

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

A. Bryce Dixon, Esq.
 Nevada Bar #002266

DIXON & TRUMAN

3811 W. Charleston Blvd. #112

Las Vegas, NV 89102

(702) 821-1821

Attorney for Defendants Dorsey

DISTRICT COURT

CLARK COUNTY, NEVADA

DENNIS ROBERTS, individually and as Trustee of The Capricorn II, 1989 Trust)
 and as Beneficiary of The Capricorn I,)
 1983 Trust and Capricorn II, 1989 Trust;)
 S. MYRON KLARFELD, as Trustee of)
 Capricorn I, 1983 Trust; and CAPRICORN)
 DEVELOPMENT, INC.,)
 Plaintiffs,)

PETER CLINCO, individually; ARNOLD)
 GEORGE DORSEY aka A.G. DORSEY, a)
 DORSEY CAPRICORN PARTNERS, a)
 Nevada General Partnership, and DOES I)
 through V, inclusive,)
 Defendants.)

ORDER GRANTING PRELIMINARY INJUNCTION

Defendant Dorsey's motion for preliminary injunction came on for hearing on September 8, 1998. A. Bryce Dixon appeared for Defendant Dorsey. Michael Villani appeared for the Plaintiff Dennis Roberts and the Plaintiff trusts. Fred Kennedy appeared in representation of Sherry Van Mindeno who sought to intervene in the matter. Peter Clinco also spoke on behalf of Defendant Dorsey and Dennis Roberts spoke in his own right. Having considered the affidavits and arguments and good cause appearing, it is hereby ordered pending final judgment: 1. The parties, their trustees, attorneys, agents, employees and controlled business entities are enjoined from selling, transferring, pledging or encumbering any interest in real

BOOK 321 PAGE 372

170693

FILED

SEP 22 2 53 PM '98

CLERK

Case No.: A387930
 Dept. No.: XV
 Docket: L

1 property, or personal property secured by real property, which property, or any interest therein, is
2 or has been titled in the name of Dorsey-Capricorn Partners, a Nevada general partnership, or
3 owned by Dorsey-Capricorn Partners in any other way until further order of court.
4 2. The parties, their trustees, attorneys, agents, employees and controlled business
5 entities are enjoined from selling, collecting, pledging or transferring or encumbering any funds
6 belonging to the partnership or funds proceeding from assets belonging to the partnership or
7 titled to the partnership or at one time titled to the partnership except to deposit said sums of
8 money in the joint trust account described in the following paragraph.
9 3. All funds belonging to the partnership, including the rent proceeds from the
10 Hogan Clinic and the Ryder Truck Rental properties, shall be deposited into a joint attorney's
11 trust account in the name of A. Bryce Dixon and Michael Villiani, as attorneys for the respective
12 partners, with US Bank at 801 East Charleston Boulevard, Las Vegas, Nevada 89104, which
13 account will be used for partnership purposes, including the payment of the Bank of America
14 mortgage and the Allstate mortgage. This order shall be sufficient authorization for the opening
15 of this account in the names of the said two attorneys who shall be the only signatories on the
16 account. Funds may only be withdrawn from this account by the signatures of both attorneys or
17 by order of court.
18 4. Defendant Dorsey shall deposit into the registry of the court, or into such other
19 account as the parties may agree, the amount of the monthly payment on the concert loan that is,
20 the sum of \$10,500 per month beginning with the September 15, 1998 payment and continuing
21 each month thereafter.
22 5. Dennis Roberts shall give a full account of all partnership income and expenses
23 on a monthly basis to Defendant Dorsey through his counsel.
24 6. Dennis Roberts shall provide a complete inventory of all real property or real
25 property-related assets of the partnership, including any deeds, trust deeds, mortgages or real
26 estate contracts in which the partnership owns an interest or has ever owned an interest. Said
27 inventory shall include a common description as well as a legal description and face value
28 amounts, if applicable, and shall be produced to Defendant's counsel within two weeks of

LAW OFFICES
DIXON & TRUMAN
 A PROFESSIONAL CORPORATION
 3811 W. CHARLESTON BLVD., SUITE 112
 LAS VEGAS, NEVADA 89102
 (702) 821-1821

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 September 8, 1998.

7. The Toyota Land Cruiser subject of the complaint shall remain in the possession of Peter Clinco who shall keep it insured by partnership funds and safely stored and shall not use it. The Land Cruiser shall be listed for immediate sale.

8. The parties shall hire a qualified CPA to perform an accounting of the partnership. Should the parties fail to agree on the selection of a CPA within two weeks of the date of this order either party may move the court for an order appointing a nominee to be selected by the court. The funds accumulated in the said joint trust account for the partnership may be used to compensate the CPA.

DATED

SEP 22 1998

SALLY LOEHNER
 DISTRICT COURT JUDGE

Approved as to form and content:
 VILLANI & HILTON

[Signature]
 MICHAEL P. VILLANI, ESQ.
 Attorney for Plaintiff Roberts

Submitted by
 DIXON & TRUMAN

[Signature]
 A. BRYCE DIXON, ESQ.
 Attorney for Defendants Dorsey

BOOK 321 PAGE 374
 OFFICIAL RECORDS
 RECORDED AT THE REQUEST OF
[Signature]
 98 SEP 29 AM 11:57
 EUREKA COUNTY NEVADA
 M.N. REBALZATI, RECORDER
 FILE NO. 170693
 FEES \$9.00

CERTIFIED COPY
 DOCUMENT ATTACHED IS A
 TRUE AND CORRECT COPY
 OF THE ORIGINAL ON FILE
 SEP 22 1998
 CLERK

BOOK 321 PAGE 374