

Note: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-5100

GREENBRIER, WOODLAKE VILLAGE PARTNERSHIP, COLONIAL TERRACE APARTMENTS, LTD., FIRST BUENA VIDA, LTD., FIRST FAIRMONT TERRACE, LTD., FIRST FAIRMONT II, LTD., FIRST PLAZA DORADO LIMITED PARTNERSHIP, FIRST PLAZA HILLS EAST LIMITED PARTNERSHIP, HILLCREST APARTMENTS, LTD., JACKSON MANOR APARTMENTS, LTD., C.A. HOBBS, JR., LAURYCE G. HOBBS, CHARLES L. ADRIAN, HUGH V. HUGH V. SMITH ENTERPRISES, INC., SOUTHBROOK GARDEN APARTMENTS, LTD., and SUGAR GROVE SQUARE, LTD.,

Plaintiffs,

and

5000 SOUTH HAMPTON TERRACE, AMERICAN RIVER LIMITED PARTNERSHIP, ASPEN MANOR, LIMITED PARTNERSHIP, BAYSIDE VILLAGE APARTMENTS, BEAR MOUNTAIN VILLAGE, LIMITED PARTNERSHIP, BROADWAY APARTMENTS, BULLOCKS POINT ASSOCIATES, CALIFORNIA PROPERTIES-AGUILAR, CALIFORNIA PROPERTIES-GARDENS, CALIFORNIA PROPERTIES-LEISURE LIFE, CALIFORNIA PROPERTIES-VILLAGES, CAMELOT NORTH COMPANY, CAMELOT SOUTH COMPANY, CANYON APARTMENTS COMPANY, CARRIER ARMS APARTMENTS, LTD., CASCADE TERRACE LIMITED PARTNERSHIP, CHURCHLAND SQUARE APARTMENTS, COTTONWOOD MANOR COMPANY, DUARTE MANOR ASSOCIATES, DUNDALE SQUARE, EAST GREEN HILLS APARTMENTS, LTD., EL CAPITAN APARTMENTS, LTD., ELLENDALE ARMS APARTMENTS, ESCONDIDO PARK APARTMENTS, ESTATE OF DANIEL E. FOLEY, FIRST BROOKWOOD, LTD., FIRST PARKWOOD LIMITED PARTNERSHIP, FIRST VILLAGE WEST LIMITED PARTNERSHIP, FOOTHILL GARDENS LIMITED PARTNERSHIP, GARLAND GARDENS, LTD., GREENWOOD GARDENS ASSOCIATES, HAPPY VALLEY VILLA, HARBORVIEW TOWERS ASSOCIATES, HARPERS SQUARE APARTMENTS, HENDERSON INC., HIGH HOUSE VILLAGE APARTMENTS, LTD., HOLLISTER PLAZA LIMITED, HOLLYWOOD EAST APARTMENTS, LTD., HOUSTON HOMES #1 LTD., IMPERIAL VILLAGE APARTMENTS, JOHN KNOX, KPKA GREENLAKES CO., L.A. PRO III APARTMENTS, L.A. PRO VII APARTMENTS, LTD., L.A. PRO XXXII APARTMENTS, LTD., LA VERNE TERRACE LIMITED PARTNERSHIP, LAKE VILLAGE, LAUREL CANYON TERRACE, LEIGH ANN APARTMENTS, LTD., MAYFLOWER VILLAGE ASSOCIATES, MEYLER PARK APARTMENTS, MID CITY APARTMENTS LTD., MIDTOWN APARTMENTS LTD., MILLER AVENUE APARTMENTS, NAPA PARK LTD., NELD NORTH APARTMENTS LTD.,

ONTARIO TOWNHOUSES, PALMDALIA LIMITED PARTNERSHIP, QUEEN ANN INVESTMENT COMPANY, REALTY PARTNERS PROP. LTD., ROLLING GREEN ASSOCIATES, ROLLING MEADOWS, LTD., ROSE GARDENS HOUSING LIMITED PARTNERSHIP, SANTA CLARA TERRACE COMPANY, SECOND LAKE VILLAGE, SHERIDAN EAST VILLA, SHERIDAN MANOR, SHERIDAN SOUTH VILLA, SHERIDAN WEST VILLA, SKYLINE FOX HOLLOW JOINT VENTURE, SOUTH PARK APARTMENTS, LTD., SOUTHSIDE VILLAGE APARTMENTS, LTD., TEMPE APARTMENTS, A LIMITED PARTNERSHIP, TEMPE GARDEN I, THE VILLAGES, LTD., TRASK LIMITED PARTNERSHIP, TURNER INVESTMENTS LTD., UNIVERSITY GARDENS APARTMENTS, LTD., VACAVILLE PARK APARTMENTS, VERNAL HOUSING LIMITED PARTNERSHIP, VILLA CAPRI LIMITED PARTNERSHIP, WALNUT MANOR LTD., WEST ARMS LIMITED PARTNERSHIP, and WESTSIDE APARTMENTS LTD.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee.

Gregory T. Jaeger, Marzulla & Marzulla, of Washington, DC, argued for plaintiffs-appellants. With him on the brief were Nancie G. Marzulla and Roger J. Marzulla.

Brian M. Simkin, Assistant Director, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for defendant-appellee. With him on the brief were and Peter D. Keisler, Assistant Attorney General, Jeanne E. Davidson, Director.

Appealed from: United States Court of Federal Claims

Senior Judge James F. Merow

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GREENBRIER, WOODLAKE VILLAGE PARTNERSHIP, COLONIAL TERRACE APARTMENTS, LTD., FIRST BUENA VIDA, LTO., FIRST FAIRMONT TERRACE, LTD, FIRST FAIRMONT II, LTD., FIRST PLAZA DORADO LIMITED PARTNERSHIP, FIRST PLAZA HILLS EAST LIMITED PARTNERSHIP, HILLCREST APARTMENTS, LTD, JACKSON MANOR APARTMENTS, LTD., CA HOBBS, JR., LAURYCE G. HOBBS, CHARLES L. ADRIAN, HUGH V. HUGH V. SMITH ENTERPRISES, INC., SOUTHBROOK GARDEN APARTMENTS, LTD., and SUGAR GROVE SQUARE, LTD.,

Plaintiffs,

and

5000 SOUTH HAMPTON TERRACE, AMERICAN RIVER LIMITED PARTNERSHIP, ASPEN MANOR, LIMITED PARTNERSHIP, BAYSIDE VILLAGE APARTMENTS, BEAR MOUNTAIN VILLAGE, LIMITED PARTNERSHIP, BROADWAY APARTMENTS, BULLOCKS POINT ASSOCIATES, CALIFORNIA PROPERTIES-AGUILAR, CALIFORNIA PROPERTIES-GARDENS, CALIFORNIA PROPERTIES-LEISURE LIFE, CALIFORNIA PROPERTIES-VILLAGES, CAMELOT NORTH COMPANY, CAMELOT SOUTH COMPANY, CANYON APARTMENTS COMPANY, CARRIER ARMS APARTMENTS, LTD., CASCADE TERRACE LIMITED PARTNERSHIP, CHURCHLAND SQUARE APARTMENTS, COTTONWOOD MANOR COMPANY, DUARTE MANOR ASSOCIATES, DUNDALE SQUARE, EAST GREEN HILLS APARTMENTS, LTD., EL CAPITAN APARTMENTS, LTD., ELLENDALE ARMS APARTMENTS, ESCONDIDO PARK APARTMENTS, ESTATE OF DANIEL E. FOLEY, FIRST BROOKWOOD, LTD., FIRST PARKWOOD LIMITEDPARTNERSHIP, FIRST VILLAGE WEST LIMITED PARTNERSHIP, FOOTHILL GARDENS LIMITED PARTNERSHIP, GARLAND GARDENS, LTD., GREENWOOD GARDENS ASSOCIATES, HAPPY VALLEY VILLA, HARBORVIEW TOWERS ASSOCIATES, HARPERS SQUARE APARTMENTS, HENDERSON INC., HIGH HOUSE VILLAGE APARTMENTS, LTD., HOLLISTER PLAZA LIMITED, HOLLYWOOD EAST APARTMENTS, LTD., HOUSTON HOMES #1 LTD., IMPERIAL VILLAGE APARTMENTS, JOHN KNOX, KPKA GREENLAKES CO., LA PRO III APARTMENTS, L.A. PRO VII APARTMENTS, LTD., L.A. PRO XXXII APARTMENTS, LTD., LA VERNE TERRACE LIMITED PARTNERSHIP, LAKE VILLAGE, LAUREL CANYON TERRACE, LEIGH ANN APARTMENTS, LTD, MAYFLOWER VILLAGE ASSOCIATES, MEYLER PARK APARTMENTS, MID CITY APARTMENTS LTD., MIDTOWN APARTMENTS LTD., MILLER AVENUE APARTMENTS, NAPA PARK LTD, NELD NORTH APARTMENTS LTD., ONTARIO TOWNHOUSES, PALMDALIA LIMITED PARTNERSHIP, QUEEN ANN INVESTMENT COMPANY, REALTY PARTNERS

PROP. LTD., ROLLING GREEN ASSOCIATES, ROLLING MEADOWS, LTD., ROSE GARDENS HOUSING LIMITED PARTNERSHIP, SANTA CLARA TERRACE COMPANY, SECOND LAKE VILLAGE, SHERIDAN EAST VILLA, SHERIDAN MANOR, SHERIDAN SOUTH VILLA, SHERIDAN WEST VILLA, SKYLINE FOX HOLLOW JOINT VENTURE, SOUTH PARK APARTMENTS, LTD, SOUTHSIDE VILLAGE APARTMENTS, LTD., TEMPE APARTMENTS, A LIMITED PARTNERSHIP, TEMPE GARDEN I, THE VILLAGES, LTD., TRASK LIMITED PARTNERSHIP, TURNER INVESTMENTS LTD., UNIVERSITY GARDENS APARTMENTS, LTD., VACAVILLE PARK APARTMENTS, VERNAL HOUSING LIMITED PARTNERSHIP, VILLA CAPRI LIMITED PARTNERSHIP, WALNUT MANOR LTD., WEST ARMS LIMITED PARTNERSHIP, and WESTSIDE APARTMENTS LTD.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee.

## Judgment

ON APPEAL from the UNITED STATES COURT OF FEDERAL CLAIMS  
in CASE NO(S). 96-CV-326, 96-CV-364, 96-CV-435 and 96-CV-697

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (GAJARSA, LINN and MOORE, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED January 14, 2008

/s/ Jan Horbaly  
Jan Horbaly, Clerk