

Official Record

Recording requested By
SHELLEY HUNT

Lincoln County - NV
Leslie Boucher - Recorder

Fee: \$17.00 Page 1 of 4
RPTT: Recorded By: AE
Book- 235 Page- 0363



0129897

APN _____

APN _____

APN _____

ORDER AND Judgment

Title of Document

Affirmation Statement

I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does not contain** the social security number of any person or persons. (Per NRS 239B.030)

_____ I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does contain** the social security number of a person or persons as required by law: _____
(State specific law)

Alpha Stira Clerk
Signature Title

Signature

9-11-07
Date

Grantees address and mail tax statement:

MEADOW VALLEY TOWNSHIP
JUSTICE COURT
PIOCHE, NEVADA
FILED 08-23-2007
CASE # SC08-07
BY [Signature]
JUSTICE OF THE PEACE

Case No. SC08-07

IN THE JUSTICE COURT OF MEADOW VALLEY TOWNSHIP
COUNTY OF LINCOLN, STATE OF NEVADA

DS HUNT SERVICES, INC.
dba BIG BOSS TRUCKING
Plaintiff,

vs.

KIMBALL GARDNER,
dba BIRDVIEW MANUFACTURING, INC.
Defendant.

ORDER and JUDGMENT

The Court heard this small claims case; SC08-07, on August 9th, 2007 at 10:00 AM. The dispute involves a verbal agreement between Plaintiff, D S HUNT SERVICES, INC., dba Big Boss Trucking vs Defendant, KIMBALL GARDNER, dba BIRDVIEW MANUFACTURING, INC.

The Plaintiff, D S Hunt Services, Inc. was seeking damages in the amount of \$4,600.00 plus costs and interest from date of service for the storage and advertising space of one 8 foot by 40 foot cargo storage container located at 650 East Hansen Street, Panaca, Nevada 89042.

Through testimony given, Plaintiff; Don and Shelly Hunt, state they were contacted by the Defendant; Kimball Gardner, through his agent; Dave Wood, and requested to place the cargo storage container on their property in Panaca, Nevada. Defendant asked to use this location, which is clearly visible from State Route 319, to place a large advertising banner on the side of the cargo container that faces State Route



1 319 for the purpose of advertising for sales and rentals of other similar type cargo
2 storage containers.

3
4 Defendant's agent advised the Plaintiff that they could utilize the container. The
5 Defendant; Kimball Gardner, was contacted by the Plaintiff; Don Hunt, to discuss terms
6 of the storage container. The Defendant advised the Plaintiff he would make this
7 transaction worth their while. No other terms were discussed until Defendant
8 contacted the Plaintiff, advising he was going to remove the storage container from
9 Plaintiff's property because the advertising wasn't working out.

10
11 Plaintiff contacted Defendant asking what compensation Defendant was going to
12 allow for the Storage and Advertising of this container while it has been on their
13 property referring back to the statement made by Defendant that he would make it
14 worth Plaintiff's while.

15
16 Defendant disputes Plaintiff's claim of any monetary compensation because
17 Plaintiff was allowed use of the storage container while it was on their property.

18
19 Because an agreement could not be reached between the parties and the
20 Defendant refused any type of payment, Plaintiff filed a small claims action for recovery.

21
22 The above entitled court having taken this matter under advisement, now makes
23 the following finding:

24 Through testimony given by both parties, it is the determination of this Court that
25 no storage charges or assessed fees will be allowed by either party. Defendant and his
26 agents contacted Plaintiff and requested the use of the location owned by the Plaintiffs
27 and offered use of the storage container. Plaintiff accepted the offer and did periodically
28 utilize the container for storage.



1 It hereby the finding of this court the Plaintiff is awarded advertising fees in the
 2 amount of \$60.00 per month for 25 months from May 2005 through June 2007,
 3 inclusive. This case was originally scheduled for hearing in July of 2007. Defendant
 4 requested a continuance which was granted to the month of August 2007. The total
 5 sum of this finding, to be awarded to the Plaintiff, is \$1,500.00 plus court filing fees of
 6 \$80.00.

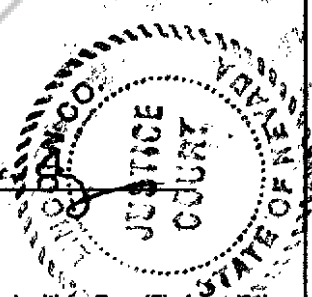
7
 8 The storage container is to be removed from the Plaintiff's property, if not already
 9 done so, by the Defendant within 30 days from the date of this Order.

10
 11 Nothing in this Order precludes the parties from settling this Judgment with
 12 mutually agreed upon terms, however if the parties do agree to a different settlement it
 13 will be in writing and a signed notarized copy will be provided to this Court.

14
 15 Judgment is entered accordingly.

16
 17 DATED August 23, 2007.

18
 19 Mike D. Co...
 20 Judge



21 GENERAL NOTE REGARDING APPEALS:

- 22 1. If either party desires to appeal judgment, Notice, fees and bond are to be filed within five (5) days if the
 23 decision was given in Court ; or within eight (8) calendar days if the decision was mailed to you. You must make
 24 arrangements for payment and preparation of the transcript with your court clerk. (Appeals are on the record made at
 25 this court with no new evidence accepted by the District Court).
 26 2. If judgment is in favor of Plaintiff, Defendant is subject to immediate property executions unless appeal
 27 bond is filed or payment arrangements are made with Plaintiff. This is Defendant's responsibility. Also, any such
 28 judgment will remain on Defendant's credit reporting record until proof of clearance is presented to the
 court clerk.
 3. Dismissals without prejudice are not appealable, since the moving party still has options for refileing the
 case in a higher court or as otherwise noted in the Order. Dismissals with prejudice are a final judgment and
 appealable.
 4. All exhibits will be disposed of within twenty (20) days unless claimed by submitting party or an
 appeal is perfected.

CLERK'S PROOF OF MAILING
 Copies mailed to all parties of record per JCRCP(5) By LS. Dated August 24