

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 TWENTY-EIGHT FIREARMS, ASSORTED)
 FIREARM AMMUNITION, AND FIREARM)
 ACCESSORIES,)
)
 Defendants.)

**Docket No. 3:02-0666
Judge Echols**

DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE

Plaintiff, United States of America, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, has moved for a Default Judgment and Final Order of Forfeiture forfeiting the defendant property to the United States of America.

On July 16, 2002, the United States of America filed a Verified Complaint for Forfeiture seeking forfeiture of the above-captioned defendant property, alleging that the defendant property, constitutes firearms, ammunition, and firearm accessories involved in or used in any knowing violation of 18 U.S.C. §§ 922 or 924, or any violation of any other criminal law of the United States; and firearms, ammunition, and firearm accessories possessed in and affecting interstate commerce, by a person convicted in a court of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1) and that the defendant property is liable to condemnation and forfeiture to the United States for its use, in accordance with 18 U.S.C. § 924 (d). (D.E.1).

Pursuant to the Warrant and Summons for Arrest of Articles *In Rem* issued by the Clerk of this Court on July 16, 2002, the United States Marshal for the Middle District of Tennessee seized defendant property on July 29, 2002 (D.E.3).

On June 29, 2002, Jo Ann Gilliland was served through her counsel, Peter Strianse, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings (D.E. 25-1).

On June 29, 2002, Chris Fish was served, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings (D.E. 25-1).

On June 29, 2002, Jonathan Fish was served, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings (D.E. 25-1).

On June 29, 2002, service by certified mail, return receipt was attempted on Larry Gilliland. On September 19, 2002, Larry Gilliland was personally served by the U.S. Marshal Service with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings (D.E. 25-1).

On June 9, 2008, RSR Group, Inc. was served through Richard Blews, it's Resident Agent, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings (D.E. 25-1).

Pursuant to the Notice of Judicial Forfeiture Proceedings, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within thirty-five (35) days from service of the Verified Complaint *In Rem*, and Notice of Judicial Forfeiture.

Jo Ann Gilliland filed a Verified Claim on August 8, 2002 (D.E. 4) and an Answer on September 9, 2002 (D.E. 6). On September 23, 2008, Jo Ann Gilliland withdrew her Claim and Answer (D.E. 23).

RSR Group, Inc. filed a verified claim on July 7, 2008 (D.E. 19) and the Court terminated said claim on August 13, 2008 (D.E. 22).

Public notice to all persons of said forfeiture action was advertised in *The Nashville Record* on September 5, 2002, September 12, 2002, and September 19, 2002 (D.E. 26).

Pursuant to said notice, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within thirty (30) days from the last date of publication of the Notice.

No other persons or entities have filed a Verified Claim within the time permitted by Title 18, United States Code, Section 983(a)(4)(A), and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure.

The Clerk of this Court has entered a default as to all persons and entities claiming an interest in defendant property, pursuant to Rule 55(a) Federal Rules of Civil Procedure (D.E.27).

The United States has now moved for entry of a Default Judgment and this Court is of the opinion that the Motion of the United States for Default Judgment should be granted and Default Judgment be entered as to all persons or entities who may claim to have an interest in the defendant property. Further, the Court finds that the Verified Complaint for Forfeiture establishes probable cause to believe that the defendant property constitutes firearms, ammunition, and firearm accessories involved in or used in any knowing violation of 18 U.S.C. § 922, or knowing violation of 18 U.S.C. §924, or any violation of any other criminal law of the United States; and firearms, ammunition, and firearm accessories possessed in and affection interstate commerce, by a person convicted in a court of a crime or crimes punishable by imprisonment for a term exceeding one year, all in violation of 18 U.S.C. § 922(g)(1), and is therefore subject to seizure and forfeiture under the provisions of 18 U.S.C. § 924(d), therefore, a Final Order of Forfeiture should be entered.

The Motion of the United States for Default Judgment and Final Order of Forfeiture is hereby GRANTED. Therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. A Judgment by Default is hereby entered as to Larry D. Gilliland, Jo Ann Gilliland, RSR Group, Inc. Chris Fish, Jonathan Fish, and all other persons or entities with respect to any interest they may have in the defendant property.

2. The defendant property more particularly described as: One Springfield V10 Ultra Compact Pistol, Serial Number N374879; One Browning Arms Shotgun, Serial Number X11551; One Military Armament Corporation M10A1A Machine Gun, Serial Number A6041772; One Sphinx Engineering Company AT2000P Pistol, Serial Number B01324PS; One Czechoslovakia 70 Pistol, Serial Number J74984; One Smith & Wesson 19-4 Revolver, Serial Number 31K8320; One Beretta 92FS Pistol, Serial Number BER 199010Z; One Arcadia Machine & Tool Auto II Pistol, Serial Number H35558; One North China Industries SKS Rifle, Serial Number 93-61678; One Rossi Rocket Single Shot Rifle, Serial Number SMC880086; One Romania AK 44/SAR 3 Rifle, Serial Number S3-03780-2000; One Weatherby Partican II Shotgun, Serial Number 0142; One Marlin 30AW Rifle, Serial Number 10083357; One Marlin 336 Rifle, Serial Number 18089302; One North China Industries MAK 90 Sporter Rifle, Serial Number 94117651; One Marlin 60 Rifle, Serial Number 26204741; One Remington Arms Company 700 Rifle, Serial Number C6368119; One Remington Arms Company 700 Rifle, Serial Number E6253869; One Remington Arms Company Nylon 66 Rifle, Serial Number A2366945; One Remington Arms Company 742 Rifle, Serial Number B7254755; One Marlin 20 Rifle, Serial Number 23711473; One North China Industries SKS Rifle, Serial Number 24142539; One Ratmil Mak 90 Rifle, Serial Number 3-0082597; One

Ruger 10/22 Rifle, Serial Number 230-06294; One Ruger 10/22 Rifle, Serial Number 238-81618; One Remington Arms Company Nylon 66 Rifle, Serial Number 2261726; One Zastava M-90 Rifle, Serial Number 005829; One Marlin 336 Rifle, Serial Number 10007875; Twelve 40-caliber rounds; Seven 45-caliber rounds; Forty-five Glock magazines marked L.E. / Govt. Only; Six 357-caliber rounds; Fourteen 9-caliber rounds; Ten 22-caliber rounds; and One folding shoulder stock for Glock pistols, is hereby forfeited to the United States of America, and all right, title and interest in and to said property is hereby vested in the United States of America, pursuant to 18 U.S.C. § 924.

3. The United States Marshals Service and/or the Bureau of Alcohol, Tobacco and Firearms, as custodian of said forfeited property, shall dispose of the same according to law.

4. The Clerk of this Court shall provide the United States Attorney's Office with a certified copy of this order.

Dated on this, the 31st day of October, 2008.


UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

EDWARD M. YARBROUGH
United States Attorney

By: ~~s/Debra Teufel Phillips~~ _____
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