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CALABASAS, CA 91302

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**JUDGMENT AFTER BENCH TRIAL GRANTING EQUITABLE EASEMENT AND  
PERMANENT INJUNCTION**

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74  
**FILED**  
LOS ANGELES SUPERIOR COURT

APR 15 2008  
JOHN A. CLARKE, CLERK  
*(Handwritten: B. Ray)*  
BY B. RAY, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

12 CHARLES W. GILLINGHAM; JOHN )  
13 GETTY; FAITH M. LUITING, as trustee of )  
14 the FAITH M. LUITING REVOCABLE )  
15 LIVING )  
16 TRUST DATED DECEMBER 1, 2003; WESS )  
17 LAMONICA; DENISE LAMONICA; LESLIE )  
18 R. JUNDY; DIANE S. JUNDY; DEBRA L. )  
19 HELTON; and JAMES R. HELTON; )

Plaintiffs,

vs.

18 RANCHO AGUA DULCE, LLC, a Nevada )  
19 limited liability company; and ALL PERSONS )  
20 UNKNOWN, CLAIMING ANY LEGAL OR )  
21 EQUITABLE RIGHT, TITLE, ESTATE, LIEN )  
22 OR INTEREST IN THE PROPERTIES )  
23 DESCRIBED HEREIN THAT IS ADVERSE )  
24 TO ANY OF PLAINTIFFS' RESPECTIVE )  
25 TITLES, OR ANY CLOUD UPON )  
26 PLAINTIFFS' RESPECTIVE TITLES )  
27 THERETO, NAMED AS DOES 1 through 10, )  
28 inclusive, )

Defendants.

AND RELATED CROSS-ACTIONS.

CASE NO.: BC 335672  
Honorable Teresa Sanchez-Gordon

**JUDGMENT AFTER BENCH TRIAL  
GRANTING EQUITABLE EASEMENT  
AND PERMANENT INJUNCTION**

The first phase of the bifurcated trial of this matter came on for Bench Trial on January 14,

14

1 15, and 18, 2008 in Department 74 before the Honorable Teresa Sanchez-Gordon, Judge of the  
2 Superior Court, sitting without a jury. Richard D. Marks, Esq. and Jamie N. Adkins, Esq., of  
3 Richard D. Marks Professional Corporation, appeared on behalf of plaintiffs Charles W.  
4 Gillingham; John Getty; Faith M. Luiting, as Trustee of the Faith M. Luiting Revocable Living  
5 Trust Dated December 1, 2003; Wess Lamonica; Denise Lamonica; Leslie R. Jundy; Diane S.  
6 Jundy; Debra L. Helton; and James R. Helton. Gregory J. Pedrick, Esq., of the Law Offices of  
7 Gregory J. Pedrick, appeared on behalf of defendant/cross-defendant Rancho Agua Dulce, LLC.  
8 Bill J. Thompson, Esq., appeared on behalf of cross-complainant Michael G. Alzola. Leon W.  
9 Lefort, John F. Grosskopf, Robert B. Lima, and Patrick H. Clemons, cross-complainants, appeared  
10 on behalf of themselves, respectively, in *propria persona*.

11 Evidence, both oral and documentary, was presented by the parties; the Court viewed the  
12 subject real property owned by defendant Rancho Agua Dulce, LLC on January 15, 2008; and the  
13 matter was argued and submitted for decision on January 18, 2008.

14 Based upon the foregoing and good cause appearing, the Court, having considered the  
15 submitted matter, rules as follows:

16 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:**

17 **EQUITABLE EASEMENT:**

18 1. **Easement Established:** Plaintiffs Charles W. Gillingham; John Getty; Faith M.  
19 Luiting, as Trustee of the Faith M. Luiting Revocable Living Trust Dated December 1, 2003;  
20 Wess Lamonica; Denise Lamonica; Leslie R. Jundy; Diane S. Jundy; Debra L. Helton; and James  
21 R. Helton (collectively "Plaintiffs") and Michael G. Alzola, Leon W. Lefort, John F. Grosskopf,  
22 Robert B. Lima, and Patrick H. Clemons (collectively "Cross-Complainants") established and are  
23 the owners of a perpetual, non-exclusive, appurtenant equitable easement over the real property  
24 owned by defendant Rancho Agua Dulce, LLC, a Nevada limited liability company ("Defendant")  
25 described below, to continue the use of the easterly portion of Defendant's property for ingress  
26 and egress, as more particularly described herein. Title in and to the equitable easement area  
27 described herein is hereby quieted in favor of Charles W. Gillingham; John Getty; Faith M.  
28 Luiting, as Trustee of the Faith M. Luiting Revocable Living Trust Dated December 1, 2003;

Wess Lamonica; Denise Lamonica; Leslie R. Jundy; Diane S. Jundy; Debra L. Helton; and James R. Helton (Plaintiffs); and Michael G. Alzola, Leon W. Lefort, John F. Grosskopf, Robert B. Lima, and Patrick H. Clemons (Cross-Complainants) and their successors and assigns – and against Defendant Rancho Agua Dulce, LLC, a Nevada limited liability company, and its successors and assigns.

A. The benefitted, dominant real properties owned respectively by Plaintiffs Charles W. Gillingham; John Getty; Faith M. Luiting, as Trustee of the Faith M. Luiting Revocable Living Trust Dated December 1, 2003; Wess and Denise Lamonica; Leslie and Diane Jundy; Debra and James Helton are all located in the County of Los Angeles, State of California, and are each legally described as follows:

(1) **Gillingham Property:**

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTH-  
WESTERLY QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE  
14 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION  
12; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID  
NORTHWEST QUARTER, 373.00 FEET TO THE TRUE POINT OF  
BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUING  
SOUTHERLY ALONG SAID EASTERLY LINE 326.53 FEET; THENCE  
NORTH 81° 09' 24" WEST 589.71 FEET, MORE OR LESS, TO THE  
EASTERLY LINE OF BRIGGS ROAD, 30 FEET WIDE; THENCE  
NORTHERLY ALONG SAID EASTERLY LINE OF BRIGGS ROAD,  
TO A LINE THAT BEARS NORTH 85°03' 02" WEST FROM THE POINT OF  
BEGINNING; THENCE EASTERLY ALONG SAID LAST MENTIONED LINE, 529.71  
FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 3210-008-027

THE REAL PROPERTY IS COMMONLY KNOWN AS  
30090 BRIGGS ROAD, AGUA DULCE, CA 91390-4678.

(2) **Getty Property:**

PARCEL 1

THE EAST ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHEAST  
ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 1,  
TOWNSHIP 4 NORTH, RANGE 14 WEST SAN BERNARDINO MERIDIAN,

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

EXCEPT 49 PER CENT OF ALL OIL, GAS OR OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF, BUT WITHOUT THE RIGHT OF SURFACE ENTRY FOR THE PURPOSE OF DEVELOPMENT OR PRODUCTION OF THE SAME, AS RESERVED BY MASEL K. STROUD, A MARRIED WOMAN, AND IRMA M. JOHNSTON, A MARRIED WOMAN, IN THE DEED RECORDED JANUARY 27, 1965.

ALSO EXCEPT ALL OIL, GAS OR OTHER HYDROCARBONS SUBSTANCES IN AND UNDER SAID LAND BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF, BUT WITHOUT THE RIGHT OF SURFACE ENTRY FOR THE PURPOSE OF DEVELOPMENT OR PRODUCTION OF SAME AS RESERVED BY ARTHUR L. MADSEN AND EVELYN M. MADSEN, HUSBAND AND WIFE, AND RICHARD D. MADSEN AND GEORGIA W. MADSEN, HUSBAND AND WIFE, IN DEED RECORDED JULY 24, 1975 AS INSTRUMENT NO. 4047.

PARCEL 2

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 40 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

ASSESSOR'S PARCEL NO. 3210-005-037

THE REAL PROPERTY IS COMMONLY KNOWN AS  
30955 BRIGGS ROAD, SANTA CLARITA, CA 91390-4870.

(3) Luiting Property:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID NORTHWEST QUARTER DISTANT THEREON SOUTH 89° 50' EAST 132.00 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER OF A DISTANCE OF 330.00 FEET; THENCE SOUTH 89° 50' EAST IN A DIRECT LINE TO A POINT IN THE WEST LINE OF BRIGGS ROAD, AS DESCRIBED IN THOSE CERTAIN DEEDS TO THE COUNTY OF LOS ANGELES, RECORDED IN BOOK 16972, PAGE 223 AND IN BOOK 13457, PAGE 103,

1 BOTH OF OFFICIAL RECORDS; THENCE NORTHERLY ALONG SAID  
2 WEST LINE OF BRIGGS ROAD TO A POINT IN THE NORTH LINE OF  
3 SAID NORTHWEST QUARTER; THENCE ALONG SAID NORTH LINE  
4 NORTH 89° 50' WEST 752.55 FEET, MORE OR LESS, TO THE POINT OF  
5 BEGINNING.

6 ASSESSOR'S PARCEL NO. 3210-008-029

7 THE REAL PROPERTY IS COMMONLY KNOWN AS  
8 30201 BRIGGS ROAD, SANTA CLARITA, CA 91390-4680.

9 (4) Lamonica Property:

10 PARCEL 1

11 THE WEST ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHEAST  
12 ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 1,  
13 TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN,  
14 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO  
15 THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND  
16 OFFICE ON APRIL 23, 1880.

17 EXCEPT THEREFROM ALL OIL, GAS OR OTHER HYDROCARBON  
18 SUBSTANCES IN AND UNDER SAID LAND BELOW A DEPTH OF 500  
19 FEET FROM THE SURFACE THEREOF, BUT WITHOUT RIGHT OF  
20 SURFACE ENTRY FOR THE PURPOSE OF DEVELOPMENT OR  
21 PRODUCTION OF SAME.

22 PARCEL 2

23 AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 40 FEET  
24 AND THE NORTH 40 FEET OF THE EAST ONE-HALF OF THE SOUTH  
25 ONE-HALF OF THE NORTHEAST ONE QUARTER OF THE SOUTHWEST  
26 ONE QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 14 WEST  
27 SAN BERNARDINO MERIDIAN, COUNTY OF LOS ANGELES, STATE  
28 OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND  
FILED IN THE DISTRICT LAND OFFICE ON APRIL 23, 1880.

PARCEL 3

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 40 FEET  
OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF  
SECTION 1, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO  
MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,  
ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE  
DISTRICT LAND OFFICE ON APRIL 23, 1880.

EXCEPT THEREFROM 49 PERCENT OF ALL OIL, GAS OR OTHER  
HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND BELOW  
A DEPTH OF 500 FEET FROM THE SURFACE THEREOF BUT WITHOUT  
RIGHT OF SURFACE ENTRY FOR THE PURPOSE OF DEVELOPMENT  
OR PRODUCTION OF THE SAME, AS RESERVED IN DEED RECORDED  
JANUARY 27, 1965 AS INSTRUMENT NO. 738.

ASSESSOR'S PARCEL NO. 3210-005-036

THE REAL PROPERTY IS COMMONLY KNOWN AS  
30905 MESA GRANDE ROAD, AGUA DULCE, CA 91390-4826.

(5) Jundy Property:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN  
BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF LOS ANGELES,  
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST  
QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTHERLY  
ALONG SAID WESTERLY LINE OF SAID NORTHEAST QUARTER 330  
FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING  
SOUTHERLY ALONG SAID WESTERLY LINE 325.26 FEET; THENCE  
EASTERLY ON A LINE PARALLEL WITH THE NORTHERLY LINE OF  
SAID NORTHEAST QUARTER TO THE WESTERLY LINE OF BRIGG'S  
ROAD AS ESTABLISHED BY THOSE CERTAIN DEEDS TO THE COUNTY  
OF LOS ANGELES, RECORDED IN BOOK 16972 PAGE 223 AND IN BOOK  
13457 PAGE 103 BOTH OF OFFICIAL RECORDS OF SAID COUNTY;  
THENCE NORTHERLY ALONG SAID WESTERLY LINE OF BRIGG'S  
ROAD TO A LINE THAT IS PARALLEL WITH THE NORTHERLY LINE  
OF SAID NORTHEAST QUARTER AND PASSES THROUGH THE TRUE  
POINT OF BEGINNING; THENCE WESTERLY ALONG SAID LAST  
MENTIONED PARALLEL LINE TO THE TRUE POINT OF BEGINNING,

SAID LAND IS ALSO DESCRIBED IN CERTIFICATE OF COMPLIANCE  
5825, IN DEED RECORDED MARCH 15, 1984 AS INSTRUMENT NO.  
84-317979, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY  
RECORDER OF SAID COUNTY.

ASSESSOR'S PARCEL NO. 3210-008-026 COMMONLY KNOWN AS  
30111 BRIGGS ROAD, SANTA CLARITA, CA 91390-4679.

(6) Helton Property:

THE NORTH 18 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST  
QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN

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1 BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF LOS ANGELES,  
2 STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND  
3 FILED IN THE DISTRICT LAND OFFICE OF THE BUREAU  
4 OF LAND MANAGEMENT.

5 THE SOUTHERLY LINE OF SAID NORTHERLY 18 ACRES IS TO BE PARALLEL  
6 WITH THE SOUTHERLY LINE OF SAID SECTION 1.

7 EXCEPT THEREFROM THE EASTERLY 5 ACRES THEREOF.

8 ALSO EXCEPT THEREFROM THE WESTERLY 5 ACRES THEREOF.

9 SAID LAND IS ALSO SHOWN ON A RECORD OF SURVEY FILED IN BOOK 96,  
10 PAGE 62 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY  
11 RECORDER OF SAID COUNTY.

12 ASSESSOR'S PARCEL NO. 3210-005-039

13 THE REAL PROPERTY IS COMMONLY KNOWN AS 30511 BRIGGS ROAD,  
14 SANTA CLARITA, CA 91390-4651.

15 B. The common addresses and/or assessor parcel numbers of the benefitted, dominant  
16 real properties owned respectively by Cross-Complainants, Lefort, Grosskopf, Lima,  
17 Alzola and Clemons, are all located within the County of Los Angeles, State of California,  
18 and are described as follows:

19 (7) Lefort Property: ASSESSOR'S PARCEL NO. 3210-005-010.

20 (8) Grosskopf Property: ASSESSOR'S PARCEL NOS. 3209-006-017 AND 3209-  
21 007-017.

22 (9) Lima Property: ASSESSOR'S PARCEL NOS. 3210-005-021, 3209-006-013  
23 AND 3209-006-014.

24 (10) Clemons Property: 30301 BRIGGS ROAD, AGUA DULCE, CALIFORNIA,  
25 ASSESSOR'S PARCEL NOS. 3210-008-030 AND 3210-007-021.

26 (11) Alzola Property: ASSESSOR'S PARCEL NOS. 3210-005-031 AND 3210-05-  
27 032.

