

Assessor's Parcel Number: 1220-22-110-060

Recording Requested By:

Name: FIRST AMERICAN TITLE

Address: 1512 Highway 395 North #1

City/State/Zip Gardnerville, NV 89410

R.P.T.T.: _____

DOC # **0681957**
08/11/2006 02:40 PM Deputy: SD
OFFICIAL RECORD
Requested By:
FIRST AMERICAN TITLE COMPANY

Douglas County - NV
Werner Christen - Recorder
Page: 1 of 4 Fee: 17.00
BK-0806 PG- 4685 RPTT: 0.00



Court order
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

This cover page must be typed or legibly hand printed.

C:\bc docs\Cover page for recording

FILED

1 CASE NO. 06-CV-0047

2 DEPT. NO. I

RECEIVED

JUL 26 2006

DOUGLAS COUNTY
DISTRICT COURT CLERK

2006 JUL 26 AM 11:42

BARBARA REFS
CLERK

BY *[Signature]*

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

7 IN AND FOR THE COUNTY OF DOUGLAS

8 JASON SMITH,

9 Plaintiff

10 vs.

11 ALAN ROBERT ELVENA,

12 Defendant.

ORDER AMENDING THE FEBRUARY 26,
2006 ORDER DIRECTING ISSUANCE OF
A PRE-JUDGMENT WRIT OF
ATTACHMENT

14 Jason Smith, by and through his counsel of record, James R.
15 Hales, Esq., of Rowe & Hales and Alan Robert Elvena, by and through
16 his counsel of record, Lon A. Burke, Esq., of Laxalt and Nomura, have
17 filed with this court a stipulation to amend this court's February
18 28, 2006 order. Based upon the stipulation of counsel, and other
19 good cause, the February 28, 2006 order is amended as follows:

20 1. Upon the escrow company securing the proceeds of the sale
21 of Elvena's Douglas County home, the Writ of Attachment as it applies
22 to The James Road Home will be released. The February 28, 2006 Order
23 is amended to provide that all net proceeds from the home located at
24 1433 James Road, in Gardnerville, Nevada, that would otherwise have
25 been transferrable to Alan Robert Elvena, shall be and are subject to
26 the writ of attachment.

27 2. These proceeds from the sale of the home located at 1433
28 James Road shall be held by Laxalt & Nomura in an interest-bearing



BK- 0806
PG- 4686

1 account and not be disbursed except by specific order by this Court.
2 The parties are to mutually instruct the escrow company to transfer
3 to proceeds by check made payable to the Laxalt & Nomura Trust
4 Account and delivered to that firm by mail at the address of 1410
5 Bank of America Plaza, 300 S Fourth Street, Las Vegas, NV 89101.

6 3. A copy of the settlement statement provided to the seller
7 of the home, Alan Robert Elvena, shall be provided by the escrow
8 company to Jason Smith in care of his attorney.

9 4. This order does not in any way restrict the Defendant from
10 contesting the appropriateness of the issuance of the writ of
11 attachment, and/or the validity of the attachment itself, and/or
12 seeking to exercise any statutory rights which would exempt the home
13 from attachment. If this court determines that a homestead exemption
14 applies to the home at 1433 James Road, the exemption rights will
15 continue to exist in the proceeds of the sale which are subject to
16 this order.

17 5. Both parties are restrained from executing any document
18 authorizing the release of these funds from the Laxalt & Nomura Trust
19 Account without direction from this Court.

20 6. The legal description for the home located at 1433 James
21 Road in Gardnerville is:

22 LOT 114, AS SHOWN BY MAP OF GARDNERVILLE
23 RANCHOS UNIT NO. 5, RECORDED IN THE OFFICE OF
24 THE DOUGLAS COUNTY RECORDER ON NOVEMBER 4,
1970, IN BOOK 80, PAGE 675, AS DOCUMENT NO.
50056.

25 This parcel has the APN of 1220-22-110-060.

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In all other respects the February 28, 2006 Order remains in full force and effect, except as amended by this Order.

DATED this 10 day of July, 2006.

[Handwritten Signature]

DISTRICT JUDGE

ORIGINAL

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: August 11, 2006

[Handwritten Signature] Clerk of the 9th Judicial District Court of the State of Nevada, In and for the County of Douglas,

By *[Handwritten Signature]* Deputy

SEAL

