FILED

JAN 28 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

v

(1) DEVIN WARD ELDER

SA-26-CR-38-FB

INFORMATION

COUNT 1: Wire Fraud, 18 U.S.C. § 1343

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE
[18 U.S.C. § 1343]

At all times relevant to this Information:

INTRODUCTION

1. Defendant Devin Ward Elder, a resident of San Antonio, Texas, was the founder and CEO of DJE Texas Management Group, LLC (DJE) and various other related entities.

2. DJE formed in March of 2015 as an investment firm based in San Antonio, Texas. DJE offered investment projects in multifamily housing, so-called industrial flex space multi-use office projects, land subdivision projects, commercial buildings, and a so-called Income Fund.

3. DJE Income Fund I, (DJE Income Fund), was an entity Elder purported to operate to raise money to invest broadly in other investment projects, including DJE's projects, such as multifamily housing, so-called industrial flex space multi-use office projects, land subdivision projects, commercial buildings, and single family rentals, to provide a "predictable 10% annualized return for investors."

4. DJE Properties, LLC, was an in-house property management firm which managed DJE's multifamily portfolio.

THE SCHEME

5. Beginning in or about January 2023 and continuing to in or about March 2025, in the Western District of Texas and elsewhere, Defendant,

DEVIN WARD ELDER,

devised and intended to devise a scheme to defraud approximately 345 victim-investors and to obtain from them money and property by means of materially false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was a part of the scheme that:

6. Elder often established a separate limited liability company or corporation (LLC) for various of the real estate investment projects for the limited purpose of purchasing and owning the investment properties.

7. Elder raised money from investors. Elder created Private Placement Memorandums ("PPM"), PowerPoint presentations, and sales videos to promote many of the purported investments.

8. Elder marketed the projects by uploading promotional sales video presentations to DJE's official website, to social media sites, and to video sharing platforms. Additionally, Elder and DJE emailed the documents to potential investors.

9. In exchange for investor money, Elder promised to provide the investors a prorated ownership interest in the LLC associated with that specific project.

10. Elder made material misrepresentations to induce victim-investors to invest,

including, but not limited to, the following:

a. In many cases, Elder promised to pay investors 10 percent annualized interest, which he typically promised to pay monthly;

b. That properties would be purchased and improved without any loans or other debt to finance the project;

c. That Elder would invest his own money in the project;

d. That the investment funds would be used solely for the specific project being promoted.

11. Elder made omissions of material facts to induce victim-investors to invest, including, but not limited to, the following:

a. That investment funds would be comingled with the funds of other unrelated investment projects;

b. That Elder and DJE used money from new investors to make payments to prior investors.

12. Elder used a bank account in the name "DJE Equity 01, LLC," to conceal and disguise the nature, location, source, ownership, and control of the proceeds contained therein.

13. Elder and DJE used investors' money to make purported "interest" payments and other payouts to other investors in order to make the projects appear to be successful, thereby inducing additional investments and concealing the misuse of funds from other investors.

THE EXECUTION OF THE SCHEME

14. Elder caused hundreds of interstate communications including but not limited to wire transfers, emails, social media posts, and uploads of online videos to execute his scheme.

15. In one such occasion, on or about February 21, 2024, in the Western District of Texas and elsewhere, Defendant

DEVIN WARD ELDER,

for the purpose of executing the scheme described above, caused $600,000 of the victim identified herein solely as J.G.'s investment funds, which Elder obtained by making knowingly false misrepresentations related to a DJE project, to be transmitted by means of wire communication signals and sounds in interstate commerce, specifically a wire transfer from Ally Bank located in Sandy, Utah, to Jefferson Bank located in San Antonio, Texas.

All in violation of Title 18, United States Code, § 1343.

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[*See* Fed. R. Crim. P. 32.2]

I.
Wire Fraud Violation and Forfeiture Statutes
[Title 18 U.S.C. § 1343, subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the foregoing criminal violation set forth above, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and to Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states:

Title 18 U.S.C. § 981. Civil forfeiture

> **(a)(1)** The following property is subject to forfeiture to the United States:
> * * *
> **(C)** Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . or any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Wire Fraud is an offense constituting "specified unlawful activity" as defined in Title 18 U.S.C. § 1956(c)(7).

Title 28 U.S.C. § 2461.

> (c) If a person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure...

This Notice of Demand for Forfeiture includes but is not limited to the following properties (or the proceeds as may be applicable):

1. Real Property located and situated at 9342 Southeast Loop 410, San Antonio, TX Bexar County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   Being a 5.048 acre tract of land lying in New City Block 10915, San Antonio, Bexar County, Texas, said 5.048 acre tract being a portion of Lot 6, Block 3 of the SAWPM IA Subdivision recorded in Volume 9684. Pages 186-187, Deed and Plat Records of Bexar County, Texas, also, being a portion of Lot B as described in a Memorandum of Recording, recorded in Volume 16833, Page 387, Official Public Records of Bexar County, Texas; said 5.048 acre tract being more particularly described as follows:

   BEGINNING: at a 1/2" iron rod set with plastic cap stamped "MMES RPLS 6490" in the south right- of-way line of Loop 410 Access Road and in the northwest line of the aforementioned Lot 6, for the northwest corner of the aforementioned Lot B and the northwest corner of the herein described 5.048 acre tract;

   THENCE: along the south right-of-way line of the aforementioned Loop 410 right-of-way and the north lines of the aforementioned Lot 6 and Lot B the following three (3) courses and distances:

   N71°06'54"E, a distance of 232.41 feet (Record - N71°07'08"E-232.37') to a Texas Department of Transportation concrete right-of-way monument found with brass disk for an angle point, N77°18'17"E, a distance of 609.74 feet (Record - N77°16'51"E-609.68') to a Texas Department of Transportation concrete right-of-way monument found with brass disk for an angle point, and S68°51'18"E, a distance of 175.06 feet (Record - S68°44'22"E-175.27') to a Texas Department of Transportation of Transportation concrete right-of-way monument found with brass disk for a south corner of the aforementioned Loop 410 right-of-way, an interior corner of said Lot 6, an interior corner of said Lot B, the west corner of a concurrently described 0.917 acre tract of land, and the northeast corner of the herein described 5.048 acre tract;

THENCE: leaving the south right-of-way line of the aforementioned Loop 410 Access Road and the north line of the aforementioned Lot 6 and Lot B, along the west lines of the aforementioned 0.917 acre tract, S39°22'31"E, a distance of 62.24 feet to a point for an angle point, and S07°29'17"E, a distance of 120.14 feet to a point in a south line of said Lot B for the southwest corner of said 0.917 acre tract and the southeast corner of the herein described 5.048 acre tract;

THENCE: along the south lines of the aforementioned Lot B the following three (3) courses and distances:

S81°15'52"W, a distance of 39.49 feet (Record - S81°15'57"W) to a MAG nail set with washer stamped "MMES RPLS 6490" for an angle point, S84°07'37"W, a distance of 525.37 feet (Record - S84°07'42"W-525.25') to a MAG nail set with washer stamped "MMES RPLS 6490" for an angle point, and S73°33'57"W, a distance of 420.32 feet (Record - S73°34'02"W-420.32') to a MAG nail set with washer stamped "MMES RPLS 6490" for the southwest corner of said Lot B and the southwest corner of the herein described 5.048 acre tract;

THENCE: along the west line of the aforementioned Lot B, N18°52'57"W, a distance of 211.19 feet (Record - N18°52'52"W-211.14') to the PLACE OF BEGINNING and containing 5.048 acres of land;

2. Real Property located and situated at 4335 Culebra San Antonio, TX 78228, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   Lot 22, Block 1, NCB 13598, ELITE CULEBRA SUBDIVISION, a subdivision in the City of San Antonio, Bexar County, Texas, as shown on the plat recorded in Volume 20002, Page 1046, Plat Records of Bexar County, Texas;

3. Real Property located and situated at A-383, Sur-114 V Micheli, 5 acres, Comal County, Texas FM 2252 Garden Ridge, TX 78266, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   Being 5.000 acres of land, more or less, situated in the Vincente Micheli Survey No. 114, Abstract 383, Comal County, Texas, and being that same tract described in the Warranty Deed recorded in Volume 644, Page 350, Official Public Records, Comal County, Texas; said 5.000 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the South corner of this 5.000 acres, same being on the northwest Right-of-Way of F.M. 2252 and the southeast corner of the Smith Legacy Investments, LLC, 5.000 acres (Document No. 202106056831), same also being the **POINT OF BEGINNING;**

THENCE along the line common to this 5.000 acres and said Smith 5.000 acres, North 30 degrees 29 minutes 18 seconds West (called North 29 degrees 41 minutes 54 seconds West), a distance of 538.17 feet to a point for the northwest corner of this 5.000 acres, from which a 2-inch metal fence post bears South 20 degrees 26 minutes 22 seconds, West, a distance of 0.23 feet, said point also being an interior corner of the P2 Partners, LTD., 14.882 acres (Document No. 200306034900);

THENCE along the line common to this 5.000 acres and said P2 Partners 14.882 acres, North 59 degrees 32 minutes 09 seconds East (called North 60 degrees 18 minutes 06 seconds East), a distance of 399.77 feet (called 399.78 feet) to a 1/2-inch iron rod capped WALS set for the North corner of this 5.000 acres, same being the East corner of said P2 Partners 14.882 acres and on the southwest boundary line of Lot 4, Block 1, O'Haver Plumbing Subdivision (Volume 13, Page 10);

THENCE along the line common to this 5.000 acres and said Lot 4, South 30 degrees 29 minutes 18 seconds East (called South 29 degrees 41 minutes 54 seconds East), a distance of 551.43 feet to 1/2-inch iron rod capped WALS set for the southeast corner of this 5.000 acres, same being the South corner of said Lot 4 and on the northwest Right-of-Way of said F.M. 2252;

THENCE with the northwest Right-of-Way of said F.M. 2252, South 61 degrees 26 minutes 08 seconds West (called South 62 degrees 12 minutes 05 seconds West), a distance of 400.00 feet to the **POINT OF BEGINNING** and containing 5.000 acres of land, more or less;

4. Real Property located and situated at NCB 11264, Block 4, Lots 19, 20, E 50 Ft of 21 & P-100, Bexar County, Texas 3700 Pitluk Ave, San Antonio, TX 78211, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   Lots 19, 20 and the East 50 feet of Lot 21 and a 30 foot Road Easement between Lots 19 and 20, Block 4, New City Block 11264, MOUNT VERNON HOMESITE ADDITION, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 368, Page 169, Deed and PlatRecords of Bexar County Texas, said 30 foot Road Easement was conveyed by the City of San Antonio by a Quit Claim Deed filed November l, 1985 in Volume 3549, Page 1201, Real Property Records of

Bexar County, Texas;

5. Real Property located and situated at 10590 North Loop 1604 West, and/or 10590 West Loop 1604 N, San Antonio, TX 78250 being 3.5131 acres of land, more or less, out of the Joseph Braden Survey No. 302, abstract no. 71 Bexar County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   Being 3.531 acres of land, more or less, out of the Joseph Braden Survey No. 302, Abstract 71, Bexar County, Texas, and consisting of Tracts 1, 2, and 3, described in General Warranty Deed with Vendor's Lien recorded in Volume 6706, Page 200, Official Public Records of Bexar County, Texas; said 3.531 acres being more particularly described by metes and bounds as follows:

   BEGINNING at a TXDOT Monument found for the southwest corner of this 3.531 acres, same being the lower northwest corner of Lot 2, Block 13, New City Block 19069, Noyes Enterprises (Volume 9654, Page 8) and on the southeast Right-of-Way of West Loop 1604 North, same also being the POINT OF BEGINNING;

   THENCE along the southeast Right-of-Way of said West Loop 1604 North, North 42 degrees 08 minutes 47 seconds East (called North 42 degrees 24 minutes 24 seconds East), at a distance of 32.85 feet pass a TXDOT Monument found 0.34 feet to the left, and continuing for a total distance of 376.98 feet (called 376.87 feet) to an "X" found for the northwest corner of this 3.531 acres, same being the southwest corner of Lot 1, Block 1, New City Block 19069, Addersley Subdivision (Volume 9597, Page 94);

   THENCE along the line common to this 3.531 acres and said Lot 1, South 65 degrees 57 minutes 30 seconds East (called South 65 degrees 46 minutes 57 seconds East), at a distance of 345.59 feet pass a 1/2-inch iron rod found 0.15 feet to the left for the southeast corner of said Lot 1, same being an exterior corner of Lot 2, Addersley Subdivision, and continuing for a total distance of 379.58 feet (called 379.60 feet) to a 1/2-inch iron rod found for an interior corner of this 3.531 acres;

   THENCE along the line common to this 3.531 acres and said Lot 2, Addersley Subdivision, South 66 degrees 00 minutes 03 seconds East (called South 65 degrees 48 minutes 29 seconds East), a distance of 234.95 feet (called 235.07 feet) to a 1/2-inch iron rod found for the northeast corner of this 3.531 acres, same being the southeast corner of said Lot 2, Addersley and on the West line of Lot 18, Braun's Farm Unit 3 (Volume 9511, Page 217);

   THENCE along the line common to this 3.531 acres and said Lot 18, South

23 degrees 41 minutes 06 seconds West (called South 23 degrees 51 minutes 31 seconds West), a distance of 227.70 feet (called 213.91 feet) to a 1/2-inch iron rod found for the southeast corner of this 3.531 acres, same being the southwest corner of Lot 14 and the northwest corner of Lot 13 of said Braum's Farm Unit 3, same also being the northeast corner of the aforesaid Lot 2, Noyes Enterprises;

THENCE along the lines common to this 3.531 acres and said Lot 2, Noyes Enterprises, the following courses and distances:

North 59 degrees 40 minutes 46 seconds West, a distance of 475.57 feet to a 2-inch metal fence post found for an interior corner of this 3.531 acres, same being the upper northwest corner of said Lot 2, Noyes Enterprises;

South 63 degrees 05 minutes 25 seconds West (called South 63 degrees 13 minutes 15 seconds West), a distance of 180.87 feet to a point for an exterior corner of this 3.531 acres;

South 67 degrees 08 minutes 56 seconds West (called South 67 degrees 16 minutes 46 seconds West), a distance of 10.02 feet to a point for an exterior corner of this 3.531 acres;

South 69 degrees 13 minutes 05 seconds West (called South 69 degrees 20 minutes 55 seconds West), a distance of 10.02 feet to a point for an exterior corner of this 3.531 acres;

South 74 degrees 16 minutes 01 seconds West (called South 74 degrees 23 minutes 51 seconds West), a distance of 10.29 feet (called 10.60 feet) to a 2-inch metal fence post found for an exterior corner of this 3.531 acres;

South 77 degrees 25 minutes 23 seconds West (called South 76 degrees 31 minutes 10 seconds West), a distance of 10.08 feet (called 9.80 feet) to a 2-inch metal fence post found for an exterior corner of this 3.531 acres;

South 82 degrees 44 minutes 58 seconds West (called South 84 degrees 04 minutes 27 seconds West), a distance of 9.92 feet (called 9.96 feet) to a point for an exterior corner of this 3.531 acres;

South 89 degrees 50 minutes 52 seconds West (called North 88 degrees 49 minutes 39 seconds West), a distance of 9.24 feet (called 9.28 feet) to a 2-inch metal fence post found for an exterior corner of this 3.531 acres;

North 83 degrees 55 minutes 38 seconds West (called North 83 degrees 19 minutes 49 seconds West), a distance of 20.30 feet to a 2-inch metal fence post found for an exterior corner of this 3.531 acres;

North 77 degrees 14 minutes 27 seconds West (called North 77 degrees 54 minutes 56 seconds West), a distance of 30.53 feet (called 30.49 feet) to a 2-inch metal fence post found for an exterior corner of this 3.531 acres

North 71 degrees 20 minutes 27 seconds West (called North 70 degrees 50 minutes 06 seconds West), a distance of 10.28 feet (called 10.42 feet) to a 1/2-inch iron rod found for an exterior corner of this 3.531 acres;

North 56 degrees 23 minutes 05 seconds West (called North 56 degrees 00 minutes 47 seconds West), a distance of 40.68 feet (called 40.83 feet) to the POINT OF BEGINNING, and containing 3.531 acres of land, more or less;

6. Real Property located and situated at IH 10 Seguin, TX 78155 Unit(s): QT 4044 addition Lot 4 5.486 AC Parcel ID(s): 172486 Tax/Map ID(s) 1G2488-0000-00400-0-00 Guadalupe County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   Lot 4, QT 4044 Addition, City of Sequin, Guadalupe County, Texas, according to a plat thereof recorded in Volume 9, Page 84, Map and Plat Records, Guadalupe County, Texas;

7. Real Property located and situated at NEQ of Loop 410 & Medina Base Rd, San Antonio, TX 78227 Bexar County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

   A 4.088 acre tract situated in the Francisco Rivas Grant, in the city of San Antonio, Bexar County, Texas, and being a part of the southeast one-half of Tract 18, also known as Tract 27, of the Mackay Ranch as recorded in Volume 105, page 30, Deed and Plat Records; said 4.088 acres being that same property described as 4.082 acres in Volume 4737, page 177, Deed Records, and being known as N.C.B 16000, P-28, ABS 14, 3.32 acres as shown in Sheriffs Deed recorded In Volume 7324, page 1034, Real Property Records, and being more particularly described by metes and bounds as follows:

   BEGINNING at a ½" iron rod set on the northeast right-of-way line of Loop 410, bearing North 24° 37' 50" West at a distance of 377.73 feet and North 23° 36' 40" West at a distance of 165.05 feet from the Intersection of the north right of-way line of Medina Base Road and Loop 410, said iron rod being the most westerly northwest corner of a 5.859 acre tract recorded in Volume 11584, page 469, Real Property Records;

THENCE North 23° 57 03" West a distance of 448.84 feet along said right-of-way and with the southwest line of the 4.082 acres to a ½" iron rod set at the beginning of a non-tangent curve to the left;

THENCE 57.99 feet along said curve to the left, having a radius of 5879.58 feet, a central angle of 00° 33' 54", a chord bearing North 19° 33' 31" West and a distance of 57.99 feet to a ½" iron rod set at the northwest corner of the 4.082 acres and a 0.004 acre Easement as recorded in Volume 11320, page 2121, Real Property Records;

THENCE North 79° 48' 15" East a distance of 176.14 feet, parallel to and 50 feet from the south line of Lot 1, Block 28, Lackland City Subdivision, Unit 16 as recorded in Volume 4400, page 112, Deed and Plat Records to a set ½" iron rod and North 64° 25' 26" East a distance of 102.58 feet, parallel to and 68 feet from the south line of Lot 3, of said Block 28, with the north lines of said 4.082 acres to a ½" iron rod set at the beginning of a tangent curve to the right;

THENCE 92.68 feet along said curve to the right, having a radius of 59.00 feet, a central angle of 90° 00' 00", a chord bearing South 70° 84' 34" West and a distance of 83.44 feet to a set ½" Iron rod;

THENCE South 25° 34' 34" East a distance of 389.34 feet parallel to and 66 feet from the southwest line of said Lackland City Subdivision, with the northeast line of the said 4.082 acres;

THENCE South 64° 25' 26" West a distance of 391.22 feet along the northwest line of the said 5.859 acre tract and with the southeast fine of the 4.082 acres to the Point of Beginning, containing in all 4.088 acres of land;

8. Real Property located and situated at IH 35 S New Braunfels, TX 78130, QT 4076 Addition, Block 1, Lot 2 Parcel ID(s): 468778 Tax/Map ID(s) 450003000200 Comal County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

Tract 1:

Lot 2, Block 1, QT 4076 Addition, City of New Braunfels, Comal County, Texas, according to a plat thereof recorded in Document Number 202306014752, Map and Plat Records, Comal County, Texas.

Tract 2:

Nonexclusive ingress and egress easement created by Reciprocal Easement Agreement filed December 10, 2021, recorded in Document Number

202106063096, Official Public Records, Comal County, Texas.

Tract 3:

Nonexclusive ingress and egress easement created by Easement Declaration filed September 30, 2024, recorded in Document Number 202406029611, Official Public Records, Comal County, Texas;

9. Real Property located and situated at 11.533 out of 17.204 acres, J Ramos Arocha 171, No. 2, Kendall County, Texas, 6 Old Fredericksburg Road, Boerne, TX 78006, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

11.18 acres out of a 19.202 acre tract, Volume 550, Page 48 Official Public Records of Kendall County, Texas and out of the Jose Ramona Arocha Survey 171, Abstract 2, Kendall County. Texas.

BEGINNING at a 1/2' iron pin found with a LJA cap by a 5"X5" cedar post, in the west line of Old Fredericksburg Road the north line of a 104 acre tract, Volume 1617, Page 1095 Official Public Records of Kendall County, Texas, for the southeast corner of the 19.202 acre tract, and the southeast corner of the subject tract, a 1/2" iron pin found with a Cude cap by a 5"X5" cedar post for an angle point in the west line of Old Fredericksburg Road bears S 00 deg 23' 24" W 353.04 feet

THENCE N 88 deg 10' 36" W with the north line of the 104 acre tract, the south line of the 19.202 acre tract. and generally with the fence, 1304.67 feet to a 1 /2" iron pin found by a 5" cedar post for the northwest corner of the 104 acre tract and the lower northeast corner of a 32.443 acre tract, Volume 854, Page 904, Official Public Records of Kendall County, Texas, a 1/2" iron pin round for the southeast corner of the 32.443 acre tract bears S 00 deg 50' 10" W 370.62 feet.

THENCE with the east line of the 32.443 acre tract, the south & west line of the 19.202 acre tract, and generally with the fence N 87 deg 50 23"W 43.16 feet to a 1/2" iron pin found by a 6' cedar post and N 00 deg 00' 17" F 395.77 feet to a 5/8 iron pin set by a 6 cedar post found for the southwest corner of a 10.163 acre tract, File # 364358 Official Public Records of Kendall County, Texas, the lower northwest corner of the 19.202 acre tract, and the northwest corner of the subject tract, a 10" cedar post found for the northwest corner of the 10.163 acre tract bears N' 00 deg 00' 16" E 552.53 feet

THENCE with the south line of the 10.163 acre tract, the north line of the 19.202 acre tract, and generally with the fence:

S 81 deg 20' 41" E 500.29 feet to a 1/2" iron pin found by a 2 7/8" pipe post,
N 78 deg 30' 25" E 159.24 feet to a 1/2' iron pin found on the south side of a 40" live oak tree,
N 08 deg 48' 17" E,29.27 feet to a 1/2" iron pin found by a 2 7/8" pipe post,
S 82 deg 28' 29" E 105.78 feet to a 1/2' iron pin found with a LJA cap by a 2 7/8' pipe post, for the southeast
corner of the10.163 acre tract, and the southwest corner of an 8.02 acre tract this day surveyed, a 1/2' iron pin found with a LJA cap by a 2" cedar post 3-way fence corner for the upper northeast corner of the 10.163 acre tract bears N 00 deg 51' 55" E 555.48 feet.

THENCE crossing the 19.202 acre tract and with the south line of the 8.02 acre tract, S 77 deg 27'42" E 162.93 feet to a 5/8' set iron pin and S 83 deg 18' 37" E 434.09 feet to a 5/8" iron pin set in the west line of Old Fredericksburg Road, the east line of the 19.202 acre tract, for the southeast corner of the 8.02 acre tract, and the northeast corner of the subject tract, a 1/2' iron pin found with a LJA cap for the lower northeast corner of the 19.202 acre tract bears N 00 deg 32' 20" E 603.26 feet.

THENCE S 00 deg 32 " 20" W; with the west line of Old Fredericksburg Road and the east line of the 19.202 acre tract 324.50-feet to the POINT OF BEGINNING;

10. Real Property located and situated at 168.13 acres – Brite Lane, Poteet, TX, 160.0 acres of land, more or less, located in the Mason Turner Survey No. 1116, A-1067 Atascosa County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

Field Notes of 16.56 Acres, Tract 1, being out of a 168.13 acre tract, File No. 242438 Official Public Records of Atascosa County, Texas and out of the Mason Turner Survey 1116, Abstract 1067, Atascosa County, Texas. (All 5/8" iron pin set with yellow plastic cap stamped "TIMOTHY HAY RPLS 5521")

BEGINNING at a 5/8" iron pin set under fence in the ostensible southwest line of Survey 1116, northeast line of Brite Lane, the southwest line of the 168.13 acre tract, for the west corner of a 17.07 acre tract, Tract 9, located on the ground this same day, and the south corner of the subject tract, a 5/8" iron pin set under fence in the southwest line of the 168.13 acre tract for the lower south corner of Tract 9 bears S 60°33'28" E 60.00 feet, and a mag nail with disc recovered for the south corner of the 168.13 acre tract bears S 60°33'28" E 2161.16 feet.

THENCE N 60°33'28" W, with the ostensible southwest line of Survey 1116, the northeast line of Brite Lane, the southwest line of the 168.13 acre tract, and generally with the fence, 480.29 feet to a 5/8" iron pin set for the lower south corner of a 17.07 acre tract, Tract 10, File No. 247396 Official Public Records of Atascosa County, Texas, and the west corner of the subject tract, a cotton spindle recovered for the ostensible west corner of Survey 1116, the 168.13 acre tract, & Tract 10 bears N 60°33'28" W 60.00 feet.

