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ATTORNEY FOR PLAINTIFF
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF
AMERICA,

Plaintiff,

vs.

ELEVEN PARCELS OF REAL
PROPERTY LOCATED IN
GALLATIN COUNTY,
MONTANA; \$1,095,378.17 IN
UNITED STATES FUNDS; 2011
ASTON MARTIN/VANTAGE V-
12; and 2011 FORD
EXPEDITION,

Defendants.

CV 12-10-BU-DLC

SETTLEMENT AGREEMENT

This agreement is entered into to settle the above-captioned forfeiture case. The parties to this agreement are the United States of America, acting by and through its counsel of record, Victoria L. Francis, Assistant U.S. Attorney, and Paul D. Bottomley, Erin E. Bottomley, and Montana Healthcare Solutions, Inc., now doing business as Peak Pharmaceutical Solutions, Inc. (hereafter Claimants), acting by and through their counsel of record, Jay F. Lansing of Moses and Lansing, P.C. The terms of settlement, as agreed upon by the parties, are set forth below.

RECITALS

1. On April 20, 2012, the United States filed its First Amended Verified Complaint for Forfeiture *in Rem* (Amended Complaint) seeking to forfeit the above-captioned defendant property as property derived from proceeds traceable to violations of 18 U.S.C. § 545 and 18 U.S.C. § 1956(a)(1)(B)(i), all of which is subject to forfeiture under 18 U.S.C. §§ 981(a)(1)(A) and (C) and 985.

2. The Claimants Paul D. Bottomley and/or Erin E. Bottomley are the record owners of the defendant real property and defendant vehicles. The Claimants Paul D. Bottomley and/or Erin E. Bottomley

and/or Peak Pharmaceutical Solutions, Inc. are the owners of the bank accounts from which the defendant funds were seized. The Claimants agree that they received notice of the Complaint and Amended Complaint seeking forfeiture of the defendant real and personal property.

3. Beginning on May 24, 2012, the Claimants filed several unopposed and timely requests for additional time to file claims and an answer to the Amended Complaint, to allow the parties sufficient time to settle and resolve this case.

4. The parties hereby agree to settle and compromise each and every claim relating to the defendant property that is subject to this forfeiture proceeding. This settlement is entered into by all parties without any admission of liability to compromise disputed claims and avoid the expenses and risks of further litigation. Accordingly, the Claimants consent and agree that there was probable cause to seize and arrest the property. The Claimants also consent to the entry of a Decree of Forfeiture in favor of the United States, pursuant to the United States' Amended Complaint, and to forfeiture of the following described defendant property:

- \$1,088,378.17 in United States funds or currency;
- 2011 Aston Martin/Vantage V-12 (VIN: SCFEBBCF7BGS00607);
- Parcels of real property described in detail in the Amended Complaint as Parcels 1, 2, 3, 4, 6, 7, 8, 9,10 and 11. Attached hereto as Exhibit A is the legal description for the 10 parcels which shall vest in the United States.

The parties further agree that all right, title and interest in \$1,088,378.17 in United States currency or funds, the 2011 Aston Martin, and the 10 parcels of real property described in attached Exhibit A, shall vest in the United States free and clear of claims by the Claimants subject to the terms of this agreement.

5. The parties further agree that the United States shall release to Claimants Paul D. Bottomley and Erin E. Bottomley the following described defendant property:

- \$7,000 in United States funds or currency by issuing a check to Moses and Lansing P.C. for distribution to Claimants Paul D. Bottomley and Erin E. Bottomley;
- 2011 Ford Expedition (VIN: 1FMJK2A59BEF05766);
- Parcel 5 of the real property as described in the Amended Complaint. Attached hereto as Exhibit B is the legal description of the real property designated as parcel 5, which is the Bottomleys' current residence.

The United States shall also release the *lis pendens* on Parcel 5 after the Decree of Forfeiture has been entered.

6. It is also further agreed, by and between the United States and the Claimants, that each party will bear their own costs, expenses and fees, including attorney fees, incurred during litigation of this case.

7. The persons signing this agreement warrant and represent that they possess full authority to bind the persons or entities on whose behalf they are signing to the terms of the settlement. Further the parties agree that this agreement will be filed with the Court in the above-captioned proceeding. All parties hereto agree to execute any documents that may be deemed necessary to effectuate this agreement including documents to clear title.

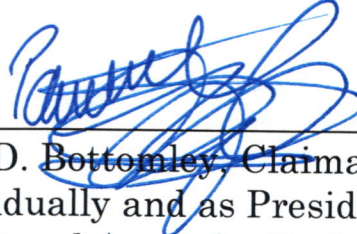
DATED this 14 day of March, 2013.

MICHAEL W. COTTER
United States Attorney



Victoria L. Francis
Assistant U.S. Attorney
Attorney for Plaintiff, United States

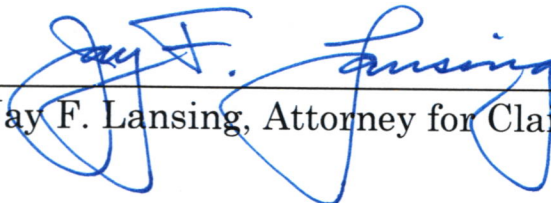
DATED this 14th day of March, 2013.



Paul D. Bottomley, Claimant
Individually and as President and
Registered Agent for Peak
Pharmaceutical Solutions, Inc.



Erin E. Bottomley, Claimant



Jay F. Lansing, Attorney for Claimants