

RICHARD E. COHEN
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271



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Skagit County Auditor

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COVER SHEET

DOCUMENT TITLE: *Preliminary Order of Forfeiture*

REFERENCE NUMBER:

GRANTOR: United States of America

GRANTEE: C. Marvin Wilbur

LEGAL DESCRIPTION:

Real Property known as Skagit County Parcel No. P19765, more particularly described as that portion of the West 20 rods of the Northeast 1/4 of the Southeast 1/4 Section 3, Township 34 North, Range 2 East, W.M., lying Northerly of Primary State Highway No. 1 as conveyed to the State of Washington by deed dated May 23, 1961 and recorded June 29, 1961 as Auditor's File No. 609420 in Volume 317 of Deeds, page 184, records of Skagit County, Washington (Also known as Tract "A" of Survey recorded November 24, 1975 as Auditor's file No. 826580, in Book 1 of Surveys, Page 163; Subject to relinquishment of right of access to State of highway and of light, view and air, under terms of deed to the State of Washington, recorded June 29, 1961, under Auditor No. 609420. That portion of the East half of the Southeast quarter of Section 3, Township 34 North, Range 2 East, W.M., Lying Northerly of March Point Road to Fredonia, SR536, as delineated on sheet 3 of 17 sheets of Washington State Highway Commission, Department of Highways, map of SAI Highway and as conveyed by deed dated March 4, 1970 and recorded April 14, 1970 under Auditor's File No. 737654, except that portion lying within the following described tract: Beginning at the intersection of the North line of said subdivision and West line of that certain tract of land conveyed to Francis Cook by deed recorded February 15, 1902 under Auditor's File No. 38735; thence South along said West line to the Southwest corner of said tract; thence East along the South line of said tract to the East line of said subdivision; thence North along said East line to the Northeast corner of said subdivision; thence West along the North line of said subdivision to the point of beginning, also except the West 20 rods thereof as measured along the North line of said East half to the Southeast quarter of Section 3, Township 34 North, Range 2 East, W.M., all situate within the County of Skagit, State of Washington.

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ENTERED
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JUN 16 2010

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

The Honorable Judge Marsha J. Pechman

09-CR-00191-REQ
ATTEST: WILLIAM M. MCCOOL
Clerk, U.S. District Court
Western District of Washington

By James Henderson
Deputy Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOAN WILBUR,

Defendant.

NO. CR09-0191MJP

PRELIMINARY ORDER
OF FORFEITURE

Pursuant to Rule 32.2, Federal Rules of Criminal Procedure and based upon the guilty plea of Joan Wilbur to the offense of Conspiracy to Traffic in Contraband Cigarettes, as charged in Count 1 of the Second Superseding Indictment, in violation of Title 18, United States Code, Sections 2342(a) and 371, and Count 19, in violation of Title 18, United States Code, Sections 1956(h), Conspiracy to Launder Monetary Instruments, and upon the plea agreement filed in this matter between Joan Wilbur and the United States, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 18, United States Code, Section 2344(c) and Title 28, United States Code, Section 2461(c), Joan Wilbur's interest in the following properties is forfeited to the United States of America:

- A. Approximately Three Million Six Hundred Nine Thousand Eight Hundred Twenty (3,609,820) Cigarettes of Assorted Brands, More or less, and any proceeds of any interlocutory sale of these cigarettes;
- B. \$88,936 in United States currency seized from the Trading Post at March Point Premises;
- C. \$38,171.96 in United States currency seized from the Trading Post at March Point premises;
- D. \$4,370.68 seized from Skagit State B?

PRELIMINARY ORDER OF FORFEITURE - 1
U.S. v. JOAN WILBUR. (Case No. CR09-0191MJP)

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and additionally that pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), Joan Wilbur's interest in the following property is forfeited to the United States of America:

