

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: Harvey Sender, as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC.</p> <p>v.</p> <p>Defendants: Russell Becker, Joseph J. Pierce, and Ken Stoltzfus.</p>	
<p>Attorneys for Receiver: Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Rachel A. Sternlieb, #51404 Jeremy T. Jonsen, #48859 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout St., Suite 1100 Denver, Colorado 80202 Phone Number: (303) 534-4499 mgilbert@allen-vellone.com pvellone@allen-vellone.com jjonsen@allen-vellone.com rsternlieb@allen-vellone.com</p>	<p>Case Number: 19CV33374</p> <p>Division/Courtroom: 269</p>
<p>MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT RUSSELL BECKER</p>	

Plaintiff, Harvey Sender, solely in his capacity as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (the “Receiver”), pursuant to C.R.C.P. 55(a), asks the Clerk to enter default against Defendant Russell Becker (“Defendant”).

I. Certificate regarding conferral pursuant to C.R.C.P. 121, § 1-15(8):

Defendant has been served with the summons and complaint but has not contacted counsel for the Receiver, entered an appearance, or filed a responsive pleading. Accordingly, no conferral is required.

II. Request for entry of default

1. The Receiver filed his Complaint against Defendant, among others, on August 30, 2019.

2. Defendant was served with the Complaint in New Mexico on September 19, 2019. *See* Affidavit of Service filed with the Court on October 1, 2019.

3. Pursuant to C.R.C.P. 12(a)(2), Defendant was required to respond to the Complaint within 35 days, by October 24, 2019. To date, Defendant has not contacted the Receiver to request an extension to respond to the Complaint, filed a responsive pleading, or otherwise defended.

4. C.R.C.P. 55(a) provides that, “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.”

5. Because Defendant was properly served and has failed to timely file a responsive pleading, default should enter.

WHEREFORE, the Receiver requests that the Clerk enter default against Defendant Russell Becker.

Dated: October 28, 2019

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

By:  /s/ *Jeremy T. Jonsen*

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ATTORNEYS FOR THE PLAINTIFF, AS RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2019, I served a true and correct copy of the foregoing on the Colorado Courts E-Filing system, where no parties or counsel have yet entered an appearance in this case and also mailed the foregoing via certified mail to Russell Becker, at the address listed below where he was served process.

Russell Becker (via certified mail)
16 La Villita Circle NE
Albuquerque, NM 87122



s/ Lisa A. Vos

Allen Vellone Wolf Helfrich & Factor P.C.

AFFIDAVIT OF SERVICE

DATE FILED: October 1, 2019 10:06 AM
FILING ID: 1AB5B462C1D0C
CASE NUMBER: 2019CV33374 **District Court**

State of Colorado

County of Denver

Case Number: 19CV33374

Plaintiffs:

Harvey Sender, as Receiver for Gary Dragul, GDA Real Estate Services, LLC and GDA Real Estate Management, LLC

vs.

Defendants:

Russell Becker, Joseph J. Peirce, and Ken Stoltzfus

For: Allen Vellone Wolf Helfrich & Factor, PC

Received by Front Range Legal Process Service, Inc. on the 9th day of September, 2019 at 1:28 pm to be served on **Russell Becker, 16 La Villita Circle NE, Albuquerque, NM 87122.** I, Michael Tinker, being duly sworn, depose and say that on the 19th day of September, 2019 at 7:25 pm., executed service by delivering a true copy of the **Summons; Complaint; Delay Reduction Order; Civil Coversheet; Exhibits**

In accordance with state statutes in the manner marked below:

INDIVIDUAL SERVICE: Served the within-named person.

SUBSTITUTE SERVICE: By Serving _____ as _____

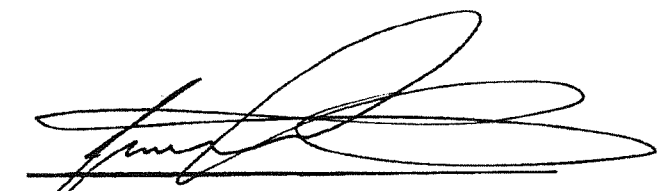
POSTING _____

DESCRIPTION) Age 75 Sex M Race Wht Height 6'0" Weight 170lb Hair Wht Glasses No

NON SERVICE: See Comments

COMMENTS: _____

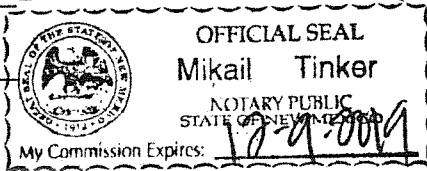
I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.



Subscribed and sworn to before me on the 23rd day of September 2019 by the affiant who is personally known to me



NOTARY PUBLIC
NOTARY EXPIRATION DATE 12-9-2019



PROCESS SERVER # _____
Appointed in accordance with State Statutes

Front Range Legal Process Service, Inc.
145 W. Swallow Road
Fort Collins, CO 80525
(888) 387-3783

Our Job Serial Number: 2019006359