

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 11-10442
Honorable Denise Page Hood
Magistrate Michael J. Hluchaniuk

SEVENTY-NINE THOUSAND DOLLARS
(\$79,000) IN UNITED STATES CURRENCY,

Defendants *in rem*,

**STIPULATION FOR ENTRY OF CONSENT JUDGMENT
AND FINAL ORDER OF FORFEITURE**

WHEREAS, on or about February 8, 2011, Plaintiff UNITED STATES OF AMERICA filed a First Amended Complaint for Forfeiture against Seventy-Nine Thousand Dollars (\$79,000) in United States Currency;

WHEREAS the Plaintiff, the UNITED STATES OF AMERICA, and the Claimant, BI XIN LIU, wish to resolve this matter without further litigation and expense;

NOW THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff, UNITED STATES OF AMERICA, through its counsel, BARBARA A. McQUADE, United States Attorney, and JULIE A. BECK, Assistant United States Attorney, and Claimant BI XIN LIU, through her attorney, EDGAR L. FANKBONNER, as follows:

1) This action is a civil in rem forfeiture action brought pursuant to 31 U.S.C. §§ 5317(c) and 5332(c).

2) This Court has jurisdiction and venue over this action pursuant to 28 U.S.C. §§ 1345, 1355 and 1395.

3) The allegations of the First Amended Complaint for Forfeiture are well taken, and the United States and its agents had reasonable cause for seeking forfeiture of the above-enumerated property as provided in 28 U.S.C. § 2465. The Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).

4) The parties herein wish to resolve this matter without incurring further litigation expenses. As such, the United States agrees that fifty per cent (50%) of the Seventy-Nine Thousand Dollars (\$79,000) defendant currency, that is, a sum of Thirty-Nine Thousand Five Hundred Dollars (\$39,500.00), shall **NOT** be forfeited, but shall be **RETURNED** to Claimant BI XIN LIU, less any debt owed to the United States, any agency of the United States, or any other debt which the United States is authorized to collect.

5) The parties agree that no other costs or charges shall be assessed against the amount of \$39,500.00 the Claimant is to receive under paragraph 4.

6) The parties further stipulate that the remaining Thirty-Nine Thousand Five Hundred Dollars (\$39,500.00) of the defendant currency, including any interest that may have accrued on the entire amount of the defendant currency since the seizure date, shall be **FORFEITED** to the United States of America pursuant to 31 U.S.C. §§ 5317(c) and 5332(c), and that any administrative costs incurred by the government shall be deducted from this amount. Further, any right, title or interest of BI XIN LIU, and her successors and assigns, and any right, title and ownership interest of all other persons in the \$39,500.00 in United States currency together with interest earned, if any, is hereby and forever **EXTINGUISHED**, and that clear title to said

currency shall hereby be **VESTED** in the United States of America, and the United States Department of Homeland Security is **AUTHORIZED** to dispose of such currency according to law.

7) Claimant, hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of reasonable attorney fees and litigation costs in connection with this civil forfeiture action under 28 U.S.C. § 2465(b)(1)(A) or any other statute that might conceivably apply.

8) Claimant BI XIN LIU agrees to release, remise and discharge Plaintiff, the United States of America, and any of its agencies involved in this matter, including the United States Department of Homeland Security, Customs and Border Protection, and the Department of Justice, including the U.S. Attorney's Office, and their agents, officers and employees, past and present, from all claims or causes of action which Claimant and his agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

9) Following entry of this Consent Judgment and Final Order of Forfeiture and receipt by the U.S. Attorney's Office of the Automated Clearing House (ACH) information, including Claimant's social security number, the United States Department of Homeland Security, or its delegate, shall disburse the funds via electronic deposit into the IOLTA account of Claimant's attorney.

10) Upon the making of the payment specified in paragraph 9 above, this case shall be dismissed **WITH PREJUDICE** and closed.

11) Each of the parties to this Stipulation have discussed this settlement with their

respective counsel, and fully understand its terms and conditions and the consequences of entering into it. The parties agree that each shall bear their own costs in this matter.

BARBARA L. McQUADE
UNITED STATES ATTORNEY

s/JULIE A. BECK
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P-53291

Dated: 10/27/11

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Email: fankbonner@gmail.com

Dated: 10/24/11

s/BI XIN LIU (signature page attached)
BI XIN LIU
Claimant

Dated: 10/24/11


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BARBARA L. McQUADE
UNITED STATES ATTORNEY



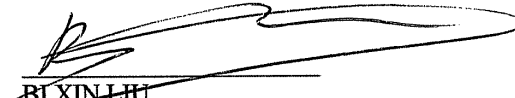
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Dated: 10/24/11



BIXIN LIU
Claimant

Dated: 10/24/11

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

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Honorable Denise Page Hood
Magistrate Michael J. Hluchaniuk

SEVENTY-NINE THOUSAND DOLLARS
(\$79,000) IN UNITED STATES CURRENCY,

Defendants *in rem*,

_____ /

CONSENT JUDGMENT
AND FINAL ORDER OF FORFEITURE

IT IS SO ORDERED.

s/Denise Page Hood
United States District Judge

Dated: October 31, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 31, 2011, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager