

Official Record

Recording requested By
GARY FAIRMAN

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$18.00

Page 1 of 5

RPTT:

Recorded By: LB

Book- 239 Page- 0231



APN _____

APN _____

APN _____


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)

 _____
Signature Title

2-8-08

Signature

Date

Grantees address and mail tax statement:



COPY

FILED

2008 JAN -3 PM 2:02

LICIA J. LINDO JR.
LINCOLN COUNTY CLERK
[Signature]
DEPUTY

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Case No. CV-1151006

Dept. No. 1

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

TAMI FERNANDEZ,
Plaintiff,

vs.

BILL F. FERNANDEZ,
Defendant.

ORDER

Plaintiff's "MOTION TO EJECT DEFENDANT FROM HOME AT NO. 1 BARTOLO ROAD; TO AWARD PLAINTIFF ALL COSTS TO REINSTATE HOME FROM FORECLOSURE; TO CAUSE PLAINTIFF TO BE PAID ALL DELINQUENT RETIREMENT BENEFITS FROM PLAINTIFF'S SHARE OF THE PROCEEDS FOR THE SALE OF THE HOME; TO AUTHORIZE AND ORDER THE CLERK OF THE COURT TO SIGN ALL DOCUMENTS WITH RESPECT TO SALE OF THE HOME; AND TO AWARD PLAINTIFF A REASONABLE ATTORNEY'S FEE" having come on regularly for hearing (via) telephone conference call before the above-entitled Court on the 31st day of December, 2007; the Plaintiff appearing by and through her attorney, GARY D. FAIRMAN, ESQ., A Professional Corporation; the Defendant appearing Pro-Se; and the Defendant having been duly and regularly served with a copy of Plaintiff's Motion, Affidavit of Gary D. Fairman, and Order Shortening Time. (via) mail and certified mail, as Ordered by the Court; the Court having considered the same and oral

1 argument; the Court finding that the Defendant has failed to make his monthly mortgage
 2 payments for the real property commonly known as No. 1 Bartolo Road, Pioche, Nevada, as
 3 Ordered by the Court in the Decree of Divorce; the Court further finding that he has not made
 4 any payments of his retirement to Plaintiff as Ordered by the Court in the Decree of Divorce; the
 5 Court further finding that the Defendant has failed to cooperate with Janet Leedham with respect
 6 to the sale of the home, and that the home is now been placed in jeopardy of having title forfeited
 7 from the parties through a foreclosure sale unless the full balance of the purchase price is paid in
 8 full on or before March 1, 2008; the Court finding that there is no reasonable explanation for
 9 Defendant's failure to maintain the monthly payments on the home and/or to cooperate with
 10 Janet Leedham with respect to the sale of the home; good cause appearing; therefore;

11 IT IS HEREBY ORDERED that the Defendant, BILL F. FERNANDEZ, vacate
 12 the real property commonly known as No. 1 Bartolo Road, Pioche, Nevada, on or before the
 13 seventh (7th) day of JANUARY, 2008, at the hour of 5:00 P. M.

14 IT IS HEREBY FURTHER ORDERED that if the Defendant, BILL F.
 15 FERNANDEZ, has not vacated the real property pursuant to the time and date set forth in this
 16 Order, that the Lincoln County Sheriff's Office is hereby Ordered to eject MR. FERNANDEZ
 17 from the premises.

18 IT IS HEREBY FURTHER ORDERED that the Defendant shall not be allowed
 19 to return to the real property known as No. 1 Bartolo Road, Pioche, Nevada, and that any
 20 subsequent return to the property on or after the date set forth in this Order, shall be deemed to be
 21 a trespass against the real property for which a criminal citation may issue.

22 IT IS HEREBY FURTHER ORDERED that TAMI FERNANDEZ, and/or her
 23 agents or representatives, are hereby authorized to take possession of the real property on or after
 24 the (seventh) 7th day of JANUARY, 2008, at the hour of 5:00 P. M.

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IT IS HEREBY FURTHER ORDERED that the Lincoln County Clerk, and/or one (1) of her deputies, is hereby authorized to execute any and all documents that the Defendant, BILL F. FERNANDEZ, would otherwise be required to execute, for the purpose of selling the real property pursuant to the Decree of Divorce, with the same force and effect as if said documents had been executed by BILL F. FERNANDEZ.

IT IS HEREBY FURTHER ORDERED that Plaintiff and/or her agents or representatives, including legal counsel, may present said documents to the Lincoln County Clerk's Office without further Order of the Court for signature by the Lincoln County Clerk and/or one (1) of her deputies.

IT IS HEREBY FURTHER ORDERED that from the net proceeds of sale, all delinquent PERS payments as ordered to be paid pursuant to the Decree of Divorce, shall be deducted from Defendant's one-half (1/2) of the proceeds from the real property.

IT IS HEREBY FURTHER ORDERED that Plaintiff shall receive an amount equal to three (3) months advance PERS payments in order that Plaintiff may have the same pending approval of a Qualified Domestic Relations Order by PERS.

IT IS HEREBY FURTHER ORDERED that the Defendant shall not at anytime further interfere with the sale of the real property at No. 1 Bartolo Road, Pioche, Nevada.

IT IS HEREBY FURTHER ORDERED that Plaintiff's counsel be awarded a reasonable attorney's fee in the sum of \$ 250.00 for the bringing of this Motion.

Dated this 31st day of December, 2007.

/s/ Steve L. Debrescu
DISTRICT COURT JUDGE



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Submitted by:

GARY D. FAIRMAN, ESQ.
A Professional Corporation
P.O. Box 151105
Ely, Nevada 89315
State Bar No. 0210

GARY D. FAIRMAN, ESQ.
Attorney for Plaintiff

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.

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 8th day of February 2008

Clerk

Deputy Clerk