

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTUR AYVAZYAN,

Defendant.

No. CR 20-00579-SVW-3

[PROPOSED] PRELIMINARY ORDER OF
FORFEITURE AS TO 4910 TOPEKA
DRIVE, TARZANA, CALIFORNIA
AGAINST DEFENDANT ARTUR
AYVAZYAN

Upon consideration of the application of Plaintiff, United States of America, for a preliminary order of forfeiture and the jury's special verdict determination on forfeiture with respect to questions 1 through 24 and defendant's guilty conviction on Counts One, Two through Twelve, Thirteen through Twenty, Twenty-four and Twenty-six of the First Superseding Indictment, Rule 32.2(b), and good cause appearing thereon, IT IS HEREBY ORDERED:

I. FORFEITABLE PROPERTY

For the reasons set out below, any right, title and interest of defendant Artur Ayvazyan in the following described

1 property (hereinafter, the "Forfeitable Property") is hereby
2 forfeited to the United States. The Court finds that the
3 government has established the requisite nexus between the
4 Forfeitable Property and the offenses described in Counts One,
5 Two through Twelve, Thirteen through Twenty, Twenty-four and
6 Twenty-six of the First Superseding Indictment, which charge
7 defendant with 18 U.S.C. § 1349 (conspiracy to commit wire fraud
8 and bank fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. §
9 1028A(a)(1) (aggravated identity theft), 18 U.S.C. § 1344(2)
10 (bank fraud and attempted bank fraud), and 18 U.S.C. § 1956(h)
11 (conspiracy to commit money laundering). The Forfeitable
12 Property is more particularly described as:

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

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

19 PARCEL 1:

20 THOSE PORTIONS OF LOT 71 and 72 OF TRACT 2605, IN THE CITY
21 OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
22 AS PER MAP RECORDED IN BOOK 27 PAGE 55 ET SEQ. OF MAPS, AND
23 THAT PORTION OF PARCEL "A" OF PARCEL MAP L.A. NO. 2015 AS
24 PER MAP FILED IN BOOK 32 PAGE 19 OF PARCEL MAPS, IN THE
25 OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS
26 FOLLOWS:
27
28

1 BEGINNING AT A POINT IN THE CENTERLINE OF TOPEKA DRIVE, 40
2 FEET WIDE, AS SHOWN ON SAID MAP, DISTANT THEREON SOUTH 15°
3 10' 00" WEST 178.55 FEET FROM THE NORTHEASTERLY TERMINUS OF
4 THAT CERTAIN COURSE IN THE CENTERLINE OF TOPEKA DRIVE SHOWN
5 ON SAID MAP AS HAVING A BEARING OF NORTH 15° 10' 00" EAST
6 AND LENGTH OF 1055.19 FEET;

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

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

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

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

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

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

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

22 THENCE CONTINUING EASTERLY AND SOUTHERLY ALONG SAID CURVE
23 THROUGH A CENTRAL ANGLE OF 50° 06' 30" AN ARC DISTANCE OF
24 153.32 FEET;

25 THENCE TANGENT TO SAID CURVE SOUTH 22° 29' 20" WEST 63.38
26 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE
27 NORTHWEST HAVING A RADIUS OF 375.00 FEET;
28

1 THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL
2 ANGLE OF $13^{\circ} 52' 00''$ 90.76 FEET TO THE BEGINNING OF A
3 REVERSE CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF
4 161.89 FEET;

5 THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL
6 ANGLE OF $17^{\circ} 46' 00''$ 50.20 FEET TO THE BEGINNING OF A
7 REVERSE CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF
8 75.69 FEET;

9 THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE, THROUGH
10 A CENTRAL ANGLE OF $33^{\circ} 58' 30''$ 44.88 FEET TO A POINT OF
11 CUSP IN THE NORTHERLY LINE OF SAID PARCEL "A" SAID
12 NORTHERLY LINE BEING A CURVE CONCAVE SOUTHWESTERLY HAVING A
13 RADIUS OF 30.00'; A RADIAL LINE TO SAID POINT BEARS SOUTH
14 $38^{\circ} 26' 10''$ EAST;

15
16 THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE
17 $116^{\circ} 31' 20''$ AN ARC DISTANCE OF 61.01 FEET;

18 THENCE SOUTH $10^{\circ} 54' 50''$ EAST 92.71 FEET;

19 THENCE SOUTH $80^{\circ} 16' 17''$ WEST 20.00 FEET;

20 THENCE NORTH $31^{\circ} 28' 33''$ WEST 120.33 FEET;

21 THENCE NORTH $22^{\circ} 17' 48''$ WEST 20.00 FEET TO THE BEGINNING
22 OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 55.69
23 FEET;

24 THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL
25 ANGLE OF $49^{\circ} 06' 52''$ AN ARC DISTANCE OF 47.74 FEET TO THE
26 BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A
27 RADIUS OF 181.89 FEET;
28

1 THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL
2 ANGLE OF $17^{\circ} 46' 00''$ AN ARC DISTANCE OF 56.40 FEET TO THE
3 BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A
4 RADIUS OF 355.00 FEET;

5 THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL
6 ANGLE OF $12^{\circ} 45' 16''$ AN ARC DISTANCE OF 79.03 FEET;

7 THENCE NORTH $67^{\circ} 12' 02''$ WEST 268.30 FEET;

8 THENCE NORTH $15^{\circ} 10' 00''$ EAST 43.00 FEET;

9 THENCE NORTH $47^{\circ} 02' 30''$ WEST 175.00 FEET TO THE TRUE POINT
10 OF BEGINNING.

11 PARCEL 2:

12 THE RIGHT OF INGRESS AND EGRESS FOR SAID PROPERTY OVER A
13 ROADWAY EASEMENT FROM TOPEKA DRIVE OVER THAT PORTION OF LOT
14 71, OF TRACT NO. 2605, IN THE CITY OF LOS ANGELES, COUNTY
15 OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN
16 BOOK 27, PAGE 55, ET SEQ., OF MAPS, IN THE OFFICE OF THE
17 COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF
18 LAND 30.00 FEET IN WITH, LYING 15.00 FEET ON EACH SIDE OF
19 THE FOLLOWING DESCRIBED CENTER LINE:

20 BEGINNING AT THE SOUTHWESTERLY CORNER OF THE LAND CONVEYED
21 TO CIRELLA G. SMITH AND HUSBAND, BY DEED RECORDED JULY 8,
22 1943 AS INSTRUMENT NO. 118, IN BOOK 20132 PAGE 100,
23 OFFICIAL RECORDS, SAID CORNER BEING DISTANT 261.45 FEET
24 NORTHERLY FROM THE SOUTHWESTERLY CORNER OF LOT 71, SAID
25 TRACT 2605; THENCE NORMAL TO THE EASTERLY LINE OF TOPEKA
26 DRIVE, SOUTH $74^{\circ} 50' 00''$ EAST 36.09 FEET TO THE BEGINNING
27 OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS
28

1 OF 129.86 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE,
2 128.40 FEET; THENCE TANGENT TO SAID CURVE, NORTH 48° 30'
3 50" EAST 147.14 FEET TO THE BEGINNING OF A TANGENT CURVE
4 CONCAVE SOUTHERLY, HAVING A RADIUS OF 100.05 FEET; THENCE
5 EASTERLY ALONG SAID CURVE, 144.70 FEET; THENCE TANGENT TO
6 SAID CURVE, SOUTH 48° 37' 10" EAST, 161.06 FEET TO THE
7 BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY, HAVING A
8 RADIUS OF 175.31 FEET, THENCE SOUTHERLY ALONG SAID CURVE,
9 217.57 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 22° 29'
10 20" WEST 42.15 FEET TO A POINT.

11 **II. IMPLEMENTATION**

12 IT IS FURTHER ORDERED as follows:

13
14 A. Upon the entry of this Order, and pursuant to Fed. R.
15 Crim. P. 32.2(b)(3) and 21 U.S.C. § 853, the United States
16 Attorney General (or a designee) is authorized to seize the
17 Forfeitable Property.

18 B. Upon entry of this Order, the United States is further
19 authorized to conduct any discovery for the purpose of
20 identifying, locating, or disposing of the Forfeitable Property
21 subject to forfeiture pursuant to this Order, 21 U.S.C. § 853(m)
22 and Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure.
23 "Any discovery" shall include all methods of discovery permitted
24 under the Federal Rules of Civil Procedure.

25 C. Upon entry of this Order (and at any time in the
26 future after amendment of the applicable order of forfeiture in
27 this matter), the United States Attorney General (or a designee)
28 is authorized to commence any applicable proceeding to comply

1 with statutes governing third party rights, including giving
2 notice of this and any other Order affecting specific property.
3 The following paragraphs shall apply to any ancillary proceeding
4 conducted in this matter:

5 (1) Pursuant to 21 U.S.C. § 853(n)(1) and
6 Supplemental Rule G(4)(a)(iv)(C) of the Supplemental Rules for
7 Admiralty or Maritime Claims and Asset Forfeiture Actions, the
8 government shall forthwith publish for at least thirty (30)
9 consecutive days on an official government website notice of
10 this order and any other Order affecting the Forfeitable
11 Property, and notice that any person, other than the defendant,
12 having or claiming a legal interest in the property must file a
13 petition with the Court within thirty (30) days of the
14 publication of notice or receipt of actual notice, whichever is
15 earlier. The United States shall also, to the extent
16 practicable, provide written notice to any person known to have
17 an alleged interest in the Forfeitable Property.

18 (2) Any person other than defendant ARTUR AYVAZIAN
19 ("defendant") asserting a legal interest in the Forfeitable
20 Property may, within thirty days of the publication of notice or
21 receipt of notice, whichever is earlier, petition the court for
22 a hearing without a jury to adjudicate the validity of his or
23 her alleged interest in the property, and for an amendment of
24 the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(2).

25 (3) Any petition filed by a third party asserting an
26 interest in the Forfeitable Property shall be signed by the
27 petitioner under penalty of perjury and shall set forth the
28 nature and extent of the petitioner's right, title, or interest

1 in such property, the time and circumstances of the petitioner's
2 acquisition of the right, title or interest in the property, any
3 additional facts supporting the petitioner's claim, and the
4 relief sought. 21 U.S.C. § 853(n)(3).

5 (4) The United States shall have clear title to the
6 Forfeitable Property following the Court's disposition of all
7 third-party interests or, if no petitions are filed, following
8 the expiration of the period provided in 21 U.S.C. § 853(n)(2)
9 for the filing of third party petitions.

10 D. Pursuant to Fed. R. Crim. P. 32.2(b)(3) and
11 defendant's consent, this Preliminary Order of Forfeiture shall
12 become final as to defendant ARTUR AYVAZYAN upon entry and shall
13 be made part of his sentence and included in his judgment.

14 E. The Court shall retain jurisdiction to enforce this
15 Order, and to amend it as necessary, pursuant to Fed. R. Crim.
16 P. 32.2(e).

17 DATED: _____
18 HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

19 PRESENTED BY:

20 TRACY L. WILKISON
21 Acting United States Attorney

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

24 /s/Brent A. Whittlesey
25 BRENT A. WHITTLESEY
26 Assistant United States Attorney
Asset Forfeiture Section

27 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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