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

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,

2:11-CV-00320-FCD-KJN
 FINAL JUDGMENT OF FORFEITURE

13 v.

14 APPROXIMATELY \$20,000.00 IN
 U.S. CURRENCY,
 15 Defendant.
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 18 Pursuant to the Stipulation for Final Judgment of
 19 Forfeiture, the Court finds:

20 This is a civil forfeiture action against the Approximately
 21 \$20,000.00 in U.S. Currency (hereafter "defendant currency")
 22 seized on or about September 16, 2010.

23 2. A Verified Complaint for Forfeiture In Rem ("Complaint")
 24 was filed on February 3, 2011, alleging that said defendant
 25 currency is subject to forfeiture to the United States of America
 26 pursuant to 21 U.S.C. § 881(a)(6). Doc #1.

27 3. On or about February 4, 2011, the Clerk issued a Warrant
 28 for Arrest for the defendant currency, and that warrant was duly

1 executed on February 18, 2011. Docs. #3,7, respectively.

2 4. Beginning on February 13, 2011, for at least 30
3 consecutive days, the United States published Notice of the
4 Forfeiture Action on the official internet government forfeiture
5 site www.forfeiture.gov. A Declaration of Publication was filed
6 on March 16, 2011. Doc #10.

7 5. In addition to the public notice on the official
8 internet government forfeiture site www.forfeiture.gov, actual
9 notice or attempted notice was given to the following individual:
10 Audrey McClellan.

11 6. The Clerk of the Court entered a Clerk's Certificate of
12 Entry of Default against Audrey McClellan on May 3, 2011. Doc
13 #14. On May 16, 2011, the parties filed a Stipulation and Order
14 to Set Aside Default and Permit Filing of Claim and Answer. Doc
15 #21. On June 10, 2011, the Court set aside the Clerk's Entry of
16 Default Against Audrey McClellan and allowed the responsive
17 pleadings submitted by the claimant to be filed by the Clerk.
18 Doc #23.

19 7. Claimant filed a verified claim to the defendant
20 currency and answer to the complaint on May 9, 2011. Docs. #17-

21 8. No other parties have filed claims or answers in this
22 matter and the time for which any person or entity may file a
23 claim and answer has expired.

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

26 ORDERED AND ADJUDGED:

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

1 action.

2 2. Judgment is hereby entered against Audrey McClellan, and
3 all other potential claimants who have not filed claims in this
4 action.

5 3. Upon entry of a Final Judgment of Forfeiture, \$10,250.00
6 of the \$20,000.00 in U.S. Currency, together with any interest
7 that may have accrued on that amount, shall be forfeited to the
8 United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed
9 of according to law.

10 4. Upon entry of a Final Judgment of Forfeiture herein, but
11 no later than 60 days thereafter, \$9,750.00 of the \$20,000.00 in
12 U.S. Currency, together with any interest that may have accrued
13 on that amount, shall be returned to claimant Audrey McClellan
14 through her attorney Stephen A. Munkelt.

15 5. Plaintiff United States of America and its servants,
16 agents, and employees and all other public entities, their
17 servants, agents, and employees, are released from any and all
18 liability arising out of or in any way connected with the
19 seizure, arrest, or forfeiture of the defendant properties. This
20 is a full and final release applying to all unknown and
21 unanticipated injuries, and/or damages arising out of said
22 seizure, arrest, or forfeiture, as well as to those now known or
23 disclosed. The parties to the stipulation waived the provisions
24 of California Civil Code § 1542.

25 6. Pursuant to the stipulation of the parties, no party
26 substantially prevailed in this action within the meaning of 28
27 U.S.C. § 2465.


28 7. Pursuant to the stipulation of the parties, and the

1 allegations set forth in the Complaint filed on or about February
2 3, 2011, the Court finds that there was reasonable cause for the
3 seizure and arrest of the defendant currency, and for the
4 commencement and prosecution of this forfeiture action, and a
5 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
6 shall be entered accordingly.

7 8. Each party shall bear its own costs and attorney's fees.

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

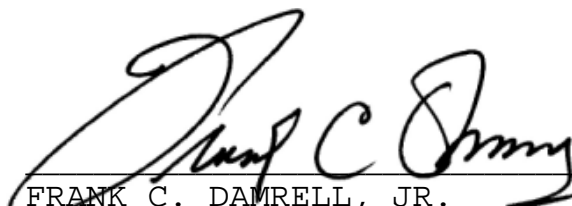
10 SO ORDERED THIS 20th day of July, 2011.

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FRANK C. DAMRELL, JR.
15 UNITED STATES DISTRICT JUDGE

16 CERTIFICATE OF REASONABLE CAUSE

17 Based upon the allegations set forth in the Complaint filed
18 February 3, 2011, and the Stipulation for Final Judgment of
19 Forfeiture filed herein, the Court enters this Certificate of
20 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
21 reasonable cause for seizure, or arrest of the defendant
22 currency, and for the commencement and prosecution of this
23 forfeiture action.

24
25 DATED: July 20, 2011

26 
FRANK C. DAMRELL, JR.
27 UNITED STATES DISTRICT JUDGE
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