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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) 2:08-cv-02498-GEB-EFB  
12 Plaintiff, )  
13 v. ) FINAL JUDGMENT OF FORFEITURE  
14 REAL PROPERTY LOCATED AT 3956 ) AGAINST REAL PROPERTY LOCATED  
CRIBBAGE LANE, OROVILLE, ) AT 3965 CRIBBAGE LANE,  
15 CALIFORNIA, BUTTE COUNTY, ) OROVILLE, CALIFORNIA, BUTTE  
APN: 058-230-029, INCLUDING ) COUNTY, APN: 058-230-027  
16 ALL APPURTENANCES AND )  
IMPROVEMENTS THERETO, and )  
17 REAL PROPERTY LOCATED AT 3965 )  
18 CRIBBAGE LANE, OROVILLE, )  
CALIFORNIA, BUTTE COUNTY, )  
19 APN: 058-230-027, INCLUDING )  
ALL APPURTENANCES AND )  
20 IMPROVEMENTS THERETO, and )  
21 Defendants. )  
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23 Pursuant to the Stipulation for Final Judgment of  
24 Forfeiture, the Court finds:

25 1. This is a civil forfeiture action against two real  
26 properties located in Oroville, California. The first real  
27 property is located at 3956 Cribbage Lane, Oroville, California,  
28 Butte County, APN: 058-230-029, and more fully described as:

1 **PARCEL 1:**

2 COMMENCING at the Southeast corner of said Northeast  
3 quarter of Section 10; thence along the East line  
4 thereof; North 0°07'26" East, 105.10 feet; thence  
5 leaving said line North 75°17'12" West, 293.38 feet  
6 to the true point of beginning for the parcel herein  
7 described; thence from said true point of beginning,  
8 South 77°10'18" West, 97.91 feet; thence North 38°40'30'  
9 West, 313.82 feet to the center line of a 60.00 foot  
10 road easement; thence leaving said centerline, South  
11 38°40'30" East, 310.22 feet; thence South 3°35'48"  
12 West, 62.57 feet to the point of beginning.

13 **PARCEL II:**

14 A non-exclusive easement for road purposes and public  
15 utility purposes over a strip of land 60.00 feet in  
16 width, lying 30.00 feet on either side of a line  
17 beginning at the most Northerly corner of said parcel;  
18 thence along the Northwesterly line of said parcel,  
19 South 51°19'30" West, 328.93 feet to the Concow Road.

20 APN: 058-230-029

21 2. The second real property is located at 3965 Cribbage  
22 Lane, Oroville, California, Butte County, APN: 058-230-027  
23 (hereafter collectively referred to as the "defendant real  
24 properties"), and more fully described as:

25 **PARCEL I:**

26 BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION  
27 10, TOWNSHIP 22 NORTH, RANGE 4 EAST, M.D.B. & M.,  
28 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST  
QUARTER OF SECTION 10; THENCE ALONG THE EAST LINE OF  
SAID SECTION, NORTH 0 DEG. 07' 20" EAST, 864.71 FEET;  
THENCE SOUTH 51 DEG. 19' 30" WEST 326.83 FEET TO THE  
TRUE POINT OF BEGINNING FOR THE PARCEL HEREIN  
DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING  
CONTINUING SOUTH 51 DEG. 19' 30" WEST, 282.00 FEET;  
THENCE SOUTH 38 DEG. 40'30" EAST, 310.22 FEET; THENCE  
NORTH 3 DEG. 35' 48" EAST 419.24 FEET TO THE POINT OF  
BEGINNING.

**PARCEL II:**

A NON EXCLUSIVE EASEMENT FOR ROAD PURPOSES AND PUBLIC  
UTILITY PURPOSES OVER A STRIP OF LAND 60.00 FEET IN

1 WIDTH, LYING 30.00 FEET ON EITHER SIDE OF THE NORTHERLY  
2 LINE OF THE PARCEL OF LAND CONVEYED TO CARL E. BALDWIN,  
3 ET UX, RECORDED MARCH 24, 1976, IN BOOK 2057 OF BUTTE  
4 COUNTY OFFICIAL RECORDS, AT PAGE 133 AND SAID LINE  
5 EXTENDED SOUTHWESTERLY TO CONCOW ROAD.

6 **PARCEL III:**

7 A NON EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER A STRIP  
8 OF LAND DESCRIBED IN THAT CERTAIN EASEMENT DEED EXECUTED  
9 BY LUCILLE S. STUART IN FAVOR OF TEN-SEVENTY CORPORATION,  
10 A CALIFORNIA CORPORATION, RECORDED OCTOBER 13, 1964, IN  
11 BOOK 1340 OF OFFICIAL RECORDS, AT PAGE 234.

12 APN: 058-230-027

13 3. A Verified Complaint for Forfeiture *In Rem* was filed on  
14 October 21, 2008, seeking the forfeiture of the defendant real  
15 properties, alleging that said properties are subject to  
16 forfeiture to the United States of America pursuant to 21 U.S.C.  
17 § 881(a)(7), as real properties used or intended to be used, in  
18 any manner or part, to commit, or to facilitate the commission  
19 of, a violation of 21 U.S.C. § 841 et seq.

20 4. By order filed October 22, 2008, Magistrate Judge  
21 Brennan authorized public notice of the action to be given one  
22 time for 30 consecutive days on the official internet government  
23 forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov). Publication in a manner  
24 consistent with the Court's order began on January 7, 2009, and  
25 ran at least 30 consecutive days, as required by Rule  
26 G(4)(a)(iv)(C) of Supplemental Rules for Admiralty or Maritime  
27 Claims and Asset Forfeiture Actions (hereafter "Supplemental  
28 Rules").

5. On November 20, 2008, the defendant real properties were  
posted with a copy of the complaint and notice of complaint.

6. In addition to public notice of the action on the  
official internet government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov),

1 the government gave actual notice, or made reasonable efforts to  
2 give actual notice to the following entities and individuals:

- 3 a. Todd Humphrey
- 4 b. Alfred Ornelas
- 5 c. McMains Bail Bonds

6 7. On November 20, 2008, claimant Humphrey filed a Verified  
7 Claim in Response to Complaint for Forfeiture *In Rem* alleging a  
8 100% interest in the defendant real properties. On December 16,  
9 2008, claimant Humphrey filed an Answer to Complaint for  
10 Forfeiture *In Rem*.

11 8. The recorded owner of the defendant real properties is  
12 Todd Humphrey, a single man.

13 9. No other parties have filed claims or answers in this  
14 matter and the time for which any person or entity may file a  
15 claim and answer has expired.

16 10. On February 2, 2009, a Clerk's Certificate of Entry of  
17 Default was entered against McMains Bail Bonds.

18 11. On January 26, 2010, a Clerk's Certificate of Entry of  
19 Default was entered against Alfred Ornelas.

20 Based on the above findings, and the files and records of  
21 the Court, it is hereby

22 ORDERED AND ADJUDGED:

23 1. The Court adopts the Stipulation for Final Judgment of  
24 Forfeiture entered into by and between the parties to this  
25 action.

26 2. Judgment is hereby entered against claimant Humphrey and  
27 all other potential claimants who have not filed claims in this  
28 action.

1 3. The United States agrees to dismiss the forfeiture  
2 action against the defendant real property located at 3956  
3 Cribbage Lane, Oroville, California, Butte County, APN: 058-230-  
4 029. Within thirty (30) days of the entry of Final Judgment of  
5 Forfeiture, the United States shall record a Withdrawal of Lis  
6 Pendens against the defendant real property located at 3956  
7 Cribbage Lane, Oroville, California, Butte County, APN: 058-230-  
8 029.

9 4. All right, title, and interest in the defendant real  
10 property located at 3965 Cribbage Lane, Oroville, California,  
11 Butte County, APN: 058-230-027 shall be forfeited to the United  
12 States pursuant to 21 U.S.C. § 881(a)(7).

13 5. After the entry of this Final Judgment of Forfeiture,  
14 the U.S. Marshals Service shall list the defendant real property  
15 at 3965 Cribbage Lane, Oroville, California, Butte County, APN:  
16 058-230-027 for sale. The U.S. Marshals Service shall have sole  
17 authority to select the means of sale, including sale by internet  
18 or through a licensed real estate broker, and shall have sole  
19 authority over the marketing and sale of the defendant real  
20 property.

21 6. The U.S. Marshals Service shall have the real property  
22 appraised by a licensed appraiser of its choosing. The U.S.  
23 Marshals Service and the appraiser may have access to the  
24 defendant real property and structures, buildings, or storage  
25 sheds thereon upon 24 hours telephonic notice.

26 7. If necessary, the U.S. Marshals Service, and any real  
27 estate broker employed by the U.S. Marshals Service, shall  
28 have the right to put a "lock box" on the property to facilitate

1 the marketing and sale of the property.

