

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
THIRTY THREE THOUSAND TWO
HUNDRED SEVENTY NINE
(\$33,279) DOLLARS IN UNITED
STATES CURRENCY;
and,
MISCELLANEOUS CUSTOM-MADE
GOLD JEWELRY,
Defendants.

CIVIL ACTION NO. 2:09cv364-MHT
(WO)

UNITED STATES OF AMERICA,
Plaintiff,
v.
\$246,017.03 IN FUNDS SEIZED
FROM BANKTRUST ACCOUNT
NUMBER xxxxxx1548 IN THE NAME
OF FALGUNI, INC. RESERVE FOR
LOSS ACCOUNT,
Defendant.

CIVIL ACTION NO. 2:09cv664-MHT

DECREE OF FORFEITURE

Before the Court is the United States of America's Motion for Decree of Forfeiture (Doc. No. 56).

On April 20, 2009, the United States filed a Verified Complaint for Forfeiture In Rem (Doc. #1, case no. 2:09cv364-MHT), pursuant to 18 U.S.C. § 981(a)(1)(c), which provides for the seizure

and forfeiture of the gross proceeds traceable to a violation of 18 U.S.C. § 513 (check fraud); and 18 U.S.C. § 1341 (mail fraud); and 18 U.S.C. § 1344 (bank fraud). The defendant property is Thirty Three Thousand Two Hundred Seventy Nine (\$33,279) Dollars in United States currency and miscellaneous custom-made gold jewelry.

On July 15, 2009, the United States filed a Verified Complaint for Forfeiture *In Rem* (Doc. #1, case no. 2:09cv-664-MHT), pursuant to 18 U.S.C. § 981(a)(1)(c), which provides for the seizure and forfeiture of the gross proceeds traceable to a violation of 18 U.S.C. § 513 (check fraud); 18 U.S.C. § 1341 (mail fraud); and 18 U.S.C. § 1344 (bank fraud). The defendant property is \$246,017.03 from BankTrust account number xxxxxx1548 in the name of BankTrust Falguni, Inc. Reserve for Loss Account.

It appearing that notice was provided pursuant to 18 U.S.C. §§ 985(b)(1) and (c)(1), and process was fully issued in this action and returned according to law:

**Service as to case no. 2:09cv364-MHT**

Pursuant to a Warrant and Summons for Arrest *In Rem* (Doc. #3, case no. 2:09cv364-MHT), issued by United States District Judge Myron H. Thompson, the United States Secret Service served the Defendant property on April 28, 2009. (Docs. #6, #7).

On April 27, 2009, a Treasury agent personally served Attorney Jeffery C. Duffey with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #4).

On April 27, 2009, a Treasury agent personally served Narendrakumar Patel with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #5).

On April 28, 2009, a Treasury agent personally served Attorney John Norris with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem* (Doc. #8).

On May 18, 2009, Narendrakumar Patel filed a claim to the defendant property and an answer to the complaint (Doc. #13);

Notice of Civil Forfeiture was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on April 28, 2009, and ending May 27, 2009, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims (Doc. #21).

**Service as to case no. 2:09cv664-MHT**

Pursuant to a Warrant and Summons for Arrest *In Rem* (Doc. #4, case no. 2:09cv664-MHT), issued by United States District Judge William Keith Watkins, the United States Secret Service served the Defendant property on August 28, 2009. (Doc. #14).

On August 28, 2009, a Treasury agent personally served Narendrakumar Patel with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #8).

On August 28, 2009, a Treasury agent personally served Narendrakumar Patel o/b/o Pit Stop Gas with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #9).

On August 28, 2009, a Treasury agent personally served Narendrakumar Patel o/b/o Falguni, Inc. with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #10).

On August 28, 2009, a Treasury agent personally served Attorney John Norris with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem* (Doc. #11).

On August 31, 2009, a Treasury agent personally served Attorney George M. Walker with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #12).

On August 31, 2009, a Treasury agent personally served Attorney Jack Smalley, III with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #13).

September 10, 2009, Narendrakumar Patel filed a claim and answer for the Defendant property (Doc. #5).

Notice of Civil Forfeiture was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on August 20, 2009, and ending September 18, 2009, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims (Doc. #43);

On September 16, 2009, the United States filed a motion to consolidate (Doc. #28, case no. 2:09cv364-MHT; Doc. #7, case no. 2:09cv664-WKW);

On September 22, 2009, the Court consolidated the proceedings with case no. 2:07cv364-MHT, as the lead case (Doc. #31, case no. 2:09cv364-MHT) and reassigned case no. 2:07cv664-WKW to United States District Judge Myron H. Thompson (Doc. #19, case no. 2:09cv664-MHT).

On February 10, 2011, Claimant Narendrakumar Patel entered into a Final Settlement and Release of All Claims in which Claimant consented to forfeiting to the United States \$23,279.00 in United States currency; miscellaneous custom made gold jewelry and \$246,017.03 in funds seized from BankTrust account number xxxxxx1548 in the name of Falguni, Inc. Reserve for Loss Account to be disposed of according to law.

The United States agreed to release Ten Thousand (\$10,000) Dollars to Claimant Narendrakumar Patel, through his attorney of record, Jeffery C. Duffey.

No other claim or answer has been filed on behalf of any other party.

For good cause shown, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. The Motion for Decree of Forfeiture (Doc. No. 56) is GRANTED pursuant to the Stipulation of Final Settlement and Release of All Claims;

2. The United States Secret Service release Ten Thousand (\$10,000.00) Dollars to Claimant Narendrakumar Patel through his attorney of record, Jeffery C. Duffey (600 South McDonough Street, Montgomery, Alabama 36104);

3. The following property is forfeited to the United States, to be disposed of according to law, and no right, title or interest in the property shall exist in any other party:

Twenty Three Thousand Two Hundred Seventy Nine  
(\$23,279) Dollars in United States currency;

Miscellaneous custom-made gold jewelry; and,

\$246,017.03 from BankTrust account number  
xxxxxx1548 in the name of BankTrust Falguni, Inc.  
Reserve for Loss Account.

4. The parties shall bear their own costs. These cases are closed.

DONE this the 22nd day of February, 2011.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE