

# ***Oneida Tribal Judicial System***

Onʌyote ʔ aka Tsiʔ Shakotiyaʔ Tolé hte

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## **TRIAL COURT**

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**Oneida Housing Authority,  
Petitioner**

**Docket No: 13-TC-121**

**v.**

**Keshia Mencheski,  
Respondent**

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## **ORDER FOR MONEY JUDGMENT**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers; Jean M. Webster, Mary Adams, and Leland Wigg-Ninham, presiding.

This matter came for a hearing on the 16<sup>st</sup> day of October 2013.

*Appearing in person:* Petitioner, Oneida Law Office Senior Paralegal, Heidi Wennesheimer and Laurel Meyer-Spooner, Oneida Housing Authority.

*Not appearing:* Respondent, Keshia Mencheski.

### **I Background**

On July 25, 2013, Petitioner, Oneida Housing Authority filed a money judgment against the Respondent as Respondent refuses and/or fails to pay delinquent arrears, tenant damages and other damages owed to the Petitioner. A hearing was scheduled for August 27, 2013.

*Findings of Fact –*

On March 18, 2013, Petitioner alleges Respondent vacated the premises located at 1245 Chief Hill Drive, Green Bay, WI.

On June 28, 2013 Petitioner sent Respondent a final notice indicating a balance due of \$688.00. Petitioner claims Respondent was negligent in the care of maintaining her residence, Respondent failed to make timely payments and has maintained a delinquent balance on the rental account; therefore Respondent breached a legal written contract with the Petitioner by not fulfilling her obligation to pay rent.

On August 27, 2013 a hearing was held. Petitioners were present and Respondent failed to appear, however, it was discovered Respondent was not provided proper notice of the hearing. Notice of hearing was sent by certified mail but mail was returned. The court moved to do a leave to publish and the hearing was rescheduled to October 16, 2013.

On October 16, 2013 a hearing was called to order. Petitioners were present and Respondent failed to appear. Petitioners motioned the court to have the hearing proceed and to find the Respondent in default. Petitioner requested the court to grant the judgment against the Respondent for:

1. For a money judgment against the Respondent in favor of the Petitioner in the amount of \$688 for unpaid rental payments and damages.
2. An agreement in terms or deadlines how the judgment will be paid by the Respondent.
3. An order for attachment of per capita payments.
4. An order for reimbursement of the \$25 filing fee.
5. That the Petitioner have such other and further judgment, order or relief, as may be deemed just and equitable.

### **Conclusion**

According to the Rules of Civil Procedure, Rule 16 (B) states, "*Respondent: When a party against whom a judgment for relief is sought has failed to appear, plead or otherwise defend as required in these rules or elsewhere, a default judgment may be granted by the trial court upon the receipt of whatever evidence is deemed necessary to establish the claim.*"

Respondent failed to appear at the October 16, 2013; therefore the court finds the Respondent in default. The court grants the Petitioner's motion for a money judgment for: (a) unpaid rental payment and damages in the amount of \$688; (b) an order for reimbursement of the \$25 filing fee; and (c) an order for attachment of per capita payment. Total amount owed by the Respondent to the Petitioner is \$713.

Petitioner's motion that an agreement in terms or deadline as to how this judgment will be paid by the Respondent was not acted upon as Respondent failed to appear; therefore Respondent shall have 60 days from the signing of this decision to complete payment or make arrangements for payment or installment payments (see Rules of Civil Procedure, Rule 20(A)).

### **IV Decision**

The court finds the Respondent in default and grants the Petitioner's motion for a money judgment.

1. Respondent is ordered to pay the Petitioner \$713 for unpaid rental payment, damages, and filing fee.
  - Respondent shall have 60 days from the signing of this order to complete payment or make arrangements for payment or installment payments.
2. Court orders an attachment of per capita payment if payment is not satisfied.