

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.s.)	
)	
JOSEPH B. PIPER; ELIZABETH A.)	
PIPER; PACESETTER FINANCIAL;)	
MEDICAL AND PROFESSIONAL)	Case no. 3:15-cv-110-RLY-WGH
COLLECTION SERVICES, INC.;)	
ARROW FINANCIAL SERVICES, LLC,)	
As assignee of HSBC Card Services)	
(III), Inc.; PERRY COUNTY, INDIANA,)	
and PERRY COUNTY RECYCLING)	
MANAGEMENT DISTRICT,)	
)	
Defendants.)	

JUDGMENT AND DECREE OF FORECLOSURE

Comes now the Plaintiff, by counsel, and it is shown to the satisfaction of the Court that Defendants, Joseph B. Piper; Elizabeth A. Piper; Pacesetter Financial; Medical & Professional Collection Services, Inc.; Arrow Financial Services, LLC, as assignee of HSBC Card Services (III), Inc.; Perry County, Indiana; and Perry County Recycling Management District have been duly served, as more fully appears from the return of service filed herein;

And it further appearing that more than 20 days have elapsed since service of the complaint, and that the Defendants, Joseph B. Piper; Elizabeth A. Piper; Pacesetter Financial; Medical & Professional Collection Services, Inc.; Arrow Financial Services, LLC, as assignee of HSBC Card Services (III), Inc.; Perry County, Indiana; and Perry County Recycling Management District, have failed to appear, plead or otherwise answer;

And it further appearing that the Court entered a default against Defendants, Joseph B. Piper; Elizabeth A. Piper; Pacesetter Financial; Medical & Professional Collection Services, Inc.; Arrow Financial Services, LLC, as assignee of HSBC Card Services (III), Inc.; Perry County, Indiana; and Perry County Recycling Management District on December 22, 2015;

And it further appearing that an investigation was made for the purpose of ascertaining if the individuals named as Borrower-Defendants are in the military service, and that on information received, Plaintiff verily believes that said Borrower-Defendants are not in the military service, and is neither an infant nor incompetent.

The Court now finds that the Defendants, Joseph B. Piper; Elizabeth A. Piper; Pacesetter Financial; Medical & Professional Collection Services, Inc.; Arrow Financial Services, LLC, as assignee of HSBC Card Services (III), Inc.; Perry County, Indiana; and Perry County Recycling Management District are wholly in default, and that the complaint is taken as confessed as true.

The Court further finds:

1. That each and every material allegation of the Plaintiff's complaint is true in substance and in fact, and that the Plaintiff is entitled to the relief therein prayed for;
2. That the individual Borrower-Defendants are not in the military service of the United States;
3. That there is now due the Plaintiff from the Defendants, Joseph B. Piper and Elizabeth A. Piper, upon the note sued on in the Plaintiff's complaint, the principal sum of \$174,873.60, accrued interest of \$2,279.95, and outstanding interest in the amount of \$37,939.04, for a total due of \$215,092.59, as of January 14, 2016, with interest accruing on the principal balance at a per diem rate of \$16.17 per annum; all of such sums to be without relief

from valuation and appraisal laws;

4. That said sums are secured by the mortgage described in the Plaintiff's complaint, and that said mortgage is a first and prior lien upon said real estate to the extent of said sum, and that the Plaintiff is entitled to have its mortgage foreclosed against the property described in Plaintiff's complaint.

IT IS, THEREFORE, ADJUDGED AND DECREED by the Court:

1. That the Plaintiff have and recover of the Borrowers, Joseph B. Piper and Elizabeth A. Piper, the sum of \$215,092.59, with interest thereon at the rate of \$16.17 per day from and after January 15, 2016, up to the date on which this Judgment and Decree of Foreclosure is entered, plus interest thereafter at the legal rate, according to law, together with the costs of this action and accruing costs, all without relief from valuation and appraisal laws;

2. That the equity of redemption of the Borrowers and all persons claiming by, through or under them in and to said mortgaged premises located in Perry County, Indiana, to-wit:

PARCEL 1:

Part of Section 33, Township 7 South, Range 2 West, described as follows: Commencing at the intersection of the county road at the Lamb Cemetery; thence Northerly along the westerly side of the Tobinsport – Highwater Road 90 feet, to the northwest corner of property described as Tract #2 in a deed from Jeanna Lee Benningfield to Barbara J. Cronin and Elizabeth A. Cronin which deed is recorded in Deed Record 91 at pages 217-218 in the office of the Perry County Recorder; thence westerly 408 feet along the northerly line of said Tract #2 to the point of beginning of this description; thence continuing westerly 142 feet along the northerly line of said Tract #2; thence south 317 feet to the public highway, thence northeasterly 280 feet along the northwest side of said public highway to a point which is 482 feet southwesterly along said public highway from the point of commencement of this description; thence north 257 feet to the point of beginning and containing 9/10 acre, more or less.

More commonly known as: 9946 Highwater Road, Tobinsport, Indiana 47520

PARCEL II:

A part of the Southeast Quarter of Section 33, Township 7 South, Range 2 West, in Tobin Township, Perry County, Indiana, being more completely described as follow, to-wit: Beginning at a point which is 359.70 feet North and 408.00 feet West of the Southeast corner of said Section 33; thence West 353.54 feet; thence North 257.00 feet; thence East 353.54 feet; thence South 257.00 feet to the point of beginning, containing 2.09 acres, more or less.

More commonly known as: 2.09 acres adjacent to 9946 Highwater Road, Tobinsport, Indiana 46520.

PARCEL III:

Part of lot G in the South Half of the Southeast Quarter of Section 33, Township 7 South, Range 2 West, described as follows: Commencing at the Southeast corner of said Section 33; thence West along the section line 570 feet to the point of beginning; thence north 270 feet; thence West 179 feet; thence South 270 feet to the section line; thence East along the section line 179 feet to the point of beginning; and containing one acre, more or less. Also the right to use a gravel road as a right-of-way leading from the county highway to the above described premises.

More commonly known as: 1 acre adjacent to 9946 Highwater Road, Tobinsport, Indiana 46520.

be and the same is hereby forever barred and foreclosed, and that said real estate and all right, title, interest and claim of the Borrowers and of all persons claiming by, through or under them in and to the same, or so much thereof as may be necessary for the purpose, unless the Marshal is notified by Plaintiff that the sale should not go forward, be sold by the United States Marshal for the Southern District of Indiana or the agency, in a commercially reasonable manner, with assistance by the Marshal, if necessary, in accordance with the laws relating to foreclosure of real estate mortgages, without right of redemption, and without relief from valuation and appraisement laws. The real estate covered by said real estate mortgage may, at the election of the United States Marshal, be sold as a unit or in separate parcels as provided by 28 U.S.C. §§

2001-2004. The Marshal, immediately upon consummating the same, shall issue a Marshal's Deed to the purchaser;

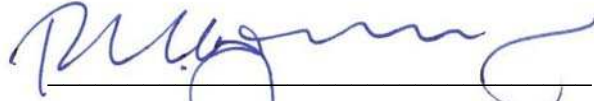
4. That the United States of America may submit a sealed written bid to the United States Marshal at any time prior to the Marshal's sale. The Marshal shall unseal and publicly announce the United States' bid prior to receiving bids from persons present at the Marshal's sale. The public announcement of the United States' written bid shall have the same effect as if a representative of the United States were present and submitted its bid at the Marshal's sale. The United States may pay its bid with any part of the judgment that the United States is awarded in this Judgment and Decree of Foreclosure.

5. That the proceeds arising from said sale be applied as follows:
- a. To the payment of all costs and accruing costs herein and including the payment for filing and docketing fees to the Clerk of the United States District Court in accordance with 28 U.S.C. §§ 1914 and 1931;
 - b. To the payment of \$215,092.59 to Plaintiff, plus interest accruing at the rate of \$16.17 per day from and after January 15, 2016, up to the date on which this Judgment and Decree of Foreclosure is entered. Post judgment interest shall accrue at the legal rate pursuant to 28 U.S.C. § 1961(a) and shall be computed daily and compounded annually until paid in full.
 - c. The overplus, if any, remaining after the payment of the costs and accruing costs and the foregoing judgment, with all interest thereon, shall be paid to the Clerk of this Court for the benefit of the persons lawfully entitled thereto and authorized to receive same.

6. That the Defendants Joseph B. Piper and Elizabeth A. Piper, or any other persons residing therein, shall vacate the real estate within five (5) days of the sale.

7. That the United States Marshal, upon consummation of said sale, may place the purchaser of said real estate in immediate possession thereof.

DATED: 3/07/2016



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

Distribution:

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