

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. 546 OF 1995

IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

AND

IN THE MATTER OF THE MUTUAL LEGAL
ASSISTANCE
(UNITED STATES OF AMERICA) LAW, SCHEDULE,
ARTICLE 16

AND

IN THE MATTER OF THE MISUSE OF DRUGS LAW,
SECTION 49 (1995 REVISION)

AND

IN THE MATTER OF THE MISUSE OF DRUGS LAW,
(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6

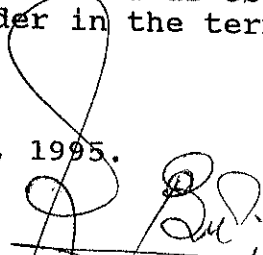
AND

IN THE MATTER OF JEFFREY WAYNE WALL
AND JAMES LAMBERT WALL

NOTICE OF MOTION

TAKE NOTICE that the Grand Court sitting at George Town, Grand Cayman, will be moved on the 10th day of January 1996 at 10 o'clock in the forenoon, or as soon thereafter as counsel for the Attorney General may be heard for an order in the terms prayed in the affidavit annexed hereto.

Dated the 2nd day of December, 1995.



Samuel Bulgin
Crown Counsel
for and on behalf of the
Attorney General

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 546 OF 1995

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(UNITED STATES OF AMERICA) LAW, SCHEDULE,
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IN THE MATTER OF JEFFERY WAYNE WALL AND
JAMES LAMBERT WALL



AFFIDAVIT OF SAMUEL BULGIN

I, SAMUEL W BULGIN of the 4th Floor, Tower Building, Harbour Drive, George Town, Grand Cayman HEREBY MAKE OATH AND SAY as follows:

1. I am an Attorney-at-Law employed in the Cayman Islands Government Legal Department as Crown Counsel.
2. I am informed and do verily believe that James Lambert Wall and Jeffery Wayne Wall was prosecuted to conviction in the courts in the United States of America and as a consequence of those criminal proceedings the prosecutorial authorities on the 1st day of February, 1993, obtained out of the United States District Court, Middle District of Florida, Orlando Division, a "Final Order of forfeiture" exhibited hereto as exhibit "SWB1" whereby the monies lying in the account No.912877 in the name of "Marriott Limited" at the Bank of

Nova Scotia, Cardinal Avenue, Grand Cayman, Cayman Islands, were forfeited to the Government of the United States of America.

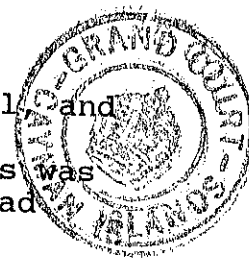
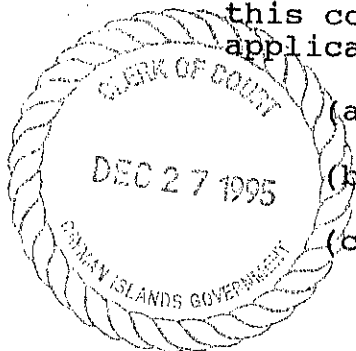
3. Pursuant to that forfeiture Order the United States Central (MLAT) Authority submitted a request (dated 16th May, 1995) and exhibited hereto as Exhibit "SWB2" to the Cayman Central (MLAT) Authority seeking assistance in the enforcement of the final Order in the Cayman Islands.
4. The aforementioned request was approved by the Cayman Central Authority, who by his certificate dated 12th day of December 1995, and Exhibited hereto as Exhibit "SWB3", authorised the Solicitor General to apply to the Grand Court of the Cayman Island for an Order to register the final Order.
5. I have read the affidavit of A.B. Phillips which affidavit was issued for and on behalf of the appropriate authority of the United States of America and this is Exhibited hereto as Exhibit "SWB4"; on the basis thereof it is submitted that this court can and ought to be satisfied that at time of this application:

- (a) the forfeiture order remains in force;
- (b) the said Order is not subject to any appeal, and
- (c) the defendant in the forfeiture proceedings was properly notified in sufficient time and had adequate opportunity to defend them.

6. Further, that having regard to the legal framework for co-operation between the United States and the Cayman Islands in the suppression of drug trafficking and to the public interest in depriving those who are unjustly enriched therefrom of their ill-gotten gains, it is submitted that it is in the interest of justice that the final order of forfeiture (Exhibited "SWB1") be enforced in the Island.

WHEREFORE I HUMBLY PRAY that this HONOURABLE COURT will be pleased to:

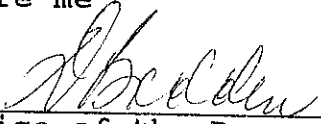
- (a) Register the "Final Order of Forfeiture"
- (b) Order the payment into the Grand Court of the monies cited therein, by virtue of the provisions of the Misuse of Drugs Law (1995 Revision), section 39 and 40(3) (as amended by the Misuse of Drugs (Drug Trafficking offences) (Designated Countries) Order, 1991, second schedule, SS.7 and 8(c).
- (c) Direct that the monies be thereafter disposed of by Government in its discretion under the terms of the asset-sharing agreement between Cayman and the

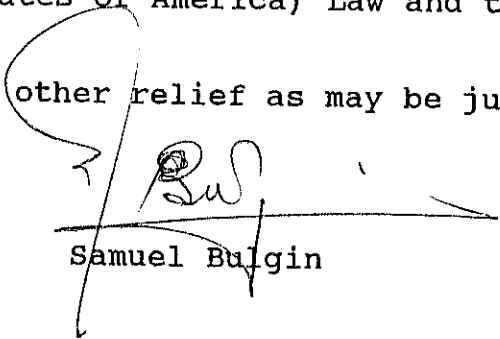


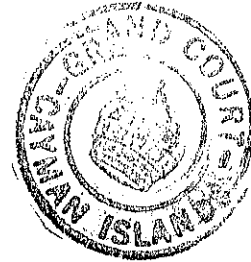
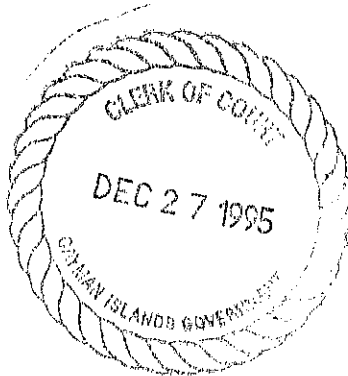
United States made pursuant to the Mutual Legal Assistance (United States of America) Law and the Schedule thereto, and

(d) Grant such further or other relief as may be just.

SWORN to at George Town
Grand Cayman this
22nd day of December 1995
before me


Justice of the Peace


Samuel Bulgin



This affidavit is filed on behalf of the Attorney General of the Cayman Islands whose address for service is the Legal Department, Fourth Floor, Tower Building, Harbour Drive, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. 546 OF 1995

IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

AND

IN THE MATTER OF THE MUTUAL LEGAL
ASSISTANCE
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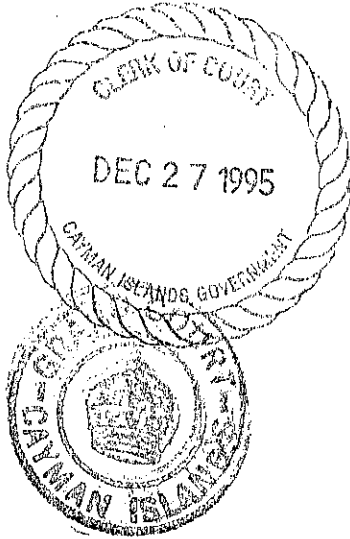
IN THE MATTER OF THE MISUSE OF DRUGS LAW,
(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6

AND


IN THE MATTER OF JEFFERY WAYNE WALL

AND

JAMES LAMBERT WALL



THIS is EXHIBIT "SWB1" referred to in the affidavit of
Samuel Bulgin SWORN TO before me this 22nd day of
December 1995.



