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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

04-20075-01

UNITED STATES OF AMERICA	*	CRIMINAL NO. <del>03-20092</del>
	*	
V.	*	JUDGE MELANÇON
	*	
GREGORY JAMES CATON	*	MAGISTRATE JUDGE HILL

**GOVERNMENT'S MOTION TO AMEND  
FINAL JUDGEMENT OF FORFEITURE**

NOW INTO COURT, comes the United States of America, through the undersigned Assistant United States Attorney and respectfully moves this Honorable Court for an Amended Final Judgement of Forfeiture, for the following reasons:

On September 16, 2004, a Final Judgment of Forfeiture was entered in this case forfeiting the following properties:

- (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.

5

- (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.

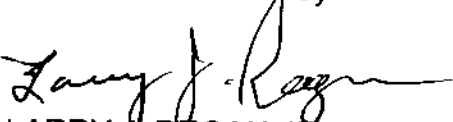
However, it has been determined that Hibernia National Bank of Lake Charles, Louisiana, holds a mortgage on the properties identified in Sections A(1) and A(2) of that Final Judgment of Forfeiture. Said mortgage is recorded at File Number 2569718, Book 2428, Page 35 and has a current payoff of \$159,481.77 as of May 10, 2005.

Because the Hibernia National Bank mortgage interest in this property qualifies as an innocent third party interest pursuant to 21 U.S.C. § 853(n), the United States moves to amend the Final Judgment of Forfeiture to recognize the mortgage held by Hibernia National Bank.

WHEREFORE, the United States moves for an Amended Final Judgment of Forfeiture that recognizes the \$159,481.77 mortgage held by Hibernia National Bank of Lake Charles, Louisiana.

Respectfully submitted

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