

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO**

Case No. 1: 14-cv-03387-JLK-KLM

BILLY LEE DASSEL,

Plaintiff,

v.

ESTATE OF MARY BRIDGET DASSEL BY
AND THROUGH ITS APPOINTED PERSONAL
REPRESENTATIVE, CREDIT SERVICE COMPANY INC.,
STATE OF COLORADO, COLORADO DEPARTMENT OF LABOR AND
EMPLOYMENT, ACCESS FLOWER TRADING INC.,
COLORADO SPRINGS WHOLESALE FLORIST,
and INTERNAL REVENUE SERVICE,

Defendants.

**AMENDED ORDER PERMITTING SALE OF PROPERTY FREE OF LIENS AND
PERMITTING DEPOSIT OF SALE PROCEEDS WITH COURT**

The Estate of Mary Bridget Dassel, (the “Estate”), has filed a motion, pursuant to Federal Rules of Civil Procedure 7(b) and 67(a), requesting the Court issue an Order stating that the real properties which are the subject of this action (the “Properties”), as legally described below, are sold free and clear of all liens and further authorizing the title company that conducts each closing to deposit the sales proceeds from each sale into the Court’s registry. The Estate of Mary Bridget Dassel explains that the Estate, the United States and Billy Dassel have reached a resolution on the division of sales proceeds and the Properties are being sold to disinterested third parties. The Court has issued default orders against defendants Credit Service Company, Inc., State of Colorado and its Colorado Department of Labor and Employment and Colorado Order Permitting Sale of Property Free of Liens and Permitting Deposit of Sales Proceeds Into Court Registry

Springs Wholesale Florist, as they failed to answer the Complaint for Quiet Title and Access Flower Trading Inc. responded by requesting dismissal as a party and disclaiming any interest in the Properties. The remaining parties to this action have all consented to the relief sought in the Estate's motion.

Therefore, and for good cause shown, it is hereby ORDERED:

1. The Estate's Motion (Doc. 41) is GRANTED; and
2. Pursuant to Federal Rules of Civil Procedure 7(b), the Court ORDERS that the Properties, as described below, are sold free and clear of all liens, as listed below:

PROPERTY ONE

PARCEL A

Lots 4 through 7, inclusive,

Block 406,

Re-subdivision Plat of a portion of South Colorado City and Calvert Heights,

County of El Paso,

State of Colorado

TOGETHER with that portion of the rail road right of way through said Lots 4 through 7, inclusive, Block 406;

and,

TOGETHER with the East half of the alley in the middle of said Block 406 adjacent thereto, as vacated by Ordinance No.

79-107 recorded July 3, 1979 in Book 3196 at Page 595, County of El Paso, State of Colorado records.

PARCEL B:

Lots 8 through 11, inclusive,

Block 406,

Re-subdivision Plat of a portion of South Colorado City and Calvert Heights,

County of El Paso,

State of Colorado

TOGETHER with that portion of the rail road right of way through said Lots 8 through 11, inclusive, Block 406;

and,

TOGETHER with the East half of the alley in the middle of said Block 406 adjacent thereto, as vacated by Ordinance No.

79-107 recorded July 3, 1979 in Book 3196 at Page 595, County of El Paso, State of Colorado records.

Also known by street and number as 1332 and 1380 South 21st Street, Colorado Springs, Colorado 80906

Order Permitting Sale of Property Free of Liens and Permitting Deposit of Sales Proceeds Into Court Registry

PROPERTY TWO

Lot 31, Block 3,
Holland Park Subdivision No. 1, First Filing,
County of El Paso, State of Colorado

Also known by street and number as 4010 North Chestnut Street, Colorado Springs, CO 80907

PROPERTY THREE

Lot 5, Block 6
Red Rock Valley Estates Filing No. 2
County of El Paso, State of Colorado

Also known by street and number as 1945 Llano Circle, Colorado Springs, CO 80926

LIENS

Lien by State of Colorado Department of Labor and Employment, for nonpayment of unemployment insurance tax, in the amount of \$1,631.41, recorded August 31, 2009, at Reception No. 209103468.

Transcript of Judgment recorded August 10, 2010, at Reception No. 210076875, wherein Credit Service Company Inc, is named as the creditor, and Mary Dassel, as the debtor, in the amount of \$1,914.06, and any other amounts due thereunder, Case No. 10C-014440, of the County Court of El Paso County.

Lien by State of Colorado Department of Labor and Employment, for nonpayment of unemployment insurance tax, in the amount of \$3,349.22, recorded August 26, 2010, at Reception No. 210083218.

Lien by State of Colorado, for nonpayment of unemployment insurance tax, in the amount of \$578.76, recorded November 17, 2010, at Reception No. 210116500.

Lien by State of Colorado, Division of Labor and Employment, for nonpayment of unemployment insurance tax, in the amount of \$145.25, recorded February 24, 2011, at Reception No. 211019765.

Lien by State of Colorado, Division of Labor and Employment, for nonpayment of unemployment insurance tax, in the amount of \$13,048.37, recorded November 4, 2011, at Reception No. 211109361.

Lien by the Internal Revenue Service, for federal taxes in the amount of \$1,061,716.02 recorded on December 27, 2011, as Reception No. 211128219.

Lien by State of Colorado, Division of Labor and Employment, for nonpayment of unemployment insurance tax, in the amount of \$922.80, recorded February 16, 2012, at Reception No. 212017731.

Lien by State of Colorado, Division of Labor and Employment, for nonpayment of
Order Permitting Sale of Property Free of Liens and Permitting Deposit of Sales Proceeds Into Court Registry

unemployment insurance tax, in the amount of \$72.10, recorded May 31, 2012, at Reception No. 212062465.

Transcript of Judgment recorded July 17, 2012, at Reception No. 212081163, wherein Colorado Springs Wholesale Florist, is named as the creditor, and Mary Dassel, as the debtor, in the amount of \$1,069.30 and any other amounts due thereunder, Case No. 12C-000507, of the County Court of El Paso County.

Transcript of Judgment recorded September 12, 2012, at Reception No. 212105702, wherein Access Flower Trading Inc, is named as the creditor, and Mary Dassel, et al as the debtor, in the amount of \$6,560.40 and any other amounts due thereunder, Case No. 12CV-003437, of the District Court of El Paso County.

Transcript of Judgment recorded June 1, 2015, at Reception No. 215054921, wherein State of Colorado, Department of Revenue, is named as the creditor, and Mary B. Dassel, as the debtor, in the amount of \$4,826.00 and any other amounts due thereunder, Case No. D212014CV809197, of the District Court of El Paso County.

Transcript of Judgment recorded June 1, 2015 at Reception No. 215054922, wherein State of Colorado, Department of Revenue, is named as the creditor and Mary B. Dassel, as the debtor, in the amount of \$17,706.00 and any other amounts due thereunder, Case No. D212013CV800417, of the District Court of El Paso County.

3. Pursuant to Federal Rule of Civil Procedure 67(a), the Court grants leave for the title company that conducts each closing to deposit the sale proceeds from the sale of each of the Properties into the registry of this Court. The proceeds may be deposited by any method that is mutually convenient for the title company that conducts each closing and the Clerk's office.

IT IS SO ORDERED.

Dated this 15th day of January, 2016.



HONORABLE JOHN L. KANE
SENIOR U.S. DISTRICT COURT JUDGE

Respectfully presented this 14th day of January, 2016 by:

Office of the Public Administrator
for El Paso and Teller Counties

/s/Catherine Anne Seal

Catherine Anne Seal, #26908
90 S. Cascade Ave., Suite 480
P.O. Box 6
Colorado Springs, CO 80903
Phone: (719) 447-9760
Fax: (719) 634-0485
Email: cas@kirtlandseal.com
Personal Representative of the
Estate of Mary Bridget Dassel