

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 Chief, Criminal Division
 3 STEVEN R. WELK
 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 4 MONICA E. TAIT
 Assistant United States Attorney
 California Bar Number 157311
 5 P. GREG PARHAM
 Assistant United States Attorney
 California Bar Number 140310
 6 Asset Forfeiture Section
 United States Courthouse, 14TH Fl.
 7 312 North Spring Street
 Los Angeles, California 90012
 8 Telephone: (213) 894-2931, -6528
 Facsimile: (213) 894-7177
 9 E-mail: Monica.Tait@usdoj.gov
 Greg.Parham@usdoj.gov
 10 Attorneys for Plaintiff
 United States of America
 11
 12
 13

14 UNITED STATES DISTRICT COURT
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 16 WESTERN DIVISION

17 UNITED STATES OF AMERICA,)	NO. CV 05-5354 SVW (PJWx)
)	
18 Plaintiff,)	(<u>Proposed</u>)
)	AMENDED JUDGMENT FORFEITING AN
19 v.)	INTEREST IN PROPERTY TO THE
)	UNITED STATES OF AMERICA
20 AN INTEREST IN THE REAL)	
PROPERTY LOCATED AT 12026)	
21 WILSHIRE BLVD., LOS ANGELES,)	
CALIFORNIA,)	
22)	
Defendant.)	
23)	
24)	
NAIMIS LLC,)	
25)	
Claimant.)	
26)	

1 Based on the evidence and stipulations admitted at the trial
2 of this case, the jury's Special Verdicts dated July 14, 2010
3 finding that claimant Naimis LLC is not an innocent owner of the
4 portion of the subject real property that was purchased with
5 money traceable to structuring in violation of 31 U.S.C.
6 § 5324(a)(1) and (3), and the court's Order Granting Claimants'
7 Motion to Mitigate Forfeiture under the Excessive Fines Clause of
8 the Eighth Amendment ("Mitigation Order"), filed January 14,
9 2011,

10 IT IS HEREBY ORDERED AS FOLLOWS:

11 1. Plaintiff United States of America filed this action on
12 July 25, 2005 against an interest in the real property located at
13 12026 Wilshire Blvd., Los Angeles California (the "Subject
14 Property"). The legal description of the Subject Property is:

15 LOTS 5 AND 6 OF TRACT NO. 8030, IN THE CITY OF LOS
16 ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS
17 PER MAP RECORDED IN BOOK 118 PAGES 46 AND 47 OF MAPS,
18 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

19 2. Plaintiff United States of America has notified other
20 potential claimants of this action pursuant to the Supplemental
21 Rules of the Federal Rules of Civil Procedure by publishing
22 notice of these actions in a newspaper of general circulation as
23 required by then-applicable law.

24 3. The only person who filed a claim and answer in this
25 action to contest the forfeiture of the interest in the Subject
26 Property was Naimis LLC. No other claims or answers were filed,
27 and the time for filing claims and answers has expired. All
28 other potential claimants to the interest in the Subject Property
are deemed to have admitted the truth of the allegations of the

1 complaints.

2 4. The previously-entered Judgment in this matter was
3 rendered in favor of the United States of America in the amount
4 of \$1,045,765.00, which represents the current value of the
5 forfeited interest in the Subject Property. The prior judgment
6 is hereby amended by reducing the dollar amount by 25% in
7 accordance with the Mitigation Order. Therefore, Judgment is
8 hereby entered in this matter in favor of the United States of
9 America in the amount of \$784,323.75. The Subject Property is
10 forfeited and condemned to the United States to the extent of
11 \$784,323.75.

12 5. All right, title, and interest of Naimis LLC, and all
13 other potential claimants, in the forfeited interest in the
14 Subject Property is hereby condemned and forfeited to the United
15 States of America. The Internal Revenue Service-Criminal
16 Investigation shall dispose of the forfeited interest in the
17 Subject Property in accordance with law.

18 6. Naimis LLC may satisfy the judgment entered herein by
19 delivering \$784,323.75 to the United States (the "Liquidation
20 Payment") by no later than the close of business on the 180th
21 calendar day after the latter of (i) entry of this judgment by
22 the district court, or (ii) if claimant appeals this judgment,
23 the issuance of a mandate by the Ninth Circuit Court of Appeals
24 affirming this judgment or dismissing the claimant's appeal.
25 *Provided*, if claimant needs additional time to obtain a loan for
26 the purpose of paying the Liquidation Amount, claimant may prepay
27 to the United States 10% of the amount of the judgment in the
28 manner set forth in paragraph 6(a) in order to extend by 90 days

1 the time for payment of the Liquidation Amount, subject to
2 counsel for the government consenting to such extension.
3 Consent described in this paragraph will not be unreasonably
4 withheld.

5 a. The Liquidation Payment shall be paid in the form
6 of a cashiers check payable to "United States Treasury," and
7 shall be delivered to the Chief, Asset Forfeiture Section, United
8 States Attorney's Office, 312 N. Spring Street, 14th Floor, Los
9 Angeles, California 90012.

