

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 07-cv-00978-MSK-KMT

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS WAGNER,
CAROL WAGNER,
KEY BANK, and
COLORADO DEPARTMENT OF REVENUE,

Defendants.

ORDER CONFIRMING JUDICIAL SALE

On May 24, 2010, the Court entered an Order of Judicial Sale. (Rec. Doc. 80) in this case. The Order directed the Internal Revenue Service to sell property of the Judgment debtor Charles Ledford and report the sale to the Court. The Order permitted the sale of the property commonly known as 4820 Crest Road, Fort Collins, Colorado 80526, and is more particularly described as follows:

Tract 3, Brookwood Estates, located in a portion of the NE 1/4 of Section 2, Township 6 North, Range 69 West of the 6th P.M., Larimer County, Colorado, according to the recorded Plat thereof; TOGETHER WITH 16/100ths of one share of Pleasant Valley and Lake Canal Company, and one sewer tap on the South Fort Collins Sanitation District

The United States has reported, and the Court so finds, that the sale was publicized in accordance with 28 U.S.C. § 2001 and properly conducted. For four weeks prior to November 23, 2010, a newspaper of general circulation in Larimer County, published notice of the sale.

(Sell Decl., ¶5, Ex. A).

On November 23, 2010, at noon at 4820 Crest Road, Fort Collins, Colorado, the United States offered for sale at public auction to the highest bidder the property described in the Notice of Sale. The successful bidder, The Buy-out Company, LLP, bid \$330,500 for the subject property. The Buy-out Company has paid the required deposit of \$35,000 and the balance of the purchase price, \$295,500, to Officer Sell, who then deposited the funds with the Court with reference to this matter. These funds, along with funds received as the result of public auction of personal property left at 4820 Crest Road, Fort Collins, Colorado, were paid and deposited with the Court on November 29 and December 9, 2010, respectively. (Rec. Docs. 84-87).

In accordance with the foregoing, and for good cause shown,

IT IS ORDERED THAT the sale on November 23, 2010, of the real property commonly known as 4820 Crest Road, Fort Collins, Colorado 80526 was properly conducted. The sale is hereby confirmed.

IT IS FURTHER ORDERED that the Internal Revenue Service is authorized to execute and deliver to the purchaser a Certificate of Sale and Deed conveying the real property commonly known as 4820 Crest Road, Fort Collins, Colorado 80526 to him or to his assignee.

IT IS FURTHER ORDERED that, on delivery of the Certificate of Sale and Deed, all interests in, liens against, or claims to the subject property that are held or asserted in this action by the plaintiff or any of the defendants are discharged. On delivery of the Certificate of Sale and Deed, the real property commonly known as 4820 Crest Road, Fort Collins, Colorado 80526 shall be free and clear of the interests of defendants Dennis Wagner, Key Bank, Carol Wagner, Colorado Department of Revenue, and Home Federal Savings and Loan Association of the

Rockies, or their successors in interest.

IT IS FURTHER ORDERED that possession of the property sold shall be yielded to the purchaser upon the production of a copy of the Certificate of Sale and Deed; and if there is a refusal to so yield, a Writ of Assistance may, without further notice, be issued by the Clerk of this Court to compel delivery of the property to the purchaser.

DATED this 31st day of March, 2011.

BY THE COURT:



Marcia S. Krieger
United States District Judge