

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 41
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-121	FITZGERALD JENIFER WALSH SILVIA & GORDON	<u>20070706:01775</u>	07/06/2007	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-121	FITZGERALD JENIFER	<u>20070706:01774</u>	07/06/2007	NO STATUS	635
176-20-714-121	WALSH JENIFER NICOLE	<u>20050725:01263</u>	07/25/2005	NO STATUS	635
176-20-714-121	MASON THURMAN O JR & CATHY	<u>20041018:02745</u>	10/18/2004	JOINT TENANCY	635
176-20-714-121	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-126	KHZARJYAN YEREM	<u>20120525:02313</u>	05/25/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-126	FEDERAL HOME LOAN MORTGAGE CORP	<u>20120217:01178</u>	02/17/2012	NO STATUS	635
176-20-714-126	GUSTAW JAMES J	<u>20070326:00935</u>	03/26/2007	NO STATUS	635
176-20-714-126	GARCEAU RICHARD & LINDA	<u>20040930:05526</u>	09/30/2004	JOINT TENANCY	635
176-20-714-126	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-127	JANKOVIC BRANKA	20110415:02445	04/15/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-127	RECHSTEINER PAUL E	20040930:00519	09/30/2004	NO STATUS	635
176-20-714-127	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-129	LEE SANG IM	20111213:03393	12/13/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-129	STIRLING ANTHONY	20051007:03389	10/07/2005	NO STATUS	635
176-20-714-129	STIRLING ANTHONY & WHITNEY	20050714:04518	07/14/2005	JOINT TENANCY	635
176-20-714-129	TURNER WHITNEY L	20040930:05608	09/30/2004	NO STATUS	635
176-20-714-129	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-132	8795 TRAVELING BREEZE TRUST	20100427:00132	04/27/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-132	BANK H S B C USA NATL ASSN TRS	20100216:00807	02/16/2010	NO STATUS	635
176-20-714-132	WESOLEK WILLIAM E & PATTI	20040930:05250	09/30/2004	JOINT TENANCY	635
176-20-714-132	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-134	SAENZ ORLANDO & SILVIA M	20100909:02496	09/09/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-134	MURCH RACHEL L	20091214:01329	12/14/2009	NO STATUS	635
176-20-714-134	MURCH PATRICK J & RACHEL L	20061002:05477	10/02/2006	NO STATUS	635
176-20-714-134	REDMOND RACHEL L	20040928:00764	09/28/2004	NO STATUS	635
176-20-714-134	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-136	FAIRWAY 12 L L C	<u>20120222:02232</u>	02/22/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-136	ALPER ELIOT A REVOCABLE TRUST	<u>20110413:01058</u>	04/13/2011	NO STATUS	635
176-20-714-136	ROSS ELLEN J	<u>20040831:04145</u>	08/31/2004	NO STATUS	635
176-20-714-136	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 46
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-137	AMATO ALFRED & ROXANNE	20090825:04041	08/25/2009	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-137	BENEFICIAL MORTGAGE CO NV	20090612:00546	06/12/2009	NO STATUS	635
176-20-714-137	CAICO GARRETT S & ALORA	20041115:00914	11/15/2004	JOINT TENANCY	635
176-20-714-137	COX CHRISTIAN C & CLAUDIA	20040831:04154	08/31/2004	JOINT TENANCY	635
176-20-714-137	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-139	FAN MELODY	<u>20120928:06078</u>	09/28/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-139	FANNIE MAE	<u>20120608:00561</u>	06/08/2012	NO STATUS	635
176-20-714-139	CRAME NINO C & M E REV LIV TR	<u>20050404:04607</u>	04/04/2006	NO STATUS	635
176-20-714-139	CRAME NINO C	<u>20050214:00552</u>	02/14/2005	NO STATUS	635
176-20-714-139	EROGLU FIKRAN	<u>20041217:01505</u>	12/17/2004	NO STATUS	635
176-20-714-139	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-144	VOGEL CHERYL & PATRICIA HUGHES DENNIS W	<u>20090721:03774</u>	07/21/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-144	SCIURANO ALEJANDRO L	<u>20040831:04139</u>	08/31/2004	JOINT TENANCY	635
176-20-714-144	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-142	TILLMANN ANTHONY	<u>20110107:00953</u>	01/07/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-142	EVANS LISA	<u>20061102:01765</u>	11/02/2006	NO STATUS	635
176-20-714-142	SAFIYAD FATEMEH	<u>20060111:00974</u>	01/11/2006	NO STATUS	635
176-20-714-142	KANAS JOHN S & RACHELLE V	<u>20050224:04930</u>	02/24/2005	JOINT TENANCY	635
176-20-714-142	BERNIE DOUGLAS C & ELAINE T	<u>20040907:02212</u>	09/07/2004	JOINT TENANCY	635
176-20-714-142	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-145	GUARDADO STEVE & JESSICA	20120320:02017	03/20/2012	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-145	MARCONI ELIZABETH J	20040929:02956	09/29/2004	NO STATUS	635
176-20-714-145	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-149	MORTON GREG & MARY	20120831:03340	08/31/2012	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	1

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-149	SCHAFFERMAN LESLIE J	20080616:04332	06/16/2008	NO STATUS	635
176-20-714-149	HOUSEHOLD FINANCE REALTY CORP	20080314:01611	03/14/2008	NO STATUS	635
176-20-714-149	BRADY SEPTEMBER	20040908:00857	09/08/2004	NO STATUS	635
176-20-714-149	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-153	TORRES JULIE	20110425:03175	04/25/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	DIS
176-20-714-153	ROGERS MICHAEL L & DARLENE E	20050425:01544	04/25/2005	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	(
176-20-714-153	SIRCO L L C	20040908:01589	09/08/2004	NO STATUS	(
176-20-714-153	RATNAM INDRAM R	20040831:02493	08/31/2004	NO STATUS	(
176-20-714-153	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	(
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	(
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	(

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-155	AUPIED CELESTE F	20090826:02667	08/26/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-155	FEDERAL HOME LOAN MORTGAGE CORP	20090804:00262	08/04/2009	NO STATUS	635
176-20-714-155	BROWNE MATHEW JAMES	20040923:06550	09/23/2004	NO STATUS	635
176-20-714-155	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-160	HUSSEY JAMES R FAMILY TRUST AGMT HUSSEY JAMES R TRS	20120824:01161	08/24/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-160	ROYFE EUGENE	20060427:04437	04/27/2006	NO STATUS	635
176-20-714-160	STJOHN JUDIE L FAMILY TRUST	20060215:03710	02/15/2006	NO STATUS	635
176-20-714-160	STJOHN JUDIE	20041028:03267	10/28/2004	NO STATUS	635
176-20-714-160	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-161	SHAYNAY HOLDINGS L L C	20120621:02907	06/21/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-161	NAGELBERG HOLDEN I	20111117:02310	11/17/2011	JOINT TENANCY	635
176-20-714-161	STINSON STEPHANIE JEAN	20041028:03938	10/28/2004	NO STATUS	635
176-20-714-161	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 56
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-168	MCCULLY ROGER D & DAWN D	<u>20080911:04119</u>	09/11/2008	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-168	URENO DAVID J	<u>20060117:03230</u>	01/17/2006	JOINT TENANCY	635
176-20-714-168	URENO DAVID J	<u>20041130:04561</u>	11/30/2004	NO STATUS	635
176-20-714-168	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 56
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-166	LIU YIHONG WANG RUOMEI	<u>20100407:03514</u>	04/07/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-166	CRAIG CRYSTAL A	<u>20041206:02570</u>	12/06/2004	NO STATUS	635
176-20-714-166	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 58
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-173	MARTIN DAVID E	<u>20120402:01511</u>	04/02/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-173	WOODHOUSE-MARRIOTT MELISSA R	<u>20041222:01962</u>	12/22/2004	NO STATUS	635
176-20-714-173	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 58
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-172	MA YULONG CHEN VANESSA JEAN	<u>20110325:02685</u>	03/25/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-172	HENNING STEPHANIE J PACE	<u>20100618:02002</u>	06/18/2010	NO STATUS	635
176-20-714-172	PACE-HENNING STEPHANIE J	<u>20060831:05190</u>	08/31/2006	JOINT TENANCY	635
176-20-714-172	MCCALL SHAWNA T	<u>20050107:00475</u>	01/07/2005	NO STATUS	635
176-20-714-172	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 60
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-179	NELSON SABRINA	20100125:02552	01/25/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-179	FEDERAL HOME LOAN MORTGAGE CORP	20090910:01159	09/10/2009	NO STATUS	635
176-20-714-179	LITTELL NICHOLAS H & NATASA	20060310:03411	03/10/2006	NO STATUS	635
176-20-714-179	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 62
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-184	FEDERAL NATIONAL MORTGAGE ASSN	20120807:00784	08/07/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-184	WEBSTER JAMES F & OKSANA	20050216:02363	02/16/2005	JOINT TENANCY	635
176-20-714-184	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 62
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-186	KENNEDY ELIZABETH	20121211:01519	12/11/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-186	KENNEDY ELIZABETH	20080422:04304	04/22/2008	NO STATUS	635
176-20-714-186	BANK WELLS FARGO N A TRS	20070604:02272	06/04/2007	NO STATUS	635
176-20-714-186	CHAPMAN DAVID A & KELLY M	20050216:02357	02/16/2005	NO STATUS	635
176-20-714-186	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 65
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-193	STANDLEY CHRISTOPHER B & IRYNA V	<u>20080410:02417</u>	04/10/2008	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-193	ACE SECURITIES CORP HOME LOAN TR	<u>20080206:02045</u>	02/06/2008	NO STATUS	635
176-20-714-193	SOUTHWORTH BEVERLEY	<u>20050629:05387</u>	06/29/2005	NO STATUS	635
176-20-714-193	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 65
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-195	Z G SPORT INC MIU BEATRIX	20081030:03668	10/30/2008	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-195	BANK H S B C USA NATL ASSN TRS	20080731:03045	07/31/2008	NO STATUS	635
176-20-714-195	CABATANA LYDIA CASIMIRO	20071101:00202	11/01/2007	NO STATUS	635
176-20-714-195	CABATANA ANTONIO C & MARIA V	20060523:03272	05/23/2006	JOINT TENANCY	635
176-20-714-195	CABATANA LYDIA C	20050629:05344	06/29/2005	NO STATUS	635
176-20-714-195	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership </div>					
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 66 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-197	LIU LYDIA & SHIN T LIU ALBERT F	<u>20120523:01862</u>	05/23/2012	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-197	SECRETARY VETERANS AFFAIRS	<u>20120420:00810</u>	04/20/2012	NO STATUS	635
176-20-714-197	BANK U S NATIONAL ASSN	<u>20120207:02547</u>	02/07/2012	NO STATUS	635
176-20-714-197	FORD RANDALL JAY & TAMARA	<u>20100406:01832</u>	04/06/2010	JOINT TENANCY	635
176-20-714-197	FORD RANDALL JAY	<u>20080903:00923</u>	09/03/2008	NO STATUS	635
176-20-714-197	BANK WELLS FARGO N A TRS	<u>20071022:02862</u>	10/22/2007	NO STATUS	635
176-20-714-197	SPIROPOULOS LOUIS T	<u>20050829:05132</u>	08/29/2005	NO STATUS	635
176-20-714-197	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION					
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 67					
SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-199	PATTERSON ALICIA M	20110218:04438	02/18/2011	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-199	SHEETS FAMILY LIVING TRUST	20050630:02383	06/30/2005	NO STATUS	635
176-20-714-199	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 67
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-200	CALLAHAN JOHN J & FELIPA G	20110202:01440	02/02/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-200	CALLAHAN JOHN J	20101123:02300	11/23/2010	NO STATUS	635
176-20-714-200	BEBOUT ZACKARY	20050630:04830	06/30/2005	NO STATUS	635
176-20-714-200	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 68
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-202	K & A A L L C	20111220:01231	12/20/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-202	KUO ALICE REVOCABLE LIVING TR	20111220:01230	12/20/2011	NO STATUS	635
176-20-714-202	CHEN ANNIE	20120216:01961	02/16/2012	JOINT TENANCY	635
176-20-714-202	DEWEES JACOB J	20050627:04216	06/27/2005	NO STATUS	635
176-20-714-202	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 68
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-203	LIU JUAN LIU WEN JUAN	<u>20120706:03315</u>	07/06/2012	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-203	ALCANTARA LARCY M	<u>20050729:01422</u>	07/29/2005	JOINT TENANCY	635
176-20-714-203	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 69 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-206	MORRISON JASON	20100303:03504	03/03/2010	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-206	PETERSON LAUREN	20050624:03951	06/24/2005	NO STATUS	635
176-20-714-206	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 70
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-210	MARKHAM FAMILY TRUST MARKHAM STEVEN L & DIANE TRS	<u>20091105:04149</u>	11/05/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-210	MARKHAM STEVEN L & DIANE	<u>20090828:01563</u>	08/28/2009	JOINT TENANCY	635
176-20-714-210	BANK INDYMAC FEDERAL F S B	<u>20090513:03512</u>	05/13/2009	NO STATUS	635
176-20-714-210	TRUONG THOMAS H	<u>20050630:04819</u>	06/30/2005	NO STATUS	635
176-20-714-210	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map Aerial View Comment Codes Current Ownership					
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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 71 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-211	DIZAR CEM	<u>20090611:03740</u>	06/11/2009	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-211	FEDERAL NATIONAL MORTGAGE ASSN	<u>20081124:04765</u>	11/24/2008	NO STATUS	635
176-20-714-211	HILLARD MARK	<u>20050531:05402</u>	05/31/2005	NO STATUS	635
176-20-714-211	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 72
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-214	WILLIAMS DEBORAH A	20100112:03897	01/12/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-214	RICHARD JUSTIN T	20050519:04116	05/19/2005	NO STATUS	635
176-20-714-214	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 72
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-216	COHN TRUST COHN DOV & SHEILA E TRS	<u>20091020:00028</u>	10/20/2009	NO STATUS	635



PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-216	COHN DOV & SHEILA E	<u>20050526:04178</u>	05/26/2005	JOINT TENANCY	635
176-20-714-216	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Assessor**Michele W. Shafe, Assessor****PARCEL OWNERSHIP HISTORY**[Assessor Map](#)[Aerial View](#)[Comment Codes](#)[Current Ownersh](#)**ASSESSOR DESCRIPTION**HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 74
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-222	FEDERAL NATIONAL MORTGAGE ASSN	20121025:00251	10/25/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-222	NING JIA QING	20050505:03418	05/05/2005	NO STATUS	635
176-20-714-222	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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PARCEL OWNERSHIP HISTORY

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 74
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-221	HUIBREGTSE ANTHONY	20111216:00206	12/16/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-221	HOVIOUS KATHLEEN A TRUST	20060124:03644	01/24/2006	NO STATUS	635
176-20-714-221	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 75
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-225	BURROUGHS STEFANIE LEE	20100524:02979	05/24/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-225	JAGGI JOHN & DIANE	20050429:04302	04/29/2005	JOINT TENANCY	635
176-20-714-225	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 76
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-227	ALNI TRUST	20120117:01935	01/17/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-227	COSTIA NICOLETA	20100203:00513	02/03/2010	NO STATUS	635
176-20-714-227	BANK DEUTSCHE NATIONAL TR CO TRS	20090918:00646	09/18/2009	NO STATUS	635
176-20-714-227	ROGERS JASON M	20050502:05788	05/02/2005	NO STATUS	635
176-20-714-227	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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PARCEL OWNERSHIP HISTORY

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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 76 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-228	AFSHAR ZOHRE	<u>20120215:00216</u>	02/15/2012	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-228	WONG WILSON F	<u>20050503:05204</u>	05/03/2005	NO STATUS	635
176-20-714-228	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 77
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-230	MIRANTE ANTONIA FERRARA CATHY	20120221:02733	02/21/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-230	HALVERSON MICHAEL	20101213:02426	12/13/2010	NO STATUS	635
176-20-714-230	BROOCK KONRAD	20050426:03372	04/26/2005	NO STATUS	635
176-20-714-230	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 80
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-239	STERBENS BARRY & TINA	20110707:01734	07/07/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-239	STERBENS BARRY & TINA	20100802:02805	08/02/2010	NO STATUS/JOINT TENANCY	635
176-20-714-239	STEINER NICOLE	20081202:02670	12/02/2008	NO STATUS/JOINT TENANCY	635
176-20-714-239	BANK U S TRUST NATL ASSN TRS	20080708:03923	07/08/2008	NO STATUS	635
176-20-714-239	CAMPBELL VICTORIA	20050331:05720	03/31/2005	NO STATUS	635
176-20-714-239	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map Aerial View Comment Codes Current Ownership					
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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 82 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-245	ABRAMSON BERL D & THEODORE D	20111216:01109	12/16/2011	JOINT TENANCY	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-245	SILVER STATE SCHOOLS C U	20110919:02587	09/19/2011	NO STATUS	635
176-20-714-245	CARUSO JOSEPH T & DIANE D	20050331:05597	03/31/2005	JOINT TENANCY	635
176-20-714-245	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map	Aerial View	Comment Codes	Current Ownership
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ASSESSOR DESCRIPTION
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 83 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-248	MAO CHING-CHING	20120907:01556	09/07/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-248	BOCKO BARBARA G	20050429:04309	04/29/2005	NO STATUS	635
176-20-714-248	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-259	COHN ERIC JOSHUA & DARREN M COHN EVAN MATTHEW	<u>20101028:03175</u>	10/28/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-259	BANK H S B C USA NATL ASSN TRS	<u>20100907:00278</u>	09/07/2010	NO STATUS	635
176-20-714-259	GALLEGO RAYMUND R	<u>20050531:05435</u>	05/31/2005	NO STATUS	635
176-20-714-259	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 88
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-264	LIAC WEIMIN	20120217:02128	02/17/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-264	BJORNSTAD TIFFANY A	20050526:04202	05/26/2005	NO STATUS	635
176-20-714-264	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-262	WONG FAMILY TRUST WONG NELSON TRS	<u>20091211:01035</u>	12/11/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-262	MOO LEELEAN	<u>20050603:03997</u>	06/03/2005	NO STATUS	635
176-20-714-262	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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PARCEL OWNERSHIP HISTORY

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-267	MALEKI MEHRAD	20090625:04754	06/25/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-267	FEDERAL HOME LOAN MORTGAGE CORP	20090422:00484	04/22/2009	NO STATUS	635
176-20-714-267	JACOB VIRGINIA N 2005 TRUST	20051220:02425	12/20/2005	NO STATUS	635
176-20-714-267	JACOB VIRGINIA N	20050727:04859	07/27/2005	NO STATUS	635
176-20-714-267	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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PARCEL OWNERSHIP HISTORY

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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 91 SEC 20 TWP 22 RNG 60			

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-273	KOTI HOMES L L C	<u>20120507:01699</u>	05/07/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-273	KOTI HOMES L L C	<u>20120430:02262</u>	04/30/2012	NO STATUS	635
176-20-714-273	CORWIN LAN THI	<u>20091014:02752</u>	10/14/2009	NO STATUS	635
176-20-714-273	BANK DEUTSCHE NATIONAL TR CO TRS	<u>20090901:02408</u>	09/01/2009	NO STATUS	635
176-20-714-273	MORALES RICHARD P JR	<u>20050722:04847</u>	07/22/2005	NO STATUS	635
176-20-714-273	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-284	MENDENHALL STEPHEN	<u>20110218:05697</u>	02/18/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-284	EQUISOURCE L L C	<u>20101213:00067</u>	12/13/2010	NO STATUS	635
176-20-714-284	CARRERE LIVING TRUST	<u>20060914:04478</u>	09/14/2006	NO STATUS	635
176-20-714-284	CARRERE MARCIA	<u>20050818:03774</u>	08/18/2005	NO STATUS	635
176-20-714-284	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 97
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-289	SORIANO NANCY C	<u>20120118:00973</u>	01/18/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-289	LEITE JULIANA	<u>20050630:04807</u>	06/30/2005	NO STATUS	635
176-20-714-289	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 97
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-290	LE LOUISLAM T	20100308:05520	03/08/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-290	WILHOITE JEREMY	20100308:05518	03/08/2010	NO STATUS	635
176-20-714-290	J W W LIVING TRUST	20060630:02661	06/30/2006	NO STATUS	635
176-20-714-290	WILHOITE JEREMY W	20060120:01369	01/20/2006	NO STATUS	635
176-20-714-290	FITZEN DEANA M	20050711:03192	07/11/2005	NO STATUS	635
176-20-714-290	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 97
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-291	PALADIN HOLDINGS L L C	20110819:04472	08/19/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-291	JACKSON GUY	20110708:00617	07/08/2011	NO STATUS	635
176-20-714-291	SANDLER AMI S	20070730:04133	07/30/2007	NO STATUS	635
176-20-714-291	BRENNER RUTHIE	20050630:02340	06/30/2005	NO STATUS	635
176-20-714-291	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership </div>					
ASSESSOR DESCRIPTION					
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 99 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-296	ERAMYA GHAYDA	20090619:03510	06/19/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-296	BANK H S B C USA NATL ASSN TRS	20081023:05599	10/23/2008	NO STATUS	635
176-20-714-296	SHAMBAUGH MEGAN	20050826:04308	08/26/2005	NO STATUS	635
176-20-714-296	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY**[Assessor Map](#)[Aerial View](#)[Comment Codes](#)[Current Ownership](#)**ASSESSOR DESCRIPTION**HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 101
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-301	LUBY TRISHA	20070802:04135	08/02/2007	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-301	SPENCER JAMES P	20050829:05143	08/29/2005	NO STATUS	635
176-20-714-301	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 102
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-305	VALLEY NANCY ANN	20130215:00841	02/15/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-305	LAURSEN CARA	20080519:03156	05/19/2008	JOINT TENANCY	635
176-20-714-305	BANK DEUTSCHE NATIONAL TR CO TRS	20080312:02260	03/12/2008	NO STATUS	635
176-20-714-305	GEBREMESKEL AMANUEL	20050930:06098	09/30/2005	NO STATUS	635
176-20-714-305	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map	Aerial View	Comment Codes	Current Ownership
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ASSESSOR DESCRIPTION
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 104 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-310	BUDHRANI DEEPAK B GARTZ DARWIN P	<u>20110927:05261</u>	09/27/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-310	CARNEY ROGER A	<u>20050831:03512</u>	08/31/2005	JOINT TENANCY	635
176-20-714-310	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map	Aerial View	Comment Codes	Current Ownership
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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 105
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-315	WELLS REVOCABLE LIVING TRUST WELLS CLARK R & SHIRLEY M TRS	<u>20100712:00753</u>	07/12/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-315	WELLS CLARK R & SHIRLEY M	<u>20100217:03174</u>	02/17/2010	JOINT TENANCY	635
176-20-714-315	BANK DEUTSCHE NATIONAL TR CO TRS	<u>20100128:02622</u>	01/28/2010	NO STATUS	635
176-20-714-315	BANK ONE WEST F S B	<u>20090917:02910</u>	09/17/2009	NO STATUS	635
176-20-714-315	MEHTA TARVINDER S	<u>20050831:06260</u>	08/31/2005	NO STATUS	635
176-20-714-315	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
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[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 107
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-320	FOLEY FRANCIS	20120125:04126	01/25/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-320	TAU KENNETH W O	20060124:03659	01/24/2006	NO STATUS	635
176-20-714-320	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 108
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-322	BANIEWICZ SANDRA H HANSON MICHAEL H	<u>20110823:02738</u>	08/23/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-322	FEDERAL HOME LOAN MORTGAGE CORP	<u>20110315:02087</u>	03/15/2011	NO STATUS	635
176-20-714-322	TUNG KATHERINE	<u>20050927:04359</u>	09/27/2005	NO STATUS	635
176-20-714-322	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership </div>					
ASSESSOR DESCRIPTION					
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 109 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-325	IRVING JOHN	<u>20080509:03959</u>	05/09/2008	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-325	BANK H S B C USA N A TRS	<u>20080116:02384</u>	01/16/2008	NO STATUS	635
176-20-714-325	SCHWEITZER JONATHAN	<u>20050928:04546</u>	09/28/2005	NO STATUS	635
176-20-714-325	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 111
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-332	LU JOSEPH GU ZHUHUA	<u>20091204:02228</u>	12/04/2009	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-332	PAVUK MARTIN	<u>20051230:05727</u>	12/30/2005	NO STATUS	635
176-20-714-332	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
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[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 112
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-335	MEYER JAMES	20121210:03453	12/10/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-335	QUIROZ ELOINA	20121009:01933	10/09/2012	NO STATUS	635
176-20-714-335	HOBAN AMELIA J	20060131:03733	01/31/2006	NO STATUS	635
176-20-714-335	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
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[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

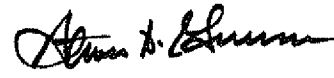
 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 113
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-339	LIAO WEIMIN	20120224:00526	02/24/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-339	VANCLEVE ZACHARY	20060127:03592	01/27/2006	NO STATUS	635
176-20-714-339	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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CLERK OF THE COURT

1 **MSJD**

Joel D. Odou, Esq.

2 Nevada Bar No. 007468

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WOOD, SMITH, HENNING & BERMAN LLP

7 7674 West Lake Mead Boulevard, Suite 150

Las Vegas, Nevada 89128-6652

8 Attorneys for Defendant/Third-Party Plaintiff, D.R. HORTON, INC.

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **HIGH NOON AT ARLINGTON RANCH**
12 **HOMEOWNERS ASSOCIATION, a**
13 **Nevada non-profit corporation, for itself**
14 **and for all others similarly situated,**

14 **Plaintiff,**

15 **v.**

16 **D.R. HORTON, INC., a Delaware**
17 **Corporation DOE INDIVIDUALS 1-100,**
18 **ROE BUSINESSES or**
19 **GOVERNMENTAL ENTITIES 1-100,**
20 **inclusive,**

19 **Defendants.**

20 **D.R. HORTON, INC.,**

21 **Third-Party Plaintiff,**

22 **v.**

23 **ALENCO WINDOWS, ANSE, INC.**
24 **d/b/a NEVADA STATE PLASTERING,**
25 **CAMPBELL CONCRETE OF**
26 **NEVADA, INC., CAMPBELL**
27 **CONCRETE, INC., CIRCLE S**
28 **DEVELOPMENT CORPORATION,**
CREATIVE TOUCH INTERIORS,
EFFICIENT ENTERPRISES, INC.
d/b/a EFFICIENT ELECTRIC, INC.,
DUPONT FLOORING SYSTEMS,
EXPRESS BLINDS & SHUTTERS,
FIRESTOP, INC., INFINITY BUILDING

CASE NO.: A542616

DEPT NO.: XXII

(ELECTRONIC FILING CASE)

**D.R. HORTON, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
7674 WEST LAKE MEAD BOULEVARD, SUITE 150
LAS VEGAS, NEVADA 89128-6652
TELEPHONE 702.251.4100 • FAX 702.251.5405

PRODUCTS, LLC, INTEGRITY WALL
SYSTEMS, LLC, K&K DOOR & TRIM,
LLC, NATIONAL BUILDERS, INC.,
OPM, INC. d/b/a CONSOLIDATED
ROOFING, QUALITY WOOD
PRODUCTS, LTD, RISING SUN
PLUMBING, LLC d/b/a RSP, INC.,
SOUTHERN NEVADA CABINETS,
INC., SUMMIT DRYWALL & PAINT,
LLC, SUNRISE MECHANICAL, INC.,
SUNSTATE COMPANIES, INC. d/b/a
SUNSTATE LANDSCAPE, UNITED
ELECTRIC, INC. d/b/a UNITED HOME
ELECTRIC, WALLDESIGN
INCORPORATED, DOES 101 through
150; and ROE Corporations 101
through 150,

Third-Party Defendants.

COMES NOW Defendant/Third-Party Plaintiff, D.R. HORTON, INC. ("D.R.
Horton") by and through its attorneys, the law firm of WOOD, SMITH, HENNING &
BERMAN, LLP, and hereby submits its Motion for Partial Summary Judgment
Against Subsequent Purchasers.

This Motion is based upon the following Memorandum of Points and
Authorities, the attached exhibits, and any oral argument that may occur at the
hearing of this matter.

DATED: January 24, 2014

WOOD, SMITH, HENNING & BERMAN, LLP

By:


JOEL D. ODOU

Nevada Bar No. 007468

CHRISTINA M. GILBERTSON

Nevada Bar No. 009707

ANDREW V. HALL

Nevada Bar No. 012762

7674 West Lake Mead Boulevard,
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Las Vegas, Nevada 89128-6652

Attorneys for Defendant/Third-Party
Plaintiff, D.R. HORTON, INC.

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
7674 WEST LAKE MEAD BOULEVARD, SUITE 150
LAS VEGAS, NEVADA 89128-6652
TELEPHONE 702.251.4100 • FAX 702.251.5405

NOTICE OF MOTION

PLEASE TAKE NOTICE that D.R. HORTON, INC. will bring the foregoing
Motion for Partial Summary Judgment on the ^{Feb.} 27 day of January, 2014, at 9:00
a.m., in Department XXII, or as soon thereafter as Counsel can be heard.

DATED: January 24, 2014

WOOD, SMITH, HENNING & BERMAN, LLP

By:


JOEL D. ODOU

Nevada Bar No. 007468

CHRISTINA M. GILBERTSON

Nevada Bar No. 009707

ANDREW V. HALL

Nevada Bar No. 012762

7674 West Lake Mead Boulevard,
Suite 150

Las Vegas, Nevada 89128-6652

Attorneys for Defendant/Third-Party
Plaintiff, D.R. HORTON, INC.

MEMORANDUM OF POINTS AND AUTHORITIES

1.

INTRODUCTION

The instant matter involves Plaintiff, High Noon at Arlington Ranch Homeowners Association's ("Plaintiff"), and claims of purported Construction Defects allegedly on behalf of the owners of the Common areas and 342 homes at the High Noon at Arlington Ranch project, which is a 114-building development in Las Vegas, Nevada (the "Subject Property"). Plaintiff commenced the instant matter by filing a Complaint against D.R. Horton on June 7, 2007, rather than by serving a Notice as required by NRS §40.645. (See, Plaintiff's Complaint, dated June 7, 2007, attached hereto as **Exhibit "A."**) Plaintiff has asserted a myriad of claims regarding the Subject Property, including claims involving the common interest community, as well as the individual units owned by individual homeowners.

In fact, Plaintiff specifically alleged:

"The Association's members are collectively the owners, in fee simple, of the Common Areas of the Subject Property commonly known as High Noon at Arlington Ranch." (Please see **Exhibit "A,"** Page 2, paragraph 2, lines 5-6)(Emphasis Added).

AND

"Plaintiff's members are the individual owners of the units within the Subject Property. Plaintiff brings this suit in its own name on behalf of itself and all of the High Noon at Arlington Ranch Homeowner's Association unit owners." (Please see **Exhibit "A,"** Page 2, paragraph 4, lines 17-19)(Emphasis Added).

However, since the Plaintiff's filing of the Complaint, 230 of the 342 homeowners, on whose behalf the Complaint was filed, have sold their homes.

(See, Summary of Ownership attached hereto as **Exhibit "B"** and County Recorder Property Records attached hereto as **Exhibit "C."**) As such, only **112** of the remaining homeowners owned their home at the time Plaintiff filed its operative

1 Complaint. Further, as to the interior claims that this court has permitted to be
2 pursued on a representative basis for a "sub-class" of no more than 192 home
3 owners, 130 of these homeowners no longer own their homes and their purported
4 "assignments" are irrelevant. Accordingly, the "subclass" of the 192 interior home
5 owner claims should only be for **62 homeowners'** claims as noted in the attached
6 exhibits. The aforementioned is the basis of this motion.

7 Specifically, Plaintiff is attempting to assert claims on behalf of all
8 subsequent purchasers¹ who purchased their property **AFTER** the case was
9 commenced. As a matter of law, as discussed below, this is improper. Plaintiff did
10 not commence this case on behalf of *prospective* homeowners and cannot
11 represent the interests of any homeowner who did not own their home at the time
12 the initial Complaint was filed. **As such, Partial Summary Judgment should be**
13 **granted and this court should find as a matter of law that Plaintiff's claims**
14 **are limited to 112 homes for exterior claims, and 62 homes for interior claims**
15 **pursuant to this court's prior rulings on the interior "sub-class."**²

16 II.

17 **STANDARD OF REVIEW**

18 Summary judgment is appropriate "when the pleadings and other evidence
19 on file demonstrate no 'genuine issue as to any material fact [remains] and that the
20 moving party is entitled to a judgment as a matter of law." Wood v. Safeway, Inc.,
21 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (alteration in original)
22 (quoting NRCP 56(c)). When deciding a motion for summary judgment, "the
23 evidence, and any reasonable inferences drawn from it, must be viewed in a light
24

25 ¹ Subsequent purchasers/homeowners refer to those who acquired title after Plaintiff's
26 Complaint was filed.

27 ² D.R. Horton makes this request without prejudice to its rights to challenge the claims
28 being brought on a representative basis, both in scope and in law. These issues are not addressed
here for the convenience of the court and the parties.

1 most favorable to the nonmoving party." *Id.* With regard to the instant matter, this
2 Motion is not dependent on any disputable factual issues. The subject of this
3 Motion is strictly an issue of law.

4 III.

5 **THE OWNERS, AT THE TIME THE COMPLAINT WAS FILED, ARE THE REAL**
6 **PARTIES IN INTEREST TO BRING THEIR ALLEGED CONSTRUCTION**
7 **DEFECT CLAIMS**

8 It is black letter law that causes of action for alleged constructional defects
9 do not follow the real property, upon transfer of ownership, and a subsequent
10 purchaser does not automatically become the real party in interest to bring prior
11 owners' claims. Plaintiff, pursuant to NRS 116.3102, has the right to represent the
12 interests *of homeowners*, not to assert claims on behalf of buildings or real
13 property. The Court must establish which represented party is a real party in
14 interest to the claims asserted in a representative capacity by an association.

15 The law is explicit: The real party in interest is the party who has title to the
16 cause of action.³ The rights of homeowners to recover for the damages suffered
17 as a result of construction defect, prior to a sale of the defective property, are not
18 extinguished due to a subsequent sale of the defective property.

19 In Logan v. Zimmerman Brush Co., 455 U.S. 422, 428, 102 S. Ct. 1148, 71
20 L. Ed. 2d 265 (1982), the United States Supreme Court recognized a cause of
21 action is "a species of property protected by the Fourteenth Amendment's Due
22 Process Clause." Further, Article I, Section 8(5) of the Nevada Constitution
23 incorporates the due process requirement of the 14th Amendment of the United
24 States Constitution, "No person shall be deprived of life, liberty, or property,
25 without due process of law." Accordingly, the rights of the former owners can not
26 simply be given to the current owners and then given to the Plaintiff herein.

27 ³ Vaughn v Dame Construction Co., 223 Cal App. 3d 144, 148 (1990).
28

1 The rights of persons who sue for construction defects to continue to
2 maintain their actions after they sell the affected property was addressed in
3 Vaughn v. Dame Const. Co. 223 Cal. App.3d 144, 272 Cal. Rptr. 261(1990). In
4 Vaughn, a condominium owner sued the builder for damages for defective
5 construction. While the suit was pending, she sold the condominium. The builder
6 argued the plaintiff no longer had standing to continue the suit. The Appellate
7 Court rejected this argument finding the prior owner had suffered damage to her
8 property before the sale and the subsequent sale of the property did not
9 automatically assign or transfer her cause of action for damages. *Id.* at 149, 272
10 Cal. Rptr. 261. The Vaughn Court held:

11 While ordinarily the owner of the real property is the party
12 entitled to recover for injury to the property, the essential
13 element of the cause of action is injury to one's interests in
14 the property—ownership of the property is not.... Since it
15 was [Vaughn's] interest in the property which was injured by
16 [the contractor's] defective construction, she is the owner of
17 the cause of action entitled to maintain the present action.

18 The Court went on:

19 The cause of action for damages as a result of injury to
20 property, which was fully vested in plaintiff at the time of the
21 injury, is personal property—not real property. The right to
22 recover damages for injury to property, being personal
23 property, may be assigned or transferred. There is no
24 authority, however, for the proposition that the transfer of the
25 real property automatically transfers plaintiff's personal
26 cause of action.

27 *Id.* at 148, 272 Cal.Rptr. 261 (*citations omitted*).

28 As to *subsequent purchasers'* rights, *Vaughn* explained:

No one other than [Vaughn] can recover for the damages
she sustained as owner of the property at the time the injury
occurred. The fact that the property was sold after the
damage occurred does not mean the new owners are now
the parties entitled to recover for the damage suffered by
[Vaughn] while she was the owner. In order for the new
owners to maintain an action, they would first have to

1 establish damage to their interests in the property. *If, the*
2 *new owners bought the property with full knowledge of the*
3 *defective construction and presumably paid no more than*
4 *the fair market value of the property in its defective condition,*
there is little likelihood that the new owners would or could
assert the same claim as [Vaughn].

5 Id. at 148-149, 272 Cal. Rptr. 261 (*fns omitted.*)(*Emphasis added.*)

6 The Vaughn Court distinguished itself from Kriegler v. Eichler Homes, Inc.
7 (1969) 269 Cal. App.2d 224, 74 Cal. Rptr. 749, where the subsequent owner of a
8 home was permitted to maintain an action against the builder for defective
9 installation of a radiant heating system. The Vaughn Court explained this was not
10 because the cause of action had accrued in the original owner and passed to the
11 subsequent owner upon sale of the property, but because the heating system
12 failed after the sale. *Id.* at 149, fn 5, 272 Cal. Rptr. 261.

13 The right of a subsequent owner to recover for damage done to property as
14 result of construction defect before the property was acquired was more recently
15 addressed in Krusi v. S.J. Amoroso Construction Co. 81 Cal. App.4th 995, 97 Cal.
16 Rptr.2d 294 (2000), where the Court determined not only was a subsequent
17 owner's claim separate from its seller, its claim could not be essentially the same
18 as its seller. In Krusi, the seller of a building knew there had been leaks and floor
19 deterioration due to defective construction prior to selling the building but believed
20 the issues had been repaired. The buyer was unaware of the defects and the
21 defects could not have been discovered without invasive inspection. After the
22 sale, the leaks and floor deterioration increased in "frequency and magnitude" or
23 as also described by the Court "there was a continuation, in increased form, of the
24 same problems extent during the prior ownership." *Id.* at 1006.

25 ///

26 ///

27 ///

28 ///

1 The buyers sued the contractor for the defects and the trial Court granted
2 summary judgment because the causes of action which accrued to the prior
3 owners were the same as those alleged by the subsequent owners. In that regard
4 the Court recognized:

5 ..a duty may run from an architect, engineer, or contractor to
6 a subsequent owner of real property. It does not mean that,
7 in a case implicating *damage to such property*, once a cause
8 of action in favor of a prior owner accrues, another cause of
9 action against the same defendant or defendants can accrue
10 to a subsequent property owner-unless, of course, the
11 damage suffered by that subsequent owner is *fundamentally*
12 *different from the earlier type*. Thus, if owner number one
13 has an obviously leaky roof and suffers damage to its
14 building on account thereof, a cause of action accrues to it
15 against the defendant or defendants whose deficient design
16 or construction work caused the defect. But, if that condition
17 goes essentially unremedied over a period of years, owners
18 two and three of the same building have no such right of
19 action against those defendants, unless such was explicitly
20 (and properly) transferred to them by owner number one. But
21 owners two and three could well have a cause of action
22 against those same defendants for, e.g., damage caused by
23 an earthquake if it could be shown that inadequate seismic
24 safeguards were designed and constructed into the building.
25 *Such is, patently, a new and different cause of action.*

18 *Id. (Emphasis added.)*⁴

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26 _____
27 ⁴ If this situation is applied to NRS Chapter 40, a new notice under NRS 40.645 would be
28 required of owners two and three as it is a new and different alleged defect.

1 As Vaughn and Krusi make clear, and as due process dictates, a former
2 homeowner cannot lose vested rights simply due to the sale of her property and
3 subsequent purchasers do not simply step into the shoes of the prior owner.⁵

4 Currently, only 112 of the 342 homeowners in this project owned their
5 homes at the time the Complaint was filed on June 7, 2007. For the "sub-class" of
6 192 interior claims, only 62 homeowners still own their homes. Regardless of
7 whether or not the "Assignments" are valid or not (an issue not addressed here),
8 this court has frequently observed that once a "claimant" sells his or her house, or
9 otherwise transfers their interest in the property's title, that claimant no longer has
10 a claim for construction defects that currently exist or continue to exist in the house
11 as the claimant is no longer an "owner" as defined by NRS §40.610.

12 Several units have had more than one subsequent purchaser since the
13 Complaint was filed and numerous homes were foreclosed upon by lenders and
14 subsequently sold to the current owners. Accordingly, the subsequent purchasers
15 must prove their claims for construction defect were assigned from the former
16 owners subsequent to the time the Complaint was filed (and in some cases
17 assigned more than once) AND they must further establish damage to their
18 interests in the property. "If the new owners bought the property with full
19 knowledge of the defective construction and presumably paid no more than the fair
20 market value of the property in its defective condition, there is little likelihood that
21
22
23

24 ⁵ The Nevada Supreme Court case, Anse, Inc. v. Eighth District Court, 124 Nev. 862,
25 (2008) is not inconsistent. Anse clarified purchasers who were not original owners could maintain
26 an action under Chapter 40 against a developer. Anse did not address when the second purchaser
27 took ownership in relation to notice of the defects or the accrual of a cause of action. Anse merely
28 stands for the proposition that Chapter 40 applies to owners after the original owner. Anse does
not stand for the proposition that subsequent purchasers automatically stand in the shoes of the
original owner absent an assignment and injury.

1 the new owners would or could assert the same claim as plaintiff."⁶ Moreover, if
2 the subsequent purchaser purchased the unit from a lender it is likely it took
3 ownership with knowledge of the defects, for less than fair market value and in an
4 "AS IS" condition.

5 Finally, Plaintiff will likely make an argument that the purported
6 Assignments of claims by former owners to the HOA Plaintiff have somehow
7 preserved these claims. In addition to the fact that the "Assignments" on their face
8 took place after the commencement of the lawsuit, they are not irrevocable, they
9 are not signed by the new homeowners to whom the Plaintiff seeks to bind, and to
10 accept such an argument would give rise to issues of champerty and
11 maintenance.

12 Further complicating this analysis is the fact that the Plaintiff HOA can not
13 even provide access to all the homes wherein interior claims are being made. As
14 the Plaintiff has shown time and time again, they have homeowners who have no
15 interest in this litigation and have difficulty forcing them to participate.⁷ Some of
16 this is due to the fact that the claim is being brought on a representational basis,
17 but a large part is equally due to the changes in ownership over the course of this
18 litigation. A homeowner who permitted access to their home in 2007, in most
19

20 ⁶ Vaughn at 149; Nevada law requires disclosure: NRS 40.688 (duty to disclose defects)
21 and NRS 47.250(16) (disputable presumption the law has been obeyed).

22 ⁷ As shown by prior motions, the HOA has had tremendous difficulty even when the case
23 was commenced, in just providing access for defense inspections for homes that are being
24 pursued in a representative capacity. These problems have not abated over the seven years that
25 this case has been pending. Just this week another Third Party Defendant experienced the all too
26 common tactic of having to pay an expert to "hurry up and wait." As shown in **Exhibit "D"** attached
27 hereto, counsel for Firestop, Inc. had to pay to have an expert show up early in the morning then
28 wait around all day to get into a home. While an Order can be fashioned in Discovery by the
Special Master barring the Plaintiff HOA from pursuing interior claims as these non-compliant
homes, such an Order does not alleviate the fact that the defendants have been inflicted with
tremendous costs to simply try to defend the case and time and time again this issue has arisen.
Moreover, such an Order provides absolutely no protection against multiple lawsuits over the same
interior claims and does not address the problems associated with subsequent purchasers who
bought or are buying their homes after the lawsuit was commenced.

1 cases is not the same homeowner now that is being required to provide access.
2 By the time that any repairs are performed by the HOA (assuming that they do
3 repairs), there is simply no way to know who will own the homes that purportedly
4 need repairs and whether or not they will permit strangers to enter their homes
5 and perform this work.

6 As such, the Plaintiff should only be permitted to pursue claims on behalf of
7 homeowners that owned their homes when this case was commenced and still
8 own them now, all other claims should be dismissed.

9 IV.

10 **PARTIAL SUMMARY JUDGMENT IS APPROPRIATE ON ALL CAUSES OF**
11 **ACTIONS BROUGHT ON BEHALF OF HOMEOWNERS WHICH PURCHASED**
A SUBJECT UNIT AFTER THE COMPLAINT WAS FILED

12 **A. Plaintiff Has No Standing To Assert Claims On Behalf Of**
13 **Prospective Purchasers**

14 NRS 116.3102(d) provides an association can institute an action on behalf
15 of itself and two or more unit owners on matters affecting the common interest
16 community. Homeowners who purchased property after the Complaint was filed
17 were not "unit owners" at the time of the Complaint was filed. Further, as a future
18 owner's damages cannot be identical to those of its seller, the damages a future
19 owner may have once the property is purchased cannot "affect the common
20 interest community" prior to the time the damages are suffered. Therefore,
21 Plaintiff had no standing under NRS 116.3102(d) to institute an action on behalf of
22 prospective owners.

23 Additionally, in D.R. Horton v. District Court (First Light II), 125 Nev. 449, 215
24 P.3d 697 (2009), when determining an association had standing to assert claims
25 that affect individual units, the Court stated:

26 Our conclusion is further supported by section 6.11 of the
27 Restatement (Third) of Property and its commentary....
28 Comment a. to section 6.11 of the Restatement explains:

1 ...either the members on behalf of whom the association
2 sues or the association meets normal standing requirements,
3 ...

4 *Id.* at 457 (*emphasis added*).

5 Plaintiff does not meet any "normal standing requirements" in this case with
6 respect to the individual units which were purchased after the litigation
7 commenced. Under such circumstances, an association's standing to bring suit
8 on behalf of individual members is only as good as the standing of the members
9 on whose behalf it acts. At the time of the Complaint, no one other than the
10 individual owners themselves would have had standing to assert claims for their
11 homes. For homeowners who came later, they were prospective plaintiffs and
12 would not be able to satisfy normal standing requirements. The Complaint was
13 brought on behalf of "the owners" (**Exhibit "A,"** paragraph 2 and 4) not the
14 "prospective buyers" as that would clearly not meet the "normal standing"
15 requirements discussed above. Accordingly, Plaintiff has never had any standing
16 to prosecute claims on behalf of homeowners yet to come (after the Complaint
17 was filed) and standing under NRS 116.3102(d) does not cure this problem.

18 Further, this type of litigation for prospective future purchasers was rejected in
19 Independent Roofing Contractors of California Unilateral Apprenticeship
20 Committee v California Apprenticeship Counsel, 114 Cal. App.4th 1330, 9 Cal.
21 Rptr.3d 4250 (2003). In that case an organization challenged geographical
22 restrictions placed on its new programs by a state apprenticeship counsel in part
23 on the grounds it violated the rights of apprentices. The Court stated "An
24 association may have standing on behalf of its members (independent of any harm
25 to itself) only if their rights are threatened as a result of a challenged action. The
26 class of people whom the geographical restriction affects are *prospective*
27 apprentices, not apprentices already enrolled in the Independent Roofers
28 Program...These people thus do not in any sense belong to Independent Roofers.

1 The various constitutional claims as a result must be assessed solely for their
2 effect on Independent Roofers." 114 Cal. App.4th at 1341, 9 Cal. Rptr.3d at 484.

3 While it may be said Plaintiff currently has standing to assert an action on
4 behalf of those which became unit owners after the Complaint was filed, they did
5 not have standing to assert prospective claims on behalf of prospective owners at
6 the time the Complaint was filed. Therefore, Plaintiff cannot obtain recovery on
7 behalf of any owners which purchased after the Complaint was filed on the
8 grounds the Complaint was intended to include claims on behalf of future
9 members. The Plaintiff's Complaint addressed only damages to current
10 owners. Subsequent purchasers, individually, or represented by Plaintiff would
11 have to file a new Complaint (hopefully preceded by a new Chap. 40 Notice)
12 alleging new damages.

13 **B. Allowing Plaintiff to Represent Homeowners Who Purchased**
14 **after the Complaint was filed would Violate the Rights of**
Defendant and the Rights of the Post-Complaint Homeowners

15 Plaintiff represented specific homeowners at the time the Complaint was
16 filed. Those represented at the time of the Complaint cannot automatically change
17 on any given day after that filing. To allow such unchecked fluidity of represented
18 parties would violate defendants' rights. Defendant has the right to know whose
19 exact claims are being asserted against it. Without such knowledge, its ability to
20 prepare a defense with respect to any individual homeowner would be laid to
21 waste.

22 Further, a new owner cannot automatically be forced to take part in litigation
23 or have its post-complaint claims represented by an HOA simply because it
24 purchased a residence within a common-interest-community. Should a new
25 homeowner discover defects in their home, in which Plaintiff did not include in its
26 Complaint, the new homeowner would be precluded from acting independently
27 and/or obtaining relief for such defect(s). Moreover, there may be homeowners
28 who purchased their home after the Complaint was filed based on the belief that

1 the subject home was not defective at all. Those homeowners should not be
2 forced to participate in a litigation with which they do not agree and should not be
3 forced to put a potential purchaser on notice of pending litigation if that
4 homeowner does not believe his property suffers from any defect.

5 Perhaps the most important reason why a subsequent purchaser should not
6 be forced into litigation, however, is that doing so subjects an unsuspecting
7 homeowner to a degree of liability should the homeowner's "representative" fail to
8 recover from a defendant. It is unconscionable that a subsequent purchaser
9 should be liable for any claim an unpaid expert makes against her or a defendant
10 makes for fees and costs when the defendant has not even agreed to be involved
11 in litigation.

12 Consider the testimony of one homeowner, involved in this matter, who
13 purchased a unit after the Chapter 40 Notice was issued and litigation
14 commenced:

15 Q. When you bought the home, did you know that it
16 was in a community that's in a litigation?

17 A. No.

18 See, Deposition Transcript of homeowner, Ernest
19 Lindberg, at pgs. 20:23-25 and 21:1, attached hereto
20 as Exhibit "E."

21 Q. When did you first learn that?

22 A. At the first meeting of the board when I discovered I
23 was going to be stuck being the president [of the
24 HOA].

25 See, Exhibit "E" at pg. 21:2-5

26 Q. It's my understanding that the Nancy Quon firm filed
27 a lawsuit against the homeowners association. Are
28 you aware of that?

A. I'm aware of that.

See, Transcript at Exhibit "E" at pg. 23:5-8

1 Q. Who are the claimants that you are aware of –the
2 experts that have made a claim for fees against the
3 association?

4 A. I don't remember their names.

5 See, Transcript at **Exhibit "E"** at pg. 24:9-12

6 Here, this homeowner, who later became the HOA Board President, did not
7 even know his home was involved in litigation when he purchased it. As Mr.
8 Lindberg is an attorney, it seems like he would be the type of homeowner to be
9 aware of such a fact if there were significant defects in the interior of his home.
10 Further, he purchased his home without knowing there are claims against his
11 Association that may personally affect him, as the Quon experts were not paid.
12 These facts raise due process issues for a subsequent purchaser as a buyer
13 should not be subjected to the risks of litigation without making an informed choice
14 to do so. As such, without accepting an assignment from a former owner (seller),
15 which outlines all risks involved in entering litigation, to claim that a subsequent
16 purchaser "step into the shoes" of the former owner is not only a violation of case
17 law, but also an unconscionable violation of their Due Process Rights.

18 For the reasons previously mentioned, having an ever-changing group of
19 homeowners represented in this action would violate Defendant's rights under
20 NRS Chapter 40, force new homeowners to have claims they may have against
21 Defendant limited to those raised in the current suit, force homeowners to disclose
22 or litigate claims they may contend do not exist in their own home, and expose
23 homeowners to liability that they aren't even aware of. As such, this Court should
24 find Plaintiff's "representation" may not include individuals which became
25 members of the community after the Complaint was filed and grant summary
26 judgment as to any claims brought on behalf of the post-Complaint homeowner
27 members identified in **Exhibit B**.

28 ///

///

III.

CONCLUSION

On the date the Complaint was filed, Plaintiff had no standing or authority to act on behalf of anyone other than those who were current owners of a home within the Subject Property. This is how they plead it in their Complaint and this is the law in Nevada and elsewhere. The law also explicitly requires claims to be pursued on behalf of the real party in interest, not some future parties that will come later. As to those homeowners that purchased homes within the subject community after the date of the Complaint, they do not "step into the shoes" of the prior owners as these claims. To permit Plaintiff to pursue claims in a representative basis on behalf of ever changing homeowners in this litigation would violate numerous legal doctrines discussed above, and violate the defendant's and the potentially unwilling homeowner's rights.

For the foregoing reasons, D.R. Horton request the Court grant summary judgment in this case as to any claim under which Plaintiff is seeking to recover on behalf of homeowners who purchased units after the initial Complaint was filed.

DATED: January 24, 2014

WOOD, SMITH, HENNING & BERMAN, LLP

By:



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Attorneys for Defendant/Third-Party
Plaintiff, D.R. HORTON, INC.

**AFFIDAVIT OF ANDREW V. HALL IN SUPPORT OF
D.R. HORTON, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

STATE OF NEVADA }
COUNTY OF CLARK } ss

ANDREW V. HALL, ESQ. being first duly sworn, deposes and states as follows:

1. I am an associate at the Law Firm of Wood, Smith, Henning and Berman, LLP, counsel for the Defendant/Third-Party Plaintiff, D.R. Horton, Inc., (hereinafter "D.R. Horton") in this matter.

2. I am making this Affidavit in support of D.R. Horton's MOTION FOR PARTIAL SUMMARY JUDGMENT.

3. On June 7, 2007, Plaintiff commenced the instant matter by filing a Complaint against D.R. Horton asserting a myriad of construction defects related to the common areas and individual units within the subject property. (A true and correct copy of Plaintiff's Complaint is attached hereto as **Exhibit "A."**)

4. Plaintiff's Complaint specifically alleged "[t]he Association's members are collectively the owners, in fee simple, of the Common Areas of the Subject Property commonly known as High Noon at Arlington Ranch," and "Plaintiff's members are the individual owners of the units within the Subject Property. Plaintiff brings this suit in its own name on behalf of itself and all of the High Noon at Arlington Ranch Homeowner's Association unit owners." (See, **Exhibit "A,"** Page 2, paragraph 4, lines 17-19)(Emphasis Added)

5. Since Plaintiff's filed its operative Complaint, 230 of the 342 homeowners, on whose behalf the Complaint was filed, sold their homes. I had a printout made of the relevant parcel ownership history, from the Clark County Assessor's records, for each of the 230 homes that are the subject of the instant Motion. (True and correct copies of the County Recorder Property Records, for the subject 230 homes, are attached hereto as **Exhibit "C."**)

1 6. To assist this Court in its evaluation of the Clark County Recorder Property
2 Records, my office prepared a matrix of the information included in the Records be
3 prepared. This matrix includes a list of the subject 230 homes by address and current
4 homeowner. Additionally, the matrix includes each homes corresponding original close of
5 escrow date and the home's most recent close of escrow date related to the current
6 homeowner. (D.R. Horton's matrix is attached hereto as **Exhibit "C."**) I compared this
7 matrix to the printouts attached as **Exhibit "B"** and, to the best of my knowledge, the
8 matrix is accurate.

9 7. Based on my analysis of the Clark County Recorder Property Records and
10 the related matrix, it is my belief that only 112 of the current homeowners owned their
11 home at the time Plaintiff filed its operative Complaint.

12 8. It is also my belief that, as to the interior claims that this court has permitted
13 Plaintiff to pursue, on a representative basis, for a "sub-class" of no more than 192 home
14 owners for which Plaintiff has obtained assignments of claims, 130 of these homeowners
15 no longer own their homes. Accordingly, only 62 of the homeowners, that provided an
16 assignment to Plaintiff to pursue interior claims related to their home, still own their
17 property.

18 9. D.R. Horton and I believe Plaintiff is attempting to assert claims on behalf of
19 the subsequent purchasers, who purchased their property after the case was
20 commenced. As a matter of law, as discussed in the foregoing points and authorities,
21 this is improper.

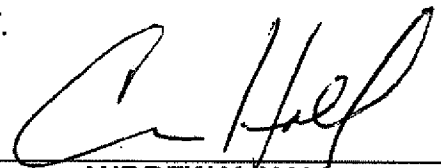
22 10. Additionally, D.R. Horton and Third Party Defendants continue to be
23 prejudiced by Plaintiff's continual failure to provide access to the subject properties to
24 inspect so that the defending parties may prepare a proper defense. The defending
25 parties have been forced to show up early to inspections, just to wait around all day to get
26 into a home or be denied access altogether all while incurring significant costs in doing
27 the same. (See, Third Party Defendant, Firestop's correspondence to Special Master
28 Floyd Hale, A true and correct copy of which is attached hereto as **Exhibit "D."**) D.R.

1 Horton and I believe that the cause of various homeowners' failure to allow access to
2 their homes is related to the homeowners' avoidance of being involved in litigation.

3 11. In some cases, homeowners were not even aware their homes are involved
4 in litigation when they purchased it. (See, Deposition Transcript of homeowner, Ernest
5 Lindberg, at pgs. 20:23-25 and 21:1, a true and correct copy of which is attached hereto
6 as **Exhibit "E."**) D.R. Horton and I believe that Plaintiff's maintenance of litigation on
7 behalf of non-consenting homeowners severely violates the due process rights of
8 homeowners in the subject community as doing so forces new homeowners to have
9 claims they may have against Defendant limited to those raised in the current suit, forces
10 homeowners to disclose or litigate claims they may contend do not exist in their own
11 home, and exposes homeowners to liability that they are not even aware they may be
12 subject to.

13 30. Based upon the foregoing and the points and authorities filed concurrently
14 herewith, D.R. Horton requests that its MOTION FOR PARTIAL SUMMARY JUDGMENT
15 be granted.

16 FURTHER YOUR AFFIANT SAYETH NAUGHT.

17
18
19 
20 **ANDREW V. HALL**

21
22 SUBSCRIBED AND SWORN to before me
23 this 24th day of January, 2014.

24
25 
26 **NOTARY PUBLIC**

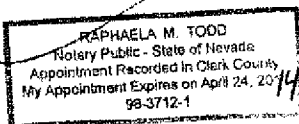


EXHIBIT A

ORIGINAL

COMP

NANCY QUON, ESQ.

Nevada Bar No. 6099

JASON W. BRUCE, ESQ.

Nevada Bar No. 6916

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QUON BRUCE CHRISTENSEN LAW FIRM

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Attorneys for Plaintiff

FILED

JUN 7 4 50 PM '07

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

HIGH NOON AT ARLINGTON RANCH)
HOMEOWNERS ASSOCIATION, a)
Nevada non-profit corporation, for itself)
and for all others similarly situated,)

Plaintiff,

v.

D.R. HORTON, INC., a Delaware)
Corporation DOE INDIVIDUALS 1-100,)
ROE BUSINESS or GOVERNMENTAL)
ENTITIES 1-100, inclusive,)

Defendants.

CASE NO.:
DEPT. NO.:

A542616
XXII

COMPLAINT

RECEIVED

JUN 07 2007

CLERK OF THE COURT

COMES NOW Plaintiff, HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
ASSOCIATION, a Nevada non-profit corporation, by and through its counsel, Quon Bruce
Christensen, and upon information and belief, hereby complains, alleges, and states as follows:

I. PARTIES

1
2 1. Plaintiff, High Noon at Arlington Ranch Homeowners Association ("Plaintiff"), is a
3 non-profit corporation organized and existing under and by virtue of the laws of the State of
4 Nevada, and has its principal place of business within the County of Clark, State of Nevada.

5 2. The Association's members are collectively the owners, in fee simple, of the
6 Common Areas of the Subject Property commonly known as High Noon at Arlington Ranch.
7 The Common Areas of the Subject Property include the entire property, except the separate
8 interests therein, as well as all facilities, improvements, and landscaping located within the
9 Common Areas.

10 3. The Association has the responsibility to maintain the Common Areas of the Subject
11 Property. Additionally its members have the duty, responsibility and obligation to paint,
12 maintain, repair and replace all structures and appurtenances, including but not limited to,
13 buildings, outbuildings, roads, driveways, parking areas, fences, screening walls, retaining walls,
14 landscaping, exterior air-conditioning components, including, but not limited to, paint, repair,
15 replacement, and care of roofs, exterior building surfaces, building framing, and other exterior
16 improvements within the Subject Property.

17 4. Plaintiff's members are the individual owners of units within the Subject Property.
18 Plaintiff brings this suit in its own name on behalf of itself and all of the High Noon at Arlington
19 Ranch Homeowners Association unit owners. The constructional deficiencies and damages
20 resulting therefrom are matters affecting the High Noon at Arlington Ranch Common Interest
21 Community. If it is subsequently determined that this action, and/or any claims within the scope
22 of this action, should more properly have been brought in the name of each individual unit owner
23 or as a class action, Plaintiff will seek leave to amend this Complaint to include unit owners
24 and/or Class Representatives.

25 5. At all times relevant hereto, Defendant, D.R. HORTON, INC., was and remains a
26 business entity doing business in the County of Clark, State of Nevada.

27 6. At all times relevant hereto, Defendant D.R. HORTON, INC., a Delaware Corporation
28 ("Defendant"), was engaged in the business of planning, developing, designing, mass producing,

1 building, constructing, and selling residential real property in the County of Clark, State of
2 Nevada, and was the owner, developer, general contractor, and seller of the Subject Property.

3 7. As the owner, developer, general contractor, and seller of the Subject Property,
4 Defendant was directly responsible for the planning, design, mass production, construction,
5 and/or supervision of construction of the Subject Property and, therefore, is responsible in some
6 manner for the defects and deficiencies in the planning, development, design, and/or construction
7 of the Subject Property, as alleged herein, and Plaintiff's damages related to such defects and
8 deficiencies.

9 8. The true names and capacities of Defendants sued herein as DOE INDIVIDUALS 1-
10 100, ROE BUSINESS or GOVERNMENTAL ENTITIES 1-100, inclusive, and each of them, are
11 presently unknown to the Plaintiff and therefore are sued under fictitious names.

12 9. The DOE INDIVIDUALS 1- 100, and ROE BUSINESS or GOVERNMENTAL
13 ENTITIES 1-100, inclusive, and each of them, are responsible for the planning, development,
14 design, mass production, construction, supervision of construction, and/or sale of the Subject
15 Property and, therefore, they are responsible in some manner for the defects and deficiencies in
16 the planning, development, design, and/or construction, inspection and/or approval of the Subject
17 Property as alleged herein, and Plaintiff's damages related to such defects and deficiencies.

18 II. GENERAL ALLEGATIONS

19 10. The Subject Property is located in the County of Clark, State of Nevada. A site map
20 of the Subject Property is attached hereto as Exhibit 1. The Community is composed of 342
21 residences contained in 114 buildings. Sales of residences began in 2004 and continued through
22 2006.

23 11. At all times relevant herein, Defendants, including DOE and ROE INDIVIDUALS 1-
24 100 or ROE BUSINESS ENTITIES 1-100, were the officers, agents, employees and/or
25 representatives of each other in doing the things alleged herein and in so doing were acting in the
26 scope of their respective authority and agency.

27 12. Defendants, and each of them, (excluding, however, ROE GOVERNMENTAL
28 ENTITIES 1-100 unless hereinafter specifically included), undertook certain works of

1 improvement upon the undeveloped Subject Property, including all works of development,
2 design, construction and sale of the Subject Property, products, and individual units therein to the
3 general public, including the Plaintiff, its members and/or their predecessors in interest.

4 13. Defendants were merchants and sellers with respect to the Subject Property, non-
5 integrated products, and all individual units therein, which are the subject of this action as
6 described above.

7 14. By reason of the sale, transfer, grant and conveyance to Plaintiff and its members,
8 Defendants impliedly warranted that the Subject Property and all individual units therein, were of
9 merchantable quality.

10 15. Defendants failed to properly and adequately investigate, design, inspect, plan,
11 engineer, supervise, construct, produce, manufacture, develop, prepare, market, distribute, supply
12 and/or sell the Subject Property, non-integrated products and all individual units therein, in that
13 said Subject Property, non-integrated products and individual units therein have experienced, and
14 continue to experience, defects and deficiencies, and damages resulting therefrom, as more
15 specifically described below.

16 16. The defects and deficiencies include, but are not necessarily limited to, structural
17 defects, fire-safety defects, waterproofing defects, civil engineering/landscaping, roofing, stucco
18 and drainage defects, architectural defects, mechanical defects, plumbing and HVAC defects,
19 sulfate contamination, acoustical defects, defects relating to the operation of windows and sliding
20 glass doors, and electrical defects.

21 17. The Subject Property may be defective or deficient in other ways and to other extent
22 not presently known to Plaintiff, and not specified above. Plaintiff reserves the right to amend
23 this Complaint upon discovery of any additional defects or deficiencies not referenced herein,
24 and/or to present evidence of the same at the time of trial of this action.

25 18. Due to the failures of Defendants and the defects, deficiencies, and resulting
26 damage, the Subject Property has been adversely impacted so as to diminish the function of the
27 Subject Property and individual units thereon, thereby affecting and interfering with the health,
28 safety and welfare of the Plaintiff and its members, and their use, habitation and peaceful and

1 quiet enjoyment of the Subject Property.

2 19. Plaintiff alleges generally that the defects and deficiencies as described above are,
3 among other things, violations or breaches of local building and construction practices, industry
4 standards, governmental codes and restrictions, manufacturer requirements, product
5 specifications, the applicable Building Department Requirements, Chapter 523 of the Nevada
6 Administrative Code, and the Uniform Building Code, National Electrical Code, Uniform
7 Plumbing Code, and Uniform Mechanical Code, as adopted by Clark County and the City of Las
8 Vegas at the time the Subject Property was planned, designed, constructed and sold.

9 20. The deficiencies in the construction, design, planning and/or construction of the
10 Subject Property described in this Complaint were known or should have been known by the
11 Defendants, including the ROE GOVERNMENTAL ENTITIES at all times relevant hereto.

12 21. All of the claims contained in this Complaint have been brought within the
13 applicable Statutes of Repose and/or Limitations.

14 22. Plaintiff alleges generally that the conduct of Defendants, including the ROE
15 GOVERNMENTAL ENTITIES, was and remains the actual, legal and proximate cause of
16 general and special damages to Plaintiff.

17 **III. FIRST CLAIM FOR RELIEF**
18 **(Breach of Implied Warranties of Workmanlike Quality and Habitability)**

19 23. Plaintiff hereby incorporates and realleges Paragraphs 1 through 22 of the Complaint
20 as though fully set forth herein.

21 24. Defendants expressly and impliedly warranted that the Subject Property, components
22 and associated improvements, were of workmanlike quality, were safely and properly constructed
23 and were fit for the normal residential purpose intended.

24 25. Further implied warranties arose by virtue of the offering for sale by Defendants of
25 the Subject Property to Plaintiff and its members, without disclosing that there were defects
26 associated with said property, thereby leading all prospective purchasers, including Plaintiff and
27 its members, to believe that there were no such defects.

28 26. Defendants gave similar implied warranties to any and all regulatory bodies who had

1 to issue permits and/or provide approvals of any nature as to the Subject Property, which were at
2 all relevant times defective and known by Defendants to be so defective.

3 27. Defendants breached their implied warranties in that the Subject Property was not,
4 and is not, of workmanlike quality, nor fit for the purpose intended, in that the Subject Property
5 was not, and is not, safely, properly and adequately constructed.

6 28. Defendants have been notified and have full knowledge of the alleged breaches of
7 warranties and Defendants have failed and refused to take adequate steps to rectify and/or repair
8 said breaches.

9 29. As a proximate legal result of the breaches of said implied warranties by Defendants
10 and the defective conditions affecting the Subject Property, Plaintiff and its members have been,
11 and will continue to be, caused damage, as more fully describe herein.

12 30. As a further proximate and legal result of the breaches of the implied warranties by
13 Defendants and the defective conditions affecting said Subject Property, Plaintiff and its
14 members have been, and will continue to be, caused further damage in that the defects and
15 deficiencies have resulted in conditions which breach the implied warranty of habitability.

16 31. Plaintiff incorporates by reference, as if set forth herein, the particular statement of
17 damages described in the prayer for relief.

18 32. Plaintiff is entitled to recover damages pursuant to NRS 116.4114.

19 33. Plaintiff has been required to retain the services of Quon Bruce Christensen to
20 prosecute this matter and is entitled to an award of attorney's fees based thereon.

21 34. Plaintiff is entitled to recover its attorney's fees, costs and expenses pursuant to
22 NRS 116.4114.

23 35. The monies recoverable for attorney's fees, costs and expenses under NRS 40.600 *et*
24 *seq.* and NRS 116 *et seq.*, include, but are not limited to, all efforts by Quon Bruce Christensen
25 on behalf of Plaintiff prior to the filing of this Complaint.
26
27
28

**IV. SECOND CLAIM FOR RELIEF
(Breach of Contract)**

36. Plaintiff realleges and incorporates by reference Paragraphs 1 through 35 of the Complaint as though fully set forth herein.

37. On various dates, each of the Plaintiff's members and Defendants entered into a written contract pursuant to which Plaintiff's members would purchase a unit in the Subject Property and Defendants would sell a code-compliant and habitable unit to purchasers.

38. Plaintiff and its members have at all times performed the terms of the contract in the manner specified by the contract, except those terms which could not be fulfilled without fault attributable to Plaintiff or its members.

39. Defendants have failed and refused, and continue to refuse to tender its performance as required by the contract in that said units were not and are not in a habitable and code-compliant condition.

40. Said contracts contain a provision that if the subject of the contract should go to litigation, the prevailing party is entitled to attorneys' fees and costs.

**V. THIRD CLAIM FOR RELIEF
(Breach of Express Warranties)**

41. Plaintiff incorporates and realleges paragraphs 1-41 hereof by reference as though fully set forth herein.

42. When marketing and selling the residences and improvements and appurtenances thereto to the general public and to Plaintiff and its members, Defendants, with the exception of ROE GOVERNMENTAL ENTITIES 1-100, by and through their agents or employees, expressly warranted by verbal, written and demonstrative means, that the design and construction of said residences and improvements and appurtenances thereto, were designed and constructed free from defect or deficiency in materials or workmanship in compliance with applicable building and construction codes, ordinances and industry standards, and are fit for human habitation.

43. By designing and constructing the residences, improvements and appurtenances incident thereto in a defective and deficient manner violating building and construction codes, ordinances and industry standards then in force as described herein above, Defendants breached

1 said express warranties made to Plaintiff and its members. As a proximate cause of Defendants'
2 conduct, Plaintiff and its members have and continue to suffer damages which include, without
3 limitation, the cost to repair the defects and deficiencies in the design and construction of the
4 residences and improvements and appurtenances thereto, which are now and will continue to
5 pose a threat to the health, safety and welfare of Plaintiff, its members, their guests and the
6 general public until such repairs are effected. Said damages are in excess of \$40,000.00 (Forty
7 Thousand Dollars) and continuing.

8 44. Plaintiff is entitled to damages pursuant to NRS 116.4113.

9 45. As a result of Defendants' breaches of express warranties, Plaintiff has been
10 compelled to retain the services of the Quon Bruce Christensen Law Firm in order to comply
11 with statutory requirements prior to litigation and to institute and prosecute these proceedings,
12 and to retain expert consultants and witnesses as reasonably necessary to prove their case, thus
13 entitling Plaintiff to an award of attorneys fees and costs in amounts to be established at the time
14 of trial.

15 **VI. FOURTH CLAIM FOR RELIEF**
16 **(Breach of Fiduciary Duty)**

17 46. Plaintiff incorporates and realleges paragraphs 1-45 hereof by reference as though
18 fully set forth herein.

19 47. Plaintiff is informed and believes and thereupon alleges that Defendants, with the
20 exception of ROE GOVERNMENTAL ENTITIES, inclusive, were the promoters, developers and
21 creators of the Association. In said capacities, Defendants served as directors and officers of the
22 Association, exercising direct and indirect control over the administration, management and
23 maintenance of the Association and its property, including but not limited to the Common Areas of
24 the Subject Property. As such, Defendants were obligated to maintain and repair said Common
25 Areas and the improvements and appurtenances incident thereto as the fiduciaries of all Association
26 members.

27 48. Plaintiff is informed and believes and thereupon alleges that, as regards the sale of
28 the units and accompanying interests in the Common Areas of the Subject Property, Defendants

1 owed a fiduciary duty to disclose material facts pertinent to the condition and desirability of said
2 property which were neither known to nor reasonably discoverable by Plaintiff or its members at the
3 time of purchase, including the costs of maintaining and repairing same. Said fiduciary duties were
4 continuing in nature, including the duty to disclose to Plaintiff's members the nature and existence
5 of any defects or deficiencies in the design or construction of the Subject Property, the Common
6 Areas thereof and the improvements and appurtenances incident thereto.

7 49. Defendants breached their fiduciary duties by failing and refusing to disclose the
8 existence and nature of such defects to Plaintiff's members, by failing and refusing to repair said
9 defects, and by failing and refusing to take necessary action to have those responsible for the defects
10 and deficiencies in design and construction repair, or pay to repair, said defects and deficiencies.
11 Because Defendants and each of them were in some manner directly responsible for the
12 development, design and construction of the Subject Property, the Common Areas thereof and
13 improvements and appurtenances incident thereto, Defendants knew or should have known of said
14 defects and deficiencies therein at or before the commencement of sales to the public, and their
15 failure to disclose, repair or pay to repair said defects and deficiencies constitutes an act of self-
16 dealing in reckless disregard for the health, safety and well-being of Plaintiff and its members.

17 50. Plaintiff is informed and believes and thereupon alleges that Defendants have further
18 breached their fiduciary duties by (1) entering into agreements, contracts and financial arrangements
19 contrary to the best interests of the Association, (2) entering into unauthorized transactions resulting
20 in losses to the Association, (3) maintaining conflicts of interest with the Association and failing to
21 disclose said conflicts, (4) negligently and recklessly handling of Association revenues, income and
22 accounts to the detriment of the Association, (5) promoting a marketing scheme that directly
23 benefitted Defendants to the detriment of the Association, and (6) failing to collect adequate
24 assessment income and prepare adequate operating budgets to meet the reasonable repair and
25 maintenance needs and related Association needs.

