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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-02198-MCE-CKD  
 FINAL JUDGMENT OF FORFEITURE

14 REAL PROPERTY LOCATED AT 6620  
 LITTLE CANYON ROAD, EL DORADO,  
 15 CALIFORNIA, EL DORADO COUNTY,  
 APN: 092-021-35-100, INCLUDING ALL  
 16 APPURTENANCES AND IMPROVEMENTS  
 THERETO; and  
 17 REAL PROPERTY LOCATED AT 6671  
 18 LITTLE CANYON ROAD, EL DORADO,  
 CALIFORNIA, EL DORADO COUNTY,  
 19 APN: 046-032-46-100, INCLUDING ALL  
 APPURTENANCES AND IMPROVEMENTS  
 20 THERETO,  
 21 Defendants.

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

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

24 (a) Real Property located at 6620 Little Canyon Road, El Dorado, California,  
 25 El Dorado County, APN: 092-021-35-100, including all appurtenances and improvements thereto, and  
 26 more fully described as:

27 THE LAND REFERRED TO IS SITUATED IN THE UNINCORPORATED  
 28 AREA OF THE COUNTY OF EL DORADO, STATE OF CALIFORNIA, AND

1 IS DESCRIBED AS FOLLOWS:

2 THE SOUTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE  
3 NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION  
4 24, TOWNSHIP 9 NORTH, RANGE 10 EAST, M.D.B.&M., AND THE  
5 NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF  
6 THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH,  
7 RANGE 10 EAST, M.D.B.&M.

8 (b) Real Property located at 6671 Little Canyon Road, El Dorado, California,  
9 El Dorado County, APN: 046-032-46-100, including all appurtenances and improvements thereto, and  
10 more fully described as:

11 THE LAND REFERRED TO IS SITUATED IN THE UNINCORPORATED  
12 AREA OF THE COUNTY OF EL DORADO, STATE OF CALIFORNIA, AND  
13 IS DESCRIBED AS FOLLOWS:

14 LOT 1 OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 9  
15 NORTH, RANGE 11 EAST, MDB&M, COUNTY OF EL DORADO, STATE  
16 OF CALIFORNIA.

17 The recorded owner of the 6620 Little Canyon Road real property is Eric Portela, a single  
18 man. The recorded owners of the 6671 Little Canyon Road real property are Eric Portale, an unmarried  
19 man, and Keith Toman, an unmarried man, as tenants in common.<sup>1</sup>

20 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on September 22,  
21 2014, alleging that said defendant properties are subject to forfeiture to the United States pursuant to 21  
22 U.S.C. § 881(a)(7).

23 3. On September 29, 2014, the defendant properties were posted with a copy of the  
24 Complaint and Notice of Complaint.

25 4. Beginning on September 27, 2014, for at least 30 consecutive days, the United States  
26 published Notice of the Forfeiture Action on the official internet government forfeiture site  
27 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on October 28, 2014.

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

- a. Eric Portela
- b. Keith Toman Jr.

<sup>1</sup> The ownership document misspelled the owner’s last name. The correct spelling is Portela.

1 c. Ryan Olsen

2 6. Eric Portela and Keith Toman Jr. promptly hired a lawyer, but unbeknownst to them, the  
3 lawyer failed to file a Verified Statement of Interest or an Answer. On February 12, 2015, the Court  
4 entered a Default Judgment and Final Judgment of Forfeiture against the interests of Eric Portela, Keith  
5 Toman Jr. and Ryan Olsen (ECF No. 16).

6 7. When they learned of the default, they immediately hired another attorney. On March 9,  
7 2015, Claimants filed a Notice and Motion to Vacate Default Judgment requesting that the Default  
8 Judgment and Final Judgment of Forfeiture be set aside (ECF No. 17).

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

11 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against Ryan  
12 Olsen on December 11, 2014. Pursuant to Local Rule 540, the United States and claimant thus join in a  
13 request that as part of the Final Judgment of Forfeiture in this case the Court enter a default judgment  
14 against the interest, if any, of Ryan Olsen without further notice.

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

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

19 2. Judgment is hereby entered against claimants Eric Portela and Keith Toman, Jr. and all  
20 other potential claimants who have not filed claims in this action.

21 3. Within sixty (60) days of the entry of Final Judgment of Forfeiture, Claimants Eric  
22 Portela and Keith Toman Jr. shall send a cashier's check for \$10,000.00 made payable to the U.S.  
23 Marshals Service to the U.S. Attorney's Office, Attn: Asset Forfeiture Unit, 501 I Street, Suite 10-100,  
24 Sacramento, CA 95814. The check shall be a down payment of the total \$45,000.00 settlement amount  
25 that will be substituted for the defendant properties located at 6620 Little Canyon Road, El Dorado,  
26 California and 6671 Little Canyon Road, El Dorado, California and forfeited to the United States  
27 pursuant to 21 U.S.C. §§ 881(a)(7). Claimants Eric Portela and Keith Toman Jr. agree to pay the  
28 remaining \$35,000.00 in installments of \$2692.30 per month beginning 30 days after receipt of the

1 \$10,000.00 down payment.

2 4. Within thirty (30) days of full payment of the entire settlement amount of \$45,000.00,  
3 the United States shall record a withdrawal of *lis pendens* against the defendant real properties.

4 5. If payment in full is not made within the time stipulated above, Claimants Eric  
5 Portela and Keith Toman Jr. will be deemed to be in default of this stipulation and the U.S. Marshals  
6 Service shall be authorized to sell the defendant properties, in the most commercially feasible manner,  
7 as soon as reasonably possible, for the maximum price. Through the sale of the defendant properties,  
8 the United States shall receive the net proceeds of the defendant properties, less payments for costs of  
9 selling the properties, cleanup, other expenses incurred, and any legitimate liens that exist on the  
10 defendant properties.

11 6. 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 filing of the Complaint and the posting of the defendant properties with the  
14 Complaint and Notice of Complaint. This is a full and final release applying to all unknown and  
15 unanticipated injuries, and/or damages arising out of said filing and posting of the Complaint and  
16 Notice of Complaint, or forfeiture, as well as to those now known or disclosed. The claimants waived  
17 the provisions of California Civil Code § 1542.

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

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

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1           9.       Based upon the allegations set forth in the Complaint filed September 22, 2014, and the  
2 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable  
3 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the filing of the Complaint and  
4 the posting of the defendant properties with the Complaint and Notice of Complaint, and for the  
5 commencement and prosecution of this forfeiture action.

6           IT IS SO ORDERED.

7 Dated: July 8, 2015

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10 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
11 UNITED STATES DISTRICT COURT  
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