

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO

Case No. 1:14-cv-03387-JLK-KLM

BILLY LEE DASSEL,

Plaintiff,

v.

ESTATE OF MARY BRIDGET DASSEL BY AND
THROUGH ITS APPOINTED PERSONAL
REPRESENTATIVE,
CREDIT SERVICE COMPANY INC.,
STATE OF COLORADO,
COLORADO DEPARTMENT OF LABOR AND
EMPLOYMENT,
COLORADO SPRINGS WHOLESALE FLORIST, and
INTERNAL REVENUE SERVICE,

Defendants.

**ORDER GRANTING PLAINTIFF'S
SECOND MOTION FOR DEFAULT JUDGMENT**

Having read and considered Plaintiff's Second Motion for Default Judgment [Dkt. # 33], and for good cause shown, the Court hereby GRANTS the motion and finds as follows:

1. Plaintiff Billy Lee Dassel filed this lawsuit in state court [Dkt. # 4] to quiet title to certain real property (the "Subject Properties"), located in Colorado Springs, Colorado and described more particularly as follows:

- a. Lots 4-7 including part of the RR, R/W thru lots 8. The east half of vacated alley adjacent. Block 406 Resubdivision of part of South Colorado City and Calvert Heights, Colorado Springs CO 80904. Street address: 1332 S. 21st Street, Colorado Springs, Colorado.

- b. Lots 8-11 including part of RR, R/W thru lots 8. The east half of vacated alley adjacent. Block 406 Resubdivision of part of South Colorado City and Calvert Heights, Colorado Springs, CO 80904. Street address 1380 S. 21st Street, Colorado Springs, Colorado.
- c. Lot 5, Blk 6 Red Rock Valley Estates Fil 2. Street address: 1945 Llano Circle, Colorado Springs, Colorado 80926.
- d. Lot 31, Block 3, Holland Park Subdivision No. 1 – First Filing. Street Address: 4010 N. Chestnut St., Colorado Springs, Colorado.

2. The United States timely removed this case from the District Court for El Paso County, Colorado to the United States District Court for the District of Colorado on December 15, 2014. [Dkt. # 1].

3. Plaintiff Billy Lee Dassel named Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment, Access Flower Trading, Inc. and Colorado Springs Wholesale Florist as defendants in this action solely to comply with Colorado Rule of Civil Procedure 105(b), which required Plaintiff to name all parties who had recorded an interest in one or more of the Subject Properties with the El Paso County Clerk and Recorder.

4. Service of process upon Credit Service Company, Inc. was completed on November 24, 2014. [Dkt. # 20]

5. Service of process upon the State of Colorado and the Colorado Department of Labor and Employment was completed by mail on November 12, 2014 and through personal service on August 28, 2015. [Dkt. # 22, 28].

6. Access Flower Trading, Inc. was dismissed with prejudice from this action on December 21, 2015. [Dkt. # 36]

7. Service of process upon Colorado Springs Wholesale Florist was completed on November 12, 2014. [Dkt. # 21].

8. On July 14, 2015, the Clerk entered default against Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist. [Dkt. # 24].

9. To date, Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist have failed to file an answer or otherwise respond to Plaintiff's complaint, or appeared in any other manner before the Court in this matter. *See generally*, Docket for Case No. 1:14-cv-03387-JLK-KLM. Accordingly, Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist have defaulted.

10. Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist have had ample opportunity to come forward and state a claim, if any, to the Subject Properties. Each has failed to do so. Accordingly, each party has defaulted and is subject to a default judgment extinguishing any interest it may have in the Subject Properties.

11. The Court has jurisdiction to grant the relief sought by Plaintiff. Because Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist have failed to appear in these proceedings after proper service, the relief sought by Plaintiff is hereby GRANTED.

WHEREFORE, for the foregoing reasons, the Court enters default judgment against Credit Service Company, Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist and finds that Credit Service Company,

Inc., the State of Colorado, the Colorado Department of Labor and Employment and Colorado Springs Wholesale Florist have no interest in the Subject Properties. Plaintiff's Second Motion for Default Judgment (Dkt. # 31) is **GRANTED** and Plaintiff's First Motion for Default Judgment (Dkt. #25) is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED: February 24, 2016

BY THE COURT:

s/John L. Kane
Senior U.S. District Court Judge