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1 CASE NO. CV94-0117

2 DEPT. NO. 2

NO. _____

DOUGLAS COUNTY
DISTRICT COURT CLERK

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94 SEP -6 P2:08

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BARBARA REED
CLERK

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By H. CHAPPELL (REPRESENTATIVE)

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

7

IN AND FOR THE COUNTY OF DOUGLAS

8

9 SUZANNE LUCKEY, MICHAEL SULLIVAN,

10 Plaintiffs,

v.

**ORDER
REFLECTING SETTLEMENT
ON THE RECORD**

11

12 ROBERT E. WEISS, INC., a California
13 Corporation, SOURCE ONE MORTGAGE
14 SERVICES CORP. a Delaware
15 Corporation, PAUL D. BRADSHAW and
16 SUZANNE M. BRADSHAW, husband and
17 wife, et al.,

Defendants.

16 AND RELATED CLAIMS

17

18 On August 17, 1994, the Court participated in a settlement
19 conference with counsel for each of the parties and with Ms. Luckey and
20 Mr. Bradshaw. The conference resulted in a settlement that was placed
21 on the record of the Court on August 17, 1994. That settlement
22 provides as follows:

23 1. Defendants Robert E. Weiss, Incorporated, and Source One
24 Mortgage Services Corporation shall pay the following amounts to the
25 designated parties:

26 (a) The total sum of \$5,000.00 to the plaintiffs
27 collectively;

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1 (b) All sums tendered by defendants Paul D. Bradshaw
2 and Suzanne M. Bradshaw to the trustee at the trustee's
3 sale of the property shall be returned to the Bradshaws,
4 to wit, \$67,326.14, which was tendered to the trustee
5 at the sale, and \$95.75, which was paid as real estate
6 transfer tax; and

7 (c) In addition to the sums stated in subsection (b) above,
8 the sum of \$15,000.00 to defendants Bradshaw collectively.

9 2. Defendant Source One Mortgage Services Corporation and
10 defendant Robert E. Weiss, Incorporated shall prepare and record a
11 notice of rescission of trustee's sale and trustee's deed. The Court
12 made no finding of any error in the prior postponement of the trustee's
13 sale, and the settlement herein and rescission of the sale effectively
14 removes any concern as to the validity of the postponement.

15 3. Defendants Paul D. Bradshaw and Suzanne M. Bradshaw shall
16 deliver to counsel for defendants Robert E. Weiss, Incorporated and
17 Source One Mortgage Services Corporation, or to escrow as directed, a
18 Quitclaim Deed relinquishing any and all right of Paul D. Bradshaw and
19 Suzanne M. Bradshaw to the property in question, in order to fully
20 effectuate the rescission of the sale in this case.

21 4. Each of the parties shall execute and exchange a mutual
22 release and waiver of all claims to be prepared and distributed by
23 counsel for Robert E. Weiss, Incorporated and Source One Mortgage
24 Services Corporation.

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1 5. In addition to the foregoing, plaintiffs agreed to the
2 following terms as a condition of any reinstatement of their rights in
3 the property:

4 (a) Robert E. Weiss, Incorporated shall notice a trustee's
5 sale to be conducted on November 23, 1994;

6 (b) In order to prevent the trustee's sale from being
7 conducted on November 23, 1994, the following must occur:

8 (1) the plaintiffs must make monthly payments of
9 principal and interest, each in the amount of \$666.00, which must
10 be received in the offices of Robert E. Weiss, Incorporated, 920
11 Village Oaks Drive, Covina, California 91724, directed to the
12 attention of Ms. Vicki Hilton, on or before September 14, 1994,
13 October 14, 1994, and November 14, 1994. Each payment must be in
14 the form of either cashier's check or certified funds;

15 (2) so long as plaintiffs are current in their monthly
16 payments as stated in the immediately preceding paragraph,
17 plaintiffs shall have the right to cure the default by payment of
18 the total sum of \$7,842.40, in the form of cashier's check or
19 certified funds, which must be received on or before November 18,
20 1994 in the offices of Robert E. Weiss, Incorporated at the
21 address previously stated herein and directed to the attention of
22 Ms. Vicki Hilton;

23 (3) In the event plaintiffs satisfy the requirements
24 of the two immediately preceding paragraphs by timely making both
25 the required monthly payments and the payment to cure the default,
26 the loan shall be reinstated upon all terms and conditions as
27 stated in the original promissory note and deed of trust between
28 plaintiffs and Source One Mortgage Services Corporation; and

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1 (4) If any payment described in preceding paragraphs
2 (1) or (2) is not received in the offices of Robert E. Weiss,
3 Incorporated on or before the dates required therein, the
4 plaintiffs shall lose all right pursuant to this settlement
5 agreement to cure the default and reinstate the payments under the
6 loan. In such event, Robert E. Weiss, Incorporated or its
7 designee shall be allowed to conduct the trustee's sale on
8 November 23, 1994, to recover all sums due and owing to the
9 beneficiary, the trustee, and others pursuant to the promissory
10 note and the deed of trust.

11 For clarification, the total sum due and owing on the
12 promissory note and deed of trust upon the effective date of the
13 rescission of the trustee's sale, which date shall be considered
14 August 17, 1994 (the settlement date), was \$67,326.14. That is
15 the same amount that was due and owing when the trustee's sale was
16 conducted on February 9, 1994.

17 6. Pursuant to the foregoing settlement terms, which terms were
18 stipulated and agreed to in open Court on August 17, 1994, the above-
19 captioned action, including all claims, counterclaims, and cross-
20 claims, is dismissed with prejudice as to all parties. Each party must
21 bear its own attorneys' fees and costs.

22 DATED: September 6, 1994.

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25 _____
26 DISTRICT JUDGE

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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.

DATE: October 12, 1994
Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By: J. Paluy Deputy
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REQUESTED BY
WESTERN TITLE COMPANY, INC.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'94 OCT 17 P12:12

SUZANNE BEAUDREAU
RECORDER

\$ 11.00 PAID 18 DEPUTY