

Dennis Thornton
151 Amatasia Ln.
Kalispell, MT 59901
(406) 261-6814
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MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY

<p>DENNIS THORNTON</p> <p>Plaintiffs,</p> <p>vs.</p> <p>WHITEFISH CREDIT UNION,</p> <p>Defendant.</p>	<p>Cause No.: DV-18-336 (D)</p> <p>Judge Dan Wilson</p> <p>MOTION FOR DEFAULT UNOPPOSED JUDGMENT</p>
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The undersigned has attached for filing with the Court, the following:

**PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AND
REQUEST THAT THE COURT DEEM MOTION TO VACATE**

JUDGMENT UNOPPOSED

I. INTRODUCTION AND PROCEDURAL BACKGROUND

1. Plaintiffs Dennis, appearing pro se, filed his Motion to Vacate Judgment and Memorandum of Law on September 25, 2025.
2. On September 26, 2025, Defendant Whitefish Credit Union was properly served with the motion and supporting papers pursuant to **Mont. R. Civ. P. 5(b) and Rule 4(d)**. Certificate of service was filed with the Court on September 25, 2025.
3. Donna Thornton was served personally in hand with the motion and supporting papers pursuant to **Mont. R. Civ. P. 5(b) and Rule 4(d)**. Certificate of service was filed with the Court on September 25, 2025.
4. As of the date of this filing, no response, opposition, or other pleading has been filed by Whitefish Credit Union within the time allowed under **Mont. R. Civ. P. 6(c) and 7(b)(1)**.
5. Accordingly, the motion to vacate should be deemed unopposed, and default judgment should enter in Plaintiffs' favor.

II. LEGAL STANDARD AND AUTHORITY

6. Under **Mont. R. Civ. P. 55(a)**, when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or court must enter that party's default.

7. **Rule 55(b)(2)** authorizes the Court to enter default judgment upon application and proof that the opposing party was served and failed to appear or respond.

8. Montana courts have consistently held that when a party fails to respond after proper service, default is mandatory. See *Essex Ins. Co. v. Moose's Saloon, Inc.*, 2007 MT 202, ¶ 16, 338 Mont. 423, 166 P.3d 451; *First Call Movers v. MRC Development*, 2014 MT 38, ¶ 11, 374 Mont. 43, 319 P.3d 691.

9. Where the record shows service and no timely opposition, the Court may treat the underlying motion as confessed and grant relief by default. See *In re Marriage of Broere*, 2014 MT 101, ¶ 15, 374 Mont. 515, 323 P.3d 1114.

III. APPLICATION TO THIS CASE

10. Plaintiffs' Motion to Vacate Judgment and Memorandum of Law was served on Defendant, who has failed to file any response or appearance.

11. Under **Rules 55(a) and (b)(2)**, default judgment must be entered as a matter of law. The Court may deem all allegations in the Motion to Vacate admitted. See *Britz v. Metropolitan Gen. Ins. Co.*, 2012 MT 184, ¶ 22, 366 Mont. 78, 285 P.3d 494.

IV. RELIEF REQUESTED

Plaintiffs respectfully request that the Court:

1. Deem the Motion to Vacate Judgment unopposed;
2. Enter default judgment for Plaintiffs under **Mont. R. Civ. P. 55(b)(2)**;
3. Vacate the October 10, 2018 Judgment (ROA Doc. #57) as void under **Rule 60(b)(4), (3), (2), and 60(d)(3)**;
4. Grant such further relief as justice requires.

DATED: OCTOBER 17, 2025

Respectfully submitted,

Dennis Thornton, Pro Se Plaintiff
151 Amatasia Ln.
Kalispell, MT 59901
Tel: (406) 261-6814
Email: thorcoinc@outlook.com

DECLARATION OF NON-RESPONSE

I, Dennis Thornton, declare under penalty of perjury under Mont. Code Ann. § 1-6-105 that Defendant Whitefish Credit Union was served through counsel Sean Frampton on September 25, 2025 (SEE: EXHIBIT A- email service to sean@framptonpurdy.com) (SEE: EXHIBIT B- Certified Mail Receipt of Delivery USPS # 9589 0710 5270 3176 7651 45) and has not filed any response or appearance as of October 17, 2025.

Executed this 17th day of October 2025.

Dennis Thornton, Pro Se Plaintiff
151 Amatasia Ln.
Kalispell, MT 59901
Tel: (406) 261-6814
Email: thorcoinc@outlook.com

**MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY**

<p style="text-align:center">DENNIS THORNTON</p> <p style="text-align:center">Plaintiffs,</p> <p style="text-align:center">vs.</p> <p style="text-align:center">WHITEFISH CREDIT UNION,</p> <p style="text-align:center">Defendant.</p>	<p style="text-align:center">Cause No.: DV-18-336 (D)</p> <p style="text-align:center">Judge Dan Wilson</p> <p style="text-align:center">ORDER</p>
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**ORDER GRANTING PLAINTIFFS' MOTION FOR
DEFAULT JUDGMENT**

Upon review of Plaintiffs' Motion for Default Judgment and Declaration of Non-Response, the Court finds that Defendant Whitefish Credit Union was properly served and has failed to plead or otherwise defend within the time prescribed by law. Good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiffs' Motion to Vacate Judgment and Memorandum of Law is

DEEMED UNOPPOSED;

2. Default Judgment is ENTERED in favor of Plaintiffs and against

Defendant Whitefish Credit Union pursuant to **Mont. R. Civ. P. 55(b)(2)**;

3. The Judgment entered October 10, 2018 (ROA Doc. #57) is VACATED;

and

4. The Court grants such other and further relief as it deems just and proper.

DATED: _____

Hon. Dan Wilson

District Court Judge

**MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY**

<p>DENNIS THORNTON</p> <p style="text-align:center">Plaintiffs,</p> <p>vs.</p> <p>WHITEFISH CREDIT UNION,</p> <p style="text-align:center">Defendant.</p>	<p style="text-align:center">Cause No.: DV-18-336 (D)</p> <p style="text-align:center">Judge Dan Wilson</p> <p style="text-align:center">ORDER</p>
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**AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT
JUDGMENT**

I, Dennis Thornton, being first duly sworn, depose and state under oath as follows:

1. I am the Plaintiff, appearing pro se, in the above-captioned action. I make this affidavit in support of my Motion for Default Judgment and Request That the Court Deem Motion to Vacate Judgment Unopposed.
2. On September 25, 2025, I served Defendant Whitefish Credit Union,

through its attorney of record Sean S. Frampton, by (a) email service to sean@framptonpurdy.com in accordance with Mont. R. Civ. P. 5(b)(2)(E), and (b) certified U.S. mail (USPS #9589 0710 5270 3176 7651 45), as evidenced by the attached Exhibits A and B.

3. Defendant Whitefish Credit Union has not filed any response, opposition, or other pleading within the time allowed by Mont. R. Civ. P. 6(c) and 7(b)(1).
4. No appearance, extension, stipulation, or motion for additional time has been filed or served by Defendant.
5. Accordingly, under Mont. R. Civ. P. 55(a) and 55(b)(2), Defendant is in default for failure to plead or otherwise defend, and the Court must enter judgment by default as a matter of law.
6. This affidavit is made in support of my request that the Court (a) deem the Motion to Vacate Judgment unopposed, and (b) enter default judgment in my favor vacating the October 10, 2018 judgment (ROA Doc. #57).
7. The facts stated herein are true and correct to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NAUGHT.

Executed this 17th day of October 2025, in Kalispell, Flathead County,
Montana.

Dennis Thornton, Pro Se Plaintiff

151 Amatasia Lane

Kalispell, MT 59901

Tel: (406) 261-6814

Email: thorcoinc@outlook.com

VERIFICATION / UNSWORN DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of October 2025, at Kalispell, Montana.

Dennis Thornton, Pro Se Plaintiff

151 Amatasia Lane

Kalispell, MT 59901

Tel: (406) 261-6814

Email: thorcoinc@outlook.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October 2025, I served a true and correct copy of the foregoing Affidavit in Support of Motion for Default Judgment upon the following:

Sean S. Frampton
Frampton Purdy Law Firm
830 West 19th Street, #301
Whitefish, MT 59937
By Email to sean@framptonpurdy.com
By Certified Mail USPS # _____

Donna Thornton
151 Amatasia Lane
Kalispell, MT 59901
Personal Service at the address above

DATED this 17th day of October 2025.

Dennis Thornton, Pro Se Plaintiff
151 Amatasia Lane
Kalispell, MT 59901
Tel: (406) 261-6814
Email: thorcoinc@outlook.com

**MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY**

DENNIS THORNTON

Plaintiffs,

vs.

WHITEFISH CREDIT UNION,

Defendant.

Cause No.: DV-18-336 (D)

Judge Dan Wilson

**NOTICE OF ENTRY OF
DEFAULT JUDGMENT**

TO: Sean S. Frampton, Attorney for Defendant, Whitefish Credit Union
Frampton Purdy Law Firm
830 West 19th Street, #301
Whitefish, MT 59937
Email: sean@framptonpurdy.com

AND TO: Donna Thornton
151 Amatasia Lane
Kalispell, MT 59901

PLEASE TAKE NOTICE that the Order Granting Plaintiffs' Motion for Default Judgment was duly entered by the Montana Eleventh Judicial District Court, Flathead County, on the _____ day of October 2025, before the Honorable Judge Dan Wilson, District Court Judge.

A true and correct copy of said Order Granting Plaintiffs' Motion for Default Judgment is attached hereto and served with this Notice pursuant to Mont. R. Civ. P. 77(d).

DATED this _____ day of October 2025.

Respectfully submitted,

Dennis Thornton, Pro Se Plaintiff
151 Amatasia Lane
Kalispell, MT 59901
Tel: (406) 261-6814
Email: thorcoinc@outlook.com

**MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY**

<p>DENNIS THORNTON</p> <p style="text-align:center">Plaintiffs,</p> <p>vs.</p> <p>WHITEFISH CREDIT UNION,</p> <p style="text-align:center">Defendant.</p>	<p style="text-align:center">Cause No.: DV-18-336 (D)</p> <p style="text-align:center">Judge Dan Wilson</p> <p style="text-align:center">ENTRY OF DEFAULT JUDGMENT</p>
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ENTRY OF DEFAULT JUDGMENT

This matter came before the Court upon the Plaintiff’s Motion for Default Judgment filed on October 17, 2025, and the accompanying Affidavit in Support of Motion for Default Judgment and Declaration of Non-Response.

The Court, having reviewed the pleadings, the proof of service, and being fully advised in the premises, finds as follows:

1. Defendant Whitefish Credit Union was duly served with Plaintiff's Motion to Vacate Judgment and Memorandum of Law on September 25, 2025, as evidenced by the filed Certificate of Service and accompanying exhibits.
2. The Defendant has failed to plead, respond, or otherwise defend within the time prescribed by Mont. R. Civ. P. 6(c) and 7(b)(1).
3. Entry of default is therefore proper under Mont. R. Civ. P. 55(a), and judgment may be entered under Rule 55(b)(2).
4. The Court finds that the underlying October 10, 2018 Judgment (ROA Doc. #57) is void under Mont. R. Civ. P. 60(b)(4) and was obtained through misrepresentation and fraud upon the Court, contrary to Rule 60(b)(3) and 60(d)(3).
5. Good cause appearing, the Court concludes that default judgment shall be entered in favor of Plaintiff Dennis Thornton and against Defendant Whitefish Credit Union.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Defendant Whitefish Credit Union is in default for failure to appear,

plead, or otherwise defend;

2. Plaintiff's Motion to Vacate Judgment and Memorandum of Law is

GRANTED and deemed UNOPPOSED;

3. The Judgment entered on October 10, 2018 (ROA Doc. #57) is hereby

VACATED in its entirety as void and unenforceable;

4. All claims and relief requested in Plaintiff's Motion to Vacate Judgment

are hereby GRANTED;

5. The Clerk of Court is directed to enter this Default Judgment forthwith;

6. Plaintiff may submit such further proposed orders as necessary to

effectuate this Judgment.

DATED this _____ day of _____ 2025.

Hon. Dan Wilson

District Court Judge

Eleventh Judicial District

Flathead County, Montana

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____ 2025,
I served a true and correct copy of the foregoing Notice of Entry of Default
Judgment together with the attached Order Granting Plaintiffs' Motion for
Default Judgment upon the following by electronic mail and by U.S. Mail,
postage prepaid:

Sean S. Frampton
Frampton Purdy Law Firm
830 West 19th Street, #301
Whitefish, MT 59937
Email: sean@framptonpurdy.com

Donna Thornton
151 Amatasia Lane
Kalispell, MT 59901

DATED this _____ day of _____ 2025.

Dennis Thornton, Pro Se Plaintiff
151 Amatasia Lane
Kalispell, MT 59901
Tel: (406) 261-6814
Email: thorcoinc@outlook.com