

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SANTA CLARA, DOWNTOWN SUPERIOR COURTHOUSE**

In Re:

Case No. 24CV443930

10505 MADRONE COURT,  
CUPERTINO, CA 95014

*Assigned for All Purposes to:  
Hon. Roberta S. Hayashi  
Department 14*

**STIPULATED JUDGMENT AND  
REQUEST FOR DISBURSEMENT OF  
FUNDS**

14 This STIPULATED JUDGMENT AND REQUEST FOR DISBURSEMENT OF FUNDS  
15 is entered into by and between Claimant CITY OF CUPERTINO (“Cupertino” or “City”) and  
16 Claimant KATHLEEN GARFIELD (“Garfield”), an individual (collectively, the “Parties”).

## STIPULATION

18 IT IS HEREBY STIPULATED by and between Cupertino and Garfield that the Court may  
19 enter judgment and order the disbursement of the surplus funds. The Parties stipulate and agree as  
20 follows:

21       1.       The Parties hereby agree to a disbursement of the surplus funds from the  
22 foreclosure sale of 10505 Madrone Court, Cupertino, California 95014 as full satisfaction of any  
23 and all claims and damages asserted by the Parties, and waive any claims the Parties could have  
24 asserted in this proceeding. The Parties have executed a separate Settlement Agreement and  
25 Mutual Release attached hereto as **Exhibit A**.

26       2.     This Stipulation is contingent upon Cupertino receiving approval of the Settlement  
27     Agreement from the Cupertino City Council. Counsel for Cupertino will seek approval from the  
28     Cupertino City Council at the next closed session. Within three (3) days after the Cupertino City

1 Council makes its decision on the Settlement Agreement, Cupertino will file with this Court and  
2 serve on Garfield a Notice of Decision.

3       3. The Court Clerk, following the receipt of a Notice of Decision approving the  
4 Settlement Agreement, shall pay the disbursements as follows:

5           a. Within thirty (30) business days after a conformed copy of the entered  
6 Stipulated Judgment is served on the Parties, the Court Clerk shall issue a check in the amount of  
7 one hundred and fifteen thousand dollars (\$115,000.00) payable to “Law Office of Neil Opdahl-  
8 Lopez in care of Kathleen Garfield” to 473 E. Carnegie Drive Suite 200, San Bernardino CA,  
9 92408.

10           b. Within thirty (30) business days after a conformed copy of the entered  
11 Stipulated Judgment is served on the Parties, the Court Clerk shall issue a check in the amount of  
12 three hundred and eighteen thousand, seven hundred and eighty six dollars and seventy four cents  
13 (\$318,786.74) payable to the “City of Cupertino” to 10300 Torre Avenue, Cupertino CA, 95014.

14       4. Each Party shall bear its own litigation expenses, including but not limited to all  
15 attorneys fees, expert witness fees, and all other fees or costs of any nature, including costs set  
16 forth in Code of Civil Procedure Section 1033.5.

17       5. Each party to this Stipulated Judgment agrees to the entry by the Court of the  
18 Judgment in substantially the form submitted concurrently herewith and each waives the right to  
19 all post-judgment challenges to this Stipulated Judgment, including the right to appeal.

20       6. The Parties stipulate that a Statement of Decision and Notice of Entry of Stipulated  
21 Judgment is hereby waived.

22       7. Under Code of Civil Procedure section 664.6 or any similar successor statute, the  
23 Parties request and agree that the Santa Clara Superior Court retain jurisdiction to enforce the  
24 terms of this Stipulated Judgment until full performance of its terms.

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1 **IT IS SO STIPULATED.**

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3 LAW OFFICES OF NEIL OPDAHL-LOPEZ  
4 Attorneys for Claimant  
5 KATHLEEN GARFIELD

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7 ALESHIRE & WYNDER, LLP  
8 Attorneys for Claimant  
9 CITY OF CUPERTINO

10 By:   
11 NEIL OPDAHL-LOPEZ

12 By:   
13 BRENDAN H. BROWNE

14 Dated: December 18, 2025

15 Dated: November   , 2025

16 **ORDER**

17 The Court, having reviewed the Parties' Stipulated Judgment and Request for Disbursement  
18 of Funds, and having received a Notice of Decision stating that the Settlement Agreement was  
19 approved by the Cupertino City Council, finds good cause to enter this Order.

20 The Court Clerk shall disburse the excess funds as stipulated by the Parties.

21 IT IS SO ORDERED.

22 DATED: December   , 2025

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29 Hon. Roberta S. Hayashi  
30 Judge of the Superior Court of Santa Clara County