

ENTERED

U. S. DISTRICT COURT  
DISTRICT OF NEVADA  
FILED

AUG 4 1971

AUG - 4 1971

CLERK, U. S. DISTRICT COURT  
DISTRICT OF NEVADA  
BY *George M. Lague* DEPUTY

JOHN A. PORTER, Clerk  
BY *George M. Lague* DEPUTY.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

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E. GEORGE TRIPHON, JOHN TRIPHON  
and DAPHNE TRIPHON, dba E.  
GEORGE TRIPHON AND ASSOCIATES,  
a Partnership,

Civil No. R-2513

Plaintiffs,

vs.

RON KINCADE, J. T. BANNER and  
FRANK BOSLER, individually, and  
dba WALKER RIVER DEVELOPMENT  
COMPANY, a Partnership,

Defendants.

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JUDGMENT AND DECREE

This action duly and regularly came on for trial before the Court, sitting without a jury, on July 15 and 16, 1971, plaintiffs E. George Triphon, John Triphon and Daphne Triphon, dba E. George Triphon and Associates, being represented by Milton Manoukian, Esq.; defendant Ron Kincaide being represented by Carl Martillaro, Esq. and John Tom Ross, Esq.; defendant J. T. Banner being represented by C. Clifton Young, Esq., and defendant Frank Bosler being represented by L. William Paul, Esq.

The parties stipulated that a partial trial be held at that time on the separable issue of the validity of that

1 certain agreement dated March 13, 1971 between E. George Tri-  
2 phon and Associates and Walker River Development Company, a  
3 partnership, which had been signed and approved by J. D. Banner  
4 and Frank Bosler on behalf of Walker River Development Company.  
5 More specifically, the issue to be tried was whether or not  
6 such an agreement was a valid and binding partnership obliga-  
7 tion of Walker River Development Company in the absence of the  
8 approval thereof by Ron Kincade, one of the partners.

9 After consideration of the evidence and the arguments  
10 and memoranda presented by the attorneys, the Court has this  
11 day filed its decision incorporating its findings of fact and  
12 conclusions of law and has determined, pursuant to Rule 54(b),  
13 Federal Rules of Civil Procedure, that there is no just reason  
14 for delay and that the Court should direct the entry of a  
15 final judgment on the issue tried and directing specific per-  
16 formance of the agreement in question.

17 In conformity with the aforesaid decision, IT HEREBY  
18 IS ORDERED, ADJUDGED AND DECREED:

19 1. That certain agreement dated March 13, 1971, be-  
20 tween Walker River Development Company, a Nevada partnership,  
21 as seller, and E. George Triphon and Associates, a partner-  
22 ship, as buyer, (Exhibit 2 in evidence), is a valid, binding  
23 and enforceable agreement which was properly and legally ap-  
24 proved and executed on behalf of Walker River Development Com-  
25 pany, a partnership, and plaintiffs and defendants are hereby  
26 ordered and directed to carry out and execute the terms and  
27 provisions of said agreement.


28 2. That certain notice of lis pendens dated April  
29 20, 1971, recorded with respect to that certain action en-  
30 titled "Ron Kincade, Plaintiff, v. J. T. Banner and Frank  
31 Bosler, Defendants," Docket No. 5259 in the First Judicial  
32 District Court of the State of Nevada, in and for Douglas

1 County, which was recorded in the Office of the County Recorder  
2 of Douglas County, Nevada as Document No. 52116 in Book 86,  
3 at page 133, is hereby declared and decreed to be null and void  
4 and of no force and effect, and the defendant Ron Kincade and  
5 his attorneys are hereby ordered and directed to take all ap-  
6 propriate steps and proceedings to cause the elimination of  
7 said notice of lis pendens as a cloud upon the title to the  
8 property referred to therein in every County where such docu-  
9 ment or a similar document has been recorded.

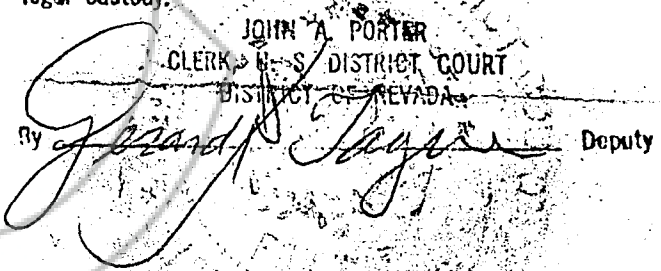
10 IT HEREBY IS ORDERED that the foregoing Judgment and  
11 Decree be entered forthwith as a final judgment.

12 The Court reserves jurisdiction of all unresolved and  
13 untried issues in this action.

14 Dated: August 4, 1971.

15  
16  
17   
18 UNITED STATES DISTRICT JUDGE

19  
20  
21  
22  
23 I hereby attest and certify on August 5, 1971  
24 that the foregoing document is a full, true and correct  
25 copy of the original on file in my office, and in my  
26 legal custody.

27   
28 JOHN A. PORTER  
29 CLERK, U. S. DISTRICT COURT  
30 DISTRICT OF NEVADA  
31 By Gerard J. Taylor Deputy

32 Recorded at Request of Milton Manoukian  
On 8-16-71 At 11 Min. Past 3 P.M.  
Official Records of Douglas County, Nevada. Fee 5.00

Patricia J. Stanley, Recorder.

By Patricia J. Stanley  
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