

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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11/13/08
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UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 VARNADOR SUTTON,)
)
 Defendant.)

Cause No. 1:07-cr-0086 LJM-KPF

FINAL ORDER OF FORFEITURE AS TO SUBSTITUTE ASSETS

This matter is before the Court on the motion of the United States for a final order of forfeiture, and the Court being duly advised in the premises finds that the motion should be and hereby is GRANTED. The Court finds as follows:

1. On March 18, 2008, this Court entered a preliminary order of forfeiture against the defendant in the form of a personal money judgment in the amount of

2. Pursuant to Title 21, United States Code, Section 853(p), the United States may seek forfeiture of any property of the defendant to satisfy the money judgment entered on March 18, 2008. On March 21, 2008, the United States filed notice of its intent to seek forfeiture of the following property of the defendant:

- a) all funds from Bank of America Certificate of Deposit number [redacted] the name of Regenerations Development (asset identification number [redacted])
- b) all funds from Bank of America Certificate of Deposit number [redacted] the name of Varnador Sutton (asset identification number [redacted])
- c) all funds from Bank of America Certificate of Deposit number [redacted] in the name of Regenerations Development (asset identification number [redacted])

- d) One 2006 Volkswagen Phaeton, vehicle identification number (asset identification number
- e) One 2007 Lincoln MKX, vehicle identification number sset identification number
- f) Real Property at 335 Union Road, Atlanta, Georgia, parcel number 14F-0101-LL-018-6 (asset identification number 7);
- g) Real Property at 361 17th Street, NW, 709, Atlanta, Georgia, parcel number 17-01080001162 (asset identification number
- h) Real Property at 407 Bon Echo Drive, College Park, Georgia, parcel number 09F-38040178084 (asset identification number (
- i) Real Property at 3590 Jailette Road, College Park, Georgia, parcel number 09F-38040178085 (asset identification number
- j) Real Property at Sherbrook Court, College Park, Georgia, parcel number 14F-0124LL032 (asset identification number (
- m) One 2006 Jaguar X-type, vehicle identification number (asset identification number
- n) Real Property at 2158 N. Alabama Street, Indianapolis, Indiana, parcel number 1080069 (asset identification number
- o) id to the Clerk of the United States District Court for the Northern District of Georgia as bond money in the form of Bank of America cashier's check number), remitted by Lamarr Kirksy (asset identification number

3. On April 10, 2008, the United States filed notice of its intent to seek forfeiture of the following additional property of the defendant:

- a) Real Property at 3730 Bon Echo Drive, College Park, Georgia, parcel number 09F-3804 0178 023 (asset identification number

4. The United States gave notice of the forfeiture to any and all potential claimants by publication, as required under Title 21, United States Code, Section 853(n)(1).

5. It appears from the record that no person has asserted a claim to any of the subject property.

6. The United States does not request a final order of forfeiture as to the property located at 3730 Bon Echo Drive, College Park, Georgia, and at 2158 North Alabama Street, Indianapolis, Indiana.


THEREFORE, IT IS NOW ORDERED, ADJUDGED and DECREED that the Order of Forfeiture issued on March 18, 2008, is hereby amended to reflect that the interests of the defendant and the interests of any and all potential third-party claimants in the following property, some of which is further described in Attachments A through E hereto, are hereby extinguished and all of the following property is hereby FORFEITED to the United States of America pursuant to Title 18, United States Code, Section 982(a)(7) and Title 21, United States Code, Section 853(p) in partial satisfaction of the money judgment entered on March 18, 2008:

- a) all funds from Bank of America Certificate of Deposit number _____ in the name of Regenerations Development (asset identification number _____).
- b) all funds from Bank of America Certificate of Deposit number _____ in the name of Varnador Sutton (asset identification number _____);
- c) all funds from Bank of America Certificate of Deposit number _____ in the name of Regenerations Development (asset identification number _____);
- d) One 2006 Volkswagen Phaeton, vehicle identification number _____ (asset identification number _____);
- e) One 2007 Lincoln MKX, vehicle identification number _____ (asset identification number _____);
- f) Real Property at 335 Union Road, Atlanta, Georgia, parcel number 14F-0101-LL-018-6 (asset identification number _____);
- g) Real Property at 361 17th Street, NW, 709, Atlanta, Georgia, parcel number 17-01080001162 (asset identification number _____);
- h) Real Property at 407 Bon Echo Drive, College Park, Georgia, parcel number 09F-38040178084 (asset identification number _____);
- i) Real Property at 3590 Jailette Road, College Park, Georgia, parcel number 09F-38040178085 (asset identification number _____);
- j) Real Property at Sherbrook Court, College Park, Georgia, parcel number 14F-0124LL032 (asset identification number _____);
- m) One 2006 Jaguar X-type, vehicle identification number _____ (asset identification number _____);
- o) _____ aid to the Clerk of the United States District Court for the Northern District of Georgia as bond money in the form of Bank of America cashier's check number _____, remitted by Lamarr Kirksy (asset identification number _____).

IT IS DECREED that all right, title, and interest in the forfeited property vested in the United States upon the commission of the criminal acts giving rise to the forfeiture.

Pursuant to Title 21, United States Code, Section 853(n)(7), the United States now has clear title to the forfeited property and the United States Marshal is hereby ORDERED to dispose of the property according to law.

IT IS SO ORDERED this date: 08/06/2008


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

copy to:

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