


Inst #: 201402210001266
Fees: \$17.00
N/C Fee: \$0.00
02/21/2014 12:32:02 PM
Receipt #: 1938565
Requestor:
PAUL PAWLIK
Recorded By: ANI Pgs: 1
DEBBIE CONWAY
CLARK COUNTY RECORDER

137-25-314-020

ASSIGNMENT OF CERTIFICATE OF SALE

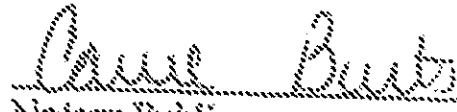
For value received, the undersigned KEVIN LOVE conveys, sells, and assigns to PAUL PAWLIK right, title and interest in the Certificates of Sale of Property sold by the CITY OF LAS VEGAS, NV on 01/27/2014, property subject to lien further described as follows:

Parcel No: 137-25-314-020, Name of Property Owner: DENG SHYANG-F&LH-Y REV TR, Recorded as: Inst # 201402040000939, Clark County, NV; Street Address: 10669 ROYAL VIEW AV., Las Vegas, NV; Assessment Information: IMPROVEMENT DISTRICT: #707.

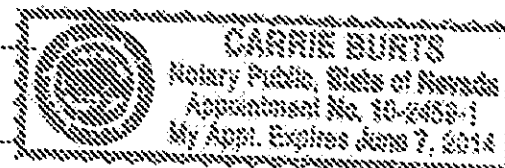

KEVIN LOVE
Date 2/20/14

State of Nevada
County of Clark

This instrument was acknowledged before me on the 20th day of February, 2014 by KEVIN LOVE


Notary Public

My commission expires June 7, 2014



When Recorded Mail To: PP c/o ATCEC
P.O. Box 11314
San Bernardino CA 92423-1314

EXHIBIT “C”



CITY OF LAS VEGAS
DEPARTMENT OF FINANCE

Operator ID: MTEJEDA

Transaction: 365237

Reference #:

Today's Date: 04/06/2016 3:24:15 PM

Posting Date: 04/06/2016

Account Description	Account Number	Amount Due
SID FORECLOSURE AGENCY.Default.Foreclosure	721300.00000.163711.000000.000.000	\$ 2,955.54
Total Amount Due		\$ 2,955.54

Method of Payment	Number	Authorization	Amount Paid
Check	1093517503		\$ 2,955.54
Tendered			\$ 2,955.54
Change			\$.00

Customer Information:

DENG SHYANG-F L H-Y C REV TR

Comments:

SID 707

137 25 314 020
cashier's check

Details of filing: 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

Filed in Case Number: A-16-734663-C

E-File ID: 8231516

Lead File Size: 2169374 bytes

Date Filed: 2016-05-31 15:22:01.0

Case Title: A-16-734663-C

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

Filing Title: 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

Filing Type: EFS

Filer's Name: Black & LoBello

Filer's Email: NVClarkCountyEfilng@blacklobellolaw.com

Account Name: efile card

Filing Code: RET

Amount: \$ 3.50

Court Fee: \$ 0.00

Card Fee: \$ 0.00

Payment: Filing still processing. Payment not yet captured.

Comments:

Courtesy Copies: sblackburn@blacklobello.law; smack@blacklobello.law; jmw@wbri.net

Firm Name: Black & LoBello

Your File Number: Deng 5507-1 SJM

Status: Submitted - (B)

Date Accepted:

Review Comments:

Reviewer:

File Stamped Copy:

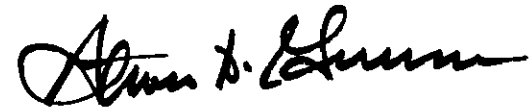
Documents: Cover Document:

Lead Document: Def's' Return to Plaintiff's Motion and Application for Writ of Mandamus.pdf 2169374 bytes

Data Reference ID:

Credit Card System Response: AS3CE508217A

Response: Reference:



CLERK OF THE COURT

JMOT
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
By: JOHN A. CURTAS
Deputy City Attorney
Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jacurtas@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS
and VENETTA APLEYARD

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 APLEYARD,
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

**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**

Defendants CITY OF LAS VEGAS and VENETTA APLEYARD, through their
attorneys, BRADFORD R. JERBIC, City Attorney, by JOHN A. CURTAS, Deputy City Attorney,
hereby join in 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 filed on or about May 31, 2016.

1 As permitted by E.D.C.R. 2.20(d), the City of Las Vegas and Venetta Appleyard file this
2 written joinder to co-Defendants' Motion to Dismiss Plaintiff's Verified Complaint.

3 Furthermore, the City of Las Vegas and Venetta Appleyard incorporate by reference the
4 arguments set forth entirely in Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees
5 of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18,
6 2006's memorandum of points and authorities contained within their Motion to Dismiss
7 Plaintiff's Verified Complaint.

8 DATED this 7 day of June, 2016.

9 BRADFORD R. JERBIC
10 City Attorney

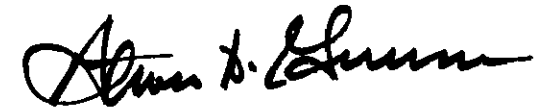
11 By: 

12 JOHN A. CURTAS
13 Deputy City Attorney
14 Nevada Bar No. 1841
15 495 South Main Street, Sixth Floor
16 Las Vegas, NV 89101
17 Attorneys for CITY OF LAS VEGAS
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James M. Walsh, Esq.
WALSH, BAKER & ROSEVEAR
 9468-A Double R Boulevard
 Reno, NV 89521
 Attorneys for Plaintiff

Cindy Kelly
AN EMPLOYEE OF THE CITY OF LAS VEGAS



CLERK OF THE COURT

JOIN
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
By: JOHN A. CURTAS
Deputy City Attorney
Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jacurtas@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS
and VENETTA APLEYARD

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 APLEYARD,
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

**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**

Defendants CITY OF LAS VEGAS and VENETTA APLEYARD, through their
attorneys, BRADFORD R. JERBIC, City Attorney, by JOHN A. CURTAS, Deputy City Attorney,
hereby join in 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

1 Return to Plaintiff's Motion and Application for Writ of Mandamus filed on or about June 2,
2 2016.

3 As permitted by E.D.C.R. 2.20(d), the City of Las Vegas and Venetta Appleyard file this
4 written joinder to co-Defendants' Return to Plaintiff's Motion and Application for Writ of
5 Mandamus. Furthermore, the City of Las Vegas and Venetta Appleyard incorporate by reference
6 the arguments set forth entirely in Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng,
7 Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated
8 August 18, 2006's memorandum of points and authorities contained within their Return to
9 Plaintiff's Motion and Application for Writ of Mandamus.

10 DATED this 7 day of June, 2016.

11 BRADFORD R. JERBIC
12 City Attorney

13 By: 

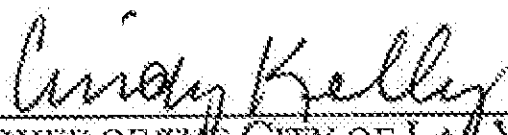
14 JOHN A. CURTAS
15 Deputy City Attorney
16 Nevada Bar No. 1841
17 495 South Main Street, Sixth Floor
18 Las Vegas, NV 89101
19 Attorneys for CITY OF LAS VEGAS
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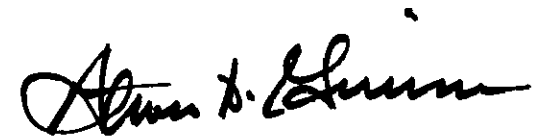
1 CERTIFICATE OF SERVICE

2 I hereby certify that on June 7, 2016, I served a true and correct copy of the foregoing
3 JOINDER TO DEFENDANTS SHYANG-FENN DENG AND LINDA HSIANG-YU CHIANG
4 DENG, TRUSTEES OF THE SHYANG-FENN AND LINDA HSIANG-YU CHIANG DENG
5 REVOCABLE TRUST DATED AUGUST 18, 2006'S RETURN TO PLAINTIFF'S MOTION
6 AND APPLICATION FOR WRIT OF MANDAMUS through the electronic filing system of the
7 Eighth Judicial District Court of the State of Nevada, pursuant to Nevada Electronic Filing and
8 Conversion Rules, (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully
9 prepaid) upon the following:

10 James M. Walsh, Esq.
11 WALSH, BAKER & ROSEVEAR
12 9468-A Double R Boulevard
13 Reno, NV 89521
14 Attorneys for Plaintiff

Steven Mack, Esq.
BLACK & LOBELLO
10777 West Twain Avenue, Third Floor
Las Vegas, NV 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

15
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17 AN EMPLOYEE OF THE CITY OF LAS VEGAS
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CLERK OF THE COURT

CODE: RPLY

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: jmwash@wbrl.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 APPELYARD, 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

**REPLY TO RETURN TO PLAINTIFF'S
MOTION AND APPLICATION FOR
WRIT OF MANDAMUS**

Hearing Date: 6/27/16
Hearing Time: 8:30 a.m.

COMES NOW, Plaintiff and Petitioner PAUL PAWLIK (hereinafter sometimes referred to as "Pawlik"), by and through his counsel, James M. Walsh, Esq. of Walsh, Baker & Rosevear and hereby files this Reply to Return to Plaintiff's Motion and Application for Writ of Mandamus.

Plaintiff Paul Pawlik has filed his motion for the issuance of a Writ of Mandamus to compel the Treasurer of the City of Las Vegas, Vanetta Appleyard to issue a deed to him pursuant to the provisions of NRS 271.595.

Respondents contend that Pawlik's demand for deed and notice were premature and therefore of no effect under the statute. Neither the statute, nor the supporting case authority mandate this result.

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FACTS

The facts giving rise to this matter are not subject to dispute. The prime fact that is undisputed by Respondents is that Deng did not redeem the property within the two-year redemption period, nor within 60 days of the expiration of the two-year redemption period.

The property at issue was sold as evidenced by the Certificate of Sale on January 27, 2014 (Ex. 1 to Motion). The two-year redemption period expired January 26, 2016. Deng did not redeem within this time period. Pawlik gave notice that he would demand a deed from Treasurer Appleyard to Deng (Ex. 3 to Motion). Deng still did not redeem within the statutory periods.

The notice given by Pawlik was dated January 7, 2016. Although NRS 271.595 contains mandatory language that the Treasurer may not issue a deed within the 60-day window, there is no statutory mandate that prevents the purchaser from giving notice that he will seek the deed prior to the expiration of the two-year redemption period. It is only the Treasurer that is prohibited from actually issuing the deed until the expiration of the additional 60-day redemption period. Deng did not redeem the property within this period. That also is undisputed.

ARGUMENT

Respondents seek to expand the interpretation of NRS 271.595 to read in mandatory time triggers on behalf of the purchaser's application procedure. As noted, the only mandatory time contained within the statutes are the limitation upon the redemptionors timeframe within in which the owner may redeem or be barred from his ability to do so.

The Nevada Supreme Court has dealt with these timing issues before. In *Levin v. Fray*, 168 P.3d 712, 123 Nev. 399 (2007), it was noted that the mandatory statutory timeframes for judgment renewal. Here, the time limits for redemption are clear and must be followed. Respondent Deng did not follow those timeframes. On the other hand, as set forth in *Markowitz v. Saxon Special Services*, 129 Nev. Adv. 69 (2013), a statute may contain both mandatory and directory provisions. There the court was dealing with the bank's failure to timely file and appraisal or broker's price opinion as required by the foreclosure mediation statutes. To determine if the bank's late filing of this opinion constituted compliance with directory provisions of the statute, the court noted that the analysis will be, are the provisions in question as to form and content and dictate who must take action and what information that party is required to

1 provide. The court found the time limits and information directory and allowed late filing. Pawlik would
2 submit that the provisions of NRS 271.595 as it applies to his actions are such directory provisions. It
3 was Deng's obligation to meet the strict time limits for redemption and if he did not, Pawlik was to
4 provide him notice that he was seeking a deed which Pawlik did, and which after the 60-days from the
5 expiration of the redemption period, the Treasurer would then be required to issue the deed after demand.
6 This is the issue before the court.

7 An analogy may also be drawn to foreclosure situations in this matter. It must be noted, that
8 Deng has not contested the validity of the original sale. The only objection is to the adequacy of the
9 demand notice as it relates to the 60-day period. In a foreclosure situation, a notice of the default or sale,
10 which contains a factual defect, may be subject to attack only upon a sufficient showing of prejudice
11 resulting from the error to the property owner. See *Anderson v. Heart Federal Sav. & Loan Assn.*, 256
12 Cal. Rptr. 180 (3d Dist. Cal. 1989); *Miller v. Cote*, 179 Cal. Rptr. 753 (Court of Appeals Cal. 4th Dist.
13 1989); *Ram v. OneWest Bank, FSB*, 183 Cal. Rptr. 3d 638 (Cal. Ct. App. 2015).

14 Here, Deng had two opportunities to redeem the property. He slept on his rights and did not
15 attempt redemption until after the expiration of all periods of time.

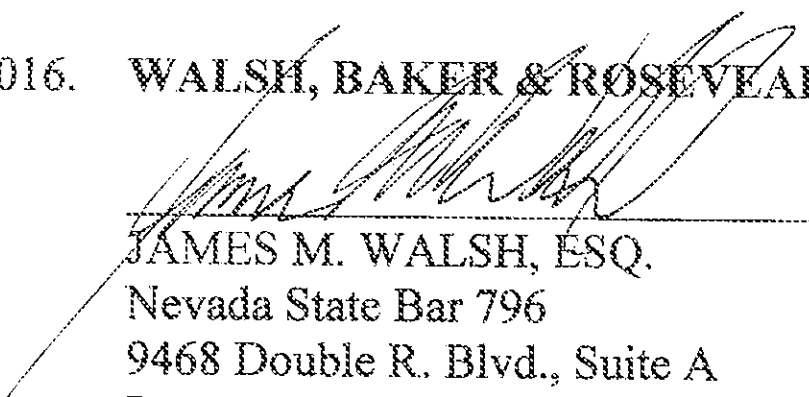
16 CONCLUSION

17 Based upon the foregoing, it is respectfully requested that this Court issue a Writ of Mandate
18 compelling Defendant Vanetta Appleyard, Treasurer of the City of Las Vegas to issue the deed applied
19 for by Plaintiff.

20 **Affirmation Pursuant to NRS 239B.030**

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

23 DATED this 9th day of June, 2016. **WALSH, BAKER & ROSEVEAR**

24
25 
26 JAMES M. WALSH, ESQ.

Nevada State Bar 796

9468 Double R. Blvd., Suite A

Reno, Nevada 89521

Tel: (775) 853-0883

Email: jmwalth@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

_____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary course of business practices;

_____ Hand Delivery

_____ Facsimile

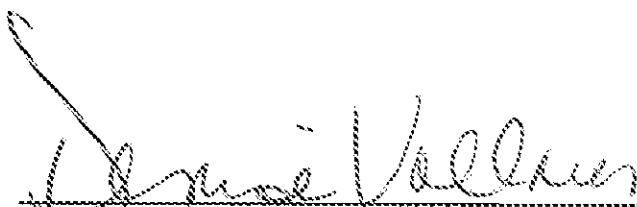
addressed as follows:

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*

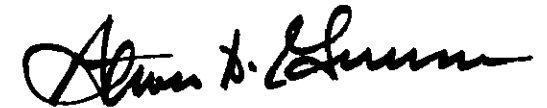
Bradford R. Jerbic, City Attorney
John A. Curtis, Deputy City Attorney
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Attorneys for City of Las Vegas and Vanetta Appleyard

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

Executed this 9th day of June, 2016.



Denise Vollmer, an employee of
Walsh, Baker & Rosevear



CLERK OF THE COURT

CODE: OPPS
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 APPELYARD, 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

OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS PLAINTIFF'S
VERIFIED COMPLAINT

Hearing Date: 7/11/16
Hearing Time: 8:30 a.m.

COMES NOW, Plaintiff and Petitioner PAUL PAWLIK (hereinafter sometimes referred to as "Pawlik"), by and through his counsel, James M. Walsh, Esq. of Walsh, Baker & Rosevear and hereby files this Opposition to Defendants' Motion to Dismiss Plaintiff's Verified Complaint filed on May 31, 2016 and Joinder to Motion to Dismiss Plaintiff's Verified Complaint filed on June 7, 2016.

Plaintiff Paul Pawlik has filed his motion for the issuance of a Writ of Mandamus to compel the Treasurer of the City of Las Vegas, Vanetta Appleyard to issue a deed to him pursuant to the provisions of NRS 271.595.

Respondents contend that Pawlik's demand for deed and notice were premature and therefore of no effect under the statute. Neither the statute, nor the supporting case authority mandate this result.

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FACTS

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The notice given by Pawlik was dated January 7, 2016. Although NRS 271.595 contains mandatory language that the Treasurer may not issue a deed within the 60-day window, there is no statutory mandate that prevents the purchaser from giving notice that he will seek the deed prior to the expiration of the two-year redemption period. It is only the Treasurer that is prohibited from actually issuing the deed until the expiration of the additional 60-day redemption period. Deng did not redeem the property within this period. That also is undisputed.

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The Nevada Supreme Court has dealt with these timing issues before. In *Levin v. Fray*, 168 P.3d 712, 123 Nev. 399 (2007), it was noted that the mandatory statutory timeframes for judgment renewal. Here, the time limits for redemption are clear and must be followed. Respondent Deng did not follow those timeframes. On the other hand, as set forth in *Markowitz v. Saxon Special Services*, 129 Nev. Adv. 69 (2013), a statute may contain both mandatory and directory provisions. There the court was dealing with the bank's failure to timely file and appraisal or broker's price opinion as required by the foreclosure mediation statutes. To determine if the bank's late filing of this opinion constituted compliance with directory provisions of the statute, the court noted that the analysis will be, are the provisions in question as to form and content and dictate who must take action and what information that party is required to

1 provide. The court found the time limits and information directory and allowed late filing. Pawlik would
2 submit that the provisions of NRS 271.595 as it applies to his actions are such directory provisions. It
3 was Deng's obligation to meet the strict time limits for redemption and if he did not, Pawlik was to
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5 expiration of the redemption period, the Treasurer would then be required to issue the deed after demand.
6 This is the issue before the court.

7 An analogy may also be drawn to foreclosure situations in this matter. It must be noted, that
8 Deng has not contested the validity of the original sale. The only objection is to the adequacy of the
9 demand notice as it relates to the 60-day period. In a foreclosure situation, a notice of the default or sale,
10 which contains a factual defect, may be subject to attack only upon a sufficient showing of prejudice
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12 Cal. Rptr. 180 (3d Dist. Cal. 1989); *Miller v. Cote*, 179 Cal. Rptr. 753 (Court of Appeals Cal. 4th Dist.
13 1989); *Ram v. OneWest Bank, FSB*, 183 Cal. Rptr. 3d 638 (Cal. Ct. App. 2015).

14 Here, Deng had two opportunities to redeem the property. He slept on his rights and did not
15 attempt redemption until after the expiration of all periods of time.

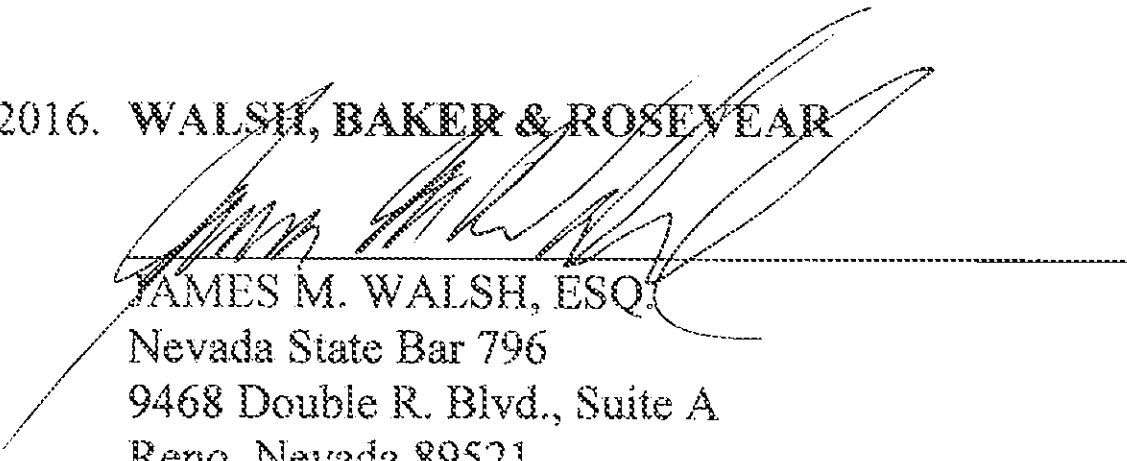
16 CONCLUSION

17 Based upon the foregoing, it is respectfully requested that Defendants' Motion to Dismiss
18 Plaintiff's Verified Complaint be denied and that this Court issue a Writ of Mandate compelling
19 Defendant Vanetta Appleyard, Treasurer of the City of Las Vegas to issue the deed applied for by
20 Plaintiff.

21 **Affirmation Pursuant to NRS 239B.030**

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

24 DATED this 22 day of June, 2016. **WALSH, BAKER & ROSEVEAR**

25
26 
JAMES M. WALSH, ESQ.

Nevada State Bar 796

9468 Double R. Blvd., Suite A

Reno, Nevada 89521

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

Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary course of business practices;

Hand Delivery

Facsimile

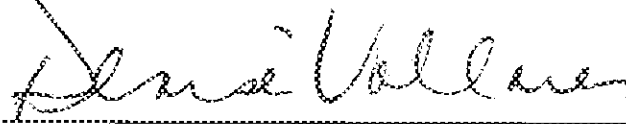
addressed as follows:

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*

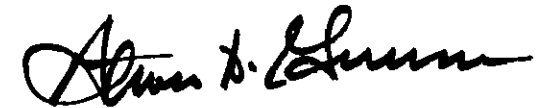
Bradford R. Jerbic, City Attorney
John A. Curtis, Deputy City Attorney
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Attorneys for City of Las Vegas and Vanetta Appleyard

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

Executed this 23rd day of June, 2016.


Denise Vollmer, an employee of
Walsh, Baker & Rosevear

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

AA0286

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

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.

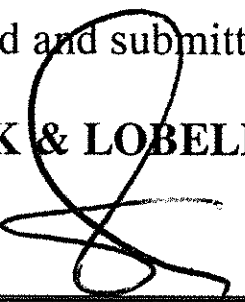
4 **IT IS SO ORDERED**

5 Dated this 11 day of July 2016.

6
7
8 
DISTRICT COURT JUDGE
EL


9 Prepared and submitted by:

10 **BLACK & LOBELLO**

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

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

18 Agreed to in Form and Content:

19 **WALSH, BAKER & ROSEVEAR**

20
21
22 JAMES W. WALSH, ESQ.
23 Nevada Bar No. 0796
24 9468 Double R. Blvd., Suite A
25 Reno, NV 89521
26 Attorney for Plaintiff
27
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**
11

Agreed to in Form and Content:

CITY OF LAS VEGAS

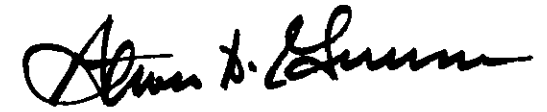
12 _____
13 STEVEN MACK, ESQ.
14 Nevada Bar No. 4000
15 10777 W. Twain Ave., Third Floor
16 Las Vegas, Nevada 89135
17 *Attorneys for Defendants*
18 *Shyang-Fenn Deng and Linda Hsiang-Yu*
19 *Chiang Deng, Trustees of the Shyang-Fenn*
20 *and Linda Hsiang-Yu Chiang Deng*
21 *Revocable Trust Dated August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

JOHN CURTAS, ESQ.
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

18 Agreed to in Form and Content:

19 **WALSH, BAKER & ROSEVEAR**
20

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



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.

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.

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

NOTICE OF ENTRY OF ORDER

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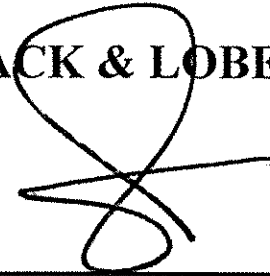
///

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

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

AA0293

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 ///

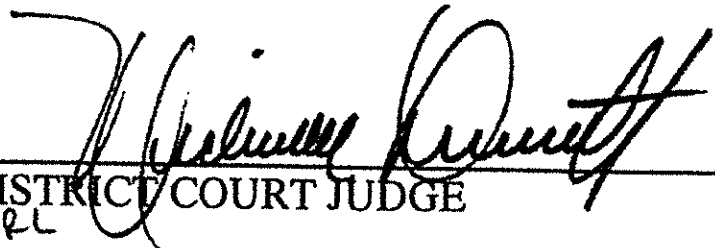
27 ///

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.

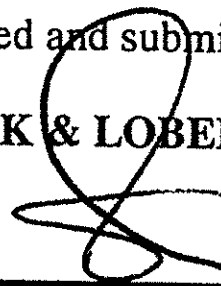
4 **IT IS SO ORDERED**

5 Dated this 11 day of July 2016.

6
7
8 
DISTRICT COURT JUDGE


9 Prepared and submitted by:

10 **BLACK & LOBELLO**

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

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

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
6 Dated this _____ day of July 2016.

7
8 _____
DISTRICT COURT JUDGE

9 Prepared and submitted by:

10 **BLACK & LOBELLO**

Agreed to in Form and Content:

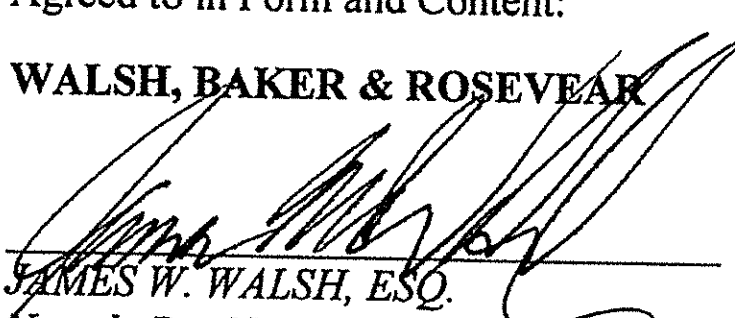
11 **CITY OF LAS VEGAS**

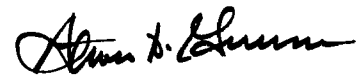
12 _____
13 STEVEN MACK, ESQ.
14 Nevada Bar No. 4000
15 10777 W. Twain Ave., Third Floor
16 Las Vegas, Nevada 89135
17 *Attorneys for Defendants*
18 *Shyang-Fenn Deng and Linda Hsiang-Yu*
19 *Chiang Deng, Trustees of the Shyang-Fenn*
20 *and Linda Hsiang-Yu Chiang Deng*
21 *Revocable Trust Dated August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

22 _____
23 JOHN CURTAS, ESQ.
24 Deputy City Attorney
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:

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

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

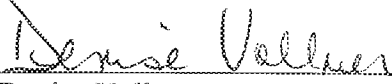
addressed as follows:

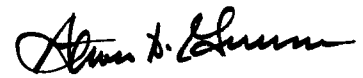
Steven Mack, Esq.
Black & LoBello
10777 West Twain Ave., Third Floor
Las Vegas, NV 89135
*Counsel for Shayng-Fenn Deng and
Linda Hsiang-Yu Chiang Deng, Trustees of the
Shayng-Fenn Deng and Linda Hsiang-Yu Chiang Deng
Revocable Trust Dated August 18, 2006*

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.

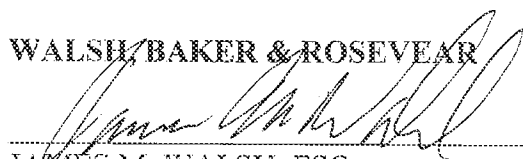
25 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: Yes.

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

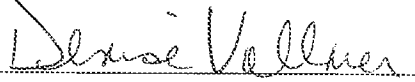
addressed as follows:

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

City of Las Vegas and Venetta Appleyard's Answer to Verified Complaint to Quiet Title, Writ of Mandamus and Injunction

06/01/2016



Initial Appearance Fee Disclosure

Filed By: Defendant Deng, Shyang-Fenn

Initial Appearance Fee Disclosure

06/02/2016



Return

Party: Defendant Deng, Shyang-Fenn

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

06/07/2016



Joinder To Motion

Filed By: Defendant Las Vegas City of

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

06/07/2016



Joinder

Filed By: Defendant Las Vegas City of

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

06/09/2016



Reply to Motion

Filed By: Plaintiff Pawlik, Paul

Reply to Return to Plaintiff's Motion and Application for Writ of Mandamus

06/23/2016



Opposition

Filed By: Plaintiff Pawlik, Paul

Opposition to Defendants' Motion to Dismiss Plaintiff's Verified Complaint

06/27/2016

**Petition for Writ of Mandamus** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Events: 04/26/2016 Motion

Plaintiff's Motion and Application for Writ of Mandamus

07/11/2016

CANCELED Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)*Vacated - per Order**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*

07/11/2016




CANCELED Joinder (8:30 AM) (Judicial Officer: Leavitt, Michelle)*Vacated - per Order**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*

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

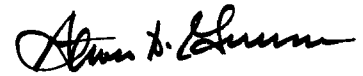
Date

/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 14 2016
AA0309

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.

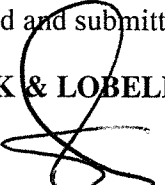
4 **IT IS SO ORDERED**

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

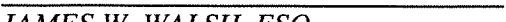
Agreed to in Form and Content:

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**

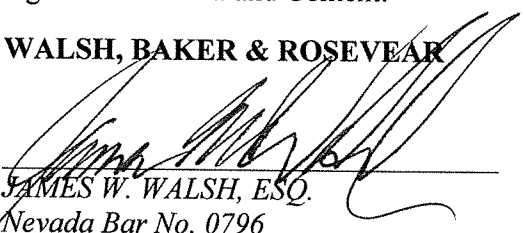
CITY OF LAS VEGAS

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
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

18 Agreed to in Form and Content:

19 **WALSH, BAKER & ROSEVEAR**

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


CLERK OF THE COURT

1 **NOEJ**
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,

Case No. A-16-734663

Dept. No. XII

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, TREASUER OF
25 THE CITY OF LAS VEGAS; THE CITY OF
26 LAS VEGAS, a Political subdivision,

NOTICE OF ENTRY OF ORDER

27 Defendants.

28 ///

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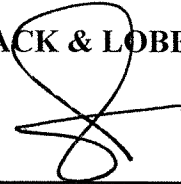
BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
(702) 869-8801 FAX: (702) 869-2669

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

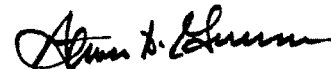
and that there is regular communication by mail between the place of mailing and the place(s) so addressed.


An Employee of Black & LoBello

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

Electronically Filed
07/13/2016 02:55:47 PM

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

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JUL 06 2016
AA0316

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

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.

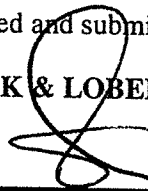
4 **IT IS SO ORDERED**

5 Dated this 11 day of July 2016.

6
7
8 
DISTRICT COURT JUDGE
9

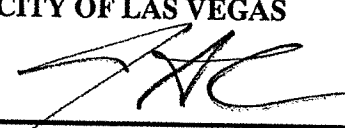
10 Prepared and submitted by:

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:

11 **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*

18 Agreed to in Form and Content:

19 **WALSH, BAKER & ROSEVEAR**

20
21
22 **JAMES W. WALSH, ESQ.**
23 Nevada Bar No. 0796
24 9468 Double R. Blvd., Suite A
25 Reno, NV 89521
26 *Attorney for Plaintiff*
27
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
6 Dated this _____ day of July 2016.

7
8 _____
DISTRICT COURT JUDGE

9 Prepared and submitted by:

10 **BLACK & LOBELLO**

11 Agreed to in Form and Content:

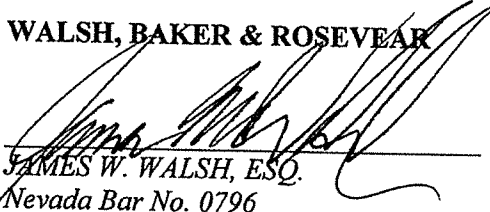
12 **CITY OF LAS VEGAS**

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 **JOHN CURTAS, ESQ.**
23 Deputy City Attorney
24 Nevada Bar No. 1841
25 Las Vegas, Nevada 89101
26 *Attorneys for Defendants*
27 *Vanetta Appleyard, Treasurer*
28 *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
25 Reno, NV 89521
26 *Attorney for Plaintiff*

**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.*

AA0321

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),

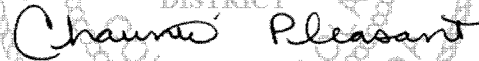
Case No: A-16-734663-C

Dept No: XII

now on file and of record in this office.

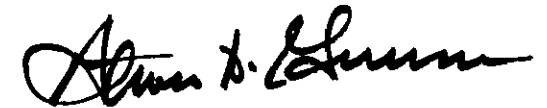
IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 12 day of August 2016.

Steven D. Grierson, Clerk of the Court



Chaunte Pleasant, Deputy Clerk

AA0322



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.

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 No.: A-16-734663-C

Dept. No: XII

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

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


26 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

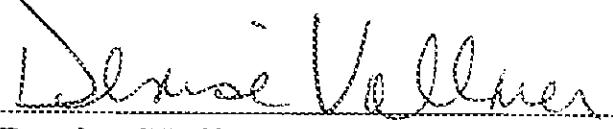
addressed as follows:

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


CLERK OF THE COURT

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 APPELYARD, 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

REQUEST FOR TRANSCRIPTS OF PROCEEDING

TO: Kristine Cornelius, Reporter/Recorder, District Court, Department XII

Plaintiff/Appellant requests preparation of a transcript of the proceedings before the District Court as follows:

- i. **Judge or officer hearing the proceeding:** Hon. Michelle Leavitt
- ii. **Specific individual dates of proceedings for which transcripts are being requested:**
June 27, 2016.
- iii. **Specific portions of the transcript being requested:** Proceedings on Motion to Dismiss Hearing, June 27, 2016.
- iv. **Number of copies required:** Five (5).

1 v. **Certification Pursuant to NRAP 9(a)(3)(C)(v):**

2 Pursuant to NRAP 9(a)(4), Plaintiff/Appellant requests an Original and five copies of the
3 transcript as follows: Two certified copies of the transcript for Appellant Pawlik; one certified copy for
4 Respondent Deng; one certified copy for Respondent City of Las Vegas; one certified copy for the
5 Nevada Supreme Court.

6 I recognize that I must personally serve a copy of this form on the above-named court
7 reporter and opposing counsel.

8 I hereby certify that on the 22nd day of March, 2017, I ordered the transcripts listed above
9 from Kristine Cornelius, and pursuant to my conversation with Ms. Cornelius the deposit has been
10 waived.

11 **Affirmation Pursuant to NRS 239B.030**

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

14 DATED this 22nd day of March, 2017.

WALSH, BAKER & ROSEVEAR

15 /s/ James M. Walsh

16 JAMES M. WALSH, ESQ.

17 Nevada State Bar 796

18 9468 Double R. Blvd., Suite A

19 Reno, Nevada 89521

20 Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare under penalty of perjury, that I am an employee of WALSH, BAKER
3 & ROSEVEAR that I am over the age of eighteen (18) years, and that I am not a party to, nor interested
4 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:

5 XX Placing an original or true copy thereof in a sealed envelope placed for collection and
6 mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary
7 course of business practices;

8 addressed as follows:

9 Steven Mack, Esq.
10 Black & LoBello
11 10777 West Twain Ave., Third Floor
12 Las Vegas, NV 89135
13 *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*

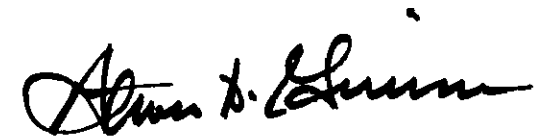
14 Bradford R. Jerbic, City Attorney
15 John A. Curtis, Deputy City Attorney
16 495 South Main Street, Sixth Floor
17 Las Vegas, Nevada 89101
Attorneys for City of Las Vegas and Vanetta Appleyard

18 Kristine Cornelius
19 Court Recorder, Department XII
20 Regional Justice Center
21 200 Lewis Avenue
Las Vegas, Nevada 89155
Court Recorder, Dept. XII

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

23 Executed this 22nd day of March, 2017.

24
25
26 /s/ Denise Vollmer
27 Denise Vollmer, an employee of
Walsh, Baker & Rosevear
28



CLERK OF THE COURT

RTRAN

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 APPELYARD,
TREASURER OF THE CITY OF LAS VEGAS;
THE CITY OF LAS VEGAS, a Political
Subdivision,

Defendants.

CASE NO: A-16-734663-C
DEPT. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
MONDAY, JUNE 27, 2016

**RECORDER'S TRANSCRIPT RE:
PLAINTIFF'S MOTION AND APPLICATION FOR WRIT OF MANDAMUS**

APPEARANCES:

For the Plaintiff:

JAMES M. WALSH, ESQ.

For Defendant City of Las Vegas
and Vanetta Appleyard:

JOHN A. CURTAS, ESQ.
Deputy City Attorney

For Defendants Shyang-Fenn Deng
and Linda Hsiang-Yu Chiang Deng:

STEVEN J. MACK, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 MONDAY, JUNE 27, 2016; 8:34 A.M.

2 * * * * *

3 THE COURT: Paul Pawlik versus Deng, Case A734663.

4 Good morning.

5 MR. MACK: Good morning, Your Honor.

6 MR. WALSH: Good morning, Your Honor.

7 THE COURT: Good morning.

8 MR. WALSH: James Walsh on behalf of Mr. Pawlik.

9 MR. MACK: And Steven Mack on behalf of the Dengs, Your Honor.

10 MR. CURTAS: John Curtas on behalf of the City of Las Vegas.

11 THE COURT: Good morning.

12 MR. WALSH: Your Honor, the purpose of the petition we are here today
13 on is a – for the issuance of a writ of mandamus against the City of Las Vegas
14 to compel the issuance of a deed after tax sale. The redemption period had
15 expired. Mr. Pawlik had given notice of his intent to seek the – request the
16 deed and the prior property owner was –

17 THE COURT: Well, it seems like the dispute is: you don't think they had
18 to wait until – what was it January 27th? Because they gave the notice early
19 before that two-year time period passed, you don't believe they had to wait
20 until the two-year time period passed. And the other side believes you had to
21 wait until the two-year time period passed.

22 MR. WALSH: Exactly, Your Honor. The –

23 THE COURT: Because you wouldn't get two years and 60 days if I
24 followed your rationale. Basically you could cut the whole 60 days out
25 altogether by just giving notice before the two years expired.

1 MR. WALSH: I don't –

2 THE COURT: Right?

3 MR. WALSH: No, Your Honor. No. I think you –

4 THE COURT: Sure. If you gave notice two – if you gave notice, I guess,
5 two months before the 12th month, so back in 2015, that 60 days would expire
6 at the two-year deadline.

7 MR. WALSH: No. I don't read the statute that way, Your Honor. I think
8 you can give the notice, but I think the treasurer still has to wait that 60-day
9 period before they can actually issue the deed.

10 THE COURT: Okay. So you can give notice whenever you want during
11 that two-year time period?

12 MR. WALSH: I don't think you would give it at the end of – you know at
13 the beginning. The period was going to expire. They were given notice of the
14 time the period would expire and they were given notice we were – you know
15 we were applying for the deed. And then they had, after the two years had
16 expired, 60 days to tender the redemption, which they did not do.

17 THE COURT: Okay. But if I followed your reading of the statute, the
18 person could give 60 days' notice whenever they wanted to during that two-
19 year time period.

20 MR. WALSH: Technically, I think you could take that position. We do
21 not, Your Honor.

22 THE COURT: What position do you take then?

23 MR. WALSH: We take the position that we gave the notice. The notice
24 was dated January 7th. We attempt –

25 THE COURT: Before the two years had elapsed.

1 MR. WALSH: Before the total two years had elapsed and the owner
2 could've redeemed prior to the lapse of the two-year period. They still would
3 have had 60 days to redeem after the lapse of the two-year period. I think
4 that's a fair or liberal interpretation of the statute. And they still did – they
5 obviously had gotten notice of the redemption period some time in there and
6 still did not redeem. That's the Plaintiff's position, Your Honor. And the
7 statute nowhere says when you must give the 60-day notice. It says you have
8 to give 60 days' notice and here's what you have to tell them; that you are
9 applying for the deed and they will have 60 days –

10 THE COURT: When can you apply for the deed?

11 MR. WALSH: I'm sorry?

12 THE COURT: You cannot apply for the deed until two years has gone by.

13 MR. WALSH: That's correct, Your Honor.

14 THE COURT: Okay.

15 MR. WALSH: And we did not. We gave them notice that we would be
16 applying for the deed. And they had an additional redemptive period and not
17 until even under the most liberal interpretation did they – they tendered outside
18 that period.

19 THE COURT: Okay.

20 MR. MACK: As John said so eloquently just a minute ago, this is where
21 you tell the young lawyers to shut up. I think this is exactly we agree with
22 what – with what appears Your Honor is saying; that they have to wait the two
23 years before they can even give the 60 days' notice; otherwise the statute
24 makes no sense. It's two years and two months.

25 THE COURT: Okay. I agree. I interpret the statute that way. So at this

1 time I'm going to deny the writ.

2 MR. CURTAS: Thank you, Your Honor.

3 MR. MACK: Thank you very much –

4 THE COURT: Thank you.

5 MR. MACK: – Your Honor.

6 THE COURT: Mr. Mack, do you want to prepare the order?

7 MR. MACK: I will. And, I guess, you're granting our motion to dismiss
8 as well; since it was based on the same and exact issue we had that –

9 THE COURT: Would the complaint be able to go forward?

10 MR. MACK: No.

11 MR. WALSH: I don't believe so, Your Honor.

12 THE COURT: Okay. So then you don't have to come back, I guess, on
13 the motion to dismiss.

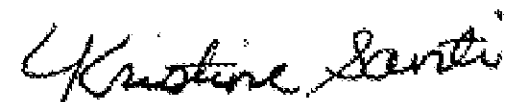
14 MR. MACK: Thank you, Your Honor.

15 THE COURT: Thank you.

16 [Proceedings concluded at 8:39 a.m.]

17 * * * * *

18 ATTEST: I hereby certify that I have truly and correctly transcribed the
19 audio/visual proceedings in the above-entitled case to the best of my ability.

20 

21 Kristine Santi,
22 Court Recorder
23
24
25

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 07 2017 08:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

PAUL PAWLIK;

Appellant,

vs.

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

Respondents.

No.: 71055

**APPELLANT'S APPENDIX
VOLUME II
(AA0172-AA0335)**

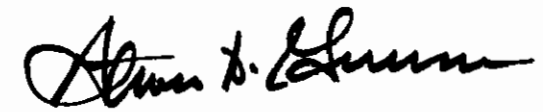
JAMES M. WALSH
Nevada State Bar No. 796
ANTHONY WALSH
Nevada State Bar No. 14128
WALSH, BAKER & ROSEVEAR.
9468 Double R Blvd, Suite A
Reno, Nevada 89521
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Attorneys for Appellant
PAUL PAWLIK

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Summons with Proof of Service Re: Vanetta Appleyard, Treasurer of the City of Las Vegas (4/14/16).....	Volume I, AA0042-AA0045
Verified Complaint to Quiet Title, Writ of Mandamus and Injunction (4/6/16).....	Volume I, AA0001-AA0035



CLERK OF THE COURT

RWM
STEVEN MACK, ESQ.
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(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.

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, TREASURER OF
THE CITY OF LAS VEGAS; THE CITY OF
LAS VEGAS, a Political subdivision,

Defendants.

Case No. A-16-734663

Dept. No. XII

**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**

D/Hearing:

T/Hearing:

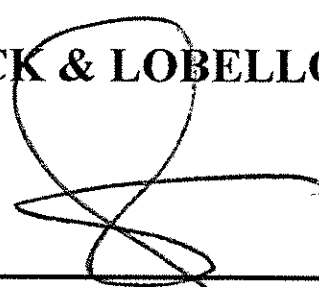
Defendants Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of the Shyang-Fenn and Linda Hsiang-Yu Chiang Deng Revocable Trust Dated August 18, 2006, (collectively "Defendants") by and through their counsel of record, Steven Mack, Esq. of the law firm of Black & LoBello and hereby provide this Return to Plaintiffs Motion and Application for Writ of Mandamus. This Return is made and based upon the memorandum of Points and

///

1 Authorities set forth below, the papers or pleadings on file herein, the attached exhibits, and any
2 oral argument at the time of hearing of this matter.

3 DATED this 2nd day of June, 2016.

4 **BLACK & LOBELLO**

5 
6
7 STEVEN MACK, ESQ.
8 Nevada Bar No. 4000
9 10777 W. Twain Ave., Third Floor
10 Las Vegas, Nevada 89135
11 *Attorneys for Defendants*
12 *Shyang-Fenn Deng and Linda Hsiang-Yu*
13 *Chiang Deng, Trustees of the Shyang-Fenn*
14 *and Linda Hsiang-Yu Chiang Deng*
15 *Revocable Trust Dated August 18, 2006*

16 **MEMORANDUM OF POINTS & AUTHORITIES**

17 **I. PROCEDURAL HISTORY**

18 Plaintiff filed a verified complaint in this matter on April 6, 2016 ("Plaintiff's
19 Complaint"). A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit "A"
20 and an Amended Notice of Hearing on Motion and Application for Writ of Mandamus on April
21 28, 2016.

22 Counsel for Defendant Deng Accepted Service on or about May 23, 2016. A Motion to
23 Dismiss was filed on May 31, 2016 which attached hereto and incorporated herein as Exhibit
24 "B", as the arguments are identical.

25 **II. ANSWER TO FACTUAL ALLEGATION IN WRIT**

26 Paragraphs 1, 2 and 15 are denied.

27 Paragraph 3, 5, 6, 7, 8, 14, 16 and 17 are without knowledge, and therefore, denied.

28 Paragraph 4, 9, 10, 11, 12 and 13 are admitted.

///

III. LEGAL ARGUMENT

A. Writ is an Extraordinary Remedy and Within the Discretion of the Court

A Writ of Mandamus is available only “to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station.”¹ A writ of mandamus is an extraordinary remedy, and therefore, the decision to entertain the petition lies within the discretion of the court.² The petitioner bears “the burden of demonstrating that extraordinary relief is warranted.”³

B. Statutes Stating Specific Times are to be Strictly Construed

“Generally, when a statute’s language is plain and its meaning clear, the court’s will apply that plain language.”⁴ “Under certain procedural statutes and rules...failure to strictly comply with time requirements can be fatal to a case.”⁵ “Although Statutes allowing for a “reasonable time” to act are subject to interpretation for substantial compliance, **those with set time limitations are not.**”⁶ The Supreme Court of Nevada has stated unequivocally that, “..the general tenet that “time and manner” requirements are strictly construed.”⁷ In this case, it is especially true, since we are dealing with statutes that govern real property, and real property is unique.

Pursuant to NRS 271.595(3) the Owner has two years to redeem the property. Pursuant to NRS 271.595(4), *after the redemption period has expired*, then the holder of the certificate must provide the Owner 60 days’ notice of its intent to take the property, which gives the owner an additional 60 days to redeem the property.

Specifically, NRS 271.595(3) in pertinent part states:

If no redemption is made within the period of redemption as determined pursuant to subsection 1, the treasurer shall, on demand of the purchaser or

¹ NRS 34.160

² *Cheung v. Dist. Ct.*, 121 Nev. 867, 869, 124 P.3d 550, 552 (2005).

³ *Pan v. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁴ *Leven v. Frey*, 123 Nev. 399, 403, 168 P.3d 712, 715 (2007) quoting *International Game Tech v. Dist. Ct.*, 122 Nev. 132, 152, 127 P.3d 1088, 1102 (2006).

⁵ *Id.* at 407, 123 P.3d at 717 (cites omitted).

⁶ *Id.* at *Id.* at 407-408, 123 P.3d at 718 (cites omitted).

⁷ *Id.* at 408, 123 P.3d at 718 (cites omitted).

the purchaser's assigns, and the surrender to the treasurer of the certificate of sale, execute to the purchaser or the purchaser's assigns a deed to the property. No deed may be executed until the holder of the certificate of sale has notified the owners of the property that he or she holds the certificate, and will demand a deed therefor.

NRS 271.595(4) states in pertinent part:

If redemption is not made within 60 days after the date of service, or the date of the first publication of the notice, as the case may be, the holder of the certificate of sale is entitled to a deed.

Pursuant to the statute, if no redemption is made within the period, then the purchaser can make demand upon the City for a Certificate to Issue (only after the two years has run). Once the Certificate is issued, the Certificate Holder (i.e. purchaser – Plaintiff in this matter) must provide the Owner with another 60 days to redeem the property.

In other words, a purchaser of the certificate cannot obtain a proper certificate until *after* the redemption period. Then, and only then, can a certificate holder provide the 60-day notice to the owner of its intent to obtain a deed, giving the owner another 60 days to make redemption.

In this case, the two-year period ran on January 26, 2016, however, the purchaser began making demand prior to the expiration of the redemption period, beginning January 7, 2016.

The only issue this court needs to address is the timing of the notice by Plaintiff. In other words, the Owner has two years and two months (plus time for service) in which to redeem the property, at the very minimum (although the 60-day notice could be given the day immediately following the expiration of the two-year redemption period, however, the Certificate Holder could conceivably wait longer as the statute does not provide a maximum time period after the two-year redemption period. Further, it takes time for service, so practically speaking, the purchaser redemption period is more than the 60 days).

The 60 days' notice by the certificate holder can occur at any time after the two years has run, but not before, otherwise, the statute would be without meaning.⁸ A municipality is not

⁸ As a side note, this makes sense, because there could be multiple purchasers of SID payments. No priority exists as to each of the purchasers and it is the first person to ask for a certificate and then notice provide the owner 60-day notice.

1 supposed to issue a certificate until after two years has run. How can a purchaser let an owner
2 know that it has become the certificate holder and that a deed has been issued prior to it being
3 issued? The statute would simply say that the purchaser must provide at least 60 days' notice
4 prior to the end of the redemption period of its intent to take the property. Instead, it states (and
5 Plaintiff agrees in its facts in the complaint wherein they state, "and if no redemption is
6 made...and after 60 days; notice"⁹), that the 60 days' notice comes *after* the redemption period
7 has run.

8 In this case, the Certificate Holder has never given proper notice *after* the redemption
9 period has run. The notice that it did provide was prior to the end of the redemption period and,
10 therefore, was improper and ineffective. **The Certificate Holder, has never given proper**
11 **notice to the Owner per statute.**

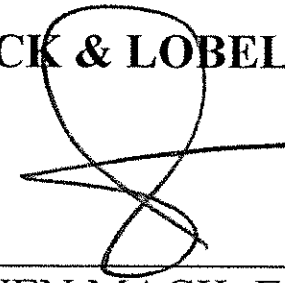
12 Other issues exist, as can be seen by the attached Motion to Dismiss.

13 **III. CONCLUSION**

14 Plaintiff has failed to comply with the necessary timing of notice in the statutes and,
15 therefore, the Writ of Mandamus must fail.

16 DATED this 2nd day of June, 2016.

17 **BLACK & LOBELLO**



18
19
20 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

21
22
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28 ⁹ See, Plaintiff's Complaint, Paragraph 9, line 1 and line 3.

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of BLACK & LOBELLO and that on the 2nd day of June, 2016, I caused the above and foregoing document entitled **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** 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

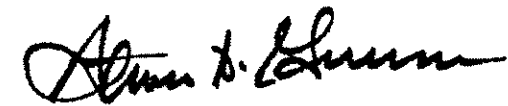
to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

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

EXHIBIT “A”



CLERK OF THE COURT

CODE: COMP

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.

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 No.: A- 16 - 734663 - C

Dept. No: XI I

VERIFIED COMPLAINT TO QUIET TITLE, WRIT OF MANDAMUS AND INJUNCTION

Arbitration Exempt - Title to Real Property

COMES NOW, Plaintiff and Petitioner PAUL PAWLIK (hereinafter sometimes referred to as "Pawlik"), by and through his counsel, James M. Walsh, Esq. of Walsh, Baker & Rosevear as and for his Complaint against Defendants and avers and alleges as follows:

FIRST CLAIM FOR RELIEF

(Quiet Title)

1. That at all times mentioned herein, Plaintiff PAUL PAWLIK is the owner of certain real property located in the city of Las Vegas, county of Clark, State of Nevada and commonly known as

1 10669 Royal View Avenue Las Vegas, Nevada, Clark County Assessor's Parcel Number (APN) 137-25-
2 314-020 (the "Property") and more particularly described as follows:

3 Lot Three-Hundred Seventy-Four (374) Block C of Chardonnay #61 by Lewis
4 Homes as shown by map thereof on file recorded in Book 78 of Plats, Page 77,
5 in the office of the County Recorder, Clark County, Las Vegas, Nevada.

6 Subject To: Covenants, Conditions, Restrictions, Reservations, Rights, Rights
7 of Way and Easements now of record.

8 2. Defendant SHYANG-FENN DENG AND LINDA HSIANG-YU CHIANG DENG,
9 TRUSTEES OF THE SHAYNG-FENN AND LINDA HSIANG-YU CHIANG DENG REVOCABLE
10 TRUST DATED AUGUST 18, 2006 are former owners of the real property described above.

11 3. Defendant VANETTA APLEYARD is the Treasurer of the City of Las Vegas and is
12 being sued herein in her official capacity.

13 4. Defendant THE CITY OF LAS VEGAS is a political subdivision of the State of Nevada.

14 5. Pursuant to Nevada Revised Statutes Chapter 271, a duly noticed and authorized sale of
15 the property after default of a special assessment was conducted by VANETTA APLEYARD as
16 Treasurer and/or THE CITY OF LAS VEGAS on January 27, 2014 and the real property was sold to
17 Kevin Love or PAUL PAWLIK for the former owners' failure to cure the delinquency and pay
18 assessments.

19 6. The property was sold for the full amount of the assessment due, including interest,
20 penalties and costs totaling \$1,996.62 on January 27, 2014.

21 7. After sale a Sheriff's Certificate of Sale was issued to Kevin Love or PAUL PAWLIK
22 pursuant to the provisions of Chapter 271 of the Nevada Revised Statutes (NRS). Said Certificate of Sale
23 was recorded February 4, 2014 as Instrument No. 201402040000939, Official Records of Clark County.
24 A true and correct copy of said Certificate of Sale is attached hereto as Exhibit 1.

25 8. Pursuant to recorded Assignment of Certificate of Sale, Kevin Love did assign all of his
26 right, title and interest in said Certificate of Sale to PAUL PAWLIK. Said Assignment was recorded
27 February 21, 2014 as Instrument No. 201402210001266, Official Records of Clark County. A true and
28 correct copy of said Assignment of Certificate of Sale is attached hereto as Exhibit 2.

1 9. NRS 271.595 grants the owners a two-year redemption period and if no redemption is
2 made within said period the Treasurer, herein VANETTA APPELEYARD, upon demand of the purchaser
3 and the surrender to the Treasurer of the Certificate of Sale and after 60 days' notice to the former owner
4 must issue a Deed to the holder of the Certificate.

5 10. NRS 271.595 states that the notice to the former owner must be given either by personal
6 service or if an owner is not a resident of the State of Nevada or cannot be found after diligent search, the
7 notice may be given by publication.

8 11. On or about January 7, 2016, PAWLIK did cause to be prepared a Notice of Expiration of
9 Redemption Period and of Intent of Owner of Certificate of Sale to Demand Deed to Real Property
10 described herein. A true and correct copy of said Notice of Expiration of Redemption Period is attached
11 hereto as **Exhibit 3**.

12 12. PAWLIK did attempt personal service upon Defendants in the state of Nevada at the
13 address of the property in question and various other addresses all unsuccessfully. After said service
14 attempts it was determined that Defendants had moved out of the state of Nevada. See Affidavit of
15 Service of Carrie Dabney attached hereto as **Exhibit 4**.

16 13. Thereafter, PAWLIK did cause to be published in the Las Vegas Review Journal the
17 Notice of Expiration of Redemption Period with the final publication date being January 27, 2016. A
18 true and correct copy of the Affidavit of Publication is attached hereto as **Exhibit 5**.

19 14. PAWLIK did further attempt service of the Notice of Expiration of Redemption Period
20 upon Deng Defendants at the last known address in Aiken, South Carolina. Said Notice was returned to
21 sender as not deliverable as addressed and unable to forward. True and correct copies of the returns are
22 attached hereto as **Exhibit 6**. See also Affidavit of Notice to Owners of PAWLIK attached hereto as
23 **Exhibit 7**.

24 15. Thereafter, on or about March 14, 2016, pursuant to the provision of NRS 271.595,
25 PAWLIK did make application to Defendant Vanetta Appleyard for the issuance of a Deed pursuant to
26 the provisions of NRS 271.595(4). A true and correct copy of the Application for Deed is attached hereto
27 as **Exhibit 8**.

1 16. Appleyard accepted the Application for Deed on March 14, 2016 through her authorized
2 representative Adrian Ramirez. A true and correct copy of the acceptance is attached hereto as Exhibit
3 9.

4 17. Since that time, Appleyard has failed and refused and continues to fail and refuse to issue
5 the Deed as required by Chapter 271 of the Nevada Revised Statutes and has in fact informed PAWLIK
6 that she intends to allow redemption of the property by former owners in violation of Chapter 271 of the
7 Nevada Revised Statutes.

8 18. Plaintiff believes that the aforementioned Defendants may claim an interest by reason of
9 the facts set forth above. That the claims of Defendants are without right whatsoever and that said
10 Defendants have no estate, mortgage, title or interest in said land or premises or any part thereof.

11 **SECOND CLAIM FOR RELIEF**

12 **(Issuance of Mandamus)**

13 19. Plaintiff realleges and incorporates herein by reference as though fully set forth the
14 allegations in paragraphs 1-18 of the Complaint.

15 20. NRS 34.160 specifically provides that a Writ may be issued by Judge of a District Court
16 to compel the performance of an act which the law especially enjoins as a duty resulting from an office,
17 trust or station to which a party is entitled and from which the party is unlawfully precluded by such
18 inferior order person and the writ shall be returnable to the Judge of the District Court.

19 21. Based upon Treasurer Appleyard's refusal to issue the deed pursuant to the provisions of
20 NRS 271.595, PAWLIK is entitled to the issuance of a Writ of Mandate compelling Appleyard to issue
21 the deed, prohibit her from issuing deeds to any other party or allowing redemption of the property and
22 for her to appear and show cause why she should not be ordered and compelled to issue a deed to
23 PAWLIK pursuant to the provisions of NRS 271.595.

24 **THIRD CLAIM FOR RELIEF**

25 **(Injunction)**

26 22. Plaintiff realleges and incorporates herein by reference as though fully set forth the
27 allegations in paragraphs 1-21 of the Complaint.

1 23. Based upon the foregoing facts, Plaintiff is entitled to a temporary restraining order,
2 preliminary injunction and permanent injunction prohibiting Defendant Appleyard as Treasurer of the
3 City of Las Vegas and the City of Las Vegas from any issuing of a certificate of redemption, deed or
4 other documents allowing the remaining Defendants to redeem the above-described property.

5 24. The real property at issue in this Complaint is unique and to allow redemption of the
6 subject property in violation of the provisions of NRS 271.595 will cause grave and irreparable harm to
7 PAWLIK in that he will lose his interest in the subject property.

8 WHEREFORE, Plaintiff PAUL PAWLIK prays for judgment as follows:

9 1. That Defendants be required to set forth the nature of their claims, and all adverse claims
10 of Defendants, or any of them may be determined by decree of this Court, and that by said decree it be
11 declared and adjudged that Plaintiff is the owner of the above-described property and that Defendants
12 nor any of them have no estate, interest, or claim whatsoever in or to said property and that said
13 Defendants and each and every one of them be forever barred from asserting any claim, right or interest
14 in or to said land or premises adverse to Plaintiff.

15 2. For the issuance of a writ of mandate pursuant to the provisions of Chapter 34 of the
16 Nevada Revised Statutes compelling Vanetta Appleyard, Treasurer of the City of Las Vegas and the City
17 of Las Vegas to appear and show cause if any there be why they should not be ordered and compelled to
18 issue a deed to Plaintiff pursuant to the provisions of NRS 271.595.

19 3. For the issuance of a restraining order, preliminary injunction and permanent injunction
20 barring the City of Las Vegas and Vanetta Appleyard, Treasurer of the City of Las Vegas from issuing
21 any certificates of redemption, deeds or other evidence of redemption to Defendants named herein.

22 4. For costs of suit herein incurred.

23 5. For attorney's fees.

24 6. For such other and further relief as the court may deem property.

25 ///

26 ///

27 ///

28 ///

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 6th day of April, 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: jimwalsh@wbri.net

Attorney for Plaintiff

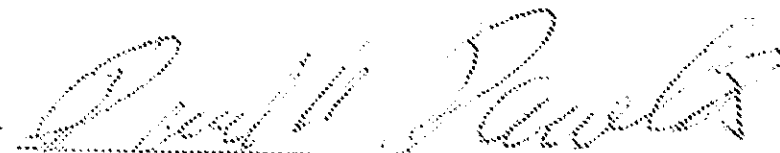
VERIFICATION

Paul Pawlik, being first duly sworn under penalties of perjury deposes and says:

1. He is the Plaintiff and Petitioner herein.

2. He has read the foregoing Verified Complaint to Quiet Title Writ of Mandamus and Injunction and knows the contents thereof, and the same is true of his own knowledge, save and except the matters stated therein on information and belief, and as to such matters, he believes them to be true.

DATED this 6th day of April, 2016.


PAUL PAWLIK

INDEX OF EXHIBITS

EX. NO.	DESCRIPTION	PAGES
1	Certificate of Sale	1
2	Assignment of Certificate of Sale	1
3	Notice of Expiration of Redemption Period and of Intent by Owner of Certificate of Sale to Demand Deed to Real Property	2
4	Affidavit of Service	2
5	Affidavit of Publication	1
6	Return Letters	2
7	Affidavit of Notice to Owner	7
8	Application for Deed	1
9	Acceptance of Deed Application	1

EXHIBIT 1

EXHIBIT 1

137-25-314-020

CITY OF LAS VEGAS, NEVADA
CERTIFICATE OF SALE

Inst #: 201402040000839
Fees: \$17.00
N/C Fee: \$0.00
02/04/2014 11:11:06 AM
Receipt #: 1922516
Requestor:
CITY OF LAS VEGAS (AMG)
Recorded By: BGN Pgs: 1
DEBBIE CONWAY
CLARK COUNTY RECORDER

Pursuant to Nevada Revised Statutes Chapter 271, Consolidated Local Improvement Laws, a duly noticed and authorized sale of properties for default on special assessments was conducted.

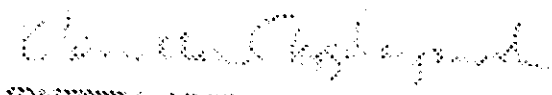
The sale was held on JANUARY 27, 2014 and the herein described property was SOLD to: KEVIN LOVE OR PAUL PAWLIK, PO BOX 11314, SAN BERNARDINO, CA 92423-1314, for the owner's failure to cure the delinquency or in the alternative pay the entire amount of the assessment due.

Parcel #137-25-314-020, City of Las Vegas Local Improvement District #707, being owned by DENG SHYANG-F & L H-Y C REV TR, according to the latest assessment roll and described as: 010669 ROYAL VIEW AV, CHARDONNAY #61 BY LEWIS HOMES, PLAT BOOK 78 PAGE 77 LOT 374 BLOCK C.

This property was SOLD for the whole amount of the assessment due, including interest, penalties and costs, which was \$ 1,996.62 as of JANUARY 27, 2014. Said interest and penalties are continuing to accrue during the statutory redemption period.

Purchaser, herein, is entitled to a deed to the above-described property after expiration of said redemption period which commenced on JANUARY 27, 2014, unless the property is redeemed by the owner within the redemption period.

DATED this 28TH day of JANUARY 2014.


VENETTA APFLEYARD
Treasurer

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

This instrument was acknowledged before me on the 28TH day of JANUARY 2014 by VENETTA APFLEYARD as Treasurer of Las Vegas, Nevada.


Notary Public

WHEN RECORDED MAIL TO:
KEVIN LOVE OR PAUL PAWLIK
PO BOX 11314
SAN BERNARDINO, CA 92423-1314

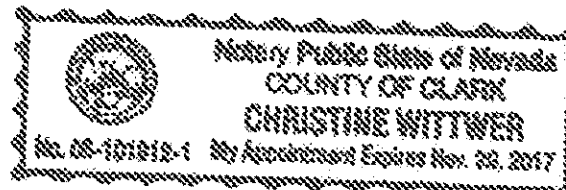


EXHIBIT 2

EXHIBIT 2


Inst #: 201402210001266
Fees: \$17.00
N/C Fee: \$0.00
02/21/2014 12:32:02 PM
Receipt #: 1938565
Requestor:
PAUL PAWLIK
Recorded By: ANI Pgs: 1
DEBBIE CONWAY
CLARK COUNTY RECORDER

137-25-314-020

ASSIGNMENT OF CERTIFICATE OF SALE

For value received, the undersigned KEVIN LOVE conveys, sells, and assigns to PAUL PAWLIK right, title and interest in the Certificates of Sale of Property sold by the CITY OF LAS VEGAS, NV on 01/27/2014, property subject to lien further described as follows:

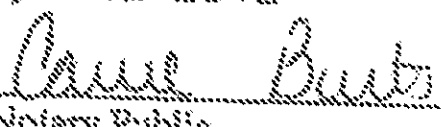
Parcel No: 137-25-314-020, Name of Property Owner: DENG SHYANG-P&LH-Y REV TR, Recorded as: Inst # 201402040000939, Clark County, NV; Street Address: 10669 ROYAL VIEW AV., Las Vegas, NV; Assessment Information: IMPROVEMENT DISTRICT: #707.


KEVIN LOVE

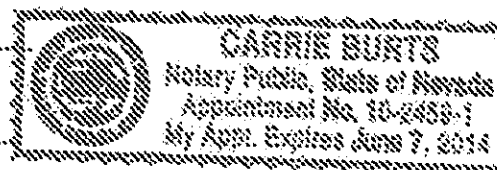
2/20/14
Date

State of Nevada
County of Clark

This instrument was acknowledged before me on the 20th day of February, 2014 by KEVIN LOVE


Notary Public

My commission expires: June 7, 2014



When Recorded Mail To: PP c/o ATCEC
P.O. Box 11314
San Bernardino CA 92423-1314

EXHIBIT 3

EXHIBIT 3

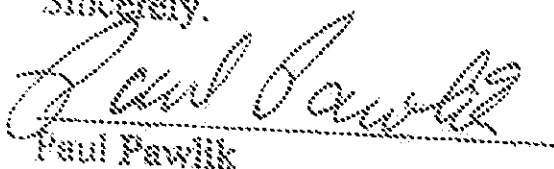
137-25-314-020

PAUL PAWLK
PO Box 11314
San Bernardino, CA 92423-1134

JANUARY 7, 2016
DENG SHYANG-F & L H-Y C RV TR, DENG SHYANG-FENN & LINDA TRS
231 NEW HAVEN LN SW
AIKEN SC 29803-8065

RE: NOTICE OF EXPIRATION OF REDEMPTION PERIOD AND OF
INTENT BY OWNER OF CERTIFICATE OF SALE TO DEMAND DEED TO REAL
PROPERTY, AS PER NRS 271.595.
NOTICE IS HEREBY GIVEN TO DENG SHYANG-F & L H-Y C RV TR, DENG
SHYANG-FENN & LINDA TRS (OWNERS), that on January 27, 2014, Kevin Love or
Paul Pawlik purchased from the City of Las Vegas, Nevada, a Certificate of Sale for the
following property (the "Property")
Clark County Assessor's Parcel #137-25-314-020, (City of Las Vegas Local
Improvement District #707), CHARDONNAY # 61 BY LEWIS HOMES, PLAT
BOOK 78, PAGE 77, LOT 374 BLOCK C. Street Address: 10669 ROYAL VIEW AVE,
Las Vegas NV.
The Certificate of Sale was assigned by the purchaser Kevin Love to Paul Pawlik (Inst # :
201402210001266). The Certificate of Sale was recorded on 2/4/2014 as Inst #
201402040000939. As per NRS 271.595, the aforementioned Assessment must be paid in
full to the City of Las Vegas Treasurer within 60 days of this notice; and the amount to be
paid is \$1,996.62, plus accrued interest at one percent a month and other costs. This
notice states that Paul Pawlik is the owner of the aforesaid Certificate of Sale and he will
request a Deed to the Property, as permitted by law if the amount due is not paid to the
City of Las Vegas Treasurer within 60 days from receipt of this notice, or, if necessary,
from the Date of Publication.

Sincerely,


Paul Pawlik

State of California
County of San Bernardino
Subscribed and sworn to before me on this 7th day of January 2016
by Paul Pawlik, proved to me on the basis of satisfactory evidence to be the person who
appeared before me.

Notary Public

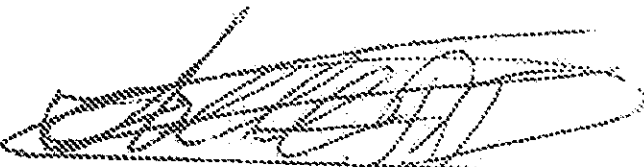
See attached
notarial certificate R.D. 1-7-16

CALIFORNIA JURAT
(CALIFORNIA GOVERNMENT CODE § 8202)

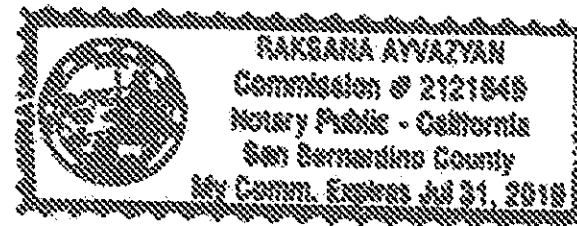
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF San Bernardino

Subscribed and sworn to (or affirmed) before me on this 7 day of January, 2016
by Paul Pawlik
(Name of Signer(s)), proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.


Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Additional Information: _____

EXHIBIT 4

EXHIBIT 4

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
COUNTY OF CLARK.)ss
)

I HEREBY CERTIFY and return that I received the within Notice of Expiration of Redemption Period and of Intent by owner of Certificate of Sale to demand Deed to Real Property on the 7th day of January, 2016, and that I personally conducted due diligence and attempt to locate Shyang –Fenn & Linda Deng. Theses attempts were unsuccessful. On January 9, 2016 I Carrie Dabney attempted to serve a Notice of expiration of redemption period and of intent by owner of certificate of sale to demand deed to real property to Shyang –Fenn & Linda Deng regarding Clark County Assessor parcel number 137-25-314-020. On January 8, 2016 I visited the property located at 10669 Royal View Avenus Las Vegas, Nevada 89144 at on two occasions At 12:11 p.m. I found the property to be occupied by an Asian male whom identified himself as Paul Deng, the owners son. He stated that his father had taken a job and they moved out of state. He confirmed their address as 231 New Haven Lane, S.W., Aiken, SC 29803-8065 but refused to accept any notice or paperwork or to give a message to his parents. I called provided telephone number (702) 838-1826 but received no answer. On January 9, 2016 I visited another address associated with the Dengs' located at 2913 Lark Sparrow Street, North Las Vegas, NV 89084 spoke with a an elderly Caucasian female whom identified herself as Ms. Howlett and stated she had resided at that address for 5 yrs and denied any knowledge of the Deng's. On

January 9, 2016 I visited another address associated with the Dengs' located at 7437 Eggshell Drive, North Las Vegas 89084 and spoke with Venetria McCaster whom stated that her and her husband Malcolm had purchased the home in a short sale from an out of state owner in December 2014. She had no further information about the previous owner. January 9, 2016 I visited another address associated with the Dengs' located at 7528 Fruit Dove Street, North Las Vegas, NV 89084 and received no answer however a neighbor verified that the residence name was not Shyang or Linda Deng. No further attempts of service were performed at this time. The fees and cost associated with attempts to locate and serve this notice are \$222.60.

BY: Carrie Dabney
Carrie Dabney 3027456
1/11/16

SUBSCRIBE & SWORN to before me

This 11th day of January, 2016

Brittney Williams
NOTARY PUBLIC I. And for said
County and State
State of Nevada
County of Clark

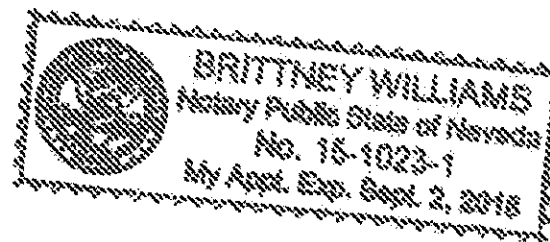


EXHIBIT 5

EXHIBIT 5

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Account #	00000
Account Number	000007000000

00 01 02 03 04 05
 06 07 08 09 10 11
 12 13 14 15 16 17

Edgar B. Smith
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on the 27th day of January, 2010

Summary

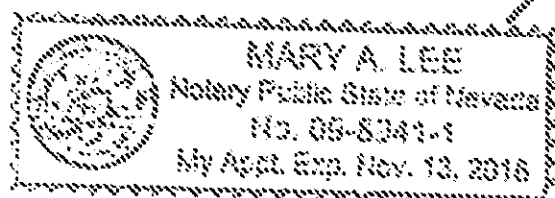
[illegible]

EXHIBIT 6

EXHIBIT 6

202

[illegible][illegible]

EXHIBIT 7

EXHIBIT 7

March 14, 2016

AFFIDAVIT OF NOTICE TO OWNER

State of Nevada)

)ss

County of Clark)

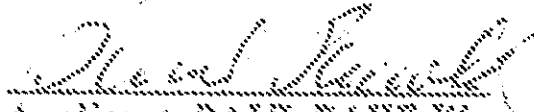
I, Paul Pawlik, first being sworn, say: that I am the purchaser of real estate and appurtenances described as follows:

Clark County Assessor's Parcel # 137-25-314-020, City of Las Vegas Local Improvement District # 707 being owned by Deng Shyang-F&L H-Y-C REY TR. according to the latest assessment roll and described as: 010669 Royal View Av. Chardonnay #61 by Lewis Homes, Plat Book 78 Page 77 Lot 374 Block C.

for delinquent assessments due on January 27, 2014; and that I gave notice to the owners of said property of intention to apply for a Deed in the following manner:

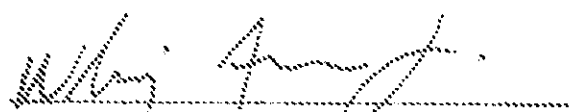
Paul Pawlik attempted to have the Notice of Expiration of Redemption Period (NOTICE), and the Intent by Owner of Certificate of Sale Demand Deed to Real Property as per NRS 271.595 served upon the owners. Notice attached. Per attached affidavit of service, it was determined that the owners live outside of Nevada. Service by publication was chosen. The notice was published in the Las Vegas Review-Journal on three consecutive weeks, starting January 13, 2016. Notice and proof of publication attached. A notice was also sent to the Aiken, South Carolina address via first class mail.

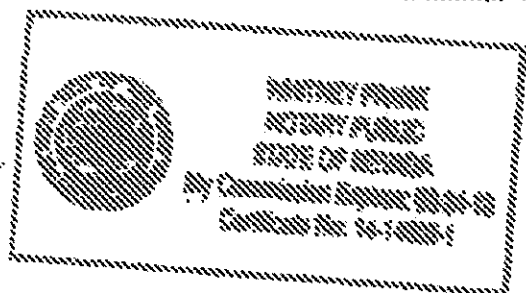
According to Pacer Court Reporting, the owners are not in bankruptcy and according to Department of Defense Manpower Data Records, they are not on active military duty. To date no redemption notice has been received.


Applicant: PAUL PAWLK

STATE OF NEVADA
COUNTY OF CLARK

Signed and sworn before me on the 14th day of March 2016 by Paul Pawlik


Notary Signature
My commission expires 02-29-2018





Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: DENGFirst Name: LINDA

Middle Name:

Active Duty Status As Of: Mar-01-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	No

The response reflects the individual's active duty status based on the Active Duty Status Date.

Off Active Duty Within 307 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
No	NA	No	NA

The response reflects whether the individual has active duty status within 307 days preceding the Active Duty Status Date.

The Member or Member Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA

The response reflects whether the individual or member unit has received any notification to report for active duty.

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or member unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSESS THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E28
Arlington, VA 22204



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: DENGFirst Name: SHYANGMiddle Name: FENNActive Duty Status As Of: Mar-01-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects the individual's active duty status based on the Active Duty Status Date.

Left Active Duty Within 90 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects when the individual left active duty status within 90 days preceding the Active Duty Status Date.

The Member or Member Unit Was Included in a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA

This response reflects whether the individual or member unit was received any notification to report for active duty.

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or member unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

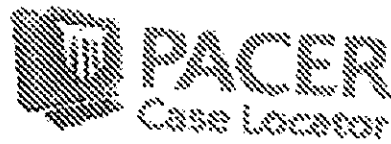
Mary M. Shavelly-Oxon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22200



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No records found

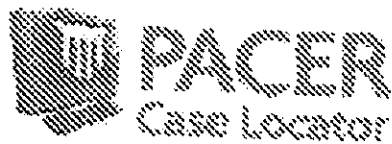
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Name CENCO LINDA Hest Court Page: 1
Pages: 1 (80:10)



Bankruptcy Party Search
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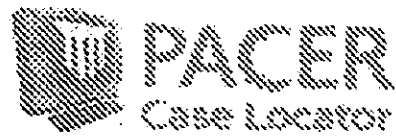
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Name S-AYANG LINDA Hest Court Page: 1
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Name CENCO, S-AYANG AL Courts Page: 1
Pages: 1 (80:10)

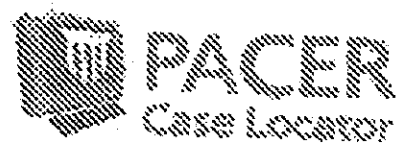


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Client:
Search: Bankruptcy Party Search Name SHYANG DENG All Courts Page: 1

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Client:
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Pages: 1 (1 of 10)
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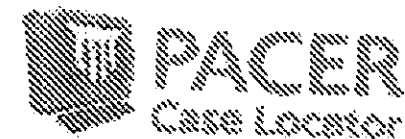
Bankruptcy Party Search
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No records found

User: admin
Client:
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... Browse All



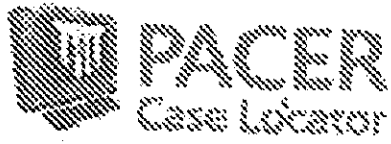
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Client:
Search: Bankruptcy Party Search Name SHYANG DENG All Courts Page: 1

No records found

User: admin
Client:
Description: Bankruptcy Party Search
Name SHYANG DENG All Courts Page: 1
Pages: 1 (1 of 10)
Receipt: 03/10/2016 01:26:59 217048720

... Browse All

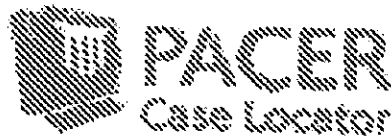


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[Browse All](#)

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Pages: 1 (80 to)

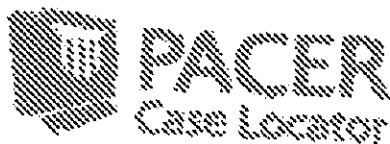


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Pages: 1 (80 to)

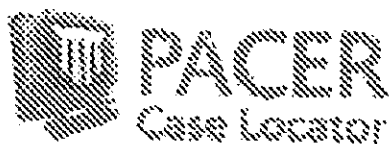


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[Browse All](#)

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No records found

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Name: BRITAIN, LINDA All Courts Page: 1
Pages: 1 (80 to)



Bankruptcy Party Search
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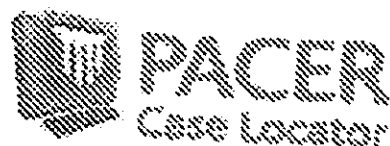
[Browse About](#)

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Search: Bankruptcy Party Search Name SHYANG, SEAN A. Court Page: 1

No records found

User: 201603	Receipt: 03/10/2016 01:34:31 20160301
Client:	
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Name: SHYANG, SEAN A. Court Page: 1	
Pages: 1 (00.10)	



Bankruptcy Party Search
Thu Mar 10 01:36:02 2016
No Records Found

[Browse About](#)

User: 201603
Client:

Search: Bankruptcy Party Search Name SHYANG, SEAN A. COURT Page: 1

No records found

User: 201603	Receipt: 03/10/2016 01:36:02 20160301
Client:	
Description: Bankruptcy Party Search	
Name: SHYANG, SEAN A. COURT Page: 1	
Pages: 1 (00.10)	

EXHIBIT 8

EXHIBIT 8

APPLICATION FOR DEED

San Bernardino, Arizona

March 14, 2016

Venetta Appleyard
Treasurer
City of Las Vegas, Nevada

Dear Ms. Appleyard:

In accordance with the requirements of N.R.S. 271.595 et. Seq., and amendments thereto, formal application is hereby made to the following estate:

Clark County Assessor's Parcel # 137-25-314-020, City of Las Vegas Local Improvement District # 707 and described as: 010669 Royal View Av. Chardonay #61 by Lewis Homes, Plat Book 78 Page 77 Lot 374 Block C.

Said property was sold by the City of Las Vegas, Nevada to Kevin Love or Paul Pawlik on January 27, 2014 pursuant to Nevada Revised Statutes Chapter 271, Consolidated Local Improvement Laws and was recorded on February 4, 2014. The Certificate of Sale was assigned by the purchasers Kevin Love to Paul Pawlik. The Assignment of Certificate of Sale is attached to this application.

Affidavit was filed with you AFTER the 13th day of March 2016.

PLEASE MAIL DEED TO PAUL PAWLIK c/o ATCEC, P.O. Box 11314, San Bernardino, CA., 92423-1314. Given that you refused to issue deeds on several occasions in the past, after applications following the Nevada statutes, a writ of mandamus will be filed if the deed is not received by April 1, 2016.

Yours truly,

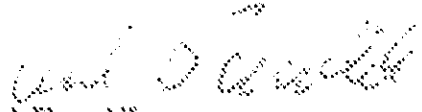
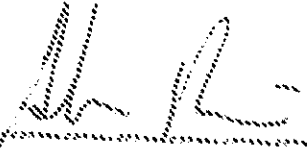

Paul Pawlik

EXHIBIT 9

EXHIBIT 9

March 14, 2016

On behalf of Venetta Appleyard, City of Las Vegas Treasurer, I am accepting Deed Applications for APN 137-25-314-020 and 125-16-713-010.

Signature of authorized person  Date: 3/14/16

Printed Name of authorized person Adrian R. Martinez

1 supposed to issue a certificate until after two years has run. How can a purchaser let an owner
2 know that it has become the certificate holder and that a deed has been issued prior to it being
3 issued? The statute would simply say that the purchaser must provide at least 60 days' notice
4 prior to the end of the redemption period of its intent to take the property. Instead, it states (and
5 Plaintiff agrees in its facts in the complaint wherein they state, "and if no redemption is
6 made...and after 60 days; notice"⁹), that the 60 days' notice comes *after* the redemption period
7 has run.

8 In this case, the Certificate Holder has never given proper notice *after* the redemption
9 period has run. The notice that it did provide was prior to the end of the redemption period and,
10 therefore, was improper and ineffective. **The Certificate Holder, has never given proper**
11 **notice to the Owner per statute.**

12 Other issues exist, as can be seen by the attached Motion to Dismiss.

13 **III. CONCLUSION**

14 Plaintiff has failed to comply with the necessary timing of notice in the statutes and,
15 therefore, the Writ of Mandamus must fail.

16 DATED this 1st day of June, 2016.

17 **BLACK & LOBELLO**

18
19
20 STEVEN MACK, ESQ.
21 Nevada Bar No. 4000
22 10777 W. Twain Ave., Third Floor
23 Las Vegas, Nevada 89135
24 *Attorneys for Defendants*
25 *Shyang-Fenn Deng and Linda Hsiang-Yu*
26 *Chiang Deng, Trustees of the Shyang-Fenn*
27 *and Linda Hsiang-Yu Chiang Deng*
28 *Revocable Trust Dated August 18, 2006*

⁹ See, Plaintiff's Complaint, Paragraph 9, line 1 and line 3.

EXHIBIT “B”



CLERK OF THE COURT

1 **ERRA**

2 STEVEN MACK, ESQ.

3 Nevada Bar No. 4000

4 **BLACK & LOBELLO**5 10777 W. Twain Ave., 3rd Fl.

6 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.

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, TREASURER OF
THE CITY OF LAS VEGAS; THE CITY OF
LAS VEGAS, a Political subdivision,

Defendants.

Case No. A-16-734663

Dept. No. XII

**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
"RETURN TO PLAINTIFF'S MOTION
AND APPLICATION FOR WRIT OF
MANDAMUS" (FILED MAY 31, 2016) TO
CORRECTLY READ MOTION TO
DISMISS PLAINTIFF'S VERIFIED
COMPLAINT***[Nev. R. Civ. P. 12(b)(5)]*

D/Hearing: 07/11/16

T/Hearing: 8:30 a.m.

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, (collectively "Defendants") by and through their counsel of record, Steven Mack, Esq. of the law firm of Black & LoBello and hereby submit this Errata to "Defendants' Return to Plaintiff's

1 Motion and Application for Writ of Mandamus” filed May 31, 2016 to read the corrected title of
2 “Defendants’ Motion to Dismiss Plaintiff’s Verified Complaint to Quiet Title, Writ of
3 Mandamus and Injunction pursuant to Nevada Rules of Civil Procedure (“NRCP”) 12(b)(5).”

4 This is simply an Errata to correct title on a previously filed document on May 31, 2016.
5 The hearing date for the Motion to Dismiss has already been set by the Court on July 11, 2016 @
6 8:30 a.m.
7

8 DATED this 1st day of June, 2016.

9 **BLACK & LOBELLO**



11 _____
12 STEVEN MACK, ESQ.
13 Nevada Bar No. 4000
14 10777 W. Twain Ave., Third Floor
15 Las Vegas, Nevada 89135
16 *Attorneys for Defendants*
17 *Shyang-Fenn Deng and Linda Hsiang-Yu*
18 *Chiang Deng, Trustees of the Shyang-Fenn*
19 *and Linda Hsiang-Yu Chiang Deng*
20 *Revocable Trust Dated August 18, 2006*
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of BLACK & LOBELLO and that on the 1st day of June, 2016, I caused the above and foregoing document entitled **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 "RETURN TO PLAINTIFF'S MOTION AND APPLICATION FOR WRIT OF MANDAMUS" (FILED MAY 31, 2016) TO CORRECTLY READ *MOTION TO DISMISS PLAINTIFF'S VERIFIED COMPLAINT*** 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

Details of filing: 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 "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)
Filed in Case Number: A-16-734663-C

E-File ID: 8237636

Lead File Size: 172125 bytes

Date Filed: 2016-06-01 17:07:38.0

Case Title: A-16-734663-C

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

Filing Title: 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 "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)

Filing Type: EFS

Filer's Name: Black & LoBello

Filer's Email: NVClarkCountyEfiling@blacklobellolaw.com

Account Name: efile card

Filing Code: ERR

Amount: \$ 3.50

Court Fee: \$ 0.00

Card Fee: \$ 0.00

Payment: Filing still processing. Payment not yet captured.

Comments:

Courtesy Copies: jmw@wbri.net

Firm Name: Black & LoBello

Your File Number: 5507-0001 Deng SJM

Status: Submitted - (PF)

Date Accepted:

Review Comments:

Reviewer:

File Stamped Copy:

Documents: Cover Document:

Lead Document: Errata to Correct Title of previously filed Motion to Dismiss.pdf 172125 bytes

Data Reference ID:

Credit Card Response: System Response: AR3CD5D0653C
Reference:

ORIGINAL


CLERK OF THE COURT

RWM
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)
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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.

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, TREASURER OF
THE CITY OF LAS VEGAS; THE CITY OF
LAS VEGAS, a Political subdivision,

Defendants.

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

**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
PLAINTIFFS MOTION AND
APPLICATION FOR WRIT OF
MANDAMUS**

[Nev. R. Civ. P. 12(b)(5)]

D/Hearing: 7-11-16
T/Hearing: 8:30am

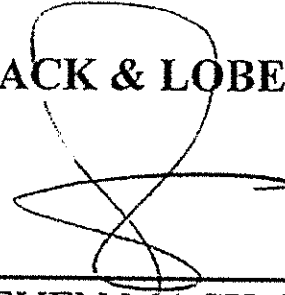
SEE
EXHIBIT A

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, (collectively "Defendants") by and through their counsel of record, Steven Mack, Esq. of the law firm of Black & LoBello and hereby provide this Return To Plaintiffs Motion And Application For Writ Of Mandamus. This Return is made and based upon the memorandum of Points and

1 Authorities set forth below, the papers or pleadings on file herein, the attached exhibits, and any
2 oral argument at the time of hearing of this matter.

3 DATED this 31st day of May 2016.

4 **BLACK & LOBELLO**



7 STEVEN MACK, ESQ.

8 Nevada Bar No. 4000

9 10777 W. Twain Ave., Third Floor

10 Las Vegas, Nevada 89135

11 *Attorneys for Defendants*

12 *Shyang-Fenn Deng and Linda Hsiang-Yu*

13 *Chiang Deng, Trustees of the Shyang-Fenn*

14 *and Linda Hsiang-Yu Chiang Deng*

15 *Revocable Trust Dated August 18, 2006*

16 **NOTICE OF MOTION**

17 TO: ALL INTERESTED PARTIES:

18 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE**, that the undersigned
19 will bring the above and foregoing Motion to Dismiss on for hearing before the entitled Court on
20 the 11 day of July, 2016, at the hour of 8 : 30 A.m., or as soon
21 thereafter as may be heard before the District Court, Department 12.

