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Attorneys for Plaintiff

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY OF SANTA BARBARA

MAY 4 - 2011

GARY M. BLAIR, Executive Officer
BY [Signature]
SUSAN SWACK, Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

COUNTY OF SANTA BARBARA,

Plaintiff,

vs.

AGLAND PROPERTIES, INC., a California corporation; THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES; STATE OF CALIFORNIA, FRANCHISE TAX BOARD; UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE; PACIFIC GAS & ELECTRIC COMPANY; SANTA MARIA VALLEY RAILROAD COMPANY, a California corporation; SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA; HRUBERTZ OIL COMPANY, a Texas corporation; P. GIACOMINI; SCARBOROUGH FARMS, INC.; EMILIO SUTTI; IRENE SUTTI; EDWARD SUTTI; DOE ONE THROUGH DOE ONE HUNDRED, Inclusive, and ALL PERSONS UNKNOWN CLAIMING ANY TITLE OR INTEREST IN OR TO THE PROPERTY,

Defendants.

NO. 1269496

~~PROPOSED~~ JUDGMENT

(Parcel Nos. 113-210-004 and 113-210-013)

[Exempt from filing fees – Government Code 6103]

Judge Timothy J. Staffel
Department 1

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1 The above-entitled action as to Assessor's Parcel Nos. 113-210-004 and 113-210-013
2 came on regularly for trial on January 25, 2011, in Department 1 of this Court before the
3 Honorable Timothy J. Staffel, Judge Presiding; plaintiff the County of Santa Barbara, having been
4 represented by Oliver, Sandifer & Murphy by Duff Murphy and defendant Agland Properties, Inc.,
5 a California corporation, having been represented by Weldon & DeGaspairs by Richard P.
6 Weldon. There were no other appearances.

7 A jury having been regularly empanelled and evidence, both oral and documentary, having
8 been introduced by the respective parties, and the cause having been regularly submitted to the
9 jury on the issue of just compensation, and the jury having rendered its verdict after considering
10 the evidence on the issue submitted to it, and the cause having been submitted to the court, and the
11 court being fully advised in the premises, judgment is hereafter entered accordingly.

12 NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED:

13 1. On or about March 11, 2008, the Board of Supervisors of the County of Santa
14 Barbara adopted Resolution No. 08-072, declaring a public need and necessity to condemn a
15 portion of that certain real property designated as Assessor's Parcel Nos. 113-210-004 and 113-
16 210-013 for a site for the new Santa Barbara County Jail Northern Branch facility.

17 2. The uses for which portions of Assessor's Parcel Nos. 113-210-004 and 113-210-
18 013 are being acquired are uses authorized by law and the acquisition of the property interests is
19 necessary to those uses.

20 3. On or about May 9, 2008, plaintiff deposited with the California State Treasurer's
21 Condemnation Fund the sum of \$3,270,000.00, for the property interests being acquired.

22 4. Thereafter, on July 9, 2008, the court signed an Order for Prejudgment Possession,
23 authorizing plaintiff to take possession of portions of Assessor's Parcel Nos. 113-210-004 and
24 113-210-013 ten (10) days following service of said order. Plaintiffs took prejudgment possession
25 of the property described in the complaint on or about July 19, 2008.

26 5. Defendant Agland Properties, Inc., a California corporation, was the record owner
27 of Assessors Parcel Nos. 113-210-004 and 113-210-013 at the time this action was filed. It filed
28 an answer herein on May 30, 2008.

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1 6. Defendant Hrubertz Oil Company, a Texas corporation was served with the
2 Summons and Complaint on June 16, 2008. Said defendant having been regularly served with
3 process and having failed to answer within the time required by law, has had its default taken and
4 entered herein on September 8, 2008. Said defendant is entitled to no compensation herein

5 7. Defendant Scarborough Farms, Inc. was served with the Summons and Complaint
6 on June 2, 2008. Said defendant having been regularly served with process and having failed to
7 answer within the time required by law, has had its default taken and entered herein on September
8 8, 2008. Said defendant is entitled to no compensation herein.

9 8. Defendant Coast Belle Rail Corp. as successor in interest to Santa Maria Valley
10 Railroad Company, Doe Two, was served with the Summons and Complaint on September 22,
11 2008. Said defendant having been regularly served with process and having failed to answer
12 within the time required by law, has had its default taken and entered herein on November 17,
13 2008. Said defendant is entitled to no compensation herein.

14 9. Defendant Transamerica Financial Life Insurance Company, a New York
15 corporation, Doe Three, was served with the Summons and Complaint on October 20, 2010. Said
16 defendant having been regularly served with process and having failed to answer within the time
17 required by law, has had its default taken and entered herein on February 1, 2011. Said defendant
18 is entitled to no compensation herein.

19 10. Defendant Santa Maria Valley Railroad Company, a California corporation, has
20 been dismissed herein on November 17, 2008. Said defendant is entitled to no compensation
21 herein.

22 11. Defendant Southern Counties Gas Company of California was dismissed herein on
23 November 17, 2008. Said defendant is entitled to no compensation herein.

24 12. Defendant Emilio Sutti was dismissed herein on September 5, 2008. Said
25 defendant is entitled to no compensation herein.

26 13. Defendant Irene Sutti was dismissed herein on September 5, 2008. Said defendant
27 is entitled to no compensation herein.

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1 14. Defendant Edward Sutti was dismissed herein on September 5, 2008. Said
2 defendant is entitled to no compensation herein.

3 15. Defendants Doe Four through Doe One Hundred, Inclusive, and All Persons
4 Unknown Claiming Any Title or Interest in or to the Property have been dismissed herein. Said
5 defendants are entitled to no compensation herein.

6 16. Defendant AXA Equitable Life Insurance Company, formerly known as and
7 successor in interest to The Equitable Life Assurance Society of the United States of America has
8 filed a disclaimer herein on October 1, 2008. Said defendant is entitled to no compensation
9 herein.

10 17. Defendant State of California, Franchise Tax Board has filed a disclaimer herein on
11 August 5, 2008. Said defendant is entitled to no compensation herein.

12 18. Defendant United States of America, Internal Revenue Service has filed a
13 disclaimer herein on September 24, 2008. Said defendant is entitled to no compensation herein.

14 19. Defendant P. Giacomini is deceased. Attorney Richard Weldon, the grandchild and
15 heir of Paul Giacomini has filed a Disclaimer of Paul Giacomini Family on June 20, 2008. Said
16 defendants are entitled to no compensation herein.

17 20. Southern California Gas Company as successor in interest to Southern Counties
18 Gas Company of California, Doe One, has filed a disclaimer herein on September 22, 2008. Said
19 defendant is entitled to no compensation herein.

20 21. Consolidated Enterprises, LLC, a California limited liability corporation, a possible
21 claimant in this action, has filed a disclaimer herein on January 26, 2011. Said defendant is
22 entitled to no compensation herein.

23 22. Pursuant to order of the court, the total sum on deposit with the State Treasurer's
24 Condemnation Fund with withdrawn for the benefit of Agland Properties, Inc., and paid to First
25 American Title Company, Escrow No. 1004-3052785(SR) on or about July 14, 2008.

26 23. Pursuant to stipulation between plaintiff County of Santa Barbara and defendant
27 Pacific Gas & Electric Company, the interest of defendant Pacific Gas & Electric Company shall
28 not be taken herein. Said defendant is entitled to no compensation herein.

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1 24. Pursuant to the jury's verdict, the fair market value of the real property described
2 herein is the sum of \$4,700,000.00.

3 25. At the commencement of trial, plaintiff and defendant Agland Properties, Inc.
4 entered into a stipulation in open court establishing the sum of \$330,000.00 as and for severance
5 damages to the remainder parcel.

6 26. The total award, compensation, damages and prejudgment interest calculated
7 through February 28, 2011 to be paid herein to defendant Agland Properties, Inc., a California
8 corporation, is the sum of \$5,083,399.65. Interest shall continue to accrue at a rate of \$24.04 per
9 day until the Judgment is paid.

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the balance remaining to
11 be paid herein to defendant Agland Properties, Inc., a California corporation in the sum of
12 \$1,813,399.65, together with any additional prejudgment interest, shall be paid and distributed
13 outside of these court proceedings as follows:

14 TO: Agland Properties, Inc., a California corporation
15 c/o Weldon & DeGasparis
16 301 E. Main Street
17 Santa Maria, California 93454

18 27. Defendant Agland Properties, Inc. a California corporation shall be entitled to costs
19 in the amount of \$3,573.21.

20 Upon payment of the sums set forth above, plaintiff shall be entitled to a Final Order of
21 Condemnation stating that the following described real property is hereby condemned for the
22 public use and purposes described in the complaint on file herein.

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PARCEL 113-210-004 and 113-210-013

Being a portion of Subdivision No. 5 as allotted to Isaac Goldtree in the Final Decree of Partition of the Rancho Punta de la Laguna, a copy of which recorded December 7, 1880 in Book W of Deeds, Page 333, in the office of the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

Beginning at a point in the Easterly line of said Subdivision No. 5, said point being the centerline intersection of Black Road and Betteravia Road as shown on the Record of Survey filed in Book 87 of Records of Survey, Page 96, as a set nail and tag marked LS 3485; thence

First S00°41'25"W, along said centerline and said easterly line, 1412.60 feet to a point; thence;

Second N89°18'35"W departing said centerline and said Easterly line, 1627.61 feet to a point of intersection with the southerly prolongation of the easterly line of an existing dirt farm road, as said road exists today; thence,

