UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

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

BOOK 1132 PAGE 978

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

FILED
99 JAN 12 P 2:
U.S.D.C.-M/TN

FINAL ORDER OF FORFEITURE
AS TO
REAL PROPERTY KNOWN AS 221 JACKSONIAN DRIVE, ET AL.

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 real property:

> A certain tract of real property known as and located at 221 Jacksonian Drive, Hermitage, Davidson County, Tennessee, Map and Parcel Reference No. 75-9-105.00,

(hereinafter "the Property");

AND WHEREAS, on October 14, 21 and 28, 1998, the United States published in a newspaper of general circulation in Davidson

I HEREBY 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
1-11-99 By:

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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, the United States recognizes in full the lienholder interest of Atlantic Mortgage & Investment Corporation (hereinafter "Atlantic Mortgage") 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 Atlantic Mortgage the sum of $22,901.33, plus additional interest at a rate of $147.72 per month from January 1, 1999 until the date of payment;

2. The payment to Atlantic Mortgage shall be in full settlement and satisfaction of all claims by Atlantic Mortgage 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 Atlantic Mortgage, Atlantic Mortgage 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. Atlantic Mortgage 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 Atlantic Mortgage and its agents which currently exist or which may arise as a result of the government's action against the Property.

5. Atlantic Mortgage 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.

6. Atlantic Mortgage 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 nor any claims to the Property otherwise asserted 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 certain tract of real property known as and located at 221 Jacksonian Drive, Hermitage,

Davidson County, Tennessee, Map and Parcel Reference Nos. 75-9-105.00, further described as:

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Being Lot No. 247 of Hermitage Hills, Section 2, of record in Plat Book 2900, page 112, Register's Office for Davidson County, Tennessee, to which plan reference is here made for a more complete and accurate description;

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 May 11, 1994, in Deed Book 9341, page 368, of the Register's Office for Davidson County, Tennessee; See also Deed in Book 6695, Page 176, of the same Office;

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 any and all funds derived as a result of the sale of the property and the United States Marshals Service's management of the real estate forfeited herein, after the satisfaction of the above described lienholder interest of Atlantic Mortgage & Investment Corporation and 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 the forfeited real property shall vacate 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 8th day of January, 1999.

Thomas A. Higgins

THOMAS A. HIGGINS
UNITED STATES DISTRICT JUDGE

1-8-99

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Approved for Entry:

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

By: _____
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IDENTIF. & REFERENCE
99FEB-2 PM 3:36
REGISTER
DAVIDSON COUNTY, TN.
MAIL ENV.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was mailed by first class mail, postage prepaid, to **E.E. (Bo) Edwards, III**, Attorney for Linus Leppink, 1501 Sixteenth Avenue, South, Nashville, Tennessee 37212, on the 1st day of February, 1999.

_____
JIMMIE LYNN RAMSAUR

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