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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN



Doc#: 0534727131 Fee: \$30.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/13/2005 03:42 PM Pg: 1 of 4

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 03-CR-85

SANDRA D. GARZA,

Defendant.

STIPULATION AND SETTLEMENT AGREEMENT FOR REAL PROPERTY,
2703 WEST POLK STREET, CHICAGO, ILLINOIS

The United States of America, by its attorneys Steven M. Biskupic, United States Attorney for the Eastern District of Wisconsin, and Gregory J. Hamstad, Assistant United States Attorneys for said District and the mortgage servicer, Select Portfolio Servicing, Inc., by and through its Senior Counsel, Jason Miller, on behalf of the lien holder, EQCC Home Equity Loan Trust 2001-02, through Bank of New York, as Trustee, hereby stipulate and agree as follows:

1. On or about May 6, 2003, a federal grand jury sitting in the Eastern District of Wisconsin returned an Indictment charging Sandra D. Garza, and others with certain violations of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and 846.
2. The Indictment contained forfeiture provisions which seek the forfeiture of, among other things, real property located at 2703 West Polk Street, Chicago, Illinois, under Title 21, United States Code, Section 853, being property used or intended to be used to commit or facilitate the commission of the violations and/or property constituting or derived from proceeds the defendant obtained as a result of said violations.

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3. At the time of the Indictment, the owner of record of the real property was Sandra Garza.
4. On July 19, 2004, the United States District Court for the Eastern District of Wisconsin forfeited Sandra D. Garza's interest in the property to the United States.
5. Notice of publication was placed in the Milwaukee Journal Sentinel which ran December 19, 2004. No petitions were received and the time for filing petitions has expired.
6. EQCC Home Equity Loan Trust 2001-02, through Bank of New York, as Trustee, holds a security interest in the real property under a mortgage. Select Portfolio Servicing is the mortgage servicer and attorney-in-fact for Bank of New York.
7. Select Portfolio Servicing, by and through its Senior Counsel, Jason Miller, on behalf of the lien holder, EQCC Home Equity Loan Trust 2001-02, through Bank of New York, as Trustee, hereby consents and agrees to the entry of a final order and judgment of forfeiture on the above-listed property in favor of the United States, on the conditions set forth below:
 - The Court, upon entering a final order and judgment of forfeiture, shall require the Internal Revenue Service to dispose of the property pursuant to 21 U.S.C. §853;
 - The Internal Revenue Service shall sell the property in a commercially reasonable manner. From the proceeds of the sale, the expenses will be paid according to the following schedule:
 - First, to the extent authorized by law, the United States of America will pay, or cause to be paid, to Select Portfolio Servicing the sum of \$65,888.15 plus \$588.93 in interest as of March 31, 2005, with \$19.63 per diem thereafter to the date of sale; \$2,971.57 Escrow/ Impound Advance Balance; \$87.62 Late Charges outstanding; and \$26.50 Recording Fee.
 - Second, the expenses of the Internal Revenue Service will be paid; and
 - Third, the remainder of the sale proceeds shall be forfeited to the United States and disposed of according to law.
8. Select Portfolio Servicing, EQCC Home Equity Loan Trust 2001-02, and Bank of

New York agree to hold the United States of America, the United States Department of Justice, the Department of Treasury, and the Internal Revenue Service, all agents, officers, and employees thereof, harmless for any and all claims arising from this action, from any and all claims pertaining to the property, and from any and all claims of third parties pertaining to the property.

9. This stipulation contains the entire agreement between Select Portfolio Servicing, the lien holder, EQCC Home Equity Loan Trust 2001-02, the trustee, Bank of New York, and the United States of America.

10. The United States District Court for the Eastern District of Wisconsin shall retain jurisdiction in this cause for the purpose of enforcing the terms of this stipulation and settlement agreement.

11. Each party will bear its own costs and attorney's fees.

8/31/05
Date

s/ GREGORY J. HAANSTAD
GREGORY J. HAANSTAD
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8/26/05
Date

s/ JASON MILLER
JASON MILLER
Senior Counsel
Select Portfolio Servicing, acting on behalf of itself and as
servicing agent and attorney-in-fact for EQCC Home Equity
Loan Trust 2001-02, and Bank of New York

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Property of Cook County Clerk's Office

Property Address: 2703 West Polk Street, Chicago, Illinois

Legal Description:

Lot 2 in Block 2 in A.J. Alexander's Addition to Chicago, a Subdivision of the North Half and the Southeast Quarter, both of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 13, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Index No.: 16-13-412-026

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