

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT

GALLATIN COUNTY CLERK
OF DISTRICT COURT
JENNIFER BRANDON

2019 OCT 28 AM 10:17

GALLATIN COUNTY

FILED

JOSEPH S. SAMPLE,

Plaintiff,

v.

REIER BROADCASTING COMPANY,
INC.; REIER BROADCASTING CORP.;
UNITED STATES DEPARTMENT OF
THE TREASURY, INTERNAL
REVENUE DEPARTMENT; MONTANA
DEPARTMENT OF REVENUE; AND
MONTANA DEPARTMENT OF LABOR
AND INDUSTRY,

Defendants.

No. DV 19-771A

Judge Holly B. Brown BY DEPUTY

**ORDER GRANTING MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AND APPOINTING RICHARD J.
SAMSON AS RECEIVER**

Upon Plaintiff Joseph S. Sample's Motion for Entry of Default Judgment, supporting documents and documents on file in this action, the Court finds as follows:

1. The Complaint in this action was filed on July 5, 2019.
2. Defendants Reier Broadcasting Company, Inc. ("RBCI") and Reier Broadcasting Corp. (together, "Defendants") were duly served with the Complaint and Summons.
3. Defendants have failed to plead or otherwise defend this action.
4. The time to defend having expired, Plaintiff requested entry of default against Defendants. The Clerk entered Defendants' default on August 2, 2019.
5. Upon Plaintiff's information and belief, RBCI lacks operational funds, and the condition of all or part of the Collateral securing the Reier II and Reier III Promissory Notes has deteriorated significantly and may be lost entirely.

6. The administration of justice and rights of Plaintiff in the Collateral are best served by the appointment of a receiver in this case to dispose of the Collateral, including the FCC Licenses and broadcasting equipment, to prevent material injury to or loss of the Collateral.

IT IS THEREFORE ORDERED that:


1. Judgment is entered against Defendants for the unpaid balance of \$1,281,656.38 on the Reier II Promissory Note, together with interest at a rate of 5% accruing from June 1, 2019.

2. Judgment is entered against Defendants for the unpaid balance of \$324,312.09 on the Reier III Promissory Note, together with interest at a rate of 5% accruing from June 1, 2019.

3. Judgment is entered against Defendants in the amount of \$20,000 for Plaintiff's reasonable attorneys' fees, costs, and disbursements against Defendants Reier Broadcasting Company, Inc. and Reier Broadcasting Corp.

4. Richard J. Samson is appointed to serve as receiver with the power and authority to: (a) sell free and clear of all liens and interests (i) the FCC Licenses according to the rules and practices and subject to the approval of the buyer or buyers by the FCC, and (ii) upon Plaintiff's request, the broadcasting equipment and fixtures and other Collateral; and (b) to distribute the proceeds of any sale first to Plaintiff.

Dated this 25 day of October, 2019.


HON. HOLLY B. BROWN
DISTRICT COURT JUDGE

cc: Charles W. Hingle / John D. Sullivan/ Emily J. Cross

Thomas "Tuck" Reier (as POA)
On behalf of Reier Broadcasting Corp.
On behalf of Reier Broadcasting Company, Inc.

} mailed 10/29/19

Teresa G. Whitney, Attorney for the Montana Department of Revenue
Tina L. Ingham, Senior Litigation Paragraph, Montana Department of Revenue

Judith Bovington, Montana Department of Labor and Industry
Mark Cadwallader, Agency Counsel, Montana Department of Labor and Industry

Victoria Francis, U.S. Department of the Treasury, Internal Revenue Service

mailed 1/29/17

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