

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

UNITED STATES OF AMERICA :

vs. :

CIVIL ACTION  
NO. 2:08-CV-155-WCO

4122 BELVEDERE DRIVE, :  
GAINESVILLE, HALL COUNTY, :  
GEORGIA, AND ALL BUILDINGS :  
AND APPURTENANCES :  
THEREON; 4126 BELVEDERE :  
DRIVE, GAINESVILLE, HALL :  
COUNTY, GEORGIA, AND ALL :  
BUILDINGS AND :  
APPURTENANCES THEREON; :  
1999 FORD DRW SUPER DUTY :  
WINDSONG MOTOR HOME, VIN :  
2003 :

INDIAN CHIEF VINTAGE :  
MOTORCYCLE, VIN :  
; 2002 :

INDIAN CHIEF DELUXE :  
MOTORCYCLE, VIN :  
1980 :

HARLEY DAVIDSON FLH :  
MOTORCYCLE, VIN :  
KUBOTA TRACTOR, MODEL :  
B7510; 17 ASSORTED FIREARMS; :  
12 ASSORTED FIREARMS; 3 :  
ASSORTED FIREARMS; AND ONE :  
ROCK ISLAND ARMS .45 :  
CALIBER HANDGUN, :  
SN :

Defendants. :

**CERTIFICATION  
CM/ECF DOCUMENT**

I hereby attest and certify that this is a true  
and correct printed copy of a document which  
was electronically filed with the United States  
District Court for the Northern District of  
Georgia.

Date Filed: February 5, 2009  
By: Debra L. Taylor, Deputy  
Clerk of Court  
James N. Hatten

FEB 05 2009

**ORDER**

The captioned case is before the court for consideration of plaintiff's motion for default judgment as to certain defendant properties [40-1].

Between February 5, 2008, and February 8, 2008, FBI agents seized defendants 1999 Ford DRW Super Duty Windsong Motor Home, 2003 Indian Chief Vintage Motorcycle, 2002 Indian Chief Deluxe Motorcycle, 1980 Harley Davidson FLH Motorcycle, Kubota Tractor Model B7510, 17 assorted firearms, 12 assorted firearms, 3 assorted firearms, and one Rock Island Arms .45 caliber handgun.

On March 25, 2008, a Northern District of Georgia Grand Jury returned Criminal Indictment No. 2:08-CR-15-WCO, charging Lonnie Chastain, Jr., and Lonnie Chastain, Sr., with violations of 21 U.S.C. §§ 841 and 846 and 18 U.S.C. § 924. On May 2, 2008, James C. Wilson filed a claim with the FBI alleging ownership of defendant Windsong motor home. Also on May 2, 2008, Martha Jane Reed filed claims with the FBI alleging ownership of defendant Indian Chief Vintage motorcycle and defendant Indian Chief Deluxe motorcycle. Also on May 2, 2008, Chastain, Sr., filed a claim with the FBI alleging ownership of defendants twelve assorted firearms. Also on May 2, 2008, Chastain, Jr., filed a claim with the FBI alleging ownership of defendant Harley Davidson motorcycle, defendant

Kubota tractor, defendants seventeen assorted firearms, defendants three assorted firearms, and defendant Rock Island Arms .45 caliber handgun, pursuant to 18 U.S.C. § 983(a)(3)(A).

Pursuant to 21 U.S.C. §§ 881(a)(6), (7), and (11), plaintiff filed a verified complaint of forfeiture against the defendant properties on July 30, 2008. On August 20, 2008, a United States Marshal arrested defendant Windsong motor home, defendant Indian Chief Vintage motorcycle, defendant Indian Chief Deluxe motorcycle, defendant Harley Davidson motorcycle, defendant Kubota tractor, defendant seventeen assorted firearms, defendant twelve assorted firearms, defendant three assorted firearms, and defendant Rock Island Arms .45 caliber handgun pursuant to Rule G(3) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims. On August 14, 2008, the Marshal posted on the two defendant real properties copies of the forfeiture complaint and a notice stating that the complaint had been filed.

Plaintiff has since served direct notice of the forfeiture action and copies of the complaint of forfeiture on all claimants of the defendant properties. On October 16, 2008, James C. Wilson filed a verified claim to the defendant Windsong motor home, and on November 5, 2008, he filed an answer to the complaint for forfeiture. No other claimant has filed a claim to the remaining

defendant properties: 4122 Belvedere Drive, 4126 Belvedere Drive, the Indian Chief Vintage motorcycle, the Indian Chief Deluxe motorcycle, the Harley Davidson motorcycle, the Kubota tractor, the assorted seventeen firearms, the assorted twelve firearms, the assorted three firearms, or the Rock Island Arms .45 caliber handgun, as required by Rule G(5)(a)(ii)(A) and 18 U.S.C. § 983(a)(4)(A). The time to make such a filing has now expired. Similarly, other than Wilson, no claimant has filed an answer to the complaint for forfeiture, as required by Rule G(5)(a)(ii)(B) and 18 U.S.C. § 983(a)(4)(B), and the time to do that has also expired.

Upon plaintiff's request, the clerk entered default against all potential claimants, including Chastain, Sr., Chastain, Jr., Martha Jane Reed, Lisa Elaine Moore Garret, Marjorie Allen, Lucille Chastain, William Davis, William Tipton, Karen Ferguson, Linda Myers, and Maxine Davis. Plaintiff now seeks a default judgment against the same claimants under Federal Rule of Civil Procedure 55(b). Because, other than Wilson, no claimant filed a claim within the time prescribed by 18 U.S.C. § 983(a)(4)(A), all claimants (other than Wilson) have abandoned their claims to the defendant properties. *See U.S. v. One 1979 Oldsmobile-Cutlass*

*Supreme*, 589 F. Supp. 477, 478 (N.D. Ga. 1984). Default judgment is therefore appropriate under Rule 55(b) of the Federal Rules of Civil Procedure.

Accordingly, plaintiff's motion for default judgment as to certain defendant properties[40-1] is hereby **GRANTED**. The clerk is hereby **DIRECTED** to enter a default judgment against all potential claimants and **FORFEIT** the interest in defendants 4122 Belvedere Drive, 4126 Belvedere Drive, the Indian Chief Vintage motorcycle, the Indian Chief Deluxe motorcycle, the Harley Davidson motorcycle, the Kubota tractor, the assorted seventeen firearms, the assorted twelve firearms, the assorted three firearms, or the Rock Island Arms .45 caliber handgun.

IT IS SO ORDERED, this 5<sup>th</sup> day of February, 2009.

*s/William C. O'Kelley* \_\_\_\_\_  
WILLIAM C. O'KELLEY  
Senior United States District Judge