

CLERK OF THE COURT

Electronically Filed
May 20 2014 01:15 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
2 MICHAEL F. BOHN, ESQ.
3 Nevada Bar No.: 1641
4 mbohn@bohnlawfirm.com
5 LAW OFFICES OF
6 MICHAEL F. BOHN, ESQ., LTD.
7 376 East Warm Springs Road, Ste. 140
8 Las Vegas, Nevada 89119
9 (702) 642-3113/ (702) 642-9766 FAX
10 Attorney for plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 133 MCLAREN,

Plaintiff,

vs.

GREEN TREE SERVICING LLC; THE BANK
OF NEW YORK MELLON FKA THE BANK
OF NEW YORK, AS SUCCESSOR TRUSTEE
TO JPMORGAN CHASE BANK, N.A., AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS
MASTER TRUST, REVOLVING HOME
EQUITY LOAN ASSET BACKED NOTES,
SERIES 2004-T; NATIONAL DEFAULT
SERVICING CORPORATION; CTC REAL
ESTATE SERVICES; CHARLES J. WIGHT;
AND TARA J. WIGHT,

Defendants

CASE NO.: A693882
DEPT NO.: XV

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that plaintiff, Saticoy Bay LLC Series McLaren, hereby appeals

///

///

///

1 to the Supreme Court of Nevada from the order dismissing the plaintiff's complaint entered on May 7,
2 2014

3 DATED this 15th day of May 2014.

4 LAW OFFICES OF
5 MICHAEL F. BOHN, ESQ., LTD.

6 By: /s/ Michael F. Bohn, Esq./
7 MICHAEL F. BOHN, ESQ.
8 376 E. Warm Springs Road, Suite 140
9 Las Vegas, Nevada 89119
10 Attorney for plaintiff

11 **CERTIFICATE OF MAILING**

12 I HEREBY CERTIFY that on the 15th day of May 2014, I served a photocopy of the foregoing
13 **NOTICE OF APPEAL** by placing the same in a sealed envelope with first-class postage fully prepaid
14 thereon and deposited in the United States mails addressed as follows:

15 Michael R. Brooks, Esq.
16 BROOKS BAUER LLP
17 1645 Village Center Circle, Suite 200
18 Las Vegas, NV 89134

19 /s/ Marc Sameroff/
20 An employee of the LAW OFFICES
21 OF MICHAEL F. BOHN, ESQ., LTD.
22
23
24
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26
27
28


CLERK OF THE COURT

1 ASTA
2 MICHAEL F. BOHN, ESQ.
3 Nevada Bar No.: 1641
4 mbohn@bohnlawfirm.com
5 LAW OFFICES OF
6 MICHAEL F. BOHN, ESQ., LTD.
7 376 East Warm Springs Road, Ste. 140
8 Las Vegas, Nevada 89119
9 (702) 642-3113/ (702) 642-9766 FAX
10 Attorney for plaintiff

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 SATICOY BAY LLC SERIES 133 MCLAREN,
14 Plaintiff,

15 vs.

16 GREEN TREE SERVICING LLC; THE BANK
17 OF NEW YORK MELLON FKA THE BANK
18 OF NEW YORK, AS SUCCESSOR TRUSTEE
19 TO JPMORGAN CHASE BANK, N.A., AS
20 TRUSTEE FOR THE
21 CERTIFICATEHOLDERS OF CWABS
22 MASTER TRUST, REVOLVING HOME
23 EQUITY LOAN ASSET BACKED NOTES,
24 SERIES 2004-T; NATIONAL DEFAULT
25 SERVICING CORPORATION; CTC REAL
26 ESTATE SERVICES; CHARLES J. WIGHT;
27 AND TARA J. WIGHT,

28 Defendants

CASE NO.: A693882
DEPT NO.: XV

CASE APPEAL STATEMENT

1. The appellant filing this case appeal statement is Saticoy Bay LLC Series McLaren.
2. The judge issuing the judgment appealed from is the honorable Valorie J. Vega.
3. The parties to the proceedings in District Court is Saticoy Bay LLC Series McLaren, plaintiff, and Green Tree Servicing, LLC.; The Bank of New York Mellon FKA the Bank of New York, as Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of CWABS

1 Master Trust, Revolving Home Equity Loan Asset Backed Notes, Series 2004-T; National Default
2 Servicing Corporation; CTC Real Estate Services; Charles J. Wight; and Tara J. Wight, defendants.

3 4. The parties to this appeal are the appellant Saticoy Bay LLC Series McLaren; the respondents
4 are Green Tree Servicing, LLC.

5 5. Counsel for appellant Saticoy Bay LLC Series McLaren is Michael F. Bohn, Esq.; 376 E.
6 Warm Springs Road, Suite 140, Las Vegas, Nevada 89119; (702) 642-3113. Counsel for respondents
7 Green Tree Servicing, LLC. is Michael R. Brooks, Esq., Brooks Bauer LLP, 1645 Village Center Circle,
8 Suite 200, Las Vegas, Nevada, 89134, (702) 851-1191.

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

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

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

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

14 10. The complaint was filed in District Court on January 2, 2014;

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

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

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

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

21 DATED this 15th day of May 2014.

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

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













1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that on the 15th day of May 2014, I served a photocopy of the foregoing
3 **CASE APPEAL STATEMENT** by placing the same in a sealed envelope with first-class postage fully
4 prepaid thereon and deposited in the United States mails addressed as follows:

5 Michael R. Brooks, Esq.
6 BROOKS BAUER LLP
7 1645 Village Center Circle, Suite 200
8 Las Vegas, NV 89134













9 /s/ /Marc Sameroff/
10 An Employee of the LAW OFFICES OF
11 MICHAEL F. BOHN, ESQ., LTD.
12
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DEPARTMENT 2
CASE SUMMARY
CASE No. A-14-693882-C

02/03/2014	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Affidavit of Service</i>
02/04/2014	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Affidavit of Service</i>
02/10/2014	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Affidavit of Service for Charles Wight</i>
02/11/2014	 Certificate of Service Filed by: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Certificate of Service of Process by Private Person</i>
02/12/2014	 Motion to Dismiss Filed By: Defendant Green Tree Servicing LLC <i>Notice of Motion and Motion to Dismiss Pursuant to NRCp 12(b)(5), Request for Judicial Notice</i>
02/12/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Green Tree Servicing LLC <i>Initial Appearance Fee Disclosure</i>
02/13/2014	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Affidavit of Service for Green Tree</i>
02/21/2014	 Opposition and Countermotion Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Opposition to Motion to Dismiss and Countermotion to Stay Case</i>
02/25/2014	 Notice of Appearance Party: Defendant Bank of New York Mellon <i>Notice of Appearance</i>
02/26/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Bank of New York Mellon <i>Initial Appearance Fee Disclosure</i>
02/26/2014	 Notice of Department Reassignment
03/11/2014	 Reply Filed by: Defendant Green Tree Servicing LLC <i>Green Tree Servicing LLC's Reply to Plaintiff's Opposition to Motion to Dismiss and Countermotion to Stay Case</i>
03/19/2014	Motion to Dismiss (9:00 AM) (Judicial Officer: Vega, Valorie J.) 03/19/2014, 04/02/2014 <i>Notice of Motion and Motion to Dismiss Pursuant to NRCp 12(b)(5); Request for Judicial Notice</i>
03/19/2014	Opposition and Countermotion (9:00 AM) (Judicial Officer: Vega, Valorie J.) 03/19/2014, 04/02/2014

DEPARTMENT 2
CASE SUMMARY
CASE No. A-14-693882-C

Opposition to Motion to Dismiss and Countermotion to Stay Case

03/19/2014	 All Pending Motions (9:00 AM) (Judicial Officer: Vega, Valorie J.)
04/02/2014	 All Pending Motions (9:30 AM) (Judicial Officer: Vega, Valorie J.)
04/02/2014	 Default Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Default</i>
04/02/2014	 Default Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Default</i>
04/07/2014	 Initial Appearance Fee Disclosure Filed By: Defendant National Default Servicing Corporation <i>Initial Appearance Fee Disclosure</i>
04/07/2014	 Answer to Complaint Filed by: Defendant National Default Servicing Corporation <i>Defendant National Default Servicing Corporation's Answer to Plaintiff's Complaint</i>
04/23/2014	 Stipulation and Order Filed by: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Stipulation for Non monetary Relief</i>
04/24/2014	 Notice of Entry of Order Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Notice of Entry of Order</i>
05/07/2014	 Order Granting Motion Filed By: Defendant Green Tree Servicing LLC <i>Order Granting Motion to Dismiss</i>
05/07/2014	Order of Dismissal (Judicial Officer: Vega, Valorie J.) Debtors: Saticoy Bay LLC Series 133 McClaren (Plaintiff) Creditors: Green Tree Servicing LLC (Defendant) Judgment: 05/07/2014, Docketed: 05/14/2014
05/14/2014	 Notice of Entry of Order Filed By: Defendant Green Tree Servicing LLC <i>Notice of Entry of Order</i>
05/15/2014	 Notice of Appeal Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Notice of Appeal</i>
05/15/2014	 Case Appeal Statement Filed By: Plaintiff Saticoy Bay LLC Series 133 McClaren <i>Case Appeal Statement</i>

DATE

FINANCIAL INFORMATION

Defendant Bank of New York Mellon
Total Charges

223.00

DEPARTMENT 2
CASE SUMMARY
CASE No. A-14-693882-C

Total Payments and Credits	223.00
Balance Due as of 5/19/2014	0.00
Defendant Green Tree Servicing LLC	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 5/19/2014	0.00
Defendant National Default Servicing Corporation	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 5/19/2014	0.00
Plaintiff Saticoy Bay LLC Series 133 McClaren	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 5/19/2014	0.00

I. Party Information

Plaintiff SATICOY BAY LLC SERIES 133
MCLAREN

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

Defendants GREEN TREE SERVICING LLC; THE
BANK OF NEW YORK MELLON FKA THE BANK
OF NEW YORK, AS SUCCESSOR TRUSTEE TO
JPMORGAN CHASE BANK, N.A., AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF
CWABS MASTER TRUST, REVOLVING HOME
EQUITY LOAN ASSET BACKED NOTES, SERIES
2004-T; NATIONAL DEFAULT SERVICING
CORPORATION; CTC REAL ESTATE SERVICES;
CHARLES J. WIGHT; AND TARA J. WIGHT,
Attorney N/A

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

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

Probate**Other Civil Filing Types**

Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters
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III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

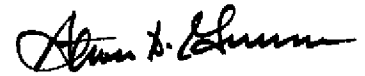
<input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 90) <input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Investments (NRS 104 Art. 8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademarks (NRS 600A)	<input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

January 2nd, 2014

Date

/ S / Michael F. Bohn, Esq. /

Signature of initiating party or representative



CLERK OF THE COURT

ORDR

Michael R. Brooks, Esq.
Nevada Bar No. 7287
mbrooks@brooksbaauer.com
Christopher S. Connell, Esq.
Nevada Bar No. 12720
cconnell@brooksbaauer.com
BROOKS BAUER LLP
1645 Village Center Circle, Suite 200
Las Vegas, NV 89134
Tel: (702) 851-1191
Fax: (702) 851-1198
Attorneys for Defendant Green Tree Servicing LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC DERIES 133 MCLAREN

Plaintiff,

vs.

GREEN TREE SERVICING LLC; THE BANK
OF NEW YORK MELLON FKA THE BBANK
OF NEW YORK, AS SUCCESSOR TRUSTEE
TO JP MORGAN CHASE BANK, N.A., AS
TRUSTEE FOR THE CERTIFICATE HOLDERS
OF CWABS MASTER TRUST, REVOLVING
HOME EQUITY LOAN ASSET BACKED
NOTES, SERIES 2004-T; NATIONAL DEFAULT
SERVICING CORPORATION; CTC REAL
ESTATE SERVICES; CHARLES J. WIGHT; and
TARA J. WIGHT,

Defendants.

Case No.: A-14-693882-C
Dept.: II

**ORDER GRANTING MOTION TO
DISMISS**

Defendant, Green Tree Servicing LLC's Motion to Dismiss Pursuant to NRCP 12(b)(5) having come before the Honorable Valorie Vega, on April 2, 2014, at 9:30 a.m.; Defendant was represented by and through Christopher S. Connell, Esq. of the law firm of Brooks Bauer LLP; Plaintiff was represented by Kelly M. Perry, Esq;

The Court, having reviewed Defendant's Motion and Plaintiff's Opposition, the representations of counsel, the papers and pleadings on file herein, and good cause appearing makes the following Findings and Orders:

1 The Court has considered the oral and written arguments of the parties. Based thereon, the
2 Court finds as follows:

- 3 1. Plaintiff has failed to state a claim upon which relief can be granted, pursuant to NRCP
4 12(b)(5).
5 2. Motion to Dismiss GRANTED pursuant to NRCP 12(b)(5) and Simpson v. Mars, 113
6 Nev. 188 (1991) and Vacation Village v. Hitachi America, 110 Nev. 481 (1994) and NRS
7 116.3116 and Diakonos Holdings, LLC v. Countrywide Home Loans, Inc. 2013,
8 WL531092, Dist. Nec 2/11/13.
9 3. Request for Judicial Notice taken pursuant to EDCR 2.20 and NRS 47.130.
10 4. Countermotion to Stay proceedings DENIED for lack of authority, this ruling will not
11 preclude Plaintiff's counsel from pursuing a stipulation and order for a stay should that be
12 warranted and oral request for 54(b) Certification GRANTED pursuant to EDCR 2.20.

13 NOW THEREFORE IT IS HEREBY ORDERED that Defendant Green Tree Servicing
14 LLC's Motion to Dismiss Pursuant to NRCP 12(b)(5) be, and is hereby GRANTED in its
15 entirety.

16 IT IS FURTHER ORDERED that all claims against Defendant Green Tree Servicing LLC
17 are adjudicated in favor of Defendant Green Tree Servicing LLC.

18 IT IS FURTHER ORDERED that Plaintiff's Countermotion to Stay Proceedings is
19 denied.

20 IT IS FURTHER ORDERED Plaintiff's request that the court's ruling on this matter be
21 certified under the provisions of NRCP 54(b) is also granted. The Court has made an express
22 determination that there is no just reason for delay and expressly directs entry of judgment in
23 favor of Defendant Green Tree Servicing LLC and against the Plaintiff.

24 **IT IS SO ORDERED.**

25 DATED this 30th day of April, 2014.

26 BY THE COURT:

27 
28 DISTRICT COURT JUDGE 

BROOKS BAUER LLP

1645 VILLAGE CENTER CIRCLE, SUITE 200, LAS VEGAS, NV 89134
TELEPHONE: (702) 851-1191 FAX: (702) 851-1198

1 Submitted by:

2 BROOKS BAUER LLP

3 
4 By: _____

5 Michael R. Brooks, Esq. NV Bar No. 7287

6 Christopher S. Connell, Esq. NV Bar No. 12720

7 *Attorneys for Defendant Green Tree Servicing LLC*

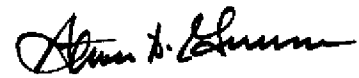
8 Reviewed by: _____

9 By:  _____

10 Michael F. Bohn, Esq.

11 Kelly M. Perri, Esq.

12 *Attorneys for Plaintiff Saticoy Bay LLC Series 133 McLaren Street*



CLERK OF THE COURT

1 **NEOJ**
2 Michael R. Brooks, Esq.
3 Nevada Bar No. 7287
4 mbrooks@brooksbaauer.com
5 Alia A. Najjar, M.D., Esq.
6 Nevada Bar No. 12832
7 anajjar@brooksbaauer.com
8 **BROOKS BAUER LLP**
9 1645 Village Center Circle, Suite 200
10 Las Vegas, NV 89134
11 Tel: (702) 851-1191
12 Fax: (702) 851-1198
13 *Attorneys for Defendant Green Tree Servicing, LLC*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 SATICOY BAY LLC SERIES 133
11 MCLAREN

Case No.: A-14-693882-C
Dept.: II

12 Plaintiff,

13 vs.

14 GREEN TREE SERVICING LLC; THE BANK
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17 TO JP MORGAN CHASE BANK, N.A., AS
18 TRUSTEE FOR THE CERTIFICATE HOLDERS
19 OF CWABS MASTER TRUST, REVOLVING
HOME EQUITY LOAN ASSET BACKED
NOTES, SERIES 2004-T; NATIONAL DEFAULT
SERVICING CORPORATION; CTC REAL
ESTATE SERVICES; CHARLES J. WIGHT; and
TARA J. WIGHT,

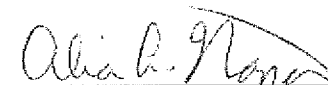
20 Defendants.

NOTICE OF ENTRY OF ORDER

22 PLEASE TAKE NOTICE that the Order Granting Motion to Dismiss was entered in the
23 above-captioned matter on the 7th day of May, 2014, a copy of which is attached hereto.

24 DATED this 14th day of May, 2014.

25 **BROOKS BAUER LLP**

26 By: 
27 Michael R. Brooks, Esq. NV Bar No. 7287
28 Alia A. Najjar, M.D., Esq. NV Bar No. 12832
Attorneys for Defendant Green Tree Servicing, LLC

BROOKS BAUER LLP
1645 VILLAGE CENTER CIRCLE, SUITE 200, LAS VEGAS, NV 89134
TELEPHONE: (702) 851-1191 FAX: (702) 851-1198

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Brooks Bauer LLP, 1645 Village Center Circle, Suite 200, Las Vegas, Nevada 89134.

On this day, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** on the parties in said action or proceeding by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

MICHAEL F. BOHN, ESQ.
mbohn@bohnlawfirm.com
LAW OFFICES OF MICHAEL F.
BOHN, ESQ., LTD.
376 East Warm Springs Road, Ste. 125
Las Vegas, Nevada 89119
Attorneys for Plaintiff
SATICOY BAY LLC SERIES 133
MCLAREN

and placing the envelope in the mail bin at the firm's office.

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it is deposited with the U.S. Postal Service on the same day it is placed in the mail bin, with postage thereon fully prepaid at Las Vegas, Nevada, in the ordinary course of business.

I certify under penalty of perjury that the foregoing is true and correct and that this Certificate of Service was executed by me on the 14th day of May, 2014, at Las Vegas, Nevada.


An Employee of BROOKS BAUER LLP


CLERK OF THE COURT

ORDR

Michael R. Brooks, Esq.
Nevada Bar No. 7287
mbrooks@brooksbaauer.com
Christopher S. Connell, Esq.
Nevada Bar No. 12720
cconnell@brooksbaauer.com
BROOKS BAUER LLP
1645 Village Center Circle, Suite 200
Las Vegas, NV 89134
Tel: (702) 851-1191
Fax: (702) 851-1198
Attorneys for Defendant Green Tree Servicing LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

SATICOY BAY LLC DERIES 133 MCLAREN

Plaintiff,

vs.

GREEN TREE SERVICING LLC; THE BANK
OF NEW YORK MELLON FKA THE BBANK
OF NEW YORK, AS SUCCESSOR TRUSTEE
TO JP MORGAN CHASE BANK, N.A., AS
TRUSTEE FOR THE CERTIFICATE HOLDERS
OF CWABS MASTER TRUST, REVOLVING
HOME EQUITY LOAN ASSET BACKED
NOTES, SERIES 2004-T; NATIONAL DEFAULT
SERVICING CORPORATION; CTC REAL
ESTATE SERVICES; CHARLES J. WIGHT; and
TARA J. WIGHT,

Defendants.

Case No.: A-14-693882-C
Dept.: II

**ORDER GRANTING MOTION TO
DISMISS**

Defendant, Green Tree Servicing LLC's Motion to Dismiss Pursuant to NRCP 12(b)(5) having come before the Honorable Valorie Vega, on April 2, 2014, at 9:30 a.m.; Defendant was represented by and through Christopher S. Connell, Esq. of the law firm of Brooks Bauer LLP; Plaintiff was represented by Kelly M. Perry, Esq;

The Court, having reviewed Defendant's Motion and Plaintiff's Opposition, the representations of counsel, the papers and pleadings on file herein, and good cause appearing makes the following Findings and Orders:

1 The Court has considered the oral and written arguments of the parties. Based thereon, the
2 Court finds as follows:

- 3 1. Plaintiff has failed to state a claim upon which relief can be granted, pursuant to NRCP
4 12(b)(5).
5 2. Motion to Dismiss GRANTED pursuant to NRCP 12(b)(5) and Simpson v. Mars, 113
6 Nev. 188 (1991) and Vacation Village v. Hitachi America, 110 Nev. 481 (1994) and NRS
7 116.3116 and Diakonos Holdings, LLC v. Countrywide Home Loans, Inc. 2013,
8 WL531092, Dist. Nec 2/11/13.
9 3. Request for Judicial Notice taken pursuant to EDCR 2.20 and NRS 47.130.
10 4. Countermotion to Stay proceedings DENIED for lack of authority, this ruling will not
11 preclude Plaintiff's counsel from pursuing a stipulation and order for a stay should that be
12 warranted and oral request for 54(b) Certification GRANTED pursuant to EDCR 2.20.

13 NOW THEREFORE IT IS HEREBY ORDERED that Defendant Green Tree Servicing
14 LLC's Motion to Dismiss Pursuant to NRCP 12(b)(5) be, and is hereby GRANTED in its
15 entirety.

16 IT IS FURTHER ORDERED that all claims against Defendant Green Tree Servicing LLC
17 are adjudicated in favor of Defendant Green Tree Servicing LLC.

18 IT IS FURTHER ORDERED that Plaintiff's Countermotion to Stay Proceedings is
19 denied.

20 IT IS FURTHER ORDERED Plaintiff's request that the court's ruling on this matter be
21 certified under the provisions of NRCP 54(b) is also granted. The Court has made an express
22 determination that there is no just reason for delay and expressly directs entry of judgment in
23 favor of Defendant Green Tree Servicing LLC and against the Plaintiff.

24 IT IS SO ORDERED.

25 DATED this 24th day of April, 2014.

26 BY THE COURT:

27 
28 DISTRICT COURT JUDGE 

BROOKS BAUER LLP

1645 VILLAGE CENTER CIRCLE, SUITE 200, LAS VEGAS, NV 89134
TELEPHONE: (702) 851-1191 FAX: (702) 851-1198

1 Submitted by:

2 BROOKS BAUER LLP

3 
4 By: _____

5 Michael R. Brooks, Esq. NV Bar No. 7287
6 Christopher S. Connell, Esq. NV Bar No. 12720

7 *Attorneys for Defendant Green Tree Servicing LLC*

8 Reviewed by: _____

9 By:  _____

10 Michael F. Bohn, Esq.
11 Kelly M. Perri, Esq.

12 *Attorneys for Plaintiff Saticoy Bay LLC Series 133 McLaren Street*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	March 19, 2014
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A-14-693882-C	Saticoy Bay LLC Series 133 McClaren, Plaintiff(s) vs. Green Tree Servicing LLC, Defendant(s)
---------------	--

March 19, 2014	9:00 AM	All Pending Motions
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HEARD BY: Vega, Valorie J.	COURTROOM: RJC Courtroom 16B
----------------------------	------------------------------

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Bohn, Michael F	Attorney
	Connell, Christopher S.	Attorney
	Perri, Kelly M.	Attorney

JOURNAL ENTRIES

- MOTION TO DISMISS PURSUANT TO NRCP 12(b)(5); REQUEST FOR JUDICIAL NOTICE.....OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTION TO STAY CASE

Argument by Mr. Connell to Dismiss. Mr. Bohn asked to continue to check the date the HOA sold its lien. Court noted the sale occurred 10/29th and the Trustee's Deed upon Sale was filed 11/26th. Mr. Bohn advised if they can work it out they may do a stipulation. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 4/02/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	April 02, 2014
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A-14-693882-C	Saticoy Bay LLC Series 133 McClaren, Plaintiff(s) vs. Green Tree Servicing LLC, Defendant(s)
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April 02, 2014	9:30 AM	All Pending Motions
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HEARD BY: Vega, Valorie J. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Connell, Christopher S.	Attorney
	Perri, Kelly M.	Attorney

JOURNAL ENTRIES

- Mr. Connell advised it's a status quo. Ms. Perri advised if granted, she asked for a stay and if not then she asked for a 54(b) Certification. Court stated her findings, and ORDERED, Motion to Dismiss GRANTED pursuant to NRCp 12(b)(5) and Simpson v. Mars, 113 Nev. 188 (1997) and Vacation Village v. Hitachi America, 110 Nev. 481 (1994) and NRS 116.3116 and Diakonos Holdings, LLC v. Countrywide Home Loans, Inc. 2013, WL531092, Dist. Nev. 2/11/13; and request for Judicial Notice taken pursuant to EDCR 2.20 and NRS 47.130; and Countermotion to Stay proceedings DENIED for lack of authority, this ruling will not preclude Plaintiff counsel from pursuing a stipulation and order for a stay should that be warranted and oral request for 54(b) Certification GRANTED pursuant to EDCR 2.20. Mr. Connell to prepare the order.



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

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

DATE: May 19, 2014
CASE: A693882

RE CASE: SATICOY BAY, LLC SERIES 133 MCLAREN vs. GREEN TREE SERVICING, LLC; THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS MASTER TRUST, REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-T; NATIONAL DEFAULT SERVICING CORPORATION; CTC REAL ESTATE SERVICES; CHARLES J. WIGHT; TARA J. WIGHT

NOTICE OF APPEAL FILED: May 15, 2014

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SATICOY BAY, LLC SERIES 133 MCLAREN,

Plaintiff(s),

vs.

GREEN TREE SERVICING, LLC; THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS MASTER TRUST, REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-T; NATIONAL DEFAULT SERVICING CORPORATION; CTC REAL ESTATE SERVICES; CHARLES J. WIGHT; TARA J. WIGHT,

Defendant(s),

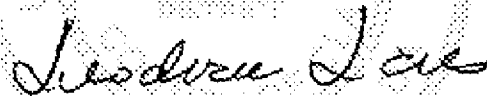
Case No: A693882

Dept No: II

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 19 day of May 2014.

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk