

# CRIME PAYS

## **Civil Forfeitures in Georgia**

### *I. Introduction*

Civil forfeiture is a penalty held over from the English Common law system, and is characterized by law enforcement as a vital part of their operations against crime. Civil liberties advocates have long protested this process for a number of reasons. This paper, and today's presentation, will cover the current state of substantive law governing forfeitures in Georgia, both on the State and Federal levels.

### *II. Federal Forfeitures*

#### *A. Generally*

Per the report generated by the Assets Forfeiture Fund (hereinafter, the “AFF”) in 2018, the AFF received nearly \$1.3 billion dollars in forfeiture income in fiscal year 2018, which was down from nearly \$1.6 billion dollars in FY 2017<sup>1</sup>. Generally speaking, there are three categories of federal forfeiture: criminal, civil, and administrative. Each is discussed below, however, the list of activities and offenses for which assets can be subject to forfeiture is lengthy; a 2015 Department of Justice report lists over 100 federal statutes concerning asset forfeitures<sup>2</sup>. As such, this paper will provide an overview, but not an exhaustive cataloging of all of the types of forfeitures and rules governing each.

#### *B. Criminal*

As a part of the criminal process, 18 U.S.C. §982 authorizes the forfeiture of certain property in certain types of cases; primarily on cases involving money<sup>3</sup>, weapons or explosives, obscene materials, and terrorism. Forfeitures in these cases can be ordered by a sentencing judge pursuant to 18 U.S.C. §982(a), which generally requires that a federal court *shall*, when imposing sentence on an offense under any of the enumerated sections, order the forfeiture of any property, real or personal, including any property traceable to such offense, and in

1. Available at <http://oig.justice.gov/reports/2018/a1905.pdf#page=1>. Reports for prior years, and 5-year and 3-year summaries are available at <https://www.justice.gov/afp/reports-0>.

2. Available at <https://www.justice.gov/sites/default/files/criminal-afmls/legacy/2015/04/24/statutes2015.pdf> as of the date of this paper.

3. Including money laundering, counterfeiting, embezzlement, healthcare fraud, immigration crimes, and financial crimes.

some cases, used in facilitating the offense. This statute refers to 21 U.S.C. §853 to govern the procedure for such forfeitures<sup>4</sup>. These criminal forfeitures are *in personam* proceedings.

Under federal controlled substance laws, property used in the commission of, derived from the proceeds of, or intended for use in the commission of any felony drug crime shall be forfeited to the United States. In fact, the government is entitled to a rebuttable presumption that such property is subject to forfeiture in cases where the property was acquired during the commission of the offense and there existed no other likely source of income for the defendant during that time period<sup>5</sup>. There is also included a requirement that a defendant convicted of serious crimes related to the manufacture or distribution of methamphetamine pay for lab sites to be cleaned up.

21 U.S.C. § 853 also provides that the government may apply for a protective order upon the filing of an indictment alleging such a crime to prevent disposal of the property the government contends will be subject to forfeiture, and an order for the return of any property that has been taken out of the country. The Attorney General has the authority to mitigate, remit, or compromise forfeiture cases, to pay rewards for information that leads to a criminal forfeiture, and to dispose of the property forfeited. Finally, 21 U.S.C. § 853(p) provides that in any case where the defendant has done anything to conceal, destroy, or otherwise make unavailable the forfeited property, the government can substitute any property of the defendant up to the value of the to-be-forfeited property<sup>6</sup>.

Once property is ordered forfeited, the government is required to publish notice and provide an opportunity for third parties to claim an interest in the property. Pursuant to 21 U.S.C. § 853(n), if such an interest is claimed, a claimant must file a petition requesting a hearing and must establish by a preponderance of evidence that such claimant has a legal interest in such property. The petition must be sworn and must be filed within thirty (30) days of service<sup>7</sup>, and the hearing is to be held within thirty (30) days, to the extent practicable.

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4. 21 U.S.C. § 853(j) provides that 21 U.S.C. § 881(d), incorporating the other provisions of federal civil forfeiture laws (to the extent they are not inconsistent with the criminal forfeiture provisions) applies to criminal forfeitures as well; those provisions are described in more detail below.

5. Note that, pursuant to 18 U.S.C. § 982(b)(1), the rebuttable presumption applies only in drug cases.

6. 18 U.S.C. 982(b)(2) excludes this provision in a limited set of money laundering cases.

7. 21 U.S.C. § 853(n)(1) also provides for optional service by direct notice as a substitute, where the government knows of the third party's interest.

For forfeitures related to the creation, production, transportation, or otherwise related to obscene materials, the provisions of 21 U.S.C. § 853 apply, with the exception of the rebuttable presumption as in other non-drug-related cases.

C. Civil

In cases that do not involve criminal prosecutions, or where a criminal conviction is unobtainable, the government may still seek forfeiture of assets through civil *in rem* proceedings.

18 U.S.C. §§ 981 and 983 set out the general rules governing these types of forfeitures as apply to crimes related to money laundering, financial, mail, wire, ID, and computer fraud, embezzlement, truth in lending, counterfeiting, imports and exports, weapons and explosives, and motor vehicles, among others. Generally speaking, any property used in the commission of such an act, or the proceeds traceable to the same, is subject to forfeiture and, in fact, title in such property vests in the government upon commission of such an act, pursuant to 18 U.S.C. § 981(f). In addition to the Attorney General and Department of Justice, agents of the Treasury and the Postal Service are also authorized to seize property for forfeiture under 18 U.S.C. § 981, and may do so with a warrant, under conditions where an exception would apply to the normal warrant process, or where such property is lawfully seized by a local or state agency and delivered to a federal agency. Venue is covered in 28 U.S.C. § 1395, and is generally in the district where the defendant or the property is found, any district into which the property is brought, or any district where the defendant is charged with a crime. Once forfeited, the Department of Justice can dispose of the property, and can share it with state or local authorities, use it for restitution to victims, or in a number of other ways.

Procedure in civil forfeitures is governed by 18 U.S.C. § 983 and Supplemental Rule G to the Federal Rules of Civil Procedure. First, the government must provide notice of the seizure within sixty (60) days; this is generally accomplished by sending notice to the owner in non-judicial forfeiture cases or by filing and serving a judicial forfeiture action. If an indictment alleging that the property is subject to forfeiture is returned during the sixty (60) day period, the government may elect to continue with the civil forfeiture process (including the requirement of sending notice within sixty (60) days of seizure) or terminate the civil forfeiture and proceed

with a criminal forfeiture. If the property is seized by local or state authorities and subsequently turned over to a federal law enforcement agency, the deadline is extended to ninety (90) days, and the government can also extend the time to send notice by thirty (30) days under conditions where notice would jeopardize an individual's safety, or risk someone fleeing from prosecution, intimidating witnesses, destroying evidence, or otherwise cause problems. Pursuant to 18 U.S.C. § 983(f), in cases where the seizure would be detrimental to the owner's well-being, the claimant has ties to the community sufficient to provide assurances to the government that the property will remain available until trial, and the property is not contraband, evidence, or otherwise likely to be involved in future criminal work, the owner may request its return from the seizing agency and, if the same is not returned within fifteen (15) days, demand its return in court. The Court is obligated to rule on this demand within thirty (30) days, and may hear *ex parte* evidence from the government when appropriate.

Upon receiving notice of the seizure of his or her property, a claimant must file a claim with the appropriate authority; generally, this date is specified in the letter (but not less than thirty-five (35) days after its mailing date), or thirty (30) days after the last date of publication. There is no bond required to make such a claim, and it is not a formal proceeding; essentially, the claim is just a statement, under oath, that the claimant owns the property and explaining the nature of the claimant's interest.

Once a claim is filed, the government has ninety (90) days to file a complaint for forfeiture; if the government fails to file a complaint within that time, the property shall be released, and the government cannot pursue new forfeiture proceedings regarding that property in connection with the underlying offense. Again, the government can convert this proceeding to a criminal forfeiture proceeding by obtaining an indictment containing an allegation for forfeiture of the subject property within the ninety (90) days. The filing of a complaint opens a new thirty (30) day period for the filing of a claim. The complaint must be served by direct notice to known potential claimants, or their attorney, and a claim must be filed; in addition, an answer must be filed within twenty-one (21) days after the claim is filed, and may also file motions under Federal Rule of Civil Procedure 12(b). Certain persons, including defendants in criminal cases and claimants where the property

seized is the claimant's primary residence, may obtain appointed counsel.

The government must prove that, by a preponderance of evidence, the property seized is subject to forfeiture, and an innocent owner may raise his or her innocence, either due to lack of knowledge or subsequent *bona fide* purchase, as a defense. In cases where an owner would be entitled to written notice, but does not receive it, may file a motion to set aside the forfeiture, but it must be filed within five (5) years of the date of seizure. A claimant may also establish, pursuant to 18 U.S.C. § 983(g), that the forfeiture is disproportionate to the offense, in which case the court can reduce or eliminate the forfeiture; such a claim must be raised in a claimant's answer. The court may also assess civil fines equal to ten per cent (10%) of the value of the forfeited property, with a minimum of \$250 and a maximum of \$5,000, in addition to fines under Federal Rule of Civil Procedure 11. The government and the claimant each have the right to request a stay in the case, where proceeding could affect a related investigation or prosecution in a related case for the former, and where the same would affect the right against self-incrimination for the latter.

18 U.S.C. § 984 sets out specific rules for fungible property, i.e. money and similar assets, including a rule that the government does not have to prove that the property seized is the specific property at issue, and that any such proceeding must be commenced within one (1) year of the date of the offense. 18 U.S.C. § 985 adds some additional requirements related to seizures of real property, including that such forfeiture proceedings must be judicial proceedings and that real property cannot be seized prior to forfeiture without a warrant application hearing or where exigent circumstances exist.

21 U.S.C. § 881 provides for seizures and civil forfeitures in drug cases, which follow generally the rules set forth in 18 U.S.C. § 981, and that, except where contradicted in § 881, the general rules of civil forfeitures apply in these cases as well. It also contains a provision to allow the US Postal Service to act as an agent for the Department of Justice, and for a stay of proceedings in cases that proceed concurrently with criminal charges per 18 U.S.C. § 981(g).

D. Practical Considerations

Federal forfeiture law is complex, and practice in this area requires a knowledge of the applicable

statutes, plus many others, as a result of the cross-inclusion of non-contradictory sections from other federal forfeiture laws. The fact that all federal forfeitures are handled by United States Attorneys, and the hand-selected deputy United States Attorneys who work for them, only adds to the difficulty, especially when considering that many USA's have specialized departments within their office to handle these cases, as does the Department of Justice at large. The provisions in the federal statutes for penalties against parties and lawyers asserting frivolous claims in these types of cases only adds to the barriers to a general practitioner wanting to work on a case like this. That said, federal forfeitures tend to concern large amounts of money and/or property, and can be lucrative for a practitioner who has taken the time to learn the process, and it is as true on the federal level as it is on the state level that over-reach, or innocent owner defenses, can provide fertile ground for the release of seized property, often pursuant to a contingent fee agreement.

### *III. State-Law Forfeitures*

#### *A. Generally*

In 2018, more than \$5 million in property was seized pursuant to Georgia asset forfeiture laws<sup>8</sup>. Like its federal counterpart, forfeitures in Georgia can be *in rem* or *in personam* proceedings. Additionally, Georgia has a statutory quasi-judicial procedure for assets valued at less than \$25,000. Unlike its federal counterpart, most of the laws concerning asset forfeiture in Georgia are contained in a single location, namely Chapter 16 of Title 9 of the Official Code of Georgia (“O.C.G.A.”)<sup>9</sup>. While the *in personam* proceedings are analogous to criminal forfeitures under federal law, they are civil proceedings, and governed under the rules of Title 9. This section will discuss the rules applicable to all seizure cases, and the subsequent sections will describe each of the three types of proceedings in detail.

O.C.G.A. § 9-16-2 sets forth definitions used in the Chapter, and § 9-16-3 sets forth the jurisdictional rules, and allows for settlement of these cases in the same manner as any civil proceeding. O.C.G.A § 9-16-4

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8. Totals by judicial circuit, city, county, and other governmental units are available at <https://ted.cviog.uga.edu/financial-documents/asset-forfeiture>.

9. The references in Title 16 refer back to the procedures set forth in Title 9; certain crimes listed in Chapters 5, 8, 12, 13, and elsewhere in Title 16 include provision for the forfeiture of the proceeds of such activity.

sets the venue for any proceeding under this chapter where the property is found in *in personam* actions, and adopts the rules of Article VI, Section II of the Georgia Constitution for venue in *in personam* actions. O.C.G.A. § 9-16-5 requires notification of the owner of a motor vehicle seized, when the owner is not present at the time of seizure.

O.C.G.A. § 9-16-6 provides the mechanism by which the State can seize property. Property can be seized subject to a warrant, or without a warrant if probable cause exists or if the seizure is incident to arrest. O.C.G.A. § 9-16-6(c) further creates a “safe harbor” for courts to exercise jurisdiction over seizure cases when a warrantless seizure is supported by a good faith belief that probable cause exists.

When property is seized, the seizing officer must report the seizure to the District Attorney of the judicial circuit where the property is seized, or in whose circuit jurisdiction could otherwise be found, within thirty (30) days. The district attorney<sup>10</sup> then has sixty (60) days from the date of seizure to begin forfeiture proceedings. If the proceedings are not commenced within that time, the owner, or an interest holder in the property, may petition for its return. This time requirement does not, however, prevent an eventual filing of a judicial foreclosure, either *in rem* or *in personam*, has an exception for property seized that is being held as evidence, and allows for the district attorney to request the imposition of bond and other limiting conditions on the owners use of the property, or to request that the demand for return be denied in its entirety. O.C.G.A. § 9-16-14 also provides for application by the district attorney for a restraining order, an injunction, or other relief to prevent the property from being removed from the jurisdiction, and allows for the imposition of such conditions without a hearing; it also provides a mechanism by which owners can challenge such conditions, or apply for permission to sell seized property and return the balance of the moneys received by such sale to the Court.

O.C.G.A. § 9-16-8 allows for the creation of forfeiture liens against property, and waives filing fees for the state attorney creating, modifying, or waiving such liens. O.C.G.A. § 9-16-9 prohibits the use of certain equitable remedies to return seized property, and allows for the transfer of proceedings to other courts who may

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10. In some cases, forfeitures can be handled by the Attorney General's office; practically speaking, almost all forfeitures throughout the state are handled by District Attorneys or their lawfully appointed deputies. This paper will make reference to district attorneys throughout, but the rules apply in the same manner to forfeitures prosecuted by the Attorney General or his deputies.

have jurisdiction over the matter; it also contains a provision that waives conflicts and proscribes recusal of a judge sitting in a related criminal case. O.C.G.A. § 9-16-10 governs the disposition of seized property prior to the entry of a judgment or the conclusion of any quasi-judicial proceedings.

As with federal forfeitures, O.C.G.A. § 9-16-15 provides for a stay of forfeiture proceedings where there is a pending, related criminal case. Under state law, however, in contrast to federal law, that stay is available to both the state and the owner upon application. That stay lasts until the related criminal case is completed. A judgment of acquittal or a dismissal of the criminal case shall not preclude forfeiture proceedings; on the other hand, the owner or interest holder is precluded from asserting his or her innocence in a subsequent forfeiture proceeding, even if they have filed an appeal<sup>11</sup>.

O.C.G.A. 9-16-16 provides a mechanism for “injured persons”, generally victims of certain crimes<sup>12</sup>, to have a superior right to the state in forfeited property, provided such person intervenes in the forfeiture at least thirty (30) days before the entry of a judgment.

In all forfeiture cases, the state has the burden of proving, by a preponderance of the evidence, that the property is subject to forfeiture. O.C.G.A. § 9-16-17(a)(2) sets out a number of defenses that can be raised by owners related generally to the owner's lack of knowledge of the criminal conduct leading to the forfeiture, or the owners status as a *bona fide* purchaser after the fact. Subsection (b) of that statute creates a presumption that property is subject to forfeiture where the state establishes that the owner participated in the criminal conduct, the property was acquired during the period of time when the owner was participating in the criminal conduct, and there is no other likely source from which the owner could have acquired or purchased the property.

O.C.G.A. § 9-16-18 provides that, as in federal cases, title to the property subject to forfeiture vests in the state at the time of the conduct giving rise to the forfeiture, and for the return of property in cases where there is a judgment in favor of an owner or interest holder. Once forfeited, property is disposed of in accordance with O.C.G.A. § 9-16-19, and sets up annual reporting requirements for each district attorney throughout the state with regard to forfeited property. O.C.G.A. § 9-16-20 allows for substitution of other property of a

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11. The owner is permitted to introduce evidence of the pending appeal, however.

12. The statutes referred to in § 9-16-16(a) govern crimes of human trafficking, chop shops and residential mortgage fraud, and RCIO cases.

claimant or defendant when the forfeited property has been comingled, removed from the jurisdiction, or cannot be located, and authorizes district attorneys to commence other civil proceedings to enforce forfeiture liens and judgments, and allows for a judge in such a case to award “investigative expenses” in addition to attorney's fees. This section also prohibits collateral attacks to forfeiture judgments by owners or interest holders, and sets the statute of limitations for forfeiture proceedings at four (4) years after the conduct complained of. Finally, O.C.G.A. § 9-16-22 states that the chapter shall be construed liberally to effectuate its remedial purpose.

B. Quasi-Judicial Forfeitures under O.C.G.A. § 9-16-11

In cases where the property seized has a value of less than or equal to \$25,000, the district attorney may initiate a quasi-judicial forfeiture; this proceeding must be commenced within sixty (60) days of the date of seizure. This proceeding is started by the posting of a forfeiture notice at the courthouse in the county where the forfeiture proceedings are held, and by mailing by certified mail a copy of that notice to known owners and interest holders (or by publishing that notice if the name and address of the owners and/or interest holders are not known and not of record). Within thirty (30) days of service, whether by publication or by mailing, any owner or interest holder must send to the district attorney, also by certified mail, a claim listing the owner's identifying information, the nature of their interest, the circumstances under which the property was obtained, including the name of the previous owner, a description of the relationship between the claimant and the person in possession of the property at the time of seizure, and supporting documentation.

If an owner or interest holder files a claim, the district attorney must file a complaint for judicial forfeiture within thirty (30) days and proceed under the appropriate code section, or the property is forfeited. Owners and interest holders entitled to notice of the proceeding are also entitled to a copy of the order forfeiting the property.

C. In Rem Forfeitures under O.C.G.A. § 9-16-12

*In rem* proceedings name the property to be forfeited as the defendant, and begin with the filing of a verified complaint for forfeiture against the property, which must include information about the property, its owner, its location, its manner of seizure and the nature of the criminal violation leading to such seizure, and its

custodian. The complaint must contain a description of the property and other relevant information, and must be served upon any known owner or interest holder under O.C.G.A. § 9-11-4<sup>13</sup>. Subsection (b) also allows for service by publication in cases involving real estate in cases where the owner or interest holder is unknown, resides outside the state, or cannot be found, and for service by attaching a copy of the complaint and summons to tangible personal property.

Upon service, an owner or interest holder has thirty (30) days to file an answer to the complaint, listing the following:

- “(A) The name of the claimant;
- (B) The address at which the claimant resides;
- (C) A description of the claimant's interest in the property;
- (D) A description of the circumstances of the claimant's obtaining an interest in the property and, to the best of the claimant's knowledge, the date the claimant obtained the interest and the name of the person or entity that transferred the interest to the claimant;
- (E) The nature of the relationship between the claimant and the person who possessed the property at the time of the seizure;
- (F) A copy of any documentation in the claimant's possession supporting his or her answer; and
- (G) Any additional facts supporting the claimant's answer.” *O.C.G.A. § 9-16-12(c)(1)*

The district attorney may file a motion for a more definite statement if he or she believes that the answer is insufficient, and where granted, the owner or interest holder has fifteen (15) days to amend the answer and provide the requested information. The district attorney may obtain a judgment by default in cases where there is no answer filed, and the property shall be disposed of. If an answer is filed, and its sufficiency is not challenged or is upheld by the court, then a hearing must be held within sixty (60) days of the last date of

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13. Note that the reference to 9-11-4 in this statute omits subsection (d) of that statute, and the state cannot avail itself of the provisions contained therein governing waivers of service.

service upon any owner or interest holder; only the court may extend this time, and only upon good cause shown. Discovery is not permitted in these cases without court approval, and the court can limit the scope and duration thereof as it deems fit. In cases where the court allows discovery, the trial must be held within sixty (60) days of the end of the discovery period, unless continued by the court for good cause.

D. *In Personam* Forfeitures under O.C.G.A. § 9-16-13<sup>14</sup>

*In personam* forfeiture proceedings name an owner or interest holder as the defendant, and also start with the filing of a verified complaint by the district attorney describing the property to be forfeited, the name(s) of any owner(s) or interest holder(s), the elements of the criminal violation claimed, and describing the place of seizure and the property's current custodian. Service in *in personam* cases is accomplished pursuant to O.C.G.A. § 9-11-4, and can be accomplished by waiver of service or by publication for unknown defendants, defendants who reside out of state, or who otherwise avoid service.

As with *in rem* proceedings, the owner or interest holder must file an answer within thirty (30) days of service, and the requirements of the answer are the same as those for answers in *in rem* proceedings; again, the state may request a more definite statement, and the answer may be stricken if such an order is not followed within fifteen (15) days.

The statute also contains identical provisions to O.C.G.A. § 9-16-12 regarding default, the requirements for a hearing within sixty (60) days of the last date of service upon any owner or interest holder, and the requirement of court approval for extensions of deadlines and for allowance of discovery. Upon a finding that a defendant is liable for the criminal conduct complained of, the court shall enter a judgment forfeiting the property to the state, and ordering the seizure of any property not already in the state's possession.

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14. In *Cisco v. State* (285 Ga. 656, 2009) the Georgia Supreme Court held that Georgia's prior *in personam* forfeiture statute was unconstitutional on the basis that it was essentially a criminal proceeding operating under civil practice rules, and as such stripped defendants of the constitutional protections to which they are entitled in a criminal proceeding. Georgia passed the current statutes governing *in personam* forfeitures in 2015, and the author is unaware of any decision that applies the *Cisco* case to an *in personam* forfeiture since that date, however, the reasoning behind the decision seems equally applicable to the new statute as to the old. For this reason, it is the author's experience that most state attorneys proceed under the *in rem* or quasi-judicial methods of forfeiture.

## E. Practice Tips and Procedural Considerations

The statutes governing civil forfeitures require strict adherence to deadlines, and a familiarity with the general rules of civil practice. Thus a savvy practitioner may be able to gain an advantage over assistant district attorneys who are used to more lax requirements in criminal cases or simply unfamiliar with civil practice. Even for state attorneys familiar with civil practice generally, the specific requirements of forfeiture proceedings require special attention, especially the requirement that a hearing be held within sixty (60) days of the date of service on the last owner or interest holder. Since a claimant has thirty (30) days to answer the complaint, this timeline is difficult to meet in many jurisdictions, and can be as short as thirty (30) days after the filing of an answer. This creates problems in larger judicial circuits, where a judge may only have hearings in a particular county once or twice during that time frame. When evaluating a forfeiture case, an attorney should check for compliance with each of the required timelines related to seizure, reporting, filing of a complaint or commencement of a quasi-judicial proceeding, service, and time for a hearing.

*Rounsaville v. State* (345 Ga. App. 899, 2018) affirmed the dismissal of a forfeiture case where the hearing was set outside the sixty-day limitation set forth in O.C.G.A. § 9-16-13(f). In fact, the *Rounsaville* case states that any continuance granted may only be for a further sixty (60) days, and a new finding of good cause must support the granting of a second or subsequent continuance. This is consistent with prior cases under Georgia's prior forfeiture statutes<sup>15</sup>. Despite the existence of O.C.G.A. § 9-16-22, appellate courts in Georgia have held that “forfeitures are not favored”, and “should be enforced only when within both [the] letter and spirit of the law”. (Citations and punctuation omitted.) *Cisco v. State of Ga.*, 285 Ga. 656, 663 (3), (2009). In *Norman v. Yeager* (335 Ga. App. 470, 2016), the Court of Appeals reversed a trial court's ruling that certain property was subject to forfeiture based on a lack of connection between the property itself, which was not contraband, and the offenses with which the owner was charged. Because the state never charged the owner with a RICO crime, but instead a single count of felony theft, the state could not use RICO as a basis for the forfeiture. Many of the decisions supporting these principals were decided under Georgia's prior forfeiture statutes, however, these cases should be consulted with caution due to the extensive changes enacted when the

15. Chapter 16 of Title 9 was passed in 2015, replacing the former statutes located in Chapter 13 of Title 16.

current statutes were passed and their predecessors repealed.

Not all appellate review has been so favorable to the owner, however. Two cases have upheld the dismissal of a claimant's answer for failure to comply with the pleading requirements. In *State of Georgia v. Crowder* (348 Ga. App. 850, 2019) and *Coffey v. State of Ga.* (339 Ga. App. 367, 2016), the Court of Appeals affirmed dismissal of a claimant's answer for failure to comply with an order granting a motion for a more definite statement.

Finally, since forfeiture proceedings are civil in nature, and not criminal, the State Bar rules against contingent fees in criminal cases do not apply; practitioners can accept contingent fees in forfeiture cases, and can enter into agreements with their clients regarding the sale or use of recovered property to pay such fees.

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