10 b. Claimant may use the defendant property as
11 security for a new loan to finance the Liquidation Payment,
12 subject to the approval of counsel for the United States. Until
13 the Liquidation Payment is made in full, all escrow instructions
14 and settlement statements relating to any proposed loan
15 transaction involving the Subject Property shall also be subject
16 to the approval of counsel for the United States. Approvals
17 described in this paragraph will not be unreasonably withheld.

18 c. Not later than three (3) days prior to the
19 anticipated close of an escrow that (i) has been previously
20 approved by counsel for the United States, and (ii) will result
21 in the payment in full to the United States of the Liquidation
22 Payment, the United States shall deliver to the escrow agent a
23 conditional withdrawal of its lis pendens recorded against the
24 defendant property. This conditional withdrawal may be recorded
25 only if the Liquidation Payment is received and paid in full to
26 the United States in accordance with this paragraph 6;

27 d. Until the full Liquidation Payment is paid (or, if
28 paragraph 7 is triggered, until the property is sold), and

1 throughout the period of any appeal of this judgment:

2 (i) Naimis LLC will not take any action to affect
3 the marketability of the defendant property, and will maintain it
4 in substantially the same condition as it was on September 24,
5 2010;

6 (ii) Claimant shall acquire and maintain valid
7 casualty and fire insurance equal to the full replacement cost of
8 the Subject Property and all improvements thereon, including
9 policies covering liability to persons injured on the Subject
10 Property. By not later than 30 days after entry of this
11 judgment, claimant shall arrange for a rider to all the above
12 mentioned policies naming the United States of America as a loss
13 payee and additional insured, and shall deliver copies of the
14 insurance policies and riders described in this subparagraph to
15 counsel for the United States within ten days of execution.
16 Claimant shall hold the United States harmless for any and all
17 claims against the United States arising out of the injury to
18 persons on the Subject Property, except as directly caused by an
19 agent of the United States of America;

20 (iii) Claimant shall pay all property taxes when
21 due, and shall not commit waste of the defendant property or
22 permit the property to be used or occupied in any manner which
23 would diminish the value of the property or invalidate any
24 insurance policy on the property;

25 (iv) Claimant shall not convey, sell, lease,
26 encumber, remodel, or allow any tenant of the Subject Property to
27 remodel, or attempt to transfer title to the Subject Property
28 without the express prior and written consent of the Chief, Asset

1 Forfeiture Section, United States Attorneys' Office. Consent
2 described in this subparagraph will not be unreasonably withheld.

3 (v) The United States and its authorized
4 representatives have the right to enter, inspect, and/or appraise
5 the Subject Property, including all buildings. All inspections
6 will be conducted during daylight hours and after 24 hours'
7 notice to claimant or its designated agent announcing such
8 inspection.

9 7. If this judgment is not timely satisfied in accordance
10 with paragraph 6, the Subject Property shall be sold for fair
11 market value by the United States and its agents, including
12 Internal Revenue Service-Criminal Investigation and its
13 authorized agents and contractors, to allow the United States to
14 liquidate the interest forfeited to it pursuant to this judgment.
15 The United States has the full power to sell and transfer valid
16 title to the entire Subject Property in connection with such
17 sale, without the need to obtain the participation, signature(s),
18 or consent(s) of Naimis LLC to any aspect of the sale and/or
19 title transfer. The proceeds of the sale shall be distributed as
20 follows:

21 a. First, payment of all outstanding real property
22 taxes to the Los Angeles County Tax Collector to the date of
23 entry of this Judgment;

24 b. Second, payment of all costs of escrow and sale,
25 including real estate sales commissions and applicable fees
26 triggered by the sale of the Subject Property;

27 c. Third, to the extent funds remain, payment to any
28 secured lienholders, if any (excluding Naimis LLC), whose

1 security interests were recorded prior to recording of the United
2 States' Lis Pendens in this action;

3 d. Fourth, to the extent funds remain, all such funds
4 up to \$784,323.75 shall be paid to the United States or one of
5 its agencies as designated by counsel for the United States, and
6 are hereby condemned and forfeited without further order of this
7 Court. Internal Revenue Service-Criminal Investigation shall
8 dispose of such funds in accordance with law;

9 e. Fifth, to the extent funds remain, the balance of
10 the proceeds to Naimis LLC.

11 8. The Court retains jurisdiction over this case and the
12 parties hereto to enforce the terms of this Judgment.


13 9. The clerk is hereby directed to enter this judgment,
14 which constitutes a final judgment resolving this action. The
15 government shall recover its costs as previously taxed by the
16 clerk (docket number 118 in related case CV 05-5353).

17 10. No term of this judgment, including the fact that
18 claimant has consented to the form of this judgment, shall be
19 interpreted as a waiver by claimant of its right to appeal any

20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

1 aspect of this matter (with the exception of the form of this
2 judgment).

3
4 DATED: 2/10/21


The Honorable Stephen V. Wilson
UNITED STATES DISTRICT JUDGE

5 Presented by:
6 ANDRÉ BIROTTE JR.
7 United States Attorney

8 By: /s/
9 MONICA E. TAIT
10 P. GREG PARHAM
Attorneys for Plaintiff
United States of America

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28