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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

PACIFIC WESTERN BANK, A  
CALIFORNIA BANKING  
CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
SUSAN SCANN, DISTRICT JUDGE,

Respondents,

and

JOHN A. RITTER, AN INDIVIDUAL;  
DARRIN D. BADGER, AN  
INDIVIDUAL; AND VINCENT T.  
SCHETTLER, AN INDIVIDUAL,

Real Parties in Interest.

Electronically Filed  
Nov 19 2015 01:09 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Case No. 69048

District Court No: A-14-710645-E

Dept. 29

**REAL PARTY IN INTEREST'S APPENDIX**  
**VOLUME 1, BATES NUMBERS BADGER 000001-000171**

REID RUBINSTEIN & BOGATZ

By: /s/ Charles M. Vlasic  
I. SCOTT BOGATZ (3367)  
CHARLES M. VLASIC III (11308)  
3883 Howard Hughes Pkwy., Ste. 790  
Las Vegas, Nevada 89169  
Telephone: (702) 776-7000  
Facsimile: (702) 776-7900

Attorneys for Defendants, John A.  
Ritter and Darrin D. Badger

FOX ROTHSCHILD, LLP

By: /s/ Mark J. Connot  
MARK J. CONNOT (10010)  
3800 Howard Hughes Pkwy., Ste. 500  
Las Vegas, Nevada 89169  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503

Attorneys for Defendants, John A.  
Ritter and Darrin D. Badger

## **INDEX TO REAL PARTY IN INTEREST'S APPENDIX**

<b><u>DOCUMENT DESCRIPTION</u></b>	<b><u>LOCATION</u></b>
Application of Foreign Judgment (Filed 12/3/14)	Vol. 1, Bates Nos. BADGER 000001-000015
Objection to Affidavit Claiming Exempt Property (Filed 5/22/15)	Vol. 1, Bates Nos. BADGER 000016-000053
Affidavits Claiming Exempt Property Filed By Badger's Children (Filed 6/5/15)	Vol. 1, Bates Nos. BADGER 000054-000068
Court Minutes (Dated 7/9/15)	Vol. 1, Bates No. BADGER 000069
Writ of Execution (Dated 7/22/15)	Vol. 1, Bates Nos. BADGER 000070-000093
Affidavits Claiming Exempt Property Filed By Badger's Children (Filed 8/6/15)	Vol. 1, Bates Nos. BADGER 000094-000111
Badger's Response to PWB's Objection to Affidavits Claiming Exempt Property	Vol. 1, Bates Nos. BADGER 000112-000169
Court Minutes (Dated 7/9/15)	Vol. 1, Bates Nos. BADGER 000170-000171

# CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of November, 2015, I served a copy of the foregoing **REAL PARTY IN INTEREST'S APPENDIX** upon each of the following parties electronically, through the Nevada Supreme Court's e-filing system where applicable, and otherwise, through the United States Mail:

Snell & Wilmer LLP  
BOB OLSON, ESQ.  
KELLY H. DOVE, ESQ.  
KARL O. RILEY, ESQ.  
3883 Howard Hughes Parkway, Ste. 1100  
Las Vegas, Nevada 89169  
*Attorneys for Petitioner, Pacific Western Bank*

Fox Rothschild, LLP  
MARK J. CONNOT, ESQ.  
3800 Howard Hughes Parkway, 5<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
*Co-counsel for Real Parties in Interest,  
John A. Ritter and Darrin D. Badger*

Glen Lerner Injury Attorneys  
JOSEPH F. SCHMITT, ESQ.  
4795 S. Durango Drive  
Las Vegas, Nevada 89147  
*Attorneys for Real Parties in Interest,  
Vincent T. Schettler*

Timothy S. Cory & Associates  
TIMOTHY S. CORY, ESQ.  
8831 W. Sahara Ave.  
Las Vegas, Nevada 89117  
*Attorneys for Real Parties in Interest,  
Vincent T. Schettler*

/s/ Jennifer Moran  
An Employee of Reid Rubinstein & Bogatz

A-14-710645-F

## DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

X I X

Case No. ....

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Pacific Western Bank

Defendant(s) (name/address/phone):

John A. Ritter

Darren D. Badger

Vincent T. Schettler

Attorney (name/address/phone):

Bob L. Olson, Esq.

Attorney (name/address/phone):

Snell &amp; Wilmer L.L.P.

3883 Howard Hughes Parkway, Suite 1100

Las Vegas, NV 89169 (702-784-5200)

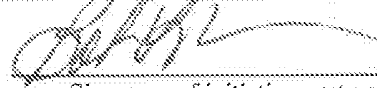
**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Judicial Review/Appeal
<b>Probate (select case type and estate value)</b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$1,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Building & Construction <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input checked="" type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

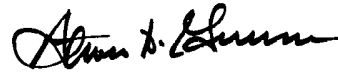
12/3/14

Date



Signature of initiating party or representative

Electronically Filed  
12/03/2014 01:02:52 PM



CLERK OF THE COURT

1 AFJ  
2 Bob L. Olson, Esq.  
3 Nevada Bar No.6019  
4 SNELL & WILMER L.L.P.  
5 3883 Howard Hughes Parkway, Suite 1100  
6 Las Vegas, NV 89169  
7 Telephone (702) 784-5200  
8 Facsimile (702) 784-5252  
9 Email: bolson@swlaw.com  
10 *Attorneys for Plaintiff Pacific Western Bank, a*  
11 *California banking corporation*

12 DISTRICT COURT  
13 CLARK COUNTY NEVADA

14 PACIFIC WESTERN BANK, a California  
15 banking corporation,

16 Plaintiff,

17 v.

18 JOHN A. RITTER, an individual;  
19 DARREN D. BADGER, an individual;  
20 VINCENT T. SCHETTLER, an individual;  
21 and DOES 1 THROUGH 50,

22 Defendants.

Case No. A-14-710645-F

Dept. No. XIX

APPLICATION OF FOREIGN JUDGMENT

23 Pacific Western Bank (the "Judgment Creditor"), through its attorneys, Snell & Wilmer  
24 L.L.P., makes hereby files its Notice of Filing a Foreign Judgment ("Notice") pursuant to NRS  
25 17.330 through 17.400, the Uniform Enforcement of Foreign Judgments Act.

26 1. Plaintiff Pacific Western Bank is the Judgment Creditor in this matter.

27 2. John A. Ritter, Darren D. Badger, and Vincent T. Schettler (the "Judgment  
28 Debtors") are the Judgment Debtors in this matter.

29 3. On September 26, 2014, Judgment Creditor obtained a Judgment against the  
30 Judgment Debtors in the Superior Court of the State of California in and for the County of Orange  
31 (the "Foreign Judgment") in the amount of \$2,717,490.79 (comprising the principal sum of  
32 \$2,497,568.73, plus accrued interest through December 5, 2012 in the amount of \$10,406.54, and  
33 *per diem* interest at the daily rate of \$346.88, from December 5, 2012 through August 1, 2014, in

Snell & Wilmer  
L.L.P.

LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 784-5200

1 the amount of \$209,515.52).

2 4. Pursuant to NRS 17.350, an exemplified copy of the Foreign Judgment is attached  
3 hereto as Exhibit "1."

4 5. The Foreign Judgment against the Judgment Debtors and in favor of the Judgment  
5 Creditors is valid and enforceable. As of the Date of this Notice, Judgment Debtors have not  
6 satisfied the Foreign Judgment, in full or in part.

7 6. The Judgment Creditor's last known address is:

8 Pacific Western Bank  
9 444 So. Flower Street, Suite 1400  
10 Los Angeles, CA 90071  
11 Attn.: Joseph H. Catmull

12 7. Judgment Creditor's Nevada counsel is:

13 Bob L. Olson  
14 Snell & Wilmer, L.L.P.  
15 3773 Howard Hughes Parkway, 11<sup>th</sup> Floor  
16 Las Vegas, NV 89169.

17 8. Judgment Creditor is informed and believes that the Judgment Debtors' last known  
18 addresses are:

19 John A. Ritter  
20 8575 West Washburn Road  
21 Las Vegas, NV 89149

22 Darrin D. Badger  
23 6265 Whispering Brook Court  
24 Las Vegas, NV 89149

25 Vincent T. Schettler  
26 10432 Summit Canyon  
27 Las Vegas, NV 89144

28 9. The last known addresses for the attorneys for the Judgment Debtors are:

Daniel Y. Zohar  
Zohar Law Firm, P.C.  
601 S. Figueroa Street, Suite 2675  
Los Angeles, CA 90017

Mark W. Yocca  
Paul Kim  
The Yocca Law Firm, L.L.P.  
19000 MacArthur Boulevard, Suite 650  
Irvine, CA 92612

1           10.     The Foreign Judgment complies with the provisions of NRS 17.340.

2           11.     Judgment Creditor attaches to this Application as **Exhibit "2"** the Affidavit of the  
3 Judgment Creditor in support of the Application of Foreign Judgment pursuant to NRS 17.360  
4 (the "Affidavit").

5           12.     The Affidavit provides the information required by NRS 17.360:

- 6               (a)     The name and last known post office addresses of the Judgment Debtors;  
7               (b)     The name and last known post office address of the Judgment Creditor;  
8               (c)     A statement that the Foreign Judgment is valid and enforceable; and  
9               (d)     The extent to which the Foreign Judgment has been satisfied.

10          DATED this 8<sup>th</sup> day of December 2014.

11                               SNELL & WILMER, L.L.P.

12  
13          By: \_\_\_\_\_

14                               Bob L. Olson (Nevada Bar No. 3783)  
15                               3883 Howard Hughes Parkway, Suite 1100  
16                               Las Vegas, NV 89169  
17                               Telephone: (702) 784-5200  
18                               Facsimile: (702) 784-5252  
19                               Attorneys for Plaintiff Pacific Western Bank, a  
20                               California banking corporation

Snell & Wilmer

LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 784-5200

# EXHIBIT 1

# EXHIBIT 1



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE****JUSTICE CENTER:**

- ☒ Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045  
☐ Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512  
☐ Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251  
☐ Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595  
☐ Lamoreaux - 341 The City Drive, Orange, CA 92868-3205  
☐ North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500  
☐ West - 8141 13<sup>th</sup> Street, Westminster, CA 92683-4593

**PLAINTIFF/PETITIONER:** PACIFIC WESTERN BANK, a California banking corporation

**DEFENDANT/RESPONDENT:** JOHN A. RITTER, an individual; DARREN D. BADGER, an individual; VINCENT T. SCHETTLER, an individual; and, DOES 1 through 50,

**EXEMPLIFICATION OF COURT RECORD****CASE NUMBER:****30-2012-00619626-CU-CO-CJC**

I, Alan Carlson, Executive Officer and Clerk of the Superior Court of California, County of Orange, which is a court having a seal, do certify and attest that the attached document consisting of 4 page(s) is a true and correct copy of the original record in this Court.

<b>Date Filed:</b>	<b>Document:</b>
SEPT 26 2014//////////	JUDGMENT AFTER GRANTING OF MOTIONS FOR SUMMARY JUDGMENT AS TO PLAINTIFF'S COMPLAINT AND AS TO THE FIRST AMENDED CROSS-COMPLAINT FILED BY RITTER AND BADGER(END)//////////
//////////	//////////
//////////	//////////



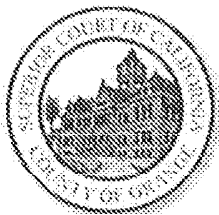
*Alan Carlson*

Clerk of the Superior Court

Date: October 8, 2014

Prepared by *[Signature]*

I, the undersigned, a judge of the above-named court, certify that Alan Carlson, who is named above, is the Clerk of the above-named court, having a seal, which is affixed above; that this person is the proper officer of the court authorized by law to execute the same; that the Clerk's signature is genuine; and that the attestation is in due form according to the laws of the State of California.



Date: October 8, 2014

*G. Sanders*

GLENDIA SANDERS, JUDICIAL OFFICER

ELECTRONICALLY RECEIVED  
Superior Court of California,  
County of Orange  
08/16/2014 at 08:57:14 AM  
Clerk of the Superior Court  
By Deborah Morales, Deputy Clerk

PRENOVOST, NORMANDIN, BERGH & DAWE

A Professional Corporation

TOM R. NORMANDIN, SBN 102265

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ADAM S. HAMBURG, SBN 247127

ahamburg@pnbd.com

2122 North Broadway, Suite 200

Santa Ana, California 92706-2614

Phone No.: (714) 547-2444

Fax No.: (714) 835-2889

Attorneys for Pacific Western Bank

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
SEP 26 2014  
ALAN CARLSON, Clerk of the Court  
BY C. BOLSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual; DARREN  
D. BADGER, an individual; VINCENT T.  
SCHETTLER, an individual; and, DOES 1  
through 50,

Defendant.

AND RELATED CROSS-ACTIONS.

Case No. 30-2012-00619626-CU-CO-CJC

~~PROPOSED~~ JUDGMENT AFTER  
GRANTING OF MOTIONS FOR  
SUMMARY JUDGMENT AS TO  
PLAINTIFF'S COMPLAINT AND AS TO  
THE FIRST AMENDED CROSS-  
COMPLAINT FILED BY RITTER AND  
BADGER

Assigned for All Purposes to:  
Hon. David Chaffee, Dept. C20

Action Filed: December 19, 2012  
Trial Date: November 10, 2014

Plaintiff Pacific Western Bank's ("Pacific Western Bank" or "Bank") Motion for Summary Judgment or, in the Alternative, Summary Adjudication as to Plaintiff's Complaint came on for hearing on February 21, 2014 at 9:30 a.m. before the Honorable David Chaffee, Judge Presiding.

After full consideration of the matter, on June 25, 2014, the Court granted the Bank's Motion for Summary Judgment on its Complaint and ordered that judgment be entered in favor of the Bank and against Defendant Vincent T. Schettler ("Schettler") in the amount of \$2,682,455.81 (principal sum of \$2,497,568.73, plus accrued interest through December 5, 2012 in the amount of

PRENOVOST, NORMANDIN, BERGH & DAWE

A Professional Corporation

3133 NORTH BROADWAY, SUITE 200

SANTA ANA, CALIFORNIA 92706-2654

Tel (714) 517-3444 • Fax (714) 835-2889

1 \$10,406.54, and *per diem* interest, at the daily rate of \$346.88, from December 5, 2012 through  
2 April 22, 2014 in the amount of \$174,480.64).

3 The Bank's Motion for Summary Judgment or, in the Alternative, Summary Adjudication  
4 as to the First Amended Cross-Complaint ("FACC") of Defendants and Cross-Complainants John  
5 A. Ritter and Darren D. Badger came on for hearing on July 11, 2014 at 9:30 a.m. before the  
6 Honorable David Chaffee, Judge Presiding.

7 After full consideration of the matter, on July 22, 2014, this Court granted the Bank's  
8 Motion for Summary Judgment on John A. Ritter and Darren D. Badger's FACC in its entirety on  
9 the grounds that the first through fifth causes of action alleged in the FACC were all barred by the  
10 applicable statute of limitations.

11 The Court denied John A. Ritter and Darren D. Badger's Motion for Leave to File a  
12 Second Amended Cross-Complaint as moot.

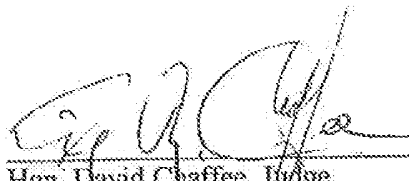
13 IT IS THEREFORE ORDERED AND ADJUDGED that judgment be entered in favor of  
14 Pacific Western Bank on its Complaint and against John A. Ritter and Darren D. Badger, jointly  
15 and severally with Vincent T. Schettler and each other, in the amount in the amount of  
16 \$2,717,490.79 (comprising the principal sum of \$2,497,568.73, plus accrued interest through  
17 December 5, 2012 in the amount of \$10,406.54, and *per diem* interest, at the daily rate of \$346.88,  
18 from December 5, 2012 through August 1, 2014 in the amount of \$209,515.52).

19 IT IS FURTHER ORDERED AND ADJUDGED that the FACC be dismissed with  
20 prejudice.

21 IT IS FURTHER ORDERED that Pacific Western Bank is entitled to recover the costs  
22 associated with the prosecution and defense of these actions, including reasonable attorney's fees,  
23 subject to the filing of an appropriate Memorandum of Costs and Motion for Attorney's Fees.

24 IT IS SO ORDERED.

25 DATED: SEP 26 2014

26  
27   
28 Hon. David Chaffee, Judge

**PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 2122 North Broadway, Suite 200, Santa Ana, CA 92706-2614.

On August 19, 2014, I served true copies of the following document(s) described as **[PROPOSED] JUDGMENT AFTER GRANTING OF MOTIONS FOR SUMMARY JUDGMENT AS TO PLAINTIFF'S COMPLAINT AND AS TO THE FIRST AMENDED CROSS-COMPLAINT FILED BY RITTER AND BADGER** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Prenovost, Normandin, Bergh & Dawe's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Santa Ana, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 19, 2014, at Santa Ana, California.

/s/ Jan M. Wade

Jan M. Wade

PRENOVOST, NORMANDIN, BERGH & DAWE  
A Professional Corporation  
2122 NORTH BROADWAY, SUITE 200  
SANTA ANA, CALIFORNIA 92706-2614  
TEL (714) 517-2444 • FAX (714) 835-2389

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3323 NORTH BROADWAY, SUITE 200

SANTA ANA, CALIFORNIA 92706-2634

Tel. (714) 947-9444 • Fax (714) 935-9889

# SERVICE LIST

Pacific Western Bank v. John A. Ritter, et al.  
30-2012-00619626-CU-CO-CJC

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Los Angeles, CA 90017  
(213) 689-1300  
fax (213) 689-1305

Attorneys for Defendants and Cross-  
Defendants, John A. Ritter and Darrin D.  
Badger

THE YOCCA LAW FIRM LLP

Mark W. Yocca

Paul Kim

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Irvine, CA 92612

(949) 253-0800

fax (949) 253-0870

Attorneys for Defendant, Vincent T. Schettler

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Rory P. Culver  
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Los Angeles, CA 90067  
310-712-6600

fax 310-712-8800

parisa@sullcrom.com

culverr@sullcrom.com

Co-counsel for Pacific Western Bank

# EXHIBIT 2

# EXHIBIT 2

1 **AFFT**  
2 Bob L. Olson, Esq.  
3 Nevada Bar No.6019  
4 SNELL & WILMER L.L.P.  
5 3883 Howard Hughes Parkway, Suite 1100  
6 Las Vegas, NV 89169  
7 Telephone (702) 784-5200  
8 Facsimile (702) 784-5252  
9 Email: bolson@swlaw.com  
10 *Attorneys for Plaintiff Pacific Western Bank, a*  
11 *California banking corporation*

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DISTRICT COURT  
CLARK COUNTY NEVADA

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No.

Dept. No.

**AFFIDAVIT OF JUDGMENT**  
**CREDITOR**

STATE OF NEVADA )  
COUNTY OF CLARK ) ss.

BOB L. OLSON, ESQ. being first duly sworn, upon oath, deposes and says:

1. I am an attorney duly licensed to practice law in the State of Nevada and am an attorney at the law firm of Snell & Wilmer L.L.P., counsel for Pacific Western Bank (the "Judgment Creditor").

2. I make this Affidavit pursuant to the Uniform Enforcement of Foreign Judgments Act, particularly NRS 17.360, and at the request of Judgment Creditor.

3. I have personal knowledge of the facts set forth herein, except those facts set forth on information and belief and, as to those facts, I believe them to be true.

4. I am competent to testify to the facts set forth herein and, if called upon to testify in a

1 court of law, I could and would so testify.

2 5. I am informed and believe that on September 26, 2014, Judgment Creditor obtained a  
3 Judgment against the Judgment Debtors in the Superior Court of the State of California in and for  
4 the County of Orange (the "Foreign Judgment") in the amount of \$2,717,490.79 (comprising the  
5 principal sum of \$2,497,568.73, plus accrued interest through December 5, 2012 in the amount of  
6 \$10,406.54, and *per diem* interest at the daily rate of \$346.88, from December 5, 2012 through  
7 August 1, 2014, in the amount of \$209,515.52). On September 26, 2014, Judgment Creditor  
8 obtained a Judgment against John A. Ritter, Darren D. Badger, and Vincent T. Schettler (the  
9 "Judgment Debtors") in the Superior Court of the State of California in and for the County of  
10 Orange (the "Foreign Judgment").

11 6. An exemplified copy of the Foreign Judgment is attached to the Application of  
12 Foreign Judgment filed with this Affidavit.

13 7. I am informed and believe that the Foreign Judgment against the Judgment Debtors  
14 and in favor of the Judgment Creditors is valid and enforceable.

15 8. I am informed and believe that the Foreign Judgment has not been satisfied in full or  
16 in part.

17 9. The Judgment Creditor's last known address is:

18 Pacific Western Bank  
19 444 So. Flower Street, Suite 1400  
20 Los Angeles, CA 90071  
Attn.: Joseph H. Catmull

21 10. Judgment Creditor's Nevada counsel is:

22 Bob L. Olson  
23 Snell & Wilmer, L.L.P.  
24 3773 Howard Hughes Parkway, 11<sup>th</sup> Floor  
Las Vegas, NV 89169

25 11. I am informed and believe that the Judgment Debtors' last known addresses are:

26 John A. Ritter  
27 8575 West Washburn Road  
28 Las Vegas, NV 89149  
  
Darrin D. Badger  
6265 Whispering Brook Court



Snell & Wilmer

LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 784-5200

Las Vegas, NV 89149


Vincent T. Schettler  
10432 Summit Canyon  
Las Vegas, NV 89144

12. I am informed and believe that the last known addresses for the attorneys for the Judgment Debtors are:

Daniel Y. Zohar  
Zohar Law Firm, P.C.  
601 S. Figueroa Street, Suite 2675  
Los Angeles, CA 90017

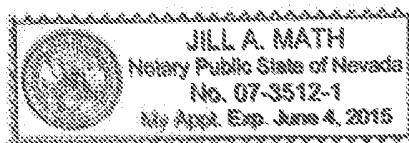
Mark W. Yocca  
Paul Kim  
The Yocca Law Firm, L.L.P.  
19000 MacArthur Boulevard, Suite 650  
Irvine, CA 92612

I make this Affidavit under penalty of perjury.

  
Bob L. Olson, Esq.

SUBSCRIBED AND SWORN to before me  
this 3<sup>rd</sup> day of December 2014.

  
NOTARY PUBLIC



**IAFD**

Bob L. Olson, Esq.  
Nevada Bar No.6019  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone (702) 784-5200  
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Email: bolson@swlaw.com  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

DISTRICT COURT  
CLARK COUNTY NEVADA

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No.

Dept. No.

**INITIAL APPEARANCE FEE  
DISCLOSURE (NRS CHAPTER 19)**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for  
parties appearing in the above-entitled action as indicated below:

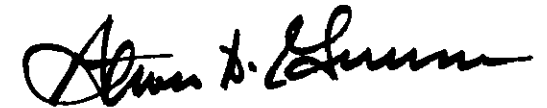
PACIFIC WESTERN BANK                        X   \$270.00

DATED this 3<sup>rd</sup> day of December 2014.

SNELL & WILMER, L.L.P.

By:           /s/ Bob L. Olson          

Bob L. Olson (Nevada Bar No. 3783)  
3883 Howard Hughes Parkway, Suite 1100  
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Telephone: (702) 784-5200  
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*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*



CLERK OF THE COURT

1 Bob L. Olson, Esq.  
2 Nevada Bar No. 6019  
3 SNELL & WILMER LLP.  
4 3883 Howard Hughes Parkway, Suite 1100  
5 Las Vegas, NV 89169  
6 Telephone (702) 784-5200  
7 Facsimile (702) 784-5252  
8 Email: bolson@swlaw.com  
9 *Attorneys for Plaintiff Pacific Western Bank, a*  
10 *California banking corporation*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 PACIFIC WESTERN BANK, a California  
14 banking corporation,

15 Plaintiff,

16 v.

17 JOHN A. RITTER, an individual;  
18 DARREN D. BADGER, an individual;  
19 VINCENT T. SCHETTLER, an individual;  
20 and DOES 1 THROUGH 50,

21 Defendants.

Case No: A-14-710645-C

Dept. No.: XIX

**OBJECTION TO DARRIN D. BADGER'S  
AFFIDAVIT CLAIMING EXEMPT  
PROPERTY**

22 Plaintiff Pacific Western Bank, a California banking corporation (the "Pacific Western  
23 Bank"), hereby submits its *Objection to Darrin D. Badger's Affidavit Claiming Exempt Property*  
24 ("Objection").

25 ///

26 ///

27 ///

28 ///

///

Snell & Wilmer

LAW OFFICES  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
(702) 784-5200

This Objection is based upon the pleadings and papers on file, the accompanying Memorandum of Points and Authorities below, and any oral argument this Court may entertain.

DATED this 22<sup>d</sup> day of May 2015.

SNELL & WILMER L.L.P.

By: 

Bob L. Olson (NV Bar No. 3783)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that Plaintiff will bring its **OBJECTION TO DARRIN D. BADGER'S AFFIDAVIT CLAIMING EXEMPT PROPERTY** against defendants on for hearing on the 11 day of June 2015, at the hour of 9:00 a.m. in Dept. XIX of the above Court, or as soon thereafter as counsel may be heard.

DATED this 22<sup>d</sup> day of May 2015.

SNELL & WILMER L.L.P.

By: 

Bob L. Olson (NV Bar No. 3783)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

MEMORANDUM OF POINTS AND AUTHORITIES

I. **FACTUAL BACKGROUND**

Pacific Western Bank loaned Defendants John A. Ritter ("Ritter"), Darren D. Badger ("Badger") and Vincent T. Schettler ("Schettler") and together with Ritter and Badger the "Defendants") \$10,000,000 (the "Loan"). Defendants, however, refused to pay the Loan, thereby leaving Pacific Western Bank with no option but to sue them.

After protracted litigation, on September 26, 2014, Pacific Western Bank obtained a Judgment After Granting of Motions for Summary Judgment as to the Plaintiff's Complaint and as to the First Amended Cross-Complaint filed by Ritter and Badger (the "Judgment") from the Superior Court of the State of California. The judgment was in the amount of \$2,682,455.81 (principal sum of \$2,497,568.73, plus accrued interest through December 5, 2012 in the amount of \$10,406.54, and *per diem* interest, at the daily rate of \$346.88, from December 5, 2012 through April 22, 2014 in the amount of \$174,480.64). In addition to these amounts, as of May 22, 2015, another 395 days of interest at the daily rate of \$346.88 has accrued on the Judgment. A true and correct copy of the Judgment is attached hereto as **Exhibit "1."**

Plaintiff domesticated the Judgment in Nevada on December 4, 2014.

Defendants have not made any payments to Plaintiff on the Judgment.

On April 29, 2015, Plaintiff caused the constable to serve Wells Fargo Advisors with a writ of execution and a writ of garnishment. True and correct copies of the writ of execution and the writ of garnishment are attached hereto as **Exhibit "2"** and **"3"**, respectively. A copy of the constable's notice regarding the service of the writs on Wells Fargo Advisors is attached hereto as **Exhibit "4."**

On May 15, 2015, Defendant Badger filed his Affidavit Claiming Exempt Property ("Claim of Exemption"). A true and correct copy of the Claim of Exemption is attached hereto as **Exhibit "5."** The Claim of Exemption asserts an exemption in two assets pursuant to NRS 21.090(1)(r). The first is a SEP Individual Retirement Account held With Wells Fargo Advisors through the Schofield Group with a reputed balance of \$338,792.58. The second are three 529 accounts with a reputed aggregate balance of \$231,742.18. Thus the disclosed balances total

1 \$570,534.76. That amount is \$70,534.76 more than the \$500,000 exemption available under NRS  
2 21.090(1)(r).

3 For the reasons detailed below, Pacific Western Bank submits that the funds contained in  
4 the Wells Fargo Advisors accounts are not exempt and requests that this Court deny the Claim of  
5 Exemption.

## 6 II. ARGUMENT

### 7 A. Badger's Claim of Exemption was not Timely.

8 A party that claims property is exempt from execution "must, within 10 days after the  
9 notice of a writ of execution or garnishment is served on the judgment debtor" . . . "serve on the  
10 sheriff, the garnishee and the judgment creditor and file with the clerk of the court issuing the writ  
11 of execution the judgment debtor's claim of exemption." NRS 21.112(1).

12 Here, the writs were served on Badger on April 29, 2015 and the Claim of Exemption was  
13 filed with the Court and served on Pacific Western Bank on May 15, 2015, sixteen days after  
14 service. This is tardy under NRS 21.112(1). Even if the Court adds three days to the deadline for  
15 service by mailing under NRCP 6(a), the deadline for filing the Claim of Exemption expired on  
16 Monday May 11, 2015.<sup>1</sup>

17 In *Nationwide Finance Corp. v. Wolford*, 80 Nev. 502, 396 P.2d 398 (1970), a case  
18 decided seven years before NRS 21.112 was enacted, the Nevada Supreme Court held that "[t]he  
19 right of exemption is a personal privilege, which, if not claimed, is waived by the debtor," and  
20 ruled that the failure to set up the claim of exemption within a reasonable time acted as a waiver

21 <sup>1</sup> It is likely that Defendants will argue that since the ten day period in NRS 21.112(1) is less than 11 days,  
22 intermediate Saturdays, Sundays and non-judicial days shall be excluded in the computation pursuant to  
23 NRCP 6(a). Such an argument is not supported by NRS 21.112. Generally, subsection 1 of that statute  
24 requires a claim of exemption to be filed within "10 days after the notice of a writ of execution or  
25 garnishment is served on the judgment debtor." Conspicuously absent from that sentence is a reference to  
26 "judicial" days. Other portions of the statute, however, expressly refer to "judicial" days. For example,  
27 subsection 3 of that statute which governs objections to claims of exemption requires that such objections  
28 be filed within "8 *judicial* days after the claim of exemption is served on the judgment creditor."  
(emphasis added). Subsection 3 then goes on to provide that notice of the hearing on the objection shall be  
served "not less than 5 *judicial* days before the date set for the hearing." (emphasis added). Subsection 6  
then requires that the hearing on the objection "be held within 7 *judicial* days after the objection to the  
claim and notice for a hearing is filed." (emphasis added). By not inserting the word "judicial" before the  
phrase "10 days" in subsection 1 of the statute, but inserting the word "judicial" before every reference to  
a number of days less than ten, it is clear that the Nevada legislature did not intend for the 10 day period to  
be 10 *judicial* days.

1 of the right to do so. *Id.* At 504, 396 P.2d at 398. Thus, Badger's failure to timely file the Claim  
2 of Exemption constituted a waiver of his right to do so.

3 **B. Badger has the Burden of Proof.**

4 NRS 21.112(6) places the burden of proof upon the judgment debtor by stating: "[t]he  
5 judgment debtor has the burden to prove that he or she is entitled to the claimed exemption at  
6 such hearing." Thus, the burden is upon Badger to demonstrate that the property is exempt from  
7 execution. The burden of proof is not upon Pacific Western Bank, the judgment creditor.

8 **C. Badger has not met his Burden of Proof.**

9 The Claim of Exemption seeks to exempt property from execution that is worth  
10 \$570,534.76 when the available exemption is \$500,000. The Claim of Exemption also fails to  
11 disclose other assets Badger owns that fall under the NRS 21.090(1)(r) exemption. Pacific  
12 Western Bank believes that the Claim of Exemption fails to describe other assets that fall within  
13 the claimed exemption is because the value of those assets exceeds the available exemption.

14 NRS 21.090(1)(r) provides:

15 1. The following property is exempt from execution, except as otherwise  
specifically provided in this section or required by federal law:

16 (r) *Money, not to exceed \$500,000 in present value, held in:*

17 (1) An individual retirement arrangement which conforms with the  
applicable limitations and requirements of section 408 or 408A of the Internal  
Revenue Code, 26 U.S.C. §§ 408 and 408A;

18 (2) A written simplified employee pension plan which conforms with the  
applicable limitations and requirements of section 408 of the Internal Revenue  
Code, 26 U.S.C. § 408;

19 (3) A cash or deferred arrangement which is a qualified plan pursuant to  
the Internal Revenue Code;

20 (4) A trust forming part of a stock bonus, pension or profit-sharing plan  
which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue  
Code, 26 U.S.C. §§ 401 et seq.; and

21 (5) A trust forming part of a qualified tuition program pursuant to chapter  
22 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of  
NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the  
23 money is deposited after the entry of a judgment against the purchaser or account  
24 owner or the money will not be used by any beneficiary to attend a college or  
25 university.

26  
27 21.090(1)(r) (emphasis added).

28 **1. The Property is Worth More than the Available Exemption.**

1 The plain language of NRS 21.090(1)(r) enables a judgment debtor to claim a total  
2 exemption of \$500,000 on the following categories of assets: (1) individual retirement  
3 arrangements conforming with 26 U.S.C. 408 or 408A; (2) simplified employee pension plans  
4 conforming with 26 U.S.C. 408; (3) qualified plans formed pursuant to the Internal Revenue  
5 Code; (4) stock bonus, pension or profit-sharing plans that are qualified under 26 U.S.C. 401; and  
6 (5) qualified tuition programs formed pursuant to 26 U.S.C. 529. In order to meet the burden of  
7 proving that property is exempt under this exemption, the judgment debtor must be required to  
8 disclose all of his or her property that falls within the exemption and demonstrate that the value of  
9 that property is less than \$500,000. Badger has failed to do so.

10 Here Badger has disclosed assets worth \$570,534.76 but failed to disclose other property  
11 that he has that falls within this exemption. There are likely two reasons for this lack of  
12 disclosure. First, Badger undoubtedly does not want to disclose his assets because he does not  
13 want them to be executed upon. Second, he is already over the \$500,000 cap and any other assets  
14 in this category may be subject to execution.

15 In any event, it cannot be legitimately undisputed that Claim of Exemption should be  
16 denied with respect to at least \$70,534.76.

17 2. Badger has not shown the SEP Complies with the Internal Revenue  
18 Code.

19 In order for the SEP to qualify for an exemption under NRS 21.090(1)(r)(2), Badger must  
20 show that the SEP complies with the applicable limitations and requirements of section 408 of the  
21 Internal Revenue Code. Badger has produced no evidence that the SEP complies with the  
22 applicable limitations and requirements of the Internal Revenue Code. Thus, the Claim of  
23 Exemption should be denied in its entirety.

24 III. CONCLUSION

25 Since the Claim of Exemption was untimely, it should be denied in its entirety. If this  
26 Court determines that the Claim of Exemption was timely filed, the Court should still deny it  
27 because the attached assets exceed \$500,000 in value, Badger has not demonstrated that the SEP  
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complies with the applicable limitations and requirements of the Internal Revenue Code, and  
Badger has not disclosed all of his assets that fall within the NRS 21.090(1)(r) exemption.

DATED this 22<sup>d</sup> day of May 2015.

SNELL & WILMER L.L.P.

By: 

Bob L. Olson (NV Bar No. 3783)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

## CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **OBJECTION TO DARRIN D. BADGER'S AFFIDAVIT CLAIMING EXEMPT PROPERTY** by the method indicated:

- ☒ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.
- ☒ **BY U.S. MAIL:** by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ **BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_, a messenger service with which this firm maintains an account, of the document listed above to the person(s) at the address(es) set forth below.
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court pursuant to EDCR 8.05(a) and 8.05(f) to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail.

to the following:

Mark W. Yocca, Esq.  
Paul Kim, Esq.  
The Yocca Law Firm, L.L.P.  
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Charles M. Vlasic III, Esq.  
Reid Rubinstein & Bogatz  
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Snell & Wilmer

L.L.P.

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DATED: May 22, 2015

*Mary Stull*  
An Employee of Snell & Wilmer L.L.P.

EXHIBIT 1

EXHIBIT 1

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

**JUSTICE CENTER:**

- ☒ Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045
- ☐ Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512
- ☐ Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251
- ☐ Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595
- ☐ Lamoreaux - 341 The City Drive, Orange, CA 92668-3205
- ☐ North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92638-0500
- ☐ West - 8141 13<sup>th</sup> Street, Westminster, CA 92683-4593

**PLAINTIFF/PETITIONER:** PACIFIC WESTERN BANK, a California banking corporation

**DEFENDANT/RESPONDENT:** JOHN A. RITTER, an individual; DARREN D. BADGER, an individual; VINCENT T. SCHETTLER, an individual; and, DOES 1 through 50.

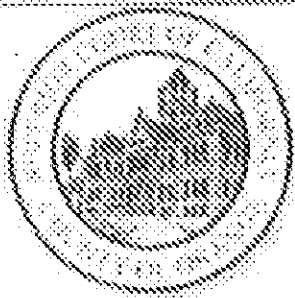
**EXEMPLIFICATION OF COURT RECORD**

**CASE NUMBER:**

30-2012-00619626-CU-CO-CJC

I, Alan Carlson, Executive Officer and Clerk of the Superior Court of California, County of Orange, which is a court having a seal, do certify and attest that the attached document consisting of 4 page(s) is a true and correct copy of the original record in this Court.

Date Filed:	Document:
SEPT 26 2014//	JUDGMENT AFTER GRANTING OF MOTIONS FOR SUMMARY JUDGMENT AS TO PLAINTIFF'S COMPLAINT AND AS TO THE FIRST AMENDED CROSS-COMPLAINT FILED BY RITTER AND BADGER(END)//
//	//
//	//



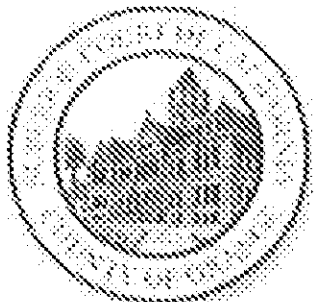
*Alan Carlson*

Clerk of the Superior Court

Date: October 8, 2014

Prepared by *[Signature]*

I, the undersigned, a judge of the above-named court, certify that Alan Carlson, who is named above, is the Clerk of the above-named court, having a seal, which is affixed above; that this person is the proper officer of the court authorized by law to execute the same; that the Clerk's signature is genuine; and that the attestation is in due form according to the laws of the State of California.



Date: October 8, 2014

*[Signature]*

GLEND A SANDERS, JUDICIAL OFFICER

ELECTRONICALLY RECEIVED  
Superior Court of California,  
County of Orange  
09/16/2014 at 09:27:14 AM  
Clerk of the Superior Court  
By Deborah Mendes, Deputy Clerk

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
SEP 26 2014  
ALAN CARLSON, Clerk of the Court  
BY C. S. S. S.

PRENOVOST, NORMANDIN, BERGH & DAWE  
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Attorneys for Pacific Western Bank

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual; DARREN  
D. BADGER, an individual; VINCENT T.  
SCHEITLER, an individual; and, DOES 1  
through 50,

Defendant.

AND RELATED CROSS-ACTIONS.

Case No. 30-2012-00619626-CU-CO-CJC

~~PROPOSED~~ JUDGMENT AFTER  
GRANTING OF MOTIONS FOR  
SUMMARY JUDGMENT AS TO  
PLAINTIFF'S COMPLAINT AND AS TO  
THE FIRST AMENDED CROSS-  
COMPLAINT FILED BY RITTER AND  
BADGER

Assigned for All Purposes to:  
Hon. David Chaffee, Dept. C20

Action Filed: December 19, 2012  
Trial Date: November 10, 2014

Plaintiff Pacific Western Bank's ("Pacific Western Bank" or "Bank") Motion for Summary  
Judgment or, in the Alternative, Summary Adjudication as to Plaintiff's Complaint came on for  
hearing on February 21, 2014 at 9:30 a.m. before the Honorable David Chaffee, Judge Presiding.

After full consideration of the matter, on June 25, 2014, the Court granted the Bank's  
Motion for Summary Judgment on its Complaint and ordered that judgment be entered in favor of  
the Bank and against Defendant Vincent T. Schettler ("Schettler") in the amount of \$2,682,455.81  
(principal sum of \$2,497,568.73, plus accrued interest through December 5, 2012 in the amount of

8713.0022 / 985832.1

[PROPOSED] JUDGMENT

1 \$10,406.54, and *per diem* interest, at the daily rate of \$346.88, from December 5, 2012 through  
2 April 22, 2014 in the amount of \$174,480.64).

3 The Bank's Motion for Summary Judgment or, in the Alternative, Summary Adjudication  
4 as to the First Amended Cross-Complaint ("FACC") of Defendants and Cross-Complainants John  
5 A. Ritter and Darren D. Badger came on for hearing on July 11, 2014 at 9:30 a.m. before the  
6 Honorable David Chaffee, Judge Presiding.

7 After full consideration of the matter, on July 22, 2014, this Court granted the Bank's  
8 Motion for Summary Judgment on John A. Ritter and Darren D. Badger's FACC in its entirety on  
9 the grounds that the first through fifth causes of action alleged in the FACC were all barred by the  
10 applicable statute of limitations.

11 The Court denied John A. Ritter and Darren D. Badger's Motion for Leave to File a  
12 Second Amended Cross-Complaint as moot.

13 IT IS THEREFORE ORDERED AND ADJUDGED that judgment be entered in favor of  
14 Pacific Western Bank on its Complaint and against John A. Ritter and Darren D. Badger, jointly  
15 and severally with Vincent T. Schettler and each other, in the amount in the amount of  
16 \$2,717,490.79 (comprising the principal sum of \$2,497,568.73, plus accrued interest through  
17 December 5, 2012 in the amount of \$10,406.54, and *per diem* interest, at the daily rate of \$346.88,  
18 from December 5, 2012 through August 1, 2014 in the amount of \$209,515.52).

19 IT IS FURTHER ORDERED AND ADJUDGED that the FACC be dismissed with  
20 prejudice.

21 IT IS FURTHER ORDERED that Pacific Western Bank is entitled to recover the costs  
22 associated with the prosecution and defense of these actions, including reasonable attorney's fees,  
23 subject to the filing of an appropriate Memorandum of Costs and Motion for Attorney's Fees.

24 IT IS SO ORDERED.

25 DATED: SEP 20 2014

26  
27  
28  
Hon. David Chaffee, Judge

PRENOVOST, NORMANDIN, BERGH & DAWE

A Professional Corporation

2122 NORTH BROADWAY, SUITE 200

SANTA ANA, CALIFORNIA 92706-2614

TEL (714) 597-2444 • FAX (714) 835-3289

## PROOF OF SERVICE

### STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 2122 North Broadway, Suite 200, Santa Ana, CA 92706-2614.

On August 19, 2014, I served true copies of the following document(s) described as [PROPOSED] JUDGMENT AFTER GRANTING OF MOTIONS FOR SUMMARY JUDGMENT AS TO PLAINTIFF'S COMPLAINT AND AS TO THE FIRST AMENDED CROSS-COMPLAINT FILED BY RITTER AND BADGER on the interested parties in this action as follows:

#### SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Prenovost, Normandin, Bergh & Dawe's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Santa Ana, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 19, 2014, at Santa Ana, California.

/s/ Jan M. Wade

Jan M. Wade



SERVICE LIST

Pacific Western Bank v. John A. Ritter, et al.  
30-2012-00619626-CU-CO-CJC

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Attorneys for Defendants and Cross-  
Defendants, John A. Ritter and Darrin D.  
Badger

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parisa@sullcrom.com  
culver@sullcrom.com  
Co-counsel for Pacific Western Bank

EXHIBIT 2

EXHIBIT 2

(00:50-1W9) W099:6 9102/02/40

1 WIREX  
 2 Bob L. Olson, Esq.  
 3 Nevada Bar No. 6019  
 4 Snell & Wilmer LLP.  
 5 3883 Howard Hughes Parkway, Suite 1100  
 6 Las Vegas, NV 89169  
 7 Telephone (702) 784-5200  
 8 Facsimile (702) 784-5252  
 9 Email: bolson@swlaw.com  
 10 Attorneys for Plaintiff Pacific Western Bank, a  
 11 California banking corporation

## DISTRICT COURT

CLARK COUNTY, NEVADA

12 PACIFIC WESTERN BANK, a California  
 13 banking corporation,

Case No. A-14-710645-F

Dept. No. XIX

Plaintiff,

v.

## WRIT OF EXECUTION

14 JOHN A. RITTER, an individual;  
 15 DARRIN D. BADGER, an individual;  
 16 VINCENT T. SCHETTLER, an individual;  
 17 and DOBS 1 THROUGH 50,

Defendants.

## WRIT OF EXECUTION

☐ Earnings ☒ Other Property  
☐ Earnings, Order of Support

18 THE STATE OF NEVADA TO THE CONSTABLE OF LAS VEGAS TOWNSHIP,  
 19 GREETINGS:

20 On September 26, 2014, a judgment, upon which there is due in United States Currency  
 21 the following amounts, was entered in this action in favor of Plaintiff, Pacific Western Bank, a  
 22 California banking corporation ("Plaintiff") as judgment creditor and against all Defendants John  
 23 A. Ritter, Darren D. Badger and Vincent T. Schettler, jointly and severally, as judgment debtors.  
 24 Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first  
 25 against total accrued interest and costs leaving the following net balance which sum bears interest  
 26 at 4.72% per annum from December 5, 2012, to date of levy, and to which sum must be added all  
 27  
 28

21276793

Snell &amp; Wilmer

LAW OFFICES  
 3883 HOWARD HUGHES PARKWAY, SUITE 1100  
 LAS VEGAS, NEVADA 89169  
 (702) 784-5200

(00:50-TW) WU95:6 9102/02/10

1 commissions and costs of executing this Writ.

2 JUDGMENT BALANCE

3 AMOUNTS TO BE COLLECTED BY LEVY

4 Principal	\$2,497,568.73	NET BALANCE	\$2,798,660.71
5 Pre-judgment Interest *(December 5, 2012 thru April 22, 2014)	\$184,887.18	Fee this Writ	\$18.00 10
7 Attorney's Fees	\$0.00	Garnishment Fee	\$5.00
8 Costs	\$0.00	Mileage	\$8.00
9 JUDGMENT TOTAL	\$2,682,455.91	Levy Fee	\$0.00 18
10 Accrued Costs	\$0.00	Advertising	\$0.00
11 Post Judgment Interest (as of April 23, 2014/*335 days)	\$116,204.80	Storage	\$0.00
13 Less Satisfaction	\$0.00	Interest from Date of Issuance	\$0.00
15 NET BALANCE	\$2,798,660.71	SUB-TOTAL	2,798,701.71
16		Commission	\$14,040.01
17		TOTAL LEVY	\$2,812,741.72

19 NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount  
20 due out of the following described personal property and if sufficient personal property cannot be  
21 found, then out of the following described real property:

22 ///

23 ///

24 Make Check Payable To:  
25 Constable  
26 362 E. Carson Ave., 3rd Floor  
27 Las Vegas, NV, 89155  
28 702-455-4699  
Put Case # & Name on Check

(00:50-1W2) MW99:6 9102/02/40

Wells Fargo Advisors  
3763 Howard Hughes Pkwy, #330  
Las Vegas, NV 89169  
Account Numbers: Unknown

All personal property including the contents of any safety deposit boxes, monies in all checking, money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darin Badger or Vincent T. Schettler (collectively "Respondents"), credits, debts, effects, choses in action, and any other accounts held in the name of or for the benefit of said Respondents

Defendant	SSN/Tax ID	Last Known Address
John A. Ritter	526-25-1352	8575 W. Washburn Road Las Vegas, Nevada 89149
Darren D. Badger	530-96-0654	6262 Whispering Brook Court Las Vegas, Nevada 89149
Vincent T. Schettler	530-11-2027	222 Karen Ave., Unit 3101 Las Vegas, Nevada 89144

**EXEMPTIONS WHICH APPLY TO THIS LEVY**  
(Check appropriate paragraph and complete as necessary)

☒ **Property Other Than Wages.** The exemption set forth in Nev. Rev. Stat. § 21.090 or in applicable Federal statutes may apply. Consult an attorney.

☐ **Earnings.** The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

A. 25% of the disposable earnings due to the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ **Earnings (Judgment or Order for Support).**

A judgment was entered for amounts due under a decree or order entered on \_\_\_\_\_  
200, by the \_\_\_\_\_ for support of \_\_\_\_\_ for the period  
from \_\_\_\_\_ 200, through \_\_\_\_\_, 200, in \_\_\_\_\_  
installments of \$ \_\_\_\_\_

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5% of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the

Snell &amp; Wilmer

CONFIDENTIAL  
THIS DOCUMENT CONTAINS  
UNCLASSIFIED INFORMATION  
DATE 05/08/2015 BY 11276703

(00:50-1W3) W499:6 5102/02/40

beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Security Tax and Withholding for any State, County or City Tax.

You are required to return this Writ from date of issuance not less than ten (10) days or more than sixty (60) days with the results of the levy endorsed thereon.

Issued at the direction of:

SNELL & WILMER LLP.

CLARK COUNTY CLERK OF COURT

By:

Bob L. Olson (Nevada Bar No. 3783)  
3883 Howard Hughes Parkway,  
Suite 1100  
Las Vegas, Nevada 89169  
Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation

By:

PATRICIA AZUCENA APR 21 2015

RETURN

- ☐ Not satisfied
- ☐ Satisfied in Sum of
- ☐ Costs Retained
- ☐ Commission Retained
- ☐ Costs Incurred
- ☐ Costs Received

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

REMITTED TO  
JUDGMENT CREDITOR

\$ \_\_\_\_\_

DEPUTY CONSTABLE/SHERIFF

By:

Deputy

Date

Snell & Wilmer

USE OFFICE  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 731-3000

EXHIBIT 3

EXHIBIT 3

Snell & Wilmer

[illegible]

21594572

APR 20, 2006



**CHILDREN'S**

[illegible]

All personal property including the contents of any safety deposit boxes, monies in all checking, money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darrin Badger or Vincent T. Sobottler, credits, debts, effects, choses in action, and any other accounts held in the name of or for the benefit of said Respondents including, but not limited to, the following accounts:

Defendant	SSN/Tax ID	Last Known Address
John A. Ritter	526-25-1352	8575 W. Washburn Road Las Vegas, Nevada 89149
Darren D. Badger	530-96-0634	6262 Whispering Brook Court Las Vegas, Nevada 89149
Vincent T. Schettler	530-11-2027	222 Karen Ave., Unit 3101 Las Vegas, Nevada 89144

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of Garnishment on Petitioner's attorney whose address appears below.

Issued at direction of:

(00:00-1W3) WU99:6 9102/03/40

1 SNELL & WILMER, LLP.

CONSTABLE LAS VEGAS  
TOWNSHIP

2  
3 By:

Bob L. Olson (Nevada Bar No. 3783)  
3883 Howard Hughes Parkway, Ste. 1100  
Las Vegas, Nevada 89169  
*Attorneys for Plaintiff Pacific Western  
Bank, a California banking corporation*

By:

J. HAMMACK PA9572

Deputy  
302 E. Carson Ave,  
5<sup>th</sup> Floor  
Las Vegas, NV 89155

4  
5  
6  
7 ///

8 STATE OF NEVADA)

9 CLARK COUNTY )

10 The undersigned, being duly sworn, states that I received the within Writ of Garnishment  
11 on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 and personally served the same on the \_\_\_\_\_ day  
12 of \_\_\_\_\_, 2015 by showing the original Writ of Garnishment, informing of the contents and  
13 delivery and leaving a copy, along with the statutory fee of \$5.00, with \_\_\_\_\_  
14 at Las Vegas, County of Clark, State of Nevada.

