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

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	No. 3:09-00125
	)	Chief Judge Haynes
LOUIS J. LEVINE,	)	
	)	
Defendant.	)	

BILL GARRETT, Davidson County
Trans:T20130054950 ORDER
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PRELIMINARY ORDER OF FORFEITURE

IT IS HEREBY ORDERED THAT:

1. As the result of the acceptance by this Court of the Defendant's guilty plea as to Counts One and Two of the Indictment, for which the Government sought forfeiture pursuant to 18 U.S.C. § 2253, Defendant Louis J. Levine shall forfeit to the United States his interest in all visual depictions that were produced, transported, mailed, shipped or received in violation of the law; all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offense, including but not limited to real property commonly described as 133 Alton Road, Nashville, Tennessee, and more particularly described as:

> Land in Davidson County, Tennessee, being Lot No. 21 of Block B on the Plan of the Second Revision of the Highlands of Belle Meade, No. 2, of record in Book 1130, page 62, Register's Office for said County.
>
> Said Lot fronts 100 feet on the south side of Alton Road and runs back between parallel lines, 200 feet to a dead line.
>
> Being the same property conveyed to Morris Levine and wife, Virginia H. Levine, by deed from T. R. Griffin and wife, Dorothy

Fields Griffin, of record in Book 2030, page 527, Register's Office for Davidson County, Tennessee. The said Virginia H. Levine having since died.

Being the same property conveyed to Louis J. Levine by deed from Morris Levine of record in Book 5061, page 469, Register's Office for Davidson County, Tennessee. The said Morris Levine having since died.

and the Canon ES50 camcorder and Maxwell hi8 millimeter tape seized from Defendant's residence (133 Alton Road, Nashville, Tennessee) on or about March 31, 2009 (hereinafter collectively referred to as "Subject Property")

2. The Court has determined, based on the guilty plea entered by Defendant on October 22, 2010 and the factual basis for the plea as set forth at paragraph 8 of the Plea Agreement entered herein between the United States and Defendant and related paragraphs 3 and 16-18 of the Plea Agreement in which Defendant agreed to the forfeiture, the Subject Property is subject to forfeiture pursuant to 18 U.S.C. § 2253 and that the Government has established by a preponderance of the evidence the requisite nexus between the Subject Property and such offense.

3. Upon the entry of this Order, 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 in accordance with Fed. R. Crim. P. 32.2 (b)(3). If this property is computer or computer related equipment, the Attorney General (or his designee) shall "wipe clean" and erase all files from all drives and/or computer media of any information upon entry of the Final Order of Forfeiture in this matter.

4. Upon entry of this Order, the Attorney General (or his designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order, in accordance with Fed. R. Crim. P. 32.2.

5. Upon the issuance of the Preliminary Order of Forfeiture forfeiting 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 on-line at "www.forfeiture.gov," the official internet government forfeiture site, for thirty (30) consecutive days. 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.

6. Any person, other than the above named defendant, asserting a legal interest in the Subject Property shall, within thirty (30) 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.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant at the time of sentencing, or before sentencing if Defendant consents, and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

8. Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under the penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, and any additional facts supporting the petitioner's claim and the relief sought.

9. After the disposition of any third party motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance

with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the Subject Property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided by 18 U.S.C. § 2253(b) which incorporates by reference the pertinent provision of 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

The Court shall retain jurisdiction to enforce this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED on this 24th day of September, 2012.

WILLIAM J. HAYNES, JR.
United States Chief District Court Judge