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IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEVADA

LAKE LAS VEGAS MASTER TRUST, )  
)  
Plaintiff, )  
)  
v. )

Case No. 2:14-cv-00435-GMN-NJK  
(Consolidated with  
Case No. 2:14-cv-00658 GMN-NJK)

UNITED STATES INTERNAL REVENUE )  
SERVICE; Z'S, a defaulted Nevada )  
Corporation; and DOES 1 through 10, inclusive )  
)  
Defendants. )

[Proposed]  
ORDER OF FORECLOSURE AND  
JUDICIAL SALE

LN MANAGEMENT LLC SERIES 31 RUE )  
MEDITERRA )  
)  
Plaintiff, )  
)  
v. )

UNITED STATES INTERNAL REVENUE )  
SERVICE; Z'S, a defaulted Nevada )  
Corporation; and DOES 1 through 10, inclusive )  
)  
Defendants. )

1  
2 The Court has entered judgment in favor of the United States and ordered foreclosure of  
3 the United States' federal tax lien against four parcels of real property located at 27 Rue  
4 Mediterra Dr., Henderson, NV 89011, 29 Rue Mediterra Dr., Henderson, NV 89011, 31 Rue  
5 Mediterra Dr., Henderson, NV 89011 and 33 Rue Mediterra Dr., Henderson, NV 89011 the  
6 Subject Property. This Order of Foreclosure and Judicial Sale is entered pursuant to the  
7 provisions of 28 U.S.C. §§ 2001, 2002, and 3201 and 26 U.S.C. §§ 7402 and 7403. The Court  
8 hereby orders as follows:

9 1. On March 28, 2016, this Court entered Judgment in favor of the United States and  
10 against plaintiff Lake Las Vegas Master Trust (Doc. Nos. 51 and 52) in Civil No. 2:14-cv-00435-  
11 GMN-NJK and on March 29, 2016, this Court entered Judgment in favor of the United States  
12 and against plaintiff LN Management LLC Series 31 Rue Mediterra (Doc. Nos. 19 and 20) in  
13 Civil No. 2:14-cv-00658-GMN-NJK.

14 2. The real properties at issue, referred to as the "Subject Properties," upon which  
15 the United States is entitled to foreclose its tax lien are located at 27 Rue Mediterra Drive,  
16 Henderson, Nevada 89109, APN 160-23-213-004; 29 Rue Mediterra Dr., Henderson, NV  
17 89011, APN 160-23-213-003; 31 Rue Mediterra Dr., Henderson, NV 89011, APN 160-23-213-  
18 002; and 33 Rue Mediterra Dr., Henderson, NV 89011, APN 160-23-213-001, respectively, and  
19 are more particularly described as follows:

20 Lot Four Nineteen (419) of Marseilles (also known as "Lake Las Vegas – Parcel 25") as  
21 shown by map thereof on file in Book 66 of Plats, Page 80, in the Office of the County  
22 Recorder of Clark County, Nevada.

Lot Four Twenty (420) of Marseilles (also known as "Lake Las Vegas –  
Parcel 25") as shown by map thereof on file in Book 66 of Plats, Page 80, in  
the Office of the County Recorder of Clark County, Nevada.

1 Lot Four Twenty-One (421) of Marseilles (also known as “Lake Las Vegas –  
2 Parcel 25”) as shown by map thereof on file in Book 66 of Plats, Page 80, in  
the Office of the County Recorder of Clark County, Nevada.

3 Lot Four Twenty-Two (422) of Marseilles (also known as “Lake Las Vegas –  
4 Parcel 25”) as shown by map thereof on file in Book 66 of Plats, Page 80, in  
the Office of the County Recorder of Clark County, Nevada.

5 3. The United States has a valid and subsisting federal tax lien based on Z’s, A  
6 Nevada Corporation’s unpaid corporate income tax liabilities for 2004 and 2005 against all  
7 property and rights to property belonging to Z’s, including but not limited to the Subject  
8 Properties.

9 4. Section 7403 of Title 26 (U.S.C.) entitles the United States to enforce its lien  
10 against the Subject Properties in order to apply the proceeds towards the liabilities described in  
paragraph 3.

11 5. The United States’ federal tax lien against the Subject Properties is hereby  
12 foreclosed. The United States Marshal for the District of Nevada, his/her representative, or an  
13 Internal Revenue Service Property Appraisal and Liquidation Specialist (“PALS”) representative  
14 is authorized and directed under 28 U.S.C. §§ 2001 and 2002 to offer for public sale and to sell  
15 the Subject Properties, free and clear of the right, title and interest of all parties to these actions  
16 and any successors in interest or transferees of those parties. The United States may choose  
17 either the United States Marshal or a PALS representative to carry out the sale(s) under this  
18 Order of Sale and shall make the arrangements for any sale(s) as set forth in this Order. This  
19 Order of Sale shall act as a special writ of execution and no further orders or process from the  
Court shall be required.

20 6. The United States Marshal for the District of Nevada, his/her representative, or a  
21 PALS representative shall have sole discretion to sell the Subject Properties together as one or  
22 more units or to sell the Subject Properties separately. For the purposes of this order, any

1 reference to the “sale” or “sales” shall be construed to refer to the sale of the Subject Properties  
2 separately, or together, as determined by the United States Marshal for the District of Nevada,  
3 his/her representative, or a PALS representative.

4 7. The United States Marshal for the District of Nevada, his/her representative, or a  
5 PALS representative is authorized to have free access to the Subject Property and to take all  
6 actions necessary to preserve the property, including without limitation retaining a locksmith or  
7 other person to change or install locks or other security devices on any part thereof, until a deed  
8 thereto is delivered to the ultimate purchaser(s).

9 8. The terms and conditions of the sale(s) are as follows:

- 10 a. Except as otherwise stated herein, the sale(s) shall be by public auction to  
11 the highest bidder(s), free and clear of all liens and interests.
- 12 b. The sale(s) shall be subject to all laws, ordinances, and governmental  
13 regulations (including building and zoning ordinances), affecting the  
14 premises, and easements and restrictions of record, if any.
- 15 c. The sale(s) shall be held at the Clark County Courthouse, on the Subject  
16 Properties premises, or at any other place in accordance with the  
17 provisions of 28 U.S.C. §§ 2001 and 2002, at a date and time announced  
18 by the United States Marshal, his/her representative, or a PALS  
19 representative.
- 20 d. Notice of the sale(s) shall be published once a week for at least four  
21 consecutive weeks before the date fixed for the sale(s) in at least one  
22 newspaper regularly issued and of general circulation in Clark County,  
Nevada, and, at the discretion of the Marshal, his/her representative, or a

1 PALS representative, by any other notice that it or its representative may  
2 deem appropriate. State or local law notice requirements for foreclosures  
3 or execution sales do not apply to this sale or sales under federal law and  
4 state or local law regarding redemption rights do not apply to this sale or  
5 sales. The notice(s) of sale(s) shall describe the Subject Properties and  
6 shall contain the material terms and conditions of sale in this Order of  
7 Sale.

8 e. The minimum bid will be set by the Internal Revenue Service. If the  
9 minimum bid is not met or exceeded, the Marshal, his or her  
10 representative, or a PALS representative may, without further permission  
11 of this Court, and under the terms and conditions in this Order of Sale,  
12 hold new public sales, if necessary, and reduce the minimum bid, or sell to  
13 the highest bidder(s);

14 f. Bidders shall be required to deposit at the time of sale with the Marshal,  
15 his/her representative, or a PALS representative, ten percent of the  
16 minimum bid, with the deposit to be made by a certified or cashier's check  
17 payable to the United States District Court for the District of Nevada.  
18 Before being permitted to bid at the sale(s), bidders shall display to the  
19 Marshal, his/her representative, or a PALS representative satisfactory  
20 proof of compliance with this requirement.

21 g. The balance of the purchase price in excess of the deposit tendered shall  
22 be paid to the Marshal or a PALS representative (whichever person is  
conducting the sale) within thirty (30) days after the date the bid is

1                   accepted by a certified or cashier's check payable to the United States  
2                   District Court for the District of Nevada. If the successful bidder(s) fail(s)  
3                   to fulfill this requirement, the deposit shall be forfeited and shall be  
4                   applied to cover the expenses of the sale(s), including commissions due  
5                   under 28 U.S.C. § 1921(c), with any amount remaining to be applied to  
6                   Z's, a Nevada Corporation's federal tax liabilities, described in  
7                   Paragraph 3. The Subject Properties shall be again offered for sale under  
8                   the terms and conditions of this Order of Sale or, in the alternative, sold to  
9                   the second highest bidder or bidders. The United States may bid as a credit  
                    against its judgment without tender of cash.

- 10                   h. The sale(s) of the Subject Properties shall not be final until confirmed by  
11                   this Court. The Marshal or a PALS representative shall file a report of  
12                   sale(s) with the Court within 30 days from the date of receipt of the  
13                   balance of the purchase price.
- 14                   i. Upon confirmation of the sale(s), the Marshal or PALS representative  
15                   shall promptly execute and deliver a deed of judicial sale conveying the  
16                   Subject Properties to the purchaser(s).
- 17                   j. Upon confirmation of the sale(s), the interests of, liens against, or claims  
18                   to the Subject Properties held or asserted by the United States in the  
19                   Counterclaims and any other parties to this action or any successors in  
20                   interest or transferees of those parties shall be discharged and  
21                   extinguished. The sale(s) is ordered pursuant to 28 U.S.C. § 2001.  
22

1                   Redemption rights under state or local law shall not apply to this sale or  
2                   sales under federal law.

3                   k. Upon confirmation of the sale(s), the purchaser shall have the recorder of  
4                   deeds, Clark County, Nevada, to cause transfer of the Subject Property to  
5                   be reflected upon that County's register of title.

6                   9.        Until the Subject Properties are sold, Lake Las Vegas Master Trust and LN  
7                   Management LLC Series 31 Rue Mediterra shall take all reasonable steps necessary to preserve  
8                   the Subject Properties (including all buildings, improvements, fixtures and appurtenances  
9                   thereon, if any) including, without limitation, maintaining any current fire and casualty insurance  
10                  on the Subject Properties. Lake Las Vegas Master Trust and LN Management LLC Series 31  
11                  Rue Mediterra shall not commit waste against the Subject Properties, nor shall they cause or  
12                  permit anyone else to do so. Lake Las Vegas Master Trust and LN Management LLC Series 31  
13                  Rue Mediterra shall not do anything that tends to reduce the value or marketability of the Subject  
14                  Properties, nor shall they cause or permit anyone else to do so. Lake Las Vegas Master Trust  
15                  and LN Management LLC Series 31 Rue Mediterra shall not record any instruments, publish any  
16                  notice, or take any other action that may directly or indirectly tend to adversely affect the value  
17                  of the Subject Properties or that may tend to deter or discourage potential bidders from  
18                  participating in the public sale, nor shall they cause or permit anyone else to do so. **Violation of  
19                  this paragraph shall be deemed a contempt of court and punishable as such.** Should Lake  
20                  Las Vegas Master Trust and LN Management LLC Series 31 Rue Mediterra fail to comply with  
21                  this paragraph, the United may take steps to protect the Subject Properties by seeking further  
22                  Court order.

1           10. All persons occupying the Subject Properties shall leave and permanently vacate  
2 the Subject Properties no later than 30 days after the entry of this Order, each taking his or her  
3 personal property (but leaving all improvements, buildings, fixtures, and appurtenances) when  
4 leaving and vacating. If any person fails or refuses to leave and vacate the Subject Properties by  
5 the time specified in this Order, the United States Marshal's Office is authorized to take  
6 whatever action it deems appropriate to remove such person or persons from the premises,  
7 whether or not the sale of such property is being conducted by a PALS representative. If any  
8 person fails or refuses to remove his or her personal property from the Subject Properties by the  
9 time specified herein, the personal property remaining at the Subject Properties thereafter is  
10 deemed forfeited and abandoned, and the United States Marshal's Office or the PALS  
11 representative is authorized and directed to remove and dispose of it in any manner they see fit,  
12 including sale, in which case the proceeds of sale are to be applied first to the expenses of sale,  
and then to the tax liabilities described in Paragraph 3.

13           11. Notwithstanding the terms of the immediately preceding paragraph, if, after the  
14 sale(s) of the Subject Properties are confirmed by this Court, the Subject Properties remain  
15 occupied, a writ of assistance may, without further notice, be issued by the Clerk of Court to the  
16 purchaser(s) thereof.

17           12. The Marshal, his or her representative, or a PALS representative, shall deposit the  
18 amount paid by the purchaser(s) into the registry of the court. Upon appropriate motion for  
19 disbursement or stipulation of the parties, the Clerk will disburse the funds in the following order  
20 of preference until these expenses and liens are satisfied or the proceeds are exhausted:

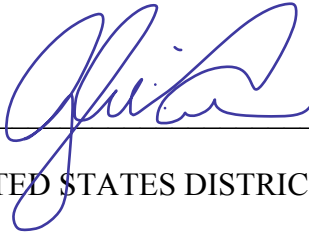
- 21           a. First, to the IRS, for allowed costs and expenses of the sale(s), including any  
22           commissions due under 28 U.S.C. § 1921(c) and including an amount sufficient to



1 cover the costs of any steps taken to secure or maintain the Subject Properties  
2 pending sale and confirmation by the Court;

- 3 b. Second, to Clark County, Nevada, for any unpaid real property taxes due and  
4 owing at the time of the sale(s), including statutory accruals and interest, and less  
5 any payments or credits;
- 6 c. Third, to the United States for the federal tax liabilities described in paragraph 3.

7 DATED this 11 day of April, 2016.

8 

9 \_\_\_\_\_  
10 UNITED STATES DISTRICT JUDGE