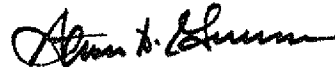


15



CLERK OF THE COURT

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7 Las Vegas, Nevada 89128-6652

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

9
10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

16 Plaintiff,

17 v.

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

21 Defendants.

CASE NO.: A542616
DEPT NO.: XXII

**D.R. HORTON'S REPLY TO
PLAINTIFF'S OPPOSITION,
AND IN FURTHER SUPPORT OF
D.R. HORTON'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
AGAINST PLAINTIFF**

(ELECTRONIC FILING CASE)

Date: February 27, 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 Wood, Smith, Henning & Berman LLP, and
23 hereby files its Reply in Support of its Motion for Partial Summary Judgment
24 against all current homeowners who purchased their home after High Noon At
25 Arlington Ranch Homeowners Association ("Plaintiff") filed its operative complaint
26 against D.R. Horton ("Subsequent Purchasers").

27 ///

28 ///

1 This Reply is based on the grounds that Plaintiff has failed to produce any
2 evidence that any material factual issue exists as to its standing to bring claims on
3 behalf of Subsequent Purchasers and Plaintiff misconstrues or misrepresents
4 Nevada law with respect to the issue of standing under NRS 40.600 *et seq.*,
5 NRCP 16 and 17. This Reply is further based upon the following Memorandum of
6 Points and Authorities, the papers and pleadings on file, and any oral argument
7 the Court may entertain.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. INTRODUCTION**

10 Plaintiff's Opposition to D.R. Horton's Motion for Partial Summary Judgment
11 ("Opposition") is completely lacking any affidavit, exhibit or even argument
12 demonstrating a genuine factual issue to withstand D.R. Horton's Motion for Partial
13 Summary Judgment ("Motion"). In fact, Plaintiff does not even attempt to raise
14 one material issue of fact in its Opposition but, rather, appropriately, focuses on
15 addressing D.R. Horton's legal arguments. As such, it is appropriate for this Court
16 to evaluate D.R. Horton's contentions in its Motion as a matter of law.

17 Notwithstanding the same, Plaintiff accuses D.R. Horton of failing to cite to
18 any controlling Nevada law in its underlying Motion for Partial Summary Judgment
19 ("Motion"). This contention is incorrect, since even a cursory review of the Motion
20 reveals that D.R. Horton cited, in support of its Motion, NRS 40.645, NRS 40.610,
21 *Anse, Inc. v. Eight District Court*, 124 Nev. 862, (2008), NRS 40.688, NRS
22 47.250(16), NRS 116.3102(d), *D.R. Horton v. District Court (First Light II)*, 125
23 Nev. 449, 215 P.3d 697 (2009), and *Wood v. Safeway, Inc.*, 121 Nev. 724, 729,
24 121 P.3d 1026, 1029 (2005). As such, Plaintiff's representation that D.R. Horton
25 did not cite any Nevada legal authorities in support of its Motion is patently wrong.

26 With regard to the aforementioned law, Plaintiff even agrees with D.R.
27 Horton's and this court's prior interpretations of the same. D.R. Horton's view of
28 the implications of such law, however, is far different than Plaintiff's view of such

1 implications. For example, both sides agree that *Vaughn v. Dame*
2 *Construction Co.*, 223 Cal.App.3d 144, 147-148 (1990) stands for the
3 proposition "that a plaintiff suing for construction defects retains its
4 standing irrespective of any changes in ownership of the unit."¹ D.R. Horton
5 has never argued that the former owners of the subject properties ("Former
6 Owners") lost the entirety of their cause of action upon selling their home. These
7 former owners retain any and all claims that they may have for repairs that they
8 performed or any loss of value that they allege when they sold their homes.
9 However, as discovery is closing and no such claims have been presented and
10 none were offered in opposition to this motion, these claims are now foreclosed
11 (although this was not the point of this motion). Additionally, D.R. Horton is aware
12 that this Court has ruled that, Pursuant to NRS 116.3102, Plaintiff has standing to
13 bring certain claims against D.R. Horton on behalf of those that owned their
14 property at the time that Plaintiff filed its Complaint against D.R. Horton. As such,
15 D.R. Horton only moves this Court to preclude the claims of the those Subsequent
16 Purchaser homeowners who purchased their homes subsequent to the date
17 Plaintiff filed its Complaint on behalf of the respective Former Owners. As
18 described more thoroughly below, D.R. Horton's request is proper and Plaintiff's
19 concession that there are no material facts in opposition to this motion confirms
20 that it should be granted.

21 ///

22 ///

23 ///

24 ///

25 ///

26
27 ¹ See Plaintiff's Opposition to D.R. Horton's Motion for Partial Summary Judgment, pg. 8,
28 ¶¶ 3-5.

1 **II. LEGAL ARGUMENT**

2 **A. Plaintiff Has Failed To Produce Any Competent Evidence That Any**
3 **Factual Material Issue Exists**

4 Where, as here, a motion for summary judgment has been supported with
5 affidavits and documentation as required by NRCP 56, the burden of proof shifts to
6 the non-moving party. As the Nevada Supreme Court has made abundantly clear
7 in its ruling in *Wood v. Safeway, Inc.*, 121 Nev. 724, 121 P.3d 1026 (2005), the
8 non-moving party may not rest upon general allegations and conclusions, but
9 **"must, by affidavit or otherwise, set forth specific facts demonstrating the**
10 **existence of a genuine factual issue for trial or have summary judgment**
11 **entered against him."** *Id.* at 121 Nev. at 731, 121 P.3d at 1031 (citing *Pegasus v.*
12 *Reno Newspapers, Inc.*, 118 Nev. 706, 713 (2002)). (Emphasis added.) Indeed,
13 the non-moving party may not defeat a motion for summary judgment "on the
14 **gossamer threads of whimsy, speculation and conjecture.**" *Id.* at 1030,
15 (emphasis added) (quoting *Bulbman, Inc. v. Nevada Bell*, 108 Nev. 105, 110
16 (1992)); *Matsushita Electric Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S.
17 Ct. 1348, 89 L. Ed. 2d 538 (1986) (holding that non-moving party must do more
18 than just show there is some "metaphysical doubt," the non-moving party must
19 show a genuine issue for trial). The Nevada Supreme Court again recently
20 reiterated the requirements for a party to overcome summary judgment:

21 To withstand summary judgment, the nonmoving party cannot
22 rely solely on general allegations and conclusions set forth in
23 the pleadings, but must instead present specific facts
demonstrating the existence of a genuine factual issue
supporting his claims.

24 *Choy v. Ameristar Casinos, Inc.*, 127 Nev. Adv. Op. 78 (Nov. 23, 2011) (Upholding
25 granting of summary judgment motion because "Choy did not present any specific
26 facts or affidavits demonstrating the existence of a genuine issue supporting his
27 claim.")

28 ///

Furthermore, NRCP 56(e) specifically sets forth the requirements to competently oppose summary judgment:

When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

NRCP 56(e). (Emphasis added.)

Here, D.R. Horton submitted an affidavit noting the facts material to the disposition of the Motion and numerous supporting exhibits, pursuant to NRCP 56(c), for this Honorable Court's consideration. As such, pursuant to Nevada law, the burden has shifted to Plaintiff to establish the existence of factual material issues. Plaintiff has failed to meet that burden and has declined to offer any facts in opposition. Even a cursory review of Plaintiff's Opposition reveals that the Opposition is based entirely on speculation, conjecture, and an obvious misinterpretation or misrepresentation of Nevada law. Significantly, Plaintiff did not even provide a meaningful affidavit or exhibit disputing any material fact outlined in D.R. Horton's Motion and in support of any of their arguments asserted in their Opposition. This failure to provide any evidence or meaningful affidavit, alone, is sufficient to grant summary judgment under NRCP 56(e) as noted in *Wood*.

B. Plaintiff Clearly Misinterprets The Implications Of Nevada Law With Respect To Its Ability To Bring Claims On Behalf Of Subsequent Purchasers

Plaintiff apparently takes the position that it may bring claims on behalf of past, present, and even dreamed up future homeowners under NRCP 17 and NRS 116.3102. Specifically, Plaintiff notes that NRCP 17 states, in pertinent part, that:

Real party in interest. Every action shall be prosecuted in the name of the real party in interest...*a party authorized by statute may sue in that person's own name without joining the party for*

1 *whose benefit the action is brought*,...No action shall be
2 dismissed on the ground that it is not prosecuted in the name of
3 the real party in interest until a reasonable time has been
4 allowed after objection for ratification...²

5 Plaintiff points out that NRCP 17 clearly allows "suit for the benefit of
6 another without joining that person as a party," and NRS 116.3102 states that
7 "[associations] May institute, defend or intervene in litigation...in its own name on
8 behalf of itself or two or more units' owners on matters affecting the common-
9 interest community" (Emphasis added). Plaintiff posits that, "when read together,
10 [the statutes] reflect a plain and clear legislative grant of standing to pursue this
11 action against DRH." D.R. Horton agrees that these statutes confer standing on
12 Plaintiff to bring certain claims against D.R. Horton on behalf of Former Owners
13 but not future owners who did not own these homes at the time this case was filed.
14 **Plaintiff's conclusion that it may originate an action on behalf of future**
15 **purchasers of the subject property is erroneous and has no foundation in**
16 **law or logic.**

17 Here, the Subsequent Purchasers of the subject properties were not **unit**
18 **owners** when Plaintiff instituted this action, thus, notwithstanding Plaintiff's
19 standing to bring claims on behalf of **unit owners**, Plaintiff never had standing to
20 bring claims on behalf of **future unit owners**. Plaintiff never even purported to be
21 bringing claims on behalf of prospective purchasers in its operative Complaint.
22 Accordingly, while it may be said Plaintiff currently has standing to assert an action
23 on behalf of those which were owners of the units at the time the Complaint was
24 filed, **it never had standing to assert prospective claims on behalf of**
25 **prospective owners at the time the Complaint was filed.** This also means that
26 Plaintiff has ***never met normal standing requirements*** for Subsequent

27 ² See Opposition, pg. 5, ¶¶15-20.
28

1 Purchasers, rendering its argument meritless that "the question whether the
2 association has the right to bring a suit on behalf of the members is an internal
3 question, which can be raised only by a member of the association."

4 Perhaps more fatal to Plaintiff's position, however, is that the Subsequent
5 Purchasers have never complied with the mandates of NRS 40.600 *et seq.* and
6 cannot be "claimants" under Nevada law or Plaintiff's herein, and this Plaintiff HOA
7 cannot pursue claims on their behalf in a representative capacity. Should any
8 Subsequent Purchaser decide that they want to pursue NRS Chapter 40 claims
9 against D.R. Horton, the Subsequent Purchaser, or this HOA Plaintiff would need
10 to serve D.R. Horton with a new NRS 40.645 Notice for that particular home and
11 proceed through the requirements of NRS Chapter 40.

12 While Plaintiff will undoubtedly try to assert that the claims of any new or
13 future owners should "relate back" to the original NRS 40.645 Notices, D.R.
14 Horton submits that there is no basis for any such "relation back." Indeed, there is
15 not, and cannot be, any privity between the former owners and Subsequent
16 Purchasers, absent an assignment of their identical claims, with respect to the
17 subject residences. Again, this issue has been conceded as no such assignment
18 has been asserted in opposition to this motion.

19 D.R. Horton submits that this Honorable Court recently evaluated and
20 decided almost an identical issue in another matter. In *Smith, et al. v. Central*
21 *Park, LLC, et al.*, Case No. A605954, this Court ruled that "any future claims
22 brought by later owners of the residences at issue do not relate back to the date of
23 the Former Owner Plaintiffs issued their Chapter 40 notices."³ In other words, this
24 Court ruled that if subsequent purchasers wanted to pursue construction defect
25

26 ³ See, Findings of Fact, Conclusions of Law and Order re: Third-Party Defendant Cedco,
27 Inc.'s Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, filed in
28 Case No. A605954 on December 5, 2011, at p. 9, a copy of which is attached hereto as Exhibit
"A."

1 claims for the homes at issue, they would need to issue their own NRS Chapter 40
2 Notices and follow the mandatory procedures attendant therewith.

3 This Court's decision in *Smith* is directly in line with the California court's
4 decision in *Vaughn v. Dame Construction Co.*, which held that the real party in
5 interest is the party who has title to the cause of action, not title to the home. As
6 Plaintiff aptly pointed out in its Opposition, "the rights to causes of action are
7 separate, independent, and distinct from ownership of units." As such, a
8 homeowner's title to her cause of action is not transferred to a subsequent
9 purchaser upon transfer of the title to the home to the purchaser and the
10 subsequent purchaser does not automatically have his own cause of action
11 by virtue of his new ownership of the property.

12 While a subsequent purchaser may have his own separate and
13 independent cause of action against a developer at the same time as a former
14 owner, he does not begin that cause of action until he serves the developer with a
15 new NRS 40.645 Notice for that particular home and proceeds through the
16 requirements of NRS Chapter 40.

17 D.R. Horton submits that the court's decision in *Vaughn* and this Court's
18 decision in *Smith* is directly on point with the situation presented herein, and may
19 appropriately be considered by this Honorable Court as persuasive authority.
20 Considering the aforementioned, this Court should dismiss the claims of the
21 Subsequent Purchaser Plaintiffs.

22 III. CONCLUSION

23 Plaintiff has the burden to prove it has standing to pursue claims in this
24 matter. Plaintiffs have not done so. Because Subsequent Purchasers have never
25 brought a cause of action against D.R. Horton, they simply are not a party to this
26 litigation. Further, Subsequent Purchasers have never been a "claimant" under
27 NRS 40.610. Accordingly, they lack standing and are not the Real Parties in
28

1 Interest in this matter. As such, Plaintiff never had normal standing to bring claims
2 on Subsequent Purchasers' behalf.

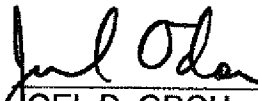
3 Plaintiff, on behalf of Former Owners, has the burden of establishing,
4 through competent evidence, that they have incurred costs or suffered damages
5 recoverable under NRS Chapter 40. Plaintiff has not met this burden. Indeed,
6 Former Owner Plaintiffs have failed to meet their burdens in opposing D.R.
7 Horton's Motion in every respect.

8 For the reasons set forth herein, D.R. Horton respectfully requests
9 summary judgment be entered against Subsequent Purchasers. Specifically, this
10 court should rule as a matter of law that the Plaintiff HOA's claims are limited to
11 the enumerated exterior claims for the 112 homes that are still owned by those
12 homeowners that owned their homes when the case was filed, and the interior
13 "sub-class" is limited to 62 of these same homes since the Plaintiff HOA may only
14 stand in the shoes of those homeowners that meet the normal standing
15 requirements of Nevada law and this court's prior Orders on Standing.

16 DATED: February 20, 2014

WOOD, SMITH, HENNING & BERMAN, LLP

17
18 By:



JOEL D. ODOU

Nevada Bar No. 007468

ANDREW V. HALL

Nevada Bar No. 012762

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

EXHIBIT A

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16 foremaster@lbbslaw.com

17 Attorneys for Third-Party Defendant CEDCO, INC.

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

14 ROBERT SMITH, individually; EDWARD)
15 ALFONSO, individually; ERNIE A. and LUZ)
16 P. BELEN, individually; AARON)
17 BLANCHARD, individually; JOHN MEL)
18 CORPUZ, individually; KEFLE EYOB and)
19 GIDEY ZERESENAI, individually; FRANK)
20 and ANNETTE FAZIO, individually;)
21 RICHARD FRIEDEMANN, individually;)
22 PATRICK C. and SUSAN L. GRAHAM,)
23 individually; ROBERT and SHANNON)
24 GROTEBECK, individually; ISHMAEL and)
25 MARLA D. GUERRA, individually;)
26 CONSUELLA HAWKINS, individually;)
27 JAMES and LENA HENNER, individually;)
28 BRENT LYMER and CHERYL ALFRED,)
individually; GEORG J. and IRENE)
MARMELSTEIN, individually; DEBORAH S.)
NICKLE, individually; SUSAN NORDEL,)
individually; JOSEPH and HENRIETTE)
RESTUCCIA, individually; KEVIN and TINA)
ROBERTS, individually; RICHARD)
SCHUMACHER and DENISE RILEY,)
individually; RICHARD S. and VIRGINIA A.)
SCIBIOR, individually; APRIL STOBBER-)
GLUCK, individually; JOHN and YVONNE)
TURNER, individually; MARY M. UY,)
individually; DAVID and TRICIA BEAL,)
individually; JEFF BROWNE, individually;)
SHEILA DRAYSTER, individually;)

CASE NO. A-09-605954-D

DEPT NO. XXII

(ELECTRONIC FILING CASE)

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER RE: THIRD-PARTY
DEFENDANT CEDCO, INC.'S MOTION
FOR SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

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1 GUILLERMO M. and YVONNE MARIE
2 SANCHEZ, individually; RYO and KEIKO
3 KOHAMA, individually; ERICK CRUZ,
4 individually; MARIAN FANELLA,
5 individually; KYU MIN HAN, individually;
6 ROY D. HANSON, individually; RICK
7 HIGGINS, individually; BEE WAH
8 WILKINSON, individually; TOM and QUEEN
9 E. STASICK, individually; VICKI DIGGS,
10 individually; YVONNE HYDE, individually;
11 DAVID KOHLMEIER, individually;
12 MANAMI H. MATA, individually; MARY
13 ANN MONDAY, individually; THELMA L.
14 PATTERSON, individually; CHARLES
15 BASTIEN, individually; DAVID BRADLEY,
16 individually; RANDY HATADA, individually;
17 MARC KENWOOD, individually; DELMIS L.
18 RATLIFF and DIANA KENNEDY,
19 individually; NORLAND K. SKELTON,
20 individually; TODD SUNDERLAND,
21 individually; RYAN TOMAINO, individually;
22 CARL B. WELLER, individually; ANDREA
23 M. BEDNAR, individually; RONALD
24 JOHNSON, individually; MASAKO
25 KIMURA, individually; PATRICIA
26 MCCARTNEY, individually; ROBERT J. And
27 SHIRLEY A. O'LEARY, individually;
28 ROBERT JOHN and EVA ANN
ROMMERSKIRCHEN, individually;
ANGELA SHIH, individually; JARRELL B.
SILER, individually; JOHN C. And
REBECCA CAROLINE WILSON,
individually; KENNETH S. MOORE,
individually; MOSHEN KAVANDI and
NAHOMI KURATO, individually; VICTOR
and CHRISTINA SIEW, individually; NICKIE
MALINAK, individually; CHARLES B.
FAHY, individually; JESUSA B.
DUSCHANE, individually; DANIEL V. And
ELEANOR R. CABAL, individually;
ALFRED and LINDA TAY, individually;
LINDA TAY and YUET KING-LAM,
individually; MICHELE BARTH, individually;
GAIL BRUSH, individually; PAT J. And
LINDA S. SALVADOR, individually; PAUL
MICHAEL D. LEYNES and PETER JOSEPH
D. LEYNES, individually; CATHERINE OH,
individually; DELORIS KING, individually;
KAVEH and SHIRIN TEHERANI,
individually; and ROES 47-600, inclusive,

Plaintiffs,

vs.

1 CENTRAL PARK, LLC., a Nevada limited
liability company; AMLAND
2 DEVELOPMENT, INC., a Nevada
corporation; AMLAND DEVELOPMENT,
3 LLC, a Nevada limited liability company; U.S.
WEST DEVELOPMENT, INC., a Nevada
4 corporation; and DOES 1 through 500,
inclusive,

5
6 Defendants.

7 CENTRAL PARK, LLC., a Nevada limited
liability company; AMLAND
8 DEVELOPMENT, INC., a Nevada
corporation; AMLAND DEVELOPMENT,
9 LLC, a Nevada limited liability company; U.S.
WEST DEVELOPMENT, INC., a Nevada
10 corporation; and DOES 1 through 500,
inclusive,

11 Third-Party Plaintiffs,

12 vs.

13 AR ORNAMENTAL IRON, INC., a Nevada
14 corporation; ANOZIRA DOOR SYSTEMS,
INC., an Arizona corporation; B.D. TRIM-CO.
15 INC., a Texas corporation; CABINETEC,
INC., a Nevada corporation; CAMPBELL
16 CONCRETE OF NEVADA, INC., a Nevada
corporation; CARPET BARN, INC., a
17 Delaware corporation; CARPETS 'N MORE,
LLC, a Nevada limited liability corporation;
18 CEDCO, INC., a Nevada corporation;
CHAMPION DRYWALL INC. OF NEVADA,
19 a Nevada corporation; CREATIVE SURFACE
SOLUTIONS, INC., a Nevada corporation;
20 CREATIVE TOUCH INTERIORS, INC., a
Maryland corporation; DISTINCTIVE
21 MARBLE, INC., an Arizona corporation;
DRYWALL SYSTEMS, INC., a Nevada
22 corporation; EAGLE SENTRY, a Nevada
company; EFFICIENT ENTERPRISES, LLC,
23 d/b/a EFFICIENT ELECTRIC, a Nevada
corporation; GEOTEK, INC., a Nevada
24 corporation; GILMORE & MARTIN
CONSTRUCTION, INC., a Nevada
25 corporation; L&S AIR CONDITIONING,
HEATING & FIREPLACE, LLC, a Nevada
26 limited liability corporation; MAGNUM AIR,
a Nevada corporation; MERIT STRUCTURES
27 & RESTORATION, INC. d/b/a ATLAS
PIERS, a Utah corporation; MILGARD
28 MANUFACTURING, INC., a Washington

1 corporation; PACIFIC DRYWALL & PAINT,
2 INC., a Nevada corporation; QUALITY
3 WOOD PRODUCTS, LTD., a Nevada
4 corporation; RCR PLUMBING &
5 MECHANICAL, INC., a California
6 corporation; SACRAMENTO INSULATION
7 CONTRACTORS, d/b/a GALE BUILDING
8 PRODUCTS, a California corporation; STEVE
9 BLEAK, d/b/a SUNSHINE GLASS &
10 MIRROR, an unknown entity; SUN CITY
11 LANDSCAPE & LAWN MAINTENANCE,
12 INC., a Nevada corporation; TITAN STAIRS
13 & TRIM, INC., a Nevada corporation;
14 WESTAR KITCHEN & BATH, LLC, a
15 Delaware corporation; WILLIS ROOF
16 CONSULTING, INC., a Nevada corporation;
17 WTW ENTERPRISES, LLC, a Nevada
18 corporation; and MOES 5-500, inclusive,

19 Third-Party Defendants.

20 MILGARD MANUFACTURING, INC., a
21 Washington corporation, inclusive,

22 Third-Party Plaintiff,

23 vs.

24 CARTWRIGHT ENTERPRISES, an unknown
25 business entity; JERRY CARTWRIGHT dba
26 CARTWRIGHT ENTERPRISES; DOES 1
27 through 5, inclusive; and ROE BUSINESSES
28 1 through 10, inclusive,

Third-Party Defendants.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER RE: THIRD-PARTY
DEFENDANT CEDCO, INC.'S MOTION FOR SUMMARY JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL SUMMARY JUDGMENT**

This matter, concerning Third-Party Defendant CEDCO, INC.'s Motion for Summary Judgment, or in the alternative, Partial Summary Judgment, and Joinders to that Motion, came on for hearing on September 15, 2011, at 9:00 a.m. before Department XXII of the Eighth Judicial District Court, The Honorable Susan H. Johnson presiding. Plaintiffs appeared by and through their attorney, BRADLEY ROSENBERG, of the law firm SHINNICK RYAN & RANSAVAGE, P.C.; Defendant/Third-Party Plaintiff AMLAND DEVELOPMENT, LLC, appeared by and through its attorney, JOSEPH GOLDMAN, ESQ. of the law firm COOKSEY, TOOLLEN, GAGE, DUFFY, &

1 WOOG; CEDCO, INC. appeared by and through its attorneys, EILEEN MULLIGAN MARKS,
2 ESQ. of the law firm THE MARKS LAW GROUP and KIRK N. WALKER, ESQ. of the law firm
3 LEWIS BRISBOIS BISGAARD & SMITH LLP. All other appearances made by counsel at the time
4 of the hearing were noted on the record.

5 Having reviewed the papers and pleadings on file and having heard oral arguments of the
6 parties, this Court makes the following Findings of Fact and Conclusions of Law, and issues the
7 following Orders:

8 **FINDINGS OF FACT**

9 1. This litigation concerns allegations of construction deficiencies relative to single-
10 family homes in the Central Park Estates subdivision located in Las Vegas, Nevada. Central Park
11 Estates in its entirety consists of approximately 262 single family homes. The Plaintiffs in this case
12 have alleged they are the owners of 79 homes in the Central Park Estates subdivision.

13 2. On December 15, 2009, Plaintiffs filed a Complaint naming CENTRAL PARK, LC,
14 AMLAND DEVELOPMENT, INC., AMLAND DEVELOPMENT, LLC, and U.S. WEST
15 DEVELOPMENT, INC. as Defendants. Plaintiffs' causes of action include: (1) Breach of Contract
16 and Breach of Express Warranties as against All Defendants and Does 1 through 400; (2) Breach of
17 Implied Warranties – Third Party Beneficiary as against Does 1 through 400; (3) Negligence and
18 Negligence Per Se as to All Defendants and Does 1 through 400; and (4) Breach of Implied Warranty
19 of Habitability as to All Defendants and Does 1 through 400.

20 3. Defendants CENTRAL PARK, LC, AMLAND DEVELOPMENT, INC., AMLAND
21 DEVELOPMENT, LLC, and U.S. WEST DEVELOPMENT, INC. filed an Answer to the Complaint
22 on February 24, 2010. On May 24, 2010, CENTRAL PARK, LC, AMLAND DEVELOPMENT,
23 INC., AMLAND DEVELOPMENT, LLC, and U.S. WEST DEVELOPMENT, INC. filed a Third-
24 Party Complaint, naming as Third-Party Defendants CEDCO, INC. and various other subcontractors
25 presumed to have been involved in the original construction of the homes at issue in the litigation.
26 The Third-Party Complaint includes the following causes of action: (1) Negligence; (2) Breach of
27 Express and Implied Warranties; (3) Implied Indemnity; (4) Breach of Contract; (5) Equitable
28 Indemnity; (6) Contribution; (7) Apportionment; (8) Express Indemnity; (9) Declaratory Relief; and

1 (10) Declaratory Relief re: Duty to Defend. CEDCO, INC. filed an Answer to the Third-Party
2 Complaint on July 8, 2010.

3 4. On or about October 27, 2010, Plaintiffs produced a Preliminary Defect List, alleging
4 that the litigant homes suffer from construction deficiencies relating to various components of their
5 residences.

6 5. Third-Party Defendant CEDCO, INC. now moves for summary judgment against ten
7 Plaintiffs whom CEDCO, INC. claims no longer own the homes identified in the Complaint
8 ("Former Owner Plaintiffs"). CEDCO, INC. proposes that, without an ownership interest in the
9 homes, the Former Owner Plaintiffs no longer have standing to pursue claims under NRS 40.600 *et*
10 *seq.*

11 6. Plaintiffs KEFLE EYOB and GIDEY ZERESENAI no longer hold an ownership
12 interest in the residence located at 9134 Aqueduct Street, for which they are asserting claims. Nor
13 have they presented any evidence supporting a claim for past repairs, loss of use, diminished value,
14 or an assignment of any claims.

15 7. Plaintiff EDWARD ALFONSO no longer holds an ownership interest in the
16 residence located at 9140 Aqueduct Street, for which he is asserting claims. Nor has he presented
17 any evidence supporting a claim for past repairs, loss of use, diminished value, or an assignment of
18 any claims.

19 8. Plaintiffs ERNIE A. and LUZ P. BELEN no longer hold an ownership interest in the
20 residence located at 9236 Aqueduct Street, for which they are asserting claims. Nor have they
21 presented any evidence supporting a claim for past repairs, loss of use, diminished value, or an
22 assignment of any claims.

23 9. Plaintiffs DANIEL B. and ELEANOR R. CABAL no longer hold an ownership
24 interest in the residence located at 175 Staten Island Avenue, for which they are asserting claims.
25 Nor have they presented any evidence supporting a claim for past repairs, loss of use, diminished
26 value, or an assignment of any claims.

27 10. Plaintiff DEBORAH NICKLE no longer holds an ownership interest in the residence
28 located at 111 Twin Towers Avenue, for which she is asserting claims. Nor has she presented any

1 evidence supporting a claim for past repairs, loss of use, diminished value, or an assignment of any
2 claims.

3 11. Plaintiffs RYO and KEIKO KOHAMA no longer hold an ownership interest in the
4 residence located at 173 Greenwich Village Avenue, for which they are asserting claims. Nor have
5 they presented any evidence supporting a claim for loss of use, diminished value, or an assignment of
6 any claims. Said Plaintiffs did produce, with Plaintiffs' Opposition to the Motion for Summary
7 Judgment, documents alleged to support a claim for past repair expenses.

8 CONCLUSIONS OF LAW

9 1. Summary judgment is appropriate when the pleadings and other evidence on file
10 shows that "there is no genuine issue as to any material fact and that the moving party is entitled to a
11 judgment as a matter of law." NRCP 56(c). The substantive law controls which factual disputes are
12 material and will preclude summary judgment; other factual disputes are irrelevant. *Wood v.*
13 *Safeway, Inc.*, 121 Nev. 724, 731 121 P.3d 1026 (2005).

14 2. The non-moving party may not rest upon general allegation and conclusions, but must
15 set forth specific facts demonstrating the existence of a genuine issue of material fact. *Wood*, 121
16 Nev. at 731, 121 P.3d at 1030-031. The party opposing a motion for summary judgment must do
17 more than simply show that there is some doubt as to the material facts. *Matsushita Elec. Indust. Co.*
18 *v. Zenith Radio Corp.*, 475 U.S. 574, 586, 106 S. Ct. 1348, 1356 (1986). The non-moving party
19 must come forward with specific facts showing that there is a genuine issue for trial. *Id.* at 587, 106
20 S. Ct. 1356. Where the record taken as a whole cannot lead a rational trier of fact to find for the non-
21 moving party, there is no genuine issue for trial. *Id.* at 587, 106 S. Ct. 1356. The non-moving party
22 may not defeat a motion for summary judgment by relying "on the gossamer threads of whimsy,
23 speculation and conjecture." *Wood*, 121 Nev. at 731, 121 P.3d at 1030.

24 3. Only the real party in interest can prosecute an action. NRCP 17(a). The real party in
25 interest is the party who has a significant interest in the claim, as well as a right to enforce it. *See*
26 *Painter v. Anderson*, 96 Nev. 941 (1980), *see also Szilagyi v. Testa*, 673 P.2d 495, 99 Nev. 834
27 (1983).

28 ///

1 4. NRS 40.600 *et seq.* governs claims for constructional defects. The definition of a
2 person who may bring a claim for constructional defects is plain, unambiguous, and expressly
3 defined in NRS 40.610. A "claimant" is "[a]n owner of a residence." NRS 40.610(1). Claimants are
4 limited as to what they can recover. NRS 40.655. Specifically, constructional defect plaintiffs may
5 recover only the following:

- 6 1. The reasonable cost of any repairs already made that were necessary to cure
7 any constructional defect that the contractor failed to cure;
- 8 2. The reasonable cost of any repairs yet to be made that are necessary to cure
9 any constructional defect that the contractor failed to cure;
- 10 3. The reasonable expenses of temporary housing reasonably necessary during
11 the repair;
- 12 4. The loss of the use of all or any part of the residence;
- 13 5. The reasonable value of any other property damaged by the constructional
14 defect;
- 15 6. Reasonable experts' costs and fees; and
- 16 7. Interest, as provided by statute.

17 *Id.* Because they no longer have an ownership interest in the residences at issue, the Former Owner
18 Plaintiffs are no longer "claimants" under Chapter 40, nor do they have a significant interest in a
19 claim for "repairs yet to be made." None of the Former Owner Plaintiffs have provided the Court
20 with evidence of lost use, diminished value, or an assignment of any claims. Without evidence to
21 support these claims, no rational trier of fact could find in favor of any of the Former Owner
22 Plaintiffs for claims of lost use or diminished value. Accordingly, summary judgment is appropriate
23 as to these claims. Additionally, out of the ten Former Owner Plaintiffs, only Plaintiffs RYO and
24 KEIKO KOHAMA have provided the Court with evidence of alleged past repairs, and as a result,
25 their claim is limited to past repairs, as set forth in the documentation presented.

26 ///

27 ///

28 ///

1 5. Furthermore, once the Former Owner Plaintiffs lost or transferred their ownership
2 interests in the residences at issue, the Former Owner Plaintiffs' claims as to future repairs associated
3 with the construction defect allegations were extinguished unless they were assigned at or before the
4 time of transfer. If any such assignments exist, they should have been produced. Because no such
5 assignments have been produced in this litigation with respect to the residences at issue in CEDCO,
6 INC.'s Motion for Summary Judgment, any future claims brought by later owners of the residences
7 at issue do not relate back to the date the Former Owner Plaintiffs issued their Chapter 40 notices.

8 **IT IS ORDERED** that Third-Party Defendant CEDCO INC.'s Motion for Summary
9 Judgment is **GRANTED** as to all claims as to the following Plaintiffs:

No.	Named Plaintiff	Residence Address in Plaintiffs' Complaint
1.	Kefle Eyob	9134 Aqueduct Street
2.	Gidey Zeresanai	9134 Aqueduct Street
3.	Edward Alfonso	9140 Aqueduct Street
4.	Ernie A. Belen	9236 Aqueduct Street
5.	Luz P. Belen	9236 Aqueduct Street
6.	Daniel B. Cabal	173 Greenwich Village Ave.
7.	Eleanor R. Cabal	173 Greenwich Village Ave.
8.	Deborah Nickle	111 Twin Towers Avenue

19 **IT IS FURTHER ORDERED** that Third-Party Defendant CEDCO INC.'s Motion for
20 Summary Judgment is **GRANTED** as to all claims, other than a claim for past repair expenses
21 associated with the documents produced in Opposition to the Motion for Summary Judgment, as to
22 the following Plaintiffs:

23 ///

24 ///

25 ///

26 ///

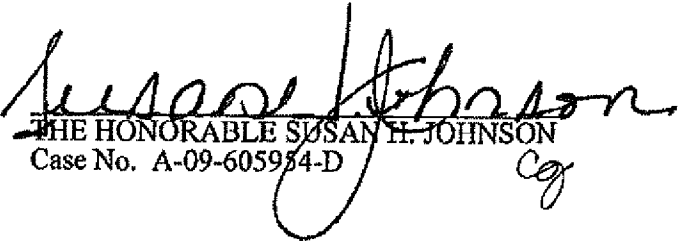
27 ///

28 ///

No.	Named Plaintiff	Residence Address in Plaintiffs' Complaint
9.	Ryo Kohama	173 Greenwich Village Ave.
10.	Keiko Kohama	173 Greenwich Village Ave.


BASED ON AND IN ACCORDANCE WITH THE FOREGOING, IT IS SO
ORDERED.

Dated: Dec 1, 2011


THE HONORABLE SUSAN H. JOHNSON
Case No. A-09-605954-D Cg

Respectfully submitted,

THE MARKS LAW GROUP, LLP


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Las Vegas, Nevada 89144
Attorneys for Third-Party Defendant
CEDCO, INC.


CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

HIGH NOON AT ARLINGTON RANCH
HOMEOWNERS ASSOCIATION,

Plaintiff,

vs.

D R HORTON, INC.,

Defendant.

CASE NO. A-542616

DEPT. XXII

BEFORE THE HONORABLE SUSAN H. JOHNSON, DISTRICT COURT JUDGE
FEBRUARY 27, 2014

RECORDER'S TRANSCRIPT OF HEARING RE

**THIRD-PARTY DEFENDANT FIRESTOP, INC.'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 41(e) / D.R. HORTON, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

APPEARANCES:

For the Plaintiff:

JOHN J. STANDER, ESQ.

For the Defendant:

JOEL E. ODOU, ESQ.

[Additional appearances on following page]

RECORDED BY: NORMA RAMIREZ, COURT RECORDER

1 ADDITIONAL PARTIES

2 SUNSTATE COMPANIES
3 QUALITY WOOD PRODUCTS

KIRK WALKER, ESQ.

4 RISING SUN PLUMBING

ANNALISA N. GRANT, ESQ.

5 OPM, INC.

BERNADETTE S. TIONGSON, ESQ.

6 CIRCLE S DEVELOPMENT

SHANNON L. MITCHELL, ESQ.

7 RISING SUN PLUMBING
8 SUMMIT DRYWALL & PAINT

ADAM R. TRIPPIEDI, ESQ.

9 EFFICIENT ELECTRIC

AARON YOUNG, ESQ.

10 QUALITY WOOD PRODUCTS

SEETAL N. TEJURA, ESQ.

11 NATIONAL BUILDERS

JENNIFER A. FORNETTI, ESQ.

12 FIRESTOP, INC.

DILLON G. COIL, ESQ.

RANDALL D. GUSTAFSON, ESQ.

13 QUALITY WOOD PRODUCTS
14 SUMMIT DRYWALL & PAINT
15 UNITED ELECTRIC

ANDREW CRANER, ESQ.

1 THURSDAY, FEBRUARY 27, 2014 AT 9:28:32 A.M.

2
3 THE COURT: And that leaves us with High Noon At Arlington Ranch
4 Homeowners Association versus D.R. Horton.

5 MR. WALKER: Good morning, Your Honor. Kirk Walker on behalf of Sun
6 State Companies and Quality Wood Products.

7 MS. GRANT: Good morning, Your Honor. Annalisa Grant on behalf of Rising
8 Sun Plumbing.

9 MS. TIONGSON: Good morning, Your Honor. Bernadette Tiongson on
10 behalf of OPM, Inc.

11 MR. GUSTAFSON: Randy Gustafson for Firestop.

12 THE COURT CLERK: I'm sorry, can we do the back row first, we have to
13 keep --

14 MR. GUSTAFSON: Oh, sorry.

15 THE COURT CLERK: -- track of who is where who's standing where.

16 MR. GUSTAFSON: -- They're slipping in.

17 MS. MITCHELL: Good morning, Your Honor. Shannon Mitchell on behalf of
18 Circle S Development dba Deck Systems.

19 MR. TRIPPIEDI: Good morning. Adam Trippiedi for Rising Sun Plumbing
20 and Summit Drywall and Paint.

21 MR. YOUNG: Good morning, Your Honor. Aaron Young on behalf of
22 Efficient Electric.

23 MS. TEJURA: Good morning, Your Honor. Seetal Tejura, bar number 8284
24 for Quality Wood Products.

25 MS. FORNETTI: Good morning, Your Honor. Jennifer Fornetti on behalf of

1 National Builders.

2 THE COURT: Now we can go to the front row.

3 MR. COIL: Good morning, Your Honor. Dillon Coil on behalf of Firestop.

4 MR. GUSTAFSON: Randy Gustafson on behalf of Firestop.

5 MR. CRANER: Good morning, Your Honor. Andrew Craner on behalf of
6 Quality Wood Products, Summit Drywall, and United Electric.

7 MR. ODOU: Good morning, Your Honor. Joel Odou on behalf of D.R.
8 Horton.

9 MR. STANDER: Good morning, Your Honor. John Stander on behalf of
10 Plaintiff.

11 THE COURT: Okay. Well, you're at least down to one crutch.

12 MR. STANDER: Well, I've got the other one over there. For the short walk I
13 only use one.

14 THE COURT: Okay. And, Mr. Gustafson, since you are here I assume Ms.
15 Splaine is where?

16 MR. GUSTAFSON: With her new born baby.

17 THE COURT: And –

18 MR. GUSTAFSON: Six pounds, one ounce, Quinn. Doing well.

19 THE COURT: Boy?

20 MR. GUSTAFSON: Boy. Yeah.

21 THE COURT: Well, congratulations to her.

22 MR. GUSTAFSON: [indecipherable] yes. She emails daily.

23 THE COURT: Okay. With pictures I'm sure.

24 MR. GUSTAFSON: Yes.

25 THE COURT: Okay. Let's go ahead – we've got Third-Party Defendant

1 Firestop's Motion to Dismiss the Complaint Pursuant to NRCP 41(e). We've got
2 various joinders to that, we've also got D.R. Horton's Motion for Partial Summary
3 Judgment and various joinders to that. It seems to me the best one to proceed with
4 would be first of all the 41(e) motion. Okay. And she not only had a baby but she
5 put you in the hot seat, right?

6 MR. GUSTAFSON: She did.

7 THE COURT: Okay. I've got some questions too on this one. I want to tell
8 you, I've been always worried about a CD case being faced with a 41(e) and so
9 yesterday in preparing I went ahead and went through a lot of the cases on this. If I
10 can find them. There they are. And isn't Boren kind of a spotted dog on this one?

11 MR. GUSTAFSON: It's a two paragraph opinion the basis of which I can't
12 discern. It's a very conclusory ruling. I assume the Court is finding no lack of
13 diligence on the part of the Plaintiff. Yeah, I --

14 THE COURT: That was way --

15 MR. GUSTAFSON: -- can't tell what it stands for.

16 THE COURT: Yeah, that was back in the days of the Gunderson, Manukian. I
17 don't know if you were here in the 80's, but we had a very lively Supreme Court
18 back then and they had very short opinions.

19 MR. GUSTAFSON: Yes.

20 THE COURT: But, I guess -- you know, I read over that and it wasn't hard to
21 read over it several times. But, I guess, what was troubling to me is that in that case
22 is appeared that the matter was stayed like four years and then the Supreme Court
23 they kind of punted and said that we're not gonna get into who is at fault for not
24 bringing it to the Court's attention or lifting the stay or whatever the case may be and
25 they just put out this general rule, no matter whose fault it is if there's a stay in place

1 by the Court that it's a stay and it's a tolling. And frankly I was surprised by reading
2 that.

3 MR. GUSTAFSON: It seems almost as though they're blaming the Court for
4 setting some stay that nobody desired. It's just hard to read between the lines. And
5 it's the oldest case and as the more recent cases clarified there are very narrow
6 exceptions to a statute that has no exceptions on its face.

7 THE COURT: Right.

8 MR. GUSTAFSON: The Morgan case, the Monroe case there aren't of course
9 any Chapter 40 cases, but if you look at Morgan which involved the arbitration delay,
10 it got lost in the process.

11 THE COURT: Right.

12 MR. GUSTAFSON: That's somewhat analogous to Chapter 40 where there's
13 a separate procedure where you hold on litigating and when that's complete you
14 move on and get a trial date, 41(e) is still enforced, and if the parties slumber or
15 aren't diligent, they're gonna run out of time.

16 We got to this position – this case as you know, because the complaint
17 was filed first and it was a good six months or more before there was even a
18 Chapter 40 notice, certainly a time period where it was only Horton at the time
19 where Horton is not at fault or not failing to be diligent. And then Your Honor has
20 warnings in multiple orders going back I think to '07 and '09 that this looks like a
21 problem with 41(e) and it was much – more easily cured back then by a dismissal
22 without prejudice and start the process over. Now we're so far along I think the
23 appropriate carve out for the Supreme Court on what kind of stays count are those
24 the Supreme Court has initiated which was the four hundred-sixty plus day one for
25 the underlying appeal.

1 THE COURT: Four hundred-sixty four but who's counting.

2 MR. GUSTAFSON: Four sixty-four. The others are really related to delays in
3 getting through the Chapter 40 process and it can't be blamed on the subcontractors
4 certainly. I know there's finger pointing in a desire to balance equities but I'm not
5 sure the statute and the opinions give a whole lot of leeway to evaluate equities
6 other than when making a decision whether a dismissal is with prejudice or without.
7 Either you have one of the special carve out kind of stays like in the med mal matter
8 -- what was that? That was Baker, or you don't. And this one doesn't have any of
9 those exceptions.

10 It's, as you know, been difficult for the Defendants to catch up and
11 they're scrambling, but it's a far miss from complying with the five year rule. Prior
12 opportunities to cure it weren't taken. And we filed a short motion because we think
13 it's a short analysis, there's just no exception that applies. Thanks.

14 THE COURT: Okay. Anybody else?

15 MR. ODOU: Your Honor, Joel Odou on behalf of D.R. Horton. We filed a
16 joinder and we filed a subsequent reply with some additional points because I think
17 we're probably -- in fact, we are the only party that has been in this case for seven
18 years. And our complaint seven years ago is the same complaint that you've heard
19 many times and you'll hear unfortunately many times if this case goes forward which
20 is it was -- the case was commenced and then we figured out, oh, we have to figure
21 out why we're suing. And that wasn't a problem that D.R. Horton caused, that was a
22 problem the Plaintiff caused. They filed a lawsuit and tried to figure it out later and
23 later turned out to be never because this Court already has thirty plus motions in
24 limine over that very issue as to what the heck are Plaintiffs' claims. And for the
25 Plaintiffs to now come before the Court and say, well, gee, you can't dismiss this

1 case because it's – it's stayed and it's not our fault that we couldn't bring the case to
2 trial because we didn't know what our claims were. We've been telling them this for
3 seven years; we want to know what your claims are.

4 If this Court looks at its file and looks at the motions that D.R. Horton
5 brought in this case, we have two motions to dismiss because we couldn't determine
6 what the Plaintiffs' claims are and they were not proceeding with those claims. We
7 have numerous motions bringing to this Court's attention the problems that we had
8 trying to decipher those claims. We had a motion to stay that the Plaintiffs say, "oh,
9 well look, there was a this motion to stay." That was brought solely because at that
10 time in 2010 again we still didn't know what the Plaintiffs' claims are. And so for the
11 Plaintiff to then say, "Well, you know, the case was stayed therefore we couldn't
12 prosecute it and therefore we fall under the Morgan case." That does not hold any
13 water factually. The Morgan case is very specific; it came twenty years after the
14 short Boren case and it says -- and that case -- and that case is analogous, it says:
15 "We conclude that had the NRCP 61. – 16.1 procedure has been resorted to in a
16 timely fashion, sufficient time was available within which to ensure the placement of
17 this matter upon the trial calendar." That is exactly what we have here. Had
18 Chapter 40 been timely resorted to -- or resorted to in a timely fashion we would
19 have never filed the first two motions to dismiss that were denied without prejudice
20 and we would have never joined this third motion to dismiss which should be
21 granted.

22 The record is so crystal clear in this case I'm sure the Court's filings -- if
23 this was the old days when we had paper copies we'd probably go to the ceiling with
24 all of the different concerns that have been raised by the Defendants about the fact
25 that this case was commenced backwards. And for the Plaintiffs to now come

1 before the Court and go, "Well gee, the case was commenced before we had a
2 Chapter 40 notice and that now excuses our non-compliance with the five year
3 statute." That really is an argument that has – you have to – you have to have a lot
4 of chutzpah to bring that before this Court. They created that problem years ago,
5 they never fixed it. Counsel for the association have gone through three attorneys,
6 we've heard them blame each other for those delays but those delays were years
7 ago. Present counsel associated into this case in 2009 then withdrew then came
8 back. They've had years to get their house in order and we would not have these
9 problems if their house was in order.

10 We have a number of housekeeping matters that we're gonna talk
11 about later for the motions in limine in this case and almost all of those motions in
12 limine again go back to the fact that we still don't know what Plaintiffs' claims are
13 about. And so for them to say, "Well, you know, the fact that we didn't know what
14 our claims were about meant that we couldn't bring the case to trial." That's an
15 illogical position. And that's really what they're trying to do, they're trying to go back
16 in time and say, "Well, it's not our fault we commenced a case without knowing what
17 our claims are." Yes, it is their fault that they commenced the case without knowing
18 what their claims are and that does not excuse them for not complying with the five
19 year now.

20 This case has been begging for it to be dismissed for years. This is the
21 third time that this motion has been heard by this Court. It should certainly come as
22 no surprise to the Plaintiffs that the parties would be enforcing this rule and this case
23 should be dismissed.

24 THE COURT: Okay. Anyone else on the defense side? No. Okay.

25 MR. STANDER: Your Honor, once again we've heard Mr. Odou in my opinion

1 mischaracterize what's been going on in this case for years. If I – he goes through
2 the same litany of how everything is Plaintiff's fault and you know because I've
3 expressed this to you before. I don't think that's accurate at all. In fact, even the
4 early Chapter 40 days when Nancy Quon was involved going through Chapter 40
5 with Mr. Odou and D.R. Horton is an arduous, arduous thing. They request testing
6 every single unit and if we don't get into every single unit which of course in reality
7 you never can. They bring a motion to the Court saying, oh, Chapter 40 is not
8 closed, Chapter 40 is not closed. It takes years to get through Chapter 40 with this
9 particular attorney, with this particular Defendant.

10 THE COURT: Well, Mr. Stander, if – I mean, I know this is getting a little bit off
11 of the NRCP 41(e), but under Chapter 40 doesn't the developer have the right to
12 inspect and then repair if they want to do that after --

13 MR. STANDER: They do – I'm sorry, I didn't mean to interrupt.

14 THE COURT: That's all right. So, if your client is representing on a standing –
15 you know, as a representative three hundred forty-two owners, aren't they entitled to
16 go through three hundred forty-two units?

17 MR. STANDER: Your Honor, I believe they are. And this Defendant and this
18 attorney exercises that right and it takes a great deal of time is the only point I'm
19 making. And the point I'm making is a great deal of time passed while Chapter –
20 while we were in Chapter 40 and these attorneys are trying to represent that the
21 Plaintiff couldn't get their act together, Plaintiff never knew – the Plaintiff to this day
22 doesn't know what their claims are about. This is hogwash, absolute hogwash. We
23 had our claims in reports as the same as in every CD case years and years and
24 years, in 2009, and then when this was – when our firm came back again we had
25 new reports.

1 This attorney and this client, D.R. Horton and Mr. Odou, then take those
2 and they raise every possible procedural argument and substantive argument.
3 Again, Your Honor, they have a right to. I'm not quibbling with their right to
4 challenge our standing. But they do, and they challenge the standing and so we go
5 up to the Supreme Court and we come back down. Anyway, the characterization is
6 what I'm taking offense at is that all of this has been Plaintiff's fault, it has not.

7 So, now let's get into Rule 41(e). Your Honor, Boren is a bright line
8 rule. As Mr. Gustafson stated and as Your Honor stated, there isn't much meat in it
9 to say, well, they ruled this way because Plaintiff wasn't at fault, or they ruled this
10 way because the Court ordered an inappropriate stay.

11 THE COURT: In fact, I – from what little I was able to gleam from that case it
12 appeared that the Supreme Court was pretty much putting the fault on the Plaintiff
13 because didn't the defense in that case try to lift that stay, Plaintiff opposed, and it
14 went on for four years?

15 MR. STANDER: Again, it was – yeah, it's hard to get the truth, but my
16 impression was Plaintiffs sat on their hands. But the thing to look at in Boren and all
17 of the cases that follow Boren and it's consistent – all the cases that address this
18 issue, post Boren I should say, where there is a stay – where there is a stay there is
19 a tolling, okay? That happened in Boren, it happened in Baker. And Baker I think is
20 more analogous to this case than any of the others. Baker if you'll recall had to do
21 with a medical malpractice issue and they had to stay the litigation in order to go
22 through a panel – I'm not a medical malpractice attorney but –

23 THE COURT: A medical screening.

24 MR. STANDER: A medical screening panel. And during that time the Court
25 said rightly, "The Plaintiff can't proceed, there's a stay." We're telling the Plaintiff

1 you can't proceed so we can't – it's a fundamental fairness question. We can't say,
2 "Plaintiff you can't proceed" and then say, "Oops, Plaintiff, you didn't proceed, you
3 lose your case." It's fundamental. First, I think Boren said it best: "We adopt the –
4 for the Court to prohibit the parties from going to trial and then to dismiss their action
5 for failure to bring it to trial is so obviously unfair and unjust as to being unarguable."
6 There's another case after that, Richard v. Montgomery Ward where there was a
7 bankruptcy stay, 11 USC section 362(a), and they said that that stay tolls 41(e).
8 The case that was cited by defense in their reply is Morgan. Read that case
9 carefully, there was not a stay. That's – they didn't expressly distinguish Boren on
10 that ground, they just sort of said that, you know, this arbitration doesn't stay it – or
11 doesn't toll it. I'm sorry. But there was no stay issued for the arbitration to proceed.
12 There's a bright line rule from Boren.

13 Mr. Gunderson [sic] said something I thought was curious.

14 THE COURT: Gustafson.

15 MR. STANDER: Gustafson. I'm sorry.

16 MR. GUSTAFSON: Close.

17 THE COURT: Gunderson was that Supreme Court Justice.

18 MR. STANDER: Oh yeah. I apologize; I got your name wrong. Mr. Gustafson
19 said: "The cases talk about a special carve out for stays – or special stays are
20 carved out." There's no case that talks about special stays, there's no case that
21 talks about stays caused by Plaintiff, as opposed to stays caused by the Court, as
22 opposed to stays caused by Defendant. No case talks about that. They talk about
23 stays. Where there are stays it's fundamentally unfair for the Court to stay the
24 action and then later say, oops, you didn't – you aren't able to prosecute your case.

25 Your Honor, let me make one extremely important point here. We had

1 a trial date – in fact, we had several trial days. But the last trial –

2 THE COURT: This is the fourth setting but who's counting.

3 MR. STANDER: We had – we had several trial dates that were within the five
4 year rule. The last one was right at the five year rule; it was a few months shy. It
5 was – I just looked it up on Odyssey, I believe it was April 16, 2012. That – we were
6 set to try that case. In fact, Defendants brought several motions asking for a
7 continuance. Your Honor, and this is – this is all in the pleadings, they were pointing
8 to the fact that Your Honor raised concern about – about 41(e). Well, the reason
9 you raised a concern and you denied the motion for continuance was you didn't
10 want to toy with it; you didn't want to go past the five years. Great. Plaintiff by the
11 way opposed those motions. Plaintiff didn't ever bring a motion to – that would
12 extend past the five years, never. We were ready to go to trial, we opposed the
13 motions to continue, Your Honor said, "Guys, I'm not gonna continue this past five
14 years so, you know, get it ready." That's fine. We were getting ready and then a
15 stay came, not from – well, it did come from a motion by defense, but not from Your
16 Honor, it came from the Supreme Court and it was an expressed stay. Excuse me.
17 We had a trial date of April 16, 2012, the stay came on October 19, 2011, and if you
18 look at Odyssey it says: "Trial continued because of stay." So, we were on track --
19 you know, despite all the Chapter 40 stuff we were on track to try this case within
20 five years and we were prevented, literally prevented from trying the case within five
21 years by a stay of the Court.

22 So, the Boren admonition – or the Boren statement that it would just
23 be absolutely – so unfair for the Court to say you can't try your case, oh, but oops,
24 you didn't try your case. There's no – there's no delineation in Boren of, you know,
25 was it a good stay, was it bad stay? No, there's a bright line rule, there was a stay

1 and it tolls. Thank you, Your Honor.

2 MR. GUSTAFSON: The cases, there are enough of them, I'm sure Your
3 Honor has read them and I won't belabor them, but one thought I'm having is you
4 have a situation where a complaint is filed contrary to Chapter 40, Horton comes in
5 and asks to stay the complaint which is the responsible thing to do so that they can
6 at least -- even get a Chapter 40 notice. And to rule that that stay request tolls the
7 five years is like saying Horton in response to this improper complaint just stipulated
8 to toll the five year rule by asking for a stay so it could get a little fairness and it
9 could get the code followed. That really doesn't make sense and that's really the
10 distinguishing factor about this case, it's kind of upside down with the complaint first
11 contrary to the code which we don't find in any other cases. You have Horton
12 looking for a Chapter 40 notice for six plus months asking for a stay so it could get
13 that. If you just look at that time period it's five year barred. And I don't think Horton
14 thought they were stipulating to toll 41(e) when they asked the Plaintiff to simply
15 follow the statute. Any successive time they asked Plaintiff to follow the statute and
16 give them the material the special master had ordered, the Court had ordered, I
17 don't think they believed they were stipulating to toll 41(e). I wouldn't have. And the
18 impact of a ruling saying those are valid stays makes that stipulation to toll -- that
19 desire to stay to force Plaintiff compliance is the equivalent of the tolling. I don't
20 know what the contrary remedy is then for developers when they get these out of
21 order complaints, just wait for the Plaintiffs to comply however long it takes and note
22 the time that it takes counts and maybe you'll go to trial ten years after the first
23 complaint. It seems inequitable to the extent we did consider equity.

24 THE COURT: Mr. Odou.

25 MR. ODOU: Your Honor, as I stated when I first spoke, unfortunately I'm the

1 only one who had to live with this case besides Your Honor for the last seven years
2 so I do want to correct the record. It wasn't Horton that asked for that initial stay,
3 that initial stay was asked per Nancy Quon. It was Exhibit B – I'm sorry, Exhibit
4 A –

5 THE COURT: August 13th of 2007.

6 MR. ODOU: Yes. That is Exhibit A to our reply brief. And so again to pick up
7 on what counsel for Firestop is saying, this is the Plaintiff coming to Court and
8 saying we're not gonna comply with Chapter 40 right now, we'll comply later so stay
9 this case forever and someday we'll get around to complying with Chapter 40. They
10 created that problem.

11 And the Baker case directly talked about the Boren case and it said in
12 Boren: "We adopted a rule providing that the time during which the parties are
13 prevented from bringing an action to trial." Prevented from bringing an action to trial.
14 This is on – well, I'm looking at a Westlaw printout, but this is – where's the cite?
15 This is pages five and six --

16 THE COURT: Five and – well –

17 MR. ODOU: -- of Boren where they're talking about this is – let me see,
18 where's the cite.

19 THE COURT: I've got both cases in front of me by the way.

20 MR. ODOU: I'm sorry. This is the paragraph on – under discussion.

21 THE COURT: Headnote one?

22 MR. ODOU: Fourth paragraph down: "The circumstances of this case are
23 analogous to Boren." I'm looking for a headnote. It looks like the parallel cite is 111,
24 but what's this cite here. Six --

25 THE COURT: Okay.

1 MR. ODOU: 404, I'm sorry, and 405. And that's citing Boren. Anyways -- I'm
2 sorry; the Westlaw printouts have a lot to be desired with my bad eyesight. But it
3 states: "In Boren we adopted a rule providing that the time during which the parties
4 are prevented from bringing an action to trial by reason of a Court order stay shall
5 not be included." The time the parties are prevented. Plaintiff wasn't prevented,
6 Plaintiff chose to file the case first and bring the Chapter 40 notice six months later.

7 THE COURT: Well, this is where my problem is with your position is that the
8 order -- and I went ahead and copied that one too, indicates that I stayed the
9 complaint which -- and nothing happened in this case by anybody for about nine
10 months. And at that point -- it was about mid-April of 2008 that the -- that D.R.
11 Horton started filing its motions, basically motions to compel, and then we had some
12 issues or disagreements about whether there was compliance with the Chapter 40
13 process.

14 MR. ODOU: That's right. And they came in without notice to D.R. Horton and
15 did this ex parte. We never knew about this case until we found it by searching the
16 registrative actions. They didn't serve it on us, they just went ahead and filed it and
17 filed a motion to stay all without giving D.R. Horton notice and here they come years
18 later and go, "Well, we were prevented from bringing the case to trial by those
19 actions." By those actions they were the ones who prevented themselves from
20 bringing the case to trial directly under the Baker case. They weren't prevented,
21 they prevented themselves, they filed that stay. And as this Court warned time and
22 time again those Chapter 40 stays don't stay 41(e). We agree with the Court's
23 position in numerous minute orders in this case those stays don't stay 41(e). So,
24 this is a problem that the Plaintiffs created all without even giving notice to D.R.
25 Horton. And to say that a Plaintiff can come into Court without giving notice to a

1 Defendant, file a motion to stay, and that should – and that stay is 41(e) forever,
2 really flies in the face of both the subsequent cases after Boren and the meaning of
3 the statute, and this Court's policy on bringing these cases to trial in an expeditious
4 manner and actually having these cases move forward rather than just sit on the
5 Court's docket.

6 The other distinguishing factor about it, in the Baker case the Plaintiff
7 was forced to prematurely file a case because they had non-doctors that they were
8 suing. And so they didn't – they didn't – they had a problem in Baker where they
9 didn't want to lose their cause of action against the non-doctors while they went
10 through the screening process with the doctors. Here we don't have that. This case
11 doesn't have parties that are outside of Chapter 40 that the Plaintiff had to sue in
12 2007 to avoid losing their cause of action. The Plaintiffs chose to sue the parties in
13 2007. They didn't have to; they could have filed a Chapter 40 notice. Chapter 40
14 has its own stay for the statute of limitations issues. So that wasn't a concern. So,
15 why did they do it? We can't answer that question now; we don't have counsel for
16 that Plaintiff – or for the Plaintiff available to us. But they chose to do that, they have
17 to live with those consequences.

18 I might also add that, you know, counsel can attack me all he wants but
19 from 2009 to 2010 was the Angius and Terry firm that did zero on this case. That
20 resulted in the first motion to dismiss; the second motion to dismiss was pending
21 when the Supreme Court took this – the matter up for the second time on a writ.
22 And so absolutely the Plaintiffs were on notice that they had a problem with their
23 failure to prosecute. When the Supreme Court remanded this case for the last time
24 they should have been in front of Your Honor saying, "We need a trial date right
25 away. And by the way, we're gonna stick with our expert reports." Instead what

1 they did is they kept changing their expert reports and kept delaying and asking the
2 special master to keep adjusting the case schedule.

3 The history of this case in all of the special master orders that this Court
4 has in its file show numerous delays since the case was remanded by the Nevada
5 Supreme Court. And again, for them to blame – they can blame me all they want,
6 but the papers in this case and the history of this case is completely clear. And this
7 lack of prosecution has now come home and now they have to deal with it, and
8 blaming me doesn't take away the fact that they've been on notice for years that
9 they had this problem coming and here it is. And the cases are very clear, they
10 haven't been prevented from bringing the case forward, they chose not to bring the
11 case forward and now they have to live with that choice. They made an election,
12 now it's time for them to live with their election.

13 THE COURT: Okay. All right, I'm gonna first of all apologize to all of you
14 because this Court also has a hand in this delay. And Mr. Gustafson's points are
15 well taken that these cases could go on for ten years if we have these stays. And I
16 think – the only thing I can tell all of you is that I was a much younger judge in terms
17 of tenure back in August of 2007 and since that time I think you know that I have
18 taken the position that if you haven't completed your Chapter 40 process we are
19 dismissing these cases out without prejudice and you get it done first and then you
20 come back. On those rare occasions I have allowed a stay but I've made sure that
21 there is a sunset provision in there.

22 With that said, I have made my statements before, as you know, that a
23 stay does not necessarily stay the 41(e) rule, however, I made those statements
24 without the benefit of reading these cases. And I've read them at length and several
25 times to be honest with you yesterday in preparation and I feel compelled under the

1 Boren decision to deny the motion. I have to agree with Mr. Stander that is a bright
2 line and it seems to be – say that no matter who's at fault if there is a Court stay,
3 there's a Court stay, and August 13, 2007 was a Court stay. And I'm gonna tell you
4 right now I am casting more the blame on me than anybody here. But the only thing
5 I can tell you is that this is probably the last case that you're gonna see like this. We
6 are gonna make sure that Chapter 40 is done before we have any filings of
7 complaints so hopefully that will resolve things there. But, I have to say that on a
8 personal level I think that there should be a due diligence in this factor but the
9 Supreme Court has said that there isn't one. So, I may have just given the defense
10 an appealable issue. But I am denying the motion, okay?

11 MR. STANDER: Thank you, Your Honor.

12 THE COURT: I am gonna write an order on that so that you got it clear so that
13 whenever you guys want to take it up, if you take it up, that you got my assessment,
14 all right? And I should have that fairly soon.

15 Okay, let's look at D.R. Horton's Motion for Partial Summary Judgment.
16 And before you get started, I assume everyone has seen – I had a similar issue
17 back in the Balle versus Carina Corp. case, has everyone seen that?

18 MR. STANDER: No, Your Honor.

19 THE COURT: Okay.

20 MR. STANDER: Sorry.

21 THE COURT: You know, it might not be a bad idea because I think it would
22 save some time if we take a break, I copy it for anybody who needs it, give you a
23 chance to read it for about five or ten minutes and then we come back.

24 MR. ODOU: Okay. Sure.

25 MR. STANDER: Sounds good.

1 THE COURT: Okay

2 MR. STANDER: Thank you, Your Honor.

3 THE COURT: How many need a copy? Okay, at least thirteen copies. Okay,
4 we'll take a break.

5 [Recessed at 10:00:50 a.m.]

6 [Reconvened at 10:17:11 a.m.]

7 THE MARSHAL: Come to order, court is back in session.

8 THE COURT: All right, everyone be seated. All right, did you all have an
9 opportunity to review the decision so I think you kind of get an idea of where I'm
10 going?

11 MR. ODOU: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. ODOU: Would you like me to proceed, Your Honor?

14 THE COURT: Yes.

15 MR. ODOU: Joel Odou on behalf of D.R. Horton. Your Honor, we agree that
16 the Court's prior decision is very similar to this case, the Court's prior decision in the
17 Carina Corporation matter, I guess it's Mario Balle versus Carina Corporation. We
18 also agree that this case is very similar to the Smith case where this Court decided a
19 very similar issue. We actually attached your ruling in the Smith case to our reply
20 brief, and that case was specifically – I'm having trouble with cites today. I
21 apologize. It's Smith versus Central Park, LLC.

22 THE COURT: So many cases so little time.

23 MR. ODOU: I know. And such bad eyesight on behalf of me. It's A09-
24 605954, and in that case Cedco had brought a very similar motion against
25 subsequent – well, against the change of ownership. And in that case: "This Court

1 observed that once homeowners sell their home they no longer have an ownership
2 in the residence and the former owners are no longer claimants under Chapter 40
3 as well as they don't have a significant interest for claims yet to be made." That was
4 this Court's ruling in that case. "And this Court observed that without evidence to
5 support those claims no rational trier of fact could find in their favor." This case is
6 very, very similar to those two and perhaps even one step removed because this
7 case obviously is a homeowners association attempting to stand in those shoes,
8 and as we pointed in our pleadings the homeowners must meet regular standing
9 type of analysis to proceed. And the regular standing analysis is what we are
10 objecting to is saying they don't meet that because approximately two hundred
11 twenty-nine of their homeowners have sold their houses since this litigation has
12 commenced, and that's why for the reasons both in our reply brief and the reasons
13 cited by this Court in its prior rulings we believe summary judgment is proper – or
14 partial summary judgment is proper and that the Court should issue an order limiting
15 this case to a hundred twelve homes for the exterior claims and sixty-two homes for
16 the interior claims. Of course counsel for the Plaintiff and I are still working on the
17 subclass order from the standing motion, we haven't finalized that yet. But, based
18 on that order – or based on that ruling and our not final order that's what we believe
19 this summary judgment should result in.

20 THE COURT: Anybody else on the defense side?

21 MR. GUSTAFSON: No, Your Honor.

22 MR. STANDER: Your Honor, D.R. Horton's argument here is really
23 remarkable and they're confusing a few different legal concepts to come up with a
24 whole new beast. Mr. Odou was citing to you opinions that you've written in single
25 family home cases. Single family homes cases you're worried about does that

1 Plaintiff, Mr. Smith, own that home or does – and have a right to bring an action, or
2 since he sold it to Mr. Jones does Mr. Jones now have a right to a – the action? All
3 very interesting. And I think Your Honor's rulings that I just read and the ruling in the
4 Smith case which Mr. Odou appended to his reply are a correct reflection of Nevada
5 law that a – an owner that – a single family homeowner that sells his residence no
6 longer has standing to pursue a claim for the constructional defects, he has standing
7 to pursue other claims, you know, money that he has spent on repair. I won't get
8 into it because that's not the issue that's here; the issue that's here is associational
9 standing.

10 We have a Plaintiff HOA who's asserting standing pursuant to statute,
11 pursuant to NRS 116.3102(e). And it's not looking to whether Mr. Jones owns the
12 house or Mr. Smith owns the house within the association that matters. It doesn't
13 matter who the owner is, the association can assert the rights of whoever the owner
14 is. If it's Mr. Smith or Mr. Jones or if it's sold twenty times to a Mr. Johnson finally,
15 the association can assert the standing of anybody who is the owner at that time.

16 THE COURT: So, you're saying representative standing is not to a person but
17 to a house?

18 MR. STANDER: It's to the person who owns the house, whoever that person
19 is.

20 THE COURT: But the person that owns the house if they didn't get an
21 assignment their rights are gonna be different. I guess –

22 MR. STANDER: Your Honor – oh, go ahead.

23 THE COURT: I guess my point is, is you got homeowner A –

24 MR. STANDER: Yes.

25 THE COURT: -- okay, and he was there when the HOA filed a lawsuit on him,

1 in the very beginning there's a Chapter 40 notice and then homeowner one sells it to
2 homeowner two --

3 MR. STANDER: Yes.

4 THE COURT: -- homeowner two has different rights than homeowner one --

5 MR. STANDER: Yes.

6 THE COURT: -- to this residence and that's where I'm having the rub. I
7 mean -- so, I guess what I was asking you was is the representation of a house or is
8 it of the owners because owner two has different issues than owner one?

9 MR. STANDER: The representation is to the owner who currently owns the
10 house. Now here's the other sort of slide of hand that Mr. -- that D.R. Horton takes
11 in this argument. The complaint is not a snapshot of reality that we as litigants are
12 stuck in forever. Things happen from the filing of the complaint, particularly in this
13 cases that's -- things happen from the complaint to trial in every case not just this
14 case, you know, more damages occur. That -- you know, that is presented at trial.
15 You don't have a snapshot of time on -- whenever this complaint was filed in 2007
16 and then we have to -- let's say homeowner A, B and C lived in High Noon in 2007, it
17 doesn't matter whether homeowner A, B and C still own their homes in 2014 when
18 we try this case because the association has associational standing to represent the
19 owner of that home. So, owner A might be in Nebraska but Joe Shmoe bought his
20 home. At the time of trial the association has associational standing of Joe Shmoe --
21 is that the name I just used? I can't remember. Of his ownership interest for that
22 home. Now, the only time this would be a problem or an issue is if without an
23 assignment the association were trying to collect on money that homeowner A had
24 spent in repair and then, you know, homeowner A then sells his home, homeowner
25 A with his claim for money that he spent on repair is gone. The association isn't

1 going to have that claim of course, but the association has – it's – let me put it this
2 way. The association standing does not have to do with any particular ownership of
3 the home, the association standing has to do with statutory standing, associational
4 standing. And they stand in the shoes of the homeowner who owns the home at the
5 time that the claim is presented at trial.

6 Now, Mr. Odou takes the sort of position that the reality stops at the
7 time of the complaint. You know, we have homeowner A, B and C and then any
8 future homeowner – let's say homeowner one who subsequently buys is a future
9 homeowner, and the Plaintiff can't allege in his complaint that he – that the Plaintiff
10 represents some future homeowner that we don't even know who that is yet. Well,
11 that's just a wrongheaded concept. The matter is you look at it at the time of trial.
12 The complaint doesn't change; the complaint says the association has standing
13 pursuant to 1. – 116.3102 of all the homeowners who are similarly situated, blah,
14 blah, blah, blah, boom, all the homeowners who owned it at the time of the
15 complaint. That's the allegation. Move forward seven years and the same
16 allegations of the complaint. You don't change the allegations of the complaint
17 because you're alleging the same thing. The association stands in the shoes of the
18 owners at that time, at the time that we put on our case, and those are the owners
19 that we represent.

20 THE COURT: Let me ask you a question.

21 MR. STANDER: Sure.

22 THE COURT: Homeowner one is all on board with the HOA, wants the HOA
23 to represent them, and there's no question that HOA can represent this particular
24 homeowner or this group of homeowners. Subsequent homeowner -- or
25 homeowner two buys from homeowner one, homeowner two wants nothing to do

1 with it, are you saying that the HOA automatically has standing to represent
2 homeowner two even though homeowner two doesn't want to cooperate? They
3 don't want to let the developer in their home to do any inspections or last minute
4 inspections like preparing for trial, they don't want to cooperate, they won't come,
5 they won't – they don't even want their deposition taken, does the HOA still
6 represent them?

7 MR. STANDER: Well, that's a whole other issue. Your Honor, if – the – first a
8 simple answer to your question. Yes, the HOA has standing to represent all of the
9 homeowners who have the defects in their homes. Now, there's another issue that
10 you just raised. Now, can the HOA still pursue standing in that unit where the
11 homeowner won't allow access? They won't allow the defense – say for example it
12 was inspected early on by Plaintiff under homeowner one, homeowner two moves in
13 and they want nothing to do with it, they won't let defense in for defense inspections.
14 That's a whole other issue, you know, perhaps under Chapter 40 since they don't
15 have an opportunity to inspect they – that particular issue. And Your Honor is gonna
16 hear a lot of stuff about that in the coming weeks in motions in limine. There are
17 some homeowners out there who refused inspections, and we'll talk about that then.
18 But, aside from that which is a whole separate issue, yes, the association has
19 standing to represent that – all of the homeowners who have the, you know, defect
20 which affects the common interest community, you know, pursuant to the statute.
21 Now, of course Chapter 40 provides that access needs to be allowed, etcetera,
22 etcetera, but that's not a standing issue, that's not a standing issue.

23 And if you think about – I mean, it's really a remarkable argument that
24 D.R. Horton is making here and if you think about it would turn CD litigation on its
25 head. Under D.R. Horton's scenario the association would be limited to only

1 represent homes for – where the home has one homeowner from inception of the
2 litigation to the end.

3 THE COURT: But that's not the way I ruled though in Balle though is it? I
4 mean, the way I saw it is that if you have homeowner one decides to sell the house
5 to homeowner two and they clearly have an assignment of rights then – to the -- you
6 know, to continue on with the litigation that there's no issue. What my rub was when
7 there's no assignment and homeowner two wants nothing to do with it or they didn't
8 get the assignment, their foreclosure, whatever the case may be, there's a break in
9 that chain.

10 MR. STANDER: Your Honor, under – and again, we're – now we're shifting
11 basis to a single family homeowner standing which is a whole different thing, but
12 under a single family homeowner standing – and I know that Your Honor's rulings
13 are consistent with the other CD judges and that is –

14 THE COURT: I'm glad to hear that by the way.

15 MR. STANDER: That's been my experience. When homeowner A sells their
16 home they no longer have standing to assert claims for construction defects in that
17 home, they however do maintain standing to assert certain things such as out of
18 pocket money, maybe diminution value, other stuff, but not – not for a Chapter 40
19 CD case. That transfers the right to sue under Chapter 40, transfers to the new
20 homeowner. And that's the ANSE case. I don't know if I'm pronouncing it –

21 THE COURT: ANSE.

22 MR. STANDE: ANSE. Thank you. I knew I didn't have that right. That's the
23 ANSE case which says that the new homeowner has the right to sue through
24 Chapter 40.

25 THE COURT: I don't think there's any dispute under ANSE but – see, I took

1 ANSE as being different. For example, if there is no – if there is a break in the chain
2 and if the new owner wants to submit their own Chapter 40 notice and they're within
3 the statute of repose or statute of limitations, whatever the case may be, that they
4 could do that if they chose to do that, and I think that's what ANSE stands for isn't it?

5 MR. STANDER: Well, the – yeah, ANSE stands for the very important
6 proposition that it doesn't have to be a brand new home in the sense that – and that
7 was the argument in ANSE that a home that's been lived in by a prior homeowner is
8 no longer new construction under Chapter 40 and that the new homeowner has
9 Chapter 40 rights. That's kind of the big picture holding of ANSE. And ANSE – I
10 think one of the smaller but equally important findings of ANSE was that there's no –
11 the legislative history of Chapter 40 is very clear that they don't want to separate,
12 you know, the community out between the haves and the have nots, you know, the
13 original owners who has a claim and subsequent owners who are out of luck. You
14 know, and ANSE makes that point that there's no support for that proposition in the
15 legislative history of Chapter 40, it would be unfair and it would be a mess. And so
16 that's one of the reasons they took the position that they did.

17 But, yes, consistent with ANSE the new homeowner would have a right
18 to assert a claim, and whether or not there needs to be a new Chapter 40 that's a
19 whole other issue and that's an issue we've argued many times whether – whether
20 we – whether a new homeowner can be brought in under the Chapter 40 of the old
21 homeowner. And that – again, that's a whole other issue. Here we're talking about
22 associational standing and what – which owner the association has the right to
23 represent. It would – it is absolutely outside the clear language of 116.3102 – did I
24 get that? Yeah, 3102(e) that the association only has standing for original
25 homeowners or only has standing for homeowners when the complaint is filed, or

1 only has standing, you know – I mean, none of that is in there and reading that sort
2 of limitation into a statute with clear language I think is inappropriate. But again,
3 back to – if you really think through what D.R. Horton's argument is here that, okay,
4 HOA files a complaint in 2007 -- and there's a whole roster of homeowners, okay?
5 Now, if any of those homeowners – and in a project this size there are sales of
6 homes every year, you know, probably every month or close. Under D.R. Horton's
7 scenario every time there's a change in ownership the HOA no longer has –
8 because they filed the complaint here they no longer have associational standing
9 over this new owner. So, what would the HOA want to – need to do? They'd need
10 to file a new Chapter 40 every time that happens? There's no – or file a new
11 complaint because if we're stuck with – stuck with all the homeowners of the
12 complaint do we have to file new complaints every single time? I mean, it really
13 would make it ridiculously complicated to have an associational standing case. And
14 the answer is very clear – it's very simple I should say, the answer is very simple.
15 The association has standing to assert the claims of the unit owner, whoever that
16 may be. At the time of the complaint it's a whole group of people, at the time of trial
17 which is when it really matters it's slightly a different group of people. But if it's a the
18 operative moment where the case is tried and presented to the jury the association
19 has standing to assert a claim on behalf of those – excuse me, those owners
20 pursuant to 116.

21 THE COURT: Okay

22 MR. STANDER: Thank you, Your Honor.

23 MR. ODOU: I'll try not to beat this dead horse, but I just can't help myself
24 sometimes. So, we have a case where we're not gonna tell you what the claims are
25 and we're not gonna tell you who are making the claims and we're gonna go for

1 seven years.

2 When this case was filed they brought the lawsuit on behalf of the
3 owners, the individual owners. That's what's in their complaint. Not on behalf of
4 future persons to be identified and named later. That's the whole rub here; they
5 want to have their standing determined whenever they feel like it, not when the law
6 requires it which is when the complaint is filed.

7 You know, we talk about these hypothetical homeowners – let's call one
8 of them Mary Rogers and let's say Mary Rogers is on the HOA board and she's the
9 secretary of the HOA board and let's say we take her deposition last week to find
10 out what her claims are and let's say she has no claims, she's a subsequent
11 purchaser but there's nothing wrong with her home and she cooperates with the
12 litigation and she says sure come on in and test. Come on in, I'll give you access to
13 my house to test and by the way I'll show up for a deposition and there's nothing
14 wrong with my house. Well, let's disregard that too because we have HOA
15 standing. That's not the law and that's not how this case works. The Plaintiffs need
16 to present an actual case for controversy; they presented one in 2007 when they
17 filed the case on behalf of specific owners. Some of those homeowners are no
18 longer here, their case is now limited.

19 There is no – and for Plaintiff to argue that the rights automatically
20 transfer, that argument has been made time and time again to the courts of appeal
21 around the country and reject it. That argument was specifically made in Vaughn
22 that both sides cited in their brief and both sides agree as to the proposition. This
23 Court has considered that argument numerous times. There is no automatic
24 transfer. Those rights – when the homeowners changed ownership some of those
25 rights went away. They still had the right if they had preserved it for out-of-pocket

1 expenses, perhaps diminution in value, none of those things are in this case.
2 There's no experts that will testify to that. All of Plaintiff's experts have been
3 deposed; all of Plaintiff's experts have testified that they haven't spoken to any
4 homeowner about any individual claim. Those claims are gone. This Court should
5 rule consistently with its prior rulings and rule that for the exterior claims they have
6 rights for a hundred twelve owners and for the interior claims it is I think sixty –

7 THE COURT: Sixty-two.

8 MR. ODOU: -- sixty-two. Those are what they have standing for and that's
9 consistent with this Court's prior rulings.

10 THE COURT: Anybody else? Okay. I want to write a decision on this one,
11 okay? So, I'm gonna take this under advisement.

12 MR. STANDER: Okay. Thank you, Your Honor.

13 MR. ODOU: Your Honor, we do have some housekeeping issues before we
14 all run.

15 THE COURT: Okay.

16 MR. ODOU: There are approximately twenty-eight motions in limine filed by
17 the Third-party Defendants in this case.

18 THE COURT: Right.

19 MR. ODOU: Rather than filing an individual joinder to each one of those
20 twenty-eight, is it acceptable for a party like D.R. Horton to file one joinder and list
21 the motions that it's joining since we're providing this Court with motion booklets and
22 we can simply provide that listing to the Court?

23 THE COURT: Is that gonna cause problem if they just do one?

24 MR. ODOU: And list –

25 THE COURT CLERK: I don't believe so. I think it'll be fine.

1 THE COURT: Yeah, I think that would actually – in fact, that is acceptable for
2 me and for everybody, just make sure that I know which ones you're joining so that I
3 can keep track. So – sometimes, you know, particularly when I write a decision I
4 like to write who's joining in it and I might miss it so that's the only rub that I have.
5 But, I'm perfectly fine if you guys – anybody wants to file one piece of paper that
6 says I join in motions in limine bup, bup, bup, bup, bup, bup, okay?

7 MR. ODOU: Thank you, Your Honor.

8 MR. CRANER: Thank you, Your Honor.

9 THE COURT: Now, I note also, let me get into mine, that we've got motions in
10 limine scheduled on different days. We don't need to do that.

11 MR. ODOU: That was my second point. Thank you, Your Honor.

12 THE COURT: Yeah, I don't need you guys to come in on these different days.
13 I just – what happens is that we have adjusted our calendar where I hear twenty
14 matters a day but sometimes I adjust because if I've got simple stuff, you know, you
15 can probably hear a hundred simple stuff, but there's times where you've got five
16 very complicated stuff that takes you day. So, that's what happens is that there's an
17 automatic stop at the twenty. Let's see what we can do here. So, we've got it looks
18 like nineteen matters on the twenty-fifth, we've got twenty-five matters on the
19 twenty-seventh, and then we've got the motion to establish trial protocol. We will be
20 doing that by the way. And then on the third we've got it looks like thirty-six matters.

21 MR. ODOU: A lot of those are joinders.

22 THE COURT: Well, and maybe other matters that were calendared on there
23 too. You know, I know it's a pain in the neck, but can we move them all to the third?

24 THE COURT CLERK: Umm hmm.

25 THE COURT: That still would give everyone about two weeks before trial to

1 start to make decisions about their trial strategy if we have all the motions in limine.
2 Just remember my court clerk is having to literally – just because of the way the
3 computer system is if -- she has to move each one individually. That's why
4 whenever sometimes we'll say, "We're talking settlement; can we have another
5 couple of days?" I'm, like, no.

6 MR. STANDER: Right.

7 MR. ODOU: So, Your Honor, all motions will be on April 3rd at what time?

8 THE COURT: Nine o'clock.

9 MR. ODOU: And then the reply briefs and the oppositions will stay the same?

10 THE COURT: Sure. I mean, it'll be – yeah, because you filed them about the
11 same time anyway.

12 MR. ODOU: There's a court order though.

13 MR. STANDER: And you --

14 THE COURT: One at a time.

15 MR. ODOU: There's a court order that specifically says when oppositions and
16 reply briefs should be filed.

17 THE COURT: Let's go with that.

18 MR. ODOU: Stick with that?

19 THE COURT: Yeah.

20 MR. STANDER: Your Honor, I was gonna ask, since removing the date of the
21 hearing we've got, I haven't counted them, but upward of fifty motions to oppose, I
22 would ask for a little bit of extra time if possible for the oppositions to be due.

23 THE COURT: Okay. When are the oppositions due?

24 MR. ODOU: March 13th per the Court's order and replies are the 20th.

25 THE COURT: Okay. Then you have to get booklets together. If we were to

1 put that out to the 20th for the Plaintiff to get the oppositions due, can you get your
2 replies by the 27th? I mean, I've gotta be able to read them.

3 MR. ODOU: It pushes us –

4 THE COURT: I know it does, that's why I'm asking.

5 MR. ODOU: -- pretty heavily. Some of these are rather substantive.

6 MR. STANDER: Right.

7 MR. ODOU: These aren't just the golden rule type motions.

8 THE COURT: I was gonna say, guys, don't do golden rule arguments. Geez.

9 MR. ODOU: No. We got –

10 MR. STANDER: No, we –

11 MR. ODOU: -- a stipulation.

12 MR. STANDER: -- stipulated to most of those. These are all real.

13 THE COURT: Okay.

14 MR. STANDER: Not all of them but most of them.

15 MR. ODOU: Yeah, could the Plaintiff maybe get them to us like on the 18th or
16 something like that? Tuesday?

17 MR. STANDER: That's fine.

18 THE COURT: The 18th?

19 MR. STANDER: Yeah.

20 THE COURT: Okay. And then you guys can get them in to me on the 27th for
21 your replies.

22 MR. ODOU: Yes. Should we –

23 THE COURT: Now, we would need booklets.

24 MR. ODOU: Yes. And my understanding is you want those from the
25 developer to put together, and we're happy to do that we just need to make sure

1 we're the only one doing that.

2 THE COURT: Generally speaking I say the party that puts forth the motion
3 should be doing the booklet. So, there might be a Plaintiff's motion in limine book
4 and then --

5 MR. ODOU: Oh, okay.

6 MR. STANDER: Okay.

7 THE COURT: -- you can have a defense motion in limine book.

8 MR. ODOU: And then designate somebody from the Third-party Defendants.

9 THE COURT: Sure. It doesn't matter to me.

10 MR. ODOU: Okay.

11 THE COURT: I just like to have motion, opposition, reply because it just
12 makes it so much easier for me to go through, and having a table of contents is
13 great too because then I can kind of just put my own notes and my preliminary
14 rulings on it. It just makes it easier.

15 MR. ODOU: And in the table of contents --

16 THE COURT: Counsel, you just --

17 MR. ODOU: -- perhaps list who's joined.

18 THE COURT: Yeah. In the table of contents that makes it easier too. You
19 wouldn't even then -- unless the joinder is substantive you wouldn't even need to
20 add the joinder.

21 MR. ODOU: Okay. We can certainly do that.

22 THE COURT: Let's save some paper.

23 MS. FORNETTI: Your Honor, my office has a lot of experience putting these
24 notebooks together, so on behalf of the Third-party Defendants our office will take
25 care of it. Thanks.

1 MR. ODOU: Thanks, Jen.

2 MR. CRANER: And just to be clear, Your Honor, the oppositions are that that
3 extension applies to everyone.

4 THE COURT: Yes.

5 MR. CRANER: I just want to make sure. Thank you.

6 THE COURT: Okay. What's good for one is good for everybody.

7 MR. CRANER: Thank you.

8 MR. ODOU: That was all we had for housekeeping. Thank you, Your Honor.

9 THE COURT: Okay.

10 MR. STANDER: Thank you, Your Honor.

11 THE COURT: And I will be establishing a trial protocol on this one, okay, just
12 like I would any of the others. And you guys have got your questionnaire, I think we
13 signed that. So, we – I think we should be good to go so far.

14 MR. ODOU: Your Honor, the trial protocol was proposed by the one of the
15 Third-party Defendants. D.R. Horton did have a response to it, some suggested
16 revisions. We could get those to the Court right away.

17 THE COURT: Okay. Well, I tell you what; I'll just go ahead and hear your
18 motion then on April fool's day.

19 MR. ODOU: Okay.

20 THE COURT: How's that?

21 MR. ODOU: As long as it's not a weekend. Sure.

22 THE COURT: Okay. Without telling me anything specific, are you guys still
23 talking?

24 MR. ODOU: We're always talking.

25 MR. STANDER: We are, Your Honor.

1 THE COURT: Okay.

2 MR. ODOU: We'll be talking as we leave the courtroom.

3 THE COURT: Okay. Sounds good to me. All right.

4 MR. STANDER: Thank you, Your Honor.

5 THE COURT: Well, if something develops from your talks –

6 MR. STANDER: You'll be second to know.

7 THE COURT: Second?

8 MR. STANDER: I might tell the client first.

9 THE COURT: Yeah, they sort of need to know.

10 MR. CRANER: Thank you, Your Honor.

11 MR. ODOU: Thank you, Your Honor.

12 THE COURT: You bet.

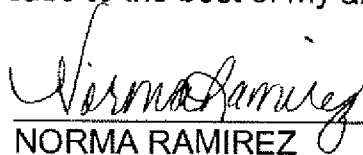
13 MR. STANDER: Thank you, Your Honor.

14 THE COURT: Have a good day.

15 [Proceedings concluded at 10:45:05 a.m.]

16 * * * * *

17
18
19
20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video recording in the above-entitled case to the best of my ability.

