

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

UNITED STATES OF AMERICA)
)
)
 v.) Case No. 2:08-cr-0196-KOB-TMP
)
)
 EDWARD BROWNING McCLAIN,)
 also known as “E.B. McCLAIN,” and)
)
 SAMUEL P. PETTAGRUE)

FIRST AMENDED ORDER OF FORFEITURE AS TO CERTAIN SUBSTITUTE ASSETS

This matter came before this court on the Government's motion (doc. 147) to forfeit certain real property of defendant Samuel P. Pettagruie in substitution for the \$306,909.08 forfeiture judgment imposed on May 21, 2009, as proceeds of the conspiracy to commit bribery, mail fraud, and money laundering for which the defendants were convicted by a jury. Having reviewed the Government's motion, this court is satisfied that the United States does not currently have possession of the \$306,909.08 in forfeited proceeds; and that the real and personal property identified in the Government's motion are properties in which defendant Pettagruie, either in whole or in part, hold an interest as required by 21 U.S.C. § 853(p). Accordingly,



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Shelby Cnty Judge of Probate, AL
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The court hereby ORDERS:

1. That, pursuant to Fed. R. Crim. P. 32.2(e)(2)(A), all right, title, and interest of defendant Samuel P. Pettagrue in the following property is hereby FORFEITED to the United States in substitution for the \$306,909.08:

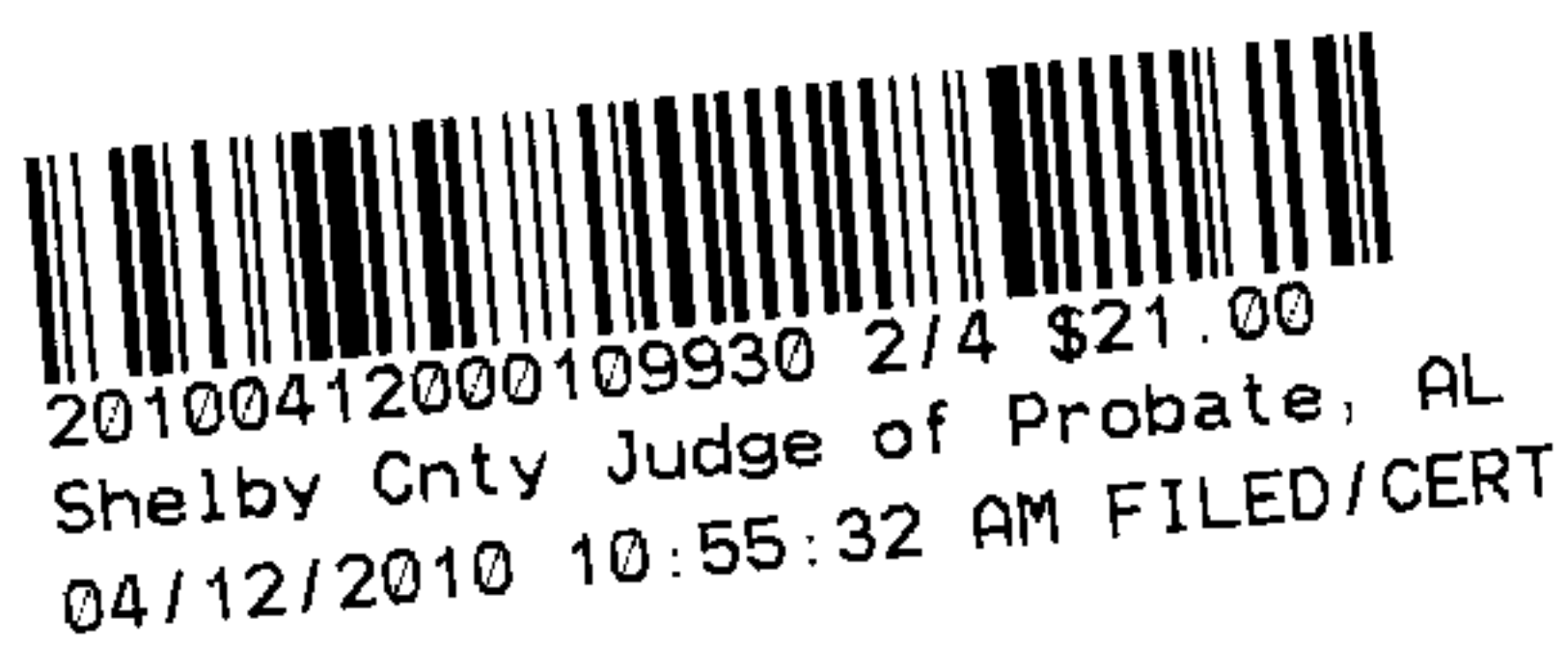
- a. Certain real property located at 21 Squires Glen Lane, Leeds, Alabama, together with all improvements, appurtenances, and attachments thereto, and more particularly described as follows:

