

EXHIBIT D

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DATE FILED: 12/2/2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : PRELIMINARY ORDER
 : OF FORFEITURE/FINAL ORDER
 -v.- : OF FORFEITURE AS TO
 : DEFENDANT'S INTEREST IN
 ARTHUR NADEL, : SPECIFIC PROPERTY
 :
 Defendant. : 09 Cr. 433 (JGK)
 :
 -----x

WHEREAS, on or about April 28, 2009, ARTHUR NADEL, (the "defendant"), was charged in a fifteen-count Indictment 09 Cr. 433 (JGK) (the "Indictment"), with, securities fraud, in violation of Title 15, United States Code, Sections 78j(b) & 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2 (Counts One through Six); mail fraud in violation of Title 18, United States Code, Sections 1341 and 2 (Count Seven); and wire fraud in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Eight through Fifteen);

WHEREAS, the Indictment includes forfeiture allegations, providing notice that the Government is seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the fraud offenses, including, but not limited to, the following:

- a. A sum of money equal to \$162,000,000 in United States currency, representing the amount of proceeds obtained as a result of the fraud offenses alleged in Counts One through Fifteen of the Indictment;
- b. Any and all funds on deposit in Account No. 2840109316 held in the name of Marguerite J. Nadel Revocable Trust at Northern Trust, N.A.;
- c. The real property and appurtenances known and described as 15576 Fruitville Road, Sarasota, Florida;
- d. The real property and appurtenances known and described 131 Garren Creek Road, Fairview, North Carolina;
- e. The real property and appurtenances known and described as approximately acres and forty-five lots in the name of Scoop Capital, LLC, in Thomasville, Georgia;
- f. The real property and appurtenances known and described as approximately thirty-seven acres in the name of Scoop Capital, LLC, in Grady County, Georgia;
- g. All right, title, and interest in the entity known and described as the Venice Jet Center located in Venice, Florida;
- h. All right, title, and interest in the entities known and described as Laurel Mountain Preserve, LLC, Laurel Preserve, LLC, and Laurel Mountain Preserve Homeowners Association, Inc., including, but not limited to, 420

acres in Buncombe County and McDowell County, North Carolina;

- i. All right, title, and interest in the entity known and described as Tradewind, LLC, including, but not limited to, five airplanes, one helicopter, and thirty-one airport hangars, located in Newnan-Coweta County Airport, Georgia; and
- j. All right, title, and interest in the entity known and described as the Guy-Nadel Foundation, Inc.;

WHEREAS, on or about February 24, 2010, the defendant pled guilty to Counts One through Fifteen of the Indictment pursuant to a plea agreement with the Government ("the Agreement");

WHEREAS, in the Agreement, the defendant agreed to forfeit to the Government a sum of money equal to \$162,000,000 in United States Currency (the "Money Judgment"), and all of his right, title and interest in the following properties:

- (a) Any and all funds on deposit in Account No. 2840109316 held in the name of Marguerite J. Nadel Revocable Trust at Northern Trust, N.A.;
- (b) The real property and appurtenances known and described as 15576 Fruitville Road, Sarasota, Florida;
- (c) The real property and appurtenances known and described as 131 Garren Creek Road, Fairview, North Carolina;
- (d) The real property and appurtenances known and described as approximately fourteen acres and forty-five lots in the name of Scoop Capital, LLC, in Thomasville, Georgia;

- (e) The real property and appurtenances known and described as approximately thirty-seven acres in the name of Scoop Capital, LLC, in Grady County, Georgia;
- (f) All right, title, and interest in the entity known and described as the Venice Jet Center located in Venice, Florida;
- (g) All right, title, and interest in the entities known and described as Laurel Mountain Preserve, LLC, Laurel Preserve, LLC, and Laurel Mountain Preserve Homeowners Association, Inc., including, but not limited to, 420 acres in Buncombe County and McDowell County, North Carolina;
- (h) All right, title, and interest in the entity known and described as Tradewind, LLC, including, but not limited to, five airplanes, one helicopter, and thirty-one airport hangars, located in Newnan-Coweta County Airport, Georgia; and
- (i) All right, title, and interest in the entity known and described as the Guy-Nadel Foundation, Inc.

(hereinafter the "Specific Properties");

WHEREAS, on or about October 14, 2010, the defendant was sentenced and ordered to forfeit his interest in the Specific Properties and to the Money Judgment;

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is now entitled, pending any assertion of third-party claims, to reduce the Specific Properties to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through fifteen of the Indictment, to which the defendant entered a guilty plea, a Money Judgment in the amount of \$162,000,000 shall be entered against the defendant, as such sum represents property, real and personal, derived from the offense charged in Counts One through Fifteen of the Indictment.

2. All of the defendant's right, title and interest in the Specific Properties is forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

3. Upon entry of this Preliminary Order of Forfeiture, the United States Marshals Service (or its designee) is authorized to seize the Specific Properties and hold the Specific Properties in its secure, custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Specific Properties must file a

petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in one or more of the Specific Properties, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Properties and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

6. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Properties pursuant to 21 U.S.C. 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

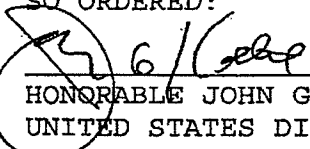
8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. The Clerk of the Court shall forward three certified copies of this order to Assistant U.S. Attorney Sharon Levin, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
October 21, 2010

SO ORDERED:


HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE