UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	3:03-00077
	)	Judge Haynes
KEITH SMITH	)	
	)	
	)	
IN RE: FORFEITURE OF REAL PROPERTY AND PREMISES KNOWN AS 723 26th AVENUE, NORTH, NASHVILLE, DAVIDSON COUNTY, TENNESSEE	)	
	)	
JOHNNY BURROUGHS and wife, LINDA BURROUGHS, Petitioners	)	

Davidson County ORDER
Recvd: 02/06/07 13:55 3 pgs
Fees:17.00 Taxes:0.00
20070206-0015544

FINAL ORDER OF FORFEITURE AS TO 723 26th AVENUE, NORTH

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 723 26th Avenue, North, Nashville, Davidson County, Tennessee, [Assessor's Parcel # 092-06-0-586-00] whose legal description is as follows:

> LAND in Davidson County, Tennessee, being Lot No. 46 on the Map of Buchi's Subdivision of Lot 20, McNairy's Subdivision of record in Book 421, page 66, Register's Office for said County.
>
> SAID Lot No. 46 fronts 50 feet on the westerly side of 26th Avenue North, formerly Buchi Avenue, and runs back between parallel lines 153-1/3 feet, more or less, to an alley.
>
> BEING the same property conveyed to Keith D. Smith, unmarried, by deed from Robyn L. Ryan, Mark A. Baugh, David L. Vincent, Joy Sims, and Joseph F. Welborn, III, as Trustees pursuant to the order and final judgment approving settlement of will contest and paternity action made on September 22, 2000, by the Seventh Circuit Court for

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

Davidson County, Tennessee, Probate Division, in the matter of The Estate of Christine C. Johnson, deceased, etc., Case Nos. 99P-403 and 99P-602, of record under instrument number 20010108-0002236, Register's Office for Davidson County, Tennessee.

This is improved property, known as 723 26th Avenue, North, Nashville, Tennessee.

hereinafter, referred to as 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 June 6, 13, and 20, 2005, 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 September 2, 2005, Johnny Burroughs and Linda Burroughs filed a Third Party Petition claiming an interest in the Subject Property; and

WHEREAS, on November , 2006, the Government and Johnny Burroughs and Linda Burroughs entered into an Amended Expedited Settlement Agreement wherein the Government recognized the Burroughs's interest in the Subject Property and agreed to pay them $42,150.00 from the sale of the Subject Property; and

WHEREAS, other than the petition filed by Johnny Burroughs and Linda Burroughs, 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 Johnny Burroughs and Linda Burroughs; 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; 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 16th day of November, 2006.

WILLIAM J. HAYNES, JR.
United States District Judge