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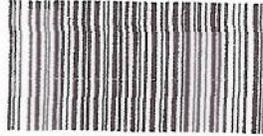
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TITLE OF DOCUMENT

Default Judgment in favor of Plaintiff

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7 Attorney for Plaintiff
8 THE STATE OF CALIFORNIA

FILED

OCT 11 2012

CONNIE MAZTE
CLERK OF THE SUPERIOR COURT,
DEPUTY

[Signature]
J. CEDILLO

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONTEREY

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CARMEL RIVIERA, INC.; ALL PERSONS
UNKNOWN CLAIMING ANY LEGAL OR
EQUITABLE RIGHT, TITLE, ESTATE,
LIEN OR INTEREST IN THE SUBJECT
PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S
TITLE OR ANY CLOUD UPON
PLAINTIFF'S TITLE; and DOES 1 through
100, inclusive,

Defendants.

) Case No. M112984

) **DEFAULT JUDGMENT IN FAVOR OF**
) **PLAINTIFF**

) **Complaint Filed: June 29, 2011**
) **Trial Date: Not Assigned**

Plaintiff, the State of California's (hereafter "Plaintiff's") application for default judgment came on regularly for hearing on October 11, 2012 at 9:00 AM in Department 15. The Court, having considered the Plaintiff's Application for Default Judgment against Defendant Carmel Riviera, Inc., the Court's files and records, the evidence and declarations supporting the application and good cause appearing therefore, the Court finds that:

WHEREAS, the real property at issue in this adverse possession action is a 11.40 acre portion (hereafter the "Subject Property") of an approximately 100 acre parcel of vacant land situated in Monterey County, California (hereafter the "100-Acre Property"), more particularly

DEFAULT JUDGMENT IN FAVOR OF PLAINTIFF

1 described in Exhibit "A" attached hereto and incorporated herein by this reference;

2 WHEREAS, Plaintiff purchased the 100-Acre Property in 1987, over 24 years ago, and
3 recently discovered a gap in the chain of title solely with respect to the 11.40 acre Subject
4 Property;

5 WHEREAS, Plaintiff's title to the Subject Property is based on its' actual, open,
6 notorious, exclusive, hostile, and adverse possession of the Property for more than five years
7 preceding the commencement of this action;

8 WHEREAS, the chain of title for the 100-Acre Property is as follows:

9 a) as of July 19, 1948, Charles G. Sawyer and/or his wife, Marian S.
10 Sawyer (hereafter collectively, "Sawyer") owned the fee simple title to 1146.23 acres of real
11 property in the County of Monterey, California, including the 100-Acre Property;

12 b) between 1948 and 1956, Sawyer recorded several transactions
13 portioning the above-described 1146.23 acres; and

14 c) between 1958 and 1964, portions of the above-described 1146.23 acres
15 were transferred back and forth numerous times between the same individuals and related
16 real estate corporation(s), such that as of December 27, 1962 Sawyer owned all of the 100-
17 Acre Property **except for** the Subject Property;

18 WHEREAS, as of December of 1962, the record title owner of the Subject Property
19 was defendant Carmel Riviera, Inc. (hereafter "Carmel Riviera"), by virtue of that certain
20 Grant Deed (Corporation) to Carmel Riviera (hereafter the "Carmel Riviera Deed") recorded
21 on March 23, 1962 in the official records of the County of Monterey, California, at Reel 34,
22 Page 509;

23 WHEREAS, Charles G. Sawyer was the President and one of the Directors of Carmel
24 Riviera, a California real estate corporation formed in 1957 which was suspended as a
25 California corporation on or about September 2, 1980, over thirty (30) years ago;

26 WHEREAS, Sawyer believed that they held title to the entirety of the 100-Acre
27 Property in their individual capacity and on or about August 17, 1964, Sawyer granted to
28 Milton A. Nation and Cecile V. Nation (hereafter collectively "Nation") an undivided one-half

1 interest in the 100-Acre Property (including the Subject Property) and granted to William H.
2 Craven, Jr. and Catherine C. Craven (hereafter collectively "Craven") an undivided one-half
3 interest in the 100-Acre Property (including the Subject Property), which Grant Deed
4 recorded on August 17, 1964 in the official records of the County of Monterey, California, at
5 Reel 357, Pages 116-118 (hereafter, the "Sawyer Grant Deed").

6 WHEREAS, when Sawyer purported to convey the Subject Property as part of the
7 100-Acre Property to Nation and Craven in 1964, no interest in the Subject Property was
8 conveyed since Sawyer did not actually own the fee simple title to the Subject Property;

9 WHEREAS, in turn, both Craven and Nation transferred their interests in the 100-Acre
10 Property to Plaintiff by virtue of the following:

11 (a) Craven granted the entire Craven interest in the 100-Acre Property to the State
12 of California pursuant to a Grant Deed recorded on April 21, 1987 in the official records of the
13 County of Monterey, California, at Reel 2087, Pages 739-743 (hereafter, the "Craven Grant
14 Deed"); and

15 (b) Cecile V. Nation, as Trustee, granted the entire Nation interest in the 100-Acre
16 Property to the State of California pursuant to a Grant Deed recorded on April 21, 1987 in the
17 official records of the County of Monterey, California, at Reel 2087, Pages 744-749, which
18 Grant Deed was re-recorded to correct the Grantor's name to "Cecile V. Nation, as Trustee, and
19 *individually*" on April 27, 1987 in the official records of the County of Monterey, California, at
20 Reel 2121, Pages 1010-1015 (hereafter, the "Nation Grant Deed");

21 WHEREAS, Cecile V. Nation had authority to transfer the entire Nation interest in the
22 100-Acre Property on the basis that she remained the sole, exclusive owner of the Nations'
23 undivided one-half interest in the 100-Acres Property upon the death of Milton A. Nation, which
24 exact date of death is unknown, but is prior to at least November 8, 1982;

25 WHEREAS, when Craven and Nation purported to convey the Subject Property as part
26 of the entire 100-Acre Property to Plaintiff in 1987, no interest in the Subject Property was
27 conveyed since Craven and Nation did not actually own title to the Subject Property;

28 WHEREAS, Plaintiff purchased the 100-Acre Property (including the Subject Property)

1 pursuant to a State Coastal Conservancy Staff Recommendation and a Resolution of State
2 Public Works Board Selecting Site and Authorizing Acquisition of Real Property Under the
3 Property Acquisition Law in the County of Monterey, State of California for the State Coastal
4 Conservancy;

5 WHEREAS, Plaintiff paid approximately \$500,000.00 for its purchase of the 100-Acre
6 Property and believed that it had acquired the fee simple title thereto (including the Subject
7 Property) in April of 1987;

8 WHEREAS, the County Tax Assessor has, for the past twenty-four (24) years, assessed
9 the State of California with ownership of the entire 100-Acre Property as follows: for APN 243-
10 221-019, acquisition date of April 21, 1987; and for APN 243-211-017, acquisition date of April
11 21, 1987;

12 WHEREAS, Plaintiff is exempt from paying real property taxes to the County Tax
13 Assessor;

14 WHEREAS, since Plaintiff purchased the 100-Acre Property in April of 1987, Plaintiff has
15 continuously and openly represented to third parties that the California State Coastal
16 Conservancy, an agency of Plaintiff, may bind Plaintiff in matters involving portions of the 100-
17 Acre Property, including, for example: (a) in 1995, executing a Mutual Water Company
18 Subscription Agreement with several parties, including the Victorine Ranch Mutual Water
19 Company; and (b) obtaining a Grading Permit No. GP050281 from the Monterey County
20 Planning and Building Inspection Department, issued on August 22, 2007;

21 WHEREAS, Plaintiff seeks to quiet title to that portion of the 100-Acre Property identified
22 herein as the Subject Property based on the above-described adverse possession thereof by
23 Plaintiff for the past twenty-four (24) years;

24 WHEREAS, on or about June 29, 2011, Plaintiff filed the herein Complaint for Quiet Title
25 (Adverse Possession) and Declaratory Relief;

26 WHEREAS, Plaintiff named Defendant Carmel Riviera in this action as it appeared to be
27 the last known and current holder of record of the fee simple title to the Subject Property;

28 WHEREAS, upon a diligent search, Plaintiff ascertained that Carmel Riviera is a

1 suspended corporation no longer in business and upon Plaintiff's application to the Court,
2 Plaintiff was granted an order to serve said defendant by service on the California Secretary of
3 State;

4 WHEREAS, Defendant Carmel Riviera never responded or appeared in the action;

5 WHEREAS, since Carmel Riviera did not appear in this action, upon Plaintiff's Request
6 for Entry of Default, the Clerk of the Court entered the default of Carmel Riviera on November
7 22, 2011;

8 WHEREAS, Plaintiff seeks to quiet title as of April 21, 1987, the date Plaintiff acquired
9 title to the Subject Property, pursuant to the above-referenced Craven Grant Deed and Nation
10 Grant Deed;

11 WHEREAS, Plaintiff seeks a Judgment of the Court that Plaintiff is the owner in fee
12 simple of the entire 100-Acre Property, including without limitation the Subject Property, and
13 *Carmel Riviera, Inc* that ~~no defendant~~ has any interest in the Subject Property adverse to Plaintiff;

14 *YDIA M. VILLARREAL* NOW THEREFORE, the Court hereby rules as follows:

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Default Judgment be
16 entered in favor of Plaintiff and against Defendant Carmel Riviera, Inc., *the only entity served*
17 *with summons & Complaint.*

18 *YDIA M. VILLARREAL* IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED, that Plaintiff is
19 entitled to a Judgment that Plaintiff is the owner in fee simple of the entire 100-Acre Property,
20 including without limitation, the Subject Property, as further described in Exhibit "A" attached
21 hereto and incorporated herein by reference, and that Defendant Carmel Riviera, Inc. has no
22 interest in the Subject Property adverse to Plaintiff.

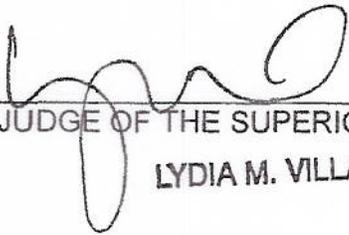
23 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment
24 confirming Plaintiff is the owner in fee simple of the Subject Property is effective as of April 21,
25 1987, the date that Plaintiff acquired title to the Property pursuant to the Craven Grant Deed

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1 and Nation Grant Deed, as Plaintiff's use of the Subject Property has been actual, open,
2 notorious, exclusive and hostile since that date.

3
4 Dated: 10/11/12
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6 OCT 11 2012


7
8 JUDGE OF THE SUPERIOR COURT
9 LYDIA M. VILLARREAL

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EXHIBIT A

LEGAL DESCRIPTION

Situate in the Rancho San Jose y Sur Chiquito, County of Monterey, State of California, particularly described as follows:

Beginning at a 1-1/2" iron pipe on the easterly line of State Highway No. 1, being the southwesterly corner of that certain 36.03 acre parcel as shown on the map entitled, "Record of Survey for Le Forust, Inc., 36.03 Acre Parcel Victorine Ranch", filed October 24, 1958 in Book Five of Surveys, at Page 193, Monterey County Records, running thence along the southerly boundary of said ranch

- (1) N. 61° 04' E., 5,492.25 feet; thence
- (2) N. 42° 12' E., 795.98 feet; thence leaving the line of said Ranch
- (3) N. 47° 48' W., 50.00 feet; thence
- (4) N. 79° 52' W., 485.56 feet; thence
- (5) S. 61° 04' W., 3,761.33 feet; thence
- (6) S. 80° 45' W., 101.0 feet; thence
- (7) S. 76° 45' W., 85.00 feet; thence
- (8) S. 58° 30' W., 125.00 feet; thence
- (9) S. 78° 00' W., 430.00 feet; thence
- (10) N. 81° 00' W., 350.00 feet to a point on the easterly line of above said 36.03 acre parcel at a distance N. 1° 29' W., 1,035.90 feet from the southeast corner of said 36.03 acre parcel; thence leaving said easterly line
- (11) West, 211.68 feet; thence
- (12) S. 73° 00' W., 140.00 feet to an angle point on the northwesterly line of said 36.03 acre parcel; thence running along said northwesterly line
- (13) S. 37° 03' 30" W., 69.56 feet; thence
- (14) S. 66° 49' 30" W., 450.59 feet; thence
- (15) N. 75° 50' 30" W., 194.97 feet; thence
- (16) S. 30° 43' 30" W., 347.17 feet; thence
- (17) S. 48° 48' 40" W., 65.64 feet to the northwesterly corner of said 36.03 acre parcel on the easterly line of above said State Highway No. 1; thence running along the said easterly line of said highway
- (18) 192.52 feet along the arc of a non-tangent curve to the left (center bears N. 55° 10' 40" E., 1,960 feet distant) through a central angle of 5° 37' 40" to a concrete monument opposite Station 211-64-49 BC.

as shown on said map; thence tangentially and continuing along said easterly line

- (19) S 40° 27' E., 561.10 feet to a concrete monument opposite Station 206-03-48 BC, as shown on said map; thence continuing along said easterly line
- (20) 283.11 feet along the arc of a tangent curve to the left with a radius of 1,960 feet through a central angle of 8° 16' 34" to the point of beginning, and being a portion of said Victorine Ranch.