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Date Filed: 28 AUG 2009

By: Harold D. P. Beck

Clerk of Court
James N. Hatten

South Gordon Road, Austell, Georgia 30168¹ (collectively "Defendant Properties").

Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions sets forth a comprehensive set of rules for sending direct notice to potential claimants and for publishing notice of the forfeiture action. The United States sent direct notice to Plantation Ridge Properties, LLC, Discover Bank, American General Finance, Palisades Collection, LLC, Provident National Bank, City of Forest Park Public Works Department, Kolb Enterprise, Inc., Money Tree, Inc., We Buy, Inc., Litton Loan Servicing LP, First Trust Company of Onaga, f.b.o. Arnold Oxman, First Trust Company of Onaga, f.b.o. Linda Oxman, Marshall Smitherman, Robert P. Copeland, as Trustee for the Heyford Family Trust, VLM Properties, LTD and Performance Mortgage, Inc., d.b.a. Performance Financial and Equipment Leasing. In addition, the United States published notice of the forfeiture action on the official Government Internet site www.forfeiture.gov for 30 consecutive days. No one has filed a verified claim, as required by 18 U.S.C. § 983(a)(4)(A). The time to do so has expired. Additionally, no one has filed an answer to the Complaint for Forfeiture as required by 18 U.S.C. § 983(a)(4)(B).

¹The remaining properties subject to forfeiture in this case are not part of this motion for default.

Based upon the foregoing, the Court finds the following:

1. The United States furnished due and legal notice of this forfeiture action as required by law.
2. Any potential claimants to the Defendant Properties, including Plantation Ridge Properties, LLC, Discover Bank, American General Finance, Palisades Collection, LLC, Providian National Bank, City of Forest Park Public Works Department, Kolb Enterprise, Inc., Money Tree, Inc., We Buy, Inc., Litton Loan Servicing LP, First Trust Company of Onaga, f.b.o. Arnold Oxman, First Trust Company of Onaga, f.b.o. Linda Oxman, Marshall Smitherman, Robert P. Copeland, as Trustee for the Heyford Family Trust, VLM Properties, LTD and Performance Mortgage, Inc., d.b.a. Performance Financial and Equipment Leasing, having failed to file a verified claim within the time limit set by Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, no longer have standing to contest this forfeiture action.
3. All potential claimants are in default because no claims have been filed since the last date of publication.

Therefore, this Court GRANTS Plaintiff's Motion for Default Judgment against the following properties:

- a. Real property located at 5070 Park Avenue, Forest Park, Clayton County, Georgia 30297, more particularly described as:

All that tract or parcel of land lying and being in Land Lot 50 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

Beginning at a point on the southeasterly side of Park Drive, 311 Feet Southwesterly, as measured along the southeasterly side of Park drive, from the southwest corner of the intersection of Park Avenue and Cherry Street, if extended to form an angle instead of a curve; Thence Southwesterly along the Southeasterly side of Park Drive 62.2 Feet to a point at the Northeast Corner of Lot 71 of the Subdivision hereinafter referred to; Thence along the east line of said Lot 71 for 178.6 Feet to a point; Thence Northeasterly for 53.2 Feet to a point at the Southwest Corner of Lot 69 of said subdivision thence North along the West line of Lot 69 for 194.4 feet to a point on the Southeasterly side of Park Drive and the point of beginning, being improved property known as 5070 Park Avenue (formerly 210 park Drive) according to the present system of numbering houses in Forest Park, Clayton County, Georgia, being Lot 70 of King Construction Company, Inc., property and according to Plat of Survey by Ruppe & Giometti Engineers, dated October 14, 1959;

- b. Real property located at 3195 Valley View Street, Powder Springs, Cobb County, Georgia 30127, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 646 of the 19th District, 2ND Section, of Cobb County, Georgia, being Lot 57, Unit I, WESTON COVE SUBDIVISION, as per Plat recorded in Plat Book

96, Page 67, in the Office of the Clerk of Superior Court of Cobb County, Georgia, which recorded Plat is incorporated herein by reference and made a part of this description; known as 3195 Valley View Street, Powder Springs, Georgia 30127;

- c. Real property located at 8900 Martin Road, Roswell, Fulton County, Georgia 30076, more particularly described as:

All that tract or parcel of land lying and being in Land Lot 571 of the 1ST District, Fulton County, Georgia, being Lot 1, Block B, of the Subdivision of Martin's Landing, Southshore Section B, Unit One, as per plat recorded in Plat Book 119, Page 104, Fulton County, Georgia Records;

- d. Real property located at 783 Heyford View, Austell, Cobb County, Georgia 30106, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 849 & 854 OF THE 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING LOT 21, BLOCK A, WINTERCREST SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 173, PAGES 51 & 52, COBB COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE, BEING IMPROVED PROPERTY KNOWN AS 783 HEYFORD VIEW ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN COBB COUNTY, GEORGIA;

- e. Real properties located at 5723 South Gordon Road, Austell, Cobb County, Georgia 30168, 5721 South Gordon Road, Austell, Cobb County, Georgia 30168, and 1556/1580 Virginia Place, Austell, Cobb County, Georgia 30168, more particularly described as:

