

1 CASE NO. 28903

2 DEPT. NO. I

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DOUGLAS COUNTY  
DISTRICT COURT CLERK

93 JUL 15 P2:12

BARBARA REED

D. DALEY

BY \_\_\_\_\_ DEPUTY

3 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

4 IN AND FOR THE COUNTY OF DOUGLAS

5 ARTHUR S. ROOT,

6 Plaintiff,

7 vs.

8 SIDNEY D'CRUZ, et al.

9 Defendants.

ORDER VACATING FOREIGN  
JUDGMENT AS TO WINTER  
WONDERLAND, INC., A  
NEVADA CORPORATION

10 \_\_\_\_\_  
11 BARRY B. MARTIN,

12 Cross-Complainant,

13 vs.

14 ARTHUR S. ROOT, individually  
15 and dba ARCO EQUIPMENT;  
16 ROOT MANAGEMENT, ENDOWMENT  
17 AND CONSULTING FOUNDATION, Inc.,  
18 a Nevada Corporation, ROES 1  
19 through 200 inclusive,

20 Cross-Defendants.  
21 \_\_\_\_\_

22 OTHER RELATED CROSS-COMPLAINTS  
23 \_\_\_\_\_

24 This matter came on before the Court on the Motion  
25 of Winter Wonderland, Inc, a Nevada corporation by and through  
26 its President and its counsel MICHAEL SMILEY ROWE, ESQ., to  
27 stay enforcement of Foreign Judgment on an interim basis, and  
28

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312512

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1 thereafter to set aside Foreign Judgment as to the Nevada  
2 corporation. The Motion sets forth that the corporation had  
3 never been served with process in the underlying action which  
4 forms the basis for the Foreign Judgment which is sought to be  
5 enforced against the corporation. The corporation, its  
6 officer, director and shareholder were unaware of the action  
7 reduced to Judgment in the Superior Court of California in and  
8 for the County of Los Angeles until ancillary proceedings were  
9 initiated in the Second Judicial District Court in and for the  
10 County of Washoe, State of Nevada on February 25, 1993. The  
11 Motion is supported by the sworn Affidavit of Richard A.  
12 Murnane, President, sole director and sole shareholder of  
13 Winter Wonderland, Inc. The Affidavit sets forth that the  
14 corporation was not served with process in the underlying  
15 action giving rise to the Foreign Judgment which is sought to  
16 be enforced against the corporation, and further sets forth  
17 that the corporation did not appear in, nor was it named as a  
18 party to the litigation giving rise to the Foreign Judgment  
19 filed with this Court.

20 An asset of the corporation is a single family  
21 residence on a lot in the Granite Springs Subdivision. Said  
22 property is commonly known as 143 Granite Springs Drive,  
23 Douglas County, Nevada; Assessor's Parcel Number 07-454-01.

24 It appears from the file of the Court that the  
25 Motion was filed on June 30, 1993. The Certificate of Service  
26 by Mail indicates that on June 30, 1993 a copy of the Motion  
27 was mailed to the Judgment Creditor at his last known address

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1 in compliance with NRCP 6. Greater than the time allowed has  
2 expired for response to the Motion to Vacate Foreign Judgment.  
3 Pursuant to DCR 13 and NJDCR 5, the failure of the Judgment  
4 Creditor to serve and file a written response is hereby  
5 construed as an admission that the motion is meritorious, and  
6 as a consent to the granting of the same.

7 Based upon the above and foregoing, and good cause  
8 appearing:

9 IT IS HEREBY ORDERED that the Foreign Judgment be,  
10 and the same is hereby, VACATED as to Winter Wonderland, Inc.,  
11 a Nevada corporation, and that title to the property commonly  
12 known as 143 Granite Springs Drive, Douglas County, Nevada;  
13 Assessor's Parcel Number 07-454-01 be, and the same is hereby  
14 restored to Winter Wonderland, Inc. Any instrument recorded  
15 with the office of the Recorder of Douglas County, Nevada  
16 purporting to transfer title from Winter Wonderland, Inc., a  
17 Nevada corporation, to any other person or entity, be, and the  
18 same is hereby EXPUNGED.

19 DATED this 15<sup>th</sup> day of July, 1993.

20 

21 \_\_\_\_\_  
22 NORMAN C. ROBISON  
DISTRICT COURT JUDGE

23 Submitted by:  
24 Michael Smiley Rowe, Esq.  
Nevada State Bar Number 1374  
1638 Esmeralda Ave.  
25 P. O. Box 2080  
Minden, Nevada 89423  
26 (702) 782-8141  
Attorney for Winter Wonderland, Inc.  
27 and Richard A. Murnane

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: 7/15/93  
B. Reid Clerk of the 4th Judicial District Court of the State of Nevada, in and for the County of Douglas.

By [Signature] Deputy **312512**

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REQUESTED BY  
Michael Rowe  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

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SUZANNE BEAUDREAU  
RECORDER  
\$0 PAID K2 DEPUTY