

S
District Court, Osage County, Oklahoma
FILED

IN THE DISTRICT COURT IN AND FOR OSAGE COUNTY
STATE OF OKLAHOMA

JAN 21 2023
Lavendar Carroll
JENNIFER BORD, Court Clerk
By _____ Bm

AMERICAN BANK AND TRUST CO.,)
)
Plaintiff,)
)
vs.)
)
DAVID R. RUTKAUSKAS, et. al.,)
)
Defendants.)

Case No. CJ-2023-69
Judge Stuart Tate

DEFICIENCY ON JUDGMENT

This matter comes before the Court upon Plaintiff American Bank and Trust Co.’s Motion for Entry of a Post-Judgment Deficiency Order (the “Motion”). Defendants were duly served with the Motion and notice of the hearing via first class mail sent to their addresses of record. Defendants have filed no objection or response to the Motion and the deadline for filing such response has now expired. As a result, the Court finds the Motion should be deemed confessed pursuant to Rule 4(e) of the Rules of the District Court. Further, the Court, having reviewed the, the appearance docket and filings herein, and being fully advised in the premises, finds as follows:

By virtue of the *Agreed Journal Entry of Judgment* entered in this action, the Court awarded Plaintiff judgment in the amount of \$393,465.38 with interest accruing at 18.00% per annum or approximately \$194.04 per day from April 3, 2023 until paid in full, plus \$24,437.44 for accrued expenses and costs with interest accruing at 18.00% per annum or approximately \$12.05 per day from entry of the judgment until paid in full.

The Court finds that the unpaid balance on the judgment, with accrued interest thru the sheriff’s sale on June 4, 2024, amounts to \$498,540.83. As reflected in the *Order Confirming Sale* entered in this matter, the Mortgaged Property sold at sheriff’s sale for \$40,100.00. Prior to that, the sheriff’s appraisers duly appraised the Mortgaged Property at \$60,000.00 as evidenced by the

sworn *Appraisal of Real Estate Under Execution* filed in the case record on April 29, 2024. Pursuant to Okla. Stat. tit. 12, § 686, the Court finds that the appraised value of \$60,000.00 represents the fair and reasonable market value of the mortgaged premises as of the date of sale.

Per the *Agreed Journal Entry of Judgment*, the proceeds of the sale should be applied first to costs of sale, and second, to the judgment rendered herein in favor of Plaintiff. The Court finds the judgment balance of \$498,540.83, plus \$1,007.32 in costs of sale, less the \$60,000.00 property value leaves a deficiency of \$439,548.15, upon which interest at the judgment rate of 18.00% per annum shall accrue from June 5, 2024 until paid in full.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff American Bank and Trust Co. have and recover a deficiency on the judgment in the amount of \$439,548.15, plus interest at 18.00% per annum from June 5, 2024 until paid in full.

IT IS SO ORDERED this 21st day of January 2025.



JUDGE OF THE DISTRICT COURT

Approved and submitted by:
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