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

13 Plaintiff,

14 v.

15 RICHARD AYVAZYAN and
16 MARIETTA TARABELIAN,

17 Defendants.
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No. CV 20-00579-SVW

**ORDER AUTHORIZING INTERLOCUTORY
SALE**

74203 Anastacia Lane, Palm Desert,
CA

21 Plaintiff United States of America having filed an ex parte
22 application for an order authorizing the interlocutory sale of
23 certain real property commonly known as 74203 Anastacia Lane, Palm
24 Desert, California, ("Application"), the Court having considered the
25 Application, and being fully informed concerning the matter, it is
26 hereby ORDERED as follows:

27 1. The Application is granted subject to the terms of this
28 Order.

1 2. The government shall sell the defendants' asset listed in
2 paragraph 4, below, according to the processes and protocols used by
3 the United States Marshals Service when disposing of similar,
4 forfeited property. The net proceeds of sale, as described below, if
5 any, shall be substituted for the asset as the substitute res in this
6 action.

7 3. Upon entry of this Order, the government, to include the
8 United States Marshals Service ("USMS") and whatever contractors it
9 may choose to retain to assist in the execution of this Order, shall
10 take exclusive custody, possession, and control of the asset for the
11 purpose of preparing and marketing the asset for sale at public
12 auction.

13 4. The defendants' asset to be sold pursuant to this Order is
14 Real Property located at 74203 Anastacia Lane, Palm Desert,
15 California, A.P.N. 694-331-008 (the "Palm Desert Real Property") is
16 to be sold for fair market value, and the net proceeds of the sale,
17 if any, should be substituted to the real property as substitute res
18 in this action.

19 5. An interlocutory sale of Palm Desert Real Property is
20 appropriate and necessary under Rule G(7)(b)(i) of the Supplemental
21 Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions
22 because (i) the property is at risk of deterioration and damage as it
23 will likely be uninhabited during the pendency of this litigation if
24 it is not sold to a third party; (ii) the expense of keeping the
25 property is excessive and/or is disproportionate to its fair market
26 value; and (iii) the property is subject to mortgage payments on
27 which the title owner is in default.
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1 6. The procedures set forth in 28 U.S.C. §§ 2001, 2002 and
2 2004 (providing for public sale of property under court control) are
3 not reasonable, appropriate or likely to yield the highest price for
4 the Palm Desert Real Property. Because the titled owner(s) of the
5 Palm Desert Real Property are fugitives and the expertise needed to
6 sell and market real estate of this nature to the public, the Court
7 orders the interlocutory sale according to the terms described
8 herein.

9 7. The legal description of the Palm Desert Real Property is:

10 Described real property in the County of Riverside, State
11 of California:

12 PARCEL 1:

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

17 PARCEL 2:

18 NON-EXCLUSIVE EASEMENTS APPURTENANT TO PARCEL 1 ABOVE, ON
19 AND OVER THE "COMMON AREA" AS DEFINED IN THE DECLARATION OF
20 COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF
21 EASEMENTS FOR ENCORE PALM DESERT ("DECLARATION") RECORDED
22 IN THE OFFICE OF SAID COUNTY RECORDER OF CALIFORNIA ON
23 DECEMBER 23, 2013 AS INSTRUMENT NO. 2013-0591271, FOR
24 ACCESS, USE, OCCUPANCY, ENJOYMENT, INGRESS AND EGRESS OF
25 THE AMENITIES LOCATED THEREON. THE COMMON AREA IS FOR THE
26 USE OF OWNERS OF LOTS WHICH ARE SUBJECT TO THE DECLARATION
27 AND IS NOT FOR THE USE OF THE GENERAL PUBLIC. A.P.N. 694-
28 331-008.

1 8. The USMS shall have full discretion to determine
2 appropriate auction and sale procedures and the terms of auction and
3 sale between it and buyers, including but not limited to registration
4 requirements, acceptance or rejection of bids, the completion of
5 payment by the high bidder, and the Certificate of Title to transfer

1 ownership of the defendants. The USMS shall follow the process it
2 ordinarily follows when selling similar forfeited property in this
3 district.

4 9. The proceeds of the sale of the Palm Desert Real Property
5 shall be distributed as follows:

6 a. First, payment of all costs of sale, including
7 applicable fees triggered by the sale of the Palm Desert Real
8 Property and actual costs incurred by the government in preparing the
9 Palm Desert Real Property for sale, to include all expenses for
10 transportation, storage, maintenance, repair, administrative and
11 sales commission fees, which shall be deducted from the gross
12 proceeds of sale;

13 b. Second, the amount of the first lien due to United
14 Wholesale Mortgage or MERS shall be paid to United Wholesale Mortgage
15 or MERS by electronic transfer. United Wholesale Mortgage or MERS
16 shall provide all information and complete all documents requested by
17 the government to facilitate the payment.

18 c. Third, to the extent funds remain (the "net
19 proceeds"), such funds shall constitute the substitute *res* subject in
20 this forfeiture action in place of the defendants sold. The net
21 proceeds shall be wired from the public auction vendor directly to an
22 interest-bearing account to be designated by the government, where
23 such funds shall be held pending resolution of this forfeiture
24 matter. The government shall provide wiring instructions directly to
25 the vendor handling the sale of the Palm Desert Real Property. Upon
26 delivery of the net proceeds to this interest-bearing account, the
27 government shall notify the parties and this Court of the amount that
28 has been deposited as the substitute *res* by filing a notice with the

1 Court. The notice shall state the amount of net proceeds received
2 for Palm Desert Real Property sold.

3 10. Defendants shall execute any and all documents necessary to
4 consummate the sale of Palm Desert Real Property, convey clear title
5 of the Palm Desert Real Property to the buyer, and further implement
6 the terms of the Order for Interlocutory Sale.

7 11. The Court shall retain jurisdiction over Palm Desert Real
8 Property to effectuate the terms of the sale and resolve any issues
9 or disputes that may arise regarding the interlocutory sale of Palm
10 Desert Real Property.

11 Dated: January 7, 2022



HON. STEPHEN V. WILSON
United States District Judge

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15 Respectfully submitted,

16 TRACY L. WILKISON
Acting United States Attorney
17 SCOTT M. GARRINGER
Assistant United States Attorney
18 Chief, Criminal Division
JONATHAN GALATZAN
19 Assistant United States Attorney
Chief, Asset Forfeiture Section
20

21 /s/ Brent A. Whittlesey
BRENT A. WHITTLESEY
22 Assistant United States Attorney

23 Attorneys for Plaintiff
24 UNITED STATES OF AMERICA
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PROOF OF SERVICE BY MAILING

I am over the age of 18 and not a party to the within action. I am employed by the Office of the United States Attorney, Central District of California. My business address is 312 North Spring Street, 14th Floor, Los Angeles, CA 90012.

On October 8, 2021, I served a copy of: **EX PARTE APPLICATION FOR ORDER AUTHORIZING INTERLOCUTORY SALE OF REAL PROPERTY SUBJECT TO FORFEITURE; DECLARATION OF BRENT A. WHITTLESEY, and [PROPOSED] ORDERS** upon each person or entity named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices.

TO: SEE SERVICE LIST

X I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on: October 8, 2021 at Los Angeles, California.

/s/ **S. Beckman**
SHANNEN BECKMAN

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