

JUN 17 2009

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

JAMES N. HATTEN, Clerk
By: *Jayus* Deputy Clerk

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 : CRIMINAL ACTION
 v. :
 : NO. 4:07-CR-20-02-RLV
 MICHAEL LEON SMITH, :
 :
 Defendant. :

PARTIAL FINAL ORDER AND JUDGMENT OF FORFEITURE

This matter is before the Court on the United States' Motion for Partial Final Order of Forfeiture regarding properties belonging to Defendant, Michael Leon Smith. The Court entered a Consent Preliminary Order of Forfeiture on October 28, 2008, forfeiting, among others, the following eleven properties to the United States¹, pursuant to 21 U.S.C. § 853(p), as property that constitutes substitute assets in lieu of and in partial satisfaction of the money judgment entered against the Defendant in the amount of

- a. 709 Welcome Hill Road, Trion, Chattooga County, Georgia
All that tract or parcel of land lying and being in Land Lot 106 in the 6th District and 4th Section of Chattooga County, Georgia, and being Lots 1 through 9, inclusive, in Block D, of Welcome Hill Subdivision, according to a plat thereof recorded in Plat Book 2, Page 37, in the office of the Clerk of Superior Court of Chattooga County, Georgia and being more particularly described as follows:

¹ The remaining 17 properties will be addressed at a later date.

Beginning at the intersection of the West side of the Trion Dry Valley Road with the North side of Welcome Street, same being the Southeast corner of Lot 1 in Block D of said subdivision; thence North along the West side of said Trion Dry Valley Road, a distance of 225 feet to a point, said point being the Southeast corner of Lot 10 in Block D of said subdivision; thence West and parallel to the North side of Welcome Street and along the South line of Lot 10 in Block D of said Subdivision, a distance of 200 feet to a point, said point being the Southwest corner of Lot 10, Block D of said Subdivision; said point also being located on the east line of Lot 59 in Block D of said Subdivision; thence South along the East line of Lot 59 in Block D of said subdivision and parallel to the West side of Trion Dry Valley Road, a distance of 225 feet to the point of the North side of Welcome Street, said point being the Southeast corner of Lot 59 in Block D of said Subdivision; thence in an Easterly direction along the North side of Welcome Street, a distance of 200 feet to the point of beginning.

Being the same property conveyed by Deed Under Power to AmSouth Bank dated August 3, 2004, and recorded in Deed Book 459, Page 456, in the office of the Clerk of Superior Court, Chattooga County, Georgia.

- b. 695 Welcome Hill Road, Trion, Chattooga County, Georgia, more particularly described as: TRACT ONE: All that tract or parcel of land lying and being in the 6th District and 4th Section of Chattooga County, Georgia and being all of Lot 16, 17, 18, and 19 in Block "C" of the Welcome Hill Subdivision according to a plat of same recorded in Plat Book 2, Page 37, in the Office of the Clerk of Superior Court, Chattooga County, Georgia.

And being the same property conveyed Ernest Trammell from Wayne and Ilene Sweet by Quit-Claim Deed dated August 19, 1994, and recorded in Deed Book 273, Page 341.

- c. 301 Raccoon Creek Road, Summerville, Chattooga County Georgia f/n/a 465 Raccoon Creek Road, Summerville, Chattooga County Georgia, more particularly described as: All that tract or parcel of land situated, lying and being part of Land Lot Number Forty Three (43) Fourteenth

(14th) District, Fourth (4th) Section of the Chattooga County, Georgia, and further described as:

