

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

5 Attorneys for the United States
6
7
8

9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

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 FOR REAL
PROPERTY LOCATED AT 8928
VOLUNTEER LANE, SACRAMENTO,
CALIFORNIA; CERTIFICATE OF
REASONABLE CAUSE

18
19 It is hereby stipulated by and between the United States of America and claimants
20 Mechanics Bank and Volen Properties 10, LLC, by and through their respective counsel of record
21 (the "Stipulation"), as follows:

- 22 1. The real property located located at 8928 Volunteer Lane Sacramento,
23 California, APN: 078-0450-026-0000 ("Volunteer Property") is a named defendant in the above
24 entitled action.
- 25 2. The only parties who have filed claims to the Volunteer Property are
26 Mechanics Bank and Volen Properties 10, LLC.
- 27 3. The parties to this Stipulation agree that defendant Volunteer 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 Volunteer 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 Volunteer Property, and for the
6 commencement and prosecution of this forfeiture action against the defendant Volunteer 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 Volunteer Property only.

9 6. The United States shall withdraw its Notice of Lis Pendens recorded against
10 defendant Volunteer 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 Volunteer Property within seven days after the date of entry of this Order.

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

15 8. That certain Stipulation and Order for Approval of State Court Receiver Sale
16 of Real Property located at 8928 Volunteer Lane, Sacramento, California ("Sale Stipulation")
17 previously filed in the above-entitled action on January 18, 2013 shall be without further force and
18 effect and the United States of America acknowledges that it shall have no further interest in the
19 sale of the Volunteer Lane Property by John Connolly IV, the state court receiver appointed in that
20 certain action entitled Mechanics Bank, etc., v. Volen Properties 10, LLC, etc., et al., Sacramento
21 County Superior Court Case No. 34-2012-00128930.

22
23 Dated: June 5, 2013

BENJAMIN B. WAGNER
United States Attorney

24
25
26 By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

1 Dated: June 4, 2013

/s/ Robert B. Kaplan
ROBERT B. KAPLAN
Attorney for Mechanics Bank

2

3

4 Dated: June 5, 2013

/s/ Courtney J. Linn
COURTNEY J. LINN
Attorney for Volen Properties 10, LLC

5

6

(Signatures authorized by email)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

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, Volunteer Property.

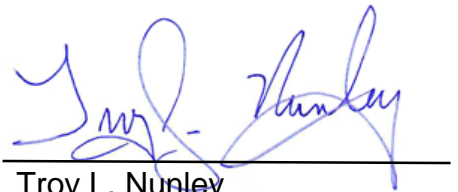
6 And, based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed
7 March 20, 2012, and the Stipulation for Dismissal With Prejudice filed herewith, it is further

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 Volunteer
10 Property located at 8928 Volunteer Lane Sacramento, California, APN: 078-0450-026-0000, and
11 (2) the commencement and prosecution of this forfeiture action against the defendant Volunteer
12 Property.

13 **IT IS FURTHER ORDERED** that certain Stipulation and Order for Approval of
14 State Court Receiver Sale of Real Property located at 8928 Volunteer Lane, Sacramento, California
15 ("Sale Stipulation") previously filed in the above-entitled action on January 18, 2013 shall be
16 without further force or effect and the United States of America acknowledges that it shall have no
17 further interest in the sale of the Volunteer Lane Property by John Connolly IV, the state court
18 receiver appointed in that certain action entitled Mechanics Bank, etc., v. Volen Properties 10, LLC,
19 etc., et al., Sacramento County Superior Court Case No. 34-2012-00128930.

20 **IT IS FURTHER ORDERED** that the United States shall withdraw its Notice of
21 Lis Pendens recorded against defendant Volunteer Property, and the United States shall execute and
22 record such documents as are reasonably necessary to remove the cloud on title caused by the
23 recording of the Lis Pendens against defendant Volunteer Property within seven days after the date
24 of entry of this Order.

25 DATED: June 6, 2013

26
27
28 
Troy L. Nunley
United States District Judge