

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JACK FISHER

Criminal Action No.

1:21-cr-00231-TCB

**MOTION FOR PRELIMINARY ORDER OF FORFEITURE FOR DIRECT
ASSETS AND MOTION FOR ORDER OF FORFEITURE
FOR MONEY JUDGMENT**

The United States of America, by Ryan K. Buchanan, United States Attorney, and Norman L. Barnett, Assistant United States Attorney, for the Northern District of Georgia, respectfully moves the Court, pursuant to Federal Rule of Criminal Procedure 32.2(b), for a preliminary order of forfeiture against the Defendant, Jack Fisher, following the trial jury's determination of the forfeitability of certain property at trial. The United States also moves for entry of a forfeiture money judgment against Defendant Fisher in the amount of \$112,448,314.35. A proposed preliminary order of forfeiture is submitted concurrently herewith. In support thereof, the government shows the Court the following:

I. Relevant Procedural History

On February 24, 2022, a Grand Jury, sitting in the Northern District of Georgia, returned a 135-count First Superseding Indictment against the Defendant, Jack Fisher. Defendant Fisher was charged with, among other things, one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349 (Count 2) and

fourteen counts of money laundering in violation of 18 U.S.C. § 1957 (Counts 122-135). (Doc. 28 at 66-67, 92-94). The First Superseding Indictment included a forfeiture provision that notified Defendant Fisher that, upon conviction, the United States shall obtain a forfeiture money judgment representing the property that he obtained from the offenses of conviction and shall forfeit property constituting, or derived from, proceeds traceable to the wire fraud conspiracy and property involved in or traceable to the money laundering offenses. (*Id.* at 94-97). The United States also identified specific property subject to forfeiture. (*Id.*). The government subsequently filed a Bill of Particulars that identified additional specific assets subject to forfeiture. (Doc. 191). Altogether, the government identified the following specific property for forfeiture (hereinafter, collectively, “Subject Property”):

(a) REAL PROPERTY:

1. 145 Biltmore Avenue, Unit 702, Asheville, North Carolina 28801, which is more fully described in Attachment A1,
2. 105 Good Hope Road, Okatie, South Carolina 29909, which is more fully described in Attachment A2,
3. 7661 Little Pine Road, Marshall, North Carolina 28751, which is more fully described in Attachment A3,
4. 195 Laramie Street, Markleeville, California 96120, which is more fully described in Attachment A4,
5. 12595 Etris Road, Roswell, Georgia 30075, which is more fully described in Attachment A5,

6. Sabadeco Crown Keys 21, Bonaire, which is more fully described in Attachment A6,
7. Vacant lots 5, 6, and 7 of Maps Bk. 6, Pg. 34, Parcel 002-460-005-000, Parcel 002-460-006-000, and Parcel 002-460-007-000, in Alpine County, California, which are more fully described in Attached A7,
8. Lots owned by Argent Land Holdings in Jasper County, South Carolina, including Parcel Numbers 066-00-00-013, 066-00-00-014, 066-00-00-015, 067-00-01-061, 067-00-01-081, 081-00-01-036, 081-00-01-037, 081-00-01-038, 081-00-01-039, which are more fully described in Attachment A8,
9. 1,918.7 acres owned by Highland Property Holdings in Baldwin County, Alabama, including Parcel numbers 32-01-12-0-000-001.000, 32-02-10-0-000-008.000, 32-06-13-0-000-003.000, 32-01-01-0-000-001.001, 32-01-02-0-000-001.139, 32-01-11-0-000-001-067, 32-01-02-0-000-001.184, which are more fully described in Attachment A9, and
10. Lots owned by New Hampstead Holdings in Chatham County, Georgia, including Parcel Numbers 11039-01020, 21024- 01003-2680, 21047-03002-2400, 21047-03008-401, 21047- 03010-3400, 21047-03016-2801, 21047-03019-2601, 21047-03038-2360, 21047-03038-2602, and 81039-01024-I-16, which are more fully described in Attachment A10.

(b) VEHICLES

1. One 2018 Mercedes Benz model GLS 550 4matic, VIN 4JGDF7DEXJB075577,
2. One 2012 Newmar Aire 4584, VIN 4VZVU1E91CC074794, and
3. One 2016 Renegade Stack Trailer, VIN 1K9500L32G1160257.

(c) AIRCRAFT

1. One 2007 Eclipse Aviation Corporation EA500 fixed wing multi-engine Aircraft.

(d) FUNDS

1. \$518,078.40 in funds seized from Ameris Bank account ending in 0494 held in the name of TPC Finance LLC,
2. \$160,117.42 in funds seized from Ameris Bank account ending in 7832 held in the name of The Preserve Communities,
3. \$21,729.60 in funds seized from Ameris Bank account ending in 0549 held in the name of ICM,
4. \$1,417.40 in funds seized from JP Morgan Chase account ending in 2579 held in the name of Peregrine Management Services, and
5. \$216,936.20 in funds seized from JP Morgan Chase account ending in 8309 held in the name of TPC Capital LLC.

(e) MISCELLANEOUS

1. \$25,000.00 cash held in lieu of One Male Jumping Horse Named Levland, United States Equestrian Federation #5266926.¹

The jury trial began on July 12, 2023. (Doc. 589). Before the jury began deliberating, Defendant Fisher, pursuant to Federal Rule of Criminal Procedure 32.2(b)(5), requested that the trial jury be retained to determine the forfeitability of the Subject Property. (Doc. 695).

On September 22, 2023, the trial jury returned a verdict finding Defendant Fisher guilty as to all counts in the First Superseding Indictment. (Docs. 735, 739). Immediately following the guilty verdict, the forfeiture phase of the trial began. (Doc. 735). At the conclusion, the trial jury returned a special verdict, finding that the United States had established the requisite nexus between the Subject Property and the offenses committed by Defendant Fisher in Count 2 and Counts 122-135. (Docs. 735, 740).

II. Argument and Citation of Authority

A. Because the Trial Jury Returned a Verdict of Guilty as to Defendant Fisher on All Counts in the First Superseding Indictment, and Further Found that the United States Established the Requisite Nexus Between the Offenses and the Subject Property, the Court Must Enter the Preliminary Order of Forfeiture as to the Subject Property.

Federal Rules of Criminal Procedure 32.2(b)(1)(A) and (b)(5)² provide that, if the government seeks forfeiture of specific property, “[a]s soon as practical after a

¹ The government also identified real property located at 717 West Pleasant Oak Trail, Reno, Nevada 89509, but is no longer seeking to forfeit this property as directly forfeitable property.

² Unless otherwise noted, all statutory references shall be to the Federal Rules of Criminal Procedure.

verdict or finding of guilty,” a trial jury—if requested by the defendant to be retained—must determine whether “the government has established the requisite nexus between the property and the offense.” Rule 32.2(b)(2)(A) further provides that, if said nexus is established, a court “must promptly enter a preliminary order of forfeiture . . . directing the forfeiture of specific property.”

Rule 32.2(b)(2)(B) further clarifies the timing of the entry of the preliminary order of forfeiture: “Unless doing so is impractical, the court must enter the preliminary order sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant . . .” Rule 32.2(b)(2)(C) allows the court to enter a “general” preliminary order of forfeiture “[i]f, before sentencing, the court cannot identify all the specific property subject to forfeiture or calculate the total amount of the money judgment.” FED. R. CRIM. P. 32.2(b)(2)(C). At sentencing, “the preliminary forfeiture order becomes final as to the defendant,” but remains preliminary as to third parties until the ancillary proceedings under Federal Rule of Criminal Procedure 32.2(c) are concluded. *See* FED. R. CRIM. P. 32.2(b)(4).

Here, the trial jury returned a guilty verdict on all counts as to Defendant Fisher and, immediately thereafter, determined that the government had established the requisite nexus between the Subject Property and Counts 2 and 122-135. (Doc. 740). As a result, the court must enter the preliminary order of forfeiture, directing forfeiture of the Subject Property. FED. R. CRIM. P. 32.2(b)(2). *See also United States v. Monsanto*, 491 U.S. 600, 607 (1989) (“Congress could not have chosen stronger words to express its intent that forfeiture be mandatory in cases where the statute

applied . . ."); *United States v. Brummer*, 598 F.3d 1248, 1250 (11th Cir. 2020) (rejecting the defendant's contention that district court had discretion to decline to order forfeiture).

B. The Court Should Enter a Forfeiture Money Judgment in the Amount of \$112,448,314.35 as Property Obtained as a Result of the Offenses.

In addition to the forfeiture of directly traceable assets identified above, the government also seeks an order of forfeiture in the amount of property that Defendant Fisher obtained from the wire fraud and money laundering schemes. The Eleventh Circuit has long recognized that the government is entitled to forfeiture money judgments. *See, e.g., United States v. Baker*, 2022 U.S. App. LEXIS 6149, *7-*8 (11th Cir. Mar. 9, 2022) ("Courts can impose forfeiture of cash proceeds resulting from a crime by a money judgment or order"); *United States v. Padron*, 527 F.3d 1156, 1162 (11th Cir. 2008) (" . . . it is equally clear that the federal rules explicitly contemplate the entry of money judgments in criminal forfeiture cases"). The Eleventh Circuit also has consistently held that the government is entitled to a personal forfeiture money judgment in addition to any other specific property that may be subject to forfeiture. *See, e.g., United States v. Esformes*, 60 F.4th 621, 639 (11th Cir. 2023) (affirming forfeiture of specific property as determined by the trial jury and a forfeiture money judgment as determined by the district court).

The amount of the money judgment should represent the "full amount of illegal proceeds irrespective of whether monies are in the defendant's possession at the time the court makes findings regarding forfeiture." *United States v. McKay*, 506 F. Supp. 2d 1206, 1211 (S.D. Fla. Mar. 13, 2007). While a trial jury determines whether

specific property is forfeitable, only the court determines the forfeiture of a forfeiture money judgment. *See Esformes*, 60 F.4th at 639 (interpreting Rule 32.2 to require “two types of forfeiture determinations” . . . “forfeiture of an amount of money” as determined by the court and forfeiture of “specific property” as determined by the trial jury); *United States v. Curbelo*, 726 F.3d 1260, 1277 (11th Cir. 2013) (“ . . . the jury only determines ‘the forfeitability of specific property,’ and a ‘party is not entitled to a jury finding regarding a money judgment.’”). Accordingly, if the government seeks an order of forfeiture for proceeds, the court must determine the amount of the money judgment “based on evidence already in the record, including any written plea agreement, and any additional evidence or information submitted by the parties and accepted by the court as relevant and reliable.” FED. R. CRIM. P. 32.2(b)(1)(A) & (B).

A forfeiture money judgment does not require an exact calculation. Rather, district courts may use general points of reference as a starting point for a forfeiture calculation and make “reasonable extrapolations supported by the preponderance of the evidence.” *United States v. Vico*, 2016 U.S. Dist. LEXIS 6579, *20 (S.D. Fla. Jan. 20, 2016) (citing *United States v. Prather*, 456 F. App’x 622, 626 (8th Cir. 2012); *United States v. Roberts*, 660 F.3d 149, 166 (2d Cir. 2011)), *aff’d*, 691 F. App’x 594 (11th Cir. 2017); *see also United States v. Dennis*, 41 F.4th 732, 746 (5th Cir. 2022) (reasonable estimates for calculating criminal forfeiture permissible); *United States v. Peithman*, 917 F.3d 635, 651 (8th Cir. 2019) (“district courts may use general points of reference as a starting point for a forfeiture calculation and make reasonable extrapolations supported by a preponderance of the evidence”)

(quoting *Roberts*, 660 F.3d at 166); *United States v. Vance*, 2021 U.S. App. LEXIS 33034, *33 (6th Cir. 2021) (district courts may “use general points of reference as a starting point” for a forfeiture calculation and “make reasonable extrapolations” supported by a preponderance of the evidence) (citing *Roberts*, 660 F.3d at 166).

Here, the amount of the money judgment can be calculated. The government seeks a personal forfeiture money judgment against Defendant Fisher in the amount of \$112,448,314.35, which the evidence at trial demonstrated Defendant Fisher, at a minimum, obtained as a result of the offenses for which he was convicted. Specifically, evidence at trial showed that Defendant Fisher was the Founder and Chief Executive Officer of multiple entities associated with the illegal tax shelter, which included Preserve Communities, LLC, Inland Capital Management, LLC, and TPC Capital, LLC. (hereinafter “ICM Group”) (Gov. Trial Exs. 5-1B, 5-2B, 22-201). Defendant Fisher, along with his co-conspirators, operated these and other entities to sell illegal conservation easement tax shelters. (Gov. Trial Exs. 1-7-A, 1-1-D-1, 1-27, 1-31, 37-29, 102-3, 22-201). Between December 8, 2015 and February 14, 2019, bank accounts controlled by Fisher and opened in the names of various LLCs associated with ICM Group received \$112,448,314.35 in wires, deposits, transfers, and ACH payments from participants buying into the fraudulent tax shelter that Defendant Fisher organized, promoted, and sold. (See Gov. Trial Exs. 54-3, 54-4, 54-8, 54-9, 54-13, 54-14, 54-20, 54-21, 54-25, 54-26, 54-30, 54-31, 54-35, 54-36, 54-54, 54-55, 54-59, 54-60, 54-64, 54-65, 54-68, F2-F7, F10-F12). Moreover, a portion of those proceeds totaling \$43,872,219.67 were involved in or traceable to money laundering transactions for which Defendant Fisher was

charged in Counts 122-135. (See Gov. Trial Exs. 54-3, 54-4, 54-8, 54-9, 54-13, 54-14, 54-20, 54-21, 54-25, 54-26, 54-30, 54-31, 54-35, 54-36, 54-54, 54-55, 54-59, 54-60, 54-64, 54-65, 54-68, F12). The charged money laundering offenses involved Defendant Fisher purchasing real estate and luxury items using proceeds generated from the fraud scheme charged in Count 2. (*Id.*).

The Court should impose this amount against Defendant Fisher, despite the fact that some of the proceeds were deposited into bank accounts held in the names of his co-conspirators, because Defendant Fisher jointly acquired all of the proceeds through his control and operation of the scheme. Compare *United States v. Honeycutt*, 137 S. Ct. 1626, 1633 (2017) (holding that a district court may not hold members of a drug conspiracy jointly and severally liable for property that a co-conspirator derived from a drug crime, but that the defendant did not acquire) with *United States v. Goldstein*, 989 F.3d 1178, 1203 (11th Cir. 2021) (finding that it did not need to decide whether *Honeycutt* applied to 18 U.S.C. § 981(a)(1)(C) because the defendants jointly acquired the property in the fraud scheme and therefore “each defendant personally acquired the total amount of the fraud proceeds deposited into their jointly controlled accounts”); *United States v. Cingari*, 952 F.3d 1301, 1305-06 (11th Cir. 2020) (finding that because husband and wife defendants jointly owned the business that profited from the fraud, they were both liable for a forfeiture money judgment in the amount of the proceeds generated by the business they owned); *United States v. Knowles*, 819 F. App'x 781, 782, n.1 (11th Cir. July 2, 2020) (“Knowles was a 'leader' with decision-making authority and a high degree of participation in the drug conspiracy. Knowles therefore directly or

indirectly 'obtained' \$13.9 million in proceeds from the drug conspiracy himself, and thus, unlike in *Honeycutt*, those proceeds were directly forfeitable under § 853(a).") (internal citations omitted); *United States v. Bane*, 948 F.3d 1290, 1297-98 (11th Cir. 2020) (finding defendant failed to prove under *Honeycutt* that he was not liable for the full proceeds of the conspiracy because he was the owner of the two companies that obtained the fraud proceeds and "the mastermind behind the fraud"). Here, Defendant Fisher, not only personally obtained the vast majority of the proceeds of the scheme, but, as the leader of the scheme, is jointly and severally liable for all the proceeds of the scheme.

Accordingly, because \$112,448,314.35 represents the amount of property that Defendant Fisher obtained as a result of the offenses upon which Defendant Fisher was convicted, the Court should impose a forfeiture money judgment in this amount.

Conclusion

For all the foregoing reasons, the United States respectfully requests that the Court issue the proposed preliminary order of forfeiture that forfeits the interests of Defendant Fisher in the Subject Property to the United States and provides for further proceedings as may be necessary to effect entry of a final order of forfeiture in accordance with the procedures set forth in Federal Rule of Criminal Procedure 32.2(c). The United States also respectfully requests that the Court issue a forfeiture money judgment against Defendant Fisher in the amount of \$112,448,314.35, which will be offset by the net proceeds from the sale of the

directly forfeitable assets, if any remain at the conclusion of any ancillary proceedings.

Respectfully submitted,

RYAN K. BUCHANAN
United States Attorney

/s/NORMAN L. BARNETT
Assistant United States Attorney
Georgia Bar No. 153292
norman.barnett@usdoj.gov

Certificate of Service

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

October 16, 2023

/s/ NORMAN L. BARNETT
NORMAN L. BARNETT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JACK FISHER

Criminal Action No.

1:21-cr-00231-TCB

**PRELIMINARY ORDER OF FORFEITURE FOR DIRECT ASSETS AND
ORDER OF FORFEITURE FOR MONEY JUDGMENT**

Having read and considered the United States of America's Motion for Preliminary Order of Forfeiture for Direct Assets and Motion for Order of Forfeiture for Money Judgment brought pursuant to Federal Rule of Criminal Procedure 32.2(b), and good cause having been shown, the Court GRANTS the motion for the reasons stated below:

On September 22, 2023, a trial jury found the Defendant, Jack Fisher, guilty as to Counts 2 and 122-135 of the First Superseding Indictment, pursuant to which the United States sought forfeiture of certain property under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(1). Immediately following the verdict, the forfeiture phase of the trial began, and the jury further determined that the United States had established the requisite nexus between specific property and the offenses charged in Counts 2 and 122 through 135 of the First Superseding Indictment.

The United States thereafter brought this motion, seeking (1) an order of forfeiture against Defendant Fisher in the amount of \$112,448,314.35, representing

property that Defendant Fisher obtained as a result of the offenses of conviction, and (2) a preliminary order of forfeiture as to certain specific assets determined by the trial jury to be forfeitable.

The Court hereby finds that based on the facts proven at trial, and the trial jury's finding that Defendant Fisher was guilty of Counts 2 and 122-135, at least \$112,448,314.35 was obtained by Defendant Fisher as a result of the scheme set forth in the offenses of conviction.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(1) and Federal Rule of Criminal Procedure 32.2(b)(2), Defendant Fisher shall forfeit to the United States the sum of \$112,448,314.35. Subject to any ancillary proceedings and the resolution of any third party petitions, the net proceeds from the sale of any direct assets identified below shall be credited towards the order of forfeiture.

IT IS FURTHER ORDERED that this Order of Forfeiture for Money Judgment shall become a final order of forfeiture as to Defendant at sentencing.

IT IS FURTHER ORDERED that the United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order of Forfeiture for Money Judgment to substitute property having a value not to exceed \$112,448,314.35 to satisfy the money judgment in whole or in part.

IT IS HEREBY FURTHER ORDERED that Defendant Jack Fisher shall forfeit to the United States his interest in the following property pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(1):

(a) REAL PROPERTY:

1. 145 Biltmore Avenue, Unit 702, Asheville, North Carolina 28801, which is more fully described in Attachment A1,
2. 105 Good Hope Road, Okatie, South Carolina 29909, which is more fully described in Attachment A2,
3. 7661 Little Pine Road, Marshall, North Carolina 28751, which is more fully described in Attachment A3,
4. 195 Laramie Street, Markleeville, California 96120, which is more fully described in Attachment A4,
5. 12595 Etris Road, Roswell, Georgia 30075, which is more fully described in Attachment A5,
6. Sabadeco Crown Keys 21, Bonaire, which is more fully described in Attachment A6,
7. Vacant lots 5, 6, and 7 of Maps Bk. 6, Pg. 34, Parcel 002-460-005-000, Parcel 002-460-006-000, and Parcel 002-460-007-000, in Alpine County, California, which are more fully described in Attached A7,
8. Lots owned by Argent Land Holdings in Jasper County, South Carolina, including Parcel Numbers 066-00-00-013, 066-00-00-014, 066-00-00-015, 067-00-01-061, 067-00-01-081, 081-00-01-036, 081-00-01-037, 081-00-01-038, 081-00-01-039, which are more fully described in Attachment A8,

9. 1,918.7 acres owned by Highland Property Holdings in Baldwin County, Alabama, including Parcel numbers 32-01-12-0-000-001.000, 32-02-10-0-000-008.000, 32-06-13-0-000-003.000, 32-01-01-0-000-001.001, 32-01-02-0-000-001.139, 32-01-11-0-000-001-067, 32-01-02-0-000-001.184, which are more fully described in Attachment A9, and
10. Lots owned by New Hampstead Holdings in Chatham County, Georgia, including Parcel Numbers 11039-01020, 21024- 01003-2680, 21047-03002-2400, 21047-03008-401, 21047- 03010-3400, 21047-03016-2801, 21047-03019-2601, 21047-03038-2360, 21047-03038-2602, and 81039-01024-I-16, which are more fully described in Attachment A10.

(b) VEHICLES

1. One 2018 Mercedes Benz model GLS 550 4matic, VIN 4JGDF7DEXJB075577,
2. One 2012 Newmar Aire 4584, VIN 4VZVU1E91CC074794, and
3. One 2016 Renegade Stack Trailer, VIN 1K9500L32G1160257.

(c) AIRCRAFT

1. One 2007 Eclipse Aviation Corporation EA500 fixed wing multi-engine Aircraft.

(d) FUNDS

1. \$518,078.40 in funds seized from Ameris Bank account ending in 0494 held in the name of TPC Finance LLC,

2. \$160,117.42 in funds seized from Ameris Bank account ending in 7832 held in the name of The Preserve Communities,
3. \$21,729.60 in funds seized from Ameris Bank account ending in 0549 held in the name of ICM,
4. \$1,417.40 in funds seized from JP Morgan Chase account ending in 2579 held in the name of Peregrine Management Services, and
5. \$216,936.20 in funds seized from JP Morgan Chase account ending in 8309 held in the name of TPC Capital LLC.

(e) MISCELLANEOUS

1. \$25,000.00 cash held in lieu of One Male Jumping Horse Named Levland, United States Equestrian Federation #5266926.

IT IS HEREBY ORDERED that upon entry of this order, the United States Attorney General, or his designee, is authorized to seize the property in accordance with Fed. R. Crim. P. 32.2(b)(3).

Federal Rule of Criminal Procedure 32.2(c)(1) provides that “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment.” However, as to the specific assets above in Paragraphs (a)-(e), above, the United States shall publish notice of this Order and its intent to dispose of the property in accordance with Fed. R. Crim. P. 32.2(b)(6) and in such a manner as described in Supplemental Rule G(4)(a)(iii) and (iv) of the Federal Rules of Civil Procedure. The United States shall send written notice, in accordance with Supplemental Rule G(4)(b)(iii)-(v), to any person who reasonably appears to be a

potential claimant with standing to contest the forfeiture of the above-listed property in the ancillary proceeding.

Pursuant to 21 U.S.C. § 853(n)(2), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), any person, other than the named Defendant, asserting a legal interest in the property may within thirty days of the final publication of the notice or their receipt of the notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of their alleged interest in the property and for an amendment to the order of forfeiture. Any petition filed by a third party asserting an interest in the property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstance of the petitioner's acquisition of the right, title, or interest, and any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of the third-party petitions. The Court shall retain jurisdiction to enforce this order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS FURTHER ORDERED that, pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture is hereby final as to the Defendant. If no third party files a timely claim, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED this _____ day of _____, 2023.

TIMOTHY C. BATTEN, SR.
UNITED STATES DISTRICT JUDGE

Prepared by:
Norman L. Barnett, Assistant United States Attorney
(404) 581-6323

ATTACHMENT A

ATTACHMENT A1

145 Biltmore Avenue, Unit 702, Asheville, North Carolina 28801

Legal Description:

Parcel One: Being all of Unit 702 of 145 Biltmore Avenue Condominium as described in that Declaration of Condominium for 145 Biltmore Avenue Condominium recorded in Book 5942, Page 765 and as amended in Book 5955, Page 393 as and as shown on those Plans for 145 Biltmore Avenue Condominium recorded in Unit Ownership File 1711 and as shown on Plat recorded in Plat Book 210, Page 158 all of the Buncombe County, NC Register's Office; reference to which Declaration, Plans and Plat are hereby made for a more particular description of said Unit. The above described Unit is conveyed together with that undivided interest in and to the common elements which are attributable to the Unit as set forth in the Declaration referenced herein.

Parcel Two: Being all of Parking Unit P4 and UnitP5 of 145 Biltmore Avenue Condominium as described in that Declaration of Condominium for 145 Biltmore Avenue Condominium recorded in Book 5942, Page 765 and as amended in Book 5955, Page 393 as and as shown on those Plans for 145 Biltmore Avenue Condominium recorded in Unit Ownership File 1711 and as shown on Plat recorded in Plat Book 210, Page 158 all of the Buncombe County, NC Register's Office; reference to which Declaration, Plans and Plat are hereby made for a more particular description of said Unit. The above described Unit is conveyed together with that undivided interest in and to the common elements which are attributable to the Unit as set forth in the Declaration referenced herein.

RIGHT OF FIRST REFUSAL:

Parking Unit: If, at any time after the recording of this instrument, and for a period of one year thereafter. Buyer shall desire to offer to sell the Parking Unit, or shall receive from a third party a bona fide offer to purchase the Parking Unit which Buyer desires to accept. Buyer, before making or accepting the offer, as the case may be, shall send 145 Biltmore Avenue LLC two copies of a contract for the sale of the Parking Unit embodying the terms of the offer, both copies of which have been duly executed by Buyer (as seller therein) together with a written notification from Buyer of their intention to make or accept the offer embodied in the contract to a third party, as the case may be, if the offer is not accepted by 145 Biltmore

Avenue LLC. 145 Biltmore Avenue LLC shall have the right, within twenty-one (21) days of the receipt of the contract and the written notice, to accept the offer to Purchase the Parking Unit on the terms and conditions set forth in the contract. In the event 145 Biltmore Avenue LLC elects to accept the offer embodied in the contract, 145 Biltmore Avenue LLC must do so by executing one copy of the contract and returning it to Buyer within the twenty-one (21) day period. In the event that 145 Biltmore Avenue LLC does not accept the offer embodied in the contract, Buyer may make or accept the offer embodied in the contract, to or from a third party, but only upon the exact same terms as set forth in the contract that was delivered to 145 Biltmore Avenue LLC for consideration.

Residential Unit. If, at any time after Closing, and for a period of six months thereafter [provided that 145 Biltmore Avenue LLC still owns any Unit], Buyer shall desire to offer to sell the Unit and the Parking Unit, or shall receive from a third party a bona fide offer to purchase the Unit, or the Unit and Parking Unit, which Buyer desires to accept, Buyer, before making or accepting the offer, as the case may be, shall send 145 Biltmore Avenue LLC two copies of a contract for the sale of the Unit and Parking Unit embodying the terms of the offer, both copies of which have been duly executed by Buyer (as seller therein) together with a written notification from Buyer of their intention to make or accept the offer embodied in the contract to a third party, as the case may be, if the offer is not accepted by 145 Biltmore Avenue LLC. The purchase price shall be determined as the lower of: 1) Purchase Price for the Unit and Parking Unit as set forth herein or 2) the purchase price that Buyer desires to offer to third parties. 145 Biltmore Avenue LLC shall have the right, within twenty-one (21) days of the receipt of the contract and the written notice, to accept the offer to Purchase the Unit and Parking Unit on the terms and conditions set forth in the contract. In the event 145 Biltmore Avenue LLC elects to accept the offer embodied in the contract, 145 Biltmore Avenue LLC must do so by executing one copy of the contract and returning it to Buyer within the twenty-one (21) day period. In the event that 145 Biltmore Avenue LLC does not accept the offer embodied in the contract, Buyer may make or accept the offer embodied in the contract, to or from a third party, but only upon the exact same terms as set forth in the contract that was delivered to 145 Biltmore Avenue LLC for consideration.

9648-48-2593-C0702

ATTACHMENT A2

105 Good Hope Road, Okatie, South Carolina 29909

Legal Description:

All that certain piece, parcel or lot of land lying and being in Berkeley Hall, Beaufort County, South Carolina, being shown and described as Lot C-12; said property having dimensions, metes and bounds as shown on the Plat entitled "A Plat of Berkeley Hall phase I Lots, Berkeley Hall, Beaufort County, South Carolina", said plat being dated July 7, 2000, revised November 6, 2000, said plat prepared by Thomas & Hutton Engineering Co., Savannah, Georgia, Boyce L. Young, S.C.R.L.S. No. 11079, and recorded in the Beaufort County Records in Plat Book 76 at Page 154 and last revised December 17, 2004, and recorded in Beaufort County Records in Plat Book 104 at Page 9 on January 13, 2005. For a more detailed description as to the courses, metes and bounds of the above mentioned lot, reference is had to said plat of record.

TAX ID NUMBER: R600 022 000 0385 0000

ATTACHMENT A3

7661 Little Pine Road, Marshall, North Carolina 28751

Legal Description:

All that certain lot or parcel of land situated in Number One Township, Madison County, North Carolina and more particularly described as follows (the "Property"):

BEING all the property as shown on a plat containing 97.22, acres more or less on a Plat entitled "Survey prepared for Commonwealth Land Title Company as Escrow Agent for: Clyde W. Young", prepared by M. Dale Cipar L-3036, Ray E. Anders & Associates, Inc., dated August 23, 1993, File No. 6501, recorded in Plat Book 3, Page 748, Madison County, NC Register's Office; less and excepting 0.07, Parcel I, as shown on Plat Book 4, Page 791, Madison County, NC Register's Office and as described in Deed Book 287, Page 33, Madison County, NC Register's Office.

BEING a portion of the property as described in Deed Book 224, Page 476, a undivided 1/8th undivided interest; Deed Book 224, Page 478, a undivided 1/8th interest; Deed Book 224, Page 480, a undivided 1/8th undivided interest; Deed Book 224, Page 480, a undivided 1/8th interest; Deed Book 224, Page 482, a undivided 1/8th interest; Deed Book 226, Page 420, a undivided 1/8th interest; Deed Book 226, Page 422, a undivided 1/8th interest; Deed Book 226, Page 424, a undivided 1/8th interest; and Deed Book 226, Page 426, a undivided 1/8th interest, Madison County, NC Register's Office.

Tax ID: 8774-78-7506

ATTACHMENT A4

195 Laramie Street, Markleeville, California 96120

Legal Description:

The land described herein is situated in the State of California, County of Alpine, unincorporated area, described as follows:

PARCEL 2, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "A PORTION OF THE SE 1/4 OF SECTION 21, T. 10 N., R. 20 E., M.D.B. & M., LOT 2 BLOCK 3, MARKLEEVILLE TOWNSITE", FILED JULY 24, 1996 IN MAP BOOK 4 AT PAGE 53, ALPINE COUNTY RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING OUTSIDE THE BOUNDARIES OF LOT 2, BLOCK 3, MARKLEEVILLE TOWNSITE.

Tax ID: 002-290-023-000

ATTACHMENT A5

12595 Etris Road, Roswell, Georgia 30075

Legal Description:

All that tract or parcel of land lying and being in Land Lot 1164 of the 2nd District, 2nd Section of Fulton County, Georgia being Lot 3, of Etris Corners, as per plat recorded in Plat Book 235, Page 125 Fulton County, Georgia Records.

Tax ID: 22 358011642044

ATTACHMENT A6

Sabadeco Crown Keys 21, Bonaire

Legal Description:

A PROPERTY PLOT OF LAND IN SANTA BARBARA ON BONAIRE, CADASTRAL KNOWN AS DIVISION 4, SECTION A, NUMBER 1782, SIZE TWENTY SEVEN HUNDRED - TWENTY EIGHT SQUARE METERS (2,728 M²) KNOWN LOCALLY AS SABADECO CROWN KEYS 21.

ATTACHMENT A7

Vacant lots 5, 6, and 7 of Maps Bk. 6, Pg. 34, Parcel 002-460-005-000, Parcel 002-460-006-000, and Parcel 002-460-007-000, in Alpine County, California

Legal Description:

The land described herein is situated in the State of California, County of Alpine, unincorporated area, described as follows:

PARCEL ONE:

LOTS 5, 6, and 7, CARSON RIDGE, ACCORDING TO THE OFFICIAL MAP THEREOF FILED FOR RECORD ON AUGUST 2, 2004 IN BOOK 6 OF MAPS, AT PAGES 34 THROUGH 38 INCLUSIVE, ALPINE COUNTY RECORDS.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER MINERALS AS RESERVED TO THE UNITED STATES IN TRUST, IN THAT CERTAIN PATENT RECORDED NOVEMBER 3, 1961 IN BOOK "I", PAGE 267, ALPINE COUNTY RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE ROAD AND PUBLIC UTILITY EASEMENT AND INCIDENTAL RIGHTS THERETO, ON, OVER, ACROSS AND THROUGH ALL THAT PORTION OF CARSON RIDGE, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED FOR RECORD ON AUGUST 2, 2004 IN BOOK 6 OF MAPS, AT PAGES 34 THROUGH 38 INCLUSIVE, ALPINE COUNTY RECORDS, SHOWN AND DESIGNATED AS "RAYMOND VIEW RD." AND "SILVER PEAK RD."

PARCEL THREE:

A NON-EXCLUSIVE EASEMENT FOR EMERGENCY ACCESS PURPOSES AND INCIDENTAL RIGHTS THERETO, ON, OVER, ACROSS AND THROUGH ALL THAT PORTION OF CARSON RIDGE ACCORDING TO THE OFFICIAL MAP THEREOF, FILED FOR RECORD ON AUGUST 2, 2004 IN BOOK 6 OF MAPS, AT PAGES 34 THROUGH 38 INCLUSIVE, ALPINE COUNTY RECORDS, SHOWN AND DESIGNATED AS "PARCEL E" THEREON.

Tax ID's: 002-460-005-0, 002-460-006-0, 002-460-007-0

ATTACHMENT A8

Lots owned by Argent Land Holdings in Jasper County, South Carolina, including Parcel Numbers 066-00-00-013, 066-00-00-014, 066-00-00-015, 067-00-01-061, 067-00-01-081, 081-00-01-036, 081-00-01-037, 081-00-01-038, 081-00-01-039

Legal Description:

All that tract or parcel of land lying and being located in the City of Hardeeville, Jasper County, South Carolina, known as Parcel B and 150' Right of Way, and being more particularly described.

PARCEL B:

All that certain lot, tract or parcel of land situate, lying and being located in the City of Hardeeville, Jasper County, South Carolina, known as Parcel B, comprising 3.79 acres, more or less, and shown as "Parcel B" on that plat entitled "106.75 Acre Tract, Being a Portion of JPR Properties, LLC of a Portion of the East Argent Tract, City of Hardeeville, Jasper County, South Carolina", said plat dated September 21, 2006, and recorded in Plat Book 29, page 320, Jasper County, South Carolina records.

150' RIGHT OF WAY

A 150' right of way containing approximately 30.085 acres, as shown and described on a plat entitled "A Plat of Parcel 1, Being a Portion of the East Argent Tract, City of Hardeeville, Jasper County, South Carolina," said plat dated January 16, 2006, and recorded in Plat Book 28, page 306, Jasper County, South Carolina records.

Tax ID(s): 067-00-01-061 & 067-00-01-081

All those certain lots, tracts or parcels of land situate, lying and being in Jasper County, South Carolina, said parcels comprising of 91.96 acres, more or less, said parcels being shown and described as Parcels 1B, 2, 4B, 13, 14B, and 17 on that certain plat entitled "Subdivision Plat Parcels 1-18 of East Argent formerly Parcel 1 thru Parcel 17" prepared for Argent Land Holdings, LLC by Thomas & Hutton Engineering Co, Robert K. Morgan, S.C.P.L.S. No. 26957, said plat dated December 19, 2017 and recorded on December 21, 2017 in the Office of the Jasper County Register of Deeds in Plat Book 35 at Page 256. For a more specific reference as to metes and bounds, reference is herewith made to said plat of record.

Tax ID(s): 081-00-01-037, 081-00-01-036, 081-00-01-038, 081-00-01-039,
066-00-00-013, 066-00-00-014 & 066-00-00-015

ATTACHMENT A9

1,918.7 acres owned by Highland Property Holdings in Baldwin County, Alabama, including Parcel numbers 32-01-12-0-000-001.000, 32-02-10-0-000-008.000, 32-06-13-0-000-003.000, 32-01-01-0-000-001.001, 32-01-02-0-000-001.139, 32-01-11-0-000-001-067, 32-01-02-0-000-001.184

Legal Description:

That Certain land lying, situated and being in Baldwin County, Alabama, more particularly described:

Beginning at a 1/2" CAPPED REBAR FOUND AT THE LOCALLY ACCEPTED S.E. CORNER OF SECTION 11, T-4-S, R-2-E, BALDWIN COUNTY, AL., said point being the POINT OF BEGINNING; thence S89 degrees 50'41"W, a distance of 5,365.68 feet to a 3/4" OPEN TOP PIPE; thence N00 degrees 03'52"E, a distance of 2,657.18 feet to a 3" PIPE; thence N89 degrees 48'04"W, a distance of 329.57 feet to a 1/2" CAPPED REBAR on the Southeasterly R.O.W. of Jimmy Faulkner Drive; thence Northerly along said Easterly R.O.W. along the following courses: thence N12 degrees 10'49"E,,a distance of 85.19 feet to a R.O.W. MONUMENT; thence along a curve to the right, having a Radius of 1,145.97 feet; a chord of N28 degrees 49'48"E 653.71 feet, an arc length of 662.91 feet to a R.O.W. MONUMENT; thence along a curve to the left, having a Radius of 275.49 feet; a chord of N45 degrees 57'12"E 18.39 feet, an arc length of 18.39 feet to a R.O.W. MONUMENT; thence S43 degrees 31'41 "E, a distance of 39.68 feet to a R.O.W. MONUMENT; thence along a curve to the right, having a Radius of 1,149.46 feet; a chord of N51 degrees 16'12"E 182.33 feet, an arc length of 182.52 feet to a R.O.W. MONUMENT; thence N33 degrees 57'14"W, a distance of 39.95 feet to a R.O.W. MONUMENT; thence along a curve to the right, having a Radius of 1,155.92 feet; a chord of N61 degrees 12'03"E 215.22 feet, an arc length of 215.53 feet to a R.O.W. MONUMENT; thence N66 degrees 47'42"E, a distance of 432.44 feet to a R.O.W. MONUMENT; thence along a curve to the left, having a Radius of 1,254.76 feet; a chord of N56 degrees 09'26"E 457.44 feet, an arc length of 460.02 feet to a R.O.W. MONUMENT; thence N46 degrees 11'13"E, a distance of 801.93 feet to a R.O.W. MONUMENT; thence S44 degrees 01'28"E, a distance of 14.71 feet: to a R.O.W MONUMENT thence N46 degrees 00'03"B, a distance of 246.10 feet to a 5/8" CAPPED REBAR; thence leaving said R.O.W. S43 degrees 57'54"E, a distance of 428.35 feet to a 5/8" CAPPED

REBAR; thence S68 degrees 24'41"E, a distance of 165.92 feet to a 5/8" CAPPED REBAR; thence N90 degrees 00'00"E, a distance of 81.29 feet to a 5/8" CAPPED REBAR; thence S45 degrees 01'06"E, a distance of 199.75 feet to a 5/8" CAPPED REBAR; thence S56 degrees 27'01"E, a distance of 248.49 feet to a 5/8" CAPPED REBAR; thence S67 degrees 52'38"E, a distance of 123.27 feet to a 5/8" CAPPED REBAR; thence S85 degrees 07'27"E, a distance of 159.28 feet to a 5/8" CAPPED REBAR; thence S23 degrees 56'20"E, a distance of 794.33 feet to a 5/8" CAPPED REBAR; thence S45 degrees 28'49"E, a distance of 376.12 feet to a 5/8" CAPPED REBAR; thence N46 degrees 30'45"E, a distance of 424.76 feet to a 5/8" CAPPED REBAR; thence N59 degrees 43'07"E, a distance of 693.12 feet to a 5/8" CAPPED REBAR; thence N31 degrees 40'02"E, a distance of 433.91 feet to a 5/8" CAPPED REBAR; thence N31 degrees 27'08"W, a distance of 801.73 feet to a 5/8" CAPPED REBAR; thence N01 degrees 52'27"W, a distance of 574.61 feet to a 5/8" CAPPED REBAR; thence N48 degrees 17'40"W, a distance of 1,309.79 feet to a 5/8" CAPPED REBAR on said Easterly R.O.W. of Jimmy Faulkner Drive; thence Northerly along said Easterly R.O.W. along the following courses: thence along a curve to the left, having a Radius of 1,243.21 feet; a chord of N36 degrees 22'41"E 284.76 feet, an arc length of 285.39 feet to a R.O.W. MONUMENT; thence N30 degrees 12'00"E, a distance of 1,429.51 feet to a R.O.W. MONUMENT; thence S61 degrees 55'37"E, a distance of 19.95 feet to a R.O.W. MONUMENT; thence N30 degrees 16'47"E, a distance of 800.01 feet to a R.O.W. MONUMENT; thence N61 degrees 32'01"W, a distance of 19.84 feet to a R.O.W. MONUMENT; thence N30 degrees 01'34"E a distance of 396.95 feet to a R.O.W. MONUMENT; thence along a curve to the left, having a Radius of 1,206.00 feet; a chord of N17 degrees 55'43"E 441.67 feet, an arc length of 444.17 feet to a R.O.W. MONUMENT; thence N11 degrees 20'05"E, a distance of 431.85 feet to a R.O.W. MONUMENT; thence S81 degrees 38'34"E, a distance of 20.00 feet to a R.O.W. MONUMENT; thence N10 degrees 26'07"E, a distance of 80.78 feet to a R.O.W. MONUMENT; thence along a curve to the right, having a Radius of 220.00 feet; a chord of N15 degrees 40'19"E 50.52 feet, an arc length of 50.63 feet to a R.O.W. MONUMENT; thence N67 degrees 37'23"W, a distance of 20.22 feet to a R.O.W. MONUMENT; thence along a curve to the right, having a Radius of 240.00 feet; a chord of N25 degrees 04'50"E 23.90 feet, an arc length of 23.91 feet to a R.O.W. MONUMENT; thence N23 degrees 30'57"E, a distance of 124.78 feet to a R.O.W. MONUMENT; thence N66 degrees 37'51"E a distance of 79.46 feet to a 1/2" CAPPED REBAR on the South R.O.W. of Bromley Road; thence Easterly along said South R.O.W. along the following courses; thence S66 degrees 17'46"E, a distance of 435.89 feet; thence along a curve to the left,

