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7 Attorneys for Plaintiff

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

11 UNITED STATES OF AMERICA

12 Plaintiff,

13 v.

14 1. REAL PROPERTY AND IMPROVEMENTS  
15 IDENTIFIED BY MENDOCINO COUNTY  
16 APN 051-290-04, 051-300-02, 051-310-01, 051-  
320-01,

17 2. REAL PROPERTY AND  
18 IMPROVEMENTS IDENTIFIED BY  
19 MENDOCINO COUNTY APN 051-180-08,  
051-190-05, 052-010-01, 052-010-02, 052-  
010-03, 052-010-09, 052-010-14, 052-010-  
20 15, 052-010-16, 052-010-17; REAL  
PROPERTY AND IMPROVEMENTS  
21 IDENTIFIED BY HUMBOLDT COUNTY  
APN 222-024-003, 222-025-003;

22 3. REAL PROPERTY AND  
23 IMPROVEMENTS IDENTIFIED BY  
MENDOCINO COUNTY APN 051-180-09,  
051-180-10.

24 Defendants.

25  
26 Paul Sayers, Graeson Prescott, Diana Mendes  
27 and Barnum Timber Company

28 Claimants.

No. C 08-3093 WHA

**WRIT OF ENTRY**

1 The United States having filed a verified Complaint for Forfeiture in Rem against the  
2 defendant real properties, whose legal description are attached as Attachments 1, 2, and 3  
3 respectively; and

4 The United States having requested that the Court issue a Writ of Entry as provided in 18  
5 U.S.C. § 985(b)(2) and 18 U.S.C. § 983(j) authorizing it to enter the defendant real property,  
6 including any structures, for the purpose of conducting an inspection and inventory of the  
7 defendant real property and, as provided in 19 U.S.C. § 1606, to conduct an appraisal; it is

8 ORDERED that the United States Marshals Service or its designee, is hereby authorized

9 1. to enter the defendant real property, including any structures, on one or more occasions  
10 during the pendency of this in rem forfeiture action against the defendant real property, for  
11 the purpose of conducting an inspection and inventory and appraisal of the defendant real  
12 property, and

13 2. to be accompanied on any such occasion by any appraiser(s) selected by it for the purpose  
14 of appraising the condition and value of the defendant real property pursuant to 19 U.S.C. §  
15 1606, which appraisal may include, among other means, still and video photography, and

16 3. to be accompanied on any such occasion by any government and contract personnel  
17 selected by it for the purpose of conducting an inspection and inventory of the defendant real  
18 property, which inspection and inventory may include, among other means, still and video  
19 photography, and

20 4. to be accompanied on any such occasion by any federal, state, and local law enforcement  
21 officers selected by it to ensure the safety of personnel acting under this Writ of Entry.

22 Any interference with anyone acting under the authority of this Writ of Entry shall be deemed a  
23 violation of a Court order and may be punished as a contempt, as a violation of 18 U.S.C. § 2232  
24 prohibiting the impairment of in rem jurisdiction, or otherwise as provided by law.

25  
26 IT IS SO ORDERED.

27 February 2  
28 DATED: ~~January~~ \_\_\_, 2009

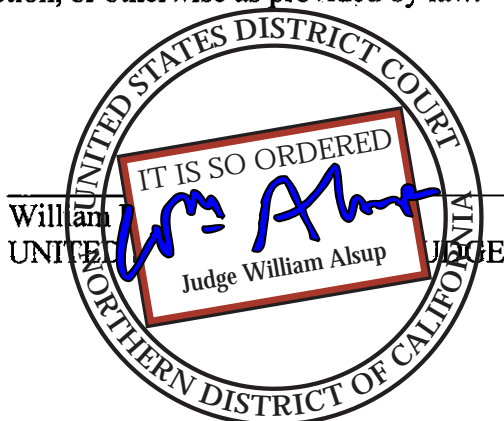


Exhibit 1

The land referred to herein is situated in the State of California, County of Mendocino, Unincorporated Area, and is described as follows:

Parcel One:

The Northeast quarter of Section 35, Township 5 South, Range 2 East, Humboldt Base and Meridian.

051-290-04

Parcel Two:

The Southeast quarter of Section 35, Township 5 South, Range 2 East, Humboldt Base and Meridian.

051-300-02

Parcel Three:

The North half of Section 36, Township 5 South, Range 2 East, Humboldt Base and Meridian.

051-310-01

Parcel Four:

The South half of Section 36, Township 5 South, Range 2 East, Humboldt Base and Meridian.

051-320-01

Excepting from all the above any portions thereof lying within Humboldt County.

Exhibit 2

TRACT I  
**PARCEL ONE**

The Southwest Quarter of the Northeast Quarter and those portions of the West half of the Southeast Quarter of Section 20, Township 5 South, Range 3 East, Humboldt Base and Meridian, lying North of the Humboldt and Mendocino County Line.

A.P. No. 222-025-003

**PARCEL TWO**

All that portion of the Southeast Quarter of Section 19, Township 5 South, Range 3 East, Humboldt Base and Meridian, lying North of the Humboldt and Mendocino County line.

A.P. No. 222-024-003

The following additional parcel or parcels has/have appeared in a recorded document or documents describing the land referred to in this preliminary report/commitment. No insurance will be provided as to these parcels, but the parties to the transaction contemplated by this preliminary report/commitment may wish to consider whether these parcels should be included in the documents to be recorded:

**PARCEL THREE**

That portion of the South Half of the Southwest Quarter of Section 20, Township 5 South, Range 3 East, Humboldt Meridian, lying within Humboldt County.

Assessed in Mendocino County.

**PARCEL FOUR**

A perpetual non-exclusive easement over and across and upon the existing roads located upon Grantors land within Sections 27, 28, 29 and 34 in Township 5 South, Range 3 East, Humboldt Meridian, Mendocino County, California as indicated on Exhibit "B". Grantor grants the right to use and maintain and reconstruct this road as may be necessary for Grantee's use in keeping within requirements and guidelines of Grantor and governing jurisdictions. This grant of easement shall serve and be appurtenant only to the lands described in Tract One, Two and Three above and any other lands contiguous thereto owned or hereafter acquired by Grantee in Mendocino and Humboldt Counties and may not be otherwise assigned or transferred. Such easement will be used exclusively for the management, use or operation of the lands as commercial timberlands, including but not limited to the removal of logs, timber and other forest products therefrom.

**PARCEL FIVE**

An easement across the South Half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, the Southwest Quarter and that part of the West Half of the Southeast Quarter, lying West of the State Highway and West of the West line of the lands described in the Deed recorded April 9, 1991 in Book 1897, of Official Records at page 485, and recorded May 2, 2000 as Document No. 2000-6792, Mendocino County Records of Section 35, Township 5 South, Range 3 East, Humboldt Meridian as reserved by Rex Timber in the Deeds to Eva L. Anderson, et al recorded October 13, 1987, in Book 1650, Page 327, Mendocino County Records and recorded July 13, 1988 in Book 1696, Page 357, Mendocino County Records.

The Rights granted in Tracts Four and Five above do not reduce rights held through these other Agreements.

A.P.N. 222-025-003

TRACT II

Tract One:

That portion of Lot 4 and of the Southeast quarter of Southwest quarter of Section 19, Township 5 South, Range 3 East, Humboldt Meridian, lying within Mendocino County.

APN: 052-010-01

Tract Two:

Lots 2, 3 and 4 of Section 30, Township 5 South, Range 3 East, Humboldt Meridian and that portion of the East half of the Southeast quarter and the North half of the Northeast quarter of Section 25, Township 5 South, Range 2 East, Humboldt Meridian lying East of the centerline of Sebbas Creek.

APN'S: 052-010-17, 051-180-08 and 051-190-05

Tract Three:

The Northwest quarter of the Southeast quarter of the Northeast quarter of Section 30, Township 5 South, Range 3 East, Humboldt Meridian.

APN: 052-010-15

Tract Four:

The Northeast quarter of the Northeast quarter of Section 30, Township 5 South, Range 3 East, Humboldt Meridian.

APN: 052-010-16

Tract Five:

South half of Southeast quarter of Northeast quarter; The Southeast quarter of the Northwest quarter; The Northeast quarter of the Southwest quarter; The Southwest quarter of the Northeast quarter; and The West half of the Northwest quarter of the Northeast quarter of Section 30, Township 5 South, Range 3 East, Humboldt Meridian.

APN: 052-010-14



**Tract Six:**

Non-exclusive easement for roadway purposes conveyed to Mendocino Investment Co. by Grant Deed recorded June 2, 1995 in Book 2256 of Official Records at page 84, Mendocino County Records, which was granted as an appurtenance to a portion of the lands described above with other lands.

**Tract Seven:**

Non-exclusive easement for the purposes as stated in the Reciprocal Easement Agreement recorded March 4, 1996 in Book 2314 of Official Records at page 382, Mendocino County Records and February 8, 1996 in Document No.: 1996-3424-8 of Official Records of Humboldt County, over the easement area as described therein.

**Tract Eight:**

Non-exclusive easements for roadway purposes described in easement agreement recorded April 20, 2001 under Series #2001-06779, Mendocino County Official Records.

**Tract Nine:**

Non-exclusive easements for roadway purposes described in reciprocal forestry road easement agreement recorded June 28, 2001, under Series # 2001-12075, Mendocino County Official Records.

**Tract Ten:**

Non-exclusive easements for roadway purposes described in easement agreement recorded December 30, 2003 under Series # 2003-34005, Mendocino County Official Records.

