

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL NATIONAL MORTGAGE)
ASSOCIATION, a corporation established)
pursuant to 12 U.S.C. §§ 1716 *et seq.*,)

Plaintiff,)

vs.)

KENNETH J. WISNIEWSKI, an individual;)
LILLIAN F. WISNIEWSKI, an individual;)
and EAGLE HOMES, LLC, an Illinois limited)
liability company,)

Defendants.)

Case No. 08 CV 1976

Hon. Charles R. Norgle

FANNIE MAE’S MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiff Federal National Mortgage Association (“Fannie Mae”) respectfully requests that this Court reopen the case and enter final judgment in the amount of \$2,236,172.80, plus post-judgment interest, pursuant to Federal Rule of Civil Procedure 58(d), on Fannie Mae’s First Amended Complaint. In support of its motion, Fannie Mae states as follows:

1. On August 6, 2008, Fannie Mae filed its First Amended Complaint against Kenneth J. Wisniewski, Lillian F. Wisniewski, and Eagle Homes, LLC (collectively, “Defendants”), seeking to enforce a Guaranty Agreement made by and among the Defendants. (Dkt. # 18.)

2. On October 5, 2009, this Court granted summary judgment in favor of Fannie Mae and against Defendants. (Dkt. # 42.) As reflected in the Court’s electronic docket, on the same date the case was designated as “closed.”

3. In its Motion for Summary Judgment, Fannie Mae prayed for a judgment of not less than \$2,045,827.00, plus pre- and post-judgment interest, and attached an Affidavit from George Trippe, Fannie Mae's Director of Asset Management, establishing that Fannie Mae is entitled to this amount under the Guaranty Agreement executed by the Defendants and the loan documents. (Dkt. # 30.)

4. This Court's October 5, 2009, order did not specify the amount of damages that was being ordered, and was therefore not a final order. *Jinwoong v. Jinwoong*, 310 F.3d 962, 964 (7th Cir. 2002).

5. In order that Fannie Mae may register and enforce this Court's judgment, it must be reduced to a dollar amount.

6. Attached as Exhibit A is the Affidavit of George Trippe, Director of Asset Management for Fannie Mae, establishing the amounts that the Defendants owed Fannie Mae as of June 1, 2009, along with the per diem interest accruing on the loan. This Affidavit was originally attached as an exhibit to Fannie Mae's Motion for Summary Judgment. (See Dkt. # 30-4.)

7. As of October 5, 2009, the Defendants owed Fannie Mae \$2,236,172.80, plus post-judgment interest at the statutory rate. This amount consists of the total amount owed to Fannie Mae as of June 12, 2009, as shown in Exhibit A, plus per diem interest at the rate of \$1,669.70 from June 13, 2009, through October 5, 2009 (114 days multiplied by \$1,669.70 equals \$190,345.80).

WHEREFORE, Fannie Mae respectfully requests that this Court (1) grant its Motion for Entry of Final Judgment; (2) reopen the case for the purposes of entering a final

judgment, (3) enter the Final Order attached as Exhibit B to this motion, and (4) grant such other and further relief as the Court deems just and appropriate.

Dated: January 20, 2010

Respectfully submitted,

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

By: /s/ Thomas C. Hardy
One of Its Attorneys

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