

CLERK OF THE COURT

Electronically Filed
Aug 18 2016 09:54 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

CODE: NOTC

James M. Walsh, Esq.
Nevada State Bar 796
Walsh, Baker & Rosevear
9468 Double R. Blvd., Suite A
Reno, Nevada 89521
Tel: (775) 853-0883
Fax: (775) 853-0860
Email: jmw Walsh@wbri.net
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

PAUL PAWLIK,

Plaintiff,

vs.

SHYANG-FENN DENG AND LINDA HSIANG-
YU CHIANG DENG, TRUSTEES OF THE
SHAYNG-FENN AND LINDA HSIANG-YU
CHIANG DENG REVOCABLE TRUST DATED
AUGUST 18, 2006; VANETTA APPELEYARD,
TREASURER OF THE CITY OF LAS VEGAS;
THE CITY OF LAS VEGAS, a Political
Subdivision,

Defendants.

Case No.: A-16-734663-C

Dept. No: XII

NOTICE OF APPEAL


Notice is hereby given that PAUL PAWLIK, Plaintiff above named, hereby appeals to the Supreme Court of Nevada, from the Order Granting Defendants' Motion to Dismiss and Order Denying Plaintiff's Application for Writ of Mandamus, entered on in this Action on 13th day of July, 2016.

Affirmation Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 10th day of August, 2016.

WALSH, BAKER & ROSEVEAR


JAMES M. WALSH, ESQ.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am an employee of WALSH, BAKER & ROSEVEAR that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing document on all parties to this action by:

XX Electronic filing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing

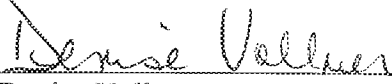
addressed as follows:

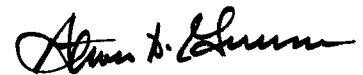
Steven Mack, Esq.
Black & LoBello
10777 West Twain Ave., Third Floor
Las Vegas, NV 89135
*Counsel for Shayng-Fenn Deng and
Linda Hsiang-Yu Chiang Deng, Trustees of the
Shayng-Fenn Deng and Linda Hsiang-Yu Chiang Deng
Revocable Trust Dated August 18, 2006*

Bradford R. Jerbic, City Attorney
John A. Curtis, Deputy City Attorney
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Attorneys for City of Las Vegas and Vanetta Appleyard

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of August, 2016.


Denise Vollmer, an employee of
Walsh, Baker & Rosevear



CLERK OF THE COURT

CODE: ASTA
James M. Walsh, Esq.
Nevada State Bar 796
Walsh, Baker & Rosevear
9468 Double R. Blvd., Suite A
Reno, Nevada 89521
Tel: (775) 853-0883
Fax: (775) 853-0860
Email: jmw@wbri.net
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

PAUL PAWLIK,

Plaintiff,

vs.

Case No.: A-16-734663-C

Dept. No: XII

SHYANG-FENN DENG AND LINDA HSIANG-YU
CHIANG DENG, TRUSTEES OF THE
SHAYNG-FENN AND LINDA HSIANG-YU
CHIANG DENG REVOCABLE TRUST DATED
AUGUST 18, 2006; VANETTA APPELYARD,
TREASURER OF THE CITY OF LAS VEGAS;
THE CITY OF LAS VEGAS, a Political
Subdivision,

Defendants.

CASE APPEAL STATEMENT

1. Name of Appellant filing this case appeal statement: PAUL PAWLIK.
2. Identify the judge issuing the decision, judgment, or order appealed from: Hon. Michelle Leavitt.
3. Identify each appellant and the name and address of counsel for each appellant: Appellant is PAUL PAWLIK. Appellant is represented by James M. Walsh, Esq., 9468 Double R Blvd., Suite A, Reno, NV, 89521.

1 4. Identify each respondent and the name and address of appellate counsel, if known, for each
2 respondent:

3 Respondents are Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, trustees of the
4 Shyang-Fenn and Linda Hsiang-Yu Chiang Deng revocable trust dated August 18, 2006; Vanetta
5 Appleyard, treasurer of the city of Las Vegas; the City of Las Vegas, a Political Subdivision.

6 Current counsel for respondents: Steven Mack, Esq. Black & LoBello 10777 West Twain Ave.,
7 Third Floor Las Vegas, NV 89135 as counsel for Shyang-Fenn Deng and Linda Hsiang-Yu Chiang
8 Deng, Trustees of the Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated
9 August 18, 2006. Bradford R. Jerbic, City Attorney; John A. Curtis, Deputy City Attorney 495 South
10 Main Street, Sixth Floor Las Vegas, Nevada 89101 as counsel for City of Las Vegas and Vanetta
11 Appleyard.

