

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 08-cv-00253-WYD-KLM

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD E. KIMMELL,  
EVELYN R. KIMMELL;  
HIGH PLAINS ELECTRICAL CONTRACTING;  
WOLFENGANG, LLC;  
STATE OF COLORADO,  
DEPARTMENT OF REVENUE

Defendants.

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**ORDER**

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THIS MATTER is before the Court on the United States' Motion to Correct Judgment Pursuant to Rule 60(a) and to Vacate Order Pursuant to Rule 60(a) and (b) filed April 5, 2010. The motion seeks to correct the Court's Judgment (Doc. No. 61) to reflect the applicable interest rate. It also seeks to vacate the Order of Dismissal (Doc. No. 60) entered on March 30, 2010 pursuant to Rule 60(a) and (b) because the Order of Sale entered by the Court on March 26, 2010 (Doc. No. 59) contemplates entry of a separate order of confirmation by the Court after completion of the sale and before the case is dismissed.

Having reviewed the motion and being fully advised in the premises, I find that the motion should be granted pursuant to Fed. R. Civ. P. 60(a) and (b)(1). Thus, it is

ORDERED that the United States' Motion to Correct Judgment Pursuant to Rule 60(a) and to Vacate Order Pursuant to Rule 60(a) and (b) filed April 5, 2010 (Doc. # 62) is **GRANTED**. In accordance therewith, it is

ORDERED that the Order of Dismissal of this case is **VACATED**. The Clerk of Court shall **REOPEN** the case pending the sale of the subject property. When the sale is complete, the United States shall promptly advise the Court of the sale, submit a proposed form of order for the Court's confirmation of the sale, and seek dismissal of the case when appropriate. Upon dismissal of the case, an amended judgment will be issued consistent with that proposed by the United States.

Dated: April 6, 2010

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
Chief United States District Judge