

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:23-cr-144-SPC-KCD

EVAN GRAVES

**AMENDED FINAL ORDER OF
FORFEITURE**

Before the court is the United States' Motion for an Amended Final order of Forfeiture. (Doc. 81). The Government seeks an amended final order forfeiting the below assets (hereinafter "Real Properties"), which were subject to the Court's February 29, 2024 Preliminary Order of Forfeiture. (Doc. 28). See 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2), Federal Rules of the Criminal Procedure.

- a. the real property located at 2973 Palm Beach Boulevard, Fort Myers, FL 33916, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lot 9, Block 1, Frierson & Hendry's Addition to East Fort Myers, according to the map or plat thereof as recorded in Plat Book 1, Page 60, Public Records of Lee County, Florida.

Parcel Number: 18-44-25-P1-02001.0090;

- b. the real property located at 1751 Winkler Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Westerly 41.5 feet of Lot 16 and the Easterly 25 feet of Lot 17, Block 37, Palmlee Park, according to the map or plat thereof, as

recorded in Plat Book 6, Page(s) 1, of the Public Records of Lee County, Florida.

Parcel Number: 35-44-24-P2-00837.0160;

- c. the real property located at 2646 Central Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lots 1 and 2, Block D, Lovejoy Park, according to the plat thereof, as recorded in Plat Book 5, Page 26 of the Public Records of Lee County, Florida.

Parcel Number: 24-44-24-P4-0160D.0010;

- d. the real property located at 2328-2330 Victoria Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lot 8, Block 8, Stadlers Central Heights, according to the plat thereof as recorded in Plat Book 4, Page 64, Public Records of Lee County, Florida.

Parcel Number: 24-44-24-P1-01108.0080; and

- e. the real property located at 2335 Victoria Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lot 17, Block 5, Stadlers Central Heights, according to the plat thereof as recorded in Plat Book 4, Page 64, Public Records of Lee County, Florida.

Parcel Identification: 24-44-24-P1-01105.0170

(collectively, the “**Real Properties**”).

The United States properly noticed the only parties known to have a potential interest in the Real Properties, including the Lee County Tax

Collector, the City of Fort Myers, the Department of Treasury – Internal Revenue Service (IRS), Fred Guyton, Silvercreek Realty Investments 2, LLC, Auto-Owners Insurance Company, and Global Guaranteed Goods and Services d/b/a Global Construction. Because the defendant, Evan Graves, is the Registered Agent and Manager of Onestar Capital Properties, LLC, and Greenwood Park, LLC, these entities had actual notice of the forfeiture of the Real Properties. The only parties to file a timely petition or claim were the Lee County Tax Collector (Doc. 38), the City of Fort Myers (Doc. 39) and Kevin Graves (Doc. 68). The United States recognizes the claim of the Tax Collector and has agreed to pay, from the remaining proceeds of the sale of the real property (to the extent that there are sufficient proceeds after the deduction of the United States’ expenses), the *ad valorem* real property taxes and *non-ad valorem* assessments due and owing to the Lee County Tax Collector. (Doc. 40). The United States and the City of Fort Myers entered into a Stipulated Settlement Agreement, the terms of which are incorporated by reference, which resolved the City’s interest. (Doc. 65-1). While the IRS did not file a formal claim, the United States will pay any superior and outstanding tax liens out of the proceeds from the sales of the Real Properties in accordance with their priority under applicable state and federal laws. Kevin Graves has withdrawn his claim. (Doc. 78).

Other than the defendant, whose interest was previously forfeited to the

United States, Kevin Graves, whose claim was withdrawn, and the Lee County Tax Collector, the City of Fort Myers and the IRS, whose interests have been addressed, no other party have petitioned for the Real Properties, and the time to do so has expired. The Court thus will forfeit all right, title, and interest in the Real Properties to the Government.

Accordingly, it is now

ORDERED:

The United States' Motion for Amended Final Order of Forfeiture (Doc. 81) is **GRANTED**.

1. Defendant's interest in the Real Properties, listed herein are **CONDEMNED** and **FORFEITED** to the United States for disposition according to law and subject to 21 U.S.C. § 853(n)(7), and Federal Rule of Criminal Procedure 32.2(c)(2).
2. Clear title to the Assets is now **VESTED** in the United States, subject to the recognized interests of the Lee County Tax Collector, the City of Fort Myers and the IRS, as detailed above.

DONE and **ORDERED** in Fort Myers, Florida on December 30, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Suzanne C. Nebesky, AUSA
Counsel of Record