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 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

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 11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.  
 14 REAL PROPERTY LOCATED AT 10170  
 PATTI WAY, ELK GROVE, CALIFORNIA,  
 15 SACRAMENTO COUNTY, APN: 132-0910-  
 069-0000, INCLUDING ALL  
 16 APPURTENANCES AND IMPROVEMENTS  
 THERETO, ET AL.,  
 17 Defendants.

2:18-CV-00763-KJM-CKD  
 PARTIAL FINAL JUDGMENT OF  
 FORFEITURE RE REAL PROPERTY  
 LOCATED AT 8620 PORT HAYWOOD  
 WAY, SACRAMENTO, CA

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

20 1. This is a civil forfeiture action against nine real properties, one of which is the real  
 21 property located at 8620 Port Haywood Way, Sacramento, California, Sacramento County, APN: 117-  
 22 0970-086-0000 (“defendant property”).

23 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on April 4, 2018,  
 24 alleging that said defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. §§  
 25 881(a)(6) and 881(a)(7).

26 3. On July 24, 2018, the defendant property was posted with a copy of the Complaint and  
 27 Notice of Complaint.

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1 4. Beginning on May 12, 2018, for at least 30 consecutive days, the United States published  
2 Notice of the Forfeiture Action on the official internet government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov). A  
3 Declaration of Publication was filed on July 15, 2018.

4 5. In addition to the public notice on the official internet government forfeiture site  
5 [www.forfeiture.gov](http://www.forfeiture.gov), actual notice or attempted notice was given to the following individuals or entities  
6 related to this defendant property:

- 7 a. Yue E. Chen, and
- 8 b. Scott G. McConaughy and Carina M. McConaughy Revocable Trust,  
c/o Placer Lender Services.

9 6. Claimants Scott G. McConaughy and Carina M. McConaughy, Trustees, filed a Claim  
10 on May 25, 2018, claiming a lien holder interest in the defendant property. Claimant Yue E. Chen  
11 (“claimant”) filed a Verified Statement of Interest on July 18, 2018. No other parties have filed claims  
12 or answers regarding this defendant property, and the time in which any person or entity may file a  
13 claim and answer has expired.

14 7. On October 24, 2018, escrow closed for the defendant property at 8620 Port Haywood  
15 Way, Sacramento, California, Sacramento County, APN: 117-0970-086-0000, and the United States  
16 received a wire transfer in the amount of \$129,265.36, which will be substituted in lieu of the real  
17 property. Scott G. McConaughy and Carina M. McConaughy were paid in full through escrow. Scott  
18 G. McConaughy and Carina M. McConaughy withdrew their Claim on September 4, 2019.

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

21 1. Judgment is hereby entered against claimants Scott G. McConaughy, Carina M.  
22 McConaughy, and Yue E. Chen, and all other potential claimants who have not filed claims in this  
23 action.

24 2. Upon entry of this Final Judgment of Forfeiture, \$99,265.36 of the Approximately  
25 \$129,265.36 in net proceeds from the sale of defendant real property located at 8620 Port Haywood  
26 Way, Sacramento, California, Sacramento County, APN: 117-0970-086-0000, together with any interest  
27 that may have accrued on the total amount of net proceeds, shall be forfeited to the United States  
28 pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(7), to be disposed of according to law.

1 3. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days thereafter,  
2 \$30,000.00 of the Approximately \$129,265.36 in net proceeds from the sale of defendant real property  
3 located at 8620 Port Haywood Way, Sacramento, California, Sacramento County, APN: 117-0970-086-  
4 0000, shall be returned to claimant Yue E. Chen.

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

12 5. Claimant waived any and all claim or right to interest that may have accrued on the  
13 money being forfeited in lieu of the defendant real property.

14 6. All parties are to bear their own costs and attorneys' fees.

15 7. The U.S. District Court for the Eastern District of California, Hon. Kimberly J. Mueller,  
16 District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

17 8. Based upon the allegations set forth in the Complaint filed April 4, 2018, and the  
18 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable  
19 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the filing of the Complaint and  
20 the posting of the defendant property with the Complaint and Notice of Complaint, and for the  
21 commencement and prosecution of this forfeiture action.

22 SO ORDERED THIS 24th day of September, 2019.

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25 UNITED STATES DISTRICT JUDGE  
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