

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

STIPULATION AND ORDER

-v.-

09 Cr. 433 (JGK)

ARTHUR NADEL,

Defendant.

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WELLS FARGO BANK,

Petitioner.

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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. At least approximately \$360 million in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the charged securities fraud, mail fraud, and wire fraud offenses;
- 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 3966 Country View Drive, Sarasota, Florida;
- d. The real property and appurtenances known and described as 15576 Fruitville Road, Sarasota, Florida;
- e. The real property and appurtenances known and described 131 Garren Creek Road, Fairview, North Carolina;
- f. 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;
- g. The real property and appurtenances known and described as approximately thirty-seven acres in the name of Scoop Capital, LLC, in Grady County, Georgia;
- h. All right, title, and interest in the entity known and described as the Venice Jet Center located in Venice, Florida;

- i. 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;
- j. 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
- k. 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 an 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, in an order dated October 21, 2010, the Court entered a Preliminary Order of Forfeiture/Final Order of Forfeiture as to Defendant's Interest in Specific Property, which entered the Money Judgment against the defendant and

forfeited all of the defendant's right, title and interest in the Specific Properties;

WHEREAS, on December 3, 2010, the Court sentenced the defendant and, pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, the Preliminary Order of Forfeiture/Final Order of Forfeiture as to Defendant's Interest in Specific Property became final as to the defendant;

WHEREAS, on June 24, 2011, Wells Fargo Bank, N.A. ("Wells Fargo" or "Petitioner") timely filed its Verified Petition pursuant to 21 U.S.C. § 853(n)(2), and Fed. R. Crim. P. 32.2(c), seeking a hearing to adjudicate its interest in the Laurel Mountain Preserve Property, which petition was amended on July 2, 2011;

WHEREAS, Wells Fargo represents that it is a bona fide purchaser for value of a right, title, or interest in the Laurel Mountain Preserve Property, and was at the time that it obtained its interest in the property reasonably without cause to believe that the property was subject to forfeiture; and

WHEREAS, the United States and Petitioner enter into this stipulation solely for the purpose of resolving the pending verified petition in this proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the United States Attorney's Office for the Southern District of New York, Preet Bharara, United States Attorney, and Wells Fargo, that:

1. The Preliminary Order of Forfeiture/Final Order of Forfeiture as to Defendant's Interest in Specific Property is vacated as to the Laurel Mountain Preserve Property.

2. Petitioner is hereby barred from asserting, or assisting others in asserting, any claim against the United States (including but not limited to the Department of Justice ("DOJ"), the United States Attorney's Office for the Southern District of New York ("SDNY-USAO"), the Federal Bureau of Investigation ("FBI"), and any agents and employees of the United States, in connection with or arising out of the restraint, and/or constructive possession of the Specific Properties, including, but not limited to, any claim that there was no probable cause to restrain the Specific Properties, that Petitioner is a prevailing party, or that Petitioner is entitled to attorney's fees or any award of interest in this proceeding.

3. Petitioner, without waiving any claims or rights at law or equity that it may have in any other proceeding with respect to its interests in the Laurel Mountain Preserve

Property, specifically but not limited to Case No. 8:09-0087-T-26TBM, pending in the United States District Court for the Middle District of Florida, hereby withdraws its petition asserting an interest in the Laurel Mountain Preserve Property in this proceeding. Upon the Court's endorsement of this Stipulation and Order, said petition is hereby deemed dismissed, without costs and/or attorney's fees to either party.

4. This Stipulation may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order. Fax or PDF copies shall be treated as originals.

5. The individual(s) signing this Stipulation and Order on behalf of Petitioner represent and warrant that they are authorized by Petitioner to execute this Stipulation and Order.

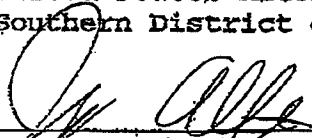
6. The Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

7. This Stipulation and Order constitutes the complete agreement between the parties hereto and may not be amended except by written consent thereof.

Agreed and consented to:

PREET BHARARA
United States Attorney for the
Southern District of New York

By:




JEFFREY ALBERTS
Assistant United States Attorney
300 Quarropas Street
White Plains, New York 10601
(914) 993-1965

2/10/2012
DATE

WELLS FARGO BANK, N.A.
Petitioner

By:



ANA T. BARNETT, ESQ.
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Attorneys for Petitioner

2/10/2012
DATE

SO ORDERED:



HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE

2/10/12
DATE

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