Third N00°13'32"E along said prolongation, said easterly line of said existing dirt farm road, and its northerly prolongation, 1279.16 feet to a point of intersection with the southerly line of said Betteravia Road, said road is described in the Deed to the County of Santa Barbara recorded August 27, 1947 as Instrument No. 11628 in Book 738 of Official Records, Page 413, in the office of said County Recorder; thence,

Fourth N86°54'11"E along the southerly line of said Betteravia Road as described in said deed, 1611.51 feet to a point of intersection with the westerly line of said Black Road, 60.00 feet wide, said westerly line being 30.00 feet westerly of said centerline of Black Road and 30.00 feet westerly of said Easterly line of said Subdivision No. 5, said point being depicted on said Record of Survey; thence,

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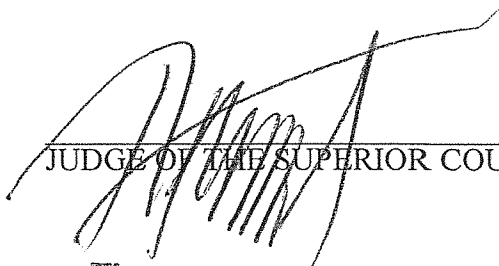
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Fifth N00°41'25"E along said westerly line, said line being 30.00 feet westerly of and parallel with said Easterly line of Subdivision No. 5 and said centerline of said Black Road, 25.05 feet to Station 138+76.24, the point of beginning for the land described in said deed to the County of Santa Barbara for said Betteravia Road; thence,

Sixth along the control line described in said deed to the County of Santa Barbara for said Betteravia Road, N86°54'11"E, 30.07 feet to the point of beginning.

Containing 50.00 acres more or less

DATED: 5/4/11



JUDGE OF THE SUPERIOR COURT
Timothy J. Staffei

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 281 S. Figueroa Street, Second Floor, Los Angeles, California 90012-2501. On March 3, 2011, I served the within documents:

[PROPOSED] JUDGMENT

BY FACSIMILE: By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

BY MAIL: By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

OVERNIGHT DELIVERY: By overnight delivery, I placed such document(s) listed above in a sealed envelope, for deposit in the designated box or other facility regularly maintained by United Postal Service for overnight delivery, caused such envelope to be delivered to the office of the addressee via overnight delivery pursuant to C.C.P. §1013(c), with delivery fees fully prepaid or provided for.

PERSONAL SERVICE: By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 3, 2011, at Los Angeles, California.

Stephanie L. Garcia
Stephanie L. Garcia

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1 PROOF OF SERVICE

2 COUNTY OF SANTA BARBARA v. AGLAND PROPERTIES, INC.

3 CASE NO. 1269496

4
5 Richard P. Weldon, Esquire
6 Weldon & DeGasparis
7 301 E. Main Street
8 P.O. Box 366
9 Santa Maria, California 93454
10 (Attorneys for Defendant Agland Properties, Inc.)

11
12 Dennis G. Mesina, Esquire
13 Law Offices of Dennis G. Mesina
14 433 California Street, Suite 810
15 San Francisco, California 94104
16 (Attorneys for Defendant PG&E)

17
18 Bonnie Holcomb, Deputy Attorney General
19 300 S. Spring Street, #1702
20 Los Angeles, California 90013
21 (Attorneys for Defendant State of California, Franchise Tax Board)

22
23 Joseph P. Wilson, Assistant United States Attorney
24 Federal Building, Room 7211
25 300 N. Los Angeles Street
26 Los Angeles, California 90012
27 (Attorneys for United States of America, Internal Revenue Service)

28
29 Mark Houle, Esquire
30 Pillsbury Winthrop Shaw Pittman LLP
31 650 Town Center Drive, 7th Floor
32 Costa Mesa, California 92626
33 (Attorneys for Defendant AXA Equitable Life Insurance Company,
34 formerly known as and successor in interest to The Equitable
35 Life Assurance Society of the United States)

36
37 Hrubertz Oil Company
38 5956 Sherry Lane, Suite 534
39 Dallas, Texas 75225

40
41 Scarborough Farms, Inc.
42 11153 Encino Drive
43 Oakview, California 93022

44
45 Southern California Gas Company as successor in interest
46 to Southern Counties Gas Company of California, Doe One
47 101 Ash Street
48 San Diego, California 92101

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1 Coast Belle Rail Corp. As successor in interest to
2 Santa Maria Valley Railroad Company, Doe Two
3 628 S. McClelland Street
4 Santa Maria, California 93454

5 Transamerica Financial Life Insurance Co., Doe 3
6 c/o CT Corporation
7 818 S. Seventh Street, 2nd Floor
8 Los Angeles, California 90017
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