

2022-000933

Klamath County, Oregon

01/24/2022 03:19:01 PM

Fee: \$137.00

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

6:21-cr-00198-MC

v.

**FINAL ORDER OF FORFEITURE
Fed. R. Crim. P. 32.2(c)(2)**

ANDREW AARON LLOYD,

Defendant.

On June 18, 2021, this Court entered a Preliminary Order of Forfeiture, ordering defendant Andrew Lloyd to forfeit all of his right, title, and interest in the assets contained in that Order. (ECF No. 27).

Pursuant to 21 U.S.C. § 853(n), third parties asserting a legal interest in the above-described forfeited property are entitled to a judicial determination of the validity of the legal claims or interests they assert.

Notice of this criminal forfeiture was published on the official government internet site (www.forfeiture.gov) for thirty consecutive days beginning on September 1, 2021. It stated the intent of the United States to dispose of the property in accordance with the law and notified all third parties of their right to petition the Court within sixty days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Final Order of Forfeiture

Page 1

On August 2, 2021, the defendant in this criminal case was notified by ECF of the Notice of Forfeiture. Notice of this criminal forfeiture was mailed, certified return receipt requested to the following parties. Many of these notices were returned undeliverable, which, for certified mail, may indicate the addressee did not sign for the document or pick up the letter from the post office.

Date Notice Sent	Mailed to	Address Sent	Property Involved	Delivered
August 2, 2021	Amy Nay, Trustee of the Bly Family Trust	61245 Protsman Street, Bly, Oregon 97622.	61245 Protsman Street, Bly, Oregon	Undeliverable – September 14, 2021
August 2, 2021	Amy Nay, Trustee of the Henwas Family Trust	18528 Henwas Loop, Bly, Oregon 97622.	18528 Henwas Loop, Bly, Oregon	Undeliverable – September 14, 2021
August 2, 2021	Amy Nay, Trustee of the Martin Family Trust	340 Martin Street, Klamath Falls, Oregon 97601.	340 Martin Street, Klamath Falls, Oregon	Undeliverable – August 11, 2021
August 2, 2021	Amy Nay, Trustee of the Martin Family Trust	349 Martin Street, Klamath Falls, Oregon 97601	349 Martin Street, Klamath Falls, Oregon	Undeliverable
August 2, 2021	Amy Nay, Trustee of the Etna Family Trust	2047 Etna Street, Klamath Falls, Oregon 97603.	2047 Etna Street, Klamath Falls, Oregon	Undeliverable
August 2, 2021	Amy Nay, Trustee of the Kerns Family Trust	9728 Ben Kerns Road, Klamath Falls, Oregon 97601	9728 Ben Kerns Road, Klamath Falls, Oregon	Undeliverable – September 24, 2021
August 2, 2021	Nancy Galbraith, Trustee of the Southwest Family Trust	2130 Southwest Boulevard, Coos Bay, Oregon 97420	2130 Southwest Boulevard, Coos Bay, Oregon	Undeliverable – August 11, 2021
August 2, 2021	Nancy Galbraith, Trustee of the	362 N. Elliott Street, Coquille, Oregon 97423	362 N. Elliott Street, Coquille, Oregon	Undeliverable – August 19, 2021

	Elliott Family Trust			
August 2, 2021	Myrtle Point Trust	644 8th Street, Myrtle Point, Oregon 97458	644 8th Street, Myrtle Point, Oregon	Undeliverable – August 20, 2021
August 2, 2021	Oregon Development Partners, Inc.	440 3rd Court, Coos Bay, Oregon 97420	440 3rd Court, Coos Bay, Oregon	Undeliverable – August 9, 2021
August 2, 2021	Amy Nay, Trustee of the Dorris Estate Trust	421 E. First Street, Dorris, California, 96023	421 E. First Street, Dorris, California	Undeliverable – August 20, 2021
August 2, 2021	Cornutt Estate Trust	997 Cornutt Street, Myrtle Creek, Oregon 97457	997 Cornutt Street, Myrtle Creek, Oregon	Undeliverable – September 7, 2021
August 2, 2021	Nancy Galbriath, Trustee of the Mill Estate Trust	205 SE Mill Street, Myrtle Creek, Oregon 97457	205 SE Mill Street, Myrtle Creek, Oregon	Undeliverable – August 9, 2021
August 2, 2021	Nancy Galbraith, Trustee of the Mill Estate Trust	150 SE Mill Street, Myrtle Creek, Oregon 97457	150 SE Mill Street, Myrtle Creek, Oregon	Undeliverable – August 9, 2021
August 2, 2021	Christopher Lloyd	191 W. Second Avenue, Sutherlin, Oregon 97479	191 W. Second Avenue, Sutherlin, Oregon	Undeliverable
August 2, 2021	Myrtle Holdings Corporation, an Oregon Corporation	173 E. Everett Avenue, Sutherlin, Oregon 97479	173 E. Everett Avenue, Sutherlin, Oregon	Undeliverable – August 9, 2021
August 2, 2021	Amy Nay, Trustee of the Adams Estate Trust	226 Adams Street, Myrtle Creek, Oregon 97457	226 Adams Street, Myrtle Creek, Oregon	Undeliverable – November 4, 2021
August 2, 2021	Amy Nay, Trustee of the Mill Estate Trust	195 SE Mill Street, Myrtle Creek, Oregon 97457	195 SE Mill Street, Myrtle Creek, Oregon	Undeliverable – August 11, 2021
August 2, 2021	Amy Nay, Trustee of the Strong Family	1303 SE Strong Avenue, Roseburg, Oregon 97470	1303 SE Strong Avenue, Roseburg,	Undeliverable

