

Recording Requested By

**LOUIS B. GREEN
COUNTY COUNSEL**

When Recorded Mail To

**LOUIS B. GREEN
EL DORADO COUNTY COUNSEL
330 Fair Lane
Placerville, CA 95667**



**El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2005-0075662-00**

Acct 27-EL DORADO CO COUNSEL

Thursday, SEP 08, 2005 15:50:45

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Nbr-0000773191

JLR/C1/1-17

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

FINAL ORDER OF CONDEMNATION AND JUDGMENT IN EMINENT DOMAIN PROCEEDING

COUNTY OF EL DORADO vs. FIRST FEDERAL PROPERTIES, et al.
Case No. PC20000299 (consolidated with PC20000303 and PC20000305)

1 FRANKLIN G. GUMPERT, #66051
2 BARKETT & GUMPERT
3 Attorneys at Law
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5 Sacramento, California 95825
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EL DORADO CO. SUPERIOR CT

FILED AUG 16 2005

BY Joyce L. Rocheleau
Deputy

8 Attorneys for Plaintiff
9 COUNTY OF EL DORADO

10
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12
13 IN AND FOR THE COUNTY OF EL DORADO

14 COUNTY OF EL DORADO,
15 Plaintiff,

No. PC20000299 (cons with
PC200000303 and PC200000305)

16 vs.

FINAL ORDER OF CONDEMNATION AND
JUDGMENT IN EMINENT DOMAIN
PROCEEDING

17 FIRST FEDERAL PROPERTIES, et
18 al.,

[CCP § 1268.030]

19 Defendants.
20 _____/

21 This cause having come before the Court after a
22 stipulated settlement at the Mandatory Settlement Conference held
23 on June 7, 2005, and the Stipulation for Settlement having been
24 presented and made to the satisfaction of the Court, and it
25 appearing to the satisfaction of the Court that the use to which
26 the property sought to be condemned and taken is a public use
27 authorized by law, and the taking of the property is necessary for
28 that use, and good cause appearing therefore,

THE COURT FINDS AS FOLLOWS:

1. The following named Defendants had been properly

1 served personally or by publication, but did not file answers or
2 otherwise respond to the Plaintiff's Complaints:

3 GLORIA L. WINSTEAD (all actions);

4 JAMES W. WINSTEAD (all actions);

5 MARLIN H. ADAMS and his heirs and devisees (all actions);

6 MARY E. ADAMS and her heirs and devisees (all actions);

7 MARLIN D. ADAMS (all actions);

8 MARY E. ADAMS, Trustee of the MARILYN E. ADAMS REVOCABLE
9 TRUST (all actions);

10 RON FREDERICK (all actions);

11 JAMES MANELLI (all actions);

12 JACK PARKERSON (all actions);

13 CHARLENE MAKIS (all actions);

14 ERWIN GREEN (all actions);

15 EDWIN GREEN (Action PC20000303 and PC20000305 only);

16 CITIBANK (South Dakota) N.A. (Action PC20000299 only);

17 INTER-COUNTY TITLE CO. (Action PC20000303 and 20000305
18 only); and

19 LOWELL D. PLUBELL (Action PC20000303 and PC20000305
20 only).

21 The following named Defendants were properly served and
22 in advance of filing answers to the Plaintiff's complaint,
23 participated in the proceedings, including the Mandatory Settlement
24 Conference: GLORIA L. WINSTEAD REVOCABLE TRUST dated May 27, 1999,
25 by its Successor Trustee, NEIL WINSTEAD, representing the interests
26 of RANDY GREEN and GINGER LICH as well.

27 2. On August 7, 14, 21, and 28, 2000, Plaintiff COUNTY
28 OF EL DORADO published notice of the action to all persons unknown

1 who may have an interest in the property. No other defendants
2 other than the Defendants named and served with the complaint have
3 come forward to claim an interest in the property which is the
4 subject of the COUNTY's complaint.

5 3. Defendant FIRST FEDERAL PROPERTIES, INC., a Nevada
6 corporation, was properly served in each action, filed its Answers,
7 and litigated its claims to an interest in the three parcels and/or
8 proceeds in a bifurcated trial, after which judgment was entered
9 on January 8, 2003 adverse to any interest by FIRST FEDERAL
10 PROPERTIES, INC. After a motion for new trial was denied, the
11 judgment was challenged by FIRST FEDERAL PROPERTIES, INC. But
12 upheld by decision of the Third District Court of Appeals on March
13 25, 2004.

14 4. Defendant EL DORADO IRRIGATION DISTRICT was properly
15 served in each action, but claimed its interests without
16 litigation.

17 5. No Defendants who were named and properly served
18 filed formal Disclaimers. All Defendants who were named but who
19 did not file answers had defaults entered against them.

20 6. Plaintiff COUNTY OF EL DORADO initially deposited the
21 total sum of Three Hundred Seventy-Five Thousand Seven Hundred
22 Sixty Dollars (\$375,760.00) with the Court, representing the value
23 of the unimproved real property described in the three consolidated
24 actions herein, together with all improvements thereon pertaining
25 to the realty. Thereafter, and as a result of the judgment, Order
26 and Amended Order for Withdrawal of Probable Compensation, of
27 October 22, 2002 and December 14, 2003, said sum was paid by the
28 Court to Defendant WINSTEAD TRUST, constituting a credit against

1 any future judgment.

2 7. The aggregate sum of Five Hundred Seventy-Five
3 Thousand Seven Hundred Sixty Dollars for all attorneys fees, costs,
4 interest and the unimproved real property described in the subject
5 action herein, together with all improvements thereon pertaining
6 to the realty on the effective date of August 1, 2005, said sum to
7 be apportioned between WINSTEAD TRUST, RANDY GREEN and GINGER LICH
8 in accordance with the terms of the settlement upon appropriate
9 application to the Court, including all sums for costs and
10 attorneys fees incurred and payable therefrom.

11 IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that
12 the property described below is taken for and condemned to
13 Plaintiff COUNTY OF EL DORADO for the public purpose of the State
14 Route 49/Fowler Lane Interim Roadway Project for the signalization
15 of the Highway 49/Fowler Road intersection, the correction of
16 deficiencies and improvement of safety and road surfaces, and
17 traffic flow. Title to the COUNTY shall be taken in Fee Simple and
18 will vest with the COUNTY on the date that a certified copy of this
19 Final Order of Condemnation is recorded in the office of the
20 recorder of El Dorado County, in the State of California. The real
21 property parcels referred to in this Order and the title to which
22 shall vest in favor of COUNTY OF EL DORADO are described as Parcels
23 054-342-16, 054-342-18 and 054-342-19, the legal descriptions of
24 which are attached hereto respectively as Exhibits "A," "B," and
25 "C."

26 IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that
27 the payment of the sums specified above is in full and final
28 settlement and judgment for all interests in the land taken and for

1 all damages of every kind and nature suffered or to be suffered by
2 Defendants because of the taking of the property and the
3 condemnation of the improvement in the manner proposed by the
4 COUNTY.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, except
6 as specifically set forth hereinabove, each party shall bear
7 his/her/its own attorney's fees and costs in this proceeding.

8 DATED: 'AUG 16 2005

9 James R. Wagoner
10 JUDGE OF THE SUPERIOR COURT

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This is a true certified copy of the
record if it bears the seal, imprinted
in purple ink, the date of issuance and
an original signature.

Dated: 'AUG 16 2005
Superior Court of California
County of El Dorado



By: [Signature]
Deputy

075662

A PORTION OF A.P.N. 054:342:16
LEGAL DESCRIPTION

All that certain real property situated in the Townsite of Diamond Springs, County of El Dorado, State of California, being a portion of Parcel 2, as said parcel is shown on the map recorded in Book 45, Parcel Maps, at Page 141, in the office of the El Dorado County Recorder, described as follows:

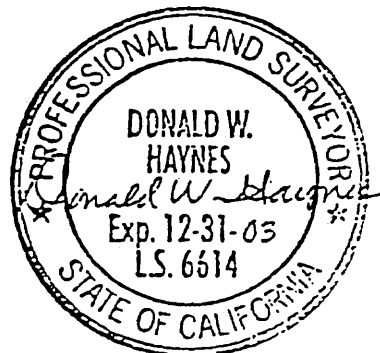
Beginning at the southeast corner of said parcel, thence N.83°20'24"W. 18.275 meters (59.96 feet) along the southerly boundary of said Parcel 2 to a point on the new westerly right-of-way line of State Highway 49; thence leaving said southerly boundary along said new right-of-way line N.37°23'34"E. 4.165 meters (13.66 feet); thence N.25°33'21"E. 54.328 meters (178.24 feet); thence N.17°30'19"E. 65.538 meters (215.02 feet) to a point on the existing westerly right-of-way line of State Highway 49; thence along said right-of-way line the following three courses: 1) S.15°41'15"W. 29.472 meters (96.69 feet); 2) S.12°55'26"W. 39.596 meters (129.91 feet); 3) S.12°05'16"W. 51.111 meters (167.69 feet) to the true point of beginning.

Containing 0.0681 Hectares (0.168 Acres), more or less.

TOGETHER WITH underlying fee interest, if any, contiguous to the above property in and to the adjoining State Highway 49.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801 & 8802 of the State Resources Code. All distances are grid distances. To obtain ground distances, divide by 0.99985645.

This description has been carefully reviewed and I certify and seal it to be accurate to the best of my knowledge and belief as described herein. Any change, addition, or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. Any responsibilities or warranties relieved of me in the above manner will automatically transfer to the party responsible for changing this description.



075662

A PORTION OF A.P.N. 054:342:18
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

An easement for temporary construction purposes over, under, and across a portion of Parcel 4 as shown on the Parcel Map filed in Book 45 of Maps, at Page 141, in the office of the El Dorado County Recorder, State of California, described as follows:

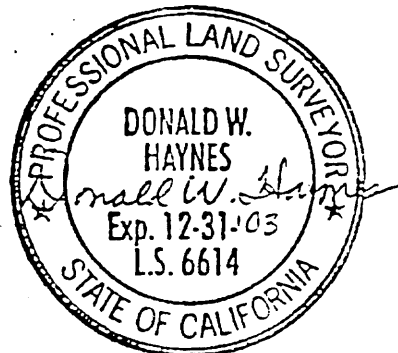
Beginning at a point on the new westerly right-of-way line of State Highway 49, a point on a 183.502 meter (602.04 foot) radius curve concave southeasterly, from which point the northeast corner of said Parcel 4 bears N.78°32'49"E. 94.857 meters (311.21 feet); thence from said point of beginning southwesterly along said curve and right-of-way line an arc distance of 29.051 meters (95.31 feet) through a central angle of 09°04'15", and subtended by a chord which bears S.34°28'55"W. 29.021 meters (95.21 feet); thence leaving said right-of-way on a non-tangent line N.72°24'56"W. 17.902 meters (58.73 feet); thence N.17°34'44"E. 27.767 meters (91.10 feet); thence S.72°25'01"E. 26.340 meters (86.42 feet) to the true point of beginning.

Containing 0.0603 Hectares (0.149 Acres), more or less.

This easement to expire at the completion of construction of this project.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801 & 8802 of the State Resources Code. All distances are grid distances. To obtain ground distances, divide by 0.99985645.

This description has been carefully reviewed and I certify and seal it to be accurate to the best of my knowledge and belief as described herein. Any change, addition, or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. Any responsibilities or warranties relieved of me in the above manner will automatically transfer to the party responsible for changing this description.



A PORTION OF A.P.N. 054:342:18
LEGAL DESCRIPTION

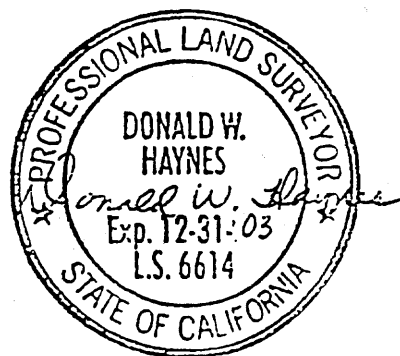
All that certain real property situated in the Townsite of Diamond Springs, County of El Dorado, State of California, being a portion of Parcel 4, as said parcel is shown on the map recorded in Book 45, Parcel Maps, at Page 141, in the office of the El Dorado County Recorder, described as follows:

Beginning at the northeast corner of said parcel, thence along the northerly boundary of said parcel S.89°05'12"W. 16.860 meters (55.31 feet) to a point on the new easterly right-of-way line of State Highway 49; thence leaving said northerly boundary along said new right-of-way line S.43°39'28"W. 16.498 meters (54.13 feet) to a point on the new County right-of-way line; thence along said right-of-way line S.66°26'57"E. 30.239 meters (99.21 feet) to a point on the existing westerly right-of-way line of State Highway 49; thence along said right-of-way line North 01°14'30" East 24.293 meters (79.70) feet to the true point of beginning.

Containing 0.0439 Hectares (0.109 Acres), more or less.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801 & 8802 of the State Resources Code. All distances are grid distances. To obtain ground distances, divide by 0.99985645.

This description has been carefully reviewed and I certify and seal it to be accurate to the best of my knowledge and belief as described herein. Any change, addition, or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. Any responsibilities or warranties relieved of me in the above manner will automatically transfer to the party responsible for changing this description.