12 5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed
13 to practice law in Nevada: All attorneys named in question 3 and 4 are licensed to practice law in
14 Nevada.

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

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

19 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of
20 entry of the district court order granting such leave: No.

21 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
22 indictment, information, or petition was filed): The complaint was filed on April 6, 2016.

23 10. Provide a brief description of the nature of the action and result in the district court,
24 including the type of judgment or order being appealed and the relief granted by the district court:
25
26
27
28

1 This is an appeal from the Order Granting Defendants' Motion to Dismiss; and Denying
2 Plaintiff's Application for Writ of Mandamus.

3 The real property at issue in this case was purchased by Appellant Pawlik on January 27, 2014
4 at a duly noticed and authorized sale conducted by the Treasurer after the former owners (Appellee
5 Deng) defaulted on special assessments and entered into delinquency. On January 7, 2016, Appellant
6 Pawlik prepared and sent a Notice of Expiration of Redemption Period and of Intent of Owner of
7 Certificate of Sale to Demand Deed to Real Property to Appellee Deng's last known address. The
8 period of redemption was set to expire on January 26, 2016. After unsuccessfully mailing notice to
9 Appellee Deng, Appellant Pawlik published notice on January 27, 2016. On March 14, 2016,
10 Appellant Pawlik applied to the Treasurer for the issuance of the deed. The Treasurer refused and
11 continues to refuse to issue the Deed.

12 Pursuant to NRS 34.160 Appellant Pawlik applied for a Writ of Mandamus from this court on
13 April 25, 2016. The Application requested that the City of Las Vegas and/or Vanetta Appleyard as
14 Treasurer discharge its legal obligation to issue a deed to real property pursuant to NRS 271.595.
15 Thereafter, Appellant's Motion for Writ of Mandamus was denied and Appellees' Motion to Dismiss
16 was granted. This court found that Appellant Pawlik improperly made notice of intent to take property
17 and demand on Appellee Deng prior to the expiration of the redemption period pursuant to NRS
18 271.595(4). This court further held that because the notice Appellant Pawlik provided to Appellee
19 Deng occurred before the expiration of the redemption period, notice was therefore deficient, causing
20 Appellant's entire action to fail.

21 11. Indicate whether the case has previously been the subject of an appeal to or original writ
22 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior
23 proceeding: No.

24 12. Indicate whether this appeal involves child custody or visitation: No.


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

Affirmation Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 10th day of August, 2016.

WALSH, BAKER & ROSEVEAR


JAMES M. WALSH, ESQ.

Nevada State Bar 796

9468 Double R. Blvd., Suite A

Reno, Nevada 89521

Tel: (775) 853-0883

Fax: (775) 853-0860

Email: jmw@wbri.net

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am an employee of WALSH, BAKER & ROSEVEAR that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing document on all parties to this action by:

XX Electronic filing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing

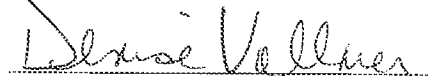
addressed as follows:

Steven Mack, Esq.
Black & LoBello
10777 West Twain Ave., Third Floor
Las Vegas, NV 89135
*Counsel for Shayng-Fenn Deng and
Linda Hsiang-Yu Chiang Deng, Trustees of the
Shayng-Fenn Deng and Linda Hsiang-Yu Chiang Deng
Revocable Trust Dated August 18, 2006*

Bradford R. Jerbic, City Attorney
John A. Curtis, Deputy City Attorney
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Attorneys for City of Las Vegas and Vanetta Appleyard

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of August, 2016.



Denise Vollmer, an employee of
Walsh, Baker & Rosevear

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-16-734663-C

Paul Pawlik, Plaintiff(s)
vs.
Shyang-Fenn Deng, Defendant(s)

§
§
§
§
§

Location: **Department 12**
Judicial Officer: **Leavitt, Michelle**
Filed on: **04/06/2016**
Cross-Reference Case Number: **A734663**

CASE INFORMATION

Statistical Closures
07/13/2016 Motion to Dismiss (By Defendant)

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

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-16-734663-C
Court Department 12
Date Assigned 04/06/2016
Judicial Officer Leavitt, Michelle




