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LAW OFFICES OF BRIAN C. PADGETT
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UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, on relation of its)
Department of Transportation,)

CASE NO.: 2:16-cv-665-APG-GWF

Plaintiff)

ORDER GRANTING MOTION TO
WITHDRAW FUNDS ON DEPOSIT

vs.)

DARRELL E. JACKSON, *et al.*, a married man;)
THOMAS M. STRAWN, JR., a married man;)
ANDREW S. LEVY, a married man; DAVIDSON)
INVESTMENTS LIMITED PARTNERSHIP, a)
Nevada limited partnership; JOHN W. BOYER, a)
married man; MICHAEL ALEXANDER, Trustee of)
the MICHAEL ALEXANDER LIVING TRUST;)
NEVADA TITLE COMPANY, a Nevada)
corporation; L. S. ENTERPRISES, INC., a Nevada)
corporation d/b/a American Commonwealth)
Mortgage Co.; EAGLEMARK SAVINGS BANK, a)
Nevada corporation; STATE OF NEVADA,)
DEPARTMENT OF EMPLOYMENT, TRAINING)
& REHABILITATION, EMPLOYMENT)
SECURITY DIVISION; UNITED STATES)
DEPARTMENT OF THE TREASURY –)
INTERNAL REVENUE SERVICE; CITY OF LAS)
VEGAS; CLARK COUNTY, a political subdivision)
of the State of Nevada; and all other persons)
unknown claiming any right title, estate, lien or)
interest in the real property described in the)
Complaint,)

Defendants.)

This matter is before the Court on Defendants DAVIDSON INVESTMENTS LIMITED PARTNERSHIP, JOHN W. BOYER, MICHAEL ALEXANDER, Trustee of the MICHAEL ALEXANDER LIVING TRUST; L.S. ENTERPRISES, INC. (collectively “moving Defendants”)’s

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1 Motion to Withdraw Funds on Deposit (ECF No. 75). Plaintiff, the STATE OF NEVADA, on
2 relation of its Department of Transportation, (“NDOT”) filed a Provisional Non-Opposition (ECF
3 No. 85). Defendant, UNITED STATES (“IRS”) filed a Response (ECF No. 90).

4 The Court, having considered the pleadings and papers on file herein, as well as the parties’
5 oral arguments, finds that withdrawal of the \$167,000.00 in funds by the moving Defendants is
6 appropriate. The parties agree, and the Court finds, that these funds specifically correlate to the value
7 of the real property that is the subject of this condemnation action. The parties further agree that
8 neither the IRS nor any other party is waiving the right to pursue recovery of any funds subsequently
9 deposited or otherwise awarded pursuant to any condemnation award or settlement in this matter.
10 Therefore, good cause appearing,

11 **IT IS HEREBY ORDERED** that Defendants’ Motion to Withdraw Funds on Deposit (ECF
12 No. 75) is **GRANTED**.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall prepare a check for the
14 \$167,000.00 in funds on deposit, along with any interest accrued on said funds since their deposit,
15 within fourteen (14) days of the date of this Order with the check made payable to “American
16 Commonwealth Mortgage”.

17 Dated this 10th day of April, 2017.

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21 _____
George W. Foley
United States Magistrate Judge

22
23 Respectfully submitted by:
Law Offices of Brian C. Padgett

24 By: /s/ Amy L. Sugden
25 Amy L. Sugden
26 Law Offices of Brian C. Padgett
27 611 South Sixth Street
28 Las Vegas, Nevada 89101

*Attorneys for Defendants Darrell E. Jackson,
Thomas M. Strawn, Jr., Andrew S. Levy,
Davidson Limited Partnership, John W. Boyer,
Michael Alexander, L.S. Enterprises, Inc.*