

30430
52

EX-5 436

23205

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 87-CR-146

DILLARD E. KELLEY, SR.,

LIS PENDENS

Defendant.

NOTICE IS HEREBY GIVEN that Dillard E. Kelley, Sr. has been convicted in this court for violating Title 21 of the United States Code, § 853 and that as a result of said conviction proceedings have been commenced to forfeit the defendant's interest in certain real property which was either used to facilitate drug trafficking or purchased with the proceeds of drug trafficking.

This lis pendens affects title to certain real property owned by Dillard E. Kelley, Sr. or a corporation he controls, DEK of Wisconsin, Inc., and located at Route 1, Box 234X, Canton, Mississippi, and 326 North Street, Canton, Mississippi. The legal description to these properties is more fully set forth on the attached warranty deeds.

Dated at Milwaukee, Wisconsin, this 22nd day of June, 1989.

JOHN E. FRYATT
United States Attorney

By:

Francis D. Schmitz
FRANCIS D. SCHMITZ
Assistant United States Attorney

330 Federal Building
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 291-1700

BOOK

5 437

BOOK 194 620

WARRANTY DEED

INDEXED

1685

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash in hand paid me, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, C. P. BUFFINGTON, do hereby convey and forever warrant, subject to the limitations hereinafter contained, unto D. E. K. of WISCONSIN, INC., a Wisconsin Corporation, the following described real property lying and being situated in the City of Canton, Madison County, Mississippi, to wit:

EXHIBIT "A"

A lot of land described as: Beginning at a point on the north line of W. North Street 182.5 feet west of the intersection of said North line with the West line of N. Hickory Street, said point being on the West line of a 16-foot common alley known as Brickyard Alley and run thence North 507 feet along said alley to a stake, thence run West on the south line of the property conveyed by R. H. Holmes to Madison County, Mississippi, by deed dated October 9, 1945, which is recorded in Deed Book 35 at page 99 in the office of the Chancery Clerk of Madison County, Mississippi, to the right of way of the Illinois Central R.R. Main Line as described in a deed recorded in Book VVV at page 184 in the office of the aforesaid Clerk, thence run South along said railroad right of way to the North line of W. North Street, thence East along the North line of said Street 240 feet, more or less to the POINT OF BEGINNING, being part of Lots 16 and Lots 18, 20, and 22 on the North side of West North Street, according to George and Dunlap's Map of the City of Canton, made in 1898 and formerly known as part of the Brickyard or Ricks Property.

LESS AND EXCEPT any part of the right of way of the I.C. R.R. which may be included in this description, said right of way being described in Deed Book VVV, Page 184, in the office of the Chancery Clerk of Madison County.

ALSO LESS AND EXCEPT: The following lots or parcels of land being more particularly and collectively described as follows:

From the intersection of the north line of West North Street with the west line of North Hickory Street run west along the north line of West North Street 182.5 feet to the west line of a 16-foot common roadway, and the POINT OF BEGINNING; thence run west 63 feet on the north line of West North Street to a point; run thence north 165 feet to a point; run thence west 62 feet to a point which is the southwest corner of a lot conveyed by R. H. Holmes to Minerva Sherrod, et al by deed dated December 5, 1944, and recorded in Deed Book 29 at page 205 in the office of the aforesaid Clerk; thence run North 250 feet to a point which is the northwest corner of a lot conveyed by R. H. Holmes to Eddie Tucker, et al by

BOOK

5 PAGE 438

INDEXED

1984 MAR 684

739

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, JAMES JONES, JR., and GERTRUDE FRANCES JONES, Grantors, do hereby convey and forever warrant unto DILLARD E. KELLEY, SR., Grantee, the following described real property lying and being situated in Madison County, Mississippi, to-wit:

A lot or parcel of land fronting 417.4 feet on the West side of U.S. Highway No. 51, containing 5.0 acres more or less, all lying and being situated in the SE1/4 of Section 32, Township 10 North, Range 3 East, Madison County, Mississippi, and more particularly described as follows: Commencing at the intersection of the north line of the SE1/4 of Section 32, Township 10 North, Range 3 East with the West right-of-way line of U.S. Highway No. 51, run southerly along said highway right-of-way line for 419 feet to an iron pipe, said pipe being the Southeast corner of the Harry Powell lot, and the point of beginning, and from said point of beginning run Southerly 417.4 feet along said highway right-of-way to an iron pipe, thence turn right through a deflection angle of 90 degrees and run 521.8 feet to an iron pipe, thence turn right through a deflection angle of 90 degrees and run 417.4 feet, parallel to said highway, to an iron pipe, thence turn right through a deflection angle of 90 degrees and run 521.8 feet to the point of beginning.

WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to-wit:

1. County of Madison and State of Mississippi ad valorem taxes for the year 1984, which are liens, but are not yet due or payable and which shall be prorated as follows: Grantor: 9/12; Grantee: 12/12.
2. Madison County Zoning and Subdivision Regulations Ordinance of 1976, adopted July 23, 1976, and recorded in Minute Book AL at page 77 in the records in the office of the Chancery Clerk of Madison County, Mississippi.
3. A one-half (1/2) interest of oil, gas and other minerals which were conveyed on November 20, 1939, by Elizabeth Sims to H. M. Coleman and M. E. Ragsdale by deed recorded in Deed Book 13 at page 105 in the records in the office of the Chancery Clerk of Madison County, Mississippi.
4. A right of way and easement executed on February 28, 1948, in favor of American Telephone and Telegraph Company by Napoleon Sims by instrument filed in said Clerk's office in Deed Book 39 at page 433, in the records in the office of the aforesaid Clerk.



U.S. Department of Justice

BOOK

5 PAGE 439

United States Attorney
Eastern District of Wisconsin

517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

414/291-1700
FTS 362-1700

June 22, 1989

Chancery Clerk
Madison County
P.O. Box 404
Canton, Mississippi 39046

Re: United States v. Dillard Earl Kelley, Sr.
Case No. 87-CR-146

Dear Sir or Madame:

I would appreciate it if you could file the attached lis
pendens and return a file stamped copy to this office. Please bill this
office for any charges incurred.

Very truly yours,

JOHN E. FRYATT
United States Attorney

By: 
FRANCIS D. SCHMITZ
Assistant United States Attorney

Enclosure:
As stated.



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 26 day
of June, 19 89, at 900 o'clock a M., and was duly recorded
on the JUN 26 1989, Book No. 5, Page 436.

BILLY V. COOPER, CHANCERY CLERK BY:  D.C.