

Oneida Tribal Judicial System

Onayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT

**Division of Land Management,
Petitioner**

v.

**Barry Metoxen and
Brian Metoxen,
Respondents**

Docket No: 08-TC-032

Date: April 15, 2008

Amended April 29, 2008

Judgment

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Janice McLester, and Sandra Skenandore, presiding.

I Background

This case involves a money judgment complaint.

On March 13, 2008 Petitioner, Division of Land Management (DOLM), filed a claim against Respondents, Barry Metoxen and Brian Metoxen, for allegedly defaulting on a Residential Offer to Purchase in accordance with the contract. Petitioner claims the terms of the Residential Offer to purchase and the Amendment to Offer to Purchase was breached. Petitioner contends Respondents agreed to pay for the cost of the survey of the property subject to the proposed sale. Petitioner asserts the total cost of the survey and late charges was \$401.70.

A hearing was scheduled for Tuesday, April 15, 2008, Respondents failed to appear. Petitioner submitted an oral motion for a default judgment based on Respondent's failure to appear.

The court record reflects all parties were mailed the summons to appear in court. Based on Respondents non-compliance, the court granted the default judgment in accordance with Rules of Civil Procedure, Rule 16(B) the court may grant a default judgment when Respondent fails to appear.

II Decision

The Court granted the Default Judgment in favor of Petitioner for the amount of \$401.70.