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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,
Plaintiff,

v.

Yomtov Scott Menaged,
Defendant.

CR-17-00680-001-PHX-GMS

**PRELIMINARY ORDER
OF FORFEITURE**

As a result of defendant's guilty plea to Counts 1 and 10 of the Indictment and Count 1 of the Information that charged defendant with violations of 18 U.S.C. §§ 371, 1028A and 1956(h), conspiracy to commit bank fraud, aggravated identity theft and money laundering conspiracy, and upon the government's motion for preliminary order of forfeiture, and good cause appearing, the Court finds:

1. Defendant defrauded DenSco Investment Corporation out of tens of millions of dollars. Defendant (through Arizona Home Foreclosures) transferred \$709,405.40 of those fraud proceeds to Bank United Acct # 9853340927 held in the name Joseph Menaged RVT UAD Joseph Menaged Trustee ("Account #0927");

2. The government seized \$709,405.40 from Account #0927. All of the funds seized from Account #0927 are proceeds traceable to defendant's criminal conduct, they are property involved in defendant's money laundering offenses, and they are proceeds obtained directly or indirectly as result of defendant's bank fraud;

1 3. The \$709,405.40 seized from Account #0927 is subject to forfeiture
2 pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C), 982(a)(1)(A) and 982(a)(2), and 28
3 U.S.C. § 2461; and

4 4. The government has established the requisite nexus between seized funds
5 and the offenses to which defendant pled guilty. Defendant has forfeited all right, title
6 and interest defendant may have in the \$709,405.40 that was seized from Account
7 #0927.

8 NOW, THEREFORE, IT IS ORDERED THAT:

9 1. Upon entry of this Order, the United States Attorney General (or his
10 designee) is authorized to commence any applicable proceeding to comply with statutes
11 governing third party rights, including giving notice of this Order;

12 2. Any person, other than the above-named defendant, asserting a legal
13 interest in the subject property identified within the published notice may, within thirty
14 days of the final publication of notice or receipt of notice, whichever is earlier, petition
15 the Court for a hearing without a jury to adjudicate the validity of any alleged interest in
16 the subject property, and for an amendment of the order of forfeiture, pursuant to 21
17 U.S.C. § 853(n);

18 3. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of
19 Forfeiture shall become final as to the defendant at the defendant's sentencing and shall
20 be included in the sentence and judgment. If no third party files a timely claim, this
21 Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P.
22 32.2(c)(2);

23 4. Any petition filed by a third party asserting an interest in the subject
24 property shall be signed by the petitioner under penalty of perjury and shall set forth the
25 nature and extent of the petitioner's right, title, or interest in the noticed rifles, the time
26 and circumstances of the petitioner's acquisition of the right, title or interest in the
27 subject property, and any additional facts supporting the petitioner's claim and the relief
28 sought;

