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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICHARD AYVAZYAN, Aka "Richard Avazian" and "Iuliia Zhadko," et al., Defendants.	No.CR 20-00579-SVW **APPLICATION FOR FINAL ORDER OF FORFEITURE**

Plaintiff United States of America hereby applies for issuance of Final Orders of Forfeiture ("FOFs") lodged contemporaneously herewith,[1] pursuant to Fed. R. Crim P. 32.2(b), the Plea Agreements

[1] The government has lodged a total of four FOFs – one for each of the three real properties described below and one for the remaining assets. Individual FOFs are required for each parcel of real property because orders purporting to effect title to multiple parcels of real property cannot be recorded.

and the jury findings of guilt filed in this case.

On August 19, 2021, August 24, 2021 and September 3, 2021, this Court entered Preliminary Orders of Forfeiture ("POFs")[2], ordering the forfeiture of the interests of defendants Richard Ayvazyan, Marietta Terabelian, Artur Ayvazyan, Tamara Dadyan, Manuk Grigoryan, Arman Hayrapetyan, Edvard Paronyan, and Vahe Dadyan in seized funds and real property, having found that the seized funds and real property were 1) property constituting or derived from proceeds obtained, directly or indirectly, as a result of the offenses traceable to one or more violations of 18 U.S.C. §§ 1349, 1343, 1344(2), 1028A(a)(1), and 2) property involved in or traceable to violations of 18 U.S.C. § 1956, and that there was therefore a nexus between the seized funds and real property and the crimes of defendants' convictions or admitted in the defendants' plea agreements. (*See* Dkts. 368, 377, 436, 525, 645, 646, 647, and 648.)

The seized funds and real property (the "Forfeitable Property") are as follows:

a. $12,520.00 in U.S. Currency seized during the execution of a federal search warrant on November 5, 2020, in Encino, California, at the residence of defendants Tamara Dadyan and Artur Ayvazyan;

b. $3,032.23 in bank funds seized pursuant to a federal seizure warrant executed on or about January 22, 2021, from Bank of the West account ending in '0531 in the name of Dadyan;

c. $189,430.85 in bank funds seized pursuant to a federal seizure warrant executed on or about January 22, 2021, from Bank of

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[2] On October 26, 2021, an Amended Preliminary Order of Forfeiture was issued as to 74203 Anastacia Lane, Palm Desert, California to correct the property description only.

the West account ending in '5682 in the name of Proactive Home Health Care Inc.;

d. $74,557.79 in bank funds seized from Bank of America account number ending in 7695 held in the name of Allstate Towing & Transport LLC;

e. $65,990.43 in bank funds seized from Bank of America account ending in 9700 held in the name of Runyan Tax Service Inc.;

f. $451,185.00 in U.S. Currency seized on November 5, 2020, in various areas and backyard of a Tarzana, California residence;

g. One Santos De Cartier stainless steel wrist watch, model 4183, serial number 163389YX;

h. One Audermars Piguet, Royal Oak 18 carat rose gold wrist watch, model 26331, serial number J52335 seized on November 5, 2020 in various areas and backyard of a Tarzana, California residence;

i. One Rolex Datejust stainless steel wrist watch, model 126334, serial number 4U95Z313 seized on November 5, 2020 in various areas and backyard of a Tarzana, California residence;

j. One Audemars Piguet, Royal Oak Offshore black ceramic wrist watch, serial number K23313 seized on November 5, 2020 in various areas and backyard of a Tarzana, California residence;

k. One Audemars Piguet Royal Oak Offshore black ceramic wrist watch, serial number LU44845K seized on November 5, 2020 in various areas and backyard of a Tarzana, California residence;

l. One Audemars Piguet Royal Oak stainless steel wrist watch, serial number LW3397N seized on November 5, 2020 in various areas and backyard of a Tarzana, California residence;

m. One Rolex Day-Date watch, serial number W44P7238 seized on October 20, 2020 at the Miami International Airport from Richard

Ayvazyan and Marietta Terabelian;

n. Sixty Gold Bullion Coins seized on November 5, 2020 in various areas and backyard of a Tarzana, California residence;

o. One 14 carat yellow gold 24" neck chain seized on October 20, 2020 at the Miami International Airport from Richard Ayvazyan and Marietta Terabelian;

p. One Pair of 14 carat white gold earrings with diamond stud seized on October 20, 2020 at the Miami International Airport from Richard Ayvazyan and Marietta Terabelian;

q. The real property located at 4910 Topeka Drive, Tarzana, California, APN: 2176-029-031, more particularly described as:

DESCRIPTION: THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THOSE PORTIONS OF LOT 71 and 72 OF TRACT 2605, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 27 PAGE 55 ET SEQ. OF MAPS, AND THAT PORTION OF PARCEL "A" OF PARCEL MAP L.A. NO. 2015 AS PER MAP FILED IN BOOK 32 PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF TOPEKA DRIVE, 40 FEET WIDE, AS SHOWN ON SAID MAP, DISTANT THEREON SOUTH 15° 10' 00" WEST 178.55 FEET FROM THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE IN THE CENTERLINE OF TOPEKA DRIVE SHOWN ON SAID MAP AS HAVING A BEARING OF NORTH 15° 10' 00" EAST AND LENGTH OP 1055.19 FEET;

THENCE SOUTH 74° 50' 00" EAST 56.09 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 129.86

FEET;

THENCE EASTERLY ALONG SAID CURVE 128.40 FEET; TO THE TRUE POINT OF BEGINNING;

THENCE TANGENT TO SAID CURVE NORTH 48° 30' 50" EAST 147.14 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 100.05 FEET;

THENCE EASTERLY ALONG SAID CURVE, 125.14 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 30° 10' 46" EAST;

THENCE NORTH 10° 52' 46" EAST 45.32 FEET;

THENCE SOUTH 84° 29' 18" EAST 182.82 FEET;

THENCE SOUTH 04° 13' 10" WEST 195.63 FEET TO A POINT IN A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 175.31 FEET; A RADIAL LINE TO SAID POINT BEARS NORTH 62° 22' 50" EAST;

THENCE CONTINUING EASTERLY AND SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50° 06' 30" AN ARC DISTANCE OF 153.32 FEET;

THENCE TANGENT TO SAID CURVE SOUTH 22° 29' 20" WEST 63.38 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 375.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13° 52' 00" 90.76 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 161.89 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17° 46' 00" 50.20 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 75.69 FEET;

THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 33° 58' 30" 44.88 FEET TO A POINT OF CUSP IN THE NORTHERLY LINE OF SAID PARCEL "A" SAID NORTHERLY LINE BEING A CURVE

CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 30.00'; A RADIAL LINE TO SAID POINT BEARS SOUTH 38° 26' 10" EAST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 116° 31' 20" AN ARC DISTANCE OF 61.01 FEET;

THENCE SOUTH 10° 54' 50" EAST 92.71 FEET;

THENCE SOUTH 80° 16' 17" WEST 20.00 FEET;

THENCE NORTH 31° 28' 33" WEST 120.33 FEET;

THENCE NORTH 22° 17' 48" WEST 20.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 55.69 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49° 06' 52" AN ARC DISTANCE OF 47.74 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 181.89 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17° 46' 00" AN ARC DISTANCE OF 56.40 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 355.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 45' 16" AN ARC DISTANCE OF 79.03 FEET;

THENCE NORTH 67° 12' 02" WEST 268.30 FEET;

THENCE NORTH 15° 10' 00" EAST 43.00 FEET;

THENCE NORTH 47° 02' 30" WEST 175.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

THE RIGHT OF INGRESS AND EGRESS FOR SAID PROPERTY OVER A ROADWAY EASEMENT FROM TOPEKA DRIVE OVER THAT PORTION OF LOT 71, OF TRACT NO. 2605, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 27, PAGE 55, ET SEQ., OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND 30.00 FEET IN WITH, LYING 15.00 FEET ON EACH

SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE LAND CONVEYED TO CIRELLA G. SMITH AND HUSBAND, BY DEED RECORDED JULY 8, 1943 AS INSTRUMENT NO. 118, IN BOOK 20132 PAGE 100, OFFICIAL RECORDS, SAID CORNER BEING DISTANT 261.45 FEET NORTHERLY FROM THE SOUTHWESTERLY CORNER OF LOT 71, SAID TRACT 2605; THENCE NORMAL TO THE EASTERLY LINE OF TOPEKA DRIVE, SOUTH 74° 50' 00" EAST 36.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 129.86 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, 128.40 FEET; THENCE TANGENT TO SAID CURVE, NORTH 48° 30' 50" EAST 147.14 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 100.05 FEET; THENCE EASTERLY ALONG SAID CURVE, 144.70 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 48° 37' 10" EAST, 161.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 175.31 FEET, THENCE SOUTHERLY ALONG SAID CURVE, 217.57 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 22° 29' 20" WEST 42.15 FEET TO A POINT.

r. The real property located 834 Calle La Primavera, Glendale, California, APN: 5663-036-33, more particularly described as:

Parcel 1:

Lot 56 of Tract No. 45375, in the City of Glendale, County of Los Angeles, State of California, as per map recorded in Book 1128, Page(s) 55 to 63 inclusive of Maps, in the office of the County Recorder of said County.

Except therefrom all oil and minerals in, on and under said land as reserved by Benjamin Dreyfus in deeds recorded in Book 101, Pages 551 and in Book 107, Page 447 both of Deeds, in said Office of the County Recorder.

Parcel 2:

Non-exclusive easements for access, ingress, egress, encroachments, maintenance, repair, drainage, support and other purposes, all as described in the Master Declaration recorded March 7, 1989 as Instrument No. 1989-354873 and any amendments thereto.

s. The real property located at 74203 Anastacia Lane, Palm Desert, California, APN: 694-331-008, more particularly described as:

Parcel 1:

LOT 8 OF TRACT NO. 36554-1 IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS PER MAP RECORDED IN THE BOOK 438 PAGES 98 AND 99, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF CALIFORNIA.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS APPURTENANT TO PARCEL 1 ABOVE, ON AND OVER THE "COMMON AREA" AS DEFINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR ENCORE PALM DESERT ("DECLARATION") RECORDED IN THE OFFICE OF SAID COUNTY RECORDER OF CALIFORNIA ON DECEMER 23, 2013 AS INSTRUMENT NO. 2013-0591271, FOR ACCESS, USE, OCCUPANCY, ENJOYMENT, INGRESS AND EGRESS OF THE AMENITIES LOCATED THEREON. THE COMMON AREA IS FOR THE USE OF OWNERS OF LOTS WHICH ARE SUBJECT TO THE DECLARATION AND IS NOT FOR THE USE OF THE GENERAL PUBLIC.

On October 27, 2021, the Court entered a money judgment of forfeiture, requiring defendant Richard Ayvazyan to "forfeit to the United States the sum of $1,420,199.00" and allowing the government to, "at any time, move pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property having a value not to exceed $1,420,199.00 to satisfy the money judgment in whole or in part."

(Dkt. 1087).

Each of the POFs instructed the government to commence an "Ancillary Proceeding" pursuant to Rule 32.2(c) of the Fed. R. Crim. P., during which third parties were to be given an opportunity to claim an interest in the property identified in the POFs, and have their alleged interests adjudicated pursuant to Rule 32.2(c). (*See* Dkts. 368, 377, 436, 525, 645, 646, 647, 648, and 1083). To that end, the government was ordered to (a) publish notice of the POFs; and (b) to the extent practicable, provide written notice to any person known to have an alleged interest in the property subject to forfeiture therein. *Id.*

The government has complied with its obligations. Beginning on September 11, 2021 and ending on October 10, 2021, and beginning on September 14, 2021 and ending on October 13, 2021, the United States caused to be published on an official government internet site (www.forfeiture.gov) notice of the forfeiture orders (See Dkts. 1066, 1067, 1068, 1069, 1070, 1071, 1072, and 1073.) Each of the notices advised of the government's intent to dispose of the seized funds in accordance with law and as specified in the POFs, and further notified all eligible third parties of their right to petition this Court within thirty days for a hearing to adjudicate the validity of their alleged legal interest in the seized assets.

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The United States identified the following lienholders as having an interest in the related properties:

Lienholder	**Real Property**	**Approximate Amount Owed**
Nationstar Mortgage LLC dba Mr. Cooper	Glendale property	$774,712.13[3]
United Wholesale Mortgage	Palm Desert property	$537,747.18
Encore Series Community Inc.	Palm Desert property	$2,759.00 plus fees accruing after November 16, 2021 at $93.00 per month and related costs, which shall not exceed $1,000.00
Private Money Solutions, Inc.	Tarzana property	$112,500.00
Gregory Shirin	Tarzana property	$2,000,000.00

No other parties have filed petitions in this proceeding, and the time for filing such petitions has expired. Entry of the final order of forfeiture is proper because the public notice provisions governing criminal forfeiture have been met. The Plaintiff United States of America hereby requests that a Final Order of Forfeiture be entered, and the property identified therein be disposed of as follows:

The Forfeitable Property, real property located at 4910 Topeka Drive, Tarzana, California, APN: 2176-029-031, ("Tarzana property") will be forfeited to the United States of America and no other right title or interest shall exist therein. The government will dispose of the funds in accordance with law.

Title to the Tarzana property having vested in the United States

[3] On or about February 11, 2022, Nationstar Mortgage, LLC dba Mr. Cooper received the payoff amount of $774,712.13.

of America, the United States of America shall proceed to dispose of the Tarzana property in accordance with law. Upon disposition of the Tarzana property, the proceeds of the sale of the Tarzana property, to the extent available, shall be payable in the following priority:

a. First, to the United States of America (including its agency the United States Marshals Service) for all expenses incurred relative to the Tarzana property, including, but not limited to, expenses of custody, advertising and sale;

b. Second, payment to the County Assessor and Tax Collector of Los Angeles County, California for any unpaid real property taxes assessed against the Tarzana property up to the date of filing of this Final Order of Forfeiture;

c. Third, $2,000,000.00 of the remaining proceeds to Lienholder Gregory Shirin;

d. Fourth, $112,500.00 of the remaining proceeds to Lienholder Private Money Solutions, Inc.;

e. Fifth, payment to the United States Marshals Service, which shall deposit and dispose of the remaining proceeds from the sale of the Tarzana property in accordance with law.

The Tarzana property is a residential single-family dwelling. All occupants shall vacate the Tarzana property and remove all their personal property from the Tarzana property, on or before April 1, 2022. If any such occupants of the residence fail to vacate the Tarzana property by the aforementioned deadline, the United States of America (via the United States Marshals Service) may enter the Tarzana property and remove their belongings from the Tarzana property without further order of Court.

The Forfeitable Property, real property located at 834 Calle La

Primavera, Glendale, California, APN: 5663-036-33, ("Glendale property") will be forfeited to the United States of America and no other right title or interest shall exist therein. The government will dispose of the funds in accordance with law.

Title to the Glendale property having vested in the United States of America, the United States of America shall proceed to dispose of the Glendale property in accordance with law. Upon disposition of the Glendale property, the proceeds of the sale of the Glendale property, to the extent available, shall be payable in the following priority:

a. First, to the United States of America (including its agency the United States Marshals Service) for all expenses incurred relative to the Glendale property, including, but not limited to, expenses of custody, advertising and sale;

b. Second, payment to the County Assessor and Tax Collector of Los Angeles County, California for any unpaid real property taxes assessed against the Glendale property up to the date of filing of this Final Order of Forfeiture;

c. Third, payment to the United States Marshals Service, which shall deposit and dispose of the remaining proceeds from the sale of the Glendale property in accordance with law.

The Glendale property is a residential single-family dwelling. All occupants shall vacate the Glendale property and remove all their personal property from the Glendale property, on or before April 1, 2022. If any such occupants of the residence fail to vacate the Glendale property by the aforementioned deadline, the United States of America (via the United States Marshals Service) may enter the Glendale property and remove their belongings from the Glendale

property without further order of Court.

The Forfeitable Property, real property located at 74203 Anastacia Lane, Palm Desert, California, APN: 694-331-008, ("Palm Desert property") will be forfeited to the United States of America and no other right title or interest shall exist therein. The government will dispose of the funds in accordance with law.

Title to the Palm Desert property having vested in the United States of America, the United States of America shall proceed to dispose of the Palm Desert property in accordance with law. Upon disposition of the Palm Desert property, the proceeds of the sale of the Palm Desert property, to the extent available, shall be payable in the following priority:

d. First, to the United States of America (including its agency the United States Marshals Service) for all expenses incurred relative to the Palm Desert property, including, but not limited to, expenses of custody, advertising and sale;

e. Second, payment to the County Assessor and Tax Collector of Riverside County, California for any unpaid real property taxes assessed against the Palm Desert property up to the date of filing of this Final Order of Forfeiture;

f. Third, $2,759.00 plus fees accruing after November 16, 2021 at $93.00 per month and related costs, which shall not exceed $1,000.00 of the remaining proceeds to Lienholder Encore Series Community Inc.;

g. Fourth, $537,747.18 of the remaining proceeds to lienholder United Wholesale Mortgage;

h. Fifth, payment to the United States Marshals Service, which shall deposit and dispose of the remaining proceeds from the

sale of the Palm Desert property in accordance with law.

The Palm Desert property is a residential single-family dwelling. All occupants shall vacate the Palm Desert property and remove all their personal property from the Palm Desert property, on or before April 1, 2022. If any such occupants of the residence fail to vacate the Palm Desert property by the aforementioned deadline, the United States of America (via the United States Marshals Service) may enter the Palm Desert property and remove their belongings from the Palm Desert property without further order of Court.

The Court shall retain jurisdiction over this matter to enforce the provisions of the Final Order of Forfeiture.

Dated: March 7, 2022

Respectfully submitted,

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