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FILED
USDC, WESTERN DISTRICT OF LA
ROBERT H. SHENWELL, CLERK
DATE 5/26/04
BY [Signature]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 2:04CR20075-01
	*	18 U.S.C. §§ 1341, 2, 981(a)(1)(C)
	*	21 U.S.C. §§ 331(d), 355(a), 333(a)(2)
v.	*	28 U.S.C. § 2461(c)
	*	JUDGE MELANÇON
GREGORY JAMES CATON	*	MAGISTRATE JUDGE HILL

ORDER OF FORFEITURE

WHEREAS, in Count 3 of the Bill of Information filed on May 25, 2004, the UNITED STATES OF AMERICA sought forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), of the property described in the Bill of Information, namely:

- (1) Real Property located at Lots 4, 5, 6, 7, and Block "G" of Houston Subdivision, a subdivision as per Plat recorded in Conveyance Book 14, Page 111, of the records of Calcasieu Parish, Louisiana, together with all buildings and improvements situated thereon. Which property has a municipal address of 2116-2128 Hodges Street and 409 Scott Street, Lake Charles, Louisiana 70601. This property was purchased by Gregory J. Caton (Herbologics, LTD), May 31, 1995 for \$220,000.
- (2) Lots 1, 2 and 3 of Block F of Houston Subdivision, a subdivision in The North East Quarter of the North East Quarter (NE 1/4 of NE 1/4) of Section 7, Township 10 South, Range 8 West, as per plat recorded in the records of Calcasieu Parish, Louisiana, together with all improvements and component parts pertaining thereto. Which property has a municipal address of 2200-2202 Hodges Street, Lake Charles, Louisiana 70601. This property was purchased by Herbologics LTD (Gregory James Caton, President), December 9, 1993 for \$43,500, \$10,000 paid in cash and a \$35,500 promissory note to seller.

(3) Real Property commencing at the Northeast Corner of Lot One (1) of Block Three (3) Peake Addition, as per Plat recorded in Conveyance Book 2, at page 577, records of Calcasieu Parish, Louisiana, thence West along the South side of Prewitt Street 50 feet, South parallel with Cole Street 85 feet, East 50 feet, North along West side of Cole Street 85 feet to the point of commencement, together with all buildings and improvements located thereon, municipality known as 324 Prewitt, Lake Charles, LA 70601. Purchased by Catheryn Caton (Herbologics LTD) 12/11/2001 for \$42,500.

(4) \$860,000.00 in U.S. Currency.

AND WHEREAS, as part of his plea agreement, the defendant, GREGORY JAMES CATON, stipulated to the forfeiture of the property described above and in the Bill of Information as property traceable to the proceeds of his criminal violations;

THEREFORE, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the UNITED STATES OF AMERICA is entitled to an Order of Forfeiture of the property described above and in the Bill of Information.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

(1) That the UNITED STATES OF AMERICA is hereby authorized to seize the following assets of defendant, GREGORY JAMES CATON, and it is hereby forfeited to the UNITED STATES OF AMERICA for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

- (A) Real Property located at Lots 4, 5, 6, 7, and Block "G" of Houston Subdivision, a subdivision as per Plat recorded in Conveyance Book 14, Page 111, of the records of Calcasieu Parish, Louisiana, together with all buildings and improvements situated thereon. Which property has a municipal address of 2116-2128 Hodges Street and 409 Scott Street, Lake Charles, Louisiana 70601. This property was purchased by Gregory J. Caton (Herbologics, LTD), May 31, 1995 for \$220,000.
- (B) Lots 1, 2 and 3 of Block F of Houston Subdivision, a subdivision in The North East Quarter of the North East Quarter (NE 1/4 of NE 1/4) of Section 7, Township 10 South, Range 8 West, as per plat recorded

in the records of Calcasieu Parish, Louisiana, together with all improvements and component parts pertaining thereto. Which property has a municipal address of 2200-2202 Hodges Street, Lake Charles, Louisiana 70601. This property was purchased by Herbologics LTD (Gregory James Caton, President), December 9, 1993 for \$43,500, \$10,000 paid in cash and a \$35,500 promissory note to seller.

(C) Real Property commencing at the Northeast Corner of Lot One (1) of Block Three (3) Peake Addition, as per Plat recorded in Conveyance Book 2, at page 577, records of Calcasieu Parish, Louisiana, thence West along the South side of Prewitt Street 50 feet, South parallel with Cole Street 85 feet, East 50 feet, North along West side of Cole Street 85 feet to the point of commencement, together with all buildings and improvements located thereon, municipality known as 324 Prewitt, Lake Charles, LA 70601. Purchased by Catheryn Caton (Herbologics LTD) 12/11/2001 for \$42,500.

(D) \$860,000.00 in U.S. Currency.

(2) That the United States Marshal forthwith shall publish once for three consecutive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshal's intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than the defendant, GREGORY JAMES CATON, having or claiming a legal interest in the forfeited property must file a petition with this Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the forfeited 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 forfeited property and any additional facts supporting the petition's claim and the relief sought.

The UNITED STATES OF AMERICA may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture, as a substitute for published notice as to those persons so notified.

That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture, in which all interests will be addressed.

THUS ORDERED AND SIGNED this 26th day of May, 2004.



TUCKER L. MELANÇON
United States District Judge

COPY SENT
DATE 6/2/04
BY PG
TO Tom
USM

COPY SENT
DATE: 6/8/04
BY: OM
TO: Regan
Winglesby
USP