

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

2:12-CV-00811-TLN-EFB

12 Plaintiff,

*AMENDED* FINAL JUDGMENT OF  
 FORFEITURE

13 v.

14 REAL PROPERTY LOCATED AT 705  
 THROUGH 709 SOUTH CALIFORNIA  
 15 STREET, STOCKTON, CALIFORNIA, SAN  
 JOAQUIN COUNTY, APN: 149-084-06,  
 16 INCLUDING ALL APPURTENANCES AND  
 IMPROVEMENTS THERETO,

17 Defendant.  
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19  
 20 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

21 1. This is a civil forfeiture action against the following real property located at  
 22 705 through 709 South California Street, Stockton, California, San Joaquin County, APN:  
 23 149-084-06, including all appurtenances and improvements thereto (the "defendant  
 24 property"), and more fully described in Exhibit A attached hereto and incorporated herein  
 25 by reference.

26 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on March  
 27 29, 2012, alleging the defendant property is forfeitable to the United States pursuant to 21  
 28 U.S.C. § 881(a)(7).

1           3.     On March 30, 2012, the defendant property was posted with a copy of the  
2 Complaint and Notice of Complaint.

3           4.     Beginning on May 4, 2012, for at least 30 consecutive days, the United States  
4 published Notice of the Forfeiture Action on the official internet government forfeiture site  
5 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on June 21, 2012.

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

- 9                   a.     Sam Luigi Toccoli  
10                   b.     Alexandre Toccoli  
11                   c.     Lisa Toccoli Stenard  
12                   d.     Albert Toccoli

13           6.     Claimants Sam Luigi Toccoli, Lisa Toccoli Stenard, and Albert Toccoli  
14 (hereafter “claimants”) filed verified claims alleging an interest in the defendant property  
15 on April 30, 2012. Claimants filed answers on May 1, 2012. No other parties have filed  
16 claims or answers in this matter, and the time in which any person or entity may file a  
17 claim and answer has expired.

18           7.     The Clerk of the Court entered a Clerk's Certificate of Entry of Default  
19 against Alexandre Toccoli on August 8, 2012. Pursuant to Local Rule 540, the United  
20 States requests, and claimants do not oppose, that as part of the *Amended* Final Judgment  
21 of Forfeiture in this case, the Court enter a default judgment against the interest, if any, of  
22 Alexandre Toccoli without further notice.

23           8.     While this action was pending, a fire occurred on the defendant property. As a  
24 result of the fire, an insurer paid claimants for damage to the property resulting from the  
25 fire. In this action, the United States sought forfeiture of those fire insurance proceeds,  
26 contending those proceeds constituted part of the res in this civil forfeiture action.  
27 Claimants contested that claim, contending that the fire insurance proceeds were not part  
28 of the res and could not be made part of the res in this civil forfeiture action. Also while  
this action was pending, claimants received a written offer to buy the defendant property.

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

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

5 2. On September 12, 2013, the United States received a cashier's check in the  
6 amount of \$220,000.00 from claimants. All right, title, and interest of claimants Sam Luigi  
7 Toccoli, Lisa Toccoli Stenard, and Albert Toccoli in said funds shall be substituted for the  
8 defendant property and forfeited to the United States pursuant to 21 U.S.C. § 881(a)(7), to  
9 be disposed of according to law.

10 3. Judgment of forfeiture is further entered as to all potential claimants who  
11 have not filed claims in this action. As a result of that judgment of forfeiture, no such  
12 potential claimant shall be permitted to make a claim to the defendant property.

13 4. Within ten days of the entry of this *Amended* Final Judgment of Forfeiture,  
14 the United States shall submit for recording a Notice of Withdrawal of Lis Pendens against  
15 the defendant property.

16 5. Payment of the \$220,000.00 and the entry of this *Amended* Judgment will  
17 resolve the United States' entire forfeiture action against the defendant property, including  
18 the United States' claim to the fire insurance proceeds referenced above.

19 6. The United States and its servants, agents, and employees and all other  
20 public entities, their servants, agents, and employees, are released from any and all  
21 liability arising out of or in any way connected with the filing of the Complaint and the  
22 posting of the defendant property with the Complaint and Notice of Complaint. This is a  
23 full and final release applying to all unknown and unanticipated injuries, and/or damages  
24 arising out of or in any way connected with the filing of the Complaint and the posting of  
25 the defendant property with the Complaint and Notice of Complaint, as well as to those  
26 now known or disclosed. The parties waived the provisions of California Civil Code § 1542.

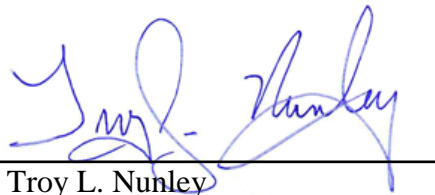
27 7. That pursuant to the stipulation of the parties, and the allegations set forth in  
28 the Complaint filed on March 29, 2012, the Court finds that there was reasonable cause for

1 the posting of the defendant property, and for the commencement and prosecution of this  
2 forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall  
3 be entered accordingly.

4 8. All parties are to bear their own costs and attorneys' fees.

5 9. The U.S. District Court for the Eastern District of California shall retain  
6 jurisdiction to enforce the terms of this *Amended* Final Judgment of Forfeiture.

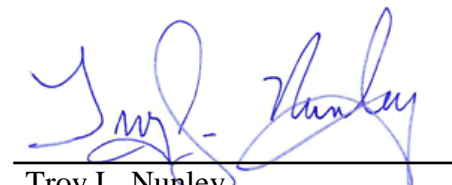
7 SO ORDERED THIS 16<sup>th</sup> day of September, 2013.

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11 Troy L. Nunley  
12 United States District Judge

13 CERTIFICATE OF REASONABLE CAUSE

14 Based upon the allegations set forth in the Complaint filed March 29, 2012, and the  
15 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate  
16 of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the  
17 posting of the defendant property, and for the commencement and prosecution of this  
18 forfeiture action.

19 DATED: September 16, 2013

20   
21 Troy L. Nunley  
22 United States District Judge  
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**EXHIBIT A**

1 Real property located at 705 through 709 South California Street, Stockton, CA

2 The South 50 feet of each of Lots Eight (8), Ten (10) and Twelve (12), in Block D  
3 East of Center Street, in the said City of Stockton, according to the Official Map or  
4 Plat thereof, San Joaquin County Records.

5 Also that certain parcel of land formerly included within Scott's Avenue adjoining  
6 these premises on the South; Bounded on the North by the south line of Block "D"  
7 EAST OF CENTER STREET; on the East by the West line of California Street; on  
8 the West by the East line of Sutter Street, and on the South by the North line of  
9 Block twenty-five (25), SOUTH OF MORMON CHANNEL in the said City of  
10 Stockton, according to the Official Map or Plat thereof, San Joaquin County  
11 Records.

12 EXCEPT the West 150 feet thereof conveyed to Union Building and Realty  
13 Company, a corporation, by deed recorded July 26, 1956, in Vol. 1888 of Official  
14 Records, page 521.

15 Also Excepting the Southerly 25.03 feet thereof.

16 APN: 149-084-06  
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