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MAY 25 2001

DOUGLAS COUNTY  
DISTRICT COURT CLERK

FILED

Case No. 01-CV-0142

NO \_\_\_\_\_

Dept. No. II

'01 MAY 25 11:00

BARBARA REED

P. GREGORY

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

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

LORRAINE H. WEIKEL, Individually  
and as Executrix of the ESTATE  
OF MAURICE M. WEIKEL, also  
known as MAURICE MARCEL WEIKEL,  
Deceased,

Plaintiffs,

vs.

NOTICE OF PENDING ACTION  
(LIS PENDENS)

PAUL R. DEMPSEY, STAR JORDAN-  
DEMPSEY and DOES I through X,

Defendants.

NOTICE IS HEREBY GIVEN that an action has been  
commenced in the Ninth Judicial District Court of the State  
of Nevada, In and For the County of Douglas, by the above-  
named Plaintiffs against the above-named Defendants to  
determine that the property described in Exhibit "B" should  
be declared to be the community property of PAUL R. DEMPSEY  
and STAR JORDAN-DEMPSEY and subject to execution by  
Plaintiffs on their non-dischargeable Judgment in the amount  
of THREE HUNDRED SIXTY FIVE THOUSAND TWO HUNDRED FIFTEEN  
DOLLARS AND TWENTY SIX CENTS (\$365,215.26) plus interest.  
For further particulars, reference is made to the Complaint,  
which is attached hereto as Exhibit "A", and incorporated

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P.O. BOX 605  
CARSON CITY, NEVADA 89702

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1 herein by this reference. The premises affected by this suit  
2 are situated in Douglas County, State of Nevada, more  
3 particularly described in Exhibit "B" attached hereto and  
4 incorporated herein by this reference.

5 DATED this 24<sup>th</sup> day of May, 2001.

6 HEATON & DOESCHER, LTD.  
7 Attorneys for Plaintiffs  
8 3064 Silver Sage Dr., Suite 102  
9 Post Office Box 605  
10 Carson City, Nevada 89702

11 By Scott J. Heaton  
12 Scott J. Heaton  
13 Nevada Bar No. 000249

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Case No.

01-W-0142 FILED

NO \_\_\_\_\_

Dept. No.

II

'01 MAY 18 AIO 57

MAY 18 2001

DOUGLAS COUNTY DISTRICT COURT

BARBARA REED  
CLERK  
BY P. GREGORY DEPUTY

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

LORRAINE H. WEIKEL, Individually  
and as Executrix of the ESTATE  
OF MAURICE M. WEIKEL, also  
known as MAURICE MARCEL WEIKEL,  
Deceased,

Plaintiffs,

vs.

PAUL R. DEMPSEY, STAR JORDAN-  
DEMPSEY and DOES I through X,

Defendants.

COMPLAINT FOR  
DECLARATORY RELIEF

ARBITRATION EXEMPTION  
CLAIMED:  
Declaratory Relief

Plaintiffs, LORRAINE H. WEIKEL, Individually and as  
Executrix of the ESTATE OF MAURICE M. WEIKEL, also known as  
MAURICE MARCEL WEIKEL, Deceased (the "Estate"), allege as  
follows:

1. Plaintiff, LORRAINE H. WEIKEL ("Mrs. Weikel")  
is an individual residing in Carson City, Nevada and is the  
duly appointed Executrix of the Estate, the administration of  
which is currently pending as Case No. 91-02140P in the First  
Judicial District Court, State of Nevada.

2. Plaintiffs are informed and believe and  
thereupon allege that Defendants, PAUL R. DEMPSEY and STAR  
JORDAN-DEMPSEY, are husband and wife.

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EXHIBIT "A"

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1           3. On or about February 4, 1998, a Judgment was  
2 entered in favor of Mrs. Weikel and the Estate and against  
3 Defendant, PAUL R. DEMPSEY, in the amount of THREE HUNDRED  
4 THIRTY SIX THOUSAND NINE HUNDRED FIFTY FOUR DOLLARS  
5 (\$336,954.00), plus attorney's fees in the amount of TWENTY  
6 FOUR THOUSAND THREE HUNDRED SIXTY SEVEN DOLLARS AND FIFTY  
7 CENTS (\$24,367.50) and costs in the amount of THREE THOUSAND  
8 EIGHT HUNDRED NINETY THREE DOLLARS AND SEVENTY SIX CENTS  
9 (\$3,893.76) (the "Judgment").

10           4. On or about July 15, 1998, Defendant, PAUL R.  
11 DEMPSEY, commenced a bankruptcy action (herein the "Dempsey  
12 bankruptcy action") and in connection therewith, sought to  
13 have the Judgment in favor of the Estate discharged.

14           5. Plaintiffs filed a Complaint in the Dempsey  
15 bankruptcy action seeking to have the Bankruptcy Court  
16 declare the Judgment non-dischargeable.

17           6. On or about the 24th day of March, 2000, the  
18 Bankruptcy Court entered its Order Granting Summary Judgment  
19 in favor of Mrs. Weikel finding that the Judgment was non-  
20 dischargeable by reason of PAUL R. DEMPSEY'S fraud which  
21 allowed Plaintiffs to pursue execution on their Judgment  
22 against any assets of Defendant, PAUL R. DEMPSEY.

23           7. Plaintiffs are informed and believe, and on  
24 that basis allege, that the real property located at 639  
25 Riven Rock Road, Zephyr Cove, Nevada 89448 (herein the "Riven  
26 Rock Property") is the community property of Defendants, PAUL  
27 R. DEMPSEY and STAR JORDAN-DEMPSEY.

28       /////



1           8. The Riven Rock Property was acquired after the  
2 marriage of PAUL R. DEMPSEY and STAR JORDAN-DEMPSEY.

3           9. The Riven Rock Property was acquired in the  
4 name of Star Jordan, an unmarried woman, as to her sole and  
5 separate property.

6           10. At the time the Riven Rock Property was  
7 acquired, STAR JORDAN was married to PAUL R. DEMPSEY.

8           11. Plaintiffs are informed and believe, and on  
9 that basis allege, that in the event it is determined by the  
10 Court that the Riven Rock Property is the separate property  
11 of Defendant, STAR JORDAN, that the community is entitled to  
12 reimbursement to the extent of any community funds expended  
13 in connection with said property.

14           12. Earnings of Defendant, PAUL R. DEMPSEY,  
15 subsequent to his marriage to Defendant, STAR JORDAN-DEMPSEY,  
16 were utilized in connection with making the mortgage payments  
17 and payments of other expenses associated with the Riven Rock  
18 Property including expenditures for improvements to the  
19 Riven Rock Property.

20           13. Plaintiffs are entitled to enforce their non-  
21 dischargeable Judgment against any community property  
22 interest in the Riven Rock Property or against any interest  
23 in the Riven Rock Property for which the community or PAUL R.  
24 DEMPSEY is entitled to reimbursement.

25           14. This action is brought pursuant to the  
26 provisions of NRS 30.010 to 30.160, inclusive, cited as the  
27 Uniform Declaratory Judgments Act.

28       /////

1           15. Plaintiffs seek a declaration from the Court  
2 that the Riven Rock Property is community property or in the  
3 alternative, that the community or PAUL R. DEMPSEY is  
4 entitled to reimbursement for any amounts expended by  
5 Defendant, PAUL R. DEMPSEY, on the Riven Rock Property from  
6 earnings after marriage; and that Plaintiffs may enforce  
7 their Judgment against the community property interest or  
8 portion of the Riven Rock Property for which the community or  
9 PAUL R. DEMPSEY is entitled to reimbursement, except to the  
10 extent that said property is otherwise exempt from execution.

11           16. Plaintiffs have been required to retain the  
12 services of an attorney to prosecute their claim against  
13 Defendants and are entitled to a reasonable attorney's fee  
14 and costs of suit.

15           WHEREFORE, Plaintiffs pray for judgment against  
16 Defendants, and each of them, as follows:

17           1. For a judgment declaring and adjudicating that  
18 the property located at 639 Riven Rock Road, Zephyr Cove,  
19 Nevada 89448 is community property and subject to execution  
20 by Plaintiffs on their non-dischargeable Judgment.

21           2. For a judgment declaring and adjudicating that  
22 in the event the Riven Rock Property is declared the separate  
23 property of Defendant, STAR DEMPSEY, that the community or  
24 PAUL R. DEMPSEY is entitled to reimbursement for the portion  
25 of the property which was paid for by the community and that  
26 said property interest is subject to execution by Plaintiffs  
27 on their non-dischargeable Judgment.

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3. For Plaintiffs' costs incurred herein together with a reasonable attorney's fee.

4. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 16<sup>th</sup> day of May, 2001.

HEATON & DOESCHER, LTD.  
Attorneys for Plaintiffs  
3064 Silver Sage Dr., Suite 102  
Post Office Box 605  
Carson City, Nevada 89702

By Scott J. Heaton  
Scott J. Heaton  
Nevada Bar No. 000249

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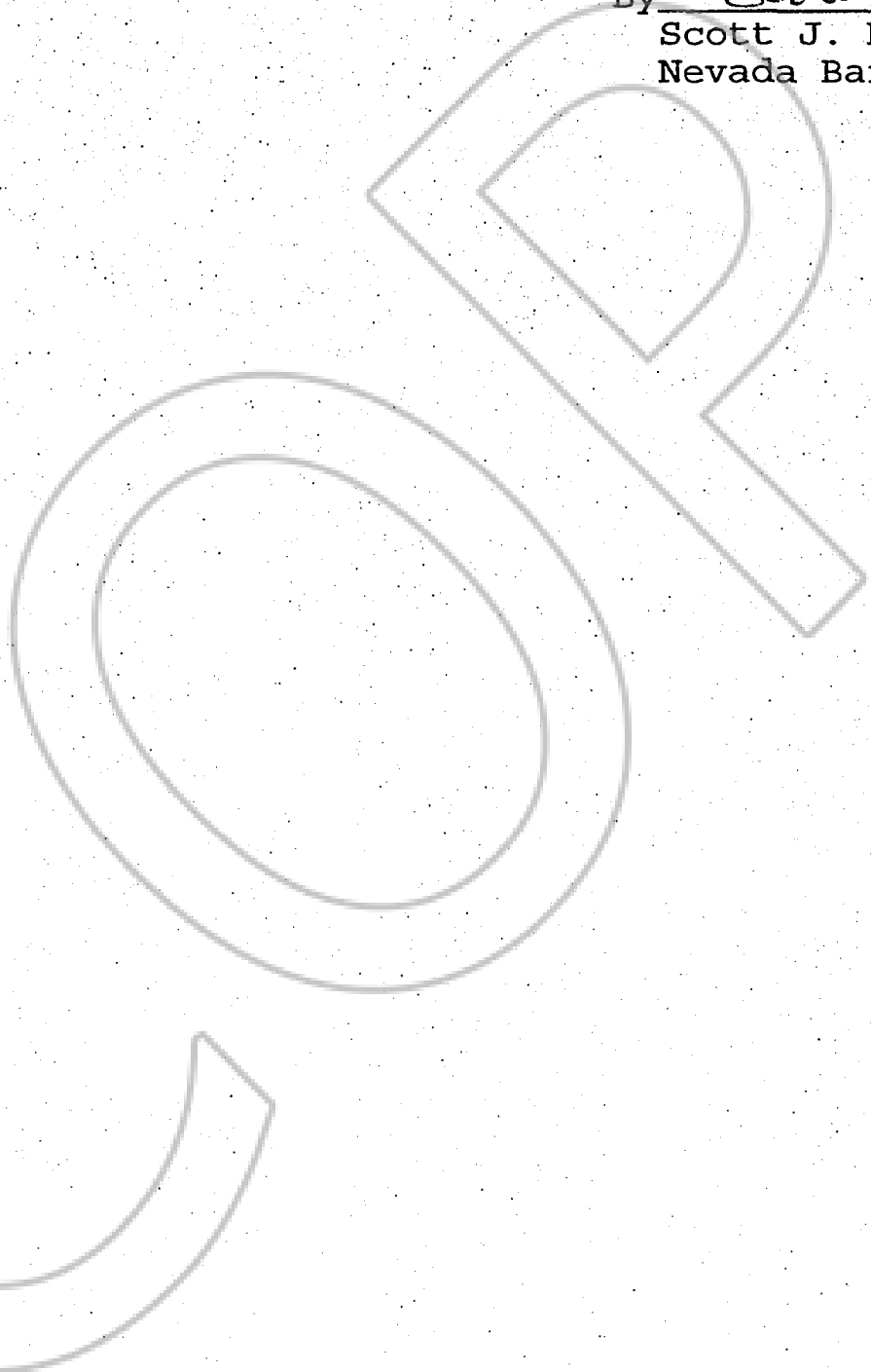


EXHIBIT "B"

Lot 3 as shown on the map of ZEPHYR HEIGHTS SUBDIVISION, UNIT NO. 4, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on June 7, 1995, in Book 1 of Maps, as Document No. 10441. APN 05-202-03.

An easement for the benefit of Lot 3, Block A of ZEPHYR HEIGHTS, UNIT NO. 4, for ingress and egress, as set forth in Document Recorded, February 13, 1961, Book 5, Page 184, as Document no. 17235

639 Riven Rock Road, Zephyr Cove, Nevada 89448

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**CERTIFIED COPY**

The document to which this certificate is attached is a true and correct copy of the original on file and of record in my office.

DATE

5/25/01 **SEAL**  
Clerk of the 9th Judicial District Court of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

REQUESTED BY

Heaton & Doescher  
IN OFFICIAL RECORDS OF DOUGLAS CO., NEVADA

2001 JUN -4 PM 2:30

LINDA SLATER  
RECORDER

0515768

\$14 PAID ka DEPUTY

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