

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:09-cv-1852-Orl-28GJK

**ASSETS DESCRIBED IN
"ATTACHMENT A" TO THE
VERIFIED COMPLAINT
FOR FORFEITURE IN REM,**

Defendants.

FIRST DEFAULT JUDGMENT OF FORFEITURE

Pursuant to Fed. R. Civ. P. Rule 55(b)(2) and Local Admiralty Rule 7.03(i)(1), the United States has filed a Renewed Motion for Default Judgment of Forfeiture, Doc. 281, for the following defendant assets:

1. 2008 Black Chevrolet Suburban, VIN #3GNFC16008G186250, titled in the name of Javier Fernandez, seized on February 10, 2009 from 7350 Futures Drive, Orlando, FL;
2. 2008 Blue Chevrolet Corvette, VIN #1G1YY26E185118821, titled in the name of Angel Sanchez, seized on February 10, 2009 from 7350 Futures Drive, Orlando, FL; and
3. 2008 White Chevrolet Equinox, VIN #2CNDL037X86296807, titled in the name of Cilmara A. Lourenco, seized on February 10, 2009 from 2450 Dahlgren Way, Winter Garden, FL.

The court, being fully advised, finds that the complaint has been filed and service of process on these assets has been completed in accordance with the provisions of Rule G of the Supplemental Rules for Admiralty or Maritime Claims, Federal Rules of Civil Procedure.

The Court further finds, as required by Supplemental Rule G(4)(a)(i) & (iv)(C), that the notice of this civil forfeiture action against the above-referenced defendant assets was published for thirty (30) consecutive days on an official government internet site (www.forfeiture.gov) beginning on November 16, 2009 and March 1, 2010,¹ as evidenced by the Declarations of Publication filed with this Court. Docs. 45 and 201.

The Court further finds that the United States sent a Notice of Corrected Complaint for Forfeiture *in Rem*, copies of the Corrected Verified Complaint for Forfeiture *in Rem*, Warrants of Arrest *in Rem*, an Acknowledgment of Receipt of Notice of Corrected Verified Complaint for Forfeiture, and the Notice of Designation Under Local Rule 3.05 ("Notice Package"), via certified United States mail to Javier Fernandez, Angel Sanchez, and Cilmar A. Lourenco, the known potential claimants. Doc. 79, Ex. A. The Notice Package directed the recipients to file a Statement of Right or Interest within 35 days after receipt of the notice and file an Answer within 21 days after filing the Statement of Right or Interest. The Notice Package further advised that the "[f]ailure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Complaint. You may wish to seek legal advice to protect your interests."

The Court further finds that the United States filed a Motion for Clerk's Entry of Default for Javier Fernandez, Angel Sanchez, and Cilmar A. Lourenco for failing to file a statement of right or interest within the time proscribed by law, and on February 22, 2010, pursuant to Fed. R. Civ. P. 55(a), the Clerk entered a Default. Doc. 81.

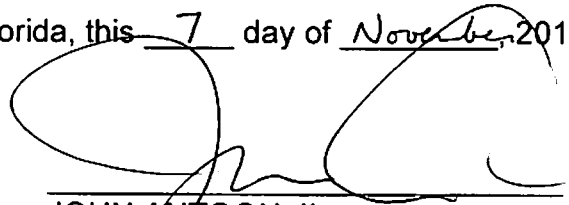
¹ Because the United States amended its complaint, publication of the above-referenced defendant assets occurred twice.

The Court further finds that no person or entity has filed either a claim or an answer to the complaint for forfeiture, or has otherwise appeared or answered in this regard, and the time to do so has expired. Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that the United States' motion is GRANTED,

It is FURTHER ORDERED that Javier Fernandez, Angel Sanchez and Cilmara A. Lourenco failed to file a claim within 35 days from the receipt of notice of the forfeiture, as required under Supplemental Rule G(5)(a)(ii)(A), and are time-barred from contesting the forfeiture of the above-referenced defendant vehicles. Additionally, any further claims or statements of interest are time-barred.

It is FURTHER ORDERED that all right, title, and interest in the above-referenced defendant vehicles are hereby forfeited to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(A) and (C), Fed. R. Civ. P. 55(b)(2) and Local Admiralty Rule 7.03(i)(1), and clear title to the above-referenced defendant vehicles is vested in the United States of America for disposition according to law.

DONE and ORDERED in Orlando, Florida, this 7 day of November, 2013.



JOHN ANTOON, II
UNITED STATES DISTRICT JUDGE

Copies to:
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Attorneys of Record