

CLERK OF THE COURT

1 **NOAS**

2 Kerry P. Faughnan, Esq., NSB #12204

3 P.O. Box 335361

4 North Las Vegas, NV 89033

(702) 301-3096

(702) 331-4222- Fax

Kerry.faughnan@gmail.com

5 Attorney for Plaintiff

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 LN MANAGEMENT LLC SERIES 5105
9 PORTRAITS PLACE

Plaintiff,

10 v.

11 WILLIAM WEBSTER, an individual;
12 BETTY WEBSTER, an individual; BANK
13 OF AMERICA N.A.; ZIONS FIRST
14 NATIONAL BANK; and DOES 1 through
15 10, inclusive;

Defendants.

Case No. A-13-679816-C

Dept. No. 8

NOTICE OF APPEAL

16 Comes now the Plaintiff, LN MANAGEMENT LLC SERIES 5105 PORTRAITS
17 PLACE, by and through its counsel of record, Kerry P. Faughnan, Esq., who hereby appeals to
18 the Supreme Court of Nevada from the Order Granting Defendant Green Tree Servicing LLC's
19 Motion for Summary Judgment entered September 23, 2015.

20 DATED December 18, 2015.

21
22 /s/ Kerry P. Faughnan, Esq.
23 Kerry P. Faughnan, Esq.
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that on December 18, 2015 I allowed the court's ECF system to serve the foregoing pleading on the following interested parties.

Colt B. Dodrill, Esq.
WOLFE & WYMAN LLP
980 Kelly Johnson Drive, Ste. 140
Las Vegas NV 89119

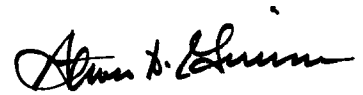
James A. Kohl, Esq.
HOWARD & HOWARD ATTORNEYS, PLLC
3800 Howard Hughes Parkway, Ste. 1000
Las Vegas, NV 89169

Darren T. Brenner, Esq.
AKERMAN LLP
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144

Steven T. Loizzi, Jr. Esq.
ALESSI & KOENIG, LLC
9500 West Flamingo Road, Ste. 205
Las Vegas NV 89147

DATED December 18, 2015.

/s/ Kerry P. Faughnan, Esq.
Kerry P. Faughnan, Esq.



CLERK OF THE COURT

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2 Kerry P. Faughnan, Esq., NSB #12204
3 P.O. Box 335361
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5 (702) 301-3096
6 (702) 331-4222- Fax
7 Kerry.faughnan@gmail.com

8 Attorney for Plaintiff

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10 **CLARK COUNTY, NEVADA**

11 LN MANAGEMENT LLC SERIES 5105
12 PORTRAITS PLACE

13 Plaintiff,

14 v.

15 WILLIAM WEBSTER, an individual;
16 BETTY WEBSTER, an individual; BANK
17 OF AMERICA N.A.; ZIONS FIRST
18 NATIONAL BANK; and DOES 1 through
19 10, inclusive;

20 Defendants.

Case No. A-13-679816-C

Dept. No. 8

21 **CASE APPEAL STATEMENT**

- 22 1. Appellants filing this case appeal statement: LN Management LLC Series 5105
- 23 Portraits Place.
- 24 2. Judge Issuing Decision: Hon. Douglas E. Smith.
- 25 3. Parties in the proceeding:
- 26 Plaintiff LN Management LLC Series 5105 Portraits Place
- 27 Defendant Betty Webster
- 28 Defendant William Webster
- Defendant Bank of America N.A.
- Defendant Green Tree Loan Servicing LLC

1 4. Parties involved in this appeal:

2 Plaintiff LN Management LLC Series 5105 Portraits Place

3 Defendant Green Tree Loan Servicing LLC

4 5. Counsel for parties on appeal:

5 Plaintiff LN Management LLC Series 5105 Portraits Place

6 Kerry P. Faughnan, Esq. , NSB # 12204
7 P.O. Box 335361
8 North Las Vegas, NV 89033
9 (702) 301-3096
10 (702) 331-4222- Fax
 Kerry.faughnan@gmail.com

11 Defendant Green Tree Loan Servicing LLC

12 Colt B. Dodrill, Esq.
13 WOLFE & WYMAN LLP
14 980 Kelly Johnson Drive, Ste. 140
15 Las Vegas NV 89119
16 (702) 476-0100
 (702) 476-0101 – Fax
 cbdodrill@wolfewyman.com

17 6. Appellant was represented by retained counsel in the district court.

18 7. Appellant is represented by retained counsel on appeal.

19 8. No request has been made to proceed in forma pauperis.

20 9. The Complaint in this matter was originally filed 04/10/2013.

21 10. The state court proceeding was an action to quiet title after a HOA foreclosure,
22 where the parties complained and counterclaimed against each other. The order appealed
23 from is the order entered 9/23/2015 granting a Motion for Summary Judgment finding the
24 foreclosure violated the automatic stay of 11 USC 362 and was therefore void.
25 foreclosure violated the automatic stay of 11 USC 362 and was therefore void.

26 11. The case has not been subject of an appeal to or original writ proceeding in the
27 Supreme Court.
28

12. This appeal does not involve child custody or visitation.

13. This appeal does not involve the possibility of settlement.

DATED December 18, 2015.

/s/ Kerry P. Faughnan
Kerry P. Faughnan, Esq., NSB #12204
P.O. Box 335361
North Las Vegas, NV 89033
(702) 301-3096
(702) 331-4222- Fax
Kerry.faughnan@gmail.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

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Las Vegas, NV 89169

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1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144

Steven T. Loizzi, Jr. Esq.
ALESSI & KOENIG, LLC
9500 West Flamingo Road, Ste. 205
Las Vegas NV 89147

DATED December 18, 2015.

/s/ Kerry P. Faughnan, Esq.
Kerry P. Faughnan, Esq.

DEPARTMENT 8
CASE SUMMARY
CASE NO. A-13-679816-C

LN Management LLC Series 5105 Portraits Place,
Plaintiff(s)
vs.
William Webster, Defendant(s)

§
§
§
§
§

Location: **Department 8**
Judicial Officer: **Smith, Douglas E.**
Filed on: **04/10/2013**
Case Number History:
Cross-Reference Case Number: **A679816**

CASE INFORMATION

Statistical Closures

12/14/2015 Voluntary Dismissal

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-13-679816-C
Court	Department 8
Date Assigned	11/15/2013
Judicial Officer	Smith, Douglas E.


PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	LN Management LLC Series 5105 Portraits Place	Faughnan, Kerry P, ESQ <i>Retained</i> 702-301-3096(W)
Defendant	Bank of America NA	Jorgensen, J. Christopher <i>Retained</i> 702-949-8200(W)
	Webster, Betty	
	Webster, William	
	Zions First National Bank Removed: 12/13/2015 Dismissed	
Intervenor	Green Tree Loan Servicing LLC	Dodrill, Colt B. <i>Retained</i> 7026364902(W)
Intervenor Defendant	LN Management LLC Series 5105 Portraits Place	Faughnan, Kerry P, ESQ <i>Retained</i> 702-301-3096(W)
	Portraits at Painted Desert Homeowners Association	Loizzi, Steven Jr <i>Retained</i> 702-410-8120(W)















DATE

EVENTS & ORDERS OF THE COURT














INDEX

04/10/2013	 Complaint Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Complaint to Quiet Title</i>	
04/10/2013	Case Opened	

DEPARTMENT 8
CASE SUMMARY
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04/11/2013	 Notice of Lis Pendens Filed by: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Notice of Lis Pendens</i>
04/24/2013	 Affidavit of Due Diligence Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Affidavit of Due Diligence - Zions First National Bank</i>
05/01/2013	 Affidavit of Service Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Affidavit of Service - Bank of America NA</i>
05/01/2013	 Affidavit of Service Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Affidavit of Service - Zions First National Bank</i>
08/07/2013	 Ex Parte Application to Extend Time for Service Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Ex Parte Application for an Order Extending Time to Serve Summons and Complaint and Allowing Service by Publication</i>
08/21/2013	 Affidavit of Due Diligence Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Affidavit of Due Diligence - William Webster and Betty Webster</i>
08/29/2013	 Order Extending Time to Serve Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Order Extending Time to Serve Summons and Complaint and Allowing Service by Publication</i>
10/15/2013	 Affidavit of Publication Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Affidavit of Publication</i>
10/22/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Bank of America NA <i>Initial Appearance Fee Disclosure</i>
10/22/2013	 Peremptory Challenge Filed by: Defendant Bank of America NA <i>Defendant Bank of America, N.A.'s Peremptory Challenge of Judge</i>
10/23/2013	 Notice of Department Reassignment
10/30/2013	 Certificate of Mailing Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Certificate of Mailing</i>
11/01/2013	 Motion to Dismiss Filed By: Defendant Bank of America NA <i>Bank of America, N.A.'s Motion to Dismiss</i>
11/01/2013	 Request for Judicial Notice Filed By: Defendant Bank of America NA <i>Request for Judicial Notice</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. A-13-679816-C

11/15/2013	 Peremptory Challenge Filed by: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Peremptory Challenge of Judge</i>
11/15/2013	 Opposition to Motion Filed By: Defendant Bank of America NA <i>Opposition to Bank of America's Request for Judicial Notice; Opposition to Bank of America's Motion to Dismiss</i>
11/15/2013	 Notice of Department Reassignment
11/15/2013	 Default Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Default - William Webster</i>
11/15/2013	 Default Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Default - Betty Webster</i>
11/25/2013	 Reply in Support Filed By: Defendant Bank of America NA <i>Reply in Support of Motion to Dismiss</i>
12/17/2013	 Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.) 12/17/2013, 02/18/2014 <i>Bank of America, N.A.'s Motion to Dismiss</i>
01/16/2014	 Order Filed By: Defendant Bank of America NA <i>Order</i>
01/17/2014	 Notice of Entry of Order Filed By: Defendant Bank of America NA <i>Notice of Entry of Order</i>
04/11/2014	 Notice of Entry of Order Filed By: Defendant Bank of America NA <i>Notice of Entry of Order</i>
04/11/2014	 Order Filed By: Defendant Bank of America NA <i>(Vacated 11/19/14) Order</i>
04/22/2014	CANCELED Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Law Clerk</i> <i>Status Check: Supreme Court Decision</i>
06/04/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings Bank of America, N.A.'s Motion to Dismiss, heard on December 17, 2013</i>
10/10/2014	 Application for Default Judgment Party: Intervenor Defendant LN Management LLC Series 5105 Portraits Place

DEPARTMENT 8
CASE SUMMARY
CASE NO. A-13-679816-C









Plaintiff's Application for Judgment by Default Against William Webster and Betty Webster

10/10/2014	 Motion to Vacate Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Motion to Vacate Order Granting Bank of America's Motion to Dismiss</i>
11/10/2014	 Motion to Vacate (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 10/10/2014 Motion to Vacate <i>Plaintiff's Motion to Vacate Order Granting Bank of America's Motion to Dismiss</i>
11/18/2014	 Motion for Default Judgment (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 10/10/2014 Application for Default Judgment <i>Plaintiff's Application for Judgment by Default Against William Webster and Betty Webster</i>
11/19/2014	 Order Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Order RE: Plaintiff's Motion to Vacate Order Granting Bank of America's Motion to Dismiss</i>
11/19/2014	 Judgment By Default Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Judgment By Default Against William Webster and Betty Webster</i>
11/19/2014	 Judgment By Default Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>(Duplicate) Judgment By Default Against William Webster and Betty Webster</i>
11/19/2014	Default Judgment (Judicial Officer: Smith, Douglas E.) Debtors: William Webster (Defendant), Betty Webster (Defendant) Creditors: LN Management LLC Series 5105 Portraits Place (Plaintiff) Judgment: 11/19/2014, Docketed: 11/26/2014
11/19/2014	Amended Judgment Vacated (Judicial Officer: Smith, Douglas E.) Debtors: LN Management LLC Series 5105 Portraits Place (Plaintiff) Creditors: Bank of America NA (Defendant) Judgment: 11/19/2014, Docketed: 04/18/2014
01/26/2015	 Motion to Intervene Party: Intervenor Green Tree Loan Servicing LLC <i>Green Tree Loan Servicing LLC's Motion to Intervene</i>
01/30/2015	 Notice of Association of Counsel Filed By: Defendant Bank of America NA <i>Notice of Association of Counsel on Behalf of Bank of America, N.A.</i>
03/02/2015	 Motion to Intervene (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Green Tree Loan Servicing LLC's Motion to Intervene</i>
03/09/2015	 Order Granting Motion Filed By: Intervenor Green Tree Loan Servicing LLC <i>Order Granting Green Tree Loan Servicing LLC's Motion to Intervene</i>
03/12/2015	 Notice of Entry of Order Filed By: Intervenor Green Tree Loan Servicing LLC <i>Notice of Entry of Order Granting Green Tree Loan Servicing LLC's Motion to Intervene</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. A-13-679816-C

03/19/2015	 Complaint Filed By: Intervenor Green Tree Loan Servicing LLC <i>Complaint in Intervention</i>
03/20/2015	 Initial Appearance Fee Disclosure Filed By: Intervenor Green Tree Loan Servicing LLC <i>Initial Appearance Fee Disclosure</i>
05/04/2015	 Summons Filed by: Intervenor Green Tree Loan Servicing LLC <i>Summons</i>
05/05/2015	 Summons Filed by: Intervenor Green Tree Loan Servicing LLC <i>Summons</i>
06/23/2015	 Initial Appearance Fee Disclosure Filed By: Intervenor Defendant Portraits at Painted Desert Homeowners Association <i>Initial Appearance Fee Disclosure</i>
06/23/2015	 Notice of Appearance Party: Intervenor Defendant Portraits at Painted Desert Homeowners Association <i>Notice of Appearance</i>
06/23/2015	 Notice of Withdrawal Filed By: Intervenor Green Tree Loan Servicing LLC <i>Notice of Withdrawal of Default Against Portraits at Painted Desert Homeowners Association</i>
06/24/2015	 Answer to Complaint Filed by: Intervenor Defendant Portraits at Painted Desert Homeowners Association <i>Portraits at Painted Desert Homeowners Association's Answer to Green Tree Servicing LLC's Complaint in Intervention</i>
07/09/2015	 Motion for Summary Judgment Filed By: Intervenor Green Tree Loan Servicing LLC <i>Green Tree Servicing LLC's Motion for Summary Judgment</i>
07/30/2015	 Opposition to Motion Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Opposition to Green Tree Servicing LLC's Motion for Summary Judgment</i>
08/04/2015	 Joinder to Opposition to Motion Filed by: Intervenor Defendant Portraits at Painted Desert Homeowners Association <i>Portraits at Painted Desert Homeowners Association's Joinder to LN Management LLC Series 5105 Portraits Place's Opposition to Green Tree Servicing LLC's Motion for Summary Judgment</i>
08/04/2015	 Reply in Support Filed By: Intervenor Green Tree Loan Servicing LLC <i>Green Tree Servicing LLC's Reply in Support of Motion for Summary Judgment</i>
08/11/2015	 Motion for Summary Judgment (8:00 AM) (Judicial Officer: Smith, Douglas E.) 08/11/2015, 08/18/2015 <i>Green Tree Servicing LLC's Motion for Summary Judgment</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. A-13-679816-C

08/17/2015	 Supplemental Brief Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Supplemental Brief in Opposition to Green Tree Servicing LLC's Motion for Summary Judgment</i>
08/20/2015	 Reply in Support Filed By: Intervenor Green Tree Loan Servicing LLC <i>Green Tree Servicing LLC's Supplement to Reply in Support of Motion for Summary Judgment</i>
09/23/2015	 Order Granting Motion <i>Order Granting Green Tree Servicing LLC's Motion for Summary Judgment</i>
09/23/2015	Summary Judgment (Judicial Officer: Smith, Douglas E.) Debtors: LN Management LLC Series 5105 Portraits Place (Intervenor Defendant) Creditors: Green Tree Loan Servicing LLC (Intervenor) Judgment: 09/23/2015, Docketed: 09/30/2015
09/28/2015	 Notice of Entry of Order Filed By: Intervenor Green Tree Loan Servicing LLC <i>Notice of Entry of Order Granting Green Tree Servicing LLC's Motion for Summary Judgment</i>
12/03/2015	 Notice of Entry of Order Filed By: Intervenor Green Tree Loan Servicing LLC <i>Notice of Entry of Order Granting Green Tree Servicing LLC's Motion for Summary Judgment</i>
12/13/2015	 Notice of Voluntary Dismissal Without Prejudice Filed by: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Notice of Voluntary Dismissal of Zions First National Bank Pursuant to NRCP 41(a)(1)</i>
12/13/2015	Dismissal Pursuant to NRCP 41 (Judicial Officer: Smith, Douglas E.) Debtors: Zions First National Bank (Defendant) Creditors: LN Management LLC Series 5105 Portraits Place (Plaintiff) Judgment: 12/13/2015, Docketed: 12/22/2015
12/18/2015	 Notice of Appeal Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Notice of Appeal</i>
12/18/2015	 Case Appeal Statement Filed By: Intervenor Defendant LN Management LLC Series 5105 Portraits Place <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	Defendant Bank of America NA
	Total Charges 254.50
	Total Payments and Credits 254.50
	Balance Due as of 12/23/2015 0.00
	Intervenor Green Tree Loan Servicing LLC
	Total Charges 423.00
	Total Payments and Credits 423.00
	Balance Due as of 12/23/2015 0.00
	Intervenor Defendant Portraits at Painted Desert Homeowners Association
	Total Charges 223.00

DEPARTMENT 8
CASE SUMMARY
CASE NO. A-13-679816-C

Total Payments and Credits	223.00
Balance Due as of 12/23/2015	0.00
Intervenor Defendant LN Management LLC Series 5105 Portraits Place	
Total Charges	297.00
Total Payments and Credits	297.00
Balance Due as of 12/23/2015	0.00
Intervenor Defendant LN Management LLC Series 5105 Portraits Place	
Appeal Bond Balance as of 12/23/2015	500.00

CIVIL COVER SHEET

A - 13 - 679816 - C

County, Nevada

XXVI

Case No. _____
(Assigned by Clerk's Office)**I. Party Information**

Plaintiff(s) LN Management LLC Series 5105 Potraits
Place
P.O. Box 36208
Las Vegas, NV 89133
Attorney : Kerry P. Faughnan, Esq. (702) 301-3096
P.O. Box 335361, NLV, NV 89033

Defendants: William/Betty Webster; 5105 Portraits Pl, , LV, NV 89149

Attorney (name/address/phone):

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

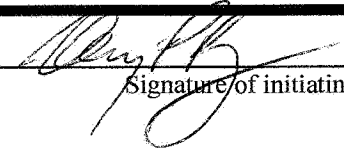
Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific 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 Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

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

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

April 9, 2013

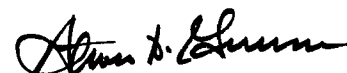
Date


 Signature of initiating party or representative

ORIGINAL

Electronically Filed
09/23/2015 12:01:40 PM

1
2 **ORDER**



CLERK OF THE COURT

3
4
5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 LN MANAGEMENT LLC SERIES 5105
POTRAITS PLACE,

9 Plaintiff,

10 v.

11 WILLIAM WEBSTER, an individual; BETTY
WEBSTER, an individual; BANK OF AMERICA,
12 N.A.; ZIONS FIRST NATIONAL BANK; and
DOES 1 through 10,

13 Defendants.

14 GREEN TREE SERVICING LLC,

15 Plaintiff,

16 v.

17 LN MANAGEMENT LLC SERIES 5105
POTRAITS PLACE, a Nevada limited liability
corporation, AS TRUSTEE FOR 5105
18 POTRAITS PL. TRUST; and POTRAITS AT
PAINTED DESERT HOMEOWNERS
19 ASSOCIATION, a Nevada non-profit cooperative
corporation without stock;

20 Defendants.
21
22

CASE NO. A-13-679816-C
DEPT. 8

**ORDER GRANTING GREEN TREE
SERVICING LLC's MOTION FOR
SUMMARY JUDGMENT**

Date of Hearing: August 18, 2015
Time of Hearing: 8:00 a.m.

23 This action came on for hearing before the Court, Honorable Douglas E. Smith, District
24 Judge, presiding, by Green Tree Servicing LLC now known as Ditech Financial LLC ("Green
25 Tree")'s Motion for Summary Judgment filed on July 9, 2015. The issues having been duly
26 heard and a decision having been duly rendered based on all written and oral submissions by
27 the parties, the Court hereby finds and concludes as follows:
28

DOUGLAS E. SMITH
DISTRICT JUDGE

DEPARTMENT EIGHT
LAS VEGAS NV 89155

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I. FINDINGS OF FACT

That on or about October 21, 2003, William and Betty Webster ("The Websters") borrowed \$192,000.00 from American Home Mortgage Corporation ("AHMC") secured by a first-priority deed of trust ("Deed of Trust") encumbering real property located at 5105 Portraits Place, Las Vegas, Nevada, 89149, A.P.N. 125-34-711-005 ("Property").

That said Deed of Trust named Mortgage Electronic Registration Systems, Inc. ("MERS") as the nominee for Lender and Lender's successors and assigns and as the beneficiary thereunder.

That an Assignment of Deed of Trust recorded on July 29, 2011 assigned all beneficial interest under the Deed of Trust, together with the note or notes described or referred to therein, to BAC Home Loans Servicing, LP ("BAC").

