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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,

2:13-CV-00363-KJM-KJN

13 v.

PARTIAL FINAL JUDGMENT OF
 FORFEITURE (AS TO SOME BUT
 NOT ALL DEFENDANT ASSETS)

14 REAL PROPERTY LOCATED AT 8646
 EVERIDGE COURT, SACRAMENTO,
 15 CALIFORNIA, SACRAMENTO COUNTY,
 APN: 115-1200-101-0000, INCLUDING ALL
 16 APPURTENANCES AND IMPROVEMENTS
 THERETO,

17 REAL PROPERTY LOCATED AT 8270
 18 CLIFFCREST DRIVE, SACRAMENTO,
 CALIFORNIA, SACRAMENTO COUNTY,
 19 APN: 115-1140-009-0000, INCLUDING ALL
 APPURTENANCES AND IMPROVEMENTS
 20 THERETO,

21 REAL PROPERTY LOCATED AT 9761
 MCKENNA DRIVE, ELK GROVE,
 22 CALIFORNIA, SACRAMENTO COUNTY,
 APN: 132-1310-020, INCLUDING ALL
 23 APPURTENANCES AND IMPROVEMENTS
 THERETO,

24 REAL PROPERTY LOCATED AT 3713 45TH
 25 AVENUE, SACRAMENTO, CALIFORNIA,
 SACRAMENTO COUNTY, APN: 037-0174-
 26 009, INCLUDING ALL APPURTENANCES
 AND IMPROVEMENTS THERETO, and

27 REAL PROPERTY LOCATED AT 54 CAINA
 28 COURT, SACRAMENTO, CALIFORNIA,

1 SACRAMENTO COUNTY, APN: 040-0260-
2 074, INCLUDING ALL APPURTENANCES
3 AND IMPROVEMENTS THERETO,

Defendants.

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

5 1. This is a civil action *in rem* brought against the following assets:

6 a) 8646 Everidge Court, Sacramento, California, Sacramento County, APN: 115-
7 1200-101-0000, including all appurtenances and improvements thereto, and more fully described as:

8 Lot 142, as shown on the map entitled, Glenwood Unit No. 3A, recorded in Book
9 228 of Maps, Page 10.

10 b) 8270 Cliffcrest Drive, Sacramento, California, Sacramento County, APN: 115
11 1140-009-0000, including all appurtenances and improvements thereto, and more fully described as:

12 Lot 1240 as shown on the "Plat of Countryside Unit No. 10", in the County of
13 Sacramento, State of California, filed on July 26, 1989 in Book 195 of Maps,
14 Map No. 16, in the Office of the County Recorder of said county.

15 c) 9761 McKenna Drive, Elk Grove, California, Sacramento County, APN: 132-
16 1310-020-0000, including all appurtenances and improvements thereto, and more fully described as:

17 Lot 201, as shown on the Official Map of "Backer Ranch, Unit No. 3" in the city
18 of Elk Grove, County of Sacramento, State of California, filed in the Office of
19 the Recorder of Sacramento, California on March 25, 2003, in Book 313 of
20 Maps, at Page 1.

21 d) 3713 45th Avenue, Sacramento, California, Sacramento County, APN: 037-
22 0174-009-0000, including all appurtenances and improvements thereto, and more fully described as:

23 The land described herein is situated in the State of California, County of
24 Sacramento, Unincorporated Area, and is described as follows:

25 Lot 9, as shown on the "Plat of Kaar Tract", recorded in Book 36 of Maps, Map
26 No. 28, Records of said county.

27 e) 54 Caina Court, Sacramento, California, Sacramento County, APN: 040-0260
28 074-0000, including all appurtenances and improvements thereto, and more fully described as:

The land described herein is situated in the State of California, County of
Sacramento, City of Sacramento, and is described as follows:

Lot 1, as shown on the map entitled "Elder Place", recorded in Book 280 of
Maps, Page 1, Records of Sacramento County.

The record owner of the defendant property identified in paragraphs 1a) is Green Venture, LLC.

The record owner of the defendant properties identified in paragraphs 1b) and e) is Zhi Cai Wu. The

1 record owner of the defendant property identified in paragraph 1c) is Bao Qiong Li. The record owner
2 of the defendant property identified in paragraph 1d) is Xiu Zhen Chen.

3 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on February 22,
4 2013, alleging that said defendant properties are subject to forfeiture to the United States pursuant to 21
5 U.S.C. §§ 881(a)(6) and (a)(7).

6 3. On March 6, 2013, the defendant properties were posted with a copy of the Complaint
7 and Notice of Complaint.

8 4. Beginning on May 11, 2013, for at least 30 consecutive days, the United States
9 published Notice of the Forfeiture Action on the official internet government forfeiture site
10 www.forfeiture.gov. A Declaration of Publication was filed on June 20, 2013.

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

- 13 a) Green Venture, LLC
- 14 b) Zhiqiang Liu
- 15 c) Zhi Cai Wu
- 16 d) Xiu Zhen Chen
- 17 e) Jun Mou Peng
- 18 f) Huan Hao Chen
- 19 g) Qiao Ling Feng
- 20 h) Jin Fang Chen
- 21 i) Limei Feng
- 22 j) Bao Qiong Li
- 23 k) Liandi Wu
- 24 l) East West Bank
- 25 m) City of Sacramento

26 6. Claimant Zhi Cai Wu filed a claim alleging an interest in the defendant property located
27 at 3713 45th Avenue, Sacramento, California, Sacramento County, APN: 037-0174-009-0000 on April
28 9, 2013. Claimant Xiu Zhen Chen filed a claim alleging an interest in the defendant property located at
54 Caina Court, Sacramento, California Sacramento County, APN: 040-0260-074-0000 on April 9,
2013. Claimant Bao Qiong Li filed a claim alleging an interest in the defendant property located at
9761 McKenna Drive, Elk Grove, California, Sacramento County, APN: 132-1310-020-0000 on April
12, 2013.

7. On May 30, 2013, East West Bank filed a timely petition alleging an interest in the real
property located at 9761 McKenna Drive, Elk Grove, California, Sacramento County, APN: 132-

1 1310-020-0000, alleging a lien holder interest.

2 8. The Clerk of the Court entered a Clerk's Certificate of Entry of Defaults against Green
3 Venture LLC, Huan Hao Chen, Jin Fang Chen, Jun Mou Peng, Liandi Wu, Limei Feng, and Qiao Ling
4 Feng on May 2, 2014. Pursuant to Local Rule 540, the United States and claimant thus join in a request
5 that as part of the Final Judgment of Forfeiture in this case the Court enter a default judgment against
6 the interests, if any, of Green Venture LLC, Huan Hao Chen, Jin Fang Chen, Jun Mou Peng, Liandi
7 Wu, Limei Feng, and Qiao Ling Feng without further notice.

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

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

12 10. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and
13 between the parties to this action.

14 11. Judgment is hereby entered against Zhiqiang Liu, party in interest for Green Venture,
15 LLC, and all other potential claimants who have not filed claims in this action.

16 12. Upon entry of this Partial Final Judgment of Forfeiture, all right, title, and interest of
17 Zhiqiang Liu, party in interest for Green Venture, LLC, in the following defendant properties, shall be
18 forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and (a)(7), to be disposed of according
19 to law:

- 20 a) Real Property located at 8646 Everidge Court, Sacramento, California,
21 Sacramento County, APN: 115-1200-101-0000, including all appurtenances and
22 improvements thereto; and
23 b) Real Property located at 8270 Cliffcrest Drive, Sacramento, California,
24 Sacramento County, APN: 115-1140-009-0000, including all appurtenances and
25 improvements thereto;

26 13. The following defendant assets shall remain part of this case and remain subject to
27 forfeiture:

- 28 a) 8270 Cliffcrest Drive, Sacramento, California, Sacramento County, APN: 115
1140-009-0000, including all appurtenances and improvements thereto;
b) 9761 McKenna Drive, Elk Grove, California, Sacramento County, APN: 132-
1310-020-0000, including all appurtenances and improvements thereto;

1 c) 3713 45th Avenue, Sacramento, California, Sacramento County, APN: 037-
2 0174-009-0000, including all appurtenances and improvements thereto; and

3 d) 54 Caina Court, Sacramento, California, Sacramento County, APN: 040-0260
4 074-0000, including all appurtenances and improvements thereto

5 14. Upon entry of the Partial Final Judgment of Forfeiture, the U.S. Marshals Service (or a
6 designee) shall list the defendant real property located at 8646 Everidge Court, Sacramento, California,
7 Sacramento County, APN: 115-1200-101-0000, for sale. The U.S. Marshals Service shall have sole
8 authority to select the means of sale, including sale by internet or through a licensed real estate broker,
9 and shall have sole authority over the marketing and sale of the defendant real property.

10 a) The U.S. Marshals Service shall have the defendant real property appraised by a
11 licensed appraiser of its choosing. The U.S. Marshals Service and the appraiser may have access to the
12 defendant real property and structures, buildings, or storage sheds thereon upon 24 hours telephonic
13 notice.

14 b) If necessary, the U.S. Marshals Service, and any real estate broker employed by
15 the U.S. Marshals Service, shall have the right to put a "lock box" on the property to facilitate the
16 marketing and sale of the property.

17 c) The following costs, expenses and distributions shall be paid in escrow from the
18 gross sales price in the following priority and to the extent funds are available:

19 i. The costs incurred by the U.S. Marshals Service to the date of close of
20 escrow, including the cost of posting, service, advertising, and
21 maintenance.

22 ii. Any unpaid real property taxes, which shall be prorated as of the
23 date of the entry of the Final Judgment of Forfeiture.

24 iii. A real estate commission not to exceed the U.S. Marshals Service
25 contractual brokerage fee.

26 iv. The seller shall pay any county transfer taxes.

27 v. To the United States of America: the net proceeds from the sale of the
28 defendant real property at 8646 Everidge Court, Sacramento, California,
Sacramento County, APN: 115-1200-101-0000. All right, title, and
interest in said funds shall be substituted for the defendant real property
and forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and
881(a)(7), to be disposed of according to law.

1 d) Any liens or encumbrances against the defendant real property that appear on
2 record subsequent to the recording of plaintiff's *amended* lis pendens documents on March 25, 2013,
3 and prior to the close of escrow may be paid out of escrow. The United States may pay any such lien or
4 encumbrance at its sole discretion.

5 e) The costs of a lender's policy of title insurance (ALTA policy) shall be paid for
6 by the buyer.

7 e) All loan fees, "points" and other costs of obtaining financing shall be paid for by
8 the buyer of the defendant real property.

9 g) Each party shall execute all documents necessary to close escrow, if such
10 signatures are required by the title insurer.

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

17 16. All parties are to bear their own costs and attorneys' fees.

18 17. The U.S. District Court for the Eastern District of California, Hon. Kimberly J. Mueller,
19 District Judge, shall retain jurisdiction to enforce the terms of this Partial Final Judgment of Forfeiture.

20 18. Based upon the allegations set forth in the Complaint filed February 22, 2013, and the
21 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable
22 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the
23 defendant properties, and for the commencement and prosecution of this forfeiture action.

24 SO ORDERED THIS 22nd day of August, 2017.

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26 
27 UNITED STATES DISTRICT JUDGE
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