

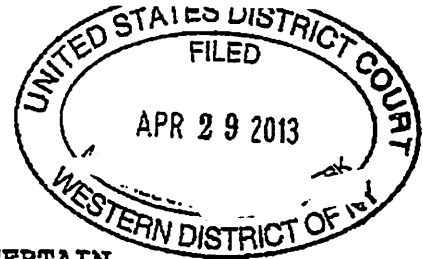
US MARSHALS SERVICES
WESTERN NEW YORK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK 2013 APR 30 PM 2:04

UNITED STATES OF AMERICA

-v-

Defendant.



FINAL ORDER OF FORFEITURE AS TO CERTAIN
SUBSTITUTE PROPERTY OF DEFENDANT

WHEREAS, on May 31, 2012, this Court entered a Preliminary Order of Forfeiture as to certain substitute property of defendant John Nicolo, as more specifically described below, pursuant to Federal Rule of Criminal Procedure 32.2(b)(e) and Title 21, United States Code, Section 853(p);

AND WHEREAS, for the 30 day period between June 20, 2012 and July 19, 2012, the United States published on an official government forfeiture website, namely www.forfeiture.gov, notice of this forfeiture and the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within sixty (60) days of the first date of publication for a hearing to adjudicate the validity of their alleged legal interest in the property;

AND WHEREAS, the sixty day period to file a claim expired on August 18, 2012, and no persons have filed a petition with the

- 6) All that tract or parcel of land located in Jerusalem, NY 1427, further described as _____ as more particularly described in a certain deed recorded in the _____
- 7) All that tract or parcel of land located in _____ further described as _____ more particularly described in a certain deed recorded the _____

is hereby forever removed, discharged, condemned, and forfeited to the United States of America and shall be disposed of by the United States Marshals Service or any other authorized law enforcement officer according to law; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that, subject to utilities easements and ingress-and-egress easements of record, all right, title, and interest in:

- 8) _____ in _____ 527, further described as _____ re particularly described in a certain deed recorded in the _____ office on _____ which represents the ownership interest of Constance Roeder;
- 9) 15% tenant-in-common interest in that tract or parcel of land located in Jerusalem, NY 14527, further described as SBL# 123.27-1-5.2, and as more particularly described in a certain deed recorded in the Yates County Clerk's office on July 6, 2005, in Liber 526 of Deeds at Page 32, which represents the ownership interest of Constance Roeder,

is hereby forever removed, discharged, condemned, and forfeited to the United States of America and shall be disposed of by the United States Marshals Service or any other authorized law enforcement

Case

officer according to law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that pending the final disposition of the above listed real property, the United States of America, through the United States Department of Justice and/or the United States Marshals Service, is authorized to contact any and all current occupants/tenants/lessees of the real property; to serve a copy of this Order upon such occupants/tenants/lessees directing that if necessary entering into a formal occupancy agreement, the terms therein left to the discretion of the United States Marshals Service or upon 30 days notice the United States Marshals Service may evict any occupants/tenants/lessees and secure any personal property remaining at the property, it being recognized that the other tenant-in-common owners of properties numbered 8 and 9 of this Order may continue to use such properties under New York real property law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

Dated: April 26, 2013, at Rochester, New York.

UNITED STATES DISTRICT JUDGE