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

10 UNITED STATES OF AMERICA,)
)
 11 Plaintiff,)
)
 12 v.)
)
 13 2007 YAMAHA RHINO ATV, VIN:)
 5Y4AM04Y27A033940, CALIFORNIA)
 14 LICENSE NUMBER: 78E45A,)
)
 15 2004 MITSUBISHI KOYKER TRACTOR,)
 SERIAL NUMBER: 110337,)
 16)
 2004 TERRY TRAILERS FLATBED)
 17 TRAILER, VIN: 1T9CS18274W709850,)
 CALIFORNIA LICENSE NUMBER:)
 18 4GG7716,)
)
 19 2008 SPCNS TRAILER PTI, VIN:)
 CA1056326, CALIFORNIA LICENSE)
 20 NUMBER: 4JJ2908, and)
)
 21 2008 YAMAHA 700R RAPTOR ATV,)
 VIN: JY4AM07Y56C025552,)
 22)
 Defendants.)
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Case No. 2:09-CV-00684 LKK-GGH
 FINAL JUDGMENT OF FORFEITURE

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

- 25 1. This is a civil forfeiture action against the above-captioned assets (hereinafter “defendant
 26 properties”) seized on September 16, 2008.
 27 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
 28 March 12, 2009, alleging that said defendant properties are subject to forfeiture to the United States

1 of America pursuant to 21 U.S.C. §§ 881(a)(4) and/or 881(a)(6). Doc. #1.

2 3. On or about March 16, 2009, the Clerk issued a Warrant for Arrest for the defendant
3 properties, and that warrant was duly executed on March 20, 2009 and April 2, 2009. Docs. #4, 6,
4 11.

5 4. Beginning on March 18, 2009, for at least 30 consecutive days, the United States
6 published Notice of the Forfeiture Action on the official internet government forfeiture website
7 www.forfeiture.gov. A Declaration of Publication was filed on April 20, 2009. Doc. #10.

8 5. In addition to the public notice on the official internet government forfeiture website
9 www.forfeiture.gov, actual notice or attempted notice was given to the following individuals:

- 10 a. Jess V. Brasier
- 11 b. Deborah Ann Brasier
- 12 c. Jess Raymond Brasier.

13 6. Claimants Deborah Ann Brasier and Jess R. Brasier filed a verified claim and answer
14 alleging an interest in all of the defendant properties on April 22, 2009. Docs. #12, 13. Claimant
15 Jess V. Brasier filed a verified claim and answer alleging an interest in four of the five defendant
16 properties on July 16, 2009. Docs. #21, 22. No other parties have filed claims or answers in this
17 matter, and the time for which any person or entity may file a claim and answer has expired.

18 Based on the above findings, and the files and records of this Court, it is hereby

19 ORDERED AND ADJUDGED:

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

22 2. Judgment is hereby entered against claimants Deborah Ann Brasier, Jess R. Brasier,
23 Jess V. Brasier, and all other potential claimants who have not filed claims in this action.

24 3. Upon entry of this Final Judgment of Forfeiture, the 2004 Mitsubishi Koyker Tractor,
25 Serial Number: 110337, shall be forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(4)
26 and 881(a)(6), to be disposed of according to law.

27 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days thereafter, the
28 following defendant properties shall be returned to claimants Deborah Ann Brasier and Jess R.

1 Brasier through their attorney John H. Feiner:

- 2 a. 2007 Yamaha Rhino ATV, VIN: 5Y4AM04Y27A033940, California
3 License Number: 78E45A;
- 4 b. 2004 Terry Trailers Flatbed Trailer, VIN: 1T9CS18274W709850,
5 California License Number: 4GG7716;
- 6 c. 2008 SPCNS Trailer PTI, VIN: CA1056326, California License
7 Number: 4JJ2908; and
- 8 d. 2008 Yamaha 700R Raptor ATV, VIN: JY4AM07Y56C025552.

9 5. Plaintiff United States of America and its servants, officers and employees are hereby
10 released from any and all liability arising out of or in any way connected with the seizure, arrest, or
11 forfeiture of the defendant properties. This is a full and final release applying to all unknown and
12 unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as well as to
13 those now known or disclosed. The parties to the stipulation waived the provisions of California
14 Civil Code § 1542.

15 6. Pursuant to the stipulation of the parties, and the allegations set forth in the Complaint
16 filed on or about March 12, 2009, the Court finds that there was reasonable cause for the seizure and
17 arrest of the defendant properties, and for the commencement and prosecution of this forfeiture
18 action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered
19 accordingly.

20 7. All parties are to bear their own costs and attorneys' fees.

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1 8. The Court shall maintain jurisdiction to enforce the terms of this Final Judgment of
2 Forfeiture.


3 SO ORDERED THIS 11th day of April , 2011.

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

9 **CERTIFICATE OF REASONABLE CAUSE**

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

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16 DATED: April 11, 2011.

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