

US MARSHAL'S SERVICES
WESTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2010 MAY -7 PM 6:38

UNITED STATES OF AMERICA,

Plaintiff

-v-

09-CR-198-S

RICHARD S. PICCOLI, and
GEN-SEE CAPITAL CORPORATION also known
as Gen Unlimited,

Defendants.

THIRD PARTIAL FINAL ORDER OF FORFEITURE

WHEREAS, on or about June 8, 2009, a Plea Agreement was entered into between the defendants, RICHARD S. PICCOLI and GEN-SEE CAPITAL CORPORATION also known as Gen Unlimited, and the government. Pursuant to that Plea Agreement, on or about June 10, 2009, the Court entered a Preliminary Order of Forfeiture against the following property, both real and personal:

REAL PROPERTY

- A. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 62 Autumnview Road, Williamsville, New York and more particularly described in a certain deed filed in the Erie County Clerk's Office on March 10, 2004, in Liber 11070 at Page number 2174.
- B. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 1810 Military Road, Tonawanda, New York, and more particularly described in a certain deed filed in the Erie County Clerk's Office on January 9, 1992, in Liber 10375 of Deeds at Page 449.

- C. Approximately 30 acres of vacant land known as 1391 Cain Road, Brant, New York, and more particularly described in a certain deed filed in the Erie County Clerk's Office on June 9, 1981, in Liber 9051 of Deeds at Page 621.
- D. Approximately 16 acres of vacant land known as 10188 Route 62, Persia, New York, and more particularly described in a certain deed filed in the Cattaraugus County Clerk's Office on July 27, 2000, in Liber 995 of Deeds at page 446.
- E. Approximately six (6) acres of vacant land known as Transit Road, Orchard Park, New York, and more particularly described in a certain deed in the Erie County Clerk's Office on February 11, 1996, in Liber 9546 of Deeds at page number 469.
- F. An interest of _____ Dollars in United States currency invested in the premises and real property with all buildings, improvements, and appurtenances located at 3320 Stonebridge Trail, Valrico, Florida, and more particularly described in a certain deed filed in the Hillsborough County Clerk's Office on dated December 17, 1998 in Liber 9387 of Deeds at Page 512.
- G. An interest of _____ Dollars in United States currency invested in the premises and real property with all buildings, improvements, and appurtenances located at 2492 Johnna Court, Palm Harbor, Florida, and more particularly described in a certain deed filed in the Pinellas County Clerk's Office on dated July 18, 2008, in Liber 16323 of Deeds at Page 2475.

FINANCIAL ACCOUNTS

- A. The sum of _____ Dollars United States Currency contained within Barbara C. Piccoli's

WHEREAS, the Preliminary Order of Forfeiture further directed that pursuant to Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of the forfeiture for a period of thirty consecutive days on www.forfeiture.gov, the official internet government forfeiture site; and

WHEREAS, the United States published its Notice of Forfeiture on www.forfeiture.gov for the thirty day period commencing June 19, 2009, and ending July 18, 2009, with said notice announcing the United States intention to dispose of the defendant properties in such manner as the Attorney General may direct; and

WHEREAS, as of this date, the only Petitions received in this matter were filed by Richard J. Piccoli claiming an interest in the premises and real property located at 62 Autumnview Road, Williamsville, New York and 3320 Stonebridge Trail, Valrico, Florida; Lynn Piccoli Moore claiming a secured lienholder position with respect to 3320 Stonebridge Trail, Valrico, Florida; Chase Home Finance, LLC, claiming a secured mortgage interest position in United States currency invested in 3320 Stonebridge Trail, Valrico, Florida; and Barbara C. Piccoli claiming an interest in Dollars in United States currency invested in the premises and real property with all buildings, improvements, and appurtenances located at 2492 Johnna Court, Palm Harbor, Florida, and the sum of Dollars United States currency contained within Barbara C. Piccoli's and

WHEREAS, since the final publication date for this action was July 18, 2009, and since that time, other than petitioners Richard J. Piccoli, Lynn Piccoli Moore, Chase Home Finance, LLC and Barbara C. Piccoli, no other persons have filed a petition with the Court seeking a hearing to adjudicate the validity of their interests in any of the above-described properties, and

WHEREAS, it appears that upon review of the Stipulations for Settlement previously filed between the government and Petitioner Richard J. Piccoli, the parties want to resolve this action with respect to the various petitions and properties involved, and

WHEREAS, the following persons were served notice of the pending criminal forfeiture action concerning the premises and real property located at 62 Autumnview Road, Williamsville, New York, in order to allow them the opportunity to submit a Petition asserting their interest in 62 Autumnview Road, Williamsville, New York:

- (A) David P. Piccoli
- (B) Donna M. Dicarlo
- (C) Barbara C. Piccoli
- (D) Laszlo Meszaros

and, because said persons failed to file a Petition or failed to request an extension of time to file a petition by the deadline date; it is now hereby

ORDERED, ADJUDGED, and DECREED, Richard J. Piccoli's Petition with respect to the premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 62 Autumnview Road, Williamsville, New York is withdrawn and is to be stricken from the Court record; and it is further

ORDERED, ADJUDGED, and DECREED, that the premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 62 Autumnview Road, Williamsville, New York is hereby forfeited to the United States of

America pursuant to Title 18, United States Code, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853; and it is further

ORDERED, that the right, title, and interest of Richard J. Piccoli, David P. Piccoli, Donna M. Dicarlo, Barbara C. Piccoli, and Laszlo Meszaros are now and forever extinguished, precluded, and barred in the premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 62 Autumnview Road, Williamsville, New York, and more particularly described in a certain deed filed in the Erie County Clerk's Office on March 10, 2004, in Liber 11070 at Page number 2174; it is hereby

ORDERED, ADJUDGED, and DECREED, that all other interests in any remaining properties will be resolved by a Fourth and Final Order of Forfeiture once all parties have resolved any outstanding issues; and it is further

ORDERED, ADJUDGED, and DECREED, that the terms and conditions contained within the Stipulations are approved by this Court and that this Court will retain jurisdiction of this matter in the event there is breach as to the terms of the Stipulations.

DATED: Buffalo, New York,
March 12, 2010.

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court