

# Oneida Appeals Commission

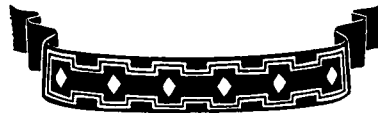
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## Trial Court

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Oneida Tribe Division of Land Management,

Petitioner

Docket No. 04-TC-002

Date: March 10, 2004

vs.

Elroy and Corey King,

Respondent

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### Motion To Dismiss

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The Petitioner has submitted a Motion To Dismiss without prejudice, to the Oneida Appeals Commission Trial Court, Lead Judicial Officer Leland Wigg-Ninham, presiding.

#### I Background

On February 6, 2004, the Petitioner filed a foreclosure complaint for a claim of lien based on contractual obligations arising from a Dream Home Loan Agreement between the Petitioner and the Respondents, Elroy and Corey King. The Respondents are alleged to have defaulted in making their mortgage payments. On March 8, 2004, the Petitioner filed a motion to dismiss without prejudice pursuant to Rule 14 (A) of the Oneida Appeals Commission Rules of Civil Procedure.

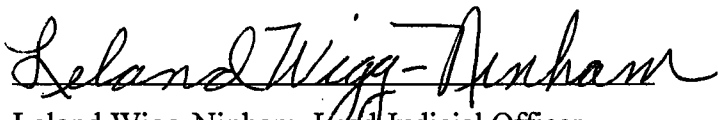
#### II. Analysis

Under the Judicial Code of Rules of Civil Procedure, *Rule 14, A. 1. A party may move the trial court to dismiss the parties claim and the trial court shall do so with, or without prejudice as is just and proper given the stage of the proceedings.*

### III. Decision

The motion to dismiss without prejudice is granted.

By the authority vested in the Oneida Appeals Commission pursuant to Resolution 8-19-91-A, by the Oneida General Tribal Council, it is so held on this the 10<sup>th</sup> day of March 2004, in the matter of Oneida Tribe Division of Land Management vs. Elroy and Corey King Docket No. 04-TC-002.

  
Leland Wigg-Ninham, Lead Judicial Officer