

UNITED STATES OF AMERICA)
)
) Case No. 1:21-cr-69
 v.)
) Judge Atchley
 DONNA J. CLARK)
) Magistrate Judge Steger
)

Before the Court is a Joint Motion for Entry of Agreed Preliminary Order of Forfeiture.
[Doc. 23].

On August 6, 2021, an Indictment [Doc. 1] was filed charging Defendant, Donna J. Clark, with wire fraud, in violation of 18 U.S.C. § 1343 (Count One), in addition to other charges. The Indictment contained forfeiture allegations, whereby the United States sought forfeiture of Defendant's interest in any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the offense set forth in Count One, pursuant to 18 U.S.C. § 982(a)(2). [Doc. 1].

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Accordingly, the Joint Motion for Entry of Agreed Preliminary Order of Forfeiture [Doc. 23] is **GRANTED**. It is hereby **ORDERED**:

1. Based on the guilty plea of Defendant for the violation of 18 U.S.C. § 1343, as set forth in the Indictment, and pursuant to the Amended Plea Agreement and Federal Rule of Criminal Procedure 32.2(b)(2)(A), Defendant's right, title, and interest in the following properties are hereby **FORFEITED** to the United States pursuant to 18 U.S.C. § 982(a)(2):

- a. \$460.00 U.S. currency seized from the residence of Donna J. Clark on July 19, 2021;
- b. \$20,000.00 official check (#1003749082) from BB&T payable to Donna Clark dated July 17, 2021;
- c. Funds up to the amount of \$53,038.13 in BB&T Bank account number 1430001294316 held in the name of Donna J. Clark; and
- d. Funds up to the amount of \$15,000.00 in First Volunteer Bank account number 2000294039 held in the name of Donna J. Clark.¹

2. The forfeited properties are to be held by the United States Marshals Service or its designated representative, until the investigation is complete.

3. Pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall give notice of its intent to dispose of the properties in such a manner as the United States Attorney General may direct. The Notice shall provide that any person other than Defendant, having or claiming a legal interest in the above-listed properties must file a petition with the Court within sixty (60) days from the first day of publication of the Notice on the official Government website, which is www.forfeiture.gov.

¹Defendant also agreed to a money judgment in the amount of \$110,125.50, as set forth in the Amended Plea Agreement. The money judgment will be addressed in a separate Order of Forfeiture.

4. The Notice shall also state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, and interest in the properties, the time and circumstances of the petitioner's acquisition of the right, title, and interest in the properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written Notice to any person, as a substitute for published Notice as to those persons so notified. *See* 21 U.S.C. § 853(n).

5. Upon adjudication of all other or third-party interests in the properties, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1).

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

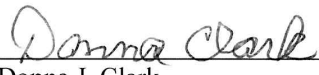
SO ORDERED.

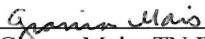
/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE

Submitted by:

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Donna J. Clark
Defendant


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