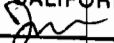


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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK

UNITED STATES OF AMERICA,

1:17-cv-00932-LJO-JLT

Plaintiff,

**AMENDED DECISION AND ORDER
AUTHORIZING WITHDRAWAL OF
DEPOSIT**

v.

**29.81 ACRES OF LAND, MORE OR LESS,
SITUATE IN KERN COUNTY, CALIFORNIA,
and MALEK & SCHIPPER INVESTMENT
AND DEVELOPMENT CORP. et al.,**

Defendants.

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The Court has received and reviewed the motion for withdrawal of deposit, ECF No. 23, filed by Defendant Malek & Schipper Investment and Development Corp. (“Defendant”), as well as Plaintiff United States’ response to the motion. ECF No. 24. On July 20, 2017, Plaintiff deposited the sum of \$290,000.00 in the Court Registry as estimated just compensation in this condemnation action. ECF No. 23 at 2 ¶ 1. On September 14, 2017, the Court ordered the disputed property delivered to Plaintiff. *Id.* at ¶ 3. On October 5, 2017, the Court granted Defendant Kern County Tax Collector’s motion for withdrawal of \$1,150.82. *Id.* at ¶ 4. Defendant represents that there are no other persons or entities with an interest in the disputed property besides Defendant, and that the property is not subject to any lien or mortgage. *Id.* at ¶ 6. Defendant seeks disbursement of the remaining balance of the estimated just compensation. *Id.* at ¶ 7. Plaintiff does not oppose Defendant’s motion, but requests that the distribution be subject to certain terms and conditions to which Defendant does not object. ECF No. 24 at 2.

The Court finds good cause to grant Defendant’s motion, subject to the agreed upon terms and conditions. Accordingly, IT IS HEREBY ORDERED that:

1 1. The Clerk of Court issue one (1) warrant in the amount of \$288,849.18 (Two Hundred Eighty
2 Eight Thousand Eight Hundred Forty Nine dollars and Eighteen cents) plus accrued interest, less any
3 amount paid by the Clerk of Court to Defendant Kern County Tax Collector as interest payments, made
4 payable to "Malek & Schipper Investment and Development Corp.;"

5 2. The Clerk of Court shall mail such warrant to Defendant's counsel of record, to wit:

6 John S. Peterson

7 PETERSON LAW GROUP PC

8 19800 MacArthur Blvd., Suite 2900

9 Irvine, California 92612;

10 3. Defendant shall be liable for any valid claims by other interested parties if it is ultimately
11 determined that Defendant is entitled to less than the amount disbursed, and, if so, Defendant shall
12 return the difference to the Court with interest;

13 4. Defendant shall pay and discharge in full all taxes, assessments, liens, and encumbrances
14 against the property, if any, in existence as of the date of taking; and

15 5. Plaintiff shall be held harmless from the claims of any and all parties having liens or
16 encumbrances and any other parties who may be entitled to the distributed funds or any part thereof by
17 virtue of any recorded or unrecorded agreement.

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20 IT IS SO ORDERED.

21 Dated: February 7, 2018

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23 _____
24 UNITED STATES CHIEF DISTRICT JUDGE
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