

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 12-4150
)	
)	
\$44,867.01 IN UNITED STATES CURRENCY)	
)	
Defendant(s))	

CONSENT DECREE OF FORFEITURE

On December 18, 2013, a verified complaint of Forfeiture was filed on behalf of the plaintiff, the United States of America, against the Defendant \$44,867.01 in United States Currency. The complaint alleged that the property was involved in, used, or intended to be used in violation of 31 U.S.C. § 5324 and was forfeitable under 31 U.S.C. § 5317, 18 U.S.C. § 981 and 18 U.S.C. § 984.

1. It appearing that process was fully issued in this action and returned according to law;
2. The claimant, Virgilio Morales Martinez, after having been personally served in the above-captioned matter on December 19, 2012, filed a verified claim on April 5, 2013;
3. All other claimants were served by publication beginning on December 21, 2012, with publication running for thirty (30) consecutive days on an official Government internet site (www.forfeiture.gov) as required by Rule G(4)(a)(iv)(C). The Proof of Publication was filed with this court on March 18, 2013;

4. No other claims have been received within 35 days after written notice was sent or 60 days after the first date of publication. The United States of America took all reasonable measures to ensure that any other possible claimant received such notice in a timely fashion. To this date, no individual other than claimant, Virgilio Morales Martinez, has filed a claim. Therefore, all other possible claimants are in total default and the United States of America is entitled to a judgment of forfeiture, all without the necessity of any further notice to any other person or entity;
5. That the claimant, Virgilio Morales Martinez, now wishes to settle fully all claims pending in the present litigation and withdraw his claim to the Defendant property pending in the above-captioned matter. The claimant by placing his signature hereto hereby affirms to this Honorable Court that the Defendant property is forfeitable and withdraws any and all claims, administrative or otherwise, to the Defendant property; and
6. That the petitioner, the United States of America, represents to this Honorable Court that the forfeiture of this Defendant property should, in equity, be applied to the forfeiture of \$80,000.00 in companion criminal cases pending against Martinez Auto Sales and Virgilio Martinez.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

A. The United States of America is hereby given a judgment of forfeiture against the Defendant property described below:

\$44,867.01 in UNITED STATES CURRENCY;

and against the interest therein of Virgilio Morales Martinez, and any and all other persons or entities having or claiming an interest in the defendant property;

B. Title to the defendant property is hereby vested in the United States of America and any administrative claims or interests therein of any persons or entities, including Virgilio Morales Martinez, are hereby cancelled;

C. The Defendant property is referred to the custody to the Department of Treasury for disposition in accordance with law and regulations;

D. Each side shall be responsible for their own fees and costs incurred in the litigation of this matter.

IT IS SO ORDERED this 17 day of December, 2013.


UNITED STATES DISTRICT JUDGE

Approved as to Form and Content:


Benjamin Wulff, Assistant U.S. Attorney


David Graham, Attorney for claimant


Virgilio Morales Martinez, claimant

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED
DEC 12 2013
BY CHRIS R. JOHNSON, CLERK
DEPUTY CLERK