

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:16CV00748 BSM

**JOHN D. HENDERSON, MARSHA HENDERSON,
FIRST NATIONAL BANK OF IZARD COUNTY,
DEPARTMENT OF FINANCE AND ADMINISTRATION,
WHITE RIVER HEALTH SYSTEM, INC.,
CAVALRY, SPV I, LLC**

DEFENDANTS

JUDGMENT

The previous judgment [Doc. No. 35] entered is hereby vacated and judgment is entered as follows:

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of the United States and against defendant John D. Henderson on Count I of the United States' complaint for federal income tax liabilities in the amount of \$1,667,475.84 as of March 24, 2017, as described below, plus statutory additions including interest that have accrued and will continue to accrue on the amounts owed until the balance is paid in full:

Tax Year	Unpaid Balance as of March 24, 2017
2002	\$ 236,622.13
2003	\$ 231,981.30
2004	\$ 336,952.64
2005	\$ 307,270.50
2006	\$ 91,518.65

2007	\$ 170,147.54
2008	\$ 266,266.88
2010	\$ 26,716.20

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of the United States and against John D. Henderson on Count II of the United States' complaint as follows:

1. Pursuant to 26 U.S.C. §§ 6321 and 6322, the United States has valid and subsisting federal tax liens that attached to all property and rights to property of John Henderson, including the real properties identified as Parcels A, B, and C in paragraphs 18, 19, and 20 of the United States complaint, and legally described as:

PARCEL A

Lot #17, EASTWIND SUBDIVISION, part of the
West-Half of Section 6, Township 14 North, Range 10
West.

PARCEL B

PT. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 14 North, Range 11 West, described as beginning at a point in the West line of Massey Avenue at that is 700.53 feet South of the centerline of Webb Street, thence S 3 deg 31 min 04 sec E 117.62 feet to the point of beginning of the land herein described, thence S 3 deg 31 min 04 sec E 117.62 feet to a point marked by iron pin; thence S 89 deg 28 min 05 sec W 252.40 feet to a point marked by iron pin; thence 1 deg 1 min 36 sec W 110.24 feet to a point; thence N 86 deg 02 min 37 sec E 244.37 feet to the point of beginning, also being described as Pt. of Lots 3 and 4, Block 16, Lackey Addition, containing .60 acre, more or less.

PARCEL C

Pt. NW 1/4 SE 1/4, more particularly described as follows: Commencing at the NW corner of the NW 1/4 SE 1/4, thence S 00 deg 43'02" W 496.49 feet to a point, thence S 00 deg 43'02" W 301.87 feet to a point, thence S 00 deg 43'02" W 489.69 feet to a point in the South line of the NW 1/4 SE 1/4, thence S 88 deg 41'03" E 671.63 feet to a point, thence N 00 deg 43'02" E 510.80 feet to a point, thence N 00 deg 43'02" E 301.87 feet to a point, thence N 00 deg 43'02" E 496.49 feet to a point, thence S 89 deg 15'34" W 671.81 feet to the point of beginning;

Section 6, Township 14 North, Range 10 West

2. The federal tax liens are enforced against the real properties described in paragraph 1 above, and those properties shall be sold pursuant to further order of this Court;
3. The net sale proceeds from the real properties identified as Parcels A and B in paragraph 1 above shall be distributed to the United States and defendant State of Arkansas, Department of Finance and Administration ("DF&A") pursuant to the stipulation filed in this action regarding their lien priority [Doc. No. 28]. Each shall bear their own attorney's fees and costs; and
4. With respect to the real property identified in paragraph 1 above as Parcel C, defendant First National Bank of IZARD County's (FNB) mortgage interest in that property and any reasonable attorney fees incurred in this action (as provided for in the mortgage) have priority over and are therefore superior to the federal and state tax liens on that property. The net sale proceeds from the property identified as Parcel C in paragraph 1 above shall be paid first to FNB and the remainder distributed to the

United States and DF&A in accordance with the stipulation filed in this action regarding their lien priority [Doc. No. 27].

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of the United States and against defendant Marsha Henderson on Count II of the United States' complaint, and that defendant Marsha Henderson has no rights, claims, or interests in the parcels of real property that are the subject of this action, which are described in paragraph 1 above;

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of the United States and against defendant White River Health System, Inc., also known as Stone County Medical Center, Inc. ("White River") on Count II of the United States' complaint, and that White River has no rights, claims, or interests in the parcels of real property that are the subject of this action, which are described in paragraph 1 above; and

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of the United States and against defendant Cavalry, SPV I, LLC ("Cavalry") on Count II of the United States' complaint, and that defendant Cavalry has no rights, claims, or interests in the parcels of real property that are the subject of this action, which are described in paragraph 1 above.

IT IS SO ORDERED this 12th day of June 2017.


UNITED STATES DISTRICT JUDGE