

1 Michael Rogers (SBN 122450)
2 Lambert & Rogers, APLC
3 359 West Madison Avenue, Suite 100
4 El Cajon, California 92020
5 Tel: (619) 588-7600/Fax: (619) 588-7889
6 Email: mrogers@lambertrogers.com

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
12/06/2021 at 12:08:00 PM
Clerk of the Superior Court
By Richard Day, Deputy Clerk

Attorneys for Plaintiff JUSTO PARDO

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL DIVISION

10 **JUSTO PARDO,**

11 Plaintiff,

12 vs.

13 JOHN GORDON, an individual, and all persons
14 claiming by, through, or under him; and all other
15 persons unknown, claiming any legal or equitable
16 right, title, estate, lien, or interest in the property
17 described in this complaint, which is adverse to
18 Plaintiff's title or creates any cloud on Plaintiff's
19 title; and DOES 1 through 100, inclusive,

20 Defendants.

) Case No. 37-2019-00057942-CU-OR-CTL

) **JUDGMENT QUIETING TITLE AND**
) **GRANTING PRESCRIPTIVE EASEMENT**
) **TO DEFENDANT**

) Trial Date: September 28, 2021

) CASE ASSIGNED TO:
) Hon. Joel R. Wohlfeil
) Department C-73

21 The above-entitled cause came on regularly for trial on September 28, 2021, in Department C-73
22 of this court, the Honorable Joel R. Wohlfeil, Judge, presiding. Plaintiff appeared by attorney, Michael
23 Rogers, and defendant appeared by attorney, Robert R. Massey.

24 The cause having been submitted on stipulated facts and stipulated admission of 34 exhibits with
25 no testimony taken, and the Court having considered the same and argument of counsel, and the cause
26 having been submitted for decision, and the Court being fully advised in the premises, and no statement
27 of decision having been requested, and the Court having carefully considered the same and having
28 ordered judgment to be entered in accordance therewith;

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JUDGMENT

1 NOW, THEREFORE, IT IS ADJUDGED, ORDERED, AND DECREED:

2 1. Title to the real property, situated in San Diego County, that is particularly described in
3 Exhibit A attached to and made a part of this judgment (the "Pardo Property"), is vested in plaintiff
4 Justo Pardo as owner in fee simple absolute, subject only to the prescriptive easement described in
5 paragraph 2, below. Specifically, the Court finds there is no easement as to the gate, chain-link fence,
6 and decorative block wall.

7 2. The Court finds that defendant John Gordon has a non-exclusive prescriptive easement
8 for the limited purpose of ingress and egress over the existing driveway that runs from defendant's real
9 property (located adjacent to and north of the Pardo Property and more particularly described in Exhibit
10 B (the "Gordon Property")), crosses the northwest corner of the Pardo Property, and ends at Lincoln
11 Court. The Court finds that the duration of defendant's non-exclusive use of the driveway is limited to
12 his ownership of the Gordon Property. Defendant's right to non-exclusive use of the driveway will
13 terminate upon the conveyance of the Gordon Property.

14 3. The Court finds in favor of defendant John Gordon on plaintiff's trespass count.

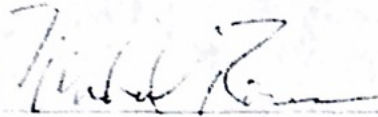
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16 Date: 12/06/2021

Joel R. Wohlfeil

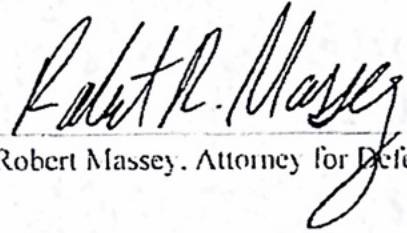
Judge Joel R. Wohlfeil

JUDGE OF THE SUPERIOR COURT

1 APPROVED AS TO FORM AND CONTENT:
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Michael Rogers, Attorney for Plaintiff



Robert Massey, Attorney for Defendant