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

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UNITED STATES OF AMERICA,	)	2:07-CV-00468-GEB-EFB
	)	
Plaintiff,	)	
	)	
v.	)	
	)	STIPULATION AND ORDER EXTENDING
2003 HARLEY DAVIDSON	)	TIME FOR FILING A COMPLAINT FOR
MOTORCYCLE, VIN:	)	FORFEITURE AND/OR TO OBTAIN AN
1HD1DJV503Y615641,	)	INDICTMENT ALLEGING FORFEITURE
	)	
Defendant.	)	
	)	
	)	

18 It is hereby stipulated by and between the United States of  
 19 America and claimant Daryl Summerfield ("claimant"), by and  
 20 through their respective attorneys, as follows:

21 1. On or about December 18, 2006, claimant filed a claim, in  
 22 the administrative forfeiture proceedings, with the Internal  
 23 Revenue Service with respect to the 2003 HARLEY DAVIDSON  
 24 MOTORCYCLE, VIN: 1HD1DJV503Y615641 (the "motorcycle"), which was  
 25 seized on or about October 5, 2006.

26 2. The Internal Revenue Service has sent the written notice  
 27 of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to all  
 28 known interested parties. The time has expired for any person to

1 file a claim to the motorcycle under 18 U.S.C. § 983(a)(2)(A)-(E),  
2 and no person other than the claimant has filed a claim to the  
3 motorcycle as required by law in the administrative forfeiture  
4 proceeding.

5 3. Under 18 U.S.C. § 983(a)(3)(A), the United States is  
6 required to file a complaint for forfeiture against the motorcycle  
7 and/or to obtain an indictment alleging that the motorcycle is  
8 subject to forfeiture within 90 days after a claim has been filed  
9 in the administrative forfeiture proceedings, unless the court  
10 extends the deadline for good cause shown or by agreement of the  
11 parties.

12 4. By Stipulation and Order filed March 12, 2007, the  
13 parties stipulated to extend to May 31, 2007, the time in which  
14 the United States is required to file a civil complaint for  
15 forfeiture against the motorcycle and/or to obtain an indictment  
16 alleging that the motorcycle is subject to forfeiture.

17 5. By Stipulation and Order filed May 18, 2007, the parties  
18 stipulated to extend to July 31, 2007, the time in which the  
19 United States is required to file a civil complaint for forfeiture  
20 against the motorcycle and/or to obtain an indictment alleging  
21 that the motorcycle is subject to forfeiture.

22 6. By Stipulation and Order filed July 12, 2007, the parties  
23 stipulated to extend to October 29, 2007, the time in which the  
24 United States is required to file a civil complaint for forfeiture  
25 against the motorcycle and/or to obtain an indictment alleging  
26 that the motorcycle is subject to forfeiture.

27 7. By Stipulation and Order filed October 22, 2007, the  
28 parties stipulated to extend to January 28, 2008, the time in

1 which the United States is required to file a civil complaint for  
2 forfeiture against the motorcycle and/or to obtain an indictment  
3 alleging that the motorcycle is subject to forfeiture.

4 8. By Stipulation and Order filed January 14, 2008, the  
5 parties stipulated to extend to April 28, 2008, the time in which  
6 the United States is required to file a civil complaint for  
7 forfeiture against the motorcycle and/or to obtain an indictment  
8 alleging that the motorcycle is subject to forfeiture.

9 9. By Stipulation and Order filed April 16, 2008, the  
10 parties stipulated to extend to July 28, 2008, the time in which  
11 the United States is required to file a civil complaint for  
12 forfeiture against the motorcycle and/or to obtain an indictment  
13 alleging that the motorcycle is subject to forfeiture.

14 10. By Stipulation and Order filed July 24, 2008, the  
15 parties stipulated to extend to October 27, 2008, the time in  
16 which the United States is required to file a civil complaint for  
17 forfeiture against the motorcycle and/or to obtain an indictment  
18 alleging that the motorcycle is subject to forfeiture.

19 11. By Stipulation and Order filed October 9, 2008, the  
20 parties stipulated to extend to January 26, 2009, the time in  
21 which the United States is required to file a civil complaint for  
22 forfeiture against the motorcycle and/or to obtain an indictment  
23 alleging that the motorcycle is subject to forfeiture.

24 12. By Stipulation and Order filed February 4, 2009, the  
25 parties stipulated to extend to April 24, 2009, the time in which  
26 the United States is required to file a civil complaint for  
27 forfeiture against the motorcycle and/or to obtain an indictment  
28 alleging that the motorcycle is subject to forfeiture.

1           13. As provided in 18 U.S.C. § 983(a)(3)(A), the parties  
2 wish by agreement to further extend to July 23, 2009, the time in  
3 which the United States is required to file a civil complaint for  
4 forfeiture against the motorcycle and/or to obtain an indictment  
5 alleging that the motorcycle is subject to forfeiture.

6           14. Accordingly, the parties agree that the deadline by  
7 which the United States shall be required to file a complaint for  
8 forfeiture against the motorcycle and/or to obtain an indictment  
9 alleging that the motorcycle is subject to forfeiture shall be  
10 extended to July 23, 2009.

11                                   LAWRENCE G. BROWN  
12                                   Acting United States Attorney

13  
14   DATE: 4/2/09

/s/ Jason Hitt  
                                  JASON HITT  
                                  Assistant U.S. Attorney

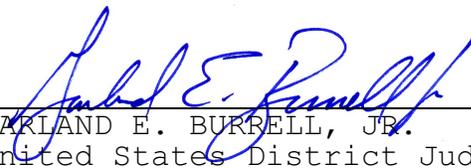
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18   DATE: 4/2/09

/s/ Colin L. Cooper  
                                  COLIN L. COOPER  
                                  Attorney for Claimant Summerfield

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20                                   (Original signature retained by  
21                                   attorney)

22           **IT IS SO ORDERED.**

23   Dated: April 15, 2009

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26                                   GARLAND E. BURRELL, JR.  
27                                   United States District Judge  
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