

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

UNITED STATES OF AMERICA,	)	CIVIL ACTION NO. 4:12-994-RBH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
\$28,435 IN UNITED STATES	)	
CURRENCY,	)	
	)	
Defendant.	)	

CONSENT ORDER OF FORFEITURE

This *in rem* forfeiture action was filed on April 10, 2012, concerning \$28,435 in United States currency (the “Defendant Currency”) seized on or about September 14, 2011, by the Darlington County Sheriff’s Office. The seizure was subsequently adopted by United States Drug Enforcement Administration (“DEA”).

The Government served the known potential claimant, Travious Antwain Smith (“Claimant”), and his attorney, Rose Mary Parham by providing them with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on April 12, 2012 (Docket Entry 6). As set forth in the Declaration of Publication filed with the court on May 22, 2012 (Docket Entry 8), and in accordance with Supplemental Rule G(4), Fed.R.Civ.P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov”, for at least 30 consecutive days, beginning on April 13, 2012, and ending on May 12, 2012. Any person claiming an interest in the Defendant Currency was required to file a claim within sixty days after the first date of such publication (by June 12,

2012). All time limits for the filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The United States and Travious Antwain Smith have reached the following settlement. First, \$12,000 of the Defendant Currency is to be returned to Travious Antwain Smith by the United States issuing an electronic funds transfer payment in that amount to “Parham Law Firm, LLC IOLTA Account.”<sup>1</sup> Second, the balance of the Defendant Currency, to wit, \$16,435, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

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<sup>1</sup>Federal law, codified at 31 U.S.C. § 3716 (the “Debt Collection Improvement Act of 1996”), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimants owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

ORDERED, ADJUDGED, AND DECREED, that:

1. All persons and entities other than Travius Antwain Smith claiming any right, title or interest in or to the Defendant Currency are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Marshals Service shall return \$12,000 of the Defendant Currency to Travius Antwain Smith by electronic funds transfer payment from the United States to "Parham Law Firm, LLC IOLTA Account."

3. Pursuant to 21 U.S.C. § 881(a)(6), the balance of the Defendant Currency, to wit, \$16,435, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$16,435 of the Defendant Currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$16,435 of the Defendant Currency are hereby forever foreclosed and barred.

5. The \$16,435 of the Defendant Currency forfeited herein shall be disposed of by the Government in accordance with law.

SO ORDERED this 17th day of September, 2012.

s/R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

Florence, South Carolina