

1 CASE NO. 5507

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3
4 *Stewart Wilson*
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6
7 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
8 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF LINCOLN

9
10 MARK WOOD, individually,)
11 MEADOW VALLEY LAND AND CATTLE)
12 COMPANY, a limited partner-)
13 ship, et al,)

14 Plaintiffs,)

15 vs.)

PRELIMINARY INJUNCTION AND
ORDER

16 STEPHEN M. HARMSSEN,)
17 individually and as General)
18 Partner of the HARMSSEN FAMILY)
19 LTD. Partnership, et al,)

20 Defendants.)

21 The motion by Plaintiff for a preliminary injunction having
22 been heard before this Court on November 9 and November 16, 1984,
23 the Plaintiff represented by Jones, Jones, Close & Brown, Char-
24 tered through Melvin D. Close, Jr., and the Defendants repre-
25 sented by Wilson & Barrows, Ltd. through Stewart Wilson.

26 Whereas, the Plaintiff seeks to enjoin and restrain the
27 Defendants during the pendency of this action from the exercise
28 of powers of sale contained in the Deed of Trust dated June 19,
29 1979, a copy of which is attached hereto as Exhibit "A" and
30 incorporated herein by reference and a Deed of Trust dated
31 february 20, 1980, a copy of which is attached hereto as Exhibit
32 "B" and incorporated herein by reference.

Whereas, Dale R. Robertson, the substituted Trustee, under
both deeds of trust, has recorded "Notice of Breach and Election
to Sell Under Deed of Trust" on both deeds of trust and said

1 notices are attached hereto as Exhibits "C" and "D", respec-
2 tively, and incorporated herein by reference.

3
4 Whereas, Doyle R. Robertson has given "Trustee's Notice of
5 Sale" dated October 23, 1984, copies of which are attached hereto
6 and marked Exhibits "E" and "F", respectively, and incorporated
7 herein by reference with said sale set for Monday, November 26,
8 1984, at 2:00 P.M., at the Lincoln County Courthouse, Pioche,
9 Nevada.

10 Whereas, this Court has issued its findings of fact and
11 conclusions of law and based upon said findings of fact and
12 conclusions of law, and it appearing to the Court that a pre-
13 liminary injunction should issue.

14 NOW, THEREFORE, you, the Defendants, and each of you, your
15 officers, agents, servants, employees and attorneys are hereby
16 absolutely enjoined and restrained during the pendency of the
17 above entitled action and until its final determination or this
18 Court shall otherwise order from:

19 1. exercising any power of sale contained in the
20 Deeds of Trust attached hereto and marked as Exhibits "A" and
21 "B";

22 2. from conducting or permitting to be conducted a
23 Trustee's sale noticed by the Trustee's Notices of Sale attached
24 hereto as Exhibits "E" and "F" presently scheduled at 2:00 P.M.,
25 November 26, 1984, or at any other time.

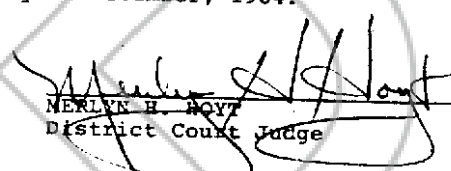
26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defen-
27 dants shall forthwith pay over to WOOD any funds held by them or
28 endorse to WOOD any check on which they are a payee which exists
29 as a result of the sale of cattle from Meadow Valley Ranch.

30 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WOOD shall
31 file with this Court, and with Stewart Wilson, attorney for the
32 defendants, an accounting of any and all funds received from the
sale of cattle from Meadow Valley Ranch within fifteen (15) days


1 following the receipt of said funds. Said funds shall be used
2 solely for the operation and maintenance of Meadow Valley Ranch.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the pre-
4 liminary injunction be issued as set forth herein on Plaintiff's
5 filing an undertaking or cash with the Clerk of this Court in the
6 sum of \$25,000.

7 DATED this 20th day of November, 1984.


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11 MARILYN H. HOYT
12 District Court Judge

13 JONES, JONES, CLOSE
14 & BROWN, CHARTERED

15 By 
16 MELVIN D. CLOSE, JR.
17 Attorneys for Plaintiffs
18 300 So. Fourth St., #700
19 Las Vegas, NV 89101-6064

20 RECEIPT OF COPY of the foregoing Order is hereby acknowledged
21 this 20 day of November, 1984.

22 WILSON & BARROWS, LTD.

23 By 
24 Attorneys for Defendants
25 P.O. Box 389
26 Elko, Nevada 89801

27 No. 81599

28 FILED AND RECORDED AT REQUEST OF

29 Mark Wood

30 November 20, 1984

31 AT 15 MINUTES PAST 2 O'CLOCK

32 P.M. IN BOOK 63 OF OFFICIAL

RECORDS, PAGE 148 LINCOLN

COUNTY, NEVADA.

YURIKO SETZER

COUNTY RECORDER

By , Deputy