

Official Record

Recording requested By  
DYLAN FREHNER, ATTORNEY

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$17.00

Page 1 of 4

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ORDER PURSUANT TO NRS 118A.390

Title of Document

Affirmation Statement

X 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)

SM  
Signature

Attorney  
Title

Shain Manuele  
Print

2/11/16  
Date

Grantees address and mail tax statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



MEADOW VALLEY TOWNSHIP  
JUSTICE COURT  
PIECHE NEVADA  
FILED 7/17/14  
CASE # 14CV12  
BY Shirley Brown  
JUSTICE COURT CLERK

1 Case No. 14 CV 12  
2

3 IN THE JUSTICE COURT OF MEADOW VALLEY TOWNSHIP  
4 IN AND FOR THE COUNTY OF LINCOLN, STATE OF NEVADA  
5

6 ROSE LANIGAN,

7 Plaintiff,

8 vs.

9 ESTATE OF JAMES RAYMOND RYAN,

10 Defendant.  
11

12 **ORDER PURSUANT TO NRS 118A.390**

13 THIS MATTER came before the Court with the Plaintiff's filing of a Verified Complaint  
14 for Expedited Relief for the Unlawful Removal or Exclusion of Tenant or Interruption of  
15 Essential Items or Services on June 24, 2014. Due to the Judge being unavailable the matter was  
16 initially set for a hearing on June 30, 2014, but was continued because the Plaintiff was unable to  
17 effect service on the Defendant. After multiple continuances, the Plaintiff served the Complaint  
18 on Starla McDaniel, as the alleged Executrix of the Estate of James Raymond Ryan (hereinafter  
19 "Estate"), on July 10, 2014 and a hearing was set for July 14, 2014. At the July 14, 2014  
20 hearing, Starla McDaniel appeared on behalf of the Estate and requested a continuance to have  
21 counsel present. Ms. McDaniel's request was granted and the hearing on the Complaint was set  
22 for Wednesday, July 16, 2014 at 3:00 pm. At the July 16, 2014 hearing, Plaintiff was present  
23 and represented by attorney Dylan V. Frehner, while Starla McDaniel was present on behalf of  
24 the Estate and represented by attorney Bret Whipple.  
25

26 Based upon the evidence and argument presented to the Court at the hearing, the Court  
27 made the following findings:  
28



1 **Case No. 14 CV 12**

- 2
- 3 1. That for the purpose of this hearing, and over the Plaintiff's objection, Ms. McDaniel
- 4 and her counsel could represent the Estate even though there was no Court order or
- 5 paperwork appointing Ms. McDaniel or her counsel to act on behalf of the Estate.
- 6 2. That the evidence showed that the Plaintiff had been residing at the home of James R.
- 7 Ryan, located on 175 N. Second Street, Panaca, Nevada 89042 (hereinafter
- 8 "Residence"), at the time of Mr. Ryan's death on May 14, 2014.
- 9 3. That the Plaintiff had an oral agreement establishing a landlord/tenant relationship
- 10 between herself and James R. Ryan in which Ms. Lanigan assisted in paying a portion
- 11 of the food or utilities.
- 12 4. That the Plaintiff was arrested on or about May 14, 2014 and was in the custody of
- 13 the Lincoln County Jail until June 23, 2014.
- 14 5. That sometime after May 14, 2014, Starla McDaniel, the daughter of the James R.
- 15 Ryan, began occupying the Residence to allegedly secure the property and to clean.
- 16 6. That despite being in jail, the Plaintiff's location was known and she filed multiple
- 17 papers with the Lincoln County Sheriff's Department for assistance to protect her
- 18 property and interest, and that the Plaintiff did not abandon the Residence.
- 19 7. That Ms. McDaniel, acting as the alleged Executrix of the Estate, did not follow any
- 20 steps to properly evict the Plaintiff from the Residence and has violated NRS
- 21 118A.390.
- 22 8. That when the Plaintiff was released from jail on June 23, 2014, Ms. McDaniel was in
- 23 the Residence and effectively blocked the Plaintiff's entry.
- 24 9. That Ms. McDaniel did not act in Good Faith by assuming the role of Executrix of the
- 25 Estate.
- 26

27 NOW THEREFORE, based upon the above listed findings and other evidence as

28 presented at the hearing and GOOD CAUSE APPEARING:

1 **Case No. 14 CV 12**

2  
3 **IT IS HEREBY ORDERED** that Starla McDaniel is to vacate the Residence known as  
4 175 N. Second St., Panaca, Nevada within 24 hours and by no later than 6:00 pm on July 17,  
5 2014, and she is further to provide any keys for entry to the Property, Residence, and all locked  
6 and secured out buildings to the Lincoln County Sheriff's Department by 6:00 pm on July 17,  
7 2014 and those keys will be available for pick up by Rose Lanigan and/or her attorney.

8  
9 **IT IS HEREBY FURTHER ORDERED** that Rose Lanigan is restored to the Residence  
10 at 175 N. Second St., Panaca, Nevada and shall have sole occupation of the Residence beginning  
11 at 6:00 pm on July 17, 2014.

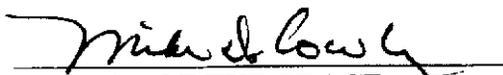
12 **IT IS HEREBY FURTHER ORDERED** that an Officer of the Lincoln County  
13 Sheriff's Department will escort Rose Lanigan to the Residence at 175 N. Second St., Panaca,  
14 Nevada at a time to be determined between the Lincoln County Sheriff's Department and Rose  
15 Lanigan. The Officer shall remain at the Residence upon initial entry and inspection of the  
16 Property and the Residence.

17 **IT IS HEREBY FURTHER ORDERED** that the Estate of James R. Ryan shall pay  
18 statutory damages to Rose Lanigan in the amount of \$2,500.00.

19 **IT IS HEREBY FURTHER ORDERED** that the Estate of James R. Ryan and/or its  
20 representatives or alleged representatives are enjoined from violating the provisions of NRS  
21 118A.390(1).

22 **IT IS HEREBY FURTHER ORDERED** that the Estate of James R. Ryan, as the non-  
23 prevailing party, shall pay the costs and fees of filing the Complaint that were previously waived  
24 in the amount of \$51.00 pursuant to NRS 118A.390(7).

25 **DATED** this 17<sup>th</sup> day of July, 2014

26  
27   
28 **JUSTICE OF THE PEACE**

**THE UNDERSIGN HEREBY CERTIFIES THIS  
TO BE A FULL, TRUE AND CORRECT COPY  
OF THE ORIGINAL DOCUMENT**

