

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' UNOPPOSED, TIME-SENSITIVE MOTION TO VACATE
PRELIMINARY ORDER OF FORFEITURE FOR REAL PROPERTY**

The United States of America moves, unopposed, 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 550 Starboard Drive, Naples, Florida 34103, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lot 5, Block F, THE MOORINGS, UNIT NO. 6, in accordance with and subject to the plat thereof, recorded in Plat Book 8, pages 7 and 8, of the Public Records of Collier County, Florida;

Property Appraisers Parcel Identification (Folio) Number: 12981560000,
(the Real Property).

As discussed at sentencing, the United States has been working with the defendant to allow a pending sale of the Real Property to proceed so funds can be applied to his restitution order. The United States was informed that the buyers are prepared to close as early as tomorrow, March 23, 2023; therefore, this motion is time-sensitive as an order vacating the preliminary order of forfeiture is required in order to convey clear title at closing.

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.

As noted at sentencing, just prior to sentencing and in accordance with the parties' Stipulation Regarding Restitution (Doc. 41-1), the defendant obtained an offer to purchase the Real Property from independent, third-party buyers. The United States Marshals Service, through its contractor, has worked to facilitate that sale and has informed the United States that the buyers are prepared to close, that no remaining issues or obstacles remain, and that, upon completion of the sale, the net proceeds can be transmitted to the Clerk, U.S. District Court, for application to the defendant's restitution order.¹ Therefore, in accordance with the parties' agreement and so that clear title can be conveyed as part of this transaction, the United States

¹ Because the United States is not completing the forfeiture of the Real Property, the petition filed by the mortgage holder for the Real Property (Doc. 79) and any interest of the Collier County Tax Collector (Doc. 81) are moot as those interests, along with any other valid taxes, liens or mortgages, will be resolved and paid as part of the closing in accordance with Florida law.

moves, unopposed, to vacate the preliminary order of forfeiture as to the Real Property, only.

The United States has conferred with Mark Eigarsh, counsel for the defendant, who has advised that he has no objection to this motion.

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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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 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