Beginning at a point, said point being on the west right-of-way of the Raccoon Creek Road and being 1,176.28 feet from the intersection of the west right-of-way of Raccoon Creek Road and the west right-of-way of state route 114; thence 632.64 feet south 55 degrees 1 minute 32 seconds west to a point on the northwest property line of Hines, now or formerly; thence 610.82 feet north 35 degrees 0 minutes 43 seconds west to a point; thence 669.52 feet north 73 degrees 52 minutes 45 seconds east to the west right-of-way of Raccoon Creek Road; thence along aforesaid right-of-way 63.21 feet south 34 degrees 45 minutes 38 seconds east to the northeast corner of Booker now or formerly; thence along property line of aforesaid Booker now or formerly 179.87 feet south 73 degrees 52 minutes 45 seconds west to a one inch iron bar, the northwest corner of Booker, now or formerly; thence 98.35 feet south 35 degrees 11 minutes 44 seconds east to a one and one-half inch pipe; thence 225.42 feet south 15 degrees 27 minutes 21 seconds east to the southwest corner of Booker now or formerly; thence 245.00 feet north 56 degrees 44 minutes 11 seconds east to the intersection of the south property line of Booker, now or formerly, and the west right-of-way of Raccoon Creek Road; thence 70.73 feet south 34 degrees 55 minutes 2 seconds east along aforesaid right-of-way to the point and place of Beginning, and being 6.00 acres, more or less, and shown as TRACT 8 (EIGHT) on a plat by Richard W. Cannon dated July 1, 2002, and recorded in the Chattooga County, Georgia, Courthouse in Plat Book 10, Page 185, and being part of the property conveyed in Executor's Deed of Assent dated November 22, 2000, to Mary Meadows Nelson and Margaret Meadows Thrasher and Julius Olney Meadows recorded in the Chattooga County, Georgia Courthouse in Deed Book 363, Page 592, and being the same tract or tract parcel conveyed in Warranty Deed to Julius Olney Meadows by Mary Meadows Nelson and Margaret Meadows Thrasher and Julius Olney Meadows as TRACT 3 (THREE) recorded in the Chattooga County, Georgia Courthouse in Deed Book 414, Page 684, on December 3, 2002.

- d. 225 Given Street, Summerville, Chattooga County, Georgia, more particularly described as follows: All that tractor parcel of land lying and being in Land Lot No. 17 in the 6th District and 4th Section of Chattooga County, Georgia, and being Subdivision Lot No. 124 of Oakwood Subdivision as shown on plat recorded in Plat Book 3, Page 16, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, and being more fully described as follows:

BEGINNING at a point on the east side of Given Street, said point being 393.3 feet north from the intersection of the east side of Given Street with the north side of Georgia State Route No. 114, said point also being the northwest corner of Lot 125; thence east 125 feet along the north line of Lot 125 to a point, said point being the southwest corner of Lot 130; thence north 65 feet along the west line of Lot 130 to a point, said point being the southeast corner of Lot 123; thence west 125 feet along the south line of Lot 123 to a point on the east side of Given Street, said point also being the southwest corner of Lot 123; thence south 65 feet along the east of Given Street to the point of beginning and being more fully described by a deed dated May 9, 1988, and recorded in Deed Book 222, Page 537, in Chattooga County, Georgia.

- e. All of that tract or parcel of land lying and being in Land Lot No. 22 in the 6th District and 4th Section of Chattooga County, Georgia, and being all of Lot One (1) of City Heights Subdivision in the City of Summerville according to a plat of survey prepared by K.C. Campbell, Georgia, Registered Land Surveyor Number 2256 dated February 6, 1990 and recorded in Plat Book 6, Page 188 in the office of the Clerk of Superior Court of Chattooga County, Georgia, to which reference is hereby made.

- f. 829 Filter Plant Road, Summerville, Chattooga County, Georgia, more particularly described as: All that tract or parcel of land situated, lying and being in Land Lot Number Twelve (12) in the Fourteenth District and Fourth Section of Chattooga County, Georgia, and being Lot Number Seven (7) and the north and the north half of Lot Number Eight (8), all in Block "A" of Berryton Farms, according to a plat thereof recorded in Plat Book 3,

Pages 184-185, in the Office of the Chattooga County Superior Court Clerk to which plat reference is hereby made for a more specific description of said lots, the lot and half lot hereby conveyed forming one tract more particularly described as:

BEGINNING at a stake corner on the east side of the Berryton-Dry Valley Public Road which is 850 feet south, when measured along said east side of said road, from its intersection with the original north lot line of said Land Lot Number 12; thence east 200 feet to a stake corner; thence south at right angles 150 feet to a stake corner; thence west at right angles 200 feet to a stake corner on said east side of said Berryton-Dry Valley Public Road; thence north along said east side of road 150 feet to the point of beginning; and being the same property conveyed to Paula Gail Allman by Johnny and Maxine Faulkner in deed of February 10, 1995, recorded Chattooga County, Georgia Deed Book 278, Page 208.

