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IN THE UNITED STATES DISTRICT COURT FOR THE  
 EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT  
 10027 SEATTLE SLEW LANE, ELK  
 GROVE CALIFORNIA,  
 SACRAMENTO COUNTY, APN:  
 127-0940-009-0000, INCLUDING  
 ALL APPURTENANCES AND  
 IMPROVEMENTS THERETO,

Defendant.

2:12-CV-00732-KJM-DAD

FINDINGS AND RECOMMENDATIONS

This matter came before the Honorable Judge Dale A. Drozd on the United States' *ex parte* motion for default judgment. There was no appearance by or on behalf of any other person or entity claiming an interest in the above-captioned defendant property to oppose the United States' motion. Based on the United States' motion and the files and records of the court, THE COURT FINDS as follows:

1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed March 22, 2012.

1           2. The United States has moved this Court, pursuant to Local Rule 540, for  
2 entry of default judgment of forfeiture against potential claimants Top Huynh, Tan  
3 Huynh, Dao Huynh, Kim Thi Huynh, and Henry K. Ho.

4           3. The United States has shown that a complaint for forfeiture was filed; that  
5 potential claimants Top Huynh, Tan Huynh, Dao Huynh, Kim Thi Huynh, and Henry  
6 K. Ho received notice of the forfeiture action; that any and all other unknown potential  
7 claimants have been served by publication; and that grounds exist for entry of a final  
8 judgment of forfeiture.

9           Therefore, IT IS RECOMMENDED as follows:

10          4. That Top Huynh, Tan Huynh, Dao Huynh, Kim Thi Huynh, and Henry K. Ho  
11 be held in default;

12          5. That the United States' motion for default judgment and final judgment of  
13 forfeiture be granted;

14          6. That a judgment by default be entered against any right, title, or interest of  
15 potential claimants Top Huynh, Tan Huynh, Dao Huynh, Kim Thi Huynh, and Henry  
16 K. Ho in the defendant property referenced in the above caption and more fully  
17 described in Exhibit A attached hereto;

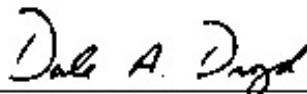
18          7. That a final judgment be entered, forfeiting all right, title, and interest in the  
19 defendant property to the United States, to be disposed of according to law, subject to  
20 the Stipulation and Order for Expedited Settlement Between United States and Lien  
21 Holder Suntrust Mortgage, Inc. filed July 17, 2012, which is incorporated herein.

22          8. That the Default Judgment and Final Judgment of Forfeiture lodged herein  
23 be signed by the Honorable Kimberly J. Mueller and filed by the Clerk of the Court.

24          These findings and recommendations will be submitted to the United States  
25 District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).  
26 Within fourteen (14) days after this order is electronically filed and served on all  
27 parties, any party may file and serve written objections with the court. A document  
28 containing objections should be titled "Objections to Magistrate Judge's Findings and

1 Recommendations.” Any reply to objections shall be filed and served within seven (7)  
2 days after the objections are served. The parties are cautioned that failure to file  
3 objections within the specified time may, under certain circumstances, waive the right  
4 to appeal the District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir.  
5 1991).

6 DATED: July 29, 2012.

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10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE

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**Exhibit A**

(Real property located at 10027 Seattle Slew Lane, Elk Grove,  
California, Sacramento County)

PARCEL ONE:

LOT 40, AS SHOWN ON THE PLAT OF SUBDIVISION NO. 00.025.3 OF VAN RUITEN RANCH UNIT 2",  
FILED NOVEMBER 10, 2003, IN BOOK 321 OF MAPS, MAP NO. 8, RECORDS OF SACRAMENTO COUNTY.

PARCEL TWO:

A RIGHT OF WAY (NOT TO BE EXCLUSIVE), FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS,  
PEDESTRIANS AND ANIMALS, FOR WATER, GAS, OIL AND SEWER PIPE LINES, AND FOR  
TELEPHONE, CABLE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH NECESSARY POLES  
OR UNDERGROUND CONDUITS TO CARRY SAID LINES, OVER, UNDER AND UPON "SEABISCUIT  
LANE, VAN RUITEN LANE, NATIVE DANCER LANE, SEATTLE SLEW LANE, SECRETARIAT LANE AND  
KEAWE LANE", AS SHOWN ON SAID FILED MAP.

APN: 127-0940-009-0000