

1 McGREGOR W. SCOTT
 United States Attorney
 2 KEVIN C. KHASIGIAN
 Assistant U. S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2700
 5 Attorneys for the United States

6
 7
 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 8744
 VYTINA DRIVE, ELK GROVE,
 15 CALIFORNIA, SACRAMENTO COUNTY,
 APN: 115-1460-028-0000, INCLUDING ALL
 16 APPURTENANCES AND IMPROVEMENTS
 THERETO, ET AL.,
 17 Defendants.

2:18-CV-00825-KJM-CKD

PARTIAL FINAL JUDGMENT OF
 FORFEITURE RE REAL PROPERTY
 LOCATED AT 4630 COUNTRY SCENE
 WAY, SACRAMENTO, CA

18
 19 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

20 1. This is a civil forfeiture action against seven real properties, one of which is the real
 21 property located at 4630 Country Scene Way, Sacramento, California, Sacramento County, APN: 117-
 22 0550-004-0000 (“defendant property”).

23 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on April 6, 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.

28 //

1 4. Beginning on May 16, 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. 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, actual notice or attempted notice was given to the following individuals or entities
6 related to this defendant property:

- 7 a. Xuehong Yang, and
- 8 b. Larry R. Blanchard and Carol F. Blanchard, c/o Placer Lender Services.

9 6. Claimants Larry R. Blanchard and Carol F. Blanchard, Trustees, filed a Claim on May
10 25, 2018, claiming a lien holder interest in the defendant property. Claimant Xuehong Yang
11 (“claimant”) filed a Verified Statement of Interest on July 12, 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 April 3, 2019, escrow closed for the defendant property at 4630 Country Scene Way,
15 Sacramento, CA, APN: 117-0550-004-0000, and the United States received a wire transfer in the
16 amount of \$138,753.29, which will be substituted in lieu of the real property. Larry R. Blanchard and
17 Carol F. Blanchard were paid in full through escrow. Larry R. Blanchard and Carol F. Blanchard
18 withdrew their Claim on July 29, 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 Larry R. Blanchard, Carol F. Blanchard and
22 Xuehong Yang, and all other potential claimants who have not filed claims in this action.

23 2. Upon entry of this Final Judgment of Forfeiture, \$103,753.29 of the Approximately
24 \$138,753.29 in net proceeds from the sale of defendant real property located at 4630 Country Scene
25 Way, Sacramento, California, Sacramento County, APN: 117-0550-004-0000, together with any interest
26 that may have accrued on the total amount of net proceeds, shall be forfeited to the United States
27 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 \$35,000.00 of the Approximately \$138,753.29 in net proceeds from the sale of defendant real property
3 located at 4630 Country Scene Way, Sacramento, California, Sacramento County, APN: 117-0550-004-
4 0000, shall be returned to claimant Xuehong Yang.

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 6, 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 18th day of September, 2019.

23
24 
25 _____
26 UNITED STATES DISTRICT JUDGE
27
28