

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

1:13CV331

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 97-99 New Leicester Highway Asheville, )  
 North Carolina, as described in a Deed at )  
 Book 4588, page 549-550, Buncombe )  
 County Registry, being real property, and )  
 all outbuildings, appurtenances, )  
 improvements, and attachments thereon, )  
 )  
 and; )  
 )  
 20 Parkview Drive Asheville, North )  
 Carolina, as described in a Deed at Book )  
 4588, page 547-548, Buncombe County )  
 Registry, being real property, together with )  
 the residence, outbuildings, and all )  
 appurtenances, improvements, and )  
 attachments thereon, )  
 )  
 Defendants.

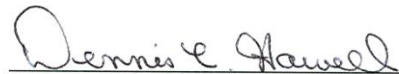
**ORDER**

The United States citing exigent circumstances and having filed on March 18, 2014, pursuant to 18 U.S.C. § 985(d)(1)(B)(ii) an Ex Parte Application for Warrant for Seizure of the real property at 97-99 New Leicester Highway, on which is situated an entity known as the “Club Xcapades;” and the Court on March 18, 2014, having issued an Ex Parte Warrant for the seizure of the same real property and having issued an Order and a Notice for Post-Seizure Hearing on March 24, 2014, pursuant to 18 U.S.C. § 985(e); and the record showing that known possible claimants, Jesse Lemon, Shirley Gardner, and the estate of Rhonda Davis Lemons

having been duly served and informed of the hearing scheduled by the Court and held this date; and the only party having been present at the hearing was the United States; and the Court having accepted into evidence the Affidavit of ATF agent William Medina and having heard testimony from him;

NOW, THEREFORE, THE COURT, pursuant to 18 U.S.C. § 985 (e) confirms that exigent circumstances existed at the time of the seizure and confirms the seizure. The Court unseals all ex parte documents previously filed in this Case.

Signed: March 24, 2014

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Dennis L. Howell  
United States Magistrate Judge

