

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

| | | |
|---------------------------------|---|----------------------|
| GREATER MIDWEST BUILDERS, LTD., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | NO. 2:11-CV-4225-FJG |
| |) | |
| FEDERAL DEPOSIT INSURANCE |) | |
| CORP., ET AL., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

ORDER

On September 27, 2013, the Court entered an Order granting CADC/RADC Venture 2011-1's Motion to Alter Judgment and Motion for Summary Judgment as to Damages. However, in the Order the Court noted that the interest had been calculated for 242 days instead of 211 days. The Court stated that it was unclear if this was simply a mathematical error or if there was a reason for including the 31 extra days of interest. The Court declined to enter judgment in a specific amount and instead directed CADC to file a supplemental brief explaining the interest calculation.

On October 7, 2013, CADC filed the supplemental brief requested by the Court. CADC stated that there was a mathematical error in the calculation of the interest owed in the previous briefing. They state that the proper interest calculation is as follows:

Loan 26544

\$566,050.41 - Amount owed following the May 14, 2012 foreclosure sale

Interest accrued at \$248.13/day x 212 days (There were 212 days between the May 14, 2012 foreclosure sale and the court's December 11, 2012 Order granting summary

judgment). $\$248.13 \times 212 \text{ days} = \underline{\$52,603.56}$
\$ 566,050.41 – Amount previously owed
+ $\underline{52,603.56}$ – Accrued interest
\$ 618,653.97 (CADC actually calculated the total amount to be \$618,654.33 or .36 cents more than what the Court calculated the amount to be. The Court assumes this was a mathematical error).

Loan 23498

\$1,643,613.88 – Amount owed following May 14, 2013 foreclosure sale:

Interest calculated at $\$720.49/\text{day} \times 212 \text{ days} = \underline{\$152,743.88}$.

\$1,643,613.88 – Amount previously owed
+ $\underline{152,743.88}$ – Accrued interest
\$ 1,796,357.76 (CADC actually calculated the total amount to be \$1,976,357.39. But it would appear that some numbers were simply transposed.)

Thus, taking the two loans together, the total amount owed is \$2,415,011.73.

Accordingly, for the reasons stated in the September 27, 2013 Order, and in this Order, the Court hereby awards judgment in CADC's favor against the counterclaim defendants in the amount of \$2,415,011.73.

Date: October 11, 2013
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge