

1173

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT
811 8TH STREET, P. O. BOX 641,
CALERA, ALABAMA 35040

Defendant.

DEC 27 1991
U.S. DISTRICT COURT
CIVIL ACTION NO CV 91-H-2025-S

ENTERED

DEC 27 1991

ORDER OF FORFEITURE

The United States of America filed the above-styled civil action, pursuant to 21 U.S.C. § 881(a)(7), seeking the civil forfeiture in rem of the defendant property, real property located at 811 8th street, P. O. Box 641, Calera, Alabama 35040, more particularly described as:

That portion of Block 117, according to Dunstan's Map of the Town of Calera, Alabama, more particularly described as follows:
Begin at the SE intersection of 8th Avenue and 8th Street in Calera; thence East 200 feet; thence South 200 feet; thence West 55 feet; thence North 66 feet; thence West 145 feet; thence North 134 feet to the point of beginning.

Situated in the Town of Calera, Shelby County, Alabama.

Plaintiff has now moved this Court for entry of an Order of Forfeiture.

✓ U.S. Marshall

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The Court, being fully advised of the premises, finds that the United States has furnished due and legal notice of this proceeding as required by statute, that plaintiff has served actual notice to the only persons or entities known to have a possible interest in the defendant property, and that the plaintiff caused public notice of the action and arrest to be given by publishing a Legal Advertisement and Notice in The Birmingham News and in The Shelby County Reporter on September 18, September 25, and October 2, 1991, newspapers of general circulation in the district and county in which the property is located.

No claim or answer has been filed by James Anthony Johnson or Florida Johnson.

Charles Baxley has filed a claim against the defendant real property based on a mortgage in the amount of \$10,497.49. The plaintiff acknowledges Charles Baxley as an innocent lienholder.

The defendant real property is subject to a judgment lien in favor of State Farm Mutual Automobile Insurance Company in the amount of \$404.94.

The defendant real property is subject to a judgment lien in favor of Brookwood Medical Center in the amount of \$2,274.64.

The defendant real property is subject to a judgment lien in favor of Shelby County Health Care Authorities in the amount of \$860.07.

The time for filing claims and answers has now expired. There being no just reason for delay in entering a final order,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Final Judgment of Forfeiture be and the same is hereby entered in favor of the United States of America, pursuant to 21 U.S.C. § 881(a)(7), subject to the valid liens of Charles Baxley, Shelby County Health Care Authorities, State Farm Mutual Automobile Insurance Company, and Brookwood Medical Center.

2. That all persons, other than Charles Baxley, Shelby County Health Care Authorities, State Farm Mutual Automobile Insurance Company, and Brookwood Medical Center, claiming any right, title or interest in or to the defendant property are held in default.

3. It is further ordered that the United States of America has clear title to the defendant real property no other rights exist therein except as set out in this Order. Title to the defendant real property is vested in the United States of America as of April 1990, the date of the illegal activity giving rise to this forfeiture action, pursuant to 21 U.S.C. § 881(h).

4. Upon entry of this order, the United States may proceed to sell the defendant real property or otherwise dispose of the defendant real property according to law and the proceeds derived

from the sale or disposition of the defendant real property shall be applied and distributed as follows and in the following order:

a. Payment of all costs of seizure and sale, and Marshal's expenses.

b. Payment to Charles A. Baxley the sum of \$10,497.49.

c. Payment to State Farm Mutual Automobile Insurance Company the sum of \$404.94.

d. Payment to Brookwood Medical Center the sum of \$2,274.64.

e. Payment to Shelby County Health Care Authorities the sum of \$860.07.

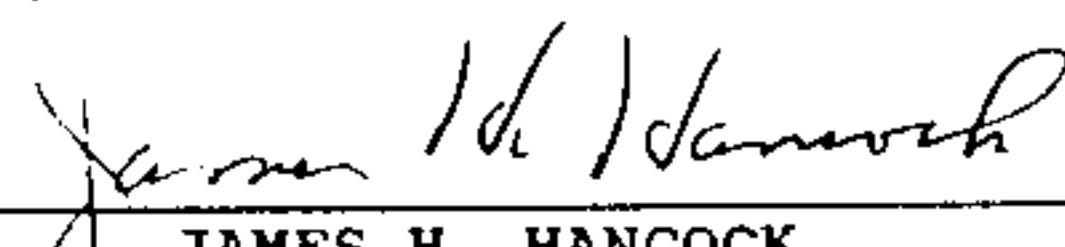
f. Payment of the balance of the proceeds to the United States of America, to be disposed of by the United States Marshal according to law.

g. In the event the Marshal is unable to sell the defendant property at an outright sale for a sum sufficient to pay the lienholders the sums set forth in the preceding paragraphs, then the Marshal shall be free to dispose of the property in any manner permitted by law; including, if necessary, a quitclaim to the lienholders. If the Marshal disposes of the property by sale (as opposed to a quitclaim to the lienholders), he shall distribute the proceeds he receives in the order of the priorities enumerated in the preceding paragraphs. In such an event, no party shall have any cause of action against the United States on account of any deficiency thereby created.

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It is further ordered that all parties shall be responsible for their own costs and attorney's fees incurred in this proceeding.

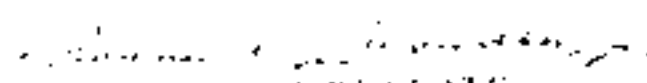
DONE, this 27th day of DECEMBER, 1991.


JAMES H. HANCOCK
UNITED STATES DISTRICT JUDGE

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STATE OF ALABAMA
I CERTIFY THIS
INSTRUMENT WAS FILED

92 JAN 23 PM 1:24


CLERK OF PROBATE

1. Deed tax	\$	
2. Mtn. fee	\$	
3. Recording fee	\$	12.50
4. Indexing fee	\$	3.00
5. Map tax fee	\$	
6. Correlation fee	\$	1.00
Total	\$	16.50