

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 11 CR 493
)	Judge Elaine E. Bucklo
MATTHEW J. SMITH-MECK)	

FINAL ORDER OF FORFEITURE

This cause comes before the Court on motion of the United States for entry of a final order of forfeiture as to specific property pursuant to the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and Fed. R. Crim. P. 32.2, the Court being fully informed hereby finds as follows:

(a) On July 21, 2011, an information was filed charging defendant MATTHEW J. SMITH-MECK with mail fraud pursuant to the provisions of 18 U.S.C. ' 1341, among other violations;

(b) The information sought forfeiture to the United States of certain property belonging to defendant MATTHEW J. SMITH-MECK pursuant to the provisions of 18 U.S.C. ' 981(a)(1)(C);

(c) On June 4, 2012, defendant MATTHEW J. SMITH-MECK entered a voluntary plea of guilty to Counts One and Five of the information charging him with violations of 18 U.S.C. " 1341 and 1001;

(d) Pursuant to the terms of the plea agreement and as a result of his violation of 18 U.S.C. ' 1341, defendant MATTHEW J. SMITH-MECK agreed that funds in the amount of \$215,250 are subject to forfeiture pursuant to the provisions of 18 U.S.C. ' 981(a)(1)(C);

(e) Defendant MATTHEW J. SMITH-MECK further agreed to the entry of a

forfeiture judgment in the amount of \$215,250 and against a 40-acre parcel of land located at 291 Hanna Leo Road in Carbon County, Wyoming which is situated at the following geographical coordinates: SW1/4NW1/4:SEC 33 T 28 R 83 as a substitute asset available to be applied in partial satisfaction of the forfeiture judgment;

(f) On February 21, 2013, this Court entered a preliminary order of forfeiture forfeiting all right, title, and interest of defendant MATTHEW J. SMITH-MECK in the foregoing property. The Court directed the United States Marshal Service, pursuant to 21 U.S.C. ' 853(g), as incorporated by 28 U.S.C. ' 2461(c), to seize and take custody of the foregoing property for disposition according to law. Further, pursuant to the provisions of 21 U.S.C. ' 853(n)(1), as incorporated by 28 U.S.C. ' 2461(c), the United States was ordered to publish notice of its intention to dispose of the foregoing property according to law;

(g) Pursuant to the provisions of 21 U.S.C. ' 853(n)(1), as incorporated by 28 U.S.C. ' 2461(c), beginning on February 28, 2013 and continuing for at least 30 consecutive days, notice of the criminal forfeiture was posted on an official government internet site. Notice was also duly served upon Marie Smith-Meck, First State Bank and Carbon County Treasurer. Pursuant to the provisions of 21 U.S.C. ' 853(n)(1), as incorporated by 28 U.S.C. ' 2461(c), no other parties are known to have an interest in the property and accordingly, no other parties were personally served with a copy of the notice of forfeiture and the preliminary order of forfeiture;

(h) To date, no petitions have been filed requesting a hearing to adjudicate an interest in the foregoing property and the time in which to do so has expired.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED:

1. That, pursuant to the provisions of 18 U.S.C. ' 853(p), as incorporated by 28 U.S.C. ' 2461(c), and Fed. R. Crim. P. 32.2, all right, title, and interest of defendant MATTHEW J. SMITH-MECK and any third party in a 40-acre parcel of land located at 291 Hanna Leo Road in Carbon County, Wyoming which is situated at the following geographical coordinates: SW1/4NW1/4:SEC 33 T 28 R 83 is hereby forfeit to the United States of America for disposition according to law. It is further ordered,

2. That, pursuant to the provisions of 21 U.S.C. ' 853(n)(7), as incorporated by 28 U.S.C. ' 2461(c), following entry of this order, the United States shall have clear title to the foregoing real property and shall dispose of the property according to law. It is further ordered,

3. That, upon the sale of the foregoing real property, the proceeds shall be distributed as follows:

- (a) The United States Marshal Service may incur certain costs and shall be permitted to deduct from the proceeds of the sale any reasonable and necessary costs incurred to effectuate the sale and costs incurred to maintain the property, if any, pending sale; and
- (b) The net proceeds remaining to the United States of America which shall be forfeited to the United States and disposed of according to law.

4. This Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.


ELAINE E. BUCKLO
United States District Judge

DATED: April 22, 2014