

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA :
 :
 Plaintiff, : C-2-11-569
 : JUDGE SARGUS
 -v.- : Magistrate Judge Abel
 :
 SEVENTEEN THOUSAND ONE HUNDRED :
 FOURTEEN AND 00/100 DOLLARS :
 (\$17,114.00) IN UNITED STATES :
 CURRENCY, :
 :
 Defendant. :

SETTLEMENT AGREEMENT

WHEREAS, the United States of America (hereinafter "United States"), by and through its authorized agents, on or about February 22, 2011, seized personal property known as Seventeen Thousand One Hundred Fourteen and 00/100 Dollars (\$17,114.00) in United States Currency from Kenneth Lee Neece pursuant to 21 U.S.C. §881(a)(6);

AND WHEREAS, Kenneth Lee Neece has represented himself as the owner of the Seventeen Thousand One Hundred Fourteen and 00/100 Dollars (\$17,114.00) in United States Currency;

AND WHEREAS, the United States initiated an action against the Seventeen Thousand One Hundred Fourteen and 00/100 Dollars (\$17,114.00) in United States Currency in the United States District Court, Southern District of Ohio, Eastern Division, entitled United States v. \$17,114.00 in United States Currency, on June 28, 2011, alleging that the above referenced currency

constitutes moneys or other things of value furnished or intended to be furnished in exchange for a controlled substance, or represents proceeds of trafficking in a controlled substance, or was used or intended to be used to facilitate one or more violations of 21 U.S.C. § 841 et seq. and is therefore subject to forfeiture to the United States of America pursuant to 21 U.S.C. §881(a) (6).

NOW THEREFORE, the parties in the interest of fully resolving this matter in all respects, agree to the following:

1. That the parties do hereby agree to settle the above-referenced matter upon the terms indicated below:

2. The sum of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) in United States Currency shall be forfeited to the United States and all right, title, and interest shall vest in the United States of America upon the signing of this Settlement Agreement and subsequent entry by the court of an Agreed Judgment and Decree of Forfeiture. The balance of Eight Thousand Six Hundred Fourteen and 00/100 Dollars (\$8,614.00) in United States Currency shall be released to Kenneth Lee Neece in full settlement of his claim to this property. The \$8,614.00 shall be returned to Kenneth Lee Neece barring any debt owed to the United States, or any agency of the United States, or any other debt which the United States is authorized to collect and as identified in the Treasury Offset Program.

3. That the parties hereto further agree to the entry of an Agreed Judgment and Decree of Forfeiture forfeiting the sum of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) in United States Currency to the United States of America pursuant to 21 U.S.C. §881(a)(6).

4. That Kenneth Lee Neece agrees to release and hold harmless the United States, and any agents, servants, and employees of the United States, and any assisting federal, state, and local law enforcement agency, their officers, employees, and agents, acting in their individual or official capacities, from any and all claims, demands, causes of action or suits, of whatever kind and description, and wheresoever situated, that might exist or may arise as a result of the seizure of the Seventeen Thousand One Hundred Fourteen and 00/100 Dollars (\$17,114.00) in United States Currency or from the return of the Eight Thousand Six Hundred Fourteen and 00/100 Dollars (\$8,614.00) in United States Currency to Kenneth Lee Neece.

5. Kenneth Lee Neece agrees that he did not substantially prevail in his claim, that he shall pay his own attorney fees and costs in this matter and that he shall not seek attorney fees, costs, or interest from the United States including but not limited to any claim filed under 28 U.S.C. §2465.

SIGNATURES ON PAGE 4

Dated by and between the parties as individually written herein.

Date: May 16, 2012

CARTER M. STEWART
United States Attorney



MICHAEL J. BURNS (0023446)
Assistant United States Attorney
Attorney for Plaintiff
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Date: May 15, 2012



DENNIS W. MCNAMARA (0005114)
Attorney for Claimant
Kenneth Lee Neece
88 East Broad Street, Suite 1350
Columbus, Ohio 43215
(614) 464-2770

Date: 5-15-12


KENNETH LEE NEECE

COURT APPROVAL

This Settlement Agreement is approved by this Court this 21st
day of May, 2012.



HONORABLE MARK R. ABEL
UNITED STATES MAGISTRATE COURT JUDGE