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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 1.73 ACRES OF LAND, MORE OR LESS,  
SITUATE IN TULARE COUNTY, STATE OF  
15 CALIFORNIA; RICK R. ALBA AND PATRICIA  
J. ALBA, HUSBAND AND WIFE AS JOINT  
16 TENANTS; ROSEDALE WATER COMPANY, A  
CALIFORNIA CORPORATION; SUCCESS  
17 DEVELOPMENT COMPANY, A CALIFORNIA  
CORPORATION; SUCCESS MUTUAL WATER  
18 COMPANY, A CALIFORNIA CORPORATION;  
RANDALL CARROLL; CARL ADAIR BROWN  
19 aka C. ADAIR BROWN; PROVIDENT  
MORTGAGE CORPORATION; TULARE  
20 COUNTY TREASURER AND TAX  
COLLECTOR; and UNKNOWN OWNERS,

21 Defendants.  
22

CASE NO. 1:11-cv-01492 AWI MJS

STIPULATION OF DISMISSAL OF  
DEFENDANT PROVIDENT  
MORTGAGE CORPORATION,  
BASED UPON DISCLAIMER;  
ORDER THEREON

23 Defendant PROVIDENT MORTGAGE CORPORATION (hereinafter "PROVIDENT") and  
24 Plaintiff the United States of America, submit the following stipulation to the Court for its approval.

25 First, PROVIDENT disclaims interest or estate in the real property interests that are the subject  
26 matter of this federal condemnation action. This disclaimer does not extend to any other assets held by  
27 other parties to this action.  
28

1 Second, in light of this disclaimer of interest in the subject matter of this action, the parties request  
2 that PROVIDENT be dismissed as Defendant in this action, and that any further service of documents  
3 upon PROVIDENT following service of this Order, is not necessary, and that PROVIDENT may be  
4 omitted from the caption of this case in all subsequent filings with the Court.

5 **Finally, the other parties remain in the case and this dismissal does not close the case file.**

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7 BENJAMIN B. WAGNER  
United States Attorney

8  
9 Date: 9/9/2011

/s/ Lynn Trinka Ernce

10 By: LYNN TRINKA ERNCE  
11 Assistant United States Attorney  
Attorneys for Plaintiff, the United States of America

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14 Date: 9/7/2011

/s/ Mary Salierno

15 By: PROVIDENT MORTGAGAGE CORPORATION

1 **ORDER**

2 IT IS ORDERED that Defendant PROVIDENT MORTGAGE CORPORATION (hereinafter  
3 "PROVIDENT") is dismissed as Defendant in this action. The Clerk of the Court is directed to terminate  
4 said Defendant from the Official Docket of this case.

5 IT IS FURTHER ORDERED that, after this Order is served upon PROVIDENT, no further  
6 documents in this case need to be served upon said Defendant.

7 IT IS FURTHER ORDERED that said PROVIDENT may be omitted from the caption of this case  
8 in all future filings. **IT IS FURTHER ORDERED that other Defendants remain in the case, which is**  
9 **to remain open.**

10  
11 IT IS SO ORDERED.

12 Dated: September 9, 2011

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15 CHIEF UNITED STATES DISTRICT JUDGE