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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-01082-JAM-DB

12 Plaintiff,

FINAL JUDGMENT OF FORFEITURE

13 v.

14 REAL PROPERTY LOCATED AT 9688 POPLAR
 COURT, LIVE OAK, CALIFORNIA, SUTTER
 15 COUNTY, APN: 06-670-016, INCLUDING ALL
 APPURTENANCES AND IMPROVEMENTS
 16 THERETO,

17 Defendant.

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

20 1. This is a civil forfeiture action against real property located at 9688 Poplar Court, Live
 21 Oak, California, Sutter County, APN: 06-670-016 (“defendant property”), and more fully described as:

22 LOT 39, AS SHOWN ON THAT CERTAIN MAP ENTITLED “PENNINGTON
 23 RANCH UNIT NO. 1”, FILED FOR RECORD AUGUST 6, 2004, IN BOOK 16
 OF SURVEYS, PAGES(S) 207, SUTTER COUNTY OFFICIAL RECORDS
 24 EXCEPTING THEREFROM ALL OIL, GAS AND OTHER MINERAL RIGHTS
 AS RESERVED IN THE DEED FROM CAPITAL COMPANY, A
 25 CORPORATION, RECORDED JUNE 22, 1944 IN BOOK 204, PAGE 287 OF
 OFFICIAL RECORDS.

26 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on April 23, 2012,
 27 alleging that said defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. §§
 28 881(a)(6) and 881(a)(7), and 18 U.S.C. § 981(a)(1)(A).

1 3. On May 23, 2012, the defendant property was posted with a copy of the Complaint and
2 Notice of Complaint.

3 4. Beginning on May 26, 2012, for at least 30 consecutive days, the United States published
4 Notice of the Forfeiture Action on the official internet government forfeiture site www.forfeiture.gov. A
5 Declaration of Publication was filed on July 3, 2012.

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

8 a. Mariano Vallejo

9 b. Maricela Aceves

10 6. On May 15, 2012, Mariano Montenegro Vallejo filed a claim alleging an interest in the
11 defendant property. On May 18, 2012, Maricela Aceves filed a claim alleging an interest in the
12 defendant property. No Answers have been filed by the claimants. A Stay was entered on June 21, 2012,
13 staying the case pending the resolution of the related criminal case, United States v. Mariano Montenegro
14 Vallejo, 2:12-CR-00156-JAM.

15 7. No other parties have filed claims or answers in this matter, and the time in which any
16 person or entity may file a claim and answer has expired.

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

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

21 2. That judgment is hereby entered against claimants Mariano Montenegro Vallejo and
22 Maricela Aceves, and all other potential claimants who have not filed claims in this action.

23 3. All right, title, and interest of Mariano Montenegro Vallejo and Maricela Aceves in the
24 real property located at 9688 Poplar Court, Live Oak, California, Sutter County, APN: 06-670-016 shall
25 be forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(7), and 18 U.S.C. §
26 981(a)(1)(A), to be disposed of according to law.

27 4. Upon entry of this Final Judgment of Forfeiture, the U.S. Marshals Service (“USMS”)
28 shall be authorized to sell the defendant property. The USMS (or a designee) shall list the defendant

1 property for sale and shall have sole authority to select the means of sale, including sale by internet or
2 through a licensed real estate broker, and shall have sole authority over the marketing and sale of the
3 defendant property.

4 5. The USMS shall have the defendant property appraised by a licensed appraiser of its
5 choosing. The USMS and the appraiser may have access to the defendant property and structures,
6 buildings, or storage sheds thereon upon 24 hours' telephonic notice.

7 6. The USMS shall deduct their costs incurred to date of close of escrow, including the cost
8 of posting, service, advertising, and maintenance from the net proceeds after payment of the costs
9 associated with selling the property, unpaid property taxes, and any liens or judgments owed prior to
10 recording of Lis Pendens. The United States may pay any such lien or encumbrance at its sole discretion.

11 7. The United States will receive the remaining net proceeds from the sale of the defendant
12 property. All right, title, and interest in said funds shall be substituted for the defendant property and
13 forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(7), and 18 U.S.C. §
14 981(a)(1)(A), to be disposed of according to law.

15 8. Each party shall execute all documents necessary to close escrow, if such signatures are
16 required by the title insurer.

17 9. Claimants Mariano Montenegro Vallejo and Maricela Aceves represent that they will not
18 take any action, or cause any other person to take any action, to damage or modify the defendant property
19 from its present condition or other action that may result in a reduction in value of the defendant
20 property.

21 10. Claimants Mariano Montenegro Vallejo and Maricela Aceves shall remove all personal
22 possessions, and the personal possessions of any former occupant, including all vehicles, furniture, and
23 trash, and will leave the property clean and in the same state of repair as the property was on the date it
24 was posted. Any and all of claimant's personal possessions, and the personal possessions of any former
25 occupant, not removed upon 72 hours' notice by the USMS will be disposed of by the United States
26 without further notice.

27 11. The United States and its servants, agents, and employees are released from any and all
28 liability arising out of or in any way connected with the filing of the Complaint and the posting of the

1 defendant property with the Complaint and Notice of Complaint. This is a full and final release applying
2 to all unknown and unanticipated injuries, and/or damages arising out of the filing of the Complaint and
3 the posting of the defendant property with the Complaint, as well as to those now known or disclosed.

4 Claimants waived the provisions of California Civil Code § 1542.

5 12. Each party shall bear his or her own costs and attorney's fees.

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

8 14. Based upon the allegations set forth in the Complaint filed April 23, 2012, and the
9 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable
10 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the posting of the defendant
11 property, and for the commencement and prosecution of this forfeiture action.

12 SO ORDERED THIS 27th day of December, 2016

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14 /s/ John A. Mendez
15 JOHN A. MENDEZ
16 United States District Court Judge
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