

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	Cause No. 09-00157-01/11-CR-W-SOW
	)	
vs.	)	
	)	
	)	
GARLAND D. HANKINS,	)	
et. al.	)	
	)	
Defendants.	)	

**BAC Home Loans Motion for Leave to File Third-Party Petition**

COMES NOW, Third-Party Plaintiff, BAC Home Loans Servicing LP fka Countrywide Home Loans Servicing LP (“BAC Home Loans”) by and through counsel, and pursuant to Title 21, United States Code, Section 853(n) and asserts its interest as an innocent third party with respect to property which has been forfeited to the United States, in the above-styled case. For its Motion for Leave to File Third Party Petition states as follows:

1. Third-Party Plaintiff BAC Home Loans is the holder of a certain note and Deed of Trust secured by the property commonly known and numbered as 500 SE 30th Street, Oak Grove, MO 64075 (hereinafter referred to as “Property”).
2. On March 16, 2010, Judge Wright issued a Preliminary Order of Forfeiture naming the real property at 500 S.E. 30th Street, Oak Grove, Missouri. Document 178 in Case No. 09-CR-00157.
3. BAC Home Loans has a prior vested or superior interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture.
4. BAC Home Loans’ note remains unsatisfied.

5. BAC Home Loans seeks relief from this court's preliminary order of forfeiture and hereby requests that this Honorable Court hold a hearing ancillary to the criminal conviction of Garland Hankins at which the petitioner may testify and present evidence and witnesses on its own behalf pursuant to 21 U.S.C. § 853(n)(5) and further that this court amend its preliminary order of forfeiture dated March 16, 2010, to recognize fully the interest of BAC Home Loans.

6. BAC Home Loans requests leave to file a third-party petition into the criminal case known as *United States v. Garland Hankins, et al.*, 09-00157-01/11-CR-W-SOW.

7. Counsel for Plaintiff, United States of America, has orally consented to BAC Home Loans Motion, herein.

Respectfully submitted,

MILLSAP & SINGER, LLC

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, postage pre-paid, on December 20, 2010 to:

- Garland D. Hankins, 500 SE 30<sup>th</sup> Street, Oak Grove, MO 64075
- Julie A. Hankins, 405 B SE Brandon Ct., Oak Grove, MO 64075
- United States of America, 400 East Ninth Street, Kansas City, MO 64106
- Wells Fargo Bank, N.A., 729 Insurance Exchange Bldg., 2nd Floor, Des Moines, IA 50309

/s/Jennifer M. Denny