

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
UNITED STATES OF AMERICA,

Plaintiff,

Case No. 8:19-cv-908-T-02AEP

v.

ASSETS IDENTIFIED IN PARAGRAPH
ONE OF VERIFIED COMPLAINT,

Defendants.

NOTICE OF FILING
CONSENT FORFEITURE AGREEMENT

The United States of America hereby gives notice of filing the Consent Forfeiture Agreement entered into by the United States and Burton W. Wiand, the Court-appointed Receiver, regarding the forfeiture and disposition of the defendant real properties. *See* Attachment A.

Respectfully submitted,

MARIA CHAPA LOPEZ
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2019, 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

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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Defendants.

CONSENT FORFEITURE AGREEMENT

The United States of America and Burton W. Wiand, the Court-appointed Receiver (the “**Receiver**”), hereby agree and stipulate as follows:

INTRODUCTION

1. On April 15, 2019, in Case No. 8:19-cv-886-T-33SPF (M.D. Fla), the United States District Court for the Middle District of Florida (the “**Receivership Court**”) entered an Order Granting Plaintiff’s Motion for an Ex Parte Statutory Restraining Order, Appointment of a Temporary Receiver, and Other Equitable Relief (Doc. 7) (the “**TRO**”). The TRO, among other things, appointed the Receiver to “[a]ssume full control of the Receivership Defendants by removing Defendants Michael J. DaCorta, Joseph S. Anile, II . . . Francisco ‘Frank’ Duran . . . and any officer, independent contractor, employee, or agent of the Receivership Defendants, from control and management of the affairs of the Receivership Defendants” *See* Exhibit A at 14. The Receivership Defendants include, among other individuals and

ATTACHMENT A

entities, Michael J. DaCorta (“**DaCorta**”); Joseph S. Anile, II (“**Anile**”); 444 Gulf of Mexico Drive, LLC; 4064 Founders Club Drive, LLC; 6922 Lacantera Circle, LLC; and 13318 Lost Key Place, LLC. *Id.* at 2, 4 and 14.

2. On April 17, 2019, the United States filed a Complaint for Forfeiture *in Rem* in the instant case, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 981(a)(1)(A), seeking the civil forfeiture of the following real properties that the United States alleges were purchased with proceeds of fraud and involved in money laundering violations¹:

- a. The real property, attachments thereto, and appurtenances thereon, located at: 13318 Lost Key Place, Lakewood Ranch, Florida;
- b. The real property, attachments thereto, and appurtenances thereon, located at: 6922 Lacantera Circle, Lakewood Ranch, Florida;
- c. The real property, attachments thereto, and appurtenances thereon, located at: 4064 Founders Club Drive, Sarasota, Florida;
- d. The real property, attachments thereto, and appurtenances thereon, located at: 4058 Founders Club Drive, Sarasota, Florida;
- e. The real property, attachments thereto, and appurtenances thereon, located at: 7312 Desert Ridge Glen, Lakewood Ranch, Florida;
- f. The real property, attachments thereto, and appurtenances thereon, located at: 444 Gulf of Mexico Drive, Longboat Key, Florida;
- g. The real property, attachments thereto, and appurtenances thereon, located at: 17006 Vardon Terrace, #105, Lakewood Ranch, Florida;

¹ At the time the United States filed this civil forfeiture action, the TRO was still under seal, and the United States was unaware that the TRO would encompass the real properties that are the subject of this civil forfeiture action.

- h. The real property, attachments thereto, and appurtenances thereon, located at: 16804 Vardon Terrace, #108, Lakewood Ranch, Florida; and
- i. The real property, attachments thereto, and appurtenances thereon, located at: 16904 Vardon Terrace, #106, Lakewood Ranch, Florida,

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

3. The Defendant Properties were all purchased in the names of, and/or controlled by, the Receivership Defendants. Additionally, one of the Receivership Defendants – DaCorta — is the Registered Agent for all of the Limited Liability Companies that hold title to the Defendant Properties.² Therefore, pursuant to the Receivership Orders, the Receiver has assumed control of, and has the authority to enter into all agreements for, the titled owners of the Defendant Properties.

AGREEMENT

4. Based on the authorities granted to the Receiver by the Receivership Orders, the Receiver hereby agrees (subject to the approval of the Receivership Court) not to contest the civil forfeiture of the Defendant Properties.

² On or about April 26, 2019, DaCorta signed a Consent to Entry of Preliminary Injunction and Order Appointing Receiver and Staying Litigation by Defendants Oasis International Group, Limited; Oasis Management, LLC; and Michael J. DaCorta and Relief Defendants Roar of the Lion Fitness, LLC; 444 Gulf of Mexico Drive, LLC; 6922 Lacantera Circle, LLC; and 13318 Lost Key Place, LLC. (Doc. 35-3). Anile also consented to the entry of a preliminary injunction against him and entities associated with him. (Doc. 35-4). On April 30, 2019, the Receivership Court entered an Order Appointing Receiver And Staying Litigation based on DaCorta’s, Anile’s, and certain other defendants’ consents to the entry of the preliminary injunction. *See* Receivership Court Doc. 44, attached hereto as Exhibit B. That order again directed the Receiver to take control of the properties at issue. *Id.* at 10. Exhibits A and B are collectively referred to as the “**Receivership Orders.**”

5. The Receiver consents to the civil forfeiture of the Defendant Properties, including the entry of a judgment of forfeiture. All right, title, and interest to the Defendant Properties shall be condemned, forfeited, and vested in the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 18 U.S.C. § 981(a)(1)(A).

6. The Receiver and the United States Marshals Service have executed a Memorandum of Understanding that outlines the terms by which the Receiver will sell the Defendant Properties, among other things, following the entry of a final judgment of forfeiture in this action. A copy of that document is attached as Exhibit C.

7. The Receiver and the United States intend to seek approval from the U.S. Department of Justice, Money Laundering and Asset Recovery Section, to use the net proceeds from the sale of the Defendant Properties to compensate victims of the fraud, as directed by the Receivership Court.

8. The Receiver agrees to unconditionally release, acquit, and discharge the United States of America, the United States' agents and employees, and all law enforcement agencies from any and all claims, demands, causes of actions or suits, judgments, damages, losses of services, and expenses of whatever kind and description that might exist by reason of or arising out of the forfeiture of the Defendant Properties.

9. The United States of America and the Receiver waive any and all claims or rights that they have or may have, pursuant to 28 U.S.C. § 2412 (the Equal Access to Justice Act) or otherwise, for attorneys' fees or other costs involving the Defendant Properties arising out of the forfeiture action, including the making of this agreement and the forfeiture detailed herein.

10. This Consent Forfeiture Agreement will not become effective until approved by the Receivership Court.

Court-Appointed Receiver

6/7/2019

DATE




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6/7/19

DATE



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