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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.

2:12-CV-01046-JAM-KJN  
 FINAL JUDGMENT OF FORFEITURE

14 REAL PROPERTY LOCATED AT 6642  
 15 MERCHANDISE WAY, DIAMOND SPRINGS,  
 CALIFORNIA, EL DORADO COUNTY, APN:  
 16 329-392-05, INCLUDING ALL  
 APPURTENANCES AND IMPROVEMENTS  
 17 THERETO,  
 18 Defendant.

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

20 1. This is a civil action *in rem* brought against certain real property located at 6642  
 21 Merchandise Way, Diamond Springs, California, El Dorado County, APN: 329-392-05, including all  
 22 appurtenances and improvements thereto (hereafter “defendant property”), and more fully described as:

23 LOT 21, OF PARK WEST SUBDIVISION UNIT NO. 2, FILED OCTOBER  
 24 4,1989 IN BOOK G, OF MAPS AT PAGE 140, EL DORADO COUNTY  
 RECORDS.

25 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on April 19, 2012,  
 26 alleging that said defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. §  
 27 881 (a)(7).

28 3. On May 25, 2012, the defendant property was posted with a copy of the Complaint and

1 Notice of Complaint.

2 4. Beginning on May 19, 2012, for at least thirty consecutive days, the United States  
3 published Notice of the Forfeiture Action on the official internet government forfeiture site  
4 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on September 6, 2012.

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

7 a. James Short

8 b. Harold Bollenbacher

9 6. Claimant Harold Bollenbacher, Trustee of The Family Trust Created Under the  
10 Bollenbacher Family Trust Dated September 27, 1995, filed a claim to the defendant property on May  
11 15, 2012, and an answer to the complaint on October 13, 2016. No other parties have filed claims or  
12 answers in this matter, and the time in which any person or entity may file a claim and answer has  
13 expired.

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

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

18 2. Within sixty (60) days of the entry of Final Judgment of Forfeiture, Claimant Harold  
19 Bollenbacher, Trustee of The Family Trust Created Under the Bollenbacher Family Trust Dated  
20 September 27, 1995, shall send a cashier's check for \$5,000.00 made payable to the U.S. Marshals  
21 Service to the U.S. Attorney's Office, Attn: Asset Forfeiture Unit, 501 I Street, Suite 10-100,  
22 Sacramento, CA 95814. All right, title, and interest in said funds shall be substituted for the defendant  
23 property located at 6642 Merchandise Way, Diamond Springs, California, El Dorado County, APN:  
24 329-392-05 and forfeited to the United States pursuant to 21 U.S.C. § 881(a)(7), to be disposed of  
25 according to law.

26 3. Within thirty (30) days of full payment of the settlement amount, the United States shall  
27 record a withdrawal of lis pendens against the defendant property.

28 4. If payment in full is not made within the time stipulated above, Claimant Harold

1 Bollenbacher, Trustee of The Family Trust Created Under the Bollenbacher Family Trust Dated  
2 September 27, 1995, will be deemed to be in default of this stipulation and the U.S. Marshals Service  
3 shall be authorized to sell the defendant property, in the most commercially feasible manner, as soon as  
4 reasonably possible, for the maximum price. Through the sale of the defendant property, the United  
5 States shall receive the net proceeds, less payments for costs of selling the property, cleanup, other  
6 expenses incurred, and any legitimate liens that exist on the defendant property.

7 5. The United States and its servants, agents, and employees and all other public entities,  
8 their servants, agents, and employees, are released from any and all liability arising out of or in any way  
9 connected with the filing of the Complaint and the posting of the defendant properties with the  
10 Complaint and Notice of Complaint. This is a full and final release applying to all unknown and  
11 unanticipated injuries, and/or damages arising out of the filing of the Complaint and the posting of the  
12 defendant properties with the Complaint and Notice of Complaint, as well as to those now known or  
13 disclosed. Claimants waived the provisions of California Civil Code § 1542.

14 6. All parties are to bear their own costs and attorneys' fees.

15 7. The U.S. District Court for the Eastern District of California, Hon. John A. Mendez,  
16 District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

17 8. Based upon the allegations set forth in the Complaint filed April 19, 2012, and the  
18 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable  
19 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the  
20 defendant currency, and for the commencement and prosecution of this forfeiture action.

21 SO ORDERED THIS 10<sup>th</sup> day of January, 2017

22 /s/ John A. Mendez  
23 JOHN A. MENDEZ  
24 United States District Court Judge  
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