Bill Garrett Davidson County
Batch# 103022 ORDER
06/11/2018 12:14:30 PM 9 pgs
Fees: $47.00 Taxes: $0.00
20180611-0055790

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	**NO. 3:15-00070-1**
	)	**Judge Aleta A. Trauger**
BYRON FERNANDEZ-VIRULA, SR.	)	
	)	
Defendant.	)	

AMENDED FINAL ORDER OF FORFEITURE

WHEREAS, on November 3, 2017, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), this Court entered a Preliminary Order of Forfeiture as to Defendant Bryon Fernandez-Virula, Sr. extinguishing the Defendant's interest in the following property:

1. Currency:

    a. $497,154.00 in United States currency seized on April 15, 2015

(hereinafter referred to as "Subject Cash");

2. Vehicles:

    a. 2011 Black Infiniti SUV JN8AZ2NF1B9502294,

    b. 2014 Red Nissan Sentra 3N1AB7AP9EL634651, and

    c. 2009 Yellow Corvette 1G1YY25W395108805

(hereinafter collectively "Subject Vehicles").

3. Real Property:

    a. Real property commonly known as 220 Elm Street, Madison, TN 37115 and more particularly described as follows:

    Land in Davidson, Tennessee, Being Lot No. 17, Block I on the Plan of Forest Park, of record in Book 843, Page 44, Register's Office for said County, to which plan reference is hereby made for a more complete

201806110055790

description. This conveyance is subject to all easements, restrictive covenants and conditions, and other matters of record, including all items set out on any applicable plat of record.

Being the same property conveyed to Nancy Aviles, her heirs and assigns by Secretary of Housing and Urban Development of Washington, D.C. by Cash Deed for Tennessee dated May 14, 2014 of record in Instrument No. 20140521-0043712, Register's Office for Davidson County, Tennessee.

Parcel No.: 043130~35700

b. Real property commonly known as 257 Robinwood Avenue, Madison, TN 37115 and more particularly described as follows:

Described property located in Davidson County, Tennessee, to wit: Lot 2, on the Final Subdivision Plat ReSubdivision of Lots 18, 19, 20, Power & Ross-Madison Park of record in Instrument Number 200 II 003-0 I 07042, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description of said property.

Being the same property acquired by Cash Deed for Tennessee dated August 6, 2012 to Byron I. Virula from Shaun Donovan, The Secretary of Housing and Urban Development, of Washington, D.C. of record in the Register's Office of Davidson County, Tennessee at Instrument No. 20120810-0071516.

Parcel No.: 05201035400

c. Real property commonly known as 324 McArthur Drive, Madison, TN 37115 and more particularly described as follows:

Land in Davidson County, Tennessee, being part of Tract 13 on the Plan of Anderson Estates, as of record in Book 1130, Page 37, Register's Office for Davidson County, Tennessee, and being Lot No. 140 on the plan of the resubdivision of Tract 1 and 13 of said Anderson Estates, not of record and described according to a survey made by Anderson and Gee, Surveyors, August 5, 1946, as follows:

Beginning at a monument on the southwest comer of Thornton Avenue and McArthur Drive and running southwardly along the westerly margin of McArthur Drive 91.2 feet to a point; thence westwardly 150 feet with the dividing line of Lots Nos. 139 and 140 to a point of the common corners of Lots Nos. 139, 142, 141 and 140; thence northwardly 115 feet with the dividing line of Lots Nos. 140 and 141: thence eastwardly 130.33 feet along the southerly margin of Thornton Avenue to a monument; thence along a 20 degree radius 30.8 feet to the point of beginning.

Being the same property conveyed to Byron Fernandez, Single by Special Warranty Deed from Federal National Mortgage Association a/k/a Fannie Mae dated April 26, 2012 and filed for record May 10, 2012 in Instrument Number 20120510-0040661, Register's Office for Davidson County.

This improved property, known as 814 Anderson Lane, Madison, TN 37115 AKA: 324
McArthur Drive, Madison, TN 3 7115.

Parcel ID No.: 043-07-0-033.00

d. Real property commonly known as 604 Blackstone Avenue, Madison, TN 37115 and more particularly described as follows:

Being Lot Number 45 on the Plan of Rainbow Terrace, Block A, of record in Book 1130, page 85, Register's Office for said County. Said Lot Number 45 fronts 75.1 feet on the southerly margin of Blackstone Avenue and extends back 190 feet on the easterly and westerly line to a broken line in the rear measuring 171.5 feet thereon.

Property Address: 604 Blackstone Ave.
Madison, TN 3 7115

Owner's Name: Nancy Aviles

Owner's Address: 501 Robbie Ann Dr.
Madison, TN 37115

Mail Tax Bill to: Owner at Owner's Address

Parcel No.: 05202017200

e. Real property commonly known as 765 Walnut Street, Madison, TN 37115 and more particularly described as follows:

Lot Number 26, Block A, on the Resubdivison of Power & Roth Subdivision, of record in Book 843, Page 75, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being the same property conveyed to Nancy Aviles by Special Warranty Deed from Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America dated June 10, 2013 and recorded at Instrument No. 20130614-0060946 in the Register's Office of Davidson County, Tennessee.

f. Real property commonly known as 2000 Lombardia Court, Madison, TN 37115 and more particularly described in D.E. 88-1(the net proceeds from the tax sale of this real property are now substituted for the real property);

g. Real property commonly known as 2101 Lombardia Court, Madison, TN 37115 and more particularly described in D.E. 88-1(the net proceeds from the tax sale of this real property are now substituted for the real property) ;

h. Real property commonly known as 2316 Franco Road, Madison, TN 37115 and more particularly described in D.E. 88-1 (the net proceeds from the tax sale of this real property are now substituted for the real property) ;

i. Real property commonly known as 2320 Franco Road, Madison, TN 37115 and more particularly described in D.E. 88-1,(the net proceeds from the tax sale of this real property are now substituted for the real property)

j. Real property commonly known as 2332 Franco Road, Madison, TN 37115 and more particularly described in D.E. 88-1 (the net proceeds from the tax sale of this real property are now substituted for the real property); and

k. Real property commonly known as 5494 Drye Run Road Joelton, TN 37080 and more particularly as follows:

All that certain property situated in the City of Joelton in the 14th Civil District of the County of
Davidson, and State of Tennessee, being described as follows : Parcel No. 00400020300 and
being more fully described in a deed dated 311811996, and recorded 3/21/96, among the land
records of the county and state set forth above, in Deed Book 9986, Page 23. A certain tract or
parcel of land in Davidson County, State of Tennessee, described as follows, to wit: to find the
point of beginning, start at the intersection of the northerly right of way (25 feet from the
centerline) ofCoopertown Road with the westerly boundary line of property owned by Peter J.
Meadows et ux, of record in Deed Book 5334, Page 839 in the Registers Office of Davidson
County, Tennessee; thence with said right of way, North 81 degrees 36 minutes 07 seconds west
296.96 feet; thence, severing the property ofNoble c. Caudill II, of record in Deed Book 8114,

Page 913 in said Register's Office, with a curve in the easterly margin of a 50 foot wide easement
for ingress/egress, drainage and utilities, concave to the northeast and having a radius of25.00
feet, northwesterly an arc distance of39.27 feet through a central angle of90 degrees 00 minutes
00 seconds to the point of tangency; thence continuing with said margin, north 8 degrees 23
minutes 53 seconds east 508.00 feet to the beginning of a curve in said margin concave to the
southeast and having a radius of 840.00 feet; thence with said curve northerly in an arc distance
of 149.65 feet through a central angle of I 0 degrees 12 minutes 27 seconds to an iron pin; thence
continuing with said curve and margin, northeasterly an arc distance of 487.13 feet through a
central angle of 33 degrees 13 minutes 37 seconds to the point of tangency; thence with said
margin, north 51 degrees 49 minutes 57 seconds east 62.18 feet to the beginning of a curve in
said margin concave to the northwest and having a radius of 366.65 feet; thence with said curve
northeasterly an arc distance of 133.17 feet through a central of20 degrees 48 minutes 37
seconds to an ion pin; thence continuing with said curve an margin, northerly an arc distance of
571.65 feet through a central angle of 89 degrees 19 minutes 48 seconds to the point of tangency;
thence with said margin, north 58 degrees 18 minutes 28 seconds west 496.12 feet to an iron pin,
the point of beginning; thence continuing with said margin, north 58 degrees 18 minutes 28
seconds west 341 .58 feet to the point of a tum-in curve to the terminus of said margin concave to the northeast and raving a radius of 50.00 feet; thence, with said curve and margin, northwesterly an arc distance of 36.14 feet through a central angle of 41 degrees 24 minutes 35 seconds to the beginning of a curve in said margin being the terminus of said margin concave to the south and having a radius of 50.00 feet; thence, with said curve in said margin, westerly and arc distance of 134.77 feet through a central angle of 154 degrees 26 minutes 07 seconds to an iron pin; thence leaving said margin and severing Caudill property as follows: North 81 degrees 20 minutes 00 seconds west 715.09 feet to an iron pin; north 9 degrees 04 minutes II seconds east 223.10 feet to an iron pin in the southerly boundary line of property owned by Sandra K. Howard & Sue Ella Miller, of record in Book 7326, Page 26 in said Register's Office; thence with said boundary line; south 81 degrees 20 minutes 00 seconds

east 1301 .35 feet to an iron pin; thence again severing said Caudill property, south 31 degrees 41 minutes 32 seconds west 390.69 feet to the beginning containing 6.93 acres.

Being the same property conveyed to Nancy Aviles from On the Go Ministries, a Tennessee Non-Profit by Warranty Deed dated March 27, 2015, recorded March 30, 2015 in Instrument No. 201510330-0026894, Davidson County Records.

Parcel ID No.: 004 00 0 203.00

(hereinafter collectively referred to as "Subject Real Property"). The Subject Cash, Subject Vehicles and Subject Real Property are collectively referred to as "Subject Property"). (D.E. 561: Preliminary Order of Forfeiture).

WHEREAS, the United States Secretary of Treasury or its designees, served the Preliminary Order of Forfeiture on each of the assets defined as Subject Property on January 31, 2018 and February 22, 2018, except the real properties on Lombardia Court and Franco Road, i.e. 2000 Lombardia Court, Madison, TN 37115; 2101 Lombardia Court, Madison, TN 37115; 2316 Franco Road, Madison, TN 37115; 2320 Franco Road, Madison, TN 37115 and 2332 Franco Road, Madison, TN 37115. (D.E. 609 - 615: Process Receipt and Returns). Said real properties located on Lombardia Court and Franco Road were sold at a Davidson County tax foreclosure sale and the proceeds have been substituted for the real properties.

WHEREAS, the United States caused to be published 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 of the final publication of notice for a hearing to adjudicate the validity of their alleged legal interest in the property was advertised on-line at "www.forfeiture.gov," the official internet government forfeiture site, for 30 consecutive days beginning on January 23, 2018 and ending on February 21, 2018.

WHEREAS, in 2017, pursuant to 21 U.S.C. § 853(n), the following individuals and entities were sent direct notice of the forfeiture, at the addresses indicated by certified mail, return receipt requested:

Mrs. Nancy Aviles 1513 Neelys Bend Madison, TN 37115 Notice Received February 5, 2018	Mortgage Electronic Registration Systems, Inc. Corporate Headquarters 1818 Library Street, Suite 300 Reston, VA 20190 Notice Received January 26, 2018
Wells Fargo DLR SVCS PO Box 997517 Sacramento CA 95899 Notice Received March 3, 2018	Ms. Darlene Miller, Advisory Revenue Officer CEASO-Civil Enforcement Advice & Support Operations Territory 3, Group 1 109 South Highland, Room 103 Jackson, TN 38301 Notice Received January 26, 2018

WHEREAS, the notice recipients were advised of the intent of the United States to dispose of the Subject Property in accordance with the law and as specified in the and further notifying the recipient that he (or she) has thirty (30) days from the date of receipt of said direct notice or thirty (30) days from the end of publication, whichever is earlier, to petition the court for a hearing to adjudicate the validity of his alleged interest in the Subject Property. Said notice was received by the individuals/entities on the dates indicated above.

WHEREAS, the time for filing petitions has expired, and no timely petition has been filed.

NOW THEREFORE, IT IS HEREBY ORDERED that the Subject Property is hereby forfeited to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

IT IS FURTHER ORDERED that any lien against the Subject Property is hereby

extinguished.

IT IS FURTHER ORDERED that all right, title and interest to the Subject Property has been condemned as to the defendant and is now condemned as to any third party interest, and all right, title and interest to the Subject Property is hereby vested in the United States of America, and the Subject Property shall be disposed of according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

SO ORDERED this 8th day of May, 2018.

JUDGE ALETA A. TRAUGER
United States District Judge

True Copy of Certification

I, Debra T. Phillips, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Debra T. Phillips

State of Tennessee

County of Davidson

Personally appeared before me, Deborah T. Krause, a notary public for this county and state, Debra T. Phillips, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Deborah T. Krause, Notary Public

My commission expires: 7-6-20

Notary Seal

