

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

BANCO POPULAR de PUERTO RICO,

Plaintiff,

3:09-cv-128

v.

**EAST END ASSOCIATES LIMITED
PARTNERSHIP, ELIZABETH A. HAMPTON,
DANIEL J. HAMPTON, and MORNING
MARKET ENTERPRISE, INC., f/k/a
MARINA MARKET, INC., f/k/a POOR BOY
I,**

Defendants.

TO: Erik E. Woodbury, Esq.

ORDER DENYING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

THIS MATTER is before the Court upon Plaintiff's Motion For Entry of Default (Docket No. 11).

Plaintiff seeks entry of default against Defendants Daniel J. Hampton and Elizabeth A. Hampton. Mot. at 1. Plaintiff claims that "the Hamptons were served by publication of the summons . . . as authorized by this Court's Order of January 19, 2010." *Id.*

A review of said Order (Docket No. 10) reveals that the Court required both publication in the Virgin Islands Daily News once a week for not less than four consecutive

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weeks **and** mailing copies of the summons and complaint to said Defendants by certified mail to their last known address. Order (Docket No. 10), entered January 19, 2010, at 1.

Although Plaintiff provides evidence of its compliance with publishing the summons in the Virgin Islands Daily News, Plaintiff has failed to demonstrate whether it also mailed copies of the summons and complaint to said Defendants by certified mail to their last known address.

The said Order also extended the time for service by ninety (90) days, *id.* at 3. Thus, service must have been completed by April 8, 2010.

Absent proof of fulfillment of the full terms of the order granting Plaintiff's motion to allow service by publication and for extension of time within which to effectuate service, the Court finds that Plaintiff is not entitled to entry of default.

Accordingly, it is now hereby **ORDERED** that Plaintiff's Motion For Entry of Default (Docket No. 11) is **DENIED**.

ENTER:

Dated: July 8, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE