

RECORDING REQUESTED BY:

James R. Hales, Esq.
Alling & Jillson, Ltd.
P.O. Box 3390
Lake Tahoe, NV 89449



00086531201909254620260268

KAREN ELLISON, RECORDER

AND WHEN RECORDED MAIL TO:

James R. Hales, Esq.
Alling & Jillson, Ltd.
P.O. Box 3390
Lake Tahoe, NV 89449

AFFIDAVIT OF RENEWAL OF JUDGMENT

COPY

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FEB 07 2019

FILED

1 CASE NO. 10-PB-0117

2 DEPT. NO. I

Douglas County
District Court Clerk

2019 FEB -7 AM 8:18

3
4 *The undersigned affirms that this document does not
contain the social security number of any individual.*

BOBBIE R. WILLIAMS
CLERK

D. GOELZ DEPUTY

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

8
9 In the Matter of the
Guardianship of:

10 LENA MAE LUNDY

AFFIDAVIT OF RENEWAL OF JUDGMENT

11
12 An Adult Protected Person

13 _____ /
14
15 STATE OF NEVADA)
16) :SS.
17 COUNTY OF DOUGLAS)

18 I, James R. Hales, being first duly sworn on oath, deposes and says:

19 1. I am an attorney licensed to practice law in the State of Nevada. I have personal
20 knowledge of the facts set forth in this Affidavit.

21 2. Until she died I represented Lena Mae Lundy who was the successful litigant in this
22 matter.

23 3. Because of the work that I have done for Lena Mae Lundy and the heirs to her estate,
24 Dolores Acosta and Carrie LaNez Ferrel, I am the person most knowledgeable about the status of the
25 judgment and am the person best able to submit this affidavit.

26 4. This affidavit is filed with the court and recorded.

27 5. Attached as Exhibit A to this declaration is an Amended Judgment signed by Judge
28 Nathan Tod Young and filed with the Ninth Judicial District clerk's office on May 1, 2013, in this case

Aling & Jillson, Ltd
PO Box 3390 276 Kingsbury Grade, Suite 2000
Lake Tahoe, NV 89449
PH (775) 588-6676

1 which is case number 10-PB-0017. Based upon my telephone call with the clerk of this Court, this
2 Court does not keep a book of judgments. Accordingly, the Amended Judgment was docketed with this
3 Court when it was filed on May 1, 2013.

4 6. Attached as Exhibit B is a copy of the Order Terminating the Guardianship of the
5 Person and the Estate. This order transferred the judgment, as an asset of the estate, to Dolores Acosta
6 and Carrie LaNez Ferrel. By virtue of the judicial assignment, Dolores Acosta and Carrie LaNez Ferrel
7 are the judgment creditors.

8 7. A judgment was originally obtained on October 2, 2012. A copy of the original
9 judgment is attached as Exhibit C. A copy of the original judgment was recorded in Douglas County
10 on February 15, 2013, as document number 0818421. The judgment debtor remains Michael Spes. The
11 judgment creditors, by virtue of the judicial assignment after the death of Lena Mae Lundy, are Dolores
12 Acosta and Carrie LaNez Ferrel.

13 8. Additionally, attached as Exhibit D, is an Affidavit of Judgment which was recorded
14 in Douglas County on February 15, 2013, as document number 0818422.

15 9. The judgment amount on the Amended Judgment is for \$45,575 with interest running
16 at the statutory rate from March 1, 2013.

17 10. Attached as Exhibit E is a schedule showing the interest that has accumulated on the
18 judgment through February 1, 2019.

19 11. Judgment Debtor has paid nothing on this judgment.

20 12. There are no set offs or counterclaims in favor of the judgment debtor.

21 13. There are no outstanding writs of execution for the judgment.

22 14. The exact amount due on the judgment as of February 1, 2019 is \$85,453.05.

23 15. The Judgment Debtor has never voluntarily made a payment on a judgment.

24 16. This judgment was not documented by the clerk of the Ninth Judicial District Court
25 upon the certified copy of another court.

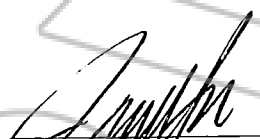
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17. Based upon my review of the website for Douglas County, Nevada Assessor's Office, Michael Spes continues to own the property located at 1344 Victoria Drive, Gardnerville, Nevada 89460, which has assessor's parcel number 1220-21-810-205.

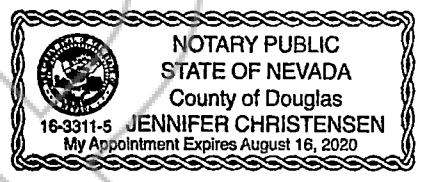
18. This judgment has not been paid in full. In fact, nothing has been paid on the judgment.

Dated this 4 day of February, 2019


James R. Hales, Esq.

SUBSCRIBED and SWORN to before me
this 6 day of February, 2019.


NOTARY PUBLIC



Alling & Jillson, Ltd
PO Box 3390 ◊276 Kingsbury Grade, Suite 2000
Lake Tahoe, NV 89449
PH (775) 588-6676

COPY

EXHIBIT A

Rowe Hales Yturbide, LLP
Attorneys At Law

Mailing Address
P.O. Box 2080
Minden, NV 89423
Facsimile (775)782-3685

Physical Address
1638 Esmeralda Street
Minden, NV 89423
(775) 782-8141

1 CASE NO. 10-PB-0117

2 DEPT. NO. I

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4 *The undersigned affirms that this document does not
contain the social security number of any individual.*

2013 MAY -1 PM 3: 24

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MAY - 1 2013

DOUGLAS COUNTY
DISTRICT COURT CLERK

P. GREGORY

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

7
8 IN AND FOR THE COUNTY OF DOUGLAS

9 In the Matter of the
Guardianship of:

AMENDED JUDGMENT

10 LENA MAE LUNDY

11 An Adult Ward.
12 _____ /

13
14 On October 2, 2012, this Court entered its Order and Judgment in this matter. Thereafter,
15 the Court considered the Motion of Lena Lundy for an award of attorney's fees. On March 19, 2013,
16 this Court entered an award of attorney's fees in the amount of \$20,475. Accordingly, the Order and
17 Judgment entered on October 2, 2012, is amended by this document, and this document replaces and
18 supercedes the previous Judgment.
19

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

- 21 1. Michael Spes shall pay to the guardianship estate of Lena Lundy, to KayCee Zusman
22 as Guardian, the sum of \$25,000, plus interest at the statutory rate running from January 1, 2011 until
23 paid in full.
24
25 2. The interest on the Judgment up to and through May 1, 2013 is: \$3,062.52, which
26 is computed at an annual rate of 5.25%
27
28 3. Mr. Spes shall also pay to the guardianship estate of Lena Lundy, to KayCee
Zusman as Guardian, the sum of \$20,475 in attorney's fees.

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4. Interest on the \$20,475 will run from March 19, 2013 at the statutory interest rate, which is currently 5.25%. Interest accrued from March 19th through May 1, 2013 is: \$124.98.

5. Interest on the principal amount of the Judgment of \$45,475 (\$25,000 + \$20,475) shall run at the statutory rate from May 1, 2013, at the statutory rate. The current statutory rate is 5.25%. Per diem interest on the Judgment is: \$6.54/day.

6. All charges for all credit cards in the name of Lena Lundy and Michael Spes shall be paid solely and exclusively by Michael Spes. No credit card company shall have any right or claim against Lena Lundy for these charges. Michael Spes shall indemnify and hold Lena Lundy harmless from these charges. As established by the supplemental affidavit filed by KayCee Zusman, the following are some, but probably not all, of the credit cards which are subject to this Order:

- Bank of America #4264XXXXXXXXX5535 for \$6,236.97
- Bank of America #4264XXXXXXXXX2504 for \$3,008.36
- WaMu #4185XXXXXXXXX2430 for \$345.73
- Chase #4266XXXXXXXXX7633 for \$3,207.36
- Chase #4185XXXXXXXXX2430 for \$653.24
- Wells Fargo #4465XXXXXXXXX3132 for \$3,503.00
- Chevron #706XXXXXXXX868 for \$2,547.00
- Sears #512XXXXXXXX406 for \$5,769.00
- Citibank #54241810XXXXXXXX for \$21,436.00
- Sunrise Credit #5491XXXX2488XXX? \$438.00

7. The following items shall be returned by Mr. Spes to Lena Lundy by delivering them to the Office of KayCee Zusman, the Guardian, no later than 30 days from the date of this Order:

- The cremains of Harold Lundy;
- The oriental picture
- Two small 4-part oriental screens;

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Mindon, NV 89423
Facsimile (775)782-3685

Rowe Hales Yturbide, LLP
Attorneys At Law

Physical Address
1638 Esmeralda Street
Mindon, NV 89423
(775) 782-8141

- Two large accordion-type oriental screens;
- The oriental dolls; and
- The oriental plates.

