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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 2007 FORD F-150 PICKUP TRUCK,
VIN: 1FTPW12527KB31702, LICENSE
15 NUMBER 7Z71142, AND

16 APPROXIMATELY \$7,908.60 IN U.S.
17 CURRENCY SEIZED FROM UNION
BANK OF CALIFORNIA ACCOUNT
18 NUMBER 4801657364,

19 Defendants.
20

CASE NO. 1:13-CV-00616-AWI-SKO

**AMENDED FINAL JUDGMENT OF
FORFEITURE**

21 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

22 1. This is a civil action against a 2007 Ford F-150 Pickup Truck, VIN:
23 1FTPW12527KB31702, License: 7Z71142 (“defendant vehicle”), and approximately
24 \$7,908.60 in U.S. Currency seized from Union Bank of California account number
25 4801657364 (hereafter “defendant funds” and collectively “defendant assets”).

26 2. The Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on April 26,
27 2013, alleging that said defendant funds are subject to forfeiture to the United States of
28 America pursuant to 21 U.S.C. §§ 881(a)(4) and 881(a)(6).

1 3. On June 6, 2013, the Clerk issued a Warrant for Arrest for the defendant funds,
2 which was duly executed.

3 4. Beginning on June 4, 2013, and continuing for at least 30 consecutive days, the
4 United States published notice of this action on the official government forfeiture site
5 www.forfeiture.gov. A Declaration of Publication was filed with the Court on November
6 13, 2013.

7 5. In addition to the public notice on the official internet government forfeiture site
8 www.forfeiture.gov, direct notice or attempted direct notice was given to the following
9 individuals:

- 10 a. Jose Fernandez
- 11 b. Paula Fernandez
- 12 c. Victor M. Perez, attorney

13 6. On July 2, 2013, Jose Fernandez and Paula Fernandez filed verified claims and
14 answers. To date, no other parties have filed claims or answers in this matter, and the
15 time in which any person or entity may file a claim and answer has expired.

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

18 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by
19 and between the parties to this action, and incorporates it by reference herein.

20 2. That judgment is hereby entered against Claimant Jose Fernandez, Claimant Paula
21 Fernandez and, and all other potential claimants who have not filed claims in this action.

22 3. Upon entry of the Final Judgment of Forfeiture herein, the defendant vehicle,
23 together with \$6,616.00 of the defendant funds including any interest that accrued of the
24 entire amount of the defendant funds, shall be forfeited to the United States pursuant to
25 pursuant to 21 U.S.C. §§ 881(a)(4) and 881(a)(6), to be disposed of according to law.

26 4. Within 90 days of entry of the Final Judgment of Forfeiture herein or 90 days after
27 Claimants have provided the necessary electronic funds transfer paperwork—whichever is
28 later, \$1292.60 of the defendant funds shall be returned to Claimants through their

1 attorney Victor M. Perez, The Perez Law Firm, 1304 W. Center Ave., Visalia, CA 93291,
2 (559) 625-2626.

3 5. The United States also declines to seek, and forgoes the seizure and forfeiture of the
4 funds contained in Safe 1 Credit Union, Account No. 000264614.

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

12 7. That pursuant to the stipulation of the parties, and the allegations set forth in the
13 Complaint filed on April 26, 2013, the Court finds that no party substantially prevailed
14 within the meaning of 28 U.S.C. § 2465, that there was probable cause for arrest and
15 seizure of the defendant vehicle and defendant funds, and for the commencement and
16 prosecution of this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28
17 U.S.C. § 2465 shall be entered accordingly.

18 8. All parties are to bear their own costs and attorney's fees.

19 9. The U.S. District Court for the Eastern District of California shall retain
20 jurisdiction to enforce the terms of the parties' Stipulation for Final Judgment of
21 Forfeiture, and this Final Judgment of Forfeiture.

22
23 IT IS SO ORDERED.

24 Dated: September 11, 2014


25 SENIOR DISTRICT JUDGE