

JOHN B. "TITO" PORDON
150 HAWKATO DR. RENO, NEV
89511

1 NOTICE OF "JUDICIAL RECONVEYANCE"
2 OF PROMISSORY NOTE AND FIRST DEED OF TRUST"

3 This indenture is made this 24th day of November, 1986, by
4 John B. "Tito" Pordon, President of Eagles' Nest Inc., a
5 Nevada Corporation, and by John B. "Tito" Pordon, Barbara Pordon,
6 and Mary Sbragia, as individuals, alter ego of Trustor Eagles'
7 Nest Inc. as alleged on Page 4 of the First Amended Complaint
8 CVR-85-278, BRT filed in the U.S. District Court in Reno, Nevada
9 by Plaintiffs United Venture Capital, a Nevada Corporation, et al,
10 affecting the title to the real property in Douglas County,
11 State of Nevada, described as follows:

12 Portion of the NE one-quarter of the NE
13 one-quarter of the SW one-quarter of
14 section 30, Township 13 N, Range 19 E, M.D.B.
& M., being fully described as follows:

15 commencing at the center of said section
16 30; then S 00°23'2" E along the center line
17 of said section, 70.90' to the true point of
18 beginning, thence continuing S 00°23'2" E
19 582.66 feet; thence N 89°48'14", W 651.58
20 feet; thence N 00°20'53", W 114.84 feet;
21 thence N 45°52'6", E 502.33 feet to the
22 beginning of a tangent curve to the right
23 with a radius of 320 feet and a central
24 angle of 28°38'09"; thence along said curve
159.93 feet; thence tangent to said curve N
74°30'15" E 101.76 feet to the beginning of
a tangent curve to the right a radius of 320
feet and a central angle of 09°34'02";
thence along said curve 53.43 feet to the
point of beginning and containing an area of
six (6) acres, more or less.

I

25 That on June 29, 1983, United Venture Capital, a Nevada
26 Corporation, as beneficiary caused to be recorded a First Deed of
27 Trust in the office of the Douglas County Recorder on the above
28 described property.

1 II

2 On December 19, 1985, United Venture Capital, a Nevada
3 Corporation, et al, filed a "First Amended Complaint" in U.S.
4 District Court in Reno, Nevada, Case No. CV-R-85-278 BRT,
5 stating in the Fourth Cause of Action that the Deed of Trust
6 executed by Eagles' Nest Co. Inc., was a requirement by the Loan
7 Agreement and demanding among other things "RESTITUTION" under
8 the Loan Agreement that incorporates the Note and First Deed of
9 Trust on the above described property which secured the loan.
10 In support of United Venture Capital et al's demand for "RESTITU-
11 TION" a demand was made for a "JUDICIAL DECLARATION THAT THE
12 WRITTEN LOAN AND OPERATING AGREEMENTS ARE VALID AND ARE THE SOLE
13 AGREEMENTS BETWEEN THE PARTIES."

14 III

15 That on May 2, 1986, United Venture Capital, a Nevada
16 Corporation, et al, filed in the U. S. District Court in Reno,
17 Nevada, a "MOTION TO DISMISS WITH PREJUDICE" attaching to the
18 motion a memorandum and Points and Authorities supporting among
19 other things that "PLAINTIFFS WISH TO DISMISS FROM THIS ACTION
20 WITH PREJUDICE". That the INITIAL CONDITIONS of the Loan
21 Agreement signed between the parties states as follows:

22 "The land and improvements described in
23 Exhibit "A" attached hereto and incor-
24 porated by reference will be pledged
25 by Eagle as security for the subject
26 loan. Eagle will execute a note and
27 First Deed of Trust on the subject
28 property as described in Exhibit A."

26 IV

27 The demand of United Venture Capital et al, in the First
28 Amended Complaint for a Judicial Declaration by the U. S. District

1 Court was forever foreclosed against United Venture Capital et al,
2 as a result of the "JUDGMENT" dismissing the case "WITH PREJUDICE"
3 Exhibit A attached hereto for reference. The affect of the
4 dismissal of a case with prejudice is the same as though it had
5 been tried to a Court and Jury and decided against the parties
6 who brought it on ALL of the claims and allegations made in the
7 complaint. UVC etal are forever BARRED from ever relying upon those
8 claims or allegations either by way of DEFENSE to an action
9 brought against them, or by way of CLAIMS in a new case brought
10 by them. Dan Smoot v. Fox, United States Courts of Appeals,
11 Sixth Circuit, 1964 340F2d 301, 303, 28 U.S.C. 2201, Blonder-
12 Tongue Laboratories, Inc. v. University of Illinois Foundation,
13 United States Supreme Court, 1971, 402 US 313, 28 L. Ed 2nd 788,
14 91S. CT 1434; Bernhardt v. Bank of America, 1942 Supreme Court
15 of California, 122 P2nd 892, 894; 111 E. 88th Street Partners v.
16 Fine, 101 MISC 2d 960, 443, N.Y.S. 2nd 195; and Parklane Hosiery
17 Company, Inc. v. Leo M. Shore, United States Supreme Court, 1979,
18 439 US 322, 58L Ed 2d 552, 99S. Ct 645.

19 V

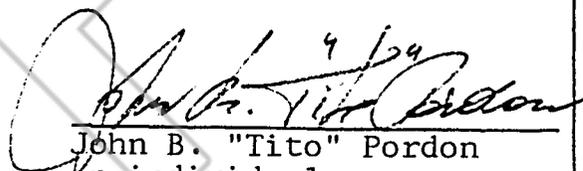
20 Now therefore, notice is given that the fact that the U. S.
21 District Court Case CV-R-85-278 BRT brought by United Venture
22 Capital et al, and filed on December 17, 1985, was DISMISSED WITH
23 PREJUDICE "IS TO ADJUDICATE THE OPPOSITE". Dan Smoot v. Fox,
24 1964, U.S. CA, 6th Cir, 340 F2d 301, 303, 28 U.S.C. 2201,
25 Bernhard v. Bank of America, Cal 1942, 122 P2d 892; Blonder
26 Tongue Laboratories v. University of Illinois Foundation, 1971,
27 402 U.S. 313, 28L Ed 2d 788, 91 S. Ct. 1434, Shore v. Parkland
28 Hosiery, U.S. CA Second Cir., 1977, 565 F 2d 815; and Parklane

1 Hosiery v. Shore, 1979, 439 U.S. 322, 58L Ed 2d 552, 99S Ct.645.

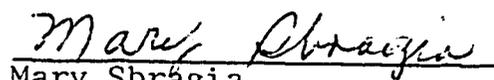
2 WHEREFORE The Notice of Judicial Reconveyance hereby is
3 recorded in accordance with the final adjudication and judgment
4 from the U. S. District Court Judge Bruce R. Thompson adjudi-
5 cating the opposite all claims and declarations PRAYED for in the
6 Amended Complaint by United Venture Capital et al, including
7 without limitation all of the language of the "Initial Condition"
8 of the Loan Agreement and Operating Agreement between the parties
9 and are forever barred from any claims of "RESTITUTION" or claims
10 of equivalence for any value of loss or indemnification,
11 or claims of any prima face evidence to the contrary, if any,
12 to the real property described on Page 1.

13 IN WITNESS WHEREOF THIS INDENTURE IS MADE ON THE DATE FIRST
14 ABOVE WRITTEN.

15 
16 John B. "Tito" Pordon
17 President, Eagles' Nest Inc.


John B. "Tito" Pordon
an individual

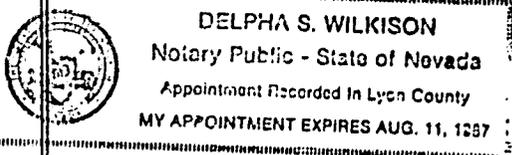
18 
19 Barbara Pordon
20 Barbara Pordon
an individual


21 Mary Sbragia
22 Mary Sbragia
an individual

21 STATE OF NEVADA)
22) : ss
23 COUNTY OF WASHOE)

23 On the 24th day of November, 1986, personally appeared before
24 me, a Notary Public, John B. "Tito" Pordon, personally known to me
25 to be the President of Eagles' Nest Inc., a Nevada Corporation, and
26 as individuals John B. "Tito" Pordon, Barbara Pordon, Mary Sbragia,
27 and stated to me that they signed the within document.

26 
27 Delpha S. Wilkison
28 Notary Public



1 HOWARD L. CUNNINGHAM, ESQ.
2 100 North Arlington Avenue
3 Suite #2
4 Reno, Nevada 89501
5 (702) 329-0252

6 Attorney for Defendants
7 John B. Pordon, Barbara Pordon,
8 and Mary Sbragia

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

11 UNITED VENTURE CAPITAL, INC.,
12 a Nevada corporation,
13 INN MANAGEMENT, INC., a Nevada
14 corporation, SETH L. ATWOOD,
15 ROBERT J. ANGRES,
16 Plaintiffs,

CV-R-85-278-BRT

17 vs

ORDER OF DISMISSAL WITH
PREJUDICE

18 JOHN B. PORDON, an individual,
19 BARBARA PORDON, an individual,
20 MARY SBRAGIA, an individual,
21 GEORGE ABBOTT, an individual,
22 CALLAHAN AND GILES BUILDERS,
23 INC., a Nevada corporation,
24 RICHARD CHESBRO, SILVER
25 STATE TITLE CO., a Nevada
26 corporation, HARRIGAN,
27 ANDERSON & THOMPSON, COMMONWEALTH
28 LAND TITLE INSURANCE COMPANY,

Defendants.

RECEIVED
AND FILED
ENTERED

MAY 22 1986

CLERK, U. S. DISTRICT COURT
DISTRICT OF NEVADA

MAY 21 11 29 AM 1986

[Handwritten signature]

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Plaintiffs having filed herein a Motion to Dismiss with Prejudice, and the defendants John B. Pordon, Barbara Pordon, and Mary Sbragia, having filed herein their opposition to plaintiffs motion to dismiss, but having subsequently filed a written withdrawal of opposition thereto,

NOW, THEREFORE, IT HEREBY IS ORDERED that the above

62

1 entitled action be, and it hereby is, dismissed with prejudice
2 as to all the defendants.

3 DATED this 21st day of May, 1986.

4
5 *Bruce R. Thompson*
6 UNITED STATES DISTRICT JUDGE

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8
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10 SEAL
11 CERTIFIED TO BE A TRUE COPY
12 CAROL C. FITZGERALD, Clerk
13 United States District Court
14 BY *[Signature]*

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REQUESTED BY
John B. Jito Gordon
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

'86 NOV 24 NO 08

SUZANNE BEAUDREAU
RECORDER
3-10 PAID *Bh* DEPUTY
BOOK 1186 PAGE 2335