

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

BANK OF AMERICA, N.A.

PLAINTIFF

v.

CASE NO. 4:09-CV-00745 BSM

**THELMA JOSHUA, individually; THELMA
JOSHUA, as trustee of THE THELMA
JOSHUA REVOCABLE TRUST; and
THELMA JOSHUA as TRUSTEE of THE
ERNEST P. JOSHUA REVOCABLE TRUST**

DEFENDANT

ORDER


On February 7, 2011, Bank of America's motion for summary judgement was granted. [Doc. No. 42]. Bank of America was asked to submit a damages calculation for review. Bank of America has submitted its final calculations [Doc. No. 43], and defendants have replied [Doc. No. 46].

Defendants object to the costs and attorney's fees incurred by Bank of America, contending that \$596,714.78 is unreasonable. Defendants, however, agreed to pay legal costs and expenses incurred by Bank of America defending its rights in the underlying loan and enforcing the guaranty. See Summ. J. Order 4–5. As per the contract, Bank of America is entitled to these costs and fees. The pleadings also indicate that there is nothing unreasonable about the costs incurred by Bank of America to defend its rights in the underlying loan or to enforce the guaranty.

Bank of America is awarded \$5,386,712.21 as of March 9, 2011, plus \$665.78 per day for ongoing interest between March 9, 2011, and the date judgment is entered. Post judgment

interest will continue to run at the rate of 0.18 percent per annum.

IT IS SO ORDERED this 26th day of July 2011.


UNITED STATES DISTRICT JUDGE