

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff

vs.

Case No. 05-4127-SAC

Carla J. Kennedy,

Defendant.

ORDER

This matter comes before the court on a Motion to Pay Redemption Proceeds to Purchaser at Sheriff's Sale, filed by interested parties Carl and Barbra Lewis (Doc. 31). Sunflower Investments, L.L.C., was the purchaser of the real estate which was sold in this matter at Sheriff's Sale conducted on May 19, 2006. Carl Lewis and Barbara Lewis, husband and wife, redeemed said real estate, and said redemption was confirmed by this court's order dated October 25, 2006.¹ Now the Lewises seek an order directing the sum of \$33,689.73, which the Clerk of the United States District Court is holding in this matter, be paid to Sunflower Investments.

The court has contacted the government, who does not oppose the present motion. Interested Party Sunflower Investments, LLC has not filed a response to the motion and the time to do so has passed.² However, the proposed order submitted by the Lewises indicates that Interested Party Sunflower Investments has approved of the Lewises' proposed order. Further, when a respondent fails to file a response within the prescribed time limits of our local rules the court treats the motion as "uncontested" and will ordinarily grant the motion "without further

¹ See Order (Doc. 30).

² The proposed order was filed on December 20, 2006. See D. Kan. Rule 6.1(d)(1).

notice.”³ Accordingly,

IT IS THEREFORE ORDERED that the Motion of Carl Lewis and Barbara Lewis for an Order directing the Clerk of the United States District Court to pay out the proceeds it is holding (Doc. 31) is granted.

IT IS FURTHER ORDERED that the proceeds held by the Clerk of the United States District Court in this matter in the amount of \$33,689.73 are directed to be paid by the Clerk of this Court to Sunflower Investments, L.L.C., in care of its attorney Richard D. Loffswold, Jr., 105 E. Prairie, P. O. Box 163, Girard, Kansas 66743.

IT IS SO ORDERED on this 5th day of January, 2007, in Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U. S. Magistrate Judge

³See D. Kan. Rule 7.4.