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Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 4040
TIN RANCH ROAD, GEORGETOWN,
CALIFORNIA, EL DORADO COUNTY,
APN: 062-030-31-100, INCLUDING
ALL APPURTENANCES AND
IMPROVEMENTS THERETO,

Defendant.

2:10-CV-03383-GEB-CMK

**STIPULATION TO STAY
FURTHER PROCEEDINGS
AND ORDER [PROPOSED]**

DATE: N/A
TIME: N/A
COURTROOM: N/A

The United States and claimant Patricia Albright, by and through their respective counsel, and claimant Albert G. Stoll, appearing *in propria persona*, hereby stipulate that a further stay is necessary in the above-entitled action, and request that the Court enter an order staying further proceedings for four months pending the outcome of a related criminal case against claimant Patricia Albright, Case No. 2:11-CR-00226-GEB. Albright's criminal trial is currently set for April 2, 2013.

1. Claimant Patricia Albright filed a Verified Statement of Interest to the defendant real property on January 18, 2011, and filed a Corrected Answer to the complaint on January 28, 2011. Claimant Albert G. Stoll filed a Verified Claim to

1 the defendant real property regarding his lien holder interest on February 8, 2011,
2 and filed an Answer to the complaint on February 16, 2011.

3 2. On March 15, 2011, this case was stayed for six months based on the
4 on-going criminal investigation against Ms. Albright.¹ On September 19, 2011, this
5 case was stayed for six months pending the outcome of the related criminal case
6 against claimant Patricia Albright. On March 19, 2012, this case was stayed for six
7 months pending the outcome of the related criminal case against claimant Patricia
8 Albright. On September 18, 2012, this case was stayed for six months pending the
9 outcome of the related criminal case against claimant Patricia Albright, Case No.
10 2:11-CR-00226-GEB. The related criminal case is currently scheduled for trial on
11 April 2, 2013. This Stipulation represents the fifth proposed stay of forfeiture
12 proceedings against the related real property.

13 3. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and
14 21 U.S.C. § 881(i). The United States contends that the defendant real property
15 was used to facilitate and constitutes proceeds traceable to a violation of federal
16 drug laws (cultivation of marijuana) and is therefore subject to forfeiture to the
17 United States. In addition, the United States contends that the defendant real
18 property was involved in or traceable to a violation of 31 U.S.C. § 5324(a)(3)
19 (structuring). Claimant Patricia Albright denies these allegations.

20 4. The United States intends to depose claimant Patricia Albright
21 regarding her claim to the defendant real property, the facts surrounding the
22 cultivation of marijuana plants on this property, and the financial transactions
23 involved in the purchase of the defendant real property. If discovery proceeds at
24 this time, claimant Patricia Albright will be placed in the difficult position of either
25 invoking her Fifth Amendment rights against self-incrimination which could
26 interfere with her ability to pursue her claim to the defendant real property, or

27
28 ¹ On May 19, 2011, a criminal indictment was filed against Patricia Albright
in Case No. 2:11-CR-00226-GEB.

1 waiving her Fifth Amendment right and submitting to a deposition and potentially
2 incriminating herself. If she invokes her Fifth Amendment right, the United States
3 will be deprived of the ability to explore the factual basis for the claim she filed with
4 this court.

5 5. In addition, claimant Patricia Albright intends to depose the law
6 enforcement agents involved in this investigation. Allowing depositions of the law
7 enforcement officers at this time would adversely affect the ability of federal
8 authorities to investigate the underlying criminal conduct.

9 6. The parties recognize that proceeding with this action at this time has
10 potential adverse affects on the investigation of the underlying criminal conduct
11 and/or upon claimant Patricia Albright's ability to prove her claim to the defendant
12 real property and assert any defenses to forfeiture. For these reasons, the parties
13 jointly request that this matter be stayed for four months. At that time the parties
14 will advise the court of the status of the criminal case and will advise the court
15 whether a further stay is necessary.

16 7. Claimant Patricia Albright previously agreed to keep current all
17 payments due to Albert G. Stoll under the promissory note dated May 6, 2008, in
18 the original principal amount of \$34,000.00, and secured by the deed of trust
19 recorded in El Dorado County on May 9, 2008, encumbering the defendant real
20 property.² On December 11, 2012, Claimant Stoll notified the United States and
21 Ms. Albright that Claimant Albright was in arrears for October, November and
22 December (monthly payments of \$88.00). According to Claimant Stoll, no payment
23 has been made as of about six days ago when he last checked his post office box.

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25 ///

26
27 ² A Transfer and Assignment of Deed of Trust and Assignment of Rents was
28 recorded in El Dorado County on July 17, 2008, transferring and assigning the note
and Deed of Trust for the defendant real property to claimant Albert G. Stoll.

1 Claimant Stoll is currently on vacation and unable to check his post office box. The
2 parties will address the delinquency issue as appropriate in a future court filing.

3
4 Dated: 1/14/13

BENJAMIN B. WAGNER
United States Attorney

5
6 By: /s/ Kevin C. Khasigian
7 KEVIN C. KHASIGIAN
8 Assistant U.S. Attorney

9 Dated: 1/14/13

/s/ Matthew M. Scoble
10 MATTHEW M. SCOBLE
11 Attorney for claimant
12 Patricia Albright

13 Dated: 1/14/13

/s/ Albert G. Stoll
14 ALBERT G. STOLL
15 Claimant appearing *in*
16 *propria persona*


17
18 (Authorized by phone)

19 ORDER

20 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C.
21 §§ 981(g)(1), 981(g)(2), and 21 U.S.C. § 881(i) for four months. On or before May 14,
22 2013, the parties will advise the court whether a further stay is necessary. The
23 pretrial scheduling conference, currently set for January 28, 2013, is rescheduled
24 for June 10, 2013. A joint status report shall be filed fourteen days prior to the
25 hearing.

26 IT IS SO ORDERED.

27 Dated: 1/15/13


28 GARLAND E. BURRELL, JR.
United States District Judge