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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 *Brannan*  
FILED  
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B 21 1992

SEATTLE  
WESTERN DISTRICT OF WASHINGTON  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA  
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

NO. C90-5801-B

CONSENT JUDGMENT  
FOR FORFEITURE

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

Defendant.

I hereby certify that the  
annexed instrument is a true  
and correct copy of the original  
on file in this office.

ATTEST: BRUCE R. BRYAN  
Clerk, U.S. District Court  
Western District of Washington

By *Deputy Clerk*  
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 98104

Return  
To:

Indirect  
Filed 3/9/92  
Mailed

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

2-5-7900

2-5-27-802

2-5-28-1-280

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

NO BENCH COPY PROVIDED

C/c

12

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  
(SKAMANIA.CJ/490aj)

U. S. MARSHAL'S OFFICE  
300 U. S. COURTHOUSE  
1010 - 5th AVENUE  
SEATTLE, WASHINGTON 98104

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

1 AND DECREED as follows:

2 1. This Court has jurisdiction of this matter and over the  
3 defendant and parties pursuant to 21 U.S.C. § 881 and 28 U.S.C.  
4 § 1345.

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

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

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

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

27 U. S. MARSHALS OFFICE  
360 U. S. COURT HOUSE  
1010 5TH AVENUE  
SEATTLE, WASHINGTON 98104  
28 Consent Judgment for Forfeiture  
(SKAMANIA.CJ/490aj)

UNITED STATES ATTORNEY  
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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 McNee agree to release and hold harmless the  
27  
28

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

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SEATTLE, WASHINGTON 98104

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

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

12 DATED this 20 day of Feb 1992  
 13 1991

14 Ralph E. Bryan  
 15 UNITED STATES DISTRICT JUDGE  
 16  
 17

18 FILED FOR RECORD  
 19 SKAMANIA CO. WASH  
 20 BY U.S. Marshall

21 MAR 4 1150 AM '92

22 P. Lowry  
 23 ATTORNEY  
 24 GARY M. OLSON  
 25  
 26  
 27  
 28

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 1010 5TH AVENUE  
 SEATTLE, WASHINGTON 98104

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

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

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: 2/11/92

Richard E. Cohen  
RICHARD E. COHEN  
Assistant United States Attorney

DATED: 1-17-92

Dorothy Rajala  
DOROTHY RAJALA  
Claimant

DATED: 1-17-92

Ben Shanton  
BEN SHANTON  
Attorney for Claimant Rajala

DATED: 11-21-91

William E. McNeen  
WILLIAM MCNEEN  
Claimant

DATED: 11/21/91

Janise McNeen  
JANISE MCNEEN  
Claimant

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

Consent Judgment for Forfeiture - 6  
(SKAMANIA.CJ/490aj)

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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.