Case No. C-82-8

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EAST FORK JUSTICE COURT

BY CICK There

IN THE JUSTICE'S COURT OF EAST FORK TOWNSHIP

COUNTY OF DOUGLAS, STATE OF NEVADA

JACK MORRISON and LURA MORRISON, dba MORRISON KENNEL,

FINDINGS OF FACT CONCLUSION OF LAW JUDGMENT AND DECREE

vs.

VS

STEVE AND ANN MONROY SMITH, dba SUNSET RIDING STABLE, EL MONTE CALIFORNIA; SUNSET RIDING STABLE, HOLLYWOOD, CALIFORNIA; and ZEPHYR COVE STABLE, ZEPHYR COVE, NEVADA,

Defendants.

Plaintiff,

THE MATTER having come on a

THE MATTER having come on regularly for trial before this Court, sitting without a jury, on the 17th day of November, 1982, Plaintiffs appearing personally and through their counsel, SHEERIN, O'REILLY, WALSH & KEELE, and Defendants STEVE SMITH and ANN MONROY SMITH appearing personally and through their counsel, SMITH & GAMBLE, LTD., witnesses having been sworn, testimony submitted, and the Court being fully familiar with the pleadings and papers on file herein, this Court does now find and conclude as follows:

FINDINGS OF FACT

Ι

That pursuant to the stipulation of counsel, all Defendants except STEVE SMITH and ANN MONROY SMITH have been dismissed.

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Sheerin, O'Reilly, Malah & Keele Attorneys At Law Caroon City and Carboerville, Nevada

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That the Plaintiffs are doing business in Douglas County, Nevada as MORRISON KENNEL and raise for commercial sale purebred American Kennel Club registered Rottweiler dogs.

III

That in the month of October, 1981, the Plaintiffs shipped by air freight two Rottweiler dogs to the Defendants. Defendants paid \$650.00 for one animal but did not pay for the second animal.

IV

That the value of each animal at the time of shipping was \$650.00.

That shortly after shipping the two dogs by air freight Plaintiffs delivered to the Defendants the American Kennel Club registration papers for one of the Rottweiler dogs.

VI

That at or about the time of delivery of the two Rottweiler dogs, Plaintiffs and Defendants entered into an oral agreement that the Defendants were immediately to reduce to writing. Defendants failed to immediately reduce the oral agreement to writing but did tender to Plaintiffs a document in the month of April, 1982 which was unsatisfactory to the Plaintiffs as to its form and content as not being consistent with the oral agreement.

VII

Thereafter, Plaintiffs made demand upon the Defendants for payment in the amount of \$650.00 for the unpaid Rottweiler animal which had been previously delivered to the Defendants.

VIII

That the Defendants failed to pay the Plaintiffs the \$650.00 and Plaintiffs filed suit on June 4 of this year.

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Sheesin, O'Reilly, Walsh & Beele Attorneys At Kata Carons City and Corbustuils, Benada That it was necessary for the Plaintiffs to retain and bear costs so as to bring the matter to trial.

CONCLUSIONS OF LAW

From the foregoing, Plaintiffs are entitled to the relief prayed for in their Complaint.

JUDGMENT AND DECREE

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs shall have Judgment against the Defendants STEVE SMITH and ANN MONROY SMITH in the sum of \$650.00 plus interest at the rate of twelve percent (12%) per annum from the date of trial; attorney's fees in the amount of \$500.00 together with costs of suit incurred in bringing this action in the amount of \$50.00.

IT IS FURTHER ORDERED that within fifteen (15) days from satisfaction of this Judgment Plaintiffs shall deliver to Defendants the American Kennel Club registration papers for the unpapered Rottweiler dog delivered to the Defendants.

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DONE IN CHAMBERS this 15th day of December, 1982.

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GLEN ANDERSON
Justice of the Peace
East Fork Township

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 side.

Date Critici the Last Fork Justice Court, County of Douglas,

IN OFFICIAL RECORDS OF COUGLAS CO. NEVAGA.

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SUZANNE BEAUDREAU
RECORDER

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