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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

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U.S. DISTRICT COURT
MID. DIST TENN.

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND PREMISES KNOWN AS 5120 DRAKES BRANCH ROAD, NASHVILLE, DAVIDSON COUNTY, WITH ALL APPURTENANCES AND IMPROVEMENTS THEREON,

Defendant.

CIVIL NO. 3:99-1173
JUDGE NIXON

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U.S. District Court
Middle District of Tennessee
By
Deputy Clerk

DECREE OF FORFEITURE

On December 22, 1998, a Verified Complaint of Forfeiture was filed against the defendant real property. The Complaint alleged that the defendant was used to facilitate a violation of 21 U.S.C. § 841 and is therefore subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(7).

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

That on December 22, 1998, a Lis Pendens giving notice of the pendency of this action was recorded with the Register's Office of Davidson County, Tennessee, in Book 11264 at Page 570;

That on January 4, 1999, a Summons and the Verified Complaint of Forfeiture were served via certified U.S. mail on McKenzie Banking Company;

That on January 11, 1999, a Summons and the Verified Complaint of Forfeiture were

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served on the defendant property by a Deputy United States Marshal;

That on March 9, 1999, a Summons and the Verified Complaint of Forfeiture were served on Andre C. Vaughn by a Deputy United States Marshal;

That on January 7, 14 and 20, 1999, notice of said forfeiture action was published in The Nashville Record;

That on February 5, 1999, McKenzie Banking Company filed a Verified Claim to the defendant property. Said Claim is supported by a Promissory Note and Deed of Trust;

That on April 12, 1999, the Court entered an Expedited Stipulated Settlement Agreement resolving the Claim of McKenzie Banking Company. The United States recognized the Claim of McKenzie Banking Company in full and agreed to pay said Claimant $57,066.36 plus interest at 9% per annum on unpaid principal of $57,244.45 ($14.3281 per day) from April 5, 1999, until the date of payment;

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;

Now, therefore, upon motion of Plaintiff United States of America for Decree of Forfeiture, it is hereby

ORDERED, ADJUDGED AND DECREED that probable cause exists for forfeiture of the defendant Real Property and Premises Known as 5120 Drakes Branch Road, Nashville, 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 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; that the United States Marshal shall pay the security interest held by McKenzie Banking Company in the sum of $57,066.36, along with accrued interest at the rate of $14.3281 per day from April 5, 1999, through the date of payment; that the net proceeds from 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 McKenzie Banking Company and all expenses attributable to the seizure, maintenance, forfeiture and sale of the defendant property, 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.

Dated on this, the 27th day of August, 1999.

JOHN T. NIXON, SENIOR JUDGE
United States District Court