PARTY INFORMATION

| | | <i>Lead Attorneys</i> |
|------------------|--|---|
| Plaintiff | Pawlik, Paul | Walsh, James M. <i>Retained</i> 7758530883(W) |
| Defendant | Deng, Linda Hsiang-Yu Chiang | Mack, Steven J <i>Retained</i> 702-869-8801(W) |
| | Deng, Shyang-Fenn | Mack, Steven J <i>Retained</i> 702-869-8801(W) |
| | Las Vegas City of | Curtas, John A. <i>Retained</i> 7023079500(W) |
| | Shayng-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust | |
| | Vanetta Appleyard Treasurer of the City of Las Vegas | Curtas, John A. <i>Retained</i> 7023079500(W) |














DATE

EVENTS & ORDERS OF THE COURT

INDEX

| | | |
|------------|---|--|
| 04/06/2016 |  Complaint Filed By: Plaintiff Pawlik, Paul <i>Verified Complaint to Quiet Title, Writ of Mandamus and Injunction</i> | |
| 04/07/2016 |  Lis Pendens Filed By: Plaintiff Pawlik, Paul <i>Lis Pendens</i> | |
| 04/14/2016 |  Summons Filed by: Plaintiff Pawlik, Paul <i>Summons-Civil</i> | |


DEPARTMENT 12
CASE SUMMARY
CASE NO. A-16-734663-C

| | |
|------------|---|
| 04/14/2016 |  Summons Filed by: Plaintiff Pawlik, Paul <i>Summons-Civil</i> |
| 04/26/2016 |  Motion Filed By: Plaintiff Pawlik, Paul <i>Motion and Application for Writ of Mandamus</i> |
| 04/28/2016 |  Amended Notice Filed By: Plaintiff Pawlik, Paul <i>Amended Notice of Hearing</i> |
| 05/16/2016 |  Proof of Service Filed by: Plaintiff Pawlik, Paul <i>Proof of Service on Vanetta Appleyard</i> |
| 05/16/2016 |  Proof of Service Filed by: Plaintiff Pawlik, Paul <i>Proof of Service on The City of Las Vegas</i> |
| 05/23/2016 |  Amended Notice Filed By: Plaintiff Pawlik, Paul <i>Second Amended Notice of Hearing</i> |
| 05/26/2016 |  Demand Filed By: Defendant Las Vegas City of <i>Demand for Security of Costs</i> |
| 05/26/2016 |  Acceptance of Service Filed By: Plaintiff Pawlik, Paul <i>Acceptance of Service</i> |
| 05/27/2016 |  Notice Filed By: Plaintiff Pawlik, Paul <i>Notice of Intent to Take Default</i> |
| 05/31/2016 |  Return Party: Defendant Deng, Shyang-Fenn <i>Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006's Return To Plaintiff's Motion And Application For Writ Of Mandamus</i> |
| 06/01/2016 |  Application Filed By: Plaintiff Pawlik, Paul <i>Application for Entry of Default</i> |
| 06/01/2016 |  Application Filed By: Plaintiff Pawlik, Paul <i>Application for Entry of Default</i> |
| 06/01/2016 |  Errata Filed By: Defendant Deng, Shyang-Fenn <i>Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006's Errata to</i> |




CASE SUMMARY

CASE NO. A-16-734663-C

"Return to Plaintiff's Motion and Application for Writ of Mandamus" (filed May 31, 2016) to Correctly Read Defendants' Motion to Dismiss Plaintiff's Verified Complaint to Quiet Title, Writ of Mandamus and Injunction pursuant to Nevada Rules of Civil Procedure ("NRCP") 12 (b)(5)

| | |
|------------|---|
| 06/01/2016 |  Answer to Complaint Filed by: Defendant Las Vegas City of <i>City of Las Vegas and Venetta Appleyard's Answer to Verified Complaint to Quiet Title, Writ of Mandamus and Injunction</i> |
| 06/01/2016 |  Initial Appearance Fee Disclosure Filed By: Defendant Deng, Shyang-Fenn <i>Initial Appearance Fee Disclosure</i> |
| 06/02/2016 |  Return Party: Defendant Deng, Shyang-Fenn <i>Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006'S Return to Plaintiff's Motion and Application for Writ of Mandamus</i> |
| 06/07/2016 |  Joinder To Motion Filed By: Defendant Las Vegas City of <i>Joinder to Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006's Motion to Dismiss Plaintiff's Verified Complaint</i> |
| 06/07/2016 |  Joinder Filed By: Defendant Las Vegas City of <i>Joinder to Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006's Return to Plaintiff's Motion and Application for Writ of Mandamus</i> |
| 06/09/2016 |  Reply to Motion Filed By: Plaintiff Pawlik, Paul <i>Reply to Return to Plaintiff's Motion and Application for Writ of Mandamus</i> |
| 06/23/2016 |  Opposition Filed By: Plaintiff Pawlik, Paul <i>Opposition to Defendants' Motion to Dismiss Plaintiff's Verified Complaint</i> |
| 06/27/2016 |  Petition for Writ of Mandamus (8:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 04/26/2016 Motion <i>Plaintiff's Motion and Application for Writ of Mandamus</i> |
| 07/11/2016 | CANCELED Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Order</i> <i>Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006's Return To Plaintiff's Motion And Application For Writ Of Mandamus</i> |
| 07/11/2016 | CANCELED Joinder (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Order</i> <i>Joinder to Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006's Motion to Dismiss Plaintiff's Verified Complaint</i> |
| 07/13/2016 |  Order Granting Motion |

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-16-734663-C

| | |
|------------|--|
| | Filed By: Defendant Deng, Shyang-Fenn <i>Order Granting Defendants' Motion to Dismiss; and Denying Plaintiff's Application for Writ of Mandamus</i> |
| 07/20/2016 |  Notice of Entry of Order Filed By: Defendant Deng, Shyang-Fenn <i>Notice of Entry of Order</i> |
| 08/10/2016 |  Notice of Appeal Filed By: Plaintiff Pawlik, Paul <i>Notice of Appeal</i> |
| 08/10/2016 |  Case Appeal Statement Filed By: Plaintiff Pawlik, Paul <i>Case Appeal Statement</i> |

| DATE | FINANCIAL INFORMATION |
|------|---|
| | Defendant Deng, Linda Hsiang-Yu Chiang Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 8/12/2016 0.00 |
| | Defendant Deng, Shyang-Fenn Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 8/12/2016 0.00 |
| | Plaintiff Pawlik, Paul Total Charges 294.00 Total Payments and Credits 294.00 Balance Due as of 8/12/2016 0.00 |

DISTRICT COURT CIVIL COVER SHEET A- 16- 734663- C

CLARK County, Nevada

Case No. _____

(Assigned by Clerk's Office)

XI I

I. Party Information (provide both home and mailing addresses if different)

| | |
|--|---|
| Plaintiff(s) (name/address/phone): PAUL PAWLIK | Defendant(s) (name/address/phone): SHYANG-FENN DENG AND LINDA HSIANG-YU DENG |
| | TRUSTEES OF THE SHAYNG-FENN AND LINDA HSIANG-YU |
| | CHIANG DENG REVOCABLE TRUST DATED AUGUST 18, 2006; |
| | VANETTA APPEYARD, TREASURER OF THE CITY OF LAS VEGAS; THE CITY OF LAS VEGAS |
| Attorney (name/address/phone): JAMES M. WALSH, ESQ. | Attorney (name/address/phone): |
| WALSH, BAKER & ROSEVEAR | |
| 9468 DOUBLE R. BLVD., SUITE A, RENO, NV 89521 | |
| 775-853-0883 | |

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

| | | |
|--|--|--|
| Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property | Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice | Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort |
| Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500 | Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract | Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal |
| Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ | | Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters |

Business Court filings should be filed using the Business Court civil coversheet.

April 6, 2016

Date

/s/ James M. Walsh

Signature of initiating party or representative

See other side for family-related case filings.

ORIGINAL

CLERK OF THE COURT

1 **ORDR**

2 STEVEN MACK, ESQ.

3 Nevada Bar No. 4000

4 **BLACK & LOBELLO**

5 10777 W. Twain Ave., 3rd Fl.

6 Las Vegas, Nevada 89135

7 (702) 869-8801

8 (702) 869-2669 (fax)

9 smack@blacklobellolaw.com

10 *Attorneys for Defendants*

11 *Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng,*

12 *Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang*

13 *Deng Revocable Trust Dated August 18, 2006*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 PAUL PAWLIK,

17 Plaintiff,

18 v.

19 SHYANG-FENN DENG AND LINDA
20 HSIANG-YU CHIANG DENG, TRUSTEES
21 OF THE SHYANG-FENN AND LINDA
22 HSIANG-YU CHIANG DENG REVOCABLE
23 TRUST DATED AUGUST 18, 2006;
24 VANETTA APLEYARD, TREASURER OF
25 THE CITY OF LAS VEGAS; THE CITY OF
26 LAS VEGAS, a Political subdivision,

