

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 05-1516 (MJD/AJB)

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)

V.)

DEFAULT JUDGMENT
AND FINAL ORD
OF FORFEITURE

ONE 2004 MERCEDES MAYBACH, VIN)
WDBVG78J64A000638; ONE 2001)
FERRARI F-1 SPYDER, VIN)
ZFFYT53A510122724, AND ANY AND)
ALL RIGHTS UNDER THE LEASE)
BETWEEN CHRISTOPHER SMITH/)
ONLINE PAYMENT SOLUTIONS AND)
ELEGANTE LEASING, LTD.; ONE)
2001 JAGUAR XJ8, VIN)
SAJDA24C21LF23765; ONE 2004)
LAMBORGHINI MURCIELAGO, VIN)
ZHWBU16S24LA01256; ONE 2004)
CADILLAC DEVILLE LIMOUSINE,)
VIN 1GEE490X64U550656; ONE)
1996 HUMMER LIMOUSINE, VIN)
137ZA8430TE171817; ONE 1996)
HUMMER LIMOUSINE, VIN)
137ZA8431TE170840; ONE 2000)
FORD EXCURSION LIMOUSINE, VIN)
1FMNU4350YED53783; ONE 2005)
TERRY QUANTUM AX6 5TH WHEEL RV,)
VIN 1EA5F382054283496; ONE 2004)
JAGUAR XKR, VIN SAJDA42B643A36966;)
ONE 2000 FERRARI 360, VIN)
ZFFYU51A4Y0122160; ONE 2005)
FEATHERLITE 4941 CAR TRAILER, VIN)
4FG-B4403-0-5C080916; ONE 2005)
CHEVROLET 3500 PICKUP TRUCK, VIN)
1GCJC33225F814116; ONE)
RECREATIVE INDUSTRY 6-WHEEL ATV,)
MODEL MAX IV, SERIAL #19234; ONE)
2005 JEEP WRANGLER, VIN)
1J4FA49S65P311055; AND ONE 2004)
CADILLAC, VIN 1G6KD54Y44U263085;)

\$387,250.00 ESCROWED DOWN PAYMENT)
ON BRITISH AEROSPACE AIRCRAFT, TAIL)
NO. 540B, AND ANY AND ALL INTEREST)
EARNED THEREON; \$40,911.00 IN)
U.S. CURRENCY; \$59,200.00 IN U.S.)
CURRENCY, AND ONE 2004 MERCEDES)
BENZ CLK55, VIN WDBTK76G54T024768,)
)
DEFENDANTS.)

Based on the motion of the United States for default judgment against all unknown persons and entities having an interest in the defendants and for an order forfeiting the defendants to the United States free and clear of any and all claims; on all the files and records in this action; and on Court's finding as follows that:

1. on July 25, 2005, the United States filed a Complaint for Forfeiture *In Rem* with supporting Affidavit of Internal Revenue Service Special Agent Chad Vetter against the defendants;

2. a Warrant of Arrest and Notice *In Rem* was issued by the Clerk of Court on July 25, 2005, directing the Internal Revenue Service or any other law enforcement agency to arrest the defendants; to serve all known persons and entities having an interest in the defendants with a copy of the Summons, Complaint for Forfeiture *In Rem*, and Warrant of Arrest and Notice *In Rem*; and to give due notice to them to

serve on the United States Attorney and file with the Clerk of Court a verified statement of interest in or right against the defendants within 30 days from the date of service and an answer to the Complaint for Forfeiture *In Rem* within 20 days from the filing date of the verified statement;

3. The United States Department of Treasury served a copy of the Summons, Complaint for Forfeiture *In Rem*, and Warrant of Arrest and Notice *In Rem* on the following known interested persons and entities:

- a. All Points Capital Corporation on September 6, 2005;
- b. Alton Scott Poe through attorney Kevin Gregorius on July 26, 2005;
- c. Anita Smith through attorney Mary Mateer on August 30, 2005;
- d. Brambilla's Inc. through Jack Brambilla on August 30, 2005;
- e. Christopher Smith through attorney Joseph Friedberg on September 9, 2005;
- f. Elegante Leasing Ltd. on September 13, 2005;
- g. Global Pay Worldwide, Inc. a/k/a Global Payment Systems through attorney Joseph Friedberg on September 9, 2005;
- h. Lake Forest Sports Cars, Ltd. on September 12, 2005;

- I. Nick Dohls through his attorney on September 13, 2005;
 - j. Online Payment Solutions, Inc. through attorney Joseph Friedberg on September 9, 2005;
 - k. Todd Michael Boyce in care of his brother on September 14, 2005; and
 - l. Ultimate Limousine Corporation through attorney Mary Mateer on August 30, 2005.
4. The United States filed an Amended Complaint for Forfeiture *In Rem* on September 30, 2005, which added defendant vehicle 2004 Mercedes Benz, VIN WDBTK76G54T024768, to the original Complaint.
5. The United States Department of Treasury served a copy of the Amended Complaint for Forfeiture *In Rem* on the following known persons and entities having an interest in defendant vehicle 2004 Mercedes Benz, VIN WDBTK76G54T024768:
- a. Scott Smith through Joel Letourneau at the law offices of Richard Sands, Esq., 168 Nina Street, St. Paul, Minnesota on December 9, 2005;
 - b. Christopher Smith through attorney Joseph Friedberg on February 3, 2006;
 - c. Global Pay Worldwide, Inc. a/k/a Global Payment Systems through attorney Joseph Friedberg on February 3, 2006; and
 - d. Online Payment Solutions, Inc. through attorney Joseph Friedberg on February 3, 2006.
6. the United States Attorney's Office published notice

of the forfeiture action in *Finance and Commerce*, Minneapolis, Minnesota, on October 5, 12, 19, 2005, to give notice to all unknown interested persons and entities of the verified statement of interest and answer requirements;

7. Elegante Leasing, Ltd. filed a verified statement and answer to the Complaint for Forfeiture *In Rem*;

8. no other person or entity has filed a verified statement of interest and answer to the Complaint for Forfeiture *In Rem* and the time for filing them has expired; and

9. by Expedited Settlement Agreement, the United States of America and Claimant Elegante Leasing, Ltd. have agreed to the settlement of Elegante Leasing's claim to the defendant 2001 Ferrari;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. default judgment is entered against Christopher William Smith, Anita Smith, Alton Scott Poe, Scott Smith, Online Payment Solutions, Xpress Pharmacy Direct, Advanced Financial SVCS, Inc., Ultimate Limousine, Same Day Pay Day, Rizler, Rizlernet, Advistech S.A., Xpress-Rx.Com, Discount Pharmacy, Global Pay Worldwide, Vigrex DS LLC, Global Payment Systems and all unknown persons and entities having

an interest in the defendants;

2. the defendants are forfeited to the United States free and clear of any and all claims by the defaulted persons and entities, for disposition in accordance with law, subject to the terms of the Expedited Settlement Agreement entered into between the Plaintiff and Elegante Leasing Ltd.;

3. the Expedited Settlement Agreement between the Plaintiff and Elegante Leasing is approved, and all terms of the Expedited Settlement Agreement shall be effected.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 14, 2006

s / Michael J. Davis
MICHAEL J. DAVIS, Judge
United States District Court