

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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|---------------------------------------|---|---------------------------------|
| United States of America, |) | Civ. No. 08-5348 ADM/JSM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER APPROVING THE SALE |
| |) | OF REAL PROPERTY LOCATED |
| Frank E. Vennes, Jr., <i>et al.</i> , |) | AT 24 OCEAN DRIVE, |
| |) | TEQUESTA, FLORIDA 33469 |
| Defendants. |) | |
| |) | |

Upon consideration of THE STIPULATION, together with its Exhibits, by and between Plaintiff United States of America, Defendant Frank E. Vennes, Jr., and Receiver Gary M. Hansen [Docket No. 77], who stipulate to the approval of the sale of real property located at 24 Ocean Drive, Tequesta, Florida 33469 (“the Property”), the Court finds:

1. The Property contains a residential, single-family house built in 2005. The house has a total 8,300 square feet, with four bedrooms, eight bathrooms, an attached garage, and a guest house. The lot is 0.49 acres. Defendant purchased the Property in November 2006 for \$5,500,000.

2. The Property was placed on the market by Defendant through agent Scott D. Smith of Keller Williams Realty of the Palm Beaches on October 2, 2008. The Property was listed for \$6,495,000.

3. The buyers, represented by Tom Hughes of Hughes Realty, and Defendant signed a purchase agreement on October 14, 2008. The buyers agreed to purchase the Property from Defendant for \$5,800,000 in an “as is” condition. Two other potential

purchasers have viewed the Property, but Defendant has received no other offers to purchase the Property.

4. Receiver retained an independent appraiser, Mark L. Pelletier, of South Florida Valuation Services, Inc., to provide an Appraisal of the Property. Mr. Pelletier opined that “the market value of the property as of October 29, 2008 is \$5,800,000.”

5. The sale of the Property under the terms of the purchase agreement constitutes an arm’s length transaction for fair market value.

6. After adjustments and payment of settlement charges, taxes, a first mortgage in the amount of approximately \$3,042,600.80 held by J.P. Morgan Chase Bank NA, and a second mortgage in the amount of approximately \$965,080.08 held by Chase, the estimated proceeds from the sale will be approximately \$1,384,074.19.

Therefore, IT IS ORDERED that the sale of the Property under the terms of the purchase agreement is approved. This Order hereby authorizes the payment of settlement charges, taxes, a first mortgage in the amount of approximately \$3,042,600.80 held by J.P. Morgan Chase Bank NA, and a second mortgage in the amount of approximately \$965,080.08 held by Chase. The proceeds from the sale after these payments and other adjustments shall be paid to the Receiver upon closing, to be deposited into the receivership account.

IT IS SO ORDERED.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: November 6, 2008.