JUSTICE OF THE PEACE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

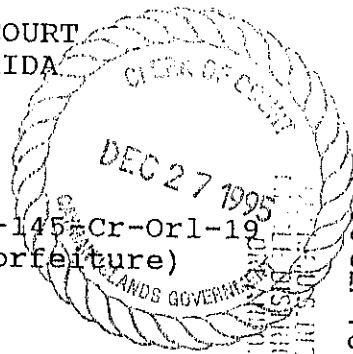
UNITED STATES OF AMERICA

v.

JEFFREY WAYNE WALL
JAMES LAMBERT WALL



No. 92-145-Cr-Orl-19
(Forfeiture)



93 SEP 16 AM 10:08

FILED

FINAL ORDER OF FORFEITURE

WHEREAS, on February 1, 1993, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 21 U.S.C. § 853;

AND WHEREAS, on March 11, 18, and 25, 1993, the United States published in The Orlando Sentinel, a newspaper of general circulation for Orange County, Florida, and in the Florida Today, a newspaper of general circulation for Brevard County, Florida, on March 25, April 1, and April 8, 1993, notice of this forfeiture and of the intent of the United States to dispose of:

4070 Savannahs Trail, Merritt Island, Florida, which is further described as Lot 23, The Savannahs P.U.D., according to the plat thereof, as recorded in Plat Book 35, Pages 56 through 62, inclusive, public records of Brevard County, Florida, and

1215 Leslie Drive, Merritt Island, Florida, which is further described as Lot 24, Block B, Rockwell Estates, according to the plat thereof as recorded in Plat Book 18, Page 48, Public Records of Brevard County, Florida in accordance with the law, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of any legal interests in the subject property;

E

AND WHEREAS, it appears from the record that only one third-party petition has been filed by Countrywide Funding Corporation, and that the United States and Countrywide Funding Corporation entered a Stipulated Forfeiture Agreement,

AND WHEREAS, defendants James Lambert Wall and Jeffrey Wayne Wall expressly consented to the forfeiture of said real property and all funds contained in the Bank of Nova Scotia, Post Office Box 689, Cardinal Avenue, Grand Cayman Island, in the name of "Marriott Limited" and whose signatories are James Lambert Wall and Jeffrey Wayne Wall;

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That all right, title and interest to the subject real property and bank account funds described above are hereby condemned, forfeited and vested in the United States of America as to all parties and shall be disposed of according to law;

2. That the United States Marshal for the Middle District of Florida is directed to seize said real property and bank account and to dispose of said property according to law;

3. That within thirty (30) days of entry of this Final Order, the United States Marshal for the Middle District of Florida shall pay petitioner Countrywide Funding Corporation or its designated representative the following:

a. all unpaid principal due to the petitioner under the December 18, 1985, promissory note secured by a mortgage recorded in the official records of Brevard County, FL, in O.R. Book 2658, Page 1980; and

b. all unpaid interest at the contractual (not default) rate under the above mortgage instrument assessed at \$24.00 per diem;

- c. negative escrow in the amount of 492.64;
- d. property preservation costs of \$163.50; and
- e. securing costs of \$335.00

4. That upon receipt of all payments described in paragraph 3 a-e above, from the United States Marshal, Countrywide Funding Corporation shall execute and record a satisfaction of mortgage indicating that the mortgage, recorded in the official records of Brevard County, Florida, in O.R. Book 2658, Page 1980, has been paid in full and that Countrywide Funding Corporation releases and relinquishes its lien on the property located at 1215 Leslie Drive, Merritt Island, Florida; and

5. That the Clerk of Court is hereby directed to send copies of this Order to all counsel of record and the United States Marshals Service, Orlando, Florida.

DONE and ORDERED this 16th day of September, 1993, at Orlando, Florida.

Patricia C. Garrett
 UNITED STATES DISTRICT JUDGE

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I certify the foregoing to be a true and correct copy of the original.
 DAVID L. EDWARDS, Clerk
 United States District Court
 Middle District of Florida
 By: *Nancy R. Stephens*
 Deputy Clerk

COPIES MAILED

ON 9-16 1993
 BY
 Deputy Clerk

Wall

Handwritten notes:
1/20/93
205000 23

January 13, 1993

Bank of Nova Scotia
Post Office Box 689
Cardinal Avenue
Georgetown, Grand Cayman Island

RE: Authorization to close out "Marriott Limited" account

Dear Sir or Madam:

This is to serve as formal authorization for you to close out our account which is in the name of "Marriott Limited." Please forward the balance of said account in draft form payable to the "United State's Marshall Service." Please forward said draft to:

Mr. James Krause
Post Office Box 1716
Cocoa, FL 32923

Thank you in advance for your prompt attention in this regard.

Respectfully,

James L. Wall

JAMES LAMBERT WALL in behalf of
"MARRIOTT LIMITED"

Jeffrey Wayne Wall

JEFFREY WAYNE WALL in behalf of
"MARRIOTT LIMITED"

F

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. 576 OF 1995

IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

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IN THE MATTER OF THE MUTUAL LEGAL
ASSISTANCE
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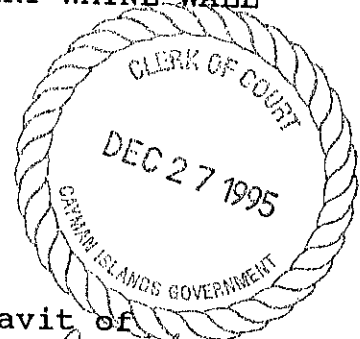
IN THE MATTER OF THE MISUSE OF DRUGS LAW,
(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6

AND

IN THE MATTER OF JEFFERY WAYNE WALL

AND

JAMES LAMBERT WALL



THIS is EXHIBIT "SWB2" referred to in the affidavit of
Samuel Bulgin SWORN TO before me this 27th day of December
December 1995.

A handwritten signature in cursive script, appearing to read "M. B. ...".

JUSTICE OF THE PEACE



U. S. Department of Justice

Washington, D.C. 20530

May 16, 1995



His Lordship Anthony Smellie
Cayman Central Authority
Courts Building
Georgetown, Grand Cayman
Cayman Islands

Dear Mr. Smellie:

Re: Jeffrey Wayne Wall MLAT Request

The United States requests your assistance under the Treaty for Mutual Legal Assistance in enforcing a final order of forfeiture against real property and bank account funds in the Cayman Islands. Enclosed is a copy of the Final Order of Forfeiture from the United States District Court for the Middle District of Florida, Orlando Division entered in the criminal prosecution of Jeffrey Wayne Wall and James Lambert Wall. The United States can confirm that the certified criminal forfeiture orders transmitted to the Cayman Central Authority are final orders under U.S. law and not subject to appeal.

We seek your assistance in enforcing this order as allowed under your domestic legislation and pursuant to Article 16 of the Treaty.

Sincerely,

George W. Proctor
Director
Office of International Affairs
Criminal Division

By: *Betsy Burke*

Betsy E. Burke
Acting Associate Director

Enclosures

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. 546 OF 1995

IN THE MATTER OF THE GRAND COURT LAW
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(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
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IN THE MATTER OF JEFFERY WAYNE WALL

AND

JAMES LAMBERT WALL

THIS is EXHIBIT "SWB3" referred to in the affidavit of
Samuel Bulgin SWORN TO before me this 20th day of
December 1995.



JUSTICE OF THE PEACE

THE MUTUAL LEGAL ASSISTANCE
(UNITED STATES OF AMERICA) LAW, 1986
LAW 16 OF 1986

CERTIFICATE PURSUANT TO SECTION 6
AND THE SCHEDULE, ARTICLE 1,
(PARAGRAPHS 2(g) AND (h)) and ARTICLE 5
(PARAGRAPHS 1,2 AND 3)

TO: THE SOLICITOR GENERAL


WHEREAS, it is my intention to give effect to a Request dated 13 May, 1995, by the United States Central Authority to the Cayman Mutual Legal Assistance Authority for assistance in the criminal prosecution of Jeffery Wayne Wall and James Lambert Wall.

You are HEREBY REQUIRED pursuant to section 6 of the Mutual Legal Assistance (United States of America) Law, 1986 and all other powers hereunto enabling, to apply to the Grand Court of the Cayman Islands for:

1. An order for the registration of the final order of forfeiture (External confiscation order) in the matter of United States of America v Jeffery Wayne Wall and James Lambert Wall in Criminal Cause No.92-145-CR-Orl.19 (Forfeiture), in the UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, ORLANDO DIVISION, for the amount of US\$13,982.14 standing in the name of "Marriott, Limited" at the bank of Nova Scotia, Cardinal Ave, Grand Cayman, be paid into the Courts office, Law Courts, Grand Cayman.
2. Such further Orders or Directions as the said Grand Court shall deem fit.

DATED this 12th day of December 1995.




Anthony Smellie, Q.C.
Grand Court Judge and
Cayman Mutual Legal
Assistance Authority

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. OF 1995

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(DESIGNATED COUNTRIES) ORDER, 1991
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IN THE MATTER OF JEFFERY WAYNE WALL

AND

JAMES LAMBERT WALL

THIS is EXHIBIT "SWB" referred to in the affidavit of
Samuel Bulgin SWORN TO before me this 22nd day of
December 1995.



JUSTICE OF THE PEACE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

No. 92-145-Cr-Orl-19
(Forfeiture)

JAMES LAMBERT WALL
JEFFREY WAYNE WALL

SUPPLEMENTAL AFFIDAVIT OF
A. B. PHILLIPS

Comes now the undersigned, A. B. Phillips, and respectfully submits this supplemental affidavit, and on oath states the following:

I have personal knowledge of the facts stated in this affidavit, and I am competent to testify to them.

1. I am employed by the United States Department of Justice. I serve as an Assistant United States Attorney in the Middle District of Florida, Orlando Division, where I am an attorney of the Criminal Division, assigned to the Asset Forfeiture Section.

2. In the course of my duties, I have handled the criminal forfeiture of the assets of James and Jeffrey Wall, as set forth in the style above.

3. From my handling of the criminal forfeiture case, I know the following:

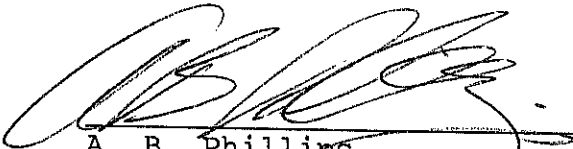
(a) James Lambert Wall pled guilty to and was sentenced to a one count information charging him with a violation of Title 21, United States Code, Section 846. On February 1, 1993, the United States District Court for the Middle District of Florida, Orlando Division, issued a Preliminary Order of Forfeiture pursuant to the

trial, a stay of execution, or filing an appeal as to the criminal forfeiture of this currency rendered after their plea in October of 1992 and their subsequent sentencing on March 29, 1993.

7. Further, your affiant sayeth not.

I declare under penalty of perjury that the foregoing is true and correct.

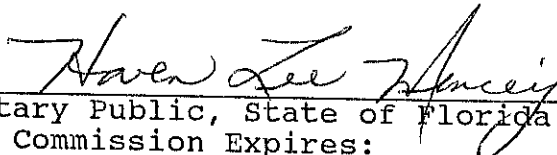
10/25/95
Date


A. B. Phillips
Assistant United States Attorney

State of Florida

County of Orange

The foregoing instrument was acknowledged before me this 25th day of October, 1995, by A. B. Phillips, Assistant U. S. Attorney, who is personally known to me.


Notary Public, State of Florida
My Commission Expires:



HAVEN LEE MINCEY
MY COMMISSION # CC37603 EXPIRES
June 1, 1998
BONDED THRU TROY FAIN INSURANCE, INC.