

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1345 (RMC)
)	
8 GILCREASE LANE, QUINCY)	
FLORIDA 32351, et al.,)	
)	
Defendants.)	
_____)	ECF

**MOTION TO DISMISS DEFENDANT PROPERTY
FROM CIVIL FORFEITURE ACTION *IN REM***

COMES NOW, plaintiff, the United States of America, by and through the United States Attorney for the District of Columbia, respectfully to move to dismiss from this civil forfeiture action *in rem* one of twelve remaining defendant properties, that is, the real property identified as “One Condo Located On North Ocean Boulevard In Myrtle Beach, South Carolina.”

Accompanying this motion is a Memorandum of Points and Authorities in support and a proposed order to grant it. As nobody other than the defendant properties, which are inanimate real properties and funds seized from ten bank accounts, remain as parties to this action, there is no person whose position on this motion plaintiff may report.

Respectfully submitted,

/s/ Channing Phillips
CHANNING PHILLIPS, D.C. Bar #415793
UNITED STATES ATTORNEY, acting

/s/ Deborah L. Connor
DEBORAH L. CONNOR, Bar No. 452414
Assistant United States Attorney

/s/ Barry Wiegand

BARRY WIEGAND, D.C. Bar # 424288
Assistant United States Attorney
Asset Forfeiture Unit, Criminal Division
555 Fourth St., N.W., Fourth Floor
Washington, D.C. 20530
(202) 307-0299
William.B.Wiegand@USDoJ.Gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused service to be made of the foregoing Motion To Dismiss Defendant Property From Civil Forfeiture Action *In Rem*, the accompanying Memorandum In Support Of Motion To Dismiss Defendant Property From Civil Forfeiture Action *In Rem*, and the proposed Order Granting Motion To Dismiss Defendant Property From Civil Forfeiture Action *In Rem* through the Court's ECF system on or before the 16th day of November 2009.

/s/ Barry Wiegand

BARRY WIEGAND
Assistant United States Attorney

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**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS DEFENDANT PROPERTY
FROM CIVIL FORFEITURE ACTION *IN REM***

On August 5, 2009, the plaintiff United States government commenced this civil forfeiture action *in rem* against 17 defendant properties, pursuant to 18 U.S.C. § 981(a)(1), on the grounds that the properties constituted the proceeds of an unlawful fraud and money-laundering. The complaint alleged the existence of frauds in the nature of “Ponzi-style” or “pyramid” schemes, which had bilked many millions of dollars out of persons who had sent money to the schemes’ operators.

Plaintiff identified the defendant properties as:

- (1) 8 Gilcrease Lane, Quincy, Florida 32351 (real property);
- (2) One Condo Located On North Ocean Boulevard In Myrtle Beach, South Carolina (real property); and,
- (3) All Funds, Including Approximately \$53 Million, Held On Deposit At Bank Of America Accounts In The Names Of (1) Thomas A. Bowdoin, Jr., Sole Proprietor, DBA AdSurfDaily, (2) Clarence Busby, Jr. And Dawn Stowers, DBA Golden Panda Ad Builder, And (3) Golden Panda Ad Builder.¹

¹ This third defendant property, funds in bank accounts at the Bank of America (BoFA), comprises fifteen discrete sums, of which ten were funds seized from accounts in the name of Mr. Bowdoin-AdSurf Daily (ASD), and five were accounts related to Mr. Busby or the Golden Panda scheme. The ten defendant properties in funds that were proceeds of the ASD scheme totalled \$65,838,999.70. These are:

Thereafter, the plaintiff United States government arranged for service of process on the first defendant, the real property at 8 Gilcrease Lane in Quincy, Florida, and on the fifteen specific bank accounts making up the third defendant property. Process has not been served on the real property condo in Myrtle Beach, South Carolina, however. Therefore, the defendant Myrtle Beach condo has never been served with a warrant of arrest *in rem*, nor has it been seized, or otherwise come into plaintiff's possession.

After reviewing the matter further, plaintiff no longer seeks forfeiture of the Myrtle Beach condo and has concluded that judicial economy dictates moving to dismiss it from this action. Under the Federal Rules of Civil Procedure, both Rule 4(m) **Time Limit for Service**, and Rule 41 **Dismissal of Actions**, authorize dismissals in these or similar circumstances. The same may be inferred from Rule G of the Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture Actions. At this time, there are no parties who remain in this action to oppose forfeiture or dismissal of this defendant property, but parties earlier had entered appearances and filed claims to the defendant properties and answers to the complaint for forfeiture. All such pleadings have been

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- (a) \$13,286.89 in account #005483933650;
 - (b) \$31,674,039.13 in account #005483933016;
 - (c) \$937,470.18 in account #005483933553;
 - (d) \$1,088,246.48 in account #005483933605;
 - (e) \$403,791.04 in account #005483933634;
 - (f) \$4,999,893.00 in account #005562565949;
 - (g) \$23,721,256.25 in account #005562566896;
 - (h) \$1,000,338.91 in account #91000116796961;
 - (i) \$1,000,338.91 in account #91000116797038; and,
 - (j) \$1,000,338.91 in account #91000116797070.

On July 24, 2009, the Court issued an order declaring forfeited to the United States the five defendant properties that were proceeds of the Golden Panda scheme. Thus, they no longer part of this forfeiture action. The total amount of the funds seized from these five "Busby-Golden Panda" accounts was \$14,048,598.17.

withdrawn or the motions asserting them denied. As a result, to comply with Rule 41(a)(2) on voluntary dismissal by Court Order, the government has filed this motion.

Respectfully submitted,

/s/ Channing Phillips

CHANNING PHILLIPS, D.C. Bar #415793
UNITED STATES ATTORNEY, acting

/s/ Deborah L. Connor

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