

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

25

93014065

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

FEB 19 1993
GERALDINE J. CROCKETT, CLERK
U.S. DISTRICT COURT
H 93-NORTHERN DISTRICT OF INDIANA

1. REAL PROPERTY COMMONLY KNOWN
AS 2212 CRISMAN ROAD, PORTAGE,
INDIANA,

2. REAL PROPERTY COMMONLY KNOWN
AS 2207 MADISON, PORTAGE, INDIANA,

3. REAL PROPERTY COMMONLY KNOWN AS
5287 CENTRAL, PORTAGE, INDIANA,

4. REAL PROPERTY COMMONLY KNOWN AS
5715 MCCASLAND, PORTAGE, INDIANA,

5. REAL PROPERTY COMMONLY KNOWN AS
4305 KINGSDALE DRIVE, VALPARAISO,
INDIANA,

6. REAL PROPERTY COMMONLY KNOWN AS
ALL THAT LOT OR PARCEL OF LAND,
TOGETHER WITH ITS BUILDINGS,
IMPROVEMENTS, FIXTURES, ATTACHMENTS
AND EASEMENTS, LOCATED AT 108 NORTH
500 WEST IN VALPARAISO, INDIANA,

7. REAL PROPERTY COMMONLY KNOWN AS
2150 RUSH PLACE, LAKE STATION,
INDIANA,

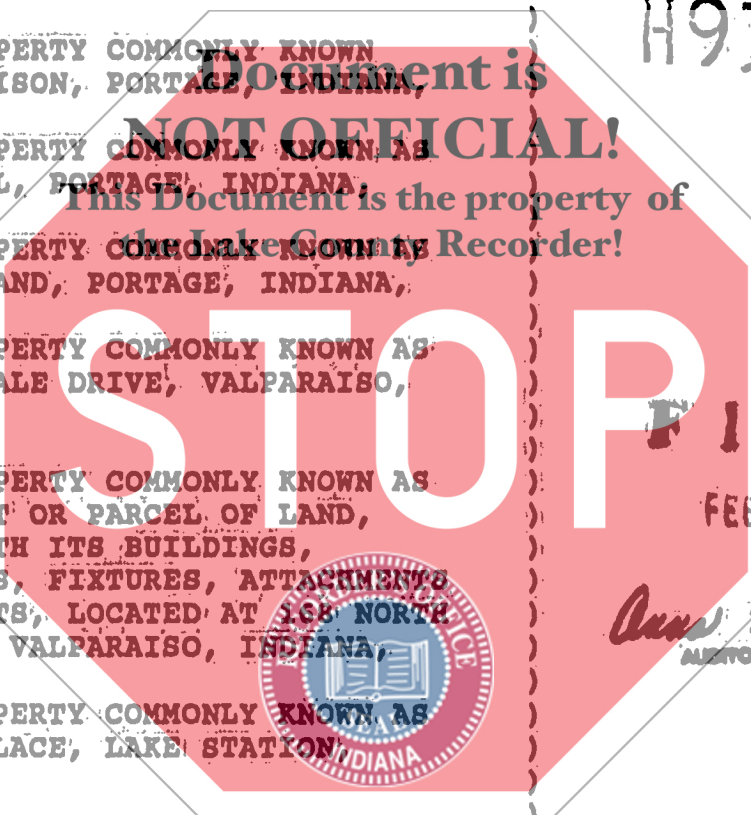
8. REAL PROPERTY COMMONLY KNOWN AS
2316 HOBART STREET, GARY, INDIANA,

9. REAL PROPERTY COMMONLY KNOWN AS
2344 STEVENSON, GARY, INDIANA,

10. REAL PROPERTY COMMONLY KNOWN AS
7274 BLACK OAK ROAD, GARY, INDIANA,

11. REAL PROPERTY COMMONLY KNOWN AS
2434 COLFAX, GARY, INDIANA,

12. REAL PROPERTY COMMONLY KNOWN AS
2405 COLFAX, GARY, INDIANA,



H93-0012

STATE OF INDIANA S.S.C.
L. E. CROCKETT
RECORDER
4 9 09 AM '93

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FEB 29 1993

Ann N. Anton
CLERK LAKE COUNTY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

I hereby certify that the foregoing is a
true copy of the original on file in this court
and cause.

GERALDINE J. CROCKETT, CLERK

By *Geraldine J. Crockett*
DEPUTY CLERK

Date *January 27, 1993*

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McKie, Myers, McLee & Emelen
53 Muenich Ct
774th 46320

13. REAL PROPERTY COMMONLY KNOWN AS
6523 WEST 9TH AVENUE, GARY, INDIANA,

14. \$2,498,214.00 IN U.S. CURRENCY,

15. CHECKING ACCOUNT #1562186, FIRST
RESOURCE CREDIT UNION, ST. JOSEPH,
MICHIGAN, CONSISTING OF APPROXIMATELY
\$101,909.74,

16. SAVINGS ACCOUNT #108-131-6, FIRST
NATIONAL BANK, VALPARAISO, INDIANA,
CONSISTING OF APPROXIMATELY \$76,432.50,

17. CHECKING ACCOUNT #0589-740-9,
NBD BANCORP, HERRILLVILLE, INDIANA,
CONSISTING OF APPROXIMATELY \$280,000.
00,

18. CASHIER'S CHECK #11122 DRAWN ON
ACCOUNT #1-03967-9 AT CENTIER BANK,
CROWN POINT, INDIANA IN THE AMOUNT OF
\$36,150.89

19. CHECKING ACCOUNT #055-740-4,
FIRST NATIONAL BANK, VALPARAISO,
INDIANA, CONSISTING OF APPROXIMATELY
\$6,603.87

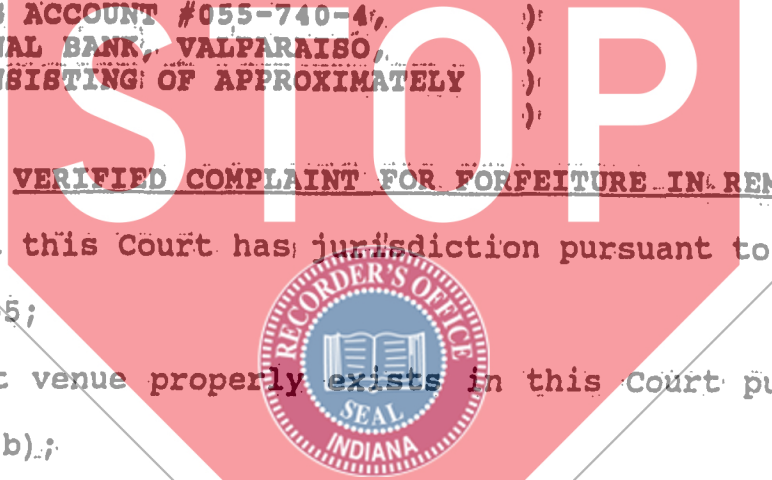
VERIFIED COMPLAINT FOR FORFEITURE IN REM

1. That this Court has jurisdiction pursuant to 28 U.S.C. §§
1345 and 1355;
2. That venue properly exists in this Court pursuant to 28
U.S.C §1395(b);
3. This is a civil action in rem brought to enforce the
provisions of 21 U.S.C. §881(a)(6) for the forfeiture of property
which constitutes proceeds traceable to the exchange of controlled
substances, in violation of Title II of the Controlled Substance
Act, 21 U.S.C. §801 et seq. (to wit: methamphetamine, a Schedule II
controlled substance, cocaine, a Schedule II controlled substance,
and diazepam (valium): a Schedule IV controlled substance). In

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addition, certain pieces of real property are also subject to forfeiture under the provisions of 18 U.S.C. §981, in that the property, as well as the funds utilized to purchase the properties were used in transactions designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds as specified unlawful activity in violation of 18 U.S.C. §1956, and that the properties were derived from a specified unlawful activity, that is the knowing and intentional distribution of controlled substances in violation of 18 U.S.C. §1957.

4. A criminal investigation into the activities of Alvin McCarver II and his son Alvin McCarver III indicates that since 1987, over 200 pounds of methamphetamine worth approximately \$4 million dollars has been transported, at the direction of the McCarvers, between California and the Northern District of Indiana. The investigation further revealed that in 1992 Alvin McCarver II had been in possession of in excess of 500,000 diazepam (valium) worth approximately \$1 million dollars. The investigation also revealed that from August 1987 through October 1992 Alvin McCarver II had been in possession of in excess of 5 kilograms of cocaine worth approximately \$400,000.00 dollars.

5. On April 29, 1992, agents from the Drug Enforcement Administration and local law enforcement officials executed two search warrants upon a storage facility located on Porter Road, Portage, Indiana. The storage facility was rented by a known associate of Alvin McCarver II and Alvin McCarver III. Recovered

from the storage facility were three stolen motorcycles, an AK-47 assault rifle, an Uzi sub-machine gun, a grenade launcher and numerous rounds of ammunition. Also found during that search were approximately 300,000 tablets of valium worth approximately \$600,000.00, phenobarbital, packets of methamphetamine, and packets of marijuana.

6. On November 8, 1992, a four count indictment was returned by a Federal Grand Jury sitting in South Bend, Indiana against Alvin L. McCarver II, a/k/a "Magoo" and Alvin L. McCarver III, a/k/a "Chip" for conspiracy to distribute Methamphetamine and distribution of Methamphetamine in violation of 21 U.S.C. §846 and §841(a)(1), respectively.

7. On December 3, 1992, a 31 count superseding indictment was returned by a Federal Grand Jury sitting in South Bend, Indiana against Alvin L. McCarver II, a/k/a "Magoo", Alvin L. McCarver III, a/k/a "Chip", Steven Hutka, Ernie McCarver, Roy McCarver, Gilbert Nehmzow, a/k/a "Blue", Kenneth Edwin Noderer, a/k/a "Yogi", Charles Vincent Ross and Brenda Yurchak. In addition to the original charges of conspiracy to distribute Methamphetamine and distribution of Methamphetamine, the superseding indictment included charges of obstruction of justice in violation of 18, U.S.C. §1505, conspiracy to commit money laundering and engaging in monetary transactions in property derived from specified unlawful activity in violation of 18, U.S.C. §1956(a)(1) and §1957. The indictment also sought forfeiture of various real property,

currency and vehicles used to facilitate the drug distribution scheme and/or purchased from the proceeds of the illegal activity.

8. The Alvin McCarver II drug trafficking organization utilized Steven Hutka, Ernie McCarver, Roy McCarver and Brenda Yurchak, among others, to assist the organization in purchasing assets and holding money.

9. It was further an object of the conspiracy to amass large amounts of United States currency as a result of the distribution of methamphetamine, cocaine and diazepam (valium). With that money various assets, including real property, were purchased. Additionally, in an effort to conceal the wealth derived from the distribution of those controlled substances, members of the conspiracy and individuals expressly hired for this purpose purchased assets and property under nominee names, land trusts and other fictitious names.

COUNT 1

10. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

11. That the defendant real property, commonly known as 2212 Crisman Road, Portage, Indiana, and legally described as lot 8 in block 2 and 1/2 vacated street lying south of and adjacent to lot 8 in Crisman, City of Portage, as shown in Miscellaneous Record "C", page 83, Porter County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as a result of the following:

a. On or about March 23, 1988, Alvin L. McCarver II, through Linda Lee Weaver and John Paul Haak, paid \$45,000.00 in United States Currency to Charles and Mary Nigrelli, to purchase the defendant real property.

b. The real property commonly known as 2212 Crisman Road, Portage, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as more particularly described in the affidavit filed under seal and incorporated by reference herein.

c. That defendant real property is currently titled in the names of Linda Lee Weaver and John Paul Haak by virtue of a deed filed in the Porter County Recorder of Deeds Office on March 25, 1988, in Deed Record 386, page 108.

d. That the estimated appraised value of the property commonly known as 2212 Crisman Road, Portage, Indiana is \$190,000.00.

COUNT 2

12. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

13. That the defendant real property commonly known as 2207 Madison, Portage, Indiana, and legally described as the South 54.5 feet of lot 6 and the North 25.5 feet of lot 7 in block 2 in Crisman, in the City of Portage, as shown in Miscellaneous Record "C", page 83, Porter County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. §981 as a result of the following:

a. From on or about January 1988 through on or about October 1992, Steven Hutka, Alvin L. McCarver II, Alvin L. McCarver III, Ernie McCarver, Roy McCarver and Brenda Yurchak conspired together and with others known and unknown to possess and distribute methamphetamine, a Schedule II controlled substance, quantities of cocaine, a Schedule II controlled substance and diazepam (valium), a Schedule IV controlled substance.

b. On or about June 8, 1990, Alvin L. McCarver II, through John Haak, paid \$68,889.42 in cashier's checks to the Portage High School Student Builders, Inc. to purchase the defendant real property.

c. That the defendant real property is currently titled in the names of Carlee Bushong, Jr. and Balinda S. Bushong by virtue of a warranty deed filed in the Porter County Recorder of Deeds Office on November 21, 1991, in Deed Record 421, page 518.

d. That the real property commonly known as 2207 Madison, Portage, Indiana, is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. §981 as more particularly described in the affidavit filed under seal and incorporated by reference herein.

e. That the estimated appraised value of the property commonly known as 2207 Madison, Portage, Indiana is \$95,000.00.

COUNT 3

14. Plaintiff realleges and incorporates by reference paragraphs 4,5,6,7,8 and 9 of this verified complaint.

15. That the defendant real property, commonly known as 5287 Central, Portage, Indiana, and legally described as lot 11 in

Cooley's Second Addition to East Gary in the City of Portage, as shown in Miscellaneous Record "J", Page 235, now shown in plat file 9-c-6 and 1/2 of the vacated street to the South and adjacent to lot 11, Porter County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as a result of the following:

a. On or about January 17, 1991, Alvin L. McCarver II, through John Haak and Ernie McCarver, paid \$52,909.47 in United States Currency and a Cashier's check to Pauley Real Estate, to purchase the defendant real property.

b. The real property commonly known as 5287 Central, Portage, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as more particularly described in the affidavit attached hereto and incorporated by reference herein.

c. That the defendant real property is currently titled in the name of Steve Hutka by virtue of a deed filed in the Porter County Recorder of Deeds Office on February 24, 1992 in Deed Record 424, page 03.

d. That the estimated appraised value of the property commonly known as 5287 Central, Portage, Indiana is \$55,000.00.

16. Plaintiff realleges and incorporates by reference paragraphs 4,5,6,7,8 and 9 of this verified complaint.

17. That the defendant real property, commonly known was 5715 McCasland, Portage, Indiana, and legally described as lot 25 in First Addition to Woodland Acres, as shown in Miscellaneous Record "6", Page 492, Plat book 1, Page 55 and plat file 7-A-4, Porter

County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as a result of the following:

a. On or about April 29, 1991, Alvin L. McCarver II, through Steven Hutka and Tina McCarver, paid \$83,606.31 in cashier check and United States Currency to Century 21/Viking Realty and Ticor Title Co., to purchase the defendant real property.

b. The real property commonly known as 5715 McCasland, Portage County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as more particularly described in the affidavit filed under seal and incorporated by reference herein.

c. That defendant real property is currently titled in the name of Tina M. McCarver and Ernest L. McCarver by virtue of a deed filed in the Porter County Recorder of Deeds Office on May 17, 1991 in Deed Record 416, page 272.

d. That the estimated appraised value of the property commonly known as 5715 McCasland, Portage County, Indiana is \$94,000.00.

18. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

19. That the defendant real property commonly known as 4305 Kingsdale Drive, Valparaiso, Indiana, and legally described as lot 15 in Kingsridge North, Unit 1, as shown in plat file 11-c-5, Porter County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as a result of the following:

a. On or about June 17, 1991, Alvin L. McCarver II, through John Haak, paid \$99,925.28 in United States Currency to Gordan and Joan Etzler, to purchase the defendant real property.

b. The real property commonly known as 4305 Kingsdale Drive, Valparaiso, Indiana, is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as more particularly described in the affidavit filed under seal and incorporated by reference herein.

c. The defendant real property is currently titled in the name of Thomas Crumpton by virtue of a deed filed in the Porter County Recorder of Deeds Office on September 11, 1992, in Deed Record 429, page 589.

d. That the estimated appraised value of the property commonly known as 4305 Kingsdale Drive, Valparaiso, Indiana is \$165,000.00.

20. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

21. That the defendant real property commonly known as all that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, located at 168 North 500 West in Valparaiso, Indiana and legally described as a parcel of land in the Northeast Quarter of Section 25, Township 35 North, Range 7 West of the Second Principal Meridian, in Union Township, Porter County, Indiana described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence North 26 degrees, 52 minutes, 52 seconds West along the center line of

County Road 500 West, 1,562.29 feet to point "A"; thence South 26 degrees, 52 minutes, 52 seconds East along said center line, 518.79 feet to the point beginning; thence South 76 degrees, 22 minutes, 31 seconds West, 360.67 feet; thence South 64 degrees, 18 minutes, 13 seconds West, 213.48 feet; thence North 90 degrees West, 941.06 feet; thence North 60 degrees West, 300.40 feet; thence North 26 degrees West, 250.00 feet; thence North 0 degrees East, 207 feet, more or less, to a point on a line that runs from a point on the West line of said Northeast Quarter that is 1,390.0 feet North of the Southwest corner of said Northeast Quarter to said point "A" described herein; thence South 89 degrees, 54 minutes, 16 seconds West, 288.16 feet to the West line of said Northeast Quarter; thence South 0 degrees, 14 minutes, 57 seconds West along said line, 1,370.0 feet to a point on the North line of said South 20.0 feet of said Northeast Quarter; thence South 89 degrees, 59 minutes, 40 seconds East along said North line, 1,006.88 feet, thence North 0 degrees West, 560.22 feet; thence North 82 degrees East, 375.08 feet; thence North 64 degrees, 18 minutes, 13 seconds East, 487.45 feet; thence North 26 degrees, 22 minutes, 31 seconds East, 368.46 feet to the point of the beginning is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as a result of the following:

a. On April 1, 1992, Alvin L. McCarver II, through Steven Hutka, paid \$80,000.00 in United States Currency to Charles L. Hartwig, to purchase the defendant real property.

b. The real property commonly known as all that lot or parcel of land, together with its buildings, improvements, fixtures, attachments and easements, located at 168 North 500 West in Valparaiso, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as more particularly described in the affidavit filed under seal and incorporated by reference herein.

c. That defendant real property is currently titled in the name of Charles L. Hartwig by virtue of a deed filed in the Porter County Recorder of Deeds Office on September 15, 1986 in Deed Record 373, page 25.

d. That the estimated appraised value of the property commonly known as all that lot or parcel of land, together with its buildings, improvements, fixtures, attachments and easements, located at 168 North 500 West in Valparaiso, Indiana is \$80,000.00.

COUNT 7

22. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

23. That the defendant real property commonly know as 2150 Rush Place, Lake Station, Indiana and legally described as lot 5 in block 1, in Albert Reich Subdivision, in the City of Lake Station, as shown in plat book 29, page 9, Lake County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about July 27, 1989 Alvin L. McCarver II, through John Haak, purchased the defendant real property from the Indiana

Housing Finance Authority for approximately \$25,000.00 in cashiers check and United States Currency. The defendant real property was then titled in the name of John Haak.

b. On or about February 12, 1990, Alvin L. McCarver II, directed John Haak to convey by way of quit claim deed the defendant real property to a Robert Wise, a/k/a Tim Weaver.

c. On or about October 31, 1990, Alvin L. McCarver II directed Robert Wise, a/k/a Tim Weaver to convey by way of quit claim deed the defendant property to John Haak.

d. On or about April 22, 1991, Alvin L. McCarver II directed John Haak to convey by way of quit claim deed the defendant property to Charles Minderman, a/k/a Alvin L. McCarver III, a/k/a "Chip".

e. On or about October 2, 1991, Alvin L. McCarver II directed Charles Minderman, a/k/a Alvin L. McCarver III, a/k/a "Chip" to convey the defendant real property by way of quit claim deed back to John Haak.

f. On or about February 11, 1992, Alvin L. McCarver II directed John Haak to convey the defendant real property by way of quit claim deed to Ernie L. McCarver and Alvin L. McCarver III.

g. On or about July 27, 1992, Alvin L. McCarver II directed Ernie L. McCarver to convey the defendant property by way of warranty deed to Alvin L. McCarver III.

h. The real property commonly known as 2150 Rush Place, Lake Station, Indiana is subject to forfeiture under 21 U.S.C.

§881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

i. The defendant real property is currently titled in the name of Alvin McCarver III by virtue of a quit claim deed filed in the Lake County Recorder of Deeds office on August 11, 1992.

j. The appraised value of the real property commonly known as 2150 Rush Place, Lake Station, Indiana is \$68,000.00.

COUNT 8

24. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

25. That the defendant real property commonly known as 2316 Hobart Street, Gary, Indiana, and legally described as lots 7, 8, 9 and 10, block 12, corrected plat of Oak Ridge Park Addition to Gary, as shown in plat book 32, page 95, Lake County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about December 26, 1991, Alvin L. McCarver II, through John Haak, purchased the defendant real property from Lonnie and Sherry Vaughn for approximately \$16,658.19 paid in cashiers check and United States Currency.

b. On or about April 22, 1991, Alvin L. McCarver II, directed John Haak to convey the defendant real property, by way of quit claim deed, to Alvin L. McCarver III.

c. On or about December 26, 1991, Alvin L. McCarver II, directed Alvin L. McCarver III to convey the defendant real property back to John Haak by way of quit claim deed.

d. On or about January 1, 1992, Alvin L. McCarver II, directed John Haak to convey the defendant real property by way of quit claim deed to Steven Hutka.

e. The real property commonly known as 2316 Hobart Street, Gary, Indiana, is subject to forfeiture under 21 U.S.C. §881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

f. The defendant real property is currently titled in the name of Steven Hutka by virtue of a deed filed with the Lake County Recorder of Deeds Office on February 20, 1992 in Instrument No. 92010381.

g. That the estimated appraised value of the property commonly known as 2316 Hobart Street, Gary, Indiana is \$18,000.00.

26. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

27. That the defendant real property commonly known as 2344 Stevenson, Gary, Indiana, and legally described as lots 37 and 38, block 11, corrected plat of Oak Ridge Park Addition to Gary, as shown in plat book 32, page 95, Lake County, Indiana, is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about December 12, 1989, Alvin L. McCarver II, through John Haak, purchased the defendant property from Marvel Deistler for \$19,993.21 paid in cashiers check and United States Currency.

b. On or about January 28, 1991, Alvin L. McCarver II, directed John Haak to convey the defendant property, by way of warranty deed, to Jane A. Moore, a/k/a Linda Weaver.

c. On or about December 26, 1991, Alvin L. McCarver II, directed Jane A. Moore, a/k/a Linda Weaver to convey the defendant property by way of quit claim deed back to John Haak.

d. On or about December 26, 1991, Alvin L. McCarver II, directed Brenda Yurchak to notarize a fictitious quit claim deed reflecting the transfer of the defendant property from Jane A. Moore, a/k/a Linda Weaver to John Haak.

e. That the real property commonly known as 2344 Stevenson in Gary, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

f. That the defendant real property is currently titled in the name of Steven Hutka by virtue of a deed filed in the Lake County Recorder of Deeds Office on February 20, 1992 as Instrument No. 92010393.

g. That the estimated appraised value of the property commonly known 2344 Stevenson in Gary, Indiana is \$26,000.00.

COUNT 10

28. Plaintiff realleges and incorporates by reference paragraphs 4,5,6,7,8 and 9 of this verified complaint.

29. That the defendant real property commonly known as 7274 Black Oak Road, Gary, Indiana, and legally described as that part of lot number seventeen (17), lying easterly in a line drawn from

a point in the southerly right of way line of the New York, Chicago and St. Louis Railroad, which point is 145.85 feet easterly of the northwest corner of said lot 17 to a point the North line of Black Oak Road which point is 145 feet easterly of southwest corner of said lot 17 in Calumet Home Gardens, as shown in plat book 22, page 74, in Lake County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about November 2, 1990, Alvin L. McCarver II, through Linda Weaver a/k/a Linda Cody, purchased the defendant property from Elmer and Josephine Phelps for \$24,971.57 paid in cashiers checks and United States currency. The property was titled in the name of Linda Cody, a/k/a Linda Weaver.

b. On or about September 2, 1991, Alvin L. McCarver II, directed Linda Cody a/k/a Linda Weaver to convey the defendant property by way of warranty deed to John Haak.

c. On or about January 1, 1992, Alvin L. McCarver II, directed John Haak to convey the defendant property by way of warranty deed to Steven Hutka.

d. That the real property commonly known as 7274 Black Oak Road, Gary, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

e. That the defendant real property is currently titled in the name of Steven Hutka by virtue of a deed filed in the Lake County Recorder of Deeds Office on February 20, 1992 as Instrument No. 92010387.

f. That the estimated appraised value of the property commonly known as 7274 Black Oak Road, Gary, Indiana is \$23,000.00.

COUNT 11

31. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

32. That the defendant real property commonly known as 2434 Colfax, Gary, Indiana, and legally described as the South 9.91 feet of lot 8, all of lot 9 and North 15 feet of lot 10, block 16, correct plat of Oak Ridge Park Addition to Gary, as shown in plat book 32, page 95, Lake County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about November 20, 1989, Alvin L. McCarver through John Haak purchased the defendant property from Carolyn S. Hill for \$23,253.99 paid in cashiers checks and United States Currency.

b. That the real property commonly known as 2434 Colfax, Gary, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

c. That the defendant real property is currently titled in the name of John P. Haak by virtue of a deed filed in the Lake County Recorder of Deeds Office on December 1, 1989 as Instrument No. 071799.

d. That the estimated appraised value of the property commonly known as 2434 Colfax, Gary, Indiana is \$25,000.00.

COUNT 12

33. Plaintiff realleges and incorporates by reference paragraphs 4,5,6,7,8 and 9 of this verified complaint.

34. That the defendant real property commonly known as 2405 Colfax, Gary, Indiana and legally described as the West 150 feet of lot 10, block 1, Oak Center Addition, as shown in plat book 23, page 46, Lake County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about January 4, 1990, Alvin L. McCarver II, through John Haak, purchased the defendant property for \$13,055.66, paid in cashiers checks and United States Currency.

b. On or about January 26, 1991, Alvin L. McCarver II, directed John Haak to convey the defendant property by way of warranty deed to Jane A. Moore, a/k/a Linda Weaver.

c. On or about December 26, 1991, Alvin L. McCarver II, directed Jane A. Moore, a/k/a Linda Weaver to convey the defendant property by way of quit claim deed back to John Haak. Alvin L. McCarver II further directed Brenda A. Yurchak to notarize a fictitious quit claim deed showing the transfer of the defendant property from Jane A. Moore, a/k/a Linda Weaver to John Haak.

d. The real property commonly known as 2405 Colfax, Gary, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

e. That the defendant real property is currently titled in the name of Steven Hutka by virtue of a deed filed in the Lake County Recorder of Deeds Office on February 20, 1992.

f. The appraised value of the real property commonly known as 2405 Colfax, Gary, Indiana is \$28,000.00.

COUNT 13

35. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

36. That the defendant real property commonly known as 6523 West 9th Avenue, Gary, Indiana, and legally described as lots 1, 2, 3, 4 and 5, block 2, New Kensington Addition to the City of Gary, as shown in plat book 9, page 18, Lake County, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as a result of the following:

a. On or about January 14, 1991, Alvin L. McCarver II, through John Haak, purchased the defendant property for \$20,000.00 paid in United States Currency.

b. On or about January 1, 1992, Alvin L. McCarver II directed John Haak to convey the defendant property by warranty deed to Steven Hutka and recorded on February 20, 1992.

c. The real property commonly known as 6523 West 9th Avenue, Gary, Indiana is subject to forfeiture under 21 U.S.C. §881(a)(6) as more particularly described in the affidavit filed under seal and incorporated by reference herein.

d. That the defendant real property is currently titled in the name of Steven Hutka by virtue of a deed filed in the Lake County Recorder of Deeds Office on February 20, 1992.

e. The appraised value of the real property commonly known as 6523 West 9th Avenue, Gary, Indiana is \$30,000.00.

COUNT 14

37. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

38. That the approximately \$2,498,214.00 in United States Currency constitutes proceeds traceable to the distribution of controlled substances, specifically methamphetamine, cocaine and diazepam (valium) and is subject to forfeiture under the provisions of 21 U.S.C. §881(a)(6) as is more particularly described in the affidavit filed under seal and incorporated by reference herein.

COUNT 15

39. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

40. That all funds located in Checking Account #1562156 First Resource Credit Union, St. Joseph, Michigan, held under the name Ernie L. McCarver and consisting of approximately \$101,909.74 constitutes proceeds traceable to the distribution of controlled substances, specifically methamphetamine, cocaine and diazepam and is subject to forfeiture under the provisions of 21 U.S.C. §881(a)(6) and 18 U.S.C. § 981 as is more particularly described in the affidavit filed under seal and incorporated by reference herein.

COUNT 16

41. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

42. That all funds located in Savings Account #108-131-6 First National Bank, Valparaiso, Indiana, held in the names of John Paul Haak and Linda Lee Weaver and consisting of approximately \$76,432.50 constitutes proceeds traceable to the distribution of controlled substances, specifically methamphetamine, cocaine and diazepam and is subject to forfeiture under the provisions of 21 U.S.C. §881(a)(6) as is more particularly described in the affidavit filed under seal and incorporated by reference herein.

43. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

44. That all funds located in Checking Account #0589-740-9 NBD Bankcorp, Merrillville, Indiana, held in the name of Steven Hutka, doing business as McHut and Associates, Inc. and consisting of approximately \$280,000.00 constitutes proceeds traceable to the distribution of controlled substances, specifically methamphetamine, cocaine, and diazepam and is subject to forfeiture under the provisions of 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981 as is more particularly described in the affidavit filed under seal and incorporated by reference herein.

COUNT 18

45. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

46. That the Cashier's Check #14122 drawn on Account #1-03967-9 at Centier Bank, Crown Point, Indiana in the amount of \$36,150.89 and payable to Linda A. Weaver constitutes proceeds traceable to the distribution of controlled substances, specifically methamphetamine, cocaine and diazepam and is subject to forfeiture under the provisions of 21 U.S.C. §881(a)(6) as is more particularly described in the affidavit filed under seal and incorporated by reference herein.

47. Plaintiff realleges and incorporates by reference paragraphs 4, 5, 6, 7, 8 and 9 of this verified complaint.

48. That all funds located in checking Account #055-740-4, First National Bank, Valparaiso, Indiana, held in the names of John Paul Haak and Linda Lee Weaver consisting of approximately \$6,603.87, constitutes proceeds traceable to the distribution of controlled substances, specifically methamphetamine, cocaine, and diazepam and is subject to forfeiture under the provisions of 21 U.S.C. §881(a)(6) as is more particularly described in the affidavit filed under seal and incorporated by reference herein.


49. All defendant properties before this court now and during the pendency of this action are in the jurisdiction of this Court.

WHEREFORE, plaintiff prays that due process issue to enforce the forfeiture and to give notice to the interested parties to appear and show cause why this forfeiture should not be decreed; and that the aforementioned property be condemned as forfeited to the United States of America; and that thereafter be disposed of

• according to law; and for such other and further relief as is deemed just and appropriate.

Respectfully submitted,

JOHN F. HOEHNER
UNITED STATES ATTORNEY

By: 
Ronald J. Kurpiers II
Assistant United States Attorney



VERIFICATION

I hereby declare under penalty of perjury and pursuant to 28 U.S.C. §1746, that the following facts are true and correct:

1. That I, Vincent Balbo, have been employed by the Drug Enforcement Administration for the past 3 years.

2. I have read the contents of the foregoing complaint for forfeiture in rem and the same is true and accurate to the best of my knowledge, information and belief.

Dated this 19th day of JANUARY, 1993

Document is

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This Document is the property of
the Lake County Recorder

Vincent Balbo
Special Agent
Drug Enforcement Administration

STOP

