

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RECEIVED  
JUN 04 2008  
UNITED STATES MARSHAL  
Northern/West Virginia

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 2:06CR19

RANDY L. ROHRBAUGH,

Defendant.

FINAL ORDER OF FORFEITURE OF SPECIFIED REAL PROPERTY

IT IS HEREBY ORDERED THAT:

Pursuant to Title 21 U.S.C. § 853 and Rule 32.2(c)(2), based upon the findings made in the Preliminary Order of Forfeiture and herein, the property located at Old Mallow Farm, located on approximately seven (7) acres in Tucker County, HC 66 Box 4, Dryfork, West Virginia, is forfeited to the United States. Said real estate is more particularly described as:

TRACT NO. 1: Beginning at a found fence corner post, Corner No. 1 on plat, corner of John McBee and Roy Mallow, Jr., (also Corner No. 1 of the 2.46 acre parcel and the 0.04 acre parcel), thence with a line of John McBee S. 550-57 W. 203.65 feet to a set 5/8 inch by 30 inch rebar, Corner No. 2, corner to McBee and Roy H. Mallow, on the eastern edge of the driveway into the Roy Mallow, Jr. property, thence with a line of Roy H. Mallow N. 83055 W. 29.30 feet to a found fence corner post, Corner No. 3, corner of Roy Mallow, Jr. and Roy H. Mallow, and from which a found fence corner post, corner of Roy Mallow, Jr. and Roy H Mallow bears S. 78-28 W. 118.45 feet, thence with a line of Roy Mallow, Jr. N. 56-15 E. 225.30 feet to the beginning, containing 0.05 acre, more or less.

TRACT NO. 2: Beginning at Corner No. 1, this corner is heavy locust post on north edge of Mallow driveway, thence N. 28° 45' W. 375 feet to Corner No. 2, a locust corner post, thence N. 68° 15' E. 496 feet to Corner No. 3, a fence post 6 feet north of elm tree, thence S. 2° E. 357 feet to Corner No. 4, a cement block, thence S. 55° W. 221.5 feet to Corner No. 5, a post in Mallow driveway fence, S. 77° W. 117.5 feet to the place of beginning, containing 3.41 acres, more or less.

I hereby certify that the annexed instrument is a true and correct copy of the original filed in my office.

ATTEST: Dr. Wally Edgell  
Clerk, U.S. District Court  
Northern District of West Virginia

By: [Signature]  
Deputy Clerk

As found in Deed Book 174 at page 217, of the Tucker County Clerk's office.

TRACT NO. 1: Beginning at a found fence corner post, Corner No. 1 on plat, corner of John McBee and Roy Mallow, Jr., (also Corner No. 1 of the below described two parcels), thence with a line of said Mallow N. 02-00 W. 350.00 feet to a found fence corner post, Corner No. 2, corner to Roy H. Mallow and Roy Mallow, Jr., thence with a line of Roy H. Mallow N. 70-00 E. 297.55 feet to a found corner post, Corner No. 3, corner to Roy H. Mallow, thence with said Mallow S. 81-28 # 33.00 feet to a found fence corner post, Corner No. 4, corner to Roy H. Mallow and in a line of Benson Lambert, thence with part of a line of Lambert S. 10-08 W. 458.50 feet to a set 3/4 inch by 36 inch iron reinforcing rod (rebar), Corner No. 5 and Corner No. 2 of the below described 0.04 acre parcel, and from which another set 3/4 inch by 36 inch rebar bears S. 10-08 W. 16.85 feet and in line of Benson Lambert, thence with a line of the 0.04 acre parcel N. 88-45 W. 219.40 feet to the beginning, containing 2.46 acres, more or less, as surveyed in November 1983, by Stephen D. Teter, L.L.S.

TRACT NO. 2: Beginning at a found fence corner post, Corner No. 1 on plat, corner to John McBee and Roy Mallow, Jr., (also Corner No. 1 of the 2.46 acre parcel and the 0.05 acre parcel), thence with a line of the 2.46 acre parcel S. 88-45 E. 219.40 feet to a set 3/4 inch rebar, Corner No. 2 and Corner No. 5 of the 2.46 acre parcel and on a line of Benson Lambert, thence with part of a line of Lambert S. 10-08 W. 16.85 feet to a set 3/4 inch by 36 inch rebar, Corner No. 3, on a line of Lambert and from which a utility pole numbered C6703 bears S. 06-30 W. 27.25 feet and a found fence corner post, corner of Lambert and John McBee bears S. 10.08 W. 131.3 feet, thence with a line of John McBee N. 84.22 W. 217.45 feet to the beginning, containing 0.04 acres, more or less, as surveyed by Stephen D. Teter, L.L.S., in November 1983, together with a 16 foot right of way.

As found in Deed Book 175 at page 300, of the Tucker County Clerk's office.

The United States published notice of the forfeiture in the Elkins Inter Mountain newspaper on September 14, 21, and 28, 2007 regarding the real property located at Old Mallow Farm, Tucker County, HC 66 Box 4, Dryfork, West Virginia.

The deadline for filing a petition asserting an interest in property ordered forfeited in a

Preliminary Order of Forfeiture is thirty days after final publication of the Notice of Forfeiture.  
21 U.S.C. § 853(n)(2).

A claim was filed against the property on October 10, 2007 by Ruth and Ronald Gordeuk; on October 22, 2007 an amended claim was filed by Ruth and Ronald Gordeuk; and on October 31, 2007 a second amended claim was filed by Ruth and Ronald Gordeuk. The Gordeuks' withdrew their claims on December 13, 2007.

No other petition asserting an interest in the above specified real property has been filed.

Rule 32.2(c)(2) provides that if "no third party files a timely petition, the preliminary order becomes the final order of forfeiture if the court finds that the defendant . . . had an interest in the property that is forfeitable under the applicable statute."

The last filed deeds to the above specified property conveyed said real estate to the defendant; accordingly, the defendant had an interest in the property at the time of the entry of the preliminary order of forfeiture.

So Ordered.

Dated: May 22, 2008

Robert M. Maxwell  
United States District Judge

STATE OF WEST VIRGINIA,  
Tucker County Clerk's Office:

Be it remembered that on this 30th day of May, 2008  
the foregoing Forfeiture of Real Property with the certificate  
thereto, was this day presented in said office and admitted to record.

9:48 AM Teste Sherry Simmons Clerk

