



**IT IS FURTHER HEREBY ORDERED THAT:**

1. By virtue of the defendant's guilty plea, agreement of the parties, and entry of the above money judgment, the United States is now entitled to possession of the following property (Subject Property) as substitute assets pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), and Fed. R. Crim. P. Rule 32.2(b):

- a) Goldman Sachs Account No. 026-38602-9, which contains \$6,225,045.39, and
- b) the amount of \$774,954.61 from Goldman Sachs Account No. 026-38756-3.

2. The United States Attorney General or his designee is hereby authorized to seize the Subject Property, listed in paragraph 1, in accordance with Fed. R. Crim. P. 32.2(b)(3). The United States Marshals Service shall be allowed to take immediate possession of this property pending the entry of a Final Order of Forfeiture with respect to this property.

3. Upon entry of this Order, the United States/Attorney General or his designee is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order. The United States shall publish notice of this forfeiture by any method as prescribed by the Attorney General pursuant to 21 U.S.C. § 853(n)(1), including posting notice on [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) consecutive days. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property.

4. Any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court and serve a copy on Lea A. Carlisle, Trial Attorney, Asset Forfeiture and Money Laundering Section, United States Department of Justice within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the

petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), the Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

6. After the disposition of any motion filed under Rule 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

7. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), which is incorporated by 28 U.S.C. § 2461(c) for the filing of third party petitions.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e).

WGA-25 modified by the Court's Nov. 16, 2005 order  
9. The restraining orders entered by this Court on May 1, 2003, and December 23, 2003, pursuant to 21 U.S.C. § 853(e), shall remain in effect, excepting, however, (a) any remaining funds in Goldman Sachs Account No. 026-38602-9 after the seizure of \$6,225,045.39, (b) any remaining funds in Goldman Sachs Account No. 026-38756-3 after the seizure of \$774,954.61, (c) real property known as Hakuli'A Phase, Phase I, Lot 182, South Kona, Hawaii, purchased for \$780,000, and (d) equity golf membership, The Club at Kokulia, purchased for \$150,000, which are to be released from further restraint consistent with agreement of the parties.

10. The Clerk of the Court shall forward 2 certified copies of this order to Lea A.

Carlisle, Trial Attorney, Asset Forfeiture and Money Laundering Section, U.S. Department of  
Justice.

**SO ORDERED:**

Dated: Sept. 29, 2009



**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**