

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

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

Defendants.

**UNOPPOSED THIRD MOTION
FOR JUDGMENT OF FORFEITURE**

The United States of America hereby moves the Court, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A), and Supp'1 Rule G, Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, for a Judgment of Forfeiture for the real property, attachments thereto, and appurtenances thereon, located at 4064 Founders Club Drive, Sarasota, Florida (the Defendant Property).¹

The United States has properly served notice on all interested parties. Despite notice, no party, other than the Sarasota County Tax Collector and Steven F. Herrig and Natalee A. Herrig, whose claims have been recognized, has filed claims or objections to the forfeiture of the Defendant Property, and

¹ The United States will file a separate motion addressing the remaining Defendant Property, 6922 LaCantera Circle.

the time for doing so has expired. Furthermore, the undersigned has conferred with Bora Kayan, the attorney for the Sarasota County Tax Collector, and Charles Johnson, the attorney for Herrigs, who have both confirmed that they have no objection to this motion. Therefore, the United States is entitled to a Judgment of Forfeiture for the Defendant Property. In support of this motion, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

I. Statement of Facts

1. On April 18, 2019, the United States filed an Amended Verified Complaint for Forfeiture *in Rem* seeking forfeiture of, among others, the Defendant Property, on the grounds that the property represents 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) and is, therefore, subject to civil forfeiture by the United States pursuant to 18 U.S.C. § 981(a)(1)(C). Additionally, in the Amended Verified Complaint, the United States alleged that the monetary transaction made to purchase the Defendant Property was conducted in violation of 18 U.S.C. § 1957(a) and, as such, the Defendant Property is also subject to civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A). Doc. 12.

2. The only persons or entities known to have a possible interest in the Defendant Property are the following:

- a. 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;
- b. 4046 Founders Club Drive, LLC;
- c. Michael DaCorta;
- d. Sarasota County Tax Collector;
- e. The Founders Club Community Association, Inc.; and
- f. Steven F. Herrig and Natalee A. Herrig.

3. In May and June 2019, in accordance with the requirements of Rule G(4)(b), the United States sent direct written notice of this forfeiture action to the interested parties identified in paragraph 2, above. The process of identifying potential claimants, and the specific dates and methods of sending notice to each potential claimant, are detailed in the Declaration by Tammy Keene, which is attached hereto as Exhibit A and fully incorporated herein by reference.

A. Notice and Consent of the Court-Appointed Receiver

4. On April 24, 2019, a Notice of Appearance was filed by Jared J. Perez, Esquire, on behalf of the Court-appointed Receiver (the Receiver) in the related matter *Commodity Futures Trading Commission v. Oasis International, et*

al., Case No. 8:19-cv-886-T-33SPF (the Receivership), confirming actual notice of these proceedings. Doc. 17. In the Receivership, the United States District Court for the Middle District of Florida appointed the Receiver to assume control of certain Receivership Defendants. 48-1 at 1-2. The Defendant Property was purchased in the name of, and/or controlled by, these Receivership Defendants. *Id.* at 3. Therefore, pursuant to the Receivership Orders, the Receiver assumed control of, and has the authority to enter into all agreements for, the titled owner of the Defendant Property. *Id.*

5. On June 19, 2019, the United States and the Receiver filed a Consent Forfeiture Agreement. Doc. 48-1. In the Consent Forfeiture Agreement, the Receiver consented to the civil forfeiture of the Defendant Property. *Id.*

B. Michael DaCorta and the Limited Liability Companies

6. Michael DaCorta is the Registered Agent for the limited liability company that holds title to the Defendant Property. On April 26, 2019, DaCorta signed a Consent to entry of a Preliminary Injunction and Order Appointing Receiver and Staying Litigation by Defendants Oasis International Group, Limited, in the Receivership (Doc. 35-3) which ultimately gave the Receiver authority to take control of the Defendant Property in this case.

Therefore, the Receiver has the authority to consent to the forfeiture of the Defendant Property on behalf of DaCorta and the limited liability company.

7. Out of an abundance of caution, however, the United States served notice of these proceedings on DaCorta, personally and as registered agent for the limited liability company that holds title to the Defendant Property. *See Exhibit A at 3.*

8. On May 22, 2019, a Notice of Appearance was filed by Jacob V. Stuart, Jr., Esquire, on behalf of Michael DaCorta, confirming that DaCorta had received actual notice of these proceedings. Doc. 29. Mr. Stuart later withdrew as counsel; however, in his motion to withdraw, he noted that DaCorta “is aware of the pending deadlines in this case.” *See Doc. 32.*

9. Despite notice, neither DaCorta nor the limited liability company (for which he is the Registered Agent) that holds title to the Defendant Property has filed a claim or answer in this case, and the time for doing so has expired.

C. Sarasota County Tax Collector

10. The United States also served notice on the Sarasota County Tax Collector. *See Exhibit A at 3-4.* The Sarasota County Tax Collector did not file a Verified Claim; however, the Tax Collector filed an Acknowledgment of Receipt of Notice of Forfeiture. Doc. 42.

11. The United States has filed a notice in which it has recognized the interest of the Sarasota County Tax Collector. Doc. 51. The United States has agreed that, from the proceeds of the sale of the Defendant Properties (to the extent that there are sufficient proceeds after the payment of expenses relating to seizure, maintenance, custody, and disposal of the property), the Receiver will pay any and all *ad valorem* real property taxes and *non-ad valorem* assessments due and owing the Sarasota County Tax Collector up to the date of entry of the Judgment of Forfeiture as a priority lien under Florida law. *Id.*

D. Homeowners Association

12. The United States also provided direct written notice to the associated homeowners association that may claim an interest in the Defendant Property, the Founders Club Community Association, Inc. (Founders Club HOA). *See* Exhibit A at 4.

13. Despite notice, Founders Club HOA has failed to file a claim, and the time for doing so has expired; however, the United States recognizes the interests of Founders Club HOA and agrees that, from the proceeds of the sale of the Defendant Property located at 4046 Founders Club Drive, Sarasota, Florida (to the extent that there are sufficient proceeds after the payment of expenses related to seizure, maintenance, custody, and disposal of the

Defendant Property, including any and all outstanding taxes and interest due and owing the Tax Collector), the Receiver, on behalf of the United States, will pay the assessments due and owing to Founders Club HOA pursuant to contract and in accordance with Florida law, up to the date of entry of the Judgment of Forfeiture.

E. Steven F. Herrig and Natalee A. Herrig

14. The United States also served notice on the Steven F. Herrig and Natalee A. Herrig (the Herrigs). *See* Exhibit A at 4. The Herrigs filed a Verified Claim and Answer. Docs. 35 and 49.

15. The United States and the Herrigs have entered into an agreement pursuant to which the United States has recognized the interest of the Herrigs and has agreed that, from the proceeds of the sale of the Defendant Property, the Receiver will pay the Herrigs principal, interest and certain fees and costs owed under the mortgage, as further detailed in the parties' stipulation. *See* Doc. 62-1.

F. Publication Notification

16. The United States also published notice of the above-referenced civil forfeiture action on its official website, www.forfeiture.gov, for a period of 30 consecutive days, from April 20, 2019 through and including May 19, 2019, as required by Supp'l Rule G(4)(a)(i) & (iv)(C)(3). Doc. 28.

II. Legal Argument

Based on the facts, which are more fully set forth in the Amended Verified Complaint, the Defendant Property is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A), and Supp'1 Rule G. The Defendant Property is proceeds, or derived from proceeds, of wire fraud and mail fraud, or a conspiracy to commit wire fraud and mail fraud, in violation of 18 U.S.C. §§ 1341, 1343 and 1349. Under Section 981(a)(1)(C), the United States is authorized to civilly forfeit any property, real or personal, which constitutes or is derived from proceeds from any offense constituting "specified unlawful activity" as defined in 18 U.S.C. § 1956(c)(7), or a conspiracy to commit such offenses. 18 U.S.C. § 981(a)(1)(C). Section 1956(c)(7)(A) incorporates the racketeering offenses under 18 U.S.C. § 1961. Mail and wire fraud offenses in violation of 18 U.S.C. §§ 1341 and 1343 are specified unlawful activities under 18 U.S.C. § 1961(1). *See* 28 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 1956(c)(7)(A), and 18 U.S.C. § 1961(1).

Additionally, the monetary transaction made to purchase the Defendant Property was conducted in violation of 18 U.S.C. § 1957(a) because it was knowingly conducted with more than \$10,000 in funds derived from specified unlawful activity (specifically, mail and wire fraud), and, as such, it is subject to civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

As required by Supp'l Rule G(4)(a)(iv)(C), the United States posted notice of this forfeiture on an official government internet website (www.forfeiture.gov) for at least 30 days, beginning April 20, 2019. Doc. 28. Under Rule G(5)(a)(ii), a person or entity is required to file a claim to the defendant property within the time stated on the direct written notice, or not later than 60 days after the first date of internet publication – here, on or before June 19, 2019. The Warrant of Arrest *in Rem* and the internet publication gave instructions for filing a claim in the form of a Statement of Right or Interest, to be filed with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 801 North Florida Avenue, Tampa, Florida 33602, within the time prescribed by law.

Additionally, as required by Supp'l Rule G(4)(b)(i) and as detailed above and in Exhibit A, the United States sent notice and a copy of the Amended Verified Complaint to all known interested parties. Other than Sarasota County Tax Collector, and Steven F. Herrig and Natalee A. Herrig, whose claims have been recognized by the United States, no other party has filed a claim, and the time for doing so has expired. Furthermore, the Receiver, who was given authority and control over the Defendant Property, has consented to its forfeiture. Thus, it is now appropriate for the Court to enter a Judgment of Forfeiture for the Defendant Property.

III. Conclusion

The United States respectfully requests that this Court enter a Judgment of Forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A) and Supp'l Rule G, forfeiting to the United States of America all right, title, and interest in Defendant Property for disposition according to law, subject to any *ad valorem* asset taxes and *non-ad valorem* assessments due and owing to Sarasota County Tax Collector, assessments due and owing to the Founders Club HOA, outstanding mortgage, fees, and interest due and owing to the Herrigs as provided in the parties' stipulation (Doc. 62-1), and to the terms of the Consent Forfeiture Agreement between the United States and the Receiver, as outlined in this Motion.

Respectfully Submitted,

MARIA CHAPA LOPEZ
United States Attorney

By: s/Suzanne C. Nebesky
SUZANNE C. NEBESKY
Assistant United States Attorney
Fla. Bar No. 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone
E-mail: suzanne.nebesky@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 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
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.

**DECLARATION IN SUPPORT OF
REQUEST FOR JUDGMENT OF FORFEITURE**

I, Tammy Keene, a Forfeiture Support Associates Contract Paralegal with the United States Attorney's Office, make the following Declaration in lieu of an affidavit, as permitted by 28 U.S.C. § 1746. I am aware that this Declaration will be filed with the United States District Court for the Middle District of Florida, and that it is the legal equivalent of a statement under oath.

1. I have been a Contract Paralegal for the United States Attorney's Office since March 2015. My duties include, in relevant part, providing notice of forfeiture actions in accordance with the requirements of Rule G(4)(b).

2. In this case, I reviewed seizure records which were provided by the seizing agency in order to determine what parties may have a potential

legal interest in the following real property identified in the Amended Verified Complaint for Forfeiture in Rem: the real property, attachments thereto, and appurtenances thereon, located at: 4064 Founders Club Drive, Sarasota, Florida (the Defendant Property).

The records revealed that the following entities and/or individuals had a potential interest in the Defendant Property:

- a. 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;
- b. 4046 Founders Club Drive, LLC;
- c. Michael DaCorta;
- d. Sarasota County Tax Collector;
- e. The Founders Club Community Association, Inc.; and
- f. Steven F. Herrig and Natalee A. Herrig.

3. This Declaration supports the United States' Third Motion for Judgment of Forfeiture, which requests that the Court enter a Judgment of Forfeiture for the Defendant Property identified in paragraph two above, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A), and Supp'1 Rule G, Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions.

4. In May 2019, in accordance with the requirements of Rule G(4)(b), I sent notices of this forfeiture action and instructions on filing a claim, via United States certified and first class mail, to all known potential claimants, as detailed below. *See* Supp'l Rule G(4)(b).¹

- a. On May 10, 2019, notice was sent to **4064 Founders Club Drive, LLC**, c/o Michael DaCorta, Registered Agent, Lakewood Ranch, Florida, via first class mail and certified mail (receipt number 7016 3010 0000 9345 4603). The packages sent via certified mail and regular U.S. Mail were returned “unclaimed” and/or “unable to forward.” However, DaCorta later retained counsel who appeared in this action, confirming that he had received actual notice. Doc. 29. The notice package clarified that, in accordance with Supp'l Rule G, the deadline to file a claim was June 14, 2019. *See* Exhibit A-1. Before withdrawing, DaCorta's counsel confirmed that DaCorta was “aware of the pending deadlines” in this case. Doc. 32 at 2. No claim has been filed on behalf of 4064 Founders Club Drive, LLC.
- b. On May 13, 2019, notice was sent to **Michael DaCorta**, personally, at Lakewood Ranch, Florida, via first class mail and certified mail (receipt number 7016 3010 0000 9345 4672). *See* Exhibit A-2. The certified green card was signed as received and dated May 28, 2019. *Id.* DaCorta later retained counsel who appeared in this action, further confirming that he had received actual notice. Doc. 29. The notice package clarified that, in accordance with Supp'l Rule G, the deadline to file a claim was June 17, 2019. *See* Exhibit A-2. Before withdrawing, DaCorta's counsel further confirmed that DaCorta was “aware of the pending deadlines” in this case. Doc. 32 at 2. No claim has been filed on behalf of Michael DaCorta.

¹ When appropriate, the addresses for the interested parties referenced in this Declaration and all attachments incorporated herein have been redacted in compliance with Federal Rule of Civil Procedure 5.2.

- c. On May 9, 2019, notice was sent to the Barbara Ford-Coates, **Sarasota County Tax Collector**, 101 S. Washington Boulevard, Sarasota, Florida 34236-6993, via first class mail and certified mail (receipt number 7017 3040 0000 0725 8532). *See* Exhibit A-3. The certified green card was signed as received and dated May 13, 2019. On June 14, 2019, Sarasota County Tax Collector filed an Acknowledgment of Receipt of Notice of Forfeiture for their interest in the Defendant Property. Doc. 42.
 - d. On June 6, 2019, notice was sent to **The Founders Club Community Association, Inc.**, c/o Dennis Doster, President, Lighthouse Property Management, Venice, FL 34285, via first class mail and certified mail (receipt number 7016 3010 0000 9345 4702). *See* Exhibit A-4. The certified green was signed but not dated. USPS tracking confirms that it was delivered on June 10, 2019. *Id.* The notice package clarified that, in accordance with Supp'l Rule G, the deadline to file a claim was July 11, 2019. *Id.* No claim has been filed on behalf of The Founders Club Community Association, Inc.
 - e. On May 9, 2019, notice was sent to **Steven Herrig and Natalee Herrig**, Bradenton, FL, via first class mail and certified mail (receipt number 7016 3010 0000 9345 4528). The package sent via certified mail was returned "unclaimed" and/or "unable to forward." *See* Exhibit A-5. On May 14, 2019, Charles Johnson, Esquire, attorney for the Herrigs, confirmed receipt of the notice package sent to the Herrigs via regular U.S. Mail. On June 11, 2019, the Herrigs filed Verified Claim for their interest in the Defendant Property. Doc. 35.
5. The notice packages I sent contained: (1) a Notice of Amended Complaint for Forfeiture *in Rem*; (2) the Amended Verified Complaint for Forfeiture *in Rem*; (3) an Acknowledgment of Receipt of Notice of Amended

Verified Complaint; (4) the Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation; and (5) a self-addressed, stamped envelope.


6. The Notice of Amended Complaint for Forfeiture *in Rem* advised the Claimant that in order to contest the Amended Verified Complaint, they were required to file a claim within 35 days of the date of the Notice, and file an Answer within 21 days after filing the claim. The Notice further instructed the parties to file the claim and Answer with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2nd Floor, 801 North Florida Avenue, Tampa, Florida 33602. Finally, the Notice advised that the “[f]ailure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Complaint. You may wish to seek legal advice to protect your interests.”

7. The United States published notice of the above-referenced civil forfeiture action on its official website, www.forfeiture.gov, for a period of 30 consecutive days, from April 20, 2019 through and including May 19, 2019, as required by Rule G(4)(a)(i) & (iv)(C). Doc. 28. Accordingly, the final date for those who did not receive direct written notice to file a petition to

adjudicate an interest in the Defendant Property was June 19, 2019, and the time for filing such a petition has expired. *Id.*

I declare under penalty of perjury that the foregoing is true and correct.

8/30/19
Date


TAMMY KEENE
Forfeiture Support Associates
Contract Paralegal

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 AMENDED COMPLAINT FOR FORFEITURE

***SENT VIA CERTIFIED MAIL NO. 7016 3010 0000 9345 4603
AND REGULAR U.S. MAIL***

TO: 4064 Founders Club Drive, LLC
c/o Michael DaCorta, Registered Agent



1. FORFEITURE COMPLAINT: On April 18, 2019, the United States of America filed a civil complaint seeking forfeiture, pursuant to 18 U.S.C.

§§ 981(a)(1)(C) and (a)(1)(A), in the United States District Court for the Middle District of Florida, Tampa Division, against the following property:

The real property, attachments thereto, and appurtenances thereon, located at: 4064 Founders Club Drive, Sarasota, Florida;

Enclosed with this Notice of Amended Complaint for Forfeiture in Rem, you will find an Amended Verified Complaint for Forfeiture In Rem (Doc. 12) and Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), as well as a self-addressed pre-paid envelope. Please send the signed Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture to the United States Attorney's Office in the self-addressed pre-paid envelope.

2. FILING OF A VERIFIED CLAIM: Pursuant to Supplemental Rule G(5)(a)(ii), in order to avoid forfeiture of the defendant property, any person who asserts an interest in the defendant property must file a verified claim with the Office of the Clerk, United States District Court, Middle District of Florida *within 35 days after the date of this notice, or by June 14, 2019.*

3. CONTENTS OF VERIFIED CLAIM: Pursuant to Rule G(5)(a), the claim must (A) identify the specific property claimed; (B) identify the claimant and state the claimant's interest in the property; and (C) be signed by the claimant under penalty of perjury. In signing your verified claim under penalty of perjury, you must specifically certify, under penalty of perjury, that the assertions contained in it are true and correct. *See* 28 U.S.C. § 1746. If the Statement of Right or Interest is made on behalf of the person entitled to possession by an agent, bailee, or attorney, it must state that the agent, bailee, or attorney is duly authorized to make the Statement of Right or Interest.

4. **FILING OF AN ANSWER:** If you filed a verified claim, you must then file an answer to the amended complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure with the Office of the Clerk, United States District Court, Middle District of Florida *within 21 days after filing the verified claim.*

5. **FILING WITH COURT AND SERVICE ON UNITED STATES:** As noted above, both the verified claim and answer must be filed with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2nd Floor, 801 North Florida Avenue, Tampa, Florida 33602. A copy of any Statement of Right or Interest and Answer (or motion) filed also must be sent to Maria Chapa Lopez, United States Attorney for the Middle District of Florida, 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney.

6. **FAILURE TO COMPLY WITH RULE G:** Failure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Amended Complaint. You may wish to seek legal advice to protect your interests.

7. **PETITION FOR REMISSION:** The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or

meet the requirements of an unsworn statement under penalty of perjury. *See* 28 U.S.C. § 1746. The regulations pertaining to remission or mitigation of the forfeiture are 28 C.F.R. §§ 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. § 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. § 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date you receive this notice. *See* 28 C.F.R. § 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. This website also provides answers to frequently asked questions (FAQs) about filing a petition for remission. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney. You may file both an ancillary petition with the court and a petition for remission or mitigation.

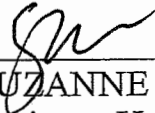
8. ADDITIONAL INFORMATION: Additional procedures and regulations regarding this forfeiture action are found at 18 U.S.C. § 983; 19 U.S.C. §§ 1602-1619; and 28 C.F.R. § 9.

Dated: May 10, 2019

Respectfully Submitted,

MARIA CHAPA LOPEZ
United States Attorney

By:



SUZANNE C. NEBESKY
Assistant United States Attorney
Fla. Bar No. 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone

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.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE
OF AMENDED COMPLAINT FOR FORFEITURE**

TO: Suzanne C. Nebesky
Assistant United States Attorney
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602

Michael DaCorta, Registered Agent for 4064 Founders Club Drive, LLC,
hereby acknowledges receipt of a Notice of Forfeiture (Certified Mail No. 7016 3010
0000 9345 4603); an Amended Verified Complaint for Forfeiture In Rem (Doc. 12),
Related Case Order, Interested Persons Order, Order Requiring Electronic Filing,
Notice of Track Designation (Doc. 14), in the action styled *United States v. Assets
Identified In Paragraph One of Verified Complaint*, Case No. 8:19-cv-908-T-02AEP,
United States District Court, Middle District of Florida, Tampa Division.

Michael DaCorta, Registered Agent for 4064 Founders Club Drive, LLC,
hereby acknowledges receipt of an Acknowledgment of Receipt of Notice of

Amended Complaint for Forfeiture and a self-addressed, postage prepaid envelope in which this Acknowledgment can be returned.

Michael DaCorta, Registered Agent for 4064 Founders Club Drive, LLC, acknowledges that a default judgment may be entered against the defendant funds if a Statement of Right or Interest is not filed with the Clerk of the Court and served on the United States Attorney on or before **June 14, 2019**, and if an Answer is not filed with the Clerk of the Court and served on the above addressee within 21 days after filing a Statement of Right or Interest.

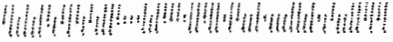
Date: _____

Michael DaCorta, Registered Agent for
4064 Founders Club Drive, LLC

U.S. Dep

United States Attorney
Middle District of Florida
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602

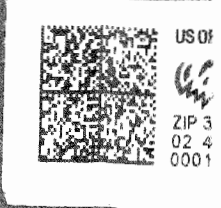
Official Business
Penalty for Private Use \$300



CERTIFIED MAIL



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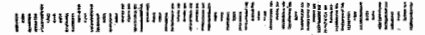
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c/o Michael DaCorta, Reg. Agent

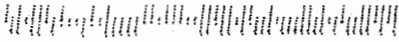


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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

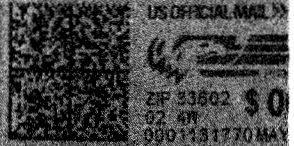
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of Florida
Suite 3200
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Use \$300



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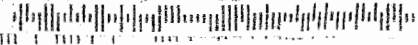
4064 Founders Club Drive, LLC
c/o Michael DaCorta, Reg. Agent



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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 33602479800 2247N141070-01330



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 AMENDED COMPLAINT FOR FORFEITURE

***SENT VIA CERTIFIED MAIL NO. 7016 3010 0000 9345 4672
AND REGULAR U.S. MAIL***

TO: Michael DaCorta



1. FORFEITURE COMPLAINT: On April 18, 2019, the United States of America filed a civil complaint seeking forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A), in the United States District Court for the Middle District of Florida, Tampa Division, against the following property:

- 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;
- 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,

Enclosed with this Notice of Amended Complaint for Forfeiture in Rem, you will find an Amended Verified Complaint for Forfeiture In Rem (Doc. 12) and Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), as well as a self-addressed pre-paid envelope. Please send the signed Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture to the United States Attorney's Office in the self-addressed pre-paid envelope.

2. FILING OF A VERIFIED CLAIM: Pursuant to Supplemental Rule G(5)(a)(ii), in order to avoid forfeiture of the defendant property, any person who asserts an interest in the defendant property must file a verified claim with the Office of the Clerk, United States District Court, Middle District of Florida *within 35 days after the date of this notice, or by June 17, 2019.*

3. CONTENTS OF VERIFIED CLAIM: Pursuant to Rule G(5)(a), the claim must (A) identify the specific property claimed; (B) identify the claimant and state the claimant's interest in the property; and (C) be signed by the claimant under penalty of perjury. In signing your verified claim under penalty of perjury, you must specifically certify, under penalty of perjury, that the assertions contained in it are true and correct. *See* 28 U.S.C. § 1746. If the Statement of Right or Interest is made on behalf of the person entitled to possession by an agent, bailee, or attorney, it must state that the agent, bailee, or attorney is duly authorized to make the Statement of Right or Interest.

4. FILING OF AN ANSWER: If you filed a verified claim, you must then file an answer to the amended complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure with the Office of the Clerk, United States District Court, Middle District of Florida *within 21 days after filing the verified claim.*

5. FILING WITH COURT AND SERVICE ON UNITED STATES: As noted above, both the verified claim and answer must be filed with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2nd Floor,

801 North Florida Avenue, Tampa, Florida 33602. A copy of any Statement of Right or Interest and Answer (or motion) filed also must be sent to Maria Chapa Lopez, United States Attorney for the Middle District of Florida, 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney.

6. FAILURE TO COMPLY WITH RULE G: Failure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Amended Complaint. You may wish to seek legal advice to protect your interests.

7. PETITION FOR REMISSION: The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. *See* 28 U.S.C. § 1746. The regulations pertaining to remission or mitigation of the forfeiture are 28 C.F.R. §§ 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. § 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. § 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date you receive this notice. *See* 28 C.F.R. § 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website

provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. This website also provides answers to frequently asked questions (FAQs) about filing a petition for remission. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney. You may file both an ancillary petition with the court and a petition for remission or mitigation.


8. ADDITIONAL INFORMATION: Additional procedures and regulations regarding this forfeiture action are found at 18 U.S.C. § 983; 19 U.S.C. §§ 1602-1619; and 28 C.F.R. § 9.

Dated: May 13, 2019

Respectfully Submitted,

MARIA CHAPA LOPEZ
United States Attorney

By:



SUZANNE C. NEBESKY
Assistant United States Attorney
Fla. Bar No. 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone

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.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE
OF AMENDED COMPLAINT FOR FORFEITURE**

TO: Suzanne C. Nebesky
Assistant United States Attorney
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602

Michael DaCorta, hereby acknowledges receipt of a Notice of Forfeiture (Certified Mail No. 7016 3010 0000 9345 4672); an Amended Verified Complaint for Forfeiture In Rem (Doc. 12), Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), in the action styled *United States v. Assets Identified In Paragraph One of Verified Complaint*, Case No. 8:19-cv-908-T-02AEP, United States District Court, Middle District of Florida, Tampa Division.


Michael DaCorta, hereby acknowledges receipt of an Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture and a self-addressed,

postage prepaid envelope in which this Acknowledgment can be returned.

Michael DaCorta, acknowledges that a default judgment may be entered against the defendant funds if a Statement of Right or Interest is not filed with the Clerk of the Court and served on the United States Attorney on or before **June 17, 2019**, and if an Answer is not filed with the Clerk of the Court and served on the above addressee within 21 days after filing a Statement of Right or Interest.

Date: _____

Michael DaCorta

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p style="text-align: center;"><i>(Signature)</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: center;"><i>Denise</i> <i>5-28-19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p style="text-align: center; font-size: 1.2em;">Michael DaCorta</p> <div style="background-color: black; width: 100%; height: 20px; margin: 5px 0;"></div> <div style="background-color: black; width: 100%; height: 20px; margin: 5px 0;"></div> <div style="text-align: center;">  <p>9590 9402 1743 6074 9731 82</p> </div> <p>➤ Article Number (Transfer from service label)</p> <p style="font-size: 1.2em;">7016 3010 0000 9345 4672</p>	<p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Adult Signature</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Priority Mail Express</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td style="border: none;"><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certified Mail®</td> <td style="border: none;"><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td style="border: none;"><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Collect on Delivery</td> <td style="border: none;"><input type="checkbox"/> Signature Confirmation</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td style="border: none;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Insured Mail</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td style="border: none;"></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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 AMENDED COMPLAINT FOR FORFEITURE

***SENT VIA CERTIFIED MAIL NO. 7017 3040 0000 0725 8532
AND REGULAR U.S. MAIL***

TO: Barbara Ford-Coates
Sarasota County Tax Collector
101 S. Washington Boulevard
Sarasota, Florida 34236-6993

1. FORFEITURE COMPLAINT: On April 18, 2019, the United States of America filed a civil complaint seeking forfeiture, pursuant to 18 U.S.C.

§§ 981(a)(1)(C) and (a)(1)(A), in the United States District Court for the Middle District of Florida, Tampa Division, against the following property:

- a. The real property, attachments thereto, and appurtenances thereon, located at: 4064 Founders Club Drive, Sarasota, Florida;
- b. The real property, attachments thereto, and appurtenances thereon, located at: 4058 Founders Club Drive, LLC, Sarasota, Florida;

- c. The real property, attachments thereto, and appurtenances thereon, located at: 444 Gulf of Mexico Drive, Longboat Key, Florida;

Enclosed with this Notice of Amended Complaint for Forfeiture in Rem, you will find an Amended Verified Complaint for Forfeiture In Rem (Doc. 12) and Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), as well as a self-addressed pre-paid envelope. Please send the signed Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture to the United States Attorney's Office in the self-addressed pre-paid envelope.

2. **FILING OF A VERIFIED CLAIM:** Pursuant to Supplemental Rule G(5)(a)(ii), in order to avoid forfeiture of the defendant property, any person who asserts an interest in the defendant property must file a verified claim with the Office of the Clerk, United States District Court, Middle District of Florida *within 35 days after the date of this notice, or by June 13, 2019.*

3. **CONTENTS OF VERIFIED CLAIM:** Pursuant to Rule G(5)(a), the claim must (A) identify the specific property claimed; (B) identify the claimant and state the claimant's interest in the property; and (C) be signed by the claimant under penalty of perjury. In signing your verified claim under penalty of perjury, you must specifically certify, under penalty of perjury, that the assertions contained in it are true and correct. *See 28 U.S.C. § 1746.* If the Statement of Right or Interest is made on behalf of the person entitled to possession by an agent, bailee, or attorney, it

must state that the agent, bailee, or attorney is duly authorized to make the Statement of Right or Interest.

4. FILING OF AN ANSWER: If you filed a verified claim, you must then file an answer to the amended complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure with the Office of the Clerk, United States District Court, Middle District of Florida *within 21 days after filing the verified claim*.

5. FILING WITH COURT AND SERVICE ON UNITED STATES: As noted above, both the verified claim and answer must be filed with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2nd Floor, 801 North Florida Avenue, Tampa, Florida 33602. A copy of any Statement of Right or Interest and Answer (or motion) filed also must be sent to Maria Chapa Lopez, United States Attorney for the Middle District of Florida, 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney.

6. FAILURE TO COMPLY WITH RULE G: Failure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Amended Complaint. You may wish to seek legal advice to protect your interests.

7. PETITION FOR REMISSION: The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest

in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. *See* 28 U.S.C. § 1746. The regulations pertaining to remission or mitigation of the forfeiture are 28 C.F.R. §§ 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. § 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. § 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date you receive this notice. *See* 28 C.F.R. § 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. This website also provides answers to frequently asked questions (FAQs) about filing a petition for remission. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney. You may file both an ancillary petition with the court and a petition for remission or mitigation.


8. ADDITIONAL INFORMATION: Additional procedures and regulations regarding this forfeiture action are found at 18 U.S.C. § 983; 19 U.S.C. §§ 1602-1619; and 28 C.F.R. § 9.

Dated: May 9, 2019

Respectfully Submitted,

MARIA CHAPA LOPEZ
United States Attorney

By:



SUZANNE C. NEBESKY
Assistant United States Attorney
Fla. Bar No. 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone

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.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE
OF AMENDED COMPLAINT FOR FORFEITURE**

TO: Suzanne C. Nebesky
Assistant United States Attorney
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602


Barbara Ford-Coates, Sarasota County Tax Collector, hereby acknowledges receipt of a Notice of Forfeiture (Certified Mail No. 7017 3040 0000 0725 8532); an Amended Verified Complaint for Forfeiture In Rem (Doc. 12), Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), in the action styled *United States v. Assets Identified In Paragraph One of Verified Complaint*, Case No. 8:19-cv-908-T-02AEP, United States District Court, Middle District of Florida, Tampa Division.

Barbara Ford-Coates, Sarasota County Tax Collector, hereby acknowledges receipt of an Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture and a self-addressed, postage prepaid envelope in which this Acknowledgment can be returned.

Barbara Ford-Coates, Sarasota County Tax Collector, acknowledges that a default judgment may be entered against the defendant funds if a Statement of Right or Interest is not filed with the Clerk of the Court and served on the United States Attorney on or before **June 13, 2019**, and if an Answer is not filed with the Clerk of the Court and served on the above addressee within 21 days after filing a Statement of Right or Interest.

Date: _____

Barbara Ford-Coates
Sarasota County Tax Collector

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Barbara Ford-Coates, Tax Collector <small>Print your name</small></p> <p>C. Date of Delivery 5-13-1</p>																
<p>1. Article Addressed to:</p> <p style="text-align: center;">Barbara Ford-Coates Sarasota County Tax Collector 101 S. Washington Boulevard Sarasota, Florida 34236-6993</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p style="text-align: center;">  9590 9402 1743 6074 9734 03 </p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p> <p>017 3040 0000 0725 8532</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>																

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 AMENDED COMPLAINT FOR FORFEITURE

***SENT VIA CERTIFIED MAIL NO. 7016 3010 0000 9345 4702
AND REGULAR U.S. MAIL***

TO: The Founders Club Community Association, Inc.
c/o Dennis Doster, President
Lighthouse Property Management
430 US Highway 41 South, Suite 18B
Venice, FL 34285

1. FORFEITURE COMPLAINT: On April 18, 2019, the United States of America filed a civil complaint seeking forfeiture, pursuant to 18 U.S.C.

§§ 981(a)(1)(C) and (a)(1)(A), in the United States District Court for the Middle District of Florida, Tampa Division, against the following property:

- a. The real property, attachments thereto, and appurtenances thereon, located at: 4064 Founders Club Drive, Sarasota, Florida;
- b. The real property, attachments thereto, and appurtenances thereon, located at: 4058 Founders Club Drive, LLC, Sarasota, Florida;

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2. FILING OF A VERIFIED CLAIM: Pursuant to Supplemental Rule G(5)(a)(ii), in order to avoid forfeiture of the defendant property, any person who asserts an interest in the defendant property must file a verified claim with the Office of the Clerk, United States District Court, Middle District of Florida *within 35 days after the date of this notice, or by July 11, 2019.*

3. CONTENTS OF VERIFIED CLAIM: Pursuant to Rule G(5)(a), the claim must (A) identify the specific property claimed; (B) identify the claimant and state the claimant's interest in the property; and (C) be signed by the claimant under penalty of perjury. In signing your verified claim under penalty of perjury, you must specifically certify, under penalty of perjury, that the assertions contained in it are true and correct. *See 28 U.S.C. § 1746.* If the Statement of Right or Interest is made on behalf of the person entitled to possession by an agent, bailee, or attorney, it must state that the agent, bailee, or attorney is duly authorized to make the Statement of Right or Interest.

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meet the requirements of an unsworn statement under penalty of perjury. *See* 28 U.S.C. § 1746. The regulations pertaining to remission or mitigation of the forfeiture are 28 C.F.R. §§ 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. § 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. § 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date you receive this notice. *See* 28 C.F.R. § 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. This website also provides answers to frequently asked questions (FAQs) about filing a petition for remission. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney. You may file both an ancillary petition with the court and a petition for remission or mitigation.

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 AMENDED COMPLAINT FOR FORFEITURE

***SENT VIA CERTIFIED MAIL NO. 7016 3010 0000 9345 4528
AND REGULAR U.S. MAIL***

TO: Steven & Natalee Herrig



1. FORFEITURE COMPLAINT: On April 18, 2019, the United States of America filed a civil complaint seeking forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(A), in the United States District Court for the Middle District of Florida, Tampa Division, against the following property:

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2. FILING OF A VERIFIED CLAIM: Pursuant to Supplemental Rule G(5)(a)(ii), in order to avoid forfeiture of the defendant property, any person who asserts an interest in the defendant property must file a verified claim with the Office of the Clerk, United States District Court, Middle District of Florida *within 35 days after the date of this notice, or by June 13, 2019.*

3. CONTENTS OF VERIFIED CLAIM: Pursuant to Rule G(5)(a), the claim must (A) identify the specific property claimed; (B) identify the claimant and state the claimant's interest in the property; and (C) be signed by the claimant under penalty of perjury. In signing your verified claim under penalty of perjury, you must specifically certify, under penalty of perjury, that the assertions contained in it are true and correct. *See* 28 U.S.C. § 1746. If the Statement of Right or Interest is made on behalf of the person entitled to possession by an agent, bailee, or attorney, it must state that the agent, bailee, or attorney is duly authorized to make the Statement of Right or Interest.

4. FILING OF AN ANSWER: If you filed a verified claim, you must then file an answer to the amended complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure with the Office of the Clerk, United States District Court, Middle District of Florida *within 21 days after filing the verified claim.*

5. FILING WITH COURT AND SERVICE ON UNITED STATES: As noted above, both the verified claim and answer must be filed with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2nd Floor, 801 North Florida Avenue, Tampa, Florida 33602. A copy of any Statement of Right or Interest and Answer (or motion) filed also must be sent to Maria Chapa Lopez, United States Attorney for the Middle District of Florida, 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney.

6. FAILURE TO COMPLY WITH RULE G: Failure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Amended Complaint. You may wish to seek legal advice to protect your interests.

