

1 CASE NO. 84-12-97-LC

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

*Colyer*

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

Plaintiffs,

-vs-

WHIPPLE CATTLE COMPANY, INC.,  
a Nevada corporation;  
FEDERAL LAND BANK ASSOCIATION  
OF UTAH, FLCA,

Defendants.

WHIPPLE CATTLE COMPANY, INC.,  
a Nevada corporation,

Counterclaimant,

-vs-

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

Counterdefendants.

STIPULATION AND ORDER  
FOR SALE OF RIVER RANCH  
DATE OF HEARING: April 27, 2001

COME NOW Plaintiffs and WHIPPLE CATTLE COMPANY, INC., by  
and through their undersigned counsel, and stipulate and agree,  
and request this Court to enter its order as follows:

1 1. WHIPPLE CATTLE COMPANY, INC. has its Motion To  
2 Confirm And Clarify The Purchase Of The River Ranch And To  
3 Amend The Findings Of Fact And Judgment On The Damages Imposed  
4 In This Matter pending before this Court; Plaintiffs have  
5 opposed said motion and the matter has been rescheduled on the  
6 Court's motion for hearing on April 27, 2001; WHIPPLE CATTLE  
7 COMPANY, INC. shall withdraw its motion and the hearing date of  
8 April 27, 2001 shall be vacated;

9 2. WHIPPLE CATTLE COMPANY, INC. shall pay Plaintiffs  
10 \$900,000.00 cash on or before April 30, 2001 and Plaintiffs  
11 shall accept such amount as payment in full satisfaction of the  
12 Court's Judgment entered March 23, 2001; Plaintiffs may  
13 execute escrow instructions to divide their respective shares  
14 of the proceeds;

15 3. WHIPPLE CATTLE COMPANY, INC. shall, in addition to  
16 the amount due Plaintiffs, pay all additional loan origination  
17 fees, escrow closing costs, real property taxes, miscellaneous  
18 costs and the current balance due FEDERAL LAND BANK ASSOCIATION  
19 OF UTAH, FLCA on its loan, number 0248894-9100 such that the  
20 Deed Of Trust And Assignment Of Rents recorded at Book 107,  
21 Pages 621-629, and Document No. 101112 of the official records  
22 of the Lincoln County Recorder shall be reconveyed;

23 4. All River Ranch personal property listed in paragraph  
24 25 of this Court's Findings Of Fact, Conclusions Of Law And  
25 Order Of The Court, filed February 14, 2001, shall be  
26 transferred to WHIPPLE CATTLE COMPANY, INC. through the close  
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1 of escrow in further consideration of the total amounts stated  
2 hereinabove;

3 5. WILLIAM RANDALL, JR. shall have until May 31, 2001 to  
4 move his personal property off the River Ranch; WHIPPLE CATTLE  
5 COMPANY, INC. shall not disturb any of RANDALL'S personal  
6 property until after such date passes; no rent shall be due  
7 WHIPPLE CATTLE COMPANY, INC. for storage during this time  
8 period;

9 6. Upon the close of escrow and the payment by WHIPPLE  
10 CATTLE COMPANY, INC. of the amounts due pursuant to this  
11 Stipulation, the Judgment in favor of Plaintiffs, recorded at  
12 Book 154, Pages 110-112, and Document No. 116146 shall be  
13 deemed to be completely satisfied and the Lis Pendens recorded  
14 at Book 152, Pages 147-149, Document No. 110286 shall be  
15 expunged from the official records of the Lincoln County  
16 Recorder; a certified copy of this Order may be recorded at the  
17 close of escrow to clear these recorded clouds on the title to  
18 the River Ranch;

19 7. In the event escrow does not close on or before April  
20 30, 2001, the River Ranch and its personal property may be  
21 advertised for sale on the open market at any time thereafter;  
22 in such event, this Court's Judgment entered March 23, 2001  
23 shall remain an encumbrance of record which must be satisfied  
24 in the full amount of all damages awarded and accumulated  
25 interest due Plaintiffs for a sale to be effectuated and this  
26 Order shall not be recorded;

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8. Plaintiffs and Defendants unconditionally waive their right to appeal the Court's Judgment entered March 23, 2001;

9. All parties will execute any additional escrow forms, deeds, conveyances and/or miscellaneous documents necessary to effectuate a sale and transfer of the real property commonly known as the River Ranch;

10. WILLIAM RANDALL, JR. shall do a walk through of the River Ranch house with Cody Whipple on Saturday, April 21, 2001 at 1:00 p.m.;

11. Plaintiffs will notify Jerry Johnston that his cattle must be moved off of the River Ranch as soon as possible, but in any event, no later than the date escrow closes; WHIPPLE CATTLE COMPANY, INC. shall make the feed lot located on the Kent Whipple Ranch available to Jerry Johnston to hold his cattle for up to thirty (30) days at no charge to Mr. Johnston;

12. Upon the close of escrow, WHIPPLE CATTLE COMPANY, INC. shall be entitled to any rent due Plaintiffs for the pasture of horses owned by Eric Coons and Erica Monaco;

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13. Upon the close of escrow and the final purchase of the River Ranch by WHIPPLE CATTLE COMPANY, INC., this action shall be dismissed with prejudice; provided however, that if escrow does not close by April 30, 2001 this Court shall retain jurisdiction to confirm a future sale of the River Ranch and supervise the distribution of the proceeds pursuant to NRS 39.250.

MUSHKIN & HAFFER

BRET D. WHIPPLE, ESQ.

BY: Mark C. Hafer  
MARK C. HAFFER, ESQ.  
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Las Vegas, Nevada 89101  
Attorneys for Plaintiffs

BY: Bret D. Whipple  
BRET D. WHIPPLE, ESQ.  
Nevada State Bar #016168  
6158 Coley Avenue  
Las Vegas, Nevada 89146  
Attorney for Defendant  
WHIPPLE CATTLE COMPANY  
INC.

DATED: April 10, 2001

DATED: April 11, 2001

ORDER

IT IS SO ORDERED.

Dan L. Taylor  
DISTRICT COURT JUDGE

Submitted by:  
MUSHKIN & HAFFER

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 Clerks Office, Pioche Nevada.

BY: Mark C. Hafer  
Mark C. Hafer, Esq.  
Nevada State Bar #000127  
930 South Third Street, Suite 300  
Las Vegas, Nevada 89101  
Attorneys for Plaintiffs

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 13<sup>th</sup> day of April 2001  
Cynthia Hagan  
Clerk

Deputy Clerk

COPY

NO. 116259

FILED AND RECORDED AT REQUEST OF  
First American Title  
April 30, 2001

AT 53 MINUTES PAST 04 O'CLOCK  
PM IN BOOK 154 OF OFFICIAL  
RECORDS PAGE 433 LINCOLN

COUNTY, MISSOURI.  
Leslie Boucher  
COUNTY RECORDER

By Doreen [Signature] deputy

BOOK 154 PAGE 438