- E. A money judgment in the amount of \$603,299.87, secured by the following properties:
1. Real property known as Skagit County Parcel No. P20806, more particularly described as a portion of the Southeast 1/4 of the Southeast 1/4 of Section 27, Township 24 North, Range 2 East, situated in Skagit County, known as Tract A of "Sunny Slope", as per plat recorded in Volume 9 of Plats, page 41 records of Skagit County, Washington, also, together with a non-exclusive easement for utilities over the following described tract: East 30 feet of Lot 9, "Sunny Slope", as per plat recorded in Volume 9 of Plats, Page 41, records of Skagit County, Washington, situate in the County of Skagit, State of Washington; and
 2. Real property known as Skagit County Parcel No. P20673, more particularly described as the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4, EXCEPT the West 30 feet thereof as conveyed to Skagit County for road purposes by Deed recorded April 11, 1941 in Volume 182 of Deeds, Page 616 records of Skagit County, Washington, in Section 23, Township 34 North, Range 2 East, W.M. and an Easement appurtenant to this parcel for ingress and egress over and across the West 20 feet of the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 34 North, Range 2 East, W.M., and over and across the West 20 feet of that portion of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 2 East, W.M. lying Southerly of the County Road, situate in the County of Skagit, State of Washington;
 3. Real property known as Skagit County Parcel No. P20640, more particularly described as the Northeast 1/4 of the Northeast 1/4 of Section 22, Township 34 North, Range 2 East, W.M., Situate in the County of Skagit, State of Washington;
 4. Real property known as Skagit County Parcel No. P20335, more particularly described as the Southwest 1/4 of the Southwest 1/4 and West of the County Road, EXCEPT the East 1/2 thereof in Section 14, Township 34 North, Range 2 East, W.M., situate in the County of Skagit, State of Washington;
 5. Real property known as Skagit County Parcel No. P20672, more particularly described as the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 34 North, Range 2 East, W.M., situate in the County of Skagit, State of Washington;
 6. Real property known as Skagit County Parcel No. P59700, more particularly described as Lot 43, Skyline No. 8, according to the plat thereof recorded in Volume 9 of Plats, pages 72 through 74, records of Skagit County, Washington, situate in the County of Skagit, State of Washington;



7. Real Property known as Skagit County Parcel No. P69900, more particularly described as the Southwest 1/4 of the Southeast 1/4 of Section 27, Township 24 North, Range 2 East, W.M., except the South 264 feet thereof (now known as the plat of "Sunny Slope", as per plat recorded in Volume 9 of Plats, page 41, records of Skagit County, Washington), Also excepting from the remainder the South 200 feet of the West 210 feet thereof, situate in the County of Skagit, State of Washington; and
8. Real Property known as Skagit County Parcel No. P19765, more particularly described as that portion of the West 20 rods of the Northeast 1/4 of the Southeast 1/4 Section 3, Township 34 North, Range 2 East, W.M., lying Northerly of Primary State Highway No. 1 as conveyed to the State of Washington by deed dated May 23, 1961 and recorded June 29, 1961 as Auditor's File No. 609420 in Volume 317 of Deeds, page 184, records of Skagit County, Washington (Also known as Tract "A" of Survey recorded November 24, 1975 as Auditor's file No. 826580, in Book 1 of Surveys, Page 163; Subject to relinquishment of right of access to State of highway and of light, view and air, under terms of deed to the State of Washington, recorded June 29, 1961, under Auditor No. 609420. That portion of the East half of the Southeast quarter of Section 3, Township 34 North, Range 2 East, W.M., Lying Northerly of March Point Road to Fredonia, SR536, as delineated on sheet 3 of 17 sheets of Washington State Highway Commission, Department of Highways, map of SAI Highway and as conveyed by deed dated March 4, 1970 and recorded April 14, 1970 under Auditor's File No. 737654, except that portion lying within the following described tract: Beginning at the intersection of the North line of said subdivision and West line of that certain tract of land conveyed to Francis Cook by deed recorded February 15, 1902 under Auditor's File No. 38735; thence South along said West line to the Southwest corner of said tract; thence East along the South line of said tract to the East line of said subdivision; thence North along said East line to the Northeast corner of said subdivision; thence West along the North line of said subdivision to the point of beginning, also except the West 20 rods thereof as measured along the North line of said East half to the Southeast quarter of Section 3, Township 34 North, Range 2 East, W.M., all situate within the County of Skagit, State of Washington.

which represents the \$603,299.87 that was involved in violation of Title 18, United States Code, Section 1956(h). The assets listed above in paragraph E1 through E8, shall serve as substitute property to satisfy the defendant's obligation under the plea agreement, not to exceed the agreed amount of \$603,299.87. With respect to the properties only, all

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¹All parties further agree by this entry of this Preliminary Order of Forfeiture that all properties are vested in the Salish Trust, and that said composition of the trust shall not be changed or modified during the pendency of the forfeiture.



1 provisions of the ancillary proceedings set forth below to address third party claims shall
2 be stayed until conclusion of any appeals brought by the defendant.

3 IT IS FURTHER ORDERED that the United States Marshals Service and or the
4 Bureau of Alcohol Tobacco Firearms and Explosives shall seize the properties described
5 above in paragraphs A through D and maintain such seized properties in their custody and
6 control until further order of this Court, or until this Order becomes final pursuant to
7 Federal Rules of Criminal Procedure 32.2(c)(2).

8 IT IS FURTHER ORDERED that pursuant to Title 21, United States Code,
9 Section 853(n), the United States shall publish notice of the Preliminary Order of
10 Forfeiture and of the intent of the United States to dispose of the property in accordance
11 with law. The notice shall be posted on an official government website for at least thirty
12 (30) days. The notice shall state that any person, other than the defendant, having or
13 claiming a legal interest in the above-described property must file a petition with the
14 Court within sixty (60) days of the first day of publication of notice on an official internet
15 government forfeiture website, currently www.forfeiture.gov, or within thirty-five (35)
16 days of receipt of actual notice, whichever is earlier.

17 The notice shall advise such interested person that:

- 18 1. the petition shall be for a hearing to adjudicate the validity of the
19 petitioner's alleged interest in such properties;
- 20 2. the petition shall be signed by the petitioner under penalty of perjury; and
- 21 3. the petition shall set forth the nature and extent of the petitioner's right,
22 title or interest in the forfeited properties.

23 The petition shall also set forth any additional facts supporting the petitioner's
24 claim and the relief sought.

25 The United States shall also, to the extent possible, provide direct written notice as
26 a substitute for the published notice to any person known to have alleged an interest in the
27 properties described above, that are the subject of this Preliminary Order of Forfeiture.

28 Upon adjudication of any third-party claims, this court will enter a Final Order of



1 Forfeiture pursuant to Federal Rules of Criminal Procedure 32.2(c)(2), in which all such
2 claims are addressed.

3 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), Federal Rules of
4 Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the
5 defendant at the time of sentencing and shall be made part of the sentence and included in
6 the judgment. Based upon the plea agreement and the guilty plea extended by the
7 defendant herein, the Court finds that the defendant had an interest in the forfeited
8 properties.

9 IT IS FURTHER ORDERED that after the disposition of any motion filed under
10 Rule 32.2(c)(1)(A), Federal Rules of Criminal Procedure, and before a hearing on any
11 third party petition, discovery may be conducted in accordance with the Federal Rules of
12 Civil Procedure upon a showing that such discovery is necessary or desirable to resolve
13 factual issues.

14 IT IS FURTHER ORDERED that the United States shall have clear title to the
15 properties listed above following the Court's disposition of all third party interests, or, if
16 none, following the expiration of the period provided in 21 U.S.C. §853(n) for the filing
17 of third party petitions.

18 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this
19 Order, and to amend it as necessary, pursuant to Rule 32.2(e), Federal Rules of Criminal
20 Procedure.

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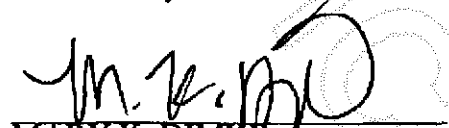
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1 The Clerk of the Court is directed to send a copy of this Preliminary Order of
2 Forfeiture to all counsel of record and thirty-six (36) "raised seal" certified copies to the
3 United States Marshals Service in Seattle, Washington.

4 DATED: This 16th day of June, 2010.

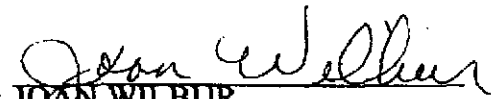
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6 
7 UNITED STATES DISTRICT JUDGE

8 Presented by:

9 
10 MARY K. DIMRIE
11 Assistant United States Attorney

12 
13 RICHARD E. COHEN
14 Assistant United States Attorney

15 
16 TODD MAYBROWN
17 Attorney for Defendant

18 
19 JOAN WILBUR
20 Defendant



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