

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

United States of America,

Plaintiff,

v.

(Tract 2) Wagoner County Real Property,
Parcel # 730002676, located at 28636 E.
750 Rd.;

(Tract 4) Wagoner County Real Property,
Parcel # 730002726, located at 29630 E.
760 Rd.; and

(Tract 5) Wagoner County Real Property,
Parcel # 730002803, located at 29630 E.
760 Rd.;

Defendants.

Case No. CIV-09-284-RAW

ORDER

Before the court is the Government’s renewed motion for judgment on the pleadings and/or summary judgment [Docket No. 65]. On September 12, 2011, the court entered an Order granting the Government’s motion for judgment on the pleadings and/or summary judgment as to Tract 2 and denying it as to Tracts 4 and 5. The court allowed the Government to submit additional evidence and re-urge its motion as to Tracts 4 and 5 no later than October 7, 2011.

The Government has provided additional evidence in the form of affidavits from Clarence Peace, Doyle Harris and Marc Collins. Clarence Peace averred that he sold Tracts 4 and 5 to Doyle Harris in 2003 for \$25,000.00. Doyle Harris averred that he purchased Tracts 4 and 5 from Clarence Peace in 2003 with \$25,000.00 given to him by his then wife, Rhonda Harris. Marc Collins averred that his investigation revealed that Rhonda Harris gave her then husband,

Doyle Harris, \$25,000.00 to purchase Tracts 4 and 5.

The court finds based on the totality of the evidence that the Government has established by a preponderance of the evidence that the property is subject to forfeiture as required by 18 U.S.C. § 983(c). The court has previously found unpersuasive JME's argument that it has superior interest in Tracts 2, 4 and 5 because it paid taxes on those tracts before the Government filed this civil forfeiture action. Similarly, JME's argument that the Government has failed to establish that the Harris's purchased Tracts 4 and 5 because it produced no evidence regarding the actual deeds is not persuasive.

Accordingly, the Government's renewed motion for judgment on the pleadings and/or summary judgment [Docket No. 65] is GRANTED. The Government shall submit a proposed Judgment and Decree of Forfeiture as to Tracts 2, 4 and 5 no later than December 16, 2011.

IT IS SO ORDERED this 2nd day of December, 2011.

Dated this 2nd day of December, 2011.



Ronald A. White
United States District Judge
Eastern District of Oklahoma