

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
-v.-	:	DECLARATION IN SUPPORT
	:	OF SECOND FINAL
	:	<u>ORDER OF FORFEITURE</u>
RAFAEL MARTINEZ,	:	
	:	S2 22 Cr. 251 (LJL)
	:	
Defendant.	:	
	:	
	:	
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Micah Fergenson, pursuant to Title 28, United State Code, Section 1746, declares under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York, and attorney for the Government herein. I am responsible for the above-captioned matter, and as such, I am familiar with the facts and circumstances of this proceeding. This declaration is submitted in support of the Government's submission for the entry of a Second Final Order of Forfeiture in the above-captioned case.

2. On or about March 24, 2023, the Court entered a Preliminary Order of Forfeiture as to Money Judgment/Specific Property (the "Preliminary Order of Forfeiture") (D.E. 66) with respect to RAFAEL MARTINEZ (the "Defendant"), imposing a money judgment in the amount of \$44,546,712.94 in United States currency against the Defendant, and forfeiting to the United States all right, title and interest of the Defendant in, *inter alia*, the following specific property:

- a. The real property commonly described as 21 Shinnecock Trails, Franklin Lakes, New Jersey 07417, more particularly described as Lot 7.01 on Block 1106.05 in the Municipality of Franklin Lakes in Bergen County, as recorded on April 15, 2021, and associated with

Document No./Book-Page: 2021057494 / 4081-102 (the “New Jersey Property”); and

- b. The real property commonly described as a 1.19-acre lot on Costamar 10, Casa De Campo, 22000 Buena Vista, Dominican Republic, at the location with Global Positioning System coordinates 18.42557, -68.96918 (the “DR Property”)

(a. through b., collectively, the “Specific Property”).

- 3. The New Jersey Property is owned by Republic Holdings, LLC.

- 4. The DR Property is solely owned by Parkdale Assets Corp. (“Parkdale”)

and the Defendant is the sole director and owner of Parkdale.

5. The Notice of Forfeiture and the intent of the Government to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on July 26, 2023, for thirty (30) consecutive days, through August 24, 2023, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, and proof of such publication was filed with the Clerk of the Court on April 18, 2024 (D.E. 100).

6. On or about June 15, 2023, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following parties:

Chelsea Martinez
c/o Cesar de Castro, Esq.
111 Fulton Street, Suite 602
New York, NY 10038

Carra Wallace
c/o Max Nicholas, Esq.
Spears & Imes LLP
767 3rd Avenue
New York, NY 10017

Louis Green
c/o George B. Donnini, Esq.

Butzel Attorneys and Counselors,
201 West Big Beaver Road, Suite 1200
Troy, MI 48084

(collectively, the “First Noticed Parties”).

7. On or about September 14, 2023, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following party:

JP Morgan Chase NA
700 Kansas Lane RCO Centralized Mail, Mail Code: LA4-7300
Monroe, LA 71203-4774

(the “Second Noticed Party”).

8. On or about November 15, 2023, Notice of the Preliminary Order of Forfeiture was sent via electronic mail to MBE Capital Partners, LLC c/o Willkie Farr & Gallagher, Michael Schacter, Esq. (the “Third Noticed Party”).

9. On or about January 19, 2024, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following party:

Republic Holdings, LLC
c/o Shannon Garrahan, Esq.
2 Forest Avenue, Suite 2
Oradell, NJ 07649-1959

(the “Fourth Noticed Party”).

10. On or about January 24, 2024, Notice of the Preliminary Order of Forfeiture was sent via FedEx to the following party:

Republic Holdings, LLC
c/o Michael S. Schachter, Esq.
787 Seventh Avenue
New York, NY 10019-6099

(the “Fifth Noticed Party”).

11. On or about March 5, 2024, Notice of the Preliminary Order of Forfeiture was sent via electronic mail to Parkdale Assets Corp. c/o Michael Schacter, Esq. (collectively with the First Noticed Parties, the Second Noticed Party, the Third Noticed Party, the Fourth Noticed Party, and the Fifth Noticed Party, the “Noticed Parties”).

12. The Defendant and the Noticed Parties are the only individuals and/or entities known by the Government to have a potential interest in the Specific Property.

13. Since final publication of the Notice of Forfeiture, thirty (30) days have expired and no petitions or claims to contest the forfeiture of the Specific Property have been filed.

14. Accordingly, the Government requests that the Court enter the proposed Second Final Order of Forfeiture.

15. No previous application for the relief requested herein has been sought.

Dated: New York, New York
April 18, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: _____/s/_____
Micah Fergenson
Assistant United States Attorney
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