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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.

2:13-CV-00363-KJM-KJN

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,

FINAL JUDGMENT OF FORFEITURE

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
 22 MCKENNA DRIVE, ELK GROVE,
 CALIFORNIA, SACRAMENTO COUNTY,
 23 APN: 132-1310-020, INCLUDING ALL
 APPURTENANCES AND IMPROVEMENTS
 24 THERETO,

25 REAL PROPERTY LOCATED AT 3713 45TH
 AVENUE, SACRAMENTO, CALIFORNIA,
 26 SACRAMENTO COUNTY, APN: 037-0174-
 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
AND IMPROVEMENTS THERETO,

3 Defendants.

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

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

- 6 (a) 8646 Everidge Court, Sacramento, California, Sacramento County, APN: 115-
7 1200-101-0000, including all appurtenances and improvements thereto;
- 8 (b) 8270 Clifferest Drive, Sacramento, California, Sacramento County, APN: 115
1140-009-0000, including all appurtenances and improvements thereto;
- 9 (c) 9761 McKenna Drive, Elk Grove, California, Sacramento County, APN: 132-
10 1310-020-0000, including all appurtenances and improvements thereto,
- 11 (d) 3713 45th Avenue, Sacramento, California, Sacramento County, APN: 037-
0174-009-0000, including all appurtenances and improvements thereto; and
- 12 (e) 54 Caina Court, Sacramento, California, Sacramento County, APN: 040-0260
13 074-0000, including all appurtenances and improvements thereto.

14 The record owner of the defendant property identified in paragraphs 1(a) is Green Venture,
15 LLC. The record owner of the defendant properties identified in paragraphs 1(b) and (e) is Zhi Cai Wu.
16 The record owner of the defendant property identified in paragraph 1(c) is Bao Qiong Li. The record
17 owner of the defendant property identified in paragraph 1(d) is Xiu Zhen Chen.

18 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on February 22,
19 2013, alleging that said defendant properties are subject to forfeiture to the United States pursuant to 21
20 U.S.C. §§ 881(a)(6) and (a)(7).

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

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

26 5. In addition to the public notice on the official internet government forfeiture site
27 www.forfeiture.gov, actual notice or attempted notice was given to the following individuals or entities:
28

- a. Green Venture, LLC
- b. Zhiqiang Liu
- c. Zhi Cai Wu
- d. Xiu Zhen Chen
- e. Jun Mou Peng
- f. Huan Hao Chen
- g. Qiao Ling Feng
- j. Jin Fang Chen
- i. Limei Feng
- j. Bao Qiong Li
- k. Liandi Wu
- l. East West Bank
- m. City of Sacramento

6. On April 9, 2013, claimant Zhi Cai Wu filed a claim alleging an interest in the defendant property located at 3713 45th Avenue, Sacramento, California. On April 9, 2013, claimant Xiu Zhen Chen filed a claim alleging an interest in the defendant property located at 54 Caina Court, Sacramento, California. On April 12, 2013, claimant Bao Qiong Li filed a claim alleging an interest in the defendant property located at 9761 McKenna Drive, Elk Grove, California.

7. On May 30, 2013, East West Bank filed a claim alleging a lien holder interest in the real property located at 9761 McKenna Drive, Elk Grove, California (“defendant McKenna property”).

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

9. Pursuant to the plea agreement on the related criminal case 2:13-CR-00050-KJM, Zhiqiang Liu agreed to forfeit all of his right, title and interest in 8646 Everidge Court, Sacramento, California and 8270 Cliffcrest Drive, Sacramento, California as involved in his drug crimes. ECF 195 at A-1. On March 9, 2016, Zhiqiang Liu executed a Stipulation for Final Judgment of Forfeiture forfeiting all of his right, title and interest in 8646 Everidge Court, Sacramento, California and 8270 Cliffcrest Drive, Sacramento, California. A Partial Final Judgment of Forfeiture was entered on August 23, 2017, forfeiting the 8646 Everidge Court property and Zhiqiang Liu’s interest in the 8270 Cliffcrest Drive property to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and (a)(7).

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

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

5 2. That judgment is hereby entered against claimants Zhiqiang Liu, Zhi Cai Wu, Bao
6 Qiong Li, Xiu Zhen Chen and all other potential claimants who have not filed claims in this action.

7 a. All right, title, and interest of Zhiqiang Liu, Zhi Cai Wu, Bao Qiong Li, and Xiu
8 Zhen Chen, in the following defendant properties shall be forfeited to the United States pursuant to 21
9 U.S.C. §§ 881(a)(6) and (a)(7), to be disposed of according to law:

10 i. Real Property located at 8270 Cliffcrest Drive, Sacramento, California,
11 Sacramento County, APN: 115-1140-009-0000, including all
12 appurtenances and improvements thereto, more fully described as,
13 Lot 1240 as shown on the “Plat of Countryside Unit No. 10”, in the
14 County of Sacramento, State of California, filed on July 26, 1989 in Book
15 195 of Maps, Map No. 16, in the Office of the County Recorder of said
16 county;

17 ii. Real Property located at 3713 45th Avenue, Sacramento, California,
18 Sacramento County, APN: 037-0174-009-0000, including all
19 appurtenances and improvements thereto, more fully described as,
20 The land described herein is situated in the State of California, County of
21 Sacramento, Unincorporated Area, and is described as follows:
22 Lot 9, as shown on the “Plat of Kaar Tract”, recorded in Book 36 of
23 Maps, Map No. 28, Records of said county.

24 b. Claimant Bao Qiang Li has agreed to pay the United States a sub *res* in the
25 amount of \$75,000.00 in lieu of the United States forfeiting the real property located at 9761 McKenna
26 Drive, Elk Grove, California, Sacramento County, APN: 132-1310-020-0000. The sub *res* shall be paid
27 based on the following payment plan:

- 28 • \$3,000.00 due by November 15, 2017
- \$3,000.00 due by February 15, 2018
- \$3,000.00 due by May 15, 2018
- \$3,000.00 due by August 15, 2018
- \$3,000.00 due by November 15, 2018
- \$3,000.00 due by February 15, 2019
- \$3,000.00 due by May 15, 2019
- \$3,000.00 due by August 15, 2019
- \$3,000.00 due by November 15, 2019

- \$3,000.00 due by February 15, 2020
- \$3,000.00 due by May 15, 2020.
- \$3,000.00 due by February 15, 2021
- \$3,000.00 due by May 15, 2021
- \$3,000.00 due by August 15, 2022
- \$3,000.00 due by November 15, 2022
- and \$3,000 each quarter thereafter until the \$75,000 is retired.

Claimant Bao Qiang Li shall make the sub res payments in the form of cashier's checks, payable to the U.S. Marshals Service, and send them to the following address: U.S. Attorney's Office, Attn: Asset Forfeiture Unit, 501 I Street, Suite 10-100, Sacramento, California 95814. Said funds shall be forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and (a)(7).

c. Within thirty (30) days of full payment of the entire settlement amount of \$75,000.00, the United States shall record a withdrawal of *lis pendens* against the defendant McKenna property.

d. If payment in full is not made within the time stipulated above, Claimant Bao Qiang Li will be deemed to be in default of this stipulation and the U.S. Marshals Service shall be authorized to sell the defendant McKenna property, in the most commercially feasible manner, as soon as reasonably possible, for the maximum price. Through the sale of the defendant property, the United States shall receive the net proceeds of the defendant property, less payments for costs of selling the property, cleanup, other expenses incurred, including the payoff for the East West Bank lien, and any other legitimate liens that exist on the defendant McKenna property.

3. Within 60 days of the entry of a Final Judgment of Forfeiture, the United States shall record a Withdrawal of Lis Pendens against the defendant real property located at 54 Caina Court, Sacramento, California, Sacramento County, APN: 040-0260-074-0000, including all appurtenances and improvements thereto.

4. The U.S. Marshals Service (or a designee) shall list the defendant real properties referenced in paragraph 2(a) for sale and shall have sole authority to select the means of sale, including sale by internet or through a licensed real estate broker, and shall have sole authority over the marketing and sale of the defendant real properties.

5. The U.S. Marshals Service shall have the defendant real properties referenced in paragraph 2(a) appraised by a licensed appraiser of its choosing. The U.S. Marshals Service and the

1 appraiser may have access to the defendant real properties and structures, buildings, or storage sheds
2 thereon upon 24 hours telephonic notice.

3 6. If necessary, the U.S. Marshals Service, and any real estate broker employed by the U.S.
4 Marshals Service, shall have the right to put a "lock box" on the properties to facilitate the marketing
5 and sale of the properties.

6 7. The following costs, expenses and distributions shall be paid in escrow from the gross
7 sales price in the following priority and to the extent funds are available:

- 8 a. The costs incurred by the U.S. Marshals Service to the date of close of
9 escrow, including the cost of posting, service, advertising, and
10 maintenance.
- 11 b. Any unpaid real property taxes, which shall be prorated as of the
12 date of the entry of the Final Judgment of Forfeiture.
- 13 c. A real estate commission not to exceed the U.S. Marshals Service
14 contractual brokerage fee.
- 15 d. The seller shall pay any county transfer taxes.
- 16 e. To the United States of America: the net proceeds from the sale of the
17 defendant real properties. All right, title, and interest in said funds shall
18 be substituted for the defendant real properties and forfeited to the United
19 States pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(7), to be disposed of
20 according to law.

21 8. Any liens or encumbrances against the defendant real properties that appear on record
22 subsequent to the recording of plaintiff's *amended* lis pendens documents on March 25, 2013, and prior
23 to the close of escrow may be paid out of escrow. The United States may pay any such lien or
24 encumbrance at its sole discretion.

25 9. The costs of a lender's policy of title insurance (ALTA policy) shall be paid for by the
26 buyer.

27 10. All loan fees, "points" and other costs of obtaining financing shall be paid for by the
28 buyer of the defendant real properties.

