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

BILL GARRETT, Davidson County
Trans:T20130047200 ORDER
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Fees:17.00 Taxes:0.00
20130606-0057434

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
v.	)	No. 3:00-cr-00108
	)	Chief Judge Haynes
MARC A. SUTTON,	)	
	)	
Defendant.	)	

PRELIMINARY ORDER OF FORFEITURE OF CERTAIN SUBSTITUTE PROPERTY OF DEFENDANT MARC A. SUTTON

The United States of America, pursuant to Fed.R.Crim.P. 32.2(e) and 21 U.S.C. § 853(p), has moved for entry of a preliminary order of forfeiture of certain property of Defendant Marc A. Sutton as substitute property. In consideration of the motion, the memorandum in support thereof and the entire record in this matter, the Court finds as follows.

On August 14, 2001, the Court entered a $1,000,000 Money Judgment in favor of the United States which amount represented the value of the proceeds of the offense for which the Defendant Marc A. Sutton was convicted.

To date, the money judgment has not been satisfied. The full amount remains unpaid. The Court finds that, because of the acts or omissions of the defendant, the proceeds of the offense are no longer available for forfeiture for one or more of the reasons set forth in 21 U.S.C. § 853(p). As a result, pursuant to Fed.R.Crip.P. 32.2(e) and 21 U.S.C. § 853(p), the United States is entitled to an order forfeiting other property of the defendant as a substitute asset to satisfy the money judgment.

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

Accordingly, IT IS HEREBY ORDERED that all right, title and interest of Defendant Marc A. Sutton in the following property (hereinafter "Subject Property") is hereby forfeited to the United States:

Real property commonly known as 4924 Clarksville Pike, Whites Creek, Tennessee and including all improvements thereon and appurtenances thereto, more specifically described as:

> Land in Davidson County, Tennessee, being Lot No. 2 on the Final Minor Plat of the Sutton Subdivision, as of record in Instrument Number 20080512-0048898, Register's Office for Davidson County, Tennessee.
>
> Being a portion of the property conveyed to Timothy Dansby, an undivided one-half (1/2) interest and Marc A. Sutton and wife, Barbara Sutton, as an undivided one-half (1/2) interest by deed of record in Instrument No. 20071204-0140464, Register's Office for Davidson County Tennessee.
>
> Further, being the same undivided one-half (1/2) interest owned by Timothy Dansby and conveyed to Marc A. Sutton and wife, Barbara Sutton by Quit Claim Deed recorded June 23, 2008 in Instrument No. 20080623-0064675, Register's Office for Davidson County Tennessee.

IT IS FURTHER ORDERED that:

The Attorney General (or his designee) is authorized to seize the Subject Property and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture and to take any other steps deemed warranted to preserve its availability for forfeiture pending the conclusion of any third party proceedings which may be conducted in this matter pursuant to Fed.R.Crim.P. 32.2 and 21 U.S.C. § 853(n).

The United States shall promptly, after the seizure of said property, initiate proceedings necessary to protect any third party interests in the substitute property, pursuant to and in

accordance with Fed.R.Crim.P. 32.2(e) and 21 U.S.C. § 853(n), prior to requesting entry of a final order of forfeiture with respect thereto.

Upon the issuance of the Preliminary Order of Forfeiture forfeiting the defendant's interest in the Subject Property, the United States shall publish notice of the order and its intent to dispose of the property in such a manner as the Attorney General (or his designee) may direct. The United States shall also, to the extent practicable, provide written notice to any person known to have alleged an interest in the Subject Property.

Any person, other than the above named defendant, asserting a legal interest in the Subject Property shall, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture.

Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) in which all interests will be addressed. If no claims are filed within 30 days of the final publication or receipt of actual notice, whichever is earlier, then, pursuant to 21 U.S.C. § 853(n)(7), this Order shall be deemed a final order of forfeiture, and the United States Marshals Service, or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.

IT IS ORDERED this 9th day of May, 2013.

Chief Judge Haynes
UNITED STATES DISTRICT JUDGE