

FILED

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James W. Johnson
JUL 27 1989

Case No. 5703

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

FIRST SECURITY BANK OF UTAH,)
N.A.,)
Plaintiff,)
vs.)
DIAMOND WEST ENERGY)
CORPORATION, a Utah)
corporation, HOWARD F. BOVERS,)
an individual,)
Defendants.)

NOTICE OF FILING OF
AFFIDAVIT TO DOMESTICATE
FOREIGN JUDGMENT

TO: DIAMOND WEST ENERGY CORPORATION
HOWARD F. BOVERS

PLEASE TAKE NOTICE that an Affidavit to Domesticate Foreign Judgment ("Affidavit" hereinafter) was filed in the above captioned matter on August 23, 1989. Attached to said Affidavit was the exemplified copy of the Default Judgment ("Foreign Judgment" hereinafter) given by the Third Judicial District Court of Salt Lake County, State of Utah, in Civil No. 890900806CN, an action entitled First Security Bank of Utah, N.A. vs. Diamond West Energy Corporation, a Utah corporation, Howard F. Bovers, an individual; the Foreign Judgment sought to be domesticated by said Affidavit. A

true copy of said Affidavit, including the exemplified Foreign Judgment, are attached hereto.

Dated: December 10th, 1989.

EASTERLY & ARMSTRONG

By Colleen A. Murphy
Colleen A. Murphy
Nevada Bar #3545
Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of December, 1989, I served the foregoing Affidavit to Domestic Foreign Judgment and Notice of Filing of Affidavit to Domestic Foreign Judgment by depositing a copy in the United States Mails, certified and return receipt requested, addressed to the following:

Diamond West Energy Corporation
800 Hingham Street
Rockland, Massachusetts 02370

Howard F. Bovers
800 Hingham Street
Rockland, Massachusetts 02370

Joan R. Carmosino
Joan R. Carmosino, an
employee of Easterly &
Armstrong

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1 Case No: 5703

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3 20 AUG 23 P 10:28

4
5 *Colleen A. Murphy*

6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF LINCOLN

9 FIRST SECURITY BANK OF UTAH, N.A.,

10 Judgment Creditor,

11 vs.

12 DIAMOND WEST ENERGY CORPORATION, a Utah Corporation,
13 HOWARD F. BOVERS, an individual,

14 Judgment Debtors.

AFFIDAVIT TO DOMESTICATE FOREIGN JUDGMENT

15 AFFIDAVIT OF COLLEEN A. MURPHY, ESQ.

16 State of NEVADA)
17) ss:
18 County of CLARK)

19 COLLEEN A. MURPHY, Esq. being first duly sworn, deposes and says:

20 ¶ 1. I am an attorney, duly licensed to practice law in the State of Nevada, and an
21 associate of the law firm of Easterly & Armstrong, Nevada attorneys for the FIRST SECURITY
22 BANK OF UTAH, N.A., Judgment Creditor in the above-captioned action. I am competent to
23 testify to all matters stated herein.

24 ¶ 2. Attached hereto is the exemplified copy of the JUDGMENT BY DEFAULT
25 ["Foreign Judgment" hereinafter] given by The Third Judicial District Court of Salt Lake County,
26 State of Utah, in Civil No. 89090080CN, an action entitled FIRST SECURITY BANK OF
27 UTAH, N.A., vs. DIAMOND WEST ENERGY CORPORATION, a Utah Corporation,
28 HOWARD F. BOVERS, an individual ["the Utah action" hereinafter].

///

Lincoln County

1 ¶ 3. This Affidavit is based on the copy of the aforementioned Foreign Judgment;
2 documents and information provided to me by Douglas H. Patton, Attorney at Law; and Mr.
3 Patton's Affidavit filed herein.

4 ¶ 4. I am informed by Mr. Patton, and believe, that he is an attorney, duly licensed to
5 practice law in the State of Utah; and that he is an associate of the law firm of Ray, Quinney &
6 Nebeker, Utah attorneys for the Judgment Creditor in the Utah action which resulted in the
7 Foreign Judgment sought to be domesticated herein. I am further informed by Mr. Patton, and
8 believe, he was, and is, an attorney of record in the Utah action.

9 ¶ 5. The Foreign Judgment gave judgment to FIRST SECURITY BANK OF UTAH,
10 N.A., in the following amounts: \$100,000.00 in Principal; \$39,088.20 in interest through July
11 13, 1989; \$895.50 in Attorney's fees; and \$226.87 in Costs; for a total judgment of
12 \$140,210.57. The Foreign Judgment also provided for interest for the period after July 13,
13 1989, in the amount of \$36.805 per diem, and for such amount to vary based on changes in the
14 published prime rate of the Judgment Creditor.

15 ¶ 6. I am informed by Douglas H. Patton, and believe, the Foreign Judgment is valid and
16 enforceable.

17 ¶ 7. I am informed by Douglas H. Patton, and believe, the Foreign Judgment has not been
18 partially satisfied in any amount.

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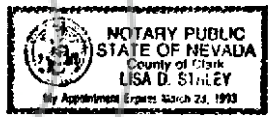
1 ¶ 8. I am informed by Douglas H. Patton, and believe, the last known addresses of the
2 Judgment Debtors are as follows:


- 3 (1) DIAMOND WEST ENERGY CORPORATION, 800 Hingham Street,
- 4 Rockland, Massachusetts 02370; and
- 5 (2) HOWARD F. DOVERS, 800 Hingham Street, Rockland, Massachusetts 02370.

6 Further, I say not.
7 DATED: August 18, 1989.

8
9 
10 COLLEEN A. MURPHY, Esq.

11 SUBSCRIBED AND SWORN to
12 before me August 18, 1989.



13 
14 NOTARY PUBLIC in and for
15 Clark County, Nevada.

16 AFFIDAVIT OF DOUGLAS H. PATTON

17 State of UTAH
18 County of SALT LAKE } ss:

19 DOUGLAS H. PATTON, being first duly sworn, deposes and says:
20 ¶ 1. I am an attorney, duly licensed to practice law in the State of Utah, and an associate
21 of the law firm of Ray, Quinney & Nebeker, Utah attorneys for the FIRST SECURITY BANK
22 OF UTAH, N.A., Judgment Creditor in the above-captioned matter. I am competent to testify to
23 all matters stated herein.

24 ¶ 2. I am an attorney of record in Civil No. 89090080CN, an action entitled FIRST
25 SECURITY BANK OF UTAH, N.A., vs. DIAMOND WEST ENERGY CORPORATION, a
26 Utah Corporation, HOWARD F. DOVERS, an individual ["the Utah action" hereinafter] filed in
27 the Third Judicial District Court of Salt Lake County, State of Utah. This action produced a
28 JUDGMENT BY DEFAULT ["Default Judgment" hereinafter]; an exemplified copy of which is

Lincoln County

1 attached hereto.

2 ¶ 3. This Affidavit is based on personal knowledge and on records and information drawn
3 from the law office case file of the Utah action maintained by Ray, Quinney & Nebeker.

4 ¶ 4. Based on my review of the law office case file, the Default Judgment is valid and
5 enforceable.

6 ¶ 5. Based on my review of the law office case file, the Default Judgment has not been
7 partially satisfied in any amount.

8 ¶ 6. Based on my review of the law office case file, the last known addresses of the
9 Judgment Debtors are as follows:

10 (1) DIAMOND WEST ENERGY CORPORATION, 800 Hingham Street,
11 Rockland, Massachusetts 02370; and

12 (2) HOWARD F. BOVERS, 800 Hingham Street, Rockland, Massachusetts 02370.

13 Further, I say not.

14 DATED: August 8, 1989.

15 *Ray G. Patton*

16 DOUGLASH PATTON
17 Attorney at Law

18 SUBSCRIBED AND SWORN to
19 before me August 8, 1989.

20 *Jeri Anne McConnell-Miller*
21 NOTARY PUBLIC in and for
22 Salt Lake County, Utah.



23 Submitted by:

24 Easterly & Armstrong
25 Attorneys at Law
26 1701 W. Charleston Blvd. Suite 425
27 Las Vegas, Nevada 89101
28 Attorneys for Judgment Creditor

By: *Jeffrey E. Fisher*
Jeffrey E. Fisher, Esq.

Lincoln County

STATE OF UTAH
COUNTY OF SALT LAKE

I, CRAIG E. LUDWIG, Clerk of the District Court of the Third Judicial District, Salt Lake County, Utah,
certify that the foregoing is a full, true and correct copy of the original **JUDGMENT BY DEFAULT**

FIRST SECURITY BANK OF UTAH

-vs- CASE NO. 890900806

DIAMOND WEST ENERGY CORPORATION

on file in my office.

