
CLERK OF THE COURT

Electronically Filed
Feb 25 2014 10:09 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOAS
MICHAEL F. BOHN, ESQ.
2 Nevada Bar No.: 1641
mbohn@bohnlawfirm.com
3 LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
4 376 East Warm Springs Road, Ste. 140
Las Vegas, Nevada 89119
5 (702) 642-3113/ (702) 642-9766 FAX
Attorney for plaintiff
6

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 7510 PERLA DEL MAR AVE TRUST,
10 Plaintiff,

CASE NO.: A-13-686277-C
DEPT NO.: XXX

11 vs.

12 BANK OF AMERICA, N.A.; NORTH
13 AMERICAN TITLE COMPANY, A NEVADA
14 CORPORATION; MOUNTAINS EDGE
MASTER ASSOCIATION; and DOMINIC J.
NOLAN,

15 Defendants.
16

17 **NOTICE OF APPEAL**

18 NOTICE IS HEREBY GIVEN that plaintiff, 7510 Perla Del Mar Ave Trust, hereby appeals to
19 the Supreme Court of Nevada from the Order Granting Motion to Dismiss entered in this action on
20 February 19, 2014 , 2013.

21 DATED this 20th day of February 2014.

22 LAW OFFICES OF
23 MICHAEL F. BOHN, ESQ., LTD.

24
25 By: /s/ Michael F. Bohn, Esq./
MICHAEL F. BOHN, ESQ.
26 376 E. Warm Springs Road, Suite 140
Las Vegas, Nevada 89119
27 Attorney for plaintiff
28

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Ariel E. Stern, Esq.
Steven G. Shevorskil, Esq.
AKERMAN LLP
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144

2


CLERK OF THE COURT

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4 376 East Warm Springs Road, Ste. 140
Las Vegas, Nevada 89119
5 (702) 642-3113/ (702) 642-9766 FAX

6 Attorney for plaintiff

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 7510 PERLA DEL MAR AVE TRUST,

11 Plaintiff,

12 vs.

13 BANK OF AMERICA, N.A.; NORTH
14 AMERICAN TITLE COMPANY, A NEVADA
CORPORATION; MOUNTAINS EDGE
15 MASTER ASSOCIATION; and DOMINIC J.
NOLAN,

16 Defendants.

CASE NO.: A-13-686277-C
DEPT NO.: XXX

17
18 **CASE APPEAL STATEMENT**

19 1. The appellant filing this case appeal statement is 7510 Perla Del Mar Ave Trust.

20 2. The judge issuing the judgment appealed from is the honorable Jerry A Wiese.

21 3. The parties to the proceedings in District Court is 7510 Perla Del Mar Ave Trust, plaintiff, and
22 Bank of America, N.A., North American Title Company, A Nevada Corporation, Mountains Edge Master
23 Association and Dominic J. Nolan, defendants.

24 4. The parties to this appeal are the appellant 7510 Perla Del Mar Ave Trust; the respondents are
25 Bank of America, N.A.

26 5. Counsel for appellant 7510 Perla Del Mar Ave Trust is Michael F. Bohn, Esq.; 376 E. Warm
27 Springs Road, Suite 140, Las Vegas, Nevada 89119; (702) 642-3113. Counsel for respondents Bank of
28

1 America,N.A., is Steven Shevorski, Esq., Akermann LLP, 1160 Town Center Drive, Suite 330, Las
2 Vegas, Nevada, 89144; (702) 634-5000.

3 6. The attorneys for both the plaintiff/appellant and defendants/respondents are licensed in the
4 state of Nevada.

5 7. The appellant was represented by retained counsel in the District Court;

6 8. The appellant is represented by retained counsel on appeal;

7 9. There were no orders granting leave to proceed in forma pauperis;

8 10. The complaint was filed in District Court on August 1, 2013;

9 11. The plaintiff filed this action seeking quiet title to the real property from the former owner
10 and from all existing encumbrances on the property. The district court dismissed the case;

11 12. The case has not previously been the subject of an appeal or an original writ proceedings;

12 13. The case does not involve child custody or visitation; and,

13 14. The issues presented in this case are issues of first impression. For this reason, it is unlikely
14 that this case can be settled.

15 DATED this 20th day of February 2014.

16 LAW OFFICES OF
17 MICHAEL F. BOHN, ESQ., LTD.

18
19 By: /s/ Michael F. Bohn, Esq./
20 MICHAEL F. BOHN, ESQ.
21 376 E. Warm Springs Road, Suite 140
22 Las Vegas, Nevada 89119
23 Attorney for plaintiff
24
25
26
27
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Ariel E. Stern, Esq.
Steven G. Shevorskil, Esq.
AKERMAN LLP
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144

3

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-13-686277-C

Perla Del Mar Ave., Trust, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

§
§
§
§
§

Location: **Department 30**
Judicial Officer: **Wiese, Jerry A**
Filed on: **08/01/2013**
Cross-Reference Case Number: **A686277**

CASE INFORMATION

Statistical Closures

01/23/2014 Judgment on Arbitration Award

Case Type: **Title to Property**

Subtype: **Quiet Title**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-13-686277-C
Court Department 30
Date Assigned 08/01/2013
Judicial Officer Wiese, Jerry A

PARTY INFORMATION

Plaintiff

Perla Del Mar Ave., Trust

Lead Attorneys

Bohn, Michael F
Retained
702-642-3113(W)

Defendant

Bank of America, N.A.

Stern, Ariel E.
Retained
702-634-5000(W)

Mountains Edge Master Association
Removed: 12/27/2013
Dismissed

Kerr, Gregory P.
Retained
7023415200(W)

Nolan, Dominic J

North America Title Company

DATE

EVENTS & ORDERS OF THE COURT

INDEX

08/01/2013



Complaint

Filed By: Plaintiff Perla Del Mar Ave., Trust
Complaint

08/01/2013

Case Opened

09/18/2013



Amended Complaint

Filed By: Plaintiff Perla Del Mar Ave., Trust
Amended complaint

10/09/2013



Affidavit of Service

Filed By: Plaintiff Perla Del Mar Ave., Trust
Affidavit of Service












10/09/2013









Affidavit of Service

Filed By: Plaintiff Perla Del Mar Ave., Trust
Affidavit of Service

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-13-686277-C

10/14/2013	 Affidavit of Service Filed By: Plaintiff Perla Del Mar Ave., Trust <i>Affidavit of Service - Nolan</i>
11/15/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Bank of America, N.A. <i>Initial Appearance Fee Disclosure</i>
11/15/2013	 Motion to Dismiss Filed By: Defendant Bank of America, N.A. <i>Bank of America, N.A.'s Motion to Dismiss</i>
11/18/2013	 Certificate of Service Filed by: Defendant Bank of America, N.A. <i>Certificate of Service</i>
11/20/2013	 Default Filed By: Plaintiff Perla Del Mar Ave., Trust <i>Default</i>
11/20/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Mountains Edge Master Association <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
11/20/2013	 Notice of Appearance Party: Defendant Mountains Edge Master Association <i>Notice of Appearance of Counsel</i>
12/04/2013	 Opposition and Counter-motion Filed By: Plaintiff Perla Del Mar Ave., Trust <i>Opposition to Motion to Dismiss and Counter-motion to Stay Case</i>
12/12/2013	 Reply in Support Filed By: Defendant Bank of America, N.A. <i>Bank of America, N.A.'s Reply in Support of its Motion to Dismiss</i>
12/19/2013	Motion to Dismiss (9:00 AM) (Judicial Officer: Wiese, Jerry A) <i>Bank of America, N.A.'s Motion to Dismiss</i>
12/19/2013	Opposition and Counter-motion (9:00 AM) (Judicial Officer: Wiese, Jerry A) <i>Plaintiff's Opposition to Motion to Dismiss and Counter-motion to Stay Case</i>
12/19/2013	 All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A)
12/27/2013	 Stipulation and Order for Dismissal Without Prejudice Filed By: Defendant Mountains Edge Master Association <i>Stipulation and Order of Dismissal of Mountains Edge Master Association</i>
12/27/2013	Order of Dismissal Without Prejudice (Judicial Officer: Wiese, Jerry A) Debtors: Perla Del Mar Ave., Trust (Plaintiff) Creditors: Mountains Edge Master Association (Defendant) Judgment: 12/27/2013, Docketed: 01/03/2014
01/08/2014	

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-13-686277-C

	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant Mountains Edge Master Association <i>Notice of Entry of Stipulation and Order of Dismissal of Mountains Edge Master Association</i>
01/23/2014	 Order to Statistically Close Case <i>Order to Statistically Close Case</i>
02/19/2014	 Order Granting Motion Filed By: Defendant Bank of America, N.A. <i>Order Granting Bank of America, N.A.'s Motion to Dismiss</i>
02/19/2014	 Notice of Entry of Order Filed By: Defendant Bank of America, N.A. <i>Notice of Entry of Order</i>
02/20/2014	 Notice of Appeal Filed By: Plaintiff Perla Del Mar Ave., Trust <i>Notice of Appeal</i>
02/20/2014	 Case Appeal Statement Filed By: Plaintiff Perla Del Mar Ave., Trust <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	Defendant Mountains Edge Master Association Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 2/24/2014 0.00
	Defendant Bank of America, N.A. Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 2/24/2014 0.00
	Plaintiff Perla Del Mar Ave., Trust Total Charges 294.00 Total Payments and Credits 294.00 Balance Due as of 2/24/2014 0.00

CIVIL COVER SHEET

A - 13 - 686277 - C

Clark County, Nevada

XXX

Case No. _____
(Assigned by Clerk's Office)**I. Party Information**

Plaintiff Perla Del Mar Ave., Trust
 Attorney Michael F. Bohn, Esq
 376 E. Warm Springs Road, Ste. 125
 Las Vegas NV 89119 (702) 642-3113

Defendants Bank of America, N.A.; North American
 Title Company, a Nevada Corporation; and Dominic J.
 Nolan

Attorney N/A

II. Nature of Controversy EXEMPTION FROM ARBITRATION Title to Real Property**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
<input type="checkbox"/> Probate Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Other Civil Filing Types <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	
	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters	

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

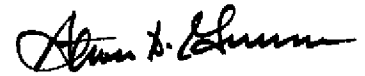
- | | | |
|-----------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

August 1, 2013

/ S / Michael F. Bohn, Esq. /

Date

Signature of initiating party or representative



CLERK OF THE COURT

1 **OGM**
2 ARIEL E. STERN, ESQ.
3 Nevada Bar No. 8276
4 STEVE SHEVORSKI, ESQ.
5 Nevada Bar No. 8256
6 AKERMAN LLP
7 1160 Town Center Drive, Suite 330
8 Las Vegas, Nevada 89144
9 Telephone: (702) 634-5000
10 Facsimile: (702) 380-8572
11 Email: ariel.stern@akerman.com
12 Email: steven.shevorski@akerman.com

13 *Attorneys for Defendant*
14 *Bank of America, N.A.*

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 7510 PERLA DEL MAR AVE. TRUST,

18 Plaintiff,

19 v.

20 BANK OF AMERICA, N.A.; NORTH
21 AMERICAN TITLE COMPANY, a Nevada
22 corporation; MOUNTAINS EDGE MASTER
23 ASSOCIATION; and DOMINIC NOLAN,

24 Defendants.

Case No.: A-13-686277-C

Dept.: XXX

25 **ORDER GRANTING BANK OF**
26 **AMERICA, N.A.'S MOTION TO DISMISS**

27 Bank of America, N.A.'s (**Bank of America**) motion to dismiss 7510 Perla Del Mar Ave.
28 Trust's (**Plaintiff**) complaint with prejudice and Plaintiff's countermotion for stay came on for
hearing on December 19, 2013. Steve Shevorski, Esq. of Akerman LLP appeared for Bank of
America. Michael F. Bohn, Esq., LTD appeared for plaintiff. The Court reviewed Bank of
America's motion, the exhibits attached thereto, all the papers and pleadings, the oral arguments of
counsel for Bank of America and counsel for Plaintiff, and good cause appearing,

IT IS HEREBY ORDERED Bank of America's motion is granted and plaintiff's counter
motion to stay is denied.

FINDINGS

1. Dominic Nolan (**Nolan**) obtained title via grant, bargain, and sale deed, which was recorded on December 10, 2010. Nolan borrowed \$161,524.00 from KEA Mortgage, LLC. This loan was secured by a first position deed of trust, which was recorded on December 10, 2010.

2. The senior deed of trust was then assigned to Bank of America. The assignment was recorded on January 6, 2012.

3. Bank of America then assigned the senior deed of trust, together with the note, to Nationstar Mortgage, LLC. The assignment was recorded on July 10, 2013.

4. The Mandolin (**HOA**) issued an assessment lien, which was recorded on January 4, 2012.

5. HOA recorded a notice of default and election to sell on February 27, 2012.

6. HOA recorded its notice of trustee's sale on November 15, 2012.

7. HOA sold the property to plaintiff via a trustee's sale on February 1, 2013. HOA recorded the trustee's deed on February 7, 2013.

LEGAL CONCLUSIONS

When a statute is clear and unambiguous, this court gives effect to the plain and ordinary meaning of the words and does not resort to the rules of construction. *Seput v. Lacayo*, 122 Nev. 499, 502, 134 P.3d 733, 735 (2006), abrogated on other grounds by *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228 n. 6, 181 P.3d 670, 672 n. 6 (2008). The plain language of NEV. REV. STAT. §116.3116(2)(b) gives senior recorded deeds of trust priority of assessment liens. NEV. REV. STAT. §116.3116(2)(c) merely sets forth an order of payment and allows the HOA to recover 9 months of assessments from the proceeds of the beneficiary's non-judicial foreclosure.

No part of a statute should be rendered meaningless and its language "should not be read to produce absurd or unreasonable results." *Harris Assocs. v. Clark County Sch. Dist.*, 119 Nev. 638, 642, 81 P.3d 532, 534 (2003) (quoting *Glover v. Concerned Citizens for Fuji Park*, 118 Nev. 488, 492, 50 P.3d 546, 548 (2002), overruled in part on other grounds by *Garvin v. Dist. Ct.*, 118 Nev. 749, 765 n. 71, 59 P.3d 1180, 1190 n. 71 (2002)). Here, SFR's interpretation, that an HOA

1 foreclosure can wipe out a senior deed of trust under NEV. REV. STAT. §116.3116(2)(c), renders the
2 Nevada's legislature's explicit grant of priority to senior deeds of trust under section 2(b) to be
3 completely nugatory. There is no section in Chapter 116 that states an HOA foreclosure can
4 extinguish a senior deed of trust.

5 **ORDER BASED UPON COURT'S FINDINGS AND CONCLUSIONS OF LAW**

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Bank of America's
7 motion to dismiss is **GRANTED**, ~~with prejudice.~~

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's
9 counter-motion to stay is **DENIED**.

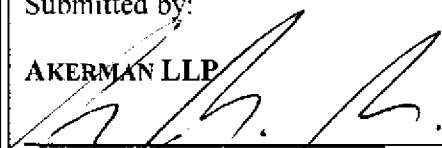
10 DATED this 18th day of February, 2014.

11 **THE HONORABLE JERRY A. WEISE**

12 
13 _____
14 DISTRICT COURT JUDGE 

14 Submitted by:


15 **AKERMAN LLP**

16 
17 Ariel E. Stern, Esq., Nevada Bar No. 8276
18 Steve Shevorski, Esq., Nevada Bar No. 8256
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144

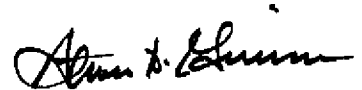
19 *Attorneys for Defendant*
20 *Bank of America, N.A.*

21 Approved as to form and content, all rights reserved

22 **MICHAEL F. BOHN, ESQ., LTD.**

23 
24 Michael F. Bohn, Esq., Nevada Bar No. 1641
25 Law Offices of Michael F. Bohn, Esq., Ltd.
26 376 E. Warm Springs Road, Suite 125
Las Vegas, NV 89119

27 *Attorney for Plaintiff*



CLERK OF THE COURT

1 **NEOJ**
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11 Email: ariel.stern@akerman.com
12 Email: steven.shevorski@akerman.com

13 *Attorneys for Bank of America, N.A.*

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

16 7510 PERLA DEL MAR AVE. TRUST,
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19 v.

20 BANK OF AMERICA, N.A.; NORTH
21 AMERICAN TITLE COMPANY, a Nevada
22 corporation; MOUNTAINS EDGE MASTER
23 ASSOCIATION; and DOMINIC NOLAN,
24
25 Defendants.

Case No.: A-13-686277-C
Dept.: XXX

26 **NOTICE OF ENTRY OF ORDER**

27 PLEASE TAKE NOTICE that an ORDER GRANTING BANK OF AMERICA, N.A.'S
28 MOTION TO DISMISS was entered in the above-captioned matter on February 19, 2014. A copy
of said Order is attached hereto.

DATED this 19th day of February, 2014.

AKERMAN LLP

/s/ Steve Shevorski, Esq.
ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
STEVEN G. SHEVORSKI, ESQ.
Nevada Bar No. 8256
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144

Attorneys for Bank of America, N.A.

AKERMAN LLP
1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 FAX: (702) 380-8572

CERTIFICATE OF SERVICE

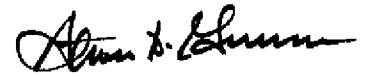
I HEREBY CERTIFY that on the 19th day of February, 2014 and pursuant to NRCP 5(b), I served and deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, postage prepaid and addressed to:

Michael F. Bohn, Esq.
LAW OFFICES OF MICHAEL F. BOHN, LTD.
376 E. Warm Springs Road, Suite 125
Las Vegas, NV 89119

Attorney for Plaintiff

/s/ Eloisa Nuñez

An employee of AKERMAN LLP



CLERK OF THE COURT

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13 *Attorneys for Defendant*
14 *Bank of America, N.A.*

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

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19 Plaintiff,

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22 AMERICAN TITLE COMPANY, a Nevada
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26 Defendants.

Case No.: A-13-686277-C
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hearing on December 19, 2013. Steve Shevorski, Esq. of Akerman LLP appeared for Bank of
America. Michael F. Bohn, Esq., LTD appeared for plaintiff. The Court reviewed Bank of
America's motion, the exhibits attached thereto, all the papers and pleadings, the oral arguments of
counsel for Bank of America and counsel for Plaintiff, and good cause appearing,

IT IS HEREBY ORDERED Bank of America's motion is granted and plaintiff's counter
motion to stay is denied.

FINDINGS

1. Dominic Nolan (**Nolan**) obtained title via grant, bargain, and sale deed, which was recorded on December 10, 2010. Nolan borrowed \$161,524.00 from KEA Mortgage, LLC. This loan was secured by a first position deed of trust, which was recorded on December 10, 2010.

2. The senior deed of trust was then assigned to Bank of America. The assignment was recorded on January 6, 2012.

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1 foreclosure can wipe out a senior deed of trust under NEV. REV. STAT. §116.3116(2)(c), renders the
2 Nevada's legislature's explicit grant of priority to senior deeds of trust under section 2(b) to be
3 completely nugatory. There is no section in Chapter 116 that states an HOA foreclosure can
4 extinguish a senior deed of trust.

5 **ORDER BASED UPON COURT'S FINDINGS AND CONCLUSIONS OF LAW**

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Bank of America's
7 motion to dismiss is **GRANTED**, ~~with prejudice.~~

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's
9 counter-motion to stay is **DENIED**.

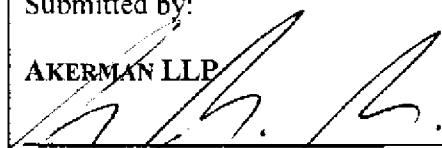
10 DATED this 18th day of February, 2014.

11 **THE HONORABLE JERRY A. WEISE**

12 
13 _____
14 DISTRICT COURT JUDGE 

14 Submitted by:


15 **AKERMAN LLP**

16 
17 Ariel E. Stern, Esq., Nevada Bar No. 8276
18 Steve Shevorski, Esq., Nevada Bar No. 8256
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144

19 *Attorneys for Defendant*
20 *Bank of America, N.A.*

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22 **MICHAEL F. BOHN, ESQ., LTD.**

23 
24 Michael F. Bohn, Esq., Nevada Bar No. 1641
25 Law Offices of Michael F. Bohn, Esq., Ltd.
26 376 E. Warm Springs Road, Suite 125
Las Vegas, NV 89119

27 *Attorney for Plaintiff*
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

December 19, 2013

A-13-686277-C Perla Del Mar Ave., Trust, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

December 19, 2013 9:00 AM All Pending Motions

HEARD BY: Wiese, Jerry A

COURTROOM: RJC Courtroom 14A

COURT CLERK: Keri Cromer

REPORTER: Jennifer O'Neill

PARTIES

PRESENT: Bohn, Michael F Attorney for Plaintiff
Shevorski, Steven G. Attorney for Bank of America, N.A.

JOURNAL ENTRIES

- BANK OF AMERICA, N.A.'S MOTION TO DISMISS...PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTION TO STAY CASE

COURT ORDERED, 54(b) Certification GRANTED; Bank of America, N.A.'s Motion GRANTED; Plaintiff's Countermotion DENIED. Mr. Shevorski to prepare the Order; Mr. Bohn to review as to form and content.



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

MICHAEL F. BOHN, ESQ.
376 E. WARM SPRINGS RD., STE. 140
LAS VEGAS, NV 89119

DATE: February 24, 2014
CASE: A686277

RE CASE: 7510 PERLA DEL MAR AVE TRUST vs. BANK OF AMERICA, N.A.; NORTH AMERICAN TITLE COMPANY; DOMINIC J. NOLAN

NOTICE OF APPEAL FILED: February 20, 2014

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING BANK OF AMERICA, N.A.'S
MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE
OF DEFICIENCY

7510 PERLA DEL MAR AVE TRUST,

Plaintiff(s),

vs.

BANK OF AMERICA, N.A.; NORTH
AMERICAN TITLE COMPANY; DOMINIC J.
NOLAN,

Defendant(s),

Case No: A686277

Dept No: XXX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 24 day of February 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk