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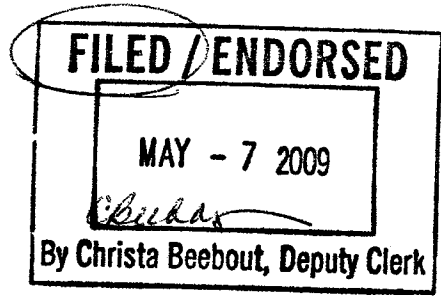
The annexed instrument is a correct copy of the original on file in my office

MAY - 7 2009

Attest: _____

Certified
Superior Court of Sacramento
County of Sacramento

By Christa Beebout
Deputy



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CALIFORNIA REDEVELOPMENT
ASSOCIATION, COMMUNITY
REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY, MADERA
REDEVELOPMENT AGENCY and JOHN F.
SHIREY, an individual,

No. 34-2008-00028334-CU-WM-GDS
Department 33

Petitioners and Plaintiffs,

v.

JUDGMENT

MICHAEL C. GENEST, Director of the
Department of Finance, and ROBERT E. BRYD,
Auditor-Controller of the County of Riverside on
his own behalf and as the representative of all other
County Auditors in the State of California, and
Does 1 through 30,

Respondents and Defendants.

This action for declaratory, injunctive and mandamus relief came on regularly for hearing on March 13, 2009, in Department 33 of the above-entitled court, the Honorable Lloyd G. Connelly presiding. Attorneys Richard E. Brandt and T. Brent Hawkins of McDonough Holland & Allen PC appeared for petitioners and plaintiffs. Stephen Acquisto, Supervising Deputy Attorney General, appeared for respondent and defendant Michael C. Genest. Pamela J. Walls, Riverside County Counsel, appeared telephonically for respondent and defendant Robert E. Byrd and the defendant class of county auditors in the California counties listed in the class certification order filed February 6, 2009.

1 The court, having considered the documentary evidence and the written and oral
2 arguments of the parties, and having filed a Ruling on Submitted Matter on April 30, 2009,
3 which is incorporated herein by reference,

4 IT IS ORDERED, ADJUDGED AND DECREED that:

5 1. Health and Safety Code section 33685 violates article XVI, section 16 of the
6 California Constitution by requiring redevelopment agencies established under the Community
7 Redevelopment Law, Health and Safety Code section 33000 et seq., to make payments during the
8 2008-2009 fiscal year to the Educational Revenue Augmentation Fund established by Revenue
9 and Taxation Code section 95.3. As explained in the Ruling on Submitted Matter filed April 30,
10 2009, such payments will result, wholly or partially, in the reallocation and use of tax increment
11 revenues generated by the agencies' redevelopment projects for purposes unrelated to the
12 agencies' redevelopment projects and communities, contrary to the terms and intent of article
13 XVI, section 16. Therefore, the provisions of Health and Safety Code section 33685 requiring
14 the payments and the related provisions of Health and Safety Code sections 33686 through 33689
15 specifying procedural and substantive requirements for the payments are invalid and
16 unenforceable.

17 2. Upon receiving personal service of this Judgment, respondent and defendant
18 Michael C. Genest, respondent and defendant Robert E. Byrd, the county auditors in the
19 defendant class represented by respondent and defendant Byrd, and their agents, officers,
20 employees and representatives are enjoined from taking any actions to carry out or enforce any of
21 the payment requirements in Health and Safety Code sections 33685 through 33689.

22 3. Petitioners and plaintiffs shall recover their costs of suit in the amount of
23 \$ _____ pursuant to rule 3.1700 of the California Rules of Court.

24 4. The court reserves jurisdiction to hear and decide a motion for attorney fees, if
25 any, pursuant to rule 3.1702 of the California Rules of Court.

26 Dated: May 7, 2009



LLOYD G. CONNELLY
Judge of the Superior Court

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

CALIFORNIA REDEVELOPMENT
ASSOCIATION, COMMUNITY
REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY, MADERA
REDEVELOPMENT AGENCY and
JOHN F. SHIREY, an individual

Case Number: 34-2008-00028334-CU-WM-GDS

**CERTIFICATE OF SERVICE
BY MAILING (C.C.P. Sec. 1013a(4))**

v.

MICHAEL C. GENEST, Director of the
Department of Finance, and ROBERT E.
BRYD, Auditor-Controller of the County of
Riverside on his own behalf and as the
representative of all other County Auditors
in the State of California, and Does 1-30

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the foregoing **JUDGMENT** by depositing true copies thereof, enclosed in separate, sealed envelopes with the postage fully prepaid, in the United States Mail at 720 9th Street, Sacramento, California, each of which envelopes was addressed respectively to the persons and addresses shown below:

T. Brent Hawkins
McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor
Sacramento, CA 95814

Stephen P. Acquisto
Attorney General
1300 I St #125
Sacramento, CA 95814

Pamela Walls
Riverside County Counsel
3535 Tenth St #300
Riverside, CA 92501

Jennifer B. Henning
County Counsels' Assn of California
1100 K St #101
Sacramento, CA 95814

I, the undersigned Deputy Clerk, declare under penalty of perjury that the foregoing is true and correct.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

Dated: May 8, 2009

By: C. BEEBOUT, 
Deputy Clerk