

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil No. 1:10-cv-00137-SM
)	
v.)	
)	
WILLIAM L. FILGATE, and)	
SUZANNE M. FILGATE,)	
)	
Defendants.)	

ORDER

Plaintiff United States of America has moved this Court for entry of an order confirming the sale of the real property located at 2 Hollow Spur, Gilford, New Hampshire 03249, in Belknap County, New Hampshire, as described herein, (“the Gilford Property”) and directing the Clerk of the Court to distribute sale proceeds.

NOW, THEREFORE, the Court finding that the sale of the Gilford Property was lawful and fully complied with the Order of Sale entered on June 7, 2011 (ECF 15), IT IS THEREFORE ORDERED THAT the sale of the Gilford Property, which is specifically described as follows:

A certain tract or parcel of land situated in said Gilford, in said County of Belknap, and State of New Hampshire, being Lot #10 as shown on “Plan Showing Land of John Goodhue Situated on the Southeasterly side of the New and Old Route #11, Glendale, Gilford, N.H., July 1962, Thomas J. Collard” as recorded in the Belknap County Registry of Deeds in Plan Book 16, Page 1212, and bounded and described as follows:

Commencing at an iron pin driven in the ground at the intersection of two forty (40) foot roadways, shown on said plan, at the northeasterly corner of Lot #10; thence running North fifty-nine degrees forty minutes West (N 59° 40' W) ninety

feet (90') along one of such roadways to an iron pin driven in the ground at the northeasterly corner of Lot #12, as shown on said plan; thence turning and running South thirty degrees twenty minutes West (S 30° 20' W) fifty feet (50') along Lot #12 to an iron pin driven into the ground at Lot #11; thence turning and running South fifty-nine degrees forty minutes East (S 59° 40' E) ninety feet (90') along Lot #11 to an iron pin driven into the ground on the northwesterly side of one of the said forty (40) foot roadways; thence turning to the left and running North thirty degrees twenty minutes East (N 30° 20' E) fifty feet (50') along said roadway to the point of beginning.

Subject to the right of one Monti to maintain a water pipe across the premises herein described, with the right to enter upon the premises doing no unnecessary damage for the purpose of repairing or replacing the same.

Together with the right to pass and repass on foot or by vehicle, in common with others, between Locke's Hill Road and the premises herein conveyed over and across a right of way forty feet (40') in width and shown on the plan above referred to.

The Grantees by acceptance of this deed hereby covenant and agree that not more than one trailer shall be placed or maintained on the premises herein conveyed, this covenant to run with the land and shall be binding upon all subsequent grantees. This covenant may be enforced by the owner of any portion of the land shown on the above mentioned plan by an action instituted in Belknap County Superior Court.

Meaning and intending to describe and convey the same premises conveyed to the grantor herein by deed of Thomas DiFabio and Nellie DiFabio and Jeannine Kelley, dated February 12, 1998 and recorded March 5, 1998 at Book 1457, Page 185 of the Belknap County Registry of Deeds.

to Lisa Lafontaine for the sum of \$12,000.00 is HEREBY CONFIRMED. Any and all interests in, liens against, or claims to the Gilford Property, held or asserted by the parties to this action, are hereby discharged and extinguished. The Internal Revenue Services shall issue and deliver to Ms. Lafontaine a deed for the Gilford Property.

IT IS FURTHER ORDERED THAT the proceeds of the sale should be distributed as follows:

- a. \$272.50 to A & B Locksmith, 675 Gilford Avenue, Gilford, New Hampshire, 03249;
- b. \$125.00 to Eclipse Real Estate Services, Inc., 119 Church Street North Syracuse, New York, 13212;
- c. \$120.00 to John Ferguson Plumbing and Heating, 120 Saltmarsh Pond Road, Gilford, New Hampshire, 03249;
- d. \$1,334.12 to Adtech/Daily Journal Corporation, Post Office Box 54026, Los Angeles, California, 90054; and,
- e. \$10,148.38 (the balance) to the United States Treasury to be applied to the unpaid federal income tax liabilities of defendant Williams L. Filgate, at the discretion of the Internal Revenue Service, for taxable years 2000, 2001, 2002, and/or 2003, by check payable to the United States Treasury and directed to:

William E. Thompson
U.S. Department of Justice, Tax Division
P.O. Box 310
Ben Franklin Station
Washington, D.C. 20044

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: March 26, 2012

/s/ Steven J. McAuliffe

Steven J. McAuliffe
Judge, U.S. District Court