

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CASE NO. 8:15-CV-1123-T-30AEP

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JULIUS A. FRIEND,)
)
Defendant.)
_____)

FINAL SUMMARY JUDGMENT

This matter having come before the Court upon Plaintiff, United States of America’s Motion for Entry of Final Summary Judgment against Defendant, Julius A. Friend, (Dkt. # 8) and the Court having reviewed the pleadings submitted on behalf of the Plaintiff and for good cause shown, it is hereby

ORDERED AND ADJUDGED that Plaintiff’s Motion for Summary judgment (Dkt. #8) is GRANTED, it is further

ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiff, the United States of America, and against defendant, Julius A. Friend, upon the Complaint herein, and it is further


ORDERED AND ADJUDGED that Plaintiff recover of the defendant, Julius A. Friend, the sum of \$10,878.65 (\$6,382.23 in principal and \$4,496.42 in interest at the rate

of 7.00% for Account No. 2015A04935). In accordance with the supporting documentation attached as Exhibits “A” and “B” to Plaintiff’s Motion for Summary Judgment, together with taxed costs in the amount of \$1,055.00 consisting of a Fee for Service and Travel, per 28 U.S.C § 1921 of \$75.00 (Exhibit “D”) plus Attorney’s Fees of \$980.00 (Exhibit “C”). The Government is entitled to attorney’s fees under the Higher Education Act of 1965, 20 U.S.C §1071 et seq., (the “Act”). The Act provides that in addition to the terms of any promissory note, “a borrower who has defaulted on a [student] loan shall be required to pay reasonable collection costs.” 20 U.S.C. § 1091a(b)(1); United States v. Vilus, 419 F. Supp.2d 293, 296-97(E.D.N.Y. 2005). One of the statute’s implementing regulations specifies that “[i]f a borrower defaults, the Secretary [i.e., the Government] assesses collection costs on the basis of 34 C.F.R 30.60.” 34 C.F.R. § 685.202(e)(2). In turn, 34 C.F.R. § 3060 provides that the Government “may charge a debtor for the costs associated with the collection of a particular debt [i.e., a defaulted student loan]. These costs include [c]ourt costs and attorney fees.” 34 C.F.R § 30.60(a)(8). For all of which sums let execution issue. It is further

ORDERED AND ADJUDGED that this judgment shall bear interest at the rate as prescribed by 28 U.S.C. §1961, and shall be enforceable as prescribed by 28 U.S.C. §2001, et seq., 28 U.S.C. §3001-3307, and Rule 69(a), Federal Rules of Civil Procedure. Plaintiff’s address is: Becker & Poliakoff P.A., 121 Alhambra Plaza 10th Floor, Coral Gables, FL 33134. Defendant’s address is: Julius A. Friend, 5151 Chet Drive, New Port Richey, Florida 34652.

The Clerk of Court is directed to close this case.

DONE AND ORDERED in Chambers, in Tampa, Florida this 3rd day of August,
2015.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Steven M. Davis, Esq. (Two Certified Copies)
Julius A. Friend

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