

FILED

MAR 30 2010

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara

BY _____ DEPUTY

Nannette Chapman

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CITY OF SAN JOSÉ, a California
municipality,
Plaintiff,

vs.

ALL PERSONS INTERESTED IN THE
MATTER of the validity of the proceedings,
including the landowner election, forming the
City of San José Convention Center Facilities
District No. 2008-1, Santa Clara County,
California; the validity of the special tax
authorized by the Convention Center
Facilities District; the validity of the bonds to
be secured and repaid by the special tax; the
establishment of the appropriations limit for
the Convention Center Facilities District; the
validity of all contracts and agreements
related thereto; and the validity of the
Ordinance levying the special tax,
Defendants.

Case No.: 1-09-CV-148458

VALIDATION DEFAULT JUDGMENT

Date: March 8 and 15, 2010

Time: 1:30 p.m.

Dept.: 18

Judge: William J. Monahan

Plaintiff's application for entry of default judgment and supporting papers filed by
Plaintiff City of San José, a California municipality ("the City" or "Plaintiff") came on before the

1 court for review and determination on March 8 and 15, 2010 at 1:30 p.m. in Department 18,
2 before the Honorable William J. Monahan. The matter having been submitted, the court having
3 reviewed the application, the supporting papers, and the other papers and pleadings on file in this
4 action, and good cause appearing, hereby ORDERS, ADJUDGES AND DECREES as follows:

- 5 1. The Court finds that the jurisdiction of all interested persons has been lawfully
6 obtained in this *in rem* validation action.
- 7 2. The Court finds that this action was properly brought under California Code of Civil
8 Procedure Sections 860, *et seq.*, in the Superior Court for the County of Santa Clara.
- 9 3. That JUDGMENT by default be hereby entered determining and declaring that:
 - 10 a. This action is properly brought under Sections 860, *et seq.* of the California
11 Code of Civil Procedure;
 - 12 b. All proceedings by and for the City in connection with the adoption of
13 Chapter 14.32 of the San José Municipal Code (the "Chapter") and the
14 provisions of the Mello-Roos Community Facilities Act of 1982 (Section
15 53311 and following of the California Government Code) as they existed at
16 the time of the adoption of the Chapter (the "Act"), the formation of the
17 Convention Center Facilities District No. 2008-1, City of San José, County of
18 Santa Clara, State of California (the "Convention Center Facilities District")
19 pursuant to the Chapter, and the authorization of the special tax to finance the
20 specified facilities, the authorization of the issuance of bonds, and the
21 establishment of the appropriations limit, were and are valid, legal and
22 binding and were and are in conformity with the applicable provisions of all
23 laws and enactments at any time in force or controlling upon such
24 proceedings, whether imposed by law, constitution, statute, charter or
25 ordinance, and whether federal, state or municipal;
 - 26 c. The legal proceedings for formation of the Convention Center Facilities
27 District and conduct of the special election demonstrate conformity with all
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1 requirements of law, and there was no violation of any due process or equal
2 protection clause of either the State or Federal Constitution;

3 d. The voter approval requirement of Article 13A, Section 4 of the California
4 Constitution has been satisfied in the proceedings;

5 e. The levy, collection and expenditure of the special tax does not and will not
6 violate any limitation contained in Article 13B of the California Constitution;

7 f. The timing of the election was valid;

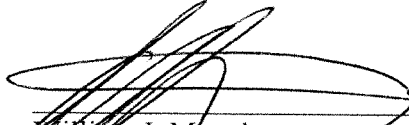
8 g. The findings in the Resolution of Formation are valid and correct and binding
9 upon all persons;

10 h. All conditions, things and acts required by law to exist, happen or be
11 performed precedent to the levy of the special tax, the issuance of bonds, the
12 establishment of the appropriations limit for the Convention Center Facilities
13 District, and the terms and conditions thereof, and any other related contracts
14 or agreements authorized or contemplated by the City, have existed, happened
15 and have been performed in the time, form and manner required by law; and
16 i. The City Council has the authority under California law to levy the special
17 tax, to issue the bonds, and to execute and deliver all contracts and agreements
18 related thereto.

19 4. That JUDGEMENT by default is hereby further entered ordering that all persons are
20 hereby permanently enjoined and restrained from the institution of any action or
21 proceeding challenging, *inter alia*, the validity of the proceedings of the City Council
22 for the formation of the Convention Center Facilities District, for the adoption of the
23 Resolution of Formation, the Resolution Deeming it Necessary, and the Ordinance
24 levying the special tax, for the satisfaction of the voter approval requirement for the
25 levy of the special tax to finance specified facilities, for the issuance of the bonds and
26 the levying of the special tax, for the establishment of the appropriations limit of the
27 Convention Center Facilities District, and for the authorization, execution and
28 delivery of any contracts or agreements related to the matters set forth herein, or any

1 other matters herein adjudicated or which at this time could have been adjudicated
2 against the City, the Convention Center Facilities District, or any other persons.
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4 Dated: MARCH 30, 2010

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6 William J. Monahan
7 Judge of the Superior Court
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