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ELECTRONICALLY FILED



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

-against-

Hon. Stanley R. Chesler, U.S.D.J.

Civil Action No. 11-829 (SRC)

**\$414,942.00, INCLUDING BUT NOT
LIMITED TO**

**DEFAULT JUDGMENT AND FINAL
ORDER OF FORFEITURE**

**\$314,100.00 CONTAINED IN ACCOUNT
NUMBER 000209078278 IN THE
NAME AND/OR FOR THE BENEFIT
OF ARUN PARIKH AT THE BANK OF
AMERICA LOCATED AT 101 S. TRYON
STREET, CHARLOTTE, NORTH
CAROLINA 28255;**

AND

**\$44,000.00 CONTAINED IN ACCOUNT
NUMBER 004023027554 IN THE
NAME AND/OR FOR THE BENEFIT
OF ARUN PARIKH OR ANUSHI A.
PARIKH AT THE BANK OF AMERICA
LOCATED AT 101 S. TRYON STREET,
CHARLOTTE, NORTH CAROLINA 28255;**

AND

**\$56,842.00 CONTAINED IN ACCOUNT
NUMBER 000109053036 IN THE
NAME AND/OR FOR THE BENEFIT
OF FICKE & ASSOCIATES INC., AT
THE BANK OF AMERICA LOCATED
AT 101 S. TRYON STREET, CHARLOTTE,
NORTH CAROLINA 28255.**

Defendant in rem.

WHEREAS, on February 14, 2011, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$414,942.00, including but not limited to \$314,100.00 contained in account number 000209078278 in the name and/or for the benefit of Arun Parikh at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; \$44,000.00 contained in account number 004023027554 in the name and/or for the benefit of Arun Parikh or Anushi A. Parikh at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; and \$56,842.00 contained in account number 000109053036 in the name and/or for the benefit of Ficke & Associates, Inc., at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255 (hereinafter the "defendant property") to enforce the provisions of 31 U.S.C. § 5317(c)(2), which subjects to forfeiture to the United States any property involved in a violation of 31 U.S.C. § 5324(a); and

WHEREAS, pursuant to the Warrant for Arrest In Rem issued by the Clerk of the Court on February 16, 2011, the United States Department of the Treasury, Internal Revenue Service seized the defendant property, namely \$414,942.00, including but not limited to \$314,100.00 contained in account number 000209078278 in the name and/or for the benefit of Arun Parikh at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; \$44,000.00

contained in account number 004023027554 in the name and/or for the benefit of Arun Parikh or Anushi A. Parikh at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; and \$56,842.00 contained in account number 000109053036 in the name and/or for the benefit of Ficke & Associates, Inc., at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; and

WHEREAS, on or about February 18, 2011, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return receipt requested to Ficke & Associates, Inc., 271 U.S. Hwy 46, Suite A, Fairfield, New Jersey 07004 (*See* Declaration of Peter W. Gaeta with Exhibits, Exhibit A, hereinafter “Gaeta Decl.” filed herein); and

WHEREAS, on or about February 22, 2011, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were received by Ficke & Associates, Inc., 271 U.S. Hwy 46, Suite A, Fairfield, New Jersey 07004. (*Id.*); and

WHEREAS, on or about February 18, 2011, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return receipt requested to Anushi Parikh, 623 Rockingham Drive, Irving, Texas 75063-8064 (Gaeta Decl., Exhibit B); and

WHEREAS, on or about February 23, 2011, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were received by Anushi Parikh, 623 Rockingham Drive, Irving, Texas 75063-8064. (*Id.*); and

WHEREAS, on or about February 18, 2011, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return

receipt requested to Kenneth N. Laptook, Esq., Wolff & Samson PC, One Boland Drive, West Orange, New Jersey 07052, counsel for Arun Parikh (Gaeta Decl., Exhibit C); and

WHEREAS, on or about February 22, 2011, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were received by Kenneth N. Laptook, Esq., Wolff & Samson PC, One Boland Drive, West Orange, New Jersey 07052, counsel for Arun Parikh (*Id.*); and

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Notice of Civil Forfeiture was posted on an official internet government forfeiture website, namely www.forfeiture.gov for at least 30 consecutive days, beginning on February 23, 2011, notifying all third parties of their right to file a claim with the Court within 60 days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property (Gaeta Decl., Exhibit D); and

WHEREAS, on March 25, 2011, a Verified Claim was filed through counsel by Arun Parikh. *See* ECF Doc. 4; and

WHEREAS, on March 25, 2011, a Verified Claim was filed through counsel by Ficke & Associates, Inc. *See* ECF Doc. 5; and

WHEREAS, on April 14, 2011, Arun Parikh and Ficke & Associates, Inc. jointly filed through counsel an application and proposed Order to extend their time to answer, move, or otherwise reply. *See* ECF Doc. 6; and

WHEREAS, on April 28, 2011, Arun Parikh and Ficke & Associates, Inc., with the consent of the United States, jointly filed a Consent Order extending their time to answer, move, or otherwise respond to the United States' Verified Complaint for Forfeiture In Rem until May

31, 2011. On April 29, 2011, the Court executed the Consent Order granting the extension. *See* ECF Doc. 8; and

WHEREAS, on May 31, 2011, Arun Parikh and Ficke & Associates, Inc., with the consent of the United States, jointly filed a second Consent Order extending their time to answer, move, or otherwise respond to United States' Verified Complaint for Forfeiture In Rem until July 8, 2011. *See* ECF Doc. 9; and

WHEREAS, on July 6, 2011, Arun Parikh filed through counsel a motion to withdraw the verified claim of Arun Parikh. *See* ECF Doc. 10; and

WHEREAS, on July 6, 2011, Ficke & Associates, Inc. filed through counsel a motion to withdraw the verified claim of Ficke & Associates, Inc. *See* ECF Doc. 11; and

WHEREAS, in order to avoid forfeiture of the defendant property, any person claiming an interest in, or right against, the defendant property must file a conforming Claim under penalty of perjury identifying the specific property claimed, identifying the claimant and stating the claimant's interest in the property in the manner set forth in Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Actions, Federal Rules of Civil Procedure and 18 U.S.C. § 983(a)(4)(A), except that in no event may such Claim be filed by those known to be reasonably interested later than **25 March 2011**, or, as applicable, no later than 30 days after the final publication of notice of the filing of the complaint or no later than 60 days after the first day of publication on an official government internet web site, namely www.forfeiture.gov; and

WHEREAS, no other Claim has been filed within the time required by Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the defendant

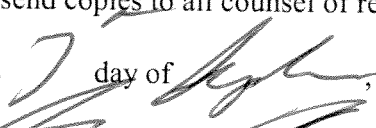

property by any potential claimant in this matter; and

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

1. That a Default Judgment and a Final Order of Forfeiture is granted against the defendant property, namely \$414,942.00, including but not limited to \$314,100.00 contained in account number 000209078278 in the name and/or for the benefit of Arun Parikh at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; \$44,000.00 contained in account number 004023027554 in the name and/or for the benefit of Arun Parikh or Anushi A. Parikh at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255; and \$56,842.00 contained in account number 000109053036 in the name and/or for the benefit of Ficke & Associates, Inc., at the Bank of America located at 101 S. Tryon Street, Charlotte, North Carolina 28255, and no right, title or interest in the defendant property shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Department of the Treasury, Internal Revenue Service's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Department of the Treasury, Internal Revenue Service into the Department of the Treasury Asset Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this  day of , 2011


HONORABLE STANLEY R. CHESLER, U.S.D.J.
UNITED STATES DISTRICT COURT