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1 2 3 4 5 6	JAMES F. KING, SBN 41219 STEPHEN F. JOHNSON, SBN 205244 MICHAELYN P. WIPF, SBN 300428 MANNON, KING, JOHNSON & WIPF, L 200 North School Street, Suite 304 Post Office Box 419 Ukiah, California 95482 Telephone: (707) 468-9151 Facsimile: (707) 468-0284 Attorneys for Defendant John Meyer	06/02/2023 KIM TURNER, CLERK OF THE COURT SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOC 1100 33:25 AM Bynum, Dineen Bynum, Dineen DEPUTY CLERK	
7 8, 9		HE STATE OF CALIFORNIA	
10	FOR THE COUNT	FY OF MENDOCINO	
11	MENDOCINO RAILWAY,) <u>Unlimited</u>	
	Plaintiff,	Case No. SCUK-CVED 20-74939	
12 13 14 15 16 17 18	vs. JOHN MEYER; REDWOOD EMPIRE TITLE COMPANY OF MENDOCINO COUNTY; SHEPPARD INVESTMENTS; MARYELLEN SHEPPARD; MENDOCINO COUNTY TREASURER-TAX COLLECTOR; all other persons unknown claiming an interest in the property; and DOES 1 through 100, inclusive Defendants.	<pre> [Fropesed]</pre>	
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20	The above-entitled action came on regularly for trial on August 23, 2022, and after		
21	a short delay concluded on November 10, 2022. The Honorable Jeanine B. Nadel, Judge,		
22	presided over the trial, sitting without a jury. Glenn L. Block, Esq., appeared on behalf of		
23	Mendocino Railway (MR) and Stephen F. Johnson, Esq., appeared on behalf of defendant		
24			
25	John Meyer (Meyer).		
26	The court heard and considered witness testimony, and reviewed the documentary		
27	evidence. The matter was submitted on November 10, 2022, and the Court filed a written		
28	"Decision After Trial" on April 19, 2023.	WK subsequently filed a Request For	

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 Decision. On May 16, 2023, the court issued a minute order finding that all issues raised by MR have been addressed by the court in its Decision After Trial and the Decision After Trial will constitute the Statement of Decision. The court ordered that Meyer prepare and submit a proposed judgment. IT IS ORDERED, ADJUDGED AND DECREED as follows: Plaintiff MR has failed to meet its burden of establishing that it can acquire Meyer's real property by eminent domain pursuant to constitutional and statutory powers. Accordingly, MR cannot acquire Meyer's real property by eminent domain. Plaintiff MR shall take nothing by its complaint, and judgment is in favor of Defendant Meyer. Defendant Meyer is awarded his litigation expenses including costs and attorney fees pursuant to Code of Civil Procedure § 1268.610(a) in the amount of \$	1	Statement Of Decision, Or In The Alternative Objections To Proposed Statement of		
4 After Trial will constitute the Statement of Decision. The court ordered that Meyer 5 prepare and submit a proposed judgment. 6 IT IS ORDERED, ADJUDGED AND DECREED as follows: 7 1. Plaintiff MR has failed to meet its burden of establishing that it can acquire 8 Meyer's real property by eminent domain pursuant to constitutional and statutory powers. 9 Accordingly, MR cannot acquire Meyer's real property by eminent domain. Plaintiff MR 10 shall take nothing by its complaint, and judgment is in favor of Defendant Meyer. 11 2. Defendant Meyer is the prevailing party in this action. 12 3. Defendant Meyer is awarded his litigation expenses including costs and 13 attorney fees pursuant to Code of Civil Procedure § 1268.610(a) in the amount of \$	2	Decision. On May 16, 2023, the court issued a minute order finding that all issues raised		
5 prepare and submit a proposed judgment. 6 IT IS ORDERED, ADJUDGED AND DECREED as follows: 7 1. Plaintiff MR has failed to meet its burden of establishing that it can acquire 8 Meyer's real property by eminent domain pursuant to constitutional and statutory powers. 9 Accordingly, MR cannot acquire Meyer's real property by eminent domain. Plaintiff MR 10 shall take nothing by its complaint, and judgment is in favor of Defendant Meyer. 11 2. Defendant Meyer is the prevailing party in this action. 12 3. Defendant Meyer is awarded his litigation expenses including costs and 13 attorney fees pursuant to Code of Civil Procedure § 1268.610(a) in the amount of 5	3	by MR have been addressed by the court in its Decision After Trial and the Decision		
6 IT IS ORDERED, ADJUDGED AND DECREED as follows: 7 1. Plaintiff MR has failed to meet its burden of establishing that it can acquire 8 Meyer's real property by eminent domain pursuant to constitutional and statutory powers. 9 Accordingly, MR cannot acquire Meyer's real property by eminent domain. Plaintiff MR 10 shall take nothing by its complaint, and judgment is in favor of Defendant Meyer. 11 2. Defendant Meyer is the prevailing party in this action. 12 3. Defendant Meyer is awarded his litigation expenses including costs and 13 attorney fees pursuant to Code of Civil Procedure § 1268.610(a) in the amount of \$	4	After Trial will constitute the Statement of Decision. The court ordered that Meyer		
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IT IS SO ORDERED. Dated: <u>6/1/2023</u> Hen. Jeanine B. Nadel Sudge of the Superior Court 	14			
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Hen. Jeanine B. Nadel Judge of the Superior Court Hen. Jeanine B. Nadel Judge of the Superior Court	18	Partine Bradal		
21 22 23 24 25 26 27	19	Hen. Jeanine B. Nadel		
 22 23 24 25 26 27 	20	Judge of the Superior Court		
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1	PROOF OF SERVICE Mendocino County Superior Court Case No.: SCUK-CVED-20-74939	
2	I declare that I am over the age of 18 years, employed in the County of Mendocino,	
3	and not a party to the within action; my business address is P.O. Box 419, 200 N. School Street, Room 304, Ukiah, CA 95482.	
5	On May 24, 2023, I served the <u>JUDGMENT AFTER TRIAL BY COURT</u> on the interested parties in this action by placing \Box the original \boxtimes true copies thereof, as follows:	
6		
7	SEE ATTACHED SERVICE LIST	
8	By E-SERVICE. Pursuant to California Rules of Court Rule 2.251(c), adopted effective July 1, 2013, I am e-Serving the above-listed document(s) to the electronic	
9	service address(es) on the attached Service List and e-Filing the document(s) using one of the court's approved electronic service providers. A true and correct copy of the e-Service transmittal will be attached to the above-listed document(s) and	
10	 produced if requested by any interested party. By MAIL. I am readily familiar with this law firm's practice for collection and 	
11	processing of documents for mailing with the U. S. Postal Service. The above-listed document(s) will be deposited with the U. S. Postal Service on the same day shown on	
12	this affidavit, to the addressee(s) on the attached Service List in the ordinary course of business. I am the person who sealed and placed for collection and mailing the above-	
13	listed document(s) on this date at Ukiah, California, following ordinary business practices.	
14	By E-MAIL. I e-mailed above-listed document(s) to the e-mail address(es) of the addressee(s) on the attached Service List. A true and correct copy of the e-mail	
15 16	transmittal will be attached to the above-listed document(s) and produced if requested by any interested party.	
17	By OVERNIGHT DELIVERY. The above-listed document(s) will be deposited with an Overnight Delivery Service on the same day shown on this affidavit, in the ordinary	
18	course of business. I am the person who sealed and placed for collection and overnight delivery the above-listed document(s) on this date at Ukiah, California, to the addresses(a) on the attached Service List following addresses having a mattice of the second s	
19	the addressee(s) on the attached Service List following ordinary business practices. A true and correct copy of the overnight delivery service transmittal will be attached to the above-listed document(s) and produced if requested by any interested party.	
20	 By PERSONAL SERVICE. I caused to have hand delivered, the above-listed document(s) to the parties indicated on the service list. 	
21	 (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 	
22 23	Executed on May 24, 2023, at Ukiah, California.	
23 24		
24	Erika Brewer, Legal Assistant	
25	Elika Diewei, Legai Assistant	
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	PROOF OF SERVICE	

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2	SERVICE LIST Mendocino County Superior Court Case No.: CVED-20-74939				
3	Glenn L. Block	Maryellen Sheppard			
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