Signed and sealed this 7th day of
AUGUST, 19 89

CRAIG E. LUDWIG

Clerk of the court

By [Signature]
Deputy Clerk

Lincoln County

JUDGEMENT

FILED DISTRICT COURT
Third Judicial District

JUL 13 1989

SALT LAKE COUNTY
By *B. L. Anderson*
County Clerk

DOUGLAS MATSUMORI (A2121)
DOUGLAS H. PATTON (A5333) of
RAY, QUINNEY & NEBEKER
Attorneys for Plaintiff
79 South Main Street
P. O. Box 45385
Salt Lake City, UT 84145-0385
Telephone: (801) 532-1500

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

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FIRST SECURITY BANK OF
UTAH, N.A.,

Plaintiff,

v.

DIAMOND WEST ENERGY
CORPORATION, a Utah
corporation, HOWARD F.
BOVERS, an individual,

Defendants.

JUDGMENT BY DEFAULT

Civil No. 890900806CN

Judge Leonard H. Russon

219334
7-13-89 8:20 am

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IN THIS ACTION, the defendants Diamond West Energy Corporation, a Utah corporation and Howard F. Bovers, an individual, has been regularly served with process and has failed to appear and answer the plaintiff's complaint filed herein, the legal time for answering has expired, and the default of defendant in the premises has been duly entered according to law, now upon

Lincoln County

the application of plaintiff to the Court, judgment is hereby entered against defendants, in pursuance of the prayer of the complaint.

WHEREFORE, by virtue of the law, and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that plaintiff recover from Diamond West Energy Corporation, a Utah corporation and Howard F. Bovers, an individual judgment as follows:

- | | |
|---|--------------|
| 1. The principal amount of One Hundred Thousand and No/100 Dollars | \$100,000.00 |
| 2. Interest to date totalling Thirty-Nine Thousand Eighty-Eight Thousand and 20/100 Dollars and continuing to accrue at a per diem rate of \$36.805 | \$39,088.20 |
| 3. Costs in the amount of Two Hundred Twenty-Six and 87/100 Dollars | 226.87 |

TOTALLING One Hundred Thirty-Nine Thousand Three Hundred Fifteen and 07/100 Dollars \$139,315.07

together with interest thereon at the rate of five percent (5%) per annum above the published prime rate of First Security Bank of Utah, N.A., as it may change from time to time, from the date hereof, until paid, together with attorneys' fees presently fixed at \$895.50 amounting to the sum of \$140,210.57.

Judgment rendered July 13 A.D. 1989.

Lincoln County

Attest my hand as Clerk and the seal of said Court
this 13 day of July, A.D. 1989.

Clerk

By: _____
Deputy Clerk

BY THE COURT:

J. ...
Judge

DP-47

I CERTIFY THAT THIS IS A TRUE COPY OF AN
ORIGINAL DOCUMENT ON FILE IN THE THIRD
DISTRICT COURT, SALT LAKE COUNTY, STATE OF
UTAH.

DATE August 7, 1989

[Signature]
DEPUTY COURT CLERK

Lincoln County

United States of America
In the District Court of the Third Judicial District
In and for Salt Lake County, State of Utah

I, SCOTT DANIELS, Presiding Judge of the District Court of the Third Judicial District, Salt Lake County, Utah, certify that said Third District Court is a Court of Record, having a Clerk and a seal; that Craig E. Ludwig who signed the attestation, was at the time of signing Clerk of the Third District Court; that the signature is the handwriting of Craig E. Ludwig and that all official acts of the Clerk of the Court are entitled to full faith and credit. And I further certify that said attestation is executed according to law.
Signed and sealed this 7th day of AUGUST, 19 89.

Scott Daniels
Judge of the District Court

STATE OF UTAH

COUNTY OF SALT LAKE

I, Craig E. Ludwig, Clerk of the District Court of the Third Judicial District, Salt Lake County, Utah, certify that the Honorable SCOTT DANIELS whose name is subscribed to the preceding certificate, is one of the Judges of this Court, and that the signature of the Judge is genuine.

Signed and sealed this 7TH day of AUGUST, 19 89.

Craig E Ludwig
Clerk of the District Court

N. 93103
FILED AND RECORDED AT THE DISTRICT CLERK'S OFFICE
Easterly & ARMSTRONG
December 26, 1989
AT 20... OFFICIAL
RECORDED... 572... LINCOLN
CC N.Y. NEVADA
FRANK C. HULSE
COUNTY REC'D-1989

By Frank C. Hulse, Deputy

SP 88 8122