UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD AYVAZYAN, Aka "Richard Avazian" and "Iuliia Zhadko," et al.,

Defendants.

No. CR 20-00579-SVW

[PROPOSED] FINAL ORDER OF FORFEITURE AS TO 74203 ANASTACIA LANE, PALM DESERT, CALIFORNIA

On August 19, 2021, August 24, 2021 and September 3, 2021, this Court entered Preliminary Orders of Forfeiture ("POFs")[1], 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 the real property, having found that the real property was 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)

[1] On October 26, 2021, an Amended Preliminary Order of Forfeiture was issued as to 74203 Anastacia Lane, Palm Desert, California.

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.

The real property located at 74203 Anastacia Lane, Palm Desert, California, APN: 694-331-008 ("Palm Desert Property"), 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.

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. Each of the notices advised of the government's intent to dispose of

the seized real property 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 real property.

Encore Series Community Inc. and United Wholesale Mortgage either submitted a petition or filed a claim. The government settled with both Encore Series Community Inc., and United Wholesale Mortgage. 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 United States of America and Encore Series Community Inc. have requested that a Final Order of Forfeiture be entered pursuant to the Court's order. *See* ECF 1246.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED, AND DECREED that the property identified in the FOF be disposed of and the proceeds of the sale will be payable in the following manner:

a. 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;

b. 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;

c. 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.;

d. Fourth, $537,747.18 to lienholder United Wholesale Mortgage;

e. Fifth, payment to the United States Marshals Service, which will deposit and dispose of the remaining proceeds from the sale of the Palm Desert Property in accordance with law

Encore Series Community Inc. and United Wholesale Mortgage released the United States of America, its agencies, agents, and officers, including, without limitation, employees and other representatives of the Federal Bureau of Investigation, from any and all claims, defenses, actions, or liabilities arising out of or related to this action against seized funds, including, without limitation, any and all claims for attorneys' fees, costs, or interest which may be asserted by them or on their behalf.

The parties shall bear their own costs and attorneys' fees in this action.

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

DATED: _____, 2022

THE HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

PRESENTED BY:

TRACY L. WILKISON
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SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division
JONATHAN GALATZAN
Assistant United States Attorney
Chief, Asset Forfeiture Section

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