

| Time | Speaker | Note |
|-------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:44:42 AM | | Diversified Equity Systems vs. Michael Kelly CVOC1304541 Diversified Equity Systems vs. Esther Garcia CVOC1222614 |
| 11:45:20 AM | Judge Young Mr. Zollinger Judge Young Mr. Zollinger Judge Young Mr. Zollinger Judge Young | Calls case - Mr. Zollinger Present via phone - I find the amounts exceeding excessive. Most time when people not pay, within about 3 months is when people file suites and not wait so long. Not sure I have authority to raise issues of unconscionable and ethical questions. Want to know your procedure is when you get these cases. File suite as soon as I get them from my client. He is buying these accounts from people who have given up trying to collect. If people would file an answer or contact us we will waive 100% of the interests if they pay the principle balance. Assume the original lender is holding on to them before my client buys them. Just don't get these types of cases with interest only from you. Wished Idaho had a usury laws to protect people. Ask you really look at these cases, do think they are really unconscionable. I will look at those. I would testify if the state would bring up such laws Enters Default and Default Judgment on both cases End of Cases |

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

NO. _____
A.M. _____

JUL 10 2013

CHRISTOPHER D. ...
By LYNDA ...
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

ORDER FOR DEFAULT ENTRY

The plaintiff, Diversified Equity Systems, LLC, by its attorneys of record, having moved this Court for a determination and entry of default and judgment against the above-entitled defendant(s), Michael Kelly and the Court having reviewed the Court's file and all of the pleadings therein, the Court makes the following findings:

That the Defendant, Michael Kelly were duly and regularly served with process pursuant to Rule 4 of the Idaho Rules of Civil Procedure, as shown by the Affidavit of Service on file herein;

That the time prescribed by Rule 4 of the Idaho Rules of Civil Procedure, for appearance and answer or other pleading by the said Defendant, Michael Kelly, has elapsed without the defendants' appearance or filing a pleading of any nature whatsoever;

That the plaintiff's Complaint is deemed admitted pursuant to Idaho Rules of Civil Procedure, Rule 8(d), for failure to respond by the defendants;

That there is due and owing from the said defendant(s) to the said plaintiff the sum of \$17,147.39, plus all applicable accrued prejudgment interest, pursuant to the Application for Judgment on file herein;

Based upon the above findings, it is hereby;

ORDERED, ADJUDGED AND DECREED, AND THIS DOES ORDER, ADJUDGE AND DECREE that the Default of the said defendants, be, and hereby is, determined and adjudged, and the Clerk is directed to enter the default of record in this action.

DATED this _____ day of JUL 03 2013, 2013

Patricia H. Young
Magistrate Judge

CERTIFICATE OF SERVICE

Hereby certify that I am the clerk of the above-entitled court, and that on the 10 day of July, 2013, I served a true and correct copy of the foregoing **ORDER FOR DEFAULT ENTRY** on the persons listed below by mailing, with the correct postage thereon, or by causing the same to be hand delivered.

Persons Served:

Bryan N. Zollinger
Smith, Driscoll & Associates PLLC
P.O. Box 50731
Idaho Falls, Idaho 83405

Box Mail

Michael Kelly
355 Rhonda
Lytle, TX 78052

Hand Mail

[Signature]
Clerk

RECEIVED

APR 22 2013

Ada County Clerk

Bryan N. Zollinger ISB #8008

SMITH, DRISCOLL & ASSOCIATES, PLLC

414 Shoup Avenue

P.O. Box 50731

Idaho Falls, Idaho 83405

(208) 524-0731

NO 11 11:00 AM

JUL 10 2013

CHRISTOPHER D. RICH, Clerk
By LYNDA M. HANSEN
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

DEFAULT

IN THIS ACTION, the Defendant, Michael Kelly, having been regularly served with process, and having failed to appear or file a responsive pleading to plaintiff's complaint on file herein, and the time allowed by law for filing a responsive pleading having expired, upon application of Smith, Driscoll & Associates PLLC, attorneys for the plaintiff, the default of the said Defendant is hereby duly entered according to law.

DATED this 3 day of July, 2013.

Patricia G Young
Magistrate Judge

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

NO. _____
A.M. _____
JUL 13 2011
CHRISTOPHER D. ...
By LYNDIA ...

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

DEFAULT JUDGMENT

The Defendant(s), Michael Kelly, having been regularly served with process and having failed to appear and plead to Plaintiff's Complaint on file herein, the time allowed by law for so pleading having expired, it appearing that said Defendant(s) is/are not an infant or incompetent person(s) and an affidavit of non-military service having been filed herein, and it appearing by the affidavit of Bryan N. Zollinger, attorney for Plaintiff, that Plaintiff is entitled to the entry of default and judgment herein;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that default shall be entered and that Plaintiff have and recover from the Defendant(s) the sum of \$17,147.39, the amount being itemized as follows:

| | | |
|----------------|-------------------------------|---------------|
| Principal | \$2,431.99 | |
| Interest | \$10,132 | |
| Attorney's fee | \$4,297.40 | 600.00 Pky |
| Filing fee | \$96.00 | |
| Service fee | \$90.00 | |
| Amount Paid | \$-0.00 | |
| TOTAL | <u>\$17,147.39</u> | 13,349.99 Pky |

upon which sum interest shall accrue at the rate provided by law, and upon which judgment execution may issue.

DATED this 3 day of July, 2013.

Patricia A Young
Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that I am the clerk of the above-entitled court, and that on the _____ day of July, 2013, I served a true and correct copy of the foregoing **DEFAULT JUDGMENT** on the persons listed below by mailing, with the correct postage thereon, or by causing the same to be hand delivered.

Persons Served:

Bryan D. Smith
Smith, Driscoll & Associates PLLC
P.O. Box 50731
Idaho Falls, Idaho 83405

Courthouse Box
 Mail

Michael Kelly
355 Rhonda
Lytle, TX 78052

Hand Mail

[Signature]
Clerk

