

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

93C 4488

UNITED STATES OF AMERICA,  
Plaintiff,

v.

FUNDS IN ACCOUNT 263226700  
HELD BY FIRST HERITAGE BANK IN  
THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134,  
39483396, 4650279566, 00400220,  
39936404, 39936383,  
HELD BY CITIBANK, N.A.  
IN THE NAME OF BOLA TINUBU OR  
COMPASS FINANCE & INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952,  
52050-89451952, 52050-89451953  
HELD BY CITIBANK, INTERNATIONAL  
IN THE NAME OF BOLA TINUBU,

Defendants.

No. ~~JUDGE~~ NORDBERG

Judge MAGISTRATE JUDGE RUCSLO

DOCKETED  
JUL 28 1993

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorney, Michael J. Shepard, United States Attorney for the Northern District of Illinois, for its verified complaint for forfeiture, states as follows:

1. This is a forfeiture action under 21 U.S.C. § 881 and 18 U.S.C. § 981. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.

2. The defendant funds are located in the above-described accounts and were seized pursuant to process issued by this court.

This court has venue in this matter pursuant to 28 U.S.C. § 1355 because criminal activity giving rise to this forfeiture action occurred in this district.

3. This complaint is verified by the affidavit of Special Agent Kevin Moss which is attached hereto and incorporated by reference in this complaint.

4. As is stated more fully in the attached affidavit, beginning as early as 1988, Adegboyega Mucoz Akande, with others, operated a organization which distributed white heroin, a controlled substance under Title 21 of the United States Code.

5. As is stated more fully in the attached affidavit, this distribution operation was conducted on a large scale and the proceeds of the operation were substantial. The defendant funds represent proceeds of this operation or property involved in money laundering.

6. By reason of facts set forth above and in the attached affidavit, there is probable cause to believe that the defendant funds represent proceeds of narcotics trafficking and further represent property involved in money laundering in violation of 18 U.S.C. §§ 1956 and 1957. The defendant funds are therefore forfeitable to the United States pursuant to 21 U.S.C. § 881 and 18 U.S.C. §981.

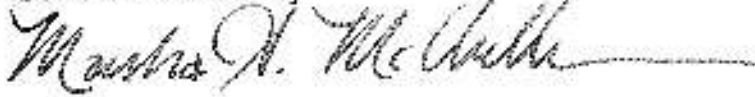
WHEREFORE, the United States requests:

1. that the defendant funds be proceeded against for forfeiture and condemnation, that warrants of seizure and monition issue and that due notice be give to all interested parties to appear and show cause why the forfeiture should not be decreed; and

2. that the Court adjudge and decree that the defendant funds be forfeited to the United States and that the defendant funds be disposed of according to law.

Respectfully submitted,

MICHAEL J. SHEPARD  
United States Attorney

By: 

MARSHA A. MCCLELLAN  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 353-2814

**FILED**

**JUL 26 1993**

**H. STUART CUNNINGHAM  
CLERK, U. S. DISTRICT COURT**

STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF COOK   )

AFFIDAVIT

KEVIN MOSS, being duly sworn on oath, deposes and states as follows:

1. I have been a Special Agent with the Internal Revenue Service (hereafter "IRS"), in the Criminal Investigation Division, for over fifteen (15) years.

2. As is detailed more specifically below, there is probable cause to believe that funds in certain bank accounts controlled by Bola Tinubu, were involved in financial transactions in violation of 18 U.S.C. §§1956 and 1957 and represent proceeds of drug trafficking; therefore these funds are forfeitable to the United States under 18 U.S.C. §981 and 21 U.S.C. §881(a)(6).

3. My responsibilities include the investigation of tax fraud and other financial crimes, including money laundering. I have become familiar with the methods commonly used to launder money by persons engaged in narcotics trafficking through training and experience. I have also discussed and compared information that I have about the methods used to launder money with other experienced federal, state and local law enforcement agents. Through training and experience, I have learned that narcotics traffickers must take steps to conceal their receipt of huge cash

proceeds that represent the profits received from the operation of their narcotics trafficking organizations. These steps include hiding large amounts of cash in safety deposit boxes or other concealed safes and "laundering" the cash through financial transactions. Often, to disguise their involvement in the transaction, the drug dealers make use of nominees and/or aliases. Drug traffickers commonly purchase assets with U.S. currency to reduce or eliminate the paper trail generated by their financial transactions. Frequently, when individuals involved in narcotics trafficking acquire assets or expend money, they do so using relatives, associates, nominees and/or aliases. These tactics promote the operation of the narcotics enterprise and conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of the narcotics enterprise. Also, I have known individuals, who derive income from narcotics trafficking, to engage in monetary transactions with property valued in excess of \$10,000 that has been derived from criminal activity in violation of 18 U.S.C. §1957.

4. As part of my duties and responsibilities as a Special Agent with the IRS, I have been involved with other agents in an investigation of money laundering of the proceeds of a heroin distribution organization in the Chicago area. One aspect of this investigation concerns the money laundering activities of Adegboyega Mueez Akande. Through my own participation in this investigation and through information provided to me by other Special Agents of IRS, Drug Enforcement Administration in Hammond, Indiana, (hereafter "DEA") and the Federal Bureau of Investigation

in Merrillville, Indiana (hereafter "FBI"), I am familiar with all aspects of this investigation. The statements contained in this affidavit are based in part on information provided by Special Agents of the IRS, DEA, FBI, on information provided by confidential sources, and on my experience and background as a Special Agent of the IRS.

5. During this investigation, I have reviewed financial documents, including bank statements, Currency Transaction Reports, (hereafter CTRs), copies of money orders, cashier's checks and tax returns pertinent to this investigation and IRS records for the filing of 8300 forms. In addition to these documents, I have reviewed records of wire transfers of huge amounts of cash generated by individuals who are believed to be members of this heroin distribution organization.

6. Through my experience as a law enforcement officer, I have learned that large amounts of cash, often in small denominations, pose a significant logistical problem to drug traffickers. Thus, drug traffickers have a need to transform their illegal money into assets that appear to have been legitimately obtained or earned. This process usually entails the integration of the illegally obtained money into the banking system where it can be transferred to other accounts, both within the United States and overseas. The biggest hurdle in accomplishing this goal is often the initial integration of the illegal money into the banking system, in such a way that it appears legitimate, and the avoidance of IRS filing and reporting requirements. Debriefings of narcotics

traffickers and their associates by IRS, DEA and FBI Special Agents have revealed that these individuals are well aware of the paper trail that is created when cash over \$10,000 is brought to a financial institution, and that they seek ways to avoid that paper trail.

#### FACTS AND CIRCUMSTANCES

7. Prior to and during 1988, the DEA became involved in the investigation of a white heroin trafficking network operating in Chicago, Illinois and Hammond, Indiana. The investigation disclosed that an individual known as Lee Andrew Edwards was a source of white heroin. Edwards is currently incarcerated for attempting to murder a federal agent while the agent was executing a search warrant. Cocaine, heroin, guns and paraphernalia used to distribute drugs were recovered during the execution of the warrant. Edwards entered a guilty plea to the charges arising from the attempted murder of the federal agent.

8. A DEA confidential source (Source A) has provided reliable information to the DEA in its investigation into this white heroin distribution network. Information provided by Source A has been corroborated by an ongoing DEA investigation, FBI investigations, surveillances of Source A, consensual recordings of conversations, and a review of FBI and DEA records.

9. Source A provided reliable information about Lee Andrew Edwards including the identity of a telephone number which

activated an electronic pager. Source A reported that this number was to be called to place an order for white heroin. According to records reviewed, this pager was subscribed to by Adegboyega Mueez Akande at 7504 South Stewart Avenue, Chicago, Illinois.

10. During February 1988, an individual identified as Abiodun Agbele arrived in the United States from Nigeria. According to investigating agents of DEA, Agbele identified Akande as his uncle and stated that Akande provided him (Agbele) an apartment in Hammond, Indiana.

11. The investigation disclosed through interviews with Agbele that Akande returned to Nigeria in mid 1990; however, before he left, he instructed Agbele to serve as a source of white heroin for Lee Andrew Edwards. According to DEA investigators, Agbele sold white heroin to Edwards on numerous occasions. With the assistance of Source A, DEA called Agbele to purchase a small amount of white heroin. On November 20, 1990, Agbele sold one ounce of white heroin to a law enforcement officer working in an undercover capacity for \$7,000.

12. Subsequent to the sale of the white heroin to law enforcement officers, Agbele was arrested and agreed to cooperate by providing information regarding the white heroin distribution network of Akande.

13. During interviews with the law enforcement agents investigating this distribution network, Agbele confirmed that Akande was involved in the distribution of white heroin. As a result of his involvement in this business enterprise, Akande



generated huge profits that Agbele admitted he often wired to bank accounts on behalf of Akande.

14. According to Agbele, Akande controlled the operation of the white heroin distribution network from Nigeria in conjunction with other individuals in Nigeria and the United States. Much of the business, at the time the operation flourished, was conducted by telephone, although, according to Agbele, Akande occasionally travelled to the United States under an assumed name to retrieve portions of the drug profits.

