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

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11 UNITED STATES OF AMERICA,) 2:04-CV-01867-WBS-JFM
)
12 Plaintiff,) FINAL JUDGMENT
) OF FORFEITURE
13 v.) (LINCOLN STREET PROPERTY
) ONLY)
14 REAL PROPERTY LOCATED AT 2363)
FAIRVIEW LANE, PLACER COUNTY,)
15 NEWCASTLE, CALIFORNIA, BEARING)
APN:032-253-036, INCLUDING ALL)
16 APPURTENANCES AND IMPROVEMENTS)
THERE TO,)
17)
18 REAL PROPERTY LOCATED ON LINCOLN)
STREET, PLACER COUNTY, ROSEVILLE,)
CALIFORNIA, BEARING)
19 APN: 012-200-010, INCLUDING ALL)
APPURTENANCES AND IMPROVEMENTS)
20 THERE TO,)
)
21 Defendants.)
)

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23 Pursuant to the Stipulation for Final Judgment of Forfeiture
 24 filed herein, the Court finds:

25 1. This is a civil forfeiture action against certain real
 26 property located on Lincoln Street, Placer County, Roseville,
 27 California, APN: 012-200-010 (hereinafter referred to as the
 28 "defendant real property") and more fully described as:

1 The Southeasterly 53 feet of Lots Numbered 9, 10 and 11
2 and the Northeasterly 3 feet of the Southeasterly 53
3 feet of Lot Numbered 12, all in Block numbered 22 of
4 the City of Roseville, according to the Map of the Town
(now City) of Roseville, on file in the office of the
Recorder of Placer County.

5 2. A Complaint for Forfeiture *In Rem* (hereafter
6 "Complaint") was filed on September 8, 2004, seeking the
7 forfeiture of the defendant real property, alleging that said
8 property is subject to forfeiture to the United States of America
9 pursuant to 21 U.S.C. § 881(a)(7).

10 3. On October 4, 2004, the defendant real property was
11 posted with a copy of the Complaint and Notice of Complaint.

12 4. On October 21, 28, and November 4, 2004, a Public Notice
13 of Posting of the defendant real property appeared by publication
14 in The Auburn Journal, a newspaper of general circulation in the
15 county in which the defendant real property is located (Placer
16 County).

17 5. In addition to the Public Notice of Posting having been
18 completed, the United States gave or attempted to give actual
19 notice to the following individuals and entities:

- 20 a. Richard Ryan
- 21 b. Barbara Ryan
- 22 c. American River Bank
- d. City of Roseville Redevelopment Agency
- e. Donald V. Ryan

23 6. Richard Ryan, Barbara Ryan, American River Bank, and the
24 City of Roseville Redevelopment Agency have filed verified claims
25 and answers alleging an interest in the defendant real property.

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

1 Based on the above findings, and the Court being otherwise
2 fully advised in the premises, it is hereby

3 ORDERED AND ADJUDGED:

4 8. The Court adopts the Stipulation for Final Judgment of
5 Forfeiture entered into by and between the parties to this
6 action.

7 9. Claimant Richard Ryan paid the sum of \$25,481.00 (the
8 "settlement amount") to the United States on April 5, 2010, as
9 the substitute *res* in lieu of the defendant real property.

10 10. All right, title, and interest in said funds shall be
11 substituted for the defendant real property and forfeited to the
12 United States pursuant to 21 U.S.C. § 881(a)(7), to be disposed
13 of according to law.

14 11. Within thirty (30) days of full payment of the
15 settlement amount, the United States will record a withdrawal of
16 *lis pendens* against the defendant real property.

17 12. Claimants Richard Ryan, Barbara Ryan, American River
18 Bank and the City of Roseville Redevelopment Agency hereby
19 release plaintiff United States of America and its servants,
20 agents, and employees from any and all liability arising out of
21 or in any way connected with the filing of the Complaint and the
22 posting of the defendant real property with the Complaint and
23 Notice of Complaint. This is a full and final release applying
24 to all unknown and unanticipated injuries, and/or damages arising
25 out of or in any way connected with the filing of the Complaint
26 and the posting of the defendant real property with the Complaint
27 and Notice of Complaint. The parties waive the provisions of
28 California Civil Code § 1542.

1 13. There was reasonable cause for the posting of the
2 defendant real property, and the commencement and prosecution of
3 this forfeiture action, and the Court may enter a Certificate of
4 Reasonable Cause pursuant to 28 U.S.C. § 2465.

5 14. Nothing in this settlement shall be construed to impair
6 any rights claimants American River Bank and the City of
7 Roseville Redevelopment Agency have under their respective notes
8 and deeds of trust that are the basis for their claims in this
9 action.

10 15. All parties are to bear their own costs and attorneys'
11 fees.

12 16. The Court shall maintain jurisdiction to enforce the
13 terms of the Final Judgment of Forfeiture.

14 SO ORDERED THIS 6th day of April, 2010.

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17 WILLIAM B. SHUBB
18 UNITED STATES DISTRICT JUDGE
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