property
7 immediately prior to the taking.

8 4. Defendant San Bernardino County disclaimed any interest in the
9 Property and the proceeds of this case and is not entitled to any distribution of just
10 compensation paid for the taking of the Property. ECF No. 12.

11 5. In order to settle this action, the parties agree that the just
12 compensation payable by the United States for the taking of the Property shall be
13 the sum of \$15,000.00, inclusive of interest, attorneys' fees, and costs.

14 6. As the United States has previously deposited \$6,500.00 as estimated
15 just compensation, the deficiency amount between this amount and the agreed
16 settlement of \$15,000.00 is \$8,500.00. The United States shall pay into the
17 registry of the Court, and the Clerk is directed to accept, the deficiency amount of
18 \$8,500.00.

19 7. The said sum of \$15,000.00 shall be full and just compensation and in
20 full satisfaction of all claims of whatsoever nature against the United States by
21 reason of the institution and prosecution of this action and taking of the Property.

22 8. The said sum of \$15,000.00 shall be subject to all liens, encumbrances
23 and charges of whatsoever nature existing against the Property at the time of
24 vesting of title in the United States and all such taxes, assessments, liens and
25 encumbrances shall be payable and deductible from said sum.

26 9. Defendant Henry C. Garvin warrants that he has the exclusive right to
27 compensation and that no other person or entity is entitled to the same or any part
28 thereof. In the event that any other party is ultimately determined by a court of

1 competent jurisdiction to have any right to receive compensation for the Property
2 taken in this case, Defendant shall refund into the registry of the Court the
3 compensation distributed herein, or such part thereof as the Court may direct, with
4 interest thereon calculated in accordance with the provision of 40 U.S.C. § 3116,
5 from the date of the receipt of the award by Defendant to the date of repayment
6 into the Registry of the Court.

7 10. The parties shall be responsible for their own legal fees, costs, and
8 expenses (including attorneys' fees, consultants' fees, experts' fees, transcript
9 costs, and any other expenses relating to this litigation).

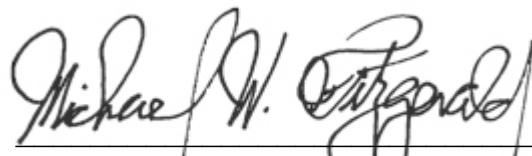
10 11. Upon the United States depositing the deficiency amount of \$8,500.00
11 into the Court registry, the Clerk of the Court shall, without further order of this
12 Court, disburse to Defendant Henry C. Garvin all sums on deposit in the registry of
13 the Court, together with any interest earned thereon while on deposit, by mailing
14 the check to:

15 Diversified Heating and Cooling
16 Attention: Hank Garvin
17 7352 Fox Trail
18 Yucca Valley, California 92284

19 12. Following disbursement of the above sums to Defendant Henry C.
20 Garvin, this case shall be CLOSED.

21 IT IS SO ORDERED.

22 Dated: February 11, 2022

23 
24 MICHAEL W. FITZGERALD
25 United States District Judge

26 **cc: FISCAL DEPARTMENT**