

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.)
)
WENGUI YAN,)
)
Defendants.)
)

Case No. 13-20134-02-CM

ORDER

Defendant Wengui Yan has filed a motion asking the court to substitute his home, which he states is unencumbered and appraised at more than \$160,000, for the \$50,000 cash bond that he posted as part of his condition of pretrial release (ECF doc. 88). The government does not oppose the motion.

The court is not necessarily opposed to the substitution – defendant has demonstrated in the motion that he needs money to fund his legal defense in this complex case – but certain requirements must be met before the court will consider accepting a property bond and permitting the substitution. The below requirements help ensure that the government could seamlessly foreclose on the property if necessary.

AO Form 100, titled “Agreement to Forfeit Real Property to Obtain a Defendant’s Release,” must be completed. The form requires the signatures of the property owner(s), the clerk of court, and an Assistant United States Attorney before the undersigned U.S. magistrate judge (or any other federal judge) may approve it. Form 100 requires the property owner(s) to file as attachments certain ownership documents—not only the title to the property or the deed (which was filed as an attachment to defendant’s motion), but also a statement of the balance due on the

mortgage (or a declaration that there is none) and any encumbrance/lien documents (or a declaration that there are none).¹ In addition, a copy of the property insurance should be filed. Finally, Form 100 must be accompanied by AO Form 100B, titled "Surety Information Sheet." The court anticipates that both defendant and his wife would execute copies of Form 100B.

Therefore, defendant is directed to file the above forms and documents by June 17, 2016. Once filed, the court will undertake to rule expeditiously on the motion for substitution.

IT IS SO ORDERED.

Dated June 7, 2016, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

¹ The court notices that the county valuation document submitted as an attachment to defendant's motion indicates that 2015 property taxes have not been paid. If that circumstance has changed, updated information should be submitted.