

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

MOTION FOR FINAL ORDER OF FORFEITURE

COMES NOW the United States of America, pursuant to Rule 32.2(c) of the Federal Rules of Criminal Procedure and moves the Court for a final order of forfeiture. In support thereof, the United States states the following:

Defendant Charles Hill, IV pleaded guilty to Count Twenty-Five of the Second Superseding Indictment. (Doc. 384). The Consent Preliminary Order of Forfeiture was entered on October 6, 2021, (Doc. 386), forfeiting the following real property to the United States 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.

(the “Rockwell Street Property”).

Pursuant to 21 U.S.C. § 853(n)(1), the United States posted notice of the forfeiture action on the official government internet site forfeiture.gov for at least 30 consecutive days beginning on April 8, 2024, and ending on May 7, 2024. (Doc. 1118).

The United States also sent notice of the forfeiture action to all known third parties who may have an interest in the property. Specifically, a forfeiture notice was sent by certified mail and email to New Horizon Real Estate LLC, via their counsel, Brooke W. Gram. New Horizon Real Estate, LLC purchased the Rockwell Street Property on or about October 6, 2021 from The Atlanta 10 Group, LLC. On April 15, 2024, New Horizon Real Estate, LLC filed a “Petition to Contest the Forfeiture of Property,” (Doc. 967), and the United States agreed to compromise and settle their interest in the Stipulated Settlement Agreement filed on July 12, 2024 by allowing New Horizon Real Estate, LLC to remit a payment of \$62,500.00 in lieu of forfeiting the Rockwell Street Property. (Doc. 1069). New Horizon Real Estate, LLC remitted payment to the United States Marshals Service on July 26, 2024.

Unless excused, anyone else claiming an interest in the property must file a petition with the Court requesting a hearing to adjudicate that interest. Such a petition must be filed “within thirty days of the final publication of notice or his receipt of notice...whichever is earlier.” 21 U.S.C. § 853(n)(2). No one else has

filed a petition in this criminal ancillary proceeding, and the time to do so has expired. Thus, the \$62,500.00 as substitute *res* for the Rockwell Street Property should be forfeited to the United States pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(a).

WHEREFORE, the United States respectfully requests that this Court enter a final order of forfeiture allowing the United States to dispose of the \$62,500.00 as substitute *res* for the Rockwell Street Property, according to law.

Respectfully submitted,
RYAN K. BUCHANAN
United States Attorney

/s/NORMAN L. BARNETT
Assistant United States Attorney

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Certificate of Service

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

September 6, 2024

/s/ NORMAN L. BARNETT
NORMAN L. BARNETT
Assistant United States Attorney