having a Radius of 1,040.00 feet; a chord of S68 degrees 56'30"E 96.00 feet, an arc length of 96.03 feet; thence S71 degrees 35'13"1"E, a distance of 461.21 feet; thence along a curve to the right, having a Radius of 960.00 feet; a chord of S65 degrees 25'35"E 206.06 feet, an arc length of 206.46 feet; thence S59 degrees 15'55"E, a distance of 1,514.22 feet; thence along a curve to the left having a Radius of 1,040.00 feet; a chord of S72 degrees 17'36"E 469.01 feet, an arc length of 473.08 feet; thence S85 degrees 19'30"E a distance of 1,758.17 feet; thence along a curve to the left having a radius of 1,040.00 feet, a chord bearing of N82 degrees 47'24"E, a chord distance of 428.37 feet; thence Easterly along the arc an arc length of 431.45 feet; thence N70 degrees 54'19"E, a distance of 302.16 feet; thence along a curve to the right having a radius of 960.00 feet, a chord bearing of N73 degrees 07'28"E, a chord distance of 74.34 feet; thence Easterly along the arc an arc length of 74.36 feet to a 1/2" CAPPED REBAR at the intersection with the East Line or Section 1 T-4-S R-2-E; thence S00 degrees 08'24" W, leaving said R.O.W. a distance of 3,165.82 feet to a 1/2" CAPPED REBAR at the SE corner of said Section 1; thence S degrees 02'25"W, a distance of 2,637.08 feet to a 3" PIPE; thence N89 degrees 44'51"W, a distance of 1,318.03 feet to a 3/4" OPEN TOP PIPE; thence S00 degrees 02'00"E, a distance of 2,643.59 feet to a 3" PIPE at the SW corner of the SE1/4 of the SE1/4 of Section 12 T-4-S R-2-E; thence S degrees 07'16"W, a distance of 2,651.34 feet to a 1/2" CAPPED REBAR; thence S89 degrees 48'13"W, a distance of 1,316.94 feet to a 4" PAINTED STUMP 4.66' south of a 3/4" CRIMPED PIPE; thence N89 degrees 14'29"W, a distance of 1,302.27 feet to a 3" PIPE; thence S degrees 06'42"E, a distance of 1,323.71 feet to a 3" PIPE; thence S89 degrees 40'23"E, a distance of 1,306.67 feet to a 1/2" CAPPED REBAR; thence S00 degrees 05'20"W, a distance of 1,324.65 feet to a 1/2" CAPPED REBAR; thence N89 degrees 38'01"W, a distance of 2,607.55 feet to a 3" PIPE 'AT THE SW CORNER OF SEC. 13 T-4-S R-2-E; thence N00 degrees 10'51"W, a distance of 5,283.74 feet to the POINT OF BEGINNING, Said parcel containing 1,941.89 acres, more or less.

LESS AND EXCEPT

LOT 1 OF HIGHLANDS P-2 SUBDIVISION SHOWN UPON PLAT OF SUBDIVISION DATED NOVEMBER 13, 2018 AS PREPARED BY DEWBERRY AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8 INCH CAPPED REBAR (CA-0951-LS) AT THE NORTHERNMOST CORNER OF- "HIGHLAND PARK AT THE HIGHLANDS

PHASE ONE", AS SHOWN ON MAP OR PLAT RECORDED IN SLIDE 2536-A OF PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, THENCE RUN ALONG THE EASTERLY RIGHT OF WAY LINE OF JIMMY FAULKNER DRIVE THE FOLLOWING FOUR (4) COURSES: (1) RUN NORTHEASTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1243.21 FEET, AN ARC DISTANCE OF 284.95 FEET (CHORD BEARS NORTH 36 DEGREES 22'04" EAST A DISTANCE OF 284.32) TO A 6 X 6 INCH CONCRETE MONUMENT; (2) THENCE RUN NORTH 30 DEGREES 12'00" EAST, A DISTANCE OF 1429.42 FEET TO A 6 X 6 INCH CONCRETE MONUMENT; (3) THENCE RUN SOUTH 61 DEGREES 55'37" EAST, A DISTANCE OF 20.09 FEET TO A 6 X 6 INCH CONCRETE MONUMENT; (4) THENCE RUN NORTH 30 DEGREES 16'47" EAST, A DISTANCE OF 150.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 30 DEGREES 16'47" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 649.84 FEET TO A 6 X 6 INCH CONCRETE MONUMENT; THENCE RUN SOUTH 59 DEGREES 43'13" EAST, A DISTANCE OF 447.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 30 DEGREES 16'47" WEST, A DISTANCE OF 81.45 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 59 DEGREES 43'13" EAST, A DISTANCE OF 405.03 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 16 DEGREES 41'06" WEST, A DISTANCE OF 401.46 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 09 DEGREES 16'32" EAST, A DISTANCE OF 209.78 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 73 DEGREES 04'50" WEST, A DISTANCE OF 52.44 FEET TO A 5/8 INCH CAPPED REBAR (CA-1109-LS); THENCE RUN NORTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 850.00 FEET, AN ARC DISTANCE OF 446.87 FEET (CHORD BEARS NORTH 44 DEGREES 39'33" WEST A DISTANCE OF 441.74) TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN BALDWIN COUNTY, ALABAMA AND CONTAINING 673,872 SQUARE FEET (15.470 ACRES) MORE OR LESS

Tax ID(s) 32-01-01-0-000-001.001, 32-02-10-0-000-008.000, 32-01-02-0-000-001.184, 32-01-02-0-000-001.139, 32-06-13-0-000-003.000, 32-01-11-0-000-001.067 and 32-01-12-0-000-001.000

ATTACHMENT A10

Lots owned by New Hampstead Holdings in Chatham County, Georgia, including Parcel Numbers 11039-01020, 21024- 01003-2680, 21047-03002-2400, 21047-03008-401, 21047- 03010-3400, 21047-03016-2801, 21047-03019-2601, 21047-03038-2360, 21047-03038-2602, and 81039-01024-I-16

Legal Description:

Parcel 2, PUD Area I-1, Parcel VII

All that lot, tract or parcel of land situate, lying and being in Chatham County, Georgia, being known and designated as PARCEL VII, as shown upon that plat entitled, "Recombination, Parcel VII, Being a Portion of Parcel B-1 of the New Hampstead Development Area, PUD I-1, Lands of International Paper Realty Corporation, 8th G.M. District, Savannah, Chatham County, Ga.", prepared by Michael S. Williams, G.R.L.S. No. 2712, dated September 26, 2007, and recorded in Plat Book 39-S, page 61A, Chatham County, Georgia records.

Parcel 3 Revised, PUD Area R-3, R-41, Parcel VIII

All that certain lot, tract or parcel of land situate, lying and being in the Chatham County, Georgia, and being a portion of PARCEL VIII, CONTAINING 364.1 TOTAL ACRES, and shown on that plat entitled "Minor Subdivision, Parcel VIII (PUD R-3 & R-4), Proposed Wellsite (PUD MS-5) & Parcel XIX (PUD MS-2), being a portion of Parcel B-1 of the New Hampstead Development Area, Lands of International Paper Realty Corporation, 8th GM District, Savannah, Chatham County, GA", prepared by Michael S. Williams, G>R.L.S. No. 2712 of Williams and Associates, Inc., dated September 25, 2007, and recorded in plat Book 40S, pages 67A-67E, Chatham County, Georgia records, said plat being incorporated herein and made a part hereof by this reference (the "Parcel VIII Plat").

Parcel 3 Added, PUD Area R-3A, Parcel XVI

All that certain lot, tract or parcel of land situate, lying and being in the Chatham County, Georgia, and being PARCEL XVI, CONTAINING 10.2 ACRES, and shown on that plat entitled "Minor Subdivision, Parcel XVI & Parcel XVII, being a portion of Parcel B-1 of the New Hampstead Development Area, PUD MF-3 & C-1, Lands of International Paper Realty Corporation, 8th GM District, Savannah,

Chatham County, GA", prepared by Michael S. Williams, G.R.L.S. No. 2712 of Williams and Associates, Inc., dated September 18, 2006, and recorded in Plat Book 37S, pages 58A and 58B, Chatham County, Georgia, records, said plat being incorporated herein and made a part hereof by this reference

Parcel 4, PUD Area VIL-1, Parcel X

All that lot, tract or parcel of land situate, lying and being in Chatham County, Georgia, being known and designated as PARCEL X, as shown upon that plat entitled, "Minor Subdivision, Parcels X, Being a Portion of Parcel B-lof the New Hampstead Development Areas, PUD VIL-1, Lands of International Paper Realty Corporation, 8th G.M. District, Savannah, Chatham County, GA." , prepared by Michael S. Williams, G.R.L.S. No. 2712, dated August 14, 2006, and recorded in Plat Book 37-S, page 16A, Chatham County, Georgia records.

