

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 FOR SALE OF PROPERTY SUBJECT TO FOURTH WRIT OF EXECUTION

Before the Court is the Fourth Writ of Execution (ECF No. 375) entered in the above-styled and numbered cause on July 15, 2015. As stated in the Fourth Writ of Execution: “**Any person or entity asserting an ownership interest in this property must do so in writing. Any and all claims of ownership in this property must be received by the Court on or before August 28, 2015.**” ECF No. 375 at 2 (emphasis in the original). Despite this deadline, no written claims of ownership have been filed as to the real property identified in the Fourth Writ of Execution. The date of August 28, 2015 has now passed. Because this deadline has passed with no claims being filed, these properties may be sold to satisfy the judgment against Defendant.¹

IT IS, THEREFORE, ORDERED that the U.S. Marshal’s Office shall immediately advertise and sell the following property in accordance with Ark. Code Ann. §§ 16-66-401 to 16-66-507, and that the proceeds of the sale 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):

¹ The Court has previously entered several fact-intensive orders related to Defendant and his properties. *See* ECF Nos. 200-201, 335-336. The Court will not restate these findings here; but to the extent they are relevant, they are also incorporated as a part of this Order.

Vacant Lot, Parcel 025-006-0, Fouke, Arkansas 71837

Lots 17, 18 and 19 of Richland Hills Second Addition to the Town of Fouke, Miller County, Arkansas, being a part of the NE 1/4 of the NW 1/4 of Section 22, Township 17 South, Range 27 West, Miller County, Arkansas.

ENTERED this 2nd day of September 2015.

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