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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-02223-KJM-JFM
)	
12	Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
)	
13	v.)	
)	
14	APPROXIMATELY \$26,851.00 IN U.S.)	
	CURRENCY,)	
15)	
16	APPROXIMATELY \$70,700.00 IN U.S.)	
	CURRENCY,)	
)	
17	21 ONE-OUNCE GOLD COINS AND 28)	
	ONE-OUNCE SILVER COINS VALUED AT)	
18	APPROXIMATELY \$19,236.00,)	
)	
19	ASSORTED SILVER U.S. COINS VALUED)	
	AT APPROXIMATELY \$15,111.25,)	
20)	
	2006 DUCATI SS 1000 MOTORCYCLE,)	
21	VIN: ZDM1LABP36B005402, LICENSE)	
	NUMBER 18B5880,)	
22)	
	1968 CHEVROLET CAMARO RALLY SPORT,)	
23	VIN: 123678N433442, LICENSE NUMBER)	
	6DEB840, and)	
24)	
	1989 CUSTOM HARLEY DAVIDSON)	
25	SCREAMING EAGLE MOTORCYCLE, VIN:)	
	1HD1BKL38KY011508, LICENSE NUMBER)	
26	18A1847,)	
)	
27	Defendants.)	
)	
28)	

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

3 1. This is a civil forfeiture action against the above
4 captioned assets (hereafter "defendant properties") seized on
5 February 18, 19, and 24, 2009.

6 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint")
7 was filed on August 11, 2009, alleging that said defendant
8 properties are subject to forfeiture to the United States of
9 America pursuant to 21 U.S.C. § 881(a)(6).

10 3. On or about August 17, 2009, the Clerk issued a Warrant
11 for Arrest for the defendant properties. The warrant for the
12 defendant currency was duly executed on August 18, 2009. The
13 warrant for the defendant Harley Davidson motorcycle was duly
14 executed on August 25, 2009. The warrant for the defendant Camaro,
15 the defendant Ducati motorcycle, and the defendant Coins was duly
16 executed on August 27, 2009.

17 4. Beginning on August 20, 2009, for at least 30 consecutive
18 days, the United States published Notice of the Forfeiture Action
19 on the official internet government forfeiture site
20 www.forfeiture.gov. A Declaration for Publication was filed on
21 September 21, 2009.

22 5. In addition to the public notice on the official internet
23 government forfeiture site www.forfeiture.gov, actual notice or
24 attempted notice was given to the following individuals:

- 25 a. Charles Weaver
- 26 b. Mercy Weaver
- 27 c. Jeanette Weaver
- 28 d. Jerry McKibben
- e. Robert McKibben

1 6. Claimants Charles Eugene Weaver and Mercy Stephanie
2 Weaver filed a Verified Statement of Interest to the defendant
3 properties on September 21, 2009. Claimants Charles Eugene Weaver
4 and Mercy Stephanie Weaver filed an Answer to Complaint on October
5 23, 2009. No other parties have filed claims or answers in this
6 matter, and the time for which any person or entity may file a
7 claim and answer has expired.

8 7. The Clerk of the Court entered a Clerk's Certificate of
9 Entry of Default against Jeannette Weaver, Jerry McKibben, and
10 Robert McKibben on October 26, 2009. Pursuant to Local Rule 540,
11 the United States requests that as part of this Final Judgment of
12 Forfeiture the Court enter a default judgment against the interest,
13 if any, of Jeannette Weaver, Jerry McKibben, and Robert McKibben
14 without further notice.

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

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

19 2. That judgment is hereby entered against claimants Charles
20 Eugene Weaver and Mercy Stephanie Weaver and all other potential
21 claimants who have not filed claims in this action.

22 3. Upon entry of this Final Judgment of Forfeiture, the
23 following defendant properties shall be forfeited to the United
24 States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
25 according to law:

- 26 a. Approximately \$9,300.00 of the \$26,851.00 in U.S.
27 Currency, together with any interest that may have
28 accrued on that amount,
- b. Approximately \$70,700.00 in U.S. Currency, together

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with any interest that may have accrued on that amount, and

- c. 1968 Chevrolet Camaro Rally Sport, VIN: 123678N433442, License Number: 6DEB840.

4. Upon entry of this Final Judgment of Forfeiture herein, but no later than 60 days thereafter, the following defendant properties shall be returned to claimants Charles Eugene Weaver and Mercy Stephanie Weaver through their attorney Robert W. MacKenzie:

- a. Approximately \$17,551.00 of the \$26,851.00 in U.S. Currency, together with any interest that may have accrued on that amount,
- b. 21 One-Ounce Gold Coins and 28 One-Ounce Silver Coins valued at approximately \$19,236.00,
- c. Assorted Silver U.S. Coins valued at approximately \$15,111.25,
- d. 2006 Ducati SS 1000 Motorcycle, VIN: ZDM1LABP36B005402, License Number 18B5880,
- e. 1989 Custom Harley Davidson Screaming Eagle Motorcycle, VIN: 1HD1BKL38KY011508, License Number 18A1847.

5. That plaintiff United States of America and its servants, agents, and employees and all other public entities, their servants, agents, and employees, are released from any and all liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant properties. This is a full and final release applying to all unknown and unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as well as to those now known or disclosed. The parties waive the provisions of California Civil Code § 1542.


6. That pursuant to the stipulation of the parties, and the allegations set forth in the Complaint filed on or about August 11,

1 2009, the Court finds that there was reasonable cause for the
2 seizure and arrest of the defendant properties, and for the
3 commencement and prosecution of this forfeiture action, and a
4 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall
5 be entered accordingly.

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

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


10 SO ORDERED THIS 18th day of March, 2011.

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12 _____
13 UNITED STATES DISTRICT JUDGE

14 CERTIFICATE OF REASONABLE CAUSE

15 Based upon the allegations set forth in the Complaint filed
16 August 11, 2009, and the Stipulation for Final Judgment of
17 Forfeiture filed herein, the Court enters this Certificate of
18 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
19 reasonable cause for the seizure or arrest of the defendant
20 properties, and for the commencement and prosecution of this
21 forfeiture action.

22 DATED: March 18, 2011.

23 
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25 UNITED STATES DISTRICT JUDGE

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