

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

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

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 REAL PROPERTY LOCATED AT 105 THREE  
HILLS ROAD, HAYFORK, CALIFORNIA,  
15 TRINITY COUNTY, APN: 019-530-23-00  
INCLUDING ALL APPURTENANCES AND  
16 IMPROVEMENTS THERETO,

17 REAL PROPERTY LOCATED AT 1150  
CHROME MINE ROAD, HAYFORK,  
18 CALIFORNIA, TRINITY COUNTY, APN: 019-  
530-24-00 INCLUDING ALL  
19 APPURTENANCES AND IMPROVEMENTS  
THERETO,

20 REAL PROPERTY LOCATED AT 241 THREE  
21 HILLS ROAD, HAYFORK, CALIFORNIA,  
TRINITY COUNTY, APN: 019-530-26-00  
22 INCLUDING ALL APPURTENANCES AND  
IMPROVEMENTS THERETO,

23 REAL PROPERTY LOCATED AT 1180  
24 CHROME MINE ROAD, HAYFORK,  
CALIFORNIA, TRINITY COUNTY, APN: 019-  
25 530-27-00 INCLUDING ALL  
APPURTENANCES AND IMPROVEMENTS  
26 THERETO, and

27 REAL PROPERTY LOCATED AT 1210  
CHROME MINE ROAD, HAYFORK,  
28 CALIFORNIA, TRINITY COUNTY, APN: 019-

2:11-CV-02738-GEB-CKD

FINAL JUDGMENT OF FORFEITURE

1 530-28-00 INCLUDING ALL  
2 APPURTENANCES AND IMPROVEMENTS  
3 THERETO,

4 Defendants.

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

6 1. This is a civil forfeiture action against the real properties listed below:

7 (a) 105 Three Hills Road, Hayfork, California, Trinity County, APN: 019-530-23-00,  
8 including all appurtenances and improvements thereto;

9 (b) 1150 Chrome Mine Road, Hayfork, California, Trinity County, APN: 019-530-24-00,  
10 including all appurtenances and improvements thereto;

11 (c) 241 Three Hills Road, Hayfork, California, Trinity County, APN: 019-530-26-00,  
12 including all appurtenances and improvements thereto;

13 (d) 1180 Chrome Mine Road, Hayfork, California, Trinity County, APN: 019-530-27-00,  
14 including all appurtenances and improvements thereto; and

15 (e) 1210 Chrome Mine Road, Hayfork, California, Trinity County, APN: 019-530-28-00,  
16 including all appurtenances and improvements thereto.

17 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on October 14, 2011,  
18 alleging that said defendant properties are subject to forfeiture to the United States pursuant to 31 U.S.C.  
19 § 5317(c)(2) and 21 U.S.C. § 881(a)(7).

20 3. On November 8, 2011, the defendant properties were posted with a copy of the Complaint  
21 and Notice of Complaint.

22 4. Beginning on November 9, 2011, for at least 30 consecutive days, the United States  
23 published Notice of the Forfeiture Action on the official internet government forfeiture site  
24 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on December 23, 2011.

25 5. In addition to the public notice on the official internet government forfeiture site  
26 [www.forfeiture.gov](http://www.forfeiture.gov), actual notice or attempted notice was given to the following individuals or entities:

- 27 a. Lapoe Smith,  
28 b. Katherine Smith.

6. On November 11, 2011, Lapoe Smith and Katherine Renee Smith (“claimants”) filed  
claims alleging an interest in the defendant properties, and filed an Answer to the Complaint on

1 December 9, 2011. No other parties have filed claims or answers in this matter, and the time in which  
2 any person or entity may file a claim and answer has expired.

3 7. On or about March 1, 2012, a Stipulation and Order for Interlocutory Sale of Defendant  
4 Properties was filed. The defendant properties sold for \$160,000.00 and that sale was finalized on or  
5 about March 27, 2012. The Internal Revenue Service – Criminal Investigation received a wire transfer in  
6 the amount of \$135,422.04 on March 28, 2012.

7 8. On October 1, 2015, the Court entered a Stay in this case until January 15, 2016.

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

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

12 2. Judgment is hereby entered against claimants Lapoe Smith and Katherine Renee Smith  
13 and all other potential claimants who have not filed claims in this action.

14 3. Upon entry of this Final Judgment of Forfeiture, all right, title, and interest of Lapoe  
15 Smith and Katherine Renee Smith in \$25,000.00 of the \$135,422.04 sub *res* in lieu of the defendant real  
16 properties, together with any interest that may have accrued on the entire amount, shall forfeited to the  
17 United States pursuant to 31 U.S.C. § 5317(c)(2) and 21 U.S.C. § 881(a)(7), to be disposed of according  
18 to law.

19 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days thereafter,  
20 \$110,422.04 of the \$135,422.04 sub *res* in lieu of the defendant real properties shall be returned to  
21 claimants Lapoe Smith and Katherine Renee Smith through their attorney David M. Michael.

22 5. The United States and its servants, agents, and employees and all other public entities,  
23 their servants, agents, and employees, are released from any and all liability arising out of or in any way  
24 connected with the posting, sale or forfeiture of the defendant properties or sub *res*. This is a full and  
25 final release applying to all unknown and unanticipated injuries, and/or damages arising out of said  
26 posting, sale or forfeiture, as well as to those now known or disclosed. The parties waived the provisions  
27 of California Civil Code § 1542.

