UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 02-80199

CIV - HURLEY

FRANK J. LYNCH, JR.
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

Plaintiff,

vs.

ONE PARCEL OF REAL ESTATE LOCATED AT 16659 118TH TERRACE NORTH, JUPITER, PALM BEACH COUNTY, INCLUDING THE APPURTENANCES THERETO AND THE IMPROVEMENTS THEREON,

Defendant.
_____/

FILED by D.C.
MAR 1 3 2002
CLERK U.S. DIST. CT.
S.D. OF FLA.-WPB

COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, files this civil action for forfeiture in rem of the defendant and alleges as follows:

1. This is a civil action for forfeiture in rem of one parcel of real estate located in the Southern District of Florida in Palm Beach County. Jurisdiction is vested in this Court pursuant to Title 28, United States Code, Sections 1345, 1355, and 2461.

2. The Court has venue pursuant to Title 28, United States Code, Section 1395, in that the defendant property is located within the Southern District of Florida. During the pendency of

these proceedings, the defendant property will remain within the Southern District of Florida and the jurisdiction of this Court.

3. The defendant property has not been seized, as provided for in 18 U.S.C. §985 (b)(1)(A), but is located within this district and within the jurisdiction of the Court. The property will be posted with a notice of the complaint in accordance with 18 U.S.C. §§ 985 (c)(1),(c)(3).

4. The defendant real property located at 16659 118th Terrace North, Jupiter, Palm Beach County, Florida, includes all buildings, improvements, fixtures, attachments, and easements found therein or thereon, and is more particularly described as:

> A parcel of land in Section 11, Township 41 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows: The East Half of the South Half of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of said Section 11. (Also known as Parcel A-58).
> LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: The East Six One-Hundreths (.06) of a foot of the following described parcel of land: A Parcel of land in Section 11, Township 41 South, Range 41 East, Palm Beach County, Florida: The East Half of the South Half of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of said Section 11.
> TOGETHER WITH A ROAD EASEMENT for ingress and egress over the East 30 feet of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 11, Township 41 South, Range 41 East, Palm Beach County, Florida.
>
> Subject to Restrictions, Reservations and Easements of Record, if any.
>
> Folio Number 00-41-41-11-00-000-3210

5. The United States seeks forfeiture of the defendant real

property pursuant to Title 21, United States Code, Section 881(a)(7), on the grounds that the defendant real property was used or intended to be used to commit or facilitate the commission of a federal law violation punishable by more than one year's imprisonment, conspiracy to manufacture and possess with intent to distribute marijuana, in violation of 21 U.S.C. §§841(a)(1) and 846.

6. Beginning in August 2001, a confidential informant ("CI"), provided information to Agent Michael Bulgrin of the Drug Enforcement Administration concerning an organization that operated several marijuana grow houses in northern Palm Beach County. The CI identified a white male known as "Arnie" as being part of the marijuana grow organization and that he had a grow house located somewhere on 118th Terrace North in Jupiter Farms. Investigation showed that Arnold Baker owns the residence located at 16659 118th Terrace North, Jupiter, Florida, the defendant property.

7. On November 1, 2001, Task Force Officers Donald Voiret and Gerald Chaparro of the United States Customs Task Force went to the defendant property and conducted a trash pull. Three bags were removed from the trash cans that were placed at curbside for collection. One of the three bags contained two marijuana stems and correspondence addressed to Arlene Baker, 16659 118th Terrace North, Jupiter. The marijuana stems were field tested positive for THC, the active ingredient in marijuana.

8. On November 16, 2001, agents of the Drug Enforcement Administration executed a search warrant at the defendant property. Agents found approximately twenty (20) pounds of hydroponically grown marijuana packaged in large plastic bags in empty fan boxes in the detached garage of the residence. They also seized from the residence approximately $63,000 in United States currency located in the master bedroom and $8,000.00 in United States currency in the kitchen. Agents also seized magazines showing how to grow marijuana hydroponically and ledgers showing purchases of hydroponic grow equipment.

9. After his arrest on November 16, 2001, Arnold Baker acknowledged to Task Force Officer Voiret that he was selling marijuana for another individual for $3,200.00 a pound. He frequently sold marijuana to his brother-in-law and that these transactions were usually for approximately $30,000.00 of marijuana.

10. On or about November 29, 2001, an indictment was returned against Arnold Baker and others, in the case of United States v. Arnold Baker, et. al., 01-8158-CR-DIMITROULEAS, for violations of 21 U.S.C. §§846 and 841, covering a period from a time unknown through November 16, 2001. On February 8, 2002, Arnold Baker pled guilty to conspiracy to manufacture and possess with intent to distribute marijuana, in violation of 21 U.S.C. §§841(a)(1) and 846.

11. As part of the plea agreement, Arnold Baker agreed to forfeit the defendant property to the United States. On or about February 12, 2002, Arnold Baker signed a consent to forfeiture, forfeiting the defendant property to the United States as property used or intended to be used to commit or facilitate the commission of a federal law violation punishable by more than one year's imprisonment, conspiracy to manufacture and possess with intent to distribute marijuana, in violation of 21 U.S.C. §§841(a)(1) and 846.

12. On or about February 12, 2002, Arlene Baker, the wife of Arnold Baker, signed a consent to forfeiture, forfeiting her interest in the defendant property to the United States as property used or intended to be used to commit or facilitate the commission of a federal law violation punishable by more than one year's imprisonment, conspiracy to manufacture and possess with intent to distribute marijuana, in violation of 21 U.S.C. §§841(a)(1) and 846.

13. The defendant property is titled in the names of Arnold Baker and Arlene Baker.

14. Based on the foregoing, the defendant real property has become and is forfeit to the United States of America pursuant to the provisions of 21 U.S.C. §881(a)(7).

CONCLUSION

By reason of the foregoing, and pursuant to the provisions of Title 21, United States Code, Section 881, the defendant real property as described herein has become and is forfeit to the United States of America.

WHEREFORE, plaintiff, United States of America, requests the Court to declare the defendant real property condemned and forfeit to the United States of America, pursuant to Title 21, United States Code, Section 881, and further requests the Court to direct any and all persons having any claim to the defendant real property to file and serve their verified claims and answers as required by Title 18, United States Code, Section 983(a)(4)and the Supplemental Rules for Certain Admiralty and Maritime Claims, or suffer default thereof, together with such other and further relief as may be just.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY: Antonia J. Barnes

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VERIFICATION

I, MICHAEL DESZTICH, Special Agent for the U.S. Customs Service, declare under penalty of perjury as provided by 28 U.S.C. §1746, that the foregoing Complaint for Forfeiture In Rem is based on information known to me, and the facts alleged therein are true and correct to the best of my knowledge.

Michael Desztich

SPECIAL AGENT MICHAEL DESZTICH
UNITED STATES CUSTOMS SERVICE

DATE: MARCH 5, 2002

JS 44
(Rev. 12/96)

CIVIL COVER SHEET 02-80199

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

CIV - HURLEY

I. (a) PLAINTIFFS

United States of America

DEFENDANTS

One Parcel of Real Estate Located at 16659 118th Terrace North, Jupiter, Palm Beach County, Including the Appurtenances Thereto and the Improvements Thereon

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

02-80199-CV-HURLEY/LYNCH.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Palm Beach County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

FRANK J. LYNCH, JR.
UNITED STATES MAGISTRATE JUDGE

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

AUSA Antonia J. Barnes
500 Australian Avenue, Suite 400
West Palm Beach, FL 33401
(561) 820-8711

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, (PALM BEACH), MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- X 1 U.S. Government Plaintiff
- ☐ 2 U.S Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- X 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- B ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- B ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

A REAL PROPERTY
- ☐ 210 Land Condemnation
- B ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

A TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

A CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- B ☐ 510 Motions to Vacate Sentence

HABEAS CORPUS:
- B ☐ 530 General
- A ☐ 535 Death Penalty
- B ☐ 540 Mandamus & Other
- B ☐ 550 Civil Rights
- B ☐ 555 Prison Condition

FORFEITURE/PENALTY
- B ☐ 610 Agriculture
- B ☐ 620 Other Food & Drug
- XX 625 Drug Related Seizure of Property 21 USC 881
- B ☐ 630 Liquor Laws
- B ☐ 640 R.R & Truck
- B ☐ 650 Airline Regs.
- B ☐ 660 Occupational Safety/Health
- B ☐ 690 Other

A LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- A ☐ 791 Empl. Ret. Inc. Security Act

A BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

A PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

B SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- A ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- A ☐ 871 IRS - Third Party 26 USC 7609

A OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- B ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

A OR B

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

21 USC, Section 881(a)(7) - Facilitation of Narcotics Violation

LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $**

CHECK YES only if demanded in complaint: **JURY DEMAND:** ☐ YES XX NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 3/6/02

SIGNATURE OF ATTORNEY OF RECORD Antonia J. Barnes, Assistant U.S. Attorney

FOR OFFICE USE ONLY

RECEIPT # WAIVED AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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