

APN# N/A

Recording Requested by/Mail to:

Name: Waddell Serafino Geary Rechner Jenevein, P.C.

Address: 823 Las Vegas Blvd. S., Ste. 240

City/State/Zip: Las Vegas, NV 89101

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Declaration of Judgment

Title of Document (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording
DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Stacey Werner

Signature

Stacey Werner

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

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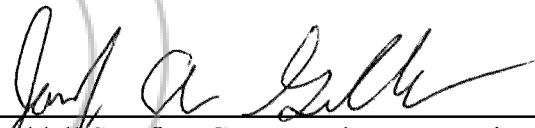
DECLARATION OF JUDGMENT

The following declaration and attached copy of filed Judgment is to creating a lien upon the real property of the judgment debtor pursuant to NRS 17.150.

1. The Judgment Debtor's name and last known address are:
BRYAN K MURPHY
2713 CLAPHAM LN APT 318
MINDEN NV 89423-9235
2. The Judgment Debtor's redacted SSN is ***-**-2841.
3. The Judgment was entered by the NINTH JUDICIAL DISTRICT COURT on February 15, 2022 in Case No. 2021-CV-00195 as shown in the attached copy of said Judgment.

I, Joseph A. Geller, Esq., declare under penalty of perjury that the foregoing is true and correct, and being duly sworn, states: that Declarant is the attorney for the Plaintiff and has personal knowledge of the above and the information is true and correct to the best of this Declarant's knowledge and belief. Further, pursuant to NRS 239B.030. The undersigned affirms that the foregoing document does not contain a complete social security number.

DATED this 13 day of April 2022.


Waddell Serafino Geary Rechner Jenevein, P.C.
Joseph A. Geller, Esq.,
NV Bar 12378
823 Las Vegas Blvd. S., Suite 240
Las Vegas, Nevada 89101
Tel: (702)331-8470
Attorney for Plaintiff

1 WADDELL SERAFINO GEARY
2 RECHNER JENEVEIN, P.C
3 Joseph A. Geller, Esq., NV Bar 12378
4 823 Las Vegas Blvd. S., Suite 240
5 Las Vegas, Nevada 89101
6 Tel: (844) 670-2151
7 NV@wslawpc.com
8 Attorneys for Plaintiff

RECEIVED
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NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY, NEVADA

Wells Fargo Bank, NA.,
Plaintiff,
vs.
BRYAN K MURPHY, an Individual,
Defendant(s)

CASE NO. 2021-CV-00195
DEPT. NO. II

FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND ORDER
GRANTING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

11 Plaintiff, Wells Fargo Bank, NA.'s, Motion for Summary Judgment having been
12 considered in the above-entitled Department of the Douglas County District Court. The
13 Defendant having filed no Opposition to Plaintiff's Motion for Summary Judgment and the
14 time for opposing the same having lapsed, which pursuant to EDCR 2.20 (c) may be construed
15 as an admission that said Motion is meritorious and a consent to granting the same.
16

17 Plaintiff's Motion was granted, and the Court having read the pleadings on file herein,
18 and good cause appearing, now therefore, the Court finds the following facts and makes the
19 following conclusions of law and order:
20

21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
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28 ...

I.

FINDINGS OF FACT

1. This action is a debt collection matter arising from Defendants default a credit card.
2. Defendant applied for credit with Plaintiff and Plaintiff issued Defendant a credit card with the last four digits of 5685, and Defendant used the credit card to purchase goods and services.
3. Plaintiff rendered monthly statements to Defendant requesting the amount stated, and Defendant has failed to produce any evidence that they objected to these charges.
4. The last payment made by Defendant was on November 14, 2019, and thereafter Defendant defaulted.
5. There have been no charges or payments on Defendant's account since the charge off date, and all payments made on the account have been credited.
6. Late charges and other fees stopped accruing on the account from the charge off date through the date of filing suit.
7. The balance due the Plaintiff is \$24,451.73.
8. Defendant made demand upon the Plaintiff for a \$500.00 costs bond, which the Plaintiff posted with the Court.
9. Defendant has failed to file a timely Opposition to Plaintiff's Motion for Summary Judgment.

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II.

CONCLUSIONS OF LAW

10. A party is entitled to summary judgment when there are no disputed issues as to any material fact, and when the moving party is entitled to judgment as a matter of law. NRCP 56(c). The Court concludes there are no disputed issues as to any material fact.
11. While facts must be construed in light most favorable to the non-moving party in opposition to a motion for summary judgment, the non-moving party must: "set forth specific facts demonstrating the existence of a genuine issue for trial or have summary judgment entered against [it]. *Bulbman inc. v. Nevada Bail*, 108 Nev. 105, 110, 825 P.2d 588, 592 (1992). The Court concludes Defendant(s) has/have not offered any evidence in opposition to the instant motion, and even considering the evidence in a light most favorable to it, Defendant has failed to demonstrate the existence of a genuine issue for trial.
12. Upon service of motion, an opposing party has ten days to serve and file a written opposition, or the failure to file an opposition may be construed as an admission that the motion is meritorious and a consent to granting the same, pursuant to EDCR 2.20 (c). The Court concludes Defendant's(s') failed to file an opposition to the instant motion, which therefore is construed as an admission that the Motion is meritorious, and that it is consenting to the granting of the Motion.
13. Under Nev. Rev. Stat. 97A.160(1)(a), a plaintiff must establish *liability* by submitting a written application or evidence that the cardholder incurred charges on the account and made payments thereon. Plaintiff has submitted credit card statements evidencing charges and payments on the account.

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14. Under Nev. Rev. Stat. 97A.160(1)(b) and 97A.160(2)(b) a plaintiff must establish the *amount owed* by submitting photocopies of periodic billing statements. The photocopies must be authenticated by an affidavit signed by the custodian of records stating the records presented were made in the ordinary course of business that the records presented are true and correct copies of the records retained by the issuer. Plaintiff has submitted photocopies of the periodic billing statements along with an affidavit properly authenticating the statements.

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DRAFT

1 CASE NO. 2021-CV-00195
2 DEPT. NO. II

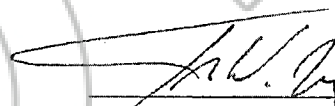
3 **ORDER AND JUDGMENT**

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's, Motion for
5 Summary Judgment is GRANTED as to all actions; and

6 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff
7 shall have final judgment entered in its favor and against Defendant(s), BRYAN K MURPHY,
8 the sum of \$24,451.73, plus Plaintiff's costs and disbursements incurred in the sum of \$552.00,
9 with reasonable attorneys fees in the amount of \$750.00 (please refer to the
10 Declaration in Support of Attorney Fees).


11
12 IT IS ALSO FURTHER ORDERED, that the costs bond of \$500.00 posted by the
13 Plaintiff shall be refunded and returned to the Plaintiff.

14
15 DATED this February 14, 2022

16
17 
18 _____
19 JUDGE

20 Pursuant to NRS 239B.030, the undersigned affirms that the foregoing document does not
21 contain a social security number.

22 Submitted by:

23 
24 _____
25 Waddell Serafino Geary Rechner Jenevein, P.C.
26 Joseph A. Geller, Esq.,
27 NV Bar 12378
28 823 Las Vegas Blvd. S., Suite 240
Las Vegas, Nevada 89101
Tel: (702)331-8470
Attorney for Plaintiff

1 **WADDELL SERAFINO GEARY**
2 **RECHNER JENEVEIN, P.C**

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7 NV@wslawpc.com
8 Attorneys for Plaintiff

9 **NINTH JUDICIAL DISTRICT COURT**
10 **DOUGLAS COUNTY, NEVADA**

11 Wells Fargo Bank, NA.,

12 Plaintiff,

CASE NO. 2021-CV-00195
DEPT. NO. II

13 vs.

14 BRYAN K MURPHY, an Individual,

15 Defendant(s)

DECLARATION IN SUPPORT OF
ATTORNEY FEES

16 I, JOSEPH A. GELLER declare as follows:

17 I am an attorney duly licensed to practice law before this Court and am a associate of,
18 Waddell Serafino Geary Rechner Jenevein, P.C, attorney for Plaintiff in this action. I have
19 personal knowledge of each fact stated in this declaration and, if called as a witness, I could
20 and would competently testify to each such fact.

21 2. This declaration is made in support of Plaintiff's award of its attorneys' fees and costs
22 against Defendant. Plaintiff has incurred \$750.00 in attorneys' fees to date in prosecuting the
23 above case. Plaintiff submits that these fees are recoverable against the Defendant pursuant to
24 Nevada Revised Statutes 18 et al.

25 3. Pursuant to Nev. Rev. Stat. 18.010(2)(a). "...the court may make an allowance of
26 attorney's fees to a prevailing party...[w]hen the prevailing party has not recovered more than
27 \$20,000..."

28 4. Pursuant to paragraph (21) Default/ Immediate Repayment of Balance in Full, the
final sentence states, "If your account is in default you agree to pay our collection costs,
attorney's fees, and court costs incurred in enforcing our rights under this agreement." (See

1 Affidavit in Support of Summary Judgment attached to Plaintiff's motion for Summary
2 Judgment on file in this matter)

3 5. This declarant's law firm was retained by Plaintiff, to assist it in collections and
4 litigation regarding Defendant's amounts due and owing, which is the subject on this litigation.
5 Based upon the factors listed in Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 349, 455
6 P.2d 31 (1960), the above attorney fees are reasonable, and should be awarded to Plaintiff. The
7 factors enumerated in Brunzell are as follows:
8

9 A. The qualities of the advocate; his ability, his training, education, experience,
10 professional standing and skill. The qualities of Declarant as an advocate are known in this
11 community. The litigation of this matter was primarily conducted by Joseph A. Geller, Esq. I
12 am a licensed attorney in Nevada and have been practicing law since 2011. I attended
13 University of Nevada, Las Vegas, Boyd College of Law and have enjoyed considerable success
14 as a civil litigator, and I enjoy a solid reputation among my peers.
15

16 B. The character of the work to be done: its difficulty, its intricacy, its importance, time
17 and skill required, the responsibility imposed and the prominence and character of the parties
18 where they affect the importance of the litigation. This case involves complex issues of not
19 only civil law but collection law as well. Each of the tasks in litigating and representation in
20 this matter were given careful attention and were executed to Plaintiff's benefit. This
21 Declarant's normal billing rate is \$190.00 per hour for Attorney time and Declarant has agreed
22 to represent Plaintiff in this matter at a rate of \$190.00 per hour for Attorney time.
23

24 C. The work actually performed by the lawyer: the skill, time and attention given to the
25 work. In connection with my work on this matter I have, among other things, received and
26 reviewed materials relating to the matter, considered and analyzed applicable causes of action
27 under Nevada Law, drafted and had sent a demand letter, drafted a Complaint, prepared and
28

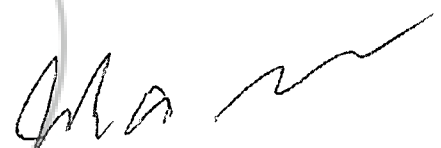
1 arranged for service of summons, prepared the pleadings in connection with a request for entry
2 of judgment, including a proposed final judgment. The Plaintiff has agreed to pay 0.5 hours for
3 review and analysis of the case materials and drafting a demand letter, 1.5 hours in preparation
4 of the Complaint and arrangement of service of summons, 2.0 hours in preparation of the
5 Summary Judgment.
6

7 D. The result: whether the attorney was successful and what benefits were derived. The
8 end result of the work performed by The Office of Joseph A. Geller, Esq. on behalf of Plaintiff
9 is readily apparent. The Firm has successfully represented his client. The end result, together
10 with the Brunzell factors, is compelling evidence in favor of awarding the Plaintiff the
11 attorney's fees it actually and necessarily incurred in the amount of \$750.00.
12

13 FURTHER DECLARANT SAYETH NOT.

14 Pursuant to NRS 53.370, I declare under penalty of perjury that the foregoing is
15 true and correct. Further, pursuant to NRS 239B.030. The undersigned affirms that the
16 foregoing document does not contain a social security number.
17

18 DATED this 10 day of February 2022.

19 
20 _____
21 Waddell Serafino Geary Rechner Jenevein, P.C.
22 Joseph A. Geller, Esq.,
23 NV Bar 12378
24 823 Las Vegas Blvd. S., Suite 240
25 Las Vegas, Nevada 89101
26 Tel: (702)331-8470
27 Attorney for Plaintiff
28

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7 NV@wslawpc.com
8 Attorneys for Plaintiff

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY, NEVADA

7 Wells Fargo Bank, NA.,
8 Plaintiff,
9 vs.
10 **BRYAN K MURPHY, an Individual,**
11 Defendant(s)


CASE NO. 2021-CV-00195
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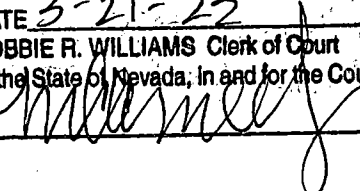
MEMORANDUM OF COSTS AND DISBURSEMENTS

10 Filing (See Court Docket)	\$ 285.00
11 Service of Process (See Proof of Service on file).....	\$ 67.00
12 Filing Fee for Default/Summary Judgment (See Court Docket).....	\$ 200.00
13	\$
14 TOTAL	\$552.00

13 I, Joseph A. Geller, Esq., declare under penalty of perjury that the foregoing is true and correct,
14 and being duly sworn, states: Declarant is attorney for Plaintiff and has personal knowledge of
15 the above costs and disbursements; that items contained in the memorandum are true and
16 correct to the best of this Declarant's knowledge and belief, and supported pursuant to *Cadle*
17 *Co v. Woods & Erickson, LLP*, 131 Nev. 114, 123-124 (2015), Footnote 5, "The other costs
18 awarded, however, service costs, parking fees, and filing fees, were supported by sufficient
19 justifying documentation, including receipts **or court records**, and we affirm the remainder of
20 the order awarding costs." **[Emphasis Added]**; and that said costs have been incurred and paid
21 in this action. Further, pursuant to NRS 239B.030. The undersigned affirms that the foregoing
22 document does not contain a social security number.

DATED this 10 day of February 2022.


Waddell Serafino Geary Rechner Jenevein, P.C.
Joseph A. Geller, Esq.,
NV Bar 12378
823 Las Vegas Blvd. S., Suite 240
Las Vegas, Nevada 89101
Tel: (702)331-8470
Attorney for Plaintiff

23
24
25 **CERTIFIED COPY**
26 The document to which this certificate is attached is a
27 full, true and correct copy of the original in file and of
28 record in my office.
DATE 3-21-22
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By  Deputy