

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Case No. 08-1176-JTM
)	
Defendant No. 1: Contents of Boeing)	
Wichita Credit Union account # 1277274,)	
et al.)	
)	
Defendants.)	
_____)	

NUNC PRO TUNC
FINAL ORDER OF FORFEITURE

Before the Court is the United States' unopposed motion for an order nunc pro tunc correcting the Final Order of Forfeiture filed herein on May 11, 2009 (Doc. 97). The Court finds that counsel for the defendant has no objection to the motion and the motion should be granted.

THEREFORE, IT IS HEREBY ORDERED Final Order of Forfeiture (Doc. 97) be corrected to read as follows.

Plaintiff United States of America has moved the Court to enter an order putting into effect the terms of the Stipulation for Compromise Settlement between the United States of America and claimants Maricruz Fernandez, Loretta Fernandez, M.E.R.S. solely as nominee for Countrywide Home Loans Servicing, L.P., Capitol Federal Savings Bank, Kanza Bank, Delyn Enterprises, Inc., and Ronnie Beard.

The Court has reviewed the motion of the United States and the Court's file, and notes that a Compromise Settlement between the United States and claimants has been reached in this case.

The Court further finds that an Order For Partial Default forfeiting the interest of all persons or entities, except the above-cited claimants, was entered herein on January 30, 2009.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant No. 26, 419 South Osage, Wichita, Kansas shall be substituted for \$19,247.86 in U.S. Currency.

IT IS FURTHER ORDERED that Defendant No. 29, Lots 14 and 16, Goodrich Addition, Sedgwick County, Kansas shall be substituted for J.S. Currency.

IT IS FURTHER ORDERED that the following defendant properties are hereby forfeited to the United States pursuant to 21 U.S.C. § 881 et seq.:

A. Defendant No. 1, consisting of more or less, seized from Boeing Credit Union Account :

B. Defendant No. 2, consisting of more or less, seized from Boeing Credit Union Account

C. Defendant No. 3, consisting of more or less, seized from Intrust Bank Account

D. Defendant No. 4, consisting of more or less, seized from Intrust Bank Account

E. Defendant No. 5, consisting of more or less, seized from Northwestern Mutual Variable Annuity Account

F. Defendant No. 8, commonly known as 1447 South Main, Wichita, Kansas, and legally described as the North 25feet of Lot 36, on Main St., E.E. Ford's Addition to the City of Wichita, Sedgwick County, Kansas.

G. Defendant No. 9, commonly known as 3193 and 3195 South Davidson, Wichita, Kansas, and legally described as Lot 74, Block J, Planeview Subdivision, No. 2, being a Subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian in Sedgwick County,

Kansas.

H. Defendant No. 11, 1133 East 31st Street, Wichita, Kansas, and legally described as the East 29.4 feet of Lot 5 and the West 29.4 feet of Lot 6, Block 1, Rainbow First Addition to Wichita, Sedgwick County, Kansas.

I. Defendant No. 12, 4564 South Meadowview, Wichita, Kansas, and legally described as Lot 18, Block 25, Oaklawn, Sedgwick County, Kansas.

J. Defendant No. 14, 22002 West 111th Street, Wichita, Kansas, and legally described as commencing at the Southwest Corner of the Southeast Quarter of Section 25, Township 29 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence on an assume bearing of N 90 degrees 00' E along the South line of said Southeast Quarter a distance of 533 feet; thence N 0 degrees 21' 56" E parallel with the West line of said Southeast Quarter 1188 feet to a point of beginning; thence continuing N 0 degrees 21' 56" E, 53.49 feet; thence N 16 degrees 49' 03" E, 275.10 feet; thence N 2 degrees 04' 58" E, 184.94 feet; thence N 8 degrees 52' 15" W, 228.23 feet; thence N 3 degrees 14' 34" E, 146.17 feet; thence N 25 degrees 23' E, 182.46 feet to a point on the line as referenced in Sedgwick County District Court Case #88 C 1923; thence N 89 degrees 34' 20" E, 674.40 feet; thence S 0 degrees 22' 15" W, 2230.98 feet along the East line of the West Half of said Southeast Quarter; thence S 90 degrees W along the South line of said Southeast Quarter, 70 feet; thence N 0 degrees 22' 15" E, 594.00 feet; thence N 90 degrees W, 368.53 feet; thence N 0 degrees 21' 56" E, 594.00 feet; thence N 90 degrees W, 367.00 feet to the point of beginning.

K. Defendant No. 15, 4139 East Jonquil Court, Wichita, Kansas, and legally described as Lot 6, Block 1, Deer Lake Estates 2nd Addition, Sedgwick County, Kansas.

L. Defendant No. 17, 3559 South Clifton, Wichita, Kansas, and legally described as Lot

4, Block A, Womack-Schlegel Addition to Wichita, Sedgwick County, Kansas, except that part dedicated to the public for street purposes in instrument recorded on Film 329, Page 752, and, except that tract of land commencing at the Southwest Corner of said Lot 4, thence North along the West line of said Lot 4 a distance of 152 feet, thence East along the North line of said Lot 4 a distance of 75 feet, thence South parallel with the West line of said Lot 4 a distance of 152 feet, thence West along the South line of said Lot 4 to the place of beginning.

M. Defendant No. 20, 143 South Gordon, Wichita, Kansas, and legally described as Lots 22-24-26, Palmerston. Now Gordon Smithson's Subdivision to the City of Wichita, Sedgwick County, Kansas.

N. Defendant No. 22, 1316 South Emporia, Wichita, Kansas, and legally described as Lot 66 and the North Half of Lot 68, on Emporia Avenue in Zimmerly's Third Addition to the City of Wichita, Sedgwick County, Kansas.

O. Defendant No. 23, 2030/2032/2034 South Gold, Wichita, Kansas, and legally described as Lots 2, 4, 6, 8, 10 and 12, Saunders Addition to the City of Wichita, Sedgwick County, Kansas.

P. Defendant No. 24, 1854 South Waco, Wichita, Kansas, and legally described as Lots 133 and 135, on Waco Avenue, English's 8th Addition to the City of Wichita, Sedgwick County, Kansas.

Q. Defendant No. 25, 1856 South Waco, Wichita, Kansas, and legally described as Lots 137 and 139, on Waco Avenue, English's 8th Addition to the City of Wichita, Sedgwick County, Kansas.

R. Substituted Defendant No. 26, .S. Currency.

S. Defendant No. 27, 2810 North Tec Time, Wichita, Kansas, and legally described as Lot 1, Block 3, Reflection Ridge 7th Addition to Wichita, Sedgwick County, Kansas.

T. Substituted Defendant No. 29, U.S. Currency.

U. Defendant No. 30, One 2007 Cadillac Escalade, VIN #

No other parties or persons shall have any interest in said defendants, and the United States shall dispose of the defendants according to law.

IT IS FURTHER ORDERED that the following defendant properties are hereby dismissed from this action: Defendant No. 6, 722 West Hendryx, Wichita, Kansas; Defendant No. 7, 821 West Maple, Wichita, Kansas; Defendant No. 10, 2435 South Dalton, Wichita, Kansas; Defendant No. 13, 2410 South Laurel, Wichita, Kansas; Defendant No. 16, 236 North Green, Wichita, Kansas; Defendant No. 18, 816/818 South Crestway; Defendant No. 19, 848/850 South Crestway, Wichita, Kansas; Defendant No. 21, 4929 West Douglas, Wichita, Kansas; Original Defendant No. 26, 419 South Osage, Wichita, Kansas; Defendant No. 28, #5 Hidden Valley Road, Kaw City, Oklahoma; Original Defendant No. 29, Lots 14 and 16, Goodrich Addition, Sedgwick County, Kansas; and Defendant No. 31, One 2007 Ford F-250, VIN

IT IS FURTHER ORDERED that upon the sale by the government of the following forfeited defendant properties: Defendant No. 11, 1133 East 31st Street, Wichita, Kansas; Defendant No. 17, 3559 South Clifton, Wichita, Kansas; Defendant No. 23, 2030/2032/2034 South Gold, Wichita, Kansas; and, Defendant No. 27, 2810 North Tec Time, Wichita, Kansas, the United States shall pay from the net sale proceeds to the respective recognized claimant-lienholders all unpaid principal, all unpaid accrued base contractual-rate interest and other costs, if any, as agreed to in the parties' Stipulated Settlement Agreement.

IT IS FURTHER ORDERED that the parties shall bear their own costs of this litigation.

SO ORDERED this 26th day of October, 2009.

s/ J. Thomas Marten
J. THOMAS MARTEN
UNITED STATES DISTRICT JUDGE