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Timothy A. Lukas, Esq.
Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, NV 89511

2004 SEP 13 PM 2:53

WERNER CHRISTEN
RECORDER

\$16⁵⁰ PAID *KJ* DEPUTY

ORDER REDUCING LIEN

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1 Case No. 04-CV-000

2 Dept. No.: II

RECEIVED
SEP 08 2004
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED

2004 SEP -8 PM 4:46

BARBARA REEB
CLERK

BY _____ DEPUTY

B. Williams

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8 WYMAN DEVELOPMENT CORPORATION, a
9 Nevada corporation,

10 Plaintiff,

ORDER REDUCING LIEN

11 vs.

12 RON SIMEK and JAMES CANYON LLC,
13 a Nevada limited liability company,

14 Defendants.

15 This matter comes before the Court on Defendant Ron Simek's Application for the Removal of
16 Frivolous or Excessive Liens, made pursuant to NRS 108.2275. Through this Application, Simek
17 seeks the removal of a lien initially recorded by Wyman Development Corporation ("WDC") October
18 8, 2003. On March 30, 2004 WDC filed a second amended notice of lien, claiming an amount owed of
19 \$670,384.24.

20 This matter was heard on June 23, 2004 and on July 28, 2004. Having reviewed the pleadings
21 and papers submitted by the parties, and having heard the testimony and arguments provided at
22 hearing, this Court rules as follows:

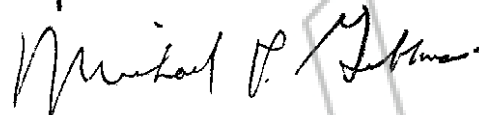
23 Pursuant to NRS 108.2275(6), upon a finding that a mechanic's lien is excessive, this Court
24 may reduce the amount of the lien. Based upon the evidence and arguments presented the lien Wyman
25 recorded is excessive. In light of these reasons, this Court reduces WDC's second amended notice of
26 lien to the amount of \$150,000.00.

27 Although NRS 108.2275 allows that this Court may award attorney's fees, the Court does not
28 believe that attorney's fees should be awarded at this time. The party that ultimately prevails in this

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1 lien action may seek attorney's fees as provided for in Nevada law.

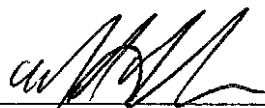
2 **IT IS SO ORDERED** this 8 day of Sept., 2004.


3 
4 _____
5 **DISTRICT JUDGE**

6
7
8
9 **APPROVED AS TO FORM AND CONTENT.**

10 Dated: This 8 day of September, 2004.

11 Dated: This 8 day of September, 2004.

12 
13 _____
14 Mark G. Simons, Esq.
15 Nevada Bar No. 132
16 Robison, Belaustegui, Sharp & Low
17 71 Washington Street
18 Reno, Nevada 89503
19 775-329-3151
20 Attorneys for Wyman Development Corp.

21 
22 _____
23 Timothy A. Lukas, Esq.
24 Nevada Bar No. 4017
25 Jerry M. Snyder, Esq.
26 Nevada Bar No. 6830
27 Hale Lane Peek Dennison and Howard
28 5441 Kietzke Lane, Second Floor
Reno, Nevada 89511
775-327-3000; 775-786-6179 (fax)
Attorneys for Ronald L. Simek and
James Canyon, LLC.

23 **CERTIFIED COPY**

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

27 DATE: 9/16/04
28 _____
29 of the State of Nevada, in and for the County of Douglas,

By  Deputy