27 Defendants.

Case No. A-16-734663

Dept. No. XII

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS; AND DENYING
PLAINTIFF'S APPLICATION FOR WRIT
OF MANDAMUS**

28 Defendants' Motion To Dismiss and Plaintiff's Writ of Mandamus having come on for
hearing on June 27, 2016, Steve Mack, Esq. of the law firm of Black & LoBello, appearing on
behalf of Defendants, Shyang-Fenn Deng And Linda Hsiang-Yu Chiang Deng, Trustees Of The
Shyang-Fenn And Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006, John
Curtas, Esq., City Attorney, appearing on behalf of Defendants, Treasurer Of The City Of Las
Vegas; The City Of Las Vegas, and James W. Walsh, Esq., of the law firm of Walsh, Baker &
Rosevear appearing on behalf of Plaintiff Paul Pawlik, the Court having considered such, and all

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

Page 1 of 3

RECEIVED

JUL 06 2016

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
(702) 869-8801 FAX: (702) 869-2669

1 papers filed in support of the respective Motion and Writ along with argument of counsel, and
2 with good cause appearing therefore:

3 THE COURT FINDS that pursuant to NRS 271.595(3) the Owner (in this case Defendant
4 Deng) has two years to redeem the property at issue in this case. Pursuant to NRS 271.595(4),
5 after the two-year redemption period has expired then, and only then, may the holder of the
6 certificate (Plaintiff) must provide the Owner (Deng) 60 days' notice of its intent to take such
7 property.

8 THE COURT FURTHER FINDS, and as stated in Plaintiff's own verified complaint, that
9 the two-year period in this case expired on January 26, 2016, however, the Plaintiff began
10 making his notice and demand prior to the expiration of the redemption period, beginning
11 January 7, 2016.

12 THE COURT FURTHER FINDS that the notice Plaintiff provided to Defendant Deng
13 was prior to the end of the redemption period and, therefore, was premature, improper and
14 ineffective as it violates the relevant provisions of NRS 271.595. As a result, the Plaintiff has
15 never given proper notice to Defendant Deng as required per statute, and as a result, Plaintiff's
16 entire action fails.

17 IT IS HEREBY ORDERED. ADJUDGED AND DECREED that because the notice to
18 Defendants was improper, the Plaintiffs' Application for Writ of Mandamus is Denied;

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon the facts
20 as stated herein and as stated in Plaintiff's own verified complaint, notice was improper pursuant

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the redemption funds
2 paid by Defendant Deng to the City of Las Vegas be disbursed to the Plaintiff within ten (10)
3 days of the Notice of Entry of Order of this Order.

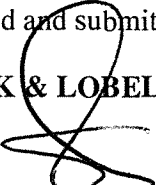
4 **IT IS SO ORDERED**

5 Dated this 11 day of July 2016.

6
7
8 
DISTRICT COURT JUDGE
9


10 Prepared and submitted by:

11 **BLACK & LOBELLO**

12 
13 STEVEN MACK, ESQ.
14 Nevada Bar No. 4000
15 10777 W. Twain Ave., Third Floor
16 Las Vegas, Nevada 89135
17 Attorneys for Defendants
18 Shyang-Fenn Deng and Linda Hsiang-Yu
19 Chiang Deng, Trustees of the Shyang-Fenn
20 and Linda Hsiang-Yu Chiang Deng
21 Revocable Trust Dated August 18, 2006


Agreed to in Form and Content:

CITY OF LAS VEGAS

12 
13 JOHN CURTAS, ESQ.
14 Deputy City Attorney
15 Nevada Bar No. 1841
16 Las Vegas, Nevada 89101
17 Attorneys for Defendants
18 Vanetta Appleyard, Treasurer
19 Of The City Of Las Vegas;
20 The City Of Las Vegas,
21 a Political subdivision

22 Agreed to in Form and Content:

23 **WALSH, BAKER & ROSEVEAR**

24 
25 JAMES W. WALSH, ESQ.
26 Nevada Bar No. 0796
27 9468 Double R. Blvd., Suite A
28 Reno, NV 89521
Attorney for Plaintiff

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the redemption funds
2 paid by Defendant Deng to the City of Las Vegas be disbursed to the Plaintiff within ten (10)
3 days of the Notice of Entry of Order of this Order.

4 **IT IS SO ORDERED**

5
6 Dated this _____ day of July 2016.

7
8 _____
DISTRICT COURT JUDGE

9 Prepared and submitted by:

Agreed to in Form and Content:

10 **BLACK & LOBELLO**

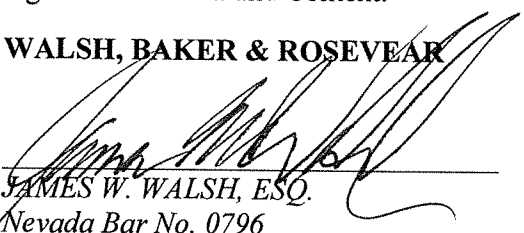
CITY OF LAS VEGAS

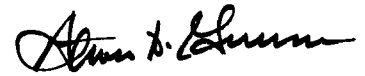
11
12 _____
13 STEVEN MACK, ESQ.
14 Nevada Bar No. 4000
15 10777 W. Twain Ave., Third Floor
16 Las Vegas, Nevada 89135
17 *Attorneys for Defendants*
18 *Shyang-Fenn Deng and Linda Hsiang-Yu*
19 *Chiang Deng, Trustees of the Shyang-Fenn*
20 *and Linda Hsiang-Yu Chiang Deng*
21 *Revocable Trust Dated August 18, 2006*

22 _____
23 JOHN CURTAS, ESQ.
24 Deputy City Attorney
25 Nevada Bar No. 1841
26 Las Vegas, Nevada 89101
27 *Attorneys for Defendants*
28 *Vanetta Appleyard, Treasurer*
Of The City Of Las Vegas;
The City Of Las Vegas,
a Political subdivision

18 Agreed to in Form and Content:

19 **WALSH, BAKER & ROSEVEAR**

20
21 
22 _____
23 JAMES W. WALSH, ESQ.
24 Nevada Bar No. 0796
25 9468 Double R. Blvd., Suite A
26 Reno, NV 89521
27 *Attorney for Plaintiff*



CLERK OF THE COURT

NOEJ
STEVEN MACK, ESQ.
Nevada Bar No. 4000
BLACK & LOBELLO
10777 W. Twain Ave., 3rd Fl.
Las Vegas, Nevada 89135
(702) 869-8801
(702) 869-2669 (fax)
smack@blacklobellolaw.com
Attorneys for Defendants
Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng,
Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang
Deng Revocable Trust Dated August 18, 2006

DISTRICT COURT
CLARK COUNTY, NEVADA

PAUL PAWLIK,

Plaintiff,

v.

Case No. A-16-734663
Dept. No. XII

SHYANG-FENN DENG AND LINDA
HSIANG-YU CHIANG DENG, TRUSTEES
OF THE SHYANG-FENN AND LINDA
HSIANG-YU CHIANG DENG REVOCABLE
TRUST DATED AUGUST 18, 2006;
VANETTA APPELYARD, TREASUER OF
THE CITY OF LAS VEGAS; THE CITY OF
LAS VEGAS, a Political subdivision,

Defendants.

NOTICE OF ENTRY OF ORDER

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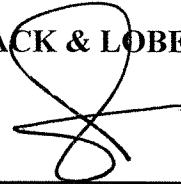
///

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order was entered granting Defendants' Motion to Dismiss and denying Plaintiff's Application for Writ of Mandamus on July 13, 2016. A true and correct copy is attached.

DATED this 10th day of July, 2016.

BLACK & LOBELLO



STEVEN MACK, ESQ.

Nevada Bar No. 4000

10777 W. Twain Ave., Third Floor

Las Vegas, Nevada 89135

Attorneys for Defendants

Shyang-Fenn Deng and Linda Hsiang-Yu

Chiang Deng, Trustees of the Shyang-Fenn

and Linda Hsiang-Yu Chiang Deng

Revocable Trust Dated August 18, 2006

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of BLACK & LOBELLO and that on the 20th day of July 2016, I caused the above and foregoing document entitled **nOTICE**

OF ENTRY OF ORDER to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and
- ☒ by electronic service through Wiznet, Clark County Eighth Judicial District Court's electronic filing/service system;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile;
- ☐ hand delivered

to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

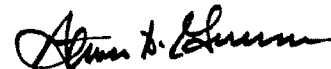
James W. Walsh, Esq.
Walsh, Baker & Rosevear
9468 Double R. Blvd., Suite A
Reno, NV 89521
(775) 853-0883
Fax: (775) 853-0860
jmwalsh@wbri.net
Attorney for Plaintiff

and that there is regular communication by mail between the place of mailing and the place(s) so addressed.


An Employee of Black & LoBello

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
(702) 869-8801 FAX: (702) 869-2669

ORIGINAL



CLERK OF THE COURT

1 **ORDR**

2 STEVEN MACK, ESQ.

3 Nevada Bar No. 4000

4 **BLACK & LOBELLO**

5 10777 W. Twain Ave., 3rd Fl.

6 Las Vegas, Nevada 89135

7 (702) 869-8801

8 (702) 869-2669 (fax)

9 smack@blacklobellolaw.com

10 *Attorneys for Defendants*

11 *Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng,*

12 *Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang*

13 *Deng Revocable Trust Dated August 18, 2006*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 PAUL PAWLIK,

17 Plaintiff,

18 v.

19 SHYANG-FENN DENG AND LINDA
20 HSIANG-YU CHIANG DENG, TRUSTEES
21 OF THE SHYANG-FENN AND LINDA
22 HSIANG-YU CHIANG DENG REVOCABLE
23 TRUST DATED AUGUST 18, 2006;
24 VANETTA APPELYARD, TREASURER OF
25 THE CITY OF LAS VEGAS; THE CITY OF
26 LAS VEGAS, a Political subdivision,

27 Defendants.

Case No. A-16-734663

Dept. No. XII

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS; AND DENYING
PLAINTIFF'S APPLICATION FOR WRIT
OF MANDAMUS**

28 Defendants' Motion To Dismiss and Plaintiff's Writ of Mandamus having come on for
hearing on June 27, 2016, Steve Mack, Esq. of the law firm of Black & LoBello, appearing on
behalf of Defendants, Shyang-Fenn Deng And Linda Hsiang-Yu Chiang Deng, Trustees Of The
Shyang-Fenn And Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006, John
Curtas, Esq., City Attorney, appearing on behalf of Defendants, Treasurer Of The City Of Las
Vegas; The City Of Las Vegas, and James W. Walsh, Esq., of the law firm of Walsh, Baker &
Rosevear appearing on behalf of Plaintiff Paul Pawlik, the Court having considered such, and all

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

Page 1 of 3

RECEIVED

JUL 06 2016

1 papers filed in support of the respective Motion and Writ along with argument of counsel, and
2 with good cause appearing therefore:

3 THE COURT FINDS that pursuant to NRS 271.595(3) the Owner (in this case Defendant
4 Deng) has two years to redeem the property at issue in this case. Pursuant to NRS 271.595(4),
5 after the two-year redemption period has expired then, and only then, may the holder of the
6 certificate (Plaintiff) must provide the Owner (Deng) 60 days' notice of its intent to take such
7 property.

8 THE COURT FURTHER FINDS, and as stated in Plaintiff's own verified complaint, that
9 the two-year period in this case expired on January 26, 2016, however, the Plaintiff began
10 making his notice and demand prior to the expiration of the redemption period, beginning
11 January 7, 2016.

12 THE COURT FURTHER FINDS that the notice Plaintiff provided to Defendant Deng
13 was prior to the end of the redemption period and, therefore, was premature, improper and
14 ineffective as it violates the relevant provisions of NRS 271.595. As a result, the Plaintiff has
15 never given proper notice to Defendant Deng as required per statute, and as a result, Plaintiff's
16 entire action fails.

17 IT IS HEREBY ORDERED. ADJUDGED AND DECREED that because the notice to
18 Defendants was improper, the Plaintiffs' Application for Writ of Mandamus is Denied;

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon the facts
20 as stated herein and as stated in Plaintiff's own verified complaint, notice was improper pursuant

21 ///

22 ///

23 ///

24 ///

25 ///


26 ///

27 ///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the redemption funds
2 paid by Defendant Deng to the City of Las Vegas be disbursed to the Plaintiff within ten (10)
3 days of the Notice of Entry of Order of this Order.

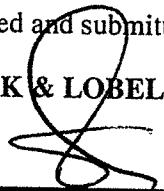
4 **IT IS SO ORDERED**

5 Dated this 11 day of July 2016.

6
7
8 
DISTRICT COURT JUDGE
9


10 Prepared and submitted by:

11 **BLACK & LOBELLO**

12 
13 **STEVEN MACK, ESQ.**
14 Nevada Bar No. 4000
15 10777 W. Twain Ave., Third Floor
16 Las Vegas, Nevada 89135
17 *Attorneys for Defendants*
18 *Shyang-Fenn Deng and Linda Hsiang-Yu*
19 *Chiang Deng, Trustees of the Shyang-Fenn*
20 *and Linda Hsiang-Yu Chiang Deng*
21 *Revocable Trust Dated August 18, 2006*


Agreed to in Form and Content:

CITY OF LAS VEGAS

22 
23 **JOHN CURTAS, ESQ.**
24 Deputy City Attorney
25 Nevada Bar No. 1841
26 Las Vegas, Nevada 89101
27 *Attorneys for Defendants*
28 *Vanetta Appleyard, Treasurer*
Of The City Of Las Vegas;
The City Of Las Vegas,
a Political subdivision

Agreed to in Form and Content:

WALSH, BAKER & ROSEVEAR

21
22 
23 **JAMES W. WALSH, ESQ.**
24 Nevada Bar No. 0796
25 9468 Double R. Blvd., Suite A
26 Reno, NV 89521
27 *Attorney for Plaintiff*
28

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
(702) 869-8801 FAX: (702) 869-2669

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the redemption funds
2 paid by Defendant Deng to the City of Las Vegas be disbursed to the Plaintiff within ten (10)
3 days of the Notice of Entry of Order of this Order.

