

<p>DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO</p> <p>Court Address: 1777 6th St. Boulder, CO 80302</p>	<p>DATE FILED July 19, 2019 CASE NUMBER: 2019CV30300</p>
<p>Plaintiff:</p> <p>EMPAC DAKOTA LP, a California limited partnership</p> <p>v.</p> <p>Defendants:</p> <p>MERRITT C. HORNING, III, an Individual; CHASE MERRITT INVESTMENTS, LLC, a Delaware limited liability company; CHASE MERRITT MANAGEMENT, INC., a Delaware corporation; and CHASE MERRITT, LP, a Delaware limited partnership</p>	<p>▲COURT USE ONLY ▲</p>
	<p>Case No.: 2019CV030300</p> <p>Division: 3 Courtroom: R</p>

ORDER RE: MOTION FOR DEFAULT JUDGMENT AGAINST ALL DEFENDANTS

THIS COURT, having reviewed Plaintiff's Motion for Default Judgment Against All Defendants, and being fully advised and after consideration FINDS venue proper, hereby GRANTS the Motion, and ORDERS THAT:

Default Judgment is hereby entered in favor of Plaintiff, EMPAC Dakota LP, and against co-defendants Merritt C. Horning, III ("Defendant Horning"), Chase Merritt Investments, LLC ("Defendant CMI"), Chase Merritt Management, Inc. ("Defendant CMM"), and Chase Merritt, LP ("Defendant CM") jointly and severally, on Plaintiff's claim of breach of the 2014 Guaranty Agreement (with respect to Defendants Horning, CMI, and CMM) and on Plaintiff's claim of breach of contract (with respect to Defendant CM) a in the amount of \$1,895,011.34. Such judgment amount is calculated as follows:

Unpaid Principal Balance: \$898,000

**Prejudgment Interest at the rate of
21.0% per annum from the date of
Default, July 1, 2016 to May 31, 2019:** \$890,250.10

Late Fees: \$96,055.65

Attorney Fees:	\$10,041.07
Costs:	\$664.52
Total Judgment for Breach of 2014 Guaranty and Breach of Contract :	\$1,895,011.34

IT IS FURTHER ORDERED THAT:

Default Judgment is hereby entered in favor of Plaintiff, EMPAC Dakota LP, and against co-defendant Merritt C. Horning, III on Plaintiff's claim of breach of the 2016 Guaranty Agreement in the amount of 131,033.26. Such judgment is calculated as follows:

Unpaid Principal Balance:	\$75,000
Prejudgment Interest at the rate of 21.0% per annum from the date of Default, July 1, 2016 to the date of filing of the Complaint, May 31, 2019:	\$46,593.75
Late Fees:	\$8,250
Attorney Fees:	\$1,115.68
Costs:	\$73.83
Total Judgment for Breach of 2016 Guaranty:	\$131,033.26

IT IS FURTHER ORDERED THAT:

Interest on the aforesaid judgments shall accrue at the contractual rate of twenty-one percent (21.0%) per annum from the date of entry of this Order.

SO ORDERED this 19th day of July 2019.

BY THE COURT:



Andrew Macdonald
District Court Judge