

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEE K. PAYNE,

Defendant.

CIVIL ACTION

No. 06-2406-KHV

JOURNAL ENTRY OF DEFAULT JUDGMENT

Comes on for hearing the Complaint of the United States of America, (Doc. #1), and its Motion for Judgment by Default against defendant, Lee K. Payne, (Doc. #5). The United States appears by Eric F. Melgren, United States Attorney for the District of Kansas, and Christopher Allman, Assistant United States Attorney for said District. Defendant appears not. There are no other parties to this action.

The Court, upon examining its files and pleadings herein, finds as follows:

1. On November 28, 1988, Lee K. Payne made and executed a promissory note payable to Home State Bank in the principal amount of \$2,625.00 together with interest thereon at the rate of 8.0% per annum on the unpaid balance. Home State Bank, its successors in office and assigns, duly assigned the note and the United States is now the owner of the note.
2. On September 26, 2006, the United States filed suit against defendant alleging default on repayment of the note. See (Doc. #1).
3. Defendant waived formal service of process, see (Doc. #2), and after defendant failed to answer or otherwise plead within 60 days, plaintiff applied for an entry of default, see (Doc. #3).

4. On December 21, 2006, the Clerk of the Court granted the entry of default against defendant.
See (Doc. #4).
5. Defendant, who is not an infant, incompetent person or member of the military service of the United States within the purview of the Soldiers' and Sailors' Relief Act of 1984, as amended, is wholly in default under the terms of the promissory note. Plaintiff is therefore entitled to damages in the amount of \$7,222.05, including the principal sum of \$3,110.93, interest in the sum of \$3,596.56 accrued through June 15, 2006, and \$164.56 accrued from June 16, 2006 through the date of judgment, and costs of \$350.00 pursuant to 28 U.S.C. § 2412(a)(2), plus post-judgment interest at the rate set forth in 28 U.S.C. § 1961(a) and future collection costs.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the findings of the Court are hereby made the order of the Court.

IT IS FURTHER ORDERED that the United States is granted judgment against Lee K. Payne in the amount of \$7,222.05, plus post-judgment interest at a rate of 5.10 percent per annum and future collection costs.

Dated this 12th day of February, 2007 at Kansas City, Kansas.

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