



SHAWNYNE GARREN, RECORDER

APN# 1320-06-001-012

Recording Requested by/Mail to:
Name: Matuska Law Offices, Ltd.
Address: 2310 S. Carson Street, #6
City/State/Zip: Carson City, NV 89701

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Affidavit 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)



Signature

Michael L. Matuska, Esq.

Printed Name

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

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CASE NO.: 2023-CV-00137

DEPT. NO.: II

This document does not contain personal information of any person.

**THE NINTH JUDICIAL DISTRICT COURT OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS**

NOBLE PIE PARLOR MIDTOWN LLC, a Nevada
limited liability company,

AFFIDAVIT OF JUDGMENT

Plaintiff

vs.

CALEB KRUGER; STACY KRUGER; and DOES
1-10, inclusive,

Defendants,

COMES NOW, MICHAEL L. MATUSKA, being first duly sworn, deposes and says:

1. I am an attorney at law licensed to practice in the State of Nevada. At all times during this litigation, I have been counsel of record for Noble Pie Parlor Midtown LLC, a Nevada limited liability company (hereafter, "Noble Pie").

2. Caleb Kruger and Stacy Kruger are the judgment debtors in the above-entitled matter. Their address is 2515 North Highway 395, Minden, Nevada 89423.

3. A certified copy of the August 28, 2023 *Order Granting 1) Noble Pie's Motion for Default Judgment; 2) Motion for Attorney's Fees; 3) Verified Memorandum of Costs* is attached hereto as Exhibit "1."

4. Caleb Kruger and Stacy Kruger own the property located in Minden, Nevada identified as 2515 US Hwy 395 N and further identified as Douglas County Assessor's Parcel Number 1320-06-001-012. The judgment creditor has confirmed that Caleb Kruger and Stacy Kruger are the owners of the property described herein.

5. This affidavit is being recorded pursuant to NRS 17.150 to create a judgment lien

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against the above-mentioned property.

6. The information in this affidavit is based solely on my personal knowledge.

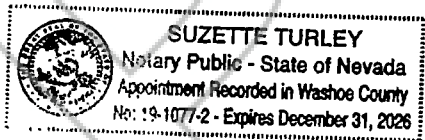
Dated this 26th day of September, 2023.

MATUSKA LAW OFFICES, LTD.

By: 
MICHAEL L. MATUSKA, SBN 5711
Attorneys for Plaintiffs

SUBSCRIBED and SWORN before me
this 26th day of September, 2023 by MICHAEL L. MATUSKA.


NOTARY PUBLIC



MATUSKA LAW OFFICES, LTD.
2310 South Carson Street, Suite 6
Carson City NV 89701
(775) 350-7220

EXHIBIT INDEX

Affidavit of Judgment

EXHIBIT	DOCUMENT	NO. OF PAGES
1	Order Granting 1) Noble Pie's Motion for Default Judgment; 2) Motion for Attorney's Fees; 3) Verified Memorandum of Costs	4

COPY

EXHIBIT 1
ORDER GRANTING 1) NOBLE PIE'S MOTION FOR DEFAULT
JUDGMENT; 2) MOTION FOR ATTORNEY'S FEES; 3) VERIFIED
MEMORANDUM OF COSTS
(Affidavit of Judgment)

COPY

EXHIBIT 1
ORDER GRANTING 1) NOBLE PIE'S MOTION FOR DEFAULT
JUDGMENT; 2) MOTION FOR ATTORNEY'S FEES; 3) VERIFIED
MEMORANDUM OF COSTS
(Affidavit of Judgment)

RECEIVED

AUG 17 2023

FILED

1 CASE NO.: 2023-CV-00137

Douglas County
District Court Clerk

2023 AUG 28 AM 8:36

2 DEPT. NO.: II

BOBBIE R. WILLIAMS
CLERK

3 This document does not contain personal information of any person.

[Signature]
DEPUTY

4 THE NINTH JUDICIAL DISTRICT COURT OF NEVADA
5 IN AND FOR THE COUNTY OF DOUGLAS
6

7 NOBLE PIE PARLOR MIDTOWN LLC, a Nevada
8 limited liability company,

9 Plaintiff

10 vs.

11 CALEB KRUGER; STACY KRUGER; and DOES
12 1-10, inclusive,

13 Defendants,

14 ORDER GRANTING 1) NOBLE PIE'S MOTION FOR DEFAULT JUDGMENT; 2)
15 MOTION FOR ATTORNEY'S FEES; 3) VERIFIED MEMORANDUM OF COSTS

16 This matter comes before the Court on the following motions filed by the Plaintiff, Noble
17 Pie Parlor Midtown LLC ("Noble Pie"):

- 18 1. *Motion for Default Judgment* filed on August 2, 2023;
- 19 2. *Motion for Attorney's Fees* filed on August 2, 2023; and
- 20 3. *Verified Memorandum of Costs* filed on August 2, 2023.

21 The foregoing motions were served on Defendants Caleb Kruger and Stacy Kruger who
22 did not file an opposition. "Within 14 days after the service of the motion, the opposing party
23 shall serve and file a written opposition thereto, together with a memorandum of points and
24 authorities and supporting affidavits, if any, stating facts showing why the motion should be
25 denied. Failure of the opposing party to serve and file a written opposition may be construed as an
26 admission that the motion is meritorious and a consent to granting the same." DCR 13(3).

27 MOTION FOR DEFAULT JUDGMENT

28 Noble Pie filed its *Complaint* in this case on July 3, 2023. The *Summons* and *Complaint*

1 were personally served on Caleb Kruger and Stacey Kruger (the "Krugers") on July 7, 2023. [See
2 Docket]. The Krugers failed to appear in this case and the Clerk of the Court entered their *Default*
3 on July 31, 2023. As a result of their default, the Krugers consented to the entry of judgment and
4 the well-pled allegations of Noble Pie's Complaint must be accepted as true. *Estate of Lomastro*
5 *v. American Family Ins.* ("Entry of default acts as an admission by the defending party of all
6 material claims made in the complaint. Entry of default, therefore, generally resolves the issues of
7 liability and causation and leaves open only the extent of damages.") 124 Nev. 1060, 1068, 95
8 P.3d 339, 345 (2008) (internal citations omitted).

9 In this case, the well-pled allegations of Noble Pie's Complaint, supported by the
10 *Declaration of Ryan Michael Goldhammer* submitted with Noble Pie's *Motion for Default*
11 *Judgment*, demonstrate that Noble Pie loaned \$70,000 to the Krugers pursuant to a Promissory
12 Note (the "Note") dated June 17, 2019. The Note required the Krugers to pay the principal
13 amount, together with \$10,000 in interest, on or before December 31, 2021. The Note also
14 contained a default interest rate of .5% per month. The Krugers failed to make any payments
15 toward the principal or interest.

16 Based on the foregoing, Noble Pie is entitled to judgment against the Krugers in the
17 amount of \$80,000, together with interest accruing at the rate of .5% per month beginning January
18 1, 2022 until paid and attorney's fees and costs.

19 **MOTION FOR ATTORNEY'S FEES**

20 Noble Pie is the prevailing party in the lawsuit as a result of the entry of default and default
21 judgment. Noble Pie is therefore entitled to an award of attorney's fees pursuant to NRS
22 18.010(1) and the Promissory Note which contains an attorney's fees clause as follows:

23 If action is instituted to collect this Promissory Note, or any portion thereof or any
24 interest thereon, Maker promises and agrees to pay, in addition to the costs and
25 disbursements provided by statute, costs and such additional sum, in like lawful
money, as the court may adjudge reasonable for attorney's fees to be allowed in
such action.

26 Noble Pie claims a total of \$3,202.50 for attorney's fees reasonably incurred in this action. All of
27 the fees claimed herein are reasonable in light of the factors adopted by the Nevada Supreme
28 Court in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969):

1 (1) *the qualities of the advocate*: his ability, his training, education, experience,
2 professional standing and skill; (2) *the character of the work to be done*: its
3 difficulty, its intricacy, its importance, time and skill required, the responsibility
4 imposed and the prominence and character of the parties where they affect the
5 importance of the litigation; (3) *the work actually performed by the lawyer*: the
6 skill, time and attention given to the work; (4) *the result*: whether the attorney was
7 successful and what benefits were derived.

8 Here, Noble Pie's attorney is an experienced professional in the area of civil litigation.
9 Noble Pie prevailed on all of its claims. Noble Pie's counsel worked quickly and efficiently to
10 bring this matter to a conclusion following the Krugers' default and spent a total of 10.50 hours on
11 the matter. The claimed fees were actually incurred, and either were paid or soon will be paid in
12 full by the client.

13 Wherefore, Noble Pie requests an award of \$3,202.50 as reasonable attorney's fees.

14 **VERIFIED MEMORANDUM OF COSTS**

15 In its Verified Memorandum of Costs, Noble Pie requests an award of costs in the amount
16 of \$365, including \$285 for filing fees and \$80 for fees to the process server. Those costs are
17 reasonable and allowable pursuant to NRS 18.005.

18 Based on the foregoing, and for good cause, judgment shall be and is hereby entered in
19 favor of Noble Pie Parlor Midtown LLC and against Caleb Kruger and Stacy Kruger as follows:

- 20 1. Judgment on the Promissory Note in the amount of \$80,000, together with interest
21 accruing at the rate of .5% per month beginning January 1, 2022 until paid; and
- 22 2. \$3,202.50 as reasonable attorney's fees and \$365 in costs, which amounts bear
23 interest at the rate of .5% per month beginning August 1, 2023 until paid.

24 IT IS SO ORDERED.

25 Dated this 25th day of August, 2023

26 
27 DISTRICT COURT JUDGE

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Copies of served by mail on August 28th, 2023, to:

Michael L. Matuska, Esq.
2310 South Carson Street, Ste 6
Carson City, Nevada 89701

Caleb and Stacey Kruger
25156 North Highway 395
Minden, Nevada 89423

Erin C. Plante
Erin C. Plante

COPIES

THOMAS W. GREGORY
DISTRICT JUDGE
NINTH JUDICIAL
DISTRICT COURT
P.O. BOX 218
MINDEN, NV 89423

CERTIFIED COPY
The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.
DATE September 22, 2023
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By [Signature] Deputy