

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

SPENCER ONDRISEK and
SETH CALAGNA

PLAINTIFFS

vs.

Civil No. 4:08-cv-04113

BERNIE LAZAR HOFFMAN a/k/a
TONY ALAMO

DEFENDANT

ORDER

Plaintiffs have informed the Court that the following properties, which had been previously ordered sold by the Court, were voluntarily removed from the list of properties sold as part of these proceedings:

5201 Spradling Avenue, Fort Smith, Arkansas

Lots 5, 6, 7 and 8 in Block 2 of Stough's Electric Park Addition #2
to the City of Fort Smith, Sebastian County, Arkansas

Lots with metal structure and playground adjacent to Jeanne Estates Apartments, Fort
Smith, Arkansas

Lots 3 and 4, Block 2, Stough's Electric Park Addition to the City of Fort Smith,
Sebastian County, Arkansas

602 North 16th Street, Fort Smith, Arkansas

TRACT 1: Lot One (1) and the South or Southeast Fifteen (15) feet of Lot 2 in Block
Thirty-four (34) in Fitzgerald Addition to the City of Fort Smith, Arkansas.

601 North 17th Street, Fort Smith, Arkansas

TRACT 3: Lot Twelve (12) and the Southwest One (1) foot of Lot Eleven (11),
adjoining said Lot 12 in Block Thirty-four (34), Fitzgerald Addition to the City of
Fort Smith, Arkansas. Being a part of Section 16, in Township 8 North, Range 32
West.

210 Redcut Road, Fouke, Arkansas

TRACT I:

That certain tract or parcel of land situated in Fouke, Miller County, Arkansas, a part

of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 22, Township 17 South, Range 27 West, and being more fully described as follows: BEGINNING at an iron pin for corner in a fence line, the North boundary line of a County Road, said point being 450 feet East and 20 feet North of the Southwest corner of the NE 1/4 of the NW 1/4 of Section 22, Township 17 South, Range 27 West;
THENCE North 200.00 feet to an iron pin for corner in a fence line;
THENCE East 150.00 feet with said fence line to an iron pin for corner;
THENCE South 300.00 feet to an iron pin for corner in a fence line, the North boundary line of said County Road;
THENCE West 150.00 feet to the PLACE OF BEGINNING and containing 1.033 acres of land, more or less.

TRACT II:

A tract of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-two (22), Township Seventeen (17) South, Range Twenty-seven (27) West, Miller County, Arkansas, and more fully described as follows:

COMMENCING at a point 70 feet West of the Southeast Corner of the NE 1/4 of the NW 1/4 of Section 22, Township 17 South, Range 27 West, said point also being 20 feet North of the South boundary line of the NE 1/4 of the NW 1/4 of said Section 22;
THENCE West 375.2 feet to the POINT OF BEGINNING;
THENCE West 274.8 feet;
THENCE North 300 feet;
THENCE East 274.8 feet;
THENCE South 300 feet to the POINT OF BEGINNING and containing 1.80 acres of land, more or less.

Plaintiffs have elected not to proceed with the sale of these properties as part of these proceedings, and the U.S. Marshal Service is hereby relieved of any further responsibilities in connection with the above-described properties.

Plaintiffs wish to withdraw their winning bid of \$10,000.00 on the following property:

100 Pine Drive, Fouke, Arkansas

Lots Numbered Three (3) and Four (4), Richland Hills Second Addition to the Town of Fouke, Miller County, Arkansas

This property was auctioned off in error on June 12, 2014, as part of the Miller County public sale ordered by this Court. (ECF No. 339) Plaintiffs were the high bidder with their offer of \$10,000.00. Subsequently, on July 30, 2014, the Arkansas State Land Commissioner auctioned off

this property to a different buyer at the Miller County public auction to satisfy delinquent taxes. Thus, Plaintiffs wish to withdraw their bid of \$10,000.00 and void their original commitment to purchase this property. Plaintiffs concede that the buyer at the Arkansas State Land Commissioner's auction is now the proper owner. The U.S. Marshal Service is hereby relieved of any further responsibilities in connection with this property.

Plaintiffs also voluntarily removed the following property from the list of properties to be sold as a part of these proceedings:

200 Pine Drive, Fouke, Arkansas

Lots Numbered Twenty-Five (25) and Twenty-Six (26) in RICHLAND HILLS SECOND ADDITION, a subdivision of a part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Two (22), Township Seventeen (17) South, Range Twenty-Seven (27) West, Miller County, Arkansas, containing approx. 1 acre more or less, according to the mat or plat thereof recorded in Book 179, page 36 of the Plat Records of Miller County, Arkansas.

Plaintiffs now wish to proceed with the sale of this property as part of these proceedings. Accordingly, the U.S. Marshal Service is ordered to sell the property located at 200 Pine Drive, Fouke, Arkansas, in conjunction with the sale of those properties subject to the Third Writ of Execution (ECF No. 351), which have been ordered for sale in accordance with Ark. Code Ann. §§ 16-66-401 to 16-66-507. Proceeds of the sale of the property should be distributed first to the purchase money lienholder (if any) and then to Plaintiffs pursuant to Ark. Code Ann. § 16-66-203(b)(2).

ENTERED this 8th day of August 2014.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE