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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
 9 EASTERN DISTRICT OF CALIFORNIA

|                                |   |                                     |
|--------------------------------|---|-------------------------------------|
| 11 UNITED STATES OF AMERICA,   | ) | 1:09-CV-01614-OWW-GSA               |
|                                | ) |                                     |
| 12 Plaintiff,                  | ) | <b>FINAL JUDGMENT OF FORFEITURE</b> |
|                                | ) |                                     |
| 13 v.                          | ) |                                     |
|                                | ) |                                     |
| 14 2002 AMGN UT HUMMER,        | ) |                                     |
| VIN: 137FA90382E200946,        | ) |                                     |
| 15 LICENSE NO. 5JEAU580;       | ) |                                     |
|                                | ) |                                     |
| 16 1970 FORD MUSTANG FASTBACK, | ) |                                     |
| VIN: 0R02F100917,              | ) |                                     |
| 17 LICENSE NO. 2YSD525;        | ) |                                     |
|                                | ) |                                     |
| 18 2004 PACE AMERICAN CARRY ON | ) |                                     |
| UTILITY TRAILER,               | ) |                                     |
| 19 VIN: 4P2FB12124U054420,     | ) |                                     |
| LICENSE NO. 4FG6946; and       | ) |                                     |
|                                | ) |                                     |
| 20 2007 FOUR WINNS 220 HORIZON | ) |                                     |
| 21 BOAT, VIN: GFNMA1451607,    | ) |                                     |
| LICENSE NO. 5258 TK,           | ) |                                     |
|                                | ) |                                     |
| 22 Defendants.                 | ) |                                     |
| 23                             | ) |                                     |

24 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

- 25 1. This is a civil forfeiture action against the above-captioned assets (hereafter
- 26 “defendant properties”) seized on or about February 24, 2009.
- 27 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
- 28 September 11, 2009, alleging that said defendant properties are subject to forfeiture to the United

1 States of America pursuant to 21 U.S.C. §§ 881(a)(4) and 881(a)(6).

2 3. On September 18, 2009, the Clerk issued a Warrant for Arrest for the defendant  
3 properties and was duly executed on October 27, 2009.

4 4. Beginning on October 2, 2009, for at least 30 consecutive days, the United States  
5 published Notice of the Forfeiture Action on the official internet government forfeiture site  
6 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration for Publication was filed on December 7, 2009.

7 5. In addition to the public notice on the official internet government forfeiture site  
8 [www.forfeiture.gov](http://www.forfeiture.gov), actual notice or attempted notice was given to the following individuals:

- 9 a. Isaias Lopez
- 10 b. Maria Licea
- 11 c. Bank of America, N.A.

12 6. Claimant Isaias Lopez filed a Claim of Ownership and Answers to the Complaint  
13 for Forfeiture to the defendant properties on September 28, 2009. Claimant Bank of America,  
14 N.A. filed a Claim on March 30, 2011, alleging a lien holder interest in the defendant 2007 Four  
15 Winns 220 Horizon Boat, and on April 20, 2011, filed an Answer to Complaint. No other parties  
16 have filed claims or answers in this matter, and the time in which any person or entity may file a  
17 claim and answer has expired.

18 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against  
19 Maria Licea on January 25, 2010. Pursuant to Local Rule 540, the United States requests that as  
20 part of the Final Judgment of Forfeiture in this case the Court enter a default judgment against  
21 the interest, if any, of Maria Licea without further notice.

22 Based on the above findings, and the files and records of the Court, it is hereby  
23 ORDERED AND ADJUDGED:

24 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by  
25 and between the parties to this action.

26 2. That judgment is hereby entered against claimant Isaias Lopez, potential claimant  
27 Maria Licea, and all other potential claimants who have not filed claims in this action.

28 ///

1           3.       Upon entry of a Final Judgment of Forfeiture herein, the following defendant  
2 properties shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4), to be  
3 disposed of according to law:

- 4           a.       2002 AMGN UT Hummer, VIN: 137FA90382E200946,  
5                   License No. 5JEAU580,
- 6           b.       1970 Ford Mustang Fastback, VIN: 0R02F100917,  
7                   License No. 2YSD525, and
- 8           c.       2004 Pace American Carry On Utility Trailer,  
9                   VIN: 4P2FB12124U054420, License No. 4FG6946.

10          4.       Upon entry of a Final Judgment of Forfeiture herein, but no later than 60 days  
11 thereafter, the 2007 Four Winns 220 Horizon Boat, VIN: GFNMA1451607, License No. 5258  
12 TK, shall be returned to claimant Isaias Lopez through his attorney Victor M. Perez.

13          5.       That the United States and its servants, agents, and employees and all other public  
14 entities, their servants, agents, and employees, are released from any and all liability arising out  
15 of or in any way connected with the seizure, arrest, or forfeiture of the defendant properties. This  
16 is a full and final release applying to all unknown and unanticipated injuries, and/or damages  
17 arising out of said seizure, arrest, or forfeiture, as well as to those now known or disclosed. The  
18 parties waived the provisions of California Civil Code § 1542.

19          6.       That pursuant to the stipulation of the parties, and the allegations set forth in the  
20 Complaint filed on September 11, 2009, the Court finds that there was reasonable cause for the  
21 seizure and arrest of the defendant properties, and for the commencement and prosecution of this  
22 forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be  
23 entered accordingly.

24          7.       All parties are to bear their own costs and attorneys fees.

25          8.       The U.S. District Court for the Eastern District of California, Hon. Oliver W.  
26 Wanger, District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of  
27 Forfeiture.

28               SO ORDERED THIS 26th day of May, 2011.

/s/ OLIVER W. WANGER  
United States District Judge

1 CERTIFICATE OF REASONABLE CAUSE

2 Based upon the allegations set forth in the Complaint filed September 11, 2009, and the  
3 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of  
4 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure  
5 or arrest of the defendant properties, and for the commencement and prosecution of this  
6 forfeiture action.

7  
8 DATED: June 2, 2011

9 /s/ OLIVER W. WANGER  
United States District Judge