

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

The Bank of Utah, not in its individual)
Capacity but solely as Owner Trustee of)
The 198 Trust Agreement dated)
December 15, 2010, and any)
amendments thereto,)
)
Plaintiff,)
)
v.)
)
CAAMS, LLC; Everette C. Mash III,)
)
Defendants.)

Civil Action No. 15-CV-01037-RBJ

ORDER OF JUDGMENT

The COURT has considered Plaintiff’s, The Bank of Utah, not in its individual Capacity but solely as Owner Trustee of The 198 Trust Agreement dated December 15, 2010, and any amendments thereto (“Plaintiff”) Motion for Default Judgment against Defendants CAAMS, LLC (“CAAMS”) and Everette C. Mash, III (“Mash”) (collectively “Defendants”), filed on May 15, 2015 and Plaintiff’s Brief in Support of Plaintiff’s Motion for Default Judgment against Defendants and its supporting documentation and makes the following findings:

1. Plaintiff filed suit against Defendants on May 15, 2015.
2. Defendant CAAMS was properly served with process on May 26, 2015 and Plaintiff properly filed an Affidavit of Service on May 28, 2015;
3. Defendant CAAMS was required to file an answer or otherwise appear in the lawsuit by June 16, 2015.
4. Defendant Mash was properly served with process on May 26, 2015 and Plaintiff properly filed an Affidavit of Service on May 28, 2015;

5. Defendant Mash was required to file an answer or otherwise appear in this lawsuit by June 16, 2015.

6. Defendants have failed to answer or otherwise responded to the lawsuit in the time prescribed by the Federal Rules of Civil Procedure;

7. Time has expired for Defendants to answer or otherwise respond to this lawsuit;

8. On June 18, 2015, Plaintiff requested the Clerk of Court enter default against both Defendants, showing the Clerk that Defendants had been properly served and that entry of default against Defendants was proper under the Federal Rules of Civil Procedure;

9. Plaintiff provided notice of the Request for Entry to Defendants via first class mail.

10. On June 19, 2015, the Clerk of Court properly entered default against Defendants;

11. On July 9, 2015, Plaintiff filed a Motion for Default Judgment, along with a supporting brief and documentation ("Motion for Default");

12. The Motion for Default was sent to Defendants via first class mail.

13. On July 14, 2015, the Court requested Plaintiff schedule a hearing on damages. On July 15, 2015, the Court set a hearing on damages on August 19, 2015.

14. On July 17, 2015, Plaintiff sent notice of the damages hearing to Defendants via first class mail and filed with the Court the notice sent to Defendants.

15. The Court held a hearing on August 19, 2015. Plaintiff appeared. Defendants did not appear.

16. Defendants are not minors or incompetent and are not currently serving in the U.S. Military.

17. The Court has personal jurisdiction over Defendants.

18. The Court has subject matter diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a).

19. Plaintiff's well-pleaded fact allegations as alleged in Plaintiff's Complaint are admitted by Defendants and the facts alleged support a default judgment on the claims and an award of damages to Plaintiff.

THEREFORE, THE COURT ORDERS that Plaintiff, the Bank of Utah, not in its individual capacity but solely as Owner Trustee of The 198 Trust Agreement dated December 15, 2010, and any amendments thereto, is entitled to Default Judgment in its favor on the original Complaint. This judgment shall be entered against Defendant Everette C. Mash III and Defendant CAAMS, LLC, jointly and severally, and shall be in the sum certain amount of \$4,812,228.50. This amount consists of the following values of the

a. \$4,350,000.00 This amount is the value of the aircraft, \$1,450,000.00, trebled pursuant to C.R.S. § 18-4-405.

b. \$367,529.22 Pre-judgment interest at the Colorado statutory rate of 8% per annum on the \$1,450,000.00 value of the aircraft.

c. \$93,899.30 Attorneys' fees.

d. \$ 800.00 Court Costs

TOTAL: \$4,812,228.50

Dated this 24th day of August, 2015



R. Brooke Jackson
U.S. District Court Judge