

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 17-333-JL
)	
Forty Six Thousand Dollars (\$46,000.00))	
in U.S. Currency, more or less, seized from)	
Alex Temple,)	
)	
Defendant <i>in rem</i>)	
_____)	

STIPULATED SETTLEMENT AGREEMENT

Plaintiff, United States of America, through its undersigned counsel, and Edward Phipps (“Phipps”), hereby enter into this settlement agreement for the forfeiture of \$39,000.00 of the defendant *in rem* \$46,000 in U.S. Currency. The remaining \$7,000.00 of the defendant *in rem* will be dismissed and released to Brian Silber, Esquire, counsel for Phipps. Phipps affirms that he is the sole owner of the seized currency.

IT IS THEREFORE STIPULATED AND AGREED by and between the United States of America and Phipps that:

(A) Phipps consents to the forfeiture of all of his right, title and interest, if any, in \$39,000.00 of the defendant *in rem* \$46,000.00 in U.S. Currency. \$7,000.00 of the defendant *in rem*, less any debt owed to the United States, any agency of the United States, or any other debt in which the United States is authorized to collect, shall be released to Brian Silber, Esquire, counsel for Phipps.

(B) Phipps shall not seek, through any court proceeding or other process, the return of any of the agreed-upon forfeited property, shall not object to the United States obtaining a

Certificate of Reasonable Cause under 28 U.S.C. § 2465; the parties shall bear their own costs of this proceeding, including attorney's fees, if any;

(C) Phipps is forever barred from asserting any claims against the United States, its agents, employees or assigns, including the United States Customs and Border Protection (CBP), Department of Homeland Security, Homeland Security Investigations (HSI) New Hampshire State Police (NHSP), or any state or local law enforcement in connection with, or arising from this forfeiture proceeding, including but not limited to any claim that the United States did not have probable cause to forfeit the above-listed defendant *in rem*;

(D) Phipps further agrees to hold harmless the United States, its agents, employees, or assigns, including CBP, HSI, NHSP, and any state or local law enforcement from any and all claims in connection with or arising out of the United States' seizure and detention of the defendant *in rem*;

(E) By this Agreement, the parties do not intend to bind the Internal Revenue Service with respect to any claims arising under the Internal Revenue Code; and,

(F) This Stipulated Settlement Agreement constitutes the entire agreement between the United States and Phipps, and it may not be modified, amended or terminated except by a written agreement signed by the parties. No other inducements or offers have been made regarding the subject matter of this agreement.

Therefore, under the terms of the Stipulated Settlement Agreement:

\$39,000.00 of the defendant *in rem* \$46,000.00 in U.S. Currency, plus any accrued interest on the entire sum seized, shall be forfeited to the United States, pursuant to 21 U.S.C. § 881(a)(6), free from the claims of any other party.

The remainder of \$7,000.00 of the defendant *in rem*, less any debt owed to the United States, any agency of the United States, or any other debt in which the United States is authorized to collect, shall be released to Brian Silber, Esquire, counsel for Edward Phipps. Upon the execution of this agreement, the United States will file an “assented-to” motion to forfeit \$39,000.00 from the defendant *in rem* \$46,000.00 in U.S. Currency, and to dismiss the remaining \$7,000.00 in U.S. Currency from this action.

Respectfully submitted,

SCOTT W. MURRAY
United States Attorney

Dated: July 24, 2018

By: /s/ Robert J. Rabuck
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Dated: July 23, 2018

/s/ Edward Phipps
Edward Phipps, Claimant

Dated: July 23, 2018

/s/ Brian Silber
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