

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:21-cr-74-TPB-KCD

ANTHONY JAMES BRUEY
AMBER REWIS BRUEY

**UNITED STATES' MOTION FOR FINAL
ORDER OF FORFEITURE FOR DIRECT ASSET**

The United States of America moves this Court for entry of a Final Order of Forfeiture for the following asset:

Real property located at 114 Kemp Lane, Hertford, North Carolina 27944, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

BEGINNING AT A POINT on the southern side of the Perquimans River, said point being at the northeastern corner of the Skinner property, thence in a southwestern direction along a fence, being the Skinner line, 295 feet to a chopped oak, thence in a southeasterly direction, a line parallel with said Perquimans River, 178 feet to a chopped oak; thence in a northerly direction, a straight line to a chopped gum, said gum being at the break of a swamp; and thence continuing on in a straight line from said oak and gum, to the Perquimans River; thence along the run of said river in a northwesterly direction back to the POINT OF BEGINNING. For reference and chain of title see Deed Book 109 Page 330 of the Perquimans County Registry.

ALSO CONVEYED HEREBY is a right of way to said above described property, across property of now or formerly R.E. Mathews, the same being 30 foot wide right of way and running from property of said Mathews, hitting the outer edge of the swamp located on the southeastern side of said above described property.

Designated Map No. 2-D061-0017-HB (PIN No. 7868-24-9352)
in the Perquimans County Tax Office.

(the real property).

In support thereof, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

I. Statement of Facts

1. April 27, 2022, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), 28 U.S.C. § 2461(c), the Court entered orders of forfeiture against the defendants in the amount of \$881,058.35 and preliminary orders of forfeiture for the real property identified above. Docs. 82 and 93.

2. In accordance with the provisions of 21 U.S.C. § 853(n), the United States published notice of the forfeiture, and of the intent to dispose of the real property on the official government website, www.forfeiture.gov, beginning on April 28, 2022, and on June 2, 2022, and continuing through July 1, 2022. Docs. 94 and 107. The publication gave notice to all third parties with a legal interest in the real property to file with the Office of the Clerk—United States District Court, Middle District of Florida, 2110 First Street, Suite 2-194, Ft. Myers, Florida 33901—a petition to adjudicate their interests within 60 days of the first date of publication.

3. In accordance with 21 U.S.C. § 853(n), the United States also properly noticed the only party known to have a potential interest in the real property,

the Perquimans County Tax Administrator (Tax Administrator). The notice package includes a Notice of Forfeiture, an Acknowledgment of Receipt of Notice of Forfeiture, the Order of Forfeiture and Preliminary Order of Forfeiture, and a self-addressed, stamped envelope. The notice package sent via Federal Express (number 776730798703) was delivered on May 4, 2022. *See* Exhibit 1. The notice package sent first-class mail was not returned and there is no indication that it was not delivered. Although the Tax Administrator did not file a Verified Claim for its interest in the real property, the United States recognizes the interest of the Tax Administrator and agrees that, from the proceeds of the sale of the real property (to the extent that there are sufficient proceeds after the payment of government expenses relating to seizure, maintenance, custody, and disposal of the property), the United States will pay any and all *ad valorem* real property taxes and *non-ad valorem* assessments due and owing the Tax Administrator up to the date of entry of the final order of forfeiture as a priority lien.

4. To date, no other third party has filed a Petition to Adjudicate Interest in the real property, and the time for filing such Petitions has expired.

5. Consequently, the United States now seeks a final order of forfeiture for the real property.

II. Applicable Law

When all third-party petitions have been adjudicated, or if no petitions are filed, it is appropriate to enter a final order of forfeiture in accordance with Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure. In addition, 21 U.S.C. § 853(n)(7) provides that following the disposition of all petitions, or if no petitions are timely filed in accordance with 21 U.S.C. § 853(n)(2), “the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.” 21 U.S.C. § 853(n)(7).

As required by section 853(n), the United States published notice of the forfeitures, and of its intent to dispose of the real property on the official government website, www.forfeiture.gov. Docs. 94 and 107. Pursuant to Rule 32.2(b)(6)(C), publication must take place as described in Supplemental Rule G(4)(a)(iii) of the Federal Rules of Civil Procedure and by any means described in Rule G(4)(a)(iv), which authorizes publication by internet.

The internet publication notified all who might have an interest in the real property of the United States’ intent to dispose of such property and provided instructions on filing a petition to adjudicate an interest in the property. In accordance with the above-referenced provisions, a person or entity had 60 days from the first date of publication to file a petition with the District Court. Here, the first date of internet publication on www.forfeiture.gov was April 28, 2022, for Anthony Bruey, and June 2, 2022, for Amber Bruey. Thus, the latest date for filing

a petition to adjudicate an interest in the real property based on the later publication for Amber Bruey was on August 1, 2022, and the time for filing such petitions has expired. As discussed above, the Tax Administrator (whose interest has been addressed), is the only party know to have any interest in the real property.

III. Conclusion

Publication having been effected, and all claims or petitions to adjudicate an interest having been addressed, it is now appropriate to enter a final order of forfeiture for the real property. The net proceeds from the sale of the real property will be credited towards the defendants' orders of forfeiture.

WHEREFORE, the United States respectfully requests that, pursuant to 21 U.S.C. § 853(n)(7), Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, this Court enter a final order, forfeiting to the United States all right, title and interest in the real property, for disposition according to law, and vesting clear title to said

property in the United States of America, subject to any *ad valorem* real property taxes and *non-ad valorem* assessments due and owing to the Tax Administrator.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that August 5, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Suzanne C. Nebesky
SUZANNE C. NEBESKY
Assistant United States Attorney