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8 IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 v.

12 JOHN L. CABRAL, JANET M. CABRAL,
13 STATE OF CALIFORNIA
14 FRANCHISE TAX BOARD, STATE OF
CALIFORNIA EMPLOYMENT
15 DEVELOPMENT DEPARTMENT,
SAN JOAQUIN VALLEY HAY
16 GROWERS ASSOCIATION, C. L.
BRYANT, INC., DISCOVER BANK,
17 NATIONAL CREDIT ACCEPTANCE,
INC., COUNTY OF MERCED, DCSS

18 Defendants.

Civil No. 1:07-CV-1741 OWW DLB

JUDGMENT IN A CIVIL CASE

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20 On June 3, 2009, the Court granted the United States' motion for summary
21 judgment as to the tax amounts assessed against John L. Cabral and Janet M. Cabral.
22 (Docket no. 99). The Court also granted the United States' motion for entry of default
23 judgments against Discover Bank, National Credit Acceptance, Inc., and the County of
24 Merced. The Court's Order determined that the Cabrals' property should be sold, and
25 that the proceeds should be distributed after sale to the creditor-parties as set forth in
26 the Stipulation to Lien Priority. (Docket nos. 58-59.) In accordance with the Order, it is
27
28

1 **ORDERED that:**

2 1. The federal tax assessments made against Defendant John L. Cabral for
3 federal individual income tax for the year 1996 are reduced to judgment in the amount
4 of \$2,191,166.44, less any credits, plus interest pursuant to 26 U.S.C. §§ 6601, 6621,
5 6622 and 28 U.S.C. § 1961(c)(1), penalties and other statutory additions according to
6 law from March 1, 2009, until the judgment is paid.

7 2. The federal tax assessments made against Defendant Janet M. Cabral for
8 federal individual income tax for the year 1996 are reduced to judgment in the amount
9 of \$1,934,207.52, plus interest pursuant to 26 U.S.C. §§ 6601, 6621, 6622 and 28
10 U.S.C. § 1961(c)(1), penalties, and other statutory additions according to law from
11 March 1, 2009, until the judgment is paid.

12 3. Defendant John Cabral is indebted to the United States for the federal
13 payroll taxes for the quarters ending September 30, 1997 and December 31, 1997 in
14 the amount of \$10,909.96, plus interest pursuant to 26 U.S.C. §§ 6601, 6621, 6622 and
15 28 U.S.C. § 1961(c)(1), penalties, and other statutory additions according to law from
16 March 1, 2009, until the judgment is paid.

17 4. The federal tax liens against John and Janet Cabral arising under 26
18 U.S.C. §§ 6321 and 6323 for the liabilities recited above attach to all property and rights
19 to property of defendants John and Janet Cabral including the following:

20 THE NORTH 660 FEET OF THE SOUTH 1230 FEET OF THE

21 FOLLOWING TWO PARCELS:

22 PARCEL NO. 1.

23 BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 5
24 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN; THENCE
25 SOUTH 1° 30' EAST 16.5 FEET; THENCE NORTH 89° EAST 16.5 EAST TO
26 POINT OF BEGINNING; THENCE NORTH 89° EAST 814.5 FEET ALONG
27 RIGHT OF WAY OF LATERAL CANAL NO. 5 OF TURLOCK IRRIGATION
28 DISTRICT; THENCE SOUTH 86° EAST 100 FEET ALONG SAID RIGHT OF
 WAY; THENCE SOUTH 78° 30' EAST 200 FEET ALONG SAID RIGHT OF
 WAY; THENCE SOUTH 82° 30' EAST 200 FEET ALONG SAID RIGHT OF
 WAY; THENCE SOUTH 1° 15' EAST 598.5 FEET; THENCE SOUTH 88° 30'
 WEST 1305 FEET TO A POINT 16-1/2 FEET EAST OF THE SECTION LINE
 BETWEEN SAID SECTIONS 33 AND 34; THENCE NORTH 1° 30' WEST 688.5

1 FEET TO POINT OF BEGINNING.

2 PARCEL NO. 2.

3 BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 5
4 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN; THENCE
5 SOUTH 1° 16' EAST 705 FEET; ON SECTION LINE BETWEEN SECTIONS 33
6 AND 34, TOWNSHIP 5 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE
7 AND MERIDIAN; THENCE NORTH 89° 00' EAST 16-1/2 FEET AS POINT OF
8 BEGINNING; THENCE NORTH 89° 00' EAST 1305 FEET; THENCE SOUTH 1°
9 15' EAST 1277.7 FEET; THENCE SOUTH 89° 00' WEST 1304.8 FEET TO
10 POINT 16-1/2 FEET EAST OF SECTION LINE BETWEEN SAID SECTION 33
11 AND 34, THENCE NORTH 1° 16' WEST PARALLEL WITH SAID SECTION
12 LINE 1277.7 FEET TO POINT OF BEGINNING.

13 A.P.N. 044-045-056

14 more commonly known as 3500 South Walnut Road and 3509 Soderquist Road,
15 Turlock, California (the "Cabral Ranch"). John and Janet Cabral currently own, and
16 have owned since April 29, 1993, as their community property, the Cabral Ranch.

17 5. Judgment by default is entered against defendants (1) Discover Bank, (2)
18 National Credit Acceptance, Inc., and (3) the County of Merced [California] and in favor
19 of the United States and the foregoing defendants have no interest in the Cabral Ranch
20 which is senior to the federal and state tax liens.

21 6. The United States is entitled to foreclose its tax liens against the Cabral
22 Ranch, which will be sold pursuant to further order of this Court.

23 7. The United States, the California Franchise Tax Board, C.L. Bryant, Inc.,
24 San Joaquin Valley Hay Growers Association, and the California Employment
25 Development Department ("the settling parties") have entered a stipulation as to the
26 priority of their claims. The settling parties shall submit a proposed order of distribution
27 after the sale of the Cabral Ranch.

28 **IT IS SO ORDERED.**

Dated: June 30, 2009

/s/ OLIVER W. WANGER
OLIVER W. WANGER
United States District Judge