22 DATED this 31st day of May, 2016.

23 **BLACK & LOBELLO**



24 STEVEN MACK, ESQ.

25 Nevada Bar No. 4000

26 10777 W. Twain Ave., Third Floor

27 Las Vegas, Nevada 89135

28 *Attorneys for Defendants*

Shyang-Fenn Deng and Linda Hsiang-Yu

Chiang Deng, Trustees of the Shyang-Fenn

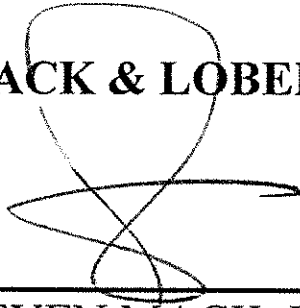
and Linda Hsiang-Yu Chiang Deng

Revocable Trust Dated August 18, 2006

1 Authorities set forth below, the papers or pleadings on file herein, the attached exhibits, and any
2 oral argument at the time of hearing of this matter.

3 DATED this 31st day of May 2016.

4 **BLACK & LOBELLO**

5 
6
7 STEVEN MACK, ESQ.
8 Nevada Bar No. 4000
9 10777 W. Twain Ave., Third Floor
10 Las Vegas, Nevada 89135
11 *Attorneys for Defendants*
12 *Shyang-Fenn Deng and Linda Hsiang-Yu*
13 *Chiang Deng, Trustees of the Shyang-Fenn*
14 *and Linda Hsiang-Yu Chiang Deng*
15 *Revocable Trust Dated August 18, 2006*


16 **NOTICE OF MOTION**

17 TO: ALL INTERESTED PARTIES:

18 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE**, that the undersigned
19 will bring the above and foregoing Motion to Dismiss on for hearing before the entitled Court on
20 the ____ day of _____, 2016, at the hour of _____.m., or as soon
21 thereafter as may be heard before the District Court, Department 12.

22 DATED this 31st day of May, 2016.

23 **BLACK & LOBELLO**

24 
25
26 STEVEN MACK, ESQ.
27 Nevada Bar No. 4000
28 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

MEMORANDUM OF POINTS & AUTHORITIES

I. INTRODUCTION

a. Undisputed Facts

These facts are taken directly from the Plaintiff's verified complaint and the relevant portions are undisputed as follows:

"NRS 271.595 grants the owners a two-year redemption period **and if no redemption is made within said period** the Treasurer, herein Vanetta Appleyard, upon demand of the purchaser and the surrender to the Treasurer of the Certificate of Sale **and after 60 days' notice** to the former owner must issue a Deed to the holder of the Certificate."¹

The Certificate of Sale was issued January 28, 2014, and it states therein that the redemption period commenced on January 27, 2014.²

On January 7, 2016, the Plaintiff prepared a Notice of Expiration of Redemption Period and of Intent of Owner of Certificate of Sale to Demand Deed to Real Property.³ Plaintiff then attempted to serve Defendant Feng, from January 8, 2016 to January 11, 2016,⁴ then published the service with the first date of service being January 13, 2016 and the last service of publication being January 27, 2016.⁵

On March 14, 2016, less than 60 days after the expiration of the two-year redemption period, which ended on January 27, 2016, Plaintiff attempted to obtain make application for the issuance of a deed.⁶

Again, these are facts from a verified complaint, which is as an affidavit and sworn statement by the Plaintiff.

///

///

¹ Plaintiff's Complaint, Page 3, Paragraph 9 (emphasis added), attached hereto as **Exhibit "A"**

² See, Certificate of Sale attached hereto as **Exhibit "B"**, and attached as Exhibit "1" to the Plaintiff's Complaint.

³ Plaintiff's Complaint, Page 3, Paragraph 11

⁴ See Affidavit of Service, attached to Plaintiff's Complaint as Exhibit "4"

⁵ Plaintiff's Complaint, Page 3, Paragraph 13

⁶ Plaintiff's Complaint, Page 3, Paragraph 15

1 **b. Procedural History**

2 Plaintiff filed a verified complaint in this matter on April 6, 2016 ("Plaintiff's
3 Complaint"). A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit "A"
4 and an Amended Notice of Hearing on Motion and Application for Writ of Mandamus on April
5 28, 2016.
6

7 Counsel for Defendant Deng Accepted Service on or about May 23, 2016. This Motion
8 to Dismiss follows.

9 **II. LEGAL ARGUMENT**

10 **A. NRCP 12(b)(5) Standard**

11 A complaint should be dismissed when it fails to "state a claim upon which relief can be
12 granted."⁷

13 Even with all beneficial inferences made on behalf of the non-moving party, dismissal is
14 proper where the allegations are insufficient to establish the elements of the claim for relief.
15 When a party can prove no set of facts that would entitle him or her to relief in the complaint or
16 claim it should be properly dismissed.⁸
17

18 The test for determining whether a claimant's allegations are sufficient is whether (i) they
19 give fair notice of the nature and basis of a legally sufficient claim and the relief requested,⁹ and
20 (ii) the claim for relief is "plausible on its face."¹⁰ The Nevada Supreme Court has stated that
21

22
23 ⁷ NRCP 12(b)(5).

24 ⁸ *Cohen v. Mirage Resorts, Inc.*, 119 Nev. 1, 32, 62 P.3d 720, 740 (2003) and NRCP 12(b)(5).

25 ⁹ See, e.g., *Ravera v. City of Reno*, 100 Nev. 68, 70, 675 P.2d 407, 408 (Nev. 1984); *Western States*
26 *Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (Nev. 1992).

27 ¹⁰ *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 1974 (2007). The Nevada Supreme
28 Court case has not yet formally adopted *Twombly*. *Garcia v. Prudential Ins. Co. of America*, 129 Nev.
Adv. Op. 3, 293 P.3d 869, 871 n.2 (Nev. 2013). Nevertheless, Nevada treats cases interpreting the federal
rules as persuasive because the state and federal versions of Rule 12(b) are nearly identical. See
Executive Mgmt. Ltd. v. Ticor Title Ins. Co., 118 Nev. 46, 53, 38 P.3d 872, 876 (2002). Consequently,
there are examples of Eighth District Court judges applying *Twombly*. See, e.g., *Levy v. Funding*, 2010
WL 7460207 (Nev. Dist. Ct. 2010) (unpublished). Here, even under the pre-*Twombly* approach, the

the courts should accept the allegations in the complaint as true and draw all inferences in Plaintiff's favor.¹¹ The complaint should be dismissed only if it appears *beyond a doubt* (not beyond a reasonable doubt) that Plaintiff could prove no set of facts, which, if true, would entitle it to relief.¹² To satisfy that test, Plaintiff "must set forth sufficient **facts** to establish all necessary elements of a claim for relief."¹³ "Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief".¹⁴

Despite the extraordinarily high bar, *the Plaintiff has a sever deficiency both factually and legally.*

B. No Legal Basis.

"Generally, when a statute's language is plain and its meaning clear, the court's will apply that plain language."¹⁵ "Under certain procedural statutes and rules...failure to strictly comply with time requirements can be fatal to a case."¹⁶ "Although Statutes allowing for a "reasonable time" to act are subject to interpretation for substantial compliance, **those with set time limitations are not.**"¹⁷ The Supreme Court of Nevada has stated unequivocally that, "...the general tenet that "time and manner" requirements are strictly construed."¹⁸

///

///

Counterclaimant's receivership action is so barren of legal and factual allegations that it fails to stake a valid claim for relief.

¹¹ *Seput v. Lacayo*, 122 Nev. 499, 501, 134 P.3d 733, 734 (2006).

¹² *Blackjack Bonding v. Las Vegas Mun. Ct.*, 116 Nev. 1213, 1217, 14 P.3d 1275, 1278 (2000). See also, *Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008) footnote 6. "Our prior cases have not been completely consistent in applying the standard of review for failure to state a claim upon which relief can be granted. The appropriate standard requires a showing beyond a doubt. To the extent that these cases required a showing of proof beyond a reasonable doubt, they are disavowed."

¹³ *Conway v. Circus Circus Casinos, Inc.*, 116 Nev. 870, 875, 8 P.3d 837,840 (Nev. 2000) (citations omitted) (emphasis added); *Stockmeier v. Nevada Dep't of Corr.*, 124 Nev. 30, 183 P.3d 133, 135 (Nev. 2008).

¹⁴ *Hampe v. Foote*, 118 Nev. 405, 408, 47 P.3d 438, 439 (Nev. 2002); *Bergmann v. Boyce*, 109 Nev. 670, 675, 856 P.2d 560, 563 (Nev. 1993).

¹⁵ *Leven v. Frey*, 123 Nev. 399, 403, 168 P.3d 712, 715 (2007) quoting *International Game Tech v. Dist. Ct.*, 122 Nev. 132, 152, 127 P.3d 1088, 1102 (2006).

¹⁶ *Id.* at 407, 123 P.3d at 717 (cites omitted).

¹⁷ *Id.* at *Id.* at 407-408, 123 P.3d at 718 (cites omitted).

Pursuant to NRS 271.595(3) the Owner has two years to redeem the property. Pursuant to NRS 271.595(4), *after the redemption period has expired*, then the holder of the certificate must provide the Owner 60 days' notice of its intent to take the property.

Specifically, NRS 271.595(3) in pertinent part states:

If no redemption is made within the period of redemption as determined pursuant to subsection 1, the treasurer shall, on demand of the purchaser or the purchaser's assigns, and the surrender to the treasurer of the certificate of sale, execute to the purchaser or the purchaser's assigns a deed to the property. No deed may be executed until the holder of the certificate of sale has notified the owners of the property that he or she holds the certificate, and will demand a deed therefor.

NRS 271.595(4) states in pertinent part:

If redemption is not made within 60 days after the date of service, or the date of the first publication of the notice, as the case may be, the holder of the certificate of sale is entitled to a deed.

Pursuant to the statute, if no redemption is made within the period, then the purchaser can make demand upon the City for a Certificate to Issue (only after the two years has run). Once the Certificate is issued, the Certificate Holder (i.e. purchaser – Plaintiff in this matter) must provide the Owner with another 60 days to redeem the property.

In other words, a purchaser of the certificate cannot obtain a proper certificate until *after* the redemption period. Then, and only then, can a certificate holder provide the 60-day notice to the owner of its intent to obtain a deed, giving the owner another 60 days to make redemption.

In this case, the two-year period ran on January 26, 2016, however, the purchaser began making demand prior to the expiration of the redemption period, beginning January 7, 2016.

The only issue this court needs to address is the timing of the notice by Plaintiff. In other words, the Owner has two years and two months (plus time for service) in which to redeem the property, at the very minimum (although the 60-day notice could be given the day immediately following the expiration of the two-year redemption period, however, the Certificate Holder could conceivably wait longer as the statute does not provide a maximum time period after the

¹⁸ Id. at 408, 123 P.3d at 718 (cites omitted).

two-year redemption period).

The 60 days' notice by the certificate holder can occur at any time after the two years has run, but not before, otherwise, the statute would be without meaning.¹⁹ A municipality is not supposed to issue a certificate until after two years has run. How can a purchaser let an owner know that it has become the certificate holder prior to it being issued? The statute would simply say that the purchaser must provide at least 60 days' notice prior to the end of the redemption period of its intent to take the property. Instead, it states (and Plaintiff agrees in its facts above), that the 60 days' notice comes *after* the redemption period has run.

In this case, the Certificate Holder has never given proper notice *after* the redemption period has run. The notice that it did provide was prior to the end of the redemption period and, therefore, was improper and ineffective. **The Certificate Holders notice, has never been given proper notice to the Owner per statute.**

C. No Factual Basis.

Similarly, the Plaintiff offers no factual allegations, whatsoever, for their claims for relief. The *verified* complaint provides this Court with the information it requires to dismiss the case.

In this case, the 60-days' notice to the Owner was never properly given. Further, the Owner has paid all of the fees as calculated by the City of Las Vegas on April 6, 2016.²⁰ Because the Plaintiff failed to give a proper 60 days' notice, the Owner's payment for redemption to the City of Las Vegas was certainly prior to the proper 60-day notice and redemption period by the Plaintiff. As a result, proper redemption has occurred and this case is moot.

Additionally, pursuant to the service processor, she was given the current address of the Owner by the son who lives in the Property,²¹ but failed to actually attempt service at that

¹⁹ As a side note, this makes sense, because there could be multiple purchasers of SID payments. No priority exists as to each of the purchasers and it is the first person to ask for a certificate and then notice provide the owner 60-day notice.

²⁰ See, receipt for payment from the City of Las Vegas, attached hereto as **Exhibit "C"**

²¹ See, Affidavit of Service Processor attached as Exhibit "4" to the Complaint.

1 address. Plaintiff did state that they mailed a letter to the address,²² but has not provided any
2 proof or affidavit for attempting to serve the owners at the known address in South Carolina.
3 Although, this is really moot given the failure of timely notice, this is another factual failure of
4 the Plaintiff.

5 **D. Defendants are entitled to attorneys' fees and costs pursuant to NRS 18.010.**

6 NRS 18.010(2) provides as follows:

7 2. In addition to the cases where an allowance is authorized by specific statute, the
8 court may make an allowance of attorney's fees to a prevailing party:

9 (a) When the prevailing party has not recovered more than
10 \$20,000; or

11 (b) Without regard to the recovery sought, when the court finds the
12 **claim**, counterclaim, cross-claim or third-party complaint or
13 defense of the opposing party **was brought or maintained**
14 **without reasonable ground** or to harass the prevailing party. **The**
15 **court shall liberally construe the provisions of this paragraph**
16 **in favor of awarding attorney's fees in all appropriate**
17 **situations.** It is the intent of the Legislature that the court award
18 attorney's fees pursuant to this paragraph and impose sanctions
19 pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
20 appropriate situations to punish for and **deter frivolous or**
21 **vexatious claims** and defenses because such claims and defenses
22 overburden limited judicial resources, hinder the timely resolution
23 of meritorious claims and increase the costs of engaging in
24 business and providing professional services to the public.
25 (Emphasis added).

26 Plaintiffs' claims against Defendants are clearly improper and without merit as strict
27 compliance with the timing of proper notice to the owner of the property was never given.

28 Accordingly, attorneys' fees and costs should be awarded pursuant to both NRS
18.010(2)(a) and (b); because Plaintiffs have never had a reasonable basis for asserting claims
against Defendants *and* because Defendants recovery as prevailing parties will be less than
\$20,000.00.

///

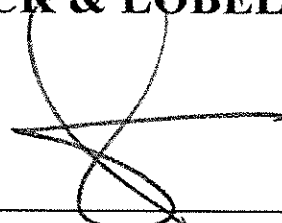
²² See, Plaintiff's Complaint, Page 4, Paragraph 14.

III. CONCLUSION

In sum, *there are no facts, however taken, that support the Plaintiff's claims for relief*, therefore, Plaintiff has failed to state a claim upon which relief can be granted and the complaint should be dismissed completely and Defendant should be awarded attorney's fees per statute.

DATED this 31st day of May, 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 31st day of May, 2016, I caused the above and foregoing document entitled **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 [Nev. R. Civ. P. 12(b)(5)]** 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.


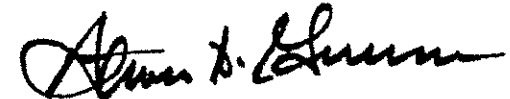

An Employee of Black & LoBello

EXHIBIT “A”



CLERK OF THE COURT

CODE: COMP
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: jmwalsb@wbrl.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 APPELYARD, TREASURER OF THE CITY OF LAS VEGAS; THE CITY OF LAS VEGAS, a Political Subdivision,

Defendants.

Case No.: A- 16 - 734663 - C

Dept. No: XI I

VERIFIED COMPLAINT TO QUIET TITLE, WRIT OF MANDAMUS AND INJUNCTION

Arbitration Exempt - Title to Real Property

COMES NOW, Plaintiff and Petitioner PAUL PAWLIK (hereinafter sometimes referred to as "Pawlik"), by and through his counsel, James M. Walsh, Esq. of Walsh, Baker & Rosevear as and for his Complaint against Defendants and avers and alleges as follows:

FIRST CLAIM FOR RELIEF

(Quiet Title)

1. That at all times mentioned herein, Plaintiff PAUL PAWLIK is the owner of certain real property located in the city of Las Vegas, county of Clark, State of Nevada and commonly known as

1 10669 Royal View Avenue Las Vegas, Nevada, Clark County Assessor's Parcel Number (APN) 137-25-
2 314-020 (the "Property") and more particularly described as follows:

3 Lot Three-Hundred Seventy-Four (374) Block C of Chardonnay #61 by Lewis
4 Homes as shown by map thereof on file recorded in Book 78 of Plats, Page 77,
5 in the office of the County Recorder, Clark County, Las Vegas, Nevada.

6 Subject To: Covenants, Conditions, Restrictions, Reservations, Rights, Rights
7 of Way and Easements now of record.

8 2. Defendant SHYANG-FENN DENG AND LINDA HSIANG-YU CHIANG DENG,
9 TRUSTEES OF THE SHAYNG-FENN AND LINDA HSIANG-YU CHIANG DENG REVOCABLE
10 TRUST DATED AUGUST 18, 2006 are former owners of the real property described above.

11 3. Defendant VANETTA APLEYARD is the Treasurer of the City of Las Vegas and is
12 being sued herein in her official capacity.

13 4. Defendant THE CITY OF LAS VEGAS is a political subdivision of the State of Nevada.

14 5. Pursuant to Nevada Revised Statutes Chapter 271, a duly noticed and authorized sale of
15 the property after default of a special assessment was conducted by VANETTA APLEYARD as
16 Treasurer and/or THE CITY OF LAS VEGAS on January 27, 2014 and the real property was sold to
17 Kevin Love or PAUL PAWLIK for the former owners' failure to cure the delinquency and pay
18 assessments.

