

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 13-10112-JTM

GERALD BEASLEY, *et al.*,

Defendant.

MEMORANDUM AND ORDER

In conjunction with this criminal action, the government has sought the forfeiture of certain property of defendants Antoine, Gerald, Terry, and Helen Beasley. (Dkt. 500, 539, 549, 541). The court has approved Preliminary Orders of Forfeiture. (Dkt. 501, 542, 543, 544). Two motions are now before the court regarding property seized in connection with the criminal action. Defendant Gerald Wilson has moved for the return of two vehicles (Dkt. 536), and PHH Mortgage has submitted a request for an ancillary hearing under 21 U.S.C. § 853(n)(5) to protect its mortgage interest in one property, that located at 2001 N. Colt Ct. in Andover, Kansas.

Wilson's motion for return of property fails to comply with 21 U.S.C. § 853(n)(3). The pleading is not signed under penalty of perjury, and does not contain any

information regarding his right, title, or interest in the vehicles, nor does it explain how he obtained such a right, title, or interest in them.

In contrast, the Motion for Hearing filed by PHH Mortgage satisfies the requirements of the statute, and the government has submitted no opposition to the motion. Accordingly, upon the completion of the period of notice provided for in the Preliminary Orders of Forfeiture, the court will conduct an ancillary hearing to resolve the interests of PHH and the government as to the specified Andover property.

IT IS SO ORDERED this 6th day of October, 2017, that defendant-claimant Wilson's Motion for Return (Dkt. 536) is denied; claimant PHH Mortgage's Motion for Hearing (Dkt. 538) is granted as provided herein.

s/ J. Thomas Marten
J. Thomas Marten, Judge