

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 2:08CV0159 JMM

JERRY L. HOUSE AND
ANNIE J. HOUSE,
Husband and Wife

DEFENDANTS

CONSENT JUDGMENT

Come now the Parties, United States of America, Farm Service Agency, by and through its attorneys, Jane W. Duke, United States Attorney for the Eastern District of Arkansas, and Gwendolyn D. Hodge, Assistant United States Attorney for said District, and Jerry L. House and Annie J. House by and through their attorney, Chalk S. Mitchell, and do hereby consent to the entry of Consent Judgment as follows:

1. The Court has jurisdiction over the parties and over the subject matter of this cause of action.
2. Defendants, Jerry L. House and Annie J. House, Husband and Wife, are in default on their obligation to plaintiff and are indebted to the United States of America, Farm Service Agency, in the principal sum of \$149,727.75, interest in the sum of \$12,369.48, accrued through September 3, 2009, and thereafter at the daily rate of \$13.33, to date of this judgment and thereafter at the statutory rate pursuant to 28 U.S.C. Section 1961, and any advances and recoverable charges made during the pendency of this action for taxes, protection and maintenance of the subject property, and the costs of this action. Plaintiff, United States of America, Farm Service Agency, is hereby awarded judgment *in rem* against the property described herein for the above mentioned sums. No personal judgment having been prayed for,

none is rendered.

3. The above-described indebtedness due and owing to the United States of America, Farm Service Agency, is secured by four (4) mortgages recorded in the records of the Circuit Clerk and Recorder for Phillips County, Arkansas, more particularly described as follows:

Date of Mortgage	Date Filed	Filing Information
May 5, 2003	May 5, 2003	Filed in the real estate records in the Office of the Circuit Clerk of Phillips County, Arkansas in Book 805, age Page 363.
March 15, 2002	March 15, 2002	Filed in the real estate records in the Office of the Circuit Clerk of Phillips County, Arkansas in Book 789, at Page 611.
March 9, 2001	March 9, 2001	Filed in the real estate records in the Office of the Circuit Clerk of Phillips County, Arkansas in Book 774, at Page 806.
May 19, 2000	May 19, 2000	Filed in the real estate records in the Office of the Circuit Clerk of Phillips County, Arkansas in Book 766, at Page 218.

Plaintiff's mortgages constitute a first lien, which is paramount and superior to all right, title, claim, interest, estate, equity or statutory right of redemption, dower, curtesy and homestead of the defendants herein, and all persons claiming by and through them, in and to the following described property in Phillips County, Arkansas:

THAT PART OF THE NORTHWEST QUARTER (NW¹/₄) OF THE NORTHWEST QUARTER (NW¹/₄) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE (1) SOUTH, RANGE FOUR (4) EAST, PHILLIPS COUNTY, ARKANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW ¹/₄ NW¹/₄ SECTION 33; RUNNING WEST 873 FEET ALONG SECTION LINE BETWEEN SECTIONS 28 AND 33 AND CENTER OF GRAVEL ROAD TO

THE POINT OF BEGINNING; THENCE SOUTH 220.7 FEET, THENCE WEST 208.7 FEET; THENCE NORTH 220.7 FEET TO SAID SECTION LINE AND GRAVEL ROAD; THENCE EAST 208.7 FEET ALONG SAID GRAVEL ROAD TO POINT OF BEGINNING

together with all improvements and appurtenances thereon.

IT IS THEREFORE CONSIDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff, United States of America is entitled to judgment *in rem* in the principal amount of \$149,727.75, interest in the amount of \$12,369.48, accrued through September 3 2009, and thereafter at the daily rate of \$13.33, to date of this judgment and thereafter at the statutory rate pursuant to 28 U.S.C. §1961.

2. If the above-described indebtedness due plaintiff United States of America is not paid within 10 days from this date, the United States Marshal is directed to sell the above described property at public auction to the highest bidder for cash, or on a credit of 60 days, at the front door of the Phillips County Courthouse, Helena, Arkansas. The date and time of such sale shall be fixed by the Marshal. If purchased on credit, the purchase price shall be secured by one of the following methods at the purchaser's option: furnish a corporate surety bond, or furnish a letter of credit from a financial institution, or post a 10% down payment. The corporate surety bond and letter of credit shall be in the amount of the purchase price, plus interest at the rate of 10% per annum from date of sale, and shall be subject to the approval of the U.S. Marshal. The 10% cash down payment shall be forfeited in the event of failure to pay for the property within 60 days, in which event the Marshal shall resell the property. In the event of a cash down payment, the purchaser shall pay interest on the balance of the purchase price at the rate of 10% per annum from date of sale. A lien against the property shall be retained to further secure payment of the purchase money. The property shall be sold subject to any unpaid property taxes. If the plaintiff shall become the purchaser at such sale for a sum equal to or less

than the indebtedness owed to plaintiff as of the date of sale, plaintiff may credit its bid against the amount of the debt and such credit shall be an extinguishment of the debt to the extent of such credit. The Marshal shall give notice of the sale as required by 28 U.S.C. Section 2002, and shall forthwith report the result of the sale to the Court.

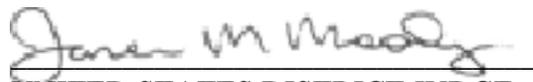
3. Upon the sale of the above-described real property, all right, title, claim, interest, estate, equity or statutory right of redemption, and all rights of homestead, curtesy and dower of all of the defendants herein, and each of them, and all persons claiming by or through them, in and to said property and every part thereof, shall from that date be foreclosed and forever barred.

4. The purchaser at said sale shall be given possession upon demand and the Clerk of this Court is hereby authorized and directed to issue writs of assistance to the United States Marshal for the Eastern District of Arkansas, who will proceed to place the purchaser in possession of said property.

5. The sale proceeds, after expenses of sale, shall be paid first to plaintiff United States of America, Farm Service Agency, to the extent of the indebtedness owed to it. Any surplus shall be retained in the registry of the Court subject to further orders of the Court.

6. The court retains jurisdiction of this cause for the making of such further orders as may be necessary to effectuate this judgment.

DATED: November 12, 2009


UNITED STATES DISTRICT JUDGE

Approved By:

/s/Chalk S. Mitchell _____

CHALK S. MITCHELL

407 Cherry Street

Helena, AR. 72324

(870) 817-0377

Attorney for Jerry L. House and

Annie J. House, Defendants

Approved By:

/s/ Gwendolyn D. Hodge

GWENDOLYN D. HODGE

Bar Number 92245

Attorney for the United States Government

United States Attorney's Office

P.O. B ox 1229

Little Rock, Arkansas 72203

Telephone: (501) 340-2700

E-mail: Gwen.Hodge@usdoj.gov