



4. The terms and conditions of the sale are as follows:
  - a. The sale of the Property shall be free and clear of all liens or other claims of any party to this proceeding, including additional fees and costs, from sale proceeds;
  - b. The sale shall be subject to building lines, if established, all laws, ordinances, and governmental regulations (including building and zoning ordinances) affecting the Property and easements and restrictions of record, if any;
  - c. The sale of the Property by public auction, shall be held on the front steps of the Bexar County Courthouse, Texas, or on the above foreclosed Property, in accordance with the provisions of 28 U.S.C. §§ 2001, 2002 and 2004;
  - d. The date and time for sale is to be announced by the PALS;
  - e. After the PALS has determined the date and time for sale, they shall insert the same in the Notice of Sale and shall promptly mail a copy of the Notice of Sale, by regular and certified mail, return receipt requested, to each of the following:

Jon E. Fisher  
Trial Attorney, Tax Division  
U.S. Department of Justice  
717 N. Harwood, Suite 400  
Dallas, Texas 75201  
Attorney for United States

David J. Stone  
Jacqueline Wallace  
8754 Avator Circle  
Fair Oaks, Texas 78015

Crystal Roach  
BARRETT DAFFIN FRAPPIER TURNER & ENGELS, LLP  
15000 Surveyor Blvd., Suite 100  
Addison, Texas 75001  
Attorney for Wells Fargo Bank

f. The date and time of such public auction sale shall also be announced by the PALS by advertising the Notice of Sale, once each week for four consecutive weeks before the sale in at least one newspaper regularly issued and of general circulation in Bexar County, Texas, and at the discretion the PALS by any other notice that the PALS deems appropriate. The Notice of Sale will contain a description of the Property and the terms and conditions of the sale in this order of sale and to vacate;

g. The minimum bid will be determined by the PALS and shall be inserted into the Notice of Sale. If the minimum bid is not met or exceeded, the PALS may, without further permission of this Court, and under the terms and conditions in this order of sale, hold a new public sale, if necessary, and reduce the minimum bid;

h. At the time of the sale, the winning bidder shall deposit with the PALS, by money order or by certified check or cashier's check payable to the "United States District Court for the Western District of Texas" a deposit in an amount between five (5) and twenty (20) percent of the minimum bid, as specified by the PALS in the published notice of sale. Before being permitted to bid at the sale, potential bidders shall show the PALS proof that they are able to comply with this requirement. No bids will be accepted from any person who has not presented proof that, if they are the successful bidder, they can make the deposit required by this Order of Sale;

i. The balance of the purchase price for the Property shall be paid to the PALS within thirty (30) days after the date the bid is accepted, by a certified or cashier's

check, payable to the United States District Court for the Western District of Texas. If the bidder fails to fulfill this requirement, the deposit shall be forfeited and shall be applied to cover the expenses of the sale, with any amount remaining to be applied to the federal tax liabilities at issue of defendant Stone. The Property shall be again offered for sale under the terms and conditions of the order of sale or, in the alternative, sold to the second highest bidder. The United States may bid as a credit against its judgment without tender of cash;

j. The Clerk of the Court shall receive and deposit all funds collected as a result of the foreclosure and sale of the Property, into the account for the registry of the Court for later distribution. The Clerk shall not be required to deposit these funds into an interest bearing account unless later ordered to do so by the Court;

k. The sale of the Property will confirm itself within thirty-five (35) days from the date of sale, unless someone objects to the sale before that date by filing the objection with the Clerk of the Court and serving a copy on counsel for the United States. Upon this self-confirmation of the sale, or later confirmation by the Court, if required, the IRS will execute and deliver a deed conveying the Property to the purchaser. On confirmation of the sale, all interests in, liens against, or claims to, the Property that are held or asserted by any parties to this action are discharged and extinguished; and

l. The sale is ordered under 28 U.S.C. §§ 2001, 2002 and 2004 and is made without right of redemption;

5. Until they vacate the Property, David Stone and Jacqueline Wallace, will take reasonable steps necessary to preserve the Property (including any and all buildings,

improvements, fixtures and appurtenances on the Property) in its current condition. They will not commit waste against the Property, nor shall they cause or permit anyone else to do so. They will not do anything that tends to reduce the value or marketability of the Property, nor will they cause or permit anyone else to do so. They will not record any instruments or liens against the Property, publish any notice, or engage in any other action (such as running newspaper advertisements) that may directly or indirectly tend to adversely affect the value of the Property or that may tend to discourage potential bidders from participating in the public auction, nor will they cause or permit anyone else to do so.

6. All persons occupying the Property in any manner, will leave and vacate the Property permanently within thirty (30) days of service of this Order on them, each taking his or her personal property, but leaving all improvements, possible buildings, fixtures, and appurtenances to the property. If any person or business fails or refuses to leave and vacate the Property by the date specified in this Order, the PALS is authorized to coordinate with the United States Marshals Service to take any and all necessary actions, including but not limited to the use of reasonable force, to enter and remain on the premises, which includes, but is not limited to, the land, the buildings, vehicles and any structures located thereon, for the purpose of executing this Order. The United States Marshals Service is further authorized and directed to arrest and/or evict from the premises any and all person who obstruct, attempt to obstruct, or interfere or attempt to interfere, in any way with the execution of this Order of Sale. If any person fails or refuses to remove his or her personal property from the Property by the time specified herein, the personal property remaining on the Property thereafter is deemed forfeited and abandoned, and the IRS is authorized to remove it and to dispose of in any manner the IRS

sees fit, including sale, in which case the proceeds of the sale are to be applied first to the expenses of sale and the balance to be paid into the Court for further distribution.

7. Any attempt to reenter the Property thirty (30) days after entry of this Order by Stone, Wallace or anyone else after they have vacated it, could subject that person to being found in contempt of the Court, and that such contempt could be punishable by a fine, incarceration, or both. The United States Marshal, in coordination with PALS, shall provide notice of the order to defendants Stone and Wallace, and any other person occupying the Property by hand delivery or by leaving it in a prominent location at the Property.

8. No later than two (2) business days after vacating the Property pursuant to the deadline set forth in paragraph 6 above, Stone and Wallace shall notify counsel for the United States of a forwarding address where they can be reached. Notification shall be made by contacting the attorney for the United States, Jon E. Fisher, at (214) 880-9730.

9. After the sale is confirmed, the Court shall distribute the proceeds of the sale, as set forth by a subsequent Order of this Court.

10. To the extent not already provided for by a judgment or order of this Court, the United States shall have the right to petition the Court for entry of a deficiency judgment in the event the sale proceeds are insufficient to satisfy its full judgment.

11. After the sale, the parties shall file further motions detailing who and in what amounts the sales proceeds should be distributed to.

12. The Clerk shall immediately mail a copy of this order to all counsel and parties of record.

DATED this 2nd day of August, 2016.



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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE

