

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL DIVISION

CITY OF OVERLAND PARK,)
 Plaintiff,)
v.)
)
\$500.00 UNITED STATES CURRENCY,)
MORE OR LESS)
 Defendants.)

Case No. 19CV04586
Court No. 11

Pursuant to K.S.A. Chapter 60

To: Benjamin Holloway
11704 W. 115th Street
Overland Park, Kansas 66210

**NOTICE OF PENDING FORFEITURE
(Pursuant to K.S.A. 60-4109)**

NOTICE IS HEREBY GIVEN that the above-captioned property has been seized and is pending forfeiture to the City of Overland Park, Kansas, pursuant to the Kansas Standard Asset Seizure and Forfeiture Act (the “Act”), K.S.A. 60-4101, *et seq.* If you have not previously received a Notice of Seizure for Forfeiture, this is notice pursuant to the Act.

DESCRIPTION OF THE PROPERTY SUBJECT TO FORFEITURE

\$500.00 in United States Currency (the “Property”).

DATE AND PLACE OF SEIZURE

The Overland Park Police Department seized the Property on or about **May 26, 2019**, near **11704 W. 115th Street**, in Overland Park, Johnson County, Kansas.

Overland Park Police Department Case No. **2019-009503** documents details regarding the seizure of the Property.

**CONDUCT GIVING RISE TO FORFEITURE OR THE VIOLATION OF LAW
ALLEGED**

The Property is subject to forfeiture because it is believed the currency was used to facilitate violations of **K.S.A. 21-5705 (Distribute Controlled Substance)**.

SUMMARY OF APPLICABLE PROCEDURES AND PROCEDURAL RIGHTS

Should you believe you have a true ownership interest in the Property, you may do any of the following: (1) File a verified petition for recognition of exemption with the undersigned; or (2) File a verified claim with the Overland Park Police Department and the undersigned; or (3) Waive any claim to the Property by doing nothing. The law also provides for provisional return of the Property under certain circumstances including the posting of a surety bond or a court hearing regarding whether probable cause existed when the Property was seized. You may wish to consult with an attorney before deciding what is best for you.

All requests, petitions and claims must comply with the requirements set out in the Act, K.S.A. 60-4101 *et. seq.* However, if no valid petition or claim is filed within thirty (30) days of personal service, publication or mailing of this Notice to you, whichever is earlier, your interest in the Property will be forfeited. Should a valid claim be timely filed, the City will respond with a judicial petition for forfeiture and the matter will proceed to trial.

Please be advised that it is a crime to falsely allege an ownership interest in property or to provide other false information in a claim. Further, pursuant to K.S.A. 60-4116 (f), and amendments thereto, any claimant who fails to establish that a substantial portion of the claimant's interest is exempt from forfeiture may be responsible to pay the reasonable costs, expenses and attorney fees of other claimants and the City.

CONTACT FOR OVERLAND PARK POLICE DEPARTMENT

Detective Ronald Frazier, Overland Park Police Department, 8500 Antioch Road, Overland Park, KS 66212.

Dated: **August 22, 2019**

/s/ Eric Blevins

Eric Blevins, KS No. 22633

Assistant City Attorney II

8500 Santa Fe Drive

Overland Park, Kansas 66212

Attorney for Plaintiff, City of Overland Park

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Pending Forfeiture was placed in the United States Mail, via certified mail, return receipt requested, addressed to the person(s) listed below on the 22nd day of August, 2019:

Benjamin Holloway
11704 W. 115th Street
Overland Park, Kansas 66210

/s/ Eric Blevins