

10/31/97

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS
FILED

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

OCT 31 1997 JT

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

Plaintiff,

v.

CIVIL ACTION NO.

H - 97 - 3600

A CERTAIN TRACT OF LAND BEING 1.695
ACRES OF LAND OUT OF THE JAMES
ARMSTRONG SURVEY A-29, AND CALLED 1.691
ACRES BEING OUT OF 180 ACRE TRACT BY DEED
RECORDED IN VOLUME 141, PAGE 592, DEED
RECORDS, ORANGE COUNTY, TEXAS, WITH
ALL IMPROVEMENTS AND APPURTENANCES
THEREON

A CERTAIN CONDOMINIUM UNIT LOCATED
AT 4001 NASA ROAD ONE, #211 EL LAGO,
HARRIS COUNTY, SEABROOK, TEXAS, WITH ALL
IMPROVEMENTS AND APPURTENANCES
THEREON

1-1993 MERCEDES-BENZ, 30S, 4D
VIN. # WDBGA32E9PA092346

TWO TRACTS OF REAL PROPERTY
DESCRIBED AS:
TRACT I: LOT IN WOODBRANCH SOUTH,
SECTION 1, A SUBDIVISION IN
MONTGOMERY COUNTY, TEXAS,
ACCORDING TO THE MAP RECORDED ON
CABINET "B", SHEET 68 OF THE MAP
RECORDS OF MONTGOMERY COUNTY,
TEXAS; AND TRACT II, LOT 333 IN
WOODBRANCH, SECTION 6, A SUBDIVISION
IN MONTGOMERY COUNTY, TEXAS
ACCORDING TO THE MAP RECORDED IN

VOLUME 7, PAGE 428 OF THE MAP RECORDS OF
MONTGOMERY COUNTY, TEXAS, WITH ALL
IMPROVEMENTS AND APPURTENANCES
THEREON

REAL PROPERTY DESCRIBED AS TRACT #127,
CRESTWOOD ESTATES, SECTION III, A
SUBDIVISION LOCATED IN HARDIN COUNTY,
TEXAS, ACCORDING TO THE MAP RECORDED
IN VOLUME 3, PAGE 173-A, PLAT RECORD,
HARDIN COUNTY, TEXAS, WITH ALL
IMPROVEMENTS AND APPURTENANCES
THEREON

A CERTIFICATE OF DEPOSIT BEING ACCOUNT
NO. 20003711 AT TEXAS COASTAL BANK

\$500,000.00 BELONGING TO
"WINTERHAWK WEST INDIES, LTD." IN
THE ACCOUNT OF WORLDWIDE
RESOURCES AT BARCLAYS BANK PLC,
HALIFAX W. YORKSHIRE IN GREAT
BRITAIN AND PRESENTLY LOCATED AT
THE HIGH COURTS OF JUSTICE THE
STRAND LONDON QUEENS BENCH
DIVISION CASE NO. 1997WNO610

1986 CRIS CRAFT 320 AMEROSPORT
MODEL 1987 BOAT SERIAL NUMBER
CCEX069B787

1997 SHORE LAND'R BOAT TRAILER
SERIAL #1MDCM3K13VA905538

1996 EZ LOADER MODEL EZWV1480
SERIAL #1ZE1XDS14TL025559 BOAT TRAILER

1997 BOMBARDIER BOAT MODEL 5602
SERIAL #CECB0314L697

1997 BOMBARDIER BOAT MODEL 5642 GTX
SERIAL #ZZND6550K697

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff, files this Complaint for Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(A) and would show as follows:

1. This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1345, 1355. Venue is proper in the Southern District of Texas pursuant to 28 U.S.C. § 1395

2. Pursuant to 18 U.S.C. 981(a)(1)(A) the Defendant properties which are all located in the Southern and Eastern Districts of Texas save and except the sum of \$500,000.00 located in Great Britain discussed infra are forfeitable to the United States as properties involved in a transaction or attempted transaction in violation of 18 U.S.C. § 1957, or as property traceable to such property. The Defendant properties represent proceeds of certain specified unlawful activity, being violations of 18 U.S.C. §§ 1341, 1343 and § 2314 as described below.

3. Robert A. Cord ("Cord") has caused the United States Postal Service and/or commercial interstate carriers and interstate wire communications to be used in furtherance of an investment scam. Cord has also caused property of the value of \$5,000.00 or more and taken by fraud to be transported across state lines. As set forth in this Complaint, Plaintiff alleges that the facts stated herein took place within the United States and that there is probable cause to believe that Cord knowingly engaged or attempted to engage in a monetary transaction in criminally derived property that is of a value greater than \$10,000.00 and which was derived from specified unlawful activity being mail fraud, wire fraud and interstate transportation of stolen property in violation of 18 U.S.C. § 1957.

FACTUAL BACKGROUND

4. The Defendant properties are owned by Cord or are subject to his control. Cord has orchestrated an investment fraud scheme by promising investors a high rate of return and security of their investment if they invest with him. Cord has utilized false Social Security numbers and may be operating under an alias. Cord's schemes have several variations. In one variation of Cord's scheme he falsely promises investors, either personally or through agents acting as brokers, that a cash investment with him will be used to purchase a surety bond which is to be leveraged in order to borrow millions of dollars to earn profit. The borrowed millions are then to be invested and the investor/victims are to receive in excess of 5% on the borrowed money per month as a return. Cord has stated that participants in his "investment plan" earn up to 120% annually risk-free. In still another variation of the scheme Cord and/or his agents have represented to investors that their monies would be used to lease a line of credit at an offshore bank. The investors were told they would receive 5% per month return on their money for a period of twelve months. In a third variation of his scheme Cord promises that investors' money would be pooled with other investors' money to accumulate ten million dollars. This ten million-dollar loan would in turn be invested in a trading program in Europe involving bank financial instruments generating a return to investors of \$500,000.00 per month for a period of one year.

The majority of Cord's victims are located outside Texas. The investigation being conducted by the FBI reveals no evidence that any of the victim/investors' funds are being used to purchase either a surety bond or any other type of investment. Rather, the evidence indicates that Cord has purchased personal assets with investor funds including the Defendant properties and otherwise has maintained exclusive dominion and control over investor monies; none of the funds are being utilized

as promised by him. Cord has caused the United States Postal Service and/or commercial interstate carriers and interstate wire communications to be used in furtherance of the investment scam.

5. Cord uses an entity known as WinterHawk West Indies, Ltd. ("WinterHawk") which he represents to be a limited liability corporation based out of Antigua. Cord has stated that he has 100% control of this entity.

6. Cord has from on or about July, 1996 through the present induced individual investors into sending funds by wire or otherwise to him in Houston, Texas based either upon representations by Cord or through his agents that these investors would receive a high rate of return on their money. The investigation has revealed that the following sums were fraudulently obtained by Cord from various investors:

- a. Grady Regas - \$167,000.00 - wire transfer from Knoxville, TN to Texas, 8/7/96.
- b. Robert Weir - \$167,000.00 - wire transfer from Knoxville, TN to Texas, 8/7/96.
- c. Kenneth Johnson - \$167,000.00 - wire transfer from Florida to Texas 9/25/96.
- d. Kenneth Winters - \$549,000.00 - wire transfer from Florida to Texas 3/5/97 - 366k and 3/27/97 - 183k.
- e. Merrill Maunder - \$200,000.00 - wire transfer from Australia to United States, 6/7/96 and \$167,000.00 on 6/11/96.
- f. Daniel Martin Hanson - \$183,000.00 - wire transfer from Colorado to Texas, 1/29/97.
- g. Terry Edwards - \$183,000.00 - wire transfer from outside the State of Texas into Texas, 3/21/97.
- h. Tom Wurst - \$183,000.00 - wire transfer from outside the State of Texas into Texas, 2/7/97.

- i. Richard Simmons - \$183,000.00 - wire transfer from outside the State of Texas into Texas, 7/97

7. Among other financial institutions, money from the scheme was deposited into an account at Community Bank of Vidor in Vidor, Texas which was controlled by Cord (#35104484) and which was then utilized to purchase some of the Defendant properties. Investigation has revealed that investors' money was deposited into this account and was utilized by Cord for personal expenses and the purchase of personal assets including the Defendant properties. Investigation has further revealed that after review of the bank account records there are no deposits into Cord's accounts other than from victims/investors. Further, during the time in which Cord received monies from investors he has no other known sources of income. Cord set up an account at Community Bank in the name of First Federal Assurance. First Federal Assurance is believed to be a sole proprietorship of Cord. Signatories on the account were Cord and another individual. The opening deposit into the account was July 26, 1996 and the account was closed in February, 1997.

TEXAS COASTAL BANK ACCOUNTS

8. Cord has a substantial banking relationship with Texas Coastal Bank located in Pasadena, Texas and has several accounts under his control there. At all times material to this Complaint, the accounts were comprised of either interbank transfers of known investors/victims' monies or funds of investors/victims comprising of all monies deposited into the accounts. Cord opened account number 11957 in the name of WinterHawk West Indies, Ltd. at Texas Coastal Bank on November 13, 1996. The deposits into this account are from the following sources:

- a. Transfers from the First Federal Assurance account at Community Bank of Vidor (described above) in a total amount of \$162,000.00 based upon deposits on 2/4/97 in the

amount of \$100,000.00 and 2/10/97 in the amount of \$62,000.00. In addition, the following deposits were made from known victims of the scheme into account no. 11957:

	<u>Date</u>	<u>Amount</u>	<u>Victim</u>
a.)	11/13/96	\$250,000.00	Don Metz
b.)	1/29/97	\$183,000.00	Daniel Hanson
c.)	2/7/97	\$183,000.00	Tom Wurst
d.)	2/18/97	\$ 75,000.00	Sue Bailey
e.)	3/3/97	\$183,000.00	Steve Roberts
f.)	3/5/97	\$366,000.00	Kenneth Winters
g.)	3/21/97	\$183,000.00	Terry Edwards
h.)	3/27/97	\$183,000.00	Kenneth Winters
i.)	4/22/97	\$250,000.00	Don Metz
j.)	4/22/97	\$150,000.00	Dorothy Holcomb
k.)	4/22/97	\$183,000.00	Funding Resource Group
l.)	4/22/97	\$ 50,000.00	Brenda & Rusty Hellyer
m.)	5/2/97	\$ 50,000.00	Funding Resource Group
n.)	5/14/97	\$280,000.00	Funding Resource Group
o.)	5/21/97	\$280,000.00	Funding Resource Group
p.)	6/5/97	\$280,000.00	Funding Resource Group
TOTAL		\$2,946,000.00	

9. The investigation has revealed that as part of Cord's investment scam described above the dollar amount associated with contracts executed by Cord and victims of his scheme have generally been in increments of either \$167,000.00 or \$183,000.00 or \$250,000.00 or \$280,000.00. A review of the deposits to this account indicate incremental deposits in the above amounts.

10. Cord opened Texas Coastal Bank account number 219923 on November 13, 1996. Cord is the owner and sole signator on the account. A review of the account activity through June 16, 1997 indicates that the sum of \$233,000.00 representing victim/investor money was transferred from the Cord controlled account at Community Bank of Vidor and the Texas Coastal Bank account

in the name of WinterHawk West Indies, Ltd , into the above account. With the exception of less than \$2,400.00 all deposits into this account represent victims' monies. On March 31, 1997 a withdrawal from account #219923 in the amount of \$500.00 was made payable to "Chicago Title Company" for GF #209416. Subsequently, on May 29, 1997 a wire transfer from account #00011957 at Texas Coastal Bank (described in paragraph 11 below) into the account of "Chicago Title Company" at Texas Commerce Bank was made by Cord in the amount of \$41,780.51. These sums were used to acquire the defendant property being a condominium unit located at 4001 Nasa Road One, #211 El Lago, Harris County, Texas 77586. The defendant property was acquired in the name of Robert Cord and is described with particularity on Exhibit "A" attached hereto and incorporated herein.

