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Attorneys for Plaintiff

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

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 REAL PROPERTY AND IMPROVEMENTS
16 LOCATED AT 166 LOS ROBLES DRIVE,
17 BURLINGAME, CALIFORNIA, et al.
18 Defendants.

No. C 05-4185 SC

**MODIFICATION RE SETTLEMENT
STIPULATION AND ~~PROPOSED~~
ORDER**

19 Plaintiff, United States of America, and Claimants Eric Cai, Zhaoren Cai and Third Party Claimant
20 CitiMortgage, Inc. ("CitiMortgage") seek to modify certain terms of the settlement agreement
21 (hereinafter "Settlement") previously reached by the parties and adopted by the Court as they relate to the
22 timing of payment due and owing to Third Party Claimant CitiMortgage.

23 Third Party Claimant CitiMortgage holds a valid lien to the defendant real property located at 166
24 Los Robles Drive, Burlingame, California ("defendant real property") pursuant to a Note and Deed of
25 Trust ("Note") in the principal amount of \$646,000. On April 7, 2008, this Court issued an Order
26 forfeiting the defendant real property to the United States and directing the government to pay
27 CitiMortgage all monies due and owing under its Note as reflected in paragraph 8 of the Settlement.
28 Pursuant to paragraph 9 of the Settlement, CitiMortgage was to be paid within 120 days of the Court's

1 entry of a final order of forfeiture and prior to the closing of escrow regarding the sale of the defendant
2 real property. The government, however, is not able to meet that deadline. The parties now seek to
3 modify the timing of the payment to CitiMortgage reflected in paragraph 9 of the Settlement Agreement
4 as follows:

5 1. All payment due and owing to CitiMortgage shall be made within 30 days following the sale of
6 the defendant real property and upon the closing of escrow.

7 2. The government shall make every effort to sell the defendant real property in a commercially
8 feasible manner in a reasonable period of time.

9 3. All additional costs and fees reasonably incurred by CitiMortgage up until the final date of
10 payment shall be included as part of the payment, including funds advanced to pay property taxes and
11 property insurance.

12 4. CitiMortgage agrees that payment to CitiMortgage as set forth in paragraph 8 in the Settlement
13 and these modifications above, shall be in full settlement and satisfaction of any and all claims by
14 CitiMortgage to the captioned real property in this action and all claims resulting from the incidents or
15 circumstances giving rise to this lawsuit.

16 5. Upon payment to CitiMortgage as set forth in the Settlement and this modification, CitiMortgage
17 agrees to release any and all claims arising out of this action against the United States and agrees to not
18 to pursue against the United States any other rights it may have under the Note, including the right to
19 foreclose on the captioned defendant real property.

20 6. All other provisions regarding forfeiture and distribution of proceeds set forth in the Settlement
21 and Order not inconsistent with these modifications shall remain in tact.

22 IT IS SO STIPULATED:

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25 Dated: 10/14/08

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JOSEPH P. RUSSONIELLO
United States Attorney


STEPHANIE M. HINDS
Assistant United States Attorney

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Dated: 9/30/08



RANDY MONTFESANO
Counsel for Claimants Eric and Zhaoren Cai

Dated: _____

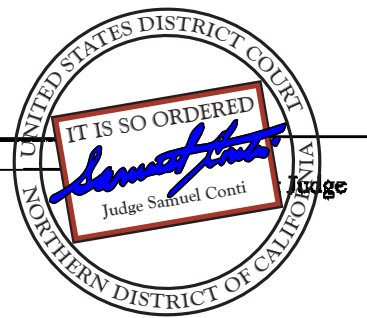
MICHAEL CHANG
Counsel for Claimant CitiMortgage

Dated: _____

NATE BLACKSTUN, Claimant
Assistant Vice President
CitiMortgage

IT IS SO ORDERED.

DATED: 10/15/08




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RANDY MONTESANO
Counsel for Claimants Eric and Zhaoren Cai

3 Dated: _____

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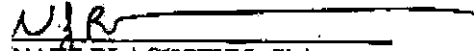


MICHAEL CHANG
Counsel for Claimant CitiMortgage

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6 Dated: October 2, 2008

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NATE BLACKSTUN, Claimant
Assistant Vice President
CitiMortgage

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11 IT IS SO ORDERED.

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DATED: _____

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SAMUEL CONTI
United States District Judge

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