Title 21 – Controlled Substances Act

§881. Forfeitures

(a) Subject property

The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this subchapter.

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance or listed chemical in violation of this subchapter.

(3) All property which is used, or intended for use, as a container for property described in paragraph (1), (2), or (9).

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1), (2), or (9).

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this subchapter.

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

(7) All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this subchapter punishable by more than one year's imprisonment.

(8) All controlled substances which have been possessed in violation of this subchapter.

(9) All listed chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, dispensed, acquired, or intended to be distributed, dispensed, acquired, imported, or exported, in violation of this subchapter or subchapter II of this chapter.

(10) Any drug paraphernalia (as defined in section 863 of this title).

(11) Any firearm (as defined in section 921 of title 18) used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) and any proceeds traceable to such property.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

FILED

FEB 2 8 2001

LARRY W. PROPES, CLERK
COLUMBIA, S. C.

wd 3-2-01

UNITED STATES OF AMERICA, Plaintiff, vs. ONE PARCEL OF REAL PROPERTY COMMONLY KNOWN AS DREHER'S PARTY SHOP, DESIGNATED AS LOT NO. 7, LOCATED AT 804 HENDRIX STREET, LEXINGTON, IN THE COUNTY OF LEXINGTON, STATE OF SOUTH CAROLINA, TOGETHER WITH ALL IMPROVEMENTS THEREON AND WITH ALL RIGHTS AND EASEMENTS APPERTAINING, Defendant. Being Titled in the name of Fred Patrick Quattlebaum	)	CIVIL ACTION NO. 3:99-2363-17 CONSENT ORDER OF FORFEITURE

It appearing to the Court that process was lawfully issued and executed in this action according to law;

It further appearing to the Court that all known and unknown potential claimants to the Defendant real property herein were duly served with legal process through personal service or through publication of notice in "The State" newspaper;

It further appearing to the Court that Fred Patrick Quattlebaum, Theron Richard Bailey and Lexington County Treasurer are the only claimants to the Defendant real property which is the subject of this forfeiture action, no other claims or answers having been filed within the time affixed by law;

A TRUE COPY
Attest: Larry W. Propes
By: [signature]
DEPUTY CLERK

47

It further appearing to the Court that, in order to save the United States and Claimants additional costs which would be incurred in this matter and in order to promote judicial economy, the parties have agreed to compromise, settle and resolve any potential claims, title and interest that Fred Patrick Quattlebaum, Theron Richard Bailey and Lexington County Treasurer may have in this matter upon the terms and conditions set forth in the Withdrawal of Claims and Stipulation for Compromise Settlement, which is attached hereto and incorporated herein by reference, and that the parties are in agreement that a Consent Order should be entered forthwith;

It further appearing to the Court that entry of an Order incorporating the terms of the settlement agreement set forth herein is appropriate and in the best interests of justice and of the parties hereto;

IT IS THEREFORE ORDERED:

1. All persons except Fred Patrick Quattlebaum, Theron Richard Bailey and Lexington County Treasurer are hereby declared to be in default;

2. The Claim and Answer of Fred Patrick Quattlebaum are hereby withdrawn;

3. The Claim and Answer of Theron Richard Bailey are hereby withdrawn;

4. The Claim of Lexington County Treasurer is hereby withdrawn;

5. Claimant Fred Patrick Quattlebaum and the United States have agreed that Claimant Quattlebaum will not contest the forfeiture of the Defendant real property to the United States and the United States has agreed not to pursue the forfeiture of the real property located at 107 Thompson Street, Lexington, SC and commonly known as "Cozy Oaks" because of the same or similar criminal activity of former owner George S. Dreher, a/k/a "Peter", as alleged in the Complaint. The terms and conditions of the compromise settlement between the United States, Fred Patrick Quattlebaum, Theron Richard Bailey and Lexington County Treasurer, as set forth in the settlement agreement, are hereby approved by the Court;

6. Pursuant to 21 U.S.C. § 881(a)(7), the Defendant property with all improvements thereon, and with all rights and easements appertaining, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America, its successors and assigns.

7. Clear title in and to the Defendant property is vested in the United States of America, its successors and assigns, and no other right, title or interest exists therein.. All other claims in said property are forever foreclosed and barred.

8. The United States Marshals Service shall seize the above-described property as directed by the United States Attorney to be held by the United States Marshals Service in its secure custody and control pending sale or other disposition of the Defendant property.

9. The United States Marshals Service shall dispose of the Defendant real property in accordance with law as directed by the United States Attorney.

IT IS SO ORDERED.

JOSEPH F. ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
February 7, 2000

WE SO MOVE AND CONSENT:

J. RENÉ JOSEY
United States Attorney

By: _____ Dated: 12/15/00

MARVIN J. CAUGHMAN #76
Assistant United States Attorney
Attorneys for the United States
Suite 500, 1441 Main Street
Columbia, South Carolina 29201
Telephone: (803) 929-3000

WE SO MOVE AND CONSENT:

By _____ Dated: 1/18/01

JONATHAN R. HENDRIX, ESQUIRE
Attorney for Claimant Fred Patrick Quattlebaum
200 East Main Street
Lexington, South Carolina 29071
Telephone: (803) 359-4543

WE SO MOVE AND CONSENT

By _____ Dated: 11/08/01

RICHARD J. BREIBART, ESQUIRE
Attorneys for Claimant Theron Richard Bailey
146 East Main Street
Lexington, South Carolina 29072
Telephone: (803) 359-7995

WE SO MOVE AND CONSENT

By _____ Dated: 1/12/01

WILLIAM O. ROWELL
Tax Collector for Lexington County
212 S. Lake Drive
Lexington, South Carolina 29072
Telephone: (803) 359-8344

(e) Disposition of forfeited property

(1) **Whenever property is civilly or criminally forfeited under this subchapter the Attorney General may**—

(A) retain the property for official use or, in the manner provided with respect to transfers under section 1616a of title 19, transfer the property to any Federal agency or to any State or local law enforcement agency which participated directly in the seizure or forfeiture of the property;

(B) except as provided in paragraph (4), sell, by public sale or any other commercially feasible means, any forfeited property which is not required to be destroyed by law and which is not harmful to the public;

(C) require that the General Services Administration take custody of the property and dispose of it in accordance with law;

(D) forward it to the Bureau of Narcotics and Dangerous Drugs for disposition (including delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General); or

(E) transfer the forfeited personal property or the proceeds of the sale of any forfeited personal or real property to any foreign country which participated directly or indirectly in the seizure or forfeiture of the property, if such a transfer—

(i) has been agreed to by the Secretary of State;

(ii) is authorized in an international agreement between the United States and the foreign country; and

(iii) is made to a country which, if applicable, has been certified under section 2291j(b) of title 22.

(2)(A) The proceeds from any sale under subparagraph (B) of paragraph (1) and any moneys forfeited under this subchapter shall be used to pay—

(i) all property expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs; and

(ii) awards of up to $100,000 to any individual who provides original information which leads to the arrest and conviction of a person who kills or kidnaps a Federal drug law enforcement agent.

Any award paid for information concerning the killing or kidnapping of a Federal drug law enforcement agent, as provided in clause (ii), shall be paid at the discretion of the Attorney General.

(B) The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28, any amounts of such moneys and proceeds remaining after payment of the expenses provided in subparagraph (A), except that, with respect to forfeitures conducted by the Postal Service, the Postal Service shall deposit in the Postal Service Fund, under section 2003(b)(7) of title 39, such moneys and proceeds.

(3) The Attorney General shall assure that any property transferred to a State or local law enforcement agency under paragraph (1)(A)—

(A) has a value that bears a reasonable relationship to the degree of direct participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based; and

(B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.

(4)(A) With respect to real property described in subparagraph (B), if the chief executive officer of the State involved submits to the Attorney General a request for purposes of such subparagraph, the authority established in such subparagraph is in lieu of the authority established in paragraph (1)(B).

(B) In the case of property described in paragraph (1)(B) that is civilly or criminally forfeited under this subchapter, if the property is real property that is appropriate for use as a public area reserved for recreational or historic purposes or for the preservation of natural conditions, the Attorney General, upon the request of the chief executive officer of the State in which the property is located, may transfer title to the property to the State, either without charge or for a nominal charge, through a legal instrument providing that—

(i) such use will be the principal use of the property; and

(ii) title to the property reverts to the United States in the event that the property is used otherwise.

GOVERNMENT EXHIBIT
B

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES OF AMERICA AND
THE STATE OF SOUTH CAROLINA
REGARDING
CERTAIN REAL PROPERTY
IN THE STATE OF SOUTH CAROLINA,
COMMONLY KNOWN AS
804 HENDRIX STREET, LEXINGTON, SOUTH CAROLINA

1. This Memorandum of Understanding ("MOU") regarding certain real property located at 804 Hendrix Street, Lexington, South Carolina ("the Property"), and more fully described at Attachment A hereto, is entered into by the United States of America, through the United States Attorney's Office for the District of South Carolina, the United States Marshals Service ("USMS"), the State of South Carolina, and the Town of Lexington, South Carolina ("the Parties").

2. The Property was forfeited to the United States of America pursuant to 21 U.S.C. § 881, because it was used to commit, or to facilitate the commission of, controlled substance violations. The transfer of the Property to the State of South Carolina is being made through and pursuant to 21 U.S.C. § 881(e)(4)(B) and at the request of the Governor of the State of South Carolina as is set forth in his letter of July 30, 2002, to the Attorney General of the United States. This MOU sets forth the agreement by the Parties to transfer the Property from the United States to the State of South Carolina pursuant to 21 U.S.C. § 881 (e)(4)(B).

3. The Parties agree that the rights and responsibilities of the State of South Carolina under this MOU shall apply to the State of South Carolina's successors and assigns, save and except as is further qualified by succeeding provisions of this MOU.

4. The United States of America agrees to transfer title to the Property pursuant to 21 U.S.C. § 881(e)(4)(B) to the State of South Carolina for the agreed purpose described below, subject to the provisions of this MOU.

5. The State of South Carolina agrees to take the Property "as is," and as is set out in paragraph 6 immediately below, the State of South Carolina will convey the property to the Town of Lexington, who shall be responsible for any and all liens against the Property, any and all taxes (including any transfer tax), any title insurance, any property insurance, and any costs of the transfer.

6. The State of South Carolina shall, within 30 calendar days after the date the United States of America transfers title to the Property to the State of South Carolina, transfer title to the Property to the Town of Lexington, South Carolina. The Town of Lexington, South Carolina, and any subsequent transferee, shall be subject to all the terms, conditions and restrictions of this MOU, and this MOU shall be the exhibit to the document(s) transferring title. Every duty of the State of South Carolina under this MOU shall, upon transfer of title by the State of South Carolina to the Town of Lexington, South Carolina, or any subsequent transfer of title, become the duty of the transferee.

7. The State of South Carolina agrees that the Property will be used solely as a public area reserved for recreational or historic purposes or for the preservation of natural conditions, as those terms are used in 21 U.S.C. § 881 (e)(4)(B). Specifically, the State of South Carolina agrees that the purpose for which the United States of America shall convey the Property is the Town of Lexington, South Carolina's use of the Property as a city park and playground ("the agreed purpose").

8. The Town of Lexington shall ensure that the use of the Property for the agreed purpose complies with all federal, state and local laws, rules, regulations, and orders relating to real property and the use thereof.

9. The Town of Lexington shall begin to use the Property for the agreed purpose within one year of the United States of America's conveyance of the Property to the State of South Carolina and shall continue such use without interruption thereafter.

10. In the event that the Town of Lexington does not begin to use the Property for the agreed purpose within one year after conveyance of the Property to the State of South Carolina, or fails to continue such use without interruption thereafter, or fails to meet one or more provisions in this MOU, or permits any liens, mortgages, or encumbrances of any kind to be placed on the Property, or transfers the Property to a non-governmental entity, then, at the

sole discretion of the United States, through the United States Marshals Service, all right, title, and interest in the Property shall revert to the United States of America, and:

a. The United States shall not be liable for any costs in connection with the reversion of the Property or any encumbrances or liens recorded against the Property after the date of transfer of the Property to the State of South Carolina and before the reversion to the United States;

b. The United States shall not be liable for the costs of any structure, edifice, or improvement of any kind made upon the Property after the date of transfer of the Property to the State of South Carolina and before the reversion to the United States.

c. Any costs as set forth in subparagraphs a and b shall be borne by the Town of Lexington.

11. The Town of Lexington and its a successors and assigns hereby release the United States, its agents, officers, employees and assigns in their official and individual capacities, of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising from, and by reason of, any and all known and unknown, foreseen and unforeseen, bodily and personal injuries, damage to property and the consequences thereof, resulting from the transfer and/or reversion of the Property pursuant to the terms of this MOU. The Town of Lexington and its successors and assigns further agree to reimburse, indemnify and hold harmless the United States, its agencies, agents, officers, employees and assigns in their official and individual capacities, for any and all claims, demands, rights, and causes of action of whatsoever kind and nature in connection with the State of South Carolina's and the Town of Lexington's acquisition, use and, if applicable, reversion to the United States of the Property.

SIGNED AND AGREED:

Dated: Jan. 15, 2004

J. Strom Thurmond Jr.

J. STROM THURMOND, JR.
UNITED STATES ATTORNEY
DISTRICT OF SOUTH CAROLINA

Dated: 01/21/04

JOHNNY MACK BROWN
UNITED STATES MARSHAL
DISTRICT OF SOUTH CAROLINA

Dated: 05/04/04

MARSHALL (Mark) CLEMENT SANFORD
GOVERNOR
STATE OF SOUTH CAROLINA

Dated: 1/15/2004

DANIEL P. BREAZEALE, SR.
MAYOR
TOWN OF LEXINGTON, SOUTH CAROLINA

ATTACHMENT A

MEMORANDUM OF UNDERSTANDING BETWEEN

THE UNITED STATES OF AMERICA AND

THE STATE OF SOUTH CAROLINA

REGARDING CERTAIN REAL PROPERTY IN THE STATE OF SOUTH CAROLINA, COMMONLY KNOWN AS

804 HENDRIX STREET, LEXINGTON, SOUTH CAROLINA

---

804 HENDRIX STREET

LEXINGTON, SOUTH CAROLINA

TMS # TMS # 004326-03-009

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, School District No. 1, being shown and delineated as Lot No. 7 on a Plat prepared by A.L. Lown, Surveyor, 19 January, 1943, and subsequently recorded in the Office of the RMC for Lexington County in Plat Book 12-G, at Page 101, and having the following boundaries and measurements: On the North by Lot No. 11 on said Plat and measuring thereon 50 feet; On the East by Lot No. 6 on said Plat and measuring thereon 121 Feet; On the South by the Barr Public Road, fronting and measuring thereon 57 'A Feet; and On the West by Lot No. 8 on said Plat and measuring thereon 142 Feet.

This being the identical lot of land conveyed to Fred Patrick Quattlebaurn by George S. Dreher by deed recorded March 11, 1999, in the R.M.C. Office for Lexington County in Deed Book 5143 at Page 160, and subsequently conveyed to the United States of America by virtue of a Consent Order of Forfeiture filed in Civil Action No. 3:99-2363-1 7, in United States District Court for the District of South Carolina on February 28, 2001, and recorded in the R.M.C. Office for Lexington County in Court Order Book 6314, at Page 10.

