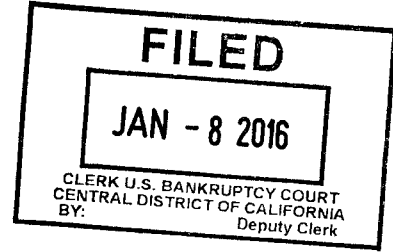


ORIGINAL



John B. Dougherty Colorado Bar No. 13202
10953 Westmoor Drive, Suite 400
Westminster, CO 80021
Telephone: 303-469-1665
Facsimile: 303-648-4473
Email: jbdlawyer@yahoo.com

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:
THE TULVING COMPANY, INC., a
California corporation,

Case No.: 8:14-bk-11492-ES
Chapter 7

Debtor

**RESPONSE BY CLAIMANT CATHERINE J.
TAYLOR TO NOTICE OF MOTION FOR
ORDER REDUCING AND ALLOWING
CLAIM 222-2 FILED BY CATHERINE
J.TAYLOR AUTHORITIES, DECLARATIONS
OF HICHOLAS R. TROSAK AND LINDA F.
CANTOR IN SUPPORT THEREOF**

This Motion Affect The Following Claimants:

- Ford Motor Credit Company, 49-1** (Amended by Claim 49-2)
- Internal Revenue Service, Claim 12-1** (Amended by Claim 12-2)
- Stach, Kenneth W., Claim 142-1** (Amended by Claim 142-2)
- Taylor, Catherine J., Claim 222-1** (Amended by Claim 222-2)
- Collateral Finance Corporation, Claim 330-1** (Amended by Claim 330-2)

Date: January 21, 2016
Time: 10:30 a.m.
Place: Courtroom 5A
411 West Fourth Street
Santa Ana, CA 92701
Judge: Hon. Erithe A. Smith

1-876 - left message for Mr. Dougherty, notifying that correct hearing date is 1-14-16 at 10:30 AM

I. RESPONSE

1. On or about May 15, 2015 Creditor, Catherine J. Taylor ("Creditor") obtained a judgment against Hannes Tulving, Jr., in Boulder County District Court, State of Colorado, Case No. 2014 CV 030620. In the amount of \$130,973.50 (Exhibit A hereto, page 22) Creditor reduced her request for payment to \$129,305.00 in her Amended Claim 2222-2. It is the amount of this judgment, as adjusted in favor of Debtor from \$130,907.50 to \$129,305.00 which, with additional attorney fees and related court cost, is the basis for the Amended Claim in question.

2. Attached hereto as Exhibit A are various other related pleadings and statements from Creditor regarding the basis for this judgment to be entered in her favor.

3. Essentially, Creditor paid Tulving Company, Inc. ("Debtor") the sum of \$42,685.50 as shown in Claim #221. However, under Colorado law, Creditor is entitled to treble damages, under Colorado Revised Statute 18-4-401 and 18-4-405, et seq., plus reasonable attorney fees and costs, as permitted by this statute.

4. Among the allegations of Creditor's First Amended Complaint, (Exhibit A, pages 1-11) is the statement that Creditor asked to speak with Mr. Tulving, and was unable to converse with him. (Exhibit A page 16) It is undisputed that the amounts were paid directly to Debtor.

5. It is undisputed, that Mr. Tulving was, and is, at all pertinent times the sole shareholder, officer, director, and controlling person of Debtor.

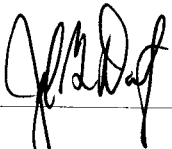
6. As further evidence that the Tulving Corporation, Inc. and Mr. Hannes Tulving, are one and the same, and any claim by Creditor against Mr. Tulving, should substantiate a claim against the Debtor, in Docket 260, filed July 7, 2015, please see in the Declaration of R. Todd Neilson, wherein the Trustee explains that both Mr. Tulving and the Debtor are subject to

criminal charges , and requests this Court authorize Hannes Tulving to sign the Consent agreement for Debtor.

CREDITOR'S POSITION

7. Creditor believes there is a basis for her Amended Claim –under Colorado Law, as set forth herein. Nonetheless, if the Court for any reason disallows the larger claim, Creditor requests in the alternative, that the smaller claim (Claim 222-1) be permitted, as the Trustee so concedes the amount in Claim222-1 agrees with records in the Trustee’s possession.

¹
DATED: January 6, 2016



John B. Dougherty

Attorney for Creditor, Catherine J. Taylor

PROOF OF SERVICE

ntn

Pursuant to Local Bankruptcy Rule 9013-1(f), Creditor, through her below-signed counsel, hereby certifies that on this *6th* day of January 2016, it has filed and served this **RESPONSE BY CLAIMANT CATHERINE J. TAYLOR TO NOTICE OF MOTION FOR ORDER REDUCING AND ALLOWING CLAIM 222-2 FILED BY CATHERINE J. TAYLOR AUTHORITIES, DECLARATIONS OF HICHOLAS R. TROZAK AND LINDA F. CANTOR IN SUPPORT THEREOF**

on the following:

United States Bankruptcy Court
411 West Fourth Street
Santa Ana, CA 92701-4593 via federal express overnight delivery

and that a copy has been served upon counsel for the Trustee; *on January 6, 2015*

Linda F. Cantor, Esq.
Jason S. Pomerantz, Esq.
Pachulski, Stang, Ziehl & Jones, LLP
10100 Santa Monica Boulevard
Suite 1300
Los Angeles, CA 90067
Email: lcantor@pszjlaw.com; jspomerantz@pszjlaw.com



Exhibit A

DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO Court Address: 1776 6 th Street Boulder CO 80112	DATE FILED: November 26, 2014 10:23 AM FILING ID: 936D2206256B5 CASE NUMBER: 2014CV30620
PLAINTIFF, Catherine J. Taylor v DEFENDANT, Hannes Tulving, Jr. John B. Dougherty, Reg. No. 13202 10955 Westmoor Drive, Suite 400 Westminster Co. 80021 Phone : 303 469- 1665 Facsimile : 303 648-4473 Email: jbdlawyer@yahoo.com	▲ COURT USE ONLY ▲ Case Number: 2014 CV 030620 Division: 5
FIRST AMENDED COMPLAINT	

Plaintiff, Catherine J. Taylor, ("Plaintiff") by and through her below signed attorney, hereby states for her First Amended Complaint against Defendant Hannes Tulving, Jr., as follows:

GENERAL ALLEGATIONS

1. Plaintiff, Catherine J. Taylor, is an individual, who resides in the City and County of Boulder, Colorado.
2. Defendant Hannes Tulving, Jr. , acting both individually and through his agents, managers, employees (collectively referred to as "Defendant") is an individual who resides in California, and who owns and operates a business known as the Tulving Company Inc.,

("Tulving Company"), a corporation, with its principal place of business in Newport Beach, California.

3. At all relevant times, Defendant was the sole shareholder, officer, director, and operator of the Tulving Company, Inc.

4. On information and belief, Defendant has operated and controlled, the afore-referenced entity, the Tulving Company, Inc.

5. The Defendant's primary business was the purchase and sale of precious metals including, gold, silver, platinum and palladium to the public at large, and specifically to Plaintiff.

6. Venue is proper in the City and County of Boulder, State of Colorado as the transaction and other related communication, solicitations, theft, and intentional misrepresentation occurred by telephone and electronic communication in the City and County of Boulder, State of Colorado.

7. Jurisdiction is properly conferred upon this Court as the contractual and other tortious actions complained of herein by Plaintiff against Defendant, occurred within the City and County of Boulder, the State of Colorado.

8. Additionally, at all relevant times, Defendant, availed himself of the opportunity to transact business within the City and County of Boulder, State of Colorado.

9. At all relevant times, Defendant held himself out as a stable, established precious metal dealer, acting also, by and through his agent, employees, and other representatives, whom he trained, directed, controlled, managed and supervised, and for who's actions Defendant is vicariously liable and responsible.

10. On or about August 30, 2013 Plaintiff placed an order for 30 Canadian Maple Leaf .999/.9999 (Item Code CAGM0001-0) Gold Coins with Defendant. (hereinafter, referred to as the "product").

11. As payment for the product, on August 30, 2013 Plaintiff transferred *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50) to Defendant. A copy of the Invoice evidencing this transaction marked "Paid 08-30-2013" is attached hereto as Exhibit A.

12. Upon the prescribed period of time passing during which Plaintiff was promised delivery of the ordered product, Plaintiff made numerous telephonic inquiries to Defendant's agents and representatives, to ascertain the status of the shipment of the ordered and purchased product from Defendant.

13. Defendant was directly involved in the day to day operations of the Tulving Company, and personally managed the company, and authorized various agents to speak on his behalf.

14. As a result of his close involvement in the company's day to day operations, Defendant was at all relevant times aware of Tulving Company's inventory of precious metal products and Tulving Company's financial condition, and was directing and instructing all sales persons and customer server representatives of the Tulving Company.

15. On more than one occasion, and specifically on September 5, and 30, 2013, then later, on January 28, 30, and 31, 2014 Plaintiff was advised by Defendant's agents that Plaintiff had completed all necessary conditions precedent to shipment and purchase of the product including payment of all required funds, receipt of which was acknowledged in the amount of *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50).

16. After a substantial period of time went by, Plaintiff notified Defendant that she would be willing to withdraw her order upon recession of the transaction and return of her compensation of *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50) previously paid for the anticipated shipment of product.

17. Despite repeated requests from Plaintiff, Defendant has failed and refused:

A. to return of paid funds paid by Plaintiff from Defendant:

B. or, alternatively, to ship the product which Plaintiff attempted to purchase from Defendant.

18. Despite many requests by Plaintiff for shipment of the purchased product or return of funds paid, Defendant has not acquiesced to any they requests made by Plaintiff.

19. Instead, Defendant's has deliberately, intentionally, converted, stolen, and otherwise unlawfully withheld Plaintiff's money with the intent to permanently deprive her of the use and/or enjoyment of Plaintiff's funds.

20. As of the filing of this Verified Complain, Plaintiff has not received either the product purchase, no return of her *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50) paid over eight (8) months ago.

FIRST CLAIM FOR RELIEF
(THEFT-TREBLE DAMAGES)

21. Plaintiff re-alleges previous allegations as is set forth fully hereinafter.

22. Defendant has deprived Plaintiff the use and/or enjoyment of her funds, without her authorization, and has done so deliberately and intentionally with the intent to permanently deprive Plaintiff of the use and benefit of said funds.

23. Defendant knowingly used, concealed, or abandoned the Plaintiff's money in such a manner as to deprive the Plaintiff of its use or benefit.

24. Defendant used concealed or abandoned the Plaintiff's money intending that this use concealment or abandonment would deprive Plaintiff of her use or benefit of her money.

25. Defendant knowingly retained the Plaintiff's money without providing the product purchased by Plaintiff's funds.

26. As a result of this intentional and volitional act(s) of Def, Plaintiff has suffered and continues to suffer damages and losses as follows:

- a. Loss of the use of the principle amounts of funds;
- b. Interest or other premiums for the use of said funds;
- c. Attorney fees and related court costs;
- d. Other related consequential damages.

27. Pursuant to C.R.S. §§ 18-4-401 et. seq. Defendant has committed theft as defined under this statute.

28. As a result of the action and omissions of Defendant by converting money paid by Plaintiff to Defendant, and otherwise withholding or failing to return said funds despite repeated requests and demand of Plaintiff, Defendant has exhibited the requisite and necessary intentional and intentional actions necessary to form the requisite intent required to violate the statute, and to trigger the award contemplated by statute.

29. Pursuant to C.R.S. §§ 18-4-401, et seq., and C.R.S. § 18-4-405, Defendant is liable to Plaintiff in an amount of three times the principal amount *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50) stolen or otherwise converted by

Defendant in an amount of \$128,565.50, plus reasonable attorney fees and costs as determined by this Court.

SECOND CLAIM FOR RELIEF
(FRAUD INDUCEMENT/EXECUTION)

30. Plaintiff incorporates by reference all previous allegations as if set forth fully hereinafter.

31. Defendant, by and through his failure to communicate with Plaintiff despite repeated requested demands from Plaintiff, has intentionally and deliberately made untrue statements of fact, such as shipment would be made promptly, shipment would be made within a certain number of days, shipment would otherwise be made forthwith, all of which statements have been shown to be materially false and untrue.

32. Defendant, through his agents, has also stated that in exchange for payment of substantial monies by Plaintiff in the principle amount of *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50) Plaintiff would be receiving substantial consideration in the form of the product purchased and ordered.

33. Defendant, through his agents has failed and refused to either ship the product ordered by Plaintiff or to return funds paid by Plaintiff to Defendant and by so doing has damaged Plaintiff.

34. Defendant, through his agents deliberately made the representations set forth above, knowing them to be false, and/or with reckless disregard as to the truth and falsity, and did so with intention that Plaintiff would rely upon representation.

