

**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 BEARING VIN 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 TO AMEND ORDER AT DOCKET ENTRY 29

COMES NOW the United States of America, by and through Jerry Martin, United States Attorney and Debra T. Phillips, Assistant United States Attorney, and requests that the Court amend its May 29, 2012 Order (D.E. 29) to include rental payments made with regard to Defendant 4676 Highway 41N, Springfield, Tennessee ("Highway 41 N") because it appears that Highway 41 N was inadvertently left out of the previously filed proposed order.

An amended order including Highway 41 N is submitted for the Court's consideration and entry.

JERRY E. MARTIN
United States Attorney for the
Middle District of Tennessee

BY: s/Debra Teufel Phillips
DEBRA TEUFEL PHILLIPS (BPR 011706)
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th 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:

Peter J. Strianse
Attorney for Bart S Posey and Angie Posey
Tune, Entrekin & White
315 Deaderick Street, Suite 1700
Nashville, TN 37238

Eric W. Smith
Bradley Arant Boult Cummings LLP
Attorney for
Roundabout Plaza
1600 Division Street, Suite 700
Nashville, TN 37203

s/Debra T. Phillips
DEBRA TEUFEL PHILLIPS

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

UNITED STATES OF AMERICA,)
Plaintiff,)
))
v.)
))
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.)

**CIVIL NO. 3:11-CV-00138
JUDGE HAYNES**

ORDER AMENDING ORDER AT DOCKET ENTRY 29

TO ALL INTERESTED PARTIES, including and not limited to the Titled Owner and his/her agents and any current renters.

The Court, being fully advised in the premises, finds as follows:

1. The Protective Orders entered in this case as to the following real properties:
 - 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") (legal descriptions for the Defendant Real Properties are provided at 3:11cv00138 Docket Entry 23 and are incorporated herein by reference) have been violated..

2. Since March 2011, Claimants Bart S. Posey and Angela S. Posey have made no payments on a mortgage in favor of F&M Bank which is collateralized by the Defendant Property in the original amount of \$528,000, and (as set forth in the Claim of F&M Bank at 3:11cv00138, Docket Entry 23) by Deed of Trust placed of record on March 19, 2007 in Record Book 1178, Page 151 in the office of the Register of Deeds for Robertson County, Tennessee, as modified in the Modification Agreement dated October 9, 2007, placed of record on October 26, 2007 in Record Book 1229, Page 720 in the office of the Register of Deeds for Robertson County, Tennessee as further modified in the Modification Agreement dated October 20, 2008, placed of record on October 24, 2008 in Record Book 1290, Page 329 in the office of the Register of Deeds for Robertson County, Tennessee.

3. This failure to pay this indebtedness places the ownership of the Defendant Property in jeopardy, risks sale by foreclosure, and diminishes the value of the properties.

4. This failure to pay reduces the amount of restitution available to victims of the approximate 2.5 million dollar fraud that the United States alleges was committed by Claimant Angela Posey and Claimant Bart S. Posey.

5. To preserve the value of the property, protect the lienholder and prevent a complete dissipation of the Defendant Property, it is necessary that the payment of rents on the collateralized Defendant Property be submitted directly from the renters to F&M Bank.

Therefore, it is **ORDERED** that Claimant Angela S. Posey and Claimant Bart S. Posey immediately disclose in writing within 30 days to the Court and to the United States the names and

contact information of all parties paying rent on any of the aforementioned Defendant Property, and further it is **ORDERED** that the State of Tennessee immediately remit its rental payments to F&M Bank, and further it is **ORDERED** that all other renters will be served a copy of this **ORDER** and said renters are to immediately submit all rent payments on said Defendant Property directly to F&M Bank.

SO ORDERED this _____ day of _____, 2012.

WILLIAM JOSEPH HAYNES, JR.
UNITED STATES DISTRICT JUDGE