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9 Attorneys for Plaintiff
 10 CONTRA COSTA COUNTY,
 in its capacity as successor agency to
 11 CONTRA COSTA COUNTY
 REDEVELOPMENT AGENCY

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 CONTRA COSTA COUNTY, in its capacity
 16 as successor agency to CONTRA COSTA
 COUNTY REDEVELOPMENT AGENCY,

17 Plaintiff,

18 v.

19 HOUSING AUTHORITY OF CONTRA
 20 COSTA COUNTY, a political subdivision of
 the State of California; UNITED STATES
 21 DEPARTMENT OF HOUSING AND
 URBAN DEVELOPMENT; and DOES ONE
 22 THROUGH TWENTY, and all other persons
 unknown claiming an interest in the property,

23 Defendants.
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Case No. C 11-03605 TEH

Assigned to: Judge Thelton E. Henderson

STIPULATION FOR: (1) ORDER
 SETTING ASIDE DEFAULT OF
 HOUSING AUTHORITY OF CONTRA
 COSTA COUNTY AND FOR
 WITHDRAWAL OF DISCLAIMER OF
 UNITED STATES DEPARTMENT OF
 HOUSING AND URBAN
 DEVELOPMENT; AND (2) JUDGMENT
 IN CONDEMNATION AND FINAL
 ORDER OF CONDEMNATION

(Fed. R. Civ. Proc., Rules 55 & 71.1.)

1 IT IS HEREBY STIPULATED by and among Plaintiff CONTRA COSTA COUNTY, in
2 its capacity as successor agency to CONTRA COSTA COUNTY REDEVELOPMENT
3 AGENCY (“Plaintiff”), Defendant HOUSING AUTHORITY OF CONTRA COSTA COUNTY
4 (“HACCC”), and Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN
5 DEVELOPMENT (“HUD”), as follows:

6 1. Plaintiff is a political subdivision of the State of California with the power to
7 acquire property in eminent domain in this action.

8 2. HACCC owns certain real property described as Parcel 1 (“Subject Property”) in
9 Exhibit A to the Complaint in Condemnation filed on June 7, 2011, in *Contra Costa County*
10 *Redevelopment Agency v. Housing Authority of Contra Costa County, et al.*, Contra Costa
11 County Superior Court Case No. C11-01558. At the time this action was filed, HUD
12 maintained an interest in the Subject Property under the “Declaration in Trust” dated June 29,
13 1959, and recorded on June 2, 1960, as Instrument No. 34077, Book 3633, Page 365 of Official
14 Records.

15 3. This action was filed on June 7, 2011 in the Contra Costa County Superior Court.
16 On July 22, 2011, HUD removed this action to the United States District Court for the Northern
17 District of California (N.D.Cal. Case No. 11-3605-TEH). (Doc. No. 1.) The District Court now
18 has jurisdiction of this matter, and of each of the parties named in this action, pursuant to Title
19 28 of the United States Code, sections 1331, and 1442, subdivision (a)(2).

20 4. In accordance with Part 1.85 of Division 24 of the California Health and Safety
21 Code, on February 14, 2012, the Court issued an order substituting plaintiff “Contra Costa
22 County, in its capacity as successor agency to the Contra Costa County Redevelopment
23 Agency,” for the original plaintiff, Contra Costa County Redevelopment Agency. (Doc. No.
24 25.)

25 5. Default of HACCC was entered by the Clerk of the District Court on February 6,
26 2012 (see Doc. No. 22), HUD’s Partial Release of Declaration of Trust (“Partial Release”) was
27 recorded against the Subject Property on April 5, 2012 (Instrument No. 2012-0078607 of
28

1 Official Records), and HUD filed its disclaimer of interest in Subject Property on or about April
2 18, 2012 (see Doc. No. 29). In order to expedite Plaintiff's acquisition of the Subject Property,
3 and payment to HUD of certain amounts owed by HACCC, as more particularly described in the
4 Partial Release, the parties hereby stipulate to the Court's issuance and entry of a judgment in
5 condemnation and final order of condemnation, as described herein.

6 6. Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, and other applicable
7 law, the Court, for good cause, may order that the Default of HACCC be set aside, and may
8 approve the withdrawal of HUD's Disclaimer. Good cause exists to set aside the Default of
9 HACCC and approve the withdrawal of HUD's Disclaimer in that Plaintiff's acquisition of the
10 Subject Property, and the payment to HUD of the amount owed by HACCC, as more
11 particularly described in the Partial Release, will be expedited. The parties stipulate to set aside
12 the Default of HACCC, and to the withdrawal of HUD's Disclaimer, which shall have no
13 further force or effect. The parties further stipulate and respectfully request that HACCC be
14 deemed to have made a special appearance in this action by entering into this stipulation in order
15 to consent to the resolution of this action, as stated herein.

16 7. Pursuant to Rules 54 and 71.1 of the Federal Rules of Civil Procedure, and other
17 applicable law, the Court is authorized to issue a Judgment in Condemnation and Final Order of
18 Condemnation to condemn the Subject Property, including HACCC's and HUD's respective
19 interests therein, to Plaintiff. The parties therefore stipulate and respectfully request that the
20 Court issue the "Judgment in Condemnation and Final Order of Condemnation" that is attached
21 hereto as Exhibit A and incorporated herein by reference. The Judgment in Condemnation and
22 Final Order of Condemnation satisfies each of the conditions of the Partial Release.

23 8. It is stipulated that Findings of Fact and Conclusions of Law are hereby waived. It is
24 further stipulated that Defendants HACCC and HUD hereby waive:

- 25 A. Any and all defenses, except those defenses that have necessarily merged
26 into the stipulated judgment;

1 B. Any additional compensation except the Fair Market Value (as
2 apportioned between, and to be paid to, HACCC and HUD) set forth in
3 the proposed Judgment in Condemnation and Final Order of
4 Condemnation attached hereto as Exhibit A and incorporated herein by
5 reference;

6 Respectfully Submitted,

7 DATED: June 25, 2012

SHARON L. ANDERSON
County Counsel

8
9 /s/

Stephen M. Siptroth
Deputy County Counsel
Attorneys for Plaintiff

10
11 DATED: June 25, 2012

HOUSING AUTHORITY OF CONTRA
COSTA COUNTY

12
13 /s/

Joseph Villarreal
Executive Director

14
15 DATED: June 25, 2012

Approved as to form:
SHARON L. ANDERSON
County Counsel

16
17 /s/

Keiko Kobayashi
Deputy County Counsel
Attorneys for Defendant Housing Authority
of Contra Costa County

18
19
20 DATED: June 25, 2012

MELINDA L. HAAG
United States Attorney

21
22 /s/

Charles M. O'Connor
Assistant United States Attorney
Attorneys for Defendant U.S. Department
Housing and Urban Development

1 **ATTESTATION**

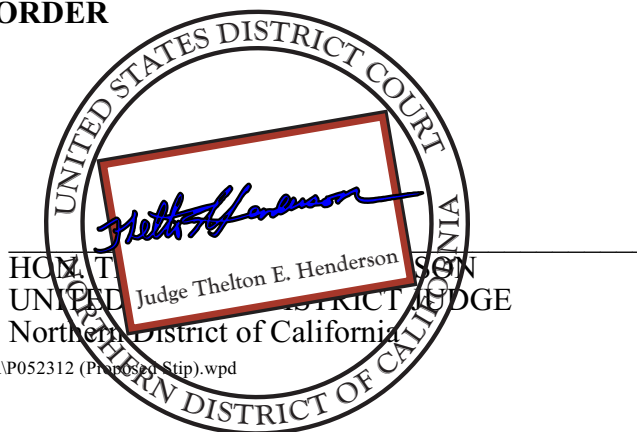
2 Pursuant to Section X.B. of General Order No. 45 - Electronic Case Filing, I, Stephen M.
3 Siptroth, attest that concurrence in the filing of this document has been obtained from each of
4 the other signatories listed above. That confirmation will be retained and made available for
5 inspection upon request by a party until one year after final resolution of this action.

6 /s/
7 Stephen M. Siptroth

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9 **ORDER**

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11 IT IS SO ORDERED.

12 Dated: 06/27/2012



13 HON. TH
14 UNITED STATES DISTRICT JUDGE
15 Northern District of California

16 SMS/ I:\CONDEMN\Active Condemnation Cases\CC Redev v HA\P052312 (Proposed Stip).wpd