

RECEIVED
IN THE DISTRICT COURT OF THE UNITED STATES
2014 JUN 25 AM 11:34 DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION
UNITED STATES MARSHALS
COLUMBIA SC

UNITED STATES OF AMERICA

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CRIMINAL NO. 4:11-268

VS.

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CARROLL L. FREEMAN

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AMENDED PRELIMINARY ORDER OF FORFEITURE
AS TO CARROLL L. FREEMAN

intended to be used in some manner or part to facilitate felony violations of 21 U.S.C. § 846. The court finds that Freeman has an interest in such property, and that this property is subject to forfeiture to the United States pursuant to 21 U.S.C. §§ 853(a)(1), 853(a)(2) and 881, and 28 U.S.C. § 2461(c).

5. The court has further determined that the government has established the requisite nexus between the said property subject to forfeiture and the offense for which Freeman has been convicted; therefore, pursuant to 21 U.S.C. §§ 853(a)(1), 853(a)(2) and 881, and 28 U.S.C. § 2461(c), the property shall be forfeited to the United States, subject to the provisions of 21 U.S.C. § 853(n) governing third party rights.

6. The court further finds that the United States is entitled to a judgment of forfeiture and possession of the said property pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. All right, title and interest of the Defendant, Carroll L. Freeman, in and to the following property, is hereby forfeited to the United States of America for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n). By consent of all parties, it was agreed that a five acre tract of land with road frontage, be subdivided from the original 20 acres listed in the Preliminary Order of Forfeiture filed on January 11, 2012, and that the five acre tract would be forfeited to the government.¹

The five acre tract is described as follows:

¹ The United States Government was deeded the 5 acre tract of land on October 17, 2012.

Real Property:

728 Toney Mill Road
Society Hill, SC 29583
Chesterfield County, SC
[REDACTED]

KNOWN ALL MEN BY THESE PRESENTS, that I, CARROLL L. FREEMAN, in the State aforesaid, for and in consideration of Forfeiture of five (5) acres to the United States Government, District of South Carolina, Florence Division, Florence, South Carolina, in the State aforesaid, whereof is hereby acknowledged, have granted, bargained, sold and released, by these presents do grant, bargain, sell and release unto the said grantees, his heirs and assigns forever:

All my right, title, and interest in five (5) acres, parcel, or tract of land, with the improvements thereon, in Chesterfield County, South Carolina containing five acres (5) acres, more or less, being surveyed by Lind, Hicks, & Associates Surveyors Inc. of Timmonsville, South Carolina on April 16, 2012 and being the remainder of Tract 22.2 acres delineated on Plat made by Mrs. Austin Freeman, April 12, 1960, By T.E. Wilson and Sons C.E. and L.S., a copy of which is conveyances of western most 6 acres thereof to Odom, which 6 acres are delineated on plat made in October, 1979, by Lind Surveying Company, Inc. a copy which is recorded in Chesterfield County in Plat Book 30 at page 81, the 16.2 acres herein conveyed being bounded as follows: North by property, now or formerly of West Virginia Pulp and Paper Company; East: By property, now or formerly, of Atkinson; South; by public road S-13-171; and West: by said 6 acres tract conveyed to Odom by deed recorded in Deed Book 260 at Page 925, Chesterfield County Records, recorded in Chesterfield County Plat Book the certain piece, parcel or tract of land situate, lying and being, state and county aforesaid, containing five (5) acres, more or less and more particularly described as follows: Begins at a pipe on the Northern edge of the Iron O $\frac{1}{2}$ pipe 264.20 and runs thence South 561.00, with right of way South of 242.40' and North of 263.08' West 349.50' to a pipe thence North 561.00' feet to a pipe on the Northern edge of Toney Mill Road; Thence along the margin of said road 258.04 feet to the beginning corner.

This being the same property obtained by the Grantors by deed dated May 8, 1980 and recorded in Book 263 at Page 956 Chesterfield County Records.

[REDACTED]

2. Upon entry, this Order becomes final as to Freeman, and shall be made a part of his sentence and included in the criminal Judgment;

3. The United States shall publish notice of this Order and its intent to dispose of the property in such manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the said property;

4. Upon entry of this Order, the United States Marshal's Service or their designee is authorized to seize the above-described forfeited property as directed by the United States Attorney's Office and to commence proceedings that comply with statutes governing third party rights;

5. Any person, other than the named Defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6) and Fed. R. Crim. P. 32.2(c);

6. Any petition filed by a third party asserting an interest in the above-described property 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 subject property, the time and circumstances of the petitioner's acquisition of the right, title or interest in such property, and additional facts supporting the petitioner's claim and the relief sought;

7. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues;

8. The United States shall have clear title to the property following the court's determination of all third party interests, or, if no petitions are filed, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions;

9. The court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary, pursuant to Fed. R. Crim. P. 32.2(e);

10. The Clerk, U.S. District Court, shall provide one (1) certified copy of this Order to the United States Attorney's Office.

AND IT IS SO ORDERED.

s/R. Bryan Harwell
R. BRYAN HARWELL
UNITED STATES DISTRICT JUDGE

December 5, 2012
Florence, South Carolina



A TRUE COPY
ATTEST: ROBIN L. BLUME, CLERK

BY: *Maxine W. Campbell*
DEPUTY CLERK