

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 3:08CV552

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 \$3,111.00 in United States currency,)
)
 Defendant.)

WARRANT FOR ARREST IN REM

TO: THE UNITED STATES MARSHAL, WESTERN DISTRICT OF NORTH CAROLINA, AND ANY OTHER AUTHORIZED PERSON

WHEREAS, on the 25th day of November, 2008, the United States of America filed a verified Complaint for forfeiture *in rem* against the defendant property as specified in Paragraph Six of that Complaint; and,

WHEREAS, the Court is satisfied that grounds exist for issuance of an order and/or a warrant for arrest *in rem* since, based on the verified Complaint filed in support of the request for this warrant, there is probable cause to believe that defendant property is forfeitable because of its involvement, use, or intended use in violation of the laws specified in the complaint.

NOW, THEREFORE, you are hereby commanded to arrest, attach, and take into your possession the defendant personal property as specified in Paragraph Six of that Complaint, and to detain the same in your custody until further order of this Court.

YOU ARE HEREBY further commanded forthwith to serve a copy of the Complaint herein upon the owner and/or possessor of, and all persons known to claim an interest in, the defendant property, and to cite and admonish all such persons knowing or having anything to say why the defendant property should not be forfeited and disposed of pursuant to the prayer of the Complaint, to appear, by attorney or in person, before the District Court at the Clerk's Office at any of its three staffed offices: 100 Otis Street, Asheville, North Carolina 28801; 401 West Trade Street, Charlotte, North Carolina 28202; or 200 West Broad Street, Statesville, North Carolina 28677; not later than thirty (35) days after the notice of the action was sent, or, as applicable, not later than 30 days after publication of notice of the filing of the Complaint, then and there to interpose in writing a verified claim or statement of interest, and therewith or thereafter an answer to the complaint filed herein within twenty (20) days following such a claim or statement; that all such persons must ensure that any verified claim or statement and answer must comply with all other requirements of Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Title 28, U.S.C. Appendix; and of 18 U.S.C § 983, and must be served upon the attorney for plaintiff herein, Thomas R. Ascik, Assistant United States Attorney, 100 Otis Street, Asheville, North Carolina, 28801. In addition to or in lieu of filing a claim or statement of interest, any person may assert an interest in the defendant property by submitting a Petition for Remission or Mitigation of the forfeiture pursuant to 28 C.F.R. Part 9.

YOU ARE HEREBY further commanded, should the defendant property not be released within ten (10) days after the execution of process under appropriate order of this Court, forthwith to cause the publication of Public Notice for three consecutive weeks in a newspaper

of general circulation in Charlotte, North Carolina, or for thirty consecutive days on an official government forfeiture site. . The Public Notice will be provided by the United States Attorney.

AND HOW you shall have executed this writ make known to this Court with your certificate of execution thereof written.

SO ORDERED.

Signed: December 3, 2008

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

