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

10
11 UNITED STATES OF AMERICA,

2:11-CV-02038-JAM-DAD

12 Plaintiff,

FINAL JUDGMENT OF FORFEITURE

13 v.

14 REAL PROPERTY LOCATED AT 1251
15 PLEASANT GROVE ROAD, RIO OSO,
CALIFORNIA, SUTTER COUNTY,
16 APN: 28-140-015, INCLUDING ALL
APPURTENANCES AND
17 IMPROVEMENTS THERETO,

18 Defendant.

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

20 1. This is a civil forfeiture action against real property located at 1251 Pleasant
21 Grove Road, Rio Oso, California, Sutter County, APN: 28-140-015 including all
22 appurtenances and improvements thereto (hereafter "defendant property").

23 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on August
24 1, 2011, alleging that said defendant property is subject to forfeiture to the United States
25 pursuant to 21 U.S.C. § 881(a)(7).

26 3. On August 10, 2011, the defendant property was posted with a copy of the
27 Complaint and Notice of Complaint.

1 4. Beginning on August 13, 2011, for at least 30 consecutive days, the United
2 States published Notice of the Forfeiture Action on the official internet government
3 forfeiture site www.forfeiture.gov. A Declaration of Publication was filed on September 29,
4 2011.

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

- 8 a. David E. Jopson
- 9 b. Thomas W. Jopson
- 10 c. Margaret S. Jopson
- 11 d. Sandra Lee Jopson
- 12 e. River City Bank

13 6. River City Bank filed a claim alleging a lien holder interest in the defendant
14 property and an answer to the complaint on August 19, 2011. David E. Jopson filed a claim
15 alleging an interest in the defendant property and an answer to the complaint on October
16 4, 2011. Thomas W. Jopson filed a claim alleging an interest in the defendant property and
17 an answer to the complaint on October 14, 2011. No other parties have filed claims or
18 answers in this matter, and the time in which any person or entity may file a claim and
19 answer has expired.

20 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
21 against Margaret Jopson and Sandra Jopson on October 3, 2011. Pursuant to Local Rule
22 540, the United States and claimants request that as part of this Final Judgment of
23 Forfeiture, the Court enter a default judgment against the interests, if any, of Margaret
24 Jopson and Sandra Jopson without further notice.

25 8. On or about July 3, 2012, a Stipulation and Order for Interlocutory Sale of
26 Defendant Property was filed. The defendant property sold for \$665,000.00 and that sale
27 was finalized on July 18, 2012. River City Bank was paid in full through escrow. The U.S.
28 Marshals Service received a wire transfer in the amount of \$187,724.58 on July 19, 2012.

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

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

3 2. That judgment is hereby entered against claimants David E. Jopson, Thomas
4 W. Jopson, and River City Bank and all other potential claimants who have not filed claims
5 in this action.

6 3. Upon entry of this Final Judgment of Forfeiture, \$169,880.58 of the
7 \$187,724.58 in U.S. Currency sub *res* in lieu of the defendant property, together with any
8 interest that may have accrued, shall be forfeited to the United States pursuant to 21
9 U.S.C. § 881(a)(7), to be disposed of according to law.

10 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days
11 thereafter, \$17,844.00 of the \$187,724.58 in U.S. Currency sub *res* in lieu of the defendant
12 property shall be returned to claimant Thomas W. Jopson through his attorney William J.
13 Portnova.

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

21 6. Claimants waived any and all claim or right to interest that may have accrued
22 on the sub *res*.

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

24 8. The U.S. District Court for the Eastern District of California, Hon. John A.
25 Mendez, District Judge, shall retain jurisdiction to enforce the terms of this Final
26 Judgment of Forfeiture.

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