UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA BECKLEY

UNITED STATES OF AMERICA,

Plaintiff,

v. **CIVIL ACTION NO. 5:23-cv-00393**

$168,849.42 SEIZED FROM FIRST COMMUNITY BANK, ACCOUNT NUMBER XX2781; $299,604.40 SEIZED FROM FIRST COMMUNITY BANK, ACCOUNT NUMBER XX2660; $2,333,832.28 CASH FROZEN FROM ALLY INVEST SECURITIES, LLC, ACCOUNT NUMBER XX-X6295-11 RRA34; $45,000 FROZEN FROM ALLY INVEST SECURITIES, LLC, ACCOUNT NUMBER XXX-X6295-11 RRA34;

Defendants in rem.

DECLARATION OF PUBLICATION

Notice of Civil Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on November 10, 2023, and ending on December 9, 2023, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, as evidenced in Attachment 1.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 14, 2023, at Beckley, West Virginia.

Respectfully submitted,

WILLIAM S. THOMPSON
United States Attorney

By: /s/Christopher R. Arthur
CHRISTOPHER R. ARTHUR
Assistant United States Attorney
WV State Bar No. 9192
300 Virginia Street, East, Room 4000
Charleston, WV 25301
Telephone: 304-345-2200

Attachment 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
COURT CASE NUMBER: 5:23-CV-00393; NOTICE OF FORFEITURE ACTION

Pursuant to 18 U.S.C. § 981, the United States filed a verified Complaint for Forfeiture against the following property:

$168,849.42 SEIZED FROM FIRST COMMUNITY BANK, ACCOUNT NUMBER 8602781 Acct# 8602781 (23-NAS-000006)

$299,604.40 SEIZED FROM FIRST COMMUNITY BANK, ACCOUNT NUMBER 9572600 Acct# 9572600 (23-NAS-000007)

$2,333,832.28 CASH FROZEN FROM ALLY INVEST SECURITIES, LLC, ACCOUNT NUMBER XXX-X6295-11 RR A34 Acct# 643-56295-11-RR-A34 (23-NAS-000008)

$45,000.00 SECURITIES FROZEN FROM Ally Investment Securities, LLC Acct# 643-56295-11-RR-A34 (23-NAS-000009)

Any person claiming a legal interest in the Defendant Property must file a verified Claim with the court within 60 days from the first day of publication (November 10, 2023) of this Notice on this official government internet web site and an Answer to the complaint or motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days thereafter. 18 U.S.C. § 983(h)(1) permits a court to impose a civil fine on anyone asserting an interest in property which the court determines was frivolous.

The verified Claim and Answer must be filed with the Clerk of the Court, 110 North Heber Street, Room 119, Beckley, WV 25801, and copies of each served upon Assistant United States Attorney Christopher Arthur, 110 North Heber Street, Room 119, Beckley, WV 25801, or default and forfeiture will be ordered. *See*, 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. *See* 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition need not be made in any particular form and may be filed online or in writing. You should file a petition not later than 11:59 PM EST 30 days after the date of final publication of this notice. *See* 28 C.F.R. Section 9.3(a). The https://www.forfeiture.gov/FilingPetition.htm website provides access to a standard petition

form that may be mailed and the link to file a petition online. If you cannot find the desired assets online, you must file your petition in writing by sending it to Assistant United States Attorney Christopher Arthur, 110 North Heber Street, Room 119, Beckley, WV 25801. This website provides answers to frequently asked questions (FAQs) about filing a petition. You may file both a verified claim with the court and a petition for remission or mitigation.

Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between November 10, 2023 and December 09, 2023. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. $168,849.42 Seized from First Community Bank etal.

Court Case No: 5:23-CV-00393
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	11/10/2023	23.9	Verified
2	11/11/2023	23.9	Verified
3	11/12/2023	24.0	Verified
4	11/13/2023	23.9	Verified
5	11/14/2023	24.0	Verified
6	11/15/2023	23.9	Verified
7	11/16/2023	23.9	Verified
8	11/17/2023	23.9	Verified
9	11/18/2023	23.9	Verified
10	11/19/2023	23.9	Verified
11	11/20/2023	23.9	Verified
12	11/21/2023	23.9	Verified
13	11/22/2023	24.0	Verified
14	11/23/2023	24.0	Verified
15	11/24/2023	23.9	Verified
16	11/25/2023	23.9	Verified
17	11/26/2023	24.0	Verified
18	11/27/2023	23.9	Verified
19	11/28/2023	23.9	Verified
20	11/29/2023	23.9	Verified
21	11/30/2023	23.9	Verified
22	12/01/2023	23.9	Verified
23	12/02/2023	23.9	Verified
24	12/03/2023	23.9	Verified
25	12/04/2023	23.9	Verified
26	12/05/2023	23.9	Verified
27	12/06/2023	23.9	Verified
28	12/07/2023	23.9	Verified
29	12/08/2023	23.8	Verified
30	12/09/2023	23.9	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.