

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JOHN R. WARD LLAMBIAS;	)	Case No. 17-1908
CARMEN COLLAZO RIVERA;	)	
CENTRO DE RECAUDACION DE	)	
INGRESOS MUNICIPALES, and	)	
ASOCIACION DE CONDOMINES DEL	)	
CONDominio MIDTOWN,	)	
	)	
Defendants.	)	
_____)	)	

**CONSENT ORDER OF SALE**

The United States and Defendants John R. Ward Llambias and Carmen Collazo Rivera agree to the following:

1. The United States holds valid and subsisting tax liens with respect to taxes against Mr. Ward Llambias in the amount of \$113,493.95 as of July 10, 2017, plus statutory additions and interest accruing after that date according to law until paid. These tax liens attach to all property and rights to property, including the real properties described in paragraph 8 of the Amended Complaint. (ECF doc. 66.)

2. The Internal Revenue Service (the Service, or IRS), through its Property Appraisal and Liquidation Specialist (PALS), is authorized under 28 U.S.C. §§ 2001 and 2002 to offer for sale at public auction and to sell the real properties described in paragraph 8 of the Amended Complaint (the “Real Properties”).

3. The Terms and conditions of the sale are as follows:

- a. The sale of the Real Properties shall be free and clear of the interests of the United States and all Defendants in this action;

- b. The sale shall be subject to building lines, if established, all laws, ordinances, and governmental regulations (including building and zoning ordinances) affecting the properties, and easements and restrictions of record, if any;
- c. The sale shall be held either at the courthouse of the county or city in which the Real Properties are located, or on the premises of the Real Properties;
- d. The PALS shall announce the date and time for the sale;
- e. Notice of the sale shall be published once a week for at least four consecutive weeks before the sale in at least one newspaper regularly issued and of general circulation, and, at the discretion of the PALS, by any other notice that the PALS deems appropriate. The notice shall contain a description of the Real Properties and shall contain the terms and conditions of the sale in this Order;
- f. The PALS shall set the minimum bid. If the minimum bid is not met for the Real Properties, the PALS may, without seeking further permission of this Court, and under the terms and conditions in this Order, hold a new public sale and, if necessary, reduce the minimum bid;
- g. At the time of the sale, the successful bidder shall deposit with the PALS, by money order or by certified or cashier's check payable to the Clerk of the United States District Court for the District of Puerto Rico, a deposit in an amount between five and twenty percent of the minimum bid, as specified by the PALS in the published Notice of Sale. No bid will be accepted from any person who has not presented proof that, if he is the successful bidder, he can make the deposit required by this Order;

- h. A successful bidder of the Real Properties sold shall pay the balance of the purchase price to the Clerk of this Court within thirty days following the date of the sale, by a certified or cashier's check payable to the United States District Court for the District of Puerto Rico. If the bidder fails to fulfill this requirement, the deposit shall be forfeited and applied first to the expenses of the sale, with any amount remaining applied to lienholders in the priority of their interest, as set forth in Paragraph 8. The Clerk shall distribute the deposit as directed by the PALS by check made to the "United States Treasury." The Real Properties shall be again offered for sale under the terms and conditions of this Order or, in the alternative, sold to the second-highest bidder;
- i. The Clerk of the Court is directed to accept the proceeds of the sale and deposit them into the Court's registry for distribution pursuant to further order of this Court;
- j. The sale of the Real Properties shall be subject to confirmation by this Court. On confirmation of the sale, the PALS shall execute and deliver its deed(s) conveying the Real Properties to the purchaser(s). On confirmation of the sale, all interests in, liens against, or claims to, the properties that are held or asserted by any party to this action are discharged and extinguished;
- k. When this Court confirms the sale, the recording official for the appropriate jurisdiction of Puerto Rico shall cause transfer of the properties to be reflected upon that jurisdiction's register of title. The successful bidder(s) at the sale shall pay, in addition to the amount of the bid, any documentary stamps and registry fees as provided by law;

1. The sale of the Real Properties is ordered pursuant to 28 U.S.C. § 2001, and is made without right of redemption.

4. Until the Real Properties are sold, Defendants Ward Llambias and Collazo Rivera take all reasonable steps necessary to preserve the Real Properties (including all improvements, fixtures, and appurtenances) in its current condition. They shall not commit waste against the Real Properties, nor shall they cause or permit anyone else to do so. They shall not do anything that tends to reduce the value or marketability of the Real Properties, nor shall they cause or permit anyone else to do so. They shall take no action that may tend to deter or discourage potential bidders from participating in the public auction.

5. Any persons occupying the Real Properties shall permanently leave and vacate the premises within ninety (90) days of entry of this order, taking with them their personal property (but leaving all improvements, buildings, fixtures and appurtenances to the Real Properties). If any person fails or refuses to vacate the Real Properties by the date specified in this Order, the PALS is authorized to coordinate with the United States Marshals Service to take all actions that are reasonably necessary to have those persons ejected. The United States Marshals Service is authorized and directed 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, buildings, vehicles, and any other structures located thereon, for the purpose of executing this Order. The United States Marshals Service is further authorized and directed to arrest or evict from the premises any persons who obstruct, attempt to obstruct, or interfere or attempt to interfere, in any way with this Order.

6. If any person fails or refuses to remove his or her personal property, such property is deemed forfeited and abandoned, and the Service is authorized to dispose of such personal

property in any manner it deems appropriate, including, but not limited to, selling the property. The proceeds of the sale of any such personal property shall be applied first to the expenses of the sale, and then remitted to the Court, which shall determine how to distribute those funds at a later date.

7. Pending the sale of the Real Properties and until the deeds are delivered to the successful bidder, the PALS is authorized to have free access to the premises in order to take any and all actions necessary to preserve the properties.

8. After the Court confirms the sale of the Real Properties, the sale proceeds deposited with the Clerk of this Court should be applied:

- a. First to the United States Treasury, for the expenses of the sale, including any expenses incurred to secure or maintain the properties pending sale and confirmation by the Court;
- b. Second, to Centro de Recaudacion de Ingresos Municipales or other taxing authority for any real property taxes or special assessments due and owing as set forth under 26 U.S.C. § 6323(b)(6).
- c. Third, to be split equally, (i) to be applied to the unpaid federal tax liabilities of Mr. Ward Llambias described above; and (ii) to Ms. Collazo Rivera;

9. This order shall act as a special writ of execution and no further orders or processes from the Court shall be required.

DONE and ORDERED on this 22nd day of July, 2022.

s/ Jay A. Garcia-Gregory

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UNITED STATES DISTRICT JUDGE

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DONE and ORDERED on this 22nd day of July, 2022.

s/ Jay A. Garcia-Gregory

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UNITED STATES DISTRICT JUDGE

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