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7 **IN THE DISTRICT COURT OF GUAM**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 HERMAN J.B. QUIDACHAY,

12 Defendant.

CRIMINAL CASE NO. 13-00038

**ORDER ON GOVERNMENT'S
STIPULATED MOTION FOR
INTERLOCUTORY SALE OF
PROPERTY**

13 Having considered the Stipulated Motion for Interlocutory Sale of Property (ECF No.
14 79), seeking authorization for the interlocutory sale of the following:

15 Lot No. 1NEW-4NEW-1, Block No. 2, Tract No. 24403, Santa Rita, Guam
16 (Estate No. 16258 under Basic Lot No. 401-R2), Suburban, as said lot is marked
and designated on Map Drawing No. DCAI-S-11-04 (LM# 142FY2011), dated
17 August 19, 2011 and recorded on August 22, 2011 under Instrument No. 825428,
in the Department of Land Management, Government of Guam (hereinafter "the
Property"),

18 subject to the Preliminary Order of Forfeiture (ECF No. 56), to be sold by the United States
19 Marshals Service ("USMS"); the court hereby **GRANTS** the motion.

20 It is **ORDERED** that the USMS shall market the Property for sale as soon as practicable.
21 The USMS is authorized to sell the Property for any amount mutually agreed upon by the
22 Government and Community First Guam Federal Credit Union ("CFGFCU"), the first mortgage
23 lienholder on the Property. Upon the Property being sold, the United States shall pay the lien of
24

1 CFGFCU concerning the Property. The USMS is authorized to hold any net proceeds from the
2 mutually agreed upon sale of the Property (any proceeds that remain after payment of the USMS
3 costs, fees, and expenses) as a substitute *res* for the Property and pending disposition of the final
4 order of forfeiture in this case.

5 Further, the Court hereby incorporates herein the terms contained in the Stipulated
6 Motion for Interlocutory Sale of Property (ECF No. 79). The Petition for Hearing to Adjudicate
7 Interests of Third-Party Claimant Community First Guam Federal Credit Union for Real
8 Property Subject to an Order of Forfeiture (ECF No. 70) is hereby moot. The court vacates the
9 hearing currently set for March 2, 2016.

10 The court hereby retains jurisdiction to enforce this Order.

11 **SO ORDERED.**



12 /s/ Frances M. Tydingco-Gatewood
13 Chief Judge
14 Dated: Feb 26, 2016