UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. RICHARD AYVAZYAN, ET AL. Defendants.	No. CR 20-00579-SVW [PROPOSED] ORDER RECOGNIZING THE LIEN OF ENCORE SERIES COMMUNITY INC. AS TO REAL PROPERTY LOCATED IN PALM DESERT, CALIFORNIA WITH ASSESSOR'S PARCEL NUMER: 694-331-008

Upon consideration of the stipulation and request of Plaintiff, United States of America, and lienholder Encore Series Community Inc., ("Encore") for an order recognizing the lien of Encore in the real property located in Palm Desert, California, APN: 694-331-008 (the "Subject Property").

It is hereby ORDERED as follows:

1. The parties shall execute further documents, to the extent necessary, to convey clear title to the Subject Property to Plaintiff and to further implement the terms of the Stipulation.

2. Contingent upon the sale of the Subject Property, the funds generated by any sale will be distributed in the following order of priority, if available:

a. First, payment of all costs of sale, including applicable fees triggered by the sale of Subject Property and actual costs incurred by the government in preparing the Subject Property for sale, to include all expenses for transportation, storage, maintenance, repair, administrative and sales commission fees, which shall be deducted from the gross proceeds of sale;

b. Second, to the extent sufficient sale funds are available, the amount of the first lien due to United Wholesale Mortgage or MERS shall be paid to United Wholesale Mortgage or MERS by electronic transfer. United Wholesale Mortgage or MERS shall provide all information and complete all documents requested by the government to facilitate the payment;

c. Third, to the extent sufficient sale funds are available, to Encore in the amount of $2,759.00 plus fees accruing after November 16, 2021, at $93.00 per month and related costs accruing after November 16, 2021, which shall not exceed $1,000.00, which will be a total satisfaction of Encore's lien.

d. Fourth, to the extent funds remain (the "net proceeds"), such funds will constitute the substitute res subject in this forfeiture action in place of the defendant sold.

2. Upon payment, Encore will provide its deed of reconveyance or such other document reasonably necessary to

release its security interest to the United States via recordable documents and to release and hold harmless the Plaintiff, and any agents, servants, and employees of the government (or any state or local law enforcement agency) acting in their individual or official capacities, from any and all claims which currently exist or which may arise as a result of the government's action against the Subject Property.

3. This Order is binding upon Encore and its successors and assigns.

4. The Court will retain jurisdiction to resolve any issues with respect to the parties' performance under the Stipulation and this Order.

DATED: _____

_____
HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

PRESENTED BY:

TRACY L. WILKISON
United States Attorney

SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division

/s/Dan G. Boyle
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UNITED STATES OF AMERICA