15  
16 Deputy Constable

Snell & Wilmer

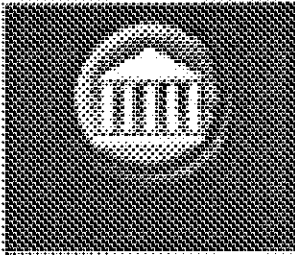
2000 ACROSS STREET SUITE 1100  
LAS VEGAS, NEVADA 89102  
(702) 764-0000

EXHIBIT 4

EXHIBIT 4

**COURTVIEW****CLARK COUNTY, NEVADA**

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- ✕ Search By Name Advanced
- ✕ Search By Case Number
- ✕ Search By Case Number Advanced
- ✕ Help

**15LVTC012917 SNELL AND WILMER VS RITTER, JOHN A**

File Date 04/28/2015

Case Status OPEN

Case Status Date 04/28/2015

Case Disposition UNDISPOSED

Case Disposition Date

**Party Information**

Party Name	Party Alias(es)	Party Type	Attorney(s)	Attorney Phone
SNELL AND WILMER		PLAINTIFF		
RITTER, JOHN A		DEFENDANT		

**Financial Entries**

Receipt #	Date	Received From	Amount Paid
1292102	04/28/2015	SNELL AND WILMER	26.00
		<b>Payment</b>	<b>Fee</b>
		BUSINESS	26.00
		CHECK	26.00
		LVTC MILEAGE	8.00
		LVTC FEE	18.00

**Docket Entries**

Date	Text
04/30/2015	SERVED Party Type: DEFENDANT Party: RITTER, JOHN A Addr Type: OTHER ADDRESS Address: WELLS FARGO ADVISORS City: LAS VEGAS State: NV Zip: 89169 Miles: 4 Service: EXOTHLVTC Request By: PLAINTIFF: SNELL AND WILMER Docket Code: GARNISHMENT OF WAGES/BANKS OR MONIES Default Method: LAS VEGAS CONSTABLE DEPUTY / STAFF Issue Date: 04/28/2015 Garnish Net Balance: 2,798,660.71 Writ Fee: 10.00 Garnishment Fee: 5.00 Mileage Fee: 8.00 Levy Fee: 18.00 Sub Total: 2,798,701.71 Commission: 14,046.01 Total Levy: 2,812,747.72 Service Date: 04/29/2015 12:25 Return Date: 04/30/2015 Service By: HAMMACK, JEFF Received By: LEAH MICELI - OPS SPEC Result of Service: SERVEDLVTC Assign/Post Date: 04/29/2015 Exp/Renew/Landlord Return Dt: 08/26/2015
04/28/2015	SUBTOTAL FOR SERVICE OF WRIT OF EXECUTION
04/28/2015	COMMISSION FOR SERVICE OF WRIT OF EXECUTION
04/28/2015	GARNISHMENT OF WAGES/BANKS OR MONIES Receipt: 1292102 Date: 04/28/2015
04/28/2015	MILEAGE FEE \$2 A MILE Receipt: 1292102 Date: 04/28/2015
04/28/2015	SERVICE ISSUED

**NOTC**

Bob L. Olson, Esq.  
Nevada Bar No. 6019  
Snell & Wilmer LLP  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone (702) 784-5200  
Facsimile (702) 784-5252  
Email: bolson@swlaw.com  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No. A-14-710645-F

Dept. No. XIX

**NOTICE OF EXECUTION**

**NOTICE OF EXECUTION  
YOUR PROPERTY IS BEING ATTACHED OR  
YOUR WAGES ARE BEING GARNISHED**

A court has determined that you owe money to Pacific Western Bank, the judgment creditor. It has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and

1 disability insurance benefits.

2 2. Payments for benefits or the return of contributions under the Public Employees'  
3 Retirement System.

4 3. Payments for public assistance granted through the Division of Welfare and  
5 Supportive Services of the Department of Health and Human Services or a local governmental  
6 entity.

7 4. Proceeds from a policy of life insurance.

8 5. Payments of benefits under a program of industrial insurance.

9 6. Payments received as disability, illness or unemployment benefits.

10 7. Payments received as unemployment compensation.

11 8. Veteran's benefits.

12 9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

13 (a) The judgment is for a medical bill, in which case all of the primary  
14 dwelling, including a mobile or manufactured home, may be exempt.

15 (b) Allodial title has been established and not relinquished for the dwelling or  
16 mobile home, in which case all of the dwelling or mobile home and its appurtenances are  
17 exempt, including the land on which they are located, unless a valid waiver executed  
18 pursuant to NRS 115.110 is applicable to the judgment

19 10. All money reasonably deposited with a landlord by you to secure an agreement to  
20 rent or lease a dwelling that is used by you as your primary residence, except that such money is  
21 not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms  
22 of the agreement to rent or lease the dwelling.

23 11. A vehicle, if your equity in the vehicle is less than \$15,000.00.

24 12. Seventy-five percent of the take-home pay for any workweek, unless the weekly  
25 take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire  
26 amount may be exempt.

27 13. Money, not to exceed \$500,000 in present value, held in:

28 (a) An individual retirement arrangement which conforms with the applicable

1 limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26  
2 U.S.C. § 408 and 408A;

3 (b) A written simplified employee pension plan which conforms with the  
4 applicable limitations and requirements of section 408 of the Internal Revenue Code, 26  
5 U.S.C. § 408;

6 (c) A case or deferred arrangement that is a qualified plan pursuant to the  
7 Internal Revenue Code;

8 (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is  
9 a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C.  
10 §§ 401 et seq.; and

11 (e) A trust forming part of a qualified tuition program pursuant to chapter  
12 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and  
13 section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited  
14 after the entry of judgment against the purchaser or account owner or the money will not  
15 be used by any beneficiary to attend a college or university.

16 14. All money and other benefits paid pursuant to the order of a court of competent  
17 jurisdiction for the support, education and maintenance of a child, whether collected by the  
18 judgment debtor or the State.

19 15. All money and other benefits paid pursuant to the order of a court of competent  
20 jurisdiction for the support and maintenance of a former spouse, including the amount of any  
21 arrearages in the payment of such support and maintenance to which the former spouse may be  
22 entitled.

23 16. Regardless of whether a trust contains a spendthrift provision:  
24  
25  
26  
27  
28

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust.

Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust.

Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the



1 payment is received.

2 21. Payments received as compensation for the wrongful death of a person upon  
3 whom the judgment debtor was dependant at the time of the wrongful death, to the extent  
4 reasonably necessary for the support of the judgment debtor and any dependent of the judgment  
5 debtor.

6 22. Payments received as compensation for the loss of future earning of the judgment  
7 debtor or of a person upon whom the judgment debtor is dependent at the time the payment is  
8 received, to the extent reasonable necessary for the support of the judgment debtor and any  
9 dependent of the judgment debtor.

10 23. Payments received as restitution for a criminal act.

11 24. Personal property, not to exceed \$1,000 in total value, if the property is not  
12 otherwise exempt from execution.

13 25. A tax refund received from the earned income credit provided by federal law or a  
14 similar state law.

15 26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth  
16 in that section.

17 These exemptions may not apply in certain cases such as a proceeding to enforce a  
18 judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should  
19 consult an attorney immediately to assist you in determining whether your property or money is  
20 exempt from execution. If you cannot afford an attorney, you may be eligible for assistance  
21 through Nevada Legal Services.

#### 22 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

23 If you believe that the money or property taken from you is exempt, you must complete  
24 and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the  
25 affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice  
26 of execution is mailed. The property must be returned to you within 5 days after you file the  
27 affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of  
28

1 exemption. If this happens, a hearing will be held to determine whether the property or money is  
2 exempt. The motion for the hearing to determine the issue of exemption must be filed within 10  
3 days after the affidavit claiming exemption is filed. The hearing to determine whether the  
4 property or money is exempt must be held within 10 days after the motion for hearing is filed.

5 IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR  
6 PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR,  
7 EVEN IF THE PROPERTY OR MONEY IS EXEMPT.  
8

9 NOTICE TO BE SENT TO DEFENDANTS' ATTORNEYS  
10 AT THE ADDRESS BELOW PURSUANT TO N.R.S. 21.076:

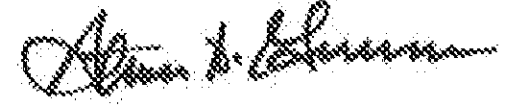
11 Mark W. Yocca  
12 Paul Kim  
13 The Yocca Law Firm, L.L.P.  
14 19000 MacArthur Boulevard, Suite 650  
Irvine, CA 92612

15 Corey Eschweiler, Esq.  
16 Glen Lerner  
17 4795 S. Durango Drive  
Las Vegas, NV 89147  
Counsel for Vincent T. Schettler

Daniel Y. Zohar  
Zohar Law Firm, P.C.  
601 S. Figueroa Street, Suite 2675  
Los Angeles, CA 90017  
Counsel for John Ritter and Darrin  
Badger

EXHIBIT 5

EXHIBIT 5



CLERK OF THE COURT

1 AFFT  
2 MARK J. CONNOT (10010)  
3 **FOX ROTHSCHILD, LLP**  
4 3800 Howard Hughes Parkway, Suite 500  
5 Las Vegas, Nevada 89169  
6 Telephone : (702) 262-6899  
7 Facsimile : (702) 597-5503  
8 meconnot@foxrothschild.com

9 I. SCOTT BOGATZ (3367)  
10 CHARLES M. VLASIC III (11308)  
11 **REID RUBINSTEIN & BOGATZ**  
12 3883 Howard Hughes Parkway, Suite 790  
13 Las Vegas, Nevada 89169  
14 Telephone : (702) 776-7000  
15 Facsimile : (702) 776-7900  
16 sbogatz@rrblf.com  
17 cvlasic@rrblf.com

18 *Attorneys for Defendants,*  
19 *John A. Ritter and Darrin D. Badger*

20 **DISTRICT COURT**

21 **CLARK COUNTY, NEVADA**

22 **PACIFIC WESTERN BANK, a California**  
23 **banking corporation,**

24 **Plaintiff,**

Case No.: A-14-710645-F

25 **vs.**

Dept. No.: XIX

26 **JOHN A. RITTER, an individual; DARREN**  
27 **D. BADGER, an individual; VINCENT T.**  
28 **SCHETTLER, an individual; and DOES 1**  
through 50,

**Defendants.**

**AFFIDAVIT CLAIMING EXEMPT PROPERTY**

AFFIDAVIT CLAIMING EXEMPT PROPERTY

STATE OF NEVADA

COUNTY OF CLARK

ss:

I, Defendant, Darrin D. Badger, believe property or money taken from me is exempt from execution. I claim the following exemptions under Nevada law:

1. NRS 21.090.1(r)(2) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408 . .

As of March 31, 2015, the value of my simplified employee pension plan, or SEP Individual Retirement Account held with Wells Fargo Advisors through the Schofield Group - Brokerage Account No. XXXXXX-6655 | Command Account No. XXXX-7723 ("SEP IRA Account"), which, to the best of my information and belief, conforms to the applicable requirements of 26 U.S.C. § 408, was approximately \$338,792.58. Accordingly, my entire SEP IRA Account is exempt from execution pursuant to NRS 21.090.1(r)(2).

2. NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . . .

As of March 31, 2015, I have three accounts held for the benefit of my children, with Wells Fargo Advisors through the Schofield Group - Account No. XXXXXX-2326, XXXXXX-2552, XXXXXX-2611 (collectively "529 Accounts"), totaling approximately \$231,742.18. These three 529 Accounts, to the best of my information and belief, all conform to the applicable requirements of Section 529 of the Internal Revenue Code, 26 U.S.C. § 529. Accordingly, these three 529 Accounts are all exempt from execution pursuant to NRS 21.090.1(r)(5).

Fox Rothschild LLP  
5808 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169

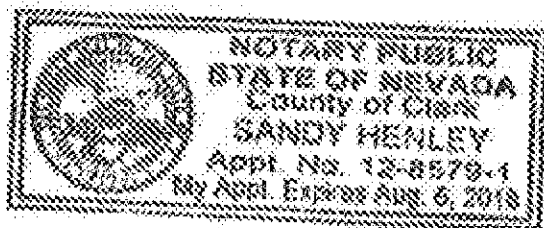
1 I declare under penalty of perjury under the law of the State of Nevada that the foregoing  
2 is true and correct.

3 Executed this 14<sup>th</sup> day of May, 2015

4  
5   
DARRIN D. BADGER

6 SUBSCRIBED and SWORN to before  
7 me this 14<sup>th</sup> day of May, 2015.

8   
9 NOTARY PUBLIC



CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 15<sup>th</sup> day of May, 2015, I caused the above and foregoing document entitled **AFFIDAVIT CLAIMING EXEMPT PROPERTY** to be served as follows:

- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the address indicated below:

Wells Fargo Advisors, LLC  
1 N. Jefferson Ave  
St. Louis, MO 63103

Wells Fargo Advisors, LLC  
3763 Howard Hughes Parkway, Suite 300  
Las Vegas, NV 89169

Constable -- Las Vegas Township  
302 E. Carson Ave, 5th Floor  
Las Vegas, NV 89155

- ☐ pursuant to EDCR 7.26, to be sent via facsimile;  
☐ to be hand-delivered;  
☐ via email; and/or  
☒ through the Court authorized electronic mail (*See attached Electronic Service List*) to the attorney(s) listed below:

Bob Olson, Esq.  
SNELL & WILMER LLP  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
[bolson@swlaw.com](mailto:bolson@swlaw.com)  
Attorneys for Plaintiff

Scott Bogatz, Esq.  
Charles M. Vlasic III, Esq.  
REID RUBINSTEIN & BOGATZ  
3883 Howard Hughes Parkway, Suite 790  
Las Vegas, Nevada 89169  
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Co-counsel for Defendants,  
John A. Ritter and Darrin D. Badger

/s/ Theresa M. Hansen  
An employee of FOX ROTHSCHILD LLP

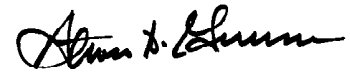
E-Service Master List  
For Case

null - Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)

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<b>Snell &amp; Wilmer L.L.P.</b>	<b>Contact</b> Bob Olson DOCKET Jessica Velarde - File Clerk Jill Math - Legal Secretary Mary Full - Legal Secretary	<b>Email</b> bolson@snell.com docket_jas@snell.com jvelarde@snell.com jmath@snell.com mfull@snell.com



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*Attorneys for Defendants,  
John A. Ritter and Darrin D. Badger*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,  
Plaintiff,

Case No.: A-14-710645-F

vs.

Dept. No.: XIX

JOHN A. RITTER, an individual; DARREN  
D. BADGER, an individual; VINCENT T.  
SCHETTLER, an individual; and DOES 1  
through 50,

Defendants.

**AFFIDAVIT CLAIMING EXEMPT PROPERTY**

**Fox Rothschild LLP**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169

AFFIDAVIT CLAIMING EXEMPT PROPERTY

STATE OF NEVADA )

) ss:

COUNTY OF CLARK )

I, Brooke Badger, believe that Pacific Western Bank is attempting to seize property or money belonging to me, which property or money is exempt from execution.

Although I did not receive notice of Pacific Western Bank's attempt to seize these exempt assets, I claim the following exemption under Nevada law:

1. NRS 21.090,1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . .

As of March 31, 2015, I, Brooke Badger have an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo Advisors through the Schofield Group - XXXXXX-2611 ("529 Account"), totaling approximately \$67,238.06. This 529 Account was set up through my father, Darrin Badger, for my benefit. This 529 Account was set up through my father, Darrin Badger, for my benefit. I am currently enrolled in college, and these funds are being used for my college education and associated expenses.

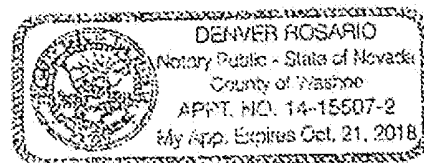
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct to the best of my information and belief.

Executed this 4 day of June, 2015

  
BROOKE BADGER

SUBSCRIBED and SWORN to before  
me this 4 day of June, 2015.

  
NOTARY PUBLIC



Fox Rothschild LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 21<sup>st</sup> day of June, 2015, I caused the above and foregoing document entitled **AFFIDAVIT CLAIMING EXEMPT PROPERTY** to be served as follows:

☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the address indicated below:

Wells Fargo Advisors, LLC  
1 N. Jefferson Ave  
St. Louis, MO 63103

Wells Fargo Advisors, LLC  
3763 Howard Hughes Parkway, Suite 300  
Las Vegas, NV 89169

Constable — Las Vegas Township  
302 E. Carson Ave, 5th Floor  
Las Vegas, NV 89155

☐ pursuant to EDCR 7.26, to be sent via facsimile;

☐ to be hand-delivered;

☐ via email; and/or

☒ through the Court authorized electronic mail (*See attached Electronic Service List*) to the attorney(s) listed below:

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*Vincent T. Schettler*

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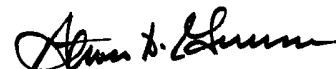
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*Co-counsel for Defendants  
John A. Ritter and Darrin D. Badger*

/s/ Theresa M. Hansen  
An employee of FOX ROTHSCHILD LLP

E-Service Master List For Case null - Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)		
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<b>Snell &amp; Wilmer L.L.P.</b>	<b>Contact</b> Bob Olson DOCKET Jessica Velarde - File Clerk Jill Math - Legal Secretary Mary Full - Legal Secretary	<b>Email</b> <a href="mailto:bolson@swlaw.com">bolson@swlaw.com</a> <a href="mailto:doCKET_las@swlaw.com">doCKET_las@swlaw.com</a> <a href="mailto:jvelarde@swlaw.com">jvelarde@swlaw.com</a> <a href="mailto:jmath@swlaw.com">jmath@swlaw.com</a> <a href="mailto:mfull@swlaw.com">mfull@swlaw.com</a>
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7 CHARLES M. VLASIC III (11308)  
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sbogatz@rrblf.com  
11 cvlasic@rrblf.com

12 *Attorneys for Defendants,*  
13 *John A. Ritter and Darrin D. Badger*

14 **DISTRICT COURT**  
15 **CLARK COUNTY, NEVADA**

16 PACIFIC WESTERN BANK, a California  
17 banking corporation,

18 Plaintiff,

Case No.: A-14-710645-F

19 vs.

Dept. No.: XIX

20 JOHN A. RITTER, an individual; DARREN  
21 D. BADGER, an individual; VINCENT T.  
SCHETTLER, an individual; and DOES 1  
22 through 50,

23 Defendants.

24 **AFFIDAVIT CLAIMING EXEMPT PROPERTY**

**AFFIDAVIT CLAIMING EXEMPT PROPERTY**

STATE OF NEVADA       )  
                                  )       ss:  
COUNTY OF CLARK       )

I, Tatum Badger, believe that Pacific Western Bank is attempting to seize property or money belonging to me, which property or money is exempt from execution.

Although I did not receive notice of Pacific Western Bank's attempt to seize these exempt assets, I claim the following exemption under Nevada law:

1. NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . . .

As of March 31, 2015, I, Tatum Badger have an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo Advisors through the Schofield Group - Account No. XXXXXX-2552 ("529 Account"), totaling approximately \$79,596.82. This 529 Account was set up through my father, Darrin Badger, for my benefit. I am currently enrolled in college, and these funds are being used for my college education and associated expenses.

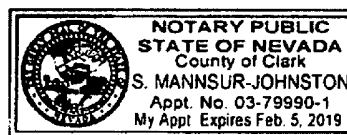
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct to the best of my information and belief.

Executed this 4 day of June, 2015

  
TATUM BADGER

SUBSCRIBED and SWORN to before me this 4 day of June, 2015.

  
NOTARY PUBLIC



Fox Rothschild LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 22<sup>nd</sup> day of June, 2015, I caused the above and foregoing document entitled

**AFFIDAVIT CLAIMING EXEMPT PROPERTY** to be served as follows:

- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the address indicated below:

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*Attorneys for Plaintiff*

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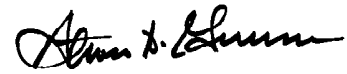
8 Scott Bogatz, Esq.  
9 Charles M. Vlastic III, Esq.  
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16 *Co-counsel for Defendants*  
17 *John A. Ritter and Darrin D. Badger*

18 /s/ Theresa M. Hansen  
19 An employee of FOX ROTHSCHILD LLP  
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E-Service Master List For Case null - Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)		
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<b>Fox Rothschild LLP</b>	<b>Contact</b> Mark Connot Theresa Hansen	<b>Email</b> <a href="mailto:mconnot@foxrothschild.com">mconnot@foxrothschild.com</a> <a href="mailto:thansen@foxrothschild.com">thansen@foxrothschild.com</a>
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<b>Snell &amp; Wilmer L.L.P.</b>	<b>Contact</b> Bob Olson DOCKET Jessica Velarde - File Clerk Jill Math - Legal Secretary Mary Full - Legal Secretary	<b>Email</b> <a href="mailto:bolson@swlaw.com">bolson@swlaw.com</a> <a href="mailto:doCKET_las@swlaw.com">doCKET_las@swlaw.com</a> <a href="mailto:jvelarde@swlaw.com">jvelarde@swlaw.com</a> <a href="mailto:jmath@swlaw.com">jmath@swlaw.com</a> <a href="mailto:mfull@swlaw.com">mfull@swlaw.com</a>
<b>Timothy S. Cory &amp; Associates</b>	<b>Contact</b> Timothy S. Cory	<b>Email</b> <a href="mailto:tim.cory@corvlaw.us">tim.cory@corvlaw.us</a>

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16 sbogatz@rrblf.com  
17 cvlasic@rrblf.com

18 *Attorneys for Defendants,*  
19 *John A. Ritter and Darrin D. Badger*

20 **DISTRICT COURT**  
21 **CLARK COUNTY, NEVADA**

22 PACIFIC WESTERN BANK, a California  
23 banking corporation,

24 Plaintiff,

Case No.: A-14-710645-F

25 vs.

Dept. No.: XIX

26 JOHN A. RITTER, an individual; DARREN  
27 D. BADGER, an individual; VINCENT T.  
28 SCHETTLER, an individual; and DOES 1  
through 50,

Defendants.

**AFFIDAVIT CLAIMING EXEMPT PROPERTY**

Fox Rothschild LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169

**AFFIDAVIT CLAIMING EXEMPT PROPERTY**

STATE OF NEVADA        )  
                                  )       ss:  
COUNTY OF CLARK        )

I, Whitney Badger, believe that Pacific Western Bank is attempting to seize property or money belonging to my minor son, Gage Badger, which property or money is exempt from execution.

Although I did not receive notice of Pacific Western Bank's attempt to seize these exempt assets, I claim the following exemption under Nevada law, on behalf of my son, Gage:


1.       NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . . .

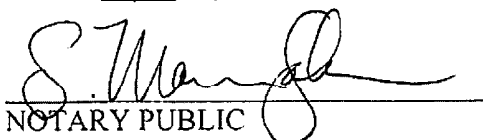
As of March 31, 2015, Gage Badger has an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo Advisors through the Schofield Group - Account No. XXXXXX-2326 ("529 Account"), totaling approximately \$84,907.30. This 529 Account was set up through my ex-husband, Darrin Badger, for the benefit of our son, Gage Badger. Although Gage is not currently enrolled in college, I believe it is Gage's intention to attend college following his graduation from high school, and these funds will be used for his college education and associated expenses.

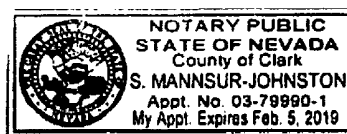
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct to the best of my information and belief.

Executed this 4<sup>th</sup> day of June, 2015

  
WHITNEY BADGER

SUBSCRIBED and SWORN to before me this 4 day of June, 2015.

  
NOTARY PUBLIC



Fox Rothschild LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169

# CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 5<sup>th</sup> day of June, 2015, I caused the above and foregoing document entitled

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*Co-counsel for Defendants  
John A. Ritter and Darrin D. Badger*

/s/ Theresa M. Hansen  
An employee of FOX ROTHSCHILD LLP

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**Bogatz Law Group**

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Jill Math - Legal Secretary  
Mary Full - Legal Secretary

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[jvelarde@swlaw.com](mailto:jvelarde@swlaw.com)  
[jmath@swlaw.com](mailto:jmath@swlaw.com)  
[mfull@swlaw.com](mailto:mfull@swlaw.com)

---

**Timothy S. Cory & Associates**

**Contact**  
Timothy S. Cory

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---

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Location : District Court Civil/Criminal [Help](#)

## REGISTER OF ACTIONS

CASE NO. A-14-710645-B

Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)

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§  
§

Case Type: **Other Business Court Matters**

Date Filed: **12/03/2014**

Location: **Department 29**

Case Number History: **A-14-710645-F**

Cross-Reference Case Number: **A710645**

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### PARTY INFORMATION

---

<b>Defendant</b>	<b>Badger, Darren D</b>	<b>Lead Attorneys</b> <b>Mark J Connot</b> <i>Retained</i> 702-262-6899(W)
<b>Defendant</b>	<b>Ritter, John A</b>	<b>Mark J Connot</b> <i>Retained</i> 702-262-6899(W)
<b>Defendant</b>	<b>Schettler, Vincent T</b>	<b>Corey M. Eschweiler</b> <i>Retained</i> 702-877-1500(W)
<b>Other</b>	<b>Wells Fargo Advisors, LLC</b>	
<b>Plaintiff</b>	<b>Pacific Western Bank</b>	<b>Bob L. Olson</b> <i>Retained</i> 702-784-5200(W)
<b>Subpoena'd (Non) Party</b>	<b>Montalto, Nicol</b>	<b>Matthew L Johnson</b> <i>Retained</i> 7024710065(W)

---

### EVENTS & ORDERS OF THE COURT

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07/09/2015 **All Pending Motions** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)

#### Minutes

07/09/2015 9:00 AM

- DEFENDANT SCHETTLER'S EMERGENCY MOTION FOR PROTECTIVE ORDER ON OST. Mr. Cory argued in support of Defendant's motion noting there is no proof of service and stating the history of the case. Arguments by Mr. Olson in opposition noting the status of the depositions. COURT FINDS, given the service issues and incorrect form thus deeming service ineffective, and ORDERED, Motion GRANTED. COURT FURTHER ALLOWED service to be concurrent upon the Sheriff's service. COURT FURTHER ORDERED, interrogatories need to be fully responded to and if Plaintiff doesn't file it, then a Motion to Compel can be filed; privilege log to be prepared by the client asserting the privilege and Mr. Cory to prepare that log. Court further clarified it is not going to issue an injunction at this time. COURT ORDERED, Plaintiff's Objections to: Darrin Badger's Affidavit, to Claim of Exemption from Execution (Bank of Nevada Held by Schettler's Family Trust, to John A Ritter's Claim of Exemption from Execution, and to Claim of Exemption from Execution MOOT.

[Parties Present](#)

[Return to Register of Actions](#)

BADGER000069



**EX-OFFICIO  
CONSTABLE'S OFFICE**

July 22, 2015

JOHN A RITTER  
8575 W WASHBURN RD  
LAS VEGAS NV 89129

**RE: Court Case Number A14710645B**

In accordance with NRS 21.075, we are sending you a copy of the ***Notice of Execution after Judgment*** and the ***Writ of Execution*** on your case. If this office can be of any further service, please do not hesitate to call.

