

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-1238-JWL-KGG

JODI LUANNE WILLE,  
RONALD GENE SEEBER,

Defendants.

**MEMORANDUM & ORDER**

Plaintiff United States of America filed this action following Defendant Jodi Luanne Wille's default on a promissory note secured by a real estate mortgage owned by plaintiff. According to the complaint, defendant Ronald Gene Seeber may claim an interest against the mortgage, but that interest is inferior to plaintiff's interest. After defendants failed to file an answer or other responsive pleading to plaintiff's complaint, the clerk of the court entered default pursuant to Federal Rules of Civil Procedure 55(a).

This matter is now before the court on plaintiff's motion for *in rem* judgment by default (doc. 13). Plaintiff seeks only *in rem* relief against defendant Wille on the grounds that she has been granted a discharge in bankruptcy. Specifically, plaintiff moves the court for *in rem* judgment by default in the total amount due and owing on the promissory note, in the sum of \$80,186.42, including principal, plus advances for taxes, late fees, insurance, negative escrow, title search, and any other recoverable costs, plus interest in the amount of \$7,994.77 as of April 24, 2013, plus interest accruing thereafter at the daily rate of \$10.6881; for filing fees pursuant to 28 U.S.C. § 2412(a)(2); for \$60.00 representing costs of this action incurred to date; for all

future costs of this action; and for default judgment of foreclosure against Defendants Jodi Luanne Wille and Ronald Gene Seeber, foreclosing plaintiff's mortgage on the real property as set forth in the Complaint. The motion is granted.

A court may enter a default judgment without a hearing if the "amount claimed is a liquidated sum or one capable of mathematical calculation." *Hunt v. Inter-Globe Energy, Inc.*, 770 F.2d 145, 148 (10th Cir. 1985). Plaintiff's claim of default on the promissory note and real estate mortgage is capable of mathematical calculation. The court therefore concludes that default judgment be entered against defendants in the form of *in rem* relief for the total amount due and owing on the promissory note in the sum of \$80,186.42, including principal, plus advances for taxes, late fees, insurance, negative escrow, title search, and any other recoverable costs, plus interest in the amount of \$7,994.77 as of April 24, 2013, plus interest accruing thereafter at the daily rate of \$10.6881; for filing fees pursuant to 28 U.S.C. § 2412(a)(2); for \$60.00 representing costs of this action incurred to date; for all future costs of this action; and for default judgment of foreclosure against Defendants Jodi Luanne Wille and Ronald Gene Seeber, foreclosing plaintiff's mortgage on the real property as set forth in the complaint.

**IT IS THEREFORE ORDERED BY THE COURT THAT** plaintiffs' motion for *in rem* judgment by default (doc. 13) is granted.

**IT IS FURTHER ORDERED BY THE COURT THAT** judgment be entered in favor of plaintiff against defendants on plaintiff's claim of defendant's default on the promissory note and real estate mortgage in the form of *in rem* relief for the total amount due and owing on the

promissory note, in the sum of \$80,186.42, including principal, plus advances for taxes, late fees, insurance, negative escrow, title search, and any other recoverable costs, plus interest in the amount of \$7,994.77 as of April 24, 2013, plus interest accruing thereafter at the daily rate of \$10.6881; for filing fees pursuant to 28 U.S.C. § 2412(a)(2); for \$60.00 representing costs of this action incurred to date; for all future costs of this action; and for default judgment of foreclosure against Defendants Jodi Luanne Wille and Ronald Gene Seeber, foreclosing plaintiff's mortgage on the real property as set forth in the complaint.

**IT IS SO ORDERED.**

Dated this 3rd day of June, 2014, at Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge