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

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

VACANT LAND LOCATED IN INDIO,  
CALIFORNIA,  
Defendant.

CIIF HOTEL GROUP, LP,  
Titleholder.

) NO. EDCV 17-1033 MWF (RAOx)

) CONSENT JUDGMENT OF FORFEITURE

1 Plaintiff and potential claimants Bear Valley Shopping  
2 Center 26, LLC and CIIF Hotel Group, LP ("potential claimants")  
3 have made a stipulated request for the entry of this Consent  
4 Judgment, resolving this action in 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 Bear Valley Shopping Center  
13 26, LLC and CIIF Hotel Group, LP claim an interest in the  
14 defendant property, but have not filed claims in this case or  
15 answered the complaint. However, Bear Valley Shopping Center  
16 26, LLC and CIIF Hotel Group, LP would have filed claims and  
17 answers in this case absent this agreement. No other statements  
18 of interest or answers have been filed, and the time for filing  
19 such statements of interest and answers has expired. This Court  
20 has jurisdiction over the parties to this judgment and the  
21 defendant property. Any potential claimants to the defendant  
22 property other than Bear Valley Shopping Center 26, LLC and CIIF  
23 Hotel Group, LP are deemed to have admitted the allegations of  
24 the complaint with respect to the defendant property.

25 2. The United States of America shall have judgment as to  
26 the defendant property, and, other than those interests  
27 recognized herein, no other person or entity shall have any  
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1 right, title or interest therein. The legal description of the  
2 defendant property, which property has Assessor Parcel Numbers  
3 600-020-016-3 and 600-020-006-4 and are more fully described as  
4 follows:

5 That portion of land lying in the Northeast Quarter of  
6 the Southeast Quarter of Section 29, T.5.S., R. 7E,  
7 S.B.M., in the City of Indio, County of Riverside,  
8 more particularly described as follows:

9 Commencing at the East Quarter corner of said section;

10 Thence South 00 degrees 04' 55" East along the Easterly  
11 line of said section, said Easterly line also being the  
12 centerline of Jefferson Street, a distance of 1376.21 feet  
13 to the South one sixteenth corner of said section;

14 Thence North 89 degrees 48' 30" West, a distance of 30.00  
15 feet to a point on the Westerly right of way line of  
16 Jefferson Street, said point being on the Southerly line of  
17 said Northeast Quarter of the Southeast Quarter of section  
18 29 and also being the true point of beginning;

19 Thence continuing North 89 degrees 48' 30" West along said  
20 Southerly line, a distance of 699.81 feet;

21 Thence North 00 degrees 04' 55" West, a distance of 58.48  
22 feet to a point on the Southeasterly right-of-way line of  
23 the La Quinta Evacuation Channel;

24 Thence North 44 degrees 48' 01", along said Southeasterly  
25 right-of-way line, a distance of 308.48 feet to the  
26 beginning of a 3110.00 foot tangent curve, concave to the  
27 Northwest;

28 Thence Northeasterly, along said curve and said  
Southeasterly right-of-way line, through a central angle of  
06 degrees 45' 11" an arc distance of 366.55 feet;

Thence tangent to said curve North 38 degrees 02' 50" East,  
a distance of 387.66 feet to a point on the Westerly right-  
of-way line of Jefferson Street;

Thence, South 00 degree 04' 55" East along said Westerly  
right-of-way line, a distance of 859.69 feet to the true  
point of the beginning.

Also excepting therefrom that portion of said land as  
disclosed by a judgment and final order of condemnation, in  
favor of the City of Indio, in the Document recorded

1 February 10, 2003 as Instrument No. 97761 of Official  
Records.

2 Pursuant to LLA 16-61, Recorded May 13, 2000 as Instrument  
3 No. 225233 of Official Records.

4 3. The United States is hereby authorized to remove any  
5 occupants and/or personal property remaining on the defendant  
6 property thirty days after the giving of written notice to any  
7 occupants of the defendant property without further order of  
8 this Court. The United States shall thereafter sell the  
9 property as expeditiously as possible. The proceeds of the sale  
10 shall be distributed in the following priority, to the extent  
11 proceeds are available:

12 a. To the United States for its costs and expenses  
13 of the sale;

14 b. To the Riverside County Assessor and Tax  
15 Collector of all unpaid real property taxes  
16 assessed against the defendant property to the  
17 date of entry of the Judgment of Forfeiture;

18 c. To Bear Valley Shopping Center as follows:

19 i. All unpaid principal and interest due under  
20 the Note which is secured by the Assignment  
21 of Deed of Trust which was recorded as  
22 Instrument No. 2016-0307952 in the Official  
23 Records of the County of Riverside relative  
24 to the defendant property identifying Bear  
25 Valley Shopping Center as assignee and  
26 beneficiary under a Deed of Trust recorded  
27 on July 22, 2016 as Instrument No. 2016-

1 0307951 in said Official Records Deed of  
2 Trust, as of the date of the closing with  
3 respect to Plaintiff's sale of the defendant  
4 property; and

5 ii. All other fees, costs and advances as  
6 provided under the terms of the Note and  
7 Deed of Trust, as of the date of the closing  
8 with respect to Plaintiff's sale of the  
9 defendant property. These fees, costs and  
10 advances include, but are not limited to,  
11 fees, advances or costs for property taxes,  
12 insurance (including for hazard insurance),  
13 reasonable attorney fees and costs and fees  
14 and costs incurred in protecting Bear Valley  
15 Shopping Center's security interest; and

16 d. The balance shall be paid and forfeited to the  
17 United States of America, and such funds shall be  
18 disposed of according to law.

19 4. Except for any obligations as created herein, potential  
20 claimants have agreed to release the United States of America,  
21 its agencies, agents, and officers, including employees and  
22 agents of the Federal Bureau of Investigation, from any and all  
23 claims, actions or liabilities arising out of or related to this  
24 action, including, without limitation, any claim for attorneys'  
25 fees, costs or interest which may be asserted on behalf of  
26 potential claimants against the United States, whether pursuant  
27 to 28 U.S.C. § 2465 or otherwise. Potential claimants have also  
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1 waived any rights they may have to seek remission or mitigation  
2 of the forfeiture. Nothing in this Consent Judgment is intended  
3 as, nor should anything in this Consent Judgment be interpreted  
4 as an admission by potential claimants of any liability or  
5 wrongdoing.

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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.

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7 DATED: September 5, 2017

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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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