

JS-6

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 Chief, Criminal Division
 3 STEVEN R. WELK
 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 4 KATHARINE SCHONBACHLER
 Assistant United States Attorney
 Asset Forfeiture Section
 5 California Bar No. 222875
 Federal Courthouse, 14th Floor
 6 312 North Spring Street
 Los Angeles, California 90012
 Telephone: (213) 894-3172
 7 Facsimile: (213) 894-7177
 E-mail: Katie.Schonbachler@usdoj.gov

12 Attorneys for Plaintiff
 13 United States of America

14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 WESTERN DIVISION

17 UNITED STATES OF AMERICA,) NO. CV 11-2873 VBF (MANx)
 18)
 Plaintiff,) ~~PROPOSED~~
 19) **CONSENT JUDGMENT OF FORFEITURE**
 vs.)
 20)
 TWO REAL PROPERTIES LOCATED IN)
 21 LANCASTER, CALIFORNIA,)
)
 22 Defendants.)
)
 23

 JAMES E. OLIVER, SR., JAMES E.)
)
 24 OLIVER, JR., WENDY CLEMENS, AND)
)
 25 MARGARET PERRIS,)
)
 Claimants.)
 26

27 / / /

28 / / /

1 This action was filed on April 5, 2011. Notice was given
2 and published in accordance with law. Claimants James E.
3 Oliver, Jr. ("Oliver, Jr.") filed a claim on May 13, 2011 to the
4 defendants; James E. Oliver, Sr. ("Oliver, Sr.") filed a claim
5 on May 18, 2011 to the defendant "Oliver, Sr. Genoa property"
6 (which real property is more fully described in paragraph 3(b)
7 below); and Wendy Clemens ("Clemens") and Margaret Perris
8 ("Perris") filed claims on May 27, 2011 to the defendant
9 "Oliver, Jr. 80th Street property" (which real property is more
10 fully described in paragraph 3(a) below). No answers or any
11 other claims have been filed, and the time for filing claims and
12 answers has expired. The parties have reached an agreement that
13 is dispositive of this action and hereby request that the Court
14 enter this Consent Judgment of Forfeiture. The parties'
15 agreement to this Consent Judgment is dependent upon the filing
16 and approval by the Court of the Consent Judgment in the related
17 case pending in this Court entitled United States vs. \$25,270.00
18 in U.S. Currency et al., Case No. CV 11-2872 VBF.

19 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

20 1. This Court has jurisdiction over the parties and the
21 subject matter of this action.

22 2. Notice of this action has been given in accordance
23 with law. Claimants Oliver, Jr., Oliver, Sr., Clemens and
24 Perris represent that they are unaware of any other persons or
25 entities with a valid interest in the defendants Two Real
26 Properties in Lancaster, California (collectively, "defendant
27 real properties"). All potential claimants to the defendant
28 real properties, other than claimants Oliver, Jr., Oliver, Sr.,

1 Clemens and Perris (collectively, "claimants") are deemed to
2 have admitted the allegations of the Complaint. The allegations
3 set out in the Complaint are sufficient to establish a basis for
4 forfeiture. The claimants are relieved of their obligation to
5 file answers in this litigation.

6 3. The parties waive the requirements of Local Rule 79-
7 5.4(e) in order to effectuate this Consent Judgment. The
8 defendant real properties are:

9 a) Real property at 45249 80th Street, Lancaster,
10 California 93536 and more particularly described as: The
11 North half of the South half of the East half of the East
12 half of the Southeast quarter of the Southeast quarter of
13 Section 8, Township 7 North, Range 13 West, San Bernardino
14 Meridian, in the county of Los Angeles, state of
15 California, according to the official plat of said land.
16 Assessor's Parcel No. 3219-025-018 ("Oliver, Jr. 80th Street
17 property").

18 b) Real property at 45402 Genoa Avenue, Lancaster,
19 California 93534 and more particularly described as: Lot
20 82, Tract No. 17242, in the unincorporated area of the
21 county of Los Angeles, state of California, as per map
22 recorded in book 478, pages 28 to 31 of maps, in the office
23 of the county recorder of said county. Assessor's Parcel
24 No. 3135-015-036 ("Oliver, Sr. Genoa property").

25 4. Claimant Oliver, Sr. shall pay the United States of
26 America a total of \$50,000.00 (fifty thousand dollars) within
27 sixty (60) days of the date this Consent Judgment is filed.
28 This payment shall be in the form of a cashier's check payable

1 to the "United States Marshals Service" and shall be delivered
2 to Assistant United States Attorney Katharine Schonbachler at
3 the Federal Courthouse, 312 North Spring Street, 14th Floor, Los
4 Angeles, California 90012. The \$50,000.00 shall be the
5 substitute res for the Oliver, Sr. Genoa property in this action
6 and shall be condemned and forfeited to the United States of
7 America, which shall dispose the funds in accordance with law.

8 5. Plaintiff shall withdraw its lis pendens with respect
9 to the Oliver, Jr. 80th Street property within fourteen (14) days
10 of the date this Consent Judgment is filed.

11 6. Provided that claimant Oliver, Sr. timely makes the
12 \$50,000.00 payment in full by cashier's check, the United States
13 of America shall, within fourteen (14) days of its receipt of
14 the payment in full by cashier's check from claimant Oliver,
15 Sr., withdraw its lis pendens with respect to the liver, Sr.
16 Genoa property. However, should claimant Oliver, Sr. fail to
17 timely make the \$50,000.00 payment in full by cashier's check,
18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

19 a) Plaintiff United States of America shall have
20 judgment against the Oliver Sr. Genoa property;

21 b) All right, title and interest in the Oliver, Sr.
22 Genoa property shall be condemned and forfeited to the
23 United States of America, which shall dispose of the
24 Oliver, Sr. Genoa property in the manner provided by law.

25 c) With respect to the Oliver, Sr. Genoa property, the
26 Los Angeles County Recorder shall index this judgment in
27 the grantor index under the name of James E. Oliver, Sr.
28

1 and in the grantee index under the name of the United
2 States of America.

3 d) Title having vested in plaintiff United States of
4 America with respect to the Oliver Sr. Genoa property, the
5 United States of America shall proceed to dispose of the
6 Oliver, Sr. Genoa property in accordance with law. Upon
7 disposition of the Oliver, Sr. Genoa property, the proceeds
8 of the sale of the Oliver, Sr. Genoa property, to the
9 extent such amounts are available, shall be payable in the
10 following priority:

11 (i) First, payment to the United States Marshals
12 Service for all expenses of forfeiture of the Oliver, Sr.
13 Genoa property including, but not limited to, expenses of
14 custody, advertising and sale;

15 (ii) Second, payment to the County Assessor and
16 Tax Collector of Los Angeles County, California for unpaid
17 real property taxes assessed against the Oliver, Sr. Genoa
18 property up to the date of entry of this Consent Judgment
19 of Forfeiture; and,

20 (iii) Third, the United States Marshals Service
21 shall deposit and dispose of the remaining proceeds from
22 the sale of the Oliver, Sr. Genoa property in accordance
23 with law.

24 e. Any occupants of the Oliver, Sr. Genoa property
25 shall vacate the property within thirty (30) days of
26 receiving notice from the United States Marshals Service
27 and, before they vacate the Oliver, Sr. Genoa property, to
28 take all reasonable precautions to prevent any destruction

1 to or diminution in value of the Oliver, Sr. Genoa property
2 and any fixtures thereto. If any such occupants fail to
3 vacate the Oliver, Sr. Genoa property by the aforementioned
4 deadline, the United States Marshals Service may remove
5 them and their belongings from the Oliver, Sr. Genoa
6 property without further order of the Court.

7 7. Except as to such rights and obligations created by
8 this Consent Judgment, Claimants, and each of them, hereby
9 release the United States of America, its agencies, agents,
10 officers and attorneys, including employees and agents of the
11 Federal Bureau of Investigation, and officers and employees of
12 the Los Angeles Sheriff's Department, from any and all claims,
13 actions or liabilities arising out of or related to the seizure
14 of the defendants and the commencement of this action,
15 including, without limitation, any claim for attorney's fees,
16 costs or interest which may be asserted on behalf of the
17 claimants, or any of them, whether pursuant to 28 U.S.C. § 2465
18 or otherwise.

19 8. The Court finds that there was reasonable cause for
20 the institution of these proceedings. This judgment shall be
21 construed as a certificate of reasonable cause pursuant to 28
22 U.S.C. § 2465.

23 9. The Court retains jurisdiction over this case and the
24 parties hereto to effectuate the terms of this Judgment.

25 DATED: August 3, 2011

26 
27 HONORABLE VALERIE BAKER FAIRBANK
28 UNITED STATES DISTRICT JUDGE

[Signatures of counsel/parties appear on the next page.]

