

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 834 CALLE LA
PRIMAVERA, GLENDALE, 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) of the Federal Rules of Criminal Procedure, and good cause appearing, IT IS HEREBY ORDERED:

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I. FORFEITABLE PROPERTY

For the reasons set out below, any right, title and interest of defendant Artur Ayvazyan in the following described property (hereinafter, the "Forfeitable Property") is hereby forfeited to the United States. The Court finds that the government has established the requisite nexus between the Forfeitable Property and the offenses described in Counts One, Two through Twelve, Thirteen through Twenty, Twenty-four and Twenty-six of the First Superseding Indictment, which charge defendant with 18 U.S.C. § 1349 (conspiracy to commit wire fraud and bank fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. § 1028A(a)(1) (aggravated identity theft), 18 U.S.C. § 1344(2) (bank fraud and attempted bank fraud), 18 U.S.C. § 1028A(a)(1) (aggravated identity theft), and 18 U.S.C. § 1956(h) (conspiracy to commit money laundering). The Forfeitable Property is more particularly described as:

a. 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

1 Book 101, Pages 551 and in Book 107, Page 447 both of
2 Deeds, in said Office of the County Recorder.

3 Parcel 2:

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

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10 **II. IMPLEMENTATION**

11 IT IS FURTHER ORDERED as follows:

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

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

23 C. Upon entry of this Order (and at any time in the
24 future after amendment of the applicable order of forfeiture in
25 this matter), the United States Attorney General (or a designee)
26 is authorized to commence any applicable proceeding to comply
27 with statutes governing third party rights, including giving
28 notice of this and any other Order affecting specific property.

1 The following paragraphs shall apply to any ancillary proceeding
2 conducted in this matter:

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

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

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

1 additional facts supporting the petitioner's claim, and the
2 relief sought. 21 U.S.C. § 853(n)(3).

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

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

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

15 DATED: _____

HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

17 PRESENTED BY:

18 TRACY L. WILKISON
19 Acting United States Attorney

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

22 /s/Brent A. Whittlesey

23 BRENT A. WHITTLESEY
Assistant United States Attorney
24 Asset Forfeiture Section

25 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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