

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 LYNN TRINKA ERNCE  
 Assistant United States Attorney  
 3 501 I Street Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2720  
 Facsimile: (916) 554-2900  
 5

6 Attorneys for United States of America

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA  
 10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 39.77 ACRES OF LAND, MORE OR LESS,  
 SITUATE IN TULARE COUNTY, STATE OF  
 15 CALIFORNIA; RANDALL L. CARROLL,  
 TRUSTEE UNDER THE RANDALL L.  
 16 CARROLL SEPARATE PROPERTY TRUST;  
 SUCCESS DEVELOPMENT COMPANY, A  
 17 CALIFORNIA CORPORATION; CARL  
 ADAIR BROWN AKA C. ADAIR BROWN;  
 18 BARBARA J. BROWN; SUCCESS MUTUAL  
 WATER COMPANY, A CALIFORNIA  
 19 CORPORATION; SUCCESS PROPERTIES, A  
 JOINT VENTURE OF J. RAND OLSON AKA  
 20 RAND OLSON AKA RAND J. OLSON AKA  
 RAND JON OLSON AKA J.R. OLSON, KEITH  
 21 D. OLSON AND C. ADAIR BROWN;  
 CHICAGO TITLE COMPANY, A  
 22 CALIFORNIA CORPORATION; MODOC  
 COUNTY TITLE CO., INC.; TULARE  
 23 COUNTY TREASURER AND TAX  
 COLLECTOR; and UNKNOWN OWNERS,  
 24

25 Defendants.

CASE NO. 1:14-CV-01819 TLN SKO

**ORDER AUTHORIZING DISBURSEMENT  
 OF \$747,500.00 DEPOSIT**

1 Following a stipulation, filed herein, by and between the United States of America and Randall L.  
2 Carroll, Trustee Under The Randall L. Carroll Separate Property Trust, Established September 15, 2009  
3 (“Trustee”), the Court is fully informed and finds:

4 The subject property is situated in the County of Tulare, State of California, as more particularly  
5 described in the Complaint and Declaration of Taking filed herein.

6 On November 19, 2014, the United States filed a Complaint and a Declaration of Taking which  
7 describe the estate and interests in the subject property condemned by this action. On November 20,  
8 2014, the United States delivered a check for \$747,500.00 to the Clerk of the Court as estimated just  
9 compensation for the taking of such estate and interests. The Clerk deposited the check into the Court’s  
10 registry account on November 25, 2014.

11 The Trustee has warranted and represented that he held fee title to the subject property as of  
12 November 20, 2014 and November 25, 2014.

13 The United States and the Trustee have entered into a stipulation whereby the Trustee has agreed  
14 to accept payment of \$747,500.00 as just compensation for the Trustee’s interests in the subject property.  
15 The parties have requested that the Court order the Clerk to disburse the \$747,500.00 as soon as possible  
16 under Rule 71.1(j)(2) of the Federal Rules of Civil Procedure.

17 Based on the stipulation and good cause appearing therefore,

18 IT IS HEREBY ORDERED that the stipulation is approved in its entirety;

19 IT IS FURTHER ORDERED that, as soon as possible, and no later than thirty (30) days after the  
20 date of entry of this Order, the Clerk shall distribute \$747,500.00 by check made payable to “Randall L.  
21 Carroll, Trustee Under The Randall L. Carroll Separate Property Trust, Established September 15,

22 2009” and mailed to: Randall L. Carroll, Trustee  
23 981 W. North Grand Avenue  
24 Porterville, California 93257

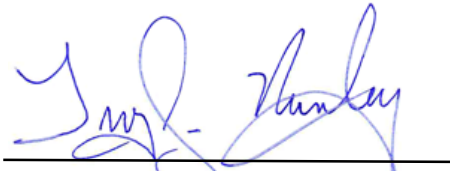
25 This payment shall be full, adequate, and just compensation for all of the Trustee’s interests in the  
26 estates and interests condemned in this action and shall be in full satisfaction of any and all claims of  
27 whatsoever nature by the Trustee against the United States of America in any way related to the institution  
28 and prosecution of this action.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Upon payment of the \$747,500.00 to the Trustee, the Clerk is directed to enter satisfaction of judgment of record as to the Trustee.

The parties shall be responsible for their own legal fees, costs, and expenses.

Dated: January 21, 2015



---

Troy L. Nunley  
United States District Judge