

1 CASE NO. 84-12-97-LC

2
3 IN THE SEVENTH JUDICIAL DISTRICT COURT OF NEVADA
4 IN AND FOR THE COUNTY OF LINCOLN

5 * * * * *

6 WILLIAM RANDALL, JR., an)
7 unmarried man; JOHN R. CABE and)
8 MYRA M. CABE, husband and wife,)

9 Plaintiffs,)

10 -vs-)

11 WHIPPLE CATTLE COMPANY, INC.,)
12 a Nevada corporation;)
13 FEDERAL LAND BANK ASSOCIATION)
14 OF UTAH, FLCA,)

15 Defendants.)

16 WHIPPLE CATTLE COMPANY, INC.,)
17 a Nevada corporation,)

18 Counterclaimant,)

19 -vs-)

20 WILLIAM RANDALL, JR., an)
21 unmarried man; JOHN R. CABE and)
22 MYRA M. CABE, husband and wife,)

23 Counterdefendants.)

24 DATES OF TRIAL: September 13-16, 1999
25 April 24-27, 2000

26 This action having come before the Court for trial to the
27 Court sitting without a jury, Mark. C. Hafer, Esq. appearing
28 for Plaintiffs/Counterdefendants, Bret O. Whipple, Esq.
appearing for Defendant/Counterclaimant WHIPPLE CATTLE COMPANY,
INC., Gary D. Fairman, Esq. appearing as co-counsel for

1 Defendant/Counterclaimant WHIPPLE CATTLE COMPANY, INC., and
2 FEDERAL LAND BANK ASSOCIATION OF UTAH, FLCA having waived its
3 right to appear at trial; the Court having heard the testimony
4 of the witnesses and having entered its separate Findings Of
5 Fact, Conclusions Of Law, And Order and good causing appearing
6 therefor,

7
8 IT IS HEREBY ORDERED, ADJUDGED & DECREED that WILLIAM
9 RANDALL, JR., JOHN R. CABE and MYRA M. CABE and WHIPPLE CATTLE
10 COMPANY, INC., formed a partnership to own and operate the
11 River Ranch, which consists of real property located in Lincoln
12 County, Nevada, and that Defendant WHIPPLE CATTLE COMPANY, INC.
13 breached the partnership agreement by operating a portion of
14 the River Ranch without accounting to or paying its partners
15 any amount of the profits generated from the partnership such
16 that the partnership was dissolved and Plaintiffs are entitled
17 to an award of damages in winding up the partnership;

18 IT IS FURTHER ORDERED, ADJUDGED & DECREED that Plaintiffs
19 are awarded \$882.00 for the value of baled hay, \$66,735.44 for
20 ranch improvements, \$3,288.07 for insurance, equipment and
21 miscellaneous ranch expenses, and \$46,467.30 for one half of
22 the River Ranch profits calculated through July 1, 1999 for a
23 partial award of \$117,372.81, plus prejudgment interest on this
24 amount, calculated from July 1, 1999, in the amount of
25 \$21,411.64, plus \$30,000.00 in damages for ranch profits for
26 the remainder of 1999 and the year 2000, plus costs in the
27 amount of \$7,907.19 for a total judgment of \$176,691.64, plus
28 post judgment interest on this total amount calculated from the

1 date of the Court's findings, February 14, 2001, until paid in
2 full;

3 IT IS FURTHER ORDERED, ADJUDGED & DECREED that the River
4 Ranch and its improvements and miscellaneous personalty located
5 thereon, shall be sold pursuant to a separate order of this
6 Court and from the proceeds of the sale, after payment of the
7 realtor's commission, escrow closing costs and the FEDERAL LAND
8 BANK OF UTAH, FLCA mortgage, Plaintiffs shall be paid their
9 damages and, in addition, WILLIAM RANDALL, JR. shall recoup the
10 \$173,240.94 he spent from his separate funds improving the
11 ranch, and then the remaining proceeds of the sale shall be
12 split 50% to WHIPPLE CATTLE COMPANY, INC., 25% to WILLIAM
13 RANDALL, JR. and 25% to JOHN R. CABE and MYRA M. CABE.

14 DATED this 20th day of March, 2001.

17 S/ Dan L. Papez
DISTRICT COURT JUDGE

18 Submitted by:

19 MUSHKIN & HAFER

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

21 By:

21 Mark C. Haffer
22 MARK C. HAFER, ESQ.
23 Nevada State Bar #008117
24 930 South Third Street
25 Suite 300
26 Las Vegas, Nevada 89101
27 (702) 386-3999

In witness whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, this 23rd day of March, 2001.

Courne Hagan
Clerk

Deputy Clerk

116146

No. FILED AND RECORDED AT REQUEST OF
MUSHKIN & HAFER
APRIL 2 2001
AT 55 MINUTES PAST 12 O'CLOCK
P. M. IN BOOK 154 OF OFFICIAL
RECORDS, PAGE 110 LINCOLN
COUNTY, NEVADA.

26 Attorneys for Plaintiffs/
27 Counterdefendants

LESLIE BOUCHER

COUNTY RECORDER
BY Janeis Seaveris DEPUTY