

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RICHARD V. TREAKLE,)	
)	
Plaintiff,)	
)	CIVIL ACTION
)	
v.)	No. 06-2289-KHV
)	
HUBMAN FOUNDATION, et al.,)	
)	
Defendants.)	
_____)	

PARTIAL DEFAULT JUDGMENT

Plaintiff Richard Treakle filed suit against defendants Hubman Foundation and Timothy L. Hubman to recover the principal balance owed under a promissory note, plus penalties, interest, attorneys' fees and costs. Plaintiff served defendants on July 19, 2006. Defendants did not enter an appearance, plead or otherwise defend in this action. On August 24, 2006, the Clerk entered default against defendants pursuant to Fed. R. Civ. P. 55(a). See Doc. #12. This matter comes before the Court on plaintiff's Verified Motion For Default Judgment (Doc. #13) filed August 25, 2006.

As set out in the entry of default, defendants owe plaintiff a sum certain under the promissory note, including (a) \$100,000 outstanding principal; (b) \$10,000 in penalties; and (c) \$17,000 in prejudgment interest. Plaintiff is also entitled to post-judgment interest at an annual rate of 10 per cent , and all costs and expenses – including attorney's fees – which he has incurred in attempting to collect defendants' indebtedness. As of August 25, 2006, plaintiff has incurred reasonable and necessary attorneys' fees of \$6,082.50 and costs and expenses of \$400. See Doc. #13, Ex. A., Declaration of Benjamin A. Alpert.

The Court finds that defendants are currently liable to plaintiff in the known amount of \$133,482.50. The Court further finds that plaintiff is entitled to attorneys' fees incurred in recovering amounts owed under this default judgment and post-judgment interest calculated at an annual interest rate of 10 per cent.

IT IS THEREFORE ORDERED that partial default judgment be and hereby is entered against defendants, Hubman Foundation and Timothy L. Hubman, in the amount of \$133,482.50.

This order leaves for further adjudication only plaintiff's claim for attorneys' fees incurred in recovering amounts owed under this default judgment and post-judgment interest calculated at an annual interest rate of 10 per cent.

Dated this 23rd day of October, 2006 in Kansas City, Kansas.

s/Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge