UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiff, v. $722, 767.41 AS SUBSTITUTE RES FOR 25 ROYAL ROAD, BROOKLINE, MA, Defendant.	Civil Action No. 04-10191-DPW

MOTION FOR LEAVE TO FILE LATE CLAIM ON SUBSTITUTE RES

Pursuant to Federal Rule of Civil Procedure 6(b) and Supplemental Rule C(6)(a)(i)(B)[1], claimant, Kurt Walter ("Mr. Walter"), hereby moves for leave to file a late claim by verified statement and answer in the above-captioned *in rem* action. Mr. Walter has already moved to file a late claim (the "earlier late claim motion") on the original res of the real property located at 25 Royal Road, Brookline, MA (the "Defendant Property"). This motion is for leave to file a late claim with respect to the substitute res, $722, 767.41, the net sale proceeds from the sale of the Defendant Property. In support of this motion, Mr. Walter refers the Court to the reasons set forth in Mr. Walter's earlier late claim motion.

[1] This rule is from the Supplemental Rules for Certain Admiralty and Maritime Claims.

For those reasons thus incorporated in this motion, Mr. Walter hereby requests the Court to grant the motion for leave to file a late claim with respect to the Defendant Property.

Respectfully submitted,
Kurt Walter
By his attorneys

William Cintolo (BBO# 084120)
Nicholas A. Kenney (BBO# 650784)
COSGROVE, EISENBERG & KILEY, P.C.
One International Place, Suite 1820
Boston, MA 02110
617.439.7775
617.330.8774 (fax)

Dated: April 15, 2004

CERTIFICATE OF SERVICE

I, Nicholas A. Kenney, hereby certify that the foregoing Motion for Leave to File Late Claim on Substitute Res was served upon the following individuals by first class mail, postage prepaid:

AUSA Jennifer H. Zacks
Office of the United States Attorney
One Courthouse Way
Boston, MA 02210

Valerie S. Carter, Esq.
Carter & Doyle, LLP
Russia Wharf West
530 Atlantic Avenue, 3rd Floor
Boston, MA 02210

Peter B. Krupp, Esq.
Lurie & Krupp, LLP
One McKinley Square
Boston, MA 02109

Paul W. Eysie
853 Washington Street
Norwood, MA 02062

Steven T. Byer
1443 Beacon Street
Brookline, MA 02446

Date: April 15, 2004

Nicholas A. Kenney

Rule 7.1 Certification

Pursuant to F.R.C.P. Local Rule 7.1(A)(2) I, Nicholas Kenney, hereby certify that I have conferred and attempted in good faith to resolve or narrow the issue raised in the foregoing motion.

4/15/2004
Date

Nicholas A. Kenney