

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 08-2205 (RMC)
v.)	ECF
)	
2 NORTH ADAMS STREET, etc., et al.,)	
)	
Defendants.)	

**AFFIDAVIT OF THOMAS A. BOWDOIN IN SUPPORT OF THOMAS A.
BOWDOIN'S REPLY TO PLAINTIFF UNITED STATES
GOVERNMENT'S OPPOSITION TO MOTION FOR
RELIEF FROM THE JUDGMENT**

THOMAS A. BOWDOIN, JR., being duly sworn, deposes and says:

1. I am a co-claimant in this *in rem* forfeiture action.
2. I have personal knowledge of the facts contained in this affidavit.
3. As a claimant I have continuously asserted my belief that the business model of ASD was a multi-level marketing enterprise.
4. I specifically hired Gerald Nehra, Esq., specialist legal counsel to evaluate the model, so as to assure that ASD operations would not run afoul of any federal unregistered sale of securities law. The business model of ASD was always intended to be a multi-level marketing enterprise. (Transcript of Sep. 30, 2008 Hearing at pp.103-06, Docket Entry #33).
5. The entry of the original release of claims here was tainted by unilateral mistake, made by prior counsel. I was assured by my prior counsel that, if I released my claims in this action, I would not be facing any incarceration. This assertion – the very consideration upon which I decided to relinquish my proprietary interest in a substantial quantity of property – was in fact erroneous - illusory.

6. My January 2009 motion to withdraw my claim (Docket Entry #39) was entered solely based upon prior counsel's unilateral mistaken belief that my release of claims would unequivocally assure that any subsequent criminal sentence entered would not include any prison term. When I discovered this consideration to be erroneous - illusory, I vigorously sought to rescind my release of claims.

7. While I acknowledge that I was personally served in this action with the initial notice of forfeiture in or around January 2009, neither I nor my counsel, were served with any subsequent filing in this action.

8. I believed that I would be served with any ensuing filing in this action.

9. I did not attend the September 30 to October 1, 2008 hearing referred to by the plaintiff at the advice of counsel.

10. I was never notified or received actual notice that any post-November 10, 2009 filings had been entered. As a consequence, I did not file a response to the Motion for Default Judgment (Docket Entry #161), the Order to Show Cause on the default judgment (Docket Entry #163) or the January 4, 2009 Order granting the Motion for Default Judgment (Docket Entry #166). I had no notice of these filings.

11. If I had received actual notice that any post-November 10, 2009 filings had been entered, I would have aggressively responded to the Motion for Default Judgment (Docket Entry #161), the Order to Show Cause on the default judgment (Docket Entry #163), and the January 4, 2009 Order granting said Motion for Default Judgment (Docket Entry #166) as I have multiple meritorious defenses to these proceedings.

12. I have consistently maintained my position that ASD's business model was not

a criminal Ponzi scheme, but a legitimate multi-level marketing advertising business, and ASD hired expert attorneys to analyze the business model to assure that the advertising packages sold were not in fact the sale of unregistered securities.

13. The very language of the Terms & Conditions agreement between ASD and its advertiser-members expressly and unequivocally states that ad packages were being sold, not investments. No promise or guarantee of financial return was ever made.

14. I believed that I would be notified of an adversarial evidentiary hearing prior to any decision on the merits, wherein the government would be required to prove its probable cause against the seized properties, as well as the alleged nexus between the purported criminal activity and the property arrested.

15. As I was not served, I was unaware of the progression of this forfeiture proceeding.

And further Affiant sayeth naught.

Dated this 17th day of February 2010.

Thomas A. Bowdoin, Jr.
Thomas A. Bowdoin, Jr.,
Co-Defendant/Claimant

STATE OF FLORIDA
COUNTY OF LEE

SUBSCRIBED and SWORN to (or affirmed) before me by Thomas A. Bowdoin,

Jr. this 17th day of February 2010.

Personally known to me

Produced identification

Joe B. Cox
Notary Public
