

APN# 1318-03-211-016



KAREN ELLISON, RECORDER

Recording Requested by/Mail to:

Name: DUANE VIVATSON

Address: P O BOX 11679

City/State/Zip: Z68H472 LDVG NV 89448

Mail Tax Statements to:

Name: JAMG

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

ORDER of CANCELLATION of NOTICE of PENDENCY of ACTION

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

\_\_\_\_\_  
Printed Name

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

**RECEIVED**

1 CASE NO: 15-CV-0283

**MAR - 3 2016**

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**Douglas County  
District Court Clerk**

2016 MAR - 7 AM 11:43

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5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF DOUGLAS

8 FMX. INC., a Florida corporation,

9 Plaintiff/Judgment Creditor,

**ORDER OF CANCELLATION OF  
NOTICE OF PENDENCY OF ACTION**

10 vs.

11 CARLA CRUZ, in individual; DUANE  
12 VIVATSON, an individual; SALLY BOGGS,  
an individual; and DOES 1-X, inclusive,

13 Defendants.

14  
15 The motion of defendant Duane Vivatson for an order expunging the Notice of Pendency  
16 of Action filed herein on December 8, 2015, and recorded against the real property situated at  
17 1040 Myron Drive, Skyland, Douglas County, Nevada, on December 11, 2015, having been filed  
18 herein on or about January 27, 2016, and written opposition having been filed thereto, and oral  
19 argument having been held on February 24, 2016, and

20 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED as follows:

21 1. The Motion is GRANTED, the Court finding that Plaintiff has not met its burden  
22 of establishing to the satisfaction of the Court that it is likely to prevail in the action, or that it has  
23 a fair chance of success on the merits in the action, as required under NRS 14.015(3).

24 2. The Notice of Pendency of Action is cancelled.

25 3. Cancellation of the Notice of Pendency of Action has the same effect as an  
26 expungement of the original Notice of Pendency of Action.


27 ///

28 ///

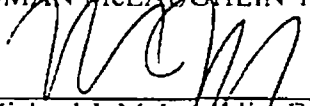
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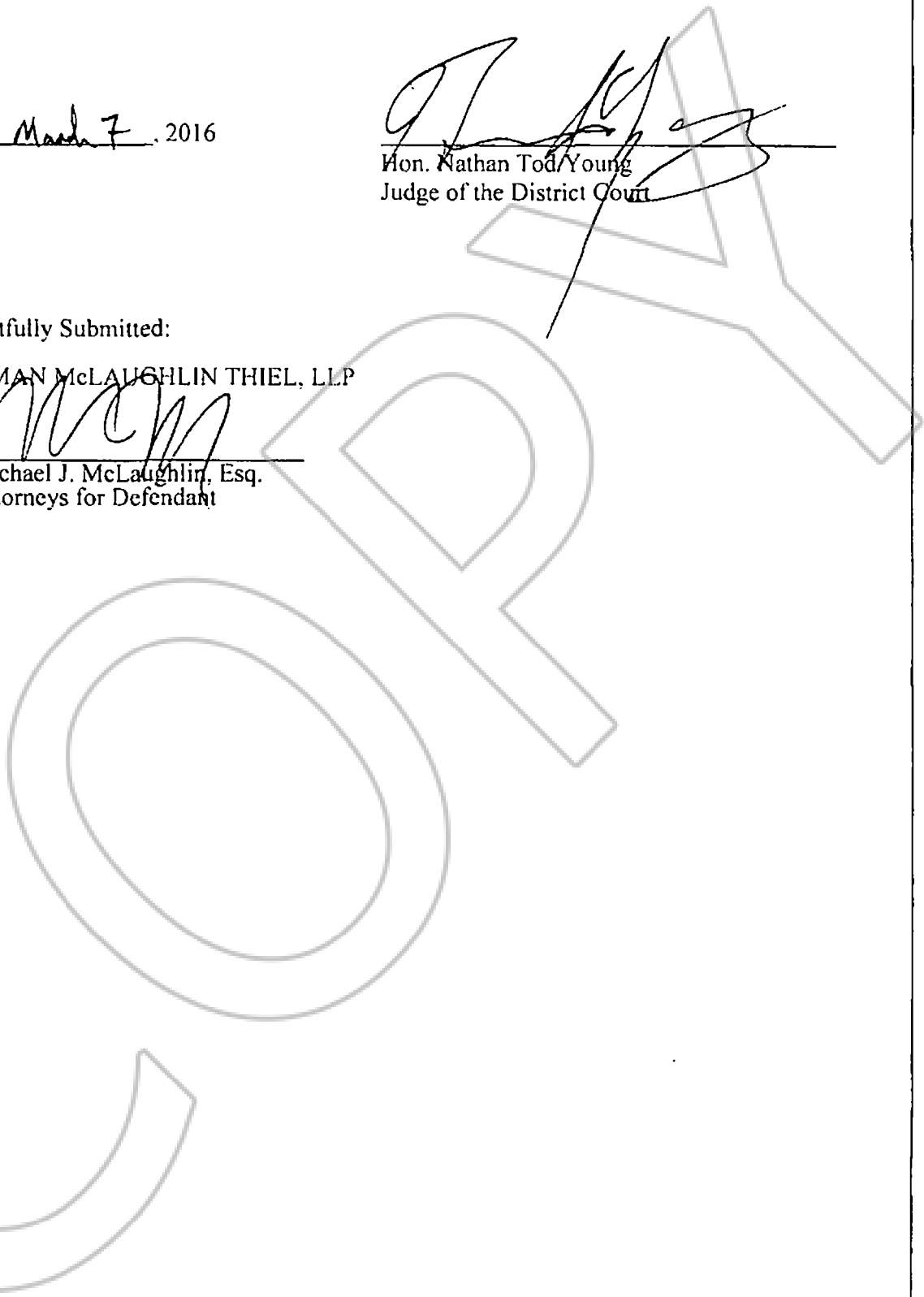
4. Plaintiff shall record a copy of this Order with the Douglas County Recorder.

Dated: March 7, 2016

  
\_\_\_\_\_  
Hon. Nathan Todd Young  
Judge of the District Court

Respectfully Submitted:  
FELDMAN McLAUGHLIN THIEL, LLP

  
By: \_\_\_\_\_  
Michael J. McLaughlin, Esq.  
Attorneys for Defendant



2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I certify that I am an employee of FELDMAN McLAUGHLIN  
4 THIEL LLP, and that I am "readily familiar" with the firm's practice of collection and  
5 processing correspondence for mailing. Under that practice, it would be deposited with the  
6 United States Postal Service on that same day with postage thereon fully prepaid at Zephyr Cove,  
7 Nevada in the ordinary course of business. I am aware that on motion of the party served,  
8 service is presumed invalid if the postage cancellation date or postage meter date is more than  
9 one day after the date of deposit for mailing an affidavit.

10 On March 3, 2016 I served the foregoing documents described as: **ORDER OF**  
11 **CANCELLATION OF NOTICE OF PENDENCY OF ACTION** on the interested parties in  
12 this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

13  
14 Rich McGuffin  
15 Alling & Jillson, Ltd.  
16 P.O. Box 3390  
17 Lake Tahoe, Nevada 89449  
18 rmcguffin@ajattorneys.com

19  **(BY EMAIL TRANSMISSION)** I caused a true copy of the aforementioned  
20 document(s) to be served on the parties set forth above to be transmitted by email  
21 transmission to the email address above.

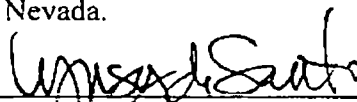
22  **(BY MAIL)** As follows: I am "readily familiar" with the firm's practice of collection  
23 and processing correspondence for mailing. Under that practice, it would be deposited  
24 with the United State Postal Service on that same day with postage thereon fully prepaid  
25 at Zephyr Cove, Nevada, in the ordinary course of business. I am aware that on motion  
26 of the party served, service is presumed invalid if the postage cancellation date or postage  
27 meter date is more than one day after the date of deposit for mailing an affidavit.

28  **(BY HAND DELIVERY)** I caused such document(s) to be delivered by hand to the  
offices of the above addressee(s).

**(BY OVERNIGHT MAIL)** I caused such document(s) to be mailed by overnight mail  
to the offices of the above addressee(s).

**(BY FACSIMILE TRANSMISSION)** I caused a true copy of the aforementioned  
document(s) to be served on the parties set forth above to be transmitted by facsimile to  
the facsimile number(s) above.

Executed on March 3, 2016, at Zephyr Cove, Nevada.

  
\_\_\_\_\_  
Lynsey DeSanto

COPY

**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.

DATE March 18 2016

BOBBIE R. WILLIAMS Clerk of Court  
of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy