

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 05-1268-JTM

ERIC L. MILLER, and SHARRON MILLER,
a/k/a SHARON MILLER, a/k/a SHARON K.
MILLER,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the Motion for Summary Judgment of the plaintiff United States. The plaintiff alleges that the defendants Eric and Sharron Miller have since April 15, 2005 refused to pay the rent due on property leased to them by the government. The government has alleged that the Millers have failed to vacate the property while also ignoring various notices of termination, but that the parties eventually entered into an agreed Order under which the Millers would cure the default by January 15, 2006. The United States Marshal took possession of the property on January 27, 2006, following a Writ of Assistance issued by the court. (Dkt. No. 8).

In the present motion, the government seeks an order determining the amount owing from the defendants, reflecting their rent-free occupancy of the property from April 15, 2005 to January 27, 2006. The uncontroverted facts establish that the Millers leased the property for \$1200 per month. The

government seeks an order determining that the Millers owe it \$12,480 in unpaid rent. The court adopts and incorporates herein the facts set forth in the government's memorandum. (Dkt. No. 11).

The government moved for summary judgment on March 21, 2006. The Millers have filed no response. Accordingly, both pursuant to D.Kan.R. 7.4 and for good cause shown, the Motion for Summary Judgment of the United States (Dkt. No. 10) is hereby granted.

IT IS SO ORDERED this 26th day of May, 2006.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE