

CLERK OF THE COURT

1 **NEOJ**

2 Kent F. Larsen, Esq.

3 Nevada Bar No. 3463

4 Chet A. Glover, Esq.

5 Nevada Bar No. 10054

6 **SMITH LARSEN & WIXOM**

7 Hills Center Business Park

8 1935 Village Center Circle

9 Las Vegas, Nevada 89134

10 Tel: (702) 252-5002

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12 Email: kfl@slwlaw.com

13 cag@slwlaw.com

14 Attorneys for Defendant

15 JPMorgan Chase Bank, N.A.

16 **DISTRICT COURT**

17 **CLARK COUNTY NEVADA**

18 **SUSAN LOUISE HANNAFORD,**

19 Plaintiff,

20 vs.

21 **CANYON GATE MASTER**
22 **ASSOCIATION,**

23 Defendant.

24 **SATICOY BAY LLC SERIES 2021 GRAY**
25 **EAGLE WAY,**

26 Plaintiff in intervention,

27 vs.

28 **SUSAN LOUISE HANNAFORD; PARRY**
NORMA; JP MORGAN CHASE BANK,
N.A.; MTC FINANCIAL dba TRUSTEE
CORPS,

Defendants in Intervention.

CASE NO: A-09-605965-C

DEPT NO: 7

**NOTICE OF ENTRY OF ORDER TO
DISMISS WITH PREJUDICE**

...

SMITH LARSEN & WIXOM

ATTORNEYS

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

(702) 252-5002 • (702) 252-5006

NOTICE IS HEREBY GIVEN that the attached Order to Dismiss with Prejudice was entered by the Court on the 22nd day of June, 2015.

Dated this 22nd day of June, 2015.

SMITH LARSEN & WIXOM

/s/ Chet A. Glover

Kent F. Larsen, Esq.

Nevada Bar No. 3463

Chet A. Glover, Esq.

Nevada Bar No. 10054

1935 Village Center Circle

Las Vegas, Nevada 89134

Attorneys for JPMorgan Chase Bank, N.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 23, 2015 a true copy of the foregoing Notice of Entry of Order to Dismiss with Prejudice was sent via electronic means to the following at their last known email addresses, pursuant to EDCR 8.05(a):

Law Offices of Michael F. Bohn, Esq.

Contact

Eserve Contact

Michael F Bohn Esq

Email

office@bohnlawfirm.com

mbohn@bohnlawfirm.com

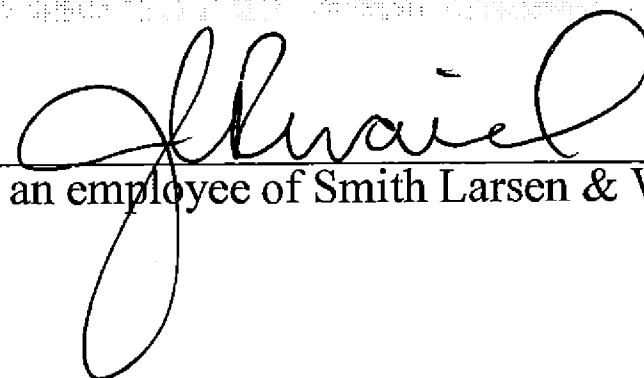
Silvestri Gidvani PC

Contact

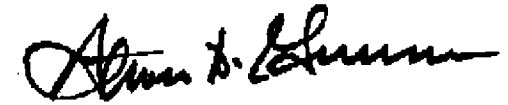
Phillip A. Silvestri, Esq.

Email

psilvestri@silgid.com



an employee of Smith Larsen & Wixom



1 ORDR

2 **EIGHTH JUDICIAL DISTRICT COURT** CLERK OF THE COURT

3 **CLARK COUNTY, NEVADA**

4
5 SUSAN LOUISE HANNAFORD, an individual,

6 Plaintiff,

7 vs.

Case No. A-09-605965-C

Dept No. VII

8 CANYON GATE MASTER ASSOCIATION, a Nevada
9 corporation; DOES I-X, inclusive; and ROE
CORPORATIONS 1-10, inclusive;

10 Defendant.

11 SATICOY BAY LLC SERIES 2021 GRAY EAGLE WAY,

12 Plaintiff in Intervention,

13 vs.

14 SUSAN LOUISE HANNAFORD; PARRY NORMA; JP
15 MORGAN CHASE BANK, N.A.; MTC FINANCIAL
16 d/b/a TRUSTEE CORPS,

17 Defendant in Intervention.

18 **ORDER TO DISMISS WITH PREJUDICE**

19 On March 3, 2015, this Court issued an Order to Show Cause why this matter should
20 not be dismissed pursuant to NRCP 41(e). On April 16, 2015, at the Show Cause hearing,
21 Plaintiff-In-Intervention, Saticoy Bay LLC Series 2021 Gray Eagle Way ("Saticoy"),
22 requested that the Court dismiss the matter without prejudice. After hearing oral
23 argument, the Court requested briefing from Saticoy and Defendant-in-Intervention
24 JPMorgan Chase Bank, N.A. regarding this issue. On April 30, 2015, Saticoy and Chase
25 submitted their respective briefs to the Court. Having reviewed the parties' papers, the
26 Court finds good cause to dismiss this case with prejudice pursuant to NRCP 41(e) for the
27 parties' failure to bring the case to trial within five years.
28

5107 7 7 2015 LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

Discussion

“Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced ... unless such action is brought to trial within 5 years after the plaintiff has filed the action.” NRCP 41(e). The Supreme Court of Nevada has held that “dismissal pursuant to NRCP 41(e) for failure to bring to trial a claim within five years of filing the complaint is mandatory.” Johnson v. Harber, 94 Nev. 524, 526, 582 P.2d 800, 801 (1978). The five year rule applies to a Saticoy’s Complaint in Intervention as it would any other claim and the five-year period begins to run when the original complaint was filed. See United Ass’n of Journeymen & Apprentices of Plumbing & Pipe Fitting Indus. v. Manson, 105 Nev. 816, 820, 783 P.2d 955, 958 (1989) (“the original claim and any crossclaims, counterclaims and third-party claims are all part of one ‘action.’ Under the language of NRCP 41(e), the action commences when the plaintiff files a complaint, and the five-year period for bringing the action to trial begins to run”). The original Complaint in this case was filed on December 15, 2009—five years, six months, and seven days from the date of this Order.

There exist few exceptions to the NRCP 41(e) five-year rule. See NRCP 41(e) (dismissal is mandatory “except where the parties have stipulated in writing”); Baker v. Noback, 112 Nev. 1106, 1109-10, 922 P.2d 1201, 1203 (1996) (“the time during which a complaint is pending before the [malpractice screening] panel should be excluded from the five-year mandatory dismissal period”); Boren v. City of N. Las Vegas, 98 Nev. 5, 6, 638 P.2d 404, 405 (1982) (“Any period during which the parties are prevented from bringing an action to trial by reason of a stay order shall not be computed in determining the five-year period of Rule 41(e)”); Rickard v. Montgomery Ward & Co., 120 Nev. 493, 494, 96 P.3d 743, 744 (2004) overruled on other grounds by Carstarphen v. Milsner, 128 Nev. Adv. Op. 5, 270 P.3d 1251 (2012) (in the bankruptcy context, an “[11 U.S.C.] § 362(a) automatic stay tolls NRCP 41(e)’s five-year prescriptive period”). However, none of the exceptions to NRCP 41(e) apply in this case: there was not a written agreement to extend the five-year rule; this case does not involve the medical malpractice screening panel; this case does not involve a

1 stay of district court proceedings; nor does this case involve an automatic stay under the
2 bankruptcy code.

3 "The district court has discretion to dismiss the case with or without prejudice.
4 However, unless the district court states in its order that dismissal is without prejudice,
5 dismissal with prejudice is presumed." Brent G. Theobald Const., Inc., v. Richardson
6 Const., Inc., 122 Nev. 1163, 1167, 147 P.3d 238, 241 (2006) abrogated on other grounds by
7 Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 181 P.3d 670 (2008). Casualty and
8 Surety Co., 109 Nev. 558, 563-64 (1993) (citations omitted). "Factors relevant to the
9 district court's exercise of that discretion include [1] the underlying conduct of the parties,
10 [2] whether the plaintiff offers adequate excuse for the delay, [3] whether the plaintiff's case
11 lacks merit, and [4] whether any subsequent action following dismissal would not be barred
12 by the applicable statute of limitations." Monroe v. Columbia Sunrise Hosp. & Med. Ctr.,
13 123 Nev. 96, 103, 158 P.3d 1008, 1012 (2007).

