

DOC # 791655
10/27/2011 03:54PM Deputy: SG
OFFICIAL RECORD
Requested By:
Western Title Company
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 10 Fee: \$23.00
BK-1011 PG-5196 RPTT: 0.00



APN#: 1220-21-710-011

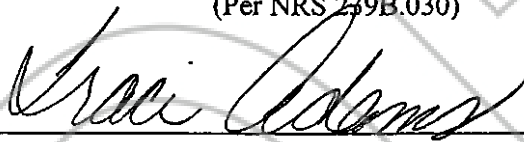
Recording Requested By:
Western Title Company, Inc.
Escrow No.: 041856-TEA

When Recorded Mail To:
Timothy N. Hartman
3317 Dog Leg Drive
Minden, NV 89423

(space above for Recorder's use only)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

Signature



Traci Adams

Escrow Officer

Stipulation

This page added to provide additional information required by NRS 111.312
(additional recording fee applies)



10-10-2011:01:11:47 PM
Howard W. Conyers
Clerk of the Court
Transaction # 2521421

1 **4050**
2 John M. Fry, Esq.
3 Nevada Bar No. 9021
4 RYLEY CARLOCK & APPLEWHITE
5 One North Central Avenue, Suite 1200
6 Phoenix, Arizona 8500-4417
7 Telephone: (602) 258-7701
8 Telecopier: (602) 257-9582

9 Gayle A. Kern, Esq.
10 Nevada Bar No. 1620
11 KERN & ASSOCIATES, LTD.
12 5421 Kietzke Lane, Suite 200
13 Reno, Nevada 89511
14 Telephone: (775) 324-5930
15 Telefax: (775) 324-6173
16 E-mail: gaylekern@kernltd.com

17 Attorneys for Petitioner

18 **IN THE SECOND JUDICIAL DISTRICT COURT**
19 **IN AND FOR THE COUNTY OF WASHOE STATE OF NEVADA**

20 MERRILL LYNCH, PIERCE, FENNER &
21 SMITH INCORPORATED (formerly BANC OF
22 AMERICA INVESTMENT SERVICES, INC.),

CASE NO.: CV10-00481
DEPT NO.: 4

Petitioner,

v.

23 TIMOTHY N. HARTMAN,

STIPULATION

Respondent.

24 This Stipulation ("Stipulation") is made this 30th of September 2011, between and among
25 MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED (formerly BANC OF
26 AMERICA INVESTMENT SERVICES, INC.), Petitioner ("Merrill Lynch") by and through its
27 attorneys Kern & Associates, Ltd., and TIMOTHY N. HARTMAN, Respondent individually
28 ("Hartman"). Merrill Lynch and Hartman may be referred to in this Stipulation individually as a

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RENO, NEVADA 89511
TELEPHONE: (775) 324-5930



1 "Party" or collectively as the "Parties." For purposes of this stipulation, the Parties shall be deemed
2 to include anyone claiming or liable through them, including, but not limited to, their past, present,
3 and future agents, attorneys, representatives, heirs, executors, administrators, trustors, beneficiaries,
4 successors, assigns, affiliates, officers, directors, shareholders, members, unit owners, principals,
5 partners, managers, associates, and employees.

6
7 Petitioner and Respondent hereby stipulate and agree as follows:

8 RECITALS

9 WHEREAS, Judgment entered by the Court on April 24, 2010, in favor of Merrill Lynch
10 and against Hartman in accordance with the Award FINRA Dispute Resolution ("Judgment").

11 WHEREAS, the Judgment was duly recorded in the public records of Douglas County and
12 such recording attached and is a lien to all real property Hartman has an interest in now or may have
13 in the future.

14 WHEREAS, Hartman has an interest in the following real property identified as 693 Joette
15 Drive, Gardnerville, Nevada 89460, APN # 1220-21-710-011 ("Real Property") more particularly
16 described as:

17
18 All that certain real property situate in the County of Douglas, State of
19 Nevada, described as follows:

20 Lot 68, as shown on the map of GARDNERVILLE RANCHOS UNIT NO.
21 7, filed for record in the office of the County Recorder of Douglas County, Nevada
on May 27, 1974 in Book 374, Page 676, as File No. 72456.

22 WHEREAS, the Judgment is a lien as to the Real Property.

23 WHEREAS, the Real Property is currently subject to be sold and an escrow for such sale
24 is now pending with Western Title Company, Escrow No. 041856-TEA ("Escrow").

25 WHEREAS, Hartman warrants and represents that he will receive no funds from any source,
26 including but not limited to the Escrow, for the conveyance of the Real Property and Hartman
27 understands and agrees that Merrill Lynch has relied upon such warranty and representation;
28

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WHEREAS, the Parties desire to resolve the Judgment lien as to the Real Property.

STIPULATION TERMS

NOW THEREFORE, in consideration of the foregoing Recitals, the mutual promises contained herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Hartman Confirmations.

a. Hartman confirms that except as to the Real Property, the Judgment shall remain a lien attached to any property that Hartman may own now, have an interest in, or property that Hartman may own in the future or have an interest in the future.

b. Hartman confirms that he shall not now, nor shall he at any time in the future receive any funds, money, consideration or proceeds of whatsoever nature of any kind from the sale of the Real Property, including but not limited to, any incentive for the sale of the Real Property, sharing of any commission, or sale proceeds.

c. Hartman confirms that if Merrill Lynch discovers that any representations or warranties made by Hartman are false, Hartman shall, upon receiving notice of such discovery, be liable to and be required to pay the additional sum of \$50,000.00, such sum to be in addition to the amount due under the Judgment.

2. Payment on behalf of Hartman.

Merrill Lynch shall receive proceeds from the sale of the Real Property in the amount of \$20,000.00 in good and sufficient funds made payable to "Merrill Lynch" from the Escrow. The check shall be mailed to counsel: Gayle A. Kern, Esq., 5421 Kietzke Lane, Suite 200, Reno, NV 89511.

3. Payment Terms and Conditions.

Except to the extent that Merrill Lynch agrees that upon receipt of the sum of

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1 \$20,000.00 it shall release the Judgment as a lien on the Real Property and shall credit the total
2 amount due under the Judgment, there shall be no other release of the Judgment or the Judgment lien
3 as to any other property, wheresoever located or whether owned now or obtained in the future,
4 modification, or credit for the payment of such sum and Hartman shall be fully liable for and must
5 pay the remaining amount of the Judgment and Merrill Lynch shall make demand for and be paid
6 out of any property hereafter discovered or as may be subject to the Judgment lien. This release of
7 Judgment lien is limited solely and exclusively to the Real Property.
8

9 **4. Jurisdiction.**

10 This Stipulation shall be deemed to have an executed and delivered within the State
11 of Nevada, and the rights and obligations of the Parties hereunder shall be construed and enforced
12 in accordance with, and governed by the laws of the State of Nevada without regard to principles of
13 conflict of laws.
14

15 **5. Attorney's Fees.**

16 In the event that litigation is commenced by any Party against any other Party
17 concerning any aspect of this Stipulation, reasonable attorneys' fees, expert witness fees and related
18 costs shall be paid by the losing Party to prevailing Party.
19

20 **6. Authority.**

21 Each Party affirms for the other Parties that it has secured all necessary approvals,
22 if any, of this Stipulation and that this Stipulation is valid and fully binding on the Parties upon
23 execution by all Parties. Each individual signing this Stipulation represents and warrants that he has
24 the authority to sign on behalf of the principal of principals indicated above his or her name.
25

26 **7. Counterparts and Signatures.**

27 This Stipulation may be executed in counterparts and delivered by facsimile or
28 electronic image. All such counterparts so executed and delivered shall together be deemed to

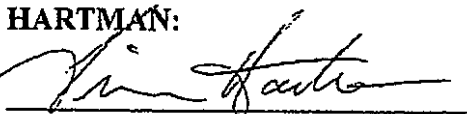
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1 constitute one final document as if a single document had been executed and delivered with originals
2 signatures.

3 IN WITNESS WHEREOF, the Parties hereto have duly executed this Stipulation as of the
4 date set forth above.

5 **HARTMAN:**

6 
7 TIMOTHY N. HARTMAN

MERRILL LYNCH:

8 By: 
9 Gayle A. Kern, Esq.
10 KERN & ASSOCIATES, LTD.
11 5421 Kietzke Lane, Suite 200
12 Reno, Nevada 89511
13 Attorneys for Merrill Lynch, Pierce, Fenner &
14 Smith Incorporated (Formerly Banc of America
15 Investment Services, Inc.)

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TELEPHONE: (775) 324-8930



NOTARY CERTIFICATION

STATE OF Nevada

COUNTY OF Douglas

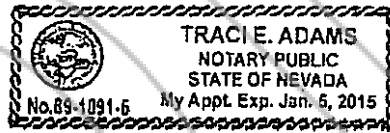
On 10/5/11, before me, Traci E. Adams, Notary Public,

personally appeared Timothy N. Hartman who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature, on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Traci E. Adams





NOTARY CERTIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

On October 7, 2011, before me, Teresa A. Gearhart, Notary Public, personally appeared Gayle A. Kern who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature, on the instrument, the person, or the entity upon behalf which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Teresa A. Gearhart*





CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b), I certify that I am an employee of the law offices of Kern & Associates, Ltd., 5421 Kietzke Lane, Suite 200, Reno, Nevada 89511, and that I served the foregoing document(s) described as follows:

STIPULATION

On the party(s) set forth below by:

- Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- Personal delivery.
- Facsimile (FAX).
- Federal Express or other overnight delivery.
- Reno-Carson Messenger Service.

addressed as follows:

Timothy Hartman
3317 Dogleg Drive
Minden, NV 89423

DATED this 10th day of October, 2011.

Teresa A. Gearhart
TERESA A. GEARHART

KERN & ASSOCIATES, LTD.
5421 KIETZKE LANE, SUITE 200
RENO, NEVADA 89511
TELEPHONE (775) 324-5930



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AFFIRMATION

Pursuant to NRS 239B.030

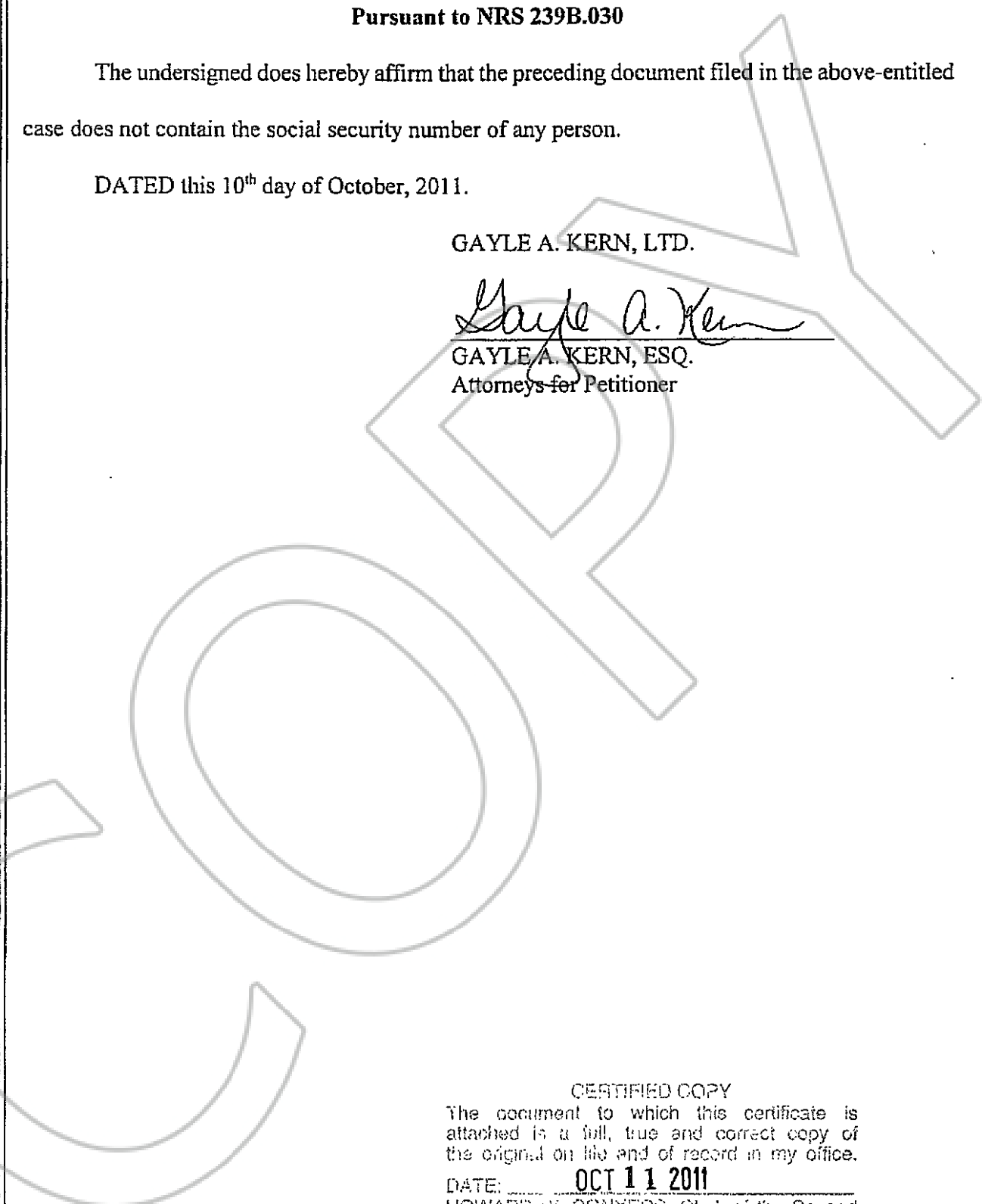
The undersigned does hereby affirm that the preceding document filed in the above-entitled case does not contain the social security number of any person.

DATED this 10th day of October, 2011.

GAYLE A. KERN, LTD.

GAYLE A. KERN, ESQ.
Attorneys for Petitioner

KERN & ASSOCIATES, LTD.
5421 KIETZKE LANE, SUITE 200
RENO, NEVADA 89511
TELEPHONE: (775) 344-5930



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: OCT 11 2011
HOWARD W. CONYERS, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By [Signature] Deputy