

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 11-57-PB
)	
Land and Buildings Located at 6238 Kahiloholo Road,)	
#C, Kilauea, Hawaii, with all Appurtenances and)	
Improvements Thereon, Titled to the Garden of Edan)	
Irrevocable Trust; et al,)	
)	
Defendants <i>in rem</i> .)	
_____)	

**ASSENTED-TO MOTION FOR FINAL ORDER OF
FORFEITURE FOR DEFENDANT IN REM (2) ONLY**

1. On February 8, 2011, the United States filed a Verified Complaint for Forfeiture in Rem, which was amended on March 30, 2011. Legal notice of this proceeding was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on April 22, 2011. No parties filed timely claims with regard to the defendants *in rem* (3) through (24), by the deadline of June 23, 2011.

2. On May 5, 2011, James D. Gleason, counsel for Ronald Young, was sent notice of this forfeiture action by certified mail, return receipt requested, with the Amended Verified Complaint for Forfeiture in Rem, Notice of Forfeiture Complaint, Warrants of Arrest in Rem, Notices of Pendency of Action, and ECF Notice. Ronald Young did not file a claim by the deadline of June 9, 2011.

3. On May 5, 2011, Michael Patrick Mulgrew was sent notice of this forfeiture action by certified mail, return receipt requested, with the Amended Verified Complaint for Forfeiture in Rem, Notice of Forfeiture Complaint, Warrants of Arrest in Rem, Notice of

Pendency of Action, and ECF Notice. Michael Patrick Mulgrew did not file a claim by the deadline of June 9, 2011.

4. On May 5, 2011, Central Pacific Home Loans was sent notice of this forfeiture action by certified mail, return receipt requested, with the Amended Verified Complaint for Forfeiture in Rem, Notice of Forfeiture Complaint, Expedited Settlement Agreement, Notice of Pendency of Action, and ECF Notice. Central Pacific Home Loans filed a claim and answer on June 23, 2011, as to defendant in rem (1), Land and Buildings Located at 6238 Kahiliholo Road, #C, Kilauea, Hawaii, with all Appurtenances and Improvements Thereon, Titled to the Garden of Edan Irrevocable Trust, only.

5. On May 17, 2011, Meadow Rose Young Lay was sent notice of this forfeiture action by certified mail, return receipt requested, with the Amended Verified Complaint for Forfeiture in Rem, Notice of Forfeiture Complaint, Warrants of Arrest in Rem, Notices of Pendency of Action, and ECF Notice. Meadow Rose Young Lay did not file a claim by the deadline of June 21, 2011.

6. On June 7, 2011, Thomas Stansberry was sent notice of this forfeiture action by certified mail, return receipt requested, with the Amended Verified Complaint for Forfeiture in Rem, Notice of Forfeiture Complaint, Warrant of Arrest in Rem, Notice of Pendency of Action, and ECF Notice. Thomas Stansberry filed a claim on August 1, 2011, to defendant *in rem* (2), Land and buildings located at Lot #1, Kamaili Beach Lots, 13-6691 Kapoho Kalapana Beach Road, Paho, Hawaii, with all appurtenances and improvements thereon, titled to Meadow Rose Young Lay, only.

7. No other claimants have filed timely claims.

8. Upon sale of the defendant *in rem* (2) Land and buildings located at Lot #1, Kamaili Beach Lots, 13-6691 Kapoho Kalapana Beach Road, Pahoā, Hawaii, with all appurtenances and improvements thereon, titled to Meadow Rose Young Lay; pursuant to a final order of forfeiture, Thomas Stansberry will be paid from the proceeds of the sale, after payment of outstanding taxes and expenses of custody and sale incurred by the U.S. Marshals Service, the following: (a) all unpaid principal due to Thomas Stansberry in the amount of \$100,000.00; (b) all unpaid interest at the base contractual rate (not the default rate) under the above mortgage instrument assessed at 6% per annum until the date of payment; and any other contractual payments, such as attorney's fees, due under the terms of the loan.

9. The payment to Thomas Stansberry shall be in full settlement and satisfaction of any and all claims by Thomas Stansberry to the defendant *in rem* property (2) Lot #1, Kamaili Beach Lots, 13-6691 Kapoho Kalapana Beach Road, Pahoā, Hawaii, named in the above-captioned forfeiture action, and all claims resulting from the incidents or circumstances giving rise to this forfeiture action.

10. Attorney Kevin Sharkey, counsel for Thomas Stansberry, sole claimant to the defendant *in rem* (2), assents to the relief sought in this motion, on behalf of his client.

11. The United States requests that this Court enter a Final Order of Forfeiture providing that all right, title and interest to the defendant *in rem* (2) Land and buildings located at Lot #1, Kamaili Beach Lots, 13-6691 Kapoho Kalapana Beach Road, Pahoā, Hawaii, with all appurtenances and improvements thereon, titled to Meadow Rose Young Lay, be condemned,

forfeited and vested in the United States of America pursuant to 21 U.S.C. § 881(a)(6), free from the claims of any other party.

Respectfully submitted,

JOHN P. KACAVAS
United States Attorney

Dated: August 26, 2011

By: /s/ Robert J. Rabuck
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2011, a copy of the foregoing Assented-To Motion for Final Order of Forfeiture of Defendant in Rem (2) Only was sent via ECF to William Amann, Esquire, counsel for Central Pacific Bank and Kevin Sharkey, counsel for Thomas Stansberry.

By: /s/ Robert J. Rabuck
Robert J. Rabuck
Assistant U.S. Attorney