

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

UNITED STATES OF AMERICA,	:	CASE NO. 3:12CV359
PLAINTIFF,	:	JUDGE TIMOTHY S. BLACK
VS.	:	
(1) REAL PROPERTY KNOWN AS:	:	
3492 RIVA COURT,	:	
BEAVERCREEK, OH 45430, et al.	:	
DEFENDANTS.	:	

**AGREED ORDER RE: DEFENDANT (1) REAL PROPERTY
KNOWN AS 3492 RIVA COURT, BEAVERCREEK, OHIO 45430**

IT IS HEREBY AGREED AND STIPULATED by and between Plaintiff, United States of America, Potential Claimant, UNION SAVINGS BANK and Claimants, THERESA ALEXANDER and BRIAN PESTER, that their claims are resolved as follows:

1. The sum of Ninety Eight Thousand Five Hundred Dollars (\$98,500.00) paid by Potential Claimant, UNION SAVINGS BANK, shall be tendered to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) in lieu of Defendant (1) Real Property Known as 3492 Riva Court, Beavercreek, Ohio 45430 (hereinafter referred to as the “Defendant RP known as 3492 Riva Court”) and having the following legal description;

Situated in the City of Beavercreek, County of Greene, State of Ohio and being Lot Numbered SEVEN (7) The Oaks, as recorded in Plat Cabinet 30, Pages 108B-109B of the Plat Records of Greene County, Ohio.

Auditor Parcel Number: B42-6-3-157

Prior Instrument Reference: Official Record Vol. 3143, Page 519 of the Deed Records of Greene County, Ohio

2. Claimants, THERESA ALEXANDER and BRIAN PESTER, and Potential Claimant, UNION SAVINGS BANK, shall release any and all claims, known and unknown, which they may have against the Plaintiff, its agencies, and/or employees as well as local law enforcement agencies and their employees, arising out of the facts giving rise to this forfeiture action;
3. The United States and its agencies, shall release any and all forfeiture claims, known or unknown, including any forfeiture claim to the Defendant RP known as 3492 Riva Court and any proceeds that UNION SAVINGS BANK may have obtained through the sale of the Defendant RP known as 3492 Riva Court, arising out of the facts giving rise to this forfeiture action;
4. Claimants, THERESA ALEXANDER and BRIAN PESTER, shall release any and all claims, known and unknown, which they may have against Potential Claimant, UNION SAVINGS BANK, arising out of the facts giving rise to this forfeiture action;
5. Potential Claimant, UNION SAVINGS BANK, shall release any and all claims, known and unknown, which it may have against Claimants, THERESA ALEXANDER and BRIAN PESTER, arising out of the facts giving rise to this forfeiture action;
6. Each party shall bear their own costs, including attorneys' fees, court costs, or other expenses of litigation arising out of this forfeiture action, except that Potential Claimant Union Savings Bank shall pay Claimants THERESA ALEXANDER and BRIAN PESTER the amount of \$3,000.00 to be applied toward Claimants' attorney fees;
7. The Court will retain jurisdiction to enforce the terms of this Agreement; and

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The sum of Ninety Eight Thousand Five Hundred Dollars (\$98,500.00) is hereby forfeited pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) to the United States in lieu of Defendant (1) Real Property known as 3492 Riva Court, Beavercreek, Ohio 45430 and having the following legal description:

Situated in the City of Beavercreek, County of Greene, State of Ohio and being Lot Numbered SEVEN (7) The Oaks, as recorded in Plat Cabinet 30, Pages 108B-109B of the Plat Records of Greene County, Ohio.

Auditor Parcel Number: B42-6-3-157

Prior Instrument Reference: Official Record Vol. 3143, Page 519 of the Deed Records of Greene County, Ohio

2. Any and all claims, known and unknown, which Claimants, THERESA ALEXANDER and BRIAN PESTER, and Potential Claimant, UNION SAVINGS BANK, may have against the Plaintiff, its agencies, and/or employees as well as local law enforcement agencies and their employees, arising out of the facts giving rise to this forfeiture action are hereby released;
3. Any and all claims, known and unknown, which Claimants, THERESA ALEXANDER and BRIAN PESTER, may have against Potential Claimant, UNION SAVINGS BANK, arising out of the facts giving rise to this forfeiture action are hereby released;
4. Any and all claims, known and unknown, which Potential Claimant, UNION SAVINGS BANK, may have against Claimants, THERESA ALEXANDER and BRIAN PESTER, arising out of the facts giving rise to this forfeiture action are hereby released;
5. Any and all forfeiture claims, known or unknown, which Plaintiff, United States of America and its agencies, may have against Claimants, THERESA ALEXANDER and BRIAN PESTER, and Potential Claimant, UNION SAVINGS BANK, including any forfeiture claim to the Defendant RP known as 3492 Riva Court and any proceeds that UNION SAVINGS BANK may have obtained through the sale of the Defendant RP known as 3492 Riva Court, arising out of the facts giving rise to this forfeiture action are hereby released;
6. Each party shall bear their own costs, including attorneys' fees, court costs, or other expenses of litigation arising out of this forfeiture action except that Union Savings Bank shall pay Claimants THERESA ALEXANDER and BRIAN PESTER the amount of \$3,000.00 to be applied toward Claimants' attorney fees;
7. The Court will retain jurisdiction to enforce the terms of this Agreement; and
8. This case remains pending against the following Defendants:
 - Defendant 2. 2004 Ford Mustang V8 Coupe 2D Mach I,
VIN:1FAFP42R24F216379
 - Defendant 3. 2005 Pontiac GTO V8 Coupe 2D, VIN: 6G2VX12U95L462299
 - Defendant 4. 2006 Pontiac GTO V8 Coupe 2D, VIN: 6G2VX12U26L833630
 - Defendant 5. \$4,270.00 U.S. Currency.

IT IS SO ORDERED:

s/ Timothy S. Black
TIMOTHY S. BLACK
UNITED STATES DISTRICT COURT JUDGE

CARTER M. STEWART
United States Attorney

s/Pamela M. Stanek
PAMELA M. STANEK (0030155)
Assistant U.S. Attorney
600 Federal Building
200 West Second Street
Dayton, OH 45402
(937) 225-2910
(937) 225-2564 Fax
Attorney for Plaintiff
pamela.stanek@usdoj.gov

s/Jeanne M. Cors
JEANNE M. CORS (0070660)
RALPH W. KOHNEN (0034418)
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, OH 45202
(513) 357-9618
(513) 381-0205 Fax
Attorney for Union Savings Bank
cors@taftlaw.com
kohnen@taftlaw.com

s/Thomas W. Kendo, Jr.
THOMAS W. KENDO, JR. (0058548)
Thomas W. Kendo, Jr. Co. LPA
Attorney for Claimants,
Theresa Alexander & Brian Pester
thomas.kendo@kendolaw.com