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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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|---|---|-----------------------|
| 11 UNITED STATES OF AMERICA, |) | 2:08-CV-00990-LKK-DAD |
| |) | |
| 12 Plaintiff, |) | FINAL JUDGMENT OF |
| |) | FORFEITURE |
| 13 v. |) | |
| |) | |
| 14 REAL PROPERTY LOCATED AT |) | |
| 5960 14 TH AVENUE, SACRAMENTO, |) | |
| 15 CALIFORNIA, SACRAMENTO COUNTY, |) | |
| APN: 021-0051-009-0000, |) | |
| 16 INCLUDING ALL APPURTENANCES |) | |
| AND IMPROVEMENTS THERETO, |) | |
| 17 |) | |
| Defendant. |) | |
| 18 |) | |

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

21 1. This is a civil forfeiture action against certain real
 22 property located at 5960 14TH Avenue, Sacramento, Sacramento
 23 County, California, Assessor's Parcel Number: 021-0051-009-0000
 24 (hereafter "defendant real property"), legal description:

25 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE
 26 CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF
 CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

27 The North one-half of Lot 5 in City Acres Addition No.
 28 1, according to the official plat thereof, filed in the
 office of the Recorder of Sacramento County,

1 California, on November 20, 1922 in Book 17 of Maps,
2 Map No. 10.

3 The subdivision of said Lot 5 being made on the basis
4 that the lot area includes one-half of the adjoining
5 road.

6 2. A Verified Complaint for Forfeiture In Rem ("complaint")
7 was filed on May 6, 2008, alleging that said real property is
8 subject to forfeiture to the United States of America pursuant to
9 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C).

10 3. On May 20, 2008, the defendant real property was
11 posted with a copy of the complaint and notice of complaint.

12 4. On May 20, 2008, the Internal Revenue Service personally
13 served copies of the complaint, notice of complaint, application
14 and order for publication, lis pendens, order setting status
15 conference, notice of availability of voluntary dispute
16 resolution, notice of availability of magistrate judge, and
17 notice of forfeiture action on Miguel Vasquez, Jr. (hereafter
18 "Vasquez").

19 5. On June 9, 16, 23, and 30, 2008, a Public Notice of
20 Posting of the defendant real property appeared by publication in
21 The Daily Recorder, a newspaper of general circulation in the
22 county in which the defendant real property is located
23 (Sacramento County).

24 6. Vasquez filed a Claim of Ownership of Property alleging
25 that he is the legal owner of the defendant real property, and
26 filed an Answer to the complaint.

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

1 Based on the above findings, and the files and records of
2 the Court, it is hereby

3 ORDERED AND ADJUDGED:

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

7 2. Judgment is hereby entered against claimant Vasquez and
8 all other potential claimants who have not filed claims in this
9 action.

10 3. All right, title and interest of Vasquez in the
11 defendant real property shall be forfeited to the United States
12 pursuant to 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C).

13 4. The Internal Revenue Service (or a designee) shall list
14 the defendant real property for sale. The Internal Revenue
15 Service shall have sole authority to select the means of sale,
16 including sale by internet or through a licensed real estate
17 broker, and shall have sole authority over the marketing and sale
18 of the defendant real property.

19 5. The Internal Revenue Service shall have the defendant
20 real property appraised by a licensed appraiser of its choosing.
21 The Internal Revenue Service and the appraiser may have access to
22 the defendant real property and structures, buildings, or storage
23 sheds thereon upon 24 hours telephonic notice.

24 6. If necessary, the Internal Revenue Service, and any real
25 estate broker employed by the Internal Revenue Service, shall
26 have the right to put a "lock box" on the property to facilitate
27 the marketing and sale of the property.

28 7. The following costs, expenses and distributions shall be

1 paid in escrow from the gross sales price in the following
2 priority and to the extent funds are available:

3 (a) The costs incurred by the Internal Revenue Service
4 to the date of close of escrow, including the cost
5 of posting, service, advertising, and maintenance.

6 (b) Any unpaid real property taxes, which shall
7 be prorated as of the date of the entry of
8 this Final Judgment of Forfeiture.

9 (c) A real estate commission not to exceed the
10 Internal Revenue Service contractual brokerage
11 fee.

12 (d) The seller shall pay any county transfer taxes.

13 (e) To the United States of America: the net proceeds
14 from the sale of the real property. All right,
15 title, and interest in said funds shall be
16 substituted for the defendant real property and
17 forfeited to the United States pursuant to 18
18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C), to be
19 disposed of according to law.

20 8. Any liens or encumbrances against the defendant
21 real property that appear on record subsequent to the recording
22 of plaintiff's *lis pendens* on May 8, 2008, and prior to the close
23 of escrow may be paid out of escrow. The United States may pay
24 any such lien or encumbrance at its sole discretion.

25 9. The costs of a lender's policy of title insurance
26 (ALTA policy) shall be paid for by the buyer.

27 10. All loan fees, "points" and other costs of obtaining
28 financing shall be paid for by the buyer of the defendant real

1 property.

2 11. Each party shall execute all documents necessary to
3 close escrow, if such signatures are required by the title
4 insurer.

5 12. Plaintiff United States of America and its servants,
6 agents, and employees and all other public entities, their
7 servants, agents, and employees, are released from any and all
8 liability arising out of or in any way connected with the
9 posting, forfeiture, or sale of the defendant real property.

10 This is a full and final release applying to all unknown and
11 unanticipated injuries, and/or damages arising out of said
12 posting, forfeiture, or sale, as well as to those now known or
13 disclosed. The parties waived the provisions of California Civil
14 Code § 1542.

15 13. Claimant Vasquez has been in custody continuously since
16 his arrest on April 24, 2008. Consequently, claimant Vasquez has
17 not occupied the defendant real property nor has he had the
18 ability to maintain the property since his arrest. Claimant
19 Vasquez represents that he has not given any person permission to
20 reside on the defendant real property, and he, as the sole owner
21 of the residence, is the only person authorized to reside
22 therein.

23 14. Claimant shall make arrangements for the removal of all
24 personal possessions, and the personal possessions of any former
25 occupant, including all vehicles, furniture, and trash, and will
26 leave the property clean and in the same state of repair as the
27 property was on the date it was posted. Any and all of
28 claimant's personal possessions, and the personal possessions of

1 any former occupant, not removed within 72 hours after the entry
2 of this Final Judgment of Forfeiture will be disposed of by the
3 United States without further notice.

4 15. Pursuant to the stipulation of the parties, and
5 allegations set forth in the Verified Complaint for Forfeiture In
6 Rem filed May 6, 2008, the Court finds that there was reasonable
7 cause for the posting of the defendant real property, and a
8 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
9 shall be entered accordingly.

10 16. All parties are to bear their own costs and attorneys'
11 fees, if any.

12 17. Pending the sale of the property, and the disposition
13 of the proceeds, the Court shall maintain jurisdiction to enforce
14 the terms of this Final Judgment of Forfeiture.

15 SO ORDERED THIS 17th day of June, 2011.

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17 
18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT

21 CERTIFICATE OF REASONABLE CAUSE

22 Pursuant to the Stipulation for Final Judgment of Forfeiture
23 filed herein, and the allegations set forth in the Verified
24 Complaint for Forfeiture In Rem filed May 6, 2008, the Court
25 enters this Certificate of Reasonable Cause pursuant to 28 U.S.C.
26 § 2465, that there was reasonable cause for the posting of the
27 defendant real property.

28 Dated: June 17, 2011.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT