

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

UNITED STATES OF AMERICA

PLAINTIFF

v.

Civil No. 08-5107

JOHN D. BRUNER, LOTAWANNA
LOCKHART BRUNER, GHG OF
SPRINGDALE, INC., and BENTON
COUNTY

DEFENDANTS

AMENDED AND SUBSTITUTED JUDGMENT

On this 26th day of February, 2009, the Court enters this **Amended and Substituted Judgment** which amends the Court's earlier **Judgment** (document #55, entered January 30, 2009) in light of plaintiff's **Motion To Amend Judgment** (document #56), which is hereby **granted**, and, as so amended, is substituted herewith in place of the said **Judgment** of January 30, 2009, to-wit:

On this 30th day of January, 2009, for reasons set forth in Orders entered by this Court on November 5, 2008, and December 9, 2008, the Court makes the following judgment:

IT IS ORDERED, ADJUDGED AND DECREED that the United States of America have judgment against separate defendant John D. Bruner in the sum of Two Hundred Ten Thousand Nine Hundred Twenty-Three and 72/100 Dollars (\$210,923.72), with interest thereon at the rate of 4.00% per annum until paid, for all of which execution may issue.

IT IS FURTHER ORDERED that the interest of John D. Bruner in certain real property located at 19862 Bruner Lane, Rogers, Arkansas, more particularly below, should be foreclosed, and the

property sold at judicial sale according to law, in order to pay this Judgment. The property is more particularly described as:

Part of the Frl. NE 1/4 of the NE 1/4 of Section 3, Township 19 North, Range 28 West, described as beginning 165 feet North of the SW Corner of the said Frl. NE 1/4 of the NE 1/4; thence East 808.5 feet to the Beaver Reservoir Take Line, which point is 165 feet North and 495 feet West of the SE Corner of the said Frl. NE 1/4 of the NE 1/4; thence Northwesterly 640 feet, more or less, to a point 330 feet East and 412.5 feet South of the NW Corner of the said Frl. NE 1/4 of the NE 1/4; thence Southwesterly 340 feet more or less, to a point on the West line of the said Frl. NE 1/4 of the NE 1/4 which is 508.5 feet North of the said SW Corner; thence South 292 feet 2 inches to the place of beginning.

SUBJECT to the overflowing Easement in favor of the U.S. Government for all that part lying below the 1135 foot Contour Line.

IT IS FURTHER ORDERED that the proceeds from judicial sale of this property should be first applied to the ad valorem taxes now due and owing on the property to Benton County, Arkansas, in the sum of One Thousand Six and 41/100 Dollars (\$1,006.41); next applied to the costs of judicial sale; next applied to the sums herein awarded to the United States of America; and any remainder paid over to John D. Bruner.

IT IS SO ORDERED, this 26th day of February, *nunc pro tunc* January 30, 2009.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE