

1 Roger M. Schrimp, State Bar No. 39379  
George P. Rodarakis, State Bar No. 222214  
2 DAMRELL, NELSON, SCHRIMP,  
PALLIOS, PACHER & SILVA  
3 1601 I Street, Fifth Floor  
Modesto, CA 95354  
4 Telephone: (209) 526-3500  
Facsimile: (209) 526-3534

5 Attorneys for Plaintiff Alameda Boy Scouts Foundation, a  
6 California Non-profit Public Benefit Corporation

7 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE**  
8

9 ALAMEDA BOY SCOUTS  
10 FOUNDATION, a California Nonprofit  
Benefit Corporation,

11 Plaintiff,

12 vs.

13 ODD FELLOWS SIERRA RECREATION  
14 ASSOCIATION, INC., OF TUOLUMNE  
15 COUNTY, et al.,

16 Defendants.

Case No. CV49802

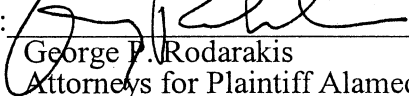
**NOTICE OF ENTRY OF JUDGEMENT  
BY COURT AFTER TRIAL AND BY  
STIPULATION OF THE PARTIES**

17 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

18 NOTICE IS HEREBY GIVEN that the Judgement by Court after Trial and by Stipulation  
19 of the Parties was entered on November 18, 2005, in the above-entitled action. A true copy of  
20 said Order is attached hereto as Exhibit A.

21 DATED: November 22, 2005

22 DAMRELL, NELSON, SCHRIMP,  
PALLIOS, PACHER & SILVA

23  
24 By:   
George P. Rodarakis  
25 Attorneys for Plaintiff Alameda Boy  
Scouts Foundation, a California Non-profit  
26 Public Benefit Corporation

27 G:\JHFAS\Boy Scouts-14535\Pleadings\NoticeofEntry.wpd  
28

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Facsimile: (209) 526-3534

2005 NOV 18 PM 3:26  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TUOLUMNE  
*Donna Benz*

5 Attorneys for Plaintiff Alameda Boy Scouts Foundation, a  
6 California Non-profit Public Benefit Corporation

CLERK: \_\_\_\_\_

7  
8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE**

9  
10 ALAMEDA BOY SCOUTS  
FOUNDATION, a California Nonprofit  
11 Benefit Corporation,

Case No. CV49802

12 Plaintiff,

**JUDGEMENT BY COURT AFTER  
TRIAL AND BY STIPULATION OF  
THE PARTIES**

13 vs.

14 ODD FELLOWS SIERRA RECREATION  
ASSOCIATION, INC., OF TUOLUMNE  
15 COUNTY, et al.,

16 Defendants.

17  
18 This matter was bifurcated for trial with the equitable issues tried first on June 7 and 8,  
19 2004 and July 6 and 7, 2004, before the Honorable William G. Polley. Plaintiff Alameda Boy  
20 Scouts Foundation appeared by and through its attorney, Roger Schrimp, of Damrell, Nelson,  
21 Schrimp, Pallios, Pacher & Silva. Defendant Odd Fellows Recreation Association, Inc. appeared  
22 by and through its attorney, Roger A. Brown.

23 The jury was waived. A statement of decision was not requested. The Court considered  
24 the evidence and rendered its decision on December 23, 2004.

25 The damages issues were resolved without a trial, at the Mandatory Settlement  
26 Conference held before the Honorable William G. Polley on May 4, 2005. The parties stipulated  
27 in open court to a settlement requiring defendant, Odd Fellows Recreation Association, Inc. to  
28 pay plaintiff, as damages, the sum of ~~\$45,000~~ <sup>\$140,000 WGP</sup> with all parties to bear their own attorney's fees  
and costs of suit. All parties agreed to waive their right to appeal the final judgment.

JUDGMENT

NOW THEREFORE, pursuant to the Court's Decision of December 23, 2004, and the stipulation of the parties, IT IS HEREBY ADJUGED that:

1. Plaintiff Alameda Boy Scouts Foundation has acquired a prescriptive easement across the real property of defendant, Odd Fellows Sierra Recreation Association, Inc. in the County of Tuolumne, California, for access to the Camp Cedarbrook property, as more specifically described in the legal descriptions attached hereto as Exhibit A and incorporated herein.

2. Plaintiff has failed to establish easements by necessity, implication or estoppel.

3. Defendant shall pay plaintiff the sum of forty ~~five~~ <sup>#40,000</sup> thousand dollars (~~\$45,000~~), WGP

4. Plaintiff and defendant waive their right to appeal this final Judgment, and

5. Neither party shall recover attorney's fees or costs of suit.

NOV 18 2005

Dated: \_\_\_\_\_

WILLIAM G. POLLEY

\_\_\_\_\_  
Judge of the Superior Court

**LEGAL DESCRIPTION**  
**EXHIBIT "A"**  
**CAMP CEDAR BROOK**  
**INGRESS AND EGRESS EASEMENT**

**WEST JORDAN WAY/WHEELER ROAD**

SEPT. 28, 2005

SHEET 1 OF 2

An Easement for ingress and egress over, under, across and through a strip of land 30 feet wide lying 15 feet each side of the following described Centerline of the Existing West Jordan Way and/or Wheeler Road as now traverses from that certain real property commonly known as Camp Cedar Brook Lands Northerly through Lands Owned by the International Organization of Odd Fellows Sierra Recreation Association under Deed Recorded in Volume 37 Official Records at Page 420, Tuolumne County Records, to State Highway 108, situated in Section's 30 and 31, T.3N., R.17E., M.D.M., Tuolumne County, California, said Centerline being more fully described as follows:

Beginning at a point on the Northerly Boundary of Camp Cedar Brook as delineated upon that certain Record of Survey Map filed in Book 19 of Record of Surveys at Page 28, Tuolumne County Records from which the Northeast Corner thereof bears S80°59'17"E 281.46 feet distant and running thence along said Centerline of West Jordan Way and Wheeler Road the following Courses; (L1) N10°36'04"W 100.51 feet; (L2) N0°49'58"E 521.74 feet; (L3) N0°32'14"E 231.04 feet; (L4) N8°11'14"W 150.54 feet; (L5) N2°55'01"W 97.39 feet; (L6) N3°44'29"E 197.01 feet; (L7) N0°47'33"E 269.72 feet; (L8) N2°02'45"W 142.11 feet; (L9) N12°43'14"W 274.35 feet; (L10) N6°13'51"E 63.91 feet; (L11) N40°03'54"E 88.20 feet; (L12) N52°03'20"E 260.42 feet to the approximate intersection of Wheeler Road; thence along the Centerline of said Wheeler Road (L13) N41°00'15"E 69.32 feet; (L14) N12°32'30"E 45.77 feet; (L15) N2°43'36"E 760.49 feet; (L16) N4°30'14"E 79.55 feet; (L17) N10°24'49"E 96.05 feet; (L18) N18°44'17"E 106.69 feet; (L19) N6°10'47"W 60.31 feet; (L20) N20°19'03"W 78.80 feet; (L21) N11°34'10"W 74.30 feet; (L22) N16°38'45"E 164.57 feet; (L23) N14°59'59"W 246.08 feet; (L24) N1°45'07"W 90.00 feet; (L25) N8°12'10"E 74.89 feet; (L26) N17°04'34"E 59.59 feet; (L27) N32°55'49"E 51.58 feet; (L28) N41°08'11"E 240.96 feet; (L29) N26°13'31"E 52.95 feet; (L30) N8°23'02"E 71.24 feet; (L31) N3°16'00"E 75.60 feet; (L32) N9°24'29"E 79.99 feet; (L33) N28°32'38"E 61.61 feet

