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**Official Record**

Recording requested By  
JAMES M COPENHAVER

Eureka County - NV

Mike Rebaleati - Recorder

Fee \$17.00

Page 1 of 4

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Book- 0459 Page- 0092

**Recording requested by:**

**James M. Copenhaver, P.C.  
950 Idaho Street  
Elko, NV 89801**



0210051

**ORDER GRANTING  
MOTION FOR AWARD  
OF ATTORNEYS FEES**

JUN 05 2007

Eureka County Clerk  
BY Jeanna M. Cortel Deputy

1 CASE NO. CV-0606-077

2 DEPT NO. 1

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5  
6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF EUREKA  
8

9 WALTER G. FISK and EDITH L. FISK

10 Plaintiffs,

11 vs.

12 JERRY L. ANDERSON; EDWARD B.  
13 ANDERSON; ALICE FLORIO SMITH;  
14 JANELLE G. DIETRICH; all other  
15 unknown persons, spouses,  
16 heirs, devisees of the above-  
17 named persons, partnerships,  
18 corporations or other entities  
19 claiming any right, title,  
20 estate, lien or an interest in  
21 the real property described in  
22 the Complaint adverse to  
23 Plaintiffs' ownership or any  
24 cloud upon Plaintiffs' title  
25 thereto; and DOES 1-10

26 Defendants.

ORDER GRANTING  
MOTION FOR AWARD OF  
ATTORNEYS FEES

27 The Plaintiffs, **WALTER G. FISK and EDITH L. FISK**, acting by  
28 and through their attorney **JAMES M. COPENHAVER, P.C.**, filed a motion  
for an award of attorney fees which was filed with the Court on March  
23, 2007. The certificate of mailing attached to the Motion for Award  
of Attorneys Fees shows it was mailed to the Defendants attorney,  
Stanley J. Steiber, Esq. on March 19, 2007.

1 7JDCR 7 paragraph 6 states as follows regarding Motion practice  
2 before this Court.

3 "6. Within 10 days after service of the motion, the  
4 opposing party shall serve and file a written opposition.  
5 Each opposition shall contain a brief statement describing  
6 the extent to which the relief sought by the moving party  
7 is contested. Unless the entire relief sought is contested,  
8 the opposing party shall particularly delineate which  
9 portions of the relief sought in the motion are being  
10 contested. The opposition shall include, or shall be filed  
11 simultaneously with, the following:  
12 (a) Memorandum of "Points and Authorities in Opposition to  
13 the Motion."  
14 (b) "Notice of Opposition" which shall include one of the  
15 following two alternatives:  
16 (1) "A hearing on this motion is not requested"; or  
17 (2) "A hearing on this motion is requested and a  
18 court reporter is/is not requested. It is  
19 estimated that \_\_\_\_\_ hours should be set aside  
20 for the hearing on this motion.  
21 (c) Proof of service of the opposition and all  
22 supporting documents."

23 7JDCR 7 paragraph 7 states:

24 7. All motions and oppositions shall be accompanied by  
25 affidavits in support of any factual contentions made in  
26 the motions or oppositions. The absence of a memorandum of  
27 Points and Authorities in support of the motion or in  
28 opposition may be construed by the Court as an admission  
that the motion or opposition is not meritorious and is  
cause for granting or denying the motion.

The Defendants have not filed any opposition to the Plaintiff's  
Motion for Award of Attorney Fees and the Court finds that the failure  
to filing any Opposition is an admission that the Motion for Award of  
Attorney Fees is meritorious and is cause for granting the Motion.

In Nevada attorney fees are considered elements of damages in a  
Slander of Title Action see Michelsen v. Harvey, 110 Nev. 27, 27; 866  
P.2d 1141 (1994).

In this case the Plaintiffs alleged a cause of action for slander  
of title and have successfully removed a cloud upon the title to their  
real property which was placed upon the property by the Defendants or

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EUREKA COUNTY CLERK  
AND TREASURER

1 their predecessors in interest and which the Defendants failed and  
2 refused to voluntarily remove of record. Therefore the Plaintiffs are  
3 entitled to an award of their attorney fees as damages.

4 The Plaintiffs are further entitled to an award of their attorney  
5 fees pursuant to NRS 18.010 2.(b) as the court found that the  
6 Defendants counterclaim and defense of the complaint was maintained  
7 without reasonable grounds and the Court is to liberally construe the  
8 provisions of NRS 18.010 2.(b) in favor of awarding attorney's fees  
9 in all appropriate situations.

10 WHEREFORE, the Court grants the Plaintiffs' Motion for an Award  
11 of Attorney Fees against the Defendants, **JERRY L. ANDERSON, EDWARD B.**  
12 **ANDERSON, ALICE FLORIO SMITH, JANELLE G. DIETRICH**, individually and  
13 jointly in the amount of \$7,871.25.

14 Dated this \_\_\_\_ day of April, 2007.

15  
16 S/ Dobrescu  
17 HONORABLE STEVEN DOBRESCU  
18 District Judge - Department 1  
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SEVENTH JUDICIAL DISTRICT COURT } SS  
IN AND FOR COUNTY OF EUREKA  
STATE OF NEVADA  
I, the Undersigned COUNTY CLERK and Ex-Officio  
CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY  
that the foregoing is a full, true and correct copy of the original on file in  
my office and that I have carefully compared the same with the  
original.  
WITNESS My Hand and Seal of said  
DISTRICT COURT, this 11 day of June 2007  
County Clerk and Ex-Officio Court Clerk  
Deanna M. Santel Deputy Clerk