

**FILED & ENTERED**  
**APR 05 2011**  
CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY ygreen DEPUTY CLERK

1 ROBERT G. URIARTE (CA Bar No. 110055)  
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6 Counsel for Movant

7  
8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION**  
10

11 In re: ) Bankruptcy No.: 6:10-bk-38390 CB  
12 ) Adversary No. 6;10-ap-01672  
13 DAVID WILLIAM BELL, )  
14 CYNTHIA BELL ) (Chapter 7)  
15 Debtor (s) )  
16 ) **ORDER GRANTING MOTION FOR**  
17 ) **DEFAULT COURT JUDGMENT**  
18 )  
19 ) DATE; March 30, 2011  
20 ) TIME; 2:00 P.M.  
21 ) HON. Catherine Bauer  
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112 The Court having read and considered Plaintiffs Motion for Default Judgment Under  
113 LBR 7055-1, the complaint and exhibits thereto, together with the Memorandum of Points &  
114 Authorities and Declaration of Robert G. Uriarte and all exhibits attached thereto, and it  
115 appearing that notice was proper; it further appearing that the time for filing an answer to the  
116 complaint expired on 12/13/10 and that the Entry of Clerk’s default was entered on 12/17/10;  
117 and it further appearing that Debtors failed to seek leave to set aside the Clerk’s default or

1 request leave to file an answer, and therefore any answer filed is stricken and/or otherwise  
2 disregarded by the Court; and, good cause appearing therefore,

3 **IT IS HERBY ORDERED** that the motion is GRANTED IN PART and that a court  
4 judgment will enter against defendants David and Cynthia Bell in favor of Consumer Legal  
5 Resources, LLP, dba, Uriarte & Wood (“Plaintiff”) and against David William Bell and Cynthia  
6 Bell, as follows:

- 7 1. The sum of \$25,490.46 as damages for fees and costs incurred in the Chapter 11 of  
8 UST Development; and,
- 9 2. The sum of \$3,855.00 attorney’s fees incurred in the State Court action per written  
10 contract; and,
- 11 3. The sum of \$3,625.00 attorney’s fees in Bankruptcy Court relating to the personal  
12 bankruptcy of Debtors, per written contract.

13  
14 **IT IS FURTHER ORDERED** that the motion is DENIED IN PART as no punitive  
15 damages will be awarded.

16  
17 **IT IS FURTHER ORDERED** that the total judgment in the amount of \$32,970 46, shall  
18 be non-dischargeable pursuant to 11 U.S.C. 523(A)(2), 523 (B), and 523(B)(6):

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27 DATED: April 5, 2011



United States Bankruptcy Judge

In re: David William Bell and Cynthia Bell   Debtor(s).	CHAPTER: 7  CASE NUMBER: 10-01672CB
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**NOTE:** When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
1175 E. Garvey Street, Suite 210, Covina, CA 91724

A true and correct copy of the foregoing document described **ORDER GRANTING MOTION FOR DEFAULT COURT JUDGMENT**, will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. \_\_\_\_\_ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On **3/31/11** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

David William Bell	Dennis Barnowski, Esq.(Courtesy only)
Cynthia Bell	19700 Civic Center Dr., #100-C
3305 Park Vista Drive	Rancho Cucamonga, CA 91730
La Crescenta, CA 91214	

Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/31/11	Adam Simon	_____ /s/
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>

In re: David William Bell and Cynthia Bell  Debtor(s).	CHAPTER: 7  CASE NUMBER: 10-01672CB
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**NOTE TO USERS OF THIS FORM:**

- 1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

**NOTICE OF ENTERED ORDER AND SERVICE LIST**

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER GRANTING MOTION FOR DEFAULT COURT JUDGMENT**, was entered on the date indicated as indicated on the first page of this judgment or order and will be served in the manner indicated below:

**I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING** Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of April 4, 2011, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

United States Trustee (RS)   ustpreion16.rs.ecf@usdoj.gov  
Robert G Uriarte   robert@uriarte-wood.com  
Abby A Wood   abby@uriarte-wood.com  
Patricia J Zimmermann (TR)   pjztrustee@aol.com, pzimmermann@ecf.epiqsystems.com

Service information continued on attached page

**II. SERVED BY THE COURT VIA U.S. MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Service information continued on attached page

**III. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an Entered stamp, the party lodging the judgment or order will serve a complete copy bearing an Entered stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

David William Bell                   Dennis Barnowski, Esq. (courtesy only)  
Cynthia Bell                         19700 Civic Center Dr., #100-C  
3305 Park Vista Drive             Rancho Cucamonga, CA 91730  
La Crescenta, CA 91214