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

SAMK/mst August 10, 2004

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 3:02-00053
	)	Judge Campbell
KENNETH B. KIMBALL	)	
	)	
IN RE: FORFEITURE OF REAL PROPERTY AND PREMISES KNOWN AS 4108 BLEVINS ROAD, WHITES CREEK, DAVIDSON COUNTY, TENNESSEE	)	

Davidson County ORDER
Recvd: 08/18/04 16:02 4pgs
Fees:22.00 Taxes:0.00
20040818-0100060

FINAL ORDER OF FORFEITURE

WHEREAS, on January 29, 2004, this Court entered a Preliminary Order of Forfeiture as to Kenneth B. Kimball ordering the defendant to forfeit as a substitute asset to the United States of America his interest in real property known and numbered as 4108 Blevins Road, Whites Creek, Davidson County, Tennessee, [Assessor's Parcel # 040-00-0-060-00] whose legal description is as follows:

> LAND in Davidson County, Tennessee, being Lots 1 and 2 on the Plat of Whites Creek Commercial Center, which plat is of record in Plat Book 6200, page 634, Register's Office for Davidson County, Tennessee. Reference is hereby mad to said plat for a more complete and accurate legal description.
>
> BEING the same property conveyed to KEN KIMBALL, A MARRIED MAN, by Warranty Deed from NATHAN T. WALL, A MARRIED MAN, of record in INSTRUMENT NO. 20011011-0110867, Register's Office for DAVIDSON County, Tennessee.

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

This document was entered on the docket in compliance with Rule 55, FRCrimp, on 8/11/04, By: KMB

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EXCEPTIONS

All REAL PROPERTY taxes for the year 2001 and subsequent years, A LIEN, not yet due and payable (MAP 40, PARCELS 60 AND 61, 2000 REAL PROPERTY TAXES ARE PAID) (as to both lots of land).

All matters set forth on the Plan of record in Plat Book 62000, page 634, said Register's Office, which plan includes a 10-feet wide 100-year flood plain; a 20-foot wide drainage easement along the westerly lot line; a 20-foot wide drainage easement running north and south through the westerly portion of Lot 2 (plat is as to both lots of land).

Utility easement of record in Instrument No. 20010926-0104293, said Register's Office, which easement is for the benefit of the subject property.

This improved property is known as: 4108 Blevins Road, Whites Creek, Davidson County, Tennessee.

hereinafter referred to as the "Subject Property"; and

WHEREAS, the United States caused to be published in *The City Paper*, a newspaper of general circulation, notice of this forfeiture action and of the intent of the United States to dispose of the Subject Property in accordance with the 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, the timely Amended Third Party Petition of Vickie Kimball has been dismissed as to the Subject Property due to

her lack of standing and failure to state a claim upon which relief may be granted; and

WHEREAS, Nathan T. Wall and Patricia Wall (collectively, the "Walls") filed a timely Third Party Petition and the United States and the Walls have entered an Expedited Settlement Agreement settling the interest of the Walls in the Subject Property; and

WHEREAS, no other timely petition has been filed; and

WHEREAS, the Court finds that the defendant had an interest in the Subject Property which is subject to forfeiture pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Subject Property is hereby forfeited to the United States of America pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853, subject to the Expedited Settlement Agreement entered between the United States and the Walls; and

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 ___ day of _____,

2004.

JUDGE TODD J. CAMPBELL
United States District Judge