19 6. The property was sold for the full amount of the assessment due, including interest,
20 penalties and costs totaling \$1,996.62 on January 27, 2014.

21 7. After sale a Sheriff's Certificate of Sale was issued to Kevin Love or PAUL PAWLIK
22 pursuant to the provisions of Chapter 271 of the Nevada Revised Statutes (NRS). Said Certificate of Sale
23 was recorded February 4, 2014 as Instrument No. 201402040000939, Official Records of Clark County.
24 A true and correct copy of said Certificate of Sale is attached hereto as Exhibit 1.

25 8. Pursuant to recorded Assignment of Certificate of Sale, Kevin Love did assign all of his
26 right, title and interest in said Certificate of Sale to PAUL PAWLIK. Said Assignment was recorded
27 February 21, 2014 as Instrument No. 201402210001266, Official Records of Clark County. A true and
28 correct copy of said Assignment of Certificate of Sale is attached hereto as Exhibit 2.

1 9. NRS 271.595 grants the owners a two-year redemption period and if no redemption is
2 made within said period the Treasurer, herein VANETTA APPELYARD, upon demand of the purchaser
3 and the surrender to the Treasurer of the Certificate of Sale and after 60 days' notice to the former owner
4 must issue a Deed to the holder of the Certificate.

5 10. NRS 271.595 states that the notice to the former owner must be given either by personal
6 service or if an owner is not a resident of the State of Nevada or cannot be found after diligent search, the
7 notice may be given by publication.

8 11. On or about January 7, 2016, PAWLIK did cause to be prepared a Notice of Expiration of
9 Redemption Period and of Intent of Owner of Certificate of Sale to Demand Deed to Real Property
10 described herein. A true and correct copy of said Notice of Expiration of Redemption Period is attached
11 hereto as **Exhibit 3**.

12 12. PAWLIK did attempt personal service upon Defendants in the state of Nevada at the
13 address of the property in question and various other addresses all unsuccessfully. After said service
14 attempts it was determined that Defendants had moved out of the state of Nevada. See Affidavit of
15 Service of Carrie Dabney attached hereto as **Exhibit 4**.

16 13. Thereafter, PAWLIK did cause to be published in the Las Vegas Review Journal the
17 Notice of Expiration of Redemption Period with the final publication date being January 27, 2016. A
18 true and correct copy of the Affidavit of Publication is attached hereto as **Exhibit 5**.

19 14. PAWLIK did further attempt service of the Notice of Expiration of Redemption Period
20 upon Deng Defendants at the last known address in Aiken, South Carolina. Said Notice was returned to
21 sender as not deliverable as addressed and unable to forward. True and correct copies of the returns are
22 attached hereto as **Exhibit 6**. See also Affidavit of Notice to Owners of PAWLIK attached hereto as
23 **Exhibit 7**.

24 15. Thereafter, on or about March 14, 2016, pursuant to the provision of NRS 271.595,
25 PAWLIK did make application to Defendant Vanetta Appleyard for the issuance of a Deed pursuant to
26 the provisions of NRS 271.595(4). A true and correct copy of the Application for Deed is attached hereto
27 as **Exhibit 8**.

1 16. Appleyard accepted the Application for Deed on March 14, 2016 through her authorized
2 representative Adrian Ramirez. A true and correct copy of the acceptance is attached hereto as Exhibit
3 9.

4 17. Since that time, Appleyard has failed and refused and continues to fail and refuse to issue
5 the Deed as required by Chapter 271 of the Nevada Revised Statutes and has in fact informed PAWLIK
6 that she intends to allow redemption of the property by former owners in violation of Chapter 271 of the
7 Nevada Revised Statutes.

8 18. Plaintiff believes that the aforementioned Defendants may claim an interest by reason of
9 the facts set forth above. That the claims of Defendants are without right whatsoever and that said
10 Defendants have no estate, mortgage, title or interest in said land or premises or any part thereof.

11 **SECOND CLAIM FOR RELIEF**

12 **(Issuance of Mandamus)**

13 19. Plaintiff realleges and incorporates herein by reference as though fully set forth the
14 allegations in paragraphs 1-18 of the Complaint.

15 20. NRS 34.160 specifically provides that a Writ may be issued by Judge of a District Court
16 to compel the performance of an act which the law especially enjoins as a duty resulting from an office,
17 trust or station to which a party is entitled and from which the party is unlawfully precluded by such
18 inferior order person and the writ shall be returnable to the Judge of the District Court.

19 21. Based upon Treasurer Appleyard's refusal to issue the deed pursuant to the provisions of
20 NRS 271.595, PAWLIK is entitled to the issuance of a Writ of Mandate compelling Appleyard to issue
21 the deed, prohibit her from issuing deeds to any other party or allowing redemption of the property and
22 for her to appear and show cause why she should not be ordered and compelled to issue a deed to
23 PAWLIK pursuant to the provisions of NRS 271.595.

24 **THIRD CLAIM FOR RELIEF**

25 **(Injunction)**

26 22. Plaintiff realleges and incorporates herein by reference as though fully set forth the
27 allegations in paragraphs 1-21 of the Complaint.

1 23. Based upon the foregoing facts, Plaintiff is entitled to a temporary restraining order,
2 preliminary injunction and permanent injunction prohibiting Defendant Appleyard as Treasurer of the
3 City of Las Vegas and the City of Las Vegas from any issuing of a certificate of redemption, deed or
4 other documents allowing the remaining Defendants to redeem the above-described property.

5 24. The real property at issue in this Complaint is unique and to allow redemption of the
6 subject property in violation of the provisions of NRS 271.595 will cause grave and irreparable harm to
7 PAWLIK in that he will lose his interest in the subject property.

8 WHEREFORE, Plaintiff PAUL PAWLIK prays for judgment as follows:

9 1. That Defendants be required to set forth the nature of their claims, and all adverse claims
10 of Defendants, or any of them may be determined by decree of this Court, and that by said decree it be
11 declared and adjudged that Plaintiff is the owner of the above-described property and that Defendants
12 nor any of them have no estate, interest, or claim whatsoever in or to said property and that said
13 Defendants and each and every one of them be forever barred from asserting any claim, right or interest
14 in or to said land or premises adverse to Plaintiff.

15 2. For the issuance of a writ of mandate pursuant to the provisions of Chapter 34 of the
16 Nevada Revised Statutes compelling Vanetta Appleyard, Treasurer of the City of Las Vegas and the City
17 of Las Vegas to appear and show cause if any there be why they should not be ordered and compelled to
18 issue a deed to Plaintiff pursuant to the provisions of NRS 271.595.

19 3. For the issuance of a restraining order, preliminary injunction and permanent injunction
20 barring the City of Las Vegas and Vanetta Appleyard, Treasurer of the City of Las Vegas from issuing
21 any certificates of redemption, deeds or other evidence of redemption to Defendants named herein.

22 4. For costs of suit herein incurred.

23 5. For attorney's fees.

24 6. For such other and further relief as the court may deem property.

25 ///

26 ///

27 ///

28 ///

1 Affirmation Pursuant to NRS 239B.030

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

4 DATED this 6th day of April, 2016.

5 WALSH, BAKER & ROSEVEAR

6
7 JAMES M. WALSH, ESQ.

8 Nevada State Bar 796

9 9468 Double R. Blvd., Suite A

10 Reno, Nevada 89521

11 Tel: (775) 853-0883

12 Fax: (775) 853-0860

13 Email: jmwalth@wbri.net

14 Attorney for Plaintiff

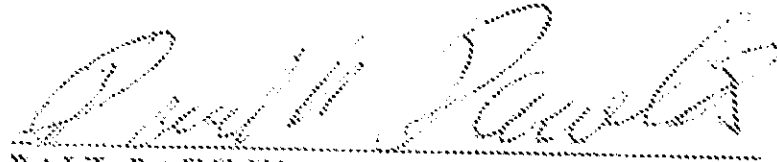
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VERIFICATION

Paul Pawlik, being first duly sworn under penalties of perjury deposes and says:

1. He is the Plaintiff and Petitioner herein.
2. He has read the foregoing Verified Complaint to Quiet Title Writ of Mandamus and Injunction and knows the contents thereof, and the same is true of his own knowledge, save and accept the matters stated therein on information and belief, and as to such matters, he believes them to be true.

DATED this 6th day of April, 2016.



PAUL PAWLIK

INDEX OF EXHIBITS

EX. NO.	DESCRIPTION	PAGES
1	Certificate of Sale	1
2	Assignment of Certificate of Sale	1
3	Notice of Expiration of Redemption Period and of Intent by Owner of Certificate of Sale to Demand Deed to Real Property	2
4	Affidavit of Service	2
5	Affidavit of Publication	1
6	Return Letters	2
7	Affidavit of Notice to Owner	7
8	Application for Deed	1
9	Acceptance of Deed Application	1

EXHIBIT 1

EXHIBIT 1

137-25-314-020

CITY OF LAS VEGAS, NEVADA
CERTIFICATE OF SALE

Inst #: 201402040000939
Fees: \$17.00
N/C Fee: \$0.00
02/04/2014 11:11:08 AM
Receipt #: 1922516
Requestor:
CITY OF LAS VEGAS (AMG)
Recorded By: BGN Pgs: 1
DEBBIE CONWAY
CLARK COUNTY RECORDER

Pursuant to Nevada Revised Statutes Chapter 271, Consolidated Local Improvement Laws, a duly noticed and authorized sale of properties for default on special assessments was conducted.

The sale was held on JANUARY 27, 2014 and the herein described property was SOLD to: KEVIN LOVE OR PAUL PAWLAK, PO BOX 11314, SAN BERNARDINO, CA 92423-1314, for the owner's failure to cure the delinquency or in the alternative pay the entire amount of the assessment due.

Parcel #137-25-314-020, City of Las Vegas Local Improvement District #707, being owned by DENG SHYANG-F & L H-Y CREV TR, according to the latest assessment roll and described as: 010669 ROYAL VIEW AV, CHARDONNAY #61 BY LEWIS HOMES, PLAT BOOK 78 PAGE 77 LOT 374 BLOCK C.

This property was SOLD for the whole amount of the assessment due, including interest, penalties and costs, which was \$ 1,996.62 as of JANUARY 27, 2014. Said interest and penalties are continuing to accrue during the statutory redemption period.

Purchaser, herein, is entitled to a deed to the above-described property after expiration of said redemption period which commenced on JANUARY 27, 2014, unless the property is redeemed by the owner within the redemption period.

DATED this 28TH day of JANUARY 2014.

Venetta Appleyard
VENETTA APPELYARD
Treasurer

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

This instrument was acknowledged before me on the 28TH day of JANUARY 2014 by VENETTA APPELYARD as Treasurer of Las Vegas, Nevada.

Christine Wittwer
Notary Public

WHEN RECORDED MAIL TO:
KEVIN LOVE OR PAUL PAWLAK
PO BOX 11314
SAN BERNARDINO, CA 92423-1314

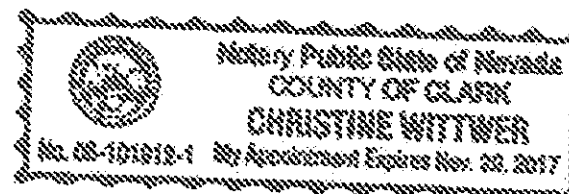


EXHIBIT 2

EXHIBIT 2


Inst #: 201402210001266
Fees: \$17.00
N/C Fee: \$0.00
02/21/2014 12:32:02 PM
Receipt #: 1939565
Requestor:
PAUL PAWLIK
Recorded By: ANI Pgs: 1
DEBBIE CONWAY
CLARK COUNTY RECORDER

137-25-314-020

ASSIGNMENT OF CERTIFICATE OF SALE

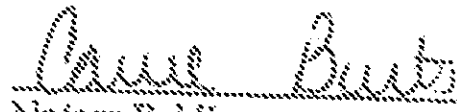
For value received, the undersigned KEVIN LOVE conveys, sells, and assigns to PAUL PAWLIK right, title and interest in the Certificates of Sale of Property sold by the CITY OF LAS VEGAS, NV on 01/27/2014, property subject to lien further described as follows:

Parcel No: 137-25-314-020, Name of Property Owner: DENG SHYANG-F&LH-Y REV TR, Recorded as: Inst # 201402040000939, Clark County, NV; Street Address: 10669 ROYAL VIEW AV., Las Vegas, NV; Assessment Information: IMPROVEMENT DISTRICT: #707.

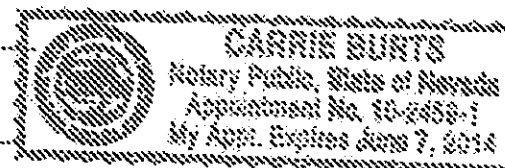

KEVIN LOVE
Date 2/20/14

State of Nevada
County of Clark

This instrument was acknowledged before me on the 20th day of February, 2014
by KEVIN LOVE


Notary Public

My commission expires June 7, 2014



When Recorded Mail To: PP c/o ATCEC
P.O. Box 11314
San Bernardino CA 92423-1314

EXHIBIT 3

EXHIBIT 3

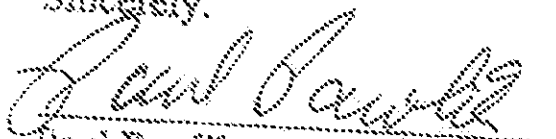
137-25-314-020

PAUL PAWLK
PO Box 11314
San Bernardino, CA 92423-1134

JANUARY 7, 2016
DENG SHYANG-F & L H-Y C RV TR, DENG SHYANG-FENN & LINDA TRS
231 NEW HAVEN LN SW
AIKEN SC 29803-8065

RE: NOTICE OF EXPIRATION OF REDEMPTION PERIOD AND OF
INTENT BY OWNER OF CERTIFICATE OF SALE TO DEMAND DEED TO REAL
PROPERTY, AS PER NRS 271.595.
NOTICE IS HEREBY GIVEN TO DENG SHYANG-F & L H-Y C RV TR, DENG
SHYANG-FENN & LINDA TRS (OWNERS), that on January 27, 2014, Kevin Love or
Paul Pawlik purchased from the City of Las Vegas, Nevada, a Certificate of Sale for the
following property (the "Property")
Clark County Assessor's Parcel #137-25-314-020, (City of Las Vegas Local
Improvement District #707), CHARDONNAY # 61 BY LEWIS HOMES, PLAT
BOOK 78, PAGE 77, LOT 374 BLOCK C. Street Address: 10669 ROYAL VIEW AVE,
Las Vegas NV.
The Certificate of Sale was assigned by the purchaser Kevin Love to Paul Pawlik (Inst # :
201402210001266). The Certificate of Sale was recorded on 2/4/2014 as Inst #
201402040000939. As per NRS 271.595, the aforementioned Assessment must be paid in
full to the City of Las Vegas Treasurer within 60 days of this notice; and the amount to be
paid is \$1,996.62, plus accrued interest at one percent a month and other costs. This
notice states that Paul Pawlik is the owner of the aforesaid Certificate of Sale and he will
request a Deed to the Property, as permitted by law if the amount due is not paid to the
City of Las Vegas Treasurer within 60 days from receipt of this notice, or, if necessary,
from the Date of Publication.

Sincerely,


Paul Pawlik

State of California
County of San Bernardino
Subscribed and sworn to before me on this 7th day of January 2016
by Paul Pawlik, proved to me on the basis of satisfactory evidence to be the person who
appeared before me.

Notary Public

See attached
notarial certificate R. 1-7-16

CALIFORNIA JURAT
(CALIFORNIA GOVERNMENT CODE § 8202)

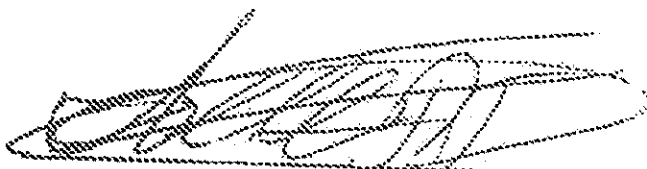
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF San Bernardino)

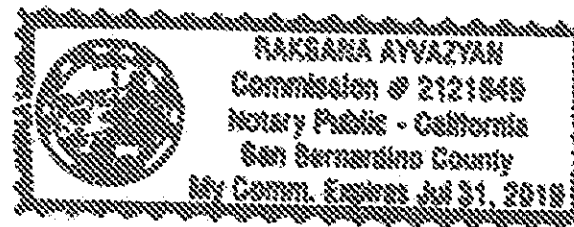
Subscribed and sworn to (or affirmed) before me on this 7 day of January, 2016
by Paul Pawlik

(Name of Signer(s))
proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.



Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Additional Information: _____

EXHIBIT 4

EXHIBIT 4

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
COUNTY OF CLARK)ss
)

I HEREBY CERTIFY and return that I received the within Notice of Expiration of Redemption Period and of Intent by owner of Certificate of Sale to demand Deed to Real Property on the 7th day of January, 2016, and that I personally conducted due diligence and attempt to locate Shyang --Fenn & Linda Deng. Theses attempts were unsuccessful. On January 9, 2016 I Carrie Dabney attempted to serve a Notice of expiration of redemption period and of intent by owner of certificate of sale to demand deed to real property to Shyang --Fenn & Linda Deng regarding Clark County Assessor parcel number 137-25-314-020. On January 8, 2018 I visited the property located at 10669 Royal View Avenue Las Vegas, Nevada 89144 at on two occasions At 12:11 p.m. I found the property to be occupied by an Asian male whom identified himself as Paul Deng, the owners son. He stated that his father had taken a job and they moved out of state. He confirmed their address as 231 New Haven Lane, S.W., Aiken, SC 29803-8065 but refused to accept any notice or paperwork or to give a message to his parents. I called provided telephone number (702) 838-1829 but received no answer. On January 9, 2016 I visited another address associated with the Dengs' located at 2913 Lark Sparrow Street, North Las Vegas, NV 89084 spoke with a an elderly Caucasian female whom identified herself as Ms. Howlett and stated she had resided at that address for 5 yrs and denied any knowledge of the Deng's. On

January 9, 2016 I visited another address associated with the Dengs' located at 7437 Eggshell Drive, North Las Vegas 89084 and spoke with Venetria McCaster whom stated that her and her husband Malcolm had purchased the home in a short sale from an out of state owner in December 2014. She had no further information about the previous owner. January 9, 2016 I visited another address associated with the Dengs' located at 7528 Fruit Dove Street, North Las Vegas, NV 89084 and received no answer however a neighbor verified that the residence name was not Shyang or Linda Deng. No further attempts of service were performed at this time. The fees and cost associated with attempts to locate and serve this notice are \$222.60.

BY: Carrie Dabney
Carrie Dabney 3027458
1/11/16

SUBSCRIBE & SWORN to before me
This 11th day of January, 2016

Brittney Williams
NOTARY PUBLIC I. And for said
County and State
State of Nevada
County of Clark

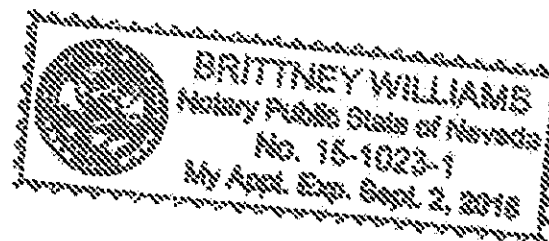


EXHIBIT 5

EXHIBIT 5

Abstract of Publication

STATE OF NEVADA)
COUNTY OF CLARK; ss:

~~XXXXXX~~ ~~XXXX~~
~~XXXXXX~~ ~~XXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~

Account #	XXXX
Account	XXXXXX0000

Elisen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in a edition(s) of said newspaper issued from 01/13/2016 to 01/27/2016, on the following days.

737 25-314-025
PAUL PARKIN
PO Box 11316
San Bernardino, CA 92421-1316
JANUARY 7, 2016
DENG CHYANG T & L H Y C NG
78 DENG CHYANG NGUYEN &
LINDA NG
221 NEW HAVEN LN SW
NILES, SC 29602-6005

RE: NOTICE OF EXPIRATION OF
REGISTRATION PERIOD AND OF
INTENT BY OWNERS OF
CERTIFICATE OF SALE TO
DEMAND DEED TO REAL
PROPERTY WHEREIN
NOTICE IS HEREBY GIVEN TO
DEMO SHAWNEY & LARRY C
TO DEMO SHAWNEY & LARRY C
LINDA TEE (OWNERS) THAT ON
JANUARY 27, 2014, EXPIRATION OF
PAUL BOWEN'S
DEED OF THIS PROPERTY, AND THE
CERTIFICATE OF SALE FOR THE
FOLLOWING PROPERTY (THE
"PROPERTY")

[illegible][illegible]

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7-10-68 13:49 27 28 29
11-10-68 13:49 28 29 30

[Signature]
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on the 27th day of January, 2010

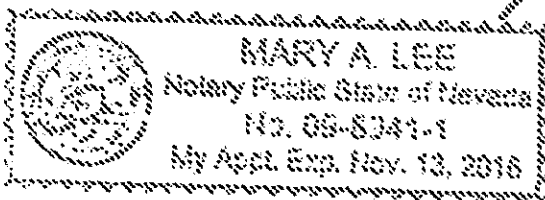



EXHIBIT 6

EXHIBIT 6

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1944年 5月 4日 星期日
 1944年 5月 4日 星期日

22. 10. 1944

[illegible]

Abstract

姓名	性别	年龄	籍贯	民族	文化程度	职业	婚姻状况	健康状况	宗教信仰	政治面貌	特长	备注
张德胜	男	45	山东	汉族	高中	教师	已婚	良好	无	中共党员	书法	
李小红	女	32	河南	汉族	初中	护士	已婚	良好	无	共青团员	舞蹈	
王小明	男	28	江苏	汉族	大学	程序员	未婚	良好	无	民主党派	编程	
赵国强	男	55	四川	汉族	小学	农民	已婚	一般	佛教	无党派	种植	
陈丽娟	女	40	广东	汉族	高中	售货员	已婚	良好	无	中共党员	唱歌	
刘伟	男	38	湖南	汉族	大学	工程师	已婚	良好	无	中共党员	设计	
孙悦	女	25	浙江	汉族	高中	学生	未婚	良好	无	共青团员	运动	
周志远	男	60	安徽	汉族	小学	退休	已婚	一般	道教	无党派	园艺	
吴静	女	35	湖北	汉族	初中	文员	已婚	良好	无	民主党派	写作	
郑浩	男	42	江西	汉族	高中	司机	已婚	良好	无	中共党员	驾驶	
徐芳	女	50	福建	汉族	小学	退休	已婚	一般	佛教	无党派	家务	
黄健	男	30	广西	壮族	大学	教师	未婚	良好	无	中共党员	教学	
林秀英	女	48	云南	汉族	初中	售货员	已婚	良好	无	民主党派	手工	
马强	男	52	陕西	汉族	小学	农民	已婚	一般	道教	无党派	耕作	
宋美玲	女	33	山西	汉族	高中	护士	已婚	良好	无	共青团员	护理	
周大伟	男	47	河北	汉族	大学	程序员	已婚	良好	无	中共党员	编程	
李娜	女	29	四川	汉族	初中	售货员	未婚	良好	无	共青团员	销售	
王磊	男	36	广东	汉族	高中	司机	已婚	良好	无	民主党派	驾驶	
赵芳	女	53	湖南	汉族	小学	退休	已婚	一般	佛教	无党派	家务	
陈浩	男	41	浙江	汉族	大学	工程师	已婚	良好	无	中共党员	设计	
刘静	女	37	江苏	汉族	初中	文员	已婚	良好	无	民主党派	写作	
孙伟	男	27	河南	汉族	高中	学生	未婚	良好	无	共青团员	运动	
周志	男	58	安徽	汉族	小学	退休	已婚	一般	道教	无党派	园艺	
吴芳	女	34	湖北	汉族	初中	售货员	已婚	良好	无	民主党派	手工	
郑浩	男	43	江西	汉族	高中	司机	已婚	良好	无	中共党员	驾驶	
徐美	女	49	福建	汉族	小学	退休	已婚	一般	佛教	无党派	家务	
黄健	男	31	广西	壮族	大学	教师	未婚	良好	无	中共党员	教学	
林秀	女	46	云南	汉族	初中	售货员	已婚	良好	无	民主党派	手工	
马强	男	51	陕西	汉族	小学	农民	已婚	一般	道教	无党派	耕作	
宋美	女	32	山西	汉族	高中	护士	未婚	良好	无	共青团员	护理	
周大	男	44	河北	汉族	大学	程序员	已婚	良好	无	中共党员	编程	
李娜	女	28	四川	汉族	初中	售货员	未婚	良好	无	共青团员	销售	
王磊	男	35	广东	汉族	高中	司机	已婚	良好	无	民主党派	驾驶	
赵芳	女	54	湖南	汉族	小学	退休	已婚	一般	佛教	无党派	家务	
陈浩	男	40	浙江	汉族	大学	工程师	已婚	良好	无	中共党员	设计	
刘静	女	36	江苏	汉族	初中	文员	已婚	良好	无	民主党派	写作	
孙伟	男	26	河南	汉族	高中	学生	未婚	良好	无	共青团员	运动	
周志	男	57	安徽	汉族	小学	退休	已婚	一般	道教	无党派	园艺	
吴芳	女	33	湖北	汉族	初中	售货员	已婚	良好	无	民主党派	手工	
郑浩	男	42	江西	汉族	高中	司机	已婚	良好	无	中共党员	驾驶	
徐美	女	48										

EXHIBIT 7

EXHIBIT 7

March 14, 2016

AFFIDAVIT OF NOTICE TO OWNER

State of Nevada)

)ss

County of Clark)

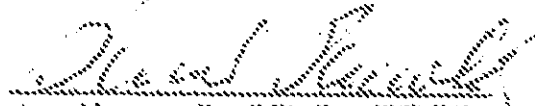
I, Paul Pawlik, first being sworn, say: that I am the purchaser of real estate and appurtenances described as follows:

Clark County Assessor's Parcel # 137-25-314-020, City of Las Vegas Local Improvement District # 707 being owned by Deng Shyang-F&L H-Y-C REV TR. according to the latest assessment roll and described as: 010669 Royal View Ave. Chardonnay #61 by Lewis Homes, Plat Book 78 Page 77 Lot 374 Block C.

for delinquent assessments due on January 27, 2014; and that I gave notice to the owners of said property of intention to apply for a Deed in the following manner:

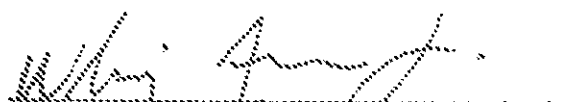
Paul Pawlik attempted to have the Notice of Expiration of Redemption Period (NOTICE) and the Intent by Owner of Certificate of Sale Demand Deed to Real Property as per NRS 271.595 served upon the owners. Notice attached. Per attached affidavit of service, it was determined that the owners live outside of Nevada. Service by publication was chosen. The notice was published in the Las Vegas Review-Journal on three consecutive weeks, starting January 13, 2016. Notice and proof of publication attached. A notice was also sent to the Aiken, South Carolina address via first class mail.

According to Pacer Court Reporting, the owners are not in bankruptcy and according to Department of Defense Manpower Data Records, they are not on active military duty. To date no redemption notice has been received.

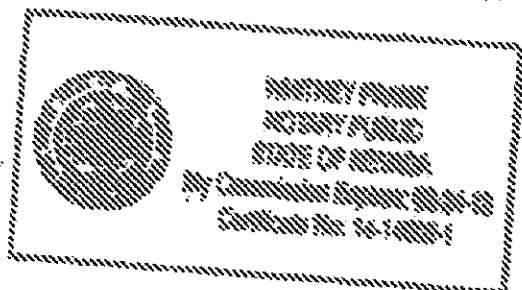

Applicant: PAUL PAWLK

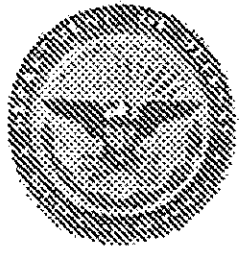
STATE OF NEVADA
COUNTY OF CLARK

Signed and sworn before me on the 14th day of March 2016 by Paul Pawlik


Notary Signature

My commission expires 02-29-2018





Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: DENGFirst Name: LINDA

Middle Name:

Active Duty Status As Of: Mar-01-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

The response reflects the individual's active duty status based on the Active Duty Status Date.

Left Active Duty Within 307 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

The response reflects when the individual left active duty status within 307 days preceding the Active Duty Status Date.

The Member or Next of Kin Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA

The response reflects whether the individual or his/her next of kin received order notification to report for active duty.

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her next of kin receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSESS THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Bravely-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 0402B
 Arlington, VA 22204



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: DENGFirst Name: SHYANGMiddle Name: FENNActive Duty Status As Of: Mar-01-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects the individual's active duty status status as of the Active Duty Status Date.

Left Active Duty Within 90 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

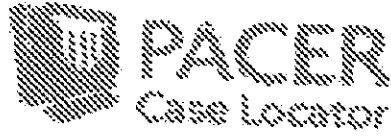
This response reflects when the individual left active duty status within 90 days preceding the Active Duty Status Date.

The Member or Member Unit was Member of a Federal Civil Unit on Active Duty on Active Duty Status Date			
Order Modification Start Date	Order Modification End Date	Status	Service Component
NA	NA	No	NA

This response reflects whether the individual or Member Unit has received early notification to report for active duty.

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or Member Unit receiving notification of leave orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSESS THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

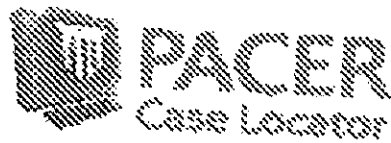
Mary M. Snavely-O'Connor, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E26
 Arlington, VA 22200



Bankruptcy Party Search
Mon Jan 14 10:01:48 2013
No Records Found

User: a04401
Client:
Search: Bankruptcy Party Search Name: CHENG, LINDA Hsing Court Page: 1
No records found

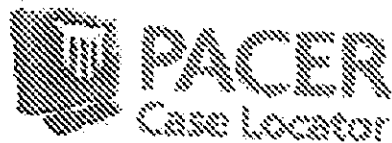
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Description: Bankruptcy Party Search	
Name: CHENG, LINDA Hsing Court Page: 1	
Pages: 1 (of 10)	



Bankruptcy Party Search
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No records found

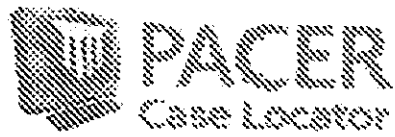
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Description: Bankruptcy Party Search	
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Pages: 1 (of 10)	



Bankruptcy Party Search
Mon Jan 14 09:54:48 2013
No Records Found

User: a04401
Client:
Search: Bankruptcy Party Search Name: CHENG, LINDA Hsing Court Page: 1
No records found

User: a04401	Receipt: 01/14/2013 09:54:48 2013011401
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Name: CHENG, LINDA Hsing Court Page: 1	
Pages: 1 (of 10)	



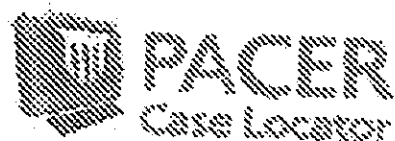
Bankruptcy Party Search
Mon Jan 11 10:10:40 2016
No Records Found

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Client:
Search: Bankruptcy Party Search Name SHYANG DENG At Court Page: 1

No records found

User: admin
Client:
Description: Bankruptcy Party Search
Name SHYANG DENG At Court Page: 1
Pages: 1 (1 of 10)

Receipt: 001100216 01 00 00 11067000



Bankruptcy Party Search
Tue Mar 16 01:01:01 2016
No Records Found

User: admin
Client:
Search: Bankruptcy Party Search Name SHYANG DENG At Court Page: 1

No records found

User: admin
Client:
Description: Bankruptcy Party Search
Name SHYANG DENG At Court Page: 1
Pages: 1 (1 of 10)

Receipt: 001100216 01 00 00 11067000

... Browse All



Bankruptcy Party Search
Tue Mar 16 01:01:01 2016
No Records Found

User: admin
Client:
Search: Bankruptcy Party Search Name SHYANG DENG At Court Page: 1

No records found

User: admin
Client:
Description: Bankruptcy Party Search
Name SHYANG DENG At Court Page: 1
Pages: 1 (1 of 10)

Receipt: 001100216 01 00 00 11067000

... Browse All



PACER Case Locator

Bankruptcy Party Search
Thu Mar 15 09:24:48 EDT
No Records Found

... Browse Aloud

User: a0485
Client:
Search: Bankruptcy Party Search Name BRITAIN, LINDA A Courts Page: 1
No records found

User: a0485
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Description: Bankruptcy Party Search
Name: BRITAIN, LINDA A Courts Page: 1
Pages: 1 (80-10)



PACER Case Locator

Bankruptcy Party Search
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No Records Found

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User: a0485
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Search: Bankruptcy Party Search Name BRITAIN-PENNY, LINDA A Courts Page: 1
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Client:
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Name: BRITAIN-PENNY, LINDA A Courts Page: 1
Pages: 1 (80-10)



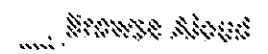
PACER Case Locator

Bankruptcy Party Search
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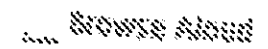
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Client:
Search: Bankruptcy Party Search Name DENO, LINDA A Courts Page: 1
No records found

User: a0485
Client:
Description: Bankruptcy Party Search
Name: DENO, LINDA A Courts Page: 1
Pages: 1 (80-10)



Case: 2018
 Court:
 Search: Bankruptcy Petition Name: SHYAM, NITHIN A. Case Page: 1
 No records found

Name: [REDACTED]
Date: 08/09/2016
Client: [REDACTED]
Description: Emergency Room Report
Admission History, Physical Exam Page 1
Pages: 1 (of 1)



User: adagis Go Back to Page
 Group:
 Search: Non-party Party Search Name: 2014-2015-2016, U.S.A. & Canada Page: 1
No records found

Case No. 00-00000
Case Name: [REDACTED]
Description: [REDACTED]
Name: [REDACTED] FIRM: [REDACTED] A/C Count: Page: 1
Page: 1 of 100

EXHIBIT 8

EXHIBIT 8

APPLICATION FOR DEED

San Bernardino, Arizona

March 14, 2016

Venetta Appleyard
Treasurer
City of Las Vegas, Nevada

Dear Ms. Appleyard:

In accordance with the requirements of N.R.S. 271.595 et. Seq., and amendments thereto, formal application is hereby made to the following estate:

Clark County Assessor's Parcel # 137-25-314-020, City of Las Vegas Local Improvement District # 707 and described as: 010669 Royal View Av. Chardonwy #61 by Lewis Homes, Plat Book 78 Page 77 Lot 374 Block C.

Said property was sold by the City of Las Vegas, Nevada to Kevin Love or Paul Pawlik on January 27, 2014 pursuant to Nevada Revised Statutes Chapter 271, Consolidated Local Improvement Laws and was recorded on February 4, 2014. The Certificate of Sale was assigned by the purchasers Kevin Love to Paul Pawlik. The Assignment of Certificate of Sale is attached to this application.

Affidavit was filed with you AFTER the 13th day of March 2016.

PLEASE MAIL DEED TO PAUL PAWLIK c/o ATCEC, P.O. Box 11314, San Bernardino, CA. 92423-1314. Given that you refused to issue deeds on several occasions in the past, after applications following the Nevada statutes, a writ of mandamus will be filed if the deed is not received by April 1, 2016.

Yours truly,

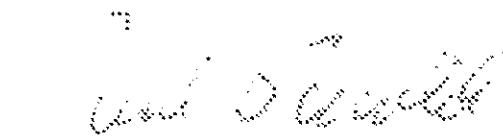


Paul Pawlik

EXHIBIT 9

EXHIBIT 9

March 14, 2016

On behalf of Venetta Appleyard, City of Las Vegas Treasurer, I am accepting Deed Applications for APN 137-25-314-020 and 125-16-713-010.

Signature of authorized person  Date: 3/14/16

Printed Name of authorized person Arisa Ramirez

EXHIBIT “B”