

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 74203
ANASTACIA LANE, PALM DESERT,
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 74203 Anastacia Lane,
14 Palm Desert, California, APN: 684-331-008, more particularly
15 described as:

16 Parcel 1:

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

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

25 Parcel 2:

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

4 **II. IMPLEMENTATION**

5 IT IS FURTHER ORDERED as follows:

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

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

17 C. Upon entry of this Order (and at any time in the
18 future after amendment of the applicable order of forfeiture in
19 this matter), the United States Attorney General (or a designee)
20 is authorized to commence any applicable proceeding to comply
21 with statutes governing third party rights, including giving
22 notice of this and any other Order affecting specific property.
23 The following paragraphs shall apply to any ancillary proceeding
24 conducted in this matter:

25 (1) Pursuant to 21 U.S.C. § 853(n)(1) and
26 Supplemental Rule G(4)(a)(iv)(C) of the Supplemental Rules for
27 Admiralty or Maritime Claims and Asset Forfeiture Actions, the
28 government shall forthwith publish for at least thirty (30)

1 consecutive days on an official government website notice of
2 this order and any other Order affecting the Forfeitable
3 Property, and notice that any person, other than the defendant,
4 having or claiming a legal interest in the property must file a
5 petition with the Court within thirty (30) days of the
6 publication of notice or receipt of actual notice, whichever is
7 earlier. The United States shall also, to the extent
8 practicable, provide written notice to any person known to have
9 an alleged interest in the Forfeitable Property.

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

17 (3) Any petition filed by a third party asserting an
18 interest in the Forfeitable Property shall be signed by the
19 petitioner under penalty of perjury and shall set forth the
20 nature and extent of the petitioner's right, title, or interest
21 in such property, the time and circumstances of the petitioner's
22 acquisition of the right, title or interest in the property, any
23 additional facts supporting the petitioner's claim, and the
24 relief sought. 21 U.S.C. § 853(n) (3).

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

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

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

10 DATED: _____

HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

12 PRESENTED BY:

13 TRACY L. WILKISON
14 Acting United States Attorney

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

17 /s/Brent A. Whittlesey

18 BRENT A. WHITTLESEY
19 Assistant United States Attorney
Asset Forfeiture Section

20 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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