

DAVID NUFFER - A2431
SNOW, NUFFER, ENGSTROM & DRAKE
A Professional Corporation
90 East 200 North
P.O. Box 400
St. George, Utah 84771-0400
801/674-0400
MCOCDH:Winding River 288801 For Deficiency Judgment 000482 288801 do do

FILED
1993 JUN 8 12 26
CLERK

IN THE FIFTH JUDICIAL DISTRICT COURT
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

WINDING RIVER PROPERTIES, INC., a
Utah corporation,

Plaintiff,

vs.

5 M, INCORPORATED, a Utah
corporation,

Defendant.

DEFICIENCY JUDGMENT
(Judge Eves)

Civil No. 860501066

27-6-95 LC

A Judgment and Decree of Foreclosure was rendered in this action on February, 10, 1992, for the foreclosure of the Plaintiff's Trust Deed, which secured a debt in the principal sum of \$549,862.29, interest to January 28, 1992, in the sum of \$780,447.68, together with attorneys fees in the sum of \$22,000.00 and costs of suit taxed at \$2,169.90, due from Defendant; by the terms of the judgment.

Said Judgment also decreed that Plaintiff's Trust Deed recorded November 26, 1982, in Book 318, at Pages 320-340 of the Records of the Washington County Recorder is valid, subsisting and a prior lien on the property; that Defendant be barred and foreclosed of all rights, claims and equities in the property, except the statutory right of redemption; that the property be sold at sheriff's sale as provided by law and the proceeds of such sale to be applied in payment of the costs of such sale and thereafter to apply to the indebtedness due Plaintiff; that in the event there is a

deficiency from said sale, Plaintiff be given judgment for such deficiency against the Defendant.

Thereafter, in pursuance of said Judgment, the real property was sold at a sheriff's sale on June 5, 1992. Interest accrued from January 28, 1992, to June 5, 1992, (the date of sale) in the amount of \$86,167.19. The real property was sold for the sum of \$25,000.00, which left a deficiency on the total judgment in the amount of \$1,415,647.06.

The Court, after due consideration of the matter now makes the following order:

IT IS HEREBY ORDERED that Plaintiff recover from Defendant the sum of \$1,415,647.06, with interest thereon at the rate of 18% per annum from June 5, 1992, together with costs in the sum of \$308.00, and attorney's fees in the sum of \$500.00, for a total deficiency judgment of \$1,416,455.06, which shall bear interest at the rate of 18% per annum from June 5, 1992.

DATED THIS 23rd day of June, 1992.

BY THE COURT
J. Philip Eves
J. PHILIP EVES
District Court Judge

MAILING CERTIFICATE

I hereby certify that on the 5th day of June, 1992, I served a copy of the foregoing DEFICIENCY JUDGMENT on the following by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

Gary W. Pendleton, Esq.
150 North 200 East, Suite 202
St. George, UT 84770

Timothy B. Anderson, Esq.
JONES WALDO HOLBROOK & MCDONOUGH
249 East Tabernacle
St. George, Utah 84770

This document to which this certificate is attached is a full, true and correct copy of the original, on file and of record in the County Clerk's Office, Piche Nevada.

Robert J. ...
I, _____, County Clerk, do hereby certify and affixed the Seal of the County of Lincoln, State of Nevada, this 23rd day of June, 1995.

STATE OF UTAH
COUNTY OF WASHINGTON
I hereby certify that the document or records is a full, true and correct copy of the original on file in the County Clerk's Office.
Motion for Delinquency Judgment
ite: 5-8
Shirley ...
Deputy Clerk

No. 103655
FILED AND RECORDED AT REQUEST OF
Snow, Nuffer, Engstrom, Drake, Wade & Smart
June 22, 1995
AT 01 MINUTES PAST 1 O'CLOCK
P.M. IN BOOK 114 OF OFFICIAL
RECORDS, PAGE 324 LINCOLN
COUNTY, NEVADA
Yuriko Setzer
Jessie Boucher, Deputy BOOK 114 PAGE 325