

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CIV-10-261-RAW

**PORTION OF NW 1/4 OF SECTION 12,
TOWNSHIP 16 NORTH, RANGE 18 EAST,
WAGONER COUNTY, OKLAHOMA;**

**CONTENTS OF CHARLES SCHWAB
INVESTMENT ACCOUNTS # XXX4397;
#XXXX3487; #XXXX-1213; #XXXX-6032;**

**CONTENTS OF FIRST BANK AND TRUST
COMPANY, WAGONER, OKLAHOMA,
ACCOUNT #XXX4004;**

**CONTENTS OF BANCFIRST ACCOUNT
#XXXXXXX4797;**

2009 BMW F800GS, VIN WB10229079ZU00233;

2009 BMW F800GS, VIN WB10229029ZU00320;

and

**2008 CHEVROLET SILVERADO,
VIN 2GCEC190X81190377;**

Defendants.

AMENDED JUDGMENT OF FORFEITURE

This cause having come before this Court upon the Motion for Judgment of Forfeiture
as to the Defendant Properties, to wit:

A. PORTION OF NW 1/4 OF SECTION 12, TOWNSHIP 16 NORTH,
RANGE 18 EAST, WAGONER COUNTY, OKLAHOMA:

NW¼, LESS AND EXCEPT the East 1155 feet of the North 1650 feet thereof, and LESS AND EXCEPT a tract of land situated in the Northwest Quarter (NW¼) of said Section 12, being more particularly described as follows: Beginning at the NW Corner of said NW¼; Thence S00°12'44"W and along the West line of said NW¼ a distance of 1173.99 feet; Thence S89°59'04"E a distance of 1484.24 feet to a point 1155 feet West of the East line of said NW¼; Thence N00°12'22"E and parallel to the East line of said NW¼ a distance of 1173.99 feet to the North line of said NW quarter; Thence N89°59'02"W and along said North line a distance of 1484.116 feet to the point of beginning; all in Section 12, Township 16 North, Range 18 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma,

Except:

The East 1,155 feet of South 990 feet of the NW ¼ of Section 12, Township 16 North, Range 18 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

B. CONTENTS OF CHARLES SCHWAB INVESTMENT ACCOUNTS

XXX4397; #XXXX3487; #XXXX-1213; #XXXX-6032;

C. CONTENTS OF FIRST BANK AND TRUST COMPANY,
WAGONER, OKLAHOMA, ACCOUNT #XXX4004;

D. CONTENTS OF BANCFIRST ACCOUNT #XXXXXXX4797;

E. 2009 BMW F800GS, VIN WB10229079ZU00233;

F. 2009 BMW F800GS, VIN WB10229029ZU00320;

G. 2008 CHEVROLET SILVERADO, VIN 2GCEC190X81190377

and all entities and/or persons interested in the Defendant Properties, in consideration thereof the Court finds as follows:

WHEREAS, on July 19, 2010, the verified Complaint for Forfeiture *In Rem* was filed in this action alleging that the Defendant Properties are subject to forfeiture pursuant to the United States of America, pursuant to 18 U.S.C. § 981(a)(1), because they were purchased with proceeds obtained through Bank Fraud as defined in 18 U.S.C. § 1344.

AND WHEREAS, on July 21, 2010, the Court entered a Writ of Entry;

AND WHEREAS, the United States posted notice of this civil forfeiture action on the official government internet site (www.forfeiture.gov) for 30 days, from April 30, 2011, through May 29, 2011;

AND WHEREAS Patricia Highsmith and Robert M. Highsmith were determined to be the only known persons or entity with standing to file a claim to the Defendant Properties, and, therefore the only persons to be served with process in this action;

AND WHEREAS, on May 16, 2011, Patricia Highsmith and Robert M. Highsmith signed a Consent to Forfeiture in Rem filed herein on August 1, 2011;

AND WHEREAS, all persons and/or entities interested in the Defendant Properties were required to file their claims herein within: (a) 30 days after actual notice; or (b) 35 days after the date notice is sent, (c) 30 days after the date of final publication, or 60 days after the first day of publication on an official internet government forfeiture site, whichever occurred first, and were required to file their answer(s) to the Complaint within twenty (20) days after filing their respective claim(s);

AND WHEREAS, no claims or answers have been filed of record in this action with the Clerk of the Court, in respect to the Defendant Properties, and no other persons or entities have plead or otherwise defended in this suit as to said Defendant Properties and the time for presenting claims and answers, or other pleadings, has expired; and, therefore, default exists as to the Defendant Properties and all persons and/or entities interested therein, except Patricia Highsmith and Robert M. Highsmith, who have disclaimed any interest in the properties;

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the following-described Defendant Properties:

A. PORTION OF NW 1/4 OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 18 EAST, WAGONER COUNTY, OKLAHOMA:

NW¼, LESS AND EXCEPT the East 1155 feet of the North 1650 feet thereof, and LESS AND EXCEPT a tract of land situated in the Northwest Quarter (NW¼) of said Section 12, being more particularly described as follows: Beginning at the NW Corner of said NW¼; Thence S00°12'44"W and along the West line of said NW¼ a distance of 1173.99 feet; Thence S89°59'04"E a distance of 1484.24 feet to a point 1155 feet West of the East line of said NW¼; Thence N00°12'22"E and parallel to the East line of said NW¼ a distance of 1173.99 feet to the North line of said NW quarter; Thence N89°59'02"W and along said North line a distance of 1484.116 feet to the point of beginning; all in Section 12, Township 16 North, Range 18 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma,

Except:

The East 1,155 feet of South 990 feet of the NW ¼ of Section 12, Township 16 North, Range 18 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

- B. CONTENTS OF CHARLES SCHWAB INVESTMENT ACCOUNTS
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WAGONER, OKLAHOMA, ACCOUNT #XXX4004;
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- F. 2009 BMW F800GS, VIN WB10229029ZU00320;
- G. 2008 CHEVROLET SILVERADO, VIN 2GCEC190X81190377;

be, and it hereby is, forfeited to the United States of America for disposition according to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshals Service shall distribute the proceeds of the sale of the Defendant Properties as follows:

- 1) First, from the sale of the Defendant Real Property, payment to the United States of America of all expenses of forfeiture of the Defendant Real Property, including, but not limited to expenses of advertising and sale;
- 2) Second, from the sale of the Defendant Real Property, any unpaid ad valorem taxes on the Defendant Real Property which are due and payable on or before the date of entry of a judgment of forfeiture;
- 3) The remaining proceeds from the sale of the Defendant Real Property shall be deposited in the asset forfeiture fund and disposed of according to law.

Entered this 17th day of February, 2012.

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

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

SUBMITTED BY:

s/ Linda A. Epperley
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