

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

U.S. DISTRICT COURT
GREENEVILLE TN

2009 MAR 23 P 3:40

UNITED STATES OF AMERICA)
)
 v.) 2:05-CR-64
) JUDGE GREER
DANA P. GREGORY)

FILED

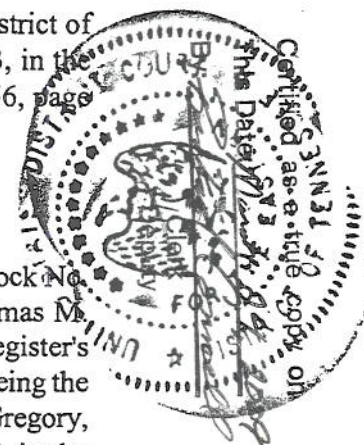
FINAL ORDER OF FORFEITURE

1. **Superseding Indictment.** On September 12, 2006, a 9-count Superseding Indictment [Doc. 99] was filed against defendant, DANA P. GREGORY, charging the defendant with, among other things, knowingly, intentionally and without authority possessing with the intent to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a) (Count Four). The Forfeiture Allegations following Count Four provided that the defendant, pursuant to Title 21, United States Code, Section 853, shall forfeit his interest in any property used to facilitate the violation of Count Four, as well as any property constituting or derived from proceeds obtained from the violations charged in Count Four, including but not limited to the following:

A certain tract or parcel of real property situated in the Ninth (9th) Civil District of Hawkins County, Tennessee, as recorded on the 27th day of August, 1993, in the State of Tennessee, County of Hawkins, Register of Deeds Office Book 356, page 887, and being more particularly described as follows, to-wit:

PARCEL I.D. No. 09 32J"A" 001.00

TRACT NO. 1: Being Lots 11 and 12, in Block No. 1 and Tract No. 1 in Block No. 1, in the King Subdivision, plat of which, dated October 3, 1953, by Thomas M. Galloway, Surveyor, is duly recorded in Map Book 4, Page 16, in the Register's Office for Hawkins County, Tennessee, to which reference is hereby made, being the same property acquired by Dana Gregory (deceased) and wife, Avis Parker Gregory, by deed dated July 31, 1962, and recorded in Deed Book 135 at Page 167, in the



Register's Office for Hawkins County, Tennessee, to which reference is hereby expressly made.

TRACT No. 2: A 100 x 100 foot lot located at the rear of and adjoining Lots No. 11 and 12 of the King Subdivision, said lot being taken from tract or Lot No. 1 conveyed to C.P. Parker by deed dated November 3, 1953 of record in Deed Book 114 and Page 183 in Register's Office at Rogersville, Tennessee, said property having been willed to Avis Parker Gregory by C.P. Parker by Last Will and Testament dated August 11, 1962 and recorded in PC 371 in Chancery Court for Hawkins County at Rogersville, Tennessee, to all of which reference is hereby expressly made.

2. Trial and Guilty Verdict. On January 10, 2007, after trial, a duly empaneled jury returned guilty verdicts against the defendant, DANA P. GREGORY, on Counts One, Two, and Four through Nine of the Superseding Indictment, charging, among other things, a violation of Title 21, United States Code, Section 841(a)(1) (Count Four). Said jury returned a Special Verdict finding that the defendant's interest in the specifically identified real property alleged in Count Four of the Superseding Indictment was subject to forfeiture as being property used to commit or facilitate the commission of the defendant's drug violations alleged in the Superseding Indictment. By virtue of said conviction, the Court determined that the property identified above was subject to forfeiture pursuant to Title 21, United States Code, Section 853(a) to the United States for disposition in accordance with law, subject to the provisions of Title 21, United States Code, Section 853(h) and Rule 32.2(b), Federal Rules of Criminal Procedure, and that the United States has established the requisite nexus between the property and the aforesaid offenses.

3. Preliminary Order of Forfeiture. On January 16, 2007, this Court entered a Preliminary Order of Forfeiture [Doc. 138] pursuant to the conviction of the defendant, DANA P. GREGORY, forfeiting to the United States, pursuant to Title 21, United States Code, Section 853, and Rule 32.2(b) of the Federal Rules of Criminal Procedure, his interest in the following property

as property which was involved in the offenses charged in Count Four of the Superseding Indictment:

A certain tract or parcel of real property situated in the Ninth (9th) Civil District of Hawkins County, Tennessee, as recorded on the 27th day of August, 1993, in the State of Tennessee, County of Hawkins, Register of Deeds Office Book 356, page 887, and being more particularly described as follows, to-wit:

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TRACT No. 2: A 100 x 100 foot lot located at the rear of and adjoining Lots No. 11 and 12 of the King Subdivision, said lot being taken from tract or Lot No. 1 conveyed to C.P. Parker by deed dated November 3, 1953 of record in Deed Book 114 and Page 183 in Register's Office at Rogersville, Tennessee, said property having been willed to Avis Parker Gregory by C.P. Parker by Last Will and Testament dated August 11, 1962 and recorded in PC 371 in Chancery Court for Hawkins County at Rogersville, Tennessee, to all of which reference is hereby expressly made.

4. **Publication of Notice.** Pursuant to Title 21, United States Code, Section 853(n)(1), and the Preliminary Order of Forfeiture, Notice of Forfeiture as to the property described above was published in the *Rogersville Review* newspaper, a newspaper of general circulation in Hawkins County, Tennessee, for three insertions on February 10, 17 and 24, 2007.

The Notice of Forfeiture advised that any person, other than the defendant, DANA P. GREGORY, having or claiming a legal interest in the property described herein, must file a petition with the Court within thirty (30) days of the final publication of the notice. The notice further provided that the petition 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 defendant property and any

additional facts supporting the petitioner's claim and the relief sought. Proof of Publication [Doc. 141] for the *Rogersville Review* newspaper was filed with the clerk of this court on March 15, 2007.

No person, corporation or entity has filed a claim to the property described herein.

5. Sentencing and Judgment. The defendant was sentenced on May 7, 2007, and a Judgment [Doc. 146] was filed and entered against the defendant on May 18, 2007, ordering forfeiture of the defendant's property.

6. Appeal. On May 16, 2007, defendant, DANA P. GREGORY filed a Notice of Appeal from the Final Judgment [Doc. 145]. On February 19, 2009, an Opinion was filed by the United States Court of Appeals for the Sixth Circuit, Case No. 07-5624, affirming the conviction and sentence of DANA P. GREGORY. The mandate for this case issued March 19, 2009.

THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That the following property be and the same is hereby forfeited to the United States pursuant to Title 21, United States Code, Section 853, as property that was used in any manner to commit and to facilitate the commission of Title 21, United States Code, Section 841, or as property constituting or derived from any proceeds obtained directly or indirectly by the defendant as a result of knowingly, intentionally and without authority possessing with the intent to distribute oxycodone, a Schedule II controlled substance, and all right, title and interest in and to said property be and the same is hereby vested in the United States:

A certain tract or parcel of real property situated in the Ninth (9th) Civil District of Hawkins County, Tennessee, as recorded on the 27th day of August, 1993, in the State of Tennessee, County of Hawkins, Register of Deeds Office Book 356, page 887, and being more particularly described as follows, to-wit:

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2. That the claims to forfeited real property shall be recognized in the following manner:

(a) All real estate property taxes, if any, due and owing on the real property prior to the date of forfeiture to the United States;

(b) All fees and expenses incurred by the United States, including the costs of sale incurred by the United States Marshals Service.

3. That the Clerk of this court shall provide the United States Attorney's Office, Greeneville, Tennessee, and the United States Marshals Service, Knoxville, Tennessee, with a certified copy of this Final Order of Forfeiture.

ENTER:



J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

Approved by:

JAMES R. DEDRICK
United States Attorney

By: s/ Robert M. Reeves
ROBERT M. REEVES
Assistant U.S. Attorney

*U.S. Dept of Justice - Knox
(RM)*

BK/PG:944/239-244

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6 PGS : AL - ORDER	
JUDY BATCH: 56242	
03/31/2009 - 09:40 AM	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	32.00

STATE OF TENNESSEE, HAWKINS COUNTY

JUDY KIRKPATRICK
REGISTER OF DEEDS