A PORTION OF A.P.N. 054:342:18
LEGAL DESCRIPTION

All that certain real property situated in the Townsite of Diamond Springs, County of El Dorado, State of California, being a portion of Parcel 4, as said parcel is shown on the map recorded in Book 45, Parcel Maps, at Page 141, in the office of the El Dorado County Recorder, described as follows:

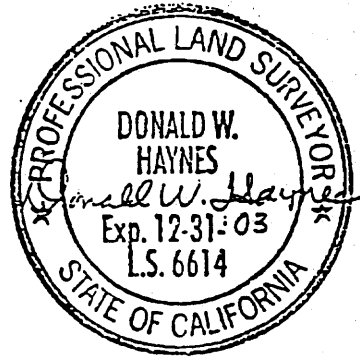
Beginning at a point on the northerly boundary of said parcel, from which point the northeast corner of said parcel bears N.89°05'12"E. 16.860 meters (55.31 feet); thence from said point of beginning along said northerly boundary the following four courses: 1) S.89°05'12"W. 35.568 meters (116.69 feet); 2) N.67°38'58"W. 17.650 meters (57.91 feet); 3) S.24°03'39"W. 15.000 meters (49.21 feet); 4) N.72°09'40"W. 6.752 meters (22.15 feet) to a point on the new westerly right-of-way line of State Highway 49, a point on a 183.502 meter (602.04 foot) radius non-tangent curve concave southeasterly; thence leaving said northerly boundary southwesterly along said curve and right-of-way line an arc distance of 76.370 meters (250.56 feet) through a central angle of 23°50'43", and subtended by a chord which bears S.32°34'22"W. 75.820 meters (248.75 feet); thence on a non-tangent line S.02°23'47"E. 29.129 meters (95.57 feet); thence S.23°10'24"E. 31.203 meters (102.37 feet); thence S.29°28'12"W. 5.472 meters (17.95 feet); thence S.67°52'48"W. 42.718 meters (140.15 feet) to a point on the westerly boundary of said parcel; thence leaving said northerly right-of-way line along said westerly boundary S.26°00'47"E. 13.654 meters (44.80 feet) to a point on the southerly boundary of said parcel, a point on the existing northerly right-of-way line of State Highway 49 (Pleasant Valley Road); thence along said right-of-way line the following three courses: 1) N.65°30'16"E. 40.162 meters (131.76 feet); 2) N.69°45'45"E. 8.402 meters (27.57 feet); 3) N.80°38'23"E. 39.280 meters (128.87 feet) to the southeast corner of said parcel; thence leaving said right-of-way line along the easterly boundary of said parcel N.00°47'04"E. 17.323 meters (56.83 feet) to a point on the new easterly right-of-way line of State Highway 49, a point on a 16.500 meter (54.13 foot) radius non-tangent curve concave northeasterly; thence leaving said easterly boundary northwesterly along said curve and right-of-way line an arc distance of 11.159 meters (36.61 feet) through a central angle of 38°44'54", and subtended by a chord which bears N.51°41'43"W. 10.947 meters (35.92 feet); thence continuing along said new right-of-way line the following courses: N.32°19'17"W. 12.627 meters (41.43 feet); thence N.11°45'07"E. 26.684 meters (87.55 feet); thence N.29°30'49"E. 25.111 meters (82.39 feet); thence N.37°47'53"E. 50.178 meters (164.63 feet); thence N.43°39'28"E. 16.498 meters (54.13 feet) to the true point of beginning.

Containing 0.7816 Hectares (1.931 Acres), more or less.

TOGETHER WITH underlying fee interest, if any, contiguous to the above property in and to the adjoining State Highway 49.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801 & 8802 of the State Resources Code. All distances are grid distances. To obtain ground distances, divide by 0.99985645.

This description has been carefully reviewed and I certify and seal it to be accurate to the best of my knowledge and belief as described herein. Any change, addition, or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. Any responsibilities or warranties relieved of me in the above manner will automatically transfer to the party responsible for changing this description.



075662

A PORTION OF A.P.N. 054:342:19
LEGAL DESCRIPTION

All that certain real property situated in the Townsite of Diamond Springs, County of El Dorado, State of California, being a portion of Parcel 5, as said parcel is shown on the map recorded in Book 45, Parcel Maps, at Page 141, in the office of the El Dorado County Recorder, described as follows:

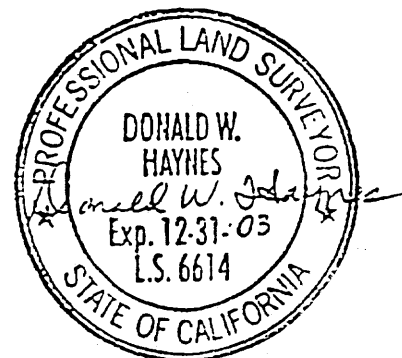
Beginning at the southwest corner of said parcel, a point on the existing northerly right-of-way line of State Highway 49; thence along the westerly boundary of said parcel N.00°47'04"E. 17.323 meters (56.83 feet) to a point on a 16.500 meter (54.13 foot) radius non-tangent curve concave northerly, a point on the new easterly right-of-way line of State Highway 49; thence leaving said westerly boundary easterly along said curve and new right-of-way line an arc distance of 6.572 meters (21.56 feet) through a central angle of 22°49'21", and subtended by a chord which bears South 82°28'51" East 6.529 meters (21.42 feet); thence on a non-tangent line S.09°30'26"E. 15.133 meters (49.65 feet) to a point on the aforementioned existing northerly right-of-way line of State Highway 49 (Pleasant Valley Road); thence along said right-of-way line S.80°29'34"W. 9.338 meters (30.64 feet) to the true point of beginning

Containing 0.0125 Hectares (0.031 Acres), more or less.

TOGETHER WITH underlying fee interest, if any, contiguous to the above property in and to the adjoining State Highway 49.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801 & 8802 of the State Resources Code. All distances are grid distances. To obtain ground distances, divide by 0.99985645.

This description has been carefully reviewed and I certify and seal it to be accurate to the best of my knowledge and belief as described herein. Any change, addition, or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. Any responsibilities or warranties relieved of me in the above manner will automatically transfer to the party responsible for changing this description.



A PORTION OF A.P.N. 054:342:19
LEGAL DESCRIPTION

All that certain real property situated in the Townsite of Diamond Springs, County of El Dorado, State of California, being a portion of Parcel 5, as said parcel is shown on the map recorded in Book 45, Parcel Maps, at Page 141, in the office of the El Dorado County Recorder, described as follows:

Beginning at the southeast corner of said parcel; thence along the existing northerly right-of-way line of State Highway 49 (Pleasant Valley Road) S.79°46'37"W. 34.034 meters (111.66 feet); thence continuing along said right-of-way line S.80°29'34"W. 17.568 meters (57.64 feet) to a point on the new easterly right-of-way line of State Highway 49; thence along said new right-of-way line N.09°30'26"W. 15.133 meters (49.65 feet) to a point on the new County right-of-way line; thence along said new right-of-way line N.86°06'29"E. 43.280 meters (141.99 feet) to the beginning of a 155.100 meter (508.86 foot) radius curve concave southerly; thence along said curve an arc distance of 10.272 meters (33.70 feet) through a central angle of 03°47'41", and subtended by a chord which bears North 88°00'20" East 10.270 meters (33.39 feet), to a point on the easterly boundary of said parcel, a point on the existing westerly right-of-way line of State Highway 49; thence along said right-of-way line S.00°46'02"W. 9.279 meters (30.44 feet) to the true point of beginning

Containing 0.0650 Hectares (0.161 Acres), more or less.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801 & 8802 of the State Resources Code. All distances are grid distances. To obtain ground distances, divide by 0.99985645.

This description has been carefully reviewed and I certify and seal it to be accurate to the best of my knowledge and belief as described herein. Any change, addition, or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. Any responsibilities or warranties relieved of me in the above manner will automatically transfer to the party responsible for changing this description.



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County of El Dorado v. First Federal Properties, et al.
El Dorado Superior Court No. PC20000299 (consolidated with
PC200000303 and PC200000305)

PROOF OF SERVICE

I am employed in the County of Sacramento, California.
I am over the age of eighteen years and not a party of the
within entitled case. My business address is 2862 Arden Way,
Suite 101, Sacramento, CA 95825.

On August 15, 2005, I served the attached

**FINAL ORDER OF CONDEMNATION
AND JUDGMENT IN EMINENT DOMAIN PROCEEDING
[CCP § 1268.030]**

on the interested parties in said cause, by placing a true copy
thereof enclosed in a sealed envelope with postage thereon fully
prepaid for collection by the United States Postal Service,
addressed as stated herein

David W. Combellack
COMBELLACK & CRAIG
3080 Cedar Ravine
Placerville, CA 95667

Attorneys for Defendant
GLORIA WINSTEAD TRUST

Patricia E. Beck
Deputy County Counsel
COUNTY OF EL DORADO
330 Fair Lane
Placerville, CA 95667

I declare under penalty of perjury that the foregoing is
true and correct.

Executed on August 15, 2005, at Sacramento, California.


KIMBERLY SIEGFRIED