

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KEVIN C. KHASIGIAN
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916)554-2700
 5 Attorneys for the United States

6
 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,)	2:11-CV-00099-GEB-KJN
)	
12 Plaintiff,)	STIPULATION FOR DISMISSAL
)	WITH PREJUDICE AND ORDER
13 v.)	[PROPOSED]; CERTIFICATE
)	OF REASONABLE CAUSE
14 REAL PROPERTY LOCATED AT 15438)	
OLD TOLL ROAD, CAMPTONVILLE,)	
15 CALIFORNIA, YUBA COUNTY,)	
APN: 064-210-041, INCLUDING)	
16 ALL APPURTENANCES AND)	
IMPROVEMENTS THERETO,)	
17)	
Defendant.)	
18)	

19 It is hereby stipulated by and between the United States
 20 and Claimants Gregory S. McClellan and Citizens Bank of Northern
 21 California¹, as follows:

22 1. The pending action shall be dismissed with prejudice
 23 pursuant to Rule 41(a)(2) of the Federal Rules of Civil
 24 Procedure.

25

26 ¹ Citizens Bank of Northern California filed a claim in this
 27 action on February 22, 2011. On September 23, 2011, the
 California Department of Financial Institutions closed Citizens
 28 Bank and appointed the Federal Deposit Insurance Corporation as
 receiver. The FDIC subsequently entered into a purchase and
 assumption agreement with Tri Counties Bank, Chico, California,
 to assume all of the deposits of Citizens Bank.

1 2. The parties are to bear their own costs and attorney
2 fees.

3 3. There was probable cause for the posting of the
4 defendant property, and for the commencement and prosecution
5 of this forfeiture action, and the Court may enter a Certificate
6 of Reasonable Cause pursuant to 28 U.S.C. § 2465.

7
8 DATED: 12/16/11

BENJAMIN B. WAGNER
United States Attorney

9
10 By: /s/ Kevin C. Khasigian
11 KEVIN C. KHASIGIAN
12 Assistant U.S. Attorney

13 Dated: 12/15/11

14 By: /s/ Stephen A. Munkelt
15 STEPHEN A. MUNKELT
16 Attorney for Claimant
17 Gregory S. McClellan

18 Dated: 12/15/11

19 By: /s/ Gregory S. McClellan
20 GREGORY S. MCCLELLAN
21 Claimant

22 Dated: 12/14/11

23 By: /s/ Bruce A. Emard
24 BRUCE A. EMARD
25 Claimant Tri-Counties Bank as
26 Successor to FDIC as Receiver for
27 Citizens Bank of Northern
28 California

IT IS SO ORDERED.

Dated: December 19, 2011



GARLAND E. BURRELL, JR.
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed January 10, 2011, and the Stipulation for Dismissal With Prejudice filed herewith, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the posting of the defendant real property, and for the commencement and prosecution of this forfeiture action.

Dated: December 19, 2011



GARLAND E. BURRELL, JR.
United States District Judge