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CERTIFIED COPY (Rev. 7/98)

*United States District Court
Northern District of Illinois
Eastern Division*

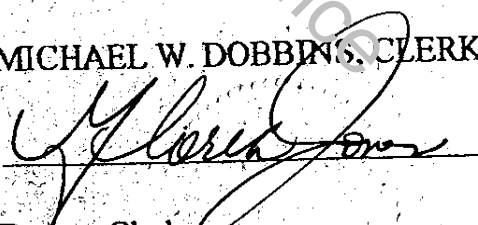
I, Michael W. Dobbins, Clerk of the United States District Court for the Northern District of Illinois, do hereby attest and certify that the annexed document(s) is(are) a full, true, and correct copy of the original(s) on file in my office and in my legal custody.

IN TESTIMONY WHEREOF, I have hereunto
subscribed my name and affixed the seal of the
foresaid court at Chicago, Illinois, on

NOV 05 2002

MICHAEL W. DOBBINS, CLERK

By:


Deputy Clerk

0021232104

3050/0041 40 001 Page 1 of 1
2002-11-07 12:58:49
Cook County Recorder 34.50

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Minute Order Form (06/97)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Michael T. Mason	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	02 CR 625	DATE	10/15/2002
CASE TITLE	United States vs. Noel Tapia		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

(1) Filed motion of [use listing in "Motion" box above.]

(2) Brief in support of motion due _____.

(3) Answer brief to motion due _____. Reply to answer brief due _____.

(4) Ruling/Hearing on _____ set for _____ at _____.

(5) Status hearing [held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) Pretrial conference [held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) Trial [set for/re-set for] on _____ at _____.

(8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) This case is dismissed [with/without] prejudice and without costs [by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).

(10) [Other docket entry] Enter Amended Order Entering Default Judgment on Bond Forfeiture Agreement.

(11) For further detail see order attached to the original minute order.

<input type="checkbox"/>	No notices required, advised in open court.	12000 10/15/02 10 60 10/15/02 100 00 Date/time received in central Clerk's Office			
<input type="checkbox"/>	No notices required.		number of notices		
<input type="checkbox"/>	Notices mailed by judge's staff.		OCT 16 2002 date docketed		
<input type="checkbox"/>	Notified counsel by telephone.		<i>BMS</i> docketing deputy initials		17
<input checked="" type="checkbox"/>	Docketing to mail notices.				
<input type="checkbox"/>	Mail AO 450 form.				
<input type="checkbox"/>	Copy to judge/magistrate judge.				
KF	courtroom deputy's initials				
				date mailed notice	
				mailing deputy initials	

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UNITED STATES OF AMERICA
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

OCT 16 2002

UNITED STATES OF AMERICA)	
)	No. 02 CR 625
v.)	
)	Magistrate Judge Michael T. Mason
NOEL TAPIA)	
)	

AMENDED ORDER ENTERING DEFAULT
JUDGMENT ON BOND FORFEITURE AGREEMENT

This matter coming before the Court on the government's motion and the Court being fully advised, finds as follows:

- (a) On June 25, 2002, an indictment was returned in the Eastern District of Wisconsin, in the case entitled, United States v. Belser, et al., No. 02 CR 144, charging defendant NOEL TAPIA and others with violations of the Controlled Substances Act, pursuant to the provisions of Title 21, United States Code, Section 846, among other violations. An arrest warrant was issued in the Eastern District of Wisconsin on that date;
- (b) Defendant NOEL TAPIA was arrested in Chicago, Illinois, on June 26, 2002, and appeared before this court on that date for a removal hearing;
- (c) On or about July 2, 2002, an order setting conditions of release was signed permitting the release of the defendant NOEL TAPIA. Among other conditions, the order directed that bond in the amount of \$130,000.00 be posted. The bond was secured by \$14,600 in cash, secured by an o/r bond cosigned by Maria Lara, and \$115,403 in equity for the real property located at 2022 West 18th Place, Chicago, Illinois, owned by Andrea Uribe. In addition, a forfeiture agreement and a quitclaim deed for the real property located at 2022 West 18th Place, Chicago, Illinois, legally described below, bearing the signature of Andrea Uribe, were executed;

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LOT 41 IN F (PASDELOUPS) SUBDIVISION OF BLOCK 44 IN THE SUBDIVISION OF SECTION 19, TOWNSHIP 39, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 17-19-305-041-0000.

