

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-4084-SAC

JACQUELINE BATTISTONI

Defendant.

ORDER FOR DISTRIBUTION OF SALE PROCEEDS
AND ESTABLISHING AMOUNT OF DEFICIENCY JUDGMENT
AGAINST DEFENDANT JACQUELINE BATTISTONI

Comes on for decision the plaintiff's Motion For Order For Distribution Of Sale Proceeds And Establishing Amount Of Deficiency Judgment Against Defendant Jacqueline Battistoni. The United States appears by Eric F. Melgren, United States Attorney for the District of Kansas, and Tanya Sue Wilson, Assistant United States Attorney for the District. There are no other appearances.

The Court, having examined the file and pleadings in this case, finds the following:

1. The United States obtained an amended judgment of foreclosure as to certain real estate and a personal judgment against the defendant Jacqueline Battistoni in the above-captioned action on March 25, 2005, Doc. 19.

2. The real estate which was the subject of this foreclosure action is located in Sherman County, Kansas, to-wit:

Lots Twelve (12) and Thirteen (13) and the West 13' of Lot Fourteen (14), in Block Twenty-Two (22), in the Second Addition to the City of Goodland, Kansas, according to the recorded plat thereof, which has the address of 414 West 5th Street in Goodland, Kansas.

3. The subject real estate was sold by the Office of the United States Marshal on May 26, 2005, to Rusty and Wendy Fritz, for the sum of \$18,000.00 pursuant to the order of this Court and said funds have been receipted by the Clerk of the District Court, District of Kansas.

4. Said bidder was the highest and best bidder at the sale and said price is a fair and equitable price for said property.

5. The proceedings of the United States Marshal under the Order Of Sale are regular and in conformity with law and equity and the orders of this Court and that sale was confirmed by this Court by order dated June 21, 2005, Doc. 26.

6. There was due and owing the United States on May 26, 2005, the date of sale, the sum of \$67,929.92 plus \$150.00 for the filing fee.

7. The proceeds of the sale should be distributed as follows, in compliance with the Journal Entry and Order Of Sale:

a. **To: Department of Justice**
Federal Building, Suite 290
Office Of The United States Attorney
444 SE Quincy
Topeka, Kansas 66611-3592

For: Filing Fee \$ 150.00

Total \$ 150.00¹

¹The filing fee should be distributed as a separate check to the Department Of Justice for purposes of deposit.

d. To: **Department of Justice**
Office Of The United States Attorney
Federal Building, Suite 290
444 SE Quincy
Topeka, Kansas 66611-3592
For: Payment on judgment

Total **\$17,187.96**

TOTAL PROCEEDS DISTRIBUTED **\$18,000.00**

8. There remains due and owing on the judgment against defendant Jacqueline Battistoni the sum of \$50,079.92, with interest accruing at the legal rate set forth in 28 U.S.C. § 1961 from and after May 26, 2005, to the date of payment, plus court costs and cost of this action presently and in the future incurred.

IT IS THEREFORE ORDERED BY THE COURT, ADJUDGED AND DECREED that the proceeds of the Marshal's Sale shall be distributed as set out above and that the plaintiff, United States Of America, shall have a deficiency judgment against the defendant Jacqueline Battistoni in the amount of \$50,079.92 as of May 26, 2005, plus interest accruing after that date at the legal rate set forth in 28 U.S.C. § 1961, or 3.31 percent (3.31 %) per annum, to the date of payment, plus court costs and cost of this action presently and in the future incurred.

IT IS SO ORDERED.

Dated this 11th day of July, 2005.

s/ Sam A. Crow

SAM A. CROW

United States District Senior Judge

Submitted by:

ERIC F. MELGREN

United States Attorney

s/ Tanya Sue Wilson

TANYA SUE WILSON

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