

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

FIFTH THIRD BANK,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 10-2226-KHV
DAVID R. MCFARLAND and)	
ELIZABETH MCFARLAND,)	
)	
Defendants.)	
_____)	

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff's Motion For Default Judgment (Doc. #11) filed August 11, 2010. Plaintiff originally alleged that defendants, David R. McFarland and Elizabeth Ann McFarland, breached the terms of a note, loan agreement and security agreement which plaintiff purchased and has the right to enforce. See Complaint (Doc. #1). Plaintiff now seeks a default judgment for \$2,357,348.16, plus interest accruing at a rate of \$679.12 per day from April 15, 2010 until paid.

Plaintiff filed its original complaint on April 20, 2010. On May 11, 2010, plaintiff filed returns of service which indicate that on May 3, 2010 it served a copy of the summonses and complaints by United States Postal Service certified mail upon both David R. McFarland and Elizabeth Ann McFarland at 618 Azalea Avenue, Redding, CA 96002. After defendants failed to appear or defend, plaintiff filed its motion for default judgment, which the Court construed as an application for entry of default. See Doc. #7. On July 22, 2010, the Clerk entered default. Plaintiff filed its motion for default judgment on August 11, 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 enter default judgment against David R. McFarland and Elizabeth Ann McFarland, in favor of the plaintiff in the amount of \$2,357,348.16 plus interest at \$679.12 per day from April 15, 2010 until paid.

Dated this 18th day of August, 2010 at Kansas City, Kansas.

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