-SMS	United States of America v.	Approximately	\$188,207.24 irgo	Bank Account No.	2012381455

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8	IN THE UNITED STATES DISTRICT COURT FOR THE					
9	EASTERN DISTRICT OF CALIFORNIA					
10						
11	UNITED STATES OF AMERICA,) 1:09-CV-01390-LJO-SMS				
12	Plaintiff,) FINAL JUDGMENT OF FORFEITURE				
13	V.					
14	UNITED STATES OF AMERICA,					
15	Plaintiff,					
16	V.					
17	APPROXIMATELY \$188,207.24 IN U.S. CURRENCY SEIZED FROM WELLS					
18	FARGO BANK ACCOUNT NO. 2012381455, HELD IN THE NAME OF					
19	NOEL CASTILLO AND DENICE MARIE HECTOR, and)				
20	APPROXIMATELY \$199,832.00 IN U.S.					
21	CURRENCY SEIZED FROM BANK OF THE WEST SAFE DEPOSIT BOX NO.					
22	200608, HELD IN THE NAME OF DENICE MARIE HECTOR,					
23	Defendant.					
24	Duranent to the Stimulation for Final I	_)				
25 26	Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein, the Court finds:					
20	1. This is a civil forfeiture action against defendant approximately \$188,207.24 in U.S. Currency seized from Wells Fargo Bank Account No. 2012381455, held in the name of Noel Castillo					
27	and Denice Marie Hector, and approximately \$199,832.00 in U.S. Currency seized from Bank of the					
20	and Democritarie rector, and approximatory of	1 Final Judgment of Forfeiture				
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West Safe Deposit Box No. 200608, held in the name of Denice Marie Hector (hereafter "defendant
 funds").

3 2. A Verified Complaint for Forfeiture *In Rem* was filed on August 6, 2009, alleging that
4 said defendant funds are subject to forfeiture to the United States of America pursuant to 21 U.S.C.
5 § 881(a)(6).

6 3. On August 12, 2009, the Clerk issued a Warrant for Arrest for the defendant funds,
7 which was duly executed on August 20, 2009.

8 4. Beginning on August 22, 2009, for at least 30 consecutive days, the United States
9 published notice of this action on the official government forfeiture site <u>www.forfeiture.gov.</u> A
10 Declaration of Publication was filed on December 1, 2009.

11 5. In addition to public notice on the official internet government forfeiture site
12 www.forfeiture.gov, actual notice or attempted notice was given to the following individuals:

a. Noel Castillo

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b. Denice Marie Hector

6. 15 Claimants Noel Castillo and Denice Marie Hector state that they are the sole owners 16 of the defendant funds seized from the Wells Fargo bank account and have sole authority to enter 17 into this agreement. Claimant Denice Marie Hector states that she is the sole owner of the defendant 18 funds seized from the Bank of the West Safe Deposit Box and has authority to enter into this 19 agreement. Claimant Noel Castillo acknowledges that he has made no claim to the approximately 20 \$199,832.00 in U.S. Currency seized from Bank of the West Safe Deposit Box No. 200608, held in 21 the name of Denice Marie Hector, together with any interest that may have accrued on that amount, 22 and is not entitled to return on any of the seized currency from the Bank of the West Safe Deposit 23 Box.

24 25 7. No other parties have filed claims or answers in this matter, and the time for which any person or entity may file a claim and answer has expired.

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

1.The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by andbetween the parties to this action.

2. That judgment is hereby entered against Claimants Noel Castillo, Denice Marie Hector, and all other potential claimants who have not filed claims in this action.

3. Upon entry of a Final Judgment of Forfeiture herein, the defendant approximately \$188,207.24 in U.S. Currency seized from Wells Fargo Bank Account No. 2012381455, held in the name of Noel Castillo and Denice Marie Hector, together with any interest that may have accrued on that amount, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

Within 45 days of entry of a Final Judgment of Forfeiture, \$72,000.00 of the 4. defendant \$199,832.00 in U.S. Currency seized from Bank of the West Safe Deposit Box No. 200608, held in the name of Denice Marie Hector, shall be divided equally with \$36,000.00 of the \$72,000.00 being deposited into (1) the Denice Hector Trust for the Education of Diego Castillo; and (2) the Denice Hector Trust for the Education of Manuel Castillo. This Court ORDERS that the funds for the minor be placed in a blocked account for the minor's benefit in an appropriate financial institution and that the minor's funds shall not be withdrawn until the minor reaches age 18 or as otherwise ordered by this Court. Trustee Denice Marie Hector, or her counsel of record, shall have the financial institution into which the funds are deposited sign a "Receipt of Depository," in an appropriate pleading form, acknowledging the receipt of the funds and this Court order. Counsel shall file the "Receipt of Depository" with the clerk of the Court. The remaining \$127,832.00 seized from the Bank of the West Safe Deposit Box No. 200608, held in the name of Denice Marie Hector, together with any interest that may have accrued on that amount, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law. Claimant Noel Castillo acknowledges that he has made no claim to the approximately \$199,832.00 in U.S. Currency seized from Bank of the West Safe Deposit Box No. 200608, held in the name of Denice Marie Hector, together with any interest that may have accrued on that amount, and is not entitled to return on any of the seized currency from the Bank of the West Safe Deposit Box.

Final Judgment of Forfeiture

5. That plaintiff United States of America and its servants, agents, and employees, and 1 2 all other public entities, their servants, agents, and employees, are released from any and all liability 3 arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant funds. 4 This is a full and final release applying to all unknown and unanticipated injuries, and/or damages 5 arising out of said seizure, arrest, or forfeiture, as well as to those now known or disclosed. The parties waived the provisions of California Civil Code § 1542. 6

7 6. That pursuant to the stipulation of the parties, and the allegations set forth in the 8 Complaint filed on or about August 6, 2009, the Court finds that there was reasonable cause for the 9 seizure and arrest of the defendant funds, and for the commencement and prosecution of this 10 forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

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All parties shall bear their own costs and attorneys' fees.

8. The Court shall maintain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

SO ORDERED THIS 21 day of July , 2011.

> /s/ Lawrence J. O'Neill LAWRENCE J. O'NEILL United States District Judge

CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the Complaint for Forfeiture In Rem filed August 6, 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure or arrest of the defendant funds, and for the commencement and prosecution of this forfeiture action.

IT IS SO ORDERED.

Dated: July 21, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE