

1 FENNEMORE CRAIG, P.C.
Cathy L. Reece (005932)
2 Keith L. Hendricks (012750)
3003 N. Central Ave., Suite 2600
3 Phoenix, Arizona 85012
Telephone: (602) 916-5343
4 Facsimile: (602) 916-5543
Email: creece@fclaw.com

5 Attorneys for ML Manager LLC
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8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE DISTRICT OF ARIZONA

10 In re

11 MORTGAGES LTD.,

12 Debtor.

13 ML MANAGER LLC, an Arizona
limited liability company,

14 Plaintiff,

15 v.

16 WILLIAM L. HAWKINS as Trustee of
17 the CORNERSTONE REALTY AND
DEVELOPMENT, INC. DEFINED
18 BENEFIT PLAN AND TRUST, et al.;

19 Defendants.

20 WILLIAM L. HAWKINS as Trustee of
21 the CORNERSTONE REALTY AND
DEVELOPMENT, INC. DEFINED
BENEFIT PLAN AND TRUST, *et al.*

22 Counterclaimants,

23 v.

24 ML MANAGER LLC, an Arizona
limited liability company,

25 Counterdefendant.
26

Chapter 11

Case No. 2:08-bk-07465-RJH

Adv. Pro. No. 2:10-ap-00430-RJH

Consolidated with Adv. No. 2:10-ap-00717

**ML MANAGER'S APPLICATION FOR
DEFAULT JUDGMENT AGAINST
DEFENDANT MELVIN DUNSWORTH
AS TRUSTEE OF THE REVOCABLE
LIVING TRUST OF MELVIN L.
DUNSWORTH, JR.**

27 The Clerk of the Court has already entered default against defendant Melvin
28 Dunsworth as Trustee of the Revocable Living Trust of Melvin L. Dunsworth, Jr.

1 (“Dunsworth”). Pursuant to Rule 55(b)(2) Federal Rules of Civil Procedure, made
2 applicable by Rule 7055, Federal Rules of Bankruptcy Procedure, ML Manager hereby
3 respectfully requests that the Court enter default judgment against defendant Dunsworth.
4 Dunsworth has failed to plead, answer or otherwise defend this action as required by law.
5 A copy of the Entry of Default is attached to this Application as Exhibit A and being
6 served on Dunsworth with this Notice.

7 ML Manager brings this Application on the following grounds:

- 8 1. Mr. Dunsworth is not an infant or an incompetent person
- 9 2. Mr. Dunsworth has failed to timely respond to the Verified Complaint
- 10 3. Default has been entered; and,
- 11 4. This Application for Default Judgment is being served on Mr. Dunsworth
12 and his attorney as indicated on the accompanying Certificate of Service.

13 ML Manager respectfully requests that the Court take judicial notice of the
14 pleadings, papers and oral arguments in this matter and grant ML Manager judgment in
15 the form attached as Exhibit B. The form of the Judgment is consistent with the
16 Declaratory Judgment entered in this matter against the Rev-Op Group on July 27, 2010
17 (Docket 105).

18 DATED: September 17, 2010.

19 FENNEMORE CRAIG, P.C.

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21 By /s/ Keith L. Hendricks (012750)
22 Cathy L. Reece
23 Keith L. Hendricks
24 Attorneys for ML Manager LLC

25 **CERTIFICATE OF SERVICE**

26 I hereby certify that on September 17, 2010
27 I electronically transmitted this document
28 To the Clerk’s Office using the CM/ECF
System for filing and transmittal of
A Notice of Electronic Filing to the CM/ECF
Registrants.

/s/ L. Carol Smith