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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

CV-12-0496-LRS

13 vs.)

14 26218 SOUTH BUTTONWOOD DRIVE,)
15 SUN LAKES, ARIZONA, TOGETHER)
16 WITH ALL APPURTENANCES,)
17 FIXTURES, ATTACHMENTS, AND)
18 IMPROVEMENTS THERETO AND)
19 THEREUPON,)

Order of Forfeiture of Substitute
Res

20 Defendant.)

21 Plaintiff, United States of America, filed a Verified Complaint for Forfeiture In
22 Rem on August 3, 2012, alleging that the Defendant property was subject to forfeiture
23 to the United States pursuant to 18 U.S.C. § 981(a)(1)(C). ECF No. 1.

24 The above court has jurisdiction over this matter by virtue of 28 U.S.C.
25 §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

26 The defendant real property is located at 26218 South Buttonwood Drive, Sun
27 Lakes, Arizona, and is legally described in the Verified Complaint for Forfeiture In
28 Rem.

According to Maricopa County Assessor real property records, Octotillo K,
LLC, is the owner of the real property.

On or about November 30, 2012, the United States Marshals Service posted a
Notice of Complaint for Forfeiture (ECF No. 9), and copies of the Verified Complaint
for Forfeiture In Rem (ECF No. 1), Order Reassigning Case (ECF No. 3), and the Lis
Pendens (ECF No. 4), upon the Defendant real property (ECF No. 10).

1 On or about November 28, 2012, Ocotillo K, LLC, was served, via certified
2 mail, return receipt requested, in care of Manager, Kimberly Jeffreys, and in care of
3 Registered Agent, Elizabeth S. Ashley, Esq., with copies of the Verified Complaint
4 for Forfeiture In Rem (ECF No. 1), the Lis Pendens (ECF No. 4), the Order
5 Reassigning Case (ECF No. 3), and the Notice of Complaint for Forfeiture. ECF Nos.
6 7 and 7-1. Based upon the direct notice service date, Ocotillo K, LLC's, deadline to
7 file a timely claim was January 2, 2013. On or about December 21, 2012, Ocotillo K,
8 LLC, filed a verified claim signed by "Kim Jeffreys, Owner". ECF No. 12. On or
9 about January 11, 2013, the United States and Claimant, Ocotillo K, LLC, entered into
10 a Stipulation Extending Time to Answer or Otherwise Move. ECF No. 14. On or
11 about March 8, 2014, Ocotillo K, LLC, filed its Answer to Complaint. ECF No. 15.
12 On or about July 29, 2014, the United States and Ocotillo K, LLC, by and through its
13 Owner/Manager, Kimberly Jeffreys, entered into a settlement agreement and
14 stipulation for forfeiture (ECF No. 18), in accordance with her plea agreement filed in
15 United States v. Kimberly Jeffreys, 2:13-CR-12-RMP-2 (ECF No. 452 at 7 and 8),
16 filed herein on September 23, 2014, in which Kimberly Jeffreys agreed to provide
17 \$125,000.00 substitute res in lieu of forfeiture of the Defendant real property.

18 On or about November 28, 2012, Gregory Jeffreys, was served, via certified
19 mail, return receipt requested, at his last known addresses, with copies of the Verified
20 Complaint for Forfeiture In Rem (ECF No. 1), the Lis Pendens (ECF No. 4), the Order
21 Reassigning Case (ECF No. 3), and the Notice of Complaint for Forfeiture. ECF Nos.
22 5 and 5-1. Based upon the direct notice service date, Gregory Jeffreys's deadline to
23 file a timely claim was January 2, 2013. On or about December 31, 2012, Gregory
24 Jeffreys filed a Waiver, acknowledging receipt of notice; and, waiving, relinquishing
25 and giving up any right to the Defendant real property. ECF No. 13. On or about
26 February 3 and 6, and June 5, 2014, the United States and Gregory Jeffreys, by and
27 through his attorney, Mark Vovos, entered into a stipulation for forfeiture (ECF No.
28 17), in accordance with his plea agreement filed in United States v. Gregory D.

1 Jeffreys, 2:13-CR-12-RMP-1 (ECF No. 403 at 15 - 17), filed herein on September 23,
2 2014, in which Gregory Jeffreys stipulated and agreed to the forfeiture of any interest
3 he has or may have in the Defendant real property.

4 On or about August 12, 2014, the United States was notified by the United
5 States Marshals Service in Arizona, that they had received a check in the amount of
6 \$125,000.00 in substitute res in lieu of forfeiture of the Defendant real property.

7 It appearing to the Court that the United States and real property owner Ocotillo
8 K, LLC/Kimberly Jeffreys agreed in the settlement agreement and stipulation filed
9 herein to the forfeiture of \$125,000.00 substitute res in lieu of forfeiture of the
10 Defendant real property;

11 It also appearing the Gregory Jeffreys waived and relinquished any interest he
12 has or may have in the Defendant real property;

13 It further appearing to the Court that the \$125,000.00 in substitute res has been
14 provided to the United States as agreed;

15 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the
16 Plaintiffs' Motion For Entry Of An Order Of Forfeiture Of Substitute Res, ECF No.
17 20, is GRANTED, and the \$125,000.00 substitute res is hereby forfeited to the United
18 States;

19 IT IS FURTHER ORDERED that the United States Marshal's Service shall
20 dispose of the \$125,000.00 in accordance with law.

21 DATED this 25th day of September, 2014.

22 *s/Lonny R. Suko*

23 _____
24 Lonny R. Suko
25 Senior United States District Judge

24 Presented by:
25 Michael C. Ormsby
26 United States Attorney
27 s/James A. Goeke
28 James A. Goeke
Assistant United States Attorney