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BY

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR CARSON CITY

8  
9 JOYCE ROVER, )  
10 vs. Plaintiff, )  
11 MARYANN ASTI and AL D. ASTI, )  
12 Defendants. )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND JUDGMENT

13 This matter came on for trial on the 6th day of March,  
14 1987, the plaintiff appearing personally with her attorney,  
15 PETER B. JAQUETTE, ESQ., and the defendants having failed to  
16 appear, but being represented in court by their attorney,  
17 STEPHEN C. BALKENBUSH, ESQ., of THORNDAL, BACKUS, MAUPIN and  
18 MANOUKIAN. This Court had previously entered its order  
19 dismissing Verona Hills without prejudice. At the commencement  
20 of trial, plaintiff moved to dismiss without prejudice the  
21 remaining named defendants, save and except for MARYANN ASTI and  
22 AL D. ASTI. Said motion to dismiss was granted and the matter  
23 proceeded to trial with the above-named parties. The Court  
24 having considered the testimony and evidence presented and being  
25 fully advised in the premises, now makes its Findings of Fact,  
26 Conclusions of Law and Judgment as follows:

27 --- --- ---  
28 --- --- ---

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CARSON CITY, NV 89702  
(702) 882-7434

I.

FINDINGS OF FACT

1  
2  
3 1. That plaintiff paid valuable consideration for the  
4 assignment of the Note, Deed of Trust and Guarantee Agreement  
5 which were the subject of this lawsuit.

6 2. That the defendants executed the Guarantee Agreement  
7 in exchange for valuable consideration.

8 3. That the execution by defendants of said Guarantee  
9 Agreement was a condition for the receiving of the funds  
10 distributed through escrow.

11 4. That the defendants did in fact receive  
12 approximately \$20,000.00 through escrow after the Guarantee  
13 Agreement was signed.

14 5. That the defendants were fully aware of the terms  
15 and conditions of the Guarantee Agreement at the time they  
16 signed it.

17 6. That the defenses raised by the defendants are not  
18 supported by the evidence presented in Court, nor by the  
19 contradictory versions of fact asserted by the defendants  
20 throughout this litigation.

21 7. That the Third Party Complaint previously filed by  
22 the defendants is unsupported by the evidence.

23 8. That the plaintiff is entitled to a reasonable  
24 attorney's fee in the amount of \$5,000.00.

25 II.

26 CONCLUSIONS OF LAW

27 1. That the Guarantee Agreement signed by the  
28 defendants is a valid contract, and is not subject to any of the

1 defenses asserted by defendants.

2 2. That the plaintiff is bona fide assignee for value  
3 of said Guarantee Agreement.

4 3. That plaintiff is entitled to judgment against the  
5 defendants as requested in her Complaint, including a reasonable  
6 attorney's fee.

7 4. That the Third Party Complaint filed herein by  
8 defendants should be dismissed.

9 III.

10 JUDGMENT

11 Based upon the Findings of Fact and Conclusions of Law  
12 set forth above, the Third Party Complaint of the defendants,  
13 MARYANN and AL D. ASTI, is hereby dismissed, and plaintiff,  
14 JOYCE ROVER, is hereby awarded judgment against defendants in  
15 the amount of \$27,500.00, together with a five percent (5%) late  
16 charge of \$1,375.00, interest on the principal balance since  
17 November 20, 1981 of \$26,187.53, attorney's fees in the amount  
18 of \$5,000.00, for a TOTAL JUDGMENT OF SIXTY THOUSAND SIXTY-TWO  
19 DOLLARS AND FIFTY-THREE CENTS (\$60,062.53).

20 DATED this 10 day of March, 1987.

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22 \_\_\_\_\_  
23 District Judge.

24  
25 REQUESTED BY  
*Peter Jaquette*  
26 IN OFFICE OF DEPT. OF REVENUE  
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