Davidson County ORDER
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SAMK/hnb February 5, 2002

AS RECEIVED IN CLERK'S OFFICE
FEB 05 2002
U.S. DISTRICT COURT MID. DIST. TENN.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	3:99-00197
	)	Judge Wiseman
v.	)	
	)	
BARRY SANDERS a/k/a BARRY DANIEL	)	

AMENDED FINAL ORDER OF
FORFEITURE AS TO CERTAIN ASSETS

WHEREAS, on January 2, 2001, this Court entered a Preliminary Order of Forfeiture as to Barry Sanders a/k/a Barry Daniel ordering the defendant to forfeit real property and premises known as 725 Knightsbridge Way, Antioch, Davidson County, Tennessee, with all appurtenances and improvements thereon [Map 149-02-0-B, Parcel 056.00], further described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 139 on the Plan of Piccadilly Square, Phase II, as of record in Book 6250, pages 92-94, Register's Office for said County, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
>
> BEING the same property conveyed to Barry N. Sanders, by warranty deed from Edith LaFontaine, dated May 28, 1996 and recorded on May 31, 1996, in Book 10068 at page 73, Register's Office for Davidson County, Tennessee (hereinafter "Subject Property"); and

WHEREAS, on May 3, 10, and 17, 2001, the United States caused to be published in the *Nashville Record*, a newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the

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

This document was entered on the docket in compliance with Rule 55, FRCrimP, on 2-28-02 By:

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law and as specified in the Preliminary Order, 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; and

WHEREAS, on February 24, 2000, a *Lis Pendens* was recorded under the name of Barry N. Sanders at the Davidson County Register of Deeds Office at instrument number 200002240018273; and

WHEREAS, near October 4, 2001, the Law Office of H. Leon Sharber accepted service of the Preliminary Order of Forfeiture and Notice of Forfeiture on behalf of Russell Daniel; and

WHEREAS, no timely petition has been filed by Russell Daniel; and

WHEREAS, the Court finds that the defendant had an interest in the Subject Property which is subject to forfeiture pursuant to 21 U.S.C. § 853; and

WHEREAS, on December 27, 2001, at the request of the Government this Court entered a Final Order of Forfeiture as to the Subject Property; and

WHEREAS, on January 31, 2002, Midland Mortgage Company filed a Third Party Petition for a hearing to determine the validity of its interest in the Subject Property; and

WHEREAS, the Government agrees that upon closing of the sale of the Subject Property and the payment of all property expenses, including any taxes due on the date of closing, the

United States Marshals Service shall pay Midland Mortgage Company, through its attorney of record, the following sums totaling Sixty-Three Thousand, Five Hundred, Fourteen Dollars, and Twenty-Five Cents ($63,514.25):

a. all unpaid principal due to Midland Mortgage Company under the Deed of Trust of record in the Register's Office of Davidson County, Tennessee, in Book 6848, Page 217, that is $59,497.46 as of April 24, 1986;

b. all unpaid interest at the contractual rate of 9.5% under the above lien instrument that is $3,244.23 through February 28, 2002, plus additional interest at a rate of $15.48 per diem from February 28, 2002 until the date of payment;

c. tax and insurance advances in the amount of $494.00;

d. late charges in the amount of $101.14; and

e. other fees in the amount of $97.00.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Subject Property is hereby forfeited to the United States of America pursuant to 21 U.S.C. § 853.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the Subject Property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

IT IS SO ORDERED on this 27th day of Feb, 2002.

SENIOR JUDGE THOMAS A. WISEMAN, JR.
United States District Judge