

**SECTION I: ASSET AND SALE INFORMATION**

1. Contractor/Listing Agent Name:		2. Phone:
3. Auction/Sale/Real Property Contract Date:	4. Auction/Sale Location:	
5. Asset Identification Number/Item Number:		6. Sale Price:
<input type="checkbox"/> Personal Property Identification Number: (VIN, HIN, Tail No., Serial No.)  Asset Description:		
<input type="checkbox"/> Real Property Address: Parcel No.:		
<input type="checkbox"/> Complex Asset Item/Asset Information:		

**SECTION II: "AS IS, WHERE IS" DISCLAIMER AND PROHIBITED PARTIES STATEMENT**

***All Property is Subject to - "As Is, Where Is" Disclaimer:***

All property items will be sold with no warranty or guarantee whatsoever. All items are to be purchased exactly as they appear at auction/sale. They will be sold based on their appearance only. "As is" is a disclaimer of warranties or representations. "Where is" denotes that the buyer takes the property as found and must remove it from the point of sale.

***All Buyers Must Read and Acknowledge - Prohibited Parties Statement:***

**USMS Policy Directive 13.7, Persons Prohibited from Purchasing Forfeited Property** stipulates that certain individuals are prohibited from purchasing forfeited property in the Department of Justice (DOJ) Asset Forfeiture Program, directly or indirectly (through another person or agent) and are therefore barred from placing bids to buy such property:

- U.S. Department of Justice employees, including U.S. Marshals Service employees, except as further restricted below;
- U.S. Marshals Service employees directly involved with the Asset Forfeiture Program, and their immediate family members;
- Contractors, sub-contractors and the employees of contractors and sub-contractors of the Asset Forfeiture Division, U.S. Marshals Service, who provide contract/management services for personal and real properties and complex assets, including, but not limited to, any person who has received compensation, directly or indirectly, from the Government in connection with the custody, management, and care of the assets;
- Defendants in a Criminal Case - Titles 18 U.S.C. Section 1963(f) and 21 U.S.C. Section 853(h) of the Comprehensive Crime Control Act of 1984 prohibits the United States Government from reverting to a defendant or any defendant's conviction on charges, or violations of 18 U.S.C. Section 1962 or 21 U.S.C. Section 841 et seq;
- As a matter of policy, the USMS extends the purchase restrictions of a criminal case to any person whose conduct gave rise to a civil forfeiture of the property or to anyone acting in concert with or on behalf of, such a person. This general prohibition may be lifted in civil forfeiture actions on a case by case basis due to extenuating circumstances, as determined by AFD and the relevant United States Attorney's Office (USAO), with concurrence of the Ethics Officer, Office of General Counsel (OGC);
- Other Third Parties - other governmental and non-governmental employees who are, directly or indirectly, involved in the Asset Forfeiture and DOJ Equitable Sharing Programs; and
- Anyone acting in concert with or on behalf of any of the above persons.

In order to make an offer to purchase property subject to this sale, the offeror shall check one of the following boxes:

- ☐ The offeror warrants that he/she is not: (a) an employee of the USDOJ; (b) an employee of any Federal, State, or Local Governmental Agency which participated in investigations that led to the forfeiture of property to the United States subject to this sale; (c) an employee of any contractor or subcontractor whose contract or subcontract provides goods or services to the USDOJ's Asset Forfeiture Program; (d) an agent or member of the immediate family/household of any employee described in (b), (d), or (e) above.
- ☐ Any offeror who is an employee of the USDOJ warrants that he/she has complied with the provisions of 5 CFR 3801.104(a), and shall provide as part of his/her offer a copy of the written determination by the Agency designee required by 5 CFR 3801.104(a).

**SECTION III: JUDICIAL FORFEITURE ACTIONS****Criminal Forfeitures****All Buyers Must Read and Acknowledge - Buyer's Certification**

Title 18 U.S.C. Section 1963(g) and 21 U.S.C. Section 853(h) of the Comprehensive Crime Control Act of 1984, prohibits the United States Government from reverting forfeited property to the defendant(s) convicted of violation under 18 U.S.C. Section 1962 nor 21 U.S.C. Section 841 et seq., or any person acting in concert with or on behalf of such defendant(s). To ensure compliance with the prohibition, you are required to certify that you are not acting and will not act in concert with or on behalf of the defendant(s) in this case upon the satisfaction of your purchase. Upon receipt of your certification, as set forth below, a criminal records check may be made with the investigative agencies and the United States Attorney's Office involved in the prosecution of the said case to confirm your submitted certification. In that case, you will be required to submit your Social Security Number (SSN) and other personal information. In the event your certification cannot be confirmed, the purchase shall be immediately dissolved, and further criminal action taken.

United States of America vs. \_\_\_\_\_

Name of Defendant(s): \_\_\_\_\_

☐ I hereby certify that I am not acting and will not act in concert with or on behalf of the defendant(s) in the criminal forfeiture of this property.

**Civil Forfeitures****All Buyers Must Read and Acknowledge - Buyer's Certification**

As a matter of policy, the USMS extends the purchase restrictions of a criminal case to any person whose conduct gave rise to a civil forfeiture of the property or to anyone acting in concert with or on behalf of, such a person. This general prohibition may be lifted in civil forfeiture actions on a case by case basis due to extenuating circumstances, as determined by AFD and the relevant United States Attorney's Office (USAO), with concurrence of the Ethics Officer, Office of General Counsel (OGC).

Person(s) property seized from: \_\_\_\_\_

Former Owner(s): \_\_\_\_\_

☐ I hereby certify that I am **NOT** the person whose conduct gave rise to the civil forfeiture of this property nor am I acting in concert with or on behalf of such person(s).

☐ I hereby certify that I **AM** the person whose conduct gave rise to the civil forfeiture or am I acting in concert with or on behalf of such person (s). However, the prohibition against such purchase has been lifted in accordance with USMS policy. **(Attach approval)**

I understand that any falsification of this statement is punishable under provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000.00 and imprisonment of not more than five years.

**SECTION IV: BUYER'S CERTIFICATION**

I have read the entire contents of this agreement, and hereby acknowledge my agreement with the contents of this document.

**Buyer Information**

Printed Full Name: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Address

Unit

City

State

ZIP Code

Country: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature

Date of Signature

**Co-Buyer Information**

Printed Full Name: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Address

Unit

City

State

ZIP Code

Country: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature

Date of Signature

### Instructions to Complete This Form

This form is to be signed by any and all persons who purchase any seized and/or forfeited property from the United States Marshals Service. This is a Special Term and Condition and is a requirement of all property sales. Ensure this document is signed and executed at time of disposal with a copy placed in the case file.

1. Complete all fields. Type or print legibly in blue or black ink. If no response is necessary or applicable, indicate this on the form (for example, enter "None" or "N/A").
2. Any changes that you make to this form after you sign it must be initialed and dated by you. Under certain limited circumstances, USMS may modify the form consistent with your intent.
3. You must use U.S. Postal Service 2-letter state abbreviations when you fill out this form. Do not abbreviate the names of cities or foreign countries.
4. All telephone numbers must include area codes.
5. All dates provided on this form must be in Month/Day/Year (mm/dd/yy) or Month/Year (mm/yy) format. Use numbers 1-12 to indicate months. For example, May 27, 2012 should be shown as 5/27/12.
6. Immediate family members are defined as any persons residing in the same household as the employee, whether or not related by blood or marriage; spouses; parents; parents-in-law; grandparents; siblings; aunts and uncles; first cousins; and all their spouses.
7. Where applicable, the following parties must complete the following sections of this form:

Forfeiture Type	USMS personnel	Buyer/Co-Buyer
Administrative Forfeitures	Section I	Sections II and IV
Civil and Criminal Forfeitures	Sections I and III	Sections II, III, and IV

#### Purpose of This Form

The primary use of the information on this form is for review by officials of the Department of Justice to determine compliance with applicable federal prohibitions under 18 U.S.C. § 1963(g) and 21 U.S.C. § 853(h) of the Comprehensive Crime Control Act of 1984, which prohibit the United States from reverting forfeited property to defendant(s) convicted of violations under 18 U.S.C. § 1962 and/or 21 U.S.C. § 841 et seq., or any person acting in concert with or on behalf of such defendant(s).

#### Authority to Request This Information

The collection of this information is authorized by 28 U.S.C. § 524 and 44 U.S.C. § 3101.

#### Privacy Act of 1974 Compliance Information

Solicitation of information contained herein is authorized by Executive Order 10450 and may be used as a basis for eligibility determinations. The USMS describes how your information will be maintained in the Privacy Act system of record notice published in the Federal Register at 73 FR 35690 on June 24, 2008. Your social security number is being requested pursuant to Executive Order 9397. Disclosure of the information by you is voluntary. Information may be transferred as a routine use to appropriate Federal, state, local, or foreign agencies when relevant to civil, criminal or regulatory investigation, prosecutions, or pursuant to a request by DHS or such other agency is in connection with the hiring or retention of an employee, the issuance of a license, grant, or other benefit. Information also may be transferred as a routine use to a duly authorized official engaged in an investigation or settlement of a grievance, complaint, or appeal filed by an employee. Failure to provide information requested on this form may result in the government's inability to determine your eligibility for the position applied for or occupied, and may affect your prospects for employment or continued employment under a government contract, or at a Federal facility, or with a government license.

#### Privacy Act Routine Uses

1. To U.S. Marshals Service personnel when needed for official business including designated analysts and managers for official business;
2. To disclose information to agency staff and administrative offices who may restructure the data for management purposes;
3. In any legal proceeding, where, pertinent, to which the U.S. Marshals Service is a party before a court or administrative body;
4. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), or the Government Accountability Office (GAO) when the information is required for program evaluation purposes;
5. To a Member of Congress or staff on behalf of and at the request of the individual who is the subject of the record;
6. To an expert, consultant, or contractor of the U.S. Marshals Service in the performance of a Federal duty to which the information is relevant;
7. To the National Archives and Records Administration (NARA) for records management purposes.