

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

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.)
)
)
 (1) 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,)
 (2) 2010 CHEVROLET CAMARO 2SS COUPE)
 BEARING VIN #2G1FT1EW0A9145379, and)
 (3) 2005 HARLEY DAVIDSON ROAD KING)
 MOTORCYCLE BEARING VIN)
 1HD1FXV185Y677771,)
)
 Defendants)

CIVIL NO. 3:11CV00138
CIVIL NO. 3:11CV00090
CIVIL NO. 3:11CV00388

JUDGE HAYNES

**JOINT MOTION TO CONSOLIDATE ACTIONS
PURSUANT TO FED.R.CIV.P. 42**

COMES NOW the Plaintiff, United States of America and Claimants Bart S. Posey, and Angela Posey through their attorney Peter J. Strianse, and Claimant F&M Bank through its attorney Eric W. Smith, (collectively the “Parties”) and jointly moves this honorable court, pursuant to Fed.R.Civ.P. 42 to consolidate the following *in rem* civil judicial forfeiture actions:

(1) *United States v. Four Real Properties commonly known as 814 Pitt Avenue et al*, United States District Court, Middle District of Tennessee Case No. 3:11CV00138 (hereinafter the “Real Estate Action”),

(2) *United States of America v. 2010 Chevrolet Camaro 2SS Coupe bearing VIN #2G1FT1EW0A9145379*, United States District Court, Middle District of Tennessee, Case Number 3:11CV00090 (the “Harley Action”), and

(3) *United States of America v. 2005 Harley Davidson Road King Motorcycle bearing VIN 1HD1FXV185Y677771*, United States District Court, Middle District of Tennessee, Case Number 3:11CV00388 (the “Camaro Action”)

for the reason that the actions involve a common question of law and fact, and the consolidation will expedite and economize the actions without prejudice to any party.

Claimant Bart Posey is the only claimant in the Camaro Action and in the Harley Action. (D.E. 6,7,10,11: Claims and Answers)(D.E.12: Withdrawal of Claim by State of Tennessee).

Claimants Bart Posey, Angie Posey, and F&M Bank are the only claimants in the Real Property Action. (D.E. 22,23,27,29,30 & 31: Claims and Answers)(D.E. 12: Withdrawal of Claim by State of Tennessee).

The United States recognizes the valid lien of F&M Bank duly recorded 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. (D.E. 23: Exhibit A).

The parties have agreed that the Claims and Answers they have filed in the Camaro Action, the Harley Action and the Real Estate Action are sufficient and do not require an additional filing in this Consolidated Action. A proposed Order is submitted for the Court’s convenience.

Respectfully submitted,

s/Peter J. Strianse

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

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

(1) 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,)

(2) 2010 CHEVROLET CAMARO 2SS COUPE)

BEARING VIN #2G1FT1EW0A9145379, and)

(3) 2005 HARLEY DAVIDSON ROAD KING)

MOTORCYCLE BEARING VIN)

1HD1FXV185Y677771,)

Defendants)

CIVIL NO. 3:11CV00138

CIVIL NO. 3:11CV00090

CIVIL NO. 3:11CV00388

JUDGE HAYNES

**ORDER CONSOLIDATING CIVIL ACTION NUMBERS
3:11CV00090, 3:11CV00138, 3:11CV00388
PURSUANT TO FED.R.CIV.P. 42**

Upon reading and filing of the Joint Motion for Consolidation of Actions and the Court being fully otherwise advised in the premises, the Court finds as follows:

WHEREAS, the Court finds that the following civil *in rem* forfeiture actions involve a common question of law and fact:

1). *United States of America 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*, United States District Court, Middle District of Tennessee, Case Number 3:11CV00138 (hereinafter the “Real Property” Action);

2) *United States of America v. 2010 Chevrolet Camaro 2SS Coupe bearing VIN #2G1FT1EW0A9145379*, United States District Court, Middle District of Tennessee, Case Number 3:11CV00090 (hereinafter the “Camaro” Action); and,

3) *United States of America v. 2005 Harley Davidson Road King Motorcycle bearing VIN 1HD1FXV185Y677771*, United States District Court, Middle District of Tennessee, Case Number 3:11CV00388 (hereinafter the “Harley” Action).

IT IS HEREBY ORDERED AND ADJUDGED that the Camaro, Real Property and Harley *in rem* civil forfeiture actions are hereby consolidated pursuant to Fed.R.Civ.P. 42.

IT IS FURTHER ORDERED AND ADJUDGED that all future filings will be filed with a consolidated style in Civil Action Number _____.

JUDGE HAYNES
UNITED STATES DISTRICT COURT