

Oneida Appeals Commission

Onayote 7 a-ka Tsi7 Shakotiya7 Tolé hte

Phone: 920-497-5800

Fax: 920-497-5805

Post Office Box 19

Oneida, WI 54155



Trial Court

Division of Land Management,

Petitioner

Docket No. 03-TC-092

vs.

Aloyious Jourdan,

Respondent

Date: April 28, 2003

Decision

This case has come before the Oneida Appeals Commission. Lead Judicial Officer, Mary Adams, Janice McLester and Marjorie Stevens, presiding.

I Background

On June 25, 1997, the Respondent, Aloyious Jourdan entered into an agreement for purchase of a trailer home with the Petitioner, Division of Land Management. On November 3, 1997 the Respondent entered into a lot agreement with the Petitioner. On August 26, 1999 the Respondent signed an agreement for Rental space in Green Earth Mobil Home Court with the Petitioner.

II Analysis

On April 17, 2003 a hearing was held. The Respondent did not appear. The Petitioner claims that the Respondent's lot lease was canceled by the Oneida Land Commission on February 10, 2003. The Appellant requests a judgement against the Respondent for the following stipulations:

1. Award the Petitioner money sufficient to recover all claims and Attorney fees, which have arisen from breach of the lot Agreements with the Respondent. The total claim is \$1772.45;
2. Foreclosure of the mortgaged mobile home;

3. Transfer title of the mobile home to the Petitioner, who will in return satisfy any outstanding principal, interest, late fees, insurance premiums, final utility bills and reasonable attorney fees for this suit; and
4. The Petitioner requests that the Appeals Commission approve the Division of Land Management's right to file for a deficiency judgment should expenses to remove the trailer and prepare the site for another tenant is more than the proceeds from the resale of the mobile home.

The Petitioner motioned for a default judgement because the Respondent did not appear at the hearing. The Petitioner provides documentation to support that the Respondent was given notice. Among other supporting documentation, the Petitioner submitted a Certificate of Service announcing the foreclosure and money judgement request for the Respondent. The Oneida Police Department officially served that notice to the Respondent, which is signed by the Respondent on March 4, 2003. The notice gave the time, date and location of the Land Commission meeting to discuss the foreclosure and money judgment.

The court grants a default judgment. The Petitioner provided the Respondent with opportunity to a fair hearing and notice of action. According to Rule 16(B) of the Rules of Civil Procedure, the trial court may grant a default judgment provided that the Petitioner establishes evidence to support their claim.¹

III Decision

The court grants a default judgment in favor of the Petitioner. The four (4) stipulations requested by the Petitioner are hereby granted.

¹ Rule 16(B) 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.