

FEB 09 2010

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

JAMES H. HATTEN, Clerk
By: *[Signature]* 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 six 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. 152 Trent Lane, Trion, Chattooga County, Georgia:
All that tract or parcel of land lying and situated in Land Lot No. 13 of the 14th District and 4th Section of Chattooga County, Georgia, and being more particularly described as follows:

BEING TRACT NO. THREE (3) according to a plat entitled Mike L. Smith by Eddie V. Burke, Georgia Registered

CERTIFICATION
CM/ECF DOCUMENT

¹ The remaining 10 properties will be addressed at a later date.

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

Date Filed: February 9, 2010
By: *[Signature]* Deputy Clerk
Clerk of Court
James N. Hatten

17 FEB 2010

Surveyor 2753, recorded in Plat Book 11, Page 22, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, reference to which is made for a more detailed description. The above plat is a Revision of a re-subdivision of Tracts 20, 21, 26 and 27 of a prior plat entitled "Ballenger Properties" by Donald Babb, Georgia Registered Land Surveyor, recorded in Plat Book 8, Page 46, in the Office of the Clerk of Superior Court of Chattooga County, Georgia.

b. ~~REDACTED~~
All That tract or parcel of land lying and being in the 6th District and 4th Section of Chattooga County, Georgia and being Subdivision Lot Numbers 11, 12, 13, 14, and 15 in Block "C" of the Welcome Hill Subdivision according to a plat of same recorded in the Office of the Clerk of Superior Court of Chattooga County, Georgia in Plat Book 2, Page 37, said lots fronting on the Dry Valley Public Road.

c. 118 North Ridge Estates, Trion, Chattooga County, Georgia
All that tract or parcel of land situated, lying and being in Land Lot Number One Hundred Eighty (180) in the Sixth District Fourth Section of Chattooga County, Georgia and being Lots Numbered Forty (40), Forty-One (41), and Forty-Two (42) of Northridge Estates, Phase 3, according to a survey plat thereof recorded in Plat Book 7, Page 141 in the office of the Chattooga Superior Court Clerk to which plat reference is hereby made for a more specific description of said lots which form one tract more particularly described as:

BEGINNING at an iron pin corner on the original lot line forming the south boundary of said land lot which marks the intersection thereof with the southeasterly side of Northridge Drive (50 feet right of way); thence south 87 degrees 23 minutes 55 seconds east along said south lot line 566-32/100 feet to an iron pin corner; thence north 02 degrees 40 minutes 11 seconds east 374-15/100 feet to an iron pin corner on the south line of said Northridge Drive; thence along said south line of said Northridge Drive north 87 degrees 19 minutes 49 seconds west 159-10/100 feet to an iron pin and continuing southwesterly along said line of Northridge Drive along an arc 229-41/100 feet (the radius of which is 175 feet) to an iron

pin, thence continuing along said southeasterly line of said Drive south 17 degrees 33 minutes 40 seconds west 80-50/100 feet and thence southwesterly along an arc 294-95/100 feet (the radius of which is 225) to the point of beginning; containing 2-99/100 acres, all as shown on said survey plat dated May 13, 1993 by Norman B. DeLoach, GA R.L.S. No. 1347.

- d. All that tract or parcel of land situated, lying and being in Land Lot Number One Hundred Eighty (180) in the Sixth District and Fourth Section of Chattooga County, Georgia and being Lot Number Twenty-Eight (28) of Northridge Estates, Phase Five, according to a survey plat thereof recorded in Plat Book 9, Page 16 in the office of the Chattooga Superior Court Clerk to which plat reference is hereby made for a more specific description of said lot which is more particularly described as

BEGINNING at an iron pin corner on the southeasterly side of Northridge Drive which is 828-93/100 feet southwesterly, measured along said side of said Drive from its intersection with the original lot line forming the east boundary of said land lot; thence south 70 degrees 29 minutes 04 seconds east 490 feet to a stake corner; thence north 70 degrees 29 minutes 05 seconds west 473-33/100 feet to a stake corner on said southeasterly side of Northridge Drive; thence south 19 degrees 30 minutes 56 seconds west along said side of said Drive 103-30/100 feet to the point of beginning; containing 1-14/100 acres as shown on said plat.

This conveyance is made SUBJECT to those restrictive covenants recorded in Chattooga County Deed Book 238, Page 141, to which reference is hereby made for a more specific particulars thereof.

In the conveyance of aforesaid Lot 28 in the Northridge Estates to Stephanie Helton Smith by Zip Trading Corporation in deed dated March 22, 1999, recorded in Chattooga County Deed Book 333, Page 634, said lot was described as being that shown on a survey plat recorded in Plat Book 7, Page 23, and the description of said lot was taken from said plat. However, since the plat in Plat Book 7, Page 23 a redivision of said Lot 28 and

adjacent Lot 27 has been accomplished, as shown on a redivision of said lots according to a new survey and plat thereof, designated Northridge Estates-Phase 5 dated October 29, 1997 and recorded in Plat Book 9, Page 16, in the office of the Chattooga Superior Court Clerk.

e. Land Lot 21, 13th District, Chattooga County, Georgia, more particularly described as:

All that tract or parcel of land lying and being in Land Lot No. 21 in the 13th District and 4th Section of Chattooga County, Georgia, and being "Area One" containing 70.00 acres as shown on a plat prepared by Eddie V. Burke, Georgia Registered Land Surveyor No. 2753, dated February 1, 2006 entitled, "Property of Ralph J. Ivie & Jonan H. Ivie," said plat being recorded in Plat Book 11, Page 163, in the office of the Clerk of Superior Court of Chattooga County, Georgia being more particularly described as follows:

BEGINNING at an iron pin marking the intersection of the original land lot line No. 21 forming the north boundary of said land lot with the Southeasterly right-of-way of Georgia State Route 337 (80'R/W); thence along the Northerly original Land Lot 21 South 88°53'52" East 1,870.66 feet to a 3/4" open top iron pipe found; thence South 0°23'51" West 804.03 feet to a 1/2" iron pin set; thence North 88°24'00" West 916.44 feet to a 1/2" iron pin set; thence South 0°16'38" West 1,250.00 feet to a 1/2" iron pin set; thence South 88°24'00" East 916.44 feet to a 1/2" iron pin set; thence South 0°15'11" West 485.00 feet to a 1/2" open top iron pipe found, thence along the Southeasterly original Land Lot line No. 21 88°24'00" West 1,503.88 feet to a 1/2" iron pin found; thence North 0°20'30" East 1,506.30 feet to a iron pin found; thence North 0°20'30" to a 1-1/4" crimp top iron pin found; thence North 63°35'22" West 858.22 feet to a 1/2" open top iron pipe found; thence and along the right-of-way of Georgia State Route 337 (80'R/W) North 31°50'22" East 41.74 feet to a point; thence and along the Right-of-way of Georgia State Route 337 (80'R/W) North 31°37'20" East 105.38 feet to a 1/2" iron pin found; thence leaving said Right-of-way South 84°27'52" East 410.54 feet to a 1/2" iron pin set; thence North 3°58'20" East 420.00 feet to a 1/2" open top iron pipe found; thence North 88°09'53" West 200.44 feet to a 1-1/4" open top iron pipe found and the Right-of-way of

his address located at 3501 A Avenue, Box 425, Fort Lee, Virginia 23801 (the notice was received on April 8, 2009). Notice was sent via certified mail to Mary Ellen Broome, in her capacity as Executor of the Estate of Fred Thomas, at her address located at 640 Thomas Road, Trion, Georgia 30753 (the notice was received on April 4, 2009). Notice was sent via certified mail to First Family Financial Services, Inc., by and through its registered agent for service, CT Corporation System, at its address located at 1201 Peachtree Street, NE, Atlanta, Georgia 30361 (the notice was received on February 4, 2009). No one has filed a claim to any of the above-described properties and the deadline for doing so has expired³.

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 properties described below, that the properties described below are 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:

³ The United States has recognized the interest of the Chattooga County Tax Commissioner for unpaid taxes up and until the entry of this Order of Forfeiture.

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

a. 152 Trent Lane, Trion, Chattooga County, Georgia:
All that tract or parcel of land lying and situated in Land Lot No. 13 of the 14th District and 4th Section of Chattooga County, Georgia, and being more particularly described as follows:

BEING TRACT NO. THREE (3) according to a plat entitled Mike L. Smith by Eddie V. Burke, Georgia Registered Land Surveyor 2753, recorded in Plat Book 11, Page 22, in the Office of the Clerk of Superior Court of Chattooga County, Georgia, reference to which is made for a more detailed description. The above plat is a Revision of a re-subdivision of Tracts 20, 21, 26 and 27 of a prior plat entitled "Ballenger Properties" by Donald Babb, Georgia Registered Land Surveyor, recorded in Plat Book 8, Page 46, in the Office of the Clerk of Superior Court of Chattooga County, Georgia.

b. 11-15 Welcome Hill Road, Trion, Chattooga County, Georgia

All that tract or parcel of land lying and being in the 6th District and 4th Section of Chattooga County, Georgia and being Subdivision Lot Numbers 11, 12, 13, 14, and 15 in Block "C" of the Welcome Hill Subdivision according to a plat of same recorded in the Office of the Clerk of Superior Court of Chattooga County, Georgia in Plat Book 2, Page 37, said lots fronting on the Dry Valley Public Road.

c. 118 North Ridge Estates, Trion, Chattooga County, Georgia

All that tract or parcel of land situated, lying and being in Land Lot Number One Hundred Eighty (180) in the Sixth District Fourth Section of Chattooga County, Georgia and being Lots Numbered Forty (40), Forty-One (41), and Forty-Two (42) of Northridge Estates, Phase 3, according to a survey

plat thereof recorded in Plat Book 7, Page 141 in the office of the Chattooga Superior Court Clerk to which plat reference is hereby made for a more specific description of said lots which form one tract more particularly described as:

BEGINNING at an iron pin corner on the original lot line forming the south boundary of said land lot which marks the intersection thereof with the southeasterly side of Northridge Drive (50 feet right of way); thence south 87 degrees 23 minutes 55 seconds east along said south lot line 566-32/100 feet to an iron pin corner; thence north 02 degrees 40 minutes 11 seconds east 374-15/100 feet to an iron pin corner on the south line of said Northridge Drive; thence along said south line of said Northridge Drive north 87 degrees 19 minutes 49 seconds west 159-10/100 feet to an iron pin and continuing southwesterly along said line of Northridge Drive along an arc 229-41/100 feet (the radius of which is 175 feet) to an iron pin, thence continuing along said southeasterly line of said Drive south 17 degrees 33 minutes 40 seconds west 80-50/100 feet and thence southwesterly along an arc 294-95/100 feet (the radius of which is 225) to the point of beginning; containing 2-99/100 acres, all as shown on said survey plat dated May 13, 1993 by Norman B. DeLoach, GA R.L.S. No. 1347.

- d. All that tract or parcel of land situated, lying and being in Land Lot Number One Hundred Eighty (180) in the Sixth District and Fourth Section of Chattooga County, Georgia and being Lot Number Twenty-Eight (28) of Northridge Estates, Phase Five, according to a survey plat thereof recorded in Plat Book 9, Page 16 in the office of the Chattooga Superior Court Clerk to which plat reference is hereby made for a more specific description of said lot which is more particularly described as

BEGINNING at an iron pin corner on the southeasterly side of Northridge Drive which is 828-93/100 feet southwesterly, measured along said side of said Drive from its intersection with the

original lot line forming the east boundary of said land lot; thence south 70 degrees 29 minutes 04 seconds east 490 feet to a stake corner; thence north 70 degrees 29 minutes 05 seconds west 473-33/100 feet to a stake corner on said southeasterly side of Northridge Drive; thence south 19 degrees 30 minutes 56 seconds west along said side of said Drive 103-30/100 feet to the point of beginning; containing 1-14/100 acres as shown on said plat.

This conveyance is made SUBJECT to those restrictive covenants recorded in Chattooga County Deed Book 238, Page 141, to which reference is hereby made for a more specific particulars thereof.

In the conveyance of aforesaid Lot 28 in the Northridge Estates to Stephanie Helton Smith by Zip Trading Corporation in deed dated March 22, 1999, recorded in Chattooga County Deed Book 333, Page 634, said lot was described as being that shown on a survey plat recorded in Plat Book 7, Page 23, and the description of said lot was taken from said plat. However, since the plat in Plat Book 7, Page 23 a redivision of said Lot 28 and adjacent Lot 27 has been accomplished, as shown on a redivision of said lots according to a new survey and plat thereof, designated Northridge Estates-Phase 5 dated October 29, 1997 and recorded in Plat Book 9, Page 16, in the office of the Chattooga Superior Court Clerk.

e. Land Lot 21, 13th District, Chattooga County, Georgia, more particularly described as:

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BEGINNING at an iron pin marking the intersection of the original land lot line No. 21 forming the north boundary of said land lot with the Southeasterly right-of-way of Georgia State Route 337 (80'R/W); thence along the Northerly original Land Lot 21 South 88°53'52" East 1,870.66 feet to a 3/4" open top iron pipe found; thence South 0°23'51" West 804.03 feet to a 1/2" iron pin set; thence North 88°24'00" West 916.44 to a 1/2" iron pin set; thence South 0°16'38" West 1,250.00 feet to a 1/2" iron pin set; thence South 88°24'00" East 916.44 feet to a 1/2" iron pin set; thence South 0°15'11" West 485.00 feet to a 1/2" open top iron pipe found, thence along the Southeasterly original Land Lot line No. 21 88°24'00" West 1,503.88 feet to a 1/2" iron pin found; thence North 0°20'30" East 1,506.30 feet to a iron pin found; thence North 0°20'30" to a 1-1/4" crimp top iron pin found; thence North 63°35'22" West 858.22 feet to a 1/2" open top iron pipe found; thence and along the right-of-way of Georgia State Route 337 (80'R/W) North 31°50'22" East 41.74 feet to a point; thence and along the Right-of-way of Georgia State Route 337 (80'R/W) North 31°37'20" East 105.38 feet to a 1/2" iron pin found; thence leaving said Right-of-way South 84°27'52" East 410.54 feet to a 1/2" iron pin set; thence North 3°58'20" East 420.00 feet to a 1/2" open top iron pipe found; thence North 88°09'53" West 200.44 feet to a 1-1/4" open top iron pipe found and the Right-of-way of Georgia State Route 337 (80'R/W); thence North 32°43'40" East 73.99 feet to a point along Right-of-way of Georgia State Route 337 (80'R/W); thence North 35°48'31" East 88.46 feet to a 1/2" iron pin set and the POINT OF BEGINNING.

And being the same property conveyed to Ralph J. Ivie and Jonan H. Ivie from William D. Hudson, Sr., by Warranty Deed dated July 3, 1986, and recorded in Deed Book 209, Page 224, in the office of the Clerk of Superior Court, Chattooga County, Georgia.

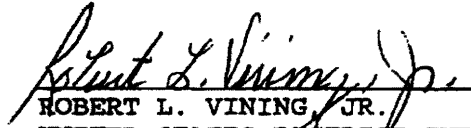
- f. Proceeds in the amount of \$15,000.00 from the sale of 951 Filter Plant Road, Summerville, Georgia 30747 f/k/a 448 Filter Plant Road, Summerville,

Georgia 30747, more particularly described as: All that tract or parcel of land lying and being in Land Lot No. 12 & 13 in the 14th District and 4th Section of 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 Stephanie H. Smith in any of the above properties is hereby extinguished.
4. The interest of Brett M. Smith in any of the above properties is hereby extinguished.
5. The interest of Fred Thomas, his heirs, executors, and assigns in any of the above properties is hereby extinguished.
6. The interest of First Family Financial Services, Inc., is hereby extinguished, and the Security Deed from Mike L. Smith and Stephanie H. Smith to First Family Financial Services, Inc., dated July 11, 1995, filed July 12, 1995, at Deed Book 283, Page 52, in the Chattooga County, Georgia records is hereby cancelled of record.
7. The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

8. The net proceeds from the sale of these properties shall be applied towards the money judgment entered against the Defendant.
9. This case shall remain open pending the resolution of the ancillary proceedings regarding the remaining real properties.

SO ORDERED this 9th day of FEB., 2010.


ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Presented by:

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