

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:22-cr-39-SPC-NPM

DANIEL JOSEPH TISONE

**UNITED STATES' MOTION TO VACATE PRELIMINARY
ORDER OF FORFEITURE FOR REAL PROPERTY**

The United States of America moves to vacate the Preliminary Order of Forfeiture for Direct Asset (Doc. 69), only as it pertains to the following real property:

The real property located at 1001 10th Avenue South, Naples, Florida 34102, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Unit 101, OLDE NAPLES SEAPORT, a Condominium, according to the Declaration of Condominium thereof as recorded in Official Records Book 3869, Page 3913, as amended from time to time, of the Public Records of Collier County, Florida.

(the Real Property).

In support thereof, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

On December 30, 2022, the Court entered an Order of Forfeiture and Preliminary Order of Forfeiture for Direct Assets forfeiting to the United States all right, title, and interest of the defendant in, among other things, the Real Property,

and holding the defendant liable for an Order of Forfeiture in the amount of \$2,617,447.17. Doc. 69.

Following entry of the Preliminary Order of Forfeiture, the United States performed inspections and obtained an appraisal for the Real Property. In light of the appraised value, the anticipated repair costs, and the significant default interest that has accrued on the mortgage, there is insufficient equity for the United States to proceed with the forfeiture of the Real Property.¹

WHEREFORE, the United States respectfully requests that the Preliminary Order of Forfeiture be vacated only as to the Real Property identified above, and that, in all other respects, the Order of Forfeiture and Preliminary Order of Forfeiture remain in full force and effect.

Respectfully Submitted,

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¹ Because the United States is not completing the forfeiture of the Real Property, any third - party claims, including that of the Collier County Tax Collector (Doc. 83), are moot.

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Suzanne C. Nebesky
SUZANNE C. NEBESKY
Assistant United States Attorney