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ORDER DATED 23 DECEMBER 2003

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Case No. 03-CV-0342

Dept. I

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DISTRICT COURT CLERK

2003 DEC 23 PM 1:57

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

D. GERALD BING, JR.,

Plaintiff,

v.

MIKE KINSLEY, individually and dba JK
CONCRETE; and, DOES 1 through 10,

Defendants.

ORDER

Based on the Application of Plaintiff, D. Gerald Bing, Jr., for an order directing the Clerk of the Court to issue a Pre-Judgment Writ of Attachment, without notice, and for good cause appearing, it is hereby ordered that the Application is granted.

The Affidavit Mr. Bing submitted in support of his Application demonstrates that Mr. Bing has a valid claim for breach of the Promissory Note and in that the Defendant, Michael Kinsley, is currently selling his primary asset, the residential real property located at 2750 Goodnight Court, Minden, Nevada, APN 1420-35-101-027. Mr. Bing's Affidavit also supports a finding that any assets that Mr. Kinsley retains after he sells the house will be inadequate to satisfy Mr. Bing's claim. Accordingly, Mr. Bing is entitled to have his Application granted without notice to the Defendant.

This Court also finds that the Written Undertakings provided by Mr. Bing, individually, and Bing Construction Company of Nevada, are satisfactory.

Based on the foregoing, the Clerk of the Court is hereby ordered to issue a Pre-Judgment Writ of Attachment against the property located at 2750 Goodnight court, Minden, Nevada, APN 1420-35-101-027, and any proceeds that may be derived from the sale thereof.

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IT IS SO ORDERED.

DATED this 23 day of December, 2003.

David R. Bramble
District Court Judge

COPIED

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.

DATE: Dec 23, 2003
B. Rees Clerk of the 8th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By: *[Signature]* Deputy

SEAL

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