

CLERK OF THE COURT

Electronically Filed
Oct 29 2015 10:31 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOA
PATRICK W. KANG, ESQ.
Nevada Bar No.: 010381
ERICA D. LOYD, ESQ.
Nevada Bar No.: 010922
KANG & ASSOCIATES, PLLC
6480 W. Spring Mountain Road, Suite A
Las Vegas, Nevada 89146
P: 702.333.4223
F: 702.507.1468

*Attorneys for Appellant
Property Plus Investments, LLC*

**IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

PROPERTY PLUS INVESTMENTS, LLC, a Nevada
Limited Liability Corporation

Plaintiff,

vs.

BANK OF AMERICA, N.A., a Nevada Association,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEM; an Illinois Corporation; ARLINGTON
RANCH NORTH MASTER ASSOCIATION; a
Nevada Non-Profit Corporation; ARLINGTON
RANCH LANDSCAPE MAINTENANCE
ASSOCIATION; a Nevada Non-Profit
Corporation; DOES 1 Through 25 inclusive;
and ROE CORPORATIONS, I through X, inclusive

Defendants.

Case No.: A-13-692200-C
Dept. No.: XIV

NOTICE OF APPEAL

NOTICE OF APPEAL

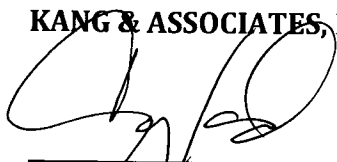
Notice is hereby given that, PROPERTY PLUS INVESTMENTS, LLC., appellant named
above hereby appeals to the Supreme Court of Nevada from the Order Granting Defendants,
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS AND CHRISTINA TRUST'S Motion for
Summary Judgment, which was noticed on the 8th day of October, 2015, and the Order Filed on

1 September 30, 2015 deny Appellant's tolling Motion for Rehearing and Vacate of Summary
2 Judgment.

3 This Appeal is from all issues of law and fact.

4 Dated this 25th day of October, 2015.

8 **KANG & ASSOCIATES, PLLC**



10 **PATRICK W. KANG, ESQ.**

11 Nevada Bar No.: 010381

12 **ERICA D. LOYD, ESQ.**

13 Nevada Bar No.: 010922

14 6480 W. Spring Mountain Road, Suite 1

15 Las Vegas, NV 89146

16 702.333.4223

17 *Attorney for Appellant*

CERTIFICATE OF MAILING

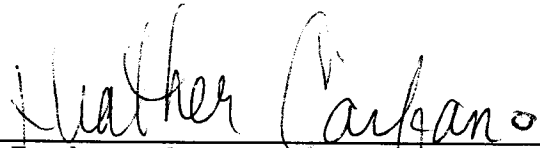
I hereby certify that I am an employee of KANG & ASSOCIATES, PLLC., over the age of 18, neither a party to nor interested in this matter; that on this 21st day, October 2015, I served a copy of **NOTICE OF APPEAL**, as follows:

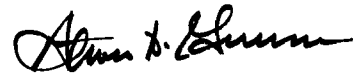
_____ by **facsimile** transmission, pursuant to NRCP(5)(b) and EDCR 7.26, to the following fax number:

_____ by **mailing** a copy thereof enclosed in a sealed envelope with postage prepaid in the United States Mail at Las Vegas, Nevada, to the counsel of record at the following address:

 X by **electronic** filing notification where specified on the attached service list

TO: Dana Jonathon Nitz, Esq.
Chelsea A. Crowton, Esq.
WRIGHT, FINLAY & ZAK, LLP
7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
P: 702.475.7964
F: 702.946.1345
*Attorneys for Defendants, Mortgage
Electronic Registration Systems, Inc., and
Christina Trust.*


An Employee of KANG & ASSOCIATES



CLERK OF THE COURT

1 CAS

PATRICK W. KANG, ESQ.

2 Nevada Bar No.: 010381

ERICA D. LOYD, ESQ.

3 Nevada Bar No.: 010922

KANG & ASSOCIATES, PLLC

4 6480 W Spring Mountain Road, Suite 1

5 Las Vegas, Nevada 89146

P: 702.333.4223

6 F: 702.507.1468

7 *Attorneys for Appellant*

Property Plus Investments, LLC

8
9 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 PROPERTY PLUS INVESTMENTS, LLC, a Nevada
Limited Liability Corporation

12 Plaintiff,

13 vs.

14 BANK OF AMERICA, N.A., a Nevada Association,
MORTGAGE ELECTRONIC REGISTRATION
15 SYSTEM; an Illinois Corporation; ARLINGTON
RANCH NORTH MASTER ASSOCIATION; a
16 Nevada Non-Profit Corporation; ARLINGTON
RANCH LANDSCAPE MAINTENANCE
ASSOCIATION; a Nevada Non-Profit
17 Corporation; DOES 1 Through 25 inclusive;
and ROE CORPORATIONS, I through X, inclusive

18 Defendants.
19

Case No.: A-13-692200-C

Dept. No.: XIV

CASE APPEAL STATEMENT

20
21 **CASE APPEAL STATEMENT**

22 1. Name of appellant filing this case appeal statement:

23 Property Plus Investments, LLC

24 2. Identify the judge issuing the decision, judgment, or order appealed from:

25 Hon. Linda Bell.

...

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Property Plus Investments, LLC

Counsel for Property Plus Investments, LLC:

Patrick W. Kang, Esq., and Erica D. Loyd, Esq.
Kang & Associates, PLLC.
6480 W. Spring Mountain Road, Suite 1
Las Vegas, Nevada 89146.

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondents: Mortgage Electronics Systems, Inc. and Christina Trust.

Respondents Appellate Counsel is unknown, Respondents Trial Counsel:

Dana Jonathon Nitz, Esq.
Chelsea A. Crowton, Esq.
7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendants Mortgage Electronic Systems, Inc. and Christina Trust

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

All attorneys' named in items 3 and 4 are licensed to practice law in the State of Nevada.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellant was represented by retained counsel at trial.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Appellant is represented by retained counsel on appeal.

1 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
2 and the date of entry of the district court order granting such leave:

3 Appellant does not proceed in forma pauperis.

4 9. Indicate the date the proceedings commenced in the district court (e.g., date
5 complaint, indictment, information, or petition was filed):

6 Plaintiff filed his complaint on November 26, 2013.

7 10. Provide a brief description of the nature of the action and result in the
8 district court, including the type of judgment or order being appealed and the
9 relief granted by the district court:

10 Appellant's complaint is an action to quiet title to real property situated
11 in Clark County. Appellant also requested declaratory relief and a
12 preliminary injunction. The District Court granted Respondent's Motion
13 For Summary Judgment in the above-referenced district court case. In
14 response Appellant filed a tolling Motion for Rehearing and Request to
15 Vacate the Summary Judgment issues in Respondent's favor. Appellant
16 seeks relief from the District Court's grant of summary judgment and
17 disposition of this case.

18 11. Indicate whether the case has previously been the subject of an appeal to
19 or original writ proceeding in the Supreme Court and, if so, the caption and
20 Supreme Court docket number of the prior proceeding:

21 This matter has not been the subject of a previous appeal or original writ
22 proceeding in the Supreme Court of Nevada.

23 12. Indicate whether this appeal involves child custody or visitation:

24 This appeal does not involve child custody or visitation.
25

1 13. If this is a civil case, indicate whether this appeal involves the possibility of
2 settlement:

3 This appeal involves the possibility of settlement.
4

5 Dated this 2⁵ day of October, 2015.
6
7
8

9 **KANG & ASSOCIATES, PLLC**

10 

11 **PATRICK W. KANG, ESQ.**

12 Nevada Bar No.: 010381

13 **ERICA D. LOYD, ESQ.**

14 Nevada Bar No.: 010922

15 6480 W. Spring Mountain Road, Suite 1

16 Las Vegas, NV 89146

17 702.333.4223

18 *Attorney for Appellant*
19
20
21
22
23
24
25

1 **CAS**

2 **PATRICK W. KANG, ESQ.**

3 Nevada Bar No.: 010381

4 **ERICA D. LOYD, ESQ.**

5 Nevada Bar No.: 010922

6 **KANG & ASSOCIATES, PLLC**

7 6480 W Spring Mountain Road, Suite 1

8 Las Vegas, Nevada 89146

9 P: 702.333.4223

10 F: 702.507.1468

11 *Attorneys for Appellant*

12 *Property Plus Investments, LLC*

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14 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **PROPERTY PLUS INVESTMENTS, LLC, a Nevada**
17 **Limited Liability Corporation**

18 **Plaintiff,**

19 **vs.**

20 **BANK OF AMERICA, N.A., a Nevada Association,**
21 **MORTGAGE ELECTRONIC REGISTRATION**
22 **SYSTEM; an Illinois Corporation; ARLINGTON**
23 **RANCH NORTH MASTER ASSOCIATION; a**
24 **Nevada Non-Profit Corporation; ARLINGTON**
25 **RANCH LANDSCAPE MAINTENANCE**
ASSOCIATION; a Nevada Non-Profit
Corporation; DOES 1 Through 25 inclusive;
and ROE CORPORATIONS, I through X, inclusive

Defendants.

Case No.: A-13-692200-C

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1. Name of appellant filing this case appeal statement:

Property Plus Investments, LLC

2. Identify the judge issuing the decision, judgment, or order appealed from:

Hon. Linda Bell.

...

1
2 3. Identify each appellant and the name and address of counsel for each appellant:

3 Appellant: Property Plus Investments, LLC

4 Counsel for Property Plus Investments, LLC:

5 Patrick W. Kang, Esq., and Erica D. Loyd, Esq.
6 Kang & Associates, PLLC.
7 6480 W. Spring Mountain Road, Suite 1
Las Vegas, Nevada 89146.

8 4. Identify each respondent and the name and address of appellate counsel, if
9 known, for each respondent (if the name of a respondent's appellate counsel is
10 unknown, indicate as much and provide the name and address of that
respondent's trial counsel):

11 Respondents: Mortgage Electronics Systems, Inc. and Christina Trust.

12 Respondents Appellate Counsel is unknown, Respondents Trial Counsel:

13 Dana Jonathon Nitz, Esq.
14 Chelsea A. Crowton, Esq.
15 7785 W. Sahara Ave., Suite 200
16 Las Vegas, Nevada 89117
17 *Attorneys for Defendants Mortgage Electronic Systems, Inc. and Christina*
18 *Trust*

19 5. Indicate whether any attorney identified above in response to question 3 or
20 4 is not licensed to practice law in Nevada and, if so, whether the district court
21 granted that attorney permission to appear under SCR 42 (attach a copy of any
22 district court order granting such permission):

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24 State of Nevada.

25 6. Indicate whether appellant was represented by appointed or retained
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on appeal:

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5 complaint, indictment, information, or petition was filed):

6 Plaintiff filed his complaint on November 26, 2013.

7 10. Provide a brief description of the nature of the action and result in the
8 district court, including the type of judgment or order being appealed and the
9 relief granted by the district court:

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11 in Clark County. Appellant also requested declaratory relief and a
12 preliminary injunction. The District Court granted Respondent's Motion
13 For Summary Judgment in the above-referenced district court case. In
14 response Appellant filed a tolling Motion for Rehearing and Request to
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16 seeks relief from the District Court's grant of summary judgment and
17 disposition of this case.

18 11. Indicate whether the case has previously been the subject of an appeal to
19 or original writ proceeding in the Supreme Court and, if so, the caption and
20 Supreme Court docket number of the prior proceeding:

21 This matter has not been the subject of a previous appeal or original writ
22 proceeding in the Supreme Court of Nevada.

23 12. Indicate whether this appeal involves child custody or visitation:

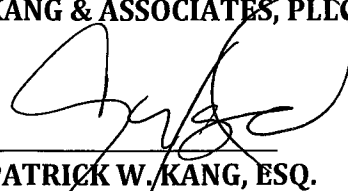
24 This appeal does not involve child custody or visitation.
25 ...
...
...
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...
...

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This appeal involves the possibility of settlement.

Dated this 1st day of October, 2015.

KANG & ASSOCIATES, PLLC



PATRICK W. KANG, ESQ.

Nevada Bar No.: 010381

ERICA D. LOYD, ESQ.

Nevada Bar No.: 010922

6480 W. Spring Mountain Road, Suite 1

Las Vegas, NV 89146

702.333.4223

Attorney for Appellant

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-13-692200-C

Property Plus Investments, LLC, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

§
§
§
§
§

Location: **Department 7**
Judicial Officer: **Bell, Linda Marie**
Filed on: **11/25/2013**
Case Number History:
Cross-Reference Case Number: **A692200**

CASE INFORMATION

Case Type: **Title to Property**
Subtype: **Quiet Title**
Case Flags: **Appealed to Supreme Court**
Automatically Exempt from Arbitration

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number: A-13-692200-C
Court: Department 7
Date Assigned: 03/02/2015
Judicial Officer: Bell, Linda Marie



PARTY INFORMATION

Plaintiff	Property Plus Investments, LLC	<i>Lead Attorneys</i> Kang, Patrick W, ESQ <i>Retained</i> 702-333-4223(W)
Defendant	Arlington North Master Association	Anderson, Sean L. <i>Retained</i> 702-538-9074(W)
	Arlington Ranch Landscape Maintenance Association	Hastings, Ryan D. <i>Retained</i> 702-538-9074(W)
	Bank of America, N.A.	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)
	Mortgage Electronic Registration System	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)
Intervenor	Christiana Trust	Crowton, Chelsea A., ESQ <i>Retained</i> 702-475-7969(W)
Other	Legal Aid of Southern Nevada Pro Bono Project	














DATE

EVENTS & ORDERS OF THE COURT
















INDEX

11/25/2013	Case Opened
11/25/2013	 Complaint Filed By: Plaintiff Property Plus Investments, LLC <i>Complaint to Quiet Title and Declaratory Relief</i>
11/26/2013	 Notice of Pendency of Action

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-13-692200-C










	Filed By: Plaintiff Property Plus Investments, LLC <i>Notice of Pendency of Action</i>
11/26/2013	 Initial Appearance Fee Disclosure Filed By: Plaintiff Property Plus Investments, LLC <i>Initial Appearance Fee Disclosure</i>
12/09/2013	 Errata Filed By: Plaintiff Property Plus Investments, LLC <i>Plaintiff's Erratum to the Complaint and Lis Pendens</i>
12/18/2013	 Affidavit of Service Filed By: Plaintiff Property Plus Investments, LLC <i>Affidavit of Service</i>
12/18/2013	 Affidavit of Service Filed By: Plaintiff Property Plus Investments, LLC <i>Affidavit of Service</i>
12/19/2013	 Affidavit of Service Filed By: Plaintiff Property Plus Investments, LLC <i>Affidavit of Service</i>
12/19/2013	 Affidavit of Service Filed By: Plaintiff Property Plus Investments, LLC <i>Affidavit of Service</i>
12/20/2013	 Notice of Appearance Party: Defendant Bank of America, N.A. <i>Notice of Appearance</i>
12/20/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Bank of America, N.A. <i>Initial Appearance Fee Disclosure</i>
01/15/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Arlington North Master Association <i>Initial Appearance Fee Disclosure</i>
01/15/2014	 Answer Filed By: Defendant Arlington North Master Association <i>Defendant Arlington Ranch North Master Association, Erroneously Named as Arlington North Master Association's Answer to Complaint to Quiet Title and Declaratory Relief</i>
01/31/2014	 Substitution of Attorney Filed by: Defendant Bank of America, N.A. <i>Substitution of Counsel</i>
02/10/2014	 Answer to Complaint Filed by: Defendant Bank of America, N.A. <i>Defendants Bank of America, N.A. and Mortgage Electronic Registration Systems, Inc.'s Answer to Plaintiff's Complaint</i>
05/08/2014	 Joint Case Conference Report

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-13-692200-C

	Filed By: Plaintiff Property Plus Investments, LLC <i>Joint Case Conference Report</i>
05/15/2014	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
06/10/2014	 Affidavit of Service Filed By: Defendant Bank of America, N.A. <i>Affidavit of Service of Subpoena</i>
06/10/2014	 Discovery Conference (9:00 AM) (Judicial Officer: Bulla, Bonnie)
06/19/2014	 Affidavit of Service Filed By: Defendant Bank of America, N.A. <i>Affidavit of Service</i>
06/25/2014	 Scheduling Order <i>Scheduling Order</i>
06/30/2014	 Affidavit of Due Diligence Filed By: Defendant Bank of America, N.A. <i>Affidavit of Due Diligence</i>
07/07/2014	 Affidavit of Service Filed By: Defendant Bank of America, N.A. <i>Affidavit of Service</i>
07/07/2014	 Notice of Association of Counsel Filed By: Defendant Mortgage Electronic Registration System <i>Notice of Association of Counsel</i>
07/08/2014	 Status Check: Compliance/Sanctions (11:00 AM) (Judicial Officer: Bulla, Bonnie)
07/09/2014	 Motion to Intervene Party: Intervenor Christiana Trust <i>Motion to Intervene</i>
07/10/2014	 Certificate of Mailing Filed By: Defendant Mortgage Electronic Registration System <i>Certificate of Mailing</i>
07/18/2014	 Disclaimer of Interest Filed By: Defendant Bank of America, N.A. <i>Disclaimer of Interest in the Property by Bank of America, N.A.</i>
07/29/2014	 Status Check: Compliance/Sanctions (11:00 AM) (Judicial Officer: Bulla, Bonnie)
08/12/2014	 Motion to Intervene (9:00 AM) (Judicial Officer: Escobar, Adriana)
08/19/2014	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner's Report and Recommendations</i>
08/19/2014	CANCELED Status Check: Compliance/Sanctions (11:00 AM) (Judicial Officer: Bulla, Bonnie)

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-13-692200-C

Vacated - per Commissioner

08/19/2014	Sanctions (Judicial Officer: Escobar, Adriana) Debtors: Bank of America, N.A. (Defendant), Mortgage Electronic Registration System (Defendant) Creditors: Legal Aid of Southern Nevada Pro Bono Project (Other) Judgment: 08/19/2014, Docketed: 08/27/2014 Total Judgment: 100.00
08/27/2014	 Stipulation and Order Filed by: Defendant Arlington North Master Association <i>Stipulation and Order</i>
08/29/2014	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner's Report and Recommendations</i>
08/29/2014	Sanctions (Judicial Officer: Escobar, Adriana) Debtors: Bank of America, N.A. (Defendant), Mortgage Electronic Registration System (Defendant) Creditors: Legal Aid of Southern Nevada Pro Bono Project (Other) Judgment: 08/29/2014, Docketed: 09/05/2014 Total Judgment: 100.00
09/02/2014	 Notice of Entry of Stipulation and Order Filed By: Defendant Arlington Ranch Landscape Maintenance Association <i>Notice of Entry of Stipulation and Order</i>
09/19/2014	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial</i>
10/02/2014	 Order Filed By: Intervenor Christiana Trust <i>Order Granting Motion to Intervene</i>
10/07/2014	 Notice of Entry of Order Filed By: Defendant Mortgage Electronic Registration System <i>Notice of Entry of Order</i>
12/02/2014	 Stipulation and Order Filed by: Defendant Mortgage Electronic Registration System <i>Stipulation and Order to Extend Time for Dispositive Motion Deadline</i>
12/05/2014	 Notice of Entry of Order Filed By: Defendant Mortgage Electronic Registration System <i>Notice of Entry of Order</i>
12/16/2014	 Order Setting Civil Non-Jury Trial <i>First Amended Order Setting Civil Non-Jury Trial</i>
03/02/2015	Case Reassigned to Department 7 <i>District Court Case Reassignment 2015</i>
03/05/2015	CANCELED Calendar Call (10:00 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - per Stipulation and Order</i>
03/16/2015	CANCELED Bench Trial (9:30 AM) (Judicial Officer: Escobar, Adriana)

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-13-692200-C

Vacated - per Stipulation and Order



03/16/2015	 Request for Judicial Notice Filed By: Defendant Mortgage Electronic Registration System <i>Defendants Mortgage Electronic Registration Systems and Christiana Trust's Request for Judicial Notice</i>
03/16/2015	 Motion for Summary Judgment Filed By: Defendant Mortgage Electronic Registration System <i>Defendants Mortgage Electronic Registration Systems and Christiana Trust's Motion for Summary Judgment</i>
04/09/2015	 Supplement Filed by: Defendant Mortgage Electronic Registration System <i>Supplement to Defendants Mortgage Electronic Registration System and Christiana Trust's Motion for Summary Judgment</i>
04/13/2015	 Stipulation and Order Filed by: Plaintiff Property Plus Investments, LLC <i>Stipulation and Order To Continue Hearing Set For April 16, 2015 (First Request)</i>
04/13/2015	 Order Setting Civil Bench Trial <i>Order Resetting Civil Bench Trial and Calendar Call</i>
04/15/2015	 Countermotion For Summary Judgment Filed By: Plaintiff Property Plus Investments, LLC <i>Plaintiff's Opposition to Defendants' MERS and Christiana Trust, Motion for Summary Judgment and Plaintiff's Countermotion for Summary Judgment</i>
05/13/2015	 Stipulation and Order Filed by: Intervenor Christiana Trust <i>Stipulation and Order to Extend Deadlines and Continue Hearing (Second Request)</i>
05/14/2015	 Initial Appearance Fee Disclosure Filed By: Intervenor Christiana Trust <i>Initial Appearance Fee Disclosure</i>
05/15/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Mortgage Electronic Registration System <i>Notice of Entry of Stipulation and Order</i>
05/27/2015	 Reply in Support Filed By: Defendant Mortgage Electronic Registration System <i>Defendants Mortgage Electronic Registration Systems and Christiana Trust's Reply in Support of the Motion for Summary Judgment; Opposition to Plaintiff's Countermotion for Summary Judgment</i>
06/17/2015	CANCELED Calendar Call (10:00 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - Case Reassigned</i>
06/25/2015	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie) 06/25/2015, 07/02/2015 Events: 03/16/2015 Motion for Summary Judgment <i>Defendants Mortgage Electronic Registration Systems and Christiana Trust's Motion for Summary Judgment</i>

CASE SUMMARY

CASE NO. A-13-692200-C

06/25/2015	Opposition and Counter-motion (9:00 AM) (Judicial Officer: Bell, Linda Marie) 06/25/2015, 07/02/2015 <i>Plaintiff's Opposition to Defendants MERS and Christiana Trust's Motion for Summary Judgment and Plaintiff's Counter-motion for Summary Judgment</i>
06/25/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)
06/29/2015	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - Case Reassigned</i>
07/02/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)
07/07/2015	 Supplemental Filed by: Defendant Mortgage Electronic Registration System <i>Defendants Mortgage Electronic Registration System and Christiana Trust's Supplemental Statement of Facts</i>
07/14/2015	 Calendar Call (9:00 AM) (Judicial Officer: Bell, Linda Marie)
07/14/2015	 Minute Order (9:00 AM) (Judicial Officer: Bell, Linda Marie)
07/14/2015	 Decision and Order Filed By: Plaintiff Property Plus Investments, LLC <i>Decision and Order</i>
07/14/2015	Summary Judgment (Judicial Officer: Bell, Linda Marie) Debtors: Property Plus Investments, LLC (Plaintiff) Creditors: Mortgage Electronic Registration System (Defendant), Christiana Trust (Intervenor) Judgment: 07/14/2015, Docketed: 07/21/2015
07/20/2015	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - per Judge</i>
07/20/2015	 Notice of Entry of Decision and Order Filed By: Defendant Mortgage Electronic Registration System <i>Notice of Entry of Decision and Order</i>
07/30/2015	 Motion Filed By: Plaintiff Property Plus Investments, LLC <i>Motion for Rehearing of Motion for Summary Judgment and to Vacate Summary Judgment</i>
08/26/2015	 Opposition to Motion Filed By: Defendant Mortgage Electronic Registration System <i>Defendants Mortgage Electronic Registration Systems and Christiana Trust's Opposition to Plaintiff, Property Plus Investments, LLC's, Motion for Rehearing of Motion for Summary Judgment and to Vacate Summary Judgment</i>
09/01/2015	 Motion For Reconsideration (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Plaintiff's Motion for Rehearing of Motion for Summary Judgment and to Vacate Summary Judgment</i>
09/30/2015	 Decision and Order <i>Decision and Order</i>
10/08/2015	 Notice of Entry of Decision and Order

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-13-692200-C

	Filed By: Defendant Mortgage Electronic Registration System <i>Notice of Entry of Decision and Order Dated 9-30-2015</i>	
10/26/2015	 Notice of Appeal Filed By: Plaintiff Property Plus Investments, LLC <i>Notice of Appeal</i>	
10/26/2015	 Case Appeal Statement Filed By: Plaintiff Property Plus Investments, LLC <i>Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION
	Defendant Arlington North Master Association Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 10/27/2015 0.00
	Defendant Bank of America, N.A. Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 10/27/2015 0.00
	Defendant Mortgage Electronic Registration System Total Charges 230.00 Total Payments and Credits 230.00 Balance Due as of 10/27/2015 0.00
	Intervenor Christiana Trust Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 10/27/2015 0.00
	Plaintiff Property Plus Investments, LLC Total Charges 494.00 Total Payments and Credits 494.00 Balance Due as of 10/27/2015 0.00
	Plaintiff Property Plus Investments, LLC Appeal Bond Balance as of 10/27/2015 500.00

CIVIL COVER SHEET

A-13-692200-C

Clark County, Nevada

XIV

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

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

PROPERTY PLUS INVESTMENTS, LLC

Attorney (name/address/phone):

KANG & ASSOCIATES, PLLC

6480 W. Spring Mountain Road, Suite 1

Las Vegas, NV 89146

702-333-4223

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

BANK OF AMERICA, N.A., a Nevada Association
MORTGAGE ELECTRONIC REGISTRATION SYSTEM; an
Illinois Corporation; ARLINGTON NORTH MASTER
ASSOCIATION; a Nevada Non-Profit Corporation;
ARLINGTON RANCH LANDSCAPE MAINTENANCE
ASSOCIATION; a Nevada Non-Profit Corporation; DOES 1
through 25 inclusive; and ROE CORPORATIONS, I through X,
inclusive.

Attorney (name/address/phone):

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

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

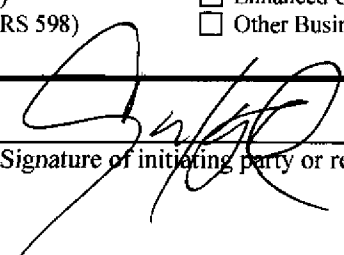
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

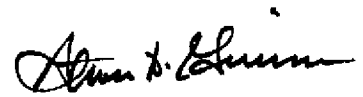
☐ NRS Chapters 78-88
☐ Commodities (NRS 90)
☐ Securities (NRS 90)

☐ Investments (NRS 104 Art. 8)
☐ Deceptive Trade Practices (NRS 598)
☐ Trademarks (NRS 600A)

☐ Enhanced Case Mgmt/Business
☐ Other Business Court Matters

11.12.13
Date


Signature of initiating party or representative



1 DAO

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

4
5 PROPERTY PLUS INVESTMENTS, LLC, a Nevada
6 Limited Liability Company,

7 Plaintiff,

8 vs.

9 BANK OF AMERICA, N.A., a Nevada Association;
10 MORTGAGE ELECTRONIC REGISTRATION SYSTEM, an
11 Illinois Corporation; ARLINGTON NORTH MASTER
12 ASSOCIATION, a Nevada Non-Profit Corporation;
13 ARLINGTON RANCH LANDSCAPE MAINTENANCE
14 ASSOCIATION, a Nevada Non-Profit Corporation;
15 DOES 1 through 25 inclusive; and ROE
16 CORPORATION I through X, inclusive;

17 Defendant.

Case No. A-13-692200-C

Dep't No. VII

18 **DECISION AND ORDER**

19 This case arises from conflicting claimed interests in the real property located at
20 8787 Tom Noon Avenue, No. 21, Las Vegas, Nevada. Now before the Court is Plaintiff
21 Property Plus Investments, LLC's ("Property") Motion for Rehearing of Motion for
22 Summary Judgment and to Vacate Summary Judgment. Property asks the Court to
23 reconsider its Order issued on July 14, 2015 that granted Defendants Mortgage Electronic
24 Registration Systems, Inc. ("MERS") and Christiana Trust's Motion for Summary
25 Judgment. The Court denies Property's Motion for Rehearing and Motion to Vacate
26 because there are no sufficient grounds to reconsider the previous Order.

27 **I. Procedural Background**

28 Property filed its Complaint in this action on November 25, 2013. Property brought
claims for quiet title, declaratory relief, and injunctive relief against the Defendants,
including MERS. Property asserted that it bought the Tom Noon Property at a Homeowner

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

SEP 30 2015

1 Association's foreclosure sale, thus extinguishing all other parties' interests in the property.
2 The Court subsequently granted Christiana Trust's Motion to Intervene on October 2, 2014,
3 because Cristiana Trust is a current beneficiary under a deed of trust on the Tom Noon
4 property.

5 MERS and Christiana Trust filed a Motion for Summary Judgment on March 16,
6 2015. The Court granted the Motion on July 14, 2015. The Court cited two main reasons for
7 granting the Motion: "(1) the homeowners' association lien foreclosed on in this case lost its
8 super-priority portion when the HOA and/or foreclosure agent refused Bank of America's
9 tender of payment, and (2) the HOA lien was discharged by the United States Bankruptcy
10 Court's proceedings regarding Ms. Sullivan prior to foreclosure."

11 Property filed a Motion for Rehearing of Motion for Summary Judgment and to
12 Vacate Summary Judgment on July 30, 2015. Property asserts that the Court should
13 reconsider its ruling because (1) Property's rejection of Bank of America's tender is
14 irrelevant as it was tendered to the wrong lien and (2) MERS and Christiana Trust misled
15 the Court regarding the statutes that govern discharged liens in bankruptcy. (Property's
16 Mot. for Reh'g. 4: 8-11.) MERS and Christiana Trust filed an Opposition on August 26,
17 2015. They argue that (1) Property failed to produce new evidence proving that the Court's
18 decision was incorrect, (2) Defendants tendered the proper amount to discharge the super-
19 priority lien, and (3) the foreclosure sale of the Tom Noon property violates Sullivan's
20 bankruptcy discharge. (MERS and Christiana Trust's Opp'n 2: 21-17.)

21 II. Discussion

22 Pursuant to EDCR 2.24, a court may reconsider a matter upon a motion filed by a
23 party and served within ten days of notice of entry of order. However, reconsideration is
24 only appropriate when "substantially different evidence is subsequently introduced or the
25 decision is clearly erroneous." Masonry & Title Contractors Ass'n of S. Nev. v. Jolley, Urga
26 & Wirth, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Established practice does not allow
27 litigants to raise new issues on rehearing. Cannon v. Taylor, 88 Nev. 89, 92, 493 P.2d 1313,
28

1 1314 (1972). "Rehearings are not granted as a matter of right, and are not allowed for the
2 purposes of reargument..." Geller v. McCowan, 64 Nev. 106, 108, 178 P.2d 380, 381 (1947).

3 In this case, Property argues that the Court's decision to grant MERS and Christiana
4 Trust's Motion for Summary Judgment was clearly erroneous because MERS and
5 Christiana Trust failed to demonstrate that there was properly attempted tender of the
6 super-priority lien in question. (Property's Mot. for Reh'g. 16: 18-21.) Property also argues
7 that the decision was clearly erroneous because Sullivan's bankruptcy could not have
8 eliminated Property's lien on the Tom Noon property as a matter of law. (Id. at 16: 21-23.)
9 However, these arguments were already raised in Property's Countermotion for Summary
10 Judgment (pp. 7-8, 10-11), and Property has not provided any substantially different
11 evidence or binding legal authority in this Motion. Property is merely arguing that the
12 Court made the wrong decision in granting summary judgment to MERS and Christiana
13 Trust without providing a sufficient basis for the Court to reconsider its decision.

14 III. Conclusion

15 There is no basis for the Court to find that granting summary judgment in favor of
16 MERS and Christiana Trust was clearly erroneous. Therefore, Property's Motion for
17 Rehearing of Motion for Summary Judgment and to Vacate Summary Judgment is denied.

18
19
20 DATED this 29th day of September, 2015.

21
22
23 

24 LINDA MARIE BELL
25 DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Patrick Kang, Esq. Kang & Associates, PLLC.	Counsel for Property Plus Investments, LLC
Dana Nitz, Esq. Wright, Finlay, & Zak, LLP	Counsel for MERS and Christiana Trust
Ryan Hastings, Esq.	Counsel for Arlington Ranch



SHELBY DAHL
LAW CLERK, DEPARTMENT VII

AFFIRMATION

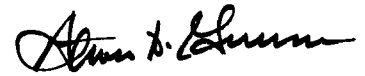
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A692200 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell

District Court Judge

Date 09/29/15



CLERK OF THE COURT

NOED

WRIGHT, FINLAY & ZAK, LLP

Dana Jonathon Nitz, Esq.

Nevada Bar No. 0050

Chelsea A. Crowton, Esq.

Nevada Bar No. 11547

7785 W. Sahara Avenue, Suite 200

Las Vegas, NV 89117

Tel: (702) 475-7964 Fax: (702) 946-1345

dnitz@wrightlegal.net

ccrowton@wrightlegal.net

Attorneys for Defendant, Mortgage Electronic Registration Systems, Inc., and Intervening Defendant, Christiana Trust, a division of Wilmington Savings Fund Society, FSB, not in its individual capacity but as Trustee of ARLP Trust 3, In c/o Altisource Asset Management Corporation

**DISTRICT COURT
CLARK COUNTY, NEVADA**

PROPERTY PLUS INVESTMENTS, LLC, a
Nevada Limited Liability Company,

Plaintiff,

vs.

BANK OF AMERICA, N.A., a Nevada
Association; MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, an Illinois
Corporation; ARLINGTON NORTH MASTER
ASSOCIATION, a Nevada Non-Profit
Corporation; ARLINGTON RANCH
LANDSCAPE MAINTENANCE
ASSOCIATION, a Nevada Non-Profit
Corporation; DOES 1 through 25 inclusive; and
ROE CORPORATIONS I through X, inclusive;

Defendants.

CHRISTIANA TRUST, a division of
Wilmington Savings Fund Society, FSB, not in
its individual capacity but as Trustee of ARLP
Trust 3, In c/o Altisource Asset Management
Corporation,

Intervening Defendant.

Case No.: A-13-692200-C

Dept. No.: VII

**NOTICE OF ENTRY OF DECISION
AND ORDER DATED 9-30-2015**

1 TO: ALL INTERESTED PARTIES:

2 PLEASE TAKE NOTICE that a Decision and Order was entered in the above-entitled
3 Court on the 30th day of September, 2015, a copy of which is attached hereto.

4 DATED this 7th day of October, 2015.

5 WRIGHT, FINLAY & ZAK, LLP

6 

7 Dana Jonathon Nitz, Esq.
8 Nevada Bar No. 0050
9 7785 W. Sahara Avenue, Suite 200
10 Las Vegas, NV 89117
11 *Attorney for Defendant, Mortgage Electronic*
12 *Registration Systems, Inc., and Intervening*
13 *Defendant, Christiana Trust, a division of*
14 *Wilmington Savings Fund Society, FSB, not in its*
15 *individual capacity but as Trustee of ARLP Trust 3,*
16 *In c/o Altisource Asset Management Corporation*

17 **AFFIRMATION**

18 Pursuant to NRS 239B.030

19 The undersigned does hereby affirm that the preceding **NOTICE OF ENTRY OF**
20 **DECISION AND ORDER DATED 9-30-2015** filed in Case No. Case No. A-13-692200-C
21 **does not** contain the social security number of any person.

22 DATED this 7th day of October, 2015.

23 WRIGHT, FINLAY & ZAK, LLP

24 

25 Dana Jonathon Nitz, Esq.
26 Nevada Bar No. 0050
27 7785 W. Sahara Avenue, Suite 200
28 Las Vegas, NV 89117
Attorney for Defendant, Mortgage Electronic
Registration Systems, Inc., and Intervening
Defendant, Christiana Trust, a division of
Wilmington Savings Fund Society, FSB, not in its
individual capacity but as Trustee of ARLP Trust 3,
In c/o Altisource Asset Management Corporation

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of WRIGHT, FINLAY & ZAK, LLP, and that on this 31 day of October, 2015, I did cause a true copy of **NOTICE OF ENTRY OF DECISION AND ORDER DATED 9-30-2015** to be e-filed and served through the Eighth Judicial District EFP system pursuant to NEFR 9.

Akerman LLP

Contact	Email
Akerman Las Vegas Office	akermanlas@akerman.com
Ariel E. Stern, Esq.	ariel.stern@akerman.com
Steven G. Shevorsi, Esq.	steven.shevorsi@akerman.com

Kang & Associates, PLLC.

Contact	Email
Erica D. Loyd, Esq.	eloyd@acelawgroup.com
Jina Kang	jnk@acelawgroup.com
Patrick W. Kang, Esq.	pkang@acelawgroup.com

Leach Johnson Song & Gruchow

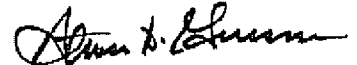
Contact	Email
Celeste Hernandez	chernandez@leachjohnson.com

Leach Johnson Song Gruchow

Contact	Email
Robin Callaway	rcallaway@leachjohnson.com
Ryan Hastings	rhastings@leachjohnson.com


An Employee of WRIGHT, FINLAY & ZAK, LLP

1 DAO



2 EIGHTH JUDICIAL DISTRICT COURT

CLERK OF THE COURT

3 CLARK COUNTY, NEVADA

4
5 PROPERTY PLUS INVESTMENTS, LLC, a Nevada
6 Limited Liability Company,

7 Plaintiff,

8 vs.

9 BANK OF AMERICA, N.A., a Nevada Association;
10 MORTGAGE ELECTRONIC REGISTRATION SYSTEM, an
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12 ASSOCIATION, a Nevada Non-Profit Corporation;
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Case No.

A-13-692200-C

Dep't No.

VII

18 **DECISION AND ORDER**

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20 8787 Tom Noon Avenue, No. 21, Las Vegas, Nevada. Now before the Court is Plaintiff
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LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

SEP 30 2015

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18
19
20 DATED this 29th day of September, 2015.

21
22
23 

24 LINDA MARIE BELL
DISTRICT COURT JUDGE

25 LINDA MARIE BELL
26 DISTRICT JUDGE
27 DEPARTMENT VII
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Patrick Kang, Esq. Kang & Associates, PLLC.	Counsel for Property Plus Investments, LLC
Dana Nitz, Esq. Wright, Finlay, & Zak, LLP	Counsel for MERS and Christiana Trust
Ryan Hastings, Esq.	Counsel for Arlington Ranch


SHELBY DAHL
LAW CLERK, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A692200 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 09/29/15
District Court Judge

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****June 10, 2014**

A-13-692200-C Property Plus Investments, LLC, Plaintiff(s)
 vs.
 Bank of America, N.A., Defendant(s)

June 10, 2014**9:00 AM****Discovery Conference****HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott
 Andrea Natali

RECORDER: Richard Kangas**REPORTER:****PARTIES**

PRESENT: Benner, Christopher L. Attorney
 Hastings, Ryan D. Attorney
 Shevorski, Steven G. Attorney

JOURNAL ENTRIES

- Mr. Benner stated there would be a transfer and we would be representing the new beneficiary when they are brought in. Mr. Shevorski stated Bank of America didn't have a claim in this case. Colloquy regarding a new party of interest being added to the case and regarding Deft. Bank of America. COMMISSIONER NOTED, Plaintiff counsel's absence and RECOMMENDED, Erica Loyd, Esq. to PAY \$100.00 contribution to the Legal Aid Center of Southern Nevada for failure to appear today. FURTHER NOTED, issues related to the JCCR and substitution of counsel. Colloquy regarding the loan servicing changing, regarding when Mr. Benner's firm was retained, and regarding issues related to the substitution that was signed but never filed or executed. COMMISSIONER FURTHER RECOMMENDED, a substitution from Akerman to the Wright Finlay Zak Firm DUE BY 7/11/14; Bank of America did not need to comply with the 16.1 requirements as they are to file a disclaimer of interest; Mr. Shevorski to prepare the report and recommendation with the aforementioned recommendations and SET for Status Check on the Report. Counsel anticipate 3-5 days for trial re: Quiet Title / Declaratory Relief. No settlement conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 10/14/14; adding parties, amended pleadings, and initial expert disclosures DUE 7/14/14; rebuttal expert disclosures DUE 8/14/14;

dispositive motions TO BE FILED BY 11/14/14. Scheduling Order will issue.

Matter RECALLED. Erica Loyd, Esq. present on behalf of Plaintiff; Defense counselors not present. COMMISSIONER ADVISED, Ms. Loyd of the colloquy related to the procedural issues related to the representation of the parties, the prior recommendations and, RESCINDED the failure to appear sanctions against Ms. Loyd.

7/8/14 11:00 AM - STATUS CHECK: COMPLIANCE / SANCTIONS

CLERK S NOTE: A copy of the foregoing Minute Order in the following attorney folder(s): Steven Shevorski, Esq. (Akerman LLP) and Ryan Hastings, Esq. (Leach Johnson Song and Gruchow). (3/11/14 amn)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****July 08, 2014**

A-13-692200-C Property Plus Investments, LLC, Plaintiff(s)
 vs.
 Bank of America, N.A., Defendant(s)

July 08, 2014**11:00 AM****Status Check:
Compliance/Sanctions****HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Alan Castle**RECORDER:** Richard Kangas**REPORTER:****PARTIES**

PRESENT: Crowton, Chelsea A., ESQ Attorney
 Shevorski, Steven G. Attorney

JOURNAL ENTRIES

- The Discovery Commissioner granted counsel an additional 10 days for submission of the Report and Recommendation from the June 10, 2014 hearing. COMMISSIONER RECOMMENDED, Mr. Shevorski to make \$100.00 CONTRIBUTION for failing to timely submit a proper Report and Recommendation from the 6/10/14 hearing; payment DUE to Clark County Pro Bono project (Legal Aid Center). Discovery Commissioner will prepare the contribution recommendation. Mr. Shevorski to prepare the Report and Recommendations from the 6/10/14 hearing. A proper report from the hearing must be timely submitted within this additional 10 days. Otherwise, further sanctions may be imposed. Mr. Shevorski to appear at status check hearing to report on the Report and Recommendations.

7/29/14 11:00 a.m. Status Check: Compliance / Sanctions

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	July 29, 2014
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A-13-692200-C	Property Plus Investments, LLC, Plaintiff(s) vs. Bank of America, N.A., Defendant(s)
---------------	--

July 29, 2014	11:00 AM	Status Check: Compliance/Sanctions
----------------------	-----------------	---

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Richard Kangas

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Mr. Shevorski having failed to appear before the Discovery Commissioner and not having submitted proof of the \$100 contribution imposed from the 7/08/14 status check and a proper Report and Recommendations from the 6/10/14 hearing, COMMISSIONER RECOMMENDED, report is DUE within additional ten (10) Days; and, Mr. Shevorski to make the \$100 CONTRIBUTION to Legal Aid Center of Southern Nevada (Pro Bono Project) that was imposed last date. FURTHER RECOMMENDED, Counsel to submit proper DCRR by next status date or it will result in PROGRESSIVE SANCTIONS. FURTHER, for Failing to Appear before the Discovery Commissioner today, Mr. Shevorski to make additional \$100 CONTRIBUTION to Legal Aid Center of Southern Nevada (Pro Bono Project) thirty (30) DAYS after Court signs the recommendation, a proof of \$200 payment must be submitted to the Discovery Commissioner. Status check set.

8/19/14 11:00 a.m. Status Check: Compliance/Progressive Sanctions

CLERK'S NOTE: The above minute order has been distributed to: Ackerman, LLP. ac/08/01/14.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 12, 2014

A-13-692200-C	Property Plus Investments, LLC, Plaintiff(s) vs. Bank of America, N.A., Defendant(s)
---------------	--

August 12, 2014 9:00 AM Motion to Intervene

HEARD BY: Escobar, Adriana **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Jill Chambers

RECORDER:

REPORTER: JoAnn Melendez

PARTIES

PRESENT: Crowton, Chelsea A., ESQ Attorney
Loyd, Erica D Attorney

JOURNAL ENTRIES

- Ms. Crowton stated there was no opposition and that the matter was a standard HOA case. Court ORDERED Motion GRANTED adding MERS is an indispensable party.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 25, 2015

A-13-692200-C Property Plus Investments, LLC, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

June 25, 2015

9:00 AM

All Pending Motions

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 03B

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

Kang, Patrick W, ESQ
Nitz, Dana J.

Attorney
Attorney

JOURNAL ENTRIES

- Defendant's Mortgage Electronic Registration Systems and Christiana trust's Motion for Summary Judgment... Plaintiff's Opposition to Defendant's MERS and Christiana Trust's Motion for Summary Judgment and Plaintiff's Countermotion for Summary Judgment...

Mr. Nitz advised he is covering for Ms. Crowton as she is ill and requested a continuance for her presence. Opposition by Mr. Kang. COURT ORDERED, MATTER CONTINUED.

7/2/15 9:00 AM ALL PENDING MOTIONS CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 02, 2015

A-13-692200-C	Property Plus Investments, LLC, Plaintiff(s) vs. Bank of America, N.A., Defendant(s)
---------------	--

July 02, 2015

9:00 AM

All Pending Motions

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 03B

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

Kang, Patrick W, ESQ
Nitz, Dana J.

Attorney
Attorney

JOURNAL ENTRIES

- Defendants Mortgage Electronic registration Systems and Christiana Trust's Motion for Summary Judgment... Plaintiff's Opposition to Defendants MERS and Christiana trust's Motion for Summary Judgment and Plaintiff's Countermotion for Summary Judgment...

Arguments by Mr. Nitz advising two distinguishing features that require more attention from the Court; that being one is that two tenders were made and rejected and the other is the fact of the homeowners bankruptcy and discharge. Opposition by Mr. Kang. Following further arguments by Counsel, COURT ORDERED, matter taken UNDER ADVISMENT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 14, 2015

A-13-692200-C Property Plus Investments, LLC, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

July 14, 2015 **9:00 AM** **Calendar Call**

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Crowton, Chelsea A., ESQ Attorney
Kang, Patrick W, ESQ Attorney

JOURNAL ENTRIES

- Calendar Call

Court advised the trial will not be moving forward a the Motion for Summary Judgment heard on 7/2/15 was GRANTED as the bank tendered, it lost the super priority lien; further, the lien was discharged by the bankruptcy court prior to the sale which makes the sale void. COURT FURTHER ORDERED, trial date VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 14, 2015

A-13-692200-C Property Plus Investments, LLC, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

July 14, 2015

9:00 AM

Minute Order

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 03B

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant Mortgage Electronic Registration Systems, Inc.'s and Christiana trust's Motion for Summary Judgment is GRANTED and Plaintiff Property Plus Investments, LLC's Motion for Summary Judgment is DENIED because the High Noon Association lien lost its super-priority portion when the High Noon Association rejected Bank of America's tender, and the lien was discharged by the United States Bankruptcy Court to foreclosure.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 01, 2015

A-13-692200-C Property Plus Investments, LLC, Plaintiff(s)
vs.
Bank of America, N.A., Defendant(s)

September 01, 2015 9:00 AM

**Motion For
Reconsideration**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 03B

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Nitz, Dana J.

Attorney

JOURNAL ENTRIES

- Plaintiff's Motion for Rehearing of Motion for Summary Judgment and to Vacate Summary Judgment

COURT ORDERED, MOTION DENIED; parties contacted as to no need to appear. Mr. Nitz advised he did not receive the telephone message. COURT FURTHER ORDERED, the Court will prepare the Order.

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; DECISION AND ORDER; NOTICE OF ENTRY OF
DECISION AND ORDER DATED 9-30-2015; DISTRICT COURT MINUTES

PROPERTY PLUS INVESTMENTS, LLC,

Plaintiff(s),

vs.

BANK OF AMERICA, N.A.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEM;
ARLINGTON NORTH MASTER
ASSOCIATION nka ARLINGTON RANCH
NORTH MASTER ASSOCIATION;
ARLINGTON RANCH LANDSCAPE
MAINTENANCE ASSOCIATION,

Defendant(s),

Case No: A692200

Dept No: VII

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 27 day of October 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



KANG & ASSOCIATES, PLLC
6480 SPRING MOUNTAIN RD STE 1
LAS VEGAS, NV 89146

3398

94-7074/3212 218
5383337598

DATE 10-21-15

PAY
TO THE
ORDER OF

Supreme Court of Nevada
Two hundred & fifty

\$ 250.00

0/100 DOLLARS



Wells Fargo Bank, N.A.
Nevada
wellsfargo.com

FOR

Property Plus Investments

⑈0000003398⑈ ⑆321270742⑆ 5383337598⑈