

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

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2 MICHAEL R. MUSHKIN, ESQ.
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5 4495 South Pecos Road
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9 *Attorneys for Nona Tobin,*
10 *as Trustee of the Gordon B. Hansen Trust*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JOEL A. STOKES and SANDRA F. STOKES,
14 as trustee of the JIMI JACK IRREVOCABLE
15 TRUST,

16 Plaintiffs,
17 vs.

18 BANK OF AMERICA, N.A.;

19 Defendant.

20 NATIONSTAR MORTGAGE, LLC,

21 Counter-Claimant,
22 vs.

23 JIMI JACK IRREVOCABLE TRUST,

24 Counter-Defendant.

25
26 CAPTION CONTINUES BELOW

Case No.: A-15-720032-C
Consolidated with: A-16-730078-C

Department: XXXI

NOTICE OF APPEAL

1 NONA TOBIN, an individual, and Trustee of
2 the GORDON B. HANSEN TRUST Dated
3 8/22/08

4 Counter-Claimant,

5 vs.

6 JOEL A. STOKES and SANDRA F. STOKES,
7 as trustees of the JIMI JACK IRREVOCABLE
8 TRUST, SUN CITY ANTHEM COMMUNITY
9 ASSOCIATION, INC., YUEN K. LEE, an
10 Individual, d/b/a Manager, F. BONDURANT,
11 LLC, DOES 1-10, AND ROE
12 CORPORATIONS 1-10, inclusive,

13 Counter-Defendants.

14 NOTICE OF APPEAL

15 Notice is hereby given that NONA TOBIN, as Trustee of the Gordon B. Hansen Trust,
16 dated 8/22/08, Counterclaimant in the above entitled matter, hereby appeals to the Supreme Court
17 of Nevada from the following:

- 18 1. the Findings of Facts, Conclusions of Law and Judgment entered in this action on June
19 24, 2019;
- 20 2. the Findings of Fact, Conclusions of Law and Order of Cross-Defendant Sun City
21 Anthem Community Association's Motion for Summary Judgement entered in this
22 action on April 17, 2019;
- 23 3. the Order Denying Motion for Reconsideration entered in this action on May 31, 2019.

24 DATED this 23 day of July, 2019

25 MUSHKIN CICA COPPEDGE

26 
MICHAEL R. MUSHKIN, ESQ.

27 Nevada Bar No. 2421

28 L. JOE COPPEDGE, ESQ.

Nevada Bar No. 4954

4495 S. Pecos Road

Las Vegas, Nevada 89121

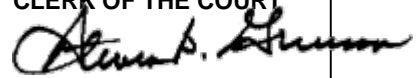
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Appeal** was submitted electronically for filing and/or service with the Eighth Judicial District Court on this 23rd day of July, 2019. Electronic service of the foregoing document shall be upon all parties listed on the Odyssey eFileNV service contact list.



An Employee of
MUSHKIN CICA COPPEDGE



1 NOAS
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9 *Attorneys for Nona Tobin,*
10 *as Trustee of the Gordon B. Hansen Trust*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JOEL A. STOKES and SANDRA F. STOKES,
14 as trustee of the JIMI JACK IRREVOCABLE
15 TRUST,

16 Plaintiffs,
17 vs.

18 BANK OF AMERICA, N.A.;

19 Defendant.

20 NATIONSTAR MORTGAGE, LLC,

21 Counter-Claimant,
22 vs.

23 JIMI JACK IRREVOCABLE TRUST,

24 Counter-Defendant.

25
26 CAPTION CONTINUES BELOW

Case No.: A-15-720032-C
Consolidated with: A-16-730078-C

Department: XXXI

CASE APPEAL STATEMENT

1 NONA TOBIN, an individual, and Trustee of
2 the GORDON B. HANSEN TRUST. Dated
8/22/08

3 Counter-Claimant,

4 vs.

5 JOEL A. STOKES and SANDRA F. STOKES,
6 as trustees of the JIMIACK IRREVOCABLE
7 TRUST, SUN CITY ANTHEM COMMUNITY
8 ASSOCIATION, INC., YUEN K. LEE, an
9 Individual, d/b/a Manager, F. BONDURANT,
LLC, DOES 1-10, AND ROE
CORPORATIONS 1-10, inclusive,

10 Counter-Defendants.
11

12 CASE APPEAL STATEMENT

13 NONA TOBIN, as Trustee of the Gordon B. Hansen Trust, dated 8/22/08, by and through
14 his undersigned attorneys and for Case Appeal Statement, states as follows:

15 1. Name of appellant filing this case appeal statement:

16 NONA TOBIN, as Trustee of the Gordon B. Hansen Trust, dated 8/22/08

17 2. Identify the judge issuing the decision, judgment, or order appealed from:

18 The Honorable Joanna S. Kishner.

19 3. Identify each appellant and the name and address of counsel for each appellant:

20 NONA TOBIN, as Trustee of the Gordon B. Hansen Trust, dated 8/22/08,
21 Appellant

22 Michael R. Mushkin, Esq.
23 Nevada State Bar No. 2421
24 Mushkin Cica Coppedge
4495 South Pecos Road
Las Vegas, Nevada 89121

25 L. Joe Coppedge, Esq.
26 Nevada State Bar No. 4954
27 Mushkin Cica Coppedge
4495 South Pecos Road
28 Las Vegas, Nevada 89121

1 4. Identify each respondent and the name and address of appellate counsel, if known,
2 for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much
3 and provide the name and address of that respondent's trial counsel):

4 a. Joel A. Stokes and Sandra F. Stokes as Trustees of the Jimijack Irrevocable
5 Trust, Yuen K. Lee and F. Bondurant, LLC, Respondents

6 Respondent's appellate counsel is unknown. Trial counsel was:

7 Joseph Y. Hong, Esq.
8 Nevada Bar No. 5995
9 Hong & Hong Law Office
 1980 Festival Plaza Drive, Suite 650
 Las Vegas, Nevada 89135

10 b. Sun City Anthem Community Association, Respondent

11 Respondent's appellate counsel is unknown. Trial counsel was:

12 Kaleb D. Anderson, Esq.
13 Nevada Bar No. 7582
14 Lipson Neilson, P.C.
 9900 Covington Cross Drive, Suite 120
 Las Vegas, Nevada 89144

15 David T. Ochoa
16 Nevada Bar No. 10414
17 Lipson Neilson, P.C.
 9900 Covington Cross Drive, Suite 120
 Las Vegas, Nevada 89144

18 c. Nationstar Mortgage, LLC, Respondent

19 Respondent's appellate counsel is unknown. Trial counsel was:

20 Melanie D. Morgan, Esq.
21 Nevada Bar No. 8215
22 Akerman, LLP
 1635 Village Center Circle, Suite 200
 Las Vegas, Nevada 89134

23
24 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
25 licensed to practice law in Nevada and, if so, whether the district court granted that attorney
26 permission to appear under SCR 42 (attach a copy of any district court order granting such
27 permission):

28 The attorneys identified above are licensed to practice law in Nevada.

1 6. Indicate whether appellant was represented by appointed or retained counsel in the
2 district court:

3 Appellant was represented by retained counsel.

4 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
5 Appellant is represented by retained counsel.

6 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the
7 date of entry of the district court order granting such leave:

8 No

9 9. Indicate the date the proceedings commenced in the district court (e.g., date
10 complaint, indictment, information, or petition was filed):

11 The original Complaint was filed on June 16, 2015.

12 10. Provide a brief description of the nature of the action and result in the district court,
13 including the type of judgment or order being appealed and the relief granted by the district court:

14 This is an action to quiet title to real estate following an HOA foreclosure. The
15 Gordon B. Hansen Trust dated August 22, 2008 (the "Trust") was the owner of the subject property
16 at the time of the foreclosure. Nona Tobin ("Tobin"), as Trustee of the Trust appeals from (i) the
17 Findings of Fact, Conclusions of Law and Order on Cross-Defendant Sun City Anthem Community
18 Association's Motion for Summary Judgment entered on April 17, 2019, which granted Sun City
19 Anthem Community Association's Motion for Summary Judgment and Nationstar Mortgage, LLC's
20 limited joinder, (ii) the Order Denying Motion for Reconsideration entered on May 31, 2019, which
21 denied Tobin's Motion for Reconsideration, and (iii) the final judgment entered in this action on
22 June 24, 2019 in the form of Findings of Fact, Conclusions of Law and Judgment entered in favor
23 of the remaining Respondents, Joel A. Stokes and Sandra F. Stokes as Trustees of the Jimijack
24 Irrevocable Trust, Yuen K. Lee and F. Bondurant, LLC on Tobin's counterclaim to quiet title to the
25 subject property.

26 11. Indicate whether the case has previously been the subject of an appeal to or original
27 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of
28 the prior proceeding:

1 This case has **not** been previously been the subject of an appeal to or original writ
2 proceeding in the Supreme Court.

3 12. Indicate whether this appeal involves child custody or visitation:

4 This case does **not** involve child custody or visitation.

5 13. If this is a civil case, indicate whether this appeal involves the possibility of
6 settlement:

7 Settlement is unlikely.

8 DATED this 23 day of July, 2019

9 MUSHKIN CICA COPPEDGE

10 
11 _____
12 MICHAEL R. MUSHKIN, ESQ.

13 Nevada Bar No. 2421

14 L. JOE COPPEDGE, ESQ.

15 Nevada Bar No. 4954

16 4495 S. Pecos Road

17 Las Vegas, Nevada 89121

18 *Attorneys for Appellant, Nona Tobin as Trustee of
19 the Gordon B. Hansen Trust, dated 8/22/08*

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that the foregoing **Case Appeal Statement** was submitted electronically for
22 filing and/or service with the Eighth Judicial District Court on this 23rd day of July, 2019.
23 Electronic service of the foregoing document shall be upon all parties listed on the Odyssey
24 eFileNV service contact list.

25 
26 _____
27 An Employee of
28 MUSHKIN CICA COPPEDGE

CASE SUMMARY

CASE NO. A-15-720032-C

Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

§
§
§
§
§

Location: **Department 31**
 Judicial Officer: **Kishner, Joanna S.**
 Filed on: **06/16/2015**
 Cross-Reference Case Number: **A720032**

CASE INFORMATION

Related Cases

A-16-730078-C (Companion Case)

Case Type: **Other Title to Property**

Statistical Closures

07/16/2019 Judgment Reached (bench trial)
 10/16/2015 Default Judgment

Case Status: **07/16/2019 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-15-720032-C
 Court Department 31
 Date Assigned 06/16/2015
 Judicial Officer Kishner, Joanna S.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	JimiJack Irrevocable Trust	Hong, Joseph Y. <i>Retained</i> 702-870-1777(W)
Defendant	Bank of America NA	Nitz, Dana J. <i>Retained</i> 702-475-7964(W)
	Sun City Anthem Community Association Inc	Clark, David A. <i>Retained</i> 7023822200(W)
Counter Claimant	Gordon B. Hansen Trust Dated 8/22/08	
	Nationstar Mortgage, LLC	Morgan, Melanie D. <i>Retained</i> 702-634-5000(W)
	Nona Tobin, as Trustee of the Gordon B. Hansen Trust	Pro Se 702-465-2199(H)
Counter Defendant	F. Bondurant LLC Removed: 02/20/2019 Dismissed	
	JimiJack Irrevocable Trust Removed: 05/31/2019 Dismissed	Hong, Joseph Y. <i>Retained</i> 702-870-1777(W)
	Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust	Hong, Joseph Y. <i>Retained</i> 702-870-1777(W)
	Oppurtunity Homes LLC Removed: 02/20/2019 Dismissed	

CASE SUMMARY

CASE NO. A-15-720032-C

Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust

Hong, Joseph Y.
Retained
702-870-1777(W)

Cross Claimant **Gordon B. Hansen Trust Dated 8/22/08**

Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Pro Se
702-465-2199(H)

Cross Defendant **Lee, Yuen K.**

Oppurtunity Homes LLC
Removed: 08/07/2017
Dismissed

Sun City Anthem Community Association Inc

Clark, David A.
Retained
7023822200(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
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EVENTS


06/16/2015	 Complaint Filed By: Plaintiff JimiJack Irrevocable Trust <i>Complaint</i>	
08/12/2015	 Summons Filed by: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Summons</i>	
08/19/2015	 Default Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Default</i>	
08/20/2015	 Three Day Notice of Intent to Default Filed by: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Notice Of Intent To Take Default Judgment</i>	
08/25/2015	 Application for Default Judgment Party: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Application For Entry Of Default Judgment</i>	
08/25/2015	 Memorandum of Costs and Disbursements Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Memorandum Of Costs And Disbursements</i>	
09/08/2015	 Notice of Hearing Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Notice of Hearing</i>	
10/05/2015	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>	
10/16/2015	 Default Judgment Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust <i>Judgment By Default Against Defendant, Bank Of America, N.A.</i>	
04/12/2016	 Motion for Substitution	


CASE SUMMARY


CASE NO. A-15-720032-C


Filed By: Other Nationstar Mortgage, LLC
Motion to Substitute Party, Intervene and Set Aside Default Judgment


04/12/2016  Initial Appearance Fee Disclosure
Filed By: Other Nationstar Mortgage, LLC
Initial Appearance Fee Disclosure


04/12/2016  Declaration
Filed By: Other Nationstar Mortgage, LLC
Declaration of Edgar C. Smith in Support of Motion to Substitute Party, Intervene and Set Aside Default Judgment


04/26/2016  Opposition to Motion
Filed By: Plaintiff JimiJack Irrevocable Trust
Plaintiff, JimiJack Irrevocable Trust's, Opposition To Proposed Intervenor, Nationstar Mortgage, LLC's, Motion To Substitute Party, Intervene And Set Aside Default Judgment


05/10/2016  Reply in Support
Filed By: Other Nationstar Mortgage, LLC
Reply in Support of Motion to Substitute Party, Intervene and Set Aside Default Judgment


06/02/2016  Answer and Counterclaim
Filed By: Other Nationstar Mortgage, LLC
Defendant in Intervention Nationstar Mortgage, LLC's Answer to Plaintiffs' Complaint and Counterclaim


06/03/2016  Notice of Lis Pendens
Filed by: Other Nationstar Mortgage, LLC
Notice of Lis Pendens


06/07/2016  Order
Filed By: Other Nationstar Mortgage, LLC
Order Granting in Part Nationstar Mortgage, LLC's Motion to Substitute Party, Intervene and Set Aside Default Judgment

06/08/2016  Notice of Entry of Order
Filed By: Defendant Bank of America NA
Notice of Entry of Order

06/09/2016  Motion to Dismiss
Filed By: Plaintiff JimiJack Irrevocable Trust
Plaintiff, JimiJack Irrevocable Trust's, Through Its Trustees, Motion To Dismiss Defendant In Intervention Nationstar Mortgage, LLC.'s Answer And Counterclaim

06/16/2016  Ex Parte Application
Party: Plaintiff JimiJack Irrevocable Trust
Plaintiff's Ex Parte Application For Order Shortening Time

06/17/2016  Opposition to Motion to Dismiss
Filed By: Other Nationstar Mortgage, LLC
Nationstar's Opposition to Motion to Dismiss

06/17/2016  Order Shortening Time
Filed By: Plaintiff JimiJack Irrevocable Trust
Order Shortening Time

CASE SUMMARY

CASE NO. A-15-720032-C

- 06/21/2016  Reply to Opposition
Filed by: Plaintiff JimiJack Irrevocable Trust
Plaintiff, Jimijack Irrevocable Trust's Reply to Nationstar's Opposition to Motion to Dismiss
- 06/27/2016  Affidavit of Service
Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust
Affidavit of Service
- 06/28/2016  Notice of Early Case Conference
Filed By: Other Nationstar Mortgage, LLC
Notice of N.R.C.P. 16.1 Early Case Conference
- 06/30/2016  Motion to Consolidate
Filed By: Plaintiff JimiJack Irrevocable Trust
Jimijack Irrevocable Trust's Motion To Consolidate Case No. A-16-730078-C And Case No. A-15-720032-C
- 07/06/2016  Motion for Summary Judgment
Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust
Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion For Summary Judgment On Order Shortening Time
- 07/19/2016  Non Opposition
Filed By: Other Nationstar Mortgage, LLC
Nationstar Mortgage, LLC's Non-Opposition to JimiJack Irrevocable Trust's Motion to Consolidate
- 07/20/2016  Opposition to Motion For Summary Judgment
Filed By: Other Nationstar Mortgage, LLC
Nationstar's Opposition to Motion for Summary Judgment
- 07/21/2016  Order
Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust
Order Denying JimiJack Irrevocable Trust's Motion to Dismiss
- 07/25/2016  Reply to Opposition
Filed by: Plaintiff JimiJack Irrevocable Trust
Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Reply To Nationstar Mortgage, LLC's Opposition To Motion For Summary Judgment On Order Shortening Time
- 07/26/2016  Order
Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust
Order
- 07/29/2016  Notice of Entry of Order
Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust
Notice Of Entry Of Order
- 08/10/2016  Notice of Department Reassignment
Notice of Department Reassignment
- 08/11/2016  Notice of Entry of Order
Filed By: Defendant Bank of America NA

CASE SUMMARY

CASE NO. A-15-720032-C

Notice of Entry of Order Denying Jimijack Irrevocable Trust's Motion to Dismiss

08/26/2016



Order Granting Motion

Filed By: Other Nationstar Mortgage, LLC

Order Granting Motion to Consolidate and Denying Motion for Summary Judgment

08/30/2016



Opposition to Motion

Filed By: Plaintiff JimiJack Irrevocable Trust

Plaintiff, Jimijack Irrevocable Trust's, Opposition To Nona Tobin And Steve Hansen's Motion To Intervene

09/09/2016



Reply to Opposition

Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Reply to Plaintiff, JimiJack Irrevocable Trust's Opposition to Nona Tobin and Steve Hansen's Motion to Intervene

09/16/2016



Notice of Change of Hearing

Notice of Change of Hearing

09/23/2016



Affidavit in Support

Filed By: Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust

Affidavit of Nona Tobin in Support of Nona Tobin and Steve Hansen's Motion to Intervene

11/15/2016



Motion to Intervene

Party: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Motion to Intervene Into Consolidated Quiet Title Cases A-15-720032-C and Former Case A-16-730078

12/05/2016



Opposition to Motion

Filed By: Plaintiff JimiJack Irrevocable Trust

Plaintiff, Jimijack Irrevocable Trust's, Opposition To Motion To Intervene

12/12/2016



Reply to Opposition

Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Reply to Plaintiff, Jimijack Irrevocable Trust's Opposition to Motion to Intervene

01/11/2017



Order

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Order Granting Applicant Nona Tobin's Motion to Intervene

01/12/2017



Notice of Entry of Order

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Notice of Entry of Order Granting Applicant Nona Tobin's Motion to Intervene

01/31/2017



Crossclaim

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Nona Tobin's Crossclaim for Quiet Title Against Sun City Anthem Community Association, Inc. (HOA)

02/01/2017



Crossclaim

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Nona Tobin's Crossclaim Against Thomas Lucas D/B/A Opportunity Homes, LLC

02/01/2017



Crossclaim

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-15-720032-C

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Nona Tobin's Crossclaim Against Yuen K. Lee d/b/a F. Bondurant, LLC

02/01/2017

 Initial Appearance Fee Disclosure

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Initial Appearance Fee Disclosure

02/01/2017

 Answer and Counterclaim

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Nona Tobin's Answer to Plaintiff's Complaint and Counterclaim

02/05/2017

 Summons

Filed by: Defendant Bank of America NA
Summons Yuen K.Lee dba F. Bondurant

02/05/2017

 Summons


Filed by: Defendant Bank of America NA
Summons - Sun City Anthem Community Association Inc

02/06/2017

 Summons


Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Summons Thomas Lucas d/b/a Opportunity Homes LLC

02/23/2017

 Motion to Dismiss


Filed By: Cross Defendant Sun City Anthem Community Association Inc
Sun City Anthem Community Association's Motion to Dismiss Nona Tobin, an Individual and Trustee of the Gordon B. Hansen Trust's Cross-Claim

02/23/2017

 Initial Appearance Fee Disclosure


Filed By: Cross Defendant Sun City Anthem Community Association Inc
Initial Appearance Fee Disclosure

03/03/2017

 Opposition and Countermotion


Filed By: Defendant Bank of America NA
(Withdrawn 9/19/17) Opposition to Sun City anthem Community Association's Motion to Dismiss and Counter Motion for Order Voiding the HOA Sale

03/07/2017

 Three Day Notice of Intent to Default


Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Three Day Notice of Intent to Take Default

03/07/2017

 Three Day Notice of Intent to Default

Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Three Day Notice of Intent to Take Default

03/07/2017

 Three Day Notice of Intent to Default

Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Three Day Notice of Intent to Take Default

03/08/2017

 Disclaimer of Interest

Filed By: Cross Defendant Oppurtunity Homes LLC
Disclaimer of Interest

03/08/2017


 Motion for Summary Judgment

CASE SUMMARY


CASE NO. A-15-720032-C

Filed By: Cross Defendant Oppurtunity Homes LLC
Thomas Lucas's and Opportunity Homes, LLC's Motion for Summary Judgment


03/13/2017

 Reply to Counterclaim
Filed by: Plaintiff JimiJack Irrevocable Trust
Plaintiff's Reply To Nona Tobin's Counterclaim


03/13/2017

 Disclaimer of Interest
Filed By: Cross Defendant Lee, Yuen K.
Disclaimer Of Interest


03/13/2017

 Answer to Crossclaim
Filed By: Counter Defendant F. Bondurant LLC
Yuen K. Lee's Answer To Nona Tobin's Crossclaim


03/16/2017

 Substitution of Attorney
Filed by: Cross Defendant Sun City Anthem Community Association Inc
Cross-Defendant Sun City Anthem Community Association's Substitution Of Counsel Pursuant To EDCR Rule 7.40 (B)(1)


03/22/2017

 Motion to Dismiss
Filed By: Cross Defendant Sun City Anthem Community Association Inc
Cross-Defendant Sun City Anthem Community Association's Motion To Dismiss Nona Tobin's Cross-Claims


03/22/2017

 Opposition to Motion For Summary Judgment
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Opposition to Cross-Defendants, Thomas Lucas' and Opportunity Homes, LLC's, Motin for Summary Judgment


03/27/2017

 Opposition to Motion For Summary Judgment
Filed By: Other Nationstar Mortgage, LLC
Nationstar's Opposition to Opportunity Homes, LLC's Motion for Summary Judgment


03/27/2017

 Declaration
Filed By: Defendant Bank of America NA
Declaration of Nationstar Mortgage, LLC in Support of Nationstar's Opposition to Opportunity Homes, LLC's Motion for Summary Judgment


03/27/2017

 Reply in Support
Filed By: Cross Defendant Sun City Anthem Community Association Inc
Cross-Defendant Sun City Anthem Community Association's Reply in Support of its Motion to Dismiss


03/28/2017

 Disclaimer of Interest
Filed By: Other Hansen, Steve
Disclaimer of Interest

03/31/2017

 Opposition
Filed By: Cross Defendant Sun City Anthem Community Association Inc
(Withdrawn 9/19/17) Cross-Defendant Sun City Anthem Community Association's Opposition to Nona Tobin's Countermotion to Void the Sale

04/05/2017

 Opposition to Motion to Dismiss
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

CASE SUMMARY

CASE NO. A-15-720032-C

Opposition to Sun City Anthem's Motion to Dismiss

04/10/2017



Reply to Opposition

Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Reply to Sun City Anthem Community Association's Opposition to Nona Tobin's Motion to Void the Sale

04/18/2017



Reply in Support

Filed By: Cross Defendant Sun City Anthem Community Association Inc
Sun City Anthem Community Association's Reply in Support of its Motion to Dismiss

04/19/2017



Reply to Opposition

Filed by: Cross Defendant Oppurtunity Homes LLC
Thomas Lucas and Oppurtunity Homes, LLC's Reply to Nona Tobin's Opposition to Motion for Summary Judgment

04/20/2017



Reply to Opposition

Filed by: Cross Defendant Oppurtunity Homes LLC
Oppurtunity Homes, LLC's Reply to Nationstar Mortgage, LLC's Opposition to Motion for Summary Judgment

05/24/2017



Notice of Appearance

Party: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Notice of Appearance of Counsel

06/21/2017



Order Denying Motion

Filed By: Other Nationstar Mortgage, LLC
Order Denying Motion for Summary Judgment

06/22/2017



Notice of Entry of Order

Filed By: Other Nationstar Mortgage, LLC
Notice of Entry of Order Denying Motion for Summary Judgment

08/09/2017



Order

Filed By: Cross Defendant Oppurtunity Homes LLC
Order Granting Thomas Lucs and Oppurtunity Homes, LLC's Motion for Summary Judgment

08/11/2017



Notice of Entry

Filed By: Cross Defendant Oppurtunity Homes LLC
Notice of Entry of Order Granting Thomas Lucas and Oppurtunity Homes, LLC's Motion for Summary Judgment

08/16/2017



Memorandum of Costs and Disbursements

Filed By: Cross Defendant Oppurtunity Homes LLC
Thomas Lucas and Oppurtunity Homes, LLC S Memorandum of Costs

09/15/2017



Notice of Early Case Conference

Notice of N.R.C.P. 16.1 Early Case Conference

09/19/2017



Order

Filed By: Cross Defendant Sun City Anthem Community Association Inc
Order

09/20/2017



Notice of Entry

CASE SUMMARY

CASE NO. A-15-720032-C

Filed By: Cross Defendant Sun City Anthem Community Association Inc
Notice of Entry of Order

11/09/2017



Notice

Filed By: Other Nationstar Mortgage, LLC
Notice of Completion of Mediation Pursuant to NRS 38.310

02/09/2018



Individual Case Conference Report

Filed By: Other Nationstar Mortgage, LLC
Individual Case Conference Report

03/16/2018



Notice to Appear for Discovery Conference

Notice to Appear for Discovery Conference

04/10/2018



Substitution of Attorney

Filed by: Other Nationstar Mortgage, LLC
Substitution Of Counsel For Defendant In Intervension And Counterclaimant Nationstar Mortgage Llc,

04/20/2018



Answer to Crossclaim

Filed By: Cross Defendant Sun City Anthem Community Association Inc
Cross-Defendant Sun City Anthem Community Association s Answer To Cross-Claims By Nona Tobin, An Individual And Trustee Of The Gordon B. Hansen Trust

05/15/2018



Joint Case Conference Report

Filed By: Other Nationstar Mortgage, LLC
Joint Case Conference Report

07/10/2018



Scheduling Order

Scheduling Order

09/13/2018



Order Setting Civil Non-Jury Trial and Calendar Call

Order Setting Civil Non Jury Trial, Pre Trial Conference, Calendar Call and Status Check

11/30/2018



Motion to Amend

Motion to Amend Answer, Counterclaim, and Crossclaims

12/05/2018



Notice of Appearance

Party: Other Nationstar Mortgage, LLC
Notice of Appearance

02/04/2019



Notice

Notice of Issuance of Subpoena Duces Tecum to Americana, LLC dba Berkshire Hathaway Home Services Nevada Properties

02/04/2019



Notice

Notice of Issuance of Subpoena Duces Tecum to Red Rock Financial Services, LLC

02/04/2019



Notice

Notice of Issuance of Subpoena Duces Tecum to Nevada Legal News

02/05/2019



Motion for Summary Judgment

Filed By: Cross Defendant Sun City Anthem Community Association Inc
Cross-Defendant Sun City Anthem Community Association s Motion For Summary Judgment

CASE SUMMARY

CASE NO. A-15-720032-C

- 02/12/2019  Joinder
Filed By: Other Nationstar Mortgage, LLC
Nationstar Mortgage LLC's Limited Joinder To Sun City Anthem Community Association's Motion For Summary Judgment
- 02/13/2019  Initial Appearance Fee Disclosure
Initial Appearance Fee Disclosure
- 02/20/2019  Stipulation and Order for Dismissal Without Prejudice
Filed By: Other Nationstar Mortgage, LLC
Stipulation and Order for Dismissal Without Prejudice as to Claims Against Opportunity Homes LLC and F. Bondurant LLC
- 02/20/2019  Notice of Entry of Stipulation and Order
Filed By: Other Nationstar Mortgage, LLC
Notice of Entry of Stipulation and Order for Dismissal Without Prejudice as to Claims Against Opportunity Homes, LLC and F. Bondurant, LLC
- 03/05/2019  Opposition to Motion For Summary Judgment
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Cross-Claimant Nona Tobin's Opposition to Cross-Defendant Sun City Anthem Community Association's Motion for Summary Judgment
- 03/06/2019  Reply in Support
Filed By: Cross Defendant Sun City Anthem Community Association Inc
Cross-Defendant Sun City Anthem Community Association s Reply In Support Of Its Motion For Summary Judgment
- 03/07/2019  Stipulation and Order
Stipulation and Order Reforming Caption
- 03/07/2019  Notice of Entry of Stipulation and Order
Notice of Entry of Stipulation and Order Reforming Caption
- 03/12/2019  Amended Notice of Entry of Order
Filed By: Other Nationstar Mortgage, LLC
Amended Notice of Entry of Stipulation and Order Reforming Caption
- 03/18/2019  Three Day Notice of Intent to Default
Filed by: Other Nationstar Mortgage, LLC
Nationstar Mortgage Llc's Three Day Notice Of Intent To Take Default Against Jimijack Irrevocable Trust
- 03/21/2019  Motion for Summary Judgment
Filed By: Other Nationstar Mortgage, LLC
Nationstar Mortgage LLC's Motion for Summary Judgment (Hearing Requested)
- 03/22/2019  Clerk's Notice of Hearing
Notice of Hearing
- 03/25/2019  Reply to Counterclaim
Filed by: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust

CASE SUMMARY

CASE NO. A-15-720032-C

Jimijack Irrevocable Trust's Reply To Nationstar Mortgage, LLC.'s Counterclaim

04/12/2019



Notice of Settlement

Filed By: Other Nationstar Mortgage, LLC

Notice of Settlement

04/15/2019



Stipulation and Order

Filed by: Other Nationstar Mortgage, LLC

Stipulation and Order to Extend Briefing Schedule for Nationstar Mortgage LLC's Motion for Summary Judgment and Continue Hearing

04/17/2019



Findings of Fact, Conclusions of Law and Order

Filed By: Cross Defendant Sun City Anthem Community Association Inc

Findings Of Fact, Conclusions Of Law And Order On Cross-Defendant Sun City Anthem Community Association s Motion For Summary Judgment

04/18/2019



Notice of Entry

Filed By: Cross Defendant Sun City Anthem Community Association Inc

NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION S MOTION FOR SUMMARY JUDGMENT

04/19/2019



Response

Filed by: Other Nationstar Mortgage, LLC

Nationstar Mortgage LLC's Response to Nona Tobin's Opposition to Nationstar Mortgage LLC's Motion for Summary Judgment against Jimijack and Countermotion for Summary Judgment

04/22/2019



Notice of Entry of Stipulation and Order

Filed By: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust

Notice Of Entry Of Stipulation And Order To Extend Briefing Schedule For Nationstar Mortgage LLC s Motion For Summary Judgment Anc [sic] Continue Hearing

04/23/2019



Notice of Withdrawal of Motion

Filed By: Other Nationstar Mortgage, LLC

Notice of Withdrawal of Nationstar Mortgage LLC's Motion for Summary Judgment

04/29/2019



Motion

Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Motion for Reconsideration

04/30/2019



Clerk's Notice of Hearing

Notice of Hearing

04/30/2019



Notice of Lis Pendens

Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust

Notice of Lis Pendens

05/02/2019



Opposition

Filed By: Cross Defendant Sun City Anthem Community Association Inc

Cross-Defendant Sun City Anthem Community Association's Opposition ti Cross Claimant Nona Tobin's Motion for Reconsideration

05/03/2019

CASE SUMMARY

CASE NO. A-15-720032-C

-  Joinder
Filed By: Other Nationstar Mortgage, LLC
Nationstar Mortgage Llc's Limited Joinder To Sun City Anthem Community Association's Opposition To Nona Tobin's Motion For Reconsideration
- 05/03/2019  Joinder to Opposition to Motion
Filed by: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust
Joel Stokes And Sandra F. Stokes, As Trustees Of The Jimijack Irrevocable Trust s, Joinder To Sun City Anthem Community Association s Opposition To Nona Tobin s Motion For Reconsideration
- 05/23/2019  Motion
Motion to Substitute Real Party in Interest and to Withdraw as Counsel of Record for Counterclaimant Nona Tobin on Order Shortening Time
- 05/23/2019  Reply
Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Reply to Cross-Defendant Sun City Anthem Community Association s Opposition to Tobin s Motion for Reconsideration
- 05/24/2019  Receipt of Copy
Receipt of Copy - Akerman
- 05/24/2019  Receipt of Copy
Receipt of Copy - Lipson Neilson
- 05/24/2019  Receipt of Copy
Receipt of Copy - Hong
- 05/24/2019  Receipt of Copy
Receipt of Copy - Tobin
- 05/24/2019  Opposition to Motion
Filed By: Cross Defendant Sun City Anthem Community Association Inc
CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION S OPPOSITION TO MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN ON ORDER SHORTENING TIME
- 05/24/2019  Supplement
Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Supplement to Motion to Substitute Real Party in Interest and to Withdraw as Counsel of Record for Counterclaimant Nona Tobin
- 05/24/2019  Opposition to Motion
Filed By: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust
Joel A. Stokes And Sandra F. Stokes, As Trustees Of The Jimijack Irrevocable Trust s, Opposition To Motion To Substitute Real Party In Interest And To Withdraw As Counsel Of Record For Counterclaimant Nona Tobin On Order Shortening Time
- 05/31/2019  Order Denying
Filed By: Cross Defendant Sun City Anthem Community Association Inc

CASE SUMMARY
















CASE NO. A-15-720032-C

Order Denying Motion for Reconsideration

- 05/31/2019  Notice of Entry
Filed By: Cross Defendant Sun City Anthem Community Association Inc
Notice of Entry of Order Denying Motion for Reconsideration
- 05/31/2019  Stipulation and Order for Dismissal With Prejudice
Filed By: Other Nationstar Mortgage, LLC
(A720032, A730078) Stipulation and Order for the Dismissal of Nationstar Mortgage LLC's Claims Against Jimijack Irrevocable Trust with Prejudice
- 05/31/2019  Notice of Entry of Stipulation & Order for Dismissal
Filed By: Other Nationstar Mortgage, LLC
Notice of Entry of Stipulation and Order for the Dismissal of Nationstar Mortgage LLC's Claims Against Jimijack Irrevocable Trust with Prejudice
- 06/03/2019  Pre-trial Memorandum
Counterclaimant, Nona Tobin's Pretrial Memorandum
- 06/03/2019  Finding of Fact and Conclusions of Law
(UNSIGNED BY JUDGE) Counterclaimant, Nona Tobin's [Proposed] Findings of Fact and Conclusions of Law
- 06/05/2019  Findings of Fact, Conclusions of Law and Judgment
Filed by: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust
Counterdefendants, Joel A. Stokes And Sandra F. Stokes, As Trustees Of The Jimijack Irrevocable Trust And Yuen K. Lee, An Individual, D/B/A Manager, F. Bondurant, LLC. s Proposed Findings Of Facts, Conclusions Of Law And Judgment
- 06/17/2019  Motion to Withdraw As Counsel
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Motion to Withdraw as Counsel of Record for Nona Tobin, an Individual on Order Shortening Time
- 06/17/2019  Motion to Intervene
TOBIN MOTION TO INTERVENE AS AN INDIVIDUAL PER RULE 24
- 06/20/2019  Proof of Service
Filed by: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Proof of Service Re: Nona Tobin, An Individual
- 06/21/2019  Declaration
Nona Tobin Declarations in support of MINV as an individual
- 06/24/2019  Order
Order on Findings of Fact, Conclusions of Law, and Judgment
- 06/24/2019  Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the Jimijack Irrevocable Trust
Notice Of Entry Of Findings Of Facts, Conclusions Of Law And Judgment








CASE SUMMARY

CASE NO. A-15-720032-C

- 06/28/2019  Opposition to Motion
Filed By: Plaintiff JimiJack Irrevocable Trust; Counter Defendant Joel A. Stokes, as Trustee of the JimiJack Irrevocable Trust; Counter Defendant Sandra F. Stokes, as Trustee of the JimiJack Irrevocable Trust; Cross Defendant Lee, Yuen K.
Counterdefendants Opposition To Nona Tobin s Motion To Intervene Consolidated Cases A-15-720032-C And A-16-730078 Per Rule 24
- 07/01/2019  Reply in Support
NONA TOBIN REPLY IN SUPPORT OF MUSHKIN WITHDRAWAL AS COUNSEL OF RECORD
- 07/02/2019  Reply
NONA TOBIN REPLY TO OPPOSITION TO MOTION TO INTERVENE
- 07/08/2019  Transcript of Proceedings
Party: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Recorder's Transcript of Hearing: All Pending Motions April 27, 2017
- 07/08/2019  Transcript of Proceedings
Party: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Recorder's Transcript of Hearing: All Pending Motions April 23, 2019
- 07/16/2019  Order to Statistically Close Case
Civil Order to Statistically Close Case
- 07/16/2019  Transcript of Proceedings
Transcript: All Pending Motions 5/25/17
- 07/16/2019  Transcript of Proceedings
Transcript: All Pending Motions 1/10/19
- 07/16/2019  Transcript of Proceedings
Transcript: All Pending Motions 3/26/19
- 07/16/2019  Transcript of Proceedings
Transcript: Pretrial Conference 4/25/19
- 07/16/2019  Transcript of Proceedings
Transcript: Status Check - Settlement Documents 5/21/19
- 07/16/2019  Transcript of Proceedings
Transcript: All Pending Motions 5/29/19
- 07/16/2019  Transcript of Proceedings
Transcript: Calendar Call 6/3/19
- 07/16/2019  Transcript of Proceedings
Transcript: Bench Trial - Day 1 - 6/5/19
- 07/19/2019  Transcript of Proceedings
Amended Transcript of Proceedings of Pretrial Conference to Correct Attorney Name Only 4/25/19

CASE SUMMARY

CASE NO. A-15-720032-C

- 07/22/2019  Motion for New Trial
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Nona Tobin's Motions for a New Trial Per Rule 54 (B) and Rule 59 (1)(A)(B)(C)(F)
- 07/23/2019  Notice of Hearing
Notice of Hearing
- 07/23/2019  Notice of Appeal
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Notice of Appeal
- 07/23/2019  Case Appeal Statement
Filed By: Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust
Case Appeal Statement
- 07/23/2019  Notice of Appearance
NOTICE OF APPEARANCE
- 07/24/2019  Case Appeal Statement
NONA TOBIN'S INDIVIDUAL CASE APPEAL STATEMENT
- 07/24/2019  Notice of Appeal
NONA TOBIN'S INDIVIDUAL NOTICE OF APPEAL

DISPOSITIONS

- 10/16/2015 **Default Judgment** (Judicial Officer: Kishner, Joanna S.)
Debtors: Bank of America NA (Defendant)
Creditors: JimiJack Irrevocable Trust (Plaintiff)
Judgment: 10/16/2015, Docketed: 10/23/2015
- 08/09/2017 **Summary Judgment** (Judicial Officer: Kishner, Joanna S.)
Debtors: Nona Tobin, as Trustee of the Gordon B. Hansen Trust (Cross Claimant)
Creditors: Oppurtunity Homes LLC (Cross Defendant)
Judgment: 08/09/2017, Docketed: 08/09/2017
- 08/09/2017 **Order of Dismissal** (Judicial Officer: Kishner, Joanna S.)
Debtors: Nona Tobin, as Trustee of the Gordon B. Hansen Trust (Cross Claimant)
Creditors: Oppurtunity Homes LLC (Cross Defendant)
Judgment: 08/09/2017, Docketed: 08/09/2017
- 09/19/2017 **Order of Dismissal Without Prejudice** (Judicial Officer: Kishner, Joanna S.)
Debtors: Nona Tobin, as Trustee of the Gordon B. Hansen Trust (Cross Claimant)
Creditors: Sun City Anthem Community Association Inc (Cross Defendant)
Judgment: 09/19/2017, Docketed: 09/20/2017
Comment: Certain Claims
- 02/20/2019 **Order of Dismissal Without Prejudice** (Judicial Officer: Kishner, Joanna S.)
Debtors: F. Bondurant LLC (Counter Defendant), Oppurtunity Homes LLC (Counter Defendant)
Creditors: Nationstar Mortgage, LLC (Counter Claimant)
Judgment: 02/20/2019, Docketed: 02/20/2019
- 04/17/2019 **Summary Judgment** (Judicial Officer: Kishner, Joanna S.)
Debtors: Nona Tobin, as Trustee of the Gordon B. Hansen Trust (Cross Claimant)
Creditors: Sun City Anthem Community Association Inc (Cross Defendant)
Judgment: 04/17/2019, Docketed: 04/17/2019
- 05/31/2019 **Order of Dismissal With Prejudice** (Judicial Officer: Kishner, Joanna S.)

CASE SUMMARY

CASE NO. A-15-720032-C


Debtors: JimiJack Irrevocable Trust (Counter Defendant)
 Creditors: Nationstar Mortgage, LLC (Counter Claimant)
 Judgment: 05/31/2019, Docketed: 06/03/2019

06/24/2019


Judgment (Judicial Officer: Kishner, Joanna S.)
 Debtors: Nona Tobin, as Trustee of the Gordon B. Hansen Trust (Counter Claimant, Cross Claimant), Gordon B. Hansen Trust Dated 8/22/08 (Counter Claimant, Cross Claimant)
 Creditors: JimiJack Irrevocable Trust (Counter Defendant), Yuen K. Lee (Cross Defendant)
 Judgment: 06/24/2019, Docketed: 06/25/2019

HEARINGS


10/13/2015

 **Motion for Prove Up** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Hearing on Entry of Default Judgment
 Granted;
 Journal Entry Details:
PLAINTIFF'S MOTION FOR HEARING ON ENTRY OF DEFAULT JUDGMENT Witness, Joel Stokes, Trustee of JimiJack Irrevocable Trust, sworn and testified. COURT ORDERED, Quiet Title as to Bank of America is GRANTED. Proposed Order presented IN OPEN COURT. Will be available for pick-up from Court's outbox by end of day. ;


05/17/2016

 **Motion for Substitution** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Other Nationstar Mortgage LL's Motion to Substitute party, Intervene and set aside Default Judgment
 Granted;
 Journal Entry Details:
Mr. Smith stated that his request is timely filed. The Court informed him that he is not in the case yet. Counsel stated that his is asking the Court to allow him to intervene as he is a real party in interest; he explained his position on that matter. Mr. Hong explained what the banks do in these instances and advised that his client is seeking the extinguishment of the deed of trust at the time of the HOA sale. Mr. Hong stated his position regarding quiet title cases and that it has to be the bank at the time of the HOA sale; the case was closed and the default judgment was entered six months ago. Further arguments regarding the deed of trust. Opposition argued by Mr. Smith; he advised that he is asking the Court to recognize that due process requires that he intervene in the case and assert his claims. COURT ORDERED, Motion to Intervene is GRANTED; Mr. Smith needs to break this down as the Bank of America is not being taken away yet. FURTHER the Motion is DENIED WITHOUT PREJUDICE regarding Substitution of Parties at this time. The Court advised it will deal with future motion practice as it comes before the Court. Ms. Smith stated he will provide an appearance and answer within ten days; the Court will track it on 6/3/16. Mr. Smith to prepare the order and run it by Mr. Hong before providing it to the Court.;

06/23/2016

 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion To Dismiss Defendant In Intervention Nationstar
 Denied Without Prejudice;
 Journal Entry Details:
Matter argued and submitted. Court stated its findings, and ORDERED, Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion to Dismiss Defendant In Intervention Nationstar is DENIED WITHOUT PREJUDICE. Mr. Smith to prepare the Order, circulating to Mr. Hong for approval as to form and content.;

07/14/2016

 **Status Check** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
RE: Possible consolidation with A730078 (DC 23 case)
 Matter Heard;
 Journal Entry Details:
STATUS CHECK RE: POSSIBLE CONSOLIDATION WITH A730078 (DC23 CASE) Mr. Smith not present. Mr. Hong requested upcoming hearings be combined and heard on 8/4/16, waived reply. Court directed Mr. Hong to send out a notice of hearing or order regarding the change of dates (file and e-serve). Mr. Hong requested that if he changes his mind and wants to reply could he file by 7/25/16 - Court notes it will be fine with that. COURT ORDERED,


CASE SUMMARY


CASE NO. A-15-720032-C


Jimijack Irrevocable Trust's Motion to Consolidate Case No. A-16-730078-C and A-15-720032-C currently set on 8/5/16 and Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion for Summary Judgment on Order Shortening Time currently set on 8/16/16 are both rescheduled and will now be heard on 8/4/16 at 9:30 am. Matter recalled. (9:50 am) Mr. Smith now present. Court provided overview of hearing. Mr. Smith states he was not intending to oppose the motion to consolidate, will file a non-opposition to the motion.;


08/04/2016 **Motion to Consolidate** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Jimijack Irrevocable Trust's Motion To Consolidate Case No. A-16-730078-C And Case No. A-15-720032-C
 Granted;

08/04/2016 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion For Summary Judgment On Order Shortening Time
 Denied Without Prejudice;

08/04/2016  **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
 Matter Heard;
 Journal Entry Details:
JIMIACK IRREVOCABLE TRUST'S MOTION TO CONSOLIDATE CASE NO. A-16-730078-C AND CASE NO. A-15-720032-C: There being no opposition, COURT ORDERED, Motion GRANTED, pursuant to EDCR 2.20 and on the merits. PLAINTIFF, JIMIACK IRREVOCABLE TRUST'S, THROUGH ITS TRUSTEES, MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME: Matter argued and submitted. Court finds material issues of fact in dispute, and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Kelley to prepare the Orders, circulating to Mr. Hong for approval as to form and content.;

09/29/2016  **Motion to Intervene** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Third Parties Nona Tobin and Steve Hansen's Motion to Intervene
 Denied Without Prejudice;
 Journal Entry Details:
Matter argued and submitted. COURT ORDERED, Third Parties Nona Tobin and Steve Hansen's Motion to Intervene is Procedurally DENIED WITHOUT PREJUDICE. Ms. Tobin states she will re-file. Mr. Hong to prepare the order, circulating for approval as to form and content.;

12/20/2016  **Motion to Intervene** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Nona Tobin's Motion to Intervene Into Consolidated Quiet Title Cases A-15-720032-C and Former Case A-16-730078
 Granted;
 Journal Entry Details:
Ms. Tobin stated she was the beneficiary and trustee of the trust that was the owner of the property at the time of the disputed Homeowners Association sale. Ms. Tobin argued she had an interest in the property, her motion was timely filed and served, and that Pltf.'s opposition was not timely filed and as such pursuant to 2.20 should be disregarded. Mr. Hong argued the case was over a year and a half old and at this juncture it was between Nationstar and his client and that the question was whether the deed of trust was free and clear or not. Mr. Wong argued there was no right of redemption and that he did not see any right Ms. Tobin could claim and that his opposition was timely filed. Following further arguments by Ms. Tobin, COURT STATED FINDINGS AND ORDERED, Motion GRANTED; Ms. Tobin has until January 6, 2017 to prepare the order. COURT FURTHER ORDERED the parties to complete the JCCR and prepare the appropriate report.;

03/28/2017  **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
03/28/2017, 04/27/2017, 05/25/2017
Sun City Anthem Community Association's Motion to Dismiss Nona Tobin, an Individual and Trustee of the Gordon B. Hansen Trust's Cross-Claim
 Continued;
 Denied in Part;

CASE SUMMARY

CASE NO. A-15-720032-C

Granted in Part;
Continued;
Denied in Part;
Granted in Part;
Continued;
Denied in Part;
Granted in Part;


Journal Entry Details:


SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NONA TOBIN, AN INDIVIDUAL AND TRUSTEE OF THE GORDON B. HANSEN TRUST'S CROSS-CLAIM
Also present, *Jakub Medrala, Esq., on behalf of Opportunity Homes, Inc. (per Clerk - no notice of appearance filed). Court notes multiple motions on four different days in proximity, all motions are interrelated. Statements by Ms. Tobin. Upon Court's inquiry, Ms. Ochoa agrees that matters should be consolidated on one day. Mr. Medrala also agrees. Discussion. Upon Court's inquiry, both Mr. Medrala and Ms. Ochoa state a settlement conference would not be helpful at this time. COURT ORDERED, matter CONTINUED to 4/27/17 at 9:30 am. All motions currently set on 4/6/17 and 4/18/17 will now be heard on 4/27/17 at 9:30 am. CONTINUED TO: 4/27/17 9:30 AM;*

04/27/2017 **Opposition and Countermotion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Opposition To Sun City Anthem Community Association's Motion To Dismiss And Counter Motion For Order Voiding The HOA Sale
Denied Without Prejudice;

04/27/2017 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Thomas Lucas's and Opportunity Homes, LLC's Motion for Summary Judgment
Motion Granted;

04/27/2017 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Cross-Defendant Sun City Anthem Community Association's Motion To Dismiss Nona Tobin's Cross-Claims
Denied Without Prejudice;

04/27/2017  **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Jakub Medralla Esq. present on behalf of Thomas Lucas and Opportunity Homes LLC. CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NONA TOBIN'S CROSS-CLAIMS... Matter argued and submitted. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NONA TOBIN, AN INDIVIDUAL AND TRUSTEE OF THE GORDON B HANSEN TRUST'S CROSS... Matter argued and submitted. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as to Nona Tobin as an individual; Ruling DEFERRED as to Nona Tobin as a Trustee of the Gordon B. Hansen Trust. COURT FURTHER ORDERED, Status Check SET. OPPOSITION TO SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS AND COUNTER MOTION FOR ORDER VOIDING THE HOA SALE... Matter argued and submitted. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. THOMAS LUCAS'S AND OPPORTUNITY HOMES, LLC'S MOTION FOR SUMMARY JUDGMENT.. Matter argued and submitted. COURT ORDERED, Motion GRANTED. Court directed Mr. Medralla to prepare the Order, circulating to all parties for approval as to form and content in accordance with EDCR 7.21. 5/23/17 9:30 A.M. STATUS CHECK: CORPORATE COUNSEL (GORDON B. HANSEN TRUST);


05/23/2017  **Status Check** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
05/23/2017, 05/25/2017
Status Check: Corporate Counsel (Gordon B. Hansen Trust)
Continued;
Matter Heard;
Continued;
Matter Heard;
Journal Entry Details:

CASE SUMMARY

CASE NO. A-15-720032-C

Pursuant to representations of counsel, COURT ORDERED, matter CONTINUED, as well as reset Motion to Dismiss to the same date and time. 5/25/17 9:30 AM STATUS CHECK: CORPORATE COUNSEL (GORDON B. HANSEN TRUST)...MOTION TO DISMISS;

05/25/2017

 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

STATUS CHECK: CORPORATE COUNSEL (GORDON B. HANSEN TRUST) SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NORA TOBIN, AN INDIVIDUAL AND TRUSTEE OF THE GORDON B. HANSEN TRUST' S CROSS-CLAIM Court noted corporate counsel filed a Notice of Appearance. Upon Court's inquiry regarding status of case, Mr. Coppedge spoke with Mr. Ochoa yesterday and has reread the motions. Mr. Coppedge concurs with the Motion to Dismiss, until time for mediation, that all claims for relief and cross claims, except for quiet title be dismissed without prejudice. Mr. Coppedge stated he was inclined to file an amended cross claim to resolve any issues. Colloquy regarding procedural history of the case. Mr. Ochoa stated they have no claim to quiet title; therefore, that claim should not keep them in the case pending NRED mediation. Court stated its inclination. Colloquy. As to Nona Tobin's countermotion to void the sale, Mr. Coppedge WITHDREW motion without prejudice. Mr. Ochoa stated she filed two countermotions. COURT ORDERED, GRANTED IN PART, DENIED IN PART. COURT ORDERED, countermotions filed March 3 and March 31 WITHDRAWN WITHOUT PREJUDICE, at the request of counsel. COURT ORDERED, Motion to Dismiss GRANTED, pursuant to stipulation of parties to all claims other than quiet title; DENIED WITHOUT PREJUDICE with regards to the quiet title claim. The Court takes no position on the propriety of any actions that may have happened after the crossclaim. Mr. Ochoa to prepare order regarding Motion to Dismiss and two countermotions to avoid the sale, circulating for approval as to form and content in accordance with EDCR 7.21. ;

04/17/2018

 **Discovery Conference** (10:30 AM) (Judicial Officer: Bulla, Bonnie)


Discovery Conference

Matter Heard;

Journal Entry Details:

Colloquy re: Deft in Intervention's ICCR, and Ms. Whelan is new counsel. Mr. Hong thought a JCCR was filed. COMMISSIONER RECOMMENDED, Status Check SET; provide a file stamped courtesy copy of JCCR, if the dates work a Scheduling Order will issue, and upon request the Status Check would come off calendar. Commissioner stated people are playing different roles in the case, and counsel must sign in all capacities. Dates in Deft in Intervention's ICCR are fine, or counsel can agree to other dates. Mr. Ochoa stated another party is not present (original purchaser), and colloquy re: someone was taken out by Summary Judgment. 5-15-18 9:30 a.m. Status Check: JCCR;

05/15/2018

 **Status Check** (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: JCCR

Scheduling Order Will Issue; Status Check: JCCR

Journal Entry Details:

Status Check: JCCR Ms. Whelan stated the Joint Conference Report will be done today, they are ready to sign. She also noted her agreement to the same dates as submitted by the Bank. Counsel anticipate two to three days for trial re: Quiet Title Action. COMMISSIONER RECOMMENDED, discovery cutoff is 2/28/19; adding parties, amended pleadings, and initial expert disclosures DUE 11/30/18; rebuttal expert disclosures DUE 12/31/18; dispositive motions TO BE FILED BY 4/1/19. Scheduling Order will issue and a memo will be sent to the trial court. Ms. Whelan stated that Mr. Medrela emailed to say he did not realize there was a scheduling today and that is why is he not present. COMMISSIONER ADVISED his appearance today will be excused. COMMISSIONER REQUESTED Ms. Whelan to get the Joint Case Conference Report on file and to send this Court a courtesy copy.;

01/10/2019

 **Motion to Amend Answer** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

Defendant In Intervention/Counterclaimant/Cross-Claimant's, Nona Tobin, as Trustee of the Gordon B. Hansen Trust, Motion to Amend Answer, Counterclaim and Crossclaims

Motion Granted;

Journal Entry Details:

Ms. Coppedge stated the motion was unopposed. The Court raised its concern regarding the

CASE SUMMARY

CASE NO. A-15-720032-C


age of the case and EDCR 1.90. Ms. Coppedge stated they were not seeking to add any new claims and it does not affect the current trial date. Colloquy regarding claims remaining. Ms. Coppedge indicated that the quiet title on the HOA sale remains, there are parties that have been dismissed and others that have disclaimed an interest. Mr. Anderson indicated the parties would confer to clean up the caption. Accordingly, COURT ORDERED Motion GRANTED based on the representation that it does not add additional parties or cross-claims and it will not affect the trial date. The Court further stated it would revisit the proper case caption at the upcoming Status Check, if necessary.;

03/05/2019 **Motion for Summary Judgment (4:45 PM)** (Judicial Officer: Kishner, Joanna S.)
03/05/2019, 03/26/2019

Cross-Defendant Sun City Anthem Community Association's Motion For Summary Judgment
Granted;
Motion Granted;
Granted;
Motion Granted;

03/05/2019 **Joinder (4:45 PM)** (Judicial Officer: Kishner, Joanna S.)
03/05/2019, 03/26/2019


Nationstar Mortgage LLC's Limited Joinder To Sun City Anthem Community Association's Motion For Summary Judgment
Granted;
Motion Granted;
Granted;
Motion Granted;

03/05/2019  **All Pending Motions (4:45 PM)** (Judicial Officer: Kishner, Joanna S.)

Matter Heard;
Journal Entry Details:
CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT NATIONSTAR MORTGAGE LLC'S LIMITED JOINDER TO SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT On February 5, 2019, Sun City Anthem Community Association filed a Motion for Summary Judgment and on February 12, 2019, Nationstar filed a Limited Joinder. Based on the date the Motion for Summary Judgment was filed and the date of the filing of the limited Joinder, no timely Opposition was filed. In accordance with EDCR 2.20 the failure to file a timely Opposition "can be construed as an admission that he motion and/or joinder is meritorious and a consent to grant the same." Thus, the Court in accordance with EDCR 2.23 advances the matter as "the time to oppose has passed and no opposition has been filed." The Court also GRANTS the Motion in accordance with EDCR 2.20. Counsel for Movant, Sun City Anthem is directed to prepare an Order with findings of fact and conclusions of law consistent with NRCP 56 and provide it to counsel and the Court within ten days in accordance with EDCR 7.21. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Tena M. Jolley, to all registered parties for Odyssey File & Serve. (tmj:3/5/19);

03/26/2019 **Status Check (9:30 AM)** (Judicial Officer: Kishner, Joanna S.)

To be heard with other matters
Matter Heard;

03/26/2019  **All Pending Motions (9:30 AM)** (Judicial Officer: Kishner, Joanna S.)

Matter Heard;
Journal Entry Details:
STATUS CHECK Counsel anticipate 2-3 day Bench Trial with all testimony from live witnesses and nothing unique for trial. Mr. Ochoa indicated he was unavailable the week of May 28, 2019, the first week of the five-week stack. The Court stated he could revisit the issue at the Pre Trial Conference scheduled for April 25, 2019. CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT...NATIONSTAR MORTGAGE LLC'S LIMITED JOINDER TO SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT After the Court's consideration of the papers submitted by counsel in connection with this matter, and, having heard the oral arguments presented by Mr. Ochoa, Ms. Morgan and Mr. Coppedge, Mr. Hong made a Oral Motion for Joinder to Cross-Defendant's Motion for Summary Judgment. Mr. Coppedge objected as untimely; the Court DENIED Mr. Hong's Oral Motion

CASE SUMMARY

CASE NO. A-15-720032-C

for Joinder; and COURT ORDERED, Cross-Defendant Sun City Anthem Community Association's Motion for Summary Judgment and Nationstar Mortgage LLC's Limited Joinder thereto GRANTED as a matter of law as to the claims asserted by movant having met their burden and based on a totality of the evidence. The Court DIRECTED Mr. Ochoa to prepare detailed Findings of Fact and Conclusions of Law circulating to all counsel and provide it back to the Court in accordance with EDCR 7.21.;

04/23/2019



All Pending Motions (9:00 AM) (Judicial Officer: Kishner, Joanna S.)



Matter Heard;

Journal Entry Details:

TOBIN OPPOSITION TO NATIONSTAR MOTION FOR SUMMARY JUDGMENT AGAINST JIMIACK AND COUNTERMOTION FOR SUMMARY JUDGMENT TOBIN OPPOSITION TO NATIONSTAR MOTION FOR SUMMARY JUDGMENT AGAINST JIMIACK AND COUNTERMOTION FOR SUMMARY JUDGMENT COURT NOTED on April 9, 2019 a Notice of Appearance was filed; however a Notice of Withdrawal was never received from Mr. Mushkin's firm on behalf of Ms. Tobin. Mr. Hong stated Mr. Mushkin's office represented Tobin as the trustee for the Hansen Trust, not as an individual. Further, when Ms. Tobin appeared in the case originally, in proper person, the Court advised her she did not have standing because she was not the trustee. Thereafter, she appeared as the trustee and Mr. Mushkin represented her. Further, she did not have standing due to as an individual she did not have anything to do with this case. Additionally, when the Court granted the HOA's Motion for Summary Judgment against the Trust that concluded. Therefore, Ms. Tobin filed an opposition/counter-motion in proper person, individually. Ms. Tobin did not have standing in this case. The only party that had standing was the trust being they were the former owner when the foreclosure occurred. Moreover, Ms. Tobin intervened in the other case that was consolidated with this case as a trustee. COURT FURTHER NOTED in was in receipt of a Notice of Settlement of Nationstar, Joel Stokes and Sandra F. Stokes as Trustee of the Jimijack Irrevocable Trust stating that it had reached agreement on all material terms. Upon Court's inquiry, counsel stated that the May 7, 2019 Motion for Summary Judgment hearing could be moot. Ms. Morgan stated they would withdraw the motion. COURT FINDS there was a Notice of Appearance from the Sun City Anthem and there was not anything else that remained this case. Further, the Court would need to set a status check as to settlement documents between the parties that filed a Notice of Settlement on April 12, 2019. Ms. Morgan stated Nona Tobin still had claims against Jimijack. Upon Court's further inquiry, Mr. Hong acknowledged that Mr. Mushkin was counsel for the trustee and he was counsel for Jimijack. Mr. Hong stated based on this Court's previous Order for Summary Judgment in Favor of the buyer, Opportunity Homes, it would be requested to file a simple motion mirroring the Court's Order similar to a res judica noting that the claims alleged by the trust were identical. COURT NOTED it could not grant any oral leave without a hearing or other parties present. COURT FINDS there was a rogue document filed, Notice of Appearance on April 9, 2019 of Nona Tobin in Proper Person. There was not leave sought by Ms. Tobin for any individual capacity. Further, the only portion of this case in which Ms. Tobin was involved, in any capacity, was as Trustee of the Gordan B. Hansen, August 22, 2008. In that capacity Ms. Tobin was represented by counsel. That counsel had not filed any motion to withdraw, any pleadings on behalf of Ms. Tobin as Trustee for Gordan B. Hansen Trust would need to be filed by counsel. COURT ORDERED the Notice of Appearance filed April 9, 2019 was a rogue document, therefore STRICKEN. COURT NOTED as to the Notice of Completion of Mediation filed on April 9, 2019, the Court already had a prior document with regards to the completion of mediation Furthermore, since that was also filed by Ms. Tobin, individually, and not her counsel, COURT FURTHER ORDERED, Notice of Completion of Mediation filed April 9, 2019 STRICKEN. COURT FINDS the Tobin's Opposition to Nationstar Summary Judgment against Jimijack and counter-motion filed April 10, 2019 at 11:17 a.m., filed by Nona Tobin, not filed by Mr. Mushkin as counsel as trustee of the Gordan B. Hansen Trust, a rogue document, therefore, COURT ADDITIONALLY ORDERED, Tobin's Opposition to Nationstar Summary Judgment against Jimijack and counter-motion STRICKEN. COURT FINDS that if the Court reviewed the underlying arguments, which it could not, even independently, it was understood that there were no claims between Nationstar that currently existed with regards to Nona Tobin as Trustee of the Gordan Hansen Trust. There would not be an appropriate opposition. COURT ORDERED, the April 12, 2019 at 1:40 a.m. Tobin Opposition To Nationstar Motion For Summary Judgment Against Jimijack And Counter Motion For Summary Judgment Hearing Requested Conjunction With Hearing For Nationstar MSJ Scheduled STRICKEN being a rogue documents. COURT FURTHER ORDERED, the Notice of Appearance Nona Tobin in Proper Person and the Notice of Completion of Mediation filed on April 12, 2019 STRICKEN as rogue and duplicative. COURT ADDITIONALLY ORDERED, April 12, 2019 1:11 AM Notice of Completion of Mediation and April 12, 12:39 am Notice of Appearance STRICKEN as rogue and duplicative. On April 17, 2019 at 8:37 a.m., Tobin's Reply In Support of Joinder

CASE SUMMARY**CASE NO. A-15-720032-C**

to Nationstar Mortgage, LLC's Motion For Summary Judgment and Reply In Support Of Tobin's Motion For Summary Judgment, COURT ADDITIONALLY motion ORDERED STRICKEN as rogue. COURT was NOT FINDING that it should strike the April 19th Response by Nationstar, being it was clarification to enlighten the Court the improper filing of documents. Upon Court's inquiry, Ms. Morgan stated she was not requesting the Court to take action. As to the remaining underlying documents, Mr. Hong stated they would withdraw and vacate the Stipulation to Extend the briefing scheduling noting it was prepared and filed prior to settlement, that document was now moot. Upon Court's inquiry, Mr. Hong acknowledged the Court could disregard the stipulation as to the briefing schedule. As to the pending Motion for Summary Judgment on May 7th. Ms. Morgan stated that would not be heard stating the only claims remained had been resolved and she would file a Notice of Withdraw. At the request of the movant, no opposition by Mr. Hong, and since only party which could had filed any pleadings, COURT ORDERED, May 7, 2019 Motion for Summary Judgment VACATED. COURT NOTED the Calendar Call and Bench Trial dates would remain. Further, Nona Tobin as Trustee for the Gordan B. Hansen Trust versus Jimijack were the only remaining parties in these combined cases, A720032 with A730078. Ms. Morgan advised Tobin as Trustee also had pending claims against Yuen K. Lee and F Bonderant LLC. Colloquy regarding the caption. COURT ORDERED, Status Check SET regarding Settlement Documents. 05/21/19 STATUS CHECK: SETTLEMENT DOCUMENTS CLERK'S NOTE: Minutes amended to reflect the additional stricken documents as follows: 04/12/19 1:11 AM Notice of Completion of Mediation and 04/12/19 12:39 AM Notice of Appearance. ndo05/09/19 ;

- 04/23/2019 **Opposition and Counter-motion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Tobin Opposition to Nationstar Motion for Summary Judgment Against Jimijack and Counter-motion for Summary Judgment
Matter Heard;
- 04/23/2019 **Opposition and Counter-motion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Tobin Opposition to Nationstar Motion for Summary Judgment Against Jimijack and Counter-motion for Summary Judgment
Matter Heard;
- 04/25/2019  **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Joseph Hong, Esq., present telephonically on Court Call on behalf of Plaintiff. Colloquy regarding remaining parties on this matter. MATTER TRAILED. MATTER RECALLED. All parties present as before. Court stated co-counsel, Tom Grover, was to be here by 10:15 AM and this Court impose sanctions. Colloquy regarding Nona Tobin now representing herself. Court noted there were a series of documents filed by Ms. Tobin stricken, as she is represented by counsel. Mr. Coppedge stated Ms. Tobin requested they withdraw as Ms. Tobin's counsel as an individual. COURT STATED today is only on calendar for Pre-Trial Conference and there needs to be a judicial day notice of the request. Ms. Morgan confirmed she has circulated a stipulation to conform the caption. Court noted the remaining parties are the Tobin parties and the parties represented in the Counter Defendant role by Mr. Hong. Mr. Coopedge stated trial can take up to 2.5 days. COURT ORDERED, trial #3 on the 06/05 stack; trial dates SET. 05/23/19 3:30 PM CALENDAR CALL 06/05/19 10:00 AM BENCH TRIAL Minute Order prepared by review of JAVS. hvp/5/23/19;
- 05/07/2019 **CANCELED Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge
NationStar Mortgage LLC's Motion for Summary Judgment
- 05/21/2019  **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Status Check: Settlement Documents
Matter Heard;
Journal Entry Details:
Mr. Hong appeared telephonically through Court Call. Ms. Wittig informed the Court parties were going along with settlement, however, there was a motion for reconsideration filed on the HOA's motion for summary judgment; further noting she believes her client needs to wait until the Court rules on the motion for reconsideration in order to finish the settlement, the settlement agreement was drafted and was executed, however, her client is waiting on transfer of funds until after the motion for reconsideration is heard, as this could affect the settlement.


CASE SUMMARY


CASE NO. A-15-720032-C

Mr. Hong confirmed the settlement documents were signed, and in terms of payment, his client is waiting for the ruling on the motion for reconsideration. Mr. Coppedge stated his client had requested for him to withdraw from the case, to proceed pro se, and there is a motion pending on this. Mr. Ochoa requested Court to hear the motion for reconsideration first, further noting an objection was filed, the other parties are attempting to settle to resolve all issues; and he would request Calendar Call be heard after the decision on the motion for reconsideration. Parties made no objection to moving the Calendar Call. Upon Court's inquiry, Mr. Coppedge estimated 1 binder of exhibits as to Nona Tobin; and Mr. Hong confirmed his client will have no exhibits. COURT ORDERED, Motion for reconsideration and Calendar Call are RESET. Following objections by counsel, COURT ADDITIONALLY ORDERED, hearing SET on the Motion to substitute. Oppositions and any joinders are due May 24, 2019 by 3:00 p.m. Trial exhibits and any required trial documents for the Court are due at time of Calendar Call. 5/29/19 8:30 A.M. CROSS-CLAIMANT NONA TOBIN'S MOTION FOR RECONSIDERATION...MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN ON ORDER SHORTENING TIME 6/03/19 8:45 A.M. CALENDAR CALL 6/05/19 10:00 A.M. BENCH TRIAL (3 DAYS) ;

05/29/2019 **Motion For Reconsideration** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Cross-Claimant Nona Tobin's Motion For Reconsideration
Denied;

05/29/2019 **Motion for Substitution** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Motion To Substitute Real Party In Interest And To Withdraw As Counsel Of Record For Counterclaimant Nona Tobin On Order Shortening Time
Off Calendar;

05/29/2019  **All Pending Motions** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
All Pending Motions (5/29/2019)
Matter Heard;
Journal Entry Details:
Mr. Mushkin not present. Court stated a call was received in Chambers that one of the parties was stuck in traffic this morning. Court TRAILED and RECALLED matter at 8:30 A.M. Upon Court's inquiry, the parties in Court confirmed not receiving any updates from opposing counsel. Mr. Hong requested to go forward with the hearing. Court TRAILED matter to call another case on Calendar. CASE RECALLED. Mr. Mushkin present in Court. CROSS-CLAIMANT NONA TOBIN'S MOTION FOR RECONSIDERATION Court addressed preliminary matters, history of the case, and the Motion. COURT ORDERED, any representation about Nona Tobin being an individual party in the case is STRICKEN. Court also addressed the order issued in April, 2019. Court noted the name of the trust is unclear, and both of the names of the trusts on the captions of various pleadings list different numbers. Arguments by counsel. COURT ORDERED, Motion DENIED. MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN ON ORDER SHORTENING TIME At request of counsel, COURT ORDERED, Motion TAKEN OFF CALENDAR. Mr. Ochoa to prepare the order.;


06/03/2019  **Calendar Call** (8:45 AM) (Judicial Officer: Kishner, Joanna S.)
Reset at PTC
Matter Heard;
Journal Entry Details:
Parties made appearances; and Mr. Coppedge identified Ms. Tobin as an individual. Court clarified there is nothing in the record that shows Ms. Tobin as an individual, the Court had asked Mr. Mushkin about this at the last hearing, the intervention motion was granted back in 2016 as Tobin trustee on behalf of the trust, there is nothing in the record that allowed Ms. Tobin to come in as an individual, and a trustee has to be represented by counsel. Court addressed the caption issue and history of the case, including the ruling made at the prior hearing. Upon Court's inquiry about whether a Rule 2.67 conference was held, Mr. Coppedge stated this occurred two weeks ago, telephonically, and he does not have an exact date. Mr. Hong noted he spoke with opposing counsel telephonically, and will not be providing witnesses or documents. Court noted there was a Joint Case Conference Report filed and an Individual Case Conference Report filed. Statements by counsel. Court addressed the procedural aspects of the case; and determined non-compliance by the parties under EDCR 2.67, EDCR 2.68, and EDCR 2.69 or NRCP 16.1 (a) (3); and no pre-trial memorandums were

CASE SUMMARY

CASE NO. A-15-720032-C

filed, no joint pre-trial memorandums were filed, and there were no pre-trial disclosures. Parties did not provide trial exhibits. Court stated neither side can provide documents or witnesses at trial. Trial schedule was provided to the parties by Court, orally. COURT ORDERED, trial date SET. 6/05/19 8:30 A.M. BENCH TRIAL CLERK'S NOTE: Minutes updated to only include the trial start time for June 5, 2019. (6/04/19 sb);

06/05/2019

 **Bench Trial** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

06/05/2019-06/06/2019

MINUTES

Firm #3 set at PTC
 Trial Continues;
 Continued for Chambers Decision;
 Journal Entry Details:

Counter Claimant Nona Tobin, present with Mr. Coppedge, as Trustee of the Gordon B. Hansen Trust. Parties appeared for the scheduled Bench Trial. Testimony presented (See Worksheets.). Both sides rested. No rebuttal case was presented. No closing arguments were made. Court confirmed it received proposed findings of fact and conclusions of law from both sides. COURT ORDERED, a written decision to issue; hearing SET for decision on the Court's Chamber's Calendar for June 21, 2019. Court adjourned. Bench trial ENDS. ;


MINUTES

Firm #3 set at PTC
 Trial Continues;
 Continued for Chambers Decision;
 Journal Entry Details:


Counter Claimant Nona Tobin, present with Mr. Coppedge, as Trustee of the Gordon B. Hansen Trust Dated 8/22/09. Upon Court's inquiry, Mr. Hong confirmed he represents Joel A. Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust, Yuen K. Lee, and F. Bondurant, LLC, Counter Defendants. Parties appeared for the scheduled Bench Trial. Court addressed the caption issue; and noted there is nothing in the record to support that Ms. Tobin is an individual, as she is named as a trustee; and the caption needs to be corrected. COURT ORDERED, Caption AMENDED to be read as follows: Nona Tobin, as Trustee of the Gordon B. Hansen Trust, Counter Claimant vs. Joel A. Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust, Yuen K. Lee, an individual, and F. Bondurant, LLC, Counter Defendants. Following statements by counsel, Court determined there was non-compliance under NRCP 11, as no proposed findings of facts and conclusions of law were submitted to the Court, prior to this bench trial. COURT ORDERED, the proposed findings of facts and conclusions of law from Counter Defendant, are due by the end of the day today at 5:00 p.m., with courtesy copies provided to the Court, or the Court may strike the Answers filed by Counter Defendant. Opening statements by counsel. Court recessed. TRIAL CONTINUES. 6/06/19 9:45 A.M. BENCH TRIAL ;

SCHEDULED HEARINGS

SCHEDULED HEARINGS


 **Decision** (06/21/2019 at 3:00 AM) (Judicial Officer: Kishner, Joanna S.)

06/21/2019

 **Decision** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;
 Journal Entry Details:
Decision made Order filed separately. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

07/09/2019

 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer: Barker, David)

Motion To Withdraw As Counsel Of Record For Nona Tobin, An Individual On Order Shortening Time

Granted;
 Journal Entry Details:

Nona Tobin, was present in Court. Mr. Coppedge not present. Court TRAILED and RECALLED matter. Mr. Coppedge informed the Court Ms. Tobin is requesting his firm to withdraw from representing her. COURT ORDERED, Motion GRANTED. Mr. Coppedge to prepare the order. Court told Ms. Tobin to go secure new counsel if that is in her best

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-15-720032-C

08/27/2019	<i>interest.;</i> Motion for New Trial (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Nona Tobin's Motions for a New Trial Per Rule 54 (B) and Rule 59 (1)(A)(B)(C)(F)</i>
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DATE	FINANCIAL INFORMATION
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Counter Defendant F. Bondurant LLC		
Total Charges		223.00
Total Payments and Credits		223.00
Balance Due as of 7/25/2019		0.00
 Cross Defendant Oppurtunity Homes LLC		
Total Charges		200.00
Total Payments and Credits		200.00
Balance Due as of 7/25/2019		0.00
 Cross Defendant Lee, Yuen K.		
Total Charges		30.00
Total Payments and Credits		30.00
Balance Due as of 7/25/2019		0.00
 Cross Defendant Sun City Anthem Community Association Inc		
Total Charges		423.00
Total Payments and Credits		423.00
Balance Due as of 7/25/2019		0.00
 Counter Claimant Nona Tobin, as Trustee of the Gordon B. Hansen Trust		
Total Charges		471.00
Total Payments and Credits		271.00
Balance Due as of 7/25/2019		200.00
 Other Nationstar Mortgage, LLC		
Total Charges		623.00
Total Payments and Credits		623.00
Balance Due as of 7/25/2019		0.00
 Plaintiff JimiJack Irrevocable Trust		
Total Charges		281.50
Total Payments and Credits		281.50
Balance Due as of 7/25/2019		0.00
 Counter Defendant Joel A. Stokes, as Trustee of the Jimijack Irrevocable Trust		
Total Charges		200.00
Total Payments and Credits		200.00
Balance Due as of 7/25/2019		0.00

DISTRICT COURT CIVIL COVER SHEET

A-15-720032-C

County, Nevada

Case No. _____

XXXI

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): Joel A. Stokes and Sandra F. Stokes 3 Summit Walk Trail Henderson, Nevada 89052	Defendant(s) (name/address/phone): Bank of America, N.A. 100 North Taylor Street #10 Charlotte, NC 28202
Attorney (name/address/phone): Joseph V. Hone Esq 10781 West Lake Avenue Las Vegas Nevada 89135 702 870-1777	Attorney (name/address/phone): _____ _____ _____

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

Civil Case Filing Types

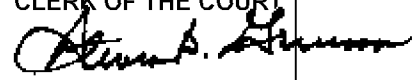
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <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 Probate <i>(select case type and estate value)</i> <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 Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <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	Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

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

June 16 2015
Date

[Signature]
Signature of initiating party or representative

See other side for family-related case filings.



1 **ORDR**

2
3
4 **EIGHTH JUDICIAL DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6 NONA TOBIN, as Trustee of the
7 GORDON B. HANSEN TRUST dated
8 8/22/08,

Case No.: A-15-720032-C

Consolidated with A-16-730078-C

9 Counterclaimant,

10 vs.

11 JOEL A. STOKES AND SANDRA F.
12 STOKES, as Trustees of the JIMI JACK
13 IRREVOCABLE TRUST; YUEN K.
14 LEE, an individual, d/b/a
15 Manager, F. BONDURANT, LLC.,

16 Counter-Defendants.

17 **FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT¹**

18 This matter, having come on for Bench Trial commencing on June 5th and
19 6th, 2019, with L. Joe Coppedge appearing on behalf of Counterclaimant the
20 Gordon B. Hansen Trust, dated 8/22/08; and Joseph Hong appearing on behalf
21 of all Counter-Defendants. All parties having an opportunity to present their

22
23 ¹ The consolidated cases commenced with multiple parties being named and the initial caption
24 read in part, "Joel A. Stokes and Sandra F. Stokes as trustees of the Jimijack Irrevocable Trust
25 Plaintiffs, vs. Bank of America N.A. Defendants, et. al". All claims by all other parties, other than
26 those of the Counterclaimant against Counter-Defendants have either been resolved or
27 eliminated due to rulings of the Court. Thus, the only claims that were asserted to remain for trial
28 were the Counterclaimant's claims against Counter-Defendants. Accordingly, the caption, as set
forth above, correctly sets forth the parties that were asserted to have remained for purposes of
trial.

1 case, the Court having considered the evidence, the previous Orders and
2 Judgments in this case, and good cause appearing therefore, enters the
3 following Findings of Fact and Conclusions of Law:

4 **FINDINGS OF FACTS**

5
6 1. Counterclaimant, the Gordon B. Hansen Trust Dated 8/22/08
7 ("Hansen Trust") claims in intervention against Counter-Defendants, Joel A.
8 Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust
9 ("Jimijack"); and Yuen K. Lee, an individual d/b/a Manager F. Bondurant, LLC.
10 ("Lee"), involving a real property commonly known as 2763 White Sage Drive,
11 Henderson, Nevada 89052, APN 191-13-811-052 (the "Subject Property") were
12 the only remaining claims set for trial to commence on June 5, 2019.

13
14 2. On January 11, 2017, the Hansen Trust intervened in the present
15 action via Order, with Notice of Entry thereof, filed on January 12, 2017. The
16 Hansen Trust alleged claims of Quiet Title and Equitable Relief, Civil Conspiracy,
17 Fraudulent Conveyance, Unjust Enrichment, and Breach of Contract against the
18 Sun City Anthem Community Association ("HOA"). The Hansen Trust alleged
19 claims for Quiet Title and Equitable Relief, Fraudulent Re-conveyance, Unjust
20 Enrichment, Civil Conspiracy, and Injunctive Relief against Jimijack. The Hansen
21 Trust alleged claims for Fraudulent Conveyance, Quiet Title and Equitable Relief,
22 and Civil Conspiracy against Lee d/b/a F. Boudurant. The Hansen Trust
23 alleged claims for Quiet Title and Equitable Relief, Breach of Contract, Equitable
24 Relief (stet) and Civil Conspiracy against Opportunity Homes and Thomas Lucas.
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1 The essence of the Hansen Trust's claims in the consolidated cases was
2 asserted to be that it sought to void the HOA foreclosure sale of the Subject
3 Property. In each of the pleadings filed against each of the respective parties,
4 the Hansen Trust set forth that Nona Tobin was the Trustee of the Hansen Trust
5 dated 8/22/08, and that the claims were brought by the Trustee of the Hansen
6 Trust on behalf of the Trust. Given it was asserted in all of the claims in the
7 respective pleadings that the Hansen Trust was the purported owner of the
8 property at issue at the time of the foreclosure sale, and that Ms. Tobin was the
9 successor Trustee, the Court finds that the pleadings are consistent with the
10 intention of the Court's Order granting intervention by the Hansen Trust. There
11 was no intention by the Court to grant intervention to Ms. Tobin as an individual
12 as there was no assertion in the January 2017 Motion to Intervene or in what
13 were titled "cross-claims" and "counter-claims" that anyone or entity had asserted
14 any joint or other form of ownership right with the Hansen Trust at the time of the
15 foreclosure at issue.²
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20 ² The Court notes that on May 24, 2019, less than two weeks before trial was to commence,
21 Counterclaimant filed a "Supplement" without leave of Court which had a "quitclaim deed" dated
22 March 27, 2017 attached. It was contended that Ms. Tobin as the successor trustee of the
23 Hansen Trust quitclaimed to herself as an individual effective March 27, 2017 whatever interest
24 the Hansen Trust had in the subject property for no consideration. While the Court takes no
25 position as to whether the quitclaim deed was proper within the terms of the trust as the Court
26 was not shown the trust nor did anyone testify as to the language of the trust, the Court notes that
27 the Court Record shows that in a prior pleading there were representations by Counterclaimant
28 through its Trustee, Ms. Tobin, that she was one of two beneficiaries of the Trust. Second, even
if the Court were to view the Supplement and its attachment as allowable, from a chronological
standpoint, the purported transfer of ownership rights (whatever they were purported to be) did
not take place until about two months after there was Notice of Entry of the Order on the Motion
to Intervene which granted intervention to the Hansen Trust only in the present case. Thus,
regardless of whether the "quitclaim deed" was valid or not, Ms. Tobin was not a proper party to
the instant litigation as there was no timely request for her to intervene or any legal authority

1 3. After the Hansen Trust filed what it asserted to be “cross-claims”
2 and a “counter-claim”, various pleadings were filed by the Intervenor Hansen
3 Trust in which the phrase “Nona Tobin as an individual” was set forth in the
4 caption and in some cases in the body of the document, despite the fact the
5 Motion to Intervene was filed by the Trustee on behalf of the Trust and
6 Intervention was only granted to the Hansen Trust. From a review of the Court
7 Record, it appears that other parties to the action also included the incorrect
8 caption that had been used by Intervenor Hansen Trust in some of their
9 pleadings. It was not until a couple of months before trial was to commence in
10 2019 that the error was brought to the attention of the Court. In 2019³, the Court
11 was informed, and the Odyssey Record of the Eighth Judicial District confirms,
12 that contrary to the scope of the Intervention granted by the Court, at some point
13 in 2017 the Hansen Trust inserted Ms. Tobin’s name incorrectly in the caption
14 and then used her name in an individual capacity at some points in pleadings. In
15 those same pleadings, however, the nature of the actions relating to the
16 ownership of the property which was purportedly was owned by the Hansen
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21 presented to the Court that she could intervene on her own behalf after she contended that she
22 quitclaimed whatever interest the Hansen Trust purportedly had on or about March 27, 2017. As
23 intervention by Ms. Tobin as an individual as distinct from her role as trustee was not timely or
24 properly presented and hence was not granted, the Court finds that the trial properly commenced
25 and concluded between the only parties that remained in the case.

26 ³ Indeed, at hearing(s) in 2019 after the Court was put on notice of what had occurred, in the
27 presence of Ms. Tobin who was present as Trustee of the Hansen Trust with her counsel, the
28 Court reminded all parties that it needed to strike pleadings that had been filed by Ms. Tobin
herself. The Court confirmed with the parties that Ms. Tobin’s role was solely as Trustee of the
Hansen Trust and the Hansen Trust was represented by counsel. See, e.g. Hearing of April 23,
2019, where the Court was informed, and then subsequent hearings where Ms. Tobin was
present with her counsel where the issue was again communicated.

1 Trust at the time of the foreclosure remained the same. Further, there was no
2 request of the Court, nor any grant of intervention by the Court, to allow Ms.
3 Tobin to appear as an individual. Instead, Ms. Tobin's role was as Trustee of the
4 Hansen Trust.

5
6 4. On April 27, 2017, the Court heard Lucas and Opportunity Homes
7 Motions for Summary Judgment and ruled thereon. There were other pending
8 Motions including the HOA Motion to Dismiss the Hansen Trust's claims and
9 related counter motions, which at the request of those who were present, were
10 continued. The Court was informed that the Hansen Trust was not represented
11 by counsel as required by EDCR 7.42. The remaining hearings were then reset
12 to May 23rd and then May 25th to allow the Hansen Trust to obtain counsel and
13 be prepared. On May 25th, 2017, the parties withdrew some of the pending
14 Motions and requested that the ruling on others, including the HOA's Motion to
15 Dismiss as to all of the Hansen's Trust's claims, be deferred as some of the
16 parties were seeking NRED mediation.

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18 5. At the parties' request, the Court did not rule on those pending
19 Motions. On September 19, 2017, the parties filed a Stipulation and Order and
20 the following day they filed Notice of Entry Thereof. The Stipulation addressed
21 all of the Counterclaimant Hansen Trust's claims with the HOA. Pursuant to the
22 Stipulation and Order, the HOA's Motion, as it applied to the Hansen Trust (and
23 to the extent that Ms. Tobin asserted at the time she was a party), was dismissed
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1 other than the quiet title claim.⁴ The Stipulation filed on September 17th provided:

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- 1. That all claims against the HOA be dismissed without prejudice for the parties to attend mediation.
- 2. That the Court does not make a decision as to the quiet title claim at this time.
- 3. That the Court does not make any determination as to actions taken after the filing of the HOA's Motion at this time.
- 4. That the Counter-Motion(s) filed by Nona Tobin an Individual and Trustee of the Gordon B Hansen Trust be withdrawn without prejudice at this time.

ORDER

Based on the stipulations of the parties:

THE COURT ORDERS: All claims against Sun City Anthem Community Association are dismissed without prejudice to attend NRED mediation, except for the quiet title claim.

THE COURT ORDERS the counter-motions filed March 3, 2017 and March 31, 2017 be WITHDRAWN WITHOUT PREJUDICE.

THE COURT FUTHER ORDERS the Motion to Dismiss is GRANTED, pursuant to a stipulation of the parties to all claims other than quiet title

⁴ At the time of the Stipulation in 2017, the Court had not been informed that Ms. Tobin was not a proper party but merely an individual who had incorrectly been added to the caption. Placing oneself on a caption or in a pleading does not confer party status on that individual when intervention is only granted to the entity who claimed an interest in the property at the time of the foreclosure.

1 THE COURT FURTHER ORDERS the Motion to
2 Dismiss is DENIED WITHOUT PREJUDICE in regards
3 to the quiet title claim.

4 6. In light of the parties Stipulation to attend NRED mediation, the
5 case was pending until the Court received notice that the NRED mediation had
6 been completed. A Notice of completion of mediation was filed in November
7 2017. Thereafter, in April 2018, the HOA filed an Answer to the only remaining
8 claim between it and the Hansen Trust—i.e. Quiet Title. That was the only
9 remaining claim pursuant to the parties Stipulation the preceding September.

10 7. In February 2019, the HOA filed a Motion for Summary Judgment
11 with a limited Joinder by Nationstar.⁵ At the request of the parties, the matter
12 was heard on March 26, 2019. After a full oral argument, and taking fully into
13 account the pleadings as well as the allowable evidence and oral argument, the
14 Court GRANTED the HOA's Motion and Nationstar's limited Joinder thereto. The
15 Court set forth its reasoning in open Court and then detailed its reasoning in the
16 Findings of Fact and Conclusions of Law and Judgment thereon, which were filed
17 on or about April 17, 2019 ("FFCL"). Notice of Entry was filed on April 18, 2019.

18 8. In its ruling on the HOA's Motion for Summary Judgment, the Court
19 expressly found that "the totality of the facts evidence that the HOA properly
20 followed the process and procedures in foreclosing upon the Property." See
21 *FFCL filed on April 17, 2019, page 9, lines 5-6*. The Court, therefore, granted the
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25 ⁵ That same month Nationstar, Opportunity Homes, and F. Bonderant filed a Stipulation to
26 Dismiss with respect to their claims vis a vis each other. The parties also filed a Stipulation to
27 Reform the Caption.

1 HOA's Motion for Summary Judgment as to the Hansen Trust's claim against the
2 HOA for Quiet Title and Equitable Relief in seeking to void the HOA foreclosure
3 sale. *See FFCL filed on April 17, 2019.*

4
5 9. On April 23, 2019, at the hearing for Nationstar's Motion for
6 Summary Judgment, the Court was informed that the only parties remaining in
7 the case due to rulings and resolutions were Counterclaimant Hansen Trust, the
8 Stokes on behalf of Jimijack and Lee d/b/a F. Bondurant. The Court was
9 informed that prior captions had incorrectly set forth that Ms. Tobin was a party in
10 her individual capacity. The Court was further informed and shown that
11 Intervenor status had only been granted to the Hansen Trust which Ms. Tobin
12 acted in the capacity of Trustee. Ms. Tobin, according to the official record of the
13 consolidated cases, had never been granted leave to intervene as an individual.
14 In light of the fact there was a pending resolution between various entities, but
15 there were still counterclaims outstanding involving the Hansen Trust, the Pre-
16 Trial Conference set for April 25, 2019, remained on calendar so that the trial
17 could be set with respect to the remaining claims of the Hansen Trust.
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19 10. At that same April 23rd hearing, due to the fact that Ms. Tobin had
20 filed documents on her own whilst the Trust was represented by counsel, those
21 purported pleadings filed by Ms. Tobin were considered rogue documents. Since
22 they were rogue documents, they were stricken in accordance with the rules.
23

24 11. On April 29, 2019, the Hansen Trust filed a Motion for
25 Reconsideration of the Court's ruling on the HOA's Motion for Summary
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1 Judgment. The hearing on the Motion was held on May 29, 2019. After full oral
2 argument and a review of the pleadings, the Motion was denied.⁶ On May 30,
3 2019, the Court entered its Order Denying the Hansen Trust's Motion for
4 Reconsideration of its ruling granting Summary Judgment in favor of the HOA.
5 The denial was based both on procedural and substantive grounds. The Order
6 Denying the Motion for Reconsideration was filed on May 31, 2019, and the
7 Notice of Entry of same was filed on May 31, 2019.
8

9 12. On June 5, 2019, the Bench Trial commenced. Ms. Tobin testified
10 on behalf of Counterclaimant. Counterclaimant did not call any other witnesses.
11 After a full trial on the merits of the case, and taking into account the evidence
12 the Court can take into account, the Court finds that Counterclaimant did not
13 meet her burden by a preponderance of the evidence on any of her claims for
14 Quiet Title and Equitable Relief, Fraudulent Reconveyance, Unjust Enrichment,
15 Civil Conspiracy and Injunctive Relief as alleged against Jimijack.
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17 8. After a full trial on the merits of the case, and taking into account
18 the evidence the Court can take into account, the Court further finds that
19 Counterclaimant did not meet her burden by a preponderance of the evidence on
20 any of her claims for Fraudulent Conveyance, Quiet Title and Equitable Relief
21 and Civil Conspiracy against Lee on behalf of F. Bonderant.
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23 **CONCLUSIONS OF LAW**

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25 ⁶ At that hearing, the Court again reminded Ms. Tobin and her counsel that it was not proper for
26 Ms. Tobin, who was represented by counsel, to file documents on her own and also that her role
27 in the consolidated cases was as Trustee for the Hansen Trust consistent with the Court's ruling
28 in 2017 on the Motion to Intervene.

1 1. NRS Chapter 116 specifically authorizes a homeowners'
2 association to foreclose on the entirety of its delinquent assessment lien against
3 the homeowner. *See NRS 116.31162-116.31168.* In this case, the Court has
4 found that the HOA complied with the statutes, all required notices were
5 provided, there was a default when the power of sale was exercised, and the
6 HOA had the authority to foreclose upon the Subject Property. *See FFCL filed*
7 *on April 17, 2019.* Thus, pursuant to NRS Chapter 116, any and all rights and
8 interests the Hansen Trust had in the Subject Property was divested and
9 extinguished at the time of the HOA foreclosure sale.

11 2. “A valid and final judgment on a claim precludes a second action
12 on that claim or any part of it.” *Univ. of Nev. v. Tarkanian*, 110 Nev. 581, 599
13 (1994). Claim preclusion applies when: “(1) the parties or their privies are the
14 same; (2) the final judgment is valid; and (3) the subsequent action is based on
15 the same claims or any part of them that were or could have been brought in the
16 first case.” *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054 (2008). The
17 Hansen Trust’s claim for Quiet Title/Equitable Relief in seeking to void the HOA
18 sale was fully adjudicated by the Court pursuant to the HOA’s Motion for
19 Summary Judgment wherein the Court entered its FFCL, which was filed on
20 April 17, 2019. The Hansen Trust, therefore, cannot re-litigate the same claim or
21 any part thereof. The other claims also fail as they request the Court make a
22 ruling inconsistent with its ruling on the Motion for Summary Judgment.

25 3. “The doctrine of the law of the case cannot be avoided by a more
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1 detailed and precisely focused argument subsequently made after reflection
2 upon the previous proceedings.” *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797,
3 799 (1975). The Court’s FFCL granting Summary Judgment in favor of the HOA
4 that was filed on April 17, 2019, is the law of the case as to the Hansen Trust’s
5 claim for Quiet Title and Equitable Relief in seeking to void the HOA sale. The
6 Hansen Trust, therefore, cannot avoid the doctrine of the law of the case which
7 not only precludes its Quiet Title and Equitable Relief claims but since its other
8 claims against Jimijack and Lee and contingent upon a finding in its favor on the
9 quiet title claim or the premises upon which it is built, those claims fail as well.
10

11 4. In addition to the claims already being precluded given there is
12 both issue preclusion through law of the case, in the present matter, the Court
13 had also denied the Counterclaimant’s Motion for Reconsideration shortly before
14 the trial commenced. Thus, the Court had already reviewed its decision both
15 procedurally and substantively. Accordingly, the law of the case in the present
16 action would apply for the independent reason that the underlying decision had
17 already been reviewed and re-affirmed by the Court.
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19 5. Even if Counterclaimant could try to contend that any of its claims
20 were not barred by issue and claim preclusion, then Counterclaimant’s claims all
21 still fail as it failed to meet its burden of proof on any of its claims. Specifically,
22 Ms. Tobin as Trustee for the Hansen Trust conceded on direct examination that
23 the house had been subject to multiple short sale potential escrows as the
24 house was in default with the lender. She also conceded that there was a late
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1 payment to the HOA. Thus, at least \$25.00 was owed to the HOA at some
2 point. While she disagreed whether the HOA could assess the charges that she
3 asserted were added to the Hansen Trust account as a result of the Hansen
4 Trust's failure to pay its dues on time, she provided no evidence that the charges
5 were inaccurate or impermissible. She also testified that she received a Notice
6 of Foreclosure Sale on the property. She failed to identify any individuals with
7 whom the Hansen Trust had a contract with or any individuals who engaged in a
8 purported conspiracy. Thus, the testimony of the Trustee of the Hansen Trust
9 demonstrated that the Hansen Trust could not meet its burden on any of the
10 claims asserted against any of the Counter-Defendants. The failure of
11 Counterclaimant to meet its burden of proof is an independent basis which
12 requires the Court to find in favor of Counter-Defendants and against
13 Counterclaimant.
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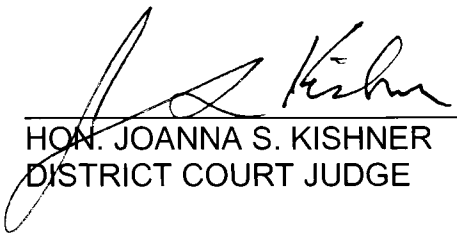
16 **THEREFORE, PURSUANT TO THE ABOVE FINDINGS OF FACT AND**
17 **CONCLUSIONS OF LAW, IT IS HEREBY ORDERED, ADJUDGED, AND**
18 **DECREED** that Judgment shall be entered in favor of Jimijack and Lee and
19 against the Hansen Trust as to all claims alleged against them by the Hansen
20 Trust .
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22 **IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED**
23 that the Lis Pendens recorded against the Subject Property by the Hansen Trust
24 shall be cancelled and expunged.
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Counsel for Counter-Defendants is directed pursuant to NRCP 58 (b) and (e) to file and serve Notice of Entry of the Court's findings and Judgment within fourteen days hereof.

IT IS SO ORDERED this 24th day of June, 2019.



HON. JOANNA S. KISHNER
DISTRICT COURT JUDGE

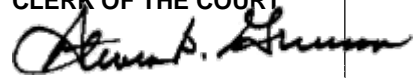
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CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

ALL PARTIES SERVED VIA E-SERVICE


TRACY L. CORDOBA-WHEELER
Judicial Executive Assistant



1 **NEFF**
2 JOSEPH Y. HONG, ESQ.
3 State Bar No. 005995
4 HONG & HONG LAW OFFICE
5 1980 Festival Plaza Drive, Suite 650
6 Las Vegas, Nevada 89135
7 Telephone No.: (702) 870-1777
8 Facsimile No.: (702) 870-0500
9 E-mail: yosuphonglaw@gmail.com
10 Attorney for Counter-Defendant
11 *JOEL A. STOKES and SANDRA F. STOKES,*
12 *as trustees of the JIMI JACK IRREVOCABLE TRUST*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 NONA TOBIN, as Trustee of the GORDON B.
12 HANSEN TRUST, dated 8/22/08,

13 Counterclaimant,

14 vs.

15 JOEL A. STOKES and SANDRA F. STOKES, as
16 Trustees of the JIMI JACK IRREVOCABLE
17 TRUST; YEUN K. LEE, an individual, d/b/a
18 Manager, F. BONDURANT, LLC.,

18 Counter-Defendants.

Case No. : A-15-720032-C
Dept. No. : XXXI

Consolidated with: A-16-730078-C

19 **NOTICE OF ENTRY OF FINDINGS OF FACTS,**
20 **CONCLUSIONS OF LAW AND JUDGMENT**

21 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

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23 ///

24 ///

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1 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that FINDINGS OF
2 FACTS, CONCLUSIONS OF LAW AND JUDGMENT was entered in the above-entitled matter,
3 and filed on the 24th day of June, 2019, a copy of which is attached hereto.

4 DATED this 24th day of June, 2019.

5 HONG & HONG LAW OFFICE

6
7 /s/ Joseph Y. Hong

8 JOSEPH Y. HONG, ESQ.

9 State Bar No. 005995

10 1980 Festival Plaza Drive, Suite 650

11 Las Vegas, Nevada 89135

12 Attorney for Counter-Defendant

13 *JOEL A. STOKES and SANDRA F.*

14 *STOKES, as trustees of the JIMI JACK*
15 *IRREVOCABLE TRUST*

16 **CERTIFICATE OF ELECTRONIC SERVICE**

17 Pursuant to NRCP 5(b)(2)(D), I certify that I am an employee of Joseph Y. Hong, Esq., and
18 that on this 24th day of June, 2019, I served a true and correct copy of the foregoing **NOTICE OF**
19 **ENTRY OF FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT** by
20 electronic transmission through the Eighth Judicial District Court EFP system (Odyssey eFileNV)
21 pursuant to NEFCR 9 upon each party in this case who is registered as an electronic case filing
22 user with the Clerk.

23 By/s/ Debra L. Batesel

24 An employee of Joseph Y. Hong, Esq.



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ORDR

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

NONA TOBIN, as Trustee of the
GORDON B. HANSEN TRUST dated
8/22/08,

Counterclaimant,

vs.

JOEL A. STOKES AND SANDRA F.
STOKES, as Trustees of the JIMI JACK
IRREVOCABLE TRUST; YUEN K.
LEE, an individual, d/b/a
Manager, F. BONDURANT, LLC.,

Counter-Defendants.

Case No.: A-15-720032-C

Consolidated with A-16-730078-C

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT¹

This matter, having come on for Bench Trial commencing on June 5th and
6th, 2019, with L. Joe Coppedge appearing on behalf of Counterclaimant the
Gordon B. Hansen Trust, dated 8/22/08; and Joseph Hong appearing on behalf
of all Counter-Defendants. All parties having an opportunity to present their

¹ The consolidated cases commenced with multiple parties being named and the initial caption read in part, "Joel A. Stokes and Sandra F. Stokes as trustees of the Jimijack Irrevocable Trust Plaintiffs, vs. Bank of America N.A. Defendants, et. al". All claims by all other parties, other than those of the Counterclaimant against Counter-Defendants have either been resolved or eliminated due to rulings of the Court. Thus, the only claims that were asserted to remain for trial were the Counterclaimant's claims against Counter-Defendants. Accordingly, the caption, as set forth above, correctly sets forth the parties that were asserted to have remained for purposes of trial.

1 case, the Court having considered the evidence, the previous Orders and
2 Judgments in this case, and good cause appearing therefore, enters the
3 following Findings of Fact and Conclusions of Law:

4 **FINDINGS OF FACTS**

5
6 1. Counterclaimant, the Gordon B. Hansen Trust Dated 8/22/08
7 ("Hansen Trust") claims in intervention against Counter-Defendants, Joel A.
8 Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust
9 ("Jimijack"); and Yuen K. Lee, an individual d/b/a Manager F. Bondurant, LLC.
10 ("Lee"), involving a real property commonly known as 2763 White Sage Drive,
11 Henderson, Nevada 89052, APN 191-13-811-052 (the "Subject Property") were
12 the only remaining claims set for trial to commence on June 5, 2019.

13
14 2. On January 11, 2017, the Hansen Trust intervened in the present
15 action via Order, with Notice of Entry thereof, filed on January 12, 2017. The
16 Hansen Trust alleged claims of Quiet Title and Equitable Relief, Civil Conspiracy,
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24 Relief (stet) and Civil Conspiracy against Opportunity Homes and Thomas Lucas.
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1 The essence of the Hansen Trust's claims in the consolidated cases was
2 asserted to be that it sought to void the HOA foreclosure sale of the Subject
3 Property. In each of the pleadings filed against each of the respective parties,
4 the Hansen Trust set forth that Nona Tobin was the Trustee of the Hansen Trust
5 dated 8/22/08, and that the claims were brought by the Trustee of the Hansen
6 Trust on behalf of the Trust. Given it was asserted in all of the claims in the
7 respective pleadings that the Hansen Trust was the purported owner of the
8 property at issue at the time of the foreclosure sale, and that Ms. Tobin was the
9 successor Trustee, the Court finds that the pleadings are consistent with the
10 intention of the Court's Order granting intervention by the Hansen Trust. There
11 was no intention by the Court to grant intervention to Ms. Tobin as an individual
12 as there was no assertion in the January 2017 Motion to Intervene or in what
13 were titled "cross-claims" and "counter-claims" that anyone or entity had asserted
14 any joint or other form of ownership right with the Hansen Trust at the time of the
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20 ² The Court notes that on May 24, 2019, less than two weeks before trial was to commence,
21 Counterclaimant filed a "Supplement" without leave of Court which had a "quitclaim deed" dated
22 March 27, 2017 attached. It was contended that Ms. Tobin as the successor trustee of the
23 Hansen Trust quitclaimed to herself as an individual effective March 27, 2017 whatever interest
24 the Hansen Trust had in the subject property for no consideration. While the Court takes no
25 position as to whether the quitclaim deed was proper within the terms of the trust as the Court
26 was not shown the trust nor did anyone testify as to the language of the trust, the Court notes that
27 the Court Record shows that in a prior pleading there were representations by Counterclaimant
28 through its Trustee, Ms. Tobin, that she was one of two beneficiaries of the Trust. Second, even
if the Court were to view the Supplement and its attachment as allowable, from a chronological
standpoint, the purported transfer of ownership rights (whatever they were purported to be) did
not take place until about two months after there was Notice of Entry of the Order on the Motion
to Intervene which granted intervention to the Hansen Trust only in the present case. Thus,
regardless of whether the "quitclaim deed" was valid or not, Ms. Tobin was not a proper party to
the instant litigation as there was no timely request for her to intervene or any legal authority.

1 3. After the Hansen Trust filed what it asserted to be "cross-claims"
2 and a "counter-claim", various pleadings were filed by the Intervenor Hansen
3 Trust in which the phrase "Nona Tobin as an individual" was set forth in the
4 caption and in some cases in the body of the document, despite the fact the
5 Motion to Intervene was filed by the Trustee on behalf of the Trust and
6 Intervention was only granted to the Hansen Trust. From a review of the Court
7 Record, it appears that other parties to the action also included the incorrect
8 caption that had been used by Intervenor Hansen Trust in some of their
9 pleadings. It was not until a couple of months before trial was to commence in
10 2019 that the error was brought to the attention of the Court. In 2019³, the Court
11 was informed, and the Odyssey Record of the Eighth Judicial District confirms,
12 that contrary to the scope of the Intervention granted by the Court, at some point
13 in 2017 the Hansen Trust inserted Ms. Tobin's name incorrectly in the caption
14 and then used her name in an individual capacity at some points in pleadings. In
15 those same pleadings, however, the nature of the actions relating to the
16 ownership of the property which was purportedly was owned by the Hansen
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21 presented to the Court that she could intervene on her own behalf after she contended that she
22 quitclaimed whatever interest the Hansen Trust purportedly had on or about March 27, 2017. As
23 intervention by Ms. Tobin as an individual as distinct from her role as trustee was not timely or
24 properly presented and hence was not granted, the Court finds that the trial properly commenced
25 and concluded between the only parties that remained in the case.

26 ³ Indeed, at hearing(s) in 2019 after the Court was put on notice of what had occurred, in the
27 presence of Ms. Tobin who was present as Trustee of the Hansen Trust with her counsel, the
28 Court reminded all parties that it needed to strike pleadings that had been filed by Ms. Tobin
herself. The Court confirmed with the parties that Ms. Tobin's role was solely as Trustee of the
Hansen Trust and the Hansen Trust was represented by counsel. See, e.g. Hearing of April 23,
2019, where the Court was informed, and then subsequent hearings where Ms. Tobin was
present with her counsel where the issue was again communicated.

1 Trust at the time of the foreclosure remained the same. Further, there was no
2 request of the Court, nor any grant of intervention by the Court, to allow Ms.
3 Tobin to appear as an individual. Instead, Ms. Tobin's role was as Trustee of the
4 Hansen Trust.

5
6 4. On April 27, 2017, the Court heard Lucas and Opportunity Homes
7 Motions for Summary Judgment and ruled thereon. There were other pending
8 Motions including the HOA Motion to Dismiss the Hansen Trust's claims and
9 related counter motions, which at the request of those who were present, were
10 continued. The Court was informed that the Hansen Trust was not represented
11 by counsel as required by EDCR 7.42. The remaining hearings were then reset
12 to May 23rd and then May 25th to allow the Hansen Trust to obtain counsel and
13 be prepared. On May 25th, 2017, the parties withdrew some of the pending
14 Motions and requested that the ruling on others, including the HOA's Motion to
15 Dismiss as to all of the Hansen's Trust's claims, be deferred as some of the
16 parties were seeking NRED mediation.

17
18 5. At the parties' request, the Court did not rule on those pending
19 Motions. On September 19, 2017, the parties filed a Stipulation and Order and
20 the following day they filed Notice of Entry Thereof. The Stipulation addressed
21 all of the Counterclaimant Hansen Trust's claims with the HOA. Pursuant to the
22 Stipulation and Order, the HOA's Motion, as it applied to the Hansen Trust (and
23 to the extent that Ms. Tobin asserted at the time she was a party), was dismissed
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1 other than the quiet title claim.⁴ The Stipulation filed on September 17th provided:

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1. That all claims against the HOA be dismissed without prejudice for the parties to attend mediation.
2. That the Court does not make a decision as to the quiet title claim at this time.
3. That the Court does not make any determination as to actions taken after the filing of the HOA's Motion at this time.
4. That the Counter-Motion(s) filed by Nona Tobin an Individual and Trustee of the Gordon B Hansen Trust be withdrawn without prejudice at this time.

ORDER

Based on the stipulations of the parties:

THE COURT ORDERS: All claims against Sun City Anthem Community Association are dismissed without prejudice to attend NRED mediation, except for the quiet title claim.

THE COURT ORDERS the counter-motions filed March 3, 2017 and March 31, 2017 be WITHDRAWN WITHOUT PREJUDICE.

THE COURT FUTHER ORDERS the Motion to Dismiss is GRANTED, pursuant to a stipulation of the parties to all claims other than quiet title

⁴ At the time of the Stipulation in 2017, the Court had not been informed that Ms. Tobin was not a proper party but merely an individual who had incorrectly been added to the caption. Placing oneself on a caption or in a pleading does not confer party status on that individual when intervention is only granted to the entity who claimed an interest in the property at the time of the foreclosure.

1 THE COURT FURTHER ORDERS the Motion to
2 Dismiss is DENIED WITHOUT PREJUDICE in regards
3 to the quiet title claim.

4 6. In light of the parties Stipulation to attend NRED mediation, the
5 case was pending until the Court received notice that the NRED mediation had
6 been completed. A Notice of completion of mediation was filed in November
7 2017. Thereafter, in April 2018, the HOA filed an Answer to the only remaining
8 claim between it and the Hansen Trust—i.e. Quiet Title. That was the only
9 remaining claim pursuant to the parties Stipulation the preceding September.

10 7. In February 2019, the HOA filed a Motion for Summary Judgment
11 with a limited Joinder by Nationstar.⁵ At the request of the parties, the matter
12 was heard on March 26, 2019. After a full oral argument, and taking fully into
13 account the pleadings as well as the allowable evidence and oral argument, the
14 Court GRANTED the HOA's Motion and Nationstar's limited Joinder thereto. The
15 Court set forth its reasoning in open Court and then detailed its reasoning in the
16 Findings of Fact and Conclusions of Law and Judgment thereon, which were filed
17 on or about April 17, 2019 ("FFCL"). Notice of Entry was filed on April 18, 2019.

18 8. In its ruling on the HOA's Motion for Summary Judgment, the Court
19 expressly found that "the totality of the facts evidence that the HOA properly
20 followed the process and procedures in foreclosing upon the Property." See
21 *FFCL filed on April 17, 2019, page 9, lines 5-6*. The Court, therefore, granted the
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25 _____
26 ⁵ That same month Nationstar, Opportunity Homes, and F. Bonderant filed a Stipulation to
27 Dismiss with respect to their claims vis a vis each other. The parties also filed a Stipulation to
28 Reform the Caption.

1 HOA's Motion for Summary Judgment as to the Hansen Trust's claim against the
2 HOA for Quiet Title and Equitable Relief in seeking to void the HOA foreclosure
3 sale. See FFCL filed on April 17, 2019.

4
5 9. On April 23, 2019, at the hearing for Nationstar's Motion for
6 Summary Judgment, the Court was informed that the only parties remaining in
7 the case due to rulings and resolutions were Counterclaimant Hansen Trust, the
8 Stokes on behalf of Jimijack and Lee d/b/a F. Bondurant. The Court was
9 informed that prior captions had incorrectly set forth that Ms. Tobin was a party in
10 her individual capacity. The Court was further informed and shown that
11 Intervenor status had only been granted to the Hansen Trust which Ms. Tobin
12 acted in the capacity of Trustee. Ms. Tobin, according to the official record of the
13 consolidated cases, had never been granted leave to intervene as an individual.
14 In light of the fact there was a pending resolution between various entities, but
15 there were still counterclaims outstanding involving the Hansen Trust, the Pre-
16 Trial Conference set for April 25, 2019, remained on calendar so that the trial
17 could be set with respect to the remaining claims of the Hansen Trust.
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20 10. At that same April 23rd hearing, due to the fact that Ms. Tobin had
21 filed documents on her own whilst the Trust was represented by counsel, those
22 purported pleadings filed by Ms. Tobin were considered rogue documents. Since
23 they were rogue documents, they were stricken in accordance with the rules.

24
25 11. On April 29, 2019, the Hansen Trust filed a Motion for
26 Reconsideration of the Court's ruling on the HOA's Motion for Summary
27

1 Judgment. The hearing on the Motion was held on May 29, 2019. After full oral
2 argument and a review of the pleadings, the Motion was denied.⁶ On May 30,
3 2019, the Court entered its Order Denying the Hansen Trust's Motion for
4 Reconsideration of its ruling granting Summary Judgment in favor of the HOA.
5 The denial was based both on procedural and substantive grounds. The Order
6 Denying the Motion for Reconsideration was filed on May 31, 2019, and the
7 Notice of Entry of same was filed on May 31, 2019.
8

9 12. On June 5, 2019, the Bench Trial commenced. Ms. Tobin testified
10 on behalf of Counterclaimant. Counterclaimant did not call any other witnesses.
11 After a full trial on the merits of the case, and taking into account the evidence
12 the Court can take into account, the Court finds that Counterclaimant did not
13 meet her burden by a preponderance of the evidence on any of her claims for
14 Quiet Title and Equitable Relief, Fraudulent Reconveyance, Unjust Enrichment,
15 Civil Conspiracy and Injunctive Relief as alleged against Jimijack.
16

17 8. After a full trial on the merits of the case, and taking into account
18 the evidence the Court can take into account, the Court further finds that
19 Counterclaimant did not meet her burden by a preponderance of the evidence on
20 any of her claims for Fraudulent Conveyance, Quiet Title and Equitable Relief
21 and Civil Conspiracy against Lee on behalf of F. Bonderant.
22

23 CONCLUSIONS OF LAW

24
25 ⁶ At that hearing, the Court again reminded Ms. Tobin and her counsel that it was not proper for
26 Ms. Tobin, who was represented by counsel, to file documents on her own and also that her role
in the consolidated cases was as Trustee for the Hansen Trust consistent with the Court's ruling
in 2017 on the Motion to Intervene.
27

1 1. NRS Chapter 116 specifically authorizes a homeowners'
2 association to foreclose on the entirety of its delinquent assessment lien against
3 the homeowner. See *NRS 116.31162-116.31168*. In this case, the Court has
4 found that the HOA complied with the statutes, all required notices were
5 provided, there was a default when the power of sale was exercised, and the
6 HOA had the authority to foreclose upon the Subject Property. See *FFCL filed*
7 *on April 17, 2019*. Thus, pursuant to NRS Chapter 116, any and all rights and
8 interests the Hansen Trust had in the Subject Property was divested and
9 extinguished at the time of the HOA foreclosure sale.
10

11 2. “A valid and final judgment on a claim precludes a second action
12 on that claim or any part of it.” *Univ. of Nev. v. Tarkanian*, 110 Nev. 581, 599
13 (1994). Claim preclusion applies when: “(1) the parties or their privies are the
14 same; (2) the final judgment is valid; and (3) the subsequent action is based on
15 the same claims or any part of them that were or could have been brought in the
16 first case.” *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054 (2008). The
17 Hansen Trust’s claim for Quiet Title/Equitable Relief in seeking to void the HOA
18 sale was fully adjudicated by the Court pursuant to the HOA’s Motion for
19 Summary Judgment wherein the Court entered its FFCL, which was filed on
20 April 17, 2019. The Hansen Trust, therefore, cannot re-litigate the same claim or
21 any part thereof. The other claims also fail as they request the Court make a
22 ruling inconsistent with its ruling on the Motion for Summary Judgment.
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25 3. “The doctrine of the law of the case cannot be avoided by a more
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1 detailed and precisely focused argument subsequently made after reflection
2 upon the previous proceedings." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797,
3 799 (1975). The Court's FFCL granting Summary Judgment in favor of the HOA
4 that was filed on April 17, 2019, is the law of the case as to the Hansen Trust's
5 claim for Quiet Title and Equitable Relief in seeking to void the HOA sale. The
6 Hansen Trust, therefore, cannot avoid the doctrine of the law of the case which
7 not only precludes its Quiet Title and Equitable Relief claims but since its other
8 claims against Jimijack and Lee and contingent upon a finding in its favor on the
9 quiet title claim or the premises upon which it is built, those claims fail as well.

11 4. In addition to the claims already being precluded given there is
12 both issue preclusion through law of the case, in the present matter, the Court
13 had also denied the Counterclaimant's Motion for Reconsideration shortly before
14 the trial commenced. Thus, the Court had already reviewed its decision both
15 procedurally and substantively. Accordingly, the law of the case in the present
16 action would apply for the independent reason that the underlying decision had
17 already been reviewed and re-affirmed by the Court.

19 5. Even if Counterclaimant could try to contend that any of its claims
20 were not barred by issue and claim preclusion, then Counterclaimant's claims all
21 still fail as it failed to meet its burden of proof on any of its claims. Specifically,
22 Ms. Tobin as Trustee for the Hansen Trust conceded on direct examination that
23 the house had been subject to multiple short sale potential escrows as the
24 house was in default with the lender. She also conceded that there was a late
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26

1 payment to the HOA. Thus, at least \$25.00 was owed to the HOA at some
2 point. While she disagreed whether the HOA could assess the charges that she
3 asserted were added to the Hansen Trust account as a result of the Hansen
4 Trust's failure to pay its dues on time, she provided no evidence that the charges
5 were inaccurate or impermissible. She also testified that she received a Notice
6 of Foreclosure Sale on the property. She failed to identify any individuals with
7 whom the Hansen Trust had a contract with or any individuals who engaged in a
8 purported conspiracy. Thus, the testimony of the Trustee of the Hansen Trust
9 demonstrated that the Hansen Trust could not meet its burden on any of the
10 claims asserted against any of the Counter-Defendants. The failure of
11 Counterclaimant to meet its burden of proof is an independent basis which
12 requires the Court to find in favor of Counter-Defendants and against
13 Counterclaimant.
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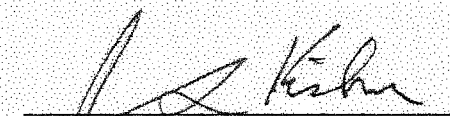
16 **THEREFORE, PURSUANT TO THE ABOVE FINDINGS OF FACT AND**
17 **CONCLUSIONS OF LAW, IT IS HEREBY ORDERED, ADJUDGED, AND**
18 **DECREED** that Judgment shall be entered in favor of Jimijack and Lee and
19 against the Hansen Trust as to all claims alleged against them by the Hansen
20 Trust.
21

22 **IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED**
23 that the Lis Pendens recorded against the Subject Property by the Hansen Trust
24 shall be cancelled and expunged.
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Counsel for Counter-Defendants is directed pursuant to NRCP 58 (b) and (e) to file and serve Notice of Entry of the Court's findings and Judgment within fourteen days hereof.

IT IS SO ORDERED this 24th day of June, 2019.




HON. JOANNA S. KISHNER
DISTRICT COURT JUDGE

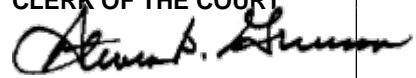
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CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

ALL PARTIES SERVED VIA E-SERVICE


TRACY L. CORDOBA-WHEELER
Judicial Executive Assistant



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13 Sun City Anthem Community Association

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DISTRICT COURT
CLARK COUNTY, NEVADA

11 JOEL STOKES and SANDRA F.
12 STOKES, as trustees of the JIMI JACK
13 IRREVOCABLE TRUST,

14 Plaintiff,

15 vs.

16 BANK OF AMERICA, N.A.,

17 Defendant.

18 NATIONSTAR MORTGAGE, LLC

19 Counter-Claimant,

20 vs.

21 JIMI JACK IRREVOCABLE TRUST,

22 Counter-Defendant.

23 NONA TOBIN, an individual, and Trustee
24 of the GORDON B. HANSEN TRUST.
25 Dated 8/22/08

26 Counter-Claimant,

27 vs.

28 JOEL A. STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY

CASE NO.: A-15-720032-C

Dept. XXXI

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON CROSS-
DEFENDANT SUN CITY ANTHEM
COMMUNITY ASSOCIATION'S MOTION
FOR SUMMARY JUDGMENT**

Lipson, Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

ml
4-8-19

1 ANTHEM COMMUNITY ASSOCIATION,
2 INC., YUEN K. LEE, an Individual, d/b/a/
3 Manager, F. BONDURANT, LLC, and
DOES 1-10, and ROE CORPORATIONS
1-10, inclusive,

4 Counter-Defendants,

5
6 On February 5, 2019, Cross-Defendant Sun City Anthem Community Association
7 filed its Motion for Summary Judgment (“Motion”). On February 12, 2019 Nationstar
8 Mortgage, LLC filed its Joinder thereto. On March 5, 2019, Nona Tobin, individually and
9 as Trustee of the Gordon B. Hansen Trust filed her Opposition to the Motion. On March
10 6, 2019, Cross-Defendant Sun City Anthem Community Association filed its Reply in
11 Support of the Motion for Summary Judgment. On March 5, 2019, the Court issued its
12 Minute Order granting the Motion, having not received any opposition to the Motion.

13 The Motion was heard on March 26, 2019 at 9:30 a.m. in the above captioned
14 matter. In attendance were David T. Ochoa on behalf of Sun City Anthem Community
15 Association (“HOA” or “Sun City Anthem”), Joe Coppedge on behalf of Nona Tobin,
16 individually and as Trustee of the Gordon B. Hansen Trust (“Tobin”), Joseph Hong on
17 behalf of Joel Stokes and Sandra F. Stokes, as trustee of the Jimijack Irrevocable Trust
18 (“Purchaser”), and also on behalf of F. Bondurant, LLC, and Melanie Morgan on behalf of
19 Nationstar Mortgage, LLC (“Nationstar”). At the hearing, the parties stipulated to
20 vacating the March 5, 2019 Minute Order and to hear the Motion on its merits.
21 Additionally, Purchaser and F. Bondurant, LLC, made an Oral request to Join the Motion,
22 to which Tobin objected.

23 The Court having reviewed the papers and pleadings, and having heard oral
24 argument, issues the following findings of fact, conclusions of law and order:

25 **FINDINGS OF FACT**

26 1. In 2003, Gordon B. Hansen obtained a loan to purchase the real property
27 located at 2763 White Sage Drive, Henderson, NV 89052 (the “Property”).
28

1 2. The Property was subject to the HOA's Covenants, Conditions and
2 Restrictions "CC&Rs".

3 3. In 2008, title to Property was transferred to the Gordon B. Hansen Trust
4 (the "Trust"). Nona Tobin became the sole trustee of the Trust in January 2012 when
5 Gordon Hansen passed away.

6 4. In 2012, the Trust defaulted on the homeowners' assessments.

7 5. On September 17, 2012, Red Rock Financial ("Red Rock"), the HOA's
8 collection company, sent Gordon Hansen letters indicating that his account was in
9 collections with them.

10 6. On September 20, 2012, Sun City Anthem sent Gordon Hansen a Notice
11 of Hearing that his account was delinquent and they were considering suspending
12 membership privileges.

13 7. On October 3, 2012, Tobin sent a letter to Sun City Anthem informing Sun
14 City Anthem that Gordon Hansen passed away ("Tobin Letter").

15 8. The Tobin Letter included a copy of the Notice of Hearing sent by Sun City
16 Anthem as it was stamped by Red Rock as received on October 8, 2012 with other
17 parts of the letter.

18 9. The Tobin Letter also stated she was late and delinquent on assessments,
19 that she was attempting to short sale the Property, and she did not intend to pay any
20 additional assessments after the enclosed check.

21 10. Tobin in fact never paid assessments after the October 2012 Tobin Letter.

22 11. Tobin was handling affairs for The Estate of Gordon N. Hansen and
23 owned her own property in Sun City Anthem at an Olivia Heights address.

24 12. On November 5, 2012, Red Rock sent letters to both addresses (Olivia
25 Heights and White Sage) addressed to The Estate of Gordon N. Hansen, informing that
26 they received the notification that Gordon Hansen had passed, and requesting the
27 Estate contact the office within thirty days of the letter.

28

1 13. The Ledger and Payment Allocation indicate that payment was applied to
2 the July 1, 2012 Quarter Assessment and the July 31, 2012 Late Fee.

3 14. On December 14, 2012, the HOA, through Red Rock recorded a notice of
4 delinquent assessment lien.

5 15. On March 12, 2013, the HOA, through Red Rock, recorded a notice of
6 default and election to sell. The first notice of default was rescinded on or about April 3,
7 2013.

8 16. On April 8, 2013, a second notice of default and election to sell was
9 recorded by the HOA through Red Rock.

10 17. The second notice of default and election to sell correctly notes the start of
11 the delinquency since July 1, 2012.

12 18. The Red Rock Ledger indicates the July 1, 2012 assessment payment
13 was late, this was put in the second notice of default and election to sell, and is
14 confirmed by the Tobin Letter.

15 19. On February 12, 2014, the HOA, through Red Rock, recorded a notice of
16 foreclosure sale.

17 20. The Notice of Sale correctly referenced the second notice of default and
18 election to sell that was recorded on April 8, 2013.

19 21. Red Rock complied with all mailing requirements. Mailings went to both
20 the Property address (White Sage) and Tobin's home address (Olivia Heights). Tobin
21 signed for some of the mailings herself.

22 22. The sale was scheduled for March 7, 2014, in the Notice of Sale. The
23 sale was posted and published.

24 23. The sale was postponed three times.

25 24. The postponements were made in part to help Tobin attempt to short sale
26 the Property.

27 25. Tobin contracted with Craig Leidy to help her short sale the Property.
28

1 26. Craig Leidy requested the HOA waive thousands of dollars off the debt.

2 27. The HOA communicated that it would waive some amounts but could not
3 grant the waiver to the extent requested.

4 28. Communication between Nationstar and Craig Leidy appears to indicate
5 the balance was too high for Nationstar to allow the short sale.

6 29. Sometime in May 2014, The Estate of Gordon Hansen entered into a
7 Purchase Agreement with MZK Residential LLC, contingent on short sale approval.
8 Tobin initialed every page of the agreement.

9 30. The HOA foreclosure took place on August 15, 2014, whereby the HOA,
10 through Red Rock, sold the Property to Thomas Lucas representing Opportunity Homes
11 LLC for \$63,100.00.

12 31. A foreclosure deed in favor of Opportunity Homes LLC was recorded on
13 August 22, 2014.

14 32. On October 13, 2014, Tobin sent an email to Craig Leidy, where she
15 indicated her belief that he failed to protect the Trust's interest, that she believed he was
16 working with the Purchaser Thomas Lucas, and also that she was aware that Red Rock
17 interplead the excess proceeds.

18 33. On August 11, 2017, A Notice of Entry Order Granting Thomas Lucas and
19 Opportunity Homes, LLC's Motion for Summary Judgment was filed in this case. The
20 Order states:

21 While it is true that Mr. Lucas is a real estate licensee and an
22 independent agent working with BHHS, BHHS is a real estate
23 company that employs more than 800 real estate agents in Las
24 Vegas valley alone, and Mr. Lucas is not bound by the agreements
25 that Tobin could have signed with other BHHS agents.

26 34. Tobin has filed one cause of action for Quiet Title/Declaratory Relief
27 against the HOA.

28 35. On January 10, 2019, the Court issued a Minute Order on Tobin's Motion
to Amend Answer, Counterclaim, and Crossclaims that was filed on November 30,

1 2018.

2 36. No separate order or entry of order was filed regarding the Amended
3 Answer, Counterclaim, and Crossclaims.

4
5 37. The Amended Answer, Counterclaim, and Crossclaims was not separately
6 filed.

7 **CONCLUSIONS OF LAW**

8 1. Summary Judgment is appropriate “when the pleadings and other
9 evidence on file demonstrate that no ‘genuine issue to any material fact [remains] and
10 that the moving party is entitled to a judgment as a matter of law.” *Wood v. Safeway,*
11 *Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Additionally, “[t]he purpose of
12 summary judgment ‘is to avoid a needless trial when an appropriate showing is made in
13 advance that there is no genuine issue of fact to be tried, and the movant is entitled to
14 judgment as a matter of law.’” *McDonald v. D.P. Alexander & Las Vegas Boulevard,*
15 *LLC*, 121 Nev. 812, 815, 123 P.3d 748, 750 (2005) quoting *Coray v. Home*, 80 Nev. 39,
16 40-41, 389 P.2d 76, 77 (1964). Moreover, the non-moving party “must, by affidavit or
17 otherwise, set forth specific facts demonstrating the existence of a genuine issue for trial
18 or have summary judgment entered against [it].” *Wood*, 121 Nev. at 32, 121 P.3d at
19 1031. Though inferences are to be drawn in favor of the non-moving party, an
20 opponent to summary judgment, must show that it can produce evidence at trial to
21 support its claim or defense. *Van Cleave v. Kietz-Mill Minit Mart*, 97 Nev. 414, 417, 633
22 P.2d 1220, 222 (1981).

23 2. A party cannot defeat summary judgment by contradicting itself. See
24 *Aldabe v. Adams*, 81 Nev. 280, 284–85, 402 P.2d 34, 36–37 (1965) (refusing to credit
25 sworn statement made in opposition to summary judgment that was in direct conflict
26 with an earlier statement of the same party).

