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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 RICHARD AYVAZIAN,
15 Defendant.
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No. CR 20-00579-SVW-1
AMENDED
PRELIMINARY ORDER OF
FORFEITURE AS TO 74203
ANASTACIA LANE, PALM DESERT,
CALIFORNIA AGAINST DEFENDANT
RICHARD AYVAZIAN

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19 Upon consideration of the application of Plaintiff, United
20 States of America, for a preliminary order of forfeiture and the
21 jury's special verdict determination on forfeiture with respect
22 to questions 1 through 64 defendant's guilty conviction on
23 Counts One, Two through Twelve, Twenty-two, Twenty-four and
24 Twenty-six of the First Superseding Indictment, Rule 32.2(b),
25 and good cause appearing thereon, IT IS HEREBY ORDERED:

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I. FORFEITABLE PROPERTY

For the reasons set out below, any right, title and interest of defendant RICHARD 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, Twenty-two, 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), 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 at 74203 Anastacia Lane, Palm Desert, California, APN: 694-331-008, more particularly described as:

PARCEL 1:

LOT 8 OF TRACT NO. 36554-1 IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS PER MAP RECORDED IN THE BOOK 438 PAGES 98 AND 99, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF CALIFORNIA.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS APPURTENANT TO PARCEL 1 ABOVE, ON AND OVER THE "COMMON AREA" AS DEFINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND

1 RESERVATION OF EASEMENTS FOR ENCORE PALM DESERT
 2 ("DECLARATION") RECORDED IN THE OFFICE OF SAID COUNTY
 3 RECORDER OF CALIFORNIA ON DECEMBER 23, 2013 AS
 4 INSTRUMENT NO. 2013-0591271, FOR ACCESS, USE,
 5 OCCUPANCY, ENJOYMENT, INGRESS AND EGRESS OF THE
 6 AMENITIES LOCATED THEREON. THE COMMON AREA IS FOR THE
 7 USE OF OWNERS OF LOTS WHICH ARE SUBJECT TO THE
 8 DECLARATION AND IS NOT FOR THE USE OF THE GENERAL
 9 PUBLIC.

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
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1 notice of this and any other Order affecting specific property.
2 The following paragraphs shall apply to any ancillary proceeding
3 conducted in this matter:

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

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

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

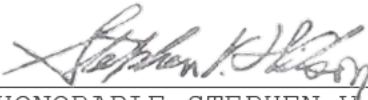
1 acquisition of the right, title or interest in the property, any
2 additional facts supporting the petitioner's claim, and the
3 relief sought. 21 U.S.C. § 853(n)(3).

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

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

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

16 DATED: October 26, 2021


HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

18 PRESENTED BY:

19 TRACY L. WILKISON
20 Acting United States Attorney

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

23 /s/Brent A. Whittlesey
24 BRENT A. WHITTLESEY
25 DAN G. BOYLE
Assistant United States Attorneys
Asset Forfeiture Section

26 Attorneys for Plaintiff
27 UNITED STATES OF AMERICA
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