

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3 :11CV00090</b>
	)	<b>JUDGE HAYNES</b>
<b>2010 CHEVROLET CAMARO 2SS COUPE</b>	)	
<b>BEARING VIN 2G1FT1EW0A9145379, et al</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**ORDER FOR INTERLOCUTORY PRIVATE JUDICIAL SALE  
OF DEFENDANT VEHICLES ONLY**

Plaintiff, United States of America, has moved this Court, pursuant to Rule G(7)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and 28 U.S.C. §§ 2001 and 2004, for an order directing the United States Marshals Service to execute an interlocutory private judicial sale of the Defendant Camaro 2SS Coupe bearing VIN # 2G1FT1EW0A9145379 and the Defendant 2005 Harley Davidson Road King Motorcycle bearing VIN # 1HD1FXV185Y677771 (collectively hereinafter referred to as "Defendant Property").

The Motion for Interlocutory Private Judicial Sale of Defendant Vehicles of the United States was served upon Peter Strianse, Attorney for Claimant Bart Posey, the only Claimant who currently has a Claim to the Defendant Property.

Based upon the Government's motion and the pleadings in this case, the Court finds that there is no need for a hearing on this matter, and that:

1. the expense of keeping the Defendant Property is excessive or is disproportionate to its fair market value, and

2. the Defendant Property is at risk of deterioration by virtue of its disuse.

As a result of these findings,

**IT IS HEREBY ORDERED:**

A. The Defendant Property shall be sold by the United States in the most commercially feasible manner pursuant to 28 U.S.C. § 2004.

B. The United States Marshals Service is authorized to retain a auctioneer/broker, who shall provide an appraisal of the Defendant Property, and who shall be paid the usual and customary commission and/or fees from the proceeds of the sale, or to use any other commercially feasible method to sell the Defendant Property.

C. No further expense is to be incurred in obtaining additional appraisals to determine the fair market value of the property.

D. No sale of the property will be confirmed at a price less than two-thirds of the appraised value of the property, as determined by the aforesaid auctioneer/broker.

E. The terms and conditions of the sale shall be as follows:

1. The sale shall be for cash or other consideration.
2. The Defendant Property shall be sold in its entirety, free and clear of all right, title, claim, liens, and interest of any and all persons or parties whatsoever existing in said Defendant Property.
3. The sales price may not be less than two-thirds of the appraised value.
4. At the time of the closing of the sale of the property, the United States Marshals Service shall deduct from the proceeds of the sale any selling expenses; all costs incurred by the United States relating to the custody and maintenance of the property since the time of seizure through the date of the sale; and the costs to obtain the appraisal of the property.

F. The sale of the property shall not be confirmed if the net proceeds of the sale fail to equal or exceed any expenses of the sale and other expenses as enumerated herein.

G. Thereafter, the United States Marshals Service shall file its report of sale, along with the report of the appraiser.

H. If the net proceeds exceed the expenses of the sale and other expenses enumerated herein and if the offer to buy the Defendant Property is two-thirds or more of the appraised value, the United States Marshals Service shall execute the contract of sale on the terms ordered by the Court and proceed to consummate the sale including issuing the appropriate title or bill of sale to the buyer at such private sale without further confirmation by the Court.

I. If the proceeds of the sale are less than two-thirds of the value of the property, the terms of the sale must be submitted to the court for approval.

J. If Claimant provides a bond in the amount of the appraised value of one or both items of Defendant Property, the government will notify this Court and the sale of one or both items of the Defendant Property shall not proceed and that item(s) of Defendant Property shall be returned to the Claimant.

K. The net proceeds of the sale shall be deposited in an interest bearing account pending the resolution of this *in rem* forfeiture action.

Dated: \_\_\_\_\_

\_\_\_\_\_  
William J. Haynes, Jr.  
United States District Judge