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United States Attorney

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Attorneys for Plaintiff United States of America

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

13 UNITED STATES OF AMERICA
14 Plaintiff,

15 v.

16 REAL PROPERTY AND
17 IMPROVEMENTS LOCATED AT 15000
18 BRICELAND THORN ROAD,
19 WHITETHORN, CALIFORNIA,
HUMBOLDT COUNTY, APN 215-172-045,

20 Defendant.

No. CV 08-3080 JSW

21 **STIPULATION AND [PROPOSED]
22 ORDER DISMISSING CIVIL
23 FORFEITURE COMPLAINT AGAINST
24 DEFENDANT REAL PROPERTY AND
25 IMPROVEMENTS LOCATED AT 15000
26 BRICELAND THORN ROAD,
27 WHITETHORN, CALIFORNIA,
28 HUMBOLDT COUNTY, APN 215-172-045**

22 The parties to this Stipulation are as follows: Plaintiff is the United States of America.
23 Defendant is Real Property and Improvements Located at 15000 Briceland Thorn Road,
24 Whitethorn, California, identified by Humboldt County, Assessor's Parcel Number 215-172-045
25 (hereinafter "defendant Briceland property"). Donovan and Lynn Henry are the owners of record
26 for defendant Briceland property and have filed a claim asserting their interest in the property.
27 Sydney and Barbara Green have also filed a claim asserting an interest in the defendant Briceland
28 property based upon a deed of trust they hold on the defendant Briceland property. Sydney and

1 Barbara Green have filed a Notice of Default and Election to Sell Under Deed of Trust in
2 Humboldt County, based upon the deed they hold on the defendant Briceland property.

3 Counsel for the United States, counsel for claimants listed above and the claimants agree,
4 subject to the Court's approval, that, because of the lack of equity in the defendant property, this
5 action be and hereby is dismissed as against defendant Briceland property pursuant to Rule
6 41(a)(2), Federal Rules of Civil Procedure, with each party to bear its own attorneys' fees and
7 costs.

8 IT IS SO STIPULATED.

9 DATED: ___ June 2010

10 _____
11 DAVID MICHAEL
12 Attorney for Claimants
13 Donavan and Lynn Henry


14 DATED: ___ June 2010

15 _____
16 Donavan Henry, Claimant

17 DATED: ___ June 2010

18 _____
19 Lynn Henry

20 DATED: ^{22 July} ~~___~~ June 2010

21 _____
22 
23 EUGENE DENSON
24 Attorney for Claimants
25 Sydney and Barbara Green

26 DATED: ___ June 2010

27 _____
28 Sydney Green, Claimant

29 DATED: ___ June 2010

30 _____
31 Barbara Green, Claimant

32 JOSEPH P. RUSSONIELLO
33 United States Attorney

34 DATED: ___ June 2010

35 _____
36 SUSAN B. GRAY
37 Assistant United States Attorney

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1 Barbara Green have filed a Notice of Default and Election to Sell Under Deed of Trust in
2 Humboldt County, based upon the deed they hold on the defendant Briceland property.

3 Counsel for the United States, counsel for claimants listed above and the claimants agree,
4 subject to the Court's approval, that, because of the lack of equity in the defendant property, this
5 action be and hereby is dismissed as against defendant Briceland property pursuant to Rule
6 41(a)(2). Federal Rules of Civil Procedure, with each party to bear its own attorneys' fees and
7 costs.

8 IT IS SO STIPULATED.

9 DATED: June 2010

10 DAVID MICHAEL
11 Attorney for Claimants
Donavan and Lynn Henry

12 DATED: June 2010

13 Donavan Henry, Claimant

14 DATED: June 2010

15 Lynn Henry

16 DATED: June 2010

17 EUGENE DENSON
18 Attorney for Claimants
Sydney and Barbara Green

19 DATED: June 2010

20 Sydney W Green
Sydney Green, Claimant

21 DATED: June 2010

22 Barbara Green
Barbara Green, Claimant

23 DATED: ~~June 2010~~ July 19, 2010

24 JOSEPH P. RUSSONIELLO
United States Attorney

25 SUSAN B. GRAY
Assistant United States Attorney

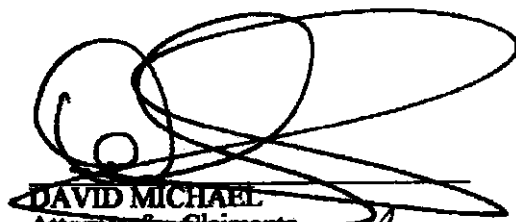
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2 Barbara Green have filed a Notice of Default and Election to Sell Under Deed of Trust in
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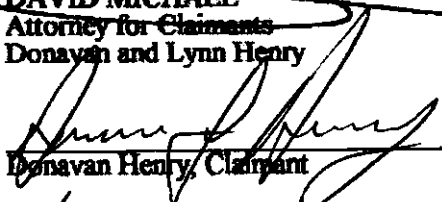
9 IT IS SO STIPULATED.

10 DATED: 26^{July} June 2010



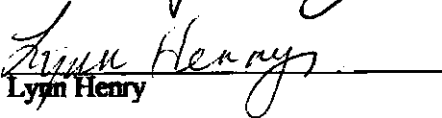
DAVID MICHAEL
Attorney for Claimants
Donavan and Lynn Henry

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12
13 DATED: ___ June 2010



Donavan Henry, Claimant

14
15 DATED: ___ June 2010



Lynn Henry

16
17 DATED: ___ June 2010

EUGENE DENSON
Attorney for Claimants
Sydney and Barbara Green

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20 DATED: ___ June 2010

Sydney Green, Claimant

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22
23 DATED: ___ June 2010

Barbara Green, Claimant

24
25 DATED: ___ June 2010

JOSEPH P. RUSSONIELLO
United States Attorney

26
27 DATED: ___ June 2010

SUSAN B. GRAY
Assistant United States Attorney

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[PROPOSED] ORDER

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UPON CONSIDERATION OF THE FOREGOING, and good cause having been shown,

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it is HEREBY ORDERED THAT the civil forfeiture complaint against defendant Real Property

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and Improvements Located at 15000 Briceland Thorn Road, Whitethorn, California., identified by

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Humboldt County, Assessor's Parcel Number 215-172-045 is dismissed pursuant to Rule

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41(A)(2), Federal Rules of Civil Procedure, with each party to bear its own attorneys' fees and

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costs.

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IT IS SO ORDERED

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DATED: September 16, 2010

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JEFFREY S. WHITE
United States District Court Judge

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