

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EPCON COMMUNITIES CAROLINAS, LLC,)
and EPCON FARRINGTON LLC,)

Plaintiffs,)

v.)

IRIS M. TILLEY, THOMAS E. TILLEY,)
MELBA GEORGE, BARBARA WRIGHT,)
and UNITED STATES OF AMERICA,)

Defendants,)

UNITED STATES OF AMERICA,)

Counter-Claimant,)

v.)

EPCON COMMUNITIES CAROLINAS, LLC,)
and EPCON FARRINGTON, LLC,)

Counter-Defendants,)

BARBARA WRIGHT,)

Cross-Claimant,)

v.)

UNITED STATES OF AMERICA,)

Cross-Defendant.)

1:11CV643

ORDER

This interpleader action involves \$2,025,000.00 in funds deposited by Plaintiffs Epcon Communities Carolinas, LLC and Epcon Farrington, LLC (the "Epcon Plaintiffs"). Upon depositing the funds with the Clerk pursuant to a settlement agreement, the Epcon Plaintiffs were terminated from the case, leaving Defendants United States of America, Thomas and Iris Tilley ("Mr. and Mrs. Tilley"), Melba George ("Ms. George") and Barbara Wright ("Ms. Wright") as potential claimants to the funds. By Order dated January 8, 2016, the United States Magistrate Judge noted that Mrs. Tilley, Ms. George, and Ms. Wright had all apparently disclaimed an interest in the interpleaded funds, leaving only Mr. Tilley and the United States as potential claimants. Further, it appeared that Mr. Tilley and the United States both contemplated that the interpleaded funds should be applied toward Mr. Tilley's criminal restitution obligations in a parallel criminal proceeding (Case No. 1:14CR130). The Court ordered the parties to file a notice if they intended to assert any further claim to the funds, or if they otherwise objected to the disbursement of funds as contemplated by Mr. Tilley and the Government. No objections or contrary claims to the funds were filed, and therefore, on February 19, 2016, the Magistrate Judge recommended that the funds be disbursed to the United States and credited toward the criminal restitution obligations of Mr. Tilley. Notice of the Recommendation was

served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #107] is hereby adopted.

IT IS THEREFORE ORDERED that the Clerk is directed to disburse the interpleaded funds in the amount of \$2,025,000, as well as any accrued interest under Local Rule 67.1, to the Internal Revenue Service—RACS, Attn: Mail Stop 6261, Restitution, 333 W. Pershing Avenue, Kansas City, Missouri, 64108, and that such funds be credited toward Thomas Tilley's restitution obligations in the Judgment in United States v. Tilley, Case Number 1:14CR130 (M.D.N.C. 2015).

IT IS FURTHER ORDERED that on this disbursement, all claims in this action are dismissed.

This the 21st day of March, 2016.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge