

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>AFFIDAVIT IN SUPPORT OF</b>
	)	<b>PARTIAL DEFAULT – GOLDEN</b>
v.	)	<b>PANDA AD BUILDER FUNDS</b>
	)	
8 GILCREASE LANE, QUINCY	)	<b>Civil Action No.: 08-cv-01345 (RMC)</b>
FLORIDA 32351,	)	
	)	
AND	)	
	)	
ONE CONDO LOCATED ON	)	
NORTH OCEAN BOULEVARD IN	)	
MYRTLE BEACH, SOUTH	)	
CAROLINA,	)	
	)	
AND	)	
	)	
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,	)	
	)	
Defendants.	)	
_____	)	

**AFFIDAVIT IN SUPPORT OF PARTIAL DEFAULT**

I hereby certify under penalty of perjury, this 11th day of May 2009, that I am the attorney of record for the plaintiff in the above-entitled case, and that certain of the *in rem* defendants, described with particularity as the following five (5) personal properties:

- (1)     **\$2,282,999.72 seized from account #334011130192 at Bank of America, in the**

name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Deposit Account;

- (2) **\$1,112,978.42 seized from account #334011130200 at Bank of America**, in the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Operating Account;
- (3) **\$1,642,039.08 seized from account #334015765704 at Bank of America**, in the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Cashout Account;
- (4) **\$6,000,000.00 seized from account #91000113401039 at Bank of America**, in the name of Golden Panda Ad Builder; and
- (5) **\$3,007,580.85 seized from account #91000113404188 at Bank of America**, in the name of Golden Panda Ad Builder;

were personally served with process on August 22, 2008 and October 30, 2008.<sup>1</sup>

I further certify that notice of this action has been provided to all known and unknown interested persons by means of mail<sup>2</sup> and publication.<sup>3</sup>

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<sup>1</sup> Copies of the Complaint and the Warrant of Arrest *in Rem* issued by the Clerk of the Court were served upon the custodian of the *in rem* defendant properties on August 22, 2008 and October 30, 2008. See Document No. 68 (“Proof of Service on Defendants *In Rem*”).

<sup>2</sup> A Notice of Forfeiture (with copies of the Complaint and the Warrant of Arrest *In Rem*) was sent to each named account holder. On August 25, 2008, the account holders filed claims by which they evidenced their intent to challenge the government’s forfeiture case against funds that had been related to the Golden Panda Ad Builder operation. See Document 10. On September 22, 2008, these claimants moved to withdraw all of the claims to those funds. See Document 24. These claimants have consented to the forfeiture of the defendant properties identified in this Affidavit in support of Default. The docket reflects that on September 23, 2008, the Court granted the Golden Panda Ad Builder officials’ motion to withdraw their claims to the five (5) defendant properties identified herein.

<sup>3</sup> In accordance with Supplemental Rule G(4)(a)(iv)(C), notice of the fact that the funds seized from the relevant Bank of America accounts were being subjected to civil forfeiture was published on an official Internet government forfeiture site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on September 26, 2008. See Exhibit 1 (Affidavit of Publication as to seized funds).

I further certify under penalty of perjury that no appearances remain entered on behalf of these said *in rem* defendant properties in this case; that no proper pleadings on behalf of these defendant properties have been filed except those now withdrawn, no proper pleadings have been served upon the attorney for the plaintiff; no extensions have been given, and the time for filing pleadings to intervene has expired<sup>4</sup>; and that none of these five (5) defendant properties are either an infant or an incompetent person.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

The Clerk is requested to enter five (5) Defaults against the following *in rem* defendant properties:

- (1) **\$2,282,999.72 seized from account #334011130192 at Bank of America**, in the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Deposit Account;
- (2) **\$1,112,978.42 seized from account #334011130200 at Bank of America**, in the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Operating Account;
- (3) **\$1,642,039.08 seized from account #334015765704 at Bank of America**, in the

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<sup>4</sup> In this forfeiture case the government also has sued funds seized from accounts that Thomas A. Bowdoin, Jr. opened at Bank of America. Mr. Bowdoin operated an entity known as Ad Surf Daily (“ASD”) that, like the Golden Panda Ad Builder operation, promised wealth to members who paid the operators and agreed to “surf” the operators’ web-based portal. Some former participants of the ASD operation have sought to challenge the government’s forfeiture case against ASD funds. These would-be interveners maintain that some of ASD’s funds belong to members who were exercising “a constitutional right to contract with ASD” for the wealth ASD promised to them – regardless of the source of the payments. See e.g., Documents 43, 44, 45, 61, 63, 65 at 3. The government has moved to dismiss all such third-party creditors’ efforts to intervene. See Document 51. The government’s motion to dismiss remains pending, but those interveners’ submissions do not appear to concern defendant properties that the Golden Panda Ad Builder operation controlled. This Affidavit in Support of Partial Default concerns only funds seized from accounts the Golden Panda Ad Builder operation controlled.

name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Cashout Account;

- (4) **\$6,000,000.00 seized from account #91000113401039 at Bank of America**, in the name of Golden Panda Ad Builder; and
- (5) **\$3,007,580.85 seized from account #91000113404188 at Bank of America**, in the name of Golden Panda Ad Builder.

Respectfully submitted,

/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the foregoing Affidavit in Support of Partial Default to be served by means of the Court's ECF system on this 11th day of May 2009 upon all counsel of record.

/s/  
William R. Cowden