

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 17-4063-DDC

BRADLEY VILLINES, NICOLE GRAYSON, and
The Unknown Heirs, Executors, Administrators,
Devisees, Trustees, Legatees, Creditors, and
Assignees of such of the deceased borrower, Toni
M. Martin a/k/a Toni M. Grayson a/k/a Toni M.
Lumbardie, and Defendants the Unknown Spouses
of the Deceased Borrower and other Defendants;
the Unknown Stockholders, Officers, Successors,
Trustees, Creditors and Assignees of such
Defendants as are existing, dissolved or dormant
corporations; the Unknown Executors,
Administrators, Devisees, Trustees, Creditors,
Successors and Assignees of such Defendants as are
or were partners or in partnership; and the Unknown
Guardians, Conservators and Trustees of such of the
Defendants as are minors or are in any way under
legal disability; and the Unknown Heirs, Executors,
Administrators, Devisees, Legatees, Trustees,
Creditors and Assignees of any Person alleged to be
deceased and made Defendants as such,

Defendants.

ORDER EXTENDING TIME TO SERVE THE SUMMONS AND COMPLAINT
ON DEFENDANTS BRADLEY VILLINES, NICOLE GRAYSON
AND THE UNKNOWN DEFENDANTS

This matter is before the Court for decision on the motion of Plaintiff United States of
America (ECF No. 3) for an order extending time to serve the summons and complaint on
Defendants Bradley Villines, Nicole Grayson and the Unknown Defendants for a period of sixty

(60) days from October 15, 2017, to December 14, 2017, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

The Court, upon review of the record finds as follows:

1. This is a suit by the United States, on behalf of the Rural Housing Service, United States Department of Agriculture, to foreclose a real estate mortgage lien on certain real property commonly known as 201 North Highland Road, Coffeyville, Montgomery County, Kansas, within the jurisdiction of this Court, specifically described as follows:

Lot 19, Block 2, North Edgewood Addition to the City of Coffeyville, Montgomery County, Kansas.

2. The Complaint was filed on July 17, 2017 (ECF No. 1). The Complaint seeks foreclosure of a real estate mortgage executed by Toni M. Martin a/k/a Toni M. Grayson a/k/a Toni M. Lumbardie (deceased borrower), the record owner of the subject real estate.

3. Personal service cannot be accomplished on Defendants Bradley Villines and Nicole Grayson, as the United States has been unable to secure a current residential or employment addresses for these Defendants after conducting searches through the Westlaw database CLEAR. Attempts to send correspondence to their last known addresses have been returned as undeliverable.

4. Personal service cannot be accomplished on the Unknown Defendants because they are unknown and, as a consequence, their addresses for purposes of service of process are unknown.

5. Plaintiff is unable to procure service of process on Defendants Bradley Villines, Nicole Grayson and the Unknown Defendants within the initial time of ninety (90) days as

afforded by Rule 4(m) of the Federal Rules of Civil Procedure. Accordingly, additional time is needed for Plaintiff to accomplish service by publication or as otherwise authorized by law.

6. Plaintiff's current service deadline is October 15, 2017, and no prior extensions of time for service have been sought or granted.

7. Plaintiff requests an extension of the service deadline for sixty (60) days, or to and including December 14, 2017, which would allow sufficient time to complete publication.

8. Plaintiff shall file a motion for service by publication on Defendants Bradley Villines, Nicole Grayson and the Unknown Defendants with this Court upon entry of this order granting extension of time for service.

IT IS BY THE COURT ORDERED that Plaintiff United States of America is hereby granted an additional sixty days from October 15, 2017, to December 14, 2017, within which to effectuate service of the Summons and Complaint on Defendants Bradley Villines, Nicole Grayson and the Unknown Defendants.

IT IS SO ORDERED.

Dated this 29th day of August, 2017.

s/ James P. O'Hara
JAMES P. O'HARA
United States Magistrate Judge

Submitted by:

THOMAS E. BEALL
United States Attorney
District of Kansas

s/ T.G. Luedke
T.G. LUEDKE
Assistant United States Attorney
Ks. S.Ct. No. 12788
290 Federal Bldg.
444 SE Quincy Street
Topeka, Kansas 66683
PH: (785) 295-2850
FX: (785) 295-2853
Email: tom.luedke@usdoj.gov
Attorneys for the Plaintiff