FILED
FEB 27 2006
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
v.	:	**Civil Action No.: 04-0875 (RJL)**
$31,178.17 IN FUNDS FROM SCHWAB ONE MONEY MARKET ACCOUNT NUMBER 4263-7759, HELD IN THE NAMES OF LAWRENCE HEMPHILL AND GWENDOLYN M. HEMPHILL,	:	
Defendant.	:	

DECREE OF FORFEITURE

On May 28, 2004, plaintiff, the United States of America, filed a Verified Complaint for Forfeiture *In Rem* against the *in rem* defendant $31,178.17 in funds from Schwab One Money Market account number 4263-7759, held in the names of Lawrence Hemphill and Gwendolyn M. Hemphill (hereafter "defendant funds"). The Complaint alleges that the defendant funds are subject to forfeiture, pursuant to 18 U.S.C.§ 981(a)(1)(C), incorporating by reference 18 U.S.C. § 1956(c)(7), which incorporates by reference 18 U.S.C. § 1961(1), because they constitute, or are derived from, proceeds traceable to conspiracy to commit embezzlement from union funds, in violation of 18 U.S.C. § 371 and 29 U.S.C. § 501(c); embezzlement from union funds, in violation of 29 U.S.C. § 501(c); wire fraud, in violation of 18 U.S.C. § 1343; and mail fraud, in violation of 18 U.S.C. § 1341. Additionally, the Complaint alleges that the defendant funds are property involved in, or traceable to property involved in, money laundering, in violation of 18 U.S.C. §§ 1956 or 1957, and are, therefore, subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

The government now seeks default judgment and a Decree of Forfeiture against the defendant funds. It appearing:

That process was fully issued in this action with respect to the defendant funds and returned according to law;

That, pursuant to a Warrant of Arrest *In Rem* issued by this Court, the United States Marshal served the defendant funds on May 28, 2004;

That, copies of the Complaint and Warrant of Arrest *In Rem* were served upon all interested parties, from June 3 through 14, 2004;

That, notice of seizure was published in THE DAILY WASHINGTON LAW REPORTER, on June 9, 2004, and in THE WASHINGTON TIMES and on June 11, 2004;

That, although Lawrence Hemphill filed an Answer to the Verified Complaint, that Answer was stricken by this Court on February 5, 2005;

That, on February 10, 2005, the Clerk of this Court entered a default for failure to file a claim with respect to said defendant funds within the time permitted by 18 U.S.C. §983(a)(4)(A); and

That no defense to the forfeiture of the defendant funds remains interposed;

Now, therefore, on motion of plaintiff, the United States of America, for default judgment and Decree of Forfeiture, it is hereby

ORDERED, ADJUDGED, AND DECREED that the default of all persons interested in the defendant funds be entered and that no right, title, or interest in the defendant funds shall exist in any other party, and that said defendant funds be and hereby are forfeited to the United States of America to be disposed of in accordance with law; and it is

FURTHER ORDERED that the Clerk of the Court is directed to forward a certified copy of this Order to the United States Marshals Service and all counsel of record.

Dated this 24th day of February, 2005.

RICHARD J. LEON
United States District Judge

copies to:

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