

IN THE SUPREME COURT OF THE STATE OF NEVADA

NITZ, WALTON & HEATON, LTD.;
WILLIAM H. HEATON,

CASE NO.: 62252

Petitioners,

vs.

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

Respondents,

and

TOWER HOMES, LLC,

Real Party in Interest.

Electronically Filed
Apr 12 2013 02:54 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

REAL PARTY IN INTEREST'S APPENDIX

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<u>DOCUMENT</u>	<u>DATE</u>	<u>PAGE</u>
Order Granting Motion to Approve Amended Stipulation to Release Claims and Allow Marquis Aurbach Coffin, as Counsel for The Tower Homes Purchasers, to Pursue Claims on Behalf of Debtor	April 1, 2003	RPI 0001-03

Bruce A. Markell

Honorable Bruce A. Markell
United States Bankruptcy Judge



Entered on Docket
April 02, 2013

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In Re:

TOWER HOMES, LLC, a Nevada limited
liability company, dba Spanish View Tower
Homes.

Debtor.

Case No.: BK-07-13208-BAM
Chapter: 11

Hearing Date: April 1, 2013
Hearing Time: 9:00 AM
Courtroom 3

**ORDER GRANTING MOTION TO APPROVE AMENDED STIPULATION TO
RELEASE CLAIMS AND ALLOW MARQUIS AURBACH COFFING, AS COUNSEL
FOR THE TOWER HOMES PURCHASERS, TO PURSUE CLAIMS ON BEHALF OF
DEBTOR**

This matter having come before the Court for a hearing on April 1, 2013, on the Motion to Approve Amended Stipulation to Release Claims and Allow Marquis Aurbach Coffing as Counsel for the Tower Homes Purchasers to Pursue Claims on Behalf of the Debtor, Tower Homes Purchasers appearing by and through their counsel of record, Brian Hardy, Esq. of Marquis Aurbach Coffing, the Court finding based upon the reasons stated on the record, the

1 papers and pleadings on file herein, the Motion, the oral arguments of counsel, and good cause
2 appearing;

3 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the Motion to
4 Approve the Stipulation to Release Claims and Allow Marquis Aurbach Coffing as Counsel for
5 the Tower Homes Purchasers to Pursue Claims on Behalf of the Debtor, attached hereto as
6 Exhibit 1, is hereby granted;

7 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that this Order
8 authorizes the Trustee to permit the Tower Homes Purchasers, to pursue any and all claims on
9 behalf of Tower Homes, LLC (the "Debtor") against any individual or entity which has or may
10 have any liability or owed any duty to Debtor or others for the loss of the earnest money deposits
11 provided by purchasers for units in the Spanish View Tower Homes condominium project which
12 shall specifically include, but may not be limited to, pursuing the action currently filed in the
13 Clark County District Court styled as Tower Homes, LLC v William H. Heaton et. al. Case No.
14 A-12-663341-C.

15 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that this Court hereby
16 authorizes the law firm of Marquis Aurbach Coffing, and/or Prince & Keating LLP, or
17 successive counsel, retained on behalf of Tower Homes Purchasers to recover any and all earnest
18 money deposits, damages, attorneys fees and costs, and interest thereon on behalf of Debtor and
19 the Tower Homes Purchasers and that any such recoveries shall be for the benefit of the Tower
20 Homes Purchasers.

21 **IT IS SO ORDERED.**

22 Respectfully Submitted By:

23 MARQUIS AURBACH COFFING

24 By/s/ Brian Hardy, Esq.

25 Brian Hardy, Esq.
26 Nevada Bar No. 10068
27 10001 Park Run Drive
28 Las Vegas, Nevada 89145
Attorney(s) for Tower Homes Purchasers

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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☒ No party appeared at the hearing or filed an objection to the motion.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

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☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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

MARQUIS AURBACH COFFING

By: /s/ Brian Hardy, Esq.

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Attorney(s) for Debtor and
Debtor-in-Possession

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