

1 CASE NO. 5299

FILED

87 FEB 3 9:18

COFFEE WALKER
LINCOLN COUNTY CLERK

6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
DEPUTY

7 IN AND FOR THE COUNTY OF LINCOLN

8 * * * * *

9 LEO A. STEVENS,

10 Plaintiff,

11 v.

12 LOM THOMPSON, individually and
13 as Executor of the Estate of
14 THOMAS L. CLAY, deceased; ALICE
C. SIMKINS, aka CONNIE SIMKINS,
et al.,

15 Defendants.

16 UNDERTAKING TO STAY EXECUTION - MONEY JUDGMENT

17 WHEREAS LOM THOMPSON, individually, the defendant in
18 the above entitled action, has appealed to the Supreme Court of
19 the State of Nevada from a judgment made and entered against
20 him in said action, in the said court, in favor of the plain-
21 tiff in said action, on the 7th day of January, 1987, for the
22 sum of \$1334.00 on malicious prosecution, \$1666.00 on conspir-
23 acy, and \$50,000 for punitive damages on conspiracy and
24 \$7,361.18 for the costs of suit; and

25 WHEREAS, the appellant is desirous of staying the
26 execution of the judgment so appealed from;
27

28

LAW OFFICES
JOHN AND ELIZABETH FOLEY
QUAIL PARK II, SUITE A1
601 SOUTH MANCHO
LAS VEGAS, NEVADA 89106
(702) 388-8900

LAW OFFICES
JOHN AND ELIZABETH FOLEY
QUAIL PARK II - SUITE 41
801 SOUTH RANCHO
LAS VEGAS, NEVADA 89108
(702) 366-8800

1 NOW, THEREFORE, in consideration of the premises, and
2 of such appeal, the undersigned, LOM THOMPSON, residing at 1001
3 Ranch, Caliente, in the County of Lincoln, State of Nevada,
4 does hereby undertake and promise, on the part of the appellant
5 LOM THOMPSON, individually, that the appellant LOM THOMPSON,
6 individually will satisfy the judgment against LOM THOMPSON,
7 individually in full together with costs and interest, if for
8 any reason the appeal is dismissed or if the judgment is
9 affirmed, and to satisfy in full such modification of the
10 judgment and such costs and interest as the Supreme Court may
11 adjudge and award, and that if the appellant LOM THOMPSON,
12 individually, does not make such payment within thirty (30)
13 days after the filing of the remittitur from the Supreme Court,
14 in the court in which the appeal is taken, judgment may be
15 entered, on motion of the Respondent/Appellee in his favor
16 against the following described real property, together with
17 the interest that may be due thereon, and the costs which may
18 be awarded against the appellant LOM THOMPSON, individually,
19 upon the appeal. The real property is more particularly
20 described as follows:

21 That portion of the East Half (E 1/2) of Section
22 2, Township 3 South, Range 67 East, M.D.B. & M
and by reference made a part hereof.

23
24 Appellant LOM THOMPSON, individually, warrants and
25 represents that he is the owner of said real property, and that
26 said real property has a value substantially in excess of the
27 amount of any recovery that Respondent/Appellee may make
28 hereunder, and that the recording of this Undertaking in the

1 Office of the County Recorder of Lincoln County, Nevada, shall
 2 constitute a security interest in said real property to the
 3 extent of this Undertaking.
 4 TOGETHER with all and singular the tenements, hereditaments and
 5 appurtenances thereunto belonging or in any wise appertaining.
 6 WITNESS my hand on this 2nd day of February, 1987.

7
 8 *LOM THOMPSON*
 9 LOM THOMPSON

10 STATE OF NEVADA)
) SS:
 11 COUNTY OF CLARK)

12 On this 2nd day of February, 1987, personally
 13 appeared before me, a Notary Public, LOM THOMPSON, who acknow-
 14 ledged to me that he executed the above instrument.

15 *Marlys A. Goshorn*
 16 NOTARY PUBLIC

17 MARLYS A. GOSHORN
 18 Notary Public, State of Nevada
 19 CLARK COUNTY
 20 My Appointment Expires Feb. 15, 1989

21 The document to which this certificate is attached is a full, true
 22 and correct copy of the original, on file and of record in
 23 the County Clerks Office, Pioche, Nevada.

24 In Witness Whereof, I have hereunto set my hand and affixed the
 25 Seal of the Seventh Judicial District Court in and for the County
 26 of Lincoln, State of Nevada, this 3rd day of FEB, 1987

27 *Ann Peterson*
 28 Deputy Clerk

LAW OFFICES
 JOHN AND ELIZABETH FOLEY
 QUAIL PARK II, SUITE A1
 401 SOUTH MANCHO
 LAS VEGAS, NEVADA 89104
 (702) 368-9000

Lincoln County

EXHIBIT "A"

The East Half (E 1/2) of Section 2, Township 3 South, Range 67 East, M.D.B. & M.

EXCEPTING therefrom the following:

1. A strip and tract of land 100 feet wide of which the center line of the route of the line of the Oregon Short Line and Utah Northern Railway Co., as the same is or shall be surveyed, staked and located in the center, being 50 feet on each side, over, across and through the following: Said center line beginning at a point 832 feet West of the Northeast corner of the East Half (E 1/2) of Section 2, Township 3 South, Range 67 East, M.D.B. & M., and running thence through, over said East Half (E 1/2) in a Southwesterly direction to a point 1677 feet North of the Southwest corner of the East Half (E 1/2) of Section 2, as contained on Deed from John B. Atchison and Melinda Atchison to the Oregon Short Line and Utah Northern Railway Co., dated July 21, 1890, recorded September 10, 1890 in Book "Q" Real Estate Deeds, Page 513, Lincoln County, Nevada records.
2. That portion of land conveyed to the State of Nevada by Deed from C.C. RONNOW to the State of Nevada, dated May 10, 1937, recorded June 1, 1937 in Book "E-1" Real Estate Deeds, Page 259, Lincoln County, Nevada Records.
3. That portion lying Northwest of that certain parcel conveyed to the Oregon Short Line and Utah Northern Railway Co., as described in Exception No. 1 above.
4. All that certain Lot, piece or parcel of land situate in the valley South of the Town of Panaca, Nevada, and bounded and described as follows, to-wit: Beginning at the Northwest corner of the Northeast Quarter (NE 1/4) of Section 2, Township 3 South, Range 67 East, M.D.B. & M., running thence due East 1660 feet, thence South 27°02' West 1120 feet, thence due West 1155 feet, thence due North 990 feet to the place of beginning, as contained in Deed from Grant Lee and Phyllis Lee to Panaca Corp. of the Church of Jesus Christ of Latter Day Saints, a Corp. Sole, dated March 27, 1948, recorded June 18, 1948 in Book "H-1" Real Estate Deeds, Page 246, Lincoln County, Nevada Records.
5. All State and County Roads and Highways and railroad right of ways.
6. A parcel of land situated in the Southeast Quarter (SE 1/4) of Section 2, Township 3 South, Range 67 East, M.D.B. & M., bounded and described as follows: Beginning at the South one-quarter corner of Section 2, Township 3 South, Range 67 East, M.D.B. & M., thence North 0°17'06" West a distance of 1313.65 feet; thence East 382.00 feet; thence South 0°22'08" East a distance of 1315.58 feet; thence North 89°42' West a distance of 367.00 feet to the point of beginning; being located in the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 2, Township 3 South, Range 67 East, M.D.B. & M., in Lincoln County, Nevada.
7. A parcel of land, situated in the Northwest corner of the Southeast Quarter (SE 1/4) of Section 2, Township 3 South, Range 67 East, M.D.B. & M., described as follows:
Beginning 1320 feet South of the Northwest corner of the Southeast Quarter (SE 1/4) of said Section 2 and running thence due East 400 feet, thence due North 120 feet to the Union Pacific Railroad right of way, thence South 27°02' West 1485 feet to the point of beginning.

EXCEPTING herefrom right of way for Union Pacific Railroad (Caliente-Pioche Branch)

Lincoln County

COPY

No. 86203
FILED AND RECORDED AT REQUEST OF
LOU THOMPSON
Feb. 3, 1987
AT 45 MINUTES PAST 10 O'CLOCK
A.M. IN BOOK 73 OF OFFICIAL
RECORDS, PAGE 504 LINCOLN
COUNTY, NEVADA.

FRANK C. HULSE
COUNTY RECORDER
By Mara Connie, Deputy
BOOK 73 PAGE 508