TMS # 004326-03-009

Daniel P. Breazeale, Sr.
MAYOR

COUNCIL
Stewart Bond-MAYOR PRO-TEM
Linda W. Bryant
T. Randall Halfacre
Hazel Leggett-Tyndall
James M. Lowman
Richard D. Thompson

TOWN ADMINISTRATOR
L.C. Greene

ASSISTANT TOWN ADMINISTRATOR
James W. Duckett

MUNICIPAL CLERK
Julia Klght

TOWN OF LEXINGTON
Post Office Box 397
Lexington, South Carolina 29071
111 Maiden Lane
Lexington, South Carolina 29072
FAX 803-359-1460
ADMINISTRATION
803-359-4164

Donna Smith-Economic Development
951-4649
Joe Boles – Building/Zoning
951-4655
Stuart Ford – Finance
951-4637
Cherrie Jackson – Clerk of Court
951-4634
Dan Walker – Parks, Streets & Sanitation
359-1027
Chief Mike Roth – Police
359-6260
Sidney Varn – Engineering & Planning
951-4695
Allen Lutz – Utilities
359-2434

August 27, 2001

To: U.S. Department of Justice

From: Daniel P. Breazeale, Mayor

Reference: Equitable Sharing Request:

This is a request that the real property located at 804 Hendrix Street, Lexington, S.C. be awarded to the Town of Lexington Police Department for official use under the federal Equitable Sharing Program. The property would be used as a Natural Reserve Park and playground area.

The Lexington Police Department and the Drug Enforcement Administration (DEA) initiated a civil forfeiture action through the U.S. Attorney's office in the Spring of 2000 on the property located at 804 Hendrix Street, formerly known as " Dreher's Party Shop". The property was initially seized and forfeited because the

business was being used by the owner to sell and deal in dangerous drugs (Crack Cocaine). The forfeiture of the property was concluded on February 7, 2001, when a Consent Order was filed forfeiting the subject's (George Dreher) real property to the government. The Lexington Police Department is requesting the property for official use.

The following description details the property:

> Lot of land, with improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, School District No. 1, being shown and delineated as Lot no.7 on a Plat prepared by A. L. Lown, surveyor, 19 January 19, 1943, and subsequently recorded in the Office of the RMC for Lexington County in Plat book 12-G, at page 101, and having the following boundaries and measurements: On the North by lot no. 11 on said Plat and measuring thereon 50 feet; On the East by Lot No. 6 on said Plat measuring thereon 121 feet; On the South by the Barr Public Road, fronting and measuring thereon 57 1/2; and On the West by Lot No. 8 on said Plat, and measuring thereon 142 Feet. This being the same property heretofore conveyed to George S. Dreher by deed of Mark H. Miller recorded in the RMC Office for Lexington County in Record Book 362 at Page 258 on September 25, 1979.

The Town of Lexington has designated the area of this property as RDD (Restricted Development District). Because the Town has zoned this area as RDD, it has restricted the use of the existing structure and real property. The one type of development that is allowed within the small parcel of land and one that would meet all setback requirements is a Natural Reserve (Appendix 1). A Natural reserve is

defined by the Town of Lexington to include: parks with minimal equipment, botanical gardens and arboretums, golf courses (except for buildings which are assigned to a specific activity type based upon use) and other like uses (Appendix 2). The zoning regulations also regulate the street classifications necessary to support each principal activity. A natural reserve meets all requirements so not to restrict the establishment of like developments (Appendix 3). The last area of concern with the zoning regulations is the setback requirements. This parcel of land being established as a park will need to meet two requirements: (1) the park will need to placed 30ft off of the roadway, and (2) playground equipment will have a height restriction (Appendix 4). The existing structure would not meet zoning requirement for a new business or residence without going before the Lexington Zoning Board and asking for a waiver. Under the existing zoning regulations and without a waiver, the current structure would have to be demolished and rebuilt on a smaller scale in order meet all zoning requirements.

The Lexington Police Department is requesting that the 20% payment to the Assets Forfeiture Fund (federal share) be waived as noted in "A guide to Equitable Sharing of Federally Forfeited Property for State and Local Law

Enforcement Agencies", page 16/section E-1. As stipulated in this section, a local government can request waiver of this payment to the asset forfeiture fund. The department will be utilizing the property for official use and the property will aid in a community-based program.

The community in which this property is located has witnessed a decade of drug users and drug dealers who have claimed the streets as theirs. In this seizure, the community can make a statement that it will not be tolerated any more. The Lexington Police Department is requesting the property for official use in order to give it back to the community for a toddler playground. This will provide the community with a safe area to have their children play, and the park will be dedicated to the late Willie Caractor in memory of his dedication to the community. The park will be named "Willie B. Caractor Children's Park". This park will serve as a message to drug dealers and will serve as a community landmark.

The Town of Lexington is willing to accept the responsibility of all expenses that will be incurred during the development of the park. The Town will utilize funds from the Town of Lexington General Fund and contributions received by the community to develop and maintain the property. In order for the Town and the community to grow,

we are asking for official use of this property and for the waiver of the 20% payment to the Assets Forfeiture Fund.

The property would be titled in the name of, the Town of Lexington, S.C., which is authorized to hold title to real property under the charter issued to the municipality by the State of South Carolina in January 28, 1861. We understand that the property may not be used for other purposes without approval of the U.S. Department of Justice. Unauthorized use or transfer of the property will result in the title reverting to the United States.

Sincerely,

Daniel P. Breazeale, Jr.

Daniel P. Breazeale,
Mayor
Town of Lexington

Mayor
Council
Dan W.
Mandy
Sid

State of South Carolina

Office of the Governor

JIM HODGES
GOVERNOR

POST OFFICE BOX 11829
COLUMBIA 29211

July 30, 2002

RECEIVED
AUG 05 2002
TOWN OF LEXINGTON

The Honorable John Ashcroft
Attorney General of the United States
U.S. Department of Justice
c/o Asset Forfeiture / Money Laundering Section
Room 10100 Bond Building
1400 New York Avenue, NW
Washington, DC 20530

Re: Request for Transfer of Forfeited Real Property to the State of South Carolina
804 Hendrix Street, Lexington, South Carolina
21 U.S.C. § 881(e)(4)(B)

Dear Mr. Attorney General:

As Governor and chief executive officer of the State of South Carolina, I hereby request that certain real property located at 804 Hendrix Street, Lexington, South Carolina, be transferred to the State of South Carolina pursuant to 21 U.S.C. § 881(e)(4)(B). The property, which was forfeited to the United States because it was used to facilitate illegal drug trafficking, is currently in the custody of the U.S. Marshals Service.

The Town of Lexington, South Carolina, anticipates using this property as a park or public area reserved for recreational purposes or for the preservation of natural conditions. Such use falls within the purview of 21 U.S.C. § 881, and thus the transfer of the property can be achieved without charge or for a nominal fee. It is our understanding that the U.S. Marshals Office will execute all legal documents and arrange for collection of administrative costs at the time of transfer.

If you need further information or assistance on this issue, you may wish to have your staff contact Mr. Wayne Rush with the South Carolina State Budget and Control Board.

Sincerely,

Jim Hodges

Jim Hodges

AFFIDAVIT

COPY

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12/13/2004 12:59:13:593
Rec Fee:$15.00 St Fee:$0.00EXEMPT
Co Fee:$0.00 Pages:9
Lexington County ROD Debra M. Gunter
DEED Bk:Pg 9771:4

U. S. Department of Justice
United States Marshals Service

UNITED STATES MARSHAL'S QUITCLAIM DEED

This Deed, made and entered into this 13th day of October, 2004, between Johnny Mack Brown, United States Marshal for the District of South Carolina, whose address is 901 Richland Street, Columbia, South Carolina 29201, of the first part,

AND

The State of South Carolina, State House, Columbia, South Carolina of the second part,

WITNESSETH, that whereas, on February 28, 2001, the U.S. District Court for the District of South Carolina, Columbia Division, in a case entitled *United States v. One Parcel of Real Property Commonly known as Dreher's Party Shop, designated as Lot No. 7, Located at 804 Hendrix Street, Lexington, In the County of Lexington, State of South Carolina, together with all improvements thereon and with all Rights and Easements Appertaining*, Civil Action No. 3:99:2363-17, entered a Consent Order of Forfeiture, pursuant to 21 U.S. C.§ 881(a)(7), declaring that all right, title, and interest in the property described in **Exhibit A**, was condemned, forfeited, and vested in the United States of America,

AND WHEREAS, on May 4, 2004, in a Memorandum of Understanding between the United States of America and the State of South Carolina Regarding Certain Real Property In the State of South Carolina, Commonly Known as 804 Hendrix Street, Lexington, South Carolina (**Exhibit B**) the United States agreed to quitclaim its interest in the property described in **Exhibit A** to the State of South Carolina pursuant to 21 U.S.C. §881 (e)(4)(B) for the purpose of using it as a city park and playground in the Town of Lexington,

AND WHEREAS, on September 17, 2004, James B. Comey, Deputy Attorney General of the United States, approved the transfer of the said property described in **Exhibit A** to the State of South Carolina pursuant to 21 U.S.C. 881(e)(4)(B),

NOW, THEREFORE, I, Johnny Mack Brown, United States Marshal for the District of South Carolina, by virtue of my office, and by force of the statute in such cases made and provided for, and for and in consideration for the sum of $1.00 in hand paid to me in hand by the State of South Carolina, do grant, bargain, sell, set over and forever quitclaim to the State of South Carolina, its heirs and assigns forever all the right, title, interest and claim which the United States of America on this date has in the property described in **Exhibit A**, to wit, hereinafter described as "quitclaim premises."

TO HAVE AND TO HOLD, the said quitclaim premises, together with the appurtenances and privileges thereunto belonging to in anywise thereunto appertaining, unto the State of South Carolina, its heirs, executors, administrators, successors and assigns forever.

I CERTIFY THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL

My Commission Expires March 23, 2011

AND FURTHERMORE, the United States of America does for itself, its heirs, executors, administrators, successors and assigns, covenant with the said State of South Carolina, its heirs, executors, administrators, successors and assigns that from and after the ensealing of these presents the said United States of America, its heirs, executors, administrators, successors or assigns will have and claim no right in or to said quitclaim premises.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of October, 2004.

Witness

Witness

JOHNNY MACK BROWN
UNITED STATES MARSHAL
DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA
District of South Carolina

I, LeKeshia M. Jones (Deputy) Clerk of Court for the District of South Carolina, do hereby certify that Johnny Mack Brown, United States Marshal for the District of South Carolina, who is to me known to be the same person named in and who executed the foregoing Marshal's Quitclaim Deed, this day personally appeared before me and acknowledged that he voluntarily executed the same as said United States Marshal, and for the consideration expressed therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said U. S. District Court, at the City of Columbia, SC in said District, this 13th day of October 2004.

Deputy Clerk

Index ingrantor:
Drehec's Party Shop

EXHIBIT A

804 HENDRIX STREET
LEXINGTON, SOUTH CAROLINA
TMS # TMS # 004326-03-009

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, School District No. 1, being shown and delineated as Lot No. 7 on a Plat prepared by A.L. Lown, Surveyor, 19 January, 1943, and subsequently recorded in the Office of the RMC for Lexington County in Plat Book 12-G, at Page 101, and having the following boundaries and measurements: On the North by Lot No. 11 on said Plat and measuring thereon 50 feet; On the East by Lot No. 6 on said Plat and measuring thereon 121 Feet; On the South by the Barr Public Road, fronting and measuring thereon 57 ½ Feet; and On the West by Lot No. 8 on said Plat and measuring thereon 142 Feet.

This being the identical lot of land conveyed to Fred Patrick Quattlebaum by George S. Dreher by deed recorded March 11, 1999, in the R.M.C. Office for Lexington County in Deed Book 5143 at Page 160, and subsequently conveyed to the United States of America by virtue of a Consent Order of Forfeiture filed in Civil Action No. 3:99-2363-17, in United States District Court for the District of South Carolina on February 28, 2001, and recorded in the R.M.C. Office for Lexington County in Court Order Book 6314, at Page 10.

TMS # 004326-03-009

STATE OF SOUTH CAROLINA

State Budget and Control Board

OFFICE OF THE EXECUTIVE DIRECTOR

MARK SANFORD, CHAIRMAN
GOVERNOR

GRADY L. PATTERSON, JR.
STATE TREASURER

RICHARD ECKSTROM
COMPTROLLER GENERAL

P.O. BOX 12444
COLUMBIA, SOUTH CAROLINA 29211
(803) 734-2320
Fax: (803) 734-2117

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

ROBERT W. HARRELL, JR.
CHAIRMAN, WAYS AND MEANS COMMITTEE

FRANK W. FUSCO
EXECUTIVE DIRECTOR

CERTIFICATE OF ACCEPTANCE OF INTEREST IN REAL PROPERTY

CERTIFICATE NUMBER: 2004-018 ***DATED: October 15, 2004***

Grantor: State of South Carolina

Grantee: Budget and Control Board
1201 Main Street, Suite 410 Parkway
Columbia, SC 29201

General Description of Transaction:

County Location: Lexington

Acreage: ±.16 acres at 804 Hendrix Street, Lexington

Purpose/project: To act as a conduit to receive the lot and transfer it to the Town of Lexington with no expenditure or receipt by the State. Project N/A

The State Budget and Control Board approved the referenced transfer at its meeting held on May 4, 2004.

SEAL

Delbert H. Singleton, Jr.
Secretary to the Board

AFFIDAVIT

COPY

2004065414 FILED, RECORDED, INDEXED
12/13/2004 12:59:13:890
Rec Fee:$14.00 St Fee:$0.00EXEMPT
Co Fee:$0.00 Pages:8
Lexington County ROD Debra N. Gunter
DEED Bk:Pg 9771:14

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

QUITCLAIM DEED

WHEREAS, the South Carolina Budget and Control Board at its May 4, 2004, meeting approved the conveyance of certain real property held by the State of South Carolina,

NOW, KNOW ALL MEN BY THESE PRESENTS, that the State of South Carolina, in consideration of the sum of Five ($5.00) Dollars, to it in hand paid at and before the sealing and delivery of these presents, by the Town of Lexington, South Carolina, receipt whereof is hereby acknowledged, has remised, released and forever quit-claimed and by these presents does remise, release and forever quit-claim unto the said Town of Lexington, South Carolina the premises described in Exhibit A, known as 804 Hendrix Street, Lexington, South Carolina, in accordance with the agreement stated in Exhibit B.

Derivation: Not required on Quitclaim deed. South Carolina Code Section 30-5-35

Tax Map No.: 004326-03-009

Grantee's Address: Town of Lexington
PO Box 397
Lexington, SC 29071

TOGETHER, with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Town of Lexington, South Carolina, its successors and assigns forever.

I CERTIFY THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL

My Commission Expires March 29, 2011

IN WITNESS WHEREOF, the State of South Carolina, by and through the State Budget and Control Board has caused these presents to be executed in its name this 6 day of December, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESS

WITNESS

STATE OF SOUTH CAROLINA
BY AND THROUGH THE SOUTH
CAROLINA BUDGET AND
CONTROL BOARD

BY: _____
Joseph O. Rogers, Director
General Services Division

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PERSONALLY appeared before me the undersigned witness who made oath that (s)he saw the within named State of South Carolina, by and through the S.C. Budget and Control Board, Director, General Services Division, sign, seal, and as its act and deed deliver the within written Quitclaim Deed, and that (s)he with the other subscribing witness, witnessed the execution thereof.

Scott R Shealy

SWORN to before me this 6th
day of DECEMBER, 2004
Wayne F. Rush (LS)
Notary Public for South Carolina
My Commission expires: Nov. 13, 2010

EXHIBIT A

804 HENDRIX STREET
LEXINGTON, SOUTH CAROLINA
TMS # TMS # 004326-03-009

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Photograph No. 1 - Subject Property – 804 Hendrix Street



Photograph No. 2 - Subject Property – Back View