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

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 REAL PROPERTY LOCATED AT 22043
WEED COURT, RED BLUFF, CALIFORNIA,
15 TEHAMA COUNTY, APN: 035-440-018-000,
INCLUDING ALL APPURTENANCES AND
16 IMPROVEMENTS THERETO,

17 REAL PROPERTY LOCATED AT 329 SAN
MATEO AVENUE, GERBER, CALIFORNIA
18 TEHAMA COUNTY, APN: 064-182-017-000,
INCLUDING ALL APPURTENANCES AND
19 IMPROVEMENTS THERETO,

20 APPROXIMATELY \$130,445.00 IN U.S.
CURRENCY,

21 APPROXIMATELY \$2,000.00 IN U.S.
22 CURRENCY,

23 APPROXIMATELY \$23,000.00 IN U.S.
24 CURRENCY,

25 APPROXIMATELY \$12,676.00 IN U.S.
26 CURRENCY,

27 APPROXIMATELY \$1,010.00 IN U.S.
28 CURRENCY,

No. 2:17-cv-01222-JAM-DB

FINDINGS AND
RECOMMENDATIONS

1 2011 MERCEDES GL 450, LICENSE
NUMBER 7ABY227, VIN:
2 4JGBF7BE2BA739064,
3 2007 CHEVROLET CORVETTE, LICENSE
NUMBER 7LXP045, VIN:
4 1G1YY26U675100353,
5 2013 MERCEDES CLS 550, LICENSE
NUMBER 7WQE461, VIN:
6 WDDLJ7DB9DA059942, and
7 2008 GMC YUKON, LICENSE NUMBER
7WFU289, VIN: 1GKFK13028J130104,

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9 Defendants.

10 This matter came before the Honorable Judge Deborah Barnes on the United States' *ex parte*
11 motion for default judgment. There was no appearance by or on behalf of any other person or entity
12 claiming an interest in the above-captioned defendant properties to oppose the United States' motion.
13 Based on the United States' motion and the files and records of the court, THE COURT FINDS as
14 follows:

- 15 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed June 13, 2017.
- 16 2. The United States has moved this Court, pursuant to Local Rule 540, for entry of default
17 judgment of forfeiture against potential claimants Cesar Erendira Nava, Hector M. Mariscal aka Hector
18 M. Mariscal, Mayra Erendira, Georgina Esmeralda Lopez Quintero, Wilson Erendira Nava, Claudia
19 Nallely Morfin Sanchez, Ubaldo Lopez Castano, and the Secretary of Housing and Urban
20 Development.
- 21 3. The United States has shown that a complaint for forfeiture was filed; that potential
22 claimants Cesar Erendira Nava, Hector M. Mariscal aka Hector M. Mariscal, Mayra Erendira, Georgina
23 Esmeralda Lopez Quintero, Wilson Erendira Nava, Claudia Nallely Morfin Sanchez, Ubaldo Lopez
24 Castano, and the Secretary of Housing and Urban Development received notice of the forfeiture action;
25 that any and all other unknown potential claimants have been served by publication; and that grounds
26 exist for entry of a final judgment of forfeiture.

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1 Therefore, IT IS RECOMMENDED as follows:

2 1. That Cesar Erendira Nava, Hector M. Mariscal aka Hector M. Mariscal, Mayra Erendira,
3 Georgina Esmeralda Lopez Quintero, Wilson Erendira Nava, Claudia Nallely Morfin Sanchez, Ubaldo
4 Lopez Castano, and the Secretary of Housing and Urban Development be held in default;

5 2. That the United States' motion for default judgment and final judgment of forfeiture be
6 granted;

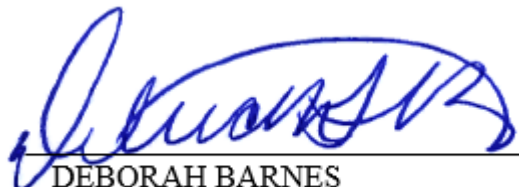
7 3. That judgment by default be entered against any right, title, or interest of potential
8 claimants Cesar Erendira Nava, Hector M. Mariscal aka Hector M. Mariscal, Mayra Erendira, Georgina
9 Esmeralda Lopez Quintero, Wilson Erendira Nava, Claudia Nallely Morfin Sanchez, Ubaldo Lopez
10 Castano, and the Secretary of Housing and Urban Development in the defendant properties referenced
11 in the above caption;

12 4. That a final judgment be entered, forfeiting all right, title, and interest in the defendant
13 properties¹ to the United States, to be disposed of according to law;

14 5. That the Default Judgment and Final Judgment of Forfeiture lodged herein be signed by
15 the Honorable John A. Mendez and filed by the Clerk of the Court.

16 These findings and recommendations will be submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days
18 after these findings and recommendations are filed, any party may file written objections with the court.
19 A document containing objections should be titled "Objections to Magistrate Judge's Findings and
20 Recommendations." Any reply to the objections shall be served and filed within seven (14) days after
21 service of the objections. The parties are advised that failure to file objections within the specified time
22 may, under certain circumstances, waive the right to appeal the District Court's order. See Martinez v.
23 Ylst, 951 F.2d 1153 (9th Cir. 1991).

24 Dated: November 17, 2017

25
26 
27 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

28 ¹ The real properties are more fully described in Exhibits A and B attached hereto and incorporated herein by reference.

1 DB:6
2 DB/orders/orders.civil/USvRealproperty1222.mdj.f&rs

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Exhibit A

Real property at 22043 Weed Court, Red Bluff, California

Parcel One:

Parcel A of Parcel Map No. 91-56 (being a redivision of Parcel B of Parcel Map No. 77-132, Book 4 of Parcel Maps, Page 93), in the County of Tehama, State of California, as the same is shown on the Map filed in the Tehama County Recorder's Office, March 19, 1992, in Book 10 of Parcel Maps, Pages 35 and 36.

Parcel Two:

An easement for road and utility purposes over and across the South 60 feet of Parcel D, now known as Weed Court as the same is shown on the Map Recorded August 29, 1977 in Book 4 of Parcel Maps, Page 93.

APN: 035-440-018-000

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Exhibit B

Real property at 329 San Mateo Avenue, Gerber, California

LOTS 1, 2 AND 3 IN BLOCK 16 OF SUBDIVISION A, TOWN OF GERBER, AS THE SAME ARE SHOWN ON THE MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF TEHAMA, STATE OF CALIFORNIA, NOVEMBER 10, 1910 IN BOOK "E" OF MAPS, AT PAGE 5.

APN: 064-182-017-000