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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.

2:14-CV-01786-MCE-DAD

FINAL JUDGMENT OF FORFEITURE

14 REAL PROPERTY LOCATED AT 1631  
 15 DAUNTING DRIVE, EL DORADO HILLS,  
 CALIFORNIA, EL DORADO COUNTY,  
 16 APN: 122-120-33, INCLUDING ALL  
 APPURTENANCES AND IMPROVEMENTS  
 17 THERETO,  
 18 Defendant.

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

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 21 1. This is a civil action in rem brought against the following Real Property located at 1631  
 22 Daunting Drive, El Dorado Hills, California, El Dorado County, APN: 122-120-33, including all  
 23 appurtenances and improvements thereto, and more fully described as:

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1 Lot 51, as said Lot is shown on the Official Map of Serrano Village A Unit 1, in the County of  
2 El Dorado, State of California, filed in the office of the Recorder of El Dorado County on  
November 18, 1999, in Map Book 1 at Page 47, Official Records.

3 Excepting therefrom all oil, gas and other hydrocarbon substances, inert gas, minerals and  
4 metals, lying below a 500 feet from the surface of said land and real property whether now  
5 known to exist or hereafter discovered by without however any right to use the surface of such  
6 land and real property or any other portion thereof above a depth of 500 feet from the surface of  
such land and real property whatsoever as excepted and reserved in Deeds from El Dorado Hills  
Investors, LTD., a California Limited Partnership, recorded October 23, 1989, in Book 3227 of  
Official Records, Pages 279 and 303.

7 The recorded owners of the real property are Vincent T. Nguyen and Thuy Tien H. Kim, a  
8 married couple.

9 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on July 28, 2014,  
10 alleging that said defendant property is subject to forfeiture to the United States pursuant to 31 U.S.C. §  
11 5317(c)(2).

12 3. On August 11, 2014, the defendant property was posted with a copy of the Complaint  
13 and Notice of Complaint.

14 4. Beginning on August 1, 2014, for at least 30 consecutive days, the United States  
15 published Notice of the Forfeiture Action on the official internet government forfeiture site  
16 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on September 2, 2014.

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

- 19 a. Vincent T. Nguyen
- 20 b. Thuy Tien H. Kim
- 21 c. MERS
- 22 d. Land Home Financial Services

23 6. On August 26, 2014, Vincent T. Nguyen and Thuy Tien H. Kim filed answers and  
24 claims alleging an interest in the defendant real property. No other parties have filed claims or answers  
25 in this matter, and the time in which any person or entity may file a claim and answer has expired.

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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 Stipulation for Final Judgment of Forfeiture entered into by and  
4 between the parties to this action.

5 2. Judgment is hereby entered against claimants Vincent T. Nguyen and Thuy Tien H. Kim  
6 and all other potential claimants who have not filed claims in this action.

7 3. Within five months from signing this Stipulation for Final Judgment of Forfeiture,  
8 claimants Vincent T. Nguyen and Thuy Tien H. Kim shall send a cashier's check for \$50,000.00 made  
9 payable to the U.S. Marshals Service to the U.S. Attorney's Office, Attn: Asset Forfeiture Unit, 501 I  
10 Street, Suite 10-100, Sacramento, CA 95814. All right, title, and interest in said funds shall be  
11 substituted for the defendant property and forfeited to the United States pursuant to 31 U.S.C. §  
12 5317(c)(2) to be disposed of according to law.

13 4. Within thirty (30) days of entry of the Final Judgment of Forfeiture  
14 the United States shall record a withdrawal of *lis pendens* against the defendant real property.  
15 However, if full payment of the entire settlement amount is not made within the five month deadline,  
16 the United States shall re-file the *lis pendens* and proceed to sell the defendant property as described  
17 below. Also, Claimants Vincent T. Nguyen and Thuy Tien H. Kim promise not to sell the defendant  
18 property during the five month period.

19 5. If payment in full is not made within the time stipulated above, Claimants Vincent T.  
20 Nguyen and Thuy Tien H. Kim will be deemed to be in default of this stipulation and the U.S. Marshals  
21 Service shall be authorized to sell the defendant property, in the most commercially feasible manner, as  
22 soon as reasonably possible, for the maximum price. Through the sale of the defendant property, the  
23 United States shall receive the net proceeds of the defendant property, less payments for costs of selling  
24 the property, cleanup, other expenses incurred, and any legitimate liens that exist on the defendant  
25 property.

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

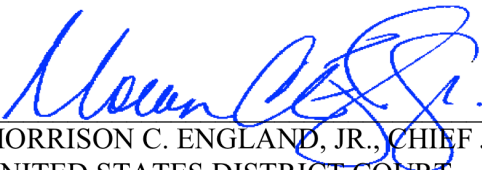
8           7.     All parties are to bear their own costs and attorneys' fees.

9           8.     The U.S. District Court for the Eastern District of California, Hon. Morrison C. England,  
10 Jr., District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

11          9.     Based upon the allegations set forth in the Complaint filed July 28, 2014, and the  
12 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable  
13 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the filing of the Complaint and  
14 the posting of the defendant properties with the Complaint and Notice of Complaint, and for the  
15 commencement and prosecution of this forfeiture action.

16           IT IS SO ORDERED.

17 Dated: July 9, 2015

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20 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
21 UNITED STATES DISTRICT COURT  
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