

✓ Mark Hughes
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Reno NV 89511

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Case No. 98-CV-0176
Dept. No. I

FILED
NO _____

'00 MAY 24 P2:01

BARBARA REED
CLERK
~~BY WILLIAMS~~ DEPUTY

MAY 24 2000

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

ALAN RICHARDS, d.b.a.
A RICHARDS BUILT HOME,
Plaintiff,

v.

ORDER

HOWARD W. HERZ and
KREGG L. HERZ,
DOES 1 through 10,
Defendants.

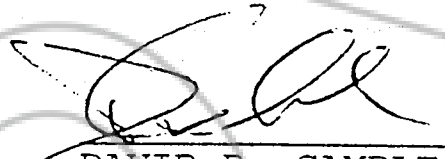
THIS MATTER comes before the Court upon Plaintiff's Motion to Enforce Liability of Surety. The Court, having examined all relevant pleadings and papers on file herein, and good cause appearing, hereby orders:

That Plaintiff's motion is DENIED without prejudice. Because issues of equity were removed from the jury's consideration, the Judgment On A Jury Verdict, entered on January 13, 2000, did not account for the equitable claims and defenses raised by the parties. Having now considered such

1 issues, this Court has determined that all equitable issues,
2 specifically quantum meruit and unjust enrichment, as well as
3 defenses of equitable estoppel and waiver, have been subsumed by
4 the jury verdict. No further issues remain before the court.
5 Therefore, this order constitutes final judgment.

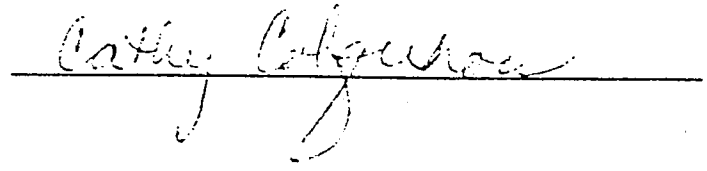
6 Because Defendants' opposition was reasonable, no sanctions
7 shall be issued.

8 Dated this 24 day of May, 2000.


DAVID R. GAMBLE
District Judge

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16 Copies served by mail this 24th day of May, 2000, to: Mark
17 Gunderson, Esq., 6121 Lakeside Drive, Suite 230, Reno, NV 89511;
18 John Martin, Esq., 1650 Highway 395, Suite 101, Minden, NV
18 89423.

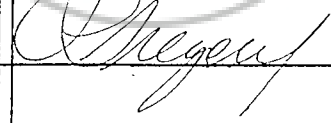


CERTIFIED COPY

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: 26 6/19/00
Clerk of the 3rd Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By 28  Deputy

REQUESTED BY
Mark Gunderson Ltd
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2000 JUL 14 AM 9:13

LINDA SLATER
RECORDER

\$ 8.00 PAID Bh DEPUTY

DAVID R. GAMBLE
District Judge
Douglas County
P.O. BOX 218
MINDEN, NV. 89423

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