

FILED
ELKO TOWNSHIP
JUSTICE MUNICIPAL COURT

BOOK 407 PAGE 188-189
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Stewart Little
2005 FEB 25 PM 1:23

1 CASE NO. CV-2004-1295 FEB 22 PM 3:49

2
3 Return to file:
05210299

4 CLERK *CO*

EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES \$ 15⁰⁰

5
6 **196390**

7 IN THE JUSTICE'S COURT OF ELKO TOWNSHIP, COUNTY
8 OF ELKO, STATE OF NEVADA

9 MT. WHEELER POWER, INC., a
10 Nevada corporation,
11 Plaintiff,

12 vs.

13 MIKE NICHOLSON and ARLENE
14 NICHOLSON, individually and dba
15 NEVADA FEED & CATTLE; and, DOES
16 1-10,
17 Defendants.

NOTICE OF DISMISSAL OF
COMPLAINT AND RELEASE OF
NOTICE OF PENDENCY OF
ACTION

18 On February 14, 2005, MT. WHEELER POWER, INC., a Nevada
19 corporation, filed a Complaint against the above-named Defendants and
20 on February 15, 2005, recorded a Notice of Pendency of Action against
21 the above-named Defendants in Book 406, Page 393-395, as File No.
22 196230, in the Office of the Eureka County Recorder, Eureka County,
23 Nevada. Such documents are made a part hereof and reference is herein
24 made to such documents for a full and complete description of the
25 documents.

26 COMES NOW the Plaintiff, acting by and through its attorney,
27 **JAMES M. COPENHAVER, P.C.**, 950 Idaho Street, Elko, Nevada, and
28 pursuant to Nevada Rules of Civil Procedure 41(a)(1)(i), hereby files

1 a Notice of Dismissal of the Plaintiff's Complaint on file herein.
2 As of this date, neither the Defendant nor any representatives of the
3 Defendant has filed an Answer or Motion for Summary Judgment in the
4 above-entitled action. Notice is hereby given that such dismissal is
5 with prejudice.

6 **JAMES M. COPENHAVER**, Plaintiff's duly authorized attorney
7 of record, hereby releases and discharges to **MIKE NICHOLSON** and **ARLENE**
8 **NICHOLSON** and their successors and assigns, all right, title and
9 interest in and to the Judgment which Plaintiff has or may have
10 therein, and hereby declares that the Notice of Pendency of Action
11 filed on the following described property is fully released and
12 discharged.

13 SW $\frac{1}{4}$ Section 36 and NW $\frac{1}{4}$ Section 36, Township 21 North,
14 Range 53 East, M.D.B.&M.

15 Executed at City of Elko, County of Elko, State of Nevada, on
16 this 22nd day of February, 2005.

17 I, Abby Stewart COURT CLERK OF THE
18 JUSTICE COURT OF ELKO TOWNSHIP, COUNTY OF
19 ELKO, STATE OF NEVADA, DO HEREBY CERTIFY
20 THAT I HAVE READ SAID INSTRUMENT AND DIRECT
21 COPY OF SAID INSTRUMENT AS THE SAME APPEARS
22 ON FILED IN MY OFFICE.

23 WITNESS MY HAND AND THE SEAL OF SAID COURT
24 APPOINTED THIS 22nd FEBRUARY 05
25 Abby Stewart
26 DEPUTY COURT CLERK

27 **JAMES M. COPENHAVER, P.C.**
28 950 Idaho Street
Elko, Nevada 89801
Telephone: (775) 738-1951

By Annita M. Spencer for
JAMES M. COPENHAVER
Attorney for Plaintiff
Nevada State Bar #485

196390