All that tract or parcel of land lying and being in the 18th District and 2nd Section of Cobb County, Georgia, more particularly described as follows: Being off the south portion of Lots 9 and 10 of Mrs. Fannie Floyd property as shown on plat of same by J.P. Phillips surveyor, dated March 1, 1946, said plat being of record in the Office of the Clerk of Superior Court of Cobb County, said tract being more particularly set out as follows: Beginning at a point on the original south line of the Mrs. Fannie Floyd property as shown on said plat above referred to, said point being 300 feet east of the original southwest corner of the Mrs. Fannie Floyd property as shown on said plat and being further distinguished as the southwest corner of Lot No. 10 as shown on said plat; thence east along the south line of Lots 10 and 9 as shown on said plat a distance of 200 feet to the southeast corner of Lot No. 9 as shown on said plat; thence in a northwesterly direction through Lots 9 and 10, a distance of 200 feet to a point on the westerly line of Lot No. 10; thence southeasterly along the westerly line of Lot No. 10 a distance of 154 feet to point of beginning. Above tract includes a road 12 feet in width which runs along the easterly line of said Lot No. 9.

This being the same property as conveyed to James W. And Ellen P. Newman by Mrs. Fannie Floyd, as shown on Warranty Deed recorded in Deed Book 402, page 169; Cobb County records.

All that tract or parcel of land lying and being in Land Lot 33 of the 18th District, 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin located in the north side of Virginia Place, which iron pin is located 541 feet west of the northwest corner of the intersection of James Road and Virginia Place, as measured along the north side of Virginia Place; running thence west along the north side of Virginia Place a distance of 100 feet to an iron pin; running thence north and forming an interior angle of 93 degrees 22 minutes with the north side

of Virginia Place a distance of 163.3 feet to an iron pin; running thence in a northerly direction and forming an interior angle of 173 degrees 24 minutes with the last given line a distance of 30.1 feet to an iron pin; running thence east a distance of 50.6 feet to an iron pin; running thence in a northeasterly direction and forming an interior angle of 193 degrees 05 minutes with the last given line a distance of 67.5 feet to an iron pin; running thence south and forming an interior angle of 73 degrees 59 minutes with the last given line a distance of 210 feet to an iron pin located on the north side of Virginia Place at the point of beginning and being made in accordance with a plat of survey made by B.H. Cox, Surveyor, dated December 14, 1971.

All that tract or parcel of land lying and being in Land Lot 33 of the 18th District, 2nd Section of Cobb County, Georgia, and being known as part of Lots 8, 9, and 10 of Subdivision of Mrs. Fannie Floyd property as per plat made by Fred E. Pitts, Surveyor, dated September 29, 1971, a copy of same attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at an iron pin located on the southeasterly side of the Right of Way of South Gordon Road, which iron pin is located 298 feet northeasterly from the intersection of the southeasterly side of the Right of Way of South Gordon Road and the west line of Land Lot 33, as measured along the southeasterly side of the Right of Way of South Gordon Road; running thence in a southeasterly direction and forming an interior angle of 82 degrees 55 minutes with the southeasterly side of the Right of Way of South Gordon Road a distance of 175 feet to an iron pin; running thence in a northeasterly direction a distance of 124.0 feet to an iron pin; running thence in a northwesterly direction a distance of 175 feet to an iron pin on the southeasterly side of the Right of Way of South Gordon Road; running thence in a southwesterly direction along the southeasterly side of the Right of Way of South Gordon Road a distance of 100 feet to an iron pin at the point of beginning.

The Clerk shall enter a default judgment in favor of the United States and against the above-listed Defendant Properties, Plantation Ridge Properties, LLC, Discover Bank, American General Finance, Palisades Collection, LLC, Providian National Bank, City of Forest Park Public Works Department, Kolb Enterprise, Inc., Money Tree, Inc., We Buy, Inc., Litton Loan Servicing LP, First Trust Company of Onaga, f.b.o. Arnold Oxman, First Trust Company of Onaga, f.b.o. Linda Oxman, Marshall Smitherman, Robert P. Copeland, as Trustee for the Heyford Family Trust, VLM Properties, LTD and Performance Mortgage, Inc., d.b.a. Performance Financial and Equipment Leasing. All right, title and interest in the Defendant Properties is hereby condemned, forfeited and vested in the United States and shall be disposed of according to law.

This case shall remain open as to the following defendant properties: 11303 Highway 92, Woodstock, Cherokee County, Georgia 30188; 777 Lucas Road, SW, Cartersville, Bartow County, Georgia 30120; 358 Big Pond Road, Taylorsville, Bartow County, Georgia 30178; and 140 Hardin Bridge Road, Kingston, Bartow County, Georgia 30145.

SO ORDERED this 28th day of August, 2009.

/s/Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
UNITED STATES DISTRICT JUDGE

Presented by:

/S/ Gerald S. Sachs
GERALD S. SACHS
SPECIAL ASSISTANT U.S. ATTORNEY
Georgia Bar No. 415090