

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
LAS VEGAS, NEVADA 89134

1 Jeremy J. Nork, Esq.
Nevada Bar No. 4017
2 Nicole E. Lovelock, Esq.
Nevada Bar No. 11187
3 HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
4 Las Vegas, Nevada 89134
702-669-4600
5 702-669-4650 – fax
jnork@hollandhart.com
6 nelovelock@hollandhart.com

7 *Attorneys for Plaintiff*

8
9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
13 corporation,

14 Plaintiff,

15 v.

16 JONES/WINDMILL, LLC, a Nevada limited
liability company; YOEL INY, an individual;
17 NOAM SCHWARTZ, an individual; YOEL
INY, Trustee of the Y & T INY FAMILY
18 TRUST dated June 8, 1994, as amended; NOAM
SCHWARTZ, Trustee of the NOAM
19 SCHWARTZ TRUST dated August 19, 1999;
D.M.S.I., LLC, a Nevada limited liability
20 company; and DOES 1 through 10, inclusive.

21 Defendants.

CASE NO. 2:12-cv-00452-JCM-GWF

JUDGMENT

22
23 Based upon the previous orders of the Court that include Dkts. 97, 147, and 167, which
24 are incorporated herein by reference:

25 **IT IS HEREBY ORDERED AND ADJUDGED** that on February 29, 2012, the date
26 of the trustee’s sale, taking the amount of the indebtedness (\$1,128,641.98) and providing
27 Defendants credit for the fair market value of the subject property (\$438,648.25) on said date,
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

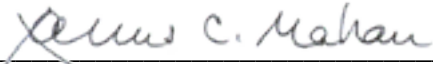
which is higher than the trustee's sale price (\$296,000.00), the amount of the deficiency owed by Defendants to Plaintiff on February 29, 2012 was \$689,993.73.

IT IS FURTHER ORDERED AND ADJUDGED that as of June 23, 2016 (1576 days from the trustee's sale), the deficiency amount is **\$908,990.07**, comprised of principal in the amount of \$689,993.73 and accrued interest in the amount of \$218,996.34, which was calculated pursuant to a default interest rate of 7.25%. That deficiency amount shall accrue interest at the per diem rate of \$138.96 until the date of this judgment.

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff **BRANCH BANKING AND TRUST COMPANY** and against **JONES/WINDMILL, LLC, YOEL INY, NOAM SCHWARTZ, Y & T INY FAMILY TRUST dated June 8, 1994, NOAM SCHWARTZ TRUST dated August 19, 1999, and D.M.S.I., LLC**, jointly and severally, in the amount of **\$908,990.07**.

IT IS FURTHER ORDERED AND ADJUDGED that interest shall accrue at the legal rate from the date of judgment until the judgment is paid in full.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff Branch Banking and Trust is entitled to reasonable attorneys' fees and costs in the amount to be determined by the court. If Branch Banking and Trust Company seeks to recover those fees and costs, it shall file a motion with appropriate documentation within 14 days of entry of this judgment.



James Mahan
United States District Judge

Dated: July 7, 2016