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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)
14 Plaintiff,)
15)
16 v.)
17 REAL PROPERTY AND IMPROVEMENTS)
18 LOCATED AT 1843 14th AVENUE, SAN)
FRANCISCO, CALIFORNIA.)
19 Defendant.)

No. 05-2611 SI

SETTLEMENT STIPULATION AND
[PROPOSED] ORDER OF FORFEITURE

20 UNITED STATES OF AMERICA,)
21 Plaintiff,)
22 v.)
23 APPROXIMATELY \$56,311.78 IN NET)
24 PROCEEDS FROM THE SALE OF A 2004)
PORSCHÉ 911 TURBO, VIN)
25 WPOAB299X4S685145,)
26 Defendant.)

No. C 06-1946 SI

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28
*SETTLEMENT STIPULATION AND
[PROPOSED] ORDER RE FORFEITURE
C 05-2611 SI & C 06-1946 SI*

1 Plaintiff, United States of America, and Claimants Richard Wong, Frank Wong and Salina Wong, in
2 full settlement of all issues directly and indirectly related to the two captioned actions and the seizure,
3 detention, sale and/or forfeiture of the following property (collectively hereinafter referred to as "subject
4 property"):

- 5 a. the real property and improvements located at 1843 14th Avenue, San Francisco,
6 California and subsequent sale proceeds (defendant real property); and
- 7 b. \$56,311.78 in net proceeds from the sale of a 2004 Porsche 911 Turbo, VIN
8 WPOAB299X4S685145, registered to Richard Wong (defendant proceeds).

9 hereby stipulate and agree as follows:

10 (1) On June 16, 2005, a Federal Grand Jury for the Northern District of California returned a
11 three count indictment charging Richard Wong with conspiracy to cultivate, to possess with intent to
12 distribute marijuana and methylenedioxymethamphetamine hydrochloride, in violation of Title 21, United
13 States Code, Section 846, and conspiracy to engage in money laundering, in violation of Title 18, United
14 States Code, Section 1956(h).

15 (2) On June 27, 2005, plaintiff filed a civil action seeking forfeiture against the defendant real
16 property and improvements at 1843 14th Avenue, San Francisco, California, in which Richard Wong
17 resided, on the ground that the defendant real property was subject to forfeiture, pursuant to Title 21,
18 United States Code, Section 881(a)(7), as property used to facilitate the cultivation of marijuana.
19 Additionally, plaintiff sought forfeiture of the defendant real property on the ground that it represents
20 property involved in or traceable to a money laundering transactions and subject to forfeiture pursuant to
21 Title 18, United States Code, Section 981(a)(1)(A).

22 (3) On August 11, 2005, claimants Richard Wong, Frank Wong, Salina Wong and Yu Wai
23 Mei each filed claims asserting an interest in the defendant real property. The government is in the process
24 of moving to dismiss and/or strike the claim filed by Yu Wai Mei for failure to defend.

25 (4) Per stipulation of the parties, on March 8, 2006, the Court authorized the interlocutory
26 sale of the defendant real property and the substitution of the net proceeds of that sale as the defendant
27 property in that action. Pursuant to that sale, the defendant property was sold and netted proceeds in the
28 amount of \$685,367.

1 (5) Claimants Richard Wong(himself) and Frank Wong and Salina Wong (by and through
2 the executor of their estate, Patricia Wong) consent to the forfeiture of \$540,367 of the net proceeds from
3 the sale of the defendant real property to the United States without further notice to them. Each claimant
4 agrees that sufficient evidence exists for the forfeiture of said property pursuant to Title 21, United States
5 Code, Sections 881(a)(7) and Title 18, United States Code, Section 981(a)(1).

6 (6) The balance of the net proceeds from the sale of the defendant real property – \$145,000,^{r interest on}
7 shall be returned to claimant Frank Wong (or his estate), by and through his attorney, David M. Michael, ^{this amt}
8 whose business address is 101 California Street, Suite 2450, San Francisco, California 94111. Said ^(Sid)
9 payment to Frank Wong shall be in full settlement of all claims on behalf of Frank Wong and Salina Wong
10 have to the captioned defendant real property and all claims resulting from the incidents or circumstances
11 giving rise to this lawsuit.

12 (7) On March 14, 2006, plaintiff filed a civil action seeking forfeiture against the defendant
13 \$56,311.78 in net proceeds from the sale of a 2004 Porsche 911 Turbo, on the ground that the defendant
14 \$56,311.78 in net proceeds represent funds derived from drug proceeds in violation of Title 21, United
15 States Code, Sections 841(a) and 846 and thus subject to forfeiture under Title 21, United States Code,
16 Section 881(a)(6). The defendant \$56,311.78 also represents property involved in or traceable to a money
17 laundering transactions and subject to forfeiture pursuant to Title 18, United States Code, Section
18 981(a)(1)(A). The registered owner of the 2004 Porsche 911 Turbo was Richard Wong.