**Tract Eleven:**

**Parcel One:**

That portion of the Southeast quarter of Section 19 lying within Mendocino County; that portion of the West half of the Southeast quarter and the South half of the Southwest quarter of Section 20 lying within Mendocino County; and Lot 1 and the Northeast quarter of the Northwest quarter of Section 30, all in Township 5 South, Range 3 East, Humboldt Meridian.

APN'S: 052-010-02, 03, 09

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A perpetual, non-exclusive easement over and across and upon the existing roads located upon Grantor's land within Sections 27, 28, 29 & 34, Township 5 South, Range 3 East, Humboldt Meridian, Mendocino County, California as indicated on Exhibit "B". Grantor grants the right to use, maintain and reconstruct this road as may be necessary for Grantee's use in keeping within requirements and guidelines of Grantor and governing jurisdictions. This grant of easement shall serve and be appurtenant only to the lands described in Tract One above and any other lands contiguous thereto owned or hereafter acquired by Grantee in Mendocino and Humboldt Counties and may not be otherwise assigned or transferred. Such easement will be used exclusively for the management, use or operation of the lands as commercial timberlands, including but not limited to the removal of logs, timber or other forest products therefrom, all as disclosed by Instrument recorded February 13, 2003 under Series # 2003-03924, Mendocino County Official Records.

**Parcel Three:**

An easement across the South half of Northwest quarter, the Northeast quarter of the Northwest quarter, the Southwest quarter, and that part of the West half of the Southeast quarter, lying West of the State Highway and West of the West line of the lands described in the Deed recorded April 9, 1991 in Book 1897 of Official Records at Page 485 and recorded May 2, 2000 as Document No. 2000-6792, Mendocino County Records of Section 35, Township 5 South, Range 3 East, Humboldt Meridian as reserved by Rex Timber in the Deeds to Eva L. Anderson, et al recorded October 13, 1987 in Book 1650, Page 327, Mendocino County Records and recorded July 13, 1988 in Book 1696, Page 357, Mendocino County Records.

The rights granted in Tracts Two and Three above do not reduce rights held through these or other Agreements.

**Parcel Four:**

Non-exclusive easements for roadway purposes described in easement agreement recorded December 30, 2003 under Series # 2003-34005, Mendocino County Official Records.  
A.P.N. 051-180-08

Timber Reservation and Seller's Limited Right of Ingress and Egress

Seller reserves the right to remove all of the coniferous and deciduous timber located on Seller's current Timber Harvest Plan Permits on the property described in Exhibit "A" until December 31, 2005. Seller shall be responsible for compliance with all Timber Harvest Plan Permit conditions, including, but not limited to reforestation requirements. \*and Exhibit "B"

Seller shall be allowed limited ingress and egress across roads on the Property, to access approximately property owned by Seller. The limited purpose of ingress and egress by Seller is for purposes of harvesting trees from the Property in accordance with Timber Harvest Permits Seller currently holds. This limited right of ingress and egress by Seller shall expire on December 15, 2005. The parties hereto agree that from and after December 15, 2005, Seller will have no right of access or easement of any kind, on any portion of the Property, including without limitation, easement by necessity, except to perform the mandatory maintenance and reforestation as set forth in the Seller's current Timber Harvest Permits. Seller agrees that he will be responsible for all Timber Harvest Permit reforestation responsibilities. As partial consideration for this limited right of ingress and egress granted by Purchaser to Seller, Seller agrees that from and after December 15, 2005, he will make no claim for any such continuing right to enter upon the Property, and he will not make any claim of any type of easement on the Property, except for reasons mentioned above. Seller agrees that he will be subject to specific performance of this provision, and will be subject to injunctive relief for any breach of this provision.

Exhibit 3

Tract One

That portion of the South half of the Northeast quarter of Section 25, Township 5 South, Range 2 East, Humboldt Meridian, lying East of the center line of Sebban Creek.

APN 51-180-x05 and x06

The legal description contained herein is given pursuant to Mendocino County Boundary Line Adjustment B15-2004, disclosed by Instrument recorded December 7, 2004 as 2004-27111, Mendocino County Records.

Reserving therefrom, non-exclusive easements for roadway purposes over the existing roads.

Tract Two:

Non-exclusive easement for roadway purposes conveyed to Mendocino Investment Co. by Grant Deed recorded June 2, 1995 in Book 2256 of Official Records at Page 84, Mendocino County Records, which was granted as an appurtenance to a portion of the lands described above with other lands.

Tract Three:

Non-exclusive easement for the purposes as stated in the Reciprocal Easement Agreement recorded March 4, 1996 in Book 2314 of Official Records at Page 382 Mendocino County Records and February 8, 1996 in Document No. 1996-3424-8 of Official Records of Humboldt County, over the easement area as described therein.

Tract Four:

Non-exclusive easements for roadway purposes described in instrument recorded October 30, 2000 as 2000-18082, Mendocino County Records.

Tract Five

Non-exclusive easements for roadway purposes described in instrument recorded December 30, 2003 as 2003-34005, Mendocino County Records.