

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 15-0079-CV-W-DGK
)	
\$442,992.97 IN UNITED STATES)	
CURRENCY SEIZED FROM WELLS)	
FARGO ACCOUNT NUMBER)	
1838647582, et al.,)	
)	
Defendants.)	

THIRD ORDER OF PARTIAL JUDGMENT OF FORFEITURE

Plaintiff, United States of America, filed a verified amended complaint for Forfeiture in Rem (Doc. 35) against Defendants-properties. The Amended Complaint alleges that Defendants were involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956(a) and (h), 1957 and 1960 and are properties traceable to property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956 and 1957. The Amended Complaint also alleged that Defendants are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because they constitute any property, real or personal, which constitutes or is derived from proceeds traceable to any offense constituting “specified unlawful activity” (as defined in Section 1956(c)(7)), or a conspiracy to commit such offense, with such offenses including violations of 18 U.S.C. §§ 1343 (wire fraud), 2318 (trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging), and 1029 (access device fraud). The Amended Complaint further alleged that the properties are subject to forfeiture pursuant to 18 U.S.C. § 2323, because they constitute or were derived from proceeds obtained directly or indirectly as a result of the commission of a violation of 18 U.S.C. § 2318.

Process was fully issued in this action and returned according to law. Pursuant to a warrant for arrest of property issued by this Court, the United States Department of Homeland Security arrested Defendants on July 13, 2015.

The following known potential claimants were served the Notice of Complaint and Complaint for Forfeiture In Rem and have acknowledged service thereof—

- Rex Yang, Jr.,
- Yang and Schwartz Properties, LLC,
- Digisoft, LLC,
- JP&E Enterprises, Inc.,
- Soft Deals, LLC,
- Jake Schwartz,
- Friendly Earth,
- Premiere Software, Inc., and
- SHK Group, PLLC.

Any and all other potential claimants have been notified of the action and of their rights to assert a claim for the Defendants by publication for thirty consecutive days beginning on March 21, 2015, and ending on April 19, 2015, and for thirty consecutive days beginning on June 6, 2015, and ending on July 5, 2015, on the official government internet site, www.forfeiture.gov. A copy of the Declaration of Publication is on file with this Court.

The United States and the claimants Rex Yang, Jr., Yang and Schwartz Properties, LLC, Digisoft, LLC, JP&E Enterprises, Inc., Soft Deals, LLC, and Jake Schwartz entered into a stipulation (Doc. 98-1), which is hereby APPROVED as submitted. Pursuant to the stipulation the claimants agree to forfeit to the United States the following property:

- \$87,667.23 seized from Wells Fargo Bank account number 2808610824, in the name of Digisoft, LLC, with Jake Schwartz and Rex Yang as signors;

- \$159,088.99 in United States currency seized from Wells Fargo Bank account number 3108115274 in the name of JP&E Enterprises, Inc., with Yang, as a signor of this account;
- \$15,691.52 in United States currency seized from Wells Fargo Bank account number 3089318541 in the name of Yang, who is also a signor of this account;
- \$631,197.08 in United States currency seized from Wells Fargo Bank account number 1156163832 in the name of Yang, who is also a signor of this account;
- \$410,666.19 in United States currency seized from Bank of America account number 23711302 in the name JHS Enterprises, with Jake Schwartz (“Schwartz”) as the signor of this account;
- \$116,357.44 in United States currency seized from Bank of America account number 138074738642, a checking account, in the name of Schwartz, who is also a signor of this account;
- \$901,011.37 in United States currency seized from Bank of America account number 138074738642-B, in the name of Jake Schwartz;
- \$98,824.02 seized from Wells Fargo Bank account number 70915298057, in the name of Soft Deals, LLC (d/b/a Soft Depot);
- \$73,795.70 in United States currency was seized from Wells Fargo Bank account number 3108106430 in the name of JP&E Enterprises, Inc., with Yang as a signor of this account;
- \$158,878.50 in United States currency seized from Foundation Bank account number 101033629 in the name of Yang, who is also a signor of this account;
- \$3,381.38 in United States currency seized from Wells Fargo Bank Account Number 3552184883, in the name of Jake Schwartz;
- \$18,088.55 seized from Wells Fargo Bank account number 7091529862, in the name of Yang and Schwartz Properties, LLC;
- \$3,187.00 seized from the Yang residence; and
- \$3,500 in United States currency seized from Schwartz on December 14, 2014.

Also, pursuant to the settlement, the United States agrees to return to the claimants the following defendant properties:

- A 2014 Porsche 911; VIN: WP0AB2A99ES121855;
- Bridal Wedding Ring Set seized from the Schwartz residence;
- Three Rolex Watches seized from the Schwartz residence;
- Rolex watch with diamonds seized from the Yang residence;
- 2003 Cobolt 240 ski boat seized from Yang residence;
- Bitcoin and Litecoin seized from Yang; and
- 2,945 Troy ounces of silver bars and coins.

No other claims for the defendant properties that are subject of this partial order have been filed and the time within which such claims must have been filed has expired. *See* Fed. R. Civ. P. Supp. R. G(5)(a)(ii).

Accordingly, Plaintiff's motion for a partial judgment for forfeiture (Doc. 98) is GRANTED and it is ORDERED that:

(1) The following defendant properties are hereby forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(A), (a)(1)(C), and § 2323 to be disposed of according to law:

- \$87,667.23 seized from Wells Fargo Bank account number 2808610824, in the name of Digisoft, LLC, with Jake Schwartz and Rex Yang as signors;
- \$159,088.99 in United States currency seized from Wells Fargo Bank account number 3108115274 in the name of JP&E Enterprises, Inc., with Yang, as a signor of this account;
- \$15,691.52 in United States currency seized from Wells Fargo Bank account number 3089318541 in the name of Yang, who is also a signor of this account;
- \$631,197.08 in United States currency seized from Wells Fargo Bank account number 1156163832 in the name of Yang, who is also a signor of this account;
- \$410,666.19 in United States currency seized from Bank of America account number 23711302 in the name JHS Enterprises, with Jake Schwartz ("Schwartz") as the signor of this account;
- \$116,357.44 in United States currency seized from Bank of America account number 138074738642, a checking account, in the name of Schwartz, who is also a signor of

this account;

- \$901,011.37 in United States currency seized from Bank of America account number 138074738642-B, in the name of Jake Schwartz;
- \$98,824.02 seized from Wells Fargo Bank account number 70915298057, in the name of Soft Deals, LLC (d/b/a Soft Depot);
- \$73,795.70 in United States currency was seized from Wells Fargo Bank account number 3108106430 in the name of JP&E Enterprises, Inc., with Yang as a signor of this account;
- \$158,878.50 in United States currency seized from Foundation Bank account number 101033629 in the name of Yang, who is also a signor of this account;
- \$3,381.38 in United States currency seized from Wells Fargo Bank Account Number 3552184883, in the name of Jake Schwartz;
- \$18,088.55 seized from Wells Fargo Bank account number 7091529862, in the name of Yang and Schwartz Properties, LLC;
- \$3,187.00 seized from the Yang residence; and
- \$3,500 in United States currency seized from Schwartz on December 14, 2014.

(2) The Plaintiff shall return the following defendant properties to the claimants:

- A 2014 Porsche 911; VIN: WP0AB2A99ES121855;
- Bridal Wedding Ring Set seized from the Schwartz residence;
- Three Rolex Watches seized from the Schwartz residence;
- Rolex watch with diamonds seized from the Yang residence;
- 2003 Cobolt 240 ski boat seized from Yang residence;
- Bitcoin and Litecoin seized from Yang; and
- 2,945 Troy ounces of silver bars and coins.

(3) All persons claiming any right, title, or interest in or to the Defendants that are part of this Order are held in default;

(4) All claims and interests in Defendants that are part of this Order, except as provided

herein, are forever foreclosed and barred;

(5) Each party will bear their own costs; and

(6) The Clerk of the Court shall enter a judgment consistent with this Order.

IT IS SO ORDERED.

Date: January 17, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT