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The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$23,460.00 IN UNITED STATES
CURRENCY, *et al.*

Defendants.

Consolidated No. 3:13-cv-5169-BHS
No. 3:13-cv-5386-BHS

JUDGMENT OF FORFEITURE

Plaintiff United States of America filed its Verified Complaint for Forfeiture *In Rem* against the Defendants \$23,460.00, \$15,540.00, 2008 Dodge Ram 3500 Pickup Truck, VIN 3D6WH46A58G112787, and 2007 Dodge Ram 3500 Pickup Truck, VIN 3D6WG46A47G737389, on March 7, 2013, pursuant to 18 U.S.C. § 981(a)(1)(C) as property constituting or derived from proceeds traceable to the crime of contraband cigarette trafficking in violation of 18 U.S.C. § 2342(a), which is a “specified unlawful activity” under 18 U.S.C. § 1956(c)(7)(A), and pursuant to 49 U.S.C. § 80303, as a vehicle involved in the violation of transportation of contraband, as defined in 49 U.S.C. § 80302(a)(5), in violation of 49 U.S.C. § 80302(b) and 18 U.S.C. § 2342(a). *See* Docket 1.

JUDGMENT OF FORFEITURE
U.S. v. \$23,460.00 in U.S. Currency, et al.
Case No. 3:13-cv-5169-BHS

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 Notice of this forfeiture action was published on an official government website,
2 www.forfeiture.gov, for at least 30 consecutive days, beginning on March 10, 2013, as
3 required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime
4 Claims and Asset Forfeiture Actions.

5 On March 21, 2013, the United States sent direct notice to Curtis Yallup, via
6 Certified Mail U.S. Mail, Return Receipt Requested, Article no. 7008-3230-0000-6875-
7 2607.

8 On April 9, 2013, Claimant Trina Wheeler filed a Claim asserting an interest in the
9 Defendants 2007 Dodge Ram and 2008 Dodge Ram. On April 26, 2014, she filed an
10 Answer to Complaint.

11 On April 9, 2013, Claimant King Mountain Tobacco Co., Inc. filed a Claim
12 asserting an interest in the Defendants \$23,460.00 and \$15,540.00. On April 26, 2013, it
13 filed an Answer to Complaint.

14 On April 10, 2013, Claimant Delbert Wheeler filed a Claim asserting an interest in
15 the Defendants 2007 Dodge Ram and 2008 Dodge Ram. On April 26, 2013, he filed an
16 Answer to Complaint.

17 Plaintiff United States filed a related Verified Complaint for Forfeiture *In Rem*
18 against the Defendant \$283,315.00 on May 21, 2013, in Case No. 3:13-cv-5386
19 (consolidated herein), pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984, as proceeds
20 derived from or traceable to trafficking in contraband cigarettes from May 23, 2012,
21 through September 12, 2012, in violation of 18 U.S.C. § 2342(a), which is a “specified
22 unlawful activity” under 18 U.S.C. § 1956(c)(7)(A).

23 Notice of this forfeiture action was published on an official government website,
24 www.forfeiture.gov, for at least 30 consecutive days, beginning on May 31, 2013, as
25 required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime
26 Claims and Asset Forfeiture Actions.

1 On June 21, 2013, Claimant King Mountain Tobacco Co., Inc. filed a Claim
2 asserting an interest in the Defendant \$283,315.00. On July 10, 2013, it filed an Answer
3 to Complaint.

4 On March 4, 2015, the Court approved a Stipulated Settlement Agreement
5 between the United States and the Claimants, wherein the United States agreed to return
6 \$96,000.00 of the Defendant funds to Claimant King Mountain Tobacco Co., Inc. and
7 return Defendants 2007 Dodge Ram and 2008 Dodge Ram to Claimants Delbert Wheeler
8 and Trina Wheeler; and Claimants agreed to the forfeiture of the remaining Two Hundred
9 Twenty-Six Thousand, Three-Hundred Fifteen Dollars (\$226,315.00) of the Defendant
10 funds to the United States.

11 All parties believed to have an interest in the above-referenced Defendant property
12 were properly served. More than sixty (60) days has passed since the notices of the
13 forfeiture actions were first published on the www.forfeiture.gov website.

14 To date, no other claims to the above-referenced Defendant property have been
15 filed and the time for doing so has expired.

16 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

17 1. This Court has jurisdiction of this matter and over the Defendant properties
18 and parties pursuant to 28 U.S.C. §§ 1345 and 1355. This Court has venue pursuant to
19 28 U.S.C. § 1395.

20 2. The following remaining portion of the Defendant funds is hereby forfeited
21 to the United States of America, and no right, title, or interest in said funds shall exist in
22 any other person or entity: \$226,315.00 in U.S. funds.

23 3. The United States Marshals Service and/or its agents and representatives
24 shall dispose of the forfeited funds in accordance with the law.

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28 JUDGMENT OF FORFEITURE
U.S. v. \$23,460.00 in U.S. Currency, et al.
Case No. 3:13-cv-5169-BHS

1 4. The Court shall deliver three (3) "raised seal" certified copies of this
2 Judgment of Forfeiture to the United States Attorney's Office in Seattle, Washington.

3 DATED this 20 day of March, 2015.

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6 _____
7 BENJAMIN H. SETTLE
8 United States District Judge

9 /s/Richard E. Cohen
10 RICHARD E. COHEN
11 Assistant U.S. Attorney
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