THENCE over and across the 168.13 acre tract:

N 29°19'06" E, with the southeast line of Tract 10, 1502.56 feet to a 5/8" iron pin set in the northwest centerline terminus of a 30' wise, 2.80 acre, Utilities Easement, located on the ground this same day, for the interior corner of Tract 10, and the north corner of the subject tract;

S 60°31'17" E, with the centerline of the Utilities Easement and southwest line of Tract 10, 480.29 feet to a 5/8" iron pin set in the northwest line of Tract 9, for the upper south corner of Tract 10, and the east corner of the subject tract;

S 29°19'06" W, with the northwest line of Tract 9, 1502.25 feet to the POINT OF BEGINNING;

11. Real Property located and situated at 500.58 acres of land, more or less, being all of a 500.81 acre tract, described in a deed recorded in clerk's rile No. 114933, Official Public Records Of Atascosa County, Texas; 9342 Southeast Loop 410, San Antonio, TX Bexar County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

Field Notes of 25.00 Acres, Tract 11, out of a 500.58 acre tract, File No. 243433 Official Public Records of Atascosa County, Texas and all out of Jacob Darst Survey 936, Abstract 216, Atascosa County, Texas. (All 5/8" iron pin set with yellow plastic cap stamped "HAY & ASSOC SURVEYING CO")

BEGINNING at a 5/8" iron pin set under fence in the east line of Ralph Coughran Road, the east line of a 560.527 acre tract, Volume 349, Page 513-Deed Records of Atascosa County, Texas, the west line of the 500.58 acre tract, for the northwest corner of a 25.02 acre tract, Tract 13, File No. 248402 Official Public Records of Atascosa County, Texas, and the southwest corner of the subject tract, a 5/8" iron pin set by a 12" treated post 2-way fence corner for the east corner of Ralph Coughran Road & Leal Road and the southwest corner of the 500.58 acre tract & Tract 13 bears S 00°03'5511 W'624.59 feet & S00°01 '5811 E 1263.55 feet.

THENCE N 00°03'55" E, with east line of Ralph Coughran Road, the west line of the 500.58 acre tract, the east line of the 560.527 acre tract, and generally with the fence, 600.00 feet to a 5/8" iron pin set under fence for the upper southwest corner of a 31 .65 acre tract, Tract 12, File No. 248730 Official Public Records of Atascosa County, Texas, and the northwest corner of the subject tract, and a 5/8" iron pin set under fence in the west line of 500.58 acre tract for the northwest corner of the Tract 12 bears N 00°03'55"E 60.00 feet, and a 1/2" iron pin with Pollock cap found in concrete by a 6" treated post 3 way fence corner in the east line of the Ralph Coughran Road for the northwest corner of the 500.58 acre tract & Tract } bears N 00°03'5511 E 1341.17 feet & N 00°06'0011 E 2018.83 feet.

THENCE over and across the 500.58 acre tract:
S 89°56'51" E, with the upper south line of Tract 12, 1815.00 feet to a 5/8" iron pin set for the interior corner of Tract 12 and the northeast corner of the subject tract;

S 00°03'55" W, with the lower west line of Tract 12, 600,00 feet to a 5/8" iron pin set in the north line of a 25.00 acre tract, Tract 16, located on the ground this same day, for the lower southwest corner of Tract 12, and the southeast corner of the subject tract, a 5/8" iron pin set under fence in the south line of Tract 12 for the northeast corner of Tract 16 bears S 89°56'51" E 565.32 feet, and a 5/8" iron pin set under fence in the east line of the 500.58 acre tract for the southeast corner or Tract 12 bears s 89°56'51" E 1923.89 feet;

N 89°56'51" W, with the north line of Tract 16; at 18.13 feet pass a 5/8" iron pin set for the northwest corner of Tract 16 and the northeast corner of a 25.00 acre tract, Tract 15, located on the ground this same day; continuing with the north line of Tract 15 at 599. 71 feet pass a 5/8" iron pin set for the northwest corner of Tract 15 and the northeast corner of a 27.63 acre tract, Tract 14, located on the ground this same day; continuing with the north line of Tract 14 at 1237.33 feet pass a 5/8" iron pin set for the northwest corner of Tract 14 and the northeast corner of a Tract 13; continuing with the north line of Tract 13 for a total of 1815.00 feet to the POINT OF BEGINNING;

12. Real Property located and situated at 453.53 +/- AC out of B Q Hadley ABST 196 TR 1 167.80 AC, B Q Hadley ABST 198 TR 1 224.65 AC, B Q Hadley ABST 196 TR 3 59.03 AC Bee County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

A field note description of a survey of 453.53 acre tract is described in three tract, a 194.45 acres described in Volume 229, Page 275, a 59.03 acres

described in Volume 422, Page 401 and a 200 acre tract Volume 168, Page 28, all three tracts are in the name of Mamie Peterson Deed Records, Bee County, Texas, also being approximately 115'83 Acres are out of said 194.45 acre tract and approximately 33.90 acres out of said 59.03 Acre Tract and within the B. Q. Survey A-196, Bee County, Texas and said Tract is more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found, in the South boundary of County Road 121, the West corner of said 453.53 acre tract and the west corner and POINT OF BEGININNG of this Tract;

THENCE North 69°31'54" East, with the called north line of said 453.53 acre tract at 5217.80 feet pass a 5/8 inch iron rod set for reference in the west boundary of County Road No. 113, in all a total distance of 5243.69 Feet to a point, in said County Road No. 113 and the north corner of this Tract;

THENCE South 20°28'08" East, 3766.63 FEET, to a Point at the intersection of County Road No. 113 and County Road No. 120, for which a 5/8 inch iron rod set, bears North 57°59'24" West, 42.51 feet, said Point being the east corner of this Tract;

THENCE South 69°31'52" West, 5246.03 feet, within County Road No. 120 to a point, for the south corner of this Tract;

THENCE North 20°26'00" West, generally along a fence, at 35.64 feet pass a 5/8 inch iron rod found, at 938.63 feet pass a 5/8 inch iron rod set, in all a total distance of 3766.69 feet, to the POINT OF BEGINNING, of this Tract, being 453.53 acres; and

13. Real Property located and situated at 345 W Commerce St, San Antonio, TX 78205, Bexar County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

A 0.187 of an acre, or 8,130 square feet, more or less, tract of land being a portion of Lots 5, 6 and 7, New City Block (N.C.B.) 105 of the City of San Antonio, Bexar County, Texas. Said 0.187 of an acre tract also being all of that 8060 square foot tract described in deed to Patricia Walsh Small et al recorded in Volume 8367, Page 1123 of the Official Public Records of Real Property of Bexar County, Texas. Said 0.187 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA201 l) epoch 2010.00;

BEGINNING: At a set mag nail and washer marked "Pape-Dawson" at the northeast comer of the intersection of W. Commerce Street, a 65-foot public

right-of-way, and Laredo Street, a 45- foot public right-of-way;

THENCE: N 04°03'15", with the east right-of-way line of said Laredo Street, a distance of 150.78 feet to a set mag nail and washer marked "Pape-Dawson" at the southwest corner of Lot 21, N.C.B., Alameda Theater Subdivision recorded in Volume 9646, Page 156 of the Deed and Plats of Bexar County, Texas;

THENCE: N 88°44'28" E, departing the east right-of-way line of said Laredo Street, with the south line of said Lot 21, a distance of 54.00 feet to a set½ iron rod with a yellow cap marked "Pape-Dawson" at the northwest corner of a 0.5283 acre tract recorded in Volume 19016, Page 781 of the Official Public Records of Bexar County, Texas;

THENCE: S 04°23'34" W, departing the south line of said Lot 21, with the west line of said 0.5283 and with a building, a distance of 153.91 feet to a building corner on the north right-of- way line of said W. Commerce Street;

THENCE: N 87°58'14" W, with a north right-of-way line of said W. Commerce Street and a building, a distance of 53.02 feet to the POINT OF BEGINNING, and containing 0.187 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under Job No. 9140-18 by Pape-Dawson Engineers, Inc.

II.
Money Judgment

A sum of money equal to Sixty-Six million dollars ($66,000,000.00), which represents the value of any proceeds obtained directly or indirectly, used, or intended to be used, as a result of the violation set forth in Count One of the Information, for which Defendant DEVIN WARD ELDER is liable,

III.
Substitute Assets

If any of the property described above, as a result of any act or omission of the Defendant:

a. cannot be located upon the exercise of due diligence;
b. has been transferred or sold to, or deposited with, a third person;
c. has been placed beyond the jurisdiction of the Court;
d. has been substantially diminished in value; or
e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States of America to seek the forfeiture of any other property owned by the Defendant up to the value of the Money Judgment as substitute assets pursuant to Fed. R. Crim. P. 32.2 and Title 21 U.S.C. § 853(p).

JUSTIN R. SIMMONS
UNITED STATES ATTORNEY

BY: 
WILLIAM R. HARRIS
Assistant United States Attorney