	Trust		Oregon	
August 2, 2021	Myrtle Holdings Corporation, an Oregon Corporation	177 NW 6th Street, Toledo, Oregon 97391	177 NW 6th Street, Toledo, Oregon	Delivered – August 5, 2021 at 11:34 am
August 2, 2021	Amy Nay, Trustee of the Slope Family Trust	513 SE East Slope Road, Toledo, Oregon 97391	513 SE East Slope Road, Toledo, Oregon	Undeliverable – August 26, 2021
August 2, 2021	Oregon Investment Partners, Inc.	The address on the mailer indicated 876 NE Highway 20, Toledo, Oregon 97391	876 NE Highway 20, Toledo, Oregon	Delivered – August 16, 2021 at 1:10 pm
August 2, 2021	Brad Daniels, counsel for Charles Schwab	Brad S. Daniels, Stoel Rives, LLP, 760 SW Ninth Avenue, Suite 3000, Portland, OR 97205	Securities and funds	Delivered
August 2, 2021	L. Scott Oliver, counsel for E*Trade	L. Scott Oliver, Greenberg Traurig, LLP, 1900 University Avenue, 5 th Floor, East Palo Alto, CA 94303, also via email at soliver@gtlaw.com	Securities and funds	Delivered
December 10, 2021	Amy Nay, Trustee of Adams Estate Trust, Bly Family Trust, Dorris Estate Trust, Etna Family Trust, Henwas Family Trust, Kerns Family Trust, Martin Family Trust, Mill Estate Trust, Slope Family Trust, and the	40394 Hilltop Drive, Lebanon, Oregon 97355	Multiple real properties	Delivered – December 28, 2021 at 11:19 am

	Strong Family Trust			
December 10, 2021	Nancy Galbraith, Trustee of Elliott Family Trust and the Southwest Family Trust	40394 Hilltop Drive, Lebanon, Oregon 97355	Multiple real properties	Delivered – December 28, 2021
December 10, 2021	Christopher Lloyd	40394 Hilltop Drive, Lebanon, Oregon 97355	191 W. Second Avenue, Sutherlin, Oregon	Delivered – December 28, 2021
December 10, 2021	Cornutt Estate Trust,	1115 Madison Street, Salem, Oregon 97301	997 Cornutt Street, Myrtle Creek, Oregon	Undeliverable
December 10, 2021	Home Development Partners	3714 Long Street, Sweethome, Oregon 97386	Multiple real properties	Delivered – December 28, 2021
December 10, 2021	Nancy Galbraith, Trustee of Mill Estate Trust	3714 Long Street, Sweethome, Oregon 97386	Multiple real properties	Delivered – December 28, 2021
December 10, 2021	Myrtle Holdings Corporation	1115 Madison Street, Salem, Oregon 97301	Multiple real properties	Undeliverable
December 10, 2021	Myrtle Point Trust	40394 Hilltop Drive, Lebanon, Oregon 97355	644 8th Street, Myrtle Point, Oregon	Delivered – December 28, 2021
December 10, 2021	Oregon Investment Partners	40394 Hilltop Drive, Lebanon, Oregon 97355	876 NE Highway 20, Toledo, Oregon	Delivered – December 28, 2021
December 10, 2021	Oregon Investment Partners	3714 Long Street, Sweethome, Oregon 97386.	876 NE Highway 20, Toledo, Oregon	Delivered – December 28, 2021

On January 3, 2022, Settlement Agreements between the United States and E*TRADE and Charles Schwab as to the securities were filed. The United States agrees that upon sale of the securities, the United States will pay to E*TRADE and Charles Schwab from the proceeds of sale the sums agreed upon in the Settlement Agreements.

The Court finds that defendant had an interest in the above-described property that is subject to forfeiture pursuant to 18 U.S.C. §§ 982(a)(2), and 982(a)(1).

IT IS HEREBY ORDERED AND ADJUDGED that pursuant to 18 U.S.C. §§ 982(a)(2), and 982(a)(1), all right, title, and interest to the below-described properties are hereby forfeited and vested in the United States of America, free and clear of the claims of any person, including defendant Andrew Lloyd:

- All securities and funds held in Fidelity Account xx7802;
- Securities and funds held in Charles Schwab Account xx4724, further described as:
 - 140 shares of Square Inc (SQ);
 - 15,450 shares of Tesla Inc (TSLA);
 - 500 Shares of 2U Inc (TWOU);
 - 900 shares of Aberdeen Standard Silver ETF (SIVR);
 - 510 shares of Ark Innovation ETF (ARKK);
 - All uninvested funds held in the account; and

22 Real Properties, further described below:

1. 61245 Protsman Street, Bly, Oregon, 97622

Legal description: Lot 6 in Block 13 of First Addition to Bly according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. 18528 Henwas Loop, Bly, Oregon, 97622

Legal description: Lot 8, Block 6, First Addition to Bley-Was Heights, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

3. 440 3rd Court, Coos Bay, Oregon, 97420

Legal description: Lot 25, 26 and 27, Block 45, Town of East Marshfield, Coos County, Oregon.

4. 2130 Southwest Blvd, Coos Bay, Oregon, 97420

Legal description: That part of Lots 2,3 and 4, Block 27, First Addition to Marshfield, Coos County, As Described as Follows:

Beginning at the Northeast Corner of Lot 2, Block 27, First Addition to the City of Marshfield, Coos County, Oregon, Thence South Along the East Line of Said Lot 2 a Distance of 120 Feet to the Southeast Corner of Said Lot 2; Thence West Along the South Line of Lots 2,3 and 4 of Block 27, A Distance of 128 Feet, More or Less, to the

East Line of the County Road; Thence North 43 Degrees 41' East a Distance of 165.6 Feet, More or Less, to the North Line of Block 27; Thence East a Distance of 13.6 Feet, More or Less, to the Place of Beginning.

Lots 22,23 and 24, Block 27, First Addition to Marshfield, Coos County, Oregon, Filed September 1, 1911 in Book 4, Page 18, Plat Records of Coos County, Oregon.

5. 362 N. Elliott Street, Coquille, Oregon, 97423

Legal description: Lot 3 and North 9 Feet of Lot 4, Block 49, Coquille City, Elliott's Addition, Coos County, Oregon. Together With That Portion of Vacated Elliott Street, Which Was Vacated by Ordinance No. 135, Recorded August 14, 1922 IN Book 69, Page 464, Records of Coos County, Oregon, Which Would Inure Thereto by Reason of the Vacation Thereof.

6. 421 E. First Street, Dorris, California, 96023

Legal description: The following described property in the City of Dorris, County of Siskiyou, State of California:

PARCEL: I

All that portion of the Southwest quarter of Section 30, Township 48 North, Range 1 East, M.D.M., more particularly described as: Beginning at the Southeast corner of the said Southwest quarter of Section 30; thence West along the Section line common to Sections 30 and 31 of said township and Range, a distance of 165.00 feet; thence North 2640.00 feet parallel to the North-South center line of the said Section 30 to the point of intersection with the North boundary of the said Southwest quarter; thence East along said boundary, a distance of 165.00 feet to the point on intersection with the North-South center line of the said Section 30; thence South 2640.00 feet along said North-South center line to the point of beginning.

Excepting Therefrom all that portion lying within U.S. Highway 97. Also Excepting Therefrom all that portion lying within the Southern Pacific Transportation Company Railroad right of way.

PARCEL: II

All that portion of the Southeast quarter of the Southwest quarter of Section 30, Township 48 North, Range 1 East, M.D.M., more particularly described as: Beginning at a point on the Southerly Section line of the said Section 30 which bears West along said Section line, a distance of 165.00 feet from the Southeast corner of the said Southwest quarter of Section 30; thence West, along said Section line a distance of 140.00 feet; thence North, parallel to the North-South center line of the said Section 30, a distance of 622.30 feet; thence East parallel to the South line of said Section, a distance of 140.00 feet; thence South, parallel to the North-South center line of said Section 30, a distance of 622.30 feet to the point of beginning.

Excepting Therefrom all that portion lying within U.S. Highway 97.

PARCEL: III

All that portion of the Southeast quarter of the Southwest quarter of Section 30, Township 48 North, Range 1 East, M.D.M., more particularly described as: Beginning at a point on the Southerly Section line of the said Section 30 which bears West along said Section line, a distance of 305.00 feet from the Southeast corner of the said Southwest quarter of Section 30; thence West along said Section line, a distance of 25.00 feet; thence North parallel to the North-South center line of said Section 30, to the point of intersection with the South Easterly boundary of the Southern Pacific Transportation Company railroad right of way; thence Northeasterly along said boundary to a point which bears North from the point of beginning; thence South parallel to the North-South center line of said Section 30 to the point of beginning.
Excepting Therefrom all that portion lying within U.S. Highway 97.

PARCEL: IV

All that portion of the East half of the Southwest quarter of Section 30, Township 48 North, Range 1 East, M.D.M., described as: Beginning at the quarter corner common to Sections 30 and 31, Township 48 North, Range 1 East, M.D.M., thence West 10 rods; thence North 622.3 feet to the true point of beginning; thence West 140.0 feet, thence North 2017.7 feet to the North line of the Southwest quarter of said section 30; thence east 140.0 feet to a point 10 rods West to the Northeast corner of the Southwest Quarter of said Section 30; thence South 2017.7 feet to the true point of beginning.
Saving and excepting therefrom all that portion of the above described property lying within the right of way of the Central Pacific Railroad.

7. 340 Martin Street, Klamath Falls, Oregon, 97601

Legal description: Lot 49, Block 18, Industrial Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

8. 349 Martin Street, Klamath Falls, Oregon, 97601

Legal description: All that portion of Lots 5 and 6, Block 21, Industrial Addition to the City of Klamath Falls, Oregon, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at the most Southerly corner of Lot 5 in said Block 21; thence Northwesterly along the Northeasterly line of Martin Street, a distance of 50 feet to the most Westerly corner of Lot 6 in said Block 21; thence Northeasterly along the line between Lots 6 and 7 in said Block a distance of 50 feet; thence Southeasterly parallel with Martin Street, a distance of 50 feet; thence Southwesterly along the line between Lots 5 and 6 in said Block a distance of 50 feet to the point of beginning.

9. 2047 Etna Street, Klamath Falls, Oregon, 97603

Legal description: Lot 4 in Block 4 of Pleasant View Tracts, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

10. 9728 Ben Kerns Road, Klamath Falls, Oregon, 97601

Legal description: Lot 14 in Block 18, Second Addition to Klamath River Acres, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

11. 226 Adams Street, Myrtle Creek, Oregon, 97457

Legal Description: The East 90 feet of Lot 11, Weeks Tract, Douglas County, Oregon.

12. 997 Cornutt Street, Myrtle Creek, Oregon, 97457

Legal Description: Lot 8, Second Addition to Briggs Acres, Douglas County, Oregon.

13. 195 SE Mill Street, Myrtle Creek, Oregon, 97457

Legal Description: Lot 13, Block 2, P.R. Weaver Second Subdivision to the Town of Myrtle Creek, County of Douglas, State of Oregon.

14. 205 SE Mill Street, Myrtle Creek, Oregon, 97457

Legal Description: Lot 12, Block 2, P.R. Weaver 2nd Subdivision to the City of Myrtle Creek, Douglas County, Oregon.

15. 644 8th Street, Myrtle Point, Oregon, 97458

Legal Description: Lot 2, Block 2, Smith's Addition to Myrtle Point, in the City of Myrtle Point, Coos County, Oregon. Except the North 4 1/3 feet heretofore conveyed by deed recorded in Book 187, Page 429, Deed Records of Coos County, Oregon.

16. 173 E. Everett Avenue, Sutherlin, Oregon, 97479

Legal Description: Lots 23, 24, 25, and 26 in Block 30, Amended Plat of the Townsite of Sutherlin, Douglas County, Oregon.

17. 191 W. Second Ave, Sutherlin, Oregon, 97479

Legal Description: Lots 30, 31 and 32, Block 16, of the Amended Plat of the Townsite of Sutherlin, Douglas County, Oregon.

Excepting therefrom, the Easterly 19 feet of Lot 30, Block 16, Amended Plat of the Townsite of Sutherlin, Douglas County, Oregon.

18. 177 NW 6th Street, Toledo, Oregon, 97391

Legal Description: Lots 5 and 6 and the East half of Lot 7 in Block 24 of Graham's Fourth Addition to Toledo, now known as Graham's 5th Addition to Toledo, in the City of Toledo, County of Lincoln and State of Oregon; Also the North 20 feet of the East 40 feet of Lot 13 and the North 20 feet of Lot 14, Block 24, Graham's Fourth Addition to Toledo, now known as Graham's 5th Addition to Toledo, in the City of Toledo, County of Lincoln and State of Oregon.

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19. 513 SE East Slope Road, Toledo, Oregon, 97391

Legal Description: The Part 2 of Partition Plat No. 1993-40, in the City of Toledo, Lincoln County, Oregon, filed for record August 31, 1995 in the Lincoln County Plat Records.

20. 876 NE Highway 20, Toledo, Oregon, 97391

Legal Description: Beginning at a point on the West line of the Jordan tract described in deed recorded in Book 147, page 341, Deed Records and on the North line of the Goakey tract described in deed recorded in Book 149, page 335, Deed Records, said point being North 00 degree 05' East 965 feet and North 88 degrees West 210 feet from the quarter section corner on the South line of Section 8, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon; thence North 00 degrees 05' East along the West line of said Jordan tract and the West line of the Schaffer tract described in deed recorded in Book 119, page 360, Deed Records, 150 feet to the South line of the Schaffer tract described in deed recorded in Book 110, page 447, Deed Records; thence North 88 degrees West along the South line of said Schaffer tract (Book 110, page 447, Deed Records) and the South line of the Renner tract described in deed recorded in Book 154, page 379, Deed Records and the South line of the Moore tract described in deed recorded in Book 160, page 271, Deed Records, a distance of 300 feet; thence South 7 degrees 58' West 151.5 feet to the North line of the Hazel Fay tract described in deed recorded in Book 89, page 238, Deed Records; thence South 88 degrees East along the North line of said Fay tract and the North line of the Johansen tract described in deed recorded in Book 14, page 356, Deed Records, and the North line of aforementioned Goakey 321 feet more or less, to the point of beginning, in the City of Toledo, County of Lincoln, State of Oregon, excepting any portion lying within US. Highway 20.

21. 150 SE Mill Street, Myrtle Creek, Oregon, 97457

Legal Description: Lots 3 and 4, Block 3, P.R. Weaver 2nd Subdivision to the City of Myrtle Creek, Douglas County, Oregon.

22. 1303 SE Strong Avenue, Roseburg, Oregon, 97470

Legal Description: Lots 6 and 7, Block 20, Miller's Addition to the City of Roseburg, Douglas County, Oregon.

The IRS shall record a copy of this Final Order of Forfeiture in the property records of each respective county. This order, when recorded, shall be notice to any potential transferee of the right, title, and interest of the United States of America.

The United States Government is directed to dispose of the property in accordance with the law. The IRS is directed to sell the real property listed above. All forfeited funds, including

any income derived as a result of the IRS's management of the property and the proceeds from the sale of the property, after the payment of costs and expenses incurred in connection with the forfeiture, sale, and disposition of the forfeited property, shall be deposited forthwith in the United States Treasury Asset Forfeiture Fund in accordance with 28 U.S.C. § 524 (c) and 21 U.S.C. § 881(e).

Any occupants of the Forfeitable Property are hereby ordered to vacate the premises within 30 days of receiving notice of this order from the United States of America or any of its agencies or departments. If any such occupants fail to vacate the Forfeitable Property by the aforementioned deadline, the United States of America (via the United States Marshals Service or other United States agency or department) may remove them and their belongings from the Forfeitable Property without further order of the Court.

United States Marshal Service is directed to transfer custody of the funds and securities to the Attorney General of the United States for disposition in accordance with the law.

Because these assets are traceable criminal proceeds, ownership of these assets, under the relation back doctrine, vested with the government at the time of the offense. Because these assets are property of the United States, no tax withholding is required or allowed for the liquidation of these assets. Some of the forfeited securities are presently held with the brokerage Charles Schwab & Co., Inc. Schwab will follow any specific instructions related to the liquidation relayed by the United States, or otherwise follow its standard process for liquidation and required tax reporting, including the reporting of the cost basis of, and the capital gains or losses incurred, for any liquidation of securities.

The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

IT IS SO ORDERED this 18th day of January 2022.

s/Michael J. McShane

HONORABLE MICHAEL McSHANE
United States District Court Judge

Respectfully submitted,

SCOTT ERIK ASPHAUG
United States Attorney

s/ Gavin W. Bruce

GAVIN W. BRUCE, OSB #113384
Assistant United States Attorney



Certified to be a true and correct
copy of original filed in this District

Dated: 01/24/2022

MELISSA AUBIN, Clerk of Court
U.S. District Court of Oregon

By: s/E Toles

Pages 1 Through 12