4 **IT IS SO ORDERED**

5 Dated this _____ day of July 2016.

6
7
8 _____
DISTRICT COURT JUDGE

9 Prepared and submitted by:

10 **BLACK & LOBELLO**

Agreed to in Form and Content:

11 **CITY OF LAS VEGAS**

12 _____
13 STEVEN MACK, ESQ.
14 Nevada Bar No. 4000
15 10777 W. Twain Ave., Third Floor
16 Las Vegas, Nevada 89135
17 *Attorneys for Defendants*
18 *Shyang-Fenn Deng and Linda Hsiang-Yu*
19 *Chiang Deng, Trustees of the Shyang-Fenn*
20 *and Linda Hsiang-Yu Chiang Deng*
21 *Revocable Trust Dated August 18, 2006*

22 _____
23 JOHN CURTAS, ESQ.
24 Deputy City Attorney
Nevada Bar No. 1841
Las Vegas, Nevada 89101
Attorneys for Defendants
Vanetta Appleyard, Treasurer
Of The City Of Las Vegas;
The City Of Las Vegas,
a Political subdivision

19 Agreed to in Form and Content:

20 **WALSH, BAKER & ROSEVEAR**

21 _____
22 JAMES W. WALSH, ESQ.
23 Nevada Bar No. 0796
24 9468 Double R. Blvd., Suite A
Reno, NV 89521
25 *Attorney for Plaintiff*
26 _____
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 27, 2016

| | |
|---------------|--------------------------------|
| A-16-734663-C | Paul Pawlik, Plaintiff(s) |
| | vs. |
| | Shyang-Fenn Deng, Defendant(s) |

| | | |
|----------------------|----------------|--|
| June 27, 2016 | 8:30 AM | Petition for Writ of Mandamus |
|----------------------|----------------|--|

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Cornelius

REPORTER:

PARTIES

| | | |
|-----------------|-----------------|----------|
| PRESENT: | Curtas, John A. | Attorney |
| | Mack, Steven J | Attorney |
| | Walsh, James M. | Attorney |

JOURNAL ENTRIES

- Mr. Walsh argued in support of writ of mandamus, issuance of deed, and attempted service having been done. Discussions as to notice issue. Further arguments as to interpretation of statute, and Plaintiff's position as to the notice issue. Mr. Mack argued on the notice issue and submitted to Court. COURT ORDERED, writ DENIED. Mr. Mack to prepare order. Upon Court's inquiry, counsel indicated the Complaint is not able to go forward, based on Court's ruling. COURT ORDERED, hearing on the Motion to dismiss OFF CALENDAR.



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

JAMES M. WALSH, ESQ.
9468 DOUBLE R. BLVD., SUITE A
RENO, NV 89521

DATE: August 12, 2016
CASE: A-16-734663-C

RE CASE: PAUL PAWLIK vs. SHYANG-FENN DENG; LINDA HSIANG-YU CHIANG DENG;
TRUSTEES OF THE SHAYNG-FENN AND LINDA HSIANG-YU CHANG DENG REVOCABLE TRUST
DATED AUGUST 18, 2006; VANETTA APPELYARD, TREASURER OF THE CITY OF LAS VEGAS;
THE CITY OF LAS VEGAS

NOTICE OF APPEAL FILED: August 10, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; AND DENYING PLAINTIFF'S APPLICATION FOR WRIT OF MANDAMUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

PAUL PAWLIK,

Plaintiff(s),

vs.

SHYANG-FENN DENG; LINDA HSIANG-YU
CHIANG DENG; TRUSTEES OF THE
SHAYNG-FENN AND LINDA HSIANG-YU
CHANG DENG REVOCABLE TRUST
DATED AUGUST 18, 2006; VANETTA
APPLEYARD, TREASURER OF THE CITY
OF LAS VEGAS; THE CITY OF LAS VEGAS,

Defendant(s),

Case No: A-16-734663-C

Dept No: XII

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 12 day of August 2016.

Steven D. Grierson, Clerk of the Court



Chaunte Pleasant, Deputy Clerk

