

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 DIRECTING SERVICE  
 OF NOTICE OF  
 APPLICATION FOR  
 WARRANT  
 FOR SEIZURE OF REAL PROPERTY  
 AND SETTING TIME AND PLACE OF  
 HEARING

WHEREAS, on December 19, 2013, the United States filed a Verified Complaint for Forfeiture *In Rem* against the two defendant real properties; and

WHEREAS, the Complaint alleged that the defendant real properties are forfeitable to the United States under 21 U.S.C. § 881 and related federal statutes because it is proceeds of and facilitating property used in drug-trafficking offenses, in violation of 21 U.S.C. § 801, *et seq.*; and

WHEREAS, on March 28, 2014, the United States, pursuant to 18 U.S.C. § 985(d)(1)(B)(i), duly filed an Application for Warrant for Seizure of the above-described

defendant real property at **20 Parkview Drive** prior to the entry of a final order of forfeiture; and

WHEREAS, the United States alleged that the Estate of Rhonda Davis Lemons is the current and sole owner of the defendant real property, with Jesse Lemons and Shirley M. Gardner being the qualifying heirs; and

WHEREAS, the provisions of 18 U.S.C. § 985(d)(1)(B)(i) now require the Court to issue this Notice of Application for Warrant and to schedule a hearing “in which the property owner has a meaningful opportunity to be heard.”

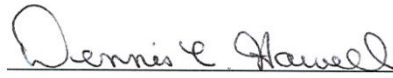
NOW, THEREFORE,

a. The United States is ordered to personally serve a copy of the Application for Warrant for Seizure for Real Property, Memorandum of Law in Support of Application for Warrant for Seizure for Real Property, and this Notice of Application for Warrant for Seizure of Real Property on Jesse Lemons, Shirley M. Gardner, and the attorney for the Estate of Rhonda Davis Lemons and to file proof of that service with the Court;

b. A hearing on whether the Court will issue a Warrant for Seizure of the defendant real property at **20 Parkview Drive** is hereby scheduled for **Wednesday, April 9, 2014, at 10:30 a.m. at the United States Courthouse, 100 Otis Street, Asheville, North Carolina 28801.**

IT IS SO ORDERED,

Signed: March 28, 2014



Dennis L. Howell  
United States Magistrate Judge