7. PETITION FOR REMISSION: The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. *See* 28 U.S.C. § 1746. The regulations pertaining to remission or mitigation of the forfeiture are 28 C.F.R. §§ 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. § 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. § 9.5(b). The petition for remission need not be made in any particular

form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date you receive this notice. *See* 28 C.F.R. § 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. This website also provides answers to frequently asked questions (FAQs) about filing a petition for remission. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to 400 N. Tampa Street, Suite 3200, Tampa, Florida, 33602, Attn: Suzanne C. Nebesky, Assistant United States Attorney. You may file both an ancillary petition with the court and a petition for remission or mitigation.


8. **ADDITIONAL INFORMATION:** Additional procedures and regulations regarding this forfeiture action are found at 18 U.S.C. § 983; 19 U.S.C. §§ 1602-1619; and 28 C.F.R. § 9.

Dated: May 9, 2019

Respectfully Submitted,

MARIA CHAPA LOPEZ
United States Attorney

By:



SUZANNE C. NEBESKY
Assistant United States Attorney
Fla. Bar No. 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone

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.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE
OF AMENDED COMPLAINT FOR FORFEITURE**

TO: Suzanne C. Nebesky
Assistant United States Attorney
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602

Steven and Natalee Herrig, hereby acknowledges receipt of a Notice of Forfeiture (Certified Mail No. 7016 3010 0000 9345 4528); an Amended Verified Complaint for Forfeiture In Rem (Doc. 12), Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), in the action styled *United States v. Assets Identified In Paragraph One of Verified Complaint*, Case No. 8:19-cv-908-T-02AEP, United States District Court, Middle District of Florida, Tampa Division.

Steven and Natalee Herrig, hereby acknowledges receipt of an Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture and a

self-addressed, postage prepaid envelope in which this Acknowledgment can be returned.

Steven and Natalee Herrig, acknowledges that a default judgment may be entered against the defendant funds if a Statement of Right or Interest is not filed with the Clerk of the Court and served on the United States Attorney on or before **June 13, 2019**, and if an Answer is not filed with the Clerk of the Court and served on the above addressee within 21 days after filing a Statement of Right or Interest.

Date: _____

Steven Herrig

Date: _____

Natalee Herrig

U.S. Department of Justice
United States Attorney
Middle District of Florida
400 N. Tampa Street, Suite 5200
Tampa, Florida 33602
Official Business

CERTIFIED MAIL



7016 3010 0000 9345 4528



US OFFICIAL
ZIP 33602
02 4W
00011317

RECEIVED

JUN 19 2019

USAO - MDFL - TAMPA

LNJ
5/13
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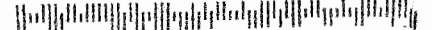
Steven & Natalee Herrig



NIXIE 326 D2 1 0006/14/1

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 33602471999 2247N165195-00770



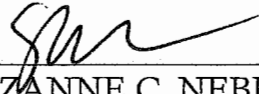
8. ADDITIONAL INFORMATION: Additional procedures and regulations regarding this forfeiture action are found at 18 U.S.C. § 983; 19 U.S.C. §§ 1602-1619; and 28 C.F.R. § 9.

Dated: June 6, 2019

Respectfully Submitted,

MARIA CHAPA LOPEZ
United States Attorney

By:



SUZANNE C. NEBESKY
Assistant United States Attorney
Fla. Bar No. 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone

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.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE
OF AMENDED COMPLAINT FOR FORFEITURE**

TO: Suzanne C. Nebesky
Assistant United States Attorney
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602


Dennis Doster, President, Lighthouse Property Management, The Founders Club Community Association, Inc., hereby acknowledges receipt of a Notice of Forfeiture (Certified Mail No. 7016 3010 0000 9345 4702); an Amended Verified Complaint for Forfeiture In Rem (Doc. 12), Related Case Order, Interested Persons Order, Order Requiring Electronic Filing, Notice of Track Designation (Doc. 14), in the action styled *United States v. Assets Identified In Paragraph One of Verified Complaint*, Case No. 8:19-cv-908-T-02AEP, United States District Court, Middle District of Florida, Tampa Division.

Dennis Doster, President, Lighthouse Property Management, The Founders Club Community Association, Inc., hereby acknowledges receipt of an Acknowledgment of Receipt of Notice of Amended Complaint for Forfeiture and a self-addressed, postage prepaid envelope in which this Acknowledgment can be returned.

Dennis Doster, President, Lighthouse Property Management, The Founders Club Community Association, Inc., acknowledges that a default judgment may be entered against the defendant funds if a Statement of Right or Interest is not filed with the Clerk of the Court and served on the United States Attorney on or before **July 11, 2019**, and if an Answer is not filed with the Clerk of the Court and served on the above addressee within 21 days after filing a Statement of Right or Interest.

Date: _____

Dennis Doster, President,
Lighthouse Property Management,
The Founders Club Community Association, Inc.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Stephanie Ford</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Stephanie Ford</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>The Founders Club Community Association, Inc. c/o Dennis Doster, President Lighthouse Property Management 430 US Highway 41 South, Suite 18B Venice, FL 34285</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restr</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Merchandise</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmatio</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmatio</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Restricted Delivery</p> <p style="font-size: small;">(over \$500)</p>
 9590 9402 1743 6074 9731 75	
<p>2. Article Number (Transfer from service label)</p> <p>7016 3010 0000 9345 4702</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Recept</p>	



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Delivered

June 10, 2019 at 11:25 am
Delivered, Left with Individual
VENICE, FL 34285

Feedback

Tracking History



Product Information



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