

OFFICIAL RECORD

Requested By:
DC/SHERIFF CIVIL DIV

Douglas County - NV
Karen Ellison - Recorder

Page: 1 Of 6 Fee: 0.00
BK-0311 PG- 1121 RPTT: 0.00



Assessor's Parcel Number: _____

Recording Requested By: Civil Division

Name: Stacy Chambers / Roberta Thorsen

Address: 1025 8th St

City/State/Zip Minden, NV 89423

Real Property Transfer Tax: _____

Writ of Attachment
(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.

[ORIGINAL]



BK- 0311 PG- 1122
0779543 Page: 2 Of 6 03/07/2011

1 **CODE: 4310**
2 KELLEY R. CARROLL (5243)
3 PETER CUTTITTA (3050)
4 BRIAN C. HANLEY (9052)
5 PORTER • SIMON, P.C.
6 675 Sierra Rose Drive, Suite 116
7 Reno, Nevada 89511
8 Telephone: (775) 322-6767
9 Facsimile: (530) 587-1316

10 Attorneys for Plaintiff
11 FREDERICK C. FIECHTER

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

14 FREDERICK C. FIECHTER, an individual) Case No. 10-CV-0323
15 Plaintiff,) Dept: I

16 v.) **WRIT OF ATTACHMENT**

17 CARL WESCOTT, an individual; 162 GLEN
18 COURT, LLC, a business entity of unknown
19 form; and DOES 1-25, inclusive,
20 Defendants.

21 THE STATE OF NEVADA TO THE SHERIFF OF DOUGLAS COUNTY, GREETINGS:

22 YOU ARE HEREBY COMMANDED to attach and keep safely the property of the Defendant in
23 order to satisfy the Plaintiff's demand of \$921,174.26, exclusive of interest and costs.

24 The property to be attached, which is not exempt from execution and the value of which does not
25 exceed the Plaintiff's demand, is described as follows: 162 Glen Court, Stateline, Nevada 89449, with
26 A.P.N. 1318-26-513-002, and more particularly described as Lot 3, an undivided 1/8th interest in and to
27 lot 9 shown on the map of Kingsburg Glen Subdivision. filed in the office of the recorder of Douglas
28 County, Nevada on November 21, 1977, Book 1177, Page 1345, as document no. 15253, official
records.

If the Defendant shall give you security in lawful money of the United State or by the
undertaking of at least two sufficient sureties in an amount equal to the lesser of the Plaintiff's demand

1 exclusive of costs or the value of the property levied upon, then you shall accept such money or
2 undertaking in lieu of attaching the aforesaid property. You are required to serve and return this Writ
3 and with the results of your levy endorsed thereon, and within 20 days from the day you receive it,
4 return it to the Clerk of the Court with a copy to the party at whose direction it was issued.

5
6
7
8 Dated: 2/8/11

By: *Teddy [Signature]*

Deputy Clerk

9 Porter Simon, P.C.

10 By: *B. Hanley*
11 Brian C. Hanley, Esq.
12 Nevada Bar No: 9052
13 675 Sierra Rose Dr., #116
14 Reno, NV 89519
Attorneys for Plaintiff

15 I HEREBY CERTIFY that this is a true and correct copy of the original Writ of Attachment.

16
17 *Ron Purini* ^{SKC}, Sheriff of Douglas County

18
19 By: *Stacy Chamber* 3-7-11
Deputy Date

20
21 I HEREBY CERTIFY that I have this date served this Writ of Attachment on the 7 day
22 of March, 2011 by:

23 _____ (a) taking into my possession the following described property to be held in my custody
24 until further order of this Court:

25 SKC (b) posting a copy of this Writ of Attachment upon the real property set forth herein by
26 affixing a copy of this Writ to the improvement thereon or upon the property if unimproved and by
27 delivering a copy of this Writ on the 7 day of March, 2011 to the County Recorder
28 to be recorded.

1 _____ (c) serving on the _____ day of _____, 2011, at _____ m. o'clock a Writ
2 of Garnishment in aid of this Writ of Attachment on defendant CARL WESCOTT's spouse, Monette
3 Stephens, Douglas County, Nevada. A true and correct copy of said Writ of Garnishment is attached
4 hereto.

5 _____ (d) returning this Writ of Attachment unsatisfied.

7 Ron Pirini ^{AKC}, Sheriff of Douglas County

9 By: Haley Chambers 3-7-11
Deputy Date

BK- 0311
PG- 1124
03/07/2011
0779543 Page: 4 Of 6

COPY

28

COPY FILED

1 **CODE: 3370**
2 KELLEY R. CARROLL (5243)
3 PETER CUTTITA (3050)
4 BRIAN C. HANLEY (9052)
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6 675 Sierra Rose Drive, Suite 116
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2011 JAN 11 PM 2:18
TED THRAN
CLERK
BY WILFERT DEPUTY

RECEIVED
FEB 24 2011
SHERIFF
DOUGLAS COUNTY, NV
COMMISION

BK- 0311
PG- 1125
0779543 Page: 5 Of 6 03/07/2011

7 Attorneys for Plaintiff
8 FREDERICK C. FIECHTER

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

12 FREDERICK C. FIECHTER, an individual
13 Plaintiff,

) Case No. 10-CV-0323
Dept: I

14 v.

[PROPOSED] ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT

15 CARL WESCOTT, an individual; 162 GLEN
16 COURT, LLC, a business entity of unknown
17 form; and DOES 1-25, inclusive,
18 Defendants.

19 The application of Plaintiff FREDERICK C. FIECTER (hereinafter "Plaintiff") to the Court after
20 notice and hearing for an order directing the Clerk to issue a writ of attachment and thereby cause the
21 property of Defendants CARL A. WESCOTT and 162 GLEN COURT, LLC (hereinafter "Defendants")
22 to be attached as security for the satisfaction of any judgment that may be recovered came on regularly
23 for hearing at 2:00 p.m. on January 11, 2011 in the above-entitled court.

24 Attachment is sought to secure recovery on a claim upon which attachment may issue under
25 Nevada Revised Statutes section 31.013. Plaintiff seeks recovery on an express contract for the direct
26 payment of money which is not secured by mortgage, lien or pledge upon real or personal property
27 situated in the State of Nevada.

28 ///

1 The Court believes that attachment is proper because Defendants entered into a promissory note
2 with Plaintiff which is unsecured by mortgage, lien or pledge upon real or personal property situated in
3 the State of Nevada and Defendants failed to perform under the terms of the agreement.

4 Plaintiff has alleged a meritorious claim against Defendants.

5 The amount for which the attachment will issue is \$921,174.26.

6 The amount of security that Plaintiff must provide before the writ will issue is \$400,000.

7 Writs of garnishment in aid of attachment may be served upon defendant CARL WESCOTT's
8 spouse, Monette Stephens.

9 The real property sought to be attached is commonly known as 162 Glen Court, Stateline,
10 Nevada 89449, with A.P.N. 1318-26-513-002, and more particularly described as Lot 3, an undivided
11 1/8th interest in and to lot 9 shown on the map of Kingsburg Glen Subdivision, filed in the office of the
12 recorder of Douglas County, Nevada on November 21, 1977, Book 1177, Page 1345, as document no.
13 15253, official records.

14 The real property sought to be attached is a stand-alone residence with an approximate fair
15 market value of four hundred thousand dollars (\$400,000.00) less all liens and encumbrances.

16 After consideration of the briefs and arguments of counsel, and all other matters presented to the
17 Court, AND GOOD CAUSE BEING SHOWN THEREOF, IT IS HEREBY ORDERED THAT:

18 1. Plaintiff's application for an Order directing the Clerk to issue a writ of attachment and
19 thereby cause the property of Defendants CARL A. WESCOTT and 162 GLEN COURT, LLC to be
20 attached as security for the satisfaction of any judgment that may be recovered is GRANTED.

21 2. Plaintiff must file a written undertaking payable in lawful money of the United States in a
22 sum not less than the value of the property to be attached with two or more sureties to the effect that if
23 Plaintiff dismisses such action or if Defendants recover judgment Plaintiff will pay in lawful money of
24 the United States all costs that may be awarded to Defendants, and all damages which Defendants may
25 sustain by reason of the attachment including attorney's fees, not exceeding the sum specified in the
26 undertaking.



27 DATED: Jan 11, 2011.

28 _____
Judge of the District Court