

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.

JUDGMENT OF FORFEITURE

THIS CAUSE comes before the Court on the United States' Unopposed Third Motion for Judgment of Forfeiture for the real property, attachments thereto, and appurtenances thereon, located at: 4064 Founders Club Drive, Sarasota, Florida (the Defendant Property).

The Court finds that the Defendant Property is 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 Property is forfeitable to the United States because the Defendant Property is 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 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).

The Court further finds that the United States properly noticed the only entities or individuals known to have a possible interest in the Defendant Property, 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, 4046 Founders Club Drive, LLC, Michael DaCorta, Sarasota County Tax Collector, the Founders Club Community Association, Inc., and Steven F. Herrig and Natalee A. Herrig.

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 Property, has received notice

of this action and has consented to the forfeiture of the Defendant Property.

Other than the Sarasota County Tax Collector, whose interest has been recognized, and Steven F. Herrig and Natalee A. Herrig (the Herrigs), who entered into a Stipulated Settlement Agreement with the United States, no other person or entity 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 interest of the Founders Club Community Association, Inc. Thus, it is now appropriate for the Court to enter a Judgment of Forfeiture for the Defendant Property.

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 Property is hereby CONDEMNED and FORFEITED to the United States for disposition according to law. Clear title to the Defendant Property is now vested in the United States of America, subject to the terms of the Consent Forfeiture Agreement between the United States and the

Receiver, 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 Community Association HOA, as well as the agreed upon principal, interest, fees and costs owed to the Herrigs as provided for in the Stipulated Settlement Agreement Between the United States and the Herrigs (Doc. 62-1).

DONE and ORDERED in Tampa, Florida, this 30 day of August, 2019.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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