

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

vs.

CIVIL NO.: 1:09CV143-SA-JAD

ALL RIGHT, TITLE, AND INTEREST
IN REAL PROPERTY AND APPURTENANCES
THERE TO KNOWN AS 120 FRANKLIN STREET,
CITY OF TUPELO, LEE COUNTY, MISSISSIPPI

DEFENDANT

DEFAULT JUDGMENT OF FORFEITURE

Before the Court is the motion of Plaintiff, United States of America, for the entry of a Default Judgment of Forfeiture [#6]. The Court finds the motion well-taken and that it should be granted. Therefore, the Court finds and enters judgment as follows:

1. A Verified Complaint for Forfeiture *in rem* was filed on May 29, 2009 against the Defendant Property. The complaint alleges that the Defendant property constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 2342, a “specified unlawful activity” by virtue of 18 U.S.C. § 1956(c)(7)(A) and 18 U.S.C. § 1961(1)(B), collectively, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C). The Defendant property is more particularly described as all right, title, and interest in real property and appurtenances described as follows:

Commencing at a found ½" re-bar that is recognized as being 199.60 feet East of and 195.05 feet North of the Northeast corner of Section 31, Township 9 South, Range 6 East, City of Tupelo, Lee County, Mississippi, said re-bar being on the West right-of-way of the Southrail Corporation Railroad; run thence South 08' 26' 00" West a distance of 95.73 feet along said West right-of-way to a found 1" iron pin; thence South 08' 26' 00" West a distance of 501.00 feet along said West right-of-way to a set ½" re-bar at the intersection of the West right-of-way of Southrail Corporation Railroad and the North right-of-way of Franklin Street; thence South 89' 20' 27" West a distance of 295.44 feet along the North right-of-way of Franklin Street to a PK nail set in concrete at the intersection of the North right-of-way of Franklin Street with the East right-of-way of Front Street said point being witnessed by a ½" re-bar set at 8.00 feet back on line; thence North 01' 53' 13" West a distance of 493.55 feet along the East right-of-way of Front Street to a point; thence North 01' 51' 00" West a distance of 43.87 feet along said East right-of-way to a

point; thence in a Northerly direction along said East right-of-way along a circular curve to the right having a radius of 2,824.79 feet, an arc length of 106.16 feet, and a chord bearing and distance of North 00' 46' 24" West 106.15 feet to a PK nail set in asphalt; thence leaving said East right-of-way South 82' 58' 01" East a distance of 405.08 feet to the POINT OF BEGINNING.

Said tract being all of Lot 1-4 and a portion of Lt 1-3 in Urban Renewal Project No. UR-6 as recorded in the Chancery Clerk's Office of Lee County in Plat Cabinet A, Slide 154, and titled "File Plat of Urban Renewal Area Project No. Miss. UR-6, Tupelo, Mississippi," dated 5/12/1973, and being situated partially in the Northeast Quarter of Section 31, and partially in the Northwest Quarter of Section 32, all in Township 9 South, Range 6 East, City of Tupelo, Lee County, Mississippi, and containing 4.969 acres (216,472 square feet).

2. The Defendant property was posted with notice of the proceeding on June 25, 2009, by affixing a copy of the notice to the front door of the Defendant property in accordance with 18 U.S.C. § 985(c)(1)(B).

3. Notice of this forfeiture action was published on www.forfeiture.gov, an official government forfeiture website, beginning on June 12, 2009, and continuing for thirty (30) consecutive days with final publication on July 11, 2009, in accordance with Rule G(4)(a)(iv)(C) of the Supplemental Rules for Certain Admiralty and Maritime Claims. A Declaration of Publication by Ann-Marie Wyatt, Asset Forfeiture Assistant, is on file in the office of the Clerk of this Court in this cause.

4. Pursuant to the published Legal Notice, all persons and/or entities desiring to assert any interest in the Defendant property were required to file their claims with the Clerk of the Court within sixty (60) days of the first date of publication (June 12, 2009), or on or before August 11, 2009.

5. The Civil Docket Report for this case, as of September 16, 2009, indicated that there were no claims or answers filed by any person or entity within the time permitted by Rule G of the Supplemental rules for Certain Admiralty and Maritime Claims.

6. On September 16, 2009, the United States requested and the Clerk of the Court properly entered an Entry of Default against the Defendant property any and all persons and/or entities claiming an interest in the Defendant property as no claim, answer or defense was filed by the above-stated dates or within the time permitted by Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims.

7. The entry of a Default Judgment of Forfeiture against the Defendant property and any and all persons and/or entities with an interest in the Defendant property.

THEREFORE, it is ORDERED AND ADJUDGED that the United States of America's Motion for Entry of Default Judgment [#6] is hereby GRANTED and the Defendant property shall be and is hereby forfeited to the United States of America and no right, title or interest in said Defendant property shall exist in any other person or party.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant Property forfeited to the United States shall be disposed of according to law. The United States Marshals Service is hereby authorized to pay any and all expenses attributable to the seizure, maintenance, forfeiture and disposition of the Defendant property.

SO ORDERED AND ADJUDGED this the 29th day of November, 2010.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE