

FILED
SAN MATEO COUNTY

JAN 23 2020

Clerk of the Superior Court
By *[Signature]*
DEPUTY CLERK

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Attorneys for Plaintiffs, TEJINDER SINGH, and
TRIPATINDER CHOWDHRY, TEG PARTNERS, LLC

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO
(Unlimited Civil Jurisdiction)

TEJINDER SINGH, TRIPATINDER
CHOWDHRY, TEG PARTNERS, LLC,

Plaintiffs,

v.

ERICA STEINER, TRUSTEE OF THE
ERICA B. STEINER TRUST
AGREEMENT DATED JANUARY 26,
1996, et. al.,

Defendants.

ERICA STEINER, TRUSTEE OF THE
ERICA B. STEINER TRUST
AGREEMENT DATED JANUARY 26,
1996,

Cross-Complainant,

v.

TEJINDER SINGH, TRIPATINDER
CHOWDHRY, TEG PARTNERS, LLC,
ALL PERSONS UNKNOWN CLAIMING
ANY LEGAL OR EQUITABLE RIGHT,
TITLE, ESTATE, LIEN OR INTEREST
IN THE PROPERTY DESCRIBED IN
THE COMPLAINT ADVERSE TO
CROSS-COMPLAINANT'S TITLE
THERETO, and ROES 1 - 25,

Cross-Defendants.

Case No. 18-CIV-01684

~~[Proposed]~~

JUDGMENT

18 - CIV - 01684
JUD
Judgment
2215434



JUDGMENT

RECEIVED

JAN 16 2020

**CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY**

1 The original complaint in this case was filed on April 6, 2018 at which time only the
2 individuals, TEJINDER SINGH and TRIPATINDER CHOWDHRY were Plaintiffs. The
3 original Complaint alleged two causes of action, both based on a claim of prescriptive easement.
4 A First Amended Complaint was later filed, alleging the same two causes of action, and again
5 both of the causes of action were based solely on a claim of prescriptive easement.

6 On September 13, 2018, a Second Amended Complaint was filed adding new Plaintiff
7 TEG PARTNERS, LLC and new causes of action. The Second Amended Complaint alleged four
8 causes of action, including expanding the legal basis for the first two causes of action to also be
9 based on a claimed implied easement. The allegations of the Second Amended Complaint
10 claimed that the plaintiffs have an easement right of ingress and egress on a portion of Hermosa
11 Avenue in the Miramar Tract neighborhood of unincorporated San Mateo County near the City of
12 Half Moon Bay (the "STEINER PARCEL"). Plaintiffs alleged in their Second Amended
13 Complaint that one of the bases for their claim of an easement arises by implication from a
14 subdivision map recorded in 1907.

15 This matter was set for trial on October 28, 2019. Plaintiffs and Cross-Defendants
16 TEJINDER SINGH, TRIPATINDER CHOWDHRY, and TEG PARTNERS, LLC were
17 represented by attorney Jonathan D. Weinberg of the law firm FINKELSTEIN & FUJII LLP,
18 their counsel of record. Defendant and Cross-Complainant ERICA STEINER, TRUSTEE OF
19 THE ERICA B. STEINER TRUST AGREEMENT DATED JANUARY 26, 1996 was
20 represented by attorney Charles S. Bronitsky of the LAW OFFICE OF CHARLES S.
21 BRONITSKY, her counsel of record.

22 At 9:00 a.m., the parties appeared in Department 20 of the above-captioned Court, the
23 Honorable Jonathan E. Karesh, presiding. Judge Karesh ordered the parties to attend a day-of-
24 trial settlement conference. In accordance with Judge Karesh's Order, the parties reported to
25 Department 11, the Honorable John L. Grandsaert, presiding.

26 The parties then engaged in further settlement discussions. At the conclusion of the
27 settlement conference, the Court took the bench and had the outcome placed on the record, at
28 which time Defendant and Cross-Complainant, ERICA STEINER, TRUSTEE OF THE ERICA

1 B. STEINER TRUST AGREEMENT DATED JANUARY 26, 1996, withdrew her Answer to the
2 Complaint and her Cross-Complaint and asked the Court to enter a default judgment on the First
3 and Second Causes of Action of the Second Amended Complaint granting to Plaintiffs an implied
4 easement for ingress and egress, which easement would burden the STEINER PARCEL (APN
5 048-076-140) and benefit the parcels owned by Plaintiffs in the same subdivision APN 048-076-
6 120 and APN 048-074-150. The Defendant and Cross-Complainant was present in Court when
7 her Answer to the Second Amended Complaint and her Cross-Complaint were withdrawn and she
8 verbally consented to the withdrawal of those pleadings. Plaintiffs and their counsel were also
9 present in the Court.

10 On the same date as the date of this Judgment, the Court granted an Order confirming the
11 Defendant's waiver of her right to an evidentiary hearing under Section 764.010 of the California
12 Code of Civil Procedure. Because the Defendant is the sole person on record title to the Steiner –
13 Hermosa Avenue Parcel (APN 048-076-140), the Court finds no other person has any right or
14 interest which would be protected by an evidentiary hearing pursuant to CCP § 764.010.
15 Therefore, such a hearing would be moot.

16 Based on the Defendant and Cross-Complainant's withdrawal of her Answer to the
17 Complaint and Cross-Complaint and her waiver of a right to an evidentiary hearing under Section
18 764.010 of the California Code of Civil Procedure, and the Court's determination that "the right
19 to such a hearing lies with the defense, and that this right can be waived under the circumstances
20 of this case," the Court enters judgment as follows:

21 1. Judgment is entered in favor of the Plaintiffs on the first cause of action for
22 declaratory relief as set forth in Paragraph 5, below, and the second cause of action for quiet title
23 of the Second Amended Complaint as set forth in Paragraph 6, below, all other causes of action
24 having previously been dismissed by Plaintiffs.

25 2. Based on the representations of her counsel, Defendant ERICA STEINER,
26 TRUSTEE OF THE ERICA B. STEINER TRUST AGREEMENT DATED JANUARY 26,
27 1996's Answer to the Complaint, filed on January 10, 2019, is STRICKEN.

28 3. Based on the representations of her counsel, Cross-Complainant ERICA

1 STEINER, TRUSTEE OF THE ERICA B. STEINER TRUST AGREEMENT DATED
2 JANUARY 26, 1996's Cross-Complaint is STRICKEN.

3 4. As a result of the withdrawal of the Answer and Cross-Complaint by the
4 Defendant, ERICA STEINER, TRUSTEE OF THE ERICA B. STEINER TRUST AGREEMENT
5 DATED JANUARY 26, 1996, the Court enters this judgment against her and in favor of
6 Plaintiffs, in their capacity as property owners of APN 048-076-120 and APN 048-074-150.

7 5. The Court declares that the Plaintiffs, TEJINDER SINGH, TRIPATINDER
8 CHOWDHRY, TEG PARTNERS, LLC, and each of them, in their capacity as property owners
9 of APN 048-076-120 and APN 048-074-150, have an implied easement for ingress and egress
10 over and burdening that real property in unincorporated San Mateo County commonly known as a
11 portion of Hermosa Avenue, and which is more particularly described as follows:

12 PORTION OF HERMOSA AVENUE, AS
13 SHOWN ON THAT CERTAIN MAP ENTITLED,
14 "MAP OF SUBDIVISION OF BLOCK 10
15 MIRAMAR TERRACE", FILED IN THE OFFICE
16 OF THE COUNTY RECORDER OF SAN
MATEO COUNTY, STATE OF CALIFORNIA
ON AUGUST 5, 1907 IN BOOK 5 OF MAPS AT
PAGE 19 BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

17 BEGINNING AT THE POINT OF
18 INTERSECTION OF THE SOUTHERLY LINE
19 OF HERMOSA AVENUE AND THE EASTERLY
20 LINE OF MIRAMAR DRIVE AS SAID LINES
21 ARE SHOW ON THE ABOVE MENTIONED
22 MAP; THENCE NORTH 24° 30' 00" WEST A
23 DISTANCE OF 21.29 FEET TO A POINT ON A
24 CURVE; THENCE ALONG A CURVE TO THE
25 RIGHT HAVING A RADIUS OF 37.50 FEET, A
26 DELTA OF 21° 08' 51 " , AN ARC LENGTH OF
13.82 FEET, AND A CHORD WHICH BEARS
NORTH 57° 34' 57" EAST HAVING A CHORD
DISTANCE OF 13.74 FEET TO A POINT ON A
LINE; THENCE NORTH 65° 52' 02" EAST A
DISTANCE OF 79.95 FEET: THENCE NORTH
24° 45' 14" WEST A DISTANCE OF 27.33 FEET
TO THE NORTHERLY LINE OF HERMOSA
AVENUE; THENCE ALONG SAID LINE
NORTH 65 ° 30' 00" EAST A DISTANCE OF

159.99 FEET TO A POINT ON THE
SUBDIVISION BOUNDARY; THENCE ALONG
SAID BOUNDARY LINE SOUTH 63° 45' 00"

1 EAST A DISTANCE OF 64.57 FEET TO A
2 POINT ON THE PROLONGATION OF THE
3 SOUTHERLY LINE OF HERMOSA AVENUE;
4 THENCE ALONG SAID LINE SOUTH 65 ° 30'
5 00" WEST A DISTANCE OF 294.27 FEET TO
6 POINT OF BEGINNING.

7
8 The Assessor's Parcel Number for this property is
9 048-076-140.

10 and benefitting Plaintiffs' properties which are more particularly described as follows:

11
12 The land referred to is situated in the State of
13 California, County of San Mateo, in the
14 unincorporated area, and is described as follows:

15
16 PARCEL 1:

17 Parcel "D" as shown on that certain map entitled
18 "PARCEL MAP BEING A SUBDIVISION OF
19 PARCEL 4 AS DESCRIBED IN THAT CERTAIN
20 LOT LINE ADJUSTMENT, PLANNING
21 DIVISION FILE NO. 92-0004 RECORDED IN
22 DOCUMENT SERIES NO. 92136616 ON AUG.
23 24, 1992 AND BEING ALL OF BLOCK 2, A
24 PORTION OF HERMOSA AVENUE, A
25 PORTION OF LOTS 7, 8, 9 AND 10, BLOCK 3
26 AS SHOWN ON THAT MAP, ENTITLED MAP
27 OF 'SUBDIVISION OF BLOCK 10, MIRAMAR
28 TERRACE' AND FILED FOR RECORD IN
VOLUME 5 OF MAPS AT PAGE 19, RECORDS
OF SAN MATEO COUNTY, SAN MATEO
COUNTY, CALIFORNIA", filed for record on
February 6, 1996 in Book 68 of Parcel Maps at
Pages 97 and 98, Records of San Mateo County,
State of California

RESERVING THEREFROM a non-exclusive
easement for sanitary sewer purposes within the 10
foot wide strip of land shown as "S.S.E." on said
Parcel Map.

PARCEL II:

A non-exclusive easement for sanitary sewer
purposes within a portion of Parcels 1, 2 and 3 as
described in said Lot Line Adjustment, Doc. No.
92136616, and Parcels "A" and "B" as shown on
said Parcel Map Official Records of San Mateo
County, California and being more particularly
described as follows:

- a) The Southwesterly 12 feet of said Parcels 2 and
3 and Parcel "A" measured at right angles

Northeasterly from the Southwesterly line thereof.

b) The Southwesterly 14.5 feet of said Parcel 1 measured at right angles Northeasterly from the Southwesterly line thereof.

c) That certain 10 foot and 12 foot wide strips within Parcels "A" and "B" shown as "S.S.E."

Said easement is to be appurtenant to and for the benefit of Parcel 1 above.

A.P.N. 048-074-150

and:

LOTS 2, 3, 4, 5, 6, 7, 8, AND 9, BLOCK 4, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF THE SUBDIVISION OF BLOCK 10 MIRAMAR TERRACE, SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON AUGUST 15, 1907 IN BOOK 5 OF MAPS AS PAGE(S) 19.

EXCEPTING FROM LOT 9, A STRIP OF LAND 10 FEET WIDE, MEASURED AT RIGHT ANGLES LYING CONTIGUOUS TO AND SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 9 OF SAID BLOCK 4 AND EXTENDING FROM THE NORTHWESTERLY TO THE SOUTHEASTERLY LINE OF LOT 9.

BEING PARCEL 1 ON APPROVAL OF LOT LINE ADJUSTMENT RECORDED AUGUST 24, 2007, SAN MATEO COUNTY RECORDS SERIES NO. 2007-127571

APN: 048-076-120

6. Quiet title as to an easement for ingress and egress is vested in Plaintiffs, TEJINDER SINGH, TRIPATINDER CHOWDHRY, and TEG PARTNERS, LLC in their capacity as property owners of APN 048-076-120 and APN 048-074-150, for ingress and egress over and burdening the Steiner – Hermosa Avenue Property which is more particularly described as follows:

PORTION OF HERMOSA AVENUE, AS

1 SHOWN ON THAT CERTAIN MAP ENTITLED,
2 "MAP OF SUBDIVISION OF BLOCK 10
3 MIRAMAR TERRACE", FILED IN THE OFFICE
4 OF THE COUNTY RECORDER OF SAN
5 MATEO COUNTY, STATE OF CALIFORNIA
6 ON AUGUST 5, 1907 IN BOOK 5 OF MAPS AT
7 PAGE 19 BEING MORE PARTICULARLY
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18 DELTA OF 21° 08' 51 " , AN ARC LENGTH OF
19 13.82 FEET, AND A CHORD WHICH BEARS
20 NORTH 57° 34' 57" EAST HAVING A CHORD
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25 TO THE NORTHERLY LINE OF HERMOSA
26 AVENUE; THENCE ALONG SAID LINE
27 NORTH 65 ° 30' 00" EAST A DISTANCE OF
28 159.99 FEET TO A POINT ON THE
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POINT ON THE PROLONGATION OF THE
SOUTHERLY LINE OF HERMOSA AVENUE;
THENCE ALONG SAID LINE SOUTH 65 ° 30'
00" WEST A DISTANCE OF 294.27 FEET TO
POINT OF BEGINNING.

The Assessor's Parcel Number for this property is
048-076-140.

and benefitting Plaintiffs' properties which are more particularly described as follows:

The land referred to is situated in the State of
California, County of San Mateo, in the
unincorporated area, and is described as follows:

PARCEL 1:

Parcel "D" as shown on that certain map entitled

1 "PARCEL MAP BEING A SUBDIVISION OF
2 PARCEL 4 AS DESCRIBED IN THAT CERTAIN
3 LOT LINE ADJUSTMENT, PLANNING
4 DIVISION FILE NO. 92-0004 RECORDED IN
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9 AS SHOWN ON THAT MAP, ENTITLED MAP
10 OF 'SUBDIVISION OF BLOCK 10, MIRAMAR
11 TERRACE' AND FILED FOR RECORD IN
12 VOLUME 5 OF MAPS AT PAGE 19, RECORDS
13 OF SAN MATEO COUNTY, SAN MATEO
14 COUNTY, CALIFORNIA", filed for record on
15 February 6, 1996 in Book 68 of Parcel Maps at
16 Pages 97 and 98, Records of San Mateo County,
17 State of California

18 RESERVING THEREFROM a non-exclusive
19 easement for sanitary sewer purposes within the 10
20 foot wide strip of land shown as "S.S.E." on said
21 Parcel Map.

22 PARCEL II:

23 A non-exclusive easement for sanitary sewer
24 purposes within a portion of Parcels 1, 2 and 3 as
25 described in said Lot Line Adjustment, Doc. No.
26 92136616, and Parcels "A" and "B" as shown on
27 said Parcel Map Official Records of San Mateo
28 County, California and being more particularly
described as follows:

- a) The Southwesterly 12 feet of said Parcels 2
and 3 and Parcel "A" measured at right angles
Northeasterly from the Southwesterly line thereof.
- b) The Southwesterly 14.5 feet of said Parcel 1
measured at right angles Northeasterly from the
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- c) That certain 10 foot and 12 foot wide strips
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Said easement is to be appurtenant to and for the
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A.P.N. 048-074-150

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LOTS 2, 3, 4, 5, 6, 7, 8, AND 9, BLOCK 4, AS
SHOWN ON THAT CERTAIN MAP ENTITLED,
"MAP OF THE SUBDIVISION OF BLOCK 10
MIRAMAR TERRACE, SAN MATEO COUNTY,
CALIFORNIA", FILED IN THE OFFICE OF THE
RECORDER OF THE COUNTY OF SAN
MATEO, STATE OF CALIFORNIA ON AUGUST
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BLOCK 4 AND EXTENDING FROM THE
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SOUTHEASTERLY LINE OF LOT 9.

BEING PARCEL 1 ON APPROVAL OF LOT
LINE ADJUSTMENT RECORDED AUGUST 24,
2007, SAN MATEO COUNTY RECORDS
SERIES NO. 2007-127571

APN: 048-076-120

IT IS SO ADJUDICATED.

Date: 1/17/20

By: 
Hon. John L. Grandsaert
Judge of the Superior Court

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APPROVED AS TO FORM AND CONTENT

LAW OFFICE OF CHARLES S. BRONITSKY

Date: Jan. 10, 2020

By: Chas S Bron

Charles S. Bronitsky, Esq.
Counsel for Defendant,
ERICA STEINER, TRUSTEE OF THE ERICA
B. STEINER TRUST AGREEMENT DATED
JANUARY 26, 1996