Plaintiff FREMAR, LLC, for its complaint and cause of action against Defendant Michael Poppens, states and alleges as follows:

- 1. Plaintiff FREMAR, LLC ("Plaintiff" or "FREMAR") is a limited liability company organized under the laws of the State of Minnesota, and is authorized to do business in the State of South Dakota.
- 2. Defendant Michael Poppens ("Defendant") is, upon information and belief, a resident of Tea, Lincoln County, South Dakota.
  - 3. This is an action seeking collection of debt owed by Defendant to Plaintiff.
- 4. As recently as August 2019, Defendant purchased dry fertilizer, dry application, and liquid chemicals from Plaintiff. Defendant's account was charged for those purchases.
  - 5. Defendant's account is delinquent.
- 6. Despite Plaintiff's demands that the account be brought current, Defendant has failed and refused, and continues to fail and refuse, to bring his account current.

- 7. Defendant currently owes Plaintiff the sum of \$49,214.50, which includes the cost of the products and services purchased as well as finance charges which have continued to accrue on the delinquent account at the rate of 1.50% per month.
- 8. Defendant has breached his contract with Plaintiff by failing and refusing to pay for the products and services, despite agreeing to do so.
- 9. As a result of Defendant's breach, Plaintiff has been damaged in the amount set forth herein.

WHEREFORE, Plaintiff prays that this Court will enter judgment against Defendant as follows:

- A. That the Court enter a judgment in the amount of \$49,214.50 in favor of FREMAR, LLC and against Defendant Michael Poppens.
  - B. That the Court award Plaintiff's prejudgment and post-judgment interest.
  - C. That the Court award Plaintiff its costs and disbursements.
- D. That the Court award Plaintiff such other, further, and different relief as the Court deems just, proper and equitable.

Dated at Sioux Falls, South Dakota, this \_4 day of March, 2020.

DAVENPORT, EVANS, HURWITZ & SMITH, L.L.P.

Anthony M. Hohn

206 West 14th Street

P.O. Box 1030

Sioux Falls, SD 57101-1030

Telephone (605) 336-2880

Facsimile (605) 335-3639

Attorneys for Plaintiff

STATE OF SOUTH DAKOTA ) : SS COUNTY OF LINCOLN )

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

FREMAR, LLC,

CIV. 20-242

Plaintiff,

VS.

**DEFAULT JUDGMENT** 

MICHAEL POPPENS,

Defendant.

The Defendant, having been personally served with the Summons and Complaint pursuant to law, and the Defendant having failed to appear and answer the Complaint of Plaintiff within the time allowed by law, and the default of said Defendant having been entered, upon application of the Plaintiff, and evidence having been submitted to the Court in support of the allegations set forth in Plaintiff's Complaint;

WHEREFORE, by reason of law and the premises aforesaid,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff FREMAR, LLC have and recover judgment against Defendant Michael Poppens in the sum of \$24,882.57, plus disbursements in the sum of \$120.25, for a total judgment of \$25,002.82, plus post-judgment interest at the legal rate until fully satisfied.

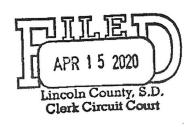
Dated this \_\_\_\_\_ day of April, 2020.

BY THE COURT:

Judge of Circuit Court

ATTEST: KRISTIE TORGERSON Clerk of Court

By Konenfrielson



STATE OF SOUTH DAKOTA ) : SS COUNTY OF LINCOLN )

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

FREMAR, LLC,

4 CIV. 20 - 242

Plaintiff,

VS.

SATISFACTION OF DEFAULT JUDGMENT AND CERTIFICATE OF SERVICE

MICHAEL POPPENS,

Defendant.

FREMAR, LLC, Plaintiff herein, acknowledges that the Default Judgment rendered against Defendant Michael Poppens in favor of FREMAR, LLC, in the above-entitled action for Twenty-Five Thousand Two and 82/100 Dollars (\$25,002.82), plus post-judgment interest, has been satisfied and discharged. Judgment roll filed and docketed the 15th day of April, 2020, in the Clerk's office of the Circuit Court in and for Lincoln County.

Dated at Sioux Falls, South Dakota, this 5th day of October, 2020.

DAVENPORT, EVANS, HURWITZ & SMITH, L.L.P.

Anthony M. Hohn 206 West 14<sup>th</sup> Street

P. O. Box 1030

Sioux Falls, SD 57101-1030

Telephone: (605) 336-2880 Facsimile: (605) 335-3639 Attorneys for Plaintiff

5 5

STATE OF SOUTH DAKOTA)

: SS

COUNTY OF MINNEHAHA )

On this, the 5th day of October, 2020, before me, the undersigned officer, personally appeared Anthony M. Hohn, who acknowledged himself to be an attorney for Fremar, LLC, and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

JULIA WESSEL

SEAL SOUTH DAKOTA

Julia Wessel

Notary Public, South Dakota

My Commission expires: 4/21/2026

## CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Plaintiff, hereby certifies that a true and correct copy of the foregoing was served electronically using the Odyssey system or via U.S. mail if the recipient(s) below is(are) not registered with the Odyssey system:

Michael Poppens 545 West 5th Street Tea. SD 57064

Dated at Sioux Falls, South Dakota this 5<sup>th</sup> day of October, 2020.

Anthony M. Hohr