

OCT 04 2017

Clerk of the Superior Court
No Fee ~~Gerardo Sanchez~~

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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11 PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO.: 37-2017-00012428-CU-AP-CTL

12 Petitioner,

City Attorney No. AF2017-001 (1163363)

13 v.

STIPULATION FOR ENTRY OF
FORFEITURE JUDGMENT

14 \$30,609.00 IN U.S. CURRENCY AND
15 REAL PROPERTY - 6176-6184 FEDERAL
16 BOULEVARD, SAN DIEGO
(APN 543-020-02-00),

17 Respondent Property.

18
19 THE PARTIES HERETO stipulate and agree to settle all of the outstanding issues herein,
20 as follows:

21 1. Each of the signatories hereto represents that he is authorized to enter into this
22 settlement.

23 2. The subject matter of this action, also called Respondent Property, is the sum of
24 \$30,609.00 in U.S. CURRENCY, and REAL PROPERTY located at 6176-6184 Federal
25 Boulevard, San Diego, California, 92114, also identified as Assessor's Parcel Number 543-020-02-00,
26 (Estimated Value: \$190,169.00, according to the Assessor's Property System). The legal
27 description of the REAL PROPERTY is as follows:

28 / / / /

1 THAT PORTION OF BLOCK 25, TRACK NO. 2 OF ENCANTO
2 HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN
3 DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP
4 THEREOF NO. 1100, FILED IN THE OFFICE OF THE COUNTY
5 RECORDER OF SAN DIEGO COUNTY, DECEMBER 5, 1907, AS
6 SHOWN ON MAP NO. 2121 OF JOFANA VISTA, FILED IN THE
OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
COUNTY, JULY 20, 1928, NOW ABANDONED AND
DESCRIBED AS LOT 20.

7 The name of the owner of record of the above-described REAL PROPERTY according to
8 the San Diego County Recorder's Grant Deed, Document No. 1998-0102763, recorded February
9 27, 1998, is DARRYL COTTON, herein referred to as the Claimant.

10 Petitioner (the People of the State of California) recorded a Lis Pendens with the San
11 Diego County Recorder's Office on April 18, 2017 (Document No. 2017-0172956).

12 3. Claimant filed a Claim Opposing Forfeiture (MC200) of the Respondent Property on
13 June 20, 2017, and Petitioner received the Claim on June 22, 2017.

14 4. Claimant agrees to withdraw his Claim and to give up all rights and interest in the
15 THIRTY THOUSAND SIX HUNDRED NINE DOLLARS (\$30,609.00) in U.S. CURRENCY
16 of the Respondent Property, plus accrued interest, if any, which will be awarded to Petitioner,
17 declared forfeited, and distributed pursuant to Health and Safety Code section 11489.

18 5. Petitioner agrees to withdraw and forever release any and all claims to and give
19 up all rights and interest in the REAL PROPERTY arising on or before the date of this judgment
20 and specifically relating to this action and the underlying criminal action, San Diego Superior
21 Court case no. M230071, and to remove the pendency of action placed on the REAL
22 PROPERTY located at 6176-6184 Federal Boulevard, San Diego, California. In exchange for
23 Petitioner's complete release of claims and removal of the pendency of action with respect to the
24 REAL PROPERTY, Claimant agrees to pay to Petitioner TWENTY FIVE THOUSAND
25 DOLLARS (\$25,000.00) in U.S. Currency, no more than 90 days after the date this judgment is
26 entered, in the form of a check payable to "San Diego City Treasurer", which will be deposited
27 into Petitioner's Asset Forfeiture Trust Account. No more than ten (10) days after the
28 aforementioned check clears, Petitioner will lift the Lis Pendens on the REAL PROPERTY, and

1 the TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), together with the THIRTY
2 THOUSAND SIX HUNDRED NINE DOLLARS (\$30,609.00), will be forfeited to the State of
3 California and distributed pursuant to Health and Safety Code section 11489. (There was an
4 additional two hundred twenty dollars (\$220.00) that was seized by the San Diego Police
5 Department, but not deposited at the same time as the \$30,609.00. As such, it was not included
6 in the total amount referenced in the Petition for Forfeiture which was filed on April 5, 2017.
7 The \$220.00 will be returned to Claimant no more than ten (10) days after the date this judgment
8 is entered.)


9 6. For purposes of entry, enforcement, or modification of this judgment, the Superior
10 Court of the State of California in and for the County of San Diego has jurisdiction over the
11 subject matter of this action and over the parties thereto.

12 7. The judgment so entered shall conclude all claims between the parties, including
13 all costs and attorney's fees.

14 8. All parties waive the right to a jury or court trial with respect to this civil
15 forfeiture matter.

16 9. All parties waive the right to appeal this judgment, both as to form and content.


17
18 DATED: 10/3/17


DARRYL COTTON, Claimant

19
20 DATED: 10/3/17


DAVID S. DEMIAN, Attorney for Claimant

21
22 DATED: 10/4/17


MARK S. SKEELS, Deputy City Attorney
Attorney for Petitioner

JUDGMENT

The Court, having read and considered the above Settlement Stipulation, and good cause appearing therefore,

IT IS ORDERED that JUDGMENT be entered pursuant to the terms and conditions of the above Stipulation.

DATED: OCT 0 4 2017

TAMILA E. IPEMA
JUDGE OF THE SUPERIOR COURT