

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CARL DELANO TORJAGBO
A/K/A KARL LUCIUS DELANO

Criminal Action No.

1:22-CR-171-MLB-RDC

**SUPPLEMENTAL BRIEF IN SUPPORT OF
MOTION FOR INTERLOCUTORY SALE OF REAL PROPERTY (DOC. 61)**

The United States of America, by Ryan K. Buchanan, United States Attorney, and Nicholas L. Evert, Assistant United States Attorney, for the Northern District of Georgia, hereby files this Supplemental Brief in support of its Motion for Interlocutory Sale (Doc. 61), which seeks an order authorizing the immediate sale of each of the following pieces of real property which are listed in the forfeiture provision of the Criminal Indictment:

- a. Real property located at 5114 Greythorne Lane, Marietta, Georgia 30068 and all buildings, appurtenances, improvements and attachments thereon;
- b. Real property located at 101 Holt Drive, Acworth, Georgia 30101 and all buildings, appurtenances, improvements and attachments thereon; and,
- c. Tract 4 Fiber Drive, Cartersville, Georgia 30120 and all buildings, appurtenances, improvements and attachments thereon,

(collectively, “Subject Real Properties”).¹ In support of the motion, the Government shows the Court the following:

I. Relevant Factual and Procedural Background

On May 10, 2022, a Grand Jury, sitting in the Northern District of Georgia, returned a seven-count Criminal Indictment charging Carl Delano Torjagbo a/k/a Karl Lucius Delano (“Torjagbo”) with bank fraud, concealment money laundering, and transactional money laundering. The Indictment included a forfeiture provision that notified Torjagbo that, upon conviction, the Government would seek to forfeit property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of bank fraud and property, real or personal, involved in the money laundering offenses, and all property traceable to such money laundering offenses. Torjagbo was ordered detained pending trial on May 12, 2022, and he has remained detained since then. (*See* Doc. 11).

On August 29, 2023, because (a) the Subject Real Properties had been vacant and/or had not been maintained and were rapidly deteriorating and (b) property taxes had not been paid on 5114 Greythorne Lane since 2022 and were approximately \$38,000 in arrears, the Government sought the Court’s approval to immediately sell the Subject Real Properties and hold the net proceeds of such sales *in lieu* of the Subject Real Properties pending the resolution of the matter. Torjagbo did not respond to the motion, which is currently pending.

¹ Two additional properties are listed in the Criminal Indictment. The Government will no longer be seeking to forfeit these properties, and has simultaneously filed a notice to that effect.

Since the Government filed its motion for interlocutory sale on August 29, 2023, it has learned the following additional information, which provides further support for its motion for interlocutory sale:

- a. A total of \$43,784.89 in taxes are unpaid for the 5114 Greythorne Lane property.
- b. A total of \$5,725.73 in taxes are unpaid for the 101 Holt Drive property.
- c. A total of \$2,593.14 in taxes are unpaid for the Tract 4 Fiber Drive property.
- d. Unauthorized individuals, believed to be squatters by the Home Owners' Association ("HOA") for the 5114 Greythorne Lane property, have been seen entering the property.
- e. The HOA for the 5114 Greythorne Lane property has been paying to mow the property's front lawn and refresh its pine straw in order to prevent the property from becoming a blight for the neighborhood.²

II. Argument and Citation of Authority

As explained in the Motion for Interlocutory Sale (Doc. 61), Fed. R. Crim. P. 32.2(b)(7) authorizes a district court to order the interlocutory sale of property alleged to be forfeitable in accordance with Rule G(7) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental

² Initially, one of Torjagbo's associates was taking care of the 5114 Greythorne Lane property, but according to the HOA, that individual has not come by the property in more than a year.

Rules”). Supplemental Rule G(7) authorizes a district court to order the interlocutory sale of all or part of the property subject to a pending asset forfeiture action if certain conditions are met. Specifically, Supplemental Rule G(7)(b) provides that upon the motion of a party:

. . . the court may order all or part of the property sold if:

(A) the property is perishable or at risk of deterioration, decay, or injury by being detained in custody pending the action;

(B) the expense of keeping the property is excessive or is disproportionate to its fair market value;

(C) the property is subject to a mortgage or to taxes on which the owner is in default; or

(D) the court finds other good cause.

Supp. R. G(7)(b)(i). The sale must be made by a United States agency that has authority to sell the property, by the agency’s contractor, or by any person that the court designates. Supp. R. G(7)(b)(ii). The sale is governed by 28 U.S.C. §§ 2001, 2002, and 2004, unless all parties, with the court’s approval, agree to the sale, aspects of the sale, or different procedures. Supp. R. G(7)(b)(iii). The proceeds of an interlocutory sale “are a substitute res subject to forfeiture in place of the property that was sold” and “must be held in an interest-bearing account maintained by the United States pending the conclusion of the forfeiture action.” Supp. R. G(7)(b)(iv). If, at the conclusion of a case, the court orders the forfeiture

of the sale proceeds, the proceeds are disposed of as provided by law. Supp. R. G(7)(c).

Here, more than \$50,000 in taxes are unpaid for the Subject Real Properties. Moreover, there are apparent squatters at the 5114 Greythorne Lane property, and the only thing preventing the property from falling into disrepair is the HOA, which is not being paid by Torjagbo for its efforts. Accordingly, based on these unpaid taxes and the risk of deterioration and decay, the Court should order that the Subject Real Properties be sold. *See* Supp. R. G(7)(b)(i)(A) & (C).³

Conclusion

For the foregoing reasons, the Government respectfully request that the Court grant the Motion for Interlocutory Sale (Doc. 61).

Respectfully submitted,

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³ The undersigned has spoken to Torjagbo's counsel and understands that he does not consent to the interlocutory sale of the Subject Real Properties.