

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
: UNITED STATES OF AMERICA : CONSENT ORDER OF
: : FORFEITURE AS TO
-v.- : : SPECIFIC PROPERTY
: :
ROBERT EGAN, : 10 Cr. 191 (JFK)
: :
Defendant. :
: :
----- X

WHEREAS, on or about March 10, 2010, ROBERT EGAN (the "defendant"), was charged in a seven-count Indictment, 10 Cr. 191 (JFK) (the "Indictment"), with participating in a conspiracy to commit bank fraud and wire fraud, in violation 18 U.S.C. § 1349 (Count One), and with bank fraud, in violation of 18 U.S.C. §§ 1344 and 2 (Counts Two through Seven);

WHEREAS, the Indictment included a forfeiture allegation providing notice that the Government is seeking forfeiture to the United States, pursuant to 18 U.S.C. § 982, of any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses alleged in Counts One through Seven of the Indictment, including but not limited to at least \$75,000,000 in United States currency;

WHEREAS, on or about April 13, 2010, the Government filed a Forfeiture Bill of Particulars providing notice that the property subject to forfeiture as a result of the offenses described in Counts One through Seven of the Indictment, as

alleged in the Forfeiture Allegation, includes but is not limited to the following:

- (a) Approximately \$19,288,702.72 in United States currency, seized on or about February 11, 2010 and February 12, 2010, from Mount Vernon Money Center locations at 44 N. Saw River Road, Elmsford, NY and 403 East 3rd Street, Mount Vernon, NY (the "Specific Property");

WHEREAS, on September 15, 2010, the defendant pled guilty to Counts through Seven of the Indictment pursuant to a plea agreement, wherein the defendant agreed to forfeit to the United States: (1) a sum of money equal to not less than \$70 million in United States currency, representing the amount of proceeds obtained as a result of the bank fraud and wire fraud offenses alleged in the Indictment (the "Money Judgment"), and (2) all right, title and interest of the defendant in the Specific Property;

WHEREAS, the defendant consents to the entry of this Consent Order of Forfeiture as to Specific Property prior to sentencing, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4);

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

1. As a result of the offenses charged in Counts One through Seven of the Indictment, to which the defendant pled guilty, a money judgment equal to \$70 million in United States currency shall be entered against the defendant.

2. All of the defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 982. In addition, the defendant shall forfeit any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the fraud offenses alleged in Counts One through Seven.

3. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific 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 and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

5. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

6. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to 21 U.S.C. § 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

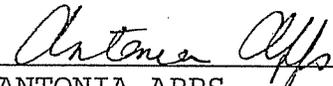
9. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Consent Order of Forfeiture is final as to the defendant, ROBERT EGAN, upon entry of this order, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

10. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, and payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

11. The signature pages of this order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

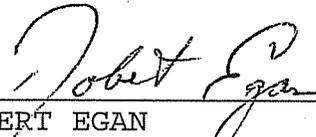
AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: 
ANTONIA APPS
ANNA E. ARREOLA
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2198/2218

Sept. 14, 2010
DATE

ROBERT EGAN

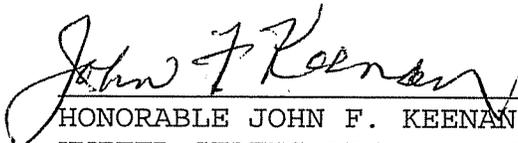
By: 
ROBERT EGAN

Sept 15, 2010
DATE

By: 
Marc Agnifilo, Esq.
Attorney for Defendant
Brafman & Associates, P.C.
767 Third Avenue
New York, NY 10017
(212) 750-7800

Sept 15, 2010
DATE

SO ORDERED:


HONORABLE JOHN F. KEENAN
UNITED STATES DISTRICT JUDGE

9/15/10
DATE