Karen Johnson Davidson County
Batch# 257522 DEEDQC
07/16/2019 01:43:42 PM 13 pgs
Fees: $67.00 Taxes: $0.00
20190716-0069534

NEW OWNER	SEND TAX BILLS TO:	MAP/PARCEL
Leah J. Potts 3604 Sperry Avenue Nashville, Tennessee 37215	Same as Owner	117-05-0-009.00
This instrument prepared by: Brett R. Carter, Esq. 2021 Richard Jones Road, Suite 240, Nashville, Tennessee 37215		

QUITCLAIM DEED

WHEREAS, the United State of America, pursuant to 21 U.S.C. §853(p), moved for and the United States District Court for the Middle District of Tennessee entered a Preliminary Order of Forfeiture of Substitute Asset Real Property ("Preliminary Order") commonly known as 3604 Sperry Avenue, Nashville, Tennessee 37215 (the "Subject Property"), pursuant to which all right title and interest of Joseph Edward Potts was forfeited to the United States. See attached Exhibit A; and

WHEREAS, Leah J. Potts, in response to the Preliminary Order, filed a petition asserting her interest in the Subject Property; and

WHEREAS, the United State of America and Leah J. Potts have resolved all disputes related to the Preliminary Order and the Subject Property such that the United States has agreed to dismiss the Preliminary Order and quitclaim any and all interest of the United State of America in the Subject Property to Leah J. Potts.

NOW THEREFORE AND IN CONSIDERATION of the sum of TEN and NO/100 DOLLARS ($10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the United State of America ("**Grantor**"), by these presents does hereby quitclaim, transfer and convey to LEAH J. POTTS, an unmarried woman ("**Grantee**"), her heirs and assigns, forever, all of Grantor's right title and interest in that certain real property located in Davidson County, Tennessee, being more particularly described on Exhibit B, attached hereto and incorporated herein by this reference (the "**Property**"). Grantor's conveyance of all of his interest in the Property to Grantee is pursuant to the Preliminary Order and settlement thereof and the Motion to Dismiss of the United State of America granted by the Court on July 3, 2019, docket number 3:14-cr-00189 and attached hereto as Exhibit C.

This is improved property known as 3604 Sperry Avenue, Nashville, TN 37215.

This conveyance is made subject to any and all matters, restrictions, and easements of record.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is $0.00.

Affiant

Subscribed and sworn to me this 11th day of July, 2019.

DEBORAH T. KRAUSE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 7-6-2020

NOTARY PUBLIC
Davidson County, Tennessee
My Commission Expires: 7-6-2020

11th IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed effective as of July 11, 2019.

GRANTOR:

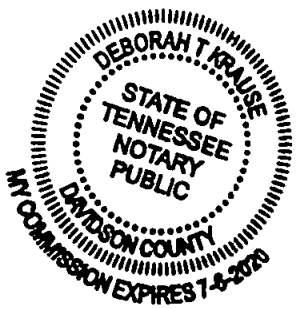
United State of America

By:
Print Name: Debra T. Phillips
Title: Assistant United States Attorney

STATE OF TENNESSEE)
) ss.
COUNTY OF DAVIDSON)

On this 11th day of January, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Debra T. Phillips personally known to me, or proved to me on the basis of satisfactory evidence, to be the individual who executed the within instrument, and that he executed the foregoing instrument for the purposes therein contained by signing his name.

WITNESS my hand and seal at office on this the 11th day of July, 2019.



Deborah T. Krause
Notary Public
Davidson County, Tennessee
My Commission Expires: 7-6-2020

EXHIBIT A

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	**Case No.: 3:14-cr-00189**
	)	**Judge Trauger**
JOSEPH EDWARD POTTS,	)	
	)	
Defendant.	)	

PRELIMINARY ORDER OF FORFEITURE OF DEFENDANT'S INTEREST IN SUBSTITUTE ASSET REAL PROPERTY COMMONLY KNOWN AS 3604 SPERRY AVENUE, NASHVILLE, TN 37215

The United States of America, pursuant to Fed. R. Crim. P. 32.2(e), 21 U.S.C. § 853(p), and Defendant Joseph Edwward Potts' consent to the forfeiture of substitute assets, has moved for entry of a Preliminary Order of Forfeiture of Substitute Asset Real Property commonly known as 3604 Sperry, Avenue, Nashville, Tennessee 37215, and more fully described below, to partially reduce the $1,700,000.00 Money Judgment previously entered against him.

In consideration of the motion, the memorandum in support thereof and the entire record in this matter, the Court finds as follows:

1. On April 10, 2015, the Court entered a Consent Order of Forfeiture Consisting of a $1,700,000.00.

2. Since entry of the $1,700,000.00 Order of Forfeiture Consisting of a Money Judgment, the Defendant has made payments reducing the balance on the money judgment to approximately $1,588,323.00.

3. Because of the acts or omissions of the defendant, the proceeds of the wire fraud and money laundering offenses are no longer available for forfeiture for one or more of the

reasons set forth in 21 U.S.C. § 853(p) and pursuant to Fed. R. Crim. P 32.2(e), the United States is entitled to an order forfeiting any other property of the defendant as a substitute asset to satisfy the $1,700,000.00 money judgment.

4. The United States now seeks to forfeit Real Property commonly known as 3604 Sperry, Avenue, Nashville, Tennessee 37215 which is titled to the defendant, Joseph E. Potts and wife, Leah J. Potts, and is more fully described as:

> Land in Davidson County, Tennessee, being Lot No. 52 on the Plan of Henry Sperry Subdivision, as of record in Book 974, Page 21, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 52 fronts 100 feet on the northerly side of Sperry Avenue and extends back 188 feet 2 inches on the westerly line and 203 feet 1 inch on the easterly line, to a dead line, on which it measures 101 feet 2 inches.
>
> Being the same property conveyed to Joseph E. Potts and wife, Leah J. Potts by Warranty Deed dated January 31, 2000 of record at Instrument Number 200002080012794 in the Davidson County Register's Office
>
> Subject to any and all zoning regulations, building restrictions and setback lines, if any, and easements and rights for public utilities applicable to this property.
>
> APN: 117 05 0 009.00

(hereinafter referred to as "Subject Property") to partially satisfy the $1,700,000.00 Money Judgment.

Accordingly, **IT IS HEREBY ORDERED:**

A. All right, title and interest of Defendant Joseph Edward Potts in the Subject Property is hereby forfeited to the United States.

B. The Attorney General (or his designee) is authorized 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).

C. The United States shall promptly, initiate proceedings necessary to protect any third party interests in the substitute property, prior to requesting entry of a final order of forfeiture with respect thereto.

D. Upon the issuance of a 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.

E. 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.

F. 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/her alleged interest in the Subject Property, and for entry of an order of forfeiture.

G. 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.

H. 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 Attorney General (or his designee) or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.

IT IS ORDERED this 8th day of January 2019.

ALETA A. TRAUGER
UNITED STATES DISTRICT JUDGE

EXHIBIT B
(PROPERTY DESCRIPTION)

Land in Davidson County, Tennessee, being Lot No. 52 on the Plan of Henry Sperry Subdivision, of record in Book 974, Page 21, Register's Office for Davidson County, Tennessee.

Said Lot No. 52 fronts 100 feet on the northerly side of Sperry Avenue and extends back 188 feet 2 inches on the westerly line and 203 feet 1 inch on the easterly line, to a dead line, on which it measures 101 feet 2 inches.

Being the same property conveyed by Deed dated January 31, 2000, from Mary J. Hawkins, unmarried, to Joseph E. Potts and wife, Leah J. Potts, of record as Instrument No. 20000208-0012794, Register's Office for Davidson County, Tennessee.

EXHIBIT C

Motion GRANTED

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No.: 3:14-cr-00189**
	)	**JUDGE TRAUGER**
JOSEPH EDWARD POTTS,	)	
	)	
Defendant.	)	

MOTION TO DISMISS PRELIMINARY ORDER OF FORFEITURE AS TO SUBSTITUTE ASSET 3604 SPERRY AVENUE, NASHVILLE, TN

The United States of America moves for the dismissal of the Preliminary Order of Forfeiture as to substitute asset real property 3604 Sperry Avenue, Nashville, TN [D.E. 50].

Respectfully submitted,

DONALD Q. COCHRAN
United States Attorney
Middle District of Tennessee

By: s/Debra Teufel Phillips
DEBRA TEUFEL PHILLIPS, B.P.R. #011706
Assistant United States Attorney
110 Ninth Avenue South, Suite A-961
Nashville, TN 37203
Telephone: (615) 736-5151
Email: deb.phillips@usdoj.gov

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No.: 3:14-cr-00189**
	)	**JUDGE TRAUGER**
JOSEPH EDWARD POTTS,	)	
	)	
Defendant.	)	

MOTION TO DISMISS PRELIMINARY ORDER OF FORFEITURE
AS TO SUBSTITUTE ASSET 3604 SPERRY AVENUE, NASHVILLE, TN

The United States of America moves for the dismissal of the Preliminary Order of Forfeiture as to substitute asset real property 3604 Sperry Avenue, Nashville, TN [D.E. 50].

Respectfully submitted,

DONALD Q. COCHRAN
United States Attorney
Middle District of Tennessee

By: s/Debra Teufel Phillips
DEBRA TEUFEL PHILLIPS, B.P.R. #011706
Assistant United States Attorney
110 Ninth Avenue South, Suite A-961
Nashville, TN 37203
Telephone: (615) 736-5151
Email: deb.phillips@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2019, a copy of the Motion to Dismiss Preliminary Order of Forfeiture as Substitute Asset 3604 Sperry Avenue, Nashville, TN was filed electronically with the Court and service was made upon the attorney for the defendant, David Louis Raybin via email to draybin@nashvilletnlaw.com, and upon attorney for Petitioner Quicken Loans, Inc., John T. Rouse, via email to jrouse@mcglinchey.com, and upon attorney for Petitioner Leah Potts, Brett Carter via email to brett@cartersheltonlaw.com by operation of the Court's electronic filing system.

s/Debra Teufel Phillips
DEBRA TEUFEL PHILLIPS
Assistant United States Attorney