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Owners should ALWAYS come first!

Nationstar Mortgage's Fraud



What is the dispute with Nationstar?

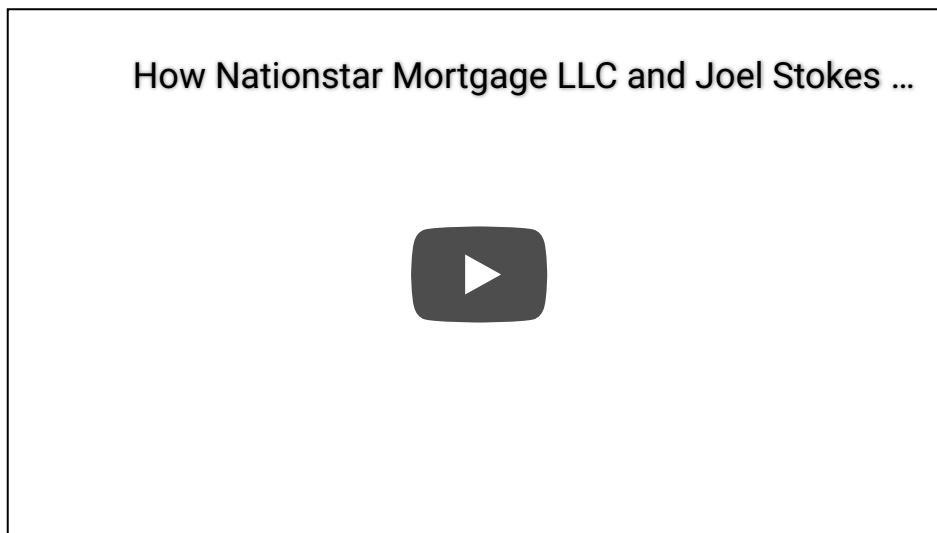
The dispute is over a \$436,000 Western Thrift & Loan Deed of Trust (DOT) executed by Gordon Hansen on 7/15/04. Nationstar serviced the loan beginning on 12/1/13 on behalf of an investor NSM refused to identify.

On 12/1/14, Nationstar recorded a claim that Nationstar was owed the \$389,000 balance that remained outstanding after the borrower's death.

Link to [Nationstar's 12/1/14 claim](#)

Link to [Nationstar's 3/8/19 rescission of its 12/1/14 claim](#)

That Nationstar rescinded its provably false, opportunistic claim didn't stop Nationstar from stealing a house for a debt it was not owed.



Laws implicated when considering appropriate sanctions for Nationstar and its attorneys

BANK FRAUD/RACKETEERING/RECORDING FALSE CLAIMS

1. [NRS 205.330](#) Fraudulent conveyances.
2. [NRS 205.372](#) Mortgage lending fraud; penalties; civil action.

3. [NRS 205.377](#) Multiple transactions involving fraud or deceit in course of enterprise or occupation; penalty.
4. [NRS 205.380](#) Obtaining money, property, rent or labor by false pretenses.
5. [NRS 205.395](#) False representation concerning title; penalties; civil action.
6. [NRS 205.405](#) Falsifying accounts.
7. Racketeering
8. [NRS 207.360](#) “Crime related to racketeering” defined.
9. [NRS 207.400](#) Unlawful acts; penalties.
10. [NRS 207.470](#) actions for damages resulting from racketeering.
11. [NRS 207.480](#) Order of court upon determination of civil liability.
12. [NRS 207.520](#) Limitation of actions.

CONFISCATION OF PROPERTY WITHOUT FORECLOSING

1. [NRS 40.050](#) Mortgage not deemed conveyance.
2. [PUD Rider F. Remedies](#)

ATTORNEY SANCTIONS

(b) **Representations to the Court.** By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Link to [Nevada Rules of Professional Conduct](#)

**IMPLICATED
NV. RULES OF
PROFESSIONAL
CONDUCT**

**Rule 3.1.
Meritorious Claims
and Contentions.**

**Rule 3.3. Candor
Toward the Tribunal
(a)(1)(2)(3)(b)**

**Rule 3.4. Fairness
to Opposing Party
and Counsel(a)(b)**

**Rule 3.5A. Relations
With Opposing
Counsel**

**Rule 4.1.
Truthfulness in
Statements to Others
(a)(b)**

**Rule 4.4. Respect
for Rights of Third
Persons.(a)**

**Rule 8.3. Reporting
Professional
Misconduct.**

**Rule 8.4.
Misconduct(a)(d)**

**No bank foreclosure was ever initiated on the
Hansen deed of trust. Nationstar just stole it.**

Neither servicing bank, (Nationstar succeeded Bank of America as servicing on 12/1/13) foreclosed on the Hansen DOT even though it was in default after Hansen died on 1/14/12.

Had Nationstar been the beneficiary of the DOT, it would have foreclosed or collected the debt by allowing the property to be sold at fair market value. NSM did not record a notice of default on the Hansen DOT.

Nationstar did not allow the property to be sold to MZK for \$367,500 on 5/8/14. Nationstar did not complain when RRFs rejected its 5/28/14 super-priority offer of \$1100 to close the MZK escrow.

Nationstar allowed the property to be sold for \$63,100 while a \$358,800 was pending lender approval .

Then, three months after the HOA foreclosed to collect \$2,000 in delinquent HOA dues, NSM claimed that Bank of America gave NSM the Hansen DOT on 10/23/14.

Nationstar recorded and filed false claims and dismissed all its claims without adjudication

Link to Plaintiff Nationstar's [1/11/16 complaint](#)

Link to Nationstar's [2/20/19 stipulation to dismiss its claims](#)

Link to [Nationstar's 4/12/16 motion to substitute as real party in interest, set aside default and intervene](#)

Link to Nationstar's only other filed claims: [6/2/16 AACC claims against Jimijack](#)

Link to [Counter-claimant Nationstar's 5/31/19 stipulation to dismiss its 6/2/16 claims](#)

Nationstar did not file any claims against Nona Tobin or against the Hansen Trust

Nationstar never refuted any of the claims Nona Tobin asserted against Nationstar, but got away with it by lying to the court

Link to [4/10/19 Nona Tobin opposition to Nationstar's motion for summary judgment vs Jimijack and motions for summary judgment](#) that was stricken from the record unheard due to Nationstar's attorney Melanie Morgan's ex parte misrepresentations to Judge Kishner

Link to [4/17/19 Nona Tobin reply in support of joinder to Nationstar's motion for summary judgment vs Jimijack and motions for summary judgment](#) that was stricken from the record unheard due to Nationstar's attorney Melanie Morgan's ex parte misrepresentations to Judge Kishner

Link to [7/22/19 Nona Tobin motion for a new trial pursuant to NRCP \(b\) and NRCP 59\(a\)\(1\)\(A\)\(B\)\(C\)\(F\)](#) that was stricken from the record unheard due to ALL opposing counsels' misrepresentations to Judge Kishner

Link to [7/29/19 Nona Tobin motion to dismiss Judge Kishner's orders for lack of jurisdiction](#) for Nationstar's and Jimijack's noncompliance with NRS 38.310 that was stricken from the record unheard due to ALL opposing counsels' misrepresentations to Judge Kishner

Link to unheard 4/24/19 MVAC & MSJ [Nona Tobin motion to vacate Judge Kishner's 4/18/19 order that granted Nationstar's limited joinder to the HOA's unwarranted motion for summary judgment pursuant to NRCP 60\(b\)\(3\) fraud on the court and motion for summary judgment vs. all parties](#) that languishes on the record unheard due to ALL opposing counsels' misrepresentations to Judge Kishner about Nona Tobin's right to represent herself.

Nationstar prevailed despite ALL declarations under penalty of perjury support Nona Tobin and not Nationstar, by tricking the court into ignoring all the evidence, such as...

EXHIBITS TO [5/23/19 TOBIN RPLY](#) TO

[SCA 5/2/19 OPPM TO TOBIN MOTION TO RECONSIDER AND](#)

[JIMI JACK'S 5/3/19 JOINDER TO SCA](#) AND

[NSM'S 5/3/19 JOINDER TO SCA](#) OPPM

Exhibit "1"; [April 20, 2019 Tobin declaration](#)

Exhibit "2" [May 11, 2018 and May 13, 2019 Leidy declaration](#)

Exhibit "3" [May 20, 2019 Proudfit declaration](#)

Exhibit "4" [Resident Transaction Reports for 2763 White Sage 2664 Olivia Heights](#)

Exhibit "5" [No valid Board authorization for sale](#)

Exhibit "6" [Proposed Findings of Fact](#)

Exhibit "7" [Authenticated OMBUDSMAN NOS records for 17 foreclosures](#)

Exhibit "8" [2nd NOS for two sales but not for 2763](#)

Exhibit “9” [March 22, 2019 Tobin DECL opposing NSM MSJ vs. Jimijack](#)

Exhibit “10” [April 12, 2019 MSJ v. Jimijack](#)

No affidavits support Nationstar’s claims, but so what?

In its [3/27/17 OMSJ](#), Nationstar claimed that on 12/1/14 Wells Fargo had given NSM the DOT. This was supported by a duplicitous declaration regarding business records.

Link to [3/8/19 Nationstar rescission](#) of its 12/1/14 claim that Bank of America assigned its interest to Nationstar

Link to [3/8/19 Nationstar claim Wells Fargo assigned its interest to Nationstar](#)

In February 2019, Nationstar refused to produce any documents in response to Tobin’s RFDs and interrogatories to prove any of its claims.

On 3/8/19, Nationstar recorded that it rescinded its 12/1/14 claim that it got its interest from Bank of America, and then two hours later recorded that it had Wells Fargo’s undisclosed power of attorney to give Nationstar the authority to assign Wells Fargo’s non-existent interest to Nationstar.

Nationstar produced no proof that it owned the Hansen DOT during two lawsuits over the validity of the HOA sale.

All the evidence Nationstar entered into the record actually proved the opposite, but it was never subjected to judicial scrutiny Nationstar.

The real owner of the Hansen DOT would have supported Tobin’s efforts to void the sale so the DOT would not have survived as it the sale had never happened.

Tobin and Nationstar were initially aligned to get the court to void the HOA sale until Nationstar learned that it would be impossible to foreclose on Tobin since Tobin had put it into the record that she had documents that could prove NATIONSTAR did not have the standing to foreclose.

Nationstar's covert deal with Joel Stokes was solely to prevent the Court from conducting an evidentiary hearing that would have exposed the inconvenient truth that neither Nationstar nor Stokes could prove their claims.

Nationstar was excused from trial by saying all claims had been resolved by Nationstar-Jimiack settlement.

[Link to **Nationstar-Jimijack "settlement which was really a \\$355,000 deal between Civic Financial services and Joel Stokes**](#)

The HOA wrongly foreclosed, but not without Nationstar's assistance.

The banks could have stopped the HOA from foreclosing by recording a Notice of Default (NRS 116.31162(6)).

The HOA sale should have been cancelled when BANA's agent tendered \$825 on 5/9/13 to cure the nine months that were then delinquent.

The HOA sale would have been avoided if the serving banks had not prevented four escrows from closing as escrows instructions were to pay the HOA whatever it demanded.

The HOA sale would have been avoided if Nationstar had not rejected the 5/8/14 \$367,500 www.auction.com sale to MZK Properties.

Nationstar, the servicing bank that is supposed to be a fiduciary, acting on behalf of the investor, turned a blind eye to an 8/15/14 HOA sale for 18% of the \$367,500 www.auction.com sale price that Nationstar had just rejected.

NATIONSTAR does not hold the original Hansen promissory note.

NSM 258-259 is a COPY of the Hansen promissory note that Nationstar entered into the record to trick the Court.

NSM does not have Hansen's original note, but NSM tried to conceal that fact by disclosing a COPY in NSM 258

NRS 52.235 "Original required. To prove the content of a writing, recording or photograph, the original writing, recording or photograph is required, except as otherwise provided in this title."

NSM 26o shows no endorsement of Hansen's note to Nationstar or to ANY of the lender's NSM claims assigned the note to Nationstar.

TOBIN. 3380

3/27/17 NSM filed a DECL that misrepresents its servicing bank record to deceive the court that NSM had no proof it owned the DOT

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Loan#: ██████████ 5261 Acct: N [Inv: CBA Wells Fargo Frst Union 99 000000 Lien: 1
ESTATE OF HANSEN Loan Type/Sub: 03 Conv/Unins / 00 Next Due: 1/01/12
+ Rate: 6.250 UnpaidBal: 389968.02 Pmt: 3203.38
2763 WHITE SAGE DR NPmts Delq: 00006 Delq Amt: 332279.18 P61: 2684.53
HENDERSON NY 89052 Mes: 81: 01 82: 00 83: 02 LPR: 1/03/12 Stat: R
Phone 1: H 989-999-9999 M ██████████ Phone 2: H ██████████ M
FCBA Code: PFP: M/Ext: SCRA: H Behavioral Score: 608 M/Ext:
Potential Del: 004 Eligibility Code: 8 Complaint Risk: Credit Score: 783
Instructions:
BRAND: NSM BORROWERS 001
* Entered By Target Class ----- First Comment -----
██████████
- 01/30/18 MISQPS 01/30/19 CE CHKS:1801636195 DSB AMT: 15.00 DATE
- 01/25/18 ** 01/25/19 PI PROPERTY INSPECTION RESULTS RECEIVED
- 01/26/18 ** 08/00/00 CL PROPERTY INSPECTION COMPLETED
- 01/25/18 MISQPS 01/25/19 CE CHKS:0800000000 DSB AMT: 993.66 DATE
- 01/24/18 ** 01/24/19 PI PROPERTY INSPECTION RESULTS RECEIVED
- 01/25/18 ** 08/00/00 CL PROPERTY INSPECTION COMPLETED
- 01/18/18 MISQPS 01/18/19 CE CHKS:0000000000 DSB AMT: 500.38 DATE
* I-Inquiry, U-Update, C-Clear (Highlighted lines show the Uncleared items) *
Page Up/Dn F1-Detail Conn. F2-Excl Cleared F4-List F5-Exec Conn
F7-Next Loan F8-Prv Loan F9-Loan Info F10-Add F11-Dep Header
F12-Return F13-Door F15-Delq Hist
  
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NSM0261

All Nationstar's and Bank of America's recorded actions affecting the Hansen deed of trust are fraudulent

All Nationstar's disclosures in discovery were deceptive and fraudulent

Link to [12/26/18 Nona Tobin's statement of claims vs Nationstar](#)

Link to [2/9/18 Nationstar Individual Case Conference Report and initial disclosures](#)

Link to [2/7/19 Nationstar 1st supplemental disclosures](#)

Link to [2/12/19 Nationstar 2nd supplemental disclosures](#)

Link to [2/27/19 Nationstar 3rd supplemental disclosures](#)

Link to [3/12/19 Nationstar 4th supplemental disclosures](#) (served two weeks after discovery ended on 2/28/19)

Nationstar refused to produce any documents requested in discovery

Link to [2/21/19 Nationstar response to Nona Tobin's request for documents](#)

Link to [2/21/19 Nationstar response to Nona Tobin's interrogatories](#)

Link to [2/28/19 Nationstar 1st supplemental response to Nona Tobin's request for documents](#)

Link to [2/28/19 Nationstar 1st supplemental response to Nona Tobin's interrogatories](#)

Wells Fargo did not assign anything to Nationstar.

Page 7 is Morgan's totally deceptive ploy to obfuscate the fact that Nationstar has no valid claim to be the beneficiary.

Servicing banks (those that handle the paperwork on behalf of the “beneficiary” who is the investor to whom the debt is actually owed).

The dispute with Nationstar is not because Nationstar wrongly foreclosed on the Hansen deed of trust.

The dispute is caused by:

1. Both BANA & Nationstar obstructing multiple fair market value, arms-length sales, approved by the Hansen Estate.
2. Nationstar's letting the HOA foreclose without notice for 18% of the \$367,500 www.auction.com sale that Nationstar had just rejected, and then
3. After the Hansen DOT was extinguished by the HOA foreclosure, Nationstar lied on the record about being owed the \$389,000 outstanding balance on Hansen's DOT.
4. According to NRS 107.28, (2.) A trustee under a deed of trust must not be the beneficiary of the deed of trust for the purposes of exercising the power of sale pursuant to NRS 107.080, but Nationstar claimed to be both the beneficiary and the trustee – when it was neither – and reconveyed the property to Joel Stokes on 6/3/19 to steal the house from Nona Tobin
5. The Clark County Recorder's Office Property Record shows NSM began recording conflicting claims on 12/1/14, more than three months after the HOA sale.
6. Nationstar lied in its 1/11/16 complaint to say that some unspecified entity had assigned its interest to Nationstar on 2/4/11
7. BANA & NSM recorded 11 claims regarding the Hansen DOT, but neither ever recorded a Notice of Default, the mandatory condition precedent to the trustee's executing the power of sale on behalf of the beneficiary.
8. No bank has the right to confiscate a property without foreclosing by following the notice and due process steps defined in NRS 107.080, as amended by AB 284 (2011), Nevada's anti-foreclosure fraud law.

[Link to Nationstar's former attorney Robin Wright's white paper on the affidavit requirements of AB 284 \(2011\)](#)

[Link to ANTI-FORECLOSURE FRAUD LAW AB 284 \(2011\) and legislative digest](#)



Nona Tobin / March 21, 2021 / A-19-799890-C, Complaints, Criminal, Fraud on the Court, mortgage servicing fraud, PUD Rider scam /

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Nevada Commission on Judicial Discipline Complaint

Is justice blind or blinded by power or pals?



Download this single-page NCJD letter. It includes all 16 attachments listed below are part of one PDF: [2012-026 NCJD NEVADA COMMISSION ON JUDICIAL DISCIPLINE CASE 2021-026](#)

Complaint to the Nevada Commission on Judici...

TOBIN. 3387



ATTACHMENT 1 NV CODE OF JUDICIAL DISCIPLINE EXCERPTS

ATTACHMENT 2 NCJD OUTLINE OF CLAIMS VS. KISHNER

ATTACHMENT 3 1/28/NCJD COMPLAINT VS. KISHNER

ATTACHMENT 4 UNHEARD MSJ VS. JIMI JACK

ATTACHMENT 5 UNHEARD MSJ VS. ALL

ATTACHMENT 6 EVIDENCE STRICKEN EX PARTE

**ATTACHMENT 7 NOTICE OF TOBIN- HANSEN TRUST COMPLETION OF
MEDIATION**

ATTACHMENT 8 4/14/19 NONA TOBIN DECL VS. NATIONSTAR

[ATTACHMENT 9](#) 3/14/19 COMPLAINT TO THE NV ATTORNEY GENERAL

[ATTACHMENT 10](#) 11/10/20 2ND COMPLAINT TO THE NV ATTORNEY GENERAL

[ATTACHMENT 11](#) EX PARTE MINUTES

[ATTACHMENT 12](#) EX PARTE TRANSCRIPT

[ATTACHMENT 13](#) RECORDED FRAUD BY NATIONSTAR

[ATTACHMENT 14](#) EX PARTE 001-005 KISHNER

[ATTACHMENT 15](#) OBSTRUCTION OF FORCED LITIGATION

[ATTACHMENT 16](#) EX PARTE STRICKEN NOT HEARD

Link to YouTube channel [Judicial Jiu-jitsu](#)

Nevada state courts are rigged



Video 9 in the *Fraud on the Court* series; “Nevada state courts are rigged”

Failure of Nevada civil courts to address white collar crime



Video 6 in the *Fraud on the Court* series: “Failure of Nevada civil courts to address white collar crime”



nonatobin / March 13, 2021 / attorney malpractice, Complaints, Ethics, Fraud on the Court, Rule of law / Judge Joanna Kishner, NCJD /

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Nevada Rules of Civil Procedure

NEVADA RULES OF CIVIL PROCEDURE
ADOPTED
BY THE
SUPREME COURT OF NEVADA

Effective January 1, 1953
and Including
Amendments Through October 19, 2019

Link to [Nevada Rules of Civil Procedure PDF](#) as revised through 10/19/19



nonatobin / March 18, 2021 / Rule of law / NRCP /

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Nevada Rules of Professional Conduct

NEVADA RULES OF PROFESSIONAL CONDUCT

ADOPTED
BY THE
SUPREME COURT OF NEVADA

Effective May 1, 2006
and Including
Amendments Through October 19, 2019

**Link to PDF [Nevada Rules of Professional Conduct](#)
revised to 10/19/19**

NEVADA RULES OF PROFESSIONAL CONDUCT IMPLICATED PROVISIONS

Rule 1.0. Terminology.

(c) “Firm” or “law firm” denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization.

(d) “Fraud” or “fraudulent” denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

(f) “Knowingly,” “known,” or “knows” denotes actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.

(g) “Partner” denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.

(h) “Reasonable” or “reasonably” when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.

(i) “Reasonable belief” or “reasonably believes” when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.

(j) “Reasonably should know” when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.

(l) “Substantial” when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(m) “Tribunal” denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or

legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and electronic communications. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

(o) "Organization" when used in reference to "organization as client" denotes any constituent of the organization, whether inside or outside counsel, who supervises, directs, or regularly consults with the lawyer concerning the organization's legal matters unless otherwise defined in the Rule.

Rule 3.1. Meritorious Claims and Contentions.

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous

Rule 3.3. Candor Toward the Tribunal.

(a) A lawyer shall not knowingly:

(1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) Offer evidence that the lawyer knows to be false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

Rule 3.4. Fairness to Opposing Party and Counsel. **A lawyer shall not:**

(a) Unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) Falsify evidence,

(d) In pretrial procedure, ... fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;

Rule 3.5. Impartiality and Decorum of the Tribunal

(a) A lawyer shall not seek to influence a judge, juror, prospective juror or other official by means prohibited by law.

(b) A lawyer shall not communicate ex parte with a judge, juror, prospective juror or other official except as permitted by law.

Rule 4.1. Truthfulness in Statements to Others.

In the course of representing a client a lawyer shall not knowingly:

(a) Make a false statement of material fact or law to a third person; or

(b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Rule 4.4. Respect for Rights of Third Persons.

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

Rule 5.1. Responsibilities of Partners, Managers, and Supervisory Lawyers.

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) The lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) The lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Rule 5.2. Responsibilities of a Subordinate Lawyer.

(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.3. Reporting Professional Misconduct.

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.



Nona Tobin / March 18, 2021 / Ethics, Rule of law / NRPC /

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Nona Tobin Declaration Under Penalty of Perjury

I, Nona Tobin, under penalty of perjury, state as follows:

I have personal knowledge of the facts stated herein, except for those facts stated to be based upon information and belief. If called to do so, I would truthfully and competently testify to the facts stated herein.

I am submitting the documentary evidence based on my personal knowledge, research, analysis, and/or experience.

I was forced into this litigation because Sun City Anthem attorney David Ochoa unilaterally obstructed my access to [SCA CC&Rs XVI: Limits on Litigation](#) alternative dispute resolution

See my [3/22/17 offer to settle at no cost](#) to me or to the HOA that David Ochoa rejected, upon information and belief, based on his own imaginary authority or through consultation with HOA community managers, Sandy Seddon and/or Lori Martin.

My involvement with the courts in Nevada has 100% been a thus-far futile attempt to regain title to a house that was wrongly foreclosed and secretly sold by Red Rock Financial Services on 8/15/14, three months after I had approved a sale to the high bidder on auction.com.

Upon information and belief, the extreme abuse to which I have been subjected is only understandable if the opposing counsels are aiding and abetting their clients' criminal actions, covering up their clients' misdeed, and/or for their own unjust enrichment.

I have made the following videos and posted them on You-tube in an effort to simplify and publish the massive amount of evidence I have to support my claims that heretofore these attorneys have successfully suppressed and blocked from judicial scrutiny.

VIDEO 1:20-minute VIDEO [How did Nona Tobin lose the \\$500,000 house she inherited from Bruce Hansen?](#)

4:52-minute VIDEO ["How lenders cheat owners out of their houses"](#)

Over the last five years, no judge has looked at any evidence in district court cases A-15-720032-C, A-16-730078-C, or A-19-798990-C

7:39-minute VIDEO ["Complaint to the Nevada Commission on Judicial Discipline vs. Judge Kishner"](#)

2:08-minute VIDEO ["Is justice blind or is it just blinded by power or pals?"](#)

1:44-minute VIDEO ["Please Judge Johnson"](#)

3:50-minute VIDEO ["What evidence supports Nona Tobin's claims?" – Craig Leidy declaration"](#)

1:56-minute VIDEO ["All declarations under penalty of perjury support Nona Tobin"](#)

["When all statements under oath support Nona Tobin, why does she keep losing?"](#) 3-page blogpost with links to all declarations made under penalty of perjury.

Over the last five years, every opposing counsel lied to the court.

presented false evidence, concealed and misrepresented material facts, and obstructed a fair adjudication of my claims on their merits.

2:48-minute VIDEO “[Who started it?](#)”

5:53-minute VIDEO “[Joseph Hong’s big ex parte lies](#)”

1:41-minute VIDEO “[Plaintiffs did not meet their burden of proof](#)”

6:33-minute VIDEO “[Nationstar lied about being owed \\$389,000](#)”

1:22-minute VIDEO “[Joseph Hong dupes Judge Johnson](#)”

1:33-minute VIDEO “[Judicial Jiu-Jitsu is fraud on the court](#)”

3:09-minute VIDEO “[Nationstar kept changing its story to cover up the lie](#)”

2:05-minute VIDEO “[Failure of Nevada civil courts to address white collar crime](#)”

17:53-minute VIDEO “[Specific evidence of fraud against Nationstar](#)”

2:46-minute VIDEO “[How Nationstar & Jimijack tricked the court into excluding all evidence](#)”

1:37-minute VIDEO “[Nevada state courts are rigged](#)”

3:58-minute VIDEO “[Remember Joseph Hong?](#)”

3:36-minute VIDEO “[Why did Quicken secure a house that was already mortgaged?](#)”

2:24-minute VIDEO “[What does it take to get disbarred in Nevada?](#)”

2:59-minute VIDEO “[Nationstar plays the IOU trick to steal from Nona Tobin](#)”

1:52-minute VIDEO “[What kind of legal entity is Jimijack Irrevocable Trust?](#)”

1:01-minute VIDEO “[What is Jimijack Irrevocable Trust?](#)”

4:52-minute VIDEO “[How lenders cheat owners out of their houses](#)”

6:18-minute VIDEO “[Nationstar and Joel Stokes stole my \\$500,000 house](#)”

0:50-minute VIDEO “[10 reasons why to sanction Joseph Hong](#)”

7:39-minute VIDEO “[Complaint to the Nevada Commission on Judicial Discipline vs. Judge Kishner](#)”

1:01-minute VIDEO “[A Simple Fable: Nationstar’s & Jimijack’s duel to the death](#)”

Actual damages to me personally

The consequences of this successful fraud perpetrated primarily by attorneys:

1. The title to a \$500,000 house was taken from me by a fraudulently conducted-unnoticed foreclosure sale,
2. Nationstar stole from me the \$389,000 outstanding Western Thrift & Loan debt of deceased borrower Gordon Hansen that I did not owe to anyone and was not owed to Nationstar by anyone,
3. Joel and Sandra Stokes kept \$100,000+ in over five years of rental profits that belong to me,
4. Red Rock attorneys Koch & Scow retained \$60,000 that they refused to distribute to me in 2014 and has now accrued plus six years of interest and costs to pursue my claim against massive obstruction
5. I have been forced to expend tens of thousands of dollars on litigation costs and thousands of hours of personal time to attempt to recover what was stolen from

me.

2:38-minute VIDEO “[What happened after Sun City Anthem refused Nona Tobin’s 2017 offer to settle?](#)“

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

Dated this 21st day of March 2021,

A handwritten signature in black ink, appearing to read "nona J. Tobin". The signature is written in a cursive style with a horizontal line underneath.

Nona Tobin



Nona Tobin / March 21, 2021 / Agents' wrongdoing, attorney malpractice, Complaints, Video / Under Oath /

SCA Strong / Proudly powered by WordPress

SCA Strong

Owners should ALWAYS come first!

NONA TOBIN'S 3/15/21 REQUEST FOR JUDICIAL NOTICE

LINK TO [PDF OF 3/15/21 FILED RFJN](#)

Exhibits 1-13 are all recorded claims recorded from 2003 to the present, organized by instrument number and year:

1. [2003 recorded claims](#)
2. [2004 recorded claims](#)
3. [2007 recorded claims](#)
4. [2008 recorded claims](#)
5. [2012 recorded claims](#)
6. [2013 recorded claims](#)
7. [2014 recorded claims](#)
8. [2015 recorded claims](#)
9. [2016 recorded claims](#)
10. [2017 recorded claims](#)
11. [2019 recorded claims](#)
12. [2020 recorded claims](#)
13. [2021 recorded claims](#)

EXHIBIT 1 2003

200307310004442	DEED/ HANSEN, H & W DISCLOSED AS NSM 113-116 TOBIN. 3404
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200307310004443	POWER OF ATTORNEY/ HANSEN DISCLOSED AS NSM 117-120 NOTABLE BECAUSE IT IS THE ONLY POWER OF ATTORNEY IN THE WHOLE RECORD
200307310004444	DEED OF TRUST/ \$310,600 CITY 1ST MORT TO HANSEN, H & W
200309100000588	DEED OF TRUST/ 7/31/03 ASSIGN
200311200004030	DEED OF TRUST/ WF 2ND \$55K

EXHIBIT 2 2004

200406110005547 DEED/ DIVORCE TO G HANSEN DISCLOSED AS NSM 141-144

200407220003507 DEED OF TRUST/ G HANSEN \$436K WESTERN THRIFT
DISCLOSED AS NSM 145-161

NSM 160 IS THE **PUD RIDER REMEDIES** SECTION F. THAT PROHIBITS LENDERS
FROM TRANSFORMING THE PAYMENT OF DELINQUENT HOA DUES INTO A DE
FACTO FORECLOSURE WITHOUT DUE PROCESS.

200408170002284 RECONVEYANCE/ 11/20/03 WF 2 G HANSEN

200408310007563 SUBSTITUTION/ RECONVEYANCE 7/31/03 \$310,600 PIF

200409010007297 HOMESTEAD/ G HANSEN DISCLOSED AS NSM 162

EXHIBIT 3 2007

<p>200705100001127</p>	<p>DEED OF TRUST/ 5/10/07 2ND OPEN-ENDED DOT \$31,600 TO G HANSEN.</p> <p>THIS WAS WELLS FARGO'S ONLY RECORDED LIEN RELATED TO GORDON B. HANSEN, AN UNMARRIED MAN.</p> <p>NOT DISCLOSED BY NATIONSTAR OR BY RED ROCK FINANCIAL SERVICES.</p>
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EXHIBIT 4 2008

<p>200808270003627</p>	<p>DEED/ 8/27/08 GORDON HANSEN TO GORDON B HANSEN TRUST, DATED 8/22/08.</p> <p>GORDON B. HANSEN WAS THE TRUSTEE UNTIL HIS DEATH ON 1/14/12 AT WHICH TIME</p> <p>NONA TOBIN BECAME THE SOLE SUCCESSOR TRUSTEE, & WAS A 50% CO-BENEFICIARY WITH STEVE HANSEN</p> <p>UNTIL STEVE DISCLAIMED HIS INTEREST ON 3/27/17.</p>
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EXHIBIT 5 2012

201212140001338

LIEN/ RED ROCK RECORDED ON
12/14/12
RED ROCK UNAUTHORIZED DEMAND
FOR \$925.76.

DISCLOSED AS NSM 169

DISPUTED BECAUSE
LIEN WAS RECORDED WITH NO
NOTICE
WHEN ONLY \$275 ASSESSMENTS FOR
10/1/12-12/31/12 WERE DELINQUENT.

ONLY A \$25 LATE FEE WAS
AUTHORIZED.
RED ROCK ADDED \$625.76 UNEARNED,
UNLAWFUL FEES.

LIEN WAS PREDATORY.
PROPERTY WAS IN SPARKMAN
ESCROW FROM 8/10/12.

TICOR TITLE HAD INSTRUCTIONS TO
PAY THE HOA IN FULL AT CLOSE OF
ESCROW.

SEE [RRFS 401](#) P/O REQUEST RED ROCK
RECEIVED ONE DAY BEFORE LIEN WAS
RECORD.

EXHIBIT 6 2013

201303120000847

HOA 3/12/13 NOTICE OF \$2,475.35
DEFAULT

DISCLOSED AS NSM 170.

DISPUTED BECAUSE DEFAULT NOTICE

1. INACCURATELY DESCRIBES THE
DEFAULT;

2. THE AMOUNT OWED IS WRONG;

3. THERE WERE PAYMENTS AFTER
7/1/12

(SEE RRFS 402 AND SCA 618), AND

4. 3/12/13 NOTICE OF DEFAULT WAS
RESCINDED AND SO IT HAD NO LEGAL
EXISTENCE;

5. RED ROCK RECITED THE RESCINDED
NOTICE OF DEFAULT ON THE 8/22/14
FORECLOSURE DEED.

201304030001569

4/3/13 RESCISSION HOA 3/12/13 NOTICE
OF \$2,475.35 DEFAULT

DISCLOSED AS NSM 171.

DISPUTED BECAUSE RED ROCK
CHARGED UNAUTHORIZED FEES FOR
RECORDING AND RESCINDING THE
3/12/13 NOTICE OF DEFAULT BASED ON
ITS OWN ERRORS.

SEE [SCA 415-416 ANNOTATED](#) AND
[RRFS 218-219](#)

201304080001087

HOA 4/8/13 NOTICE OF \$2,752.66
DEFAULT

DISCLOSED AS NSM 172

HOA 4/8/13 NOTICE OF DEFAULT
DISPUTED BECAUSE:

1. IT INACCURATELY DESCRIBES THE
DEFAULT;

2. THE AMOUNT IS WRONG;

3. THERE WERE PAYMENTS AFTER
7/1/12;

(SEE [RRFS 402](#) AND [SCA 618](#));

4. THE 8/22/14 FORECLOSURE DEED
DID NOT RECITE IT;

5. RED ROCK KNEW NO COLLECTION
ACTION WAS NECESSARY BECAUSE IT
WAS IN ESCROW.

6. RED ROCK COVERTLY REJECTED THE
BANK'S TENDER OF \$825 WHEN \$825
OF ASSESSMENTS WERE DELINQUENT.

RED ROCK HAD RESPONDED TO TWO
REQUESTS FOR PAY OFF FIGURES
FROM TICOR TITLE, 12/13/12 (THE DAY
BEFORE RED ROCK RECORDED THE
RIDICULOUS LIEN & ON 1/13/16, A
WEEK AFTER RED ROCK NOTIFIED THE
OWNER ON 1/3/13 THAT A LIEN HAD
BEEN RECORDED ON 12/14/12..

SEE [RRFS 401](#) P/O REQUEST RED ROCK
RECEIVED ONE DAY BEFORE LIEN WAS
RECORD.

SEE [RRFS 369-375](#) 1/16/13 PAY OFF

DEMAND TO TICOR TITLE FOR
TOBIN. 3409

\$1,451.75.

TICOR TITLE HAD INSTRUCTIONS TO PAY THE HOA IN FULL AT CLOSE OF ESCROW.

4/8/13 RED ROCK RECEIVED PAY-OFF REQUEST FROM MILES BAUER, BANK OF AMERICA'S (BANA'S) AGENT,

SEE [RRFS 367-368](#) RED ROCK'S 2/5/13 "COURTESY NOTICE" TO OWNER THAT DOES NOT SPECIFY WHAT IS OWED, JUST THREATENS TO ADD \$825 TO THE UNKNOWN BALANCE IF RED ROCK IS NOT PAID WHATEVER IT DEMANDS IN 10 DAYS.

BY 4/8/13. RED ROCK COVERTLY REJECTED BANA'S AGENT'S 5/8/13 CHECK FOR \$825

SEE [RRFS 312-326](#) FOR MILES BAUER PAY OFF REQUEST.

\$825 WAS DUE AND OWING FOR THE NINE MONTHS OF ASSESSMENTS DUE FOR 10/1/12-6/30/13 QUARTERS.

SCA 415

RED ROCK RESPONDED TO A THIRD TICOR TITLE REQUEST FOR PAY OFF FIGURES ON 5/29/13.

SEE [RRFS 305-311](#) FOR RED ROCK'S DEMAND FOR \$3,055.47 .

ON 6/4/13, TICOR TITLE ESCROW PREPARED A HUD-1 TO PAY THE HOA \$3,055.47 AS RED ROCK DEMANDED. SEE [HUD-1 LINE 1309, PAGE 2](#)

BANK OF AMERICA COMMITTED MORTGAGE SERVICING FRAUD WHEN IT REJECTED THE MAZZEO'S \$395,000 OFFER THAT WOULD HAVE LET THE HOA / RED ROCK BE PAID \$3,055.47 AT CLOSE OF ESCROW AFTER BANK OF AMERICA'S AGENT COVERTLY TENDERED \$825 TO RED ROCK TO CIRCUMVENT THE PUD RIDER IN ORDER TO SCREW THE OWNER OUT OF HER PROPERTY.

SINCE THE BANK WOULDN'T ALLOW THE PROPERTY TO BE SOLD AT FAIR MARKET VALUE, THE HOA DID NOT GET ANY OF THE \$3,055.47 RED ROCK DEMANDED ON 5/29/13.

SINCE RED ROCK COVERTLY REJECTED BANA'S 5/8/13 COVERT TENDER OF \$825, THE EXISTING ACTUAL DEFAULT OF \$825 WAS UNFAIRLY NOT CURED, AND RED ROCK CONTINUED TO ADD FEES TO CREATE A DEFAULT THAT DID NOT EXIST.

201309230001369

LIEN \$264.49 REPUBLIC SERVICES
DISCLOSED AS RRFs 185.

TOBIN. 3411

RED ROCK CONCEALED THE 3/30/17
LIEN RELEASE.

EXHIBIT 7 2014

201402120001527

NOTICE OF 3/7/14 HOA SALE \$5,081.45
DEMANDED AS OF 2/11/14 DISCLOSED
AS NSM 173-174 DISPUTED BECAUSE
THE 3/7/14 SALE WAS CANCELLED AT
BECAUSE NONA TOBIN HAD ON 3/4/14
ACCEPTED A \$340,000 CASH OFFER.
ON 3/28/14, RED ROCK RESPONDED TO
A 3/18/14 REQUEST FOR PAYOFF
FIGURES FROM CHCAGO TITLE, BUT
CONCEALED THEIR 3/28/14 DEMAND
FOR \$4,962.64 AND CONCEALED THE
3/6/14 PRELIMINARY TITLE REPORT.
ON 4/18/14, NATIONSTAR REJECTED
THE \$340,000 CASH OFFER AND
REQUIRED THE PROPERTY BE POSTED
ON AUCTION.COM FROM 5/4/14-5/8/14.
ON 5/8/14, NONA TOBIN ACCEPTED
THE \$367,500 HIGH BID BY MZK
PROPERTIES, LLC. ON 6/2/14, THE
NRED OMBUDSMAN STAFF RECORDED
THAT ON 5/15/14 THE OMBUDSMAN
RECEIVED NOTICE THAT THE 2/12/14
NOTICE OF SALE WAS CANCELLED AND
THE 5/15/14 TRUSTEE SALE WAS
CANCELLED AND "THE OWNER

RETAINED” RED ROCK PRODUCED (SCA
302 AND RRFS)AN EQUATOR MESSAGE

201405060004357	LIEN \$253.50 REPUBLIC SERVICES DISCLOSED AS RRFS 070
201408220002548	DEED HOA FORECLOSURE TO OPPORTUNTY HOMES LLC DISCLOSED AS NSM 175-177 \$63,100 SALE PRICE AFTER NATIONSTAR REJECTED \$340,000 CASH OFFER SIGNED BY NONA TOBIN ON 3/4/14 AND NATIONSTAR REJECTED \$367,500 AUCTION.COM HIGH BID ACCEPTED BY TOBIN ON 5/8/14 NATIONSTAR IGNORED NONA TOBIN ‘S HAVING A \$358,800 OFFER IN HAND PENDING LENDER APPROVAL SINCE 7/26/14. NATIONSTAR FRAUDULENTLY ASSERTED IN ITS 2/12/19 LIMITED JOINDER AND ITS 3/21/19 MOTION FOR SUMMARY JUDGMENT VS. JIMI JACK THAT THE HOA SALE WAS VOID, AS TO NATIONSTAR’S SECURITY

INSTRUMENT (7/22/04 HANSEN DEED OF TRUST),
DUE TO RED ROCK'S COVERT REJECTION OF THE 5/9/13 \$825 MILES BAUER TENDER, EVEN THOUGH NATIONSTAR WAS NOT BANK OF AMERICA'S SUCCESSOR IN INTEREST.

NATIONSTAR IGNORED NSM 160, PUD RIDER REMEDIES CONTRACT PROVISION,
TO FRAUDULENTLY CLAIM THAT THE SALE WAS VALID TO EXTINGUISH THE OWNER'S TITLE RIGHTS.

NATIONSTAR CONCEALED IN DISCOVERY ([SCA 302](#) AND [RRFS 119](#)) THAT WAS A 5/28/14 EQUATOR MESSAGE FROM NATIONSTAR TO CRAIG LEIDY OFFERING \$1,100 TO CLOSE THE 5/8/14 AUCTION.COM ESCROW.

KOCH & SCOW AND SCA PRODUCED FALSIFIED DOCUMENTS THAT SHOWED THEIR CONSPIRACY TO CONCEAL RED ROCK'S FRAUDULENT MISREPRESENTATION OF THE 5/28/14 OFFER.

SEE [SCA 277 ANNOTATED](#) AND [RRFS 095](#).

MORE OF RED ROCK'S FALSIFICATION OF THE RECORD WILL BE PRODUCED
TOBIN. 3414

IN A SEPARATE REQUEST FOR JUDICIAL NOTICE TO SUPPORT THE MOTION FOR SANCTIONS AGAINST COUNTER-DEFENDANT RED ROCK, AGAINST CROSS-DEFENDANT NATIONSTAR, AND AGAINST THIRD PARTIES TO BE NAMED IN THIRD PARTY COMPLAINTS TO BE FILED BY 3/19/21 INTO CASE A-21-82840-C.

201409090000974

DEED OF TRUST 9/9/14 ASSIGN OF 7/22/04 HANSEN DOT FROM BANA 2 WELLS FARGO BY BANA

DISCLOSED AS NSM 178-179 SO NATIONSTAR KNEW BANA HAD NO INTEREST IN THE 7/22/04 DOT TO ASSIGN AFTER 9/9/14.

201412010000518

DEED OF TRUST 12/1/14 ASSIGNMENT OF THE 7/22/04 HANSEN DEED OF TRUST FROM BANA 2 NATIONSTAR BY NATIONSTAR.

DISCLOSED AS NSM 180-181 EVEN THOUGH IT IS OBVIOUS FROM NSM 178-179 THAT NATIONSTAR KNEW THAT BANA HAD NO INTEREST TO ASSIGN TO NATIONSTAR AFTER 9/9/14.

NATIONSTAR KNEW IT WAS CAUGHT RECORDING FALSE CLAIMS TO TITLE DURING DISCOVERY BY THE LACK OF CANDOR IN NATIONSTAR'S RESPONSES TO TOBIN'S INTERROGATORIES AND REQUESTS FOR PRODUCTION.

ON 3/8/19, NATIONSTAR RESCINDED THIS BOGUS ASSIGNMENT, REMOVING ANY POSSIBLE CLAIM THAT NATIONSTAR WAS THE SUCCESSOR IN INTEREST TO BANA AS THE BENEFICIARY OF THE 7/22/04 HANSEN DEED OF TRUST.

NEVERTHELESS, ON 6/3/19, NATIONSTAR FRAUDULENTLY RECONVEYED THE 7/22/04 HANSEN DEED OF TRUST TO JOEL STOKES, NOT TO NONA TOBIN, AS PART OF THE NATIONSTAR'S AND STOKES' SCHEME TO DEFRAUD THE COURT INTO APPROVING THE STEALING OF THE PROPERTY FROM THE ESTATE OF THE DECEASED BORROWER.

EXHIBIT 8 2015

201501220001850

REQUEST FOR NOTICE OF LIENS OR NS
116 OR NRS 107 DEFAULTS BY
TOBIN. 3416

	NATIONSTAR DISCLOSED AS NSM 182
201502230000608	RPTT 2/23/15 REFUND TO THOMAS LUCAS "PROOF OF NOTIFICATION OF HOA FORECLOSURE PROVIDED" DISCLOSED AS NSM 183-185 THIS IS SIGNIFICANT BECAUSE THOMAS LUCAS COULDN'T PROVIDE PROOF OF NOTICE OF A FORECLOSURE SALE ON 8/22//14 WHEN HE RECORDED THE FORECLOSURE DEED. WHAT PROOF LUCAS PRODUCED TO GET A TAX REFUND WAS CONCEALED BY ALL PARTIES IN DISCOVERY. RED ROCK DID NOT PUBLISH ANY NOTICE OF THE 8/15/14 FORECLOSURE SALE.
201503120002285	SUBSTITUTION/ 3/12/15 RECONVEYANCE OF WELLS FARGO 5/10/07 2ND HANSEN \$31,600 OPEN ENDED DOT CONCEALED BY NATIONSTAR AND RED ROCK.
201506090001537	DEED 6/9/15 JIMI JACK DEED IS VOID PER NRS 111.345 DISCLOSED AS NSM 186-188 SO IT IS INEXPLICABLE WHY NATIONSTAR DID NOT NAME JIMI JACK AS A DEFENDANT WHEN IT FILED ITS 1/11/16 QUIET TITLE COMPLAINT VS. OPPORTUNITY HOMES LLC WHO HAD NO RECORDED CLAIM TO PROTECT VS. JIMI JACK OR F. BONDURANT LLC
201506090001545	DEED OP HOMES TO F. BONDURANT LLC FOR \$1.00 DISCLOSED AS NSM 189-191 NATIONSTAR DID NOT NAME F.

BONDURANT LLC AS A DEFENDANT
WHEN IT FILED ITS 1/11/16 QUIET
TITLE COMPLAINT VS. OPPORTUNITY
HOMES

201508170001056

SUBSTITUTION/ TRUSTEE ON 7/22/04
HANSEN DOT FROM ORIGINAL 7/22/04
TRUSTEE JOAN H ANDERSON TO AMER
EE SERVICING SOLUTIONS
BY NATIONSTAR WITH NO POWER OF
ATTORNEY.

DISCLOSED AS NSM 192-194

ON 6/3/19 NATIONSTAR IGNORED THIS
8/17/15 CHANGE OF TRUSTEE
WHEN MR. COOPER SUBSTITUTED
TRUSTEE JOAN H. ANDERSON A
SECOND TIME
TO CLAIM THAT MR. COOPER WAS THE
TRUSTEE
AND THE BENEFICIARY
OF THE 7/22/04 HANSEN DEED OF
TRUST
WITH THE POWER TO RECONVEY THE
PROPERTY
TO JOEL STOKES INSTEAD OF TO THE
HANSEN ESTATE.

201512010003402

12/1/15 JUDGMENT/ 10/23/15 BANA
DEFAULT

ON 12/1/15 JOSEPH HONG RECORDED

TOBIN. 3418

THE 10/23/15 ORDER OF DEFAULT FOR WHICH NO NOTICE OF ENTRY OF ORDER WAS EVER FILED.

BANA DEFAULTED BECAUSE BANA HAD NO RECORDED INTEREST AFTER 9/9/14.

ON 6/16/15 JOSEPH HONG SUED BANA, BUT DID NOT FILE ANY CLAIMS VS. WELLS FARGO THAT HAD BANA'S RECORDED INTEREST AS OF 9/9/14.

ON 6/16/15 JOSEPH HONG DID NOT NAME NATIONSTAR AS A DEFENDANT DESPITE ITS 12/1/14 RECORDED CLAIM.

[NRS 40.110](#) PROHIBITS A COURT FROM ENTERING A JUDGMENT BY DEFAULT FOR QUIET TITLE.

JOSEPH HONG NEVER FILED ANY CLAIMS VS. NATIONSTAR, FOR QUIET TITLE AT ANY TIME BETWEEN 2015 AND THE PRESENT ON BEHALF OF ANY OF HIS CLIENTS.

JOSEPH HONG NEVER REFUTED WITH EVIDENCE ANY CLAIMS FILED AGAINST ANY OF HIS CLIENTS.

HONG FRAUDULENTLY CONVINCED THE COURT THAT HIS CLIENT, NON-PARTY JOEL STOKES' BOGUS OUT OF COURT "SETTLEMENT" OF NON-EXISTENT CLAIMS AGAINST NATIONSTAR QUALIFIED AS A SETTLEMENT OF NONA TOBIN'S QUIET TITLE CLAIMS.

EXHIBIT 9 2016

201601130001051	LIS PENDENS 1/13/16 RE A-16-730078-C BY NATIONSTAR
201605230001416	CERTIFICATE OF INCUMBENCY NONA TOBIN AS SUCCESSOR TRUSTEE OF HANSEN TRUST
201605230001417	REQUEST FOR NOTICE "OF ANY LIEN, SALE, TRANSFER, DEFAULT OR ANY OTHER ACTION AFFECTING THIS PROPERTY" BY NONA TOBIN
201606070001450	LIS PENDENS 6/7/16 RE A-15-720032-C BY NATIONSTAR

EXHIBIT 10 2017

201703280001452	DEED 3/28/17 HANSEN TRUST TO NONA TOBIN, AN INDIVIDUAL, PAGES 2 AND 4 REFERENCE THE CLOSURE OF TOBIN. 3420
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	THE HANSEN TRUST, WHEN ITS SOLE ASSET WAS TRANSFERRED TO THE SOLE BENEFICIARY. DISCLOSED AS NSM 208-211
201703300003859	3/30/17 LIEN/ RELEASE 9/23/13 REPUBLIC SERVICES. NOT INCLUDED IN THE RED ROCK FORECLOSURE FILE PRODUCED BY KOCH & SCOW IN RESPONSE TO NONA TOBIN'S 2/4/19 SUBPOENA.
201703300003860	3/30/17 LIEN/ RELEASE 5/6/14 REPUBLIC SERVICES . NOT INCLUDED IN THE RED ROCK FORECLOSURE FILE PRODUCED BY KOCH & SCOW IN RESPONSE TO NONA TOBIN'S 2/4/19 SUBPOENA.

201703310003071	INTEREST DISCLAIMER OF STEVE HANSEN, FILED INTO A-15-720032-C ON 3/28/17, WHICH LEFT NONA TOBIN, AN INDIVIDUAL, AS THE SOLE MEMBER AND BENEFICARY OF THE GORDON B. HANSEN TRUST DISCLOSED AS NSM
201703310003072	INTEREST DISCLAIMER OF THOMAS LUCAS & OPPORTUNITY HOMES LLC DISCLOSED AS NSM
201703310003073	INTEREST DISCLAIMER YUEN K. LEE & F. BONDURANT LLC DISCLOSED AS NSM

EXHIBIT 11 2019

201903080002789	DEED OF TRUST/ 3/8/19 RESCISSION OF 12/1/14 ASSIGNMENT OF 7/22/04 HANSEN DOT FROM BANA TO NATIONSTAR BY NATIONSTAR DISCLOSED AS NSM 409-411 ON 3/12/19, TWO WEEKS AFTER THE END OF DISCOVER.
201903080002790	DEED OF TRUST/ 3/8/19 ASSIGNMENT OF 7/22/04 HANSEN DOT FROM WELLS FARGO TO NATIONSTAR BY NATIONSTAR FROM BANA TO NATIONSTAR BY NATIONSTAR DISCLOSED AS NSM 412-413 ON 3/12/19, TWO WEEKS AFTER THE END OF DISCOVER.
201905010003348	DEED VOID 5/1/19 TRANSFER OF JIMI JACK'S VOID 6/9/15 DEED TO JOEL A. STOKES, AN INDIVIDUAL, BY JOEL & SANDRA STOKES AS TRUSTEES OF JIMI JACK IRREVOCABLE TRUST
201905060001022	LIS PENDENS 5/6/19 4/30/19 NOLP RE A-720032C BY NONA TOBIN AN INDIVIDUAL & AS TRUSTEE OF GORDON HANSEN TRUST, DATED 8/22/08
201905230003531	DEED OF TRUST/ AGREEMENT WITHOUT PARTIES JIMI JACK OR NATIONSTAR AS SIGNERS 5/23/19 \$355,000 CIVIC FINANCIAL SERVICES

	LOAN TO JOEL A. STOKES, AN INDIVIDUAL
201905280002843	LIS PENDENS/ ROLP 5/28/19 JOEL & SANDRA STOKES RELEASED NATIONSTAR'S 6/7/16 LIS PENDENS AS IF THEY OWNED IT

201906030001599	SUBSTITUTION/ 6/3/19 RECONVEYANCE OF 7/22/19 HANSEN DOT TO JOEL A STOKES BY NATIONSTAR DID NOT RECONVEY TO THE ESTATE OF THE BORROWER
201906040000772	DEED OF TRUST 6/4/19 ASSIGNMENT OF JOEL STOKES 5/23/19 DOT CIVIC FINANCIAL SERVICES TO HMC ASSETS.
201907100002352	LIS PENDENS/ 7/ROLP RELEASE OF NATIONSTAR'S 1/13/16 LIS PENDENS RE A-16-730078-C BY NATIONSTAR
201907170002971	DEED OF TRUST 7/17/19 ASSIGNMENT OF JOEL A STOKES- CIVIC FINANCIAL SERVICES STOKES 5/23/19 DOT FROM HMC ASSETS TO MORGAN STANLEY
201907240003355	JUDGMENT ON 7/24/19, ONE DAY AFTER NOTICE OF APPEAL 79295 WAS SERVED, JOSEPH HONG RECORDED 6/24/19 ORDER FROM 6/5/19 QUIET TITLE TRIAL OF GORDON B. HANSEN TRUST VS JIMI JACK & VS. YUEN K LEE DBA F. BONDURANT LLC. 6/24/19 ORDER EXPUNGED 5/6/19 LIS

	<p>PENDENS RECORDED BY NONA TOBIN, AS AN INDIVIDUAL AND AS TRUSTEE OF HANSEN TRUST</p>
<p>201908080002097</p>	<p>LIS PENDENS 8/8/19 (7 PAGES) RECORDED BY NONA TOBIN WAS RELATED TO DEPT. 22 CASE A-19- 799890-C AND TWO APPEALS INTO 79295 BY NONA TOBIN IN BOTH HER CAPACITIES.</p> <p>8/8/19 LIS PENDENS WAS EXPUNGED BY 12/3/20 ORDER, RECORDED ON 12/4/20, BY BRITTANY WOOD, AS IF NONA TOBIN HAD NEVER RECORDED IT, AND THEREFORE AS IF WOOD'S CLIENTS, BRIAN & DEBORA CHIESI AND QUICKEN LOANS, INC AND/OR LLC, HAD NOT RECORDED THEIR 12/27/19 CLAIMS WHILE NONA TOBIN'S LIS PENDENS WAS ON RECORD.</p> <p>CURRENTLY UNDER APPEAL IN CASE 82294.</p>

<p>201908140003083</p>	<p>LIS PENDENS (7 PAGES) 8/14/19 RECORDED BY NONA TOBIN RE APPEALS 79295 BY NONA TOBIN & HANSEN TRUST</p> <p>8/14/19 LIS PENDENS WAS EXPUNGED</p> <p style="text-align: right;">TOBIN. 3424</p>
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BY 12/3/20 ORDER,
RECORDED ON 12/4/20, BY BRITTANY
WOOD,
AS IF NONA TOBIN HAD NEVER
RECORDED IT,
AND THEREFORE AS IF WOOD'S
CLIENTS,
BRIAN & DEBORA CHIESI AND
QUICKEN LOANS, INC AND/OR LLC,
HAD NOT RECORDED THEIR 12/27/19
CLAIMS WHILE NONA TOBIN'S LIS
PENDENS WAS ON RECORD.

CURRENTLY UNDER APPEAL IN CASE
82294.

201908140003084

LIS PENDENS (39 PAGES)
8/14/19 RE A-19-799890-C
BY NONA TOBIN, AN INDIVIDUAL,
INCLUDED COMPLAINT FILED ON
8/13/19 INTO A-19-799890-C

8/14/19 LIS PENDENS (39-PAGES) WAS
EXPUNGED BY 12/3/20 ORDER,
RECORDED ON 12/4/20, BY BRITTANY
WOOD,
AS IF NONA TOBIN HAD NEVER
RECORDED IT,
AND THEREFORE AS IF WOOD'S
CLIENTS,
BRIAN & DEBORA CHIESI AND
QUICKEN LOANS, INC AND/OR LLC,
HAD NOT RECORDED THEIR 12/27/19
CLAIMS WHILE NONA TOBIN'S LIS
PENDENS WAS ON RECORD.

TOBIN. 3425

	CURRENTLY UNDER APPEAL IN CASE 82294.
201912030003152	NOTICE 11/22/19 ORDER; EXPUNGE 8/8/19 TOBIN & HANSEN TRUST LIS PENDENS
201912270001344	DEED 12/27/19 VOID SANDRA STOKES TO JOEL STOKES
201912270001345	DEED 12/27/19 VOID JOEL A. STOKES TO BRIAN & DEBORA CHIESI
201912270001346	DEED OF TRUST 12/27/19 \$353,500 QUICKEN LOANS INC TO BRIAN & DEBORA CHIESI

EXHIBIT 12 2020

202002060000198	SUBSTITUTION/ TRUSTEE ON 5/23/19 STOKES-CIVIC FINANCIAL SERVICES \$355,000 DOT
202002060000199	RECONVEYANCE OF 5/23/19 STOKES-CIVIC FINANCIAL SERVICES \$355,000 DOT
202012040001097	ORDER OF DISMISSAL WITH PREJUDICE NONA TOBIN'S A-19-799890-C COMPLAINT & "LIS PENDENS RECORDED ... AS INSTRUMENT NUMBERS 201908080002097, 201908140003083, AND 201908140003084 ARE HEREBY TOBIN. 3426

CANCELLED AND EXPUNGED. SAID CANCELLATION HAS THE SAME EFFECT AS AN EXPUNGEMENT OF THE ORIGINAL NOTICE.”

EXHIBIT 13 2021

202102050000240	SUBSTITUTION / RECONVEYANCE OF QUICKEN LOANS INC 12/27/19 \$353,500 DOT TO CHIESI BY QUICKEN LOANS LLC
202102120001549	DEED OF TRUST 2/12/21 RECORDED QUICKEN LOANS LLC 12/28/20 \$353,320 DOT TO CHIESI BY QUICKEN LOANS LLC

 nonatobin / March 16, 2021 / A-21-828840-C, APN 191-13-811-052, recorded claims to title / FILED, property record /

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Owners should ALWAYS come first!

Recommendation to the Nevada Commission on Judicial Discipline

Postpone formal charges vs. Judge Kushner

Please give Judge Kushner a chance to prove she was duped by the attorneys and is not herself a co-conspirator.

I'm not asking for a change of venue or a different judge for Red Rock's interpleader complaint. I just want my stolen property back with punitive damages under the RICO statutes, and I want these unethical attorneys disbarred.

My preference would be for the NCJD to postpone filing any formal public charges against Judge Kushner until she hears Red Rock Financial Services' s duplicitous A-21-828840-C complaint for interpleader and my AACC/CRCM response and motions for sanctions under the RICO statutes.

I actually want to give Judge Kushner a chance to correct the situation by her seeing that she has been victimized by a group of unscrupulous attorneys who have all lied and presented false evidence to cover up the fraud involved in the 8/15/14 wrongful HOA foreclosure of APN 191-13-811-052.

Koch & Scow's perfidy in asking the court to order them to return stolen funds.

Here is a link to a blog I just published about Red Rock's filing a totally unwarranted interpleader complaint after nearly seven years of unlawfully keeping the \$60,000 proceeds they know belong to me.

Link to [PDF of 3/10/21 email to NCJD](#) requesting postponement of formal charges

Address the need for state civil court reform

Recommendation:

Joint Investigation by NV Attorney General, State Bar of Nevada Ethics & Discipline Panel and the Nevada Commission on Judicial Ethics

The extreme problems in this case are not caused by Judge Kushner or Judge Johnson alone and they will not be solved by just disciplining two judges.

Follow the advice of the Pew Charitable Trusts' study:

[How Debt Collectors Are Transforming the Business of State Courts](#)

Lawsuit trends highlight need to modernize civil legal systems

Link to PDF of [PEW study on debt collectors taking over state courts](#)



nonatobin / March 17, 2021 / attorney malpractice, Complaints, Ethics, Fraud on the Court / court reform, Judge Joanna Kishner, NCJD /

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Owners should ALWAYS come first!

Why Alternate Dispute Resolution?

Litigation is expensive and wasteful

There are tons of reasons why filing a lawsuit is not the most effective way to resolve disputes. So, Sun City Anthem, and probably all other Del Webb HOAs, have clauses in their CC&Rs to require alternative dispute resolution (ADR) procedures, using a trained, neutral mediator, prior to a court having jurisdiction over ordering who is the winner and who is the loser.

Sun City Anthem's CC&Rs XVI: Limits on Litigation

PART SIX: RELATIONSHIPS WITHIN AND OUTSIDE THE COMMUNITY

The growth and success of Sun City Anthem as a community in which people enjoy living, working, and playing requires good faith efforts to resolve disputes amicably, attention to and understanding of relationships within the community and with our neighbors, and protection of the rights of others who have an interest in Sun City Anthem.

ARTICLE XVI DISPUTE RESOLUTION AND LIMITATION ON LITIGATION

16.1. Prerequisites to Actions Against Declarant.

Prior to any Owner, the Association, or any Neighborhood Association filing a civil action, undertaking any action in accordance with Section 15.4, or retaining an expert for such actions against Declarant or any Builder or subcontractor of any portion of Anthem Country Club, the Owner, the Board or the board of the Neighborhood Association, as appropriate, shall notify and meet with the Members to discuss the alleged problem or deficiency. Moreover, prior to taking any action, the potential adverse party shall be notified of the alleged problem or deficiency and provided reasonable opportunity to inspect and repair the problem.

All "BOUND PARTIES" must use ADR

16.3. Alternative Method for Resolving Disputes.

Declarant, the Association, any Neighborhood Association, their officers, directors, and committee members, all Persons subject to this Declaration, and any Person not otherwise subject to this Declaration who agrees to submit to this Article (collectively, "Bound Parties") agree to encourage the amicable resolution of disputes involving the Properties, without the emotional and financial costs of litigation. Accordingly, each Bound Party covenants and agrees that those claims, grievances, or disputes described in Sections 16.4 ("Claims") shall be resolved using the procedures set forth in Section 16.5 in lieu of filing suit in any court.

Sandy Seddon, Adam Clarkson, David Ochoa (the Sun City Anthem attorney Clarkson and Seddon have used as an attack dog in their relentless retaliation against me for being a whistleblower), every individual member of the HOA Board and the SCA Board as a whole, all HOA homeowners, all bloggers, are "bound parties" even if they think it doesn't apply to them because they are above the law.

All claims are covered unless exempted here

16.4 Claims.

Unless specifically exempted below all Claims arising out of or relating to the interpretation, application, or enforcement of the Governing Documents, or the rights, obligations, and duties of any Bound Party under the Governing Documents or relating to the design or construction of improvements on the Properties shall be subject to the provisions of Section 16.5.

Notwithstanding the above, unless all parties thereto otherwise agree, the following shall not constitute a Claim and shall not be subject to the provisions of Section 16.5:

(a) any suit by the Association against any Bound Party to enforce the provisions of Article VIII;

(b) any suit by the Association to obtain a temporary restraining order (or equivalent emergency equitable relief) and such other ancillary relief as the court may deem necessary in order to maintain the status quo and preserve the Association's ability to enforce the provisions of Article III and Article IV;

(c) any suit between Owners, which does not include Declarant or the Association as a party, if such suit asserts a Claim which would constitute a cause of action independent of the Governing Documents;

(d) any suit by an Owner concerning the aesthetic judgment of the Architectural Review Committee, the Association, or Declarant pursuant to their authority and powers under Article IV.

(e) any suit in which any indispensable party is not a Bound Party; and

(f) any suit as to which any applicable statute of limitations would expire within 90 days of giving the Notice required by Section 16.5(a), unless the party or parties against whom the Claim is made agree to toll the statute of limitations as to such Claim for such period as may reasonably be necessary to comply with this Article.

With the consent of all parties thereto, any of the above may be submitted to the alternative dispute resolution procedures set forth in Section 16.5.

Foundation Assisting Seniors weren't given access to ADR before being kicked out



Seddon used the HOA attorney to sue FAS

Sandy Seddon has used Adam Clarkson to forward her own personal agenda on many occasions. The crap they pulled on Favil West and the Foundation Assisting Seniors would never have happened if they had not violated their fiduciary duty to the homeowners-at-large AND conspired with Rex Weddle to assign Sandy Seddon the role of mediator.

Sandy Seddon had no training or experience as a mediator and was certainly not neutral. None of the steps mandated by our CC&Rs XVI were provided to Favil West and the Foundation Assisting Seniors.

Seddon and Weddle, both “Bound Parties” under the CC&Rs simply chose to abuse the authority of their positions to inappropriately use the HOA’s attorney to deprive Favil West and the Foundation Assisting Seniors, also both “Bound Parties” under the CC&Rs, of their rights to a good faith attempt to resolve their differences without litigation.

How Seddon used the HOA attorneys to screw me over the same way she nailed FAS

Most of you all know the story about how Sun City Anthem's debt collector sold the house I inherited from Bruce Hansen without notice, but here's a short video summary.

How did Nona Tobin lose the \$500,000 house s...



The HOA attorney forced me to litigate over Bruce's house. I got no access to ADR

I had settlement talks booked and Seddon switched attorneys

David Ochoa rejected my 2017 offer to settle at no cost to Sun City Anthem or myself

What happened after Seddon's attack dog blocked my access to ADR?

What did Seddon and Clarkson do after I was elected to the Board and I was a party to the litigation I was forced into?

They unlawfully removed me from my elected Board seat because had filed complaints against them, but lied and defamed me to cover it up.

Kicking me off the Board for being a whistleblower disenfranchised the 2,001 Sun City anthem homeowners who voted for me. There is no legal authority whatsoever for this action, but they got away with it because Adam Clarkson is corrupt and should be disbarred.

Seddon & Weddle also used the HOA attorney to obstruct the 2017 recall election

Kicking me off the Board was necessary to prevent the recall from succeeding

There were recall petitions against four of the seven members of the Board. The Election Committee had a Charter that defined their duties to conduct all of our HOA Board elections, including the removal elections that would be held if enough signatures were collected.

I was the Board liaison to the Election Committee, and I filed a request to the Ombudsman to provide oversight of the signature collection and the removal election since Sandy Seddon, lori Martin, Rex Weddle, and David Berman were interfering in the process and depriving owners of their rights under our governing documents and under Nevada law.

[Link to PDF of my 7/24/17 request for Ombudsman oversight of the recall process](#)

I was one of the three members of the Board who could legally still operate the association if the [NRS 116.31036](#) removal election resulted in the four being removed.

So naturally they had to get rid of me without a removal election

Link to PDF of [Clarkson's 8/24/17 letter](#) removing me from my elected Board seat

Response to demand letters?

Here are links to the PDFs of my complaints: notices of intent to file complaints that were discussed by the Board at the 8/24/17 executive session

[8/11/17 notice of intent](#) to file a form 514a complaint against a community manager.

Below is page 1 of 23 pages in my complaint.

8/16/17 notice of intent to file an ethics complaint against Adam Clarkson

Note that the two “demand letters” in the book and on the 8/24/17 closed session agenda are the same ones linked above vs. Seddon and Clarkson.

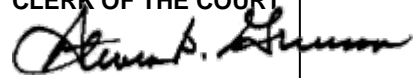
Here are the minutes Seddon provided of the 8/24/17 closed Board meeting where 6 of the 7 Directors authorized Clarkson to remove me without an [NRS 116.311036](#) removal election

How is Seddon still using the HOA attorney to screw me over for bitching about her pay?

See the blog [“No 2021 HOA Board Election”](#)

Nona Tobin / March 4, 2021 / Uncategorized / abuse of power, Clarkson, Election interference, Seddon /

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1 CONFILE
2 NONA TOBIN, AN INDIVIDUAL
3 2664 Olivia Heights Avenue
4 Henderson NV 89052
5 (702) 465-2199
6 nonatobin@gmail.com
7 *In Proper Person*

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

10 RED ROCK FINANCIAL SERVICES,
11 Plaintiff,

12 vs.
13 NONA TOBIN, an Individual, and as Trustee
14 of the GORDON B. HANSEN TRUST, dated
15 8/22/08; REPUBLIC SERVICES, INC. a
16 Nevada Corporation; WELLS FARGO, N.A.;
17 a national banking association;
18 NATIONSTAR MORTGAGE, LLC, a
19 Delaware company; and DOES 1-100;
20 Defendants.

21 NONA TOBIN, an Individual,
22 Counter-Claimant,

23 vs.
24 RED ROCK FINANCIAL SERVICES;
25 Counter-Defendant

26 NONA TOBIN, an Individual,
27 Cross-Claimant,

28 vs.
29 WELLS FARGO, N.A.; a national banking
30 association; NATIONSTAR MORTGAGE,
31 LLC, a Delaware company;
32 Cross-Defendants

Case No.: A-21-828840-C

Department: 8

**NONA TOBIN'S AMENDED
MOTION FOR AN ORDER TO
DISTRIBUTE INTERPLEADED
PROCEEDS WITH INTEREST TO
SOLE CLAIMANT NONA TOBIN**

**HEARING REQUESTED
CONCURRENT WITH MSJ
HEARING**

33 DEFENDANT NONA TOBIN, AN INDIVIDUAL, filed a motion to distribute on
34 4/12/21, but it was returned as a non-conforming document¹ for failure to request a hearing. This

¹ [4/14/21 CNND](#)

1 amended motion corrects that error and other errors as well as removes from the caption the
2 third-party defendants as the 3/22/21 third-party complaint will not be served until after this
3 Court rules on the motions for summary judgment and sanctions filed on 4/15/21.²

4 Defendant Tobin moves the court for an order to Plaintiff Red Rock Financial Services
5 to distribute the excess proceeds plus interest and penalties in the amount of \$91,855.11 to Nona
6 Tobin, the sole defendant with a current recorded claim and the sole claimant.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I. UNDISPUTED FACTS**

- 9 1. On 5/8/14 Nona Tobin signed a purchase agreement to sell 2763 White Sage for
10 \$367,500.³
- 11 2. On 8/15/14, Red Rock Financial Services sold the same property for \$63,100⁴ without
12 notice to Nona Tobin or to MZK Properties, LLC, or to any other party with a known interest.
- 13 3. On 8/21/14 FirstService Residential recorded a ledger entry on Page 1336⁵ of the Sun
14 City Anthem Resident Transaction Report for 2763 White Sage that a “collection payment” of
15 \$2,701.04 was payment in full of the delinquent assessments, interest and late fines of the
16 deceased owner, Gordon (Bruce) Hansen.
- 17 4. On 8/28/14, Red Rock directed⁶ attorney Steven Scow to interplead check 49909 made
18 out the Clark County District Court \$57,282.32 in excess proceeds.

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21 ² [4/15/21 MSJ](#) COUNTER-CLAIMANT & CROSS-CLAIMANT NONA TOBIN’S MOTION FOR SUMMARY
22 JUDGMENT VS. COUNTER-DEFENDANT RED ROCK FINANCIAL SERVICES & CROSS- DEFENDANTS
23 NATIONSTAR MORTGAGE LLC & WELLS FARGO, N. A. AND MOTION FOR PUNITIVE DAMAGES
24 AND SANCTIONS PURSUANT TO NRCPC 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.407(1), and/or
NRS 42.005

³ [5/8/14 high bidder MZK Properties, LLC’s signed purchase agreement](#)

⁴ [8/22/14 foreclosure deed](#)

⁵ [Page 1336 Resident Transaction Report](#) shows Gordon Hansen’s account and the HOA’s lien was paid in full

⁶ [RRFS 047](#) 8/28/14 RRFS memo to Steven Scow

1 5. Steven Scow did not follow Red Rock's instructions⁷ to deposit check made out to the
2 Clark County District Court when he chose to retain, without legal authority, proprietary control
3 over the funds in an unaudited, unsupervised account, allegedly for the benefit of Red Rock
4 Financial Services.

5 6. Sun City Anthem bylaws prohibit Red Rock, FirstService Residential, Steven Scow or
6 anyone else from depositing funds collected for the benefit of Sun City Anthem in an account
7 not controlled by the Sun City Anthem Board of Directors.⁸

8 7. In September, 2014 Nona Tobin attempted to make a claim for the excess proceeds, but
9 was rebuffed by Red Rock Financial Services.⁹

10 8. On 1/31/17, in case A-15-720032-C, Nona Tobin filed a cross-claim against Sun City
11 Anthem in which the fifth cause of action, Unjust Enrichment, sought to get the undistributed
12 proceeds plus interest distributed to her.

13 9. 1/31/17 CRCM¹⁰, PAGES 18-19, relevant excerpt is quoted here below:

14 95. Cross-Claimant incorporates and re-alleges all previous paragraphs, as if fully
15 set forth herein, and further alleges:

16 96. That HOA AGENTS unfairly deprived Cross-Claimant of the Subject Property
17 and unjustly profited from excessive and unauthorized charges added to delinquent
18 dues.

19 97. That HOA AGENTS unjustly and covertly failed to distribute the \$63,100
20 proceeds of the sale as mandated by 2013 NRS 116.31164 (3)(c), in that:

21 a) There were no expenses of sale as the cost to conduct a foreclosure sale is limited
22 to \$125.00 by the April 27, 2012 RRFS Delinquent Assessment Collection
23 Agreement, and the lien of \$5,081.45 already included erroneous, duplicative and
24 unauthorized charges.

b) There WAS no expense of securing possession. The Subject Property was vacant,
and the key just handed to the Buyer by TOBIN's agent.

c) Satisfaction of the association's lien. The HOA Resident Transaction Record for

⁷ [RRFS 048](#) check 49909, dated 8/21/14 for \$57,282.32 in excess proceeds from the 8/15/14 sale of 2763 White Sage

⁸ [SCA bylaws 3.20/3.18](#) adopted pursuant to [NRS 116.3106\(1\)\(d\)](#)

⁹ [5/11/18 Craig Leidy Declaration with attached email](#)

¹⁰ [1/31/17 CRCM](#) cross-claim vs. Sun City Anthem, DOEs & ROEs

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the Subject Property shows that the HOA AGENT credited the HOA with \$2,701.04 on August 27, 2014. There is no indication that HOA. AGENTS paid the mandated asset enhancement fee (1/3 of 1 % of the price of every sales price) the HOA mandated for every transfer of title by CC&Rs section 8.12. (Exhibit 8)

d) Satisfaction of subordinate claims. None of the excess proceeds went to any of the entities who had recorded liens. Or, alternatively, if any of the lienholders did receive the excess proceeds, none of the lienholders properly accounted for receiving any funds, and none removed their liens.

e) Remittance of any excess to the unit's owner. Within a few months after the sale, TOBIN attempted to claim the excess proceeds since it was clear the HOA AGENTS were treating the bank loan as "extinguished". In response to direct inquiries, HOA AGENTS were deceptive about their illegal retention of the proceeds of the illegally-conducted sale and refused to speak with TOBIN about her claim, stating at different times in late 2014:

1) that she had no standing, 2) that RRFS had no record of her in relation to the Subject Property, and 3) that RRFS had turned the money over to the court to distribute.

10. None of Nona Tobin's claims were adjudicated in case A-15-720032-C as a result of Nationstar attorney, Melanie Morgan, and Jimijack Irrevocable Trust attorney, Joseph Hong, met ex parte with Judge Kishner on 4/23/19.¹¹

11. On 8/7/19, Nona Tobin filed a new district court case to beat the five-year statute of limitations, in which she made another attempt to get the funds distributed.

12. Excerpt from page 20, Nona Tobin's 8/7/19 A-19-799890-C complaint¹² under Tobin's third cause of action: Unjust Enrichment, is quoted here:

SCA bylaws prohibit the SCA Board from delegating certain functions, including the signatory control over bank accounts holding assessments collected for the benefit of the association.
RRFS and/or Scow & Koch have unjustly profited from the retention and total proprietary control over of \$57,282 undistributed proceeds of the sale and they should not be permitted to further profit by failing to pay interest or by charging unnecessary fees to distribute according to the mandates of NRS 116.31164;

¹¹ See [Complaint to the Nevada Commission on Judicial Discipline](#)
¹² 8/7/19 [Tobin complaint A-19-799890-C](#)

1 13. All Nona Tobin's claims in A-19-799890-C against all defendants were dismissed with
2 prejudice on 12/3/20¹³ when Judge Johnson granted Red Rock Financial Services motion to
3 dismiss pursuant to NRCP (b)(5) and NRCP (b)(6)¹⁴ and all joinders thereto.

4 14. On Nona Tobin appealed from the 12/3/20 order that dismissed all her claims to the
5 Nevada Supreme Court.¹⁵

6 15. The parties were all referred to the Settlement Program, but all opposed Nona Tobin's
7 claims being heard and did not participate in good faith.

8 16. On 2/3/21 Red Rock electronically issued a summons to five defendants to initiate the
9 instant unwarranted complaint for interpleader.

10 17. On 2/16/21 five defendants were served:

11 18. 1. Nona Tobin, as an individual

12 19. 2. Nona Tobin, as the trustee of the Gordon B. Hansen Trust, dated 8/22/08

13 20. 3. Republic Services, Inc.

14 21. 4. Nationstar Mortgage LLC

15 22. 5. Wells Fargo, N. A.

16 23. On 2/17/21, Republic Services filed a disclaimer of interest.¹⁶

17 24. On 3/8/21, Nona Tobin, an individual, filed and served on the parties in the Odyssey
18 eFileNV service contact list, an answer, affirmative defenses, and counter-claim vs. Plaintiff
19
20

21 ¹³ [12/3/20 order to dismiss ALL Nona Tobin's claims with prejudice](#) was entered without the strenuous objections in
the letter attached to the order.

22 ¹⁴ [6/23/20 Red Rock Financial Services motion to dismiss](#) pursuant to NRCP (b)(5) reliance on the legal doctrines of
non-mutual claims preclusion and NRCP (b)(6) failure to join the HOA as a necessary party to protect its interest in
the excess proceeds was not supported by the facts.

23 ¹⁵ Appeal 82294 2/2/21 docketing statement, [document 21-03255](#)

24 ¹⁶ [2/17/21 Republic Services disclaimer of interest](#)

1 Red Rock Financial Services and cross-claims vs. Nationstar Mortgage, LLC and Wells Fargo,
2 N.A.¹⁷

3 25. Tobin's 3/8/21 AACC, Tobin identified that she was the sole defendant with a current
4 recorded claim.¹⁸

5 26. All other defendants' liens have been released:

6 27. On 3/28/17, the Gordon B. Hansen Trust's title claims were transferred to Nona Tobin,
7 as an individual, when the transfer of Hansen Trust's sole asset caused the Trust to be empty
8 and closed.¹⁹

9 28. On 3/30/17, Republic Services released both its garbage liens that were recorded on
10 9/23/13 and 5/6/14.²⁰

11 29. On 3/12/15 Wells Fargo reconveyed and released the of Gordon Hansen's second deed
12 of trust.²¹

13 30. On 6/3/19, Nationstar Mortgage, LLC dba Mr. Cooper, released the lien of Gordon
14 Hansen's first deed of trust, recorded on 7/22/04.²²

15 31. On 3/22/21, Nona Tobin filed, but did not electronically serve, a third-party complaint
16 vs. attorneys Steven R. Scow, Brody R. Wight, Joseph Hong, Melanie Morgan, David Ochoa
17 and Brittany Wood that includes four causes of action: abuse of process, fraud, civil conspiracy,
18 and racketeering.²³

19
20 ¹⁷ [3/8/21 Tobin AACC](#)

21 ¹⁸ [3/15/21 Nona Tobin's Request for Judicial Notice](#) of the Clark County official property records for the subject
property APN 191-13-811-052

22 ¹⁹ [200705100001127](#) 3/28/17 DEED Gordon B. Hansen Trust to Nona Tobin, an individual

23 ²⁰ [201703300003859](#) and [201703300003860](#) 3/31/17 release of garbage liens.

24 ²¹ [201503120002285](#) 3/12/15 reconveyance release of Wells Fargo lien of [5/10/07 Hansen open-ended DOT](#)

²² [7/22/04 Western Thrift & Loan deed of trust](#) (NSM 145-161) lien was released by [6/3/19 Nationstar reconveyance](#)
when Nationstar fraudulently reconveyed the property to Joel A. Stokes, an individual, instead of to the estate of the
borrower.

²³ [3/22/21 Third-party complaint](#) vs. Steven R. Scow, Brody R. Wight, Joseph Hong, Melanie Morgan, David Ochoa
and Brittany Wood includes four causes of action: abuse of process, fraud, civil conspiracy, and racketeering

1 32. On 4/4/21, Nona Tobin filed a Request for Judicial Notice of the unadjudicated
2 administrative complaints and the unadjudicated civil actions related to this case.²⁴

3 33. On 4/7/21, Nona Tobin filed a Request for Judicial Notice of the Nevada Revised
4 Statutes, Nevada Rules of Civ Procedure, Nevada Rules of Professional Conduct and Sun City
5 Anthem governing documents germane to the instant action.²⁵

6 34. On 4/9/21, Nona Tobin filed a Request for Judicial Notice of the NRCP 16.1 disclosures
7 and subpoena responses from discovery in case A-15-720332-C and disputed facts in the court
8 record.²⁶

9 35. On 4/9/21, Melanie Morgan filed an answer to Red Rock's 2/16/21 interpleader complaint
10 for Defendants Nationstar Mortgage LLC and Wells Fargo.²⁷

11 36. Nationstar Mortgage LLC's and Wells Fargo's 4/9/21 answer did not include any claim
12 by either defendant bank for any of the proceeds.

13 37. Counter-defendant Red Rock Financial Services received service of Nona Tobin's efiled
14 and served 3/8/21 counter-claim through the Odyssey eFileNV system, but had not filed a
15 responsive pleading as of 4/12/21.

16 38. Nona Tobin asserted five causes of action in her 3/8/21 counter-claim against Red Rock:
17 1) Interpleader: distribution of the proceeds plus penalties and interest; 2) Unjust enrichment
18 and/or conversion; 3) Fraud; 4) Alter-ego piercing the corporate veil; and 5) Racketeering.

19 39. Nona Tobin efiled and served her 3/8/21 cross-claims Nationstar Mortgage LLC and
20 Wells Fargo through the Odyssey eFileNV system on cross-defendants.

21
22

²⁴ [4/4/21 RFJN unadjudicated administrative complaints and civil claims](#)

²⁵ [4/7/21 RFJN of the NRS, NRCP, NRPC, SCA governing documents](#) germane to the instant action

²⁶ [4/9/21 RFJN NRCP 16.1 disclosures and subpoena responses from discovery](#) in case A-15-720332-C and disputed
23 facts in the court record

²⁷ [4/9/21 Nationstar and Wells Fargo answer](#)
24

1 40. Cross-defendants Nationstar Mortgage LLC and Wells Fargo had not filed a responsive
2 pleading as of 4/12/21 to Nona Tobin's 3/8/21 counter-claim's three causes of action: 1)
3 Racketeering; 2) Unjust enrichment and/or conversion; and 3) Fraud.

4 41. On 4/11/21, Nona Tobin published the case details of this instant interpleader case A-21-
5 828840-C on her blog www.SCAstrong.com.²⁸

6 42. On 4/15/21 Tobin filed a motion for summary judgment as to her 3/8/21 counter-claims
7 vs. Red Rock and cross-claims vs. Nationstar and Wells Fargo.

8 43. Hearing of this motion is requested in conjunction
9

10 **II. LEGAL STANDARD AND ARGUMENT**

11 **A. Proceeds SHALL be distributed after the sale.**

12 44. The controlling statute for the distribution of proceeds is NRS116.31164(3) (2013) which
13 defines the after-sale ministerial duties of the person who conducted the sale:
14

15 3. After the sale, the person conducting the sale shall:

16 (a) Make, execute and, after payment is made, deliver to the purchaser, or his or her
17 successor or assign, a deed without warranty which conveys to the grantee all title
of the unit s owner to the unit;

18 (b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is
delivered to the purchaser, or his or her successor or assign; and

19 (c) Apply the proceeds of the sale for the following purposes in the following order:

20 (1) The reasonable expenses of sale;

21 (2) The reasonable expenses of securing possession before sale, holding,
22 maintaining, and preparing the unit for sale, including payment of taxes and other
governmental charges, premiums on hazard and liability insurance, and, to the extent
23

24 ²⁸ [Case Detail: A-21-828840-C Nona Tobin vs. banks, debt collectors & attorneys](#)

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provided for by the declaration, reasonable attorney s fees and other legal expenses incurred by the association;

(3) Satisfaction of the association s lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit s owner.

45. The is no legal authority in the controlling statute for Red Rock Financial Services to claim \$3500 in fees for filing this interpleader action.

B. No legal authority exists to charge fees to distribute the proceeds.

46. There was no legal authority for Red Rock, and/or its attorney Steven Scow, to retain the proceeds for over six years after the sale at all, let alone to charge for so doing.

47. There was no legal authority for Red Rock, and/or its attorney Steven Scow, to refuse to distribute the proceeds as requested by Nona Tobin personally to Red Rock in 2014, personally to Sun City Anthem in 2016, and by civil complaints in 2017 and 2019.

C. Red Rock should pay the proceeds to Nona Tobin with interest calculated at Nevada’s legal interest rate

48. Pursuant to Senate Bill 45, the Nevada legislature and the Court Administrator established the legal interest rate to be applied in cases where there is no specific interest rate defined by contract, statute or judgment.²⁹

49. Using this table’s semi-annual rate changes and monthly compounding results in a total amount due to Nona Tobin is \$87,115.31, of which \$57,282.32 was the original principal that Red Rock identified as “excess proceeds”.³⁰

²⁹ [Nevada legal rate of interest table](#)
³⁰ [Interest calculation on both principal amounts](#)

1 50. If the calculation is done based on the amount of the proceeds Red Rock actually
2 unlawfully retained, the amount would be \$91,855.11, of which \$60,398.96 is the undistributed
3 portion of the \$63,100 proceeds from the 8/15/14 sale.

4
5 **III. CONCLUSION**

6 Red Rock Financial Services sold 2763 White Sage for \$63,100 three months after Nona
7 Tobin had sold it on auction.com for \$367,500. Red Rock kept \$60,398.96 without any legal
8 authority for over six years while actively obstructing Nona Tobin's ability to claim it.

9 Red Rock's egregious conduct in this case is part of a pattern and practice of corrupt
10 business practices that has damaged many, many homeowners and Homeowners Associations in
11 Nevada and other states in the nation.

12 Red Rock's deceit was aided and abetted by multiple parties, two of which are named in
13 Tobin's 3/8/21 cross-claim and six who are named in her not-yet-served 3/22/21 third-party
14 complaint.

15 Counter-claimant, cross-claimant and third-party plaintiff Nona Tobin will file separate
16 motions to address the causes of action in the unanswered 3/8/21 counter- and cross- claims and
17 in the as yet unserved 3/22/21 third-party complaint.

18 Nona Tobin will later move the court for an order to show cause why the relief requested
19 should not be provided and why sanctions should not be imposed.

20 Defendant Nona Tobin respectfully requests in this instant motion that this Court address
21 solely the issue of the distribution of proceeds by issuing an order for Plaintiff Red Rock
22 Financial Services to pay Nona Tobin \$91,855.11, of which \$60,398.96 is the undistributed
23 portion of the \$63,100 proceeds from the 8/15/14 sale Red Rock alleges it received. Such an
24

1 order will completely resolve Plaintiff Red Rock’s interpleader complaint as there are no adverse
2 claims and no “multiple liabilities” Red Rock could possibly face.

3 Dated this 15th day of APRIL 2021

4 

5 _____
6 NONA TOBIN, AN INDIVIDUAL
7 2664 Olivia Heights Avenue
8 Henderson NV 89052
9 (702) 465-2199
10 nonatobin@gmail.com
11 *In Proper Person*

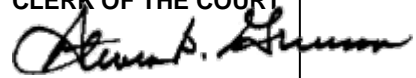
CERTIFICATE OF SERVICE

I, NONA TOBIN, hereby certify that the foregoing and pursuant to NRCP 5(b), on this the 15th day of April 2021, I served via the Clark County electronic filing system a true and correct copy of the foregoing NONA TOBIN'S MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED PROCEEDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN to all parties listed in the Odyssey eFileNV service contact list in case A-21-828840-C.



Nona Tobin

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MSJ
1 NONA TOBIN, AN INDIVIDUAL
2 2664 Olivia Heights Avenue
3 Henderson NV 89052
4 (702) 465-2199
5 nonatobin@gmail.com
6 *In Proper Person*

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

9 RED ROCK FINANCIAL SERVICES,
10 Plaintiff,

11 vs.

12 NONA TOBIN, an Individual, and as Trustee
13 of the GORDON B. HANSEN TRUST, dated
14 8/22/08; REPUBLIC SERVICES, INC. a
15 Nevada Corporation; WELLS FARGO, N.A.;
16 a national banking association;
17 NATIONSTAR MORTGAGE, LLC, a
18 Delaware company; and DOES 1-100;
19 Defendants.

20 NONA TOBIN, an Individual,
21 Counter-Claimant,

22 vs.

23 RED ROCK FINANCIAL SERVICES;
24 Counter-Defendant

NONA TOBIN, an Individual,
Cross-Claimant,

vs.

WELLS FARGO, N.A.; a national banking
association; NATIONSTAR MORTGAGE,
LLC, a Delaware company;
Cross-Defendants

Case No.: A-21-828840-C

Department: 8

JURY TRIAL DEMANDED

COUNTER-CLAIMANT & CROSS-
CLAIMANT NONA TOBIN'S
MOTION FOR SUMMARY
JUDGMENT VS. COUNTER-
DEFENDANT RED ROCK
FINANCIAL SERVICES & CROSS-
DEFENDANTS NATIONSTAR
MORTGAGE LLC & WELLS FARGO,
N. A. AND MOTION FOR PUNITIVE
DAMAGES AND SANCTIONS
PURSUANT TO NRCPC 11(b)(1)(2)(3)
and/or(4), NRS 18.010(2), NRS
207.407(1), and/or NRS 42.005

HEARING REQUESTED

20 Comes now, counter-claimant/ cross-claimant Nona Tobin, an individual, in proper
21 person, to hereby move for summary judgment vs. counter-defendant Red Rock Financial
22 Services, a partnership, and cross-defendants Nationstar and Wells Fargo and moves that relief
23 be granted to Nona Tobin as requested, including punitive damages and sanctions, pursuant to
24 NRCPC 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.407(1), and/or NRS 42.005.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. INTRODUCTION**

4 1. On 2/16/21 Red Rock served complaint with one cause of action: interpleader to
5 distribute the proceeds of the 8/15/14 sale of 2763 White Sage.

6 2. On 3/8/21 counter-claimant/ cross-claimant Nona Tobin filed NONA TOBIN’S (Herein
7 “AACC”) ANSWER, AFFIRMATIVE DEFENSES AND COUNTER-CLAIM VS. RED
8 ROCK FINANCIAL SERVICES, CROSS-CLAIMS VS. NATIONSTAR MORTGAGE LLC
9 AND WELLS FARGO, N.A., AND MOTION FOR SANCTIONS VS. RED ROCK
10 FINANCIAL SERVICES AND NATIONSTAR MORTGAGE LLC, AND/OR
11 NATIONSTAR MORTGAGE DBA MR. COOPER PURSUANT TO [NRCP 11\(b\)\(1\)\(2\)\(3\)](#)
12 [and/or\(4\)](#), NRS 18.010(2), NRS 207.407(1), NRS 42.005. JURY TRIAL DEMANDED.

13 3. As there has been no timely responsive pleading from Red Rock, Nationstar, or Wells
14 Fargo denying Tobin’s allegations, the court has discretion to deem their silence as admission.

15 *Bowers v. Edwards*, 79 Nev. 384, 389 (Nev. 1963) (“Under NRCP 7(a) a reply to a
16 counterclaim is a required responsive pleading. Because of his failure to reply,
appellant admitted the allegations of the counterclaim. NRCP 8(d).”)

17 *Nevada-Douglas Co. v. Berryhill*, 58 Nev. 261, 268 (Nev. 1938) (“If the plaintiff
18 fails to demur or reply to the new matter, contained in the answer, constituting a
defense, the same shall be deemed admitted.”)

19 *Danning v. Lum's, Inc.*, 86 Nev. 868, 0 (Nev. 1971) (“Every defense, in law or fact,
20 to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or
third-party claim, shall be asserted in the responsive pleading thereto if one is
21 required...)

22 4. However, out of an abundance of caution, Tobin moves herein for summary judgment
23 and sanctions to obtain relief instead of filing a notice of intent to take default.
24

1 5. Due to the seriousness of the allegations and the high level of declaratory relief, sanctions
2 and punitive damages sought, counter-claimant/ cross-claimant Nona Tobin requests a hearing
3 to allow defendants an opportunity to rely and to show cause why the relief, sanctions and
4 punitive damages requested should not be imposed.

5 //

6 **II. REQUESTS FOR JUDICIAL NOTICE**

7 6. Counter-claimant/cross-claimant Nona Tobin requests the court judicially notice the
8 Requests for Judicial Notice Tobin filed into this case on [3/15/21](#) (APN 191-13-811052 Clark
9 County complete property record), [4/4/21](#) (unadjudicated administrative complaints and civil
10 claims), [4/7/21](#) (relevant laws, regulations and HOA governing document provisions) and
11 [4/9/21](#) (NRCP 16.1 disclosures and subpoena responses from discovery in case A-15-720032-
12 C and disputed facts in the court record).

13 7. NRS 47.130(2) (b) permits courts to judicially notice facts "capable of accurate and ready
14 determination by resort to sources whose accuracy cannot reasonably be questioned, so that the
15 fact is not subject to reasonable dispute."

16 8. Pursuant to NRS 47.150, a "judge or court shall take judicial notice if requested by a
17 party and supplied with the necessary information."

18 9. Pursuant to NRS 47.160 "A party is entitled upon timely request to an opportunity to be
19 heard as to the propriety of taking judicial notice and the tenor of the matter to be noticed."

20 10. Nona Tobin's Requests for Judicial Notice, filed into this case on 3/15/21, 4/4/21, 4/7/21
21 and 4/9/21, are proper for judicial notice because they were 1) recorded against the property
22 and are part of the Clark County Recorder's Office records, or 2) were filed at some point into
23 the court records of prior proceedings, or 3) fit the definition of NRS 47.140 (matters of law),
24

1 and 4) are timely pursuant to NRS 47.150. Mack v. S. Bay Beer Distrib., 798 F.2d 1279, 1282
2 (9th Cir. 1986).

3 **III. STATEMENT OF UNDISPUTED FACTS**

4 11. The HOA sale was invalid to remove Tobin's rights to title as it was non-compliant with
5 foreclosure statutes, did not comply with the HOA governing documents, did not provide
6 mandated due process, and involved fraud. Red Rock, Nationstar and Sun City Anthem
7 withheld, concealed, misrepresented and/or falsified records to conceal the fraud.

8 12. Defendants, acting alone or in conspiracy with others, covered up the fraud and
9 successfully suppressed Tobin's evidence so the courts acted on false evidence to rule against
10 her and deny her access to the appellate courts.

11 13. On [6/24/19](#) she lost title by being denied access to the trial and all documentary evidence
12 excluded. See [A-15-720032-C](#) case summary without stricken documents vs. [annotated](#)
13 [summary](#) and annotated [5/4/19 case info file](#).

14 14. On [9/10/19](#) the Supreme Court denied her individual right to appeal.

15 15. On [11/22/19](#) Tobin's [7/22/19](#) motion for a new trial pursuant to NRCPC 54b and NRCPC
16 59a(1)ABCDF and [7/29/19](#) motion to dismiss for lack of jurisdiction pursuant to NRS 38.310
17 were stricken unheard along with all her [pro se filings and motions stricken by 4/23/19 ex parte](#)
18 [bench order](#)

19 16. On [4/30/20](#) the Supreme Court denied her access to appeal anything as an individual into
20 appeal [79295](#).

21 17. On [7/1/20](#) Sun City Anthem, [Nationstar](#) and Jimijack filed a joint respondents' brief that
22 was based on the false evidence from the Red Rock foreclosure file ([RRFS 001-425](#)) and (SCA
23 176-643 ignoring [SCA 168-175](#)) in response to the Gordon B. Hansen [12/19/19](#) opening brief.

1 18. On [12/3/20](#) her [A-19-799890-C](#) complaint was dismissed with prejudice on the grounds
2 of res judicata/non-mutual claims preclusion and three of her lis pendens (recorded on [8/7/14](#),
3 [8/14/19](#), and [8/14/19](#)) were expunged as if they had never been recorded.

4 19. Dismissal of her A-19-799890-C complaint occurred after two order imposing sanctions
5 on her for filing a quiet title complaint as an individual, , had been entered on [10/8/20](#) and
6 [11/17/20](#) (\$3,455 to Joseph Hong pursuant to EDCR 7.60(1) &/or (3) and \$12,849 to Brittany
7 Wood per NRS 18.010(2))

8 20. On 3/8/21 NONA TOBIN filed her ANSWER, AFFIRMATIVE DEFENSES, COUNTER-
9 CLAIMS & CROSS-CLAIMS the are summarized and expanded on below.

10 **A. ANSWER**

11 21. Tobin's [AACC ANSWER](#) basically denied that Red Rock had any proper purpose for
12 filing a claim for interpleader after holding the funds, without legal authority, all the while
13 obstructing Tobin's multiple efforts for over the six years to stake a claim.

14 22. Related to Tobin's opinion of Red Rock's motives, Tobin published on her blog
15 SCAstrong.com: "[Interpleader complaint was filed with an ulterior motive](#)" and "[Cause of](#)
16 [Action: Abuse of Process](#)" and "[NRS 116.31164\(3\)\(2013\) vs. NRCP 22: Interpleader vs. HOA](#)
17 [bylaws prohibiting delegation](#)"

18 **B. AFFIRMATIVE DEFENSES**

19 23. Tobin's AACC had nineteen affirmative defenses:

- 20 1. Failure to state a claim
- 21 2. Estoppel
- 22 3. Fraud [NRS 207.360 \(9\)\(30\)\(35\)](#), [NRS 205.395](#), [NRS 205.377](#), [NRS 205.330](#),
23 [NRS 205.405](#), [NRS 111.175](#),
- 24 4. Illegality [NRS 207.230](#)
5. Waiver
6. Failure to join a necessary party
7. General and equitable defenses

- 1 8. Priority
- 2 9. False claims to title ([NRS 205.395](#), [NRS 205.377](#))
- 3 10. Violation of Covenant of good faith ([NRS 116.1113](#))
- 4 11. Equitable doctrines (unclean hands, [NRS 207.360](#) (9)(30)(35))
- 5 12. Acceptance (distribution of proceeds)
- 6 13. Waiver and Estoppel (Red Rock & Nationstar)
- 7 14. Fraudulent Misrepresentation and fraudulent concealment [NRS 205.405](#),
- 8 [NRCF 11\(b\)](#)
- 9 15. Failure to mitigate damages
- 10 16. Unconstitutional (Due process clauses)
- 11 17. Statutory violations ([NRS 116.31031](#), [NRS 116.31162 – NRS 116.31168](#)
- 12 [\(2013\)](#), [NRS 116.3102](#), [NRS 116.31083](#), [NRS 116.31085](#), [NRS 38.310](#)
- 13 18. Rejection of two super-priority payments ([SCA 513](#) and [SCA 302](#))
- 14 19. Violations of HOA CC&Rs owner protections ([CC&Rs 7.4](#) Compliance &
- 15 Enforcement; [CC&Rs 16](#): Dispute Resolution and Limitation on Litigation

9 **C. COUNTER-CLAIMS**

10 24. Tobin’s AACC had five causes of action in the counter-claim vs. RRFs: 1) Interpleader:
11 distribution of the proceeds plus penalties and interest; 2) Unjust enrichment and/or conversion;
12 3) Fraud; 4) Alter-ego piercing the corporate veil; and 5) Racketeering. See also published
13 “[Nona Tobin’s claims against Red Rock Financial Services](#)”.

14 **D. First Cause of Action: Interpleader**

15 25. The controlling statute for the distribution of proceeds is [NRS116.31164\(3\)\(2013\)](#) which
16 defines the after-sale ministerial duties of the person who conducted the sale.

17 26. There is no legal authority in the controlling statute for Red Rock Financial Services to
18 claim \$3500 in fees for filing this interpleader action.

19 27. Using the [Nevada legal rate of interest table](#), total amount due to Nona Tobin is
20 \$87,115.31, of which \$57,282.32 was the original principal that Red Rock identified as “excess
21 proceeds”

22 28. Alternatively, if the calculation is done based on the amount of the proceeds Red Rock
23 actually unlawfully retained, the amount due to Tobin presently is \$91,855.11, of which
24

1 \$60,398.96 is the total undistributed portion of the \$63,100 proceeds from the 8/15/14 sale. See
2 [Interest calculation on both principal amounts.](#)

3 29. Tobin's [3/28/17 deed](#) is the sole current recorded claim.

4 30. No other defendant filed a claim into interpleader for a portion of the proceeds.

5 **E. Second COA: Conversion**

6 31. See the published "[Cause of Action: Conversion](#)" and "[Cause of Action:](#)
7 [Misappropriation of money](#)" and "[Cause of Action: Civil Conspiracy](#)"

8 **F. Third COA: Fraud**

9 32. See the published "[Cause of Action: Fraud](#)" and "[What's being human got to do with it?](#)"

10 33. See the published "[SCA Board secretly sold a dozen houses in 2014](#)"

11 34. See the published "[SCA Board did not properly authorize any foreclosure](#)
12 [conducted by Red Rock](#)"

13 35. See the published "[Red Rock foreclosure file is false, falsified and fraudulent](#)"

14 36. See the published "[Deceptive disclosures: 12/5/13 meeting vs. SCA 315 & RRFS](#)
15 [148](#)"

16 37. See the published "[SCA Board did not comply with HOA meeting laws](#)"

17 38. See the published [Ombudsman's Notice of Sale records for 17 foreclosures](#).)

18 39. See the published "[Due process is required before a person's property can be](#)
19 [confiscated](#)"

20 **G. Fourth Cause of Action: Alter-ego piercing the corporate veil**

21 40. See Exhibit 22 [Excerpts of 1/31/17 cross-claim vs. HOA and its agents](#)

22 **H. Fifth COA: Racketeering**

23 41. See the published "[Cause of Action: RICO damages pursuant to NRS 207.470](#)
24 [Racketeering](#)"

1 42. Red Rock's response to subpoena ([RRFS 001-425](#)) was unverified, incomplete,
2 inaccurate, and contained some falsified documents.

3 43. Sun City Anthem disclosed the same unverified, uncorroborated Red Rock foreclosure
4 file ([SCA 176-643](#)) and misrepresented it to the court as the HOA's official records of the
5 collection and foreclosure process.

6 44. Sun City Anthem concealed all the HOA's records of what actually occurred, including
7 but not limited to all the SCA Board agendas and minutes, un-doctored Resident Transaction
8 Reports for 2763 White Sage, and all the HOA's compliance and enforcement records for the
9 foreclosures conducted by Red Rock under the HOA statutory authority.

10 45. See [4/9/21](#) Request for Judicial Notice (NRCP 16.1 disclosures and subpoena responses
11 from discovery in case A-15-720032-C and disputed facts in the court record) which contains:

12 EXHIBIT 3: DAVID OCHOA PROFFERED FOR SUN CITY ANTHEM
13 [5/31/18 SCA Initial disclosures](#)

14 [SCA 001-116 Sun City Anthem CC&Rs 2008 3rd restatement](#)

15 [SCA 117-145 Sun City Anthem bylaws 2008 3rd restatement](#)

16 [SCA 146-163 Sun City Anthem Rules and Regulations](#)

17 [SCA 164-167 Sun City Anthem 2007 Red Rock Financial Services Debt Collection
18 contract](#)

19 [SCA 168-175 Sun City Anthem 2013 Delinquent Assessment Policy](#)

20 [SCA 176-643 Red Rock Financial Services Foreclosure File redacted](#)

21 [2/11/19 SCA 1st supplemental disclosures](#)

22 [2/26/19 SCA response to Tobin interrogatories](#)

23 [2/26/19 SCA Response to Tobin Request for Documents](#)

24 [2/26/19 SCA response to Tobin Request for documents annotated](#)

25 46. Both Sun City Anthem and Red Rock concealed in discovery the applicable [4/27/12 Red
26 Rock debt collection contract](#) which has an unenforced [indemnification clause](#) that is favorable
27 to the HOA.

1 47. In addition to refusing to provide HOA records of probative value to Tobin’s case, Sun
2 City Anthem attorney/debt collector Adam Clarkson required Nona Tobin, as an elected, sitting
3 member of the HOA Board to recuse herself from all SCA collection matters, past or present,
4 instead of relying on [NRS 116.31084](#) (Voting by member of executive board; disclosures;
5 abstention from voting on certain matters.) See [6/5/17 recusal acknowledgement](#).

6 48. Because Tobin was a party to this quiet title litigation, Sun City Anthem attorney/debt
7 collector Adam Clarkson deemed her elected Board seat vacant “by operation of law” and
8 removed her from her elected Board seat without an [NRS 116.31036](#) removal election.

9 49. See [8/24/17 Clarkson letter](#) that accused Nona Tobin of profiting from her elected seat
10 on the Board by being party to this quiet title litigation.

11 50. See [8/16/17 Complaint to the Nevada State Bar vs. Clarkson](#) and [9/12/17 rejection letter](#).

12 51. See the [9/7/17 Complaint to NRED Ombudsman](#) and [8/9/18 rejection letter](#).

13 52. See the published “[Why can’t I be a candidate for the Board?](#)” and “[HOA collection](#)
14 [practices cost us all more than you think](#)” and “[Fire the debt collector](#)” and “[Elder Abuse: Part](#)
15 [II – SCA Agents](#)” and “[On the advice of counsel is no defense](#)”.

16 53. SCA attorney/debt collector has ruled without legal authority (NRS that Nona Tobin is
17 ineligible to run for election or return to her elected Board seat as long as the quiet title litigation
18 is in the appellate courts, even if Sun City Anthem is not a party. See Clarkson “notice(s) of
19 ineligibility” dated [2/9/18](#), [2/12/19](#), [2/06/20](#), and [2/12/21](#). See [also 11/9/20 Tobin email to the](#)
20 [HOA Board](#) to fill vacant Board seat with 2017-2020 timeline and links. See the published “[No](#)
21 [2021 Board election](#)”

22 54. SCA attorneys Adam Clarkson and David Ochoa published [quarterly litigation reports](#)
23 that falsely claimed that Nona Tobin had been removed from her elected Board seat “**for cause**”.

24

1 55. See also the published [“Election committee was inhospitable, angry even. Nevertheless](#)
2 [I persisted”](#)

3 56. SCA disclosed, and RRFS provided in response to Tobin's subpoena, misleading and
4 falsified documents to deceive the court into concluding that the sale had been fair and properly
5 noticed and the proceeds properly handled, including but not limited to [SCA 276](#), [SCA 277](#),
6 [SCA 278](#), [SCA 286](#), [SCA 635](#), [SCA 642](#), [SCA 643](#). [SCA 277](#), [SCA 628](#), [RRFS 071-083](#) (SCA
7 250-262), [RRFS 047-048](#) (SCA 223-224), [RRFS 119](#) ([SCA 302](#)), [RRFS 128](#) ([SCA 315](#)), [RRFS](#)
8 [238-244](#), [RRFS 218-219](#) ([SCA 415-416](#)), [RRFS 298-299](#), [RRFS 312-326](#) (SCA 513-530),
9 [RRFS 398-399](#); [RRFS 402](#) ([SCA 618](#)), [RRFS 409-423](#), [RRFS 424-425](#), [RRFS 123](#), [RRFS 124](#),

10 **I. CROSS-CLAIMS**

11 57. Tobin’s AACC had three causes of action vs. cross-defendants Nationstar and Wells
12 Fargo: 1) Racketeering; 2) Unjust enrichment and/or conversion; and 3) Fraud.

13 58. See [“Nona Tobin’s cross-claim vs. Nationstar and Wells Fargo”](#) See [“Nationstar](#)
14 [Mortgage’s Fraud”](#) and [“Black letter law: anti-foreclosure fraud”](#)

15 59. See [“Cause of Action: RICO damages pursuant to NRS 207.470 Racketeering”](#)

16 60. Cross-defendant Nationstar’s fraudulent misrepresentations and presentation of false
17 evidence to two district courts obstructed a fair adjudication of Tobin’s claims in prior
18 proceedings and before the Nevada Supreme Court.

19 61. Cross-defendant Nationstar’s ex parte meeting with Judge Kishner on 4/23/19 damaged
20 Nona Tobin and caused her pro se filings to be stricken unheard.

21 62. See [Complaint to the Nevada Commission on Judicial Discipline](#)

22 63. Cross-defendant Nationstar recorded false claims to steal Nona Tobin’s property.

23 64. Cross-defendant Nationstar is judicially estopped from claiming that it ever was the
24 beneficiary of the Hansen deed of trust. See [Complaint against Melanie Morgan](#)

1
2 **J. PRAYER**

3 65. Nona Tobin’s AACC Prayer for relief is quoted here with links added to laws,
4 regulations, documentary evidence or argument to support claims for relief and punitive
5 damages.

6 66. See the published “[Nona Tobin’s, Red Rock’s & Nationstar’s prayers for relief](#)”

7 This counterclaim has been necessitated by the COUNTER-DEFENDANT RRFS’s
8 AND CROSS-DEFENDANT NATIONSTAR’s bad faith conduct.

9 Pursuant to Nevada law, COUNTER-CLAIMANT AND CROSS CLAIMANT NONA
10 TOBIN’s may recover her attorney fees as special damages because she was
11 required to file this suit as a result of COUNTER-DEFENDANT RRFS AND
12 CROSS-DEFENDANT NATIONSTAR’ intentional conduct. (Sandy Valley Assocs.
13 v. Sky Ranch Estates Owners Ass’n, 117 Nev. 948, 958, 35 P.3d 964, 970 (2001),
14 citing American Fed. Musicians v. Reno’s Riverside, 86 Nev. 695, 475 P.2d 220
15 (1970).

16 COUNTER-CLAIMANT AND CROSS CLAIMANT NONA TOBIN petitions the
17 Court to declare:

- 18 1. that the disputed HOA sale is void due to fraud in the execution by Red Rock
19 Financial Services;
- 20 2. that the disputed HOA sale did not extinguish the GBH Trust’s, nor its successor
21 in interest’s rights to title; See “[Nona Tobin’s declaration under penalty of perjury](#)”
22 and *Whatever happened to “equal protection under the law”?*
- 23 3. that Nona Tobin is entitled to the \$57,282 undistributed proceeds of the sale with
24 six+ plus years interest and exemplary penalties pursuant to [NRS 42.005](#).
(See [4/12/21 Tobin motion to distribute](#))
4. that sanctions are appropriate vs. RRFS for its fraudulent conduct of HOA
foreclosures sales; See “[RRFS claims vs. actual \\$\\$ due](#)“
5. that sanctions are appropriate vs. RRFS for its falsification of records to evade
detection of misappropriation of funds; See “[Red Rock foreclosure file is false,
falsified and fraudulent](#)“
6. that sanctions are appropriate vs. RRFS for its retention of proprietary control of
the proceeds of the foreclosure of the subject property, and of approximately a
dozen other Sun City Anthem 2014 foreclosures, when RRFS knew, or should have
known, that the HOA Board was prohibited by Sun City Anthems bylaws from
delegating proprietary control over funds collected for the sole and exclusive
benefit of the association; See [SCA bylaws 3.20/3.18](#) and “[NRS 116.31164\(3\)\(2013\)
vs. NRCP 22: Interpleader vs. HOA bylaws prohibiting delegation](#)“

- 1 7. that sanctions are appropriate vs. RRFS for its failure to distribute foreclosure
2 proceeds timely after the sales, as mandated by [NRS 116.31164\(3\)](#): (See [4/12/21](#)
[Tobin motion to distribute](#))
- 3 8. that sanctions are appropriate vs. RRFS for Koch & Scow's unsupervised,
4 unaudited retention of the funds of many, many HOA foreclosures allowed
5 attorney trust fund violations to go undetected; See [SCA bylaws 3.20/3.18](#)
- 6 9. Koch & Scow's filed its unwarranted [6/23/20 motion to dismiss](#), its [8/3/20](#)
7 [reply](#) in support, and its [12/3/20 order granting its motion to dismiss](#), knowing
8 that all these filings contained many misrepresentations of material facts for which
9 there was no factual support or evidence, defied NRCP 11 (b)(3), Nevada Rules of
10 Professional Conduct 3.3 (candor to the tribunal), 3.4 (fairness to opposing
11 counsel), 3.5A (relations with opposing counsel), 4.1 (truthfulness in statements to
12 others), 4.4 (respect for the rights of third persons) and ABA (1992) Standards for
13 Imposing Lawyer Sanctions 6.1 (False statements, fraud, and misrepresentation).
14 (See [4/7/21 request for judicial notice](#).)
- 15 10. that sanctions are appropriate vs. RRFS for its misappropriation of funds, covert
16 rejection of assessments, falsification of records that allowed the unjust
17 enrichment of undisclosed partners and co-conspirators; (See "[SCA Board secretly](#)
18 [sold a dozen houses in 2014](#)" and "[SCA Board did not properly authorize any](#)
19 [foreclosure conducted by Red Rock](#)" and "[Red Rock foreclosure file is false,](#)
20 [falsified and fraudulent](#)" and "[Deceptive disclosures: 12/5/13 meeting vs. SCA 315](#)
21 [& RRFS 148](#)" and "[SCA Board did not comply with HOA meeting laws](#)"
22 and [Ombudsman's Notice of Sale records for 17 foreclosures](#))
- 23 11. that Nona Tobin is entitled to treble damages for the fraudulent confiscation of the
24 subject property, valued on 12/27/19 at \$505,000 property pursuant to [NRS](#)
[207.470\(1\)](#) as RRFS's actions on the dozen 2014 unnoticed foreclosures constitute
racketeering; (See "[SCA Board secretly sold a dozen houses in 2014](#)" and "[SCA](#)
[Board did not properly authorize any foreclosure conducted by Red Rock](#)" and
"[Red Rock foreclosure file is false, falsified and fraudulent](#)" and "[Deceptive](#)
[disclosures: 12/5/13 meeting vs. SCA 315 & RRFS 148](#)" and "[SCA Board did not](#)
[comply with HOA meeting laws](#)" and [Ombudsman's Notice of Sale records for 17](#)
[foreclosures](#))
12. that sanctions are appropriate pursuant to [NRCP 11 \(b\)\(1\)\(2\)\(3\)\(4\)](#) and [NRS](#)
[18.010\(2\)](#) vs. RRFS for its filing the improper interpleader action with penalties as
all other named defendants' liens have been released and Nationstar mortgage is
judicially estopped from claiming it ever was the beneficial owner of the Hansen
deed of trust;
13. that Nona Tobin, an individual's, [3/28/17 deed](#) is the sole valid title claim;
14. that [Jimijack's defective, 6/9/15 deed](#) was inadmissible as evidence to support its
title claim pursuant to NRS 111.345; (See [1/17/17 Tobin DECL re notary fraud](#))
15. that the [Joel Stokes-Civic Financial Services "agreement"](#), recorded on 5/23/19,
and misrepresented to Judge Kishner on 5/21/19 as the Nationstar-Jimijack
settlement was fraud on the court and sanctionable conduct pursuant to [NRCP 11](#)
[\(b\)\(1\)\(2\)\(3\)\(4\)](#);
16. that sanctions are appropriate vs. Nationstar and its Akerman attorneys pursuant
to [NRCP 11 \(b\)\(1\)\(2\)\(3\)\(4\)](#) (misrepresentations in court filings), Nevada Rules of
Professional Conduct 3.3 (candor to the tribunal), 3.4 (fairness to opposing

- 1 counsel), 3.5A (relations with opposing counsel), 4.1 (truthfulness in statements to
2 others), 4.4 (respect for the rights of third persons) and ABA (1992) Standards for
3 Imposing Lawyer Sanctions 6.1 (False statements, fraud, and misrepresentation).
4 17. To declare that [Joel Stokes' deed, recorded on 5/1/19](#), was void as Jimijack had no
5 interest to convey and that this transfer prior to the 6/5/19 trial was for the corrupt
6 purpose of deceiving the court into allowing Joel Stokes and Nationstar to
7 perpetrate a fraud on the court;
8 18. That Nona Tobin is entitled to recoup treble damages pursuant to [NRS](#)
9 [207.470](#) and
10 19. That Nona Tobin is entitled to recoup damages, five years of rental income from
11 Jimijack;
12 20. that Nationstar Mortgage LLC's (Herein "NSM" or "Nationstar") claims to own the
13 beneficial interest of the disputed Western Thrift Deed of Trust (Herein "DOT")
14 are false and sanctionable under [NRS 205.395](#), [NRS 205.377](#), [NRS 207.400](#) and
15 that Nona Tobin is entitled to treble damages by their misconduct pursuant to [NRS](#)
16 [207.470 and 480](#); See "[All Declarations under penalty of perjury support Nona](#)
17 [Tobin](#)" and "[Nationstar Mortgage's fraud](#)" and "[Why Nationstar's attorneys must](#)
18 [be sanctioned and pay damages](#)" and "[Complaint against Melanie Morgan](#)" and
19 "[1st complaint to the Nevada AG](#)" and "[2nd complaint to the Nevada Attorney](#)
20 [General](#)"
21 21. that all instruments, encumbrances and assignments, and expungements of lis
22 pendens that were improperly and/or unlawfully notarized, executed, or recorded
23 to create false claims, or were done for the improper purpose of abrogating Tobin's
24 rights during the pendency of litigation, and/or prior to the adjudication of
Plaintiff's claims in this instant action, are cancelled and declared without legal
force and effect; and See [4/7/21 request for judicial notice of relevant laws](#) and
"What is lis pendens?" and
22. that attorneys pay Tobin's attorney fees and costs as a sanction pursuant to NRC
11(b)(1)(3) and/or [NRS 18.010\(2\)](#)

16 **K. Tobin's 3/8/21 AACC had 22 Exhibits**

- 17 1. Exhibit 1 – [APN 191-13-811-052 Clark County Property Record and allegations of fraud](#)
18 [vs. all opposing parties](#)
19 2. Exhibit 2 – [the sale was void for rejection of assessments.](#)
20 3. Exhibit 3 [The alleged default was cured three times,](#)
21 4. Exhibit 4 [SCA Board did not authorize the sale by valid corporate action](#)
22 5. Exhibit 5 [Required notices were not provided, but records were falsified to cover it up](#)
23 6. Exhibit 6 [SCA Board imposed ultimate sanction with NO due process](#)
24 7. Exhibit 7 [Neither BANA nor NSM ever owned the disputed DOT](#)
8. Exhibit 8 [Examples of RRFS corrupt business practices](#)
9. Exhibit 9 [Attorneys' lack of candor to the tribunal](#)
10. Exhibit 10 [the proceeds of the sale were not distributed pursuant to NRS 116.31164\(3\)](#)
11 [\(2013\)](#)
12 11. Exhibit 11 [RRFS's fraud, oppression & unfairness](#)
13 12. Exhibit 12 [attorney interference in the administration of justice](#)
14 13. Exhibit 13 [lack of professional ethics and good faith](#)

- 1 14. Exhibit 14 [Presented false evidence to cover up crime](#)
- 2 15. Exhibit 15 [Civil Conspiracy to cover up racketeering warrants punitive damages](#)
- 3 16. Exhibit 16 [Republic Services lien releases](#)
- 4 17. Exhibit 17 [Nona Tobin's standing as an individual](#)
- 5 18. Exhibit 18 – [Relevant statutes and regulations](#)
- 6 19. Exhibit 19 [RELEVANT HOA GOVERNING DOCUMENTS PROVISIONS](#)
- 7 20. Exhibit 20 [Administrative Complaints related to the APN 191-13-811-052 title dispute](#)
- 8 21. Exhibit 21 [Nevada court cases related to the APN 191-13-811-052 title dispute](#)
- 9 22. Exhibit 22 [Excerpts of 1/31/17 cross-claim vs. HOA and its agents](#)

6 **IV. LEGAL STANDARD AND ARGUMENT**

7 **L. Motion for summary judgment.**

8 67. MSJ must be granted because counter and cross defendants didn't file a responsive
9 pleading.

10 The purpose of summary judgment is to identify and dispose of factually
11 unsupported claims and defenses. *See Celotex Corp. v. Catrett*, [477 U.S. 317, 323–](#)
12 [24, 106 S.Ct. 2548, 91 L.Ed.2d 265](#) (1986). Summary judgment is therefore
13 appropriate if “the movant shows that there is no genuine dispute as to any material
14 fact and the movant is entitled to judgment as a matter of law.” [Fed.R.Civ.P. 56\(a\)](#).
15 “A party asserting that a fact cannot be or is genuinely disputed must support the
16 assertion,” and can do so in either of two ways: by “citing to particular parts of
17 materials in the record, including depositions, documents, electronically stored
18 information, affidavits or declarations, stipulations (including those made for
19 purposes of the motion only), admissions, interrogatory answers, or other materials”;
20 or by “showing that the materials cited do not establish the absence or presence of a
21 genuine dispute, or that an adverse party cannot produce admissible evidence to
22 support the fact.” [Fed.R.Civ.P. 56\(c\)\(1\)](#).

17 “A fact is ‘material’ when, under the governing substantive law, it could affect the
18 outcome of the case. A ‘genuine issue’ of material fact arises if ‘the evidence is such
19 that a reasonable jury could return a verdict for the nonmoving party.’ ” *Thrifty Oil*
20 *Co. v. Bank of Am. Nat'l Trust & Sav. Ass'n*, [322 F.3d 1039, 1046](#) (9th Cir.2003)
21 (quoting *Anderson v. Liberty Lobby, Inc.*, [477 U.S. 242, 248, 106 S.Ct. 2505, 91](#)
22 [L.Ed.2d 202](#) (1986)). Conversely, where the evidence could not lead a rational trier
of fact to find for the nonmoving party, no genuine issue exists for
trial. *See Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, [475 U.S. 574, 587, 106](#)
[S.Ct. 1348, 89 L.Ed.2d 538](#) (1986) (citing *First Nat'l Bank v. Cities Serv. Co.*, [391](#)
[U.S. 253, 289, 88 S.Ct. 1575, 20 L.Ed.2d 569](#) (1968)).

23 The moving party has the burden of persuading the court as to the absence of a
24 genuine issue of material fact. *Celotex*, 477 U.S. at 323, 106 S.Ct. 2548; *Miller v.*
Glenn Miller Prods., [454 F.3d 975, 987](#) (9th Cir.2006). The moving party may do

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so with affirmative evidence or by “ ‘showing’—that is, pointing out to the district court—that there is an absence of evidence to support the nonmoving party's case.” *Celotex*, 477 U.S. at 325, 106 S.Ct. 2548. Once the moving party satisfies its burden, the nonmoving party cannot simply rest on the pleadings or argue that any disagreement or “metaphysical doubt” about a material issue of fact precludes summary judgment. *See Celotex*, 477 U.S. at 324, 106 S.Ct. 2548; *Matsushita Elec.*, [475 U.S. at 586](#), [106 S.Ct. 1348](#); *Cal. Architectural Bldg. Prods., Inc. v. Franciscan Ceramics, Inc.*, [818 F.2d 1466, 1468](#) (9th Cir.1987). The nonmoving party must instead set forth “significant probative evidence” in support of its position. *T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass'n*, [809 F.2d 626, 630](#) (9th Cir.1987) (quoting *First Nat'l*, [391 U.S. at 290](#), [88 S.Ct. 1575](#)). Summary judgment will thus be granted against a party who fails to demonstrate facts sufficient to establish an element essential to his case when that party will ultimately bear the burden of proof at trial. *See Celotex*, 477 U.S. at 322, 106 S.Ct. 2548.

When evaluating a motion for summary judgment, the court must construe all evidence and reasonable inferences drawn therefrom in the light most favorable to the nonmoving party. *See T.W. Elec. Serv.*, [809 F.2d at 630–31](#). Accordingly, if “reasonable minds could differ as to the import of the evidence,” summary judgment will be denied. *Anderson*, [477 U.S. at 250–51](#), [106 S.Ct. 2505](#).

Turner v. Haw. First Inc., 903 F. Supp. 2d 1037, 1042-44 (D. Haw. 2012)

M. 4/7/21 Request for Judicial Notice of the relevant laws, regulations and HOA governing documents

- 68. Exhibit 1: [2013 Nevada HOA Lien & Foreclosure Laws](#)
- 69. Exhibit 2: [Limits on HOA Board’s authority to impose sanctions](#)
- 70. Exhibit 3: [Limits on HOA agents’ & managers’ authority to act](#)
- 71. Exhibit 4: [Limits on conveyance of real property](#)
- 72. Exhibit 5: [Limits on Fraud and Racketeering](#)
- 73. Exhibit 6: [Sanctions & damages](#)
- 74. Exhibit 7: [Victim access to remedies](#)
- 75. Exhibit 8: [Documentary evidence](#)
- 76. Exhibit 9: [Declaratory Judgments](#)
- 77. Exhibit 10: [Actions to determine conflicting claims to real property](#)

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V. ARGUMENT

N. Defendants’ presentation of false evidence to the courts damaged Nona Tobin and caused her to lose

78. The falsification of accounts, the charging of excessive, unauthorized fines, wrongly called “collection fees, the misappropriation of funds, and the related conspiracy are part of a pattern and practice of corrupt organizations.

79. Nona Tobin is entitled to damages that occurred to her as a direct result of racketeering and fraud on the part of counter-defendant Red Rock and cross-defendant Nationstar:

Hale v. Burkhardt, 104 Nev. 632, 0 (Nev. 1988) (“Like their federal counterparts, Nevada's anti-racketeering statutes provide for a civil cause of action for injuries resulting from racketeering activities under which a plaintiff may recover treble damages, attorney's fees and litigation costs.”)

Demarigny v. McCormick (In re Receivership of Sw. Exch., Inc.), 381 P.3d 626 (Nev. 2012) (“Pursuant to NRS 207.470 and NRS 207.400, a civil RICO cause of action may be based upon proof that the defendant engaged in at least two crimes related to racketeering that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents.... NRS 207.390 (emphasis added). ”)

80. [NRS 207.360 \(30\)](#) defines “offering false evidence” as a crime related to racketeering.

81. A partial list of the Counter-Defendants’, Cross-defendants’ and third-party defendants’ Predicate Acts show a pattern of corrupt business practices under the definition of [NRS 205.377](#)

Multiple transactions involving fraud or deceit in course of enterprise or occupation;

82. Violations of [NRS 205.377](#) Multiple transactions involving fraud or deceit in course of enterprise or occupation are defined as racketeering under [NRS 207.360 \(35\)](#)

1 Nationstar LLC and/or Nationstar LLC dba Mr. Cooper recorded false claims
2 on [12/1/14](#), [1/22/15](#), [8/17/15](#), [1/13/16](#), [6/7/16](#), [3/8/19](#) rescind and [3/8/19](#)
[assign](#), and [6/3/19](#).

3 Red Rock Financial Services recorded false claims
4 on [12/14/12](#), [3/12/13](#), [4/3/13](#), [4/8/13](#), and executed the foreclosure deed
Thomas Lucas recorded on [8/22/14](#).

5 Joseph Hong's clients recorded false claims
6 on [6/9/15](#), [6/9/15](#), [12/1/15](#), [5/1/19](#), [5/23/19](#), [5/28/19](#), [7/24/19](#), [12/3/19](#), [12/](#)
[27/19](#), and [12/27/19](#) and aided and abetted false claims to be recorded
7 on [6/3/19](#), [6/4/19](#), [7/10/19](#), [7/17/19](#), [12/27/19](#), [2/6/20](#), [2/6/20](#), and [12/4/](#)
[20](#).

8 Attorneys Wright, Finley, Zak, aided and abetted mortgage servicing fraud of both
9 Bank of America and Nationstar Mortgage by filing into these quiet title civil
actions statements known to be false and disclosing false evidence Edgar Smith
(NV bar #5506) on [1/11/16](#), [4/12/16](#),
10 [DECL](#), [4/12/16](#), [5/10/16](#), [6/2/16](#), [6/3/16](#), [6/10/16](#), [3/27/17](#)
[DECL](#), [3/27/17](#), [11/9/17](#), [2/9/18](#), (Dana Johnson Nitz NV Bar #0050, Michael
11 Kelly NV Bar #10101).

12 Akerman LLP (Melanie Morgan NV Bar #8215, Karen Whelan NV Bar #10466,
13 Donna Wittig NV Bar #11015). [5/15/18](#), [2/7/19](#), Thera Cooper NV Bar
#13468, [2/12/19](#), [2/12/19](#), [2/20/19](#), [2/21/19](#), [2/21/19](#), [2/27/19](#), [2/28/19](#), [2/](#)
[28/19](#), [3/7/19](#), [3/12/19](#), [3/12/19](#), [3/18/19](#), [3/21/19](#), [3/26/19](#)
14 [RTRAN](#), [4/12/19](#), [4/15/19](#) (SAO signed 4/10/19), [4/19/19](#), [4/23/19](#), [4/23/19](#)
[RTRAN](#), [4/25/19 RTRAN](#), [5/3/19](#), [5/21/19 RTRAN](#), [5/29/19](#)
15 [RTRAN](#), [5/31/19](#), [6/24/19](#), [6/24/19](#), [6/25/19](#), [7/1/19](#), [7/22/19](#).

16 Joseph Hong (NV Bar #5995) filed written false statements, filed frivolous
17 unsupported harassing pleadings, knowingly made false verbal statements, made
fraudulent misrepresentations of material facts, concealed/failed to disclose
18 material facts, conspired with others, received proceeds, on these dates, [6/9/15](#)
[DEED](#), [6/16/15](#), 6/8/16, [8/12/15](#), [10/16/15](#), [8/30/16](#), [9/29/16](#)
[RTRAN](#), [12/5/16](#), [12/20/16](#)
19 [RTRAN](#), [3/13/17](#), [3/13/17](#), [3/13/17](#), [12/5/18](#), [3/25/19](#), [3/26/19](#)
[RTRAN](#), [4/15/19](#), [4/22/19](#), [4/23/19 minutes](#), [4/23/19 RTRAN](#), [4/23/19](#)
[RTRAN annotated](#), 4/25/19 RTRAN, 5/1/19 DEED, [5/3/19](#), 5/21/19, 5/23/19
20 Agreement, [5/24/19](#), 5/29/19 video, 5/29/19 RTRAN, 6/3/19 RTRAN, 6/3/19
video, [6/5/19](#), 6/5/19 video, [6/5/19 RTRAN](#), 6/5/19 video, [6/6/19](#)
21 [RTRAN](#), [6/24/19](#), [6/28/19](#), [8/7/19](#), [8/13/19](#), [9/3/19 RTRAN](#), 9/3/19 video,
6/25/20, [7/1/20](#), [8/3/20 annotated](#), 8/11/20 video, 8/11/20
22 RTRAN, [10/8/20](#), [10/8/20 annotated](#), [10/16/20 OST](#), [10/16/20 NEO](#),
10/29/20 RTRAN, 10/29/20 video, 11/3/20 video, 11/3/20 RTRAN.

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1 **O. Suppression of Nona Tobin’s evidence and misrepresentation of her standing by**
2 **defendants prevented a fair adjudication of her claims.**

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4 83. Detailed allegations against defendants are delineated in complaints to the Nevada
5 Attorney General on [3/14/19](#) and [11/10/20](#).

6 84. Detailed allegations against defendants are delineated in complaints to the Nevada State
7 Bar on [2/14/21](#) and on [2/16/21](#).

8 85. Detailed allegations against defendants are delineated are in the [Complaint to the Nevada](#)
9 [Commission on Judicial Discipline](#)

10 86. Detailed allegations are in the 12/20/16 [Complaint to the Mortgage Lending Division](#)

11 87. See the published “[Complaint Against Melanie Morgan](#)” is Nona Tobin’s declaration
12 under penalty of perjury regarding Nationstar’s fraudulent claims to be owed the debt from the
13 Hansen deed of trust and the fraudulent side-deal between Nationstar and Joel Stokes that was
14 brokered by Morgan and Hong to steal Tobin’s property.

15 88. See the published “Recommendation to the Nevada Commission on Judicial Discipline”

16 89. See the published “[Whatever happened to equal protection under the law?](#)”

17 90. See “[Due process is required before a person’s property can be confiscated](#)

18 91. See excerpt from Bar complaint vs. Brittany Wood

19 I, Nona Tobin, am filing this complaint to the Nevada State Bar Ethics & Discipline
20 Panel as the President of the newly-formed Fight Foreclosure Fraud, Inc. I make all
21 statements herein based on my personal knowledge under penalty of perjury under
22 the laws of the State of Nevada. I am filing this complaint without representation,
23 but I am seeking counsel to represent me, and Fight Foreclosure Fraud, Inc., on
24 complaints to the Nevada State Bar, the Nevada Attorney General, the Nevada
 Mortgage Lending Division, the American Bar Association Ethics & Discipline
 Panel, the Nevada Real Estate Division Commission for Common-Interest
 Communities.

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This complaint, and the multiple other new and pending complaints to the discipline panel, I have and will be filing, stem from my personal horrifying litigation experience.

1. Over the last five years of litigation I was forced into... I have been attempting regain title to a house that was wrongly foreclosed and secretly sold in 2014 by Red Rock Financial Services.

[VIDEO](#) 1:20-minute VIDEO [How did Nona Tobin lose the \\$500,000 house she inherited from Bruce Hansen?](#)

4:52-minute VIDEO [“How lenders cheat owners out of their houses”](#)

Over the last five years, no judge has looked at any evidence.

7:39-minute VIDEO [“Complaint to the Nevada Commission on Judicial Discipline vs. Judge Kishner”](#)

2:08-minute VIDEO [“Is justice blind or is it just blinded by power or pals?”](#)

1:44-minute VIDEO [“Please Judge Johnson”](#)

3:50-minute VIDEO [“What evidence supports Nona Tobin’s claims?” – Craig Leidy declaration”](#)

1:56-minute VIDEO [“All declarations under penalty of perjury support Nona Tobin”](#)

[“When all statements under oath support Nona Tobin, why does she keep losing?”](#)

3-page blogpost with links to all declarations made under penalty of perjury.

Over the last five years, every opposing counsel lied to the court presented false evidence, concealed and misrepresented material facts, and obstructed a fair adjudication of my claims on their merits.

2:48-minute VIDEO [“Who started it?”](#)

5:53-minute VIDEO [“Joseph Hong’s big ex parte lies”](#)

1:41-minute VIDEO [“Plaintiffs did not meet their burden of proof”](#)

6:33-minute VIDEO [“Nationstar lied about being owed \\$389,000”](#)

1:22-minute VIDEO [“Joseph Hong dupes Judge Johnson”](#)

1:33-minute VIDEO [“Judicial Jiu-Jitsu is fraud on the court”](#)

3:09-minute VIDEO [“Nationstar kept changing its story to cover up the lie”](#)

2:05-minute VIDEO [“Failure of Nevada civil courts to address white collar crime”](#)

17:53-minute VIDEO [“Specific evidence of fraud against Nationstar”](#)

2:46-minute VIDEO [“How Nationstar & Jimijack tricked the court into excluding all evidence”](#)

1:37-minute VIDEO [“Nevada state courts are rigged”](#)

3:58-minute VIDEO [“Remember Joseph Hong?”](#)

3:36-minute VIDEO [“Why did Quicken secure a house that was already mortgaged?”](#)

2:24-minute VIDEO [“What does it take to get disbarred in Nevada?”](#)

2:59-minute VIDEO [“Nationstar plays the IOU trick to steal from Nona Tobin”](#)

1:52-minute VIDEO [“What kind of legal entity is Jimijack Irrevocable Trust?”](#)

1:01-minute VIDEO [“What is Jimijack Irrevocable Trust?”](#)

4:52-minute VIDEO [“How lenders cheat owners out of their houses”](#)

6:18-minute VIDEO [“Nationstar and Joel Stokes stole my \\$500,000 house”](#)

1 0:50-minute VIDEO “[10 reasons why to sanction Joseph Hong](#)”
2 7:39-minute VIDEO “[Complaint to the Nevada Commission on Judicial Discipline vs. Judge Kishner](#)”

3 **Actual damages to me personally**

4 The consequences of this successful fraud perpetrated primarily by attorneys:

- 5 1. the title to a \$500,000 house was taken from me by a fraudulently conducted-
6 unnoticed foreclosure sale,
7 2. Nationstar stole from me the \$389,000 outstanding Western Thrift & Loan
8 debt of deceased borrower Gordon Hansen that I did not owe and was not
9 owed to Nationstar.
10 3. Joel and Sandra Stokes kept \$100,000+ in rental profits that belong to me,
11 4. Red Rock attorneys Koch & Scow retained \$60,000 that they refused to
12 distribute to me in 2014 and has now accrued plus six years of interest and
13 costs to pursue my claim against massive obstruction
14 5. I have been forced to expend tens of thousands of dollars on litigation costs
15 and thousands of hours of personal time to attempt to recover what was stolen
16 from me.

17 92. The HOA sale was invalid to remove Tobin’s rights to title as it was non-compliant with
18 foreclosure statutes, did not comply with the HOA governing documents, did not provide
19 mandated due process, and involved fraud.

20 93. Defendants withheld, concealed, misrepresented and/or falsified records to conceal the
21 fraud.

22 94. Nationstar disclosed the disputed Hansen deed of trust as [NSM 145-161](#). [NSM 159-161](#)
23 is the PUD Rider which includes the Remedies section (F) on [NSM 160](#).

24 95. Nationstar has gone to extraordinary lengths to prevent the adjudication of my claim that
the PUD Rider gives lenders only the option to add any delinquent HOA fees they pay on behalf
of the borrower to the outstanding balance with interest and does not allow the lender’s payment
to become a de facto foreclosure without complying with the foreclosure requirements of NRS
Chapter 107.

1
2 96. Neither Bank of America nor Nationstar ever recorded a notice of default on the Hansen
3 deed of trust and instead chose to duplicitously tender the super-priority portion of the HOA's
4 lien while obstructing the HOA assessments from being paid out of the escrow of fair market,
5 arms-length sales.

6 97. See [5/20/19](#) Doug Proudfit Declaration.

7
8 98. RRFS did not inform the SCA Board of the NSN 5/28/14 offer of \$1100, one year of
9 assessments, to close escrow on the [5/8/14 \\$367,500 sale to high bidder MZK](#).

10 99. RRFS misrepresented this unlawful rejection as an owner request for waiver and
11 presented many false documents into evidence to create the deception that Nona Tobin had
12 unclean hands and was barred from relief. See [SCA 2/5/19 MSJ](#) and [Tobin analysis of Red](#)
13 [Rock/SCA false evidence](#), and [SCA 275-293](#).

14
15 100. This is a rejection of a second super-priority tender that would have voided the sale, but
16 Nationstar concealed it and falsely claimed, without evidence, that the sale was valid to
17 extinguish Tobin's rights but not to extinguish Nationstar's baseless claims.

18 101. Because both Red Rock and Nationstar concealed Red Rock's covert rejection of
19 Nationstar negotiator Veronica Duran's offer, Nationstar's [2/12/19 joinder](#), based on false
20 evidence and misrepresentation of the facts and the law, succeeded.

21 102. See also Nationstar's [3/21/19 MSJ vs. Jimijack](#) where the misrepresentations are repeated
22 despite the fact that on [3/8/19 Nationstar rescinded](#) its recorded claim to be Bank of America's
23 successor in interest.
24

1 103. RRFS did not inform the SCA Board of the NSN 5/28/14 offer of \$1100, one year of
2 assessments, to close escrow on the [5/8/14 \\$367,500 sale to high bidder MZK](#). This is a rejection

3 of a second super-priority tender that would have voided the sale that Nationstar also concealed

4 104. Because both Red Rock and Nationstar concealed Red Rock's covert rejection of
5 Nationstar negotiator Veronica Duran's offer, Nationstar's 2/12/19 joinder, based on false
6 evidence and misrepresentation of the facts and the law, succeeded.

7 8 **VI. CONCLUSION**

9 Red Rock Financial Services secretly sold 2763 White Sage for \$63,100 three months
10 after Nona Tobin had sold it on auction.com for \$367,500. Red Rock kept \$60,398.96 without
11 any legal authority for over six years while actively obstructing Nona Tobin's ability to claim it.

12 Defendants egregious conduct in this case is indicative of a pattern and practice of corrupt
13 business practices of debt collectors, attorneys, and banks that have damaged many, many
14 homeowners and Homeowners Associations in Nevada and other states in the nation. See "[We
15 can learn a lot from this Spanish Trail HOA case](#)"

16 Red Rock's deceit was aided and abetted by multiple parties, including cross-defendants
17 Nationstar and Wells Fargo, as well as multiple attorneys who are named in her not-yet-served
18 3/22/21 third-party complaint against attorneys who failed in their duties under the Nevada Rules
19 of Professional Conduct.

20 See [4/7/21 RFJN laws and regulations](#) exhibit 6

21 **SANCTIONS & DAMAGES**

22 [Nevada Rules of Professional Conduct](#) (as amended through 10/19/19)

23 [Nevada Rules of Professional Conduct excerpts](#) related to the instant action

24 [ABA Standards for Imposing Lawyer Sanctions](#) (as amended 1992)

[ABA Standards for Imposing Lawyer Sanctions – excerpts](#)

1 Defendant Nona Tobin respectfully moves the court to grant her motion for summary
2 judgment against Red Rock Financial Services, Nationstar Mortgage LLC and Wells Fargo,

3 Tobin prays for the relief punitive damages and sanctions requested and for any and all
4 further relief as the court deems appropriate.

5 Dated this 15th day of April 2021

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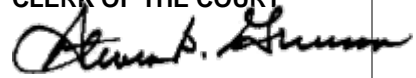
8 _____
9 NONA TOBIN, AN INDIVIDUAL
10 2664 Olivia Heights Avenue
11 Henderson NV 89052
12 (702) 465-2199
13 nonatobin@gmail.com
14 *In Proper Person*

CERTIFICATE OF SERVICE

I, NONA TOBIN, hereby certify that the foregoing and pursuant to NRCP 5(b), on this the 15th day of April 2021, I served via the Clark County electronic filing system a true and correct copy of the foregoing NONA TOBIN'S COUNTER-CLAIMANT & CROSS-CLAIMANT NONA TOBIN'S MOTION FOR SUMMARY JUDGMENT VS. COUNTER-DEFENDANT RED ROCK FINANCIAL SERVICES & CROSS- DEFENDANTS NATIONSTAR MORTGAGE LLC & WELLS FARGO, N. A. AND MOTION FOR PUNITIVE DAMAGES AND SANCTIONS PURSUANT TO NRCP 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.407(1), and/or NRS 42.005 to all parties listed in the Odyssey eFileNV service contact list in case A-21-828840-C.



Nona Tobin



1 **NITD**
2 NONA TOBIN, AN INDIVIDUAL
3 2664 Olivia Heights Ave.
4 Henderson NV 89052
5 (702) 465-2199
6 nonatobin@gmail.com
7 *In propria persona*

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

10 RED ROCK FINANCIAL SERVICES,
11
12 Plaintiff,

13 vs.

14 NONA TOBIN, AN INDIVIDUAL,
15 and as Trustee of the GORDON B.
16 HANSEN TRUST, dated 8/22/08;
17 REPUBLIC SERVICES, INC. a
18 Nevada Corporation; WELLS FARGO,
19 N.A.; a national banking association;
20 NATIONSTAR MORTGAGE, LLC, a
21 Delaware company; and DOES 1-100;

22 Defendants.

23 NONA TOBIN, AN INDIVIDUAL,
24 Counter-Claimant,

25 vs.

26 RED ROCK FINANCIAL SERVICES

27 Counter-Defendant

28 NONA TOBIN, AN INDIVIDUAL,
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national
banking association; NATIONSTAR
MORTGAGE, LLC, a Delaware
company; and DOES 1-100;

Cross-Defendants.

Case No.: A-21-828840-C

Department: VIII

JURY TRIAL DEMANDED

NONA TOBIN'S THREE-DAY NOTICE
OF INTENT TO TAKE DEFAULT OF
NATIONSTAR MORTGAGE LLC AND/
OR NATIONSTAR MORTGAGE LLC
DBA MR. COOPER AS TO TOBIN'S
3/8/21 CROSS-CLAIMS FOR FRAUD,
RACKETEERING, AND CONVERSION
AND/OR UNJUST ENRICHMENT AND
3/8/21 PETITION FOR SANCTIONS
PURSUANT TO NRCP 11(b)(1)(2)(3)
AND/OR (4), NRS 18.010(2), NRS
207.407(1), and NRS 42.005

1 PLEASE TAKE NOTICE that Cross-Claimant NONA TOBIN, AN
2 INDIVIDUAL, appearing in Proper Person, intends to take the Default of Cross-Defendant
3 NATIONSTAR MORTGAGE, LLC aka NATIONSTAR MORTGAGE, LLC dba MR.
4 COOPER (“Nationstar”) unless Nationstar files an answer or other responsive pleading to
5 Cross-claimant Tobin’s Cross-claims and petition for sanctions pursuant to NRCPC
6 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.407(1), and NRS 42.005 filed against
7 it on March 8, 2021, and attached hereto as Exhibit 1, within three (3) days of this notice.
8

9 DATED this 10th day of November, 2021,

10
11 

12

NONA TOBIN, AN INDIVIDUAL

13 2664 Olivia Heights Ave.

14 Henderson NV 89052

15 (702) 465-2199

16 nonatobin@gmail.com

17 *In propria persona*

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CERTIFICATE OF SERVICE

I, NONA TOBIN, hereby certify that the foregoing and pursuant to NRCP 5(b), I on this the 10th day of November, 2021, I served via the Clark County electronic filing system a true and correct copy of the foregoing NONA TOBIN'S THREE-DAY NOTICE OF INTENT TO TAKE DEFAULT VS. NATIONSTAR MORTGAGE LLC AND/ OR NATIONSTAR MORTGAGE LLC DBA MR. COOPER AS TO TOBIN'S 3/8/21 CROSS-CLAIMS FOR FRAUD, RACKETEERING, AND CONVERSION AND/OR UNJUST ENRICHMENT AND 3/8/21 PETITION FOR SANCTIONS PURSUANT TO NRCP 11(b)(1)(2)(3) AND/OR (4), NRS 18.010(2), NRS 207.407(1), and NRS 42.005 to all parties listed in the Odyssey eFileNV service contact list in case A-21-828840-C.



Nona Tobin



CONFIDENTIAL

GARY VAUSE
Chairman

STEFANIE HUMPHREY
Vice-Chair

State of Nevada
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, Nevada 89702
Telephone (775) 687-4017 • Fax (775) 687-3607
Website: <http://judicial.nv.gov>

PAUL C. DEYHLE
*General Counsel and
Executive Director*

February 18, 2021

Nona Tobin
2664 Olivia Heights Avenue
Henderson, NV 89052

Re: Case No. 2021-026

Dear Ms. Tobin:

Your complaint, above-numbered, has been received and will be submitted to the Commission. You are advised that your complaint has not been disclosed to the judge in this matter and should not be disclosed. Should the Commission need further information from you during the course of its consideration of your case, you will be contacted.

Please note that in accordance with Nevada Revised Statutes 1.4683 through 1.469, all proceedings must remain confidential until the Commission has made a determination of whether there is a reasonable probability that the evidence available could establish grounds for disciplinary action and a Formal Statement of Charges has been filed against the judge.

However, NRS 1.4683(3) states: "Nothing in this section prohibits a person who files a complaint with the Commission pursuant to NRS 1.4655, a judge against whom such a complaint is made or a witness from disclosing at any time the existence or substance of a complaint, investigation or proceeding. The immunity provided by NRS 1.465 does not apply to such a disclosure."

You can be assured that the Commission carefully considers every complaint it receives and that your complaint will be considered by the Commission as soon as practicable. We will advise you as to the disposition of your complaint in due course.

Very truly yours,

NEVADA COMMISSION ON
JUDICIAL DISCIPLINE

A handwritten signature in cursive script that reads "Tarah L. Hansen".

Tarah L. Hansen
Management Analyst II

TOBIN. 3481

NCJD complaint 2021-026 request to postpone formal public charges vs. Judge Kishner pending A-21-828840-C adjudication

1 message

Nona Tobin <nonatobin@gmail.com>

Wed, Mar 10, 2021 at 5:09 PM

To: Judicial Information <ncjdinfo@judicial.nv.gov>, AGINFO@ag.nv.gov

Cc: Lindsay Vukanovich <Lindsay.Vukanovich@cityofhenderson.com>, Joe Coppedge <joe@mushlaw.com>, J Thomson <jwtlaw@ymail.com>, MLD Info <mldinfo@mld.nv.gov>



Attached please find the answer I just filed on 3/8/21 into new district court case A-21-828840-C that was assigned, perhaps randomly or perhaps intentionally, to Judge Kishner, the unfortunate subject of NCJD complaint 2021-026.

Case No.: A-21-828840-C

Department: XXXI

JURY TRIAL DEMANDED

**NONA TOBIN'S ANSWER, AFFIRMATIVE
DE ANSWER AND COUNTER-CLAIM VS.
RED ROCK FINANCIAL SERVICES,
CROSS-CLAIMS VS. NATIONSTAR
MORTGAGE LLC AND WELLS FARGO,
N.A., AND MOTION FOR SANCTIONS VS.
RED ROCK FINANCIAL SERVICES AND
NATIONSTAR MORTGAGE LLC, AND/OR
NATIONSTAR MORTGAGE DBA MR.
COOPER PURSUANT TO NRCP
11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS
207.407(1), NRS 42.005,**

Note that the attached AACC/CRCM's Exhibit 20 includes links to the multiple administrative complaints I have filed, including all 16 attachments to NCJD 2021-026, 3/14/19 and 11/20/20 complaints to the NV AG, 12/16/20 MLD complaint, and 2/14/21 and 2/16/21 complaints to the Disciplinary panel of the state bar.

When I deliver Judge Kishner her courtesy copy of my 3/8/21 AACC within the next two weeks, it might be the first time she is aware that I have filed the NCJD 2021-026 complaint.

TOBIN. 3482

Please give Judge Kushner a chance to prove she was duped by the attorneys and is not herself a co-conspirator.

I'm not asking for a change of venue or a different judge for Red Rock's interpleader complaint. I just want my stolen property back with punitive damages under the RICO statutes, and I want these unethical attorneys disbarred.

My preference would be for the NCJD to postpone filing any formal public charges against Judge Kushner until she hears Red Rock Financial Services' s duplicitous A-21-828840-C complaint for interpleader and my AACC/CRCM response and motions for sanctions under the RICO statutes.

I actually want to give Judge Kushner a chance to correct the situation by her seeing that she has been victimized by a group of unscrupulous attorneys who have all lied and presented false evidence to cover up the fraud involved in the 8/15/14 wrongful HOA foreclosure of APN 191-13-811-052.

Koch & Scow's perfidy in asking the court to order them to return stolen funds.

Here is a link to a blog I just published about Red Rock's filing a totally unwarranted interpleader complaint after nearly seven years of unlawfully keeping the \$60,000 proceeds they know belong to me.

The Clark County official property records, linked in AACC/CRCM Exhibit 1, prove that my claims of fraud are irrefutable.

Why do our HOA attorneys help crooks steal from the homeowners?

Koch & Scow knew that all recorded liens with a statutory priority over mine had been released, and they knew that the funds Koch & Scow kept in the RRFS trust fund were legally not permitted to be outside the control of the Sun City Anthem Board.

NRS 116.3106(c) requires HOA bylaws to define what duties an HOA Board cannot delegate.

The link below shows why Koch & Scow need to be investigated for what is many, many millions of potential trust fund violations.

[SCA bylaws 3.18/3.20 annotated.](#)

2:40-minute video

What does it take to get disbarred in Nevada?

Attorneys waste judicial resources by their lack of professional ethics

These attorneys have lied to Judge Kushner previously in cases A-15-720032-C and A-16-730078-C, lied to the NV Supreme Court in the 79295 appeal of Judge Kushner's orders in A-15-720032-C, and they are lying now to her in case A-21-828840-C.

But that's not all. They lied in A-19-798990-C to Judge Johnson to convince her to dismiss with prejudice all my unheard claims per res judicata and claims preclusion.

They did not participate in mediation in good faith and so the appeals of Judge Johnson's A-19-798990-C orders will keep on clogging the appellate courts in appeals 82094, 82234, and 82294.

Only Judge Kushner can put a stop to these attorney-led RICO operations by granting my motions for sanctions and making all the appeals in cases 79295, 82094, 82234, and 82294 moot.

Recommendation:

Joint Investigation by NV Attorney General, State Bar of Nevada Ethics & Discipline Panel and the Nevada Commission on Judicial Ethics

The extreme problems in this case are not caused by Judge Kushner or Judge Johnson alone and they will not be solved by just disciplining two judges.

The problems in my case are emblematic of the systemic problems caused by the attorneys for banks, debt collectors and debt buyers in state courts nationwide.

The need for civil court reform were clearly articulated in the Pew Charitable Trusts' study linked below.

I strongly recommend the Nevada Attorney General pursue funding for state court reform now in the 2021 legislative session.

How Debt Collectors Are Transforming the Business of State Courts

Lawsuit trends highlight need to modernize civil legal systems

Thank you for your service.

Nona Tobin
(702) 465-2199

Whoever said one person can't change the world never ate an undercooked bat. -Anonymous



NONA TOBIN AACC CRCM EXHIBITS (1).pdf

1893K



How Debt Collectors Are Transforming the Business of State Courts

Lawsuit trends highlight need to modernize civil legal systems

TOBIN. 3485

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The report benefited from the insights and expertise of Jessica Steinberg, associate professor at the George Washington University Law School; Alan White, professor at City University of New York School of Law; and Tony Fabelo, senior fellow at Meadows Mental Health Policy Institute of Texas. Although they reviewed various drafts and the report's findings, neither they nor their organizations necessarily endorse the conclusions.

Acknowledgments

Pew's civil legal system modernization project thanks consultant Jenifer Warren for drafting this report. The team also thanks Pew staff members Justine Calcagno, Jennifer V. Doctors, Natasha Dulin, Alex Horowitz, Sarah Leiseca, Bernard Ohanian, Jennifer Peltak, Chrissy Steigelman, and Alan van der Hilst for their thoughtful suggestions, production assistance, and research guidance and support. Many thanks also to Amber Ivey and other current and former colleagues who made this work possible.

Cover photo: Gaby Bonilla

Contact: Josh Rosenblum, communications officer **Email:** jrosenblum@pewtrusts.org

Project website: pewtrusts.org/en/projects/civil-legal-system-modernization

The Pew Charitable Trusts is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.

Overview

The business of state civil courts has changed over the past three decades. In 1990, a typical civil court docket featured cases with two opposing sides, each with an attorney, most frequently regarding commercial matters and disputes over contracts, injuries, and other harms. The lawyers presented their cases, and the judge, acting as the neutral arbiter, rendered a decision based on those legal and factual arguments.

Thirty years later, that docket is dominated not by cases involving adversaries seeking redress for an injury or business dispute, but rather by cases in which a company represented by an attorney sues an individual, usually without the benefit of legal counsel, for money owed. The most common type of such business-to-consumer lawsuits is debt claims, also called consumer debt and debt collection lawsuits. In the typical debt claim case, a business—often a company that buys delinquent debt from the original creditor—sues an individual to collect on a debt. The amount of these claims is almost always less than \$10,000 and frequently under \$5,000, and typically involves unpaid medical bills, credit card balances, auto loans, student debt, and other types of consumer credit, excluding housing (mortgage or rent).

For more than a decade, the American Bar Association and legal advocacy organizations such as the Legal Services Corporation and the National Legal Aid and Defenders Association have sounded alarms about worrisome trends underway in the civil legal system. And court leaders have taken notice. In 2016, a committee of the Conference of Chief Justices, a national organization of state supreme court heads, issued a report recommending that courts enact rules to provide a more fair and just civil legal system, especially with respect to debt collection cases. Chief justices of various supreme courts, with support from private foundations, have established task forces to probe the issue further.

However, until relatively recently, these discussions were largely confined to court officials, legal aid advocates, and other stakeholders concerned about the future of the legal profession. In most states, policymakers have not been a part of conversations about how and why civil court systems are shifting; the extent to which the changes might lead to financial harm among American consumers, especially the tens of millions of people in the U.S. who are stuck in long-term cycles of debt; and potential strategies to address these issues.

To help state leaders respond to the changing realities in civil courts, The Pew Charitable Trusts sought to determine what local, state, and national data exist on debt collection cases and what insights those data could provide. The researchers supplemented that analysis with a review of debt claims research and interviews with consumer experts, creditors, lenders, attorneys, and court officials.

The key findings are:

- **Fewer people are using the courts for civil cases.** Civil caseloads dropped more than 18 percent from 2009 to 2017. Although no research to date has identified the factors that led to this decline, previous Pew research shows lack of civil legal problems is not one of them: In 2018 alone, more than half of all U.S. households experienced one or more legal issues that could have gone to court, including 1 in 8 with a legal problem related to debt.
- **Debt claims grew to dominate state civil court dockets in recent decades.** From 1993 to 2013, the number of debt collection suits more than doubled nationwide, from less than 1.7 million to about 4 million, and consumed a growing share of civil dockets, rising from an estimated 1 in 9 civil cases to 1 in 4. In a handful of states, the available data extend to 2018, and those figures suggest that the growth of debt collections as a share of civil dockets has continued to outpace most other categories of cases. Debt claims were the

most common type of civil case in nine of the 12 states for which at least some court data were available—Alaska, Arkansas, Colorado, Missouri, Nevada, New Mexico, Texas, Utah, and Virginia. In Texas, the only state for which comprehensive statewide data are available, debt claims more than doubled from 2014 to 2018, accounting for 30 percent of the state’s civil caseload by the end of that five-year period.

- **People sued for debts rarely have legal representation, but those who do tend to have better outcomes.** Research on debt collection lawsuits from 2010 to 2019 has shown that less than 10 percent of defendants have counsel, compared with nearly all plaintiffs. According to studies in multiple jurisdictions, consumers with legal representation in a debt claim are more likely to win their case outright or reach a mutually agreed settlement with the plaintiff.
- **Debt lawsuits frequently end in default judgment, indicating that many people do not respond when sued for a debt.** Over the past decade in the jurisdictions for which data are available, courts have resolved more than 70 percent of debt collection lawsuits with default judgments for the plaintiff. Unlike most court rulings, these judgments are issued, as the name indicates, by default and without consideration of the facts of the complaint—and instead are issued in cases where the defendant does not show up to court or respond to the suit. The prevalence of these judgments indicates that millions of consumers do not participate in debt claims against them.
- **Default judgments exact heavy tolls on consumers.** Courts routinely order consumers to pay accrued interest as well as court fees, which together can exceed the original amount owed. Other harmful consequences can include garnishment of wages or bank accounts, seizure of personal property, and even incarceration.
- **States collect and report little data regarding their civil legal systems, including debt cases.** Although 49 states and the District of Columbia provide public reports of their cases each year, 38 and the district include no detail about the number of debt cases. And in 2018, only two states provided figures on default judgments in any of their state’s debt cases. Texas is the only state that reports on all types of cases, including outcomes, across all courts.
- **States are beginning to recognize and enact reforms to address the challenges of debt claims.** From 2009 to 2019, 12 states made changes to policy—seven via legislation and five through court rules—to improve courts’ ability to meet the needs of all debt claim litigants. Examples of such reforms include ensuring that all parties are notified about lawsuits; requiring plaintiffs to demonstrate that the named defendant owes the debt sought and that the debt is owned by the plaintiff; and in some states, enhanced enforcement of the prohibitions on lawsuits for which the legal right to sue has expired.

Based on the findings of this analysis and these promising efforts in a handful of states, Pew has identified three initial steps states can take to improve the handling of debt collection cases:

- **Track data about debt claims** to better understand the extent to which these lawsuits affect parties and at which stages of civil proceedings courts can more appropriately support litigants.
- **Review state policies, court rules, and common practices** to identify procedures that can ensure that both sides have an opportunity to effectively present their cases.
- **Modernize the relationship between courts and their users** by providing relevant and timely procedural information to all parties and moving more processes online in ways that are accessible to users with or without attorneys.

In 2010, the Federal Trade Commission (FTC) issued a report on the lack of adequate service to consumers in state courts that concluded, “The system for resolving disputes about consumer debts is broken.”¹ In the decade since, this problem has not abated and if anything has become more acute. Furthermore, the challenges that this

report reviews regarding debt collection cases epitomize challenges facing the civil legal system nationwide. This report summarizes important but inadequately studied trends in civil litigation, highlights unanswered questions for future research, and outlines some initial steps that state and court leaders can take to ensure that civil courts can satisfy their mission to serve the public impartially.

Methods

This study involved a three-step approach to analyze debt collection lawsuit trends in state courts and the significance for consumers. To identify common characteristics and potential consequences of these cases, Pew researchers conducted a literature review of approximately 70 peer-reviewed and gray studies and performed semistructured interviews with experts from state and local courts, consumer advocacy organizations, and the credit and debt collection industries. To analyze the volume of debt claims in the United States and the extent to which courts track and report relevant data, researchers reviewed data from the National Center for State Courts (NCSC), including national caseload statistics from 2003 to 2017 and breakdowns of civil case types in 1993 and 2013, the most recent year for which this level of detail is available. Researchers also collected and analyzed annual court statistical reports for all 50 states and the District of Columbia from 2017 and, where available, from 2005, 2009, 2013, and 2018. Pew researchers conducted quality control for each step to minimize errors and bias. For more information, see the full methodological appendix.

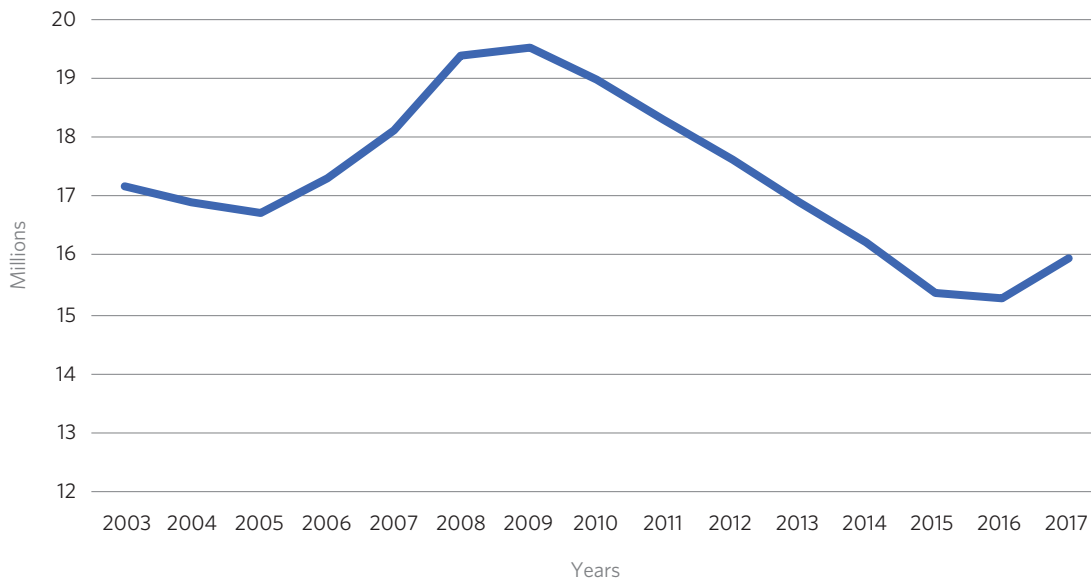
Fewer people are using the courts for civil cases

Beginning in at least the 1980s and continuing through the first decade of the 21st century, caseload volume in civil courts was on an upward trajectory.² After peaking in 2009, however, it began to decline and by 2017 had dropped to levels not seen in 20 years.³ (See Figure 1.)

Figure 1

After Sharp Growth, Civil Court Cases Declined More Than 18% Over 8 Years

National caseload estimates, 2003-17



Source: K. Genthon, senior court research analyst, Court Statistics Project, National Center for State Courts, email to The Pew Charitable Trusts, Sept. 5, 2019

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Court systems in 44 states, the District of Columbia, and Puerto Rico reported total civil caseloads to NCSC's Court Statistics Project in 2009 and 2017, and of those, 41 systems described lower caseloads over that span, both in raw numbers and per capita.⁴

A full examination of drivers of the decline in civil caseloads is outside the scope of this analysis. However, evidence indicates that the drop is not the result of a decrease in legal issues that people could bring to the court. A recent Pew survey found that in 2018, more than half of U.S. households had a legal issue that could have been resolved in court, and that 1 in 4 households had two or more such issues.⁵

Civil Courts and Available Data

State courts hear cases in five categories: criminal, civil, family, juvenile, and traffic. For the purposes of this report, and in keeping with the way courts typically divide their dockets, civil cases are organized into five categories:

Debt collection: Suits brought by original creditors or debt buyers claiming unpaid medical, credit card, auto, and other types of consumer debt exclusive of housing (e.g., mortgage or rent).

Mortgage foreclosure: Suits brought by banks and other mortgage lenders seeking possession of a property as collateral for unpaid home loans.

Landlord-tenant: Predominantly eviction proceedings, with a smaller subset of suits brought by landlords for unpaid rent.

Tort: Personal injury and property damage cases; medical malpractice; automobile accidents; negligence; and other claims of harm.

Other: Other contract disputes; real property; employment; appeals from administrative agencies; civil cases involving criminal proceedings;⁶ civil harassment petitions; and “unknown” cases where the case type was undefined or unclear.

Further, state civil courts are tiered based on the dollar amount of the claims they hear:⁷

- **General** civil matters, characterized by high dollar amounts (minimum value of \$12,000 to \$50,000, depending on the state; no maximum).
- **Limited** civil matters of moderate dollar amounts (minimum value of zero to \$10,000 and maximum of \$20,000 to \$100,000, depending on the state).
- **Small claims** with the lowest dollar amounts (no minimum value; maximum of \$2,500 to \$25,000, depending on the state).

State laws dictate the jurisdiction—city, county, state, etc.—in which a plaintiff can file a suit and, based on the dollar amount of the claim, the tier of court appropriate to the claim. Courts that disaggregate their data in annual statistical reports typically report on claims filed in the general and limited civil courts based on the above five case types (or some variation). However, most states do not disaggregate information on claims filed in small claims jurisdiction courts.

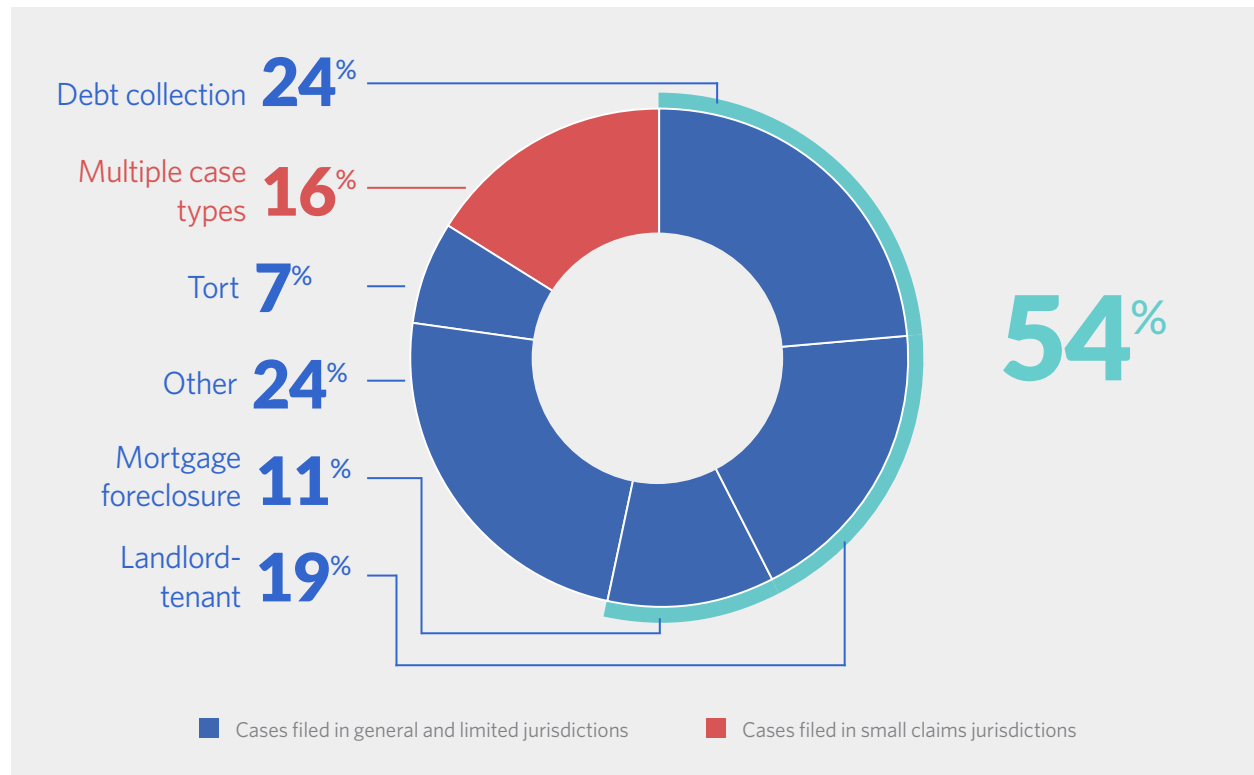
Most civil cases today are brought by businesses against individuals for money owed

The most recent national data available show that, as the overall volume of cases has declined, business-to-consumer suits, particularly debt collections, mortgage foreclosure, and landlord-tenant disputes, have come to account for more than half of civil dockets.⁸ (See Figure 2.) As a committee of the Conference of Chief Justices put it in 2016, “Debt collection plaintiffs are almost always corporate entities rather than individuals, and landlord-tenant plaintiffs are often so.”⁹

Figure 2

More Than Half of Civil Litigation in 2013 Involved Suits Brought by Businesses Against Individuals

Estimated share of state civil cases by type



Note: Percentages do not add up to 100 percent because of rounding.

Source: P. Hannaford-Agor, S.E. Graves, and S.S. Miller, "The Landscape of Civil Litigation in State Courts" (2015), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>

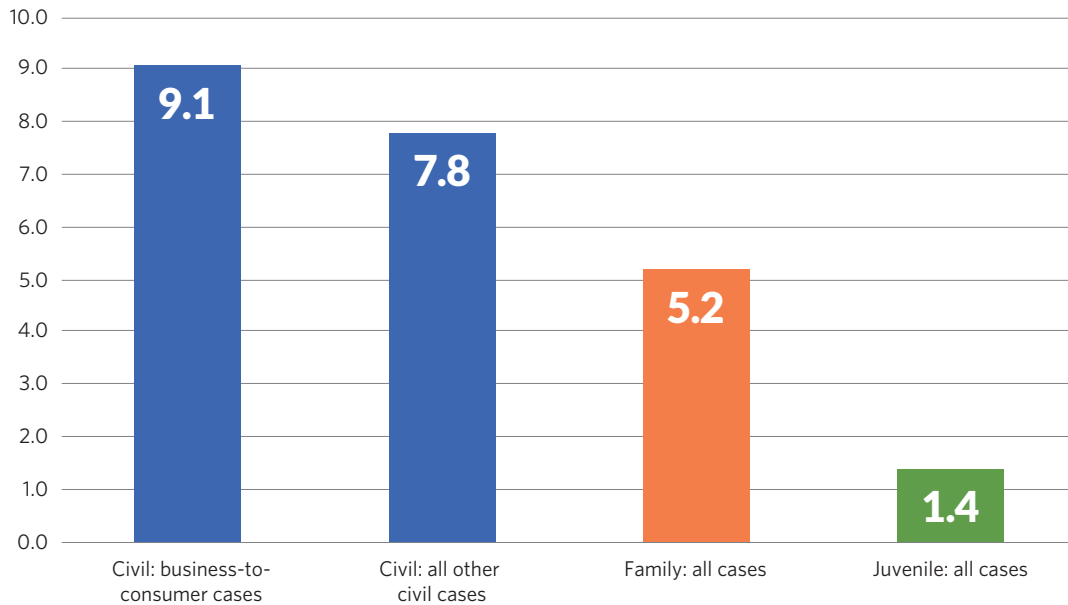
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As of 2013, civil business-to-consumer lawsuits exceeded all court categories except traffic and criminal, and that same year, state courts heard more business-to-consumer cases than family (or "domestic relations") and juvenile cases combined.¹⁰ (See Figure 3.)

Figure 3

Business-to-Consumer Civil Suits Exceed Family and Juvenile Cases Combined

Estimated case volume in 2013, by court category, in millions



Sources: “Examining the Work of State Courts: An Overview of 2013 State Court Caseloads” (2015), http://www.courtstatistics.org/~/-/media/Microsites/Files/CSP/EWSC_CSP_2015.ashx; P. Hannaford-Agor, S.E. Graves, and S.S. Miller, “The Landscape of Civil Litigation in State Courts” (2015), <https://www.ncsc.org/~/-/media/Files/PDF/Research/CivilJusticeReport-2015.ashx>

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Although organizing civil litigation cases into discrete categories can be useful for broad analytical purposes, determining exactly how many cases fall into each group is not so simple. For example, some landlord-tenant disputes involve individual landlords rather than companies, so a subset of cases within that category may not fall under the business-to-consumer umbrella. On the other hand, a large share of cases filed in small claims court are low-dollar-value business-to-consumer lawsuits, but because courts typically do not distinguish small claims by case type, the exact proportion is difficult to determine. Accordingly, Figures 2 and 3 almost certainly understate the share of civil court cases that involve businesses suing individual consumers because it treats small claims as a wholly separate category.

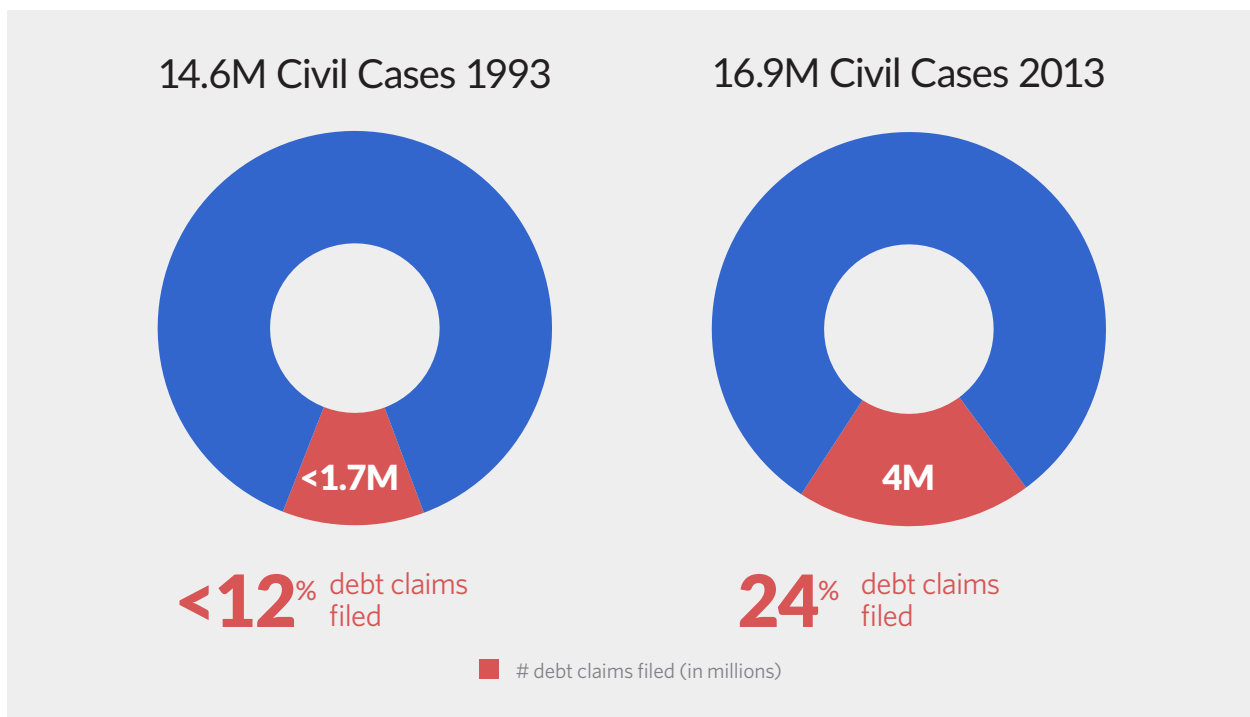
Debt claims increasingly dominated civil court dockets

The most recent national data show that, as of 2013, debt collection lawsuits—which most often involve unpaid medical, auto loan, or credit card bills—have become the single most common type of civil litigation, representing 24 percent of civil cases compared with less than 12 percent two decades earlier.¹¹ (See Figure 4.) From 1993 to 2013, the number of debt cases rose from fewer than 1.7 million to about 4 million.¹² These figures correspond with an increase in share from an estimated 1 in 9 of 14.6 million state civil cases nationwide (11.6 percent) to about 1 in 4 of 16.9 million cases (23.6 percent)¹³. Further, in a national survey by the Consumer Financial Protection Bureau (CFPB), nearly 1 in 20 adults with a credit report reported having been sued by a creditor or debt collector in 2014.¹⁴

Figure 4

Debt Claims More Than Doubled Over 20 Years

Consumer debt lawsuits in real terms and as a share of civil caseloads, 1993 and 2013



Sources: P. Hannaford-Agor, S.E. Graves, and S.S. Miller, “The Landscape of Civil Litigation in State Courts” (2015), <https://www.ncsc.org/-/media/Files/PDF/Research/CivilJusticeReport-2015.ashx>; B.J. Ostrom and N.B. Kauder, “Examining the Work of State Courts, 1993: A National Perspective From the Court Statistics Project” (1995), <https://www.bjs.gov/content/pub/pdf/ewsc93-npspc.pdf>

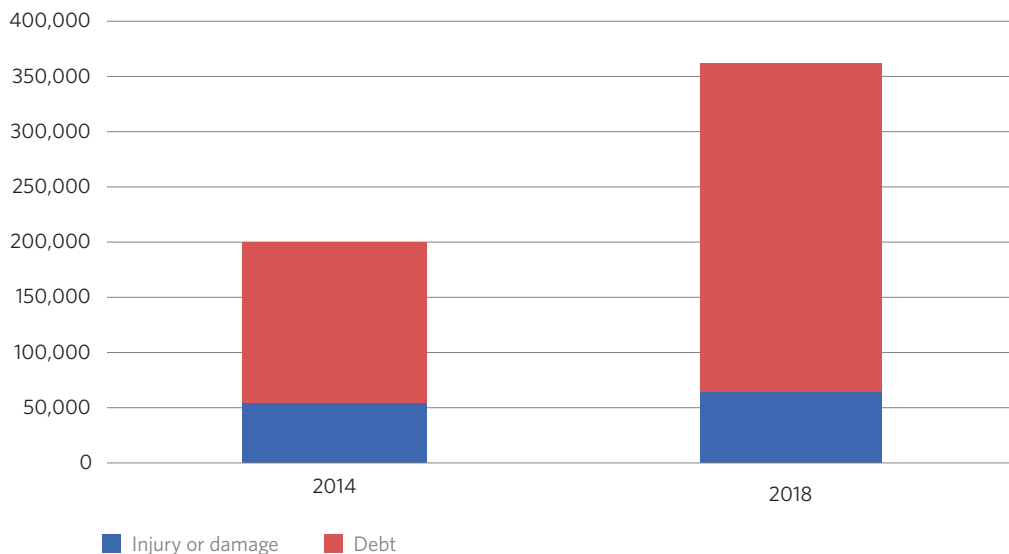
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Notably, the 2013 data show that 75 percent of civil case judgments were for less than \$5,200,¹⁵ which means that in most states, debt claims are typically filed in a limited or small claims court. In fact, NCSC observed in 2015 that small claims courts “have become the forum of choice for attorney-represented plaintiffs in lower-value debt collection cases.”¹⁶ As was the case for the business-to-consumer cases shown in Figure 3, the data in Figure 4 probably undercount debt claims because they do not include any debt collection cases filed in small claims court.

Only a few state courts have consistently reported data on debt claims since 2013, but the available information indicates that these lawsuits continue to dominate court dockets. For example, in 2018, the number of debt collection lawsuits filed across all Texas courts was more than twice what it was in 2014.¹⁷ (See Figure 5.) The state’s small claims courts—known as justice courts—alone experienced a 140 percent increase in debt cases over that five-year period.¹⁸ In total, collectors filed one debt claim for every 19 adults in the state over that span.¹⁹

Similarly, Alaska’s District Court, which tries all civil matters in the state for values of \$100,000 or less, heard 48 percent more debt claims in fiscal year 2018 than 2013.²⁰

Figure 5
Debt Claims More Than Doubled in Texas Over 5 Years
 Top civil cases by type, 2014-18



Sources: Texas Office of Court Administration, “Annual Statistical Report for the Texas Judiciary, Fiscal Year 2018” (2018), <https://www.txcourts.gov/media/1443455/2018-ar-statistical-final.pdf>; Texas Office of Court Administration, “Annual Statistical Report for the Texas Judiciary, Fiscal Year 2014” (2014), <https://www.txcourts.gov/media/885306/Annual-Statistical-Report-FY-2014.pdf>

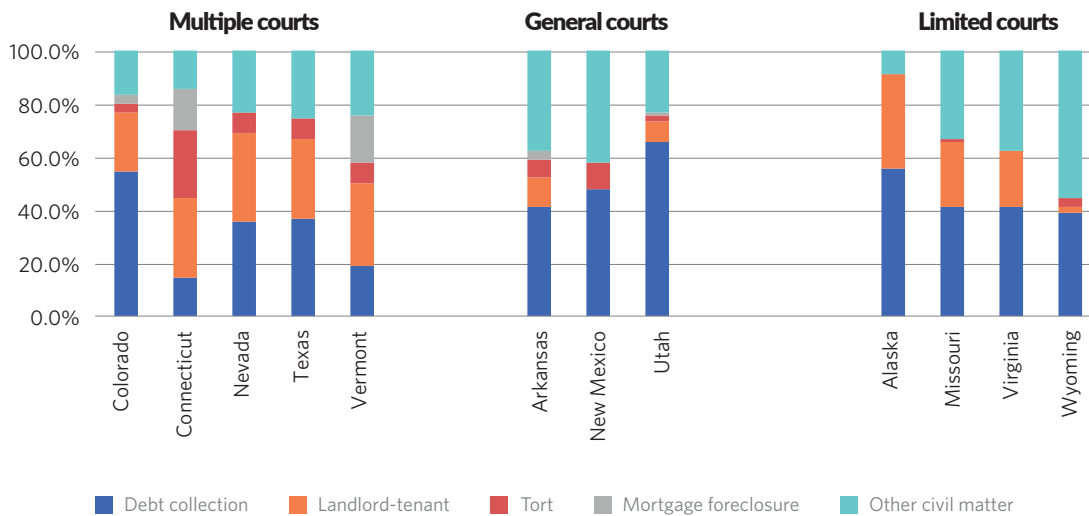
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Pew found that in 2018, only 12 states—Alaska, Arkansas, Colorado, Connecticut, Missouri, Nevada, New Mexico, Texas, Utah, Vermont, Virginia, and Wyoming—reported statewide debt claims caseload data for at least one of their courts on their public websites.²¹ Virginia, for instance, reports debt claims data for the state’s district courts—which hear cases with values up to \$25,000—but not the circuit courts, which hear cases with values of \$4,500 and up.²² Despite these differences, debt claims are consistently among the most common types of cases in the courts that report relevant information. (See Figure 6.) However, in light of the limited number of states and courts reporting, more data and research are needed to gain a complete picture of what is happening nationwide and state by state.

Figure 6

Debt Claims Were the Most Common Civil Case in 9 of 12 States With Data

Percentage of debt claims, by state, court tier, and case type, 2018



Note: These figures reflect only the percentage of debt claims cases heard in court tiers that reported relevant information. Because some states had data for multiple tiers and others had information for just one court, and because some states reported by fiscal year and others by calendar year, these figures should not be understood as presenting an apples-to-apples comparison.

Sources: Alaska Court System, “Alaska Court System Annual Report FY 2018” (2018), <https://public.courts.alaska.gov/web/admin/docs/fy18.pdf>; Arkansas Judiciary Office of Research and Justice Statistics, “Statistical Summary to the Annual Report” (2018), https://public.tableau.com/profile/orjs.arcourts#!/vizhome/AR_Annual_Summary_Public_0/Dashboard1; Colorado Judicial Branch, “Annual Statistical Report, Fiscal Year 2018” (2018); Connecticut Judicial Branch, “Movement of Added Civil Cases by Case Type, Fiscal Year 1997-98 and 2017-18” (2018); Missouri Courts, “Missouri Judicial Report Supplement: Fiscal Year 2018” (2018), <https://www.courts.mo.gov/file.jsp?id=137295>; New Mexico Judiciary, “Statistical Addendum to the 2018 Annual Report, July 1, 2017-June 30, 2018” (2018), <https://www.nmcourts.gov/RealFile/widget/index.html?tokenGUID=db7b62a0-f438-4f4b-8919-1e4123607041&folderGUID=18be90b3-718f-428b-883c-d70eaf56d3f#>; Supreme Court of Nevada, “Annual Report of the Nevada Judiciary, Fiscal Year 2018 Appendix Tables” (2018); Texas Office of Court Administration, “Annual Statistical Report for the Texas Judiciary, Fiscal Year 2018” (2018), <https://www.txcourts.gov/media/1443455/2018-ar-statistical-final.pdf>; Utah Courts, “Utah District Courts: FY 2018 Case Type by Court” (2018); Vermont Judiciary, “Appendix I Judiciary Statistics FY 18–Statewide” (2018); Virginia’s Judicial System, “Caseload Statistics of the General District Courts, January 2018 Through December 2018” (2019); Wyoming Judicial Branch, “Wyoming Circuit Court Statistics FY 18” (2018)

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Factors Contributing to the Rise of Debt Claims

The increase in debt claims parallels two major national trends: a rise in household debt and the emergence of the debt-buying industry.

Americans' household debt nearly tripled from \$4.6 trillion in 1999 to \$12.29 trillion in 2016, roughly overlapping with the period of rapid growth in debt collection litigation.²³ Further, as of 2018, an estimated 71 million people—nearly 32 percent of U.S. adults with a credit history—had debt in collections reported in their credit files, and 1 in 8 households across all income levels had a problem or dispute related to debt, credit, or loans.²⁴

Most household debt in collection stems from a financial shock, such as a job loss, illness, or divorce, and reflects the broader financial fragility of many American households. Nationwide, 2 in 5 adults say that, without selling personal property or borrowing the money, they would not have enough cash to cover an emergency expense costing \$400,²⁵ and 1 in 3 families report having no savings.²⁶ Medical debt can be particularly devastating and accounts for more than half of all collections activity.²⁷

Unsurprisingly, low- and moderate-income Americans are disproportionately affected by debt collection. A 2017 CFPB survey found that people in the lowest income bracket were three times as likely as those in the highest income group to have been contacted about a debt in collection and that people with lower incomes also were more likely to have been sued for a debt.²⁸

Creditors who pursue consumer debts into collection include banks and credit unions, hospitals and other medical providers, utility companies, telecommunications companies, auto and student lenders, and, increasingly, debt buyers—firms that purchase defaulted debts from the original creditors at a fraction of the face value, sometimes less than one cent on the dollar, and then attempt to collect on the full amount owed.²⁹

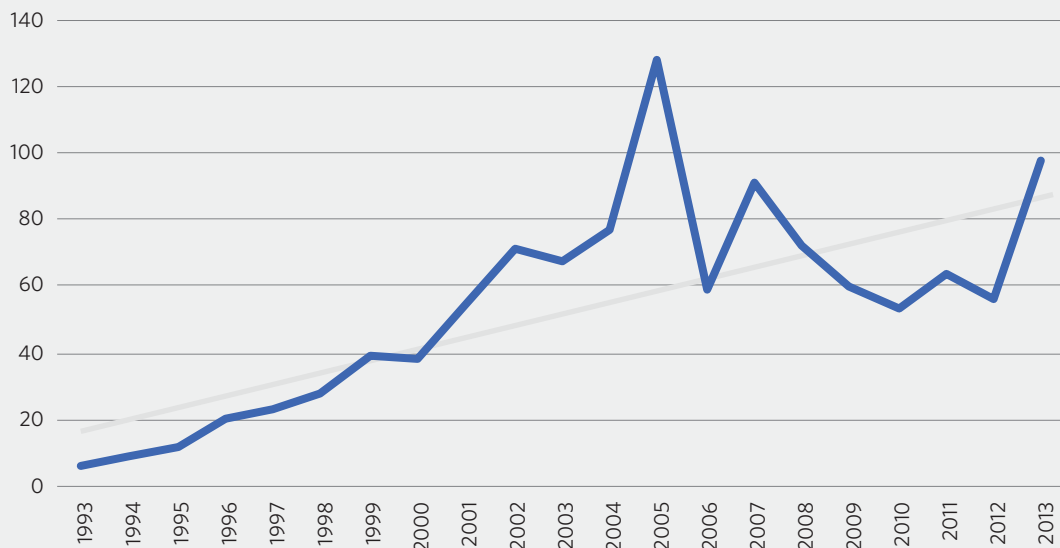
Debt buyers are key figures in many debt collection lawsuits and may have played a significant role in the rise of civil debt cases. During the same 20-year time frame that debt claims increased, 1993 to 2013, the total dollar value of debts purchased by debt buyers grew from \$6 billion to \$98 billion.³⁰ (See Figure 7.)

Continued on next page

Figure 7

The Face Value of Defaulted Debt Sold on the Secondary Market Rose More Than 1,500% Over 2 Decades

Sales of consumer debt to third-party firms, 1993-2013



Source: "The Nilson Report," <https://nilsonreport.com>

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Debt buyers employ various collection methods, but studies show that they are increasingly relying on litigation.³¹ Two of the largest publicly traded debt buyers, Encore Capital and Portfolio Recovery Associates, saw their legal collections grow 184 percent and 220 percent, respectively, from 2008 to 2018.³²

As a result, debt buyers are among the most active civil court users, and in some states, a small number of debt buyers account for a disproportionate percentage of civil cases filed. For example, in Massachusetts, nine debt buyers represented 43 percent of civil and small claims caseloads in 2015, and in Oregon, six debt buyers accounted for 25 percent of all civil cases from 2012 to 2016.³³

Courts are not designed to respond to the realities of debt claims

Although civil court dockets have changed, the rules they operate on have largely stayed the same. Courts expect both parties to mount a case and present legal arguments so that the judge can make a decision based on the facts.

However, that is not how today's debt collection lawsuits play out.

Debt claim defendants rarely have legal representation

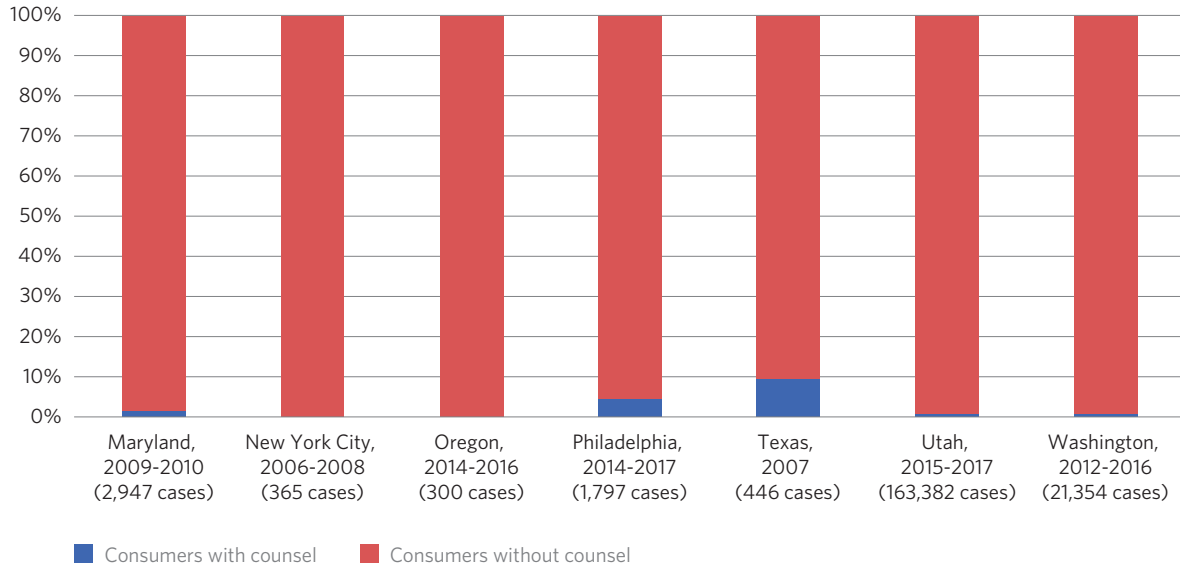
The U.S. Constitution provides the right to an attorney for most criminal defendants regardless of ability to pay,³⁴ but that right extends to people being sued in civil court only in very limited instances. Instead, civil case litigants on both sides must pay for their own representation, and data show that such representation is on the decline, especially for those being sued. NCSC found that from the 1990s to 2013, the share of general matters cases in which both sides had a lawyer dropped by more than half, from 96 percent to 45 percent.³⁵

In business-to-consumer suits, and especially debt collection cases, most plaintiffs can afford an attorney, and filing multiple lawsuits in a single court can lower the cost per lawsuit filed. Consumers, however, typically have legal representation in less than 10 percent of debt claims. Studies from 2010 through 2019 show that the share of debt claim defendants who were served—that is, provided with official notification of the suit against them—who had an attorney ranged from 10 percent in Texas to zero in New York City.³⁶ (See Figure 8.)

Figure 8

Most Debt Claims for Which Data Are Available Involved Consumers Without Counsel

Average defendant representation rates across 7 jurisdictions, various years



Sources: T. Feltner, J. Barnard, and L. Stifler, “Debt by Default: Debt Collection Practices in Washington 2012-2016” (2019), <https://www.responsiblelending.org/research-publication/debt-default-debt-collection-practices-washington-2012-2016>; P.A. Holland, “Junk Justice: A Statistical Analysis of 4,400 Lawsuits Filed by Debt Buyers” (2014), <https://core.ac.uk/download/pdf/56360427.pdf>; Legal Services Corp., “Fiscal Year 2019 Budget Request” (2018), <https://www.lsc.gov/media-center/publications/fiscal-year-2019-budget-request>; M. Spector, “Debts, Defaults and Details: Exploring the Impact of Debt Collection Litigation on Consumers and Courts” (2011), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1975121; L. Stifler, T. Feltner, and S. Sajadi, “Undue Burden: The Impact of Abusive Debt Collection Practices in Oregon” (2018), <https://www.responsiblelending.org/research-publication/undue-burden-impact-abusive-debt-collection-practices-oregon>; C. Wilner et al., “Debt Deception: How Debt Buyers Abuse the Legal System to Prey on Lower-Income New Yorkers” (2010)

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These low representation rates have real-world implications. Without representation, consumers are unlikely to know their full range of options or recognize opportunities to challenge the cases against them.

For example, every state has a statute of limitations for debt collection lawsuits, ranging from three years in Mississippi to 10 in Rhode Island.³⁷ These laws create an expiration date after which creditors cannot use the courts to collect on a debt. However, enforcement of that prohibition typically falls on the defendant rather than on the courts. For example, if a plaintiff sues on such an expired debt, also called a time-barred debt, the defendant must raise the question of a statute of limitations in order for the court to consider whether the case is even eligible to be heard. But without professional legal help, most consumers would not have the requisite knowledge to demand that the plaintiff prove that the case was filed in time.

Of course, even defendants with representation may lose in court if the facts favor the plaintiff. However, analyses from jurisdictions across the country indicate that when consumers are represented by attorneys, they are more likely to secure a settlement or win the case outright.³⁸ For example, a study of nearly 297,000 debt cases in Virginia district and circuit courts disposed between April 2015 and May 2016 found that debt cases were more likely to be dismissed if defendants were represented by an attorney.³⁹ Similarly, a study of over 165,000 debt

cases disposed in Utah from 2015 to 2017 found that 53 percent of represented defendants won their cases, compared with 19 percent of those without representation.⁴⁰

These data indicate that the absence of legal counsel can have serious repercussions for defendants in consumer debt claims. The problem has become sufficiently widespread that in 2016, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators' (COSCA) Civil Justice Improvement Committee declared that lack of representation among defendants is "creating an asymmetry in legal expertise that, without effective court oversight, can easily result in unjust case outcomes."⁴¹

Debt lawsuits frequently end in default judgment, indicating that many people do not respond when sued for a debt

Why do so few consumers in debt claims have lawyers? One reason is the prohibitive cost of a lawyer. But another, indicated by the outcome of large shares of debt collection cases, is that many consumers do not participate in the lawsuit at all.

Courts are designed to allow the opposing sides to present legal arguments and facts to support their positions, after which the judge, acting as a neutral arbiter, makes a decision based on that information.

What Are the Steps of a Debt Claim?

In most civil cases, the parties follow the state's civil procedure:⁴²

1. Plaintiff (e.g., creditor or debt buyer) files a complaint in court and provides notice of the lawsuit to defendant (i.e., person being sued).
2. Defendant responds with a written answer. If the defendant does not respond, the court issues a default judgment for the plaintiff.
3. The two parties exchange documents, including discovery (questions and requests for information) and pleadings (written motions and other legal maneuvers).
4. Court holds one or more hearings and possibly a trial. If a trial is held, parties can present evidence to a judge or jury.
5. Judge issues a ruling, which either party may appeal.

A judge presides over the hearings and possible trial, but the litigants manage nearly every step before that, and court processes, such as scheduling a hearing, are driven by their actions. Parties can also settle the case at any time by, for example, negotiating with each other or working with a neutral mediator.

For low dollar amounts, small claims courts use a different procedure, originally designed to provide streamlined and simplified proceedings, particularly for litigants without attorneys.⁴³ Written answers are optional, rules of evidence do not apply, and in many jurisdictions, the parties have no immediate right to appeal. The common steps are:

1. Plaintiff files a complaint in court and notifies the defendant about the lawsuit.
2. Parties come to court for a trial in front of a magistrate or other judicial officer.

If one side doesn't participate, however, the process cannot operate as intended. Judges do not independently evaluate the merit of a case before them; they rely on the defendant to argue that the case is invalid. With no defendant to argue, and regardless of the reason for the defendant's failure to respond, court procedure dictates that the plaintiff wins automatically via a default judgment.⁴⁴

And default judgments are alarmingly common in debt claims. Multiple studies have shown that more than 70 percent of debt cases end in default judgments:

- In New York City, 4 in 5 cases filed from 2006 to 2008 resulted in a default judgment in favor of debt buyers.⁴⁵
- In five Colorado counties, 71 percent of collections lawsuits filed from 2013 to 2015 by debt buyers ended in default judgments for the plaintiffs.⁴⁶
- More than 80 percent of debt claims cases filed by debt buyers in Washington state's superior court from January 2012 to December 2016 resulted in default judgments in favor of the plaintiffs.⁴⁷

In these cases, the court has ruled in favor of the debt collector for the simple reason that the consumer has not participated in the case. Although the evidence on why people do not respond to the suits is scant, the available information suggests that three factors drive many of these instances: practical realities of consumers' lives, unfamiliar plaintiffs, or a lack of notification about the suit.

Some consumers who owe a debt see no value in responding to a lawsuit. For example, the presiding judge of the Maricopa County (Arizona) Justice Courts has suggested that some defendants believe that their cause is futile and simply give up in the face of debts they cannot afford to pay.⁴⁸ Some defendants may be intimidated or confused by the complexities of the system, while others might be daunted by the prospect of defending themselves if they cannot afford an attorney.⁴⁹ One collections attorney observed that some defendants choose not to respond because they cannot afford to take off—or do not see the value in missing—work to go to court if they cannot afford to pay the debt, find child care, or secure transportation.⁵⁰

Observational and interview data reveal that consumers often do not recognize the name of the company that filed the lawsuit. Debt buyers present a unique challenge in this regard because they are not the original lenders. Consumers frequently report not responding because they do not recognize the debt buyer suing them.⁵¹

Further, although some consumers may actively choose not to respond to debt claims, many are not aware that they are being sued. Some evidence, including interviews with civil court judges, suggests that inadequate notice is responsible for a meaningful share of instances in which defendants fail to respond to debt claims.⁵² Many states' legal requirements regarding conducting service—the process of notifying defendants about a legal action against them—do not include any mechanism for ensuring that people are actually contacted.⁵³ For example, in many jurisdictions, the plaintiff is responsible for serving the defendant with court papers but often only by first-class mail to the defendant's last known address. Plaintiffs are typically not obligated to ensure that they have the correct address.

Further, in some debt claims cases, bad actors may employ faulty or fraudulent service as a litigation tactic. In California, Illinois, and New York, enforcement actions have been brought against debt claims plaintiffs for "sewer service"—a practice in which a process server knowingly fails to serve the defendant but attests to the court that service was made.⁵⁴

In its 2010 report, the FTC urged states to adopt "measures to make it more likely that consumers will defend in litigation."⁵⁵ Although some states are taking action to ensure that defendants are properly informed of lawsuits against them, many continue to rely on plaintiffs to notify their opponents while providing little or no oversight.⁵⁶

Whatever the reason for the consumer's failure to appear, default judgment in debt claims usually means that the court makes no finding as to the validity of the debt, the accuracy of the amount sought,⁵⁷ or whether the correct consumer was sued, but simply orders the defendant to pay the debt sought. As a result, debt collectors sometimes win cases that feature inaccurate information or are filed after the legal right to sue has expired.⁵⁸ And despite their lack of a factual or legal foundation, default judgments carry the same weight and enforcement power as any other court decision.

Racial Disparities in Debt Claims

Research indicates that debt collections and related lawsuits disproportionately affect African American and Hispanic communities.⁵⁹ In a study in New York City, 95 percent of people with default debt claims judgments entered against them lived in low- or moderate-income neighborhoods, and more than half of those individuals lived in predominantly African American or Latino communities.⁶⁰ A similar analysis of court judgments over a five-year period in St. Louis, Chicago, and Newark, New Jersey, found that even after accounting for income, the rate of default judgments in mostly black neighborhoods was nearly double that of mostly white ones.⁶¹

Default judgments can exact heavy tolls on consumers

Debt collection lawsuits that end in default judgment can have lasting consequences for consumers' economic stability. Court and attorney fees can amount to hundreds of dollars, and consumers can face wage garnishment and liens or even civil arrest for failure to comply with court orders. Over the long term, these consequences can impede people's ability to secure housing, credit, and employment.

“ People don't appreciate the impacts of a small claim judgment. If this is on your record, you're not going to get a housing loan or a car loan, and it impacts other areas of your life. And all for a very small debt claim.”

Peter Holland, *Maryland consumer attorney*

Excess costs

Once a default judgment is entered, the consumer typically owes more than the original debt.⁶² All 50 states and the District of Columbia allow courts to award debt collectors pre- and post-judgment interest—that is, interest on the money owed before the court judgment and on the judgment amount. The rates vary dramatically across states—from 1.5 percent in New Jersey to 12 percent a year in Massachusetts—and apply only in cases for which the state has not set or does not permit use of a contract rate, which is typically outlined in the terms for credit cards, loans, and other consumer debt products.⁶³

Consumers who find themselves paying high interest rates on default judgments can face an even deeper cycle of debt. For instance, in 2014, a collector in Washington state won a judgment for a \$9,861 medical debt. Although the defendant had paid roughly \$8,500 by 2019, she still owed an additional \$8,500 because of interest—Washington statute sets the post-judgment interest rate at 12 percent—and other costs.⁶⁴

In many states, a default judgment can also require the consumer to bear court and collector's attorney fees. For example, one study from Maryland found that on average, courts ordered defendants in debt collection cases to pay principal of \$2,811, but court costs, plaintiff attorneys' fees, and interest added \$512—more than 18 percent of the principal—to the total judgment.⁶⁵

Court-enforced collection

Default judgments grant debt collectors access to a range of legal channels to pursue the debt, including the ability to garnish consumers' paychecks and bank accounts and to put liens on property. A 2017 study by Automatic Data Processing Inc., one of the nation's largest payroll providers, found that 1 in 14 U.S. workers were having paychecks garnished, and that among workers earning \$25,000 to \$39,000 a year, debt collection was one of the most common reasons.⁶⁶

Under federal law, debt collectors are entitled to seize no more than 25 percent of a consumer's paycheck.⁶⁷ States have discretion to limit collectors to even less than the federal cap, but rules vary widely. Four states—North Carolina, Pennsylvania, South Carolina, and Texas—generally prohibit the garnishment of wages to pay off consumer debts.⁶⁸ In contrast, Alabama, Arkansas, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Ohio, Utah, and Wyoming offer no protections beyond the federal minimum.⁶⁹

The seizure of money from a bank account can be even more devastating than wage garnishment because it is unrestricted in 16 states, potentially leaving consumers with empty accounts.⁷⁰ In one study from Missouri, for example, of 13,000 bank accounts garnished by collectors in 2012, more than 7,500 were entirely drained because there was less money in the account than the consumer owed.⁷¹ Bank account garnishment can also circumvent wage garnishment caps, because once a paycheck is deposited into a bank account, it is no longer subject to the limits set by federal or state law, and all the money can be legally garnished.⁷²

Moreover, state seizure protections tend to be infrequently adjusted for inflation or changing times. Pennsylvania's exemption law, for example, protects sewing machines, a few other specific items, and up to \$300 in additional property but leaves everything else available to debt collectors.⁷³

Asset garnishments and property liens can cause significant financial stress, especially for people whose finances are already precarious, such as the one-third of Americans who report having no savings and the 51 percent of working adults living paycheck to paycheck.⁷⁴ These seizures can prevent people from selling or refinancing a home, taking out a loan, or making payments on other bills, and they can last for years. In Missouri, for example, a judgment to garnish assets is valid for 10 years and can be renewed by court order.⁷⁵

Despite efforts by policymakers to restrict debt-related seizures, a 2019 review by the National Consumer Law Center (NCLC) found that every state and the District of Columbia fell short of protecting enough income and savings to ensure that consumers facing court-enforced collections could still meet basic needs.⁷⁶

Arrest and incarceration

In the most extreme circumstances, consumers can be arrested and even incarcerated as a result of a debt collection judgment. Although nationwide, state laws prohibit the jailing of individuals for inability to pay a debt, in 44 states, people can be held in contempt of court and subject to a civil arrest warrant, typically issued by the court at the plaintiff's request, if they fail to appear in court for post-judgment hearings or to provide information related to their finances.⁷⁷ Defendants can be incarcerated without access to an attorney or, in some cases, without even knowing a judgment was entered against them.

Such incarceration is relatively rare, but when it does occur, it can cause significant harm to consumers, most notably loss of wages and disruption in employment.⁷⁸ In addition, the bond that people must pay to get out of jail

can perpetuate the cycle of debt.⁷⁹ For instance, an elderly married couple jailed in Maryland in 2014 for failing to appear in court over a housing-related debt of about \$3,000 were ordered to pay a \$2,900 cash bond—nearly doubling the underlying debt.⁸⁰

A lack of readily available data obscures procedural problems and consumer harm

Although this research highlights key issues in debt collection lawsuits, the picture of the challenges and consequences remains incomplete because state court data are scarce.⁸¹ NCSC’s 2015 report remains the only national study of debt claims from the past 10 years, and despite a sample size of more than 925,000 cases from 152 courts in 10 urban counties, that study examined just 5 percent of state civil caseloads nationally.⁸²

Pew identified 12 states with at least some courts that provide public data on debt claims, as described previously, but those reports are not sufficiently robust to document trends over time. Just seven states—Alaska, Colorado, Connecticut, New Mexico, Texas, Utah, and Wyoming—have tracked statewide debt claims caseloads since 2013, and only Texas reports on debt collection cases for all its courts.⁸³ Further, only Texas and Colorado identify debt claims as a category within the general civil and small claims dockets in publicly available reports. In 2018, just New Mexico and Texas reported a cross section of cases and disposition types, including default judgments, for at least one court type,⁸⁴ and Texas was the only state to publish the disposition (including default judgment rate) for debt claims at all dollar amounts and in all courts.

Even fewer states provide details about how debt claims cases are resolved.

“ Quite honestly, I think it would be helpful for judges to have better data. All of us have this sense that we see a fair amount of these types of cases on a consistent basis, but I would be interested to see how many collection actions were filed in this district.”

District Judge Chris Foy, *Iowa Judicial District 2A*

Court systems have difficulty producing statewide reports in part because they are decentralized and fragmented and generally collect data only for their own administrative purposes.⁸⁵ Without better data than are currently available, however, states and researchers cannot effectively evaluate whether debt claims are increasing, what might be driving that growth, and what the implications are for consumers.

In some states, however, the landscape of available data is beginning to change. Texas is still the clear leader in reporting, but other states, notably Arkansas, Nevada, and Virginia, have started including debt collection lawsuits in their annual reports. Nevada also includes a more detailed breakout of the types of debt involved in debt claims, such as payday loans and credit cards. This information can help policymakers and court officials understand whether courts are serving the public as intended and make informed decisions about how to best allocate resources to ensure that taxpayer investments are directed toward the areas of greatest need.

States are beginning to recognize and enact reforms to address the challenges of debt claims

In addition to tracking and reporting debt claims trends, more and more court officials are beginning to take steps to examine court processes and rethink how debt claims proceed. To date, this work has generally involved policy and practice reviews and system modernization through technology solutions. Although these efforts are generally still in the early stages of development, with little data on their effectiveness, they nevertheless present an opportunity to examine some initial attempts at reform.

Importantly, the potential benefits of these changes are not limited to debt claims. Rather, they point to opportunities to modify court operations and processes to improve experiences for court users on a range of issues and case types. Future Pew research will examine other challenges facing state civil courts and look at how these and other reforms might bolster access.

Reviews of state policies, rules, and common practices

To strengthen consumer protections in the processing of debt litigation, the FTC recommended that states require debt collectors to include more information in their complaints about the alleged debt, adopt measures to reduce the chance that collectors will sue for debts that are beyond the statute of limitations, and enact laws “to prevent the freezing of a specified amount in a bank account including funds exempt from garnishment.”⁸⁶

States have begun to take steps to improve consumer protection—including those outlined in the FTC’s recommendation—particularly bolstering requirements for litigant notification, documentation of claim validity, and enforcement of statutes of limitation. (See Table 1.) These efforts represent promising first steps, but further research is needed to examine their effectiveness in improving court access.

Table 1

12 States Have Acted to Help Level the Playing Field in Debt Claims Litigation

Policy changes by statute and court rule since 2009

State	Improvements to notice	Requirements to ensure debt is valid	Prohibition on suing on time-barred debt
California		Statute Cal. Civ. Code § 1788.58 (2016)	Statute: Cal. Civ. Code § 1788.58 and 60 (2016)
Colorado		Statute: Col. R.S.A. § 5-16-111 (2017)	
Connecticut			Statute: Conn. Gen. Stat. §§ 36a-800 to 36a-814 (2016)
Delaware		Court rule: Administrative Directive No. 2012-2 (2012)	
Maine		Statute: M.R.S.A. Title 32, § 11019 (2017)	Statute: M.R.S.A. Title 32, § 11019 (2017)
Minnesota		Statute: M.S.A. § 548.101 (2015)	
Maryland	Court rule: Md. Rule 3-306 (2012)	Court rule: Md. Rule 3-306 (2012)	
Massachusetts	Court rule: Mass. Unif. Small Claims Rule 2(b) (2009)	Court rule: Mass. Unif. Small Claims Rule 2(b) (2009)	
New York	Court rule: 22 NYCRR §§ 208.6(h), 208.14-a (2014)	Court rule: 22 NYCRR §§ 208.6(h), 208.14-a (2014)	
North Carolina		Statute: N.C. Gen. Stat. § 58-70-115(5) and (6) (2009); N.C. Gen. Stat. § 58-70-150, 155 (2011)	
Oregon		Statute: OR Laws 625 § 1 (2017, rev. 2019)	Statute: OR Laws 625 § 1 (2017)
Texas		Court rule: TRCP 508.2 (2013, rev. 2019)	

Note: States have passed rules or statutes since July 2018.

Source: L. Gal, former consultant, Massachusetts Access to Justice Commission, email to The Pew Charitable Trusts, July 22, 2018

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New policies require courts to verify that all parties are notified about lawsuits and court dates

A few jurisdictions have begun to modify court rules to improve their notification requirements. Massachusetts changed its small claims court rules to require that plaintiffs in debt collection cases verify the addresses of defendants using reliable sources, such as municipal or motor vehicle records, and demonstrate to the court that they successfully served the case information to the correct address.⁸⁷ New York City adopted a procedure that requires debt collection plaintiffs to provide the court with a stamped, unsealed envelope addressed to the defendant with a return address to the court. The envelope contains a standardized notice of the lawsuit, which the court mails.⁸⁸ The court will not enter a default judgment if the Postal Service returns the notice as undeliverable.

In addition to confirming that all parties have been notified about the lawsuit, courts in some states have made small but important changes to ensure that consumers understand what the lawsuit is about. Because consumers sometimes believe that they either do not owe the debt or have already paid it or do not recognize the creditor or debt buyer that is suing them, Maryland strengthened its rules to require that pleadings include details about the underlying debt to help consumers more easily identify the debt, reduce confusion, and improve response rates.⁸⁹

Additional documentation requirements oblige courts to ensure that debt claims are accurate and valid

Some states have acted to enhance the integrity of debt claims dispositions by requiring courts to examine the plaintiff's case before issuing a judgment, regardless of whether the defendant is present. These states require that plaintiffs provide documentation as a matter of course rather than expecting defendants to ask plaintiffs to prove their cases.

Legislatures are leading these efforts in several states. North Carolina, for instance, passed a law in 2009 prohibiting courts from entering a default judgment unless the plaintiff provides "authenticated business records" that include the original account number and creditor, the amount of the original debt, an itemization of charges and fees claimed, and other information.⁹⁰ And in California, debt buyers must provide specific evidence related to their ownership of a debt, the amount of the original debt, and the name of the original creditor.⁹¹

In addition, court leaders have begun to set rules that require proof of the validity of a debt, even if the defendant is not in court. As of 2018, 11 states—California, Colorado, Delaware, Maine, Maryland, Massachusetts, Minnesota, New York, North Carolina, Oregon, and Texas—mandated documentation by court rule or statute. And in a 2018 policy resolution, the CCJ and the COSCA urged members "to consider enacting rules requiring plaintiffs in debt collection cases to file documentation demonstrating their legal entitlement to the amounts they seek to collect before entry of any default judgment where state legislation or court rules do not currently require the filing of such documentation."⁹²

Debt buyers, as well as consumer advocates, back requiring additional documentation that a debt is owed. For example, the Receivables Management Association International, a debt buyer trade group, "supports uniform standards on account documentation provided that they serve a legitimate purpose and is information that originating creditors are required to maintain."⁹³

State laws enhance prohibition of judgments on time-barred debts

In May 2019, the CFPB proposed amendments to its rules that enforce the federal Fair Debt Collection Practices Act.⁹⁴ The draft rules included a new provision stating that "a debt collector must not bring or threaten to bring a legal action against a consumer to collect a debt that the debt collector knows or should know is a time-barred

debt.” As described earlier, most states currently place the responsibility on the defendant to question whether a debt has expired,⁹⁵ and it is unclear whether the proposed rule would authorize courts to review cases for timing compliance even if a consumer does not raise the defense.

In the absence of specific federal rules, however, state legislators have taken up the issue of time-barred debt. Oregon law, for instance, prohibits a debt collector from knowingly filing legal action on a time-barred debt.⁹⁶ Debt industry representatives argue that suing on time-barred debt is already illegal and that plaintiffs do not knowingly file such lawsuits.⁹⁷ However, court data and judicial oversight are needed to confirm these assertions and to ensure that courts are not ruling in favor of collectors on invalid claims.

Modernization of court-user interactions

Some states are investing resources to leverage technology and adapt court procedures to better support self-represented litigants and improve court accessibility, affordability, and participation. These efforts include modifying court forms, enhancing outreach to consumers, and adopting online tools that make legal information and basic court services more easily available to users.

Providing relevant timely procedural information to all parties

Clear, accessible procedural information has the potential to yield significant benefits to court users and court operations. For example, Harvard Law School’s Access to Justice Lab conducted a randomized control trial in partnership with the Boston Municipal Court and found that debt claim defendants who received mailings from the court participated in their lawsuits at twice the rate of people who received no information by mail.⁹⁸

Courts in several states have undertaken modernization efforts, such as updating legal documents with easy-to-understand language; providing information in multiple languages; and using illustrations, videos, and other alternative formats.⁹⁹ In Alaska, for example, courts have created a self-help debt collection case website, developed a variety of plain-language forms, solicited feedback from the legal community on the revised forms, and proposed changes to court rules to facilitate participation by litigants without lawyers¹⁰⁰ in response to an internal analysis, which showed widespread problems with debt claim cases.¹⁰¹

Similarly, Collin County, Texas, Justice of the Peace Chuck Ruckel, who hears more debt claims than any other case type and estimated that up to 98 percent of defendants in those cases have no lawyer, said the most common question he receives is, “What should I do?” His court distributes a self-help packet, titled “When a Debt Claim Case Has Been Filed Against You” and produced by the Texas Court Training Center, that helps people understand the steps they need to take when being sued.¹⁰²

One critical consideration for courts is whether the information they provide is not merely available but in fact helpful to users. In 2019, the CCJ and COSCA passed a resolution¹⁰³ calling on courts to generate “documents, forms, and other information ... that is clear, concise, and easily comprehensible to all court users” and to explore online services as well as written self-help. These tools, whether static written information, interactive online content, in-person guidance, or some combination of the three, must be useful and usable.¹⁰⁴

Some courts incorporate technology as a tool

Research increasingly suggests that technology holds promise for improving legal information and consumer outreach.¹⁰⁵ In particular, several states, such as Illinois, Maine, Michigan, and Ohio, have created online legal assistance portals that contain self-help tools including explanatory articles, answers to common questions, step-by-step instructions for resolving a legal issue, and automated “interviews” that help litigants clarify and address their legal issues and complete court forms.¹⁰⁶ Some portals also provide links to lawyer referral services, self-help centers, legal aid programs, and other community resources.

In addition, some court systems have begun harnessing technology to enable remote litigant participation in legal processes, particularly through online dispute resolution (ODR), a tool already used in the private sector to resolve disagreements between consumers and online merchants. In the court context, ODR allows people to handle civil legal disputes without setting foot in a courtroom, and state and local leaders are increasingly looking to this approach to streamline people’s interactions with civil courts and help court staff better manage caseloads. Since early 2019, chief justices of the supreme courts in Hawaii, Iowa, Texas, and Utah have highlighted ODR as a key priority in their State of the Judiciary addresses.¹⁰⁷

Some jurisdictions—such as West Valley City, Utah, and Franklin County, Ohio—have begun using ODR for small debt claims in part to reduce the time that cases take to resolve.¹⁰⁸ However, moving debt collection cases online is not a panacea. Without recognized best practices, some experts say, ODR could present its own risks for consumers. Lisa Stifler of the Center for Responsible Lending noted that “ODR has the potential to offer avenues to consumers to respond to lawsuits against them, but there are concerns about consumers unknowingly waiving rights or legal claims or defenses.”¹⁰⁹

To address such concerns, the NCLC put out guidance for courts to consider when moving debt cases online.¹¹⁰ Additionally, as part of its upcoming research agenda, Pew plans to conduct evaluations of this technology to assess the risks and benefits for courts and ODR users.

“ I think the number one thing to remember is that not only the state but also the federal Constitution says that every person has the right to have their chance in court. We need to make it easier for them, through technology or some other means.”

Chuck Ruckel, *justice of the peace, Collin County, Texas*

Conclusion

From 1993 to 2013, the number of debt claims filed in civil courts across the country increased to the point of becoming the single largest share of civil court business over that span, particularly as people used civil courts less for other issues. The analysis underpinning this report found that, as a category, debt claims have largely one-sided outcomes, raising troubling questions about legal proceedings and case dispositions. It also revealed gaps in the available data as well as other topics that would benefit from additional research, such as why fewer people are using civil courts than in the past and whether technology and policy changes intended to modernize court systems are delivering the desired results.

This report examined early efforts in a handful of states to address these questions and challenges and identified three initial steps that state and local government officials can take to mitigate the challenges associated with debt claims and other business-to-consumer cases: increase the collection and reporting of debt claim data; revise policies and rules; and update civil legal system processes, particularly through the use of technology, to make the system easier to navigate for people without attorneys.

However, these potential state actions, while important and necessary, amount only to a preliminary effort to make the civil legal system more accessible because the issues facing civil courts are long-term and far-reaching. For instance, court leaders, the legal community, and advocates have for years been raising concerns that the civil legal system is failing not only people sued for a debt but also people facing eviction, navigating child custody issues, pursuing a divorce, seeking a protective order, or dealing with some other event with life-changing

consequences. This report aims to expand the conversation among policymakers at all levels of government about modernizing the civil legal system to better serve all of its users.

Appendix: Methodology

This study took a three-step approach to analyzing debt collection lawsuit trends in state courts and their impact on consumers. To identify common characteristics and consequences of these cases, Pew researchers conducted a literature review of peer-reviewed and gray studies and semistructured interviews with subject-matter experts. To analyze the volume of debt claims in the U.S. and the extent to which courts track relevant data, researchers reviewed annual court statistical reports in all 50 states and the District of Columbia. Pew researchers conducted quality control for each step to minimize errors and bias.

Literature review

Pew researchers conducted a literature review of consumer debt and debt collection lawsuits in the U.S. using keyword searches via four search engines—EBSCO, Hein Online, Google, and Google Scholar—to identify research related to debt collection lawsuits. Search terms included but were not limited to: “debt claim,” “debt collection lawsuit,” “debt litigation,” and “debt collection data.” Researchers also reviewed studies available on the websites of 24 organizations with a focus on debt collection or debt claims lawsuits. These searches generated approximately 130 apparently relevant articles, of which roughly 70 were found to contain information applicable to this study. The researchers examined and coded each article to identify common characteristics and themes in debt collection lawsuits.

Expert interviews

To collect additional insight on debt claims characteristics and consequences, Pew researchers performed semistructured interviews with three court officials, five consumer advocates and academics, and three credit lenders and debt collection attorneys.

Court data analysis

To identify the proportion of civil cases that were debt claims in 1993 and 2013, Pew researchers used data reported in two studies conducted by NCSC.¹¹¹ Although the studies contained different sample courts, based on geographic diversity and other characteristics, NCSC considered each to be nationally representative. NCSC found that across all state courts, 64 percent of 16.9 million civil cases are contract disputes and that contract caseloads consisted primarily of debt collection (37 percent), landlord-tenant (29 percent), and foreclosure (17 percent) cases. Pew researchers calculated that debt collection lawsuits represented approximately 24 percent of the civil caseload ($0.37 \times 0.64 = 0.236$), or 3.98 million cases ($16.9 \text{ million} \times .236$), which is higher than the other aggregated case types.

NCSC’s 1993 study reported 14.6 million civil cases in state courts, of which 8.6 million were filed in limited jurisdiction courts. In general jurisdiction courts, contracts accounted for 18 percent (or 1.08 million) of the 6 million general jurisdiction cases and 7 percent (or 602,000) of the 8.6 million limited jurisdiction cases. Contracts therefore made up 11.5 percent ($1.08 \text{ million} + 0.602 \text{ million} / 14.6 \text{ million}$) of the civil caseload. Debt collection was certainly less than 100 percent of the contract caseload. Both 1993 and 2013 figures are underestimated, as a significant percentage of small claims are also debt collection cases but are not counted in the contract caseloads.

Pew researchers used data collected by the NCSC Court Statistics Project (CSP) to analyze changes in state civil caseloads from 2009 to 2017. Idaho, Illinois, Mississippi, New Mexico, and Oklahoma did not report civil court

data to CSP in 2017. A total of 40 states, as well as the District of Columbia and Puerto Rico, reported decreases in total civil filings from 2009 to 2017. Forty-three states, plus the District of Columbia and Puerto Rico, reported a decrease in civil filings per capita. Hawaii, North Dakota, and South Carolina reported increases in total civil filings but decreases in filings per capita. And the only states to report increases in total and per capita civil filings were Pennsylvania and Texas.

To identify debt claims reporting trends, Pew researchers searched state court websites for annual statistical reports. These reports are called by various names—e.g., annual report, court statistical report, court caseload report, etc.—and commonly include civil court data. Where available, researchers gathered and reviewed reports for calendar or fiscal years 2005, 2009, 2013, 2017, and 2018. Through this process, Pew was able to collect civil court data for 49 states and the District of Columbia, though the availability of data for each fiscal or calendar year varied. For Iowa, the court administrator’s staff provided the reporting that is shared with the state Legislature and bar association.

Table A.1

49 States and D.C. Provide Court Statistics Reports Online, Though Available Years Vary

Data websites by state

State	Civil Data Website
Alabama	http://www.alacourt.gov/Publications.aspx
Alaska	http://www.courts.alaska.gov/admin/index.htm#annualrep
Arizona	https://www.azcourts.gov/statistics/Annual-Data-Reports/2017-Data-Report
Arkansas	https://www.arcourts.gov/forms-and-publications/annual-reports
California	https://www.courts.ca.gov/13421.htm
Colorado	https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep
Connecticut	https://jud.ct.gov/statistics/civil/
Delaware	https://courts.delaware.gov/AOC/AnnualReports/FY18/index.aspx
District of Columbia	https://www.dccourts.gov/about/organizational-performance/annual-reports

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Florida	https://www.flcourts.org/Publications-Statistics/Statistics/Trial-Court-Statistical-Reference-Guide
Georgia	http://jcaoc.georgiacourts.gov/content/annual-reports
Hawaii	https://www.courts.state.hi.us/news_and_reports/reports/annual_report_stat_sup_archive
Idaho	https://isc.idaho.gov/annual-reports
Illinois	http://www.illinoiscourts.gov/SupremeCourt/AnnReport.asp
Indiana	https://publicaccess.courts.in.gov/ICOR/
Iowa	State does not provide court statistical data online.
Kansas	http://www.kscourts.org/Court-Administration/stats/index.html
Kentucky	https://courts.ky.gov/aoc/statisticalreports/Pages/default.aspx
Louisiana	https://www.lasc.org/press_room/annual_reports/default.asp
Maine	https://www.courts.maine.gov/news_reference/stats/index.html
Maryland	https://mdcourts.gov/publications/annualreports https://datadashboard.mdcourts.gov/#/court/district/activity
Massachusetts	https://www.mass.gov/lists/massachusetts-court-system-annual-reports
Michigan	https://courts.michigan.gov/education/stats/Caseload/Pages/default.aspx
Minnesota	http://www.mncourts.gov/About-The-Courts/PublicationsAndReports.aspx
Mississippi	https://courts.ms.gov/research/reports/reports.php
Missouri	https://www.courts.mo.gov/page.jsp?id=296
Montana	https://courts.mt.gov/courts/statistics

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Nebraska	https://supremecourt.nebraska.gov/administration/publications-reports
Nevada	https://nvcourts.gov/AOC/Templates/documents.aspx?folderID=4479
New Hampshire	https://www.courts.state.nh.us/cio/data-and-reports.htm#reports-header
New Jersey	https://www.njcourts.gov/public/stats.html
New Mexico	https://www.nmcourts.gov/reports-and-policies.aspx
New York	http://ww2.nycourts.gov/reports/annual/index.shtml
North Carolina	https://data.nccourts.gov/explore/?sort=modified https://www.nccourts.gov/about/data-and-statistics
North Dakota	https://www.ndcourts.gov/state-court-administration/annual-report
Ohio	http://www.supremecourt.ohio.gov/Publications/default.asp
Oklahoma	http://www.oscn.net/news/
Oregon	https://www.courts.oregon.gov/about/pages/reports-measures.aspx
Pennsylvania	http://www.pacourts.us/news-and-statistics/research-and-statistics/caseload-statistics
Rhode Island	https://www.courts.ri.gov/PublicResources/annualreports/Pages/default.aspx
South Carolina	https://www.sccourts.org/annualreports/
South Dakota	https://uj.s.sd.gov/Resources/PublicInformation.aspx
Tennessee	http://www.tncourts.gov/media/statistical-reports
Texas	http://www.txcourts.gov/statistics/annual-statistical-reports/
Utah	https://www.utcourts.gov/stats/

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Vermont	https://www.vermontjudiciary.org/about-vermont-judiciary/court-statistics-and-reports
Virginia	http://www.courts.state.va.us/courtadmin/aoc/judpln/csi/home.html
Washington	http://www.courts.wa.gov/caseload/?fa=caseload.showarchived
West Virginia	http://www.courtswv.gov/public-resources/press/Publications/index.html
Wisconsin	https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm
Wyoming	https://www.courts.state.wy.us/circuit-courts/circuit-court-reports-and-statistics/

Sources: “National Center for State Courts AOC State Links,” <https://www.ncsc.org/Topics/Court-Management/Administrative-Offices-of-the-Courts/State-Links.aspx>; The Pew Charitable Trusts internal review of state court websites

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Next, the researchers reviewed the civil court data in each identified source and documented information related to:

- Civil case filings and outcomes, particularly whether the data were disaggregated by case type.
- Types of civil cases reported.
- Small claims filings and outcomes.
- Debt claims filings and outcomes.
- Definitions of small claims and debt claims.

If a source did not contain the information sought, the research team searched for other public sources on courts’ websites that may include this information—e.g., a data dashboard, etc., using the phrases “civil case data,” “caseload statistics,” or “caseload data.” To ensure that all relevant sources of publicly available court data were examined, the team also contacted court administration offices in all 50 states and the District of Columbia.

Next, the researchers compiled three simple descriptive statistics to assess reporting trends:

- The number of states that disaggregate their filings and outcomes information by case type.
- The number of states that include debt claims as a subcategory within one or more tiers or dollar thresholds of civil cases (small claims, limited civil, general civil).
- The number of states that report on the number of self-represented litigants.

To identify small and debt claims filings and outcomes trends, researchers collected data from the state reports identified above for years 2005, 2009, 2013, 2017, and 2018 and documented the following information (where available):

- Small claims maximum limit.
- Small claims caseload and default judgments.
- Debt claims caseload and default judgments.

Pew researchers were unable to find publicly accessible reports for the following years and states as of October 2019:

- 2005: Georgia, Iowa, Kentucky, Nebraska, Oklahoma, Vermont, West Virginia, Wyoming.
- 2009: Iowa, Kentucky, Oklahoma, Vermont.
- 2013: Iowa.
- 2017: Idaho, Iowa.
- 2018: Arkansas (labeled 2018 annual report but reporting on 2017 data), Idaho, Illinois, Iowa.

In addition, 20 states and the District of Columbia report their data on a calendar year basis, while 29 do so on a fiscal year.

- Calendar year states: Arkansas, District of Columbia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, West Virginia, Wisconsin, Wyoming.
- Fiscal year states: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Kansas, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Vermont.
- Iowa does not produce public reports.

Where available, the research team performed descriptive analyses of small claims and debt claims trends from fiscal 2005 to fiscal 2018 to assess:

- Differences in filings, including per capita, and default judgment rates.
- Small claims caseload as a percentage of total civil caseload.
- Debt claims caseload as a percentage of small claims caseload.

Limitations

Several factors can contribute to small claims and debt claims trends in each jurisdiction, such as the maximum dollar amount a plaintiff can sue for in a small claims court, rules and regulations governing the evidence required to file a debt collection lawsuit, the statute of limitations, filing fees, or the availability of electronic filing. Because of timing and resource constraints, assessing all these factors across the states and the District of Columbia was beyond the scope of this analysis. But this study was able to identify which of the six states that reported some information about debt claims caseloads in 2013 or earlier had also experienced a change in rules or court proceedings specifically targeting debt claims.

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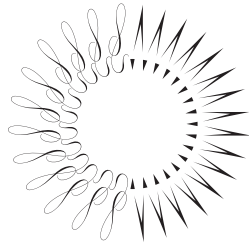
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PAUL C. DEYHLE
*General Counsel and
Executive Director*

May 11, 2021

CONFIDENTIAL

Nona Tobin
2664 Olivia Heights Avenue
Henderson, NV 89052

Re: Case No. 2021-026

Dear Ms. Tobin:

On February 18, 2021, your above-referenced complaint was filed with the Nevada Commission on Judicial Discipline. Commission staff dismissed your complaint because it is untimely.

Your complaint alleges that the judge committed many acts of misconduct between April 23 and September 3, 2019. Nevada statutes prohibit the Commission from considering complaints which arise from acts occurring more than three years before the date of the complaint or more than one year after the complainant knew or reasonably should have known of the conduct, whichever is earlier, except for a continuing course of conduct, a pattern of recurring misconduct, or the concealing of evidence of misconduct. NRS 1.4655(2).

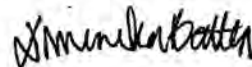
Even if the complaint were timely, the Commission typically cannot discipline a judge regarding "claims of error or abuse of discretion in findings of fact, legal decisions or procedural rulings unless supported by evidence of abuse of authority, a disregard for fundamental rights, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty." *See* NRS 1.4653(5)(b); Procedural Rules of the Nevada Commission on Judicial Discipline ("PRJDC") 8 (providing that generally "[c]laims of error shall be left to the appellate process"); *In re Hughes*, 136 Nev. Adv. Op. 46, 467 P.3d 627, 634 (2020) (providing that "[f]or claims where relief may ordinarily lie in the appeals process, disciplinary proceedings should be pursued sparingly"). The Commission is not an appellate or reviewing court; rather, the Commission disciplines judges based on their conduct.

TOBIN. 3529

Nona Tobin
May 11, 2021
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Pursuant to NRS 1.4657(1), the Commission reviews each complaint in accordance with its procedural rules to determine whether it alleges objectively verifiable evidence of judicial misconduct or incapacitation. PRJDC 10(4) permits the Commission to administratively dismiss complaints that do not meet the statutory requirements set forth in NRS 1.425 to 1.4695. *See* PRJDC 10(4) (providing that Commission staff may administratively dismiss a complaint that does not meet the statutory requirements, with the Commission subsequently ratifying such dismissal, if appropriate, at the next scheduled meeting following the administrative dismissal). Accordingly, your complaint is administratively dismissed.

Sincerely,



Dominika Batten
Associate General Counsel



Nevada Commission on Judicial Discipline
P.O. Box 48
Carson City, NV 89702
ncjdinfo@judicial.nv.gov

Dear Commissioners,

I am in receipt of Associate General Counsel, Dominika Batten, 's 5/11/21 correspondence¹ that rejected Fight Foreclosure Fraud, Inc. 's complaint vs. Judge Kishner². This complaint was previously and appropriately accepted by NCJD staff member Tarah L. Hansen on 2/18/21³ who assigned it NCJD complaint number 2021-026 (linked below)⁴. Ms. Hansen stated in her letter,

¹ [5/11/21 NCJD letter](#) from Dominicka Batten, Associate General Counsel

² NCJD complaint form, 1/28/21 complaint, 2/7/21 outline of charges

³ [2/18/21 acceptance letter](#) from Tarah L. Hansen, Management Analyst II

⁴ [1/27/21 NCJD complaint](#) signed NCJD 3-page form,

[Attachment 1](#) Relevant provisions of the Nevada Code of Judicial discipline

[Attachment 2](#) 7-page outline of complaint

[Attachment 3](#) 1/28/21 NCJD 100-page complaint

[Attachment 4](#) Unheard 4/10/19 motion for summary judgment vs. Jimijack

[Attachment 5](#) Unheard 4/10/19 motion for summary judgment vs. all parties

[Attachment 6](#) Table of contents of evidence stricken at 4/23/19 ex parte hearing

[Attachment 7](#) Notice of completion of Tobin/Hansen Trust's completion of mediation required for subject matter Judge Kishner to have subject matter jurisdiction pursuant to NRS 38.310(2) (NRCJP 12(b)(1))

[Attachment 8](#) Nona Tobin's 4/14/19 Declaration under penalty of perjury vs. Nationstar & Jimijack

[Attachment 9](#) 3/14/19 complaint to Nevada Attorney General

[Attachment 10](#) 12/16/20 complaint to Nevada Attorney General with linked exhibits to both complaints

[Attachment 11](#) Minutes of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack

[Attachment 12](#) Transcript of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack

[Attachment 13](#) Recorded fraud by Nationstar

[Attachment 14](#) 55-page analysis of the evidence of fraud on the court and judicial misconduct

[Attachment 15](#) 211-pages of evidence showing that I was forced to litigate by the HOA as retaliation against me for being a whistleblower on unrelated matters, but then the HOA, Nationstar and Jimijack attorneys obstructed the litigation by concealing, suppressing, and/or falsifying the evidence that had probative value to my case

[Attachment 16](#) 963 pages of my pro se filed documents that were stricken from the record by Judge Kishner without consideration or adjudication at the ex parte hearing (Attachment 16 should have included, but did not, the 4/24/19 [motion to vacate per NRCJP 60\(b\)\(3\)](#) for fraud on the court and attached motion for summary judgment vs. all parties, or the post-trial motions, 6/17/19 [motion to intervene by right](#), 7/22/19 motion for a new trial for fraud on the court and failure, 7/29/19 motion to dismiss for lack of subject matter jurisdiction, that were stricken at the 9/3/19 hearing,



“You can be assured that the Commission investigates every complaint it receives, and that your complaint will be investigated by the Commission as soon as practicable.”

Justification for request for the NCJD to fulfill its Constitutional mandate

1. The Commission is duty-bound to investigate this complaint by its Constitutional Charter⁵.
2. Every allegation made in the complaint is supported by objectively verifiable evidence.
3. The statute of limitations was tolled as 1) the damages are ongoing, 2) all good faith efforts at remediation and appeal have been obstructed, and 3) the judicial misconduct has been concealed and obfuscated by the improper manipulation of the court record and the property record.
4. Every alleged act of misconduct cites to a specific provision in the code of conduct violated.
5. The damages caused by this misconduct are severe and pervasive, with approximately \$750,000 in actual damages accruing to me personally.
6. More importantly, severe and pervasive damages accruing to the entire Nevada judiciary, the Nevada civil court system, and the public will not be mitigated in any way, if this complaint is not treated with appropriate diligence by the Commission chartered by the State of Nevada Constitution to enforce the Judicial Code of Conduct.

Rejection by staff attorneys is inappropriate as it interferes with the Commission’s duties.

The complaint involves very specific allegations of violations of the Nevada Code of Judicial Conduct, and a staff decision to not allow the Commission to fulfill its mission is not in the public interest.

The rationale given for rejecting my complaint, filed as President of Fight Foreclosure Fraud, Inc., was that it was 1) untimely and 2) the appellate courts are the appropriate venue for an individual victim to seek relief.

⁵ **Purpose of the NCJD:**

The Commission was created by a Constitutional amendment on November 2, 1976, to investigate allegations of Judicial misconduct in office, violations of the Revised Nevada Code of Judicial Conduct, or disability of judges.

NRS 1.463 applicable sections

1. The Commission may remove a judge, publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge:
 - (a) Has committed willful misconduct;
 - (b) Has **willfully** or persistently failed to perform the duties of office;
2. The Commission may publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge has violated one or more of the provisions of the Revised Nevada Code of Judicial Conduct in a manner that is **not knowing or deliberate**.



I believe both that the FFFI complaint was timely and, more importantly, that it is in the public interest for the Commission to diligently investigate the allegations raised therein. The public deserves to have the codes of ethical standards strictly enforced for both attorneys and judges by the appropriate enforcement agencies – not by the victim.

The judiciary and the Nevada civil court system are severely and pervasively damaged when judges do not make evidence-based decisions or give preferential advantage to one side even if it is done unwittingly.

The public, the courts and the legal profession are ill-served when attorneys can suppress/conceal evidence, produce falsified accounts, or knowingly make false statements to the court with impunity and without fear of the loss of the license to practice law.

The statute of limitations was tolled as the misconduct was concealed.

Your determination was based on the actions that took place prior to 9/3/19 and the statute of limitations would have ended on 9/3/20.

However, the statutory computation of time excludes:

NRS 1.4655 (2)(C)(c) Any period in which the judge has concealed or conspired to conceal evidence of misconduct is not included in the computation of the time limit for the filing of a complaint pursuant to this section.

Judicial misconduct concealed was the proximate cause of damages that continue to accrue to this day.

The question before the Commission involves both 1) how the judicial conduct was obfuscated and 2) the degree to which Judge Kishner was knowingly complicit in rendering her 4/18/19 through 11/22/19 bench and entered orders unappealable.

Judge Kishner and/or court clerical staff mishandled court records by, inter alia, 1) striking multiple pro se-filed motions, notices, and other documents from the court record, inconsistently, and in some cases, as if they had never been filed, 2) by issuing unappealable bench orders, without formalizing them per NRCP 58, 3) by meeting ex parte with opposing counsel after notice of the court's own ex parte 4/12/19 order to continue the 4/23/19 hearing to 5/7/19 was served and entered, 4) by conducting the unnoticed hearing regarding the absent party's opposition to the subject of the continued hearing, 5) making rulings prejudicial to the absent party without any written documentation to allow the damaged party to appeal, 6) allowing opposing parties to include in the record "responses" to stricken documents to remain in the record while striking the damaged party's oppositions.



These, and other errors and omissions, has resulted in a falsified official court record and defective protocols that has also caused severe and pervasive damage to Nevada's courts.

The Clark County official property records have also been corrupted by judicial errors.

Judge Kishner expunged from the property record, sua sponte, my lis pendens, that served as public notice of pending litigation by a new complaint in Judge Johnson's court. Judge Johnson compounded Judge Kishner's errors by expunging three lis pendens as if I had never recorded them, unfairly giving legal cover to undeserving third parties whose recorded claims adverse to mine were recorded while my three lis pendens were in the official record and whose existence is germane to a fair adjudication of my claims.

Deprivation of fundamental rights resulted from judicial and attorney misconduct.

This inappropriate erasing of public records as if they had never been filed or recorded resulted in a Catch-22 that deprived me of my fundamental rights, e.g., to assert my quiet title and other claims as an individual, to present evidence, assert defenses, and to represent myself or be represented by an attorney of my choosing.

My access to the courts of appeal was denied for any of Judge Kishner's orders.

Two appeals of Judge Kishner's rulings were denied (9/4/19 and 4/3/20) and an order of affirmance in case 79295 (4/12/21 order of affirmance) occurred solely because of Judge Kishner's ex parte meeting with opposing counsels and the resulting misconduct of failing to adjudicate claims that were before her and for her failing to make decisions based on evidence.

The complaint is supported by evidence of "a disregard for fundamental rights"

NRS 1.4653 was cited as the legal authority supporting the claim that even if timely, the Commission did not have jurisdiction over an investigation and imposition of discipline for the alleged violations of the Nevada code of Judicial discipline.

"The term does not include claims of error or abuse of discretion in findings of fact, legal decisions or procedural rulings **unless supported by evidence of abuse of authority, a disregard for fundamental rights**, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty."

A fair adjudication of a second complaint was denied as all unheard claims were dismissed with prejudice on the erroneous grounds of claims preclusion.



A new Judge, Susan Johnson, Dept. 22, dismissed unheard with prejudice a second civil action that had been filed on 8/7/19⁶, a week before the five-year statute of limitations deadline. This second complaint was only necessary as Judge Kushner refused to hear any of my causes of action filed in 2017. To add insult to injury, Judge Johnson also sanctioned me for just filing the 8/7/19 complaint, erroneously ruling that the complaint was unwarranted⁷ harassment.

I respectfully disagree. Judge Kushner's orders from 4/18/19 to 11/22/19, were based on circuitous logic and fraud on the court by opposing parties and their counsels., and appeals I filed on 7/24/19 and 12/19/19 were dismissed by the Supreme Court on 9/4/19 and on 4/30/20.

Judge Kushner's conduct is the proximate cause of damages to me that are ongoing

I have been in litigation for five years without my claims being fairly adjudicated because Judge Kushner did not do her job. Despite my investment of tens of thousands of dollars and thousands of hours of personal time, I cannot recover from the damage caused by Judge Kushner's unfair treatment if I can't get a new judge or a court of appeal to overturn orders, erroneous due to a fraud on the court, by a review of the objective, verifiable evidence.

Access limited to court of appeals due to fraud on the court and judicial reliance

Fraud on the court occurs where it can be demonstrated by evidence, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense. 892 F.2nd 1115. Unlike common law fraud on a party, fraud on a court does not require reliance. 394 N.J.Super. 237.

– Barron's Law dictionary 6th Edition

⁶ [8/7/19 A-19-799890-C Tobin complaint](#) contains an abuse of process cause of action which was intended to the alleged fraud on the court in case A-15-720032-C, but the [1st amended complaint](#), filed on 6/3/20 by John W. Thomson that bifurcated the abuse of process charge, was dismissed with prejudice on 12/3/20 so the fraud on the court charge was never heard.

⁷ [12/3/20 order](#) to dismiss with prejudice, by misapplying the doctrine of claims preclusion) ALL my claims against all past, present and future defendants, which in A-19-799890-C named only: **Red Rock Financial Services** (who conducted the fraudulent, unnoticed HOA foreclosure sale on 8/15/14 and never distributed the proceeds or filed interpleader until [2/3/21 INT](#) pending in case A-21-828840-C), and vs. **Jimijack** (whose deed was inadmissible per NRS 111.345), vs. **Joel A Stokes** whose [5/23/19](#) \$355,000 deed of trust from Civic Financial Services was misrepresented to Judge Kushner as the Jimijack-Nationstar "settlement" that allowed them to steal my property without adjudication), vs. **Brian & Debora Chiesi** who purchased the property on [12/27/19](#) (while appeal 79295 was pending) from Joel Stokes (whose [5/1/19 deed](#) wasn't valid because acquired from Jimijack whose deed was void for notarial violations)) and vs. Quicken Loan who gave a \$353,500 loan to Chiesi's on [12/27/19](#) while the Joel A Stokes' 5/23/19 \$355,000 deed of trust from Civic Financial Services still encumbered the property until [2/6/20](#)) and vs. **Nationstar** who never could legally claim to have been the [noteholder](#) or [beneficial owner](#) of the Hansen [7/22/04](#) deed of trust, who disregarded the [PUD Rider Remedies clause](#) of the Hansen deed of trust on [6/3/19](#) without legal authority substituted itself for the trustee, lied about being the beneficiary, and reconveyed the property to Joel Stokes instead of correctly to the estate of the borrower.



Fraud on the court does not require judicial reliance to make the unscrupulous attorneys culpable for violations of their code of professional & ethical conduct. However, Judge Kishner's reliance on misrepresentations, made ex parte, aided and abetted their unfairly hampering the presentation of my claims and defenses.

Further, Judge Kishner's erroneously insisting that she had never granted me leave to intervene, despite objectively verifiable evidence to the contrary, and her refusal to hear my post-trial motions, enabled the fraud on the court to also successfully and unfairly hamper the presentation of my claims and defenses to other neutral courts who are unaware of the fraud on the court that prevented a fair adjudication by Judge Kishner.

The enduring consequences of this judicial misconduct is that multiple cases were dispensed without any justice or determination of "rights, status and other legal relations between parties" (NRS 30.010).

I believed that I could get relief through the Nevada Courts of Appeal, but that avenue of redress was obstructed twice by the very orders I was appealing. Further, the 4/12/21 order of affirmance was defective because it was premised entirely on false and falsified evidence from opponents with had no standing to assert claims against me (which Judge Kishner would have known had she conducted an evidentiary hearing as required by NRS 40.110).

On 12/19/19, my attorney John W. Thomson filed an appeal on Judge Kishner's 11/22/19 erroneous order⁸ (annotated). The order declared the court had never granted me leave to intervene as an individual. Actually, Judge Kishner had granted my 11/15/16 pro se motion to intervene⁹ as an individual beneficiary and as the trustee. The order was entered 1/12/17¹⁰ and the court re-affirmed that I was an individual party on 4/27/17.¹¹

Judicial misconduct was precipitated by a fraud on the court by opposing counsels

⁸ [11/22/19 erroneous order \(annotated\) 4/30/20 SC order 20-16436](#) re-affirmed that Tobin could not appeal as an individual Judge Kishner's 11/22/19 order that declared Tobin the individual was a non-party and striking all her pro se filings from the record because the individual was specifically excluded from the 6/24/19 order granting quiet title to Jimijack.

⁹ [11/15/16 pro se motion to intervene](#) identifies Nona Tobin as an individual party in all the proposed pleadings and in the captions on all the pleadings filed on 1/31/17 ([CRCM vs. HOA & DOEs & ROEs](#)), 2/1/17 (AACC vs Jimijack), 2/1/17 CRCM vs. Yuen K. Lee dba F. Bondurant LC), and 2/1/17 (CRCM vs. Thomas Lucas dba Opportunity Homes LLC) and in all captions of all filings of all parties until removed by Judge Kishner's bench order on [6/3/19](#), including in the [3/12/19 ANEO](#) order reforming the caption

¹⁰ [1/12/17 NEO](#) order granted Tobin & the Hansen trust the right to intervene was entered.

¹¹ [annotated pages 3-13 of the 4/27/17 transcript](#) show Judge Kishner denied the HOA motion to dismiss my claims as an individual



Judge Kushner's reliance on the misrepresentations of counsel at the 3/26/19 hearing on the HOA's MSJ and Nationstar's limited joinder and the 4/23/19 ex parte hearing started the ball rolling downhill.

Obstructed issue of first impression could have significant systemwide repercussions once heard.

The Supreme Court re-affirmed its 9/4/19 erroneous order that I was not aggrieved as an individual, and therefore had no access to the courts of appeal, on 4/30/20.¹²

On 4/12/21, the Court of Appeals issued an Order of Affirmance, concluding my appeal as trustee of the closed Gordon B. Hansen Trust, dated 8/22/08.¹³ This order is erroneous and caused me approximately \$750,000 in actual damages and costs. The Courts of Appeals could not have arrived at this order of affirmance had my evidence not been suppressed, my claims left unheard and my access to appeals denied.

Six years of excruciating and expensive litigation have clogged the courts related to this one wrongful foreclosure as a result of Judge Kushner's misconduct and the misconduct of a half dozen or so attorneys throughout the six years of litigation that began in June, 2015. It boggles the mind to consider the huge amount of judicial resources that have been wasted and will be wasted because an unscrupulous lender, and its attorneys, were able to prevent the courts from adjudicating the issue of first impression: the Multi-State Standard form PUD Rider Remedies provision.

It is in the public interest for NCJD to investigate and make an evidence-based decision.

What the NCJD is being asked to do is to issue findings of fact and make a determination as to the appropriate level of discipline, depending primarily on whether Judge Kushner was merely duped by unscrupulous attorneys or whether she was complicit.

Judge Kushner may have been merely mistaken or misled at her ex parte meeting into the erroneous idea that she had not granted me leave to intervene when she granted my 11/15/16 pro se motion to intervene as a trustee and as an individual. What turns this possibly innocent error into witting or unwitting judicial misconduct is that she repeatedly compounded the error by 1) not listening to contrary evidence, 2) striking all my claims without letting my attorney sign them (NRCP 11(a)(1) or providing an opportunity to be heard, 3) not hearing my motion to vacate her order granting a partial motion for summary judgment, 4) not hearing post-trial motion that the court did not have subject matter jurisdiction because the prevailing parties had been non-compliant with NRS 38.310, 5) post-trial motions for a new trial (NRCP 54(b)(claims of all

¹² [4/30/20 SC order 20-16436](#) re-affirmed that Tobin could not appeal as an individual Judge Kushner's 11/22/19 order that declared Tobin the individual was a non-party and striking all her pro se filings from the record because the individual was specifically excluded from the 6/24/19 order granting quiet title to Jimijack.

¹³ Appeal of Judge Kushner's [4/18/19](#), [5/31/19](#), and [6/24/19](#) orders in case [79295](#)



parties not resolved) and NRCP (a)(1)(A)(B)(C)(F) (judgment was arrived based on fraud on the court).

At a minimum, remedial training must be ordered for the benefit of the whole court.

At the very least, the NCJD needs to disabuse her of her erroneous notion that it is okay to meet ex parte in open court when the party against whom prejudicial decisions are being made is absent and then refuse to give the damaged party an opportunity to be heard.

“There is no such thing as an ex parte hearing that happens in open court.”

-Judge Kushner, Page 36, line 21 [9/3/19 annotated transcript](#)

My previous request for postponement of NCJD 2021-026 is withdrawn.

On 3/10/21, I sent the postponement request via email to the NCJD¹⁴, subject “*NCJD complaint 2021-026 request to postpone formal public charges vs. Judge Kushner pending A-21-828840-C adjudication*”. This request was written a month after Judge Kushner, unbeknownst to me, had recused herself from the interpleader case.

Its purpose was to give Judge Kushner an opportunity to prove that her actions were unwitting as the result of being duped by unscrupulous attorneys vs. consciously enabling the fraud on the court that occurred. The Commission could determine the appropriate discipline that would range from remedial training to removal from the bench depending on her understanding and intent.

Since Judge Kushner recused herself from the interpleader case that’s pending, there is no reason for delay of the investigation and findings of fact and conclusions of law the Commission on Judicial Discipline is chartered to perform by the Nevada Constitution.

Waste of judicial resources continue to mount as the Commission delays.

There are currently multiple actions¹⁵ and appeals pending and decided related to this matter. None of which would never even been filed but for Judge Kushner’s misconduct precipitated by opposing parties’ and counsels’ fraud on the court.

Damages have accrued to the public, the Nevada judiciary, and the entire Nevada court system and will continue to accrue if the Commission fails to act.

The Nevada Code of Judicial Conduct exists to protect the public from a dysfunctional court system. Failure to enforce the code results in a court system that is unfair to all parties who seek justice from a fair impartial tribunal. If Rule 2.9 (prohibiting ex parte communications that cause prejudice to the absent party), for example, is not enforced, some individuals lose simply because

¹⁴ [3/10/21 email requesting postponement](#)

¹⁵ A-15-720032-C, A-16-730078-C, A-19-799890-C, A-21-828840-C, appeals 82094, 82234, and 82294



they were not given an equal opportunity to defend themselves against the big money interest that attacked them.

The 4/23/19 ex parte meeting between Judge Kishner and Melanie Morgan, Akerman LLP attorney for Nationstar LLP, and Joseph Hong, attorney for Jimijack Irrevocable Trust caused me approximately \$750,000 in actual damages and two more years of fruitless litigation, but because it happened on 4/23/19, your staff has assumed the role of gatekeeper to prevent the NCJD from enforcing the code of judicial conduct on the grounds of untimeliness and inappropriate subject matter.

The public interest is paramount. The Commission's duty is to protect it.

I already explained that the complaint was timely, and the damages ongoing, in terms of my own case. I am asking you to reconsider the administrative rejection by altering the Commission's, and your staff's, perspective from thinking this complaint is about a single victim's quest for relief. It is not.

This complaint is about protecting the public. No time limit or staff gatekeeping can appropriately be applied to obstruct your investigation if it allows judges to stay on the bench, and attorneys to stay members of the bar, when their misconduct fundamentally corrupts the whole civil court system.

Can you not see that it is not in the public interest to allow judges to serve if they refuse to let a party put on her case for any other reason than opposing counsels told her not to? Or fails to hold any evidentiary hearings? Or who meets ex parte with one side and decides to take draconian actions against the absent party and then obstructs the victim's access to the appellate courts?

Can you not also see that your actions are not in the public interest if you prevent the Commission's investigation when it is required to ascertain the veracity of the allegations and to access the degree judicial culpability if mitigated, particularly since the alleged misconduct was allegedly precipitated by a very, very serious fraud on the court?

The Commission must determine if the judicial misconduct was intentional or not and consider if there were mitigating factors to determine the level of discipline.

If the Commission doesn't investigate, but my allegations are all true, the Eighth District Court will have a judge on the bench who thinks she did nothing wrong, and therefore, might easily do it again.

If the commission doesn't even look at these very comprehensively supported allegations, then Judge will be right.

It will always be okay, in the past, present and future, for Judge Kishner or any other Nevada judge to meet ex parte with one side in open court and decide the case in favor of the clients of the attorneys who set up the ex parte meeting without an evidentiary support.



It will be okay for any judge to rely on unsupported ex parte representations to find against the excluded party.

It will be okay for any judge to rule by unappealable bench order without citing any legal authority for its orders and without checking to see if any facts support its decisions.

It will be okay for any judge, or any judicial assistant, to eliminate documentation in the court record that an excluded party raised any objections to the sudden loss of standing caused by the court's unnoticed hearing, or the judge verbally striking the losing party's evidence and dispositive motions as if they had never been filed.

It will be okay for any judge relying on any unscrupulous attorney to obstruct the losing party's access to the courts of appeal by just claiming she never was a party and therefore is not aggrieved under NRAP 3(A).

Why even have a court system in Nevada if that is the way the game is played ?

How is the public served by a court system when the judges are not required to fairly adjudicate all claims and the court system does not operate under the rule of law?

It is the Commission's Constitutional Charter, not the duty of the victim, to protect the public.

I have been in expensive, grueling, fruitless litigation for five years in four district court cases and four appeals. All rulings have been made against me to date without any judge looking at the evidence.

How can those rulings be allowed to stand when they were caused by a judge being duped by a fraud on the court perpetrated by all the opposing counsels?

I think we can agree the Commission's - not a victim's - job to protect the public by enforcing the Code of Judicial Conduct based on a professional investigation of the comprehensive evidence I have provided to the Commission.

I don't believe the Commission should solely rely on the evidence I proffered as the victim, no matter how detailed. Rather, it should proactively conduct any additional investigation that is appropriate to ensure that its findings of fact and conclusions of law support the ultimate goal of maximizing the integrity, efficiency and effectiveness of the Nevada judiciary.

I believe we also agree that the Commission has no duty to provide relief to an individual victim, or even a class of victims. However, a victim should be able to count on the Commission to actually fully and fairly examine every complaint.

I don't believe "administrative rejections" by staff further the Commission's mission to ensure everyone has equal access to a fair adjudication of claims by a neutral and competent tribunal.



In one of my four current cases trying to right this wrong, Judge Jessica Peterson has agreed to hold an evidentiary hearing (to be scheduled 6/2/21). I believe this hearing will result in my claims finally being fairly adjudicated. Even so, making me whole will do nothing to protect the public now or in the future from a court system that is dysfunctional because it does not operate under the rule of law because the codes of conduct are not properly enforced.

Thank you for your re-consideration and prompt investigation.

I am available to assist in whatever you require. I know this one situation, this one property record, and all these court records related to it practically by heart.

The Commission certainly will not need the 18 months you are allowed by statute to complete your investigation if you consider me as a resource rather than an annoyance.

Nona Tobin, President
Fight Foreclosure Fraud, Inc.
2664 Olivia Heights Ave.
Henderson NV 89052
(702) 465-2199

letter to the Nevada Commission on Judicial Discipline re administrative rejection of complaint 2021-026.

1 message

Nona Tobin <nonatobin@gmail.com>

Sat, May 22, 2021 at 1:56 PM

To: Judicial Information <ncjdinfo@judicial.nv.gov>

Cc: AGINFO@ag.nv.gov

Bcc: Mark Burton <me.burton27@gmail.com>, John Thomson <johnwthomson@ymail.com>, Terrie Crowley <terriecrowley@gmail.com>, TeamJusticegk@gmail.com, L Tobin <rhandyman@gmail.com>, Joe Coppedge <jcoppedge@mccnvlaw.com>

Quoted below are the first two pages of the attached 11-page PDF. It has also been mailed to the NCJD P.O. Box in Carson City.

Please confirm as soon as possible that the complaint will be properly investigated by the Commission. Thank you for your service to the people of Nevada.

I am in receipt of Associate General Counsel, Dominika Batten, 's 5/11/21 correspondence¹ that rejected Fight Foreclosure Fraud, Inc. 's complaint vs. Judge Kishner². This complaint was previously and appropriately accepted by NCJD staff member Tarah L. Hansen on 2/18/21³ who assigned it NCJD complaint number 2021-026 (linked below)⁴. Ms. Hansen stated in her letter,

¹ 5/11/21 NCJD letter from Dominicka Batten, Associate General Counsel

² NCJD complaint form, 1/28/21 complaint, 2/7/21 outline of charges

³ 2/18/21 acceptance letter from Tarah L. Hansen, Management Analyst II

⁴ 1/27/21 NCJD complaint signed NCJD 3-page form,

[Attachment 1](#) Relevant provisions of the Nevada Code of Judicial discipline

[Attachment 2](#) 7-page outline of complaint

[Attachment 3](#) 1/28/21 NCJD 100-page complaint

[Attachment 4](#) Unheard 4/10/19 motion for summary judgment vs. Jimijack

[Attachment 5](#) Unheard 4/10/19 motion for summary judgment vs. all parties

[Attachment 6](#) Table of contents of evidence stricken at 4/23/19 ex parte hearing

[Attachment 7](#) Notice of completion of Tobin/Hansen Trust's completion of mediation required for subject matter Judge Kishner to have subject matter jurisdiction pursuant to NRS 38.310(2) (NRCP 12(b)(1))

[Attachment 8](#) Nona Tobin's 4/14/19 Declaration under penalty of perjury vs. Nationstar & Jimijack

[Attachment 9](#) 3/14/19 complaint to Nevada Attorney General

[Attachment 10](#) 12/16/20 complaint to Nevada Attorney General with linked exhibits to both complaints

[Attachment 11](#) Minutes of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack

[Attachment 12](#) Transcript of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack

[Attachment 13](#) Recorded fraud by Nationstar

[Attachment 14](#) 55-page analysis of the evidence of fraud on the court and judicial misconduct

[Attachment 15](#) 211-pages of evidence showing that I was forced to litigate by the HOA as retaliation against me for being a whistleblower on unrelated matters, but then the HOA, Nationstar and Jimijack attorneys obstructed the litigation by concealing, suppressing, and/or falsifying the evidence that had probative value to my case

[Attachment 16](#) 963 pages of my pro se filed documents that were stricken from the record by Judge Kishner without consideration or adjudication at the ex parte hearing

(Attachment 16 should have included, but did not, the 4/24/19 [motion to vacate per NRCP 60\(b\)\(3\)](#) for fraud on the court and attached motion for summary judgment vs. all parties, or the post-trial motions, 6/17/19 [motion to intervene by right](#), 7/22/19 motion for a new trial for fraud on the court and failure, 7/29/19 motion to dismiss for lack of subject matter jurisdiction, that were stricken at the 9/3/19 hearing, May 21, 2021 NCJD 2021-026

Page 2

"You can be assured that the Commission investigates every complaint it receives, and that your complaint will be investigated by the Commission as soon as practicable."

Justification for request for the NCJD to fulfill its Constitutional mandate

1. The Commission is duty-bound to investigate this complaint by its Constitutional Charters.

2. Every allegation made in the complaint is supported by objectively verifiable evidence.

3. The statute of limitations was tolled as 1) the damages are ongoing, 2) all good faith efforts at remediation and appeal have been obstructed, and 3) the judicial misconduct has been concealed and obfuscated by the improper manipulation of the court record and the property record.

4. Every alleged act of misconduct cites to a specific provision in the code of conduct violated.

5. The damages caused by this misconduct are severe and pervasive, with approximately \$750,000 in actual damages accruing to me personally.

6. More importantly, severe and pervasive damages accruing to the entire Nevada judiciary, the Nevada civil court system, and the public will not be mitigated in any way, if this complaint is not treated with appropriate diligence by the Commission chartered by the State of Nevada Constitution to enforce the Judicial Code of Conduct.

Nona Tobin
(702) 465-2199

Whoever said one person can't change the world never ate an undercooked bat. -Anonymous



GARY VAUSE
Chairman

STEFANIE HUMPHREY
Vice-Chair

State of Nevada
COMMISSION ON JUDICIAL DISCIPLINE
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PAUL C. DEYHLE
*General Counsel and
Executive Director*

May 25, 2021

CONFIDENTIAL

Nona Tobin
2664 Olivia Heights Avenue
Henderson, NV 89052

RE: Case No. 2021-026

Dear Ms. Tobin:

This letter is in response to your letter dated May 22, 2021, requesting the Commission to reconsider its decision to dismiss Complaint No. 2021-026. Your request is administratively dismissed because you do not provide new facts requiring the Commission to reconsider its dismissal. *See* PRJDC 10(7) (providing that Commission staff may administratively dismiss a reconsideration request that does not allege new facts requiring reconsideration, with the Commission subsequently ratifying such dismissal, if appropriate, at the next scheduled meeting following the administrative dismissal).

Please consider this letter as a denial of your request for consideration.

Sincerely,

A handwritten signature in black ink that reads "Dominika Batten".

Dominika Batten
Associate General Counsel