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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 149 G
 STREET, LINCOLN, CALIFORNIA,
 15 PLACER COUNTY, APN: 008-266-015-000,
 INCLUDING ALL APPURTENANCES AND
 16 IMPROVEMENTS THERETO, et al.,

17 Defendants.

2:12-CV-00705-TLN-DAD

STIPULATION AND ORDER FOR
 DISMISSAL WITH PREJUDICE OF REAL
 PROPERTY LOCATED AT 2143
 OUTRIGGER DRIVE, EL DORADO HILLS,
 CALIFORNIA; CERTIFICATE OF
 REASONABLE CAUSE

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 19 It is hereby stipulated by and between the United States of America and claimants
 20 Mechanics Bank and Bart Volen, by and through their respective counsel of record (the
 21 “Stipulation”), as follows:

22 1. The real property located at 2143 Outrigger Drive, El Dorado Hills,
 23 California, El Dorado County, APN: 110-612-05-100 (“Outrigger Property”) is a named defendant
 24 in the above entitled action.

25 2. The only parties who have filed claims to the Outrigger Property are
 26 Mechanics Bank and Bart Volen.

27 3. The parties to this Stipulation agree that defendant Outrigger Property shall
 28 be dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

1 4. Each of the parties to this Stipulation shall bear their own attorneys fees and
2 costs that were incurred with respect to the commencement, prosecution and defense of this
3 litigation that were specifically applicable to the Outrigger Property.

4 5. For purposes of effectuating this stipulation and dismissal, the parties do not
5 contest there was probable cause for the posting of the defendant Outrigger Property, and for the
6 commencement and prosecution of this forfeiture action against the defendant Outrigger Property,
7 and further agree that the Court may enter a Certificate of Reasonable Cause pursuant to 28 U.S.C.
8 § 2465, with respect to the defendant Outrigger Property only.

9 6. The United States shall withdraw its Notice of Lis Pendens recorded against
10 defendant Outrigger Property, and the United States shall execute and record such documents as are
11 reasonably necessary to remove the cloud on title caused by the recording of the Lis Pendens
12 against defendant Outrigger Property within seven days after the date of entry of this Order.

13 7. This Stipulation applies only to the defendant Outrigger Property and does
14 not apply to any other defendant properties.

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Dated: May 31, 2013

BENJAMIN B. WAGNER
United States Attorney

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By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

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Dated: May 30, 2013

/s/ Robert B. Kaplan
ROBERT B. KAPLAN
Attorney for Mechanics Bank
(As authorized via email 5/30/13)

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Dated: May 31, 2013

/s/ Courtney J. Linn
COURTNEY J. LINN
Attorney for Bart Volen
(As authorized via email 5/31/13)

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1 **ORDER DISMISSING CASE WITH PREJUDICE AGAINST DEFENDANT OUTRIGGER**

2 **PROPERTY AND CERTIFICATE OF REASONABLE CAUSE**

3 It is hereby **ORDERED**:

4 The Stipulation is approved in its entirety.

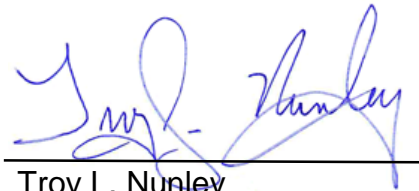
5 The Complaint is dismissed with prejudice as to the defendant, Outrigger Property.

6 And, based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed
7 March 20, 2012, and the Stipulation for Dismissal With Prejudice filed herewith, it is further

8 **ORDERED** that this Court enters a Certificate of Reasonable Cause pursuant to 28
9 U.S.C. § 2465, that there was reasonable cause for: (1) the posting of the defendant Outrigger
10 Property located at 2143 Outrigger Drive, El Dorado Hills, California, El Dorado County, APN:
11 110-612-05-100, and (2) the commencement and prosecution of this forfeiture action against the
12 defendant Outrigger Property.

13 **IT IS FURTHER ORDERED** that the United States shall withdraw its Notice of
14 Lis Pendens recorded against defendant Outrigger Property, and the United States shall execute and
15 record such documents as are reasonably necessary to remove the cloud on title caused by the
16 recording of the Lis Pendens against defendant Outrigger Property within seven days after the date
17 of entry of this Order.

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19 DATED: June 3, 2013

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23 Troy L. Nunley
24 United States District Judge