

FILED

NO. \_\_\_\_\_

Case No. 14582

'90 OCT 19 P1:59

Dept. No. 2

BARBARA WELCH  
CLERK

BY D. DALY DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

EILEEN VANWEY,

Plaintiff,

vs.

DAVID J. KERTES, et.

al.,

Defendant.

ORDERS BY THE COURT INCLUDING  
COURT DEED AND EXPUNGEMENT OF  
LIS PENDENS.

On the 5th day of October, 1990 at 10:00 a.m., in the above-entitled Court, the Court heard legal argument from the parties concerning Defendant's Motion for Relief from Judgment. The Court considered the Points and Authorities in the file pertaining to said Motion and after argument, the matter was submitted. The Court finds that it improperly granted that certain judgment previously issued on June 7, 1990 and further improperly signed that certain Court Deed on the 18th day of June, 1990. Because this Motion was granted without an opportunity for a hearing and because it did not comply with the Court's original Order,

IT IS HEREBY ORDERED, that the Judgment issued by this Court on June 7, 1990 and the Court Deed issued on June 8, 1990, are hereby stricken and rescinded. Defendant's Motion is thereby GRANTED.

/ / /

237648

LAW OFFICES OF

Edward Bernard, Esq.  
ATTORNEY AT LAW  
(a professional corporation)  
1203 NORTH NEVADA STREET  
CARSON CITY, NV 89703-3873  
TELEPHONE (702) 885-1600

1  
2 Further, the Court orders, pursuant to Rule 70 of the Nevada Rules of  
3 Civil and through its power therein, does hereby grant, bargain, and sell  
4 to EILEEN VANWEY, an undivided 62.5% interest and to DAVID J. KERTES, a  
5 37.5% undivided interest, with these parties holding said reflected  
6 interests as tenants in common, all the right, title and interest to all  
7 of those certain lots, pieces or parcels of land situate, lying and being  
8 in the Gardnerville Ranchos, County of Douglas, State of Nevada, more  
9 particularly described as follows:

10 Lot 475, as shown on the map of the Re-subdivision of Lots  
11 91-A & B; 92-A & B; 93 through 96, and 221 through 232,  
12 GARDNERVILLE RANCHOS UNIT NO. 2, filed in the office of the  
13 County Recorder of Douglas County, Nevada, on July 10, 1967, as  
14 Document No. 370949.

15 APN: 27-391-10-1

16 IT IS FURTHER ORDERED, that the Notice of Pendency of Action  
17 heretofore filed by the Defendant on August 1, 1990 is hereby expunged.  
18 The legal described reflecting same is as follows:

19 Lot No. 475 as shown on the map of the Re-Subdivisions of Lots  
20 91-A and B, 92-A and B, 93 through 96 and 221 through 232,  
21 Gardnerville Ranches, unit No. 2. APN: 27-391-10-1

22 IT IS FURTHER ORDERED that the subject property be put up for  
23 immediate sale at the price and terms contained in that certain Listing  
24 Agreement executed by both parties on October 5, 1990 with Myers Realty,  
25 Inc. That upon sale and after deduction of escrow costs and real estate  
26 broker and sale's persons costs, the net proceeds shall remain at the  
27 title company handling the transaction. That the funds shall remain on  
28 deposit with the title company until further order of the Court. The  
Court orders that the parties have reserved their right to file claims  
against the net proceeds for all damages, expenditures, or attorney fees  
claimed by either party to this action, as in original pleadings. / / /

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A further hearing will be held concerning said claims to the net proceeds in the title company.

IT IS FURTHER ORDERED that the rent payments heretofore deposited by the tenant, to-wit, the Rasmussens', to the subject property with the District Court in and for the County of Douglas, be deposited in the trust account of EDWARD BERNARD, Attorney at Law, pending disbursal pursuant to this Order.

IT IS FURTHER ORDERED that a copy of this Order be sent to the Clerk of the Douglas County District Court in order to obtain disbursal of the funds to the trust account of EDWARD BERNARD, Attorney at Law.

IT IS FURTHER ORDERED that the monies obtained from the District Court be deposited in the trust fund of EDWARD BERNARD, Attorney at Law, for the purpose of paying ongoing mortgage payments. It is the understanding of the Court that the First Deed of Trust on the property and the ongoing mortgage payments will be made from the trust fund account of EDWARD BERNARD, Attorney at Law, to the extent that monies have been placed in the trust fund account by the parties to this action and the rent money is now on deposit with the District Court. The parties are ordered to deliver said monies to the offices of EDWARD BERNARD at 1203 North Nevada Street, Carson City, NV 89703, on or before the 15th day of each month. The mortgage is an adjustable rate mortgage with the present monthly payment at \$497.00 or \$248.50 per party to this action.

IT IS FURTHER ORDERED that the money is to be placed with the Law Offices of Edward Bernard and shall be in the form of a cashier's check or money order.

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IT IS FURTHER ORDERED that the parties shall give an accounting to each other, through their attorneys, of all monies expended on the subject property and an accounting of any attorney bills claimed within thirty (30) days of any hearing on the disbursement of any funds held in escrow.

IT IS FURTHER ORDERED that the Plaintiff shall have the sole discretion to terminate any tenancy that now exists concerning the property.

IT IS FURTHER ORDERED that the attorney lien of Mr. Michael Rowe is hereby perfected and will be considered by the Court at the time of the disbursement of any funds.

This Order is intended to supplement any prior orders of the Court and will remain in full force and effect until further Order of this Court.

DATED: October 18, 1990.

*Michael R. Griffin*  
MICHAEL R. GRIFFIN, District Judge

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CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCPC 5(b), I certify that I am an employee of THE LAW OFFICES OF EDWARD BERNARD, Attorney at Law, 1203 North Nevada Street, Carson City, Nevada, 89703-3873, and that on this date I deposited for mailing at Carson City, Nevada, a true copy of the within document addressed to:

Mr. George W. Abbott, Esq.  
P. O. Box 98  
Minden, NV 89423

Mr. Michael Smiley Rowe  
P. O. Box 2080  
Minden, NV 89423

DATED: October 30, 1990.

  
\_\_\_\_\_  
MARIA NELSON

COPY

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.

SEAL

DATE: Oct. 24, 1990  
Breed Clerk of the 1st Judicial District Court  
of the State of Nevada, in and for the County of Douglas.

By J. Walley Deputy

REQUESTED BY  
Edward Bernard  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'90 OCT 26 P2:32

SUZANNE BEAUREAU  
RECORDER 237648  
\$10<sup>00</sup> PAID K12 DEPUTY  
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