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F I L E D

Clerk of the Superior Court

MAR 07 2008

By: B. TOM, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

DE ANZA COVE HOMEOWNERS
ASSOCIATION, INC.,

Plaintiff,

v.

CITY OF SAN DIEGO,

Defendant.

Case No. GIC 821191

ORDER AFTER DECISION

Judge: Hon. Charles R. Hayes
Dept.: 66

In view of the findings of the Court as set forth in the Court's Tentative Decision after having heard testimony and reviewed documentary evidence and after a review of the entire file of this matter including the findings of the Court in ruling on Plaintiff's Motion for Summary Adjudication, the Court issues the following Orders:

1. The Court rejects Plaintiff's contention that mitigation of economic hardship under the MRL requires payment to mobile home owners of the fair market value of the mobile homes determined by an "in place" appraisal.
2. The Court finds the City of San Diego has adopted San Diego Housing Commission policies and procedures to regulate the closure of all mobilehome parks in the City of San Diego except De Anza Mobilehome Park (hereinafter De Anza). These policies and procedures are consistent with the Mobilehome Residency Law's

INTERLOCUTORY ORDER AFTER DECISION

1 requirement of mitigation of economic hardship resulting from park closure. The
2 City by ordinance purports to exempt De Anza from mitigation required by the
3 Mobilehome Residency Law. The City's attempt to exempt De Anza from State
4 mandated mitigation of economic hardship is legally ineffective. City ordinances
5 otherwise inconsistent must give way to the mandates of State law. Accordingly,
6 mitigation of economic hardship required by the Mobilehome Residency Law upon
7 the closing of De Anza mobilehome park is governed by the San Diego Housing
8 commission policies and procedures, the same policies and procedures adopted by
9 the City of San Diego that apply to all mobilehome parks in the City.

- 10
- 11 3. The Court hereby Orders the City of San Diego to prepare, file and serve a formal
12 Relocation Impact Report as required by the Mobilehome Residency Law set forth
13 in Civil Code Sections 798-799.8 and California Government Code section 65863.7.
14 The Relocation Impact Report shall fully address the impact of the closure of De
15 Anza upon the residents and shall be consistent with the provisions of State law as
16 interpreted by the Court in its findings and this Order.
- 17
- 18 4. The Relocation Impact Report shall be prepared in a manner similar to the
19 Relocation Impact Report prepared by Overland, Pacific and Cutler, Inc., received
20 into evidence in this matter regarding the proposed closure of La Mesa Terrace
21 Mobilehome Park. (Court's Exhibits 151 and 1741) The Report shall be filed and
22 served without unnecessary delay.
- 23
- 24 5. The Court further Orders the City of San Diego prepare, file and serve a
25 comprehensive Relocation Plan for the closure of the De Anza Park, including
26 provisions for securing a Director of Relocation and appropriate staffing to assist
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1 residents who may have special medical needs or residents who may have other
2 particularized needs regarding relocation.

- 3 6. The Court hereby finds the exceptional circumstances of this case, including the
4 complexity of issues and the large number of affected parties, requires a Court
5 ordered reference pursuant to Code of Civil Procedure section 639 et seq.
6
- 7 7. Accordingly, the Court hereby Orders the appointment of two referees (hereinafter
8 Special Masters) to review the sufficiency of the City's Relocation Impact Report
9 and report to the Court their findings, recommendations and proposed Order(s)
10 regarding sufficiency of the Report.
- 11 8. The Special Masters shall also review the Report's proposed plan(s) and method(s)
12 of mitigation of the economic hardship of residents of De Anza and report to the
13 Court their findings, recommendations and proposed Order(s) regarding to
14 mitigation of economic hardship.
- 15
- 16 9. The Special Masters shall also review the City's Relocation Plan and all aspects of
17 that plan and report to the Court their findings, recommendations regarding the Plan
18 and submit to the Court proposed Order(s) as necessary and required to accomplish
19 the closure of De Anza.
- 20
- 21 10. Following the Court's approval and Order adopting a Relocation Plan, it shall be the
22 responsibility of the Special Masters to oversee the implementation of the Relocation
23 Plan to bring closure to the Park and periodically report to the Court and provide the
24 Court with recommendations and any proposed Order(s) necessary to implement the
25 Relocation Plan.
- 26

27 Counsel for the parties are directed to meet and confer regarding the selection of the Special
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1 Masters and submit to the Court a proposed Order appointing the Special Masters consistent with
2 section 639 of the Code of Civil Procedure and rule 3.922 et seq of the California Rules of Court.

3 The City shall bear all costs of the Special Masters.
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8 Dated: MAR 07 2008

CHARLES R. HAYES

9 CHARLES R. HAYES
10 Judge of the Superior Court
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