

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 04, 2017

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOY MARIE HORST, n/k/a JOY
MARIE ZIMBELMAN,

Defendant.

NO: 2:16-CV-212-RMP

JUDGMENT IN A CIVIL CASE

DECISION BY THE COURT:

This action came before the Court, without oral argument and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that:

Plaintiff the United States of America is awarded judgment against Defendant Joy Marie Zimbelman (formerly known as Joy Marie Horst) in the amount of \$166,119.38 (\$133,831.89 principal and \$32,286.99 interest accrued through November 14, 2016); plus interest to accrue at the rate of \$19.2498 per day from and after November 14, 2016, to the date of judgment; plus interest from

1 the date of judgment at the legal rate until paid in full, for costs of suit, including
2 the filing fee allowed pursuant to 28 U.S.C. § 2412(a)(2), and other proper relief.

3 1. The debt upon which judgment is based is secured and perfected by
4 the following:

5 a. A mortgage recorded April 13, 2007, under File No. 1212779, Official
6 Records of Grant County, Washington. ECF No. 3-1 at pp. 9-14.

7 b. A security agreement dated February 23, 2007, describing a mobile
8 home, executed by Defendant, ECF No. 3-1 at pp.15-20, which was
9 perfected by United States of America acting through the USDA,
10 Farm Service Agency being listed on the certificate of title, ECF No.
11 3-1 at p. 21.

12 2. The foregoing mortgage and security agreement cover the following
13 described property situated in Grant County, State of Washington:

14 a. The NE quarter of Section 29, Township 22 N, Range 28 E.W.M
15 situated in Grant County, Washington; Assessor's Tax Parcel
16 Number: 171291001.

17 b. Fleetwood, 14X66, Single 1977 Broadmore Mobile Home, VIN
18 T1DFL2X713131003.

19 3. Said mortgage and security agreement, which constitute first and prior
20 liens upon the property described above, are hereby foreclosed, and Defendant Joy
21 Marie Zimbelman, and all persons claiming by, through, or under them, are forever

1 barred and foreclosed from asserting any right, title, or interest in and to said
2 property, except to the extent that such defendant has rights of redemption under
3 Wash. Rev. Code chapter 6.23 or excess funds under Wash. Rev. Code chapter
4 6.21. The redemption period shall be 12 months.

5 4. After the 10-day automatic stay of proceedings to enforce a judgment,
6 Plaintiff may present a praecipe for an order of sale to the clerk. *See* Fed. R. Civ.
7 P. 62(a) & (f) (nothing 14-day stay unless otherwise under state law for a judgment
8 on a lien); Wash. CR 62(a) (10-day stay); *see also* 18 Wash. Prac., Real Estate §
9 19.12 (2d ed.) (describing the enforcement process). The order of sale shall
10 provide that the United States Marshal for the Eastern District of Washington is
11 commanded to levy upon, seize, take into execution and sell, or deliver possession
12 thereof, according to law, and without appraisalment, the above-described real
13 property, or so much thereof as may be necessary to satisfy the Judgment, interest
14 and costs, upon giving notice prescribed by law, and make return of writ within
15 sixty days from date hereof. Upon issuance of the order of sale, said property may
16 be ordered sold in the manner provided by law with any party to this suit may
17 become a purchaser at such sale and with the proceeds of such sale to be applied
18 first to the expenses thereof, and then in satisfaction of the sums adjudged to be
19 due plaintiff herein.

20 5. Under Wash. Rev. Code § 61.12.070, the Court directs in this decree
21 of foreclosure “that the balance due on the mortgage and costs which may remain

1 unsatisfied after the sale of the mortgaged premises, shall be satisfied from any
2 property of the mortgage debtor” Accordingly, if any deficiency remains
3 after application of the proceeds of the sale pursuant to the Judgment, execution
4 shall be issued for said deficiency against defendant and enforced against any other
5 property of any defendant not exempt from execution.

6 **DATED** January 4, 2017.

7 SEAN F. McAVOY
8 Clerk of Court

9 By: s/Tonia Ramirez
10 Deputy Clerk