

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	*	
	*	
Plaintiff,	*	
v.	*	CIVIL NO. 10-00552-CG-B
	*	
An Amount of Funds up to	*	
but not to exceed \$50,000.00,	*	
<u>etc., et al.</u> ¹	*	
	*	
Defendant.	*	

ORDER OF FORFEITURE

This matter is before the Court on plaintiff's Motion for Entry of Order of Forfeiture (Doc. 29). For cause shown, the Motion is **granted**.

On August 12, 2011, a redacted complaint for forfeiture in rem was filed on behalf of the United States against the defendant, \$50,000.00, more or less, in U.S. Currency, alleging it was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A), as property involved in money laundering transactions or attempted money laundering transactions, in violation of 18 U.S.C. §§ 1956 or 1957, or any property traceable thereto; and/or Title 21 U.S.C. § 881(a)(6), as moneys or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance and all proceeds traceable to such an exchange, or moneys intended to be used to

¹ The defendant \$50,000.00 was seized from National City Bank xxxxxxxx3320, in the name of Abro Industries, Inc., d/b/a United Export Corporation.

facilitate any violation of the Title 21 of the United States Code or property traceable thereto.

As set forth in plaintiff's motion and exhibit, on August 12, 2011, the plaintiff sent a copy of the redacted Complaint and Notice to the known potential claimant Abro Industries, Inc., ("Abro") through its attorney, notifying it of its right to file a claim in this Court within thirty five (35) days of the date that said notice was sent and file a motion or answer within 21 days thereafter, in accordance with Supplemental Rule G(4)(b)(ii)(B) and (C). Abro filed a claim and then an answer, which it subsequently agreed to settle with plaintiff pursuant to the terms set forth in the Release and Settlement of All Claims and Stipulation and Consent to Entry of Order of Forfeiture ("settlement agreement") filed by the parties on July 25, 2012. (Doc. 28). Pursuant to the settlement agreement the parties agreed to the disposition of the defendant \$50,000.00 as set forth below, and each agreed to bear its owns costs in this action.

Notice of this seizure and forfeiture action, of the right of any person claiming a legal interest in the defendant property to file with the court a claim within 60 days of the first date of publication and a motion or answer within 21 days thereafter was published on an official government forfeiture internet site at www.forfeiture.gov, from September 15 to October 14, 2011, as authorized by Supplemental Rule G(4)(iv)(C). Accordingly, any putative

claimant who received notice from the internet had to file a claim by November 14, 2011, and any motion or answer within 21 days thereafter, by December 5, 2011. Supplemental Rule G(5)(ii)(B). No claims, motions or answers by unknown potential claimants were filed and the time for filing same has long since expired.

All identifiable potential claimants have been sent notice. All potential claimants have had adequate notice and time in which to file a claim, motion, or an answer. No such unresolved claims, motions, or answers have been filed and the filing deadlines have expired.

On October 13, 2010, the Internal Revenue Service seized the defendant \$50,000.00 pursuant to a Warrant For Arrest issued by this Court, which gave the Court in rem jurisdiction over it.

With no claims, motions or answers in opposition to the forfeiture of said defendant remaining, and there being no remaining issues, final disposition or this action is appropriate at this time.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

1. This Court has jurisdiction over the subject matter and the defendant \$50,000.00, more or less, in U.S. Currency, and the complaint states a claim upon which relief may be granted.

2. In accordance with the terms of the settlement agreement of the parties \$38,000.00 of the defendant \$50,000.00 is forfeited to the plaintiff United States of America for disposition according to law, pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881(a)(6) . The remaining \$12,000.00 is ordered to be returned to Abro as soon as practicable c/o James F. Barger, Jr., 3430 Independence Drive, Suite 40, Birmingham, AL 35209, Attorney Trust Account f/b/o Claimant Abro Industries, Inc.

3. The plaintiff and Abro are to bear their own costs.

4. A separate Judgment will be entered.

5. This Order and the accompanying Judgment resolving all matters and issues joined in this action, the Clerk of Court is directed to close this file.

DONE and ORDERED this 7th day of August, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE