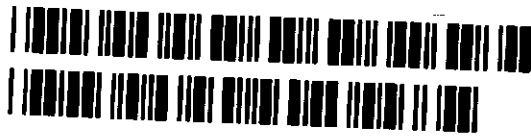


The Hon. Ricardo S. Martinez



12-CR-00070-INFO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN J. CHIU,

Defendant.

NO. CR12-070RSM

AGREED PRELIMINARY  
ORDER OF FORFEITURE

Pursuant to Rule 32.2 Federal Rules of Criminal Procedure and based upon the guilty plea of Allen J. Chiu to Wire Fraud, as charged in Count 1 of the Information, in violation of Title 18, United States Code, Section 1343; upon the plea agreement filed in this matter between Allen J. Chiu and the United States, in which the defendant agreed to the forfeiture of all property, real or personal, constituting, or derived from, any proceeds traceable to the Defendant's offense as charged in Count 1 of the Information; and, the stipulation of the parties contained herein; it is hereby:

ORDERED, ADJUDGED and DECREED that pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), Allen J. Chiu's interest in the following properties is hereby forfeited to the United States of America:

1. A money judgment in the amount of \$652,870, that represents proceeds obtained as a result of the offense charged in Count 1 of the Information; and
2. \$306,277.76, more or less, in U.S. funds, seized from Vanguard Brokerage Services Account Number XXXX5899, held in the name of Allen J. Chiu.

1 WHEREAS, Rule 32.2(c)(1) provides that “no ancillary proceeding is required to  
2 the extent that the forfeiture consists of a money judgment,” this Preliminary Order of  
3 Forfeiture shall be the final order of forfeiture with respect to property #1.

4 IT IS FURTHER ORDERED that the United States may, at any time, move  
5 pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property having a  
6 value not to exceed six hundred fifty two thousand, eight hundred seventy dollars  
7 (\$652,870.00) to satisfy the money judgment in whole or in part.

8 IT IS FURTHER ORDERED that the United States Marshals Service shall seize  
9 property #2, and maintain such seized property in its custody and control until further  
10 order of this Court, or until this Order becomes final pursuant to Federal Rule of Criminal  
11 Procedure 32.2(c)(2).

12 IT IS FURTHER ORDERED that pursuant to Title 21, United States Code,  
13 Section 853(n), the United States shall publish notice of the Preliminary Order of  
14 Forfeiture and of the intent of the United States to dispose of property #2 in accordance  
15 with law. The notice shall be posted on an official government website and run for at  
16 least thirty (30) days. The notice shall state that any person, other than the defendant,  
17 having or claiming a legal interest in any of the above-described properties must file a  
18 petition with the Court within sixty (60) days of the first day of publication of notice on  
19 an official internet government forfeiture website, currently [www.forfeiture.gov](http://www.forfeiture.gov), or  
20 within thirty-five (35) days of receipt of actual notice, whichever is earlier.

21 The notice shall advise such interested persons that: 1) the petition shall be for a  
22 hearing to adjudicate the validity of the petitioner’s alleged interest in the above-  
23 described properties; 2) the petition shall be signed by the petitioner under penalty of  
24 perjury; and 3) the petition shall set forth the nature and extent of the petitioner’s right,  
25 title or interest in the forfeited properties. The petition shall also set forth any additional  
26 facts supporting the petitioner’s claim and the relief sought.

27 The United States shall also, to the extent possible, provide direct written notice as  
28 a substitute for published notice to any person known to have an alleged interest in the

1 above-described property #2 that is the subject of this Preliminary Order of Forfeiture.  
2 Upon adjudication of any third-party claims, this Court will enter a Final Order of  
3 Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all such  
4 claims will be addressed.

5 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(4), Federal Rules of  
6 Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the  
7 defendant at the time of sentencing and shall be made part of the sentence and included in  
8 the judgment. Based upon the Plea Agreement, the guilty plea entered by the defendant,  
9 and the stipulation contained herein, the Court finds that the defendant had an interest in  
10 the forfeited properties. If no third party files a timely claim, this Order shall become the  
11 Final Order of Forfeiture as provided by Rule 32.2(c)(2), Federal Rules of Criminal  
12 Procedure.

13 IT IS FURTHER ORDERED that after the disposition of any motion filed under  
14 Rule 32.2(c)(1)(A), Federal Rules of Criminal Procedure and before a hearing on any  
15 third party petition, discovery may be conducted in accordance with the Federal Rules of  
16 Civil Procedure upon a showing that such discovery is necessary or desirable to resolve  
17 factual issues.

18 IT IS FURTHER ORDERED that the United States shall have clear title to the  
19 above-described properties following the Court's disposition of all third party interests,  
20 or, if none, following the expiration of the period provided in Title 21, United States  
21 Code, Section 853(n) for the filing of third party petitions.

22 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this  
23 Order, and to amend it as necessary, pursuant to Rule 32.2(e), Federal Rules of Criminal  
24 Procedure.

25 DATED this 10<sup>th</sup> day of August, 2012.

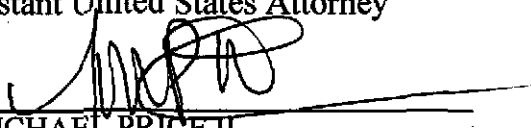
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RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

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Presented by and stipulated to by:

  
KATHERYN K. FRIERSON  
Assistant United States Attorney

/s/ Francis Franze-Nakamura  
FRANCIS FRANZE-NAKAMURA  
Assistant United States Attorney

  
J. MICHAEL PRICE II  
Attorney for Defendant

  
ALLEN J. CHIU  
Defendant