8. Mr. Spes shall take nothing by way of his claims and all claims against Ms. Lena Lundy are dismissed with prejudice, including any claims related to any utilities or rent alleged to have been owed by Ms. Lena Lundy, or Mr. Spes' decision to leave the property.

9. This Order is prepared and signed in order to consolidate all Judgments against Michael Spes. Nothing in this Order is or shall be interpreted to extend the time in which any party has to file an appeal from the previous Judgments.

DATED this 1 day of May, 2013.


DISTRICT JUDGE

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COPY

EXHIBIT B

1 CASE NO. 10-PB-0117

2 DEPT. NO. I

3 *The undersigned affirms that this document does not contain the social security number of any individual.*

FILED

2013 JUL 23 PM 1:54

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BY _____ CLERK
DEPUTY

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JUL 23 2013

DOUGLAS COUNTY
DISTRICT COURT CLERK

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

8 IN AND FOR THE COUNTY OF DOUGLAS

9 In the Matter of the
10 Guardianship of:

11 LENA MAE LUNDY

12 An Adult Ward.
13 _____ /

**ORDER TERMINATING THE
GUARDIANSHIP OF PERSON AND
ESTATE, APPROVING GUARDIAN'S
FINAL ACCOUNTING AND EXPENSES
OF ADMINISTRATION, ORDERING THE
CLOSING THE ESTATE AND
HONORABLY DISCHARGING THE
GUARDIAN**

14 This matter came on for hearing this 23rd day of July, 2013. Mr. James R. Hales, Esq., of
15 Rowe Hales Yturbe, LLP, was present in court and represented the guardian. Other appearances
16 were as noted on the minutes of the court.
17

18 Good cause existing, this court finds as follows:

19 1. On November 30, 2010, this Court appointed KayCee Zusman as Special Guardian
20 over Lena Mae Lundy ("Lena"). The Order gave the Special Guardian the authority to a) assist Lena
21 in locating and securing living accommodations, b) assume responsibility for all of Lena's financial
22 affairs, with the direction that all cash be kept in a FDIC-insured financial institution with a branch
23 in Douglas County, Nevada, and c) to investigate the possible conversion of Lena's accounts by
24 Michael Spes or any other party and to take any legal action necessary to obtain a return of the funds.

25 See Order, p. 3.

26
27 2. Since the Special Guardian's appointment, she has successfully defended an action
28 brought against Lena Lundy by her grandson, Michael Spes, in Douglas County, Case No. 05-PB-

1 0051, Department I, which resulted in an Order confirming Lena's ownership of over \$90,000. The
2 Special Guardian has also successfully obtained a Judgment in this Court against Michael Spes
3 totaling \$45,475.
4

5 3. Ms. Zusman has filed with this court accountings that comply with Nevada law.
6 The accountings included funds that had been transferred to Lena for her own use at her own
7 discretion.

8 4. While this money was transferred to Lena Lundy for her own use she did not utilize
9 the money. Those funds, therefore, remain a part of the guardianship.

10 5. There have been no significant changes in the Ward's property because of sales,
11 exchanges, investments, acquisitions, gifts, mortgages or other transactions.
12

13 6. The estate has incurred significant costs in prosecuting the claims against Michael
14 Spes. At every step of the proceedings, this Court was notified and advised of the Ward's desire to
15 prosecute her claims against Michael Spes. The efforts of counsel has resulted in the Judgment of
16 \$45,475 in this case, and the retention of \$90,000 in Case No. 05-PB-0051. Also included in those
17 expenses were the costs of prosecuting the appeal filed by Michael Spes in Case No. 05-PB-0051.
18

19 7. Rowe Hales Yturbide has incurred fees of \$7,267.13 since last petitioning for fees.
20 Rowe Hales Yturbide requests an additional \$750.00 for the fees which will be incurred to appear
21 at the hearing and to close the estate.

22 8. KayCee Zusman of Fiduciary Services of Nevada, Inc. has incurred fees of
23 \$10,175.00 since last petitioning for fees 19 months ago. Fiduciary Services has paid from the
24 accounts dedicated to the Ward the sum of \$9,737.50 into a trust account held for the benefit of the
25 ward. The balance of \$437.50 will need to be paid to Fiduciary Services out of the guardianship
26 bank account.
27

28 14. On May 6, 2013, Lena Lundy died.

1 15. Pursuant to NRS 195.197(3), "If the guardianship has terminated by reason of the
2 death of the ward, the court, by order, may authorize the guardian to handle the deceased ward's
3 property in the same manner as authorized by NRS 146.070 or 146.080, if the gross value of the
4 property, less encumbrances, and thus fees, costs and expenses that are approved by the court
5 remaining in the hands of guardian does not exceed the amount authorized pursuant to NRS 146.070
6 or NRS 146.080." NRS 146.070 provides that estates that have a value not exceeding \$100,000 may
7 be set aside and transferred to the heirs without the need of probate. The value of this estate does
8 not exceed \$100,000. The assets of the guardianship estate are as follows:
9

<u>Description</u>	<u>Value</u>
Personal Property	\$ 1,000.00
Balance of Account Held by Fiduciary Services	\$ 8,327.00
Balance of Account Held by Lena Lundy	\$14,637.47
Amended Judgment Against Michael Spes	<u>\$45,475.00</u>
TOTAL:	\$69,439.47*

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16 *Less approved payment of Guardian's fees and attorney's fees.

17 16. Pursuant to the terms of the Lena Lundy's Last Will and Testament, the Ward's
18 estate is to be divided equally between Dolores Acosta and Carrie LaNez Ferrel.

19 17. Any money paid by Lena as a prepaid burial expenses at Mountain View Cemetery
20 in Reno, Nevada, should be used to pay for her burial expenses whether incurred by Mountain View
21 Cemetery or by some other entity. Any remaining balance of those funds belongs to Dolores Acosta
22 and Carrie LaNez Ferrel equally. Michael Spes has no claim to those funds.

23
24 NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

- 25 1. The guardianship estate is terminated;
26 2. The Guardian's final accounting and inventory as set forth in this petition is hereby
27 ratified, confirmed and approved.
28

1 3. The Guardian is authorized and directed to pay herself fees in the amount of
2 \$10,175.00, of which \$9,737.50 is held in trust by the Guardian. The balance shall be paid out of
3 the Ward's account that the Guardian controls.

4 4. The Guardian is authorized and directed to pay to Rowe Hales Yturbide fees in the
5 amount of \$8,017.13. The balance of the amount owed to Rowe Hales Yturbide shall be paid out
6 of the accounts set up for Lena Lundy to control before the funds are distributed to Dolores Acosta
7 and Carrie LaNez Ferrel.

8 5. Any money held by Mountain View Cemetery in Reno Nevada, or any other entity
9 for the cost of Lena's burial shall be used to pay for her burial expenses whether incurred by
10 Mountain View Cemetery or by some other entity. If there is a remaining balance of those funds,
11 it shall be distributed to Dolores Acosta and Carrie LaNez Ferrel equally. Michael Spes has no claim
12 to those funds.

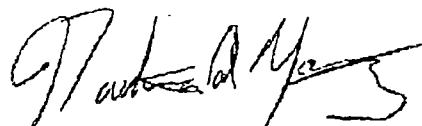
13 6. After payment of the expenses as authorized by this order the Guardian is authorized
14 and directed to transfer all remaining assets of the guardianship estate equally to Carrie LaNez Ferrel
15 and Delores Acosta.

16 7. Any accounts or assets not held by the Special Guardian shall be set aside equally
17 to Delores Acosta and Carrie LaNez Ferrel.

18 8. This guardianship is ordered closed and terminated,

19 9. Upon completing the acts set forth in this Order, KayCee Zusman of Fiduciary
20 Services of Nevada, Inc. is honorably discharged.

21 DATED this 23 day of July, 2013.

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DISTRICT JUDGE

COPY

EXHIBIT C

Doc Number: **0818421**

02/15/2013 03:07 PM

OFFICIAL RECORDS

Requested By
ROWE HALES YTURBIDE

DOUGLAS COUNTY RECORDERS
Karen Ellison - Recorder

Page: 1 of 6 Fee: \$ 19.00

Bk: 0213 Pg: 4446



Deputy ss

Assessor's Parcel Number: 1220-21-810-205

Recording Requested By:

Name: JAMES R. HALES, ESQ

✓ Address: 11638 Esmeralda Ave

City/State/Zip Minden, NV 89423

Real Property Transfer Tax:

\$ 0-0

ORDER AND JUDGMENT

(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.

FILED

1 CASE NO. 10-PB-0117

2 DEPT. NO. I

2012 OCT -2 PM 3:47

3 *The undersigned affirms that this document does not*
4 *contain the social security number of any individual.*

TED THUAN
CLERK

K. WILFERT DEPUTY

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

7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 In the Matter of the
Guardianship of:

ORDER AND JUDGMENT

10 LENA MAE LUNDY

11 An Adult Ward.
12 _____

13
14 This matter commenced as a Petition to Appoint KayCee Zusman as Guardian over Lena
15 Mae Lundy. After appointment, and at the direction of this Court, KayCee Zusman undertook an
16 investigation to determine whether Lena's previous caretaker, Michael Spes, had control of Lena's
17 property. Following her investigation, Ms. Zusman filed a Motion to Compel Michael Spes to
18 Return Personal Property and to Reimburse the Guardianship Estate for Expenses Fairly Attributable
19 to Michael Spes. She subsequently filed a supplement to that motion. Michael Spes objected. After
20 reviewing the pleadings, this Court determined that an evidentiary hearing would be required.

21
22 Prior to the hearing, the parties filed a document entitled, "Stipulation for September 12,
23 2012 Hearing." In that document the parties stipulated that they would waive any pleading defect
24 in the proceedings, and any claim that this Court does not have jurisdiction. The parties
25 acknowledge that they have sought resolution of this issue in this guardianship proceeding, and
26 without filing a separate complaint, because they "desire to resolve this matter in a more simplified"
27 manner. See the September 12, 2012 Stipulation, p.1.
28

1 Prior to the hearing the parties agreed to try the matter in a summary fashion. They
2 stipulated to the admission of most documents. The documents objected to were admitted by the
3 Court despite the objection. Each party was fully heard on this matter.
4

5 Accordingly, this Court hereby finds as follows:

6 1. Since 2005, Michael Spes has provided assistance in caring for Lena Lundy. At the
7 time of the hearing, Lena Lundy was 95 years old.

8 2. From April of 2008 until the appointment of the Guardian, Michael Spes was the
9 represented Payee with the Social Security Administration.

10 3. From at least 2008 until November 30, 2010 (the date KayCee Zusman was
11 appointed as Guardian) Michael Spes owed a fiduciary duty to Lena Lundy. "A fiduciary
12 relationship exists when one has the right to expect trust and confidence in the integrity and fidelity
13 of another." *Powers v. USAA*, 114 Nev. 690, 700, 692 P.2d 596, 603 (1998). The existence of the
14 representative payee relationship was one of many factors supporting Lena Lundy's claim that a
15 fiduciary duty existed.
16

17 4. After her appointment, KayCee Zusman requested a full accounting from Michael
18 of his handling of Lena's money. She received what was essentially a check register. She did not
19 receive copies of checks. She received only a very few receipts generated by a store or vendor. Most
20 of the backup for the various expenses was in the form of a document created by Mr. Spes on his
21 computer.
22

23 5. After receiving the accounting, Ms. Zusman reviewed the accounting and identified
24 expenses paid for from Lena Lundy's accounts which benefitted Michael Spes.
25

26 6. The check register with Ms. Zusman's handwritten notes was reviewed by the Court.
27 Based upon the review, the testimony of Ms. Zusman, and other evidence presented at the hearing,
28 the Court finds that the adjustments made by Ms. Zusman to the accounting were substantially

1 appropriate. Ms. Zusman originally sought \$29,341.07 in reimbursement. The Court finds that the
2 appropriate amount of reimbursement is \$25,000. This reduction includes \$2,996.25 for interest
3 which Ms. Zusman could not locate, but which Mr. Spes showed, at the time of trial, had in fact been
4 paid by the bank and retained in Lena Lundy's account.
5

6 7. Mr. Spes in his testimony acknowledged that all of the credit card debt was his.
7 Evidence was also introduced showing that showing that new credit cards were opened up in the
8 joint names of Lena Lundy and Michael Spes after Mr. Spes became a caregiver. Mr. Spes' acts with
9 regard to these credit cards were completely inappropriate. The evidence indicates that most, if not
10 all, of the charges on those cards were incurred for Michael Spes's benefit. Any charges for Lena's
11 benefit appear to have been paid from her funds.
12

