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CLERK OF DISTRICT COURT  
FEE 18.00  
LESLIE BOLDNER

DEFAULT JUDGEMENT

**COPY**

1 1555

FILED

RONALD A. LONGTIN, JR., Clerk

By L. J. Jullie Deputy Clerk

21 Oct 2003

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE

8  
9 BERRY-HINCKLEY INDUSTRIES,  
10 a Nevada corporation,

Case No. CV03-02754

11 Plaintiff,

Dept. No. 1

12 vs.

13 TLC TRANSPORT, CHARLES P.  
14 MATHEWS, TRUMAN J. MATHEWS,  
15 LEE R. MATHEWS, and DOES I-X,  
16 jointly and severally,

17 Defendants.

18 DEFAULT JUDGMENT

19 BERRY-HINCKLEY INDUSTRIES having made application to this  
20 Court for a default judgment against Defendants, TLC TRANSPORT,  
21 CHARLES P. MATHEWS, TRUMAN J. MATHEWS, and LEE R. MATHEWS,  
22 jointly and severally, this Court finds as follows:

23 1. Plaintiff, BERRY-HINCKLEY INDUSTRIES, filed its  
24 Complaint against Defendants, TLC TRANSPORT, CHARLES P.  
25 MATHEWS, TRUMAN J. MATHEWS, and LEE R. MATHEWS  
26 (hereinafter "TLC", "CHARLES", "TRUMAN", and "LEE") on  
the 29th day of April, 2003.

27 2. Defendant, TLC, was served with a copy of the Summons  
28 and Complaint herein on May 2, 2003.

- 1           3. Defendant, CHARLES, was served with a copy of the
- 2           Summons and Complaint herein on May 2, 2003.
- 3           4. Defendant, TRUMAN, was served with a copy of the Summons
- 4           and Complaint herein on April 30, 2003.
- 5           5. Defendant, LEE, was served with a copy of the Summons
- 6           and Complaint herein on May 14, 2003.
- 7           6. Defendants, TLC, CHARLES, TRUMAN and LEE, and each of
- 8           them, failed to timely answer the Complaint or make any
- 9           other appearance in this matter.
- 10          7. On October 8, 2003, the Clerk of the Court properly
- 11          entered Default against Defendants, TLC, CHARLES, TRUMAN
- 12          and LEE.
- 13          8. Plaintiff, BERRY-HINCKLEY INDUSTRIES, sued to collect a
- 14          debt owed to it by Defendants, TLC, CHARLES, TRUMAN and
- 15          LEE, and each of them, jointly and severally. Attached
- 16          to the Complaint filed herein was the invoices, contract
- 17          and personal guarantees.
- 18          9. As of March 31, 2003, the Defendants TLC, CHARLES, TRUMAN
- 19          and LEE, and each of them, owed Plaintiff, BERRY
- 20          HINCKLEY INDUSTRIES, the sum of TWELVE THOUSAND, EIGHT
- 21          HUNDRED FORTY-SEVEN AND 27/100 DOLLARS (\$12,847.27) for
- 22          goods and services and late fees and legal fees and
- 23          costs pursuant to the contract and personal guarantees.
- 24          10. On July 9, 2003, Plaintiff received partial payment on
- 25          account from Defendant TLC the sum of SIX THOUSAND,
- 26          SEVEN HUNDRED TWENTY-EIGHT AND 63/100 DOLLARS
- 27          (\$6,728.63) which sum was properly applied to accrued
- 28          legal fees and costs in the amount of ONE THOUSAND, TWO

1 HUNDRED EIGHTY AND 68/100 DOLLARS (\$1,280.68), accrued  
2 interest in the amount of ONE THOUSAND, FIVE HUNDRED  
3 EIGHTEEN AND 50/100 DOLLARS (\$1,518.50), and the  
4 remainder to the invoices for goods and services. After  
5 application of the payment, as of July 10, 2003, the  
6 Defendants TLC, CHARLES, TRUMAN and LEE, and each of  
7 them, owed Plaintiff, BERRY HINCKLEY INDUSTRIES, the sum  
8 of SIX THOUSAND, SEVEN HUNDRED THIRTY-ONE AND 74/100  
9 DOLLARS (\$6,731.74) for goods and services and late fees  
10 and legal fees and costs pursuant to the contract and  
11 personal guarantees. From July 10, 2003 to October 8,  
12 2003, THREE HUNDRED FORTY-EIGHT AND 30/100 DOLLARS  
13 (\$348.30) in interest and late fees accrued on the  
14 account plus legal fees and costs in the amount of SIX  
15 HUNDRED SEVENTY-TWO AND 50/100 (\$672.50) have been  
16 incurred and added to the account pursuant to contract.  
17 Therefore, as of October 8, 2003, Defendants, TLC,  
18 CHARLES, TRUMAN and LEE, and each of them, owed  
19 Plaintiff, BERRY HINCKLEY INDUSTRIES, the sum of SEVEN  
20 THOUSAND, SEVEN HUNDRED FIFTY-TWO AND 54/100 DOLLARS  
21 (\$7,752.54) for goods and services and late fees and  
22 legal fees and costs pursuant to the contract and  
23 personal guarantees.

24 11. Plaintiff BERRY-HINCKLEY INDUSTRIES, is entitled to  
25 interest, prejudgment and post judgment, at the rate of  
26 21%, on all amounts due pursuant to contract.

27 12. Plaintiff, BERRY-HINCKLEY INDUSTRIES, is entitled to  
28 recovery of legal fees and costs and expenses of

1 collection until the debt is paid.

2 **THEREFORE, JUDGMENT IS HEREBY ENTERED** against Defendants,  
3 TLC TRANSPORT, CHARLES P. MATHEWS, TRUMAN J. MATHEWS, and LEE R.  
4 MATHEWS, and each of them, jointly and severally, and in favor of  
5 Plaintiff, BERRY-HINCKLEY INDUSTRIES, in the amount of SEVEN  
6 THOUSAND SEVEN HUNDRED FIFTY-TWO AND 54/100 DOLLARS (\$7,752.54),  
7 plus interest at TWENTY-ONE PERCENT (21%) per annum on the sum of  
8 SIX THOUSAND, SEVEN HUNDRED THIRTY-ONE AND 74/100 DOLLARS  
9 (\$6,731.74) from October 8, 2003 until paid, plus SIX HUNDRED  
10 SEVENTY-TWO AND 50/100 DOLLARS(\$672.50) for legal fees and costs,  
11 plus continuing legal fees and costs until the judgment is  
12 satisfied. Plaintiff's attorney(s) shall submit itemized  
13 statements of attorney's fees and costs to the Court and the  
14 Court will amend this judgment periodically to reflect those fees  
15 and costs incurred by Plaintiff for collection of this judgment  
16 until the judgment is satisfied.

17 DATED this 21<sup>st</sup> day of October, 2003.

18  
19 Janet J. Berry  
20 DISTRICT JUDGE

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23  
24 **CERTIFIED COPY**  
25 The document to which this certificate is  
26 attached is a full, true and correct copy of  
27 the original on file and of record in my office.  
28 DATE: JAN - 8 2004  
RONALD A. LONGTIN, JR., Clerk of the Second  
Judicial District Court in and for the County  
of Washoe, State of Nevada.

By [Signature] Deputy