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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

Eastern District of Kentucky
FILED

FEB 04 2014

BY COVINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT
PLAINTIFF

CRIMINAL NO. 13-8-S-ART

UNITED STATES OF AMERICA

VS.

FINAL DECREE AND ORDER OF FORFEITURE

DAMON HELTON, ET AL.

DEFENDANTS

* * * * *

WHEREAS, on July 30, 2013, this Court entered an order of forfeiture pursuant to the provisions of 21 U.S.C. § 853 forfeiting all of the defendants' interest in the properties listed therein;

AND WHEREAS, notice of the United States' intention to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property was published on an official government internet website for 30 consecutive days beginning August 24, 2013;

AND WHEREAS, notice was delivered via certified mail, return receipt requested as follows:

- Theodore Knoebber for Marcella Wright on August 28, 2013;
- PNC Financial Service Group on September 18, 2013;
- James Dady for Capital One Bank on October 25, 2013;

- C. Edward Noe for Mortgage Guaranty Insurance Corp. on October 25, 2013;

AND WHEREAS, notice via certified mail to Brittany Inglesias, 5200 Section Avenue, Cincinnati, Ohio 45212, was returned marked unclaimed; notice sent via regular mail on October 22, 2013 was not returned; and no claim having been made;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the United States Marshals Service shall forthwith seize the following forfeited property and dispose of it in accordance with the law:

REAL PROPERTY:

1. 2108 Lawn Avenue, Cincinnati, OH
Parcel ID 651-0008-0022-00

Situated in the County of Hamilton, in the state of Ohio and in the City of Norwood and being Lot Number 75 on a certain plat of lots called Norwood View, recorded in Plat Book 14; page 105 of the Plat Records of said County.

Being the same property conveyed to Damon Helton herein by virtue of that Special Warranty Deed, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on January 15, 2010, in Official Record Book 11336, Page 1387.

2. 5640 Prosser Street, Cincinnati, OH
Parcel ID 661-0003-0099-00

Situated in the Village of Elmwood Place, and being in Millcreek Township and being known and described as all of Lot Two Hundred and Fifteen (215) and the south twenty-eight (28) feet of Lot Two Hundred Fourteen (214), as shown on the plat of George Yost, et al, Plat Book 13, pages 66 & 67, Hamilton County, Ohio Plat Records; said lot and part of lot together fronting fifty-eight (58) feet on the east side of Prosser Avenue and extends back ninety-one and ninety-four hundredths (91.94) feet on the south line and ninety-eight and eight-six hundredths (98.86) feet to its north line to the Miami and Erie Canal.

Being the same property conveyed to Damon Helton herein by virtue of that Quitclaim Deed, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on June 3, 2010, in Official Record Book 11446, Page 2028.

3. 17 Linden Street, Cincinnati, OH
Parcel ID 661-0002-0392-00

Situated in the Village of Elmwood Place, Hamilton County, Ohio, to-wit: That certain lot or parcel of land situated in Section 12, Millcreek Township, Hamilton County, Ohio, known, numbered and designated as Lot No. 101 of Yost's Subdivision of lots adjoining Elmwood, as shown on the plat of said Subdivision recorded in Plat Book 5, Page 304, Recorder's Office, Hamilton County, Ohio; said Lot No. 101 has a frontage on the south side of Linden Street of 30 feet and extends south between parallel lines 115 feet and is known as 17 Linden Street, Elmwood Place, Ohio.

Being the same property conveyed to Damon Helton herein by virtue of that Deed Limited, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on October 13, 2010, in Official Record Book 11554, Page 1740.

4. 114 Township Avenue, Cincinnati, OH

Parcel ID 661-0002-0366-00

Situated in the Village of Elmwood Place in Elmwood Township, Hamilton County, Ohio and being known as Lot No. 4 of George Yost et al., Subdivision as recorded in Plat Book 5, Page 304, Hamilton County, Ohio Recorder's Office; said lot fronting 30 feet on the North side of Township Avenue with a depth of 110 feet.

Being the same property conveyed to Damon Helton herein by virtue of that General Warranty Deed, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on December 30, 2010, in Official Record Book 11617, Page 187.

5. 4115 Flower Avenue, Cincinnati, OH

Parcel ID 179-0078-0192-00

Situate in the City of Cincinnati, Hamilton, Ohio, Township Three (3) Fractional Range One (1), formerly Section six (6), Delhi Township and more particularly described as follows: Commencing at a point in the south side of Flower Avenue two hundred and sixty-five (265) feet east of the southeast corner of Trenton Avenue and Flower Avenue; thence southwardly for a distance of one hundred and thirty (130) feet to a point; thence eastwardly and at right angles to last mentioned line thirty (30) feet to a point; thence northwardly to the south line of Flower Avenue; thence westwardly along the south line of Flower Ave thirty (30) feet to the place of beginning and being the east twenty-five (25) feet of Lot No. fifty (50) and the west five (5) feet of Lot No. fifty-one (51) Roebbling's Proposed Subdivision, Price Hill, and being in all a lot thirty (30) feet front by one hundred and thirty (130) feet in depth, lying on the south side of Flower Avenue.

Commencing at a point in the south line of Flower Avenue, Two hundred sixty-five (265) feet east of the southeast corner of Flower Avenue and Trenton Avenue (formerly Seventh Avenue); thence from said point in the south line of Flower Avenue, on a line parallel with the east line of Trenton Avenue, South one hundred (100) feet to a point; thence West on a line parallel with the south line of Flower Avenue, two (2) feet to a point; thence North, on a line parallel with the east line of Trenton Avenue, one hundred (100) feet to the south line of Flower Avenue; thence east, along the south line of Flower Avenue, two (2) feet to the place of beginning.

Being the same property conveyed to Damon Helton herein by virtue of that Deed Limited, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on October 25, 2011, in Official Record Book 11855, Page 47.

6. 6418 Vine Street, Cincinnati, OH
Parcel ID 661-0002-0006-00

The following described real estate, to-wit; situate in the Village of Elmwood Place, Ohio, in Millcreek Township, Section 12, Town 3, Fractional Range 2 of the Miami Purchase, Hamilton County, Ohio, and more particularly as described as follows:

Beginning at a point in the east line of Carthage Pike, said point being 50 feet north of the north west corner of Lot No. 13 of John Jung's "Cedar Park Subdivision", as recorded in Plat Book 5, page 258 of the Hamilton County Plat Records, (said point also being the north west corner of a 50 foot tract of ground sold to Herman Stapp by Louis C. Cordes and Albert H. Cordes); thence eastwardly along the north line of said 50 foot strip of ground, above described, and said line being parallel to the north line of said Lot No. 13 for a distance of 125 feet, to a point; thence from said point running in a northwardly direction along a line parallel with the east line of Carthage Pike and 125 feet distant therefrom, a distance of 75 feet to a point; thence westwardly along a line parallel with the first line given, a distance of 125 feet, to a point in the east line of Carthage Pike; thence southwardly along the east line of Carthage Pike, a distance of 75 feet to the place of beginning.

The above described tract being a lot of land on the east side of Carthage Pike, front 75 feet on the said Carthage Pike and running back between parallel lines a distance of 125 feet.

Being the same property conveyed to Damon Helton herein by virtue of that Quit Claim Deed, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on November 28, 2011, in Official Record Book 11880, Page 1914.

7. 2879 Jonrose Avenue, Cincinnati, OH

Parcel ID 510-0071-0271-00

Situated in Hamilton County Ohio in Section 1, Township 2, entire Range 1, Coletrain Township and Lot number 19A and the easterly 2 feet of Lot number 19 of Robers Third Subdivision, Section 2, Block "A" as the same is recorded in Plat Book 69 page 26, Hamilton County Ohio Recorder's Plat Records. Together with and subject to the easements for joint driveway as set forth in deed book 3294 page 14, Hamilton County Ohio Records. Subject to easement and restrictions of records, if any.

Being the same property conveyed to Damon Helton herein by virtue of that General Warranty Deed, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on January 17, 2012, in Official Record Book 11919, Page 1413.

8. 1041 Wells Street, Cincinnati, OH

Parcel ID 174-0008-0086-00

Parts of Lots Nos. 35 & 36 as shown on the plat of William Sturm's Second Subdivision of Glen Grove in Section 36, Town 4, Fractional range 1, Miami Purchase, made by Edward Adleta, Commissioner in Case # 53547 Court of Common Pleas, Hamilton County, Ohio, beginning at the northeast corner of Lot No. 36 of said Subdivision; thence southwardly along the west line of Wells (formerly called Austerlitz) Avenue, 75.22 feet to a point 25 feet north of the southeast corner of Lot No. 35; thence westwardly and parallel with the south line of said Lot No. 35, 99.79 feet to a point 100 feet east of McPherson Avenue and being the east line of Lot sold by William Fox to Frank Kuhr, thence northwardly and parallel with McPherson Avenue, 75.22 feet to the north of Lot No. 36, and said point being 100 feet east of McPherson Avenue and the northeast corner of a lot sold by William Fox to R.E. Indale; thence eastwardly along the north line of Lot No. 36 to the place of beginning, said premises being 37.61 feet in front on the west side of Wells Avenue (formerly called Austerlitz Avenue), 99.79 feet in depth back to a point 100 feet east of McPherson Avenue, between parallel lines and lying 37.61 feet south of the north line of Lot No. 36 of Sturm's Subdivision.

The real estate conveyed herein is more particularly described as follows:

Beginning at a point in the west line of Wells Avenue, 37.61 feet south of the northeast corner of Lot 36 of William Sturm's Second Subdivision of Glen Grove, thence from one point of beginning Southwardly along the west line of Wells Avenue 37.61 feet to a point; thence westwardly on a line parallel to the north line of Lot 36 aforesaid, 99.97 feet to a point which is 100 feet east of McPherson Avenue; thence northwardly parallel with McPherson Avenue a distance of 37.61 feet to a point, thence eastwardly and parallel to the north line of Lot 37, 97.38 feet to the westerly line of Wells Avenue and the place of beginning.

Being the same property conveyed to Holly Helton herein by virtue of that Guardian's Deed with Fiduciary Covenants, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on February 1, 2012, in Official Record Book 11931, Page 1410.

9. Property address: 1230 Lee Street, Covington, Kentucky
Group: 1822
PIDN: 054-22-20-010.00

Situated in the City of Covington, County of Kenton, and Commonwealth of Kentucky:

Beginning at a point in the east side of Lee Street, one hundred (100) feet south of Watkins Street, thence southwardly along the east line of Lee Street, twenty-five (25) feet from this front extending back between parallel lines one hundred (100) feet to an alley, being part of Lot No. 45 of Riddle's First Subdivision.

Being the same property conveyed to Damon Helton by Quit Claim Deed recorded with the Kenton County Clerk's Office on February 15, 2012 in Official Record Book C-4773, Page 117.

10. 765 Wells Street, Cincinnati, OH
Parcel ID 176-0024-0044-00

Situated in the City of Cincinnati, Hamilton County, Ohio in Section 36, Township 4, Fractional Range 1, Miami Purchase and being all of Lot Number ninety-two (92) in the subdivision of Sarah Moore, deceased, as recorded in Plat Book 14, page 95, land records of Hamilton County, Ohio; said Lot #92 fronts twenty-seven (27) feet on the west side of Wells Street and extends back westwardly one hundred twenty-five and two hundredths (125.02) feet in depth.

Being the same property conveyed to Holly Helton herein by virtue of that Deed Limited, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio on August, 27 2012, in Official Record Book 12101, Page 2317.

11. 4116 Flowers Avenue, Cincinnati, OH
Parcel ID 179-0078-0554-00 & 179-0078-0283-00

Parcel I: Situate in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Commencing at a point 239 feet East of the Northeast corner of Trenton Avenue and Flower Avenue; thence eastwardly along the northerly line of Flower Avenue, 30 feet to a point; thence northwardly at right angles to Flower Avenue, 120 feet to a point, which is the real point of beginning of this conveyance:

Thence continuing northwardly at right angles to Flower Avenue, 30 feet to a point; thence North 89 deg. 05 min. 20 sec. West, 30 feet to a point; thence southwardly 30 feet to a point which is also the northwest corner of a parcel of land deeded to Edward Kramer and Gertrude Kramer as evidenced by Deed Book 1665, Page 5, Hamilton County, Ohio Records; thence South 89 deg. 05 min. 20 sec. East, 30 feet to the place of beginning.

Parcel II: Situate in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Commencing at a point 239 feet east of the Northeast corner of Trenton and Flower Avenues; thence eastwardly along the northerly line of Flower Avenue, 30 feet to a point; thence northwardly at right angles to Flower Avenue, 120 feet to a point; thence westwardly and parallel to Flower Avenue, 30 feet to a point; thence southwardly 120 feet to a point in the north line of Flower Avenue, the place of beginning.

Being the same property conveyed by Erica R. Young to Holly Young Helton by Quit-Claim Deed dated September 12, 2012, recorded with the Hamilton County Recorder's Office at Cincinnati, Ohio, in Official Record Book 12116, Page 2022.

12. 1650 Waverly Avenue, Cincinnati, Hamilton County, Ohio
Parcel ID: 202-0031-0013-00

Situated in the City of Cincinnati, Hamilton County, Ohio, being Lot No. 406 of Joseph A. James Subdivision as appears of record in Plat Book 1, Page 173, Hamilton County, Ohio Plat Records

Being the same premises conveyed to John Helton and Deborah Helton by Trustee's Deed dated February 19, 1997, recorded in O.R. Book 7279, Page 984, Hamilton County, Ohio Records.

MOTOR VEHICLE:

2004 Chevrolet sedan with Kentucky license plate _____ and vehicle
Identification number _____ by Marcella Wright;

MISCELLANEOUS:

1. Apple iPad inside a leather case found on the night stand in the master bedroom in 1650 Waverly Avenue, Cincinnati, OH seized on February 21, 2013;
2. Apple iPad and power cord located in the master bedroom in Apartment 806 of 6931 Goldengate Drive, Cincinnati, OH seized on February 21, 2013.

2. That the above-listed property be forfeited to the United States of America and no right, title or interest in the property shall exist in any other party including specifically Marcella Wright, PNC Financial Service Group, Capital One Bank, Mortgage Guaranty Insurance Corp., and Brittany Inglesias.

3. That the forfeited property listed herein be disposed of according to law.

4. That any and all forfeited funds, and the proceeds of sale from any forfeited property, after payment of costs and expenses incurred in connection with the forfeiture, sale, or other disposition of the forfeited property, shall be deposited forthwith by the United States Marshal into the Department of Justice Asset Forfeiture Fund in accordance with Title 28 U.S.C. §524(c) and Title 21 U.S.C. §881(e).

Dated this 4th day of February, 2014.


UNITED STATES DISTRICT JUDGE

Prepared by:
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