

CLERK OF THE COURT

Electronically Filed
Aug 17 2015 11:38 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
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. 140
Las Vegas, Nevada 89119
5 (702) 642-3113/ (702) 642-9766 FAX
Attorney for plaintiff

6
7 DISTRICT COURT
8 CLARK COUNTY, NEVADA
9

10 SATICOY BAY LLC SERIES 350 DURANGO
104

11 Plaintiff,

12 vs.

13 WELLS FARGO HOME MORTGAGE A
14 DIVISION OF WELLS FARGO BANK, N.A.;
MTC FINANCIAL dba TRUSTEE CORPS;
15 RON N. SENHOLTZ and SHIRLEY P.
SENHOLTZ as trustees for the Senholtz Family
16 Trust

17 Defendants.

CASE NO.: A-13-688410-C
DEPT NO.: XXVIII

18 **NOTICE OF APPEAL**

19 NOTICE IS HEREBY GIVEN that plaintiff, Saticoy Bay LLC Series 350 Durango 104, hereby
20 appeals to the Supreme Court of Nevada from the Order granting defendant Wells Fargo Home
21 Mortgage's renewed motion to dismiss plaintiff's complaint entered in this action on July 10, 2015.

22 DATED this 11th day of August 2015.

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

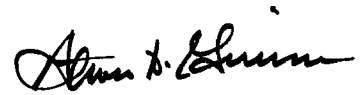
25 By: /s/ Michael F. Bohn, Esq./
MICHAEL F. BOHN, ESQ.
26 376 E. Warm Springs Road, Suite 140
Las Vegas, Nevada 89119
27 Attorney for plaintiff

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of LAW
3 OFFICES OF MICHAEL F. BOHN., ESQ., and on the 11th day of August 2015, an electronic copy
4 of **NOTICE OF APPEAL**, copy of which is attached hereto, was served on opposing counsel via the
5 Court's electronic service system to the following counsel of record:

6 Richard C. Gordon, Esq.
7 Paul W. Shakespear, Esq.
8 SNELL & WILMER, LLP
9 3883 Howard Hughes Parkway
10 Suite 1100
11 Las Vegas, NV 89169
12 *Attorney for Wells Fargo Home Mortgage*

13 /s/ /Marc Sameroff /
14 An Employee of the LAW OFFICES OF
15 MICHAEL F. BOHN, ESQ., LTD.
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8 Las Vegas, Nevada 89119
9 (702) 642-3113/ (702) 642-9766 FAX

10 Attorney for plaintiff

11
12 DISTRICT COURT
13 CLARK COUNTY, NEVADA

14 SATICOY BAY LLC SERIES 350 DURANGO
15 104

16 Plaintiff,

17 vs.

18 WELLS FARGO HOME MORTGAGE A
19 DIVISION OF WELLS FARGO BANK, N.A.;
20 MTC FINANCIAL dba TRUSTEE CORPS;
21 RON N. SENHOLTZ and SHIRLEY P.
22 SENHOLTZ as trustees for the Senholtz Family
23 Trust

24 Defendants.

CASE NO.: A-13-688410-C
DEPT NO.: XXVIII

25 **CASE APPEAL STATEMENT**

- 26 1. The appellant filing this case appeal statement is Saticoy Bay LLC Series 350 Durango 104.
- 27 2. The judge issuing the judgment appealed from is the honorable Ronald J. Israel.
- 28 3. The parties to the proceedings in District Court is Saticoy Bay LLC Series 350 Durango 104, plaintiff, and Wells Fargo Home Mortgage, N.A., MTC Financial dba Trustee Corps; and Ron N. Senholtz and Shirley P. Senholtz as trustees for the Senholtz Family Trust, defendants.
- 1 The parties to this appeal are the appellant Saticoy Bay LLC Series 350 Durango 104; the respondents are Wells Fargo Home Mortgage, N.A.
- 2 Counsel for appellant Saticoy Bay LLC Series 350 Durango 104 is Michael F. Bohn, Esq.; 376

1 E. Warm Springs Road, Suite 140, Las Vegas, Nevada 89119; (702) 642-3113. Counsel for respondent
2 Wells Fargo Home Mortgage, N.A., is Richard C. Gordon, Esq., 3883 Howard Hughes Parkway, Suite
3 1100, Las Vegas, Nevada, 89169 (702) 784-5200.

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

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

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

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

9 10. The complaint was filed in District Court on September 12, 2013;

10 11. The plaintiff filed this action seeking quiet title to the real property from the former owner
11 and from all existing encumbrances on the property. The district court granted a motion to dismiss;

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

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

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

16 DATED this 11th day of August 2015.

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

19 By: /s/ /Michael F. Bohn, Esq./
20 MICHAEL F. BOHN, ESQ.
21 376 E. Warm Springs Road, Suite 140
22 Las Vegas, Nevada 89119
23 Attorney for plaintiff
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of LAW
3 OFFICES OF MICHAEL F. BOHN., ESQ., and on the 11th day of August 2015, an electronic copy
4 of **NOTICE OF APPEAL**, copy of which is attached hereto, was served on opposing counsel via the
5 Court's electronic service system to the following counsel of record:

6 Richard C. Gordon, Esq.
7 Paul W. Shakespear, Esq.
8 SNELL & WILMER, LLP
9 3883 Howard Hughes Parkway
10 Suite 1100
11 Las Vegas, NV 89169
12 *Attorney for Wells Fargo Home Mortgage*

13 /s/ /Marc Sameroff/
14 An Employee of the LAW OFFICES OF
15 MICHAEL F. BOHN, ESQ., LTD.
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DEPARTMENT 28
CASE SUMMARY
CASE NO. A-13-688410-C

Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s)
vs.
Wells Fargo Home Mortgage, Defendant(s)

§
§
§
§
§
§

Location: **Department 28**
Judicial Officer: **Israel, Ronald J.**
Filed on: **09/12/2013**
Cross-Reference Case Number: **A688410**
Supreme Court No.: **68435**

CASE INFORMATION

Statistical Closures

06/10/2015 Motion to Dismiss (By Defendant)
09/25/2013 Voluntary Dismissal

Case Type: **Title to Property**
Subtype: **Quiet Title**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-13-688410-C
Court Department 28
Date Assigned 09/12/2013
Judicial Officer Israel, Ronald J.

PARTY INFORMATION

Plaintiff

Saticoy Bay LLC Series 350 Durango 104

Lead Attorneys

Bohn, Michael F
Retained
702-642-3113(W)

Defendant

MTC Financial

Senholtz, Ron N

Removed: 09/25/2013
Dismissed

Senholtz, Shirley P

Wells Fargo Home Mortgage

Gordon, Richard C.
Retained
7027845252(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

09/12/2013



Complaint

Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104
Complaint

09/12/2013

Case Opened

09/25/2013



Voluntary Dismissal

Filed by: Plaintiff Saticoy Bay LLC Series 350 Durango 104
Dismissal - Senholtz

10/02/2013

Judgment of Dismissal (Judicial Officer: Israel, Ronald J.)
Debtors: Ron N Senholtz (Defendant)
Creditors: Saticoy Bay LLC Series 350 Durango 104 (Plaintiff)
Judgment: 10/02/2013, Docketed: 10/02/2013

10/04/2013














Ex Parte Motion

Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104

DEPARTMENT 28
CASE SUMMARY
CASE NO. A-13-688410-C












Ex Parte Motion for Temporary Restraining Order

10/04/2013	 Temporary Restraining Order Filed by: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Temporary Restraining Order</i>
10/07/2013	 Notice of Appearance Party: Defendant Wells Fargo Home Mortgage <i>Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s Notice of Appearance</i>
10/07/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Wells Fargo Home Mortgage <i>Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s, Initial Appearance Fee Disclosure</i>
10/08/2013	 Notice of Posting Bond Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Posting Security</i>
10/08/2013	 Preliminary Injunction Hearing (9:00 AM) (Judicial Officer: Israel, Ronald J.) 10/08/2013, 10/22/2013, 12/03/2013, 01/07/2014
10/15/2013	 Ex Parte Motion Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Ex Parte Motion for Service by Publication</i>
10/15/2013	 Opposition to Motion Filed By: Defendant Wells Fargo Home Mortgage <i>Defendant's, Wells Fargo Home Mortgage's Opposition to the Plaintiff's Motion for the Preliminary Injunction</i>
10/17/2013	 Order Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Order Extending and Correcting Temporary Restraining Order</i>
10/18/2013	 Errata Filed By: Defendant Wells Fargo Home Mortgage <i>Defendant Wells Fargo Home Mortgage's Errata to Opposition to Plaintiff's Motion for Preliminary Injunction</i>
10/18/2013	 Notice of Entry of Order Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Entry of Order</i>
10/18/2013	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Affidavit of Service</i>
10/23/2013	 Order Granting Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Order for Service by Publication</i>
11/01/2013	 Order Filed By: Defendant Wells Fargo Home Mortgage

CASE SUMMARY













CASE NO. A-13-688410-C

Order Extending Temporary Restraining Order and Continuing Hearing on Plaintiff's Motion for Preliminary Injunction

11/05/2013	 Certificate of Mailing Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Certificate of Mailing</i>
11/25/2013	 Affidavit of Publication Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Affidavit of Publication</i>
11/27/2013	 Notice of Entry Filed By: Defendant Wells Fargo Home Mortgage <i>Notice of Entry of Order Extending Temporary Restraining Order and Continuing Hearing on Plaintiff's Motion for Preliminary Injunction</i>
12/09/2013	 Stipulation and Order Filed by: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Stipulation for Non-Monetary Relief</i>
12/12/2013	 Countermotion Filed By: Defendant Wells Fargo Home Mortgage <i>Defendant Wells Fargo Home Mortgage's Countermotion to Dismiss</i>
12/27/2013	 Notice of Entry Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Entry of Order</i>
01/02/2014	 Opposition Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Opposition</i>
01/07/2014	Countermotion (11:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 12/12/2013 Countermotion <i>Defendant Wells Fargo Home Mortgage's Countermotion to Dismiss</i>
01/07/2014	Opposition and Countermotion (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Opposition to Countermotion To Dismiss; and Countermotion to Stay Case</i>
01/07/2014	 All Pending Motions (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (01/07/14)</i>
01/07/2014	Notice of Stay <i>Stay Proceedings 01/07/14</i>
01/27/2014	 Order Granting Motion Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Order Granting Countermotion to Stay Proceedings</i>
01/28/2014	 Notice of Entry of Order Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Entry of Order</i>
05/14/2014	 Status Check: Status of Case (3:00 AM) (Judicial Officer: Israel, Ronald J.) 05/14/2014, 10/29/2014, 12/02/2014










DEPARTMENT 28
CASE SUMMARY
CASE NO. A-13-688410-C

Status Check: Status of Case // HOA Stay

11/25/2014	 Status Report Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Status Report</i>
12/22/2014	 Order Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Order Lifting Stay on Litigation</i>
12/23/2014	 Notice of Entry Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Entry of Order</i>
03/27/2015	 Substitution of Attorney Filed by: Defendant Wells Fargo Home Mortgage <i>Substitution of Attorney</i>
04/13/2015	 Motion to Dismiss Filed By: Defendant Wells Fargo Home Mortgage <i>Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s Renewed Motion to Dismiss Plaintiff's Complaint</i>
04/13/2015	 Request for Judicial Notice Filed By: Defendant Wells Fargo Home Mortgage <i>Wells Fargo Home Mortgage, a Division Of Wells Fargo Bank, N.A.'s Request For Judicial Notice</i>
04/27/2015	 Opposition to Motion to Dismiss Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Opposition to Defendant Wells Fargo Home Mortgage's motion to Dismiss</i>
05/15/2015	 Stipulation and Order Filed by: Defendant Wells Fargo Home Mortgage <i>Stipulation and Order to Continue Hearing on Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss</i>
05/18/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Wells Fargo Home Mortgage <i>Notice of Entry of Stipulation and Order</i>
06/04/2015	 Reply in Support Filed By: Defendant Wells Fargo Home Mortgage <i>Wells Fargo Home Mortgage, A Division of Wells Fargo Bank, N.A.'s Reply in Support of Renewed Motion to Dismiss Plaintiff's Complaint</i>
06/09/2015	 Motion to Dismiss (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 04/13/2015 Motion to Dismiss <i>Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s Renewed Motion to Dismiss Plaintiff's Complaint</i>
06/10/2015	 Order to Statistically Close Case <i>Civil Order To Statistically Close Case</i>
07/07/2015	

CASE SUMMARY

CASE NO. A-13-688410-C

	 Reply in Support Filed By: Defendant Wells Fargo Home Mortgage <i>Wells Fargo Bank, N.A.'s Reply in Support of Motion to Dismiss Plaintiff's Complaint</i>
07/10/2015	 Order Granting Motion Filed By: Defendant Wells Fargo Home Mortgage <i>Order Granting Defendant Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s Renewed Motion to Dismiss Plaintiff's Complaint</i>
07/10/2015	Order of Dismissal (Judicial Officer: Israel, Ronald J.) Debtors: Saticoy Bay LLC Series 350 Durango 104 (Plaintiff) Creditors: Wells Fargo Home Mortgage (Defendant) Judgment: 07/10/2015, Docketed: 07/17/2015
07/13/2015	 Notice of Entry of Order Filed By: Defendant Wells Fargo Home Mortgage <i>Notice of Entry of Order Granting Defendant Wells Fargo Home Mortgage, A Division of Wells Fargo Bank, N.A.'s Renewed Motion to Dismiss Plaintiff's Complaint</i>
07/14/2015	 Notice of Appeal Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Appeal</i>
07/14/2015	 Case Appeal Statement Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Case Appeal Statement</i>
07/28/2015	 Amended Certificate of Mailing Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Amended Certificate of Mailing</i>
08/05/2015	 Default Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Default</i>
08/11/2015	 Notice of Appeal Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Notice of Appeal</i>
08/11/2015	 Case Appeal Statement Filed By: Plaintiff Saticoy Bay LLC Series 350 Durango 104 <i>Case Appeal Statement</i>

DATE**FINANCIAL INFORMATION****Defendant** Wells Fargo Home Mortgage

Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 8/13/2015	0.00

Plaintiff Saticoy Bay LLC Series 350 Durango 104

Total Charges	318.00
Total Payments and Credits	318.00
Balance Due as of 8/13/2015	0.00

Plaintiff Saticoy Bay LLC Series 350 Durango 104
 Temporary Restraining Order Balance as of 8/13/2015

500.00

CASE SUMMARY

CASE NO. A-13-688410-C

Plaintiff Saticoy Bay LLC Series 550 Durango 104
Appeal Bond Balance as of 8/13/2015

500.00

CIVIL COVER SHEET A- 13- 688410- C

County, Nevada

da **XXVI** | |

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

SATICOY BAY LLC SERIES 350 DURANGO

Defendant(s) (name/address/phone):

WELLS FARGO HOME MORTGAGE A DIVISION
OF WELLS FARGO BANK, N.A.; MTC FINANCIAL
DBA TRUSTEE CORPS; RON N. SENHOLTZ AND
SHIRLEY P. SENHOLTZ as trustees for the _____

Attorney (name/address/phone):

MICHAEL F. BOHN, Esq.

376 E. Warm Springs Road Suite 125

Las Vegas, NV 89119

(702) 642-3113

Attorney (name/address/phone):

Senholtz family trust

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ **Arbitration Requested**

Civil Cases

<p>Real Property</p> <p><input type="checkbox"/> Landlord/Tenant</p> <p><input type="checkbox"/> Unlawful Detainer</p> <p><input type="checkbox"/> Title to Property</p> <p><input type="checkbox"/> Foreclosure</p> <p><input type="checkbox"/> Liens</p> <p><input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Quiet Title</p> <p><input type="checkbox"/> Specific Performance</p> <p><input type="checkbox"/> Condemnation/Eminent Domain</p> <p><input type="checkbox"/> Other Real Property</p> <p><input type="checkbox"/> Partition</p> <p><input type="checkbox"/> Planning/Zoning</p>	<p>Torts</p> <p>Negligence</p> <p><input type="checkbox"/> Negligence -- Auto</p> <p><input type="checkbox"/> Negligence -- Medical/Dental</p> <p><input type="checkbox"/> Negligence -- Premises Liability</p> <p>(Slip/Fall)</p> <p><input type="checkbox"/> Negligence -- Other</p> <p>Product Liability</p> <p><input type="checkbox"/> Product Liability/Motor Vehicle</p> <p><input type="checkbox"/> Other Torts/Product Liability</p> <p><input type="checkbox"/> Intentional Misconduct</p> <p><input type="checkbox"/> Torts/Defamation (Libel/Slander)</p> <p><input type="checkbox"/> Interfere with Contract Rights</p> <p><input type="checkbox"/> Employment Torts (wrongful termination)</p> <p><input type="checkbox"/> Other Torts</p> <p><input type="checkbox"/> Anti-trust</p> <p><input type="checkbox"/> Fraud/Misrepresentation</p> <p><input type="checkbox"/> Insurance</p> <p><input type="checkbox"/> Legal Tort</p> <p><input type="checkbox"/> Unfair competition</p>
<p>Probate</p> <p><input type="checkbox"/> Summary Administration</p> <p><input type="checkbox"/> General Administration</p> <p><input type="checkbox"/> Special Administration</p> <p><input type="checkbox"/> Set Aside Estates</p> <p><input type="checkbox"/> Trust/Conservatorships</p> <p><input type="checkbox"/> Individual Trustee</p> <p><input type="checkbox"/> Corporate Trustee</p> <p><input type="checkbox"/> Other Probate</p>	<p>Other Civil Filing Types</p> <p><input type="checkbox"/> Construction Defect</p> <p><input type="checkbox"/> Chapter 40</p> <p><input type="checkbox"/> General</p> <p><input type="checkbox"/> Breach of Contract</p> <p><input type="checkbox"/> Building & Construction</p> <p><input type="checkbox"/> Insurance Carrier</p> <p><input type="checkbox"/> Commercial Instrument</p> <p><input type="checkbox"/> Other Contracts/Acct/Judgment</p> <p><input type="checkbox"/> Collection of Actions</p> <p><input type="checkbox"/> Employment Contract</p> <p><input type="checkbox"/> Guarantee</p> <p><input type="checkbox"/> Sale Contract</p> <p><input type="checkbox"/> Uniform Commercial Code</p> <p><input type="checkbox"/> Civil Petition for Judicial Review</p> <p><input type="checkbox"/> Other Administrative Law</p> <p><input type="checkbox"/> Department of Motor Vehicles</p> <p><input type="checkbox"/> Worker's Compensation Appeal</p> <p><input type="checkbox"/> Appeal from Lower Court</p> <p>(also check applicable civil case box)</p> <p><input type="checkbox"/> Transfer from Justice Court</p> <p><input type="checkbox"/> Justice Court Civil appeal</p> <p><input type="checkbox"/> Civil Writ</p> <p><input type="checkbox"/> Other Special Proceeding</p> <p><input type="checkbox"/> Other Civil Filing</p> <p><input type="checkbox"/> Compromise of Minor's Claim</p> <p><input type="checkbox"/> Conversion of Property</p> <p><input type="checkbox"/> Damage to Property</p> <p><input type="checkbox"/> Employment Security</p> <p><input type="checkbox"/> Enforcement of Judgment</p> <p><input type="checkbox"/> Foreign Judgment - Civil</p> <p><input type="checkbox"/> Other Personal Property</p> <p><input type="checkbox"/> Recover of Property</p> <p><input type="checkbox"/> Stockholder Suit</p> <p><input type="checkbox"/> Other Civil Matters</p>