- g. All that tract or parcel of land situated, lying and being in the 13th District and 4th Section of Chattooga County, Georgia, more particularly described as follows: Subdivision lots 7 and 8, in Block "D" of Cooper Heights Subdivision according to a plat of record in the office of the Clerk of Chattooga County Superior Court. This is the same parcel conveyed by C.R. Lawless to Janice Copeland by Deed dated June 28, 1957, recorded in Deed Book 68, page 552, references to which is made for a more detailed description.
- h. 59 tenth Street, Trion, Chattooga County, Georgia, more particularly described as follows: All that tract or parcel of land lying and being in Land Lot No. 103 in the 6th District and 4th Section of Chattooga County, Georgia, and being Lot No. 230, as shown on a plat entitled Section 1 of a subdivision of the residential properties of the Trion, Georgia Division of Riegel Textile Corporation by Pickell & Pickell Engineers dated February 1952 and recorded in Plat Book 3, Page 10, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the north side of Tenth Street, said point being south 84 degrees 03 minutes east 268 feet from the intersection of the North side of Tenth Street with the East side of Eleventh Street, said point also being the southeast corner of Lot 229; thence north 05 degrees 57 minutes east along the east line of Lot 229, 175 feet to a point on the south side of a 15 foot alley, said point being the northeast corner of lot 229; thence south 84 degrees 03 minutes east 74 feet along the south side of said Alley to a point, said point being the northwest corner of Lot 231; thence south 05 degrees 57 minutes west 175 feet along the west line of Lot 231 to a point on the north side of Tenth Street, said point also being the southwest corner of Lot 231; thence north 84 degrees 03 minutes west along the north side of Tenth Street 74 feet to the point of beginning.

Subject to easements regarding utilities, etc., as shown on instrument recorded in Deed Book 53, Page 429, in the Office of the Clerk of the Superior Court of Chattooga County, Georgia.

Being the same property described in quit claim deed from Claude Stoker to Louise Stoker, dated October 1, 1998, and recorded in Deed Book 326, Page 600, in the Office of the Clerk of Superior Court of Chattooga County, Georgia.

- i. 557 Josh Ward Road, Lyerly, Chattooga County, Georgia, more particularly described as follows: All that tract or parcel of land lying and being in Land Lot 91, in the 14th District and 4th Section of Chattooga County, Georgia, and being more particularly described as follows:

BEGINNING at a stake on the southerly side of the Oak Hill-Alpine Public Road, which stake is 1,144 feet, more or less, westerly measured along said southerly side of said road, from an established corner of the property of R. U. Bullard with Elmer W. Morrison, which stake is near a power pole; thence southerly at right angles to said road 208 feet to a stake; thence westerly and parallel with said road 147 feet to a point; thence in a northeasterly direction to a point on the southerly side of Oak Hill-Alpine Public Road, which point is 65 feet westerly from the beginning point; running thence

easterly along the south side of said Oak Hill-Alpine Public Road a distance of 65 feet to the point of beginning.

Said property is improved with a residence erected thereon and is a part of the property described in a deed from Bankers trust Company of California to Jo Ann Smith dated January 2, 2001, recorded in Deed Book 365, Page 595, in the Office of the Clerk of the Superior Court of Chattooga County, Georgia.

Also conveyed herewith is an easement for the purpose of obtaining and using water to serve the dwelling located on the above-described property from an existing well lying westerly of the above-described lands, together with the right to go upon and about said adjacent lands for the purpose of maintaining said well and laying and maintaining an underground pipeline from said well to the lands described above, said easement is appurtenant to the lands described above and is an easement running with the land.

- j. Proceeds in the amount of _____ on the sale of 473 Brock Road, Summerville, Chattooga County, Georgia, more particularly described as follows: All that tract or parcel of land situated, lying and being in Land lots No. 15, 16, and 21 in the 13th District and 4th Section of Chattooga County, Georgia.
- k. 92 West Halls Valley Road, Trion, Chattooga County, Georgia, more particularly described as:

TRACT I

All that tract or parcel of land lying and being in the 6th District and 4th Section of Chattooga County, Georgia, and in the J. H. Henderson Subdivision, said tract being more particularly described as follows:

Subdivision Lot No. 15 in Block "O" of the said J. H. Henderson Subdivision, according to the plat of same of record in the Office of the Clerk of Superior Court of Chattooga County, Georgia, said plat being located in Plat Book 1, Page 8, and referenced to said plat being

hereby made for further description of the property herein conveyed.

Being the same property conveyed to S. D. Habey by Henry C. Walker by Warranty Deed dated December 5, 1953, and recorded in Deed Book 57, Page 443, in the Office of the Clerk of Superior Court of Chattooga County, Georgia.

TRACT II

All that tract or parcel of land lying and being in Land Lot No. 147 in the 6th District and 4th Section of Chattooga County, Georgia, and described as follows: Subdivision Lot No. 16 and 17, in Block "O" of the J. H. Henderson Subdivision, as recorded in Plat Book 1, Page 8, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, and described as follows:

BEGINNING at a point, said point being 550 feet east of the intersection of Little Street and Halls Valley Road; on the north side of Halls Valley Road; thence due east 100 feet; thence due north 200 feet; thence due west 100 feet; thence due south 200 feet to the point of beginning.

Both Tract I and Tract II being more particularly described in accordance to a survey plat prepared for Merthi Richard Sims, Jr., and Deborah Ann Sims by Carl N. Morrison, Georgia Registered Land Surveyor No. 1686, and dated July 26, 2007, and recorded in Plat Book 12, Page 65, in the Office of the Clerk of Superior Court, Chattooga County, Georgia.

The United States published notice of the forfeiture action on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on December 13, 2008, and ending on January 11, 2009. The United States sent notice of the forfeiture action to all known third parties, who may have an interest in the properties. Notice was sent via certified mail to

Erica Hughes a/k/a Ericka H. Broyles a/k/a Ericka Hughes Broyles, at her address located at 550 Welcome Hill Road, Trion, Georgia 30753 (the notice was received on December 19, 2008, see Exhibit "B" attached hereto). No one has filed a claim to the property and the deadline for doing so has expired².

This Court having found that the Defendant Michael Leon Smith is liable for a money judgment of _____ which may be partially satisfied by the forfeiture and sale of the property described below, that the property described below is subject to forfeiture pursuant to 21 U.S.C. § 853(p) as substitute assets in lieu of and in partial satisfaction of said money judgment, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. Final forfeiture judgment against the following property is hereby entered pursuant to 21 U.S.C. § 853(p):

- a. 709 Welcome Hill Road, Trion, Chattooga County, Georgia
All that tract or parcel of land lying and being in Land Lot 106 in the 6th District and 4th Section of Chattooga County, Georgia, and being Lots 1 through 9, inclusive, in Block D, of Welcome Hill Subdivision, according to a plat thereof recorded in Plat Book 2, Page 37, in the office of the Clerk of Superior Court of Chattooga County, Georgia and being more particularly described as follows:

Beginning at the intersection of the West side of the Trion Dry Valley Road with the North side of Welcome Street, same being the Southeast corner of Lot 1 in Block

² The United States has recognized the interest of the Chattooga County Tax Commissioner for unpaid taxes until the entry of this Order of Forfeiture.

D of said subdivision; thence North along the West side of said Trion Dry Valley Road, a distance of 225 feet to a point, said point being the Southeast corner of Lot 10 in Block D of said subdivision; thence West and parallel to the North side of Welcome Street and along the South line of Lot 10 in Block D of said Subdivision, a distance of 200 feet to a point, said point being the Southwest corner of Lot 10, Block D of said Subdivision; said point also being located on the east line of Lot 59 in Block D of said Subdivision; thence South along the East line of Lot 59 in Block D of said subdivision and parallel to the West side of Trion Dry Valley Road, a distance of 225 feet to the point of the North side of Welcome Street, said point being the Southeast corner of Lot 59 in Block D of said Subdivision; thence in an Easterly direction along the North side of Welcome Street, a distance of 200 feet to the point of beginning.

Being the same property conveyed by Deed Under Power to AmSouth Bank dated August 3, 2004, and recorded in Deed Book 459, Page 456, in the office of the Clerk of Superior Court, Chattooga County, Georgia.

- b. 695 Welcome Hill Road, Trion, Chattooga County, Georgia, more particularly described as: TRACT ONE: All that tract or parcel of land lying and being in the 6th District and 4th Section of Chattooga County, Georgia and being all of Lot 16, 17, 18, and 19 in Block "C" of the Welcome Hill Subdivision according to a plat of same recorded in Plat Book 2, Page 37, in the Office of the Clerk of Superior Court, Chattooga County, Georgia.

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- c. 301 Raccoon Creek Road, Summerville, Chattooga County Georgia f/n/a 465 Raccoon Creek Road, Summerville, Chattooga County Georgia, more particularly described as: All that tract or parcel of land situated, lying and being part of Land Lot Number Forty Three (43) Fourteenth (14th) District, Fourth (4th) Section of the Chattooga County, Georgia, and further described as:

Beginning at a point, said point being on the west right-of-way of the Raccoon Creek Road and being 1,176.28 feet from the intersection of the west right-of-way of Raccoon Creek Road and the west right-of-way of state route 114; thence 632.64 feet south 55 degrees 1 minute 32 seconds west to a point on the northwest property line of Hines, now or formerly; thence 610.82 feet north 35 degrees 0 minutes 43 seconds west to a point; thence 669.52 feet north 73 degrees 52 minutes 45 seconds east to the west right-of-way of Raccoon Creek Road; thence along aforesaid right-of-way 63.21 feet south 34 degrees 45 minutes 38 seconds east to the northeast corner of Booker now or formerly; thence along property line of aforesaid Booker now or formerly 179.87 feet south 73 degrees 52 minutes 45 seconds west to a one inch iron bar, the northwest corner of Booker, now or formerly; thence 98.35 feet south 35 degrees 11 minutes 44 seconds east to a one and one-half inch pipe; thence 225.42 feet south 15 degrees 27 minutes 21 seconds east to the southwest corner of Booker now or formerly; thence 245.00 feet north 56 degrees 44 minutes 11 seconds east to the intersection of the south property line of Booker, now or formerly, and the west right-of-way of Raccoon Creek Road; thence 70.73 feet south 34 degrees 55 minutes 2 seconds east along aforesaid right-of-way to the point and place of Beginning, and being 6.00 acres, more or less, and shown as TRACT 8 (EIGHT) on a plat by Richard W. Cannon dated July 1, 2002, and recorded in the Chattooga County, Georgia, Courthouse in Plat Book 10, Page 185, and being part of the property conveyed in Executor's Deed of Assent dated November 22, 2000, to Mary Meadows Nelson and Margaret Meadows Thrasher and Julius Olney Meadows recorded in the Chattooga County, Georgia Courthouse in Deed Book 363, Page 592, and being the same tract or tract parcel conveyed in Warranty Deed to Julius Olney Meadows by Mary Meadows Nelson and Margaret Meadows Thrasher and Julius Olney Meadows as TRACT 3 (THREE) recorded in the Chattooga County, Georgia Courthouse in Deed Book 414, Page 684, on December 3, 2002.

- d. 225 Given Street, Summerville, Chattooga County, Georgia, more particularly described as follows: All that tractor parcel of land lying and being in Land Lot No. 17 in the

6th District and 4th Section of Chattooga County, Georgia, and being Subdivision Lot No. 124 of Oakwood Subdivision as shown on plat recorded in Plat Book 3, Page 16, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, and being more fully described as follows:

BEGINNING at a point on the east side of Given Street, said point being 393.3 feet north from the intersection of the east side of Given Street with the north side of Georgia State Route No. 114, said point also being the northwest corner of Lot 125; thence east 125 feet along the north line of Lot 125 to a point, said point being the southwest corner of Lot 130; thence north 65 feet along the west line of Lot 130 to a point, said point being the southeast corner of Lot 123; thence west 125 feet along the south line of Lot 123 to a point on the east side of Given Street, said point also being the southwest corner of Lot 123; thence south 65 feet along the east of Given Street to the point of beginning and being more fully described by a deed dated May 9, 1988, and recorded in Deed Book 222, Page 537, in Chattooga County, Georgia.

- e. All of that tract or parcel of land lying and being in Land Lot No. 22 in the 6th District and 4th Section of Chattooga County, Georgia, and being all of Lot One (1) of City Heights Subdivision in the City of Summerville according to a plat of survey prepared by K.C. Campbell, Georgia, Registered Land Surveyor Number 2256 dated February 6, 1990 and recorded in Plat Book 6, Page 188 in the office of the Clerk of Superior Court of Chattooga County, Georgia, to which reference is hereby made.
- f. 829 Filter Plant Road, Summerville, Chattooga County, Georgia, more particularly described as: All that tract or parcel of land situated, lying and being in Land Lot Number Twelve (12) in the Fourteenth District and Fourth Section of Chattooga County, Georgia, and being Lot Number Seven (7) and the north and the north half of Lot Number Eight (8), all in Block "A" of Berryton Farms, according to a plat thereof recorded in Plat Book 3, Pages 184-185, in the Office of the Chattooga County Superior Court Clerk to which plat reference is hereby made for a more specific description of said lots, the

lot and half lot hereby conveyed forming one tract more particularly described as:

BEGINNING at a stake corner on the east side of the Berryton-Dry Valley Public Road which is 850 feet south, when measured along said east side of said road, from its intersection with the original north lot line of said Land Lot Number 12; thence east 200 feet to a stake corner; thence south at right angles 150 feet to a stake corner; thence west at right angles 200 feet to a stake corner on said east side of said Berryton-Dry Valley Public Road; thence north along said east side of road 150 feet to the point of beginning; and being the same property conveyed to Paula Gail Allman by Johnny and Maxine Faulkner in deed of February 10, 1995, recorded Chattooga County, Georgia Deed Book 278, Page 208.

g. All that tract or parcel of land situated, lying and being in the 13th District and 4th Section of Chattooga County, Georgia, more particularly described as follows: Subdivision lots 7 and 8, in Block "D" of Cooper Heights Subdivision according to a plat of record in the office of the Clerk of Chattooga County Superior Court. This is the same parcel conveyed by C.R. Lawless to Janice Copeland by Deed dated June 28, 1957, recorded in Deed Book 68, page 552, references to which is made for a more detailed description.

h. 59 tenth Street, Trion, Chattooga County, Georgia, more particularly described as follows: All that tract or parcel of land lying and being in Land Lot No. 103 in the 6th District and 4th Section of Chattooga County, Georgia, and being Lot No. 230, as shown on a plat entitled Section 1 of a subdivision of the residential properties of the Trion, Georgia Division of Riegel Textile Corporation by Pickell & Pickell Engineers dated February 1952 and recorded in Plat Book 3, Page 10, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the north side of Tenth Street, said point being south 84 degrees 03 minutes east 268 feet from the intersection of the North side of Tenth Street with the East side of Eleventh Street, said point

also being the southeast corner of Lot 229; thence north 05 degrees 57 minutes east along the east line of Lot 229, 175 feet to a point on the south side of a 15 foot alley, said point being the northeast corner of lot 229; thence south 84 degrees 03 minutes east 74 feet along the south side of said Alley to a point, said point being the northwest corner of Lot 231; thence south 05 degrees 57 minutes west 175 feet along the west line of Lot 231 to a point on the north side of Tenth Street, said point also being the southwest corner of Lot 231; thence north 84 degrees 03 minutes west along the north side of Tenth Street 74 feet to the point of beginning.

Subject to easements regarding utilities, etc., as shown on instrument recorded in Deed Book 53, Page 429, in the Office of the Clerk of the Superior Court of Chattooga County, Georgia.

Being the same property described in quit claim deed from Claude Stoker to Louise Stoker, dated October 1, 1998, and recorded in Deed Book 326, Page 600, in the Office of the Clerk of Superior Court of Chattooga County, Georgia.

- i. 557 Josh Ward Road, Lyerly, Chattooga County, Georgia, more particularly described as follows: All that tract or parcel of land lying and being in Land Lot 91, in the 14th District and 4th Section of Chattooga County, Georgia, and being more particularly described as follows:

BEGINNING at a stake on the southerly side of the Oak Hill-Alpine Public Road, which stake is 1,144 feet, more or less, westerly measured along said southerly side of said road, from an established corner of the property of R. U. Bullard with Elmer W. Morrison, which stake is near a power pole; thence southerly at right angles to said road 208 feet to a stake; thence westerly and parallel with said road 147 feet to a point; thence in a northeasterly direction to a point on the southerly side of Oak Hill-Alpine Public Road, which point is 65 feet westerly from the beginning point; running thence easterly along the south side of said Oak Hill-Alpine Public Road a distance of 65 feet to the point of beginning.

Said property is improved with a residence erected thereon and is a part of the property described in a deed from Bankers trust Company of California to Jo Ann Smith dated January 2, 2001, recorded in Deed Book 365, Page 595, in the Office of the Clerk of the Superior Court of Chattooga County, Georgia.

Also conveyed herewith is an easement for the purpose of obtaining and using water to serve the dwelling located on the above-described property from an existing well lying westerly of the above-described lands, together with the right to go upon and about said adjacent lands for the purpose of maintaining said well and laying and maintaining an underground pipeline from said well to the lands described above, said easement is appurtenant to the lands described above and is an easement running with the land.

j. Proceeds in the amount of _____ from the sale of 473 Brock Road, Summerville, Chattooga County, Georgia, more particularly described as follows: All that tract or parcel of land situated, lying and being in Land lots No. 15, 16, and 21 in the 13th District and 4th Section of Chattooga County, Georgia.

k. 92 West Halls Valley Road, Trion, Chattooga County, Georgia, more particularly described as:

TRACT I

All that tract or parcel of land lying and being in the 6th District and 4th Section of Chattooga County, Georgia, and in the J. H. Henderson Subdivision, said tract being more particularly described as follows:

Subdivision Lot No. 15 in Block "O" of the said J. H. Henderson Subdivision, according to the plat of same of record in the Office of the Clerk of Superior Court of Chattooga County, Georgia, said plat being located in Plat Book 1, Page 8, and referenced to said plat being hereby made for further description of the property herein conveyed.

Being the same property conveyed to S. D. Habey by Henry C. Walker by Warranty Deed dated December 5, 1953, and

recorded in Deed Book 57, Page 443, in the Office of the Clerk of Superior Court of Chattooga County, Georgia.

TRACT II

All that tract or parcel of land lying and being in Land Lot No. 147 in the 6th District and 4th Section of Chattooga County, Georgia, and described as follows: Subdivision Lot No. 16 and 17, in Block "O" of the J. H. Henderson Subdivision, as recorded in Plat Book 1, Page 8, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, and described as follows:

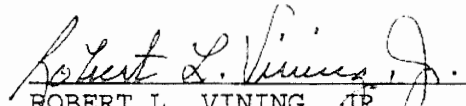
BEGINNING at a point, said point being 550 feet east of the intersection of Little Street and Halls Valley Road; on the north side of Halls Valley Road; thence due east 100 feet; thence due north 200 feet; thence due west 100 feet; thence due south 200 feet to the point of beginning.

Both Tract I and Tract II being more particularly described in accordance to a survey plat prepared for Merthi Richard Sims, Jr., and Deborah Ann Sims by Carl N. Morrison, Georgia Registered Land Surveyor No. 1686, and dated July 26, 2007, and recorded in Plat Book 12, Page 65, in the Office of the Clerk of Superior Court, Chattooga County, Georgia.

2. All right, title and interest in the property listed above is hereby condemned, forfeited and vested in the United States and shall be disposed of according to law.
3. The interest of Erica Hughes a/k/a Ericka H. Broyles a/k/a Ericka Hughes Broyles is hereby extinguished.
4. The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

5. The proceeds from the sale of these properties shall be applied towards the _____ oney judgment entered against the Defendant.
6. This case shall remain open pending the resolution of the ancillary proceedings regarding the remaining real properties.

SO ORDERED this 11th day of June, 2009.


ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Dahil D. Goss
Dahil D. Goss
Assistant U.S. Attorney

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: June 11, 2009

By: James N. Hatten

Clerk of Court

JUN 11 2009 James N. Hatten