

CLERK OF THE COURT

Electronically Filed  
Sep 16 2016 09:45 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

1 **NOAS**  
2 MICHAEL F. BOHN, ESQ.  
3 Nevada Bar No.: 1641  
4 [mbohn@bohnlawfirm.com](mailto:mbohn@bohnlawfirm.com)  
5 LAW OFFICES OF  
6 MICHAEL F. BOHN, ESQ., LTD.  
7 376 E. Warm Springs Rd., Ste. 140  
8 Las Vegas, Nevada 89119  
9 (702) 642-3113/ (702) 642-9766 FAX  
10 Attorney for plaintiff

11  
12  
13 DISTRICT COURT  
14 CLARK COUNTY, NEVADA  
15

16 RESOURCES GROUP, LLC AS TRUSTEE OF  
17 THE EAST SUNSET ROAD TRUST

18 Plaintiff,

19 vs.

20 NEVADA ASSOCIATION SERVICES, INC.;  
21 SUNPAC INDUSTRIAL PARK a/k/a SUNPAC  
22 HOA; and HYDR-O-DYNAMIC  
23 CORPORATION a revoked Nevada corporation

24 Defendant.  
25

CASE NO.: A-15-714027-C  
DEPT NO.: IX

26 **NOTICE OF APPEAL**

27 NOTICE IS HEREBY GIVEN that plaintiff, Resources Group, LLC as Trustee of The East  
28 Sunset Road Trust, hereby appeals to the Supreme Court of Nevada from the Judgment, which was  
entered on September 1, 2016

DATED this 8th day of September 2016.

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

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

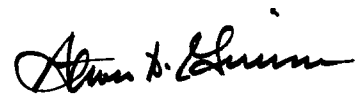
1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of LAW  
3 OFFICES OF MICHAEL F. BOHN., ESQ., and on the 8th day of September, 2016, an electronic copy  
4 of the **NOTICE OF APPEAL** was served on opposing counsel via the Court's electronic service system  
5 to the following counsel of record:

6 Richard Vilkin, Esq.  
Law Offices of Richard Vilkin, P.C.  
7 1286 Crimson Sage Ave.  
Las Vegas, NV 89012

Jeffery D. Patterson, Esq.  
GOOLD PATTERSON  
1975 Village Center Circle, Ste 140  
Las Vegas, NV 89134

8  
9  
10 /s/ /Marc Sameroff/  
11 An Employee of the LAW OFFICES OF  
MICHAEL F. BOHN, ESQ., LTD.  
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CLERK OF THE COURT

1 **ASTA**  
MICHAEL F. BOHN, ESQ.  
2 Nevada Bar No.: 1641  
[mbohn@bohnlawfirm.com](mailto:mbohn@bohnlawfirm.com)  
3 LAW OFFICES OF  
MICHAEL F. BOHN, ESQ., LTD.  
4 376 East Warm Springs Road, Ste. 140  
Las Vegas, Nevada 89119  
5 (702) 642-3113/ (702) 642-9766 FAX

6 Attorney for plaintiff

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

11 RESOURCES GROUP, LLC AS TRUSTEE OF  
THE EAST SUNSET ROAD TRUST

12 Plaintiff,

13 vs.

14 NEVADA ASSOCIATION SERVICES, INC.;  
15 SUNPAC INDUSTRIAL PARK a/k/a SUNPAC  
HOA; and HYDR-O-DYNAMIC  
16 CORPORATION a revoked Nevada corporation

17 Defendant.

CASE NO.: A-15-714027-C  
DEPT NO.: IX

18  
19 **CASE APPEAL STATEMENT**

20 1. The appellant filing this case appeal statement is Resources Group, LLC as Trustee of The  
21 East Sunset Road Trust.

22 2. The judge issuing the judgment appealed from is the honorable Jennifer Togliatti.

23 3. The parties to the proceedings in District Court is Resources Group, LLC as Trustee of The  
24 East Sunset Road Trust, plaintiff, and Nevada Association Services, Inc.; Sunpac Industrial Park a/k/a  
25 Sunpac HOA; and Hydr-O-Dynamic Corporation, defendants.

26 4. The parties to this appeal are the appellant Resources Group, LLC as Trustee of The East  
27 Sunset Road Trust; the respondents are Nevada Association Services, Inc. and Hydr-o-Dynamic

1 Corporation.

2 5. Counsel for appellant Resources Group, LLC as Trustee of The East Sunset Road Trust is  
3 Michael F. Bohn, Esq.; 376 E. Warm Springs Road, Suite 140, Las Vegas, Nevada 89119; (702) 642-  
4 3113. Counsel for respondent Nevada Association Services, Inc, is Richard Vilkin, Esq., 1286 Crimson  
5 Sage Ave., Henderson, NV 89052 (702) 476-3211. Counsel for respondent Hydr-O-Dynamic Corporation  
6 is Jeffery D. Patterson, Esq., 1975 Village Center Circle, Suite 140, Las Vegas, NV 89134 (702) 436-  
7 2600.

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

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

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

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

13 10. The complaint was filed in District Court on February 17, 2015;

14 11. The plaintiff filed this action seeking title to the real property as a result of a foreclosure sale  
15 or damages for failure to deliver good title.

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

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

18 14. This case is one that likely cannot be settled.

19 DATED this 8th day of September 2016.

20 LAW OFFICES OF  
21 MICHAEL F. BOHN, ESQ., LTD.

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

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of Law  
3 Offices of Michael F. Bohn., Esq., and on the 8thth day of September, 2016, an electronic copy of the  
4 **CASE APPEAL STATEMENT** was served on opposing counsel via the Court's electronic service  
5 system to the following counsel of record:

6 Richard Vilkin, Esq.  
Law Offices of Richard Vilkin, P.C.  
7 1286 Crimson Sage Ave.  
Las Vegas, NV 89012

Jeffery D. Patterson, Esq.  
GOOLD PATTERSON  
1975 Village Center Circle, Ste 140  
Las Vegas, NV 89134

8  
9  
10  
11 /s/ /Marc Sameroff/  
12 An Employee of the LAW OFFICES OF  
MICHAEL F. BOHN, ESQ., LTD.  
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DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**

**Resources Group LLC, Plaintiff(s)**  
**vs.**  
**Sunpac Industrial Park, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 9**  
Judicial Officer: **Togliatti, Jennifer**  
Filed on: **02/17/2015**  
Cross-Reference Case Number: **A714027**

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**CASE INFORMATION**

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

---

**DATE**

**CASE ASSIGNMENT**

---

**Current Case Assignment**

Case Number	A-15-714027-C
Court	Department 9
Date Assigned	02/17/2015
Judicial Officer	Togliatti, Jennifer

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**PARTY INFORMATION**

---

<b>Plaintiff</b>	<b>Resources Group LLC</b>	<b>Bohn, Michael F</b> <i>Retained</i> 702-642-3113(W)
<b>Defendant</b>	<b>Hydro O Dynamic Corporation</b> Removed: 08/31/2016 Dismissed  <b>Nevada Association Services Inc</b> Removed: 08/31/2016 Dismissed  <b>Sunpac Industrial Park</b>	





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**DATE**














**EVENTS & ORDERS OF THE COURT**

**INDEX**















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02/17/2015	 Complaint Filed By: Plaintiff Resources Group LLC <i>Complaint</i>	
02/17/2015	Case Opened	
02/19/2015	 Notice of Lis Pendens Filed by: Plaintiff Resources Group LLC <i>Notice of Lis Pendens</i>	
02/20/2015	 Amended Complaint Filed By: Plaintiff Resources Group LLC <i>Amended Complaint</i>	
02/24/2015	 Affidavit of Service Filed By: Plaintiff Resources Group LLC <i>Affidavit of Service - Sunpac Industrial Park aka Sunpac HOA</i>	

DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**

03/03/2015	 Ex Parte Motion for Order Allowing Examination of Judgment Filed by: Plaintiff Resources Group LLC <i>Ex Parte Motion For Order To Show Cause Why A Writ Of Restitution Should Not Issue</i>
03/04/2015	 Ex Parte Motion Filed By: Plaintiff Resources Group LLC <i>Ex Parte Motion for Order to Show Cause Why a Writ of Restitution Should Not Issue</i>
03/17/2015	 Order to Show Cause Filed by: Plaintiff Resources Group LLC <i>Order to Show Cause</i>
03/18/2015	 Affidavit of Service Filed By: Plaintiff Resources Group LLC <i>Affidavit of Service - Nevada Association Services Inc.</i>
03/25/2015	 Answer to Amended Complaint Filed By: Defendant Nevada Association Services Inc <i>Answer To Amended Complaint By Defendant Nevada Association Services, Inc.</i>
03/25/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Nevada Association Services Inc <i>Initial Appearance Fee Disclosure By Defendant Nevada Association Services, Inc.</i>
04/08/2015	 <b>Motion for Order to Show Cause</b> (3:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Ex Parte Motion For Order To Show Cause Why A Writ Of Restitution Should Not Issue</i>
04/08/2015	 <b>Show Cause Hearing</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <b>04/08/2015, 04/29/2015, 05/20/2015</b>
04/08/2015	<b>CANCELED All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated - On in Error</i>
04/08/2015	 Order to Show Cause Filed by: Plaintiff Resources Group LLC <i>Order to Show Cause</i>
04/10/2015	 Acceptance of Service Filed By: Plaintiff Resources Group LLC <i>Acceptance of Service</i>
04/27/2015	 Answer Filed By: Defendant Hydro O Dynamic Corporation <i>Answer of Defendant Hydr-O-Dynamic Corporation to Amended Complaint</i>
04/27/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Hydro O Dynamic Corporation <i>Initial Appearance Fee Disclosure</i>
04/27/2015	 Response Filed by: Defendant Hydro O Dynamic Corporation <i>Response to Order to Show Case Why a Writ of Restitution Should Not Issue</i>















DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**

04/27/2015	 Receipt of Copy Filed by: Defendant Hydro O Dynamic Corporation <i>Receipt of Copy</i>
04/27/2015	 Receipt of Copy Filed by: Defendant Hydro O Dynamic Corporation <i>Receipt of Copy</i>
04/28/2015	 Supplement Filed by: Plaintiff Resources Group LLC <i>Supplemental Authorities</i>
04/29/2015	<b>Show Cause Hearing</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <b>04/29/2015, 05/20/2015</b>
04/29/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
05/06/2015	 Opposition Filed By: Defendant Nevada Association Services Inc <i>Opposition Of Defendant Nevada Association Services, Inc. To Order To Show Cause As To Why A Writ of Restitution Should Not Issue</i>
05/15/2015	 Reply Filed by: Plaintiff Resources Group LLC <i>Plaintiff's Reply Brief</i>
05/20/2015	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Togliatti, Jennifer)
05/20/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
07/28/2015	 Demand for Jury Trial Filed By: Defendant Nevada Association Services Inc <i>Demand For Jury Trial By Defendant Nevada Association Services, Inc.</i>
07/28/2015	 Disclosure Statement Party: Defendant Nevada Association Services Inc <i>Disclosure Pursuant to NRCP 7.1 By Defendant Nevada Association Services, Inc.</i>
07/31/2015	 Early Case Conference Production Pursuant to NRCP 16.1 Filed By: Defendant Hydro O Dynamic Corporation <i>Defendant Hydr-O-Dynamics' Early Case Conference Production of Documents and Persons with Knowledge Pursuant to N.R.C.P. 16.1</i>
08/14/2015	 Motion to Strike Filed By: Plaintiff Resources Group LLC <i>Motion to Strike Jury Demand</i>
08/31/2015	 Opposition and Countermotion Filed By: Defendant Nevada Association Services Inc <i>Opposition Of Defendant Nevada Association Services, Inc. To Plaintiff's Motion To Strike Jury Demand; Alternatively Defendant's Countermotion For Trial With Advisory Jury (NRCP 39(c))</i>
09/03/2015	 Joint Case Conference Report













DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**













Filed By: Plaintiff Resources Group LLC  
*Joint Case Conference Report*

09/16/2015	 <b>Motion to Strike</b> (3:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Motion to Strike Jury Demand</i>
10/02/2015	 Scheduling Order <i>Scheduling Order</i>
10/08/2015	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
12/18/2015	 Order Setting Settlement Conference <i>Order Setting Settlement Conference</i>
02/02/2016	 <b>Settlement Conference</b> (1:00 PM)
02/12/2016	 Stipulation and Order Filed by: Defendant Nevada Association Services Inc <i>Stipulation And Order To Extend Discovery [First Request]</i>
03/28/2016	 Motion to Compel Filed By: Defendant Nevada Association Services Inc <i>Motion On Application For Order Shortening Time By Defendant Nevada Association Services, Inc. To Compel Production Of Documents By Defendant Hydr-O-Dynamic Corporation</i>
04/08/2016	 <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Motion On Application For Order Shortening Time By Defendant Nevada Association Services, Inc. To Compel Production Of Documents By Defendant Hydr-O-Dynamic Corporation</i>
05/13/2016	 <b>Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)
05/20/2016	 Motion for Summary Judgment Filed By: Defendant Nevada Association Services Inc <i>Motion For Summary Judgment By Defendant Nevada Association Services, Inc.</i>
05/20/2016	 Statement Filed by: Defendant Nevada Association Services Inc <i>Separate Statement Of Undisputed Material Facts In Support Of Motion For Summary Judgment By Defendant Nevada Association Services, Inc.</i>
05/31/2016	 Joinder to Motion For Summary Judgment Filed By: Defendant Hydro O Dynamic Corporation <i>Defendant Hydr-O-Dynamic Corporation's Joinder to Defendant Nevada Association Services, Inc.'s Motion for Summary Judgment</i>
06/01/2016	 Amended Filed By: Defendant Hydro O Dynamic Corporation <i>Defendant Hydr-O-Dynamic Corporation's Amended Joinder to Defendant Nevada Association Services, Inc.'s Motion for Summary Judgment</i>
06/07/2016	 Opposition to Motion For Summary Judgment

DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**

	Filed By: Plaintiff Resources Group LLC <i>Plaintiff's Opposition to Motion for Summary Judgment by Nevada Association Services, Inc.</i>
06/07/2016	 Opposition Filed By: Plaintiff Resources Group LLC <i>Plaintiff's Opposition to Amended Joinder by Hydr-O-Dynamic Corporations to Nevada Association Service's Motion for Summary Judgment by</i>
06/14/2016	 Reply in Support Filed By: Defendant Nevada Association Services Inc <i>Reply Brief By Defendant Nevada Association Services, Inc. In Support Of Its Motion For Summary Judgment</i>
06/15/2016	 <b>Calendar Call</b> (9:15 AM) (Judicial Officer: Togliatti, Jennifer) <b>06/15/2016, 06/22/2016-06/23/2016</b>
06/15/2016	<b>CANCELED Calendar Call</b> (9:15 AM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated - Duplicate Entry</i>
06/22/2016	 Discovery Commissioners Report and Recommendations Filed By: Defendant Nevada Association Services Inc <i>Discovery Commissioner's Report And Recommendations</i>
06/22/2016	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <b>06/22/2016-06/23/2016</b> <i>Defendant Nevada Association Services, Inc's Motion For Summary Judgment By Defendant Nevada Association Services, Inc.</i>
06/22/2016	<b>Joinder</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <b>06/22/2016-06/23/2016</b> <i>Defendant Hydr-O-Dynamic Corporation's Joinder to Defendant Nevada Association Services, Inc.'s Motion for Summary Judgment</i>
06/22/2016	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
06/23/2016	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
06/27/2016	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated - Duplicate Entry</i>
07/05/2016	 Order Denying Motion Filed By: Plaintiff Resources Group LLC <i>Order Denying Motion for Summary Judgment</i>
07/05/2016	 Notice of Entry of Order Filed By: Plaintiff Resources Group LLC <i>Notice of Entry</i>
07/06/2016	 Brief Filed By: Defendant Hydro O Dynamic Corporation <i>Defendant Hydr-O-Dynamic's Trial Brief</i>
07/06/2016	 Pre-trial Memorandum Filed by: Plaintiff Resources Group LLC <i>Pre-trial Memorandum</i>

DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**

07/06/2016	 Brief Filed By: Plaintiff Resources Group LLC <i>Plaintiff's Trial Brief</i>
07/06/2016	 Trial Memorandum Filed by: Defendant Nevada Association Services Inc <i>Trial Brief By Defendant Nevada Association Services, Inc.</i>
07/07/2016	 <b>Jury Trial</b> (10:30 AM) (Judicial Officer: Becker, Nancy)
07/14/2016	 <b>Decision</b> (8:24 AM) (Judicial Officer: Togliatti, Jennifer)
08/31/2016	 Judgment Filed By: Defendant Nevada Association Services Inc <i>Judgment</i>
08/31/2016	<b>Judgment</b> (Judicial Officer: Togliatti, Jennifer) Debtors: Resources Group LLC (Plaintiff) Creditors: Nevada Association Services Inc (Defendant), Hydro O Dynamic Corporation (Defendant) Judgment: 08/31/2016, Docketed: 09/08/2016
08/31/2016	<b>Order of Dismissal</b> (Judicial Officer: Togliatti, Jennifer) Debtors: Resources Group LLC (Plaintiff) Creditors: Nevada Association Services Inc (Defendant), Hydro O Dynamic Corporation (Defendant) Judgment: 08/31/2016, Docketed: 09/08/2016
09/01/2016	 Notice of Entry of Judgment Filed By: Defendant Nevada Association Services Inc <i>Notice Of Entry Of Judgment</i>
09/01/2016	 Memorandum of Costs and Disbursements Filed By: Defendant Nevada Association Services Inc <i>Memorandum Of Costs And Disbursements</i>
09/08/2016	 Memorandum of Costs and Disbursements Filed By: Defendant Hydro O Dynamic Corporation <i>Defendant Hydr-O-Dynamic Corporation's Memorandum of Costs and Disbursements</i>
09/08/2016	 Notice of Appeal Filed By: Plaintiff Resources Group LLC <i>Notice of Appeal</i>
09/08/2016	 Case Appeal Statement Filed By: Plaintiff Resources Group LLC <i>Case Appeal Statement</i>
09/08/2016	 Notice of Voluntary Dismissal Without Prejudice Filed by: Plaintiff Resources Group LLC <i>Notice of Voluntary Dismissal Without Prejudice</i>
09/11/2016	 Memorandum of Costs and Disbursements Filed By: Defendant Hydro O Dynamic Corporation

DEPARTMENT 9  
**CASE SUMMARY**  
**CASE NO. A-15-714027-C**

*Defendant Hydr-O-Dynamic Corporation's Memorandum of Costs and Disbursements*

DATE

FINANCIAL INFORMATION

**Defendant** Hydro O Dynamic Corporation

Total Charges 444.00

Total Payments and Credits 444.00

**Balance Due as of 9/12/2016 0.00**

**Defendant** Nevada Association Services Inc

Total Charges 423.00

Total Payments and Credits 423.00

**Balance Due as of 9/12/2016 0.00**

**Plaintiff** Resources Group LLC

Total Charges 294.00

Total Payments and Credits 294.00

**Balance Due as of 9/12/2016 0.00**

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. A-15-714027-C Dept IX

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <p style="text-align: center;">RESOURCES GROUP, LLC AS TRUSTEE OF THE EAST SUNSET ROAD TRUST</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">NEVADA ASSOCIATION SERVICES, INC.; SUNPAC INDUSTRIAL PARK a/k/a SUNPAC HOA; and HYDR-O-DYNAMIC CORPORATION a revoked Nevada corporation</p>
Attorney (name/address/phone): <p style="text-align: center;">MICHAEL F. BOHN, ESQ. 376 East warm Springs Road, Suite 140 Las Vegas, NV 89119 (702) 642-3113</p>	Attorney (name/address/phone): 

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <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
<b>Probate</b> <b>Probate</b> <i>(select case type and estate value)</i> <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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

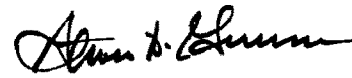
*Business Court filings should be filed using the Business Court civil coversheet.*

February 17, 2015

Date

/s/ Michael F. Bohn, Esq. /  
Signature of initiating party or representative

*See other side for family-related case filings.*



CLERK OF THE COURT

Richard Vilkin, Esq.  
Nevada Bar No. 8301  
Law Offices of Richard Vilkin, P.C.  
1286 Crimson Sage Ave.  
Henderson, NV 89012  
Phone: (702) 476-3211  
Email: [Richard@vilkinlaw.com](mailto:Richard@vilkinlaw.com)  
*Attorneys for defendant Nevada  
Association Services, Inc. ("NAS")*

DISTRICT COURT  
CLARK COUNTY, NEVADA

RESOURCES GROUP LLC, AS TRUSTEE  
OF THE EAST SUNSET ROAD TRUST,

Plaintiff(s),

v.

NEVADA ASSOCIATION SERVICES, INC.;  
SUNPAC INDUSTRIAL PARK AKA  
SUNPAC HOA; and HYDR-O-DYNAMIC  
CORPORATION, a revoked Nevada  
corporation,

Defendant(s).

Case No.: A-15-714027-C

Dept.: IX

JUDGMENT

JUDGMENT

This case came before the court in Dept. 9 for a one-day bench trial on July 7, 2016, the Honorable Nancy Becker judge presiding. Plaintiff Resources Group, LLC, as Trustee of the East Sunset Road Trust, appeared by and through counsel Michael F. Bohn, Esq. of the Law Offices of Michael F. Bohn, Esq. Ltd. Defendant Nevada Association Services, Inc. ("NAS") appeared by and through counsel Richard Vilkin, Esq. of the Law Offices of Richard Vilkin, P.C. Defendant Hydr-O-Dynamic Corporation ("HODC") appeared by and through counsel Jeffrey D. Patterson of Goold Patterson.

1 The court took the matter under advisement to examine the case law cited by the parties.  
2 Having done so, and considering the evidence introduced at trial, renders Judgment as follows:  
3

4 FINDINGS OF FACT

- 5 1. Hydr-O-Dynamic Corporation ("HODC") owned the real property commonly known  
6 as 571 Sunset Road, Henderson, Nevada.  
7
- 8 2. The property was part of a common-interest commercial community comprised of  
9 commercial buildings overseen by an industrial park owners association formed under  
10 the Nevada Revised Statutes Chapter 116.  
11
- 12 3. The Association Declaration of Covenants, Conditions and Restrictions establish its  
13 power to creates liens upon an owners real property for delinquent assessments and  
14 initiate non-judicial foreclosure proceedings if the delinquency is not cured.  
15
- 16 4. HODC was delinquent in paying assessments.  
17
- 18 5. It is uncontested that the Association took all the appropriate steps to perfect a lien for  
19 the unpaid assessments, costs, etc.  
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- 21 6. Nevada Association Services, Inc. ("NAS") was designated as the agent for  
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- 24 7. The sale was properly noticed and set for February 13, 2015.  
25
- 26 8. Because HODC did not check its mailbox and had not given the Association another  
27 address to contact, it did not become actually aware of the sale until February 6, <sup>2013</sup> ~~2015~~ *NAS*  
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9. At that time, HODC's principal, Juan Guzman, was moving equipment onto the  
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10. After finishing moving, Guzman returned to the company's main office, issued a check for the full delinquency amount as stated in the notice of sale and mailed the check to NAS from the main postal office located on Sunset Road.
11. The check was sent by regular mail.
12. On February 13, 2015, property auctions began at 10:00 a.m. and concluded sometime around 10:30 a.m.
13. Plaintiff Resources Group was the successful bidder on the property and tendered the bid amount \$350,000 in cashier's checks immediately after the morning sales concluded, around 10:30 a.m.
14. February 13, 2015 was a Friday and the following Monday was a federal holiday, so NAS was closed.
15. On February 17, 2015, employees of NAS informed its General Counsel Christopher Yergensen that HODC's check had been opened and date stamped on February 13, 2015.
16. In normal course, all mail received is opened and date stamped on the same day it is delivered although it is possible, but not likely, that the check had been delivered prior to February 13, 2015.
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18. Mail is usually delivered between 9:30 a.m. and 11:30 a.m.
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20. Yergensen telephoned the principal of Resources Group, Eddie Haddad, to inform him of the issue and offered to return the checks (which were not deposited) together with interest on the money from February 13, 2015 to date.



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2 and he wanted that amount or the property.

3 22. Haddad is the principal of a number of companies whose business is the buying,  
4 selling and renting of properties acquired at foreclosure sales.

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9 had been concluded.  
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11 24. NAS still declined to issue a foreclosure deed and Resources Group instituted these  
12 proceedings to quiet title and compel specific performance.  
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14 25. The court finds all of the witnesses were credible in that they believe their testimony  
15 to be truthful.

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17 attends sales, has frequently seen the mailman arriving at NAS' offices and had no  
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21 27. Given that the employees of NAS, knowing the importance of determining when the  
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25 28. The only finding the court can make is that HODC's check arrived between 9:30  
26 a.m. and 11:30 a.m. on February 13, 2015.

27 29. The fair market value of the property at the time of sale was between one million and  
28 1.2 million dollars.

## CONCLUSIONS OF LAW

1. Resources Group has the burden of proof to show title should be vested in its name.
2. Resources essentially asserts that the sale was complete before the check arrived and therefore they are entitled to a foreclosure deed and a decree quieting title, citing to *In Re Grant*, 303 BR 205 (2003).
3. However, *Grant*, which has been cited with favor by the Nevada Supreme Court in *Shadow Wood Homeowners Association v. New York Community Bancorp*, 132 Nev. Adv. Op 5, 366 P.3<sup>rd</sup> 1105 (2016), is a discussion of when a foreclosure sale is deemed complete for purposes of analyzing statutory or common law elements for example when does a right of redemption begin, was a sale pre-petition or post-petition in a bankruptcy, etc.
4. The fact that the sale process is complete does not mean the validity of the sale cannot be challenged or that the sale cannot be set aside in equity.
5. *Shadow Wood* makes this clear and reaffirms the equitable authority to take action in the context of Chapter 116 sales just as the courts have done for sales conducted under Chapter 107 under *Golden v. Tomiyasu*, 79 Nev. 503, 587 P.2d 989 (1963) and *Long v. Towne*, 98 Nev. 11, 639 P.2d 528 (1982).
6. Moreover, nothing in those cases or *Shadow Wood* limits the exercise of equity to only those instances where there is gross inadequacy of price and fraud, unfairness or oppression that accounts for the inadequacy of price, though that is the most common ground for setting aside a sale (as opposed to finding the sale was invalid and void due to sale irregularities).
7. HODC and NAS argue that the rationale in *Residential Capital v. Cal-Western Reconveyance Corp.*, 134 Cal.Rptr. 2d 162 (2003) should control. In that case, debtor

1 and creditor agreed to continue a foreclosure sale. Notice was provided the sales  
2 agent by email. The sales agent did not read the email prior to the auction where the  
3 property was sold to the highest bidder, who immediately tendered the bid price.

4 After the sale, the agent read the email and refunded the sale price plus interest to the  
5 bidder. The bidder accepted the refund without waiving any rights to argue the sale  
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8 sale. However, the case did rely heavily on the fact that California statutes gave  
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10 purpose of the statute so it's factually distinguishable. Still the policies expressed in  
11 *Residential* echo the discussion found in *Shadow Wood*. *Residential* noted that the  
12 non-judicial foreclosure statutes serve two purposes: protecting a debtor from  
13 wrongful foreclosure and loss of property while providing a quick, inexpensive and  
14 efficient remedy for creditors.  
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- 17 8. When considering whether to invalidate or set aside a sale, a court balances the  
18 equities with these policies in mind. Moreover, NRS 116 affords a property owner  
19 greater remedies than NRS 107, namely a right of redemption (which arguably cannot  
20 be eliminated by community declarations to the contrary).  
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23 irregularity cure of default by arrival of the check. Thus, it would arguably hold the  
24 status of bona fide purchaser for value if the check arrived after the sale. That status  
25 is not affected by general knowledge that sales can sometimes be invalidated or set  
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1 10. Generally, loss of specific property is not considered prejudicial and, in this instance,  
2 the only prejudice suffered by Resources Group is the loss of interest which could  
3 have been mitigated as it was in *Residential*.

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5 Vegas post office would be delivered within seven days to another Las Vegas  
6 address, HODC did nothing else to ensure the check had arrived and there were  
7 certainly a number of alternatives.  
8

9 12. The bidding price is more than 20 per cent of the property's fair market value, so the  
10 general rule finding inadequacy of price found in Property Restatement Third,  
11 Mortgages, 8.3 cmt. B (1997) does not apply.  
12

13 13. Nor is there any evidence that the price was infected with unfairness, fraud or  
14 oppression. Thus, there is no ground for setting aside the sale on those grounds.

15 14. However, Resources Group has not demonstrated the check did not arrive prior to the  
16 sale and given the extreme prejudice to HODC as well as recognizing the Legislature  
17 intended to allow for the payment of community liens post sale by right of  
18 redemption, the Court finds the equities favor HODC.  
19

20 15. Therefore, the court finds for defendants and against plaintiff. The sale is deemed  
21 invalid and title shall remain vested in HODC.

22 IT IS ORDERED AND ADJUDGED that plaintiff take nothing, that the action be  
23 dismissed on the merits, and that defendants NAS and HODC recover their costs of action.  
24

25 Dated at Las Vegas, Nevada, this 29 day of August, 2016.

26 D. P. [Signature]  
27 District Court Judge  
28

1 Respectfully submitted,

2 LAW OFFICES OF RICHARD VILKIN, P.C.

3  
4 By: 

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Phone: (702) 476-3211  
*Attorneys for defendant Nevada  
Association Services, Inc.*

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10 Approved as to form and content:

11 LAW OFFICES OF MICHAEL F. BOHN, ESQ. LTD

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13 By:  / next page

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18 GOOLD PATTERSON

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20 By: 

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*Attorneys for defendant Hydr-O-Dynamic  
Corporation*

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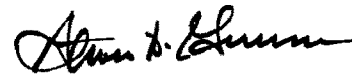
14 By: Michael Bohn

15 Michael F. Bohn, Esq.  
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19 Phone: (702) 642-3113  
20 *Attorneys for plaintiff Resources Group, LLC,*  
21 *as Trustee of the East Sunset Road Trust*

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CLERK OF THE COURT

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*Attorneys for defendant Nevada  
Association Services, Inc. ("NAS")*

DISTRICT COURT

CLARK COUNTY, NEVADA

RESOURCES GROUP LLC, AS TRUSTEE  
OF THE EAST SUNSET ROAD TRUST,

Case No.: A-15-714027-C

Dept.: IX

Plaintiff(s),

v.

NOTICE OF ENTRY OF JUDGMENT

NEVADA ASSOCIATION SERVICES, INC.;  
SUNPAC INDUSTRIAL PARK AKA  
SUNPAC HOA; and HYDR-O-DYNAMIC  
CORPORATION, a revoked Nevada  
corporation,

Defendant(s).

NOTICE OF ENTRY OF JUDGMENT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

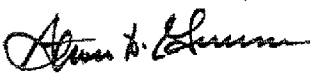
PLEASE TAKE NOTICE that the court signed the Judgment for this case on August 29,  
2016 and said Judgment was filed August 31, 2016. A file-stamped copy of same filed August  
31, 2016 is attached.

Date: September 1, 2016

LAW OFFICES OF RICHARD VILKIN, P.C.

By: 

Richard Vilkin, Esq.  
Nevada Bar No. 8301  
1286 Crimson Sage Ave.  
Henderson, NV 89012  
*Attorneys for defendant Nevada  
Association Services, Inc.*



CLERK OF THE COURT

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*Attorneys for defendant Nevada  
Association Services, Inc. ("NAS")*

DISTRICT COURT  
CLARK COUNTY, NEVADA

RESOURCES GROUP LLC, AS TRUSTEE  
OF THE EAST SUNSET ROAD TRUST,

Plaintiff(s),

v.

NEVADA ASSOCIATION SERVICES, INC.;  
SUNPAC INDUSTRIAL PARK AKA  
SUNPAC HOA; and HYDR-O-DYNAMIC  
CORPORATION, a revoked Nevada  
corporation,

Defendant(s).

Case No.: A-15-714027-C

Dept.: IX

JUDGMENT

JUDGMENT

This case came before the court in Dept. 9 for a one-day bench trial on July 7, 2016, the Honorable Nancy Becker judge presiding. Plaintiff Resources Group, LLC, as Trustee of the East Sunset Road Trust, appeared by and through counsel Michael F. Bohn, Esq. of the Law Offices of Michael F. Bohn, Esq. Ltd. Defendant Nevada Association Services, Inc. ("NAS") appeared by and through counsel Richard Vilkin, Esq. of the Law Offices of Richard Vilkin, P.C. Defendant Hydr-O-Dynamic Corporation ("HODC") appeared by and through counsel Jeffrey D. Patterson of Goold Patterson.



1 The court took the matter under advisement to examine the case law cited by the parties.  
2 Having done so, and considering the evidence introduced at trial, renders Judgment as follows:  
3

4 FINDINGS OF FACT

- 5 1. Hydr-O-Dynamic Corporation ("HODC") owned the real property commonly known  
6 as 571 Sunset Road, Henderson, Nevada.  
7
- 8 2. The property was part of a common-interest commercial community comprised of  
9 commercial buildings overseen by an industrial park owners association formed under  
10 the Nevada Revised Statutes Chapter 116.  
11
- 12 3. The Association Declaration of Covenants, Conditions and Restrictions establish its  
13 power to creates liens upon an owners real property for delinquent assessments and  
14 initiate non-judicial foreclosure proceedings if the delinquency is not cured.  
15
- 16 4. HODC was delinquent in paying assessments.  
17
- 18 5. It is uncontested that the Association took all the appropriate steps to perfect a lien for  
19 the unpaid assessments, costs, etc.  
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- 21 6. Nevada Association Services, Inc. ("NAS") was designated as the agent for  
22 instituting foreclosure proceedings.  
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- 24 7. The sale was properly noticed and set for February 13, 2015.  
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- 26 8. Because HODC did not check its mailbox and had not given the Association another  
27 address to contact, it did not become actually aware of the sale until February 6,  
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9. At that time, HODC's principal, Juan Guzman, was moving equipment onto the  
property and was given a copy of the sale notice.

- 1 10. After finishing moving, Guzman returned to the company's main office, issued a  
2 check for the full delinquency amount as stated in the notice of sale and mailed the  
3 check to NAS from the main postal office located on Sunset Road.
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6 sometime around 10:30 a.m.
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- 10 14. February 13, 2015 was a Friday and the following Monday was a federal holiday, so  
11 NAS was closed.
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13 Yergensen that HODC's check had been opened and date stamped on February 13,  
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16 delivered although it is possible, but not likely, that the check had been delivered  
17 prior to February 13, 2015.
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- 20 19. Because the delinquency could have been cured before the sale took place, Yergensen  
21 determined it would be improper to issue a foreclosure deed to Resources Group.
- 22 20. Yergensen telephoned the principal of Resources Group, Eddie Haddad, to inform  
23 him of the issue and offered to return the checks (which were not deposited) together  
24 with interest on the money from February 13, 2015 to date.
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2 and he wanted that amount or the property.
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### CONCLUSIONS OF LAW

1. Resources Group has the burden of proof to show title should be vested in its name.
2. Resources essentially asserts that the sale was complete before the check arrived and therefore they are entitled to a foreclosure deed and a decree quieting title, citing to *In Re Grant*, 303 BR 205 (2003).
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6. Moreover, nothing in those cases or *Shadow Wood* limits the exercise of equity to only those instances where there is gross inadequacy of price and fraud, unfairness or oppression that accounts for the inadequacy of price, though that is the most common ground for setting aside a sale (as opposed to finding the sale was invalid and void due to sale irregularities).
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1 and creditor agreed to continue a foreclosure sale. Notice was provided the sales  
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10. Generally, loss of specific property is not considered prejudicial and, in this instance,

the only prejudice suffered by Resources Group is the loss of interest which could have been mitigated as it was in *Residential*.

11. While it was not unreasonable to assume that a check deposited in the main Las Vegas post office would be delivered within seven days to another Las Vegas address, HODC did nothing else to ensure the check had arrived and there were certainly a number of alternatives.

12. The bidding price is more than 20 per cent of the property's fair market value, so the general rule finding inadequacy of price found in Property Restatement Third, Mortgages, 8.3 cmt. B (1997) does not apply.

13. Nor is there any evidence that the price was infected with unfairness, fraud or oppression. Thus, there is no ground for setting aside the sale on those grounds.

14. However, Resources Group has not demonstrated the check did not arrive prior to the sale and given the extreme prejudice to HODC as well as recognizing the Legislature intended to allow for the payment of community liens post sale by right of redemption, the Court finds the equities favor HODC.

15. Therefore, the court finds for defendants and against plaintiff. The sale is deemed invalid and title shall remain vested in HODC.

IT IS ORDERED AND ADJUDGED that plaintiff take nothing, that the action be dismissed on the merits, and that defendants NAS and HODC recover their costs of action.

Dated at Las Vegas, Nevada, this 29 day of August, 2016.

  
District Court Judge

1 Respectfully submitted,

2 LAW OFFICES OF RICHARD VILKIN, P.C.

3  
4 By: 

5 Richard Vilkin, Esq.  
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11 *Association Services, Inc.*

12 Approved as to form and content:

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21 *as Trustee of the East Sunset Road Trust*

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*Attorneys for defendant Hydr-O-Dynamic*  
*Corporation*

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15 By: Michael F. Bohn

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*Corporation*



Certificate of E-Service

On September 1, 2016, I served the foregoing NOTICE OF ENTRY OF JUDGMENT by E-filing same on this court's Wiznet system and instructing that that the document be electronically served on the following persons who have signed up for E-service on Wiznet for this case:

**Goold Patterson**

Name	Email	Select
Jeffery D. Patterson, Esq.	<a href="mailto:jpatterson@gooldpatterson.com">jpatterson@gooldpatterson.com</a>	<input checked="" type="checkbox"/> <input type="checkbox"/>

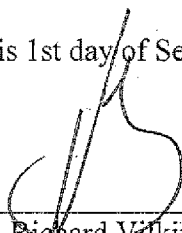
**Law Offices of Michael F. Bohn, Esq.**

Name	Email	Select
Eserve Contact	<a href="mailto:office@bohnlawfirm.com">office@bohnlawfirm.com</a>	<input checked="" type="checkbox"/> <input type="checkbox"/>
Michael F. Bohn Esq.	<a href="mailto:mbohn@bohnlawfirm.com">mbohn@bohnlawfirm.com</a>	<input checked="" type="checkbox"/> <input type="checkbox"/>

**Law Offices of Richard Vilkin, P.C.**

Name	Email	Select
Richard Vilkin	<a href="mailto:richard@vilkinlaw.com">richard@vilkinlaw.com</a>	<input checked="" type="checkbox"/> <input type="checkbox"/>

I declare the above is true and correct. Executed this 1st day of September, 2016 at Henderson, Nevada.

  
\_\_\_\_\_  
Richard Vilkin

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 08, 2015**

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A-15-714027-C	Resources Group LLC, Plaintiff(s) vs. Sunpac Industrial Park, Defendant(s)
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<b>April 08, 2015</b>	<b>3:00 AM</b>	<b>Motion for Order to Show Cause</b>
-----------------------	----------------	---

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:**

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court notes that Plaintiff s Ex Parte Motion for Order to Show Cause Why a Writ of Restitution Should Not Issue was set on this Court s chamber calendar April 8, 2015, the same day the Show Cause Hearing was heard on calendar. This Court signed the Order to Show Cause, and the instant Ex Parte Motion is now moot. Court ORDERS, matter off calendar as moot.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 08, 2015**

---

A-15-714027-C      Resources Group LLC, Plaintiff(s)  
vs.  
Sunpac Industrial Park, Defendant(s)

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**April 08, 2015      9:00 AM      Show Cause Hearing**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Debbie Winn

**REPORTER:**

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney

**JOURNAL ENTRIES**

- Mr. Bohn advised he has not been able to serve the Defendant, but that he has been contacted by G. Patterson, who will accept service and represent the Defendant. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 04/29/15 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 29, 2015**

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A-15-714027-C      Resources Group LLC, Plaintiff(s)  
vs.  
Sunpac Industrial Park, Defendant(s)

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**April 29, 2015**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Patterson, Jeffrey   Daniel      Attorney  
                         Vilkin, Richard J.                      Attorney

**JOURNAL ENTRIES**

- SHOW CAUSE HEARING

Mr. Vilkin advised parties have agreed to continue the matter, noting he was not served until yesterday and he would like to file a response. COURT ORDERED, matter CONTINUED by stipulation.

CONTINUED TO: 05/20/15 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 20, 2015**

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A-15-714027-C	Resources Group LLC, Plaintiff(s) vs. Sunpac Industrial Park, Defendant(s)
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**May 20, 2015**

**3:00 AM**

**Minute Order**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:**

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- This Court having considered all the pleadings of the parties and oral argument FINDS issuance of a Writ of Restitution at this time would be premature, as the ownership of the property is the ultimate issue in this case and should be determined after discovery and by way of dispositive motion or trial. Court ORDERS Order to Show Cause Why a Writ of Restitution should not Issue DENIED.

CLERK'S NOTE: A copy of this minute order has been e-mailed Michael Bohn, Esq., Daniel Patterson, Esq., and Richard Vilkin, Esq.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 20, 2015**

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A-15-714027-C	Resources Group LLC, Plaintiff(s) vs. Sunpac Industrial Park, Defendant(s)
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**May 20, 2015**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bohn, Michael F	Attorney
	Patterson, Jeffrey Daniel	Attorney
	Vilkin, Richard J.	Attorney

**JOURNAL ENTRIES**

- SHOW CAUSE HEARING

Court made a record of the documents reviewed prior to Court. Argument by Mr. Bohn, noting his client paid the purchase price but the deed was not delivered. Further, Mr. Bohn argued there was no defect with the sale and his client is the owner of the property. Mr. Vilkin argued that the writ is not the proper procedural device and is premature. Further, Mr. Vilkin argued that case law would void the sale and that there are issues of fact and law. Mr. Vilkin advised a Motion for Summary Judgment should have been filed and they should be allowed to present a defense. Mr. Patterson joined in Mr. Vilkin's argument, advising the foreclosure sale should not have taken place and that the lien had been satisfied. Further argument by counsel. COURT ORDERED, matter UNDER ADVISEMENT, noting a minute order will issue.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**September 16, 2015**

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A-15-714027-C      Resources Group LLC, Plaintiff(s)  
vs.  
Sunpac Industrial Park, Defendant(s)

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**September 16, 2015      3:00 AM      Motion to Strike**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:**

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court, having considered the Plaintiff's Motion to Strike Jury Demand, the Countermotion for Advisory Jury, and all related pleadings. First, Court FINDS the case involves equitable issues for decision by the Court. Specifically, this COURT FINDS the commercial property at issue to be unique, and therefore ORDERS Motion to Strike Jury GRANTED. However, in light of limited questions of fact surrounding mailing and receipt of payment, this COURT GRANTS Defendant's Countermotion for Advisory Jury pursuant to NRCP 39(c).

CLERK'S NOTE: A copy of this minute order has been e-mailed to: Michael Bohn, Esq., Jeffrey Patterson, Esq., and Richard Vilkin, Esq.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

## COURT MINUTES

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February 02, 2016

A-15-714027-C      Resources Group LLC, Plaintiff(s)  
vs.  
Sunpac Industrial Park, Defendant(s)

**February 02, 2016      1:00 PM      Settlement Conference**

HEARD BY: COURTROOM:

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Settlement conference held, matter NOT SETTLED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 08, 2016**

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A-15-714027-C      Resources Group LLC, Plaintiff(s)  
vs.  
Sunpac Industrial Park, Defendant(s)

---

<b>April 08, 2016</b>	<b>9:00 AM</b>	<b>Motion to Compel</b>	<b>Motion On Application For Order Shortening Time By Defendant Nevada Association Services, Inc. To Compel Production Of Documents By Defendant Hydr-O- Dynamic Corporation</b>
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**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bohn, Michael F	Attorney
	Patterson, Jeffrey Daniel	Attorney
	Vilkin, Richard J.	Attorney

**JOURNAL ENTRIES**

- Mr. Vilkin stated the resolution is Hydro Dynamic Corporation will provide a full response to Request for Production by close of business today (email or fax) without objection, and deposition of Hydro Dynamic's President will go forward as soon as possible (subject to counsels' calendars), as well as deposition of Pltf's Representative.

COMMISSIONER RECOMMENDED, motion is GRANTED based on agreement of the parties; Mr.

Vilkin's client is awarded \$675 sanctions under the Brunzell factors from Hydro Dynamic Corporation (not the Attorney); sanctions due within 30 days after Court signs the Recommendation. Colloquy re: discovery deadlines.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 4/22/16, and deposition notice REDUCED from 15 days to Three Business days; FILE dispsotive motions by 5/20/16. Commissioner is available by conference call if necessary.

Mr. Vilkin to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Vilkin to appear at status check hearing to report on the Report and Recommendations.

5/13/16 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 13, 2016**

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A-15-714027-C	Resources Group LLC, Plaintiff(s) vs. Sunpac Industrial Park, Defendant(s)
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**May 13, 2016                      11:00 AM                      Status Check: Compliance**

**HEARD BY:** Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mikrut, Denise	Attorney
	Vilkin, Richard J.	Attorney

**JOURNAL ENTRIES**

- Report and Recommendations from the April 8, 2016 hearing was sent back to counsel on May 12, 2016. Mr. Vilkin addressed attempts to resubmit Report and Recommendation. Discovery staff haven't reviewed it yet.

COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Vilkin to prepare the Report and Recommendations from the April 8, 2016 hearing . A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Vilkin to appear at status check hearing to report on the Report and Recommendations from the April 8, 2016 hearing .

6/3/16 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 15, 2016**

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A-15-714027-C	Resources Group LLC, Plaintiff(s) vs. Sunpac Industrial Park, Defendant(s)
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**June 15, 2016**

**9:15 AM**

**Calendar Call**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Marwanda Knight

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Adam Trippiedi, Esq., appearing on behalf of Defendant  
Jeffrey Patterson, Esq., appearing on behalf of Defendant, Hydro O Dynamic Corporation  
Richard Vilkin, Esq., appearing on behalf of Defendant, Nevada Association Services Inc.

At CALENDAR CALL, Mr. Vilkin noted the absence of Plaintiff's counsel and requested today's hearing be continued to the date and time of the Motion for Summary Judgment set June 22, 2016.  
COURT SO ORDERED.

CONTINUED TO: 06/22/2016 9:00AM

MATTER RECALLED.

Mr. Trippiedi now present on behalf of the Plaintiff. Court advised of representations made in his absence noting today's hearing was continued to June 22, 2016.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 22, 2016**

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A-15-714027-C      Resources Group LLC, Plaintiff(s)  
vs.  
Sunpac Industrial Park, Defendant(s)

---

**June 22, 2016**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Patterson, Jeffrey Daniel      Attorney  
Vilkin, Richard J.      Attorney

**JOURNAL ENTRIES**

- DEFENDANT NEVADA ASSOCIATION SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT BY DEFENDANT NEVADA ASSOCIATION SERVICES ... DEFENDANT HYDR-O-DYNAMIC CORPORATION'S JOINDER TO DEFENDANT NEVADA ASSOCIATION SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT ... CALENDAR CALL

Colloquy regarding trial date. CONFERENCE AT THE BENCH. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 6/23/16 10:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 23, 2016**

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A-15-714027-C	Resources Group LLC, Plaintiff(s)
	vs.
	Sunpac Industrial Park, Defendant(s)

---

**June 23, 2016**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bohn, Michael F	Attorney
	Patterson, Jeffrey Daniel	Attorney
	Vilkin, Richard J.	Attorney

**JOURNAL ENTRIES**

- DEFENDANT NEVADA ASSOCIATION SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT BY DEFENDANT NEVADA ASSOCIATION SERVICES, INC. ... DEFENDANT HYDRO-DYNAMIC CORPORATION'S JOINDER TO DEFENDANT NEVADA ASSOCIATION SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT... CALENDAR CALL

Court noted parties have no objection to Senior Judge Becker hearing this trial. Colloquy regarding disputed facts. COURT ORDERED, matter SET for trial, noting this will be an advisory jury panel. Further, Court advised counsel to contact the Department no later than Friday at 5:00 pm to advise the Court if they will stipulate to a bench trial. With respect to Motion for Summary Judgment and Joinder, COURT ORDERED, motions DENIED.

7/7/16 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**July 07, 2016**

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A-15-714027-C	Resources Group LLC, Plaintiff(s)
	vs.
	Sunpac Industrial Park, Defendant(s)

---

**July 07, 2016**

**10:30 AM**

**Jury Trial**

**HEARD BY:** Becker, Nancy

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Skye Endresen

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bohn, Michael F	Attorney
	Patterson, Jeffrey Daniel	Attorney
	Vilkin, Richard J.	Attorney

**JOURNAL ENTRIES**

- Also present: Adam Tripeddi, Esq.

Court stated it has read all prior pleadings, Minute Orders, and spoke with Judge Togliatti, and is up to date on this case; further, there should be no need for opening statements, as pretrial memorandums were provided. Colloquy regarding trial briefs. Mr. Bohn advised there are limited exhibits, which have been stipulated to, along with all of the facts set forth in the Pre-Trial Memorandum, the only remaining issue being when the check was received. Mr. Bohn further advised his client became aware of a new issue this morning, that the notice of sale was issued in January, 2015 showing \$6,500.00 due, however, the opening bid started at \$11,000.00. COURT STATED that is a new issue, and may need to be addressed in post-trial briefs. Testimony presented. (See Worksheet). Mr. Vilkin objected to Mr. Bohn's line of questioning, stating that he is getting into factual issues that parties did not agree to litigate at this time, and if Mr. Bohn continues, he would like the opportunity to present additional evidence regarding the amount due at the time of sale being disclosed in the notice. COURT STATED it will allow that if necessary at a later date. Colloquy regarding witnesses. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Mr. Vilkin advised parties have reached a stipulation on this issue, and agree that at the time of this auction it was NAS's policy that the opening bid would include the amount from the notice of foreclosure as well as the estimated real transfer property tax that would be assessed on the property if sold. Counsel concurred. Closing arguments by counsel. COURT STATED it would like to go back and read case law, and ORDERED, matter taken UNDER ADVISEMENT, and a decision will be issued by Minute Order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**July 14, 2016**

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A-15-714027-C	Resources Group LLC, Plaintiff(s)
	vs.
	Sunpac Industrial Park, Defendant(s)

---

**July 14, 2016**

**8:24 AM**

**Decision**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Minute Order Decision

Resources Group v. Nevada Association Services A-15-714027

This matter was heard as a bench trial on July 7, 2016. The Court took the matter under advisement to further review the case law cited by the parties. Having done so, and considering the evidence introduced at trial, the Court makes the following decision.

The facts in the case are largely undisputed. Based on the testimony and documents, the Court finds the facts to be as set forth hereafter.

Hydr-O-Dynamic owned the real property commonly known as 571 Sunset Road, Henderson, Nevada. The property was part of a common-interest commercial community comprised of commercial buildings overseen by an industrial park owners association formed under Nevada Revised Statutes Chapter 116. The Association's Declaration of Covenants, Conditions and Restrictions establish its power to create liens upon an owner's real property for delinquent assessments and initiate non-judicial foreclosure proceedings if the delinquency is not cured.

Hydr-O-Dynamic was delinquent in paying assessments. It is uncontested that the Association took

all the appropriate steps to perfect a lien for the unpaid assessments, costs, etc. Nevada Association Services was designated as the agent for instituting foreclosure proceedings. The sale was properly noticed and set for February 13, 2015. Because Hydr-O-Dynamic did not check its mailbox and had not given the Association another address for contact, it did not become actually aware of the sale until February 6, 2015. At that time Hydro-O-Dynamic's principal, Juan Guzman, was moving equipment onto the property and was given a copy of the sale notice.

After finishing the moving, Guzman returned to the company's main office, issued a check for the full delinquency amount as stated in the notice of sale and mailed the check to Nevada Association Services from the main postal office located on Sunset Road. The check was sent by regular mail.

On February 13, 2015, property auctions began at 10:00 a.m. and concluded sometime around 10:30 a.m. Plaintiff Resources Group was the successful bidder on the property and tendered the bid amount, \$350,000, in cashier's checks, immediately after the morning sales concluded, again around 10:30 a.m. February 13, 2015 was a Friday and the following Monday was a federal holiday, so Nevada Association Services was closed. On February 17, 2015, employees of Nevada Association informed its General Counsel Christopher Yergensen that Hydr-O-Dynamic's check had been opened and date stamped on February 13, 2015. In the normal course, all mail received is opened and date stamped on the same day it is delivered although it was possible, but not likely, that the check had been delivered prior to February 13, 2015. No one could remember when the mail arrived on February 13th. Mail is usually delivered between 9:30 a.m. and 11:30 a.m.

Because the delinquency could have been cured before the sale took place, Yergensen determined it would be improper to issue a foreclosure deed to Resources Group. Yergensen telephoned the principal of Resources Group, Eddie Haddad, to inform him of the issue and offered to return the checks (which were not deposited) together with interest on the money from February 13, 2015 to date. Haddad declined the offer indicating the property was worth at least a million dollars and he wanted that amount or the property. Haddad is the principal for a number of companies whose business is the buying, selling and renting of properties acquired at foreclosure sales. Haddad and Yergensen frequently communicate on a variety of matters involving Nevada Association foreclosures and during a conversation approximately three days after February 17th, Haddad told Yergensen that he saw the mailman arriving on February 13th as he was leaving, which would have been between 10:30 a.m. and 11:00 a.m. after the sale had been concluded. Nevada Association still declined to issue a foreclosure deed and Resources Group instituted these proceedings to quiet title and compel specific performance.

The Court finds all of the witnesses were credible in that they believe their testimony to be truthful. However, although Haddad believes the mail arrived after the sale, he regularly attends sales, has frequently seen the mailman arriving and had no memory of any specific fact or event that would distinguish this case from any other day. Given that the employees of National Association, knowing the importance of determining when the mail was actually delivered, could not remember the time of the February 13 delivery on February 17th, the Court gives no weight to Haddad's testimony. The only finding the Court can make is that the Hydr-O-Dynamic check arrived between 9:30 a.m. and

11:30 a.m. on February 13, 2015.

The fair market value of the property at the time of the sale was between 1 million and 1.2 million dollars.

Resources Group has the burden of proof to show title should be vested in its name. Resources essentially asserts that the sale was complete before the check arrived and therefore they are entitled to a foreclosure deed and a decree quieting title, citing to *In Re Granite*, 303 BR 205 (2003). However *Granite*, which has been cited with favor by the Nevada Supreme Court in *Shadow Wood Homeowners Association v. New York Community Bancorp*, 132 Nev. Adv. Op. 5, 366 P.3d 1105 (2016), is a discussion of when a foreclosure sale is deemed complete for purposes of analyzing statutory or common law elements for example when does a right of redemption begin, was a sale pre-petition or post-petition in a bankruptcy, etc. The fact that the sale process is complete does not mean the validity of the sale cannot be challenged or that the sale cannot be set aside in equity. *Shadow Wood* makes this clear and reaffirms the equitable authority to take action in the context of Chapter 116 sales just as the courts have done for sales conducted under Chapter 107 under *Golden v. Tomiyasu*, 79 Nev. 503, 387 P.2d 989 (1963) and *Long v. Towne*, 98 Nev. 11, 639 P.2d 528(1982). Moreover, nothing in those cases or *Shadow Wood* limits the exercise of equity to only those instances where there is gross inadequacy of price and fraud, unfairness or oppression that accounts for the inadequacy of price, though that is the most common ground for setting aside a sale (as opposed to finding the sale was invalid and void due to sale irregularities).

*Hydr-O-Dynamic* argues that the rationale of *Residential Capital v. Cal-Western Reconveyance Corp.*, 134 Cal. Rptr. 2d. 162 (2003) should control. In that case, debtor and creditor agreed to continue a foreclosure sale. Notice was provided to the sales agent by email. The sales agent did not read the email prior to the auction where the property was sold to the highest bidder, who immediately tendered the bid price. After the sale, the agent read the email and refunded the sales price plus interest to the bidder. The bidder accepted the refund without waiving any rights to argue the sale was valid and enforceable. The California court, after weighing the equities and considering public policy purposes behind the foreclosure statutes, invalidated the sale. However the case did rely heavily on the fact that California statutes gave authority to continue the sale and allowing the mistake to stand would undermine the purpose of the statute so it is factually distinguishable.

Still the policies expressed in *Residential* echo the discussion found in *Shadow Wood*. *Residential* noted that the non-judicial foreclosure statutes serve two purposes, protecting a debtor from wrongful foreclosure and loss of property while providing a quick, inexpensive and efficient remedy for creditors. When considering whether to invalidate or set aside a sale a court balances the equities with these policies in mind. Moreover, NRS Chapter 116 affords a property owner greater remedies than NRS Chapter 107, namely a right of redemption (which arguably cannot be eliminated by community declarations to the contrary).

Here, Resources Group bid and tendered money without knowledge of the possible irregularity cure of default by arrival of the check. Thus, it would arguably hold the status of a bone fide

purchaser for value if the check arrived after the sale. That status is not affected by general knowledge that sales can sometimes be invalidated or set aside. Generally, loss of the specific property is not considered prejudicial and in this instance, the only prejudice suffered by Resources Group is the loss of interest which could have been mitigated as it was in Residential.

While it was not unreasonable to assume that a check deposited in the main Las Vegas post office would be delivered within seven days to another Las Vegas address, Hydr-O-Dynamic did nothing else to insure the check had arrived and there were certainly a number of other simple alternatives.

The bidding price is more than 20% of the property's fair market value, so the general rule finding inadequacy of price found in Property Restatement Third, Mortgages, § 8.3 cmt. B (1997) does not apply. Nor is there any evidence that the price was infected with unfairness, fraud or oppression. Thus there is no ground for setting aside the sale on those grounds.

However, Resources Group has not demonstrated the check did not arrive prior to the sale and given the extreme prejudice to Hydr-O-Dynamic as well as recognizing the Legislature intended to allow for the payment of community liens post sale by a right of redemption, the Court finds the equities favor Hydr-O-Dynamic. Therefore the Court finds for the defendants and against plaintiffs. The sale is deemed invalid and title shall remain vested in Hydr-O-Dynamic.

Counsel for Nevada Association Services shall prepare any orders or judgments necessary to effectuate this decision and submit them to the Court after giving remaining counsel a chance to review them for content.

# EXHIBIT(S) LIST

Case No.: A-15-714027-C

Hearing / Trial Date: 7/7/16

Dept. No.: 9

Judge: Nancy Becker

Court Clerk: Skye Endresen

Plaintiff: Resources Group, LLC as Trustee  
of the East Sunset Road Trust

Recorder / Reporter: Yvette Sison

Counsel for Plaintiff: Michael Bohn & Adam  
Tripeddi

vs.

Defendant: Nevada Association Services,  
Inc.; Sunpac Industrial Park AKA  
Sunpac HOA; and Hydr-o-  
dynamic Corporation

Counsel for Defendant: Jeffrey Patterson &  
Richard Vilkin

## HEARING / TRIAL BEFORE THE COURT

### JOINT EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Notice of Delinquent Assessment Lien recorded 7/9/12	7/7/16	NO	7/7/16
2	Notice of Default recorded 12/3/12	7/7/16	NO	7/7/16
3	Notice of Foreclosure sale recorded 1/21/15	7/7/16	NO	7/7/16
4	protective covenants and restrictions for Sunpac Industrial Park	7/7/16	NO	7/7/16
5	check from Hydr-o-dynamic to NV Association Services dated 2/16/15	7/7/16	NO	7/7/16
6	check from Hydr-o-dynamic to NV Association Services Stamped Received 2/13/15	7/7/16	NO	7/7/16
7	NV Association Services Receipt of funds from sale	7/7/16	NO	7/7/16
8	Certificate of sale	7/7/16	NO	7/7/16



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

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

DATE: September 12, 2016  
CASE: A-15-714027-C

**RE CASE:** RESOURCES GROUP, LLC AS TRUSTEE OF THE EAST SUNSET ROAD TRUST vs. NEVADA ASSOCIATION SERVICES, INC.; SUNPAC INDUSTRIAL PARK a/k/a SUNPAC HOA; HYDR-O-DYNAMIC CORPORATION

NOTICE OF APPEAL FILED: September 8, 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

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

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

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

---

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; JUDGMENT; NOTICE OF ENTRY OF JUDGMENT;  
DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

RESOURCES GROUP, LLC AS TRUSTEE OF  
THE EAST SUNSET ROAD TRUST,

Plaintiff(s),

vs.

NEVADA ASSOCIATION SERVICES, INC.;  
SUNPAC INDUSTRIAL PARK a/k/a SUNPAC  
HOA; HYDR-O-DYNAMIC CORPORATION,

Defendant(s),

Case No: A-15-714027-C

Dept No: IX

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 September 2016.

Steven D. Grierson, Clerk of the Court

*Chaunte Pleasant*

Chaunte Pleasant, Deputy Clerk