

1 Thomas P. Mazzucco - 139758  
 TMazzucco@mpbf.com  
 2 Patrick J. Wingfield - 265140  
 PWingfield@mpbf.com  
 3 MURPHY, PEARSON, BRADLEY & FEENEY  
 88 Kearny Street, 10th Floor  
 4 San Francisco, CA 94108-5530  
 Telephone: (415) 788-1900  
 5 Facsimile: (415) 393-8087  
 6 Attorneys for Claimant  
 NORTHERN CALIFORNIA MORTGAGE FUND XII, LLC  
 7  
 8  
 9

10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 UNITED STATES OF AMERICA,  
 13 Plaintiff,  
 14 v.  
 15 REAL PROPERTY LOCATED AT 8744  
 VYTINA DRIVE, ELK GROVE,  
 16 CALIFORNIA, SACRAMENTO COUNTY,  
 APN: 115-1460-028-0000,  
 17 REAL PROPERTY LOCATED AT 6439  
 VALLEY HI DRIVE, SACRAMENTO,  
 18 CALIFORNIA, SACRAMENTO COUNTY,  
 APN: 117-0032-004-0000,  
 19 REAL PROPERTY LOCATED AT 8613  
 ORISON COURT, ELK GROVE,  
 20 CALIFORNIA, SACRAMENTO COUNTY,  
 APN: 121-0900-024-0000,  
 21 REAL PROPERTY LOCATED AT 4630  
 COUNTRY SCENE WAY, SACRAMENTO,  
 22 CALIFORNIA, SACRAMENTO COUNTY,  
 APN: 117-0550-004-0000,  
 23 REAL PROPERTY LOCATED AT 8139  
 VALLEY GREEN DRIVE, SACRAMENTO,  
 24 CALIFORNIA, SACRAMENTO COUNTY,  
 APN: 117-0280-013-0000,  
 25 REAL PROPERTY LOCATED AT 3975  
 26 DEER CROSS WAY, SACRAMENTO,  
 27  
 28

**Case No.:** 2:18-cv-00825-KJM-CKD  
**STIPULATION AND WITHDRAWAL  
 OF VERIFIED CLAIM AND ANSWER  
 OF NON-PARTY CLAIMANT  
 NORTHERN CALIFORNIA  
 MORTGAGE FUND XII, LLC TO  
 VERIFIED COMPLAINT FOR  
 FORFEITURE *IN REM***  
**Action Filed:** April 6, 2018  
**Assigned To:** Hon. Kimberly J. Mueller  
**Referred To:** Hon. Carolyn K. Delaney  
**Trial Date:** None Set

1 CALIFORNIA, SACRAMENTO COUNTY,  
2 APN: 119-0291-016-0000,

3 REAL PROPERTY LOCATED AT 4713  
4 LAGUNA WEST WAY, ELK GROVE,  
5 CALIFORNIA, SACRAMENTO COUNTY,  
6 APN: 119-0830-041-0000,

7 Defendants.

8 IT IS HEREBY STIPULATED by and between the United States, and NORTHERN CALIFORNIA  
9 MORTGAGE FUND XII, LLC, A DELAWARE LIMITED LIABILITY COMPANY (“Claimant”) as follows:

10 1. The defendant property subject to this stipulation is as follows (“Defendant Property”):  
11 Real property located at 4713 Laguna West Way, Elk Grove, California 95758, APN: 119-0830-041-  
12 0000, including all appurtenances and improvements thereto.

13 2. On April 6, 2018, the United States of America filed a Verified Complaint for Forfeiture  
14 *In Rem* [Docket No. 1] (“Complaint”) alleging that the Defendant Property, including any right, title and  
15 interest in the whole of any lot or tract of land and any appurtenances or improvements thereon, and  
16 proceeds traceable thereof, is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6)  
17 and 21 U.S.C. § 881(a)(7) because it was used and intended to be used to commit or facilitate a violation  
18 of 21 U.S.C. §§ 841 et. seq.

19 3. At the time the Complaint was filed, the record owner of the Defendant Property was  
20 ZUN JIN CHEN (“CHEN”).

21 4. On June 4, 2018, Claimant filed a claim in this action alleging a lienholder interest in the  
22 Defendant Property [Docket No. 9].

23 5. On June 25, 2018, Claimant filed an Answer in this action [Docket No. 15].

24 6. On or about January 9, 2019, the Defendant Property was sold.

25 7. Notwithstanding the foregoing, Claimant hereby withdraws its claim and Answer filed in  
26 the above-captioned case with respect to the Defendant Property.

27 8. To the extent required under the Federal Rules of Civil Procedure, Rule 41(a), the United  
28 States of America agrees to dismiss *with prejudice* Claimant in the above-captioned case pursuant to the  
Federal Rules of Civil Procedure, Rule 41(a). Defendant Property is the *in rem* defendant.

9. Claimant is hereby removed from the Service List for the above captioned case.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

10. Each party hereto is to bear his, her, and its own costs.

Dated: September 17, 2019

MURPHY, PEARSON, BRADLEY & FEENEY

By /s/ Patrick J. Wingfield  
Thomas P. Mazzucco  
Patrick J. Wingfield  
Kavin A. Williams  
Attorneys for Claimant  
NORTHERN CALIFORNIA MORTGAGE FUND  
XII

Dated: September 17, 2019

MCGREGOR W. SCOTT  
United States Attorney

By: /s/ Kevin C. Khasigian  
KEVIN C. KHASIGIAN  
Assistant United States Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Stipulation is hereby APPROVED.
2. Claimant's claim filed in the above-captioned case on June 4, 2018 and answer filed on June 25, 2018 as to the Defendant Property are hereby deemed withdrawn.
3. Pursuant to F.R.C.P. 41(a), Claimant NORTHERN CALIFORNIA MORTGAGE FUND XII, LLC, A DELAWARE LIMITED LIABILITY COMPANY is hereby dismissed from this action with prejudice.

IT IS SO ORDERED.

Dated: September 23, 2019.

  
UNITED STATES DISTRICT JUDGE