

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	NO. 1: 06-CV-01630-AWI-GSA
)	
Plaintiff,)	AMENDED ORDER TO VACATE
)	PROPERTY
v.)	
)	
CHARLES WAYNE UPTERGROVE,)	
et al.,)	
)	
Defendants)	
_____)	

WHEREFORE, the court having granted the United States’s request for the foreclosure of its liens upon the real property commonly known as 26662 Road 23, Chowchilla, California, 93613 (the “subject property”), and the court having granted the United States’ motion for an Order that Defendants Charles W. Uptergrove and Martha G. F. Uptergrove, and all other parties acting in concert with, or on their behalf, or residing thereon, vacate and depart from the subject property at on or before 12:00 o'clock noon on December 1, 2009, and good cause having been found,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Defendants, Charles W. Uptergrove and Martha G. F. Uptergrove and all other persons acting in concert with them, or on their behalf, or residing at the subject property, shall, no later than 12:00 o'clock noon on December 1, 2009 vacate and depart from the subject property, and

1 IT IS FURTHER ORDERED that the United States Marshal is authorized and directed to
2 enforce this Order at any time that he deems appropriate after 12:00 o'clock noon on December 1,
3 2009 by (1) entering the subject property, and any and all structures and vehicles located thereon,
4 (2) evicting any unauthorized persons from all locations on the property, including, but not
5 limited to, the structures, vehicles, and grounds, and (3) using force as necessary to accomplish
6 this mission. When the United States Marshal concludes that all unauthorized persons have
7 vacated, or been evicted from the property, he shall relinquish possession and custody of the
8 subject property, and any personal property found thereon, to an Internal Revenue Service
9 Property Appraisal and Liquidation Specialist, and

10 IT IS FURTHER ORDERED that, should Defendants Charles W. Uptergrove and Martha
11 G. F. Uptergrove or any person acting on their behalf, or in concert with them, or residing
12 thereon, either fail to vacate and depart from the subject property by 12:00 o'clock noon on
13 December 1, 2009 or attempt to enter onto the subject property after that date and time, that
14 person shall be subject to being found in contempt of this order of this court, which may subject
15 that person to a fine, incarceration, or both, and

16 IT IS FURTHER ORDERED that the United States Marshal, within ten days of the entry
17 of this order, provide notice of it to Charles W. Uptergrove and Martha G. F. Uptergrove or any
18 person residing at the subject property, by hand delivery of a copy of this Order, or by leaving a
19 copy of this Order posted in a prominent location at the building at the subject property.
20

21 IT IS SO ORDERED.

22 **Dated:** November 17, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE