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

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 REAL PROPERTY LOCATED AT 17 COON
CREEK ROAD, HAWKINS BAR,
15 CALIFORNIA, TRINITY COUNTY, APN: 008-
760-12, INCLUDING ALL APPURTENANCES
16 AND IMPROVEMENTS THERETO,
17 Defendant.

2:09-CV-01937-GEB-DB
FINAL JUDGMENT OF FORFEITURE

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

20 1. This is a civil action *in rem* brought against certain real property located at 17 Coon
21 Creek Road, Hawkins Bar, California, Trinity County, APN: 008-760-12, including all appurtenances
22 and improvements thereto (hereafter “defendant property”), and more fully described as:

23 Lot 18, Block 0 of Trinity Village Subdivision as shown on the Map thereof filed for
24 record in the office of the County Recorder of Trinity County, California on May 18,
1964 in Book 3 of Napa, and Surveys, Page 165 through 172 inclusive.

25 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on July 16, 2009,
26 alleging that said defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. §
27 881 (a)(7).

28 3. On July 30, 2009, the defendant property was posted with a copy of the Complaint and

1 Notice of Complaint.

2 4. Beginning on August 19, 2009, for at least thirty consecutive days, the United States
3 published Notice of the Forfeiture Action on the official internet government forfeiture site
4 www.forfeiture.gov. A Declaration of Publication was filed on September 21, 2009.

5 5. In addition to the public notice on the official internet government forfeiture site
6 www.forfeiture.gov, actual notice or attempted notice was given to the following individual(s): Byron
7 Pickle.

8 6. Claimant Byron Pickle filed a claim to the defendant property on August 11, 2009, and
9 an answer to the complaint on September 4, 2009. The defendant property's lienholders, Leung Chinn
10 and Betty K. Chinn, filed a claim and answer on August 20, 2012, but later withdrew their claim on
11 March 21, 2012. No other parties have filed claims or answers in this matter, and the time in which any
12 person or entity may file a claim and answer has expired.

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

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

17 2. The parties hereby agree to settle this matter for \$20,000.00 in U.S. Currency. Claimant
18 Byron Pickle agrees to pay Trinity County Assessor's Office a total of \$8,647.02 to satisfy the
19 outstanding property taxes by January 1, 2017. Claimant Byron Pickle will pay the remaining
20 \$11,352.98 in installments of \$1,000.00 per month beginning on March 1, 2017, of which \$3,250.00 will
21 be paid to Claimants Leung and Betty K. Chinn, through their attorney Edward M. Burch, as identified
22 in the Court's June 18, 2012 Order [ECF No. 69]. For the installment payments, claimant shall send
23 cashier's checks made payable to the U.S. Marshals Service to the U.S. Attorney's Office, Attn: Asset
24 Forfeiture Unit, 501 I Street, Suite 10-100, Sacramento, CA 95814. All right, title, and interest in said
25 funds shall be substituted for the defendant property and forfeited to the United States pursuant to 21
26 U.S.C. § 881(a)(7).

27 3. Within thirty (30) days of full payment of the settlement amount, the United
28 States shall record a withdrawal of lis pendens against the defendant property.

1 4. If payment in full is not made within the time stipulated above, Claimant Byron
2 Pickle will be deemed to be in default of this stipulation and the U.S. Marshals Service shall be
3 authorized to sell the defendant property, in the most commercially feasible manner, as soon as
4 reasonably possible, for the maximum price. Through the sale of the defendant property, the United
5 States shall receive the net proceeds, less payments for costs of selling the property, cleanup, other
6 expenses incurred, and any legitimate liens that exist on the defendant property.

7 5. The United States and its servants, agents, and employees and all other public entities,
8 their servants, agents, and employees, are released from any and all liability arising out of or in any way
9 connected with the seizure, arrest, or forfeiture of the defendant currency. This is a full and final release
10 applying to all unknown and unanticipated injuries, and/or damages arising out of said seizure, arrest, or
11 forfeiture, as well as to those now known or disclosed. The claimant waives the provisions of California
12 Civil Code § 1542.

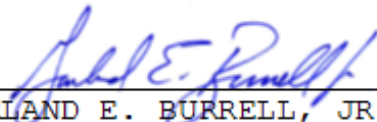
13 6. All parties are to bear their own costs and attorneys' fees.

14 7. The U.S. District Court for the Eastern District of California, Hon. Garland E. Burrell, Jr.,
15 District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

16 8. Based upon the allegations set forth in the Complaint filed July 16, 2009, and the
17 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable
18 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the
19 defendant currency, and for the commencement and prosecution of this forfeiture action.

20 SO ORDERED.

21 Dated: November 8, 2016

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25 GARLAND E. BURRELL, JR.
26 Senior United States District Judge
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