

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No. 05-2004-KHV

DALE MAY AND
JUDY K. GILLILAND (MAY),
WILLIAM E. BISHOP, D/B/A THE CORNER,
RENT-A-RIDE,
CINDY BOOKOUT,
THE TRUST COMPANY,
AMY SNYDER,
ARLO HANSEN D/B/A GOODLAND SINCLAIR,
M&M GRAVEL and SALES, and
SECURITY STATE BANK,

Defendants.

**ORDER ESTABLISHING AMOUNT OF DEFICIENCY JUDGMENT
AGAINST DEFENDANTS DALE MAY AND JUDY K. GILLILAND (MAY)**

Comes on for decision the Plaintiff's Amended Motion For Order Establishing Amount Of Deficiency Judgment Against Defendants Dale May and Judy K. Gilliland (May) (Doc. 29). The United States appears, by and through Eric F. Melgren, United States Attorney for the District of Kansas, and Christopher Allman, Assistant United States Attorney for the District. There are no other appearances.

The Court, having examined the file and pleadings in this case, finds the following:

1. The United States obtained a judgment of foreclosure as to certain real property and a personal judgment against the defendants, Dale May and Judy K. Gilliland (May), in the above-captioned action on May 4, 2005 (Doc. 21).

2. The real property which was the subject of this foreclosure action is located in Sherman County, Kansas, to-wit:

The Southeast Quarter (SE 1/4) of Section One (1);
the Northwest Quarter (NW 1/4) of Section Two (2);
and the Northeast Quarter (NE 1/4) of Section Three
(3), All in Township Six (6) South, Range Thirty-
nine(39), West of the 6th Principal Meridian in
Sherman County, Kansas

All irrigation pumps, motors, gearheads and sprinklers and
Replacements thereof.

3. The property was sold by the Office of the United States Marshal pursuant to the order of this Court on June 30, 2005, to the Farm Service Agency, United States Department of Agriculture, for the sum of \$408,512.00 (Doc. 25), which was a credit against its judgment against the defendants, Dale May and Judy K. Gilliland (May). No funds have been received by the Clerk of the District Court, District of Kansas.

4. Said bidder was the highest and best bidder at the sale and the price is a fair and equitable price for the property.

5. The proceedings of the United States Marshal under the Order of Sale are regular and in conformity with law and equity and the orders of this Court and that sale was confirmed by this Court by order dated July 29, 2005 (Doc. 27).

6. There was due and owing the United States on June 30, 2005, the date of sale, the sum of \$502,461.44, plus \$150.00 for the filing fee.

7. Therefore, there remains due and owing on the judgment against defendants, Dale May and Judy K. Gilliland (May), the sum of \$93,949.44, with interest accruing from and after June 30, 2005, at the rate of 3.33% per annum, until paid in full, plus the filing fee in the amount of \$150.00 and court costs and other costs of this action presently and in the future incurred.

IT IS THEREFORE ORDERED BY THE COURT, ADJUDGED AND DECREED that the United States of America, plaintiff, shall have a deficiency judgment against the defendants, Dale May and Judy K. Gilliland (May), in the amount of \$93,949.44 as of June 30, 2005, plus interest accruing after that date at the rate of 3.33% per annum, until paid in full, plus the filing fee in the amount of \$150.00 and court costs and other costs of this action presently and in the future incurred.

IT IS SO ORDERED.

Dated this 19th day of August, 2005.

s/ Kathryn H. Vratil
KATHRYN H.VRATIL
United States District Judge

Approved by:

ERIC F. MELGREN
United States Attorney

s/ Christopher Allman
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ELECTRONICALLY SUBMITTED