14 The Court finds that, considering the Monroe factors, dismissal of this case with
15 prejudice is warranted for the following reasons: (1) the prosecuting parties—Hannaford
16 and Saticoy—have not taken affirmative steps to adequately prosecute this case; (2) Saticoy,
17 the only remaining plaintiff in this action, offers the excuse that it intervened only nineteen
18 months ago, which the Court find to be an inadequate excuse for delay; (3) Saticoy's case,
19 lacks merit; and (4) the three-year statute of limitations for foreclosing an HOA lien, see
20 NRS 116.3116(6), has run. The Court therefore finds good cause to dismiss this case, with
21 prejudice, pursuant to NRCP 41(e) for the parties' failure to bring the case to trial within
22 five years of the Complaint being filed.

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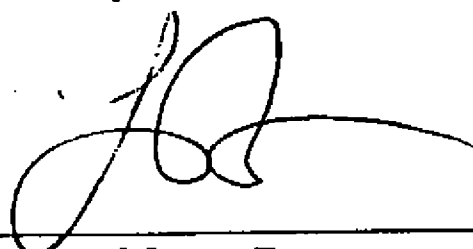
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Conclusion

This case, including Saticoy Bay LLC Series 2021 Gray Eagle Way's Complaint in Intervention, is dismissed with prejudice pursuant to Nevada Rule of Civil Procedure 41(e).

DATED this 22nd day of June, 2015.



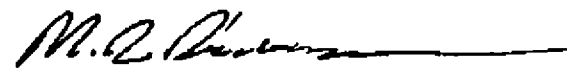
LINDA MARIE BELL
DISTRICT COURT JUDGE

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd of June, 2015, he caused to be served the foregoing Decision and Order by faxing, mailing, or electronically serving a copy to counsel as listed below:

Name	Party	Phone	Service Method
Michael F. Bohn, Esq.	Attorney for Plaintiff in Intervention Saticoy Bay LLC		E-Service -or- mbohn@bohnlawfirm.com / office@bohnlawfirm.com
Kent Larsen, Esq. Chet Glover, Esq. Smith Larsen & Wixom	Attorneys for Defendant JPMorgan Chase Bank, N.A.	(702)252-5002	E-Service -or- kfl@slwlaw.com cag@slwlaw.com


MICHAEL R. DICKERSON
LAW CLERK, DEPARTMENT VII

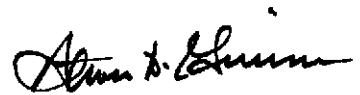
AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Order filed in District Court case number A605965 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 6/22/2015
District Court Judge

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII



1 ORDR

2 **EIGHTH JUDICIAL DISTRICT COURT** CLERK OF THE COURT
3 **CLARK COUNTY, NEVADA**

4
5 SUSAN LOUISE HANNAFORD, an individual,

6 Plaintiff,

7 vs.

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8 CANYON GATE MASTER ASSOCIATION, a Nevada
9 corporation; DOES I-X, inclusive; and ROE
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11 SATICOY BAY LLC SERIES 2021 GRAY EAGLE WAY,

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14

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16 MORGAN CHASE BANK, N.A.; MTC FINANCIAL
17 d/b/a TRUSTEE CORPS,

17 Defendant in Intervention.

18 **ORDER TO DISMISS WITH PREJUDICE**

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20 not be dismissed pursuant to NRCP 41(e). On April 16, 2015, at the Show Cause hearing,
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5107 7 7 2015 LINDA MARIE BELL
DISTRICT JUDGE
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Discussion

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20 NRS 116.3116(6), has run. The Court therefore finds good cause to dismiss this case, with
21 prejudice, pursuant to NRCP 41(e) for the parties' failure to bring the case to trial within
22 five years of the Complaint being filed.

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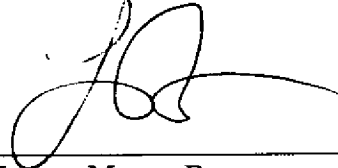
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Conclusion

This case, including Saticoy Bay LLC Series 2021 Gray Eagle Way's Complaint in Intervention, is dismissed with prejudice pursuant to Nevada Rule of Civil Procedure 41(e).

DATED this 22nd day of June, 2015.



LINDA MARIE BELL
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd of June, 2015, he caused to be served the foregoing Decision and Order by faxing, mailing, or electronically serving a copy to counsel as listed below:

Name	Party	Phone	Service Method
Michael F. Bohn, Esq.	Attorney for Plaintiff in Intervention Saticoy Bay LLC		E-Service -or- mbohn@bohnlawfirm.com / office@bohnlawfirm.com
Kent Larsen, Esq. Chet Glover, Esq. Smith Larsen & Wixom	Attorneys for Defendant JPMorgan Chase Bank, N.A.	(702)252-5002	E-Service -or- kfl@slwlaw.com cag@slwlaw.com

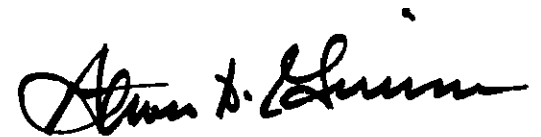

MICHAEL R. DICKERSON
LAW CLERK, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Order filed in District Court case number A605965 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 6/22/2015
District Court Judge



CLERK OF THE COURT

1 **COMP**
MICHAEL F. BOHN, ESQ.
2 Nevada Bar No.: 1641
mbohn@bohnlawfirm.com
3 LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
4 376 East Warm Springs Road, Ste. 125
Las Vegas, Nevada 89119
5 (702) 642-3113/ (702) 642-9766 FAX
6 Attorney for Saticoy Bay LLC.

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 SUSAN LOUISE HANNAFORD

11 Plaintiff,

12 vs.

13 CANYON GATE MASTER ASSOCIATION

14 Defendant

CASE NO.: A605965
DEPT NO.: XIV

15 SATICOY BAY LLC SERIES 2021 GRAY
16 EAGLE WAY

17 Plaintiff in intervention

18 vs.

19 SUSAN LOUISE HANNAFORD; PARRY
NORMA; JP MORGAN CHASE BANK, N.A.;
20 MTC FINANCIAL dba TRUSTEE CORPS

21 Defendants in intervention

EXEMPTION FROM ARBITRATION:
Title to real property

22 **COMPLAINT IN INTERVENTION**

23 Plaintiff, Saticoy Bay LLC, Series 2021 Gray Eagle Way, by and through it's attorney,
24 Michael F. Bohn, Esq.

25 1. Plaintiff is the owner of the real property commonly known as 2021 Gray Eagle Way, Las
26 Vegas, Nevada.

2. Plaintiff obtained title by foreclosure deed.

3. The plaintiff's title stems from a foreclosure deed arising from a delinquency in

assessments due from the former owner to the Canyon Gate Master Association, pursuant to NRS Chapter 116.

4. Defendant JPMorgan Chase Bank, N.A. is the beneficiary, of a deed of trust which was recorded as an encumbrance to the subject property. The trust deed also covers other parcels of real property other than the plaintiff's property.

5. MTC Financial dba Trustee Corps is the trustee on the deed of trust.

6. Defendants Susan Louise Hannaford and Parry Norma are the former owners of the real

7. The interest of each of the defendants has been extinguished by reason of the foreclosure sale resulting from a delinquency in assessments due from the former owners, Susan Louise Hannaford and Parry Norma to the Canyon Gate Master Association, pursuant to NRS Chapter 116.

8. Defendants JP Morgan Chase Bank, N.A., and Trustee Corps have filed a notice of default on it's deed of trust.

9. Plaintiff is entitled to an injunction prohibiting the foreclosure sale from proceeding.

10. The plaintiff is entitled to an award of attorneys fees and costs.

SECOND CLAIM FOR RELIEF

11. Plaintiff repeats the allegations contained in paragraphs 1 through 10.

12. Plaintiff is entitled to a determination from this court, pursuant to NRS 40.010 that the plaintiff is the rightful owner of the property and that the defendants have no right, title, interest or claim to the subject property.

13. The plaintiff is entitled to an award of attorneys fees and costs.

THIRD CLAIM FOR RELIEF

14. Plaintiff repeats the allegations contained in paragraphs 1 through 13

15. Plaintiff seeks a declaration from this court, pursuant to NRS 40.010, that title in the property is vested in plaintiff free and clear of all liens and encumbrances, that the defendants herein have no estate, right, title or interest in the property, and that defendants are forever enjoined from

1 asserting any estate, title, right, interest, or claim to the subject property adverse to the plaintiff.

2 16. The plaintiff is entitled to an award of attorneys fees and costs.

3 **FOURTH CLAIM FOR RELIEF**

4 17. Plaintiff repeats the allegations contained in paragraphs 1 through 16.

5 18. Defendants Susan Louise Hannaford and/or Parry Norma are in actual or construction
6 possession of the subject real property.

7 19. Defendants Susan Louise Hannaford and Parry Norma have been served with a 3 day
8 notice to quit.

9 20. The defendants have failed to vacate the premises despite the notice that have been
10 served upon them.

11 21. The defendants have remained in possession of said property up to and including the
12 present time.

13 22. The plaintiff is entitled to a Writ of Restitution of the restoring possession to the
14 plaintiff.

15 23. Plaintiff is entitled to an award of attorneys fees and costs of suit.

16 **FOURTH CLAIM FOR RELIEF**

17 24. Plaintiff repeats the allegations contained in paragraphs 1 through 16.

18 25. Defendants Susan Louise Hannaford and/or Parry Norma are in actual or construction
19 possession of the subject real property.

20 26. The plaintiff is entitled to an injunction prohibiting the defendants from committing
21 waste to the subject premises.

22 27. The plaintiff is entitled to an award of attorneys fees and costs of suit.

23 WHEREFORE, plaintiff in intervention prays for Judgment as follows:

24 **ON ACCOUNT OF THE FIRST CLAIM FOR RELIEF**

25 1. For injunctive relief;

26 2. For an award of attorneys fees and costs; and

27 3. For such other and further relief as the Court may deem just and proper.

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ON ACCOUNT OF THE SECOND CLAIM FOR RELIEF

- 1. For a determination and declaration that plaintiff is the rightful holder of title to the property, free and clear of all liens, encumbrances, and claims of the defendants.
- 2. For an award of attorneys fees and costs; and
- 3. For such other and further relief as the Court may deem just and proper.

ON ACCOUNT OF THE THIRD CLAIM FOR RELIEF

- 1. For a determination and declaration that the defendants have no estate, right, title, interest or claim in the property.
- 2. For a judgment forever enjoining the defendants from asserting any estate, right, title, interest or claim in the property; and
- 3. For such other and further relief as the Court may deem just and proper.

ON ACCOUNT OF THE FOURTH CLAIM FOR RELIEF

- 1. For restitution and possession of the premises;
- 2. For reasonable attorneys fees and costs of Court; and
- 3. For such other and further relief as the Court may deem proper.

ON ACCOUNT OF THE FIFTH CLAIM FOR RELIEF

- 1. For injunctive relief;
- 2. For an award of attorneys fees and costs; and
- 3. For such other and further relief as the Court may deem just and proper.

DATED this 18th day of September 2013.

LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LD.

By: / s / Michael F. Bohn, Esq. /
MICHAEL F. BOHN, ESQ.
376 Warm Springs Road, Ste. 125
Las Vegas, Nevada 89119
Attorneys for Saticoy Bay LLC.

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)


Iyad Haddad, being first duly sworn, deposes and says;

That he is the authorized representative of the plaintiff Limited Liability Company in the above entitled action; that he has read the foregoing complaint and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein alleged on information and belief, and as to those matters, he believes them to be true.

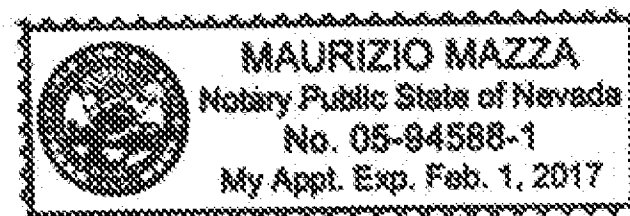


IYAD HADDAD

SUBSCRIBED and SWORN to before me
this 18 day of September, 2013



NOTARY PUBLIC in and for said
County and State



1 **IAFDsATICOY**
MICHAEL F. BOHN, ESQ.
2 Nevada Bar No.: 1641
mbohn@bohnlawfirm.com
3 LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
4 376 East Warm Springs Road, Ste. 125
Las Vegas, Nevada 89119
5 (702) 642-3113/ (702) 642-9766 FAX
6 Attorney for Saticoy Bay LLC.

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 SUSAN LOUISE HANNAFORD
10 Plaintiff,

11 vs.

12 CANYON GATE MASTER ASSOCIATION
13 Defendant

CASE NO.: A605965
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15 SATICOY BAY LLC SERIES 2021 GRAY
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MTC FINANCIAL dba TRUSTEE CORPS

20 Defendants in intervention

EXEMPTION FROM ARBITRATION:
Title to real property

21 **INITIAL APPEARANCE FEE DISCLOSURE**

22 Pursuant to NRS Chapter 19, filing fees are submitted for the party appearing in the above-
23 entitled action as indicated below:

24 Saticoy Bay LLC Series 2021 Gray Eagle \$223.00

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TOTAL REMITTED: \$223.00

DATED this 27th day of September 2013.

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

By: / s / Michael F. Bohn, Esq. /
Michael F. Bohn, Esq.
376 East Warm Springs Road, Ste. 125
Las Vegas, Nevada 89119
Attorney for Saticoy Bay LLC.

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

SATICOY BAY LLC SERIES 2021 GRAY
EAGLE WAY,

Appellant

vs.

JP MORGAN CHASE BANK, N.A.;

Respondents

No. 68431

Electronically Filed
Oct 23 2015 01:18 p.m.
Tara K. Milne
Docketing Clerk
CIVIL APPEALS
Supreme Court

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 7
County Clark Judge Linda Marie Bell
District Ct. Case No. A605965

2. Attorney filing this docketing statement:

Attorney Michael F. Bohn, Esq. Telephone 702-642-3113
Firm Law Offices of Michael F. Bohn, Esq., Ltd.
Address 376 E. Warm Springs Road, Suite 140
Las Vegas, Nevada 89119

Client(s) SATICOY BAY LLC SERIES 2021 GRAY EAGLE WAY

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Chet A. Glover Telephone 702-252-5002
Firm Smith, Larsen & Wixom
Address 1935 Village Center Circle
Las Vegas, NV 89134
Client(s) JPMorgan Chase Bank, N.A.

Attorney _____ Telephone _____
Firm _____
Address _____
Client(s) _____

4. Nature of disposition below (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input checked="" type="checkbox"/> Other (specify): <u>Five Year Rule NRCP 41</u> |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None

8. Nature of the action. Briefly describe the nature of the action and the result below:

Plaintiff in intervention filed this action seeking title to the real property as a result of a foreclosure sale. The district court dismissed the complaint based on the five year rule. The dismissal was with prejudice.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The issue is if the district court abused it's discretion in dismissing the case with prejudice

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None known to counsel

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
N/A

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from Jun 22, 2015

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served Jun 23, 2015

Was service by:

☐ Delivery

☒ Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

18. Date notice of appeal filed Jul 13, 2015

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4 (a)

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
Appeal from a final order of dismissal

21. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Susan Louise Hannaford, plaintiff

Canyon Gate Master Association, defendant

Saticoy Bay LLC Series 2021 Gray Eagle Way, plaintiff in intervention

Parra Norma, defendant in intervention

JP Morgan Chase Bank, N.A., defendant in intervention

MTC Financial d/b/a Trustee Corps, defendant in intervention

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

MTC Financial d/b/a Trustee Corps. signed a stipulation for non-monetary relief.

Parra Norma did not make an appearance in the district court case.

Susan Hannaford was never served with the complaint in intervention.

Canyon Gate Master Association was not a party to the complaint in intervention

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

On plaintiff's complaint in intervention, the claims were:

1. Injunctive relief;
2. Quiet title; and
3. Declaratory relief

Each claim was dismissed under NRCP 41(e) by order entered on June 22, 2015

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

26. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION


I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Saticoy Bay LLC Series 2012 Gray Eagl
Name of appellant

Oct 26, 2015
Date

Clark County, Nevada
State and county where signed

Michael F. Bohn, Esq.
Name of counsel of record


Signature of counsel of record


CERTIFICATE OF SERVICE

I certify that on the 23rd day of October, 2015, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Chet M. Glover
Smith, Larsen & Wixom
1935 Village Center Circle
Las Vegas, NV 89134

Dated this 23rd day of October, 2015


Signature