

APN# 1318-25-111-017



KAREN ELLISON, RECORDER

**Recording Requested by/Mail to:**

Name: Severin A. Carlson

Address: 50 West Liberty Street, Suite 700

City/State/Zip: Reno, Nevada 89501

**Mail Tax Statements to:**

Name: Kaempfer Crowell

Address: 50 West Liberty Street, Suite 700

City/State/Zip: Reno, Nevada 89501


Default Judgment against Third-Party Defendant Athena Medical Group, Inc., Defined Benefit Pension  
Plan Trust Chtd., a Fictitious Entity of Unknown Origin and Status

**Title of Document** (required)

------(Only use if applicable)-----

The undersigned hereby affirms that the document submitted for recording  
contains personal information as required by law: (check applicable)

- Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)
- Judgment – NRS 17.150(4)
- Military Discharge – NRS 419.020(2)

  
\_\_\_\_\_

Signature

Severin A. Carlson

Printed Name

This document is being (re-)recorded to correct document # \_\_\_\_\_, and is correcting

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BOBBIE R. WILLIAMS  
CLERK  
BY *[Signature]* DEPUTY

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Nevada Bar No. 9373  
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Douglas County  
District Court Clerk

5 Attorneys for Defendant/  
Counterclaimant/Third-Party Plaintiff

7 NINTH JUDICIAL DISTRICT COURT

8 DOUGLAS COUNTY, NEVADA

9 RAY WARREN EXLEY, an individual.  
10 Plaintiff.

Case No. 14CV0130  
Dept. No. II

11 vs

~~PROPOSED~~

12 LOIS M. O'BRIEN, an individual; DOES I-  
XXX, and ABC CORPORATIONS A-Z,  
13 inclusive,

**DEFAULT JUDGMENT AGAINST  
THIRD-PARTY DEFENDANT ATHENA  
MEDICAL GROUP, INC., DEFINED  
BENEFIT PENSION PLAN TRUST  
CHTD., A FICTITIOUS ENTITY OF  
UNKNOWN ORIGIN AND STATUS**

14 Defendants,

16 LOIS M O'BRIEN, an individual,  
17 Counterclaimant,

18 vs.

19 RAY WARREN EXLEY, an individual; DOES  
1-100, inclusive; and ROE CORPORATIONS  
1-100, inclusive,

20 Counter-Defendants,

22 LOIS M. O'BRIEN, an individual,  
23 Third-Party Plaintiff,

24 vs.

THOMAS J. HALL, ESQ. on behalf of THE  
LAW OFFICES OF THOMAS J. HALL, J

KAEMPFER CROWELL  
50 West Liberty Street  
Suite 700  
Reno Nevada 89501

1 NICHOLAS CUNEO of CUNEO &  
2 HOOVER, P.C.; ATHENA MEDICAL  
3 GROUP, INC., DEFINED BENEFIT  
4 PENSION PLAN TRUST CHTD , a fictitious  
5 entity of unknown origin or status, DOES 1-10;  
6 and ROE CORPORATIONS 1-10,

Third-Party Defendants.

6 An Application has been duly made by Third-Party Plaintiff. LOIS M. O'BRIEN  
7 ("O'Brien"), for default judgment against Third-Party Defendant ATHENA MEDICAL  
8 GROUP, INC., DEFINED BENEFIT PENSION PLAN TRUST CHTD. ("Athena"), a fictitious  
9 entity of unknown origin and status, and a Default has been entered against Athena for failure to  
10 file an answer or otherwise defend as to O'Brien's Third-Party Complaint, and it appears that  
11 Athena is a juristic entity and therefore not in the military service of the United States and not an  
12 infant or incompetent person.

13 In or about April 1977, O'Brien and Ray Exley ("Exley") became married to one another.  
14 but divorced after approximately one month as a result of irreconcilable differences. They  
15 remarried in August 1992 Between the two marriages, in or about December 1983, O'Brien and  
16 Exley purchased a home at 429 Panorama Drive, Statehne, Nevada (the "Property"). pursuant to  
17 a grant deed wherein O'Brien and Exley took title to the Property as Joint Tenants, and which  
18 deed was recorded in Douglas County as Document No. 93745

19 On or about May 21, 2014, a Deed of Trust with Assignment of Rents between Exley  
20 (Borrower), Vernon E. Leverty (Trustee) and Athena (Beneficiary) was recorded in Douglas  
21 County against the Property as Document No. 0842993 ("Deed of Trust"). On October 8, 2014,  
22 Athena recorded a Discharge relating to the Property. O'Brien does not believe the Discharge  
23 conforms to the reconveyance required by the Deed of Trust that was recorded May 21, 2014.

24 ////

1 Athena, not having answered and the Default having been entered against Athena, and  
2 good cause appearing,

3 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that judgment is  
4 entered in favor of O'Brien, and against Athena, and that Athena has no title, right or interest in  
5 the Property.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is  
7 entered in favor of O'Brien, and against Athena, in the total principal sum of \$10,128.25, as  
8 further itemized and described herein below, plus \$1.46 per day post-judgment interest until the  
9 Judgment is satisfied in full, as follows:

10 WHEREFORE, this Court enters Default Judgment and attorneys' fees against Athena in  
11 the total principal sum of \$10,128.25, including pre-judgment interest, post-judgment interest,  
12 and the right to amend, as set forth below:

- 13 a For the sum of \$10,128.25,  
14 b. For attorneys' fees in the amount of \$9,818.00 reasonably incurred in the  
15 prosecution of this matter through December 16, 2014,  
16 c For costs in the amount of \$310.25 reasonably incurred in the prosecution  
17 of this matter through December 16, 2014,  
18 d For an award of pre-judgment interest at the statutory rate of 5 25%. or  
19 \$1 46 per diem, on the principal amount of \$10,128.25 due and owing to O'Brien, accrued from  
20 the date O'Brien served her Third-Party Complaint on Defendant on October 27, 2014, through  
21 June 30, 2015, in the amount of \$359.16, plus \$1.46 per day thereafter until entry of this Default  
22 Judgment:

23 ////

24 ////

1 c. For an award of post-judgment interest at the statutory rate of 5.25%.  
2 \$1.46 per diem, from the date of entry of this Default Judgment, accruing on all amounts due and  
3 owing to O'Brien until the judgment is satisfied.


4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court reserves  
5 jurisdiction to revise the damage award should O'Brien mitigate her damages, and to revise the  
6 attorneys' fees award as O'Brien has been required to incur additional legal fees and costs  
7 incurred after December 16, 2014, in the prosecution of this matter and enforcement of this  
8 Judgment

9 **IT IS SO ORDERED.**

10 DATED this 6 day of August, 2015.

11   
12 DISTRICT COURT JUDGE

13 Submitted by:

14   
15 SEVERIN A. CARLSON  
16 Nevada Bar No 9373  
17 KAEMPFER CROWELL  
18 50 West Liberty Street, Suite 700  
19 Reno, Nevada 89501  
20 (775) 852-3900  
21 scarlson@kcnvlaw.com

22 **CERTIFIED COPY**

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

23 DATE August 13, 2015  
24 BOBBIE R. WILLIAMS Clerk of Court  
of the State of Nevada, in and for the County of Douglas,  
By M. Beatty Deputy