15. During the course of the investigation, DEA agents learned that in November 1986, Adegboyega Mueez Akande completed a lease application for an apartment on which he listed his employment as an account representative for Globe-Link International. Akande listed his address as 7504 South Stewart Avenue, Chicago, Illinois and a former address as 7527 North Sheridan Road also in Chicago. On the application, Akande listed Audrey Akande as his spouse and his current landlord was identified as Christine Schaffer.

16. Further investigation by DEA disclosed that Abiodun Agbele also completed a lease application for an apartment in the same apartment complex located at 4050 W. 115th Street, Chicago, Illinois. In the application, Agbele stated that he was employed by Globe-Link as a sales representative. The investigators have confirmed that Adegboyega Mueez Akande maintained an apartment in this complex.

17. A review of the documents provided by the Secretary of State disclosed that Globe-Link International was owned by Mueez Adegboyega Akande. According to the 1985 corporate report, the company was located at 7527 North Sheridan Road and was in the business of consulting and business negotiations.

18. It is believed by this affiant that Adegboyega Mueez Akande and Mueez Adegboyega Akande are the same individual because of social security and tax information. Further, Agbele told agents investigating this matter that Nigerians often transpose their first and middle names or use aliases to avoid detection by immigration officials.

19. A review of the 1986 corporate report from the Secretary of State showed that Globe-Link was owned by Mueez A. Akande and other relatives. Audrey Akande was one of the relatives listed, and she was identified as Akande's wife. The business address remained 7527 North Sheridan Road, Chicago, Illinois.

20. A review of records from the IRS disclosed that Globe-Link was purportedly located at 7504 S. Stewart, Chicago, Illinois but received mail at a post office box. The building at this address is a two-flat with one of the residents being identified as Christine Schaffer, who is the mother of Audrey Akande and the mother-in-law of Adegboyega Mueez Akande. The IRS information further disclosed that Globe-Link filed one corporate tax return in 1987 showing taxable income in the amount of \$9,105. No other returns have been filed. Interviews with investigators from the U.S. Customs Service have disclosed that the address at 7504 S.

Stewart Avenue is known as a drop-off point for packages from Nigeria that contain white heroin.

21. This investigation has disclosed the identity of other individuals, including relatives, who have worked for Akande with various duties in the distribution organization. One of these individuals has been identified by the investigation as Bola Tinubu.

22. According to bank records from the First Heritage Bank, Country Club Hills, Illinois, Tinubu opened an individual money market account and a "NOW" account in December 1989. In the application, Tinubu stated that his address was 7504 South Stewart, Chicago, Illinois. This is the same address used previously by Akande and Globe-Link. Upon opening this account, Tinubu deposited \$1,000 in traveler's checks.

23. Bank records disclosed that five days after the account was opened, on January 4, 1990, \$80,000 was deposited into the NOW account at First Heritage Bank by wire transfer through First Chicago from Banc One Houston. The transaction was completed at the direction of Mirbec A. Akande who resided at 7930 Corporate Drive, Houston, Texas. A review of a credit bureau report shows that Adegboyega Mueez Akande previously used this address. Further, the investigation disclosed through a review of bank records that an individual named Mueez Adegboyega Akande had three accounts at Banc One.

24. According to bank employees, when Bola Tinubu came to First Heritage Bank in December 1989 to open the accounts, he was

introduced to them by Adegboyega Mueez Akande who at that time maintained an account at the bank.

25. According to bank records, Bola Tinubu also opened a joint checking account in his name and the name of his wife, Oluremi Tinubu. Oluremi Tinubu previously opened a joint bank account also at this bank with Audrey Akande, the wife of Adegboyega Mueez Akande.

26. Bank records further disclosed that on January 6, 1990, Tinubu withdrew \$20,000 from the "NOW" account to purchase a Certificate of Deposit for \$10,000; the remaining \$10,000 was deposited into the money market account.

27. On the same day, January 6, 1990, Tinubu completed a credit application for an \$8,000 loan to purchase an automobile. Tinubu stated in the application that he resided at 7504 South Stewart and that Mueez A. Akande, his cousin, resided at 3515 Maple Lane, Hazel Crest, Illinois. Further, Tinubu stated in the application that his employer was Mobile Oil Nigeria Ltd., Fairfax, Virginia and that his take home pay was \$2,400 per month. Additionally, Tinubu stated that he had no other sources of income. He listed his wife, Oluremi S. Tinubu, as a co-applicant. The application states that she resides at the same location and her employment is listed as housewife. This loan was secured with the certificate of deposit in the amount of \$10,000 that Tinubu recently purchased.

28. A review of a Trans Union Credit report, however, showed that Tinubu resided at 7424 South Shore, Chicago, Illinois. The date of this credit report was December 28, 1989.

29. On January 8, 1990, a loan was given to Tinubu by First Heritage Bank and a check in the amount of \$8,000 was made payable to the car dealership and him for the purchase of a car.

30. A review of records from the car dealership disclosed that on January 9, 1990, Bola Tinubu purchased a 1990 Nissan 240X (VIN: JN1H536P7LW121339) for \$17,754.03 using cashier's checks purchased at First Heritage Bank from funds in his bank accounts. Tinubu provided 3515 Maple Lane, Hazel Crest, Illinois as his residence while completing paperwork at the car dealership.

31. Bank records also disclosed that on May 9, 1989, Adegboyega M. Akande opened a checking account number 263153800-2 at First Heritage Bank using social security number 577-76-9301. The account remained open until September 1990 according to records from the bank. A review of the bank statements and cashier's checks from this checking account disclosed that it remained inactive except during January 1990 and February 1990. The account records showed a deposit of a cashier's check in the amount of \$5,000. The cashier's check was purchased by Bola Tinubu on January 11, 1990, seven days after the above described \$80,000 wire transfer was received from Akande. Tinubu made the cashier's check payable to Audrey Akande and after endorsement with the names Audrey Akande and Adegboyega Akande, it was deposited into Adegboyega Mueez Akande's account.

32. Information received from the Social Security Administration and the IRS disclose that the social security number used by Adegboyega Mueez Akande to open the account at First Heritage Bank does not belong to him.

33. A review of records from the IRS disclosed the Mueez A. Akande and Audrey Akande last filed a joint income tax return in 1987 showing disposable income or adjusted gross income of \$10,500 from self-employment. Akande listed his address as 7504 South Stewart, Chicago, Illinois. The records further disclose that Akande did not file income tax returns for any year following 1987.

34. Records from First Heritage Bank disclose that in 1990, Bola Tinubu deposited \$661,000 into his individual money market account and in 1991, Tinubu deposited \$1,216,500 into the same money market account. The balance in the account is approximately \$980,967.

35. Bank records from Citibank Inc., disclosed that in January 1991, Tinubu began opening accounts at Citibank in the section known as the world-wide personal banking unit. A review of bank records disclosed that on January 25, 1991, Tinubu transferred \$560,000 from his money market account at First Heritage Bank to one of the world-wide personal accounts at Citibank.

36. Account statements from the accounts at both First Heritage Bank and Citibank were forwarded to Bola Tinubu in care of Shola Ogunbode at 6641 Morningview Court, Alexandria, Virginia.

37. Representatives from Mobil Oil were interviewed regarding Tinubu's employment status. The representatives confirmed that

Tinubu was employed by Mobil Oil Nigeria Ltd. as a treasurer. This position, however, does not involve the transfer of large amounts of money between banking institutions. Mobil Oil representatives stated that under no circumstances would Tinubu be permitted to retain money belonging to Mobil Oil in accounts bearing Tinubu's name. Finally, Mobil Oil confirmed that the corporation never had any accounts in banks in the southern suburbs of Chicago.

38. IRS tax laws require the payment of taxes for resident and non-resident aliens on interest income from deposits made into U.S. banks. A review of IRS records has disclosed that Bola Tinubu has failed to file income tax returns since 1984 despite the receipt of interest income credited to the accounts in his name.

39. On January 10, 1992, applications for seizure warrants were presented to Magistrate Judge Rosemond of the Northern District of Illinois. After considering the applications and the attached affidavits, Magistrate Judge Rosemond issued seizure warrants for accounts at First Heritage Bank and Citibank in the name of Bola Tinubu. The amount of money seized from these accounts exceeded \$1.4 million dollars.

40. Shortly thereafter, Mr. Tinubu contacted the First Heritage Bank to transfer money from his accounts and was advised that the accounts had been seized by the U.S. Treasury. Representatives from First Heritage Bank advised me of Tinubu's inquiries about his accounts. On January 13, 1992, I spoke to an individual who identified himself as Bola Tinubu at a telephone number in Nigeria that he provided to the employees of the bank.

During the course of the conversation, he advised me that he (Tinubu) knew Akande. Tinubu admitted that he had wire transferred \$100,000 to Akande's bank account in Houston and that \$80,000 of the funds used to open the bank accounts at First Heritage Bank had come from Akande. When asked to identify other accounts in his name, Tinubu stated that he had an account in Fairfax, Virginia and an account in London. Despite repeated requests for information regarding bank accounts, Tinubu denied having any additional accounts in the United States.

41. On January 14, 1992, I had another telephone conversation with the same individual who identified himself as Bola Tinubu. During this telephone conversation, Tinubu admitted to me that he knew Agbele and that he met Agbele through Akande. He further admitted that he (Tinubu) had associated with Akande and Agbele in the United States as well as Nigeria. Again during this conversation, he denied the existence of any other bank accounts in the United States.

42. The initial warrant served on Citibank seized accounts in a division referred to as Citibank, N.A. Further investigation disclosed that there was an additional banking unit known as Citibank, International with world-wide banking capabilities. Records from Citibank, International disclosed that accounts, in the name of Bola Tinubu and corporate accounts to which Tinubu had access existed in this separate international banking unit.

43. On January 24, 1992, a seizure warrant was issued in the Southern District of New York for the accounts held in the name of



Bola Tinubu by Citibank, International. Approximately \$550,000 was seized from these accounts held by Citibank, International in the name of Bola Tinubu.

44. According to records from Citibank, International, there were two additional corporate accounts held in the name of Compass Finance and Investment Company, Ltd. which were controlled by Bola Tinubu.

45. The bank records from these accounts in the international division disclosed that when Bola Tinubu opened these accounts at Citibank, International, he provided certain corporate documents from Compass Finance and Investment Company, Ltd. including documents identified as a memorandum of association and articles of association. Both corporate documents identified Mucez Adegboyega Akande and Abiodun Olasuyi Agbole as directors of Compass Finance and Investment Company, Ltd.

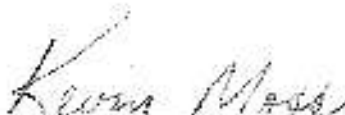
46. A further review of the records from Citibank, International disclosed that the funds transferred from First Heritage Bank in Illinois to Citibank, N.A. were subsequently transferred to the Citibank, International accounts held in the name of Bola Tinubu and Compass Finance and Investment Company Ltd. Funds held in international accounts may be easily transferred into the international banking system or converted into foreign currency.

47. On January 30-31, 1992, Tinubu advised agents investigating this matter that he had no business association or financial relationship with Agbele or Akande. This information

contradicted his prior statements on January 13, 1992, when he advised law enforcement officers that the money used to open the account at First Heritage Bank had come from Akande.

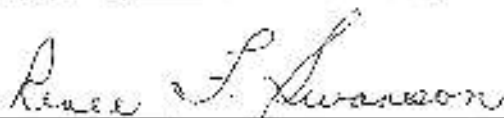
48. For the reasons set forth above, there is probable cause to believe that the funds in the accounts, held by First Heritage Bank, Citibank, N.A. and Citibank, International, in the names of Bola Tinubu and Compass Finance and Investment Company, Ltd., represent property that was involved in transactions in violation of 18 U.S.C. §§ 1956 and 1957, or is property traceable to such property or represents the proceeds of drug trafficking making the fund in the accounts forfeitable to the United States pursuant to 18 U.S.C. §981 and 21 U.S.C. §881.

49. I have read the foregoing verified complaint and this affidavit; the averments contained therein are true and correct to the best of my knowledge, information and belief.

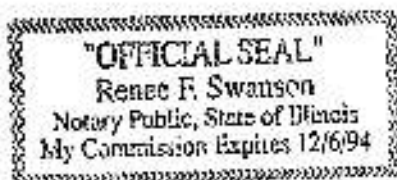


Kevin Moss  
Special Agent  
Internal Revenue Service

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 20th DAY OF JULY, 1993.



NOTARY PUBLIC



# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. **SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.**

## I (a) PLAINTIFFS

UNITED STATES OF AMERICA

## DEFENDANTS

FUNDS IN ACCT 263226700 HELD BY FIRST HERITAGE BANK IN THE NAME OF SOLA TINUBU, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Cook  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

MICHAEL J. SHEPARD  
U.S. Attorney  
219 South Dearborn  
Chicago, Illinois 60604  
Attn: MARSHA A. McCLELLAN, AUSA

ATTORNEYS (IF KNOWN)  
**JUDGE NORDBERG 4488**  
**MAGISTRATE JUDGE BUCKLO**

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Act a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(If Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

JUL 28 1993

This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355

## V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 815 Agriculture	<input type="checkbox"/> 422 Asset 28 USC 134	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Mating	<input type="checkbox"/> 310 Assault	<input type="checkbox"/> 362 Personal Injury - Med Malpractice	<input type="checkbox"/> 820 Other Food & Drug	<input type="checkbox"/> 423 Intellectual 28 USC 137	<input type="checkbox"/> 410 Assault
<input type="checkbox"/> 130 Sale Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 825 Drug Related Section of Property 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Bank and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Assault Personal Injury Product Liability	<input type="checkbox"/> 830 Labor Laws	<input type="checkbox"/> 820 Copyright	<input type="checkbox"/> 450 Commerce/ICC Rules etc
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 840 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deposition
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Mating Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 850 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Real Estate Inheritance and Conveyance Organizations
<input type="checkbox"/> 152 Recovery of Outdated Student Loans (18 USC 4301)	<input type="checkbox"/> 345 Mating Product Liability	<input type="checkbox"/> 375 Theft - Larceny	<input type="checkbox"/> 860 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Securities/Commodities Exchange
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage Product Liability	<b>LABOR</b>	<input type="checkbox"/> 861 SSA (1966)	<input type="checkbox"/> 490 Customer Challenge 12 USC 3410
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 BSM (Lump Sum)	<input type="checkbox"/> 491 Agricultural Act
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 720 Labor Rights Repeal Act	<input type="checkbox"/> 863 (IRCA/DWIA/ACD) (1)	<input type="checkbox"/> 492 Economic Stabilization Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor Rights Regarding a Decedent's Act	<input type="checkbox"/> 864 TSP (1952)	<input type="checkbox"/> 493 Environmental Matters
	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 740 Railway Labor Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 494 Energy Allocation Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 890 Motion to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Legislation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 495 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 830 Certificate	<input type="checkbox"/> 791 (Iran Rel Int Security Act)	<input type="checkbox"/> 871 IRS - Third Party 28 USC 7604	<input type="checkbox"/> 496 Access of Fed Detention Under Equal Access to Justice
<input type="checkbox"/> 230 Real Estate Easements	<input type="checkbox"/> 443 Housing Accommodations	<input type="checkbox"/> 835 Death Penalty			<input type="checkbox"/> 497 Constitutionality of State Statutes
<input type="checkbox"/> 240 Title to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 840 Marriages & Divorces			<input type="checkbox"/> 498 Civil Servant Actions
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 845 Civil Rights			
<input type="checkbox"/> 290 All Other Real Property					

## VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Origin Proceeding
- 2 Removed from State Court
- 3 Removed from Appellate Court
- 4 Re-insured or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

## VIII. REMARKS

In response to  is not a refiling of a previously dismissed action  
General Rule 2.21D(2) this case  is a refiling of case number \_\_\_\_\_ of Judge \_\_\_\_\_

DATE 7-26-93

SIGNATURE OF ATTORNEY OF RECORD

*Marsha A. McClellan*

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

Name of Assigned Judge or Magistrate Judge	John A. Nordberg	Sitting Judge If Other Than Assigned Judge	
Case Number	93 C 4493	Date	July 27, 1993
Case Title	United States of America v. Funds In Account 263226700, et al		

(In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd-party plaintiff, and (b) state briefly the nature of the motion being presented.)

**MOTION:**

**DOCKET ENTRY:**

(1)	<input type="checkbox"/>	Filed motion of [use listing in "MOTION" box above]
(2)	<input type="checkbox"/>	Brief in support of motion due _____
(3)	<input type="checkbox"/>	Answer brief to motion due _____ Reply to answer brief due _____
(4)	<input type="checkbox"/>	<input type="checkbox"/> Ruling on _____ set for _____ at _____ <input type="checkbox"/> Hearing
(5)	<input checked="" type="checkbox"/>	Status hearing <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re-set for 15 Sep 93 at 9:00 a.m.
(6)	<input type="checkbox"/>	Pretrial conf. <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____
(7)	<input type="checkbox"/>	Trial <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____
(8)	<input type="checkbox"/>	<input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> hearing held and continued to _____ at _____
(9)	<input type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(a)(1) <input type="checkbox"/> FRCP 41(a)(2)
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Plaintiff shall notify all other parties of hearing.
(11)	<input type="checkbox"/>	[For further detail see <input type="checkbox"/> order on the reverse of <input type="checkbox"/> order attached to the original minute order form.]

<input type="checkbox"/>	No notices required, advised in open court.	JUL 28 1993 [Signature] JUL 28 1993 [Signature]	number of notices	Document # [Signature]
<input type="checkbox"/>	No notices required.		date docketed	
<input type="checkbox"/>	Notices mailed by judge's staff.		docketing duty initials	
<input checked="" type="checkbox"/>	Docketing to mail notices.		date mailed notice	
<input type="checkbox"/>	Mail AO 450 form.		mailing dpty. initials	
<input type="checkbox"/>	Copy to judge/magistrate Judge			
<input type="checkbox"/>	courtroom deputy's initials	Date/time received in central Clerk's Office		

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

FUNDS IN ACCOUNT 263226700  
HELD BY FIRST HERITAGE BANK IN  
THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134,  
39483396, 4650279566, 00400220,  
39936404, 39936383,  
HELD BY CITIBANK, N.A.  
IN THE NAME OF BOLA TINUBU OR  
COMPASS FINANCE & INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952,  
52050-89451952, 52050-89451953  
HELD BY CITIBANK, INTERNATIONAL  
IN THE NAME OF BOLA TINUBU,

Defendants.

930  
No. 930  
Judge JUDGE MORDBERG  
MAGISTRATE JUDGE DUGALD

FILED

AUG 18 1993

H. STUART CUNNINGHAM, CLERK  
UNITED STATES DISTRICT COURT

EX PARTE MOTION OF THE UNITED STATES  
FOR ORDER RELATING TO EXECUTION OF SEIZURE

DOCKETED  
AUG 19 1993

The United States of America, by its attorney, MICHAEL J. SHEPARD, United States Attorney for the Northern District of Illinois, requests that the Court review the verified complaint filed herein (a copy of which is submitted herewith) and make a finding of probable cause and issue an order relating to execution of the seizure and service of the warrant of seizure and monition and in support states:

1. This is an in rem forfeiture case brought pursuant to 21 U.S.C. § 881 and 18 U.S.C. § 981 which provides for the forfeiture of property representing the proceeds of drug trafficking and

3

property involved in money laundering. The verified complaint and affidavit allege that the property sought to be seized in this case is subject to forfeiture under these provisions.

2. Although Rule C(3) of the Admiralty Rules, which governs this in rem case, explicitly provides that judicial review prior to issuance of warrant of seizure is not required, a number of courts have held that a prior determination of probable cause is necessary before real property can be seized. E.g., United States v. 124 East North Avenue, Lake Forest, Illinois, 651 F.Supp. 1350 (N.D. Ill. 1987). Other courts are split on the need for a pre-seizure hearing in real estate seizures. Compare, United States v. A Single Family Residence Located at 900 Royal Vista Boulevard, Ft. Lauderdale, Florida, 803 F.2d 625 (11th Cir. 1986) (no pre-seizure hearing required, ex parte or otherwise) with United States v. the Premises and Real Property at 4492 South Livonia Road, Livonia, NY, 889 F.2d 1258 (2nd Cir. 1989) (preseizure notice and opportunity for adversarial hearing required in residential real estate seizures). No preseizure notice or hearing has been required, however, in a civil forfeiture action relating to personal property such as the funds in the bank accounts at issue in this case.

3. Nevertheless, the United States has delayed service of process until this Court has reviewed the complaint and affidavit ex parte to determine whether there is probable cause to believe that the subject property represents drug proceeds or property involved in money laundering. Probable cause in the forfeiture context has been described as ". . . less than prima facie proof but more than mere suspicion." United States v. One 1981 Cadillac

Eldorado, 535 F.Supp. 65, 66 (N.D. Ill. 1982).

4. The defendant funds in these bank accounts were seized pursuant to warrants issued in this district and in the Southern District of New York. The banking institutions have retained custody of the defendant funds in these accounts on behalf of the court. The United States requests that this court direct that the warrant for seizure and monition be served by mail on these banking institutions having custody of the defendant funds and that the funds remain in these accounts during the pendency of these proceedings, until further order of this court.

WHEREFORE, the United States prays that the court grant it grant its motion, make a finding of probable cause, and direct the execution of process in the manner set forth above. A draft order is submitted herewith.

Respectfully submitted,

MICHAEL J. SHEPARD  
United States Attorney

By:   
MARSHA A. MCCLELLAN  
Assistant U.S. Attorney  
219 South Dearborn  
Chicago, IL 60604  
(312) 353-2014

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

FUNDS IN ACCOUNT 263226700  
HELD BY FIRST HERITAGE BANK IN  
THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134,  
39483396, 4650279566, 00400220,  
39936404, 39936383,  
HELD BY CITIBANK, N.A.  
IN THE NAME OF BOLA TINUBU OR  
COMPASS FINANCE & INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952,  
52050-89451952, 52050-89451953  
HELD BY CITIBANK, INTERNATIONAL  
IN THE NAME OF BOLA TINUBU,

Defendants.

930 4483

No.

Judge

JUDGE W. J. ...

MAGISTRATE JUDGE ...

INDEXED  
AUG 19 1993

ORDER

This matter is before the Court on the ex parte motion of the United States for a finding of probable cause to believe that the defendant funds in this forfeiture action is subject to forfeiture under 21 U.S.C. Section 881 and 18 U.S.C. § 981 and for an order relating to the execution of process in this matter. The Court has reviewed the verified complaint filed herein and, having been fully informed in the bases for this motion, hereby

FINDS that there is probable cause to believe that the funds described in the complaint is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881 and 18 U.S.C. § 981.

Accordingly, it is hereby

4



ORDERED that the United States Marshal shall hereby have authority to execute the warrants of seizure and monition issued pursuant to Rule C of the Admiralty Rules by serving the warrants by mail on Citibank and First Heritage Bank, who shall be deemed the substitute custodians of the defendant funds for the United States Marshal, and who shall hold the defendant funds during the pendency of these proceedings until further order of court; it is further

ORDERED that, upon execution of the warrant as set forth above, the United States Marshal shall give due notice to all interested parties to appear and to show cause why the forfeiture should not be decreed.

ENTER:

  
UNITED STATES DISTRICT COURT

DATED:

August 18, 1993

Print for Microfilm

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

Name of Assigned Judge or Magistrate's Judge	John A. Nordberg	Sitting Judge if Other Than Assigned Judge	
Case Number	93 C 4483	Date	August 18, 1993
Case Title	United States of America v. Funds In Account 263226700 Held By Heritage Bank in the Name of Bola Tinubu, et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

(1)	<input checked="" type="checkbox"/>	Filed motion of [use listing in "MOTION" box above]
(2)	<input type="checkbox"/>	Brief in support of motion due _____ <span style="float: right;">AUG 20 1993</span>
(3)	<input type="checkbox"/>	Answer brief to motion due _____ Reply to answer brief due _____
(4)	<input type="checkbox"/>	<input type="checkbox"/> Ruling on _____ set for _____ at _____ <input type="checkbox"/> Hearing
(5)	<input type="checkbox"/>	Status hearing <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re set for _____ at _____
(6)	<input type="checkbox"/>	Pretrial conf. <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re set for _____ at _____
(7)	<input type="checkbox"/>	Trial <input type="checkbox"/> set for <input type="checkbox"/> re set for _____ at _____
(8)	<input type="checkbox"/>	<input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> hearing held and continued to _____ at _____
(9)	<input type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(b)(1) <input type="checkbox"/> FRCP 41(b)(2)
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Ex parte motion of the United States for order relating to execution of seizure is granted.
(11)	<input checked="" type="checkbox"/>	[For further detail see <input type="checkbox"/> order or the reverse of <input checked="" type="checkbox"/> order attached to the original minute order form.]

<input type="checkbox"/>	No notices required, advised in open court.	1-RUSA AUG 18 1993 [Signature] 8/18/93 [Signature]	number of notices	Document # 5
<input type="checkbox"/>	No notices required.		date docketed	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		docketing date initials	
<input type="checkbox"/>	Notified counsel by telephone.		date mailed notice	
<input type="checkbox"/>	Docketing to mail notices.		mailing dpty. initials	
<input type="checkbox"/>	Mail AD 429 form.			
<input type="checkbox"/>	Copy to judge/magistrate judge.			
<input checked="" type="checkbox"/>	Continued deputy's initials	Date/time received in central clerk's office		



U.S. Department of Justice

United States Attorney  
Northern District of Illinois

**FILED**

**AUG 19 1993**

*Dicken Federal Building  
219 South Dearborn Street, 12th Floor  
Chicago, Illinois 60601*

H. Stuart Cunningham, Clerk  
United States District Court

August 17, 1993

H. Stuart Cunningham, Clerk  
United States District Court  
Northern District of Illinois  
219 South Dearborn Street - 20th Floor  
Chicago, Illinois 60604

Re: US V FUNDS IN 3 ACCOUNTS      93C4463  
    Nordberg, John A.

RECEIVED  
AUG 20 1993

Dear Mr. Cunningham:

The above-referenced matter is assigned to Assistant United States Attorney Marsha A. Mc Clellan whose telephone number is (312)353-3437.

Please direct all communication to the above-named Assistant.

This letter is not an appearance by the United States Attorney on behalf of any party, but is provided for informational purposes only.

Very truly yours,

MICHAEL J. SHEPARD  
United States Attorney

By: *Marsha E. Glenn*  
MARSHA E. GLENN  
Docket Technician

cc: AUSA Marsha A. Mc Clellan

*6*

WARRANT OF SEIZURE AND MONITION

United States District Court  
FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

9804433

To the Marshal of the Northern District of Illinois

WHEREAS, on the 26th day of JULY, A.D. 19<sup>93</sup>, a Ver. Compt for For was filed in the United States District Court for said Northern District of Illinois, by MICHAEL J. SHEPARD, United States attorney for said District, on behalf of the United States, against

FUNDS IN ACCOUNTS 52050-89451952, 52050-89451952, 52050-89451953 HELD BY CITIBANK, INTERNATIONAL IN THE NAME OF BOJA TINUBU

MAJESTY

MAGISTRATE JAMES B. ...

and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain the same in your custody until further order of said Court respecting the same; and to give notice by publication in the Chicago Daily Law Bulletin to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said complaint, that they be and appear before the said Court, at the city of Chicago within ten days after giving of notice, if the same shall be a day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf and that they file and serve their answers within twenty days after the filing of said claims. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS THE HONORABLE		UNITED STATES DISTRICT JUDGE AT	
DATE	CLERK	R. STUART CUNNINGHAM	
	(BY) DEPUTY CLERK	<i>[Signature]</i>	
Returnable _____ days after issue.			
<b>UNITED STATES MARSHAL'S RETURN</b>			
DISTRICT		DATE THE WITHIN WRIT WAS RECEIVED AND EXECUTED	
Northern District of Illinois		8-24-93	
U.S. MARSHAL		(BY) DEPUTY MARSHAL	
<i>[Signature]</i>		<i>[Signature]</i>	

WARRANT OF SEIZURE AND MONITION

United States District Court

FOR THE

NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

To the Marshal of the Northern District of Illinois

WHEREAS, on the 26th day of JULY, A.D. 19 93, a Ver. Complt for For was filed in the United States District Court for said Northern District of Illinois, by MICHAEL J. SHEPARD, United States attorney for said District, on behalf of the United States, against

FUNDS IN ACCOUNTS 39483134, 39483396, 4650279566, 00400220, 39936404, 39936383, HELD BY CITIBANK, N.A. IN THE NAME OF BOLA TINUBU OR COMPASS FINANCE & INVESTMENT CO.

~~SEAL~~ NORDBERG

MAGISTRATE JUDGE BUCKLE

and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain the same in your custody until further order of said Court respecting the same; and to give notice by publication in the Chicago Daily Law Bulletin to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said complaint, that they be and appear before the said Court, at the city of Chicago within ten days after giving of notice, if the same shall be a day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf and that they file and serve their answers within twenty days after the filing of said claims. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS THE HONORABLE		UNITED STATES DISTRICT JUDGE AT	
DATE	CLERK	H. STUART CUNNINGHAM	
	(BY) DEPUTY CLERK	<i>[Signature]</i>	
Returnable _____ days after issue.			
<b>UNITED STATES MARSHAL'S RETURN</b>			
DISTRICT		DATE THE WITHIN WRIT WAS RECEIVED AND EXECUTED	
<i>Northern District of Illinois</i>		8-24-93	
U.S. MARSHAL		(BY) DEPUTY MARSHAL	
<i>[Signature]</i>		<i>[Signature]</i>	

**LOGGED OUT**  
U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See instructions for "Return of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	UNITED STATES OF AMERICA
DEFENDANT	ROSA TINORO, et al.
COURT CASE NUMBER	93 C 4483 - J. NORDBERG
TYPE OF PROCESS	Warrant & Complaint

NAME OF ORIGINAL COURTS CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONFISK	John Lopez, Esquire - CITIBANK, N.A.
ADDRESS (Street or R.F.D., Apartment No., P.O. Box, and ZIP Code)	666 5th Avenue - 6th Floor New York, New York 10103

SEND NOTICE OF SERVICE COPY TO PROSECUER AT NAME AND ADDRESS BELOW	MICHAEL J. SHARRARD U.S. Attorney 219 South Dearborn Chicago, IL 60604 Attn: MARSBA A. MCCLELLIAN, AUSA
Number of process to be served with the Form 25E	
Number of parties to be served in this case	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (through business and alternate addresses, all telephone numbers, and e-mail) from service agencies are invited.

Signature of Agency or other responsible authority serving on behalf of	Marsba A. McClellian, AUSA
PLAINTIFF	<input checked="" type="checkbox"/> PLAINTIFF
TELEPHONE NUMBER	(312) 353-2014
DATE	7-30-93

I acknowledge receipt for the total	Total Process	No	Number of Origin	No	Deputy to Serve	Signature of Authorized USPS Deputy or Clerk	Date
number of process indicated (Sign only total total fee if more than one total fee is required)	5						AUG 24 1993

I hereby certify and return that  have generally served. I have legal evidence of service. I have executed as shown in "Remarks," the process described on the individual, company, corporation, etc., at the address shown on the individual, company, corporation, etc., shown at the address listed below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (see remarks below).

Name and title of individual served (if not shown above)

Address (company only if different than shown above)

Service Fee	Total Mailing Charges (including endpapers)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

Signature of U.S. Marshal or Deputy	Time of Service	Time of Return
<i>[Signature]</i>	8:48 AM	4:30 PM

REMARKS: Mailed 8-24-93  
P RD 816 T39  
Receipt dated 8-26-93

DOCKETED  
SEP 07 1993

# LOGGED OUT

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See Instructions for Service of Process by the U.S. Marshal on the reverse of this form.

PLAINTIFF <b>UNITED STATES OF AMERICA</b>	COURT CASE NUMBER <b>93 C 4483 - J. NORDBERG</b>
--	---

DEFENDANT <b>BOLA TINUBU, et al.</b>	TYPE OF PROCESS <b>Warrant &amp; Complaint</b>
---	---

SERVE → AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>Patrick S. Coffey, GARDNER, CARTON &amp; DOUGLAS</b>
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <b>321 North Clark Chicago, Illinois 60610</b>

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: <b>MICHAEL J. SHEPARD U.S. Attorney 219 South Dearborn Chicago, IL 60604 Attn: MARSHA A. McCLELLIAN, AUSA</b>	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Attorney Addresses, Air Telephone Numbers, and Estimated Times Available for Service):

SEP 1 1993  
U.S. Marshal  
United States Marshals Service  
RECEIVED  
SEP. 07 1993

Signature of Attorney or Other Originator (including date) on behalf of: <i>Marsha A. McClellian</i> <b>Marsha A. McClellian, AUSA</b>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <b>(312) 353-2814</b>	DATE <b>7-30-93</b>
--	---	---	------------------------

### SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <b>4</b>	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date <b>AUG 24 1993</b>
---	---------------------------	---------------------------------	--------------------------------	--	----------------------------

I hereby certify and return that I  have personally served,  have legal residence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode
Address (complete only if different than shown above)	Date of Service <b>8-26-93</b> Time <b>10:30</b> AM
	Signature of U.S. Marshal or Deputy <i>William J. Smith</i>

Service Fee	Total Mileage Charges (including endorsements)	Forwarding Fee	Total Charges	Advance Deposits	Amount paid to U.S. Marshal or	Amount of Return
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REMARKS: **AT Request of PATRICK COFFEY'S OFFICE - A Messenger WAS DISPATCHED TO USMS OFFICE TO EXPEDITE SERVICE**

**LOGGED OUT**

**CHIEF USAMS**

**PROCESS RECEIPT AND RETURN**

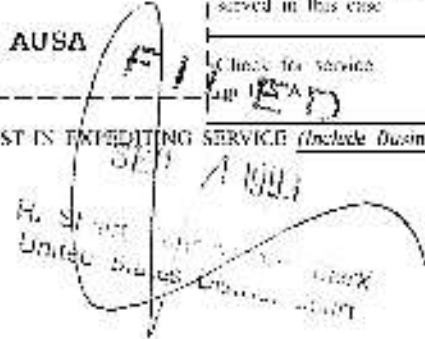
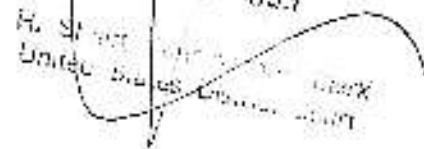
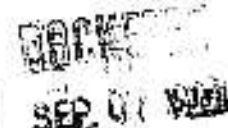
See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <b>UNITED STATES OF AMERICA</b>	COURT CASE NUMBER <b>93 C 4483 - J. NORDBERG</b>
DEFENDANT <b>ROTA TINUBU, et al.</b>	TYPE OF PROCESS <b>Warrant &amp; Complaint</b>

<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>FIRST HERITAGE BANK</b>
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <b>4101 West 183rd Street Country Club Hills, IL 60478</b>

SEND NOTICE OF SERVICE (COPY TO REGISTER AT NAME AND ADDRESS BELOW):	Number of copies to be served with this Form - 285	
<b>MICHAEL J. SHEPARD U.S. Attorney 219 South Dearborn Chicago, IL 60604 Attn: MARSHA A. McCLELLAN, AUSA</b>	Number of copies to be served in this case	
	Check for service <input checked="" type="checkbox"/> BY MAIL	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (include business and alternate addresses, All Telephone Numbers, and Estimated Times Available For Service):

Signature of Attorney or other Originator (with title) or before of Agent of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <b>(312) 353-2814</b>	DATE <b>7-30-93</b>
---	---	---	------------------------

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only first USM 285 if more than one USM 285 is submitted)</i>	Total Process <b>2</b>	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date <b>AUG 24 1993</b>
--	---------------------------	---------------------------------	--------------------------------	--	----------------------------

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address indicated below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode
--	--

Address (optional only if different than shown above)	Date of Service <b>8-24-93</b>	Time <b>4:30 pm</b>
	Signature of U.S. Marshal or Deputy 	

Service Fee	Total Mailing Charges (including endorsements)	Forwarding Fee	Total Charges	Advance Deposits	Amount used to U.S. Marshal or	Amount of Refund
-------------	--	----------------	---------------	------------------	--------------------------------	------------------

REMARKS:  
**Mailed 8-24-93**  
**P14E 316 738**  
**Receipt dated 8-25-93**

**9**



WARRANT OF SEIZURE AND MONITION

United States District Court

FOR THE

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

14183

To the Marshal of the Northern District of Illinois

WHEREAS, on the 26th day of JULY, A.D. 19 93, a Ver. Complt for Conf. was filed in the United States District Court for said Northern District of Illinois, by MICHAEL J. SUBPARD, United States attorney for said District, on behalf of the United States, against

FUNDS IN ACCOUNT 263226700 HELD BY FIRST HERITAGE BANK IN THE NAME OF BOLA TINUBI

SEARCHED SERIALIZED INDEXED FILED

and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain the same in your custody until further order of said Court respecting the same; and to give notice by publication in the Chicago Daily Law Bulletin to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said complaint, that they be and appear before the said Court, at the city of Chicago within ten days after giving of notice, if the same shall be a day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf and that they file and serve their answers within twenty days after the filing of said claims. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS THE HONORABLE		UNITED STATES DISTRICT JUDGE AT	
DATE	CLERK	E. STUART CUNNINGHAM	
JUL 26 1993	(BY) DEPUTY CLERK	<i>Phillip Simpson</i>	
Returnable _____ days after issue.			
<b>UNITED STATES MARSHAL'S RETURN</b>			
DISTRICT		DATE THE WITHIN WRIT WAS RECEIVED AND EXECUTED	
<i>Northern District of Illinois</i>		8-24-93	
U.S. MARSHAL		(BY) DEPUTY MARSHAL	
<i>Maria Lopez</i>		<i>Kenneth Randall</i>	

U.S. Department of Justice  
United States Marshals Service

**ENTERED SAMS**

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <b>UNITED STATES OF AMERICA</b>		COURT CASE NUMBER <b>93 C 4483 - J. NORDBERG</b>
DEFENDANT <b>BOLA TINUBU, et al.</b>		TYPE OF PROCESS <b>Warrant &amp; Complaint</b>
<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>KEVIN MOSS, IRS</b>	
	ADDRESS (Obtain a RFD, Apartment No., City, State and ZIP Code) <b>230 South Dearborn Chicago, IL 60604</b>	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	
<input type="checkbox"/> <b>MICHAEL J. SHEPARD</b> U.S. Attorney 219 South Dearborn Chicago, IL 60604 Attn: <b>MARSHA A. McCRELLAN, AUSA</b>		Number of parties to be served in this case	
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Independent Addresses, and Estimated Times Available For Service) RM

Signature of Attorney or other Originator requesting service of process <i>Marsha A. McCrellan</i> <b>Marsha A. McCrellan, AUSA</b>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <b>(312) 353-2814</b>	DATE <b>7-30-93</b>
---	---	---	------------------------

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <b>184</b>	District of Origin <b>ND</b>	District to Serve <b>ND</b>	Signature of Authorized USMS Deputy or Clerks <i>AD</i>	Date <b>8/24/93</b>
--	-----------------------------	---------------------------------	--------------------------------	--	------------------------

I hereby certify and return that I have personally served  have legal residence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	A person of suitable age and discretion then residing in the defendant's usual place of abode	
Address (complete only if different than shown above)	Date of Service <b>8/25/93</b>	Time <b>2:10 pm</b>
	Signature of U.S. Marshal or Deputy <i>Debra N. Thomas</i>	

Service Fee	Local Mileage Charges (including endorsement)	Forwarding Fee	Total Charges	Advance Deposits	Amount paid to U.S. Marshal re	Amount of Refund
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REMARKS:

10

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FUNDS IN ACCOUNT 261226700  
HELD BY FIRST HERITAGE BANK IN  
THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 394831134,  
39483396, 4650279066, 00400220,  
39936404, 39936383,  
HELD BY CITIBANK, N.A.  
IN THE NAME OF BOLA TINUBU OR  
COMPASS FINANCE & INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952,  
52050-89451952, 52050-89451953  
HELD BY CITIBANK, INTERNATIONAL  
IN THE NAME OF BOLA TINUBU,

Defendants.

No. 93 C-4483

Judge Nordberg

**FILED**

SEP 1 1993

H. STUART CROCKFORD, CLERK  
UNITED STATES DISTRICT COURT

*[Handwritten Signature]*

SEP 21 1993

STIPULATION AND COMPROMISE SETTLEMENT  
OF CLAIMS TO THE FUNDS HELD BY HERITAGE BANK AND CITIBANK

The United States of America, by its attorney, Michael J. Shepard, United States Attorney for the Northern District of Illinois and claimants, Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogati, by their attorney, Patrick S. Coffey, stipulate and agree as follows:

1. The United States filed a Verified Complaint for Forfeiture against the funds in the above-captioned defendant accounts because there was probable cause to believe that the property represented proceeds of narcotics trafficking or was property involved in financial transactions in violation of 18

U.S.C. §§ 1956 and 1957 and therefore was forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) and 81 U.S.C. § 981. The funds in the defendant accounts were seized initially by seizure warrants. The claimants dispute that there was probable cause for these seizures.

2. The defendant accounts held by Citibank and Heritage Bank are in the name of Compass Financial and Bola Tinubu. Ownership interests in the funds in these defendant accounts have been asserted on behalf of Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogati, (hereafter "the claimants"). The claimants warrant that they have exclusive right, title and interest to the defendant property seized.

3. The United States and the claimants agree to settle and to compromise this action on the terms described below.

4. The parties agree that the funds held by Citibank shall be released to K.O. Tinubu and the action filed against those funds held in the accounts by Citibank shall be dismissed with prejudice.

5. The parties further agree that \$460,000 from the defendant account held by Heritage Bank in the name of Bola Tinubu shall be forfeited by the United States and disposed of according to law. The funds remaining in the account shall be released to K. O. Tinubu.

6. The claimants, Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogati, hereby release and forever discharge the United States, its officers, agents, servants, and employees, its heirs, successors, or assigns

from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which the claimants, their heirs, successors, or assigns ever had, now have or may have in the future in connection with the investigation, seizure, detention, forfeiture, disposition and release of the defendant property.

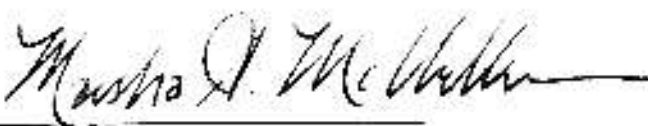
7. The parties further agree that this Court will retain jurisdiction of this matter for the purposes of implementing this settlement agreement.

8. The United States and the claimants agree to bear their own costs and attorney's fees.

9. The United States and the claimants state that they have read this agreement and understand this agreement and that they intend to be bound by its terms and conditions.

AGREED:

MICHAEL J. SHEPARD  
United States Attorney

By:   
Marsha A. McClellan  
Assistant United States Attorney  
219 S. Dearborn Street  
Chicago, Illinois 60604

  
Patrick S. Coffey  
Attorney for Claimants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

FUNDS IN ACCOUNT 263226700  
HELD BY FIRST HERITAGE BANK IN  
THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134,  
39483396, 4650279566, 00400220,  
39936404, 39936383,  
HELD BY CITIBANK, N.A.  
IN THE NAME OF BOLA TINUBU OR  
COMPASS FINANCE & INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952,  
52050-89451952, 52050-89451953  
HELD BY CITIBANK, INTERNATIONAL  
IN THE NAME OF BOLA TINUBU,

Defendants.

No. 93 C 4483

Judge Nordberg

RECEIVED  
SEP 21 1994

**SETTLEMENT ORDER OF CLAIMS TO FUNDS  
HELD BY HERITAGE BANK AND CITIBANK**

This matter coming before the Court upon the motion of the the United States and the claimants, Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogati, by their attorney, Patrick S. Coffey, the Court finds as follows:

(a) The United States filed a Verified Complaint for Forfeiture against the funds in the above-captioned defendant accounts because there was probable cause to believe that the property represented proceeds of narcotics trafficking or was

12

property involved in financial transactions in violation of 18 U.S.C. §§ 1956 and 1957 and therefore was forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) and 81 U.S.C. § 981. The funds in the defendant accounts were seized initially by seizure warrants. The claimants dispute that there was probable cause for these seizures;

(b) The defendant accounts held by Citibank and Heritage Bank are in the name of Compass Financial and Bola Tinubu. Ownership interests in the funds in these defendant accounts have been asserted on behalf of Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogaji, (hereafter "the claimants"). The claimants warrant that they have exclusive right, title and interest to the defendant property seized;

(c) The Court has jurisdiction over the defendant accounts and over the subject matter of this action;

(d) A verified complaint was filed on July 26, 1993

(e) Warrants of seizure and monition were served by the United States Marshal's Service;

(f) The United States and the claimants agree to settle and to compromise this action;

(g) The parties agree to a settlement of the action against the defendant accounts as set forth in the Stipulation for Compromise Settlement attached to this Order and incorporated herein. It is agreed by the parties that the funds held by Citibank (Account Nos., 39483134, 39483396, 4650279566, 00400220, 39936404 and 39936383, Citibank International Account Nos. 52050-

89451951 (and/or 52050-89651951), 52050-89451952 (and/or 52050-89651952), and 52050-89451953 (and/or 52050-89651953)) shall be released and the action filed against these funds held in the accounts by Citibank shall be dismissed with prejudice;

(h) The parties further agree that \$460,000 from the defendant account held by Heritage Bank in the name of Bola Tinubu shall be forfeited by the United States when publication has been completed and those funds shall remain in the account First Heritage Bank until disposed of according to law by further order of this Court. The additional funds remaining in the account in excess of the \$460,000 shall be released accordingly, it is hereby

ORDERED that the funds in the above named accounts and any accounts held by Citibank or its related entities on behalf of Bola Tinubu or companies over which Bola Tinubu has control shall be released and the action filed against these funds held in those accounts by Citibank shall be dismissed with prejudice; it is further

ORDERED that the funds in the defendant account held by First Heritage in excess of \$460,000 shall be released and the action, as it relates to these funds, filed against the account by First Heritage shall be dismissed; it is further

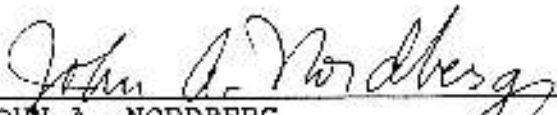
ORDERED that the funds in the defendant account held by First Heritage in the amount of \$460,000 shall be maintained in the defendant account until further order of this Court; it is further

ORDERED that the Stipulation for Compromise Settlement and Hold Harmless Agreement and its terms and conditions are made a



part of this Settlement Order; it is further

ORDERED that the Court shall retain jurisdiction over this action in order to implement and enforce the terms of the attached Stipulation.

  
\_\_\_\_\_  
JOHN A. NORDBERG  
United States District Judge

Dated: September 15, 1993

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

Name of Assigned Judge or Magistrate Judge	John A. Nordberg	Sitting Judge if Other Than Assigned Judge	
Case Number	93 C 4483	Date	September 15, 1993
Case Title	USA v. 263226700		

**MOTION:**

(In the following box (a) indicate the party filing the motion (e.g., plaintiff, defendant, 3rd party plaintiff), and (b) state briefly the nature of the motion being presented.)

**DOCKET ENTRY:**

(1)	<input type="checkbox"/>	Filed motion of [use listing in "MOTION" box above]
(2)	<input type="checkbox"/>	Brief in support of motion due _____
(3)	<input type="checkbox"/>	Answer brief to motion due _____ Reply to answer brief due _____
(4)	<input type="checkbox"/>	<input type="checkbox"/> Ruling on _____ set for _____ at _____ <input type="checkbox"/> Hearing
(5)	<input checked="" type="checkbox"/>	Status hearing <input checked="" type="checkbox"/> held <input checked="" type="checkbox"/> continued to _____ set for _____ re set for <u>04 Oct 93</u> at <u>9:00 a.m.</u>
(6)	<input type="checkbox"/>	Pretrial conf <input type="checkbox"/> held <input type="checkbox"/> continued to _____ set for _____ re set for _____ at _____
(7)	<input type="checkbox"/>	Trial <input type="checkbox"/> set for _____ re set for _____ at _____
(8)	<input type="checkbox"/>	<input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Hearing held and continued to _____ at _____
(9)	<input type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 91 (waiver of prosecution) <input type="checkbox"/> FRCP 41(a)(1) <input type="checkbox"/> FRCP 41(a)(2)
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Settlement Order of claims to funds held by Heritage Bank and Citibank. Patrick Coffey granted leave to file an appearance on behalf of Claimants Bola Tinubu, K.O. Tinubu and Alhaji Mogati.
(11)	<input checked="" type="checkbox"/>	[For further detail see <input type="checkbox"/> cover on the reverse of <input checked="" type="checkbox"/> order attached to this original minute order form.]

<input type="checkbox"/>	No notices required, advised in open court	<p>RECEIVED SEP 21 1993 SEP 2 01993</p> <p>SEP 2 01993</p>	Number of notices	<p>Document #</p> <div style="border: 1px solid black; padding: 10px; font-size: 2em;">13</div>
<input type="checkbox"/>	No notices required.		Date docketed	
<input type="checkbox"/>	Notices mailed by judge's staff.		Docketing dpty. initials	
<input type="checkbox"/>	Notified personal by telephone.		Date mailed notice	
<input checked="" type="checkbox"/>	Deputizing to mail notices.		Mailing dpty. initials	
<input type="checkbox"/>	Mail AO 45E form.			
<input type="checkbox"/>	Copy to judge/magistrate judge.			
<input checked="" type="checkbox"/>	Courtroom deputy's initials	Date/time received in central Clerk's Office		

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**FILED**

SEP 15 1993

In the Matter of UNITED STATES V. FUNDS IN ACCOUNT  
263226700, et al.

H. STUART CUNNINGHAM  
CLERK, U. S. DISTRICT COURT

Case Number: 93 C 4483

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

CLAIMANTS GOLA A. TINUBU, K.O. TINUBU AND ALYASI MOGATI

(A)			(B)		
SIGNATURE <i>[Signature]</i>			SIGNATURE <b>FILED</b>		
NAME <u>PATRICK S. COFFEY</u>			NAME		
FIRM <u>GARDNER, CARTON &amp; DOUGLAS</u>			FIRM <u>SEP 15 1993</u>		
STREET ADDRESS <u>321 N. CLARK ST.</u>			STREET ADDRESS		
CITY/STATE/ZIP <u>CHICAGO, IL 60610</u>			CITY/STATE/ZIP <u>H. STUART CUNNINGHAM, CLERK</u> <u>U. S. DISTRICT COURT</u>		
TELEPHONE NUMBER <u>(312) 245-8711</u>			TELEPHONE NUMBER		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <u>90304</u>			IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>			DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		
(C)			(D)		
SIGNATURE			SIGNATURE		
NAME			NAME		
FIRM			FIRM		
STREET ADDRESS			STREET ADDRESS		
CITY/STATE/ZIP			CITY/STATE/ZIP		
TELEPHONE NUMBER			TELEPHONE NUMBER		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)			IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>			MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>			TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>			DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

*[Handwritten mark]*

United States District Court

Northern District of Illinois  
Eastern Division

FILED

SEP 15 1993

H. STUART CUNNINGHAM  
CLERK, U. S. DISTRICT COURT  
NO. 93 C 4483

Plaintiff(s) UNITED STATES

vs.

Defendant(s) FUNDS IN ACCOUNTS 263226700, et al

AFFIDAVIT EVIDENCING COMPLIANCE WITH GENERAL RULE 39

CLAIMANTS BOCA A. TIMBU, K.O. TIMBU AND ALDASI MOCATI

Affiant is the attorney of record for

SEP 15 1993

(Here insert all parties represented by affiant)

H. STUART CUNNINGHAM, CLERK  
UNITED STATES DISTRICT COURT

and has knowledge of the matters covered by this affidavit and has read General Rule 39.

Affiant has not directly or indirectly solicited employment by the above-named party or parties, and knows of no solicitation of said party or parties by any person that has resulted in the employment of the affiant, except (here state all exceptions, or if none state "no exception") : NO EXCEPTION

Affiant has not paid, or promised to pay, and knows of no payment or promise of payment to the above-named party, or parties, of the costs of this case, or of the medical, living or other expenses of any party, or of any part of an attorney's fee, or of any portion of the recovery by suit or settlement herein to any person whatever other than the above-named party or parties and the attorneys of record herein, except (here state all exceptions, or if none state "no exception") : NO EXCEPTION

Affiant has filed contemporaneously herewith a signed copy of any written contingent fee agreement applicable to his compensation for representing the above-named party or parties in this action and represents that a signed copy thereof has been furnished to each party he represents; if no copy of a contingent fee agreement is filed herewith, affiant represents that his compensation for services in this case is not on a contingent basis.

*[Handwritten Signature]*

SEP 15 1993

Subscribed and sworn to before me this 15TH day of SEPTEMBER, A. D. 1993

ATTORNEY  
TITLE

15

CERTIFICATE OF PUBLICATION

CASE NO. 93C-4483

SEP 01 1993

Seized FUNDS IN ACCOUNTS

LAW BULLETIN PUBLISHING CO.

does hereby certify that it is the publisher of

CHICAGO DAILY LAW BULLETIN,

UNITED STATES MARSHAL'S NOTICE,  
District Case No. 93C-4483  
To Whom It May Concern:

Whereas, a Subpoena of Warrant and  
Monition issued out of the United  
States District Court of the United  
States of America for the Northern  
District of Illinois, on the 27th day of  
July, A.D. 1993, pursuant to a com-  
plaint filed by Michael J. Shepard,  
United States Attorney for the Northern  
District of Illinois, and against  
certain merchandise to-wit:

Funds in Account 065226700 held  
by First Heritage Bank in the name  
of 304 Trust; Funds in Accounts  
36483124, 39483386,  
4650270566, 55400220,  
3938644, 39936383, held by Citicorp, N.A. in the name of Bank  
Trust or Compass Finance & In-  
vestment Co. and Funds in Accounts  
52050-89451952, 52050-  
89451952, 52050-89451953 held  
by Citibank International in the  
name of 304 Trust;

for causes and reasons to said com-  
plaint mentioned, paying for the forfeit-  
ure, condemnation, or destruction of  
said merchandise, Under and by virtue  
of said monition, I have attached and  
now the same now in my custody in  
storage in the City of New York, New  
York and County Club Hills, Illinois,  
pursuant to Rules C(4) and C(5) of the  
Supplemental Rules (Federal Rules of  
Civil Procedure), notice is hereby given  
that said Monition is returnable  
within ten (10) days of this notice,  
that when I first shall be a day of  
jurisdiction, otherwise on the next day  
of jurisdiction thereafter, all persons  
claiming said merchandise, or know-  
ing or having anything to say why the  
same should not be condemned as  
seized to the use of the United  
States of America, pursuant to the  
prayer of said complaint, are then  
required to be and appear before said  
Court in the City of Chicago in the  
Northern District of Illinois and dis-  
miss, ten (10) days after publication,  
and then and there interpose their  
claims for the same and to make their  
allegations in that behalf, by filing  
their claims with the Clerk of the  
Court, Northern District of Illinois, 239  
South Dearborn Street, 20th Floor,  
Chicago, Illinois. Any person having  
filed a claim within the time limits  
herebefore set forth must file an an-  
swer within twenty (20) days following  
the filing of the claim. Failure to file a  
claim and answer may result in default  
and condemnation.

Dated at Chicago, Illinois, this 1st  
day of September, A.D., 1993.

MARVIN LUTER  
U.S. Marshal's Service,  
Northern District of Illinois,  
929267 Sept-1

that said CHICAGO DAILY LAW BULLETIN is a secular newspaper  
that has been published DAILY in the City of Chicago, County of Cook,  
State of Illinois, continuously for more than one year prior to the first date  
of publication of the notice appended, that it is of general circulation  
throughout said County and State, that it is a newspaper as defined in  
"An Act to revise the law in relation to notices," as amended, Illinois  
Compiled Statutes (715 ILCS 5/1 & 5/5), and that the notice appended was  
published in the said CHICAGO DAILY LAW BULLETIN on

SEPTEMBER 01, 1993.

FORWARDED  
SEP 01 1993

In witness whereof, the undersigned has caused this certificate to be signed  
and its corporate seal affixed at Chicago, Illinois,

SEPTEMBER 01ST, 1993.

LAW BULLETIN PUBLISHING CO.

*[Signature]*

SEP 01 1993

93 C-4483  
16

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED  
OCT 5 - 1993

UNITED STATES OF AMERICA,

Plaintiff,

v.

FUNDS IN ACCOUNT 263226700  
HELD BY FIRST HERITAGE BANK IN  
THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134,  
39483396, 4650279566, 00400220,  
39936404, 39936383,  
HELD BY CITIBANK, N.A.  
IN THE NAME OF BOLA TINUBU OR  
COMPASS FINANCE & INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952,  
52050-89451952, 52050-89451953  
HELD BY CITIBANK, INTERNATIONAL  
IN THE NAME OF BOLA TINUBU,

Defendants.

No. 93 C 4483

Judge Nordberg

**DECREE OF FORFEITURE AS TO FUNDS  
HELD BY FIRST HERITAGE BANK**

This matter coming before the Court upon the motion of the  
the United States of America, the Court finds as follows:

(a) The United States filed a Verified Complaint for  
Forfeiture against the funds in the above-captioned defendant  
accounts because there was probable cause to believe that the  
property represented proceeds of narcotics trafficking or was  
property involved in financial transactions in violation of 18  
U.S.C. §§ 1956 and 1957 and therefore was forfeitable to the United  
States pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981. The

funds in the defendant accounts were seized initially by seizure warrants;

(b) The defendant accounts held by Citibank and First Heritage Bank are in the name of Compass Financial and Bola Tinubu. Ownership interests in the funds in these defendant accounts have been asserted on behalf of Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Albaji Mogaji. These individuals warranted that they had exclusive right, title and interest to the defendant property seized;

(c) The Court has jurisdiction over the defendant accounts and over the subject matter of this action;

(d) A verified complaint was filed on July 26, 1993;

(e) Warrants of seizure and monition were served by the United States Marshal's Service;

(f) The United States and the individual claimants agreed to settle and to compromise this action upon terms previously presented to the Court;

(g) A Settlement Order relating to the individual claimants was approved and signed by this Court on September 15, 1993;

(h) Pursuant to the stipulation for compromise settlement made a part of the Settlement Order, funds remaining in the amount of \$460,000 in the defendant account held by First Heritage Bank in the name of Bola Tinubu were to be forfeited by the United States when publication was completed if no other claims to the funds were made;

(i) Pursuant to Rule C of the Supplemental Rules Governing

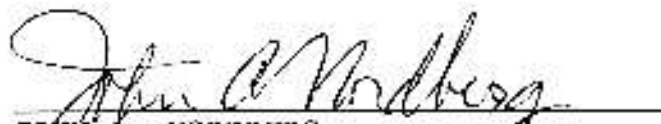
Certain Admiralty and Maritime Claims, the United States Marshal published notice of the seizure on September 1, 1993, directing that any claim be filed within ten days of said date and any answer be filed within twenty days of the filing of the claim;

(j) Neither a claim nor answer has been filed on behalf of the defendant funds other than the claims previously resolved by this Court in its Settlement Order dated September 15, 1993 accordingly, it is hereby

ORDERED that the funds in the amount of \$460,000 in account 263226700 held by First Heritage Bank in the name of Bola Tinubu represent proceeds of narcotics trafficking or were involved in financial transactions in violation of 18 U.S.C. §§ 1956 and 1957 and therefore these funds are forfeit to the United States pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981; it is further

ORDERED that First Heritage Bank shall issue a check in the amount of \$460,000 payable to Federal Reserve Bank of Chicago and that these funds shall be disposed of according to law; it is further

ORDERED that the Court shall retain jurisdiction over this action in order to implement and enforce the terms of this Decree of Forfeiture.

  
JOHN A. NORDBERG  
United States District Judge

Dated: Oct 4, 1993



UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

Name of Assigned Judge or Magistrate Judge	John A. Nordberg	Sitting Judge or Other Than Assigned Judge	
Case Number	93 C 4483	Date	October 4, 1993
Case Title	USA v. Acct #26J226700, et al		

MOTION:

(In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being filed.)

*Sign for offering*  
**OCT 5 - 1993**  
 Filed on

DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of (use listing in "MOTION" box above)
(2)	<input type="checkbox"/>	Brief in support of motion due _____
(3)	<input type="checkbox"/>	Answer brief to motion due _____ Reply to answer brief due _____
(4)	<input type="checkbox"/>	<input type="checkbox"/> Ruling or _____ set for _____ at _____ <input type="checkbox"/> Hearing
(5)	<input type="checkbox"/>	Status hearing <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re set for _____ at _____
(6)	<input type="checkbox"/>	Pretrial conf. <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re set for _____ at _____
(7)	<input type="checkbox"/>	Trial <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____
(8)	<input type="checkbox"/>	<input type="checkbox"/> Bench trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Hearing held and continued to _____ at _____
(9)	<input type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(b)(1) <input type="checkbox"/> FRCP 41(d)(2)
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Counsel for the plaintiff appeared. Enter Decree of Forfeiture as to Funds Held by First Heritage Bank. It is ordered that the funds in the amount of \$460,000 in account 263226700 held by First Heritage Bank in the name of Bola Tinubu are forfeited to the United States pursuant to 21 USC 881(a)(6) and 18 USC 981. It is ordered that First Heritage Bank shall issue a check in the amount of \$460,000 payable to Federal Reserve Bank of Chicago.
(11)	<input checked="" type="checkbox"/>	[For further detail see <input type="checkbox"/> entry on the reverse of <input checked="" type="checkbox"/> order attached to the original minute order form.]

<input type="checkbox"/>	No notices required, advised in open court.	Date/time received in Central Clerk's Office <b>OCT 5 1993</b>	number of notices	Document # <b>18</b>
<input type="checkbox"/>	No notices required.		date docketed	
<input type="checkbox"/>	Notices mailed by judge's staff.		Jacking duty initials	
<input type="checkbox"/>	Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/>	Docketing to mail notices.		mailing dpty. initials	
<input type="checkbox"/>	Mail AO 450 form.			
<input type="checkbox"/>	Copy to judge/magistrate Judge.			
<input type="checkbox"/>	courtroom deputy's initials			