

1 RICHARD E. ZUCKERMAN  
Principal Deputy Assistant Attorney General

2 CHARLES M. DUFFY  
3 Trial Attorney, Tax Division  
4 U.S. Department of Justice  
5 P.O. Box 683  
6 Ben Franklin Station  
7 Washington, D.C. 20044-0683  
8 Telephone: (202) 307-6406  
9 Facsimile: (202) 307-0054  
10 [charles.m.duffy@usdoj.gov](mailto:charles.m.duffy@usdoj.gov)

11 DAYLE ELIESON  
12 United States Attorney  
13 *Of Counsel*

14 *Attorneys for the United States of America*

15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF NEVADA

17 UNITED STATES OF AMERICA, )  
18 )  
19 Plaintiff, )  
20 )  
21 v. )  
22 )  
23 RAYMOND W. CRIHFIELD; LISA A. )  
24 CRIHFIELD; AMBER L. CRIHFIELD; and )  
DISCOVER BANK )  
Defendants. )  
\_\_\_\_\_ )

Case No. 2:17-cv-02854-APG-GWF

ORDER OF FORECLOSURE  
AND JUDICIAL SALE

25 This Order of Foreclosure and Judicial Sale is entered pursuant to the provisions of 28  
26 U.S.C. §§ 2001 and 2002 and 26 U.S.C. §§ 7402 and 7403. The Court hereby orders as follows:

27 1. On July 8, 2019, summary judgment was entered against Raymond W. Crihfield  
28 and Lisa A. Crihfield (hereafter “the Crihfields”) regarding their 2003, 2004, 2006, 2007, 2009,  
29 2010 and 2011 federal income tax liabilities. *See* ECF #32. The aggregate amount of income  
30

1 tax liabilities owed by the Crihfields for those years is \$326,664.32 as of October 19, 2018, plus  
2 statutory interest accruing thereafter. *See* ECF #17, at page 8 (¶ 31) and ECF #20, at ¶¶ 49-55.

3 2. In its July 8, 2019 order, the Court also granted summary judgment regarding the  
4 United States' claim that it could foreclose its federal tax liens arising from the IRS assessments  
5 made against the Crihfields against two real properties that have been referred to in this matter as  
6 the "Hardy" and "Windsong" properties (also referred to below as the "subject properties"). *See*  
7 ECF #32.

8 3. The Hardy property is located at 3140 West Hardy Lane, Pahrump, Nevada 89048  
9 and also is legally described as follows:

10 Parcel one Hundred Twenty-four (124) of CHARLESTON PARK RANCHOS UNIT  
11 NO. 1, recorded September 18, 1959 as File No. 32752 in Book C of Surveys, Page 279,  
12 Nye County, Nevada Records.

13 EXCEPTING THEREFROM all of its right, title and interest in and to all of the minerals,  
14 including gas, coal, oil and oil shales, as disclosed by Deed recorded December 11, 1959  
15 as Document No. 33209 in Book 36, Page 221, Official Records, Nye County, Nevada.

16 Excepting therefrom the mobile home located thereon.

17 Assessor's Parcel Number: 28-682-01.

18 4. The Windsong property is located at 3021 West Windsong Lane, Pahrump,  
19 Nevada and also is legally described as follows:

20 Lot Thirty-Three (33) of GOLDEN SPRING RANCH UNIT NO. 1 as shown by map  
21 thereof recorded May 20, 1963 as File No. 44480 in the Office of the County Recorder of  
22 Nye County, Nevada.

23 Assessor's Parcel Number: 41-402-01.  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

5. The United States has valid and subsisting tax liens on all property and rights to property of the Crihfields, including the Hardy and Windsong properties, arising from the assessments described in paragraph 48 of Complaint in this action, which tax liens are effective as of the dates of those assessments. The United States further protected its liens by filing various Notices of Federal Tax Lien in the Nye County, Nevada, Recorder's Office.

6. Section 7403 of Title 26 (U.S.C.) entitles the United States to enforce its liens against the Hardy and Windsong properties in order to apply the proceeds towards the federal tax liabilities of the Crihfields.

7. The United States' federal tax liens against the Hardy and Windsong properties are hereby foreclosed.

8. The United States Marshal for the District of Nevada, his/her representative, or an Internal Revenue Service Property Appraisal and Liquidation Specialist ("PALS") representative is authorized and directed under 28 U.S.C. §§ 2001 and 2002 to offer for public sale and to sell the Hardy and Windsong properties, free and clear of the right, title and interest of all parties to this action and any successors in interest or transferees of those parties. The United States may choose either the United States Marshal or a PALS representative to carry out the sales under this Order of Foreclosure and Judicial Sale and shall make the arrangements for any sales as set forth in this Order.

9. This Order of Foreclosure and Judicial Sale shall act as a special writ of execution and no further orders or process from the Court shall be required.

10. The United States Marshal for the District of Nevada, his/her representative, or a PALS representative is authorized to have free access to the Hardy and Windsong properties and to take all actions necessary to preserve those properties including, but not limited to, retaining a

1 locksmith or other person to change or install locks or other security devices on any part of the  
2 properties, until deeds to the subject properties is delivered to the ultimate purchaser(s).

3 11. The terms and conditions of the sales shall be:

4 a. Except as otherwise stated herein, the sales of the Hardy and Windsong  
5 properties shall be by public auction to the highest bidder, free and clear of  
6 all liens and interests.

7 b. The sales shall be subject to all laws, ordinances, and governmental  
8 regulations (including building and zoning ordinances), affecting the  
9 premises, and easements and restrictions of record, if any.

10 c. The sales shall be held at the United States District Court for the District  
11 of Nevada on the premises of the subject properties, or at any other place  
12 in accordance with the provisions of 28 U.S.C. §§ 2001 and 2002, at a date  
13 and time announced by the United States Marshal, his/her representative,  
14 or a PALS representative.

15 d. Notice(s) of the sales shall be published once a week for at least four  
16 consecutive weeks before the sales in at least one newspaper regularly  
17 issued and of general circulation in Nye County, and, at the discretion of  
18 the Marshal, his/her representative, or a PALS representative, by any other  
19 notice deemed appropriate. The notice(s) of sales shall contain a  
20 description of the subject properties and shall contain the material terms  
21 and conditions of sale in this Order of Foreclosure and Judicial Sale.

22 e. The sales of the Hardy and Windsong properties is ordered pursuant to 26  
23 U.S.C. §§ 7402, 7403 and 28 U.S.C. §§ 2001, 2002. State or local law  
24

1 notice requirements for foreclosures or execution sales do not apply to a  
2 sale under federal law. Redemption rights under state or local law do not  
3 apply to the sales of the subject properties under federal law.

4 f. The minimum bids will be set by the Internal Revenue Service for the  
5 sales of the Hardy and Windsong properties. If the minimum bids are not  
6 met or exceeded, the Marshal, his or her representative, or a PALS  
7 representative may, without further permission of this Court, and under the  
8 terms and conditions in this Order of Foreclosure and Judicial Sale, hold  
9 new public sales, if necessary, and reduce the minimum bid or sell to the  
10 highest bidder.

11 g. The successful bidders for the subject properties shall be required to  
12 deposit at the time of sales with the Marshal, his/her representative, or a  
13 PALS representative, a minimum of ten percent of the minimum bid with  
14 the deposit to be made by cash or a certified or cashier's check payable to  
15 the United States District Court for the District of Nevada. Before being  
16 permitted to bid at the sales, bidders shall display to the Marshal, his/her  
17 representative, or a PALS representative proof that they are able to comply  
18 with this requirement. No bids will be received from any person(s) who  
19 have not presented proof that, if they are the successful bidder(s), they can  
20 make the deposit required by this order.

21 h. The balance of the purchase price(s) for the subject properties is to be paid  
22 to the Marshal, his/her representative, or a PALS representative  
23 (whichever person is conducting the sales) within thirty (30) days after the  
24

1 date the bid is accepted, by a certified or cashier's check payable to the  
2 United States District Court for the District of Nevada. If the successful  
3 bidder fails to fulfill this requirement, the deposits shall be forfeited and  
4 shall be applied to cover the expenses of the sale, including commissions  
5 due under 28 U.S.C. § 1921(c), with any amount remaining to be applied  
6 to the unpaid federal tax liabilities of the Crihfields covered by the federal  
7 tax liens at issue here. The subject properties shall again be offered for  
8 sale under the terms and conditions of this Order of Foreclosure and  
9 Judicial Sale or, in the alternative, sold to the second highest bidder. The  
10 United States may bid as a credit against its judgment without tender of  
11 cash.

12 i. The sales of the Hardy and Windsong properties shall be subject to  
13 confirmation by this Court. The Marshal, his/her representative, or a  
14 PALS representative shall file a report or reports of the sales with this  
15 Court within thirty (30) days after the Clerk notifies the United States that  
16 the balance of the purchase price has been received into the Court's  
17 registry.

18 j. Upon confirmation of the sales, the Marshal, his/her representative, or  
19 PALS representative shall promptly execute and deliver deeds of judicial  
20 sales conveying the subject properties to the purchaser(s).

21 k. The purchasers shall proceed to have the Nye County Recorder's Office  
22 record the transfer of the Hardy and Windsong properties upon that  
23 county's register of title. The responsibility for recording the deeds with  
24

1 the Nye County Recorder's Office, and the payment of all costs, fees, and  
2 taxes of whatever kind related to the recording of such deed, shall be  
3 borne exclusively by the purchasers as a term and condition of the sales.

4 1. Upon confirmation of the sales, the interests in, liens against, or claims to,  
5 the Hardy and Windsong properties that are held or asserted by any and all  
6 parties to this action or any successors in interest or transferees of those  
7 parties shall be discharged and extinguished.

8 12. Until the Hardy and Windsong properties are sold, the Crihfields, their designee,  
9 **and any occupant of the subject properties**, shall take all reasonable steps necessary to  
10 preserve the such properties (including all buildings, improvements, fixtures and appurtenances  
11 on the properties) in its current condition.

12  
13 The Crihfields, their designee, and any occupant of the subject properties  
14 shall not commit waste against the same nor cause nor permit anyone else to do so. They shall  
15 neither do anything that tends to reduce the value or marketability of the subject properties nor  
16 cause nor permit anyone else to do so. They shall not record any instruments, publish any notice,  
17 or take any other action (such as running newspaper advertisements or posting signs) that may  
18 directly or indirectly tend to adversely affect the value of the subject properties or that may tend  
19 to deter or discourage potential bidders from participating in the public auction(s), nor shall they  
20 cause or permit anyone else to do so. **Violation of this paragraph shall be deemed a contempt  
21 of court and punishable as such.**

22 13. All persons occupying the Hardy and Windsong properties shall leave and vacate  
23 permanently the properties within thirty (30) days of the date of this Order of Foreclosure and  
24

1 Judicial Sale, each taking with them his or her personal property (but leaving all improvements,  
2 buildings, fixtures, and appurtenances to the subject properties). If any person fails or refuses to  
3 leave and vacate the subject properties by the time specified in this Order, the United States  
4 Marshal's Office is authorized to take whatever action it deems appropriate to remove such  
5 person or persons from the premises, whether or not the sales of such subject properties are being  
6 conducted by a PALS representative. Such action may include, but is not limited to, the use of  
7 reasonable force, and to enter and remain on the premises, including, but not limited to, the land,  
8 and any structures or vehicles thereon, for the purposes of executing this Order. The United  
9 States Marshal is further authorized and directed to arrest and/or evict from the premises any and  
10 all persons who obstruct, attempt to obstruct, or interfere or attempt to interfere in any way with  
11 the execution of this Order. When the United States Marshal concludes that all unauthorized  
12 persons have vacated, or been evicted from the subject properties, he/she shall relinquish  
13 possession and custody of the subject properties to the Internal Revenue Service, or its designee.  
14 No person shall be permitted to return to the subject properties and/or remain thereon without the  
15 express written authorization by the United States Marshal and/or the Internal Revenue Service,  
16 and/or the United States Department of Justice, or their respective representatives and/or  
17 designees. Unauthorized persons who re-enter the subject properties during the time this Order  
18 is in effect may be ejected by the United States Marshal without further order of this Court.

19 14. Notwithstanding the terms of the immediately preceding paragraph, if, after the  
20 sales of the Hardy and Windsong properties are confirmed by this Court, the properties remain  
21 occupied, a writ of assistance may, without further notice, be issued by the Clerk of Court to the  
22 purchaser(s) thereof.  
23  
24



1           15.     If any person fails or refuses to remove his or her personal property from the  
2 Hardy and Windsong properties by the time specified herein, the personal property remaining at  
3 or on the subject properties thereafter is deemed forfeited and abandoned, and the United States  
4 Marshal's Office or the PALS representative is authorized and directed to remove and dispose of  
5 it in any manner they see fit, including sale, in which case the proceeds of sale are to be applied  
6 first to the expenses of sale, and then to the federal tax liabilities of the Crihfields covered by the  
7 federal tax liens at issue here.

8           16.     The Marshal, his or her representative, or a PALS representative, shall deposit the  
9 amounts paid by the purchaser or purchasers of the subject properties into the registry of the  
10 court. Upon appropriate motion for disbursement or stipulation of the parties, the Court will  
11 disburse the funds in the following partial order of preference until these expenses and liens are  
12 satisfied:

- 13           a.     First, to the IRS, for allowed costs and expenses of the sales, including any  
14                    commissions due under 28 U.S.C. § 1921(c) and including an amount  
15                    sufficient to cover the costs of any steps taken to secure or maintain the  
16                    subject properties pending sale and confirmation by the Court;
- 17           b.     Second, to Nye County for any and all liens it may have on the subject  
18                    properties for unpaid real property taxes or special assessments at the time  
19                    of sales;

1 c. Lastly, to the United States of America to partially satisfy the federal tax  
2 liabilities of the Crihfields covered by the federal tax liens at issue here

3 **IT IS SO ORDERED.**

4  
5  
6 

7  
8 

---

ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE  
Dated: July 24, 2019.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24