

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02106-PAB-CBS

UNITED STATES OF AMERICA,
Plaintiff,
v.

DEFENDANT NO. 1: ONE PARCEL PROPERTY LOCATED AT 927 COLE STREET,
GOLDEN, COLORADO, WITH ALL APPURTENANCES, IMPROVEMENTS AND
ATTACHMENTS THEREON; and
DEFENDANT NO. 2: ONE 2008 TOYOTA HIGHLANDER, VIN # JTEES42A182076495;
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Plaintiff's "Motion for Order for Seizure and Interlocutory Sale of Real Property - Exigent Circumstances" (filed December 27, 2011) (Doc. # 25) and the court's text order dated January 4, 2012 (Doc. # 27). Pursuant to the Order of Reference dated August 12, 2011 (Doc. # 5) and the memorandum dated December 27, 2011 (Doc. # 26), the Motion was referred to the Magistrate Judge.

It appears to the court based on the allegations set forth in the Verified Complaint this in rem action (Doc. # 1) that the court has jurisdiction over Defendant No. 1, the real property and that Defendant No. 1 is subject to an order of forfeiture. The court finds that exigent circumstances exist to justify seizure of Defendant No. 1 prior to notice and an opportunity to be heard and that no less restrictive means are sufficient to insure availability of the property for forfeiture or to prevent deterioration of the real property. Accordingly, IT IS ORDERED that:

1. Plaintiff's "Motion for Order for Seizure and Interlocutory Sale of Real Property - Exigent Circumstances" (filed December 27, 2011) (Doc. # 25) is GRANTED.

2. The Internal Revenue Service, Criminal Investigation Division, its representatives, and/or agents, be directed to seize and take custody of Defendant No. 1 and to make its return as provided by law. The Internal Revenue Service, its representatives, and/or agents are further directed to enter and inventory Defendant No. 1 and ascertain its physical condition. The Internal Revenue Service, its representatives, and/or agents are directed to secure Defendant No. 1 in such a manner as to prevent any illegal activity and prohibit any persons from gaining access to Defendant No. 1 for any reason. This includes, but is not limited to changing locks, padlocking gates, and/or boarding windows, installing alarms, and removing valuables and storing them in a offsite secured location.

3. The Internal Revenue Service, its representatives, and/or agents are authorized to use its discretion and whatever means necessary, including reasonable force, to execute this seizure.

4. Pursuant to 18 U.S.C. § 985(e) a post-seizure hearing and status conference shall be held on January 25, 2012, at 9:15 a.m. at which time the property owner shall have an opportunity to contest the basis for the seizure.

5. The court's text order dated January 4, 2012 (Doc. # 27) is hereby
WITHDRAWN.

Dated at Denver, Colorado, this 5th day of January, 2012.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge