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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

BOOK 10790 PG 813
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IN CLERK'S OFFICE
DEC 12 1997
U.S. DISTRICT COURT
MID. DIST. TENN.

UNITED STATES OF AMERICA,

Plaintiff,

v.

5925 MT. VIEW ROAD, ANTIOCH, *et. al.*

Defendant.

No. 3:97-0446
~~3:96-1051~~
Judge Campbell

U.S. DISTRICT COURT * MIDDLE DIST. TENN.
ATTEST AND CERTIFY
A TRUE COPY
Clerk
U.S. District Court
Middle District of Tennessee
By Frances C. Matlock
Deputy Clerk

ORDER

On April 25, 1997, a Verified Complaint of Forfeiture was filed against the Defendant real property. The Complaint alleged that the Defendant 5925 Mt. View Road, Antioch, Davidson County, Tennessee, was involved in or is traceable to property involved in a transaction in violation of Title 18 U.S.C. § 1956(a)(1)(B)(I) and/or Title 18 U.S.C. § 1957.

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

That on April 29, 1997, a *Lis Pendens* giving notice of the pendency of this action was recorded with the Register of Deeds of Davidson County in Book 10432 at page 497;

That on May 7, 14 and 21, 1997, notice of this action was published in The Tennessean newspaper;

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This document was entered on the docket in compliance with Rule 58 and/or Rule 79(a) FRCP, on 12-16-97 By

(6)

That on May 13, 1997, Peter J. Strianse, Attorney at Law, accepted service on behalf of James C. McCollum by a Deputy United States Marshal of a Summons and the Verified Complaint of Forfeiture;

That on May 20, 1997, First National Bank of Shelbyville was served with a copy of the Verified Complaint of Forfeiture and Summons by a Deputy U.S. Marshal;

That on or about May 23, 1997, James C. McCollum filed a Claim to the Defendant property;

That on or about May 28, 1997, First National Bank of Shelbyville filed a Claim to the Defendant property and an Answer to the Verified Complaint of Forfeiture. The Claim of First National Bank of Shelbyville is supported by a promissory note and Deed of Trust;

That on June 3, 1997, the Defendant property was served with a copy of the Verified Complaint of Forfeiture and Summons by a Deputy U.S. Marshal;

That James C. McCollum has failed to file an answer within the time permitted by Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims;

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

That Claimant First National Bank of Shelbyville notified the government that James C. McCollum has not made a

mortgage payment since May 30, 1997, and that the bank loan is in default status;

That the Claim of First National Bank of Shelbyville was resolved as follows:

The United States recognizes the following Claim of First National Bank of Shelbyville in full:

> Mortgage principal in the amount of $45,613.54 as of December 8, 1997, interest in the amount of $4,447.89, late fees in the amount of 217.54, exposed insurance in the amount of $684.00, attorney's fees in the amount of $400.00, and with interest accruing at the rate of $30.409 per day from December 8, 1997.

Now, therefore, upon motion of Plaintiff United States of America for Judgment by Default and Decree of Forfeiture, judgment by default is hereby entered against James C. McCollum for failure to file an answer or otherwise defend as provided for in Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims and FED. R. CIV. PROC. 5(b)(2). Further, it is hereby

ORDERED, ADJUDGED AND DECREED that probable cause exists for forfeiture of the Defendant 5925 Mt. View Road, Antioch, Davidson County, Tennessee, with all appurtenances and improvements thereon, that the Defendant property shall be forfeited to the United States with no right, title or interest existing in any other party; that the Defendant real property shall be disposed of according to law; that upon entry of this order the United States Marshal shall pay the security interest held by First National Bank of Shelbyville in the sum of $51,362.97, along with accrued interest at the rate of $30.409 per day from December 8, 1997

through the date the bank's claim is paid off; 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; and that the net proceeds of the sale of the Defendant property, if any, the net proceeds being the amount remaining after the United States Marshal has paid the security interest of First National Bank of Shelbyville and all expenses attributable to the seizure, maintenance, forfeiture and sale of the Defendant property, 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.

2225 02/11 0101 03CHECK 16.00

Dated on this, the ____ day of _____, 19___.

Todd Campbell

TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE

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FELIX A. ... REGISTER
DAVIDSON COUNTY, TN.
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