

Official Record

Recording requested By
BENJAMIN CHILDS

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$17.00

Page 1 of 4

RPTT:

Recorded By: AE

Book- 262 Page- 0073



APN :

Recording requested by :

Benjamin B. Childs, Esq.
318 South Maryland Parkway
Las Vegas, Nevada 89101

In re : Nasciemento v. Wells Fargo Bank, NA
Case # A 10 622150 C

AFFIRMATION pursuant to NRS 239B.030

I affirm that the Declaration in Lieu of Affidavit attached to the DEFAULT JUDGMENT does not contain any social security number of a person as required by NRS 17.150 (4), because the Default Judgment is against a corporate entity.

February 9, 2011

Benjamin B. Childs
Benjamin B. Childs



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JUDG
BENJAMIN B. CHILDS
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Attorney for Plaintiff

Alan J. Quinn
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

JOSEPH NASCIMENTO

Plaintiff

vs.

WELLS FARGO BANK, NA and Does 1 - 10

Defendant

CASE #: A 10 622150 C
DEPT. #: 17

DEFAULT JUDGMENT

This matter came before the Court on September 1, 2010 for prove-up of PLAINTIFF'S APPLICATION FOR ENTRY OF DEFAULT JUDGMENT. Plaintiff was present and testified.

Based on the sworn testimony of Plaintiff JOSEPH NASCIMENTO, the APPLICATION FOR ENTRY OF DEFAULT JUDGMENT, with attached EXHIBITS 1 through 10, and the MEMORANDUM OF COSTS and the ITEMIZATION OF ATTORNEY TIME, and the NOTICE OF INTENT TO ENTER DEFAULT and the DEFAULT, and the VERIFIED COMPLAINT, all of which are on file herein, and good cause appearing, the Court enters Judgment in favor of Plaintiff JOSEPH NASCIMENTO against Defendant WELLS FARGO BANK, NA as set forth below.

Judgment is entered in favor of Plaintiff JOSEPH NASCIMENTO against Defendant WELLS FARGO BANK, NA in the amount of \$750,000.00 (Seven-Hundred and Fifty Thousand Dollars and no cents).

PUNITIVE DAMAGES

The Court finds that Plaintiff has provided clear and convincing evidence that Defendant committed fraud on Plaintiff. The Court finds that exemplary and punitive damages are appropriate to be awarded in this case for the sake of example and by way of punishing the defendant. The Court finds that Defendant committed fraud on Plaintiff when Defendant, among other things, (1) misrepresented that it accepted the

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1 Settlement Offer (2) fabricated records (3) continued to assert that it has the legal right to foreclose the deed
2 of trust on Plaintiff's real property knowing that it did not have that right.

3 Good cause appearing, based on the above finding, Plaintiff is further awarded exemplary and
4 punitive damages in the amount of \$ 200,000.00, which amount is reduced to a judgment.

5 ATTORNEY FEES AND COSTS

6
7 Plaintiff is further awarded attorney fees in the amount of \$ 7,945.00 plus costs of \$371.32,
8 which amount is reduced to a judgment.

9
10 DECLARATORY RELIEF

11 Good cause appearing, Plaintiff is further granted declaratory relief as follows :

- 12
- 13 1) It is ORDERED that Plaintiff's account # 0032338535 ("account") with Defendant is
- 14 deemed to satisfied in full; and
- 15 2) It is ORDERED that title to Plaintiff's real property described below is not encumbered by
- 16 the deed of trust recorded on April 10, 2006 with the Clark County Recorder [book
- 17 20060410 instrument 0004386] in conjunction with the Equity Line of Credit Agreement
- 18 and the account has been satisfied in full.

19 SUBJECT PROPERTY :

20 Street Address : 4419 Peaceful Harbor Street
 21 Las Vegas, NV 89129
 22 Brief Legal Description : Lot 125 in Block 7 of MONUMENT AT LONE MOUNTAIN -
 UNIT 4 as shown by map thereof on file in Plat Book 106, Page 30,
 23 in the Clark County Recorder's Office.
 APN : 137-01-214-030

24 Dated Sept 2, 2010

25 [Signature]
26 District Court Judge

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

[Signature]
CLERK OF THE COURT

27 Submitted by :
 28 [Signature]
 29 BENJAMIN B. CHILDS
 Nevada Bar # 3946
 30 Attorney for Plaintiff

SEP 01 2010



**DECLARATION IN LIEU OF AFFIDAVIT OF ATTORNEY FOR JUDGMENT
CREDITOR PURSUANT TO NRS 17.150 (4)**

As required by NRS 17.150(4), this affidavit is to be recorded with DEFAULT JUDGMENT filed September 1, 2010.

- 1) I, BENJAMIN B. CHILDS, am the attorney for creditor JOSEPH NASCIEMENTO. The judgment debtor is WELLS FARGO BANK, NA in the case of Nascimento v. Wells Fargo, NA Case # A 10 622150 C.
- 2) The name and address of the Judgment Debtor is set forth below. There is no social security number, date of birth or driver's license information because WELLS FARGO BANK, NA is a corporate entity.

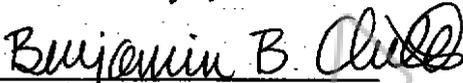
Name : WELLS FARGO BANK, NA
 Social Security # : n/a
 Date of Birth : n/a
 Driver's License : n/a
 Current Address(es) :

WELLS FARGO BANK, N.A.
 LEGAL DEPARTMENT
 4101 Wiseman Blvd.
 San Antonio, TX 78251-4201

- 3) The amount that WELLS FARGO BANK, N.A. owes Mr. Nascimento as of September 1, 2010 is \$ 961,281.21 (including \$ 3 for the certified copy of the judgment and \$ 17 recording fee and interest of \$2,944.89).

The previous statements are made based on my personal knowledge and on a review of documents. I declare under penalty of perjury that the foregoing is true and correct.

Dated February 9, 2011


 BENJAMIN B. CHILDS
 Nevada Bar # 3946
 318 S. Maryland Parkway
 Las Vegas, Nevada 89101