

Oneida Tribal Judicial System

Onlayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

TRIAL COURT

**Desmann Escalante,
Petitioner**

Docket No: 12-TC-126

v.

Date: August 15, 2012

**Oneida Housing Authority,
Respondent**

Order

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers: Jean M. Webster, Mary Adams and Janice L. McLester presiding.

Background

July 18, 2012 Petitioner received a 14 Day Termination Notice of OHA Rental Agreement for failure to pay rent and to vacate the premises by 4:30 p.m. on August 7, 2012.

August 7, 2012 Petitioner, Desmann Escalante filed a request for a Temporary Restraining Order (TRO) against the Respondent, Oneida Housing Authority. Petitioner resides at N6448 Deerpath Drive, Oneida, WI. Petitioner claims he was issued a decision from OHA to vacate the premises by 4:30 p.m., August 7, 2012 and has the right to appeal the eviction at the Oneida Tribal Judicial System.

August 8, 2012 the Trial Court held a deliberation and granted the Petitioner's request for a Temporary Restraining Order (TRO) and scheduled a hearing for August 13, 2012.

August 13, 2012 a hearing was held and Respondent requested the court to place a Stay on the proceedings as the parties reached a settlement agreement. Settlement agreement was signed by all parties on August 13, 2012.

Decision

The court grants Respondent's request to place a Stay on the proceedings and enters into record the terms of the Settlement Agreement.

1. Petitioner (Tenant) shall pay the delinquent balance in full pursuant to the following terms:
 - Petitioner (Tenant) shall pay \$325.00 by August 17, 2012 by 12:00 noon
 - Petitioner (Tenant) shall pay \$325.00 by August 23, 2012 by 12:00 noon
 - Petitioner (Tenant) shall pay remaining delinquent balance of \$858.00 by October 3, 2012 by 12:00 noon in addition to his monthly rental payments.
 - Payments shall be received by the Tribe at the Oneida Housing Authority. If Petitioner (Tenant) makes payments by mail, Petitioner (Tenant) should take into consideration mailing time to ensure Tribe receives payment in a timely manner. Failure to make timely payment as described herein will constitute a breach of this agreement

2. Respondent's (Tribe) request to the Oneida Tribal Judicial System to stay the proceedings until October 3, 2012 is granted. In the event the Petitioner (Tenant) satisfies the terms of this Agreement, the Respondent (Tribe) will file a Motion to Dismiss the pending case.

3. Petitioner (Tenant) shall attend budgeting classes held at the Oneida Housing Authority by September 14, 2012.

4. In the event Petitioner (Tenant) breaches the terms of this Agreement, all of the following shall apply without further notice or process:
 - Respondent (Tribe) is entitled to take immediate possession of the premises on October 4, 2012 at 2:00 p.m. *This statement means the Petitioner (Tenant) shall vacate the premises located at N6448 Deerpath Drive, Oneida WI on October 4, 2012 by 2:00 p.m. if delinquent balance is not paid in full by October 3, 2012.*