

UNOFFICIAL COPY

CERTIFIED COPY (Rev. 1/2012)

United States District Court
Northern District of Illinois
Eastern Division

I, Thomas G. Bruton, Clerk of the United States District Court for the Northern District of Illinois, do hereby attest and certify that the annexed document(s) is (are) a full, true, and correct copy of the original(s) on file in my office and in my legal custody.

IN TESTIMONY WHEREOF:

I have hereunto subscribed my name and affixed the seal of the
foresaid court at Chicago, Illinois, on October 20, 2012

THOMAS G. BRUTON, CLERK

By: 

Deputy Clerk



1231044093

Doc#: 1231044093 Fee: \$52.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/05/2012 04:16 PM Pg: 1 of 8

UNOFFICIAL COPY

Case: 1:07-cr-00410 Document #: 1185 Filed: 10/10/12 Page 1 of 6 PageID #:5051

Part 6

OCT 23 12 PM 4:04

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 07 CR 410-3
v.)	
)	Judge Harry D. Leinenweber
MICHAEL BUFFINGTON)	

FINAL ORDER OF FORFEITURE

This cause comes before the Court on motion of the United States Attorney for entry of a final order of forfeiture as to specific property pursuant to the provisions of Title 21, United States Code, Section 853 and Fed. R. Crim. P. 32.2, and the Court being fully informed hereby finds as follows:

(a) On December 13, 2007, a superseding indictment was returned charging defendant MICHAEL BUFFINGTON and others in Count One with a violation of the Controlled Substances Act pursuant to the provisions of 21 U.S.C. § 846, among other violations;

(b) The superseding indictment sought forfeiture to the United States of any and all property constituting and derived from the proceeds the defendant obtained, directly and indirectly, as a result of his violation of 21 U.S.C. § 846, and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the said violation, pursuant to the provisions of 21 U.S.C. § 853(a)(1) and (2), including but not limited to funds in the amount of approximately \$10,000,000;

(c) On November 5, 2009, pursuant to Fed. R. Crim. P. 11, defendant MICHAEL BUFFINGTON entered a voluntary plea of guilty to Count One of the superseding indictment

UNOFFICIAL COPY

Case: 1:07-cr-00410 Document #: 1185 Filed: 10/10/12 Page 2 of 6 PageID #:5052

charging him with a violation of the Controlled Substances Act pursuant to the provisions of 21 U.S.C. § 846, thereby making certain property subject to forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2);

(d) Pursuant to the terms of the plea agreement and as a result of his violation of 21 U.S.C. § 846, defendant MICHAEL BUFFINGTON agreed that the following property is subject to forfeiture pursuant to the provisions of 21 U.S.C. § 853(a)(1) and (2), as property constituting or derived from proceeds obtained, directly or indirectly, as a result of the defendant's violation of 21 U.S.C. § 846, and as property used or intended to be used to commit or facilitate said violation. Specifically, the defendant agreed to the entry of a forfeiture judgment against the following property:

1. the real property located at 11527 South Aberdeen, Chicago, Illinois ("11527 S. Aberdeen property"), legally described as:

LOT 15 IN BLOCK 36 OF FREDERICK H. BARLETT'S GREATER CALUMET SUBDIVISION OF CHICAGO, BEING PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED AUGUST 21, 1925 AS DOCUMENT NUMBER 901314.

PIN: 25-20-402-015-0000;

2. the real property located at 11601 South Aberdeen, Chicago, Illinois ("11601 South Aberdeen property"), legally described as:

LOT 1 IN BLOCK 35 IN FREDERICK H. BARTLETT'S GREATER CALUMET SUBDIVISION OF CHICAGO, BEING PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN: 25-20-407-001-0000;

UNOFFICIAL COPY

Case: 1:07-cr-00410 Document #: 1185 Filed: 10/10/12 Page 3 of 6 PageID #:5053

3. funds in the amount of \$93,650.87 seized from JP Morgan Chase Bank checking account number XXXXXXXXXXX4660 held in the name of LOIS BUFFINGTON;
4. funds in the amount of \$65,128.79 seized from JP Morgan Chase brokerage account number XXXXX6199 held in the name of LOIS BUFFINGTON;
5. funds in the amount of \$5,542.52 seized from JP Morgan Chase brokerage account number XXXXX4852 held in the name of LOIS BUFFINGTON;
6. one Springfield Shotgun, bearing serial no. B142908, and ammunition, seized on June 28, 2007, from MICHAEL BUFFINGTON;
7. one Taurus revolver, bearing serial no. MB67131, and ammunition, seized on June 28, 2007, from MICHAEL BUFFINGTON ("Taurus revolver");
8. one Israel Arms International .45 caliber semi-automatic handgun, bearing serial no. 300204, and ammunition, seized on June 28, 2007, from MICHAEL BUFFINGTON ("Israel Arms International handgun"); and
9. one .380 caliber handgun, bearing serial no. 294402, and ammunition, seized on June 28, 2007, from the residence located at 11601 S. Aberdeen, Chicago, Illinois (".380 caliber handgun");

(e) Defendant MICHAEL BUFFINGTON further agreed to the entry of a preliminary order of forfeiture, before or at the time of sentencing, relinquishing any right, title or interest he has in the foregoing property;

(f) On January 6, 2010, the Court entered a preliminary order of forfeiture forfeiting all right, title, and interest of defendant MICHAEL BUFFINGTON in the foregoing real property, funds, firearms, and ammunition. The preliminary order of forfeiture also directed the United States Marshals Service to seize and take custody of the subject property. Further, the United States was ordered to publish notice of the government's intention to forfeit the foregoing property and dispose of the property according to law;

(g) On August 16, 2012, the United States released its *lis pendens* notice against the

