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

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 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.

2:12-CV-01631-TLN-DAD
 FINAL JUDGMENT OF FORFEITURE

14 2010 MERCEDES-BENZ CLS550, VIN:
 WDDDJ7CB3AA165644, LICENSE
 15 NUMBER 6SYA458,
 16 APPROXIMATELY \$121,872 SEIZED
 FROM THE ATTORNEY-CLIENT TRUST
 17 FUND ACCOUNT OF NANCY P. DICENZO
 MAINTAINED AT WELLS FARGO BANK,
 18 ACCOUNT NUMBER 0388010803, and
 19 \$1,931,118.00 INTEREST IN THE
 \$2,437,500.00 PROMISSORY NOTE
 20 SECURED BY REAL PROPERTY
 LOCATED ON PLACER CORPORATE
 21 DRIVE, ROCKLIN, CALIFORNIA, PLACER
 COUNTY, APN: 017-270-070, INCLUDING
 22 ALL APPURTENANCES AND
 IMPROVEMENTS THERETO,
 23 Defendants.
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 26 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

27 1. This is a civil forfeiture action against a 2010 Mercedes-Benz CLS550, VIN:

1 WDDDJ7CB3AA165644, License Number 6SYA458; Approximately \$121,872 seized from
2 the Attorney-Client Trust Fund Account of Nancy P. Dicenzo maintained at Wells Fargo
3 Bank, Account Number 0388010803; and \$1,931,118.00 Interest in the \$2,437,500.00
4 Promissory Note secured by real property located on Placer Corporate Drive, Rocklin,
5 California, Placer County, APN: 017-270-070, including all appurtenances and
6 improvements thereto (collectively as “defendant properties”). The 2010 Mercedes-Benz
7 CLS550 was seized on or about March 22, 2012. The Approximately \$121,872 from the
8 Attorney-Client Trust Fund Account was seized on or about March 26, 2012. Seizure
9 warrant 2:12-SW-00121-EFB issued March 15, 2012, for the \$1,931,118.00 Interest in the
10 \$2,437,500.00 Promissory Note and was served on the note holder and other interested
11 parties on March 20 and 22, 2012.

12 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on June 18,
13 2012, alleging that the defendant properties are subject to forfeiture to the United States
14 pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C).

15 3. On June 19, 2012, the Clerk issued a Warrant for Arrest for the defendant
16 2010 Mercedes-Benz CLS550 and the \$121,872 seized from the Attorney-Client Trust Fund
17 Account, and that warrant was executed on July 6, 2012. A Protective Order regarding the
18 \$1,931,118.00 Interest in the \$2,437,500.00 Promissory Note was filed on June 22, 2012,
19 and it was served on the note holder and other interested parties.

20 4. Beginning on July 13, 2012, for at least 30 consecutive days, the United States
21 published Notice of the Forfeiture Action on the official internet government forfeiture site
22 www.forfeiture.gov. A Declaration of Publication was filed on September 19, 2012.

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

- 26 a. Bart Volen
- 27 b. Marcia Volen
- 28 c. Nancy P. DiCenzo
- d. Joshua Volen.

1 6. Bart Volen on behalf of Volen Properties 5, LLC (hereafter “claimant”) filed a
2 Verified Claim on August 24, 2012, alleging an interest in the defendant \$1,931,118.00
3 Interest in the \$2,437,500.00 Promissory Note secured by real property located on Placer
4 Corporate Drive, Rocklin, California, Placer County, APN: 017-270-070. No other parties
5 have filed claims or answers in this matter, and the time in which any person or entity may
6 file a claim and answer has expired.

7 7. The Clerk of the Court entered a Clerk’s Certificate of Entry of Default
8 against Marcia Volen on November 6, 2012. Pursuant to Local Rule 540, the United States
9 and claimant request that, as part of this Final Judgment of Forfeiture, the Court enter a
10 default judgment against the interest, if any, of Marcia Volen without further notice.

11 8. A Stipulation and Order to Substitute Proceeds of Sale for Portion of
12 \$2,437,500 Note Subject to Forfeiture was filed on February 26, 2014. The Order
13 authorized the sale of one of the ten buildings located on Placer Corporate Drive that
14 secures the Note with the net sale proceeds being deposited with the United States,
15 pending further order of the Court. The United States received \$611,181.55 on or about
16 March 7, 2014. The balance owed on the \$1,931,118.00 Interest in the \$2,437,500.00
17 Promissory Note is \$1,319,936.45.

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

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

22 2. That judgment is hereby entered against claimant Bart Volen on behalf of
23 Volen Properties 5, LLC and all other potential claimants who have not filed claims in this
24 action.

25 3. Upon entry of this Final Judgment of Forfeiture, all right, title, and interest of
26 Bart Volen and Volen Properties 5, LLC in the below listed defendant properties shall be
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1 forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C), to be
2 disposed of according to law:

3 (a) 2010 Mercedes-Benz CLS550, VIN: WDDDJ7CB3AA165644,
4 License Number 6SYA458;

5 (b) Approximately \$121,872 seized from the Attorney-
6 Client Trust Fund Account of Nancy P. Dicenzo maintained
7 at Wells Fargo Bank, Account Number 0388010803;

8 (c) \$611,181.55 as partial payment towards the \$1,931,118.00
9 Interest in the \$2,437,500.00 Promissory Note secured by real
10 property located on Placer Corporate Drive, Rocklin, California,
11 Placer County, APN: 017-270-070, including all appurtenances
12 and improvements thereto; and

13 (d) \$1,319,936.45 Interest in the \$2,437,500.00 Promissory Note
14 secured by real property located on Placer Corporate Drive, Rocklin,
15 California, Placer County, APN: 017-270-070, including all
16 appurtenances and improvements thereto.

17 4. The United States and its servants, agents, and employees and all other
18 public entities, their servants, agents, and employees, are released from any and all
19 liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the
20 defendant properties. This is a full and final release applying to all unknown and
21 unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as
22 well as to those now known or disclosed. The parties waived the provisions of California
23 Civil Code § 1542.

24 5. Claimant waived any and all claim or right to interest that may have accrued
25 on the defendant properties.

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

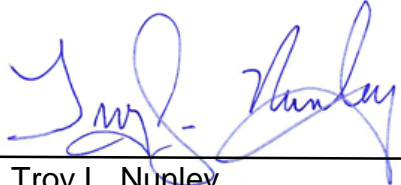
27 7. The U.S. District Court for the Eastern District of California, Hon. Troy L.
28 Nunley, District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment
of Forfeiture.

8. Based upon the allegations set forth in the Complaint filed June 18, 2012, and
the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable

1 cause for the seizure and arrest of the defendant properties, and for the commencement
2 and prosecution of this forfeiture action.

3 SO ORDERED THIS 20th day of June, 2014.

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Troy L. Nunley
United States District Judge