

**FILED**

**JUL 09 2014**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KENNETH J. MALINOWSKI; PATRICIA I. MALINOWSKI; KENNETH J. MALINOWSKI and PATRICIA I. MALINOWSKI as trustees of the BOAZ FOUNDATION; THE POPULAR SOCIETY OF SOVERIGN ECCLESIA aka THE POPULAR SOCIETY OF THE SOVEREIGN ECCLESIA, KENNETH J. MALINOWSKI as Patriarch; STAN HOKENSON as trustee of TIERRA LAND TRUST, aka TIERRA TRUST; GMAC MORTGAGE CORPORATION; STATE OF CALIFORNIA FRANCHISE TAX BOARD; CITIBANK SOUTH DAKOTA, N.A.; SACRAMENTO COUNTY,  
  
Defendants.

No. 2:11-cv-01187-JAM-JFM

**ORDER CONFIRMING SALE AND DISTRIBUTING PROCEEDS**

This matter came before the Court on the United States' motion for an Order confirming the sale of real property and to distribute the proceeds of the sale ("Motion to Confirm Sale"). Upon consideration of the Motion to Confirm Sale, any opposition thereto, and any reply, it is hereby ORDERED:

1           1. This Order concerns the real property located at 6037  
2 White Cloud Ct., Citrus Heights, CA 95621 ("the Subject  
3 Property"), which is legally described as follows:

4           Lot 176 as shown on that certain map entitled "Plat of  
5 Greenback Wood Unit 2" filed in the office of the  
6 County Recorder of Sacramento County California, on  
7 October 3, 1980 in Book 1142 of Maps, at Page 1.

8           The Court finds that the Subject Property was sold at public  
9 auction on March 7, 2014, in substantial compliance with 28  
10 U.S.C. §§ 2001 and 2002 and this Court's Order of Sale entered  
11 October 19, 2012 (Doc. #88). Accordingly, the United States'  
12 Motion to Confirm is hereby GRANTED.

13           2. It is hereby ORDERED that the sale is confirmed. An  
14 appropriate official at the Internal Revenue Service shall issue  
15 a deed to the purchaser of the Subject Property, Wealthbuilders  
16 Investment Network, LP. The recorder of deeds, Sacramento County,  
17 California, shall cause transfer of the Subject Property to be  
18 reflected upon that county's register of title. Wealthbuilders  
19 Investment Network, LP shall pay, in addition to the amount of  
20 the purchase price already paid, any documentary stamps and  
21 Clerk's registry fees as provided by law;

22           3. It is FURTHER ORDERED that the proceeds of the sale,  
23 which total \$225,000.00, shall be disbursed as follows:

24           FIRST, to the Internal Revenue Service in the sum of  
25 \$1,480.00, for the costs of the sale of the Subject Property. The  
26 check shall be made payable to "United States Treasury" and shall  
27 be sent to:

28           Internal Revenue Service  
          ATTN: Kathryn K. Clark, PALS  
          55 South Market St, Ste 811,  
          MS HQ 5410  
          San Jose, CA 95113

1 SECOND, to Green Tree Servicing, LLC, in full payment of the  
2 debt secured by the deed of trust recorded against the Subject  
3 Property. The payment shall be \$84,275.52 if made on or before  
4 June 1, 2014, plus an additional \$14.41 for every day after June  
5 1, 2014. The check shall be made payable to "Green Tree Servicing  
6 LLC", shall include the phrase "#62001431/Malinowski" in the memo  
7 line of the check, and shall be sent to:

8 Green Tree Servicing LLC  
9 Jim Grantham, Regional Manager  
33600 6th Ave. S. - Suite 220  
10 Federal Way, WA 98003  
Re: #62001431/Malinowski

11 THIRD, to the California Franchise Tax Board for application  
12 to the unpaid state tax liens and liabilities of Kenneth and  
13 Patricia Malinowski for tax years 1998 through 2001, 2003 and  
14 2004. The payment shall be \$34,709.47, plus an additional \$2.63  
15 for every day after May 1, 2014. The check shall be made payable  
16 to "Franchise Tax Board", shall include "Malinowski" on the memo  
17 line of the check, and shall be sent to:

18 Todd Bailey  
19 Legal Division, Franchise Tax Board  
P.O. Box 1720  
20 Rancho Cordova, CA 95741-1720

21 FOURTH, to the United States for application to the unpaid  
22 federal income tax liens and liabilities of Kenneth and Patricia  
23 Malinowski for tax year 1998. The payment shall be the remaining  
24 amount of the proceeds of the sale following the disbursements  
25 described above. The check shall be made payable to "United  
26 States Treasury," shall include the phrase "Malinowski CMN  
27 2010103003" in the memo line of the check, and shall be sent to:

28 United States Department of Justice  
ATTN: TaxFLU


1 P.O. Box 310,  
2 Washington, D.C. 20044

3 4. It is FURTHER ORDERED that the confirmation of the sale  
4 shall, and hereby does, discharge and extinguish all interests  
5 in, liens against, or claims to the Subject Property that are  
6 presently held by or asserted by the parties to this action;

7 5. It is FURTHER ORDERED that Wealthbuilders Investment  
8 Network, LP may record this Order in public records as it may  
9 find appropriate.

10 IT IS SO ORDERED:

11 DATED: July 9, 2014

12   
13 THE HONORABLE JOHN A. MENDEZ  
14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

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