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| DISTRICT COURT, ADAMS COUNTY, STATE OF COLORADO  1100 Judicial Center Drive  Brighton, CO 80601 | | DATE FILED: June 27, 2017 2:12 FILING ID: 57C002DBCD0A2 CASE NUMBER: 2017CV30399  COURT USE ONLY | PM |
| **Plaintiff:**  Precision Investments, LLC v.  **Defendant(s):**  Matthew C. Bradley, a deceased individual;  All unknown heirs and devisees of the aforesaid individual defendant;  Sharon L. Bradley, an individual;  All unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action. | |
| **Attorney:** |  | Case No.: 2017CV030399 | |
| Heath A. Phillips |  |  | |
| H.A. Phillips Law, LLC  13092 W. 80th Place |  | Division: | |
| Arvada, CO 80005  Phone: (303) 378-3141 | Email: [heath@haphillipslaw.com](mailto:heath@haphillipslaw.com) | Courtroom: | |
|  | Attorney Registration #: 40976 |  | |
| **MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT** | | | |

Plaintiff, Precision Investments, LLC (“Plaintiff”), through undersigned counsel and pursuant to

C.R.C.P. 55, moves for entry of default and default judgment against defendants Matthew C. Bradley and all unknown heirs and devisees; Sharon L. Bradley; and all unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action. In support of this Motion, Plaintiff states as follows:

* + - 1. This lawsuit was brought by Plaintiff to quiet title to property to which Plaintiff has an interest based on a Quit Claim Deed, recorded in Adams County, Colorado, at the clerk and recorder’s office, on January 19, 2017 at Reception Number 2017000005525. A copy of Plaintiff’s quitclaim deed is attached as Exhibit A.
      2. Defendant Matthew C. Bradley was named as a defendant in this lawsuit because Matthew C. Bradley, and his unknown heirs and devisees may claim an interest in the subject matter of this action based on a warranty deed recorded on November 23, 1977 at Reception Number 1977020104292 in the real property records at the Adams County Clerk and Recorder’s office; and another quitclaim deed recorded on September 2, 1997 at Reception Number 1997030313176 in the real property records at the Adams County Clerk and Recorder’s office. Copies of defendant Matthew C. Bradley’s two quitclaim deeds are attached as Exhibit B.
      3. Defendant Sharon L. Bradley was named as a defendant in this lawsuit because Sharon

L. Bradley may claim an interest in the subject matter of this action based on a quitclaim deed recorded on April 3, 2002 at Reception Number 2002030950445 in the real property records at the Adams County

Clerk and Recorder’s office; and another quitclaim deed recorded on April 7, 2004 at Reception Number 2004000206000 in the real property records at the Adams County Clerk and Recorder’s office. Copies of defendant Sharon L. Bradley’s two quitclaim deeds are attached as Exhibit C.

* + - 1. Plaintiff filed its Complaint, which named Matthew C. Bradley, all of his unknown heirs and devisees, Sharon L. Bradley, and all unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action as defendants, on March 13, 2017.
      2. Plaintiff filed its Motion for Publication of Summons and Service by Certified Mail with this Court on March 24, 2017, and the corresponding Order for Publication of Summons and Service by Certified Mail was issued by this Court on April 3, 2017.
      3. The unknown heirs and devisees of Matthew C. Bradley, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action were duly served with the Summons by Publication in the Adams County publication, *Brighton Standard Blade*, beginning on April 19, 2017 and running consecutively through May 17, 2017. The Proof of Publication was filed with this Court on May 23, 2017. The Summons by Publication commanded the unknown heirs and devisees of Matthew C. Bradley, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action to answer the Complaint within thirty (30) days after the date of the last publication, which was May 17, 2017. The original Proof of Publication is attached as Exhibit D.
      4. Sharon L. Bradley was duly served with the Summons and Complaint by certified mail on March 20, 2017 at 3:57 p.m. The Summons commanded Sharon L. Bradley to answer the Complaint within thirty five (35) days after the Summons was served upon her. The original Summons is attached as Exhibit E. The Affidavit of Service is attached as Exhibit F.
      5. Pursuant to C.R.C.P. 12(a), Matthew C. Bradley and all of his unknown heirs and devisees, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action were required to answer or otherwise respond to the Complaint on or before June 17, 2017. As of this date, no answer or other response has been filed. Matthew C. Bradley and all of his unknown heirs and devisees, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action have not entered an appearance in this case.
      6. Pursuant to C.R.C.P. 12(a), Sharon L. Bradley was required to answer or otherwise respond to the Complaint on or before May 8, 2017. As of this date, no answer or other response has been filed. Sharon L. Bradley has not entered an appearance in this case.
      7. More than thirty (30) days have lapsed since the date on which Matthew C. Bradley and all of his unknown heirs and devisees, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action was served with the Summons by Publication. Plaintiff is therefore entitled to entry of default and a default judgment against Matthew C. Bradley and all of his unknown heirs and devisees, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action.
      8. More than thirty five (35) days have lapsed since the date on which Sharon L. Bradley was served with the Summons and Complaint. Plaintiff is therefore entitled to entry of default and a default judgment against Sharon L. Bradley.
      9. Pursuant to C.R.C.P. 55(b) and C.R.C.P. 121(c) § 1-14, Plaintiff is entitled to a final judgment against Matthew C. Bradley and all of his unknown heirs and devisees, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action, based on their respective defaults. Pursuant to C.R.C.P. 121(c) § 1-14, the Affidavit of Heath A. Phillips is attached to this Motion as Exhibit G, establishing the following:
         1. Valid service was obtained on Matthew C. Bradley and all of his unknown heirs and devisees, and all other unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action in accordance with C.R.C.P. 4.
         2. Valid service was obtained on Sharon L. Bradley in accordance with C.R.C.P. 4.
         3. Venue is proper in this Court pursuant to C.R.C.P. 98(a).
         4. Matthew C. Bradley is deceased, and therefore as an entity, is not an infant, incompetent person, officer or agent of the State of Colorado, or in the military service.
         5. Sharon L. Bradley, as an entity, is not an infant, incompetent person, officer or agent of the State of Colorado, or in the military service.
      10. Plaintiff does not seek monetary damages from Matthew C. Bradley, all of his unknown heirs and devisees, Sharon L. Bradley, and all unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action, but does seek entry of default and of an Order and Final judgment that Matthew C. Bradley, all of his unknown heirs and devisees, Sharon L. Bradley, and all unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action have no right, title, or interest in or to the property that is the subject of Plaintiff’s Complaint.
      11. A proposed form of judgment is submitted concurrently pursuant to C.R.C.P. 121(c) § 1-

14.

WHEREFORE, Plaintiff Precision Investments, LLC respectfully requests that this Court grant Plaintiff’s Motion for Entry of Default and for Default Judgment, establishing that Defendants Matthew

C. Bradley, all of his unknown heirs and devisees, Sharon L. Bradley, and all unknown persons who claim any right, title, interest, estate or lien in the subject matter of this action have no right, title, or interest in or to the property that is the subject of Plaintiff’s Complaint.

Respectfully submitted this 27th day of June, 2017.

H.A. Phillips Law, LLC By: s/ Heath A. Phillips

Heath A. Phillips, #40976