

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

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

v.

13318 LOST KEY PLACE, LAKEWOOD
RANCH, FLORIDA, et al.

Defendants.

NOTICE OF FILING

The United States of America hereby gives notice of filing a proposed Judgment of Forfeiture, following the July 12, 2019 hearing on the United States' Motion for Judgment of Forfeiture. *See* Attachment A. A copy of this proposed judgment was provided to Charles F. Johnson, counsel for

Claimants Steve F. Herrig and Natalee A. Herrig, who has advised that he has no objection to the form of the proposed judgment.

Respectfully submitted,

MARIA CHAPA LOPEZ
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 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

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13318 LOST KEY PLACE, LAKEWOOD
RANCH, FLORIDA, et al.

Defendants.

JUDGMENT OF FORFEITURE

THIS CAUSE comes before the Court on the United States' First

Motion for Judgment of Forfeiture for the following assets:

- 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: 7312 Desert Ridge Glen, Lakewood Ranch, Florida;
- c. The real property, attachments thereto, and appurtenances thereon, located at: 17006 Vardon Terrace, #105, Lakewood Ranch, Florida;
- d. The real property, attachments thereto, and appurtenances thereon, located at: 16804 Vardon Terrace, #108, Lakewood Ranch, Florida; and
- e. The real property, attachments thereto, and appurtenances thereon, located at: 16904 Vardon Terrace, #106, Lakewood Ranch, Florida,

(collectively, the Defendant Properties).

ATTACHMENT A

The Court finds that the Defendant Properties are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A) and Supp'l Rule G, Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions.

Having been fully advised in the premises, the Court finds that the Defendant Properties are forfeitable to the United States because the Defendant Properties are proceeds of violations of 18 U.S.C. §§ 1341 (mail fraud) and 1343 (wire fraud), or a conspiracy to commit mail and wire fraud (18 U.S.C. § 1349). Additionally, the monetary transactions made to purchase the Defendant Properties were conducted in violation of 18 U.S.C. § 1957(a) because they were knowingly conducted with more than \$10,000 in funds derived from specified unlawful activity (specifically, mail and wire fraud).

The Court further finds that the United States property noticed the only entities or individuals known to have a possible interest in the Defendant Properties, including the court-appointed Receiver in the related matter *Commodity Futures Trading Commission v. Oasis International, et al.*, Case No. 8:19-cv-886-T-33SPF, 17006 Vardon Terrace, #105, LLC; 16804 Vardon Terrace 108, LLC; 13318 Lost Key Place, LLC; 7312 Desert Ridge Gln, LLC;

16904 Vardon Terrace 106, LLC; Michael DaCorta; Manatee County Tax Collector; Lakewood National Golf Club, Inc.; Terrace I at Lakewood National Condominium Association, Inc.; Terrace II at Lakewood National Condominium Association, Inc.; Terrace III at Lakewood National Condominium Association, Inc.; and Country Club/Edgewater Village Association, Inc.

The Court further finds that the United States filed a Declaration of Publication which reflects that notice of this forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least 30 consecutive days, from April 20, 2019 through and including May 19, 2019, pursuant to Supp'l Rule G(4)(a)(iv)(C).

The court-appointed Receiver, having been granted authority and control over, among other things, the Defendant Properties, has received notice of this action and has consented to the forfeiture of the Defendant Properties.

No entity or individual other than the Manatee County Tax Collector, whose interest has been recognized, has filed a claim or statement of interest and the time for doing so has expired. Despite their failure to file a claim, the United States has also agreed to recognize the interests of any associated

homeowners associations in accordance with applicable contracts and Florida law, including the Lakewood National Golf Club, Inc.; Terrace I at Lakewood National Condominium Association, Inc.; Terrace II at Lakewood National Condominium Association, Inc.; Terrace III at Lakewood National Condominium Association, Inc.; and Country Club/Edgewater Village Association, Inc.. Thus, it is now appropriate for the Court to enter a Judgment of Forfeiture for the Defendant Properties.

Accordingly, it is hereby

ORDERED, ADJUDGED AND DECREED that for good cause shown, said Motion of the United States is hereby GRANTED.

It is further ORDERED that, pursuant to the provisions of 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A) and Supp'l Rule G, all right, title, and interest in the Defendant Properties are hereby CONDEMNED and FORFEITED to the United States for disposition according to law. Clear title to the Defendant Properties is now vested in the United States of America, subject to any *ad valorem* assets taxes and *non-ad valorem* assessments due and owing to Manatee County Tax Collector, assessments due and owing to the homeowners associations and to the terms of the Consent Forfeiture

Agreement entered into between the United States and the court-appointed Receiver.

DONE and ORDERED in Tampa, Florida, this _____ day of July, 2019.

WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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