

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-cv-328-pp

MIGHTY FINE CATTLE COMPANY LLC,
TRAVIS L. KRUEGER, EMILY E. KRUEGER,
FARMERS GRAIN & FEED LLC,
PHI FINANCIAL SERVICES, INC.,
KETTLE-LAKES COOPERATIVE,
MARVIN A. RATE, DAVID A. THOMPSON,
SERWE IMPLEMENT CO., INC.,
CAPITAL ONE BANK USA NA,
FISHER & THOMPSON, INC.,
FOND DU LAC COUNTY TREASURER,

Defendants.

**ORDER GRANTING MOTION FOR CONFIRMATION OF SALE (DKT. NO. 42)
AND MOTION FOR ADOPTION OF STIPULATION TO RELEASE FOND DU
LAC COUNTY'S CLAIM TO SALES PROCEEDS (DKT. NO. 46)**

On June 29, 2018, the United States filed a motion for confirmation of the sale of property located at W4855 Super Drive in Campbellsport, Wisconsin, which the court previously had ordered foreclosed. Dkt. No. 42. The United States since has filed a stipulation between the United States and the Fond du Lac County Treasurer, in which the parties agree that Fond du Lac County releases its claim to the proceeds of the sale, and that the United States is entitled to the full proceeds with no senior lien from Fond du Lac County. Dkt. No. 46-1.

The court has reviewed the motion for confirmation of sale, as well as the affidavit of Michael Carter, dkt. no. 43, the appraisal from Ag Appraisal Services LLC, dkt. no. 43-1, and the report from Marshal Kevin Carr as to the sale process, dkt. no. 44. The court finds that these documents demonstrate that the Marshal gave notice of the sale, that a certified appraiser opined that the value of the property (with an estimated marketing time of six to twelve months) was \$290,000, that Joseph F. Stevens, Jr. was the highest bidder at \$200,000, that there appears to be no lienholder senior to the United States and that Mighty Fine Cattle Company, Travis Krueger and Emily Krueger owe the United States a judgment in excess of \$200,000. The court finds good cause to confirm the sale.

The court **APPROVES** the stipulation between the United States and Fond du Lac County. Dkt. No. 46-1. The court **ORDERS** that Fond du Lac County's claim to any portion of the proceeds of the sale of the mortgaged premises is **EXTINGUISHED**. The court **ORDERS** that the United States will be paid first out of the sales proceeds.

The court **ORDERS** that the sale to Joseph F. Stevens, Jr. of the mortgaged premises for the sum of \$200,000 is **CONFIRMED**, and the court **APPROVES** the marshal's report of that sale. Dkt. No. 44.

The court further **ORDERS** that once it has entered this order on the docket, the Clerk of Court shall deliver to Joseph F. Stevens the Marshal's Deed to the premises.

The court further **ORDERS** that, upon application by the plaintiff, the Clerk of Court shall issue a writ of assistance to put Joseph Stevens Jr. in full, quiet and peaceable possession of the premises.

The court further **ORDERS** that once the Clerk of Court has issued the writ of assistance, the Clerk shall issue a check payable to the United States Department of Treasury for \$199,802.35 (representing the balance owed to Farm Service Agency) and a check payable to the United States Attorney's Office for \$197.65 (representing the balance owed to the United States Attorney's Office for its costs). The Clerk shall send both checks to the Office of the United States Attorney, 517 East Wisconsin Avenue, Room 530, Milwaukee, Wisconsin 53202.

Dated in Milwaukee, Wisconsin, this 22nd day of August, 2018

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge