

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Civil No. 09-04007-CV-C-NKL
)
)
REAL PROPERTY LOCATED AT)
1108 BROOKDALE COURT,)
COLUMBIA, MISSOURI ALONG WITH)
ALL ITS BUILDINGS,)
APPURTEANCES, AND)
IMPROVEMENTS,)
)
Defendant.)

ORDER

On January 22, 2009, a verified Complaint for Forfeiture In Rem was filed on behalf of the plaintiff, United States of America, against the defendant real property. The complaint alleges that the defendant real property together with all its buildings, appurtenances, and improvements was purchased, in part, with proceeds of bank fraud and mail fraud, and was involved in, or is traceable to property involved in, transactions or attempted transactions of money laundering, and, therefore, is subject to forfeiture to the United States pursuant to 31 U.S.C. § 5317(c)(2).

The following known potential claimant was personally served a copy of the Complaint for Forfeiture In Rem, and the Notice of Complaint for Forfeiture Against Real Property:

Omar Mustafa.

Notice of the forfeiture of the above-described property and the requirements for filing a claim for the property was properly posted on an official government internet site (www.forfeiture.gov) for at least 30 days, beginning on February 4, 2009, and ending on March

5, 2009. A copy of the Declaration of Publication is on file with the Court.

On April 3, 2009, Omar Mustafa, by his attorney, Thomas R. Davis, filed a claim for the defendant real property. The Claimant has not filed an answer to the Complaint, but his claim and this action have been resolved by the execution of the Stipulation submitted with the United States' Motion for Judgment of Forfeiture. The Stipulation, executed by the United States and the claimant Omar Mustafa, which is hereby APPROVED as submitted, provides that the claimant Omar Mustafa paid the United States, by a Cashier's check made payable to the United States Department of Treasury, the sum of \$36,000, to be forfeited in lieu of the defendant real property. In addition, the claimant agreed that the \$29,000 in United States currency seized from him on January 23, 2009, will also be forfeited to the United States in lieu of the defendant real property.

No other claims for the defendant property have been filed and the time within which such claims must have been filed has expired. Furthermore, any other claims against the defendant real property would have to be dismissed as moot since the real property is being released to the claimant Omar Mustafa in exchange for the \$65,000.

Therefore, it is hereby

ORDERED, ADJUDGED AND DECREED:

1. Plaintiff's motion for judgment of forfeiture is granted and the \$65,000 paid to the United States by claimant Omar Mustafa in exchange for the defendant real property is hereby forfeited to the United States pursuant to 31 U.S.C. § 5317(c)(2) to be disposed of according to law.
2. All persons claiming any right, title or interest in or to the defendant real property are

held in default and are dismissed as moot.

3. Upon entry of this order the United States shall file a release of the Lis Pendens recorded with the Boone County, Missouri, Recorder's Office on January 22, 2009, Book 3416 page 11, giving notice of the pendency of this forfeiture action, with this Court and submit said release to the Boone County, Missouri, Recorder's Office for filing in the records of that office.

4. Each party will bear their own costs.

5. The Clerk of the Court shall enter a judgment consistent with this order.

SO ORDERED, this 9th day of March, 2010.

s/ NANETTE K. LAUGHREY

Nanette K. Laughrey
United States District Judge