Parcel 7 Revised, PUD Area MF-21, Parcel XIII

All those lots, tracts or parcels of land situate, lying and being in Chatham County, Georgia, being known and designated as PARCEL XIII, as shown upon that plat entitled, "Minor Subdivision, Parcel MS-6 & Parcel XIII, Being a Portion of Parcel B-lof the New Hampstead Development Area, PUD MF-2 & MS-6, Lands of International Paper Realty Corporation, 8th G.M. District, Savannah, Chatham County, GA.", prepared by Michael S. Williams, G.R.L.S. No. 2712 , dated August 25, 2006, and recorded in Plat Book 37-S, Page 18A, Chatham County, Georgia records; and that plat entitled, "Boundary Plat of Parcel MS-6 & Parcel XIII, being a Portion of Parcel B-lof the New Hampstead Development Area, PUD MF-2 & MS-6, Lands of International Paper Realty Corporation, 8th G.M. District, Savannah, Chatham County, GA," prepared by Michael S. Williams, G.R.L.S. No. 2712, dated June 5, 2007, and recorded in Plat Book 37-P, Page 6, Chatham County Georgia records.

Parcel 10, PUD Area 1-6, Parcel B

All that lot, tract or parcel of land situate, lying and being in Chatham County, Georgia, being known and designated as PARCEL B, as shown upon that plat entitled, "Minor Subdivision, Parcel A&B, Being, Being a Division of a 120.2 Acre Parcel of the New Hampstead Development, Lands of International Paper Realty Corporation, 8th G.M. District, Chatham County, Georgia", prepared by Michael S. Williams, G.R.L.S. No. 2712, dated April 6, 2006, and recorded in Plat Book 36-S,page 84A, Chatham County, Georgia records.

Parcel 11, PUD Area R-13A, Parcel B-2

All that lot, tract or parcel of land situate, lying and being in Chatham County, Georgia, being known and designated as PARCEL B-2, as shown upon that plat entitled "Minor Recombination Subdivision, being a recombination of the New Hampstead Development Area, being lands of International Paper Realty Corporation, formerly being the remaining portions of the Wallace Adams Tract and the Carter Brothers Tract containing 3,162.3 acres, lying in the 8th G.M. District, Savannah, Chatham County, Georgia" prepared by Michael S. Williams, G.R.L.S. 2712, dated July 31, 2005 and recorded in Plat Book 34-S, page 77A, Chatham County, Georgia records, as also shown on that plat entitled "Survey of Parcel B- 2, Formerly Being a Portion of the Wallace Adams Tract and the Carter Brothers Tract, Containing 42.2 Acres, Lying in the 8th G.M. District, Bloomingdale, Chatham County, Georgia, " prepared by Michael S. Williams, G.R.L.S. No. 2712, dated July 2, 2008, and recorded in Plat Book 40-P, page 68, Chatham County, Georgia records.

Parcel 12 Revised, PUD Area C-5, Parcel E, F

All that lot, tract or parcel of land situate, lying and being in Chatham County, Georgia, being known and designated as PARCEL E AND PARCEL F, as shown upon that plat entitled "Minor Subdivision, Parcels D, E, & F, Being a Division of Parcel C-1A, Lands of International Paper Realty Corporation, Formerly Being a Portion of the Carter Brothers Tract, 8th G.M. District, Bloomingdale, Chatham County, GA," prepared by Michael S. Williams, G.R.L.S. No. 2712 dated January 17, 2007, and recorded in Plat Book 35-P, Page 61A, Chatham County, Georgia records.

Parcel 13, PUD Area R14B, Parcel B-1 (Tract 1)

A PORTION OF PARCEL B-1 (TRACT 1), which is described in its entirety on that plat entitled, "Minor Recombination Subdivision, being a recombination of the New Hampstead Development Area, being lands of International Paper Realty Corporation, formerly being the remaining portions of the Wallace Adams Tract and the Carter Brothers Tract containing 3,162.3 acres, lying in the 8th G.M. District, Savannah, Chatham County, Georgia" prepared by Michael S. Williams, G.R.L.S. No. 2712 dated July 31, 2005, and recorded in Plat Book 34-S, Page 77A,

Chatham County, Georgia records; said Portion of Parcel B-1 being known according to the New Hampstead Master Plan as Parcel SC and said Parcel SC having been converted to Parcel R-14B according to the New Hampstead Master Plan as revised on April 15, 2009. Said Parcel R-14B, having the same boundaries as Parcel SC, being bounded by other parcels described above as follows: on the North by Parcel I-A; on the East by Parcel I; on the South by the northern boundary line of the right-of-way of Highgate Boulevard; and on the West by Parcel IV.

Parcel 16, PUD Area R13, Parcel IV

All that certain lot, tract or parcel of land situate, lying and being in Chatham County, Georgia and shown as PARCEL IV, NEW HAMPSTEAD, containing 460.2 acres, more or less, on that plat entitled "Minor Subdivision, Parcel IV, Being a portion of Parcel B-lin the Northwest Portion of the New Hampstead Development, PUD R-13, Lands of International Paper Realty Corporation, 8th G.M. District, Savannah, Chatham County, Georgia," prepared by Michael S. Williams, G.R.L.S. No. 2712 of Williams & Associates, Inc., dated May 4, 2006, and recorded in Subdivision Map Book 35-S, pages 90 A-G, Chatham County, Georgia records

Parcel 17 Added, PUD Area R-14A, Parcel 1A

All that certain lot or parcel of land containing 82.3 acres and being PARCEL 1A of a Subdivision of a Portion of the Carter Brothers Tract, 8th G.M. District, City of Savannah, Chatham County, Georgia, as shown on that plat entitled "Minor Subdivision, Parcel 1A, 2A, & 3A, being a portion of the Carter Brothers Tract, 8th G.M. District, Chatham County, Georgia", prepared by Michael S. Williams, G.R.L.S. No. 2712, dated January 30, 2006, and recorded in Subdivision Map Book 36-S, page 87 A-D, Chatham County, Georgia records, said plat being incorporated herein and made a part hereof by this reference. Said property being more particularly described below as follows: Commencing at a 5/8" rebar which is at the intersection of the southern right-of-way line of Old Pine Barren Road with the eastern right-of-way line of Little Neck Road said point having coordinates of N: 763070.0 and E: 917608.1 on the 1983 N.A.D., Georgia, East Zone; thence S 41 degrees 48'42" W a distance of 129.12 feet to a concrete monument located on the western right-of- way line of Little Neck Road S 9 degrees 01'0" E a distance of 6256.15 feet to a 5/8" rebar, the POINT OF BEGINNING; thence departing said right-of-way line S 83 degrees 04'15" W a distance of 2545.02 feet to a 5/8" rebar; thence S 69 degrees 22'43" W a distance of 713.07 feet to a 5/8" rebar; thence N 87 degrees 45'04" W a distance of 1345.43 feet to a 5/8" rebar; thence N 02 degrees

23'36" W a distance of 617.21 feet to a 5/8" rebar; thence N 84 degrees 16'04" E a distance of 214.82 feet to a 5/8" rebar; thence N 70 degrees 03'21" E a distance of 1334.13 feet to a 5/8" rebar; thence N 75 degrees 15'35" E a distance of 108.15 feet to a 5/8" rebar; thence along a curve to the right an arc length of 244.31 feet to a 5/8" rebar said curve having a radius of 340.02 feet, with a chord bearing of S 86 degrees 40'33" E, and a chord length of 239.08 feet; thence S 65 degrees 29'35" E a distance of 762.85 feet to a 5/8" rebar; thence S 80 degrees 16'43" E a distance of 111.57 feet to a 5/8" rebar; thence N 64 degrees 52'16" E a distance of 306.90 feet to a 5/8" rebar; thence N 89 degrees 09'35" E a distance of 607.44 feet to a 5/8" rebar; thence N 51 degrees 03'41" E a distance of 538.80 feet to a 5/8" rebar; thence N 44 degrees E a distance of 178.53 feet to a 5/8" rebar; thence N 34 degrees 55'55" E a distance of 281.85 feet to a 5/8" rebar; thence N 26 degrees 42'22" E a distance of 137.47 feet to a 5/8" rebar; thence N 26 degrees 42'22" E a distance of 171.23 feet to a 5/8" rebar on the western right-of-way line of Little Neck Road; thence continuing along said right-of-way line S 09 degrees E a distance of 1395.30 feet to a 5/8" rebar, the POINT OF BEGINNING.

Parcel 18 Added, PUD Area R-1, R-2, 1-4, 1-5, Parcel C2

All that certain lot, tract, parcel of land lying and being in Savannah, Chatham County, Georgia and shown as PARCEL C- 2, on that plat entitled, "Parcel B, C- 1 & C-2 of the Remaining Portions of the Wallace Adams Tract, Carter Brothers Tract, CC Patrick No. 3 Tract and T.J Newton Tract containing 4,392.2 Acres, 8th G.M. District, Chatham County, Georgia," dated December 10, 2004, and being more particularly described as follows:

Commencing at a 5/8" rebar which is located at the intersection of southern right-of-way line Old Pine Barren Road with the eastern right-of-way line of Little Neck Road said point having coordinates of N:763070.0 and E:917608.1 on the 1983 N.A.D., Georgia east zone; thence continuing along the eastern right-of-way line of Little Neck Road S09 degrees 01'40"E a distance of 5591.32 feet to a 5/8" rebar, the POINT OF BEGINNING; thence departing said right-of-way line N65 degrees 00'06" E a distance of 1054.82 feet to a 5/8" rebar; thence S43 degrees 57'19"E a distance of 3928.38 feet to a Union Camp concrete monument; thence N59 degrees 58'08"E a distance of 3928.38 feet to a point in the thread of the main channel of the Ogeechee River, said point being referenced by a Union Camp concrete monument S59 degrees 58'08" W a distance of 11.87 feet; then continuing along said thread S21 degrees 19'35"E a distance of 213.31 feet to a point; thence continuing along said thread S20 degrees 15'30" E a distance of 171.46 feet to a point; thence continuing along said thread S27 degrees 36'22" E a distance of 207.20 feet to a point; thence

continuing along said thread S40 degrees 21'56" E a distance of 223.85 feet to a point; thence continuing along said thread S28 degrees 14'55" E a distance of 103.98 feet to a point; thence continuing along said thread S45 degrees 03'18" E a distance of 204.20 feet to a point; thence continuing along said thread S22 degrees 21'47" E a distance of 149.83 feet to a point; thence continuing along said thread S01 degrees 41'17" W a distance of 108.46 feet to a point; thence continuing along said thread S36 degrees 15'23" E a distance of 213.35 feet to a point; thence continuing along said thread S58 degrees 25'57" E a distance of 126.43 feet to a point; thence continuing along said thread S30 degrees 10'02" E a distance of 265.71 to a point; thence continuing along said thread S12 degrees 41'39"E a distance of 306.22 feet to a point; thence continuing along said thread S18 degrees 45'41"W a distance of 297.49 feet to a point; thence continuing along said thread S01 degrees 59'55"W a distance of 271.17 feet to a point; thence continuing along said thread S01 degrees 46'03"E a distance of 262.38 feet to a point thence continuing along said thread S26 degrees 50'07"W a distance of 192.91 feet to a point; thence continuing along said thread S30 degrees 48'54"E a distance of 303.36 feet to a point; thence continuing along said thread S27 degrees 59'18"E a distance of 429.40 feet to a point; thence continuing along said thread S06 degrees 58'24"E a distance of 302.70 feet to a point; thence continuing along said thread S11 degrees 19'36"W a distance of 290.39 feet to a point; thence continuing along said thread S05 degrees 21'12" E a distance of 270.79 feet to a point; thence continuing along said thread S02 degrees 21'00"E a distance of 269.14 feet to a point; thence continuing along said thread S46 degrees 14'32"E a distance of 247.41 feet to a point; thence continuing along said thread S33 degrees 51'41"E a distance of 205.09 feet to a point; thence continuing along said thread S37 degrees 36'38"E a distance of 254.65 feet to a point; thence continuing along said thread S37 degrees 17'H"E a distance of 208.23 feet to a point; thence continuing along said thread S43 degrees 55'39"E a distance of 126.09 feet to a point; thence continuing along said thread S34 degrees 12'16" E a distance of 337.71 feet to a point; thence continuing along said thread S31 degrees 35'42"E a distance of 93.21 feet to a point; thence continuing along said thread S68 degrees 45 '07"E a distance of 96.22 feet to a point; thence continuing along said thread S48 degrees 47'41" E a distance of 208.35 feet to a point; thence continuing along said thread S48 degrees 04'09"E a distance of 390.69 feet to a point said point being referenced by a light wood hub N76 degrees 21'32"E a distance of 14.03 feet: thence departing said thread S78 degrees 21'32"W a distance of 4994.10 to a light wood hub; thence S29 degrees 41'42"E a distance of 1102.16 feet to a 1" iron rod; thence S30 degrees 41'29"W a distance of 626.54 feet to a 5/8" rebar located on the eastern right-of-way line of Little Neck Road; thence continuing along said right- of-way line N69 degrees 16'18"W a distance of 280.28 feet to a 5/8" rebar; thence continuing along said right-of-way line along a curve to the right an arc length of

3963.83 feet to a 5/8" rebar, said curve having a radius of 3769.85 feet, with a chord bearing of N39 degrees 08' 56"W and a chord length of 3783.74 feet; thence continuing along said right-of-way line N09 degrees 01'40"W a distance of 4587.43 feet to a 5/8" rebar, which is the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING LOTS. TRACTS AND PARCELS OF LAND:

- All that certain lot, tract or parcel of land situate, lying and being in Chatham County, Georgia and shown as PARCEL XXIII OF A DIVISION OF PARCEL IV INTO TWO SEPARATE PARCELS WITHIN THE HAMPSTEAD DEVELOPMENT on that plat entitled, "Minor Subdivision, Parcel IV & Parcel XXII being a Division of Parcel IV into Two Separate Parcels Within the Hampstead Development and being Lands of International Paper Realty Corporation, 8th G.M. District, Savannah, Chatham County, Georgia," dated June 5, 2009, prepared by Michael S. Williams, G.R.L.S. No. 2712, said plat being recorded in Subdivision Map Book 41-S, pages 99A-G, Chatham County, Georgia records, said plat being incorporated herein and made a part hereof by this reference. Said property is more particularly described as follows:

Commencing at the intersection of the southern boundary line of the right-of-way of John Carter Road, and 80' right-of-way, and the western boundary line of Little Neck Road, a 100' right-of-way, said point being located according to NAD 83 Georgia East Zone Coordinates: N 763070.0 and E 917608.1; thence proceed S80°51'51"W a distance of 3,306.48 feet to a 5/8" rebar found; thence proceed along a curve to the left having a radius of 5689.65 feet, a chord bearing of S74°59'04"W and a chord length of 335.52 feet for an arc length of 335.57 feet to a 5/8" rebar found; thence proceed S73°01'41"W a distance of 486.63 feet to 5/8" rebar found; thence proceed S73°17'41"W a distance of 1,389.15 feet to a concrete monument found; thence proceed S73°17'41"W distance of 100.00 feet to a concrete monument found; thence proceed S73°17'41"W a distance of 130.42 feet to a concrete monument found, said point being the POINT OF BEGINNING; thence from said POINT OF BEGINNING proceed S03°58'18"W a distance of 551.70 feet to a point; thence proceed S73°10'04"W a distance of 329.35 feet to a point; thence proceed N02°27'04"E a distance of 547.21 feet to a UC concrete monument found; thence proceed N73°17'52"E a distance of 344.59 feet to a concrete monument found, said point being the POINT OF BEGINNING. Said property being a portion of the property conveyed by that Deed Under Power of Sale, dated March 24, 2009 from Firststar Homes, Inc. to International Paper Corporation, and recorded in Deed Book 349-U, page 431, Chatham County, Georgia records.

- All property conveyed to The Mayor and Aldermen of the City of Savannah pursuant to that Quitclaim Deed from Figure 8 (Georgia), LLC, dated September 13, 2011, and recorded in Deed Book 373-H, page 801, Chatham County, Georgia records.
- All property conveyed to The Mayor and Aldermen of the City of Savannah pursuant to that Quitclaim Deed from Figure 8 (Georgia), LLC, dated September 13, 2011, and recorded in Deed Book 373-H, page 804, Chatham County, Georgia records.
- All property conveyed to The Mayor and Aldermen of the City of Savannah pursuant to that Quitclaim Deed from Figure 8 (Georgia), LLC, dated September 13, 2011 and recorded in Deed Book 373-H, page 807, Chatham County, Georgia records.
- All property conveyed to The Mayor and Aldermen of the City of Savannah pursuant to that Quitclaim Deed from Figure 8 (Georgia), LLC dated September 13, 2011, and recorded in Deed Book 373-H, page 810, Chatham County, Georgia records.
- All property conveyed to City of Bloomingdale, Chatham County, Georgia pursuant to that Quitclaim Deed from Figure 8 (Georgia), LLC, dated July 5, 2011, and recorded in Deed Book 374-M, page 916, Chatham County, Georgia records.
- All property conveyed to Department of Transportation pursuant to that Right of Way Deed from Figure 8 (Georgia), LLC, dated June 21, 2012, and recorded in Deed Book 378-R, page 296, Chatham County, Georgia records.

Tax ID(s) 21047 03025, 21047 03038, 21047 03016, 21047 03019, 21024 01003, 11039 01020, 81039 01024, 21047 03010, 21047 03008 and 21047 03002