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

<input type="checkbox"/>	NRS Chapters 78-88
<input type="checkbox"/>	Commodities (NRS 90)
<input type="checkbox"/>	Securities (NRS 90)

<input type="checkbox"/>	Investments (NRS 104 Art. 8)
<input type="checkbox"/>	Deceptive Trade Practices (NRS 598)
<input type="checkbox"/>	Trademarks (NRS 600A)

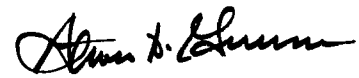
<input type="checkbox"/>	Enhanced Case Mgmt/Business
<input type="checkbox"/>	Other Business Court Matters

September 11, 2013

Date _____

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

Richard C. Gordon
Nevada Bar No. 9036
Paul W. Shakespear
Nevada Bar No. 10752
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rgordon@swlaw.com
Email: pshakespear@swlaw.com

Attorneys for Defendant
WELLS FARGO HOME MORTGAGE, A DIVISION OF
WELLS FARGO BANK, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 350 DURANGO
104

Plaintiff,

vs.

WELLS FARGO HOME MORTGAGE A
DIVISION OF WELLS FARGO BANK, N.A.;
MTC FINANCIAL dba TRUSTEE CORPS;
RON N. SENHOLTZ and SHIRLEY P.
SENHOLTZ as trustees for the Senholtz Family
Trust

Defendants.

CASE NO.: A-13-688410-C
DEPT. NO.: XXVIII

**ORDER GRANTING DEFENDANT
WELLS FARGO HOME
MORTGAGE, A DIVISION OF
WELLS FARGO BANK, N.A.'S
RENEWED MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

And all related actions.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter concerning Defendant Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s ("Wells Fargo"), Renewed Motion to Dismiss Plaintiff's Complaint, filed April 13, 2015, came on for hearing on the 9th day of June, 2015 at the hour of 9:00 a.m. before Department XXVIII of the Eighth Judicial District Court, in and for Clark County, Nevada, with JUDGE RONALD J. ISRAEL presiding; Plaintiff SATICOY BAY LLC SERIES 350 DURANGO 104 appeared by and through its attorney, ARTHUR P. TAN, ESQ. of the BOHN

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Def(s)	<input type="checkbox"/> Judgment of Arbitration

Snell & Wilmer

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

7/6/15 25

1 LAW FIRM; Defendant WELLS FARGO HOME MORTGAGE, A DIVISION OF WELLS
2 FARGO BANK, N.A. appeared by and through its attorney, CHARLES E. GIANELLONI, ESQ.
3 of the law firm SNELL & WILMER LLP. Having reviewed the papers and pleadings on file
4 herein and heard oral arguments of counsel, this Court makes the following Findings of Fact and
5 Conclusions of Law:

6 FINDINGS OF ACT

7 1. This lawsuit involves real property located at 350 S. Durango Drive, #104, Las
8 Vegas, Nevada 89128 (the "Property"). The Property is located within a common-interest
9 community governed by Angel Point Condominiums (the "HOA").

10 2. On July 1, 2003, the Senholtzes obtained a loan in the amount of \$81,370.00
11 from Wells Fargo Home Mortgage, Inc. to refinance their original loan for the purchase of the
12 Property.

13 3. The HOA recorded a Notice of Delinquent Assessment Lien on November 15,
14 2012.

15 4. On January 18, 2013, the HOA recorded a Notice of Default and Election to Sell
16 Under Homeowners Association Lien.

17 5. On April 4, 2013, a Notice of Breach and Default and Election to Cause Sale of
18 Real Property under Deed of Trust was recorded.

19 6. The HOA then recorded a Notice of Trustee's Sale on May 20, 2013.

20 7. On or about June 14, 2013, the HOA held a non-judicial foreclosure sale and the
21 Property was sold to Saticoy Bay LLC Series for the total amount of \$6,900.00.

22 8. On August 29, 2013, a Certificate from the Nevada Foreclosure Mediation
23 Program was recorded.

24 9. Plaintiff filed a Complaint for Quiet Title and Declaratory Relief against the
25 Senholtzes and Wells Fargo on September 12, 2013.

26 10. On June 9, 2015, at the hearing on Defendant's Motion to Dismiss Plaintiff's
27 Complaint, Defendant's counsel argued that the statute upon which Plaintiff's claims for quiet
28 title and declaratory relief necessary rely, NRS 116.3116 *et seq.* (the "Statute"), does not satisfy

1 constitutional due process principles. Defendants contend that the Statute is facially
2 unconstitutional because the burden shifting “opt-in” provisions first require lenders to give
3 notice in order to receive notice of the operative steps in the HOA foreclosure process. As such,
4 the Statute does not require the foreclosing party to take reasonable steps to ensure that actual
5 notice is provided to interested parties who are reasonably ascertainable. Plaintiff’s counsel
6 argued that in *SFR Investments Pool 1 v. U.S. Bank*, 334 P.3d 408 (2014), *reh’g denied* (Oct. 16,
7 2014) (“*SFR*”), the Nevada Supreme Court resolved this issue in favor of Plaintiff because the
8 Supreme Court considered, and ruled on, an as-applied constitutional challenge. The crux of this
9 matter hinges upon whether the Statute at issue is facially unconstitutional.

10 CONCLUSIONS OF LAW

11 **THE COURT HEREBY FINDS AS FOLLOWS AS A MATTER OF LAW:**

12 1. The Nevada Supreme Court, in *SFR*, did not address any facial challenge,
13 including the facial challenge to the constitutionality of the Statute’s notice provisions raised in
14 the instant Motion to Dismiss.

15 2. The Statute violates the Due Process Clauses of the Fifth and Fourteenth
16 Amendments of the United States Constitution because its “opt-in” notice provisions do not
17 mandate that reasonable and affirmative steps be taken to provide actual notice to lenders and
18 other holders of recorded security interests prior to the deprivation of their property rights.
19 Because the Statute does not require the foreclosing party to take reasonable steps to ensure that
20 actual notice is provided to interested parties who are reasonably ascertainable (unless the
21 interested party first requests notice) it does not comport with long standing principles of
22 constitutional due process. *See Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 799–800
23 (1983); *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950); *Small Engine*
24 *Shop, Inc. v. Cascio*, 878 F.2d 883, 893 (5th Cir. 1989).

25 3. The Statute violates the Due Process Clause of the Nevada Constitution, Nevada
26 Const., art. I, sec. 8(5), for the same reasons as articulated in Paragraph 2.

27 4. Moreover, reference to NRS 107.090 does not salvage the federal or state
28 constitutionality of the Statute because Plaintiff’s construction of NRS 107.090 as mandating

1 notice to lenders before foreclosure would render superfluous the express "opt-in" notice
2 provisions contained in NRS 116.3116, in violation of rules of statutory construction. *See*
3 *S. Nev. Homebuilders Ass'n v. Clark Cnty.*, 117 P.3d 171, 173 (Nev. 2005) ("When interpreting a
4 statute, this Court must give its terms their plain meaning, considering its provisions as a whole
5 so as to read them in a way that would not render words or phrases superfluous or make a
6 provision nugatory.") (internal quotations omitted).

7 5. For these reasons, this Court finds that the Statute is facially unconstitutional in
8 violation of the Due Process Clauses of both the United States and the Nevada Constitutions.

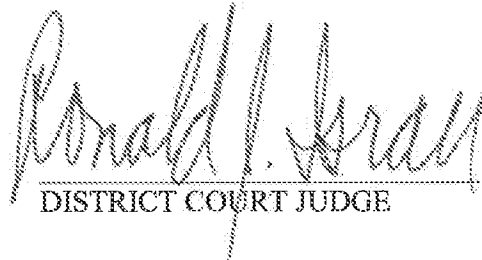
9 Based upon the foregoing Findings of Fact and Conclusions of Law,

10 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant's Motion
11 to Dismiss, filed April 13, 2015, is **GRANTED**.


12 **IT IS FURTHER ORDERED** that because multiple parties are involved, this Court
13 expressly directs the entry of a final judgment with respect to Wells Fargo, but not all defendants,
14 pursuant to NRCP 54(b) due to the express determination that there is no just reason for delay.

15 **IT IS SO ORDERED.**

16 DATED June 7, 2015


DISTRICT COURT JUDGE

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19
20 Submitted by:

21 
22 Richard C. Gordon
23 Nevada Bar No. 9036
24 Paul W. Shakespear
25 Nevada Bar No. 10752
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

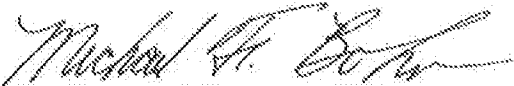
26 *Attorneys for Wells Fargo Home Mortgage,*
27 *a Division of Wells Fargo Bank, N.A.*

28 DATED June __, 2015

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Approved as to form and content:

BOHN LAW FIRM

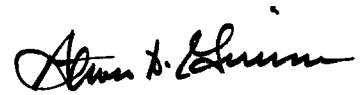


Michael F. Bohn, Esq.
Nevada Bar No. 1641
376 E. Warm Springs, Suite 140
Las Vegas, NV 89119

Attorneys for Plaintiff
Saticoy Bay LLC Series 350 Durango 104

DATED June __, 2015

21864058



CLERK OF THE COURT

Richard C. Gordon
Nevada Bar No. 9036
Paul W. Shakespear
Nevada Bar No. 10752
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rgordon@swlaw.com
Email: pshakespear@swlaw.com

Attorneys for Defendant
WELLS FARGO HOME MORTGAGE, A DIVISION OF
WELLS FARGO BANK, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 350
DURANGO 104

Plaintiff,

vs.

WELLS FARGO HOME MORTGAGE A
DIVISION OF WELLS FARGO BANK, N.A.;
MTC FINANCIAL dba TRUSTEE CORPS;
RON N. SENHOLTZ and SHIRLEY P.
SENHOLTZ as trustees for the Senholtz
Family Trust

Defendants.

CASE NO.: A-13-688410-C
DEPT. NO.: XXVIII

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANT WELLS
FARGO HOME MORTGAGE, A
DIVISION OF WELLS FARGO BANK,
N.A.'S RENEWED MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

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1 PLEASE TAKE NOTICE that the ORDER GRANTING DEFENDANT WELLS
2 FARGO HOME MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A.'S RENEWED
3 MOTION TO DISMISS PLAINTIFF'S COMPLAINT was entered this this Court on July 10,
4 2015, a copy of which is attached hereto.

5 DATED this 13th day of July, 2015.

6 SNELL & WILMER L.L.P.

7 By: /s/ Paul W. Shakespear

8 Richard C. Gordon, Nevada Bar No. 9036
9 Paul W. Shakespear, Nevada Bar No. 10752
10 3883 Howard Hughes Parkway, Suite 1100
11 Las Vegas, NV 89169
12 Attorneys for Defendant
13 WELLS FARGO BANK, N.A.
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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT WELLS FARGO HOME MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A.'S RENEWED MOTION TO DISMISS PLAINTIFF'S COMPLAINT by the method indicated below:

_____	U.S. Mail	_____	Federal Express
_____	U.S. Certified Mail	<u>XXXXX</u>	Electronic Service
_____	Facsimile Transmission	_____	Hand Delivery
_____	Overnight Mail		

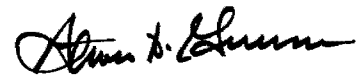
and addressed to the following:

Michael F. Bohn, Esq.
BOHN LAW FIRM
376 E. Warm Springs, Suite 140
Las Vegas, NV 89119
Telephone: (702) 642-3113
Facsimile: (702) 642-9766
E-mail: mbohn@bohnlawfirm.com

Attorneys for Plaintiff
Saticoy Bay LLC Series 6915 Silver State

DATED this 13th day of July, 2015.

/s/ Mindi Mordue
An Employee of Snell & Wilmer L.L.P.



CLERK OF THE COURT

Richard C. Gordon
Nevada Bar No. 9036
Paul W. Shakespear
Nevada Bar No. 10752
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rgordon@swlaw.com
Email: pshakespear@swlaw.com

Attorneys for Defendant
WELLS FARGO HOME MORTGAGE, A DIVISION OF
WELLS FARGO BANK, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 350 DURANGO
104

Plaintiff,

vs.

WELLS FARGO HOME MORTGAGE A
DIVISION OF WELLS FARGO BANK, N.A.;
MTC FINANCIAL dba TRUSTEE CORPS;
RON N. SENHOLTZ and SHIRLEY P.
SENHOLTZ as trustees for the Senholtz Family
Trust

Defendants.

CASE NO.: A-13-688410-C
DEPT. NO.: XXVIII

ORDER GRANTING DEFENDANT
WELLS FARGO HOME
MORTGAGE, A DIVISION OF
WELLS FARGO BANK, N.A.'S
RENEWED MOTION TO DISMISS
PLAINTIFF'S COMPLAINT

And all related actions.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter concerning Defendant Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A.'s ("Wells Fargo"), Renewed Motion to Dismiss Plaintiff's Complaint, filed April 13, 2015, came on for hearing on the 9th day of June, 2015 at the hour of 9:00 a.m. before Department XXVIII of the Eighth Judicial District Court, in and for Clark County, Nevada, with JUDGE RONALD J. ISRAEL presiding; Plaintiff SATICOY BAY LLC SERIES 350 DURANGO 104 appeared by and through its attorney, ARTHUR P. TAN, ESQ. of the BOHN

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

Snell & Wilmer

CLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.395.5200

7/6/15 (28)

1 LAW FIRM; Defendant WELLS FARGO HOME MORTGAGE, A DIVISION OF WELLS
2 FARGO BANK, N.A. appeared by and through its attorney, CHARLES E. GIANELLONI, ESQ.
3 of the law firm SNELL & WILMER LLP. Having reviewed the papers and pleadings on file
4 herein and heard oral arguments of counsel, this Court makes the following Findings of Fact and
5 Conclusions of Law:

6 FINDINGS OF ACT

7 1. This lawsuit involves real property located at 350 S. Durango Drive, #104, Las
8 Vegas, Nevada 89128 (the "Property"). The Property is located within a common-interest
9 community governed by Angel Point Condominiums (the "HOA").

10 2. On July 1, 2003, the Senholtzes obtained a loan in the amount of \$81,370.00
11 from Wells Fargo Home Mortgage, Inc. to refinance their original loan for the purchase of the
12 Property.

13 3. The HOA recorded a Notice of Delinquent Assessment Lien on November 15,
14 2012.

15 4. On January 18, 2013, the HOA recorded a Notice of Default and Election to Sell
16 Under Homeowners Association Lien.

17 5. On April 4, 2013, a Notice of Breach and Default and Election to Cause Sale of
18 Real Property under Deed of Trust was recorded.

19 6. The HOA then recorded a Notice of Trustee's Sale on May 20, 2013.

20 7. On or about June 14, 2013, the HOA held a non-judicial foreclosure sale and the
21 Property was sold to Saticoy Bay LLC Series for the total amount of \$6,900.00.

22 8. On August 29, 2013, a Certificate from the Nevada Foreclosure Mediation
23 Program was recorded.

24 9. Plaintiff filed a Complaint for Quiet Title and Declaratory Relief against the
25 Senholtzes and Wells Fargo on September 12, 2013.

26 10. On June 9, 2015, at the hearing on Defendant's Motion to Dismiss Plaintiff's
27 Complaint, Defendant's counsel argued that the statute upon which Plaintiff's claims for quiet
28 title and declaratory relief necessary rely, NRS 116.3116 *et seq.* (the "Statute"), does not satisfy

1 constitutional due process principles. Defendants contend that the Statute is facially
2 unconstitutional because the burden shifting "opt-in" provisions first require lenders to give
3 notice in order to receive notice of the operative steps in the HOA foreclosure process. As such,
4 the Statute does not require the foreclosing party to take reasonable steps to ensure that actual
5 notice is provided to interested parties who are reasonably ascertainable. Plaintiff's counsel
6 argued that in *SFR Investments Pool 1 v. U.S. Bank*, 334 P.3d 408 (2014), *reh'g denied* (Oct. 16,
7 2014) ("*SFR*"), the Nevada Supreme Court resolved this issue in favor of Plaintiff because the
8 Supreme Court considered, and ruled on, an as-applied constitutional challenge. The crux of this
9 matter hinges upon whether the Statute at issue is facially unconstitutional.

10 CONCLUSIONS OF LAW

11 **THE COURT HEREBY FINDS AS FOLLOWS AS A MATTER OF LAW:**

12 1. The Nevada Supreme Court, in *SFR*, did not address any facial challenge,
13 including the facial challenge to the constitutionality of the Statute's notice provisions raised in
14 the instant Motion to Dismiss.

15 2. The Statute violates the Due Process Clauses of the Fifth and Fourteenth
16 Amendments of the United States Constitution because its "opt-in" notice provisions do not
17 mandate that reasonable and affirmative steps be taken to provide actual notice to lenders and
18 other holders of recorded security interests prior to the deprivation of their property rights.
19 Because the Statute does not require the foreclosing party to take reasonable steps to ensure that
20 actual notice is provided to interested parties who are reasonably ascertainable (unless the
21 interested party first requests notice) it does not comport with long standing principles of
22 constitutional due process. *See Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 799-800
23 (1983); *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950); *Small Engine*
24 *Shop, Inc. v. Cascio*, 878 F.2d 883, 893 (5th Cir. 1989).

25 3. The Statute violates the Due Process Clause of the Nevada Constitution, Nevada
26 Const., art. I, sec. 8(5), for the same reasons as articulated in Paragraph 2.

27 4. Moreover, reference to NRS 107.090 does not salvage the federal or state
28 constitutionality of the Statute because Plaintiff's construction of NRS 107.090 as mandating

notice to lenders before foreclosure would render superfluous the express "opt-in" notice provisions contained in NRS 116.3116, in violation of rules of statutory construction. *See S. Nev. Homebuilders Ass'n v. Clark Cnty.*, 117 P.3d 171, 173 (Nev. 2005) ("When interpreting a statute, this Court must give its terms their plain meaning, considering its provisions as a whole so as to read them in a way that would not render words or phrases superfluous or make a provision nugatory.") (internal quotations omitted).

5. For these reasons, this Court finds that the Statute is facially unconstitutional in violation of the Due Process Clauses of both the United States and the Nevada Constitutions.

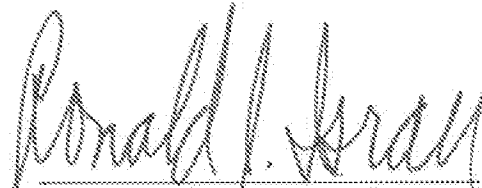
Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Dismiss, filed April 13, 2015, is **GRANTED**.

IT IS FURTHER ORDERED that because multiple parties are involved, this Court expressly directs the entry of a final judgment with respect to Wells Fargo, but not all defendants, pursuant to NRCP 54(b) due to the express determination that there is no just reason for delay.

IT IS SO ORDERED.

DATED July 7, 2015


DISTRICT COURT JUDGE

Submitted by:



Richard C. Gordon
Nevada Bar No. 9036
Paul W. Shakespear
Nevada Bar No. 10752
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

*Attorneys for Wells Fargo Home Mortgage,
a Division of Wells Fargo Bank, N.A.*

DATED June ___, 2015

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Approved as to form and content:

BOHN LAW FIRM



Michael F. Bohn, Esq.
Nevada Bar No. 1641
376 E. Warm Springs, Suite 140
Las Vegas, NV 89119

Attorneys for Plaintiff
Saticoy Bay LLC Series 350 Durango 104

DATED June __, 2015

21864058

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 08, 2013

A-13-688410-C Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s)
vs.
Wells Fargo Home Mortgage, Defendant(s)

**October 08, 2013 9:00 AM Preliminary Injunction
Hearing**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Crowton, Chelsea A., ESQ Attorney

JOURNAL ENTRIES

- Mr. Bohn noted he was not aware of the sale until yesterday and Mr. Bohn did not list the correct property, However they granted the sale anyway. Mr. Bohn further advised they did not deliver the deed. Ms. Crowton advised the Temporary Restraining Order (TRO) did not name the correct property or parties. Colloquy regarding the sale of the property. Court noted its concerns. COURT ORDERED, TRO Extended two weeks and Matter CONTINUED. Court encouraged parties to work together and resolve the matter.

10/22/13 9:00 AM PRELIMINARY INJUNCTION HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 22, 2013

A-13-688410-C	Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s) vs. Wells Fargo Home Mortgage, Defendant(s)
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October 22, 2013	9:00 AM	Preliminary Injunction Hearing
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HEARD BY: Israel, Ronald J.	COURTROOM: RJC Courtroom 15C
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COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Bohn, Michael F	Attorney
	Nitz, Dana Jonathon	Attorney

JOURNAL ENTRIES

- Colloquy regarding the Homeowner's Association (HOA) matters pending. Court noted during the Courts absence, Judge Gonzalez signed the Temporary Restraining Order (TRO). Mr. Nitz noted they had the wrong name listed on the TRO and the sale was already done, therefore the Preliminary Injunction is moot. Mr. Bohn noted he could not stop the sale, the deed has been issued, However the deed has not been recorded. Mr. Bohn requested to extend the injunction, if sold to a third party it would be difficult. Mr. Nitz reviewed the affidavit and noted it does not indicate the purchaser. Court noted the TRO appears to be moot. Colloquy regarding notice to Nevada Legal News the auctioneer. COURT ORDERED, Motion CONTINUED. Mr. Nitz noted he did not file a motion to dismiss at this time. Court will allow Mr. Nitz to file the Motion to Dismiss within two weeks. Mr. Bohn requested a stay; Court advised the Supreme Court can stay if the motion is granted. Mr. Nitz clarified stating injunction the trustee from recording the deed.

12/03/13 10:00 AM PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

December 03, 2013

A-13-688410-C Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s)
vs.
Wells Fargo Home Mortgage, Defendant(s)

**December 03, 2013 10:00 AM Preliminary Injunction
Hearing**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Tia Everett

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Nitz, Dana Jonathon Attorney

JOURNAL ENTRIES

- Mr. Nitz advised parties have agreed to continue the hearing until after the holidays in order for a motion to dismiss to be filed and heard at the same time. COURT ORDERED, matter CONTINUED. Additionally, Mr. Nitz advised parties agree that the terms of the Temporary Restraining Order (TRO) shall remain in place until the new hearing date. COURT SO ORDERED.

CONTINUED TO: 1/07/2014 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	January 07, 2014
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A-13-688410-C	Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s) vs. Wells Fargo Home Mortgage, Defendant(s)
---------------	--

January 07, 2014	11:00 AM	All Pending Motions	All Pending Motions (01/07/14)
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HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Tia Everett

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Bohn, Michael F Crowton, Chelsea A., ESQ	Attorney Attorney
-----------------	---	----------------------

JOURNAL ENTRIES

- PRELIMINARY INJUNCTION HEARING...DEFENDANT WELLS FARGO HOME MORTGAGE'S COUNTERMOTION TO DISMISS...OPPOSITION TO COUNTERMOTION TO DISMISS AND COUNTERMOTION TO STAY CASE

Court noted this is another HOA case and this Court will stay these cases. Court further noted oral argument is in the Supreme Court in February. COURT ORDERED, Case STAYED, Matters OFF CALENDAR. Preliminary Injunction, stayed. Following court, a status check was set in chambers.

05/14/14 (CHAMBERS) STATUS CHECK: STATUS OF CASE & STAY

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Bohn, Esq. and Chelsea Crowton, Esq. (Wright, Finlay & Zak)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 14, 2014

A-13-688410-C Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s)
vs.
Wells Fargo Home Mortgage, Defendant(s)

May 14, 2014

3:00 AM

**Status Check: Status of
Case**

**Status Check: Status
of Case // HOA Stay**

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review in this matter, Court notes the Homeowners Association (HOA) issues remain pending for decision at the Supreme Court, Therefore, COURT ORDERED, Matter CONTINUED.

10/29/14 (CHAMBERS) STATUS CHECK RE: STATUS OF CASE // (HOA) STAY

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Bohn, Esq. and Chelsea Crowton, Esq. (Wright, Finlay & Zak)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 29, 2014

A-13-688410-C	Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s) vs. Wells Fargo Home Mortgage, Defendant(s)
---------------	--

October 29, 2014

3:01 AM

**Status Check: Status of
Case**

**Status Check: Status
of Case // HOA Stay**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Matter CONTINUED. Counsel to file individual or joint Status Reports with the Court specifying how it plans to proceed with the case in light of the Supreme Court's decision in SFR Investment Pool 1, LLC v. U.S. Bank, N.A., 130 Nev.Adv.Op.75 (September 18, 2014). Status Reports due by 11/25/14.

12/02/14 9:00 AM STATUS CHECK: (HOA) STAY // RESET TRIAL

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Bohn, Esq. and Chelsea Crowton, Esq. (Wright, Finlay & Zak).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

December 02, 2014

A-13-688410-C Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s)
vs.
Wells Fargo Home Mortgage, Defendant(s)

December 02, 2014 9:00 AM

**Status Check: Status of
Case**

**Status Check: Status
of Case // HOA Stay**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Arlitz, Jeff Attorney
 Crowton, Chelsea A., ESQ Attorney

JOURNAL ENTRIES

- Ms. Crowton advised she will withdraw her motion to dismiss and file an answer within 30 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****June 09, 2015**

A-13-688410-C

Saticoy Bay LLC Series 350 Durango 104, Plaintiff(s)

vs.

Wells Fargo Home Mortgage, Defendant(s)

June 09, 2015**9:00 AM****Motion to Dismiss**

**Wells Fargo Home
Mortgage, a Division
of Wells Fargo Bank,
N.A.'s Renewed
Motion to Dismiss
Plaintiff's Complaint**

HEARD BY: Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Klein**RECORDER:** Judy Chappell**REPORTER:****PARTIES****PRESENT:**

Gianelloni, Charles E
Tan, Gerald L.

Attorney
Attorney

JOURNAL ENTRIES

- Colloquy regarding the Homeowners Association (HOA) Supreme Court decisions. Mr. Gianelloni noted NRS 116 is unconstitutional and violates its due process rights. Mr. Tan noted a private actor was delinquent and foreclosed therefore this matter can't be a regulatory taking. Further arguments by Counsel. Colloquy regarding the commercial reasonableness of the sale. Court stated its findings and agreed with Judge Delaney's decision in A692027 finding the statute violates Wells Fargo's due process rights and is therefore facially unconstitutional. Further the Court did not believe it's a regulatory taking, Wells Fargo's Motion to Dismiss Plaintiff's Complaint, GRANTED. Mr. Gianelloni to prepare the order and pass it by Plaintiff's. Court noted it incorporates Judge Delaney's decision. CASE CLOSED.



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

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

DATE: August 13, 2015
CASE: A688410

RE CASE: SATICOY BAY LLC SERIES 350 DURANGO 104 vs. WELLS FARGO HOME MORTGAGE A DIVISION OF WELLS FARGO BANK, N.A.; MTC FINANCIAL dba TRUSTEE CORPS; SHIRLEY P. SENHOLTZ as Trustee for the Senholtz Family Trust

NOTICE OF APPEAL FILED: August 11, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT WELLS FARGO HOME MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A.'S RENEWED MOTION TO DISMISS PLAINTIFF'S COMPLAINT; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT WELLS FARGO HOME MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A.'S RENEWED MOTION TO DISMISS PLAINTIFF'S COMPLAINT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SATICOY BAY LLC SERIES 350 DURANGO
104,

Plaintiff(s),

vs.

WELLS FARGO HOME MORTGAGE A
DIVISION OF WELLS FARGO BANK, N.A.;
MTC FINANCIAL dba TRUSTEE CORPS;
SHIRLEY P. SENHOLTZ as Trustee for the
Senholtz Family Trust,

Defendant(s),

Case No: A688410

Dept No: XXVIII

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 13 day of August 2015

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk