

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

No. 4:01-cv-4070

VICTOR P. GONZALEZ and
LINDA J. GONZALEZ, husband and wife;
MONTGOMERY WARD CREDIT CORPORATION
and SHURTLEFF TILE CO.

DEFENDANTS

JUDGMENT

Before the Court is a Motion for Summary Judgment filed by the United States of America (“Government”). (ECF No. 34). The Government moves the Court for the entry of a judgment that establishes Victor P. and Linda J. Gonzalez’s liability to pay certain indebtedness arising under a promissory note, mortgage, attendant loan subsidy repayment agreement, late and other loan charges, and interest. The Government also moves for a declaration that it has a first and prior valid lien in and to the real estate at issue and that the interest of Montgomery Ward Credit Corporation and Shurtleff Tile Co. is subordinate and inferior to the lien of the Government. No parties have filed a response in opposition to the Government’s summary judgment motion, and the time for response has passed.¹ The Court finds this matter ripe for consideration. For the reasons discussed in the Memorandum Opinion of even date, the Court finds that the Gonzalezes are in default and the Government has priority in the real estate.

The defendants, Victor P. Gonzalez and Linda J. Gonzalez, are adjudged to owe the Government on the promissory note the principal sum of \$10,035.97, plus loan subsidy of \$40,755.39, late and other loan charges of \$4,860.48, and accrued interest of \$3,950.80 through

¹Default has been entered as against the Separate Defendant Gonzalezes. (ECF No. 33)

February 15, 2012, for a total of \$59,602.64, with interest accruing thereafter at the rate of 3.2651 percent per annum until either expiration or cancellation of the interest-credit agreement between the Gonzalezes and the Government; that Government has a first and prior valid lien in and to the real estate described in its Complaint and First Amended Complaint; and that the interests of Montgomery Ward Credit Corporation and Shurtleff Tile Co. are subordinate and inferior to the lien of the Government.

If this judgment is not paid within a reasonable time, the real estate may be foreclosed upon in keeping with the provisions of the applicable foreclosure decree process. The lands can then be ordered sold to satisfy the judgment, and the proceeds of any foreclosure sale should be applied first to the costs of the sale and then paid to the Government. Any surplus should then be paid to the other Separate Defendants as their interests appear and are validated. The Gonzalezes will remain liable for any deficiency that may exist once the real estate is sold.

IT IS SO ORDERED, this 3rd day of July, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge