

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 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DOUGLAS R. CARAWAY, et al.,
Defendants.

Case No. [08-cv-04371-MMC](#)

**ORDER GRANTING MOTION TO
REINSTATE JUDGMENT AND FOR
DECREE OF SALE; VACATING
HEARING**

Re: Dkt. No. 217

United States District Court
Northern District of California

Before the Court is plaintiff United States of America’s (“United States”) “Motion to Reinstate Judgment and for Decree of Sale,” filed January 25, 2017. Defendant Douglas R. Caraway (“Caraway”) has filed opposition, to which the United States has responded. Having read and considered the papers filed in support and in opposition to the motion, the Court deems the matter appropriate for determination on the parties' respective written submissions, VACATES the hearing scheduled for March 3, 2017, and rules as follows.

The sole dispute between the above-referenced parties concerns the means by which the subject property is to be sold. In particular, the United States seeks a public sale, whereas Caraway requests authority to sell the property privately, which, Caraway anticipates, will result in an earlier resolution of the matter.

As the United States points out, however, even a private sale entails compliance with a number of procedural requirements, including published notice at the outset of the proceedings, appointment of “three disinterested persons” for purpose of an appraisal, and publication of the terms of any accepted offer. See 28 U.S.C. § 2001(b).

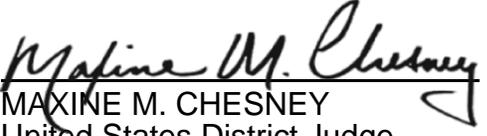
Under the circumstances, the Court finds it preferable to proceed with a public sale

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

and, accordingly, the United States' motion is hereby GRANTED.

IT IS SO ORDERED.

Dated: February 22, 2017


MAXINE M. CHESNEY
United States District Judge