

RECEIVED

MAR 08 2013

Ada County Clerk

Bryan C. Zollinger ISB # 8008

SMITH, DRISCOLL & ASSOCIATES, PLLC

414 Shoup Avenue

P.O. Box 50731

Idaho Falls, Idaho 83405

(208) 524-0731

NO. FILED
A.M. P.M.

MAR 08 2013

CHRISTOPHER D. RICH, Clerk
By MARY REID
DEPUTY

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

DIVERSIFIED EQUITY SYSTEMS, a
Limited Liability Company

Plaintiff,

vs.

MICHAEL KELLY,

Defendant.

Case No. CV OC 1304541

COMPLAINT

Fee: \$96.00

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE**

COMES NOW plaintiff, Diversified Equity Systems, LLC, and for a claim against
Defendant, alleges as follows:

1. The plaintiff is an Idaho limited liability company qualified to do business in the State of Idaho.
2. The defendant, Michael Kelly is an individual residing in the State of Idaho.
3. At all times mentioned herein the plaintiff was, and still is, a licensed and bonded collector under the laws of the State of Idaho, and before the commencement of this action the debt herein sued upon was assigned by Cash Call to the plaintiff for the purpose of collection. The plaintiff is now the holder thereof for such purposes.

4. The Defendant is indebted to the plaintiff by reason of the allegations herein and owe the plaintiff in the following stated amounts:

CASH CALL	
Principal Amount Owning	\$ 2,431.99
Prejudgment Interest	<u>\$ 10,132.00</u>
Subtotal	\$ 12,563.99
TOTAL	\$ 12,563.99

5. The plaintiff is entitled to further prejudgment interest from the date the complaint is filed until judgment is entered.

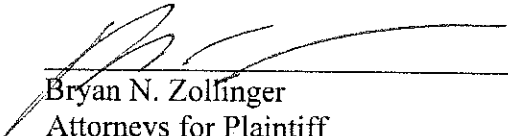
6. Despite the plaintiff's requests and demands, and without offering any reason or objection to the bill, the Defendant has failed to pay the indebtedness in full.

7. To obtain payment of the obligation due, the plaintiff has been required to retain the services of Smith, Driscoll & Associates PLLC, attorneys at law. This action arises from an open account and/or from services provided. Moreover, written demand for payment on the Defendant has been made more than 20 days prior to commencing this action. Pursuant to Idaho Code § 12-120(1) and 12-120(3) the plaintiff is entitled to recover the plaintiff's attorney's fees incurred herein in the sum of \$4,397.40 if judgment is taken by default and such greater amounts as may be evidenced to the court if this claim is contested. Pursuant to Idaho Rules of Civil procedure § 54(d)(1) the plaintiff is further entitled to recover the plaintiff's costs incurred herein.

WHEREFORE, the plaintiff demands judgment against the Defendant, for the principal sum of \$2,431.99, together with legal interest on said sum in the amount of \$10,132.00, the filing fee of \$96.00 and attorney's fees incurred herein in the sum of \$4,397.40, for a combined total of \$17,057.39 plus the costs of suit to be proven to the court, and for such other and further relief as is equitable and just.

DATED 5th day of March, 2013

SMITH, DRISCOLL & ASSOCIATES, PLLC



Bryan N. Zollinger
Attorneys for Plaintiff

RECEIVED

MAR 08 2013

Ada County Clerk

N. Zollinger ISB # 8008

SMITH, DRISCOLL & ASSOCIATES, PLLC

414 Shoup Avenue

P.O. Box 50731

Idaho Falls, Idaho 83405

(208) 524-0731

NO. _____ FILED _____
A.M. _____ P.M. 5

MAR 08 2013

CHRISTOPHER D. RICH, Clerk
By MARY REID
DEPUTY

Attorneys for Plaintiff

PATRICIA G YOUNG

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

DIVERSIFIED EQUITY SYSTEMS, a
Limited Liability Company,

Plaintiff,

vs.

MICHAEL KELLY

Defendant.

Case No. CV OC 1304541

SUMMONS

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF(S).
THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER
NOTICE UNLESS YOU RESPOND WITHIN 30 DAYS. READ THE INFORMATION
BELOW.

TO: Michael Kelly
355 Rhonda
Lytle, TX 78052

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court within 30 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case;
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim;
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney; and
4. Proof of mailing or delivery of a copy of your response to plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court at:

Ada County Clerk Civil Division
Ada County Courthouse
200 W. Front St.
Boise, ID 83702
208-287-6900

DATED this 8th day of March, 2013.

CLERK OF THE DISTRICT COURT
CHRISTOPHER D. RICH
By: Jelany Reed
Deputy Clerk

RECEIVE

AFFIDAVIT OF SERVICE

MAR 29 2013

State of IDAHO

Ada County Clerk

County of ADA

District Court Fourth Court

Case Number: CV-13-4541

NO. 1040 FILED
A.M. _____ P.M. _____

Plaintiff:
DIVERSIFIED EQUITY SYSTEMS, A LIMITED LIABILITY COMPANY

vs.
Defendant:
MICHAEL KELLY

MAR 29 2013

CHRISTOPHER D. RICH, Clerk
By ELYSHIA HOLMES
DEPUTY

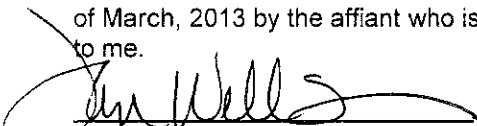
Received these papers on the 18th day of March, 2013 at 11:02 am to be served on MICHAEL KELLY, 355 RHONDA, LYTLE, TX 78052.


I, MARGARITO VASQUEZ SCH2597 EXP 5-31-13, being duly sworn, depose and say that on the 19th day of March, 2013 at 12:15 pm, I:

Substitute Served by leaving a true copy of this **SUMMONS, COMPLAINT WITH A NOTICE OF FAIR DEBT PRACTICES** with the date and hour of service endorsed thereon by me, at the within named person's usual place of abode, who resides therein, who is sixteen (16) years of age or older and informed said person of the contents therein, in compliance with state statutes JOHN KELLY, FATHER and informing said person of the contents thereof.

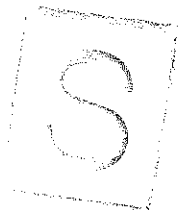
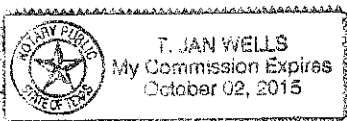
I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 20th day of March, 2013 by the affiant who is personally known to me.


NOTARY PUBLIC


MARGARITO VASQUEZ SCH2597 EXP 5-31-13
SCH2597 EXP 5-31-13

Our Job Serial Number: BBW-2013001358



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APR 22 2013

Ada County Clerk #8008
SMITH, DRISCOLL & ASSOCIATES, PLLC
414 Shoup Avenue
P.O. Box 50731
Idaho Falls, Idaho 83405
(208) 524-0731

FILED
APR 22 2013
A.M. 9:13

APR 22 2013

CHRISTOPHER O. RICH, Clerk
By KATHY BIEHL
Deputy

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

DIVERSIFIED EQUITY SYSTEMS, a
Limited Liability Company,

Plaintiff,

vs.

MICHAEL KELLY

Defendant.

Case No. CV-OC-13-4541

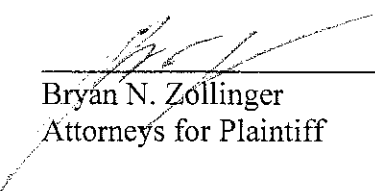
APPLICATION FOR ENTRY OF
DEFAULT

TO THE CLERK OF THE COURT:

Plaintiff's complaint having been filed on March 8, 2013, and the Defendant, having been personally served on March 19, 2013, as more fully appears from the certificate of service on file herein, and the time for appearance having expired, you are requested to enter the default of the Defendant in favor of the plaintiff pursuant to Rule 55(a)(1).

DATED this 18th day of April, 2013.

SMITH, DRISCOLL & ASSOCIATES, PLLC


Bryan N. Zollinger
Attorneys for Plaintiff

Bryan N. Zollinger ISB #8008
SMITH, DRISCOLL & ASSOCIATES, PLLC
P.O. Box 50731
Idaho Falls, Idaho 83405
(208) 524-0731

913
APR 22 2013
CHRISTOPHER D. BROWN, Clerk
By KATHY BROWN
Deputy

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

DIVERSIFIED EQUITY SYSTEMS, a
Limited Liability Company,

Plaintiff,

vs.

MICHAEL KELLY

Defendant.

Case No. CV-OC-13-4541

APPLICATION FOR DEFAULT
JUDGMENT

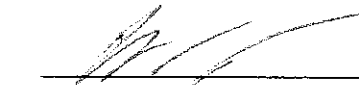
TO THE CLERK OF THE COURT:

The plaintiff hereby requests a judgment by default against the Defendant pursuant to I.R.C.P. 55(b)(1) and/or I.R.C.P. 55(b)(2) in the total amount of \$17,147.39.

I certify that the following name is the name of the Defendant against whom the plaintiff requests a judgment by default and that the foregoing address is the address that is most likely to give notice of such judgment by default to the Defendant:

Michael Kelly, 355 Rhonda Lytle, Texas 78052

DATED this 18th day of April, 2013. SMITH, DRISCOLL & ASSOCIATES, PLLC


Bryan N. Zollinger
Attorneys for Plaintiff

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Bryan N. Zollinger ISB #8008
SMITH, DRISCOLL & ASSOCIATES, PLLC
414 Shoup Avenue
P.O. Box 50731
Idaho Falls, Idaho 83405
(208) 524-0731

NO. 9/3
AM. 9/3

APR 22 2013

CHRISTOPHER D. RICH, Clerk
By KATHY BIEHL
Deputy

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

DIVERSIFIED EQUITY SYSTEMS, a
Limited Liability Company,

Plaintiff,

vs.

MICHAEL KELLY

Defendant.

Case No. CV-OC-13-4541

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR DEFAULT
JUDGMENT

STATE OF IDAHO)
)ss:
County of Bonneville)

I, Bryan N. Zollinger, state and declare the following under oath:

1. I represent the plaintiff.
2. The plaintiff filed a complaint against the Defendant on March 8, 2013.
3. The amount due from the Defendant is the sum certain of \$17,147.39, said

amount being itemized as follows, to-wit:

Principal	\$2,431.99
Interest	\$10,132.00
Attorney's fee	\$4,397.40
Filing fee	\$96.00
Service fee	\$90.00
Amount Paid	\$-0.00

TOTAL

\$17,147.39

4. The amount shown by the above accounting is justly due and owing, and no part of said balance has been paid except as otherwise shown; the disbursements sought to be taxed have been made in this action or will necessarily be made or incurred herein.

5. To the best of my knowledge the Defendant(s) is not an infant, incompetent person, nor is the defendant serving in the United States Military.

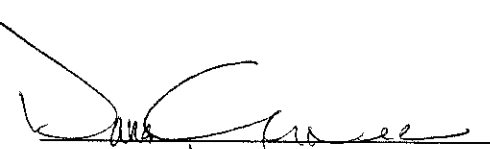
6. Accordingly, the plaintiff requests that the court enter a default judgment in the total amount of \$17,147.39 pursuant to the Application For Default Judgment on file herein.

DATED this 18th day of April, 2013.

SMITH, DRISCOLL & ASSOCIATES, PLLC


Bryan N. Zollinger

SUBSCRIBED AND SWORN TO before me this 18th day of April, 2013.


Notary Public for the State of Idaho

Residing at: Idaho Falls, ID

My Commission Expires: 07/01/18

(SEAL)

