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18 IN THE UNITED STATES DISTRICT COURT
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20 FOR THE EASTERN DISTRICT OF CALIFORNIA

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22 UNITED STATES OF AMERICA,

23
24 Plaintiff,

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26 v.

27
28 MICHAEL CAREY, et al.,

29
30 Defendants.

Civil No. 2:05-cv-2176-MCE

**ORDER PERMITTING BUYER OF
BELLA VISTA PROPERTY TO
POSSESS PROPERTY PENDING
CONFIRMATION OF SALE**

Hearing date: September 6, 2011
Hearing time: 2:00 p.m.
Hearing place: 501 I Street, Sacramento, CA
Courtroom 7

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35 decree of sale the Court previously entered in this case. The Court agrees. For the reasons given
36 by the United States and for good cause shown, it is HEREBY ORDERED: The United
37 States has moved for an order permitting Michael Hanley, the prospective purchaser of the real
38 property located at 23658 Highway 299E, Bella Vista, California, 96008, to possess the property
39 pending confirmation of the sale. The United States argues that permitting Hanley to possess the
40 property until the Court rules on a motion to confirm the sale is reasonable and appropriate to

1 enforce the United States' federal tax liens on the property and to carry out the decree of sale the
2 Court previously entered in this case. The Court agrees. For the reasons given by the United
3 States and for good cause shown, it is HEREBY ORDERED

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5 (1) If Michael Hanley remits to the United States a cashier's check for \$189,000,
6 made out to this Court, he shall be entitled to immediately possess the real property at 23658
7 Highway 299E, Bella Vista, California, 96008.

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9 (2) Michael Hanley shall have such right to possess the real property until the Court
10 rules on the motion the United States will file to confirm the sale of the property to Michael
11 Hanley. He shall have the right to exclude persons from the real property to the extent provided
12 by law; however, Michael Hanley shall not have the right to exclude any officer of the United
13 States from the real property.

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15 (3) Unless and until the sale is confirmed, Michael Hanley shall take all reasonable
16 steps necessary to preserve the property (including all buildings, improvements, fixtures and
17 appurtenances on the property) in its current condition. He shall neither commit waste against
18 the property nor cause or permit anyone else to do so. He shall neither do anything that tends to
19 reduce the value or marketability of the property nor cause or permit anyone else to do so.

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21 (4) If the Court enters an order denying the United States' motion to confirm the sale,
22 Michael Hanley's right to possess the real property shall terminate immediately. In that event,
23 the United States shall promptly provide him notice of the sale by telephone communication or

1 otherwise, and Michael Hanley shall vacate and depart the property within 24 hours of receiving
2 the notice.

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4 (5) Michael Hanley shall take possession as the prospective purchaser of the real
5 property, and not as an agent of the United States or at the direction of the United States.

6 Michael Hanley shall have no cause of action against the United States for any event arising
7 from his taking possession of the real property.

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9 **IT IS SO ORDERED.**

10 September 1, 2011

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13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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