

# ***Oneida Tribal Judicial System***

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## **TRIAL COURT**

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**Division of Land Management,  
Petitioner**

**Docket No: 08-TC-098**

**v.**

**Date: May 25, 2010**

**Phillip J. Peters, Jr.,  
Respondent**

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## **Order**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Jean M. Webster, and Stanley R. Webster, presiding.

### **Background**

This case involves a request for the foreclosure of the property located at 3249 West Mason Street, Green Bay, Wisconsin.

On July 30, 2008 Petitioner, Division of Land Management, filed a foreclosure complaint against Respondent, Phillip J. Peters Jr., claiming a debt owed in the amount of \$3,642.96 due to failure to make payments as required. Petitioner requests a judgment transferring title of the premises. Petitioner will use funds from its loan budget to satisfy the cost of any outstanding principal, interest, late fees, utility bills, reasonable attorney fees, cleaning, and repairs, up to the limit of the appraised value. Petitioner requests the right to assert a claim for deficiency until the property is vacated and/or should the appraised value not cover the above expenses. Petitioner requests the court to issue an order that Respondent, his assigns and all persons claiming under him, be barred from all claim and right of redemption in said premises, unless they satisfy all

outstanding principal, interest, late fees, taxes, insurance premiums, utility bills and reasonable attorney fees for this suit within an appropriate redemption period. Petitioner requests the court order a twelve month redemption period in this case. Petitioner requests Respondent and all persons claiming under him be enjoined from committing waste or committing harm that may impair the value of the premises. Petitioner requests the court to order that Respondent vacate the premises within 30 days after the court issues a judgment.

A pre-trial hearing was scheduled for September 2, 2008 then rescheduled for September 25, 2008.

On September 25, 2008 the parties submitted a Joint Motion to Dismiss without prejudice. The court granted the motion.

On January 15, 2009 Petitioner filed a Motion to Reopen Contested Case. The court granted Petitioner's Motion and rescheduled the pre-trial for March 24, 2009.

At the March 24, 2009 pre-trial the Petitioner appeared, however Respondent failed to appear. The court record reflects Respondent, Phillip Peters Jr., did in fact receive the court's summons requesting his appearance at today's pre-trial. Therefore, the court granted Petitioner's Motion for a Default due to Respondent's non-appearance.

On March 26, 2009, due to Respondent's non-appearance, the Court granted Petitioner's Motion for a Default Judgment and their original foreclosure request against Phillip Peters Jr.

On February 19, 2010 Petitioner filed a Motion for Enforcement. A hearing was scheduled for April 1, 2010, Respondent failed to appear. The Court record showed Respondent did not receive Petitioner's Motion for Enforcement. Therefore, an order for publication was made.

On May 25, 2010, a hearing was held, Respondent failed to appear. The Court made two publications in the Kalihwisaks announcing today's hearing. The Court granted Petitioner's

motion for a default judgment for the amount of \$16,933.80 in accordance with Rules of Civil Procedure, Rule 16. Furthermore, the Court ordered immediate termination of Respondent's right to redemption.

## **II Decision**

The Court grants Petitioner's motion for a default judgment in the amount of \$16, 933.80 against Respondent. Furthermore, the Court orders the immediate termination of Respondent's right to redemption.

It is so ordered.