

2013R01059/SUE/JA/gr

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Freda L. Wolfson, U.S.D.J.
v. : Crim. No. 15-196
BOBBY BOYE, : FIRST FINAL ORDER OF
a/k/a “Bobby Ajiboye,” : FORFEITURE (AS TO CERTAIN
a/k/a “Bobby Aji-Boye,” : SPECIFIC PROPERTIES)
Defendant. :

WHEREAS, on or about April 28, 2015, defendant Bobby Boye, a/k/a “Bobby Ajiboye,” a/k/a “Bobby Aji-Boye,” (the “defendant”) pleaded guilty pursuant to a plea agreement with the United States to a one-count Information, which charged him with conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349 (the “Information”);

WHEREAS, as part of his plea agreement, the defendant agreed to forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), certain specific property including the following:

- (a) A sum of money equal to \$4,233,015.42, representing the amount of proceeds obtained as a result of the offense of conviction (the “Money Judgment”); and
- (b) All of the defendant’s right, title and interest in the following property, which was seized or restrained on or about June 19, 2014, and which the defendant admitted constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:

- i. The contents of JPMorgan Chase Bank account number [REDACTED]0399, held in the name of Opus and Best, LLC (approximately \$103.84);
 - ii. Approximately \$8,408 in U.S. currency seized from the defendant; and
- (c) All of the defendant's right, title, and interest, including all appurtenances and improvements thereon, in the following real property, which the defendant admitted constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:
- i. 25 Crescent Hollow Court, Ramsey, New Jersey (the "Ramsey property");
 - ii. 36 Rosewood Court, North Haledon, New Jersey (the "North Haledon property"); and
 - iii. Real property commonly known as 140 Grove Street, Elizabeth, New Jersey, now known as 142-144 Grove Street, Elizabeth, New Jersey (the "Elizabeth property"),¹

(hereinafter referred to collectively as the "Specific Property") with any forfeited money and the net proceeds derived from the sale or rent of the Specific Property to be applied to the Money Judgment, in partial satisfaction thereof;

WHEREAS, on or about July 16, 2015, the Court entered a Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to the Defendant) (the "Preliminary Order") imposing upon the defendant a money judgment in the amount of \$4,233,015.42, at which time the money judgment portion of the forfeiture

1. On or about October 15, 2015, the Court entered a Corrected Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to the Defendant) correcting the 140 Grove Street, Elizabeth, New Jersey address by adding additional details to the property's description.

became final, pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure;

WHEREAS, pursuant to Rule 32.2(b)(2), the Preliminary Order also forfeited to the United States all of the defendant's right, title, and interest in the Specific Property, for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c);

WHEREAS, subsequent to the entry of the Preliminary Order, the approximately \$8,408 in U.S. currency seized from the defendant on or about June 19, 2014 was forfeited in an administrative proceeding;

WHEREAS, the provisions of 21 U.S.C. § 853(n) and Rule 32.2(b) of the Federal Rules of Criminal Procedure require publication and notice to third parties known to have alleged an interest in forfeited property and the disposition of any petitions filed under Section 853(n) before the United States may have clear title to such property;

WHEREAS, pursuant to 21 U.S.C. § 853(n)(1), a Notice of Forfeiture with respect to the Specific Property was posted on an official government internet site, namely www.forfeiture.gov, beginning on August 8, 2015, and running for thirty consecutive days through September 6, 2015, as permitted by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the "Supplemental Rules"). Proof of publication was filed with the Court on or about February 2, 2016;

WHEREAS, the published notice explained that any person asserting a legal interest in the Specific Property was required to file a petition with the Court within 60 days from the first day of publication of the notice on the government internet site, and that if no such petitions were filed, following the expiration of the period for the filing of such petitions, the United States would have clear title to the Specific Property, in accordance with Rule G(5)(a)(ii)(B) of the Supplemental Rules;

WHEREAS, on or about December 7, 2015, Crescent Hollow Condominium Association, Inc., via counsel, Zahid N. Quraishi, Esq., of Riker Danzig Scherer Hyland & Perretti LLP, filed a petition, pursuant to 21 U.S.C. § 853(n), asserting an interest in the Ramsey property²;

WHEREAS, in or about April, 2016, subsequent to the entry of the Preliminary Order of Forfeiture wherein all of the defendant's right, title, and interest in North Haledon property was forfeited to the United States, the tenant for the North Haledon property ceased sending monthly rental payments to the defendant and instead commenced sending these rental payments to the United States Marshals Service. These rental payments included deductions for obligations and essential fees such as Home Owner Association fees and home repairs paid for by the tenant (the "net rental proceeds");

WHEREAS, all net rental proceeds received by the United States for the North Haledon property are forfeitable to the United States;

2. The petition filed by Crescent Hollow Condominium Association, Inc. was resolved by a Stipulation and Order of Settlement, pursuant to 21 U.S.C. §§ 853(i)(2) and (n) entered by the Court on or about June 16, 2016.

WHEREAS, neither the government nor the defendant is aware of any other person or entity who may have an interest in the following specific properties:

- (a) The contents of JPMorgan Chase Bank account number 456370399, held in the name of Opus and Best, LLC (approximately \$103.84);
- (b) The real property known as 36 Rosewood Court, North Haledon, New Jersey 07508, and more particularly described as Block 58.03, Lot 1.02, Assessor's Parcel No. 06-00058-03-00001-02 including all appurtenances and improvements thereon; and
- (c) All current and future net rental proceeds received by the United States Marshals Service for the real property known as 36 Rosewood Court, North Haledon, New Jersey,

(hereinafter referred to collectively as the "Specific Property")

WHEREAS, a Final Order of Forfeiture for the Ramsey property and the Elizabeth property, which may still be subject to third party claims, shall be submitted when all third-party interests have been resolved;

WHEREAS, pursuant to 21 U.S.C. § 853(n)(7), the United States shall have clear title to any forfeited property where no petitions for a hearing to contest the forfeiture have been filed within sixty (60) days after the first day of publication on an official internet government forfeiture site and no timely petitions were filed in accordance with the procedures prescribed in Rule G(5)(a)(ii)(B) of the Supplemental Rules;

WHEREAS, no other petitions were filed or made in this action as to the Specific Property, no other parties have appeared to contest the action as to the Specific Property to date, and the statutory time periods in which to do so have expired;

WHEREAS, pursuant to 21 U.S.C. § 853(n)(7), the United States is therefore entitled to have clear title to the Specific Property and to warrant good title to any subsequent purchaser or transferee; and

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. All right, title and interest in the following properties is hereby forfeited to the United States of America for disposition according to law:

- (a) The contents of JPMorgan Chase Bank account number 456370399, held in the name of Opus and Best, LLC (approximately \$103.84); and
- (b) The real property known as 36 Rosewood Court, North Haledon, New Jersey 07508, and more particularly described as Block 58.03, Lot 1.02, Assessor's Parcel No. 06-00058-03-00001-02 including all appurtenances and improvements thereon and all current and future net rental proceeds received by the United States Marshals Service,

(collectively, the "Forfeited Property").

2. Any forfeited money and the net proceeds derived from the sale or rent of the Forfeited Property shall be applied to the Money Judgment imposed upon the defendant in accordance with the First Preliminary Order.

3. The Court retains jurisdiction to take additional action, enter further orders, and amend this and any future orders as necessary to implement and enforce this Order.

4. The Clerk of the Court is hereby directed to send copies to all counsel of record.

ORDERED this day of , 2017.

HON. FREDA L. WOLFSON, U.S.D.J.