

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

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

FINAL ORDER OF FORFEITURE

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.

In the forfeiture allegations of the Indictment, 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).

An Amended Plea Agreement [Doc. 18] was filed on December 22, 2021. On January 19, 2022, Defendant pled guilty to Count One of the Indictment and agreed to facts sufficient to support the plea and forfeiture of properties as set forth in the Amended Plea Agreement. Based upon Defendant's guilty plea, on January 25, 2022, this Court entered an Agreed Preliminary Order of Forfeiture [Doc. 24] forfeiting to the United States, pursuant to 18 U.S.C. § 982(a)(2), Defendant's interest in the properties referenced in the Agreed Preliminary Order of Forfeiture.

Pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and the Agreed Preliminary Order of Forfeiture, notice of forfeiture as to the properties described therein was published on an official Government website (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 12, 2022, and ending on March 13, 2022. A Declaration of Publication [Doc. 26] was filed with the Clerk of this Court on March 21, 2022.

The Notice of Forfeiture [Doc. 25] advised that any persons, other than Defendant, having or claiming a legal interest in the properties described below, were required to file a petition with the Court within sixty (60) days of the first date of publication of the Notice on the official Government website, pursuant to Federal Rule of Criminal Procedure 32.2, and 21 U.S.C. § 853(n). The Notice further provided that the petition be filed with the Clerk of the Court. It also required that the petition be signed by the petitioner under penalty of perjury and set forth the nature and extent of the petitioner's right, title, or interest in the properties and any additional facts supporting the petitioner's claim and the relief sought. *See* 21 U.S.C. § 853(n).

No person, corporation, or entity has filed a claim to the properties described herein.

The Court sentenced Defendant on June 2, 2022 and entered a Judgment [Doc. 39] against Defendant. The Judgment states Defendant shall forfeit Defendant's interest in the properties set forth in the Agreed Preliminary Order of Forfeiture. The fourteen-day period in which to file a notice of appeal has expired and no notice has been filed.

It is therefore, ORDERED, ADJUDGED, and DECREED that:

1. The following properties are hereby forfeited to the United States for disposition pursuant to 18 U.S.C. § 982(a)(2), and Federal Rule of Criminal Procedure 32.2(b):
 - 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 United States Marshals Service, or its designated representative, shall dispose of the forfeited properties according to law.
3. 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

¹Defendant also agreed to a money judgment in the amount of \$110,125.50, as set forth in the Amended Plea Agreement. This Court entered an Order of Forfeiture as to the money judgment on June 1, 2022. [Doc. 34].