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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,	}	No. 10-0974 LB
14 Plaintiff,	}	
15 v.	}	<del>[PROPOSED]</del>
16 APPROXIMATELY \$750,680.00 IN	}	CONSENT JUDGMENT OF FORFEITURE
17 UNITED STATES CURRENCY;	}	
18 APPROXIMATELY \$27,387.00 IN	}	
19 UNITED STATES CURRENCY;	}	
\$35,424.80 IN FUNDS FROM CHASE	}	
ACCOUNT # 0980; \$6,300.00 IN FUNDS	}	
FROM CHASE ACCOUNT #8688	}	
20 Defendants.	}	

21 This action was filed on March 8, 2010.<sup>1</sup> Notice was given and published in accordance  
 22 with law. Claimant Avery Badenhop (“claimant”) filed a verified claim on April 5, 2010 as to  
 23 the defendants APPROXIMATELY \$750,680.00 IN UNITED STATES CURRENCY,  
 24 \$35,424.80 IN FUNDS FROM CHASE ACCOUNT # 0980 and \$6,300.00 IN FUNDS FROM  
 25 CHASE ACCOUNT # 8688 (hereinafter known as “defendant funds”). No other statements of  
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27 <sup>1</sup>This civil forfeiture case has been stayed since April 12, 2010, pending the resolution of  
 28 a criminal case involving claimant Avery Badenhop, entitled *United States v. Avery Badenhop*,  
 CR No. 10-0701 MMC, filed in this Court. On or about September 21, 2011, claimant entered  
 into a plea agreement with the government in the criminal case. As part of his plea agreement,  
 claimant agreed to forfeit the defendant funds named in this action.

1 interest or answers have been filed with respect to defendant funds and the time for filing such  
2 statements of interest and answers has expired. Plaintiff and claimant, from whom the defendant  
3 funds were seized, have reached an agreement that is dispositive of the action. The parties  
4 hereby request that the Court enter this Consent Judgment of Forfeiture.

5 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

6 1. This Court has jurisdiction over the parties and the subject matter of this action.

7 2. Notice of this action has been given in accordance with law. All potential  
8 claimants to the defendant funds other than claimant are deemed to have admitted the allegations  
9 of the Complaint. The allegations set out in the Complaint are sufficient to establish a basis for  
10 forfeiture.

11 3. The United States of America shall have judgment as to the entirety of the  
12 defendant funds APPROXIMATELY \$750,680.00 IN UNITED STATES CURRENCY,  
13 \$35,424.80 IN FUNDS FROM CHASE ACCOUNT # 0980, and \$6,300.00 IN FUNDS FROM  
14 CHASE ACCOUNT # 8688, plus all interest earned by the government on the full amount of the  
15 defendant funds, and no other person or entity shall have any right, title or interest therein. The  
16 United States Marshals Service is ordered to dispose of said assets in accordance with law.

17 4. Claimant hereby releases the United States of America, its agencies, agents, and  
18 officers, including employees and agents of the Drug Enforcement Administration, California  
19 Highway Patrol, and Marin County Major Crimes Task Force from any and all claims, actions or  
20 liabilities arising out of or related to this action, including, without limitation, any claim for  
21 attorney's fees, costs or interest which may be asserted on behalf of the claimant, whether  
22 pursuant to 28 U.S.C. § 2465 or otherwise.

23 5. The court finds that there was reasonable cause for the seizure of the defendant  
24 funds and institution of these proceedings. This judgment shall be construed as a certificate of  
25 reasonable cause pursuant to 28 U.S.C. § 2465.

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1           6.       The Court retains jurisdiction over this case and the parties hereto to effectuate the  
2 terms of this Consent Judgment.

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4 Dated: October 7, 2011



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7 **Approved as to form and content:**

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9 Dated: 9.22, 2011

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United States Attorney

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Assistant United States Attorney  
Attorneys for Plaintiff

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14 Dated: 9.21, 2011

DOUGLAS RAPPAPORT  
Attorney for Claimant  
Avery Badenhop

15  
16  
17  
18  
19 Dated: 9.21, 2011

AVERY BADENHOP  
Claimant