



201412010091

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Skagit County Auditor

\$80.00

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COVER SHEET**DOCUMENT TITLE:** *Final 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.

CERTIFIED TRUE COPY
ATTEST: WILLIAM M. McCOOL
Clerk, U.S. District Court
Western District of Washington

Chief Judge Marsha J. Pechman

By Donna M. Pechman

Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

NO. CR09-0191MJP

FINAL ORDER OF FORFEITURE

v.

C. MARVIN WILBUR,
a/k/a MARVIN WILBUR SR.,
JOAN C. WILBUR,
APRIL M. WILBUR, and
BRENDA R. WILBUR,

Defendants.

THIS MATTER comes before the Court on motion of the United States for entry
of a Final Order of Forfeiture with respect to the following assets:

- 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. \$80,893.71 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. Real Properties in satisfaction of the money judgment in the amount of \$603,299.87:

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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

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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.

On June 16, 2010, this Court entered Preliminary Orders of Forfeiture in the above-captioned case forfeiting defendants C. Marvin Wilbur, Joan C. Wilburn, April Wilburn, and Brenda Wilbur's interest in the above-listed property.

The above-referenced property was subject to forfeiture pursuant to Title 18, United States Code, Section 2344(c), and Title 28, United States Code, Section 2461(c), based on the guilty pleas of defendants Conspiracy to Traffic in Contraband Cigarettes, as

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1 charged in Count One of the Second Superseding Indictment, in violation of Title 18,
 2 United States Code, Sections 2342 and 371, and Conspiracy to Launder Monetary
 3 Instruments, as charged in Count 19 of the Second Superseding Indictment, in violation
 4 of Title 18, United States Code, Section 1956(h), and the Court's finding that the above
 5 described property is subject to forfeiture.

6 Pursuant to Title 21, United States Code, Section 853(n), the United States
 7 published notice on an official internet government forfeiture website,
 8 www.forfeiture.gov, starting on February 7, 2014 and running consecutively for thirty
 9 days until its conclusion on March 8, 2014. In the publication, the United States
 10 published notice of the Preliminary Order of Forfeiture and the intent of the United States
 11 to dispose of the property in accordance with law. This notice further stated that any
 12 person other than the defendant having or claiming an interest in the property was
 13 required to file a petition with the Court within sixty (60) days of the first date of
 14 publication of the notice, setting forth the nature of the petitioner's right, title, and
 15 interest in the property.

16 On March 11, 2104, and March 27, 2014, the United States sent notice of the
 17 Preliminary Order of Forfeiture filed against the Wilburs, via certified mail, to Laura B.
 18 Beard, Lenora F. Wilbur, Cook, Randall Cook, Fidalgo Bay Cigar Company, LLC, Salish
 19 Trust, Skagit Cigarette Sales Trust, Skagit State Bank.

20 On April 4, 2014, the Skagit State Bank filed a Motion to Adjudicate Its Interest in
 21 the property subject to forfeiture.

22 On July 11, 2014, this Court approved the Stipulated Settlement Agreement
 23 between the United States and Skagit Bank, in which the United States recognized
 24 Petitioner Skagit's Bank's interest in a portion of the currency seized from the Wilburs,
 25 \$8,042.29, and the real property known as Skagit County Parcel No. P59700.

26 All persons and entities believed to have an interest in the property subject to
 27 forfeiture were given proper notice of the intended forfeiture.

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1 No petitioners or claimants have come forth to assert an interest in the forfeited
2 property, and the time for doing so has expired.

3 Accordingly,

4 IT IS ORDERED, ADJUDGED and DECREED that the following property is
5 hereby fully and finally condemned and forfeited to the United States in its entirety:

6 A. Approximately Three Million Six Hundred Nine Thousand Eight Hundred
7 Twenty (3,609,820) Cigarettes of Assorted Brands, More or less, and any
8 proceeds of any interlocutory sale of these cigarettes;

9 B. \$80,893.71 in United States currency seized from the Trading Post
10 at March Point Premises;

11 C. \$38,171.96 in United States currency seized from the Trading Post at
12 March Point premises;

13 D. Real Properties in satisfaction of the money judgment in the amount of
14 \$603,299.87:

- 15 1. Real property known as Skagit County Parcel No. P20806, more
16 particularly described as a portion of the Southeast 1/4 of the
17 Southeast 1/4 of Section 27, Township 24 North, Range 2 East,
18 situated in Skagit County, known as Tract A of "Sunny Slope", as
19 per plat recorded in Volume 9 of Plats, page 41 records of Skagit
20 County, Washington, also, together with a non-exclusive easement
21 for utilities over the following described tract: East 30 feet of Lot 9,
22 "Sunny Slope", as per plat recorded in Volume 9 of Plats, Page 41,
23 records of Skagit County, Washington, situate in the County of
24 Skagit, State of Washington; and
- 25 2. Real property known as Skagit County Parcel No. P20673, more
26 particularly described as the Southwest 1/4 of the Northwest 1/4 of
27 the Northwest 1/4, EXCEPT the West 30 feet thereof as conveyed to
28 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

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- 1 Section 22, Township 34 North, Range 2 East, W.M., Situate in the
- 2 County of Skagit, State of Washington;
- 3 4. Real property known as Skagit County Parcel No. P20335, more
- 4 particularly described as the Southwest 1/4 of the Southwest 1/4 and
- 5 West of the County Road, EXCEPT the East 1/2 thereof in Section
- 6 14, Township 34 North, Range 2 East, W.M., situate in the County
- 7 of Skagit, State of Washington;
- 8 5. Real property known as Skagit County Parcel No. P20672, more
- 9 particularly described as the Northwest 1/4 of the Northwest 1/4 of
- 10 the Northwest 1/4 of Section 23, Township 34 North, Range 2 East,
- 11 W.M., situate in the County of Skagit, State of Washington;
- 12 6. Real property known as Skagit County Parcel No. P59700, more
- 13 particularly described as Lot 43, Skyline No. 8, according to the plat
- 14 thereof recorded in Volume 9 of Plats, pages 72 through 74, records
- 15 of Skagit County, Washington, situate in the County of Skagit, State
- 16 of Washington;
- 17 7. Real Property known as Skagit County Parcel No. P69900, more
- 18 particularly described as the Southwest 1/4 of the Southeast 1/4 of
- 19 Section 27, Township 24 North, Range 2 East, W.M., except the
- 20 South 264 feet thereof (now known as the plat of "Sunny Slope", as
- 21 per plat recorded in Volume 9 of Plats, page 41, records of Skagit
- 22 County, Washington), Also excepting from the remainder the South
- 23 200 feet of the West 210 feet thereof, situate in the County of Skagit,
- 24 State of Washington; and
- 25 8. Real Property known as Skagit County Parcel No. P19765, more
- 26 particularly described as that portion of the West 20 rods of the
- 27 Northeast 1/4 of the Southeast 1/4 Section 3, Township 34 North,
- 28 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

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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.


The Clerk of the Court shall remit the proceeds of the sale of the interlocutory sale of the forfeited cigarettes described in paragraph A above, totalling \$202,710.00 in U.S. Currency, plus any and all interest accrued, less statutory authorized fees, to the United States Marshals Service.

The United States Marshals Service, and/or its agents and representatives, is authorized to dispose of the above-listed property in accordance with the law.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or interest in the above-described property shall exist in any other party.

The Clerk of the Court is directed to send a copy of this Final Order of Forfeiture to all counsel of record.

DATED this 11th day of November, 2014.


Marsha J. Pechman
United States District Judge

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1
2 Presented by:

3 s/Richard E. Cohen

4 RICHARD E. COHEN

5 Assistant United States Attorney
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