

CLERK OF THE COURT

Electronically Filed  
Sep 24 2014 11:39 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

1 Michael Stein, Esq.  
2 Nevada Bar No. 4760  
3 SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway  
Suite 1100  
Las Vegas, NV 89169  
4 Telephone (702) 784-5200  
5 Email: [mstein@swlaw.com](mailto:mstein@swlaw.com)  
6 *Attorneys for Plaintiff*  
7 *Bank of Nevada, a Nevada banking corporation*

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10  
11 BANK OF NEVADA, a Nevada banking  
12 corporation,

13 Plaintiff,

14 vs.

15 MURRAY PETERSEN, an individual,

16 Defendant.

Case No.: A-13-680012-C

Dept. No.: I

17  
18 NOTICE OF APPEAL

19 NOTICE is hereby given that Plaintiff BANK OF NEVADA hereby appeals to the  
20 Supreme Court of Nevada from the following: (1) Order Denying Plaintiff's Motion for  
21 Summary Judgment and Order Granting Defendant's Countermotion for Summary Judgment  
22 entered on May 8, 2014 attached hereto as Exhibit 1; (2) Findings of Fact, Conclusions of Law  
23 and Judgment entered on May 8, 2014 attached hereto as Exhibit 2; and (3) Order Denying

24 ///

25 ///

26 ///

27 ///

28

Snell & Wilmer

LLP  
LAW OFFICES  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
(702) 784-5200

1 Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment entered on September 17, 2014,  
2 attached hereto as Exhibit 3.

3 Dated: September 17, 2014

SNELL & WILMER L.L.P.

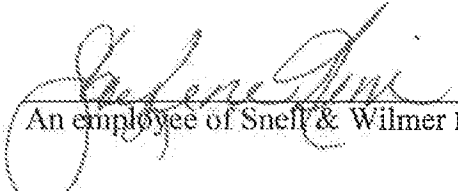
4  
5 By: 

Michael Stein, Esq. (Bar No. 4760)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169

*Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

As an employee of Snell & Wilmer L.L.P., I certify that I served a copy of the foregoing  
NOTICE OF APPEAL on September 22, 2014, on the parties via Wiznet, the Court's E-  
Service Program.

  
An employee of Snell & Wilmer L.L.P.

**EXHIBIT 1**

**EXHIBIT 1**

May 1, 2019 5:39:01

1 Court having reviewed the pertinent pleadings and the relevant papers, and good cause  
2 appearing:

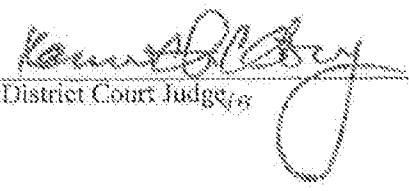
3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant  
4 Murray Petersen's Counter Motion For Summary Judgment be and the same hereby is  
5 granted.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's  
7 Motion For Summary Judgment be and the same hereby is denied in all respects.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff take  
9 nothing by virtue of its complaint herein.

10 **IT IS SO ORDERED.**

11 DATED this 7 day of May 2014.

12  
13   
District Court Judge

14 SUBMITTED BY:

15 THE MCKNIGHT LAW FIRM, PLLC

16 By: 

17 Richard McKnight, Esq.  
18 Nevada State Bar No. 1313  
528 S. Casino Center Blvd. #335  
19 Las Vegas, Nevada 89101  
Attorneys for Defendant Murray Petersen

20 APPROVED AS EMBODYING THE ORDER OF THE COURT:

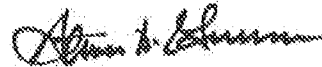
21 SNELL & WILMER, LLP

22  
23 By: 

24 Michael D. Stein, Esq.  
Nevada State Bar No. 4760  
25 Brian R. Reeve, Esq.  
Nevada State Bar No. 10197  
3883 Howard Hughes Pkwy., #1100  
26 Las Vegas, Nevada 89169  
Attorneys for Plaintiff Bank of Nevada

**EXHIBIT 2**

**EXHIBIT 2**



CLERK OF THE COURT

FFCL  
Richard McKnight, Esq.  
Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
Phone: 702-388-7185  
Fax: 702-589-9882

DISTRICT COURT  
CLARK COUNTY, NEVADA

BANK OF NEVADA, a Nevada banking  
corporation,

Plaintiff,

vs.

MURRAY PETERSEN, an individual,

Defendant.

Case No A-13-680012-C

Dept. No 1

Date: 4/15/2014

Time: 9:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

Plaintiff's motion for summary judgment and Defendant's counter motion for summary judgment having come on regularly for hearing this 15<sup>th</sup> day of April 2014; Richard McKnight, Esq. appearing on behalf of Defendant Petersen and Michael Stein, Esq. and Brian Reeve, Esq. appearing on behalf of Plaintiff Bank of Nevada the court sets forth the following undisputed material facts, Conclusions of Law and Judgment:

1. Red Card, LLC ("Red Card") executed a Promissory Note (Note A) dated March 30, 2011 in favor of Bank of Nevada, pursuant to which it promised to pay Bank of Nevada the principal amount of \$1,444,898 with interest on the unpaid principal balance from the date of the Note until paid ("Note A").

2. Red Card executed a Promissory Note (Note B) dated March 30, 2011 in favor of Bank of Nevada, pursuant to which it promised to pay Bank of Nevada the principal amount of \$1,092,591 with interest on the unpaid principal balance from the date of the Note



1 until paid ("Note B").

2 3. Red Card, as Grantor, executed a First Deed of Trust dated March 30, 2011 for  
3 the benefit of Bank of Nevada.

4 4. The First Deed of Trust was recorded in Clark County, Nevada, on March 31,  
5 2011 as Instrument No. 201103310004688, Official Records, Clark County, Nevada.

6 5. The First Deed of Trust encumbered the land described in Exhibit A attached  
7 to the First Deed of Trust and commonly known as 8490 Westcliff Dr., Las Vegas, Nevada  
8 89145 bearing Assessor Parcel No. 138-28-401-009 (the "Property").

9 6. Red Card, as Grantor, executed a Second Deed of Trust dated March 30, 2011  
10 for the benefit of Bank of Nevada.

11 7. The Second Deed of Trust was recorded in Clark County, Nevada, on April 1,  
12 2011 as Instrument No. 2011004010000103, Official Records, Clark County, Nevada and also  
13 encumbered the Property.

14 8. Under the Loan Documents, an Event of Default has occurred if Red Card fails  
15 to make any payment when due under the Loan.

16 9. Petersen executed a Commercial Guaranty dated March 30, 2011 in favor of  
17 Bank of Nevada.

18 10. Under the terms of the Commercial Guaranty, Petersen absolutely and  
19 unconditionally guaranteed full and punctual payment and satisfaction of the Indebtedness, as  
20 defined therein, of Red Card to Bank of Nevada, and the performance and discharge of all Red  
21 Card's obligations under the note and the related documents, as defined therein.

22 11. Pursuant to NRS 40.495 and the terms set forth in the "GUARANTOR'S  
23 WAIVERS" section of the Commercial Guaranty, Petersen waived the provisions of NRS  
24 40.430.

25 12. Red Card failed to make the monthly payments due on September 30, 2011,  
26 and all subsequent payments ("Payment Default"). Petersen, as Guarantor, did not make the  
27 required payments under the Loan as agreed in the Commercial Guaranty.

28

1           13.     Plaintiff caused its legal counsel to provide Red Card and Petersen written  
2 Notice of Defaults and Acceleration and Demand for Payment and Cure (the "Letter of  
3 Default").

4           14.     In the Letter of Default, Plaintiff's counsel reminded Red Card and Petersen  
5 that the entire unpaid principal balance under the Note with all accrued and unpaid interest  
6 was immediately due and that the breaches not related to the "Indebtedness" had to be cured.

7           15.     On December 22, 2011, Plaintiff recorded a "Notice of Breach and Election to  
8 Sell Under Deed of Trust" in Clark County, Nevada as Instrument No. 201112220000692  
9 pursuant to the First Deed of Trust and Second Deed of Trust.

10          16.     Plaintiff filed its Complaint in this action on April 12, 2013. The amount of  
11 indebtedness due as of that date was \$3,099,798.29.

12          17.     On June 18, 2013, the Property was sold via trustee's sale with Plaintiff  
13 purchasing the Property for the sum of \$1,400,000. The Plaintiff took ownership through a  
14 credit bid at the trustee's sale.

15          18.     On December 13, 2013, this Court entered a Stipulation and Order pursuant to  
16 which Plaintiff and Petersen agreed that the fair market value of the Property, as of the  
17 commencement of this action, was \$1,990,000.

18          19.     NRCp 7(b)(1) provides that "[a]n application to the court for an order shall be  
19 by motion which, unless made during a hearing or trial, shall be made in writing, shall state  
20 with particularity the grounds therefor, and shall set forth the relief or order sought."

21          20.     On January 16, 2014 Plaintiff filed its motion for summary judgment.

22          21.     Petersen filed his Opposition to Plaintiff's Motion for Summary Judgment and  
23 Defendant's Counter Motion for Summary Judgment on March 20, 2014 and mailed it on the  
24 same day. Although filed, the court clerk rejected the filing for fees and the motion had to be  
25 refiled, the opposition was timely mailed.

26                                   **CONCLUSIONS OF LAW**

27          1.     The Court concludes that NRS 40.455(1) applies in guarantor deficiency

28

1 actions.

2 2. Plaintiff did not file an application within six months of the trustee's sale under  
3 NRS 40.455(1).

4 3. The court did not understand the citation of *Lavi v. Eighth Judicial Dist. Court*  
5 *of State ex rel. County of Clark*, 2013 WL 3278563, to be cited as precedent but rather as a  
6 means for dispute settling.

7 4. Petersen's opposition to the Bank's Motion for Summary Judgment was  
8 timely.


9 5. Defendant, Murray Petersen, is entitled to judgment in his favor on his motion  
10 for summary judgment.

11 DATED this 7 day of May 2014.

12  
13   
District Court Judge RB

14 SUBMITTED BY:

15 THE MCKNIGHT LAW FIRM, PLLC

16 By: 

17 Richard McKnight, Esq.  
18 Nevada State Bar No. 1313  
528 S. Casino Center Blvd. #335  
19 Las Vegas, Nevada 89101  
Attorneys for Defendant Murray Petersen

20 APPROVED AS EMBODYING THE ORDER OF THE COURT:

21 SNELL & WILMER, LLP

22  
23 By: 

24 Michael D. Stein, Esq.  
Nevada State Bar No. 4760  
25 Brian R. Reeve, Esq.  
Nevada State Bar No. 10197  
3883 Howard Hughes Pkwy., #1100  
26 Las Vegas, Nevada 89169  
Attorneys for Plaintiff Bank of Nevada  
27  
28

**EXHIBIT 3**

**EXHIBIT 3**



CLERK OF THE COURT

1 ORDR  
Richard McKnight, Esq.  
2 Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
3 528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
4 Phone: 702-388-7185  
Fax: 702-589-9882  
5 *Attorneys for Defendant Murray Petersen*

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 BANK OF NEVADA, a Nevada banking  
9 corporation,

10 Plaintiff,

11 vs.

12 MURRAY PETERSEN, an individual,

13 Defendant.

Case No A-13-680012-C

Dept. No I

Date: September 9, 2014  
Time: 10:00 a.m.

14  
15 **ORDER DENYING PLAINTIFF'S RULE 59(e) MOTION TO ALTER OR**  
16 **AMEND JUDGMENT**

17 Plaintiff, Bank of Nevada's Rule 59(e) Motion To Alter Or Amend Judgment having  
18 been filed with this Court on May 23, 2014; Defendant Murray Petersen's Opposition To  
19 Motion To Alter Or Amend having been filed on June 6, 2014; Plaintiff's Reply in Support Of  
20 Rule 59(e) Motion To Alter Or Amend Judgment having been filed on June 16, 2014 ;  
21 Supplemental Points And Authorities In Support Of Defendant's Motion For Summary  
22 Judgment And In Opposition To Plaintiff's Motion For Summary Judgment having been filed  
23 on July 3, 2014; and Plaintiff's Supplemental Brief Regarding Lavi v. Eighth Judicial District  
24 Court then being filed on July 28, 2014, and Richard McKnight, Esq. of The McKnight Law  
25 Firm, PLLC appearing for Defendant Murray Petersen, and Michael D. Stein, Esq. of Snell &  
26 Wilmer, LLP, appearing for Plaintiff Bank of Nevada, and this matter having come before the  
27 Honorable Kenneth Cory, and the Court having heard the arguments of the parties, and the

1 Court having reviewed the pertinent pleadings and the relevant papers, and good cause  
2 appearing:

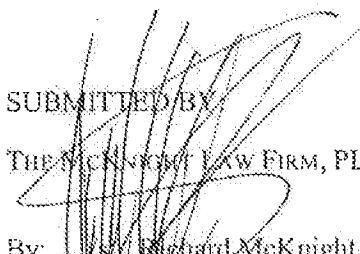
3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Rule  
4 59(e) Motion To Alter Or Amend Judgment be, and the same hereby is, denied in all respects.

5 DATED this 16 day of September 2014.

6  
7   
District Court Judge

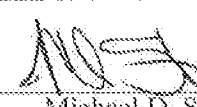
8 SUBMITTED BY:

9 THE MCKNIGHT LAW FIRM, PLLC

10 By:   
11 Richard McKnight, Esq.  
12 Nevada State Bar No. 1313  
13 128 S. Casino Center Blvd. #335  
Las Vegas, Nevada 89101  
*Attorneys for Defendant Murray Petersen*

14 APPROVED AS EMBODYING THE ORDER OF THE COURT:

15 SNELL & WILMER, LLP

16  
17 By:   
18 Michael D. Stein, Esq.  
19 Nevada State Bar No. 4760  
3883 Howard Hughes Pkwy., #1100  
Las Vegas, Nevada 89169  
*Attorneys for Plaintiff Bank of Nevada*

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-13-680012-C**

**Bank of Nevada, Plaintiff(s)**  
**vs.**  
**Peterson Murray, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 1**  
Judicial Officer: **Cory, Kenneth**  
Filed on: **04/12/2013**  
Cross-Reference Case Number: **A680012**

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CASE INFORMATION

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**Statistical Closures**  
05/08/2014      Summary Judgment

Case Type: **Breach of Contract**  
Subtype: **Guarantee**  
Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**  
**Arbitration Exemption Granted**

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DATE

CASE ASSIGNMENT

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**Current Case Assignment**

Case Number	A-13-680012-C
Court	Department 1
Date Assigned	04/12/2013
Judicial Officer	Cory, Kenneth

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PARTY INFORMATION

---

**Plaintiff**      **Bank of Nevada**

*Lead Attorneys*  
**Stein, Michael D.**  
*Retained*  
702-784-5200(W)

**Defendant**      **Murray, Peterson**

**McKnight, Richard**  
*Retained*  
7023887185(W)






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DATE















EVENTS & ORDERS OF THE COURT

INDEX

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04/12/2013	Case Opened
04/12/2013	 Complaint Filed By: Plaintiff Bank of Nevada <i>Complaint</i>
04/23/2013	 Summons Filed by: Plaintiff Bank of Nevada <i>Summons</i>
05/20/2013	 Answer to Complaint Filed by: Defendant Murray, Peterson <i>Answer to Complaint</i>
05/20/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Murray, Peterson <i>Initial Appearance Fee Disclosure</i>
06/21/2013	 Demand for Jury Trial Filed By: Defendant Murray, Peterson <i>Demand for Jury Trial</i>

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-13-680012-C**

06/24/2013	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
07/25/2013	 Joint Case Conference Report Filed By: Plaintiff Bank of Nevada <i>Joint Case Conference Report</i>
08/02/2013	 Scheduling Order <i>Scheduling Order</i>
08/13/2013	 Disclosure Statement Party: Plaintiff Bank of Nevada <i>Disclosure Statement Pursuant to NRCP 7.1</i>
08/16/2013	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
09/11/2013	 Motion to Strike Filed By: Plaintiff Bank of Nevada <i>Motion to Strike Jury Demand</i>
09/12/2013	 Certificate of Mailing Filed By: Plaintiff Bank of Nevada <i>Amended Certificate of Mailing</i>
09/17/2013	 Opposition to Motion Filed By: Defendant Murray, Peterson <i>Opposition To Motion To Strike Jury Demand</i>
10/07/2013	 Reply in Support Filed By: Plaintiff Bank of Nevada <i>Reply In Support of Plaintiff's Motion to Strike Jury Demand</i>
10/14/2013	 <b>Motion to Strike</b> (3:00 AM) (Judicial Officer: Cory, Kenneth) <b>10/14/2013, 11/14/2013, 11/21/2013</b> <i>Plaintiff's Motion to Strike Jury Demand</i> <i>Parties Present: Attorney McKnight, Richard</i> <i>Attorney Reeve, Brian R.</i> <i>Attorney Reeve, Brian R.</i>
12/13/2013	 Stipulation and Order Filed by: Plaintiff Bank of Nevada <i>Stipulation and Order</i>
12/16/2013	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Bank of Nevada <i>Notice of Entry of Stipulation and Order</i>
01/16/2014	 Motion for Summary Judgment Filed By: Plaintiff Bank of Nevada <i>Plaintiff's Motion for Summary Judgment</i>
01/30/2014	 Notice of Entry of Order



CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-13-680012-C**







	Filed By: Plaintiff Bank of Nevada <i>Notice of Entry of Order</i>
01/30/2014	 Stipulation and Order Filed by: Plaintiff Bank of Nevada <i>Stipulation and Order</i>
02/27/2014	 <b>Pretrial/Calendar Call</b> (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Parties Present: Attorney McKnight, Richard</i> <i>Attorney Reeve, Brian R.</i>
03/06/2014	 Stipulation and Order Filed by: Defendant Murray, Peterson <i>Stipulation And Order</i>
03/07/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Bank of Nevada <i>Notice Of Entry Of Order</i>
03/17/2014	<b>CANCELED Bench Trial</b> (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
03/21/2014	 Countermotion For Summary Judgment Filed By: Defendant Murray, Peterson <i>Opposition To Motion For Summary Judgment Crossmotion For Summary Judgment</i>
04/03/2014	 Reply in Support Filed By: Plaintiff Bank of Nevada <i>Plaintiff's Reply In Support of Motion for Summary Judgment and Opposition to</i> <i>Countermotion for Summary Judgment</i>
04/09/2014	 Reply to Opposition Filed by: Defendant Murray, Peterson <i>Reply To Opposition To Defendant's Motion For Summary Judgment</i>
04/15/2014	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiff's Motion for Summary Judgment</i>
04/15/2014	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Opposition To Motion For Summary Judgment Crossmotion For Summary</i> <i>Judgment</i>
04/15/2014	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Opposition to Motion for Summary Judgment...Defendant's Opposition To Motion</i> <i>For Summary Judgment Crossmotion For Summary Judgment</i> <i>Parties Present: Attorney McKnight, Richard</i> <i>Attorney Reeve, Brian R.</i> <i>Attorney Stein, Michael D.</i>
05/07/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings: All Pending Motions April 15, 2014</i>
05/08/2014	 <b>Pre Trial Conference</b> (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Parties Present: Attorney McKnight, Richard</i> <i>Attorney Reeve, Brian R.</i> <i>Attorney Stein, Michael D.</i>

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-13-680012-C**

05/08/2014	 Findings of Fact, Conclusions of Law and Judgment Filed by: Plaintiff Bank of Nevada <i>Findings of Fact, Conclusions of Law and Judgment</i>
05/08/2014	 Order Filed By: Defendant Murray, Peterson <i>Order Denying Plaintiff's Motion For Summary Judgment and Order Granting Defendant's Countermotion for Summary Judgment</i>
05/08/2014	<b>Summary Judgment</b> (Judicial Officer: Cory, Kenneth) Debtors: Bank of Nevada (Plaintiff) Creditors: Peterson Murray (Defendant) Judgment: 05/08/2014, Docketed: 05/15/2014
05/08/2014	<b>Summary Judgment</b> (Judicial Officer: Cory, Kenneth) Debtors: Bank of Nevada (Plaintiff) Creditors: Peterson Murray (Defendant) Judgment: 05/08/2014, Docketed: 06/03/2014
05/09/2014	 Memorandum of Costs and Disbursements Filed By: Plaintiff Bank of Nevada <i>Memorandum Of Costs</i>
05/09/2014	 Notice of Entry of Order Filed By: Plaintiff Bank of Nevada <i>Notice Of Entry Of Order</i>
05/09/2014	 Notice of Entry of Order Filed By: Plaintiff Bank of Nevada <i>Notice Of Entry of Order</i>
05/12/2014	 Certificate of Mailing Filed By: Defendant Murray, Peterson <i>Certificate of Mailing</i>
05/23/2014	 Motion to Amend Judgment Filed By: Plaintiff Bank of Nevada <i>Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment</i>
05/27/2014	<b>CANCELED Bench Trial</b> (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated - Case Closed</i>
06/06/2014	 Opposition to Motion Filed By: Defendant Murray, Peterson <i>Opposition To Motion To Alter Or Amend</i>
06/16/2014	 Reply Filed by: Plaintiff Bank of Nevada <i>Plaintiff's Reply In Support of Rule 59(e) Motion to Alter or Amend Judgment</i>
06/23/2014	 <b>Motion to Amend Judgment</b> (3:00 AM) (Judicial Officer: Cory, Kenneth) <b>06/23/2014, 09/09/2014</b> <i>Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment</i> <i>Parties Present: Attorney McKnight, Richard</i>

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-13-680012-C**

Attorney Stein, Michael D.

07/02/2014	 <b>Minute Order</b> (3:30 PM) (Judicial Officer: Cory, Kenneth)
07/03/2014	 Supplemental Points and Authorities Filed by: Defendant Murray, Peterson <i>Supplemental Points and Authorities in Support of Defendant's Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment</i>
07/28/2014	 Supplemental Brief Filed By: Plaintiff Bank of Nevada <i>Plaintiff's Supplemental Brief Regarding Lavi v. Eighth Judicial District Court</i>
09/17/2014	 Order Denying Motion Filed By: Defendant Murray, Peterson <i>Order Denying Plaintiff's Rule 59(e) Motion To Alter Or Amend Judgment</i>
09/18/2014	 Notice of Entry of Order Filed By: Defendant Murray, Peterson <i>Notice Of Entry Of Order</i>
09/22/2014	 Notice of Appeal Filed By: Plaintiff Bank of Nevada <i>Notice of Appeal</i>

DATE	FINANCIAL INFORMATION																				
	<table> <tr> <td><b>Defendant</b> Murray, Peterson</td><td></td></tr> <tr> <td>Total Charges</td><td>423.00</td></tr> <tr> <td>Total Payments and Credits</td><td>423.00</td></tr> <tr> <td><b>Balance Due as of 9/23/2014</b></td><td><b>0.00</b></td></tr> <tr> <td> <b>Plaintiff</b> Bank of Nevada</td><td></td></tr> <tr> <td>Total Charges</td><td>494.00</td></tr> <tr> <td>Total Payments and Credits</td><td>494.00</td></tr> <tr> <td><b>Balance Due as of 9/23/2014</b></td><td><b>0.00</b></td></tr> <tr> <td> <b>Plaintiff</b> Bank of Nevada</td><td></td></tr> <tr> <td>Appeal Bond Balance as of 9/23/2014</td><td><b>500.00</b></td></tr> </table>	<b>Defendant</b> Murray, Peterson		Total Charges	423.00	Total Payments and Credits	423.00	<b>Balance Due as of 9/23/2014</b>	<b>0.00</b>	 <b>Plaintiff</b> Bank of Nevada		Total Charges	494.00	Total Payments and Credits	494.00	<b>Balance Due as of 9/23/2014</b>	<b>0.00</b>	 <b>Plaintiff</b> Bank of Nevada		Appeal Bond Balance as of 9/23/2014	<b>500.00</b>
<b>Defendant</b> Murray, Peterson																					
Total Charges	423.00																				
Total Payments and Credits	423.00																				
<b>Balance Due as of 9/23/2014</b>	<b>0.00</b>																				
 <b>Plaintiff</b> Bank of Nevada																					
Total Charges	494.00																				
Total Payments and Credits	494.00																				
<b>Balance Due as of 9/23/2014</b>	<b>0.00</b>																				
 <b>Plaintiff</b> Bank of Nevada																					
Appeal Bond Balance as of 9/23/2014	<b>500.00</b>																				

Clark County, Nevada

I

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**I. Party Information**

Plaintiff(s) (name/address/phone): BANK OF NEVADA, a Nevada banking corporation

Defendant(s) (name/address/phone): MURRAY PETERSON, an individual

Attorney (name/address/phone):

Michael Stein, Esq., Snell &amp; Wilmer, 3883 Howard Hughes Pkwy., #1100, Las Vegas, NV 89169, (702) 784-5200

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases****Real Property**

- ☐ **Landlord/Tenant**
- ☐ Unlawful Detainer
- ☐ **Title to Property**
- ☐ Foreclosure
- ☐ Liens
- ☐ Quiet Title
- ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
- ☐ Partition
- ☐ Planning/Zoning

**Torts**

- ☐ **Negligence**
- ☐ Negligence - Auto
- ☐ Negligence - Medical/Dental
- ☐ Negligence - Premises Liability (Slip/Fall)
- ☐ Negligence - Other
- ☐ **Product Liability**
- ☐ Product Liability/Motor Vehicle
- ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
- ☐ Torts/Defamation (Libel/Slander)
- ☐ Interfere with Contract Rights
- ☐ **Employment Torts (Wrongful termination)**
- ☐ **Other Torts**
- ☐ Anti-trust
- ☐ Fraud/Misrepresentation
- ☐ Insurance
- ☐ Legal Tort
- ☐ Unfair Competition

**Probate**

Estimated Estate Value: \_\_\_\_\_

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
- ☐ Individual Trustee
- ☐ Corporate Trustee
- ☐ **Other Probate**

**Other Civil Filing Types**

- ☐ **Construction Defect**
- ☐ Chapter 40
- ☐ General
- ☒ **Breach of Contract**
- ☐ Building & Construction
- ☐ Insurance Carrier
- ☐ Commercial Instrument
- ☐ Other Contracts/Acct/Judgment
- ☐ Collection of Actions
- ☐ Employment Contract
- ☒ Guarantee
- ☐ Sale Contract
- ☐ Uniform Commercial Code
- ☐ **Civil Petition for Judicial Review**
- ☐ Foreclosure Mediation
- ☐ Other Administrative Law
- ☐ Department of Motor Vehicles
- ☐ Worker's Compensation Appeal
- ☐ **Appeal from Lower Court (also check applicable civil case box)**
- ☐ Transfer from Justice Court
- ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
- ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
- ☐ Compromise of Minor's Claim
- ☐ Conversion of Property
- ☐ Damage to Property
- ☐ Employment Security
- ☐ Enforcement of Judgment
- ☐ Foreign Judgment - Civil
- ☐ Other Personal Property
- ☐ Recovery of Property
- ☐ Stockholder Suit
- ☐ Other Civil Matters

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

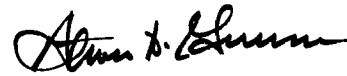
- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Act/8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

April 12, 2013

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 ORDR  
2 Richard McKnight, Esq.  
3 Nevada Bar No. 001313  
4 THE MCKNIGHT LAW FIRM, PLLC  
5 528 S. Casino Center Blvd., #335  
6 Las Vegas, Nevada 89101  
7 Phone: 702-388-7185  
8 Fax: 702-589-9882  
9 *Attorneys for Defendant Murray Petersen*

6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

8 BANK OF NEVADA, a Nevada banking  
9 corporation,

10 Plaintiff,

11 vs.

12 MURRAY PETERSEN, an individual,

13 Defendant.

Case No A-13-680012-C

Dept. No I

Date: 4/15/2014  
Time: 9:00 a.m.

FINAL DISPOSITIONS	
<input type="checkbox"/> Sum Jdgmt	<input type="checkbox"/> Time Limit Expired
<input type="checkbox"/> Non-Jury Trial	<input type="checkbox"/> Dismissed (with or without prejudice)
<input type="checkbox"/> Jury Trial	<input type="checkbox"/> Judgment Satisfied/Paid in full
<input type="checkbox"/> Slip Dis	<input type="checkbox"/> Default Jdgmt
<input type="checkbox"/> Slip Jdgmt	<input type="checkbox"/> Transferred
<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Judgment on A/R Award
<input type="checkbox"/> Involuntary (stay) Dis	<input type="checkbox"/> Min to Dis (by debt)

15 **ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT and**  
16 **ORDER GRANTING DEFENDANT'S COUNTERMOTION**  
17 **FOR SUMMARY JUDGMENT**

18 Plaintiff, Bank of Nevada's Motion For Summary Judgment having been filed with  
19 this Court on January 16, 2014; Defendant Murray Petersen's Opposition To Motion For  
20 Summary Judgment, Countermotion For Summary Judgment having been filed on March 20,  
21 2014; Plaintiff's Reply in Support Of Motion For Summary Judgment And Opposition To  
22 Counter motion For Summary Judgment having been filed on April 3, 2014; and a Reply To  
23 Opposition To Defendant's Motion For Summary Judgment then being filed on April 9, 2014,  
24 and Richard McKnight, Esq. of The McKnight Law Firm, PLLC appearing for Defendant  
25 Murray Petersen, and Michael D. Stein, Esq. and Brian R. Reeve, Esq. of Snell & Wilmer,  
26 LLP, appearing for Plaintiff Bank of Nevada, and this matter having come before the  
27 Honorable Kenneth Cory, and the Court having heard the arguments of the parties, and the  
28

1 Court having reviewed the pertinent pleadings and the relevant papers, and good cause  
2 appearing:

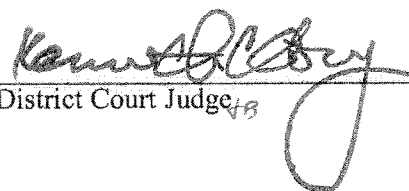
3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant  
4 Murray Petersen's Counter Motion For Summary Judgment be and the same hereby is  
5 granted.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's  
7 Motion For Summary Judgment be and the same hereby is denied in all respects.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff take  
9 nothing by virtue of its complaint herein.

10 **IT IS SO ORDERED.**

11 DATED this 7 day of May 2014.

12   
13 District Court Judge <sup>VB</sup>

14 SUBMITTED BY:

15 THE MCKNIGHT LAW FIRM, PLLC

16 By: 

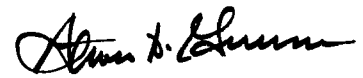
17 Richard McKnight, Esq.  
18 Nevada State Bar No. 1313  
528 S. Casino Center Blvd. #335  
19 Las Vegas, Nevada 89101  
*Attorneys for Defendant Murray Petersen*

20 APPROVED AS EMBODYING THE ORDER OF THE COURT:

21 SNELL & WILMER, LLP

22 By: 

23 Michael D. Stein, Esq.  
24 Nevada State Bar No. 4760  
25 Brian R. Reeve, Esq.  
Nevada State Bar No. 10197  
3883 Howard Hughes Pkwy., #1100  
26 Las Vegas, Nevada 89169  
27 *Attorneys for Plaintiff Bank of Nevada*



CLERK OF THE COURT

Richard McKnight, Esq.  
Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
Phone: 702-388-7185  
Fax: 702-589-9882

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

BANK OF NEVADA, a Nevada banking  
corporation,

Plaintiff,

vs.

MURRAY PETERSEN, an individual,

Defendant.

Case No A-13-680012-C

Dept. No I

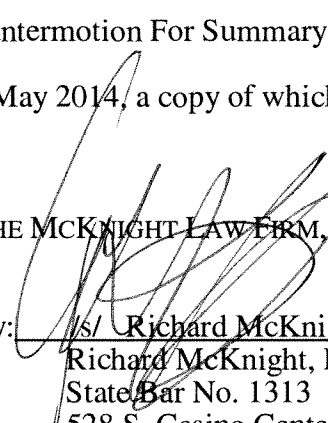
Date:  
Time:

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that the Order Denying Plaintiff's Motion For Summary Judgment and Order Granting Defendant's Countermotion For Summary Judgment was entered by the Clerk of Court on the 8<sup>th</sup> day of May 2014, a copy of which is attached.

DATED this 9<sup>th</sup> day of May 2014.

THE MCKNIGHT LAW FIRM, PLLC

By:  /s/ Richard McKnight  
Richard McKnight, Esq.  
State Bar No. 1313  
528 S. Casino Center Blvd., #335  
Las Vegas, NV 89101  
Attorneys for Murray Petersen

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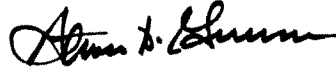
CERTIFICATE OF MAILING

I hereby certify that on this 9<sup>th</sup> day of May 2014, I mailed first-class, postage paid, a true and correct copy of the foregoing Notice Of Entry Of Order to the following:

Michael D. Stein, Esq.  
Brian R.Reeve, Esq.  
SNELL & WILMER, LLP  
3883 Howard Hughes Pkwy., #1100  
Las Vegas, NV 89169  
*Attorneys for Bank of Nevada*

/s/ Gwen Kopang  
An Employee of The McKnight Law Firm, PLLC





CLERK OF THE COURT

1 ORDER  
2 Richard McKnight, Esq.  
3 Nevada Bar No. 001313  
4 THE MCKNIGHT LAW FIRM, PLLC  
5 528 S. Casino Center Blvd., #335  
6 Las Vegas, Nevada 89101  
7 Phone: 702-388-7185  
8 Fax: 702-589-9882  
9 Attorneys for Defendant Murray Petersen

DISTRICT COURT

CLARK COUNTY, NEVADA

8 BANK OF NEVADA, a Nevada banking  
9 corporation,

Plaintiff,

11 vs.

12 MURRAY PETERSEN, an individual,

13 Defendant.

Case No A-13-680012-C

Dept. No I

Date: 4/15/2014

Time: 9:00 a.m.

FINAL DISPOSITIONS	
<input type="checkbox"/> Time Limit Expired	<input type="checkbox"/> Dismissed (with or without prejudice)
<input type="checkbox"/> Judgment Satisfied/Paid in full	
<input checked="" type="checkbox"/> Summary Judgment	<input type="checkbox"/> Non-Jury Trial
<input type="checkbox"/> Jury Trial	
<input type="checkbox"/> Stay Dis	<input type="checkbox"/> Stay Judgment
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Transferred
<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Involuntary (stat) Dis
<input type="checkbox"/> Judgment on A/D Award	<input type="checkbox"/> Motion Dis (by deft)

15 **ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT and**  
16 **ORDER GRANTING DEFENDANT'S COUNTERMOTION**  
17 **FOR SUMMARY JUDGMENT**

18 Plaintiff, Bank of Nevada's Motion For Summary Judgment having been filed with  
19 this Court on January 16, 2014; Defendant Murray Petersen's Opposition To Motion For  
20 Summary Judgment, Countermotion For Summary Judgment having been filed on March 20,  
21 2014; Plaintiff's Reply in Support Of Motion For Summary Judgment And Opposition To  
22 Counter motion For Summary Judgment having been filed on April 3, 2014; and a Reply To  
23 Opposition To Defendant's Motion For Summary Judgment then being filed on April 9, 2014,  
24 and Richard McKnight, Esq. of The McKnight Law Firm, PLLC appearing for Defendant  
25 Murray Petersen, and Michael D. Stein, Esq. and Brian R. Reeve, Esq. of Snell & Wilmer,  
26 LLP, appearing for Plaintiff Bank of Nevada, and this matter having come before the  
27 Honorable Kenneth Cory, and the Court having heard the arguments of the parties, and the

1 Court having reviewed the pertinent pleadings and the relevant papers, and good cause  
2 appearing:

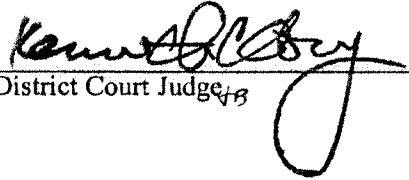
3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant  
4 Murray Petersen's Counter Motion For Summary Judgment be and the same hereby is  
5 granted.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's  
7 Motion For Summary Judgment be and the same hereby is denied in all respects.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff take  
9 nothing by virtue of its complaint herein.

10 **IT IS SO ORDERED.**

11 DATED this 7 day of May 2014.

12   
13 District Court Judge

14 SUBMITTED BY:

15 THE MCKNIGHT LAW FIRM, PLLC

16 By: 

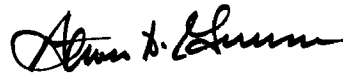
17 Richard McKnight, Esq.  
18 Nevada State Bar No. 1313  
19 528 S. Casino Center Blvd. #335  
20 Las Vegas, Nevada 89101  
21 Attorneys for Defendant Murray Petersen

22 APPROVED AS EMBODYING THE ORDER OF THE COURT:

23 SNELL & WILMER, LLP

24 By: 

25 Michael D. Stein, Esq.  
26 Nevada State Bar No. 4760  
27 Brian R. Reeve, Esq.  
28 Nevada State Bar No. 10197  
3883 Howard Hughes Pkwy., #1100  
Las Vegas, Nevada 89169  
Attorneys for Plaintiff Bank of Nevada



CLERK OF THE COURT

1 FFCL  
2 Richard McKnight, Esq.  
3 Nevada Bar No. 001313  
4 THE MCKNIGHT LAW FIRM, PLLC  
5 528 S. Casino Center Blvd., #335  
6 Las Vegas, Nevada 89101  
7 Phone: 702-388-7185  
8 Fax: 702-589-9882

DISTRICT COURT

CLARK COUNTY, NEVADA

9 BANK OF NEVADA, a Nevada banking  
10 corporation,

Plaintiff,

vs.

11 MURRAY PETERSEN, an individual,

Defendant.

Case No A-13-680012-C

Dept. No I

Date: 4/15/2014

Time: 9:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

16 Plaintiff's motion for summary judgment and Defendant's counter motion for  
17 summary judgment having come on regularly for hearing this 15<sup>th</sup> day of April 2014; Richard  
18 McKnight, Esq. appearing on behalf of Defendant Petersen and Michael Stein, Esq. and Brian  
19 Reeve, Esq. appearing on behalf of Plaintiff Bank of Nevada the court sets forth the following  
20 undisputed material facts, Conclusions of Law and Judgment:

21 1. Red Card, LLC ("Red Card") executed a Promissory Note (Note A) dated  
22 March 30, 2011 in favor of Bank of Nevada, pursuant to which it promised to pay Bank of  
23 Nevada the principal amount of \$1,444,898 with interest on the unpaid principal balance from  
24 the date of the Note until paid ("Note A").

25 2. Red Card executed a Promissory Note (Note B) dated March 30, 2011 in favor  
26 of Bank of Nevada, pursuant to which it promised to pay Bank of Nevada the principal  
27 amount of \$1,092,591 with interest on the unpaid principal balance from the date of the Note

1 until paid ("Note B").

2 3. Red Card, as Grantor, executed a First Deed of Trust dated March 30, 2011 for  
3 the benefit of Bank of Nevada.

4 4. The First Deed of Trust was recorded in Clark County, Nevada, on March 31,  
5 2011 as Instrument No. 201103310004688, Official Records, Clark County, Nevada.

6 5. The First Deed of Trust encumbered the land described in Exhibit A attached  
7 to the First Deed of Trust and commonly known as 8490 Westcliff Dr., Las Vegas, Nevada  
8 89145 bearing Assessor Parcel No. 138-28-401-009 (the "Property").

9 6. Red Card, as Grantor, executed a Second Deed of Trust dated March 30, 2011  
10 for the benefit of Bank of Nevada.

11 7. The Second Deed of Trust was recorded in Clark County, Nevada, on April 1,  
12 2011 as Instrument No. 2011004010000103, Official Records, Clark County, Nevada and also  
13 encumbered the Property.

14 8. Under the Loan Documents, an Event of Default has occurred if Red Card fails  
15 to make any payment when due under the Loan.

16 9. Petersen executed a Commercial Guaranty dated March 30, 2011 in favor of  
17 Bank of Nevada.

18 10. Under the terms of the Commercial Guaranty, Petersen absolutely and  
19 unconditionally guaranteed full and punctual payment and satisfaction of the Indebtedness, as  
20 defined therein, of Red Card to Bank of Nevada, and the performance and discharge of all Red  
21 Card's obligations under the note and the related documents, as defined therein.

22 11. Pursuant to NRS 40.495 and the terms set forth in the "GUARANTOR'S  
23 WAIVERS" section of the Commercial Guaranty, Petersen waived the provisions of NRS  
24 40.430.

25 12. Red Card failed to make the monthly payments due on September 30, 2011,  
26 and all subsequent payments ("Payment Default"). Petersen, as Guarantor, did not make the  
27 required payments under the Loan as agreed in the Commercial Guaranty.

28

1           13. Plaintiff caused its legal counsel to provide Red Card and Petersen written  
2 Notice of Defaults and Acceleration and Demand for Payment and Cure (the "Letter of  
3 Default").

14. In the Letter of Default, Plaintiff's counsel reminded Red Card and Petersen that the entire unpaid principal balance under the Note with all accrued and unpaid interest was immediately due and that the breaches not related to the "Indebtedness" had to be cured.

15. On December 22, 2011, Plaintiff recorded a "Notice of Breach and Election to  
Sell Under Deed of Trust" in Clark County, Nevada as Instrument No. 201112220000692  
pursuant to the First Deed of Trust and Second Deed of Trust.

10           16.     Plaintiff filed its Complaint in this action on April 12, 2013. The amount of  
11 indebtedness due as of that date was \$3,099,798.29.

12           17.     On June 18, 2013, the Property was sold via trustee's sale with Plaintiff  
13     purchasing the Property for the sum of \$1,400,000. The Plaintiff took ownership through a  
14     credit bid at the trustee's sale.

15           18.     On December 13, 2013, this Court entered a Stipulation and Order pursuant to  
16     which Plaintiff and Petersen agreed that the fair market value of the Property, as of the  
17     commencement of this action, was \$1,990,000.

18           19.     NRCp 7(b)(1) provides that “[a]n application to the court for an order shall be  
19     by motion which, unless made during a hearing or trial, shall be made in writing, shall state  
20     with particularity the grounds therefor, and shall set forth the relief or order sought.”

21           20.    On January 16, 2014 Plaintiff filed its motion for summary judgment.

21. Petersen filed his Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Counter Motion for Summary Judgment on March 20, 2014 and mailed it on the same day. Although filed, the court clerk rejected the filing for fees and the motion had to be refiled, the opposition was timely mailed.

## 26 CONCLUSIONS OF LAW

27      1.      The Court concludes that NRS 40.455(1) applies in guarantor deficiency

1 actions.

2 2. Plaintiff did not file an application within six months of the trustee's sale under  
3 NRS 40.455(1).

4 3. The court did not understand the citation of *Lavi v. Eighth Judicial Dist. Court*  
5 of *State ex rel. County of Clark*, 2013 WL 3278563, to be cited as precedent but rather as a  
6 means for dispute settling.

7 4. Petersen's opposition to the Bank's Motion for Summary Judgment was  
8 timely.

9 5. Defendant, Murray Petersen, is entitled to judgment in his favor on his motion  
10 for summary judgment.

11 DATED this 7 day of May 2014.

12   
13 District Court Judge *JB*

14 SUBMITTED BY:

15 THE MCKNIGHT LAW FIRM, PLLC

16 By: 

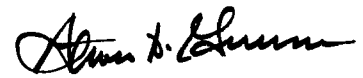
17 Richard McKnight, Esq.  
18 Nevada State Bar No. 1313  
528 S. Casino Center Blvd. #335  
19 Las Vegas, Nevada 89101  
*Attorneys for Defendant Murray Petersen*

20 APPROVED AS EMBODYING THE ORDER OF THE COURT:

21 SNELL & WILMER, LLP.

22 By: 

23 Michael D. Stein, Esq.  
24 Nevada State Bar No. 4760  
25 Brian R. Reeve, Esq.  
Nevada State Bar No. 10197  
3883 Howard Hughes Pkwy., #1100  
26 Las Vegas, Nevada 89169  
27 *Attorneys for Plaintiff Bank of Nevada*  
28



CLERK OF THE COURT

Richard McKnight, Esq.  
Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
Phone: 702-388-7185  
Fax: 702-589-9882

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

BANK OF NEVADA, a Nevada banking  
corporation,

Plaintiff,

vs.

MURRAY PETERSEN, an individual,

Defendant.

Case No A-13-680012-C

Dept. No I

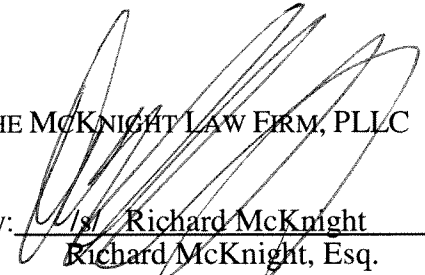
Date:  
Time:

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that the Findings Of Fact, Conclusions Of Law And  
Judgment was entered by the Clerk of Court on the 8<sup>th</sup> day of May 2014, a copy of which is  
attached.

DATED this 9<sup>th</sup> day of May 2014.

THE MCKNIGHT LAW FIRM, PLLC

By:  Richard McKnight  
Richard McKnight, Esq.  
State Bar No. 1313  
528 S. Casino Center Blvd., #335  
Las Vegas, NV 89101  
Attorneys for Murray Petersen

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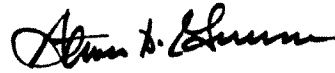
CERTIFICATE OF MAILING

I hereby certify that on this 9<sup>th</sup> day of May 2014, I mailed first-class, postage paid, a true and correct copy of the foregoing Notice Of Entry Of Order to the following:

Michael D. Stein, Esq.  
Brian R.Reeve, Esq.  
SNELL & WILMER, LLP  
3883 Howard Hughes Pkwy., #1100  
Las Vegas, NV 89169  
*Attorneys for Bank of Nevada*

/s/ Gwen Kopang  
An Employee of The McKnight Law Firm, PLLC





CLERK OF THE COURT

1 FFCL  
2 Richard McKnight, Esq.  
3 Nevada Bar No. 001313  
4 THE MCKNIGHT LAW FIRM, PLLC  
5 528 S. Casino Center Blvd., #335  
6 Las Vegas, Nevada 89101  
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9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 BANK OF NEVADA, a Nevada banking  
12 corporation,

13 Plaintiff,

14 vs.

15 MURRAY PETERSEN, an individual,

16 Defendant.

Case No A-13-680012-C

Dept. No I

Date: 4/15/2014

Time: 9:00 a.m.

17 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**

18 Plaintiff's motion for summary judgment and Defendant's counter motion for  
19 summary judgment having come on regularly for hearing this 15<sup>th</sup> day of April 2014; Richard  
20 McKnight, Esq. appearing on behalf of Defendant Petersen and Michael Stein, Esq. and Brian  
21 Reeve, Esq. appearing on behalf of Plaintiff Bank of Nevada the court sets forth the following  
22 undisputed material facts, Conclusions of Law and Judgment:

23 1. Red Card, LLC ("Red Card") executed a Promissory Note (Note A) dated  
24 March 30, 2011 in favor of Bank of Nevada, pursuant to which it promised to pay Bank of  
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26 the date of the Note until paid ("Note A").

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6 5. The First Deed of Trust encumbered the land described in Exhibit A attached  
7 to the First Deed of Trust and commonly known as 8490 Westcliff Dr., Las Vegas, Nevada  
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9 6. Red Card, as Grantor, executed a Second Deed of Trust dated March 30, 2011  
10 for the benefit of Bank of Nevada.

11 7. The Second Deed of Trust was recorded in Clark County, Nevada, on April 1,  
12 2011 as Instrument No. 2011004010000103, Official Records, Clark County, Nevada and also  
13 encumbered the Property.

14 8. Under the Loan Documents, an Event of Default has occurred if Red Card fails  
15 to make any payment when due under the Loan.

16 9. Petersen executed a Commercial Guaranty dated March 30, 2011 in favor of  
17 Bank of Nevada.

18 10. Under the terms of the Commercial Guaranty, Petersen absolutely and  
19 unconditionally guaranteed full and punctual payment and satisfaction of the Indebtedness, as  
20 defined therein, of Red Card to Bank of Nevada, and the performance and discharge of all Red  
21 Card's obligations under the note and the related documents, as defined therein.

22 11. Pursuant to NRS 40.495 and the terms set forth in the "GUARANTOR'S  
23 WAIVERS" section of the Commercial Guaranty, Petersen waived the provisions of NRS  
24 40.430.

25 12. Red Card failed to make the monthly payments due on September 30, 2011,  
26 and all subsequent payments ("Payment Default"). Petersen, as Guarantor, did not make the  
27 required payments under the Loan as agreed in the Commercial Guaranty.

28



1 actions.

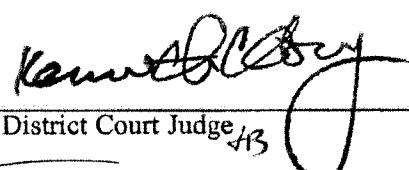
2 2. Plaintiff did not file an application within six months of the trustee's sale under  
3 NRS 40.455(1).

4 3. The court did not understand the citation of *Lavi v. Eighth Judicial Dist. Court*  
5 *of State ex rel. County of Clark*, 2013 WL 3278563, to be cited as precedent but rather as a  
6 means for dispute settling.

