

1 Code: 1670
2 SHAWN B MEADOR
3 NEVADA BAR NO. 338
4 WOODBURN AND WEDGE
5 6100 Neil Road, Suite 500
6 Post Office Box 2311
7 Reno, Nevada 89505
8 Telephone: (775) 688-3000
9 Facsimile: (775) 688-3088

7 KENT R. ROBISON
8 NEVADA BAR NO. 1167
9 ROBISON, BELAUSTEGUI, SHARP & LOW
10 71 Washington Street
11 Reno, Nevada 89503
12 Telephone: (775) 329-3151
13 Facsimile: (775) 329-7169
14 Attorneys for Plaintiff
15 ANDREW EARL FURER

13 IN THE FAMILY DIVISION
14 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
15 IN AND FOR THE COUNTY OF WASHOE

15 ANDREW EARL FURER,

Case No. DV04-01626

16 Plaintiff,

Dept. No. 11

17 vs.

18 ELOISA BESADA FURER

19 Defendant.
20 _____/

21 **NOTICE OF DEFENDANT'S FAILURE AND REFUSAL TO COMPLY**
22 **WITH ORDER AUTHORIZING SALE OF INCLINE RESIDENCE, ETC.**

23 Plaintiff Andrew Furer, by an through his attorneys of record Shawn B Meador and
24 the law firm Woodburn and Wedge, hereby files this Notice to the Court of Defendant Eloisa
25 Furer's failure and refusal to execute the deeds, certificates of title, bills of sale and/or other
26 documents required for the sale of the real property located at 949 Lakeshore Blvd., in Incline
27 Village, Nevada.
28

1 This Notice is based on all papers and pleadings on file herein, including the Court's
2 Order Authorizing Sale of Incline Residence, Etc., entered on September 11, 2007.

3
4 This Court is well-familiar with this long divorce case. The most pressing issue now
5 is the sale of the Incline Village residence. Mr. Furer recently received an offer to purchase
6 the Incline residence. On September 5, 2007, Mr. Furer filed his Motion to Authorize Sale of
7 the Incline Residence. On September 10, 2007, Mrs. Furer filed her Opposition to Plaintiff's
8 Motion Re Sale of the Marital Residence. On September 10, 2007, Mr. Furer filed his Reply
9 in Support of Motion to Authorize Sale of Incline Residence.

10 On September 11, 2007, this Court entered the Order Authorizing Sale of Incline
11 Residence, Etc. That Order permits the sale to proceed and specifically provides:

12
13 6. Mrs. Furer shall have 24 hours within which to execute the quitclaim
14 deeds, certificates of title, bills of sale on boats and/or other documents
15 reasonable and necessary to complete these transactions. If she fails or refuses
16 to do so for any reason, the Clerk of the Second Judicial District Court of the
17 State of Nevada in and for the County of Washoe, or her designated
18 representative, shall be authorized to execute the deeds, certificates of title,
19 bills of sale and/or other documents on Mrs. Furer's behalf. **In the event Mrs.
20 Furer fails or refuses to execute the deeds, certificates of title, bills of sale
21 and/or other documents, Mr. Furer may file a notice of her failure or
22 refusal together with proposed order directing the Clerk of the Court to
23 execute such deeds, bills of sale and/or other documents. Mrs. Furer shall
24 have 24 hours to respond, if at all, to such notice.**

25 P.2, lns. 24-28, p.3, lns. 1-13 [emph.added].

26 Mr. Furer is filing this Notice pursuant to that Order because, not surprisingly, Mrs.
27 Furer has failed and refused to execute the necessary documents to move the sale forward.

28 Mr. Furer has tried to make this as convenient as possible for Mrs. Furer. Mrs. Furer
has been notified in writing¹ that the documents requiring her signature are ready and have

¹ Mrs. Furer was notified in writing by letter dated September 13, 2007. The letter was delivered to her via FedEx at 9:47 a.m. PST on September 14, 2007. A copy of this letter was successfully faxed to her at 2:07 p.m. PST on September 14, 2007. A copy of this letter was faxed to the Court on September 13, 2007.

1 been delivered to the First American Title Company office located closest to her residence in
2 Las Vegas. Mrs. Furer has been notified in writing of the name and phone number of the
3 escrow officer. Mrs. Furer has been notified in writing that the title company will hold the
4 signed documents in escrow until the sale closes and, only upon closing, the documents will
5 be recorded and the money deposited into the blocked account.² A copy of the letter and
6 copies of the successful delivery and transmission of the letter to Mrs. Furer is attached hereto
7 as Exhibit "A".
8

9 As set forth in the letter, Mrs. Furer is again making matters difficult by refusing to
10 return telephone calls and disconnecting her fax machine.
11

12 This is an \$11 million sale. The realtor is taking a reduced commission. Mr. Furer
13 and the purchasers wish to complete this sale. The only person obstructing sale is Mrs. Furer.
14

15 Therefore, based on the foregoing, and pursuant to the Order Authorizing Sale of
16 Incline Residence, Etc., Mr. Furer hereby notifies the Court that Mrs. Furer has failed and
17 refused to execute the deeds, bills of sale and other documents necessary to complete the sale.
18 Because of Mrs. Furer's failure and refusal, Mr. Furer requests that the Court direct that the
19 Clerk of the Second Judicial District Court of the State of Nevada in and for the County of
20 Washoe sign all deeds, bills of sale and/or other documents necessary to complete the sale.
21

22 As with most real estate transactions, some of the documents needing signature may
23 not be available until closer to the actual closing, such as the preliminary and final escrow
24 closing statements. From a practical business standpoint, it makes no sense to file serial
25 motions for every single document that will need signature. That is why Mr. Furer asks that
26

27 ² In her opposition, Mrs. Furer claims that she is willing to sign papers at closing. But the contract
28 for sale of the house calls for a closing with 10 days AFTER she signs the deed. Her idea of signing at
closing does not work contractually. It is merely a ploy to postpone the sale and make matters
difficult.

1 the Court direct the Clerk of the Court to sign ALL documents necessary to complete the sale,
2 without specifying each and every document that will need signature.

3
4 However, a list of the documents that we know will require signature is provided as
5 follows:

- 6 A. Escrow Instructions;
7 B. Form 1099;
8 C. Commission Instructions;
9 D. Grant, Bargain, and Sale Deed;
10 E. Declaration of Value form;
11 F. Commitment for Title Insurance;
12 G. Seller's Estimated Settlement Statement; and
13 H. Any and all other documents required for the sale of the Incline Village
14 property.

15 Additionally, there are also documents that will need to be signed for the sale of the two boats
16 which include a bill of sale and any and all other documents required for the sale of the boats.

17 Attached hereto is the proposed order directing the Clerk of the Court to execute all
18 such deeds, bills of sale and/or other documents necessary to complete the sale of the Incline
19 Residence and the two boats.

20 Unless otherwise instructed by the Court, upon receipt of the signed Order, Mr.
21 Furer's counsel will deliver a copy of the Order and the original documents to the Clerk of the
22 Court for signature.

23 RESPECTFULLY SUBMITTED this 17th day of September, 2007.

24 DATED this 17th day of Sept., 2007.

25 KENT R. ROBISON
26 ROBISON, BELAUSTEGUI,
27 SHARP & LOW

28 WOODBURN AND WEDGE

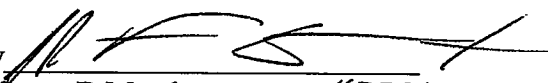
By 
For: Shawn B Meador #7774
Attorneys for Andrew Earl Furer

EXHIBIT "A"

GORDON H. DePAOLI
JOHN P. FOWLER
JOHN F. MURTHA
STEPHEN S. KENT
NICHOLAS F. FREY
W. CHRIS WICKER
SHAWN B MEADOR
R. BLAIN ANDRUS
DON L. ROSS
GREGG P. BARNARD
DALE E. FERGUSON
RANDY A. DRAKE
SHAWN G. PEARSON

WOODBURN AND WEDGE
ATTORNEYS AND COUNSELORS AT LAW
6100 NEIL ROAD
SUITE 500
RENO, NEVADA 89511
P.O. BOX 2311, RENO, NV 89505
(775) 688-3000
FACSIMILE (775) 688-3088

DANE W. ANDERSON
MICHAEL W. KEANE
JOHN F. KEUSCHER
SHARON M. PARKER
JESSICA S. HANSON
JILL M. VACCHINA
BRENOCH R. WIRTHLIN
—
WILLIAM K. WOODBURN (1910-1989)
VIRGIL H. WEDGE (1912-2000)
CASEY W. VLAUTIN (1958-2001)
—
OF COUNSEL
JAMES J. HALLEY

September 13, 2007

FEDERAL EXPRESS

Eloisa B. Furer
9812 Winter Palace
Las Vegas, NV 89145

Re: Sale of Incline Residence

Dear Mrs. Furer:

Judge Weller's assistant notified us that on September 11, 2007, she sent you a copy of the Court's Order allowing the Incline Residence to be sold and requiring that the proceeds be deposited into the blocked joint account as you requested.

We attempted to fax you a copy of the order numerous times yesterday but your answering machine was on and didn't go to your fax machine. Janna left several messages asking that you let us know when we can fax it to you. You did not return her calls.

This morning we tried to fax this letter to you four times but your answering machine was on and didn't go to your fax machine. Janna called and left three messages. You did not return her calls. On some occasions it sounded like someone picked up the phone and then hung up. On one occasion the fax started to go through but was then interrupted by a line failure or hang-up.

In your Opposition you stated that it would not be necessary to involve the Court Clerk to sign the documents as you would execute the documents to complete the sale of the property yourself. I am pleased that you are willing to

EXHIBIT 4A

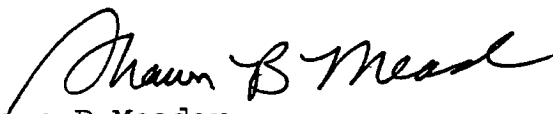
cooperate in this fashion. However, if you are now unwilling to do so or make yourself unavailable, I will have no choice other than to ask the Court to have the Clerk sign the documents on your behalf.

The documents are now at First American Title Company, 8350 West Sahara Ave., Suite 110, Las Vegas, Nevada, for your signature. I am told that this is the First American office that is closest and most convenient to your home and hope that is the case. The escrow officer is Kathleen Lamarche. It would probably be easiest if you call Ms. Lamarche in advance to make arrangement to sign the documents. Her number is (702) 243-2202.

As I am sure you understand based upon your previous experience with buying and selling real estate, the title company will hold the signed documents in escrow until the sale closes. At that time, they will be recorded and the money deposited into the blocked account. If for any reason the sale does not close, the title company will not record the documents.

I am providing the Court with a copy of this letter so that he will know the efforts we have made to get this information to you.

Very truly yours,


Shawn B Meador

SBM:jgh

cc: A. Furer

K. Robison

Judge Weller (by fax)

FATCO

Dear Mrs. Furer:

Judge Weller's assistant notified us that on September 11, 2007, she sent you a copy of the Court's Order allowing the Incline Residence to be sold and requiring that the proceeds be deposited into the blocked joint account as you requested.

We attempted to fax you a copy of the order numerous times yesterday but your answering machine was on and didn't go to your fax machine. Janna left several messages asking that you let us know when we can fax it to you. You did not return her calls.

This morning we tried to fax this letter to you four times but your answering machine was on and didn't go to your fax machine. Janna called and left three messages. You did not return her calls. On some occasions it sounded like someone picked up the phone and then hung up. On one occasion the fax started to go through but was then interrupted by a line failure or hang-up.

In your Opposition you stated that it would not be necessary to involve the Court Clerk to sign the documents as you would execute the documents to complete the sale of the property yourself. I am pleased that you are willing to

E-4) NO FACSIMILE CONNECTION
E-2) BUSY

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

FILE MODE 279 MEMORY TX
OPTION ADDRESS (GROUP) RESULT PAGE
9170222288553--10911001 OK P. 2/2

FAX HEADER:
* * * COMMUNICATION RESULT REPORT (SEP.14.2007 2:07PM) * * *



[US Home](#)

[Information Center](#) | [C](#)

[Español](#)

[Se](#)

Package / Envelope Services	Office/Print Services	Freight Services	Ex
Ship	Track	Manage My Account	International

Track Shipments
Detailed Results

[Printable Version](#) [Quick Help](#)

Tracking number 834872195585 **Reference** 10911 001
Signed for by Signature release on file **Delivered to** Residence
Ship date Sep 13, 2007 **Service type** Priority Envelope
Delivery date Sep 14, 2007 9:47 AM
Status Delivered
Signature image available No

Wrong Address?
Reduce future
FedEx Address

**Tracking a
Shipment?**
Go to [shipping](#)

Date/Time	Activity	Location	Details
Sep 14, 2007	9:47 AM	Delivered	Left at front door. Package delivered to recipient address - release authorized
	8:24 AM	On FedEx vehicle for delivery	NORTH LAS VEGAS, NV
	7:28 AM	At local FedEx facility	NORTH LAS VEGAS, NV
	3:16 AM	At dest sort facility	LAS VEGAS, NV
Sep 13, 2007	2:25 AM	Departed FedEx location	OAKLAND, CA
	9:37 PM	Arrived at FedEx location	OAKLAND, CA
	6:35 PM	Left origin	RENO, NV
	4:37 PM	Picked up	RENO, NV

Take 15'
list rates on
FedEx Express
online shipping

[Learn more](#)

Signature proof	E-mail results	Track more shipments
---------------------------------	--------------------------------	--------------------------------------

Subscribe to tracking updates (optional)

Your Name:

Your E-mail Address:

E-mail address	Language	Exception updates	Delivery updates
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)



[Global Home](#) | [Service Info](#) | [About FedEx](#) | [Investor Relations](#) | [Careers](#) | [FedEx Mobile](#) | [fedex.com Terms of Use](#) | [Privacy Policy](#)

This site is protected by copyright and trademark laws under US and International law. All rights reserved. © 1995-2007 Fedt

FedEx® USA Airbill
 Express

FedEx Tracking Number

8348 7219 5585

1 From *Please print and press hard.*
 Date 9-13-07 Sender's FedEx Account Number 0895-0123-7
 Sender's Name SHAWN B MEADOR Phone (775) 688-3000
 Company WOODBURN & WEDGE
 Address 6100 NEIL RD STE 500 Dept./Floor/Suite/Room
 City RENO State NV ZIP 89511

2 Your Internal Billing Reference 10911.001A1
 3 To Recipient's Name ELOISA FURER Phone ()
 Company

Address 9812 WINTER PALACE We cannot deliver to P.O. boxes or P.O. ZIP codes.
 Address LAS VEGAS Dept./Floor/Suite/Room
 City LAS VEGAS State NV ZIP 89145

Try online shipping at fedex.com
 By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.
 Questions? Visit our Web site at fedex.com or call 1.800.Go.FedEx® 800.463.3339.



4a Express Package Service
 FedEx Priority Overnight Next business morning
 FedEx Standard Overnight Next business morning
 FedEx Express Saver Third business day
 FedEx Emergency rate not available. Minimum charge. One pound free.

4b Express Freight Service
 FedEx 1Day Freight* Next business day
 FedEx 2Day Freight Second business day
 FedEx 3Day Freight Third business day
 * Call for Confirmation.

5 Packaging
 FedEx Envelope*
 FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Shrinky Pak
 Other
 * Declared value limit \$500

6 Special Handling
 SATURDAY Delivery Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
 HOLD Weekday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
 HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
 Does this shipment contain dangerous goods?
 No Yes (Attach Shipper's Declaration) Yes (Declaration not required)
 Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.
 Dry Ice (Dry Ice 3. UN 1845) Cargo Aircraft Only

7 Payment Bill to:
 Sender Recipient Third Party Credit Card Cash/Check
 Enter FedEx Acct. No. or Credit Card No. below.
 FedEx Acct. No. in Section 1 will be billed.
 Total Packages Total Weight Total Declared Value \$.00
 FedEx Use Only

8 Release Signature
 Your liability is limited to \$100 unless you declare a higher value. See back for details.
 Sign to authorize delivery without signature
 By signing and authorizing us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any person's claims.
 Signature: Shawn Meador
 447

0219161329
 SF - Rev. Date 10/01/06