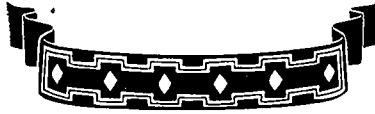


Oneida Appeals Commission

Onlayote 7 aka Tsi7 Shakotiya7 Tolé hte

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Post Office Box 19
Oneida, WI 54155



Trial Court

Oneida Tribe of Indians
Division of Land Management

Petitioner,

Docket No. 04-TC-009

vs.

Date: October 27, 2004

Juanita Powless,

Respondent

Clarification

This case has come before the Oneida Appeals Commission in Oneida, Wisconsin, WI 54155, Ninham, Lois Powles, and Winnifred L. Thomas.

Background

On October 27th, 2004, Petitioner, Oneida Tribe of Indians of Wisconsin, Division of Land Management, by their attorney, Rebecca M. Webster, filed a motion for clarification of the Oneida Appeals Commission's ruling in Division of Land Management v. Juanita Powless, Docket #04-TC-009.

Clarification

Under the Judicial Code of Rules of Civil Procedure, Rule 6(B) states:

Respondent: When a party against whom judgment for default 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 request of the

deemed necessary to establish the claim.

Since the Respondent failed to appear, the Oneida Court of Appeals granted a Default Judgment

to the Petitioner, the Oneida Tribe of Wisconsin, Division of Land Management.

In Petitioner's amended complaint, the petitioner requested the following relief;

1. Foreclosure of the mortgaged premises at N5692 Skylark Drive, DePere, WI 54115 per Real Property Law, § 14-5.
2. Judgment transferring title of the residential personal property at N5692 Skylark Drive, DePere, WI 54115 to the Petitioner, who will in return satisfy any outstanding principal, interest, late fees, utility bills, and reasonable attorney fees for this suit, as well as any cleaning or repair costs to the home after it is vacated, up to the limit of the appraised value. Petitioner will use funds from its TLC budget to satisfy these costs;
3. Reserve the right of the Petitioner to assert a claim for deficiency against the Respondent for damages which cannot be assessed until the property is vacated and/or should the appraised value of the residence not cover the above expenses. Such deficiency claim to be filed after the residence is vacated and prepared for sale to another Tribal member.
4. An Order that the Respondent, her assignees and all persons claiming under her, 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 through the Appeals Commission decision.
5. An Order that the Respondent and all persons claiming under her be enjoined from committing waste or doing any act that may impair the value of the mortgaged premises from the date of the Appeals Commission decision.
6. An Order that the Respondent vacate the premises within 30 days after the Appeals Judgment is issued and notify the Division of Land Management staff when this occurs so residence can be secured.

Decision

The Petitioner's request is granted. It is so ordered.