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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

2:14-CV-02941-GEB-DAD

12 Plaintiff,

13 v.

FINAL JUDGMENT OF FORFEITURE

14 REAL PROPERTY LOCATED AT 7520
MUIRFIELD WAY, SACRAMENTO,
15 CALIFORNIA, SACRAMENTO COUNTY,
APN: 048-0270-043-0000, INCLUDING ALL
16 APPURTENANCES AND IMPROVEMENTS
THERETO,

17 REAL PROPERTY LOCATED AT 7455
WILLOWICK WAY, SACRAMENTO,
18 CALIFORNIA, SACRAMENTO COUNTY,
APN: 047-0265-009-0000, INCLUDING ALL
19 APPURTENANCES AND IMPROVEMENTS
20 THERETO,

21 REAL PROPERTY LOCATED AT 2381
KENWORTHY WAY, SACRAMENTO,
22 CALIFORNIA, SACRAMENTO COUNTY,
APN: 053-0021-010-0000, INCLUDING ALL
23 APPURTENANCES AND IMPROVEMENTS
THERETO, and

24 REAL PROPERTY LOCATED AT 1724 S
25 STREET, SACRAMENTO, CALIFORNIA,
SACRAMENTO COUNTY, APN: 009-0096-
26 008-0000, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
27 THERETO,

28 Defendants.

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

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

3 (a) Real Property located at 7520 Muirfield Way, Sacramento, California,
4 Sacramento County, APN: 048-0270-043-0000, including all appurtenances and improvements thereto,
5 and more fully described as:

6 Lot 43, as shown on that certain map entitled "Final Map of Buena Park Subdivision No
7 P02-026", in the City of Sacramento, County of Sacramento, State of California,
8 recorded March 29, 2005, in Book 339 of Maps, Page 8, Records of Sacramento County.

9 Excepting therefrom all oil, gas, minerals and other hydrocarbon substances lying below
10 a depth of 500 feet below the surface of said land as granted to Commonwealth Holding,
11 Inc, in the Grant Deed recorded in Book 900316, Page 889, Official Records.

12 (b) Real Property located at 7455 Willowick Way, Sacramento, California,
13 Sacramento County, APN: 047-0265-009-0000, including all appurtenances and improvements thereto,
14 and more fully described as:

15 Lot 176, as shown on the plat of Golf Course Village Course Village Unit No. 4,
16 recorded October 17, 1958, in Book 51 of Maps, Map No. 9, Sacramento County
17 Records.

18 (c) Real Property located at 2381 Kenworthy Way, Sacramento, California,
19 Sacramento County, APN: 053-0021-010-0000, including all appurtenances and improvements thereto,
20 and more fully described as:

21 Lot 2, of Meadowview Village Unit No. 1 recording to the Official Plat thereof, filed in
22 the Office of the Recorder of Sacramento County, California on May 15, 1958, in Book
23 49 of Maps, Map No. 4.

24 (d) Real Property located at 1724 S Street, Sacramento, California,
25 Sacramento County, APN: 009-0096-008-0000, including all appurtenances and improvements thereto,
26 and more fully described as:

27 The West one half of the North one half of Lot 4, in the block bounded "S" and "T" and
28 17th and 18th Streets, Records of Said County.

The recorded owner of the all the real properties listed above is Ashley Chang, a single woman.

2. A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on December 18,
2014, alleging that said defendant properties are subject to forfeiture to the United States pursuant to 21

1 U.S.C. §§ 881(a)(6) and (a)(7).

2 3. On December 22, 2014, the defendant properties were posted with a copy of the
3 Complaint and Notice of Complaint.

4 4. Beginning on February 12, 2015, for at least 30 consecutive days, the United States
5 published Notice of the Forfeiture Action on the official internet government forfeiture site
6 www.forfeiture.gov. A Declaration of Publication was filed on March 14, 2015.

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

- 9 a. Ashley Chang
10 b. Robert Chomentowski
11 c. Ress Financial Corporation
12 d. BAC Home Loans Servicing, LP
13 e. JP Morgan Chase

14 6. Ashley Chang filed a claim alleging an interest in the defendant properties on January
15 21, 2015.

16 7. Robert Chomentowski filed a claim alleging an interest in the defendant real property
17 located at 7455 Willowick Way, Sacramento, California.

18 a. On or July 25, 2014, claimant Ashley Chang executed a note (“the Willowick
19 Note”) dated July 25, 2014 in the principal amount of \$102,830.00 from Robert Chomentowski
20 (“Chomentowski”).

21 b. The loan was secured by a Deed of Trust also dated July 25, 2014, which was
22 executed by claimant Ashley Chang and encumbered the property. The Deed of Trust was recorded in
23 Sacramento County on July 31, 2014 as Instrument No. 2014-0731.

24 c. As of February 1, 2015, the unpaid loan balance was \$108,854.24 inclusive of
25 principal, interest, fees, and costs. Interest, fees, costs, and other expenses will continue to accrue
26 under the loan. The last payment received was applied to the installment due October 1, 2014, and the
27 Note has been in continuous default since October 31, 2014. The accrued and unpaid interest due and
28 owing was \$4,247.65 as of February 1, 2015. Interest has continued to accrue under the Note at a rate
of \$45.67 per diem.

8. LC Equity Group, Inc. filed a claim alleging an interest in the defendant real property

1 located at 7520 Muirfield Way, Sacramento, California.

2 a. On or August 13, 2014, claimant Ashley Chang executed a note (“the Muirfield
3 Note”) dated August 13, 2014 in the principal amount of \$150,000.00 from Ress Financial Corporation.
4 LC Equity Group (“LC Equity”) holds a power of attorney from all the owners of the Note and Deed of
5 Trust that encumbers the property at 7520 Muirfield Way, Sacramento, California.

6 b. The loan was secured by a Deed of Trust also dated August 13, 2014, which was
7 executed by claimant Ashley Chang and encumbered the property. The Deed of Trust was recorded in
8 Sacramento County on August 22, 2014 as Instrument No. 2014-0822.

9 c. As of February 24, 2015, the unpaid loan balance was \$165,882.60 inclusive of
10 principal, interest, fees, and costs. Interest, fees, costs, and other expenses will continue to accrue
11 under the loan. The last payment received was applied to the installment due October 1, 2014, and the
12 Note has been in continuous default since October 31, 2014. The accrued and unpaid interest due and
13 owing was \$7,201.24 as of February 23, 2015. Interest has continued to accrue under the Note at a rate
14 of \$41.63 per diem.

15 9. On May 13, 2015, a Stipulation and Order for Dismissal of Real Property Located at
16 1724 S Street, Sacramento, California was filed (ECF No. 23).

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

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

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

23 12. Judgment is hereby entered against claimants Ashley Chang, Robert Chomentowski, and
24 LC Equity Group, Inc. and all other potential claimants who have not filed claims in this action.

25 13. Within sixty (60) days of the entry of Final Judgment of Forfeiture, Claimant Ashley
26 Chang shall send a cashier’s check for \$90,000.00 made payable to the U.S. Marshals Service to the
27 U.S. Attorney’s Office, Attn: Asset Forfeiture Unit, 501 I Street, Suite 10-100, Sacramento, CA 95814.

28 All right, title, and interest in said funds shall be substituted for the defendant properties located at 7520

1 Muirfield Way, Sacramento, California (“defendant Muirfield property”), 2381 Kenworthy Way,
2 Sacramento, California (“defendant Kenworthy property”) and 7455 Willowwick Way, Sacramento,
3 California (“defendant Willowwick property”) and forfeited to the United States pursuant to 21
4 U.S.C. §§ 881(a)(6) and (a)(7). Claimant Ashley Chang agrees to address the interests of Robert
5 Chomentowski in the defendant Muirfield property and the interests of LC Equity Group, Inc. in the
6 defendant Willowwick property separately as part of this stipulation. If Ashley Chang fails to address
7 the interests of Robert Chomentowski and LC Equity Group, Inc. within 30 days of the entry of Final
8 Judgment of Forfeiture, the lien holders may foreclose on the defendant Muirfield and Willowwick
9 properties.

10 14. Within thirty (30) days of full payment of the settlement amount, the United States shall
11 record a withdrawal of lis pendens against the defendant Muirfield property, defendant Kenworthy
12 property and the defendant Willowwick property.

13 15. If payment in full is not made within the time stipulated above, Claimant Ashley Chang
14 will be deemed to be in default of this stipulation and the U.S. Marshals Service shall be authorized to
15 sell the defendant properties, in the most commercially feasible manner, as soon as reasonably possible,
16 for the maximum price. Through the sale of the defendant properties, the United States shall receive
17 the net proceeds of the defendant properties, less payments for costs of selling the properties, cleanup,
18 other expenses incurred, and any legitimate liens that exist on the defendant properties.

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

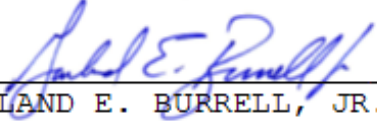
25 17. All parties are to bear their own costs and attorneys' fees.

26 18. The U.S. District Court for the Eastern District of California, Hon. Garland E. Burrell,
27 Jr., District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

1 19. Based upon the allegations set forth in the Complaint filed December 18, 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 posting of the defendant
4 properties and the commencement and prosecution of this forfeiture action.

5 SO ORDERED.

6 Dated: May 18, 2015

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10 GARLAND E. BURRELL, JR.
11 Senior United States District Judge
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