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

11 UNITED STATES OF AMERICA,)	2:08-CV-00991-LKK-DAD
)	
12 Plaintiff,)	FINAL JUDGMENT OF
)	FORFEITURE
13 v.)	
)	
14 REAL PROPERTY LOCATED AT)	
4201 CAMERON ROAD, CAMERON PARK,)	
15 CALIFORNIA, EL DORADO COUNTY,)	
APN: 109-151-26-100,)	
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 4201 Cameron Road, Cameron Park, El Dorado
 23 County, California, Assessor's Parcel Number: 109-151-26-100
 24 (hereafter "defendant real property"), legal description:
 25 THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF
 CALIFORNIA, COUNTY OF EL DORADO, UNINCORPORATED AREA,
 26 AND IS DESCRIBED AS FOLLOWS:
 27 LOT 10 OF CAMERON PARK UNIT NO. 2, FILED IN THE OFFICE
 OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF
 28 CALIFORNIA ON DECEMBER 28, 1959 IN BOOK C OF MAPS AT

1 PAGE 37.

2 ASSESSORS PARCEL NO.: 109-151-26-100

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

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

9 4. On or about May 12, 2008, Wachovia Mortgage, FSB FKA
10 World Savings Bank, FSB (hereafter "Wachovia") was served copies
11 of the complaint, notice of complaint, application and order for
12 publication, lis pendens, order requiring joint status report,
13 notice of availability of voluntary dispute resolution, notice of
14 availability of magistrate judge, and notice of forfeiture action
15 by certified mail number 7006 2150 0001 6370 3894. On May 20,
16 2008, the Internal Revenue Service personally served copies of
17 the above-listed documents on Miguel Vasquez, Jr. (hereafter
18 "Vasquez").

19 5. On June 4, 11, 18, and 25, 2008, a Public Notice of
20 Posting of the defendant real property appeared by publication in
21 the *Mountain Democrat*, a newspaper of general circulation in the
22 county in which the defendant real property is located (El Dorado
23 County). The Proof of Publication was filed with the Court on
24 July 3, 2008.

25 6. Wachovia filed a verified claim and answer alleging an
26 interest in the defendant real property. Vasquez filed a Claim
27 of Ownership of Property alleging that he is the legal owner of
28 the defendant real property, and filed an answer to the

1 complaint.

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

5 Based on the above findings, and the files and records of
6 the Court, it is hereby

7 ORDERED AND ADJUDGED:

8 1. The Court adopts the Stipulation for Final Judgment of
9 Forfeiture entered into by and between the parties to this
10 action.

11 2. Judgment is hereby entered against claimant Vasquez and
12 all other potential claimants who have not filed claims in this
13 action.

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

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

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

28 6. If necessary, the Internal Revenue Service, and any real

1 estate broker employed by the Internal Revenue Service, shall
2 have the right to put a "lock box" on the property to facilitate
3 the marketing and sale of the property.

4 7. The following costs, expenses and distributions shall be
5 paid in escrow from the gross sales price in the following
6 priority and to the extent funds are available:

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

10 (b) Any unpaid real property taxes, which shall
11 be prorated as of the date of the entry of
12 this Final Judgment of Forfeiture.

13 (c) A real estate commission not to exceed the
14 Internal Revenue Service contractual brokerage
15 fee.

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

17 (e) To Wachovia, a sum to satisfy an indebtedness
18 under the Deed of Trust recorded in the official
19 records of El Dorado County as instrument number
20 2006-0006624-00 on January 31, 2006, in the
21 original amount of \$730,000.00 plus all unpaid
22 interest at the contractual (not default) rate,
23 plus any advances and costs incurred by Wachovia
24 up to the date of the payoff of the loan,
25 including, but not limited to any insurance
26 advances, tax advances, and property preservation
27 costs. As of May 22, 2008, the principal due and
28 owing under the Note was \$635,495.00. Interest

1 will continue to accrue under the Note at an
2 adjustable rate, which as of May 22, 2008, was
3 6.93% per annum or \$120.66 per diem. Reasonable
4 attorneys fees in an amount not to exceed \$3000
5 shall also be paid to Wachovia. The exact amount
6 to be paid to Wachovia shall be determined at time
7 of payment.