28 C. The burdened, servient real property owned by Defendant Rancho Agua Dulce,  
LLC is described as:



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PARCEL 1

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE APRIL 23, 1880, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF SOLEDAD CANYON ROAD, AS DESCRIBED IN THE DEED TO SAID COUNTY, RECORDED ON FEBRUARY 6, 1942, AS INSTRUMENT NO. 799, IN BOOK 19138, PAGE 67, OFFICIAL RECORDS OF SAID COUNTY, AT THE SOUTHEAST EXTREMITY OF THE COURSE DESCRIBED IN SAID DEED AS SOUTH 35 DEGREES 28' 00" EAST 238 35 FEET; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 35 DEGREES 28' WEST 238 35 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 630 FEET; THENCE STILL ALONG SAID NORTHEASTERLY LINE NORTHWESTERLY ALONG CURVE 151 52 FEET, THENCE NORTH 33 DEGREES 13' 00" EAST 497 29 FEET, THENCE SOUTH 61 DEGREES 11' 00" EAST 224 00 FEET, THENCE SOUTH 62 DEGREES 05' 35" EAST 136 98 FEET; THENCE SOUTH 77 DEGREES 57' 05" EAST 136.70 FEET, THENCE SOUTH 33 DEGREES 13' 00" WEST 811.67 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF SAID SECTION 12; THENCE ALONG SAID SOUTH LINE NORTH 89 DEGREES 59' 05" WEST 32.86, MORE OR LESS, TO THE NORTHEASTERLY LINE OF SAID SOLEDAD CANYON ROAD, BEING A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 920 FEET, THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE 405 69 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION OF SAID LAND LYING WITHIN THE LINES OF THE RIGHT OF WAY GRANTED TO THE SOUTHERN PACIFIC RAILROAD COMPANY OF CALIFORNIA, BY ACT OF CONGRESS APPROVED MARCH 3, 1871.

A RESOLUTION WAS ADOPTED BY THE BOARD OF DIRECTORS OF SAID RAILROAD COMPANY ON DECEMBER 29, 1891, ABANDONING SAID RIGHT OF WAY BUT SUCH ABANDONMENT HAS NOT BEEN DECLARED BY ACT OF CONGRESS NOR DECREED BY A COURT OF COMPETENT JURISDICTION AS MAY BE DONE PURSUANT TO THE PROVISIONS OF AN ACT OF CONGRESS APPROVED MARCH 8, 1922, 42 STAT "L" 14, CHAPTER 94.

PARCEL 2

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF SOLEDAD CANYON ROAD AS DESCRIBED IN THE DEED TO THE COUNTY

1 OF LOS ANGELES, ON FEBRUARY 6, 1942 AS INSTRUMENT NO. 799 IN  
2 BOOK 19138 PAGE 67 OF OFFICIAL RECORDS OF SAID COUNTY, SAID  
3 POINT BEING THE SOUTHEASTERLY EXTREMITY OF THE COURSE  
4 DESCRIBED IN SAID DEED AS, "SOUTH 35 DEGREES 28' 00" EAST 238 35 FEET";  
5 THENCE ALONG SAID NORTHEASTERLY LINE NORTH 35 DEGREES 28' 00"  
6 WEST 238 35 FEET TO THE BEGINNING OF A TANGENT CURVE  
7 CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 630 FEET, THENCE  
8 ALONG THE CURVED NORTHEASTERLY LINE A DISTANCE OF 151 52 FEET,  
9 THENCE NORTH 33 DEGREES 13' 00" 497 29 FEET TO THE TRUE POINT OF  
10 BEGINNING; THENCE SOUTH 61 DEGREES 11' 00" EAST 224 00 FEET,  
11 THENCE SOUTH 62 DEGREES 31' 00" EAST 180.20 FEET, THENCE SOUTH  
12 68 DEGREES 13' 00" EAST 134.17 FEET, THENCE SOUTH 72 DEGREES 05'  
13 33" EAST 136 98 FEET; THENCE SOUTH 77 DEGREES 57' 05" EAST 136.70  
14 FEET, THENCE SOUTH 33 DEGREES 13' 00" WEST 811 67 FEET, MORE OR  
15 LESS TO THE SOUTHERLY LINE OF SAID SECTION 12; THENCE EASTERLY  
16 ALONG SAID SOUTHERLY LINE TO THE SOUTHEAST CORNER OF SAID  
17 SOUTHWEST QUARTER, THENCE NORTHERLY ALONG THE EASTERLY  
18 LINE OF SAID SOUTHWEST QUARTER TO THE SOUTHEASTERLY LINE  
19 OF THE 100 FOOT WIDE STRIP GRANTED TO SOUTHERN PACIFIC RAILROAD  
20 COMPANY, RECORDED ON JANUARY 23, 1890 IN BOOK 617, PAGE 234 OF  
21 DEED RECORDS OF SAID COUNTY; THENCE SOUTHWESTERLY, WESTERLY  
22 AND NORTHWESTERLY ALONG THE BOUNDARY OF SAID 100 FOOT  
23 STRIP TO A LINE WHICH BEARS NORTH 33 DEGREES 13' 00" EAST FROM  
24 THE TRUE POINT OF BEGINNING; THENCE SOUTH 33 DEGREES 13' 00"  
25 WEST 44 92 FEET TO THE TRUE POINT OF BEGINNING.

16 PARCEL 3

17 THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER  
18 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 14 WEST SAN BERNARDINO  
19 MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED  
20 AS FOLLOWS: BEGINNING AT THE MOST WESTERLY NORTHEAST CORNER  
21 OF THE PARCEL OF LAND GRANTED TO THE SOUTHERN PACIFIC  
22 TRANSPORTATION COMPANY ON APRIL 26, 1971 AS INSTRUMENT NO  
23 370 IN BOOK D5036 PAGE 858, OF OFFICIAL RECORDS, THENCE ALONG  
24 THE NORTHERLY LINE OF SAID LAND SOUTH 50 DEGREES 29' 12" EAST  
25 57.70 FEET; THENCE SOUTH 51 DEGREES 38' 29 9" EAST, 136.36 FEET;  
26 THENCE EASTERLY ON THE ARC OF A CURVE TO THE LEFT, HAVING  
27 A RADIUS OF 1071.01 FEET, AND A CENTRAL ANGLE OF 14 DEGREES  
28 52' 01 4" (TANGENT TO SAID CURVE AT LAST MENTIONED POINT BEARS  
SOUTH 54 DEGREES 00' 42" EAST), AN ARC DISTANCE OF 277.91 FBET  
TO A POINT IN THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF  
SAID SOUTHWEST QUARTER, THENCE NORTH 0 DEGREES 21' 42 9"  
WEST ALONG SAID EASTERLY LINE, 6.46 FEET, THENCE SOUTH  
63 DEGREES 02' 50" EAST, 49.18 FEET, THENCE EASTERLY ON THE  
ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1071 01 FEET  
AND A CENTRAL ANGLE OF 50 DEGREES 44' 22" (TANGENT TO SAID

1 CURVE AT LAST MENTIONED POINT BEARS SOUTH 71 DEGREES  
2 22' 13" EAST) AN ARC DISTANCE OF 948.46 FEET, THENCE NORTH  
3 55 DEGREES 31' 47" EAST, 136 36 FEET; THENCE NORTH 54 DEGREES  
4 21' 55" EAST, 160 35 FEET TO A POINT IN THE NORTHERLY LINE OF  
5 SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION  
6 12; THENCE SOUTH 89 DEGREES 48' 30" WEST ALONG LAST SAID  
7 NORTHERLY LINE TO THE POINT OF BEGINNING.

8 ASSESSOR'S PARCEL NUMBERS 3210-009-013 AND 3210-009-015.

9 THE REAL PROPERTY IS COMMONLY KNOWN AS 9777 SOLEDAD CANYON  
10 ROAD, SANTA CLARITA, CA 91390.

11 D. The legal description of the subject equitable easement is as follows:

12 County of Los Angeles, State of California, and described as follows:

13 PARCEL 1

14 A 30.00 FOOT WIDE ROAD ACROSS THE SOUTH HALF OF THE SOUTHWEST  
15 QUARTER OF SECTION 12, TOWNSHIP 4, NORTH, RANGE 14 WEST, SAN  
16 BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT FILED IN THE  
17 DISTRICT LAND OFFICE APRIL 23, 1880, LYING 15 FEET ON EACH SIDE OF THE  
18 FOLLOWING DESCRIBED CENTERLINE:

19 BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SOLEDAD  
20 CANYON ROAD;

21 THENCE IN A NORTHEASTERLY DIRECTION ALONG THE TRAVELED WAY TO  
22 THE SOUTHERLY LINE OF THE LACTC (Metrolink) RIGHT OF WAY;

23 PARCEL 2

24 A 30.00 FOOT WIDE ROAD ACROSS THE SOUTH HALF OF THE SOUTHWEST  
25 QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN  
26 BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT FILED IN THE  
27 DISTRICT LAND OFFICE APRIL 23, 1880, LYING 15 FEET ON EACH SIDE OF THE  
28 FOLLOWING DESCRIBED CENTERLINE:

29 BEGINNING AT THE INTERSECTION OF SAID TRAVELED WAY WITH THE  
30 NORTHERLY LINE OF THE LACTC (Metrolink) RIGHT OF WAY; THENCE  
31 NORTHERLY ALONG THE TRAVELED WAY TO THE NORTHERLY LINE OF THE  
32 RANCHO AGUA DULCE, LLC PROPERTY.

33 ///

34 E. The relevant facts relied upon by this Court in making this Judgment are, in part, as  
35 follows and are in addition to the Court's independent evidence derived from its viewing of  
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1 Defendant Rancho's property and the subject geographic area: Plaintiffs' and Cross-  
2 Complainants' residences are each landlocked to a public road. Plaintiffs' and Cross-  
3 Complainants' predecessors have long relied on the use of Defendant's property for access to  
4 Soledad Canyon Road. Court pleadings indicate that this use has existed since the 1930s. The  
5 long-time-established dirt road, leading to/from Plaintiffs' and Cross-Complainants' properties  
6 and continuing down through the easterly portion of Defendant's property to Soledad Canyon  
7 Road, is clearly visible from Defendant's property. The evidence demonstrates that the residents  
8 surrounding and including Plaintiffs' and Cross-Complainants' properties began using  
9 Defendant's property for access in the 1930s, according to court records in a certain 1953 Los  
10 Angeles County Superior Court lawsuit, case number 618342. The evidence further demonstrates  
11 that, prior to the close of escrow on Defendant Rancho's purchase of the property, it had not only  
12 constructive and inquiry – but actual – knowledge that the property was used for access by the  
13 area residents. The evidence further shows that Defendant's property already acts as the servient  
14 tenement for other, existing easements and rights-of-way – about which Defendant had actual  
15 and/or constructive knowledge before it closed escrow for the purchase of the servient tenement.  
16 When Defendant purchased its property in August 2004, it quickly eliminated Plaintiffs' and  
17 Cross-Complainants' access through Defendant's property. Consequently, Plaintiffs and Cross-  
18 Complainants had no choice but to trespass over several parcels of property, to travel along a  
19 certain treacherous, dangerous, and sometimes impassable dirt pathway; which dirt path this Court  
20 traveled upon twice on January 15, 2008, and down the hill to view Defendant's property.

21 2. **Maintenance and Cost of Maintenance:** The equitable easement described herein  
22 shall be reasonably maintained. The cost of maintaining the easement in repair shall be shared by  
23 each Plaintiff and Cross-Complainant, and Defendant, and their successors, as required under  
24 California Civil Code section 845. Such maintenance costs shall be reasonable and such  
25 maintenance shall be in a timely fashion so as to reasonably maintain the easement. Use of the  
26 easement for maintenance purposes shall include the temporary use of the property that is within  
27 fifteen (15) feet of either side of the easement and immediately adjacent thereto, so as to permit  
28 maintenance of the easement itself.

