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BOOK 127 PAGE 558

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FEB 11 1992

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Judge Ranner
FILED
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LODGED
FEB 21 1992
SEATTLE
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

PARCEL #2
REAL PROPERTY CONSISTING
OF 88.47 ACRES LOCATED IN
SKAMANIA COUNTY, WASHINGTON, its
Buildings, Improvements,
Appurtenances, Fixtures,
Attachments, and Easements,

Defendant.

NO. C90-53809

CONSENT JUDGMENT
FOR FORFEITURE

I hereby certify that the
annexed instrument is a true
and correct copy of the original
on file in my office.
ATTEST: BRUCE H. KIRBY
Clerk, U.S. District Court
Western District of Washington

By Deputy Clerk
Plaintiff, United States of America, filed its Complaint for
Forfeiture of the defendant property on July 13, 1990.

The Complaint for forfeiture alleged that the defendant real
property is subject to forfeiture to the United States under the
provisions of 21 U.S.C. § 881(a)(7) and 21 U.S.C. § 881(a)(6)
because the property was used to commit or facilitate the
commission of felony drug offenses, to wit: the distribution and
sale of controlled substances, to wit: cocaine, marijuana and
hashish, and/or was purchased with proceeds traceable to the
distribution of controlled substances or the conspiracy to
distribute controlled substances in violation of 21 U.S.C.

§ 841(a)(1) and 846. U. S. MARSHALS OFFICE
300 U. S. COURTHOUSE
1010 - 5th AVENUE
SEATTLE, WASHINGTON 98101

Consent Judgment for Forfeiture - 1
(SKAMANIA, CJ/490aj)

2-5-7900

2-5-27-802

2-5-29-1-230

UNITED STATES ATTORNEY
3600 Seafirst Fifth Avenue Plaza
800 Fifth Avenue
Seattle, Washington 98104
(206) 553-2242

Pursuant to a Warrant of Arrest In Rem issued by this Court, the United States Marshal for this District seized the defendant property consisting of 88.47 Acres located in Skamania County, Washington on July 19, 1990.

On July 31, August 7 and 14, 1990, notice of this action was published in the Daily Journal of Commerce. On August 8, 15, 22, 29, 1990 notice of this action was published in the Skamania County Pioneer.

The United States Marshal's Service personally served the verified Complaint for Forfeiture, Seizure Warrant and the Lis Pendens on Dolores and Clifford Orth on July 27, 1990. William and Janice McNeil were served with the same documents on August 2, 1990 and Dorothy Rajala was also served with the same documents on August 1, 1990.

On August 8, 1990, Dorothy Rajala filed a claim and answer to the defendant property. On August 13, 1990, William and Janis McNee filed an Answer to the Complaint for Forfeiture. On November 2, 1990, Thomas Orth filed a claim to the defendant property. On August 6, 1990 Cynthia McCullough filed a claim and answer to the defendant property. On April 10, 1991, Cynthia McCullough signed a Stipulation whereby she agreed not to contest the forfeiture of 88.47 acres in Skamania County, WA.

No other claims have been filed.

The parties now stipulate and agree to the entry of this Consent Judgment for Forfeiture without further adjudication of any issue of fact or law. Accordingly, IT IS HEREBY ORDERED ADJUDGED

Consent Judgment for Forfeiture (312)
(SKAMANIA.CJ/490aj)

U. S. MARSHAL'S OFFICE
300 U. S. COURT
1016 - 5th AVENUE
SEATTLE, WASHINGTON 98104

UNITED STATES ATTORNEY
3600 Seafirst Fifth Avenue Plaza
800 Fifth Avenue
Seattle, Washington 98104
(206) 553-2242

AND DECREED as follows:

1. This Court has jurisdiction of this matter and over the defendant and parties pursuant to 21 U.S.C. § 881 and 28 U.S.C. § 1345.

2. The defendant property is hereby condemned and forfeited to the United States of America and no right, title or interest shall exist in any other party.

3. The defendant property shall be sold by the United States Marshals Service in accordance with law. The United States Marshal shall be reimbursed for the costs and expenses of the sale of the defendant property and for any expenses incurred by the Marshals Service in connection with the maintenance and upkeep of the defendant property since its seizure by the United States. After the Marshal's costs are paid, the proceeds shall be distributed as described in paragraphs four through six below.

4. William McNee and Janis McNee shall be paid principal in the amount of \$19,879.63 and interest in the amount of \$1,663.92 through June 30, 1991 and thereafter at an annual interest rate of 9 1/2% through the date of closing. The payment to William McNee and Janis McNee provided for in this paragraph shall fully and finally resolve their claim. William McNee and Janis McNee agree to execute any further necessary documents to release their interest in the defendant property so the sale of the defendant property may proceed.

5. Thomas Orth, in his capacity as trustee of the Orth marital trust and on behalf of Clifford Orth and Dolores Orth shall

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300 U. S. COURTHOUSE
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SEATTLE, WASHINGTON 98104

Consent Judgment for Forfeiture
(SKAMANIA.CJ/490aj)

UNITED STATES ATTORNEY
3600 Seafirst Fifth Avenue Plaza
800 Fifth Avenue
Seattle, Washington 98104
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1 be paid \$676.42 in principal and \$58.85 in interest through
2 November 16, 1990 and thereafter at a rate of \$5.35 per month until
3 the date of closing. Said payment shall be made pursuant to a Real
4 Estate contract executed November 1, 1978 by and between David Esch
5 and Sharon Esch as purchasers and Clifford Orth and Dolores Orth as
6 sellers, wherein Thomas Orth is the successor in interest of the
7 sellers. The payment to Thomas Orth provided for in this paragraph
8 shall fully and finally resolve their claim. Thomas Orth agrees to
9 execute any further necessary documents to release his interest in
10 the defendant property so the sale of the defendant property may
11 proceed.

12 6. Dorothy Rajala shall be paid the principal and interest
13 due and owing under a Monthly Installment Note secured by a Deed of
14 Trust dated December 13, 1984. As of August 6, 1990, the principal
15 due and owing Dorothy Rajala is \$54,524.39 and interest is \$806.66.
16 The interest rate is 10% per annum, accruing at a per diem rate of
17 \$14.9356 from August 6, 1990 to the date of closing. The payment to
18 Dorothy Rajala provided for in this paragraph shall fully and
19 finally resolve the claim of Dorothy Rajala. Dorothy Rajala agrees
20 to execute any further necessary documents to release her interest
21 in the defendant property so the sale of the defendant property may
22 proceed.

23 7. The remaining net proceeds of the sale of the defendant
24 property shall go to the United States.

25 8. Claimants Dorothy Rajala, Thomas Orth, Cynthia McCullough
26 and Janis and William McNea agree to release and hold harmless the

27 U. S. MARSHALS OFFICE
28 300 U. S. COURT
1010 - 5th AVENUE
SEATTLE, WASHINGTON 98104

Consent Judgment for Forfeiture
(SKAMANIA.CJ/490a)

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800 Fifth Avenue
Seattle, Washington 98104
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United States, the Department of the Justice, the Drug Enforcement Administration, and the United States Marshals Service, their employees, agencies, agents, and any persons or entities acting on their behalf, including any state or local law enforcement agencies, from any liability arising from the seizure of and subsequent forfeiture proceedings against the defendant property.

9. This Consent Judgment represents a full settlement and satisfaction of any claims to the defendant property and any causes of action arising out of the seizure of that property, including any claim for interest. Each party will bear its own costs and attorney fees.

DATED this 20 day of Feb, 1992

Robert J. Bryan
UNITED STATES DISTRICT JUDGE

FILED FOR RECORD
SKAMANIA CO. WASH
BY *U.S. Marshall*

MAR 4 1150 AM '92

P. Lowry
GARY H. OLSON

U.S. MARSHALS OFFICE
300 U.S. COURTHOUSE
1010 - 5TH AVENUE
SEATTLE, WASHINGTON 98104

Consent Judgment for Forfeiture - 5
(SKAMANIA.CJ/490aj)

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Seattle, Washington 98104
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CONSENT

We consent to the entry of the foregoing Consent Judgment for Forfeiture and waive any right of appeal.

Respectfully submitted,

MIKE MCKAY
United States Attorney

DATED: 4/11/92

[Signature]
RICHARD E. COHEN
Assistant United States Attorney

DATED: 1-17-92

[Signature]
DOROTHY RAJALA
claimant

DATED: 1-17-92

[Signature]
BEN SHARPTON
Attorney for Claimant Rajala

DATED: 11-21-91

[Signature]
WILLIAM MCNEE
Claimant

DATED: 11/21/91

[Signature]
JANICE MCNEE
Claimant

U.S. MARSHALS OFFICE
U.S. COURT OF APPEALS
1000 5th Avenue
Seattle, Washington 98104

The North Half of the southeast Quarter of Section 28, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington.

A Parcel of Land located in the Southwest quarter of the Northwest Quarter of Section 27, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, described as: Lot 4 of Clifford F. Orth and Delores J. Orth short plat as recorded September 17, 1978 in Book 2 of Short Plats on Page 71, under Auditor's File No. 87288, Records of Skamania County, Washington.

A Parcel of Land situated in the South Half of the Northeast Quarter of Section 28, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, Described as: Lot 1 of the McNee-Hamilton Airport Short Plat as Recorded April 30, 1981 in Book 2 of short Plats on Page 213, Skamania County Records.