
**1H: Consent for Inspection
(Reserved)**

POLICY

AUTHORIZATION

REVIEW (Real Property)

FROM: _____
United States Marshal

District: _____

District Point of Contact: _____ **Telephone** _____

TO: ASSET FORFEITURE OFFICE

ATTN: _____

Responsible
AUSA _____ **Telephone** _____

Investigative Agency: _____

Case Number _____ **CATS ID Number** _____

Type of Forfeiture: Civil _____ **Criminal** _____

Date of Posting/Seizure _____ **Date of Forfeiture** _____

Type of Real Property:

_____ Single Family Detached Residence

_____ Apartment/Condo Building

_____ Undeveloped Land

_____ Apartment/Condo Unit

_____ Commercial (type of
use)

_____ Other (Describe)

Legal Description/Address: _____

Summary of Request: _____

Special Considerations:(describe if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Association Fees | <input type="checkbox"/> Livestock on Property |
| <input type="checkbox"/> Environmentally protected | <input type="checkbox"/> Other Structures |
| <input type="checkbox"/> Hazardous Chemicals | <input type="checkbox"/> Out of District Seizure |
| <input type="checkbox"/> Historical Site | <input type="checkbox"/> Pre-1978 Property |
| <input type="checkbox"/> Incomplete construction | <input type="checkbox"/> USAO Justification |
| <input type="checkbox"/> Known Code Violations | <input type="checkbox"/> Structural Defects |
| <input type="checkbox"/> Laboratories | <input type="checkbox"/> Tax Issues |
| <input type="checkbox"/> Liens | <input type="checkbox"/> Title Issues |
| | <input type="checkbox"/> Underground Tanks |
| | <input type="checkbox"/> Other Issues |

Describe: _____

**THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO
REQUEST:**

All Applicable Court Orders
Past/Current Net Equity Worksheets
Any pertinent information related to PAR request

____ Approved

____ Disapproved

____ Approved as
Amended
(See Remarks)

Katherine K. Deoudes, Chief
Asset Forfeiture Office

PRE-SEIZURE NOTICE¹

To: United States Marshals Service
Asset Forfeiture Office

Attn: _____ Title: _____ Fax #:() _____

The United States Attorneys Office is considering the forfeiture of assets described below. A pre-seizure meeting will take place on _____ at _____. Upon receipt of this notice please contact AUSA, _____ at telephone number () _____ to confirm the time and location of the meeting.

The assets under consideration are: (see footnote for classification.)

PRIORITY

ROUTINE

Real property (indicate number)

- residential
- commercial

Business(describe)

Personal Property

- monetary instruments
- vehicles
- vessels
- other(describe)

- aircraft
- jewelry
- art

The case is known as _____ The lead agency is _____

The lead case agent is _____ who can be reached at () _____ The asset forfeiture AUSA assigned is _____

Additional comments: _____

cc:Asset Forfeiture AUSA

¹The USMS must receive advance notice of any proposed actual or constructive seizure, whether by civil or criminal seizure warrant, criminal restraining order, plea agreement or settlement. The seizure of any businesses(s), combined multiple assets arising in a single case, property with potential environmental or contamination concern (i.e. pre-1978 construction, wetlands, farms), any historical sites, or any animals are considered **PRIORITY** and require at least **45 days pre-seizure notice**. The seizure of other assets such as single family residences, cars, boats and aircraft, financial instruments, jewelry or art are considered **ROUTINE** and require at least **10 days pre-seizure notice**.

**PRE-SEIZURE PLANNING QUESTIONNAIRE
REAL PROPERTY**

Date of Conference: _____ Case Identifier: _____

AUSA: _____ # _____ AFO AUSA: _____ # _____

Lead Agency: _____ Case Agent: _____ # _____

Task Force Case: ___ Yes ___ No If yes, participating agencies: _____

Adoptive Case: ___ Yes ___ No If yes, name/phone #: _____ # _____

Type of Case: ___ Civil ___ Criminal Proposed date of seizure: _____

Proposed date of indictment: _____ Is draft copy available?: ___ Yes ___ No

Will a temporary restraining or protective order be issued?: ___ Yes ___ No If yes, obtain copy.

Originating District: _____ Other Involved Districts: _____

DUSM: _____ # _____ Bpr.# _____

Other district DUSM: _____ # _____ Bpr.# _____

Defendant(s) name(s) and status(fugitive yes or no): _____

Type of case: ___ Drugs ___ Money Laundering ___ RICO ___ Other (describe): _____

List number of assets by category targeted for seizure (once identified, refer to applicable form):

___ Real Estate ___ Business(s) ___ Personal Property(s)

List number of personal properties by category targeted for seizure:

___ Vehicles ___ Aircraft ___ Art
___ Cash (approx. amt) ___ Jewelry ___ Financial instruments
___ Vessels ___ Collectibles ___ Other (describe)

Describe: _____

REAL PROPERTY (complete one form per property)

Case Identifier: _____

Type of Real Property:

- | | |
|---|---|
| <input type="checkbox"/> Single Family Detached Residence | <input type="checkbox"/> Apartment/Condo Unit |
| <input type="checkbox"/> Apartment/Condo Building | <input type="checkbox"/> Commercial (type of use) |
| <input type="checkbox"/> Vacant/Undeveloped Land | <input type="checkbox"/> Other (Describe) _____ |

Location/Address: _____

Legal Description (attach copy if available): _____

Title Owner (name/address/phone #): _____

O & E/Title Report/Appraisal available?: Yes No If yes, obtain copy. If no, provide date copy (id. which item) may be obtained: _____

Has a Lis Pendens been filed?: Yes No

Items to be procured by USMS:

- Drive-By Appraisal Title Report/Abstract
- Full Appraisal (Only if full, unrestricted access to property is available and the actions taken by the appraisers or USMS personnel will not inhibit or reveal the investigation).

Property Condition: Excellent Good Fair Poor

Photos Available: Yes No

Potential Contamination: Yes No If yes, has any agency been contacted to provide an assessment of the property (name/phone #): _____ # _____

Year Built: _____ If pre-1978 has lead-based paint assessment been completed: Yes No
If yes, obtain name/phone#/date: _____ # _____ / _____

Real Property (cont.)

Case Identifier: _____

Specific Concerns: (describe briefly if applicable)

- | | | |
|--|--|--|
| <input type="checkbox"/> Swimming pool | <input type="checkbox"/> Safe on premises | <input type="checkbox"/> Structural defects |
| <input type="checkbox"/> Laboratories | <input type="checkbox"/> Historical site | <input type="checkbox"/> Incomplete construction |
| <input type="checkbox"/> Live stock | <input type="checkbox"/> Environmentally protected | <input type="checkbox"/> Hazardous chemicals |
| <input type="checkbox"/> Other structures | <input type="checkbox"/> Association fees | <input type="checkbox"/> Known code violations |
| <input type="checkbox"/> Underground tanks | <input type="checkbox"/> Other personal property | <input type="checkbox"/> Other potential liabilities |

Describe: _____

Contents of Property:

Are contents being seized?: Yes No

If no, is seizing agency making arrangements to remove the items (as required)?: Yes No

Is an inventory required?: Yes No

Additional comments on contents: _____

Is the property occupied?: Yes No Owners Renters

If allowed to remain occupied, provide name, phone #, and status (age, special needs, etc.):

_____	#	_____	/
_____	#	_____	/
_____	#	_____	/
_____	#	_____	/
_____	#	_____	/
_____	#	_____	/

General remarks: _____

Real Property (cont.)

Case Identifier: _____

Net Equity (If required info is available complete Net Equity Worksheet)

Does the asset meet the minimum net equity threshold value?: Yes No Unknown

If no, what law enforcement benefits are to be derived from the seizure?:

Safety Considerations:

Is there any available information that will assist the USMS regarding personal safety issues during seizure operations (pets, fences, alarms, water hazards, booby traps, children, etc)?: _____

Misc. Information:

Will the defendant(s) be arrested simultaneously at the time of seizure?: Yes No

Following the arrest of the defendant(s), will the property be left vacant?: Yes No

Will the AUSA provide or give a press release?: Yes No

Next meeting scheduled? Yes No If yes, date/time: _____ / _____

Location of next meeting: _____

Prepared by: Printed name: _____ Title: _____ Date: _____

Signature: _____

Case AUSA's concurrence, review and approval:

Printed name: _____ Signature: _____ Date: _____

REAL PROPERTY NET EQUITY WORKSHEET

Name of Case: U.S. v. _____

District of _____

Court Case (Docket number): _____

- 1. a. Appraised value \$ _____ Date of Appraisal: _____
 minus
 b. Expenses 1/ (_____)
 equals _____
 c. Income _____
 d. Net value \$ _____
- 2. e. Net value \$ _____
 minus
 f. Liens 2/ (_____)
 equals _____
 g. U.S. equity 3/ \$ _____
- 3. h. U.S. equity \$ _____
 divided by
 I. Appraised value \$ _____
 equals
 j. Percentage of U.S. equity 4/ _____

1/ Includes advertising, maintenance (includes management fees of _____/month x 18 months), sales commission, sellers' expenses to close, etc.

2/ Includes the total of all items, principal and interest from the date of seizure to the date this worksheet is completed.

3/ Districts are **not** authorized, without additional approval, to pay a lien or liens totaling more than \$50,000.

4/ U.S. equity must be _____ of appraised value in order to pay a lien prior to sale.

Prepared by: _____ Title: _____ Date: _____

NOTE: IF NET EQUITY IS _____ A SUPERVISORY LEVEL AUSA MUST APPROVE BY SIGNING BELOW, FULLY ACKNOWLEDGING THE POTENTIAL FOR CAPITAL LOSS TO THE U.S. GOVERNMENT (DOJ) ASSET FORFEITURE FUND

Printed name: _____ Title: _____ Date: _____

Supervisory AUSA's Signature: _____

b2, b7E

(Date):

(Taxing Authority)
(Address)

Re: (Address of Real Property)
(Tax Parcel Number-if known)

Dear _____:

On (enter date of) *, the federal government took title to the above described property through forfeiture, pursuant to a * _____ issued by United States District Court of _____ District of _____ signed by Judge _____.

Because the property is located within your jurisdiction, we hereby notify you of the forfeiture and request this property be removed from the tax roll as of (date) *. Copies of the appropriate forfeiture documents are attached for your records.

The United States Department of Justice invokes the doctrine of sovereign immunity which precludes the payment of state and local taxes on property which has been forfeited. The United States is obligated to pay state and/or local taxes only where there has been a "clear, express and affirmative" waiver of sovereign immunity, United States v. City of Adair, 539 F. 2d 1185, 1189 (8th Cir. 1976). With regard to forfeited properties, there has been no such waiver of sovereign immunity.

In light of the Supreme Court's decision in United States v. 92 Buena Vista Ave., 113 S. Ct. 1126(1993), the Executive Office for Asset Forfeiture has issued a policy whereby the federal government will pay standard ad valorem property taxes up to the date of the FINAL ORDER of forfeiture. The federal government can not pay state and/or local taxes incurred after that date. Tax liens, including interest at the federal government's allowable rate of _____%, levied against the property prior to the date of forfeiture will be honored. However, the United States is prohibited from paying any penalties. Since the property was forfeited on (date), the federal government can only honor those taxes outstanding prior to this date.

The Asset Forfeiture Program of the United States Department of Justice is designed to, and does, make substantial contributions to state and local law enforcement. Under the Equitable Sharing Program, the proceeds of many forfeited properties are shared with state and local police for their use in law enforcement activities. While we cannot pay state and local taxes incurred after forfeiture, we can assure you that your jurisdiction benefits in other ways from the asset forfeiture effort of the United States.

If you have any questions regarding this matter, please feel free to contact me at () 555-5555. Thank you for your cooperation in this matter.

Very truly yours,

Name of Marshal
_____ District of _____

Attachments

cc:

*Civil Cases - Order of Forfeiture/Judgment
Criminal Cases - Entry of Final Order of Forfeiture

(Attachments)

Civil - Order of Forfeiture/Judgment
Criminal - Final Order of Forfeiture
Asset Forfeiture Policy on Paying State and Local Real Property Taxes

**PROCEDURES FOR SEALING AND PROTECTION OF
VACANT AND UNGUARDED BUILDINGS**

1. Sealing Window Openings: Sealing of windows shall be done in the following manner:

A. Panels may be attached by nailing directly to the window frame. If in good condition, fastened directly to the exterior wall, or secured to the tibacks in accordance with detail "A" on next page.

B. Panels shall be constructed with 1" x 6" tongue and groove boards with cross battens of 1" x 6" boards, or with exterior grade plywood at least 5/8" in thickness.

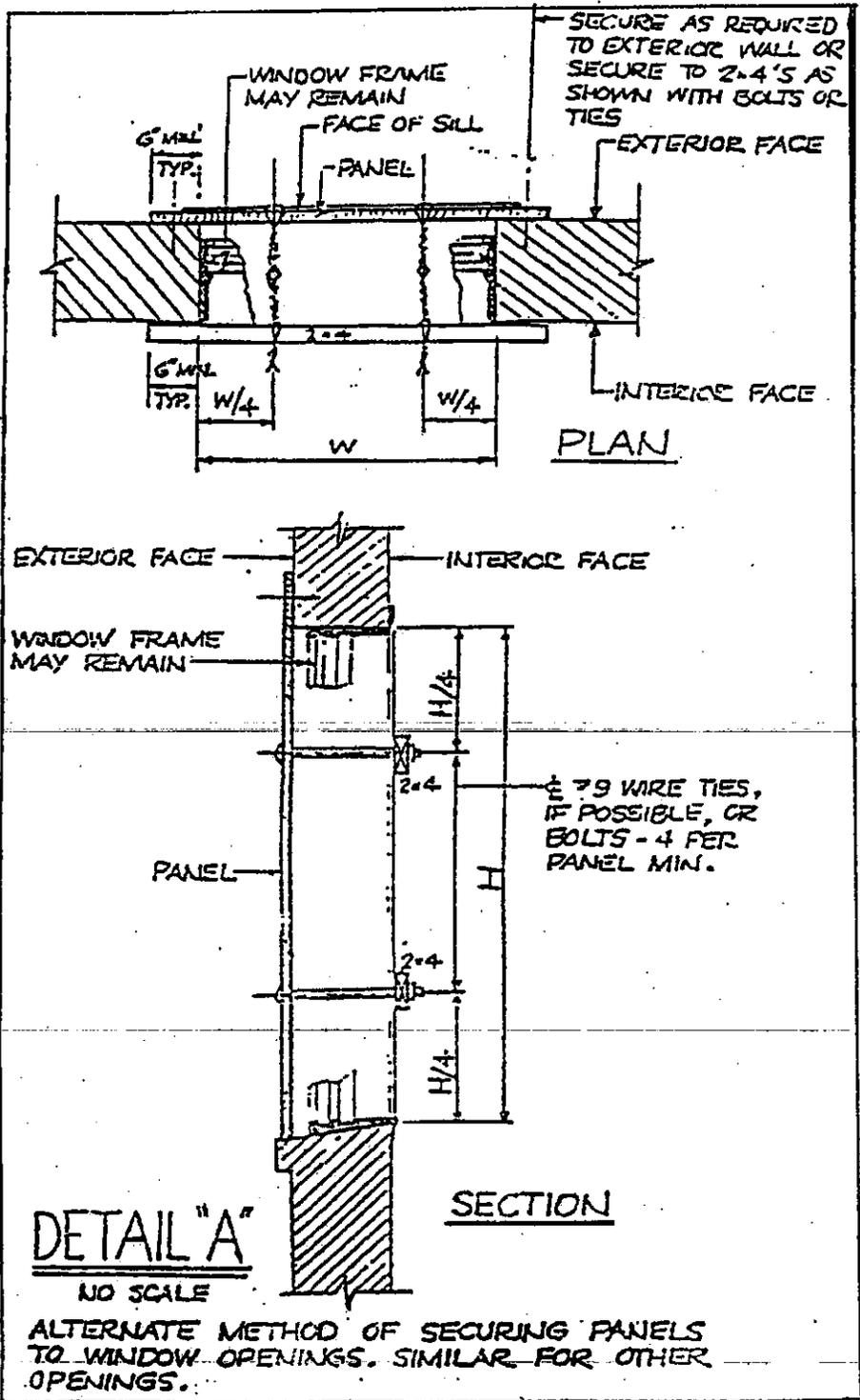
2. Sealing of Exterior Doors: Sealing of exterior doors shall be done in the following manner:

A. The door shall be of solid wood covered with 26 U.S. gauge metal or constructed of 1" boards and covered on the outside with 26 U.S. gauge galvanized steel, with edging turned over and nailed with flat head galvanized nails.

B. The door shall be hung in such a manner that no screws are exposed on the outside of the door on either hinges or the hasps.

C. Hinges shall not have removable hinge pins.

D. Two hasps and locks shall be provided, located so as to divide the height of the door in equal sections.



PROCEDURES FOR WINTERIZATION OF VACANT BUILDINGS

1. The water supply to the property must be shut off at the curb. If a curb shut-off is not possible, the main interior water supply must be shut off. In either case, the water meter must be disconnected and left in the property and the disconnected feed pipe leading from the main water valve must be plugged.

Winterization must include a thorough and complete draining of plumbing and heating systems. Use of air pressure in the system or adding antifreeze to the system is acceptable provided that the effect is to prevent freeze-up.

A. Dry Heat Systems: The hot water and all domestic supply and distribution piping must be thoroughly drained. All faucets and valves must be opened in the process and then closed after draining is completed. Adequate amounts of antifreeze are to be placed in all fixture traps, including toilet tanks and bowls.

B. Wet Heat Systems: In addition to the winterization requirements outlined in "A" above, the house boiler system must be thoroughly drained. All radiator vents must be opened in the process and closed after draining is completed. Bleeder pins must not be removed from the radiators.

C. Radiant Heat Systems: In addition to the winterization requirements outlined in "A" and "B" above, radiant heat piping must be drained and blown dry by compressed air pressure and an adequate amount of antifreeze is to be put in the radiant piping.

3. All gas, electric, water, steam and other services to the building, except sewer lines shall be discontinued and certifications to that effect by the respective utility company or city agency having jurisdiction shall be provided to the U.S. Marshals Service, except if a sump pump is used to keep basements or crawl space dry. The electricity must remain on to assure that the property is not damaged by flooding.

4. Tags or labels must be affixed to all items winterized and must include the contractor's name, address, telephone number and the date of winterization.

MONTHLY PROPERTY INSPECTION REPORT

DATE: _____
 DEPUTY: _____
 DISTRICT: _____

TIME: _____
 CASE NUMBER: _____
 ADDRESS: _____

STATUS: Not Forfeited Forfeited Pending Sale In Escrow

PROPERTY MANAGER: YES NO Name: _____

OCCUPIED: YES NO Occupant Name: _____

CONDITION OF EXTERIOR PROPERTY

AREA	O.K.	SEE REMARKS	REMARKS
Driveway			
Yard			
Landscaping			
Paint			
Fences			
Windows			
Doors			
Pool			
Lights			

Is the property posted with U.S. Marshals sign(s): YES NO

Is there a real estate "FOR SALE" sign on the property: YES NO

Name of real estate agent and telephone number: _____

***CONDITION OF INTERIOR PROPERTY**

AREA	O.K.	SEE REMARKS	REMARKS
Entryway			
Living Room			
Dining Room			
Den			
Bedrooms			
Kitchen			
Garage			

**Prior to forfeiture, interior inspections will be conducted when specifically authorized by order of the court or when occupants consent to official entry onto the property.*

Overall Condition of Property: Excellent Good Poor Trashed

Please list additional comments on reverse side.

PROPERTY INVENTORY REPORT

PAGE 1

CASE NUMBER: _____

DATE: _____

PROPERTY ADDRESS: _____

LOCATION	QUANTITY	MAKE	MODEL	SERIAL NUMBER
OUTSIDE				
LIVING ROOM				
FAMILY ROOM				
KITCHEN				
• Stove				
• Dishwasher				
• Trash compactor				
• Garbage disposal				
• Dryer				
• Washer				
BEDROOM 1				
BEDROOM 2				

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SETTLEMENT STATEMENT	B. TYPE OF LOAN		
	1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FMHA	3. <input type="checkbox"/> CONV UNINS
	4. <input type="checkbox"/> VA	5. <input type="checkbox"/> CONV INS	
	6. FILE NUMBER:		7. LOAN NUMBER:
8. MORTGAGE INS. CASE NO.			

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER:
ADDRESS OF BORROWER:

E. NAME OF SELLER:
ADDRESS OF SELLER:

F. NAME OF LENDER:
ADDRESS OF LENDER:

G. PROPERTY
LOCATION:

H. SETTLEMENT AGENT:
PLACE OF SETTLEMENT:

I. SETTLEMENT DATE:

J. SUMMARY OF BUYER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
103. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract sales price		401. Contract sale price	
102. Personal property		402. Personal property	
103. Settlement charges to borrower: (from line 1400)		403	
104.		404.	
105.		405.	
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE		ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER:		420. GROSS AMOUNT DUE TO SELLER:	
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount or new loan(s)		502. Settlement charges to seller (line 1400)	
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER:		ADJUSTMENTS FOR ITEMS UNPAID BY SELLER:	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER:		520. TOTAL REDUCTIONS IN AMOUNT DUE SELLER:	
300. CASH AT SETTLEMENT FROM/TO BORROWER:		600. CASH AT SETTLEMENT TO/FROM SELLER:	
301. Gross amount due from borrower (line 120)		601. Gross amount due to seller (line 420)	
302. Less amount paid by/for borrower (line 220)		602. Less total reductions in amount due seller (line 520)	()
303. CASH (<input type="checkbox"/> FROM) (<input type="checkbox"/> TO) BORROWER:		603. CASH (<input type="checkbox"/> TO) (<input type="checkbox"/> FROM) SELLER:	

L.		SETTLEMENT	CHARGES		PAID FROM BORROWER'S AT SETTLEMENT	PAID FROM SELLER'S AT SETTLEMENT
700. TOTAL SALES/BROKER'S COMMISSION:						
BASED ON PRICE		\$	@	% =		
DIVISION OF COMMISSION (LINE 700) AS FOLLOWS:						
701. \$						
702. \$						
703. Commission paid at settlement						
704.						
800. ITEMS PAYABLE IN CONNECTION WITH LOAN						
801. Loan Origination fee						
802. Loan Discount						
803. Appraisal Fee to:						
804. Credit Report to:						
805. Lender's Inspection fee						
806. Mortgage Insurance application fee to						
807. Assumption fee						
808.						
809.						
810.						
811.						
812.						
813.						
814.						
815.						
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE						
901. Interest from to			@ \$	/day		
902. Mortgage insurance premium for		mo. to				
903. Hazard insurance premium for		ys. to				
904. Flood insurance premium for		ys. to				
905.						
1000. RESERVES DEPOSITED WITH LENDER:						
1001. Hazard insurance		months@ \$		per month		
1002. Mortgage insurance		months@ \$		per month		
1003. City property taxes		months@ \$		per month		
1004. County property taxes		months@ \$		per month		
1005. Annual assessments		months@ \$		per month		
1006. Flood insurance		months@ \$		per month		
1007.		months@ \$		per month		
1008.		months@ \$		per month		
1100. TITLE CHARGES:						
1101. Settlement or closing fee to						
1102. Abstract or title search to						
1103. Title examination to						
1104. Title insurance binder to						
1105. Document preparation to						
1106. Notary fees to						
1107. Attorney's fees to						
(includes above items Numbers:						
1108. Title insurance to						
(includes above items Numbers:						
1109. Lender's coverage		\$				
1110. Owner's coverage		\$				
1111.						
1112.						
1113.						
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:						
1201. Recording fees: Deed \$			Mortgage \$	Releases \$		
1202. City/county tax/stamps		Deed \$		Mortgage \$		
1203. Statetax/stamps		Deed \$		Mortgage \$		
1204.						
1205.						
1300. ADDITIONAL SETTLEMENT CHARGES:						
1301. Survey to						
1302. Pest inspection to						
1303.						
1304.						
1305.						
1306.						
1307.						

1400. TOTAL SETTLEMENT CHARGES (Enter on line 103, Section J - and line 502, Section K)
 I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement.

Borrowers : _____ Sellers: _____

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent: _____ Date: _____