BOOK 11322 PAGE 972

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

RECEIVED IN CLERK'S OFFICE JAN 11 1999 U.S. DISTRICT COURT MID. DIST. TENN.

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

MAIL ENV.

FINAL ORDER OF FORFEITURE
AS TO
REAL PROPERTY KNOWN AS 6003 CORTEZ COURT, *ET AL.*

RECEIVED JAN 11 AM 8:20 U.S. DISTRICT COURT MID. DIST. TENN.

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 real property known as and located at 6003 Cortez Court, Hermitage, Davidson County, Tennessee, Map and Parcel No. 86-2-42.00 (hereinafter "the Property");

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

ATTEST AND CERTIFY 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 55, FRCrimP, on 1-13-99 By:

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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, the United States recognizes in full the lienholder interest of NationsBanc Mortgage Company in the Property, and agrees to satisfy that interest as follows:

1. Upon the entry of this order, the United States Marshals Service shall pay NationsBanc Mortgage Corporation the sum of $23,306.35, plus additional interest at $140.80 per month from January 31, 1999 until the date of payment;

2. The payment to NationsBanc Mortgage Corporation shall be in full settlement and satisfaction of all claims by NationsBanc Mortgage Corporation to the Property, and of all claims resulting from the incidents or circumstances giving rise to this action.

3. Upon the receipt of funds by NationsBanc Mortgage Corporation, NationsBanc Mortgage Corporation shall cause to be recorded a release of lien with the Register's Office of Davidson County, Tennessee, and execute whatever documentation that may be necessary in order to transfer clear title of the Property to the United States or a purchaser designated by the United States.

4. NationsBanc Mortgage Corporation further agrees to remit to United States any monies received as refunds from insurance premiums or any other expenses relating to the Property. The remittances shall be made payable to the United States Marshals Service.

5. NationsBanc Mortgage Corporation further agrees to release and hold harmless the United States, and any agents, servants, and employees of the United States (or any state or local law enforcement agency) acting in their individual or official capacities, from any and all claims by NationsBanc Mortgage Corporation and its agents which currently exist or which may arise as a result of the government's action against the Property.

6. NationsBanc Mortgage Corporation agrees not to pursue against the United States any other rights that it may have under the mortgage instrument, including but not limited to the right to initiate a foreclosure action.

7. NationsBanc Mortgage Corporation understands and agrees that by entering into this settlement of its interests in the Property, it waives any rights to further litigate its interest in the Property and to petition for remission or mitigation of the forfeiture.

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

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

Real property known as and located at 6003 Cortez Court, Hermitage, Davidson County, Tennessee, Map and Parcel No. 86-2-42.00, further described as

Land in Davidson County, Tennessee, being Lot No. 82 on the Plan of Dodson Heights, of record in Book 2900, page 113, Register's Office for Davidson County, Tennessee.

Said Lot No. 82 fronts 102.00 feet on the northeasterly side of Cortez Court and extends back 98.0 feet on the northwesterly line and 121.1 feet on the southeasterly line, to a dead line in the rear on which it measures 45.2 feet thereon.

Being the same property conveyed unto LINUS LEPPINK, JR., sole trustee, or his successors in trust, under the LINUS LEPPINK, JR. LIVING TRUST, by Deed recorded in Deed Book 9341, page 370, Land Records of Davidson County, Tennessee.

It is further ORDERED 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; that 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 satisfaction of lien and 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.

It is further ORDERED that any and all tenants of the 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.

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 12th day of January, 1999.

Thomas A. Higgins

THOMAS A. HIGGINS
UNITED STATES DISTRICT JUDGE

1-12-98

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IDENTIF. & REFERENCE
99FEB-2 PM 3:36
BILL [illegible] REGISTER
DAVIDSON COUNTY, TN.
0647 02/02 0101 03CHECK 26.00

Approved for Entry:

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

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

_____
JOE M. KIRSCH
Attorney for NationsBanc Mortgage Corporation
5101 Wheelis Drive, Suite 214
Memphis, Tennessee 38117
Telephone: 901/767-5566

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 **Joe M. Kirsch**, Attorney at Law, 5101 Wheelis Drive, Suite 214, Memphis, Tennessee 38117, on the 11th day of January, 1999.

_____
JIMMIE LYNN RAMSAUR