

EXHIBIT F



U.S. Department of Justice
United States Attorney
Northern District of Georgia

Richard Russell Federal Building
75 Ted Turner Drive, S.W., Suite 600
Atlanta, Georgia 30303

Telephone: (404) 581-6000
Fax: (404) 581-6181

April 1, 2024

New Horizon Real Estate, LLC
c/o Brooke W. Gram
Balch & Bingham LLP
30 Ivan Allen Jr. Boulevard, N.W.
Suite 700
Atlanta, GA 30308

Re: *United States v. Charles Hill, IV, et al.*
Criminal Case No. 1:20-CR-00296-JPB-CMS
Notice of Forfeiture for Third Party Petition
Property: 503-505 Rockwell Street, S.W., Atlanta, Georgia [Parcel ID No.: 14-0086-0007-075-3]

Dear Ms. Gram:

Thank you for your correspondence. This letter is to notify you that the United States District Court for the Northern District of Georgia has ordered the property described above and in the enclosed Preliminary Order of Forfeiture forfeited to the United States, subject to any claims of interest by third parties.

Title 21, United States Code, Section 853(n) provides the exclusive mechanism for any person, other than the defendant, to assert a legal interest in property which has been ordered forfeited to the United States. To obtain relief from a preliminary order of forfeiture, a petitioner must prove either: (1) at the time of the acts giving rise to the forfeiture of the subject property, they held some interest superior to the interest of the defendant, *see* 21 U.S.C. § 853(n)(6)(A), or (2) that the petitioner was a bona fide purchaser for value who purchased an interest in the subject property without cause to believe that the property was subject to forfeiture. *See* 21 U.S.C. § 853(n)(6)(B). *United States v. Soreide*, 461 F.3d 1351, 1354-55. (11th Cir. 2006).

The United States does not agree to release the *lis pendens*, which was recorded in the Superior Court of Fulton County, Georgia on May 6, 2021. Notably, the *lis pendens* was recorded and the Consent Preliminary Order of Forfeiture was issued prior to the above-referenced property's conveyance to New Horizon Real Estate, LLC in October 2021. *See, e.g., United States v. Suarez*, 716 F. App'x 937, 938 (11th Cir. 2018) (the Court, applying Florida law, determined that purchaser of property for value, after government had recorded a *lis pendens* against property and district court had entered a preliminary order of forfeiture, did not qualify as a bona fide purchaser for value because purchaser had constructive notice of a defect in title); *See Brock v. Yale Mortgage Corp.*, 287 Ga. 849 (2010) ("[a] bona fide purchaser for value is protected against outstanding interests in land of which the purchaser has no notice."); *Kitchings v. Ameris Bank*, 309 Ga. App. 837 (2011) ("To qualify as a bona fide purchaser for value without notice, a

Page 2

party must have neither actual nor constructive notice of the matter at issue. . . . A purchaser of land is charged with constructive notice of the contents of a recorded instrument within its chain of title.”).

If your client has an interest in the above-referenced property and wishes to contest the forfeiture, they must, pursuant to 21 U.S.C. § 853(n)(2), file a petition ***within thirty days of receiving this letter*** with the Clerk of the United States District Court for the Northern District of Georgia at 75 Ted Turner Drive, S.W., Suite 2211, Atlanta, Georgia 30303. They must also send a copy of the petition to me at the U.S. Attorney’s Office, 75 Ted Turner Drive, S.W., Suite 600, Atlanta, Georgia 30303.

Please note that such petition must 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 circumstances 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. 21 U.S.C. § 853(n)(3).

Please contact me if you have any questions.

Sincerely,

RYAN K. BUCHANAN
United States Attorney

/s/ Norman L. Barnett

NORMAN L. BARNETT
Assistant United States Attorney

Enclosure: Consent Preliminary Order of Forfeiture

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CHARLES HILL, IV

Criminal Action No.

1:20-CR-00296-JPB-CMS

CONSENT PRELIMINARY ORDER OF FORFEITURE

Charles Hill, IV, having pled guilty to Count Twenty-Five of the Second Superseding Indictment, pursuant to which the United States sought forfeiture of certain property under 18 U.S.C. § 982(a)(2), and the Court having determined that the property described below is subject to forfeiture pursuant thereto, that the Government has established the requisite nexus between said property and the offense charged in Count Twenty-Five the Second Superseding Indictment and the Defendant having consented to this Consent Preliminary Order of Forfeiture becoming final as to him, being made a part of his sentence and being included in the judgment against him;

IT IS HEREBY ORDERED that Charles Hill, IV, shall forfeit to the United States the following property pursuant to 18 U.S.C. §§ 982(a)(2):

#503-505 ROCKWELL STREET, S.W., FULTON COUNTY

ATLANTA GEORGIA

[Parcel ID No.: 14-0086-0007-075-3]

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District, Fulton County, Georgia, as per survey of property of C.G. Aycock and the B-X Corporation, dated May 4, 1949, by Harold L. Bush, Reg. Surveyor and more particularly described as follows: Beginning at a point

on the North side of Rockwell Street (60.2) feet West of Northwest Corner of Rockwell and Coleman Streets at an iron pin; thence Northerly (75) feet to an iron pin and the South side of a (10) foot alley; thence West (34) feet to an iron pin; thence Southerly (75) feet to an iron pin and the North side of Rockwell Street; thence Easterly along the North side of Rockwell street (35.2) feet to an iron pin and the point of beginning. The same being improved property known as #503-505 Rockwell Street, S.W. according to the present system of numbering houses in the City of Atlanta, Georgia.

IT IS HEREBY ORDERED that upon entry of this order, the United States Attorney General, or his designee, is authorized to seize the property in accordance with Fed. R. Crim. P. 32.2(b)(3).

The United States shall publish notice of this Order and its intent to dispose of the property in accordance with Fed. R. Crim. P. 32.2(b)(6) and in such a manner as described in Supplemental Rule G(4)(a)(iii) and (iv) of the Federal Rules of Civil Procedure. The United States shall send written notice, in accordance with Supplemental Rule G(4)(b)(iii)-(v), to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the above-listed property in the ancillary proceeding.

Pursuant to 21 U.S.C. § 853(n)(2), as incorporated by 18 U.S.C. § 982(b)(1), any person, other than the named Defendant, asserting a legal interest in the property may within thirty days of the final publication of the notice or their receipt of the 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 property shall be signed by the petitioner under penalty of

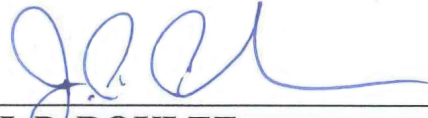
perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the property, the time and circumstance of the petitioner's acquisition of the right, title, or interest and any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) 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 the third-party petitions. The Court shall retain jurisdiction to enforce this order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS FURTHER ORDERED that, pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture is hereby final as to the Defendant but remains preliminary as to third parties until the ancillary proceeding is concluded under Rule 32.2(c).

SO ORDERED this 6th day of October, 2021.



J. P. BOULEE

United States District Judge

Submitted by:

/s/ Tal C. Chaiken

Tal C. Chaiken

Assistant United States Attorney

Consented to:



Akil K. Secret

Attorney for Defendant

Georgia Bar No. 634075

The Secret Firm

1691 Phoenix Blvd, Ste. 390

Atlanta, GA 30349

(404) 798-5200

asecret@thesecretfirm.com