

Oneida Appeals Commission

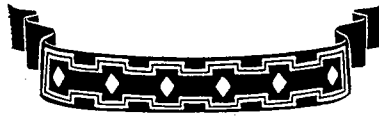
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Trial Court

Division of Land Management,

Petitioner

Docket No. 03-TC-091

vs.

Danny John,

Respondent

Date: May 14, 2003

Foreclosure Order

This case has come before the Oneida Appeals Commission. Judicial Officers, Mary Adams, Winnifred Thomas and Leland Wigg-Ninham, presiding.

I Background

This is a foreclosure complaint filed by the Petitioner, Division of Land Management, on March 5, 2003. The Respondent, Danny J. John, entered into a Oneida Tribal Loan Credit Agreement on August 13, 2001 with the Division of Land Management. On January 20, 2003 the Petitioner sent a third and final notice to the Respondent indicating his loan is delinquent in the amount of \$1,013.30 and is being referred to the Staff Attorney for further action. A hearing was scheduled for May 13, 2003 at 1:30 pm.

At the May 13, 2003 hearing the Respondent did not appear. The Appellant motioned for a default judgement and requested the following:

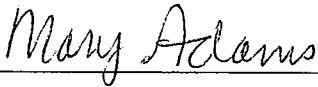
1. Approval of the foreclosure for the mobile home located at W1284 Redtail Drive, DePere, Wisconsin.
2. The transfer of title of said property to the Division of Land Management.
3. To reserve the right to file a claim for deficiency.

According to Rule 16 of the Rules of Civil Procedure, when the Respondent fails to appear the trial court may grant a default judgement.¹

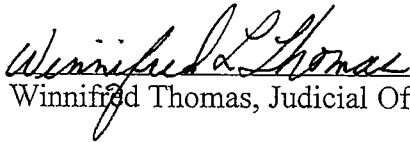
II Decision

The court grants the motion for a default judgement. The three items requested are so granted. This case is dismissed without prejudice.

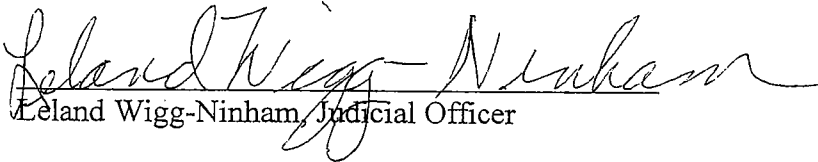
By authority vested in the Oneida Appeals Commission pursuant to Resolution 8-19-91-A, by the Oneida General Tribal Council, it is held on this 14th day of May 2003, in the matter of Division of Land Management vs. Danny John, Docket No. 03-TC-091.



Mary Adams, Lead Judicial Officer



Winnifred Thomas, Judicial Officer



Leland Wigg-Ninham, Judicial Officer

¹

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