

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CSM FORECLOSURE)
TRUSTEE CORPORATION,)
)
Plaintiff,)
)
vs.)
)
CHRISTINE BROUK, et al.,)
)
Defendants.)

Case No. 4:21-cv-01362-AGF

MEMORANUM AND ORDER

This matter is before the Court on a motion for summary judgment filed by the United States as the last remaining Defendant in this interpleader action. ECF No. 31.

Plaintiff CSM Foreclosure Trustee Corporation filed this action in state court in September 2021 naming Christine Brouk, Discover Bank, American Express, Midland Funding, LLC, the United States, and the State of Missouri as defendant parties with a potential claim to real estate foreclosure sale proceeds of \$55,837.76 held by Plaintiff. The United States removed the case to this Court pursuant to 28 U.S.C. § 2410(a) and filed an answer claiming tax liens against the foreclosed property in the amount of \$113,036.90.

All other Defendants were served, but none filed an answer. Following the Clerk’s entry of default against these Defendants (ECF No. 27), the Court entered default judgment against them and ordered Plaintiff to deposit the funds into the Court registry. ECF No. 30. Plaintiff promptly deposited the funds and has been dismissed from the


case by separate order concurrent herewith. The United States now moves for summary judgment, claiming its entitlement to the funds in partial satisfaction of its liens against the property.

Summary judgment is appropriate where there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. *Shelter Ins. Cos. v. Hildreth*, 255 F.3d 921, 924 (8th Cir. 2001) (citing Fed. R. Civ. P. 56). In an interpleader action where all defendants have defaulted but one, the remaining defendant is entitled to the funds. *Prudential Ins. Co. of Am. v. Freeman*, 4:20-CV-01549-AGF, 2021 WL 5446731, at *1 (E.D. Mo. Nov. 22, 2021); *S & W Foreclosure Corp. v. Okenfuss*, 4:09CV353CDP, 2010 WL 106675, at *1 (E.D. Mo. Jan. 6, 2010); *South & Associates, P.C. v. Ford*, 4:07-CV-2021 (JCH), 2008 WL 2906857, at *3 (E.D. Mo. July 24, 2008) (collecting cases).

Accordingly,

IT IS HEREBY ORDERED that the United States' motion for summary judgment is **GRANTED**. ECF No. 31.

A separate judgment will accompany this Order.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 5th day of July 2022.