

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:17-CV-143-D

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

O R D E R

LOCKLEAR'S PERSONAL PROPERTY,)

SPECIFICALLY DESCRIBED AS:)

A 2008 CHEVROLET SILVERADO,)

VIN: 2GCEK13M981236229;)

A 2016 FORD F 250 TRUCK,)

VIN: 1FT7W2BT2GED44572;)

AND ANY AND ALL ATTACHMENTS)

THEREON; AND ANY AND ALL)

PROCEEDS FROM THE SALE OF SAID)

PROPERTY,)

Defendants.)

Upon the joint motion of the parties for entry of an Order authorizing an interlocutory sale of the 2016 Ford F-250 truck, VIN #1FT7W2BT2GED44572 (the "Vehicle") pursuant to 28 U.S.C. § 2004 and Rule G(7)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and for good cause shown; it is, hereby

ORDERED that the Order entered herein on November 13, 2017, granting Ford Motor Credit Company's Petition for Remission or Mitigation [DE-10], is VACATED; and it is further

ORDERED that the parties' joint motion for interlocutory sale of the Vehicle is GRANTED, subject to the following terms:

1. Within fifteen (15) days of the entry of this Order, the Vehicle shall be released from the custody of the United States Department of Treasury and turned over to Ford Credit, or its authorized recovery agent.

3. Ford Credit shall sell the Vehicle forthwith in accordance with the terms of its financing agreement and Article 9 of Chapter 25 of the North Carolina General Statutes.

4. Ford Credit may deduct from the proceeds received from such sale of the Vehicle the reasonable and necessary costs incurred by Ford Credit in connection with recovering possession of and selling the Vehicle.

5. Pursuant to Supplemental Rule G(7)(b)(iv), within 10 days of the sale of the Vehicle, Ford Credit shall file an accounting with the Court detailing Ford Credit's application of the sales proceeds as set forth above, and contemporaneously therewith tender the remaining proceeds from the sale of the Vehicle to the United States Department of Treasury for deposit in an interest-bearing account pending disposition by further order of the Court at the conclusion of this action.

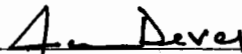
6. The United States shall forthwith move forward with obtaining an entry of default and default judgment against Locklear in this civil forfeiture action.

7. Once the sale of the Vehicle has occurred and a default judgment against Locklear has been obtained, the parties shall

file a motion for entry of a final consent judgment providing for payment to Ford Credit of the then-remaining balance due under Ford Credit's financing agreement for the Vehicle, including unpaid principal, continuing interest accrual at the contract rate of .90% per annum to the date of entry of such final consent judgment, and any applicable late fees or other charges then remaining due under Ford Credit's financing agreement.

8. Each party shall bear its own costs with respect to this matter, including attorneys' fees.

SO ORDERED. This 28 day of November 2017.



JAMES C. DEVER III
Chief United States District Judge