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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CR-S 99-0359 DFL
	)	
v.	)	
	)	PRELIMINARY ORDER OF
LARRY WILCOXSON,	)	FORFEITURE RE PROPERTY
DAVID BAXTER,	)	OF DEFENDANT LARRY
C. WILLIAM GORDIN,	)	WILCOXSON
ROXANNE ALBAUGH, and	)	
JOHN F. WITZKE,	)	
	)	
Defendants,	)	
_____	)	

Based upon the plea agreement entered into between plaintiff United States of America and defendant Larry Wilcoxson, and for the reasons stated at bar, it is hereby

**ORDERED, ADJUDGED AND DECREED** as follows:

1. Pursuant to 18 U.S.C. § 982(a)(1), all of defendant Larry Wilcoxson's right, title, and interest in the following property shall be condemned and forfeited to the United States of America, to be disposed of according to law:

(a) All U.S. currency, discovered and restrained on or about August 13, 1999, in the following accounts:

(1) Bank of America account numbered 210342911, located at a branch in Las Vegas, Nevada, in the name of JRAM International Enterprises;

(2) Bank of the West account numbered 1079-125011163, located at a branch in Modesto, California, in the name of IFR Trust;

(3) Wells Fargo account numbered 0047-553763, located at a branch in Modesto, California, in the name of C. William Gordin Accountancy Corp.;

(4) Pacific State Bank accounts numbered 830710 (savings), and 2204040 (checking), located at a branch in Modesto, California, in the name of C. William Gordin Accountancy Corp.;

(5) Union Bank of California account numbered 6353010371, located at a branch in Modesto, California, in the name of C. William Gordin Accountancy Corp. Trust Account;

(b) U.S. currency in the amount of \$32,000, in Union Bank of California account numbered 350005305, located at a branch in Modesto, California, in the name of Albaugh Land & Cattle;

(c) Real property in the name of Albaugh Land & Cattle, together with all improvements and appurtenances thereon located at Twenty Six Mile Road in Oakdale, California, assessor's parcel numbers 002-59-04, and 002-12-63;

(d) Net proceeds of the sale of one 1999 Chevrolet, 4-door, registered to Roxanne Albaugh, VIN #1GNEK13R7XJ445332, bearing California license plate 4ENX243, sold pursuant to Stipulation and Order filed November 4, 1999;

(e) Net proceeds of the sale of the following vehicles, each registered to Roxanne Albaugh and Albaugh Land & Cattle, sold pursuant to Stipulation and Order filed November 4, 1999:

(1) One 1999 Chevrolet, VIN # 1GBHC34R4XF035429, bearing California license plate 5Y45177, including its tools and appurtenances;

(2) One 1999 Chevrolet, VIN # 1GBHC34R0XF034021, bearing California license plate 5Y45178, including its tools and appurtenances;

(3) One 1999 Chevrolet, VIN # 1GNEK13R9XJ440486, bearing California license plate 4EOK910, including its tools and appurtenances;

(4) One 1999 Chevrolet, VIN # 2GCEK19T3X1170788, bearing California license plate 5Z00124, including its tools and appurtenances; and

(5) One 1999 Chevrolet, VIN # 1GNEK13R0XJ441266, bearing California license plate 4EOK912, including its tools and appurtenances.

(f) One 1999 Lexus RX300, bronze in color, registered to Stan R. Wilcoxson, VIN #JT6HF10U9X0088512, bearing California license plate 4GSM106, including its tools and appurtenances;

(g) The following Notes Secured by Deeds of Trusts, the Deeds of Trust with Assignment of Rents, and all rights, title and interests secured thereby:

(1) A Note to Larry Wilcoxson, from Bambi L. Marquez, for \$20,000, due March 1, 2002, secured by real property located in Modesto, California;

(2) A Note to IFR Trust, from Raymond Lee, for \$40,000, due June 26, 2002, secured by real property in San Joaquin County, consisting of three parcels in Manteca, California;

(3) A Note to JRAM International Enterprises, from Seven-to-One Construction, Inc., for \$120,000, due April 6, 2000, secured by real property in Tulare County, California, assessor's parcel # 169-320-091;

(4) A Note to JRAM International Enterprises, from Seven-to-One Construction, Inc., for \$120,000, due May 17, 2000, secured by real property in Tulare County, California, assessor's parcel # 169-320-084;

(5) A Note to JRAM International Enterprises, from Seven-to-One Construction, Inc., for \$120,000, due June 17, 2000, secured by real property in Tulare County, California, assessor's parcel # 169-320-086;

(6) A Note to JRAM International Enterprises, from Seven-to-One Construction, Inc., for \$120,000, due July 23, 2000, secured by real property in Tulare County, California, assessor's parcel # 169-320-004;

(7) A Note to JRAM International Enterprises, from Seven-to-One Construction, Inc., for \$120,000, due in May, 2000, secured by real property in Tulare County, California, assessor's parcel # 169-320-031;

(8) A Note to JRAM International Enterprises, from Seven-to-One Construction, Inc., for \$120,000, due in June, 2000, secured by real property in Tulare County, California, assessor's parcel # 169-320-085;

(9) A Note to JRAM International Enterprises, from Gilton's Family Ranch, LP, for \$380,000, due in May, 2000, secured by real property in Tulare County, California, assessor's parcel # 126-020-017;

(10) A Note to Sundial Financial Services, from Gary J. Lash and Deanna L. Lash, for \$100,000, due July 20, 2014, secured by real property in Ripon, California;

(11) A Note to Sundial Financial Services, from Carl L. Jackson, for \$30,000, due August 3, 2000, secured by real property at 735 Calmar Ave., Oakland, California;

(12) A Note to Sundial Financial Services, from Robert John Blackstar, for \$20,000, due February 1, 2002, secured by real property in Riverbank, California; and

(13) A Note to Sundial Financial Services, from John Shearer, for \$156,000, due May 20, 2002, secured by real property in Stanislaus County, California, assessor's parcel # 052-55-69-101.

(h) One Lo Profile Orchard tractor (engine #U6399788 & serial #F19236);

(i) One Massey Ferguson loader;

(j) Two field booms with swivels (serial #M7436 & M7437);

(k) One Strathmore 9-foot disk harrow with 24" blades (serial #L9637);

(l) Five All Terrain Vehicles (ATV), as follows: (1) Honda model TRX300FWLX, engine #91215484, frame #100698; (2) Honda model TRX300FWL, engine E9121756, frame #100709; (3) Honda model TRX300FWLX, engine #9121911, frame #100570; (4) Honda model TRX300FWLX, engine #9121560, frame #100685; (5) Honda model EM5000SXX1, VIN: EA71159899, including each ATV's tools and appurtenances;

(m) Three All Terrain Vehicle ramps;

(n) One D-6 Caterpillar tractor;

(o) Approximately \$126,548.00 in U.S. currency, remitted by defendant John R. Witzke to the Government, and placed on deposit with the Clerk of the U.S. District Court on June 2, 2000;

(p) Approximately \$500,000 in a bank account in Samoa in the name of World Cultural Center;

(q) A sum of money equal to the total sums involved in the violations set forth in Counts 20, 25, 32, 35, 36 and 37 of the Superseding Indictment, to wit, \$7,195,000;

(r) The sum of \$30,000.00, to be remitted to the government by Walter Wilcoxson, to be forfeited in lieu of the following assets:

(1) Real property in the name of Walter A. Wilcoxson and Nancy J. Wilcoxson Trust located at Lot 25, Cow Creek Tract, Cow Creek, Tuolumne County, California, assessor's parcel number 020-150-01; and

(2) A 1998 Cadillac, pearl white in color, registered to the Wilcoxson Family Trust, VIN #1G6KY5491WU919257, bearing Arizona license plate 470CFR.

2. The above-listed forfeited property was involved in violations of 18 U.S.C. § 1957, to which defendant Wilcoxson entered a guilty plea, or is traceable to such property.

3. In the alternative, the Court finds that all of defendant Wilcoxson's interest in the above-listed forfeited property is subject to forfeiture, and is hereby forfeited to the United States, as a substituted asset pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1). Such asset or assets shall be substituted and applied toward that sum of money identified in paragraph 1.(q), above.

4. The aforementioned forfeited property shall be seized by and held in the secure custody and control of the U.S. Marshals Service, U.S. Treasury Department (Internal Revenue Service), or any receiver, trustee, and/or other entity that the Court may appoint pursuant to 21 U.S.C. § 853(g), as incorporated by 18 U.S.C. § 982(b)(1). Further, defendant Larry Wilcoxson shall surrender his custody, possession and control of all of the above-listed assets not already in the Government's custody, to the Federal Bureau of Investigation, Internal Revenue Service, U.S. Marshals Service or any receiver, trustee, and/or other entity appointed by the Court, at a date and time designated by the Government.

5. a. Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1), and Local Rule 83-171, the United States forthwith shall publish at least once for three successive weeks in The Daily Recorder (Sacramento County), the Modesto Bee (Stanislaus County), and Nevada Legal News (Clark County, Nevada), newspapers of general circulation located in the counties in which the above-described property was seized, notice of this Order, notice of the Attorney General's and/or Secretary of the Treasury's intent to dispose of the property in such manner as the Attorney General or Secretary of the Treasury may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of the notice or of receipt of actual notice, whichever is earlier.

b. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

c. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

6. If a petition is timely filed, upon adjudication of all third-party interests, if any, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 982(b)(1), in which all interests will be addressed.

7. This Preliminary Order of Forfeiture constitutes a Court Order, and any person or entity that fails to fully comply with it shall be in contempt of this Court.

SO ORDERED this 19th day of October, 2000.

**DAVID F. LEVI**

UNITED STATES DISTRICT JUDGE