

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 09-2385-KHV
TOBY L. WASSON, et al.,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff's Motion For Judgment By Default Against Defendants Toby L. Wasson, Melissa C. Wasson, And U.S. Bank Trust National Association (Formerly Known As First Trust Of New York, N.A.) (Doc. #16) filed March 15, 2010. Plaintiff originally brought suit against defendants Toby L. Wasson, Melissa C. Wasson, U.S. Bank Trust National Association and the Kansas Department of Revenue alleging that the Wassons defaulted on a mortgage held by the government and secured by real property located at 11024 Garnett Road, Dodge City, Kansas.¹ Plaintiff now seeks a judgment by default against the remaining defendants for \$71,689.08 of unpaid principal, interest due on the loan as of December 12, 2008 in the amount of \$25,089.08, interest from December 12, 2008 until the date of the judgment at \$11.2408 per day, interest at the legal rate thereafter and the costs of the action.

Plaintiff filed its original complaint on July 22, 2009. Plaintiff personally served Toby L. Wasson and Melissa C. Wasson on September 18, 2009. Plaintiff personally served U.S. Bank

¹ On September 15, 2009, the Kansas Department of Revenue answered plaintiff's complaint and disclaimed any right, title or interest in the above referenced property. See Answer Of Disclaimer Of Defendant Kansas Department Of Revenue (Doc. #4).

Trust's agent for legal process on February 1, 2010. After defendants failed to appear or defend, plaintiff filed its application for entry of default on March 10, 2010. The clerk entered default against defendants on that day and plaintiff subsequently filed its motion for default judgment on March 15, 2010. Defendants have not filed a response.

THE COURT FINDS that entry of default judgment is proper pursuant to Federal Rule of Civil Procedure 55.

IT IS HEREBY ORDERED that the clerk is directed to enter Default Judgment against Toby L. Wasson, Melissa C. Wasson and U.S. Bank Trust National Association and in favor of the plaintiff in the amount of \$71,689.08 of unpaid principal, interest due on the loan as of December 12, 2008 in the amount of \$25,089.08, interest from December 12, 2008 until the date of the judgment at \$11.2408 per day, interest at the legal rate thereafter and the costs of the action.

Dated this 20th day of April, 2010 at Kansas City, Kansas.

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