



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	CRIMINAL NO. 1:10-CR-200-LMB
LEE BENTLEY FARKAS,)	
)	
Defendant.)	
)	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS the Defendant, LEE BENTLEY FARKAS, was convicted by jury verdict on April 19, 2011, of conspiracy to commit bank fraud, wire fraud, and securities fraud, and substantive counts of bank fraud, wire fraud, and securities fraud, as charged in Counts 1–11 and 14–16 of the Indictment as violations of 18 U.S.C. §§ 2, 1343, 1344, 1348, and 1349; and,

WHEREAS the Indictment notified the Defendant that, upon conviction of any offenses charged in the Indictment, the United States would seek the forfeiture of “any property, real or personal, which constitutes or is derived from the proceeds traceable to the count of conviction”; and,

WHEREAS the United States has filed a Motion for Preliminary Order of Forfeiture and Forfeiture of Substitute Assets, and a Motion to Amend the Proposed Preliminary Order of Forfeiture and Order Forfeiting Substitute Assets, seeking a forfeiture of a total amount of \$38,541,209.69, which represents the amount of criminal proceeds that were received by the Defendant from the offenses of conviction;

IT IS HEREBY ORDERED THAT:

1. As a result of the guilty verdict on Counts 1–11 of the Indictment for conspiracy, bank fraud, and wire fraud, and pursuant to 18 U.S.C. §§ 982 and 981, the Defendant shall forfeit to the United States all property constituting, or derived from, proceeds the Defendant obtained directly or indirectly as the result of his violations of 18 U.S.C. §§ 1343, 1344, and 1349.
2. The Court has determined, based on the evidence already in the record, that the Defendant received \$38,541,209.69, constituting the proceeds of the offenses charged in Counts 1–11 of the Indictment, for which the Defendant has been convicted.
3. As a result of the offenses for which the Defendant was convicted, the Defendant shall forfeit a money judgment in the amount of \$38,541,209.69 as the value of the property constituting or derived from proceeds the defendant obtained directly or indirectly as the result of such violations.
4. The Court further finds that, because of the acts or omissions of the defendant, the proceeds of the offenses are no longer available for forfeiture for one or more of the reasons set forth in 21 U.S.C. § 853(p). As a result, pursuant to Fed. R. Crim. P. 32.2(e), the United States is entitled to an order forfeiting other property of the defendant as a substitute for the unavailable proceeds.
5. Accordingly, it is hereby ORDERED that all right, title and interest of the defendant, LEE BENTLEY FARKAS, in the following property is hereby forfeited to the United States:
 - a) real property known as 808 South Street, Unit 204, Key West, Florida;
 - b) real property known as 2010 NE 18th Street, Fort Lauderdale, Florida;

- c) real property known as 7785 SW 62nd Court, Ocala, Florida;
- d) real property known as 3064 Bay Street, Gulf Breeze, Florida;
- e) real property known as 2301 Solar Plaza Drive, Fort Lauderdale, Florida;
- f) real property known as 1222 SE 7th Street, Ocala, Florida;
- g) real property known as 101 NE 2nd Street, Ocala, Florida;
- h) real property known as 75 Rioux Lane, Surry, Maine;
- i) real property known as 815 S. Pine Avenue, Ocala, Florida;
- j) real property known as 1506 N. Magnolia Avenue, Ocala, Florida;
- k) real property known as 1433 NW 1st Avenue, Ocala, Florida;
- l) real property known as 1416 N. Magnolia Avenue, Ocala, Florida;
- m) real property known as 517 NE 14th Ave, Ft Lauderdale, Florida;
- n) \$190,000 note and mortgage on 10590 Shallowford Rd., Roswell, Georgia, by I Control LLC;
- o) 2008 Infiniti, VIN: 5N3AA08C18N900648;
- p) 1963 Rolls Royce, VIN: LSCX11;
- q) 1929 Ford Model A Woody, VIN: A1766832;
- r) 1970 Cadillac Eldorado, VIN: H0270364;
- s) 1932 Ford, VIN: 18128880;
- t) 1965 Shelby Cobra, VIN: KMP210;
- u) 2005 Morgan, VIN: SA9RA260150A11055;
- v) 1958 Mercedes, VIN: 128030N8500042;
- w) 1973 Triumph, VIN: CF10020U;
- x) 1976 Cadillac, VIN: 6L67S6Q130374; and,

y) 1966 Cadillac, VIN: E6262667.

6. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Money Judgment Forfeiture Order shall become final as to the Defendant at the time of his sentencing and shall be made a part of the sentence and included in the judgment against the Defendant.
7. Upon the entry of this Order the Attorney General or his designee is authorized to seize the above-listed property, whether held by the defendant or by a third party, to take any other steps deemed warranted to preserve its availability for forfeiture pending the conclusion of any third-party proceedings which may be conducted in this matter, and to conduct any discovery proper in identifying, locating, or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).
8. The United States shall, promptly after the seizure of said property, initiate proceedings necessary to protect any third-party interests in the substitute property, pursuant to and in accordance with Fed. R. Crim. P. 32.2(e) and 21 U.S.C. § 853(n), prior to requesting entry of a final order of forfeiture with respect thereto.
9. It is further ORDERED that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant 21 U.S.C. § 853(n) in which all interests will be addressed. If no claims are filed within 30 days of the final publication or receipt of actual notice, whichever is earlier, then, pursuant to 21 U.S.C. § 853(n)(7), this Order shall be deemed a final order of forfeiture and the United States Marshals Service, or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.
10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e), if the Government locates specific assets traceable

to the violations or additional assets subject to forfeiture as substitute assets pursuant to
21 U.S.C. § 853(p).

This 30th day of June, 2011.

/s/ LMB
Leonie M. Brinkema
United States District Judge