

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO.

Civil Action No. 92-N-2042

92 NOV 9 AM: 33

WE THE PEOPLE, THE TAX PAYING CITIZENS OF THE UNITED STATES OF
AMERICA,
HARMON L. WILFRED,

JAMES E. [Signature]
BY [Signature] CLERK
DEP. CLK.

Plaintiffs

vs.

THE RESOLUTION TRUST CORPORATION, ("RTC"),
3M-GRECO, LTD., A COLORADO LIMITED PARTNERSHIP,
HOULIHAN PARNES, REALTORS, A NEW YORK PARTNERSHIP,
GOLDBERG PROPERTY ASSOCIATES INC., A COLORADO CORPORATION,
MARK A. GOLDBERG,
AND ALL OTHERS,

Defendants

MOTION FOR DEFAULT JUDGMENT

Plaintiffs, represented by Mr. Harmon L. Wilfred, Pro Se, does hereby petition this Court for a judgment by default for the relief demanded in the Complaint as herein referenced filed with this Court on October 16, 1992 for the following reasons:

1. Plaintiff served a Summons and Complaint upon the RTC, an agency of the United States Government, as Defendant on October 16, 1992 by serving the same upon its attorney, the U. S. Attorneys office, the Civil Division at 633 17th Street, #1600, Denver, Colorado, 80202 and forwarding a copy to the U. S. Attorney General, Department of Justice, 10 Constitution Avenue, N.W., Room 5111. A copy of the returns of service are attached hereto as exhibit A.

(7)

2. The RTC, by its attorney, the Attorney General of the United States of America did not answer the Complaint within the 20 days ordered by this Court in the Summons dated and signed by the Clerk of the Court on October 16, 1992, a copy of such is attached hereto as exhibit B. Said Summons clearly provides that upon the failure by Defendant to answer the Summons within 20 days, a judgment by default be entered against the Defendant for the relief demanded in the Complaint.

WHEREFORE, Plaintiff's request that this Court enter an immediate order for a default judgment against the RTC, as Defendant, and in favor of Plaintiffs for the relief demanded in the Complaint and granting such other and further relief as this Court deems proper.

Respectfully submitted this 9th day of November, 1992.

By Harmon L. Wilfred
 Harmon L. Wilfred, Pro Se, Plaintiff's representative
 P. O. Box 4393
 Highlands Ranch, Co. 80126

Certificate of Mailing

On this 9th day of November, 1992, a true and correct copy of the foregoing Motion for Default Judgment was deposited in the US Mail, first class, postage prepaid and addressed to:

U. S. Attorneys Office
 Civil Division
 633 17th Street #1600
 Denver, Co 80202

U. S. Attorney General
 Dept. of Justice
 10 Constitution Ave. N.W.
 Washington, D.C. 20530

Richard A. [Signature]

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WE THE PEOPLE, THE TAX PAYING CITIZENS
OF THE UNITED STATES OF AMERICA,
HARMON L. WILFRED

Plaintiff

vs

THE RESOLUTION TRUST CORPORATION, et al

Defendants

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UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 10 1992

JAMES R. MANSPEAKER
CLERK

CLERK'S NOTE

This matter is before the Clerk's office on a Motion for Default Judgment. Upon examination of our records, we find that service on the Resolution Trust Corporation has not been completed in accordance with Federal Rule of Civil Procedure 4 (d) (4) and (5) and 60 days to answer has not expired in accordance with Federal Rule of Civil Procedure 12 (a). Therefore,


DEFAULT of the defendant The Resolution Trust Corporation will not be noted.

DATED at Denver, Colorado this 10th day of November, 1992.

FOR THE COURT:

JAMES R. MANSPEAKER, Clerk

by


STEPHEN P. EHRLICH, Chief Deputy

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United States District Court
for the
District of Colorado
November 10, 1992

gc

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:92-cv-02042

True and correct copies of the attached were mailed by the clerk to the following:

Harmon L. Wilfred
P.O. Box 4393
Highlands Ranch, CO 80126

David T. Brennan, Esq.
Otten, Johnson, Robinson, Neff & Ragonetti, P.C.
950 - 17th Street
#1600
Denver, CO 80202

U.S. Attorney
Civil Division
1961 Stout St
Denver, CO 80294

U.S. Attorney General
10th and Constitution Ave., N.W.
Room 5111 Main Justice Building
Washington, D.C. 20530

James R. Manspeaker, Clerk

Date: November 10, 1992

BY: *Paul Callaghan*