FILED CASE NO. 1 99-CV-0172 DEPT. NO. I 2 NO. 3 \*99 NOV -9 P1:59 5 IN THE NINTH JUDICIAL DISTRICTPOOURT OF THE STATE OF NEVADA 6 IN AND FOR THE COUNTY OF DOUGLAS 7 STEVEN JOHN DAUGHERTY, 8 ORDER RE: REMOVAL OF Plaintiff, LIS PENDENS 9 vs. 10 J. SHELTON BENNETT AND NANCY L. 11 BENNETT, DOES I-V, 12 Defendants. 13 14 A hearing having been conducted pursuant to NRS 14.015, and upon 15 good cause appearing, 16 IT IS HEREBY ORDERED as follows: 17 1. Stephen John Daugherty, the party who filed the Lis Pendens 18 against the Defendants' real property, has failed to 19 establish to the satisfaction of the Court that: 20 (a) the action is for the foreclosure of a mortgage upon the 21 real property described in the notice or affects the title 22 or possession of the real property described in the notice; 23 (b) he will be able to perform any conditions precedent to the 24 relief sought in this action insofar as it affects the title 25 or possession of the real property; and 26 he would be injured by any transfer of an interest in the 27 property before the action is concluded. 28 ///

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

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

IT IS SO ORDERED.

Dated this

day of November,

DISTRICT COURT JUDGE

RESPECTFULLY SUBMITTED BY:

SCARPELLO & ALLING, LTD.

JOHNSON,

Attorney for Defendants Post Office Box 3390

Stateline NV 89449

(775) 588-6676

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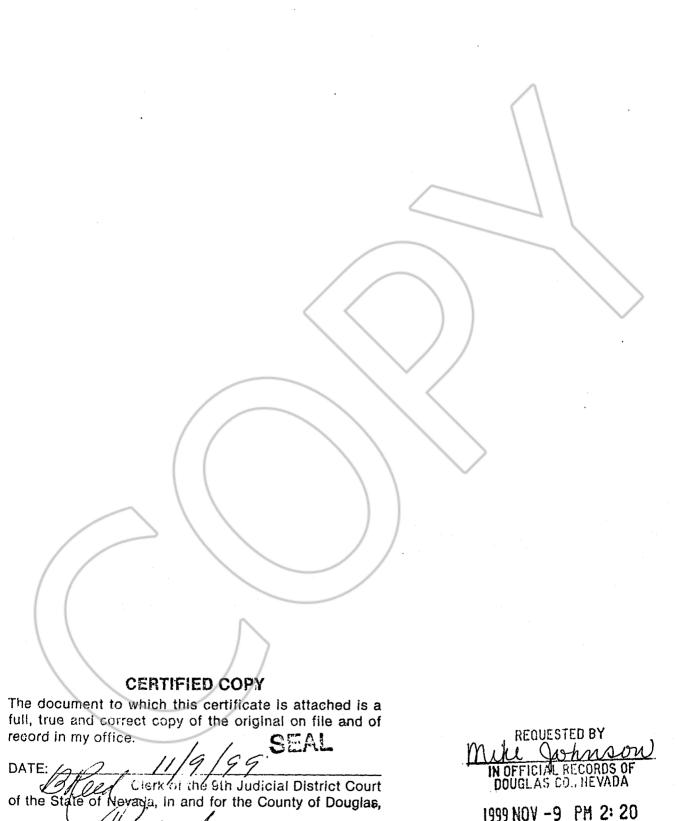
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MKJ\Plead\Bennett\Removal of Lis Pendens

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LINDA SLATER RECORDER

PAID BC DEPUTY

By.