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

15 8. The United States shall not enter into any contract for
16 the sale of the real property unless it first determines that a
17 distribution of the sale proceeds pursuant to Paragraph 7 will
18 result in payment in full of Wachovia's loan debt as provided for
19 in Paragraph 7(e). In order to make such determination, the
20 Internal Revenue Service shall obtain a current payoff statement
21 from Wachovia. If the Internal Revenue Service determines that
22 Wachovia's loan debt will not be paid in full, the United States,
23 at its option, may either continue to find a buyer at a sale
24 price sufficient to result in full payment of Wachovia's loan
25 debt or allow Wachovia to proceed with foreclosure of the real
26 property.

27 9. Any liens or encumbrances against the defendant
28 real property that appear on record subsequent to the recording

1 of plaintiff's *lis pendens* on May 16, 2008, and prior to the
2 close of escrow may be paid out of escrow. The United States may
3 pay any such lien or encumbrance at its sole discretion.

4 10. The costs of a lender's policy of title insurance
5 (ALTA policy) shall be paid for by the buyer.

6 11. All loan fees, "points" and other costs of obtaining
7 financing shall be paid for by the buyer of the defendant real
8 property.

9 12. Each party shall execute all documents necessary to
10 close escrow, if such signatures are required by the title
11 insurer.

12 13. The Internal Revenue Service shall have nine (9) months
13 from the date of the entry of this Final Judgment of Forfeiture
14 within which to find a buyer satisfying Paragraph 8 above. If
15 the Internal Revenue Service cannot find such a buyer within nine
16 (9) months, and the real property value subsequent to that time
17 is such that Wachovia's loan debt would not be paid in full in a
18 distribution under Paragraph 7, Wachovia shall have the option of
19 proceeding with foreclosure instead.

20 14. Plaintiff United States of America and its servants,
21 agents, and employees and all other public entities, their
22 servants, agents, and employees, are released from any and all
23 liability arising out of or in any way connected with the
24 posting, forfeiture, or sale of the defendant real property,
25 whether by the Internal Revenue Service or by Wachovia exercising
26 its rights to foreclose as set forth in Paragraphs 8 and 13.
27 This is a full and final release applying to all unknown and
28 unanticipated injuries, and/or damages arising out of said

1 posting, forfeiture, or sale, as well as to those now known or
2 disclosed. The parties waive the provisions of California Civil
3 Code § 1542.

4 15. Claimant Vasquez has been in custody continuously since
5 his arrest on April 24, 2008. Consequently, claimant Vasquez has
6 not occupied the defendant real property nor has he had the
7 ability to maintain the property since his arrest. Claimant
8 Vasquez represents that he has not given any person permission to
9 reside on the defendant real property, and he, as the sole owner
10 of the residence, is the only person authorized to reside
11 therein.

12 16. Claimant shall make arrangements for the removal of all
13 personal possessions, and the personal possessions of any former
14 occupant, including all vehicles, furniture, and trash, and will
15 leave the property clean and in the same state of repair as the
16 property was on the date it was posted. Any and all of
17 claimant's personal possessions, and the personal possessions of
18 any former occupant, not removed within 72 hours after the entry
19 of this Final Judgment of Forfeiture will be disposed of by the
20 United States without further notice.

21 17. Pursuant to the stipulation of the parties, and
22 allegations set forth in the Verified Complaint for Forfeiture In
23 Rem filed May 6, 2008, the Court finds that there was reasonable
24 cause for the posting of the defendant real property, and a
25 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
26 shall be entered accordingly.

27 18. All parties are to bear their own costs and attorneys'
28 fees, except as provided for herein.

1 19. Pending the sale of the property, and the disposition
2 of the proceeds, the Court shall maintain jurisdiction to enforce
3 the terms of this Final Judgment of Forfeiture.

4 SO ORDERED THIS 9th day of February, 2009.

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6 
7 LAWRENCE K. KARLTON
8 SENIOR JUDGE
9 UNITED STATES DISTRICT COURT

10 CERTIFICATE OF REASONABLE CAUSE

11 Pursuant to the Stipulation for Final Judgment of Forfeiture
12 filed herein, and the allegations set forth in the Verified
13 Complaint for Forfeiture In Rem filed May 6, 2008, the Court
14 enters this Certificate of Reasonable Cause pursuant to 28 U.S.C.
15 § 2465, that there was reasonable cause for the posting of the
16 defendant real property.

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