

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ELIZABETH MORRISON, f/k/a Elizabeth)
 Ruyack, individually, and as the trustee of)
 the Balmoral Realty Trust,)
 THE SIWOOGANOCK BANK,)
 PASSUMPSIC BANK, THE PROVIDENT)
 BANK, JOHN DUPUIS, KAREN DUPUIS,)
 RONALD MORRISON, and)
 BARBARA MORRISON,)
)
 Defendants.)

Case No. 1:09-cv-397-LM

Judge Landya B. McCafferty

ORDER APPROVING RECEIVER’S SALE OF REAL PROPERTY
LOCATED AT 2161 MAIN STREET, BETHLEHEM, NEW HAMPSHIRE,
AND DIRECTING DISTRIBUTION OF SALE PROCEEDS

Pursuant to the Judgment (Docket No. 40) and the Order Appointing Century 21 Winn Associates as Receiver (Docket No. 42) for the real property located at 2161 Main Street, Bethlehem, New Hampshire (“the First Main Street Property”), the plaintiff United States of America has filed a motion requesting an Order approving the sale of the First Main Street Property to Melissa Sheehan of Bethlehem, New Hampshire, for \$125,000.00 and directing the distribution of the proceeds of sale first to pay the Receiver’s compensation and closing costs, second to the Town of Bethlehem for any property taxes due and owing for the First Main Street Property, third to defendant Passumpsic Bank in the amount of the balance due under its mortgage lien against the First Main Street Property, and fourth to the United States for application toward the unpaid federal income tax liabilities of Mark B. Morrison for the years 1996 and 1997.

The First Main Street Property was conveyed by John L. Stevenson to Elizabeth A. Ruyack, Trustee of Balmoral Realty Trust, via Warranty Deed dated June 13, 1997, and recorded on June 16, 1997, with the Grafton County Registry of Deeds at Book 2255, Page 775, and is more specifically described as:

A certain tract of land with any buildings and improvements thereon, situated on the northerly side of Main Street, said Bethlehem, Bounded and described as follows:

Beginning at an iron pin in the northerly line of said Main Street, said pin being located 245 feet easterly from an iron pin at the intersection of the northerly line of said Main Street with the easterly line of Maple Street, so-called, and 150.5 feet easterly from the southeasterly corner of the Town Hall; thence north 33 degrees 58 minutes west passing six (6) feet easterly from an elm tree 60.7 feet to an iron pin; thence north 13 degrees 30 minutes east 76.3 feet to an iron pin at the northeasterly corner of the Cruft Town Hall plot; thence south 89 degrees 40 minutes east 124 feet to an iron pin in the line of land of Clark; thence south 2 degrees 51 minutes west 140 feet on line of land of Clark to an iron pin in the northerly line of said Main Street 101 feet to the point of beginning.

Excepting and reserving from this conveyance the water lines and sewage, and other public utilities, with the right to go on said premises for the purposes of repairing and re-laying said lines and public Utilities.

In light of the submissions by the United States and the fact that the defendant Passumpsic Bank has no objection, and good cause having been found, the United States' motion is GRANTED.

IT IS ORDERED as follows:

1. The sale of the First Main Street Property to Melissa Sheehan of Bethlehem, New Hampshire, for \$125,000.00 is approved in all respects as the highest and best offer. Upon receipt of the \$125,000.00 purchase price from Ms. Sheehan (or her agent), the Receiver is directed and authorized to execute a quitclaim deed (substantially in the form of the deed attached to the United States' motion) transferring title to the First Main Street Property to

Melissa Sheehan, free and clear of all of the rights, titles, claims, liens, and interests of the parties to this action.

2. The Receiver shall distribute the sale proceeds of \$125,000.00 as follows:

FIRST, to the Receiver, Century 21 Winn Associates, in the amount of \$7,500.00, representing a commission of 6% of the gross sale proceeds. Such compensation was previously approved by the Court. Docket No. 42 ¶ 4.

SECOND, to the Town of Bethlehem, New Hampshire, for any real estate taxes due and owing on the First Main Street Property as of the date of the sale. As of March 4, 2013, the amount of property tax due was \$3,841.04, and there was also due a water and sewer bill of \$1,120.00 due as of March 12, 2013.

THIRD, to defendant Passumpsic Bank in the amount of the outstanding balance on its mortgage lien against the First Main Street Property as of the date of the sale. As of March 1, 2013, the mortgage balance was \$101,822.93.

FOURTH, to the plaintiff United States of America in the amount of the remaining proceeds of the sale for application toward the unpaid federal income tax liabilities of Mark B. Morrison for the years 1996 and 1997. The Court has previously entered judgment that the United States has valid and enforceable federal tax liens against the First Main Street Property for the federal income tax liabilities of Mark B. Morrison for the years 1996 and 1997 in the amount of \$253,567.62, plus statutory additions, including interest, accruing from and after November 15, 2009. Docket No. 40 ¶ 3. The remaining proceeds of the sale of the First Main Street Property will be insufficient to pay these liabilities in full.

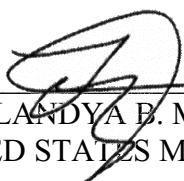
3. This Order does not affect the real property located at 2533 Main Street, Bethlehem, New Hampshire (“the Second Main Street Property”), which the Receiver shall

continue to work to sell pursuant to the terms of the Order Appointing Century 21 Winn Associates as Receiver. Docket No. 42.

4. In the event that Melissa Sheehan fails to pay over the full \$125,000.00 purchase price to the Receiver within 30 days of the date of this Order, the Receiver may continue to market the First Main Street Property to other prospective buyers pursuant to the Order Appointing Century 21 Winn Associates as Receiver (Id.).

IT IS SO ORDERED.

Dated: 4/24/2013



HON. LANDYA B. McCAFFERTY
UNITED STATES MAGISTRATE JUDGE