26 51. As a proximate cause of Defendants' conduct, Plaintiff and its members have
27 suffered and continue to suffer damages, including without limitation, the cost to repair the defects
28

1 and deficiencies in the design and construction of the Subject Property, the Common Areas thereof
 2 and the improvements and appurtenances incident thereto, which are now and will continue to pose
 3 a threat to the health, safety and welfare of Plaintiff, its members, and their guests and the general
 4 public until such repairs are effected. Plaintiff is informed and believes and thereupon alleges that
 5 said damages are in excess of \$40,000.00 (Forty Thousand Dollars) and continuing.

6 52. Defendants' breaches of the fiduciary duties owed to Plaintiff and its members were
 7 was at all times malicious and undertaken with the intent to defraud and oppress Plaintiff and its
 8 members for Defendants' own enrichment, thus warranting the imposition of punitive damages
 9 sufficient to punish and embarrass Defendants, and to deter such conduct by them in the future.


10 53. As a result of Defendants' conduct, Plaintiff has been compelled to retain the
 11 services of the law firm of Quon Bruce Christensen in order to comply with statutory requirements
 12 prior to litigation and to institute and prosecute these proceedings, and to retain expert consultants
 13 and witnesses as reasonably necessary to prove their case, thus entitling Plaintiff to an award of
 14 attorneys' fees and costs in amounts to be established at the time of trial.

15 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

- 16 1. For general and special damages all in an amount in excess of \$10,000.00;
- 17 2. For such other relief that the Court deems just and proper, including, but not
- 18 limited to equitable relief.

19
 20 Dated this 7th day of June, 2007.

21 **QUON BRUCE CHRISTENSEN**

22
 23 By 
 24 NANCY QUON, ESQ.
 25 Nevada Bar No. 6099
 26 JASON W. BRUCE, ESQ.
 27 Nevada Bar No. 6916
 28 JAMES R. CHRISTENSEN, ESQ.
 Nevada Bar No. 3861
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 (702) 942-1600
Attorneys for Plaintiff

1

NOTES

This map is for informational use only and does not represent a survey. No liability is assumed for the accuracy of the data contained herein. Information on sales and other non-assessor parcels may be obtained from the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but may contain the information required for assessment. See the referenced documents for more detailed legal information.

USE THIS SCHEDULE WHEN MAP NUMBER FROM THIS OFFICIAL

MAP LEGEND

Parcel Boundary

Subd Boundary

Road Easement

Plat Boundary

Map-Parcel LOT Line

Water Line / Leader Line

Lot Number

Road Number

ASSessor's PARCELS - CLARK CO., NV.

M. W. Schofield, Assessor

Parcel Number

202

Parcel Survey Number

175

Plat Recording Number

177

Block Number

5

Lot Number

101

Copy Lot Number

101

176-20-7

DETAIL

B

PG 1 OF 1



EXHIBIT B

No.	Current Homeowner (Last Name, First Name)	Address	Date of Completion	Original COE Date	COE Date (For all current Homeowners)
1	Richardson, Janet M.	8826 TOM NOON AVE UT 103	06/07/07	03/21/06	05/11/12
2	Mark Ira Perini/Equity Trust Company Cust	8826 TOM NOON AVE UT 101	06/07/07	03/23/06	08/08/11
3	Vallot, Freddie Jr. & Eula B. Trust/Vallot Fred & Eula Living Trust (as of 09/03/13 Vallot, Freddie, Jr. & Eula B. since 04/29/10)	8816 TOM NOON AVE UT 101	06/07/07	03/31/06	04/29/10
4	Hayley Banks	8816 TOM NOON AVE UT 102	06/07/07	03/31/06	05/07/10
5	Swanson, Nicholas	8816 TOM NOON AVE UT 103	06/07/07	03/31/06	05/22/13
6	Hall, David	8808 TOM NOON AVE UT 101	06/07/07	10/26/05	11/10/08
7	Ton, Gordon	8808 TOM NOON AVE UT 102	06/07/07	02/10/06	09/15/10
8	Engelhardt, Karen	8808 TOM NOON AVE UT 103	06/07/07	03/13/06	10/27/11
9	L.P.S.K. Enterprises, LLC	8798 TOM NOON AVE UT 101	06/07/07	12/01/05	12/07/12
10	Eddy, Abby & Privills	8798 TOM NOON AVE UT 103	06/07/07	01/23/06	08/11/11
11	Hua, Patrick Yuanpei & Zhang, Vicki Xiaohong	8798 TOM NOON AVE UT 102	06/07/07	02/07/06	02/22/12
12	Miska, LLC	8788 TOM NOON AVE UT 101	06/07/07	10/25/05	03/15/10
13	Stephen, Daniel C. & Kimberly L.	8788 TOM NOON AVE UT 102	06/07/07	01/24/06	11/16/07
14	Hapka, Renee K.	8788 TOM NOON AVE UT 103	06/07/07	01/25/06	12/30/09
15	Murray, Fred W., Jr. & Kelly E.	8778 TOM NOON AVE UT 102	06/07/07	11/03/05	10/07/08
16	Kuiken, Dale & Dorothy	8768 TOM NOON AVE UT 101	06/07/07	11/01/05	05/29/09
17	Valentin, Nemes	8758 TOM NOON AVE UT 101	06/07/07	09/23/05	03/11/13
18	Gholami, Farhad	8758 TOM NOON AVE UT 103	06/07/07	12/30/05	12/31/08
19	Franco, Robert	8748 TOM NOON AVE UT 101	06/07/07	09/23/05	04/12/11
20	Whitney, Kristin N.	8748 TOM NOON AVE UT 102	06/07/07	11/15/05	06/30/11
21	Swift, Dannelle	8728 TOM NOON AVE UT 102	06/07/07	09/28/05	10/06/11
22	Meadows, Monty J.	8728 TOM NOON AVE UT 103	06/07/07	06/28/05	03/19/10
23	Wu, Hao Yu	8718 TOM NOON AVE UT 101	06/07/07	08/31/05	07/28/11
24	Pan Xin S. & Chen, Annie	8718 TOM NOON AVE UT 103	06/07/07	06/22/05	04/19/13
25	Chang, Yi Chuan & Li Jung	8708 TOM NOON AVE UT 103	06/07/07	08/28/05	12/18/13
26	Hwang, Yun S.	8698 TOM NOON AVE UT 102	06/07/07	01/06/06	03/30/10
27	L.P.S.K. Enterprises, LLC	8698 TOM NOON AVE UT 101	06/07/07	08/31/05	04/25/12
28	Nardix, Eled & Yael	8698 TOM NOON AVE UT 103	06/07/07	08/31/05	03/31/11
29	Christensen, Edwin	8688 TOM NOON AVE UT 103	06/07/07	09/01/05	07/18/11
30	Oala, Breanna	8688 TOM NOON AVE UT 102	06/07/07	09/19/05	12/02/10
31	King Fut's P.F.M. LLC	8678 TOM NOON AVE UT 101	06/07/07	08/21/05	04/21/10
32	Xiong, Ming	8678 TOM NOON AVE UT 102	06/07/07	09/20/05	07/20/12
33	Takahashi, Masai & Ayumi	8668 TOM NOON AVE UT 101	06/07/07	08/25/05	12/17/08
34	Bumbasi, Emilio	8668 TOM NOON AVE UT 102	06/07/07	08/25/05	04/13/09
35	Mandi, Juan Carlos	8658 TOM NOON AVE UT 103	06/07/07	08/31/05	05/02/13
36	Tobias, Mike A. & Susan P.	8658 TOM NOON AVE UT 103	06/07/07	08/23/05	08/15/10
37	Hawkins, Warren Davis & Deborah K	8658 TOM NOON AVE UT 101	06/07/07	08/25/05	12/08/12
38	Allen, Jerod J. & Skeeter	8658 TOM NOON AVE UT 102	06/07/07	09/21/05	01/29/08
39	Gardner, Mike & Sue Ann Moreland	8648 TOM NOON AVE UT 103	06/07/07	08/23/05	03/04/10
40	Yamano, Hiroyoshi & Mayuka	8648 TOM NOON AVE UT 101	06/07/07	08/29/05	11/13/09
41	Ullar, Sanja	8638 TOM NOON AVE UT 101	06/07/07	07/25/05	08/17/11
42	Johnson, David M.	8638 TOM NOON AVE UT 103	06/07/07	07/25/05	03/17/11
43	Kim, Tai Son	8638 TOM NOON AVE UT 102	06/07/07	09/16/05	02/15/10
44	Horzani, Janet & Hani	8628 TOM NOON AVE UT 101	06/07/07	07/22/05	08/23/13
45	Alchadayan, Levon	8628 TOM NOON AVE UT 103	06/07/07	07/28/05	03/19/13
46	Levy, David	8628 TOM NOON AVE UT 102	06/07/07	07/29/05	12/29/08
47	Ullar, Sanja	8618 TOM NOON AVE UT 101	06/07/07	07/29/05	01/07/11
48	Barbo, Barbara & Lewis	8618 TOM NOON AVE UT 103	06/07/07	08/11/05	10/19/10
49	Devic, Dusan	9430 THUNDER SKY ST UT 101	06/07/07	04/01/05	08/26/10
50	Fernandez, Carlito & Ceres	9440 THUNDER SKY ST UT 102	06/07/07	03/25/05	07/18/11
51	Woodley, William & Michelle	9440 THUNDER SKY ST UT 101	06/07/07	03/30/05	12/29/11
52	Rosalez, John	9450 THUNDER SKY ST UT 102	06/07/07	04/01/05	06/24/11
53	Hodges, Jimmy & Monci Jo	9450 THUNDER SKY ST UT 103	06/07/07	02/28/05	04/15/13
54	Smith, Ronald & Beth	9450 THUNDER SKY ST UT 101	06/07/07	04/01/05	11/23/10
55	Christensen, Daniel	9470 THUNDER SKY ST UT 101	06/07/07	03/28/05	07/08/12
56	Casten, Joyce	9480 THUNDER SKY ST UT 103	06/07/07	03/25/05	08/23/10
57	Flint, Galen	9480 THUNDER SKY ST UT 102	06/07/07	03/29/05	09/22/09
58	Wong, Alice	9490 THUNDER SKY ST UT 103	06/07/07	03/16/05	08/13/10
59	K&A, LLC	8645 TRAVELING BREEZE AVE UT 101	06/07/07	02/23/05	12/20/11
60	Joukhalian, Manoug & Lucy	8645 TRAVELING BREEZE AVE UT 102	06/07/07	02/28/05	10/28/12
61	Kim, Seung Hun & Misun	8655 TRAVELING BREEZE AVE UT 101	06/07/07	02/28/05	12/21/10
62	Letteman, Clifford & Rhonda	8655 TRAVELING BREEZE AVE UT 103	06/07/07	03/30/05	03/29/09
63	Donoso, Rosa	8665 TRAVELING BREEZE AVE UT 102	06/07/07	02/11/06	04/13/10
64	Tromello, Salvatore & Rigda, Jessica	8665 TRAVELING BREEZE AVE UT 103	06/07/07	09/09/05	02/29/08
65	Strobelin, Patricia A. Trust	8665 TRAVELING BREEZE AVE UT 101	06/07/07	01/17/06	04/08/08
66	Martovyan, Arman	8675 TRAVELING BREEZE AVE UT 102	06/07/07	02/01/05	12/15/09
67	Lin Family Property, LLC (as of 05/21/13; Lin Family Trust as of 01/08/13)	8685 TRAVELING BREEZE AVE UT 102	06/07/07	01/25/05	01/08/13
68	Murray, Robert J. & Patricia A.	8685 TRAVELING BREEZE AVE UT 103	06/07/07	01/31/05	04/08/10
69	Peterson, Andrew & Laurie	8695 TRAVELING BREEZE AVE UT 102	06/07/07	12/30/04	12/11/13
70	Chan, Raymond & Yee, Irene	8695 TRAVELING BREEZE AVE UT 101	06/07/07	01/14/05	11/03/11
71	Lindberg, Ernest T. & Peaseley, Patricia S.	8695 TRAVELING BREEZE AVE UT 103	06/07/07	12/30/05	02/01/10
72	Ibana, Mary Grace & Arroyo, Maria Blanca J.	8715 TRAVELING BREEZE AVE UT 102	06/07/07	12/17/04	12/17/10
73	Lee, Sang Hm & Hamon	8715 TRAVELING BREEZE AVE UT 103	06/07/07	12/17/04	11/09/12

No.	Current Name/Owner (Last, First, Middle)	Address	Date of Compliance	Original DOE Date	CDE Date Scale current Indemnity fee
74	Newmiller, Sheila	8745 TRAVELING BREEZE AVE UT 101	06/07/07	01/26/05	05/24/13
75	Scott, Charles & Veronica	8726 TRAVELING BREEZE AVE UT 102	06/07/07	12/30/04	08/09/11
76	Scott, LLC	8735 TRAVELING BREEZE AVE UT 101	06/07/07	11/30/04	12/05/11
77	8736 Traveling Breeze Trust	8735 TRAVELING BREEZE AVE UT 103	06/07/07	11/30/04	06/23/10
78	Pierz, Nicole D.	8745 TRAVELING BREEZE AVE UT 102	06/07/07	11/30/04	11/04/10
79	B F M 2-4 LLC	8755 TRAVELING BREEZE AVE UT 103	06/07/07	11/15/04	12/26/12
80	Cohn, Eric J. & Darren & Corin, Even M.	8755 TRAVELING BREEZE AVE UT 101	06/07/07	10/28/04	08/28/09
81	Benitez, Samantha & Thomas J. Godfrey	8755 TRAVELING BREEZE AVE UT 102	06/07/07	10/28/04	04/29/10
82	Eximova, Elina	8755 TRAVELING BREEZE AVE UT 103	06/07/07	10/28/04	02/07/12
83	Tant, Irene L.	8765 TRAVELING BREEZE AVE UT 102	06/07/07	10/18/04	05/26/10
84	Fernandes, Edward	8765 TRAVELING BREEZE AVE UT 103	06/07/07	10/18/04	09/18/12
85	Fitzpatrick, Jennifer, Wahn, Silvia & Gordon	8765 TRAVELING BREEZE AVE UT 101	06/07/07	10/28/04	07/06/07
86	Khalilvian, Yarem	8775 TRAVELING BREEZE AVE UT 103	06/07/07	09/30/04	05/25/12
87	Anderson, Jason & Kelly	8775 TRAVELING BREEZE AVE UT 102	06/07/07	10/04/04	01/07/11
88	Jankovic, Branka	8785 TRAVELING BREEZE AVE UT 101	06/07/07	08/17/04	04/15/11
89	Smith, Marilyn J.	8785 TRAVELING BREEZE AVE UT 102	06/07/07	09/23/04	10/20/11
90	Lee, Sang In	8785 TRAVELING BREEZE AVE UT 103	06/07/07	09/30/04	12/13/11
91	Khachikyan, Robert	8795 TRAVELING BREEZE AVE UT 101	06/07/07	09/30/04	08/11/13
92	8795 Traveling Breeze Trust	8795 TRAVELING BREEZE AVE UT 103	06/07/07	09/30/04	04/27/10
93	Toneyan, Lilit	8805 TRAVELING BREEZE AVE UT 102	06/07/07	10/22/04	05/08/13
94	Salenz, Orlando & Silvia M.	8805 TRAVELING BREEZE AVE UT 103	06/07/07	09/28/04	09/09/10
95	Bowles, Jason	8805 TRAVELING BREEZE AVE UT 101	06/07/07	09/28/04	03/06/09
96	Haga, Masao & Kayoko	8815 TRAVELING BREEZE AVE UT 101	06/07/07	10/12/04	07/26/13
97	Fairway 12, LLC	8815 TRAVELING BREEZE AVE UT 102	06/07/07	06/31/04	02/22/12
98	Amato, Alfred & Roxanne	8815 TRAVELING BREEZE AVE UT 103	06/07/07	06/31/04	09/25/09
99	Lee, Hamon & Sang IM	8825 TRAVELING BREEZE AVE UT 101	06/07/07	06/31/04	10/20/10
100	Dannatt, Kimberley & Field, Derek	8825 TRAVELING BREEZE AVE UT 103	06/07/07	06/31/04	11/04/11
101	Fan, Melody	8825 TRAVELING BREEZE AVE UT 101	06/07/07	12/17/04	09/28/12
102	Berner, Richard M. & Jodie F.	8835 TRAVELING BREEZE AVE UT 102	06/07/07	09/31/04	02/07/10
103	Vogel, Cheryl & Patricia & Hughes, Dennis W.	8835 TRAVELING BREEZE AVE UT 103	06/07/07	09/31/04	07/21/09
104	Tillman, Anthony	8835 TRAVELING BREEZE AVE UT 101	06/07/07	06/07/04	01/07/11
105	Guardado, Steve & Jessica	8824 TRAVELING BREEZE AVE UT 101	06/07/07	06/29/04	03/20/12
106	Jolas, Tasia	8824 TRAVELING BREEZE AVE UT 103	06/07/07	09/28/04	12/28/08
107	Memphind, Travis & Diana	8824 TRAVELING BREEZE AVE UT 102	06/07/07	10/29/04	11/28/11
108	Morton, Greg & Mary	8814 TRAVELING BREEZE AVE UT 101	06/07/07	09/10/04	08/31/12
109	Yaimonis, Robert & Breann	8804 TRAVELING BREEZE AVE UT 103	06/07/07	09/10/04	07/27/12
110	Tomas, Julia	8794 TRAVELING BREEZE AVE UT 102	06/07/07	08/31/04	04/25/11
111	Lu, Jeff	8794 TRAVELING BREEZE AVE UT 103	06/07/07	08/07/04	10/19/13
112	August, Celeste F.	8794 TRAVELING BREEZE AVE UT 101	06/07/07	09/23/04	08/29/09
113	Belletini, Paul R. & Jeanne L.	8784 TRAVELING BREEZE AVE UT 103	06/07/07	09/15/04	08/30/13
114	Strickland Properties, LLC	8784 TRAVELING BREEZE AVE UT 101	06/07/07	09/30/04	09/24/09
115	Hussey, James R. Family Trust	8784 TRAVELING BREEZE AVE UT 101	06/07/07	10/28/04	08/24/12
116	Shayne Holdings, LLC	8764 TRAVELING BREEZE AVE UT 102	06/07/07	10/28/04	08/21/12
117	Sarno, John V. & Sharon L.	8764 TRAVELING BREEZE AVE UT 101	06/07/07	11/04/04	04/19/13
118	Howe, Maria A.	8744 TRAVELING BREEZE AVE UT 102	06/07/07	11/30/04	08/07/11
119	McGulley, Roger D. & Dawn D.	8744 TRAVELING BREEZE AVE UT 103	06/07/07	11/30/04	09/11/09
120	Liu, Yihong & Wenli, Ruomei	8744 TRAVELING BREEZE AVE UT 101	06/07/07	12/06/04	04/07/10
121	Molly Properties, LLC	8734 TRAVELING BREEZE AVE UT 102	06/07/07	01/06/05	05/23/12
122	Martin, David E.	8724 TRAVELING BREEZE AVE UT 103	06/07/07	12/22/04	04/02/12
123	Sarno, John V. & Sharon L.	8724 TRAVELING BREEZE AVE UT 101	06/07/07	12/30/04	05/27/11
124	Ma, Xinying & Chen, Vanessa Jean	8684 TRAVELING BREEZE AVE UT 101	06/07/07	12/30/04	02/25/11
125	Jordan, Daniel	8684 TRAVELING BREEZE AVE UT 103	06/07/07	01/07/05	09/24/10
126	KPA Investments, LLC	8684 TRAVELING BREEZE AVE UT 102	06/07/07	01/31/05	09/24/10
127	Nelson, Sabrina	8684 TRAVELING BREEZE AVE UT 101	06/07/07	03/10/06	01/25/10
128	Crite-McClure, Phyllis G.	8674 TRAVELING BREEZE AVE UT 102	06/07/07	03/06/05	09/25/09
129	Federal National Mortgage Assn	8664 TRAVELING BREEZE AVE UT 101	06/07/07	02/18/05	09/07/12
130	Kennedy, Elizabeth	8664 TRAVELING BREEZE AVE UT 103	06/07/07	02/18/05	12/11/12
131	Manu, Cornel & Laura Annemarie (Correl Manu as of 08/13/08)	8664 TRAVELING BREEZE AVE UT 102	06/07/07	02/28/05	08/28/13
132	Standley, Christopher B. & Iryna V.	8639 HORIZON WIND AVE UT 101	06/07/07	06/29/05	04/10/06
133	Zhao, Shan	8639 HORIZON WIND AVE UT 102	06/07/07	06/29/05	10/30/08
134	ZIG Sport, Inc.	8639 HORIZON WIND AVE UT 103	06/07/07	06/29/05	10/30/08
135	Miu, Beatrice	8649 HORIZON WIND AVE UT 102	06/07/07	08/29/05	05/23/12
136	Liu, Lydia & Shin T.	8659 HORIZON WIND AVE UT 101	06/07/07	08/30/05	02/18/11
137	Patterson, Alicia M.	8659 HORIZON WIND AVE UT 102	06/07/07	08/30/05	02/02/11
138	Callahan, John J. & Felicia G.	8659 HORIZON WIND AVE UT 103	06/07/07	07/21/05	11/17/11
139	101 Marketing, Inc.	8649 HORIZON WIND AVE UT 101	06/07/07	06/27/05	12/20/11
140	KAAA, LLC	8669 HORIZON WIND AVE UT 103	06/07/07	07/29/05	12/08/13
141	Lee, Sang In & Hamon	8669 HORIZON WIND AVE UT 102	06/07/07	07/29/05	07/08/12
142	Liu, Wen Juan	8679 HORIZON WIND AVE UT 103	06/07/07	08/22/05	11/11/11
143	Melkonian, Satmik	8679 HORIZON WIND AVE UT 102	06/07/07	08/22/05	09/03/10
144	Norison, Jason	8679 HORIZON WIND AVE UT 101	06/07/07	07/01/05	08/30/10
145	Lee Vegas High Caps, LLC				

No.	Current Homeowner (Last Name, First Name)	Address	Default Complete	Original COLE Date	COLE Date If File is Current
145	Wagner, Tiffany	8689 HORIZON WIND AVE UT 101	06/07/07	06/29/05	09/24/10
146	Shinn, Anthony	8689 HORIZON WIND AVE UT 102	06/07/07	06/30/05	09/07/09
147	Shinn, Anthony	8689 HORIZON WIND AVE UT 103	06/07/07	06/30/05	11/05/09
148	Diaz, Cam	8729 HORIZON WIND AVE UT 101	06/07/07	05/31/05	06/11/09
149	Hable, Terros M.	8729 HORIZON WIND AVE UT 103	06/07/07	05/31/05	11/03/10
150	Williams, Deborah A.	8739 HORIZON WIND AVE UT 101	06/07/07	05/19/05	01/12/10
151	Cohn, Doy & Sheila E. Trs	8739 HORIZON WIND AVE UT 103	Original	05/26/05	10/26/09
152	Chang, Yuanheang A.	8749 HORIZON WIND AVE UT 102	06/07/07	05/26/05	09/30/13
153	Lucero, Bryan	8759 HORIZON WIND AVE UT 101	06/07/07	04/29/05	03/06/10
154	Federal National Mortgage Assn	8759 HORIZON WIND AVE UT 103	06/07/07	05/06/05	10/25/12
155	Hulkas, Anthony	8759 HORIZON WIND AVE UT 102	06/07/07	01/24/06	12/16/11
156	Burroughs, Stefania Lea	8759 HORIZON WIND AVE UT 103	06/07/07	04/29/05	05/24/10
157	Welski, Judith Anne	8779 HORIZON WIND AVE UT 101	06/07/07	05/02/05	12/09/11
158	IKAAA, LLC	8779 HORIZON WIND AVE UT 101	06/07/07	05/02/05	12/20/11
159	Alm, Trust	8779 HORIZON WIND AVE UT 102	06/07/07	05/02/05	01/17/12
160	Alfhar, Zehre	8779 HORIZON WIND AVE UT 103	06/07/07	05/03/05	02/15/12
161	Mirame, Antonia & Ferrasa, Cathy	8789 HORIZON WIND AVE UT 102	06/07/07	04/29/05	02/17/12
162	Fluor, Erin M.	8789 HORIZON WIND AVE UT 103	06/07/07	04/29/05	11/25/08
163	Rivers, Fabian	8789 HORIZON WIND AVE UT 102	06/07/07	04/29/05	01/07/10
164	8809 Horizon Trust	8809 HORIZON WIND AVE UT 103	06/07/07	04/29/05	09/15/10
165	Salsiter, Neil	8809 HORIZON WIND AVE UT 101	06/07/07	04/29/05	09/29/10
166	Las Vegas High Caps, LLC	8819 HORIZON WIND AVE UT 101	06/07/07	03/31/05	01/11/13
167	Sterbens, Barry & Tina	8819 HORIZON WIND AVE UT 102	06/07/07	03/31/05	07/07/11
168	Shorebox Pk, Ltd.	8819 HORIZON WIND AVE UT 103	06/07/07	05/27/05	05/23/12
169	Properties Plus Investments, LLC	8829 HORIZON WIND AVE UT 101	06/07/07	04/01/05	11/13/13
170	Abrahamson, Bart D. & Theodore D.	8829 HORIZON WIND AVE UT 102	06/07/07	03/31/05	12/16/11
171	Lee, Sang Im	8810 HORIZON WIND AVE UT 103	06/07/07	03/31/05	01/14/11
172	Woo, Ching Ching	8810 HORIZON WIND AVE UT 102	06/07/07	03/31/05	09/07/12
173	Woo, Ching Ching	8800 HORIZON WIND AVE UT 102	06/07/07	04/29/05	06/30/10
174	Zimmermann, Diane J.	8800 HORIZON WIND AVE UT 101	06/07/07	01/17/06	11/29/12
175	Farmer, Robert	8790 HORIZON WIND AVE UT 102	06/07/07	04/29/05	09/30/10
176	Ward, Kathleen	8790 HORIZON WIND AVE UT 101	06/07/07	05/02/05	05/08/08
177	Duque, David A.	8790 HORIZON WIND AVE UT 101	06/07/07	04/29/05	12/11/08
178	Dalton, Elmer & Raquel	8780 HORIZON WIND AVE UT 102	06/07/07	04/29/05	12/11/12
179	Buch, Billie Jean	8780 HORIZON WIND AVE UT 103	06/07/07	05/03/05	03/04/11
180	Cross, Andrea	8780 HORIZON WIND AVE UT 102	06/07/07	05/25/05	07/03/12
181	Cohn, Eric Joshua & Darren M.	8760 HORIZON WIND AVE UT 101	06/07/07	05/31/05	10/28/10
182	Liao, Weimin	8750 HORIZON WIND AVE UT 103	06/07/07	05/26/05	02/17/12
183	Wong Family Trust	8750 HORIZON WIND AVE UT 101	06/07/07	06/03/05	12/11/09
184	Wong, Nelson Trs	8740 HORIZON WIND AVE UT 101	06/07/07	05/03/05	09/17/10
185	Almeida, Lorenzo	8740 HORIZON WIND AVE UT 103	06/07/07	07/27/05	08/25/09
186	Majed, Mehdi	8730 HORIZON WIND AVE UT 102	06/07/07	05/06/05	12/14/12
187	LAU STEPHEN YAN MI & SUE REV TR	8723 HORIZON WIND AVE UT 101	06/07/07	06/23/05	08/12/13
188	LAU STEPHEN YAN MI & SUE S TRS	8723 HORIZON WIND AVE UT 103	06/07/07	07/22/05	05/07/12
189	Koff, Homes, LLC	8710 HORIZON WIND AVE UT 103	06/07/07	06/20/05	17/01/10
190	Clear Mar, LLC	8690 HORIZON WIND AVE UT 101	06/07/07	09/17/05	09/10/10
191	Pacello, Herbert K. & Dixie D.	8690 HORIZON WIND AVE UT 103	06/07/07	09/17/05	01/22/13
192	Kummer, Bradley & Emily	8690 HORIZON WIND AVE UT 101	06/07/07	06/29/05	09/30/11
193	Bruce, Chloa K.	8670 HORIZON WIND AVE UT 101	06/07/07	05/26/05	11/09/13
194	Kaboudian, Hassan	8670 HORIZON WIND AVE UT 103	06/07/07	07/15/05	07/15/10
195	Morales, Adriana	8670 HORIZON WIND AVE UT 102	06/07/07	08/18/05	02/18/11
196	Manemah, Stephen	8660 HORIZON WIND AVE UT 102	06/07/07	09/15/05	09/16/10
197	Solis, Ricardo	8650 HORIZON WIND AVE UT 101	06/07/07	06/30/05	01/18/12
198	Soifano, Nancy	8650 HORIZON WIND AVE UT 102	06/07/07	01/23/06	03/08/10
199	La, Louisa T.	8650 HORIZON WIND AVE UT 103	06/07/07	06/30/05	08/19/11
200	Paladin Holdings, LLC	8640 HORIZON WIND AVE UT 102	06/07/07	05/30/05	06/06/10
201	Chow, Ivy Ngaimai	8640 HORIZON WIND AVE UT 101	06/07/07	07/01/05	10/18/10
202	Mak, Sui Ping Chow	8637 TOM NOON AVE UT 102	06/07/07	08/26/05	06/19/09
203	Tomask, Jan & Pior	8637 TOM NOON AVE UT 103	06/07/07	08/31/05	08/25/08
204	Ernst, Ghayda L	8647 TOM NOON AVE UT 103	06/07/07	09/29/05	10/14/11
205	O'Shea, John	8647 TOM NOON AVE UT 102	06/07/07	09/15/05	09/18/11
206	Twentyseven Investment, LLC	8657 TOM NOON AVE UT 101	06/07/07	09/29/05	08/02/07
207	Luby, Trisha	8657 TOM NOON AVE UT 103	06/07/07	10/19/05	09/17/10
208	Debell, Hanna	8657 TOM NOON AVE UT 102	06/07/07	04/13/06	05/24/12
209	Bjork, Paul A.	8667 TOM NOON AVE UT 101	06/07/07	08/29/05	07/02/10
210	Kemp, Elizabeth A.	8667 TOM NOON AVE UT 102	06/07/07	05/30/05	02/15/13
211	Las Vegas High Caps, LLC	8667 TOM NOON AVE UT 103	06/07/07	12/30/05	05/15/09
212	Valley, Nancy Ann	8679 TOM NOON AVE UT 101	06/07/07	08/31/05	10/05/11

No	Client's Handwritten (Last Name & First Name)	Address	Date of Completion	Original COE Date	COE Date Final Copy Home-Video
213	Budhrani, Deepak U.	8989 TOM NOON AVE UT 101	06/07/07	08/31/05	09/27/11
214	Gartz, Darrin P.	8989 TOM NOON AVE UT 103	06/07/07	08/30/05	08/21/09
215	Delessantos, Leandro & Nely	8717 TOM NOON AVE UT 103	06/07/07	08/31/05	07/12/10
216	Wells Revocable Living Trust				
217	Wells Clark R. & Shirley M. Trs				
218	Taravella, Jonathan & Angela	8717 TOM NOON AVE UT 102	06/07/07	11/01/05	07/19/13
219	Felton, Belinda	8727 TOM NOON AVE UT 103	06/07/07	09/23/05	10/21/09
220	Thompson, Jeremy & Cassandra	8727 TOM NOON AVE UT 101	06/07/07	09/26/05	11/12/13
221	Lansner, Mary E.	8737 TOM NOON AVE UT 101	06/07/07	09/28/05	10/06/11
222	Foley, Francis	8737 TOM NOON AVE UT 102	06/07/07	01/24/06	07/23/12
223	Baniewicz, Sandra H.	8747 TOM NOON AVE UT 101	06/07/07	09/27/06	09/23/11
224	Hanson, Michael H.				
225	Cornwall, Jose M. & Joham C.	8747 TOM NOON AVE UT 102	06/07/07	12/30/05	09/10/10
226	Irving, John	8757 TOM NOON AVE UT 101	06/07/07	09/28/05	05/09/08
227	Chan, Raymond	8777 TOM NOON AVE UT 101	06/07/07	08/28/05	02/23/12
228	Yes, Irene				
229	Lu, Joseph & Gai, Zhuohua	8787 TOM NOON AVE UT 102	06/07/07	12/30/05	12/04/08
230	Weyer, James	8787 TOM NOON AVE UT 103	06/07/07	01/13/06	12/10/12
231	Liao, Waimin	8807 TOM NOON AVE UT 103	06/07/07	01/12/06	02/24/12
232	Cooper, Adam J.	8807 TOM NOON AVE UT 102	06/07/07	01/13/06	10/21/11
233	Wardak, Thomas G. & Maria	8817 TOM NOON AVE UT 101	06/07/07	10/24/05	05/18/12
234	Trask, Amber M K	8817 TOM NOON AVE UT 103	06/07/07	03/24/06	03/28/10

EXHIBIT C

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 1
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-003	RICHARDSON JANET M	20120511:00152	05/11/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-003	YEATTS JAMES W JR	20080807:02085	08/07/2008	NO STATUS	635
176-20-714-003	BANK H S B C USA N A TRS	20080604:01731	06/04/2008	NO STATUS	635
176-20-714-003	BLUE OCEAN TRUST	20071004:00825	10/04/2007	NO STATUS	635
176-20-714-003	GRUMHURD ROB T	20060321:03789	03/21/2006	NO STATUS	635
176-20-714-003	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED
AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 3
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-007	HALL DAVID	<u>20081110:03658</u>	11/10/2008	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-007	BANK H S B C USA N A TRS	<u>20080707:02550</u>	07/07/2008	NO STATUS	635
176-20-714-007	MORALES LORAIN V & JAMES B	<u>20051026:03183</u>	10/26/2005	JOINT TENANCY	635
176-20-714-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

Note: Only documents from September 15, 1999 through present are available for viewing.

