


FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MAR 22 2016
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

UNITED STATES OF AMERICA,
PLAINTIFF,

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VS.

CASE NO. SA:15-CV-00441-OLG

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GENE RODRIGUEZ, IRENE
RODRIGUEZ, BERTHA G. IRWIN,
OCWEN LOANSERVICING, LLC,
and COUNTY OF BEXAR,
DEFENDANTS.

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**AGREED JUDGMENT BETWEEN UNITED STATES OF AMERICA,
GENE RODRIGUEZ, IRENE RODRIGUEZ, OCWEN
LOAN SERVICING, LLC, and COUNTY OF BEXAR**

Plaintiff United States of America, and Defendants Gene Rodriguez (also known as Genaro Rodriguez), Irene Rodriguez, Ocwen Loan Servicing, LLC, and County of Bexar, announce to the Court that they have settled the above-referenced case between them on the terms set forth in this Agreed Judgment. Therefore,

IT IS ORDERED that Defendant Gene Rodriguez is indebted to the United States of America in the amount of **\$887,693.14** as of February 15, 2015, plus interest, penalties, and statutory additions thereon until paid, for his federal income (1040) tax for tax years 2005, 2006, 2007, 2008, 2009, 2010, and 2011, and trust fund recovery penalty (6672) tax for tax periods ending June 30, 2003, September 30, 2003, December 31, 2003, December 31, 2006, March 31, 2007, June 30, 2007, September 30, 2007, December 31, 2007, March 31, 2008, June 30, 2008, September 30, 2008, December 31, 2008, and March 31, 2009, pertaining to DAMA, Inc.

IT IS FURTHER ORDERED that Defendant Irene Rodriguez is indebted to the United States of America in the amount of **\$462,134.92** as of February 15, 2015, plus interest, penalties, and statutory additions thereon until paid, for her federal income (1040) tax for tax years 2005,

2006, 2007, 2008, 2009, 2010, and 2011, and trust fund recovery penalty (6672) tax for tax periods ending June 30, 2003, September 30, 2003, and December 31, 2003, pertaining to DAMA, Inc.; for which she is jointly and severally liable with her husband, Defendant Gene Rodriguez.

IT IS FURTHER ORDERED that the Court finds that the United States has filed valid federal tax liens that encumber all property and interests in property of Defendants Gene Rodriguez and Irene Rodriguez, including, but not limited to, the real properties located in Bexar County, Texas, that have the following legal descriptions:

- (a) 3219 Old Blue Ridge Street, San Antonio, Texas 78230, more particularly described as follows:

Lot 19, Block 2, New City Block 14012, OAK CREEK NORTHWEST SUBDIVISION, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 6900, Page 86, Deed and Plat Records of Bexar County, Texas; acquired by the Rodriguezes by warranty deed with vendor's lien recorded on October 15, 1991, Vol. 5178, Page 1327, of the records of the County Clerk of Bexar County, Texas; and

- (b) 411 McMullen Street, San Antonio, Texas 78210, more particularly described as follows:

Lot 16, Block 30, New City Block 3585, RIVERSIDE PARK ADDITION, SECOND FILING, in the City of San Antonio, Bexar County, Texas, according to the plat thereof recorded in Volume 105, Page 206, Deed and Plat Records of Bexar County, Texas, acquired by the Rodriguezes by warranty deed with vendor's lien recorded on or about March 28, 1991, Vol. 5030, Page 1988, of the records of the County Clerk of Bexar County, Texas.

IT IS FURTHER ORDERED that the liens of the United States against the real properties described above are foreclosed; that these properties shall be sold by the Internal Revenue Service or by a receiver in accordance with the law and practice of this Court upon motion by the United States; that after payment of reasonable costs of sale, any ad valorem taxes, and the mortgage balance in the full amount due and owing on the mortgage loan secured by the property located at 3219 Old Blue Ridge Street San Antonio, Texas 78230, as more particularly described above ("Mortgage Loan"), the full due and owing on the Mortgage Loan to Ocwen Loan Servicing, LLC, Residential Credit Solutions, Inc., Ditech Financial LLC, or the current mortgage servicer, as servicer for and on behalf of Federal Home Loan Mortgage Corporation or the current holder of the subject note and deed of trust; the net sale proceeds from the sale of these properties shall be paid to the United States and applied to the federal tax liabilities of Defendant Gene and Irene Rodriguez reduced to judgment herein.

IT IS FURTHER ORDERED that Defendants Gene and Irene Rodriguez will be allowed until July 1, 2016 to sell the real properties described above to pay their federal tax liabilities reduced to judgment herein, but if they fail to do so, then they shall vacate the properties by July 2, 2016, and the United States will be allowed to sell these properties to collect the Rodriguezes' tax liabilities reduced to judgment herein.

IT IS FURTHER ORDERED that, during the marketing of the real properties described above, Defendants Gene and Irene Rodriguez will timely pay the ad valorem taxes, hazard insurance, and the Mortgage Loan, and all other necessary expenses associated with the properties, and they will not encumber the properties; nor will they commit waste or vandalism against the properties; and they will cooperate with the United States in the marketing and sale of the properties.

IT IS FURTHER ORDERED that, if Defendant Gene Rodriguez or Defendant Irene Rodriguez violate any of the provisions of this Judgment regarding the marketing and sale of the real properties described above, then they will be required to vacate the properties within 30 days of the United States' request for them to vacate the properties, but in no event shall they be allowed to occupy the properties after July 2, 2016, unless they full pay the federal tax liabilities reduced to judgment herein.

IT IS FURTHER ORDERED that, if the federal tax liabilities reduced to judgment herein are not fully satisfied from the sale of the real properties described above, then the United States shall have a deficiency judgment against Defendants Gene and Irene Rodriguez for any remaining balance of these liabilities.

IT IS FURTHER ORDERED that the parties to this judgment will bear their own expenses, including attorneys' fees, associated with this litigation.

IT IS FURTHER ORDERED that, due to the failure of Defendants Gene and Irene Rodriguez to timely pay federal employment (941) taxes to the Internal Revenue Service for most of the past decade, they must take the following steps for all employment taxes falling due after the entry of this judgment:

1. Timely make federal tax deposits, according to federal deposit regulations, of FUTA, FICA, and withholding tax liabilities;
2. Timely file all federal employment and unemployment tax returns (Forms 940 and 941); and
3. Timely pay all tax liabilities due on each return.

IT IS FURTHER ORDERED that Defendants Gene and Irene Rodriguez are hereby enjoined and prohibited from paying other creditors or transferring funds to themselves directly

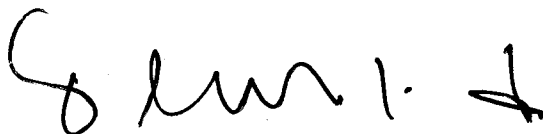
or to any third party before paying their federal employment tax liabilities, and are prohibited from transferring any money or property to any entity or person for the purpose of having that entity or person pay the salaries or wages of the Rodriguezes' employees; and they must timely file monthly reports with the IRS attesting that all tax deposits have been timely made.

IT IS FURTHER ORDERED that injunction stated above is final and permanent and binds Defendants Gene and Irene Rodriguez to its provisions.

IT IS FURTHER ORDERED that the Court may enter further orders as necessary to implement this judgment.

IT IS FURTHER ORDERED that this judgment does not affect the rights of Defendant Bertha G. Irwin, and the United States' claims against her and the real property claimed by her are not adjudicated herein.

SIGNED this 22 day of March, 2016.



HONORABLE ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM, SUBSTANCE AND ENTRY:

/s/ Ramona S. Notinger

RAMONA S. NOTINGER
ATTORNEYS FOR UNITED STATES OF AMERICA

/s/ Bernard Campion

BERNARD CAMPION
ATTORNEY FOR DEFENDANTS
GENE AND IRENE RODRIGUEZ

/s/ Matthew K. Hansen

MATTHEW K. HANSEN
ATTORNEY FOR DEFENDANT
OCWEN LOAN SERVICING, LLC

/s/ Lori Gruver

LORI GRUVER
ATTORNEY FOR DEFENDANT
COUNTY OF BEXAR