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IN THE DISTRICT CO

BRASKA

GREAT WESTERN BANK, a bank )  
chartered under the laws of the State of )  
South Dakota, )

Plaintiff, )

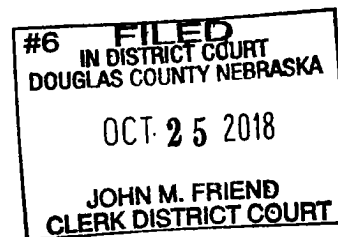
vs. )

LA CUADRA L.L.C., a Nebraska limited )  
liability company; NEWTON COMPANY, )  
LLC; CLAUDIA JOSEFINA NEWTON )  
FRAUSTO in her individual capacity as )  
Guarantor; and EDUARDO T. TORRES, )  
in his individual capacity, as Guarantor, )

Defendants. )

CASE ID CI 18-909

DECREE



On the 24<sup>th</sup> day of October, 2018, before the Court came Plaintiff's Motion for Default Judgment against the Defendants, La Cuadra, L.L.C., a Nebraska limited liability company, Newton Company, LLC, Claudia Josefina Netwon Frausto, in her individual capacity as Guarantor, and Eduardo T. Torres, in his individual capacity as Guarantor. Appearing for the Plaintiff is attorney, Camille R. Hawk. ~~The following Defendants appeared:~~

10/24/18  
BMS

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On review of the Motion for Default and Notice of Hearing filed October 11, 2018, the Complaint filed herein on February 2, 2018, the court file, and Plaintiff's evidence offered and accepted, the Court finds that due and proper service of summons was had upon Defendants, La Cuadra, L.L.C., a Nebraska limited liability company, and Newton Company, LLC each on June 11, 2018, pursuant to the Douglas County Sheriff's returns, and upon Defendants, Claudia Josefina Netwon Frausto, in her individual capacity as Guarantor, and Eduardo T. Torres, in his individual capacity as

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Guarantor, by publication in the Daily Record on July 5, 2018, July 12, 2018 and July 19, 2018.

Defendants, La Cuadra, L.L.C., a Nebraska limited liability company, Newton Company, LLC, Claudia Josefina Newton Frausto, in her individual capacity as Guarantor, and Eduardo T. Torres, in his individual capacity as Guarantor, failed to file an Answer or otherwise respond, pursuant to the rules of civil procedure.

The Plaintiff is entitled to a Default Judgment against Defendants, La Cuadra, L.L.C., a Nebraska limited liability company, Newton Company, LLC, Claudia Josefina Newton Frausto, in her individual capacity as Guarantor, and Eduardo T. Torres, in his individual capacity as Guarantor as follows:

- A. For the First Cause of Action (Deficiency Action under Nebraska Revised Statute §76-1013): Defendants, Newton Company, LLC, as the Borrower, and La Cuadra, L.L.C., a Nebraska limited liability company, as the Trustor, are indebted to Plaintiff, in the sum of \$179,212.08 for a deficiency resulting from the Trustee's Sale of Note #1 and Deed of Trust #1.
- B. For the Second Cause of Action (Personal Guaranty): Defendant, La Cuadra, L.L.C., a Nebraska limited liability company, as Borrower, is indebted to Plaintiff under Note #2 and Deed of Trust #2, as of October 18, 2018, in the amount of \$7,235.93, together with interest thereon at the rate of 6.750% per annum as set forth in Note #2.
- C. For the Third Cause of Action (Personal Guaranty):
  - a. Defendants, Claudia Josefina Newton Frausto and Eduardo T. Torres, each individually, and jointly and severally, as Guarantors, are indebted to the Plaintiff:
    - i. under Note #1, the amount of \$369,912.08 (\$949,212.08 debt owed on Note #1 - \$580,000.00 credit bid), together with interest thereon at the rate of 7.250% per annum as set forth in the Note #1; and
    - ii. under Note #2, the amount of \$7,235.93 as of October 18, 2018, together with interest thereon at the rate of 6.750% per annum as set forth in the Note #2;

- b. Defendant, La Cuadra, L.L.C., a Nebraska limited liability company, as Guarantor, is indebted to the Plaintiff under Note #2, in the amount of \$7,235.93 as of October 18, 2018, together with interest thereon at the rate of 6.750% per annum as set forth in the Note #2.

WHEREFORE, IT IS ORDERED that Plaintiff is granted default judgment on the First Cause of Action against the Defendants, Newton Company, LLC, as the Borrower, and La Cuadra, L.L.C., a Nebraska limited liability company, as the Trustor, in the sum of \$179,212.08 for a deficiency resulting from the Trustee's Sale of Note #1 and Deed of Trust #1 and the costs of this action.

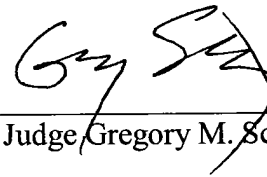
WHEREFORE, IT IS ORDERED that Plaintiff is granted default judgment on the Second Cause of Action against the Defendant, La Cuadra, L.L.C., a Nebraska limited liability company, as Borrower, under Note #2 and Deed of Trust #2, as of October 18, 2018, in the amount of \$7,235.93, together with interest thereon at the rate of 6.750% per annum as set forth in Note #2.

WHEREFORE, IT IS ORDERED that Plaintiff is granted default judgment on the Third Cause of Action as follows:

- a. Against Defendants, Claudia Josefina Newton Frausto and Eduardo T. Torres, each individually, and jointly and severally, as Guarantors, are indebted to the Plaintiff:
  - i. under Note #1, the amount of \$369,912.08 (\$949,212.08 debt owed on Note #1 - \$580,000.00 credit bid), together with interest thereon at the rate of 7.250% per annum as set forth in the Note #1; and
  - ii. under Note #2, the amount of \$7,235.93 as of October 18, 2018, together with interest thereon at the rate of 6.750% per annum as set forth in the Note #2;
- b. Against Defendant, La Cuadra, L.L.C., a Nebraska limited liability company, as Guarantor, under Note #2, in the amount of \$7,235.93 as of October 18, 2018, together with interest thereon at the rate of 6.750% per annum as set forth in the Note #2.

DATED this 24 day of October, 2018.

BY THE COURT:



District Court Judge Gregory M. Schatz

Prepared and submitted by:



Camille R. Hawk (#20395)  
For Valentine O'Toole, LLP  
11240 Davenport Street  
Omaha, NE 68154  
(402) 330-6300  
chawk@valentineotoole.com  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on October 25, 2018 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

La Cuadra L.L.C.  
c/o Claudia Newton, RA  
3302 Q St--Compayes Tacon Madre  
Omaha, NE 68107

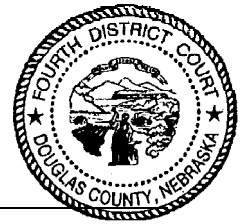
Newton Company, LLC  
c/o Claudia Newton, RA  
3302 Q St --Compayes Tacon Madre  
Omaha, NE 68107

Camille R Hawk  
chawk@womglaw.com

Date: October 25, 2018

BY THE COURT:

*John M. Friend*  
CLERK



Select Language▼

All State Agencies | All State Services |

## Nebraska Judicial Branch

## Case Summary

In the District Court of Douglas County  
 The Case ID is CI 18 000909  
 Great Western Bank v. La Cuadra L.L.C.  
 The Honorable Gregory M Schatz, presiding.  
 Classification: Miscellaneous Civil  
 Filed on 02/02/2018  
 This case is Closed as of 10/25/2018  
 It was disposed as Uncontested Default

## Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Great Western Bank	Jonathan M Brown P.O. Box 540125 11240 Davenport St. Omaha NE 68154 402-330-6300
Defendant ACTIVE La Cuadra L.L.C. c/o Claudia Newton, RA 3302 Q St--Compayes Tacon Madre Omaha NE 68107 La Cuadra L.L.C. owes \$201,195.23	
Defendant ACTIVE Newton Company, LLC c/o Claudia Newton, RA 3302 Q St --Compayes Tacon Madre Omaha NE 68107	
Defendant ACTIVE Claudia Josefina Newton Frausto 3302 Q St --Compayes Tacon Madre Omaha NE 68137 Claudia Josefina Newton Frausto owes \$391,774.25	
Defendant ACTIVE Eduardo T Torres 3302 Q St --Compayes Tacon Madre Omaha NE 68137	

## Judgment Information

On 10/25/2018 judgment of Judgment (General) was entered for \$179,212.08  
 Default interest rate is 4.3960%  
 Balance due is \$186,162.13  
 The judgment creditor is Great Western Bank  
 The judgment debtor is La Cuadra L.L.C.

On 10/25/2018 judgment of Judgment (General) was entered for \$7,235.93  
 Default interest rate is 4.3960%  
 Balance due is \$7,516.55  
 The judgment creditor is Great Western Bank  
 The judgment debtor is La Cuadra L.L.C.

On 10/25/2018 judgment of Judgment (General) was entered for \$369,912.08  
 Default interest rate is 4.3960%  
 Balance due is \$384,257.70  
 The judgment creditor is Great Western Bank  
 The judgment debtor is Claudia Josefina Newton Frausto

On 10/25/2018 judgment of Judgment (General) was entered for \$7,235.93  
 Default interest rate is 4.3960%

Balance due is \$7,516.55  
 The judgment creditor is Great Western Bank  
 The judgment debtor is Claudia Josefina Newton Frausto  
 On 10/25/2018 judgment of Judgment (General) was entered for \$7,235.93  
 Default interest rate is 4.3960%  
 Balance due is \$7,516.55  
 The judgment creditor is Great Western Bank  
 The judgment debtor is La Cuadra L.L.C.

### Court Costs Information

Incurring By	Account	Date	Amount
Plaintiff	Petition	02/02/2018	\$35.00
Plaintiff	Filing Fee - State	02/02/2018	\$1.00
Plaintiff	Automation Fee	02/02/2018	\$8.00
Plaintiff	NSC Education Fee	02/02/2018	\$1.00
Plaintiff	Dispute Resolution Fee	02/02/2018	\$0.75
Plaintiff	Indigent Defense Fee	02/02/2018	\$3.00
Plaintiff	Uniform Data Analysis Fee	02/02/2018	\$1.00
Plaintiff	J.R.F.	02/02/2018	\$6.00
Plaintiff	Filing Fee-JRF	02/02/2018	\$6.00
Plaintiff	Legal Aid/Services Fund	02/02/2018	\$6.25
Plaintiff	Complete Record	02/02/2018	\$15.00
Plaintiff	Service Fees	02/23/2018	\$7.00
Plaintiff	Service Fees	02/23/2018	\$7.00
Plaintiff	Service Fees	02/23/2018	\$13.90
Plaintiff	Service Fees	02/23/2018	\$7.00
Plaintiff	Service Fees	06/11/2018	\$31.65
Plaintiff	Service Fees	06/11/2018	\$10.00
Plaintiff	Service Fees	06/11/2018	\$7.00
Plaintiff	Service Fees	06/11/2018	\$7.00
Plaintiff	Publishing Fees	07/19/2018	\$149.80

### Financial Activity

No trust money is held by the court  
 No fee money is held by the court

### Payments Made to the Court

Receipt	Type	Date	For	Amount
287943	Electronic Trans	02/05/2018	Great Western Bank	\$83.00

Receipt	Type	Date	For	Amount
			Petition	\$35.00
			Filing Fee - State	\$1.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$6.00
			Legal Aid/Services Fun	\$6.25
			Complete Record	\$15.00

## Register of Actions

01/11/2019 Order-Aid of Execution  
 This action initiated by Gregory M Schatz  
 02 14 19 115PM CR 501 / RT eNotice Certificate Attached  
 Image ID 001811997D01

01/10/2019 Cert-Service  
 This action initiated by party Great Western Bank  
 Re: order in Aid /mg  
 Image ID N19010BQ2D01

11/05/2018 Order-Aid of Execution  
 This action initiated by Gregory M Schatz  
 1/10/19 @ 9:00 pm(?) #501 eNotice Certificate Attached  
 Image ID 001772520D01

11/02/2018 Motion Filed  
 This action initiated by party Great Western Bank  
 Re: Aid of Execution MT  
 Image ID N183062S2D01

10/25/2018 Decree  
 This action initiated by Gregory M Schatz  
 eNotice Certificate Attached  
 Image ID 001764885D01

10/11/2018 Motion-Default Judgment  
 This action initiated by party Great Western Bank  
 10-24-18 8:45 AM JB  
 Image ID N1828450SD01

08/15/2018 Signed Scheduling Order  
 This action initiated by Gregory M Schatz  
 eNotice Certificate Attached  
 Image ID 001721404D01

07/24/2018 Service by Publication



07/24/2018 Affidavit-Publication  
This action initiated by party Great Western Bank  
JB  
Image ID N18205YQ0D01

07/19/2018 Service by Publication

07/19/2018 Affidavit-Publication  
This action initiated by party Great Western Bank  
Image ID 001714804D01

06/26/2018 Order-Service by Publication  
This action initiated by Gregory M Schatz  
RT  
Image ID 001693082D01

06/22/2018 Proposed Scheduling Order  
This action initiated by Camille R Hawk  
Image ID 001699965D01

06/22/2018 Note from Court Staff  
P/order emailed to Bailiff /mg

06/22/2018 Affidavit-Support of Motion  
This action initiated by party Great Western Bank  
MG  
Image ID N181735CAD01

06/22/2018 Motion-Service by Publication  
This action initiated by party Great Western Bank  
MG  
  
Image ID N181735C8D01

06/11/2018 Return Summons/Alias Summons  
The document number is 00543571  
dth  
Served Dt Unknown  
No Service  
Served By S01  
Image ID N18162PAQD01

06/11/2018 Return Summons/Alias Summons  
The document number is 00543570  
dth  
Served Dt Unknown  
No Service  
Served By S01  
  
Image ID N18162PASD01

06/11/2018 Return Summons/Alias Summons  
The document number is 00543569  
dth  
Served 06/11/2018  
Personal Service  
Served By S01  
Image ID N18162PAUD01

06/11/2018 Return Summons/Alias Summons  
The document number is 00543568  
dth  
Served 06/11/2018  
Personal or Residential Service

Served By S01

Image ID N18162PAWD01

06/04/2018 Summons Issued on Eduardo T Torres  
The document number is 00543571  
Image ID D00543571D01

06/04/2018 Summons Issued on Claudia Josefina Newton Frausto  
The document number is 00543570  
Image ID D00543570D01

06/04/2018 Summons Issued on Newton Company, LLC  
The document number is 00543569  
Image ID D00543569D01

06/04/2018 Summons Issued on La Cuadra L.L.C.  
The document number is 00543568

Image ID D00543568D01

06/04/2018 Notice Issued  
The document number is 00543539  
Notice of Intent to Dismiss  
Camille R Hawk chawk@womglaw.com  
Image ID D00543539D01

06/04/2018 Notice Issued  
The document number is 00543538  
Notice of Intent to Dismiss  
Eduardo T Torres  
Image ID D00543538D01

06/04/2018 Notice Issued  
The document number is 00543537

Notice of Intent to Dismiss  
Claudia Josefina Newton Frausto  
Image ID D00543537D01

06/04/2018 Notice Issued  
The document number is 00543536  
Notice of Intent to Dismiss  
Newton Company, LLC  
Image ID D00543536D01

06/04/2018 Notice Issued  
The document number is 00543535  
Notice of Intent to Dismiss  
La Cuadra L.L.C.  
Image ID D00543535D01

06/01/2018 Praecipe-Summons/Alias  
This action initiated by party Great Western Bank  
as  
Image ID N18152JEID01

02/23/2018 Return Summons/Alias Summons  
The document number is 00514556  
dth  
Served Dt Unknown  
No Service  
Served By S01  
Image ID N18057F5SD01

02/23/2018 Return Summons/Alias Summons

dth The document number is 00514555

Served By S01  
Served Dt Unknown  
No Service  
Image ID N18057F5UD01

02/23/2018 Return Summons/Alias Summons  
The document number is 00514554

dth  
Served By S01  
Served Dt Unknown  
No Service  
Image ID N18057F5OD01

02/23/2018 Return Summons/Alias Summons  
The document number is 00514553

MG  
Served By S01  
Served Dt Unknown  
No Service  
Image ID N18057F5QD01

02/05/2018 Summons Issued on Eduardo T Torres  
The document number is 00514556  
Image ID D00514556D01

02/05/2018 Summons Issued on Claudia Josefina Newton Frausto  
The document number is 00514555  
Image ID D00514555D01

02/05/2018 Summons Issued on Newton Company, LLC  
The document number is 00514554  
Image ID D00514554D01

02/05/2018 Summons Issued on La Cuadra L.L.C.  
The document number is 00514553  
Image ID D00514553D01

02/02/2018 Complaint-Praecipe  
This action initiated by party Great Western Bank  
s1  
Image ID N18033VMYD01

## Judges Notes

06/25/2018  
06-25-2018 Schatz  
Signed Order to Serve by Publication.  
08/14/2018  
08-14-2018 Schatz  
Plaintiff appears by attorney. Defendants do not appear. Signed  
Proposed Scheduling Order.  
10/24/2018  
10-24-2018 Schatz  
Plaintiff appears by attorney. No other appearance. Evidence received  
on Plaintiff's motion for default judgment. Signed Decree.  
11/05/2018  
11-05-2018 Schatz  
Signed Order In Aid Of Execution.  
01/10/2019  
01-10-2019 Schatz  
Plaintiff appears by attorney. Debtor does not appear. New debtor's  
exam date set. Signed Order In Aid Of Execution.

