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

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
\$1,299,999.50 IN UNITED STATES)
CURRENCY; CERTAIN REAL PROPERTY)
LOCATED AT 263 WEATHERBROOK LANE,)
ANNISTON, ALABAMA, *et al.*; and CERTAIN)
REAL PROPERTY LOCATED AT 57)
TIFFANY TRACE, ANNISTON, ALABAMA,)
et al.,)
)
Defendants.)

Case Numbers
CV 01-C-1274-E ✓
CV 01-C-1345-E
CV 01-C-1346-E
CR 03-C-0056-E

ENTERED

AUG 22 2003

CONSENT JUDGMENT AND ORDER OF FORFEITURE

In May, 2001, the United States of America filed three related civil *in rem* forfeiture actions in this district, pursuant to 18 U.S.C. § 981 (a): U.S. v. \$1,129,999.50 in U.S. Currency, CV-01-C-1274-E; United States v. Certain Real Property Located at 263 Weatherbrook Lane, Anniston, AL *et al.*, CV-01-C-1345-E; and United States v. Certain Real Property Located at 57 Tiffany Trace, Anniston, AL *et al.*, CV-01-C-1346-E. The focus of all three cases was the Platinum Club, located in Anniston, Alabama, and owned and operated by Harvey J. Bowman and his wife, Bobbie J. Bowman. Each case sought the forfeiture of the various defendant real and personal properties named therein, either as proceeds of prostitution in violation of 18 U.S.C. §1952, or as property involved in money laundering activity in violation of 18 U.S.C. § 1956.

29

As these civil forfeiture actions involve issues of law and fact common to the criminal prosecution in United States v. Harvey J. Bowman, et al., CR-03-C-056-E (N.D. Ala.), these actions have now been consolidated for all purposes by order of this Court.

On August 12, 2003, Harvey J. Bowman and Bobbie J. Bowman each plead guilty to one count of conspiracy in violation of 18 U.S.C. § 371, based on Travel Act violations and money laundering related to a prostitution ring operating out of the Platinum Club. During court proceedings held as part of the criminal action later that day, counsel for the government and for the Bowmans informed the Court that the parties had reached a settlement of all outstanding forfeiture issues without the need for further litigation. Accordingly, based upon the pleadings on record and the terms of that settlement as stated in open court, the Court hereby enters a consent judgment and final order of forfeiture as to all consolidated cases.

The Court, being fully advised of the premises, finds that the United States has furnished due and legal notice of the civil forfeiture proceedings as required by statute, that all persons known to the government with a possible interest in the defendant properties named in each case received actual service of a copies of the Verified Complaint for Forfeiture and a Notice which set out the procedures available for contesting the forfeiture, that claims were filed by Harvey J. Bowman and wife, Bobbie J. Bowman

(hereafter referred to as "Claimants") to all defendant properties; that Compass Bank filed claims to the defendant 2001 Lincoln Town Car limousine (Case No. CV-01-C-1345-E) and the defendant real property located at 2222 Lake Heather Circle, Birmingham, Alabama (Case No. CV-01-C-1346-E), based on outstanding liens that the bank holds on those two properties, that the United States and the Bowmans have now reached an agreement by which they consent to the entry of a Final Order of Forfeiture as set out below, that the United States hereby recognizes the claims of Compass Bank to the extent of respective outstanding balances, that no other claims or answers have been filed, and that the time for filing claims and answers has now expired. The Court having considered the terms of parties' settlement agreement and there being no just reason for delay in entering a final order,

It is therefore **ORDERED, ADJUDGED, and DECREED:**

1. That the sum of \$564,999.75 (plus accrued interest thereon, if any), representing one-half of the named defendant currency in Case No. CV-01-C-1274-E, shall be, and is hereby forfeited to the United States of America, pursuant to 18 U.S.C. § 981(1)(C).

2. That the remaining balance of the defendant currency in the sum of \$564,999.75 (plus accrued interest thereon, if any), representing one-half of the named defendant currency in Case No. CV-01-C-1274-E, shall be returned to the Claimants forthwith

through their counsel, Bobby Lee Cook, Esquire, 9899 South Commerce Street, Summerville, Georgia 30747.

3. That all defendant properties named in Case No. CV-01-C-1345-E, as more particularly described below, shall be, and are hereby forfeited to the United States of America, pursuant to 18 U.S.C. § 981(1)(a)(A):

(a) Certain real property located at 263 Weatherbrook Lane, Anniston, Alabama, known as the "Platinum Club," together with all contents therein, and all improvements, fixtures, and appurtenances thereon, and more particularly described as follows:

All of the W ½ of the NW 1/4 of the SW 1/4 of Section 1, Township 15 South, Range 8 East, and being a part of that certain deed as recorded in Vol. 1336 at page 958 in the Probate Office of Calhoun County, Alabama, said property being that part of north of a creek as shown on attached Plat and being more particularly described as follows: Beginning at a brass cap corner set by the U.S. Govt. in the year 1919 marking the northwest corner of the NW 1/4 of the SW 1/4 of Section 1, Township 15 South, Range 8 East, thence North 87 degrees and 51 min. East along the North line of said Quarter 660.00 ft. to the north line of a creek, thence meander along the center of said creek in a southwesterly direction as shown by a traverse line to the west line of said Quarter traverse line bearing and distance is South 68 degrees and 16 min. West 701.18 ft. to the West line of said Quarter, thence North 02 degrees and 00 min. West along the West line of said Quarter 760.00 ft. to the point of beginning.

Containing 10.95 acres and being that part of the W ½ of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 1, Township 15 South, Range 8 East, north of said creek.

(b) One (1) 2001 Lincoln Town Car, VIN 1L1FM81W01Y612098, Alabama license number 11Q-2517.

4. That the following defendant properties, named in Case No. CV-01-C-1346-E (or property substituted therefor by court order), are hereby forfeited to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C):

(a) The sum of \$108,073.08 (plus accrued interest thereon, if any), representing one-half of the net proceeds of \$216,146.16 from the interlocutory sale of the named defendant real property located at 879 Launch Road, Ashville, Alabama, and substituted therefor by order of this Court on January 23, 2002;

(b) Certain commercial property and real estate located at 3089 U.S. Highway 78 East, Anniston, Alabama, more particularly described as follows:

Parts of Lots 46 and 47, as shown on the map of McComb Court Development as recorded in the Office of the Probate Judge of Calhoun County, Alabama in Plat Book "I", Page 8, and being more particularly described as beginning at a point on the South line of said Lot #47, that is 293.5 feet east of the Southwest corner thereof, said beginning point also being on the north line of U.S. Highway #78; thence easterly along the north line of said highway a distance of 16.0 feet thence northwesterly at an interior angle of 94 degrees 24 minutes, a distance of 203.9 feet; thence westerly at an interior angle of 81 degrees 30 minutes, a distance of 16.0 feet; thence southerly a distance of 203.9 feet more or less. Also: Lots 49 and 48 and part of lots 46 and 47 as shown on the map of McComb Court Development, as recorded in the Office of the Probate Judge of Calhoun County, Alabama In Plat Book "I",

Page 8, that part of lots 46 and 47 being more particularly described as beginning at the Southeast corner of Lot 46, thence westerly along the north line of U.S. Highway 78 a distance of 99.7 feet; thence northerly at an interior angle of 85 degrees 36 minutes, a distance of 203.9 feet, more or less, to the North line of Lot 47; thence easterly along the north line of said Lot 47, a distance of 158.3 feet to the Northeast corner thereof; thence southerly along the east line of said Lot 47, a distance of 80.0 feet to the Southeast corner thereof; thence westerly along the north line of Lot 45 to the northeast corner of Lot 46, a distance of 100.0 feet; thence southerly along the east line of said Lot 46, a distance of 150.0 feet to the point of beginning.

(c) Certain real property located on U.S. Highway 78 East, and more particularly described as follows:

Lot 45 of the McComb Court Development Map of which is recorded in Plat Book I, at Page 8, in the Probate Office of Calhoun County, Alabama; situated on U. S. Highway 78 and fronting 101 feet on said highway and being 165 feet deep on the East side and 150 feet deep on the West side in Section 23, Township 16, Range 8; Calhoun County, Alabama.

(d) Certain real property located at 2222 Lake Heather Circle, Birmingham, Alabama, more particularly described as follows:

A parcel of land situated in Sections 35 and 36, Township 18 South, Range 2 West and Sections 1 and 2, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the NW corner of Lot 24, Lake Heather Estates as recorded in Map Book 16, Page 121 in the Office of the Judge of Probate of Shelby County, Alabama; thence run in a

Southeasterly direction along the Southwest line of said Lot 24 for a distance of 116.85 feet to the Southwest corner of said Lot 24, said corner being 5 feet inland of the boundary of Lake Heather, said boundary being at a normal pool elevation of 495 MSL; thence run 5 feet, more or less along same course to the 495 contour on said boundary; thence turning to the right and running in a Southwesterly to Northwesterly to Southeasterly direction along the meanderings of said boundary of Lake Heather a total distance of 2,826.00 feet, more or less, to a point on the Northwest right of way of Lake Heather Circle as recorded in said Lake Heather Estates; thence run in a Southeasterly direction crossing said Lake Heather Circle along a projection of the Southwest line of said Lot 24 for a distance of 50.00 feet to the point of beginning; being situated in Shelby County, Alabama.

5. That the United States shall pay claimant Compass Bank that amount due on the respective outstanding liens for the said 2001 Lincoln Town Car limousine and real property located at 2222 Lake Heather Circle, Birmingham, Alabama (as each property is more specifically identified herein) as determined under the terms of an Expedited Settlement Agreement entered by those parties for each property.

6. That all other defendant properties in Case No. CV-01-C-1346-E, and all other properties under seizure by the United States in connection with this matter shall be, and are hereby DISMISSED and shall be RELEASED or otherwise made available by the United States as promptly as possible to David McKnight, Esquire, counsel

for Claimants Harvey J. Bowman and Bobbie J. Bowman, 2008 3rd Avenue South, Birmingham, Alabama 35233, or to Mr. McKnight's designee.

7. That this Order hereby forfeits all right, title, and interest held by Harvey J. Bowman and Bobbie J. Bowman in each of the defendant real and personal properties forfeited herein. Furthermore, that the United States has clear right, title, and interest to each of the defendant real and personal properties forfeited herein, and that no property rights exist therein except as set out in this Order.

8. That all properties forfeited herein held in the custody of the Department of Treasury or the U.S. Marshals Service shall be disposed of by said custodial agency according to law.

9. That all parties shall be responsible for their own costs and attorney's fees incurred in these proceedings.


10. That a certificate of reasonable cause shall be issued to the United States of America in this consolidated action, in accordance with 28 U.S.C. § 2465.

11. The clerk of court shall forward a copy of this order to all counsel, the U.S. Marshals Service, and the Internal Revenue Service-Criminal Investigations.

DONE this 22^d day of August, 2003.



U.W. CLEMON
Chief United States District Judge

A TRUE COPY
PERRY D. MATHIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY:  DEPUTY CLERK