

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Wiley Y. Daniel**

Civil Action No. 10-cv-02818-WYD-MJW

DELMO FRESQUEZ

Plaintiff,

v.

WELLS FARGO, N.A., AND US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS HEAT 2003-7

Defendant,

and

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS HEAT 2003-7

Third Party Plaintiff,

v.

JO ANNE STROCK

Third Party Defendant.

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**ORDER GRANTING DEFAULT JUDGMENT**

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THIS MATTER comes before the Court on Defendant/Third Party Plaintiff US Bank National Associations', as Trustee for Credit Suisse First Boston MBS Heat 2003-7 ("US Bank") Unopposed Motion for Default Judgment (ECF No. 44), filed January 23, 2012. Having reviewed the pending unopposed motion, and being otherwise sufficiently advised, I find that the motion should be granted.

In accordance therewith, I further find that Ms. Strock is hereby found liable to US

Bank for civil theft because she knowingly exercised control over the property of another, the loaned money, by deception, and she intended to deprive US Bank permanently of the benefit of the funds as evidenced by the fact that she never made a payment on the loan she obtained. Based on her theft, Ms. Strock is liable to US Bank for treble damages, plus court costs and attorneys' fees. The principal amount owed by Ms. Strock is \$120,000.00, plus interest of \$52,495.00 and late fees of \$2,743.34, plus \$11,525.56 in advanced escrow funds, court costs of \$1,761.73 and attorneys' fees totaling \$28,074.73. Based upon these figures, Ms. Strock's total liability for civil theft is \$590,128.16. Accordingly, it is

ORDERED that judgment hereby enters against Ms. Strock in the amount of \$590,128.16 in favor of US Bank on its claim for civil theft. It is

FURTHER ORDERED that US Bank may seek default judgment as to its remaining claims for relief at a later date.

Dated: January 30, 2012

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
CHIEF UNITED STATES DISTRICT JUDGE