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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, )

14 Plaintiff, )

15 v. )

16 1. 1999 LEXUS GS400, VIN )  
JT8BH68X2X0017848, )

17 2. \$43,400 IN UNITED STATES )  
18 CURRENCY, )

19 3. \$3,745 IN UNITED STATES )  
20 CURRENCY, )

21 4. DAVIS INDUSTRIES P-380 )  
HANDGUN AND AMMUNITION, )  
22 AND )

23 5. BERETTA HANDGUN, MODEL 96 )  
AND AMMUNITION, )

24 Defendants. )

No. C 05-1139 PJH

SETTLEMENT STIPULATION AND  
FINAL ORDER OF FORFEITURE

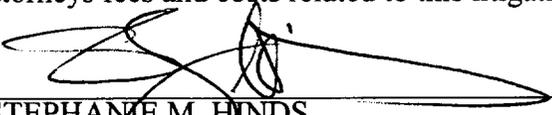
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STIPULATION

In full and final settlement of all claims and disputes arising from and related to the captioned forfeiture action, plaintiff United States of America, and claimants Donald Tram and Kristine Tram, hereby stipulate and agree as follows:

1. On or about August 20, 2004, the United States seized the defendant 1999 Lexus (hereinafter "defendant vehicle") pursuant to Title 21, United States Code, Section 881(a)(4).
2. On or about August 20, 2004, the United States seized the defendant \$43,400 and \$3,745 in United States Currency (hereinafter "defendant currency") pursuant to Title 21, United States Code, Section 881(a)(6).
3. Sufficient evidence exists for the seizure and forfeiture of the defendant vehicle and currency.
4. On or about April 19, 2005, Donald and Kristine Tram both filed claims asserting individual interests in the defendant vehicle and currency.
5. Claimants Donald and Kristine Tram consent to the forfeiture of the defendant vehicle, pursuant to Title 21, United States Code, Section 881(a)(4), without further notice to them.
6. Claimants Donald and Kristine Tram consent to the forfeiture of \$36,745 of the defendant funds, pursuant to Title 21, United States Code, Section 881(a)(6), without further notice to them.
7. The personal items (listed in Attachment A to this Stipulation) seized on or about August 20, 2004 shall be returned to claimant Kristine Tram in care of her attorney, David M. Michael, Esq.
8. \$10,400, which represents the balance of the defendant funds, shall be returned to Claimant Kristine Tram, in a check made payable to her and her attorney, David M. Michael, Esq., The DeMartini Historical Landmark Building 294 Page Street, San Francisco, CA 94102 (415 621-4500).
9. All right, title and interest in the remaining \$36,745 and the defendant vehicle shall be forfeited and vested in the United States.
10. Claimants Donald and Kristine Tram shall hold harmless the United States of America, the Drug Enforcement Administration, and all agents, officers and employees thereof, including any and all state and local law enforcement officers, for any and all acts directly or indirectly related to the seizure, detention and forfeiture of the defendant funds.
11. The appropriate federal agency shall dispose of the forfeited property according to law.
12. Each party shall bear its own attorneys fees and costs related to this litigation.

Dated: 8/4/06

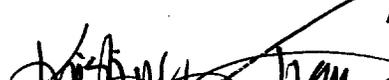


STEPHANIE M. HINDS  
Assistant United States Attorney

1 Dated: 8-22-06

  
DONALD TRAM, Claimant

2  
3 Dated: 9/1/06

  
KRISTINE TRAM, Claimant

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5 Dated: 8 September 2006

  
DAVID M. MICHAEL  
Attorney for Claimants Donald and Kristine Tram

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7  
8 **[PROPOSED] ORDER**

9 IT IS SO ORDERED.

- 10 1. Sufficient evidence exists for the seizure and forfeiture of the defendant vehicle and currency.
- 11 2. The personal items listed in Attachment A to this Stipulation and Order, shall be returned to claimant Kristine Tram in care of her attorney, David M. Michael, Esq.
- 12 3. \$10,400, which represents the balance of the defendant funds, shall be returned to Claimant Kristine Tram, in a check made payable to her and her attorney, David M. Michael, Esq., The DeMartini Historical Landmark Building 294 Page Street, San Francisco, CA 94102 (415 621-4500).
- 13 4. All right, title and interest in the forfeited \$36,745 is condemned and vested in the United States.
- 14 5. The appropriate federal agency shall dispose of the forfeited property according to law.
- 15 6. Claimants Donald and Kristine Tram shall hold harmless the United States of America, the Drug Enforcement Administration, and all agents, officers and employees thereof, including any and all state and local law enforcement officers, for any and all acts directly or indirectly related to the seizure, detention and forfeiture of the defendant funds.
- 16 7. The appropriate federal agency shall dispose of the forfeited property according to law.
- 17 8. Each party shall bear its own attorneys fees and costs related to this litigation.

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26 Dated: 9/12/06

HONORABLE PHYLLIS J. HAMILTON  
United States District Judge



## **ATTACHMENT A**

1. One black wallet seized from the lower center console of Tram's vehicle by Officer Valdez.
2. Six keys, five residence style, one car key, seized from Tram's person by Officer Kasper.
3. One passport seized from the safe inside Tram's residence by Officer Kasper.
4. One child's booster seat found inside the 1999 Lexus GS400