

ORIGINAL

FILE

1 Case No. 99-CV-0071

2 Department No. II

2003 JUN 10 AM 9:11

BARBARA REED
CLERK

BY **B. PHENIX**
DEPUTY

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

8 MARIE LAYTON,

Plaintiff,

9 vs.

JUDGMENT

10 KAREN WHITE; RENAE WHITE;
11 JULIAN SMITH, ESQ.; FRANK
12 SETTELMAYER & SONS, INC., a
Nevada corporation, and DOES III-V,
13 Defendants.

14 On April 29, 2003, this court tried two consolidated proceedings: The first was the
15 default judgment prove-up hearing pursuant to N.R.C.P. 55(b)(2) against Karen White
16 resulting from this Court's striking her answer and entering default against her because of
17 her willful, repeated, and utter contempt of this Court's lawful orders. The second was the
18 trial on the merits of Plaintiff's action against Renae White. This Court previously severed
19 Plaintiff's claims against Frank S. Settlemeier & Sons, Inc., (FSS) pursuant to N.R.C.P.
20 20(b). Having read and considered the pleadings, having heard the testimony of witnesses,
21 having considered the documentary evidence offered into evidence, and having entered
22 Findings and Fact and Conclusion of Law based upon said evidence, the Court enters
23 Judgment in favor of Marie Layton, and against Karen White, and Renae White, jointly and
24 severally, as follows:

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

26 1. The transfers of the 13,600 shares of stocks owned by Marvin Settelmeier in
27 FSS, 176 shares of PG&E, 219 shares of Portland General Electric, and 928.564 shares of
28 Eaton-Vance stock, as arranged by Karen White between August 9, 1996 and August 28,

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1 1996, are declared to be the result of Karen White's exercise of undue influence over Marvin
2 Settlemeyer.

3 2. The conveyance of an undivided one-half (1/2) interest of 1588 8th Street,
4 Minden, by Marvin Settlemeyer on August 21, 1996, as arranged by Karen White is declared
5 to be the result of the Karen White's exercise of undue influence over Marvin Settlemeyer.

6 The real property is described as follows:

7 Lot 4 in Block A of the South Addition to the Town of Minden,
8 Douglas County, Nevada, according to the official map thereof, filed
9 in the Office of the County Recorder of Douglas County, Nevada, on
April 9, 1957.

10 (Tr. Ex. 11)

11 3. Because the transfer of the stock and real property to Karen White and Renae
12 White was the result of Karen White's exercise of undue influence over Marvin Settlemeyer,
13 the Court impresses a constructive trust on the real and personal property which Karen White
14 and Renae White unlawfully took.

15 4. Pursuant to N.R.C.P. 70, Renae White is hereby divested of her undivided one-
16 fourth (1/4) interest in 1588 8th Street, Minden, and her 6,800 shares of FSS.

17 5. Prior to the unlawful conveyance of title to 1588 8th Street, Minden, Nevada,
18 title was vested as follows, an undivided one-half (1/2) interest in Marvin Settlemeyer and an
19 undivided one-third (1/3) interest in the Evelyn Settlemeyer Trust. Because upon Marvin
20 Settlemeyer's death the Evelyn Settlemeyer trust was subject to distribution, title in 1588 8th
21 Street, Minden is hereby vested as follows: An undivided one-half (1/2) interest in Karen
22 White and an undivided one-half (1/2) interest in Marie Layton.

23 6. Pursuant to N.R.C.P. 70, the 6,800 shares of FSS stock transferred unlawfully
24 to Renae White are hereby vested in Marie Layton.

25 7. In October of 1996, Karen White exercised undue influence over Richard
26 Settlemeyer so as to cause him to transfer 15,000 shares of FSS to herself, and 15,000 shares
27 of FSS to her daughter (Tr. Ex. 16). The transfers are declared to be null and void. Pursuant
28 to N.R.C.P. 70, the 30,000 shares of stock are hereby vested in Richard Settlemeyer, who

1 remains alive.

2 8. Marie Layton is awarded compensatory economic damages against Karen
3 White and Renae White, jointly and severally in the amount of \$352,228.

4 9. Marie Layton is awarded compensatory non-economic damages against Karen
5 White and Renae White, jointly and severally in the amount of \$ 75,000.00 for severe
6 and extreme emotional distress, humiliation, embarrassment, mental anguish, anger, and
7 shame.

8 10. Marie Layton is awarded punitive damages against Karen White in the amount
9 of \$ 20,000.00.

10 11. Within 30 days following the service of the notice of entry of this judgment,
11 Plaintiff shall file any motion for attorney's fees she seeks.

12 12. Judgment shall bear interest at the judgment rate from the date of the service of
13 the original summons and complaint, which is March 16, 1999.

14 DATED this 10 day of ^{July} ~~May~~, 2003.

16
17 *Michael P. Little*
18 DISTRICT COURT JUDGE

21 **CERTIFIED COPY**

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

25 DATE: June 11 2003
26 *[Signature]* Clerk of the 9th Judicial District Court
27 of the State of Nevada, in and for the County of Douglas,
28 By *[Signature]* Deputy

SEAL

REQUESTED BY
William Caskill
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

2003 JUN 16 PM 2: 18

WERNER CHRISTEN
RECORDER

16 PAID BE DEPUTY

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