13 8. Mr. Spes' acts were a breach of his fiduciary duty to Lena Lundy. These include
14 but are not limited to using Lena Lundy's money to pay for his personal expenses and adding his
15 name to her credit cards and then using the cards to make purchases that benefitted him.
16

17 9. The Court finds that the following items of personal property belong to Lena Lundy
18 and not Mr. Spes: The cremains of Ms. Lundy's son, Harold Lundy; the oriental picture, two small
19 4-part oriental screens; two large accordion-type oriental screens; the oriental dolls; and the oriental
20 plates.
21

22 10. Mr. Spes failed to meet his burden of proof of establishing that Lena Lundy owed
23 additional rent, utilities, or other reimbursement costs to him. Further, Mr. Spes failed to present
24 evidence to support his claim that Lena Lundy somehow denied him access to his home and thus was
25 liable to reimburse him for a period of time in which he claims he was excluded from the home.
26

CONCLUSIONS OF LAW

27 Under trust law principles, if a Trustee fails to keep proper accounts, all doubts will be
28 resolved against him and not in his favor. *Confederated Tribes v. United States*, 248 F. 3d 1365

(Fed. Cir. 2001). The most elementary conceptions of justice and public policy require that the wrong-doer shall bear the risk of the uncertainty which his own wrong has caused. *Id.* Once a beneficiary has established her prima facia claim by proving the Trustee's breach of a fiduciary duty, the burden of explanation or justification shifts to the fiduciary. *Id.* A fiduciary relationship exists when one has the right to expect trust and confidence in the integrity and fidelity of another. *Powers, supra.*

ORDER AND JUDGMENT

Having determined that Mr. Spes breached his fiduciary duty, the Court hereby orders and enters a judgment against Mr. Spes as follows:

1. Mr. Spes shall pay to the guardianship estate of Lena Lundy, KayCee Zusman as Guardian, the sum of \$25,000, plus interest at the statutory amount running from January 31, 2011, until paid in full.

2. All charges for all credit cards in the name of Lena Lundy and Michael Spes shall be paid solely and exclusively by Michael Spes. No credit card company shall have any right or claim against Lena Lundy for these charges. Michael Spes shall indemnify and hold Lena Lundy harmless from these charges. As established by the supplemental affidavit filed by KayCee Zusman, the following are some, but probably not all, of the credit cards which are subject to this Order:

- Bank of America #4264XXXXXXXXX5535 for \$6,236.97
- Bank of America #4264XXXXXXXXX2504 for \$3,008.36
- WaMu #4185XXXXXXXXX2430 for \$345.73
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- Citibank #54241810XXXXXX for \$21,436.00
- Sunrise Credit #5491XXXX2488XXX? \$438.00

3. The following items shall be returned by Mr. Spes to Lena Lundy by delivering them to the Office of KayCee Zusman, the Guardian, no later than 30 days from the date of this Order:

- The cremains of Harold Lundy;
- The oriental picture
- Two small 4-part oriental screens;
- Two large accordion-type oriental screens;
- The oriental dolls; and
- The oriental plates.

4. Mr. Spes shall take nothing by way of his claims and all claims against Ms. Lena Lundy are dismissed with prejudice, including any claims related to any utilities or rent alleged to have been owed by Ms. Lena Lundy, or Mr. Spes' decision to leave the property.

5. This Order resolved all remaining disputes between Lena Lundy and Michael Spes. This Guardianship estate is not yet at a point where it can be closed. There is no just reason for delay in entry of final judgment as against Mr. Spes. Accordingly this Court finds and Orders that this Judgment be a final Judgment. NRCP 54(b).

DATED this 2 day of Oct, 2012.

David R. Cable

DISTRICT JUDGE

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 February 15, 2013
TED THIRAN Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.
By Michael Haggell Deputy

COPY

EXHIBIT D

Assessor's Parcel Number: 1220-21-810-205

Recording Requested By:

Name: James R. Nales, Esq.

✓ Address: 1138 Esméralda Ave

City/State/Zip Minden, NV 89423

Real Property Transfer Tax:

Doc Number: **0818422**

02/15/2013 03:10 PM

OFFICIAL RECORDS

Requested By
ROWE HALES YTURBIDE

DOUGLAS COUNTY RECORDERS
Karen Ellison - Recorder

Page: 1 of 3 Fee: \$ 16.00

Bk: 0213 Pg: 4452



Deputy: sg

\$ N/A

AFFIDAVIT OF JUDGMENT

(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.

AFFIDAVIT OF JUDGMENT

STATE OF NEVADA)
)
)ss.
COUNTY OF DOUGLAS)

I, James R. Hales, Esq., being first duly sworn on oath, deposes and says:

I make this affidavit under penalty of perjury. I have knowledge of the facts as set forth in this affidavit.

1. I am an attorney licensed to practice law in the state of Nevada.
2. I represented the guardian of Lena Mae Lundy in all matters in Case No. 10-PB-0117, which case was heard in the Ninth Judicial District Court in and for the State of Nevada.
3. Recorded concurrently with this Affidavit is an Order and Judgment. This Order and Judgment is authorized for recording by NRS 17.150.
4. The name and address of the judgment debtor, Michael Spes, is 1344 Victoria Drive, Gardnerville, Nevada, 89460.
5. Michael Spes, the judgment debtor, is a natural person. The last four digits of his driver's license number are 6100.
6. This Judgement is a lien against Michael Spes' real property.

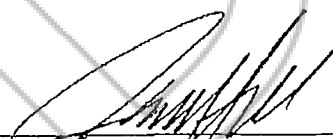
///

7. So far as is known to me, the real property which Michael Spes owns in the State of Nevada is located at 1344 Victoria Drive, Gardnerville, Nevada, 89460, and has an Assessor's Parcel Number of 1220-21-810-205.

8. I have confirmed that Michael Spes is the legal owner of this property through my review of the records kept at the Douglas County Assessor's Office.

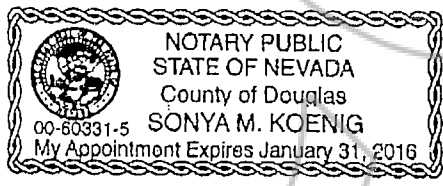
9. The information set forth in this Affidavit is based upon my personal knowledge.

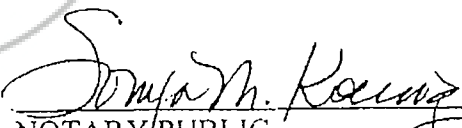
FURTHER AFFIANT SAITH NAUGHT.


James R. Hales

STATE OF NEVADA)
) :ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 15 day of February, 2013 by James R. Hales.




NOTARY PUBLIC

COPY

EXHIBIT E

SCHEDULE SHOWING JUDGMENT INTEREST FROM MAY 1, 2013

ORIGINAL JUDGMENT AMOUNT IS \$45,575.00

<u>DATES</u>	<u>INTEREST RATE PLUS 2%</u>	<u>AMOUNT OF INTEREST OWED</u>
5/1/2013 - 10/31/2013	5.25% + 2% = 7.25%	\$3,304.18
11/1/2013 - 4/30/2014	5.25% + 2% = 7.25%	\$3,304.18
5/1/2014 - 10/31/2014	5.25% + 2% = 7.25%	\$3,304.18
11/1/2014 - 4/30/2015	5.25% + 2% = 7.25%	\$3,304.18
5/1/2015 - 10/31/2015	5.25% + 2% = 7.25%	\$3,304.18
11/1/2015 - 4/30/2016	5.25% + 2% = 7.25%	\$3,304.18
5/1/2016 - 10/31/2016	5.5% + 2% = 7.5%	\$3,418.12
11/1/2016 - 4/30/2017	5.5% + 2% = 7.5%	\$3,418.12
5/1/2017 - 10/31/2017	5.75% + 2% = 7.75%	\$3,532.06
11/1/2017 - 4/30/2018	6.25% + 2% = 8.25%	\$3,759.93
5/1/2018 - 10/31/2018	6.5% + 2% = 8.5%	\$3,873.87
11/1/2018 - 2/1/2019	7% + 2% = 9% (3 months)	\$2,050.87
	TOTAL	\$39,878.05

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 February 7, 2019
 BOBBIE R. WILLIAMS, Clerk of Court
 of the State of Nevada, in and for the County of Douglas,
 By [Signature] Deputy