

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-2453-JWL/KGS

ROY E. UNGER, et al.,

Defendants.

ORDER CONFIRMING MARSHAL'S SALE OF REAL ESTATE

Comes on for decision the Plaintiff's Motion for Order Confirming Marshal's Sale Of Real Estate (Doc. 30). The United States appears by Eric F. Melgren, United States Attorney for the District of Kansas, and David D. Zimmerman, Assistant United States Attorney for the District. Defendant IA Operating, Inc., appears by counsel Joseph W. Jeter. There are no other appearances.

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

1. 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.
2. The following real estate located in Decatur County, Kansas, is the subject matter of this action and was sold at the Marshal's Sale held on January 4, 2008, to-wit:

The Southwest Quarter (SW/4) of Section Thirteen (13), The North Half of the Southeast Quarter (N/2SE/4) of Section Thirteen (13), and the Northwest Quarter (NW/4) of Section Twenty-Four (24), all in Township Three (3) South, Range Twenty-Nine (29) West of the 6th principal meridian, except that part of Tract 3 described as beginning at the Northwest corner thereof, thence East 600 feet, thence South 363 feet, thence West 600 feet, thence North 363 feet to the place of beginning; EXCEPT

(a) a tract of land in the Northwest Quarter of Section 24, Township 3 South, Range 29 West of the 6th P.M., described as follows: Beginning at a point of the West line, 363.0 feet South of the Northwest corner of said Quarter Section, said West line having an assumed bearing of North 02 degrees 19 minutes East; thence South 88 degrees 33 minutes East, 131.0 feet; thence South 01 degree 51 minutes West, 1,704.3 feet; thence South 09 degrees 26 minutes West, 454.1 feet; thence South 01 degree 51 minutes West to a point on the South line, 89.6 feet East of the Southwest corner of said Quarter section; thence North 88 degrees 54 minutes West along said South line to the West line of said Quarter Section; thence North 02 degrees 19 minutes East along said West line to the place of beginning, containing 2.80 acres, more or less, exclusive of the existing highway; and

(b) a tract of land in the Southwest Quarter of Section 13, Township 3 South, Range 29 West of the 6th P.M., described as follows: beginning at the Southwest corner of said Quarter Section, the West line of said Quarter Section having an assumed bearing of North 01 degree 31 minutes East; thence South 88 degrees 33 minutes East, 178.4 feet along the South line of said Quarter Section; thence North 01 degree 50 minutes East, 1,430.5 feet; thence North 88 degrees 29 minutes West, 64.6 feet; thence North 01 degree 51 minutes East, 852.3 feet; thence North 06 degrees 41 minutes West, 202.2 feet; thence North 04 degrees 43 minutes East to a point on the North line, 106.3 feet East of the Northwest corner of said Quarter Section; thence North 88 degrees 50 minutes West along said North line to the West Line of said Quarter Section; thence South 01 degree 31 minutes West along said West line to the place of beginning, containing 1.17 acres more or less, exclusive of the existing highway;

and SUBJECT TO: The taking of 7.8 acres on the West Boundaries of the above-described real property for highway purposes in Case No. 3507 in the District Court of Decatur County, Kansas.

is the subject matter of this action and was sold at the Marshal's Sale held on January 4, 2008 to Gleason and/or Joyce Dryden, 608 N. Grand, Oberlin, Kansas, for the sum of \$201,000.00 (Doc. 29).

3. The bid was the highest and best bid received at the sale and the price is a fair and equitable price for the property.

4. The Marshal's Sale should be confirmed in all respects.

5. The Defendants are entitled to a redemption period of three months pursuant to the provisions of Kan. Stat. Ann. § 60-2414, unless any rights of redemption are extinguished by the Court or are otherwise waived by the Defendants.

6. The United States Marshal for the District of Kansas shall make and execute to the purchaser of the property a Certificate of Purchase.

7. Upon expiration of the redemption period granted to the Defendants, the United States Marshal for the District of Kansas shall issue a good and sufficient deed for the property to the holder of the Certificate of Purchase.

8. The United States Marshal shall put the grantee named in the deed into peaceable possession of the real property for which purpose, upon refusal of Defendants, or any persons claiming by, from or under them to deliver such possession on demand, a Writ of Assistance shall issue to the United States Marshal for the District of Kansas, directing him to put each holder of the Marshal's Deed into possession without further order of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Marshal's Sale held on January 4, 2008, wherein the above described real property was sold to Gleason and/or Joyce Dryden by the United States Marshal for the District of Kansas is confirmed.

IT IS FURTHER ORDERED that the Defendants are granted a redemption period of three months.

IT IS FURTHER ORDERED that the United States Marshal for the District of Kansas, shall make and execute to the purchaser of the property at the sale, a Certificate of Purchase and that upon expiration of the redemption period granted to the Defendants, the United States

Marshal for the District of Kansas shall issue a good and sufficient deed for the property to the holder of the Certificate of Purchase.

IT IS FURTHER ORDERED that the United States Marshal shall put the grantee named in the deed into peaceable possession of the real property for which purpose, upon refusal of the Defendants, or any persons claiming by, from or under them to deliver such possession on demand, a Writ of Assistance shall issue to the United States Marshal for the District of Kansas, directing him to put the holder of the Marshal's Deed into possession without further order of this Court.

IT IS SO ORDERED.

Dated this 7th day of February, 2008, at Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
United States District Judge

Approved by:

ERIC MELGREN
United States Attorney for the
District of Kansas

s/ David D. Zimmerman

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