UNOFFICIAL COPY

Case: 1:07-cr-00410 Document #: 1185 Filed: 10/10/12 Page 4 of 6 PageID #:5054

11601 South Aberdeen property. The United States is not continuing to pursue forfeiture of the 11601 South Aberdeen property;

(h) The United States Marshals Service, pursuant to 21 U.S.C. § 853(g), seized and took custody of the remaining foregoing properties for disposition according to law;

(i) Pursuant to the provisions of 21 U.S.C. § 853(n)(1), notice of the criminal forfeiture proceedings against defendant MICHAEL BUFFINGTON was posted on an official government internet site for at least 30 consecutive days beginning on January 25, 2010;

(j) The Preliminary Order of Forfeiture was served pursuant to the district court's ECF system as to ECF filers. Pursuant to the provisions of 21 U.S.C. § 853(n)(1), the following parties were served with a copy of the notice of forfeiture and preliminary order of forfeiture: Pierce and Associates; Jeffrey Hoffenberg at the Cook County Treasurer's Office; Angelique Johnson-Cotharn; Cook County State's Attorney's Office Child Support Enforcement Bureau; Wells Fargo Home Mortgage, Inc. c/o Illinois Corporation Service Company; Keith E. Werwas; Wheeler Dealer, Ltd.; AMC Financial Holdings, Inc.; Michael Ellis, and David Chauncey. Service was also attempted on the following parties but was returned by the post office as unexecuted: Bankers Trust Company of California; Delta Funding Corporation, and Robert Weir;

(k) On March 1, 2010, Wells Fargo Bank, N.A., filed a claim asserting its lien security interest in the 11527 South Aberdeen property. The United States does not contest the validity of the interest of the mortgage holder;

(l) To date, no additional petitions have been filed requesting a hearing to adjudicate any interest in the foregoing property in this case, and the time in which to do so has expired.

UNOFFICIAL COPY

Case: 1:07-cr-00410 Document #: 1185 Filed: 10/10/12 Page 5 of 6 PageID #:5055

Accordingly, it is hereby ORDERED, ADJUDGE and DECREED:

1. That, pursuant to the provisions of 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2, all right, title, and interest of defendant MICHAEL BUFFINGTON and any third party in the following property is hereby forfeit to the United States for disposition according to law:

- (a) one Springfield Shotgun, bearing serial no. B142908, and ammunition, seized on June 28, 2007, from MICHAEL BUFFINGTON;
- (b) one Taurus revolver, bearing serial no. MB67131, and ammunition, seized on June 28, 2007, from MICHAEL BUFFINGTON ("Taurus revolver");
- (c) one Israel Arms International .45 caliber semi-automatic handgun, bearing serial no. 300204, and ammunition, seized on June 28, 2007, from MICHAEL BUFFINGTON ("Israel Arms International handgun"); and
- (d) one .380 caliber handgun, bearing serial no. 294402, and ammunition, seized on June 28, 2007, from the residence located at 11601 S. Aberdeen, Chicago, Illinois ("380 caliber handgun").

It is further ordered,

2. That, pursuant to the provisions of 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2, all right, title, and interest of defendant MICHAEL BUFFINGTON and any third party in the following real property is hereby forfeit to the United States of America for disposition according to law, subject to the interest of Wells Fargo Bank, N.A. as described below:

- (a) the real property located at 11527 South Aberdeen, Chicago, Illinois ("11527 S. Aberdeen property"), legally described as:

LOT 15 IN BLOCK 36 OF FREDERICK H. BARLETT'S GREATER CALUMET SUBDIVISION OF CHICAGO, BEING PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED AUGUST 21, 1925 AS DOCUMENT NUMBER 901314.

PIN: 25-20-402-015-0000.

UNOFFICIAL COPY

Case: 1:07-cr-00410 Document #: 1185 Filed: 10/10/12 Page 6 of 6 PageID #:5056

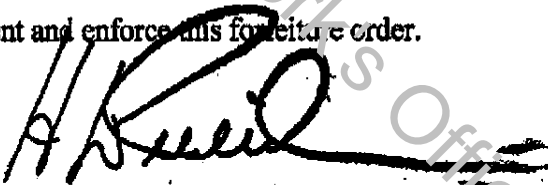
It is further ordered,

3. That, pursuant to the provisions of 21 U.S.C. § 853(n)(7), following entry of this order, the United States shall have clear title to the foregoing properties and shall dispose of the properties according to law. It is further ordered,

4. That, upon the sale of the 11527 S. Aberdeen property, the proceeds shall be disposed of as follows:

- (a) any mortgage due and owing to Wells Fargo Bank, N.A., the verified mortgage lender, including the principal balance and interest due on the note rate;
- (b) any outstanding state, county, city, or school taxes and any unpaid real estate taxes due and owing, as documented at the date of closing on the property;
- (c) the United States Marshals Service shall be permitted to deduct any reasonable and necessary costs incurred to effectuate the sale of the properties and maintain the properties pending its sale;
- (d) the net proceeds from the sale of the properties shall be issued to the United States Marshals Service.

4. That, this Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.



HARRY D. LEINENWEBER
United States District Judge

DATED: 10-10-2012

UNOFFICIAL COPY

LEGAL DESCRIPTION

LOT 15 IN BLOCK 36 IN FREDERICK H. BARTLETT'S GREATER CALUMET SUBDIVISION OF CHICAGO, BEING A PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS, RECORDED AUGUST 21, 1925 AS DOCUMENT NUMBER 901314.

P.I.N.: 25-20-402-015-0000

C/K/A: 11527 S. ABERDEEN ST., CHICAGO, IL 60643

Property of Cook County Clerk's Office