

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08-CR-30169-MJR-PMF
	)	
STACIE GARY,	)	
	)	
Defendant.	)	

**DEFENDANT’S SUPPLEMENT TO MEMORANDUM IN SUPPORT OF  
OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT**

Comes now Defendant, by her attorney, John D. Stobbs II, and supplements her Memorandum in Support of Objections to the PSR as follows:

1. In her previously filed Memorandum, Defendant suggested an alternative figure for the loss involving the Novastar foreclosure in the event this Honorable Court were to find that the Government could prove that this loss *resulted from* the bankruptcy fraud. This alternative figure excluded interest and penalties incorporated into the deficiency judgment in accordance with U.S.S.G. § 2B1.1, n.3(D)(i). The maximum figure suggested in the Memorandum which could be associated with this loss was \$32,754.51.

2. Subsequent to filing the Memorandum the undersigned spoke with co-defendant’s attorney Steve Williams regarding additional consequential damages associated with the deficiency judgment such as attorneys fees and costs which should also be excluded from any loss calculation. *United States v. Seward*, 272 F.3d 831, 839 (7<sup>th</sup> Cir. 2001); *United States v. Scott*, 405 F.3d 615, 6158-619 (7<sup>th</sup> Cir. 2005).

3. As witnessed by Exhibits A & B, these amounts total \$3,477.00 which, when subtracted from the deficiency judgment along with the amount of interest and penalties, results in a maximum actual loss of \$29, 277.61 associated with the foreclosure sale even if the Court were to overrule Defendant’s objection and include this amount in actual loss.

4. This would also adjust the total maximum actual loss and restitution downward from \$57,646.51 to \$54,169.51 in addition to the \$10,750.00 that was part of the unemployment fraud. The total restitution for Ms. Gary would be \$64,869.51. This further adjustment will have no impact on her Guidelines calculations.

STACIE GARY

STOBBS LAW OFFICES

BY:

/s/ John D. Stobbs, II  
John D. Stobbs II, NO. 06206358  
Attorney for Defendant  
307 Henry St. Suite 211  
Alton, Illinois 62002  
Telephone: (618)462-8484  
FAX: (618)462-8585  
Email: [stobbsjohn@hotmail.com](mailto:stobbsjohn@hotmail.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2009 a copy of the attached *Defendant's Supplement to Memorandum In Support of Objections To The Presentence Investigation Report* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Mr. William Coonan  
Assistant U.S. Attorney  
Nine Executive Drive  
Fairview Heights, Illinois 62208

STOBBS LAW OFFICES

/s/John D. Stobbs, II  
307 Henry St. Suite 211  
Alton, Illinois 62002

STATE OF ILLINOIS

COUNTY OF MADISON

IN THE CIRCUIT COURT FOR THE 3RD JUDICIAL CIRCUIT  
MADISON COUNTY, EDWARDSVILLE, ILLINOIS

NOVASTAR MORTGAGE, INC.

PLAINTIFF

VS

KEITH GARY; STACIE GARY; UNKNOWN OWNERS  
AND NON RECORD CLAIMANTS ;

DEFENDANTS

)  
)  
) NO. 07 CH 147  
)  
) JUDGE  
) JUDGE JENSEN  
)  
)  
)  
)

**FILED**  
SEP 20 2007

CLERK OF CIRCUIT COURT # 82  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

Margaret O'Donne ATTORNEY AFFIDAVIT  
ARDC #6287000

I, \_\_\_\_\_, attorney for the Plaintiff,  
duly sworn under oath, state that pursuant to the subject Mortgage, the  
mortgagors are obligated to pay the following;

Title Costs.....	\$	.00
Clerk's Fee.....	\$	208.00
Service of Summons.....	\$	730.00
Recording Lis Pendens Notice.....	\$	28.00
Publication for Service.....	\$	240.00
Certified Documents.....	\$	.00
Assignment Costs.....	\$	.00
Bankruptcy Motion Cost.....	\$	.00
Reasonable Attorneys Fees.....	\$	1,100.00

TOTAL.....\$ 2,306.00

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That the attorney's fees will be received by and retained by PIERCE & ASSOCIATES as their fees in this cause.


FURTHER, Affiant sayeth not.

BY:

  
\_\_\_\_\_  
Attorney for Plaintiff

Margaret O'Donnell  
ARDC #6287000

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument, are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies that he/she verily believes the same to be true.

  
\_\_\_\_\_  
Margaret O'Donnell  
ARDC #6287000

PIERCE & ASSOCIATES  
Attorneys for Plaintiff  
Thirteenth Floor  
1 North Dearborn  
Chicago, Illinois 60602  
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PA0700684

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IN THE CIRCUIT COURT FOR THE 3RD JUDICIAL DISTRICT  
MADISON COUNTY - EDWARDSVILLE, ILLINOIS

NOVASTAR MORTGAGE, INC.

Plaintiff,

-v.-

KEITH GARY, et al

Defendant

07 CH 147

**FILED**

MAR 27 2008

CLERK OF CIRCUIT COURT #75  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

REPORT OF SALE AND DISTRIBUTION

I, the undersigned, an authorized signatory for The Judicial Sales Corporation, selling officer appointed in the matter captioned above, do hereby report that:

That pursuant to a Judgment of Foreclosure and Sale entered herein, the plaintiff advertised the following described real estate to be sold at public auction to the highest bidder for cash on March 11, 2008, at the front door of Madison County Courthouse, 155 N. Main Street (Plaza Entrance), EDWARDSVILLE, IL, 62025, as set forth in the certificate of publication attached hereto and made a part hereof;

That an agent of The Judicial Sales Corporation first offered said real estate for sale separately, and then in combination less than the whole, and having received no bid therefor, an agent of The Judicial Sales Corporation thereupon offered the entire real estate and premises hereinafter described en masse to the highest bidder on the terms specified in said advertisement;

That NOVASTAR MORTGAGE, INC. (the plaintiff herein) offered and bid therefor the sum of ONE HUNDRED FORTY-ONE THOUSAND FIFTEEN AND 00/100 (\$141,015.00) and that being the highest and best bid, an agent of The Judicial Sales Corporation accordingly struck off and sold to said bidder the following described real estate:

LOT 58 IN FIRST ADDITION TO GLENWOOD ESTATES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 39 PAGE 24, (EXCEPT COAL AND OTHER MINERALS UNDERLYING SAID PREMISES WITH THE RIGHT TO MINE AND REMOVE SAME) IN MADISON COUNTY, ILLINOIS.

Commonly known as 69 GLENDALE DRIVE, GLEN CARBON, IL 62034

Property Index No. 14-2-15-33-09-102-008.

I, the undersigned, an authorized signatory for The Judicial Sales Corporation, selling officer appointed in the matter captioned above, do hereby further report:

That The Judicial Sales Corporation has executed and delivered to said bidder its Receipt(s) of Sale, copies of which are attached hereto, along with a copy of the Certificate of Sale (if any) delivered to said bidder.

That upon confirmation of this sale, The Judicial Sales Corporation will execute and deliver a Deed to said bidder in accordance with said judgment and law.

Report of Sale and Distribution

That the proceeds of said sale will, upon confirmation of the sale, be disbursed as follows:

To the plaintiff:

1. The amount due under judgment		\$190,290.03
2. Interest thereon (excluding attorney's fees) from date of judgment (09/20/2007) to date of sale (03/11/2008) at 9% per annum		\$8,070.38
3. Publication costs		\$ 415.00
4. Post judgment advances escrow	\$ 406.00	
Total Advances		\$ 406.00
Subtotal		\$199,181.41
To the Selling Officer, as commission		\$ 350.00
Total Amount Due		\$199,531.41
Total Proceeds of Sale		\$141,015.00
Surplus or (Deficiency)		(\$58,516.41)

Date: March 11, 2008

Attorney File No.: PA0700684

Respectfully submitted,  
The Judicial Sales Corporation

By: 

THE JUDICIAL SALES CORPORATION One South Wacker Drive, 24th Floor, Chicago, IL 60606-4650 (312) 236-SALE