BOOK 10363 PG 698

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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

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U.S. DISTRICT COURT
MID. DIST. TENN.

UNITED STATES OF AMERICA,

Plaintiff,

v.

904 WELLFLEET COURT, ANTIOCH, DAVIDSON COUNTY, TENNESSEE, WITH ALL APPURTENANCES AND IMPROVEMENTS THEREON,

Defendant.

CIVIL NO. 3:96-1037
JUDGE ECHOLS

97 FEB 28 PM 12:44
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

IDENTIF. & REFERENCE

0277389

DECREE OF FORFEITURE

On November 8, 1996, a Verified Complaint of Forfeiture was filed against the Defendant real property. The Complaint alleged that the Defendant 904 Wellfleet Court, Antioch, Davidson County, Tennessee, with all appurtenances and improvements thereon, was used, or intended to be used, to facilitate a violation of 21 U.S.C. § 846 and is therefore subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(7).

It appearing that process was fully issued in this action and returned according to law;

That on November 18, 1996, a Lis Pendens giving notice of the pendency of this action was recorded with the Register's Office of Davidson County, Tennessee, in Book 10261 at Page 664;

ATTESTED AND CERTIFIED
A TRUE COPY
Clerk
U.S. District Court
Middle District of Tennessee
By _____
Deputy Clerk

This document was entered on the docket in compliance with Rule 53 and/or Rule 79(a), FRCP, on 1-29-97 By _____

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That on November 18, 1996, a Summons, the Verified Complaint of Forfeiture, and Plaintiff's First Set of Interrogatories to Robert R. Woodard were served on Robert R. Woodard by a Deputy United States Marshal;

That on November 21, 1996, a Summons and the Verified Complaint of Forfeiture were served on Suntrust Mortgage, Inc. by a Deputy United States Marshal;

That on November 27, 1996, a Summons and the Verified Complaint of Forfeiture were served on the Defendant property by a Deputy United States Marshal;

That on November 20, November 27, and December 4, 1996, notice of said forfeiture action was published in The Tennessean newspaper;

That on December 19, 1996, a Summons, the Verified Complaint of Forfeiture, and Plaintiff's First Set of Interrogatories to Rose M. Woodard were served on Rose M. Woodard by a Deputy United States Marshal;

That on December 24, 1996, Suntrust Mortgage, Inc. filed a Claim to the Defendant property for mortgage principal in the amount of $74,601.34, interest in the amount of $948.06, and an escrow/impound overdraft in the amount of $11.46, with interest accruing at the rate of $474.03 per month from January 1, 1997, that this Claim is supported by a promissory note and Deed of Trust, and that the United States recognizes the Claim of Suntrust Mortgage, Inc. in full;

That on December 30, 1996, Suntrust Mortgage, Inc. filed an Answer to the Verified Complaint of Forfeiture;

That no claim has been filed by or on behalf of any other person or entity, and the time within which to do so has expired;

Now, therefore, upon motion of Plaintiff United States of America for Decree of Forfeiture, it is hereby

ORDERED, ADJUDGED AND DECREED that probable cause exists for forfeiture of the Defendant 904 Wellfleet Court, Antioch, Davidson County, Tennessee, with all appurtenances and improvements thereon; that the Defendant real property shall be forfeited to the United States with no right, title or interest existing in any other party; that the Defendant property shall be disposed of according to law; that the United States Marshal shall be authorized to take any action necessary to seize, secure, dispose of or protect the United States' interest in the forfeited property; that the United States Marshal shall pay the security interest held by Suntrust Mortgage, Inc. in the sum of $75,560.86, along with accrued interest at the rate of $474.03 per month from January 1, 1997 through the date the date the Defendant property is disposed of, from the net proceeds from the sale of the Defendant property, if any, the net proceeds being the amount remaining after the United States Marshal has paid all expenses attributable to the seizure, maintenance, forfeiture and sale of the Defendant property, and that the remainder of the net proceeds shall be

deposited in the Asset Forfeiture Fund and further disbursed according to law.

It is further ORDERED, ADJUDGED AND DECREED that any tenant of the Defendant real property shall vacate the premises and surrender possession of the Defendant property to the United States Marshal within ten (10) days of the entry of this order.

The entry of this decree shall serve as the final judgment in this action.

Dated on this, the 27 day of January, 1997.

Robert L. Echols

ROBERT L. ECHOLS
United States District Judge

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