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DOC # 0771598  
10/01/2010 03:49 PM Deputy: SG  
OFFICIAL RECORD  
Requested By:  
BENJAMIN B CHILDS

Assessor's Parcel Number: n/A

Recording Requested By:

✓ Name: Benjamin Childs

Address: 318 S. Maryland Pkwy

City/State/Zip Las Vegas, NV  
89101

Real Property Transfer Tax:

Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 Of 4 Fee: 17.00  
BK-1010 PG- 0448 RPTT: 0.00



\$ \_\_\_\_\_

Default Judgment

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

*This cover page must be typed or legibly hand printed.*

*Alvin D. Shuman*  
CLERK OF THE COURT

1 JUDGE  
2 BENJAMIN B. CHILDS  
3 Nevada Bar # 3946  
4 BENJAMIN B. CHILDS, LTD.  
5 318 S. Maryland Parkway  
6 Las Vegas, Nevada 89101  
7 Telephone : (702) 385-3865  
8 Facsimile : (702) 664 6227  
9 Email : [ben@benchilds.com](mailto:ben@benchilds.com)  
10 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

11 JOSEPH NASCIMENTO

12 Plaintiff

13 vs.

14 WELLS FARGO BANK, NA and Does 1 - 10

15 Defendant

CASE #: A 10 622150 C  
DEPT. #: 17

DEFAULT JUDGMENT

16 This matter came before the Court on September 1, 2010 for prove-up of PLAINTIFF'S  
17 APPLICATION FOR ENTRY OF DEFAULT JUDGMENT. Plaintiff was present and testified.

18 Based on the sworn testimony of Plaintiff JOSEPH NASCIMENTO, the APPLICATION FOR  
19 ENTRY OF DEFAULT JUDGMENT, with attached EXHIBITS 1 through 10, and the MEMORANDUM  
20 OF COSTS and the ITEMIZATION OF ATTORNEY TIME, and the NOTICE OF INTENT TO ENTER  
21 DEFAULT and the DEFAULT, and the VERIFIED COMPLAINT, all of which are on file herein, and good  
22 cause appearing, the Court enters Judgment in favor of Plaintiff JOSEPH NASCIMENTO against  
23 Defendant WELLS FARGO BANK, NA as set forth below.

24 Judgment is entered in favor of Plaintiff JOSEPH NASCIMENTO against Defendant WELLS  
25 FARGO BANK, NA in the amount of \$750,000.00 (Seven-Hundred and Fifty Thousand Dollars and no  
26 cents).

27 PUNITIVE DAMAGES

28 The Court finds that Plaintiff has provided clear and convincing evidence that Defendant committed  
29 fraud on Plaintiff. The Court finds that exemplary and punitive damages are appropriate to be awarded in  
30 this case for the sake of example and by way of punishing the defendant. The Court finds that Defendant  
committed fraud on Plaintiff when Defendant, among other things, (1) misrepresented that it accepted the

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1 Settlement Offer (2) fabricated records (3) continued to assert that it has the legal right to foreclose the deed  
2 of trust on Plaintiff's real property knowing that it did not have that right.

3 Good cause appearing, based on the above finding, Plaintiff is further awarded exemplary and  
4 punitive damages in the amount of \$ 200,000.00, which amount is reduced to a judgment.

5 ATTORNEY FEES AND COSTS

6 Plaintiff is further awarded attorney fees in the amount of \$ 7,945.00 plus costs of \$371.32,  
7 which amount is reduced to a judgment.  
8

9  
10 DECLARATORY RELIEF

11 Good cause appearing, Plaintiff is further granted declaratory relief as follows :

- 12 1) It is ORDERED that Plaintiff's account # 0032338535 ("account") with Defendant is
- 13 deemed to satisfied in full; and
- 14 2) It is ORDERED that title to Plaintiff's real property described below is not encumbered by
- 15 the deed of trust recorded on April 10, 2006 with the Clark County Recorder [book
- 16 20060410 instrument 0004386] in conjunction with the Equity Line of Credit Agreement
- 17 and the account has been satisfied in full.

18 SUBJECT PROPERTY :

19

20 Street Address : 4419 Peaceful Harbor Street  
 21 Las Vegas, NV 89129

22 Brief Legal Description : Lot 125 in Block 7 of MONUMENT AT LONE MOUNTAIN -  
 UNIT 4 as shown by map thereof on file in Plat Book 106, Page 30,  
 in the Clark County Recorder's Office.

23 APN : 137-01-214-030

24 Dated Sept 2, 2010  
[Signature]  
 25 District Court Judge

CERTIFIED COPY  
 DOCUMENT ATTACHED IS A  
 TRUE AND CORRECT COPY  
 OF THE ORIGINAL ON FILE  
[Signature]  
 CLERK OF THE COURT.

26 SEP 01 2010

27 Submitted by:  
[Signature]  
 28 BENJAMIN B. CHILDS  
 29 Nevada Bar # 3946  
 30 Attorney for Plaintiff

DECLARATION IN LIEU OF AFFIDAVIT OF ATTORNEY FOR JUDGMENT  
CREDITOR PURSUANT TO NRS 17.150(4)

As required by NRS 17.150(4), this affidavit is to be recorded with DEFAULT JUDGMENT filed September 1, 2010.

- 1) I, BENJAMIN B. CHILDS, am the attorney for creditor JOSEPH NASCIEMENTO. The judgment debtor is WELLS FARGO BANK, NA in the case of Nascimento v. Wells Fargo, NA Case # A 10 622150 C.
- 2) The name and address of the Judgment Debtor is set forth below. There is no social security number, date of birth or driver's license information because WELLS FARGO BANK, NA is a corporate entity.

Name : WELLS FARGO BANK, NA  
 Social Security # : n/a  
 Date of Birth : n/a  
 Driver's License : n/a  
 Current Address(es) :

WELLS FARGO BANK, N.A.  
 LEGAL DEPARTMENT  
 4101 Wiseman Blvd.  
 San Antonio, TX 78251-4201

TAMMY HUETTMAN  
 Office of the President  
 P.O. Box 659558  
 San Antonio, TX 78265-9558

- 3) The amount that WELLS FARGO BANK, N.A. owes Mr. Nascimento as of September 1, 2010 is \$ 961,281.21 (including \$ 3 for the certified copy of the judgment and \$ 17 recording fee and interest of \$2,944.89).

The previous statements are made based on my personal knowledge and on a review of documents. I declare under penalty of perjury that the foregoing is true and correct.

Dated September 3, 2010

*Benjamin B. Childs*  
 BENJAMIN B. CHILDS  
 Nevada Bar # 3946  
 318 S. Maryland Parkway  
 Las Vegas, Nevada 89101