That a Corporation Assignment of Deed of Trust recorded on August 16, 2011 assigned all beneficial interest under the Deed of Trust, together with the note or notes described or referred to therein, to Bank of America N.A., as successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing LP ("BANA").

That an Assignment of Deed of Trust recorded on July 15, 2013 assigned all beneficial interest under the Deed of Trust, together with the note or notes described or referred to therein, to Everbank.

That an Assignment of Deed of Trust recorded on December 2, 2014 assigned all beneficial interest under the Deed of Trust to Green Tree.

That Green Tree is the current beneficiary under the Deed of Trust.

That on June 3, 2011, the Websters petitioned for Chapter 13 Bankruptcy protection in the Eastern District of Texas, Case No. 11-41748. Schedule A of the bankruptcy petition lists the Property.

That on August 4, 2011, Portraits at Painted Desert Homeowners Association ("HOA"), by and through its agent, Alessi & Koenig, LLC ("A&K"), recorded a Notice of Default and Election to Sell under Homeowners Association Lien ("Notice of Default") based on a

1 delinquent assessment lien against the Property.

2 That on November 19, 2012, HOA, by and through A&K, recorded a Notice of
3 Trustee's Sale ("Notice of Sale") based on a delinquent assessment lien against the Property.

4 That on January 23, 2013, A&K purported to sell the Property ("HOA Foreclosure
5 Sale") on behalf of the HOA to 5105 Portraits Pl Trust ("The Trust") for \$23,100.00.

6 That on April 9, 2013, the Trust quitclaimed its interest in the Property to Plaintiff, LN
7 Management LLC Series 5105 Potraits Place ("Plaintiff").

8 That on April 10, 2013, Plaintiff filed the underlying quiet title action in the Eighth
9 Judicial District Court of Clark County, Nevada regarding the Property.

10 That based on the foregoing chronology, HOA recorded the Notice of Default and
11 Notice of Sale in furtherance of its foreclosure proceedings and conducted the HOA foreclosure
12 sale during the pendency of the Websters' bankruptcy case.

13 That the Property remained subject to the Websters' bankruptcy estate at the time when
14 A&K recorded the Notice of Default and Notice of Sale in furtherance of the HOA's
15 foreclosure proceedings.

16 That the Property remained subject to the Websters' bankruptcy estate at the time when
17 A&K conducted the HOA foreclosure sale.

18 That neither HOA nor A&K obtained relief from automatic stay pursuant to 11 U.S.C. §
19 362(d) prior to recording the Notice of Default and Notice of Sale in furtherance of the HOA's
20 foreclosure proceedings.

21 That neither HOA nor A&K obtained relief from automatic stay pursuant to 11 U.S.C. §
22 362(d) prior to conducting the HOA foreclosure sale.

23 That the Property was not sold, abandoned or exempted from the bankruptcy estate
24 prior to A&K's recordation of notices in furtherance of HOA's foreclosure proceedings or
25 conduct of the HOA foreclosure sale.

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II. CONCLUSIONS OF LAW

That, under Nevada's conflict of law principles and rules, Ninth Circuit law controls the instant proceeding because the Property at issue resides in Nevada.

That Green Tree, as the current beneficiary under the Deed of Trust and as a creditor of the Websters' bankruptcy estate, has standing to enforce the automatic stay protection pursuant to 11 U.S.C. § 362(a).

That A&K's recordation of the Notice of Default and Notice of Sale in furtherance of HOA's foreclosure proceedings violates the automatic stay protection instituted by the filing of the Websters' bankruptcy petition pursuant to 11 U.S.C. § 362(a).

That A&K's conduct of the HOA foreclosure sale further violates the automatic stay protection instituted by the filing of the Websters' bankruptcy petition pursuant to 11 U.S.C. § 362(a).

It is hereby ORDERED AND ADJUDGED:

That Green Tree's Motion for Summary Judgment is GRANTED in its entirety.

That recordation of the Notice of Default is void for violating the automatic stay protection of the Bankruptcy Code.

That recordation of the Notice of Sale is void for violating the automatic stay protection of the Bankruptcy Code.

That the HOA foreclosure sale is void for violating the automatic stay protection of the Bankruptcy Code.

Green Tree's Deed of Trust recorded on October 29, 2003 as book and instrument number 20031029-02155 in Clark County, Nevada Recorder's Office continues to encumber the Property.

That any prior judgment, order or decree entered in this action enjoining Green Tree from proceeding with foreclosure of its Deed of Trust as to the Property is hereby vacated.

That any and all *lis pendens* concerning the underlying action recorded against the Property shall be expunged upon recordation of this Order.

1 That this Order Granting Green Tree's Motion for Summary Judgment shall become
2 effective and enforceable sixty (60) days from the date this order is filed.

3 That this decision is stayed for sixty (60) days to allow for any possible appeals or
4 bankruptcy requests Plaintiff may file.

5 That sixty (60) days after the filing of this Order, a copy of this Order may be recorded
6 in Clark County, Nevada Recorder's Office.

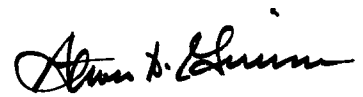
7 Dated this 23 day of September, 2015.

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10 
11 DISTRICT COURT JUDGE *W*

12
13 I hereby certify that on the date filed, I caused to be
14 placed a copy of the foregoing Order in the folder(s)
15 in the Clerk's Office or mailed to the following:

16 Kerry Faughnan, Esq.
17 Michael Li, Esq., WOLFE & WYMAN LLP

18 
19 SUSANNE ANDERSON, Judicial Assistant
20
21
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23
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CLERK OF THE COURT

1 **NEOJ**
2 **COLT B. DODRILL, ESQ.**
3 **Nevada Bar No. 9000**
4 **YANXIONG LI, ESQ.**
5 **Nevada Bar No. 12807**
6 **WOLFE & WYMAN LLP**
7 **980 Kelly Johnson Drive, Suite 140**
8 **Las Vegas, NV 89119**
9 **Tel: (702) 476-0100**
10 **Fax: (702) 476-0101**
11 **cbdodrill@wolfewyman.com**
12 **mli@wolfewyman.com**

13 Attorneys for Intervenor,
14 **GREEN TREE LOAN SERVICING LLC**

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **LN MANAGEMENT LLC SERIES 5105**
18 **POTRAITS PLACE,**

19 Plaintiff,

20 v.

21 **WILLIAM WEBSTER, an individual; BETTY**
22 **WEBSTER, an individual; BANK OF AMERICA,**
23 **N.A.; ZIONS FIRST NATIONAL BANK; and**
24 **DOES 1 through 10,**

25 Defendants.

26 **GREEN TREE SERVICING LLC,**

27 Plaintiff,

28 v.

LN MANAGEMENT LLC SERIES 5105
POTRAITS PLACE, , a Nevada limited liability
corporation, AS TRUSTEE FOR 5105
POTRAITS PL. TRUST; and POTRAITS AT
PAINTED DESERT HOMEOWNERS
ASSOCIATION, a Nevada non-profit cooperative
corporation without stock;

Defendants.

CASE NO. A-13-679816-C
Dept.: 8

NOTICE OF ENTRY OF ORDER
GRANTING GREEN TREE SERVICING
LLC's MOTION FOR SUMMARY
JUDGMENT

WOLFE & WYMAN LLP
ATTORNEYS & COUNSELORS AT LAW





ALESSI & KOENIG, LLC, a Nevada limited liability company,

Plaintiff,

v.

WILLIAM WEBSTER, an individual; BETTY WEBSTER, an individual; ZIONS FIRST NATIONAL BANK, an unknown entity; BANK OF AMERICA, N.A. AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, an unknown entity; CITY OF LAS VEGAS, a governmental entity; DOES I-X, inclusive; and ROE CORPORATIONS 1-10, inclusive,

Defendants.

TO: ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 23, 2015, the court in the above-captioned action entered an Order Granting Green Tree Servicing LLC's Motion for Summary Judgment. The order is attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein.

DATED: September 28, 2015

WOLFE & WYMAN LLP

By: /s/ Colt B. Dodrill

COLT B. DODRILL, ESQ.

Nevada Bar No. 9000

YANXIONG LI, ESQ.

Nevada Bar No. 12807

980 Kelly Johnson Drive, Suite 140

Las Vegas, NV 89119

Attorneys for Intervenor,

GREEN TREE SERVICING LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September 2015, the foregoing **NOTICE OF ENTRY OF ORDER GRANTING GREEN TREE SERVICING LLC's MOTION FOR SUMMARY JUDGMENT** was served upon each of the parties listed below via **Electronic Service** through the Eighth Judicial District Court's Odyssey E-File and Serve System:

(All Parties on E-service List)

By: /s/ Tristan McMahon

TRISTAN McMAHILL
An employee of Wolfe & Wyman LLP

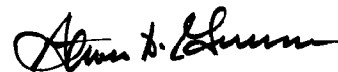
EXHIBIT “A”

EXHIBIT “A”

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CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LN MANAGEMENT LLC SERIES 5105
POTRAITS PLACE,

Plaintiff,

v.

WILLIAM WEBSTER, an individual; BETTY
WEBSTER, an individual; BANK OF AMERICA,
N.A.; ZIONS FIRST NATIONAL BANK; and
DOES 1 through 10,

Defendants.

CASE NO. A-13-679816-C
DEPT. 8

**ORDER GRANTING GREEN TREE
SERVICING LLC's MOTION FOR
SUMMARY JUDGMENT**

**Date of Hearing: August 18, 2015
Time of Hearing: 8:00 a.m.**

GREEN TREE SERVICING LLC,

Plaintiff,

v.

LN MANAGEMENT LLC SERIES 5105
POTRAITS PLACE, a Nevada limited liability
corporation, AS TRUSTEE FOR 5105
POTRAITS PL. TRUST; and POTRAITS AT
PAINTED DESERT HOMEOWNERS
ASSOCIATION, a Nevada non-profit cooperative
corporation without stock;

Defendants.

This action came on for hearing before the Court, Honorable Douglas E. Smith, District Judge, presiding, by Green Tree Servicing LLC now known as Ditech Financial LLC ("Green Tree")'s Motion for Summary Judgment filed on July 9, 2015. The issues having been duly heard and a decision having been duly rendered based on all written and oral submissions by the parties, the Court hereby finds and concludes as follows:

DOUGLAS E. SMITH
DISTRICT JUDGE

DEPARTMENT EIGHT
LAS VEGAS NV 89155

I. FINDINGS OF FACT

That on or about October 21, 2003, William and Betty Webster ("The Websters") borrowed \$192,000.00 from American Home Mortgage Corporation ("AHMC") secured by a first-priority deed of trust ("Deed of Trust") encumbering real property located at 5105 Portraits Place, Las Vegas, Nevada, 89149, A.P.N. 125-34-711-005 ("Property").

That said Deed of Trust named Mortgage Electronic Registration Systems, Inc. ("MERS") as the nominee for Lender and Lender's successors and assigns and as the beneficiary thereunder.

That an Assignment of Deed of Trust recorded on July 29, 2011 assigned all beneficial interest under the Deed of Trust, together with the note or notes described or referred to therein, to BAC Home Loans Servicing, LP ("BAC").

That a Corporation Assignment of Deed of Trust recorded on August 16, 2011 assigned all beneficial interest under the Deed of Trust, together with the note or notes described or referred to therein, to Bank of America N.A., as successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing LP ("BANA").

That an Assignment of Deed of Trust recorded on July 15, 2013 assigned all beneficial interest under the Deed of Trust, together with the note or notes described or referred to therein, to Everbank.

That an Assignment of Deed of Trust recorded on December 2, 2014 assigned all beneficial interest under the Deed of Trust to Green Tree.

That Green Tree is the current beneficiary under the Deed of Trust.

That on June 3, 2011, the Websters petitioned for Chapter 13 Bankruptcy protection in the Eastern District of Texas, Case No. 11-41748. Schedule A of the bankruptcy petition lists the Property.

That on August 4, 2011, Portraits at Painted Desert Homeowners Association ("HOA"), by and through its agent, Alessi & Koenig, LLC ("A&K"), recorded a Notice of Default and Election to Sell under Homeowners Association Lien ("Notice of Default") based on a

delinquent assessment lien against the Property.

That on November 19, 2012, HOA, by and through A&K, recorded a Notice of Trustee's Sale ("Notice of Sale") based on a delinquent assessment lien against the Property.

That on January 23, 2013, A&K purported to sell the Property ("HOA Foreclosure Sale") on behalf of the HOA to 5105 Portraits Pl Trust ("The Trust") for \$23,100.00.

That on April 9, 2013, the Trust quitclaimed its interest in the Property to Plaintiff, LN Management LLC Series 5105 Potraits Place ("Plaintiff").

That on April 10, 2013, Plaintiff filed the underlying quiet title action in the Eighth Judicial District Court of Clark County, Nevada regarding the Property.

That based on the foregoing chronology, HOA recorded the Notice of Default and Notice of Sale in furtherance of its foreclosure proceedings and conducted the HOA foreclosure sale during the pendency of the Websters' bankruptcy case.

That the Property remained subject to the Websters' bankruptcy estate at the time when A&K recorded the Notice of Default and Notice of Sale in furtherance of the HOA's foreclosure proceedings.

That the Property remained subject to the Websters' bankruptcy estate at the time when A&K conducted the HOA foreclosure sale.

That neither HOA nor A&K obtained relief from automatic stay pursuant to 11 U.S.C. § 362(d) prior to recording the Notice of Default and Notice of Sale in furtherance of the HOA's foreclosure proceedings.

That neither HOA nor A&K obtained relief from automatic stay pursuant to 11 U.S.C. § 362(d) prior to conducting the HOA foreclosure sale.

That the Property was not sold, abandoned or exempted from the bankruptcy estate prior to A&K's recordation of notices in furtherance of HOA's foreclosure proceedings or conduct of the HOA foreclosure sale.

That, under Nevada's conflict of law principles and rules, Ninth Circuit law controls the instant proceeding because the Property at issue resides in Nevada.

That A&K's recordation of the Notice of Default and Notice of Sale in furtherance of HOA's foreclosure proceedings violates the automatic stay protection instituted by the filing of the Websters' bankruptcy petition pursuant to 11 U.S.C. § 362(a).

It is hereby ORDERED AND ADJUDGED:

That recordation of the Notice of Default is void for violating the automatic stay protection of the Bankruptcy Code.

That the HOA foreclosure sale is void for violating the automatic stay protection of the Bankruptcy Code.

That any prior judgment, order or decree entered in this action enjoining Green Tree from proceeding with foreclosure of its Deed of Trust as to the Property is hereby vacated.

That any and all *lis pendens* concerning the underlying action recorded against the Property shall be expunged upon recordation of this Order.

1 That this Order Granting Green Tree's Motion for Summary Judgment shall become
2 effective and enforceable sixty (60) days from the date this order is filed.

3 That this decision is stayed for sixty (60) days to allow for any possible appeals or
4 bankruptcy requests Plaintiff may file.


5 That sixty (60) days after the filing of this Order, a copy of this Order may be recorded
6 in Clark County, Nevada Recorder's Office.

7 Dated this 23 day of September, 2015.

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10 
11 DISTRICT COURT JUDGE *LN*

12
13 I hereby certify that on the date filed, I caused to be
14 placed a copy of the foregoing Order in the folder(s)
in the Clerk's Office or mailed to the following:

15 Kerry Faughnan, Esq.
16 Michael Li, Esq., WOLFE & WYMAN LLP

17 
18 SUSANNE ANDERSON, Judicial Assistant
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

December 17, 2013

A-13-679816-C LN Management LLC Series 5105 Portraits Place, Plaintiff(s)
vs.
William Webster, Defendant(s)

December 17, 2013 8:00 AM Motion to Dismiss

HEARD BY: Smith, Douglas E. COURTROOM: RJC Courtroom 16D

COURT CLERK: Katrina Hernandez

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Faughnan, Kerry P, ESQ Attorney
Jorgensen, J. C. Attorney

JOURNAL ENTRIES

- Also present: Dale Kotchka-Alanes, on behalf of Bank of America.

Arguments by Ms. Kotchka-Alanes in support of motion and arguments by Mr. Faughnan requesting motion be denied or stayed. Colloquy regarding Supreme Court's pending decision. COURT ORDERED, matter CONTINUED for sixty days.

2/18/13 8:00 AM BANK OF AMERICA, N.A.'S MOTION TO DISMISS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 18, 2014

A-13-679816-C LN Management LLC Series 5105 Portraits Place, Plaintiff(s)
vs.
William Webster, Defendant(s)

February 18, 2014 8:00 AM Motion to Dismiss

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Faughnan, Kerry P, ESQ Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Faughnan advised the Supreme Court decision is still pending and it is his understanding they are scheduled for oral arguments sometime in March or April. COURT ORDERED, matter CONTINUED and SET for status check; matter will be stayed.

4/22/14 8:00 AM STATUS CHECK: SUPREME COURT DECISION...BANK OF AMERICA, N.A.'S MOTION TO DISMISS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 10, 2014

A-13-679816-C	LN Management LLC Series 5105 Portraits Place, Plaintiff(s) vs. William Webster, Defendant(s)
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November 10, 2014	3:00 AM	Motion to Vacate	Plaintiff's Motion to Vacate Order Granting Bank of America's Motion to Dismiss
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HEARD BY: Smith, Douglas E.

COURTROOM:

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After reviewing the motion, COURT ORDERED, Plaintiff's Motion to Vacate Order Granting Bank of America's Motion to Dismiss GRANTED. The Court signed the order in open court during a prove-up hearing on November 18, 2014 for Plaintiff's Application for Default Judgment.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 18, 2014

A-13-679816-C LN Management LLC Series 5105 Portraits Place, Plaintiff(s)
vs.
William Webster, Defendant(s)

**November 18, 2014 8:00 AM Motion for Default
Judgment**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Faughnan, Kerry P, ESQ Attorney

JOURNAL ENTRIES

- Mr. Iyad W. Haddad sworn and testified. COURT ORDERED, Default Judgment GRANTED.
Judge signed Order on the Bench.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 02, 2015

A-13-679816-C	LN Management LLC Series 5105 Portraits Place, Plaintiff(s) vs. William Webster, Defendant(s)
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March 02, 2015

3:00 AM

Motion to Intervene

Motion to Intervene

HEARD BY: Smith, Douglas E.

COURTROOM: Chambers

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- After reviewing the record, COURT ORDERED, Green Tree s Motion to Intervene GRANTED.
Counsel is to submit an order.

CLERK'S NOTE: The above minute order has been distributed to: Kerry Faughnan,
kerry.faughnan@gmail.com; Christopher Jorgensen, cjorgensen@lrlaw.com
Darren Brenner, darren.brenner@akerman.com; Colt B. Dodrill, bdodrill@wolfewyman.com

/lg 3-9-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 11, 2015

A-13-679816-C	LN Management LLC Series 5105 Portraits Place, Plaintiff(s) vs. William Webster, Defendant(s)
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August 11, 2015	8:00 AM	Motion for Summary Judgment
------------------------	----------------	--

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Brenner, Darren T. LI, YANXIONG	Attorney Attorney
-----------------	------------------------------------	----------------------

JOURNAL ENTRIES

- Arguments by counsel regarding standing and jurisdiction. Court advised the bankruptcy was filed in Texas and the lawsuit filed here; Court believed it had jurisdiction and was going to use the Ninth Circuit. Mr. Faughnan requested parties go back to Bankruptcy Court and have the case reopened. Colloquy regarding Schwartz and further briefing regarding case law under Fifth Circuit. COURT ORDERED, matter CONTINUED for further review of the standing issue and noted counsel may conduct additional briefing.

8/18/15 8:00 AM DECISION: GREEN TREE SERVICING LLC'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 18, 2015

A-13-679816-C	LN Management LLC Series 5105 Portraits Place, Plaintiff(s) vs. William Webster, Defendant(s)
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August 18, 2015	8:00 AM	Motion for Summary Judgment
------------------------	----------------	--

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Faughnan, Kerry P, ESQ Knepper, Matthew I. LI, YANXIONG	Attorney Attorney Attorney
-----------------	---	----------------------------------

JOURNAL ENTRIES

- Court noted it received supplemental briefing last night. Mr. Lee stated said briefing contained no additional authority. Following arguments by counsel regarding standing. COURT ORDERED, matter CONTINUED to review supplement. The court will issue a decision in writing.

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 GREEN TREE SERVICING, LLC'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER GRANTING GREEN TREE SERVICING LLC'S MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES

LN MANAGEMENT LLC SERIES 5105
PORTRAITS PLACE,

Plaintiff(s),

vs.

WILLIAM WEBSTER; BETTY WEBSTER;
BANK OF AMERICA N.A.; ZIONS FIRST
NATIONAL BANK,

Defendant(s),

Case No: A679816

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of December 2015.

Steven D. Grierson, Clerk of the Court

Mary Kielty

Mary Kielty, Deputy Clerk



KERRY PETER FAUGHNAN
MICHELLE YVETTE FAUGHNAN
6408 CASAMAR ST.
NORTH LAS VEGAS, NV 89086

94-169-1212

1246

Date 12/24/16

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order of

Nevada Supreme Ct.

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A-13-1679816-C Appeal

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