19 (8) Claimant Richard Wong is the sole claimant to the defendant \$56,311.78 from the sale of
20 the Porsche.

21 (9) Claimant Richard Wong consents to the forfeiture of the entire defendant \$56,311.78 in
22 net proceeds to the United States without further notice to him. Claimant Richard Wong agrees that
23 sufficient evidence exists for the forfeiture of said property pursuant to Title 21, United States Code,
24 Sections 881(a)(6) and Title 18, United States Code, Section 981(a)(1).

25 (10) Claimants Richard Wong, Frank Wong and Salina Wong shall hold harmless the United
26 States of America, the Internal Revenue Service, the Drug Enforcement Administration, and all agents,
27 officers and employees thereof, including any and all state and local law enforcement officers, for any and
28 all acts directly or indirectly related to the seizure, detention and forfeiture of the subject property.

- 1 (11) Each party shall bear its own attorneys fees and costs.
- 2 (12) This agreement is contingent on the Court's entry of an order dismissing and/or striking
- 3 Yu Wai Mei's claim and entering the proposed order of forfeiture below.

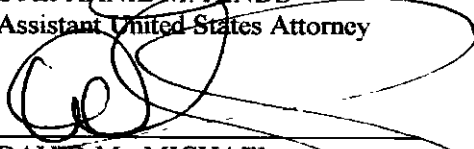
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6 IT IS SO STIPULATED:

7 JOSEPH P. RUSSONIELLO
8 United States Attorney


9 Dated: 11/30/09

10 
11 STEPHANIE M. HINDS
12 Assistant United States Attorney


13 Dated: 11-24-09

14 
15 DAVID M. MICHAEL
16 Counsel for Claimants Richard Wong, Frank
17 Wong, Salina Wong and [Yu Wai Mei]


18 Dated: 11-24-09

19 
20 RICHARD WONG, Claimant

21 Dated: 11-20-09

22 
23 Frank Wong, Claimant
24 By his Executor, Patricia Wong

25 Dated: 11-20-09

26 
27 Salina Wong, Claimant
28 By her Executor, Patricia Wong

[PROPOSED] FINAL ORDER OF FORFEITURE

Based upon the above stipulation, all pleadings filed herein, the Court finds, by a preponderance of the evidence, that there is sufficient evidence to support the seizure and forfeiture of the following real and personal property (hereafter "subject property") as property which facilitated the cultivation of marijuana and thus forfeitable under Title 21, United States Code, Section 881(a)(7), property derived from and traceable to drug proceeds and thus forfeitable under Title 21, United States Code, Sections 881(a)(6). or involved in and traceable to money laundering offenses, and thus forfeitable under Title 18, United States Code, Sections 981(a)(1) and 982(a)(1):

- a. real property and improvements located at 1843 14th Avenue, San Francisco, California and subsequent sale proceeds (defendant real property); and
- b. \$56,311.78 in net proceeds from the sale of a 2004 Porsche 911 Turbo, VIN WPOAB299X4S685145, registered to Richard Wong (defendant proceeds)

Accordingly, IT IS HEREBY ORDERED that \$540,367 of the net proceeds from the sale of the defendant real property shall be and hereby is forfeited to the United States without further notice to claimants Richard Wong, Frank Wong, Salina Wong and Yu Wai Mai.

IT IS FURTHER ORDERED that the balance of the net proceeds from the sale of the defendant real property – \$145,000, ^{+ interest on this amt. (\$61)} shall be returned to claimant Frank Wong, by and through his attorney, David M. Michael, whose business address is 101 California Street, Suite 2450, San Francisco, California 94111.

IT IS FURTHER ORDERED that the entire defendant \$56,311.78 in net proceeds to the United States shall be and hereby is forfeited to the United States without further notice to any claimants.

IT IS FURTHER ORDERED that Claimants Richard Wong, Frank Wong and Salina Wong shall hold harmless the United States of America, the Internal Revenue Service, 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 subject property;

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1 IT IS FURTHER ORDERED that all right, title and interest in the property ordered
2 forfeited is hereby vested in the United States of America. The United States shall dispose of the forfeited
3 property according to law.

4 IT IS SO ORDERED.

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6 DATED: 12/1/09


SUSAN ILLSTON
United States District Judge

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