

JUL 11 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N HATTEN, Clerk
By  Deputy Clerk

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL INFORMATION
)
 JAMES P. ROBINSON) NO. 1:08-CR-218-RWS
)
 Defendant.)

CONSENT PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the Court accepted the guilty plea of the defendant James P. Robinson to Counts One through Three of the above-referenced Criminal Information, and

WHEREAS, the Defendant agrees that he shall immediately forfeit to the United States any and all interest in any and all assets and property, real and personal, that constitute or are derived from proceeds traceable to the commission of the offenses to which he is pleading guilty and any related, similar, or other relevant conduct (regardless of the Court's decision whether to include the conduct underlying those assets for sentencing purposes), including, but not limited to, those items of real estate and property listed and more particularly described below, which are also subject to forfeiture in United States v. 6131 Hamlet Way, N.E., et al, Civil Action No. 1:07-CV-3072-BBM (NDGa.), and

WHEREAS, the Defendant warrants that he is the sole owner of all of the assets described below and that he had not transferred,

conveyed, or encumbered his interest in any of those assets except to the extent that he has transferred the title to the 2004 Cadillac Escalade noted in Paragraph D below to Kael Johnson, who did not contribute any money towards the purchase of the vehicle, for which the Defendant hereby agrees to cause Kael Johnson to sign over to the Government title to the Cadillac Escalade;

WHEREAS, the Defendant waives the requirements of Federal Rules of Criminal Procedure 7, 11, 32.2, 41, and 43 as they apply in any manner to any forfeiture issue, and

WHEREAS, the Court having determined, based upon the Defendant's admissions in the plea agreement, during the plea colloquy, and in this consent order, that the property described below is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), that the Government has established the requisite nexus between said property and the offenses charged in Counts One through Three of the Criminal Information, and the Defendant having consented to this Consent Preliminary Order of Forfeiture becoming final as to him at the time of entry, being made a part of his sentence, and being included in the judgment against him;

IT IS HEREBY ORDERED that the Defendant shall forfeit to the Government the following property, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) as property constituting, or

derived from, proceeds obtained directly or indirectly, as a result of the violation(s) to which the defendant is pleading guilty:

- A. 555 Rose Cottage Circle, Gallatin, Sumner County, Tennessee; any and all buildings and appurtenances thereon and fixtures therein; and any rental proceeds therefrom, which is more particularly described as follows:

A certain tract or parcel of land in Sumner County, State of Tennessee, described as follows, to-wit:

Land in the 3rd Civil District of Sumner County, Tennessee, being Lot No. 41 on the Final Plat of Stone Cottage Villas., Final Plat of record in Plat Book 23, page 58, Register's Office for Sumner County, Tennessee, to which plan reference is hereby made for a more complete description of said lot.

Being part of the same property conveyed to Jeremiah Development, LLC by deed from Mary Evelyn Meador Dodd dated October 11, 2005, of record in Record Book 2368, page 6, said Register's Office; being part of the same property conveyed to Jeremiah Development, LLC by deed dated October 11, 2005, of record in Record Book 2360, page 329, said Register's Office; being part of the same property conveyed to Jeremiah Development, LLC by deed dated November 15, 2005, of record in Record Book 2397, page 206, said Register's Office; and being part of the same property conveyed to Texas Longhorn Equities Corporation II, a corporation, by deed from Jeremiah Development, LLC, a Tennessee Limited Liability Company, dated February 1, 2006 of record in Record Book 2440, page 661, Register's Office for Sumner County, Tennessee.

More commonly known as 555 Rose Cottage Circle, Gallatin, TN 37066.

- B. 561 Rose Cottage Circle, Gallatin, Sumner County, Tennessee; any and all buildings and appurtenances thereon and fixtures therein; and any rental proceeds therefrom, which is more particularly described as follows:

A certain tract or parcel of land in Sumner County, State of Tennessee, described as follows, to-wit:

Land in the 3rd Civil District of Sumner County, Tennessee, being Lot No. 42 on the Final Plat of Stone Cottage Villas. Final Plat of record in Plat Book 23, page 58, Register's Office for Sumner County, Tennessee, to which plan reference is hereby made for a more complete description of said lot.

Being part of the same property conveyed to Jeremiah Development, LLC by deed from Mary Evelyn Meador Dodd dated October 11, 2005, of record in Record Book 2368, page 6, said Register's Office; being part of the same property conveyed to Jeremiah Development, LLC by deed dated October 11, 2005, of record in Record Book 2360, page 329, said Register's Office; being part of the same property conveyed to Jeremiah Development, LLC by deed dated November 15, 2005, of record in Record Book 2397, page 206, said Register's Office; and being part of the same property conveyed to Texas Longhorn Equities Corporation II, a corporation, by deed from Jeremiah Development, LLC, a Tennessee Limited Liability Company, dated February 1, 2006 of record in Record Book 2440, page 661, Register's Office for Sumner County, Tennessee.

More commonly known as 561 Rose Cottage Circle, Gallatin, TN 37066.

- C. One 2006 Infiniti QX56, VIN 5N3AA08A86N810392.
D. One 2004 Cadillac Escalade, VIN 1GYEK63N74R286273.

- E. All funds maintained in Janney Montgomery Scott account number GC17-7032-5548, held in the name of James P. Robinson.
- F. \$146,000.00 in United States currency tendered to Federal agents on or about December 21, 2007 by undersigned Thomas J. Ford, Esq.
- G. Any and all other money, real or personal property obtained by defendant from Roberto Jakubowicz or any corporation, partnership or sole proprietorship with which Mr. Jakubowicz is or was associated.

IT IS HEREBY ORDERED that, upon the entry of this Order, the United States Attorney General, or his designee, is authorized to seize the above-listed properties in accordance with Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, subject to the conditions set forth in the plea agreement between the Defendant and the United States.

IT IS HEREBY FURTHER ORDERED that, upon entry of this Order, the United States Attorney General, or his designee, is authorized to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this Order.

The United States shall publish notice of this Order and its intent to dispose of the property in such a manner as the United States Attorney General, or his designee, may direct. The United States may also, to the extent practicable, provide written notice

to any person known to have an alleged interest in the above-listed property.

Pursuant to 21 U.S.C. § 853(n)(2), any person, other than the named Defendant, asserting a legal interest in the above-described property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of their alleged interest in the property, and for an amendment to the Order of Forfeiture. Any petition filed by a third party asserting an interest in the above-described property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstance of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

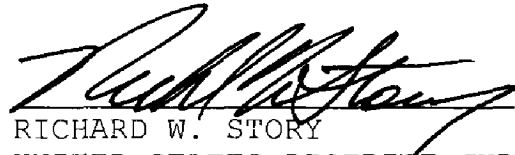
After the disposition of any motion filed under Rule 32.2(c)(1)(A) of the Federal Rules of Criminal Procedure and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21

U.S.C. § 853(n)(2) for the filing of third party petitions. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture is hereby final as to the Defendant. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

SO ORDERED this 11th day of July, 2008.


RICHARD W. STORY
UNITED STATES DISTRICT JUDGE

Consented to by:


ATTORNEY FOR DEFENDANT:

ATTORNEYS FOR THE GOVERNMENT:

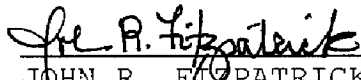


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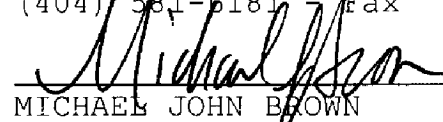
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