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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

**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 JUDGMENT OF FORFEITURE FOR CERTAIN ASSETS

Pursuant to 18 U.S.C. § 981(a)(1)(A) and (C), the United States has filed a Second Judgment of Forfeiture for Certain Assets. Doc. 285. The court, being fully advised, finds that the complaint has been filed and service of process has been effected in accordance with the provisions of Rule G of the Supplemental Rules for Admiralty or Maritime Claims, Federal Rules of Civil Procedure.

That the only individual or entity known to have an interest in the 2008 Gray Nissan Armada, VIN #5N1BA08DX8N621236 titled in the name of Luiz Trindade is Luiz Trindade, Daniel Rojo Filho's brother-in-law. On September 20, 2013, Luiz Trindade signed a Consent to Forfeiture for this vehicle. See Doc. 285 at Exhibit A.

That the only individuals or entities known to have an interest in the approximately \$358,959.81 seized from SunTrust Bank Account

#1000083744432, held in the name of Luzia Maria Trindade, Sabrina Trindade Zanchet, and Gabriel Trindade are Daniel Rojo Filho's wife, Luzia Maria Trindade, and his children, Sabrina Trindade Zanchet, and Gabriel Trindade Rojo.

That on May 20, 2010, the United States filed an Application to the Clerk of Courts for Entry of Default as to Luzia Maria Trindade. Doc. 210. On August 10, 2010, the Clerk entered default against Luzia Maria Trindade. Doc. 236.

That on or about August 30, 2013, Daniel Rojo Filho, on behalf of his children, Sabrina Trindade Zanchet, and Gabriel Trindade Rojo, signed a Consent to Forfeiture for the approximately \$358,959.81 seized from SunTrust Bank Account #1000083744432, held in the name of Luzia Maria Trindade, Sabrina Trindade Zanchet, and Gabriel Trindade. See Doc. 285 at Exhibit B.

That the only individual or entity known to have an interest in the approximately \$346,495.44 seized from SunTrust Bank Account #1000083744440, in the name of Sabrina Trindade Zanchet is Sabrina Trindade Zanchet. Daniel Rojo Filho, on behalf of Sabrina Trindade Zanchet, signed a Consent to Forfeiture for the funds seized from this account. See *id.* at Exhibit B.

That the only individual or entity known to have an interest in the approximately \$200,000 seized from Whitney National Bank Account #0730 660 109 held in the name of DWB Holdings LLC is DWB Holdings LLC. Doc. 21. Daniel Rojo Filho, individually and on behalf of DWB Holdings LLC, signed a

Consent to Forfeiture for the funds seized from this account. See Doc. 285 at Exhibit B.

That the only individual or entity known to have an interest in the approximately \$10,000.37 seized from First National Bank of Central Florida Account #001508156 held in the name of Daniel Rojo Filho are Daniel Rojo Filho¹ and First Bank & Trust Leasing Services, a Division of Kinetic Leasing, Inc. (Kinetic). Doc. 64.

That Daniel Rojo Filho signed a Consent to Forfeiture for the approximately \$10,000.37 seized from First National Bank of Central Florida Account #001508156 held in the name of Daniel Rojo Filho. See Doc. 285 at Exhibit B.

That Kinetic signed a settlement agreement whereby it consented to the forfeiture of the approximately \$10,000.37 seized from First National Bank of Central Florida Account #001508156 held in the name of Daniel Rojo Filho. See Doc. 285 at Exhibit C.

The Court finds that the only individual or entity known to have an interest in the approximately \$316,207.00 seized from First National Bank of Central Florida Account #123000153 held in the name of Daniel Rojo Filho are Daniel

¹ Daniel Rojo Filho did not file a claim to contest the forfeiture of the funds seized from this account. Accordingly, on August 10, 2010, a Clerk's Default was entered against Daniel Rojo Filho for failing to file a timely claim after reasonable notice of these proceedings was provided to him. Doc. 236.

Rojo Filho² and Kinetic.

That Daniel Rojo Filho signed a Consent to Forfeiture for the approximately \$316,207.00 seized from First National Bank of Central Florida Account #123000153 held in the name of Daniel Rojo Filho. See Doc. 285 Exhibit B.

That because all other potential claims to the approximately \$316,207.00 seized from First National Bank of Central Florida Account #123000153 held in the name of Daniel Rojo Filho were resolved, the United States agreed to dismiss these funds from this litigation as part of its settlement agreement with Kinetic. See Doc. 285 Exhibit C at 7.

That the only individuals or entities known to have an interest in the approximately \$95,849.71 seized from Center State Bank Account #542007275 held in the name of Leesburg Title & Escrow Services, Inc. are Leesburg Title & Escrow Services, Inc. and Kinetic. Docs. 99 and 64.

That on August 22, 2013, Leesburg Title & Escrow Services, Inc. signed a Consent to Forfeiture for the approximately \$95,849.71 seized from Center State Bank Account #542007275 held in the name of Leesburg Title & Escrow Services, Inc. See Doc. 285 at Exhibit D.

That because all other potential claims to the approximately \$95,849.71

² Again, Daniel Rojo Filho did not file a claim to contest the forfeiture of these funds after reasonable notice of these proceedings was provided to him. Doc. 236.

seized from Center State Bank Account #542007275 held in the name of Leesburg Title & Escrow Services, Inc. were resolved, the United States agreed to dismiss these funds from this litigation as part of its settlement agreement with Kinetic. See Doc. 285 Exhibit C at 8.

That the only individual or entity known to have an interest in the approximately \$100,000 seized from Regions Bank Account #0095243542 held in the name of DWB Developers, LLC is DWB Developers, LLC. Doc. 21. Daniel Rojo Filho, individually and on behalf of DWB Developers, LLC, signed a Consent to Forfeiture for the funds seized from this account. See Doc. 285 at Exhibit B. However, the funds seized from this account were administratively forfeited by the United States Department of Homeland Security prior to the initiation of these proceedings. Consequently, the funds seized from this account should not have been included in these proceedings. See, e.g., *Malladi Drugs and Pharmaceuticals, Ltd. v. Tandy*, 552 F.3d 885, 887 (D.C. Cir. 2009 ("An administrative forfeiture has the same force and effect as a final decree and order of forfeiture in a judicial proceeding.")).

That no other persons or entities have filed a claim in these proceedings, and the time for filing a claim to any of the above-referenced defendant assets has expired.

Accordingly, it is hereby

ORDERED, ADJUDGED AND DECREED that the United States' Second Motion for Judgment of Forfeiture is **GRANTED**. It is **FURTHER ORDERED** that, pursuant to 18 U.S.C. § 981(a)(1)(A) and (C), all right, title, and interest in the following defendant assets are hereby **CONDEMNED** and **FORFEITED** to the United States of America for disposition according to law, free and clear of all claims by Luiz Trindade, Luzia Maria Trindade, Sabrina Trindade Zanchet, Gabriel Trindade Rojo, Daniel Rojo Filho, DWB Holdings LLC, Kinetic and all others:

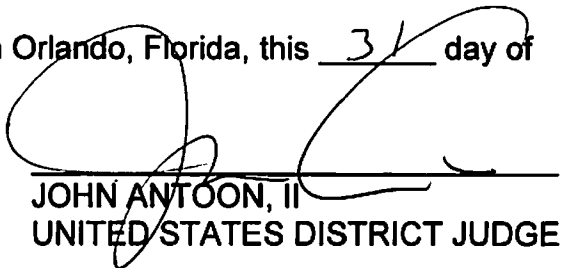
1. 2008 Gray Nissan Armada, VIN #5N1BA08DX8N621236, titled in the name of Luiz Trindade, seized on February 10, 2009 from 2450 Dahlgren Way, Winter Garden, FL;
2. Approximately \$358,959.81 seized from SunTrust Bank Account #1000083744432, held in the name of Luzia Maria Trindade, Sabrina Trindade Zanchet, and Gabriel Trindade on September 16, 2009;
3. Approximately \$346,495.44 seized from SunTrust Bank Account #1000083744440, in the name of Sabrina Trindade Zanchet on September 16, 2009;
4. Approximately \$200,000 seized from Whitney National Bank Account #0730 660 109 held in the name of DWB Holdings LLC on August 26, 2008; and
5. Approximately \$10,000.37 seized from First National Bank of Central Florida Account #001508156 held in the name of Daniel Rojo Filho on or about November 4, 2008.

It is **FURTHER ORDERED** that in accordance with the Stipulated Settlement Agreement between the United States and Claimant Kinetic, and the Consents to Forfeiture signed by Daniel Rojo Filho and Leesburg Title & Escrow Services, Inc., the following defendant assets shall be dismissed from this action and paid to Kinetic pursuant to the terms of the Stipulated Settlement Agreement:

1. Approximately \$316,207.00 seized from First National Bank of Central Florida Account #123000153 held in the name of Daniel Rojo Filho on or about November 4, 2008; and
2. Approximately \$95,849.71 seized from Center State Bank Account #542007275 held in the name of Leesburg Title & Escrow Services, Inc. on or about November 4, 2008.

It is **FURTHER ORDERED** that because the approximately \$100,000 seized from Regions Bank Account #0095243542 held in the name of DWB Developers, LLC on September 25, 2008 was administratively forfeited prior to the initiation of these proceedings, these funds shall be dismissed from these proceedings.

DONE and **ORDERED** in Chambers in Orlando, Florida, this 31 day of Oct., 2013.



JOHN ANTOON, II
UNITED STATES DISTRICT JUDGE

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