14

1  
2 3. **Recording and Binding on Successors:** This Judgment shall be recorded by the  
3 Plaintiffs at their sole expense, in the official records of the Los Angeles County Recorder's  
4 office, with respect to Defendant's property described in section 1C herein and each Plaintiff's  
5 and Cross-Complainant's property described in sections 1A(1)-(6) and 1B (7)-(11) herein. The  
6 equitable easement herein described shall constitute a burden on Defendant's property as an  
7 appurtenant, non-exclusive perpetual easement for the benefit of each Plaintiff's and Cross-  
8 Complainant's respective property, and inure to the benefit of all successor owners of each  
9 Plaintiff's and Cross-Complainant's respective property. The equitable easement shall run with  
10 both the dominant estate holders' land and the land of the servient estate holder.

11 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:**

12 **INJUNCTION:**

13 4. Defendant Rancho Agua Dulce, LLC, and its agents, employees, representatives,  
14 successors, and all persons acting in concert or participating with it – including its managing  
15 members Manuel Fernandez and Careylee Moisan – are permanently enjoined and restrained from  
16 annoying, harassing, or interfering with each Plaintiff's and Cross-Complainant's property rights,  
17 including without limitation, their free and unrestricted movement on the subject equitable  
18 easement of and by each Plaintiff and Cross-Complainant, and/or members of their families, or  
19 their agents, representatives, tenants, contractors, guests, invitees, and/or vendors. Defendant  
20 Rancho Agua Dulce, LLC, and its agents, employees, representatives, successors, and all person  
21 acting in concert or participating with it – including its managing members Manuel Fernandez and  
22 Careylee Moisan – are permanently restrained and enjoined from engaging in, performing,  
23 interfering with, or obstructing or constructing, directly or indirectly, any improvements upon the  
24 easement described herein.

25 5. Plaintiffs and Cross-Complainants, and each of them, and their agents, employees,  
26 representatives, and all persons acting in concert or participating with them, are permanently  
27 enjoined and restrained from annoying, harassing, or interfering with Defendant's property rights  
28 including without limitation its free an unrestricted movement on the subject equitable-easement  
area of and by Defendant and/or its members, agents, representatives, tenants, contractors, guests,

invitees, and/or vendors.

6. Defendant Rancho Agua Dulce, LLC, and its agents, employees, representatives, successors, and all persons acting in concert or participating with it – including its managing members Manuel Fernandez and Careylee Moisan– shall execute, deliver and cooperate in the execution of any and all documents and applications (including, but not limited to, Federal, State of California, and County of Los Angeles requirements) necessary to obtaining/seeking express approval for vehicular crossing over the Metrolink/railroad crossing on the servient estate, as well as the crossing over the Santa Clara River.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:**

7. Plaintiffs and Cross-Complainants are the prevailing parties herein; and costs are awarded to Charles W. Gillingham; John Getty; Faith M. Luiting, as Trustee of the Faith M. Luiting Revocable Living Trust Dated December 1, 2003; Wess Lamonica; Denise Lamonica; Leslie R. Jundy; Diane S. Jundy; Debra L. Helton; and James R. Helton (collectively Plaintiffs) and Leon W. Lefort, Michael G. Alzola, John F. Grosskopf, Robert B. Lima, and Patrick H. Clemons (collectively Cross-Complainants) in a sum per separate memorandums of costs to be filed herein.

8. The Court shall retain jurisdiction over the parties to enforce the terms of the Judgment, including the creation of necessary post-judgment orders.

DATED: APR 15 2008, 2008

*Genem [Signature]*  
JUDGE OF THE SUPERIOR COURT



I certify that this is a true and correct copy of the original on file in this office consisting of 14 pages. JOHN A. CLARKE, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.  
APR 30 2008 By: *[Signature]* Deputy

**PATRICIA JOHNSON**