

1 Case No. 05-CV-0071

2 Dept. No. II

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 4 Fee: 17.00
BK-0106 PG-01135 RPTT: 0.00



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

9 PHILLIP CLENNELL, an individual

10 Plaintiff,

11 v.

12 BLAINE REDWINE, an individual;
13 HOMECOMINGS FINANCIAL
14 NETWORK, INC., a wholly owned
15 subsidiary of GMAC-RFC; and
16 LANDAMERICA DEFAULT SERVICES
17 COMPANY, a California Corporation,

18 Defendants.

NOTICE OF ATTORNEY'S LIEN

19 TO: PHILLIP CLENNELL, Plaintiff;

20 TO : PETER J. SMITH, ESQ., attorney for BLAINE REDWINE, Defendant; and

21 TO: MICHELLE L. ABRAMS, ESQ., attorney for HOMECOMINGS FINANCIAL
22 NETWORK, INC., a wholly owned subsidiary of GMAC-RFC; and LANDAMERICA
23 DEFAULT SERVICES COMPANY, a California Corporation, Defendants.

24 NOTICE IS HEREBY GIVEN that MATTHEW D. ENCE, ESQ., claims a Attorney's
25 Lien in the above captioned matter pursuant to NRS 18.051, as well as pursuant to Plaintiff,
26 PHILLIP -CLENNELL's written agreement and pursuant to Morse v. Eighth Judicial District
27 Court, 65 Nev. 275 (1948) .

28 That the amount of said lien claimant's demand after deducting all just credits and set-
offs is \$7,180.70 (SEVEN THOUSAND ONE HUNDRED EIGHTY and 70/100 DOLLARS),
plus interest at 18% per annum and attorneys fees and costs of collection.

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Matthew D. Ence
Attorney and Counselor at Law
1662 U. S. Highway 395 North, Suite 107
Minden, Nevada 89423

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Attorney and Counselor at Law
1662 U. S. Highway 395 North, Suite 107
Minden, Nevada 89423

1 That the lien claimant has rendered services on behalf of Plaintiff, PHILLIP CLENNELL,
2 in the above captioned matter pursuant to the terms of a written contract/fee agreement between
3 May 2, 2005 and December 21, 2005. Further, that written contract/fee agreement provides:

4 "In any event, should the Client not timely pay monies due pursuant to this
5 agreement, Attorney shall be granted a lien against any real or personal property
6 owned or hereafter acquired by Client. Additionally, Attorney shall be granted a
7 lien upon said case, claim and/or file and any subsequent settlement, award,
8 judgement and/or other recovery thereunder. In either case, Attorney's lien shall
9 be in an amount equal to an amount of the reasonable value of Attorney's services
plus any outstanding costs, and Pre-Judgment interest (in the amount of 1.5% per
month) as provided herein. Client further agrees to pay Post-Judgment interest in
the same amount of 1.5% per month, and all attorney's fees and costs incurred if it
is necessary to pursue litigation to collect any fees or expenses owed pursuant to
this agreement."

10 That the lien claimant has made repeated demands on Plaintiff, PHILLIP CLENNELL,
11 for the amounts due and owing but that said amount has not been forthcoming.

12 That MATTHEW D. ENCE, ESQ., claims a Attorney's Lien upon the real property,
13 building, structures or improvements on the property commonly known as 907 Waterloo Lane,
14 Gardnerville, Nevada, and more specifically described as:

15 A PARCEL OF LAND LYING IN THE NORTHWEST ¼ OF THE
16 SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 12 NORTH, RANGE 20 EAST,
M. D. B. & M., DOUGLAS COUNTY, NEVADA.

17 COMMENCING AT THE EAST ¼ CORNER OF SECTION 6, SAID
18 TOWNSHIP AND RANGE; THENCE SOUTH 89°40'40" WEST, ALONG THE
19 NORTH LINE OF SAID SOUTHEAST ¼, SAID LINE ALSO BEING THE
SOUTH RIGHT-OF-WAY LINE FOR WATERLOO LANE, A DISTANCE OF
2,875.98 FEET TO THE POINT OF BEGINNING.

20 THENCE CONTINUING SOUTH 89°40'40" WEST A DISTANCE OF 260.00
21 FEET; THENCE SOUTH 00°05'46" EAST A DISTANCE OF 167.50 FEET;
22 THENCE NORTH 89°40'40" EAST A DISTANCE OF 260.00 FEET; THENCE
NORTH 00°05'46" WEST A DISTANCE OF 167.50 FEET, TO THE POINT OF
BEGINNING.

23 IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE
24 HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM
25 INSTRUMENT RECORDED AUGUST 20, 1999, IN BOOK 899, PAGE 3974,
AS FILE NO. 474983, RECORDED IN THE OFFICIAL RECORDS OF
DOUGLAS COUNTY, STATE OF NEVADA.

26 APN: 1220-06-002-002

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Matthew D. Ence
Attorney and Counselor at Law
1662 U. S. Highway 395 North, Suite 107
Minden, Nevada 89423

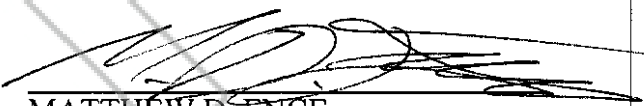
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That MATTHEW D. ENCE, ESQ., further claims a Attorney's Lien upon the surplus funds from the March 2005 sale of said property to Defendant Redwine (believed to currently be held by Defendant LANDAMERICA), the monies (if any) on deposit with the Court pursuant to the April 7, 2005 Preliminary Injunction, and any money or property which is recovered on account of the above captioned suit or other action by Plaintiff, PHILLIP CLENNELL.

That this **NOTICE OF ATTORNEY'S LIEN** is given pursuant to NRS Chapter 18.015 as amended, and for the purpose of perfecting said lien, the lien claimant has caused this **NOTICE OF ATTORNEY'S LIEN** to be deposited for certified mailing, return receipt requested, to the above referenced parties.

Further, for the purpose of fixing said lien, the lien claimant has caused to make this **NOTICE OF ATTORNEY'S LIEN** in duplicate and deliver one copy thereof to the Douglas County Recorder, for recording as required by law.

DATED this 5 day of January, 2006.



MATTHEW D. ENCE
Attorney & Counselor at Law
Nevada Bar # 005632
1662 U.S. Hwy 395 North, Suite 107
Minden, NV 89423
Attorney for Plaintiff

RECORDING REQUESTED BY:
MATTHEW D. ENCE
Attorney & Counselor at Law

WHEN RECORDED MAIL TO:
MATTHEW D. ENCE
Attorney & Counselor at Law
1662 U.S. Hwy 395 North, Suite 107
Minden, NV 89423

CERTIFICATE OF MAILING

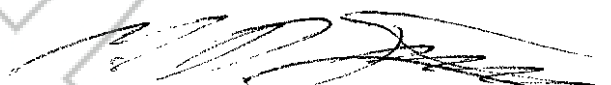
Pursuant to NRCPC 5(b), I certify that on this date, I deposited for certified mailing, return receipt requested, at Minden, Nevada, a true copy of the **NOTICE OF ATTORNEY'S LIEN** addressed to:

Phillip A. Clennell
907 Waterloo Lane
Gardnerville, Nevada 89410
Plaintiff in *Pro Per*

Peter J. Smith
ATTORNEY AT LAW
300 West Second Street
Carson City, Nevada 89703
Attorneys for Defendant REDWINE

PITE DUNCAN & MELMET, LLP
Attn.: Michelle L. Abrams, Esq.
7201 West Lake Mead Blvd., Suite 210
Las Vegas, Nevada 89128
Attorneys for Defendants
LANDAMERICA and HOMECOMINGS

DATED this 5 day of January, 2006.


MATTHEW D. ENCE

Matthew D. Ence
Attorney and Counselor at Law
1662 U. S. Highway 395 North, Suite 107
Minden, Nevada 89423

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