

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv97

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	DEFAULT JUDGMENT
)	OF FORFEITURE
1998 LEXUS LS400,)	
VIN. JT8BH28F7W0125168, and)	
2000 LINCOLN LS,)	
VIN. 1LNHM87A9YY758853,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff’s Motion for Judgment by Default, Entry of Judgment, and Final Order of Forfeiture [Doc.7].

PROCEDURAL AND FACTUAL HISTORY

The Plaintiff initiated this civil *in rem* action for forfeiture pursuant to 21 U.S.C. §881 on May 5, 2010. [Doc. 1]. In support of the Complaint, the Plaintiff filed the verification of Officer Cecilia Rossell of the Henderson County Sheriff’s Department. [Id., at 8]. On October 13, 2009, members of the Henderson County Sheriff’s Department executed a search warrant at a

residence located at 214 Corn Mountain Road, Hendersonville, North Carolina. [Id., at 3]. That residence was occupied by Michael David Jones at the time. [Id.]. Both of the Defendant vehicles were at the Corn Mountain property during the execution of the warrant. [Id.]. Each of the vehicles was registered to Karen Sanders Jones. [Id.].

The officers discovered four \$20.00 and two \$50.00 bills in United States currency inside the Lincoln. [Id.]. The serial numbers on these bills corresponded with those on currency given by a confidential informant to Michael Jones in exchange for marijuana. [Id.]. An additional sum of currency was also found inside the Lincoln and the next day, a trained drug detection dog gave a positive alert to a bag containing the currency. [Id.].

The officers were aware that in January 2009, a confidential informant made a controlled purchase of marijuana from Michael Jones and that Jones had driven the Lexus to and from the location of that purchase. [Id., at 4]. During the October 13, 2009 search, the officers found a small amount of marijuana inside the Lexus. [Id.]. On October 15, 2009, a trained drug detection dog gave a positive alert to the Lexus. [Id.].

Karen Jones made a voluntary statement to law enforcement authorities but was unable to state when or where or from whom she had purchased the two vehicles at issue. [Id.].

Thereafter, the case was referred to the United States Attorney's office for judicial forfeiture proceedings. 19 U.S.C. §1608; 21 C.F.R. §1316.78. On May 24, 2009, the Government attempted to send notice to Michael Jones that this proceeding had been filed. [Doc. 5-1]. The notice was returned as undeliverable. [Id.]. On May 18, 2010, Michael Jones, in care of Roy Neill, Esq., received notice that this proceeding had been filed as well as a copy of the civil *in rem* Complaint. [Doc. 5-3]. The documents, sent to Jones in care of the attorney, were accepted by counsel.

On May 20, 2010, Karen Jones received notice that this proceeding had been filed. [Doc. 5-2]. In addition, the United States Attorney served copies of the civil *in rem* Complaint on Karen Jones. [Id.].

Notice of civil forfeiture was posted on an official government internet site, www.forfeiture.gov, for at least 30 consecutive days beginning on June 17, 2010. [Doc. 4-1]. There were no claims or answers filed in this matter.

On the Plaintiff's motion, the Clerk of Court entered default on September 30, 2010 as to all persons and entities. [Doc. 6].

DISCUSSION

Neither Michael David Jones nor Karen Sanders Jones filed a claim or answer in this civil forfeiture action as is required by Rule G(5)(a) & (b) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

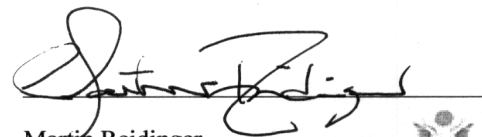
As a result, each is in default.

The Court therefore finds that the Plaintiff has established that no potential claimant has timely filed a claim or otherwise answered and default judgment is appropriate.

JUDGMENT

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Judgment by Default, Entry of Judgment, and Final Order of Forfeiture [Doc.7] is hereby construed as a Motion for Default Judgment of Forfeiture and as so construed is hereby **GRANTED** and Default Judgment against the Defendant 1998 Lexus LS400, Vin. JT8BH28F7W0125168 and the Defendant 2000 Lincoln LS, Vin. 1LNHM87A9YY758853, is hereby **ENTERED** in favor of the United States of America.

Signed: November 11, 2010



Martin Reidinger
United States District Judge

