

STATE OF SOUTH DAKOTA  
:SS

COUNTY OF HANSON

JOHN & DEBORAH E. HORNIDGE,  
PLAINTIFFS,

-vs-

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT  
File # 30CIV25-32

REPLY OF PLAINTIFFS  
TO COUNTERCLAIM

BRENT & MELISSA MENTELE,  
HANSON COUNTY, SOUTH DAKOTA,  
A local government subdivision,  
STATE OF SOUTH DAKOTA-  
DEPARTMENT OF REVENUE,  
STATE OF SOUTH DAKOTA-  
DEPARTMENT OF LABOR,  
LINCOLN COUNTY, SOUTH DAKOTA,  
A local government subdivision,  
AAA COLLECTIONS INC.,  
CREDIT COLLECTIONS INC.,  
CREDIT COLLECTIONS BUREAU,  
RUSHMORE SERVICE CENTER, LLC,  
ROGER GERLACH  
DEFENDANTS.

Comes now the Plaintiffs named above John & Deborah E. Hornidge,  
and for and as their Reply to the Defendant's counterclaim states and  
alleges as follows:

### **FOR A FIRST DEFENSE**

1. Specifically denies each and every matter, item, allegation, and thing contained in the Plaintiff's counterclaim which is not hereinafter specifically admitted.
2. Denies paragraph 1 and 5.
3. Is without sufficient knowledge to either admit or deny paragraphs 2, 3 and 4, and so does therefore deny the same and does put the plaintiff upon its proof thereon.

### **FOR A SECOND (AFFIRMATIVE) DEFENSE:**

4. Incorporates here Paragraphs 1 through 3 set forth above.
5. Plaintiffs allege that the Defendants' Counterclaim fails to state grounds upon which relief may be granted against Plaintiffs.
6. Plaintiffs contend that Defendants have tendered no considerations sufficient to complete the contract and are not entitled to specific performance thereon.

### **FOR A THIRD (AFFIRMATIVE) DEFENSE (FRAUD) (further research on this):**

7. Incorporates here Paragraphs 1 through 6 set forth above.
8. Defendants made payments, but payments were not made on the schedule called for in the contract and Plaintiff's were denied interest on those late payments and to allow Defendant to claim payments as completion of the contract constitutes fraud upon the Plaintiffs.

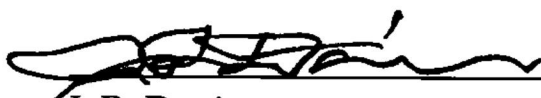
WHEREFORE, Plaintiffs John & Deborah E. Hornidge pray that this Court grant them relief as follows:

[A] Entering judgment herein, with prejudice, in favor of Plaintiffs John & Deborah E. Hornidge and against the Defendants herein, whereby the Defendants shall take naught by and through their counterclaim in these proceedings; and

[B] Granting to the Plaintiffs their attorney's fees, costs, disbursements, and expenses incurred in Replying and defending this action; and

[C] For such other, further, and additional relief as the Court may deem to be just and equitable in the premises.

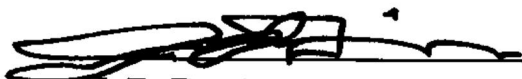
Dated June 25, 2026.

  
\_\_\_\_\_  
J. R. Davies  
Attorney for Plaintiff  
PO Box 277  
Alexandria SD 57311  
605-239-4321

DEMAND FOR JURY TRIAL

Plaintiffs herein does demand that this matter be tried to a jury.

Dated June 25, 2026.

  
\_\_\_\_\_  
J. R. Davies  
Attorney for Plaintiff  
PO Box 277  
Alexandria SD 57311  
605-239-4321