

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, : SECOND FINAL ORDER OF  
a/k/a "Bobby Ajiboye," : FORFEITURE (AS TO THE REAL  
a/k/a "Bobby Aji-Boye," : PROPERTY KNOWN AS 25  
Defendant. : CRESCENT HOLLOW COURT,  
 : RAMSEY, NEW JERSEY)

WHEREAS, on or about April 28, 2015, defendant Bobby Boye, a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye," ("Bobby Boye" or 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, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of a violation of 18 U.S.C. § 1343, which constitutes a specified unlawful activity within the meaning of 18 U.S.C. § 1956(c)(7), or a conspiracy to commit such offense, as alleged in the Information, shall forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offense;

WHEREAS, as part of his plea agreement, the defendant agreed, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), to the entry of a

forfeiture money judgment in the amount of \$4,233,015.42 (the “Forfeiture Money Judgment”) against the defendant, and to forfeit to the United States 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, in partial satisfaction of the Forfeiture Money Judgment:

(a) Any and all funds contained in the below described bank accounts held at J.P. Morgan Chase Bank (the “forfeitable bank accounts”):

- (i) Account Number 0399, held in the name of Opus and Best, LLC
- (ii) Account Number 6170, held in the name of Bobby Boye and/or Ediltruda Kalikawe
- (iii) Account Number 5820 held in the name of Bobby Boye
- (iv) Account Number 7116 held in the name of Bobby Boye and/or Ediltruda Kalikawe
- (v) Account Number 2735 held in the name of Bobby Boye and/or Ediltruda Kalikawe; and

(b) The below vehicles (the “forfeitable vehicles”):

- (i) One 2012 Silver Bentley Continental, VIN: SCBFR7ZA4CC073091, New Jersey License No. BB73GE, Registered Owner Bobby W. Boye;
- (ii) One 2012 Black Range Rover, VIN: SALMF1E41CA387702, New Jersey License No. A11CHT, Registered Owner Bobby W. Boye;
- (iii) One 2011 Rolls Royce, VIN: SCA664S56BUX49882, New Jersey License No. BB81GE, Registered Owner Bobby W. Boye;

(c) the below watches (the “forfeitable watches”):

- (i) One IWC “DaVinci” Perpetual Calendar/Moonphase/Chronograph Kurt Klaus Limited Edition watch, IW3762-04, Serial No. 3437866, with black alligator strap;
  - (ii) Frank Muller “Conquistador Grand Prix” watch, model 8900 SC GP, Serial No. 53, with black alligator strap; and
- (d) The below real property or any proceeds traceable to such real property (the “forfeitable real properties”):
- (i) 25 Crescent Hollow Court, Ramsey, New Jersey (the “Ramsey property”);
  - (ii) 36 Rosewood Court, North Haledon, New Jersey (the “North Haledon property”);
  - (iii) 9 Cobblestone Court, Oakland New Jersey (the “Oakland property”)<sup>1</sup>; and
  - (iv) 140 Grove Street, Elizabeth, New Jersey (the “Elizabeth property”),

(collectively the “forfeitable property”)

WHEREAS, the following J.P. Morgan Chase Bank accounts had no balance at the time law enforcement executed the seizure warrants:

- (i) Account Number 6170, held in the name of Bobby Boye and/or Ediltruda Kalikawe
- (ii) Account Number 5820 held in the name of Bobby Boye
- (iii) Account Number 7116 held in the name of Bobby Boye and/or Ediltruda Kalikawe
- (iv) Account Number 2735 held in the name of Bobby Boye and/or Ediltruda Kalikawe; and

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<sup>1</sup> In lieu of the real property located at 9 Cobblestone Court, Oakland, New Jersey, the Government seized and administratively forfeited the net proceeds of the sale of this real property in the amount of \$316,759.63, that was held in trust by Park, Weinstein & Caporrino.

