

DOC # 0213628

07/27/2009

08:49 AM

Official Record

Recording requested By
GOICOECHEA, DIGRAZIA, COYLE, STANTON

Eureka County - NV

Mike Rebaleati - Recorder

Fee: **\$16.00**

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RPTT:

Recorded By: FES

Book- 0490 Page- 0009

APN# _____

Mailing Address of Grantee or Other

Person Requesting Recording:

Goicoechea, Di Grazia, Coyle & Stanton, Ltd.
530 Idaho Street
Elko, NV 89801



Mail Tax Statements to:

Name: N/A

Address: _____

City/State/Zip: _____

The undersigned affirms that
this document does not contain
a social security number.

Title of Document Recorded:

DEFICIENCY JUDGMENT AND DECLARATORY RELIEF

ORIGINAL

NO.

FILED

JUL 17 2009

Eureka County Clerk
BY [Signature] Deputy

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA**

**RUBY HILL RANCH, LLC, a Nevada
Limited Liability Company,**

Plaintiff,

vs.

**DEFICIENCY JUDGMENT AND
DECLARATORY RELIEF**

**DUGAN ENTERPRISES, LLC, a Nevada
Limited Liability Company,**

Defendant.

This matter came on regularly for a hearing before the Court based on the Amended Notice of Deficiency Judgment and Default Judgment filed by the Plaintiff. All proper notices with respect to the Notice of Hearing were provided to the Defendant. Entry of Default was made against Defendant, DUGAN ENTERPRISES, LLC, on February 27, 2009. Notice of Entry of Default was served on Defendant on March 3, 2009. John Gourley, Managing Member of RUBY HILL RANCH, LLC, a Nevada Limited Liability Company, appeared on behalf of the Plaintiff, along with his attorney, Gary E. Di Grazia, Esq., of GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD. No representative or attorney appeared on behalf of Defendant, DUGAN ENTERPRISES, LLC.

Evidence was presented to this Court showing the fair market value of the property sold as of the date of the foreclosure sale. The Court, having reviewed the evidence, and good cause appearing, hereby ORDERS, ADJUDGES AND DECREES as follows:



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JUL 10 2009
Eureka County
Clerk of Court

1. The above-entitled Court has jurisdiction over the parties and in the subject matter contained in Plaintiff's Complaint for Deficiency Judgment and Declaratory Relief.

2. A Deficiency Judgment is granted against the Defendant, DUGAN ENTERPRISES, LLC, a Nevada Limited Liability Company, in favor of RUBY HILL RANCH, LLC, a Nevada Limited Liability Company, in the amount of Ninety-Five Thousand, Eighty-Six and 07/100ths Dollars (\$95,086.07), which the Court finds is the amount by which the indebtedness which was secured exceeds the fair market value of the property sold at the time of the foreclosure sale.

3. The Court hereby declares that the Plaintiff acquired all right, title and interest in the Lease Agreement between Ruby Hill Ranch, LLC and Owen Miller and Chryle Miller, his wife.

4. The Court declares that Plaintiff reacquired all right, title and interest in the Amended Water Supply Agreement between William A. Crane and John Gourley and Ruby Hill Ranch, LLC, jointly and severally, and Devil's Gate Improvement District, a political subdivision of the State of Nevada, which Agreement is recorded in Book 439, page 339-344 in the Official Records of Eureka County, Nevada.

5. Plaintiff is entitled to reasonable attorney fees in the amount of \$5,012.00.

6. Plaintiff is entitled to costs in the amount of \$246.74.

7. Plaintiff is entitled to interest at the legal rate from December 29, 2008.

DATED this 17 day of July, 2009.

DISTRICT JUDGE, DEPT. 1

SEVENTH JUDICIAL DISTRICT COURT,
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.

DISTRICT COURT, this 17th day of July, 2009

County Clerk and Ex-Officio Court Clerk
Joanna M. Cernelli Deputy Clerk