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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)	No. CV 11-1024 WHA
14 Plaintiff,)	[PROPOSED]
15 v.)	CONSENT JUDGMENT OF
16 \$160,302.98 IN FUNDS SEIZED FROM)	FORFEITURE
17 WELLS FARGO BANK ACCT. #)	
18 XXXXXX0819,)	
19 Defendant.)	

20 **CONSENT ORDER OF SETTLEMENT AND FORFEITURE**

21 WHEREAS, on March 4, 2011, the United States filed a complaint for forfeiture of certain
22 assets seized as a result the investigation conducted by the Internal Revenue Service ("IRS");

23 WHEREAS, notice of this action has been given by publication and the only claims
24 submitted with respect to the defendant funds is that of Nicolas Munoz and Yolanda Munoz,
25 submitted via this consent order of settlement;

26 WHEREAS, pursuant to the settlement negotiations among the parties, Nicolas Munoz and
27 Yolanda Munoz agree to withdraw their claims with respect to \$160,302.98 in funds seized

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from Wells Fargo Bank Acct. # XXXXXX0819 in any administrative or judicial forfeiture proceeding;

AND WHEREAS, it appearing to the court from the endorsement of the parties that the parties have agreed to a resolution of this matter with respect to the defendant funds, and deeming it proper so to do;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Notice of this action having been given by publication and there being only the claim filed by Nicolas Munoz and Yolanda Munoz, the default of all persons or entities other than Nicolas Munoz and Yolanda Munoz is entered. The allegations set out in the Complaint are sufficient to establish a basis for forfeiture.

2. The United States of America shall have judgment of forfeiture pursuant to 31 U.S.C. § 5317(c)(2) as to the entirety of the defendant funds \$160,302.98 IN FUNDS SEIZED FROM WELLS FARGO BANK ACCT. # XXXXXX0819, plus all interest earned by the government on the full amount of the defendant funds, and no other person or entity shall have any right, title or interest therein.

3 The United States shall dispose of the forfeited funds in accordance with the law.

4. Nicolas Munoz and Yolanda Munoz releases the United States of America and all of its respective agencies, officers, agents, and employees from any claims or actions, including that for attorney fees or cost or interest, concerning the seizure and custody of the defendant funds.

5. The United States release Nicolas Munoz and Yolanda Munoz from any claims or actions, including that for attorney fees or costs or interest, concerning the seizure and custody of the defendant funds.

6. This settlement shall and can be used as settlement of any civil and/or criminal forfeiture order against Nicolas Munoz related to the seizure of the defendant funds on September 1, 2010.

7. The court finds that there was reasonable cause for the seizure of the defendant funds and institution of these proceedings. This judgment shall be construed as a certificate of reasonable

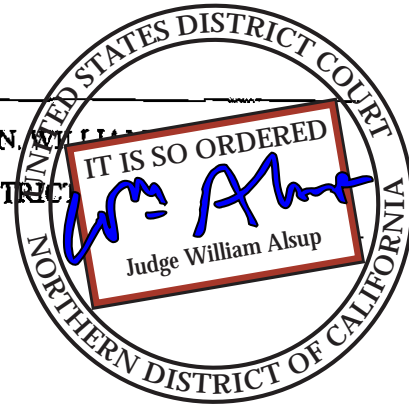
1 cause pursuant to 28 U.S.C. § 2465.

2 8. The parties to this action shall execute any documents necessary or proper to effectuate the
3 terms of this Order

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5 June 14, 2012

6 Date

HON. WILLIAM
DISTRICT



9 WE ASK FOR THIS:

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11 *Arvon J. Perfect*
12 ARVON J. PERFECT
Assistant United States Attorney

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14 *William H. Kimball* 6/12/12
15 WILLIAM H. KIMBALL
Counsel for Claimant, NICOLAS MUNOZ

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17 *N*
18 NICOLAS MUNOZ
Claimant

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22 *Yolanda A. Munoz*
YOLENDA MUNOZ
Claimant

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