

AUG 23 2013

DISTRICT COURT, CHAFFEE COUNTY, COLORADO		DATE FILED: August 23, 2013 2:35 PM
Court Address: 142 Crestone Avenue, P.O. Box 279, Salida, CO, 81201		
Plaintiff(s) NORTH AMERICAN BERYLLIUM CORPORATION v. Defendant(s) AMANDA ADKINS et al.		△ COURT USE ONLY △ Case Number: 2013CV30027 Division: 2 Courtroom:
Order: Order re Motion and Application for Default Judgment		

The motion/proposed order attached hereto: GRANTED.

Issue Date: 8/23/2013



CHARLES M BARTON
District Court Judge

District Court, Chaffee County, Colorado Court Address: 142 Crestone, P.O. Box 279 Salida, Colorado 81201	
Plaintiff: NORTH AMERICAN BERYLLIUM CORPORATION v. Defendants: AMANDA ADKINS and DANIEL BARKUS	Δ COURT USE ONLY A
<u>Counsel for Plaintiff:</u> Ernest Marquez C. Laura Evans The Marquez Law Office 102 N. I St., P.O. Box 1203 Salida, CO 81201 Phone Number: 719-539-7663 E-mail: ernest@marquezlawoffice.com laura@marquezlawoffice.com FAX Number: 719-539-3326 Atty. Reg. #: 16325; #: 42069	Case Number: 13CV030027 Div. Courtroom:
ORDER GRANTING PLAINTIFF'S MOTION AND APPLICATION FOR DEFAULT JUDGMENT OF DEFENDANT AMANDA ADKINS	

AFTER REVIEW of the "Plaintiff's Motion and Application for Default Judgment of Defendant Amanda Adkins," the Motion is GRANTED; and,

THE COURT FINDS AS FOLLOWS:

1. Pursuant to C.R.C.P. 55(b) and C.R.C.P. 121 § 1-14(1), the following documents accompanied the Plaintiff's motion: a) the original summons showing valid service on Defendant Amanda Adkins; b) affidavits showing that venue for this action is proper in Chaffee County, c) affidavits establishing that Defendant Amanda Adkins is not a minor, incapacitated person, an officer or agency of the State of Colorado, or in the military service, and d) and affidavits establishing the amount of damages and interest and costs, for which judgment is being sought.

2. Defendant was served with a true and complete copy of the Summons and Complaint in this action on May 1, 2013 by personal service.

3. Venue of this matter is properly placed in the Chaffee County District Court, State of Colorado.

4. More than 21 days have elapsed since the date of service of the Summons and Complaint on Defendant.
5. Although more than 21 days have elapsed since the date of service, Defendant has not appeared, pled or otherwise defended as required by the Colorado Rules of Civil Procedure.
6. Defendant is not an infant, an incompetent, officer or agent of the State of Colorado or in the military service.
7. Under C.R.C.P. 55(a), the Court finds that Defendant Amanda Adkins is in default.
8. That this Court's entry of default against Defendant Amanda Adkins constitutes an admission by Defendant Amanda Adkins of all the material allegations contained in the Complaint.
9. Under C.R.C.P. 55(b), Plaintiff is entitled to a Default Judgment for all the relief prayed for in the Complaint and for a Default Judgment in the amounts set forth in the Affidavit attached to Plaintiff's Motion.
10. No efforts were made to give notice to Defendant because of the nature of this Motion and because Defendant has not entered an appearance as contemplated by C.R.C.P. 55(b).

ORDER 2015CV00027

BASED ON THE FOREGOING THE COURT ORDERS AS FOLLOWS:

A. This Court grants a complete adjudication of the rights of Plaintiff NABC and Defendant Amanda Adkins with respect to the mineral interests on the real Property described in attached affidavits; for a decree determining that Defendant Amanda Adkins has no interest, estate, or claim of any kind whatsoever in the said real Property, forever barring and enjoining Defendant Amanda Adkins from asserting any claim or title thereto, quieting the title of the Plaintiff in and to the mineral interests in and on the real Property and adjudging that the Plaintiff is the owner of the mineral interests and entitled to the right of extraction of the mineral interests; and for such other relief as the Court may deem just and proper;

B. This Court issues an injunction, barring Defendant Amanda Adkins from trespassing on to Blue Star No. 1 - 14 lode claims for mining purposes.

C. This Court enters an order of Judgment in Plaintiff's favor and against Defendant Amanda Adkins for economic damages as described in the attached affidavit, including statutory treble damages as provided in C.R.S. § 18-4-405;

D. This Court awards Plaintiff reasonable attorney fees and costs as provided in C.R.S. § 18-4-405;

- E. This Court awards prejudgment and post-judgment interest; and
- F. This Court may order such other relief as it deems just and proper.

IT IS DONE this _____ day of _____, 2013

BY THE COURT:

CHAFFEE COUNTY DISTRICT COURT

District Court Judge

Attachment to Order - 2013CV30027