

FILED

U.S. MAR 5 1997 P.M. TIME A.M.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

BRENDA ANDINO

Defendant(s).

DEFAULT JUDGMENT

Civil Action No. CV 96 5521 (JACK B. WEINSTEIN, J.) Claim No. 046951

\_\_\_\_\_ X

The summons and complaint in this action having been duly served on the above-named defendant on DECEMBER 10, 1996 and said defendant having failed to plead or otherwise defend in this action, and said default having been duly noted, and upon the annexed declaration of default judgment,

NOW, on motion of HARVEY SHARINN, the attorney for the plaintiff, it is hereby

ORDERED AND ADJUDGED, that UNITED STATES OF AMERICA, the plaintiff, do recover of BRENDA ANDINO,

the defendant(s), residing at 366 UNION ST.,

BROOKLYN, NY 11231 the sum of \$883.36

the amount claimed, plus interest in the sum of \$101.69,

with \$182.09, costs and disbursements, and ~~attorney fees~~/statutory

10% surcharge in the sum of \$88.33, amounting in all to the sum of

\$1,255.47, plus interest at the legal rate in effect on the

date of this judgment; and that the plaintiff have execution

therefore.

Judgment dated

2/27/97

BY: Jack B. Weinstein U.S.D.J. or Deputy Clerk #5

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

BRENDA ANDINO

Defendant(s).

REQUEST TO ENTER DEFAULT  
Civil Action No.CV 96 5521  
Claim No.046951  
(JACK B. WEINSTEIN, J.)

**FILED**  
IN CLERK'S OFFICE N.Y.

U.S. ★ MAR 5 1997 ★  
P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

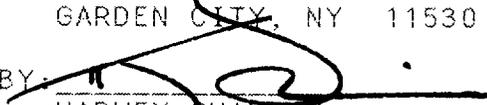
TO: ROBERT C. HEINEMANN, CLERK  
THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT  
OF NEW YORK

Please enter the default of defendant(s) BRENDA ANDINO.

pursuant to rule 55(a) of the Federal Rules of Civil Procedure  
for failure to plead or otherwise defend the above-captioned  
action as fully appears from the Court file herein and from  
the attached declaration of HARVEY SHARINN.

Dated: GARDEN CITY, NY  
January 31, 1997

SHARINN & LIPSHIE, P.C.  
100 GARDEN CITY PLAZA, SUITE 407  
GARDEN CITY, NY 11530

BY:   
HARVEY SHARINN  
516-873-6600

The default of defendant  
BRENDA ANDINO,  
is hereby noted.  
DATED:

ROBERT C. HEINEMANN

BY: \_\_\_\_\_  
DEPUTY CLERK

#3

FILED  
IN CLERK'S OFFICE

U.S. N.Y.  
★ MAR 5 1997 ★  
P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
-against-  
  
BRENDA ANDINO  
  
Defendant(s).  
\_\_\_\_\_ X

DECLARATION FOR  
DEFAULT JUDGMENT  
  
CIVIL ACTION NO. CV 96 5521  
(JACK B. WEINSTEIN, J.)  
Claim No. 046951

HARVEY SHARINN, hereby declares as follows:

1. I am an attorney at the law firm of SHARINN & LIPSHIE, P.C., attorneys for plaintiff United States of America.
2. This action was commenced to recover a debt due and owing to plaintiff United States of America. Defendant(s) BRENDA ANDINO, has been served with the summons and complaint herein as appears from the return of service heretofore filed with the Clerk of this Court.
3. The time within which the defendant(s) may answer or otherwise move with respect to the complaint herein has expired; said defendant(s) ~~have~~/has not answered or otherwise moved with respect to the complaint and the time for defendant(s) to do so has not been extended.
4. Said defendant(s) is/~~are~~ not an infant or incompetent and is not presently in the military service of the United States.
5. Said defendant(s) is/~~are~~ indebted to the plaintiff United States of America in the following amounts:

#4

Principal Amount Due	\$883.36
Interest thru January 31, 1997 at the legal rate	\$101.69
Costs	\$182.09
<del>Attorneys Fees</del> /10% surcharge pursuant to Title 28, United States Code, Section 3011	\$88.33
TOTAL	<u>\$1,255.47</u>

WHEREFORE, plaintiff, United States of America requests that the default of the defendant(s) be noted and that the judgment be entered in favor of the plaintiff and against defendant(s) in the amount stated herein.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due and owing to plaintiff, that no part thereof has been paid, and that the disbursements sought to be taxed have been made in this action or will necessarily be made or incurred in this action.

Dated: GARDEN CITY, New York  
January 31, 1997

  
\_\_\_\_\_  
HARVEY SHARINN  
SHARINN & LIPSHIE, P.C.

Principal Amount Due	\$883.36
Interest thru January 31, 1997 at the legal rate	\$101.69
Costs	\$182.09
<del>Attorneys Fees</del> /10% surcharge pursuant to Title 28, United States Code, Section 3011	\$88.33
TOTAL	<u>\$1,255.47</u>

WHEREFORE, plaintiff, United States of America requests that the default of the defendant(s) be noted and that the judgment be entered in favor of the plaintiff and against defendant(s) in the amount stated herein.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due and owing to plaintiff, that no part thereof has been paid, and that the disbursements sought to be taxed have been made in this action or will necessarily be made or incurred in this action.

Dated: GARDEN CITY, New York  
January 31, 1997

  
-----  
HARVEY SHARINN  
SHARINN & LIPSHIE, P.C.

" (c) PRESUMPTION.- For purposes of liability on the part of the United States, there shall be a presumption that the price paid at as sale under subsection (a) is the fair market value of the property or portion.

"Section 3008. Proceedings before United States magistrates

"A district court of the United States may assign its duties in proceedings under this chapter to a United States magistrate to the extent not inconsistent with the Constitution and laws of the United States.

"Section 3009. United States marshals' authority to designate keeper.

"Whenever a United States marshal is authorized to seize property pursuant to this chapter, the United States marshal may designate another person or Federal agency to hold for safekeeping such property seized.

"Section 3010. Co-owned property

"(a) LIMITATION.- The remedies available to the United States under this chapter may be enforced against property which is co-owned by a debtor and any other person only to the extent allowed by the law of the State where the property is located. This section shall not be construed to limit any right or interest of a debtor or co-owner in a retirement system for Federal military or civilian personnel established by the United States or any agency thereof or in a qualified retirement arrangement.

"(b) DEFINITIONS.- For purposes of subsection (a)-

"(1) the term 'retirement system for Federal military or civilian personnel' means a pension or annuity system for Federal military or civilian personnel of any more than one agency, or for some or all of such personnel of a single agency, established by statute or by regulation pursuant to statutory authority; and

"(2) the term 'qualified retirement arrangement' means a plan qualified under section 401(a), 403(a), or 409 of the Internal Revenue Code of 1986 or a plan that is subject to the requirements of section 205 of the Employee Retirement Income Security Act of 1974.

"Section 3011. Assessment of surcharge on a debt

"(a) SURCHARGE AUTHORIZED.- In an action or proceeding under subchapter B or C, and subject to subsection (b), the United States is entitled to recover a surcharge of 10 percent of the amount of the debt in connection with the recovery of the debt, to cover the cost of processing and handling the litigation and enforcement under this chapter of the claim for such debt.

"(b) LIMITATION.- Subsection (a) shall not apply if-

"(1) the United States receives an attorney's fee in connection with the enforcement of the claim; or

"(2) the law pursuant to which the action on the claim is based provides any other amount to cover such costs.

"Section 3012. Joinder of additional defendant

"The United States or the debtor may join as an additional defendant in an action or proceeding under this chapter any person reasonably believed to owe money (including money owed on account of a requirement to provide goods or services pursuant to a loan or loan guarantee extended under Federal law) to the debtor arising out of the transaction or occurrence giving rise to a debt.

**"Section 3013. Modification or protective order; supervision of enforcement**

"The court may at any time on its initiative or the motion of any interested person, and after such notice as it may require, make an order denying, limiting, conditioning, regulating, extending, or modifying the use of any enforcement procedure under this chapter.

**"Section 3014. Exempt property**

**"(a) ELECTION TO EXEMPT PROPERTY.-** An individual debtor may, in an action or proceeding under this chapter, elect to exempt property listed in either paragraph (1) or, in the alternative, paragraph (2). If such action or proceeding is against debtors who are husband and wife, one debtor may not elect to exempt property listed in paragraph (1) and the other debtor elect to exempt property listed in paragraph (2). If the debtors cannot agree on the alternative to be elected, they shall be deemed to elect paragraph (1). Such property is either-

"(1) property that is specified in section 522(d) of title 11, as amended from time to time; or

"(2)(A) any property that is exempt under Federal law, other than paragraph (1), or state or local law that is applicable on the date of the filing of the application for a remedy under this chapter at the place in which the debtor's domicile has been located for 180 days immediately preceding the date of the filing of such application, or for a longer portion of such 180-day period than in any other place; and

"(B) any interest in property in which the debtor had, immediately before the filing of such application, an interest as a tenant by the entirety or joint tenant, or an interest in a community estate, to the extent that such interest is exempt from the process under applicable nonbankruptcy law.

**"(1) STATEMENT.-** A court may order the debtor to file a statement with regard to any claimed exemption.

**"(c) PRESUMPTION.-** For purposes of liability on the part of the United States, there shall be a presumption that the price paid at a sale under subsection (a) is the fair market value of the property or portion.

