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 6 Attorneys for Defendants GLOBAL DISCOVERIES, LTD.

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

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 11 COUNTY OF SONOMA,) CASE NO.: CV-10-2448 [CW]
 12)
 Plaintiff,)
 13)
 v.)
 14)
 GLOBAL DISCOVERIES, LTD.;)
 15 DIAMOND A RANCHOWNER'S)
 ASSOCIATION; UNITED STATES OF)
 16 AMERICA; STEVEN D. BIBLER; and DOES)
 1 through 10, inclusive,)
 17)
 Defendants.)
 18)
 19 _____)

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 22 **STIPULATION FOR ENTRY OF CORRECTED JUDGMENT**
 23 **AND CORRECTED JUDGMENT**
 24 **F.R.Civ.P. 60(a)**

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 McCANN & CARROLL
 54974 Oak Tree
 La Quinta, CA 92253
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1 THE PARTIES STIPULATE TO ENTRY OF A CORRECTED JUDGMENT PURSUANT
2 TO F.R.CIV.P. 60(a) AS FOLLOWS:

3 **RECITALS**

4 1. This Stipulation for Entry of Corrected Judgment is entered into by and between
5 Plaintiff COUNTY OF SONOMA ["the COUNTY"], and Defendants GLOBAL DISCOVERIES,
6 LTD. ["GLOBAL"], DIAMOND A RANCHOWNER'S ASSOCIATION ["DIAMOND"], and the
7 UNITED STATES OF AMERICA ["USA"] (collectively, "the Parties").

8 2. This interpleader case arose out of the tax sale, by the COUNTY of Sonoma County
9 Tax Assessor's Parcel Number 064-260-014 on August 28, 2008. After payment of outstanding
10 taxes, fees, and costs, there remained the sum of \$477,705.22 ("Excess Proceeds") which the
11 COUNTY was, pursuant to *California Revenue and Taxation Code*, Section 4675 ["Section 4675"],
12 charged with disbursing to parties of interest, as defined in said statute.

13 3. On April 14, 2011, the Parties filed a Stipulation for Entry of Judgment and Judgment
14 ["the Stipulation/Judgment"] which was intended to resolve all issues in the case. The
15 Stipulation/Judgment is identified as the Court's Docket Item 34 in this case.

16 4. On April 15, 2011, the Court signed the Stipulation/Judgment, and the
17 Stipulation/Judgment was thereafter entered by the Clerk. The Court's signed Stipulation/Judgment
18 is identified as the Court's Docket Item 36 in this case.

19 5. Recently, the parties have discovered that typographical errors exist in the
20 Stipulation/Judgment regarding the amount of the excess proceeds to be distributed. Specifically,
21 the amount/number \$477,705.22 was erroneously typed as \$422,705.22 in three (3) places in the
22 Stipulation/Judgment, specifically:

23 Page 2, Line 17 of the Stipulation

24 Page 2, Line 21 of the Stipulation

25 Page 2, Line 25 of the Stipulation

26 6. This led to a computational/typographical error in the amount to be disbursed to
27 GLOBAL pursuant to the Stipulation/Judgment. Specifically, the amount to be distributed to
28 GLOBAL was erroneously typed as \$415,105.22 in three (3) places in the Stipulation/Judgment,

1 specifically:

2 Page 4, Line 8 of the Stipulation

3 Page 7, Line 21 of the Judgment

4 The correct amount which should have been distributed to GLOBAL pursuant to the
5 Stipulation/Judgment is \$470,105.22, representing the \$477,705.22 deposited with the Sonoma
6 County Superior Court by the COUNTY, less the \$3,500.00 disbursed to the COUNTY as
7 reimbursement of its attorney's fees and costs incurred in this matter, less the \$4,100.00 disbursed
8 to DIAMOND as payment of its first priority claim [$\$477,705.22 - \$3,500.00 - \$4,100.00 =$
9 $\$470,105.22$].

10 7. These typographical errors were recently discovered by GLOBAL. Thereafter,
11 GLOBAL's counsel confirmed with the Clerk of the Sonoma County Superior Court that the
12 Clerk/Court still held \$55,000.00 of the funds deposited by the COUNTY in this case. The
13 \$55,000.00 still held by the Court represents the difference between the two typographical errors
14 [$\$477,705.22 - \$422,705.22 = \$55,000.00$, and $\$470,105.22 - \$415,105.22 = \$55,000.00$].

15 8. The parties request that the Court correct these typographical errors pursuant to this
16 Stipulation for Entry of Corrected Judgment and Corrected Judgment pursuant to F.R.Civ.P. 60(a)
17 by ordering the Clerk of the Sonoma County Superior Court to disburse the \$55,000.00 presently
18 held by the Clerk/Court to GLOBAL.

19 **STIPULATION**

20 **IT IS STIPULATED** by and between the COUNTY, GLOBAL, and the USA as follows:

21 9. (A) The Clerk of the Sonoma County Superior Court has previously disbursed
22 the sum of \$3,500.00 to the COUNTY pursuant to the Stipulation/Judgment.

23 (B) The Clerk of the Sonoma County Superior Court has previously disbursed
24 the sum of \$4,100.00 to DIAMOND pursuant to the Stipulation/Judgment.

25 (C) The Clerk of the Sonoma County Superior Court has previously disbursed
26 the sum of \$415,105.22 to GLOBAL pursuant to the Stipulation/Judgment.

27 (D) The Clerk of the Sonoma County Superior Court holds the sum of \$55,000.00
28 from the Excess Proceeds originally deposited by the COUNTY in Sonoma County Superior Court

1 Case No. SCV247102. Those Excess Proceeds should have been paid to GLOBAL pursuant to the
2 Stipulation/Judgment, but were not due to the typographical errors set forth hereinabove.

3 (E) The Clerk of the Sonoma County Superior Court shall pay the balance of the
4 remaining Excess Proceeds in the amount of \$55,000.00 to GLOBAL. The check shall be made
5 payable to "Global Discoveries, Ltd." and shall be mailed to GLOBAL's attorney at the following
6 address:

7
8 C. Daniel Carroll
9 McCANN & CARROLL
54974 Oak Tree
La Quinta, California 92253

10 GLOBAL shall also receive any interest which has accrued on the Excess Proceeds.

11 10. Except as corrected herein, the Stipulation/Judgment shall remain effective in all
12 respects, and the parties are bound thereby.

13 11. This Stipulation may be executed in counterparts, and a faxed copy of a signed
14 signature page may be submitted to the Court for the purpose of obtaining the Stipulated Judgment.

15 12. The undersigned have authority to execute this agreement on behalf of themselves
16 or the party they represent.

17 Dated: _____, 2011

BRUCE D. GOLDSTEIN
County Counsel

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By:

STEVEN S. SHUPE, Deputy County Counsel,
Attorneys for Plaintiff COUNTY OF
SONOMA

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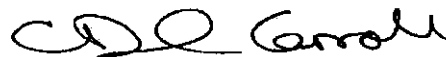
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12/19/11
Dated: ~~April 7, 2011~~

McCANN & CARROLL

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By:

C. DANIEL CARROLL, Attorneys for
Defendants GLOBAL DISCOVERIES, LTD.

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Dated: 12/14, 2011

DIAMOND A RANCHOWNER'S ASSOCIATION

By: 
Willie Cooper, President

Dated: _____, 2011

UNITED STATES OF AMERICA

By: STEPHANIE M. HINDS, Assistant United States Attorney, Attorneys for Defendant UNITED STATES OF AMERICA

APPROVED AS TO FORM:


Dated: _____, 2011

BRUCE D. GOLDSTEIN
County Counsel

By: STEVEN S. SHUPE, Deputy County Counsel, Attorneys for Plaintiff COUNTY OF SONOMA

Dated: 12/19/11
~~April 7, 2011~~

McCANN & CARROLL

By: 
C. DANIEL CARROLL, Attorneys for Defendants GLOBAL DISCOVERIES, LTD.

Dated: _____, 2011

MELINDA HAAG
United States Attorney for the Northern District of California

By: STEPHANIE M. HINDS, Assistant United States Attorney, Attorneys for Defendant UNITED STATES OF AMERICA

McCANN & CARROLL
54974 Oak Tree
La Quinta, CA 92283
(760) 771-0780


1 Dated: _____, 2011

DIAMOND A RANCHOWNER'S
ASSOCIATION

2
3
4 By: _____
Willie Cooper, President

5 Dated: 12/14, 2011

UNITED STATES OF AMERICA

6
7
8 By: 
STEPHANIE M. HINDS, Assistant United
9 States Attorney, Attorneys for Defendant
10 UNITED STATES OF AMERICA

11 **APPROVED AS TO FORM:**


12 Dated: _____, 2011

BRUCE D. GOLDSTEIN
County Counsel

13
14
15 By: _____
16 STEVEN S. SHUPE, Deputy County Counsel,
Attorneys for Plaintiff COUNTY OF
17 SONOMA

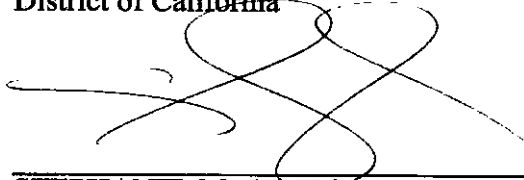
18 Dated: 12/19/11
~~April 7, 2011~~

McCANN & CARROLL

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20 
21 By: _____
22 C. DANIEL CARROLL, Attorneys for
Defendants GLOBAL DISCOVERIES, LTD.

23 Dated: 12/14, 2011

MELINDA HAAG
United States Attorney for the Northern
District of California

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25
26 By: 
27 STEPHANIE M. HINDS, Assistant United
28 States Attorney, Attorneys for Defendant
UNITED STATES OF AMERICA

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JUDGMENT

The above stipulation of the parties for entry of judgment having been read and considered by the Court, and for good cause appearing therefor:

THE COURT FINDS AS FOLLOWS:

A. On April 14, 2011, the Parties filed a Stipulation for Entry of Judgment and Judgment ["the Stipulation/Judgment"] which was intended to resolve all issues in the case. The Stipulation/Judgment is identified as the Court's Docket Item 34 in this case.

B. On April 15, 2011, the Court signed the Stipulation/Judgment, and the Stipulation/Judgment was thereafter entered by the Clerk. The Court's signed Stipulation/Judgment is identified as the Court's Docket Item 36 in this case.

C. Recently, the parties have discovered that typographical errors exist in the Stipulation/Judgment regarding the amount of the excess proceeds to be distributed. Specifically, the amount/number \$477,705.22 was erroneously typed as \$422,705.22 in three (3) places in the Stipulation/Judgment, specifically:

- Page 2, Line 17 of the Stipulation
- Page 2, Line 21 of the Stipulation
- Page 2, Line 25 of the Stipulation

D. This led to a computational/typographical error in the amount to be disbursed to GLOBAL pursuant to the Stipulation/Judgment. Specifically, the amount to be distributed to GLOBAL was erroneously typed as \$415,105.22 in three (3) places in the Stipulation/Judgment, specifically:

- Page 4, Line 8 of the Stipulation
- Page 7, Line 21 of the Judgment

The correct amount which should have been distributed to GLOBAL pursuant to the Stipulation/Judgment is \$470,105.22, representing the \$477,705.22 deposited with the Sonoma County Superior Court by the COUNTY, less the \$3,500.00 disbursed to the COUNTY as reimbursement of its attorney's fees and costs incurred in this matter, less the \$4,100.00 disbursed to DIAMOND as payment of its first priority claim.

1 E. These typographical errors were recently discovered by GLOBAL. Thereafter,
2 GLOBAL's counsel confirmed with the Clerk of the Sonoma County Superior Court that the
3 Clerk/Court still held \$55,000.00 of the funds deposited by the COUNTY in this case. The
4 \$55,000.00 still held by the Court represents the difference between the two typographical errors.

5 F.(i) The Clerk of the Sonoma County Superior Court has previously disbursed the sum
6 of \$3,500.00 to the COUNTY pursuant to the Stipulation/Judgment.

7 (ii) The Clerk of the Sonoma County Superior Court has previously disbursed the sum
8 of \$4,100.00 to DIAMOND pursuant to the Stipulation/Judgment.

9 (iii) The Clerk of the Sonoma County Superior Court has previously disbursed the sum
10 of \$415,105.22 to GLOBAL pursuant to the Stipulation/Judgment.

11 (iv) The Clerk of the Sonoma County Superior Court holds the sum of \$55,000.00 from
12 the Excess Proceeds originally deposited by the COUNTY in Sonoma County Superior Court Case
13 No. SCV247102. Those Excess Proceeds should have been paid to GLOBAL pursuant to the
14 Stipulation/Judgment, but were not due to the typographical and/or computational errors set forth
15 hereinabove.

16 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

17 1. The Clerk of the Sonoma County Superior Court shall disburse the remaining
18 \$55,000.00 of the Excess Proceeds from the tax sale of Sonoma County Tax Assessor's Parcel
19 Number 064-260-014 to GLOBAL as the assignee of Realtec, Ltd. The check shall be made payable
20 to "Global Discoveries, Ltd." and shall be mailed to GLOBAL's attorney at the following address:

21 C. Daniel Carroll
22 McCANN & CARROLL
23 54974 Oak Tree
24 La Quinta, California 92253

25 GLOBAL shall also receive any interest which has accrued on the Excess Proceeds.

26 2. No further disbursements shall be made to the COUNTY, DIAMOND, Steven D.
27 Bibler or the USA.

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