

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

12-cr-70-wmc

TIMOTHY I. MATHWICH,

Defendant,

and

MARY MATHWICH,

Intervening Claimant-Petitioner.

Pursuant to joint motion and stipulation of the United States of America and intervening claimant-petitioner Mary Mathwich (dkt. #102), IT IS ORDERED as follows:

1. The Clerk of Court shall pay \$75,000.00 to Mary Mathwich from the proceeds of the sale of the marital home in the amount of \$142,865.93, which are being held in the Registry of the Clerk of Court pursuant to this court's order (dkt. #86).

2. Mary Mathwich's Motion for an Order Limiting or Modifying the Use of Enforcement Procedures (dkt. #75) is WITHDRAWN.

3. All of the proceeds from the auction of the Mathwich nonexempt personal property shall also be paid to the Clerk of Court and applied to Timothy Mathwich's restitution debt.

4. Mary Mathwich may not claim her interest in the Hartford IRA that is being garnished by the United States, provided any penalty for early withdrawal and the rider fee from the Hartford will be deducted before the proceeds from the IRA are applied to restitution.

5. Attorney Daniel Bach will hold in his trust account the maximum amount of \$51,507.38 for federal tax and \$12, 876.85 for state tax from the liquidation of Timothy Mathwich's Hartford IRA to cover potential tax liability on the part of Mary Mathwich as a result of the liquidation, which may only be used (a) to cover federal and state tax due and owing as a result of liquidating Timothy Mathwich's Hartford IRA; or (b) for restitution as set forth in paragraph 6 below.

6. If the taxes owed for the Hartford IRA liquidation are less than the amounts held in trust as set forth above, any excess shall be paid to the Clerk of Court and applied to Timothy Mathwich's restitution debt.

7. Mary Mathwich will present to the United States evidence of her tax liability as a result of the Hartford IRA liquidation.

8. Pursuant to Fed. R. Civ. P. 60(b)(6), the court's August 19, 2013 Opinion and Order (dkt. #99) is VACATED and set aside in its entirety, and the hearing scheduled for October 24, 2013, is CANCELLED.

9. The Clerk of Court's office shall cooperate with the parties to complete the disbursement of all funds in its possession in an expeditious manner consistent with this order.

Entered this 17th day of October, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge