

Official Record

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GOICOECHEA, DIGRAZIA, COYLE & STANTON

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$19.00

Page 1 of 6

RPTT

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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
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Title of Document Recorded:

WRIT OF EXECUTION
(Eureka County)

1 CASE NO. CV0901-115

2 DEPT. NO. 1

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

8

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

Plaintiff,

11

12

vs.

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

Defendant.

15

16

WRIT OF EXECUTION
(Eureka County)

17 **THE STATE OF NEVADA TO THE SHERIFF OF EUREKA COUNTY, GREETINGS:**

18 On July, 17, 2009, a Deficiency Judgment and Declaratory Relief was entered by the
19 above-entitled court in the above-entitled action in favor of **RUBY HILL RANCH, LLC, a**
20 **Nevada Limited Liability Company, as judgment creditor and against DUGAN**
21 **ENTERPRISES, LLC, a Nevada Limited Liability Company, as judgment debtor for the**
22 following amounts:

- 23 \$95,086.07 principal,
- 24 \$5,012.00 attorney's fees,
- 25 \$2,446.40 interest at the legal rate, and
- 26 \$246.74 costs, making a total amount of
- 27 \$102,791.21 the judgment as entered, and

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Attention Perzent to 0728 2009.000
SSN Does Appear
SSN Does Not Appear Sm 1

1 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both,
2 filed herein, it appears that further sums have accrued since the entry of judgment to wit:

3 \$4,868.50 accrued interest, to July 7, 2010, and

4 \$21.00 accrued costs, together with \$25.00 fee, for the issuance of this Writ, making a

5 total of

6 \$4,914.50 as accrued costs, accrued interest and fees.

7 Credit must be given for payments and partial satisfactions in the amount of

8 None

9 which is to be first credited against the total accrued costs and accrued interest, with any excess
10 credited against the judgment as entered, leaving a net balance of

11 \$107,659.71

12 actually due on the date of the issuance of this writ, of which

13 \$95,348.81

14 bears interest at 5.25 percent per annum, in the amount of \$13.91 per day, from the date of
15 judgment to the date of levy, to which must be added the commissions and costs of the officer
16 executing this writ.

17 **NOW, THEREFORE, SHERIFF OF EUREKA COUNTY**, you are hereby
18 commanded to satisfy this judgment with interest and costs as provided by law, out of the
19 personal property of the judgment debtor, except that for any workweek, 75 percent of the
20 disposable earnings of the debtor during that week or 50 times the minimum hourly wage
21 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §
22 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from
23 any levy of execution pursuant to this writ, and if sufficient personal property cannot be found,
24 then out of the real property belonging to the debtor in the aforesaid county, and make return to
25 this writ within not less than 10 days or more than 60 days endorsed thereon with what you have
26 done.

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DATED this 19th day of July, 2010.

EUREKA COUNTY CLERK

By: Jackie Berg
CLERK

By: Shanna M Cantrell
DEPUTY CLERK

COPIES

SEVENTH JUDICIAL DISTRICT COURT, IN AND FOR COUNTY OF EUREKA, STATE OF NEVADA	} SS
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 <u>19th</u> day of <u>July</u> 20 <u>10</u>	WITNESS My Hand and Seal of said
<u>Shanna M Cantrell</u> County Clerk and Ex-Officio Court Clerk	<u>Shanna M Cantrell</u> Deputy Clerk

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**SEVENTH JUDICIAL DISTRICT COURT
NOTICE OF EXECUTION**

**YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED**

A court has determined that you owe money to the judgment creditor named herein. It has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent to lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitation and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. §§ 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. §§ 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
14. All money and other benefits paid pursuant to the order of a court of competent

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- 1 jurisdiction for the support, education and maintenance of a child, whether collected by the
judgment debtor or the State.
- 2 15. All money and other benefits paid pursuant to the order of a court of competent
jurisdiction for the support and maintenance of a former spouse, including the amount of any
3 arrearages in the payment of such support and maintenance to which the former spouse may be
entitled.
- 4 16. A vehicle for use by you or your dependent which is specially equipped or modified to
provide mobility for a person with a permanent disability.
- 5 17. A prosthesis or any equipment prescribed by a physician or dentist for you or your
dependent.
- 6 18. Payments, in an amount not to exceed \$16,150, received as compensation for personal
injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment
7 debtor or by a person upon whom the judgment debtor is dependent at the time the payment is
received.
- 8 19. Payments received as compensation for the wrongful death of a person upon whom the
judgment debtor was dependent at the time of the wrongful death, to the extent reasonably
9 necessary for the support of the judgment debtor and any dependent of the judgment debtor.
- 10 20. Payments received as compensation for the loss of future earnings of the judgment
debtor or of a person upon whom the judgment debtor, is dependent at the time the payment is
11 received, to the extent reasonably necessary for the support of the judgment debtor and any
dependent of the judgment debtor.
- 12 21. Payments received as restitution for a criminal act.
- 13 22. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise
exempt from execution.
- 14 23. A tax refund received from the earned income credit provided by federal law or a similar
state law.
- 15 24. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that
section.
- 16 ** These exemptions may not apply in certain cases such as a proceeding to enforce a judgment
for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an
attorney immediately to assist you in determining whether your property or money is exempt from
17 execution. If you cannot afford an attorney, you may be eligible for assistance through the State
Bar of Nevada Lawyer Referral and Information Service (800) 789-5747 or Nevada Legal Services
(800) 323-8666.

18 PROCEDURE FOR CLAIMING EXEMPT PROPERTY

19 If you believe that the money or property taken from you is exempt, you must complete and file
20 with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must
be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is
21 mailed. The property must be returned to you within 5 days after you file the affidavit unless you or
the judgment creditor files a motion for a hearing to determine the issue of exemption. If this
22 happens, a hearing will be held to determine whether the property or money is exempt. The motion
for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit
23 claiming exemption is filed. The hearing to determine whether the property or money is exempt
must be held within 10 days after the motion for the hearing is filed.

24 IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY
25 MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE
PROPERTY OR MONEY IS EXEMPT.

26 ALL PARTIES MUST ALSO COMPLY WITH THE LOCAL RULES FOR THE SEVENTH
27 JUDICIAL DISTRICT COURT, PARTICULARLY AS IT RELATES TO THE SCHEDULING OF
YOUR CASE THROUGH THE INDIVIDUAL COURT DEPARTMENTS.

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