

1 CASE NO. 99-CV-0172
2 DEPT. NO. I

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NOV - 9 1999

DOUGLAS COUNTY
DISTRICT COURT CLERK

NO _____

3 '99 NOV -9 P1:59

4 BARBARA REED
5 P. CLERK

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

8 STEVEN JOHN DAUGHERTY,

9 Plaintiff,

ORDER RE: REMOVAL OF
LIS PENDENS

10 vs.

11 J. SHELTON BENNETT AND NANCY L.
12 BENNETT, DOES I-V,

13 Defendants.

14
15 A hearing having been conducted pursuant to NRS 14.015, and upon
16 good cause appearing,

17 IT IS HEREBY ORDERED as follows:

- 18 1. Stephen John Daugherty, the party who filed the Lis Pendens
19 against the Defendants' real property, has failed to
20 establish to the satisfaction of the Court that:
- 21 (a) the action is for the foreclosure of a mortgage upon the
22 real property described in the notice or affects the title
23 or possession of the real property described in the notice;
 - 24 (b) he will be able to perform any conditions precedent to the
25 relief sought in this action insofar as it affects the title
26 or possession of the real property; and
 - 27 (c) he would be injured by any transfer of an interest in the
28 property before the action is concluded.

///

1 2. Mr. Daugherty has failed to establish that he is likely to
2 prevail in an action relating to the real property or that
3 he would incur any hardship in the vent of a transfer which
4 would be greater than the hardship on the Defendants
5 resulting from the Notice of Pendency.

6 3. Based on the above findings;

7
8 IT IS HEREBY ORDERED that the Notice of Pendency shall be
9 immediately canceled and this order shall have the effect of canceling
10 the "Complaint to Foreclose under Mortgage; Notice of Pendency of
11 Action; Lis Pendens (\$10,107.25)" recorded with the Douglas County
12 Recorder's Office as Document No. 0471013, and this cancellation has
13 the same effect as an expungement of that original notice.

14 IT IS SO ORDERED.


15 Dated this 9 day of November, 1999.



16 _____
DISTRICT COURT JUDGE

17
18
19 RESPECTFULLY SUBMITTED BY:

20 SCARPELLO & ALLING, LTD.

21
22 By: 
MICHAEL K. JOHNSON, ESQ. #6360
23 Attorney for Defendants
24 Post Office Box 3390
Stateline NV 89449
(775) 588-6676

25 ///
26 ///
27 ///
28 ///

MKJ\Plead\Bennett\Removal of Lis Pendens

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0480382

11/13/99 11:11 AM MKJ 1199PG1670

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: 11/9/99

Deed Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

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REQUESTED BY
Mike Johnson
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

1999 NOV -9 PM 2: 20

LINDA SLATER
RECORDER

\$ 9.00 PAID BC DEPUTY