35. Plaintiff did, in fact, reasonably rely upon representations of Defendant and his agents, by paying *Forty Thousand Two Hundred Six Hundred Eighty Five Dollars and Fifty Cents* (\$42,685.50) to Plaintiff, and otherwise refraining from taking prior action against Defendant based upon representations of Defendant's agents and employees that transmission of the ordered product would be forthcoming.

36. As a direct and proximate result of these intentional misrepresentations and omissions, Plaintiff has been damaged in an amount to be proven at trial, but including and not limited to payment of all sums made by Plaintiff to Defendant and/or all other damages permitted under Colorado law.

THIRD CLAIM FOR RELIEFF
(VIOLATION OF COMMODITIES EXCHANGE ACT 7 U.S.C. § 60(a))

37. Plaintiff incorporates by reference all previous allegations as if set forth fully hereinafter.

38. The Commodity Exchange Act ("DEA"), 7 U.S.C. § 6B(a), makes it unlawful "for any person in or in connection with a new order to make, or the making of any contract sale of any commodity for future delivery, can be made, for or on behalf of one other person such contract for future delivery is or may be used for (A) hedging in transaction interstate commerce and such commodity or products or byproducts thereof, of (B) determine the price basis of any transaction in interstate commerce in such commodity, or (C) delivering any such commodity sold, shipped or received in interstate commerce for the fulfillment thereof;

(i) *To cheat or defraud or attempt to cheat or defraud another person;*

(ii) Willfully to make or cause to make such other person in a false report or statement thereof, or willfully to enter or cause to be entered such person in false record thereof;

(iii) Willfully to deceive or to attempt to deceive any such person by any means whatsoever in regard to any such order or contract or the disposition or execution.

39. Pursuant to 7 U.S.C. § 25(a)(1) any person who violates the CEA, or who willfully aids, abets, counsels, induces, or procures the commission of a violation of the CEA, shall be liable for actual damages from one or more commodity transactions, and caused by such violation for any person of any such transactions.

40. Defendant's agreement with Plaintiff to sell precious metals to her constitutes a contract for the sale of a commodity made, or to be made, for delivery in interstate commerce, thereby rendering her claim actionable under the CEA.

41. By his actions, of receiving orders and payments for precious metals from Plaintiff without intent to ever deliver such metals or refund such moneys, Defendant cheated and defrauded Plaintiff, in violation of the CEA.

42. Defendant's representations and promises that the order placed by Plaintiff would be shipped constituted a false statement in connection with a commodity transaction.

43. Defendant's repeated representations and promises that the order placed by Plaintiff would be shipped constituted willful deceit in the contract and the disposition or execution of contracts for commodities.

44. Plaintiff reasonably relied upon these misrepresentations and omissions, and false statements made by Defendant, and others on his behalf, to Plaintiff.

45. Defendant's actions caused damages to Plaintiff as a direct and proximal result of Defendant's violations of the CEA.

FOURTH CLAIM FOR RELIEF
(BREACH OF CONTRACT)

46. Plaintiff re-alleges previous allegations as set forth fully hereinafter.

47. Defendant's failure to deliver the product purchased by Plaintiff constitutes a breach of contract by Defendant.

48. Plaintiff has suffered damages, in an amount to be proven at trial, as a direct and proximate result of the breach of contract by Defendant.

FIFTH CLAIM FOR RELIEF
(UNJUST ENRICHMENT)

49. Plaintiff incorporates by reference all previous allegations as if set forth fully hereinafter.

50. Plaintiff has conferred a substantial benefit upon Defendant by her paying money in exchange for precious metal products.

51. These payments were accepted and retained by Defendant, and his agents, and it would be inequitable for Defendant to retain the benefit without payment to Plaintiff.

52. Defendant's unjust enrichment has resulted in damages to Plaintiff in an amount to be determined at trial, and Plaintiff seeks full disgorgement and restitution of Defendant's enrichment benefits, and/or ill-gotten gain acquired as a result of the unlawful or wrongful con.

WHEREFORE. Plaintiff hereby requests the following relief be granted by this Honorable Court:

A. Judgment in favor of Plaintiff and against Defendant for all damages recoverable under Colorado plus reasonable attorney's fees and costs, and for all economic and non-economic losses permitted under law;

B. A declaratory judgment including specific findings of fact and conclusions of law the Defendant, Hannes Tulving, Jr., individually has intentionally violated C.R.S. §§ 18-4-401, et. seq., thereby committing theft, and other related crimes and unlawful actions as defined by C.R.S. § 18-4-402, resulting in Plaintiff's entitlement to treble damages, reasonable attorney fees and costs, and other such relief as the Court deems appropriate under Colorado law;

D. For all damages to Plaintiff and against Defendant as permitted by law;

E. For any other relief to which Plaintiff is entitled under equity or law;

F. For any other relief this Honorable Court deems appropriate and just, pursuant to

Colorado law.

DATED: November 26, 2014

Respectfully submitted,

*/s/ Original signature on file at law office of
John B. Dougherty pursuant to C.R.C.P. 121 § 1-26*
John B. Dougherty, Esq. #13202
Attorney for Plaintiff, Catherine J. Taylor

Plaintiff's address:

4572 Beachcomb Court
Boulder Co. 80301

Intentional
Blank

DISTRICT COURT, COUNTY OF BOULDER . STATE OF COLORADO Court Address: 1776 6 th Street Boulder CO 80112	DATE FILED: April 1, 2015 1:06 PM FILING ID: 30BF8C2B16914 CASE NUMBER: 2014CV30620
PLAINTIFF , Catherine J. Taylor v DEFENDANT, Hannes Tulving, Jr. John B. Dougherty, Reg. No. 13202 10955 Westmoor Drive, Suite 400 Westminster Co. 80021 Phone : 303 469- 1665 Facsimile : 303 648-4473 Email: jbdlawyer@yahoo.com Attorney	▲ COURT USE ONLY ▲ Case Number: 2014 CV 030620 Division: 5
VERIFIED MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT	

Plaintiff, Catherine J. Taylor ("Plaintiff"), by and through her below signed counsel, hereby moves this Honorable Court, pursuant to C.R.C.P. 121 and 55(b) for entry of default judgment against Defendant Hannes Tulving, Jr. ("Defendant"). As grounds therefor, Plaintiff hereby states:

1. A Summons indicating the return of service as authorized by order of this Court, was filed with the Court on August 30, 2014 – Reception No. C357E09486DD7.
2. More than 35 days has elapsed since the date of service of Plaintiff's First Amended Complaint upon Defendant as set forth in the return of service on file.

3. No response or answer of any kind has been filed by Defendant, despite receiving proper service of process.

4. On January 15, 2015 this Court authorized entry of a Clerk's Default against Defendant, pursuant to C.R.C.P.55 (a).

5. Venue is proper in the City and County of Boulder, Colorado as the contract was formed within Boulder County, and the tortious and otherwise unlawful act set forth in Verified Complaint (Parts 1 and 2) and Plaintiff's First Amended Complaint all took place within the City and County of Boulder, State of Colorado.

6. Upon reasonable inquiry, the Defendant is not an infant, incompetent, in the military service of the United States of America, nor is Defendant an officer or agency of the United States of America or the State of Colorado.

7. As set forth more in the allegations of the Verified Complaint (Parts 1 and 2) and the First Amended Complaint, which are incorporated herein by reference, Defendant has deprived Plaintiff of the use and/or enjoyment of her funds without her authorization, and has done so intentionally and deliberately with the intent to permanently deprive Plaintiff of the use and/enjoyment of her property and therefore, has violated C.R.S. §§ 18-4-401 et. seq. Defendant has knowingly used, concealed or abandoned the Plaintiff's money in such a manner as to deprive the Plaintiff of its use or benefit. Defendant has used, concealed or abandoned Plaintiff's money intending that this use, concealment or abandonment would deprive Plaintiff of the use or benefit of her money. Defendant knowingly retained the Plaintiff's money without providing the product purchased by Plaintiff's funds, and as a result Plaintiff has suffered damages, including but not limited to loss of here money and the use thereof, and reasonable attorney fees and costs. Defendant's actions also constitute fraud.

8. A supporting affidavit from Plaintiff is attached hereto and filed herewith. Supporting documentation of the transaction showing consummation of a purchase of gold coins by Plaintiff is likewise found in the Court's file and is again attached as Exhibit A to Plaintiff's Affidavit.

9. A supporting affidavit from Plaintiff's attorney is also submitted herewith.

10. Because of the willful and intentional nature of the Defendant's acts as defined in C.R.S. §§ 18-4-401 et.seq., Plaintiff is entitled to treble damages pursuant to C.R.S. §18-4-405 against Defendant for his failure to either return Plaintiff's money, or provide the product which was purchased. Instead, Defendant simply absconded with Plaintiff's funds.

11. Plaintiff is also entitled by statute to reasonable attorney fees and costs of this matter, pursuant to C.R.S. § 18-4.405.

12. Plaintiff requests judgment in her favor, and against Defendant, in the amount of three times her actual damages or \$128,056.50, plus reasonable attorney fees and costs as provided by statute.

13. The amount of the judgment is set forth as follows:

A. Principal - \$128,056.50;

B. Plus, costs through April 1, 2015 of \$417.00 and reasonable attorney fees through April 1, 2015 of \$2,500.00;

C. Plus, post judgment statutory interest at the rate of 8% per annum.

TOTAL JUDGMENT: \$130,973.50

WHEREFORE. Plaintiff Catherine J. Taylor hereby requests judgment by default be entered in her favor and against Defendant Hames Tulving, Jr. in the amount of \$130,973.50.

plus, additional reasonable attorney fees and costs as they are incurred in the future, and statutory interest from the date of entry of judgment.

DATED: April, 2015

Respectfully submitted,

/s/ Original signature on file

John B. Dougherty, Esq. #13202
Attorney for Plaintiff

DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO Court Address: 1776 6 th Street Boulder CO 80112	DATE FILED: April 1, 2015 1:06 PM FILING ID: 30BF8C2B169F- CASE NUMBER: 2014CV30620
PLAINTIFF,	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Catherine J. Taylor	
v	Case Number: 2014 CV 030620
DEFENDANT,	Division: 5
Hannes Tulving, Jr.	
John B. Dougherty, Reg. No. 13202 10955 Westmoor Drive, Suite 400 Westminster Co. 80021 Phone : 303 469- 1665 Facsimile : 303 648-4473 Email: jbdlawyer@yahoo.com	
Affidavit Of Catherine J. Taylor	

I, Catherine J. Taylor, being first duly sworn, and of lawful age, hereby stated and depose under oath as follows:

1. My name is Catherine J. Taylor. I am the Plaintiff in the above-captioned lawsuit.
2. On or about August 30, 2013, as set forth in the Exhibit A hereto, I paid \$42,685.50 to purchase 30 Canadian Maple 1 ounce gold coins.
3. I was supposed to receive physical possession of these coins shortly after I had made payment.
4. As time went on, I called Defendant to inquire as to the status of the shipment of my order and eventually to ask for my money back.
5. I was never given the opportunity to speak directly with Defendant, but I was told by a woman named Karen, his representative, that Defendant alone made the decisions as to whether to refund money and/or ship product.

6. I was told by Karen on several occasions that she had relayed my request to Defendant, and she had no authority to do anything else.

7. After receiving no response, I filed the above-referenced lawsuit.

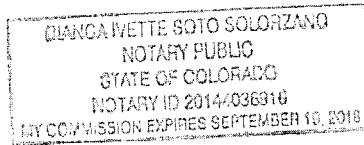
8. I have never received a refund of any portion of my payment, nor have I received any of the gold coins I had so purchased.

9. Venue is proper in the City and County of Boulder as the transaction and all related events occurred therein

10. After reasonable inquiry, to the best of my knowledge, information and belief, the Defendant is not an infant, nor incompetent, nor is Defendant an officer or agency of the State of Colorado or the United States of American, nor is Defendant in the military service of the United States of America.

Catherine J. Taylor
Catherine J. Taylor

State of Colorado)
County of Boulder)



ACKNOWLEDGEMENT

Sworn to, acknowledged, and signed before me, a notary public, by Catherine J. Taylor, on this 31 date of March, 2015.

Witness my hand and official seal.

Diancavette Soto Solorzano
Notary Public Signature

My Commission Expires: September 19, 2018

DISTRICT COURT, COUNTY OF BOULDER,
STATE OF COLORADO
Court Address: 1776 6th Street
Boulder, CO 80112

DATE FILED: April 1, 2015 3:38 PM
FILING ID: D312E2B0359D8
CASE NUMBER: 2014CV30620

PLAINTIFF,

Catherine J. Taylor

v

DEFENDANT,

Hannes Tulving, Jr.

John B. Dougherty, Reg. No. 13202
10955 Westmoor Drive, Suite 400
Westminster Co. 80021
Phone : 303 469- 1665
Facsimile : 303 648-4473
Email: jbdlawyer@yahoo.com

COURT USE ONLY

Case Number: 2014 CV
030620

Division: 5

AFFIDAVIT OF JOHN B. DOUGHERTY

I, John B. Dougherty, being first duly sworn and of lawful age, hereby state and depose as follows:

1. My name is John B. Dougherty. I am and have been a licensed attorney, in good standing, in the State of Colorado since 1983. I am currently counsel for the Plaintiff in the above captioned case. Throughout my career, my practice has emphasized various forms of litigation. I began representing the Plaintiff, Catherine J. Taylor, in early 2014.

2. I am familiar with the hourly rates and customary charges typically made by Colorado attorneys in the Denver/Boulder Metropolitan area and throughout Colorado. I am familiar with standards for determining reasonable attorney fees, pursuant to Colorado law, and particularly pursuant to standards set forth in Colorado Rule of Professional Conduct 1.5.

3. Costs totaling \$417.00 have been incurred and/or paid. Of the \$417.00, \$302.00 has been paid to ICCES for filing and service fees electronically; the primary charge being \$244.00 for the original cost associated with filing the Verified Complaint. A copy of the ICCES

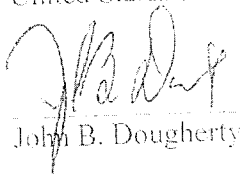
receipt for payments totaling \$302.00 is attached hereto as Exhibit A. In addition, a charge of \$115.00 was incurred for service of process which occurred out of state in California.

4. Attorney fees in the amount of \$2,500.00 have been incurred; half that amount has been paid - \$1,250.00. Additional attorney's fees and costs are likely to be incurred in the process of collection.

5. The attorney fees charged were contracted for on a flat fee basis; that is, the attorney fees were not to exceed \$2,500.00 under the present circumstances. The fees include all services provided to date, including consultations with the client, arranging service of process, drafting and filing all pleadings filed with the Court including, but not limited to, the Verified Complaint, Verified Motion to Authorize Substitute Service, the First Amended Complaint, the Verified Motion for Entry of Clerk's Default, and this Verified Motion for Entry of Default Judgment, as well as various status reports and proposed orders. Based upon my experience, and the criteria of Colorado Rule of Professional Conduct 1.5, in my opinion the \$2,500.00 in attorney fees paid and incurred to this date, are reasonable.

6. Venue is proper within the City and County of Boulder, State of Colorado, as stated in the pleadings, as the transaction which forms the basis for the claims set forth in the First Amended Complaint, occurred in Boulder County.

7. After reasonable inquiry, to the best of my knowledge, information and belief, the Defendant is not an infant, nor is he incompetent, he is not engaged in the military service of the United States of America, and he is not an officer or agency of the State of Colorado or the United States of America.


John B. Dougherty

STATE OF COLORADO 1

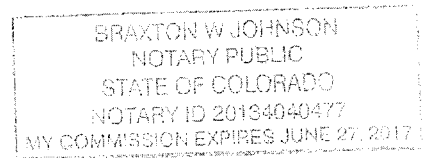
1
COUNTY OF Barnes

ACKNOWLEDGMENT

SWORN TO, ACKNOWLEDGED, AND SIGNED BEFORE ME, A NOTARY
PUBLIC, BY JOHN B. DOUGHERTY, ON THIS 1 DAY OF APRIL 2015.

WITNESS MY HAND AND OFFICIAL SEAL


NOTARY PUBLIC SIGNATURE



User: John Dougherty Filing ID:
 Court Location: Boulder County Filing Party:
 Case Number: 2014CV30620 Billing Reference:
 Authorizing Party: Invoice Date Range: 03/01/2014 - 03/31/2015
 Record Total: 14 Total Fees: \$302.00

Invoice Date	IC	Location	Case Number	Case Caption	Authorizer	Submitter	Billing Reference	Fee Type	Amount
05/16/2014 05:02:06 PM	77D53FC787935	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ1 Complaint	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$5.00
05/19/2014 07:49:53 AM	77D53FC787935	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJT Complaint	CV FILING FEE	\$224.00
05/06/2014 02:53:05 PM	47EE944058297	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Taylor VM for Sub Service	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
06/10/2014 04:08:46 PM	E60FF210A7E79	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Taylor Cert of Service by Mail	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
08/29/2014 10:56:33 AM	3AE7452E27A92	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	Taylor - Report to Court for Status + E of House	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$8.00
10/01/2014 12:37:14 PM	E57745DA68487	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Status 10-01-14	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
11/26/2014 10:23:42 AM	936D2206250B6	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Taylor Amended Complaint	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
12/02/2014 10:38:37 AM	929C82A0745D7	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Taylor Ex. to FAC	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
12/04/2014 09:27:45 AM	6E0AC7E693EEA	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Mailing Cert - FAC	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
12/04/2014 09:30:47 AM	3E9B5BE030D54	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJT - Status Report - Service of Defendant	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
12/05/2014 04:08:00 PM	2FDAD8F57A87D	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Summons FAC	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
12/09/2014 09:23:27 AM	C357E09466DD7	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJ Taylor Aff ROS filed 12-8-14	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
01/14/2015 01:09:19 PM	B0E051D83E102	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty Jr	John Dougherty	CJ Taylor Clerk's Default	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$6.00
03/24/2015 03:07:04 PM	A1EAB1839A37E	Boulder County	2014CV30620	Taylor, Catherine J.V. Tutving, Hannes Jr	John Dougherty	John Dougherty	CJT JED	DISTRICT COURT, COURT OF APPEALS AND SUPREME COURT E-FILE FEE	\$8.00

\$302.00

Erin A

Filed by Plaintiff/Petitioner
 Filed by Defendant/Respondent

Case Number: 2014-1240029

Division: 5

Case Type: Debt

Judicial Officer: Patrick D. Smith

Judgments

Judgment Date	Judicial Officer	Judgment Type	Status	Creditor(s)	Debtor(s)	Date Entered	Fee Type	Amount
05/13/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Catherine Taylor	Hannah Taylor et al	05/13/2015	PRINCIPAL	\$128055.50
						05/13/2015	COURT COSTS	\$417.00
						05/13/2015	ATTORNEY FEES	\$2500.00
						05/13/2015	INTEREST	\$0.00
							Total	\$130972.50

Judgment Date	Judicial Officer	Judgment Type	Status	Creditor(s)	Debtor(s)	Date Entered	Fee Type	Amount
04/02/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	04/02/2015	PRINCIPAL	\$100,000.00
03/03/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	03/03/2015	INTEREST	\$1,000.00
01/21/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	01/21/2015	INTEREST	\$1,000.00
02/14/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	02/14/2015	INTEREST	\$1,000.00
02/10/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	02/10/2015	INTEREST	\$1,000.00
04/13/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	04/13/2015	INTEREST	\$1,000.00
01/04/2015	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	01/04/2015	INTEREST	\$1,000.00
12/09/2014	Andrew Hartman	Default Judgment	UNSATISFIED	Bank of America	Bank of America	12/09/2014	INTEREST	\$1,000.00

Filing ID	Date Filed	Authorizer	Organization	Filing Party	Document	Document Title	Document Security	
								Taking Jurisdiction CA
	2FDADB67A972	12/08/2014 4:08 PM	John B Dougherty	John B Dougherty Law Firm	Catherine J Taylor		Summons	Summons - First Amended Complaint Public
	N/A (Details)	12/04/2014 1:44 PM	Andrew Hartman	Boulder County	N/A		Order (Retained Document)	Order Status Report Public
	3E9B8BE90CD94	12/04/2014 9:30 AM	John B Dougherty	John B Dougherty Law Firm	Catherine J Taylor		Report (Retained Document)	Status Report Public
	6E0AC7E693EEA	12/04/2014 9:27 AM	John B Dougherty	John B Dougherty Law Firm	Catherine J Taylor		Certificate	CERTIFICATE OF SERVICE BY MAIL Public
	9B9C92A274ED7	12/02/2014 10:32 AM	John B Dougherty	John B Dougherty Law Firm	Catherine J Taylor		Exhibit - Attach to Pleading/Doc	Exhibit A to First Amended Complaint Suppressed
	936D270525665	11/26/2014 10:23 AM	John B Dougherty	John B Dougherty Law Firm	Catherine J Taylor		Complaint - Amended	Complaint - Amended Public
	N/A (Details)	11/07/2014	Maria E Berkenkotter	Boulder County	N/A		Order	Order Delay Prevention Public
	N/A (Details)	10/03/2014 11:25 AM	Andrew Hartman	Boulder County	N/A		Order (Retained Document)	Order Order re Status Report and Request for Extension of Time Public