

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

UNITED STATES OF AMERICA,

v. CIVIL NO. 4:07CV00000497 BSM

\$ 462,926.73 IN UNITED STATES CURRENCY

DECREE OF FORFEITURE

On May 16, 2007, a Verified Complaint of Forfeiture against the defendant currency was filed on behalf of the plaintiff, United States of America. The complaint alleges that the currency was proceeds from the sale of certain real property which was used or intended to be used to facilitate a controlled substance offense in violation of 21 U.S.C. §§ 801, *et seq.*, and is thereby forfeitable pursuant to 21 U.S.C. § 881(a)(6).

It appearing that process was fully issued in this action and returned according to law, pursuant to a Warrant for Arrest issued by the court, the United States Marshal for this district seized said currency on or about May 23, 2007.

On May 30, 2007, the United States requested the matter be stayed pending the criminal case of *United States v. William Lavenia*, which was filed in the Southern District of Florida. On June 4, 2007, the motion was granted. On July 7, 2008, the United States moved to lift the stay from the proceedings. On July 16, 2008, the motion was granted.

On July 25, 2008, a claim to the property was filed on behalf of Claimants William Lavenia and Yasmin Gambetti. On August 14, 2008, the United States filed a motion to release interest. That motion was granted August 18, 2008.

On August 16, 20, and 27, 2008, notice of this action was published in the *Arkansas Democrat Gazette*. Proof of publication was filed September 2, 2008. No other claims have been filed.

On October 1, 2008, a judgment was issued stating the following:

1. Judgment is entered for the United States in the amount of \$231,463.36 and the property is condemned as forfeited to the United States of America.. The defendant property shall be turned over to the United States Marshal and disposed of according to law.
2. The defendant property in the amount of \$231,463.37 shall be returned to William Lavenia and Yasmin Gambetti. The interest earned on the funds has previously been paid to the Claimants.
3. Payment of the funds to the Claimants shall be made payable to William Lavenia, Yasmin Gambetti together with their attorney Lawrence J. Kerr.
4. Each side agrees to bear its own costs and attorneys fees.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED:

(1) That \$231,463.36 of the defendant currency described herein is hereby forfeited to the United States of America to be disposed of according to law.

(2) That \$231,463.37 of the defendant currency described herein should be returned to the Claimants through their attorney Lawrence J. Kerr, 1401 Brickell Avenue, Seventh Floor, Miami, FL 33131.

(3) That pursuant to 28 U.S.C. § 2465, reasonable cause existed for the seizure of the defendant currency.

IT IS SO ORDERED this 2nd day of October 2008.

A handwritten signature in cursive script that reads "Brian Miller". The signature is written in black ink and is positioned above a horizontal line.

HONORABLE BRIAN MILLER
UNITED STATES DISTRICT JUDGE