27 3. “When sitting in equity, [], courts must consider the entirety of the
28 circumstances that bear upon the equities.” *Shadow Wood HOA v. N.Y. Cmty.*

1 *Bancorp.*, 132 Nev. Adv. Op. 5, 366 P.3d 1105, 1114 (2016), referencing: see e.g., *In*
2 *re Petition of Nelson*, 495 N.W.2d 200, 203 (Minn.1993).

3
4 4. “[I]t is well established that due process is not offended by requiring a person
5 with actual, timely knowledge of an event ... to exercise due diligence and take
6 necessary steps to preserve [his] rights.” *In re Medaglia*, 52 F.3d at 455; see also *SFR*
7 *Investments Pool 1 v. U.S. Bank*, 130 Nev. Adv. Op. 75, 334 P.3d 408, 418 (2014).

8 5. “Equitable estoppel functions to prevent the assertion of legal rights that in
9 equity and good conscience should not be available due to a party's conduct.” *In re*
10 *Harrison Living Tr.*, 121 Nev. 217, 223, 112 P.3d 1058, 1061–62 (2005).

11
12 This court has previously established the four elements of equitable
13 estoppel: (1) the party to be estopped must be apprised of the true facts;
14 (2) he must intend that his conduct shall be acted upon, or must so act
15 that the party asserting estoppel has the right to believe it was so
16 intended; (3) the party asserting the estoppel must be ignorant of the true
17 state of facts; (4) he must have relied to his detriment on the conduct of
18 the party to be estopped.

19 *Id.*

20 6. “It is a well-known maxim that a person who comes into an equity court
21 must come with clean hands.” *Income Inv'rs v. Shelton*, 3 Wash. 2d 599, 602, 101 P.2d
22 973, 974 (1940). “The doctrine bars relief to a party who has engaged in improper
23 conduct in the matter in which that party is seeking relief. As such, the alleged
24 inequitable conduct relied upon must be connected with the matter in litigation . . .”
25 *Truck Ins. Exch. v. Palmer J. Swanson, Inc.*, 124 Nev. 629, 637–38, 189 P.3d 656, 662
26 (2008).

27 7. In determining whether a party's connection with an action is sufficiently offensive
28 to bar equitable relief, two factors must be considered: (1) the egregiousness of the
misconduct at issue, and (2) the seriousness of the harm caused by the misconduct.

1 Only when these factors weigh against granting the requested equitable relief will the
2 unclean hands doctrine bar that remedy. The district court has broad discretion in
3 applying these factors, and we will not overturn the district court's determination unless
4 it is unsupported by substantial evidence. *Las Vegas Fetish & Fantasy Halloween Ball,*
5 *Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 276, 182 P.3d 764, 767 (2008).
6

7 8. The Nevada Supreme Court in *Las Vegas Fetish & Fantasy Halloween*
8 *Ball, Inc. v. Ahern Rentals, Inc.* cited to *Income Inv'rs v. Shelton*, 3 Wash. 2d 599, 602,
9 101 P.2d 973, 974–75 (1940), for its position on denying equity to a party with unclean
10 hands. The Income Inv'rs Court stated:

11 Equity will not interfere on behalf of a party whose conduct in connection
12 with the subject-matter or transaction in litigation has been
13 unconscientious, unjust, or marked by the want of good faith, and will not
14 afford him any remedy. 1 Pomeroy's Equity Jurisprudence (4th ed.) 739, §
15 398; Dale v. Jennings, 90 Fla. 234, 107 So. 175; Bearman v. Dux Oil &
16 Gas Co., 64 Okl. 147, 166 P. 199; Dewese v. Reinhard, 165 U.S. 386, 17
17 S.Ct. 340, 41 L.Ed. 757. Other authorities might be cited, but the rule
18 appears to be universal.

19 If the parties were guilty of the conduct which the trial court found that they
20 were, the appellant comes squarely within the rule that equity will deny it
21 relief, because coming into a court of equity and asking relief after wilfully
22 concealing, withholding, and falsifying books and records, is certainly not
23 coming in with clean hands.

24 *Income Inv'rs v. Shelton*, at 974–75.

25 9. In order to set aside a homeowner's association foreclosure sale, there must
26 be a showing of fraud, unfairness or oppression. *Nationstar Mortg. LLC v. Saticoy Baly*
27 *LLC Series 2227 Shadow Canyon*, 133 Nev. Adv. Rep. 91 (2017).
28

10. In opposition to the Motion, Tobin has offered what she has represented to
be a screenshot from the Ombudsman's office as a result of a public records request.

11. HOA has met its burden in establishing that there is no genuine issue of
material fact and that it is entitled to summary judgment. Tobin has failed to meet her
burden in opposing the Motion because the screenshot was not authenticated as

1 necessary pursuant to NRCP 56. Additionally, even if authenticated, the screenshot
2 does not create a genuine issue of material fact because it does not establish that the
3 sale was cancelled prior to the time of the foreclosure sale, the basis for the remarks,
4 and whether the statements as indicated are the Ombudsman's opinions or the truth.
5 The totality of the facts evidence that the HOA properly followed the processes and
6 procedures in foreclosing upon the Property.

7
8 **ORDER**

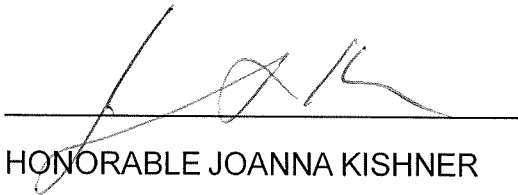
9 The court GRANTS the stipulation of all parties to allow for Cross-Defendant Sun
10 City Anthem Community Association's Motion for Summary Judgment to be heard on its
11 merits, therefore, the Court's Minute Order of March 5, 2019 shall be vacated.

12 Joel Stokes and Sandra F. Stokes, as trustee of the Jimijack Irrevocable Trust's
13 Oral Request to Join Cross-Defendant Sun City Anthem Community Association's
14 Motion for Summary Judgment is DENIED because it was requested in the midst of a
15 motion that was completely briefed.

16 The Court GRANTS Cross-Defendant Sun City Anthem Community Association's
17 Motion for Summary Judgment.


18 The Court GRANTS Nationstar's Limited Joinder to Sun City Anthem Community
19 Association's Motion for Summary Judgment.

20 Dated this 15 day of April, 2019.

21
22 *me* 
23 HONORABLE JOANNA KISHNER

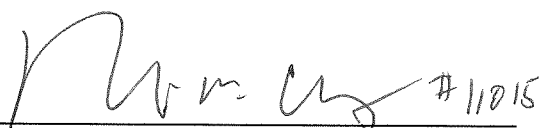

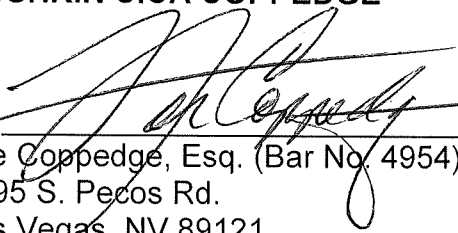
24 Submitted by:

25 **LIPSON NEILSON P.C.**

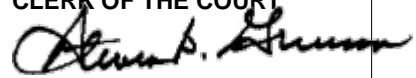
26 
27 _____
28 Kaleb D. Anderson, Esq. (Bar No. 7582)
David T. Ochoa, Esq. (Bar No. 10414)

1 9900 Covington Cross Drive, Suite 120
2 Las Vegas, Nevada 89144
3 *Attorneys for Cross-Defendant*
4 *Sun City Anthem Community Association*

5 Approved as to form and content:

<p>7 Dated this <u>4th</u> day of April, 2019</p> <p>8 AKERMAN, LLP</p> <p>9</p> <p>10 By:  #11015</p> <p>11 Melanie D. Morgan, Esq. (Bar No. 8215) 12 1635 Village Center Circle Ste. 200 13 Las Vegas, NV 89134</p> <p>14 <i>Attorney for /Counterclaimant Nationstar</i></p>	<p>7 Dated this <u>4</u> day of April, 2019</p> <p>8 HONG & HONG</p> <p>9</p> <p>10 By: </p> <p>11 Joseph Y. Hong, Esq. (Bar No: 5995) 12 1980 Festival Plaza Dr., Suite 650 13 Las Vegas, NV 89135</p> <p>14 <i>Attorney for Plaintiff/Counterdefendant</i> 15 <i>Jimijack Irrevocable Trust and</i> 16 <i>F Bondurant, LLC</i></p>
<p>17 Dated this <u>4</u> day of April, 2019</p> <p>18 MUSHKIN CICA COPPEDGE</p> <p>19</p> <p>20 By: </p> <p>21 Joe Coppedge, Esq. (Bar No. 4954) 22 4495 S. Pecos Rd. 23 Las Vegas, NV 89121</p> <p>24 <i>Attorney for Nona Tobin</i></p>	

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3 Nevada Bar No. 7582
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10 kanderson@lipsonneilson.com
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12 *Attorneys for Cross-Defendant*
13 *Sun City Anthem Community Association*

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 JOEL STOKES and SANDRA F.
12 STOKES, as trustees of the JIMI JACK
13 IRREVOCABLE TRUST,

14 Plaintiff,

15 vs.

16 BANK OF AMERICA, N.A.; SUN CITY
17 ANTHEM COMMUNITY ASSOCIATION,
18 INC.; DOES I through X and ROE
19 BUSINESSENTITIES I through X,
20 inclusive,

21 Defendants.

22 NATIONSTAR MORTGAGE, LLC

23 Counter-Claimant,

24 vs.

25 JIMI JACK IRREVOCABLE TRUST;
26 OPPORTUNITY HOMES, LLC, a Nevada
27 limited liability company; F. BONDURANT,
28 LLC, a Nevada limited liability company;
DOES I through X, inclusive; and ROE
CORPORATIONS XI through XX,
inclusive,

Counter-Defendants.

NONA TOBIN, an individual, and Trustee
of the GORDON B. HANSEN TRUST.

CASE NO.: A-15-720032-C

Dept. XXXI

**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER ON CROSS-DEFENDANT SUN
CITY ANTHEM COMMUNITY
ASSOCIATION'S MOTION FOR
SUMMARY JUDGMENT**

Lipson, Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

1 Dated 8/22/08
2 Counter-Claimant,
3 vs.
4 JOEL A. STOKES and SANDRA F.
5 STOKES, as trustees of the JIMI JACK
6 IRREVOCABLE TRUST,
7 Counter-Defendants.
8
9 NONA TOBIN, an individual, and Trustee
10 of the GORDON B. HANSEN TRUST.
11 Dated 8/22/08
12 Cross-Claimant,
13 vs.
14 SUN CITY ANTHEM COMMUNITY
15 ASSOCIATION, INC., DOES 1-10, AND
16 ROE CORPORATIONS 1-10, inclusive,
17 Counter-Defendants.
18
19 NONA TOBIN, an individual, and Trustee
20 of the GORDON B. HANSEN TRUST.
21 Dated 8/22/08
22 Cross-Claimant,
23 vs.
24 OPPORTUNITY HOMES, LLC, THOMAS
25 LUCAS, Manager,
26 Counter-Defendant.
27
28 NONA TOBIN, an individual, and Trustee
of the GORDON B. HANSEN TRUST.
Dated 8/22/08
Cross-Claimant,
vs.
YUEN K. LEE, an Individual, d/b/a
Manager, F. BONDURANT, LLC,
Counter-Defendant.

1 **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**
2 **ON CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S**
3 **MOTION FOR SUMMARY JUDGMENT**

4 Please take notice that the Findings of Fact, Conclusions of Law and Order on
5 Cross-Defendant Sun City Anthem Community Association's Motion for Summary
6 Judgment, was filed with this court on the 17th day of April, 2019, a copy of which is
7 attached.

8 Dated this 18th day of April, 2019.

9 LIPSON NEILSON P.C.

10 */s/ DAVID T. OCHOA*

11 BY: _____

12 KALEB ANDERSON, ESQ. (NV Bar No. 7582)
13 DAVID T. OCHOA, ESQ. (NV Bar No. 10414)
14 9900 Covington Cross Drive, Suite 120
15 Las Vegas, Nevada 89144
16 *Attorneys for Defendant SUN CITY ANTHEM*
17 *COMMUNITY ASSOCIATION*

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Lipson, Neilson P.C.
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Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2019, service of the foregoing
**NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S
MOTION FOR SUMMARY JUDGMENT** to the Clerk's Office using the Odyssey E-File
& Serve System for filing and transmittal to the following Odyssey E-File & Serve
registrants:

Melanie D Morgan, Esq.
Donna Wittig, Esq.
AKERMAN LLP
1635 Village Center Circle Ste. 200
Las Vegas, NV 89134

Attorneys for Defendants

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Steven B. Scow
KOCH & SCOW LLC
11500 S. Eastern Ave. Suite 210
Henderson, NV 89052

*Attorneys for Cross-Defendant Red Rock
Financial Services, LLC*

Joseph Y. Hong, Esq.
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1980 Festival Plaza Dr., Suite 650
Las Vegas, NV 89135

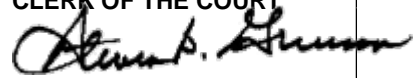
Attorneys for Plaintiff

Joe Coppedge, Esq.
Michael R. Mushkin & Associates, P.C.
4475 S. Pecos Road
Las Vegas, NV 89121

*Attorney for Nona Tobin an individual and
Trustee of the Gordon B. Hansen Trust,
dated 8/22/25*

/s/ Sydney Ochoa

An Employee of LIPSON NEILSON, P.C.



1 LIPSON NEILSON, P.C.
2 KALEB D. ANDERSON, ESQ.
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25 Dated 8/22/08

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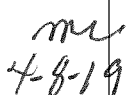
28 JOEL A. STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY

CASE NO.: A-15-720032-C

Dept. XXXI

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON CROSS-
DEFENDANT SUN CITY ANTHEM
COMMUNITY ASSOCIATION'S MOTION
FOR SUMMARY JUDGMENT**

Lipson, Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144



1 ANTHEM COMMUNITY ASSOCIATION,
2 INC., YUEN K. LEE, an Individual, d/b/a/
3 Manager, F. BONDURANT, LLC, and
DOES 1-10, and ROE CORPORATIONS
1-10, inclusive,

4 Counter-Defendants,

5
6 On February 5, 2019, Cross-Defendant Sun City Anthem Community Association
7 filed its Motion for Summary Judgment (“Motion”). On February 12, 2019 Nationstar
8 Mortgage, LLC filed its Joinder thereto. On March 5, 2019, Nona Tobin, individually and
9 as Trustee of the Gordon B. Hansen Trust filed her Opposition to the Motion. On March
10 6, 2019, Cross-Defendant Sun City Anthem Community Association filed its Reply in
11 Support of the Motion for Summary Judgment. On March 5, 2019, the Court issued its
12 Minute Order granting the Motion, having not received any opposition to the Motion.

13 The Motion was heard on March 26, 2019 at 9:30 a.m. in the above captioned
14 matter. In attendance were David T. Ochoa on behalf of Sun City Anthem Community
15 Association (“HOA” or “Sun City Anthem”), Joe Coppedge on behalf of Nona Tobin,
16 individually and as Trustee of the Gordon B. Hansen Trust (“Tobin”), Joseph Hong on
17 behalf of Joel Stokes and Sandra F. Stokes, as trustee of the Jimijack Irrevocable Trust
18 (“Purchaser”), and also on behalf of F. Bondurant, LLC, and Melanie Morgan on behalf of
19 Nationstar Mortgage, LLC (“Nationstar”). At the hearing, the parties stipulated to
20 vacating the March 5, 2019 Minute Order and to hear the Motion on its merits.
21 Additionally, Purchaser and F. Bondurant, LLC, made an Oral request to Join the Motion,
22 to which Tobin objected.

23 The Court having reviewed the papers and pleadings, and having heard oral
24 argument, issues the following findings of fact, conclusions of law and order:

25 **FINDINGS OF FACT**

26 1. In 2003, Gordon B. Hansen obtained a loan to purchase the real property
27 located at 2763 White Sage Drive, Henderson, NV 89052 (the “Property”).
28

1 2. The Property was subject to the HOA's Covenants, Conditions and
2 Restrictions "CC&Rs".

3 3. In 2008, title to Property was transferred to the Gordon B. Hansen Trust
4 (the "Trust"). Nona Tobin became the sole trustee of the Trust in January 2012 when
5 Gordon Hansen passed away.

6 4. In 2012, the Trust defaulted on the homeowners' assessments.

7 5. On September 17, 2012, Red Rock Financial ("Red Rock"), the HOA's
8 collection company, sent Gordon Hansen letters indicating that his account was in
9 collections with them.

10 6. On September 20, 2012, Sun City Anthem sent Gordon Hansen a Notice
11 of Hearing that his account was delinquent and they were considering suspending
12 membership privileges.

13 7. On October 3, 2012, Tobin sent a letter to Sun City Anthem informing Sun
14 City Anthem that Gordon Hansen passed away ("Tobin Letter").

15 8. The Tobin Letter included a copy of the Notice of Hearing sent by Sun City
16 Anthem as it was stamped by Red Rock as received on October 8, 2012 with other
17 parts of the letter.

18 9. The Tobin Letter also stated she was late and delinquent on assessments,
19 that she was attempting to short sale the Property, and she did not intend to pay any
20 additional assessments after the enclosed check.

21 10. Tobin in fact never paid assessments after the October 2012 Tobin Letter.

22 11. Tobin was handling affairs for The Estate of Gordon N. Hansen and
23 owned her own property in Sun City Anthem at an Olivia Heights address.

24 12. On November 5, 2012, Red Rock sent letters to both addresses (Olivia
25 Heights and White Sage) addressed to The Estate of Gordon N. Hansen, informing that
26 they received the notification that Gordon Hansen had passed, and requesting the
27 Estate contact the office within thirty days of the letter.

28

1 13. The Ledger and Payment Allocation indicate that payment was applied to
2 the July 1, 2012 Quarter Assessment and the July 31, 2012 Late Fee.

3 14. On December 14, 2012, the HOA, through Red Rock recorded a notice of
4 delinquent assessment lien.

5 15. On March 12, 2013, the HOA, through Red Rock, recorded a notice of
6 default and election to sell. The first notice of default was rescinded on or about April 3,
7 2013.

8 16. On April 8, 2013, a second notice of default and election to sell was
9 recorded by the HOA through Red Rock.

10 17. The second notice of default and election to sell correctly notes the start of
11 the delinquency since July 1, 2012.

12 18. The Red Rock Ledger indicates the July 1, 2012 assessment payment
13 was late, this was put in the second notice of default and election to sell, and is
14 confirmed by the Tobin Letter.

15 19. On February 12, 2014, the HOA, through Red Rock, recorded a notice of
16 foreclosure sale.

17 20. The Notice of Sale correctly referenced the second notice of default and
18 election to sell that was recorded on April 8, 2013.

19 21. Red Rock complied with all mailing requirements. Mailings went to both
20 the Property address (White Sage) and Tobin's home address (Olivia Heights). Tobin
21 signed for some of the mailings herself.

22 22. The sale was scheduled for March 7, 2014, in the Notice of Sale. The
23 sale was posted and published.

24 23. The sale was postponed three times.

25 24. The postponements were made in part to help Tobin attempt to short sale
26 the Property.

27 25. Tobin contracted with Craig Leidy to help her short sale the Property.
28

1 26. Craig Leidy requested the HOA waive thousands of dollars off the debt.

2 27. The HOA communicated that it would waive some amounts but could not
3 grant the waiver to the extent requested.

4 28. Communication between Nationstar and Craig Leidy appears to indicate
5 the balance was too high for Nationstar to allow the short sale.

6 29. Sometime in May 2014, The Estate of Gordon Hansen entered into a
7 Purchase Agreement with MZK Residential LLC, contingent on short sale approval.
8 Tobin initialed every page of the agreement.

9 30. The HOA foreclosure took place on August 15, 2014, whereby the HOA,
10 through Red Rock, sold the Property to Thomas Lucas representing Opportunity Homes
11 LLC for \$63,100.00.

12 31. A foreclosure deed in favor of Opportunity Homes LLC was recorded on
13 August 22, 2014.

14 32. On October 13, 2014, Tobin sent an email to Craig Leidy, where she
15 indicated her belief that he failed to protect the Trust's interest, that she believed he was
16 working with the Purchaser Thomas Lucas, and also that she was aware that Red Rock
17 interplead the excess proceeds.

18 33. On August 11, 2017, A Notice of Entry Order Granting Thomas Lucas and
19 Opportunity Homes, LLC's Motion for Summary Judgment was filed in this case. The
20 Order states:

21 While it is true that Mr. Lucas is a real estate licensee and an
22 independent agent working with BHHS, BHHS is a real estate
23 company that employs more than 800 real estate agents in Las
24 Vegas valley alone, and Mr. Lucas is not bound by the agreements
25 that Tobin could have signed with other BHHS agents.

26 34. Tobin has filed one cause of action for Quiet Title/Declaratory Relief
27 against the HOA.

28 35. On January 10, 2019, the Court issued a Minute Order on Tobin's Motion
to Amend Answer, Counterclaim, and Crossclaims that was filed on November 30,

1 2018.

2 36. No separate order or entry of order was filed regarding the Amended
3 Answer, Counterclaim, and Crossclaims.

4
5 37. The Amended Answer, Counterclaim, and Crossclaims was not separately
6 filed.

7 **CONCLUSIONS OF LAW**

8 1. Summary Judgment is appropriate “when the pleadings and other
9 evidence on file demonstrate that no ‘genuine issue to any material fact [remains] and
10 that the moving party is entitled to a judgment as a matter of law.” *Wood v. Safeway,*
11 *Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Additionally, “[t]he purpose of
12 summary judgment ‘is to avoid a needless trial when an appropriate showing is made in
13 advance that there is no genuine issue of fact to be tried, and the movant is entitled to
14 judgment as a matter of law.’” *McDonald v. D.P. Alexander & Las Vegas Boulevard,*
15 *LLC*, 121 Nev. 812, 815, 123 P.3d 748, 750 (2005) quoting *Coray v. Home*, 80 Nev. 39,
16 40-41, 389 P.2d 76, 77 (1964). Moreover, the non-moving party “must, by affidavit or
17 otherwise, set forth specific facts demonstrating the existence of a genuine issue for trial
18 or have summary judgment entered against [it].” *Wood*, 121 Nev. at 32, 121 P.3d at
19 1031. Though inferences are to be drawn in favor of the non-moving party, an
20 opponent to summary judgment, must show that it can produce evidence at trial to
21 support its claim or defense. *Van Cleave v. Kietz-Mill Minit Mart*, 97 Nev. 414, 417, 633
22 P.2d 1220, 222 (1981).

23 2. A party cannot defeat summary judgment by contradicting itself. See
24 *Aldabe v. Adams*, 81 Nev. 280, 284–85, 402 P.2d 34, 36–37 (1965) (refusing to credit
25 sworn statement made in opposition to summary judgment that was in direct conflict
26 with an earlier statement of the same party).

27 3. “When sitting in equity, [], courts must consider the entirety of the
28 circumstances that bear upon the equities.” *Shadow Wood HOA v. N.Y. Cmty.*

1 *Bancorp.*, 132 Nev. Adv. Op. 5, 366 P.3d 1105, 1114 (2016), referencing: see e.g., *In*
2 *re Petition of Nelson*, 495 N.W.2d 200, 203 (Minn.1993).

3
4 4. “[I]t is well established that due process is not offended by requiring a person
5 with actual, timely knowledge of an event ... to exercise due diligence and take
6 necessary steps to preserve [his] rights.” *In re Medaglia*, 52 F.3d at 455; see also *SFR*
7 *Investments Pool 1 v. U.S. Bank*, 130 Nev. Adv. Op. 75, 334 P.3d 408, 418 (2014).

8 5. “Equitable estoppel functions to prevent the assertion of legal rights that in
9 equity and good conscience should not be available due to a party's conduct.” *In re*
10 *Harrison Living Tr.*, 121 Nev. 217, 223, 112 P.3d 1058, 1061–62 (2005).

11
12 This court has previously established the four elements of equitable
13 estoppel: (1) the party to be estopped must be apprised of the true facts;
14 (2) he must intend that his conduct shall be acted upon, or must so act
15 that the party asserting estoppel has the right to believe it was so
16 intended; (3) the party asserting the estoppel must be ignorant of the true
17 state of facts; (4) he must have relied to his detriment on the conduct of
18 the party to be estopped.

19 *Id.*

20 6. “It is a well-known maxim that a person who comes into an equity court
21 must come with clean hands.” *Income Inv'rs v. Shelton*, 3 Wash. 2d 599, 602, 101 P.2d
22 973, 974 (1940). “The doctrine bars relief to a party who has engaged in improper
23 conduct in the matter in which that party is seeking relief. As such, the alleged
24 inequitable conduct relied upon must be connected with the matter in litigation . . .”
25 *Truck Ins. Exch. v. Palmer J. Swanson, Inc.*, 124 Nev. 629, 637–38, 189 P.3d 656, 662
26 (2008).

27 7. In determining whether a party's connection with an action is sufficiently offensive
28 to bar equitable relief, two factors must be considered: (1) the egregiousness of the
misconduct at issue, and (2) the seriousness of the harm caused by the misconduct.

1 Only when these factors weigh against granting the requested equitable relief will the
2 unclean hands doctrine bar that remedy. The district court has broad discretion in
3 applying these factors, and we will not overturn the district court's determination unless
4 it is unsupported by substantial evidence. *Las Vegas Fetish & Fantasy Halloween Ball,*
5 *Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 276, 182 P.3d 764, 767 (2008).
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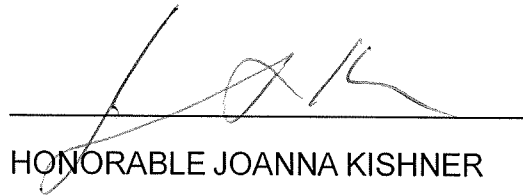
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11 merits, therefore, the Court's Minute Order of March 5, 2019 shall be vacated.

12 Joel Stokes and Sandra F. Stokes, as trustee of the Jimijack Irrevocable Trust's
13 Oral Request to Join Cross-Defendant Sun City Anthem Community Association's
14 Motion for Summary Judgment is DENIED because it was requested in the midst of a
15 motion that was completely briefed.

16 The Court GRANTS Cross-Defendant Sun City Anthem Community Association's
17 Motion for Summary Judgment.


18 The Court GRANTS Nationstar's Limited Joinder to Sun City Anthem Community
19 Association's Motion for Summary Judgment.

20 Dated this 15 day of April, 2019.

21
22 *me* 
23 HONORABLE JOANNA KISHNER

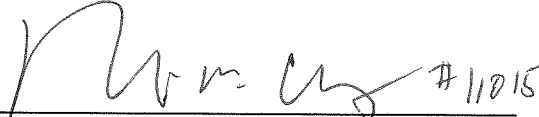

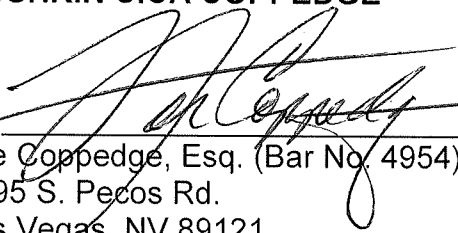
24 Submitted by:

25 **LIPSON NEILSON P.C.**

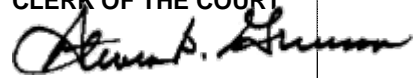
26 
27 _____
28 Kaleb D. Anderson, Esq. (Bar No. 7582)
David T. Ochoa, Esq. (Bar No. 10414)

1 9900 Covington Cross Drive, Suite 120
2 Las Vegas, Nevada 89144
3 *Attorneys for Cross-Defendant*
4 *Sun City Anthem Community Association*

5 Approved as to form and content:

<p>7 Dated this <u>4th</u> day of April, 2019</p> <p>8 AKERMAN, LLP</p> <p>9</p> <p>10 By:  #11015</p> <p>11 Melanie D. Morgan, Esq. (Bar No. 8215) 12 1635 Village Center Circle Ste. 200 13 Las Vegas, NV 89134</p> <p>14 <i>Attorney for /Counterclaimant Nationstar</i></p>	<p>7 Dated this <u>4</u> day of April, 2019</p> <p>8 HONG & HONG</p> <p>9</p> <p>10 By: </p> <p>11 Joseph Y. Hong, Esq. (Bar No: 5995) 12 1980 Festival Plaza Dr., Suite 650 13 Las Vegas, NV 89135</p> <p>14 <i>Attorney for Plaintiff/Counterdefendant</i> <i>Jimijack Irrevocable Trust and</i> <i>F Bondurant, LLC</i></p>
<p>16 Dated this <u>4</u> day of April, 2019</p> <p>17 MUSHKIN CICA COPPEDGE</p> <p>18</p> <p>19 By: </p> <p>20 Joe Coppedge, Esq. (Bar No. 4954) 21 4495 S. Pecos Rd. 22 Las Vegas, NV 89121</p> <p>23 <i>Attorney for Nona Tobin</i></p>	

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LIPSON NEILSON, P.C.
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
DAVID T. OCHOA, ESQ.
Nevada Bar No. 10414
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kanderson@lipsonneilson.com
dochoa@lipsonneilson.com
Attorneys for Cross-Defendant
Sun City Anthem Community Association

DISTRICT COURT
CLARK COUNTY, NEVADA

JOEL STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST,

Plaintiff,

vs.

BANK OF AMERICA, N.A.;

Defendants.

NATIONSTAR MORTGAGE, LLC

Counter-Claimant,

vs.

JIMI JACK IRREVOCABLE TRUST,

Counter-Defendant.

NONA TOBIN, an individual, and Trustee
of the GORDON B. HANSEN TRUST.
Dated 8/22/08

Counter-Claimant,

vs.

JOEL A. STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
YUEN K. LEE, an Individual, d/b/a

CASE NO.: A-15-720032-C

Dept. XXXI

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Lipson, Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

TC3

1 Manager, F. BONDURANT, LLC, DOES
2 1-10, AND ROE CORPORATIONS 1-10,
3 inclusive,

4 Counter-Defendants.
5

6 On April 17, 2019 (The Findings of Fact, Conclusions of Law and Order of Cross-
7 Defendant Sun City Anthem Community Association's Motion for Summary Judgment)
8 was filed. The Notice of Entry of Order was filed on April 18, 2019. On April 29, 2019,
9 Cross-Claimant Nona Tobin's Motion for Reconsideration ("Motion") was filed. Cross-
10 Defendant Sun City Anthem Community Association filed its Opposition to the Motion for
11 Reconsideration on May 2, 2019. On May 3, 2019, Plaintiff's Joel Stokes and Sandra
12 Stokes, as trustees of the Jimijack Irrevocable Trust filed a joinder to the Opposition. On
13 the same day, Counter-Claimant Nationstar Mortgage LLC, filed a limited joinder to the
14 Opposition.

15 The Motion was heard on May 29, 2019 at 8:30 a.m. in the above captioned
16 matter. In attendance were David T. Ochoa on behalf of Sun City Anthem Community
17 Association ("HOA" or "Sun City Anthem"), Michael Mushkin on behalf of Nona Tobin,
18 individually and as Trustee of the Gordon B. Hansen Trust ("Tobin"), Joseph Hong on
19 behalf of Joel Stokes and Sandra F. Stokes, as trustee of the Jimijack Irrevocable Trust
20 ("Purchaser"), and Donna Wittig on behalf of Nationstar Mortgage, LLC ("Nationstar"). At
21 the hearing, counsel for Tobin withdrew the separate Motion to Substitute Real Party in
22 Interest and to Withdraw as Counsel of Record for Counterclaimant Nona Tobin on
23 Order Shortening Time, that had been filed on May 23, 2019 and set for the same day
24 and time.

25 The Court having reviewed the papers and pleadings, and having heard oral
26 argument, issues the following Order:
27
28

1 ORDER

2 First, the procedural burden has not been met to demonstrate new evidence,
3 new law, or a clearly erroneous finding. The Nevada Supreme Court has held that
4 motions for reconsideration are appropriate only when substantially different evidence is
5 subsequently introduced or the decision is clearly erroneous," *Masonry and Tile*
6 *Contractors v. Jolly Urga & Wirth*, 113 Nev. 737, 741 (1997); see also, *Moore v. City of*
7 *Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976) ("Only in very rare instances in
8 which new issues of fact or law are raised supporting a ruling contrary to the ruling
9 already reached should a motion for rehearing be granted.")

10 Additionally, reconsideration is only proper if the newly discovered evidence is
11 "substantially different" from the prior evidence and "not previously obtainable in the
12 exercise of due diligence." *Masonry and Tile Contractors v. Jolly Urga & Wirth*, 113 Nev.
13 737, 741 (1997). See also, *Mustafa v. Clark County School District*, 157 F.3d 1169,
14 1178-79 99th Cir., 1998) (generally, leave for reconsideration is only granted upon a
15 showing of: (1) newly discovered evidence; (2) the court having committed clear error or
16 manifest injustice; or (3) an intervening change in controlling law); *Harvey's Wagon*
17 *Wheel Inc. v. MacSween*, 96 Nev. 215, 217-218, 606 P.3d 1095, 1097 (1980).

18 Second, even if the Court reviews the substance of the pleadings before the
19 court and in the record, reconsideration is not warranted. The substantial exhibits that
20 have been submitted in the case demonstrate that Nona Tobin as Trustee of the Trust
21 was aware of the foreclosure and did not seek to stop the foreclosure. The May 2, 2019
22 Order, without addressing superpriority, establishes the HOA had a valid lien and
23 properly noticed the foreclosure sale.

24 The Motion for Reconsideration is therefore **DENIED. IT IS SO ORDERED.**

25 Dated this 30 day of May, 2019.

26  JOANNA S. KISHNER

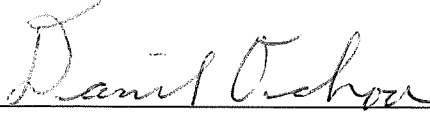
27 HONORABLE JOANNA KISHNER

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Submitted by:

LIPSON NEILSON P.C.



Kaleb D. Anderson, Esq. (Bar No. 7582)
David T. Ochoa, Esq. (Bar No. 10414)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

*Attorneys for Cross-Defendant
Sun City Anthem Community Association*

Approved By:

Dated this 29 day of May, 2019

HONG & HONG

By: 

Joseph Y. Hong, Esq. (Bar No: 5995)
1980 Festival Plaza Dr., Suite 650
Las Vegas, NV 89135

*Attorney for Plaintiff/Counterdefendant
Jimjack Irrevocable Trust*

Dated this 30th day of May, 2019

MUSHKIN CICA COPPEDGE

By: 

Joe Coppedge, Esq. (Bar No. 4954)
4495 S. Pecos Rd.
Las Vegas, NV 89121

NONA TOBIN, an individual, and Trustee of
the GORDON B. HANSEN TRUST

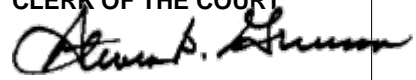
Dated this 29th day of May, 2019

AKERMAN, LLP

By: 

Melanie D. Morgan, Esq. (Bar No. 8215)
1635 Village Center Circle Ste. 200
Las Vegas, NV 89134

Attorneys for Defendants



1 LIPSON NEILSON, P.C.
2 KALEB D. ANDERSON, ESQ.
3 Nevada Bar No. 7582
4 DAVID T. OCHOA, ESQ.
5 Nevada Bar No. 10414
6 9900 Covington Cross Drive, Suite 120
7 Las Vegas, Nevada 89144
8 (702) 382-1500 - Telephone
9 (702) 382-1512 - Facsimile
10 kanderson@lipsonneilson.com
11 dochoa@lipsonneilson.com
12 *Attorneys for Cross-Defendant*
13 *Sun City Anthem Community Association*

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 JOEL STOKES and SANDRA F.
12 STOKES, as trustees of the JIMI JACK
13 IRREVOCABLE TRUST,

14 Plaintiff,

15 vs.

16 BANK OF AMERICA, N.A.;

17 Defendants.

18 NATIONSTAR MORTGAGE, LLC

19 Counter-Claimant,

20 vs.

21 JIMI JACK IRREVOCABLE TRUST,

22 Counter-Defendant.

23 NONA TOBIN, an individual, and Trustee
24 of the GORDON B. HANSEN TRUST.
25 Dated 8/22/08

26 Counter-Claimant,

27 vs.

28 JOEL A. STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
YUEN K. LEE, an Individual, d/b/a

CASE NO.: A-15-720032-C

Dept. XXXI

**NOTICE OF ENTRY OF ORDER
DENYING MOTION FOR
RECONSIDERATION**

Lipson, Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

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Manager, F. BONDURANT, LLC, DOES
1-10, AND ROE CORPORATIONS 1-10,
inclusive,

Counter-Defendants.

Please take notice that the ORDER DENYING MOTION FOR
RECONSIDERATION, was filed with this court on the 31st day of May, 2019, a copy of
which is attached.

Dated this 31st day of May, 2019.

LIPSON NEILSON P.C.

/s/ DAVID T. OCHOA

BY: _____
KALEB ANDERSON, ESQ. (NV Bar No. 7582)
DAVID T. OCHOA, ESQ. (NV Bar No. 10414)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
*Attorneys for Defendant SUN CITY ANTHEM
COMMUNITY ASSOCIATION*

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May, 2019, service of the foregoing
NOTICE OF ENTRY OF ORDER DENYING MOTION FOR RECONSIDERATION to
the Clerk's Office using the Odyssey E-File & Serve System for filing and transmittal to
the following Odyssey E-File & Serve registrants:

Melanie D Morgan, Esq.
Donna Wittig, Esq.
AKERMAN LLP
1635 Village Center Circle Ste. 200
Las Vegas, NV 89134

Attorneys for Defendants

Joseph Y. Hong, Esq.
HONG & HONG
1980 Festival Plaza Dr., Suite 650
Las Vegas, NV 89135

Attorneys for Plaintiff

David R. Koch
Steven B. Scow
KOCH & SCOW LLC
11500 S. Eastern Ave. Suite 210
Henderson, NV 89052

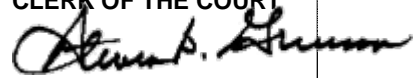
*Attorneys for Cross-Defendant Red Rock
Financial Services, LLC*

Joe Coppedge, Esq.
Michael R. Mushkin & Associates, P.C.
4475 S. Pecos Road
Las Vegas, NV 89121

*Attorney for Nona Tobin an individual and
Trustee of the Gordon B. Hansen Trust,
dated 8/22/25*

/s/ Ashley Scott-Johnson

An Employee of LIPSON NEILSON, P.C.



1 LIPSON NEILSON, P.C.
2 KALEB D. ANDERSON, ESQ.
3 Nevada Bar No. 7582
4 DAVID T. OCHOA, ESQ.
5 Nevada Bar No. 10414
6 9900 Covington Cross Drive, Suite 120
7 Las Vegas, Nevada 89144
8 (702) 382-1500 - Telephone
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10 kanderson@lipsonneilson.com
11 dochoa@lipsonneilson.com
12 *Attorneys for Cross-Defendant*
13 *Sun City Anthem Community Association*

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DISTRICT COURT
CLARK COUNTY, NEVADA

10 JOEL STOKES and SANDRA F.
11 STOKES, as trustees of the JIMI JACK
12 IRREVOCABLE TRUST,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA, N.A.;

16 Defendants.

17 NATIONSTAR MORTGAGE, LLC

18 Counter-Claimant,

19 vs.

20 JIMI JACK IRREVOCABLE TRUST,

21 Counter-Defendant.

22 NONA TOBIN, an individual, and Trustee
23 of the GORDON B. HANSEN TRUST.
24 Dated 8/22/08

25 Counter-Claimant,

26 vs.

27 JOEL A. STOKES and SANDRA F.
28 STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
YUEN K. LEE, an Individual, d/b/a

CASE NO.: A-15-720032-C

Dept. XXXI

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Lipson, Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

1 Manager, F. BONDURANT, LLC, DOES
2 1-10, AND ROE CORPORATIONS 1-10,
3 inclusive,

4 Counter-Defendants.
5

6 On April 17, 2019 (The Findings of Fact, Conclusions of Law and Order of Cross-
7 Defendant Sun City Anthem Community Association's Motion for Summary Judgment)
8 was filed. The Notice of Entry of Order was filed on April 18, 2019. On April 29, 2019,
9 Cross-Claimant Nona Tobin's Motion for Reconsideration ("Motion") was filed. Cross-
10 Defendant Sun City Anthem Community Association filed its Opposition to the Motion for
11 Reconsideration on May 2, 2019. On May 3, 2019, Plaintiff's Joel Stokes and Sandra
12 Stokes, as trustees of the Jimijack Irrevocable Trust filed a joinder to the Opposition. On
13 the same day, Counter-Claimant Nationstar Mortgage LLC, filed a limited joinder to the
14 Opposition.

15 The Motion was heard on May 29, 2019 at 8:30 a.m. in the above captioned
16 matter. In attendance were David T. Ochoa on behalf of Sun City Anthem Community
17 Association ("HOA" or "Sun City Anthem"), Michael Mushkin on behalf of Nona Tobin,
18 individually and as Trustee of the Gordon B. Hansen Trust ("Tobin"), Joseph Hong on
19 behalf of Joel Stokes and Sandra F. Stokes, as trustee of the Jimijack Irrevocable Trust
20 ("Purchaser"), and Donna Wittig on behalf of Nationstar Mortgage, LLC ("Nationstar"). At
21 the hearing, counsel for Tobin withdrew the separate Motion to Substitute Real Party in
22 Interest and to Withdraw as Counsel of Record for Counterclaimant Nona Tobin on
23 Order Shortening Time, that had been filed on May 23, 2019 and set for the same day
24 and time.

25 The Court having reviewed the papers and pleadings, and having heard oral
26 argument, issues the following Order:
27
28

1 ORDER

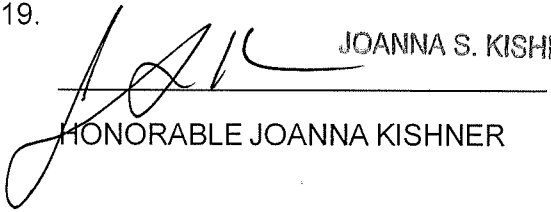
2 First, the procedural burden has not been met to demonstrate new evidence,
3 new law, or a clearly erroneous finding. The Nevada Supreme Court has held that
4 motions for reconsideration are appropriate only when substantially different evidence is
5 subsequently introduced or the decision is clearly erroneous," *Masonry and Tile*
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7 *Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976) ("Only in very rare instances in
8 which new issues of fact or law are raised supporting a ruling contrary to the ruling
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11 "substantially different" from the prior evidence and "not previously obtainable in the
12 exercise of due diligence." *Masonry and Tile Contractors v. Jolly Urga & Wirth*, 113 Nev.
13 737, 741 (1997). See also, *Mustafa v. Clark County School District*, 157 F.3d 1169,
14 1178-79 99th Cir., 1998) (generally, leave for reconsideration is only granted upon a
15 showing of: (1) newly discovered evidence; (2) the court having committed clear error or
16 manifest injustice; or (3) an intervening change in controlling law); *Harvey's Wagon*
17 *Wheel Inc. v. MacSween*, 96 Nev. 215, 217-218, 606 P.3d 1095, 1097 (1980).

18 Second, even if the Court reviews the substance of the pleadings before the
19 court and in the record, reconsideration is not warranted. The substantial exhibits that
20 have been submitted in the case demonstrate that Nona Tobin as Trustee of the Trust
21 was aware of the foreclosure and did not seek to stop the foreclosure. The May 2, 2019
22 Order, without addressing superpriority, establishes the HOA had a valid lien and
23 properly noticed the foreclosure sale.

24 The Motion for Reconsideration is therefore **DENIED. IT IS SO ORDERED.**

25 Dated this 30 day of May, 2019.

26  JOANNA S. KISHNER

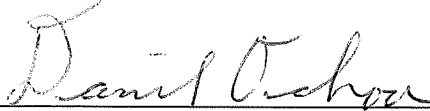
27 HONORABLE JOANNA KISHNER

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Submitted by:

LIPSON NEILSON P.C.



Kaleb D. Anderson, Esq. (Bar No. 7582)
David T. Ochoa, Esq. (Bar No. 10414)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

*Attorneys for Cross-Defendant
Sun City Anthem Community Association*

Approved By:

Dated this 29 day of May, 2019

HONG & HONG

By: 

Joseph Y. Hong, Esq. (Bar No: 5995)
1980 Festival Plaza Dr., Suite 650
Las Vegas, NV 89135

*Attorney for Plaintiff/Counterdefendant
Jimjack Irrevocable Trust*

Dated this 30th day of May, 2019

MUSHKIN CICA COPPEDGE

By: 

Joe Coppedge, Esq. (Bar No. 4954)
4495 S. Pecos Rd.
Las Vegas, NV 89121

NONA TOBIN, an individual, and Trustee of
the GORDON B. HANSEN TRUST

Dated this 29th day of May, 2019

AKERMAN, LLP

By: 

Melanie D. Morgan, Esq. (Bar No. 8215)
1635 Village Center Circle Ste. 200
Las Vegas, NV 89134

Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 13, 2015

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

October 13, 2015 10:00 AM Motion for Prove Up

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
Stokes, Joel A Trustee

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR HEARING ON ENTRY OF DEFAULT JUDGMENT

Witness, Joel Stokes, Trustee of JimiJack Irrevocable Trust, sworn and testified. COURT ORDERED, Quiet Title as to Bank of America is GRANTED. Proposed Order presented IN OPEN COURT. Will be available for pick-up from Court's outbox by end of day.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 17, 2016

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

May 17, 2016 9:00 AM Motion for Substitution

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Denise Husted

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
 Smith, Edgar C., ESQ Attorney

JOURNAL ENTRIES

- Mr. Smith stated that his request is timely filed. The Court informed him that he is not in the case yet. Counsel stated that his is asking the Court to allow him to intervene as he is a real party in interest; he explained his position on that matter. Mr. Hong explained what the banks do in these instances and advised that his client is seeking the extinguishment of the deed of trust at the time of the HOA sale. Mr. Hong stated his position regarding quiet title cases and that it has to be the bank at the time of the HOA sale; the case was closed and the default judgment was entered six months ago. Further arguments regarding the deed of trust. Opposition argued by Mr. Smith; he advised that he is asking the Court to recognize that due process requires that he intervene in the case and assert his claims. COURT ORDERED, Motion to Intervene is GRANTED; Mr. Smith needs to break this down as the Bank of America is not being taken away yet. FURTHER the Motion is DENIED WITHOUT PREJUDICE regarding Substitution of Parties at this time. The Court advised it will deal with future motion practice as it comes before the Court. Ms. Smith stated he will provide an appearance and answer within ten days; the Court will track it on 6/3/16. Mr. Smith to prepare the order and run it by Mr. Hong before providing it to the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 23, 2016

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

June 23, 2016 9:30 AM Motion to Dismiss

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
 Smith, Edgar C., ESQ Attorney

JOURNAL ENTRIES

- Matter argued and submitted. Court stated its findings, and ORDERED, Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion to Dismiss Defendant In Intervention Nationstar is DENIED WITHOUT PREJUDICE. Mr. Smith to prepare the Order, circulating to Mr. Hong for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 14, 2016

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

July 14, 2016 9:30 AM Status Check

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell
Olivia Black

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
 Smith, Edgar C., ESQ Attorney

JOURNAL ENTRIES

- STATUS CHECK RE: POSSIBLE CONSOLIDATION WITH A730078 (DC23 CASE)

Mr. Smith not present. Mr. Hong requested upcoming hearings be combined and heard on 8/4/16, waived reply. Court directed Mr. Hong to send out a notice of hearing or order regarding the change of dates (file and e-serve). Mr. Hong requested that if he changes his mind and wants to reply could he file by 7/25/16 - Court notes it will be fine with that. COURT ORDERED, Jimijack Irrevocable Trust's Motion to Consolidate Case No. A-16-730078-C and A-15-720032-C currently set on 8/5/16 and Plaintiff, Jimijack Irrevocable Trust's, Through Its Trustees, Motion for Summary Judgment on Order Shortening Time currently set on 8/16/16 are both rescheduled and will now be heard on 8/4/16 at 9:30 am.

Matter recalled. (9:50 am) Mr. Smith now present. Court provided overview of hearing. Mr. Smith states he was not intending to oppose the motion to consolidate, will file a non-opposition to the motion.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 04, 2016

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

August 04, 2016 9:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
 Kelley, Michael S. Attorney

JOURNAL ENTRIES

- JIMIACK IRREVOCABLE TRUST'S MOTION TO CONSOLIDATE CASE NO. A-16-730078-C AND CASE NO. A-15-720032-C:

There being no opposition, COURT ORDERED, Motion GRANTED, pursuant to EDCR 2.20 and on the merits.

PLAINTIFF, JIMIACK IRREVOCABLE TRUST'S, THROUGH ITS TRUSTEES, MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME:

Matter argued and submitted. Court finds material issues of fact in dispute, and ORDERED, Motion DENIED WITHOUT PREJUDICE.

Mr. Kelley to prepare the Orders, circulating to Mr. Hong for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

September 29, 2016

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

September 29, 2016 9:00 AM Motion to Intervene

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
 Tobin, Nona Other

JOURNAL ENTRIES

- Matter argued and submitted.

COURT ORDERED, Third Parties Nona Tobin and Steve Hansen's Motion to Intervene is Procedurally DENIED WITHOUT PREJUDICE. Ms. Tobin states she will re-file. Mr. Hong to prepare the order, circulating for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

December 20, 2016

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

December 20, 2016 9:00 AM Motion to Intervene

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Lorna Shell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
Tobin, Nona Other

JOURNAL ENTRIES

- Ms. Tobin stated she was the beneficiary and trustee of the trust that was the owner of the property at the time of the disputed Homeowners Association sale. Ms. Tobin argued she had an interest in the property, her motion was timely filed and served, and that Pltf.'s opposition was not timely filed and as such pursuant to 2.20 should be disregarded. Mr. Hong argued the case was over a year and a half old and at this juncture it was between Nationstar and his client and that the question was whether the deed of trust was free and clear or not. Mr. Wong argued there was no right of redemption and that he did not see any right Ms. Tobin could claim and that his opposition was timely filed. Following further arguments by Ms. Tobin, COURT STATED FINDINGS AND ORDERED, Motion GRANTED; Ms. Tobin has until January 6, 2017 to prepare the order. COURT FURTHER ORDERED the parties to complete the JCCR and prepare the appropriate report.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 28, 2017

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

March 28, 2017 9:30 AM Motion to Dismiss

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT: Nakamura Ochoa, Angela T. Attorney
Tobin, Nona Intervenor
Counter Claimant
Cross Claimant

JOURNAL ENTRIES

- SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NONA TOBIN, AN INDIVIDUAL AND TRUSTEE OF THE GORDON B. HANSEN TRUST'S CROSS-CLAIM

Also present, Jakub Medrala, Esq., on behalf of Opportunity Homes, Inc. (per Clerk - no notice of appearance filed).

Court notes multiple motions on four different days in proximity, all motions are interrelated. Statements by Ms. Tobin. Upon Court's inquiry, Ms. Ochoa agrees that matters should be consolidated on one day. Mr. Medrala also agrees. Discussion. Upon Court's inquiry, both Mr. Medrala and Ms. Ochoa state a settlement conference would not be helpful at this time. COURT ORDERED, matter CONTINUED to 4/27/17 at 9:30 am. All motions currently set on 4/6/17 and 4/18/17 will now be heard on 4/27/17 at 9:30 am.

CONTINUED TO: 4/27/17 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 27, 2017

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

April 27, 2017 9:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kory Schlitz

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Kelley, Michael S. Attorney
Ochoa, David Attorney
Tobin, Nona Intervenor
Counter Claimant
Cross Claimant

JOURNAL ENTRIES

- Jakub Medralla Esq. present on behalf of Thomas Lucas and Opportunity Homes LLC.

CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NONA TOBIN'S CROSS-CLAIMS...

Matter argued and submitted. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NONA TOBIN, AN INDIVIDUAL AND TRUSTEE OF THE GORDON B HANSEN TRUST'S CROSS...

Matter argued and submitted. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as to Nona Tobin as an individual; Ruling DEFERRED as to Nona Tobin as a Trustee of the Gordon B. Hansen Trust. COURT FURTHER ORDERED, Status Check SET.

OPPOSITION TO SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS AND COUNTER MOTION FOR ORDER VOIDING THE HOA SALE...

Matter argued and submitted. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

THOMAS LUCAS'S AND OPPORTUNITY HOMES, LLC'S MOTION FOR SUMMARY JUDGMENT..
Matter argued and submitted. COURT ORDERED, Motion GRANTED. Court directed Mr. Medralla to prepare the Order, circulating to all parties for approval as to form and content in accordance with EDCR 7.21.

5/23/17 9:30 A.M. STATUS CHECK: CORPORATE COUNSEL (GORDON B. HANSEN TRUST)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 23, 2017

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

May 23, 2017 9:30 AM Status Check

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Coppedge, Linvel J Attorney
Ochoa, David Attorney

JOURNAL ENTRIES

- Pursuant to representations of counsel, COURT ORDERED, matter CONTINUED, as well as reset Motion to Dismiss to the same date and time.

5/25/17 9:30 AM STATUS CHECK: CORPORATE COUNSEL (GORDON B. HANSEN TRUST)...MOTION TO DISMISS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 25, 2017

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

May 25, 2017 9:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Coppedge, Linvel J Attorney
Ochoa, David Attorney

JOURNAL ENTRIES

- STATUS CHECK: CORPORATE COUNSEL (GORDON B. HANSEN TRUST) SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION TO DISMISS NORA TOBIN, AN INDIVIDUAL AND TRUSTEE OF THE GORDON B. HANSEN TRUST'S CROSS-CLAIM

Court noted corporate counsel filed a Notice of Appearance. Upon Court's inquiry regarding status of case, Mr. Coppedge spoke with Mr. Ochoa yesterday and has reread the motions. Mr. Coppedge concurs with the Motion to Dismiss, until time for mediation, that all claims for relief and cross claims, except for quiet title be dismissed without prejudice. Mr. Coppedge stated he was inclined to file an amended cross claim to resolve any issues. Colloquy regarding procedural history of the case. Mr. Ochoa stated they have no claim to quiet title; therefore, that claim should not keep them in the case pending NRED mediation. Court stated its inclination. Colloquy. As to Nona Tobin's countermotion to void the sale, Mr. Coppedge WITHDREW motion without prejudice. Mr. Ochoa stated she filed two countermotions. COURT ORDERED, GRANTED IN PART, DENIED IN PART. COURT ORDERED, countermotions filed March 3 and March 31 WITHDRAWN WITHOUT PREJUDICE, at the request of counsel. COURT ORDERED, Motion to Dismiss GRANTED, pursuant to stipulation of parties to all claims other than quiet title; DENIED WITHOUT PREJUDICE with regards to the quiet title claim. The Court takes no position on the propriety of any actions that may

have happened after the crossclaim. Mr. Ochoa to prepare order regarding Motion to Dismiss and two countermotions to avoid the sale, circulating for approval as to form and content in accordance with EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 17, 2018

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

April 17, 2018 10:30 AM Discovery Conference

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Coppedge, Linvel J	Attorney
	Hong, Joseph Y.	Attorney
	Ochoa, David	Attorney
	Whelan, Karen	Attorney

JOURNAL ENTRIES

- Colloquy re: Deft in Intervention's ICCR, and Ms. Whelan is new counsel. Mr. Hong thought a JCCR was filed. COMMISSIONER RECOMMENDED, Status Check SET; provide a file stamped courtesy copy of JCCR, if the dates work a Scheduling Order will issue, and upon request the Status Check would come off calendar. Commissioner stated people are playing different roles in the case, and counsel must sign in all capacities. Dates in Deft in Intervention's ICCR are fine, or counsel can agree to other dates. Mr. Ochoa stated another party is not present (original purchaser), and colloquy re: someone was taken out by Summary Judgment.

5-15-18 9:30 a.m. Status Check: JCCR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 15, 2018

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

May 15, 2018 9:30 AM Status Check Status Check: JCCR

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Sharon Chun

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Coppedge, Linvel J Attorney
 Hong, Joseph Y. Attorney
 Ochoa, David Attorney
 Whelan, Karen Attorney

JOURNAL ENTRIES

- Status Check: JCCR

Ms. Whelan stated the Joint Conference Report will be done today, they are ready to sign. She also noted her agreement to the same dates as submitted by the Bank.

Counsel anticipate two to three days for trial re: Quiet Title Action. COMMISSIONER RECOMMENDED, discovery cutoff is 2/28/19; adding parties, amended pleadings, and initial expert disclosures DUE 11/30/18; rebuttal expert disclosures DUE 12/31/18; dispositive motions TO BE FILED BY 4/1/19. Scheduling Order will issue and a memo will be sent to the trial court.

Ms. Whelan stated that Mr. Medrela emailed to say he did not realize there was a scheduling today and that is why is he not present. COMMISSIONER ADVISED his appearance today will be excused.

COMMISSIONER REQUESTED Ms. Whelan to get the Joint Case Conference Report on file and to send this Court a courtesy copy.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 10, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

January 10, 2019 9:00 AM Motion to Amend Answer

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Anderson, Kaleb D. Attorney
Coppedge, Linvel J Attorney
Wittig, Donna Attorney

JOURNAL ENTRIES

- Ms. Coppedge stated the motion was unopposed. The Court raised its concern regarding the age of the case and EDCR 1.90. Ms. Coppedge stated they were not seeking to add any new claims and it does not affect the current trial date. Colloquy regarding claims remaining. Ms. Coppedge indicated that the quiet title on the HOA sale remains, there are parties that have been dismissed and others that have disclaimed an interest. Mr. Anderson indicated the parties would confer to clean up the caption. Accordingly, COURT ORDERED Motion GRANTED based on the representation that it does not add additional parties or cross-claims and it will not affect the trial date. The Court further stated it would revisit the proper case caption at the upcoming Status Check, if necessary.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 05, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

March 05, 2019 4:45 PM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** Chambers

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT NATIONSTAR MORTGAGE LLC'S LIMITED JOINDER TO SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT

On February 5, 2019, Sun City Anthem Community Association filed a Motion for Summary Judgment and on February 12, 2019, Nationstar filed a Limited Joinder. Based on the date the Motion for Summary Judgment was filed and the date of the filing of the limited Joinder, no timely Opposition was filed. In accordance with EDCR 2.20 the failure to file a timely Opposition "can be construed as an admission that he motion and/or joinder is meritorious and a consent to grant the same." Thus, the Court in accordance with EDCR 2.23 advances the matter as "the time to oppose has passed and no opposition has been filed." The Court also GRANTS the Motion in accordance with EDCR 2.20. Counsel for Movant, Sun City Anthem is directed to prepare an Order with findings of fact and conclusions of law consistent with NRCP 56 and provide it to counsel and the Court within ten days in accordance with EDCR 7.21.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Tena M. Jolley, to all registered parties for Odyssey File & Serve. (tmj:3/5/19)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 26, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

March 26, 2019 9:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Coppedge, Linvel J	Attorney
	Hong, Joseph Y.	Attorney
	Morgan, Melanie D.	Attorney
	Ochoa, David	Attorney
	Tobin, Nona	Intervenor
		Counter Claimant
		Cross Claimant

JOURNAL ENTRIES

- STATUS CHECK

Counsel anticipate 2-3 day Bench Trial with all testimony from live witnesses and nothing unique for trial. Mr. Ochoa indicated he was unavailable the week of May 28, 2019, the first week of the five-week stack. The Court stated he could revisit the issue at the Pre Trial Conference scheduled for April 25, 2019.

CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT...NATIONSTAR MORTGAGE LLC'S LIMITED JOINDER TO SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT

After the Court's consideration of the papers submitted by counsel in connection with this matter,

and, having heard the oral arguments presented by Mr. Ochoa, Ms. Morgan and Mr. Coppedge, Mr. Hong made a Oral Motion for Joinder to Cross-Defendant's Motion for Summary Judgment. Mr. Coppedge objected as untimely; the Court DENIED Mr. Hong's Oral Motion for Joinder; and COURT ORDERED, Cross-Defendant Sun City Anthem Community Association's Motion for Summary Judgment and Nationstar Mortgage LLC's Limited Joinder thereto GRANTED as a matter of law as to the claims asserted by movant having met their burden and based on a totality of the evidence. The Court DIRECTED Mr. Ochoa to prepare detailed Findings of Fact and Conclusions of Law circulating to all counsel and provide it back to the Court in accordance with EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 23, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

April 23, 2019 9:00 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Natalie Ortega

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Hong, Joseph Y. Attorney
Morgan, Melanie D. Attorney

JOURNAL ENTRIES

- TOBIN OPPOSITION TO NATIONSTAR MOTION FOR SUMMARY JUDGMENT AGAINST JIMI JACK AND COUNTERMOTION FOR SUMMARY JUDGMENT TOBIN OPPOSITION TO NATIONSTAR MOTION FOR SUMMARY JUDGMENT AGAINST JIMI JACK AND COUNTERMOTION FOR SUMMARY JUDGMENT

COURT NOTED on April 9, 2019 a Notice of Appearance was filed; however a Notice of Withdrawal was never received from Mr. Mushkin's firm on behalf of Ms. Tobin. Mr. Hong stated Mr. Mushkin's office represented Tobin as the trustee for the Hansen Trust, not as an individual. Further, when Ms. Tobin appeared in the case originally, in proper person, the Court advised her she did not have standing because she was not the trustee. Thereafter, she appeared as the trustee and Mr. Mushkin represented her. Further, she did not have standing due to as an individual she did not have anything to do with this case. Additionally, when the Court granted the HOA's Motion for Summary Judgment against the Trust that concluded. Therefore, Ms. Tobin filed an opposition/counter-motion in proper person, individually. Ms. Tobin did not have standing in this case. The only party that had standing was the trust being they were the former owner when the foreclosure occurred. Moreover, Ms. Tobin intervened in the other case that was consolidated with this case as a trustee. COURT FURTHER NOTED in was in receipt of a Notice of Settlement of Nationstar, Joel Stokes and Sandra F.

Stokes as Trustee of the Jimijack Irrevocable Trust stating that it had reached agreement on all material terms. Upon Court's inquiry, counsel stated that the May 7, 2019 Motion for Summary Judgment hearing could be moot. Ms. Morgan stated they would withdraw the motion. COURT FINDS there was a Notice of Appearance from the Sun City Anthem and there was not anything else that remained this case. Further, the Court would need to set a status check as to settlement documents between the parties that filed a Notice of Settlement on April 12, 2019. Ms. Morgan stated Nona Tobin still had claims against Jimijack. Upon Court's further inquiry, Mr. Hong acknowledged that Mr. Mushkin was counsel for the trustee and he was counsel for Jimijack. Mr. Hong stated based on this Court's previous Order for Summary Judgment in Favor of the buyer, Opportunity Homes, it would be requested to file a simple motion mirroring the Court's Order similar to a res judica noting that the claims alleged by the trust were identical. COURT NOTED it could not grant any oral leave without a hearing or other parties present. COURT FINDS there was a rogue document filed, Notice of Appearance on April 9, 2019 of Nona Tobin in Proper Person. There was not leave sought by Ms. Tobin for any individual capacity. Further, the only portion of this case in which Ms. Tobin was involved, in any capacity, was as Trustee of the Gordan B. Hansen, August 22, 2008. In that capacity Ms. Tobin was represented by counsel. That counsel had not filed any motion to withdraw, any pleadings on behalf of Ms. Tobin as Trustee for Gordan B. Hansen Trust would need to be filed by counsel.

COURT ORDERED the Notice of Appearance filed April 9, 2019 was a rogue document, therefore STRICKEN. COURT NOTED as to the Notice of Completion of Mediation filed on April 9, 2019, the Court already had a prior document with regards to the completion of mediation Furthermore, since that was also filed by Ms. Tobin, individually, and not her counsel, COURT FURTHER ORDERED, Notice of Completion of Mediation filed April 9, 2019 STRICKEN. COURT FINDS the Tobin's Opposition to Nationstar Summary Judgment against Jimijack and counter-motion filed April 10, 2019 at 11:17 a.m., filed by Nona Tobin, not filed by Mr. Mushkin as counsel as trustee of the Gordan B. Hansen Trust, a rogue document, therefore, COURT ADDITIONALLY ORDERED, Tobin's Opposition to Nationstar Summary Judgment against Jimijack and counter-motion STRICKEN. COURT FINDS that if the Court reviewed the underlying arguments, which it could not, even independently, it was understood that there were no claims between Nationstar that currently existed with regards to Nona Tobin as Trustee of the Gordan Hansen Trust. There would not be an appropriate opposition. COURT ORDERED, the April 12, 2019 at 1:40 a.m. Tobin Opposition To Nationstar Motion For Summary Judgment Against Jimijack And Counter Motion For Summary Judgment Hearing Requested Conjunction With Hearing For Nationstar MSJ Scheduled STRICKEN being a rogue documents. COURT FURTHER ORDERED, the Notice of Appearance Nona Tobin in Proper Person and the Notice of Completion of Mediation filed on April 12, 2019 STRICKEN as rogue and duplicative. COURT ADDITIONALLY ORDERED, April 12, 2019 1:11 AM Notice of Completion of Mediation and April 12, 12:39 am Notice of Appearance STRICKEN as rogue and duplicative. On April 17, 2019 at 8:37 a.m., Tobin's Reply In Support of Joinder to Nationstar Mortgage, LLC s Motion For Summary Judgment and Reply In Support Of Tobin's Motion For Summary Judgment, COURT ADDITIONALLY motion ORDERED STRICKEN as rogue. COURT was NOT FINDING that it should strike the April 19th Response by Nationstar, being it was clarification to enlighten the Court the improper filing of documents. Upon Court's inquiry, Ms. Morgan stated she was not requesting

the Court to take action.

As to the remaining underlying documents, Mr. Hong stated they would withdraw and vacate the Stipulation to Extend the briefing scheduling noting it was prepared and filed prior to settlement, that document was now moot. Upon Court's inquiry, Mr. Hong acknowledged the Court could disregard the stipulation as to the briefing schedule. As to the pending Motion for Summary Judgment on May 7th. Ms. Morgan stated that would not be heard stating the only claims remained had been resolved and she would file a Notice of Withdraw. At the request of the movant, no opposition by Mr. Hong, and since only party which could had filed any pleadings, COURT ORDERED, May 7, 2019 Motion for Summary Judgment VACATED.

COURT NOTED the Calendar Call and Bench Trial dates would remain. Further, Nona Tobin as Trustee for the Gordan B. Hansen Trust versus Jimijack were the only remaining parties in these combined cases, A720032 with A730078. Ms. Morgan advised Tobin as Trustee also had pending claims against Yuen K. Lee and F Bonderant LLC. Colloquy regarding the caption.

COURT ORDERED, Status Check SET regarding Settlement Documents.

05/21/19 STATUS CHECK: SETTLEMENT DOCUMENTS

CLERK'S NOTE: Minutes amended to reflect the additional stricken documents as follows: 04/12/19 1:11 AM Notice of Completion of Mediation and 04/12/19 12:39 AM Notice of Appearance.
ndo05/09/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****April 25, 2019**

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

April 25, 2019 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Tena Jolley
Haly Pannullo**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

PRESENT:	Coppedge, Linvel J	Attorney
	Morgan, Melanie D.	Attorney
	Tobin, Nona	Intervenor
		Counter Claimant
		Cross Claimant

JOURNAL ENTRIES

- Joseph Hong, Esq., present telephonically on Court Call on behalf of Plaintiff.

Colloquy regarding remaining parties on this matter. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Court stated co-counsel, Tom Grover, was to be here by 10:15 AM and this Court impose sanctions. Colloquy regarding Nona Tobin now representing herself. Court noted there were a series of documents filed by Ms. Tobin stricken, as she is represented by counsel. Mr. Coppedge stated Ms. Tobin requested they withdraw as Ms. Tobin's counsel as an individual. COURT STATED today is only on calendar for Pre-Trial Conference and there needs to be a judicial day notice of the request. Ms. Morgan confirmed she has circulated a stipulation to conform the caption. Court noted the remaining parties are the Tobin parties and the parties represented in the Counter Defendant role by Mr. Hong. Mr. Coopedge stated trial can take up to 2.5 days. COURT ORDERED, trial #3 on the 06/05 stack; trial dates SET.

05/23/19 3:30 PM CALENDAR CALL

06/05/19 10:00 AM BENCH TRIAL

Minute Order prepared by review of JAVS. hvp/5/23/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 21, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

May 21, 2019 9:00 AM Status Check

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Coppedge, Linvel J	Attorney
	Hong, Joseph Y.	Attorney
	Ochoa, David	Attorney
	Tobin, Nona	Intervenor
		Counter Claimant
		Cross Claimant
	Wittig, Donna	Attorney

JOURNAL ENTRIES

- Mr. Hong appeared telephonically through Court Call. Ms. Wittig informed the Court parties were going along with settlement, however, there was a motion for reconsideration filed on the HOA's motion for summary judgment; further noting she believes her client needs to wait until the Court rules on the motion for reconsideration in order to finish the settlement, the settlement agreement was drafted and was executed, however, her client is waiting on transfer of funds until after the motion for reconsideration is heard, as this could affect the settlement. Mr. Hong confirmed the settlement documents were signed, and in terms of payment, his client is waiting for the ruling on the motion for reconsideration. Mr. Coppedge stated his client had requested for him to withdraw from the case, to proceed pro se, and there is a motion pending on this. Mr. Ochoa requested Court to hear the motion for reconsideration first, further noting an objection was filed, the other parties are attempting to settle to resolve all issues; and he would request Calendar Call be heard after the decision on the motion for reconsideration. Parties made no objection to moving the Calendar Call.

Upon Court's inquiry, Mr. Coppedge estimated 1 binder of exhibits as to Nona Tobin; and Mr. Hong confirmed his client will have no exhibits. COURT ORDERED, Motion for reconsideration and Calendar Call are RESET. Following objections by counsel, COURT ADDITIONALLY ORDERED, hearing SET on the Motion to substitute. Oppositions and any joinders are due May 24, 2019 by 3:00 p.m. Trial exhibits and any required trial documents for the Court are due at time of Calendar Call.

5/29/19 8:30 A.M. CROSS-CLAIMANT NONA TOBIN'S MOTION FOR RECONSIDERATION...MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN ON ORDER SHORTENING TIME

6/03/19 8:45 A.M. CALENDAR CALL

6/05/19 10:00 A.M. BENCH TRIAL (3 DAYS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 29, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

May 29, 2019 8:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Hong, Joseph Y.	Attorney
	Mushkin, Michael R.	Attorney
	Ochoa, David	Attorney
	Tobin, Nona	Intervenor
		Counter Claimant
		Cross Claimant
	Wittig, Donna	Attorney

JOURNAL ENTRIES

- Mr. Mushkin not present. Court stated a call was received in Chambers that one of the parties was stuck in traffic this morning. Court TRAILED and RECALLED matter at 8:30 A.M. Upon Court's inquiry, the parties in Court confirmed not receiving any updates from opposing counsel. Mr. Hong requested to go forward with the hearing. Court TRAILED matter to call another case on Calendar. CASE RECALLED. Mr. Mushkin present in Court.

CROSS-CLAIMANT NONA TOBIN'S MOTION FOR RECONSIDERATION

Court addressed preliminary matters, history of the case, and the Motion.

COURT ORDERED, any representation about Nona Tobin being an individual party in the case is STRICKEN. Court also addressed the order issued in April, 2019.

Court noted the name of the trust is unclear, and both of the names of the trusts on the captions of various pleadings list different numbers. Arguments by counsel. COURT ORDERED, Motion DENIED.

MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN ON ORDER SHORTENING TIME

At request of counsel, COURT ORDERED, Motion TAKEN OFF CALENDAR.

Mr. Ochoa to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****June 03, 2019**

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

June 03, 2019 8:45 AM Calendar Call

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Coppedge, Linvel J Hong, Joseph Y. Tobin, Nona	Attorney Attorney Intervenor Counter Claimant Cross Claimant
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JOURNAL ENTRIES

- Parties made appearances; and Mr. Coppedge identified Ms. Tobin as an individual. Court clarified there is nothing in the record that shows Ms. Tobin as an individual, the Court had asked Mr. Mushkin about this at the last hearing, the intervention motion was granted back in 2016 as Tobin trustee on behalf of the trust, there is nothing in the record that allowed Ms. Tobin to come in as an individual, and a trustee has to be represented by counsel. Court addressed the caption issue and history of the case, including the ruling made at the prior hearing. Upon Court's inquiry about whether a Rule 2.67 conference was held, Mr. Coppedge stated this occurred two weeks ago, telephonically, and he does not have an exact date. Mr. Hong noted he spoke with opposing counsel telephonically, and will not be providing witnesses or documents. Court noted there was a Joint Case Conference Report filed and an Individual Case Conference Report filed. Statements by counsel. Court addressed the procedural aspects of the case; and determined non-compliance by the parties under EDCR 2.67, EDCR 2.68, and EDCR 2.69 or NRCP 16.1 (a) (3); and no pre-trial memorandums were filed, no joint pre-trial memorandums were filed, and there were no pre-trial disclosures. Parties did not provide trial exhibits. Court stated neither side can provide documents

or witnesses at trial. Trial schedule was provided to the parties by Court, orally.

COURT ORDERED, trial date SET.

6/05/19 8:30 A.M. BENCH TRIAL

CLERK'S NOTE: Minutes updated to only include the trial start time for June 5, 2019. (6/04/19 sb)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 05, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

June 05, 2019 8:30 AM Bench Trial

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Coppedge, Linvel J Attorney
 Hong, Joseph Y. Attorney

JOURNAL ENTRIES

- Counter Claimant Nona Tobin, present with Mr. Coppedge, as Trustee of the Gordon B. Hansen Trust Dated 8/22/09. Upon Court's inquiry, Mr. Hong confirmed he represents Joel A. Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust, Yuen K. Lee, and F. Bondurant, LLC, Counter Defendants.

Parties appeared for the scheduled Bench Trial.

Court addressed the caption issue; and noted there is nothing in the record to support that Ms. Tobin is an individual, as she is named as a trustee; and the caption needs to be corrected.

COURT ORDERED, Caption AMENDED to be read as follows: Nona Tobin, as Trustee of the Gordon B. Hansen Trust, Counter Claimant vs. Joel A. Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust, Yuen K. Lee, an individual, and F. Bondurant, LLC, Counter Defendants.

Following statements by counsel, Court determined there was non-compliance under NRCP 11, as no proposed findings of facts and conclusions of law were submitted to the Court, prior to this bench trial. COURT ORDERED, the proposed findings of facts and conclusions of law from Counter

Defendant, are due by the end of the day today at 5:00 p.m., with courtesy copies provided to the Court, or the Court may strike the Answers filed by Counter Defendant.

Opening statements by counsel.

Court recessed. TRIAL CONTINUES.

6/06/19 9:45 A.M. BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 06, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

June 06, 2019 9:45 AM Bench Trial

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Coppedge, Linvel J Attorney
 Hong, Joseph Y. Attorney

JOURNAL ENTRIES

- Counter Claimant Nona Tobin, present with Mr. Coppedge, as Trustee of the Gordon B. Hansen Trust.

Parties appeared for the scheduled Bench Trial.

Testimony presented (See Worksheets.).

Both sides rested. No rebuttal case was presented. No closing arguments were made.

Court confirmed it received proposed findings of fact and conclusions of law from both sides.

COURT ORDERED, a written decision to issue; hearing SET for decision on the Court's Chamber's Calendar for June 21, 2019.

Court adjourned. Bench trial ENDS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 21, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

June 21, 2019 3:00 AM Decision

HEARD BY: Kishner, Joanna S. **COURTROOM:** Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Decision made Order filed separately.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 09, 2019

A-15-720032-C Joel Stokes, Plaintiff(s)
vs.
Bank of America NA, Defendant(s)

**July 09, 2019 9:00 AM Motion to Withdraw as
Counsel**

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Coppedge, Linvel J Attorney

JOURNAL ENTRIES

- Nona Tobin, was present in Court. Mr. Coppedge not present. Court TRAILED and RECALLED matter. Mr. Coppedge informed the Court Ms. Tobin is requesting his firm to withdraw from representing her. COURT ORDERED, Motion GRANTED. Mr. Coppedge to prepare the order. Court told Ms. Tobin to go secure new counsel if that is in her best interest.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MICHAEL R. MUSHKIN, ESQ.
4495 S. PECOS RD.
LAS VEGAS, NV 89121

DATE: July 25, 2019
CASE: A-15-720032-C
c/w A-16-730078-C

RE CASE: JOEL A. STOKES; SANDRA F. STOKES; JIMI JACK IRREVOCABLE TRUST vs.
BANK OF AMERICA, N.A.; SUN CITY ANTHEM COMMUNITY ASSOCIATION, INC.

NOTICE OF APPEAL FILED: July 23, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT; NOTICE OF ENTRY OF FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON CROSS-DEFENDANT SUN CITY ANTHEM COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT; ORDER DENYING MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER DENYING MOTION FOR RECONSIDERATION; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JOEL A. STOKES; SANDRA F. STOKES;
JIMIACK IRREVOCABLE TRUST,

Plaintiff(s),

vs.

BANK OF AMERICA, N.A.; SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
INC.,

Defendant(s),

Case No: A-15-720032-C
Consolidated with A-16-730078-C
Dept No: XXXI

NONA TOBIN, AS TRUSTEE OF THE
GORDON B. HANSEN TRUST, DATED
8/22/08,

Plaintiff(s),

vs.

JOEL A. STOKESL SANDRA F. STOKES, AS
TRUSTEE OF THE JIMIACK
IRREVOCABLE TRUST; YUEN K. LEE;
BONDURANT, LLC,

Defendant(s),

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 25 day of July 2019.

Steven D. Grierson, Clerk of the Court



A handwritten signature in black ink, appearing to read 'A. Hampton', is written over a faint circular seal. The seal contains the text 'UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT LAS VEGAS, NEVADA'.

Amanda Hampton, Deputy Clerk