Sincerely,  
VA  
Las Vegas Township Constable

2 enclosures

302 E Carson Ave 5<sup>th</sup> Floor / Box 552110  
Las Vegas, NV 89101  
Ofc: 702) 455-4099 / Fax: 702) 385-2436

**NOTC**  
Bob L. Olson, Esq.  
Nevada Bar No. 3783  
Karl O. Riley, Esq.  
Nevada Bar No. 12077  
Snell & Wilmer L.L.P.  
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Facsimile (702) 784-5252  
Email: bolson@swlaw.com  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No. A-14-710645-B

Dept. No. XXIX

**NOTICE OF EXECUTION**

**NOTICE OF EXECUTION**

**YOUR PROPERTY IS BEING ATTACHED OR**

**YOUR WAGES ARE BEING GARNISHED**

A court has determined that you owe money to Pacific Western Bank, the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

///

1        1. Payments received pursuant to the federal Social Security Act, including, without  
2        limitation, retirement and survivors' benefits, supplemental security income benefits and  
3        disability insurance benefits.

4        2. Payments for benefits or the return of contributions under the Public Employees'  
5        Retirement System.

6        3. Payments for public assistance granted through the Division of Welfare and Supportive  
7        Services of the Department of Health and Human Services or a local governmental entity.

8        4. Proceeds from a policy of life insurance.

9        5. Payments of benefits under a program of industrial insurance.

10       6. Payments received as disability, illness or unemployment benefits.

11       7. Payments received as unemployment compensation.

12       8. Veteran's benefits.

13       9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

14       (a) The judgment is for a medical bill, in which case all of the primary dwelling,  
15       including a mobile or manufactured home, may be exempt.

16       (b) Allodial title has been established and not relinquished for the dwelling or mobile  
17       home, in which case all of the dwelling or mobile home and its appurtenances are exempt,  
18       including the land on which they are located, unless a valid waiver executed pursuant to NRS  
19       115.010 is applicable to the judgment.

20       10. All money reasonably deposited with a landlord by you to secure an agreement to rent  
21       or lease a dwelling that is used by you as your primary residence, except that such money is not  
22       exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the  
23       terms of the agreement to rent or lease the dwelling.

24       11. A vehicle, if your equity in the vehicle is less than \$15,000.

25       12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-  
26       home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount  
27       may be exempt.

28       13. Money, not to exceed \$500,000 in present value, held in:

1 (a) An individual retirement arrangement which conforms with the applicable limitations  
2 and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and  
3 408A;

4 (b) A written simplified employee pension plan which conforms with the applicable  
5 limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

6 (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal  
7 Revenue Code;

8 (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified  
9 plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

10 (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS,  
11 any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the  
12 Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a  
13 judgment against the purchaser or account owner or the money will not be used by any  
14 beneficiary to attend a college or university.

15 14. All money and other benefits paid pursuant to the order of a court of competent  
16 jurisdiction for the support, education and maintenance of a child, whether collected by the  
17 judgment debtor or the State.

18 15. All money and other benefits paid pursuant to the order of a court of competent  
19 jurisdiction for the support and maintenance of a former spouse, including the amount of any  
20 arrearages in the payment of such support and maintenance to which the former spouse may be  
21 entitled.

22 16. Regardless of whether a trust contains a spendthrift provision:

23 (a) A present or future interest in the income or principal of a trust that is a contingent  
24 interest, if the contingency has not been satisfied or removed;

25 (b) A present or future interest in the income or principal of a trust for which  
26 discretionary power is held by a trustee to determine whether to make a distribution from the  
27 trust, if the interest has not been distributed from the trust;

28

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

///

1        24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise  
2 exempt from execution.

3        25. A tax refund received from the earned income credit provided by federal law or a  
4 similar state law.

5        26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in  
6 that section.

7        These exemptions may not apply in certain cases such as a proceeding to enforce a  
8 judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should  
9 consult an attorney immediately to assist you in determining whether your property or money is  
10 exempt from execution. If you cannot afford an attorney, you may be eligible for assistance  
11 through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services  
12 from an organization that provides assistance to persons who qualify, you may obtain the form to  
13 be used to claim an exemption from the clerk of the court.

#### 14                    **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

15        If you believe that the money or property taken from you is exempt, you must complete  
16 and file with the clerk of the court an executed claim of exemption. A copy of the claim of  
17 exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10  
18 days after the notice of execution or garnishment is served on you by mail pursuant to NRS  
19 21.076 which identifies the specific property that is being levied on. The property must be  
20 released by the garnishee or the sheriff within 9 judicial days after you serve the claim of  
21 exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee  
22 receives a copy of an objection to the claim of exemption and a notice for a hearing to determine  
23 the issue of exemption. If this happens, a hearing will be held to determine whether the property  
24 or money is exempt. The objection to the claim of exemption and notice for the hearing to  
25 determine the issue of exemption must be filed within 8 judicial days after the claim of exemption  
26 is served on the judgment creditor by mail or in person and served on the judgment debtor, the  
27 sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The  
28 hearing to determine whether the property or money is exempt must be held within 7 judicial days

after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

**NOTICE TO BE SENT TO DEFENDANTS' ATTORNEYS**

**AT THE ADDRESS BELOW PURSUANT TO N.R.S. 21.076:**

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Las Vegas, NV 89129

Darrin D. Badger  
6265 Whispering Brook Ct.  
Las Vegas, NV 89149

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3960 Howard Hughes Pkwy Ste. 150  
Las Vegas, NV 89169  
  
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Karl O. Riley, Esq.  
Nevada Bar No. 12077  
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1100  
Las Vegas, NV 89169

Vincent Schettler  
222 Karen Ave. Unit 3101  
Las Vegas, NV 89109



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**WTEX**  
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Nevada Bar No. 3783  
Snell & Wilmer L.L.P.  
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Las Vegas, NV 89169  
Telephone (702) 784-5200  
Facsimile (702) 784-5252  
Email: bolson@swlaw.com  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No. A-14-710645-B

Dept. No. XXIX

**WRIT OF EXECUTION**

**WRIT OF EXECUTION**

☐ Earnings ☒ Other Property  
☐ Earnings, Order of Support

THE STATE OF NEVADA TO THE CONSTABLE OF LAS VEGAS TOWNSHIP,  
GREETINGS:

On September 26, 2014, a judgment, upon which there is due in United States Currency  
the following amounts, was entered in this action in favor of Plaintiff, Pacific Western Bank, a  
California banking corporation ("Plaintiff") as judgment creditor and against all Defendants John  
A. Ritter, Darren D. Badger and Vincent T. Schettler, jointly and severally, as judgment debtors,  
interest and costs have accrued in the amounts shown. Any satisfaction has been credited first  
against total accrued interest and costs leaving the following net balance which sum bears interest  
at 4.72% per annum from December 5, 2012, to date of levy, and to which sum must be added all

commissions and costs of executing this Writ.

JUDGMENT BALANCE

AMOUNTS TO BE COLLECTED BY LEVY

Principal	\$2,497,568.73	NET BALANCE	\$2,836,470.63
Pre-judgment Interest *(December 5, 2012 thru August 1, 2014)	\$209,515.52	Fee this Writ	\$0.00
Attorney's Fees	\$0.00	Garnishment Fee	\$5.00
Costs	\$0.00	Mileage	\$8.00
JUDGMENT TOTAL	\$2,717,490.79	Levy Fee	\$18.00
Accrued Costs	\$0.00	Advertising	\$0.00
Post Judgment Interest (as of July 10, 2015/*343 days)	\$118,979.84	Storage	\$0.00
Less Satisfaction	\$0.00	Interest from Date of Issuance	\$0.00
NET BALANCE	\$2,836,470.63	SUB-TOTAL	\$ 2,836,501.63
		Commission	\$ 14,235.01
		TOTAL LEVY	\$ 2,850,736.64

NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount due out of the following described personal property and if sufficient personal property cannot be found, then out of the following described real property:

///

///

Make Check Payable To:  
Constable  
302 E. Carson Ave. - 5th floor  
Las Vegas, NV. 89155  
702-455-4099  
Put Case # & Name on Check

Wells Fargo Advisors  
3763 Howard Hughes Pkwy, #330  
Las Vegas, NV 89169

Account Numbers: Unknown

All personal property including the contents of any safety deposit boxes, monies in all checking, money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darrin Badger or Vincent T. Schettler (collectively "Respondents"), credits, debts, effects, choses in action, and any other accounts held in the name of or for the benefit of said Respondents

Defendant	SSN/Tax ID	Last Known Address
John A. Ritter	526-25-1352	8575 W. Washburn Road Las Vegas, Nevada 89149
Darren D. Badger	530-96-0654	6262 Whispering Brook Court Las Vegas, Nevada 89149
Vincent T. Schettler	530-11-2027	222 Karen Ave., Unit 3101 Las Vegas, Nevada 89144

**EXEMPTIONS WHICH APPLY TO THIS LEVY**  
(Check appropriate paragraph and complete as necessary)

☒ Property Other Than Wages. The exemption set forth in Nev. Rev. Stat. § 21.090 or in applicable Federal statutes may apply. Consult an attorney.

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

A. 25% of the disposable earnings due to the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order for Support).

A judgment was entered for amounts due under a decree or order entered on \_\_\_\_\_, 200\_, by the \_\_\_\_\_ for support of \_\_\_\_\_, for the period from \_\_\_\_\_ 200\_, through \_\_\_\_\_, 200\_, in \_\_\_\_\_ installments of \$\_\_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5% of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the

beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earning less deductions for Federal Income Tax Withholding, Federal Security Tax and Withholding for any State, County or City Tax.

You are required to return this Writ from date of issuance not less than ten (10) days or more than sixty (60) days with the results of the levy endorsed thereon.

Issued at the direction of:

STEVEN D. GRIERSON  
CLERK OF THE COURT

SNELL & WILMER L.L.P.

CLARK COUNTY CLERK OF COURT

By:

Bob L. Olson (Nevada Bar No. 3783)  
3883 Howard Hughes Parkway,  
Suite 1100  
Las Vegas, Nevada 89169  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

By:

RETURN

<input type="checkbox"/> Not satisfied	\$	_____
<input type="checkbox"/> Satisfied in Sum of	\$	_____
<input type="checkbox"/> Costs Retained	\$	_____
<input type="checkbox"/> Commission Retained	\$	_____
<input type="checkbox"/> Costs Incurred	\$	_____
<input type="checkbox"/> Costs Received	\$	_____

REMITTED TO  
JUDGMENT CREDITOR \$ \_\_\_\_\_

DEPUTY CONSTABLE/SHERIFF

By: \_\_\_\_\_  
Deputy Date

**EX-OFFICIO  
CONSTABLE'S OFFICE**

July 22, 2015

JOHN A RITTER  
8575 W WASHBURN RD  
LAS VEGAS NV 89129

**RE: Court Case Number A14710645B**

In accordance with NRS 21.075, we are sending you a copy of the ***Notice of Execution after Judgment*** and the ***Writ of Execution*** on your case. If this office can be of any further service, please do not hesitate to call.

Sincerely,  
VA  
Las Vegas Township Constable

2 enclosures

302 E Carson Ave 5<sup>th</sup> Floor / Box 552110  
Las Vegas, NV 89101  
Ofc: 702) 455-4099 / Fax: 702) 385-2436

**NOTC**

Bob L. Olson, Esq.  
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///

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3 disability insurance benefits.

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5 Retirement System.

6        3. Payments for public assistance granted through the Division of Welfare and Supportive  
7 Services of the Department of Health and Human Services or a local governmental entity.

8        4. Proceeds from a policy of life insurance.

9        5. Payments of benefits under a program of industrial insurance.

10       6. Payments received as disability, illness or unemployment benefits.

11       7. Payments received as unemployment compensation.

12       8. Veteran's benefits.

13       9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

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16       (b) Allodial title has been established and not relinquished for the dwelling or mobile  
17 home, in which case all of the dwelling or mobile home and its appurtenances are exempt,  
18 including the land on which they are located, unless a valid waiver executed pursuant to NRS  
19 115.010 is applicable to the judgment.

20       10. All money reasonably deposited with a landlord by you to secure an agreement to rent  
21 or lease a dwelling that is used by you as your primary residence, except that such money is not  
22 exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the  
23 terms of the agreement to rent or lease the dwelling.

24       11. A vehicle, if your equity in the vehicle is less than \$15,000.

25       12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-  
26 home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount  
27 may be exempt.

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(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;



(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

///

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

#### PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days

1 after the objection to the claim of exemption and notice for the hearing is filed. You may be able  
2 to have your property released more quickly if you mail to the judgment creditor or the attorney  
3 of the judgment creditor written proof that the property is exempt. Such proof may include,  
4 without limitation, a letter from the government, an annual statement from a pension fund,  
5 receipts for payment, copies of checks, records from financial institutions or any other document  
6 which demonstrates that the money in your account is exempt.

7 IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE  
8 TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE  
9 JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

10 **NOTICE TO BE SENT TO DEFENDANTS' ATTORNEYS**

11 **AT THE ADDRESS BELOW PURSUANT TO N.R.S. 21.076:**

12 Mark W. Yocca, Esq.  
13 Paul Kim, Esq.  
14 The Yocca Law Firm, L.L.P.  
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27 D. Badger  
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[sbogatz@rrblf.com](mailto:sbogatz@rrblf.com)

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8575 W. Washburn Rd.  
Las Vegas, NV 89129

Darrin D. Badger  
6265 Whispering Brook Ct.  
Las Vegas, NV 89149

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4  
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Nevada Bar No. 6019  
Karl O. Riley, Esq.  
Nevada Bar No. 12077  
Snell & Wilmer L.L.P.  
3883 Howard Hughes Parkway, Suite  
1100  
Las Vegas, NV 89169

Vincent Schettler  
222 Karen Ave. Unit 3101  
Las Vegas, NV 89109

JUL 14 2015

RECEIVED

**WTEX**  
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Nevada Bar No. 3783  
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Facsimile (702) 784-5252  
Email: bolson@swlaw.com  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No. A-14-710645-B

Dept. No. XXIX

**WRIT OF EXECUTION**

**WRIT OF EXECUTION**

☐ Earnings ☒ Other Property  
☐ Earnings, Order of Support

THE STATE OF NEVADA TO THE CONSTABLE OF LAS VEGAS TOWNSHIP,  
GREETINGS:

On September 26, 2014, a judgment, upon which there is due in United States Currency  
the following amounts, was entered in this action in favor of Plaintiff, Pacific Western Bank, a  
California banking corporation ("Plaintiff") as judgment creditor and against all Defendants John  
A. Ritter, Darren D. Badger and Vincent T. Schettler, jointly and severally, as judgment debtors,  
interest and costs have accrued in the amounts shown. Any satisfaction has been credited first  
against total accrued interest and costs leaving the following net balance which sum bears interest  
at 4.72% per annum from December 5, 2012, to date of levy, and to which sum must be added all

Snell & Wilmer

LLP  
LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702)784-5100

1 commissions

and of executing this Writ.

2 JUDGMENT

3 BALANCE

4 Principal

AMOUNTS TO BE COLLECTED BY LEVY

5	Pre-judgment Interest *(December 5, 2012 thru August 1, 2014)	\$2,497,568.73	NET BALANCE	\$2,836,470.63
6	Attorney's Fees	\$209,515.52	Fee this Writ	\$ 0.00
7	Costs	\$0.00	Garnishment Fee	\$5.00
8	JUDGMENT TOTAL	\$0.00	Mileage	\$22.00
9	Accrued Costs	\$2,717,490.79	Levy Fee	\$18.00
10	Post Judgment Interest (as of April 23, 2014/*335 days)	\$0.00	Advertising	\$0.00
11	Less Satisfaction	\$118,979.84	Storage	\$0.00
12	NET BALANCE	\$0.00	Interest from Date of Issuance	\$0.00
13		\$2,836,470.63	SUB-TOTAL	\$ 2,836,515.63
14			Commission	\$ 14,235.08
15			TOTAL LEVY	\$ 2,850,750.71

16 NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount  
17 due out of the following described personal property and if sufficient personal property cannot be  
18 found, then out of the following described real property:

19 ///

20 ///

21 Make Check Payable To:  
22 Constable  
23 302 E. Carson Ave. - 5th floor  
24 Las Vegas, NV. 89155  
25 702-455-4099  
26 Put Case # & Name on Check  
27  
28

**TD Ameritrade**  
**10801 W. Charleston Blvd., Suite 120**  
**Las Vegas, NV 89135**

**Account Numbers: Unknown**

All personal property including the contents of any safety deposit boxes, monies in all checking, money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darrin Badger or Vincent T. Schettler (collectively "Respondents"), credits, debts, effects, choses in action, and any other accounts held in the name of or for the benefit of said Respondents

Defendant	SSN/Tax ID	Last Known Address
John A. Ritter	526-25-1352	8575 W. Washburn Road Las Vegas, Nevada 89149
Darren D. Badger	530-96-0654	6262 Whispering Brook Court Las Vegas, Nevada 89149
Vincent T. Schettler	530-11-2027	222 Karen Ave., Unit 3101 Las Vegas, Nevada 89144

**EXEMPTIONS WHICH APPLY TO THIS LEVY**  
**(Check appropriate paragraph and complete as necessary)**

☒ Property Other Than Wages. The exemption set forth in Nev. Rev. Stat. § 21.090 or in applicable Federal statutes may apply. Consult an attorney.

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

- A. 25% of the disposable earnings due to the judgment debtor for the pay period, or
- B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order for Support).

A judgment was entered for amounts due under a decree or order entered on \_\_\_\_\_, 200\_, by the \_\_\_\_\_ for support of \_\_\_\_\_, for the period from \_\_\_\_\_ 200\_, through \_\_\_\_\_, 200\_, in \_\_\_\_\_ installments of \$\_\_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

- ☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;
- ☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;
- ☐ Plus an additional 5% of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the

beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Security Tax and Withholding for any State, County or City Tax.

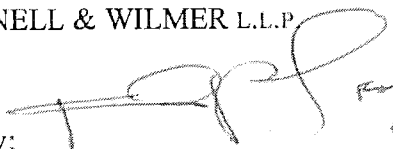
You are required to return this Writ from date of issuance not less than ten (10) days or more than sixty (60) days with the results of the levy endorsed thereon.

Issued at the direction of:

STEVEN D. GRIERSON  
CLERK OF THE COURT

SNELL & WILMER L.L.P.

CLARK COUNTY CLERK OF COURT

By:    
Bob L. Olson (Nevada Bar No. 3783)   
3883 Howard Hughes Parkway,   
Suite 1100   
Las Vegas, Nevada 89169   
*Attorneys for Plaintiff Pacific Western Bank, a   
California banking corporation*

By:    
KADIRA BECKOM

RETURN

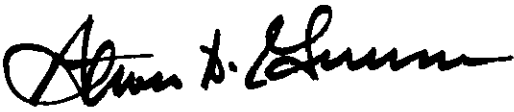
☐ Not satisfied  
☐ Satisfied in Sum of \$ \_\_\_\_\_  
☐ Costs Retained \$ \_\_\_\_\_  
☐ Commission Retained \$ \_\_\_\_\_  
☐ Costs Incurred \$ \_\_\_\_\_  
☐ Costs Received \$ \_\_\_\_\_

REMITTED TO  
JUDGMENT CREDITOR \$ \_\_\_\_\_

DEPUTY CONSTABLE/SHERIFF

By: \_\_\_\_\_  
Deputy Date



  
CLERK OF THE COURT

CLAM  
MARK J. CONNOT (10010)  
**FOX ROTHSCHILD, LLP**  
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Telephone : (702) 262-6899  
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I. SCOTT BOGATZ (3367)  
CHARLES M. VLASIC III (11308)  
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*Attorneys for Defendants,  
John A. Ritter and Darrin D. Badger*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

Case No.: A-14-710645-F

vs.

Dept. No.: XIX

JOHN A. RITTER, an individual; DARREN  
D. BADGER, an individual; VINCENT T.  
SCHETTLER, an individual; and DOES 1  
through 50,

Defendants.

**CLAIM OF EXEMPTION**

## CLAIM OF EXEMPTION

1 I, Brooke Badger, believe that Pacific Western Bank is attempting to seize property or  
2 money belonging to me, which is exempt from execution.

3 Although I was not served with notice of Pacific Western Bank's attempt to seize these  
4 exempt assets, I claim the following exemption under Nevada law:

5 1. NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt  
6 from execution:

7 Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part  
8 of a qualified tuition program pursuant to chapter 353B of NRS, any applicable  
9 regulations adopted pursuant to chapter 353B of NRS and section 529 of the  
Internal Revenue Code, 26 U.S.C. § 529 . . . . .

10 I have an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo  
11 Advisors through the Schofield Group - XXXXXX-7767 ("529 Account"). The 529 Account  
12 was set up through my father, Darrin Badger, for my benefit. I am currently enrolled in college,  
13 and these funds are being used for my college education and associated expenses. Accordingly, I  
14 believe the funds held in the 529 Account are exempt from execution pursuant to NRS  
15 21.090.1(r)(5).

16 2. NRS 21.090(1)(s) provides in relevant part that "[a]ll money and other benefits  
17 paid pursuant to the order of a court of competent jurisdiction for the support, education and  
18 maintenance of a child . . . is exempt from execution . . . ."

19 On or about March 27, 2002, my father, Darrin Badger, was divorced from my mother,  
20 Whitney Badger. As part of this divorce, and as specifically set forth in the March 27, 2002  
21 Decree of Divorce ("Divorce Decree"), Darrin Badger was Ordered to "pay the sum of \$3,333.00  
22 per year, per child, into an account for the children's college education." Much of the funds  
23 contained in the 529 Account were paid pursuant to this Order in the Divorce Decree.  
24 Accordingly, I believe the funds held in the 529 Account are also exempt from execution  
25 pursuant to NRS 21.090(1)(s).

## CLAIM OF EXEMPTION

### CLAIM OF EXEMPTION

I, Brooke Badger, believe that Pacific Western Bank is attempting to seize property or money belonging to me, which is exempt from execution.

Although I was not served with notice of Pacific Western Bank's attempt to seize these exempt assets, I claim the following exemption under Nevada law:

1. NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . . .

I have an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo Advisors through the Schofield Group - XXXXXX-7767 ("529 Account"). The 529 Account was set up through my father, Darrin Badger, for my benefit. I am currently enrolled in college, and these funds are being used for my college education and associated expenses. Accordingly, I believe the funds held in the 529 Account are exempt from execution pursuant to NRS 21.090.1(r)(5).

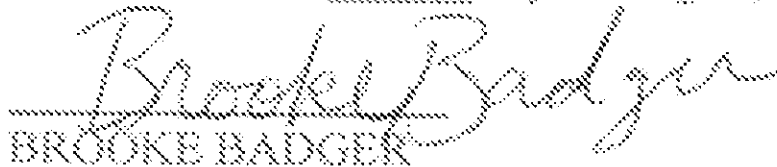
2. NRS 21.090(1)(s) provides in relevant part that "[a]ll money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child . . . is exempt from execution . . . ."

On or about March 27, 2002, my father, Darrin Badger, was divorced from my mother, Whitney Badger. As part of this divorce, and as specifically set forth in the March 27, 2002 Decree of Divorce ("Divorce Decree"), Darrin Badger was Ordered to "pay the sum of \$3,333.00 per year, per child, into an account for the children's college education." Much of the funds contained in the 529 Account were paid pursuant to this Order in the Divorce Decree.

Accordingly, I believe the funds held in the 529 Account are also exempt from execution pursuant to NRS 21.090(1)(s).

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045), that the foregoing is true and correct.

Executed this 6 day of August, 2015

  
BROOKE BADGER

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 6th day of August, 2015, I caused the above and foregoing document entitled CLAIM OF EXEMPTION to be served as follows:

☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the address indicated below:

Wells Fargo Advisors, LLC  
1 N. Jefferson Ave.  
St. Louis, MO 63103

Wells Fargo Advisors, LLC  
3763 Howard Hughes Parkway, Suite 300  
Las Vegas, NV 89169

Constable – Las Vegas Township  
302 E. Carson Avenue, 5<sup>th</sup> Floor  
Las Vegas, NV 89155

☐ pursuant to EDCR 7.26, to be sent via facsimile;

☐ to be hand-delivered;

☐ via email; and/or

☒ through the Court authorized electronic mail (*See attached Electronic Service List*) to the attorney(s) listed below:

Snell & Wilmer LLP  
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3883 Howard Hughes Parkway, Ste. 1100  
Las Vegas, Nevada 89169  
[bolson@swlaw.com](mailto:bolson@swlaw.com)  
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[malvarez@glenlerner.com](mailto:malvarez@glenlerner.com)  
*Attorneys for Vincent T. Schettler*

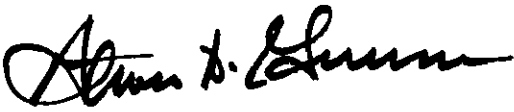
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*Attorneys for Vincent T. Schettler*

Theresa Hansen  
An employee of FOX ROTHSCHILD LLP

**E-Service Master List  
For Case**

**null - Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)**

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<b>Contact</b>	<b>Email</b>	
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<b>Reid Rubinstein &amp; Bogatz</b>		
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<b>Snell &amp; Wilmer L.L.P.</b>		
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Karl Riley	<a href="mailto:kriley@swlaw.com">kriley@swlaw.com</a>	
Mary Full - Legal Secretary	<a href="mailto:mfull@swlaw.com">mfull@swlaw.com</a>	
<b>Timothy S. Cory &amp; Associates</b>		
<b>Contact</b>	<b>Email</b>	
Timothy S. Cory	<a href="mailto:tim.cory@corylaw.us">tim.cory@corylaw.us</a>	

  
CLERK OF THE COURT

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10 CHARLES M. VLASIC III (11308)  
11 **REID RUBINSTEIN & BOGATZ**  
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15 Facsimile : (702) 776-7900  
16 sbogatz@rrblf.com  
17 cvlasic@rrblf.com

18 *Attorneys for Defendants,*  
19 *John A. Ritter and Darrin D. Badger*

20 **DISTRICT COURT**  
21 **CLARK COUNTY, NEVADA**

22 PACIFIC WESTERN BANK, a California  
23 banking corporation,

24 Plaintiff,

Case No.: A-14-710645-F

25 vs.

Dept. No.: XIX

26 JOHN A. RITTER, an individual; DARREN  
27 D. BADGER, an individual; VINCENT T.  
28 SCHETTLER, an individual; and DOES 1  
through 50,

Defendants.

**CLAIM OF EXEMPTION**

## CLAIM OF EXEMPTION

1 I, Tatum Badger, believe that Pacific Western Bank is attempting to seize property or  
2 money belonging to me, which is exempt from execution.

3 Although I was not served with notice of Pacific Western Bank's attempt to seize these  
4 exempt assets, I claim the following exemption under Nevada law:

5 1. NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt  
6 from execution:

7 Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part  
8 of a qualified tuition program pursuant to chapter 353B of NRS, any applicable  
9 regulations adopted pursuant to chapter 353B of NRS and section 529 of the  
Internal Revenue Code, 26 U.S.C. § 529 . . . . .

10 I have an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo  
11 Advisors through the Schofield Group - XXXXXX-6082 ("529 Account"). The 529 Account  
12 was set up through my father, Darrin Badger, for my benefit. I am currently enrolled in college,  
13 and these funds are being used for my college education and associated expenses. Accordingly, I  
14 believe the funds held in the 529 Account are exempt from execution pursuant to NRS  
15 21.090.1(r)(5).

16 2. NRS 21.090(1)(s) provides in relevant part that "[a]ll money and other benefits  
17 paid pursuant to the order of a court of competent jurisdiction for the support, education and  
18 maintenance of a child . . . is exempt from execution . . . ."

19 On or about March 27, 2002, my father, Darrin Badger, was divorced from my mother,  
20 Whitney Badger. As part of this divorce, and as specifically set forth in the March 27, 2002  
21 Decree of Divorce ("Divorce Decree"), Darrin Badger was Ordered to "pay the sum of \$3,333.00  
22 per year, per child, into an account for the children's college education." The funds contained in  
23 the 529 Account were paid pursuant to this Order in the Divorce Decree. Accordingly, I believe  
24 the funds held in the 529 Account are also exempt from execution pursuant to NRS 21.090(1)(s).



CLAIM OF EXEMPTION

CLAIM OF EXEMPTION

I, Tatum Badger, believe that Pacific Western Bank is attempting to seize property or money belonging to me, which is exempt from execution.

Although I was not served with notice of Pacific Western Bank's attempt to seize these exempt assets, I claim the following exemption under Nevada law:

1. NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . .

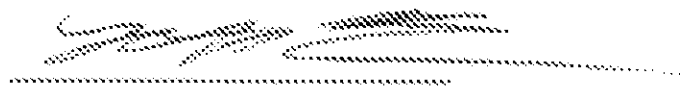
I have an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo Advisors through the Schofield Group - XXXXXX-6082 ("529 Account"). The 529 Account was set up through my father, Darrin Badger, for my benefit. I am currently enrolled in college, and these funds are being used for my college education and associated expenses. Accordingly, I believe the funds held in the 529 Account are exempt from execution pursuant to NRS 21.090.1(r)(5).

2. NRS 21.090(1)(s) provides in relevant part that "[a]ll money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child . . . is exempt from execution . . . ."

On or about March 27, 2002, my father, Darrin Badger, was divorced from my mother, Whitney Badger. As part of this divorce, and as specifically set forth in the March 27, 2002 Decree of Divorce ("Divorce Decree"), Darrin Badger was Ordered to "pay the sum of \$3,333.00 per year, per child, into an account for the children's college education." The funds contained in the 529 Account were paid pursuant to this Order in the Divorce Decree. Accordingly, I believe the funds held in the 529 Account are also exempt from execution pursuant to NRS 21.090(1)(s).

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045), that the foregoing is true and correct.

Executed this 6 day of August, 2015

  
TATUM BADGER

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this \_\_\_\_\_ day of August, 2015, I caused the above and foregoing document entitled CLAIM OF EXEMPTION to be served as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the address indicated below:

Wells Fargo Advisors, LLC  
1 N. Jefferson Ave.  
300

Wells Fargo Advisors, LLC  
3763 Howard Hughes Parkway, Suite

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 6th day of August, 2015, I caused the above and foregoing document entitled CLAIM OF EXEMPTION to be served as follows:

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St. Louis, MO 63103

Wells Fargo Advisors, LLC  
3763 Howard Hughes Parkway, Suite 300  
Las Vegas, NV 89169

Constable – Las Vegas Township  
302 E. Carson Avenue, 5<sup>th</sup> Floor  
Las Vegas, NV 89155

☐ pursuant to EDCR 7.26, to be sent via facsimile;

☐ to be hand-delivered;

☐ via email; and/or

☒ through the Court authorized electronic mail (*See attached Electronic Service List*) to the attorney(s) listed below:

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14 *Attorneys for Vincent T. Schettler*

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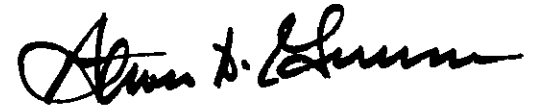
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Theresa Hansen  
An employee of FOX ROTHSCHILD LLP

**E-Service Master List  
For Case**

**null - Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)**

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cvlasic@rrblf.com

*Attorneys for Defendants,  
John A. Ritter and Darrin D. Badger*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

Case No.: A-14-710645-F

vs.

Dept. No.: XIX

JOHN A. RITTER, an individual; DARREN  
D. BADGER, an individual; VINCENT T.  
SCHETTLER, an individual; and DOES 1  
through 50,

Defendants.

**CLAIM OF EXEMPTION**

CLAIM OF EXEMPTION

STATE OF NEVADA       )  
                                  )  
COUNTY OF CLARK     )       ss:

I, Whitney Badger, believe that Pacific Western Bank is attempting to seize property or money belonging to my minor son, Gage Badger, which is exempt from execution.

Although I was not served with notice of Pacific Western Bank's attempt to seize these exempt assets, I claim the following exemption under Nevada law, on behalf of my son, Gage:

1.       NRS 21.090.1(r)(5) provides in relevant part, that the following shall be exempt from execution:

Money, not to exceed \$500,000 in present value, held in . . . [a] trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . . .

Gage Badger has an Internal Revenue Code, 26 U.S.C. § 529 account held with Wells Fargo Advisors through the Schofield Group - Account No. XXXXXX-9892 ("529 Account"). The 529 Account was set up through my ex-husband, Darrin Badger, for the benefit of our son, Gage Badger. Although Gage is not currently enrolled in college, I believe it is Gage's intention to attend college following his graduation from high school, and these funds will be used for his college education and associated expenses. I believe the funds held in the 529 Account are exempt from execution pursuant to NRS 21.090.1(r)(5).

2.       NRS 21.090(1)(s) provides in relevant part that "[a]ll money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child . . . is exempt from execution . . . ."

On or about March 27, 2002, I was divorced from the father of my three children, Darrin Badger. As part of this divorce, and as specifically set forth in the March 27, 2002 Decree of Divorce ("Divorce Decree"), Darrin Badger was Ordered to "pay the sum of \$3,333.00 per year, per child, into an account for the children's college education." Much of the funds contained in the 529 Account were paid pursuant to this Order in the Divorce Decree. Accordingly, I believe the funds held in the 529 Account are also exempt from execution pursuant to NRS 21.090(1)(s).

1 I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045),<sup>1</sup>  
2 that the foregoing is true and correct.

3 Executed this 6<sup>th</sup> day of August, 2015

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WHITNEY BADGER

<sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form.

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 6<sup>th</sup> day of August, 2015, I caused the above and foregoing document entitled CLAIM OF EXEMPTION to be served as follows:

☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the address indicated below:

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☐ pursuant to EDCR 7.26, to be sent via facsimile;

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☒ through the Court authorized electronic mail (*See attached Electronic Service List*) to the attorney(s) listed below:

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Co-counsel for Defendants,  
John A. Ritter and Darrin D. Badger



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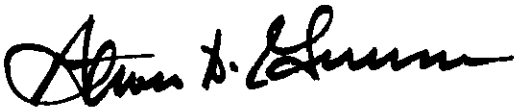
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*Attorneys for Vincent T. Schettler*

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12 An employee of FOX ROTHSCHILD LLP  
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**E-Service Master List  
For Case**

**null - Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)**

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<b>Snell &amp; Wilmer L.L.P.</b>	<b>Contact</b> Bob Olson DOCKET Jessica Velarde - File Clerk Jill Math - Legal Secretary Karl Riley Mary Full - Legal Secretary	<b>Email</b> <a href="mailto:bolson@swlaw.com">bolson@swlaw.com</a> <a href="mailto:doCKET_las@swlaw.com">doCKET_las@swlaw.com</a> <a href="mailto:jvelarde@swlaw.com">jvelarde@swlaw.com</a> <a href="mailto:jmath@swlaw.com">jmath@swlaw.com</a> <a href="mailto:kriley@swlaw.com">kriley@swlaw.com</a> <a href="mailto:mfull@swlaw.com">mfull@swlaw.com</a>
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jstilz@rrblf.com

*Attorneys for John A. Ritter and  
Darrin D. Badger*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

Case No.: A-14-710645-F

Dept. No.: XIX

vs.

JOHN A. RITTER, an individual; DARRIN D.  
BADGER, an individual; VINCENT T.  
SCHETTLER, an individual; and DOES 1  
through 50,

Defendants.

**DARRIN D. BADGER'S RESPONSE TO OBJECTIONS TO CLAIMS OF EXEMPTION**

**DARRIN D. BADGER'S RESPONSE TO OBJECTIONS TO CLAIMS OF EXEMPTION**

Defendant Darrin D. Badger ("Mr. Badger" or "Defendant"), by and through his attorneys of record, the law firms of Fox Rothschild, LLP and Reid Rubinstein & Bogatz, hereby respectfully submits this Response to the Objection to Darrin D. Badger's Affidavit Claiming Exempt Property ("Response") filed by Plaintiff, Pacific Western Bank ("PWB" or "Plaintiff").

This Response is made and based upon the Declaration of Darrin D. Badger attached hereto as **Exhibit A**, the following Memorandum of Points and Authorities, the papers and pleadings on file herein, and any oral argument permitted at the time of the hearing on this matter.

Dated this 28th day of August, 2015.

REID RUBINSTEIN & BOGATZ

FOX ROTHSCHILD, LLP

By: /s/ Charles M. Vlastic

By: /s/ Mark J. Connot

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Attorneys for Defendants, John A. Ritter  
and Darrin D. Badger

Attorneys for Defendants, John A. Ritter  
and Darrin D. Badger

**MEMORANDUM OF POINTS & AUTHORITIES**

**I. INTRODUCTION**

At issue herein are the various Affidavits Claiming Exempt Property filed on Mr. Badger's Wells Fargo Advisors ("WFA") SEP IRA Account ("SEP IRA Account") and three Internal Revenue Code, 26 U.S.C. § 529 accounts administered through WFA for the benefit of Mr. Badger's three children – Brooke, Tatum and Gage (collectively "529 Accounts"). Plaintiff makes a number of incorrect assumptions and arguments in arguing against the exemption of the funds held in these accounts.

As set forth in the August 26, 2015 Response to Supplement to Objection to Vincent T. Schettler's Claim of Exemption Re 529 Accounts on file herein,<sup>1</sup> and as set forth in more detail below; however, none of Plaintiff's assumptions or arguments have merit. In fact, the 529 Accounts are outside the reach of Plaintiff's Writ and, respectfully, this Court's jurisdiction. The funds held in these 529 Accounts are also completely exempt under New Mexico law. Finally, even if the Court had jurisdiction over these 529 Accounts and the Court somehow looked past the New Mexico law prohibiting creditors from executing on these funds, the funds held in the SEP IRA and 529 Accounts would be completely exempt under Nevada law for a variety of reasons. Given the foregoing, Plaintiff's Objection should be disregarded by the Court.

## II. BRIEF STATEMENT OF RELEVANT FACTS AND PROCEDURE

On September 26, 2014, Plaintiff obtained a judgment against Defendants in the Orange County Superior Court, State of California, in the amount of \$2,682,455.81 ("Judgment").<sup>2</sup> On or around December 3, 2014, Plaintiff filed an Application of Foreign Judgment with this Court to domesticate the Judgment in Nevada.<sup>3</sup>

On April 29, 2015, the Clark County Constable's office, on behalf of Plaintiff, served a Writ of Execution and Writ of Garnishment ("April 29, 2015 Writ") on Wells Fargo Advisors ("WFA").<sup>4</sup> On May 15, 2015, Mr. Badger filed an Affidavit Claiming Exempt Property, claiming an exemption of all the funds in the WFA accounts pursuant to NRS 21.090 and NRS

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<sup>1</sup> Like Mr. Badger, Defendant Vincent T. Schettler set up multiple 529 accounts for his children through WFA, who, in turn, placed the funds in trust with Scholar's Edge in New Mexico. For the sake of brevity, and in an effort to reduce the amount of unnecessary briefing in this matter, Mr. Badger will not rehash all of the same relevant law and argument contained in Mr. Schettler's August 26, 2015 brief; however, the same is incorporated herein by this reference, and Mr. Badger reserves the right to rely upon and argue this law and argument at the hearing on this matter.

<sup>2</sup> See May 22, 2015 Objection on file herein at p. 1 : ¶¶ 7 – 10.

<sup>3</sup> See May 22, 2015 Objection on file herein at p. 1 : ¶ 16.

<sup>4</sup> See May 22, 2015 Objection on file herein at p. 1 : 18 – 19; see copies of the April 29, 2015 Writ of Execution, Writ of Garnishment and Notice of service of same are attached to Plaintiff's Objection to Mr. Badger's Claim of Exemption, on file herein at Exhibits 2, 3, and 4, respectively.

687.290.1.<sup>5</sup> On May 22, 2015, Plaintiff filed an Objection to Mr. Badger's May 15, 2015 Affidavit Claiming Exempt Property.<sup>6</sup> On June 5, 2015, Mr. Badger's three children – Brooke, Tatum and Gage Badger each filed Affidavits Claiming Exempt Property, with respect to the 529 Accounts.<sup>7</sup> On July 9, 2015, the Court heard threshold arguments made by another Defendant in this case – Vincent T. Schettler, regarding the validity of the April 29, 2015 Writ. Based upon these threshold arguments, the Court found, among other things, that Plaintiff's April 29, 2015 Writ was invalid and unenforceable.<sup>8</sup>

Thereafter, on July 22, 2015, the Clark County Constable's office, on behalf of Plaintiff, served another Writ of Execution and Writ of Garnishment ("July 22, 2015 Writ") on WFA.<sup>9</sup> On August 6, 2015, Mr. Badger filed a second Affidavit Claiming Exempt Property, again claiming an exemption of all the funds in the WFA accounts pursuant to NRS 21.090 and NRS 687.290.1.<sup>10</sup> Also on August 6, 2015, Mr. Badger's three children – Brooke, Tatum and Gage Badger again each filed Affidavits Claiming Exempt Property, with respect to the 529 Accounts.<sup>11</sup> On August 14, 2015, Plaintiff filed the underlying second Objection to Mr. Ritter's Affidavit Claiming Exempt Property.<sup>12</sup>

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<sup>5</sup> See May 15, 2015 Affidavit Claiming Exempt Property on file herein.

<sup>6</sup> See May 22, 2015 Objection on file herein.

<sup>7</sup> See June 5, 2015, Affidavits Claiming Exempt Property for Brooke Badger, Tatum Badger and Gage Badger on file herein.

<sup>8</sup> See July 9, 2015 Minute Order on file herein.

<sup>9</sup> See a Copy of the July 22, 2015 Writ of Execution and Writ of Garnishment attached to Plaintiff's August 6, 2015 Objection to Mr. Badger's Claim of Exemption on file herein at Exhibit 3.

<sup>10</sup> See August 6, 2015 Affidavit Claiming Exempt Property on file herein.

<sup>11</sup> See August 6, 2015, Affidavits Claiming Exempt Property for Brooke Badger, Tatum Badger and Gage Badger on file herein.

<sup>12</sup> See August 14, 2015 Objection on file herein.

### III. LEGAL ARGUMENT

#### A. THE FUNDS HELD IN THE 529 ACCOUNTS ARE BEYOND THE REACH OF PLAINTIFF'S WRIT AND ARE OUTSIDE THE JURISDICTION OF THIS COURT.

With respect to the enforcement of judgments, Nevada law provides in relevant part: "[w]here the execution is against the property of the judgment debtor, it may be issued to the sheriff of any county in [Nevada]. Where it requires the delivery of real or personal property, it shall be issued to the sheriff of the county where the property, or some part thereof, is situated." NRS 21.070 (emphasis added). Given the foregoing, it is clear that a Nevada judgment is enforceable in Nevada only to the extent the judgment debtor's real or personal property is located in Nevada. Id.

There is no dispute that WFA does not hold the funds contained in the 529 Accounts. It is undisputed that WFA merely administers the 529 Accounts which are held with Scholar's Edge, a college savings program located in New Mexico.<sup>13</sup> In fact, Plaintiff readily acknowledged this fact in its briefing ("Initially, it bears noting that the 529 Accounts are maintained at 'Scholar NM Custom,' a New Mexico sponsored 529 plan. . . . [A]ll the evidence shows that this is merely a college savings plan made under the laws of New Mexico that complies with 26 U.S.C. § 529.").<sup>14</sup> WFA also specifically acknowledged this fact in its July 24, 2015 response to Plaintiff's Writ ("These shares are actually maintained at Scholar NM custom, a mutual funds company through the 529 Plan accounts. Since these assets are not held at [WFA], they are not restricted subject to the Writ of Garnishment.").<sup>15</sup>

Accordingly, as a threshold matter, because the funds in the 529 Accounts are held out of state in New Mexico, these funds are beyond the reach of Plaintiff's Writ, and are respectfully, outside the jurisdiction of this Court. See NRS 21.070. For this reason alone, Plaintiff's Objection should be disregarded by the Court.

<sup>13</sup> See a true and correct copy of the June 2015 529 Account Statement attached hereto as **Exhibit D**.

<sup>14</sup> See August 14, 2015 Objection on file herein at p. 7 : ¶¶ 21 – 22.

<sup>15</sup> See July 24, 2015 Response to Writ issued by WFA attached hereto as **Exhibit E**, at Attachment B.

**B. EVEN IF THE FUNDS HELD IN THE 529 ACCOUNTS WERE NOT OUTSIDE THE JURISDICTION OF THE COURT, THEY WOULD BE EXEMPT PURSUANT TO NMS § 21-21K-6.**

Prior to 2014, New Mexico did not provide any statutory creditor protection for funds held in New Mexico 529 plans. In 2014, however, New Mexico Statute (“NMS”), § 21-21k-6 was enacted, which provides in relevant part:

Money credited to or expended from any account in the education trust fund by or on behalf of an account owner or beneficiary is exempt from all claims of creditors of the account owner, the beneficiary or the board.

NMS § 21-21k-6. This Statute is crystal clear: **under New Mexico law, all money held in a New Mexico 529 account is exempt from all claims of creditors.** *Id.* (emphasis added). This language was presumably taken from Colorado’s nearly identical 529 plan creditor exemption statute (Colo. Rev. Stat. Ann. § 23-3.1-307.4). Most significantly, these statutes describe the **money** in the 529 account as being exempt from creditors – it does not describe an individual as being exempted from creditor execution (as some of New Mexico’s other statutes do).

The same Act (New Mexico H.B. No. 215 (2014)) that created the New Mexico 529 plan exemption found in NMS § 21-21k-6, also created relevant definitions. NMS § 21-21K-2 defines “account” as “an individual trust account . . . pursuant to the college savings program.” It defines “account owner” as, “the person who . . . is designated as having the right to withdraw money from the account before the account is disbursed for the benefit of the beneficiary.” *Id.* Finally, it defines “beneficiary” as, “the person who is designated at the time the account is opened, or the person who replaces a designated beneficiary, as the person whose education expenses are expected to paid from the account.” *Id.* Significantly, nothing contained in NMS requires that any individual associated with the creation of the 529 account be a New Mexico resident, or in any other way be connected with the state of New Mexico.

Given the foregoing, even if the funds held in the 529 Accounts were not outside the jurisdiction of the Court, they would be exempt pursuant to NMS § 21-21K-6 because they are held in New Mexico. For this additional reason, Plaintiff’s Objection should be disregarded by the Court.



C. EVEN IF THE FUNDS HELD IN THE 529 ACCOUNTS WERE NOT OUTSIDE THE JURISDICTION OF THE COURT AND EXEMPT PURSUANT TO NMS § 21-21K-6, ALL THE FUNDS AT ISSUE HEREIN WOULD BE EXEMPT UNDER NEVADA LAW.<sup>16</sup>

1. The Funds Held In The SEP IRA And The 529 Accounts Are Exempt Pursuant To NRS 21.090(1)(r).

Plaintiff incorrectly argues that Mr. Badger's assets are approximately \$71,476.03<sup>17</sup> over the allowable \$500,000.00 threshold contained in 21.090(1)(r), and therefore, that amount should be made payable to Plaintiff.<sup>18</sup> Setting aside, for a moment, all the reasons set forth herein why the Court should not apply the amounts held in the 529 Accounts against the \$500,000.00 threshold contained in NRS 21.090(1)(r), Plaintiff's argument is still incorrect.

NRS 21.090(1) provides in relevant part that the following shall be exempt from execution:

(r) Money, not to exceed \$500,000 in present value, held in:

...

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

...

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529 . . . .

...

<sup>16</sup> Mr. Badger specifically incorporates by this reference, the legal authority and arguments contained in Section III A – B of Mr. Schettler's August 26, 2015 Response on file herein.

<sup>17</sup> Plaintiff also misapprehends how the exemption rule works. The rule is not that a judgment creditor is entitled to receive from the judgment debtor, the amount by which the judgment debtor has property which exceeds the exemption threshold. Rather, the rule is that a judgment debtor is only entitled to exempt a certain amount under the exemption statute. Thus, *even if* Mr. Badger was over the exemption threshold, which he is not as set forth in more detail herein, Mr. Badger would only have to reduce his account(s) to the threshold. After tax and penalty withholdings, the calculation would have to be performed differently, and the amount by which Mr. Badger would have to reduce his account would be far less than Plaintiff suggests.

<sup>18</sup> See August 14, 2015 Objection on file herein at pp. 9 – 10.

As of July 31, 2015, the value of Mr. Badger's SEP IRA, which qualifies for an exemption under NRS 21.090(1)(r)(2), was approximately \$308,490.61;<sup>19</sup> however, given the recent sharp decline in the stock market, this amount has, and continues to decline. Presently, the total amount contained in all three 529 Accounts, which qualify for an exemption under NRS 21.090(1)(r)(5), among other things, is approximately \$169,919.38.<sup>20</sup> Together, the funds contained in SEP IRA and the 529 Accounts amount to \$478,409.99, which is well below the \$500,000.00 threshold contained in NRS 21.090(1)(r). For this additional reason, Plaintiff's Objection should be disregarded by the Court.

**2. At Least \$116,655.00 Of The Funds Held In The 529 Accounts Are Exempt Pursuant To NRS 21.090(1)(s).**

NRS 21.090(1)(s) provides in relevant part that "[a]ll money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child . . . is exempt from execution . . . ." NRS 21.090(1)(s) (emphasis added).

Mr. Badger was divorced from Whitney Badger - the mother of his three children, on or about March 27, 2002.<sup>21</sup> As part of his divorce, and as specifically set forth in the March 27, 2002 Decree of Divorce ("Divorce Decree"), Mr. Badger was Ordered to "pay the sum of

<sup>19</sup> See a true and correct copy of Mr. Badger's July 31, 2015 SEP IRA Account Statement attached hereto as **Exhibit B**.

<sup>20</sup> See **Exhibit A** at p. 2 : ¶ 15. Mr. Badger's two daughters, Brooke Badger and Tatum Badger are currently, and have been enrolled in college since 2011 and 2013, respectively. Since 2011 and 2013, respectively, Mr. Badger has been personally paying for Brooke's and Tatum's educational expenses, including, but not limited to tuition, fees, books, supplies, room and board. As a result, Mr. Badger recently requested, and was reimbursed for some of these qualified educational expenses from Brooke's and Tatum's respective 529 Accounts. Specifically, Mr. Badger was reimbursed approximately \$44,938.22 from Brooke's 529 Account, and \$16,884.57 from Tatum's 529 Account. Currently, approximately \$22,299.83 remains in Brooke's 529 Account, approximately \$62,712.25 remains in Tatum's 529 Account, and \$84,907.30 is in Mr. Badger's son, Gage's 529 Account. See **Exhibit A** at p. 1 : 10, p. 2 : 11 – 14.

<sup>21</sup> See a true and correct copy of Mr. Badger's March 27, 2002 Decree of Divorce, attached hereto as **Exhibit C**.

\$3,333.00 per year, per child, into an account for the children's college education."<sup>22</sup> This required Mr. Badger to pay no less than \$33,330.00 into an account for his daughter Brooke Badger who was eight years old when the Divorce Decree was entered (\$3,333.00 per year x 10 years), no less than \$36,663.00 into an account for his daughter Tatum Badger who was seven years old when the Decree of Divorce was entered (\$3,333.00 per year x 11 years), and no less than \$46,662.00 into an account for his son Gage Badger who was four years old when the Decree of Divorce was entered (\$3,333.00 per year x 14 years).

Since its entry, Mr. Badger has complied, and is still complying with the Divorce Decree.<sup>23</sup> The requirement that Mr. Badger pay \$3,333.00 per year, per child until the child turns 18 contained in the Divorce Decree amounts to a total of \$116,655.00 that Mr. Badger was required to<sup>24</sup> and did pay<sup>25</sup> for the support, education and maintenance of his children pursuant to the Divorce Decree. Given the foregoing, in the unlikely event the Court does not exempt all the funds contained in the 529 Accounts, at least \$116,655.00 of the funds currently held in the 529 Accounts is exempt from execution pursuant to NRS 21.090(1)(s).

