Davidson County ORDER
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20060602-0064992

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Criminal Number 3:03-00077
	)	Judge Haynes
KEITH SMITH,	)	
	)	
	)	
IN RE: FORFEITURE OF REAL PROPERTY KNOWN AS 1320 PENNOCK AVENUE, NASHVILLE, DAVIDSON COUNTY, TENNESSEE [ASSESSOR'S PARCEL # 071-15-0-156-00]	)	

FINAL ORDER OF FORFEITURE

WHEREAS, on May 13, 2005, this Court entered a Preliminary Order of Forfeiture as to Keith Smith ordering the defendant to forfeit as a substitute asset to the United States of America his interest in the real property and premises known and numbered as 1320 Pennock Avenue, Nashville, Davidson County, Tennessee, [Assessor's Parcel # 071-15-0-156-00] whose legal description is:

> LAND in Davidson County, Tennessee, being Lot Nos. 289 and 290 on the plan of the Highland Company's Subdivision, as of record in Book 421, page 14, Register's Office for said County.
>
> SAID Lot Nos. 289 and 290 front together 50 feet on the westerly side of Pennock Avenue and run back between parallel lines 175 feet to an alley.
>
> BEING the same property conveyed to Geraldine Cole, unmarried, by deed from Garry R. Bissinger and wife, Dinah R. Bissinger, of record in Book 10627, page 326, Register's Office for Davidson County, Tennessee.

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

This conveyance is subject to any and all existing easements of record.

This is improved property, known as 1320 Pennock Avenue, Nashville, Davidson County, Tennessee, 37207.

hereinafter, referred to as "Subject Property"; and

WHEREAS, on May 24, 2005, Grassland Financial Services, Inc., mortgagee, and its trustee, F.B. Murphy, Jr., each received notice by certified mail of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the Subject Property; and

WHEREAS, on May 24, 2005, William Thomas Manier and Lassie Louise Manier received notice by certified mail of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the Subject Property; and

WHEREAS, on May 25, 2005, the Preliminary Order of Forfeiture was filed with the Davidson County Register of Deeds Office under Instrument Number 20050525-0058786; and

WHEREAS, on May 26, 2005, PCFS Financial Service, Inc., mortgagee, and its trustee, Nationwide Title Clearing, each received notice by certified mail of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the Subject Property; and

WHEREAS, on June 6, 13, and 20, the United States caused to be published in *The City Paper*, a newspaper of general circulation, notice of this forfeiture 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, on June 30, 2005, personal service of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the Subject Property was attempted upon the occupant of the Subject Property. The Subject Property appeared vacant. A copy of the Preliminary Order of Forfeiture was left on the door of the residence; and

WHEREAS, on July 1, 2005, Geraldine Cole, a nominee for Keith Smith, received notice by personal service of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the Subject Property; and

WHEREAS, on August 4, 2005, Deutsch Bank National Trust Company (hereinafter "Deutsch Bank") filed a petition claiming it is the current holder of the promissory note; and

WHEREAS, on March 3, 2006, the Government and Deutsch Bank entered into an Expedited Settlement Agreement wherein the Government recognized Deutsch Bank's interest in the Subject Property; and

WHEREAS, other than the petition filed by Deutsch Bank, no 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; and

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; 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 in accordance with the Expedited Settlement Agreement with Deutsch Bank; and

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 982(b)(1) which incorporates 21 U.S.C. § 853(n)(7), the United States has clear title to the Subject Property and may warrant good title to any subsequent purchaser or transferee after it satisfies Deutsch Bank's claim pursuant to the Expedited Settlement Agreement; 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 22nd day of May, 2006.

WILLIAM J. HAYNES, JR.
United States District Judge