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**ONEIDA JUDICIARY-TRIAL COURT**

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**Diana Sue Brabbs,  
Petitioner**

v.

**Case No: 16-TC-069**

**ONEIDA HOUSING AUTHORITY,  
Respondent**

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**FINAL DECISION AND ORDER**

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This case has come before the Oneida Trial Court, Honorable Denice E. Beans presiding.

**Background**

On November 28, 2016 the Court received a petition for a Temporary Restraining Order to stay the eviction and changing of the locks on **Diana Sue Brabbs'** residence at N6490 Evergreen Drive, Oneida, WI 54155 by the Oneida Housing Authority (OHA). The Temporary Restraining Order was granted and a hearing was held on November 30, 2016 at 10:30am.

**Analysis**

When asked for reasons why Diana Brabbs did not serve the notice to the Oneida Housing Authority and the Oneida Business Committee Tribal Secretary until after the locks were changed, the Petitioner stated that she did not have a phone and did not have a car and had to walk. The Petitioner did list a daytime phone on the filed complaint but made no reference to it at the hearing restating that she did not have a phone or a car.

The Court then asked the Petitioner to state her position and reasons for requesting the Temporary Restraining Order. She stated that the complaints were not true and people used her address as their residence and she couldn't do anything about that. The Petitioner said that the complaints are from her neighbor(s) and that she doesn't know anything about the police coming to her home. The Petitioner went on to say that only her and her three minor children live at N6490 Evergreen Drive, Oneida, WI and that she does owe back rent and utilities and can pay right away if her rent is adjusted to her lowered income due to not having a job. The Petitioner

stated that she last worked for Delaware North in the beginning of September and she was waiting for “termination” papers to use as proof to lower her rent. She has called Delaware North but she had problems and she has gone there “plenty of times” but still does not have the “termination” papers.

The Petitioner did not call any witnesses. (After the hearing the Petitioner submitted two envelopes stamped and cancelled by the United States Post Office with notification of a new address. One was addressed to Jennifer Brabbs and the second to Margaret Brabbs. The change shows that the two individuals now receive their mail at the same post office box in Oneida. The Court acknowledges and accepts the two envelopes. Copies were given to Oneida Housing Authority.)

The Respondent’s Attorney Krystal John, representing the Oneida Housing Authority, requested the Court to uphold the eviction and termination, stating that there are still issues that have not been cured. She stated that the rent is now five months past due, an agreement to pay sixty dollars a month for utilities was broken, and there is documentation that unauthorized adults with their children were staying with Diana Brabbs at N6490 Evergreen Drive, Oneida, WI. (After the hearing the Respondent submitted the documentation that verified their statements on the Record which the Court acknowledged and accepted.)

### **Findings of Fact**

The court finds as follows:

1. The Court has jurisdiction pursuant to chapter 150 of the Oneida Code of Laws.
2. The OHA pursued the termination of the Petitioner’s Home Ownership Agreement due to violations of Article I Section A, Section E 1 & 2, Article II Section B, and Article IX Section B.
3. The Court has accepted the petition for a Temporary Restraining Order and placed a stay on the eviction procedure at the residence of Diana Sue Brabbs at N6490 Evergreen Drive, Oneida, WI 54155.
4. A hearing was held on November 30, 2016 at 10:30am.
5. The Petitioner presented two envelopes stamped and cancelled by the USPO with notification of a new address. One was addressed to Jennifer Brabbs and the second to Margaret Brabbs. The change shows that the two individuals now

receive their mail at the same post office box in Oneida.

6. The Respondents submitted copies of seven notices served on the Petitioner asking for information and/or setting meetings to discuss and possibly cure the violations.
7. The Respondents submitted a copy of a 5 Day Notice to Cure or 21 Day Notice of Termination and Eviction setting a hearing with OHA for November 15, 2016 at 10:00am which was properly served. The Petitioner failed to appear.
8. The Respondents submitted a copy of a Ten (10) Day Notice to Vacate the Rental Premises, which was properly served, dated November 15, 2016.
9. The Respondents submitted documentation from Andrew LaFrombois, Probation & Parole Agent. Mr. LaFrombois conducted a home visit for Margaret Brabbs at N6490 Evergreen Drive, Oneida WI at which time Margaret Brabbs declared this address as her home residence since at least 03/19/15.
10. The Respondents submitted documentation from Oneida Social Services that Margaret Brabbs applied for TANF and listed N6490 Evergreen Drive, Oneida, WI as her address for the last year and that her school age children are picked up for school from this address.
11. The Oneida Housing Authority requested that the Eviction and Termination be upheld.

### **Order**

The court enters the following order:

The Court grants the motion by the Oneida Housing Authority to uphold the Eviction and Termination of the Oneida Housing Authority Rental Agreement of Diana Sue Brabbs from the residence at N6490 Evergreen Drive, Oneida, WI 54155.

Respondent Oneida Housing Authority is entitled to change the locks at the property after December 12, 2016 at 4:20pm at which time the Temporary Restraining Order expires. Furthermore, Diana Sue Brabbs is no longer entitled to occupy the property after December 12, 2016 at 4:20pm.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council a hearing was held on November 30, 2016 and an order signed on December 1, 2016 in the matter of *Diana Sue Brabbs v. Oneida Housing Authority*.  
Case #16-TC-069.

**The parties have the right to appeal within thirty (30) calendar days after the date this order or judgment is signed.**