

**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.

SECOND 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 Second Motion for Default Judgment of Forfeiture, Doc. 283, for the following defendant assets:

1. 2008 Fleetwood Revolution Motorcoach, VIN #4VZBT1D908C065809, titled in the name of Luzia Trindade, seized on February 10, 2009 from 11953 W. Colonial Drive, Ocoee, FL;
2. 2008 Dodge Charger, VIN #2B3LA73W88H151292, titled in the name of Luzia Trindade, seized on February 10, 2009 from 2450 Dahlgren Way, Winter Garden, FL;
3. Approximately \$11,590.19 seized from SunTrust Bank Account #1000083744424, in the name of Luzia Maria Trindade on September 16, 2009; and
4. 2009 Red Cadillac Escalade, VIN #1GYFK26289R117904, titled in the name of Luzia M. Trindade, seized on January 8, 2010 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 defendant 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 the Corrected and Amended Complaints for Forfeiture *in Rem*, copies of the Corrected and Amended Verified Complaints for Forfeiture *in Rem*, Warrants of Arrest *in Rem*, an Acknowledgment of Receipt of Notice of Verified Complaint for Forfeiture, and the Notice of Designation Under Local Rule 3.05 ("Notice Package"), to Luzia Trindade, the only known potential claimant to the above-referenced defendant assets. Doc. 210, Ex. A. The Notice Package directed her 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 Luzia Trindade for failure to file a statement of right or interest within the time

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

proscribed by law, and on August 10, 2010, pursuant to Fed. R. Civ. P. 55(a), the Clerk entered a Default. Doc. 236.

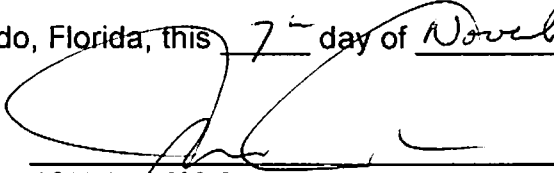
The Court further finds that First Bank & Trust Leasing Services, a Division of Kinetic Leasing, Inc. withdrew its claims to the one defendant asset listed herein that it filed a claim to contest – the 2009 Red Cadillac Escalade, VIN #1GYFK26289R117904, titled in the name of Luzia M. Trindade.

The Court further finds that no other 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 Luzia Trindade 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 is time-barred from contesting the forfeiture of the above-referenced defendant assets. 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 assets 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 assets is vested in the United States of America for disposition according to law.

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



JOHN ANTOON, II
UNITED STATES DISTRICT JUDGE

Copies to:
Nicole M. Andrejko, AUSA
Attorneys of Record