

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KRISTIN S. DOOR, SBN 84307  
 Assistant United States Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916)554-2723  
 5 Attorneys for Plaintiff  
 United States of America  
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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 10

11 UNITED STATES OF AMERICA,	)	2:09-CV-00608-GEB-JFM
	)	
12 Plaintiff,	)	FINAL JUDGMENT OF
	)	FORFEITURE
13 v.	)	
	)	
14 2006 TOYOTA TUNDRA SR-5 TRUCK,	)	
VIN: 5TBDT44176S529821,	)	
15 CALIFORNIA LICENSE NUMBER:	)	
8C49361,	)	
	)	
16 Defendant.	)	
17	)	

18 Pursuant to the Stipulation for Final Judgment of  
 19 Forfeiture, the Court finds as follows:

20 1. This is a civil forfeiture action against a 2006 Toyota  
 21 Tundra SR-5 Truck, VIN: 5TBDT44176S529821, California License  
 22 Number: 8C49361 (hereafter "defendant vehicle").

23 2. A Verified Complaint for Forfeiture In Rem ("complaint")  
 24 was filed on March 4, 2009, alleging that said defendant vehicle  
 25 is subject to forfeiture to the United States of America pursuant  
 26 to 21 U.S.C. §§ 881(a)(6) and 881(a)(4).

27 3. On or about March 12, 2009, the Clerk issued a  
 28 Warrant for Arrest for the defendant vehicle, and that warrant

1 was duly executed on March 18, 2009.

2 4. On or about March 13, 2009, Richard James Miller  
3 (hereafter "Miller") was personally served copies of the  
4 complaint, application and order for publication, warrant for  
5 arrest, order requiring joint status report, notice of  
6 availability of voluntary dispute resolution, notice of  
7 availability of magistrate judge, and notice of forfeiture  
8 action. On or about March 16, 2009, the above-listed documents  
9 were served on Miller's attorney Lauren Cusick by certified mail  
10 number 7006 2150 0001 6370 4570.

11 5. On or about March 16, 2009, the above-listed documents  
12 were served on Toyota Motor Credit Corporation by certified mail  
13 number 7006 2150 0001 6370 4563. On or about March 16, 2009, the  
14 above-listed documents were served on Toyota Financial Services  
15 by certified mail number 7006 2150 0001 6370 4556. No claim has  
16 been filed on behalf of Toyota Motor Credit Corporation or Toyota  
17 Financial Services (collectively "Toyota") but Toyota remains the  
18 legal owner of the defendant vehicle pursuant to Miller's  
19 contract with Toyota dated May 14, 2006, until its loan is paid  
20 in full.

21 6. Beginning on March 17, 2009, for at least 30 consecutive  
22 days, the United States published Notice of the Forfeiture Action  
23 on the official internet government forfeiture site  
24 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on  
25 April 20, 2009.

26 7. Miller filed a Verified Statement of Interest alleging  
27 that he is the owner of the defendant vehicle, and an Answer to  
28 Complaint for Forfeiture *In Rem*. Miller represents that he is

1 the sole registered owner of the defendant vehicle.

2 8. No other parties have filed claims or answers in this  
3 matter and the time for which any person or entity may file a  
4 claim and answer has expired.

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

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

10 2. That judgment is hereby entered against claimant Richard  
11 James Miller and all other potential claimants who have not filed  
12 claims in this action.

13 3. All right, title and interest of Miller in the defendant  
14 vehicle shall be forfeited to the United States pursuant to 21  
15 U.S.C. §§ 881(a)(6) and 881(a)(4).

16 4. The U.S. Marshals Service (or a designee) shall sell the  
17 defendant vehicle.

18 5. The following costs, expenses and distributions shall be  
19 paid from the sale proceeds of the vehicle in the following  
20 priority and to the extent funds are available:

21 (a) The costs incurred by the U.S. Marshals  
22 Service to the date of sale of vehicle,  
23 including the cost of arrest, service,  
24 advertising, and maintenance.

25 (b) The expenses involved in selling the  
26 vehicle.

27 (c) To Toyota Financial Services, a sum not to  
28 exceed \$6,000 to satisfy their lien. As of

1 February 18, 2010, the balance due and owing  
2 was \$5,894.80. The exact amount to be paid  
3 to Toyota Financial Services shall be  
4 determined at time of payment.

5 (d) To the United States of America: the net  
6 proceeds from the sale of the vehicle. All  
7 right, title, and interest in said funds  
8 shall be substituted for the defendant  
9 vehicle and forfeited to the United States  
10 pursuant to 21 U.S.C. §§ 881(a)(6)) and  
11 881(a)(4), to be disposed of according to  
12 law.

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

22 7. All parties are to bear their own costs and attorneys'  
23 fees.

24 8. Pending the sale of the defendant vehicle, and the  
25 disposition of the proceeds, the Court shall maintain

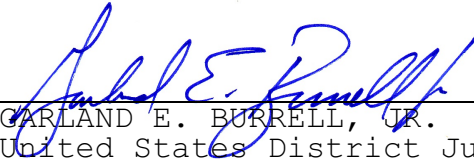
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1 jurisdiction to enforce the terms of this Final Judgment of  
2 Forfeiture.

3 Dated: March 26, 2010

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6 GARLAND E. BURRELL, JR.  
United States District Judge

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