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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,) 2:09-CV-00137 GEB-JFM
)
 12 Plaintiff,) FINAL JUDGMENT
) OF FORFEITURE
 13 v.)
)
 14 REAL PROPERTY LOCATED AT 5322)
 SILOUETTE COURT, ELK GROVE,)
 15 CALIFORNIA, SACRAMENTO COUNTY,)
 APN: 132-1650-051, INCLUDING)
 16 ALL APPURTENANCES AND)
 IMPROVEMENTS THERETO,)
 17)
 Defendant.)
 18)

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

21 1. This is a civil forfeiture action against certain real
 22 property located at 5322 Silhouette Court, Elk Grove, California,
 23 Sacramento County, APN: 132-1650-051 (hereafter "defendant real
 24 property"), and more fully described in Exhibit A, attached hereto
 25 and incorporated herein by reference.

26 2. A Verified Complaint for Forfeiture *In Rem* (hereafter
 27 "Complaint") was filed on January 15, 2009, seeking the forfeiture
 28 of the defendant real property, alleging that said property is

1 subject to forfeiture to the United States of America pursuant to
2 21 U.S.C. § 881(a) (7).

3 3. On February 3, 2009, the defendant real property was
4 posted with a copy of the Complaint and Notice of Complaint.

5 4. Beginning on April 16, 2009, for at least 30 consecutive
6 days, the United States published Notice of the Forfeiture Action
7 on the official internet government forfeiture site
8 www.forfeiture.gov. A Declaration of Publication was filed on June
9 8, 2009.

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

- 13 a. Maggie Luong
- 14 b. CTX Mortgage Company, LLC
- 15 c. MERS
- 16 d. Chase Home Finance, LLC

17 6. Claimant Maggie Luong filed a verified statement of
18 interest and answer alleging an interest in the defendant real
19 property.

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

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

24 2. That judgment is hereby entered against claimant Maggie
25 Luong and all other potential claimants who have not filed claims
26 in this action.

27 3. Upon entry of this Final Judgment of Forfeiture, claimant
28 Luong agrees to pay to the United States the sum of \$40,000.00 (the

1 "settlement amount") as the substitute res in lieu of the defendant
2 real property. The \$40,000.00 shall be paid with a \$2,500.00
3 payment due by the sentencing date in the parallel criminal case
4 which is currently scheduled for May 13, 2011. The balance of the
5 settlement amount will be paid in \$500.00 monthly payments due by
6 the 5th of each month starting the month after Maggie Luong is
7 sentenced.

8 4. Claimant Maggie Luong shall obtain a cashier's check
9 for the \$2,500.00 payment and for the \$500.00 payments each month
10 until the \$40,000.00 has been paid in full, made payable to the
11 U.S. Marshals Service and shall be sent to the U.S. Attorney's
12 Office, Attn: Asset Forfeiture Unit, 501 I Street, Suite 10-100,
13 Sacramento, CA 95814. All right, title, and interest in said funds
14 shall be substituted for the defendant real property and forfeited
15 to the United States pursuant to 21 U.S.C. § 881(a)(7), to be
16 disposed of according to law.

17 5. If the \$2,500.00 payment is not received by sentencing and
18 any of the \$500.00 payments are not received by the United States
19 by the 5th of each month starting after Maggie Luong is sentenced
20 until the \$40,000.00 is paid in full, the U.S. Marshals Service
21 shall be authorized to seize and sell the defendant real property
22 located at 5322 Silhouette Court, Elk Grove, California, Sacramento
23 County, APN: 132-1650-051, in the most commercially feasible
24 manner, as soon as reasonably possible, for the maximum price. The
25 United States shall receive through escrow the net proceeds up to
26 the balance owing on the \$40,000.00, less payments for costs of
27 selling the property, legitimate liens, and taxes that exist on the
28 defendant real property. Maggie Luong shall receive all remaining

1 amounts after payment of costs of sale, legitimate liens, taxes,
2 and repairs or costs incurred by the U.S. Marshals Service. Maggie
3 Luong shall maintain the defendant real property in the same
4 condition and repair as existed as of January 20, 2009, normal wear
5 and tear excepted, until she has paid the settlement amount, or
6 vacated the premises.

7 6. Within thirty (30) days of full payment of the
8 settlement amount, the United States shall record a withdrawal of
9 lis pendens against the defendant real property.

10 7. That the United States and its servants, agents, and
11 employees and all other public entities, their servants, agents,
12 and employees, are released from any and all liability arising out
13 of or in any way connected with the filing of the Complaint and the
14 posting of the defendant real property with the Complaint and
15 Notice of Complaint. This is a full and final release applying to
16 all unknown and unanticipated injuries, and/or damages arising out
17 of the filing of the Complaint and the posting of the defendant
18 real property with the Complaint and Notice of Complaint, as well
19 as to those now known or disclosed. The parties waived the
20 provisions of California Civil Code § 1542.

21 8. There was reasonable cause for the posting of the
22 defendant real property and the commencement and prosecution of
23 this forfeiture action, and the Court may enter a Certificate of
24 Reasonable Cause pursuant to 28 U.S.C. § 2465.

25 9. All parties are to bear their own costs and attorneys'
26 fees.

27 10. The U.S. District Court for the Eastern District of
28 California, Hon. Garland E. Burrell, Jr., District Judge, shall


1 retain jurisdiction to enforce the terms of this Final Judgment of
2 Forfeiture.

3 SO ORDERED THIS 25th day of May , 2011.

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GARLAND E. BURRELL, JR.
United States District Judge

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CERTIFICATE OF REASONABLE CAUSE


9 Based upon the allegations set forth in the Complaint filed
10 January 15, 2009, and the Stipulation for Final Judgment of
11 Forfeiture filed herein, the Court enters this Certificate of
12 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
13 reasonable cause for the posting of the defendant real property,
14 and for the commencement and prosecution of this forfeiture action.

15 Dated: May 25, 2011

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GARLAND E. BURRELL, JR.
United States District Judge

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Exhibit A
5322 Silhouette, Elk Grove, CA

Lot 51 as shown on the plat of "Gilliam Meadows Unit 2E, Subdivision No. 02-356.2E" recorded in Book 332 of Maps, Page 1, records of Sacramento County.

"The property is also conveyed and accepted subject to that certain Notice of Non-Adversarial Procedures under Civil Code Section 912 (f) recorded in the Official Records of Sacramento County, on recorded concurrent herewith, as Instrument No., in Book , Page , and any amendments thereto now of record or which will be of record prior to the recordation of this Grant Deed, (collectively "the Notice"), all of which are incorporated herein by reference with the same effect as though fully set forth herein."

APN: 132-1650-051