

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ROY CUTRIGHT,)
DOYLE CUTRIGHT, and)
DAVID R. MOORE,)
)
Defendants.)

CRIMINAL NO. 03-CR-30095-MJR

STIPULATED ORDER FOR FINDING OF THIRD PARTY INTERESTS
WITH RESPECT TO REAL ESTATE LOCATED AT
104 GRAND, EAST ALTON, ILLINOIS 62024

Upon Stipulation, between the United States of America and Mortgage Electronic Registration Systems, Inc., it is hereby ordered, adjudicated, and found as follows:

1. On October 1, 2004, this Court entered a Preliminary Order of Forfeiture with respect to David R. Moore; on February 23, 2005, this Court entered a Preliminary Order of Forfeiture with respect to Roy Cutright; and on April 15, 2005, this Court entered a Preliminary Order for Forfeiture with respect to Doyle Cutright, against various property, including the real estate located at 104 Grand, East Alton, Illinois 62024, more fully described as follows:

Lots 140 and 141 in Block 6 in Sterling, according to the Plat thereof recorded in the Recorder's Office of Madison County, Illinois in Plat Book 10 Page 52 (Except 50 feet in equal width from North to South off the entire East end of said Lots). Situated in the County of Madison and the State of Illinois. (Identical Book 4089 Page 723).

With all appurtenances and improvements thereon.

2. Notice of the forfeiture of said property was published in the Edwardsville Intelligencer on November 10, 2004, November 17, 2004 and November 24, 2004 with respect to David R. Moore; and on May 11, 2005, May 18, 2005 and May 25, 2005 with respect to Roy

Cutright and Doyle Cutright.

3. No petition or claim was filed by any third party against said real estate except for the claim of Mortgage Electronic Registration Systems, Inc.

4. Mortgage Electronic Registration Systems, Inc. has a valid mortgage lien on the subject-matter premises, and said lien was obtained by Mortgage Electronic Registration Systems, Inc. as a valid bonafide purchaser for value of said interest and without reasonable cause to believe that the property was subject to forfeiture at the time that Mortgage Electronic Registration Systems, Inc. acquired said interest.

5. The Court finds that as of October 28, 2005, the amount of said lien on the subject-matter premises totals .

6. The Court hereby further finds that Mortgage Electronic Registration Systems, Inc. is entitled to per diem interest, until this obligation is paid, in the amount of commencing on October 29, 2005.

7. With the exception of the claim of Mortgage Electronic Registration Systems, Inc., the Court hereby finds that all right, title, and interest in the subject-matter premises rests in the United States of America, the United States Marshal is hereby ordered to sell said real estate and to dispose of the proceeds according to law.

8. The proceeds from the sale of said real estate shall be paid in the priority indicated:

- a. All costs of the forfeiture action and other expenses and costs incurred by the United States in advertising, maintaining, disposing, and transferring the subject-matter real estate;
- b. to be paid to Mortgage Electronic Registration Systems, Inc., plus per diem interest from October 29, 2005, in the amount of
- c. All remaining proceeds to be distributed by the United States Marshal as

forfeited property.

9. The Court finds that under the "relation-back" doctrine codified in 21 U.S.C. Sec. 853(c), all right, title, and interest in the subject matter property vested in the United States upon the commission of the act giving rise to forfeiture and that in the instant case, said date that the property vested in the United States was no later than July 26, 2002. The Court finds that said property is therefore exempt from any real estate taxation from said date of July 26, 2002 until such date that the property is transferred from the United States to an owner who is not exempt from taxation. The United States shall pay any taxes or tax liens accruing prior to July 26, 2002 and may, at its discretion but not as a requirement of law or of this Court, voluntarily pay, as if the property were not exempt, any taxes or tax liens accruing after July 26, 2002 but prior to the date of the initial order of forfeiture of said property, said date being October 1, 2004. For any taxes or tax liens paid by the United States, said payments shall be considered part of the costs and expenses associated with the forfeiture and sale of the subject matter real estate and shall be reimbursed from the proceeds of the sale prior to the distribution of any proceeds to any third party claimants or petitioners. This Court retains jurisdiction to determine any and all issues regarding any real estate taxes imposed on the property prior to the date of this instant order, and no tax purchaser, tax certificate holder, taxing authority, or any other person or entity shall take any steps to collect said taxes or enforce said tax liens, except as specifically authorized by an Order issued by this District Court after prior notice to the United States and a hearing. This Court specifically orders that no such tax purchaser, tax certificate holder, taxing authority, or any other person or entity shall commence state court tax deed proceedings and notices unless specifically authorized by this District Court after prior notice to the United States and a hearing. The United States shall record

this instant Order as a means of providing notice of this prohibition and shall mail a copy to the State's Attorney of Madison County, Illinois, as the attorney for the taxing authorities.

10. The United States Marshal may immediately take custody of the subject-matter premises. The United States Marshal shall give prior owners of the premises thirty days after posting the premises with a copy of this Order to remove any personal property from the premises and to vacate said premises. Any personal property remaining on the premises after said thirty days shall be considered abandoned and may be disposed of by the United States Marshal by any means he deems appropriate and without any obligation to pay compensation or damages for same. Any person remaining on the premises after said thirty day period may be forcibly removed from the premises by the United States Marshal. The United States Marshal shall have the discretion to extend this thirty day period if he so desires; the United States shall retain the right to petition this Court to shorten said thirty day period for cause.

IT IS SO ORDERED.

Dated this 10th day of February, 2006.

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge

Approved by:

/S/ MICHAEL THOMPSON
Michael Thompson
Assistant United States Attorney

/S/ w/consent: Gloria S. Tsotsos
Gloria C. Tsotsos
Codilis & Associates, P.C.
Attorney for Mortgage Electronic
Registration Systems, Inc.