

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 13-3013
)	
REAL PROPERTY LOCATED AT)	
623 EAST CLAY STREET, CLINTON,)	
ILLINOIS, WITH ALL)	
APPURTENANCES AND)	
IMPROVEMENTS THEREON,)	
)	
Defendant.)	

OPINION

SUE E. MYERSCOUGH, U.S. District Judge.

On January 30, 2013, this Court granted the Government’s Ex-Parte Application for a Warrant to Seize Real Property (d/e 10) and issued an Ex-Parte Warrant to Seize Real Property. See d/e 11. The Court found that the Government had shown probable cause for the forfeiture of the defendant real property to the United States of America, exigent circumstances justified the immediate seizure of the property without pre-seizure notice or a hearing and less restrictive means were insufficient to protect the Government’s

interests. The Court set a post-deprivation hearing for February 13, 2013 at 1:00 p.m. to afford the property owners an opportunity to contest the basis for the seizure of the defendant real property.

On February 13, 2013, the property owners, John and Mary Smith, appeared in the custody of DeWitt County pursuant to a Writ. See d/e 12, 13. The Smiths consented to the Government's seizure of the property. The Smiths did not contest that the Government had probable cause to believe the real property was subject to forfeiture or that exigent circumstances warranted seizure of the property with pre-seizure notice or hearing. The Smiths also gave Tyrel Klein, Inspector for the Illinois State Police, permission to contact their daughter and son-in-law to obtain the keys to the real property.

By agreement of the Government and the Smiths, the matter is set for a forfeiture hearing on Friday, May 10, 2013 at 1:30 p.m.

IT IS SO ORDERED.

ENTER: February 13, 2013

FOR THE COURT:

s/Sue E Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE