

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:17cv80-MHT
)	(WO)
\$603,752.76 SEIZED FROM)	
STERLING ACCOUNT NUMBER)	
xxx0558 IN THE NAME OF)	
CLOVERLAND DRUGS, INC.;)	
et al.,)	
)	
Defendants.)	

AMENDED DECREE OF FORFEITURE

This case comes before the court on the government's motion to amend the decree of forfeiture (Doc. 144), filed on February 24, 2022. Counsel for claimants Cloverland Drug, Inc., David G. Saalwaechter, and Theresa S. Saalwaechter orally confirmed that the motion is unopposed.*

On February 10, 2017, the United States filed a

* Throughout this amended decree of forfeiture, the court uses the spellings of the claimants' names set forth in their claims. See Claims (Doc. 26, Doc. 28, & Doc. 30).

verified complaint for forfeiture (Doc. 1) pursuant to 18 U.S.C. § 981(a)(1)(A), (C), and (D)(v)-(vi) for violations of 18 U.S.C. § 1341 (mail fraud), § 1343 (wire fraud), § 1347 (health care fraud), §§ 1956 and 1957(a) (money laundering), and 42 U.S.C. § 1320a-7(b) (federal anti-kickback statute).

Based on the following facts, it appears that process was fully issued in this action and returned according to law:

Pursuant to a warrant of arrest *in rem* issued by this court, the United States Marshals Service for the Middle District of Alabama served defendant \$ 603,752.76 seized from Sterling Bank account number xxx0558 in the name of Cloverland Drug, Inc., defendant \$ 69,320.97 seized from Sterling Bank account number xxx-xxx-5960 in the name of David G. and Theresa S. Saalwaechter, and \$ 36,760 cash in lieu of the defendant 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854, on

February 21, 2017. See Returned Warrants (Doc. 6, Doc. 8, & Doc. 10).

On March 1, 2017, David G. Saalwaechter and Theresa S. Saalwaechter were served with copies of the verified complaint for forfeiture, notice of complaint for forfeiture against personal property, and warrant of arrest *in rem*, by and through Attorney J. Doyle Fuller. See Returned Warrants (Doc. 12 & Doc. 13). On March 7, 2017, Cloverland Drug, Inc. was served with a copy of the verified complaint for forfeiture, notice of complaint for forfeiture against personal property, and warrant of arrest *in rem*, by and through attorney J. Doyle Fuller. See Returned Warrant (Doc. 14).

Notice of civil forfeiture was posted on www.forfeiture.gov for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. See Declaration of Publication (Doc. 17).

On March 31, 2017, David Saalwaechter filed a claim

(Doc. 26) to defendants \$ 603,752.76 seized from Sterling Bank account number xxx0558 in the name of Cloverland Drug, Inc., \$ 69,320.97 seized from Sterling Bank account number xxx-xxx-5960 in the name of David G. and Theresa S. Saalwaechter, and \$ 36,760 cash in lieu of 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854, and on April 20, 2017, he filed an answer to the verified complaint (Doc. 40).

On March 31, 2017, Theresa S. Saalwaechter filed a claim (Doc. 28) to defendants \$ 603,752.76 seized from Sterling Bank account number xxx0558 in the name of Cloverland Drug, Inc., \$ 69,320.97 seized from Sterling Bank account number xxx-xxx-5960 in the name of David G. and Theresa S. Saalwaechter, and \$ 36,760 cash in lieu of 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854, and on April 20, 2017, she filed an answer to the verified

complaint (Doc. 41).

On March 31, 2017, Cloverland Drug, Inc. filed a claim (Doc. 30) to defendants \$ 603,752.76 seized from Sterling Bank account number xxx0558 in the name of Cloverland Drug, Inc. and \$ 36,760 cash in lieu of 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854, and on April 20, 2017, it filed an answer to the verified complaint (Doc. 42).

No other claim or answer was filed on behalf of any other party as to defendants \$ 603,752.76 seized from Sterling Bank account number xxx0558 in the name of Cloverland Drug, Inc., \$ 69,320.97 seized from Sterling Bank account number xxx-xxx-5960 in the name of David G. and Theresa S. Saalwaechter, and \$ 36,760 cash in lieu of 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854.

On December 16, 2021, the government and claimants Cloverland Drug, Inc., David G. Saalwaechter, and

Theresa S. Saalwaechter entered into a settlement agreement that was approved by this court on January 13, 2022. See Order (Doc. 133). The settlement agreement stated that the claimants were to pay \$ 550,000.00 to the United States which was to be satisfied out of the funds seized in this civil forfeiture action. Further, the settlement agreement stated that the claimants were to receive the balance of the funds seized in this action by and through their attorney, J. Doyle Fuller.

On January 18, 2022, this court entered a decree of forfeiture ordering the forfeiture of \$ 550,000 to the United States and directing the United States Marshals Service to release \$ 159,833.73 to claimants Cloverland Drug, Inc., David G. Saalwaechter, and Theresa S. Saalwaechter through their attorney of record, J. Doyle Fuller. See Decree of Forfeiture (Doc. 135). The amount to be returned to the claimants was calculated using the following values:

a. \$ 53,752.76 from defendant \$ 603,752.76 seized

from Sterling Bank account number xxx0558, which represents the remaining funds after the forfeited \$ 550,000.00 is subtracted;

b. \$ 69,320.97 seized from Sterling Bank account number xxx-xxx-5960 in the name of David G. and Theresa S. Saalwaechter; and

c. \$ 36,760.00 cash in lieu of 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854.

On February 22, 2022, the United States Marshals Service informed the government that, while defendant 2015 Harris 240 SOL pontoon boat, hull identification number HAMP2012K415 with a 2015 Mercury 300 Verado outboard motor, serial number 2B137854 appraised for \$ 36,760.00, the vessel actually sold for \$ 30,000.00, which leaves only \$ 30,000.00 available to return to the claimants, rather than \$ 36,760.00 as previously calculated.

Accordingly, on motion of the United States for an amended decree of forfeiture and for good cause otherwise shown, it is ORDERED, ADJUDGED, AND DECREED that:

(1) The motion for an amended decree of forfeiture (Doc. 144) is granted.

(2) The United States Marshals Service shall release one hundred fifty-three thousand seventy-three dollars and seventy-three cents (\$ 153,073.73) to claimants Cloverland Drug, Inc., David G. Saalwaechter, and Theresa S. Saalwaechter through their attorney of record, J. Doyle Fuller (2851 Zelda Road, Montgomery, Alabama 36106, Telephone: (334) 270-0020, E-mail: jdf@fullercopeland.com).

(3) Five hundred fifty thousand dollars (\$ 550,000.00) is forfeited to the United States. No right, title, or interest in the defendant currency shall exist in any other party and it shall be disposed

of according to law.

(4) The parties will bear their own costs.

This case remains closed.

DONE, this the 28th day of February, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE