

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**2010 CHEVROLET CAMARO 2SS COUPE  
BEARING VIN 2G1FT1EW0A9145379;  
2005 HARLEY DAVIDSON ROAD KING  
MOTORCYCLE BEARINGVIN 1HD1FXV185Y677771:)  
FOUR REAL PROPERTIES COMMONLY  
KNOWN AS 814 PITT AVENUE, SPRINGFIELD,  
ROBERTSON COUNTY, TENNESSEE;  
4676 HIGHWAY 41N, SPRINGFIELD, TENNESSEE;  
204 LAWRENCE LANE, SPRINGFIELD,  
TENNESSEE; and 209 NEW CHAPEL ROAD,  
SPRINGFIELD, TENNESSEE, and PROCEEDS  
FROM ANY SALE OF THE FOUR REAL  
PROPERTIES BY THE CURRENT OWNERS,**

**Defendants.**

**Case No. 3 :11CV00090  
JUDGE HAYNES**

**MOTION FOR ORDER RE RENTAL PAYMENTS ON DEFENDANT PROPERTY**

The United States moves for an Order requiring Claimant Angela S. Posey and Claimant Bart S. Posey to immediately disclose to the Court and to the United States the names and contact information of all parties paying rent on any of the following Defendant Property, and further to enter an Order requiring these renters to immediately submit all rent payments on said Defendant Property directly to the Department of Justice, United States Marshals Service, 110 9<sup>th</sup> Avenue South, 7<sup>th</sup> Floor, Nashville, TN 37203 or to Claimant F&M Bank, 50 Franklin Street, Clarksville, Tennessee 37040 whichever the Court deems proper:

- A. Real property located at 4676 Highway 41 N, Springfield, Tennessee (“Highway 41N”) including all buildings, appurtenances, and improvements thereon;
- B. Real property located at 204 Lawrence Lane, Springfield, Tennessee (“Lawrence Lane”) including all buildings, appurtenances, and improvements thereon; and
- C. Real property located at 209 New Chapel Road, Springfield, Tennessee (“New Chapel Road”) including all buildings, appurtenances, and improvements thereon.

(hereinafter collectively “Defendant Property”). The legal descriptions for the Defendant Real Properties are provided in the Complaint and incorporated herein by reference. (3:11cv00138 D.E. 1 :Complaint).

In support thereof, Claimant Bart S. Posey, via the name “Highway 41N Building,” is receiving rental payments in the amount of \$6,270 per month from the State of Tennessee for leased space at Highway 41N, while refusing to pay the mortgage on a Deed of Trust which is now over \$800,000 in default.(D.E. \_\_\_ : Declaration of AUSA Phillips filed contemporaneously herewith, Exhibits 1 and 2).

Protective Orders filed in this case provide that the Defendant Property shall not be sold, destroyed, or neglected by any interested party.” (3:11cv00138, D.E. 15, 17 & 18: Protective Orders). Claimant Bart S. Posey and Angela S. Posey are interested parties as (1) they are either titled owners to the Defendant Property, or (2) are both responsible for the Deed of Trust on the Defendant Property in the original amount of \$528,000 in favor of Claimant F&M Bank.(3:11cv00138, D.E. 2: Affidavit, 12 - 15)(3:11cv00138, D.E. 28: Posey claim). (D.E. 23: Claim of F&M Bank). Their failure to pay the mortgage is a violation of the Protective Orders because it places the ownership of the Defendant Property in jeopardy, risks sale by foreclosure, and

diminishes the value of the properties and the amount of restitution available to the victims of Claimant Angela Posey and Claimant Bart S. Posey's alleged 2.5 million dollar fraud scheme. (See D.E. 2: Affidavit in support of Complaint)(setting forth the fraud scheme). Further this Court may enter any Order necessary to preserve the value of the Defendant Property. See Fed.R.Civ.P.Supp.R. G(7)(a).

Therefore, an Order

1) requiring Claimant Angela S. Posey and Claimant Bart S. Posey to immediately disclose to the Court and to the United States the names and contact information of all parties paying rent on any of the Defendant Property, and

2) requiring these renters to immediately submit all rent payments to the Department of Justice, United States Marshals Service, 110 9<sup>th</sup> Avenue South, 7<sup>th</sup> Floor, Nashville, TN 37203 for payment to F&M Bank or to F&M Bank, 50 Franklin Street, Clarksville, Tennessee 37040 directly whichever the Court deems proper

will assist in preserving the remaining value of the Defendant Property for distribution to victims of the Poseys' 2.5 million dollar fraud scheme pending the finalization of this forfeiture lawsuit.

A memorandum in support of this motion is filed contemporaneously herewith.

A proposed Order is submitted for the Court's convenience.

JERRY E. MARTIN  
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Middle District of Tennessee

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of May, 2012, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was mailed by regular U.S. mail to:

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