

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

BMO Harris Bank N.A.,

Plaintiff,

v.

Case No. 15-9096-JWL

**Steck Family Trust, Dated
August 15, 2005 et al.,**

Defendants.

MEMORANDUM & ORDER

Plaintiff filed this lawsuit against various defendants alleging breach of promissory notes and instituting mortgage foreclosure proceedings. With respect to defendant Mortgage Electronic Registration Systems, Inc. ("MERS"), plaintiff seeks to foreclose any interest that MERS has or claims to have in the collateral at issue. After MERS failed to file an answer or other responsive pleading to plaintiff's complaint, the clerk of the court entered default pursuant to Federal Rule of Civil Procedure 55(a).

This matter is now before the court on plaintiff's motion for default judgment (doc. 37). Specifically, plaintiff moves the court for judgment by default such that any right, title, interest, claim, lien or interest MERS has in Tract 1 or Tract 2 (as described in the complaint), if any, is inferior to the interest of plaintiff under Mortgages 1, 2, 3 and 4, and the Trust Mortgage (as described in the complaint). Based on the clerk's entry of default, the well-pled factual allegations in the complaint, including the documents attached thereto, and the motion itself, the

court concluded that the allegations support a finding that the interests of MERS in the collateral at issue is subordinate and inferior to the mortgages held by plaintiff. The motion is granted.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiff's motion for default judgment (doc. 36) is granted.

IT IS FURTHER ORDERED BY THE COURT THAT judgment be entered in favor of plaintiff against defendant Mortgage Electronic Systems, Inc. on plaintiff's claims such that any right, title, interest, claim, lien or interest MERS has in Tract 1 or Tract 2 (as described in the complaint), if any, is inferior to the interest of plaintiff under Mortgages 1, 2, 3 and 4, and the Trust Mortgage (as described in the complaint).

IT IS SO ORDERED.

Dated this 13th day of October, 2015, at Kansas City, Kansas.

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