

Attachment G

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TITLE OF DOCUMENT

Stipulation and Final Judgment of Partition

Monterey County Superior Court Case No. M-83258
Loren E. Cloninger, et al. v. Ella L. Moran, et al.

Michael D. Cling - #65467
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Phone: (831) 771-2040

Attorney for Plaintiffs

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 10/18/2021
By Deputy: Cummings, Loriele

SUPERIOR COURT OF CALIFORNIA – COUNTY OF MONTEREY
UNLIMITED JURISDICTION

LOREN E. CLONINGER; DEBRA SHORT,
Trustee of the Maxine Norma Andersen
Revocable Trust UTA dated January 6, 1993;
JAMES N. PEDRAZZI and DAVID
PEDRAZZI, Co-Trustees of the
Generation-Skipping Exemption Trust under
the 1990 Agnes Pedrazzi Revocable Trust
u/d/t dated April 6, 1990; PEDRAZZI FARM
LANDS, L.P.; PEDRAZZI HILL RANCH, L.P.
SANDRA ZUCK, a/k/a SANDRA LEE DAY,

Plaintiffs

v.

ELLA L. MORAN, MILTON E. PEDRAZZI
and ROBERT P. PEDRAZZI, Co-Trustees of
the Exempt Trust under the 1990 Paul V.
Pedrazzi Revocable Trust u/d/t dated
November 21, 1990; ELLA L. MORAN, MILTON
E. PEDRAZZI and ROBERT P. PEDRAZZI,
Co-Trustees of The Non-Exempt Trust under
the 1990 Paul V. Pedrazzi Revocable Trust,
u/d/t dated November 21, 1990; ELLA L. MORAN,
MILTON E. PEDRAZZI and ROBERT P. PEDRAZZI,
Co-Trustees of 1990 Paul V. Pedrazzi
Revocable Trust u/d/t dated November 21, 1990;
and all persons unknown claiming any interest
in the property as Does I through XX, inclusive,

Defendants

Case No. M-83258

STIPULATION AND
FINAL JUDGMENT
OF PARTITION

(CCP §§ 872.720(b);
872.810; 873.210; 873.290(c))

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Stipulation and Recitals

The parties hereby stipulate and agree as follows:

1. The Court entered a Second Interlocutory Judgment filed on October 5, 2010 ("Second Interlocutory Judgment"). The Second Interlocutory Judgment was appealed by the Defendants with such Second Interlocutory Judgment being affirmed by the Court of Appeal, Sixth Appellate District, with the Remittitur filed with this Court on November 7, 2012.

2. The Second Interlocutory Judgment confirmed, adopted and incorporated the Report of Referee and Recommendation for Interlocutory Judgment of Partition dated July 22, 2009 and the Supplement Report of Referee and Recommendation for Interlocutory Judgment of Partition dated May 13, 2010. Such Second Interlocutory Judgment further ordered the parties to carry out the subdivision of the subject property (Corey Ranch) pursuant to such Referee's recommendation, with the cost of subdivision to be borne by the parties as further ordered by the Court. The Second Interlocutory Judgment further ordered that title to all of the property subject to this action shall be transferred to the parties consistent with such Referee's recommendation upon completion of the subdivision of the Corey Ranch.

3. The subdivision of the Corey Ranch has now been completed and the parcels created by such subdivision are reflected in the Record of Survey recorded on January 21, 2020 at Volume 34 of Surveys, Page 75, Official Records of Monterey County, CA, a copy being attached hereto as Exhibit "A". Unless otherwise indicated, all references to the "Record of Survey" or "ROS" as hereafter set forth shall be to such Record of Survey.

4. Frank Hespe is now the sole Successor Trustee to Milton E. Pedrazzi and Ella L. Moran, Co-Trustees of the 1990 Paul V. Pedrazzi Revocable Trust UTA dated November 21, 1990 by virtue of the Resignation of Co Trustees, Monterey County Superior Court Case No.

1 18PR000251. By execution of this document, the parties consent and agree that the
2 pleadings and filings in this case (M-83258) shall reflect that Frank Hespe, as Trustee above
3 referenced, shall be substituted in as the Defendant in this case in the vesting of the interest
4 awarded to Defendants and shall be vested in "Frank Hespe, Trustee of 1990 Paul V.
5 Pedrazzi Revocable Trust UTA dated November 21, 1990."
6

7 Judgment

8 Based upon the above, and based upon the Court's power to transfer title to the
9 properties subject to this action under CCP § 873.290(c), without further consent or
10 execution of any deeds or documents by the parties, the Court hereby makes the following
11 order:

12 1. The Court confirms to the Plaintiffs their existing two-thirds interest in the
13 properties described in this Paragraph 1 as they are presently held by the Plaintiffs, or any
14 successor(s) to the Plaintiffs;

15 It is hereby further ordered, adjudged and decreed that the Plaintiffs are hereby
16 awarded, as tenants in common, all of the Defendants' undivided one-third interest in and to
17 the same following properties:

18 Pedrazzi Home Ranch Farmland, Paul Pedrazzi Residence and Bull Field as described
19 in Exhibit "B" hereto (APN Nos. 167-021-001; 002; 003; 005; 007; 008 and
20 009; 167-021-019; 020; 021; 022; 023; 167-032-002);

21 Pedrazzi Home Ranch Lower Hills and Pedrazzi Home Ranch Upper Hills as
22 described in Exhibit "C" hereto:

23 Corey Ranch Hills Parcel A reflected in the Record of Survey;
24 Corey Ranch Farmland Parcels D and F reflected in the Record of Survey;
25 together with a 30 ft. wide road and utility easement contiguous to and along
26 the common boundary of Parcels C and D (15 ft. on each side of such
27 common boundary), which easement shall be appurtenant to and for the
28 benefit of Parcels D and F, all as shown in the Record of Survey.

1 2. The Defendant, the 1990 Paul V. Pedrazzi Revocable Trust UTA dated November
2 21, 1990 is hereby awarded all right, title and interest, i.e. 100% in the following properties:

3 Corey Ranch Hills Parcel B reflected in the Record of Survey;
4 Corey Ranch Farmland Parcels C and E as reflected in the Record of Survey;
5 together with a 30 ft. wide road and utility easement along the northeasterly boundary
6 of Parcel D as depicted on such Record of Survey, such easement to be
7 appurtenant to and for the benefit of Parcels C and E as depicted on such
8 Record of Survey; and together with a road and utility easement on Parcel D
9 as depicted on the Record of Survey running from River Road in a
 northeasterly direction 30 ft wide until it reaches the common boundary
 between Parcels C and D, thence 30 ft wide for the length of such common
 boundary (15 ft. on each side of such common boundary), such easement to be
 appurtenant to such Parcels C and E.

10 In addition, Milton Pedrazzi and Ella Moran are granted an easement in gross on the
11 Upper Hills of the Pedrazzi Home Ranch, as such Upper Hills are described in Exhibit "C"
12 hereto, for recreational purposes. The easement shall terminate as to each of Milton Pedrazzi
13 and Ella Moran upon their respective deaths. This easement in gross is personal to Milton
14 Pedrazzi and Ella Moran and not to be transferred to any third party, nor bequeathed to any
15 third party. The use is limited to them and their guests while such easement holders are
16 physically present. Thus, any third parties utilizing this easement in gross must have either
17 Milton Pedrazzi or Ella Moran present with them on the property at all times.

18 3. Prorations. From and after the entry of this Final Judgment, the Plaintiffs and
19 Defendant, respectively, shall be solely responsible for any and all real estate taxes and
20 assessments attributable to the properties which they are awarded, prorated as of the date of
21 entry of this Final Judgment, including any taxes due as a result of supplemental assessments
22 based upon change of ownership of the respective properties.
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1 Likewise, any rents attributable to any of the properties covered by this final
2 Judgment shall be prorated among the respective parties as of the date of entry of this final
3 Judgment.
4

5 4. Costs. The Plaintiffs and Defendants shall each bear their own attorney fees and
6 costs.
7

8 Should any further referee fees and costs be incurred, the same shall be borne by the
9 parties as the Court may order.
10

11 5. Reservation of Jurisdiction. The Court reserves jurisdiction in this case to resolve
12 any issue which relate to the following:
13

14 a) Clarification of the Final Judgment so that all parties receive good and
15 marketable title to the properties awarded by this final Judgment.
16

17 b) Resolution of any disputes between the parties with respect to proration of
18 real estate taxes and rents; or payment of the referee fees and costs.
19

20 c) Allocation of the interests awarded to the Plaintiffs among themselves if
21 they are unable to agree upon the same.
22

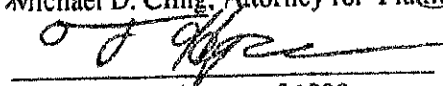
23 SO ORDERED.
24

25 Dated: October 18, 2021
26


27 Judge of the Superior Court Marla O. Anderson
28

29 APPROVED AS TO FORM:
30


31 Michael D. Cling, Attorney for Plaintiffs
32


33 Frank Hesse, Trustee of 1990
34 Paul V. Pedrazzi Revocable Trust
35 UTA dated November 21, 1990
36

37 Stipulation and Final Judgment of Partition
38 Monterey County Superior Court
39 Case No. M-83258
40

RECORD OF SURVEY

DETAIL 1
FOR SCALE
PLAN 130552

PARCEL A
122.40 ACRES

PARCEL B
94.48 ACRES

PARCEL C
112.82 ACRES

PARCEL D
155.54 ACRES

PARCEL E
38.18 ACRES

PARCEL F
412.58 ACRES

RIVER ROAD

SOMAVIA ROAD

LINE TABLE

LINE	BEARING	DISTANCE
1	N 0° 00' 00" E	10.00
2	S 0° 00' 00" E	10.00
3	S 0° 00' 00" E	10.00
4	S 0° 00' 00" E	10.00
5	S 0° 00' 00" E	10.00
6	S 0° 00' 00" E	10.00
7	S 0° 00' 00" E	10.00
8	S 0° 00' 00" E	10.00
9	S 0° 00' 00" E	10.00
10	S 0° 00' 00" E	10.00
11	S 0° 00' 00" E	10.00
12	S 0° 00' 00" E	10.00
13	S 0° 00' 00" E	10.00
14	S 0° 00' 00" E	10.00
15	S 0° 00' 00" E	10.00
16	S 0° 00' 00" E	10.00
17	S 0° 00' 00" E	10.00
18	S 0° 00' 00" E	10.00
19	S 0° 00' 00" E	10.00
20	S 0° 00' 00" E	10.00
21	S 0° 00' 00" E	10.00
22	S 0° 00' 00" E	10.00
23	S 0° 00' 00" E	10.00
24	S 0° 00' 00" E	10.00
25	S 0° 00' 00" E	10.00
26	S 0° 00' 00" E	10.00
27	S 0° 00' 00" E	10.00
28	S 0° 00' 00" E	10.00
29	S 0° 00' 00" E	10.00
30	S 0° 00' 00" E	10.00
31	S 0° 00' 00" E	10.00
32	S 0° 00' 00" E	10.00
33	S 0° 00' 00" E	10.00
34	S 0° 00' 00" E	10.00
35	S 0° 00' 00" E	10.00
36	S 0° 00' 00" E	10.00
37	S 0° 00' 00" E	10.00
38	S 0° 00' 00" E	10.00
39	S 0° 00' 00" E	10.00
40	S 0° 00' 00" E	10.00
41	S 0° 00' 00" E	10.00
42	S 0° 00' 00" E	10.00
43	S 0° 00' 00" E	10.00
44	S 0° 00' 00" E	10.00
45	S 0° 00' 00" E	10.00
46	S 0° 00' 00" E	10.00
47	S 0° 00' 00" E	10.00
48	S 0° 00' 00" E	10.00
49	S 0° 00' 00" E	10.00
50	S 0° 00' 00" E	10.00
51	S 0° 00' 00" E	10.00
52	S 0° 00' 00" E	10.00
53	S 0° 00' 00" E	10.00
54	S 0° 00' 00" E	10.00
55	S 0° 00' 00" E	10.00
56	S 0° 00' 00" E	10.00
57	S 0° 00' 00" E	10.00
58	S 0° 00' 00" E	10.00
59	S 0° 00' 00" E	10.00
60	S 0° 00' 00" E	10.00
61	S 0° 00' 00" E	10.00
62	S 0° 00' 00" E	10.00
63	S 0° 00' 00" E	10.00
64	S 0° 00' 00" E	10.00
65	S 0° 00' 00" E	10.00
66	S 0° 00' 00" E	10.00
67	S 0° 00' 00" E	10.00
68	S 0° 00' 00" E	10.00
69	S 0° 00' 00" E	10.00
70	S 0° 00' 00" E	10.00
71	S 0° 00' 00" E	10.00
72	S 0° 00' 00" E	10.00
73	S 0° 00' 00" E	10.00
74	S 0° 00' 00" E	10.00
75	S 0° 00' 00" E	10.00
76	S 0° 00' 00" E	10.00
77	S 0° 00' 00" E	10.00
78	S 0° 00' 00" E	10.00
79	S 0° 00' 00" E	10.00
80	S 0° 00' 00" E	10.00
81	S 0° 00' 00" E	10.00
82	S 0° 00' 00" E	10.00
83	S 0° 00' 00" E	10.00
84	S 0° 00' 00" E	10.00
85	S 0° 00' 00" E	10.00
86	S 0° 00' 00" E	10.00
87	S 0° 00' 00" E	10.00
88	S 0° 00' 00" E	10.00
89	S 0° 00' 00" E	10.00
90	S 0° 00' 00" E	10.00
91	S 0° 00' 00" E	10.00
92	S 0° 00' 00" E	10.00
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EXHIBIT B

Pedrazzi Home Ranch Farmland and Paul Pedrazzi Residence and Bull Field

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN AN UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

A portion of the Guadalupe Rancho, described as Lots 1, 2, 3, 5, 8, 9, and 10, as said lots are shown upon the map of the Partition of the Estate of Harvey Moore, deceased, a copy of which map is attached to the record of the Decree of Partition recorded in Volume 31 of Deeds, Page 510, Monterey County Records.

Excepting from said Lot 1 that portion thereof described as follows:

Beginning at a point on the East side of the Paraiso Springs County Road, on the South side of the Salinas River, said point being at the center of a 20 foot private lane referred to in deed recorded August 31, 1909 in Volume 110 of Deeds, at Page 189, Monterey County Records, where said lane intersects said county road, thence along the center of said lane 41 1/4° West 200 feet, 6 inches; thence at right angles Northerly 189 feet thence at right angles Southwesterly to said county road; thence Southeasterly along the East side of said county road to the place of beginning, comprising 1 acre, more or less, and being a part of the Guadalupe Rancho.

Excepting therefrom that portion of said land more particularly described as follows:

All that part of Lot 10 of the Moore Partition of Lot A of the Guadalupe Rancho, described as follows:

Beginning in center of 20 foot lane on line between Lots 1 and 10 of the Moore Partition, from which the Southeast corner of Lot 1 of said partition bears S. 41° 15' W., 562.2 feet distant; thence S. 51° E., at 10 feet a 4" X 4" post marked B in fence on Southeasterly side of 20 foot lane at 153.0 feet a 4" X 4" post marked A., 277.8 feet to a 4" X 4" post marked K., standing at the N.E. corner of Lot 10 B., and S.W. corner of 10 F., thence N. 22° 13' E., 195.5 feet to a 4" X 4" post marked E., standing on the Northerly side of the private 20 foot lane, said lane to be reserved; thence along the Northerly side of said lane N. 56° 07' W., at 206.6 feet a 4" X 4" post marked C. 216.6 feet to corner of private lane laid out in the Moore Partition; thence down center of said lane S. 41° 15' W., 168.5 feet to place of beginning, containing .86 acres net, not including one half of the lane on the West of the lane on the North, and being Lot 10 E. according to a survey and "Map Showing a Subdivision of Lot 10 of the Moore Partition of 1890 A.D., being a part of Lot A, of the Malarin Partition of February 1873, part of Guadalupe Rancho, Monterey County, California" as surveyed by H. F. Cozzene and W. Daives, Licensed Land Surveyors, Salinas, Cal., in August 1916.

Also excepting the interest of the County of Monterey in County Roads.

PARCEL II:

A portion of the Guadalupe Rancho described as Subdivision 6, of Lot 1, as shown upon Map of Partition of a tract of land in adjoining Guadalupe Rancho, as surveyed for Pedrazzi and Co., by Lou G. Hare, Co., surveyor, Monterey Co., Calif., filed July 9, 1913 in Volume 1 of Surveys, Monterey County Records, at Page 79.

Excepting the interest of the County of Monterey in County Roads.

APN: 167-021-001, 167-021-002, 167-021-003, 167-021-005, 167-021-007, 167-021-008, 167-021-019, 167-021-020, 167-021-021, 167-021-022, 167-021-023, and 167-032-002

EXHIBIT B-2

Pedrazzi Home Ranch Farmland and Paul Pedrazzi Residence and Bull Field

PARCEL III:

All that part of Lot 10 of the Moore Partition of Lot A of the Guadalupe Rancho, described as follows:

Beginning in center of 20 foot lane on line between Lots 1 and 10 of the Moore Partition, from which the Southeast corner of Lot 1 of said partition bears S. $41^{\circ} 15'$ W., 562.2 feet distant; thence S. 51° E., at 10 feet a 4" X 4" post marked B in fence on Southeasterly side of 20 foot lane at 153.0 feet a 4" X 4" post marked A., 277.8 feet to a 4" X 4" post marked K., standing at the N.E. corner of Lot 10 B., and S.W. corner of 10 F., thence N. $22^{\circ} 13'$ E., 195.5 feet to a 4" X 4" post marked E., standing on the Northerly side of the private 20 foot lane, said lane to be reserved; thence along the Northerly side of said lane N. $56^{\circ} 07'$ W., at 206.6 feet a 4" X 4" post marked C. 216.6 feet to corner of private lane laid out in the Moore Partition; thence down center of said lane S. $41^{\circ} 15'$ W., 168.5 feet to place of beginning, containing .86 acres net, not including one half of the lane on the West of the lane on the North, and being Lot 10 E. according to a survey and "Map Showing a Subdivision of Lot 10 of the Moore Partition of 1890 A.D., being a part of Lot A, of the Malarin Partition of February 1873, part of Guadalupe Rancho, Monterey County, California" as surveyed by H. F. Cozzene and W. Daives, Licensed Land Surveyors, Salinas, Cal., in August 1916.

APN: 167-021-009

EXHIBIT "C"

Pedrazzi Lower and Upper Hills

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN AN UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

Lower Hills

A portion of the Guadalupe Rancho described as Sub-div. 1 containing 378.92 acres, more or less, as shown upon Map of Partition of a tract of land in adjoining Guadalupe Rancho, as surveyed for Pedrazzi and Co. by Lou G. Hare Co., Surveyor of Monterey Co., Calif., filed July 9, 1913 in Volume 1 of Surveys, at Page 79, Monterey County Records.

Excepting the interest of the County of Monterey in County Roads.

APN: 167-031-003

Upper Hills

PARCEL II:

Lots 2 and 3 of Section 18, Township 16 South, Range 4 East of Mount Diablo Base and Meridian.

APN: 416-461-038

PARCEL III:

East half of Section 23.

Northwest quarter and West half of Southwest quarter of Section 24, all in Township 16 South, Range 3 East, Mount Diablo Base and Meridian.

APN: 416-451-014, 416-451-016

PARCEL IV:

Lot 6, Southwest quarter of Southeast quarter and South half of Southwest quarter of Section 12, in Township 16 South, Range 3 East, Mount Diablo Base and Meridian, Monterey County, California.

APN: 416-441-015

PARCEL V:

The East 1/2 of Section 14 and the West 1/2 of Section 13 in Township 16 South, Range 3 East, M.D.M., in the County of Monterey, State of California, according to the official plat thereof.

APN: 416-441-017

PARCEL VI:

All the Northeast quarter, and the Northwest quarter of the Southeast quarter of Section 13, Township 16 South, Range 3 East, Mount Diablo Base and Meridian.

APN: 416-441-018

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