Lot 21, according to the Survey of The Shires, Phase II, a private subdivision, as recorded in May Book 13, Page 86, in the Probate Office of Shelby County, Alabama; and

- b. One (1) 2008 Lexus ES350, VIN JTHBJ46G982184094.

2. That the substitute properties are forfeited up to the value of \$306,909.08, such value to be determined by the net proceeds realized by the Government upon sale or disposition of the substituted assets and the disposition of any third party claims to said properties. Any net proceeds from the sale or disposition of the substitute properties that exceed the amount of \$306,909.08 shall be returned to defendant Pettagrue.

3. That the United States Attorney General or his authorized designee shall seize the above substitute property, and retain custody of same pending further order of this court pursuant to Fed. R. Crim. P. 32.2(b)(3).



4. That upon the issuance of this Order and pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the properties in such a manner as the Attorney General may direct in accordance with law. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties that are the subject of this Order, as a substitute for published notice as to those persons so notified.

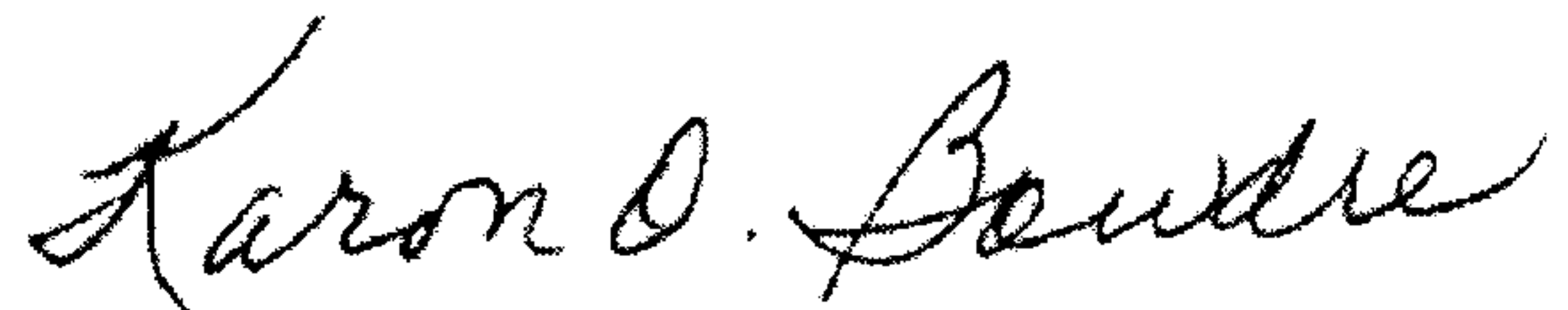
5. That any person, other than defendant Samuel P. Pettagrue, having or claiming a legal interest in the forfeited property must petition the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier, for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, under the grounds set forth in 21 U.S.C. §§ 853(n)(6)(A) and (B). The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

6. That, following the court's disposition of all third party interests, the court shall, if appropriate, enter a final order of forfeiture as to each property that is subject of this order of forfeiture, vesting clear title in the United States of America.


7. That the *Final Order of Forfeiture* entered on May 21, 2009, shall remain in full force and effect until the forfeiture judgment has been fully satisfied or until further order of this court, and that this court has the authority, pursuant to the provisions of 21 U.S.C. § 853(p), to order forfeited additional substitute assets to satisfy any remaining balance of said forfeiture judgment.

8. That the Clerk for the United States District Court for the Northern District of Alabama shall deliver a certified copy of this *First Amended Order of Forfeiture as to Certain Substitute Assets* to the United States Marshal and to counsel for the parties.

ORDERED this 30th day of March 2010.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE



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Shelby Cnty Judge of Probate, AL
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SHARON N. HARRIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

BY: 
DEPUTY CLERK