### **3. No Deposits Have Been Made To The SEP IRA Or The 529 Accounts Since 2008.**

Plaintiff mistakenly presumes and argues that the funds held in the SEP IRA and 529 Accounts are not exempt from execution because they may have been deposited after the underlying litigation against Mr. Badger commenced in 2012, or after Judgment was entered in 2014.<sup>26</sup> This is not the case.<sup>27</sup> Mr. Badger transferred his SEP IRA and children's three 529

<sup>22</sup> See Exhibit C at p. 5: ¶¶ 27 – 28; p. 6 : 1.

<sup>23</sup> See Exhibit A at p. 1 : ¶ 7.

<sup>24</sup> See Exhibit C at p. 5: ¶¶ 27 – 28; p. 6 : 1.

<sup>25</sup> See Exhibit A at p. 1 : ¶ 7.

<sup>26</sup> See August 14, 2015 Objection on file herein at pp. 8 – 9.

<sup>27</sup> See Exhibit A at p. 1 : ¶¶ 5, 9.

Accounts to The Schofield Group, a financial advisement company who works with WFA in 2012; however, the last contributions Mr. Badger made to his SEP IRA and 529 Accounts was in approximately 2008.<sup>28</sup> For this additional reason, the Objection filed by Plaintiff should be disregarded.

#### IV. CONCLUSION

Plaintiff's Objection lacks merit. The 529 Accounts are outside the reach of Plaintiff's Writ and, respectfully, this Court's jurisdiction. The funds held in these 529 Accounts are also completely exempt under New Mexico law. Finally, even if the Court had jurisdiction over these 529 Accounts and the Court somehow looked past the New Mexico law prohibiting creditors from executing on these funds, the funds held in the SEP IRA and 529 Accounts would be completely exempt under Nevada law for a variety of reasons. For all these reasons, Defendant respectfully requests this Court disregard Plaintiff's Objection to Darrin D. Badger's Affidavit Claiming Exempt Property in its entirety.

Dated this 28th day of August, 2015.

REID RUBINSTEIN & BOGATZ

FOX ROTHSCHILD, LLP

By: /s/ Charles M. Vlasic

By: /s/ Mark J. Connot

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Attorneys for Defendants, John A. Ritter  
and Darrin D. Badger

Attorneys for Defendants, John A. Ritter  
and Darrin D. Badger

<sup>28</sup> Id.

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD, LLP and that on this 28th day of August, I caused the above and foregoing document entitled **DARRIN D. BADGER'S RESPONSE TO OBJECTIONS TO CLAIMS OF EXEMPTION** to be served as follows:

- ☐ ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile;
- ☐ to be hand-delivered;
- ☐ via email; and/or
- ☒ through the Court authorized electronic mail to the attorney(s) listed below at the address and/or facsimile number indicated below:

Snell & Wilmer LLP  
BOB OLSON, ESQ.  
3883 Howard Hughes Parkway, Ste. 1100  
Las Vegas, Nevada 89169  
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[docket\\_las@swlaw.com](mailto:docket_las@swlaw.com)  
[jvelarde@swlaw.com](mailto:jvelarde@swlaw.com)  
[jmath@swlaw.com](mailto:jmath@swlaw.com)  
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John A. Ritter and Darrin D. Badger*

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/s/ Jenn Moran  
An employee of REID RUBINSTEIN & BOGATZ

# EXHIBIT A

# EXHIBIT A

**DECLARATION OF DARRIN D. BADGER**

I, Darrin D. Badger, being first duly sworn, declare as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those facts, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I make this Declaration in relation to the facts and circumstances in Case No. A-14-710645-F.<sup>1</sup>

3. I am a Defendant in the underlying dispute.

4. A true and correct copy of my July 2015 WFA SEP IRA Statement is attached to the underlying Response as **Exhibit B**. This document was provided to me by WFA.

5. I transferred my SEP IRA to The Schofield Group, a financial advisement company who works with WFA in 2012; however, the last contributions I made to my SEP IRA was in approximately 2008.

6. A true and correct copy of my March 27, 2002 Decree of Divorce is attached to the underlying Response as **Exhibit C**. This document is maintained in my ordinary course of business.

7. Since its entry, I have complied, and am still complying with the Divorce Decree.

8. A true and correct copy of my children's June 2015 529 Account Statement is attached to the underlying Response as **Exhibit D**. This document was provided to me by WFA.

9. I transferred my children's three 529 Accounts to The Schofield Group, a financial advisement company who works with WFA in 2012; however, the last contributions I made to my children's three 529 Accounts was in approximately 2008.

10. My two daughters, Brooke Badger and Tatum Badger are currently, and have been enrolled in college since 2011 and 2013, respectively.

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<sup>1</sup> Unless otherwise stated herein, the capitalized terms used herein have the same meaning ascribed to them in the accompanying Response.



11. Since 2011 and 2013, respectively, I have been personally paying for Brooke's and Tatum's educational expenses, including, but not limited to tuition, fees, books, supplies, room and board.

12. As a result, I recently requested, and was reimbursed for some of these qualified educational expenses from Brooke's and Tatum's respective 529 Accounts.

13. Specifically, I was reimbursed approximately \$44,938.22 from Brooke's 529 Account, and \$16,884.57 from Tatum's 529 Account.

14. Currently, approximately \$22,299.83 is in Brooke's 529 Account, approximately \$62,712.25 is in Tatum's 529 Account, and \$84,907.30 is in my son Gage's 529 Account.

15. The current total amount contained in all of my children's three 529 Accounts is approximately \$169,919.38.

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045),<sup>2</sup> that the foregoing is true and correct.

Dated this 28th day of August, 2015.

/s/ Darrin D. Badger  
Darrin D. Badger, Declarant

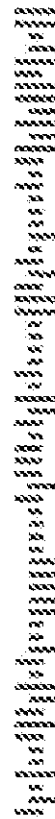
<sup>2</sup> **NRS 53.045** Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form.

# EXHIBIT B

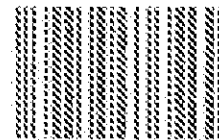
# EXHIBIT B

THE  
SCHOFIELD GROUP  
INVESTMENT MANAGEMENT

GKSF1CDHOP 019772



DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN  
3455 CLIFF SHADOWS PKWY, #220  
LAS VEGAS NV 89129-1077



## SNAPSHOT

Current period ending July 31, 2015

ACCOUNT NAME: DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

ACCOUNT NUMBER: 3655

Your Financial Advisor:  
THE SCHOFIELD GROUP INVESTMENT MANAGEMENT 437 S BLUFF ST  
STE 201  
Phone: 855-674-3601 / 435-674-3601 ST GEORGE UT 84770

If you have more than one account with us, why not link them and receive summary information for your entire household? Contact Your Financial Advisor for more details.

### Message from Our Firm

AS STUDENTS HEAD BACK TO SCHOOL, WE TEND TO REFLECT ON HOW EXPENSIVE AN EDUCATION REALLY IS. YOU CAN HELP YOUR CHILDREN OR GRANDCHILDREN BY PLANNING NOW FOR THEIR EDUCATION COSTS. TALK TO YOUR FINANCIAL ADVISOR TODAY TO DISCUSS THE COLLEGE FUNDING OPTIONS THAT MAY WORK BEST FOR YOU.

### Command Asset Program News

GET MORE DONE IN LESS TIME WITH WELLS FARGO MOBILE DEPOSIT. YOU CAN NOW DEPOSIT CHECKS DIRECTLY INTO YOUR COMMAND ACCOUNT USING THE WELLS FARGO MOBILE APP ON YOUR MOBILE DEVICE. IT'S FAST, EASY, AND SECURE.

Investment products and services are offered through Wells Fargo Advisors Financial Network, LLC, (WFAFN), Member FINRA/SIPC. WFAFN uses the trade name Wells Fargo Advisors. Brokerage account(s) carried by First Clearing, LLC, Member FINRA/SIPC. Any referenced entity is a separate entity from WFAFN and First Clearing, separate registered broker-dealers and non-bank affiliates of Wells Fargo & Company.

Investments and insurance products are:

NOT FDIC-INSURED	NO BANK GUARANTEE	MAY LOSE VALUE
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# General instructions and disclosures

## About this statement

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First Clearing, LLC ("FCC"), an indirect wholly owned subsidiary of Wells Fargo & Company, is a clearing broker-dealer registered with the Securities and Exchange Commission ("SEC") and is a member of the New York Stock Exchange ("NYSE"), the Financial Industry Regulatory Authority ("FINRA") and all principal U.S. exchanges. FCC carries your account(s) and acts as your custodian for funds and securities deposited with us directly by you, through our affiliated broker-dealer, Wells Fargo Advisors Financial Network, LLC ("Wells Fargo Advisors") or as a result of transactions we process for your account. Twice a year, FCC publishes on its web site [www.firstclearingllc.com](http://www.firstclearingllc.com) a statement of the firm's financial condition. Alternatively, a printed statement is available to you upon request. Unless and until we receive written notice from you to the contrary, FCC may, without inquiry or investigation, accept from Wells Fargo Advisors (i) orders for the purchase or sale of securities for your account on margin or otherwise, and (ii) any other instructions concerning your account.

### Trade date statement

All activity and positions on this statement are shown as of the date a trade is entered on the brokerage trading system (i.e., the trade date). Proceeds from the sale of securities and costs for the purchase of securities are not transacted through your account until the actual settlement date of the trade, which may be up to three business days after the trade date (or longer for certain securities with an extended settlement date).

### Pricing of securities

Securities prices reflected on your statement may vary from actual liquidation value. Prices shown are provided by outside quotation services which we believe to be reliable but due to the nature of market data the accuracy of such prices cannot be guaranteed, or in the absence of such pricing, are estimated by Wells Fargo Advisors using available information and its judgment. Such estimates may not reflect actual trades and do not reflect a commitment by the firm to buy or sell at those prices. Securities listed on a national exchange such as the NYSE or Nasdaq Stock Market are priced as of the close of the statement period. Unlisted shares may be valued at the current best published "bid-price", and, if none exists, the last reported transaction if occurring within the last 45 days. Prices of securities not actively traded may not be available and are indicated by "N/A." Corporate and municipal bonds and other fixed income securities are priced by a computerized pricing service or, for less actively traded issues, by utilizing a yield-based matrix system to arrive at an estimated market value. Listed options are priced based on the closing "bid-ask" prices and the last reported trade. Mutual fund shares are priced at net asset value. Shares of direct participation program ("DPP") and real estate investment trust ("REIT") securities that are not listed on a national exchange are generally illiquid. Because no formal trading market may exist for these investments, their values are estimated. Unless otherwise indicated, the values shown for DPP and REIT securities have been provided by the management of each program and represent that management's estimate of the investor's interest in the net assets of the program. See statement sections for additional pricing information. Prices for hedge funds and certain managed futures funds are provided on a month delay basis. Other managed futures funds may be priced more frequently. Long-term certificates of deposit (maturity beyond one year from date of issue) are priced using a market value pricing model. Generally, the sale or redemption price of your securities may be higher or lower than the prices shown on your statement. For an actual quote, contact the individual servicing your account.

### Estimated annual income/yield

Estimated Annual Income (EAI), when available, reflects the estimated amount you would earn on a security if your current position and its related income remained constant for a year. Estimated Annual Yield (EAY), when available, reflects the current estimated annual income divided by the current value of the security as of the statement closing date. EAI and EAY are estimates and the actual income and yield might be lower or higher than the estimated amounts. EAY reflects only the income generated by an investment. It does not reflect changes in its price, which may fluctuate. The information used to derive these estimates is obtained from various outside vendors; FCC and our Firm are not responsible for incorrect or missing estimated annual income and yields. Past performance is not a guarantee of future results.

### Income summary

The income summary displays all income as recorded in the tax system as of period end date. The totals in the Cash flow snapshot may not match the totals in the income snapshot due to reclassifications or other corrections made in the tax system. Remember, you may have certain products that are not included in these figures and whose income is only available on the tax forms sent to you at year-end. Reclassifications and other tax reporting requirements may alter these numbers both during and after year end. You should rely only on tax reporting documents. Contact your tax advisor if you have any questions about the tax consequences of your brokerage activity.

## About your rights and responsibilities

### Questions and complaints about Your Account

This account statement contains important information about your brokerage account, including recent transactions. All account statements sent to you shall be deemed complete and accurate if not objected to in writing within ten days of receipt. We encourage you to review the details in this statement. If you do not understand any of the information in your statement or if you believe there are any inaccuracies or discrepancies in your statement, you should promptly report them to both FCC and to the manager of the Wells Fargo Advisors Financial Network office listed on the front of your statement. To further protect your rights, including any rights under the Securities Investor Protection Act, any verbal communications with either your Wells Fargo Advisors Financial Network office or with FCC should be re-confirmed in writing. Inquiries or complaints about your account statement, including the positions and balances in your account, may be directed to Wells Fargo Advisors Client Services at (866) 258-4606 or First Clearing Client Services at ATTN: H0005-087, 1 N. Jefferson Ave, St. Louis, MO 63103, (800) 727-0304.

**Public Disclosure:** You may reach FINRA by calling the FINRA BrokerCheck Hotline at (800) 289-9999 or by visiting the FINRA website at [www.finra.org](http://www.finra.org). An investor brochure that includes information describing FINRA BrokerCheck is available from FINRA upon request. A brochure describing the FINRA Pricing of Securities Regulation Public Disclosure Program is also available from the FINRA upon request.

### SIPC Protection

Securities and cash in client accounts have two sources of protection. Wells Fargo Advisors is a member of the Securities Investor Protection Corporation ("SIPC"). SIPC protects the clients of its member firms against the loss of their securities in the event of the member's insolvency and liquidation. Each client is insured up to a maximum of \$500,000 (including \$250,000 for claims for cash). For more information on SIPC coverage, please see the explanatory brochure at [www.sipc.org](http://www.sipc.org) or contact SIPC at (202) 371-8300. In addition, Wells Fargo Advisors maintains a program of excess protection. This additional insurance coverage is provided through Lexington Insurance Company, ("Lexington"), an AIG Company. For clients who have received the full SIPC payout limit, Wells Fargo Advisors' policy with Lexington provides additional coverage above the SIPC limits for any missing securities and cash in client brokerage accounts up to a firm aggregate limit of \$1 billion (including up to \$1.9 million for cash per client). SIPC and the additional protection do not insure the quality of investments or protect against losses from fluctuating market value.

### Free credit balances

Free credit balances are not segregated and may be used by FCC in the operation of its business in accordance with applicable laws and regulations. You have the right to receive from us in the course of normal business operations, subject to any open commitments in any of your accounts, any free credit balances to which you are entitled.

### Investment objectives/Risk tolerances

Please inform us promptly of any material change that might affect your investment objectives, risk tolerances or financial situation, or if you wish to impose or change any reasonable restrictions on the management of your account. A copy of the Investment Advisory Services Disclosure document is available without charge upon request. Please contact the individual denoted on the front of your statement to update your information and to receive a copy of this document.

### Tax reporting

We are required by federal law to report annually to you and to the Internal Revenue Service ("IRS") on Form(s) 1099 interest income, dividend payments and sales proceeds including cost basis information for applicable transactions credited to your account.



# THE SCHOFIELD GROUP

## INVESTMENT MANAGEMENT

### SNAPSHOT

Page 1 of 8

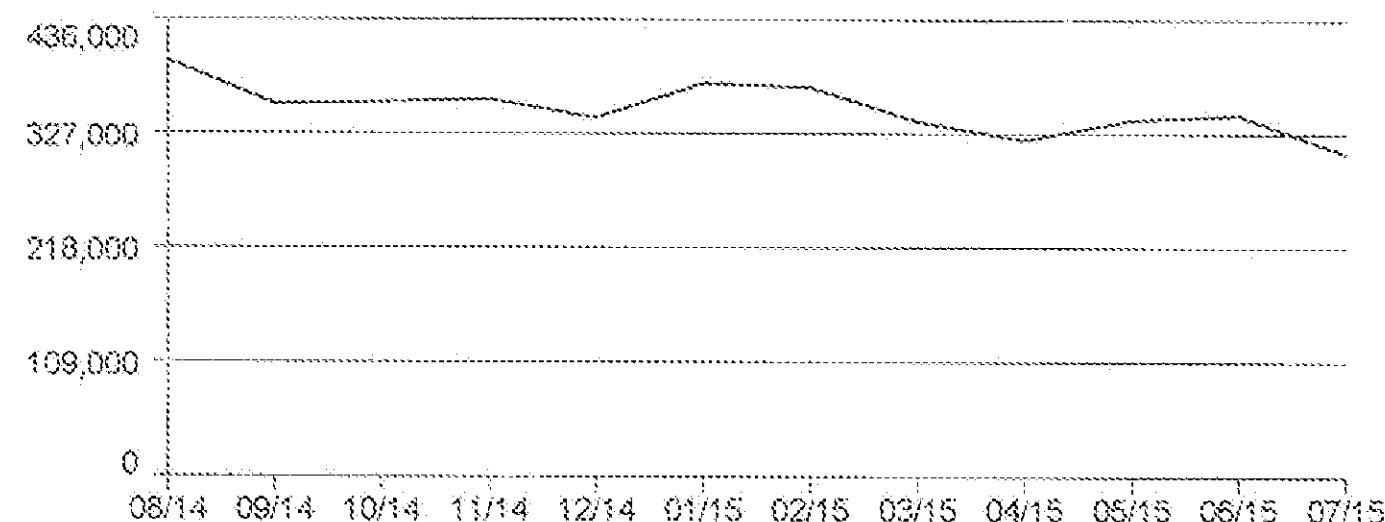
DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 3655

### Progress summary

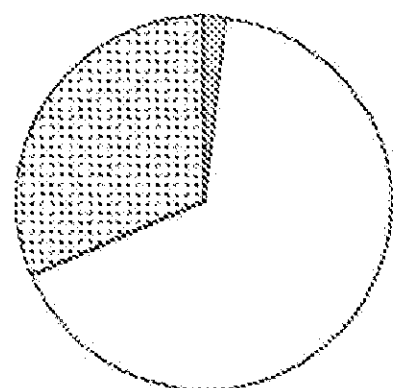
	THIS PERIOD	THIS YEAR
Opening value	\$344,637.67	\$342,124.64
Cash deposited	0.00	0.00
Securities deposited	0.00	0.00
Cash withdrawn	0.00	0.00
Securities withdrawn	0.00	-97,282.57
Income earned	909.70	7,868.96
Change in value	-37,056.76	55,759.58
Closing value	\$308,490.61	\$308,490.61

### Value over time



### Portfolio summary

CURRENT



ASSETS

Cash and sweep balances  
Stocks, options & ETFs  
Fixed income securities  
Mutual funds

Asset value

PREVIOUS VALUE ON JUN 30	%	CURRENT VALUE ON JUL 31	%	ESTIMATED ANN. INCOME
5,897.22	1.71	5,897.27	1.91	0
243,097.00	70.54	205,513.00	66.62	0
0.00	0.00	0.00	0.00	0
95,543.45	27.75	97,080.34	31.47	11,019
<b>\$344,637.67</b>	<b>100%</b>	<b>\$308,490.61</b>	<b>100%</b>	<b>\$11,019</b>

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 3655

### Cash flow summary

	THIS PERIOD	THIS YEAR
Opening value of cash and sweep balances	\$5,897.22	
Income and distributions	909.70	7,888.96
Net additions to cash	\$909.70	\$7,888.96
Securities purchased	-909.65	-7,888.62
Net subtractions from cash	-\$909.65	-\$7,888.62
Closing value of cash and sweep balances	\$5,897.27	

### Income summary \*

	THIS PERIOD	THIS YEAR
Money market/sweep funds	0.05	0.34
Dividends and short term capital gains	909.65	7,888.62
Total income	\$909.70	\$7,888.96

\* Certain distributions made in the current year are reported as prior year income according to IRS regulations. This may cause a difference between Cash Flow and Income Summary totals.

### Gain/loss summary

	UNREALIZED	THIS PERIOD REALIZED	THIS YEAR REALIZED
Short term/Net lots	-200,845.57	0.00	0.00
Long term (L)	0.00	0.00	0.00
Total	-\$200,845.57	\$0.00	\$0.00



# THE SCHOFIELD GROUP

## INVESTMENT MANAGEMENT

### SNAPSHOT

Page 3 of 8

DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 8655

### Retirement summary

IRA Plan Value \$308,490.61

A portion of these assets may not be covered by SIPC. Bank products are eligible for FDIC insurance up to \$250,000 in accordance with FDIC rules.

WOULD A ROTH IRA CONVERSION HELP WITH RETIREMENT INCOME? NOW MAY BE THE TIME TO TAKE ADVANTAGE OF HISTORICALLY LOW TAX RATES. CONTACT YOUR FINANCIAL ADVISOR TO REQUEST A ROTH CONVERSION ILLUSTRATION AND TO DISCUSS YOUR SPECIFIC SITUATION.

#### ACCOUNT INFORMATION

Account Holder Birthdate: \_\_\_\_\_  
Attained Age as of 12/31/15: 48.5

This beneficiary information is based upon the most recent data available and is being provided as a service to you. In the event of death, your most recent beneficiary designation on file will govern.

PRIMARY BENEFICIARY INFORMATION	% ENTITLEMENT
DARRIN D BADGER LIVING TR	100.00%

#### RETIREMENT TRANSACTIONS

CONTRIBUTION SUMMARY	AMOUNT
Contributions	
2015 FOR 2015	\$0.00

2015 DISTRIBUTION SUMMARY	AMOUNT
Gross Distributions	\$0.00

Contact us if information on this page requires updates.

Your Financial Advisor:  
THE SCHOFIELD GROUP INVESTMENT  
MANAGEMENT  
855-674-3601 / 435-674-3601

DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 6655

### Your Financial Advisor

THE SCHOFIELD GROUP INVESTMENT MANAGEMENT	437 S BLUFF ST STE 201 ST GEORGE UT 84770
Phone: 855-674-3601 / 435-674-3601	

### Client service information

Client service:	800-266-6263	(800) COMMAND
En español:	800-326-8977	
Website:	www.wellsfargoadvisors.com	

### Account profile

Full account name:	DARRIN D BADGER (SEP IRA) FCC AS CUSTODIAN
Account type:	Command IRA
Brokerage account number:	6655
Command account number:	7723
Tax status:	Retirement
Investment objective/Risk tolerance:	LONG TERM GROWTH & INCOME
Time horizon:	LONG TERM (10+ YEARS)
Liquidity needs:	MODERATE
Cost Basis Election:	First in, First out
Sweep option:	BANK DEPOSIT SWEEP

\*For more information, please visit us at: [www.wellsfargoadvisors.com/disclosures](http://www.wellsfargoadvisors.com/disclosures)

### Available funds

Cash	0.00
Money market and sweep funds	5,897.27
Available for loan	0.00
<b>Your total available funds</b>	<b>\$5,897.27</b>

### For your consideration

Go paperless. Accessing your account documents online is easy, secure, and costs nothing. Sign on to [wellsfargoadvisors.com](http://wellsfargoadvisors.com) with your Access Online Username and Password, select **Statements & Docs**, and then click on the **Delivery Preferences Quick Link**. Choose **Electronic Delivery** to go paperless or select specific account documents for electronic delivery. If you do not have a Username and Password, visit [wellsfargoadvisors.com/signup](http://wellsfargoadvisors.com/signup) or call 1-877-879-2495 for enrollment assistance.

### Document delivery status

	Paper	Electronic
Statements:	X	
Trade confirmations:	X	
Tax documents:	X	
Shareholder communications:	X	
Other documents:	X	





# THE SCHOFIELD GROUP

## INVESTMENT MANAGEMENT

DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 6655

## Portfolio detail

### Cash and Sweep Balances

Sweep Balances - You have the right, in the course of normal business operations, to withdraw balances in the Bank Deposit Sweep or redeem shares of the money market mutual fund used in the sweep, subject to any open commitments in any of your accounts and have the proceeds returned to your accounts or remitted to you. Note, however, that as required by federal banking regulations, the banks in the Bank Deposit Sweep reserve the right to require seven days prior notice before permitting a transfer out of the Bank Deposit Sweep. In addition, the money market mutual funds in the sweep reserve the right to require one or more day's prior notice before permitting withdrawals.

Bank Deposit Sweep - Consists of monies held at Wells Fargo Bank, N.A. and (if amounts exceed \$250,000) at one or more other Wells Fargo affiliated banks. These assets are not covered by SIPC, but are instead eligible for FDIC insurance of up to \$250,000 per depositor, per institution, in accordance with FDIC rules. For additional information on the Bank Deposit Sweep for your account, please contact Your Financial Advisor.

DESCRIPTION	% OF ACCOUNT	ANNUAL PERCENTAGE YIELD EARNED*	CURRENT MARKET VALUE	ESTIMATED ANNUAL INCOME
BANK DEPOSIT SWEEP	1.91	0.01	5,897.27	0.58
Interest Period 07/01/15 - 07/31/15				
<b>Total Cash and Sweep Balances</b>	<b>1.91</b>		<b>\$5,897.27</b>	<b>\$0.58</b>

\* APYE measures the total amount of the interest paid on an account based on the interest rate and the frequency of the compounding during the interest period. The annual percentage yield earned is expressed as an annualized rate, based on a 365 day year.

## Stocks, options & ETFs

### Stocks and ETFs

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
MANNKIND CORPORATION									
MNKD									
Acquired Net Tax Lots S nc	29.20	21,000	10.35	217,632.08	4.2900	90,090.00	-127,542.08	N/A	N/A
SPDR GOLD TRUST ET									
GLD									
Acquired Net Tax Lots S m	37.42	1,100	153.07	168,454.81	104.9300	115,423.00	-53,031.81	N/A	N/A
Total Stocks and ETFs	66.62			\$386,086.89		\$205,513.00	-\$180,573.89		
Total Stocks, options & ETFs	66.62			\$386,086.89		\$205,513.00	-\$180,573.89		

m This security contains multiple tax lots that may or may not include cost information that is reportable to the IRS.

nc Cost information for this tax lot is not covered by IRS reporting requirements. Unless indicated, cost for all other lots will be reported to the IRS.

DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 6655

## Mutual Funds

### Open End Mutual Funds

Open End Mutual Fund shares are priced at net asset value. Estimated Annual Income and Yield refer to Dividends and Interest Income only, and typically do not reflect Total return.

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
GABELLI UTILITIES FD-CL C GAUCX On Reinvestment Acquired Net Tax Lots S	31.47	13,118.96600	8.94	117,352.02	7.4000	97,080.34	-20,271.68	11,019.93	11.35
<b>Total Open End Mutual Funds</b>	<b>31.47</b>			<b>\$117,352.02</b>		<b>\$97,080.34</b>	<b>-\$20,271.68</b>	<b>\$11,019.93</b>	<b>11.35</b>
<b>Total Mutual Funds</b>	<b>31.47</b>			<b>\$117,352.02</b>		<b>\$97,080.34</b>	<b>-\$20,271.68</b>	<b>\$11,019.93</b>	<b>11.35</b>

## Activity detail

### Income and distributions

DATE	ACCOUNT TYPE	TRANSACTION	QUANTITY	DESCRIPTION	PRICE	AMOUNT
07/30	Cash	DIVIDEND		GABELLI UTILITIES FD-CL C 072915 12,985.03500 AS OF 7/29/15		909.65
07/31	Cash	INTEREST		BANK DEPOSIT SWEEP 073115 5,897		0.05
Total Income and distributions:						\$909.70

### Securities purchased

DATE	ACCOUNT TYPE	TRANSACTION	QUANTITY	DESCRIPTION	PRICE	AMOUNT
07/30	Cash	REINVEST DIV	123.93100	GABELLI UTILITIES FD-CL C REINVEST AT 7.340		-909.65
Total Securities purchased:						-\$909.65



# THE SCHOFIELD GROUP

## INVESTMENT MANAGEMENT

Page 7 of 8

DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 6666

### Cash sweep activity

Our Cash Sweep program allows you to earn a return on the idle cash balances in your account by automatically investing such balances into one of our cash sweep options. These 'sweep transactions' may represent a net amount for the day and occur on settlement date. The following section displays transfers into and out of your sweep option. Transactions displayed here are Transfer To, Transfer From and Reinvested Dividends and Interest. These transaction amounts are not included in your cash flow summary.

DATE	TRANSACTION	DESCRIPTION	AMOUNT	DATE	TRANSACTION	DESCRIPTION	AMOUNT
07/01		BEGINNING BALANCE	5,897.22	07/31		ENDING BALANCE	5,897.27
07/31	REINVEST INT	BANK DEPOSIT SWEEP	0.05				

### Bank Deposits Through Teller

July 1 - July 31

Wells Fargo Bank, N.A. (Member FDIC)

Account number 7723

Questions? Call us at 1-800-266-6263

Deposits made in a bank branch on the last business day of the month will typically appear on your next statement.

DATE	TRANSACTION	DESCRIPTION	AMOUNT	BANK BALANCE
07/01		BEGINNING BALANCE		\$0.00
07/31		ENDING BALANCE		\$0.00

### Specific instructions and disclosures

#### Available funds

"Available for loan" reflects the approximate amount available as of the statement period ending date and should be reduced by any pending checks and Visa charges not yet cleared. This amount is the approximate amount available for withdrawal and loans. A margin loan is a variable rate loan secured by your account.

DARRIN D BADGER (SEP IRA)  
FCC AS CUSTODIAN

JULY 1, 2015 - JULY 31, 2015  
ACCOUNT NUMBER: 6665

**Cost basis - To add or update information or modify your reporting options, please contact Your Financial Advisor.**

This statement presents estimated unrealized or realized gains or losses for your information only. If acquisition or other information is not available, the gain/loss information may not be displayed and section and summary totals may not reflect your complete portfolio. Cost basis information is not verified by FCC or Wells Fargo Advisors and should not be relied upon for legal or tax purposes. Revisions to this information (due to corporate mergers, tenders and other reorganizations) may be required from time to time.

Cost basis for factored bonds (GNMA, CMO, etc.) will be adjusted for paydown of principal. Systematic investments in mutual funds and reinvested dividends for mutual funds and stocks have been consolidated for each position. Unit cost data for systematic investments and dividend reinvestment securities is provided for informational purposes only and is a non-weighted average.

Your account statement should not be used for tax preparation without assistance from your tax consultant. We do not report capital gains or losses for non-covered securities to the IRS.

**Cost basis options**

Unless specific tax lots are selected at trade time, sales of tax lots will occur using the cost basis election reflected in the Account profile section.

**IRA withholding notice**

Form W-4P/QME No. 1454-0415

The withdrawals you receive from your IRA (except Education IRA) are subject to Federal income tax withholding unless you elect not to have withholding apply. If you have a periodic, or an "on demand" distribution, your election regarding our withholding of Federal income tax on your behalf stays in effect until you change it. You may change or revoke your election at any time and as often as you wish by completing a new election form. If you elect check writing privileges, you will also have previously elected to have no withholding on your withdrawals. If you decide to have taxes withheld you will not be eligible for check writing from your IRA. If you elect not to have taxes withheld you will be liable for payment of all taxes due on the taxable portion of your distribution and you may be responsible for payment of estimated tax. You may be subject to tax penalties under the estimated tax payment rules if your payments of estimated tax and withholding, if any, are not adequate.



# EXHIBIT C

# EXHIBIT C

1 NOE  
2 DEAN R. PATTI, ESQ.  
3 PATTI & SGRO  
4 Nevada State Bar No. 004717  
5 300 East Charleston Boulevard, Suite 105  
6 Las Vegas, Nevada 89104  
7 (702) 385-9595  
8 Attorneys for Plaintiff

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA

11 DARRIN BADGER, )  
12 Plaintiff, )  
13 vs. )  
14 WHITNEY BADGER, )  
15 Defendant. )  
16

CASE NO. D282217  
DEPT NO. J

17 NOTICE OF ENTRY OF ORDER

18 TO: ALL INTERESTED PARTIES

19 PLEASE TAKE NOTICE that an Order has been entered in this case, in the above-  
20 entitled Court on the 28<sup>th</sup> day of March, 2002.

21 A copy of said Order, is attached hereto and marked Exhibit "A".

22 DATED this 28<sup>th</sup> day of March, 2002.

23 PATTI & SGRO

24  
25  
26 DEAN R. PATTI, ESQ.  
27 Nevada State Bar No. 004717  
28 300 East Charleston Boulevard, Suite 105  
Las Vegas, Nevada 89104  
Attorneys for Plaintiff

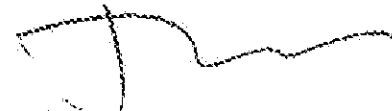
1 CERTIFICATE OF MAILING

2 I hereby certify that on the 28<sup>th</sup> day of March, 2002, I served a copy of the foregoing  
3 **NOTICE OF ENTRY OF ORDER** and **STIPULATION AND ORDER**, upon each of the  
4 parties by depositing a copy of the same in a sealed envelope in the United States Mail, Las  
5 Vegas, Nevada, First-Class Postage fully prepaid, and addressed:

6  
7 Mr. Darren Badger  
8 6220 Whispering Brook Ct.  
9 Las Vegas, Nevada 89149-3214

10 Ms. Whitney Badger  
11 556 Runbridge St.  
12 Las Vegas, Nevada 89144

13 and that there is a regular communication by mail between the place of mailing and the place(s)  
14 so addressed.

15  
16   
17 \_\_\_\_\_  
18 An employee of Patti & Sgro  
19  
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28

1 DECD  
2 DEAN R. PATTI, ESQ.  
3 PATTI & SGRO  
4 Nevada State Bar No. 004717  
5 300 East Charleston Boulevard, Suite 105  
6 Las Vegas, Nevada 89104  
7 (702) 385-9595

8 Attorneys for Plaintiff

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA

11 DARRIN BADGER,

12 Plaintiff,

13 vs.

14 WHITNEY BADGER,

15 Defendant.

CASE NO. D 282 217  
DEPT NO. "J"

16  
17 DECREE OF DIVORCE

18 This cause coming on regularly for trial this day before the above-entitled Court, the Plaintiff  
19 appearing in person and being represented by DEAN R. PATTI, ESQ. and the law firm of PATTI  
20 & SGRO, her attorneys, and the Court having heard the evidence of witnesses sworn and examined  
21 in open Court, and the cause having been submitted for decision and judgment, and the Court being  
22 fully advised as to the law and the facts of the case, finds:

23 That the Court has complete jurisdiction in the premises, both as to the subject matter thereof  
24 as well as the parties thereto; that the Plaintiff now is, and has been, an actual and bona fide resident  
25 of the County of Clark, State of Nevada, and has been actually domiciled therein for more than six  
26 weeks immediately preceding the verification of the Complaint for Divorce in this action; that all  
27 of the allegations contained in Plaintiff's Complaint are true as therein alleged and that Plaintiff is  
28 entitled to a Decree of Divorce from the Defendant on the ground as set forth in Plaintiff's



1 Complaint; and that Defendant has waived Findings of Fact, Conclusions of Law and written Notice  
2 of Entry of Judgement in said cause.

3  
4 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
5 bonds of matrimony heretofore and now existing between Plaintiff and Defendant be, and the same  
6 are hereby wholly dissolved, and, an absolute Decree of Divorce is hereby granted to the Plaintiff,  
7 and each of the parties hereto is hereby restored to the status of a single, unmarried person.

8  
9 IT IS FURTHER ORDERED that the parties shall have joint legal custody of the minor  
10 children, Brooke Badger, born September 7, 1993, Tatum Badger born March 6, 1995 and Gage  
11 Badger born December 21, 1997. Joint legal custody shall be defined as follows:

12 The parents shall consult and cooperate with each other in substantial  
13 questions relating to religious upbringing, educational programs, significant changes  
14 in social environment, and health care of the children. With the exception of  
15 emergency health care, all significant issues regarding the children shall be decided  
upon mutual agreement.

16 The parents shall have access to medical and school records pertaining to the  
17 children and be permitted to independently consult with any and all professionals  
involved with the children.

18 Both parents shall have input into the selection of schools, health care  
19 providers, day care providers, and counselors. In the event that the parents cannot  
agree to the selection of a school, the children shall be maintained in the school they  
are enrolled in pending mediation and/or further Order of the Court.

20 Each parent shall be empowered to obtain emergency health care for the  
21 children without the consent of the other parent. Each parent is to notify the other  
parent as soon as reasonably possible of any illness requiring medical attention, or  
22 any emergency involving the children.

23 Each parent shall share with the other parent information concerning the well-  
being of the children, including, but not limited to, copies of report cards; school  
24 meeting notices; vacation schedules; class programs; requests for conferences; results  
of standardized or diagnostic tests; notices of activities involving the children;  
25 samples of school work; order forms for school pictures; all communications from  
health care providers; the names, addresses, and telephone numbers of all schools,  
26 health care providers, regular day care providers, and counselors.

27 Each parent is to advise the other parent of school, athletic and social events  
in which the children participate. Both parents may participate in activities for the  
28 children such as open house, attendance at an athletic event, etc.

1 Each parent is to provide the other parent with the address and telephone  
2 number at which the minor children reside, and to notify the other parent prior to any  
change of address and provide the telephone number as soon as it is assigned.

3 Each parent is to provide the other parent with a travel itinerary and,  
4 whenever reasonably possible, telephone numbers at which the children can be  
5 reached whenever the children will be away from the parent's home, for a period of  
two nights or more.

6 Each parent shall be entitled to reasonable telephone communication with the  
7 children. Each parent is restrained from unreasonably interfering with the children's  
8 right to privacy during such telephone conversations.

9 IT IS FURTHER ORDERED that the parties agree that it is in the minor children's best  
10 interest that they maintain a meaningful relationship with both parents. In that regard, both parties  
11 agree to cooperate in maximizing the children's meaningful time with each parent. Both parties  
12 agree to be flexible with regard to time share to facilitate this goal.

13  
14 IT IS FURTHER ORDERED that Defendant shall be awarded the primary physical custody  
15 of the minor children, subject to Plaintiff's rights of specified visitation as follows:

16 REGULAR VISITATION

17 A. Plaintiff shall have the minor children on the second and fourth weekends of each  
18 month from 3:30 p.m. Fridays through 6:00 p.m. Saturdays.

19 B. Plaintiff shall have the minor children each week on Tuesdays and Thursdays (or  
20 other days by mutual consent) from 5:30 p.m. to 8:00 p.m.

21  
22 VACATIONS

23 Both parents will be allowed to have the children during their respective vacations, not to  
24 exceed three weeks unless the extension of time is by mutual agreement. Notice of intent to exercise  
25 vacation time shall be given to the other party at least 30 days in advance.

26  
27 HOLIDAYS

28 The holidays listed below will take precedence over the physical custody provisions.

1 Thanksgiving shall shared equally between the parties each year. The Plaintiff shall have the  
2 minor children from 10:00 a.m. to 2:00 p.m. in even-numbered years and from 2:00 p.m. to 6:00  
3 p.m. in odd numbered years. Defendant shall have the minor children from 10:00 a.m. to 2:00 p.m.  
4 in odd-numbered years and from 2:00 p.m. to 6:00 p.m. in even numbered years.

5 Christmas vacation shall be divided into two (2) periods. The first period shall begin at 6:00  
6 P.M. the day school recesses until December 25th at 10:00 A.M. The second period shall begin at  
7 10:00 A.M. Christmas Day until the day before school resumes at 6:00 P.M. The Plaintiff shall have  
8 the children the first period each year and Defendant shall have the children the second period each  
9 year.

10 That Plaintiff shall have the minor children on Father's Day, and Defendant shall have the  
11 minor children on Mother's Day.

12 Easter/Spring Break shall defined as beginning after school the Friday preceding Easter until  
13 Easter Sunday at 6:00 P.M. The Plaintiff shall have the minor children in odd-numbered years and  
14 the Defendant shall have the minor children in even-numbered years.

15 The children's birthdays shall be shared based upon mutual agreement of both parents, with  
16 specific plans arranged seven days in advance. The children shall spend the mother's birthday with  
17 the mother and the father's birthday with the father. The times for the above special day shall be by  
18 mutual agreements of both parents.

19

20

#### FLEXIBILITY

21 The parties understand that the State of Nevada requires that visitation times be set forth with  
22 specificity. The parties also understand that rigid time schedules may not always be in the best  
23 interest of the children. The parties agree to be cooperative and flexible with regard to all times set  
24 forth in this Decree and to at all times act in the best interest of the children with regard to time  
25 share.

26

#### ADDITIONAL TIME

27 Any additional time with the children will be by mutual agreement of both parents.

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**Abstract**

\_\_\_\_\_

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document." The author's name is "The author's name is the name of the person who wrote the document." The date of the document is "The date of the document is the date when the document was written." The title page is the first page of the document and it contains the title, author's name, and date of the document.

9

1 education.

2  
3 IT IS FURTHER ORDERED that Plaintiff shall pay all educational expenses for the minor  
4 children, including their private school tuition, until the children reach majority, marry or become  
5 otherwise emancipated, pursuant to N.R.S. 125.510, or when otherwise emancipated in accordance  
6 with N.R.S. 125B.070 and N.R.S. 125B.080. In the event that the parents agree, by mutual consent,  
7 to place the children in the public school system or to home school the children, Plaintiff shall place  
8 the sum of \$5000.00 per year, per child into an educational fund for the children. Defendant shall  
9 administer said fund.

10  
11 IT IS FURTHER ORDERED that Plaintiff shall be responsible for providing health insurance  
12 for the minor children until the children reach majority, marry or become otherwise emancipated.  
13 That the cost for this insurance, if any, shall be borne by Plaintiff and Plaintiff shall be responsible  
14 for any out-of-pocket medical costs for the minor children. Plaintiff shall not receive a deduction  
15 from child support for the cost of insurance.

16  
17 IT IS FURTHER ORDERED that in accordance with NRS 31A.020 and NRS 125.450,  
18 Plaintiff is given notice that his wages and commissions are subject to wage assignment for  
19 delinquent child support payments.

20  
21 IT IS FURTHER ORDERED that the parties are put on notice, pursuant to NRS 125B.145,  
22 that an order for the support of a child must be reviewed by the Court at least every three (3) years,  
23 upon the request of either party, for modification or adjustment. The parties are also put on notice,  
24 that an order for the support of a child may be reviewed at any time on the basis of changed  
25 circumstances.

26  
27 IT IS FURTHER ORDERED that the habitual residence of the minor children is Clark  
28 County, Nevada, United States of America, and has been for a period in excess of six months, and

1 that, pursuant to the Uniform Child Custody Jurisdiction Act, this Court has jurisdiction over the  
2 minor children.

3  
4 IT IS FURTHER ORDERED that the parties are placed on notice, pursuant to NRS  
5 125.510(7), that the terms of the Hague Convention of October 25, 1980 adopted by the 14<sup>th</sup> session  
6 of the Hague Conference on Private International Law apply if a parent abducts or wrongfully retains  
7 a child in a foreign country.

8  
9 IT IS FURTHER ORDERED that this Court may, pursuant to NRS 125.510(8), upon motion  
10 of a party, order a parent with significant commitments in a foreign country to post a bond.

11  
12 IT IS FURTHER ORDERED that the Court reserves jurisdiction of this action for the  
13 purpose of making such other and further orders relative to the care, custody, support and  
14 maintenance of the minor children of the parties hereto as to the Court may from time to time seem  
15 just and proper.

16  
17 IT IS FURTHER ORDERED that in accordance with NRS 125C.200, if Defendant moves  
18 or intends to move her residence to a place outside of the State of Nevada, taking the minor children  
19 with her, she must as soon as possible and before the planned move, attempt to obtain the written  
20 consent of the Plaintiff to move the minor children from the state. If Plaintiff refuses, then  
21 Defendant shall, before she leaves the state with the minor child, petition the Court for permission  
22 to move the minor children.

23  
24 IT IS FURTHER ORDERED that the parties understand that they are bound by the  
25 provisions of NRS Chapter 125, and that the minor child may not be removed from the State of  
26 Nevada without written consent of the parties or order of the Court and that:

27  
28 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,

1                    *CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS*  
2                    *ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN*  
3                    *NRS 193.130. NRS. 200.359 provides that every person having a limited*  
4                    *right of custody to a child or any parent having no right of custody to the*  
5                    *child who willfully detains, conceals or removes the child from a parent,*  
6                    *guardian or other person having lawful custody or a right of visitation of the*  
7                    *child in violation of an order of this court, or removes the child from the*  
8                    *jurisdiction of the court without the consent of either the court or all persons*  
9                    *who have the right to custody or visitation is subject to being punished for a*  
10                   *category D felony as provided in NRS 193.130.*

11                   IT IS FURTHER ORDERED that Plaintiff shall be awarded as his sole and separate property  
12                   the following:

- 13                   A. Residence located at 6220 Whispering Brook Court, Las Vegas, Nevada, including all  
14                   furniture and fixtures therein and subject to any encumbrance on the property.
- 15                   B. Any interest the community has in Coyote Equities, LLC.
- 16                   C. Any interest the community has in Falling Rock, LLC.
- 17                   D. Any interest the community has in National Group #1, LLC.
- 18                   E. Any interest the community has in Nevada Acquisitions, LLC.
- 19                   F. Any interest the community has in Roadrunner Properties, LLC.
- 20                   G. Any interest the community has in Rome 11.15 LLC.
- 21                   H. Any interest the community has in Rome 13.75 LLC.
- 22                   I. Any interest the community has in Southwest Desert Equities, LLC.
- 23                   J. Any interest the community has in Summit Holdings, LLC.
- 24                   K. Bank of America business savings account #1150
- 25                   L. Bank of America business checking account #9559
- 26                   M. Bank of America business home checking account #9074
- 27                   N. Community Bank money market account.
- 28                   O. Silver State Bank money market account.
- P. Red Rock Community money market account.
- Q. USA Capital account.
- R. 2000 Toyota Land Cruiser

1 S. 1999 Honda Oddessy

2 T. 1965 Ford Mustang Convertible

3 U. All personal property currently in his possession, unless otherwise distributed within the  
4 Decree of Divorce.

5 W. His clothing, jewelry and items of a personal nature.

6

7 IT IS FURTHER ORDERED that Defendant shall be awarded as her sole and separate  
8 property the following:

9 A. Residence located at 556 Runbridge, Las Vegas, Nevada, including all furniture and  
10 fixtures therein.

11 B. Residence located at 1833 Sierra Hills Way, Las Vegas, Nevada, including all furniture  
12 and fixtures therein and subject to any encumbrance on the property.

13 C. All personal property currently in her possession, unless otherwise distributed within the  
14 Decree of Divorce.

15 D. 2002 Toyota Sequoia

16 E. Bank of America checking account #1621

17 F. Bank of America money market savings account #4324

18 G. Her clothing, jewelry and items of a personal nature.

19

20 IT IS FURTHER ORDERED that the Plaintiff be, and Plaintiff hereby is, ordered to pay the  
21 following community debts and obligations of the parties and hold the Defendant harmless from any  
22 further liability thereon, to-wit:

23 A. Mortgage on the residence located at 6220 Whispering Brook Court, Las Vegas, Nevada  
24 with Wells Fargo

25 B. Any encumbrance on any asset granted to Plaintiff in this Decree.

26 C. Any debts incurred in his name only.

27

28 IT IS FURTHER ORDERED that Defendant be, and Defendant hereby is, ordered to pay the



1 following community debts and obligations of the parties and hold the Plaintiff harmless from any  
2 further liability thereon, to-wit:

3 A. Mortgage on the residence located at 1833 Sierra Hills Way, Las Vegas, Nevada with  
4 Mellon Mortgage.

5 B. Any debts incurred in her name only.

6  
7 IT IS FURTHER ORDERED that each party shall execute any and all documents necessary  
8 to carry out the distribution of assets and debts set forth herein.

9  
10 IT IS FURTHER ORDERED that Plaintiff shall pay off the existing mortgage on the  
11 residence at 556 Runbridge, Las Vegas, Nevada within five years of the entry of this Decree. Until  
12 the mortgage is paid in full, Plaintiff shall make the monthly payments.

13  
14 IT IS FURTHER ORDERED that Plaintiff shall pay the sum of \$10,000.00 towards a patio  
15 and landscaping for the residence at 556 Runbridge, Las Vegas, Nevada.

16  
17 IT IS FURTHER ORDERED that Plaintiff shall pay to Defendant the sum of \$3000.00 per  
18 month as and for spousal support for a period of 20 years. Spousal support shall terminate upon the  
19 death of Defendant but will continue even upon the remarriage of Defendant, and may be modified  
20 upon a showing of changed circumstances as set forth in NRS 125.150.

21  
22 IT IS FURTHER ORDERED that Plaintiff shall pay the sum of \$1000.00 per month into an  
23 investment fund to be designated by the parties, which shall be the sole and separate property of  
24 Defendant. Payments under this provision shall continue for a period of 20 years and shall be  
25 considered part of spousal support. This obligation shall terminate upon the death of Defendant but  
26 will continue even upon the remarriage of Defendant, and may be modified upon a showing of  
27 changed circumstances as set forth in NRS 125.150

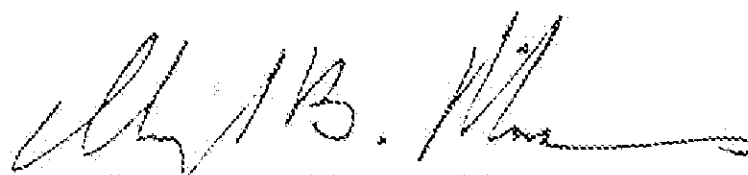
1 IT IS FURTHER ORDERED that Plaintiff has, pursuant to the parties' agreement, placed  
2 the sum of \$100,000.00 into a retirement account. That retirement account shall be the sole and  
3 separate property of Defendant.

4  
5 IT IS FURTHER ORDERED that Plaintiff shall fund Defendant's IRA at the rate of  
6 \$2000.00 per year, for 20 years from the entry of this Decree.

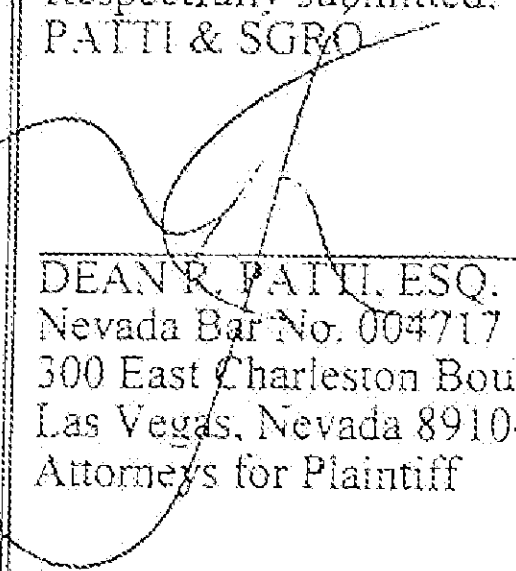
7  
8 IT IS FURTHER ORDERED that Plaintiff shall maintain a \$1,000,000.00 life insurance  
9 policy, with Defendant as the beneficiary, until all of the parties minor children have reached the age  
10 of eighteen.

11  
12 IT IS FURTHER ORDERED that the parties shall submit the information required in NRS  
13 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and Welfare Division  
14 of the Department of Human Resources within ten days from the date the Decree of Divorce is filed.  
15 Such information shall be maintained by the Clerk in a confidential manner and not part of the public  
16 record. The parties shall update the information filed with the Court and the Welfare Division of the  
17 Department of Human Resources within ten days should any of that information become inaccurate.

18 DATED and DONE this 27<sup>th</sup> day of MARCH, 2002.

19  
20   
21 DISTRICT COURT JUDGE

22 Respectfully submitted:  
23 PATTI & SGRO

24  
25   
26 DEAN R. PATTI, ESQ.  
27 Nevada Bar No. 004717  
28 300 East Charleston Boulevard, Suite 105  
Las Vegas, Nevada 89104  
Attorneys for Plaintiff

# EXHIBIT D

# EXHIBIT D

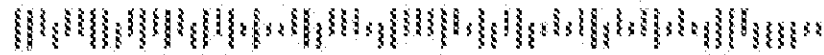


PO BOX 173691  
DENVER CO 80217-3691

## Account Statement

January 1, 2015 -- June 30, 2015

Page 1 of 3



DARRIN D BADGER  
3455 CLIFF SHADOWS PKWY STE 220  
LAS VEGAS NV 89129-1077

Your Financial Advisor:  
SCHOFIELD/SCHOFIELD  
WELLS FARGO ADVISORS LLC  
437 S BLUFF ST STE 201  
SAINT GEORGE UT 84770-3555  
314-955-3000

### Total Market Value

on 06/30/2015

**\$231,742.18**



Visit us online at [www.scholarsedge529.com](http://www.scholarsedge529.com)



Call 1.866.529.SAVE (1.866.529.7283)  
Monday - Friday, 6 am - 6 pm MT

### Account Owner Summary

	<u>Beginning Value</u>	+	<u>Additions</u>	-	<u>Withdrawals</u>	+/-	<u>Change in Value</u>	=	<u>Ending Value</u>
Year-to-Date	\$231,742.18		\$0.00		\$0.00		\$0.00		\$231,742.18

### Beneficiary Summary

	<u>Beginning Value</u>	+	<u>Additions</u>	-	<u>Withdrawals</u>	+/-	<u>Change in Value</u>	=	<u>Ending Value</u>
Gage D Badger	\$84,907.30		\$0.00		\$0.00		\$0.00		\$84,907.30
Tatum E Badger	\$79,596.82		\$0.00		\$0.00		\$0.00		\$79,596.82
Brooke A Badger	\$67,238.06		\$0.00		\$0.00		\$0.00		\$67,238.06
<b>Total Year-to-Date</b>	<b>\$231,742.18</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$231,742.18</b>

#### News You Can Use

Summer is here and it's time to relax. Sign up for an automatic investment plan by visiting [www.scholarsedge529.com](http://www.scholarsedge529.com) to link your bank account to your Scholar's Edge account. If you're already enjoying the convenience of automatic investing, consider raising your contribution amount. Please note that systematic investing does not assure a profit or protect against losses in declining markets.

# Account Statement

January 1, 2015 ~ June 30, 2015

Page 2 of 3

## Gage D Badger

### Summary of Account Portfolio

<u>Portfolio Investment</u>	<u>Beginning Value</u>	<u>+</u>	<u>Additions/ Exchanges</u>	<u>-</u>	<u>Withdrawals/ Exchanges</u>	<u>+/-</u>	<u>Change in Value</u>	<u>=</u>	<u>Ending Value</u>
Account Number - 2326									
Institutional Money Market Portfolio A	\$84,907.30		\$0.00		\$0.00		\$0.00		\$84,907.30

### Portfolio Activity

Institutional Money Market Portfolio A 61403

<u>Transaction Date</u>	<u>Transaction Description</u>	<u>Dollar Amount</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Total Units Owned</u>
	No Activity				
06/30/15	Ending Value	\$84,907.30	\$23.34		3,637.845

## Tatum E Badger

### Summary of Account Portfolio

<u>Portfolio Investment</u>	<u>Beginning Value</u>	<u>+</u>	<u>Additions/ Exchanges</u>	<u>-</u>	<u>Withdrawals/ Exchanges</u>	<u>+/-</u>	<u>Change in Value</u>	<u>=</u>	<u>Ending Value</u>
Account Number - 2552									
Institutional Money Market Portfolio A	\$79,596.82		\$0.00		\$0.00		\$0.00		\$79,596.82

### Portfolio Activity

Institutional Money Market Portfolio A 1403

<u>Transaction Date</u>	<u>Transaction Description</u>	<u>Dollar Amount</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Total Units Owned</u>
	No Activity				
06/30/15	Ending Value	\$79,596.82	\$23.34		3,410.318

## Brooke A Badger

### Summary of Account Portfolio

<u>Portfolio Investment</u>	<u>Beginning Value</u>	<u>+</u>	<u>Additions/ Exchanges</u>	<u>-</u>	<u>Withdrawals/ Exchanges</u>	<u>+/-</u>	<u>Change in Value</u>	<u>=</u>	<u>Ending Value</u>
Account Number - 2611									
Institutional Money Market Portfolio A	\$67,238.06		\$0.00		\$0.00		\$0.00		\$67,238.06

**Brooke A Badger (continued)**

**Portfolio Activity**

**Institutional Money Market Portfolio A** 61403

<u>Transaction</u> <u>Date</u>	<u>Transaction Description</u>	<u>Dollar</u> <u>Amount</u>	<u>Unit</u> <u>Price</u>	<u>Number</u> <u>of Units</u>	<u>Total</u> <u>Units Owned</u>
	No Activity				
06/30/15	Ending Value	\$87,238.08	\$23.34		2,880.808

# Account Statement

January 1, 2015 -- June 30, 2015

## Contacting Scholar's Edge



On the web

[www.scholarsedge529.com](http://www.scholarsedge529.com)

By mail

Scholar's Edge  
PO Box 173691  
Denver, CO 80217-3691



By phone

1.866.529.SAVE (1.866.529.7283)  
Monday-Friday, 6am - 6pm MT

Overnight

Scholar's Edge  
12100 E. Bluff Avenue  
Suite 300  
Aurora, CO 80014-1250

This account statement reflects a purchase, redemption or other financial transactions. Please review all of the information carefully to verify the accuracy of the transactions. You should promptly notify OppenheimerFunds Distributor, Inc. immediately if there is an error, inaccuracy or discrepancy. You can make such a report to Scholar's Edge at 1.866.529.7283. Any oral report should also be re-confirmed in writing to Scholar's Edge, P. O. Box 173691, Denver, CO 80217-3691. It is important that you report any discrepancy promptly to help protect your rights, including your rights under the Securities Investor Protection Act. If you do not notify us of an error within 60 days of receipt of this statement, you will be deemed to have ratified each transaction, and we may not be able to adjust your account.

This statement is only a record of the rights of the account owner at the date of its issue. This statement is neither a negotiable instrument nor a security. Delivery of this statement confers no rights of the recipient.

The actual mix of the portfolios will vary slightly over time due to market performance; the portfolios may be rebalanced quarterly to maintain their target asset allocations. Note: Current federal rules governing all 529 plans allow you to change investment allocations once per calendar year or whenever you change your beneficiary designation. You also have the ability to allocate any future contributions into a different investment mix.

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**OppenheimerFunds®**  
Distributor, Inc.

# EXHIBIT E

# EXHIBIT E





Law Department  
One North Jefferson Avenue  
St. Louis, MO 63103

July 24, 2015

Constable Las Vegas Township  
302 E. Carson Ave.  
5<sup>th</sup> Floor  
Las Vegas, NV 89155

COPY

RE: Pacific Western Bank )  
Plaintiff, )  
vs. )  
John A. Ritter, Darren D. )  
Badger, Vincent T. Schettler )  
Defendants, )  
and )  
Wells Fargo Advisors, LLC, )  
Garnishee, )

Case No. A-14-710645-B

Dear Constable:

Enclosed please find the Answer to Garnishee which I request you file in the above-mentioned cause on behalf of Wells Fargo Advisors, LLC.

Please be advised that the Garnishee will require a pay-in order to turn over assets withheld pursuant to the Garnishment.

Sincerely,

Jeannie S. Carneal  
Paralegal  
(804) 398-7001

Enclosure

Cc: John A. Ritter w/Attachment A only  
Darrin D. Badger w/Attachment B only  
Vincent Schettler w/Attachment C only  
Bob L. Olson, Esquire

District Court  
Clark County, Nevada

Pacific Western Bank	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
John A. Ritter, Darren D. Badger,	)	Case No. A-14-710645-B
Vincent T. Schettler	)	
Defendant,	)	
	)	
and	)	
	)	
Wells Fargo Advisors, LLC,	)	
Garnishee,	)	

ANSWER

Comes Now the Garnishee, Wells Fargo Advisors, LLC, and in Answer to the Writ of Garnishment served upon it states the following:

- 1.) Wells Fargo Advisors, LLC (hereinafter "Garnishee") is a Delaware limited liability company authorized to do business in the State of Virginia with its principal place of business being located at One North Jefferson, St. Louis, Missouri, 63103.
- 2.) On July 22, 2015, the Writ of Garnishment was served on the Garnishee.
- 3.) As of July 24, 2015, the Garnishee maintained or referenced the following assets associated with the name of the Defendant, John A. Ritter-see Attachment A, Darren D. Badger-see Attachment B and Vincent T. Schettler, see Attachment C.

Please note that the approximate market value of the positions fluctuates daily.

- 4.) The Garnishee is unaware of any other persons indebted to or having effects associated with the name of the Defendant.

A thorough and diligent search within the time period permitted was made subsequent to receipt of the Writ of Garnishment. The information provided is believed, but not guaranteed, to be accurate based on our best efforts and the information

provided. The accuracy of this response would be increased if additional information was provided to Garnishee.

Wells Fargo Advisors, LLC requests confidential treatment of this Answer and the information contained to the extent possible.

Beyond such, Garnishee states not.

WELLS FARGO ADVISORS, LLC,

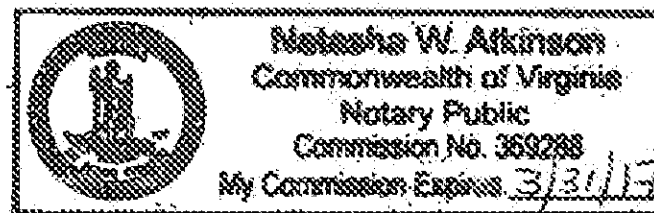
By: Jeannie S. Carneal  
Jeannie S. Carneal  
Paralegal

STATE OF Virginia            )  
  ) ss.  
COUNTY OF Henrico        )

Subscribed and sworn to before me this 24th day of July 2015.

Notary Public  
Notary Public

My Commission Expires:



WTEX  
Bob L. Olson, Esq.  
Nevada Bar No. 3783  
Snell & Wilmer L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone (702) 784-5200  
Facsimile (702) 784-5252  
Email: bolson@swlaw.com  
Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation

DISTRICT COURT

CLARK COUNTY, NEVADA

PACIFIC WESTERN BANK, a California  
banking corporation,

Plaintiff,

v.

JOHN A. RITTER, an individual;  
DARREN D. BADGER, an individual;  
VINCENT T. SCHETTLER, an individual;  
and DOES 1 THROUGH 50,

Defendants.

Case No. A-14-710645-B

Dept. No. XXIX

WRIT OF EXECUTION

WRIT OF EXECUTION

☐ Earnings ☒ Other Property  
☐ Earnings, Order of Support

THE STATE OF NEVADA TO THE CONSTABLE OF LAS VEGAS TOWNSHIP,  
GREETINGS:

On September 26, 2014, a judgment, upon which there is due in United States Currency  
the following amounts, was entered in this action in favor of Plaintiff, Pacific Western Bank, a  
California banking corporation ("Plaintiff") as judgment creditor and against all Defendants John  
A. Ritter, Darren D. Badger and Vincent T. Schettler, jointly and severally, as judgment debtors,  
interest and costs have accrued in the amounts shown. Any satisfaction has been credited first  
against total accrued interest and costs leaving the following net balance which sum bears interest  
at 4.72% per annum from December 5, 2012, to date of levy, and to which sum must be added all

Snell & Wilmer

3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 784-5200  
FACSIMILE (702) 784-5252  
bolson@swlaw.com

CLERK OF THE COURT

JUL 14 2015

RECEIVED

commissions and costs of executing this Writ.

JUDGMENT BALANCE

AMOUNTS TO BE COLLECTED BY LEVY

Principal	\$2,497,568.73	NET BALANCE	\$2,836,470.63
Pre-judgment Interest *(December 5, 2012 thru August 1, 2014)	\$209,515.52	Fee this Writ	\$0.00
Attorney's Fees	\$0.00	Garnishment Fee	\$5.00
Costs	\$0.00	Mileage	\$8.00
JUDGMENT TOTAL	\$2,717,490.79	Levy Fee	\$18.00
Accrued Costs	\$0.00	Advertising	\$0.00
Post Judgment Interest (as of July 10, 2015/*343 days)	\$118,979.84	Storage	\$0.00
Less Satisfaction	\$0.00	Interest from Date of Issuance	\$0.00
NET BALANCE	\$2,836,470.63	SUB-TOTAL	\$ 2,836,501.63
		Commission	\$ 14,235.01
		TOTAL LEVY	\$ 2,850,736.64

NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount due out of the following described personal property and if sufficient personal property cannot be found, then out of the following described real property:

///

///

Make Check Payable To:  
Constable  
302 E. Carson Ave. - 5th floor  
Las Vegas, NV, 89155  
702-455-4099  
Put Case # & Name on Check

Wells Fargo Advisors  
3763 Howard Hughes Pkwy, #330  
Las Vegas, NV 89169

Account Numbers: Unknown

All personal property including the contents of any safety deposit boxes, monies in all checking, money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darrin Badger or Vincent T. Schettler (collectively "Respondents"), credits, debts, effects, choses in action, and any other accounts held in the name of or for the benefit of said Respondents

Defendant	SSN/Tax ID	Last Known Address
John A. Ritter	1352	8575 W. Washburn Road Las Vegas, Nevada 89149
Darren D. Badger	0654	6262 Whispering Brook Court Las Vegas, Nevada 89149
Vincent T. Schettler	2027	222 Karen Ave., Unit 3101 Las Vegas, Nevada 89144

**EXEMPTIONS WHICH APPLY TO THIS LEVY**  
(Check appropriate paragraph and complete as necessary)

☒ Property Other Than Wages. The exemption set forth in Nev. Rev. Stat. § 21.090 or in applicable Federal statutes may apply. Consult an attorney.

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

A. 25% of the disposable earnings due to the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order for Support).

A judgment was entered for amounts due under a decree or order entered on \_\_\_\_\_, 200\_\_, by the \_\_\_\_\_ for support of \_\_\_\_\_, for the period from \_\_\_\_\_ 200\_\_, through \_\_\_\_\_, 200\_\_, in \_\_\_\_\_ installments of \$\_\_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5% of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the

Snell & Wilmer

LAW OFFICES  
1883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 164-5000

beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earning less deductions for Federal Income Tax Withholding, Federal Security Tax and Withholding for any State, County or City Tax.

You are required to return this Writ from date of issuance not less than ten (10) days or more than sixty (60) days with the results of the levy endorsed thereon.

Issued at the direction of:

STEVEN D. GRIERSON  
CLERK OF THE COURT

SNELL & WILMER L.L.P.

CLARK COUNTY CLERK OF COURT

By:

Bob L. Olson (Nevada Bar No. 3783)  
3883 Howard Hughes Parkway,  
Suite 1100  
Las Vegas, Nevada 89169  
*Attorneys for Plaintiff Pacific Western Bank, a  
California banking corporation*

By:

RETURN

<input type="checkbox"/> Not satisfied	\$
<input type="checkbox"/> Satisfied in Sum of	\$
<input type="checkbox"/> Costs Retained	\$
<input type="checkbox"/> Commission Retained	\$
<input type="checkbox"/> Costs Incurred	\$
<input type="checkbox"/> Costs Received	\$

REMITTED TO  
JUDGMENT CREDITOR \$

DEPUTY CONSTABLE/SHERIFF

By:

Deputy

Date

1 WRTG  
2 Bob L. Olson, Esq.  
3 Nevada Bar No. 3783  
4 Snell & Wilmer LLP.  
5 3883 Howard Hughes Parkway, Suite 1100  
6 Las Vegas, NV 89169  
7 Telephone (702) 784-5200  
8 Facsimile (702) 784-5252  
9 Email: bolson@swlaw.com  
10 Attorneys for Plaintiff Pacific Western Bank, a  
11 California banking corporation

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 PACIFIC WESTERN BANK, a California  
11 banking corporation,

Plaintiff,

v.

13 JOHN A. RITTER, an individual;  
14 DARREN D. BADGER, an individual;  
15 VINCENT T. SCHETTLER, an individual;  
16 and DOES 1 THROUGH 50,

Defendants.

Case No. A-14-710645-B

Dept. No. XXIX

WRIT OF GARNISHMENT

This WRIT must be answered,  
signed and returned  
to: Constable Las Vegas Township  
302 E. Carson Ave., 5th Floor  
Las Vegas, NV 89155

WRIT OF GARNISHMENT

THE STATE OF NEVADA TO: Wells Fargo Advisors, Garnishee

19 You are hereby notified that you are attached as garnishee in the above-entitled action and  
20 you are commanded not to pay any debt from yourself to: (1) John Albert Ritter; (2) Darrin  
21 Badger and (3) Vincent T. Schettler, and that you must retain possession and control of all  
22 personal property including the contents of any safety deposit boxes, monies in all checking,  
23 money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any  
24 uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darrin  
25 Badger or Vincent T. Schettler, credits, debts, effects, choses in action, and any other accounts  
26 held in the name of or for the benefit of said Respondents in order that the same may be dealt  
27 with according to law; where such property consists of wages, salaries, commissions or bonuses  
28 the amount you shall retain shall be in accordance with 15 U.S.C. 1673 and NRS 31.295;



Petitioner believes that you have property, money, credits, debts, effects, and choses in action in your hands and under your custody and control belonging to said Respondent described as:

All personal property including the contents of any safety deposit boxes, monies in all checking, money market, or savings accounts, mutual funds, certificates of deposit, the proceeds of any uncashed cashier's checks purchased by or payable to the order of John Albert Ritter or Darrin Badger or Vincent T. Schettler, credits, debts, effects, choses in action, and any other accounts held in the name of or for the benefit of said Respondents including, but not limited to, the following accounts:

Wells Fargo Advisors  
3763 Howard Hughes Pkwy, #330  
Las Vegas, NV 89169  
Account Numbers: Unknown

Defendant	SSN/Tax ID	Last Known Address
John A. Ritter	1352	8575 W. Washburn Road Las Vegas, Nevada 89149
Darren D. Badger	0654	6262 Whispering Brook Court Las Vegas, Nevada 89149
Vincent T. Schettler	2027	222 Karen Ave., Unit 3101 Las Vegas, Nevada 89144

YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to answer the interrogatories set forth herein and to return your answers to the office of the Constable which has issued this Writ of Garnishment. In case of your failure to answer the interrogatories within 20 days, a judgment by default in the amount due the Petitioner may be entered against you.

///

///

///

1 YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of  
2 Garnishment on Petitioner's attorney whose address appears below.

3 Issued at direction of:

4 SNELL & WILMER, LLP

CONSTABLE LAS VEGAS  
TOWNSHIP

5  
6 By:  *Bob L. Olson*  
*Bar No. 3783*

By: *J. Hammack*

J. HAMMACK P#9572

7 Bob L. Olson (Nevada Bar No. 3783)  
8 3883 Howard Hughes Parkway, Ste. 1100  
9 Las Vegas, Nevada 89169  
10 Attorneys for Plaintiff Pacific Western  
11 Bank, a California banking corporation

Deputy  
302 E. Carson Ave.  
5<sup>th</sup> Floor  
Las Vegas, NV 89155

11 STATE OF NEVADA)

12 CLARK COUNTY )

13 The undersigned, being duly sworn, states that I received the within Writ of Garnishment  
14 on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 and personally served the same on the \_\_\_\_\_ day  
15 of \_\_\_\_\_, 2015 by showing the original Writ of Garnishment, informing of the contents and  
16 delivery and leaving a copy, along with the statutory fee of \$5.00, with \_\_\_\_\_  
17 at Las Vegas, County of Clark, State of Nevada.

18  
19 Deputy Constable

Snell & Wilmer  
LLP

LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 784-9200

Attachment B

Darrin D. Badger

Sep IRA xxxx-6655

<u>Number of Shares</u>	<u>Description of Assets</u>	<u>Value</u>
12995.035	Gabelli Utilities	95,253.60
21000	Mannkind Corporation	113,820.00
1100	Spdr Gold Trust	114,763.00
	Cash/Money Market Value as of 07/24/2015	\$5,897.26
	Total Account Value as of 07/24/2015	\$329,733.86

Darrin D. Badger FBO Gage D. Badger 529 Plan

xxxx-9892

<u>Number of Shares</u>	<u>Description of Assets</u> <u>Description of Mutual Funds/Annuities Held</u> <u>at Fund/Annuity Company</u>	<u>Value</u>
3637.845	Schlar NM Custm Choice	84,907.30
	Total Account Value as of 07/24/2015	\$84,907.30

These shares are actually maintained at Scholar NM custom, a mutual funds company through the 529 Plan accounts. Since these assets are not held at Wells Fargo Advisors, LLC they are not restricted subject to the Writ of Garnishment.

Darrin D. Badger FBO Brooke A. Badger 529 Plan

xxxx-7767

<u>Number of Shares</u>	<u>Description of Assets</u> <u>Description of Mutual Funds/Annuities Held</u> <u>at Fund/Annuity Company</u>	<u>Value</u>
2880.808	Schlar NM Custm Choice	67,238.05
	Total Account Value as of 07/24/2015	\$67,238.05

Attachment B-continued

These shares are actually maintained at Scholar NM custom, a mutual funds company through the 529 Plan accounts. Since these assets are not held at Wells Fargo Advisors, LLC they are not restricted subject to the Writ of Garnishment.

Darrin D. Badger FBO Tatum E. Badger 529 Plan

xxxx-6082

<u>Number of Shares</u>	<u>Description of Assets Description of Mutual Funds/Annuities Held at Fund/Annuity Company</u>	<u>Value</u>
3410.318	Schlar NM Custm Choice	79,596.82
	Total Account Value as of 07/24/2015	\$79,596.82

These shares are actually maintained at Scholar NM custom, a mutual funds company through the 529 Plan accounts. Since these assets are not held at Wells Fargo Advisors, LLC they are not restricted subject to the Writ of Garnishment.

We also located various zero balance/closed accounts.

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Location : District Court Civil/Criminal [Help](#)

## REGISTER OF ACTIONS

CASE NO. A-14-710645-B

Pacific Western Bank, Plaintiff(s) vs. John Ritter, Defendant(s)

§  
§  
§  
§  
§  
§

Case Type: **Other Business Court Matters**

Date Filed: **12/03/2014**

Location: **Department 29**

Case Number History: **A-14-710645-F**

Cross-Reference Case Number: **A710645**

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### PARTY INFORMATION

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Defendant **Badger, Darren D**

**Lead Attorneys**  
**Mark J Connot**  
*Retained*  
702-262-6899(W)

Defendant **Ritter, John A**

**Mark J Connot**  
*Retained*  
702-262-6899(W)

Defendant **Schettler, Vincent T**

**Corey M. Eschweiler**  
*Retained*  
702-877-1500(W)

Other **Wells Fargo Advisors, LLC**

Plaintiff **Pacific Western Bank**

**Bob L. Olson**  
*Retained*  
702-784-5200(W)

Subpoena'd **Montalto, Nicol**  
(Non) Party

**Matthew L Johnson**  
*Retained*  
7024710065(W)

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### EVENTS & ORDERS OF THE COURT

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09/01/2015 **All Pending Motions** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)

#### Minutes

09/01/2015 9:00 AM

- BUSINESS COURT STATUS CHECK: DEPOSITIONS/RESET HEARING FOR DETERMINING EXEMPTIONS... PLAINTIFF'S OBJECTION TO JOHN A. RITTER'S CLAIM OF EXEMPTION FROM EXECUTION... PLAINTIFF'S OBJECTION TO CLAIMS OF EXEMPTION FILED BY DARREN WHITNEY, TATUM, AND BROOKE BADGER... PLAINTIFF'S OBJECTION TO VINCENT T. SCHETTLER'S CLAIM OF EXEMPTION RE 529 ACCOUNTS AS TO SAFE DEPOSIT BOXES: Mr. Olson advised he provided a red line version to Mr. Vlasic last night. Plaintiff will not copy anything regarding attorney-client privilege. Mr. Olson thinks there is a lien against it. He would like a copy of the off shore trust and objected to the 6 to 8 week delay. Arguments by counsel. Court noted they cannot limit to just privileges. Each counsel provided the Court with a copy of their Order, which the Court noted were the same. Court read documents, inserted wording, signed and returned the document for filing and counsel can look at the safe deposit box today. AS TO EXAMINATION OF JOHN RITTER: Arguments by counsel regarding whether the New Mexico accounts were exempt. Court stated its findings, and ORDERED, it would make no determination as the 529

BADGER000170

accounts are managed and controlled by a New Mexico entity. AS TO RITTER AND BADGER CLAIM: Arguments by counsel regarding the Judgment debtor not required to state all assets. Court stated its findings, and ORDERED, everybody to do so because of the history of the Judgment Debtor Examinations. Arguments by counsel. Court stated Ritter's claim of exemption to Roth IRA Account with balance of approximately \$486,000 is SUSTAINED because it falls within the statutory exemption but Mr. Olson keeping track. When he finds the next one they will only have \$14,00.000 left unless there are other statutory exemptions under federal law. AS TO ANNUITIES OF RITTER: Arguments by counsel regarding annuities purchased out of state that may be fraudulent purchased. Court noted that was a different issue and we are not there yet. Court noted it had not made a determination as to the Ritter exemption. COURT ORDERED, the annuity is an exempt asset but the Objection is SUSTAINED WITHOUT PREJUDICE as to the exemption. If it is determined there is a fraudulent conveyance to avoid creditors there will be a different issue to talk about. AS TO STATUS CHECK ON PLAINTIFF'S CLAIM OF EXEMPTION RE 529 ACCOUNTS: Mr. Cory advised more than 4,000 pages of documents have been produced but no Judgment Debtor Examinations have taken place. Once the Examinations have been set, then there could be a Hearing on his Motion. Counsel advised there were three Writs. The Court advised it had not ruled on the family trust as it needs the Judgment Debtor Examination before ruling, then an Evidentiary Hearing. COURT ORDERED, matter SET for Status Check on the Chambers Calendar to determine whether there is Notice of Judgment Debtor Examination. Counsel to file a Status Report the day before. Court directed the Judgment Debtor Examination take place to produce documents. Counsel advised they were working on a privilege log. Mr. Cory to prepare the Order. Court directed the Judgment Debtor Examination take place to produce documents. The Court reconsidered the 529 New Mexico entity and directed counsel to go to New Mexico to determine status of the Writ. COURT ORDERED, the Writ is QUASHED. Mr. Olson requested a Stay on Quashing the Writ. COURT ORDERED, there was a 5-day Stay and counsel can ask for a longer Stay. If counsel wants a Stay longer than 5 days, counsel to file a Motion for Stay requiring posting a Supersedeas Bond. No transfers to occur during that time period. AS TO THE ERISA ACCOUNT: Mr. Cory to prepare the Order. Court noted the Writ is Quashed once the Order is signed. The Writ is Quashed as a result of being MOOT. 10/16/15 AT REQUEST OF THE COURT: STATUS CHECK - CHAMBERS

[Parties Present](#)

[Return to Register of Actions](#)