

DEC 21 2009

JAMES N. HATTEN, Clerk
By: *J. McCall* Deputy Clerk

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

1299 GRAYMONT DRIVE, S.W.,
ATLANTA, FULTON COUNTY,
GEORGIA; 1450 LANVALE DRIVE,
S.W., ATLANTA, FULTON COUNTY,
GEORGIA; AND ALL BUILDINGS AND
APPURTENANCES THEREON,

Defendants.

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CIVIL ACTION NO.

1:09-CV-1222-GETOCUMENT

DECLARATION
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: December 21, 2009
By: *James N. Hatten* Clerk of Court
James N. Hatten

DEC 23 2009

FINAL ORDER OF FORFEITURE BY DEFAULT

This matter is now before the Court on Plaintiff's Motion for Entry of Forfeiture by Default in accordance with Federal Rule of Civil Procedure 55(b)(2) and 18 U.S.C. § 983(a)(4)(A). For the reasons stated below, the Court GRANTS the Motion for Default Judgment.

The Complaint for Forfeiture, filed pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C), seeks to forfeit certain real properties located at 1299 Graymont Drive, S.W., Atlanta, Fulton County, Georgia, and 1450 Lanvale Drive, S.W., Atlanta, Fulton County, Georgia (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 posted notice on the Defendant Properties and provided direct notice to Tremata Shena Anthony, sole record title owner of the Defendant Properties, at her residence located at 209 Battle Creek Village Drive, Jonesboro, Georgia 30236. In addition, the United States published notice of the forfeiture action on the official Government Internet site www.forfeiture.gov for thirty (30) consecutive days. No one has filed a verified claim, as required by 18 U.S.C. § 983(a)(4)(A) and 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).

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 Tremata Shena Anthony, 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 real properties:

- a. 1299 Graymont Drive, S.W., Atlanta, Fulton County, Georgia, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 137, 14TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 40, BLOCK B, PARKVIEW HOMESITES SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 14, PAGE 7, FULTON COUNTY, GA RECORDS, BEING IMPROVED PROPERTY KNOWN AS 1299 GRAYMONT DRIVE SW, ATLANTA, GEORGIA, 30310, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FULTON COUNTY, GEORGIA.

- b. 1450 Lanvale Drive, S.W., Atlanta, Fulton County, Georgia, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 138 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 5, BLOCK M, WESTMONT ESTATES SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 39, PAGE 6, FULTON COUNTY, GEORGIA RECORDS, WHICH RECORDED PLAT IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 1450 LANVALE DRIVE, ATLANTA, GEORGIA, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FULTON COUNTY, GEORGIA.

The Clerk shall enter a default judgment in favor of the United States and against the Defendant Properties, Tremata Shena Anthony, and any potential claimants. Tremata Shena Anthony's interest in the Defendant Properties is hereby extinguished. 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.

SO ORDERED this 21st day of December, 2009.


G. SIDNEY TIDWELL
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Gerald S. Sachs

GERALD S. SACHS

SPECIAL ASSISTANT U.S. ATTORNEY

Georgia Bar No. 415090