

Peggy Hunt (Utah State Bar No. 6060) FILED  
 Chris Martinez (Utah State Bar No. 11152) DISTRICT COURT  
 Nathan S. Seim (Utah State Bar No. 12654)  
**DORSEY & WHITNEY LLP** 2014 APR -3 2:03  
 136 South Main Street, Suite 1000  
 Salt Lake City, UT 84101-1685 DISTRICT OF UTAH  
 Telephone: (801) 933-7360  
 Facsimile: (801) 933-7373 BY: \_\_\_\_\_  
 Email: [hunt.peggy@dorsey.com](mailto:hunt.peggy@dorsey.com) DEPUTY CLERK  
       [martinez.chris@dorsey.com](mailto:martinez.chris@dorsey.com)  
       [seim.nathan@dorsey.com](mailto:seim.nathan@dorsey.com)

**SO ORDERED**



**DEE BENSON**  
United States District Judge

Date 3/26/2014

*Attorneys for Court-Appointed Receiver R. Wayne Klein*

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

<p>R. WAYNE KLEIN, as Receiver,  Plaintiff,  v.  HARRY COUSINS, HELEN COUSINS, and JOHN DOES 1-5,  Defendants.</p>	<p><b>APPLICATION FOR ENTRY OF DEFAULT JUDGMENT</b></p> <p>Civil No. 2:13-cv-000546</p> <p>Honorable Dee Benson</p>
--	---

Pursuant to Fed. R. Civ. P. 55, Plaintiff R. Wayne Klein, the Court-appointed receiver (the "Receiver") of National Note of Utah, L.C. *et al.* in Case No. 2:12-cv-00591-BSJ (D. Utah), by and through his counsel, respectfully requests that the Clerk enter the default judgment against Defendants Harry Cousins and Helen Cousins ("Defendants"). The grounds for entry of default judgment are as follows:

1. The Receiver commenced this action by filing a complaint against Defendants on June 21, 2013 (the "Complaint").
2. On August 21, 2013, a process server served Defendants by personally delivering a copy of the Summons and Complaint to Helen Cousins, individually and on behalf of Harry Cousins, her spouse, a person of suitable age and discretion, at the Defendants' usual place of

abode. The Affidavits of Service were filed with the Court on September 19, 2013 [Docket Nos. 5 and 6].

3. The deadline for filing an answer to the Complaint was September 22, 2013.

4. The Defendants have not appeared, answered or otherwise responded to the Complaint.

5. Harry Cousins is not a minor child, an incompetent person, or a person in the military service within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501 *et seq.* See Declaration of Chris Martinez, at ¶¶5-8, attached hereto as Exhibit A.

6. Helen Cousins is not a minor child, an incompetent person, or a person in the military service within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501 *et seq.* See Declaration of Chris Martinez, at ¶¶5-8, attached hereto as Exhibit A.

7. The Clerk entered the Default Certificate on January 17, 2014 [Docket No. 8].

8. The Receiver's Claim is for the sum certain of \$60,246.58. See Declaration of Wayne Klein, at ¶¶ 4 and 6, attached hereto as Exhibit B. As set forth in the Complaint, the Receiver seeks the return of \$60,246.58 that was fraudulently transferred to Harry Cousins and Helen Cousins. *Id.* at ¶¶ 3-6.

9. WHEREFORE, the Receiver respectfully requests the Clerk enter a default judgment against Defendants in the form attached hereto as Exhibit C in the amount of \$60,246.58.

DATED this 31<sup>st</sup> day of January, 2014.

**DORSEY & WHITNEY LLP**

*/s/ Chris Martinez*

Peggy Hunt

Chris Martinez

Nathan Seim

*Attorneys for R. Wayne Klein, Receiver*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31<sup>st</sup>, 2014, a true and correct copy of the foregoing

**APPLICATION FOR ENTRY OF DEFAULT JUDGMENT** was mailed via U.S. First Class

Mail, postage prepaid, to the following:

Harry Cousins  
Helen Cousins  
6172 Squires Lane  
Reno, NV 89509

/s/ Chris Martinez  
Chris Martinez