

# IN THE SUPREME COURT OF THE STATE OF NEVADA

## INDICATE FULL CAPTION:

HORIZONS AT SEVEN HILLS  
HOMEOWNERS ASSOCIATION,  
Appellant,

v.

IKON HOLDINGS, LLC,  
Respondent.

No. 63178

Electronically Filed  
Jun 03 2013 03:33 p.m.

Tracie K. Lindeman  
Clerk of Supreme Court  
DOCKETING STATEMENT  
CIVIL APPEALS

## GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

## WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth District Department XIII  
County Clark Judge Mark Denton  
District Ct. Case No. A-11-647850-B

**2. Attorney filing this docketing statement:**

Attorney Patrick J. Reilly Telephone 702-669-4600  
Firm Holland & Hart, LLP  
Address 9555 Hillwood Drive, Second Floor  
Las Vegas, Nevada 89134

Client(s) Appellant

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney James R. Adams Telephone 702-838-7200  
Firm Adams Law Group, Ltd.  
Address 8010 West Sahara Avenue, Suite 260  
Las Vegas, Nevada 89117

Client(s) Respondent

Attorney Puoy K. Premsrirut, Esq. Telephone 702-384-5563  
Firm Puoy K. Premsrirut, Esq. Inc.  
Address 520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101

Client(s) Respondent

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict           | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                      | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                      | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief     | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction            | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief    | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination        | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

The district court action principally concerned the scope and amount of a residual “super-priority” lien created in favor of Appellant by both NRS Chapter 116 and underlying Covenants, Conditions & Restrictions (“CC&Rs”) after foreclosure by a unit owner’s first deed of trust holder. Appellant Horizons is a common interest community as defined by NRS 116.021. Respondent is a real estate investment company that purchases distressed residential properties at auction and quickly resells (“flips”) them for a profit.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The district court summarily adjudicated all damage claims against Ikon, which was not entitled to monetary recovery. As to the scope of the residual super-priority lien, the Court concluded that: (1) NRS 116.3116 strictly limited the Association’s lien to “nine times monthly assessments” and no more; (3) the CC&Rs strictly limited Appellant’s residual lien to “six times monthly assessments” and no more; and (4) the shorter “6 month” period contained in the CC&Rs prevailed over the “9 month” statutory lien period.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

1. Nevada Ass’n Servs., Inc. v. District Ct., NSC Case No. 62748
2. Southern Highlands Community Ass’n v. District Ct., NSC Case No. 61940
3. Prem Deferred Trust v. District Ct., NSC Case No. 62587

A motion to consolidate has been filed.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☒ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☒ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Trial.** If this action proceeded to trial, how many days did the trial last? 1

Was it a bench or jury trial? Bench

**14. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No.

## TIMELINESS OF NOTICE OF APPEAL

**15. Date of entry of written judgment or order appealed from** May 6, 2013

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**16. Date written notice of entry of judgment or order was served** May 6, 2013

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**18. Date notice of appeal filed** May 9, 2013

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)(1)

**SUBSTANTIVE APPEALABILITY**

**20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)            | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify) _____    |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3(A)(b)(1) - A final judgment in an action or proceeding commenced in the court in which the judgment is rendered.

\_\_\_\_\_

**21. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Appellant, HORIZONS AT SEVEN HILLS HOMEOWNERS ASSOCIATION

Respondent IKON HOLDINGS, LLC

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

**22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

The district court summarily adjudicated all damage claims against Ikon, which was not entitled to monetary recovery. As to the scope of the residual super-priority lien, the Court concluded that: (1) NRS 116.3116 strictly limited the Association's lien to "nine times monthly assessments" and no more; (3) the CC&Rs strictly limited Appellant's residual lien to "six times monthly assessments" and no more; and (4) the shorter "6 month" period contained in the CC&Rs prevailed over the "9 month" statutory lien period.

**23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**24. If you answered "No" to question 23, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

**25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**26. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION

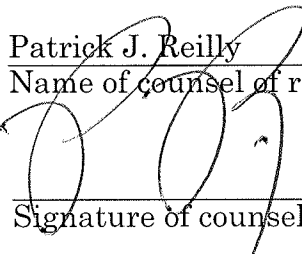
I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

HORIZONS AT SEVEN HILLS HOME  
Name of appellant

Jun 3, 2013  
Date

Clark County, Nevada  
State and county where signed

Patrick J. Reilly  
Name of counsel of record

  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 3rd day of June, 2013, I served a copy of this completed docketing statement upon all counsel of record:


☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

James R. Adams, Esq.  
Assly Sayyar, Esq.  
Adams Law Group, Ltd.  
8010 West Sahara Avenue, Suite 260  
Las Vegas, Nevada 89117

Puoy K. Premsrirut, Esq.  
Puoy K. Premsrirut, Esq. Inc.  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101

Dated this 3rd day of June, 2013

  
Signature