

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,)	ORDER ENDING STAY
)	
v.)	ORDER TO VACATE PROPERTY
)	
CHARLES WAYNE UPTERGROVE,)	
et al.,)	
)	
Defendants.)	
_____)	

In this action, Plaintiff United States of America obtained a judgment and order that reduced federal tax assessments to judgment. This judgment allows the United States to foreclose on its liens upon real property commonly known as 26662 Road 23, Chowchilla, California, 93613 (the "subject property"). On August 31, 2010, the court ordered Defendants, and all other parties acting in concert with, or on their behalf, or residing thereon, to vacate and depart from the subject property at, on or before 12:00 o'clock noon on September 27, 2010.

On September 23, 2010, Defendant Charles Wayne Uptergrove filed a Chapter 7 Voluntary Bankruptcy Petition in the United States Bankruptcy Court for the Eastern District of California. On September 27, 2010, the court temporarily stayed this action, including the August 31, 2010 order, for thirty days pursuant to 11 U.S.C. § 362 (a) and 11 U.S.C. § 362(c)(3)(A).

1 Thirty days have passed since the court's September 27, 2010 order staying this action.
2 No order from the Bankruptcy Court Judge continuing the stay has been issued. Accordingly,
3 as stated in the September 27, 2010 order, the stay in this action has automatically lifted and the
4 August 31, 2010 order will now take full effect.

5 WHEREFORE, the Plaintiff, the United States of America, having requested and been
6 granted the foreclosure of its liens upon the real property commonly known as 26662 Road 23,
7 Chowchilla, California, 93613 (the "subject property"), and the United States having requested
8 an Order of this Court that the Defendants Charles W. Uptergrove and Martha G. F. Uptergrove
9 (the "taxpayers"), and all other parties acting in concert with, or on their behalf, or residing
10 thereon, vacate and depart from the subject property,

11 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Defendants Charles
12 W. Uptergrove and Martha G. F. Uptergrove and all other persons acting in concert with them, or
13 on their behalf, or residing at the subject property, shall, vacate and depart from the subject
14 property, and

15 IT IS FURTHER ORDERED that the United States Marshal is authorized and directed to
16 enforce this Order at any time that he deems appropriate by (1) entering the subject property, and
17 any and all structures and vehicles located thereon, (2) evicting any unauthorized persons from
18 all locations on the property, including, but no limited to, the structures, vehicles, and grounds,
19 and (3) using force as necessary to accomplish this mission. When the United States Marshal
20 concludes that all unauthorized persons have vacated, or been evicted from the property, he shall
21 relinquish possession and custody of the subject property, and any personal property found
22 thereon, to an Internal Revenue Service Property Appraisal and Liquidation Specialist, and

23 IT IS FURTHER ORDERED that, should Defendants Charles W. Uptergrove and Martha
24 G. F. Uptergrove or any person acting on their behalf, or in concert with them, or residing
25 thereon, either fail to vacate and depart from the subject property, or attempt to enter onto the
26 subject property, that person shall be subject to being found in contempt of this Order of this
27

1 court, which may subject that person to a fine, incarceration, or both.

2

3 IT IS SO ORDERED.

4

Dated: November 1, 2010



CHIEF UNITED STATES DISTRICT JUDGE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28