(d) Pursuant to the terms of the release order, defendant NOEL TAPIA was released from custody and directed to comply with the conditions of his release, including appearing in the Eastern District of Wisconsin;

(e) On July 10, 2002, defendant NOEL TAPIA violated the conditions of his bond when he failed to appear for his arraignment and plea scheduled by the Court. On July 11, 2002, a warrant was issued for the defendant's arrest. On July 15, 2002, this Court declared that the bond, including the funds and real property to secure the bond, were forfeit. Moreover, no order setting aside the forfeiture has been entered by this Court pursuant to Fed. R. Crim. P. 46(e)(2), nor is such an order appropriate;

(f) The present whereabouts of the defendant are unknown and there is reason to believe he has fled the jurisdiction of the Court. Efforts by the United States Marshal to locate defendant NOEL TAPIA have been unsuccessful. Notice of the government's motion was given to the defendant's attorney and the defendant failed to appear as required;

(g) On August 29, 2002, this Court entered an order of default judgment on the bond forfeiture agreement. Pursuant to the Court's order:

1. a default judgment was entered in the amount of \$130,000.00 against NOEL TAPIA, for the full amount of the bond;
2. a default judgment in the amount of \$14,600, was entered against surety Maria Lara, representing the funds posted to secure the o/r bond and a default judgment in the amount of \$115,403 was entered against surety Andrea Uribe, representing the equity in the real property located at 2022 West 18th Street, Chicago, Illinois, she posted;

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- 3. the \$14,600, plus interest, currently held with the Clerk of the Court for the Northern District of Illinois, shall be applied toward partial satisfaction of the judgment arising from the bond;
- 4. the Clerk of the Court shall release the quitclaim deed for the real property located 2022 West 18th Place, Chicago, Illinois, to the United States so that the deed may be recorded transferring ownership of the real property to the United States;
- 5. the real property posted as security for bond shall be sold so that the proceeds of such sale or disposition may be applied towards satisfaction of the default judgment arising from the bond,

(h) With respect to the \$14,600 in cash secured by an o/r bond, this sum was not deposited with the Clerk of the Court for the Northern District of Illinois, as detailed in the Court's order. The United States requests that the Court's order be amended to reflect that the judgment entered against surety Maria Lara shall be satisfied with funds provided by Maria Lara in the form of cashiers' checks totaling \$14,600, to the Clerk of the Court for the Northern District of Illinois. The United States further requests that the remaining conditions of the Court's order of August 29, 2002, remain in effect.

Accordingly, it is hereby ORDERED, DIRECTED, and ADJUDGED:

- 1. That notice of this motion be given to the defendant NOEL TAPIA, his attorney Edward Shishem, and sureties, Maria Lara and Andrea Uribe, at their last known address in accordance with Rule 46(e)(3) of the Federal Rules of Criminal Procedure; it is further ordered,
- 2. That the default judgment in the amount of \$130,000.00 entered against NOEL TAPIA, for the full amount of the bond remain in effect; it is further ordered,
- 3. That the default judgment in the amount of \$14,600, entered against surety Maria Lara, representing the funds posted to secure the o/r bond remain in effect and shall be satisfied with funds provided by Maria Lara in the form of cashiers' checks totaling \$14,600, to the Clerk of the

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Court for the Northern District of Illinois; it is further ordered,

4. That, the default judgment in the amount of \$115,403 be entered against surety Andrea Uribe, representing the equity in the real property located at 2022 West 18th Street, Chicago, Illinois, she posted remain in effect; it is further ordered,

5. That, as previously ordered, the Clerk of the Court release the quitclaim deed for the real property located 2022 West 18th Place, Chicago, Illinois, to the United States so that the deed may be recorded transferring ownership of the real property to the United States; it is further ordered,

6. That, as previously ordered, the real property located at 2022 West 18th Place, Chicago, Illinois, described legally below is forfeit and the real property shall be sold by the United States Marshal, so that the proceeds of such sale or disposition may be applied towards satisfaction of the default judgment arising from the bond:

LOT 41 IN F (PASDELOUPS) SUBDIVISION OF BLOCK 44 IN THE SUBDIVISION OF SECTION 19, TOWNSHIP 39, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 17-19-305-041-0000.

it is further ordered,

7. That, upon the sale of the real property located at 2022 West 18th Place, Chicago, Illinois, the proceeds shall be disposed of as follows:

(a) First, any state, county, city or school taxes due shall be paid from the proceeds of the sale. In addition, any and all unpaid real estate taxes due and owing, as documented on the date of closing shall be paid to the Cook County Treasurer's Office;

(b) Second, Wells Fargo Home Mortgage shall receive the unpaid principal balance of the mortgage and interest due at the note rate;

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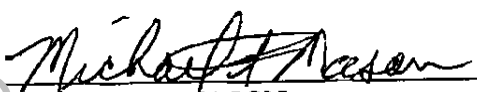
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(c) Third, the United States Marshal shall be permitted to deduct any reasonable and necessary costs incurred to effectuate the sale of the real property; it is further ordered,

8. That, the proceeds from the sale of the real property shall be forwarded to the Clerk of the Court for the Northern District of Illinois and credited in partial satisfaction of the outstanding judgment against defendant NOEL TAPIA and Andrea Uribe, and disposed of according to law; it is further ordered,

9. That this Court shall retain jurisdiction of this matter to take such additional action and enter further orders as necessary to implement and enforce this order.

ENTER:


MICHAEL T. MASON
United States Magistrate Judge

Date: Oct. 15, 2002



United States Attorney's Office
Attn: Tanya Sluder, Asset Forfeiture
219 South Dearborn St., 5th Floor
Chicago, Illinois 60604

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