7 4. Petersen's opposition to the Bank's Motion for Summary Judgment was  
8 timely.

9 5. Defendant, Murray Petersen, is entitled to judgment in his favor on his motion  
10 for summary judgment.

11 DATED this 7 day of May 2014.

12   
13 District Court Judge <sup>43</sup>

14 SUBMITTED BY:

15 THE MCKNIGHT LAW FIRM, PLLC

16 By: 

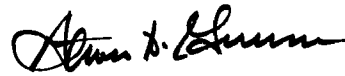
17 Richard McKnight, Esq.  
18 Nevada State Bar No. 1313  
19 528 S. Casino Center Blvd. #335  
20 Las Vegas, Nevada 89101  
21 Attorneys for Defendant Murray Petersen

22 APPROVED AS EMBODYING THE ORDER OF THE COURT:

23 ~~SNELL & WILMER, LLP.~~

24 By: 

25 Michael D. Stein, Esq.  
26 Nevada State Bar No. 4760  
27 Brian R. Reeve, Esq.  
28 Nevada State Bar No. 10197  
3883 Howard Hughes Pkwy., #1100  
Las Vegas, Nevada 89169  
Attorneys for Plaintiff Bank of Nevada



CLERK OF THE COURT

1 ORDR  
Richard McKnight, Esq.  
2 Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
3 528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
4 Phone: 702-388-7185  
Fax: 702-589-9882  
5 *Attorneys for Defendant Murray Petersen*

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 BANK OF NEVADA, a Nevada banking  
9 corporation,

10 Plaintiff,

11 vs.

12 MURRAY PETERSEN, an individual,

13 Defendant.

Case No A-13-680012-C

Dept. No I

Date: September 9, 2014

Time: 10:00 a.m.

14  
15 **ORDER DENYING PLAINTIFF'S RULE 59(e) MOTION TO ALTER OR**  
16 **AMEND JUDGMENT**

17 Plaintiff, Bank of Nevada's Rule 59(e) Motion To Alter Or Amend Judgment having  
18 been filed with this Court on May 23, 2014; Defendant Murray Petersen's Opposition To  
19 Motion To Alter Or Amend having been filed on June 6, 2014; Plaintiff's Reply in Support Of  
20 Rule 59(e) Motion To Alter Or Amend Judgment having been filed on June 16, 2014 ;  
21 Supplemental Points And Authorities In Support Of Defendant's Motion For Summary  
22 Judgment And In Opposition To Plaintiff's Motion For Summary Judgment having been filed  
23 on July 3, 2014; and Plaintiff's Supplemental Brief Regarding Lavi v. Eighth Judicial District  
24 Court then being filed on July 28, 2014, and Richard McKnight, Esq. of The McKnight Law  
25 Firm, PLLC appearing for Defendant Murray Petersen, and Michael D. Stein, Esq. of Snell &  
26 Wilmer, LLP, appearing for Plaintiff Bank of Nevada, and this matter having come before the  
27 Honorable Kenneth Cory, and the Court having heard the arguments of the parties, and the

1 Court having reviewed the pertinent pleadings and the relevant papers, and good cause  
2 appearing:

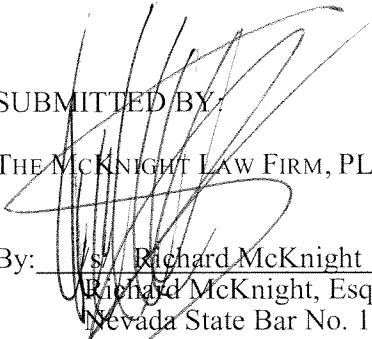
3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Rule  
4 59(e) Motion To Alter Or Amend Judgment be, and the same hereby is, denied in all respects.

5 DATED this 16 day of September 2014.

6  
7   
District Court Judge


8 SUBMITTED BY:

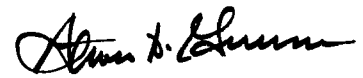
9 THE MCKNIGHT LAW FIRM, PLLC

10 By:   
11 Richard McKnight  
Richard McKnight, Esq.  
12 Nevada State Bar No. 1313  
528 S. Casino Center Blvd. #335  
Las Vegas, Nevada 89101  
13 *Attorneys for Defendant Murray Petersen*

14 APPROVED AS EMBODYING THE ORDER OF THE COURT:

15 SNELL & WILMER, LLP

16  
17 By:   
Michael D. Stein, Esq.  
18 Nevada State Bar No. 4760  
3883 Howard Hughes Pkwy., #1100  
19 Las Vegas, Nevada 89169  
20 *Attorneys for Plaintiff Bank of Nevada*



CLERK OF THE COURT

Richard McKnight, Esq.  
Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
Phone: 702-388-7185  
Fax: 702-589-9882

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

BANK OF NEVADA, a Nevada banking  
corporation,

Plaintiff,

vs.

MURRAY PETERSEN, an individual,

Defendant.

Case No A-13-680012-C

Dept. No I

Date: September 9, 2014


Time: 10:00 a.m.

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that the Order Denying Plaintiff's Rule 59(e) Motion To  
Alter Or Amend Judgment was entered by the Clerk of Court on the 17<sup>th</sup> day of September  
2014, a copy of which is attached.

DATED this 18<sup>th</sup> day of September 2014.

THE MCKNIGHT LAW FIRM, PLLC

By:  /s/ Richard McKnight  
Richard McKnight, Esq.  
State Bar No. 1313  
528 S. Casino Center Blvd., #335  
Las Vegas, NV 89101  
*Attorneys for Murray Petersen*

1 CERTIFICATE OF MAILING

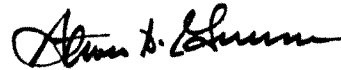
2 I hereby certify that on this 18<sup>th</sup> day of September 2014, I mailed first-class, postage  
3 paid, a true and correct copy of the foregoing Notice Of Entry Of Order to the following:

4 Michael D. Stein, Esq.  
5 Brian R. Reeve, Esq.  
6 SNELL & WILMER, LLP  
7 3883 Howard Hughes Pkwy., #1100  
8 Las Vegas, NV 89169  
9 *Attorneys for Bank of Nevada*

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\_\_\_\_\_  
/s/ Gwen Kopang  
An Employee of The McKnight Law Firm, PLLC





CLERK OF THE COURT

1 ORDR  
Richard McKnight, Esq.  
2 Nevada Bar No. 001313  
THE MCKNIGHT LAW FIRM, PLLC  
3 528 S. Casino Center Blvd., #335  
Las Vegas, Nevada 89101  
4 Phone: 702-388-7185  
Fax: 702-589-9882  
5 *Attorneys for Defendant Murray Petersen*

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 BANK OF NEVADA, a Nevada banking  
9 corporation,

10 Plaintiff,

11 vs.

12 MURRAY PETERSEN, an individual,  
13 Defendant.

Case No A-13-680012-C

Dept. No I

Date: September 9, 2014

Time: 10:00 a.m.

14  
15 **ORDER DENYING PLAINTIFF'S RULE 59(e) MOTION TO ALTER OR**  
16 **AMEND JUDGMENT**

17 Plaintiff, Bank of Nevada's Rule 59(e) Motion To Alter Or Amend Judgment having  
18 been filed with this Court on May 23, 2014; Defendant Murray Petersen's Opposition To  
19 Motion To Alter Or Amend having been filed on June 6, 2014; Plaintiff's Reply in Support Of  
20 Rule 59(e) Motion To Alter Or Amend Judgment having been filed on June 16, 2014 ;  
21 Supplemental Points And Authorities In Support Of Defendant's Motion For Summary  
22 Judgment And In Opposition To Plaintiff's Motion For Summary Judgment having been filed  
23 on July 3, 2014; and Plaintiff's Supplemental Brief Regarding Lavi v. Eighth Judicial District  
24 Court then being filed on July 28, 2014, and Richard McKnight, Esq. of The McKnight Law  
25 Firm, PLLC appearing for Defendant Murray Petersen, and Michael D. Stein, Esq. of Snell &  
26 Wilmer, LLP, appearing for Plaintiff Bank of Nevada, and this matter having come before the  
27 Honorable Kenneth Cory, and the Court having heard the arguments of the parties, and the

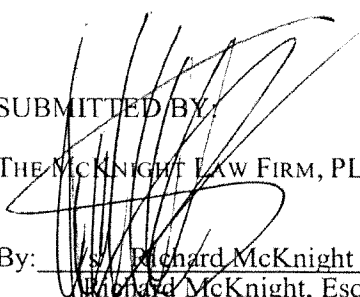
1 Court having reviewed the pertinent pleadings and the relevant papers, and good cause  
2 appearing:

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Rule  
4 59(e) Motion To Alter Or Amend Judgment be, and the same hereby is, denied in all respects.

5 DATED this 16 day of September 2014.


6   
7 District Court Judge

8 SUBMITTED BY:  
9 THE MCKNIGHT LAW FIRM, PLLC

10 By:   
11 Richard McKnight, Esq.  
12 Nevada State Bar No. 1313  
13 528 S. Casino Center Blvd. #335  
Las Vegas, Nevada 89101  
*Attorneys for Defendant Murray Petersen*

14 APPROVED AS EMBODYING THE ORDER OF THE COURT:

15 SNELL & WILMER, LLP

16   
17 By: \_\_\_\_\_  
18 Michael D. Stein, Esq.  
19 Nevada State Bar No. 4760  
20 3883 Howard Hughes Pkwy., #1100  
21 Las Vegas, Nevada 89169  
22 *Attorneys for Plaintiff Bank of Nevada*

23  
24  
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26  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**October 14, 2013**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**October 14, 2013      3:00 AM      Motion to Strike**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff's Motion to Strike Jury Demand

COURT ORDERED, Motion CONTINUED to this Court's oral calendar.

CONTINUED TO: 11/14/13 9:00 AM PLAINTIFF'S MOTION TO STRIKE JURY DEMAND

CLERK'S NOTE: The above minute order has been distributed to: Michael Stein, Esq. and Richard McKnight, Esq. via e-mail. /mlt

CLERK'S NOTE: The above minute order has been corrected to include the hearing date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**November 14, 2013**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**November 14, 2013      9:00 AM      Motion to Strike**

**HEARD BY:** Cory, Kenneth      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Beverly Sigurnik

**REPORTER:**

**PARTIES**

**PRESENT:**      Reeve, Brian R.      Attorney

**JOURNAL ENTRIES**

- Court NOTED there is no appearance by defense counsel. COURT ORDERED, Plaintiff's Motion to Strike Jury Demand CONTINUED.

CONTINUED TO: 11/21/13 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Richard McKnight, Esq. via e-mail.  
/mlt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**November 21, 2013**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**November 21, 2013      9:00 AM      Motion to Strike**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Beverly Sigurnik

**REPORTER:**

**PARTIES**

**PRESENT:**      McKnight, Richard      Attorney  
Reeve, Brian R.      Attorney

**JOURNAL ENTRIES**

- Mr. Reeves advised they are seeking to strike the request for a jury trial. Mr. Reeves argued NRS Chapter 40. A jury trial is not allowed in a deficiency; it is for the Court to make the determination. Statements by the Court as to the receiver. Mr. Reeves advised the Receiver was appointed in a different department. Arguments by Mr. McKnight at to the bankruptcy proceedings. Further arguments by counsel. Mr. McKnight stated he would file a motion to have the matter transferred. COURT ORDERED, Motion filed by December 9, 2013 and the Opposition due by January 6, 2013. COURT FURTHER ORDERED, Matter CONTINUED.

CONTINUED TO: 1/14/13 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**February 27, 2014**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**February 27, 2014      9:00 AM      Pretrial/Calendar Call**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Beverly Sigurnik

**REPORTER:**

**PARTIES**

**PRESENT:**      McKnight, Richard      Attorney  
Reeve, Brian R.      Attorney

**JOURNAL ENTRIES**

- Mr. Reeve advised three (3) days for trial, but still have a Motion for Summary Judgment to be heard. Further advised a stipulation has been submitted regarding the deficiency. COURT ORDERED, Trial date VACATED and RESET.

5/8/14 9:00 AM PRETRIAL CONFERENCE

5/27/14 1:30 PM BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Breach of Contract

## COURT MINUTES

**April 15, 2014**

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

**April 15, 2014                      9:00 AM                      All Pending Motions**

**HEARD BY:** Cory, Kenneth                      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Beverly Sigurnik

**REPORTER:**

## PARTIES

**PRESENT:** McKnight, Richard Attorney  
Reeve, Brian R. Attorney  
Stein, Michael D. Attorney

## JOURNAL ENTRIES

- ALL PENDING - Plaintiff's Motion for Summary Judgment...Defendant's Opposition to Motion for Summary Judgment Crossmotion for Summary Judgment

Following arguments by counsel as to NRs 40.495, NRS 40.495(b), and NRS 107.080. Court STATED FINDINGS and ORDERED, Plaintiff's Motion for Summary Judgment DENIED and Defendant's Crossmotion for Summary Judgment GRANTED. Mr. McKnight to prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**May 08, 2014**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**May 08, 2014      9:00 AM      Pre Trial Conference**

**HEARD BY:** Cory, Kenneth      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Beverly Sigurnik

**REPORTER:**

**PARTIES**

**PRESENT:**      McKnight, Richard      Attorney  
Reeve, Brian R.      Attorney  
Stein, Michael D.      Attorney

**JOURNAL ENTRIES**

- Court NOTED findings of facts and order granting summary judgment was signed. COURT ORDERED, Trial date VACATED. Mr. Stein advised they would be filing a Rule 59 Motion.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**June 23, 2014**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**June 23, 2014      3:00 AM      Motion to Amend  
Judgment**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment CONTINUED to this Court's Oral Calendar.

CONTINUED TO: 8/12/14 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Michael Stein, Esq. and Richard McKnight, Esq. via e-mail. /mlt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**July 02, 2014**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**July 02, 2014      3:30 PM      Minute Order**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court has learned of a recent Supreme Court opinion which may affect the resolution of the Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment. The opinion addresses several topics potentially at issue in this case, such as when the right to deficiency judgment vests, the appropriate time to file an application for deficiency, and what constitutes an application. Accordingly, the parties are directed to Lavi v. Eighth Jud. Dist. Ct., 325 P.3d 1265 (2014). If desired, the parties may file a supplement not to exceed five(5) pages by July 28, 2014.

CLERK'S NOTE: The above minute order has been distributed to: Michael Stein, Esq. and Richard McKnight, Esq. via e-mail. /mlt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**September 09, 2014**

---

A-13-680012-C      Bank of Nevada, Plaintiff(s)  
vs.  
Peterson Murray, Defendant(s)

---

**September 09, 2014      10:00 AM      Motion to Amend  
Judgment**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Beverly Sigurnik

**REPORTER:**

**PARTIES**

**PRESENT:** McKnight, Richard      Attorney  
Stein, Michael D.      Attorney

**JOURNAL ENTRIES**

- Mr. Stein requested the Court amend the previous order and grant judgment. Mr. Stein argued NRS 40.4639 and Lavi vs. 8th Judicial District Court. Colloquy regarding junior and senior deficiency. Mr. McKnight argued the bank ignored the second deed of trust and foreclosed as if it were all one deed of trust. Further arguments by counsel. COURT ORDERED, Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment DENIED. The previous ruling STANDS. Mr. McKnight to prepare the Order.



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

**MICHAEL STEIN, ESQ.**  
**3883 HOWARD HUGHES PKWY.**  
**LAS VEGAS, NV 89169**

**DATE: September 23, 2014**  
**CASE: A680012**

**RE CASE: BANK OF NEVADA vs. MURRAY PETERSEN**

NOTICE OF APPEAL FILED: September 22, 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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND ORDER GRANTING DEFENDANT'S COUNTERMOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT; NOTICE OF ENTRY OF ORDER; ORDER DENYING PLAINTIFF'S RULE 59(e) MOTION TO ALTER OR AMEND JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

BANK OF NEVADA,

Plaintiff(s),

vs.

MURRAY PETERSEN,

Defendant(s),

Case No: A680012

Dept No: I

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 23 day of September 2014.

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk

**Snell & Wilmer L.L.P.**

One Arizona Center  
Phoenix, AZ 85004-0001

JPMorgan Chase Bank N.A.

201 N. Central  
Phoenix, AZ 85073

874837

Date: September 19, 2014

91-2-1221

Pay: Two hundred fifty and 00/100\*\*\*\*\* \$ \*\*\*250.00\*\*\*

PAY  
TO THE  
ORDER OF: Clerk of Supreme Court of Nevada

  
Void after 90 days

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000010591⑈

Details on back  
Security Features Included