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JS-6

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.

REAL PROPERTY LOCATED IN  
DIAMOND BAR, CALIFORNIA,  
Defendant.

VICTORIA CHAN  
Titleholder.

) NO. CV 17-3895 MWF (RAOx)  
)  
)  
) **CONSENT JUDGMENT OF FORFEITURE**  
)

1 Plaintiff and potential claimants Victoria Chan and East  
2 West Bank ("potential claimants") have made a stipulated request  
3 for the entry of this Consent Judgment, resolving this action in  
4 its entirety.

5 The Court, having considered the stipulation of the  
6 parties, and good cause appearing therefor, **HEREBY ORDERS**

7 **ADJUDGES AND DECREES:**

8 1. The government has given and published notice of this  
9 action as required by law, including Rule G of the Supplemental  
10 Rules for Admiralty or Maritime Claims and Asset Forfeiture  
11 Actions, Federal Rules of Civil Procedure, and the Local Rules  
12 of this Court. Potential claimants Victoria Chan and East West  
13 Bank claim an interest in the defendant property, but have not  
14 filed claims in this case or answered the complaint. However,  
15 Victoria Chan and East West Bank would have filed claims and  
16 answers in this case absent this agreement. No other statements  
17 of interest or answers have been filed, and the time for filing  
18 such statements of interest and answers has expired. This Court  
19 has jurisdiction over the parties to this judgment and the  
20 defendant property. Any potential claimants to the defendant  
21 property other than Victoria Chan and East West Bank are deemed  
22 to have admitted the allegations of the complaint with respect  
23 to the defendant property.

24 2. The United States of America shall have judgment as to  
25 the defendant property, and, other than those interests  
26 recognized herein, no other person or entity shall have any  
27 right, title or interest therein. The legal description of the  
28

1 defendant property, which property has Assessor Parcel Number  
2 8713-010-001, is more fully described as follows:

3  
4 Parcel 1, Lot 7, of Tract No. 30578, in the City of  
5 Diamond Bar, County of Los Angeles, State of  
6 California, as per map recorded in Book 785 Page(s) 1  
to 25 inclusive of Maps, in the Office of the County  
recorder of said County.

7 Excepting therefrom all minerals, gas, oils,  
8 petroleum, naphtha, hydrocarbon substances and other  
9 minerals in or under said land, lying 500 feet or more  
below the surface of said land, as excepted and  
reserved in deed recorded in various Deeds of Records.

10 Parcel 2, a non-exclusive easement to be used in  
11 common with others for ingress and egress over all  
12 those areas shown upon the map of Tract No. 30578, as  
13 "Private Streets" all over those areas shown upon the  
14 map of Tract No. 32089, recorded in Book 73, Pages 42  
to 50 inclusive of Maps, in the Office of the County  
recorder of said County, as "Private Streets" said  
easement to be appurtenant to and from the benefit of  
the lot described above in Parcel 1

15 Except therefrom any portion which falls within the  
16 lines of Parcel 1 above mentioned.

17 3. The United States is hereby authorized to remove any  
18 occupants and/or personal property remaining on the defendant  
19 property thirty days after the giving of written notice to any  
20 occupants of the defendant property without further order of  
21 this Court. The United States shall thereafter sell the  
22 property as expeditiously as possible. The proceeds of the sale  
23 shall be distributed in the following priority, to the extent  
24 proceeds are available:

- 25  
26 a. To the United States for its costs and expenses  
27 of the sale only (i.e. broker sales commission,  
28 any eviction and property maintenance fees);

1           b.    To the Los Angeles County Assessor and Tax  
2                   Collector of all unpaid real property taxes  
3                   assessed against the defendant property to the  
4                   date of entry of the Judgment of Forfeiture;

5           c.    To East West Bank as follows:

6                   i.    All unpaid principal and interest due under  
7                            the Note which is secured by the Deed of  
8                            Trust recorded as Instrument No. 2011-  
9                            1188589 against the defendant property  
10                           identifying East West Bank as beneficiary  
11                           ("First Deed of Trust") and under the note  
12                           secured by a Deed of Trust recorded as  
13                           Instrument No. 2016-0285579 against the  
14                           defendant property identifying East West  
15                           Bank as beneficiary ("Second Deed of  
16                           Trust"), as of the date of the closing with  
17                           respect to Plaintiff's sale of the defendant  
18                           property; and

19                   ii.   All other fees, costs and advances as  
20                           provided under the terms of the Note and  
21                           Deeds of Trust, as of the date of the  
22                           closing with respect to Plaintiff's sale of  
23                           the defendant property. These fees, costs  
24                           and advances include, but are not limited  
25                           to, fees, advances or costs for property  
26                           taxes, insurance (including for hazard  
27                           insurance), reasonable attorney fees and  
28                           costs and fees and costs incurred in

1 protecting East West Bank's security  
2 interest including but not limited to fees  
3 incurred on this case; and

4 d. The balance shall be paid and forfeited to the  
5 United States of America, and such funds shall be  
6 disposed of according to law.

7 4. Potential claimants have agreed to release the United  
8 States of America, its agencies, agents, and officers, including  
9 employees and agents of the Federal Bureau of Investigation,  
10 from any and all claims, actions or liabilities arising out of  
11 or related to this action, including, without limitation, any  
12 claim for attorneys' fees, costs or interest which may be  
13 asserted on behalf of potential claimants against the United  
14 States, whether pursuant to 28 U.S.C. § 2465 or otherwise.  
15 Potential claimants have also waived any rights they may have to  
16 seek remission or mitigation of the forfeiture. Nothing in this  
17 Consent Judgment is intended as, nor should anything in this  
18 Consent Judgment be interpreted as an admission by potential  
19 claimants of any liability or wrongdoing.  
20

21 //

1           5. The court finds that there was reasonable cause for the  
2 institution of these proceedings pursuant to 28 U.S.C.  
3 § 2465. This judgment constitutes a certificate of reasonable  
4 cause pursuant to 28 U.S.C. § 2465.

5  
6 DATED: September 6, 2017



7  
8 THE HONORABLE MICHAEL W. FITZGERALD  
9 UNITED STATES DISTRICT JUDGE

10 Prepared by:

11 SANDRA R. BROWN  
12 Acting United States Attorney  
13 LAWRENCE S. MIDDLETON  
14 Assistant United States Attorney  
15 Chief, Criminal Division  
16 STEVEN R. WELK  
17 Assistant United States Attorney  
18 Chief, Asset Forfeiture Section

19 /s/ Jonathan Galatzan  
20 JONATHAN GALATZAN

21 Assistant United States Attorney  
22 Asset Forfeiture Section  
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