Davidson County ORDER
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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN
SEP 14 2000
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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. $164,886.96 IN UNITED STATES CURRENCY AND COIN; and REAL PROPERTY AND PREMISES KNOWN AS 3415 WEST END AVENUE #1101, NASHVILLE, DAVIDSON COUNTY, TENNESSEE, WITH ALL APPURTENANCES AND IMPROVEMENTS THEREON, Defendants.	CIVIL NO. 3:99-0554 JUDGE HIGGINS

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

JOINT MOTION TO ENTER AGREED DECREE OF FORFEITURE

The United States of America and Claimant, William H. Shubert, jointly move the Court to enter the Agreed Decree of Forfeiture submitted herewith.

Order
Motion granted & agreed decree of forfeiture is being entered as the final judgment in this action.
Thomas A. Higgins
USDJ/ 10-3-00/

Respectfully submitted,

QUENTON I. WHITE
United States Attorney for the
Middle District of Tennessee

BY: William M. Cohen
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This document was entered on the docket in compliance with Rule 58 and / or Rule 79 (a).
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UNITED STATES OF AMERICA, Plaintiff, v. $164,886.96 IN UNITED STATES CURRENCY AND COIN; and REAL PROPERTY AND PREMISES KNOWN AS 3415 WEST END AVENUE #1101, NASHVILLE, DAVIDSON COUNTY, TENNESSEE, WITH ALL APPURTENANCES AND IMPROVEMENTS THEREON, Defendants.	CIVIL NO. 3:99-0554 JUDGE HIGGINS

AGREED DECREE OF FORFEITURE

On July 9, 1999, an Amended Verified Complaint for Forfeiture on behalf of the United States was filed alleging that the Defendant properties were used in violation of Title 18, United States Code, Section 1955, and were therefore subject to forfeiture to the United States of America pursuant to Title 18, United States Code, Section 1955(d) (Docket Number 8).

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

That pursuant to the Amended Warrant of Arrest *In Rem* issued by the Court on August 3, 1999, all persons claiming an interest in the Defendant properties were required to file a claim with the Clerk of Court within ten (10) days of the execution of the Warrant or actual notice of this action, whichever occurred

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first, and to serve and file an answer within twenty (20) days after the filing of the claim as provided by Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims (Docket Number 11, Entry Date August 4, 1999);

That on September 3, 1999, a *Lis Pendens* giving notice of the pendency of this action was recorded with the Register's Office of Davidson County in Book 11649 at Page 726 (Docket Number 38, Attachment B to Memorandum in Support of Motion For Default Judgment as to the Defendant Real Property: Recorded *Lis Pendens*);

That on September 27, 1999, Samuel Hambrick, Sr. filed a Claim as to portions of the Defendant currency (Docket Number 17, Entry Date September 28, 1999);

That on October 8, 1999, Samuel Hambrick, Sr. filed an Answer to the Verified Complaint for Forfeiture (Docket Number 19, Entry Date October 12, 1999);

That on January 26, 2000, Samuel Hambrick, Sr. withdrew his Claim and his Answer in this case (Docket Number 49, Entry Date January 27, 2000);

That on September 27, 1999, the Defendant real property was served with a copy of the Verified Complaint for Forfeiture, the Warrant of Arrest *In Rem*, the Amended Verified Complaint for Forfeiture, and the Amended Warrant of Arrest *In Rem* by a Deputy United States Marshal (Docket Number 26, Entry Date October 14, 1999);

That on October 8, 1999, William H. Shubert, lien holder against the Defendant real property, filed a Claim as to the Defendant real property (Docket Number 20, Entry Date October 12, 1999);

That on November 10, 1999, the government filed a Motion to Amend the Amended Verified Complaint for Forfeiture. The new amendments were as to the Defendant currency only (Docket Number 36);

That on November 29, 1999, William H. Shubert filed an Answer to the Amended Verified Complaint for Forfeiture (Docket Number 40);

That notice of said forfeiture action was published in the *Nashville Record* on September 30, October 7, and October 14, 1999 (Docket Number 38, Attachment C to Memorandum in Support of Motion for Default Judgment: Proof of Publication);

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;

That the Claim of William H. Shubert was resolved as follows:

> The United States recognizes the security interest of claimant William H. Shubert in the defendant real property, which is supported by a Deed of Trust, for mortgage principal and interest in the amount of $56,258.76 and other fees in the amount of $1,000.00;

Now, therefore, it is hereby **ORDERED, ADJUDGED AND DECREED** that probable cause exists for forfeiture of the Defendant $164,886.96 in United States currency and coin and the Defendant real property and premises known as 3415 West End Avenue #1101, Nashville, Davidson County, Tennessee, with all appurtenances and improvements thereon; that the Defendant currency and 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 properties shall be disposed of according to law; that upon entry of the Decree of Forfeiture, the United States Marshals Service shall pay William H. Shubert the sum of $57,258.76 in full payment of his security interest in the Defendant real property; that payment of the $57,258.76 shall be made by check made payable to Kraft & Co.; that the United States Marshals Service shall be authorized to take any action necessary to seize, secure, dispose of or protect the United States' interest in the forfeited properties; and that after the deduction of all expenses incurred by the United States Marshals Service in relation to the seizure and forfeiture of the Defendant properties, including but not limited to the settlement payment to William H. Shubert and all expenses attributable to the seizure, maintenance, forfeiture and sale of the Defendant real property, the remainder shall 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 real property to the United States Marshal within ten (10) days of the entry of this order, and that the United State Marshal shall hand deliver a certified copy of this Order upon any tenants of the Defendant real property.

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

Entered the 3rd day of Oct., 2000.

Thomas A. Higgins

SENIOR JUDGE THOMAS A. HIGGINS
United States District Court
10-3-00

AGREED TO AND APPROVED FOR ENTRY:

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United States Attorney for the
Middle District of Tennessee

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Wm. H. Shubert by P. Strianse

WILLIAM H. SHUBERT
Claimant