

# Oneida Appeals Commission

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## Trial Court

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Karen Schultz,

Petitioner,

Docket No. 05-TC-035

vs.

Sam and Kelly Spruce,

Respondents

Date: April 27, 2005

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### **Injunction Hearing**

This case has come before the Oneida Appeals Commission Trial Court, Judicial Officers Mary Adams, Janice McLester, and Leland Wigg-Ninham presiding.

### **I Background**

On March 24, 2005, Petitioner, Karen Schultz, filed a money judgement claim against Respondents, Sam and Kelly Spruce, requesting payment on a \$3,500.00 loan. On April 22, 2005, Respondent, Kelly Spruce filed her brief stating that she owes Petitioner a balance of \$3,125.00. In addition, Respondent agrees to payments of either \$50.00 or \$75.00 be deducted on a bi-weekly basis. A hearing was scheduled on April 26, 2005.

### **II Analysis**

It is noted that both Respondents failed to appear at the April 26, 2005 hearing. Therefore, a default judgement was approved in favor of Petitioner.<sup>1</sup> However, since Respondent filed a brief that stated she is willing to make payments to satisfy this claim in the amount of \$50.00 or \$75.00 on a bi-weekly basis and Petitioner had no objection to the offer, this court is transferring

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<sup>1</sup> Rules of Civil Procedure, Rule 16(B) Respondent: 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.

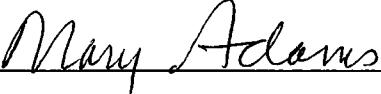
this claim into the garnishment process.

### III Decision

Judgement in favor of Petitioner. This judgement is hereby transferred into the garnishment process in the amount of \$3, 125.00.

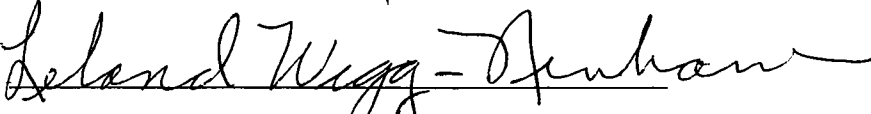
It is so ordered.

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 27<sup>th</sup> day of April, 2005, in the matter of Karen Schultz vs. Sam and Kelly Spruce, Docket No. 05-TC-035.

  
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Mary Adams, Lead Judicial Officer

In agreement, unavailable for signature.

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Janice McLester, Judicial Officer

  
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Leland Wigg-Ninham, Judicial Officer