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1 Case No. 10870

2 Dept. No. I

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6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 PETER DRYSDALE WALKER,
Plaintiff,

10 v.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND JUDGMENT

11 EL DORADO ASSOCIATES, INC., a
12 California corporation, PAUL ROLAND
13 WIGGINS, JR., VERN DWYER, JOSEPH
14 GARCIA, STEVEN SYFTESTAD and SHELLY
SYFTESTAD, Husband and Wife, and
DOES I through X,
Defendants.

15
16 This cause having come on for hearing on the 13th day
17 of March, 1984, upon the Motion of plaintiff for entry of
18 judgment and the plaintiff being present in Court and
19 represented by Louis R. Doescher, Esq., and the defendants, El
20 Dorado Associates, Inc., a California corporation, Paul Roland
21 Wiggins, Jr., Vern Dwyer, and Steven and Shelly Syftestad,
22 husband and wife, not being present nor represented by
23 counsel, and good cause appearing, the Court now enters its
24 Findings of Fact, Conclusions of Law and Judgment herein.

25 I

26 FINDINGS OF FACT

27 A. That due notice of this hearing was provided to
28 all defendants herein.

29 B. That the defendant, El Dorado Associates, Inc., a
30 California corporation, Paul Roland Wiggins, Jr., and Vern
31 Dwyer have failed and otherwise refused to comply with this
32 Court's orders regarding discovery in this matter.

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1 C. That the defendant, Joseph Garcia, has, through
2 appropriate Stipulation, been dismissed as a defendant in this
3 matter.

4 D. That the plaintiff and the defendants, Steven and
5 Shelly Syftestad, husband and wife, have entered into a
6 Stipulation providing that upon payment to Steven and Shelly
7 Syftestad by plaintiff of the sum of \$7,500.00, a judgment may
8 be entered pursuant to appropriate terms of the Stipulation.
9 That the plaintiff has performed as required pursuant to the
10 terms of the Stipulation and is entitled to judgment.

11 E. That notice of all proceedings in this matter has
12 been given according to law by plaintiff to defendants, El
13 Dorado Associates, Inc., a California corporation, Paul Roland
14 Wiggins, Jr., and Vern Dwyer. That more than twenty-four
15 months have passed since service of the Court's order of
16 February 10, 1982 ordering that the said defendants comply
17 with discovery rules and procedures. That the said defendants
18 have willfully failed and refused, and continue to fail and
19 refuse to comply with such order.

20 F. That all of the allegations in the Complaint are
21 true and require no further proof by plaintiff in these
22 proceedings.

23 II

24 CONCLUSIONS OF LAW

25 A. The Court concludes that it is reasonable in the
26 circumstances and pursuant to NRCPC 37(b)(2) and NRCPC 55 that a
27 judgment by default be entered against the defendants, El
28 Dorado Associates, Inc., a California corporation, Paul Roland
29 Wiggins, Jr., and Vern Dwyer.

30 B. The Court concludes that a judgment pursuant to
31 the terms of the Stipulation between plaintiff and defendants,
32 Steven and Shelly Syftestad, husband and wife, should be

1 entered.

2 C. The Court concludes that the Answer and
3 Counterclaim of the defendants, El Dorado Associates, Inc.,
4 Paul Roland Wiggins, Jr., and Vern Dwyer should be stricken
5 and a default should be entered against them.

6 D. The Court concludes that the deeds, as specified
7 in the original and amended Complaint should be set aside and
8 rendered null and void ab initio.

9 III

10 JUDGMENT

11 Based upon the foregoing Facts and Conclusions of Law,
12 and good cause appearing,

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

14 1. That judgment be entered herein in favor of
15 plaintiff and against defendants, El Dorado Associates, Inc.,
16 a California corporation, Paul Roland Wiggins, Jr., and Vern
17 Dwyer.

18 2. That the deed from Peter Drysdale Walker,
19 plaintiff herein, as grantor, to El Dorado Associates, Inc., a
20 California corporation, dated April 1, 1980 and recorded at
21 Book 480, page 320 and 321, being file no. 43387 of the
22 official records of Douglas County, Nevada, be, and the same
23 hereby is, cancelled, set aside and declared null and void ab
24 initio and, further, that El Dorado Associates, Inc., a
25 California corporation, take no estate, right, title, lien or
26 interest in or to said real property set forth in the said
27 deed or any part thereof.

28 3. That the corporation grant deed from El Dorado
29 Associates, Inc. to Paul Roland Wiggins, Jr. dated April 22,
30 1980 and recorded at Book 480, page 1275 and 1276, being file
31 no. 43879 of the official records of Douglas County, Nevada,
32 be, and the same hereby is, cancelled, set aside and declared

1 null and void ab initio and, further, that Paul Roland
2 Wiggins, Jr., take no estate, right, title, lien or interest
3 in or to said real proeprty set forth in the said deed or any
4 part thereof.

5 4. That the deed dated May 7, 1980 from Paul Roland
6 Wiggins, Jr. to El Dorado Associates, Inc., a California
7 corporation, and recorded at Book 580, page 410 and 411, being
8 file no. 44303 of the official records of Douglas County,
9 Nevada, be, and the same hereby is, cancelled, set aside and
10 declared null and void ab initio and, further, that El Dorado
11 Associates, Inc., a California corporation, take no estate,
12 right, title, lien or interest in or to said real property set
13 forth in the said deed or any part thereof.

14 5. That the deed from El Dorado Associates, Inc., a
15 California corporation, to Steven and Shelly Syftestad,
16 husband and wife, dated May 6, 1980 and recorded at Book 580,
17 page 412 and 413, being file no. 44304 of the official records
18 of Douglas County, Nevada, be, and the same hereby is,
19 cancelled, set aside and declared null and void ab initio and,
20 further, that Steven and Shelly Syftestad, husband and wife,
21 take no estate, right, title, lien or interest in or to said
22 real property set forth in the said deed or any part thereof.

23 6. That plaintiff, Peter Drysdale Walker, owns in fee
24 simple and is entitled to the peaceful possession of the real
25 property set forth in the Complaint on file herein and being
26 particularly described as 22.9 acres, more or less, at the
27 summit of Daggett Pass, Highway 19, Township 13 North, Range
28 19 East, M.D.B.&M., and being more particularly described by
29 the complete legal description therefor as follows:

30 Beginning at a point which bears North 00°00'42" West
31 750 feet, more or less from the center 1/4 corner of
32 Section 19, Township 13 North, Range 19 East, Mount
Diablo Base and Meridian; (along the North-South 1/4
line).

1 Thence from said point of beginning North 00°00'42"
2 West 1370 feet, more or less, along said 1/4 section
3 line of said Section 19 to a point which is also the
4 Northeast corner of that Subdivision known as Aspen
5 Valley, Unit No. 2; thence along the extension of the
6 Northerly line of said Aspen Valley Subdivision North
7 88°27'21" East 1060 feet, more or less, to the top of
8 the ridge dividing the Tahoe Valley Basin and the
9 Carson Valley Basin; thence along said top of ridge in
10 a Southwesterly direction to a point that bears North
11 89°59'18" East, 660 feet from the said 1/4 section
12 line; thence parallel with said 1/4 section line South
13 00°00'42" East 350 feet, more or less to the
14 Northwesterly right-of-way line of State Highway Route
15 Number 19; thence following said Northwesterly right-
16 of-way line of said Route 19 Southerly and Westerly to
17 a point which bears North 89°59'18" East 200 feet from
18 said 1/4 section line; thence leaving the
19 Northwesterly right-of-way line of said Route 19
20 parallel with said 1/4 section line North 00°00'42"
21 West 270 feet, more or less; thence South 89°59'18"
22 West 200 feet to the point of beginning, containing 23
23 acres, more or less.

13 7. That the defendants, El Dorado Associates, Inc., a
14 California corporation, Paul Roland Wiggins, Jr., Vern Dwyer,
15 and Steven and Shelly Syftestad, husband and wife, be, and
16 they hereby are, permanently enjoined from asserting any claim
17 or title adverse to plaintiff concerning said real property or
18 any part thereof.

19 8. That the lis pendens filed herein on the May 20,
20 1980 and recorded herein at Book 580, page 1139 and 1140,
21 being file no. 44603, be, and the same hereby is, cancelled
22 and may be expunged of record.

23 9. That a certified copy of these Findings of Fact,
24 Conclusions of Law and Judgment shall be recorded and become
25 part of the official records of Douglas County, Nevada.

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10. That the Consultant Agreement entered into on April 1, 1980 and the Exchange Agreement entered into on April 1, 1980 between plaintiff and defendant, El Dorado Associates, Inc., be, and the same hereby is, cancelled, set aside and declared null and void ab initio and that said defendant shall take no interest thereby.

DATED this 13th day of March, 1984.

Howard D. Miller
District Judge

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: March 16, 1984
Y. Bernard Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas

By *J. Schappell* Deput.

SEAL

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REQUESTED BY
Shaw, Heaton, et al
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA
\$ 10.00 incl.
1984 MAR 16 PM 2:07

SUZANNE BEAUDREAU
RECORDER

Carol A. [unclear] 098343
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