BOOK 11291 PAGE 302

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

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	NO. 3:97-00107-13
	)	JUDGE HIGGINS
LINUS LEPPINK	)	

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FINAL ORDER OF FORFEITURE
AS TO
104 AND 108 CHERRY BRANCH LANE, OLD HICKORY;
185 OCALA DRIVE, ANTIOCH;
AND THE CONTENTS OF FIRST UNION BANK
INDIVIDUAL RETIREMENT ACCOUNT NO. 027-0003152

WHEREAS, on June 24, 1998, this Court entered a Preliminary Order of Forfeiture (Docket No. 1161), pursuant to the provisions of 21 U.S.C. § 853, based upon Defendant LINUS LEPPINK's Guilty Plea to Count Four of the Third Superseding Indictment (Docket No. 420), forfeiting the Defendant's interest in certain property, including the following:

a. two tracts of real property known as and located at 104 and 108 Cherry Branch Lane, Old Hickory, Davidson County, Tennessee, Map and Parcel Reference Nos. 54-14-101 and 54-14-102;

b. real property and premises located at 185 Ocala Drive, Antioch, Davidson County, Tennessee, Map and Parcel Reference No. 162-6-292.00;

c. the contents of First Union Bank Individual Retirement Account number 027-0003152.

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

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AND WHEREAS, on July 24, 1998, pursuant to said Preliminary Order of Forfeiture, the United States Marshals Service seized $158,262.69 representing the contents of First Union Bank Individual Retirement Account Number 027-0003152;

AND WHEREAS, on October 14, 21 and 28, 1998, the United States published in a newspaper of general circulation in Davidson County, Tennessee, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property (Notice of Publication, Docket No. 1328 filed December 12, 1998);

AND WHEREAS, all parties of record interest in the property ordered forfeited were served with the Notice of Forfeiture, Notice of Third Party Claimant Procedure, and the Preliminary Order of Forfeiture;

AND WHEREAS, on December 1, 1998, this court entered a Stipulated Settlement Agreement (Docket No. 1323), wherein the United States recognizes in full the lienholder interest of Waterfield Mortgage Company in the two tracts of real property

known as and located at 104 and 108 Cherry Branch Lane, Old Hickory, Davidson County, Tennessee, Map and Parcel Reference Nos. 54-14-101 and 54-14-102, and agrees to satisfy that interest according to said Stipulated Settlement Agreement;

AND WHEREAS, on December 1, 1998, this court entered a Stipulated Settlement Agreement (Docket No. 1322), wherein the United States recognizes the lienholder interest in full of Matrix Financial Services in the real property and premises located at 185 Ocala Drive, Antioch, Davidson County, Tennessee, Map and Parcel Reference No. 162-6-292.00, and agrees to satisfy that interest according to said Stipulated Settlement Agreement;

AND WHEREAS, no other third party petitions have been filed as of this date;

Accordingly, it is hereby **ORDERED, ADJUDGED and DECREED** that:

1. That all right, title and interest to the hereinafter described property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law:

a. two tracts of real property known as and located at 104 and 108 Cherry Branch Lane, Old Hickory, Davidson County, Tennessee, Map and Parcel Reference Nos. 54-14-101 and 54-14-102, further described as

Tract I: Being Lot No. 292, on the Plan of Section 17, Brandywine Farms, of record in Book 4860, page 70, Register's Office for Davidson County, Tennessee;

Tract II: Being Lot No. 293, on the Plan of the resubdivision of Lot Nos. 293 and 295, Brandywine Farms, Section 17, of record in Plat Book 5200, page 511, Register's Office for Davidson County, Tennessee;

Being the same property conveyed to LINUS LEPPINK, JR. LIVING TRUST, by Quitclaim Deed from LINUS LEPPINK, JR., and recorded in Deed Book 9341, page 372, Land Records of Davidson County, said property belonging to LINUS LEPPINK, JR. as shown by a quitclaim deed recorded in Deed Book 10221 at page 722, of the land records for Davidson County;

b. real property and premises located at 185 Ocala Drive, Antioch, Davidson County, Tennessee, Map and Parcel Reference No. 162-6-292.00, further described as

Land in Davidson County, Tennessee, being Lot No. 64 on the Plan of Valley Green, as of record in Book 4460, page 97, Register's Office for Davidson County, Tennessee, to which said plan reference is hereby made for a more complete legal description of said lot.

Being the same property conveyed to LINUS LEPPINK, JR. LIVING TRUST, by Quitclaim Deed from LINUS LEPPINK, JR., and recorded in Deed Book 9341, page 374, Land Records of Davidson County, said property belonging to LINUS LEPPINK, JR. as shown by a warranty deed recorded in Deed Book 5696 at page 623, of the land records for Davidson County;

c. $158,262.69 representing the contents of First Union Bank Individual Retirement Account number 027-0003152.

2. That a copy of this Order shall be recorded forthwith by the United States Marshals Service or its duly authorized designee in Davidson County, Tennessee, and when recorded, shall be notice to any potential transferee of the right, title and interest of the United States of America therein;

3. That the $158,262.69 representing the contents of First Union Bank Individual Retirement Account number 027-0003152, as well as the proceeds from the sale of the forfeited real property, and any and all funds derived as a result of the United States Marshals Service's management of the real estate forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture, sale and disposition of the forfeited property, shall be deposited into the Asset Forfeiture Fund and further disbursed according to law.

4. That any and all tenants of either forfeited real property shall vacate the property and surrender possession of the property to the United States Marshal within twenty (20) days of the entry of this order.

5. The United States Marshals Service is hereby authorized to take whatever action is necessary to preserve and protect the United States' interest in the forfeited property.

IT IS SO ORDERED this 22nd day of Dec., 1998.

Thomas A. Higgins
THOMAS A. HIGGINS
UNITED STATES DISTRICT JUDGE
12-22-98

Approved for Entry:

WENDY H. GOGGIN
United States Attorney for the
Middle District of Tennessee

By: Jimmie Lynn Ramsaur
JIMMIE LYNN RAMSAUR
Assistant United States Attorney
110 Ninth Avenue South
Suite A-961
Nashville, TN 37203-3870
Telephone: 615/736-5151

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was hand-delivered or mailed by first class mail, postage prepaid, to **E.E. (Bo) Edwards, III**, Attorney at Law, 1501 Sixteenth Avenue, South, Nashville, Tennessee 37212; and **Max L. Ostrow**, Attorney at Law, Eastgate Office Building, 5118 Park Avenue, Suite 600, Memphis, Tennessee 38117, on the 18th day of December, 1998.

Jimmie Lynn Ramsaur
JIMMIE LYNN RAMSAUR

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