

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 17-4098-SAC

TERRI P. WEST,

Defendant.

ORDER EXTENDING TIME TO SERVE THE SUMMONS AND COMPLAINT ON
DEFENDANT TERRI P. WEST

This matter is before the Court for decision on the motion of Plaintiff United States of America, Doc. 4, appearing by and through Thomas E. Beall, United States Attorney for the District of Kansas, and D. Brad Bailey, Assistant United States Attorney, for an order extending time to serve the summons and complaint on Defendant Terri P. West for a period of sixty (60) days from January 8, 2018, to March 9, 2018, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

The Court, upon review of the file finds as follows:

1. This is a suit by the United States, on behalf of the Rural Housing Service, United States Department of Agriculture, to foreclose a real estate mortgage lien on certain real property commonly known as 314 West Chestnut Avenue, Arkansas City, Cowley County, Kansas, within the jurisdiction of this Court, specifically described as follows:

East 50 feet of Lots, 15, 16, and 17, Block 132, Arkansas City,
Cowley County, Kansas.

2. The Complaint was filed on October 10, 2017, Doc. 1. The Complaint seeks foreclosure of a real estate mortgage executed by Defendant Terri P. West, the record owner of the subject real estate.

3. On October 12, 2017, counsel for Plaintiff sent a Notice of Lawsuit and Request for Waiver of Service of Summons, a Waiver of Service of Summons, and copies of the Complaint, ECF Filing Notice, and Certificate of Mailing, to Defendant Terri P. West. Doc. 3. This mailing was not returned to undersigned counsel.

4. On November 3, 2017, a letter was sent by undersigned counsel to Defendant Terri P. West inquiring about the status of the Waiver of Service of Summons, after it had not been returned to undersigned counsel. This mailing was not returned to undersigned counsel.

5. On December 11, 2017, a Summons was issued by the Clerk of the Court for Defendant Terri P. West, which was forwarded to the Cowley County Sheriff's Office for service on December 11, 2017.

6. On January 5, 2018, staff for undersigned counsel contacted staff with the Cowley County Sheriff's Office and was notified by that several attempts have been made for service on Defendant Terri P. West, and it is believed that she still resides at the residence, and may be avoiding service. Staff with the Cowley County Sheriff's Office will continue to attempt personal service on Defendant Terri P. West.

7. Plaintiff is unable to procure service of process on Defendant Terri P. West within the initial time of ninety (90) days as afforded by Rule 4(m) of the Federal Rules of Civil Procedure. Accordingly, additional time is needed for Plaintiff to accomplish service, as it appears Defendant Terri P. West may be avoiding service.

8. Plaintiff's current service deadline is January 8, 2018, and no prior extensions of time for service have been sought or granted.

IT IS BY THE COURT ORDERED that Plaintiff United States of America is hereby granted an additional sixty (60) days from January 8, 2018, to March 9, 2018, within which to effectuate service of the Summons and Complaint on Defendant Terri P. West.

IT IS SO ORDERED.

Dated this 9th day of January, 2018.

s/ K. Gary Sebelius
K. GARY SEBELIUS
United States Magistrate Judge