WHEREAS, one IWC “DaVinci” Perpetual Calendar/Moonphase/Chronograph Kurt Klaus Limited Edition watch, IW3762-04, Serial No. 3437866, with black alligator strap, could not be located at the time law enforcement executed the seizure warrants;

WHEREAS, the following specific properties were forfeited by the FBI in administrative forfeiture proceedings:

(a) The following forfeitable vehicles:

- (i) One 2012 Silver Bentley Continental, VIN: SCBFR7ZA4CC073091, New Jersey License No. BB73GE, Registered Owner Bobby W. Boye;
- (ii) One 2012 Black Range Rover, VIN: SALMF1E41CA387702, New Jersey License No. A11CHT, Registered Owner Bobby W. Boye;
- (iii) One 2011 Rolls Royce, VIN: SCA664S56BUX49882, New Jersey License No. BB81GE, Registered Owner Bobby W. Boye;

(b) One Frank Muller “Conquistador Grand Prix” watch, model 8900 SC GP, Serial No. 53, with black alligator strap;

(c) Stock Certificate No. B-1 for 301,350 Shares of Herbal Water, Inc. held by Opus & Best LLC; <sup>2</sup> and

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”), pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), imposing upon the defendant a money judgment in the amount of \$4,233,015.42 representing

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<sup>2</sup> This asset, while not identified in the plea agreement, was seized pursuant to a seizure warrant issued in the District of New Jersey on or about June 20, 2014.

the amount of proceeds obtained as a result of the offense of conviction (the “Money Judgment”), at which time the money judgment portion of the forfeiture 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 certain specific properties, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c);

- (a) All of the defendant’s right, title and interest in the following property, which was seized or restrained on or about June 19, 2014, 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 456370399, 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
  
- (b) 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”),<sup>3</sup>

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

WHEREAS, subsequent to the entry of the Preliminary Order, the approximately \$8,408 in United States currency seized from the defendant on or about June 19, 2014 was forfeited in an administrative forfeiture 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](http://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;

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<sup>3</sup> As detailed below, 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 street address of 140 Grove Street, Elizabeth, New Jersey now known as 142-144 Grove Street.

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 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) (the “Corrected Preliminary Order”) correcting the 140 Grove Street, Elizabeth, New Jersey address by adding now known as 142-144 Grove Street to the property’s description. The Corrected Preliminary Order also provides that the Preliminary Order remains in full force and effect in all other respects and is incorporated into the Corrected Preliminary Order;

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) (the “Petition”), asserting an interest in the Ramsey property;

WHEREAS, on or about June 16, 2016, the United States and Crescent Hollow Condominium Association, Inc. (the “Association”), through their counsel, entered into a Stipulation and Order of Settlement pursuant to 21

U.S.C. §§ 853(i)(2) and (n) Crescent Hollow Condominium Association, Inc. (25 Crescent Hollow Court, Ramsey, New Jersey) (the “Stipulation”);

WHEREAS, pursuant to the Stipulation the Association withdrew its Petition and the United States agreed that upon the sale of the Ramsey property the United States would, *inter alia*, reimburse the Association for: (a) the unpaid common area charges for the property from the date of non-payment to the date of closing pursuant to the Master Deed and Bylaws of the Association; (b) reasonable costs incurred by the Association, after the application of insurance proceeds, in connection with damage the Ramsey property sustained on or about February 27, 2015, including but not limited to the remediation of water damage to prevent the growth of mold; (c) with the prior approval of the United States (except in the case of emergency), reasonable costs incurred by the Association, after the application of insurance proceeds (if applicable), in connection with other repairs necessary to market and sell the property; (d) reimbursement for attorney’s fees and costs paid to Donald M. Onorato, Eq., in the amount of \$1,858.50; and (e) reimbursement for attorney fees and costs paid to Riker Danzig in the amount of \$20,000;

WHEREAS, the Stipulation further states that payment to the Association shall be in full settlement and satisfaction of all claims by the Association arising from and relating to the seizure, detention, and forfeiture of the property;

WHEREAS, on or about April 26, 2017, copies of the Corrected Preliminary Order and the Notice of Forfeiture were sent by certified mail to



Public Tax Investments, P.O. Box 1030, Brick, New Jersey 08723, and TWR A/C/F Ebury Fund 1, NJ, LLC, P.O. Box 37695, Baltimore, Maryland 21297.

The notices were delivered on April 28 and April 29, 2017 respectively;

WHEREAS, on or about April 26, 2017, the Court entered a First Final Order of Forfeiture (as to Certain Specific Properties) forfeiting all right, title and interest in the following properties 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").

WHEREAS, on or about May 4, 2017, Public Tax Investments, LLC, through counsel, Anthony L. Velasquez, Esq., filed a Notice of Petition regarding a Tax Sale Certificate purchased against the Elizabeth property;

WHEREAS, the United States subsequently determined not to pursue the Elizabeth property due to lack of equity and has submitted a Release of Lis Pendens to be recorded with the Union County New Jersey Clerk's Office; <sup>4</sup>

WHEREAS, on or about June 1, 2017, copies of the Corrected Preliminary Order and the Notice of Forfeiture were sent by Federal Express to

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<sup>4</sup> On or about August 14, 2017, the Court entered a Partial Vacatur of Corrected Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to Defendant).

US Bank, Custodian for BV Trust 2015-1, c/o BlueVirgo Capital Management, LLC at the following addresses: (1) 50 South 16<sup>th</sup> Street, Suite 206, Philadelphia, Pennsylvania 19102; and (2) 164 Mason Street, Floor 2, South, Greenwich, Connecticut 06830. The cover letter stated that a petition asserting an interest in the Forfeited Specific Property had to be filed no later than 35 days of the date of the cover letter. The letter and enclosures were delivered at both locations on or about June 2, 2017;

WHEREAS, on or about June 23, 2017, US Bank, Custodian for BV Trust 2015-1 (“US Bank”), through counsel Robert A. Del Vecchio, Esq., filed a Petition for Hearing regarding a Tax Sale Certificate against the North Haledon property;

WHEREAS, on this date, the Government and US Bank, Custodian for BV Trust 2015-1, entered into a Stipulation and Consent Amendment to First Final Order of Forfeiture therein resolving the interest of US Bank, Custodian for BV Trust 2015-1, in the North Haledon property;

WHEREAS, on or about July 18, 2017, copies of the Corrected Preliminary Order and the Notice of Forfeiture were sent by Federal Express and/or Certified Mail, Return Receipt Requested to:

- (a) Opus & Best, LLC, 3515 84th Street, Apt. 2H, Jackson Heights, NY 11372-5339
- (b) Opus & Best, LLC, 720 Apple Ridge Road, Franklin Lakes, New Jersey 07417
- (c) Opus & Best, LLC, c/o Bobby Boye, 1224 Richmond Rd., Mahwah, New Jersey 07430
- (d) Opus & Best, LLC, 100 Park Avenue, New York, NY 10017-5516,

(e) Opus & Best, LLC, c/o Bobby Boye, Register No. 66733-050, Fort Dix FCI, Housing Unit Camp, P.O Box 2000, Fort Dix, New Jersey 08640;

WHEREAS, all of the notices identified in the preceding paragraph as items (a) through (d) were returned as undeliverable, however item (e) was delivered on or about July 21, 2017;

WHEREAS, no further petition was filed or made in this action as to the Ramsey property, no other party, has appeared to contest the action as to the Ramsey property to date, and the statutory time periods in which to do so have expired;

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 property is hereby forfeited to the United States of America for disposition according to law:

The real property known as 25 Crescent Hollow Court, Ramsey, New Jersey 07446, and more particularly described as Block 5303, Lot 1, Assessor's Parcel No. 48-05303-0000-00001, being the same property that was described in a grant deed recorded in Book 1359, Page 785, including all appurtenances and improvements thereon,

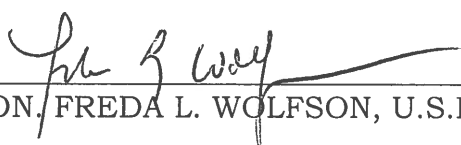
(hereinafter the "Forfeited Property").

2. Any forfeited money and the net proceeds derived from the sale of the Forfeited Property shall be distributed as set forth in the Stipulation and Order of Settlement pursuant to 21 U.S.C. §§ 853(i)(2) and (n) Crescent Hollow Condominium Association, Inc. (25 Crescent Hollow Court, Ramsey, New Jersey, entered by this Court on or about June 16, 2016, with the balance of the net proceeds, if any, to be applied to the Money Judgment imposed upon the defendant in accordance with the 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 10<sup>th</sup> day of October, 2017.

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