2 8. The following costs, expenses and distributions  
3 shall be paid in escrow from the gross sales price in the  
4 following priority and to the extent funds are available:

- 5 (a) The costs incurred by the U.S. Marshals  
6 Service to the date of close of escrow,  
7 including the cost of posting, service,  
8 advertising, and maintenance.
- 9 (b) Any unpaid real property taxes, which  
10 shall be prorated as of the date of the  
11 entry of the Final Judgment of  
12 Forfeiture.
- 13 (c) A real estate commission not to exceed the  
14 U.S. Marshals Service contractual brokerage  
15 fee.
- 16 (d) The seller shall pay any county transfer  
17 taxes.
- 18 (e) To the United States of America: the net  
19 proceeds from the sale of the real property.  
20 All right, title, and interest in said funds  
21 shall be substituted for the defendant real  
22 property and forfeited to the United States  
23 pursuant to 21 U.S.C. § 881(a)(7), to be  
24 disposed of according to law.

25 9. Any liens or encumbrances against the defendant  
26 real property that appear on record subsequent to the recording  
27 of plaintiff's *lis pendens* on October 28, 2008, and prior to the  
28 close of escrow may be paid out of escrow. The United States may

1 pay any such lien or encumbrance at its sole discretion.

2 10. The costs of a lender's policy of title insurance  
3 (ALTA policy) shall be paid for by the buyer.

4 11. All loan fees, "points" and other costs of  
5 obtaining financing shall be paid for by the buyer of the  
6 defendant real property.

7 12. Each party shall execute all documents necessary to  
8 close escrow, if such signatures are required by the title  
9 insurer.

10 13. Claimant Humphrey shall maintain the defendant real  
11 property located at 3965 Cribbage Lane, Oroville, California,  
12 Butte County, APN: 058-230-027 in the same condition and repair  
13 as existed as of the date of the posting, normal wear and tear  
14 excepted, until he has vacated the premises. The term "maintain"  
15 shall include, but is not limited to, keeping the property free  
16 of hazard and structural defects; keeping all heating, air  
17 conditioning, plumbing, electrical, gas, oil, or other power  
18 facilities in good working condition and repair; keeping the  
19 property clean and performing such necessary sanitation and waste  
20 removal; keeping the property in good condition by providing for  
21 lawn and yard maintenance; and other ordinary and necessary items  
22 of routine maintenance.

23 14. Claimant Humphrey shall vacate the defendant real  
24 property at 3965 Cribbage Lane, Oroville, California, on 72 hours  
25 notice by the U.S. Marshals Service. The U.S. Marshals Service  
26 shall not give claimant a notice to vacate sooner than 72 hours  
27 after entry of the Final Judgment of Forfeiture. Claimant  
28 further shall remove all personal possessions, and the personal

1 possessions of any former occupant, including all vehicles,  
2 furniture, and trash, and to leave the property clean and in the  
3 same state of repair as the property was on the date it was  
4 posted. Any and all of claimant's personal possessions, and the  
5 personal possessions of any former occupant, not removed within  
6 72 hours will be disposed of by the United States without further  
7 notice.

8 15. Plaintiff United States of America and its servants,  
9 agents, and employees are released from any and all liability  
10 arising out of or in any way connected with the posting,  
11 forfeiture, or sale, of the defendant real properties. This is a  
12 full and final release applying to all unknown and unanticipated  
13 injuries, and/or damages arising out of said posting, forfeiture,  
14 or sale, as well as to those now known or disclosed. The parties  
15 to this stipulation waive the provisions of California Civil Code  
16 § 1542, which provides:


17 A general release does not extend to claims which  
18 the creditor does not know or suspect to exist in  
19 his favor at the time of executing the release,  
20 which if known by him must have materially affected  
21 his settlement with the debtor.

22 16. Pursuant to the stipulation of the parties, and  
23 allegations set forth in the Verified Complaint for Forfeiture In  
24 Rem filed October 21, 2008, the Court finds that there was  
25 reasonable cause for the posting of the defendant real  
26 properties, and the commencement and prosecution of this  
27 forfeiture action, and the Court may enter a Certificate of  
28 Reasonable Cause pursuant to 28 U.S.C. § 2465.

17 17. All parties are to bear their own costs and attorneys'  
28 fees, except as provided for herein.

1 18. Pending the sale of the property, and the disposition  
2 of the proceeds, the Court shall maintain jurisdiction to enforce  
3 the terms of this Final Judgment of Forfeiture.

4 Dated: March 12, 2010

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7 GARLAND E. BURRELL, JR.  
United States District Judge

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12 CERTIFICATE OF REASONABLE CAUSE

13 Based upon the allegations set forth in the Complaint for  
14 Forfeiture *In Rem* filed October 21, 2008, and the Stipulation for  
15 Final Judgment of Forfeiture filed on March 9, 2010, the Court  
16 enters this Certificate of Reasonable Cause pursuant to 28 U.S.C.  
17 § 2465, that there was reasonable cause for the posting of the  
18 defendant real properties, and for the commencement and  
19 prosecution of this forfeiture action.

20 Dated: March 12, 2010

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23 GARLAND E. BURRELL, JR.  
United States District Judge