**EXHIBIT A**

**WEST JORDAN WAY/WHEELER ROAD**

SHEET 2 OF 2

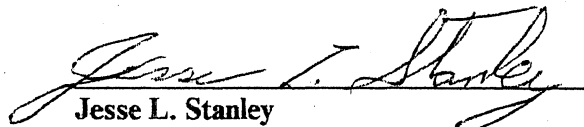
(L34) N33°58'27"E 82.33 feet; (L35) N24°57'58"E 56.77 feet; (L36) N13°12'24"E 86.68 feet; (L37) N7°33'51"E 123.73 feet; (L38) N9°00'46"E 155.10 feet; (L39) N21°32'54"E 187.31 feet; (L40) N11°55'59"E 81.76 feet; (L41) N63°06'33"W 35.10 feet; (L42) N75°06'07"W 67.62 feet; (L43) S87°45'20"W 86.80 feet; (L44) N87°29'44"W 64.30 feet; (L45) N84°37'13"W 97.89 feet; (L46) S89°36'13"W 99.41 feet; (L47) S76°10'46"W 67.28 feet; (L48) S61°32'33"W 63.07 feet; (L49) S53°59'09"W 105.30 feet; (L50) S45°28'32"W 163.43 feet; (L51) S34°01'37"W 72.28 feet; (L52) S60°40'43"W 44.38 feet; (L53) S81°02'37"W 71.71 feet; (L54) N79°38'18"W 57.56 feet more or less to the Southeasterly Right-Of Way Line of California State Highway 108 and shown on Plat Labeled Exhibit "B" incorporated herein and made a part hereof.

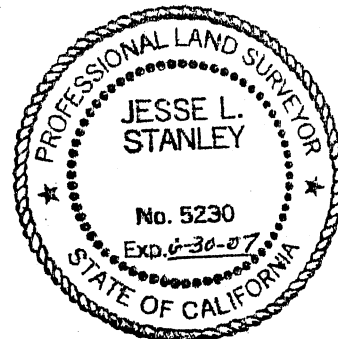
Together With:

A perpetual right for the use of said Easement to that certain real property commonly known as Camp Cedar Brook, or any portion thereof.

It is the intent of this description that Ingress and Egress will always be available to that certain real property commonly known as Camp Cedar Brook, or any portion thereof over the Existing West Jordan Way and/or Wheeler Road as they exist on this date (September 19, 2005) and as described above in its present location or any future physical location that may occur due to natural or unnatural causes.

End Description

  
Jesse L. Stanley  
Professional Land Surveyor  
No. 5230



**LEGAL DESCRIPTION**  
**EXHIBIT "A"**  
**CAMP CEDAR BROOK**  
**INGRESS AND EGRESS EASEMENT**  
**LONG BARN-SUGAR PINE ROAD**

SEPT. 28, 2005

Sheet 1 of 2

**An Easement for ingress and egress over, under, across and through a strip of land 30 feet wide lying 15 feet each side of the following described Centerline of the Existing Road entering Camp Cedar Brook West of the Main Road (West Jordan Way) as it now traverses from Camp Cedar Brook Lands Northerly through Lands Owned by the International Organization of Odd Fellows Sierra Recreation Association under Deed Recorded in Volume 37 Official Records at Page 420, Tuolumne County Records, to a point in the center of the existing Main Road, Known as (West Jordan Way), situated in Section 31, T.3N., R.17E., M.D.M., Tuolumne County, California, said Centerline being more fully described as follows:**

**Beginning at a point on the Northerly Boundary of Camp Cedar Brook as delineated upon that certain Record of Survey Map filed in Book 19 of Record of Surveys at Page 28, Tuolumne County Records from which the Northeast Corner thereof bears S69°10'08"E 445.39 feet distant and running thence along said Centerline of the West Road the following Courses; (L55) N21°54'53"E 84.02 feet; (L56) N17°01'14"E 66.68 feet; (L57) N4°25'13"E 103.94 feet; (L58) N7°51'04"E 105.23 feet; (L59) N19°02'21"E 164.45 feet; feet more or less to a point in the centerline of West Jordan Way from which the N.E. Corner of said Camp Cedar Brook bears S23°33'57"E 723.79 feet distant and shown on Plat Labeled Exhibit "B" incorporated herein and made a part hereof.**

**LONG BARN-SUGAR PINE ROAD**

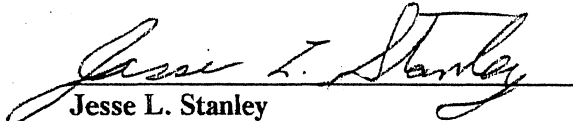
Sheet 2 of 2

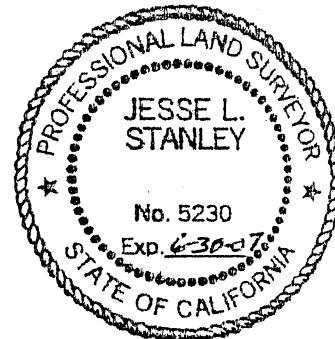
**Together With:**

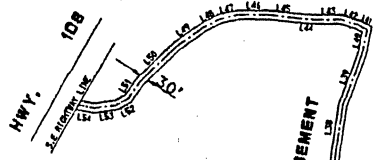
**A perpetual right for the use of said Easement to that certain real property commonly known as Camp Cedar Brook, or any portion thereof.**

**It is the intent of this description that Ingress and Egress will always be available to that certain real property commonly known as Camp Cedar Brook, or any portion thereof over the Existing West Jordan Way, Wheeler Road and/or West Road as they exist on this date (September 19, 2005) and as described above in its present location or any future physical location that may occur due to natural or unnatural causes and as shown on Exhibit "B" Incorporated herein and made a part hereof.**

**End Description**

  
Jesse L. Stanley  
Professional Land Surveyor  
No. 5230





SCALE 1" = 200'

SECTION LINE

SECTION LINE

**EXHIBIT "B"**

SHOWING A 30 FOOT INGRESS AND EGRESS EASEMENT OVER, UNDER, ACROSS AND THROUGH LANDS OF ODDFELLOWS SIERRA RECREATION ASSOCIATION SITUATED IN SECTIONS 30 & 31, T.3N., R.17.E TUOLUMNE COUNTY CALIFORNIA

SCALE 1"=200'

SEPT. 2005

**BASIS OF BEARINGS**

BEARINGS ARE THE SAME AS THE ODD FELLOWS SIERRA CAMP SUBDIVISION NO. 1 FILED IN PLAT BOOK 10 AT PAGE 46, TUOLUMNE COUNTY CALIFORNIA

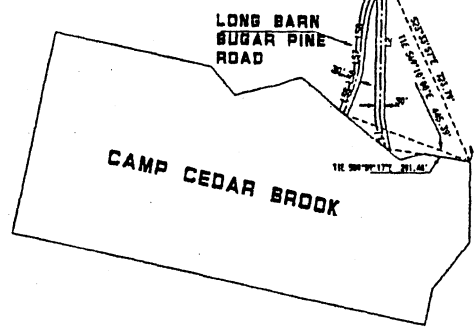
**SURVEYOR'S STATEMENT:**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF GEORGE RODARAKIS ESQ. IN SEPT. 2005.

JESSE L. STANLEY, L.S. NO. 5230  
LICENSE EXPIRATION: JUNE 30, 2007



**GK GIULIANI & KULL, INC.**  
Engineers • Planners • Surveyors  
JESSE STANLEY  
LAND SURVEYING-ENGINEERING  
ASSOCIATES  
440 S. YOSEMITE AVE., SUITE A, OAKDALE, CA. 95361  
(809) 847-7395 FAX (809) 847-7223



**WEST JORDAN WAY/WHEELER ROAD**

NO	BEARING	DISTANCE
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L1	N10°36'04"W	100.51'
L2	N0°49'58"E	521.74'
L3	N0°32'14"E	231.04'
L4	N8°11'14"W	150.54'
L5	N2°55'01"W	97.39'
L6	N3°44'29"E	197.01'
L7	N0°47'33"E	269.72'
L8	N2°02'45"W	142.11'
L9	N12°43'14"W	274.35'
L10	N6°13'51"E	63.91'
L11	N40°03'54"E	88.20'
L12	N52°03'20"E	260.42'
L13	N41°00'15"E	69.32'
L14	N12°32'30"E	45.77'
L15	N2°43'36"E	760.49'
L16	N4°30'14"E	79.55'
L17	N10°24'49"E	96.05'
L18	N18°44'17"E	106.69'
L19	N6°10'47"W	60.31'
L20	N20°19'03"W	78.80'
L21	N11°34'10"W	74.30'
L22	N16°38'45"E	164.57'
L23	N14°59'59"W	246.08'
L24	N1°45'07"W	90.00'
L25	N8°12'10"E	74.89'
L26	N17°04'34"E	59.59'
L27	N32°55'49"E	51.58'
L28	N41°08'11"E	240.96'
L29	N26°13'31"E	52.95'
L30	N8°23'02"E	71.24'
L31	N3°16'00"E	75.60'
L32	N9°24'29"E	79.99'
L33	N28°32'38"E	61.61'
L34	N33°58'27"E	82.33'
L35	N24°57'58"E	56.77'
L36	N13°12'24"E	86.68'
L37	N7°33'51"E	123.73'
L38	N9°00'46"E	155.10'
L39	N21°32'54"E	187.31'
L40	N11°55'59"E	81.76'
L41	N63°06'33"W	35.10'
L42	N75°06'07"W	67.62'
L43	S87°45'20"W	86.80'
L44	N87°29'44"W	64.30'
L45	N84°37'13"W	97.89'
L46	S89°36'13"W	99.41'
L47	S76°10'46"W	67.28'
L48	S61°32'33"W	63.07'
L49	S53°59'09"W	105.30'
L50	S45°28'32"W	163.43'
L51	S34°01'37"W	72.28'
L52	S60°40'43"W	44.38'
L53	S81°02'37"W	71.71'
L54	N79°38'18"W	57.56'

**LONG BARN-SUGAR PINE ROAD**

L55	N21°54'53"E	84.02'
L56	N17°01'14"E	66.68'
L57	N 4°25'13"E	103.94'
L58	N 7°51'04"E	105.23'
L59	N19°02'21"E	164.45'

SEC 31



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**PROOF OF SERVICE**

I am a citizen of the United States and am employed in Stanislaus County. I am over the age of eighteen (18) years and not a party to this action; my business address is 1601 I Street, Fifth Floor, Modesto, California 95354.

On November 22, 2005, I caused to be served the following document(s): **NOTICE OF ENTRY OF JUDGEMENT BY COURT AFTER TRIAL AND BY STIPULATION OF THE PARTIES** by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or manners described below addressed as

Roger A. Brown, Esq.  
38 North Washington Street  
P.O. Box 475  
Sonora, CA 95370  
Fax: (209) 533-7757

  X   **BY MAIL:** I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am readily familiar with Damrell, Nelson, Schrimp, Pallios, Pacher & Silva's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

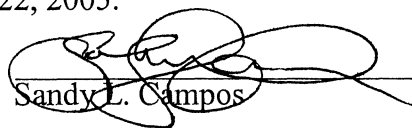
       **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

       **BY OVERNIGHT COURIER SERVICE:** I caused such envelope(s) to be delivered via overnight courier service to the addressee(s) designated.

       **BY FACSIMILE:** I caused said document to be transmitted via facsimile to the telephone number(s) of the addressee(s) designated.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Modesto, California on November 22, 2005.

  
Sandy L. Campos