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AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> <div>Assessor Map</div> <div>Aerial View</div> <div>Comment Codes</div> <div>Current Ownership</div> </div>					
ASSESSOR DESCRIPTION					
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 3 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-008	TON GORDON	<u>20100915:01166</u>	09/15/2010	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-008	TUNG HENRY KUOHEN	<u>20060210:02556</u>	02/10/2006	NO STATUS	635
176-20-714-008	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-010	L P S K ENTERPRISES L L C	20121207:03337	12/07/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-010	BANK U S NATIONAL ASSN TRS	20120921:02339	09/21/2012	NO STATUS	635
176-20-714-010	KOBES LUCAS	20051201:02148	12/01/2005	NO STATUS	635
176-20-714-010	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY**[Assessor Map](#)[Aerial View](#)[Comment Codes](#)[Current Ownership](#)**ASSESSOR DESCRIPTION**HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 5
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-013	MISKA L L C	<u>20100315:02438</u>	03/15/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-013	LOMELI MIGUEL	<u>20051025:03082</u>	10/25/2005	NO STATUS	635
176-20-714-013	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-014	STEPHEN KIMBERLY L & DANIEL C	<u>20071116:03468</u>	11/16/2007	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-014	BANK NEW YORK TRS	<u>20071031:03258</u>	10/31/2007	NO STATUS	635
176-20-714-014	BURGOS PRYMROSE D	<u>20060124:03655</u>	01/24/2006	NO STATUS	635
176-20-714-014	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-015	HAPKA RENAE K	20091230:02590	12/30/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-015	MARTIN GEOFF	20060331:04763	03/31/2006	NO STATUS	635
176-20-714-015	MARTIN GARY A & LINDA D	20060331:04762	03/31/2006	JOINT TENANCY	635
176-20-714-015	MARTIN FAMILY TRUST	20060125:04191	01/25/2006	NO STATUS	635
176-20-714-015	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-017	MURRAY FRED W JR & KELLY E	20081001:01238	10/01/2008	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-017	BANK DEUTSCHE NATIONAL TR CO TRS	20080618:01062	06/18/2008	NO STATUS	635
176-20-714-017	GUNN APRIL R	20051103:03519	11/03/2005	NO STATUS	635
176-20-714-017	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-024	GHOLAMI FARHAD Comments: C-20130318:3365	<u>20081231:03309</u>	12/31/2008	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-024	SUMMERS JOHN W	<u>20051230:05634</u>	12/30/2005	NO STATUS	635
176-20-714-024	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map	Aerial View	Comment Codes	Current Ownership
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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 12			
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-034	WU HAO YU	<u>20110728:03715</u>	07/28/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-034	NO LOOKING BACK L L C	<u>20110714:03189</u>	07/14/2011	NO STATUS	635
176-20-714-034	SARKISSIAN KOGARIK	<u>20050831:03583</u>	08/31/2005	NO STATUS	635
176-20-714-034	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 14
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-040	L P S K ENTERPRISES L L C	20120425:02529	04/25/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-040	MONTECARLO INVESTMENTS L L C	20110712:02481	07/12/2011	NO STATUS	635
176-20-714-040	KELLI KERI	20050831:03488	08/31/2005	NO STATUS	635
176-20-714-040	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-044	OGLE BREANNA	20101202:02889	12/02/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-044	AKHAVAN PARIVASH	20050919:03091	09/19/2005	NO STATUS	635
176-20-714-044	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-047	XIONG MING	<u>20120720:03050</u>	07/20/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-047	CLOYD HSIU H & JOHN D	<u>20120720:03049</u>	07/20/2012	JOINT TENANCY	635
176-20-714-047	CLOYD HSIU H	<u>20060608:02253</u>	06/08/2006	NO STATUS	635
176-20-714-047	CLOYD JOHN D & HSIU H	<u>20050920:03707</u>	09/20/2005	JOINT TENANCY	635
176-20-714-047	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-049	TAKAHASHI MASAI & AYUMI	<u>20081217:03758</u>	12/17/2008	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-049	BANK H S B C USA NATL ASSN TRS	<u>20081104:03859</u>	11/04/2008	NO STATUS	635
176-20-714-049	MANIKIS GIRARD P	<u>20050825:04001</u>	08/25/2005	JOINT TENANCY	635
176-20-714-049	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIS
176-20-714-054	TABAE MIKE A & SUSAN P	<u>20100616:03488</u>	06/16/2010	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-054	PICARD PAMELA K	<u>20100616:03487</u>	06/16/2010	NO STATUS	635
176-20-714-054	PICARD ERIC R & PAMELA K	<u>20080529:01789</u>	05/29/2008	JOINT TENANCY	635
176-20-714-054	PICARD ERIC R	<u>20080529:01788</u>	05/29/2008	NO STATUS	635
176-20-714-054	PICARD ERIC R REVOCABLE LIV TR	<u>20070419:00824</u>	04/19/2007	NO STATUS	635
176-20-714-054	PICARD ERIC	<u>20050823:04983</u>	08/23/2005	NO STATUS	635
176-20-714-054	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-052	HAWKINS WARREN DAVIS & DEBORAH K	20121206:02347	12/06/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-052	BOYER RONALD	20121109:03219	11/09/2012	NO STATUS	635
176-20-714-052	GAILEY BRIAN S	20050825:03961	08/25/2005	NO STATUS	635
176-20-714-052	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-057	GARDNER MIKE MORELAND SUE ANN	<u>20100304:01962</u>	03/04/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-057	BANK NEW YORK MELLON TRS	<u>20091029:04064</u>	10/29/2009	NO STATUS	635
176-20-714-057	HOUSE NATHANIEL G	<u>20050825:03958</u>	08/25/2005	NO STATUS	635
176-20-714-057	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	DIS
176-20-714-055	YAMANO HIROYOSHI & MAYUKA	<u>20091113:03738</u>	11/13/2009	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-055	VESTEDSPEC INC	<u>20091026:00956</u>	10/26/2009	NO STATUS	635
176-20-714-055	CRANE JEVON	<u>20050826:04291</u>	08/26/2005	NO STATUS	635
176-20-714-055	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-058	ULJAR SANJA	20110617:01821	06/17/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-058	CASSIDY MARY ANN ETAL	20050914:02991	09/14/2005	NO STATUS	635
176-20-714-058	VERDERAME JERRY	20050725:04183	07/25/2005	NO STATUS	635
176-20-714-058	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-059	KIM TAI SON	20100216:00051	02/16/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-059	MCCLARNAN TIMOTHY A	20050916:02779	09/16/2005	NO STATUS	635
176-20-714-059	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-063	ALACHADZHIAN LEVON	20130319:01982	03/19/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-063	FEDERAL HOME LOAN MORTGAGE CORP	20121220:01618	12/20/2012	NO STATUS	635
176-20-714-063	BAILITZ RICHARD M	20070803:02394	08/03/2007	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	635
176-20-714-063	GAMBINO SAM & PATRICIA	20060823:01825	08/23/2006	JOINT TENANCY	635
176-20-714-063	GAMBINO SAM D & PATRICIA	20051123:02650	11/23/2005	JOINT TENANCY	635
176-20-714-063	GAMBINO SAM D & PATRICIA	20050728:05084	07/28/2005	JOINT TENANCY	635
176-20-714-063	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-062	LEVY RAVID	<u>20081229:03362</u>	12/29/2008	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-062	BANK H S B C USA NATL ASSN TRS	<u>20081006:04221</u>	10/06/2008	NO STATUS	635
176-20-714-062	STENBERG OLGA	<u>20050729:05171</u>	07/29/2005	NO STATUS	635
176-20-714-062	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-071	FERNANDEZ CARLITO & CERES	20110718:02503	07/18/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-071	LANE JOYCE ANN	20110718:02502	07/18/2011	NO STATUS	635
176-20-714-071	LANE FIELDING R & J A JR REV TR	20110718:02501	07/18/2011	NO STATUS	635
176-20-714-071	LANE FIELDING R & J A JR REV TR	20070319:02649	03/19/2007	NO STATUS	635
176-20-714-071	LANE FIELDING R JR & JOYCE A	20050325:03639	03/25/2005	JOINT TENANCY	635
176-20-714-071	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-070	WOODLEY WILLIAM & MICHELLE	20111220:03257	12/20/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-070	FINNEGAN SEAN & KAREN L	20050902:02753	09/02/2005	NO STATUS	635
176-20-714-070	FINNEGAN SEAN D	20050330:04897	03/30/2005	NO STATUS	635
176-20-714-070	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 25 SEC 20 TWP 22 RNG 60			

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-074	ROSALES JOHN SEAR NIKKI	<u>20130628:03278</u>	06/28/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-074	ROSALES JOHN	<u>20110624:04509</u>	06/24/2011	NO STATUS	635
176-20-714-074	GOMEZ MARY BETH & FREDRICK R	<u>20061114:03078</u>	11/14/2006	JOINT TENANCY	635
176-20-714-074	MORALES MICHEAL G & ANGELA S	<u>20050401:03622</u>	04/01/2005	NO STATUS	635
176-20-714-074	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	1 DIS
176-20-714-078	HOADREA JIMMY & MONCI JO	<u>20130415:00860</u>	04/15/2013	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-078	HOADREA JIMMY	<u>20110518:02290</u>	05/18/2011	NO STATUS	635
176-20-714-078	M G L LIVING TRUST	<u>20110113:02615</u>	01/13/2011	NO STATUS	635
176-20-714-078	PALLADINETTI GLORIA A & GLORIA	<u>20060214:02238</u>	02/14/2006	NO STATUS	635
176-20-714-078	PALLADINETTI GLORIA A	<u>20050328:04203</u>	03/28/2005	JOINT TENANCY	635
176-20-714-078	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-079	CHRISTENSEN DANIEL	20120106:02034	01/06/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-079	FIELDING MELISSA	20061201:04210	12/01/2006	NO STATUS	635
176-20-714-079	LARA LUISA L & MIGUEL A	20050329:04183	03/29/2005	JOINT TENANCY	635
176-20-714-079	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-087	WONG ALICE	20100813:00669	08/13/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-087	CARROLL RONALD J	20050316:04073	03/16/2005	NO STATUS	635
176-20-714-087	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-088	K & A A L L C	20111220:01229	12/20/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-088	KUO ALICE MEI REVOCABLE LIV TR	20111220:01228	12/20/2011	NO STATUS	635
176-20-714-088	CHEN ANNIE	20110819:02451	08/19/2011	JOINT TENANCY	635
176-20-714-088	MITTELSTADT PATRICIA	20050223:03559	02/23/2005	NO STATUS	635
176-20-714-088	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-091	KIM HYUN SEUNG & MISUN	20101221:03065	12/21/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-091	BANK DEUTSCHE NATIONAL TR CO TRS	20100928:03438	09/28/2010	NO STATUS	635
176-20-714-091	DILLARD MIKALA L	20070813:02924	08/13/2007	NO STATUS	635
176-20-714-091	JONES MIKALA L	20050228:04203	02/28/2005	NO STATUS	635
176-20-714-091	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-095	DONOSO ROSA	20100413:00874	04/13/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-095	PEREZ NICHOLAS J	20061204:03620	12/04/2006	NO STATUS	635
176-20-714-095	PEREZ NICK	20050211:02444	02/11/2005	NO STATUS/JOINT TENANCY	635
176-20-714-095	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-094	STROBEHN PATRICIA A TRUST STROBEHN PATRICIA A TRS	20080408:00149	04/08/2008	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-094	STROBEHN PATRICIA A	20080118:03522	01/18/2008	NO STATUS	635
176-20-714-094	BANK DEUTSCHE NATIONAL TRUST CO	20061017:05150	10/17/2006	NO STATUS	635
176-20-714-094	CONNALLY CHAD C C	20050412:03390	04/12/2005	NO STATUS	635
176-20-714-094	BUCK BENJAMIN	20060117:02964	01/17/2006	JOINT TENANCY	635
176-20-714-094	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-098	MARTIROSYAN ARMAN	20091215:01164	12/15/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-098	BANK DEUTSCHE NATIONAL TR CO TRS	20090828:03408	08/28/2009	NO STATUS	635
176-20-714-098	BAUMGART DEBORAH L	20050817:02146	08/17/2005	JOINT TENANCY	635
176-20-714-098	BAUMGART DEBORAH L	20050201:03430	02/01/2005	NO STATUS	635
176-20-714-098	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-101	LIN FAMILY PROPERTY L L C	20130521:00606	05/21/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-101	LIN FAMILY TRUST	20130108:01952	01/08/2013	NO STATUS	635
176-20-714-101	RIDILLA LINDA M	20050125:02705	01/25/2005	NO STATUS	635
176-20-714-101	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 35
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-103	CHAN RAYMOND YEE IRENE	<u>20111103:01801</u>	11/03/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-103	HETZEL HILLARY B	<u>20050114:04097</u>	01/14/2005	JOINT TENANCY	635
176-20-714-103	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-108	LEE SANG IM & HARMON	20121109:01811	11/09/2012	JOINT TENANCY	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-108	ARANDA-RIVERA EZEQUIEL	20041217:04446	12/17/2004	NO STATUS	635
176-20-714-108	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-110	SCOTT CHARLES & VERONICA	20110809:03282	08/09/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-110	SHAW ROBERT J & ROSEMARY D	20080317:00477	03/17/2008	JOINT TENANCY	635
176-20-714-110	BANK US NATIONAL ASSOCIATION TRS	20080214:01837	02/14/2008	NO STATUS	635
176-20-714-110	MLADENOV DIMITR C SR	20041230:02913	12/30/2004	NO STATUS	635
176-20-714-110	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED
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0681

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 38
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-114	8735 TRAVELING BREEZE TRUST	20100623:00974	06/23/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-114	D L T FAMILY TRUST	20100527:02363	05/27/2010	NO STATUS	635
176-20-714-114	HAUCK JUNE MARIE	20041130:03115	11/30/2004	NO STATUS	635
176-20-714-114	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 39
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-117	B F M 2-4 L L C	<u>20121228:01127</u>	12/28/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-117	HARTARD WAYNE	<u>20050610:02824</u>	06/10/2005	NO STATUS	635
176-20-714-117	SCHECTER RICHARD & MADELEINE	<u>20041214:03923</u>	12/14/2004	NO STATUS	635
176-20-714-117	SCHECTER STACEY ROBIN	<u>20041115:03253</u>	11/15/2004	NO STATUS	635
176-20-714-117	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635

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0683

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 40
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-120	EVTIMOVA ELINA	20120207:02604	02/07/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-120	FEDERAL NATIONAL MORTGAGE ASSN	20111213:01154	12/13/2011	NO STATUS	635
176-20-714-120	BUTLER ERIC & CHRISTINE A	20110121:00992	01/21/2011	JOINT TENANCY	635
176-20-714-120	BUTLER ERIC & CHRISTINE A	20051205:01587	12/05/2005	NO STATUS	635
176-20-714-120	BUTLER ERIC & CHRISTINE A	20041028:03928	10/28/2004	JOINT TENANCY	635
176-20-714-120	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 41
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-123	FERNANDES EDWARD	20120918:01276	09/18/2012	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-123	KUK JENNIFER	20070315:00444	03/15/2007	NO STATUS	635
176-20-714-123	WYNDER EDWARD & RIKA	20041019:00413	10/19/2004	JOINT TENANCY	635
176-20-714-123	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635

Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 Supreme Court No.:
3 District Case Court No. 07A542616

4 Electronically Filed
5 Apr 18 2014 11:33 a.m.
6 Tracie K. Lindeman
7 Clerk of Supreme Court

8 HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION,
9 a Nevada non-profit corporation,

10 Petitioner,

11 v.

12 EIGHTH JUDICIAL DISTRICT COURT
13 of the State of Nevada, in and for the COUNTY OF CLARK;
14 and the HONORABLE SUSAN H. JOHNSON, District Judge,

15 Respondent,

16 D.R. HORTON, INC.

17 Real Party in Interest.

18 **APPENDIX TO PETITIONER, HIGH NOON AT ARLINGTON RANCH**
19 **HOMEOWNERS ASSOCIATION'S PETITION FOR WRIT OF**
20 **PROHIBITION OR MANDAMUS VOLUME III OF V**

21 Paul P. Terry, Esq. (SBN 7192)
22 John J. Stander, Esq. (SBN 9198)
23 Scott P. Kelsey, Esq. (SBN 7770)
24 ANGIUS & TERRY, LLP
25 1120 N. Town Center Drive, Ste. 260
26 Las Vegas, NV 89144
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 jstander@angius-terry.com
 skelsey@angius-terry.com

Attorneys for Petitioner, HIGH NOON AT ARLINGTON RANCH
 HOMEOWNERS ASSOCIATION

No.	Document Description	Filed Date	Vol.	Bates
1	Plaintiff's Complaint	06-07-07	I	0001-0012
2	Order re: Plaintiff's Standing	11-12-13	I	0013-0022
3	Plaintiff's Motion for Reconsideration on Order Shortening Time	01-08-14	I	0023-0250
4	Plaintiff's Motion for Reconsideration on Order Shortening Time	01-08-14	II	0251-0501
5	Plaintiff's Motion for Reconsideration on Order Shortening Time	01-08-14	III	0502-0531
6	Defendant D.R. Horton, Inc.'s Opposition to Plaintiff's Motion for Reconsideration on Order Shortening Time	01-13-14	III	0532-0598
7	Plaintiff's Reply In Support of Plaintiff's Motion for Reconsideration on Order Shortening Time	01-14-14	III	0599-0603
8	Court Minutes on Plaintiff's Motion for Reconsideration on Order Shortening Time	01-16-14	III	0604-0605
9	Defendant D.R. Horton, Inc.'s Motion for Partial Summary Judgment	01-24-14	III	0606-0750
10	Defendant D.R. Horton, Inc.'s Motion for Partial Summary Judgment	01-24-14	IV	0751-0884
11	Third-Party Defendant OPM, Inc. dba Consolidated Roofing's Joinder to D.R. Horton, Inc.'s Motion for Partial Summary Judgment	01-29-14	IV	0885-0886
12	Third-Party Defendant National Builders, Inc. Joinder to D.R. Horton, Inc.'s Motion for Partial Summary Judgment	01-29-14	IV	0887-0889
13	Third-Party Defendant, Efficient Enterprises, LLC dba Efficient Electric's Joinder to D.R. Horton's Motion for Partial Summary Judgment	01-29-14	IV	0890-0891
14	Third-Party Defendant Circle S. Development Corp. dba Deck Systems' Joinder to Defendant/Third-Party Plaintiff D.R. Horton, Inc.'s Motion for Partial Summary Judgment	01-30-14	IV	0892-0894

12	Third-Party Defendant Firestop, Inc.'s Joinder to D.R. Horton, Inc.'s Motion for Partial Summary Judgment	01-31-14	IV	0895-0896
13	Third-Party Defendants, Quality Wood Products, Inc., Summit Drywall & Paint, LLC, and United Electric's Joinder to D.R. Horton, Inc.'s Motion for Partial Summary Judgment	02-03-14	IV	0897-0898
14	Plaintiff's Opposition to Defendant, D.R. Horton, Inc.'s Motion for Partial Summary Judgment and Joinders Thereto	02-10-14	IV	0899-0909
15	Defendant D.R. Horton, Inc.'s Reply to Plaintiff's Opposition, and in Further Support of D.R. Horton, Inc.'s Motion for Partial Summary Judgment	02-20-14	IV	0910-0930
16	Transcript of Proceedings: All Pending Motions	02-27-14	IV	0931-0966
17	Court Minutes on D.R. Horton, Inc.'s Motion for Partial Summary Judgment	02-27-14	IV	0967-0968
18	Order in the matter of <i>Balle v. Carina Corp.</i> , Case No. A557753	09-09-09	IV	0969-0984
19	Order Granting Defendant D.R. Horton, Inc.'s Motion for Partial Summary Judgment	03-18-14	IV	0985-0995
20	Order Regarding Plaintiff's Motion for Reconsideration	03-20-14	IV	0996-0998
21	Plaintiff's Motion for Stay of Proceedings on Order Shortening Time	03-24-14	V	0999-1006
22	Defendant, D.R. Horton, Inc.'s Non-Opposition to Plaintiff's Motion for Stay of Proceedings on Order Shortening Time	03-26-14	V	1007-1008
23	Order Granting Plaintiff's Motion for Stay of Proceedings on Order Shortening Time	03-31-14	V	1009-1010

1 I HEREBY CERTIFY that on the 18 day of April, 2014, I submitted for
2 electronic filing and electronic service the foregoing APPENDIX TO
3
4 PETITIONER'S PETITION FOR WRIT OF PROHIBITION OR MANDAMUS,
5 VOLUME III OF V.

6
7 I HEREBY CERTIFY that on the 18 of April, 2014, a copy of APPENDIX
8 TO PETITIONER'S PETITION FOR WRIT OF PROHIBITION OR
9
10 MANDAMUS, VOLUME III OF V was hand delivered to the following:

11 Honorable Judge Susan H. Johnson
12 Regional Justice Center, Department XXII
13 Eighth Judicial District Court
14 200 Lewis Avenue
15 Las Vegas, NV 89101

16 I HEREBY CERTIFY that on the 18 of April, 2014, a copy of APPENDIX
17 TO PETITIONER'S PETITION FOR WRIT OF PROHIBITION OR
18
19 MANDAMUS, VOLUME III OF V was hand delivered to the following:

20 Joel D. Odou, Esq.
21 Victoria Hightower, Esq.
22 WOOD, SMITH, HENNING & BERMAN LLP
23 7674 West Lake Mead Boulevard, Suite 150
24 Las Vegas, NV 89128-6644
25 Attorneys for Real Party in Interest

26
27 
28 Employee of Angius & Terry, LLP

1
2 **2. As Set Forth In The Moving Papers, A Rule 23 Analysis Is Satisfied**

3 As is more fully set forth in the Moving Papers, even if a Rule 23 analysis is applied,
4 such an analysis is satisfied in this matter.

5 **a. Common Issues Of Law And Fact Predominate**

6 D.R. Horton attempts to muddy the water by focusing on minutia within the defect
7 groups, and focusing on certain subcategories of defects which were not universally observed.
8 In this manner, by drawing focus away from the big picture, D.R. Horton attempts to paint a
9 distorted picture of the High Noon at Arlington Ranch development which does not convey the
10 true nature of the defective components in the development. The minutia and the small
11 differences in the investigative observations that D.R. Horton points to are irrelevant. More
12 relevant is the larger picture of the defective conditions. The fact is that with regard to each
13 major component: roofs, decks, stucco, windows, fire resistive, and structural components; there
14 is a combination of similar defective conditions that render all of the component systems
15 defective. See Adcock Report, Exhibit 2 to Moving Papers, pp. 41-59 (re roofs), pp. 63-73 (re
16 decks), pp. 74-85 (re stucco), pp. 134-160 (re windows) pp. 107-121 (re fire resistive), and
17 Marcon Report matrix, Exhibit 4 to Moving Papers (re structural.)
18
19

20 While every deck, for example, may not exhibit the exact same combination of defect
21 subcategories in the exact same locations, each deck does exhibit a combination of similar
22 defective conditions which renders the deck defective, and requiring repair. Moreover, because
23 of the similarity in the combination of defective conditions in each component, the components
24 virtually all require the same comprehensive repair scope.
25

26 Here, every resident of High Noon at Arlington Ranch is affected by similar
27 constructional defects both in their own units and in the other units in their buildings, which will
28

1 require the same scope of repairs. Common issues include whether D.R. Horton negligently
2 constructed the unit owners' residences and whether D.R. Horton breached any express and
3 implied warranties in light of constructing the Plaintiffs' residences. For these reasons, the
4 "commonality" prong of Rule 23 is satisfied. In addition, since common issues by far
5 predominate over individual issues, Rule 23(b)(3) is satisfied.
6

7 **b. Typicality**

8 The "typicality" prong of Rule 23 is easily satisfied in this case. The Association stands
9 in the shoes of the class representative in a more traditional class action scenario. The
10 Association is the assignee of the claims of a majority of the homeowners. The homeowner
11 claims which the Association has the assignment for do not differ in any material manner from
12 the claims of the other homeowners.
13

14 **c. Numerosity**

15 The "numerosity" prong of Rule 23 is also easily satisfied. ". . . [A] putative class of
16 forty or more generally will be found 'numerous.'" *Shuette v. Beazer Homes Holdings Corp.*
17 121 Nev. 837, 847, 124 P.3d 530, 537 (2005). Here there are 342 unit owners in the putative
18 class.
19

20 **d. D.R. Horton Does Not Challenge the Remaining Issues in the Rule
21 23 Analysis**

22 Because D.R. Horton does not challenge the Association's analysis with respect to the
23 remaining issues in the Association's Rule 23 analysis, the Association does not reiterate its
24 analysis here.

25 **III. CONCLUSION**

26 The Association has standing to pursue claims on behalf of its homeowners for a number
27 of reasons:
28

1 First, the Association is the assignee of the claims of 199 homeowners. The Association
2 therefore has standing pursuant to the assignments to pursue all of the defect claims arising
3 from or related to those 199 units (including defects that are solely in the interior of the units).

4 Second, by virtue of the assignments, the Association has standing to assert claims in
5 the buildings of the assigned units which affect the assigned units. Such "building wide" claims
6 include defects with the building envelope, the structural system and the fire resistive system.
7 There are 107 buildings that contain assigned units.

9 Finally, pursuant to NRS 116.3102(1)(d), Association has standing to pursue claims "on
10 behalf of itself or two or more unit owners on matters affecting the common-interest
11 community." As set forth above, consistent with the First Light II decision, Association urges
12 that since the claims that it makes pursuant to NRS 116.3102(1)(d) are "building wide" and
13 affect every owner of a building by their very nature, a Rule 23 analysis is not needed.
14 However, even if a Rule 23 analysis is applied, the facts of this case pass that scrutiny.

16 For the forgoing reasons, Association's motion should be granted in its entirety.

17 Dated: November 3, 2010

ANGIUS & TERRY LLP

19 By: 

20 Paul P. Terry, Jr.
21 Nevada Bar No. 7192
22 John J. Stander
23 Nevada Bar No. 9198
24 Melissa Bybee
25 Nevada Bar No. 8390
26 Asmara Tarar
27 Nevada Bar No. 10999
28 ANGIUS & TERRY LLP
1120 N. Town Center Dr., Ste.260
Las Vegas, NV 89144
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEARBY CERTIFY that on the 3rd day of November 2010, I electronically filed with this court and served on all parties via the WIZNET electronic court filing system, a copy of the within PLAINTIFF'S REPLY TO OPPOSITION TO MOTION FOR DECLARATORY RELIEF RE: STANDING PURSUANT TO ASSIGNMENT AND PURSUANT TO NRS 116.3102 (1) (d)


An employee of Angius & Terry, LLP.

AFFIDAVIT OF THOMAS SANDERS

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

)
:\$
)

Thomas L. Sanders, NCARB, being first duly sworn on oath, deposes and says:

1. I have personal knowledge of the matters set forth below and I can testify competently thereto if called upon to do so.

2. I have been retained by the representative plaintiff High Noon at Arlington Ranch Homeowners Association to inspect the High Noon at Arlington Ranch development (hereafter "High Noon") for the existence of construction related defects in the roofs and fire resistive systems, among other components, and damage that has been caused by such defects. I am a registered architect in the State of Nevada, Registration No. 3819. A true and correct copy of my C.V. is attached hereto.

3. The buildings at High Noon are two story triplexes, and the three units in the buildings are in a stacked configuration. At locations in each of the buildings, units are on top of other units. Also, the garages for the units are in the same buildings, with units stacked on top of the garages. A copy of the building plan diagram which depicts the configuration of the buildings is attached hereto.

4. Due to this stacked configuration, the same area of roof is, at some parts of the building, over more than one unit or garage, and the exterior wall planes enclose more than one unit or garage. It would not be possible to repair one units' roof or exterior walls without also repairing the neighboring units' roof or walls.

5. Similarly, due to the stacked configuration of the units and garages, there is a complicated configuration of both horizontal and vertical interconnected fire separation walls and floor/ceiling assemblies separating unit from unit and unit from garage. The fire wall assemblies protect more than one unit. It would not be possible to repair one unit's fire separation walls without also repairing the neighbors' walls, because they share components, and the walls and construction elements are all interconnected.

6. Similarly, due to the stacked configuration of the units and garages, each of the units relies

1 upon the structural integrity of each of the other units in the building. If there is a defect in the
2 structural integrity of any one unit, it must be repaired in order to protect the structural integrity of
3 each of the other units in the building.


4

5 Further affiant sayeth naught.

6

7

8

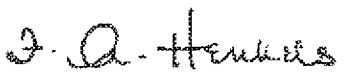

Thomas L. Sanders

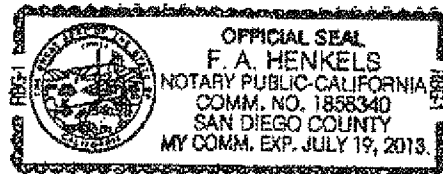
9 Sworn to and acknowledged before
10 me on this 3rd day of November 2010

11

12

13


Notary Public, in and for San Diego County,
California



14

15

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19

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28



Thom L. Sanders / Architect, NCARB

San Diego

120 Island Avenue, Suite 448
San Diego, California 92101-7053
(619) 230-1844
thom@buildingdesignanalysis.com
Facsimile (619) 230-1847

Curriculum Vitae

1 January 2010

Thomas L. Sanders

Firm:	Building Design and Analysis, Inc. 120 Island Avenue, Suite 448 San Diego, California 92101-7053	
Education:	University of Michigan Ann Arbor, Michigan College of Architecture and Urban Planning Master of Architecture	1977
	University of Michigan Ann Arbor, Michigan College of Architecture and Urban Planning Bachelor of Science	1976
Licensing:	Registered Architect No.7055, State of Texas	1979
	Licensed Architect No.15302, State of California	1984
	Registered Architect No.3819, State of Nevada	1997
	National Council of Architectural Boards Certification No.48806	1997
	Registered Architect No.32942, State of Arizona	1998
	Licensed Architect No. 305662, State of Colorado	1999
Previous Professional Experience:	Whitmore & Associates, Architects San Diego, California Associate Architect	1989-1995
	Thom L. Sanders Associates San Diego, California Principal	1983-1989
	Morris Aubry Architects Houston, Texas Project Architect	1977-1983

Texas

California

Nevada

Arizona

Colorado



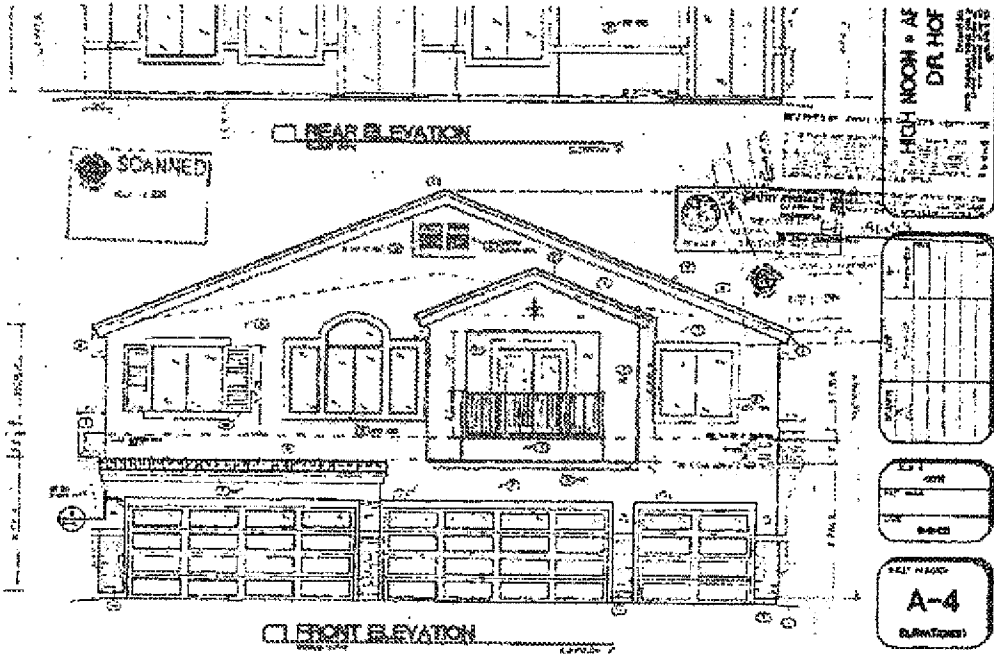
Thom L. Sanders / Architect

Building Design and Analysis, Inc.

Expert Testimony:	Superior Court of the State of California	1992- present
	Superior Court of the State of Nevada	
Publication:	"Was That an Earthquake? -- The Case of a Vibrating Floor"; <u>Wood Design Focus</u> ; September 1995	
Membership:	Western States Roofing Contractors Association	2007
Continuing Education:	Mold Remediation In Buildings Seminar	2002
	Fireplace Repair & Installation Seminar	1995
	RIEI, Modified Bitumen Roofing Systems Seminar	1995
	AIA Loss Prevention Workshop Professional Services Contracts	1993
	UCSD Extension Americans with Disabilities Act Uniform Building Code	1992
	AIA Loss Prevention Workshop Quality Control for Architects	1992
	Building Industry Association Construction Quality Workshop	1991
	RIEI, Roofing Technology Four day Seminar Workshop	1990

ARLINGTON RANCH
 Preliminary Defect List &
 Repair Recommendations
 January 7, 2008
Elevation 'A'

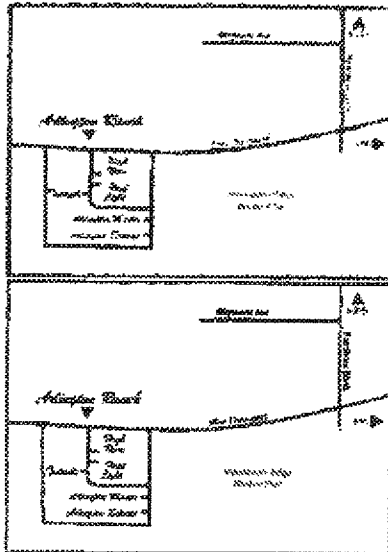
FOR MEDIATION PURPOSES ONLY.
 N.R.S. 48.109 and N.R.S. 46.630





High Noon @ Arlington Ranch

Affordable Homes Featuring Custom-Styled Amenities.



DIRECTIONS:

West on Blue Diamond from Rainbow Blvd. Arlington Ranch is approximately three miles down Blue Diamond on the left.

CONTACT:

8818 Tom Noon Ave
Las Vegas, NV 89178
Main Office
(702) 380-8839
rebuckley@drhorton.com

HOURS:

Open Daily
10am to
6pm, except
Monday 1pm
to 6pm.



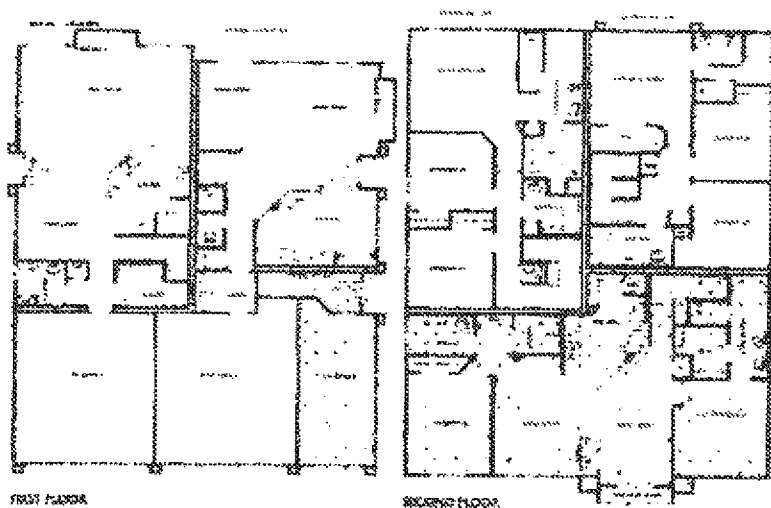
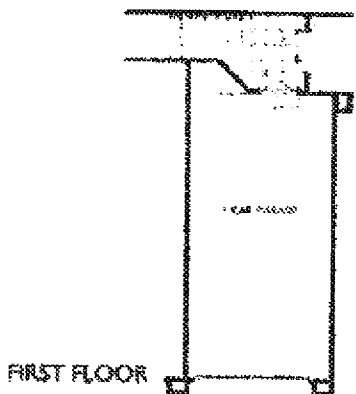
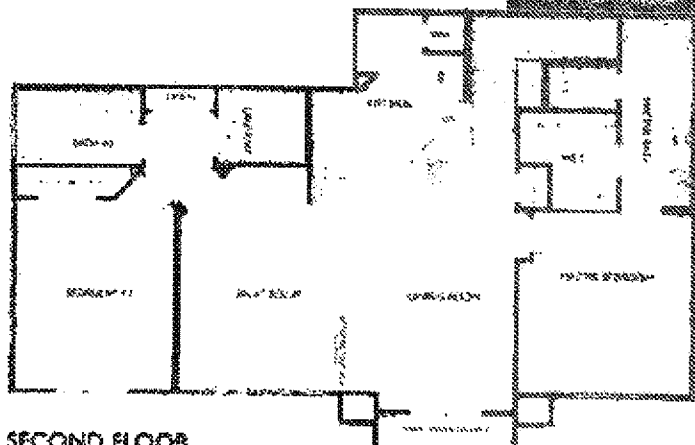
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High Noon @ Arlington Ranch

Plan One

1,210 sqft 2 story
2 bdr / 2 bath
Priced garage
from: \$194,900



High Noon @ Arlington Ranch

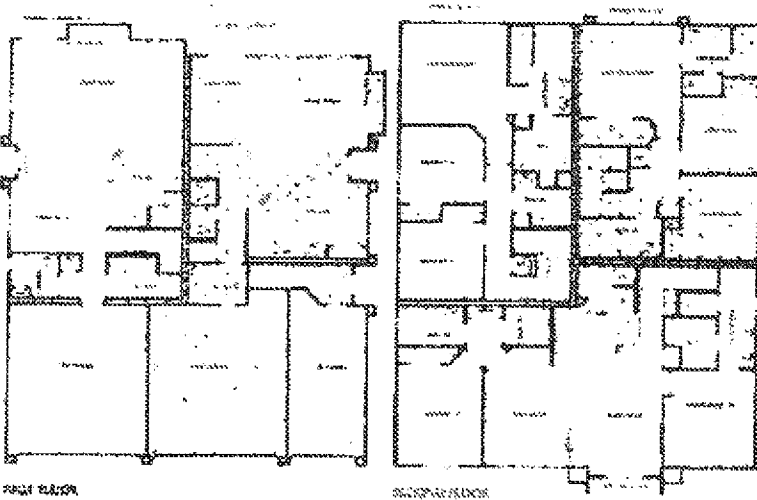
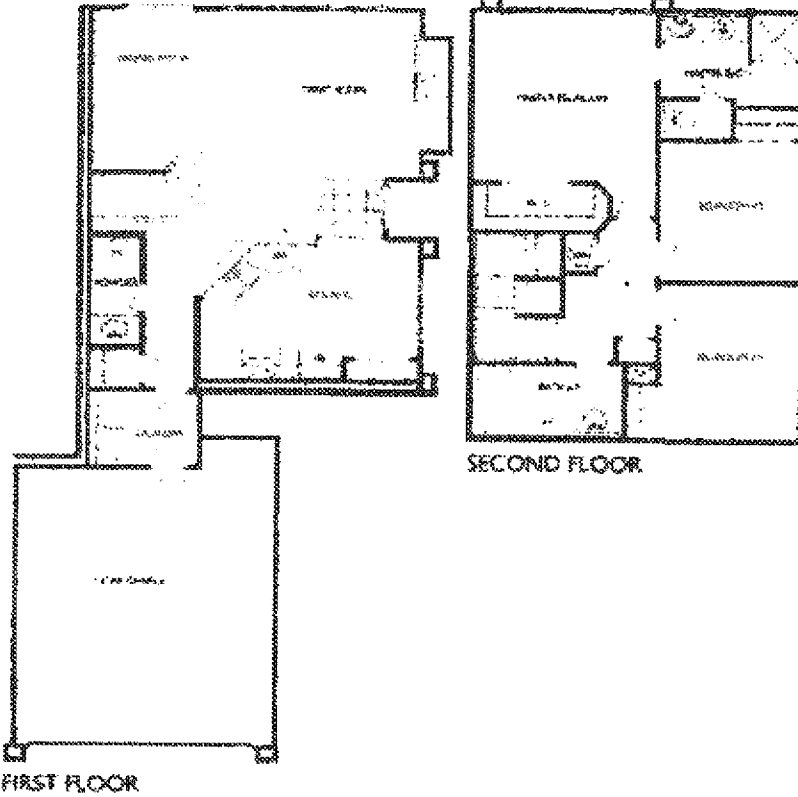
Plan Two

1,399 sqft 2 story
3 bdr / 2 1/2 car
1/2 bath garage
Priced from: \$234,900



OPTIONAL GARAGE

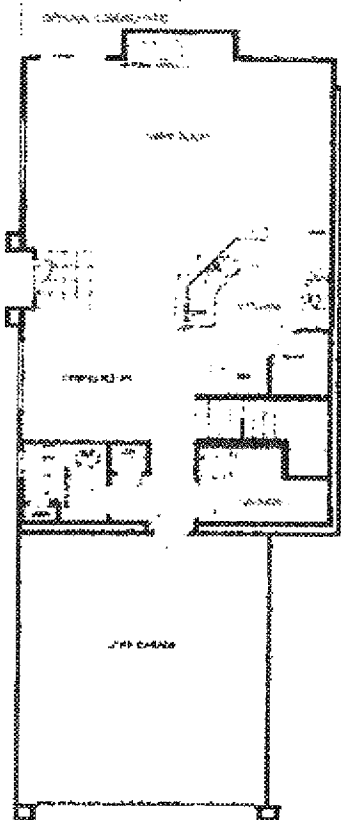
OPTIONAL PORCH



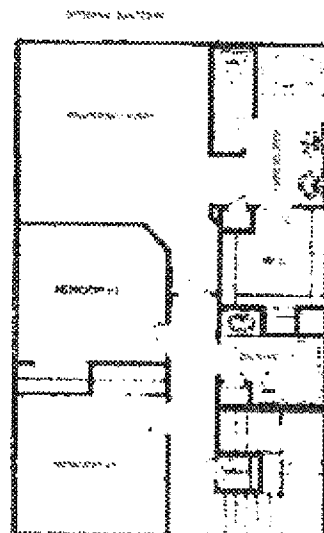
High Noon @ Arlington Ranch

Plan Three

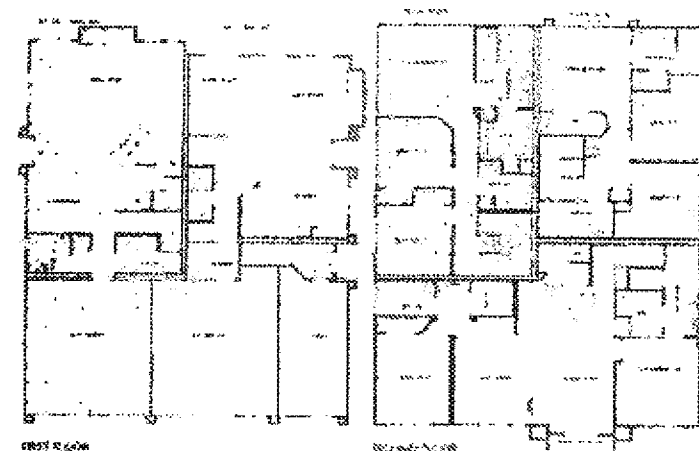
1,617 sqft 2 story
3 br / 2 2 car
1/2 bath garage
Priced from: \$257,900



FIRST FLOOR



SECOND FLOOR



6858 52 4246

10/2/2015 12:50:50

Exhibit 1

ORIGINAL

Monarch
estate

IN THE SUPREME COURT OF THE STATE OF NEVADA

MONARCH ESTATES HOMEOWNERS
ASSOCIATION, A NONPROFIT
CORPORATION,
Petitioner,

No. 61942

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

FILED

SEP 03 2009

Respondents,

and

JOHNSON COMMUNITIES OF
NEVADA, INC., A NEVADA
CORPORATION; AND RICHMOND
AMERICAN HOMES OF NEVADA,
INC., A FOREIGN CORPORATION,
Real Parties in Interest.

