

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
TRIBAL COURT**

05-05A11:21 RCVD

THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS,
Plaintiff,

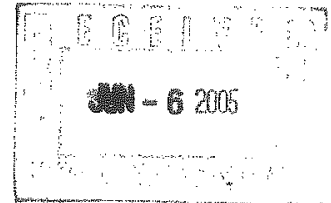
v.

Case No. C-054-0904
Hon. Michael D. Petoskey

BRIAN MATRIOUS,
Defendant.

Brian Matrious
Pro Se
63263 Grouse Trail
Hinckley, MN 55037

Allie Greenleaf Maldonado
Attorney for Plaintiff
7500 Odawa Circle
Harbor Springs, Michigan 49740
(231) 242-1403



ORDER

At a session of Tribal Court held
in the Odawa Tribal Court in Emmet
County on the 20th day of May, 2005.

PRESENT: HONORABLE JUDGE MICHAEL PETOSKEY, TRIBAL JUDGE
LINDA HARPER, TRIBAL COURT CLERK
ALLIE GREENLEAF MALDONADO, ATTORNEY FOR THE APPELLEE
PHIL J. HARMON, LTBB LAW CLERK AND REPRESENTATIVE FOR THE APPELLEE

UPON A HEARING BEING HELD in the form of a Default Judgment Hearing on the 20th day of May, 2005
the Court heard the Plaintiff's Motion for Default Judgment and finds the following:

1. The Plaintiff and Defendant entered into a legally binding contract on March 22, 2004 to complete the design and painting of murals in Plaintiff's government administration building located at 7500 Odawa Circle, Harbor Springs, Michigan for a total price of \$33,000.00;
2. The Defendant was paid \$21,500.00 in advance;
3. The Defendant produced de minimis work under the contract before leaving the area;
4. The Defendant is in breach of contract for failing to provide a good faith effort to complete all work within 30 days of contract date March 22, 2004;
5. The Plaintiff filed an action to recover damages in the amount of \$21,500.00, plus interest at the statutory rate from the date of filing of October 05, 2004;

6. The Defendant has failed to respond to the allegations of the complaint filed on October 05, 2004 by the Plaintiff;
7. The Plaintiff filed a written motion on April 26, 2005, to request a hearing wherein an entry of judgment by default be granted in this matter;
8. The Defendant has failed to respond or appear to object to this Court granting Plaintiff's motion;
9. This Court believes reasonable efforts were made to contact the Defendant to apprise him of these proceedings.

THEREFORE, THIS HONORABLE COURT GRANTS the Plaintiff's Motion for Default Judgment in the amount of \$21,500.00 with interest to accrue at the rate set in MCL 600.6013(8) until satisfied.

05/23/05
Date

Honorable Michael Petoskey, Chief Judge

