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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

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MAR 30 1998
U.S. DISTRICT COURT
MID. DIST. TENN.

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CIVIL NO. 3:97-0778
	:	JUDGE NIXON
v.	:	
	:	
REAL PROPERTY KNOWN AS 865 BISHOPSGATE ROAD, ANTIOCH, DAVIDSON COUNTY, TENNESSEE, WITH ALL APPURTENANCES AND IMPROVEMENTS THEREON,	:	
	:	
Defendant.	:	

ATTEST AND CERTIFY
A TRUE COPY
Clerk
U.S. District Court
Middle District of Tennessee
By: Deputy Clerk

AGREED DECREE OF FORFEITURE

On July 25, 1997, a Verified Complaint of Forfeiture was filed against the Defendant real property. The Complaint alleged that the Defendant Real Property Known as 865 Bishopsgate Road, Antioch, Davidson County, Tennessee, with all appurtenances and improvements thereon, 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 Title 18 U.S.C. § 1956(a)(1)(B)(ii) and is therefore subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 981(a)(1)(A), and/or is property

This document was entered on the docket in compliance with Rule 58, and/or Rule 79(a), FRCP, on 3/31/98 By:

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which represents proceeds traceable to the unlawful exchange of a controlled substance in violation of 21 U.S.C. § 841(a)(1) and is therefore subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6).

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

That on July 25, 1997, a Summons and the Verified Complaint of Forfeiture were served on Darrell McQuiddy by a Treasury Agency Officer;

That on July 28, 1997, a Summons and the Verified Complaint of Forfeiture were served on the Defendant property by a Treasury Agency Officer;

That on July 28, 1997, a Summons and the Verified Complaint of Forfeiture were served on Gladette E. Martin by a Treasury Agency Officer;

That on July 28, 1997, a Summons and the Verified Complaint of Forfeiture were served on GMAC Mortgage by a Treasury Agency Officer;

That on July 28, 1997, a *Lis Pendens* giving notice of the pendency of this action was recorded with the Register's Office of Davidson County, Tennessee, in Book 10543 at Page 437;

That on August 1, 1997, Gladette Edene Martin filed a Verified Claim to the Defendant property;

That on August 4, 11, and 18, 1997, notice of said forfeiture action was published in The Nashville Business Journal newspaper (**Exhibit A**: Affidavit of Publication);

That on August 28, 1997, GMAC Mortgage Corporation filed a Verified Claim to the Defendant property;

That on September 30, 1997, this Court entered an Order staying the proceedings in this matter pending the outcome of related criminal matters pending against Claimant Gladette Edene Martin;

That on November 19, 1997, Gladette Edene Martin was charged in a 53-count Second Superseding Indictment filed in the Middle District of Tennessee, Nashville Division, Criminal Case No. 3:97-00107, and that on December 18, 1997, a 54-count Third Superseding Indictment was filed, the original Indictment having been filed on August 21, 1997;

That on December 19, 1997, Gladette Edene Martin plead guilty to Count 43 of the Third Superseding Indictment, and that as part of the plea agreement entered into between Defendant Martin and the United States, the Defendant agrees not to contest the

present forfeiture action (**Exhibit B:** Petition to Enter A Plea of Guilty);

That on January 21, 1998, this court granted the government's motion to vacate and set aside the stay of proceedings entered in this matter on September 30, 1997;

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;

That the Claim of third party GMAC Mortgage Corporation was resolved as follows:

> The United States recognizes in full the Claim of GMAC Mortgage Corporation, which is supported by a promissory note and Deed of Trust, for mortgage principal, interest and other fees in the amount of $71,209.49. The United States further agrees to the payment of $1,793.75 in attorneys fees to Claimant GMAC Mortgage Corporation;

Now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that probable cause exists for forfeiture of the Defendant Real Property Known as 865 Bishopsgate Road, 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 upon entry of

the Decree of Forfeiture, the United States Department of the Treasury shall pay the security interest held by GMAC Mortgage Corporation in the sum of $73,003.24; that the United States Department of the Treasury 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 Department of the Treasury has paid the security interest of GMAC Mortgage Corporation and all expenses attributable to the seizure, maintenance, forfeiture and sale of the Defendant property, shall be deposited in the Treasury 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~~ thirty (30) ~~(10)~~ days of the entry of this order.

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

Entered the 31st day of March, 1998.

JOHN T. NIXON, CHIEF JUDGE
United States District Court

APPROVED FOR ENTRY:

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Gladette E. Martin 3/26/98
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Claimant

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