23 
24 NORMA RAMIREZ
25 Court Recorder
District Court Dept. XXII
702 671-0572

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Construction Defect**COURT MINUTES****February 27, 2014**

07A542616 High Noon At Arlington Ranch Homeowner
 vs
 D R Horton Inc

February 27, 2014 9:00 AM All Pending Motions

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Tiffany Lawrence; Melissa Murphy/mm

RECORDER: Norma Ramirez

PARTIES

PRESENT:	Coil, Dillon G.	Attorney for Firestop, Inc.
	Craner, Andrew	Attorney for Summit Drywall & Paint; United Electric
	Fornetti, Jennifer A	Attorney for National Builders, Inc.
	Grant, Annalisa N	Attorney for Rising Sun Plumbing
	Gustafson, Randall D.	Attorney for Firestop, Inc.
	Mitchell, Shannon L.	Attorney for Circle S Development Corp
	Odou, Joel D.	Attorney for D.R. Horton
	Stander, John J.	Attorney for Plaintiff
	Tiongson, Bernadette S.	Attorney for OPM Inc.
	Trippiedi, Adam R.	Attorney for Rising Sun Plumbing; Summit Drywall & Paint
	WALKER, KIRK, ESQ	Attorney for Quality Wood Products
	Young, Aaron	Attorney for Efficient Enterprises LLC

JOURNAL ENTRIES

THIRD-PARTY DEFENDANT FIRESTOP, INC. S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 41(E)...THIRD PARTY DEFENDANT EFFICIENT ENTERPRISES, LLC DBA EFFICIENT ELECTRIC'S JOINDER TO THIRD-PARTY DEFENDANT FIRESTOP, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 41(E)...THIRD-PARTY DEFENDANTS RISING SUN PLUMBING, LLC AND ANSE, INC. DBA NEVADA STATE PLASTERING'S JOINDER TO THIRD-PARTY FIRESTOP, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 41(E)...D.R. HORTON, INC.'S JOINDER TO FIRESTOP, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 41(E)...THIRD-PARTY DEFENDANT NATIONAL BUILDERS, INC.'S JOINDER TO THIRD-PARTY

DEFENDANT FIRESTOP, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT DEFENDANT CIRCLE S. DEVELOPMENT CORP. DBA DECK SYSTEMS JOINDER TO FIRESTOP, INC. S MOTION TO DISMISS PLAINTIFF S COMPLAINT PURSUANT TO NRCP 41(E) THIRD-PARTY DEFENDANT SUNSTATE COMPANIES, INC. S JOINDER TO THIRD-PARTY DEFENDANT FIRESTOP, INC. S MOTION TO DISMISS PLAINTIFF S COMPLAINT PURSUANT TO NRCP 41(E)

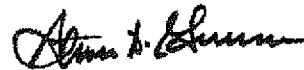
Arguments regarding the application of related case law; timeliness of the Chapter 40 process and the many problems deciphering what the Plaintiffs claims were; whether Plaintiff s were ready to proceed with trial leading up to the 5 year statute; whether Plaintiff s were prevented from prosecuting this case; whether the numerous delays were caused by the Plaintiffs, or caused by the Court. COURT STATED FINDINGS and ORDERED Motion DENIED; Court to prepare the Order.

Court provided her ruling for counsel s review in the Balle vs. Carina Corporation case. COURT RECESSED.

D.R. HORTON, INC. S MOTION FOR PARTIAL SUMMARY JUDGMENT .THIRD-PARTY DEFENDANT NATIONAL BUILDERS JOINDER TO D.R. HORTON, INC. S MOTION FOR PARTIAL SUMMARY JUDGMENT THIRD-PARTY DEFENDANT OPM, INC. S DBA CONSOLIDATED ROOFING S JOINDER TO D.R. HORTON, INC. S MOTION FOR PARTIAL SUMMARY JUDGMENT THIRD-PARTY DEFENDANT, EFFICIENT ENTERPRISES, LLC DBA EFFICIENT ELECTRIC S JOINDER TO D.R. HORTON S MOTION FOR PARTIAL SUMMARY JUDGMENT 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 THIRD-PARTY DEFENDANT FIRESTOP, INC. S JOINDER TO D.R. HORTON, INC. S MOTION FOR PARTIAL SUMMARY JUDGMENT .THIRD-PARTY DEFENDANTS, QUALITY WOOD PRODUCTS, INC., SUMMIT DRYWALL & PAINT, LLC AD UNITED ELECTRIC S JOINDER TO D.R. HORTON S, INC. S MOTION FOR PARTIAL SUMMARY JUDGMENT

MATTER RECALLED with all parties present as before. Arguments whether the opinions cited in the Balle vs. Carina Corp. (A557753) and Smith vs. Central Park, LLC (A605954) were relevant in this matter; whether the association had a standing to litigate on behalf of the homeowner, even without the cooperation of the homeowner pursuant to chapter 116; whether a change in ownership prevented the new homeowner the right to assert a claim during the Chapter 40 process. COURT ORDERED, matter TAKEN UNDER ADVISEMENT.

Colloquy regarding current scheduled dispositive motions, preparation of joinders and booklets. COURT FURTHER ORDERED, Third-Party Defendants Motions in Limine set for 03/25/14 and 03/27/14 RESET to 04/03/14; Opposition DUE by 03/18/14; Reply DUE by 03/27/14. Upon Court's inquiry, counsel stated continued efforts to negotiate this matter.



CLERK OF THE COURT

1 ORDR

3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 PETER-MARIO and CYNTHIA
6 BALLE, husband and wife; EDWIN
7 SLAUGHTER, an individual;
8 CARLOS ANAYA, an individual; IRA
9 CORDOVA, an individual; ALEXIS
10 and GINA DAVID, husband and wife;
11 SHERRY FLICK, an individual;
12 DANILO and EDNA PAULE, husband
13 and wife; THOMAS and NANCY
14 BOEGGEMAN, husband and wife;
15 LARRY and YVONNE GLINES,
16 husband and wife; FANTASY TRUST,
17 MICHAEL and ROBIN PANEK,
18 Trustees; BENJAMIN and
19 ENRIQUETA LATONIO, husband and
20 wife; STEVEN and CHERYL FORTE,
21 husband and wife; and ARTURO and
22 RENEE WILLIAMS VIRAY, husband
23 and wife; and BALLESTEROS
24 FAMILY TRUST, RODOLFO and/or
25 REBECCA BALLESTEROS, Trustees,
26 and DHAVAL and RESHMA SHAH,
27 husband and wife,

18 Plaintiff,

19 Vs.

20 CARINA CORPORATION, a dissolved
21 Nevada Corporation, and DOES 1
22 through 50, inclusive,

22 Defendants.

23 CARINA CORPORATION, a dissolved
24 Nevada Corporation,

24 Third-Party Plaintiff,

25 Vs.

26 AGP PLUMBING, a Nevada
27 Corporation; AMPAM LAS VEGAS
28 aka AMPAM RCE COMPANIES, an

Case No. A557753

Dept. No. XXII

Electronic Filing Case

ORDER

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1 unknown entity; CARPET BARN,
2 INC., a Delaware Corporation;
3 CIRCLE S DEVELOPMENT
4 CORPORATION dba DECK
5 SYSTEMS NEVADA, a Nevada
6 Corporation; DESERT
7 SPECIALITIES, an unknown entity;
8 ~~DOW INDUSTRIES, a Nevada~~
9 Corporation; GARY G. DAY
10 CONSTRUCTION, a Nevada
11 Corporation; GYPSUM
12 CONSTRUCTION, INC., an Arizona
13 Corporation aka ECKER
14 ENTERPRISES; INFINITY
15 BUILDING PRODUCTS, an Arizona
16 Corporation; INTEGRITY
17 MASONRY, INC., a Nevada
18 Corporation; INTERIOR
19 SPECIALISTS, INC., a California
20 Corporation; INTERSTATE
21 PLUMBING & AIR CONDITIONING,
22 INC., a Nevada Corporation;
23 JOHNSON ELECTRIC, INC., a
24 Nevada Corporation; K&K
25 FRAMERS, INC., a Nevada
26 corporation; L& S AIR
27 CONDITIONING AND HEATING, a
28 Nevada Corporation; M&M
CONSTRUCTCION, INC., a Nevada
Corporation; MARV BLACK
MASONRY, INC., a Nevada
Corporation; MERILLAT
CORPORATION, a Delaware
Corporation; METRIC ROOFING OF
NEVADA, INC., a Nevada
Corporation; PR CONSTRUCTION
CO., a Nevada Corporation; RCE
PLUMBING AND
MECHANICAL, INC.;
ROADRUNNER DRYWALL
CORPORATION, a Nevada
Corporation; SACRAMENTO
INSULATION CONTRACTORS dba
GALE BUILDING PRODUCTS, a
California Corporation; SOUTHWEST
FOUNDATIONS, INC., a Nevada
Corporation; SUMMIT PROSERVE
dba JELD-WEN, INC., an Oregon
Corporation; SUNSTATE
COMPANIES, a Nevada Corporation
dba SUNSTATE LANDSCAPE &

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1 **LAWN; VEGAS GENERAL**
2 **CONSTRUCTION, a Nevada**
3 **Corporation; UNITED PLUMBING,**
4 **LLC, a Nevada Limited Liability**
5 **Company; VERMAX, INC.-**
6 **CENTURY CAST PRODUCTS, a**
7 **Nevada Corporation; WESTCOR**
8 **CONSTRUCTION, a Nevada**
9 **Corporation; WILLIS ROOFING &**
10 **CONSULTING, INC., a Nevada**
11 **Corporation; and MOES 1 through**
12 **100, inclusive,**

13 Third-Party Defendants.

14 **WESTCOR CONSTRUCTION,**

15 **Fourth-Party Plaintiff,**

16 **Vs.**

17 **ROES 2-10 UNKNOWN WINDOW**
18 **MANUFACTURERS, inclusive,**

19 Fourth-Party Defendants.

20 **ORDER**

21 These matters, concerning:

22 1. Defendant CARINA CORPORATION'S Motion for Summary
23 Judgment as to Plaintiffs THOMAS, JR. and NANCY BOEGGEMAN (7740
24 Pleasant Slopes Court) filed July 29, 2009, and

25 2. Plaintiffs' Counter-Motion to File Fifth Amended Complaint to
26 Add Party filed August 24, 2009,
27 both came on for hearing on the 1st day of October 2009 at the hour of 9:00 a.m.
28 before Department XXII of the Eighth Judicial District Court, in and for Clark
County, Nevada with JUDGE SUSAN H. JOHNSON presiding; Plaintiffs
appeared by and through their attorney, TROY L. ISAACSON, ESQ. of the law
firm, MADDOX ISAACSON & CISNEROS; Defendant/Third-Party Plaintiff

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1 CARINA CORPORATION appeared by and through its attorney, JENNIFER E.
2 MULLIN, ESQ. of the law firm, LEE HERNANDEZ BROOKS GAROFALO &
3 BLAKE; Third-Party Defendants ROADRUNNER DRYWALL
4 CORPORATION, L & S AIR CONDITIONING AND HEATING and WILLIS

5
6 ROOFING & CONSULTING appeared by and through their attorney, KAREN E.
7 GESUND, ESQ. of the law firm, LINCOLN GUSTAFSON & CERCOS; Third-
8 Party Defendant SUNSTATE COMPANIES appeared by and through its
9 attorney, DANIEL J. REED, ESQ. of the law firm, WOLFENZON SCHULMAN
10 & RYAN; Third-Party Defendants PR CONSTRUCTION CO., JOHNSON
11 ELECTRIC, INC. and CIRCLE S DEVELOPMENT CORPORATION appeared
12 by and through their attorney, DIANE A. LEE, ESQ. of the law firm, LUH &
13 ASSOCIATES; Third-Party Defendants VEGAS GENERAL CONSTRUCTION,
14 MARV BLACK MASONRY, INC., and K&K FRAMERS, INC. appeared by and
15 through their attorney, ATHANASIA E. DALACAS, ESQ. of the law firm,
16 STUTZ ARTIANO SHINOFF & HOLTZ; Third-Party Defendant M&M
17 CONSTRUCTION, INC. appeared by and through its attorney, JEFFREY H.
18 BALLIN, ESQ. of the law firm, PARKER NELSON & ASSOCIATES; Third-
19 Party Defendant INTERIOR SPECIALISTS, INC. appeared by and through its
20 attorney, JESSICA A. WEST, ESQ. of the law firm, LEWIS BRISBOIS
21 BISGAARD & SMITH; and Third-Party Defendant GARY G. DAY
22 CONSTRUCTION appeared by and through its attorney, RAHUL KULKARNI,
23 ESQ. of the law firm, SPRINGEL & FINK. Having reviewed the papers and
24 pleadings filed herein, including, but not limited to the Joinders¹ to Motion for
25
26
27

28 ¹Joinders were filed by Third-Party Defendants RCR PLUMBING AND

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1 Summary Judgment, heard oral arguments of the attorneys, taken the matter under
2 advisement, this Court makes the following Findings of Fact and Conclusions of
3 Law:
4

5 **FINDINGS OF FACT**

6 1. This litigation involves claims of constructional defects within
7 twelve (12) single-family, semi-custom homes located within the Lamplight
8 Estates community developed by Defendant/Third-Party Plaintiff CARINA
9 CORPORATION from July 1999 to April 2004. Specifically, Plaintiff
10 homeowners have alleged the following causes of action as set forth in their Third
11 Amended Complaint filed April 14, 2009:
12

- 13 a. Breach of implied warranties of fitness for particular
14 purpose, habitability, quality and workmanship;
15 b. Breach of express warranties;
16 c. Negligence and negligence *per se*; and
17 d. Negligent misrepresentation and failure to disclose.
18

19 As a result of their claims, Plaintiff homeowners assert an entitlement to damages
20 as defined in NRS 40.655.

21 2. When the original Complaint was filed on or about February 22,
22 2008, Plaintiffs THOMAS and NANCY BOEGGEMAN were owners of the
23 single-family dwelling located at 7740 Pleasant Slopes Court, Las Vegas, Nevada
24 89131.² However, by April 3, 2009, the BOEGGEMANS' interest in the home
25

26 MECHANICAL, INC. and MARV BLACK MASONRY, INC. on or about July 30, 2009.

27 ²In so stating, Exhibit A, attached to Defendant's Motion for Summary Judgment,
28 indicates that, on February 20, 2008, a notice of default of the mortgage was recorded against the
subject property.

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1 was foreclosed, and the trustee's deed to the property was transferred to Bank of
2 New York. Thereafter, on or about June 19, 2009, the property's deed was
3 transferred from Bank of New York to PATRINA MCDONALD-GREEN,³
4

5 3. Defendant CARINA CORPORATION claims MS. MCDONALD-

6 GREEN has neither joined as a plaintiff nor been substituted as a party in place of
7 the BOEGGEMANS in the instant lawsuit. Further, the BOEGGEMANS
8 retained no interest in the property. As a consequence, Defendant proposes all
9 constructional defect claims relating to 7740 Pleasant Slopes Court must be
10 dismissed as a matter of law.
11

12 4. Plaintiffs, on the other hand, argue MS. MCDONALD-GREEN
13 has been assigned the BOEGGEMANS' constructional defect claims, and
14 therefore, they seek to substitute MS. MCDONALD-GREEN as a party in their
15 Counter-Motion for Leave to File Fifth Amended Complaint, a proposal of which
16 is attached thereto as Exhibit 3.

17 CONCLUSIONS OF LAW

18 Defendant CARINA CORPORATION'S Motion for Summary Judgment

19 1. Summary judgment is appropriate and "shall be rendered
20 forthwith" when the pleadings and other evidence on file demonstrate no
21 "genuine issue as to any material fact [remains] and that the moving party is
22 entitled to a judgment as a matter of law." See NRCP 56(c); Wood v. Safeway,
23 Inc., 121 Nev. 724, 729, 121 P.3d 1026 (2005). The substantive law controls
24 which factual disputes are material and will preclude summary judgment; other
25
26

27 ³See Exhibit A, parcel ownership history for 7740 Pleasant Slopes Court, attached to
28 Defendant's Motion for Summary Judgment filed July 29, 2009.

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1 factual disputes are irrelevant. Id., 121 Nev. at 731. A factual dispute is genuine
2 when the evidence is such a rational trier of fact could return a verdict for the non-
3 moving party. Id., 121 Nev. at 731.
4

5 2. While the pleadings and other proof must be construed in a light
6 most favorable to the non-moving party, that party bears the burden "to do more
7 than simply show that there is some metaphysical doubt" as to the operative facts
8 in order to avoid summary judgment bent entered in the moving party's favor.
9 Matsushita Electric Industrial Co. v. Zenith Radio, 475 U.S. 574, 586 (1986),
10 *cited by* Wood, 121 Nev. at 732. The non-moving party "must, by affidavit or
11 otherwise, set forth specific facts demonstrating the existence of a genuine issue
12 for trial or have summary judgment entered against him." Bulbman Inc. v.
13 Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992), *cited by* Wood, 121
14 Nev. at 732. The non-moving party "'is not entitled to build a case on the
15 gossamer threads of whimsy, speculation, and conjecture.'" Bulbman, 108 Nev.
16 at 110, 825 P.2d 591, *quoting* Collins v. Union Fed. Savings & Loan, 99 Nev.
17 284, 302, 662 P.2d 610, 621 (1983).
18

19 3. Rule 17(a) of the Nevada Rules of Civil Procedure provides
20 "[e]very action *shall* be prosecuted in the name of the real party in interest."
21 (emphasis added) The purpose of this rule is to enable the defendant to avail
22 himself of evidence and defenses the defendant has against the real party in
23 interest, to assure finality of the judgment, and that he will be protected against
24 another suit brought by the real party in interest on the same matter. Painter v.
25 Anderson, 96 Nev. 941, 943, 620 P.2d 1254, 1256 (1980). Notably, the question
26
27
28

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1 of "standing to bring suit" focuses on the party seeking adjudication, rather than
2 upon the issues sought to be adjudicated. See Szilagyi v. Testa, 99 Nev. 834, 838,
3 673 P.2d 495, 498 (1983).
4

5 4. It is well established that, in order for one to bring a cause of
6 action pursuant to NRS 40.600 to 40.695 (statutes collectively referred to as
7 "NRS Chapter 40" herein), he must be a "claimant." A "claimant" is defined in
8 NRS 40.610 as "[a]n owner of a residence or appurtenance;" "[a] representative
9 of a homeowner's association that is responsible for a residence or appurtenance
10 and is acting within the scope of his duties pursuant to chapter 116 or 117 of
11 NRS;" or "[e]ach owner of a residence or appurtenance to whom a notice applies
12 pursuant to subsection 4 of NRS 40.645."
13

14 5. As noted above, Defendant CARINA CORPORATION moves this
15 Court for summary judgment with respect to the BOEGGEMANS' constructional
16 defect claims brought under NRS Chapter 40 inasmuch as these Plaintiffs no
17 longer have an ownership interest in the residence in question, and thus, they do
18 not fall within the definition of "claimants" set forth by NRS 40.610. [While it is
19 true Plaintiffs THOMAS and NANCY BOEGGEMAN'S ownership interest in
20 7740 Pleasant Slopes Court, Las Vegas, ceased to exist as of April 3, 2009, this
21 Court declines to take the view these former homeowners no longer are
22 "claimants" under NRS Chapter 40, and thus, lose all of their claims for damages
23 under NRS 40.655, as outlined more fully below.]
24

25 6. Under NRS 40.655, a "claimant" may recover the following
26 damages to the extent proximately caused by a constructional defect:
27
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- 1 a. any reasonable attorney's fees;
- 2 b. the reasonable cost of any repairs already made that were
- 3 necessary and of any repairs yet to be made that are necessary to cure any
- 4 constructional defect that the contractor failed to cure and the reasonable
- 5 expenses of temporary housing reasonably necessary during the repair;
- 6 c. the reduction in market value of the residence or accessory
- 7 structure, if any, to the extent the reduction is because of structural failure;
- 8 d. the loss of the use of all or any part of the residence;
- 9 e. the reasonable value of any other property damaged by the
- 10 constructional defect;
- 11 f. any additional costs reasonably incurred by the claimant,
- 12 including, but not limited to, any costs and fees incurred for the retention
- 13 of experts; and
- 14 g. any interest provided by statute.

15 7. As noted above, under NRS 40.655, a "claimant" may seek

16 damages, additional to and/or different from the constructional defects which

17 continue or remain in the residence. For instance, a "claimant" may recover for

18 his loss of use of the home while certain, if not all, constructional defects were

19 being repaired. A "claimant" may seek damages for temporary housing while the

20 repairs were being conduct. A "claimant" may seek the cost of reasonable repairs

21 he had to expend to correct the constructional defects. Hence, while the

22 "claimant's" claims for damages related to remaining or continuing constructional

23 defects may extinguish upon transfer of residential ownership to another, it does

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1 not follow the "claimant" also loses his cause of action for injuries and damages
2 he has already sustained as a result of the defects.

3
4 8. If this Court were to follow the proposition argued by Defendant
5 CARINA CORPORATION, anomalous results would occur. For example, one
6 who is a "claimant" at the time he makes a NRS Chapter 40 claim may have to
7 choose between losing his rights to damages and selling his home until such time
8 as the claim or litigation resolved, which, in some cases, could take years. The
9 "claimant" may elect not to make necessary repairs for fear he may lose right to
10 reimbursement upon the sale or other transfer of his home. Further, from an
11 evidentiary standpoint, proving loss of market value caused by the structural
12 failure may be difficult until there is an actual sale or transfer. In addition,
13 developers and contractors would have no incentive to expedite inspection,
14 repairs and/or litigation if all NRS Chapter 40 claims against them could be
15 dismissed or lost upon future transfer of ownership. In this case, if Defendant's
16 premise were followed, the BOEGGEMANS would lose their right to seek
17 reimbursement to the \$23,270.11 they claim they expended as a result of loss of
18 use of their home, and those monies paid to make necessary repairs caused by the
19 alleged constructional defects.⁴ To wit, although the BOEGGEMANS no longer
20 own the home as of April 3, 2009, it does not follow all their claims and damages
21 they sustained also extinguished, or should have been dismissed as of that date.
22
23

24 9. With the aforementioned said, this Court agrees with Defendant
25 CARINA CORPORATION that, as the BOEGGEMANS no longer own the home
26

27 ⁴See Exhibit 1, Affidavit of THOMAS BOEGGEMAN, JR., attached to Plaintiffs'
28 Opposition to Motion for Summary Judgment and Counter-Motion for Leave to File Fifth
Amended Complaint filed August 24, 2009.

1 in question, they did not retain any claims they may have had under NRS 40.655
2 due to continuing or remaining constructional defects. They no longer have a
3 claim for loss of the house's market value allegedly due to structural failures.
4 Those claims necessarily follow the residence. They no longer have a claim for
5

6 the reasonable cost of repairs "yet to be made." See NRS 40.655(1)(b).

7 Accordingly, this Court grants partial summary judgment in favor of Defendant
8 CARINA CORPORATION with respect to the BOEGGEMANS' claims that
9 relate to remaining or continuing constructional defects in the subject residence.
10 Defendant CARINA CORPORATION'S Motion for Summary Judgment,
11 however, is denied with respect to other claims for damages Plaintiffs THOMAS
12 and NANCY BOEGGEMAN allegedly sustained and seek under NRS 40.655.
13

14 **Plaintiffs' Counter-Motion for Leave to File Fifth Amended Complaint**

15 10. Rule 15(a) of the Nevada Rules of Civil Procedure provides, *inter*
16 *alia*, that after a responsive pleading has been filed, a party may amend his
17 pleading only by leave of court or written consent of the adverse party, and leave
18 shall be freely given when justice so requires. The grant or denial of an
19 opportunity to amend is within the discretion of the trial court, and its action in
20 denying the motion should not be held as erroneous unless that discretion has
21 been abused. Stephens v. Southern Nevada Music Co., 89 Nev. 104, 105, 507
22 P.2d 138, 139 (1973); Adamson v. Bowker, 85 Nev. 115, 120-121, 450 P.2d 796,
23 800 (1969).
24

25 11. In this case, Plaintiffs seek to substitute parties, namely PATRINA
26 MCDONALD-GREEN, the current owner of 7740 Pleasant Slopes Court, Las
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1 Vegas, Nevada, in the stead of the former owners, THOMAS and NANCY
2 BOEGGEMAN. In support of their premise, Plaintiffs attach copies of
3 disclosure assignments, and the agreements between MS. MCDONALD-GREEN
4 and the BOEGGEMANS to transfer any proceeds the BOEGGEMANS would
5 realize in relation to the instant lawsuit.⁵
6

7 12. In reviewing the ownership history of the home, it appears the
8 BOEGGEMANS' interest ceased upon the house's foreclosure and transfer to
9 Bank of New York in April 2009. MS. MCDONALD-GREEN did not acquire an
10 ownership interest in the house until it was transferred to her from Bank of New
11 York in June 2009. In short, inasmuch as the BOEGGEMANS' ownership
12 interest in the house extinguished two months before MS. MCDONALD-
13 GREEN'S acquisition, they no longer had claims to transfer with respect to
14 continuing or remaining constructional defects within the home, or other causes of
15 action that necessarily follow the home. In other words, the BOEGGEMANS
16 cannot assign or transfer interests to MS. MCDONALD-GREEN that they,
17 themselves, no longer had. Accordingly, this Court denies Plaintiffs' Counter-
18 Motion for Leave to File Fifth Amended Complaint insofar as it seeks to transfer
19 or assign those rights or claims that necessarily follow the residence.
20
21

22 13. With the aforementioned said, such does not mean MS.
23 MCDONALD-GREEN cannot bring NRS Chapter 40 claims against Defendant
24 CARINA CORPORATION in her own name. However, should she decide to do
25 so, such claims would not relate back to the date of the filing of the original
26

27 ⁵Nothing in the agreements indicate that any consideration passed between MS.
28 MCDONALD-GREEN and the BOEGGEMANS in exchange for the transfer or assignment of
interests.

1 Complaint by the BOEGGEMANS in February 2008. See Thelin v.
2 Intermountain Lumber & Builders Supply, Inc., 80 Nev. 285, 290, 392 P.2d 626,
3 628 (1964). Further, she would be required to follow all requirements of NRS
4 Chapter 40 prior to filing her lawsuit.

6 14. The next issue is whether the BOEGGEMANS can assign or
7 transfer their remaining claims to MS. MCDONALD-GREEN under NRS 40.655
8 for damages and injuries they sustained, i.e. their loss of use and expenditures for
9 repairs to the home during their ownership. Defendant argues the claims cannot
10 be assigned, and the agreement between the BOEGGEMANS and MS.
11 MCDONALD-GREEN is void due to champerty.

13 15. "A champertous agreement is one in which a person without
14 interest in another's litigation undertakes to carry on the litigation at his own
15 expense, in whole or in part, in consideration of receiving, in the event of success,
16 a part of the proceeds of the litigation." Schwartz v. Eliades, 113 Nev. 586, 589
17 939 P.2d 1034, 1036 (1997), *quoting* Martin v. Morgan Drive Away, Inc., 665
18 F.2d 598, 603 (5th Cir. 1982), *cert. dismissed*, 458 U.S. 1122, 103 S.Ct. 5, 73
19 L.Ed.2d 1394 (1982). "To maintain the suit of another is now, and always has
20 been, held to be unlawful, unless the person maintaining has some interest in the
21 subject of the suit." *Id.*, *quoting* Lum v. Stinnett, 87 Nev. 402, 408, 488 P.2d 347,
22 350 (1971); *also see* Gruber v. Baker, 20 Nev. 453, 23 P. 858, 862 (1890). As
23 noted in Gruber, 23 P. at 862:

25 The reason of the rule, as applied to champerty and maintenance, with us,
26 is to prevent litigation and the prosecution of doubtful claims by strangers
27 to them. If the owner is not disposed to attend the enforcement of a
28 doubtful claim, public policy requires that he should not be allowed to

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1 transfer his right to another party for the purpose of prosecution, thereby
2 encouraging strife and litigation.

3 16. As argued by Defendant in its Reply filed August 28, 2009, p. 9,
4 champerty can also result in discovery problems as the assignor, who no longer
5 has an interest in the outcome of the case, has little or no incentive to cooperate
6 fully in the litigation process.

7
8 17. In this case, MS. MCDONALD-GREEN had no interest in the
9 BOEGGEMANS' remaining claims under NRS 40.655 when she agreed to the
10 assignment, or to maintain the litigation at her own expense with the
11 consideration being her reaping the proceeds in the event of the lawsuit's success.
12 Furthermore, it would not be reasonable for her to believe she had or has an
13 interest in the BOEGGEMANS' claims for loss of use and for their expenditures
14 for repairs during the time they owned the property. At best, she is merely an
15 investor who purchased a lawsuit. Accordingly, in this Court's view, the
16 agreement to assign claims as between the BOEGGEMANS and MS.
17 MCDONALD-GREEN was champertous, and thus, void as against public policy.
18 Plaintiffs' Motion for Leave to File Fifth Amended Complaint to substitute
19 PATRINA MCDONALD-GREEN as Plaintiff in the stead of the
20 BOEGGEMANS with respect to their remaining NRS 40.655 claims, therefore, is
21 denied.
22

23
24 Based upon the foregoing Findings of Fact and Conclusions of Law,

25 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that
26 Defendant CARINA CORPORATION'S Motion for Summary Judgment as to
27 Plaintiffs THOMAS, JR. and NANCY BOEGGEMAN (7740 Pleasant Slopes
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1 Court) filed July 29, 2009 (and Joinders thereto) is granted in part, and denied in
2 part;
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4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that, as
5 Plaintiffs THOMAS and NANCY BOEGGEMAN no longer own the residence in
6 question, 7740 Pleasant Slopes Court, Las Vegas, Nevada 89131, they no longer
7 have standing to sue under NRS Chapter 40 those claims that relate to the house's
8 remaining/continuing constructional deficiencies, such as for repairs yet to be
9 made that are necessary to cure the defects, and the reduction in market value of
10 the residence or accessory structure, if any, to the extent the reduction is because
11 of structural failure. Thus, there remains no genuine issue of material fact as to
12 those claims, and thus, Defendant is entitled to judgment as a matter of law
13 pursuant to Rule 56 of the Nevada Rules of Civil Procedure.
14

15 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, however,
16 that this Court finds there remain genuine issues of material fact concerning
17 Plaintiffs THOMAS and NANCY BOEGGEMAN'S claims for damages under
18 NRS 40.655 that they may have sustained, such as reasonable attorney's fees, cost
19 of repairs made during the time they owned the home, loss of use, temporary
20 housing expenses incurred while repairs were being made, and interest provided
21 by statute. Therefore, Defendant's Motion for Summary Judgment is denied with
22 respect to those claims.
23

24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
25 Plaintiffs' Counter-Motion to File Fifth Amended Complaint to Add Party filed
26 August 24, 2009 is denied. With that said, PATRINA MCDONALD-GREEN has
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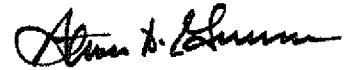
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1 the option of making a claim under NRS Chapter 40 for constructional defects
2 that exist in her home during her ownership, as discussed above.
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4 DATED this 9th day of December 2009.

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6 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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CLERK OF THE COURT

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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
and for all others similarly situated,

9 Plaintiff,

10 Vs.

11
12 D.R. HORTON, INC., a Delaware
13 Corporation; DOE INDIVIDUALS 1-100;
14 ROE BUSINESS or GOVERNMENTAL
ENTITIES 1-100, inclusive,

15 Defendants.

16 D.R. HORTON, INC.,

17 Third-Party Plaintiff,

18 Vs.

19 ALLARD ENTERPRISES, INC. d/b/a
20 IRON SPECIALISTS; ANSE, INC. d/b/a
21 NEVADA STATE PLASTERING;
22 BRANDON, LLC d/b/a SUMMIT
23 DRYWALL & PAINT, LLC; BRAVO
24 DRYWALL & PAINT, LLC; BRAVO
25 UNDERGROUND, INC.; CAMPBELL
26 CONCRETE OF NEVADA, INC.;
27 CIRCLE S DEVELOPMENT
28 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 RE: D.R. HORTON,
INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT

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; WALL DESIGN,
16 INC.; WESTERN SHOWER DOOR, INC.;
17 DOES 1 through 150,

18 **Third-Party Defendants.**

19 **ORDER RE: D.R. HORTON, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

20 This matter, concerning Defendant/Third-Party Plaintiff D.R. HORTON, INC.'S Motion for
21 Partial Summary Judgment filed January 24, 2014,¹ came on for hearing on the 27th day of February
22 2014 at the hour of 9:00 a.m. before Department XXII of the Eighth Judicial District Court, in and
23 for Clark County, Nevada, with JUDGE SUSAN H. JOHNSON presiding; Plaintiff HIGH NOON
24 AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION appeared by and through its
25 attorney, JOHN J. STANDER, ESQ. of the law firm, ANGIUS & TERRY; Defendant/Third-Party
26 Plaintiff appeared by and through its attorney, JOEL D. ODOU, ESQ. of the law firm, WOOD
27 SMITH HENNING & BERMAN; Third-Party Defendant SUMMIT DRYWALL & PAINT, LLC
28 appeared by and through its attorneys, ANDREW CRANER, ESQ. of the law firm, BREMER
WHYTE BROWN & O'MEARA and ADAM R. TRIPPIEDI, ESQ. of the law firm, LUH &
ASSOCIATES; Third-Party Defendant UNITED ELECTRIC, INC. appeared by and through its

¹This motion was joined by Third-Party Defendants CIRCLE S DEVELOPMENT CORP. and FIRESTOP, INC. on January 30 and 31, 2014, respectively.

1 attorney, ANDREW CRANER, ESQ. of the law firm BREMER WHYTE BROWN & O'MEARA;
2 Third-Party Defendant SUNSTATE COMPANIES, INC. appeared by and through its attorney,
3 KIRK N. WALKER, ESQ. of the law firm, BAUMAN LOEWE WITT & MAXWELL; Third-Party
4 Defendants SUNRISE MECHANICAL, INC. and EFFICIENT ENTERPRISES, LLC appeared by
5 and through their attorney, AARON M. YOUNG, ESQ. of the law firm, BROWN BONN &
6 FRIEDMAN; Third-Party Defendant RISING SUN PLUMBING, LLC appeared by and through its
7 attorneys, ADAM R. TRIPPIEDI, ESQ. of the law firm, LUH & ASSOCIATES and ANNALISA N.
8 GRANT, ESQ. of the law firm, FERRIS & ASSOCIATES; Third-Party Defendant QUALITY
9 WOOD PRODUCTS, LTD. appeared by and through its attorneys, ANDREW CRANER, ESQ. of
10 the law firm, BREMER WHITE BROWN & O'MEARA, and KIRK N. WALKER, ESQ. of the law
11 firm, BAUMAN LOEWE WITT & MAXWELL; Third-Party Defendant OPM, INC. appeared by
12 and through its attorney, BERNADETTE S. TIONGSON, ESQ. of the law firm, FREDRICKSON
13 MAZEIKA & GRANT; Third-Party Defendant NATIONAL BUILDERS, INC. appeared by and
14 through its attorney, JENNIFER A. FORNETTI, ESQ. of the law firm, SPRINGEL & FINK; Third-
15 Party Defendant FIRESTOP, INC. appeared by and through its attorneys, RANDALL D.
16 GUSTAFSON, ESQ. and DILLON G. COIL, ESQ. of the law firm, LINCOLN GUSTAFSON &
17 CERCOS; and Third-Party Defendant ANSE, INC. appeared by and through its attorney,
18 ANNALISA N. GRANT, ESQ. of the law firm, FERRIS & ASSOCIATES. Having reviewed the
19 papers and pleadings on file herein, heard oral arguments of the attorneys, and taken this matter
20 under advisement, this Court makes the following Findings of Fact and Conclusions of Law:

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24 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

25 1. As this Court noted within its previous Orders, Plaintiff HIGH NOON AT
26 ARLINGTON RANCH HOMEOWNERS ASSOCIATION is a non-profit corporation and
27 governing body of a 342-unit triplex townhouse planned development/common-interest community
28

1 created pursuant to NRS Chapter 116 and located within Las Vegas, Clark County, Nevada. The
2 community consists of townhouse units, owned by the Association's members, as well as common
3 elements owned by Plaintiff over which the homeowners have easements and enjoyment.

4 2. The community was developed, constructed and sold by Defendant/Third-Party
5 Plaintiff D.R. HORTON, INC. in or about 2004 to 2006.²

6 3. The subject property consists of 114 buildings, containing 3 units, for the total of 342
7 homes. The instant action involve claims for damages arising out of constructional defects within
8 the common areas, the building envelopes in which Plaintiff has no ownership interest, and within
9 the interiors of 194 units for which Plaintiff has obtained assignments from those homes' owners.
10 The alleged constructional defects include, but are not limited to structural, fire safety,
11 waterproofing defects, and deficiencies in the civil engineering/landscaping, roofing, stucco and
12 drainage, architectural, mechanical, plumbing, HVAC, acoustical, electrical, and those relating to the
13 operation of windows and sliding doors.³ As a result of the aforementioned constructional defects,
14 Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION filed its
15 lawsuit on June 7, 2007 against Defendant D.R. HORTON, INC. on behalf of itself and its
16 homeowner-members. D.R. HORTON, INC., in turn, filed its Third-Party Complaint on September
17 23, 2011 against the subcontractors who provided both labor and supplies to the project's
18 construction.

19 4. Since the original Complaint was filed in June 2007, 230 of the 342 unit owners, on
20 whose behalf the constructional defects action was filed, have sold their homes. In D.R. HORTON,
21 INC.'S view, therefore, only 112 of the owners originally contemplated in the June 2007 filing⁴

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27 ²Also see Complaint filed June 7, 2007, Paragraph 10, p. 3.

28 ³See Complaint filed June 7, 2007, Paragraph 16, p. 4.

⁴This Court will identify the homeowners originally contemplated in the June 2007 Complaint as "original"
owners herein for sake of brevity.

1 retained continuing or existing claims of defects within the building envelopes. As to claims of
2 deficiencies within the interiors, 130 of the 194 owners no longer own their homes; only 62 or 64⁵ of
3 those owners originally contemplated in the June 2007 lawsuit retained continuing or existing claims
4 of defects within the units' interiors. With the aforementioned said, Defendant D.R. HORTON,
5 INC. concedes the "original" owners retain claims that are personal in nature, such as out-of-pocket
6 expenses relating to the defects for repairs, loss of use and market value. *Also see* NRS 40.655.
7 Hence, as the ownerships of units have changed, the claims Plaintiff HIGH NOON AT
8 ARLINGTON RANCH HOMEOWNERS ASSOCIATION can litigate, in its representative
9 capacity, have also evolved and, in this case, become more limited. That is, in D.R. HORTON,
10 INC.'S view, Plaintiff HIGH NOON ARLINGTON RANCH HOMEOWNERS ASSOCIATION
11 can represent the aforementioned 112 homeowners with respect to existing or continuing claims of
12 constructional defects within the building envelopes. Plaintiff can also represent the interests of the
13 aforementioned 62 or 64 owners concerning existing or continuing constructional defects within
14 their units' interiors. The homeowners association also can represent the interests of all "original"
15 members which respect to NRS Chapter 40 claims that remain personal to them, such as out-of-
16 pocket expenses for repairs and loss of use, and loss of market value. However, Defendant argues
17 the homeowners association cannot represent those "owners" who no longer own the property with
18 respect to alleged constructional defects that continue or exist in the properties. Hence,
19 Defendant/Third-Party D.R. HORTON, INC. now moves this Court to preclude Plaintiff HIGH
20 NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION from making and litigating
21 claims for constructional defects that continue or exist within the building envelopes and interiors on
22 behalf of "owners" who no longer own units within the development.
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⁵The parties have referenced both numbers in their briefs.

1 5. Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
2 ASSOCIATION opposes, and argues subsequent changes in ownership do not strip its standing to
3 pursue constructional defect claims against Defendant D.R. HORTON, INC.

4 CONCLUSIONS OF LAW

5 1. Summary judgment is appropriate and "shall be rendered forthwith" when the
6 pleadings and other evidence on file demonstrate no "genuine issue as to any material fact [remains]
7 and that the moving party is entitled to judgment as a matter of law." *See* NRCP 56(c); Wood v.
8 Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026 (2005). The substantive law controls which
9 factual disputes are material and will preclude summary judgment; other factual disputes are
10 irrelevant. *Id.*, 121 Nev. at 731. A factual dispute is genuine when the evidence is such a rational
11 trier of fact could return a verdict for the non-moving party. *Id.*, 121 Nev. at 731.

12 2. While the pleadings and other proof must be construed in a light most favorable to
13 the non-moving party, that party bears the burden "to do more than simply show that there is some
14 metaphysical doubt" as to the operative facts in order to avoid summary judgment being entered in
15 the moving party's favor. Matsushita Electric Industrial Co. v. Zenith Radio, 475 U.S. 574, 586
16 (1986), *cited by* Wood, 121 Nev. at 732. The non-moving party "must, by affidavit or otherwise, set
17 forth specific facts demonstrating the existence of a genuine issue for trial or have summary
18 judgment entered against him" Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591
19 (1992), *cited by* Wood, 121 Nev. at 732. The non-moving party "'is not entitled to build a case on
20 the gossamer threads of whimsy, speculation, and conjecture.'" Bulbman, 108 Nev. at 110, 825 P.2d
21 591, *quoting* Collins v. Union Fed. Savings & Loan, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983).

22 3. Rule 17(a) of the Nevada Rules of Civil Procedure (NRCP) provides "[e]very action
23 shall be prosecuted in the name of the real party in interest." (Emphasis added) The purpose of this
24 rule is to enable the defendant to avail himself of evidence and defenses the he has against the real
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1 party in interest, to assure finality of the judgment, and that he will be protected against another suit
2 brought by the real party in interest on the same matter. Painter v. Anderson, 96 Nev. 941, 943, 620
3 P.2d 1254, 1256 (1980). Notably, the question of "standing to bring suit" focuses on the party
4 seeking adjudication, rather than upon the issues sought to be adjudicated. See Szilagyi v. Testa, 99
5 Nev. 834, 838, 673 P.2d 495, 498 (1983).

6
7 4. There is no question that, in order for one to bring a cause of action pursuant to NRS
8 40.600 to 40.695 (statutes collectively referred to as "NRS Chapter 40" herein), he must be a
9 "claimant." A "claimant" is defined in NRS 40.610 as "[a]n owner of a residence or appurtenance;"
10 "[a] representative of a homeowner's association that is responsible for a residence or appurtenance
11 and is acting within the scope of his duties pursuant to chapter 116 or 117 of NRS;" or "[e]ach
12 owner of a residence or appurtenance to whom a notice applies pursuant to subsection 4 of NRS
13 40.645."

14
15 5. As noted above, Defendant D.R. HORTON, INC. moves this Court for partial
16 summary judgment with respect to previous owners' claims related to constructional defects
17 continuing or existing in units they no longer own and the building envelopes housing their former
18 properties. This Court agrees with Defendant's view in that if a property owner no longer owns the
19 home, he does not retain any claims he may have had under NRS 40.655 due to continuing or
20 remaining constructional defects. He no longer has a claim for the reasonable cost of repairs "yet to
21 be made." See NRS 40.655(1)(b). Accordingly, this Court grants partial summary judgment in
22 favor of Defendant D.R. HORTON, INC. with respect to claims maintained by now prior owners for
23 continuing or remaining constructional defects existing within the interiors of and the building
24 envelopes housing the units they no longer own. These "prior owners," however, retain claims for
25 any other damages that do not follow the home, such as (1) any reasonable attorney's fees; (b) the
26 reasonable cost of any repairs already made that were necessary; (3) the reasonable expenses of
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1 temporary housing necessary during the repair; (4) the reduction in market value they suffered; (5)
2 the loss of use of all or any part of the residence; (6) any additional costs reasonably incurred by the
3 claimant, including, but not limited to any costs and fees for the retention of experts, and (7) any
4 interest provided by statute.

5 6. Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
6 ASSOCIATION proposes subsequent changes in ownership do not strip it of standing to pursue
7 constructional defect claims against Defendant. Generally speaking, this Court agrees with such
8 premise. However, while changes in ownership do not strip the homeowners association of standing
9 to pursue, transfers of real property can change or adjust the particular claims or damages sought. In
10 this case, as noted above, former owners still retain their claims for damages they personally
11 suffered, i.e. expenses for repairs and temporary housing, and loss of use of the home. As the homes
12 allegedly still are constructively defective, the former owners are no longer the "real parties in
13 interest" with respect to such claims. Thus, they cannot maintain such causes of action.

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16 7. The concept that damages or injuries may transform or change throughout the
17 duration of litigation is nothing new. For example, plaintiffs in personal injury actions, many times,
18 undergo additional medical treatment and even surgery while litigation is pending. In such cases,
19 plaintiffs' claims transform to include pain, suffering, inconvenience and the expense of the
20 additional treatment or surgery. In the event of successful surgery, the plaintiff's claim for
21 continued pain and suffering may diminish, if not disappear. Likewise, plaintiffs may lose
22 employment as a result of their personal injuries during their case's tenure, and their claims may be
23 amended to include a wage loss claim. Resolution of injuries through medical treatment and/or
24 surgery occurring during the litigation may also reduce the amount of damage for wage loss. In
25 short, a plaintiff's claim for damages may not remain a constant throughout the case's duration.

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1 8. With the aforementioned said, constructional defects that continue to exist in the
2 house do not necessarily cease once ownership is transferred. As this Court has ruled in other cases,
3 owners selling their homes to others can, in conjunction with the sale of real property, assign their
4 ongoing claims for constructional defects existing in the residence to the purchasers. However,
5 once the prior owners' interest in the home extinguishes, via sale or other transfer, they no longer
6 own, and thus, cannot maintain claims with respect to continuing or remaining constructional defects
7 that follow the property. This Court's conclusion protects the plaintiff-homeowners in the retention
8 of certain claims, enables defendant-contractors to avail themselves of evidence and defenses they
9 have against the real party in interest,⁶ assures finality of the judgment, and that defendants will be
10 protected against another suit brought by subsequent owners on the same matter.

12 9. This Court also recognizes, in some instances, claims for continuing defects may
13 cease or be dismissed upon transfer of ownership. Indeed, there may be situations where, for
14 whatever reason, the prior owner does not assign his interest in the continuing or existing
15 constructional defect claims within the residence to the purchaser.⁷ There may be instances where
16 the subsequent purchaser has no interest in pursuing such a claim, which necessarily includes the
17 risk associated with litigation. Such cessation of claims not only protects the defendant, but also the
18 subsequent purchaser.
19
20

21 ...

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23 ...

25 ⁶Former owners cannot assure defendant-contractors are given access to certain evidence and defenses. For
26 example, if the previous owner retained claims for constructional defects that continue to exist in his former property, he
could not accord the defendant-contractor access to the property for inspection and even repairs.

27 ⁷In those situations, the new owner can pursue his own constructional defect claim as a new action, once the
28 NRS Chapter 40 pre-litigation requirements are followed. If there is no assignment of the action for continuing
constructional defects, however, such new claims would not relate back to the date of the filing of the original complaint.
See Thelin v. Intermountain Lumber & Builders Supply, Inc., 80 Nev. 285, 290, 392 P.2d 626, 628 (1964).

1 Accordingly, based upon the foregoing,

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Defendant/Third-Party
3 Plaintiff D.R. HORTON, INC.'S Motion for Partial Summary Judgment filed January 24, 2014 is
4 granted;

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Plaintiff HIGH NOON AT
6 ARLINGTON RANCH HOMEOWNERS ASSOCIATION may litigate, in its representative
7 capacity, the claims of the 112 "original" homeowners relating to continuing or existing
8 constructional defects within the building envelopes. It cannot represent such claims on behalf of
9 the now 230 former-owners as the latter are no longer the real parties in interest as required under
10 NRCP 17;
11

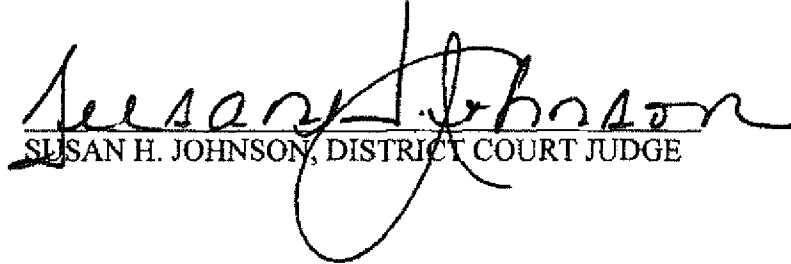
12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Plaintiff HIGH NOON AT
13 ARLINGTON RANCH HOMEOWNERS ASSOCIATION may litigate, in its representative
14 capacity, the claims of the 62 or 64 "original" unit-owners with respect to continuing or existing
15 constructional defects within the homes' interiors. It cannot represent such claims on behalf of the
16 now 130 former-owners as the latter are no longer the real parties in interest as required by NRCP
17 17;
18

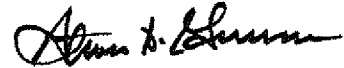
19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, with the
20 aforementioned said, Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
21 ASSOCIATION may litigate, in its representative capacity, the claims of former owners for other
22 damages suffered and as specified under NRS 40.655, such as loss of use and market value, repair
23 and temporary housing expenses, attorneys' fees and the like; and
24

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, in the event of an
26 assignment of claims for existing or continuing constructional defects by the seller or soon-to-be
27 former owner to the purchaser in conjunction with the property's transfer, Plaintiff HIGH NOON
28

1 AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION may litigate, in its representative
2 capacity, the claims of the subsequent owners with respect to such assigned claims.

3 DATED this 18th day of March 2014.

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5 
6 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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CLERK OF THE COURT

ORDR

Paul P. Terry, Jr. (Nev. Bar 7192)
John J. Stander (Nev. Bar 9198)
David Bray, Esq. SBN 12706
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Attorneys for Plaintiffs

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
BUSINESSES or GOVERNMENTAL
ENTITIES 1-100 inclusive

Defendants.

And Related Third Party Actions, Cross Claims,
and Consolidated Actions.

Case No. A542616
Dcpt. XXII

[ELECTRONIC FILING CASE]

~~PROPOSED~~ ORDER REGARDING
PLAINTIFF'S MOTION FOR
RECONSIDERATION

Date: January 16, 2014
Time: 9:00 a.m.

Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
ASSOCIATION'S MOTION FOR RECONSIDERATION ON ORDER SHORTENING
TIME came on regularly for hearing on January 16, 2014, the Honorable Susan Johnson
presiding. After consideration of the pleadings and files on record, the argument of counsel,
and GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT THE MOTION IS
GRANTED IN PART, as described below:

1 The Court's Order dated November 12, 2013 regarding Plaintiff HIGH NOON AT
2 ARLINGTON RANCH'S standing to pursue constructional defect claims on its own behalf
3 and on behalf of its homeowner-members is hereby amended as follows:

4 With regard to constructional defects that relate to the building envelope (roofs,
5 stucco, windows, doors, and decks) Plaintiff HIGH NOON AT ARLINGTON RANCH
6 HOMEOWNERS ASSOCIATION may prosecute the claims of all of its 342 homeowner-
7 members. Within those homes, Association may prosecute the following claims relating to
8 the building envelope:

- 9 1) Claims that may exist in 100 percent of the homes. Association may also use
10 statistical proof to extrapolate or show such constructional defects found in 100
11 percent of the homes inspected also exist in the building envelope of all 342
12 homes, as identified in this Court's order, dated November 12, 2013, at pp. 5-6.
- 13 2) Claims of homeowners numbering more than 40, but less than the total 342.
14 Plaintiff may prosecute those claims as their representative in a sub-class format,
15 meaning the Association may use generalized proof to demonstrate such claims.
16 The Association, however, may not infer such claims are suffered by all 342
17 homeowner-members.
- 18 3) Claims on behalf of two or more of any of its homeowners who actually suffer
19 certain constructional defects that may not have been experienced or encountered
20 by their neighbors pursuant to NRS 116.3102(1)(d).

21 With regard to constructional defects that relate to the interior of the buildings,
22 including fire resistive, electrical, plumbing and structural claims, Plaintiff HIGH NOON AT
23 ARLINGTON RANCH HOMEOWNERS ASSOCIATION may prosecute the claims only in
24 the 192 homes of the homeowner-members that assigned their claims to the Association.
25 Within those homes, Association may prosecute the following claims that relate to the interior
26 of the buildings:

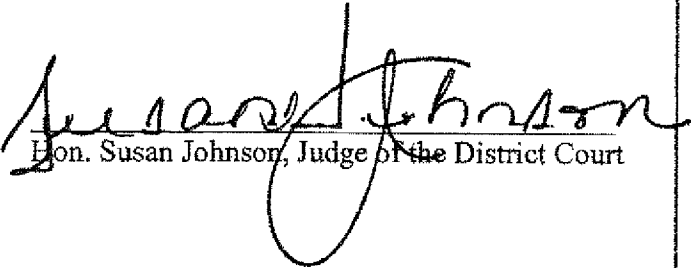
- 27 1) Claims that may exist in 100 percent of the homes. Association may also use
28 statistical proof to extrapolate or show such constructional defects found in 100
percent of the homes inspected also exist in the interior of all 192 homes, as
identified in this Court's order, dated November 12, 2013, at pp. 5-6;
- 2) Claims of homeowners numbering more than 40, but less than the total 192.
Plaintiff may prosecute those claims as their representative in a sub-class format,

1 meaning the Association may use generalized proof to demonstrate such claims.
2 The Association, however, may not infer such claims are suffered by all 192
3 homeowner-members.

- 4 3) Claims on behalf of two or more of any of its homeowners who actually suffer
5 certain constructional defects that may not have been experienced or encountered
6 by their neighbors pursuant to NRS 116.3102(l)(d).

7 IT IS SO ORDERED.

8 Dated: March 19th, 2014

9 
Hon. Susan Johnson, Judge of the District Court

10 Respectfully submitted.

11 ANGIUS & TERRY LLP

12
13
14 By: 

15 Paul P. Terry, Jr., SBN 7192
16 John J. Stander, SBN 9198
17 David Bray, Esq. SBN 12706
18 ANGIUS & TERRY LLP
19 1120 N. Town Center Drive, Suite 260
20 Las Vegas, NV 89144
21 Attorneys for Plaintiff
22
23
24
25
26
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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 84 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-251	ZIMMERMANN DIANE J	20100630:04434	06/30/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-251	KAVIANT JAVAD	20091223:02960	12/23/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-251	KILBY RICHARD	20060324:03579	03/24/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-251	KILBY RICHARD	20050429:04270	04/29/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-251	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 84 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-250	8800 HORIZON WIND TRUST	20121129-02266	11/29/2012	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-250	ELIC IGOR	20060306-02049	03/06/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-250	DRESBACK JEFFREY A & MEGAN G	20060117-02960	01/17/2006	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-250	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 85
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-254	FARMER ROBERT	20100830:03288	08/30/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-254	PETTEI JOHN D III	20050429:04242	04/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-254	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 85
SEC 10 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-253	WARD KATHLEEN WARD NANCY & HERBERT A	20080502-04363	05/09/2008	JOINT TENANCY	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-253	STRUCTURED ASSET INVEST LOAN TR	20071206-00765	12/06/2007	NO STATUS	635	SUBDIVIDED LOT
176-20-714-253	GORMAN BENJAMIN C	20050502-05030	05/02/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-253	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY**

Assessor Map	Aerial View	Comment Codes	Current Ownership	New Search		
ASSESSOR DESCRIPTION						
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 86 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-256	DUQUE DAVID A	20081231-03332	12/31/2008	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-256	BANK WELLS FARGO N A TRS	20080724-03892	07/24/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-256	YANG JUNG A & SEUNG H	20060913-04666	09/13/2006	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-256	JAROSLAWSKY ANTONINA	20050526-03369	04/26/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-256	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 86
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-257	DATVIN ELMER & RAQUEL	20121231:03206	12/31/2012	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-257	LOKER ZACHARY J	20100706:03238	07/06/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-257	BANNATZ SCOTT & RUTH	20050429:02634	04/29/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-257	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	154.92 AC

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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 86
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-258	BUCK BILLIE JEAN	20110304-03448	03/04/2011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-258	BUCK REGINALD	20110113-02758	01/13/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-258	FANNIE MAE	20100902-02421	09/02/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-258	CHEN JEONG SHEN	20090903-02749	09/03/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-258	CHEN JEONG SHEN	20050505-03415	05/05/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-258	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 67 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-260	CORSO ANDREA	20120733:02434	07/03/2012	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-260	ZAMORA MANUEL	20050525:03562	05/25/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-260	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY**

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 89 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-265	ANSELMO LORENZO	20100917-03291	09/17/2010	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-265	ANTONIO CARLOS C III & ROSE M	20071217-01535	12/17/2007	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-265	ANTONIO CARLOS C III	20050603-03285	06/03/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-265	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 90
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-269	LAU STEPHEN YAN MI & SUE REV TR LAU STEPHEN YAN MI & SUE S TRS	20121214-03300	12/14/2012	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-269	ZERPA ADRIANA	20050605-04955	06/06/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-269	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.**

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY**

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 92 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-276	CLEAR MAR L L C	20101101:01538	11/01/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-276	BANK H S B C USA NATL ASSN TRS	22120917:02588	09/17/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-276	HARVEY JENNIFER M	20050620:03267	06/20/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-276	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 93
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-277	PADELLO HERBERT K & DIXIE D	20100210-02735	09/10/2010	JOINT TENANCY	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-277	QUANT MARJORIE VIRGINIA REV TR	20060902-00201	08/07/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-277	QUANT MARJORIE V	20050617-03002	06/17/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-277	HORTON D R INC	20010422-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010422-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010422-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 93
SEC 20 TWP 22 RNS 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-279	KUMMER BRADLEY & EMILY	20130122:01951	01/22/2013	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-279	MCNALLY MITRA	20050617:03001	06/17/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-279	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 94
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-280	BRUCE CHLOE K	20110930-03231	09/30/2011	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-280	FEDERAL HOME LOAN MORTGAGE CORP	20110719-00195	07/19/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-280	PLACZKIEWICZ DARIUSZ	20070427-03463	04/27/2007	NO STATUS	635	SUBDIVIDED LOT
176-20-714-280	GRAY PETER B & MEGAN M	20050629-05391	06/29/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-280	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAY BOOK 115 PAGE 21 UNIT 101 BLDG 95 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-283	KABOUDAN HASSAN Comments: C-20131108:2267	20131108:02266	11/08/2013	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-283	AUSTIN VEGAS PROPERTIES L L C	20111027:04957	10/27/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-283	ARGUETA BRENDA	20050628:02202	06/28/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-283	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 95 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-285	MORENO ADRIANA	20100215:02892	07/15/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-285	AUSTRIA LEBLANI & KARA	20050715:03272	07/15/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-285	HORTON D R INC	20010427:01512	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 96
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-287	SOLIS R/CARDO	20100616-03721	06/16/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-287	SECRETARY HOUSING & URBAN DEV	20091029-02859	10/29/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-287	B A C HOME LOANS SERVICING L P	20090914-03342	09/14/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-287	MURPHY KAREN A	20050815-02555	08/15/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-287	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 98 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-293	CHOW IVY NGAI MEI MAK SIU PING CHOW	20100806:00979	08/06/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-293	CHOW IVY	20090922:03559	09/22/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-293	BANK H S B C USA N A TRS	20090720:04680	07/20/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-293	ALVES ANGELA K	20050630:02351	06/30/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-293	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 98
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-292	TOMASIK JAN & PIOTR	2010018-01017	10/18/2010	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-292	BANK H S B C USA NATL ASSN TRS	20100831-04468	08/31/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-292	BUDDE JACQUELINE P	20050701-03818	07/01/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-292	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 99
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-297	O'SHEA JOHN	20080625:03605	06/25/2008	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-297	BANK H S B C USA	20071108:02255	11/08/2007	NO STATUS	635
176-20-714-297	FIELDS S KIM	20050831:03533	08/31/2005	NO STATUS	635
176-20-714-297	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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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 100
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-300	HOEL WILLIAM J JR	20111034-02736	10/14/2011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-300	BANK U S NATIONAL ASSN TRS	20110523-03915	05/23/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-300	LINTON MICHAEL	20050829-05105	08/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-300	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.62 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 100
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-299	TWENTYSEVEN INVESTMENTS L L C	20110616-01702	06/16/2011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-299	GARCIA GUSTAVO M	20110616-02591	06/16/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-299	CENTRAL MORTGAGE COMPANY	20101221-02610	12/21/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-299	YAMENFELD JEREMY & JOYCE	20060225-03957	07/25/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-299	YAMENFELD JOYCE	20050915-01642	09/15/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-299	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 101
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-303	DEBELA HANNA	20100917-03617	09/17/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-303	BANK DEUTSCHE NATIONAL TR CO TRS	20100520-03205	05/20/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-303	JENKINS PATTY J	20051019-03768	10/19/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-303	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 101
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-302	BJORK, PAUL A KEMP, ELIZABETH A Comments: C- 20120709:1786	20120524:04987	05/24/2012	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-302	BANK AMERICA N A TRS	20120111:01522	01/11/2012	NO STATUS	635	SUBDIVIDED LOT
176-20-714-302	CAO JIE	20060413:04632	04/13/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-302	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	194.92 AC

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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 102 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-304	LAS VEGAS HIGH CAPS L L C	20100702-03266	07/02/2010	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-304	BANK U S NATIONAL ASSN TRS	20100420-02020	04/20/2010	NO STATUS	635	SUBDIVIDED LOT
175-20-714-304	BALTEANU LAURA I	20050829-05101	08/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-304	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 102
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-306	APRIL PALLADINETTI	20080319-04135	03/19/2008	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-306	PRUDENTIAL RELOCATION INC	20070529-03884	05/29/2007	NO STATUS	635	SUBDIVIDED LOT
176-20-714-306	SMITH CHRISTOPHER D	20051230-05613	12/30/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-306	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 103
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-307	RADULOVIC ILIJA Comments: C-20111006-1724	20111006-01133	10/06/2011	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-307	FEDERAL NATIONAL MORTGAGE ASSN	20100518-02227	05/18/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-307	MITCHELL RONALD	20050831-03519	08/31/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-307	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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0867

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map Aerial View Comment Codes Current Ownership New Search						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 104 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-312	DELOSSANTOS LEANDRO & NELY	20090821-04206	08/21/2009	JOINT TENANCY	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-312	BANK H S B C USA N A TRS	20090421-02629	04/21/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-312	JEONG HAE MAN	20050830-02829	09/30/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-312	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map

Aerial View

Comment Codes

Current Ownership

New Search

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 DISTRICT	ESTIMATED SIZE
176-20-714-318	FELTON BELINDA	20091021-03224	10/21/2009	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-318	VYAS JOAN	20050923-05664	09/23/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-318	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map Aerial View Comment Codes Current Ownership New Search						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 106 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-316	THOMPSON JEREMY & CASSANDRA	20131112:02763	11/12/2013	JOINT TENANCY	635	.63 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-316	BOVIE KRISTA	20101130:03285	11/30/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-316	FEDERAL NATIONAL MORTGAGE ASSN	20100713:01135	07/13/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-316	SCHULTZ JOSH R	20050926:03726	09/26/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-316	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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0870

Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY**

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

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 107
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-319	LANGSNER MARY E	20111006:03150	10/06/2011	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-319	LANGSNER MARY E & ROBERT G	20110228:03753	02/28/2011	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-319	O'NEILL DANIEL M	20050929:06147	09/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-319	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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0871

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 108 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-323	CORPORAL JOSE M JOHRAM C	20100910-02546	09/10/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-323	CALARCO MICHAEL D	20051230-05723	12/30/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-323	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 110
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-328	CHAN RAYMOND YEE IRENE	20120223-02566	02/23/2012	JOINT TENANCY	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-328	BANK H S B C USA N A TRS	20110805-01744	08/05/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-328	GARDEN CODY	20060110-01685	01/10/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-328	GARDEN CODY	20050929-06143	09/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-328	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Serial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 114 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-340	MADDOX THOMAS G & MARIA	20120518:03055	05/18/2012	JOINT TENANCY	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-340	SCHNEIDER KATHERINE	20110926:00037	09/26/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-340	SCHNEIDER PAMELA	20060111:03382	01/11/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-340	SCHNEIDER KATHERINE	20051024:03100	10/24/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-340	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-791-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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EXHIBIT D

THOMAS J. LINCOLN*
RANDALL D. GUSTAFSON*+
THEODORE R. CERCOS*
NICHOLAS B. SALERNO, P.C.*^
LOREN S. YOUNG
SHANNON G. SPLAINE

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PHOENIX OFFICE
2415 E. CAMELBACK RD., #700
PHOENIX, ARIZONA 85016
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FACSIMILE (602) 508-6099

ELECTRONICALLY SERVED
01/24/2014 09:04:14 AM
NICHOLAS B. SALERNO
MANAGING PARTNER • LAS VEGAS

Founded 1987

January 24, 2014

VIA E-SERVICE ONLY

Floyd A. Hale, Special Master
JAMS
3800 Howard Hughes Parkway
11th Floor
Las Vegas, Nevada 89169

Re: High Noon at Arlington Ranch v. D.R. Horton, Inc.
Our Insured: Firestop, Inc.
Our File Ref.: 08-188

Dear Mr. Hale:

Please allow this to follow up on the status of Firestop's requested inspections since early December of 2013. Pursuant to your January 15, 2014 Order, Plaintiff had until January 23, 2014 to provide the defense access to the remaining requested units. This was an extension of a prior deadline of January 10, 2014 to provide access to the requested units.

Inspections were scheduled for January 21, 2014 and January 22, 2014 at five addresses. Firestop's expert attended and was only granted access to one unit per day despite the schedule provided by Plaintiff's counsel. The scheduling of these inspections and multiple cancellations has affected the defense's ability to evaluate the claims and also wasted time and money for experts waiting for access to units.

Based on the January 15, 2014, ruling, we understand that Plaintiff will be barred from presenting claims for damages at the units where access was not granted. There are ten addresses where defense inspections did not occur pursuant to the various Special Master Orders, which include the following:

1. 8650 Horizon Wind #103
2. 8660 Horizon Wind #102
3. 8694 Traveling Breeze #101

Re: High Noon at Arlington Ranch v. D.R. Horton, Inc.
January 24, 2014
Page 2

4. 8740 Horizon Wind #103
5. 8749 Horizon Wind #102
6. 8759 Horizon Wind #103
7. 8760 Horizon Wind #101
8. 8805 Traveling Breeze #102
9. 8810 Horizon Wind #102
10. 8824 Traveling Breeze #103

As such, Firestop requests an Order specifically barring Plaintiff from presenting evidence of damages at the above ten addresses based on the prior Order.

Thank you for your attention to this matter.

Very truly yours,

LINCOLN, GUSTAFSON & CERCOS



SHANNON G. SPLAINE, ESQ.

SGS/si
cc: All Counsel

v:\f\highnoon@arlington_fire\attorney notes\drafts\letters\20140124_haic_sgs.doc

EXHIBIT E

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.

CASE NO. A542616
DEPARTMENT XXII

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

Defendants.

DEPOSITION OF ERNEST LINDBERG
HOMEOWNER/BOARD PRESIDENT

Tuesday, August 27, 2013
10:03 a.m.

Esquire Deposition Solutions
2300 West Sahara Avenue
Las Vegas, Nevada

NEAL W. HUSAK, NEVADA CCR NO. 698

1 A. On the bottom there's a rubber that goes
2 across the door. That was not screwed into the
3 door. It was merely glued on, and when we hired
4 somebody to screw it in, found out that the doors
5 were hollow, and you couldn't screw it in. So he
6 used a number of smaller screws to put it through
7 in order to -- but you can see on most of the
8 garage doors in the area that the rubber on either
9 end of the door is bent up because it's not secure.

10 Ours is currently secure, but it's
11 secured with shorter screws than would be necessary
12 to make it permanently secure, but earlier it was
13 just glued on.

14 Q. The person that fixed that for you -- was
15 that a garage door person or handyman?

16 A. It was a handyman.

17 Q. Do you know what that person charged you
18 to fix the garage door?

19 A. I have no idea.

20 Q. Do you recall any other items in the home
21 that you had the handyman work on and fix?

22 A. Not related to the construction.

23 Q. Okay. When you bought the home, did you
24 know that it was in a community that's in a
25 litigation?

1 A. No.

2 Q. When did you learn that?

3 A. At the first meeting of the board when I
4 discovered I was going to be stuck being the
5 president.

6 Q. When you say stuck, did you -- were you
7 the only candidate?

8 A. There were three of us there, and one came
9 in by conference call, and the woman that was there
10 said she wanted to be the secretary. The guy on
11 the phone said he wanted to be the treasurer, and
12 that left one job.

13 Q. Who is the property management company
14 that works with the association currently?

15 A. I don't remember the name.

16 THE WITNESS: Do you remember the name?

17 MS. BYBEE: I do, but I can't answer.

18 THE WITNESS: I don't remember the name.

19 BY MR. ODOU:

20 Q. Is there a man or woman that comes to the
21 meetings?

22 A. Yeah, there's two women. One takes notes.
23 The other one is there to monitor.

24 Q. Do you recall either of their names?

25 A. No. One is Cheryl something.

1 Q. Okay. Who are the other two board members
2 currently?

3 A. Mary -- and I don't remember her last
4 name. David was, but he resigned. So there's only
5 two of us.

6 Q. Do you know why David resigned?

7 A. Yes.

8 Q. What was the reason?

9 A. He wasn't terribly pleased to be on the
10 board with me.

11 Q. Did you not get along with him?

12 A. I never met him. However, I don't like
13 long-winded diatribes. So I cut him off.

14 Q. At one point in time, the association was
15 managed by a company called The Management Trust.

16 Do you know if --

17 A. That's the people, yes.

18 Q. As a person living in Arlington Ranch,
19 have you followed the Nancy Quon criminal
20 investigation?

21 A. No.

22 Q. Have you read about it as being reported
23 in the newspaper?

24 A. I saw it on television several years ago
25 or one or two years ago. I don't know. It was

1 awhile ago.

2 Q. Were you aware that Nancy Quon was the
3 attorney for the association at one point?

4 A. After I became the president, yes.

5 Q. It's my understanding that the Nancy Quon
6 firm filed a lawsuit against the homeowners
7 association. Are you aware of that?

8 A. I'm aware of that.

9 Q. And that there has been a settlement of
10 that lawsuit. Are you aware of that?

11 A. I am aware of that.

12 Q. What are the terms of that resolution?

13 A. Depends on the underlying litigation,
14 whether they prevail at all.

15 Q. So Ms. Quon has maintained her attorney's
16 lien or her estate has maintained her attorney's
17 lien in this case to your understanding?

18 A. The estate is my understanding.

19 Q. It's maintained its attorney's lien on
20 this case?

21 A. Yes.

22 Q. What about the experts hired by Ms. Quon
23 that allegedly incurred costs? Is the association
24 required to pay them back?

25 A. We settled with one of the claimants, and

1 we are in negotiation with another claimant. We
2 thought we had reached a settlement, but
3 essentially he thought he was going to get paid no
4 matter what. That's not going to be part of the
5 settlement offer.

6 Q. Do you know who authorized the loan that
7 was taken out by Ms. Quon for the litigation?

8 A. No.

9 Q. Who are the claimants that you're aware
10 of -- the experts that have made a claim for fees
11 against the association?

12 A. I don't remember their names. It was the
13 electrician and the woman that hired him or
14 directed that he do the testing.

15 Q. Beverly Houseman?

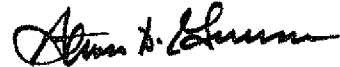
16 A. Is that her name? I don't know.

17 Q. If you don't know, that's fine.

18 And was the electrical expert John
19 Nicholas?

20 A. I believe so.

21 Q. One of the documents or one of the
22 categories of documents that we've asked to be
23 produced is -- as part of this deposition notice
24 for today was any and all minutes and agendas
25 relating to the meetings of the homeowners



CLERK OF THE COURT

JOIN

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Bernadette S. Tiongson, Esq.
Nevada Bar No. 9701
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Attorneys for Third-Party Defendant,
OPM, INC. dba CONSOLIDATED ROOFING

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 BUSINESS or
GOVERNMENTAL ENTITIES 1-100, inclusive,

Defendants.

D.R. HORTON, INC.,

Third-Party Plaintiff,

v.

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., CIRCLE S
DEVELOPMENT CORPORATION dba DECK
SYSTEMS, EFFICIENT ENTERPRISES, LLC dba
EFFICIENT ELECTRIC, FIRESTOP, INC.,
HARRISON DOOR COMPANY, INFINITY
BUILDING PRODUCTS, LLC, INTEGRITY
WALL SYSTEMS, LLC, LUKESTAR

CASE NO.: A542616
DEPT. NO.: XXII

(ELECTRONIC FILING CASE)

**THIRD-PARTY DEFENDANT OPM,
INC. D/B/A CONSOLIDATED
ROOFING'S JOINDER TO D.R.
HORTON, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT.**

Date of Hearing: February 27, 2014
Time of Hearing: 9:00 a.m.

1 CORPORATION, NATIONAL BUILDERS, INC.,)
OPM, INC dba CONSOLIDATED ROOFING,)
2 QUALITY WOOD PRODUCTS, LTD., RCR)
PLUMBING AND MECHANICAL, INC.,)
3 REYBURN LAWN & LANDSCAPE DESIGNERS,)
INC., RISING SUN PLUMBING, LLC dba RSP,)
4 INC., SOUTHERN NEVADA CABINETS, INC.,)
SUNRISE MECHANICAL, INC., SUNSTATE)
5 COMPANIES, INC. dba SUNSTATE)
LANDSCAPE, THE SYLVANIE COMPANIES,)
6 INC. dba DRAKE ASPHALT & CONCRETE,)
UNITED ELECTRIC, INC. dba UNITED HOME)
7 ELECTRIC, WALLDESIGN, INC., WESTERN)
SHOWER DOOR, INC., DOES 1 through 150)

8 Third-Party Defendants.)
9

10 **THIRD-PARTY DEFENDANT OPM, INC. D/B/A CONSOLIDATED ROOFING'S**
11 **JOINDER TO D.R. HORTON, INC.'S MOTION FOR PARTIAL SUMMARY**
12 **JUDGMENT**

13 COMES NOW, Third-Party Defendant, OPM, INC dba CONSOLIDATED ROOFING, by
14 and through its attorneys of record, TOMAS V. MAZEIKA, ESQ. and BERNADETTE S.
15 TIONGSON, ESQ. of THE LAW OFFICES OF FREDRICKSON, MAZEIKA & GRANT, LLP, and
16 hereby joins D.R. Horton, Inc.'s Motion for Partial Summary Judgment, as if fully set forth herein.

17 This Joinder is based upon Nevada law, D.R. Horton, Inc.'s Memorandum of Points and
18 Authorities, all pleadings and papers on file herein, and any oral argument and evidence presented
19 at the hearing of these Motions. OPM, INC dba CONSOLIDATED ROOFING reserves the right
20 to present any and all oral arguments at the time scheduled for hearing.

21 DATED this 29th day of January, 2014.

22 FREDRICKSON, MAZEIKA & GRANT, LLP

23 /s/ Bernadette S. Tiongson

24 Tomas V. Mazeika, Esq.

25 Nevada Bar No. 6053

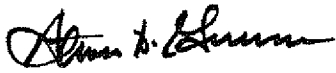
26 Bernadette S. Tiongson, Esq.

27 Nevada Bar No. 9701

28 518 S. 9th Street

Las Vegas, NV 89101

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OPM, INC. dba CONSOLIDATED ROOFING


CLERK OF THE COURT

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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 BUSINESSES
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

) Case No.: A542616
) Dept No.: XXII

) [ELECTRONIC FILING CASE]

) **THIRD-PARTY DEFENDANT NATIONAL**
) **BUILDERS, INC.'S JOINDER TO D.R.**
) **HORTON, INC.'S MOTION FOR PARTIAL**
) **SUMMARY JUDGMENT**

) **Date of Hearing: February 27, 2014**
) **Time of Hearing: 9:00 a.m.**

SUMMIT DRYWALL & PAINT, LLC; BRAVO
UNDERGROUND, INC.; CAMPBELL
CONCRETE OF NEVADA, INC.; CIRCLE S
DEVELOPMENT CORPORATION dba DECK
SYSTEMS; EFFICIENT ENTERPRISES, LLC
dba EFFICIENT ELECTRIC; FIRESTOP, INC.;
HARRISON DOOR COMPANY; INFINITY
BUILDING PRODUCTS, LLC; INTEGRITY
WALL SYSTEMS, LLC; LUKESTAR
CORPORATION; NATIONAL BUILDERS, INC.;
O.P.M. INC. dba CONSOLIDATED ROOFING;
QUALITY WOOD PRODUCTS, LTD.; RCR
PLUMBING AND MECHANICAL, INC.;
REYBURN LAWN & LANDSCAPE
DESIGNERS, INC.; RISING SUN PLUMBING,
LLC dba RSP, INC.; SOUTHERN NEVADA
CABINETS, INC.; SUNRISE MECHANICAL,
INC.; SUNSTATE COMPANIES, INC. dba
SUNSTATE LANDSCAPE; THE SYLVANIE
COMPANIES, INC. dba DRAKE ASPHALT &
CONCRETE; UNITED ELECTRIC, INC. dba
UNITED HOME ELECTRIC; WALLDESIGN,
INC.; WESTERN SHOWER DOOR, INC.; DOES
1-150

Third-Party Defendants

**THIRD-PARTY DEFENDANT NATIONAL BUILDERS, INC.'S JOINDER TO
D.R. HORTON, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

COMES NOW, Third-Party Defendant, NATIONAL BUILDERS, INC., by and through its
attorneys of record, the law firm of Springel & Fink LLP and hereby joins Defendant/Third-Party
Plaintiff D.R. HORTON, INC.'S Motion for Summary Judgment.

\\

\\

\\

1 This Joinder hereby adopts the same grounds filed in support of said Motion, all papers and
2 pleadings on file with this Court and such other further evidence offered at the time of the hearing of this
3 matter.

4 DATED this 30th day of January, 2014.

5 SPRINGEL & FINK LLP
6

7 /s/ Jennifer A. Fornetti
8 By: _____
9 LEONARD T. FINK, ESQ.
10 Nevada Bar No. 6296
11 JENNIFER A. FORNETTI, ESQ.
12 Nevada Bar No. 7644
13 10655 Park Run Dr., Suite 275
14 Las Vegas, NV 89144
15 Attorneys for Third-Party Defendant
16 NATIONAL BUILDERS, INC.
17
18
19
20
21
22
23
24
25
26
27
28

10


CLERK OF THE COURT

1 [JMPSJ]

2 Kevin A. Brown, Esq. (Bar #7621)

3 Aaron M. Young, Esq. (Bar #8317)

4 BROWN, BONN & FRIEDMAN, LLP

5 5528 South Fort Apache Road

6 Las Vegas NV 89148

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(702) 942-3901 FAX

kbrown@brownbonn.com

7 Attorneys for Third-Party Defendant

8 EFFICIENT ENTERPRISES, LLC DBA EFFICIENT ELECTRIC

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

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

14 Plaintiffs,

15 v.

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

Defendants.

19 D.R. HORTON, INC.,

20 Third-Party Plaintiffs,

21 v.

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

CASE NO.: A542616

DEPARTMENT XXII

(ELECTRONIC FILING CASE)

THIRD-PARTY DEFENDANT, EFFICIENT
ENTERPRISES, LLC dba EFFICIENT
ELECTRIC'S JOINDER TO D.R.
HORTON'S MOTION FOR PARTIAL
SUMMARY JUDGMENT

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

16 Third-Party Defendants.

17 **THIRD-PARTY DEFENDANT, EFFICIENT ENTERPRISES, LLC dba EFFICIENT**
18 **ELECTRIC'S JOINDER TO D.R. HORTON'S MOTION FOR**
19 **PARTIAL SUMMARY JUDGMENT**

20 COMES NOW, Third-Party Defendant, EFFICIENT ENTERPRISES, LLC dba
21 EFFICIENT ELECTRIC, by and through its counsel of record BROWN, BONN &
22 FRIEDMAN, LLP, and hereby joins D.R. HORTON, INC.'S Motion for Partial Summary
23 Judgment.

24 This Joinder is based upon the pleadings and papers on file herein, the Exhibits annexed
25 thereto, and any oral argument that may be entertained at the hearing set for this matter.

26 **THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING**
27 **DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY**
28 **PERSON PURSUANT TO NRS 239B.30.**

DATED: January 29, 2014

BROWN, BONN & FRIEDMAN, LLP

By:

Kevin A. Brown, Esq. (Bar #7621)

Aaron M. Young, Esq. (Bar #8317)

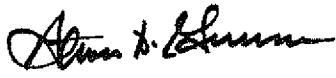
BROWN, BONN & FRIEDMAN, LLP

5528 South Fort Apache Road

Las Vegas NV 89148

Attorneys for Third-Party Defendant

EFFICIENT ENTERPRISES, LLC DBA EFFICIENT
ELECTRIC


CLERK OF THE COURT

JOIN

Shannon L. Mitchell, Esq.
Nevada Bar No.: 9366
WOLFE & WYMAN LLP
980 Kelly Johnson Drive, Suite 140
Las Vegas, NV 89119
Tel: (702) 476-0100
Fax: (702) 476-0101
slmitchell@wolfewyman.com

Attorneys for Third-Party Defendant
CIRCLE S. DEVELOPMENT CORP. dba
DECK SYSTEMS

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

**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**

D.R. HORTON, INC.,

Third-Party Plaintiff,

v.

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
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, L.L.C.; INTEGRITY
WALL SYSTEMS, L.L.C.; LUKESTAR

Hearing Date: February 27, 2014
Hearing Time: 9:00 a.m.



CORPORATION; NATIONAL BUILDERS, INC.;
O.P.M., INC. d/b/a CONSOLIDATED
ROOFING; QUALITY WOOD PRODUCTS,
LTD.; RCR PLUMBING AND MECHANICAL,
INC.; REYBURN LAWN & LANDSCAPE
DESIGNERS, INC.; RISING SUN PLUMBING,
LLCd/b/a RSP, INC.; SOUTHERN NEVADA
CABINETS, INC.; SUNRISE MECHANICAL,
INC., SUNSTATE COMPANIES, INC. d/b/a
SUNSTATE LANDSCAPE; THE SYLVANIE
COMPANIES, INC. d/b/a DRAKE ASPHALT &
CONCRETE, UNITED ELECTRIC, INC. d/b/a
UNITED HOME ELECTRIC; WALLDESIGN,
INC.; WESTERN SHOWER DOOR, INC.,
DOES 1 through 150,

Third-Party Defendants.

THIRD-PARTY DEFENDANT CIRCLE S. DEVELOPMENT CORP. dba DECK SYSTEMS'
JOINER TO DEFENDANT/ THIRD-PARTY PLAINTIFF D.R. HORTON, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT

COMES NOW, Third-Party Defendant CIRCLE S. DEVELOPMENT CORP. dba DECK
SYSTEMS, by and through its counsel of record, WOLFE & WYMAN, LLP, and hereby joins
Defendant/Third-Party Plaintiff D.R. Horton, Inc.'s Motion for Partial Summary Judgment.

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1 This Joinder is based upon the pleadings and papers on file herein, the Motion for Partial
2 Summary Judgment, any exhibits annexed thereto, any Supplemental papers filed by same, and are
3 all hereby incorporated by reference as though fully set forth herein, and any oral argument that may
4 be entertained by the Court at the time of hearing said Motion.

5 DATED: January 30, 2014

WOLFE & WYMAN LLP

7 By: /s/ Shannon L. Mitchell

8 SHANNON L. MITCHELL

9 Nevada Bar No.: 9366

980 Kelly Johnson Drive, Suite 140

Las Vegas, NV 89119

Attorneys for Third-Party Defendant

**CIRCLE S. DEVELOPMENT CORP. dba
DECK SYSTEMS**

14 **CERTIFICATE OF ELECTRONIC SERVICE**

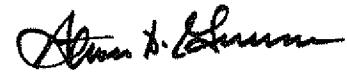
15 I hereby certify that on the 30th day of January, 2014, the foregoing **THIRD-PARTY**
16 **DEFENDANT CIRCLE S. DEVELOPMENT CORP. dba DECK SYSTEMS' JOINDER TO**
17 **DEFENDANT/THIRD-PARTY PLAINTIFF D.R. HORTON, INC.'S MOTION FOR**
18 **PARTIAL SUMMARY JUDGMENT** was served on the following via Electronic Service to:

20 (All Parties on the E-Service List)

22 /s/ Kimberly A. Dalton

23 Kimberly A. Dalton

24 An employee of WOLFE & WYMAN LLP



CLERK OF THE COURT

1 **JMPSJ**

2 **NICHOLAS B. SALERNO, ESQ.**

Nevada Bar No. 6118

3 **SHANNON G. SPLAINE, ESQ.**

Nevada Bar No. 8241

4 **LINCOLN, GUSTAFSON & CERCOS**

3960 Howard Hughes Parkway

Suite 200

5 Las Vegas, Nevada 89169-5968

(702) 257-1997

6 (702) 257-2203 FAX

7 Attorneys for Third-Party Defendant,
FIRESTOP, INC.

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

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

13 Plaintiffs,

14 v.

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

18 Defendants.

19 D.R. HORTON, INC.,

20 Third-Party Plaintiff,

21 v.

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

CASE NO: A542616

DEPT.: XXII

**THIRD-PARTY DEFENDANT FIRESTOP,
INC.'S JOINDER TO D.R. HORTON,
INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Hearing Date: February 27, 2014

Hearing Time: 9:00 a.m.

CORPORATION; NATIONAL BUILDERS, INC.; O.P.M., INC. d/b/a CONSOLIDATED ROOFING; QUALITY WOOD PRODUCTS, LTD.; RCR PLUMBING AND MECHANICAL, INC.; REYBURN LAWN & LANDSCAPE DESIGNERS, INC.; RISING SUN PLUMBING, LLC d/b/a RSP, INC.; SOUTHERN NEVADA CABINETS, INC.; SUNRISE MECHANICAL, INC.; SUNSTATE COMPANIES, INC. d/b/a SUNSTATE LANDSCAPE; THE SYLVANIE COMPANIES, INC. d/b/a DRAKE ASPHALT & CONCRETE; UNITED ELECTRIC, INC. d/b/a UNITED HOME ELECTRIC; WALLDESIGN, INC.; WESTERN SHOWER DOOR, INC.; DOES 1 through 150,

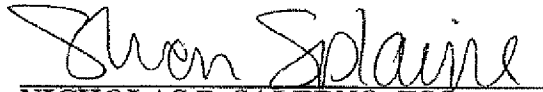
Third-Party Defendants.

COMES NOW, Third-Party Defendant, FIRESTOP, INC., (hereinafter "FIRESTOP") by and through its counsel of record, the law firm of LINCOLN, GUSTAFSON & CERCOS, and hereby joins Defendant/Third-Party Plaintiff D.R. HORTON, INC.'s Motion for Partial Summary Judgment.

This Joinder hereby adopts the same arguments and grounds filed in support of said Motion, all papers and pleadings on file with this Court and such other further evidence as may be offered at the time of the hearing of this Motion.

DATED this 31st day of January, 2014.

LINCOLN, GUSTAFSON & CERCOS



NICHOLAS B. SALERNO, ESQ.

Nevada Bar No. 6118

SHANNON G. SPLAINE, ESQ.

Nevada Bar No. 8241

3960 Howard Hughes Parkway

Suite 200

Las Vegas, NV 89169

Attorneys for Third-Party

Defendant, FIRESTOP, INC.

v:\F\highnoon@arlington_fire\attorney notes\drafts\pleadings\20140131_join_drh mpsj_sdi.docx

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CLERK OF THE COURT

JMPSJ
PETER C. BROWN, ESQ.
Nevada Bar No. 5887
ANDREW CRANER
Nevada Bar No. 6264
BREMER WHYTE BROWN & O'MEARA LLP
1160 North Town Center Drive, Suite 250
Las Vegas, Nevada 89144
Telephone: (702) 258-6665
Facsimile: (702) 258-6662
pbrown@bremerwhyte.com
acraner@bremerwhyte.com
Attorneys for Third-Party Defendants,
QUALITY WOOD PRODUCTS, LTD., SUMMIT
DRYWALL & PAINT, LLC, and UNITED ELECTRIC

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,

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. dba IRON
SPECIALISTS, ANSE, INC. dba NEVADA
STATE PLASTERING, BRANDON LLC dba
SUMMIT DRYWALL & PAINT, LLC, BRAVO
UNDERGROUND, INC., CAMPBELL
CONCRETE OF NEVADA, INC., CIRCLE S
DEVELOPMENT CORPORATION dba DECK
SYSTEMS, EFFICIENT ELECTRIC, FIRESTOP,
INC., HARRISON DOOR COMPANY,
INFINITY BUILDING PRODUCTS, LLC,
INTEGRITY WALL SYSTEMS, LLC,
LUKESTAR CORPORATION, NATIONAL
BUILDERS, INC., OPM INC., dba
CONSOLIDATED ROOFING, QUALITY
WOOD PRODUCTS, LTD., RCR-PLUMBING

) Case No.: A542616

) Dept No.: XXII

) **(ELECTRONIC FILING CASE)**

) **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**

) **Hearing Date: February 27, 2014**
) **Hearing Time: 9:00 a.m.**

1 AND MECHANICAL, INC. REYBURN LAWN
2 & LANDSCAPE DESIGNERS, INC. RISING
3 SUN PLUMBING, LLC dba RSP, INC.,
4 SOUTHERN NEVADA CABINETS, INC.,
5 SUNRISE MECHANICAL, INC., SUNSTATE
6 COMPANIES, INC., dba SUNSTATE
7 LANDSCAPE, THE SYLVANIE COMPANIES,
8 INC. dba DRAKE ASPHALT & CONCRETE,
9 UNITED ELECTRIC, dba UNITED HOME
10 ELECTRIC, WALL DESIGN, INC., WESTERN
11 SHOWER DOOR, INC. DOES 1 through 150,

12 Third-Party Defendants.

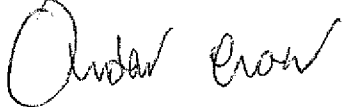
13 Third-Party Defendants, QUALITY WOOD PRODUCTS, LTD., SUMMIT DRYWALL &
14 PAINT, LLC, and UNITED ELECTRIC, by and through its counsel of record, Peter C. Brown,
15 Esq. and Andrew Craner of the law firm of Bremer, Whyte, Brown & O'Meara, LLP, respectfully
16 join in D.R. Horton, Inc.'s Motion For Partial Summary Judgment Against Subsequent Purchasers.

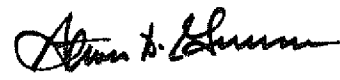
17 QUALITY WOOD PRODUCTS, LTD., SUMMIT DRYWALL & PAINT, LLC, and
18 UNITED ELECTRIC fully incorporate the points and authorities submitted by D.R. Horton, Inc. to
19 the extent they apply to QUALITY WOOD PRODUCTS, LTD., SUMMIT DRYWALL & PAINT,
20 LLC, and UNITED ELECTRIC. This Joinder is based upon the pleadings and papers on file
21 herein, the Exhibits annexed herein, and any oral argument that this Honorable Court may wish to
22 entertain in this matter.

23 Dated: February 3, 2014

BREMER WHYTE BROWN & O'MEARA LLP

24 By:


25 PETER C. BROWN, ESQ.
26 Nevada Bar No. 5887
27 ANDREW CRANER
28 Nevada Bar No. 6264
Attorneys for Third-Party Defendants,
QUALITY WOOD PRODUCTS, LTD.,
SUMMIT DRYWALL & PAINT, LLC, and
UNITED ELECTRIC



CLERK OF THE COURT

1 OMSJ

2 Paul P. Terry, Jr., SBN 7192

3 John J. Stander, SBN 9198

4 Rachel B. Saturn, SBN 8653

5 ANGIUS & TERRY LLP

6 1120 N. Town Center Drive, Suite 260

7 Las Vegas, NV 89144

8 Telephone: (702) 990-2017

9 Facsimile: (702) 990-2018

10 rsaturn@angius-terry.com

11 Attorneys for Plaintiff

12 DISTRICT COURT

13 CLARK COUNTY, STATE OF NEVADA

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

18 Plaintiff,

19 v.

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

24 Defendants.

25 And Related Third Party Actions, Cross
26 Claims, and Consolidated Actions.

Case No. A542616

Dept. No. XXII

(Electronic Filing Case)

**PLAINTIFF'S OPPOSITION TO
DEFENDANT D.R. HORTON'S MOTION
FOR PARTIAL SUMMARY JUDGMENT
AND JOINDERS THERETO**

Date: February 27, 2014

Time: 9:00 a.m.

**PLAINTIFF'S OPPOSITION TO DEFENDANT D.R. HORTON'S MOTION FOR
PARTIAL SUMMARY JUDGMENT AND JOINDERS THERETO**

COMES NOW Plaintiff HIGH NOON AT ARLINGTON RANCH HOMEOWNERS
ASSOCIATION (hereinafter "HIGH NOON" or "Plaintiff"), a Nevada non-profit mutual
benefit corporation, by and through its attorneys, hereby submits its Opposition to Defendant
D.R. HORTON (hereinafter "DRH") Motion for Partial Summary Judgment (hereinafter

1 "MSJ"). This Opposition is made and based on the following points and authorities attached
2 hereto, and all pleadings and papers on file in this action. This Opposition is based on the
3 facts and arguments presented below, supplemental exhibits, the pleadings on file with the
4 Court, which are hereby incorporated by this reference, and any oral argument that may be
5 heard by the Court at the time of the hearing on this matter.

6
7 Dated: February 10, 2014

ANGIUS & TERRY LLP

8
9 /s/ Rachel B. Saturn

By: _____

10 Paul P. Terry, Jr., SBN 7192
11 John J. Stander, SBN 9198
12 Rachel B. Saturn, SBN 8653
13 ANGIUS & TERRY LLP
14 1120 N. Town Center Drive, Suite 260
Las Vegas, NV 89144
Attorneys for Plaintiff

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. INTRODUCTION**

17 DRH's MSJ is devoid of any citation to controlling Nevada law. Instead DRH relies
18 on the strained contention that a California case decided 24 years ago, *Vaughn v. Dame*
19 *Construction Company*, somehow overrides NRS 116.3102 and the recent interpreting
20 decisions from the Nevada Supreme Court.

21 DRH failed to point to a single source of Nevada law to support its *ipse dixit* argument
22 that changes in ownership of a residence deprive an association of its statutory standing under
23 NRS 116.3102, or renders assignments invalid. Under Nevada law, unsupported statements,
24 arguments, and opinions of counsel are not evidence and may not be considered by a district
25 court. *See Jain v. McFarland*, 109 Nev. 465, 475-476 (1993); *Randall v. Salvation Army*, 100
26 Nev. 466, 470-71 (1984) (courts may decline consideration of issues lacking citation to
27 relevant legal authority).

28 Nevada law, the only applicable law relevant to the MSJ, clearly and unequivocally
authorizes HIGH NOON to pursue its claims pursuant to NRS 116.3102 without further

1 delineation between HIGH NOON's members in 2007, when the complaint was filed, versus
2 subsequent members. The express language of NRS 116.3102 does not support DRH's
3 "current ownership" theory. This theory is further undermined by the claim that
4 "[s]ubsequent purchasers, individually, or represented by Plaintiff would have to file a new
5 Complaint (hopefully preceded by a new Chap. 40 Notice) alleging new damages." MSJ at
6 14:10-14:12. Under such a framework, a single construction defect claim would drag on
7 indefinitely as the Chapter 40 process would restart every time a unit is sold. The Nevada
8 Supreme Court's recent analysis and discussion in *D.R. Horton, Inc. v. Eighth Judicial Dist.*
9 *Court of Nev.* and *Beazer Homes Holding Corp. v. Eighth Judicial Dist. Court of Nev.* made
10 no distinction between past, present or future members of an association in the application of
11 NRS 116.3102.

12 Even assuming *arguendo* that any Nevada legal authorities in existence supported
13 DRH's claims, the Nevada Supreme Court has established the rule that: "[i]f either the
14 members on behalf of whom the association sues or the association meets normal standing
15 requirements, the question whether the association has the right to bring a suit on behalf of the
16 members is an internal question, which can be raised only by a member of the association."
17 *D.R. Horton, Inc. v. Eighth Judicial Dist. Court of Nev.*, 125 Nev. 449, 457 (2009). DRH is
18 not a member of HIGH NOON and thus cannot challenge via a MSJ the adequacy of the
19 latter's right to bring suit on behalf of its members. HIGH NOON has established to the
20 satisfaction of this Court that it meets the standing requirements under NRS 116.3102, and
21 DRH's attempt to reargue the application of NRS 116.3102 is improper.

22 A proper reading of the *Vaughn v. Dame Construction Company* opinion reveals that it
23 stands for the proposition that subsequent changes in ownership do not strip a plaintiff of its
24 standing to pursue construction defect claims against defendants. California cases interpreting
25 *Vaughn v. Dame Construction Company* categorically rejected the "current ownership" theory
26 now asserted by DRH. Indeed, *Jasmine Networks, Inc. v. Superior Court* analyzed *Vaughn*
27 and its progeny and held that: "none of them casts the slightest doubt on the central premise
28 that a right of action for damage to property is distinct from the title to the property, and from
any right in the property, and that the transfer of the latter does not by itself effect a transfer or

1 diminution of the former.” *Id.* at 180 Cal.App.4th 980, 995 (2009). In sum, California law
2 has established that DRH’s basis for summary judgment is wholly without merit.

3 **II. SUMMARY OF DISPUTED MATERIAL FACTS**

4 Since the MSJ purports to support itself on pure questions of law, DRH failed to
5 identify any factual issues in its moving papers to support summary judgment. HIGH NOON
6 strived to include a copy of the transcript of oral argument on its Motion for Reconsideration
7 related to NRS 116.3102 to address the legal issues that have already been settled by this
8 Court. However, no transcript was ready by the due date for this Opposition. HIGH NOON
9 further intended to include the Proposed Order by this Court following said proceedings but
10 DRH’s counsel is still in the process of reviewing and commenting. However, HIGH NOON
11 shall supplement the Court’s records with said documents when they become available.

12 **III. LEGAL ARGUMENTS**

13 **A. D.R. Horton’s Failure To Cite To Any Nevada Legal Authorities**
14 **Supporting Its “Current Owner” Theory Is Fatal To The Motion For**
Partial Summary Judgment

15 A motion for summary judgment based on pure questions of law, as asserted by DRH,
16 axiomatically requires citation to Nevada legal authorities in support thereof. The Nevada
17 Supreme Court has clearly stated that Nevada Law controls, and courts will only look at legal
18 authorities from other jurisdictions when it is needed. *Bahena v. Goodyear Tire & Rubber*
19 *Co.*, 245 P.3d 1182, 1184-1185 (2010). Incredibly, DRH essentially contends that the “black
20 letter law” in California, as it misinterprets the *Vaughn* decision, controls the application of
21 NRS 116.3102 in Nevada, by way of the “current ownership” theory it proffers. Critically,
22 *Jasmine Networks, Inc. v. Superior Court*, analyzing the *Vaughn* decision rejected a similar
23 “current ownership” theory by defendants in that case and cogently observed the following:

24 Defendants have never identified any direct or persuasive authority
25 for this proposition. Indeed they supply no evidence that any court,
26 commentator, legislator, or other relevant actor has so much as
27 contemplated the adoption of a rule such as they advocate here.
28 *This makes all the more remarkable the careful navigation by*
which they try to convey the impression of an existing “current
ownership rule” without acknowledging the complete absence of
authority adopting, or even proposing, such a rule.

1 *Jasmine Networks, Inc. v. Superior Court, supra*, 180 Cal.App.4th at 997, italics added.
2 DRH's arguments fall squarely under the aforementioned criticism.

3 The MSJ failed to identify even a scintilla of evidence that any Nevada district court,
4 commentator, legislator, or even judicial officer has so much as *contemplated* the "current
5 owner" theory, let alone adopted such a rule. The MSJ further expends 279 pages without
6 ever acknowledging the "complete absence of [Nevada] authority adopting, or even
7 proposing, such a rule." *Ibid.* DRH's attempt to create an impression that "black letter law"
8 in Nevada supports its MSJ is wholly without merit, irrespective of the fact that California law
9 rejects the "current owner" theory proffered by DRH. *Id.* at 996-997.

10 **B. Nevada Law Clearly Grants Standing To High Noon To Pursue Its**
11 **Representative Action On Behalf Of Its Members Regardless Of**
12 **Subsequent Ownership Changes, And Notwithstanding That, D.R. Horton**
13 **Has No Basis To Challenge Standing As A Non-Member Of The**
Association

14 **1. A Cursory Review Of Nevada Statutes And Case Law Undermines**
15 **D.R. Horton's Invalid "Current Ownership" Theory**

16 NRCP 17 states in pertinent part that:

17 *Real party in interest.* Every action shall be prosecuted in the name
18 of the real party in interest . . . *a party authorized by statute may*
19 *sue in that person's own name without joining the party for whose*
20 *benefit the action is brought; . . . No action shall be dismissed on*
the ground that it is not prosecuted in the name of the real party in
interest until a reasonable time has been allowed after objection for
ratification . . .

21 NRCP 17, italics added. The plain language of NRCP 17 establishes two salient points: (1)
22 statutes may allow suit for the benefit of another without joining that person as a party; and
23 (2) standing objections cannot be utilized on summary judgment because such a procedure
24 does not allow ratification as required by NRCP 17. Moreover, NRS 116.3102(1)(d) states:
25 "[associations] May institute, defend or intervene in litigation . . . in its own name on behalf
26 of itself or two or more units' owners on matters affecting the common-interest community."
27 *Ibid.* NRCP 17 and NRS 116.3102, when read together, reflect a plain and clear legislative
28 grant of standing to pursue this action against DRH, and DRH's misreading of a California
authority does not overcome that legislative mandate.

1 DRH's contention that changes in ownership somehow affect the validity of
2 assignments related to 194 units is also without merit. In *Easton Bus. Opportunities, Inc. v.*
3 *Town Exec. Suites*, the Nevada Supreme Court provided guidance to this Honorable Court, as
4 to the application of assignments pertaining to standing: "After Rule 17(a)'s amendment, it is
5 today taken as settled law that '[t]here is no general requirement as to when an assignment
6 must be made and . . . even when the claim is not assigned until after the action has been
7 instituted, the assignee is the real party in interest and can maintain the action.'" *Easton Bus.*
8 *Opportunities, Inc. v. Town Exec. Suites*, 230 P.3d 827, 831-832 (Nev. 2010). Therefore, it is
9 plain and clear that as to the 194 units where assignments have been obtained, HIGH NOON
10 -- the assignee -- is the real party in interest and can maintain this action, regardless of any
11 subsequent change in ownership of the assigned units.

12 **2. D.R. Horton Lacks Standing To Challenge High Noon's Right To**
13 **Bring Action On Behalf Of Its Members**

14 In Section IV(B) of the MSJ, DRH contends that HIGH NOON's action violates the
15 due process rights of unit owners and DRH. *MSJ* at 14:13-16:26. However, in seventy (70)
16 lines of argument, DRH failed to cite to a *single* source of legal authority supporting its due
17 process objections. Argument without citation to supporting legal authorities possesses no
18 value and violates EDCR 2.20. Additionally, *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*
19 *of Nev.* stated that: "If either the members on behalf of whom the association sues or the
20 association meets normal standing requirements, the question whether the association has the
21 right to bring a suit on behalf of the members is an internal question, which can be raised only
22 by a member of the association." *D.R. Horton, Inc. v. Eighth Judicial Dist. Court of Nev.*,
23 *supra*, 125 Nev. at 457. *Beazer Homes Holding Corp. v. Eighth Judicial Dist. Court of Nev.*
24 further added that: "so long as a common-interest community association is acting on behalf
25 of two or more units' owners, it can represent its members in actions concerning the
26 community . . . [t]his statute affords the common-interest community association not only the
27 right to come into court, but also the right to obtain relief solely on behalf of its members."
28 *Beazer Homes Holding Corp. v. Eighth Judicial Dist. Court of Nev.*, 291 P.3d 128, 134 (2012)

1 Here, DRH's main contention, that HIGH NOON's members should not be "forced to
2 participate in a litigation with which they do not agree" violates the prescription of the *D.R.*
3 *Horton, Inc. v. Eighth Judicial Dist. Court of Nev.* decision because such is an internal
4 question that cannot be challenged by DRH. HIGH NOON has established that it has met the
5 standing requirements by demonstrating to this Court's satisfaction that it is acting on behalf
6 of two or more units' owners pursuant to the *Beazer Homes Holding Corp.* decision in recent
7 hearings before the Court. Neither Nevada Supreme Court decision imposed a requirement
8 that those owners must be original owners or even current owners at the time the action was
9 filed.

10 Finally, DRH attempts to distinguish *ANSE, Inc. v. Eighth Judicial Dist. Court of Nev.*
11 by arguing that the matter "did not address when the second purchaser took ownership" but
12 the this argument misses the point. *MSJ* at 10:3, fn. 5. *ANSE, Inc. v. Eighth Judicial Dist.*
13 *Court of Nev.* stated that:

14 Further, allowing homeowners who are not the home's original
15 purchasers to seek NRS Chapter 40's remedies is in harmony with
16 the other provisions of NRS Chapter 40 . . . NRS 40.610 defines a
17 constructional defect claimant as "[a]n owner of a residence" –
18 without qualification. NRS 40.610 plainly does not require that a
19 constructional defect claimant be a residence's first owner, as
20 petitioners' interpretation of 'new residence' suggests, or expressly
21 impose any other limitation.

22 *ANSE, Inc. v. Eighth Judicial Dist. Court of Nev.*, 124 Nev. 862, 873 (2008). The holding of
23 *ANSE, Inc.* is that courts shall not read additional qualifications or limitations into statutes that
24 are not set forth in the statute's plain language. Here, both NRCP 17 and NRS 116.3102 do
25 not possess any limiting or qualifying language that is applicable to subsequent unit owners.
26 Therefore, *ANSE, Inc.* instructs district courts that statutes should be applied broadly unless
27 there is specific limiting or qualifying language contained in the statute's plain language.
28 DRH has failed to adhere to that simple prescription in its *MSJ*. In sum, DRH's arguments
are worse than *ipse dixit* in that they constitute a complete misrepresentation and/or
misunderstanding of Nevada law.

1 **C. The *Vaughn v. Dame Construction Co.* Decision And California Law Does**
2 **Not Support D.R. Horton's Representations As To The Right Of High**
3 **Noon To Pursue It's Chapter 40 Claims In This Action**

4 Although DRH extensively cites to the *Vaughn* decision, it misconstrued the critical
5 aspect of its holding – *that a plaintiff suing for construction defects retains its standing*
6 *irrespective of any changes in ownership of the unit* – which is on all fours with the case at
7 bar. DRH's MSJ conspicuously omitted quoting unfavorable language in *Vaughn* that serves
8 to undermine its interpretation of the decision:

9 However, what defendant apparently fails to understand is that the
10 real party in interest is the party who has title to the cause of
11 action, i.e., the one who has the right to maintain the cause of
12 action. (Citation.) That "there may be as many real parties in
13 interest as there are rights of action by substantive law" (citation)
14 further indicates that the real party in interest is the owner of the
15 cause of action.

16 *Vaughn v. Dame Construction Co.*, 223 Cal.App.3d 144, 147-148 (1990), citations omitted.
17 The significance of this omitted passage is that rights to causes of action are separate,
18 independent, and distinct from ownership of the units. HIGH NOON, by a legislative grant of
19 standing under NRS 116.3102, has a unequivocal right to causes of action at issue in this case.
20 *Vaughn* went on to explain that:

21 The cause of action for damages as a result of injury to property,
22 which was fully vested in plaintiff at the time of the injury, is
23 personal property -- not real property. (Citation.) The right to
24 recover damages for injury to property, being personal property,
25 may be assigned or transferred. (Citation.) There is no authority,
26 however, for the proposition that the transfer of the real property
27 automatically transfers plaintiff's personal cause of action. *To the*
28 *contrary, a party can transfer or assign the right to recover for*
29 *damages to the property without also conveying title to the*
30 *property* (citation). *Similarly, in this case, plaintiff had the right to*
31 *convey the real property but retain her cause of action for*
32 *damages from defendant's defective construction.*

33 *Id.* at 148-149, citations omitted, italics added. The italicized portion of the *Vaughn* decision
34 was omitted by DRH simply because it plainly states that sales of units to new owners has no
35 effect whatsoever on HIGH NOON's rights as to the causes of action set forth in its
36 Complaint for Damages. Indeed, under NRCP 17 and NRS 116.3102, it is HIGH NOON who

1 is the *real party in interest* because it is HIGH NOON who possesses the right to maintain this
2 action pursuant to the aforementioned statutes.

3 A review of subsequent California decisions further undermines DRH's strained
4 interpretation of California law on this issue. *Jasmine Networks, Inc. v. Superior Court* held
5 that:

6 *A Current Ownership Requirement Is Not Supported by General*
7 *Principles of Property or Tort Law.* One whose property has been
8 wrongfully damaged by another does not lose the right to recover
9 for that damage merely because he has sold the property at the time
10 of suit. Anyone whose vehicle has been severely damaged by the
11 negligent driving of another would be astonished to learn that in
12 order to recover for the car's loss in value, he must keep it, and that
13 by selling it for scrap, he would forfeit any such claim. It is the
14 owner at the time of the injury who will ordinarily suffer the loss
of value or cost of replacement or repair, and who will thus need
the compensatory remedy that the law offers. [¶] General authority
squarely on point is scarce, but the principle is recognized, if
slightly obscured by references to "standing," in *Vaughn v. Dame*
Construction Co. (1990) 223 Cal.App.3d 144 [272 Cal. Rptr. 261]
(*Vaughn*).

15 *Jasmine Networks, Inc. v. Superior Court, supra*, 180 Cal. App. 4th at 993, italics in original.

16 It is plainly evident that California courts do not interpret the holding of *Vaughn* the same way
17 as DRH. The *Jasmine Networks* court went on to observe that:

18 In the wake of *Vaughn* a number of cases have dealt with questions
19 concerning the right of a subsequent owner to maintain an action
20 for damage done to a building before he acquired it . . . [and]
21 [w]hile we question the approach in these cases to some extent, as
22 discussed below, *none of them casts the slightest doubt on the*
23 *central premise that a right of action for damage to property is*
distinct from the title to the property, and from any right in the
property, and that the transfer of the latter does not by itself effect
a transfer or diminution of the former.

24 *Id.* at 994-995, italics added. Finally, *Jasmine Networks* stated that: "Far from viewing rival
25 claims as obstacles to the plaintiff's action, our law reflects a strong preference for bringing all
26 genuinely interested parties into a single proceeding and adjudicating all of the affected rights
27 and liabilities at once." *Id.* at 996. Therefore, the concise holding of *Jasmine Networks* is that
28 subsequent changes in ownership of a unit, even after an action has been filed, has no effect

1 on HIGH NOON's rights as to the causes of action asserted against DRH. The law provides
2 no such delineation and instead, prefers consolidation of claims into a single action.

3 Finally, *Standard Fire Ins. Co. v. Spectrum Community Assn.* holds that because
4 California Civil Code section 1368.3 provides that associations have standing to sue in their
5 own names as real parties in interest, it deems associations to be owners of causes of action
6 with the right to relief. *Standard Fire Ins. Co. v. Spectrum Community Assn.*, 141 Cal.App.
7 4th 1117, 1147-1148 (2006). Critically, the *Standard Fire Ins. Co.* court observed that: "**The**
8 **intent of the Legislature is to enable homeowners associations to pursue causes of action**
9 **against developers with respect to construction defects. To rely on distinguishable cases**
10 **such as *Vaughn*, (citation) *Keru*, (citation) and *Krusi* (citation) to achieve a contrary**
11 **result would be to frustrate that legislative intent."** *Ibid*, citations omitted, emphasis
12 added.

13 Ironically, that is exactly what DRH attempts to do in this case by utilizing *Vaughn*
14 and *Krusi* to prevent HIGH NOON from pursuing construction defect claims against DRH.
15 NRS 116.3102, similar to California Civil Code section 1368.3, represents a legislative grant
16 of standing to homeowner associations under the Uniform Common-Interest Ownership Act.
17 Indeed, NRS 116.3102 is broader than section 1368.3 in that it does not limit the statutory
18 grant of standing, so long as the issue affects two or more units. Therefore, DRH cannot be
19 allowed to frustrate the Nevada legislature's intent by way of its meritless MSJ. DRH is
20 correct that this MSJ is to be decided on black letter law. However, the black letter law of
21 both California and Nevada are fatal to its MSJ.

22 ///

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1 **IV. CONCLUSION**

2 For the reasons stated above, Plaintiff respectfully requests this Honorable Court to
3 deny D.R. Horton's Motion for Partial Summary Judgment.

4
5 Dated: February 10, 2014

ANGIUS & TERRY LLP

6
7 */s/ Rachel B. Saturn*

8 By: _____

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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 11:34 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 IV OF V**

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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

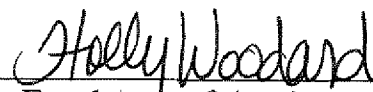
1 I HEREBY CERTIFY that on the 18 day of April, 2014, I submitted for
2 electronic filing and electronic service the foregoing APPENDIX TO
3
4 PETITIONER'S PETITION FOR WRIT OF PROHIBITION OR MANDAMUS,
5 VOLUME IV OF V.

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 IV 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 IV OF V was hand delivered to the following:

20 Joel D. Odou, Esq.
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25 Attorneys for Real Party in Interest

26
27 

28 Employee of Angius & Terry, LLP

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 113
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-338	COOPER ADAM J	20111021:02130	10/21/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-338	WENDY'S REAL ESTATE L L C	20111013:02851	10/13/2011	NO STATUS	635
176-20-714-338	BURT KENDRICK N	20060131:03779	01/31/2006	NO STATUS	635
176-20-714-338	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 114 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-342	TRASK AMBER M K	<u>20100226:03608</u>	02/26/2010	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-342	GEBREWAHED FREHIWET	<u>20060324:03981</u>	03/24/2006	NO STATUS	635
176-20-714-342	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

Assessor Map Aerial View Comment Codes Current Ownership					
ASSESSOR DESCRIPTION					
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 2 SEC 20 TWP 22 RNG 60					
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-006	SWANSON NICHOLAS	20130522:03979	05/22/2013	NO STATUS	635
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-006	STEELE GAYLE L & THOMAS N	<u>20081218:01687</u>	12/18/2008	JOINT TENANCY	635
176-20-714-006	BANK AMERICA N A	<u>20080717:01152</u>	07/17/2008	NO STATUS	635
176-20-714-006	CHARRON PAUL	<u>20060331:05298</u>	03/31/2006	NO STATUS	635
176-20-714-006	HORTON D R INC	<u>20010427:01513</u>	04/27/2001	NO STATUS	635
176-20-719-007	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 3
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-009	ENGELHARDT KAREN	20130918:00887	09/18/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-009	ENGELHARDT KAREN & WERNER	20111027:03153	10/27/2011	JOINT TENANCY	635
176-20-714-009	FEDERAL NATIONAL MORTGAGE ASSN	20110921:01658	09/21/2011	NO STATUS	635
176-20-714-009	JACKEL JULIE	20060313:02949	03/13/2006	NO STATUS	635
176-20-714-009	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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ASSESSOR DESCRIPTION

 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 36
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-106	NEWMILLER SHEILA	20130524:03381	05/24/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-106	HOUSE OF REAVILIATUS L L C	20130412:01183	04/12/2013	NO STATUS	635
176-20-714-106	REAVIL JASON & RENEE	20130325:02138	03/25/2013	JOINT TENANCY	635
176-20-714-106	D B P MANAGEMENT LTD L L C	20051214:02794	12/14/2005	NO STATUS	635
176-20-714-106	ANDERSON WILLIAM B & DALE	20050126:02072	01/26/2005	JOINT TENANCY	635
176-20-714-106	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
176-20-714-133	HAGA MASAO & KAYGO	20130726:00845	07/26/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-133	MAUCK JOHN	20130726:00844	07/26/2013	NO STATUS	635
176-20-714-133	MAUCK MICHAEL & JOHN WILLIAM	20090105:04263	01/05/2009	JOINT TENANCY	635
176-20-714-133	MAUCK MICHAEL WILLIAM & JOHN W	20070405:03306	04/05/2007	JOINT TENANCY	635
176-20-714-133	MAUCK MICHAEL WILLIAM	20050131:05616	01/31/2005	NO STATUS	635
176-20-714-133	BERNIE ELAINE & DOUGLAS	20041026:02368	10/26/2004	JOINT TENANCY	635
176-20-714-133	BERNIE LAUREN M	20041012:03002	10/12/2004	NO STATUS	635
176-20-714-133	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
176-20-714-163	SARNO JOHN V & SHARON I	20130419:01856	04/19/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-163	FEDERAL NATIONAL MORTGAGE ASSN	20121213:01102	12/13/2012	NO STATUS	635
176-20-714-163	SWALLOW DAWN A	20110531:00633	05/31/2011	NO STATUS	635
176-20-714-163	JOHNSON MARK R	20041104:03822	11/04/2004	JOINT TENANCY	635
176-20-714-163	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 DISTRI
176-20-714-185	MANU CORNEL & ANNEMARIE LAURA	20130828:03056	08/28/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-185	MANU CORNEL	20090813:03795	08/13/2009	NO STATUS	635
176-20-714-185	BANK DEUTSCHE NATIONAL TR CO TRS	20090522:03061	05/22/2009	NO STATUS	635
176-20-714-185	HAHN JASON J	20050228:04207	02/28/2005	NO STATUS	635
176-20-714-185	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
176-20-714-271	KHAN DARA	20130812:02986	08/12/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-271	WISE STACIA A	20081222:03507	12/22/2008	NO STATUS	635
176-20-714-271	BANK H S B C USA N A TRS	20081029:04376	10/29/2008	NO STATUS	635
176-20-714-271	GARCIA JUAN ALBERTO	20050623:05427	06/23/2005	NO STATUS	635
176-20-714-271	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
176-20-714-314	TARAVELLA JONATHAN & ANGELA	20130719:00237	07/19/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-314	FLANAGAN STEVEN & JENNIFER	20110513:02777	05/13/2011	JOINT TENANCY	635
176-20-714-314	SCHNEIDER BENJAMIN M	20051101:04359	11/01/2005	NO STATUS	635
176-20-714-314	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
176-20-714-001	PERELRA MARK IRA ETAL EQUITY TRUST CO CUST	<u>20110808:02419</u>	08/08/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-001	BANK NEW YORK MELLON TRS	<u>20110112:03181</u>	01/12/2011	NO STATUS	635
176-20-714-001	MORGANTI DANIEL	<u>20060323:04390</u>	03/23/2006	NO STATUS	635
176-20-714-001	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
176-20-714-004	VALLLOT FRED & EULA LIVING TRUST VALLLOT FREDDIE JR & EULA B TRS	<u>20130903:00084</u>	09/03/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-004	VALLLOT FREDDIE JR & EULA B	<u>20100429:03361</u>	04/29/2010	JOINT TENANCY	635
176-20-714-004	FEDERAL NATIONAL MORTGAGE ASSN	<u>20100119:00618</u>	01/19/2010	NO STATUS	635
176-20-714-004	SMITH CATHERINE L	<u>20060331:05288</u>	03/31/2006	NO STATUS	635
176-20-714-004	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
176-20-714-005	BANKS HAYLEY	20100507:03864	05/07/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-005	BRADLEY CHRISTOPHER K	20060331:05284	03/31/2006	NO STATUS	635
176-20-714-005	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
176-20-714-012	EDDY ABBIE & PHYLLIS	<u>20110511:01888</u>	05/11/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-012	SANDCASTLE DEVELOPMENT L L C	<u>20110217:03293</u>	02/17/2011	NO STATUS	635
176-20-714-012	TACKER JOHN C & CHERIE L	<u>20060125:04188</u>	01/25/2006	JOINT TENANCY	635
176-20-714-012	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
176-20-714-011	HUA YUANPEI PATRICK ZHANG XIAOHONG VICKY	20120222:02729	02/22/2012	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-011	BANK H S B C USA N A TRS	20110825:00081	08/25/2011	NO STATUS	635
176-20-714-011	BLOCK KIM	20060201:03304	02/01/2006	NO STATUS	635
176-20-714-011	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
176-20-714-020	KUIKEN DALE & DOROTHY	20090529:06348	05/29/2009	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-020	FEDERAL HOME LOAN MORTGAGE CORP	20090213:03085	02/13/2009	NO STATUS	635
176-20-714-020	BACANI ANGELITA	20051101:04373	11/01/2005	NO STATUS	635
176-20-714-020	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
176-20-714-022	NEMES VALENTIN	20130311:01666	03/11/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-022	FEDERAL NATIONAL MORTGAGE ASSN	20121210:03153	12/10/2012	NO STATUS	635
176-20-714-022	MORRIS JEREMY & TAREN	20050926:03730	09/26/2005	NO STATUS	635
176-20-714-022	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
176-20-714-025	FRANCO ROBERT	<u>20110412:03215</u>	04/12/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-025	SECRETARY HOUSING & URBAN DEV	<u>20100709:01270</u>	07/09/2010	NO STATUS	635
176-20-714-025	BANK WELLS FARGO N A	<u>20090730:02741</u>	07/30/2009	NO STATUS	635
176-20-714-025	ROSS KENNETH ROBERT	<u>20050923:05695</u>	09/23/2005	JOINT TENANCY	635
176-20-714-025	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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176-20-714-026	WHITNEY KRISTIN N	<u>20110630:02152</u>	06/30/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-026	BANK NEW YORK MELLON TRS	<u>20110404:00652</u>	04/04/2011	NO STATUS	635
176-20-714-026	HERNANDEZ DINO C & ROWENA R	<u>20051115:03480</u>	11/15/2005	JOINT TENANCY	635
176-20-714-026	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
176-20-714-032	SWIFT DANNETTE	20111006:03548	10/06/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-032	BANK AMERICA N A TRS	20110708:03896	07/08/2011	NO STATUS	635
176-20-714-032	DOERR DELMAR	20050928:04550	09/28/2005	NO STATUS	635
176-20-714-032	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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176-20-714-033	MEADOWS MONTY J	<u>20100319:00017</u>	03/19/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-033	HERBES BRYAN M & DOROTHY	<u>20050928:04539</u>	09/28/2005	JOINT TENANCY	635
176-20-714-033	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
176-20-714-036	PAN XIN S CHEN ANNIE	<u>20130419:02914</u>	04/19/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-036	SMITH SARAH	<u>20110224:00117</u>	02/24/2011	NO STATUS	635
176-20-714-036	RUSSO JULIE G	<u>20050922:04021</u>	09/22/2005	NO STATUS	635
176-20-714-036	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 103 BLDG 13
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-039	CHANG YI CHUAN & LI JUNG	20131219:02119	12/19/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRIC
176-20-714-039	MALERBE SUZANNE E	20120323:04990	03/23/2012	NO STATUS	635
176-20-714-039	BANK NEW YORK MELLON TRS	20120103:00852	01/03/2012	NO STATUS	635
176-20-714-039	ONSTOTT CHARLES K & BARBARA I	20050928:04611	09/28/2005	JOINT TENANCY	635
176-20-714-039	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
176-20-714-041	HWANG YUN S	<u>20100330:03997</u>	03/30/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-041	TURLA ROMUALDO & ANNABELLE	<u>20050106:03355</u>	01/06/2005	JOINT TENANCY	635
176-20-714-041	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
176-20-714-043	MARDIX ELAD & Yael	<u>20110331:04314</u>	03/31/2011	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-043	CRAIN BRETT	<u>20060531:05446</u>	05/31/2006	NO STATUS	635
176-20-714-043	FREEMAN LANCE	<u>20050831:06274</u>	08/31/2005	JOINT TENANCY	635
176-20-714-043	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 103 BLDG 15
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-045	CHRISTENSEN EDWIN	20110718:02022	07/18/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-045	CHIVERS VICTORIA	20050901:03864	09/01/2005	NO STATUS	635
176-20-714-045	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**

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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-046	KING FUTT'S P F M L L C	20100421:00096	04/21/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-046	TOLENTINO PRESSIE A	20050831:03484	08/31/2005	NO STATUS	635
176-20-714-046	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
176-20-714-050	BUMBASI EMITERIO	<u>20090413:03667</u>	04/13/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-050	BANK U S NATIONAL ASSN TRS	<u>20090116:00548</u>	01/16/2009	NO STATUS	635
176-20-714-050	BRIESE MONICA D	<u>20050826:04312</u>	08/26/2005	NO STATUS	635
176-20-714-050	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
176-20-714-051	MAGGI JUAN CARLOS	<u>20130502:02856</u>	05/02/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRI
176-20-714-051	VELARDE RAE ANN & THOMAS	<u>20100914:04091</u>	09/14/2010	JOINT TENANCY	635
176-20-714-051	SOUTHLANDS REAL ESTATE CAP CORP	<u>20100720:00358</u>	07/20/2010	NO STATUS	635
176-20-714-051	NEWMAN MINDY K	<u>20050831:03529</u>	08/31/2005	NO STATUS	635
176-20-714-051	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
176-20-714-053	ALLEN JEROD J & SKEETER	<u>20080129:01387</u>	01/29/2008	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-053	BANK H S B C USA NA	<u>20070417:03338</u>	04/17/2007	NO STATUS	635
176-20-714-053	AGUINALDO ANECITA A	<u>20050921:04047</u>	09/21/2005	NO STATUS	635
176-20-714-053	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
176-20-714-060	JOHNSON DAVID M	<u>20110317:03196</u>	03/17/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-060	BANK DEUTSCHE NATIONAL TR CO TRS	<u>20100802:03998</u>	08/02/2010	NO STATUS	635
176-20-714-060	FIORUCCI MICHAEL J	<u>20060913:04730</u>	09/13/2006	NO STATUS	635
176-20-714-060	STIO MARIA K	<u>20050725:04189</u>	07/25/2005	NO STATUS	635
176-20-714-060	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 21
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-061	HORANI JAMAL & HANI	<u>20130823:01638</u>	08/23/2013	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-061	MCKENZIE DENISE L	<u>20080806:03881</u>	08/06/2008	NO STATUS	635
176-20-714-061	BANK WELLS FARGO NATL ASSN TRS	<u>20080610:01389</u>	06/10/2008	NO STATUS	635
176-20-714-061	THAXTON STACY	<u>20050722:04872</u>	07/22/2005	NO STATUS	635
176-20-714-061	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 101 BLDG 22
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-064	ULJAR SANJA	<u>20110107:02777</u>	01/07/2011	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-064	MCNUTT JAMIE L	<u>20050729:01431</u>	07/29/2005	NO STATUS	635
176-20-714-064	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 O 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 103 BLDG 22
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CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-066	BARBO BARBARA & LEWIS	201001019:02713	10/19/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-066	FEDERAL NATIONAL MORTGAGE ASSN	20100730:00491	07/30/2010	NO STATUS	635
176-20-714-066	PATTERSON WILLIAM J	20050811:02833	08/11/2005	NO STATUS	635
176-20-714-066	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
176-20-714-067	DEVIC DUSANKA	20100826:02912	08/26/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-067	THUNDER SKY STREET TRUST	20100430:04238	04/30/2010	NO STATUS	635
176-20-714-067	SALUDARES RANETTE C	20050401:03639	04/01/2005	NO STATUS	635
176-20-714-067	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
176-20-714-076	SMITH BETH K & RONALD H	<u>20101123:01339</u>	11/23/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-076	FEDERAL NATIONAL MORTGAGE ASSN	<u>20100624:01158</u>	06/24/2010	NO STATUS	635
176-20-714-076	ROSS TYLER H	<u>20050401:03629</u>	04/01/2005	NO STATUS	635
176-20-714-076	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
176-20-714-084	CASTEN JOYCE	20100623:03191	06/23/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-084	BANK DEUTSCHE NATIONAL TR CO TRS	20100513:02877	05/13/2010	NO STATUS	635
176-20-714-084	NILSON JUSTIN	20050325:03642	03/25/2005	NO STATUS	635
176-20-714-084	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
176-20-714-083	FLINT GALEN	<u>20090522:03121</u>	05/22/2009	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-083	BANK INDYMAC FEDERAL F S B	<u>20090129:06034</u>	01/29/2009	NO STATUS	635
176-20-714-083	MCAULIFFE MICHAEL	<u>20061004:03012</u>	10/04/2006	NO STATUS	635
176-20-714-083	MCAULIFFE MARIE	<u>20061004:03011</u>	10/04/2006	NO STATUS	635
176-20-714-083	MCAULIFFE TERESA A	<u>20050329:04222</u>	03/29/2005	NO STATUS	635
176-20-714-083	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 30
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-089	DOUKHAJIAN MANOUG & LUCY	20121029:05198	10/29/2012	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-089	ARMSTRONG ELEANOR BLYTHE	<u>20100304:03330</u>	03/04/2010	NO STATUS	635
176-20-714-089	BANK H S B C USA N A TRS	<u>20091006:00834</u>	10/06/2009	NO STATUS	635
176-20-714-089	NEGRETE SIMON P	<u>20050328:04206</u>	03/28/2005	NO STATUS	635
176-20-714-089	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 103 BLDG 31
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-093	LETTERMAN CLIFFORD & RHONDA	20090323:05078	03/23/2009	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-093	BANK H S B C USA N A TRS	20081208:00667	12/08/2008	NO STATUS	635
176-20-714-093	FISHER JED W	20050330:04942	03/30/2005	NO STATUS	635
176-20-714-093	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 103 BLDG 32
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-096	TROMELLO SALVATORE RIGGS JESSICA	<u>20080229:03906</u>	02/29/2008	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-096	BANK CITIBANK N A TRS	<u>20080117:01767</u>	01/17/2008	NO STATUS	635
176-20-714-096	CHAMBERS DUSTY	<u>20060213:03973</u>	02/13/2006	NO STATUS	635
176-20-714-096	CHAMBERS DUSTY A	<u>20050609:03734</u>	06/09/2005	NO STATUS	635
176-20-714-096	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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 HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 34
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-102	MURRAY ROBERT J & PATRICIA A	<u>20100408:04446</u>	04/08/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-102	BANK U S NATIONAL ASSN TRS	<u>20090911:03330</u>	09/11/2009	NO STATUS	635
176-20-714-102	DOWNING ZENYA	<u>20050131:03108</u>	01/31/2005	NO STATUS	635
176-20-714-102	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 35
 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-104	PETERSON ANDREW & LAURIE	20131211:00664	12/11/2013	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-104	MATTSON HEATHER	20080819:04080	08/19/2008	NO STATUS	635
176-20-714-104	BANK DEUTSCHE TRUST CO AMER TRS	20080111:01961	01/11/2008	NO STATUS	635
176-20-714-104	DELEVA DORIANA	20070206:00633	02/06/2007	NO STATUS	635
176-20-714-104	TCHOUKOVA DORIANA	20041230:00828	12/30/2004	NO STATUS	635
176-20-714-104	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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HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 35
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-105	LINDBERG ERNEST T PEASLEY PATRICIA S	<u>20100701:00308</u>	07/01/2010	JOINT TENANCY	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-105	KEMPLE KHALI J & BRIGG J	<u>20041230:03164</u>	12/30/2004	JOINT TENANCY	635
176-20-714-105	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 36
 SEC 20 TWP 22 RNG 50

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-107	IBUNA MARY GRACE ARROYO BIANCA MARIE J	20101217:01581	12/17/2010	NO STATUS	635

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT
176-20-714-107	BANK H S B C USA NATL ASSN TRS	20101025:02970	10/25/2010	NO STATUS	635
176-20-714-107	JACOB KENNETH BRADLEY	20041217:01570	12/17/2004	NO STATUS	635
176-20-714-107	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 38
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-112	FEGA LLC	20111205-01307	12/05/2011	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-112	VICKERS NATALIE H	20041130-04606	11/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-112	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 39 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-116	PENZ NICOLE D	20101104:00059	11/04/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-116	FEDERAL HOME LOAN MORTGAGE CORP	20100812:00915	08/12/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-116	PAPPAS ANTHONY & BRIDGET	20060605:02072	06/05/2006	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-116	MCMAHON BRIDGET A	20050531:04341	05/31/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-116	GONZALES JOSEFA	20041130:03120	11/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-116	HORTON D R INC	20010422:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010422:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-007	HORTON D R INC	20010422:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 40 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-118	COHN ERIC J & DARREN COHN EVAN M	20090828-02689	08/28/2009	JOINT TENANCY	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-118	YATES SIDNEY D & DAWN MARIE	20041028-03896	10/28/2004	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-118	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 40
SEC 20 TWP 22 RNS 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-119	BENITES SAMANTHA GODFREY THOMAS J	20100429:01125	04/29/2010	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-119	FEDERAL HOME LOAN MORTGAGE CORP	20100113:00244	01/13/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-119	JUDD PETER P & MINTA J	20061129:04630	11/29/2006	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-119	BROWN MINTA J	20041028:03922	10/28/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-119	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 41 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-122	TARTT TRENA L	20100526-03514	05/26/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-122	IRWIN WILLIAM J	20061128-04079	11/28/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-122	SOLTIS GREGORY SCOTT	20041018-02740	10/18/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-122	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01512	04/27/2001	NO STATUS	635	19.02 AC
176-20-781-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 42
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-125	ANDERSON JASON & KELLY Comments: BD-20120425:1431	20110107:03150	01/07/2011	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-125	FANNIE MAE	20100927:00100	09/27/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-125	TRENT JUSTIN TRUST	20041216:05296	12/14/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-125	TRENT JUSTIN	20040930:05554	09/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-125	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 43 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-128	SMITH MARILYN J	20111020:02287	10/20/2011	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-128	B A C HOME LOANS SERVICING L P	20110623:04328	06/23/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-128	THOMPSON DANIELLE D	20040930:00552	09/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-128	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 44
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-130	KHACHIKIAN ROBERT	20130611-01670	06/11/2013	NO STATUS	635	.63 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-130	MORENO FABIAN	20110831-01583	08/31/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-130	JENNINGS JOSEPH A	20050314-00368	03/14/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-130	HALTON LUKE	20040930-00562	09/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-130	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-761-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 44 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-131	TONOYAN LILEY	20130508-04948	05/08/2013	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-131	ATKINSON STEVEN L	20100108-01487	01/08/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-131	SARACHMAN JEFFREY J & MISTY	20051128-03805	11/29/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-131	SARACHMAN JEFFREY J	20041022-01138	10/22/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-131	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 45
SEC 20 TWP 22 RNG 50

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-135	BOWLES JASON	20090306-04183	03/06/2009	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-135	FEDERAL NATIONAL MORTGAGE ASSN	20081104-00545	11/04/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-135	FITZPATRICK JAMES & JENNIFER	20041118-02059	11/18/2004	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-135	BRANDON WILLIAM M JR	20040929-02024	09/29/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-135	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 46
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-138	LEE HARMON & SANG IM	20101020-00599	10/20/2010	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-138	LEE SANG IM	20100811-00457	08/11/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-138	ROGERS MICHAEL L & DARLENE E	20050719-05241	07/19/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-138	MCLESKEY CHARLES H	20041207-04847	12/07/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-138	MCLESKEY CHARLES H	20040831-02505	08/31/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-138	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

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ASSESSOR DESCRIPTION
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 135 PAGE 21 UNIT 103 BLDG 47 SEC. 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-141	DANNATT KENBERLEY FIELD DEREK	20111104-03519	11/04/2011	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-141	FEDERAL NATIONAL MORTGAGE ASSN	20110414-02382	04/14/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-141	D'CONNOR MADELINE	20040831-03997	08/31/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-141	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 48
SEC. 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-143	BERGER RICHARD M & JODY F	20100201-02319	02/01/2010	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-143	BANK WELLS FARGO NATIONAL ASSN	20091028-00382	10/28/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-143	MCGEE LEE E	20041217-03553	12/17/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-143	VEITH JAMES PATRICK	20040831-04173	08/31/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-143	HORTON D R INC	20010427-04513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 49
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-147	DOLAS TASIA	20091228-02152	12/28/2009	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-147	VEGAS RESIDENTIAL L L C	20080826-04175	08/26/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-147	FISSE JUSTIN	20060608-03552	06/08/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-147	LAW FAMILY LIVING REVOCABLE TR	20030628-03668	06/28/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-147	LAW JOHN	20040929-00354	09/29/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-147	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 49
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-146	MENGHINI DIANA & TRAVIS	20111128:03272	11/28/2011	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-146	FEDERAL NATIONAL MORTGAGE ASSN	20110825:03494	08/25/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-146	PALSHA TARA	20041028:03943	10/28/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-146	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 50 SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-148	YAKEMONIS ROBERT & BREANN	20120727-02948	07/27/2012	JOINT TENANCY	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-148	VASILYEV SERGEI	20051207-04112	12/07/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-148	MALDONADO JENNIFER	20041203-02817	12/03/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-148	SMALLRIDGE NATHAN JAMES	20040910-00300	09/10/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-148	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 52
SEC 20 TWP 22 RNS 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-156	LU JEFF Y	20131016-02141	10/16/2013	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-156	HENSON RACHEL LYNN	20091201-01758	12/01/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-156	FEDERAL NATIONAL MORTGAGE ASSN	20090923-00628	09/23/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-156	ASTANIKZI WALIULLAH	20040907-02212	09/07/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-156	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 53
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-159	BELLETTINI PAUL R & JULIANNE L	20130530:02960	05/30/2013	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-159	ALSTYNE BENJAMIN VAN	20070613:02116	06/13/2007	NO STATUS	635	SUBDIVIDED LOT
176-20-714-159	8784 TRAVELING BREEZE L L C	20030715:03196	07/15/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-159	ROZIC ANTHONY	20050114:00452	01/14/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-159	MOSSO ROBERT F	20040917:02246	09/17/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-159	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 53 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-157	STRICKLAND PROPERTIES L L C	20090524-01376	09/24/2009	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-157	BANK NEW YORK MELLON TRS	20090706-01669	07/06/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-157	GELIZON MELISSA A	20040915-00464	09/15/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-157	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 56
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-167	HOWE MARIE A	20110607-04294	06/07/2011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-167	BANK DEUTSCHE NATIONAL TR CO TRS	20110114-02833	01/14/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-167	SATORNINO ROBERT JAMES III	20041130-04640	11/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-167	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 23 UNIT 101 BLDG 57
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-169	MOLLY PROPERTIES L L C	20130308-00878	03/08/2013	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-169	MOLLY PROPERTIES L L C	20120523-01568	05/23/2012	NO STATUS	635	SUBDIVIDED LOT
176-20-714-169	SMITH COLETTE D	20050126-00925	01/06/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-169	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 58
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-174	SARNO JOHN V & SHARON I	20110527-03649	05/27/2011	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-174	FEDERAL NATIONAL MORTGAGE ASSN	20110315-03172	03/15/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-174	PENTONY SHANNON M	20041230-03175	12/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-174	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 59
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-175	JORDAN DANIEL	20100201-02043	02/01/2010	NO STATUS	635	03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-175	FEDERAL HOME LOAN MORTGAGE CORP	20100111-00506	01/11/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-175	HARRISON NICOLE P	20051101-02278	11/01/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-175	MCLESKEY CHARLES	20041230-02017	12/30/2004	NO STATUS	635	SUBDIVIDED LOT
176-20-714-175	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 60
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-180	K R A INVESTMENTS L L C	20100924:03249	09/24/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-180	G M A C MORTGAGE L L C	20100730:00079	07/30/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-180	BETTENCOURT ANGELA MARIE	20070221:04814	02/21/2007	NO STATUS	635	SUBDIVIDED LOT
176-20-714-180	BETTENCOURT ANGELA M	20050131:03102	01/31/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-180	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

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ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 61
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-181	CRITE-MCCLURE PHYLLIS C ETAL	20090925-00983	09/25/2009	JOINT TENANCY	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-181	CRITE-MCCLURE PHYLLIS C	20090915-00985	09/15/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-181	BANK NEW YORK MELLON TRS	20090915-00984	09/15/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-181	BANK NEW YORK TRUST CO N A TRS	20080527-02419	05/27/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-181	PERIES LEON M & PETEREEN A	20050308-03553	03/08/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-181	PERIES LEON M	20050308-03552	03/08/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-181	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map	Aerial View	Comment Codes	Current Ownership	New Search		
ASSESSOR DESCRIPTION						
HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 102 BLDG 65 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-194	ZHAO SHAN	20081030-03692	10/30/2008	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-194	BANK H S B C USA NATL ASSN TRS	20080728-00949	07/28/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-194	LINEK CHRISTOPHER E & LORI A	20070213-00021	02/13/2007	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-194	LINEK CHRISTOPHER E	20050629-05394	06/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-194	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-719-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 67
SEC 20 TWP 22 RRG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-201	LOI MARKETING INC	20111117:00850	11/17/2011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-201	MARTINEZ MIGUEL	20111020:02154	10/20/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-201	HUANG YUN SHAN	20050721:03304	07/21/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-201	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 68
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-204	LEE SANG IM & HARMON	20131205:02592	12/05/2013	JOINT TENANCY	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-204	BLACK CANYON ENTERPRISE L L C	20120224:03241	02/24/2012	NO STATUS	635	SUBDIVIDED LOT
176-20-714-204	DRIFTMYER LINDA K LIVING TRUST	20120131:03686	01/31/2012	NO STATUS	635	SUBDIVIDED LOT
176-20-714-204	DRIFTMYER LINDA KAY	20120125:03955	01/25/2012	NO STATUS	635	SUBDIVIDED LOT
176-20-714-204	DRIFTMYER JAMES E LIVING TRUST	20100729:03920	07/29/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-204	BANK H S B C USA NATL ASSN TRS	20100511:02726	05/11/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-204	GROUDAN DORLE R	20050627:04249	06/27/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-204	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 69
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-207	MELKONYAN SATENIK	1111:1102847	11/11/1011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-207	MIRZOYAN SHAMIR	20090508:01580	05/08/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-207	BANK INDYMAC FEDERAL F S B	20090317:00424	03/17/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-207	QUACH DON S	20050622:03799	06/22/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-207	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 69
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-205	LAS VEGAS HIGH CAPS L L C	20100930-01124	09/30/2010	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-205	BANK DEUTSCHE NATIONAL TR CO TRS	20100708-03209	07/08/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-205	PEREZ OSCAR S SR	20050701-03814	07/01/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-205	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 70 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-208	WAGNER TIFFANY	20100924-07821	09/24/2010	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-208	MCKNIGHT LOUIS A	20100625-02827	06/25/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-208	BANK H S B C USA NATL ASSN TRS	20100413-00629	04/13/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-208	SAYASENH ANOUSONE	20050629-05360	06/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-208	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 70
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-209	SHIMIZU ANTHONY	20090127-01551	01/07/2009	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
175-20-714-209	BANK H S B C USA NATL ASSN TRS	20080710-01625	07/10/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-209	LEA JANELLE E	20050630-02355	06/30/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-209	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

<div> Assessor Map Aerial View Comment Codes Current Ownership New Search </div>						
ASSESSOR DESCRIPTION HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 71 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-213	HABTE TEDROS M	20101103:02804	11/03/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-213	SECRETARY HOUSING & URBAN DEV	20100402:03792	04/07/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-213	CHASE HOME FINANCE L L C	20080121:02179	01/21/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-213	MARTINO JAMES C	20080207:03546	02/07/2008	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-213	MARTINO JAMES C	20050531:05452	05/31/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-213	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT 600K 115 PAGE 21 UNIT 102 BLDG 73
SEC 20 TWP 22 RNS 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-218	CHANG YUANHSIANG A	20130830-02944	08/30/2013	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-218	VELARDE JERRY	20100727-02905	07/27/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-218	FEDERAL HOME LOAN MORTGAGE CORP	20100416-03257	04/16/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-218	STUHMER MEGHAN	20050526-04198	05/26/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-218	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 74
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-220	LUCERO BRYAN	20100308-08109	03/08/2010	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-220	BEATTY STEPHANIE A	20050429-02638	04/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-220	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 75
SEC 20 TWP 22 RNS 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-223	NETSKI JUDITH ANNE	20111209-03820	12/09/2011	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-223	BANK NEW YORK MELLON TRS	20110802-00623	08/02/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-223	LEE ROSA A REVOCABLE TRUST	20090613-03500	06/13/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-223	LEE ROSA	20060501-00489	05/01/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-223	JOHNS CALEB	20050502-05023	05/02/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-223	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor**PARCEL OWNERSHIP HISTORY****ASSESSOR DESCRIPTION**

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 101 BLDG 76
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-226	K & A A L L C	20111220-01233	12/20/2011	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-226	KUO ALIC MEI REVOCABLE LIV TR	20111220-01232	12/20/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-226	CHEN ANNIE	20110711-00454	07/11/2011	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-226	BANK AMERICA NATIONAL ASSN TRS	20110405-01761	04/05/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-226	L V PROPERTIES & INVESTMENTS LLC	20090115-01382	01/15/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-226	DAPPER J	20090114-02545	01/14/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-226	WILCZYNSKI AGNES	20051103-04295	11/03/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-226	WILCZYNSKI AGNES	20050502-05056	05/02/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-226	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 77 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-231	FITZGERALD ERIN M	20091125-04837	11/25/2009	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-231	HIBBARD JENNA & KAMERON	20050429-04259	04/29/2005	JOINT TENANCY	635	SUBDIVIDED LOT
176-20-714-231	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 78 SEC 20 TWP 22 RNG 60						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-233	RIVAS FABIAN	20100107:02320	01/07/2010	NO STATUS	635	.02 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-233	FEDERAL NATIONAL MORTGAGE ASSN	20091015:02023	10/15/2009	NO STATUS	635	SUBDIVIDED LOT
176-20-714-233	MESA STACEY	20050429:04246	04/29/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-233	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

ASSESSOR DESCRIPTION

HIGH NOON AT ARLINGTON RANCH PLAT BOOK 115 PAGE 21 UNIT 103 BLDG 79
SEC 20 TWP 22, RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-237	8809 HORIZON TRUST	20100915-00343	09/15/2010	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-237	FAMILY TRUST D L T	20100827-02273	08/27/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-237	BANK U S NATIONAL ASSN TRS	20100430-04269	04/30/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-237	COFFEY PEPPER R	20050426-03375	04/26/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-237	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-703-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 79
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-235	SALSTIZ NEIL	20100929:03956	09/29/2010	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-235	FEDERAL HOME LOAN MORTGAGE CORP	20100512:00475	05/12/2010	NO STATUS	635	SUBDIVIDED LOT
176-20-714-235	AVECILLA DENISE	20050428:03972	04/28/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-235	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 UNFF 101 BLDG 80
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-238	LAS VEGAS HIGH CAPS L L C	20130111-01252	01/11/2013	NO STATUS	635	.03 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-238	BANK U S N A TRS	20121001-03785	10/01/2012	NO STATUS	635	SUBDIVIDED LOT
176-20-714-238	HERSHEY MELISSA L	20060522-03004	05/22/2006	NO STATUS	635	SUBDIVIDED LOT
176-20-714-238	STEADMAN STEVEN	20050331-05613	03/31/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-238	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427-01513	04/27/2001	NO STATUS	635	164.92 AC

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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 80
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-240	SHOREBOX PTY LTD	20120523:01671	05/23/2012	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-240	VONG VANU	20050522:02960	05/27/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-240	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	154.92 AC

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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 81 SEC 20 TWP 22 RNG 50						
CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-241	PROPERTIES PLUS INVESTMENTS LLC	20131113:00208	11/13/2013	NO STATUS	635	.03 AC
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-241	CHERVINSKY SANDRA	20081112:04711	11/12/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-241	BANK H S B C USA N A TRS	20081114:04756	11/14/2008	NO STATUS	635	SUBDIVIDED LOT
176-20-714-241	MORALES CHAD E	20050401:04784	04/01/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-241	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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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 83
SEC 20 TWP 22 RNG 60

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-249	LEE SANG IM	20110114:00890	01/14/2011	NO STATUS	635	.02 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
176-20-714-249	PAGE HEATHER	20110114:00890	01/14/2011	NO STATUS	635	SUBDIVIDED LOT
176-20-714-249	LACHICA HEATHER	20050331:05704	03/31/2005	NO STATUS	635	SUBDIVIDED LOT
176-20-714-249	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	SUBDIVIDED LOT
176-20-710-007	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	19.02 AC
176-20-701-002	HORTON D R INC	20010427:01513	04/27/2001	NO STATUS	635	164.92 AC

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