

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:07cv338

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 57 CANDLER HEIGHTS ROAD,)
 Candler, Buncombe County, North)
 Carolina, as described in a deed at Deed)
 Book 2255, Page 0635 in the Public)
 Registry of Buncombe County, North)
 Carolina, being real property, together)
 with the residences, and all appurtenances,)
 improvements, and attachments thereon,)
)
 Defendant.)

SETTLEMENT BY SUBSTITUTION OF
PROPERTY
AND
CONSENT TO FORFEITURE

COMES NOW THE UNITED STATES and Claimant Joyce C. Simmons and inform the Court that they have agreed to a settlement by substitution of property.

1. Claimant Joyce C. Simmons, as attorney in fact for Jason Edward Simmons,¹ agrees to waive all ownership interest in and consents to forfeiture of the following real properties:

Lot 45, Phase 1-A, Grey Rock, Lake Lure, Rutherford County, North Carolina, as described in a deed at Deed Book 918, Page 73, in the Public Registry of Rutherford County, North Carolina, being real property, together with the residences, and all appurtenances, improvements, and attachments thereon;

Lot 461, Phase 3-B, Grey Rock, Lake Lure, Rutherford County, North Carolina, as described in a deed at Deed Book 906, Page 628, in the Public Registry of

¹Attached is Power of Attorney filed with the Register of Deeds, Buncombe County, North Carolina, on August 8, 2007, at Book 4446, Page 1567.

Rutherford County, North Carolina, being real property, together with the residences, and all appurtenances, improvements, and attachments thereon;

Lot 23, Grey Rock, Lake Lure, Rutherford County, North Carolina, as described in a deed at Deed Book 922, Page 426, in the Public Registry of Rutherford County, North Carolina, being real property, together with the residences, and all appurtenances, improvements, and attachments thereon;

Real property, being .78 acres, on Grandview Road, French Broad, Buncombe County, North Carolina, as described in a deed at Deed Book 4224, Page 0879, in the Public Registry of Buncombe County, North Carolina, being real property, together with the residences, and all appurtenances, improvements, and attachments thereon.

2. Robert Edward Simmons agrees to waive all ownership interest and consents to forfeiture of the following real properties:

Lot 5481, Smokey Park Highway, Candler Heights First Addition, Candler, Buncombe County, North Carolina, being .93 acres at lots 9-12, as described in a deed at Deed Book 4440, Page 0094, in the Public Registry of Buncombe County, North Carolina, being real property, together with the residences, and all appurtenances, improvements, and attachments thereon;


Lot 3493, Smokey Park Highway, Candler Heights First Addition, Candler, Buncombe County, North Carolina, being .85 acres at lots 13-17, as described in a deed at Deed Book 4440, Page 0094, in the Public Registry of Buncombe County, North Carolina, being real property, together with the residences, and all appurtenances, improvements, and attachments thereon.

3. The United States agrees not to pursue forfeiture of the above-captioned property at 57 Candler Heights Road nor of any other titled property of the Claimant. The United States agrees to remove its lis pendens on 57 Candler Heights Road.

4. Claimant Joyce Claimant Joyce C. Simmons, for herself and as attorney in fact for Jason Edward Simmons, agrees to waive all ownership interests and consents to forfeiture of Lot 45, the captioned real property in *United States v. Lot 45*, Case 1:08CV286, in the United States District Court for the Western District of North Carolina.

4. All parties shall bear their own costs, including attorney's fees.

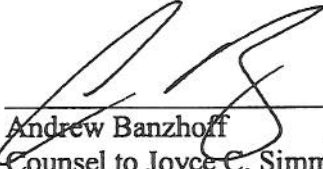
Respectfully submitted this the 3d day of July, 2008.




Joyce C. Simmons, Claimant



Robert Edward Simmons



Andrew Banzhoff
Counsel to Joyce C. Simmons and
Robert Edward Simmons



Sean Devereux
Counsel to Joyce C. Simmons and
Robert Edward Simmons



Thomas R. Ascik
Assistant United States Attorney

Certified to be a true and
correct copy of the original.

U.S. District Court
Frank G. Johns, Clerk
Western District of N.C.

By: 

Deputy Clerk

Date: 7/8/08