

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 06-2529-KHV-DJW

TRACEY L. SMITH,

Defendant.

**CONSENT JOURNAL ENTRY OF JUDGMENT**

This matter is presented for decision. The United States appears by Eric F. Melgren, United States Attorney for the District of Kansas, and Christopher Allman, Assistant United States Attorney for said District. Defendant Tracey L. Smith appears *pro se*. There are no other parties to this action.

The court, upon examining its files and pleadings herein, finds as follows.

1. The complaint in this action was filed on December 24, 2006. The court has subject matter jurisdiction of this matter and jurisdiction over the parties in this student loan default case by the United States.
2. Defendant was personally served with a summons and a copy of the complaint on August 17, 2007 (Doc. 6).
3. Defendant filed her answer to the complaint and motion to dismiss on September 6, 2007 (Doc. 7). The United States filed a response to Defendant's motion to dismiss on September 12, 2007 (Doc. 8). Defendant's motion to dismiss is denied.
4. Defendant is not an infant, incompetent person or in the military service of the United States within the purview of the Soldiers' and Sailors' Relief Act of 1984, as amended.

5. Defendant made and executed a promissory note on September 18, 1995, to consolidate her Health Education Assistance Loans into one HEAL Relief Account loan.

6. The United States is the owner and holder of said note.

7. Defendant is wholly in default under the terms of the promissory note and the Plaintiff is, therefore, entitled to judgment in the sum of \$22,442.54 principal, plus interest of \$429.59, as of September 1, 2006, plus interest accruing thereafter at the rate of 7.875 percent per annum, which is a daily rate of \$4.84 until the filing of the Journal Entry; plus interest thereafter at the rate set forth in 28 U.S.C. § 1961, plus court costs and the costs of this action presently and in the future incurred.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the findings of this court are hereby made the order of this court.

IT IS FURTHER ORDERED that the United States is granted judgment against defendant, Tracey L. Smith, in the principal sum of \$22,442.54 principal, plus accrued interest thereon in the sum of \$429.59, as of September 1, 2006, plus interest accruing thereafter at the rate of 7.875 percent per annum, which is a daily rate of \$4.84 until the filing of the Journal Entry; plus interest thereafter at the rate set forth in 28 U.S.C. § 1961, which is 3.72%; plus court costs and the costs of this action presently and in the future incurred.

IT IS FURTHER ORDERED that Defendant's motion to dismiss is denied (Doc. 7).

Dated this 16th day of November, 2007, at Kansas City, Kansas.

s/ Kathryn H. Vratil

KATHRYN H. VRATIL  
United States District Judge

Approved and submitted by:

ERIC F. MELGREN  
United States Attorney

s/ Christopher Allman  
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s/ Tracey L. Smith  
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(written approval given to affix electronic signature)

ELECTRONICALLY SUBMITTED