BRADLEY K. LINDSEMAN
CLERK OF THE SUPREME COURT
DEPUTY CLERK

BWJ

ORDER GRANTING PETITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order granting partial summary judgment in a constructional defect action.

Petitioner Monarch Estates Homeowners Association (Monarch) governs a planned community that was developed by real party in interest, Johnson Communities of Nevada (Johnson). Monarch owns the common elements of the planned community and members of Monarch own their respective units. A concrete masonry unit wall (CMU) surrounds the community and abuts the properties of approximately 35 out of 84 units. The CMU wall is not located in the common elements, and property owners whose properties abut the CMU wall are, under

09-21421

Monarch's Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (CC&Rs), responsible for maintaining and repairing the portion of the CMU wall adjoining their property.

In July 2006, Monarch filed suit on behalf of its members against Johnson, alleging, in part, that the CMU wall was defectively constructed. Johnson filed a motion for summary judgment, contending that because Monarch does not have an ownership interest in the CMU wall and does not have the duty to maintain or repair the CMU wall, Monarch did not have standing to assert claims for damages for the defective CMU wall. The district court granted Johnson's motion for summary judgment based on the language of NRS 116.3102(1)(d). This original petition followed.

In its petition, Monarch argues that NRS 116.3102(1)(d) confers standing on a homeowners' association to assert claims affecting individual units. In opposition, Johnson contends that the statute prohibits a homeowners' association from raising claims that do not involve common areas.

We recently resolved this issue in D.R. Horton v. Dist. Ct., 125 Nev. ____ P.3d ____ (Adv. Op. No. 85, September 3, 2009), and concluded that a homeowners' association has standing to institute litigation on behalf of owners for defects in individual units so long as the claims are subject to class certification. Therefore, we grant Monarch's petition. See We the People Nevada v. Secretary of State, 124 Nev. ____ P.3d 1166, 1170 (2008) ("A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion."); see also NRS 84.160.

Monarch has standing under NRS 116.3102(1)(d) to assert causes of action for constructional defects related to the CMU wall

In D.R. Horton v. Dist. Ct., 125 Nev. ____ P.3d ____ (Adv. Op. No. 35, September 3, 2009), we recognized that in the absence of an express statutory grant, a homeowners' association does not have standing to sue. Therefore, we turned to NRS 116.3102(1) to determine whether NRS chapter 116 grants standing to a homeowners' association to sue on behalf of its members for constructional defects in individual units.

NRS 116.3102(1) provides, in pertinent part:

Except as otherwise provided in subsection 2, and subject to the provisions of the declaration, the association may do any or all of the following:

.....
(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

The parties in this case do not dispute that Monarch has standing under NRS 116.3102(1) to assert claims that affect the common elements¹ of the common-interest community. However, Johnson argues that any defects related to the CMU wall are not considered a part of the

¹NRS 116.017 defines "[c]ommon elements" as:

1. . . . all portions of the common-interest community other than the units, including easements in favor of units or the common elements over other units; and
2. In a planned community, any real estate within the planned community owned or leased by the association, other than a unit."

common-interest community because the CMU wall is a part of an individual homeowner's unit. Thus, Johnson contends that individual homeowners, not Monarch, have standing to sue for defects affecting their units.²

Pursuant to our holding in D.R. Horton, we conclude that where NRS 116.3102(1)(d) confers standing on a homeowners' association to assert claims "on matters affecting the common-interest community," a homeowners' association has standing to assert constructional defect claims that affect individual units. 125 Nev. at ___, ___ P.3d at ___. The definitions of "common-interest community," NRS 116.021, "unit," NRS 116.093, and "common elements," NRS 116.017, demonstrate that the Legislature intended a common-interest community to include both units and common elements. D.R. Horton, 125 Nev. at ___, ___ P.3d at ___. In addition, section 6.11 of the Restatement (Third) of Property supports our interpretation of the term "common-interest community" to include individual units. Id. at ___, ___ P.3d at ___. Therefore, because alleged constructional defects affect individual units in the Monarch community, the alleged damages are "matters affecting the common-interest community" under NRS 116.3102, and Monarch has standing to sue.

Nevertheless, we also ruled in D.R. Horton that a homeowners' association filing a suit on behalf of its members will be treated much the same as a plaintiff in class action litigation. Id. at ___.

²Because Johnson is not seeking to enforce provisions of Monarch's CC&Rs, we do not discuss whether the CC&Rs limit Monarch's standing to assert claims affecting the CMU wall. However, to the extent that Johnson argues that the CC&Rs limit Monarch's standing, we conclude that Johnson's arguments have no merit.

____ P.3d at _____. Thus, although Monarch has standing to assert claims on behalf of its members for defects related to the CMU wall, the suit must fulfill the requirements of NRCP 23 and the principles and concerns discussed in Shnette v. Beazer Homes Holdings Corp., 121 Nev. 887, 124 P.3d 580 (2005). In particular, Monarch may assert claims on behalf of its members only if the claims and various theories of liability satisfy the requirements of numerosity, commonality, typicality, adequacy, and meet one of the three conditions set forth in NRCP 23(b). See id. at 845-850, 124 P.3d at 537-539.

In this case, we conclude that constructional defect claims related to the CMU wall are subject to class certification because they satisfy the elements of numerosity, commonality, typicality, adequacy and because "common questions of law or fact predominate over individual questions." See id. at 846, 850, 124 P.3d at 537, 539; see also NRCP 23(b)(3). The claims are numerous. Specifically, 35 of the 84 single family homes within the Monarch community abut the CMU wall, and thus, the claims related to the alleged defective construction of the CMU potentially affect at least 35 of the 84 single family properties.³ The claims are also common to and typical of the 35 properties that abut the wall. The defenses and theories of liability apply to the entire surrounding wall, regardless of which unit a portion of the wall abuts. Moreover, even if portions of the wall suffer from various stages of disrepair, Monarch may adequately assert claims on behalf of its members and protect the interests of the homeowners whose properties abut the CMU wall.

³Notably, the remaining 49 single family homeowners are not named as parties.

Because Monarch, by virtue of its CC&Rs, may repair or replace the portions of the wall according to their state of disrepair, there will not be overly conflicting views regarding how any damages, if warranted, will be divided. Thus, we conclude that, in this action, common questions predominate over individual ones, and individualized proof of damages is not necessary as Monarch may, in a representative capacity, properly assert claims on behalf of its members whose properties abut the wall. Accordingly, we grant the petition and direct the clerk of this court to issue a writ of mandamus instructing the district court to conduct further proceedings consistent with this order.

It is so ORDERED.

Hardesty C.J.
Hardesty

Parraguirre J.
Parraguirre

Cherry J.
Cherry

Gibbons J.
Gibbons

Douglas J.
Douglas

Saitta J.
Saitta

Pickering J.
Pickering

cc: Hon. Timothy C. Williams, District Judge
Feinberg Grant Mayfield Kaneda & Litt, LLP
Lee, Hernandez, Kelsey, Brooks, Garofalo, & Blake
Marquis & Aurbach
Marquiz Law Office
Deanne M. Rymarowicz
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk

Exhibit 2

NAME	ADDRESS	YES
Abbey, Debra K	8787 Tom Noon Ave #101	YES
Akhavan, Parivash	8688 Tom Noon Ave #102	YES
Aicantara, Larcy M	8669 Horizon Wind Ave #102	YES
Amato, Alfred & Roxanne	8815 Traveling Breeze Ave #102	YES
Anderson, William & Dale	8715 Traveling Breeze Ave #101	YES
Aranda, Ezequiel	8715 Traveling Breeze Ave #103	YES
Ameni Androvandi, Paola	8854 Traveling Breeze Ave #103	YES
Aupied, Celeste F	8794 Traveling Breeze Ave #102	YES
Bailitz, Richard & Meurer, Kathryn	8628 Tom Noon Ave #103	YES
Bannerman, Paul c/o Nicklin Prop Man	8804 Traveling Breeze Ave #102	YES
Bebout, Zackary	8659 Horizon Wind Ave #102	YES
Blomstad, Tiffany A	8760 Horizon Wind Ave #103	YES
Bocko, Barbara G	8810 Horizon Wind Ave #102	YES
Bonke, Robin A	8754 Traveling Breeze Ave #103	YES
Broock, Konrad	8789 Horizon Wind Ave #102	YES
Burroughs, Stefania	8769 Horizon Wind Ave #103	YES
Burt, Kendrick N	8807 Tom Noon Ave #102	YES
Butler, Eric & Christine	8756 Traveling Breeze Ave #103	YES
Carannante, Sara B c/o Rebecca Molif	8798 Horizon Wind Ave #101	YES
Carney, Roger & Carmen Noriega-Carney	8688 Tom Noon Ave #101	YES
Carrara-Edwards, Janel L c/o Doris Carrara	8875 Traveling Breeze Ave #103	YES
Carrere, Marcia	8670 Horizon Wind Ave #102	YES
Carroll, Ronald J	9490 Thunder Sky St #103	YES
Caruso, Adam M	9430 Thunder Sky St #102	YES
Caruso, Joseph & Diane	8820 Horizon Wind Ave #102	YES
Cassidy, Mary Ann	8638 Tom Noon Ave #101	YES
Cloyd, John & Maiu	8678 Tom Noon Ave #102	YES
Cohn, Dov & Sheila	8738 Horizon Wind Ave #103	YES
Corwin, Lan Thi	8720 Horizon Wind Ave #103	YES
Costa, Nicoleta	8778 Horizon Wind Ave #102	YES
Crama, Nino C	8825 Traveling Breeze Ave #101	YES
Crawford, Jared	9490 Thunder Sky St #101	YES
Dacheux III, Francois A	8618 Tom Noon Ave #102	YES
Deweese, Jacob J	8689 Horizon Wind Ave #101	YES
Dillard, Mikala L (A)	8855 Traveling Breeze Ave #101	YES
Dizar, Cem	8728 Horizon Wind Ave #101	YES
Doepfer, Jennifer L	8708 Tom Noon Ave #101	YES
Donoso, Rosa	8865 Traveling Breeze Ave #102	YES

Egeland, Duane R (A/B)	8730 Horizon Wind Ave #101	YES
Eramya, Ghayda	8637 Tom Noon Ave #102	YES
Evans, Lisa	8835 Traveling Breeze Ave #101	YES
Farley, Mary	8814 Traveling Breeze Ave #103	YES
Fielding, Melissa	9470 Thunder Sky St #101	YES
Finnegan, Sean D	8440 Thunder Sky St #101	YES
Fisher, Heather & Jared	8855 Traveling Breeze Ave #102	YES
Fishman, Steven	8748 Tom Noon Ave #103	YES
Fitzgerald, Jennifer Nicole	8765 Travelling Breeze Ave #101	YES
Flores, Maria & Seitz, Greg	8757 Tom Noon Ave #103	YES
Ford, Randall	8649 Horizon Wind Ave #102	YES
Francesca, Bruno & Caterina	8710 Horizon Wind Ave #102	YES
Frank, Jody L	8654 Traveling Breeze Ave #101	YES
Frank, William	8676 Travelling Breeze Ave #101	YES
Gailey, Brian S	8658 Tom Noon Ave #101	YES
Gallego, Raymund R (S)	8780 Horizon Wind Ave #101	YES
Gardner Mika, Sue Ann Moreland	8648 Tom Noon Ave #103	YES
Gardner, Amanda	8694 Traveling Breeze Ave #102	YES
Gholami, Farhad	8758 Tom Noon Ave #103	YES
Gibson, Thomas A	8777 Tom Noon Ave #103	YES
Gomez, Fredrick & Mary Beth	9450 Thunder Sky St #102	YES
Grasso, Robert J	8794 Traveling Breeze Ave #101	YES
Gustaw, James J	8775 Traveling Breeze Ave #103	YES
Hall, David J	8808 Tom Noon Ave #101	YES
Hamilton, Tamesan	8739 Horizon Wind Ave #102	YES
Hapka, Renee	8788 Tom Noon Ave #103	YES
Harrison, Roger	8820 Horizon Wind Ave #103	YES
Hartard, Wayne	8745 Traveling Breeze Ave #103	YES
Hayford, Charles A	8644 Traveling Breeze Ave #103	YES
Hetzel, Hillary B	8895 Traveling Breeze Ave #101	YES
Hoban, Amelia J	8797 Tom Noon Ave #102	YES
Hodges, Sheryl	8678 Tom Noon Ave #103	YES
Hovius, Kathleen	8759 Horizon Wind Ave #102	YES
Irving, John	8757 Tom Noon Ave #101	YES
Jackel, Julie	8808 Tom Noon Ave #103	YES
Jones, Janice M	8780 Horizon Wind Ave #103	YES
Keays, Devin T	8680 Horizon Wind Ave #102	YES
Kelli, Keri	8688 Tom Noon Ave #101	YES
Kennedy, Elizabeth	8664 Traveling Breeze Ave #103	YES
Kim, Tai Son	8638 Tom Noon Ave #102	YES
Kobes, Lucas	8798 Tom Noon Ave #101	YES
Krupinski, Michael & Martinez, Edwin	8737 Tom Noon Ave #103	YES

Kuiken, Dale & Dorothy	8768 Tom Noon Ave #102	YES
Kuk, Ms. Jennifer	8765 Traveling Breeze Ave #103	YES
Lane, Fielding & Joyce	9440 Thunder Sky St #102	YES
Langill, Karina & Jay	8898 Tom Noon Ave #103	YES
Laursen, Cara	8687 Tom Noon Ave #102	YES
Le, Louislam T	8650 Horizon Wind Ave #102	YES
Leite, Juliana	8650 Horizon Wind Ave #101	YES
Levy, Ravid	8628 Tom Noon Ave #102	YES
Liu, Yihong	8744 Traveling Breeze Ave #101	YES
Lopez, Gustavo & Elizabeth	8790 Horizon Wind Ave #103	YES
Love, Andrew & Heather	8644 Traveling Breeze Ave #102	YES
Lowe, David Earl	8674 Traveling Breeze Ave #102	YES
Lu, Joseph	8787 Tom Noon Ave #102	YES
Luby, Trisha L	8857 Tom Noon Ave #101	YES
Luna, Irwin & Grace	8757 Tom Noon Ave #102	YES
Ma, Ying Ying	8749 Horizon Wind Ave #103	YES
Maleki, Mehrad	8740 Horizon Wind Ave #103	YES
Manu, Cornel	8684 Traveling Breeze Ave #102	YES
Marconi, Elizabeth J	8824 Traveling Breeze Ave #101	YES
Markham, Steven L & Diane	8689 Horizon Wind Ave #103	YES
Martirosyan, Arman	8875 Traveling Breeze Ave #102	YES
Mauck, Michael W	8805 Traveling Breeze Ave #101	YES
Mayne, Paula M	9450 Thunder Sky St #101	YES
McCully, Roger D & Dawn D	8744 Traveling Breeze Ave #103	YES
Millman, Clyde P	8810 Horizon Wind Ave #101	YES
Miska, LLC. c/o Lisa J. Callahan	8788 Tom Noon Ave #101	YES
Mittelstadt, Patricia	8645 Traveling Breeze Ave #101	YES
Morales, Ernesto	8738 Tom Noon Ave #102	YES
Moran, John F (A)	9450 Thunder Sky St #103	YES
Moreno, Adriana	8670 Horizon Wind Ave #103	YES
Morrison, Jason	8679 Horizon Wind Ave #102	YES
Mueller, James & Lilia	8800 Horizon Wind Ave #103	YES
Murch, Rachel L	8805 Traveling Breeze Ave #102	YES
Murray, Fred	8778 Tom Noon Ave #102	YES
Nelson, Sabrina	8684 Traveling Breeze Ave #102	YES
Nikolic, Zikolic	8735 Traveling Breeze Ave #103	YES
Ning, Jia Qing	8759 Horizon Wind Ave #103	YES
Noili, Deborah A	9470 Thunder Sky St # 102	YES
Norris, Patrick	8688 Tom Noon Ave #102	YES
Nuzzo, Frank & Mariene	8684 Traveling Breeze Ave #101	YES
O'Steen, Ginger	8825 Traveling Breeze #102	YES

Pace-Henning, Stephanie	8724 Traveling Breeze Ave #101	YES
Palladinetti, Gloria	9460 Thunder Sky St #103	YES
Pascu, Gabriela	8828 Tom Noon Ave #102	YES
Payette, Margaret A	9430 Thunder Sky St #103	YES
Pecora, Martin C	8749 Horizon Wind Ave #101	YES
Perillo, Bruno & Gail	8644 Traveling Breeze Ave #101	YES
Prastipino, Chris	8710 Horizon Wind Ave #101	YES
Ragland, Norman	8809 Horizon Wind Ave #102	YES
Rechsteiner, Paul E	8785 Traveling Breeze Ave #101	YES
Ridilla, Linda M	8685 Traveling Breeze Ave #102	YES
Rodgers, Marie K	8654 Traveling Breeze Ave #102	YES
Rogers, Michael & Darlene	8804 Traveling Breeze Ave #103	YES
Ross, Ellen J	8815 Traveling Breeze Ave #101	YES
Roth, Lisa F	9470 Thunder Sky St #103	YES
Royle, Eugene	8764 Traveling Breeze Ave #101	YES
Sadrudin, Azmath Q	8738 Tom Noon Ave #103	YES
Sandler, Ami S	8650 Horizon Wind Ave #103	YES
Sanitate, Vito	8750 Horizon Wind Ave #102	YES
Sarkissian, Kogark	8718 Tom Noon Ave #101	YES
Schafferman, Leslie	8814 Traveling Breeze Ave #102	YES
Schmitt, Priscilla & Michael	8829 Horizon Wind Ave #102	YES
Schneider, Benjamin M	8717 Tom Noon Ave #102	YES
Sehnm, David & Yvette	8777 Tom Noon Ave #102	YES
Selby, Dennis	8754 Traveling Breeze Ave #102	YES
Seznec, Alain & Janet	8735 Traveling Breeze Ave #102	YES
Shaw, Robert J & Rosemary D	8725 Traveling Breeze Ave #102	YES
Sheets, Thomas and Sandra	8659 Horizon Wind Ave #101	YES
Silveira, Gary	8804 Traveling Breeze Ave #101	YES
Smith, Martha	8778 Tom Noon Ave #103	YES
Standley, Christopher & Iryna	8639 Horizon Wind Ave #101	YES
Steele, Gayle L & Thomas N	8818 Tom Noon Ave #103	YES
Stephen, Kimberly L & Daniel C	8788 Tom Noon Ave #102	YES
Starbens, Barry & Tina	8819 Horizon Wind Ave #102	YES
Stinson, Stephanie Jean	8764 Traveling Breeze Ave #102	YES
Stirling, Anthony & Whitney	8785 Traveling Breeze Ave #103	YES
Strobehn, Patricia A	8665 Traveling Breeze Ave #101	YES
Swallow, Mark & Dawn	8754 Traveling Breeze Ave #101	YES
Tabaea, Mike & Susan	8658 Tom Noon Ave #103	YES

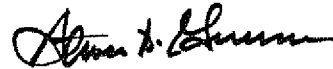
Tajik, Yasmin	8718 Tom Noon Ave #102	YES
Takahashi, Masai & Ayumi	8868 Tom Noon Ave #101	YES
Tau, Kenneth W O	8737 Tom Noon Ave #102	YES
Thetford, Bruce	8840 Horizon Wind Ave #103	YES
Tiso, Carmine	8740 Horizon Wind Ave #102	YES
Trask, Amber	8817 Tom Noon Ave #103	YES
Tromello, Salvatore	8865 Traveling Breeze Ave #103	YES
Tung, Henry Kuohan	8808 Tom Noon Ave #102	YES
Tung, Katherine	8747 Tom Noon Ave #101	YES
Turner, Kathryn & John Ashoori	8758 Tom Noon Ave #102	YES
Valdez, Jesse & Beatriz	8768 Tom Noon Ave #103	YES
Van Cleve, Zachary	8807 Tom Noon Ave #103	YES
Varela, Ralph & Kathleen Wood Varela	8729 Horizon Wind Ave #102	YES
Vere De Rosa, Ninon De c/o NDD Properties LLC	9480 Thunder Sky St #101	YES
Vinciguerra, Christian	8694 Traveling Breeze Ave #103	YES
Vogel, Cheryl & Patricia	8835 Traveling Breeze Ave #103	YES
Warren, Galinda	8649 Horizon Wind Ave #103	YES
Webber, Roberia	8885 Traveling Breeze Ave #101	YES
Webster, James & Oksana	8864 Traveling Breeze Ave #101	YES
Weintraub, Fred & Mary	8720 Horizon Wind Ave #102	YES
Wells Clark & Shirley	8717 Tom Noon Ave #103	YES
Wesolek, William E & Patti (A)	8795 Traveling Breeze Ave #103	YES
Wilcox, Todd	8778 Tom Noon Ave #101	YES
Williams, Deborah	8739 Horizon Wind Ave #101	YES
Wilson, Mary	8679 Tom Noon Ave #103	YES
Wise, Stacia A	8720 Horizon Wind Ave #101	YES
Wivioff Investments LLC	9440 Thunder Sky St #103	YES
Wolf, Larry & Janet	8730 Horizon Wind Ave #103	YES
Wong, David & Karen	8747 Tom Noon Ave #101	YES
Wong, Nelson	8750 Horizon Wind Ave #101	YES
Wong, Willy F	8787 Tom Noon Ave #103	YES
Wong, Wilson	8779 Horizon Wind Ave #103	YES
Woodhouse-Marriah, Melissa R	8724 Traveling Breeze Ave #102	YES
Wright, Paul	8764 Traveling Breeze Ave #103	YES
Yamano, Hiroyoshi & Mayuka	8848 Tom Noon Ave #101	YES
Yeatts, James W	8828 Tom Noon Ave #103	YES
Younge, Michael & Paula	8734 Traveling Breeze Ave #103	YES
Zerpa, Matias & Olga	8880 Horizon Wind Ave #103	YES
ZG Sport, Inc.	8839 Horizon Wind Ave #103	YES
Allen, Jerod J & Skeeter	8658 Tom Noon Ave #102	
Antonio III, Carlos C	8740 Horizon Wind Ave #101	
Argueta, Brande	8670 Horizon Wind Ave #101	
Armstrong, Eleanor	8645 Traveling Breeze Ave #102	

Arnold, James & Anne	8734 Traveling Breeze Ave #102	
Atkinson, Steven	8795 Traveling Breeze Ave #102	
Avecilla, Denise	8809 Horizon Wind Ave #101	
Bank HSBC USA NATL ASSN TRS	8889 Horizon Wind Ave #101	
Banks, Hayley	8818 Tom Noon Ave #102	
Berger, Richard & Jody	8835 Traveling Breeze Ave #102	
Battencourt, Angela M	8884 Traveling Breeze Ave #103	
Block, Kim (A)	8798 Tom Noon Ave #102	
Bowles, Jason	8805 Traveling Breeze Ave #103	
Bowman, Michael H	8788 Tom Noon Ave #101	
Brand, Marcelle S	8717 Tom Noon Ave #101	
Budde, Jacqueline P	8640 Horizon Wind Ave #101	
Bumbasi, Emterio	8688 Tom Noon Ave #102	
Calarco, Michael D & Sarah J Weber	8747 Tom Noon Ave #102	
Cao, Jie	8657 Tom Noon Ave #102	
Chandler, Melissa	8817 Tom Noon Ave #102	
Chase Home Finance (A)	8729 Horizon Wind Ave #103	
Chen, Jeong Shan	8780 Horizon Wind Ave #103	
Chervinsky, Sandra	8829 Horizon Wind Ave #101	
Chivers, Victoria	8688 Tom Noon Ave #103	
Chow, Ivy	8640 Horizon Wind Ave #102	
Cohn, Eric, Darren & Evan	8755 Traveling Breeze Ave #101	
Contreras, Lucy T	8649 Horizon Wind Ave #101	
Contreras, Patrick B	8738 Tom Noon Ave #101	
Crain, Brett	8686 Tom Noon Ave #101	
Crite-McClure, Phyllis C	8674 Traveling Breeze Ave #101	
Cruz, Zaira M	8708 Tom Noon Ave #102	
De Los Santos, Leandro & Nely (S)	8689 Tom Noon Ave #103	YES
Dekok, Cornelius A	8690 Horizon Wind Ave #102	
Deutsche National Bank C/O American Home Mortgage	8657 Tom Noon Ave #103	
Deutsche National Bank C/O One West Bank	9480 Thunder Sky St #103	
Digiacomo, Mike	8807 Tom Noon Ave #101	
Doerr, Delmar	8728 Tom Noon Ave #102	
Ducos, David A	8780 Horizon Wind Ave #101	
Felton, Belinda	8727 Tom Noon Ave #103	
Floruoci, Michael	8638 Tom Noon Ave #103	
Fishman, Lisa	8787 Tom Noon Ave #103	
Fitzgerald, Erin M	8789 Horizon Wind Ave #103	
FNMA c/o Everhome Mortgage Co.	8679 Horizon Wind Ave #101	
Fox, Greg & Patricia	8799 Horizon Wind Ave #103	
Galen, Flint	9480 Thunder Sky St #102	
Gambina, Frank & Cynthia	8648 Tom Noon Ave #102	
Garden, Cody (A)	8777 Tom Noon Ave #101	
Geene, David A	8645 Traveling Breeze Ave #103	
Giaraputo, Gray & Patricia	8769 Horizon Wind Ave #102	

Gill, Kevin L	8680 Horizon Wind Ave #101	
Godfrey, Thomas	8755 Traveling Breeze Ave #102	
Gordon, Jason E	8829 Horizon Wind Ave #103	
Harvey, Jennifer M	8710 Horizon Wind Ave #103	
Henson, Rachel Lynn	8794 Traveling Breeze Ave #103	
Hernandez, Dino & Rowena	8748 Tom Noon Ave #102	
Hershey, Melissa L	8819 Horizon Wind Ave #101	
HSBC BANK c/o Everhome Mortgage Co.	8669 Horizon Wind Ave #103	
Huang, Yun Shan	8659 Horizon Wind Ave #103	
Jacob, Kenneth Bradley	8715 Traveling Breeze Ave #102	
Jelic, Igor	8800 Horizon Wind Ave #101	
Jennings, Joseph A	8795 Traveling Breeze Ave #101	
Jolas, Tasia	8824 Traveling Breeze Ave #103	
Jordan, Daniel	8694 Traveling Breeze Ave #101	
Kaviani, Javad	8800 Horizon Wind Ave #102	
Krause, Kara L	8775 Traveling Breeze Ave #101	
Lachica, Heather (A)	8810 Horizon Wind Ave #103	
Lee, Rosa (A)	8769 Horizon Wind Ave #101	
Letterman, Clifford O & Rhonda K	8655 Traveling Breeze Ave #103	
Lindberg, Ernest	8695 Traveling Breeze Ave #103	
Linton, Michael	8847 Tom Noon Ave #103	
Loker, Zachary	8780 Horizon Wind Ave #102	
Lucero, Bryan	8759 Horizon Wind Ave #101	
LV Properties & Investments, Horizon Wind Series	8779 Horizon Wind Ave #101	
Maddy, Jin-joo L	8637 Tom Noon Ave #101	
Mattson, Heather	8695 Traveling Breeze Ave #102	
McKenzie, Denise L	8628 Tom Noon Ave #101	
McNally, Mitra	8690 Horizon Wind Ave #103	
McNutt, Jamie L & James	8618 Tom Noon Ave #101	
Meadows, Monty	8728 Tom Noon Ave #103	
Miller, Constance L	8725 Traveling Breeze Ave #101	
Mirzoyan, Shamir	8679 Horizon Wind Ave #103	
Mitchell, Ronald (A)	8679 Tom Noon Ave #101	
Morganli, Daniel (A/B)	8828 Tom Noon Ave #101	
Morris, Jeremy & Taren	8758 Tom Noon Ave #101	
Nilesen, Kris	8745 Traveling Breeze Ave #101	
Nunn, Gregory	8725 Traveling Breeze Ave #103	
O'Connor, Madeline	8825 Traveling Breeze Ave #103	
O'neil, Daniel M	8737 Tom Noon Ave #101	
Onstott, Charles & Barbara	8708 Tom Noon Ave #103	

O'Shea, John	8637 Tom Noon Ave #103	
Otto, Margo	8727 Tom Noon Ave #102	
Palladinetti, April	8667 Tom Noon Ave #103	
Palsha, Tara	8824 Traveling Breeze Ave #102	
Pappas, Anthony J & Bridget A	8745 Traveling Breeze Ave #102	
Patterson, William J (A)	8618 Tom Noon Ave #103	
Pentony, Shannon M	8724 Traveling Breeze Ave #103	
Pettel III, John D	8790 Horizon Wind Ave #102	
Placzkiwicz, Dariusz	8680 Horizon Wind Ave #101	
Price, Kathleen (A)	8679 Tom Noon Ave #102	
Quant, Marjorie V	8690 Horizon Wind Ave #101	
Riccardo, Steve	8784 Traveling Breeze Ave #102	
Rivas, Sebastian	8799 Horizon Wind Ave #102	
Rogers, Michael & Darlene	8815 Traveling Breeze Ave #103	
Ross, Tyler H	9460 Thunder Sky St #101	
Russo, Julie G	8718 Tom Noon Ave #103	
Salazaras, Raneffe C (A)	9430 Thunder Sky St #101	
Satomino, Robert James (A)	8744 Traveling Breeze Ave #102	
Schneider, Katherine	8817 Tom Noon Ave #101	
Schorgl, William G	8874 Traveling Breeze Ave #103	
Schultz, Josh R	8727 Tom Noon Ave #101	
Shimizu, Anthony	8689 Horizon Wind Ave #102	
Smith, Catherine L	8818 Tom Noon Ave #101	
Smith, Colette D (A)	8734 Traveling Breeze Ave #101	
Soles, Ricardo	8660 Horizon Wind Ave #102	
Southlands Real Estate	8665 Tom Noon Ave #103	
Stanley, Grant/Richard/Janice	8847 Tom Noon Ave #101	
Strickland Properties, LLC	8784 Traveling Breeze Ave #101	
Stuhmer, Meghan (B)	8749 Horizon Wind Ave #102	
Sullivan, Ms Megan R	8787 Tom Noon Ave #101	
Tacker, John & Cherie	8796 Tom Noon Ave #103	
Takaldranian, Vartan	8789 Horizon Wind Ave #101	
Tart, Trena	8765 Traveling Breeze Ave #102	
Taylor, Les P (A)	9460 Thunder Sky St #102	
Thompson, Danielle D	8785 Traveling Breeze Ave #102	
Tolentino, Pressie A	8678 Tom Noon Ave #101	
Traylor, Jeremy D, Jerry & Onice Traylor	8728 Tom Noon Ave #101	
Trent, Justin (A)	8775 Traveling Breeze Ave #102	
Turia, Romaulda & Annabelle (A)	8698 Tom Noon Ave #102	
US Bank National	8667 Tom Noon Ave #101	
US Bank National	8809 Horizon Wind Ave #103	

US Bank National c/o One West Bank	8585 Traveling Breeze Ave #103	
Van Alstyne, Benjamin & Conkey, Wendi	8784 Traveling Breeze Ave #103	
Vasilyev, Sergei	8814 Traveling Breeze Ave #101	
Veit, Ronald A (A)	8660 Horizon Wind Ave #103	
Vickers, Natalia H	8735 Traveling Breeze Ave #101	
Vong, Vanu	8819 Horizon Wind Ave #103	
Ward, Kathleen, Nancy, & Herbert	8790 Horizon Wind Ave #101	
Watson, Edward & Pearl	8820 Horizon Wind Ave #101	
Wells Fargo Bank (A)	8748 Tom Noon Ave #101	
Winter, Ronald & Traci	9490 Thunder Sky St #102	
Yamenfeld, Joyce & Jeremy	8547 Tom Noon Ave #102	
Zamora, Manuel	8760 Horizon Wind Ave #102	
Zerpa, Adriana	8730 Horizon Wind Ave #102	
Zhao, Shan	8539 Horizon Wind Ave #102	
TOTAL BLDGS	114	total
TOTAL UNITS	342	
Units w/assignments	199	
Units w/o assignments	143	
Bldgs w/one or more assignments	107	



CLERK OF THE COURT

OPPS

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Attorneys for Defendant/Third-Party Plaintiff, D.R. HORTON, INC.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HIGH NOON AT ARLINGTON RANCH
HOMEOWNERS ASSOCIATION, a
Nevada non-profit corporation, for itself
and for all others similarly situated,

Plaintiff,

v.

D.R. HORTON, INC., a Delaware
Corporation DOE INDIVIDUALS 1-100,
ROE BUSINESSES or
GOVERNMENTAL ENTITIES 1-100,
inclusive,

Defendants.

CASE NO.: A542616
DEPT NO.: XXII

(ELECTRONIC FILING CASE)

**D.R. HORTON, INC.'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
RECONSIDERATION ON ORDER
SHORTENING TIME**

DATE: January 16, 2014
TIME: 9:00 a.m.

1 D.R. HORTON, INC.,

2 Third-Party Plaintiff,

3 v.

4 ALENCO WINDOWS, ANSE, INC.
5 d/b/a NEVADA STATE PLASTERING,
6 CAMPBELL CONCRETE OF
7 NEVADA, INC., CAMPBELL
8 CONCRETE, INC., CIRCLE S
9 DEVELOPMENT CORPORATION,
10 CREATIVE TOUCH INTERIORS,
11 EFFICIENT ENTERPRISES, INC.
12 d/b/a EFFICIENT ELECTRIC, INC.,
13 DUPONT FLOORING SYSTEMS,
14 EXPRESS BLINDS & SHUTTERS,
15 FIRESTOP, INC., INFINITY BUILDING
16 PRODUCTS, LLC, INTEGRITY WALL
17 SYSTEMS, LLC, K&K DOOR & TRIM,
18 LLC, NATIONAL BUILDERS, INC.,
19 OPM, INC. d/b/a CONSOLIDATED
20 ROOFING, QUALITY WOOD
21 PRODUCTS, LTD, RISING SUN
22 PLUMBING, LLC d/b/a RSP, INC.,
23 SOUTHERN NEVADA CABINETS,
24 INC., SUMMIT DRYWALL & PAINT,
25 LLC, SUNRISE MECHANICAL, INC.,
26 SUNSTATE COMPANIES, INC. d/b/a
27 SUNSTATE LANDSCAPE, UNITED
28 ELECTRIC, INC. d/b/a UNITED HOME
ELECTRIC, WALLDESIGN
INCORPORATED, DOES 101 through
150; and ROE Corporations 101
through 150,

Third-Party Defendants.

21 COMES NOW, Defendant/Third-Party Plaintiff, D.R. HORTON, INC. ("D.R.
22 Horton") by and through its attorneys, the law firm of WOOD, SMITH, HENNING &
23 BERMAN, LLP, and hereby submits its Opposition to Plaintiff's Motion for
24 Reconsideration on Order Shortening Time.

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1 This Opposition is based upon this Memorandum of Points, the attached
2 exhibits, and any oral argument that may occur at the hearing of this matter.

3 DATED: January 13, 2014

WOOD, SMITH, HENNING & BERMAN, LLP

4 By: /s/ Joel D. Odou

5 JOEL D. ODOU
6 Nevada Bar No. 007468
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14 Attorneys for Defendant/Third-Party
15 Plaintiff, D.R. HORTON, INC.

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I. INTRODUCTION**

14 HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION
15 (Hereinafter the "ASSOCIATION" or "Plaintiff") apparently seeks belated
16 reconsideration **on shortened notice** of this Court's **April 29, 2013** ruling which
17 provided in unambiguous terms the following:

18 "In short, without specific facts shown to the Court that every one of
19 the 342 or the "assigned" 194 homeowners suffers all of the same
20 constructional defects outlined above, the Association cannot meet
its burden of demonstrating the existence of all four (4) conditions
as set forth in NRCP 23(a).

21 "As Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
22 ASSOCIATION cannot satisfy the *commonality* and *typicality*
23 requirements of NRCP 23 (a), its claims also fail to satisfy the more
24 demanding *predominance* prong of NRCP 23(b)(3). Plaintiff has not
25 shown the importance of common questions predominate over the
relevance of issues peculiar to the individual **342 or 194** homeowner-
members. As noted by the high court in *Shuette*, 121 Nev. At 858,
124 P.3d at 545, a shared experience alone does not justify a class
action."

26 (Citations omitted) (Emphasis added).

27 (Please see Exhibit "A" page 14, paragraph 16-17 lines 1-11).

28

1 In this same Order, this Court noted that as to these 194 homeowners
2 composing the purported class, issues existed as to how it should proceed:

3 "Likewise, Plaintiff HIGH NOON AT ARLINGTON RANCH
4 HOMEOWNERS ASSOCIATION has not met its burden of showing
5 a class action is the superior method of adjudicating claims of the
6 purported class, ie the 194 townhouse (sic.)¹ owners, the second
7 prong of NRCP 23(b)(3). (Emphasis added)

8 (Please see Exhibit "A" page 14, paragraph 18 lines 12-16).

9 This Court went on to state:

10 "It has not shown to this Court's satisfaction class certification would
11 promote the interests of "efficiency, consistency, and ensuring that
12 class members actually obtain relief." It has not shown class
13 certification would prevent identical issues from being "litigated over
14 and over[]" thus avoid[ing] duplicative proceedings and inconsistent
15 results." If anything, Plaintiff's inability to obtain assignments from
16 the other 148 units' owners gives some indication additional litigation
17 may occur even if this Court determined class action, concerning the
18 assigned claims, was appropriate.

19 (Please see Exhibit "A" page 14, paragraph 18 lines 16-23)(citations
20 omitted).

21 Finally, the Court invited additional argument as to the 194 homes- "In
22 rendering its decision Plaintiff has not met its burden under NRCP 23 to support its
23 position the claims of the homeowners should proceed as a class, this Court notes
24 it is not conclusive." (Please see Exhibit "A," page 15, paragraph 21 lines 15-17).

25 ¹ While not critical to the issues before the court at this time, these homes are not
26 "condominiums" or "townhouses" as those terms are typically used or defined. They were
27 constructed markedly different from typical "condominiums" or "townhouses" and each home has
28 four exterior walls instead of "common" walls. They, along with other communities built by D.R.
Horton, were the first of their kind in Clark County, so there is, as yet, no familiar, colloquial name
for them. Thus, any reference to "townhouse" in marketing or other materials or by the court was
likely made because it was the closest available option. Unfortunately, some insurance companies
seize on the use of the words as "condo" or "townhouse" in pleadings as conclusive evidence that
they have no obligation to defend their subcontractor insured's. This issue has been considered
and rejected by other Clark County District Courts, who have ruled against these insurance
companies, yet they continue to make this argument in bad faith to the prejudice of D.R. Horton
and its subcontractors. Accordingly, the parties before this court are a bit cautious when these
words are used.

1 However, this conclusive ruling was clearly and unambiguously provided on
2 November 12, 2013, wherein the Court explicitly stated "[t]his Court
3 understands Plaintiff has obtained the assignments of 194 townhouse
4 owners and, thus, is proceeding on behalf of these owners only. (Please see
5 Exhibit "B" page 3, foot note 2). Based upon the same, but after consideration
6 of the claim of the other non-assigning homeowners as discussed in the
7 prior Order quoted above, this Court made the following Order:

8 "IT IS HEREBY ORDERED, ADJUDGED AND DECREED Plaintiff
9 HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
10 ASSOCIATION may prosecute the claims of its 194 homeowner-
11 members with respect to construction defects that may exist in 100
12 percent of the homes. It may also use statistical proof to extrapolate
or show such constructional defects found in 100 percent of the
homes inspected also exist within all 194 homes. Such
constructional defects are itemized above."

13 (Please see this Court's November 12, 2013, Order attached hereto
as Exhibit "B" page 9, lines 11-17)

14 This Court also provided for a subclass format for claims numbering affecting at
15 least 40 homes but less than 194 homes, and finally allowed that Plaintiff would be
16 given 15 days to amend the complaint to join claims of individual homeowners.²

17 As the Court's record indicates, Plaintiff did not Amend their Complaint and
18 D.R. Horton and the other Defendants RELIED upon this Order and the prior
19 Order in trying to prepare for an April 21, 2014, trial date.³

20 Plaintiff now seeks to have the Court revisit these issues upon shortened
21 time not based upon any new evidence, but instead based upon pleadings and
22 arguments previously made by Plaintiff (Plaintiff's motion contains 496 pages of
23

24 ² Plaintiff declined to timely amend the Complaint and should now be foreclosed from
25 doing so in response to the outcome of this motion.

26 ³ It should be noted that this trial date has been imposed upon the parties to avoid the
27 application of NRCP §41(e). However, this trial date only compounds the prejudice to the parties
28 caused by Plaintiff's failure to prosecute, as it gives them little time to respond to the claims in this
case and they have already been prejudiced by the delays which have lead to insolvencies and lost
evidence.

1 prior motions and transcripts). The motion offers no explanation at all over the
2 delays or why Plaintiff disregarded the Court's prior Orders, which it barely
3 addresses and does not attach. Instead, it then concludes with the amazing
4 statement that "Defendants will Suffer No Prejudice." This fallacy will be
5 discussed further below.

6 D.R. Horton opposes Plaintiff's Motion for Reconsideration because (1) it is
7 significantly untimely now that trial has been set and expert reports have been
8 disclosed, (2) it is not based on "new or different facts or law" as required by
9 *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 661 P.2d 244, 246 (1976), and (3)
10 Plaintiff's reasoning for seeking reconsideration is without merit and changing this
11 Court's prior Orders would cause D.R. Horton and other defending parties severe
12 prejudice. Accordingly, D.R. Horton respectfully requests this Court deny Plaintiff's
13 Motion for Reconsideration.

14 **II. STATEMENT OF FACTS**

15 The Complaint in this matter was filed nearly seven years ago on June 7,
16 2007, prior to the service of a NRS §40.645 Notice as required by Nevada law.
17 Thereafter, Plaintiff's have casually disregarded Orders and deadlines, frequently
18 failing to provide timely expert reports, and providing contradictory and misleading
19 superfluous documentation to support their claims when they did provide untimely
20 reports, all the while requiring the parties and this Court to try to decipher the
21 same.

22 As the record shows, this Court has reviewed thousands of pages of
23 materials and issued clear and unambiguous Orders, one on April 29, 2013 and
24 one on November 12, 2013, that apparently Plaintiff either did not read or chose to
25 ignore. Incredibly, in the present motion Plaintiff argues that "...this Honorable
26 Court simply misunderstood the scope, direction and coverage of HIGH NOON's
27 claims. (Plaintiff's Motion, page 6, lines 21-22). In support of the same the
28

1 Plaintiff attaches the same papers previously considered by this Court and ignores
2 this Court's prior Findings of Fact and Conclusions of Law.

3 As an example, this Court's April 29, 2013, Order, discusses the claims of all
4 342 homes in great detail, and why class certification as to them is impossible ["In
5 short, without specific facts shown to the Court every one of the 342 or the
6 "assigned 194 homeowners suffers all of the same constructional defects outlined
7 above, the Association cannot meet its burden of demonstrating the existence of
8 all four (4) conditions set forth in NRCP 23 (a)"].⁴ Plaintiff's present motion ignores
9 this completely and literally recycles the pleadings and argument the Plaintiff has
10 previously made.

11 This Court's November 12, 2013, Order unambiguously states "[t]his Court
12 **understands Plaintiff has obtained the assignments of 194 townhouse**
13 **owners and, thus, is proceeding on behalf of these owners only.**"⁵ Plaintiff's
14 motion ignores that completely as well.

15 Now, two (2) days before D.R. Horton's expert reports were due, Plaintiff
16 moved this Court to include additional homes in this matter and reconsider the
17 prior Orders which had finally provided D.R. Horton and the other defendants with
18 some semblance of the scope and nature of Plaintiff's claims. For Plaintiff to have
19 waited to file this request on shortened time and after D.R. Horton's experts were
20 forced to work through the holidays and on short notice to try to prepare for an
21 incredibly aggressive trial date, simply underscores the Plaintiff's tactics all through
22 out this case.

23
24
25
26 ⁴ Please see this Court's April 29, 2013 Order, attached hereto as Exhibit "A" page 14,
lines 1-4.

27 ⁵ Please see this Court's Order dated November 12, 2013, attached hereto as Exhibit
28 "B," pg. 3, footnote 2.

1 Plaintiff's delays have irreparably prejudiced D.R. Horton and third-party
2 defendants who have been doing their best to complete expert reports and
3 prepare a defense. Accordingly, this Court should not reconsider its prior Orders
4 and should deny this incredibly late motion.

5 **II. STANDARD FOR RECONSIDERATION**

6 EDCR 2.24(b) requires that a party seeking reconsideration of an order of
7 the Court "must file a motion for such relief within 10 days after service of written
8 notice of the order." If a motion for reconsideration is timely filed, it is only in "very
9 rare instances" in which "new issues of fact or law are raised supporting a ruling
10 contrary to the ruling already reached should a motion for rehearing be granted."
11 *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 661 P.2d 244, 246 (1976). Points
12 or contentions not raised in the original hearing cannot be maintained or
13 considered on rehearing. *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742,
14 917 P.2d 447, 450 (1996).

15 Here, Plaintiff not only filed its Motion for reconsideration untimely, Plaintiff
16 also fails to raise any new issue of law or fact. Rather, Plaintiff seeks to have the
17 Court declare that its "belief" that this matter involves 194 homes is incorrect. The
18 Court should refrain from entertaining Plaintiff's motion based upon such a strange
19 and poorly supported assertion considering the lengths that this Court went to in
20 considering these issues for the past 12 months.

21 **III. LEGAL ARGUMENT**

22 **A. This Court Must Not Reconsider Its Prior Order As Plaintiff's**
23 **Failed To Timely File Its Motion For Reconsideration**

24 EDCR 2.24(b) requires that a party seeking reconsideration of an Order of
25 the Court "must file a motion for such relief within 10 days after service of written
26 notice of the order." Here, Plaintiff did not file the instant Motion until fifty-seven
27 (57) days after this Court's November 12, 2013, Order detailing the scope of
28

1 Plaintiff's claims. As to the April 29, 2013, Order, the gap in time is even more
2 excessive -nearly 9 months!

3 In that time this case has been scheduled for a trial and expert discovery
4 has commenced. As discussed below, aside from the fact that Plaintiff's Motion is
5 procedurally improper, Plaintiff's delay in bringing said Motion is prejudicial to D.R.
6 Horton and Third-Party Defendants.

7 **B. Reconsideration Is Not Appropriate As Plaintiff's Have Not**
8 **Provided Any New Facts or Law For This Court To Consider**

9 It is only in "very rare instances" in which "new issues of fact or law are
10 raised supporting a ruling contrary to the ruling already reached should a motion
11 for rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 661
12 P.2d 244, 246 (1976).

13 Here, Plaintiff's contention that this issue must be viewed in the "historical
14 context of not only the facts specific to this action, but the evolving state of Nevada
15 law" is telling. In the instant Motion, Plaintiff merely reiterates the same facts and
16 law that have been before this Court for years in an attempt to "take a second bite
17 at the apple." Aside from the fact that Plaintiff's contentions are without merit in
18 fact and law, Plaintiff does not cite one new fact it discovered or even a recent
19 case that could change this Court's April 29, 2013, or November 12, 2013, Orders.
20 In fact, the most recent case Plaintiff relies on in its Motion is *Beazer Homes*
21 *Holding Corp. v. The Eight Judicial District Court*, 291 P.3d 128, which was
22 decided on December 27, 2012.⁶ As such, Plaintiff's attempt to prompt this Court
23 to consider its prior ruling must be denied as a Motion for Reconsideration may
24 only be brought when a new issue of fact or law is discovered subsequent to a
25 Court's Order.

26
27 ⁶ See, Plaintiff's Motion for Reconsideration on Order Shortening Time, pg. 6, ¶¶ 5-6.
28

1 Plaintiff does not meet the stringent requirement for reconsideration and are
2 simply unhappy with this Court's prior Orders. That is unfortunate, but not enough,
3 especially in consideration of the prejudice to the defendants that this will cause
4 and the gamesmanship that has been undertaken to date.

5 **C. Any Alteration To This Court's Prior Order Will Further Severely**
6 **Prejudice D.R. Horton and Third-Party Defendants**

7 As noted previously, this case has been pending for 7 years. In that time
8 there have been numerous changes in ownership of the subject homes and
9 Plaintiff has caused extreme prejudice to the defendants by failing to move this
10 case forward. Plaintiff's delays have caused the parties involved in this matter to
11 incur excessive expenses in even getting access to the homes, let alone
12 responding to multiple defect reports, multiple plaintiff attorneys, and differing
13 inconsistent claims. Meanwhile, Plaintiff has been permitted to amend their claims
14 freely and has been permitted to miss deadlines time after time. These are well
15 documented in D.R. Horton's prior motions before this Court.

16 If these tactics were not bad enough, until recently, significant confusion
17 existed during the same as to the scope and identity of Plaintiff's Experts:

18 "Another issue arose regarding the numerous experts that have been
19 designated by the current Plaintiff firm and the prior Plaintiff firm.
20 **The defending parties as of this date have no clear statement**
21 **from the Plaintiff as to which experts will be testifying and upon**
22 **what reports the opinions of those experts will be based.** At the
23 request of the Special Master, counsel for the Plaintiff that attended
24 the December 18, 2013, Special Master Hearing contacted his office
25 and verified the names of experts that will be utilized at trial. He was
26 instructed to provide a date and date number range for each report
27 to be utilized by those experts by 9:00 a.m. on December 19, 2013,
28 which Plaintiff's counsel thought was acceptable." (Emphasis
added).

(Please see Special Master Report and Order Regarding Discovery
Scheduling Served December 18, 2013, page 3, lines 7-15, attached
hereto as **Exhibit "C"**).

1 As soon as these were provided, D.R. Horton noticed these experts for
2 deposition. Plaintiff then began making excuses why these depositions could not
3 go forward as scheduled on January 6, 2014 (Please see Special Master Hale's
4 letter to Plaintiff's counsel dated December 30, 2013, attached hereto as **Exhibit**
5 "**D**"). Coincidentally, right after D.R. Horton again agreed to move some of these
6 depositions back, a few hours later a courtesy copy of the present Motion on an
7 Order shortening time was served.⁷

8 Just as the identity of the experts and their deposition dates have been
9 moving targets, so have their opinions and "final" reports. Plaintiff's "final" cost of
10 repair was provided at midnight on December 25-26 and the experts for D.R.
11 Horton were given a mere 14 days including holidays, and Saturdays and Sundays
12 to inspect the project (if they could as many could not due to the holidays and the
13 inadequate notice), and respond to the same. Several Subcontractors have been
14 given extensions to conduct further inspections but D.R. Horton was still required
15 to have its expert reports disclosed by January 10, 2014, a date which it met.

16 In contrast, Plaintiff has introduced and continues to try to introduce new
17 issues, requiring multiple motions to strike from D.R. Horton, including the striking
18 of a new report in the form of an affidavit from expert Felix Martin (Please see
19 Special Master Hale's Order of December 31, 2013, attached hereto as **Exhibit**
20 "**G**"). In this new affidavit filed in the middle of the night on Christmas, Mr. Martin
21 attempted to make new claims including (but not limited to) a claim that the
22 "foundation system for the buildings, the post-tensioned concrete slabs on ground,
23 were built in violation of the requirements of the 2000 International Building
24

25
26 ⁷ Please see January 8, 2014 letter to Rachael Saturn e-served at 11:59 a.m. attached
27 hereto as **Exhibit "E"** and the face page of the "courtesy copy" of Plaintiff's Motion for
28 Reconsideration on Order Shortening Time served at 2:19 p.m. that same day attached as **Exhibit**
"**F**."

1 Code.⁸ In addition to being just plain wrong as the slabs were built in compliance
2 with the Code, the tactic of filing things in the middle of the night buried within
3 other things, highlights why a shortened discovery schedule is prejudicial to the
4 defendants who do apparently have to read everything closely.⁹

5 The trial date of April 21, 2014 is already prejudicial to the defendants and
6 to add additional homes to this case after expert disclosures and with just over 90
7 days left to the commencement of Trial would result in a further denial of the
8 defendants Due Process Rights to discovery and notice.¹⁰ It is well established by
9 this Court and the Special Master that to adequately prepare a construction defect
10 case for trial requires twelve months of discovery. Typically, the Defendants are
11 provided with a final defect list and final cost of repair and then allowed a final
12 opportunity to have their experts inspect the homes at issue to prepare for trial.
13 Thereafter, depositions commence and a case proceeds before the jury on its
14
15

16 ⁸ Please see D.R. Horton's e-served letter dated December 30, 2013, with exhibits
17 omitted, attached hereto as **Exhibit "H."**

18 ⁹ Just as the Plaintiff has disregarded this court's prior Orders, ironically the Plaintiff has
19 also disregarded both the Case Management Order and Floyd Hale's December 31, 2013 Special
20 Master Order Striking Plaintiff's Untimely Expert Report of Felix Martin. Specifically, both state that
21 the Plaintiff must seek leave of the Special Master upon a showing of good cause, to supplement
any expert report after the deadline established by the Case Agenda. Instead of doing so, the
22 Plaintiff has filed a frivolous Motion to be heard by this court well after most of the Discovery has
23 been completed, February 11, 2014, to try to over-turn the same based upon a similar argument
24 that the court and/or Mr. Hale misunderstood the Plaintiff.

25 ¹⁰ As this Court is well aware, this case was commenced improperly by filing a Complaint
26 prior to the serving of a Notice as required by NRS. §40.645. While prior counsel for the HOA,
27 Nancy Quon made certain representations to the court which have now turned out to be untrue, the
28 fact remains that justice requires that the Defendants in this case not suffer prejudice due to these
irregularities and the other delays in this case. The abbreviated discovery schedule, coupled with
the Plaintiff's continued delays in the same, as well as the HOA's continued attempt to bring new
claims in violation of NRS 40.610 and NRS. §40.645, warrant the court's inquiry into whether or not
the trial date must be vacated in fairness to the defendants, despite the risks of an involuntary
dismissal caused by the application of NRCP §41(e).

1 merits or lack thereof. Here, the Plaintiff is still trying to add new claims and as
2 well as argue which homes are actually at issue.

3 Paragraph 17 of this Court's April 29, 2013, Order was clear, unambiguous,
4 and was explicitly restated in this Court's second Order dated November 12, 2013.
5 Any appeal of those Orders now, is far too late and too severely prejudicial to the
6 defending parties in this matter.

7 IV.

8 CONCLUSION

9 This case began without a clear statement of claims as required by NRS
10 §40.645, and it has continued for nearly 7 years. In that time the Defendants have
11 requested on multiple occasions a complete and final listing of the Plaintiff's claims
12 (including which homes are purportedly at issue), as well as an opportunity to
13 investigate and respond to the same. In reply the Plaintiff has made inspecting the
14 homes as expensive as possible, has ignored this Court's numerous Procedural
15 and Discovery Orders, has changed its claims, and has even brought new claims
16 in violation of NRS §40.645. Cumulatively, these tactics and the setting of a quick
17 trial date have resulted in prejudice to the defendants to the extent that they
18 cannot adequately respond to them and prepare for trial. Now, on the eve of the
19 close of Discovery, Plaintiff would like to compound this prejudice and add even
20 more homes to this case, completely disregarding the rights of the defendants. In
21 support for its request to add more homes to this case, the Plaintiff dumped 496
22 pages of previously considered materials on this Court and then concluded that
23 this Court "misunderstood" it and the defendants will suffer no prejudice. As
24 shown above, these conclusions lack any factual report and do not even address
25 this Court's prior Orders.

26 ///

27 ///

28 ///

For the reasons set forth herein, D.R. Horton submits that Plaintiff's Motion for Reconsideration should be denied in its entirety.

DATED: January 13, 2014

WOOD, SMITH, HENNING & BERMAN, LLP

/s/ Joel D. Odou

By:

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**AFFIDAVIT OF JOEL D. ODOU IN SUPPORT OF
D.R. HORTON, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR
RECONSIDERATION ON ORDER SHORTENING TIME**

STATE OF NEVADA)
COUNTY OF CLARK) ss

JOEL D. ODOU, ESQ. being first duly sworn, deposes and states as follows:

1. I am a Partner at the Law Firm of Wood, Smith, Henning and Berman, LLP, counsel for the Defendant/Third-Party Plaintiff, D.R. Horton, Inc., (hereinafter "D.R. Horton") in this matter.

2. I am making this Affidavit in support of D.R. Horton's Opposition to the PLAINTIFF'S MOTION FOR RECONSIDERATION ON ORDER SHORTENING TIME.

3. On April 29, 2013, this Court issued its Findings of Fact, Conclusions of Law and Order, a true and correct copy of which is attached hereto as **Exhibit "A."**

4. Contained within this Court's April Order, is a comprehensive discussion of **all 342 homes** at the High Noon at Arlington Ranch development at issue in this matter, and legal basis as to why the Plaintiff has failed to satisfy all of the Rule 23 requirements to pursue this claim on behalf of each and every homeowner. There is no mistake or misunderstanding anywhere in this Order that the Plaintiff's current motion discusses.

5. D.R. Horton and I believe the other Defendants, **relied** upon this Court's April Order in handling this matter and preparing for Discovery.

6. On November 12, 2013, this Court issued an Order discussing how the claims as to the Plaintiff's 194 homeowner-members Class would proceed and that the Plaintiff could pursue construction defects that may exist in 100 percent of the homes. It also permitted the use statistical proof to extrapolate or show such constructional defects found in 100 percent of the homes inspected also exist within all 194 homes. Finally, this Court also provided for a subclass format for claims numbering affecting at least 40 homes but less than 194 homes, and finally allowed that Plaintiff would be given 15 days to amend the complaint to join claims of individual homeowners. A true and correct copy of this Order is attached hereto as **Exhibit "B."**

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1 7. D.R. Horton and I believe the other Defendants relied upon this November
2 Order in preparing their case for Discovery. Specifically, I had numerous discussions
3 with D.R. Horton's experts on the ruling and its meaning so that they could determine
4 how best to respond to the Plaintiff's claims. I had this Order sent to each and ever
5 expert D.R. Horton retained in this case. We further discussed whether or not the
6 Plaintiff would amend the Complaint to pursue individual claims and how we could handle
7 these. However, no amendment was ever filed.

8 8. Unfortunately, while this Order cleared up which homes were in this case, it
9 was still completely unclear what claims would be pursued at these homes by the
10 Plaintiff's experts. This was due to the fact that Plaintiff has had multiple attorneys and
11 multiple experts over the 7 year course of this litigation. To attempt to figure out what
12 claims remained and were being pursued, D.R. Horton's experts looked to Plaintiff's
13 "final" cost of repair estimate.

14 9. This too proved to be difficult, as Plaintiff has missed numerous deadlines
15 to disclose a "final" cost of repair estimate, including but not limited to July 31, 2009, June
16 17, 2011, July 1, 2011, August 15, 2011, November 8, 2013 and December 25-26, 2013.
17 Further, the documents disclosed, upon until December 25-26, 2013, were completely
18 ambiguous on a number of claims and also added new claims in violation of NRS
19 §40.645.

20 10. As examples, without a final cost of repair estimate, D.R. Horton and the
21 other defendants could not determine the scope and costs of Plaintiff's Geotechnical,
22 Plumbing, and Electrical Claims. Some of these claims have been abandoned, others
23 have had experts stricken, and yet others are factually impossible, like the yellow brass
24 claim when the project was re-plumbed. Even others are being made by experts who
25 have been withdrawn.

26 11. Despite these missed deadlines and ambiguities, D.R. Horton was required
27 to designate experts and provide final reports on January 10, 2014, as this case was set
28 for Trial on April 21, 2014 over its objection.

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1 12. D.R. Horton and I believe the other Defendants have been prejudiced by
2 this trial setting. It, coupled with Plaintiff's shifting claims, has prevented them from
3 adequately preparing for trial. Numerous experts were not able to get to the site and
4 conduct inspections by the deadlines imposed by this trial date such that they needed to
5 rely upon the work of other experts, rather than conduct their own inspections. This
6 prejudice is particularly devastating as to the Plaintiff's claims that are false and could
7 have been proven to be untrue by further inspections, such as the extrapolated claims.

8 13. Normally, it takes 12 months to prepare a complex construction defect case
9 for trial. Due to the Court's concern about the application of NRCP §41(e) and the
10 Plaintiff's tactical gamesmanship in dragging their feet on discovery, the parties here are
11 being forced to do so in just over 90 days. This irreparable harm, coupled with the delays
12 in this case which is nearly 7 years old, means that evidence will have been lost and
13 parties will not have adequate time to prove claims that are based upon erroneous
14 information and false assumptions.

15 14. On December 18, 2013, the Special Master issued a Report and Order
16 Regarding Discovery which is attached hereto as **Exhibit "C."**

17 15. While Plaintiff finally provided the parties a listing of experts and reports as
18 required by the Special Master's December 18 Order, this required the parties to
19 scramble over the holidays to try to have their own experts respond to these reports,
20 some of which confirmed that new claims are being brought in violation of NRS §40.645.

21 16. While the parties set the depositions of Plaintiff's experts to try to evaluate
22 these claims, Plaintiff has also dragged their feet in producing them for deposition.
23 Attached here as **Exhibit "D"** is a true and correct copy of the Special Master's letter to
24 Plaintiff with regard to the purported "unavailability" of Plaintiff's expert, Mr. Valine.

25 17. The defendants attempted to extend professional courtesy to Plaintiff in
26 setting these depositions and attached hereto as **Exhibit "E,"** is a true and correct copy
27 of a letter that I sent to Plaintiff's counsel on January 8, 2014, via e-serve at **11:59 a.m.**
28 after receiving numerous phone calls from Plaintiff's office requesting continuances.

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1 18. Shortly after sending this letter, I received a "courtesy copy" of Plaintiff's
2 Motion for Reconsideration on an Order shortening time **at 2:19 p.m.**

3 19. These depositions are vital as Plaintiff's experts have added claims in
4 violation of NRS §40.645, yet they have been stalled so that the instant Motion could be
5 heard on shortened notice and with a limited opportunity for the Defendants to respond.

6 20. As an example, as recently as December 26, 2013, Plaintiff attempted to
7 interject into this case via Affidavit new claims of improper slab design by Expert, Felix
8 Martin, such that D.R. Horton was forced to file a Motion to Strike with Special Master
9 Floyd Hale. A true and correct copy of his December 31, 2013 Order is attached hereto
10 as **Exhibit "G."**

11 21. The letter requesting Mr. Hale strike Mr. Martin's opinions, minus Mr.
12 Martin's reports, is attached hereto as **Exhibit "H"** and was e-served on December 30,
13 2013.

14 22. Both the Order and the Case Management Order, provide that the Plaintiff
15 must make a showing of "Good Cause" to the Special Master for untimely reports, yet
16 Plaintiff has filed a further frivolous Motion before this Court set to be heard on February
17 11, 2014, after much of the Discovery will be completed. By doing so, if the Plaintiff is
18 granted the relief requested, no party will have an expert report in opposition to their
19 positions since the defense reports were due on January 10, 2014 for D.R. Horton and
20 February 10, 2014 for the Third-Party Defendants.

21 23. All throughout the course of this litigation, Plaintiff's claims have changed
22 such that it has been impossible to have a complete and final listing of the claims and the
23 homes affected. In that time, numerous homes have changed ownership and the parties
24 have spent hundreds of thousands of dollars on experts to try to evaluate the shifting
25 claims.

26 24. While the Court wishes to avoid the application of NRCP §41(e), the setting
27 of trial with little discovery, coupled with these delays, have irreparably prejudiced D.R.
28

1 Horton as numerous subcontractors who have become insolvent and/or exhausted
2 insurance.

3 25. Further, the current trial date and Plaintiff's shifting claims have prevented
4 D.R. Horton from adequately preparing for trial in the short time remaining before its
5 commencement.

6 26. While this Court has suggested that the parties stipulate to continue trial
7 and the application of any deadlines under NRCP §41(e), if D.R. Horton did so insurance
8 carriers for the Third-Party Defendants could raise this as a coverage defense. As most
9 of the Third-Party Defendants are out of business, the denial of insurance coverage for
10 them would prejudice D.R. Horton even more than the difficult current discovery
11 schedule.

12 27. These delays and these shifting claims are not the fault of the Defendants
13 who are being offered a *Faustian Bargain*: suffer prejudice due to inadequate time to
14 prepare for trial or agree to continue trial and suffer prejudice from insurance carriers and
15 parties that will assert this agreement as a defense to their contractual obligations.

16 28. Neither "bargain" is acceptable and both are punitive in their application to
17 the defendants who have been attempting since the premature filing of the complaint on
18 June 7, 2007, to determine what are the claims and which homes do they apply to at this
19 project. Unfortunately, these simple questions are still open as shown by the instant
20 motion which seeks to add homes back into this case.

21 29. As this Motion is extremely untimely and seeks reconsideration of this
22 Court's Orders from April 29, 2013 and November 12, 2013, the time for reconsideration
23 as permitted by EDCR 2.24(b) has long since elapsed. To consider this Motion now,
24 would simply prejudice the defendants more than they already have been by this
25 impossible discovery schedule.

26 30. Based upon the foregoing and the points and authorities filed concurrently
27 herewith, D.R. Horton requests that this Motion be denied.

28 ///

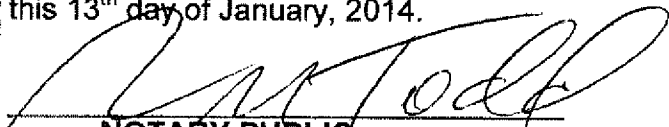
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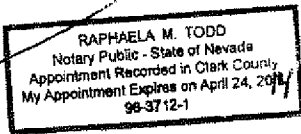
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FURTHER YOUR AFFIANT SAYETH NAUGHT.


JOEL D. ODOU

SUBSCRIBED AND SWORN to before me
this 13th day of January, 2014.


NOTARY PUBLIC



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EXHIBIT A


CLERK OF THE COURT

FFCO

DISTRICT COURT
CLARK COUNTY, NEVADA

HIGH NOON AT ARLINGTON RANCH
HOMEOWNERS ASSOCIATION, a
Nevada non-profit corporation, for itself
and for all others similarly situated,

Plaintiff,

Vs.

D.R. HORTON, INC., a Delaware
Corporation; DOE INDIVIDUALS 1-100;
ROE BUSINESS or GOVERNMENTAL
ENTITIES 1-100, inclusive,

Defendants.

D.R. HORTON, INC.,

Third-Party Plaintiff,

Vs.

ALLARD ENTERPRISES, INC. d/b/a
IRON SPECIALISTS; ANSE, INC. d/b/a
NEVADA STATE PLASTERING;
BRANDON, LLC d/b/a SUMMIT
DRYWALL & PAINT, LLC; BRAVO
DRYWALL & PAINT, LLC; BRAVO
UNDERGROUND, INC.; CAMPBELL
CONCRETE OF NEVADA, INC.; CIRCLE
S DEVELOPMENT CORPORATION
d/b/a DECK SYSTEMS; EFFICIENT
ENTERPRISES, LLC, d/b/a EFFICIENT
ELECTRIC; FIRESTOP, INC.;
HARRISON DOOR COMPANY;
INFINITY BUILDING PRODUCTS, LLC;
INFINITY WALL SYSTEMS, LLC;
LUKESTAR CORPORATION;

Case No. 07A542616
Dept. No. XXII

Electronic Filing Case

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

1 NATIONAL BUILDERS, INC.; O.P.M.,
2 INC. d/b/a CONSOLIDATED ROOFING;
3 QUALITY WOOD PRODUCTS, LTD.,
4 RCR PLUMBING AND MECHANICAL,
5 INC.; REYBURN LAWN & LANDSCAPE
6 DESIGNERS, INC.; RISING SUN
7 PLUMBING, LLC d/b/a RSP, INC.;
8 SOUTHERN NEVADA CABINETS, INC.;
9 SUNRISE MECHANICAL, INC.;
10 SUNSTATE COMPANIES, INC. d/b/a
11 SUNSTATE LANDSCAPE; THE
12 SYLVANIE COMPANIES, INC. d/b/a
13 DRAKE ASPHALT & CONCRETE;
14 UNITED ELECTRIC, INC. d/b/a UNITED
15 HOME ELECTRIC; WALLDESIGN,
16 INC.; WESTERN SHOWER DOOR, INC.;
17 DOES 1 through 150,

18
19 **Third-Party Defendants.**

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

21 On or about January 25, 2013, the Supreme Court of Nevada issued a Writ of Mandamus to
22 JUDGE SUSAN H. JOHNSON of Department XXII of the Eighth Judicial District Court, in and for
23 Clark County, Nevada, with respect to the aforementioned matter. Specifically, the high court
24 instructed the judge to "conduct further proceedings in light of this order and this court's recent
25 decision in Beazer Homes Holding Corp. v. District Court, in the case entitled High Noon at
26 Arlington Ranch Homeowners Association vs. D.R. Horton, Inc., case no. A542616." In its Order
27 Granting Petition for Writ of Mandamus or Prohibition filed January 25, 2013, the Nevada Supreme
28 Court noted the district court did conduct a full NRCP 23 analysis as to the claims assigned by the
homeowners to Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
ASSOCIATION—that being the alleged constructional defects located within the individual units—
however, the lower court "failed to perform a full and thorough NRCP 23 analysis as to the claims
involving the building envelopes." It further noted this court interpreted the Supreme Court's

1 holding in First Light II¹ as applicable only to the alleged interior defects of individual units located
2 within a common-interest community, and thus, found, without performing a NRCP 23 analysis, that
3 Plaintiff had standing to litigate representative claims based upon building envelopes as "building
4 envelope claims affected the common-interest community." In its view, such ruling was in error,
5 and the Supreme Court directed this Court to determine whether "building envelope" constructional
6 defect claims conformed to class action principles. In meeting the requirements of the Nevada
7 Supreme Court's mandate, this Court renders its analysis within the following Findings of Fact and
8 Conclusions of Law:
9

10 FINDINGS OF FACT

11 1. Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
12 ASSOCIATION is non-profit corporation and governing body of a 342-unit triplex townhouse
13 planned development/ common-interest community created pursuant to NRS Chapter 116 and
14 located within Las Vegas, Clark County, Nevada. The community consists of townhouse units,
15 owned by the Association's members, as well as common elements owned by Plaintiff over which
16 the homeowners have easements and enjoyment.
17

18 2. The community was developed, constructed and sold by Defendant D.R. HORTON,
19 INC. in or about 2004 to 2006.²
20

21 3. The subject property consists of 114 structures, each building of which contains three
22 (3) units, for a total of 342 homes. The instant action involves claims for damages arising out of
23 constructional defects within the common areas, the building envelopes in which Plaintiff has no
24 ownership interest, and within the interiors of 194 units for which Plaintiff has obtained assignments
25
26

27 ¹Lawyers and judges have referred to the case, D.R. Horton, Inc. v. District Court, 125 Nev. 449, 215 P.2d 697
28 (2009) as the First Light II decision.

²See Complaint filed June 7, 2007, Paragraph 10, p. 3.

1 from those homes' owners.³ The alleged constructional defects include, but are not limited to
2 structural, fire safety, waterproofing defects, and deficiencies in the civil engineering/landscaping,
3 roofing, stucco and drainage, architectural, mechanical, plumbing, HVAC, acoustical, electrical, and
4 those relating to the operating of windows and sliding doors.⁴ As a result of the aforementioned
5 constructional defects, Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
6 ASSOCIATION brings the following claims on behalf of itself and their homeowner-members:
7

- 8 1. Breach of implied warranties of workmanlike quality and habitability;
- 9 2. Breach of contract;
- 10 3. Breach of express warranties; and
- 11 4. Breach of fiduciary duty.

12 Defendant D.R. HORTON, INC. has, in turn, filed its Third-Party Complaint against the
13 subcontractors who provided both labor and supplies to the project's construction.
14

15 CONCLUSIONS OF LAW

16 1. There is no question an action must be commenced by the real party in interest, or the
17 "one who possesses the right to enforce the claim and has a significant interest in the litigation."
18 Szilgagyi v. Testa, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983); NRCP 17(a). Generally, and
19 because of this limitation, a party has standing only to assert its own rights and cannot raise the
20 claims of a third party not before the court. *See Deal v. 999 Lakeshore Association*, 94 Nev. 301,
21 304, 579 P.2d 775, 777 (1978).
22

23 2. In 1991, the Nevada Legislature enacted NRS Chapter 116, and adopted the Uniform
24 Common-Interest Ownership Act. This legislation conferred standing on common-interest
25

26 ³As this Court noted previously in its Order filed February 10, 2011, Defendant D.R. Horton, Inc. claims the
27 assignments actually number 193 and not 194. *See Defendants' Opposition to Plaintiff's Motion for Declaratory Relief*
28 *Re: Standing Pursuant to Assignment and Pursuant to NRS 116.3102(1)(d)* filed October 19, 2010, p. 11; *also see*
Exhibit 5 to Plaintiff's Motion for Declaratory Relief filed September 30, 2010.

⁴*See Complaint* filed June 7, 2007, Paragraph 16, p. 4.

1 community associates to litigate certain matters in their own name on behalf of their members. As
2 noted in pertinent part within NRS 116.3102(1):

3 Except as otherwise provided in subsection 2, and subject to the provisions of the
4 declaration, the association may do any or all of the following:

5 (d) Institute, defend or intervene in litigation or administrative
6 proceedings in its own name on behalf of itself or two or more units' owners on
matters affecting the common-interest community.

7 Hence, so long as a common-interest community association is acting on behalf of two or more
8 units' owners, it can represent its members in actions concerning the community. NRS 116.3102
9 affords the common-interest community association not only the right to come to court, but also to
10 obtain relief solely on behalf of its members. See Friendly Village Community Association, Inc. v.
11 Silva & Hill Construction Company, 107 Cal.Rptr. 123, 125 (Cal.App. 1973)(explaining the
12 difference between the capacity to sue and standing concepts).

13
14 3. In its recent decision, Beazer Homes Holding Corp. v. District Court, 128
15 Nev.Ad.Op. 66, 291 P.3d 128, 134 (2012), the Nevada Supreme Court held failure to meet any
16 additional procedural requirements, including those that may be imposed under Rule 23 of the
17 Nevada Rules of Civil Procedure (NRCP), cannot strip a common-interest community association of
18 its standing to proceed on behalf of its members under NRS 116.3102(1)(d). Citing State v.
19 Connery, 99 Nev. 342, 245, 661 P.2d 1298, 1300 (1983)(recognizing procedural rules promulgated
20 under the court's inherent powers may not "abridge, enlarge or modify" substantive rights).⁵
21 Examining NRS 116.3102(1)(d) in light of its holding in D.R. Horton, Inc., 125 Nev. at 457, 215
22 P.3d at 702-703, the high court further concluded the plain meaning of that statutory provision
23 confers standing on the associations to assert their members' claims regarding the common-interest
24 community, including claims affecting individual units. Accordingly, common-interest community
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28 ⁵However, as discussed in Beazer Homes Holding Corp. and *infra*, failure to abide by additional procedural requirements, such as those imposed by NRCP 23, may influence how the case proceeds.

1 associations can bring suit not only to recovery damages pertaining to common areas and elements
2 over which they are responsible for maintenance and repair, but also on a purely representative
3 basis.

4 4. However, in concluding NRS 116.3102(1)(d) permits representative actions, the
5 Nevada Supreme Court also recognized, when the common-interest community association is
6 pursuing the individual constructional defect claims of multiple unit owners, the actions "are
7 amenable to the same treatment as class action lawsuits brought by individual homeowners." D.R.
8 Horton, Inc., 125 Nev. at 459, 215 P.3d at 704. The district court, as mandated here, must conduct a
9 thorough NRCP 23 analysis to determine whether the Association, on behalf of its homeowner-
10 members, can maintain a class action. The high court's holding largely was based on the practical
11 difficulties in managing sizeable constructional defect cases, the concerns with the use of
12 generalized proof to determine liability and compensation in such cases, and the court's
13 acknowledgement in Shuette v. Beazer Homes Holding Corp., 121 Nev. 837, 854, 124 P.3d 530, 542
14 (2005), that, due to land's unique nature, "as a practical matter, single-family residence
15 constructional defect cases will rarely be appropriate for class action treatment."

16 5. In analyzing the NRCP 23 factors, this Court is not determine *whether* the action can
17 proceed; rather, it is to decide *how* the litigation should proceed, i.e. as a class, joinder or
18 consolidated action, or in some other manner. Beazer Homes Holding Corp., 128 Nev.Ad.Op. 66,
19 291 P.3d at 134.

20 6. Under NRCP 23(a), Plaintiff HIGH NOON AT ARLINGTON HOMEOWNERS
21 ASSOCIATION must establish four (4) requisites in order for the claims of its homeowner-members
22 to proceed as a class action: *First*, the "numerosity" requirement requires the members of the
23 proposed class be so numerous that separate joinder of each member is impracticable. *See* NRCP
24 23(a)(1). *Second*, "commonality" necessitates the existence of questions of law or fact common to
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1 each member of the class. *See* NRCP 23(a)(2). *Third*, the “typicality” factor calls for a showing the
2 representative parties’ claims or defenses are typical of the class’ claims or defenses. *See* NRCP
3 23(a)(3). *Fourth and lastly*, the “adequacy” prerequisite mandates the representative parties be able
4 to fairly and adequately protect and represent each class member’s interests. *See* NRCP 23(a)(4).

5 7. Before a class action can be certified, it must be shown the putative class has so many
6 members that “joinder of all members is impracticable.” NRCP 23(a)(1). Although courts agree
7 numerosity prerequisites mandate no minimum number of individual members,⁶ a putative class of
8 forty (40) or more generally will be found “numerous.” Shuette, 124 Nev. at 847, *citing Cummings*
9 *v. Charter Hospital*, 111 Nev. 639, 643, 896 P.2d 1137, 1140 (1995)(concluding a class of three or
10 four plaintiffs is not sufficient to justify certification as a class action). The impracticability of
11 joinder of parties cannot be speculatively based on merely the number of class members, but must be
12 positively demonstrated in an “examination of the specific facts of each case.” Golden, 404 F.3d
13 at 965-966, *quoting General Telephone Co. v. EEOC*, 446 U.S. 318, 330 (1980). “Impracticable
14 does not mean impossible.” Robidoux v. Celani, 987 F.2d 931, 936 (2nd Cir. 1993). Thus, in
15 examining the circumstances under which impracticability is asserted, this Court may consider
16 “judicial economy arising from the avoidance of a multiplicity of actions, geographic dispersion of
17 class members, financial resources of class members, the ability of claimants to institute individual
18 suits, and requests for prospective injunctive relief which would involve future class members,”
19 among any other relevant factors. Robidoux, 987 F.2d at 936.

20 8. Under the “commonality” requirement, class action certification is proper only when
21 “there are questions of law or fact common to the class.” NRCP 23(a)(2). Questions are common to
22 the class when their answers as to one class member hold true for all. Shuette, 124 Nev. at 848,

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⁶*See Golden v. City of Columbus*, 404 F.3d 950, 965 (6th Cir. 2005); Stewart v. Abraham, 275 F.3d 330, 336-337 (3rd Cir. 2001).

1 *citing Spera v. Fleming, Hovenkamp & Grayson, P.C.*, 4 S.W.3d 805, 810 (Tex.App.
2 1999)[interpreting the analogous Texas provision, TRCP 42(a)(2)]. Commonality does not require
3 "all questions of law and fact must be identical, but that an issue of law or fact exists that inheres in
4 the complaints of all the class members." *Spera*, 4 S.W.3d at 811. This prerequisite may be
5 satisfied by a single common question of law or fact. *Shuette*, 121 Nev. at 848, *citing Monaco v.*
6 *Stone*, 187 F.R.D. 50, 61 (E.D.N.Y. 1999).

7
8 9. "Typicality" demands the claims or defenses of the representative parties are typical
9 of those of the class. *See* NRCP 23(a)(3). Generally, the typicality prerequisite concentrates upon
10 the defendant's actions, not upon the plaintiffs' conduct. *Shuette*, 121 Nev. at 848, *citing Wagner v.*
11 *Nutrasweet Co.*, 95 F.3d 527, 534 (7th Cir. 1996). Thus, defenses that are unique to the
12 representative party rarely will defeat this prerequisite, unless they "threaten to become the focus of
13 the litigation." *Shuette*, 121 Nev. at 848, *citing Gary Plastic Packaging v. Merrill Lynch*, 903 F.2d
14 176, 180 (2nd Cir. 1990). The "typicality" requirement can be satisfied by showing "each class
15 member's claim arises from the same course of events and each class member makes similar legal
16 arguments to prove the defendant's liability." *Shuette*, 121 Nev. at 848-849, *citing Robidoux*, 897
17 F.2d at 936. Thus, the representatives' claims need not be identical, and class action certification
18 will not be prevented by mere factual variations among class members' underlying individual
19 claims. *Id.* For example, and as noted by the Nevada Supreme Court in *Shuette*, 121 Nev. at 849,
20 "typicality of claims can result when each owner in a condominium complex 'suffer[s] damage' by
21 way of being assessed for repairs to leaky common area roofs, even though some of the individual
22 unit owners have not otherwise suffered from leakage problems." *Citing Deal*, 94 Nev. at 306, 579
23 P.2d at 778.

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26 10. A class action may proceed only when it is shown the representative parties have the
27 ability to "fairly and adequately protect the interests of the class." *See* NRCP 23(a)(4). This inquiry
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1 "serves to uncover conflicts of interest between named parties and the class they seek to represent."

2 Shuette, 121 Nev. at 849, *quoting AmChem Products, Inc. v. Windsor*, 521 U.S. 591, 625 (1997).

3 To wit, class representatives must "possess the same interest and suffer the same injury" as other
4 class members. AmChem Products, Inc., 521 U.S. at 625-626, *quoting East Texas Motor Freight v.*
5 Rodriguez, 431 U.S. 395, 403 (1977).

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7 11. In addition to following the NRCP 23(a) requirements, Plaintiff HIGH NOON AT
8 ARLINGTON RANCH HOMEOWNERS ASSOCIATION must show one of the three conditions
9 set forth in NRCP 23(b):

10 (1) that separate litigation by individuals in the class would create a risk the
11 opposing part would be held to inconsistent standards of conduct or the non-party members'
12 interests might be unfairly impacted by the other members' individual litigation;

13 (2) the party opposing the class has acted or refused to act on grounds generally
14 applicable to the class, thereby making appropriate financial injunctive relief or
15 corresponding declaratory relief with respect to the class as a whole; or

16 (3) common questions of law or fact predominate over individual questions, and a
17 class action is superior to other methods of adjudication.

18
19 Also see Shuette, 121 Nev. at 849-850.

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21 12. The first two conditions of NRCP 23(b) are self-explanatory as set forth above. The
22 "predominance" prong of the third condition "tests whether proposed classes are sufficiently
23 cohesive to warrant adjudication by representation." Shuette, 121 Nev. at 850, *citing AmChem*
24 Products, 521 U.S. at 623. The "questions of law or fact" at issue are those that "qualify each class
25 member's case as genuine controversy." Id. The questions that class members have in common
26 must be significant to the substantive legal analysis of the members' claims. Shuette, 121 Nev. at
27 850, *citing State of Alabama v. Blue Bird Body Co.*, 573 F.2d 309, 316 (5th Cir. 1978)("In order to
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1 make the findings required to certify a class action under [FRCP] 23(b)(3)..., one must initially
2 identify the substantive law issues which will control the outcome of the litigation.”). While the
3 NRCP (b)(3) predominance inquiry is related to the NRCP 23(a) commonality and typicality
4 requirements, *it is more demanding*. Shuette, 121 Nev. at 850, *citing AmChem Products, Inc.*, 521
5 U.S. at 623-624. The importance of common questions must predominate over that peculiar to
6 individual class members. As noted in Shuette, 121 Nev. at 851, “common questions predominate
7 over individual questions if they significantly and directly impact each class member’s effort to
8 establish liability and entitlement to relief, and their resolution ‘can be achieved through generalized
9 proof.’” *Quoting Moore v. PaineWebber, Inc.*, 306 F.3d 1247, 1252 (2nd Cir. 2002). On the other
10 hand, when the facts and law necessary to resolve the claims vary from person to person, taking into
11 account the nature of the defense presented or when the resolution of the common questions would
12 result in “superficial adjudications which...deprive either [party] of a fair trial,”⁷ individual
13 questions predominate whereby class action is an inappropriate method of adjudication. Shuette,
14 121 Nev. 851. Courts should exercise caution in allowing a class action to proceed when the
15 “individual stakes are high and disparities among class members great.” AmChem Products, Inc.,
16 521 U.S. at 625, *citing* Title 28 U.S.C. App. 697, Advisory Committee Note (1966).

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19 13. The second prong to the third NRCP 23(b) condition questions whether class action is
20 the superior method for adjudicating the claims, thereby promoting the interests of “efficiency,
21 consistency and ensuring that class members actually obtain relief.” Shuette, 121 Nev. at 851-852,
22 *quoting Ingram v. The Coca-Cola Co.*, 200 F.R.D. 685, 701 (N.D.Ga. 2001). A proper class action
23 prevents identical issues from being “litigated over and over[,] thus avoid[ing] duplicative
24 proceedings and inconsistent results.” Shuette, 121 Nev. at 852, *quoting Ingram*, 200 F.R.D. at 701.
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28 ⁷City of San Jose v. Superior Court of Santa Clara County, 525 P.2d 701, 711 (Cal. 1974).

1 It also helps class members obtain relief when they might be unable or unwilling to individually
2 litigate an action for financial reasons or for fear of repercussion. Id.

3 14. Other factors worth considering include the members' interests in individually
4 controlling the litigation, whether and the extent to which other litigation of the matter by class
5 members has already commenced, the desirability of litigating the class action in the particular
6 forum, whether the class action will be manageable, and the time and effort a district court must
7 expend in becoming familiar with the case. Shuette, 121 Nev. at 852, *citing* Peltier Enterprises, Inc.
8 *v. Hilton*, 51 S.W.3d 616, 625 (Tex.App. 2000). In addition, the court must determine whether other
9 adjudication methods would allow for efficient resolution without compromising any parties' claims
10 or defenses. For example, as noted by the Nevada Supreme Court in Shuette, 121 Nev. at 852,
11 NRCP 16.1(f) permits district courts to waive pre-trial discovery requirements for complex
12 litigation. NRCP 19 allows for the joinder of necessary persons, and NRCP 42 governs the court's
13 powers to consolidate, order joint hearings and conduct separate trials in actions involving common
14 questions of law or fact, or in order to promote efficiency or preserve fairness. Further, NRCP
15 23(c)(4) provides the district court may certify a class action under that rule with respect to certain
16 issues or sub-classes. In any case, class action is only superior when management difficulties and
17 any negative impacts on all parties' interests "are outweighed by the benefits of class wide
18 resolution of common issues." Peltier Enterprises, 51 S.W.3d at 624.
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22 15. As noted by the Nevada Supreme Court in Shuette, 121 Nev. at 854, "single-family
23 residence constructional defect cases will rarely be appropriate for class action treatment." Indeed,
24 class actions involving real property often are "incompatible with the fundamental maxim that each
25 parcel of land is unique." City of San Jose, 525 P.2d at 711. Although the "uniqueness of land
26 principle was developed at common law in response to concerns that did not involve class action
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1 issues,⁸ the rule "take[s] on added significance in this modern era of development. Simply stated,
2 there are now more characteristics and criteria by which each piece of land differs from every other.
3 Shuette, 121 Nev. at 854-855, *quoting City of San Jose*, 525 P.2d at 711. Allowing class actions to
4 proceed on issues that involve variables particular to "unique" parcels of land would require either
5 an alteration of this principle or an extensive sub-classification system that, effectively, would defeat
6 the purpose of the class action altogether. Shuette, 121 Nev. at 855, *citing City of San Jose*, 525
7 P.2d at 711-712. Where specific characteristics of different land parcels are concerned, "these
8 uniqueness factors weigh heavily in favor of requiring independent litigation of the liability to each
9 parcel and its owner." City of San Jose, 525 P.2d at 711. *Even when* the uniqueness of real property
10 is not substantially implicated, constructional defect cases relating to several different properties are
11 often very complex, involving allegations between numerous primary and third parties concerning
12 different levels or types of property damages. In many instances, these types of cases present issues
13 of causation, liability defenses and damages that cannot be determined or presumed through the use
14 of generalized proof, but rather, require each party to individually substantiate his claims. Shuette,
15 121 Nev. at 855, *citing Muise v. GPU, Inc.*, 851 A.2d 799, 813-823 (N.J.Super.Ct.App.Div.
16 2004)(discussing and distinguishing when class actions might be appropriate despite the need for
17 individualized proof, such as when there exist predominating common questions of liability and "the
18 fact of damage."). Nevertheless, as the Nevada Supreme Court recognized in Shuette, 121 Nev. at
19 857, "[c]lass action treatment may be proper under NRCP 23...if the constructional defect case or
20 issue involves a singular defect that predominates over any other problems, which remain
21 minimal."⁹

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27 ⁸See, e.g. Stoltz v. Grimm, 100 Nev. 529, 533, 689 P.2d 927, 930 (1984)(affirming an award of specific
performance because "the subject matter of the contract was real property, and as such is unique.").

28 ⁹Also see Hicks v. Kaufman & Broad Home Corp., 107 Cal.Rptr. 761 (Ct.App. 2001)(There, claimants were
allowed to proceed with a class action on issues regarding breach of warranty, since the alleged defect consisted of

1 16. Analyzing the facts of this case in light of the authority set forth above, this Court
2 concludes, while Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
3 ASSOCIATION has standing to sue Defendant D.R. HORTON, INC. for constructional defects
4 located within the common and limited common elements, and may have standing to sue on behalf
5 of two or more of its homeowner-members under NRS 116.3102 with respect to deficiencies located
6 within the individual townhouses,¹⁰ Plaintiff has not met its burden in showing the presence of all
7 conditions under NRCP 23(a) with respect to certifying the action as a class. As this Court
8 previously noted in its Order filed February 10, 2011, Plaintiff has not adequately demonstrated to
9 this Court the "commonality" element set forth in NRCP 23(a)(2) is met. That is, it has not
10 adequately shown an issue of law or fact exists that inheres in the complaints of all 342 or even the
11 194 units' owners who assigned their claims to the Association. Instead, the Association identifies a
12 myriad of vague complaints in Paragraph 16 of the Complaint, which include, but are not limited to
13 structural, fire safety, waterproofing defects, and deficiencies in the civil engineering/landscaping,
14 roofing, stucco and drainage architectural, mechanical, plumbing, HVAC, acoustical, electrical, and
15 those relating to the operation of the windows and sliding doors. Given the number of
16 constructional defects alleged, it is also difficult to perceive whether they are *typical* of those found
17 within all of the 342 or 194 assigned-claims' homes. Even Plaintiff has previously admitted it has
18 not visually inspected or destructively tested all 342 units, or even the 194 "assigned" townhomes
19 within the development. Taking this matter one step further, Defendant/Third-Party Plaintiff D.R.
20 HORTON, INC., likewise, would experience difficulty showing same or similar facts exist with
21 respect to each of Plaintiff's homeowner-members when litigating the third-party action lodged
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26 improper use of a certain material in each house's concrete slab. With regard to their breach of warranty claims, the
27 parties required economic damages for the defective items' repair or replacement, and thus, the claims could be resolved
28 with generalized proof and simple damage formulas.).

¹⁰Such includes defects that may be located within the "building envelope" for which the homeowners are individually responsible.

1 against wholly different trades, from plumbers to framers to electricians. In short, without specific
2 facts shown to the Court every one of the 342 or the "assigned" 194 homeowners suffers all of the
3 same constructional defects outlined above, the Association cannot meet its burden of demonstrating
4 the existence of all four (4) conditions set forth in NRCP 23(a).

5 17. As Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
6 ASSOCIATION cannot satisfy the *commonality* and *typicality* requirements of NRCP 23(a), its
7 claims also fail to satisfy the more demanding *predominance* prong of NRCP 23(b)(3). Plaintiff has
8 not shown the importance of common questions predominate over the relevance of issues peculiar to
9 the individual 342 or 194 homeowner-members. As noted by the high court in Shuette, 121 Nev. at
10 858, 124 P.3d at 545, a shared experience alone does not justify a class action.¹¹

12 18. Likewise, Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
13 ASSOCIATION has not met its burden of showing a class action is the *superior* method for
14 adjudicating claims of the purported class, i.e. the 194-townhouse owners, the second prong of
15 NRCP 23(b)(3). It has not shown to this Court's satisfaction class certification would promote the
16 interests of "efficiency, consistency, and ensuring that class members actually obtain relief."¹² It has
17 not shown class certification would prevent identical issues from being "litigated over and over[']
18 thus avoid[ing] duplicative proceedings and inconsistent results."¹³ If anything, Plaintiff's inability
19 to obtain assignments from the other 148 units' owners gives some indication additional litigation
20 may occur *even if* this Court determined class action, concerning the assigned claims, was
21 appropriate. Lastly, given the damages that are recoverable under NRS 40.655, it is difficult to
22 perceive all, or most of the 194 units' owners who assigned their causes are either unable or
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27 ¹¹Citing AmChem Products, Inc., 521 U.S. at 623-624.

28 ¹²Ingram, 200 F.R.D. at 701.

¹³Shuette, 121 Nev. at 852, 124 P.3d at 540-541, *quoting Ingram*, 200 F.R.D. at 701.

1 unwilling to individually litigate their claims either for financial reasons or for fear of
2 repercussion.¹⁴

3 19. Further, as Defendant D.R. HORTON, INC. has asserted the affirmative defense of
4 "failure to mitigate damages,"¹⁵ such action creates additional questions regarding individualized
5 proof. By its nature, mitigation issues exist when the wrongdoer attempts to minimize damages
6 owed by showing the harmed person failed to take reasonable care to avoid incurring additional
7 damages. In this case, each of the 194 units' owners may have acted differently and mitigated
8 damages more or less than the other townhouse owners who assigned their claims to Plaintiff.
9

10 20. Given the allegations of vaguely identified constructional defects within the
11 Complaint, it is unknown whether two or more homeowners suffer damages resulting from identical
12 or similar defects, justifying the Association representing these members pursuant to NRS
13 116.3102(1)(d).
14

15 21. In rendering its decision Plaintiff has not met its burden under NRCP 23 to support its
16 position the claims of the homeowners should proceed as a class, this Court notes it is not
17 conclusive. Should it desire to maintain the matter as a class action, Plaintiff HIGH NOON AT
18 ARLINGTON RANCH HOMEOWNERS ASSOCIATION must definitely show a numerous
19 number or all of its homeowner-members suffer damages from common constructional defects
20 identified within the list set forth in Paragraph 16 of the Complaint. In the meantime, it is evidence
21 this Court should determine an alternative for the individual homeowner claims to proceed in some
22 manner other than as a class action. Beazer Homes Holding Corp., 128 Nev.Ad.Op. 66, 219 P.3d at
23 136. In doing so, it must analyze and document its findings to show the alternative method to
24 proceed will adequately identify factual and legal similarities between claims and defenses, provide
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27 ¹⁴*Id.*

28 ¹⁵*See* Defendant's Second Affirmative Defense, pp. 6-7 of the Answer and Third-Party Complaint filed
September 23, 2011.

1 notice to members represented by the association and confront how claim preclusion issues will be
2 addressed. Id. This Court can then fashion an appropriate alternative case management plan to
3 efficiently and effectively resolve the case. Regardless, this Court retains control over the action and
4 has flexibility to make appropriate orders. Id.

5 21. For this Court to decide how this matter should proceed, Plaintiff HIGH NOON AT
6 ARLINGTON RANCH HOMEOWNERS ASSOCIATION must report what individual defects, if
7 any, are suffered by two or more owners. Once the question is answered, this Court will then
8 determine how or whether it is appropriate for the Association to bring such claims for
9 constructional defects on behalf of such homeowner-members, as a class or otherwise, or
10 alternatively, whether the individual owners' causes of action should be joined within the same
11 lawsuit.
12

13 Accordingly, based upon the foregoing Findings of Fact and Conclusions of Law,
14

15 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Plaintiff HIGH NOON AT
16 ARLINGTON RANCH HOMEOWNERS ASSOCIATION can maintain a claim in its own right as
17 a result of constructional defects that are located within the common or limited common elements;
18

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, within thirty (30)
20 days, or no later than **Thursday, May 30, 2013**, Plaintiff shall report to the Court what
21 constructional defects, if any, are located:

22 a. Within the common and limited common elements; and
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- 1 b. Within the individual owners' units or those for which the homeowners are
2 responsible, i.e. building envelopes, and whether two or more homeowners suffer
3 damages as a result of the same constructional defects.

4 DATED this 29th day of April 2013.

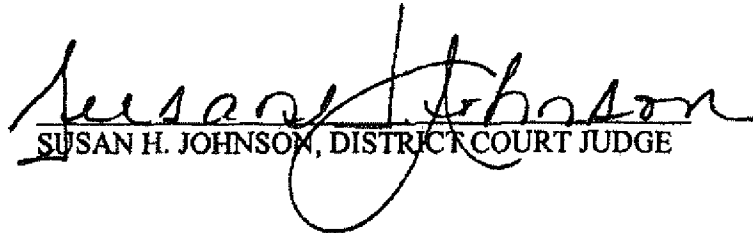
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7 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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EXHIBIT B


CLERK OF THE COURT

1 **ORDER**

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4 **DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6 **HIGH NOON AT ARLINGTON RANCH**
7 **HOMEOWNERS ASSOCIATION, a**
8 **Nevada non-profit corporation, for itself**
9 **and for all others similarly situated,**

10 **Plaintiff,**

11 **Vs.**

12 **D.R. HORTON, INC., a Delaware**
13 **Corporation; DOE INDIVIDUALS 1-100;**
14 **ROE BUSINESS or GOVERNMENTAL**
15 **ENTITIES 1-100, inclusive,**

16 **Defendants.**

17 **D.R. HORTON, INC.,**

18 **Third-Party Plaintiff,**

19 **Vs.**

20 **ALLARD ENTERPRISES, INC. d/b/a**
21 **IRON SPECIALISTS; ANSE, INC. d/b/a**
22 **NEVADA STATE PLASTERING;**
23 **BRANDON, LLC d/b/a SUMMIT**
24 **DRYWALL & PAINT, LLC; BRAVO**
25 **DRYWALL & PAINT, LLC; BRAVO**
26 **UNDERGROUND, INC.; CAMPBELL**
27 **CONCRETE OF NEVDA, INC.; CIRCLE**
28 **S DEVELOPMENT CORPORATION**
d/b/a DECK SYSTEMS; EFFICIENT
ENTERPRISES, LLC, d/b/a EFFICIENT
ELECTRIC; FIRESTOP, INC.;
HARRISON DOOR COMPANY;
INFINITY BUILDING PRODUCTS, LLC;
INFINITY WALL SYSTEMS, LLC;
LUKESTAR CORPORATION;

Case No. 07A542616
Dept. No. XXII

Electronic Filing Case

ORDER

1 NATIONAL BUILDERS, INC.; O.P.M.,
2 INC. d/b/a CONSOLIDATED ROOFING;
3 QUALITY WOOD PRODUCTS, LTD.,
4 RCR PLUMBING AND MECHANICAL,
5 INC.; REYBURN LAWN & LANDSCAPE
6 DESIGNERS, INC.; RISING SUN
7 PLUMBING, LLC d/b/a RSP, INC.;
8 SOUTHERN NEVADA CABINETS, INC.;
9 SUNRISE MECHANICAL, INC.;
10 SUNSTATE COMPANIES, INC. d/b/a
11 SUNSTATE LANDSCAPE; THE
12 SYLVANIE COMPANIES, INC. d/b/a
13 DRAKE ASPHALT & CONCRETE;
14 UNITED ELECTRIC, INC. d/b/a UNITED
15 HOME ELECTRIC; WALLDESIGN,
16 INC.; WESTERN SHOWER DOOR, INC.;
17 DOES 1 through 150,

18 Third-Party Defendants.

19 ORDER

20 On or about January 25, 2013, the Supreme Court of Nevada issued a Writ of Mandamus to
21 JUDGE SUSAN H. JOHNSON of Department XXII of the Eighth Judicial District Court, in and for
22 Clark County, Nevada, with respect to the aforementioned matter. Specifically, the high court
23 instructed the judge to "conduct further proceedings in light of this order and this court's recent
24 decision in Beazer Homes Holding Corp. v. District Court, in the case entitled High Noon at
25 Arlington Ranch Homeowners Association vs. D.R. Horton, Inc., case no. A542616." In its Order
26 Granting Petition for Writ of Mandamus or Prohibition filed January 25, 2013, the Nevada Supreme
27 Court noted the district court did conduct a full NRCP 23 analysis as to the claims assigned by the
28 homeowners to Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
ASSOCIATION—that being the alleged constructional defects located within the individual units—
however, the lower court "failed to perform a full and thorough NRCP 23 analysis as to the claims
involving the building envelopes." It further noted this Court interpreted the Supreme Court's

1 holding in *First Light II*¹ as applicable only to the alleged interior defects of individual units located
2 within a common-interest community, and thus, found, without performing a NRCP 23 analysis, that
3 Plaintiff had standing to litigate representative claims based upon building envelopes as "building
4 envelope claims affected the common-interest community." In its view, such ruling was in error,
5 and the Supreme Court directed this Court to determine whether "building envelope" constructional
6 defect claims conformed to class action principles.
7

8 In light of the Nevada Supreme Court's mandate, this Court rendered its analysis within
9 Findings of Facts, Conclusions of Law and Order issued April 29, 2013. There, this Court again
10 found Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION could
11 not satisfy the *commonality* and *typicality* requirements of NRCP 23(a), or the more demanding
12 *predominance* prong of NRCP 23(b)(3) with respect to the myriad of constructional defects located
13 within the individual units. It also so found with respect to the "building envelope," which
14 encompasses the roof and stucco systems, fire walls/stops and exterior openings, such as windows
15 and doors. Further, Plaintiff had not met its burden to show proceeding in a class action fashion
16 would be the *superior* method for adjudicating the claims of the purported class, i.e. the 194
17 townhouse owners, the second prong of NRCP 23(b)(3).²
18

19 While this Court found Plaintiff HIGH NOON AT ARLINGTON RANCH
20 HOMEOWNERS ASSOCIATION had not met its burden under NRCP 23 to support its position the
21 homeowners' claims should proceed as a class, it also noted its position was not conclusive.
22 Further, it was evident this Court needed to determine how certain individual homeowner claims
23 will proceed in a manner other than as a class action. This Court, therefore, ordered Plaintiff HIGH
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25

26 ¹Lawyers and judges have referred to the case, *D.R. Horton, Inc. v. District Court*, 125 Nev. 449, 215 P.2d 697
27 (2009) as the *First Light II* decision.

28 ²As previously noted, the community consists of 114 buildings, each containing three (3) individual homes, for a total 342 units. This Court understands Plaintiff has obtained the assignments of 194 townhouse owners, and thus, is proceeding on behalf of these owners only.

1 NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION to report what constructional
2 defects, if any, are suffered by two or more owners within both the "building envelope" and
3 individual units. Once the question was answered, this Court noted it would determine how or
4 whether it is appropriate for the Association to bring claims for constructional defects on behalf of
5 such homeowner-members, in a class format or otherwise, or alternatively, whether the owners'
6 causes of action should proceed in another way.
7

8 In response to this Court's April 29, 2013 Findings of Fact, Conclusions of Law and Order,
9 Plaintiff filed its voluminous Errata to Notice of Plaintiff's Matrix Outlining the Defects Alleged and
10 Locations of Defects Pursuant to Court Order on September 17, 2013. Unfortunately, this
11 approximate 1,000-page document was difficult for this Court to follow, which prompted Plaintiff to
12 file a condensed Supplement to Notice of Plaintiff's Matrix Outlining the Defects Alleged and
13 Locations of the Defects Pursuant to Court Order on October 23, 2013. This Court has reviewed
14 Plaintiff's Supplement, and after hearing the attorneys' oral arguments, it took the matter under
15 advisement on October 24, 2013.
16

17 Plaintiff's Supplement to Matrix identified all defects found within the 194 units, including
18 their "building envelopes." It grouped them into categories: Roofs, Architectural, Electrical,
19 Plumbing³ and Structural. While, in some instances, this Supplement did not identify where the
20 particular defect was located,⁴ it did state, in summary fashion, the total number of units inspected,
21 those containing the defect and then the percentage found deficient. For example, in reviewing
22 "01.01.00 Roof Field Area – General," 114 units were inspected for "01.01.01 Broken Field Tile,"
23 and 111 of the homes were found to contain that defect. Plaintiff then extrapolated that figure,
24 111/114, to project this defect exists in 97 percent of all 194 units. Defect "01.01.03 Slipped or
25
26

27 ³As some of the defects are identified with an "M" within the "Plumbing Matrix," this Court assumes some of
28 these defects are "mechanical."

⁴The location of the particular defects is identified within the "Electrical" and "Plumbing" Matrices.

1 Unsecured Field Tile" was found in 46 of 114 inspected units. Plaintiff again extrapolates that
2 figure, 46/114, to project this constructional defect exists in 40 percent of all 194 units. There were
3 constructional defects, such as "01.06.03 Z-Bar Counterflashing Not Used" found in all 114
4 inspected units, which Plaintiff projects to exist in all 194 homes.

5 In its experience, this Court has observed staggering testing costs for constructional defects.
6 For that reason, it is not surprised Plaintiff elected to visually inspect and/or destructively test less
7 than 100 percent of the homes. In fact, Plaintiff and its homeowner-members are not necessarily
8 required to have every single unit inspected or destructively tested to determine whether a particular
9 constructional defect exists in order for the Association to send a notice of constructional defects
10 under NRS 40.645, or ultimately, to bring an action under NRS 40.600, *et seq.* on behalf of all
11 homeowners in its representative capacity.⁵ In light of the aforementioned information, this Court
12 concludes Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION
13 may represent its 194 homeowners, in a representative capacity, with respect to constructional
14 defects found in 100 percent of the number of residences inspected. That is, Plaintiff may act on
15 behalf of the 194 homeowner-members in a representative capacity with respect to the following
16 defects:
17
18

19 Roofs:

20
21 01.06.03 ("Z-bar Counterflashing Not Used") (Confined Rakes)
22 01.07.04 ("Z-bar Counterflashing Not Used") (Headwalls)

23 Architectural:

24 07.02 ("Failed water test) (SGD's)
25 07.03 ("Gap between frame and EPS") (SGD's)

26 ⁵As this Court has noted in other unrelated cases, if homeowner associations were required to destructively test
27 every single member's home, the risk to both plaintiffs and defendant contractors would substantially increase. Should
28 plaintiff associations not prevail, the costs of such destructive testing would be borne by not only the homeowners
association, but also the individual owners through special assessments. Should plaintiff association prevail on behalf of
the homeowners, such costs could be assessed against the defendant developers as damage under NRS 40.655.

- 08.02 ("Door water intrusion during testing Entry") (Exterior Doors)
08.05 ("Water intrusion during testing French Door") (Exterior Doors)
10.01 ("Garage Shear fastener too short") (Fire Resistive)
10.02 ("Garage No Shear fastener too short")
10.06 ("Unit Party Walls fastener too short") (Fire Resistive)
10.07 ("Attic Walls fastener too short") (Fire Resistive)
10.09 ("Fasteners not coated with joint compound") (Fire Resistive)
15.04 ("Garage door weather strip not attached") (Miscellaneous Architectural)
15.07 ("Attic insulation out of place") (Miscellaneous Architectural)
15.09 ("Excessive dryer vent length-Plan Type 102 and 103") (Miscellaneous Architectural)
16.03 ("Gap at EPS board/window frame") (Windows)
16.10 ("Stacked frame joint improper, discontinuous") (Windows)
16.12 ("Unsealed holes in single hung window jamb") (Windows)
16.13 ("Horizontal sliding window unsealed alarm contact") (Windows)

Electrical:

4 ("The grounding electrode system is not effectively bonded together as required under the Code. The grounding electrode bonding jumper was not present, or not visibly located, at the hot and cold water piping connection at the hot water heater to assure the secondary path to ground as required by the Code. The standard method of reliance upon the metal water piping underground system for a grounding electrode has been augmented in the Code in Articles 250-80, wherein all interior metal piping systems are to be bonded to the electrical system")("Location: The hot and cold water lines and exposed sections of metal piping systems")

Plumbing:⁶

P1a, P4, P5a, P6, P10a, P10b, P10c, P11, P14, P15, P16, P17, P18, M1, M2

Structural:⁷

2.1103, 2.2101, 3.1104, 3.2102, 4.1208

Plaintiff may establish liability and entitlement to relief through the use of generalized proof with respect to the constructional defects found in 100 percent of the units inspected as identified above. Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION may extrapolate such information by way of statistical proof to show such constructional defects exist or may be present within the 194 residences of owners it seeks to represent. In this Court's view,

⁶These defects were identified by symbol, or combination of numbers and letters, only. Presumably, these defects are better identified within the 1,000 Errata filed September 17, 2013.

⁷See Footnote 6 *supra*.

1 or 15 percent of the limited number of units inspected. In other words, the entire class of 194 unit
2 owners should not be permitted to recover monies when the constructional defect allegedly is found
3 in only seven (7) of 114 homes inspected, as such could result in precluding the damaged
4 homeowner in seeking his remedies in the same or different forum at another time, obtaining full
5 relief within the instant lawsuit, and further, it would allow homeowners not suffering a particular
6 defect from reaping a benefit.

7
8 With the aforementioned said, Plaintiff HIGH NOON AT ARLINGTON RANCH
9 HOMEOWNERS ASSOCIATION may institute and/or maintain litigation on behalf of two or more
10 individual owners suffering the same constructional defects. See NRS 116.3102(1)(d). For
11 example, Plaintiff may institute and/or maintain litigation on behalf of owners of 8647 Tom Noon,
12 Unit 2, 8668 Tom Noon, Unit 102, 8679 Tom Noon Unit 103 and others listed on Plaintiff's
13 Supplement, Bates P000217, who suffered Electrical Defect 5. Plaintiff may institute and/or
14 maintain litigation on behalf of owners suffering Plumbing Defect P2b. However, if the number of
15 homeowners suffering from the same constructional defect does not meet the "numerosity"
16 requirement of NRCP 23(a), the Association cannot present evidence by way of generalized proof as
17 it would in a typical class action.
18

19 However, given the language of NRS 116.3102(1), which expressly grants standing to the
20 common-interest association to institute litigation on behalf of two or more unit owners on matters
21 affecting the community, it follows Plaintiff cannot bring suit on behalf of just one member. Thus,
22 Plaintiff cannot represent the one homeowner suffering Roof Defect 01.07.01 (Overexposed
23 Headwall Tiles), or the one experiencing Architectural Defect 04.06 (Horizontal membrane
24 missing). Further, Plaintiff cannot represent the homeowner suffering Structural Defect 3.2101.
25 Plaintiff does not have standing to "[i]nstitute, defend or intervene in litigation" on behalf of
26 individual owners suffering one isolated or unique defect. Claims for such constructional defects
27
28

1 must be brought by the real party in interest, which, in this case, are those homeowners. This Court
2 accords Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION
3 leave to file an amended complaint *only for the purpose of including claims of homeowners suffering*
4 *the constructional defect not encountered by their neighbors to prosecute their individual claims.*
5 Given the limited time before trial, such an amendment must be filed within fifteen (15) days of this
6 Order. Should such an amendment not be made, this court concludes the Association has no
7 statutory or other authority to represent these homeowners for the individual defects suffered only by
8 them, and such claims may be dismissed *without prejudice.*
9

10 Accordingly, based upon the aforementioned,

11 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Plaintiff HIGH NOON AT
12 ARLINGTON RANCH HOMEOWNERS ASSOCIATION may prosecute the claims of its 194
13 homeowner-members with respect to constructional defects that may exist in 100 percent of the
14 homes. It may also use statistical proof to extrapolate or show such constructional defects found in
15 100 percent of the homes inspected also exist within all 194 homes. Such constructional defects are
16 itemized above.
17

18 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** where the NRCP 23(a)
19 "numerosity" element is met concerning claims of homeowners numbering more than 40, but less
20 than the total 194, Plaintiff may prosecute those claims as their representative in a sub-class format,
21 meaning the Association may use generalized proof to demonstrate such claims. The Association,
22 however, may not infer such claims are suffered by all 194 homeowner-members.
23

24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Plaintiff HIGH NOON AT
25 ARLINGTON RANCH HOMEOWNERS ASSOCIATION may bring and maintain claims on
26 behalf of two or more homeowners who actually suffer certain constructional defects that may not
27 have been experienced or encountered by their neighbors pursuant to NRS 116.3102(1)(d).
28

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, however, Plaintiff may not institute or maintain a lawsuit on behalf of those homeowners who along suffer certain constructional defects. Those claims must be brought by the individual owners, and this Court accords Plaintiff leave to amend its Complaint to include these homeowners as plaintiffs pursuant to NRCP 10(a) within fifteen (15) days of the date of this Order.

DATED this 12th day of November 2013.



SUSAN H. JOHNSON, DISTRICT COURT JUDGE

EXHIBIT C

1 SMO
2 FLOYD A. HALE, ESQ.
3 Nevada Bar No. 1873
4 JAMS
5 3800 Howard Hughes Pkwy. 11th Fl.
6 Las Vegas, NV 89169
7 Ph: (702) 457-5267
8 Fax: (702) 437-5267
9 *Special Master*

DISTRICT COURT

CLARK COUNTY, NEVADA

9 HIGH NOON AT ARLINGTON RANCH
10 HOMEOWNERS ASSOCIATION, a Nevada
11 non-profit corporation, for itself and for all
12 others similarly situated,

12 Plaintiffs,

13 v.

14 D.R. HORTON, INC., a Delaware Corporation,
15 DOE INDIVIDUALS 1-100, ROE BUSINESS
16 or GOVERNMENTAL ENTITIES 1-100,
17 inclusive,

17 Defendants.

18 D.R. HORTON, INC..

19 Third-Party Plaintiff,

20 vs.

21
22 ALLARD ENTERPRISES, INC., dba IRON
23 SPECIALISTS, ANSE, INC. dba NEVADA
24 STATE PLASTERING, BRANDON LLC dba
25 SUMMIT DRYWALL & PAINT, LLC;
26 BRAVO UNDERGROUND, INC.;
27 CAMPBELL CONCRETE OF NEVADA, INC.;
28 CIRCLES DEVELOPMENT CORPORATION
dba DECK SYSTEMS; EFFICIENT
ELECTRIC, LLC d/b/a/ EFFICIENT
ELECTRIC; FIRESTOP, INC.; HARRISON

CASE NO.: A542616
DEPT. NO.: XXII

SPECIAL MASTER REPORT
AND ORDER REGARDING
DISCOVERY SCHEDULING

1 DOOR COMPANY; INFINITY BUILDING
2 PRODUCTS, L.L.C.; INTEGRITY WALL
3 SYSTEMS, L.L.C.; LUKESTAR
4 CORPORATION; NATIONAL BUILDERS,
5 INC., O.P.M. Inc., d/b/a CONSOLIDATED
6 ROOFING; QUALITY WOOD PRODUCTS,
7 LTD.; RCR PLUMBING AND MECHANICAL,
8 INC.; REYBURN LAWN & LANDSCAPE
9 DESIGNERS, INC.; RISING SUN PLUMBING,
10 LLC d/b/a RSP, INC., SOUTHERN NEVADA
11 CABINETS, INC.; SUNRISE MECHANICAL,
12 INC.; SUNSTATE COMPANIES, INC. d/b/a
13 SUNSTATE LANDSCAPE; THE SYLVANIE
14 COMPANIES, INC. d/b/a DRAKE ASPHALT
15 & CONCRETE; UNITED ELECTRIC, INC.
16 d/b/a UNITED HOME ELECTRIC;
17 WALLDESIGN, INC.; WESTERN SHOWER
18 DOOR, INC.; DOES 1 through 150,

19 Third-Party Defendants.

20 **SPECIAL MASTER REPORT AND ORDER REGARDING**
21 **DISCOVERY SCHEDULING**

22 **SPECIAL MASTER REPORT:**

23 This litigation involves the Plaintiff's claims for damages related to alleged defects in the
24 residential construction and in the common areas of the High Noon at Arlington Ranch residential
25 community. This litigation was initiated on June 7, 2007. There have been several appeals to the
26 Supreme Court of Nevada. The exact extent of the prior Stays of this litigation is disputed. This
27 matter is set for trial on April 21, 2014, with a current 30 day discovery cut-off period.

28 A Special Master Hearing was conducted at the request of the parties on December 18, 2013.
The District Court recently conducted a hearing and counsel advised the Special Master that the
Plaintiff's Cost of Repair expert, Tim Valine, is required to produce a final, corrected Cost of Repair
report by December 25, 2013. It should be noted that Mr. Valine has missed a minimum of three Case

1 Agenda deadlines regarding his reports. Consequently, due to the failure to previously produce a
2 finalized report, his deposition will now have to be taken in January, 2014. In fact, Mr. Valine will not
3 have the luxury of scheduling this deposition for his convenience since there are only a few days
4 available to complete his deposition before the other remaining Plaintiff expert depositions must
5 proceed.
6

7 Another issue arose regarding the numerous experts that have been designated by the current
8 Plaintiff firm and the prior Plaintiff firm. The defending parties as of this date have no clear statement
9 from the Plaintiff as to which experts will be testifying and upon what reports the opinions of those
10 experts will be based. At the request of the Special Master, counsel for the Plaintiff that attended the
11 December 18, 2013, Special Master Hearing contacted his office and verified the names of experts that
12 will be utilized at trial. He was instructed to provide a date and bate number range for each report to
13 be utilized by those experts by 9:00 a.m. on December 19, 2013, which Plaintiff's counsel thought was
14 acceptable.
15

16 IT IS ORDERED that:

17 1. By 9:00 a.m. on December 19, 2013, the Plaintiff shall e-serve a list of all experts to be
18 utilized at trial, identifying by bate number the specific expert report that contains that expert's
19 opinions;
20

21 2. That if an expert has not previously provided a report, or adopted another expert's report by
22 this date, that expert may not testify at trial;

23 3. That due to the delays in the production of a corrected and final Cost of Repair report by
24 Plaintiff's expert, Tim Valine, his deposition will be conducted at 9:00 a.m. on the following dates:
25 January 6, 2014; January 8, 2014; January 13, 2014; and January 14, 2014; that Plaintiff's remaining
26 experts must be made available for deposition from January 15, 2014, through February 7, 2014;
27
28

4. That the Defendant's expert reports are due on January 10, 2014, with the Defendant's Cost of Repair report being due on January 17, 2014;

5. The Third-Party Defendants' expert reports are due on February 10, 2014;

6. That by January 10, 2014, Plaintiff shall provide access to the 26 residential units previously requested to be inspected by Firestop, Inc.; all defending parties may participate in those inspections;

7. That the Plaintiff shall designate the specific homeowners that are to testify in the trial by January 10, 2014.

DATED this 18th day of December, 2013.

By: /s/ Floyd A. Hale
 FLOYD A. HALE, Special Master
 Nevada Bar No. 1873
 3800 Howard Hughes Pkwy. 11th Fl.
 Las Vegas, NV 89169

EXHIBIT D

FLOYD A. HALE
LAW OFFICE
PRACTICE LIMITED TO SERVING AS:
SPECIAL MASTER, MEDIATOR AND ARBITRATOR
services administered and scheduled by JAMS
2300 W. Sahara Ave., Suite 900
Las Vegas, NV 89102

email:
fahale@floyd hale.com

JAMS
Fax (702) 437-5267
Telephone (702) 457-5267
website: www.jamsadr.com

December 30, 2013

ELECTRONICALLY SERVED
12/30/2013 09:23:17 AM

Sent by Electronic Service

Rachel Saturn, Esq.
Anguis & Terry
1120 Town Center Drive, #260
Las Vegas, NV 89144
Attorneys for Plaintiff

Re: High Noon at Arlington Ranch v. D.R. Horton, Inc.
Case No. A542616

Dear Ms. Saturn:

I received your request to move the January 6 and January 8, 2014, dates for Mr. Valine's deposition. Mr. Valine has caused delays and his deposition dates were set without his permission. As stated in Mr. Odou's December 27, 2013 letter, you have not even provided a basis for moving the depositions. This case should have the highest priority for Mr. Valine. Provide the specific basis for your requests. Also contact Mr. Odou and confirm the other expert deposition dates referenced in his December 27, 2013, letter. Finally, if Mr. Odou is satisfied with the basis of moving the January 6 and January 8, 2014 Valine deposition dates you will not need authority from me.

Very truly yours,

/s/ *Floyd A. Hale*
Floyd A. Hale

FAH/dkh

Copy: All Counsel on Service List

EXHIBIT E

Direct dial: (702) 251-4119
Email: ahall@wshblaw.com
Website: www.wshblaw.com
Refer to: 05708-0088

January 8, 2014

ELECTRONICALLY SERVED
01/08/2014 11:59:51 AM

VIA E-SERVE

Rachel B. Saturn, Esq.
Angius & Terry, LLP
1120 North Town Center Drive, Suite 260
Las Vegas, NV 89144

Re: *Arlington Ranch High Noon v. D.R. Horton, Inc.*
Our Client: D.R. Horton, Inc.
Case No.: Clark County - A542616

Dear Ms. Saturn:

We have received a number of requests from your office to reschedule the expert depositions in this matter. As indicated in our prior letter, while our practice is to extend professional courtesy to opposing counsel and accommodate all reasonable requests when they will not impact our client, we are significantly concerned about meeting the timelines in this case so that it will be ready for trial. As you know, this trial date was set over the objection of D.R. Horton and without the benefit of even having final reports as to what is being claimed in this litigation. Further, this was after numerous delays in discovery through no fault of D.R. Horton, including a delay of six months from the filing of this action and the service of a Chapter 40 Notice and a delay of nearly a year of no action at all after the first remand from the Nevada Supreme Court.

These delays have irreparably prejudiced D.R. Horton and the other defendants who are doing their best to have expert reports prepared over the holidays and on a shortened Discovery schedule. Based upon the same, we would expect that the Plaintiff's experts would understand that this case needs to take priority over other mediations and expert meetings in other matters.

That being said, we are willing to accommodate your recent requests with the understanding that these experts may not be happy with the final schedule, which is not of their choosing with the new changes you have requested in **bold**:

WOOD SMITH
HENNING & BERMAN LLP

Rachel B. Saturn, Esq.
Angius & Terry, LLP
Our File No.: 05708-0088
January 8, 2014
Page 2

- Deposition of Time Valine commencing at 9 a.m. each day: January 14, 15 and 16
- Deposition of Thomas Sanders start at 9 a.m. each day: January 20, 21 and 24 (if necessary)
- Deposition of Harvey Kreitenberg commencing at 9 a.m.: January 22
- Deposition of Roderick Tosetti commencing at 9 a.m.: January 27
- Deposition of Robert Shaffer commencing at 11 a.m.: January 29
- Deposition of Gary Lorden commencing at 10 a.m.: February 3
- Deposition of Felix Martin commencing at 9 a.m. each day: February 5 and 6 (if necessary)

In order to accommodate Mr. Kreitenberg's request, we had to move one day of Mr. Sander's deposition and trust that he will be happy to assist in this regard. We have also moved back the starting time for Mr. Schaffer's deposition since we mutually have a status check in the unrelated First Light Old Vegas matter that day.

Please immediately advise if this schedule works. In addition, please inform each of these experts that if their deposition is not completed for any reason, they will have to make themselves immediately available for additional days as this case will need to be given priority as indicated by the Special Master.

Thank you for your assistance in this regard.

Very truly yours,

WOOD, SMITH, HENNING & BERMAN LLP

/s/ Joel D. Odou

By: _____

JOEL D. ODOU
ANDREW V. HALL

JDO/AVH:rmt

cc: Floyd Hale, Special Master (via e-serve)
All Parties (via e-serve)

LEGAL-05708-0088/2868928.1

EXHIBIT F

1 Paul P. Terry, Jr., SBN 7192
Rachel Saturn, SBN 8653
2 Aaron C. Yen, SBN 11744
ANGIUS & TERRY LLP
3 1120 N. Town Center Drive, Suite 260
Las Vegas, NV 89144
4 Telephone: (702) 990-2017
5 Facsimile: (702) 990-2018
6 rsaturn@angius-terry.com

7 Attorneys for Plaintiff

FILE WITH
MASTER CALENDAR

8 DISTRICT COURT

9 CLARK COUNTY, STATE OF NEVADA

10 HIGH NOON AT ARLINGTON RANCH
11 HOMEOWNERS ASSOCIATION, a Nevada
12 non-profit corporation, for itself and for all
others similarly situated,

13 Plaintiff

14 v.

15 D.R. HORTON, INC. a Delaware Corporation
16 DOE INDIVIDUALS, 1-100, ROE
17 BUSINESSES or GOVERNMENTAL
ENTITIES 1-100 inclusive

18 Defendants.

19
20 And Related Third Party Actions, Cross
21 Claims, and Consolidated Actions.
22

Case No. A542616

Dept. No. XII

Oral Argument Requested

MOTION FOR RECONSIDERATION ON
ORDER SHORTENING TIME

HEARING REQUIRED

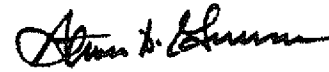
Date: Date: 1/16/14
Time: Time: 9:00 a.m.

[ELECTRONIC FILING CASE]

23 MOTION FOR RECONSIDERATION ON ORDER SHORTENING TIME

24 COMES NOW Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
25 ASSOCIATION (hereinafter "HIGH NOON" or "Plaintiff"), a Nevada non-profit mutual
26 benefit corporation, by and through its attorneys, hereby applies to and moves this Honorable
27 Court for an order shortening time for Plaintiff's Motion for Reconsideration, pursuant to
28 EDCR 2.26. This application is made upon the attached affidavit pursuant to EDCR 2.26.

EXHIBIT G



CLERK OF THE COURT

SMO
FLOYD A. HALE, ESQ.
Nevada Bar No. 1873
JAMS
3800 Howard Hughes Pkwy. 11th Fl.
Las Vegas, NV 89169
Ph: (702) 457-5267
Fax: (702) 437-5267
Special Master

DISTRICT COURT

CLARK COUNTY, NEVADA

HIGH NOON AT ARLINGTON RANCH
HOMEOWNERS ASSOCIATION, a Nevada
non-profit corporation, for itself and for all
others similarly situated,

Plaintiffs,

v.

D.R. HORTON, INC., a Delaware Corporation,
DOE INDIVIDUALS 1-100, ROE BUSINESS
or GOVERNMENTAL ENTITIES 1-100,
inclusive,

Defendants.

D.R. HORTON, INC..

Third-Party Plaintiff,

vs.

ALLARD ENTERPRISES, INC., dba IRON
SPECIALISTS, ANSE, INC. dba NEVADA
STATE PLASTERING, BRANDON LLC dba
SUMMIT DRYWALL & PAINT, LLC;
BRAVO UNDERGROUND, INC.;
CAMPBELL CONCRETE OF NEVADA, INC.;
CIRCLES DEVELOPMENT CORPORATION
dba DECK SYSTEMS; EFFICIENT
ELECTRIC, LLC d/b/a/ EFFICIENT
ELECTRIC; FIRESTOP, INC.; HARRISON

CASE NO.: A542616
DEPT. NO.: XXII

**SPECIAL MASTER ORDER
STRIKING PLAINTIFF'S
UNTIMELY EXPERT REPORT
OF FELIX MARTIN**

1 DOOR COMPANY; INFINITY BUILDING
2 PRODUCTS, L.L.C.; INTEGRITY WALL
3 SYSTEMS, L.L.C.; LUKESTAR
4 CORPORATION; NATIONAL BUILDERS,
5 INC., O.P.M. Inc., d/b/a CONSOLIDATED
6 ROOFING; QUALITY WOOD PRODUCTS,
7 LTD.; RCR PLUMBING AND MECHANICAL,
8 INC.; REYBURN LAWN & LANDSCAPE
9 DESIGNERS, INC.; RISING SUN PLUMBING,
10 LLC d/b/a RSP, INC., SOUTHERN NEVADA
11 CABINETS, INC.; SUNRISE MECHANICAL,
12 INC.; SUNSTATE COMPANIES, INC. d/b/a
13 SUNSTATE LANDSCAPE; THE SYLVANIE
14 COMPANIES, INC. d/b/a DRAKE ASPHALT
15 & CONCRETE; UNITED ELECTRIC, INC.
16 d/b/a UNITED HOME ELECTRIC;
17 WALLDESIGN, INC.; WESTERN SHOWER
18 DOOR, INC.; DOES 1 through 150,

19 Third-Party Defendants.

20
21 **SPECIAL MASTER ORDER STRIKING PLAINTIFF'S UNTIMELY**
22 **EXPERT REPORT OF FELIX MARTIN**

23 The Case Agenda in this litigation required the Plaintiff to deposit its final expert reports by
24 November 18, 2013. Plaintiff's expert, Felix Martin, did deposit an Affidavit contained within
25 Plaintiff's 17th Notice of Compliance on December 25, 2013.

26 Without seeking any leave for the deposit of a supplemental, untimely report, the Plaintiff
27 deposited an additional expert report of Felix Martin on December 25, 2013.. Section 11 of the Case
28 Management Order provides that an untimely expert report will be stricken by a Special Master Order,
without a hearing. The Plaintiff has the burden of submitting a Motion for Leave to supplement an
expert report upon a showing a good cause prior to depositing any expert reports after the Case Agenda
deadline for those reports.

IT IS ORDERED that the December 24, 2015, expert report of Felix Martin (eserved on

1 December 25, 2013) is stricken and that the Plaintiff must seek leave of the Special Master, upon a
2 showing a good cause, to supplement any expert report after the deadline established by the Case
3 Agenda.
4

5 DATED this 31st day of December, 2013.

6 By: /s/ Floyd A. Hale
7 FLOYD A. HALE, Special Master
8 Nevada Bar No. 1873
9 3800 Howard Hughes Pkwy. 11th Fl.
10 Las Vegas, NV 89169
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EXHIBIT H

Direct dial: (702) 251-4101
Email: jodou@wshblaw.com
Website: www.wshblaw.com
Refer to: 05708-0088

December 30, 2013

ELECTRONICALLY SERVED
12/30/2013 11:54:37 AM

Floyd Hale
Special Master
JAMS
2300 West Sahara Avenue, Suite #900
Las Vegas, NV 89102

VIA E-SERVE

Re: *Arlington Ranch High Noon v. D.R. Horton, Inc.*
Our Client: D.R. Horton, Inc.
Case No.: Clark County - A542616

Dear Mr. Hale:

We have now had an opportunity to review the midnight deposit of files from the Plaintiff on Christmas and believe that an Order Striking the untimely Affidavit of Felix Martin is appropriate and within your authority. As previously advised, this was buried within Plaintiff's 17th Notice of Compliance and is attached hereto.

In this Affidavit, Mr. Martin makes a number of NEW claims including the following in paragraph 10:

"My findings further include that the foundation systems for the buildings, the post tensioned concrete slabs on ground, were built in violation of the requirements of the 2000 International Building Code, the building code in effect at the time of construction;"

In addition to being incredibly vague, this new opinion is in violation of the Court's Order that required all final opinions no later than November 18, 2013. Pursuant to Paragraph 11 of the Case Management Order, which provides as follows on page 9, lines 3-7, we are requesting the same on behalf of D.R. Horton:

"No expert is authorized to deposit an untimely expert report, including modifications of previously deposited reports, without seeking leave of the Special Master upon a showing of good cause. Any party may notify the Special Master of the deposit of an untimely expert report which will justify the issuance of a Special Master Order striking that report, without hearing."

WOOD SMITH
HENNING & BERMAN LLP

Special Master Floyd Hale
Our File No.: 05708-0088
December 30, 2013
Page 2

In this instance, Mr. Martin is attempting to bring in a whole new variety of claim, i.e., that the PT Slabs are in some unexplained way, defective. In his initial report of January 31, 2007, no claim as to the slabs was made at all. In his subsequent report of June 3, 2011 (attached hereto), he claimed that there were slab cracks in Section 7.1100 of the same. As Discovery is closing, there is simply no way for the parties to respond to a vague claim that the "post tensioned concrete slabs on ground, were built in violation of the requirements of the 2000 International Building Code" without more and at this late date.

Based upon the same, we are requesting a recommendation to the Court striking this Affidavit in its entirety and precluding Mr. Martin from offering new opinions that the Slabs are improperly designed as this was not contained within his prior reports. While his deposition is tentatively set for January 24, unfortunately, our experts would need to respond to this new claim next week.

Thank you for your assistance in this regard.

Very truly yours,

WOOD, SMITH, HENNING & BERMAN LLP

/s/ Joel D. Odou

By: _____

JOEL D. ODOU
CHRISTINA M. GILBERTSON
ANDREW V. HALL

JDO/CMG/AVH:rmt

Enclosures

cc: All Parties (via E-Serve)

LEGAL:05708-0088/2858402.1


CLERK OF THE COURT

REPLY

Paul P. Terry, Jr., SBN 7192
John J. Stander, SBN 9198
Rachel B. Saturn, SBN 8653
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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

HIGH NOON AT ARLINGTON RANCH
HOMEOWNERS ASSOCIATION, a Nevada
non-profit corporation, for itself and for all
others similarly situated,

Plaintiff

v.

D.R. HORTON, INC. a Delaware Corporation
DOE INDIVIDUALS, 1-100, ROE
BUSINESSES or GOVERNMENTAL
ENTITIES 1-100 inclusive

Defendants.

Case No. A542616

Dept. No. XXII

(Electronic Filing Case)

**REPLY BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION ON ORDER
SHORTENING TIME**

Date: January 16, 2014

Time: 9:00 a.m.

And Related Third Party Actions, Cross
Claims, and Consolidated Actions.

I. INTRODUCTION

Defendant D.R. HORTON, INC.'s ("DRH") Opposition to the Motion for Reconsideration is nothing more than a transparent attempt to protect an otherwise unwarranted and undeserved windfall that is not supported by the clear mandate of Nevada law, and is an invitation to this Court to commit reversible error. The effect of NRS 116.3102(1)(d) is now crystal clear and there can be no dispute that it grants standing to

1 associations where defects are found in *two or more* units, *irrespective of the application of*
2 *NRCP 23*. DRH's Opposition concedes this by categorically failing to refute that clear
3 statement of law. Indeed, for all of DRH's protestations, eight exhibits, and fourteen pages of
4 argument, its Opposition failed to identify a *single instance* where Plaintiff HIGH NOON AT
5 ARLINGTON RANCH HOMEOWNERS ASSOCIATION ("HIGH NOON") represented
6 that it was limiting its claims to only 194 units. Therefore, NRS 116.3102(1)(d) applies.

7 In contrast, the Opposition relies on *ipse dixit* representations of the overused term
8 "severe prejudice" and claims that DRH "relied" on this Honorable Court's prior orders.
9 Ironically, DRH speaks of prejudice but fails to attach any affidavits by DRH's expert
10 witnesses showing that they are incapable of rendering opinions on the cost of repair of 342
11 units instead of 194 units. In sum, the revision of this Court's misunderstanding requires
12 nothing more than simple arithmetic on the part of all expert witnesses. As this Court has
13 stated previously, the parties are to proceed to trial with the evidence they have on hand, and
14 thus no additional discovery is necessary. Furthermore, the expert depositions have yet to
15 commence and thus reconsideration involves no wasted efforts for either side. Significantly,
16 Plaintiff's expert provided the defense with calculations for 342 units on December 25, 2013
17 so they have that information at their disposal – Plaintiff's defect claims remain unchanged.

18 Finally, DRH's arguments as to the timeliness of Plaintiff's motion for reconsideration
19 ignores the fundamental obligation of courts to *sua sponte* correct orders that are in error or
20 that do not comply with the law. DRH's citation to *Moore v. City of Las Vegas*, 92 Nev. 402
21 (1976) is inapposite because this Court has the inherent authority to modify orders that are
22 shown to be erroneous. *See Trail v. Faretto*, 91 Nev. 401, 403 (1975) ("[A] court may, for
23 sufficient cause shown, amend, correct, resettle, modify or vacate, as the case may be, an
24 order previously made and entered"). The *critical consideration* that defeats DRH's
25 procedural arguments is that EDCR 2.24 presumes that court rulings comply with the law, and
26 thus the requirements of EDCR 2.24 are intended to address the limited cases where facts or
27 the law change after issuance of the ruling. EDCR 2.24 cannot constrain a court's inherent
28 authority to modify its orders or rulings where those orders or rulings are erroneous or in
violation of the law, in order to avoid the waste of limited and valuable judicial resources.

1 **II. LEGAL ARGUMENTS**

2 **A. Reconsideration of the Standing Issue is Necessary in Order to Avoid the**
3 **Prejudice to All Parties and the Court Resulting from the Reversible**
4 **Error of an Inappropriate Application of NRS 116.3102(1)(d)**

5 DRH's argument that HIGH NOON "recycled" prior motions and transcripts ignores
6 the fact that this Honorable Court requested that it do so on a motion for reconsideration, in
7 order to provide this overburdened and busy Court with the history of the action. That history
8 proves the salient fact that HIGH NOON has never limited its claims to 194 units and has
9 always asserted that it has standing as to all 342 units. DRH's Opposition categorically failed
10 to refute that undisputed fact. Therefore, there is no basis for limitation of HIGH NOON's
11 standing as to all 342 units pursuant to NRS 116.3102(1)(d).

12 DRH proclaims "severe prejudice" but its Opposition practically begs this Court to
13 commit reversible error. In *State v. Eighth Judicial Dist. Court of Nev.*, 267 P.3d 777 (2011),
14 the Nevada Supreme Court held that, "[a] manifest abuse of discretion is '[a] clearly
15 erroneous interpretation of the law or a clearly erroneous application of a law or rule.'" *Id.* at
16 780. There is no dispute as to the application of NRS 116.3102(1)(d) in this case – where
17 defects are identified in two or more units, HIGH NOON has standing to pursue those claims,
18 irrespective of the Court's NRCP 23 analysis.

19 As *Beazer* cogently observed, it is not whether the representative action will proceed,
20 but *how* it will proceed. DRH's Opposition concedes this point by failing to even assert that
21 NRS 116.3102(1)(d) is inapplicable here. Instead, the majority of the Opposition focuses on
22 procedural deficiencies in HIGH NOON's motion for reconsideration, which are in and of
23 themselves without merit. This Honorable Court has a duty and obligation to amend and
24 modify its prior misunderstanding as to this issue and DRH's Opposition is nothing more than
25 an invitation to commit reversible error.

26 **B. The Prerequisites of EDCR 2.24 are Inapplicable Where a Court's Prior**
27 **Ruling or Order Does Not Comport with Nevada Law**

28 DRH's claims as to HIGH NOON's alleged non-compliance with EDCR 2.24's time
requirements for motions for reconsideration is without merit because this Court retains the

1 inherent authority to modify or amend its rulings and orders to comply with the law,
2 irrespective of EDCR 2.24. EDCR 2.24 presumes that court rulings and orders comply with
3 the law and its prerequisites were intended to remedy the rare situations where facts or
4 existing law change after the issuance of the ruling or order. It does not limit a court's
5 inherent authority to modify or amend its prior rulings that do not comport to existing law.
6 Moreover, the express language of EDCR 2.24 grants courts the inherent authority to enlarge
7 or modify those prerequisites. EDCR 2.24 ("A party seeking reconsideration of a ruling of
8 the court ... must file a motion for such relief within 10 days ... *unless the time is shortened or*
9 *enlarged by order.*"), italics added. Finally, this Court previously requested that HIGH
10 NOON bring a motion for reconsideration with a recitation of the history of the action, in
11 order to allow this Court to make an informed ruling as to the standing issue. Therefore the
12 procedural argument is without merit.

13
14 **C. *Ipse Dixit* Proclamations of Severe Prejudice Cannot Serve as a Substitute**
15 **for a Sufficient Showing that Actual and Unjustified Prejudice Exists, and**
16 **Cannot Justify a Ruling or Order that is a Misapplication of the Law**

17 It is axiomatic that there can be no remedy for a party's unreasonable reliance or
18 mistaken interpretation of the law. DRH attempts to capitalize on an unwarranted and
19 undeserved windfall occasioned by this overworked and overburdened Court's
20 misunderstanding of the units at issue. Indeed, DRH's Opposition cannot cite to a single
21 instance where HIGH NOON represented to the parties or the Court that it was limiting its
22 claims to only 194 units. DRH's Opposition is also conspicuously devoid of any evidence
23 that it ever made a motion to this Court to limit HIGH NOON's claims to only 194 units.
24 There is no real prejudice here – only the transparent machinations of DRH – intended to
25 deprive HIGH NOON of its right to a trial upon the merits as to all units it is legally entitled
26 to pursue damages for. DRH's extensive and *ipse dixit* proclamations of severe prejudice ring
27 hollow when unsupported by any real evidence of an inability to prepare for trial, especially
28 where HIGH NOON has already provided DRH and all defendants with its cost of repair
report as to 342 units. In sum, DRH's prejudice claims are without merit and even if there

1 were some merit in those claims, prejudice cannot justify a misapplication of Nevada law. To
2 claim otherwise is the very definition of a manifest abuse of discretion. *See State v. Eighth*
3 *Judicial Dist. Court of Nev., supra*, 267 P.3d at 780.

4 **III. CONCLUSION**

5 For the reasons stated above, Plaintiff respectfully requests this Honorable Court to
6 reconsider its prior order related to the right of HIGH NOON to pursue claims on behalf of all
7 of its members and all 342 units located at the Project.

8
9 Dated: January 14, 2014

ANGIUS & TERRY LLP

10
11 */s/ John J. Stander*

12 By: _____

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Construction Defect**COURT MINUTES****January 16, 2014**

07A542616

High Noon At Arlington Ranch Homeowner
vs
D R Horton Inc

January 16, 2014**9:00 AM****Plaintiff's Motion for Reconsideration****HEARD BY:** Johnson, Susan**COURTROOM:** RJC Courtroom 15D**COURT CLERK:** Tiffany Lawrence**RECORDER:** Norma Ramirez

PARTIES	Craner, Andrew	Attorney for Summit, United, and Quality Wood
PRESENT:	Duncan, Nakesha S.	Attorney for National Builders
	Grant, Annalisa N	Attorney for Circle S and Rising Sun
	Laureano, Rut J	Attorney for Circle S
	Mitchell, Shannon L.	Attorney for Circle S
	Odou, Joel D.	Attorney for DR Horton
	Salerno, Nicholas B	Attorney for Firestop
	Stander, John J.	Attorney for Plaintiffs
	Tiongson, Bernadette	Attorney for OPM
	Trippiedi, Adam R.	Attorney for Summit and Rising Sun
	WALKER, KIRK	Attorney for Sunstate and Quality Wood
	Young, Aaron	Attorney for Efficient Electric

JOURNAL ENTRIES

- Arguments regarding whether the Court erred in her prior order which limited Pltfs ability to proceed to trial on all 342 units; regarding facts of the case and whether Pltfs made representations, throughout the prior hearings, regarding their intent to litigate all units; whether Pltfs had clearly identified the defects by location, damage, and which units, if any, were affected; whether EDCR 2.24 applied; regarding whether Defts would be prejudiced by the Court amending its order. COURT stated FINDINGS and ORDERED as follows:

- Pltfs have standing, at all times, to litigate as to the HOA common area elements;

- Based upon the Court's prior orders and understanding, Pltfs may litigate as to the interior claims (bathtubs, sinks, interior walls, firewalls, structural, HVAC, categories 15.1 and 15.2, etc) for the 194 units; and

- Pltfs may litigate as to the building envelope, as defined on page no. 3 in the Court's 11/12/13 order, for all 342 units (subject to the various standing categories previously ordered).

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07A542616

Court clarified the categories, as outlined in the Court's 11/12/13 order, STAND. Colloquy regarding examples of separations by subclass, extrapolation, etc. Additional arguments by Mr. Odou regarding how the matter would proceed to trial and be presented to the jury; Court advised she would consider Defts arguments in creating the jury form. Mr. Stander to prepare the Order; Defts to approve as to form and content.

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PRINT DATE: 01/23/2014

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Minutes Date: January 16, 2014