

FILED

OCT 10 2002

MICHAEL L. WILLIAMS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

In Re:)	
)	
FRANK M. KIBBY)	Case No. 99-04768-M
SS# 568-28-7092)	Chapter 7
)	
EUGENIA L. KIBBY)	
SS# 568-30-0645)	
)	
PATRICK J. MALLOY III, TRUSTEE,)	
)	
Plaintiff,)	
)	
vs.)	Adv. No. 02-0069-M
)	
JOHN MICHAEL BREWER)	
)	
Defendant.)	

DEFAULT JUDGMENT

THIS MATTER having come on for consideration on the 9th day of October, 2002, upon Plaintiff's Motion for Default Judgment, the Court finds as follows:

1) The Plaintiff commenced this matter on April 16, 2002, seeking to foreclose the estate's interest in and to a certain contract for deed with respect to real property more particularly described as follows:

310 No. Burns, Holdenville, OK 74848, Double Wide Mobile Home (Nuway 1979) Serial #TEX099214, TEX# 099215 (property as is) Lot 5, Block 110, OT-Holdenville, County of Hughes, State of Oklahoma.

2) That the Plaintiff asserted that the Defendant owed the estate \$33,616.49 together with reasonable attorney fees and interest pursuant to the Contract for Deed.

3) That the Plaintiff obtained proper and timely service of the Complaint on the Defendant as reflected in the return of service. That notwithstanding such service, the Defendant has failed to plead or otherwise respond to the Complaint other than to write a letter to the Bankruptcy Court Clerk.

4) That the Defendant is in default.

RECORDED 10-10-02
Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Trustee/Plaintiff is hereby granted Default Judgment against the Defendant for the sum of \$33,616.49 together with interest and attorney fees as provided in the contract.

IT IS FURTHER ORDERED that the property should be sold pursuant to applicable State law for the purpose of satisfying all claims of this estate against the property.

DATED this 9th day of ~~September~~ ^{October}, 2002.


UNITED STATES BANKRUPTCY JUDGE

Submitted by:
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ATTORNEYS FOR PLAINTIFF,
Patrick J. Malloy III, Trustee