

CLERK OF THE COURT

1 **NEOJ**
2 **WRIGHT, FINLAY & ZAK, LLP**
3 Edgar C. Smith, Esq.
4 Nevada Bar No. 5506
5 7785 W. Sahara Ave., Suite 200
6 Las Vegas, NV 89117
7 (702) 475-7964; Fax: (702) 946-1345
8 esmith@wrightlegal.net

Attorneys for Defendant in Intervention/Counterclaimant, Nationstar Mortgage, LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 **JOEL A. STOKES and SANDRA F. STOKES,**
10 **as trustees of the JIMIACK IRREVOCABLE**
11 **TRUST,**

Plaintiffs,

vs.

13 **BANK OF AMERICA, N.A., SUN CITY**
14 **ANTHEM COMMUNITY ASSOCIATION,**
15 **INC.; DOES I through X and ROE BUSINESS**
16 **ENTITIES I through X, inclusive,**

Defendants.

17 **NATIONSTAR MORTGAGE, LLC,**

Counterclaimant,

vs.

20 **JIMIACK IRREVOCABLE TRUST;**
21 **OPPORTUNITY HOMES, LLC, a Nevada**
22 **limited liability company; F. BONDURANT,**
23 **LLC, a Nevada limited liability company;**
24 **DOES I through X, inclusive; and ROE**
25 **CORPORATIONS XI through XX, inclusive,**

Counter-Defendants.

Case No.: A-15-720032-C

Dept. No.: XXXI

NOTICE OF ENTRY OF ORDER

26 **TO: ALL INTERESTED PARTIES:**

27 ///

28 ///

///

1
2 **PLEASE TAKE NOTICE** that an Order Granting in Part Nationstar Mortgage, LLC's
3 Motion to Substitute Party, Intervene and Set Aside Default Judgment was entered in the above-
4 entitled Court on the 7th day of June, 2016, a file-stamped copy of which is attached hereto.

5 DATED this 8th day of June, 2016.

6 WRIGHT, FINLAY & ZAK, LLP

7 

8 Edgar C. Smith, Esq.
9 Nevada Bar No. 5506
10 7785 W. Sahara Ave., Suite 200
11 Las Vegas, NV 89117
12 *Attorneys for Defendant in Intervention/
13 Counterclaimant, Nationstar Mortgage, LLC*

14
15
16 **AFFIRMATION**

17 Pursuant to NRS 239B.030

18 The undersigned does hereby affirm that the preceding **NOTICE OF ENTRY OF**
19 **ORDER** filed in Case No. A-15-720032-C **does not** contain the social security number of any
20 person.

21 DATED this 8th day of June, 2016.

22 WRIGHT, FINLAY & ZAK, LLP

23 

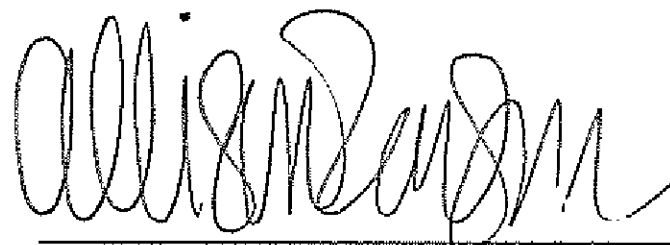
24 Edgar C. Smith, Esq.
25 Nevada Bar No. 5506
26 7785 W. Sahara Ave., Suite 200
27 Las Vegas, NV 89117
28 *Attorneys for Defendant in Intervention/
Counterclaimant, Nationstar Mortgage, LLC*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

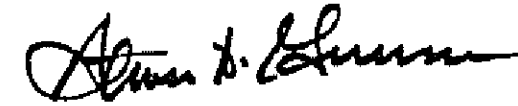
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of WRIGHT, FINLAY & ZAK, LLP, and that on this 8 day of June, 2016, I did cause a true copy of **NOTICE OF ENTRY OF ORDER** to be e-filed and e-served through the Eighth Judicial District EFP system pursuant to NEFR 9.

Joseph Hong, Esq.
Hong & Hong, APLC
10781 W. Twain Avenue
Las Vegas, NV 89135
Attorney for JimiJack Irrevocable Trust



An Employee of WRIGHT, FINLAY & ZAK, LLP



CLERK OF THE COURT

1 **ORDER**

2 **WRIGHT, FINLAY & ZAK, LLP**

3 Edgar C. Smith, Esq.

4 Nevada Bar No. 5506

5 7785 W. Sahara Ave., Suite 200

6 Las Vegas, NV 89117

7 (702) 475-7964; Fax: (702) 946-1345

8 esmith@wrightlegal.net

9 *Attorneys for Defendant in Intervention, Nationstar Mortgage, LLC*

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

Case No.: A-15-720032-C

Dept. No.: XXXI

12 **JIMI JACK IRREVOCABLE TRUST,**

13 **Plaintiff,**

14 **vs.**

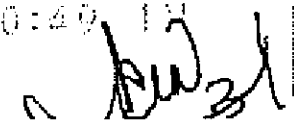
15 **BANK OF AMERICA, N.A.; SUN CITY**
16 **ANTHEM COMMUNITY ASSOCIATION,**

17 **Defendants.**

ORDER GRANTING IN PART
NATIONSTAR MORTGAGE, LLC'S
MOTION TO SUBSTITUTE PARTY,
INTERVENE AND SET ASIDE
DEFAULT JUDGMENT

18
19 The Motion of proposed Defendant in Intervention, Nationstar Mortgage, LLC to
20 Intervene in this Action, Substitute Parties, and Set Aside Default Judgment (the "Motion"),
21 came on for hearing on May 17, 2016. Edgar C. Smith, Esq. appeared for Movant and proposed
22 Defendant Nationstar Mortgage, LLC (hereinafter "Nationstar"); Joseph Y. Hong, Esq.
23 appearing for Plaintiff, JimiJack Irrevocable Trust (hereinafter "Plaintiff").

24
25 The Court, having reviewed the pleadings and papers on file, having heard the arguments
26 of counsel, and having being fully advised in the premises, and good cause appearing therefore,
27 orders as follows:
28



1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion is granted
2 in part and denied in part. The court finds that at the time this action was commenced, there was
3 an assignment of the deed of trust at issue in the chain of title to the property in dispute showing
4 that Nationstar Mortgage, LLC claims some right, title or interest in and to the property arising
5 from the deed of trust. Therefore, Defendant's Motion is granted insofar as Defendant seeks to
6 intervene. Defendant Nationstar Mortgage, LLC shall file its response to the Complaint within
7 ten (10) days of Notice of Entry of this Order.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the court finds that
9 counsel for Nationstar Mortgage, LLC is not representing the party against whom default
10 judgment was entered and therefore the Motion is not properly brought by Nationstar Mortgage,
11 LLC.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Motion to
13 Substitute Parties is denied for the same reason, and as moot.

14 DATED this 2 day of ~~May~~, 2016.

15 June

16 JOANNA S. KISHNER

17 
18 _____
19 DISTRICT COURT JUDGE

20 Respectfully Submitted by:

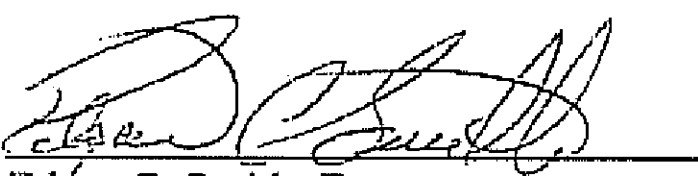
Approved as to form and content:

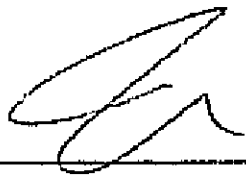
21 DATED this 23 day of May, 2016.

DATED this 20th day of May, 2016.

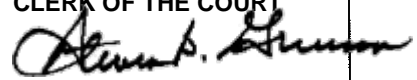
22 WRIGHT, FINLAY & ZAK, LLP

HONG & HONG

23 
24 _____
25 Edgar C. Smith, Esq.
26 Nevada Bar No. 5506
27 7785 W. Sahara Ave., Suite 200
28 Las Vegas, NV 89117
*Attorneys for Defendant in Intervention,
Nationstar Mortgage, LLC*



Joseph Y. Hong, Esq.
Nevada Bar No. 5995
10781 W. Twain Avenue
Las Vegas, NV 89135
*Attorneys for Plaintiff, JimiJack Irrevocable
Trust*



1 **NEOJ**
2 **WRIGHT, FINLAY & ZAK, LLP**
3 Dana Jonathon Nitz, Esq.
4 Nevada Bar No. 0050
5 Michael S. Kelley, Esq.
6 Nevada Bar No. 10101
7 7785 W. Sahara Avenue, Suite 200
8 Las Vegas, Nevada 89117
9 (702) 475-7964; Fax: (702) 946-1345
10 dnitz@wrightlegal.net
11 mkelley@wrightlegal.net

12 *Attorneys for Defendant in Intervention/Counterclaimant, Nationstar Mortgage LLC*

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

15 **JOEL STOKES and SANDRA F. STOKES,**
16 **as trustees of the JIMIACK**
17 **IRREOVABLE TRUST,**

18 **Plaintiff,**

19 **vs.**

20 **BANK OF AMERICA, N.A.; SUN CITY**
21 **ANTHEM COMMUNITY ASSOCIATION,**
22 **INC.; DOES I through X and ROE**
23 **BUSINESS ENTITIES I through X,**
24 **inclusive,**

25 **Defendants.**

26 **NATIONSTAR MORTGAGE, LLC**

27 **Counter-Claimant,**

28 **vs.**

JIMIACK IRREVOCABLE TRUST;
OPPORTUNITY HOMES, LLC, a Nevada
limited liability company; F. BONDURANT,
LLC, a Nevada limited liability company;
DOES I through X, inclusive; and ROE
CORPORATIONS XI through XX, inclusive,

Counter-defendants.

///

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

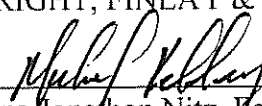
NOTICE OF ENTRY OF ORDER
DENYING MOTION FOR SUMMARY
JUDGMENT

1 **NOTICE OF ENTRY OF ORDER DENYING MOTION FOR SUMMARY JUDGMENT**

2 PLEASE TAKE NOTICE that an ORDER DENYING MOTION FOR SUMMARY
3 JUDGMENT was entered in the above-entitled Court on the 21st day of June, 2017. A copy of
4 which is attached hereto.

5 DATED this 22nd day of June, 2017.

6 WRIGHT, FINLAY & ZAK, LLP

7 
8 Dana Jonathon Nitz, Esq.

9 Nevada Bar No. 0050

10 Michael S. Kelley, Esq.

11 Nevada Bar No. 10101

12 7785 W. Sahara Avenue, Suite 200

13 Las Vegas, Nevada 89117

14 *Attorneys for Defendant in Intervention/*

15 *Counterclaimant, Nationstar Mortgage LLC*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

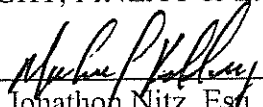
AFFIRMATION

Pursuant to N.R.S. 239B.030

The undersigned does hereby affirm that the preceding **NOTICE OF ENTRY OF ORDER DENYING MOTION FOR SUMMARY JUDGMENT** filed in Case No. A-15-720032-C **does not** contain the social security number of any person.

DATED this 22nd day of June, 2017.

WRIGHT, FINLAY & ZAK, LLP



Dana Jonathon Nitz, Esq.
Nevada Bar No. 0050
Michael S. Kelley, Esq.
Nevada Bar No. 10101
7785 W. Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
*Attorneys for Defendant in Intervention/
Counterclaimant, Nationstar Mortgage LLC*

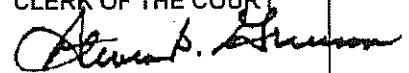
1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of WRIGHT, FINLAY & ZAK,
3 LLP, and that on this 22nd day of June, 2017, I did cause a true copy of **NOTICE OF ENTRY**
4 **OF ORDER DENYING MOTION FOR SUMMARY JUDGMENT** to be e-filed and e-
5 served through the Eighth Judicial District EFP system pursuant to NEFR 9 and/or by depositing
6 a true copy of same in the United States Mail, at Las Vegas, Nevada, addressed as follows:

7 L. Joe Coppedge joe@mushlaw.com
8 Karen L. Foley karen@mushlaw.com
9 Crystal Ann Gorzalski crystal@mushlaw.com
10 Michael R. Mushkin michael@mushlaw.com
11 "Joseph Y. Hong, Esq." . yosuphonglaw@gmail.com
12 Ashley Scott-Johnson . ascott-johnson@lipsonneilson.com
13 Darnell Lynch . dlynch@lipsonneilson.com
14 David Ochoa . dochoa@lipsonneilson.com
15 Jakub P Medrala . jmedrala@medralaw.com
16 Kaleb Anderson . kanderson@lipsonneilson.com
17 Nona Tobin . nonatobin@gmail.com
18 Office . admin@medralaw.com
19 Renee Rittenhouse . rrittenhouse@lipsonneilson.com
20 Shuchi Patel . spatel@medralaw.com
21 Susana Nutt . snutt@lipsonneilson.com

22
23
24
25
26
27
28

An Employee of WRIGHT, FINLAY & ZAK, LLP



1 **ORDR**

2 **WRIGHT, FINLAY & ZAK, LLP**

3 Dana Jonathon Nitz, Esq.

4 Nevada Bar No. 00050

5 Michael S. Kelley, Esq.

6 Nevada Bar No. 10101

7 7785 W. Sahara Ave., Ste. 200

8 Las Vegas, NV 89117

9 (702) 475-7964; Fax: (702) 946-1345

10 mkelley@wrightlegal.net

11 *Attorneys for Defendant in Intervention/Counter-claimant, Nationstar Mortgage, LLC*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **JOEL A. STOKES and SANDRA F.**
15 **STOKES, as trustees of the JIMIACK**
16 **IRREVOCABLE TRUST,**

17 Plaintiffs,

18 vs.

19 **BANK OF AMERICA, N.A.; SUN CITY**
20 **ANTHEM COMMUNITY ASSOCIATION,**
21 **INC.; DOES I through X and ROE**
22 **BUSINESS ENTITIES I through X,**
23 **inclusive,**

24 Defendants.

25 **NATIONSTAR MORTGAGE, LLC,**

26 Counterclaimant,

27 vs.

28 **JIMIACK IRREVOCABLE TRUST;**
OPPORTUNITY HOMES, LLC, a Nevada
limited liability company; F. BONDURANT,
LLC, a Nevada limited liability company;
DOES I through X, inclusive; and ROE
CORPORATIONS XI through XX, inclusive,

Counter-Defendants.

Case No.: A-15-720032-C

Dept. No.: XXXI

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT**

Hearing date: April 27, 2017


Hearing time: 9:30 a.m.

1 These matters came on for hearing before the Court on April 27, 2017, Intervening
2 Defendant/Counterclaimant Nationstar Mortgage, LLC appeared through their counsel, Michael
3 S. Kelley, Esq., of Wright, Finlay & Zak, LLP, while Counterdefendant, Opportunity Homes,
4 LLC, was represented by its counsel, Jakub P. Medrala, Esq., of The Medrala Law Firm, Prof.
5 LLC.

6 The Court, having considered the pleadings and papers on file and heard the argument of
7 counsel present at the hearing, and for good cause appearing, hereby rules as follows:

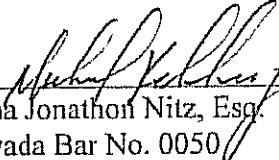
8 IT IS HEREBY ORDERED that Opportunity Homes, LLC's Motion for Summary
9 Judgment against Nationstar Mortgage, LLC is DENIED WITHOUT PREJUDICE.

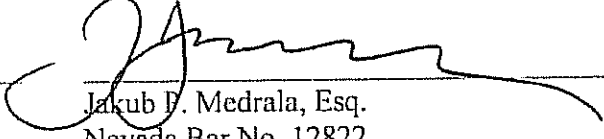
10 IT IS SO ORDERED this 13 day of June, 2017.

11
12 
13 JOANNA S. KISHNER
DISTRICT COURT JUDGE
HK

14 Respectfully submitted,
15 WRIGHT, FINLAY & ZAK, LLP

Approved as to form and content,
16 THE MEDRALA LAW FIRM, PROF. LLC

17
18 
19 Dana Jonathon Nitz, Esq.
20 Nevada Bar No. 0050
21 Michael S. Kelley, Esq.
22 Nevada Bar No. 10101
23 7785 West Sahara Avenue, Suite 200
24 Las Vegas, Nevada 89117
25 *Attorneys for Defendant in*
26 *Intervention/Counter-claimant, Nationstar*
27 *Mortgage, LLC*

28

Jakub P. Medrala, Esq.
Nevada Bar No. 12822
The Medrala Law Firm, Prof. LLC
1091 S. Cimarron Road, Suite A-1
Las Vegas, Nevada 89145
(702) 475-8884
(702) 938-8625 Facsimile
jmedrala@medralaw.com
Attorney for Thomas Lucas and
Opportunity Homes, LLC



JAKUB P. MEDRALA, ESQ.
 Nevada Bar No. 12822
THE MEDRALA LAW FIRM, PROF. LLC
 1091 S. Cimarron Road, Suite A-1
 Las Vegas, Nevada 89145
 (702) 475-8884
 (702) 938-8625 Facsimile
 jmedrala@medralaw.com
*Attorney for Thomas Lucas and
 Opportunity Homes, LLC*

Electronically Filed
 8/11/2017 10:28 AM
 Steven D. Grierson
 CLERK OF THE COURT

**EIGHTH JUDICIAL DISTRICT COURT
 CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

BANK OF AMERICA, N.A.; SUN CITY
 ANTHEM COMMUNITY ASSOCIATION,
 INC.; DOES I Through X, and ROES 1
 Through 10, Inclusive,

Defendants.

CASE NO.: A-15-720032-C
 DEPT. NO.: XXXI

**NOTICE OF ENTRY OF ORDER
 GRANTING THOMAS LUCAS and
 OPPORTUNITY HOMES, LLC'S
 MOTION FOR SUMMARY JUDGMENT**

NATIONSTAR MORTGAGE, LLC,
 Counterclaimant,

vs.

JIMI JACK IRREVOCABLE TRUST;
 OPPORTUNITY HOMES, LLC, a Nevada
 Limited Liability Company; F. BONDURANT,
 LLC, a Nevada Limited Liability Company;
 DOES I Through X, and ROES XI Through
 XX, Inclusive,

Counterdefendants,

NONA TOBIN, an Individual and Trustee of
 the GORDON B. HANSEN TRUST, dated
 8/22/25,

Crossclaimant,

vs.

THOMAS LUCAS, and SUN CITY ANTHEM
 COMMUNITY ASSOCIATION, INC.; DOES
 I Through X, and ROES I Through X,
 Inclusive,

Crossdefendants.

1 TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD.

2 PLEASE TAKE NOTICE that an ORDER GRANTING THOMAS LUCAS and
3 OPPORTUNITY HOMES, LLC'S MOTION FOR SUMMARY JUDGMENT was entered in
4 the above-entitled action on the 9th day of August 2017.

5 A true and correct copy of said Order is attached hereto as Exhibit "1".

6 Dated this 11th day of August 2017.

THE MEDRALA LAW FIRM, PROF. LLC

/s/ Jakub P. Medrala

JAKUB P. MEDRALA, ESQ.

Nevada Bar No. 12822

1091 S. Cimarron Road, Suite A-1

Las Vegas, Nevada 89145

Attorney for Defendants/Counterclaimants

Jaroslav R. Jastrebski, Zachary England, and

Robert Smith

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

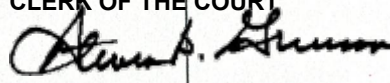
1 I, the undersigned, hereby certify that on August 11, 2017, I served a true and correct
2 copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING THOMAS LUCAS and
3 OPPORTUNITY HOMES, LLC’S MOTION FOR SUMMARY JUDGMENT via the E-
4 Service Master List for the above-referenced matter in the Eighth Judicial District Court’s e-
5 filing system in accordance with the electronic service requirements of Administrative Order
6 14-2 and the Nevada Electronic Filing and Conversion Rules, and, if necessary, by depositing a
7 copy of the same into the U.S. Postal Service at Las Vegas, Nevada, prepaid first-class postage
8 affixed thereto, addressed to the following:
9

10 NONA TOBIN, *Pro Se*
11 2664 Olivia Heights Avenue
12 Henderson, Nevada 89052
13 Telephone: (702) 465-2199
14 nonatobin@gmail.com

15
16
17
18
19
20
21
22
23
24

By: /s/ Shuchi Patel
An employee of THE MEDRALA LAW FIRM, PROF. LLC

EXHIBIT 1



JAKUB P. MEDRALA, ESQ.
Nevada Bar No. 12822
THE MEDRALA LAW FIRM, PROF. LLC
1091 S. Cimarron Road, Suite A-1
Las Vegas, Nevada 89145
(702) 475-8884
(702) 938-8625 Facsimile
jmedrala@medralaw.com
*Attorney for Thomas Lucas and
Opportunity Homes, LLC*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

BANK OF AMERICA, N.A.; SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
INC.; DOES I Through X, and ROES 1
Through 10, Inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,
Counterclaimant,

vs.

JIMI JACK IRREVOCABLE TRUST;
OPPORTUNITY HOMES, LLC, a Nevada
Limited Liability Company; F. BONDURANT,
LLC, a Nevada Limited Liability Company;
DOES I Through X, and ROES XI Through
XX, Inclusive,

Counterdefendants,

NONA TOBIN, an Individual and Trustee of
the GORDON B. HANSEN TRUST, dated
8/22/25,

Crossclaimant,

vs.

THOMAS LUCAS, and SUN CITY ANTHEM
COMMUNITY ASSOCIATION, INC.; DOES
I Through X, and ROES I Through X,
Inclusive,

Crossdefendants.

CASE NO.: A-15-720032-C
DEPT. NO.: XXXI

**ORDER GRANTING THOMAS LUCAS
and OPPORTUNITY HOMES, LLC'S
MOTION FOR SUMMARY JUDGMENT**

06-29-1 11:32 IN

TOBIN 016

1 Counterdefendant Opportunity Homes, LLC, and Crossdefendant Thomas Lucas's
2 Motion for Summary Judgment ("Motion for Summary Judgment") came on for hearing on
3 April 27, 2017 at the hour of 9:30 a.m., Opportunity Homes and Thomas Lucas being
4 represented by Jakub P. Medrala, Esq., of The Medrala Law Firm, PLLC and Crossclaimant
5 Nona Tobin appearing *pro se*.

6 The Court having reviewed the pleadings and papers on file herein, having heard the
7 arguments of counsel, and good cause appearing therefore, the Court issues the following
8 Findings of Fact and Conclusions of Law, and Order:

9 **FINDINGS OF FACT**

10 On or about August 15, 2014, pursuant to NRS 116.3116 *et seq.*, Sun City Anthem
11 Community Association, Inc. ("HOA") conducted a public auction and foreclosed on its lien for
12 delinquent assessments on real property commonly known as 2763 White Sage Drive,
13 Henderson, NV 89052, APN 191-13-811-052 ("the Property").

14 Opportunity Homes, LLC ("Opportunity Homes") was the highest bidder at the subject
15 action and purchased its interest in the Property in exchange for \$63,100.

16 Prior to the foreclosure, the Property's owner of record was Gordon B. Hansen, Trustee
17 of the Gordon B. Hansen Trust, dated August 22, 2008.

18 Thereafter, on June 4, 2015, Opportunity Homes transferred its interest in the Property
19 to F. Bondurant, LLC, by way of a Quitclaim Deed. Therefore, Opportunity Homes no longer
20 claimed any interest in the Property.

21 Crossdefendant Thomas Lucas is a sole member of the Counterdefendant Opportunity
22 Homes. Nona Tobin claims to be a "successor trustee" of the Gordon B. Hansen Trust, dated
23 August 22, 2008.

1 Neither Opportunity Homes, nor Mr. Lucas has ever entered into any agreements with
2 Nona Tobin.

3 Nona Tobin filed a crossclaim against Tom Lucas for quiet title to the Property, breach
4 of contract, declaratory relief and civil conspiracy.

5 CONCLUSIONS OF LAW

6 **1.0 STANDARD OF REVIEW**

7 In Nevada, a party's motion for summary judgment must be granted, "if the pleadings,
8 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if
9 any, show that there is no genuine issue as to any material fact and that the moving party is
10 entitled to a judgment as a matter of law." NRCPC 56(c); *See also Wood v. Safeway, Inc.*, 121
11 Nev. 724, 731, 121 P.3d 1026, 1031 (2005) (rejecting the slightest doubt standard and adopting
12 the federal standard set forth in *Liberty Lobby, Celotex*, and *Matsushita*). "[C]onclusory
13 statements along with general allegations do not create an issue of fact." *Yeager v. Harrah's*
14 *Club, Inc.*, 111 Nev. 830, 833, 897 P.2d 1093, 1095 (1995). Rather, a genuine issue of material
15 fact exists only where the evidence is such that a reasonable trier of fact could return a verdict
16 for the nonmoving party; other factual disputes are irrelevant. *Wood*, 121 Nev. at 731, 121 P.3d
17 at 1031.

18 **2.0 THOMAS LUCAS'S MOTION FOR SUMMARY JUDGMENT MUST BE GRANTED**

19 **A. Neither Opportunity Homes, LLC, Nor Thomas Lucas Claim Any Interest in the** 20 **Subject Property; Therefore, Neither of Them Can Be a Part of a Quiet Title** 21 **Action**

22 An action for quiet title in real property is a statutory cause of action prescribed by NRS
23 40.010, which states:

24 An action may be brought by any person against another who claims an
estate or interest in real property, adverse to the person bringing the action, for the
purpose of determining such adverse claim.

1 Thus, an action pursuant to NRS 40.010 requests a judicial determination of all adverse
2 claims to disputed property. *Clay v. Scheeline Banking & Trust Co.*, 40 Nev. 9, 159 P. 1081,
3 1082-83 (1916).

4 From reading the express language of the statute, one of the elements of a quiet title
5 action is that the defendant may claim “an estate or interest in real property, adverse to the
6 person bringing the action.” NRS. 40.010.

7 In the present case, neither Opportunity Homes nor Mr. Lucas claims any interest in the
8 Property. While Opportunity Homes purchased the subject Property at the HOA auction on
9 August 15, 2014, it also sold its interest in the Property on June 4, 2015, to F. Bondurant, LLC.

10 Tobin’s crossclaim for quiet title against Mr. Lucas¹ was filed on February 1, 2017,
11 more than two years after Opportunity Homes sold its interest in the Property.

12 Accordingly, because neither Opportunity Homes nor Mr. Lucas claims any interest in
13 the Property that is adverse to Tobin’s interests, her quiet title claims against Mr. Lucas must be
14 dismissed.

15 **B. Neither Opportunity Homes, LLC, Nor Mr. Lucas Were Parties to Any**
16 **Agreements With Tobin That They Could Possibly Breach**

17 Under Nevada law, to prove a claim for breach of contract, the following elements must
18 be proven: (1) the plaintiff and defendant entered into a valid and existing contract, (2) plaintiff
19 performed or was excused from performance, (3) defendant failed to perform and was not
20

21
22 ¹ Mr. Lucas has never claimed any interest in the Property. Instead, it was Mr. Lucas’s company, Opportunity Homes,
23 LLC, which purchased the Property at the subject foreclosure sale. However, Tobin did not join Opportunity Homes in her
24 crossclaim, and it appears that she named Mr. Lucas on a theory that Opportunity Homes, LLC, is Mr. Lucas’s alter ego
“further . . . unfair enterprise and concealing and perpetuating unlawful conveyance of the Subject Property” as alleged in
Paragraph 82 of the Crossclaim, whether or not Opportunity Homes, LLC, is Mr. Lucas’s alter ego is immaterial to the issues
raised in this action because neither Opportunity Homes nor Mr. Lucas claim any interest in the subject Property, and neither
Opportunity Homes nor Mr. Lucas were parties to any agreements with Tobin.

1 excused from performance, and (4) plaintiff sustained damages as a result of the breach.
2 *Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000).

3 In her crossclaim, Tobin alleges that she had an Exclusive Right to Sell (ER) listing
4 agreement with Craig Leidy and Forest Barbee to list and sell the Property. She further alleges
5 that Mr. Lucas is a real estate agent working under BHHS, and that:
6 (1) he had actual or constructive knowledge that the beneficiary of the deed of trust refused to
7 close multiple escrows (Crossclaim, ¶ 59); (2) he knew Nationstar was not the beneficiary of the
8 deed of trust (*Id.*); (3) he told Leidy that he was the buyer, that he was going to keep the
9 Property, and that he contacted Leidy before the sale of the property (Crossclaim, ¶ 60).

10 Not only do Tobin's allegations fail to state a claim for a breach of contract against Mr.
11 Lucas, or even any other claim for relief as she did not allege any facts that would indicate that
12 Mr. Lucas breached any legal obligations, but the main problem with Tobin's claim is that it
13 does not allege that Mr. Lucas has entered into any agreement with Tobin that he could possibly
14 breach. Indeed, Mr. Lucas has never entered into any agreements with Tobin.

15 While it is true that Mr. Lucas is a real estate licensee and an independent agent working
16 with BHHS, BHHS is a real estate company that employs more than 800 real estate agents in
17 Las Vegas valley alone, and Mr. Lucas is not bound by the agreements that Tobin could have
18 signed with other BHHS's agents.

19 Tobin neither alleges any contractual relationship between her and Mr. Lucas, nor has
20 she produced any evidence of a contractual relationship that could give rise to a breach of
21 contract claim against him. Accordingly, no issue of material fact exists regarding whether Mr.
22 Lucas breached any agreement with Tobin, and Tobin's claims must be dismissed.

1 **C. Tobin Failed to Show Any Facts Indicating that Mr. Lucas Committed Civil**
2 **Conspiracy.**

3 To prevail in a civil conspiracy action in Nevada, plaintiff must prove an agreement
4 between the tortfeasors; whether explicit or tacit, with an intent to accomplish an unlawful
5 objective for the purpose of harming plaintiff; and that the plaintiff sustained damage resulting
6 from defendants' act or acts. *Guilfoyle v. Olde Monmouth Stock Transfer Company, Co., Inc.*,
7 335 P.3d 190 (Nev. 2014); *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 114 Nev.
8 1304, 971 P. 2d 1251 (1999); *Dow Chemical Co. v. Mahlum*, 114 Nev. 1468, 970 P.2d 98
9 (1998).

10 In opposing Thomas Lucas and Opportunity Homes' Motion for Summary Judgment,
11 Tobin failed to submit any evidence supporting her claim for civil conspiracy. Moreover, Tobin
12 failed to even allege the existence of Mr. Lucas's agreement with anyone whose objective
13 would be unlawful. Accordingly, her claim for civil conspiracy must be dismissed.

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, the Court hereby **ORDERS, ADJUDGES AND DECREES** as follows:

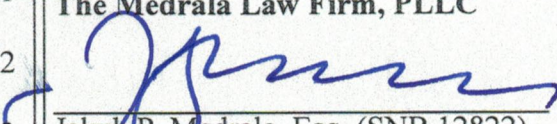
1. Thomas Lucas and Opportunity Homes' Motion for Summary Judgment against Nona Tobin is **GRANTED**.
2. Nona Tobin's Crossclaim Against Thomas Lucas d/b/a Opportunity Homes, LLC is **DISMISSED** in its entirety.

Dated this 21 day of July, 2017.


 DISTRICT COURT JUDGE Dea 31
 HK

Respectfully submitted by:
The Medrala Law Firm, PLLC

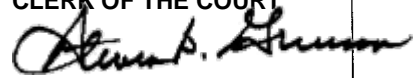
Approved as to form and content:



 Jakub P. Medrala, Esq. (SNB 12822)
 1091 S. Cimarron Road, Ste. A-1
 Las Vegas, Nevada 89145
 Attorney for Thomas Lucas and
 Opportunity Homes, LLC

(not signed)

 NONA TOBIN, *Pro Se*
 2664 Olivia Heights Avenue
 Henderson, Nevada 89052
 Telephone: (702) 465-2199
nonatobin@gmail.com



1 LIPSON, NEILSON, COLE, SELTZER & GARIN, 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
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISTRICT COURT
CLARK COUNTY, NEVADA

11 JOEL A. STOKES and SANDRA F.
12 STOKES, as trustee for the JIMI JACK
13 IRREVOCABL TRUST,

14 Plaintiffs,

15 vs.

16 BANK OF AMERICA, N.A.; SUN CITY
17 ANTHEM COMMUNITY ASSOCIATION.;
18 DOES I through X and ROES BUISNESS
19 ENTITIES 1 through 10, inclusive,

20 Defendants.

21 NONA TOBIN, an individual and Trustee
22 of the GORDON B. HANSEN TRUST,
23 dated 8/22/25,

24 Counter-Claimant,

25 vs.

26 JOEL A. STOKES and SANDRA F.
27 STOKES, as trustee for the JIMI JACK
28 IRREVOCABL TRUST,

Counter-Defendant.

NONA TOBIN, an individual and Trustee
of the GORDON B. HANSEN TRUST,
dated 8/22/25,

Cross-Claimant,

vs.

SUN CITY ANTHEM COMMUNITY

CASE NO.: A-15-720032-C

Dept. XXXI

NOTICE OF ENTRY OF ORDER

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

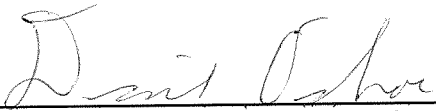
ASSOCIATION, INC., DOES 1-10, and
ROE CORPORATIONS 1-10, inclusive,

Cross-Defendant.

PLEASE TAKE NOTICE that an Order was entered in the above-captioned case
on September 19, 2017, a copy of which is attached hereto.

DATED this 20th day September, 2017.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 
Kaleb D. Anderson, Esq. (Bar No. 7582)
David T. Ochoa, Esq. (Bar No. 10414)
9900 Covington Cross Dr., Suite 120
Las Vegas, NV 89148

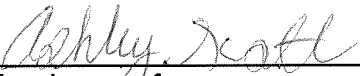
Attorneys for Sun City Anthem Community Association

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

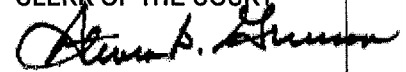
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, I hereby certify that on the 20th day September, 2017, I electronically transmitted the foregoing **Notice of Entry of Order** to the Clerk's Office using the Odyssey E-File & Serve System for filing and transmittal to the following Odyssey E-File & Serve registrants:

<p>Joseph Y. Hong HONG & HONG 10781 W. Twain Ave. Las Vegas, NV 89135 yosuphonglaw@gmail.com 702-870-1777</p> <p><i>Attorney for Plaintiff JimiJack Irrevocable Trust, Sandra & Joel Stokes</i></p>	<p>Michael R. Mushkin, Esq. Joe Coppedge, Esq. MICHAEL R. MUSHKIN & ASSOCIATES 4475 S. Pecos Rad Las Vegas, NV 89121</p> <p><i>Attorneys for Nona Tobin</i></p>
<p>Jakub P. Medrala, Esq. THE MEDRALA LAW FIRM, PROF. LLC 1091 S. Cimarron Road, Suite A-1 Las Vegas, NV 89145 jmedrala@medralaw.com</p> <p><i>Attorneys for Thomas Lucas & Opportunity Homes, LLC</i></p>	<p>Dana Jonathon Nitz, Esq. Michael S. Kelley, Esq. WRIGHT, FINLAY & ZAK, LLP 7785 W. Sahara Ave, Suite 200 Las Vegas, NV 89117</p> <p><i>Attorney for Nationstar Mortgage, LLC</i></p>



Employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.



1 LIPSON, NEILSON, COLE, SELTZER & GARIN, 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 CLARK COUNTY, NEVADA

10 JOEL A. STOKES and SANDRA F.
11 STOKES, as trustee for the JIMI JACK
12 IRREVOCABL TRUST,

13 Plaintiffs,

14 vs.

15 BANK OF AMERICA, N.A.; SUN CITY
16 ANTHEM COMMUNITY ASSOCIATION.;
17 DOES I through X and ROES BUISNESS
18 ENTITIES 1 through 10, inclusive,

19 Defendants.

CASE NO.: A-15-720032-C

Dept. XXXI

ORDER

Hearing Date: May 25, 2017
Time: 9:30 a.m.

18 NONA TOBIN, an individual and Trustee
19 of the GORDON B. HANSEN TRUST,
20 dated 8/22/25,

21 Counter-Claimant,

22 vs.

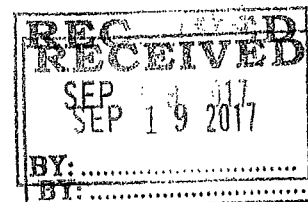
23 JOEL A. STOKES and SANDRA F.
24 STOKES, as trustee for the JIMI JACK
25 IRREVOCABL TRUST,

26 Counter-Defendant.

27 NONA TOBIN, an individual and Trustee
28 of the GORDON B. HANSEN TRUST,
dated 8/22/25,

Cross-Claimant,

vs.



09/14/17 BIN: 026 IN
JW31

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

1
2
3 SUN CITY ANTHEM COMMUNITY
4 ASSOCIATION,
5 INC., DOES 1-10, and ROE
6 CORPORATIONS 1-10, inclusive,

7 Cross-Defendant.

8 Cross-Defendant Sun City Anthem Community Association's ("HOA"), Motion to
9 Dismiss claims by Nona Tobin an Individual and Trustee of Gordon B. Hansen Trust as
10 to the HOA (the "motion to Dismiss") came before the Court for hearing on May 25,
11 2017. David T. Ochoa, Esq. of the law firm of LIPSON, NEILSON, COLE, SELTZER &
12 GARIN, P.C., appeared on behalf of the HOA, and L. Joe Coppedge, Esq of the law firm
13 of MICHAEL MUSHKIN & ASSOCIATES, appeared on behalf of Nona Tobin and
14 Individual and Trustee of the Gordon B. Hansen Trust. The Court, having reviewed the
15 pleadings and papers on file and having heard the representations of counsel, issues
16 the following order on stipulation of the parties.

17 **STIPULATION**

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

25 **ORDER**

26 Based on the stipulations of the parties:

27 THE COURT ORDERS: All claims against Sun City Anthem Community
28

1 Association are dismissed without prejudice to attend NRED mediation, except for the
2 quiet title claim.


3 THE COURT ORDERS the countermotions filed March 3, 2017 and March 31,
4 2017 be WITHDRAWN WITHOUT PREJUDICE.

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

7 THE COURT FURTHER ORDERS the Motion to Dismiss is DENIED WITHOUT
8 PREJUDICE in regards to the quiet title claim.

9 IT IS SO ORDERED.


10 DATED THIS 14 day of September, 2017.

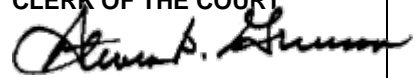
11
12
13  JOANNA S. KISHNER
14 DISTRICT COURT JUDGE

15 Approved as to Form and Content:
16 MICHAEL MUSHKIN & ASSOCIATES

17 By: DID NOT RESPOND
18 L. Joe Coppedge, Esq.
19 Nevada Bar No. 4954
20 4475 S. Pecos Road.
21 Las Vegas, Nevada 89121
22 *Attorney for Nona Tobin an Individual and Trustee*
23 *of the Gordon B. Hansen Trust*

24 Respectfully Submitted By:
25 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

26 By: 
27 Kaleb D. Anderson, Esq.
28 Nevada Bar No. 7582
David T. Ochoa, Esq.
Nevada Bar No. 10414
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Sun City Anthem Community Association, Inc.



1 **NTSO**

2 MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

3 THERA A. COOPER, ESQ.

Nevada Bar No. 13468

4 AKERMAN LLP

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Telephone: (702) 634-5000

Facsimile: (702) 380-8572

Email: melanie.morgan@akerman.com

Email: thera.cooper@akerman.com

7 *Attorney for Nationstar Mortgage LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

12 Plaintiff,

13 vs.

14 BANK OF AMERICA, N.A.; SUN CITY
15 ANTHEM COMMUNITY ASSOCIATION,
INC.; DOES I through X and ROE BUSINESS
16 ENTITIES I through X, inclusive,

17 Defendants.

Case No.: A-15-720032-C

Consolidated with: A-16-730078-C

Dept. No.: XXXI

**NOTICE OF ENTRY OF STIPULATION
AND ORDER FOR DISMISSAL
WITHOUT PREJUDICE AS TO CLAIMS
AGAINST OPPORTUNITY HOMES, LLC
AND F. BONDURANT, LLC**

18 NATIONSTAR MORTGAGE, LLC

19 Counter-Claimant,

20 vs.

21 JIMI JACK IRREVOCABLE TRUST;
22 OPPORTUNITY HOMES, LLC, a Nevada
limited liability company; F. BONDURANT,
23 LLC, a Nevada limited liability company;
DOES I through X, inclusive; and ROE
CORPORATIONS XI through XX, inclusive,

24 Counter-Defendants.

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 JIMIACK IRREVOCABLE
TRUST,
Counter-Defendants.

NONA TOBIN, an individual, and Trustee of the
GORDON B. HANSEN TRUST. Dated 8/22/08
Cross-Claimant,
vs.
SUN CITY ANTHEM COMMUNITY
ASSOCIATION, INC., DOES 1-10, AND
ROE CORPORATIONS 1-10, inclusive,
Counter-Defendants.

NONA TOBIN, an individual, and Trustee of the
GORDON B. HANSEN TRUST. Dated 8/22/08
Cross-Claimant,
vs.
OPPORTUNITY HOMES, LLC, THOMAS
LUCAS, Manager,
Counter-Defendant.

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.

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEV/ADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that a **STIPULATION AND ORDER FOR DISMISSAL**
3 **WITHOUT PREJUDICE AS TO CLAIMS AGAINST OPPORTUNITY HOMES, LLC AND**
4 **F. BONDURANT, LLC** was entered on this 20th day of February, 2019 a copy of which is attached
5 hereto as **Exhibit A**.

6
7 Dated: February 20, 2019

8
9 **AKERMAN LLP**

10
11 */s/ Thera A. Cooper*

12 MELANIE D. MORGAN, ESQ.

13 Nevada Bar No. 8215

14 THERA A. COOPER, ESQ.

15 Nevada Bar No. 13468

16 1635 Village Center Circle, Suite 200

17 Las Vegas, NV 89134

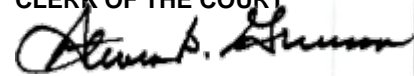
18 *Attorneys for Nationstar Mortgage LLC*

19
20
21
22
23
24
25
26
27
28
AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

EXHIBIT A

EXHIBIT A



1 MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
2 THERA A. COOPER, ESQ.
Nevada Bar No. 13468
3 AKERMAN LLP
1635 Village Center Circle, Suite 200
4 Las Vegas, Nevada 89134
Telephone: (702) 634-5000
5 Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
6 Email: thera.cooper@akerman.com

7 *Attorney for Nationstar Mortgage LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 JOEL STOKES and SANDRA F. STOKES, as
trustees of the JIMIACK IRREVOCABLE
11 TRUST,

12 Plaintiff,

13 vs.

14 BANK OF AMERICA, N.A.; SUN CITY
15 ANTHEM COMMUNITY ASSOCIATION,
INC.; DOES I through X and ROE BUSINESS
16 ENTITIES I through X, inclusive,

17 Defendants.

Case No.: A-15-720032-C

Consolidated with: A-16-730078-C

Dept. No.: XXXI

**STIPULATION AND ORDER FOR
DISMISSAL WITHOUT PREJUDICE AS
TO CLAIMS AGAINST OPPORTUNITY
HOMES, LLC AND F. BONDURANT, LLC**

18 NATIONSTAR MORTGAGE, LLC

19 Counter-Claimant,

20 vs.

21 JIMIACK IRREVOCABLE TRUST;
22 OPPORTUNITY HOMES, LLC, a Nevada
limited liability company; F. BONDURANT,
23 LLC, a Nevada limited liability company;
DOES I through X, inclusive; and ROE
CORPORATIONS XI through XX, inclusive,

24 Counter-Defendants.

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

3 vs.

4 JOEL A. STOKES and SANDRA F. STOKES, as
5 trustees of the JIMIACK IRREVOCABLE
TRUST,

6 Counter-Defendants.
7

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

10 vs.

11 SUN CITY ANTHEM COMMUNITY
12 ASSOCIATION, INC., DOES 1-10, AND
ROE CORPORATIONS 1-10, inclusive,

13 Counter-Defendants.
14

15 NONA TOBIN, an individual, and Trustee of the
16 GORDON B. HANSEN TRUST. Dated 8/22/08
Cross-Claimant,

17 vs.

18 OPPORTUNITY HOMES, LLC, THOMAS
LUCAS, Manager,

19 Counter-Defendant.
20

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

23 vs.

24 YUEN K. LEE, an Individual, d/b/a Manager,
F. BONDURANT, LLC,

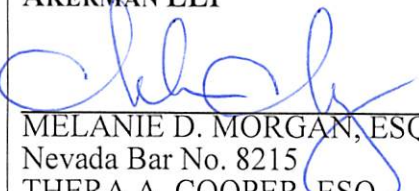
25 Counter-Defendant.
26
27
28

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 Defendant In Intervention/Counterclaimant, Nationstar Mortgage LLC (**Nationstar**), Counter-
2 Defendant Opportunity Homes, LLC (**Opportunity Homes**) and Counter-Defendant F. Bondurant,
3 LLC (**F. Bondurant**), by and through their counsel of record, stipulate to the dismissal of Nationstar's
4 claims against Opportunity Homes and F. Bondurant without prejudice, pursuant to NRCP 41(a)(1).

5 Each party shall bear their own fees and costs.

<p>6 Dated this <u>6</u> day of February, 2019.</p> <p>7 AKERMAN LLP</p> <p>8 </p> <p>9 _____</p> <p>10 MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 THERA A. COOPER, ESQ. Nevada Bar No. 13468 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134</p> <p>11 12 <i>Attorneys for Nationstar Mortgage LLC</i></p>	<p>Dated this ___ day of February, 2019.</p> <p>THE MEDRALA LAW FIRM, LLC</p> <p>_____</p> <p>JAKUB P. MEDRALA, ESQ. Nevada Bar No. 12822 1091 South Cimarron Road, Suite A-1 Las Vegas, Nevada 89145</p> <p><i>Attorney for Opportunity Homes, LLC</i></p>
<p>14 Dated this ___ day of February, 2019.</p> <p>15 HONG & HONG, APLC</p> <p>16 _____</p> <p>17 JOSEPH Y. HONG, ESQ. Nevada Bar No. 5995 1980 Festival Drive, Suite 650 Las Vegas, Nevada 89135</p> <p>18 19 <i>Attorney for F. Bondurant, LLC</i></p>	

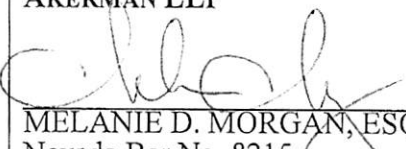

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Defendant In Intervention/Counterclaimant, Nationstar Mortgage LLC (**Nationstar**), Counter-
2 Defendant Opportunity Homes, LLC (**Opportunity Homes**) and Counter-Defendant F. Bondurant,
3 LLC (**F. Bondurant**), by and through their counsel of record, stipulate to the dismissal of Nationstar's
4 claims against Opportunity Homes and F. Bondurant without prejudice, pursuant to NRCP 41(a)(1).

5 Each party shall bear their own fees and costs.

<p>6 Dated this <u>6</u> day of February, 2019.</p> <p>7 AKERMAN LLP</p> <p>8 </p> <p>9 MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 10 THERA A. COOPER, ESQ. Nevada Bar No. 13468 11 1635 Village Center Circle, Suite 200 12 Las Vegas, Nevada 89134</p> <p>13 <i>Attorneys for Nationstar Mortgage LLC</i></p>	<p>Dated this ___ day of February, 2019.</p> <p>THE MEDRALA LAW FIRM, LLC</p> <p>JAKUB P. MEDRALA, ESQ. Nevada Bar No. 12822 1091 South Cimarron Road, Suite A-1 Las Vegas, Nevada 89145</p> <p><i>Attorney for Opportunity Homes, LLC</i></p>
<p>14 Dated this <u>7</u> day of February, 2019.</p> <p>15 HONG & HONG, APLC</p> <p>16 </p> <p>17 JOSEPH Y. HONG, ESQ. Nevada Bar No. 5995 18 1980 Festival Drive, Suite 650 Las Vegas, Nevada 89135</p> <p>19 <i>Attorney for F. Bondurant, LLC</i></p>	

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3 Defendant In Intervention/Counterclaimant, Nationstar Mortgage LLC (**Nationstar**),
4 Counter-Defendant Opportunity Homes, LLC (**Opportunity Homes**) and Counter-Defendant F.
5 Bondurant, LLC (**F. Bondurant**), by and through their counsel of record, stipulate to the dismissal
6 of Nationstar's claims against Opportunity Homes and F. Bondurant without prejudice, pursuant to
7 NRCP 41(a)(1).

8 Each party shall bear their own fees and costs.

9 Dated this ___ day of February, 2019.

10 **AKERMAN LLP**

11
12 MELANIE D. MORGAN, ESQ.
13 Nevada Bar No. 8215
14 THERA A. COOPER, ESQ.
15 Nevada Bar No. 13468
16 1635 Village Center Circle, Suite 200
17 Las Vegas, Nevada 89134

18 *Attorneys for Nationstar Mortgage LLC*

9 Dated this 8th day of February, 2019.

10 **THE MEDRALA LAW FIRM, LLC**

11
12 JAKUB P. MEDRALA, ESQ.
13 Nevada Bar No. 12822
14 1091 South Cimarron Road, Suite A-1
15 Las Vegas, Nevada 89145

16 *Attorney for Opportunity Homes, LLC*

17 Dated this ___ day of February, 2019.

18 **HONG & HONG, APLC**

19
20 JOSEPH Y. HONG, ESQ.
21 Nevada Bar No. 5995
22 1980 Festival Drive, Suite 650
23 Las Vegas, Nevada 89135

24 *Attorney for F. Bondurant, LLC*

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED all claims asserted by Nationstar against Opportunity Homes and F. Bondurant are dismissed without prejudice, with each party to bear their own attorneys' fees and costs.

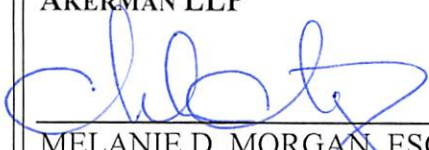
DATED: February 14, 2019

JOANNA S. KISHNER


DISTRICT COURT JUDGE

Respectfully submitted by:

AKERMAN LLP

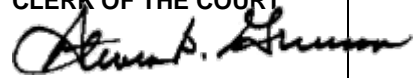

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
THERA A. COOPER, ESQ.
Nevada Bar No. 13468
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134

Attorneys for Nationstar Mortgage LLC

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1 **NTSO**
2 MELANIE D. MORGAN, ESQ.
3 Nevada Bar No. 8215
4 DONNA M. WITTIG, ESQ.
5 Nevada Bar No. 11015
6 AKERMAN LLP
7 1635 Village Center Circle, Suite 200
8 Las Vegas, Nevada 89134
9 (702) 634-5000; Fax: (702) 380-8572
10 melanie.morgan@akerman.com
11 donna.wittig@akerman.com

12 *Attorneys for Defendant in*
13 *Intervention/Counterclaimant, Nationstar*
14 *Mortgage LLC*

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

17 JOEL A. STOKES and SANDRA F. STOKES,
18 as trustees of the JIMI JACK IRREVOCABLE
19 TRUST,

20 Plaintiff,

21 vs.

22 BANK OF AMERICA, N.A.,

23 Defendant,

Case No.: A-15-720032-C

Consolidated with: A-16-730078-C

Dept. No.: XXXI

**AMENDED NOTICE OF ENTRY OF
STIPULATION AND ORDER
REFORMING CAPTION**

24 NATIONSTAR MORTGAGE LLC

25 Counter-Claimant,

26 vs.

27 JIMI JACK IRREVOCABLE TRUST,

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

Counter-Defendants.

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that a **STIPULATION AND ORDER REFORMING CAPTION** was entered on this 12th day of March, 2019 a copy of which is attached hereto as **Exhibit A**. This Amended Notice of Entry of Order is filed to correct the caption on the Notice of Entry of Order filed on March 7, 2019.

Dated: March 12, 2019

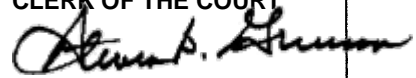
AKERMAN LLP

/s/ Melanie D. Morgan
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG, ESQ.
Nevada Bar No. 11015
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134

*Attorneys for Defendant in
Intervention/Counterclaimant, Nationstar
Mortgage LLC*

EXHIBIT A

EXHIBIT A



1 **SAO**
2 MELANIE D. MORGAN, ESQ.
3 Nevada Bar No. 8215
4 DONNA M. WITTIG, ESQ.
5 Nevada Bar No. 11015
6 AKERMAN LLP
7 1635 Village Center Circle, Suite 200
8 Las Vegas, Nevada 89134
9 (702) 634-5000; Fax: (702) 380-8572
10 melanie.morgan@akerman.com
11 donna.wittig@akerman.com
12 *Attorneys for Nationstar Mortgage LLC*

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

15 JOEL A. STOKES and SANDRA F. STOKES,
16 as trustees of the JIMI JACK IRREVOCABLE
17 TRUST,

18 Plaintiff,

19 vs.

20 BANK OF AMERICA, N.A.,

21 Defendant.

22 NATIONSTAR MORTGAGE LLC

23 Counter-Claimant,

24 vs.

25 JIMI JACK IRREVOCABLE TRUST,

26 Counter-Defendant.

27 NONA TOBIN, an individual, and Trustee of
28 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, INC., YUEN

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

**STIPULATION AND ORDER
REFORMING CAPTION**

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

TC3

1 K. LEE, an Individual, d/b/a Manager, F.
2 BONDURANT, LLC, and DOES 1-10, AND
3 ROE CORPORATIONS 1-10, inclusive,
4
5 Counter-Defendants.

6 Joel A. Stokes and Sandra F. Stokes as Trustees of the Jimijack Irrevocable Trust
7 (**Jimijack Trust**) and Yuen K. Lee d/b/a F. Bondurant, LLC, through their counsel of record,
8 Joseph Y. Hong, Esq. of Hong & Hong; Sun City Anthem Community Association, Inc. (**Sun**
9 **City HOA**), through its counsel of record, David T. Ochoa, Esq. of Lipson Neilson, P.C.;
10 Nationstar Mortgage LLC (**Nationstar**), through its counsel of record, Melanie D. Morgan of
11 Akerman LLP, and Nona Tobin, an individual and Trustee of the Gordon B. Hansen Trust
12 (**Tobin**), through its counsel L. Joe Coppedge of Mushkin Cica Coppedge, stipulate and agree as
13 follows:
14

15 IT IS STIPULATED that the caption be amended to remove Tobin's cross-claims against
16 Opportunity Homes, LLC and Thomas Lucas as a result of this Court's order granting Thomas
17 Lucas and Opportunity Homes, LLCs' motion for summary judgment entered on August 11,
18 2017.

19
20 IT IS FURTHER STIPULATED that the caption be amended to remove Nationstar's
21 claims against Opportunity Homes, LLC and F. Bondurant, LLC as a result of the stipulation and
22 order dismissing these claims entered on February 20, 2019.

23
24 IT IS FURTHER STIPULATED that the caption be amended to remove Jimijack Trust's
25 claims against Sun City HOA as Sun City HOA was never served with Jimijack Trust's
26 complaint.

27 IT IS FURTHER STIPULATED that the caption be amended to remove Nationstar's
28

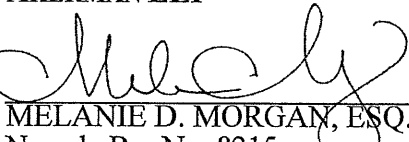
1 claims against DOES I through X, inclusive and ROE CORPORATIONS XI through XX,
2 inclusive.

3 IT IS FURTHER STIPULATED that the caption be amended to remove Jimijack Trust's
4 claims against DOES I through X and ROE BUSINESS ENTITIES I through X.

5
6 DATED February 27, 2019

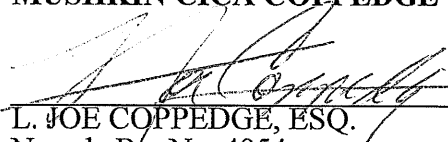
7
8 Dated this 27 day of February, 2019.

9 **AKERMAN LLP**

10 
11 MELANIE D. MORGAN, ESQ.
12 Nevada Bar No. 8215
13 THERA A. COOPER, ESQ.
14 Nevada Bar No. 13468
15 1635 Village Center Circle, Suite 200
16 Las Vegas, Nevada 89134
17 *Attorneys for Nationstar Mortgage LLC*

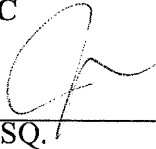
8 Dated this 27 day of February, 2019.

9 **MUSHKIN CICA COPPEDGE**

10 
11 L. JOE COPPEDGE, ESQ.
12 Nevada Bar No. 4954
13 4495 S. Pecos Rd.
14 Las Vegas, Nevada 89121
15 *Attorney for Nona Tobin, an individual and*
16 *Trustee of the Gordon B. Hansen Trust*

15 Dated this 26 day of February, 2019.

16 **HONG & HONG, APLC**

17 
18 JOSEPH Y. HONG, ESQ.
19 Nevada Bar No. 5995
20 1980 Festival Drive, Suite 650
21 Las Vegas, Nevada 89135
22 *Attorney for Joel A. Stokes and Sandra F.*
Stokes as Trustees of the Jimijack Irrevocable
Trust and Yuen K. Lee d/b/a F. Bondurant,
LLC)

15 Dated this ___ day of February, 2019.

16 **LIPSON NEILSON**

17
18 DAVID T. OCHOA, ESQ.
19 Nevada Bar No. 10414
20 9900 Covington Cross Dr., Suite 120
21 Las Vegas, Nevada 89144
22 *Attorney for Sun City Anthem Community*
Association, Inc.

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 claims against DOES I through X, inclusive and ROE CORPORATIONS XI through XX,
2 inclusive.

3 IT IS FURTHER STIPULATED that the caption be amended to remove Jimijack Trust's
4 claims against DOES I through X and ROE BUSINESS ENTITIES I through X.

5
6 DATED February 27, 2019

7 Dated this ___ day of February, 2019.

8 **AKERMAN LLP**

9
10
11 MELANIE D. MORGAN, ESQ.
12 Nevada Bar No. 8215
13 THERA A. COOPER, ESQ.
14 Nevada Bar No. 13468
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Attorneys for Nationstar Mortgage LLC

Dated this ___ day of February, 2019.

MUSHKIN CICA COPPEDGE

11 L. JOE COPPEDGE, ESQ.
12 Nevada Bar No. 4954
13 4495 S. Pecos Rd.
14 Las Vegas, Nevada 89121
*Attorney for Nona Tobin, an individual and
Trustee of the Gordon B. Hansen Trust*


15 Dated this ___ day of February, 2019.

16 **HONG & HONG, APLC**

17
18 JOSEPH Y. HONG, ESQ.
19 Nevada Bar No. 5995
20 1980 Festival Drive, Suite 650
21 Las Vegas, Nevada 89135
*Attorney for Joel A. Stokes and Sandra F.
Stokes as Trustees of the Jimijack Irrevocable
Trust and Yuen K. Lee d/b/a F. Bondurant,
LLC)*

Dated this 27 day of February, 2019.

LIPSON NEILSON

17 
18 DAVID T. OCHOA, ESQ.
19 Nevada Bar No. 10414
20 9900 Covington Cross Dr., Suite 120
21 Las Vegas, Nevada 89144
*Attorney for Sun City Anthem Community
Association, Inc.*

22
23 ////

24 ////

25
26 ////

27 ////

28
////

1 claims against DOES I through X, inclusive and ROE CORPORATIONS XI through XX,
2 inclusive.

3 IT IS FURTHER STIPULATED that the caption be amended to remove Jimijack Trust's
4 claims against DOES I through X and ROE BUSINESS ENTITIES I through X.

5
6 DATED February 27, 2019

7
8 Dated this 27 day of February, 2019.

9 **AKERMAN LLP**

10 

11 MELANIE D. MORGAN, ESQ.

12 Nevada Bar No. 8215

13 THERA A. COOPER, ESQ.

14 Nevada Bar No. 13468

15 1635 Village Center Circle, Suite 200

16 Las Vegas, Nevada 89134

17 *Attorneys for Nationstar Mortgage LLC*

8 Dated this ___ day of February, 2019.

9 **MUSHKIN CICA COPPEDGE**

10 L. JOE COPPEDGE, ESQ.

11 Nevada Bar No. 4954

12 4495 S. Pecos Rd.

13 Las Vegas, Nevada 89121

14 *Attorney for Nona Tobin, an individual and
Trustee of the Gordon B. Hansen Trust*

15 Dated this ___ day of February, 2019.

16 **HONG & HONG, APLC**

17
18 JOSEPH Y. HONG, ESQ.

19 Nevada Bar No. 5995

20 1980 Festival Drive, Suite 650

21 Las Vegas, Nevada 89135

22 *Attorney for Joel A. Stokes and Sandra F.
Stokes as Trustees of the Jimijack Irrevocable
Trust and Yuen K. Lee d/b/a F. Bondurant,
LLC)*

15 Dated this ___ day of February, 2019.

16 **LIPSON NEILSON**

17
18 DAVID T. OCHOA, ESQ.

19 Nevada Bar No. 10414

20 9900 Covington Cross Dr., Suite 120

21 Las Vegas, Nevada 89144

22 *Attorney for Sun City Anthem Community
Association, Inc.*

ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based upon the stipulation of the parties, **IT IS ORDERED** that the caption is amended to remove Tobin's cross-claims against Opportunity Homes, LLC and Thomas Lucas; remove Nationstar's claims against Opportunity Homes, LLC and F. Bondurant, LLC; Jimijack Trust's claims against Sun City HOA, Nationstar's claims against DOES I through X, inclusive and ROE CORPORATIONS XI through XX, inclusive and Jimijack Trust's claims against DOES I through X and ROE BUSINESS ENTITIES I through X.

DATED this 1 day of March, 2019.

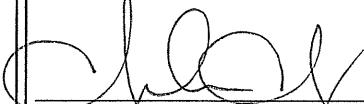


JOANNA S. KISHNER

DISTRICT COURT JUDGE

Respectfully submitted by:

AKERMAN LLP



MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

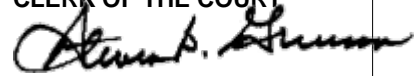
Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Defendant in Intervention/Counterclaimant,

Nationstar Mortgage LLC



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.; 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.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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**

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

Dated this 18th day of April, 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 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

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*

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

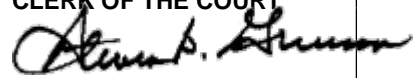
Attorneys for Plaintiff

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.
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
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

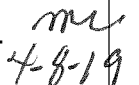
28 JOEL A. STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY

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



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**

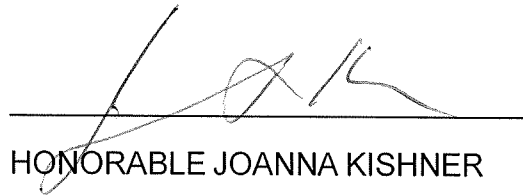
9 The court GRANTS the stipulation of all parties to allow for Cross-Defendant Sun
10 City Anthem Community Association's Motion for Summary Judgment to be heard on its
11 merits, therefore, the Court's Minute Order of March 5, 2019 shall be vacated.

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

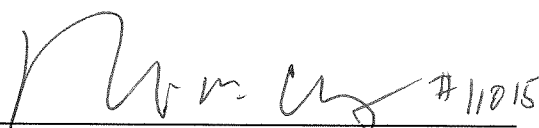

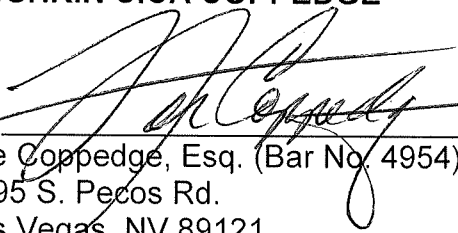
24 Submitted by:

25 **LIPSON NEILSON P.C.**

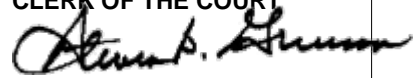
26 
27 _____
28 Kaleb D. Anderson, Esq. (Bar No. 7582)
David T. Ochoa, Esq. (Bar No. 10414)

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>	

23
24
25
26
27
28



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

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,
inclusive,

3 Counter-Defendants.
4

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

8 Dated this 31st day of May, 2019.

9 LIPSON NEILSON P.C.

10
11 */s/ DAVID T. OCHOA*

12 BY: _____

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

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

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

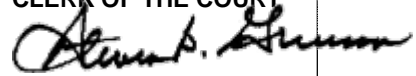
*Attorneys for Cross-Defendant Red Rock
Financial Services, LLC*

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
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
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Counter-Defendants.

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

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

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

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

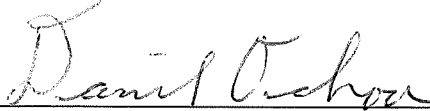
27 HONORABLE JOANNA KISHNER

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
Jimijack 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

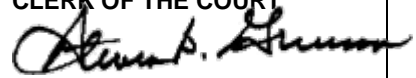
Dated this 29th day of May, 2019

AKERMAN, LLP

By: 

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

Attorneys for Defendants



1 **NESO**
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
2 DONNA M. WITTIG, ESQ.
Nevada Bar No. 11015
3 **AKERMAN LLP**
1635 Village Center Circle, Suite 200
4 Las Vegas, Nevada 89134
Telephone: (702) 634-5000
5 Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
6 Email: donna.wittig@akerman.com

7 *Attorney for Nationstar Mortgage LLC*

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

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

12 Plaintiff,

13 vs.

14 BANK OF AMERICA, N.A.,

15 Defendant.

16 NATIONSTAR MORTGAGE LLC,

17 Counter-Claimant,

18 vs.

19 JIMI JACK IRREVOCABLE TRUST,

20 Counter-Defendant.

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

22 Counter-Claimant,

23 vs.

24 JOEL A. STOKES and SANDRA F. STOKES, as
trustees of the JIMI JACK IRREVOCABLE
TRUST, SUN CITY ANTHEM COMMUNITY
25 ASSOCIATION, INC., YUEN K. LEE, an
individual, d/b/a Manager, F. BONDURANT,
26 LLC, and DOES 1-10, and ROE
CORPORATIONS 1-10, inclusive,

27 Counter-Defendants.
28

Case No.: A-15-720032-C

Consolidated with: A-16-730078-C

Dept. No.: XXXI

**NOTICE OF ENTRY OF STIPULATION
AND ORDER FOR THE DISMISSAL OF
NATIONSTAR MORTGAGE LLC'S
CLAIMS AGAINST JIMI JACK
IRREVOCABLE TRUST WITH
PREJUDICE**

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that a **STIPULATION AND ORDER FOR THE DISMISSAL**
3 **OF NATIONSTAR MORTGAGE LLC'S CLAIMS AGAINST JIMI JACK IRREVOCABLE**
4 **TRUST WITH PREJUDICE** was entered on this 31st day of May, 2019 a copy of which is attached
5 hereto as **Exhibit A.**

6 Dated: May 31, 2019

7 **AKERMAN LLP**

8 */s/ Donna M. Wittig*

9 MELANIE D. MORGAN, ESQ.

10 Nevada Bar No. 8215

11 DONNA M. WITTIG, ESQ.

12 Nevada Bar No. 11015

13 1635 Village Center Circle, Suite 200

14 Las Vegas, Nevada 89134

15 *Attorneys for Nationstar Mortgage LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 31st day of May, 2019, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF STIPULATION AND ORDER FOR THE DISMISSAL OF NATIONSTAR MORTGAGE LLC'S CLAIMS AGAINST JIMI JACK IRREVOCABLE TRUST WITH PREJUDICE**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service

List as follows:

Michael R. Mushkin & Associates

L. Joe Coppedge	joe@mushlaw.com
Karen L. Foley	karen@mushlaw.com
Kimberly Yoder	kyoder@mccnvlaw.com
Michael R. Mushkin	michael@mushlaw.com

Lipson Neilson P.C.

Susana Nutt	snutt@lipsonneilson.com
Renee Rittenhouse	rrittenhouse@lipsonneilson.com
Kaleb Anderson	kanderson@lipsonneilson.com
David Ochoa	dochoa@lipsonneilson.com
Ashley Scott-Johnson	ascott-johnson@lipsonneilson.com

Medrala Law Firm, PLLC

Jakub P Medrala	jmedrala@medralaw.com
Shuchi Patel	spatel@medralaw.com
Office	admin@medralaw.com

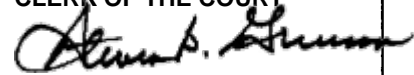
Hong & Hong APLC

Joseph Y. Hong, Esq.	yosuphonglaw@gmail.com
Debbie Batesel	dbhonglaw@gmail.com
Nona Tobin	nonatobin@gmail.com

/s/Patricia Larsen

An employee of AKERMAN LLP

EXHIBIT A



1 **SAO**
2 MELANIE D. MORGAN, ESQ.
3 Nevada Bar No. 8215
4 DONNA M. WITTIG, ESQ.
5 Nevada Bar No. 11015
6 AKERMAN LLP
7 1635 Village Center Circle, Suite 200
8 Las Vegas, Nevada 89134
9 Telephone: (702) 634-5000
10 Facsimile: (702) 380-8572
11 Email: melanie.morgan@akerman.com
12 Email: donna.wittig@akerman.com

13 *Attorney for Nationstar Mortgage LLC*

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

16 JOEL A. STOKES and SANDRA F. STOKES, as
17 trustees of the JIMI JACK IRREVOCABLE
18 TRUST,

19 Plaintiff,

20 vs.

21 BANK OF AMERICA, N.A.,

22 Defendant.

23

NATIONSTAR MORTGAGE LLC,

24 Counter-Claimant,

25 vs.

26 JIMI JACK IRREVOCABLE TRUST,

27 Counter-Defendant.
28

Case No.: A-15-720032-C

Consolidated with: A-16-730078-C

Dept. No.: XXXI

**STIPULATION AND ORDER FOR THE
DISMISSAL OF NATIONSTAR
MORTGAGE LLC'S CLAIMS AGAINST
JIMI JACK IRREVOCABLE TRUST
WITH PREJUDICE**

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

Joel A. Stokes and Sandra F. Stokes, as trustees of the Jimijack Irrevocable Trust
v. Bank of America, N.A., et al.
Case No. A-15-720032-C
Consolidated with A-16-730078-C

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 JIMIACK IRREVOCABLE
TRUST, SUN CITY ANTHEM COMMUNITY
ASSOCIATION, INC., YUEN K. LEE, an
individual, d/b/a Manager, F. BONDURANT,
LLC, and DOES 1-10, and ROE
CORPORATIONS 1-10, inclusive,

Counter-Defendants.

Pursuant to NRCP 41(a)(1)(ii), Defendant in Intervention/Counterclaimant Nationstar Mortgage LLC (**Nationstar**) and Counter-Defendant Jimijack Irrevocable Trust (**Jimijack**), by and through their counsel of record, stipulate to the voluntary dismissal, with prejudice, of all claims asserted by Nationstar against Jimijack in this action, with each party to bear their own fees and costs. This stipulation resolves all claims by and against these parties, as between them, and Nationstar shall be dismissed from this case.

Dated: May 29, 2019.

AKERMAN LLP

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA WITTIG, ESQ.

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Nationstar Mortgage LLC

Dated: May 29, 2019.

HONG & HONG APC

JOSEPH Y. HONG, ESQ.

Nevada Bar No. 5995

1980 Festival Plaza Drive, Suite 650

Las Vegas, Nevada 89135

Attorneys for Jimijack Irrevocable Trust

ORDER

IT IS HEREBY ORDERED, Nationstar claims against Jimijack are dismissed with prejudice, with each party to bear their own fees and costs.

This stipulation resolves all claims by and against these parties, as between them, and Nationstar shall be dismissed from this case.

DATED: Aug 30, 2019.



JOANNA S. KISHNER
DISTRICT COURT JUDGE

Respectfully submitted by:

AKERMAN LLP



MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

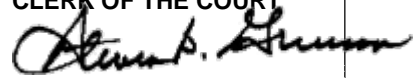
DONNA WITTIG, ESQ.

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Nationstar Mortgage LLC



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

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

22 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

23 ///

24 ///

25 ///

26 ///

27

28

TOBIN 078

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 JIMIJACK*

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.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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,
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.
25
26

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
16
17
18
19

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
17
18
19
20

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
24

1 other than the quiet title claim.⁴ The Stipulation filed on September 17th provided:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
22
23
24

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.

18
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
26

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.

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.
23
24

25 3. "The doctrine of the law of the case cannot be avoided by a more
26
27

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
25
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.
14
15

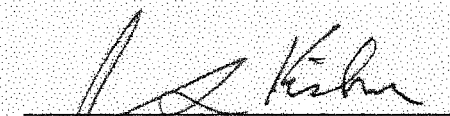
16 **THEREFORE, PURSUANT TO THE ABOVE FINDINGS OF FACT AND**
17 **CONCLUSIONS OF LAW, IT IS HEREBY ORDERED, ADJUDGED, AND**
18 **DECREED** that Judgment shall be entered in favor of Jimijack and Lee and
19 against the Hansen Trust as to all claims alleged against them by the Hansen
20 Trust.
21

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.
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

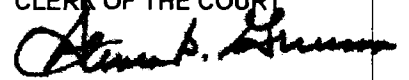
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 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 CLARK COUNTY, NEVADA

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

CASE NO.: A-15-720032-C

Dept. XXXI

Plaintiff,

vs.

NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER

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

Defendants.

18 NATIONSTAR MORTGAGE, LLC

Counter-Claimant,

vs.

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

Counter-Defendants.

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

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

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
 IRREVOCABLE TRUST,
 6 Counter-Defendants.

7 NONA TOBIN, an individual, and Trustee
 8 of the GORDON B. HANSEN TRUST.
 Dated 8/22/08
 9 Cross-Claimant,
 10 vs.
 11 SUN CITY ANTHEM COMMUNITY
 12 ASSOCIATION, INC., DOES 1-10, AND
 ROE CORPORATIONS 1-10, inclusive,
 13 Counter-Defendants.

14 NONA TOBIN, an individual, and Trustee
 15 of the GORDON B. HANSEN TRUST.
 Dated 8/22/08
 16 Cross-Claimant,
 17 vs.
 18 OPPORTUNITY HOMES, LLC, THOMAS
 19 LUCAS, Manager,
 20 Counter-Defendant.

21 NONA TOBIN, an individual, and Trustee
 22 of the GORDON B. HANSEN TRUST.
 Dated 8/22/08
 23 Cross-Claimant,
 24 vs.
 25 YUEN K. LEE, an Individual, d/b/a
 Manager, F. BONDURANT, LLC,
 26 Counter-Defendant.
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Please take notice that the Findings of Fact, Conclusions of Law and Order was filed with this court on the 22nd day of November, 2019, a copy of which is hereto attached as Exhibit "A".

Dated this 22nd day of November, 2019.

LIPSON NEILSON P.C.

/s/ DAVID 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*

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

Lipson Neilson P.C.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2019, service of the foregoing
NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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

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

Attorneys for Defendants

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

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

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

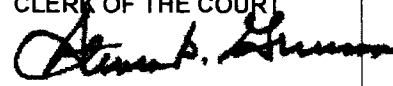
Attorneys for Plaintiff

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

/s/ Juan Cerezo

An Employee of LIPSON NEILSON P.C.

EXHIBIT “A”



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

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

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

CASE NO.: A-15-720032-C
Dept. XXXI

13 Plaintiffs,

14 vs.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

15 BANK OF AMERICA, N.A.,

16 Defendant.

17 NATIONSTAR MORTGAGE, LLC

18 Counter-Claimant,

19 vs.

20 JIMI JACK IRREVOCABLE TRUST,

21 Counter-Defendant.

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

24 Counter-Claimant,

25 vs.

26 JOEL A. STOKES and SANDRA F.
27 STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY
28 ANTHEM COMMUNITY ASSOCIATION.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Counter-Defendants,

On September 3, 2019, the Court heard and considered the following Motions:

- (1) Nona Tobin's Motion for a New Trial Per Rule 54(B) and RULE 59(1)(A)(B)(C)(F) ("Motion for New Trial");
- (2) Nona Tobin's Motion to Dismiss Pursuant to NRS 38.310(2) ("Motion to Dismiss");
- (3) Counterdefendants' Response to Nona Tobin's Motion for New Trial and Motion to Dismiss and Countermotion to Strike from the Record the Rogue Motions and for Attorney's Fees and Costs Pursuant to EDCR Rule 7.6(b)(1) and/or (3);
- (4) Sun City Anthem Community Association's Joinder to Counterdefendants' Response and Sun City Anthem Community Association's Countermotion to Strike Notice of Lis Pendens, for a Vexatious Litigant Order, and for Attorney's Fees Pursuant to NRS 18.010 and EDCR 7.6.

Non Party Nona Tobin appeared on her own behalf; Joseph Hong, Esq. appeared for Counterdefendants Joel A Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust, Yuen K Lee and F. Dondurant, LLC; Kaleb Anderson, Esq. appeared for Sun City Anthem Community Association; and Donna Wittig, Esq. appeared for Nationstar Mortgage, LLC.

Being fully briefed, and the Court having considered the Motions, Oppositions, and Replies, and being fully advised in the premises, finds as follows:

///

///

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

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

FINDINGS OF FACT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Nona Tobin, an individual, is not, and has never been, a party to this case.
2. Nona Tobin's involvement in this case is limited to her role as trustee of the GORDON B. HANSEN TRUST Dated 8/22/08.
3. Nona Tobin, as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08 is represented in this matter by Joe Coppedge Esq.
4. Despite pronouncements from this Court regarding Nona Tobin's status as a non-party in this matter, all parties to the case have perpetuated confusion as to Nona Tobin's status as a party by continuing to make reference to Nona Tobin, as an individual, as a party to the case.
5. Although this Court orally granted a Motion to Withdraw by Attorney Coppedge, no final Order was filed. Pursuant to *Division of Child and Family Services, Dept. of Human Resources, State of Nevada v. Eighth Judicial District Court ex rel. County of Clark*, 120 Nev. 445, 92 P.3d 1239 (2004), the oral pronouncement of the Court is ineffectual without a written, signed, and filed order.
6. On July 23, 2019, Nona Tobin, as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08 filed a Notice of Appeal.
7. On July 22, 2019, Nona Tobin, as an individual, filed a Motion for a New Trial Per Rule 54(B) and RULE 59(1)(A)(B)(C)(F).
8. On July 29, 2019, Nona Tobin, as an individual, filed a Motion to Dismiss Pursuant to NRS 38.310(2).
9. On August 7, 2019, Nona Tobin, as an individual, filed a Notice of Lis Pendens.

///
///
///
///

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSIONS OF LAW

1. Because she is not now, nor has she ever been, as party to this case, Nona Tobin is not authorized to file anything with this court in her individual capacity.
2. The only way Nona Tobin is involved in this matter is in her capacity as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08. In this capacity, she is represented by attorney Joe Coppedge, Esq..
3. Because she is not a party to the case, all documents filed with this Court by Nona Tobin as an individual, are rogue documents and are stricken from the record. This includes both the Motion to Dismiss and Motion for New Trial (and all oppositions or replies) and the Notice of Lis Pendens.
4. In addition to being stricken as rogue documents, the Motion to Dismiss and Motion for a New Trial denied under NRCP 62.1, as there is no relief possible given the pending appeal. *and the lack of authority provided. JLN*
5. Counterdefendants have requested attorney's fees from Nona Tobin as part of their response to the Motion to Dismiss and Motion for a New Trial. Because *inter alia* the Court has no jurisdiction over Nona Tobin as an individual, *the* this Court has *no jurisdiction over her.* *no basis upon which fees could be assessed Agt her. JLN.*
6. Further, all parties to the case have contributed to the confusion regarding Nona Tobin's (as an individual) status in the case, so this Court finds no basis for an award of attorney's fees.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that non-party Nona Tobin's Motion for a New Trial Per Rule 54(B) and RULE 59(1)(A)(B)(C)(F) is stricken from the Record as a rogue document.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that non-party Nona Tobin's Motion to Dismiss Pursuant to NRS 38.310(2) is stricken from the Record as a rogue document.

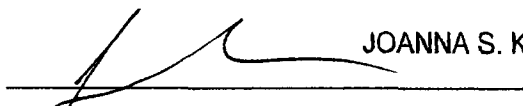
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion to expunge the lis pendens is GRANTED.


IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Counter defendants' Requests for Attorney's fees are denied without prejudice.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Counterdefendant Sun City Anthem Community Association's Counter Motion to have Nona Tobin deemed a vexation litigant is denied *without prejudice.*

Dated this 20 day of ~~October~~ *November*, 2019.


JOANNA S. KISHNER
HONORABLE JOANNA KISHNER

Submitted by:
LIPSON NEILSON, P.C.

By: 
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

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

1 Approved as to form and content

2 Dated this ____ day of October, 2019

3 **AKERMAN, LLP**

4

5 By: Signature waived
6 Melanie D. Morgan, Esq. (Bar No. 8215)
7 1635 Village Center Circle Ste. 200
Las Vegas, NV 89134

8 *Attorneys for Defendants*

9

Dated this 29th day of October, 2019

HONG & HONG

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

*Attorney for Plaintiff/Counterdefendant
Jimijack Irrevocable Trust*

10 Dated this ____ day of October, 2019

11 **MUSHKIN CICA COPPEDGE**

12

13 By: Declined to sign
14 Joe Coppedge, Esq. (Bar No. 4954)
15 4495 S. Pecos Rd.
Las Vegas, NV 89121

16 *Attorney for Nona Tobin*

17

18

19

20

21

22

23

24

25

26

27

28

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