Davidson County ORDER
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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 3:03-00077
	)	Judge Haynes
KEITH SMITH	)	
	)	
	)	
IN RE: FORFEITURE OF REAL PROPERTY KNOWN AS 2400 BOOKER STREET, NASHVILLE, DAVIDSON COUNTY, TENNESSEE, [ASSESSOR'S PARCEL # 092-07-0-214-00].	)	

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

MOTION OF THE UNITED STATES TO
CORRECT CLERICAL ERROR IN
ORDER FOR INTERLOCUTORY SALE OF REAL PROPERTY

COMES NOW the United States of America, by and through James K. Vines, United States Attorney for the Middle District of Tennessee, and Jimmie Lynn Ramsaur, Assistant United States Attorney, and respectfully submits this Motion To Correct Clerical Error in Order for Interlocutory Sale of Real Property, pursuant to Fed. Rule Crim. P. 36. In support thereof, the United States states as follows:

1. On October 21, 2005, the United States filed a Motion for Interlocutory Sale of Real Property seeking an order to sell real property subject to forfeiture, as a substitute asset, known as 2400 Booker Street, Nashville, Davidson County, Tennessee, [Assessor's Parcel # 092-07-0-214-00] (Docket Entry Number 140-1) (hereinafter, the "Subject Property"). A proposed order was submitted with the motion for the Court's consideration (Docket Entry Number 140-2).

2. The seizing agency for the Subject Property is the Drug Enforcement Administration, an agency of the Department of Justice under the Attorney General.

3. Paragraph Fourteen of the above stated motion averred that a prompt sale of the Subject Property by the Secretary of the Treasury affords the best protection to all concerned in the Subject Property. The proposed order submitted with the motion prepared by the United States contained language allowing the Secretary of the Treasury to seize the Subject Property and conduct such a sale. Through a clerical error, the motion should have prayed for a prompt sale to be conducted by the Attorney General (or his designee), as the statutory chief of the seizing agency, and the proposed order should have stated the Attorney General (or his designee) is authorized to seize the Subject Property and conduct such sale.

4. Clerical mistakes in parts of the record arising from oversight may be corrected by the court at any time and after such notice, if any, as the court orders, pursuant to Fed. R. Crim. P. 36.

WHEREFORE, the United States respectfully requests that this Court amend its Order entered under Docket Entry Number 142 to state in Paragraph Two that the "Attorney General (or his designee) shall seize, sell, and dispose of" the Subject Property.

A proposed First Amended Order is attached hereto as Exhibit A.

Respectfully submitted,

JAMES K. VINES
United States Attorney

By: /s JIMMIE LYNN RAMSAUR
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2005, a copy of the foregoing Motion for Interlocutory Sale of Real Property was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was mailed by regular U.S. mail to:

George Jerry Duzane
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603 Woodland Street
Nashville, TN 37206-4211

Karl E. Pulley
1319 Fifth Avenue, North
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/s JIMMIE LYNN RAMSAUR