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6 Attorneys for Plaintiffs
 CITY OF YREKA, CITY COUNCIL OF
 7 THE CITY OF YREKA

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

11 CITY OF YREKA, CITY COUNCIL OF
 THE CITY OF YREKA,

CASE NO. 2:10-CV-01734-WBS-EFB

12 Plaintiffs,

**STIPULATED CONSENT DECREE AND
 [PROPOSED] ORDER**

13 v.

14 KEN SALAZAR in his official capacity as
 15 Secretary of the Interior; LARRY
 ECHOHAWK in his official capacity as
 16 Assistant Secretary for Indian Affairs of the
 United States Department of Interior and
 17 BUREAU OF INDIAN AFFAIRS;
 MICHAEL MALLORY, in his official
 18 capacity as Siskiyou County Assessor-
 Recorder; Does 1 through 100,

19 Defendants.

21 Plaintiffs CITY OF YREKA and CITY COUNCIL OF THE CITY OF YREKA (“City”)
 22 and defendant MICHAEL MALLORY, in his official capacity as Siskiyou County Assessor-
 23 Recorder (“Recorder’s Office”), stipulate and agree as follows:

24 **WHEREAS**, the City is located in the County of Siskiyou, California and acts through
 25 the City Council;

26 **WHEREAS**, the City Attorney has been vested with the authority to sign this Stipulated
 27 Consent Decree by and on behalf of the City and bind the City hereto;

28 **WHEREAS**, the Recorder’s Office is responsible for and has jurisdiction over the land

1 records in the County of Siskiyou. In that capacity and pursuant to California law, the
2 Recorder's Office maintains a complete public record of matters which may affect title to real
3 property located within that County including any written document, which affects title to or
4 possession of real property which can be recorded in the Recorder's Office if the document is in
5 proper form;

6 **WHEREAS**, the County Counsel of Siskiyou County has been vested with the authority
7 to sign this Stipulated Consent Decree by and on behalf of the Recorder's Office and bind the
8 Recorder's Office hereto;

9 **WHEREAS**, the property that is the subject of this dispute is located in this district and
10 is commonly described as Yreka Medical Clinic 1519 South Oregon Street, Yreka, California
11 96097 (Assessor's Parcel No.: 061-341-070; "Property");

12 **WHEREAS**, the Recorder's Office only interest in the above entitled litigation relates to
13 its obligation to accept for filing any documentation that is in proper form;

14 **WHEREAS**, the Recorder's Office seeks to ensure that all actions it undertakes,
15 including the filing of documentation, are in compliance with all state and federal laws;

16 **WHEREAS**, the City and the Recorder's Office seek to avoid the costs of litigation;

17 **WHEREAS** the City and the Recorder's Office agree that it is in their mutual interest to
18 resolve this matter without further litigation;

19 **WHEREAS**, the City and the Recorder's Office understand and intend that this
20 Stipulated Consent Decree does no more than maintain the status quo until this Court directs
21 otherwise;

22 **AND WHEREAS**, at the time the Stipulated Consent Agreement is submitted for
23 approval to the United States District Court, the City and the Recorder's Office stipulate and
24 request that the Court retain jurisdiction for the enforcement of this Agreement until the above
25 entitled matter is resolved or until the Court directs otherwise.

26 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND ORDERED AND**
27 **DECREED BY THE COURT, AS FOLLOWS:**

- 28 1. The Recorder's Office is prohibited and enjoined from accepting or filing any

1 documentation changing title to the Property such that it is held in trust by any person or entity
2 until this matter is resolved or this Court orders otherwise.

3 2. The Court shall retain jurisdiction for the enforcement of this Agreement until the
4 above entitled matter is resolved or until the Court otherwise orders.

5 3. The Recorder's Office shall have no obligation to appear in proceedings nor be
6 subject to discovery unless ordered by the Court.

7 The Parties hereto enter into this Stipulated Consent Decree and respectfully submit it to
8 the Court for its approval and entry as an Order and Final Judgment.

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10 Dated: September 22, 2010 City of Yreka

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12 By: /s/Mary Frances McHugh
13 Mary Frances McHugh, Esq.
14 City Attorney, City of Yreka for CITY OF
YREKA and CITY COUNCIL OF THE CITY
OF YREKA

15 Dated: September 23, 2010 County of Siskiyou Recorder's Office

16

17 By: /s/Thomas Guarino
18 Thomas Guarino, Esq.
19 County Counsel, County of Siskiyou for
MICHAEL MALLORY, in his official capacity
as Siskiyou County Assessor-Recorder

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22 **IT IS SO ORDERED.**

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Dated: October 8, 2010

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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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