

Oneida Tribal Judicial System

OnΛyote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT

**Division of Land Management,
Petitioner**

Docket No: 08-TC-098

v.

Date: September 26, 2008

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

Dismissal

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

I 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, Philip J. Peters Jr., claiming a debt owed in the amount of \$3,642.96. Petitioner requests a judgment transferring title of premises, who 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.

On August 27, 2008 Respondent filed a Motion for Continuance due to Respondent working out of town. The court granted the Motion for Continuance. The pre-trial hearing was re-scheduled for September 25, 2008.

On September 25, 2008 Petitioner and Respondent submitted a Joint Motion to Dismiss without prejudice. Petitioner concedes this complaint has been resolved and no longer presents a claim for which relief can be granted because a settlement has been reached.

The court grants the motion. In the future, when a motion is filed on the same day as the hearing, as in this case, the court will address the motion at the pre-trial hearing on record and shall follow Rules of Civil Procedure, Rule 22(A) and Rule 24(B&C).

II Decision

The Court grants the Joint Motion to Dismiss without prejudice.