

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
07 FEB 23 PM 1:48
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.)
)
LOTS 32 AND 33, LINDEN ESTATES, A)
SUBDIVISION AS SURVEYED, PLATTED)
AND RECORDED IN DOUGLAS COUNTY,)
NEBRASKA, AND LOT 2, LINDEN ESTATES)
REPLAT 5, A SUBDIVISION, AS SURVEYED,)
PLATTED AND RECORDED, IN DOUGLAS)
COUNTY, NEBRASKA, LOCALLY KNOWN)
AS 1201 NORTH 138TH CIRCLE, AND 1225)
NORTH 138TH CIRCLE, OMAHA, NEBRASKA;)
and)
ONE 2003 CADILLAC ESCALADE, VIN)
1GYEK63N93R253497,)
)
Defendants.)

8:07CV79

WRIT OF ENTRY

NOW ON THIS 23rd day of February, 2007, this matter comes on before the Court on the Plaintiff's Motion for *Writ* of Entry and *Memorandum* Brief. The Court, being duly advised in the premises, finds as follows:

1. The United States has filed a Verified Complaint for Forfeiture against the following-described real property:

Lots 32 and 33, Linden Estates, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and Lot 2, Linden Estates Replat 5, a subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska, locally known as 1201 North 138th Circle and 1225 North 138th Circle, Omaha, Nebraska, 68154.

2. The United States has not requested authority to seize the Defendant real property at this time. Rather, the United States represents it will post notice of the Verified Complaint for

Forfeiture on the Defendant real property and will serve notice of this action, and a copy of the Verified Complaint, on the owner of the Defendant real property under 18 U.S.C. §§ 985(c)(1) and (3).

3. The United States has requested the Court issue a *Writ* of Entry as provided in 18 U.S.C. § 985(b)(2) and 18 U.S.C. § 983(j), authorizing it to enter the Defendant real property, including any structures, for the purpose of conducting an inspection and inventory of the Defendant real property and, as provided in 19 U.S.C. § 1606, to conduct an appraisal.

4. The United States' Motion for *Writ* of Entry should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for *Writ* of Entry is hereby sustained.

B. The United States Department of Treasury, or its designee, EG&G Technical Services, is hereby authorized:

1. to enter the Defendant real property, including any structures, on one or more occasions during the pendency of this *in rem* forfeiture action, for the purpose of conducting an inspection, inventory and appraisal of the Defendant real property, and

2. to be accompanied on any such occasion by any appraiser(s) selected by it for the purpose of appraising the condition and value of the Defendant real property, pursuant to 19 U.S.C. § 1606, which appraisal may include, among other means, still and video photography, and

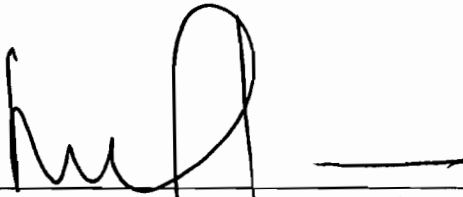
3. to be accompanied on any such occasion by any government and contract personnel selected by it for the purpose of conducting an inspection and inventory of the Defendant real property, which inspection and inventory may include,

among other means, still and video photography, and

4. to be accompanied on any such occasion by any federal, state and/or local law enforcement officers selected by it to ensure the safety of personnel acting under this *Writ* of Entry.

C. Any interference with anyone acting under the authority of this *Writ* of Entry shall be deemed a violation of a Court order and may be punished as contempt, as a violation of 18 U.S.C. § 2232, prohibiting the impairment of *in rem* jurisdiction, or otherwise as provided by law.

2/23/07


THOMAS D. THALKEN, Magistrate Judge
UNITED STATES DISTRICT COURT