

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE ESTATE OF BEULAH E.
GALLEGO/GALLIGO; LYNN
GALLEGO a/k/a LYNN (LEONA)
GALLIGO-RANDALL, as
Administrator of the Estate of Beulah
E. Gallego/Galligo, FRANKEE WHITE
DRESS, THE OGLALA SIOUX TRIBE,
and ANY PERSON IN POSSESSION,

Defendants.

CIV. 17-5091-LLP

**MOTION FOR DEFAULT
JUDGMENT, JUDGMENT OF
FORECLOSURE, AND REQUEST
FOR DECREE OF SALE**

The United States of America, by and through its undersigned attorneys, United States Attorney Ronald A. Parsons, Jr., and Assistant United States Attorney Meghan K. Roche, and files this Request for Default Judgment Against the Estate of Beulah Gallego/Galligo pursuant to Federal Rule of Civil Procedure 55(b) and also requests a Judgment of Foreclosure and Decree of Sale as to the real property discussed in the Verified Complaint.

The Clerk of Court entered its default against the Estate of Beulah Gallego, Frankee White Dress, and Any Person in Possession on March 26, 2018. Docket 12. The Oglala Sioux Tribe has answered and defended in this matter. The United States has no personal claim against the Tribe. The United States respectfully requests an order of default judgment against the Estate of Beulah

Gallego/Galligo in the amount certain of \$69,887.89 and a judgment of foreclosure and decree of sale against the real property discussed in the Verified Complaint and as specified in the contemporaneously filed proposed order of default judgment, judgment of foreclosure, and decree of sale.

Dated this 11th day of October, 2018.

RONALD A. PARSONS, JR.
UNITED STATES ATTORNEY

/s/ Meghan K. Roche
Meghan K. Roche
Assistant United States Attorney
PO Box 2638
Sioux Falls, SD 57101-2638
605-357-2315
Meghan.Roche@usdoj.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 11th day of October, 2018, service of this Motion and its supporting documents was made upon the Defendants by mailing a true and correct copy thereof by first class mail to:

Estate of Beulah E. Gallego
c/o Lynn Gallego, Administrator
P.O. Box 143
Pine Ridge, SD 57770

Frankee White Dress
PO Box 275
Pine Ridge, SD 57770

Any Person in Possession
c/o Sherry Steele
P.O. Box 1913
Pine Ridge, SD 57770

Steve Gunn
Sjgunn37@gmail.com (via CM/ECF)

/s/ Meghan K. Roche
Meghan K. Roche

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. THE ESTATE OF BEULAH E. GALLEGO/GALLIGO; LYNN GALLEGO a/k/a LYNN (LEONA) GALLIGO-RANDALL, as Administrator of the Estate of Beulah E. Gallego/Galligo, FRANKEE WHITE DRESS, THE OGLALA SIOUX TRIBE, and ANY PERSON IN POSSESSION, Defendants.	CIV. 17-5091-LLP ORDER OF DEFAULT JUDGMENT, JUDGMENT OF FORECLOSURE, AND DECREE OF SALE
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This matter having come before the Court on Plaintiff's Motion for Default Judgment, Judgment of Foreclosure, and Decree of Sale (Docket 14) against the Estate of Beulah Gallego pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and the Court having considered the pleadings filed in this action, and having concluded that no genuine issue exists as to any material facts, the Court now therefore enters this Judgment of Foreclosure and Decree of Sale. Accordingly, it is

ORDERED, ADJUDGED, AND DECREED that Plaintiff shall have Judgment as follows:

Judgment Against Borrower/Estate of Borrower

1. Plaintiff shall have and recover judgment against Defendant Estate

of Beulah E. Gallego/Galligo for the principal sum of \$69,887.89, together with interest as provided by law, plus any additional sums advanced in relation to this action.

Interest will continue to accrue at the legal rate after judgment until paid pursuant to 28 U.S.C. § 1961(a).

Judgment of Foreclosure

2. Plaintiff shall have and recover judgment of foreclosure upon the leasehold interest described as:

70'X100' SQ FT IN LOT 3, BAKER HILL LOCATED W/IN NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, TOWNSHIP 35N., RANGE 45W., 6TH P.M., CONTAINING .16 ACRES, MORE OR LESS.

All of Beulah Gallego's right, title, and interest in and to lease agreement number 01-294 through assignment (document number 2z1514-00-24) from Ernabelle Skye, for an original term of 25 years, dated November 28, 2000, and approved by the BIA on March 9, 2004, automatically extended for an additional term of 25 years, between the Oglala Sioux Tribe as lessor and owner, and Ernabelle Skye and to Beulah Gallego, as lessees, including any extensions and renewals thereof.

3. Judgment against the leasehold interest shall be in the amount of \$69,887.89 in principal, together with interest as provided by law, plus any additional sums advanced, costs incurred and accruing in relation to this action. The interest of Borrower's Estate and all persons or entities that hold junior liens, encumbrances, and interests in such property shall be foreclosed.

Interest will continue to accrue at the legal rate after judgment until paid, pursuant to 28 U.S.C. § 1961(a).

4. The liens, encumbrances, interests and/or claims of all defendants in the real property described herein are junior to and inferior to the mortgage of Plaintiff.

Decree of Sale as to the Leasehold Interest in the Real Property

5. The leasehold interest in real property legally described as follows:

70'X100' SQ FT IN LOT 3, BAKER HILL LOCATED W/IN NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, TOWNSHIP 35N., RANGE 45W., 6TH P.M., CONTAINING .16 ACRES, MORE OR LESS.

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shall be sold at auction only to a member of the Oglala Sioux Tribe, the Oglala Sioux Tribe itself, or the Oglala Sioux Tribal Housing Authority, with the net proceeds applied to the judgment herein pursuant to regulation.

6. Plaintiff shall be allowed to bid the debt due on the date of sale, with costs and disbursements taxed in the action in which the sale is made, and costs and expenses of the sale.

7. The following persons and entities shall be barred and foreclosed of, and from, all rights, title and interest in said property: (a) all defendants, together with each and every person or entity claiming under them; (b) all persons claiming any lien or encumbrance of any kind or character upon, or against, the

real estate, that is subsequent in time or priority, or both, to the lien created by Plaintiff's leasehold mortgage; and (c) any and all persons claiming to have acquired any right, title, or interest in, and to the real property.

8. A decree of sale is entered and, after advertising the property for sale in the manner required by law, the United States Marshal is directed to sell the herein described leasehold interest in real estate in the manner provided by law. Immediately after the Court issues an Order Confirming Sale, the United States Marshal shall forthwith execute and deliver a Marshal's Deed to the purchaser(s) subject to the Borrower's right of redemption provided by the mortgage and by SDCL 21-49-12, also known as the "One-Hundred Eighty Day Redemption Mortgage Act."

9. Borrower's Estate and Any Person in Possession of the property is hereby ordered to peacefully cooperate with the United States Marshal and any persons acting in concert with the Marshal during the course of the sale process, and shall peacefully deliver possession of the premises sold to the buyer upon the expiration or purchase of their right to redemption.

10. The proceeds from the sale of the real estate shall be applied as follows:

- (a) To the costs and expenses of the sale;
- (b) To the payment of the costs and disbursements taxed in this action;
- (c) In order of priority, toward the discharge of the debt adjudged by the Court to be due;

(d) To pay the surplus, if any, into the Court for the use of the Defendant, or the person entitled to the surplus, subject to the order of the Court.

11. Plaintiff, United States of America, shall be entitled to recover all taxable costs herein in the amount of \$_____, which are to be taxed by the Clerk of the Court as provided by law.

Dated this ____ day of _____, 2018.

BY THE COURT:

LAWRENCE L. PIERSOL
United States District Judge

ATTEST:
Matthew W. Thelen, Clerk

By _____
Deputy