11. As stated above, Cord has a substantial banking relationship with Texas Coastal Bank located in Pasadena, Texas. At all times material to this Complaint, account #00011957 which was opened in November, 1996 was comprised of either interbank transfer of known investor/victims monies or funds from investor/victims comprising all money deposited into the account. Specifically, the account was opened on November 13, 1996 and deposits received on November 14, 1996 from Don Metz and Diana Haskell, two victims of Cord's scheme to defraud. The total deposits received from each of these individuals was \$500,000.00. Prior to the date of the two deposits and with a negative balance in the account, Cord caused to be issued a Cashier's check in the amount of \$40,100.88 drawn on account #00011957 for the purchase of the defendant Mercedes vehicle from Ginson Motors with the remitter being "WinterHawk West Indies, Ltd." an entity controlled by Cord. The defendant 1993 Mercedes-Benz, 30S, 4D VTN #WDBGA32E9PA092346 was acquired on November 13, 1996. The owner of the vehicle is Robert Cord.

12. On or about May 23, 1997 Cord caused a check to be issued drawn on account #219923 at Texas Coastal Bank payable to Houston Title Company in the amount of \$1,000.00 as deposit money for purchase of the defendant property located at 2 Sweet Gum, New Caney, Texas 77357 more particularly described on Exhibit "B" attached hereto and incorporated herein, being two tracts of land located in Montgomery County, Texas. Subsequently, on or about June 24, 1997 Cord caused to be issued out of account #00011957, being the account of "WinterHawk West Indies, Ltd." at Texas Coastal Bank (also owned and controlled by Cord) the sum of \$147,833.70 as wire-transferred to the account of Houston Title at Texas Commerce Bank. This amount was used to finalize the purchase of the defendant property located at 2 Sweet Gum, Montgomery County, Texas. All the funds used to acquire this property were obtained by fraud from victims of Cord's scheme.

13. On or about July 25, 1997 Cord wire-transferred the sum of \$172,539.32 from his account at Texas Coastal Bank, account #00011957 to Citizens Bank in Kountze, Texas. The purpose of the wire-transfer was to acquire the Defendant property located at Tract #127, Crestwood Estates, Section 3, a subdivision located in Hardin County, Texas, being Tract No. One Hundred Twenty-Seven (127), Crestwood Estates, Section III, a subdivision located in Hardin County, Texas, according to the map or plat recorded in Volume 3, Page 173-A, Plat Records, Hardin County, Texas. The property was acquired in the name of "The Christian Outreach General Trust", an entity under the control of Cord. Cord negotiated the purchase of the property through a real estate agent and received the real estate documents which were executed by Cord and resulted in the purchase of the Defendant property. Cord is the Trustee and Settlor of "The Christian Outreach General Trust". Furthermore, on or about August 28, 1997, Cord as Trustee, of "The Christian Outreach

General Trust" conveyed the Defendant property to one Karisa A. Tinsley, for no consideration. Tinsley is an agent and personal friend of Cord's. Cord effectuated the transfer of the property after he had absented himself from the United States after becoming aware of the existence of a previous Complaint for Forfeiture involving seizure of certain property based upon the same scheme described herein. Plaintiff alleges and believes that Tinsley is not a good faith purchaser without knowledge, which would qualify her as an innocent owner of the Defendant Property. Alternatively, Tinsley is the nominee of Cord who is the party who exercises dominion and control over the Defendant Property having made all payments for its' acquisition.

14. On or about August 8, 1996 Cord caused to be issued a check drawn upon the account of First Federal Assurance at Community Bank, Vidor, Texas being account #35104484. The contents of this account was at all times composed of money belonging to victim/investors in Cord's scheme to defraud. The check was made payable to Folsom Abstract and Title Company in the amount of \$10,000.00 as earnest money for the acquisition of the Defendant Property known as: a Certain 1.695 acre tract of land situated in Orange County, Texas and described with particularity on Exhibit "C" attached hereto and incorporated herein for all purposes. The property, located on Interstate 10 in Orange County, Texas is being operated as a truck stop for which forfeiture is also sought. The property was acquired in the name of Robert Cord on or about October 18, 1996. Further, on or about November 21, 1996 a wire-transfer from the account of First Federal Assurance in the amount of \$110,980.80 was made to the account of Folsom Abstract and Title Company for the acquisition of the Defendant Property. Finally, on or about November 21, 1996 an additional wire-transfer in the amount of \$80,000.00 was drawn upon the account of "WinterHawk West Indies, Ltd." at Texas Coastal Bank being account #00011957 discussed above.

This wire-transfer was made to Folsom Abstract and Title Company's account at Prime Bank and constituted the balance of the \$200,000.00 sales price for the acquisition of the Defendant Property.

15. On or about May 22, 1997 Cord acquired the Defendant 1987 Cris Craft 320 AmeroSport Model 1987 boat, Serial #CCHEX069B787. The purchase price was \$38,500.00. The sum of \$10,000.00 as a deposit was drawn upon the account "WinterHawk West Indies, Ltd." at Texas Coastal Bank, on May 22, 1997, being account #00011957. The check was made payable to Jay Bettis Company as seller and was signed by Cord. Subsequently, a check drawn on the same account at Texas Coastal Bank in the amount of \$15,000.00 on June 11, 1997 was made payable to Caroline Hersman. Hersman endorsed the check and made it payable to Jay Bettis and Company. Finally, a Cashier's check was purchased from the same "WinterHawk West Indies, Ltd." account drawn at Texas Coastal Bank on June 27, 1997 and made payable to Jay Bettis Company in the amount of \$15,600.99 representing the balance due for the Defendant Cris Craft boat.

16. As set forth in this Complaint, Cord utilized account #00011957 at Texas Coastal Bank to acquire properties which were purchased with proceeds of a scheme to defraud. On or about April 22, 1997 the above account, styled "WinterHawk West Indies, Ltd.", contained the sum of \$42,512.93. A deposit was made to the account in the amount of \$50,000.00 on April 22, 1997. On the same transfer of \$150,000.00 occurred which represented money from a victim/investor of the scheme, Dorothy Holcomb. Also on April 22, 1997, a wire-transfer into the account was made in the sum of \$183,000.00. This sum also represented monies belonging to investors who were deceived by Cord as part of the scheme to defraud described in this Complaint. Finally, a deposit by Don R. Metz in the amount of \$250,000.00 was made to the account, also on April 22, 1997. This sum represents proceeds of the fraud and brought the account balance to \$625,512.93. Subsequently, but

still on April 22, 1997 the sum of \$500,000.00 was wire-transferred by Cord, or on his behalf, to the account of Worldwide Resources at Barclays Bank PLC, Halifax W. Yorkshire in Great Britain. This sum is presently in the registry of the Court of the High Courts of Justice, the Strand, London, Queens Bench Division, Case No. 1997 WNO610. The United States believes this money was interpleaded in the registry of the Court by Worldwide Resources, after that entity became aware of allegations that Cord had committed fraud in the United States. The United States seeks an order from this Court to seize the funds and bring all proceeds of Cord's fraud before the Court in one jurisdiction. The United States seeks forfeiture of these funds pursuant to 28 U.S.C. § 1355(b)(2) which vests jurisdiction in this Court when property subject to forfeiture is located in a foreign country because the acts giving rise to the forfeiture occurred within the Southern District of Texas.

17. Cord used the Texas Coastal Bank account #00011957 to purchase \$20,266.00 worth of personal property being the Defendants:

1997 Shore Land'R Boat Trailer

1996 EZ Loader Model EZWV1480
Serial # 1ZE1XDS14TL0255559
Boat Trailer

1997 Bombardier Boat Model 5602
Serial #CECB0314L697

1997 Bombardier Boat Model 5642 GTX
Serial #ZZND6550K697

18. Cord acquired the Defendant Certificate Deposit being #20003711 at Texas Coastal Bank with funds obtained from a victim/investor and as such it is forfeitable to the United States.

19. As a result of violations of 18 U.S.C. § 1957, the Defendant Properties are forfeitable

to the United States pursuant to 18 U S C § 981(a)(1)(A).

20. Probable cause exists to seize and forfeit the Defendant Properties based upon the facts and allegations contained in the Complaint and the attached verification of C. Anthony Smith, Special Agent, Federal Bureau of Investigation.

WHEREFORE, the United States prays that:

1. A warrant for arrest for the Defendant Properties be issued;
2. Monition issue according to the normal procedure of this court all persons having an interest in the above described Defendant Properties to appear on the return day of process by filing a claim and answer pursuant to Rule C(6), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court;
3. Judgment be entered declaring the Defendant Properties to be forfeited to the United States of America;
4. For costs and such other and further relief, at law or equity, to which the Plaintiff may be entitled.

Respectfully submitted,

JAMES H. DeATLEY
UNITED STATES ATTORNEY

By: 

William E. Yahner
Assistant United States Attorney
TBN: 22115950 FBN: 1758
910 Travis, Suite 1500
P.O. Box 61129
Houston, Texas 77208-1129
(713) 567-9723
Fax: (713) 718-3304

DESCRIPTION

513-23-3535

The following described Condominium Unit and Limited Common Elements appurtenant thereto, together with an undivided interest in the General Common Elements located in and being part of Lakeshore Condominiums, a Condominium Project in Harris County, Texas, as fully described in the Condominium Declaration By-Laws and Exhibits attached thereto, recorded in Volume 101, Page 37, and amended in Volume 110, Page 37, Volume 153, Page 43, Volume 159, Page 130 and Volume 162, Page 30, all of the Condominium Records of said County:

Condominium Unit Number 211, in Building "A", and the space encompassed by the boundaries thereof; and

Parking space(s) as set forth in the Master Deed The Limited Common Elements, as set forth in the Master Deed an undivided percent ownership interest in and to the General Common Elements of the Condominium Project together with the limited common elements appurtenant thereto.

THIS INSTRUMENT BEING FIRST PREPARED BY THE SELLER, TO BE IN THE FUTURE
 A PART OF THE RECORDS OF THE COUNTY OF HARRIS, TEXAS, AND TO BE
 THE STATE OF TEXAS
 COUNTY OF HARRIS
 I, CLERK OF THE COUNTY, DO HEREBY CERTIFY THAT THIS INSTRUMENT
 WAS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF HARRIS, TEXAS,
 ON MAY 30, 1997, AT 10:00 AM, AND THAT IT IS THE SAME INSTRUMENT
 AS THAT WHICH WAS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF
 HARRIS, TEXAS, ON MAY 30, 1997, AT 10:00 AM.

MAY 30 1997



Cecily A. Hoffman
 COUNTY CLERK
 HARRIS COUNTY, TEXAS



WARRANTY DEED

Date:

Grantor: LOTHER DORRIN GRESSETT and KATHRYN RENEE GRESSETT

Grantor's Mailing Address (including county):

Grantee: BOBBY D. HARKINS and SHIPLEY A. HARKINS

Grantee's Mailing Address (including county):

Consideration: The sum of TEN AND 00/100 DOLLARS (\$10.00) and other valuable consideration to the Grantors paid by the Grantees herein named, the receipt of which is hereby acknowledged.

Property (including any improvements):

Tract I:

Lot Two (2), in WOODBRANCH SOUTH, SECTION ONE (1), a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded on Cabinet B, Sheet 68 of the Map Records of Montgomery County, Texas.

Tract II:

Lot Three Hundred Thirty-three (333), in WOODBRANCH, SECTION SIX (6), a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in Volume 7, Page 428, of the Map Records of Montgomery County, Texas.

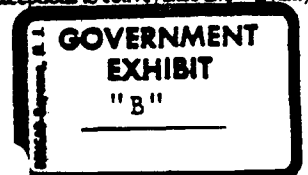
Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is executed by Grantors and accepted by Grantees as being subject to all valid restrictions, easements, reservations, royalties, zoning ordinances, maintenance charges and covenants relating to the aforesaid property that may be disclosed by the records of Montgomery County, Texas.

Taxes for the current year have been prorated as of the date hereof and are assumed by the Grantees.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.
HTC/Kw
97050253



BEING a 1.695 acre tract of land out of the James Armstrong Survey, A-29, Orange County, Texas being the same tract conveyed by Durel Franks to J.D. Austin by deed dated January 4, 1982, and recorded in Vol. 547, Page 153, Deed Records, Orange County, Texas and called 1.691 acres; said tract being out of and a part of that certain 180 acre tract conveyed by Elizabeth C. Taliaferro to Elizabeth Pilchard as Tract Two by deed recorded in Vol. 141, Page 592, Deed Records, Orange County, Texas.

BEGINNING at an iron pipe found in the South R.O.W. line of Interstate Highway No. 10 marking the most Northerly Northeast corner of that certain tract out of the aforesaid Tract 2 previously conveyed to Leonard I. Malinowsky by deed recorded in Vol. 477, Page 569, Deed Records, Orange County, Texas, said corner being the most Westerly corner of the 1.695 acre tract herein described;

THENCE S 36 deg. 36 min. 25 sec. E along the Northeasterly line of said Malinowsky tract and along the Southwesterly line of the 1.695 acre tract a distance of 336.19 feet to an iron rod found marking the most Easterly Southeast corner of said Malinowsky tract and being the most Southerly Southwest corner of the 1.695 acre tract;

THENCE N 88 deg. 15 min. 21 sec. E along and with an Easterly extension of the most Easterly South line of said Malinowsky tract and being the South line of the 1.695 acre tract a distance of 66.70 feet to an iron rod set marking the Southeast corner of the 1.695 acre tract herein described;

THENCE N 01 deg. 03 min. 42 sec. E along the East line of the 1.695 acre tract and being along the West line of a tract conveyed to J. Wilson et al by deed dated July 15, 1982 and recorded in Vol. 558, Page 113, Deed Records, Orange County, Texas, a distance of 474.08 feet to an iron rod set marking the Northeast corner of the 1.695 acre tract, said corner being located in the South R.O.W. line of Interstate Highway 10;

THENCE S 53 deg. 07 min. W along the South R.O.W. line of Interstate Highway 10 and along the Northerly line of the 1.695 acre tract a distance of 345.0 feet to the PLACE OF BEGINNING and containing 1.695 acres of land more or less.



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above mentioned Complaint for Forfeiture was sent via Certified mail on this 5 day of October, 1997 to the following:

Gerald M. Birnberg
6671 Southwest Freeway, Suite 303
Houston, TX 77074-8670

John F. Carney
108 Boulevard
Pelham, New York 10803

Gregory M. Clark
600 Travis
7100 Texas Commerce Tower
Houston, TX 77002

Joseph Coates
12 E. Main Street
Fairborn, Ohio 45324

Raymond Dickens, Jr.
55 Waugh Dr., Suite 101
Houston, TX 77007


Ron E. Frank
1003 Wirt Rd., Suite 311
Houston, TX 77055

Carolyn L. McElroy
1001 Texas Ave., Suite 1020
Houston, TX 77002

John L. Moncure
1200 River Oaks Tower
3730 Kirby
Houston, TX 77098

John R. Sherman
1314 Texas Ave., Suite 1410
Houston, TX 77002

Art Clayton
Brewer, Brewer, Anthony and Middlebrook
5215 North O'Connor Rd. - #700
Irving, TX 75039



William E. Yahner
Assistant United States Attorney

VERIFICATION

Before me, the undersigned authority, personally appeared C. Anthony Smith, Special Agent, Federal Bureau of Investigation, who upon being duly sworn, stated under oath that he has read the foregoing Verified Complaint for Civil Forfeiture in Rem, and that the facts, statements and allegations therein are: (1) based upon either his personal knowledge or information obtained by him in the course of his investigation into the matters described therein; (2) true and correct; (3) sufficient to establish probable cause of violations of 18 U.S.C. § 1957 and consequent forfeiture under 18 U.S.C. § 981(a)(1)(A).

C. Anthony Smith

C. Anthony Smith
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me, the undersigned authority, on this 27th day of August, 1997



Kathleen E. Szuba

Notary Public in and for
Harris County, Texas

My Commission Expires:

April 7, 1999