STATE OF SOUTH DAKOTA

:SS IN CIRCUIT COURT

COUNTY OF HANSON FIRST JUDICIAL CIRCUIT

JOHN & DEBORAH E. HORNIDGE,

Plaintiffs, Case No. 30CIV25-000032

vs.

BRENT & MELISSA MENTELE, et al.,

Defendants/Counterclaim Plaintiffs.

FILED

JUN 25 2026

Pam Koupal

Hanson County Clerk of Courts
First Judicial Circuit Court of SD

AFFIDAVIT OF MELISSA MENTELE IN SUPPORT OF

APPLICATION FOR ENTRY OF DEFAULT

STATE OF SOUTH DAKOTA)

) ss.

COUNTY OF HANSON)

I, Melissa Mentele, being first duly sworn upon oath, depose and state as follows:

1. I am one of the Defendants and Counterclaim Plaintiffs in the above-captioned matter. I am over the age of eighteen (18) years and have personal knowledge of the facts stated herein.

2. On May 27, 2026, I filed the Answer and Counterclaim of Defendants Brent Mentele and Melissa Mentele with the Hanson County Clerk of Courts, First Judicial Circuit Court of South Dakota. The Answer and Counterclaim was filed and stamped by Pam Koupal, Hanson County Clerk of Courts, on May 27, 2026.

3. On May 27, 2026, I personally hand-delivered a true and correct copy of the Answer and Counterclaim to James Davies, the attorney of record for Plaintiffs John Hornidge and Deborah E. Hornidge, at his office located at 409 Main Ave, Alexandria, South Dakota 57311. Attorney Davies was present at his office and personally received the document from me.

4. As a courtesy, I also sent a copy of the Answer and Counterclaim to Attorney Davies by United States Mail, First Class, postage prepaid.

5. The Certificate of Service attached to the filed Answer and Counterclaim, signed by me and Attorney Davies dated May 27th, 2026, accurately reflects the foregoing facts regarding service.

6. The Answer and Counterclaim includes a Counterclaim against Plaintiffs John Hornidge and Deborah E. Hornidge consisting of Count 1 (Specific Performance under SDCL 21-9-9) and Count 2 (Breach of Contract under SDCL 43-26-1), with a Prayer for Relief requesting an order requiring Plaintiffs to transfer the real property to Defendants, judgment for damages, pre and post judgment interest, attorneys fees, and all other just relief.

7. Under SDCL 15-6-12(a), Plaintiffs were required to serve a reply to the Counterclaim within twenty (20) days after service. The deadline for Plaintiffs to reply to the Counterclaim, computed pursuant to SDCL 15-6-6, excluding the date of service and counting forward twenty days, expired on Tuesday, June 16, 2026.

8. I have monitored the docket in this matter — Case No. 30CIV25-000032, Hanson County Circuit Court, First Judicial Circuit — continuously from the date of service on May 27, 2026 through the date of this Affidavit. As of the date of this Affidavit, Plaintiffs have filed no reply to the Counterclaim, no motion for extension of time to reply, no motion attacking the sufficiency of the Counterclaim, and no other responsive pleading of any kind.

9. As of the date of this Affidavit, Plaintiffs have made no filing of any kind in this matter since the original Complaint was filed on July 28, 2025 — a period of more than ten months of complete inactivity on the docket.

10. Plaintiffs John Hornidge and Deborah E. Hornidge are not minors, incompetent persons, or persons in the military service of the United States as defined by the Servicemembers Civil Relief Act, to the best of my knowledge and belief. Plaintiffs are adult residents of [redacted] as stated in the Complaint.

Further affiant sayeth naught.

Melissa Mentele

Defendant and Counterclaim Plaintiff

[redacted]

Emery, SD [redacted]

[redacted]

Subscribed and sworn to before me this 25 day of June, 2026.

Notary Public

My Commission Expires: 5/5/27