

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

\$91,110.00 IN UNITED STATES)
CURRENCY,)

Defendant.)

Case No: 2:12-cv-1112-LRH-(CWH)

ORDER REGARDING:

**UNITED STATES' UNOPPOSED MOTION TO EXTEND THE
TIME FOR SHOW CAUSE PROCEEDINGS (THIRD REQUEST)**

COMES NOW, the United States Attorney for the District of Nevada, and requests that this Court continue this show cause proceeding for sixty days, or until September 30, 2016. The grounds for this motion are that the parties have been engaged in good faith negotiations, and, in fact, have agreed to settle the case on terms agreed to by both parties, *subject to the approval of the probate court overseeing this matter.*

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1 Noel Heard, the person from who the defendant currency was seized is deceased, and it is
2 his estate and, by extension, a Georgia state probate judge who must approve the terms of this
3 settlement.

4 As recently as a week ago, Georgia state probate Judge Hillary B. Cranford (Cranford
5 County) issued an order instructing that all heirs that had not been served with a copy of the
6 petition to compromise a disputed debt, be served forthwith and that objections, if any, be filed
7 within ten (10) business days. (See attached order of Judge Hillary B. Cranford, dated July 21,
8 2016). Further, Judge Cranford ordered that if no objections are filed (which is the expectation
9 of the counsel for the estate) that the Court “may” summarily grant the petition to Compromise a
10 Disputed Debt without a hearing. Once the probate court’s expected approval of the
11 Government-sponsored settlement agreement is executed, there will be no further impediment to
12 the settlement agreement being executed by the parties and filed with this Court for approval.

13 The representations in this motion as well as the attached order of the Georgia Probate
14 Court demonstrate that the parties have been, and continue to work toward a likely settlement of
15 this matter which will facilitate voluntary dismissal of this action.

16 As such, the Government requests that this Court grant the parties an additional sixty (60)
17 days, or until September 30, 2016, to finalize settlement negotiations in this case and, thereby,
18 collaterally making show cause proceedings moot.

19 Estate counsel for the decedent Noel Heard, in the person of Stan Faulkner, has requested
20 this extension and Government counsel joins in that request.

21 Dated: August 1, 2016

22 Respectfully submitted,

23 Daniel G. Bogden
24 United States Attorney

25 By: /s/ Michael A. Humphreys
26 Michael A. Humphreys
Assistant United States Attorney

ATTACHMENT – Georgia Probate Court - Order For Service

ATTACHMENT – Georgia Probate Court - Order For Service

IN THE PROBATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

FILED IN OFFICE
CLERK PROBATE COURT
GWINNETT COUNTY, GA.
2016 JUL 22 AM 11:33
SB

IN RE: ESTATE OF) ESTATE NO. 12-E-000971
)
)
NOEL JAPEL HEARD,) PETITION TO COMPROMISE A
DECEASED) DISPUTED CLAIM OR DEBT

ORDER FOR SERVICE

On September 11, 2012, the Court issued Letters of Administration to Linda Pitts for the estate of Noel Japel Heard. On June 21, 2016, Linda Pitts filed a Petition to Compromise a Disputed Claim or Debt, requesting that the Court approve and allow the Administrator to accept an offer to compromise and settle a claim for estate funds seized from the decedent prior to his passing. Ms. Pitts identifies the heirs of the estate as Jamarcus T. Sawyer, Autumn Chandler Heard, Taylor Alexis Heard, and Nasir Japel Heard.

The certificate of service for the June 21, 2016 Petition indicates that two of the decedent's heirs, Autumn Chandler Heard and Taylor Alexis Heard, who were minors when the estate was opened but are now adults, were not served with a copy of the Petition. Further, the Court finds that Nasir Japel Heard, a minor heir, is in need of representation by a guardian ad litem. As indicated on the certificate of service, counsel for the Administrator served the other heir, Jamarcus T. Sawyer, with a copy of the Petition on June 7, 2016. Based on the foregoing,

IT IS ORDERED that attorney Bruce R. Hawkins, Jr. is appointed as guardian ad litem for Nasir Japel Heard for the purpose of this proceeding and that the guardian ad litem be duly served with a copy of the Petition and a copy of this Order. Upon the guardian ad litem's acceptance of the appointment, he shall file a written report with the Court. This appointment is limited to this proceeding only, and it shall cease when a final order is entered on this Petition.

IT IS FURTHER ORDERED a deputy clerk of this Court shall cause a copy of the Petition to Compromise Disputed Claim or Debt and a copy of this Order to be served by certified mail, return receipt requested on Autumn Chandler Heard and Taylor Alexis Heard. Any objections to the Petition must be filed on or before the thirteenth (13th) day from the date of this Order; provided, however, that if a return receipt is actually received by the Court within such thirteen (13) days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on the return receipt. Objections, if any, must be in writing setting

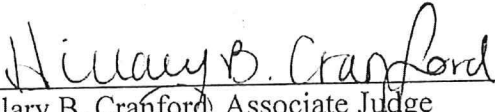
forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with the objections. If any objections are filed, the Court may schedule a hearing on the Petition. If no objections are filed, the Petition may be granted without a hearing.

IT IS FURTHER ORDERED that Linda Pitts shall remit \$27.00 (\$8.50 per certified mailing, plus \$1.00 per page) to the Court for the cost of service on Autumn Chandler Heard and Taylor Alexis Heard.

IT IS FURTHER ORDERED that Linda Pitts shall remit \$150.00 to the Court for the cost of the guardian ad litem's appointment.

IT IS FURTHER ORDERED that a deputy clerk of this Court shall cause a copy of this Order to be served by first-class mail on all interested parties and their counsel.

SO ORDERED this 21st day of July, 2016.



Hillary B. Cranford, Associate Judge
Gwinnett County Probate Court


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ORDER

IT IS HEREBY ORDERED that the show cause proceeding in this matter is continued for sixty (60) days, or until September 30, 2016.

DATED this 8th day of August, 2016.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE