

CLERK OF THE COURT

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Oct 06 2016 10:41 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

1 **NOAS**  
2 ARIEL E. STERN, ESQ.  
3 Nevada Bar No. 8276  
4 NATALIE L. WINSLOW, ESQ.  
5 Nevada Bar No. 12125  
6 AKERMAN LLP  
7 1160 Town Center Drive, Suite 330  
8 Las Vegas, Nevada 89144  
9 Telephone: (702) 634-5000  
10 Facsimile: (702) 380-8572  
11 Email: ariel.stern@akerman.com  
12 Email: natalie.winslow@akerman.com

13 *Attorneys for Carrington Mortgage Holdings, LLC*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 R VENTURES VIII, LLC, a Nevada series  
17 limited liability company of the container R  
18 VENTURES, LLC under NRS § 86.296,

19 Plaintiff,

20 v.

21 TAYLOR, BEAN & WHITAKER MORTGAGE  
22 CORP., a Florida corporation; WELLS Fargo  
23 BANK, N.A., a national association; BANK OF  
24 AMERICA, N.A., a national association;  
25 SOUTHERN TERRACE HOMEOWNERS'  
26 ASSOCIATION, a Nevada domestic non-profit  
27 coop corporation; JOYCE PIERCE, an  
28 individual; CARRINGTON MORTGAGE  
HOLDINGS, LLC; DOES I through X; and ROE  
CORPORATIONS I through X, inclusive;

Defendants.

Case No.: A-13-684151-C  
Dept.: VI

**CARRINGTON MORTGAGE  
HOLDINGS, LLC'S NOTICE OF APPEAL**

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330  
LAS VEGAS, NEVADA 89144  
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 CARRINGTON MORTGAGE HOLDINGS,  
2 LLC,

3 Counterclaimant,

4 v.

5 R VENTURES VIII, LLC,

6 Counterdefendant.

7 CARRINGTON MORTGAGE HOLDINGS,  
8 LLC,

9 Crossclaimant,

10 v.

11 TERRACE HOMEOWNERS' ASSOCIATION,

12 Crossdefendant.

13 Carrington Mortgage Holdings, LLC by and through its attorneys of record at Akerman LLP,  
14 submits its notice of appeal to the Nevada Supreme Court of the order granting plaintiff R Ventures  
15 VIII, LLC's motion for attorney's fees and costs that was entered in this matter on September 8,  
16 2016.

17 DATED this 3rd day of October 2016.

18  
19 **AKERMAN LLP**

20 */s/ Natalie L. Winslow, Esq.* \_\_\_\_\_

21 ARIEL E. STERN, ESQ.

22 Nevada Bar No. 8276

23 NATALIE L. WINSLOW, ESQ.

24 Nevada Bar No. 12125

25 AKERMAN LLP

26 1160 Town Center Drive, Suite 330

27 Las Vegas, Nevada 89144

28 *Attorneys for Carrington Mortgage Holdings, LLC*

**CERTIFICATE OF SERVICE**

1  
2 I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on this 3rd day of  
3 October, 2016 and pursuant to NRCP 5, I caused to be served a true and correct copy of the  
4 foregoing **CARRINGTON MORTGAGE HOLDINGS, LLC'S NOTICE OF APPEAL**, in the  
5 following manner:

6 **(ELECTRONIC SERVICE)** Pursuant to Administrative Order 14-2, the above-referenced  
7 document was electronically filed on the date hereof & served through the Notice Of Electronic  
8 Filing automatically generated by the Court's facilities to those parties listed on the Court's Master  
9 Service List.

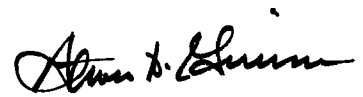
10  
11 J. Charles Coons, Esq.  
12 Thomas A. Miskey, Esq.  
13 COOPER COONS, LTD.  
14 10655 Park Run Drive, Suite 130  
15 Las Vegas, NV 89144

16 *Attorneys for Plaintiff R Ventures VIII, LLC*

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21  
22  
23 */s/ Allen G. Stephens*  
24 \_\_\_\_\_  
25 An employee of AKERMAN LLP  
26  
27  
28

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330  
LAS VEGAS, NEVADA 89144  
TEL.: (702) 634-5000 – FAX: (702) 380-8572



CLERK OF THE COURT

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13 *Attorneys for Carrington Mortgage Holdings, LLC*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 R VENTURES VIII, LLC, a Nevada series  
17 limited liability company of the container R  
18 VENTURES, LLC under NRS § 86.296,

19 Plaintiff,

20 v.

21 TAYLOR, BEAN & WHITAKER MORTGAGE  
22 CORP., a Florida corporation; WELLS Fargo  
23 BANK, N.A., a national association; BANK OF  
24 AMERICA, N.A., a national association;  
25 SOUTHERN TERRACE HOMEOWNERS'  
26 ASSOCIATION, a Nevada domestic non-profit  
27 coop corporation; JOYCE PIERCE, an  
28 individual; CARRINGTON MORTGAGE  
HOLDINGS, LLC; DOES I through X; and ROE  
CORPORATIONS I through X, inclusive;

Defendants.

Case No.: A-13-684151-C  
Dept.: VI

**CARRINGTON MORTGAGE  
HOLDINGS, LLC'S CASE APPEAL  
STATEMENT**

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330  
LAS VEGAS, NEVADA 89144  
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 CARRINGTON MORTGAGE HOLDINGS,  
 2 LLC,

3 Counterclaimant,

4 v.

5 R VENTURES VIII, LLC,

6 Counterdefendant.

7 CARRINGTON MORTGAGE HOLDINGS,  
 8 LLC,

9 Crossclaimant,

10 v.

11 TERRACE HOMEOWNERS' ASSOCIATION,

12 Crossdefendant.

13 Carrington Mortgage Holdings, LLC by and through its attorneys of record at Akerman LLP,  
 14 submits its Case Appeal Statement pursuant to NRAP 3(f)(3).

- 15 1. The appellant filing this case appeal statement is Carrington Mortgage Holdings, LLC  
 16 ("**Appellant**").
- 17 2. The order appealed is the order granting plaintiff's motion for attorney's fees and costs  
 18 entered on August 31, 2016, by the Honorable Judge Elissa Cadish. A Notice of Entry of  
 19 order granting plaintiff's motion for attorney's fees and costs was served on September 29,  
 20 2016.
- 21 3. Counsel for Appellant is Ariel E. Stern, Esq. and Natalie L. Winslow, Esq. of Akerman LLP,  
 22 1160 N. Town Center Drive, Suite 330, Las Vegas, Nevada 89144.
- 23 4. Counsel for Respondent R Ventures VIII, LLC is J. Charles Coons, Esq. and Thomas A.  
 24 Miskey, Esq., of Cooper Coons, Ltd., 10655 Park Run Drive, Suite 130, Las Vegas, NV  
 25 89144.
- 26 5. Counsel for Appellant is licensed to practice law in Nevada. Counsel for Respondent is  
 27 licensed to practice law in Nevada.
- 28 6. Appellant is represented by retained counsel in the district court.

- 1 7. Appellant is represented by retained counsel on appeal.
- 2 8. Appellant was not granted leave to proceed in forma pauperis by the district court.
- 3 9. The date proceedings commenced in the district court was June 26, 2013.
- 4 10. In this action, Respondent alleges that it owns the property located at 6175 Novelty Street,  
5 Las Vegas, Nevada 89148, Assessor Parcel No. 163-31-713-027 (**Property**) free and clear of  
6 all liens as a result of an HOA foreclosure sale. Respondent filed an Answer, Counterclaim  
7 and Cross-Claim for Quiet Title/Declaratory Judgment to have the court declare that  
8 Respondent bought the Property free and clear of Appellant's interests, including the deed of  
9 trust held by Carrington Mortgage Holdings, LLC (**Deed of Trust**). Appellant alleged that  
10 the Deed of Trust was not extinguished by the foreclosure sale because its attempted tender  
11 satisfied the tender rule, the foreclosure sale was not commercially reasonable, and NRS  
12 116.1113 is unconstitutional. The district court granted Respondent's motion for summary  
13 judgment over Appellant's opposition to motion for summary judgment. The district court  
14 granted Respondent's motion for attorney's fees and costs over Appellant's opposition to  
15 motion for attorney's fees and costs. Appellants now appeal the order granting Respondent's  
16 motion for attorney's fees and costs.
- 17 11. This order granting Respondent's motion for summary judgment is currently being appealed  
18 in the Supreme Court under case number 70545.
- 19 12. This appeal does not involve child custody or visitation.
- 20 13. This appeal does not involve the possibility of settlement.

21 DATED this 3rd day of October 2016.

22

23 **AKERMAN LLP**

24 /s/ Natalie L. Winslow, Esq.

25 ARIEL E. STERN, ESQ.

26 Nevada Bar No. 8276

27 NATALIE L. WINSLOW, ESQ.

28 Nevada Bar No. 12125

AKERMAN LLP

1160 Town Center Drive, Suite 330

Las Vegas, Nevada 89144

*Attorneys for Carrington Mortgage Holdings, LLC*

**CERTIFICATE OF SERVICE**

1  
2 I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on this 3rd day of  
3 October, 2016 and pursuant to NRCP 5, I caused to be served a true and correct copy of the  
4 foregoing **CARRINGTON MORTGAGE HOLDINGS, LLC'S CASE APPEAL STATEMENT**,  
5 in the following manner:

6 **(ELECTRONIC SERVICE)** Pursuant to Administrative Order 14-2, the above-referenced  
7 document was electronically filed on the date hereof & served through the Notice Of Electronic  
8 Filing automatically generated by the Court's facilities to those parties listed on the Court's Master  
9 Service List.

10  
11 J. Charles Coons, Esq.  
12 Thomas A. Miskey, Esq.  
13 COOPER COONS, LTD.  
14 10655 Park Run Drive, Suite 130  
15 Las Vegas, NV 89144

16 *Attorneys for Plaintiff R Ventures VIII, LLC*

17  
18  
19  
20  
21  
22  
23 */s/ Allen G. Stephens*

24 \_\_\_\_\_  
An employee of AKERMAN LLP

**CASE SUMMARY****R Ventures VIII, LLC., Plaintiff(s)**

vs.

**Taylor, Bean & Whitaker Mortgage Corp., Defendant  
(s)****CASE NO. A-13-684151-C**§  
§  
§  
§  
§Location: **Department 6**  
Judicial Officer: **Cadish, Elissa F.**  
Filed on: **06/26/2013**  
Cross-Reference Case Number: **A684151**  
Supreme Court No.: **70545****CASE INFORMATION****Statistical Closures**

08/17/2016 Motion to Dismiss (By Defendant)

Case Type: **Title to Property**  
Subtype: **Quiet Title**Case Flags: **Appealed to Supreme Court  
Automatically Exempt from  
Arbitration****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number A-13-684151-C  
Court Department 6  
Date Assigned 06/26/2013  
Judicial Officer Cadish, Elissa F.**PARTY INFORMATION**














<b>Plaintiff</b>	<b>R Ventures VIII, LLC.</b>	<b>Coons, J. Charles</b> <i>Retained</i> 702-998-1500(W)
<b>Defendant</b>	<b>Bank Of America</b> Removed: 04/28/2016 Dismissed	
	<b>Carrington Mortgage Holdings LLC</b>	<b>Parvan, Christine</b> <i>Retained</i> 702-634-5000(W)
	<b>Pierce, Joyce</b>	
	<b>Southern Terrace Homeowners Association</b> Removed: 12/12/2013 Dismissed	
	<b>Taylor, Bean &amp; Whitaker Mortgage Corp.</b>	
	<b>Wells Fargo Bank</b> Removed: 11/06/2013 Dismissed	
<b>Counter Claimant</b>	<b>Carrington Mortgage Holdings LLC</b>	<b>Parvan, Christine</b> <i>Retained</i> 702-634-5000(W)
<b>Counter Defendant</b>	<b>R Ventures VIII, LLC.</b>	<b>Coons, J. Charles</b> <i>Retained</i> 702-998-1500(W)
<b>Cross Claimant</b>	<b>Carrington Mortgage Holdings LLC</b>	<b>Parvan, Christine</b> <i>Retained</i> 702-634-5000(W)
<b>Cross Defendant</b>	<b>Terrace Homeowners' Association</b>	















DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**  
EVENTS & ORDERS OF THE COURT

DATE


INDEX


06/26/2013	 Initial Appearance Fee Disclosure Filed By: Counter Defendant R Ventures VIII, LLC. <i>Initial Appearance Fee Disclosure</i>
06/26/2013	 Complaint Filed By: Counter Defendant R Ventures VIII, LLC. <i>Complaint for Quiet Title and Injunctive Relief</i>
06/26/2013	Case Opened
07/01/2013	 Notice of Lis Pendens Filed by: Counter Defendant R Ventures VIII, LLC. <i>Notice of Lis Pendens</i>
07/08/2013	 Summons Filed by: Counter Defendant R Ventures VIII, LLC. <i>Summons</i>
07/08/2013	 Summons Filed by: Counter Defendant R Ventures VIII, LLC. <i>Summons</i>
07/08/2013	 Summons Filed by: Counter Defendant R Ventures VIII, LLC. <i>Summons</i>
07/08/2013	 Summons Filed by: Counter Defendant R Ventures VIII, LLC. <i>Summons</i>
07/08/2013	 Summons Filed by: Counter Defendant R Ventures VIII, LLC. <i>Summons</i>
10/04/2013	 Affidavit of Service Filed By: Counter Defendant R Ventures VIII, LLC. <i>Affidavit of Service</i>
10/04/2013	 Affidavit of Service Filed By: Counter Defendant R Ventures VIII, LLC. <i>Affidavit of Service</i>
10/04/2013	 Affidavit of Service Filed By: Counter Defendant R Ventures VIII, LLC. <i>Affidavit of Service</i>
10/04/2013	 Motion for Preliminary Injunction Filed By: Counter Defendant R Ventures VIII, LLC. <i>Plaintiff's Motion for Preliminary Injunction</i>
10/21/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Bank Of America <i>Initial Appearance Fee Disclosure</i>

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**


- 10/21/2013  Motion to Dismiss  
Filed By: Defendant Bank Of America  
*Bank of America, N.A.'s Motion to Dismiss*
- 10/21/2013  Request for Judicial Notice  
Filed By: Defendant Bank Of America  
*Defendant's Request for Judicial Notice*
- 10/21/2013  Opposition  
Filed By: Defendant Bank Of America  
*Bank of America, N.A.'s Opposition to Plaintiff's Motion for Preliminary Injunction*
- 11/05/2013  **Motion for Preliminary Injunction** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
Events: 10/04/2013 Motion for Preliminary Injunction  
*Plaintiff's Motion for Preliminary Injunction*
- 11/06/2013  Voluntary Dismissal  
Filed by: Counter Defendant R Ventures VIII, LLC.  
*Voluntary Dismissal of Defendant Wells Fargo Bank NA With Prejudice*
- 11/06/2013 **Voluntary Dismissal** (Judicial Officer: Cadish, Elissa F.)  
Debtors: Wells Fargo Bank (Defendant)  
Creditors: R Ventures VIII, LLC. (Plaintiff)  
Judgment: 11/06/2013, Docketed: 11/14/2013
- 11/08/2013  Opposition to Motion to Dismiss  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Opposition to Bank of America, N.A.'s Motion to Dismiss*
- 11/13/2013  Notice of Bankruptcy  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Case Under Chapter 11 of United States Bankruptcy Code and Notice of Automatic Stay*
- 11/14/2013  Stipulation  
Filed by: Counter Defendant R Ventures VIII, LLC.  
*Stipulation to Continue Hearing on Motion to Dismiss*
- 11/21/2013  Stipulation and Order  
Filed by: Counter Defendant R Ventures VIII, LLC.  
*Stipulation and Order to Continue Hearing on Motion to Dismiss*
- 11/22/2013  Reply  
Filed by: Defendant Bank Of America  
*Bank of America, N.A.'s Reply in Support of Motion to Dismiss*
- 11/27/2013  Order Denying Motion  
Filed By: Defendant Bank Of America  
*Order*
- 12/02/2013  Notice of Entry of Order  
Filed By: Defendant Bank Of America  
*Notice of Entry of Order*


DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**


12/03/2013  **Motion to Dismiss** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
Events: 10/21/2013 Motion to Dismiss  
*Bank of America, N.A.'s Motion to Dismiss*


12/12/2013  Stipulation and Order for Dismissal With Prejudice  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Stipulation and Order*


12/12/2013 **Order of Dismissal With Prejudice** (Judicial Officer: Cadish, Elissa F.)  
Debtors: Southern Terrace Homeowners Association (Defendant)  
Creditors: R Ventures VIII, LLC. (Plaintiff)  
Judgment: 12/12/2013, Docketed: 12/23/2013


01/13/2014  Notice of Entry of Order  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Entry of Order*


01/14/2014  Notice of Entry of Order  
Filed By: Defendant Bank Of America  
*Notice of Entry of Order*


01/14/2014  Order  
Filed By: Defendant Bank Of America  
*Order*


04/29/2014  Substitution of Attorney  
Filed by: Defendant Bank Of America  
*Substitution of Counsel*


06/24/2014  **Minute Order** (3:00 AM) (Judicial Officer: Cadish, Elissa F.)


07/29/2014  **Status Check** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
**07/29/2014, 01/27/2015**

01/23/2015  Motion for Summary Judgment  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Plaintiff's Motion for Summary Judgment*

02/17/2015  Initial Appearance Fee Disclosure  
Filed By: Defendant Bank Of America  
*Initial Appearance Fee Disclosure*

02/17/2015  Opposition to Motion For Summary Judgment  
Filed By: Defendant Bank Of America  
*Defendant Bank of America, N.A.'s Opposition to Motion for Summary Judgment, Request for Rule 56(f) Relief and Cross-Motion for Summary Judgment*


02/20/2015  Stipulation and Order  
Filed by: Defendant Bank Of America  
*Stipulation and Order to Extend Deadline to File Opposition to Plaintiff's Motion for Summary Judgment, Request for Rule 56(F) Relief, and Cross-Motion for Summary Judgment*

02/23/2015  Reply in Support

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**


Filed By: Counter Defendant R Ventures VIII, LLC.  
*Reply In Support of Plaintiff's Motion for Summary Judgment and Opposition to Defendant Bank of America, N.A.'s Cross Motion For Summary Judgment*

02/27/2015

 Reply in Support

Filed By: Defendant Bank Of America  
*Bank of America's Reply in Support of its Countermotion for Summary Judgment*

03/02/2015

 Countermotion For Summary Judgment

Filed By: Defendant Bank Of America  
*Affidavit in Support of Opposition To Motion For Summary Judgment and Bank of America's Cross-Motion For Summary Judgment and Request For Rule 56(f) Relief*


03/03/2015

**Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
*Plaintiff's Motion for Summary Judgment*


03/03/2015

**Opposition and Countermotion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
*Defendant Bank of America, N.A.'s Opposition to Motion for Summary Judgment, Request for Rule 56(f) Relief and Cross-Motion for Summary Judgment*

03/03/2015

 **All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

05/11/2015

 Stipulation and Order

Filed by: Defendant Bank Of America  
*Stipulation and Order To Add Carrington Mortgage Holdings, LLC as a Defendant*

05/14/2015

 Order Granting Motion

Filed By: Counter Defendant R Ventures VIII, LLC.  
*Order*

05/14/2015


**Partial Summary Judgment** (Judicial Officer: Cadish, Elissa F.)  
Debtors: Bank Of America (Defendant)  
Creditors: R Ventures VIII, LLC. (Plaintiff)  
Judgment: 05/14/2015, Docketed: 05/21/2015

05/19/2015

 Notice of Entry of Order

Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Entry of Order*

06/18/2015

 Notice of Entry

Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Entry*

07/22/2015

 Disclaimer of Interest

Filed By: Defendant Bank Of America  
*Disclaimer of Interest of Bank of America, N.A. and Request for Dismissal*

07/22/2015

 Notice of Intent to Take Default


Party: Counter Defendant R Ventures VIII, LLC.  
*Notice of Intent to Take Default*


07/27/2015


 Initial Appearance Fee Disclosure


Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Initial Appearance Fee Disclosure*


DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**


07/27/2015  Answer and Counterclaim  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Answer, Counterclaim and Crossclaim*


08/06/2015  Affidavit of Service  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Affidavit of Service*


08/11/2015  Notice of Posting Bond  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Posting Bond*


09/02/2015  Reply to Counterclaim  
Filed by: Counter Defendant R Ventures VIII, LLC.  
*Plaintiff/Counter Defendant R Ventures VII, LLC Reply to Defendant/Counterclaimant Carrington Mortgage Holdings, LLC's Counterclaims*


10/12/2015  Joint Case Conference Report  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Joint Case Conference Report*


10/29/2015  Scheduling Order  
*Scheduling Order*


11/17/2015  Order Setting Civil Non-Jury Trial  
*Order Setting Civil Non-Jury and Calendar Call*


01/11/2016  Motion to Dismiss  
Filed By: Defendant Bank Of America  
*Bank of America's Motion To Dismiss*


01/25/2016  Opposition  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Plaintiff's Opposition to Bank of America's Motion to Dismiss*

02/09/2016  Reply in Support  
Filed By: Defendant Bank Of America  
*Bank of America's Reply in Support of its Motion To Dismiss*

02/10/2016  Errata  
Filed By: Defendant Bank Of America  
*Errata To Bank of America's Motion To Dismiss*

02/16/2016  **Motion to Dismiss** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
*Bank of America's Motion To Dismiss*

02/24/2016  Motion for Summary Judgment  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Plaintiff's Renewed Motion for Summary Judgment*

02/24/2016  Motion for Summary Judgment  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Motion for Summary Judgment*

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**

- 03/08/2016  Opposition to Motion For Summary Judgment  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Plaintiff's Opposition to Carrington Mortgage Holdings, LLC's Motion For Summary Judgment*
- 03/08/2016  **Status Check** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)
- 03/14/2016  Opposition to Motion For Summary Judgment  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Opposition to Plaintiff R Ventures VIII, LLC's Motion for Summary Judgment*
- 03/22/2016  Reply in Support  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Reply in Support of Plaintiff's Motion for Summary Judgment*
- 03/22/2016  Reply in Support  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington's Reply in Support of Motion for Summary Judgment*
- 03/25/2016  Errata  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Errata To Carrington Mortgage Holdings, Llc's Motion For Summary Judgment*
- 03/29/2016 **Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
**03/29/2016, 04/05/2016**  
*Plaintiff's Renewed Motion for Summary Judgment*
- 03/29/2016 **Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
**03/29/2016, 04/05/2016**  
*Carrington Mortgage Holdings, LLC's Motion for Summary Judgment*
- 03/29/2016  **All Pending Motions** (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
- 04/05/2016  **All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)
- 04/27/2016  Order Granting Motion  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Order Granting Plaintiffs Motion for Summary Judgment*
- 04/27/2016 **Summary Judgment** (Judicial Officer: Cadish, Elissa F.)  
Debtors: Bank Of America (Defendant), Carrington Mortgage Holdings LLC (Defendant)  
Creditors: R Ventures VIII, LLC. (Plaintiff)  
Judgment: 04/27/2016, Docketed: 05/04/2016
- 04/28/2016  Order Granting Motion  
Filed By: Defendant Bank Of America  
*Order Granting Bank of America, N.A.' Motion to Dismiss*
- 04/28/2016 **Order of Dismissal** (Judicial Officer: Cadish, Elissa F.)  
Debtors: R Ventures VIII, LLC. (Plaintiff)  
Creditors: Bank Of America (Defendant)  
Judgment: 04/28/2016, Docketed: 05/05/2016

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**

05/02/2016  Notice of Entry of Order  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Entry of Order*

05/03/2016  Notice of Entry of Order  
Filed By: Defendant Bank Of America  
*Notice of entry of Order Granting Bank of America, N.A. Motion to Dismiss*

05/17/2016 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer: Cadish, Elissa F.)  
*Vacated*

05/19/2016  Motion to Reconsider  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Motion for Reconsideration of Orders on Summary Judgment*

05/23/2016 **CANCELED Bench Trial** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)  
*Vacated*

06/01/2016  Notice of Appeal  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Notice Of Appeal*

06/01/2016  Opposition  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Opposition to Motion to Carrington Mortgage Holdings, LLC's Motion for Reconsideration of Orders on Summary Judgment*

06/01/2016  Case Appeal Statement  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Case Appeal Statement*

06/14/2016  Reply in Support  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, Llc's Reply In Support Of Motion For Reconsideration Of Orders On Summary Judgment*

06/21/2016  **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Cadish, Elissa F.)  
*Carrington Mortgage Holdings, LLC's Motion for Reconsideration of Orders on Summary Judgment*

06/22/2016  Notice of Posting of Cost Bond  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Notice of Posting Appeal Cost Bond*


07/06/2016  Motion for Attorney Fees and Costs  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Motion for Attorney's Fees and Costs*


07/25/2016  Opposition to Motion  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, Llc's Opposition To Plaintiff's Motion For Attorney's Fees And Costs*


07/29/2016  Reply in Support


DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. A-13-684151-C**


Filed By: Counter Defendant R Ventures VIII, LLC.  
*Reply in Support of Motion for Attorney's Fees and Costs*


08/09/2016  **Motion for Attorney Fees and Costs** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  
*R Ventures VIII, LLC's Motion for Attorney's Fees and Costs*

08/17/2016  Order Denying Motion  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Order Denying Motion*


08/18/2016  Notice of Entry of Order  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Entry of Order*


08/31/2016  Recorders Transcript of Hearing  
*Recorder's Transcript of Hearing: Plaintiff's Renewed Motion for Summary Judgment and Carrington Mortgage Holdings, LLC's Motion for Summary Judgment, April 5, 2016*

08/31/2016  Recorders Transcript of Hearing  
*Recorder's Transcript of Hearing: R. Ventures VIII, LLC's Motion for Attorney's Fees and Costs, August 9, 2016*

09/08/2016  Order Granting Motion  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Order Granting Plaintiff's Motion for Attorney's Fees and Costs*

09/08/2016 **Order** (Judicial Officer: Cadish, Elissa F.)  
Debtors: Carrington Mortgage Holdings LLC (Defendant)  
Creditors: R Ventures VIII, LLC. (Plaintiff)  
Judgment: 09/08/2016, Docketed: 09/15/2016  
Total Judgment: 25,465.50

09/29/2016  Notice of Entry of Order  
Filed By: Counter Defendant R Ventures VIII, LLC.  
*Notice of Entry of Order*

10/03/2016  Notice of Appeal  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Notice Of Appeal*

10/03/2016  Case Appeal Statement  
Filed By: Cross Claimant Carrington Mortgage Holdings LLC  
*Carrington Mortgage Holdings, LLC's Case Appeal Statement*



Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

VI

**I. Party Information**

Plaintiff(s) (name/address/phone): R VENTURES VIII, LLC.  
4815 W RUSSELL #8H  
LAS VEGAS NV 89118-6241

Attorney (name/address/phone):

J. Charles Coons, Esq., Cooper Coons Ltd., 10655 Park Run  
Drive, Suite 130, Las Vegas, Nevada 89144; Ph: (702) 998-  
1500

Defendant(s) (name/address/phone): TAYLOR, BEAN &  
WHITAKER MORTGAGE CORP., a Florida corporation, 311 S.  
Division St., Carson City, NV 89703; WELLS FARGO BANK,  
N.A., a national association, 2215 B Renaissance Dr., Las Vegas,  
NV 89119; et seq;

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)

**Arbitration Requested**

**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	Negligence <input type="checkbox"/> <b>Negligence - Auto</b> <input type="checkbox"/> <b>Negligence - Medical/Dental</b> <input type="checkbox"/> <b>Negligence - Premises Liability</b> (Slip/Fall) <input type="checkbox"/> <b>Negligence - Other</b>	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

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

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

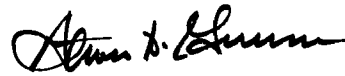
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS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

6/26/2013

/s/ J. Charles Coons

Date

Signature of initiating party or representative



CLERK OF THE COURT

1 J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
2 [Charles@coopercoons.com](mailto:Charles@coopercoons.com)  
Nevada Bar No. 13540  
3 [Thomas@coopercoons.com](mailto:Thomas@coopercoons.com)  
COOPER COONS, LTD.  
4 10655 Park Run Drive, Suite 130  
Las Vegas, Nevada 89144  
5 (702) 998-1500  
6 *Attorneys for Plaintiff*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9  
10 R VENTURES VIII, LLC, a Nevada series  
limited liability company of the container R  
11 VENUTERS, LLC under NRS § 86.296,

12 Plaintiff,

13 v.

14 TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP., a Florida corporation;  
15 WELLS FARGO BANK, N.A., a national  
association; BANK OF AMERICA, N.A., a  
16 national association; SOUTHERN TERRACE  
HOMEOWNERS' ASSOCIATION, a Nevada  
17 domestic non-profit coop corporation; JOYCE  
PIERCE, an individual; CARRINGTON  
18 MORTGAGE HOLDINGS, LLC; DOES I  
through X; and ROE CORPORATIONS II  
19 through X, inclusive,

20 Defendants.

21 AND ALL RELATED CLAIMS.

Case No.: A-13-684151-C

Dept. No.: VI

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES AND  
COSTS**

22 THIS MATTER having come on for hearing on August 9, 2016 at 8:30 am, THOMAS  
23 MISKEY, Esq., of COOPER COONS, LTD, appearing as counsel for the Plaintiff R VENTURES  
24 VIII, LLC, REX D. GARNER, ESQ., of AKERMAN, LLP, appearing for Defendant  
25 CARRINGTON MORTGAGE HOLDINGS, LLC, and the Court having heard the representations  
26 of counsel and after having examined the records and documents on file in the above-entitled  
27 matter and being fully advised;

28 ///

1 THE COURT HEREBY FINDS:

2 1. NRS 116.3116(8) provides for a mandatory award of reasonable attorney's fees for  
3 a prevailing party for any action brought under this section.

4 2. Plaintiff's first claim for declaratory relief was brought under and based in NRS  
5 116.3116.

6 3. Plaintiff's second claim for injunctive relief was brought under and based in NRS  
7 116.3116.

8 4. Plaintiff's claims are of the type contemplated by NRS 116.3116(8) and thus it  
9 applies to the instant action.

10 5. Plaintiff is the prevailing part in this action and thus is entitled to an award of  
11 attorney's fees.

12 6. The Court has examined Plaintiff's submitted fees and costs under the standard set  
13 forth in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 and found them reasonable  
14 because of the nature and extent of the litigation.

15 7. Upon examination, Plaintiff's submitted costs in the amount of one thousand and  
16 four hundred and sixty dollars and fifty cents (\$1,460.50) was necessarily and reasonably incurred  
17 in this action.

18 8. Upon examination, Plaintiff's submitted attorney's fees in the amount of twenty  
19 four thousand and five dollars (\$24,005.00) was necessarily and reasonably incurred in this action.

20 IT IS HEREBY ORDERED that Plaintiff's Renewed Motion for Attorney's Fees and Costs  
21 is **GRANTED**.

22 ///

23 ///

24 ///

25 ///

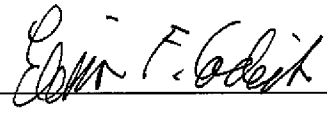
26 ///

27 ///

28 ///


1 IT IS FURTHER ORDERED that Defendant Carrington Mortgage Holdings, LLC's shall  
2 pay a monetary judgement in the amount of twenty five thousand, four hundred and sixty five  
3 dollars and fifty cents (\$25,465.50) to Plaintiff R Ventures VIII, LLC.

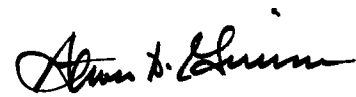
4 DATED this 31 day of August, 2016.

5  
6  
7   
8 \_\_\_\_\_  
9 JUDGE ELISSA F. CADISH *LEC*

10 Submitted by:

11 COOPER COONS, LTD.  
12 *Attorneys at Law*

13 By:   
14 J. CHARLES COONS, ESQ.  
15 Nevada Bar No. 10553  
16 THOMAS MISKEY, ESQ.  
17 Nevada Bar No. 13540  
18 10655 Park Run Drive, Suite 130  
19 Las Vegas, Nevada 89144  
20 V: (702) 998-1500  
21 F: (702) 998-1503  
22 *Attorneys for Plaintiff*



CLERK OF THE COURT

1 J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
2 [Charles@coopercoons.com](mailto:Charles@coopercoons.com)  
THOMAS MISKEY, ESQ.  
3 Nevada Bar No. 13540  
4 [Thomas@coopercoons.com](mailto:Thomas@coopercoons.com)  
COOPER COONS, LTD.  
10655 Park Run Drive, Suite 130  
5 Las Vegas, Nevada 89144  
(702) 998-1500  
6 *Attorneys for Plaintiff*

7  
8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 R VENTURES VIII, LLC, a Nevada series  
11 limited liability company of the container R  
12 VENUTERS, LLC under NRS § 86.296,

13 Plaintiff,

14 v.

15 TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP., a Florida corporation;  
16 WELLS FARGO BANK, N.A., a national  
association; BANK OF AMERICA, N.A., a  
17 national association; SOUTHERN TERRACE  
HOMEOWNERS' ASSOCIATION, a  
18 Nevada domestic non-profit coop corporation;  
JOYCE PIERCE, an individual; DOES I  
19 through X; and ROE CORPORATIONS I  
through X, inclusive,

20 Defendants.

Case No.: A-13-684151-C

Dept. No.: VI

**NOTICE OF ENTRY OF ORDER**

21  
22 PLEASE TAKE NOTICE an Order Granting Plaintiff's Motion for Fees and Costs was  
23 entered in the above captioned matter on September 8, 2016, a copy of which is attached hereto.

24 ///

25 ///

26 ///

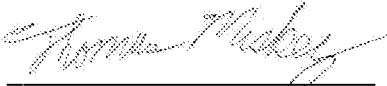
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28 ///

1 There are no social security numbers contained in this document.

2 DATED this 30th day of September, 2016.

3  
4 COOPER COONS, LTD.  
5 *Attorneys at Law*

6  
7 By:   
8 J. CHARLES COONS, ESQ.  
9 Nevada Bar No. 10553  
10 THOMAS MISKEY, ESQ.  
11 Nevada Bar No. 13540  
12 10655 Park Run Drive, Suite 130  
13 Las Vegas, Nevada 89144  
14 V: (702) 998-1500  
15 F: (702) 998-1503  
16 *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies on September 30, 2016, a true and correct copy of the above and foregoing was serve to the following at their last known address(es), facsimile numbers and/or e-mail/other electronic means, pursuant to:

\_\_\_\_\_ **BY MAIL:** N.R.C.P. 5(b), I deposited by first class United States mailing, postage prepaid at Las Vegas, Nevada;

\_\_\_\_\_ **BY FAX:** E.D.C.R. 7.26(a), I served via facsimile at the telephone number provided for such transmissions;

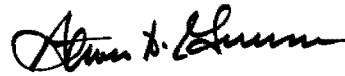
\_\_\_\_\_ **BY MAIL AND FAX:** N.R.C.P. 5(b), I deposited by first class United States mail, postage prepaid in Las Vegas, Nevada; and via facsimile pursuant to E.D.C.R. 7.26(a);

  X   **BY E-MAIL AND/OR ELECTRONIC MEANS:** N.R.C.P. 5(b)(2)(D) and addressee(s) having consented to electronic service, I via e-mail or other electronic means to the e-mail address(es) of the addressee(s).

Akerman LLP	
Contact	Email
Akerman Las Vegas Office	<a href="mailto:akermanlas@akerman.com">akermanlas@akerman.com</a>

*/s/ Kim Hexamer*

\_\_\_\_\_  
An employee of COOPER COONS, LTD.



CLERK OF THE COURT

1 J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
2 [Charles@coopercoons.com](mailto:Charles@coopercoons.com)  
Nevada Bar No. 13540  
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5 (702) 998-1500  
*Attorneys for Plaintiff*  
6

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**  
9

10 R VENTURES VIII, LLC, a Nevada series  
limited liability company of the container R  
11 VENUTERS, LLC under NRS § 86.296,

12 Plaintiff,

13 v.

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association; BANK OF AMERICA, N.A., a  
16 national association; SOUTHERN TERRACE  
HOMEOWNERS' ASSOCIATION, a Nevada  
17 domestic non-profit coop corporation; JOYCE  
PIERCE, an individual; CARRINGTON  
18 MORTGAGE HOLDINGS, LLC; DOES I  
through X; and ROE CORPORATIONS II  
19 through X, inclusive,

20 Defendants.

21 **AND ALL RELATED CLAIMS.**

Case No.: A-13-684151-C

Dept. No.: VI

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES AND  
COSTS**

22 THIS MATTER having come on for hearing on August 9, 2016 at 8:30 am, THOMAS  
23 MISKEY, Esq., of COOPER COONS, LTD, appearing as counsel for the Plaintiff R VENTURES  
24 VIII, LLC, REX D. GARNER, ESQ., of AKERMAN, LLP, appearing for Defendant  
25 CARRINGTON MORTGAGE HOLDINGS, LLC, and the Court having heard the representations  
26 of counsel and after having examined the records and documents on file in the above-entitled  
27 matter and being fully advised;

28 ///



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2 1. NRS 116.3116(8) provides for a mandatory award of reasonable attorney's fees for  
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8 4. Plaintiff's claims are of the type contemplated by NRS 116.3116(8) and thus it  
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10 5. Plaintiff is the prevailing part in this action and thus is entitled to an award of  
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12 6. The Court has examined Plaintiff's submitted fees and costs under the standard set  
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18 8. Upon examination, Plaintiff's submitted attorney's fees in the amount of twenty  
19 four thousand and five dollars (\$24,005.00) was necessarily and reasonably incurred in this action.

20 IT IS HEREBY ORDERED that Plaintiff's Renewed Motion for Attorney's Fees and Costs  
21 is **GRANTED**.

22 ///

23 ///

24 ///

25 ///

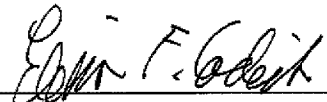
26 ///

27 ///

28 ///


1 IT IS FURTHER ORDERED that Defendant Carrington Mortgage Holdings, LLC's shall  
2 pay a monetary judgement in the amount of twenty five thousand, four hundred and sixty five  
3 dollars and fifty cents (\$25,465.50) to Plaintiff R Ventures VIII, LLC.

4 DATED this 31 day of August, 2016.

5  
6  
7   
8 JUDGE ELISSA F. CADISH *LEC*

9 Submitted by:

10 COOPER COONS, LTD.  
11 *Attorneys at Law*

12  
13 By:   
14 J. CHARLES COONS, ESQ.  
15 Nevada Bar No. 10553  
16 THOMAS MISKEY, ESQ.  
17 Nevada Bar No. 13540  
18 10655 Park Run Drive, Suite 130  
19 Las Vegas, Nevada 89144  
20 V: (702) 998-1500  
21 F: (702) 998-1503  
22 *Attorneys for Plaintiff*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**December 03, 2013**

A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

**December 03, 2013      8:30 AM      Motion to Dismiss**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bank Of America	Defendant
	Coons, J. Charles	Attorney
	Jorgensen, J. C.	Attorney
	R Ventures VIII, LLC.	Plaintiff

**JOURNAL ENTRIES**

- Present on behalf of the Bank of America, Dale Kotchkalanes. Court noted the subject property was bought by the Plaintiff at a foreclosure sale initiated by the Home Owners Association (HOA) for which the Bank of America had a deed of trust on the property; the Plaintiff has initiated the case to stop the Defendant's from foreclosing on the property. Argument in support of Bank of America's N.A.'s Motion to Dismiss by Ms. Kotchkalanes; or in the alternative for a stay of proceedings if the motion is denied. Mr. Coons stated his client is not opposed to a stay pending the ruling from the Nevada Supreme Court and requested the matter be set for a status check. In light of the many cases in this Court and before the Nevada Supreme Court dealing with the same issues COURT ORDERED, proceedings STAYED pending a ruling from the Nevada Supreme Court in regards to the super priority lien and what their position is, or is not with respect to mortgage holders when a HOA forecloses; matter set for status check. Mr. Coons noted an injunction was filed in regards to the foreclosure action on behalf of the Bank of America. Colloquy. Court stated in light of the stay it's expected the stay precludes the scheduling of a foreclosure sale of the property during the stay.

**A-13-684151-C**

6-3-14 8:30 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**June 24, 2014**

---

A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

---

**June 24, 2014      3:00 AM      Minute Order**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to the proceedings of December 3, 2013 a Status Check was to be scheduled June 3, 2014 @ 8:30 AM. Erroneously the hearing was not calendared and pursuant to the Judicial Executive Assistant (J.E.A.) has been RESCHEDULED to July 29, 2014 @ 8:30 AM in Department VI.

7-29-14 8:30 AM STATUS CHECK

CLERK'S NOTE: The above minute order has been distributed to: Dale Kotchka-Alanes & J.C. Jorgensen (Lewis R R LLP), J. Charles Coons ( Cooper Coons)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Title to Property

COURT MINUTES

July 29, 2014

A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

July 29, 2014      8:30 AM      Status Check

HEARD BY: Cadish, Elissa F.      COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES**

PRESENT:      Brenner, Darren      Attorney  
                 Coons, J. Charles      Attorney

**JOURNAL ENTRIES**

- Mr. Brenner noted the case has been stayed for some time and he would like to make sure the property is being maintained; it's not believed there are any problems. Mr. Brenner requested the property, taxes, HOA fees, and insurance be maintained and any should there be any changes in rent, the excess after payment should be placed in an impound account; there is to be no transfer of the property pending the stay. Mr. Coons stated he is agreeable to the request, all is current and there is no rental agreement on the house; there's no opposition to a continuation of the stay and the property should not be transferred by either parte. COURT ORDERED, matter CONTINUED to determine what is taking place with the Supreme Court. Mr. Mr. Brenner stated an order will be prepared. Court directed the order be run by opposing counsel prior to submission.

1-27-15 8:30 AM STATUS CHECK

DISTRICT COURT  
CLARK COUNTY, NEVADA

Title to Property

COURT MINUTES

January 27, 2015

---

A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

---

January 27, 2015      8:30 AM      Status Check

HEARD BY: Cadish, Elissa F.      COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES**

PRESENT:      Coons, J. Charles      Attorney  
                 Winslow, Natalie L      Attorney

**JOURNAL ENTRIES**

- Mr. Coons noted the summary judgment motion calendared March 3rd, and stated they are happy to review and answer, and move forward with the ECC, or wait until the hearing to see where they go from there; there has not been an opportunity to speak with opposing counsel. Court noted the case was stayed by the agreement of parties. Ms. Winslow stated there is no preference one way or another, an answer can be filed prior to the motion, and it may make sense to wait on the summary judgment motion; amenable either way. COURT ORDERED, the stay is to remain in place until the March 3rd hearing, and at which time it will be determined how to proceed.

3-3-15 8:30 AM PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT



DISTRICT COURT  
CLARK COUNTY, NEVADA

Title to Property

COURT MINUTES

March 03, 2015

---

A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

---

March 03, 2015      8:30 AM      All Pending Motions

HEARD BY: Cadish, Elissa F.      COURTROOM: RJC Courtroom 15B

COURT CLERK: Billie Jo Craig

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES**

PRESENT: Coons, J. Charles      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...  
DEFENDANT BANK OF AMERICA, N.A.'S, OPPOSITION TO MOTION FOR SUMMARY  
JUDGMENT, REQUEST FOR RULE 56(F) RELIEF AND CROSS-MOTION FOR SUMMARY  
JUDGMENT

Attorney Thomas Miskey present on behalf of Plaintiff. Attorney Ariel Stern present on behalf of Defendant Bank of America.

AS TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT: Arguments by counsel. As the Court believed it was appropriate to allow defendant to conduct some Discovery regarding potential tender and issues that go to good faith and reasonableness of the sale, COURT ORDERED, some Discovery is GRANTED around those issues to address factual circumstances on that issue. Defendant's Countermotion for Rule 56(f) relief on the issues that are not addressed by the recitals is GRANTED. Further clarification of the Court's Order. The Motion for Summary Judgment is DENIED as 56(f) relief being Granted. Defendant to file an Answer and proceed with Discovery and can renew the Motion at a later date. Mr. Stern to prepare the Order and run by opposing counsel before submitting to the Court.

COURT ORDERED, the Stay of the case that was in place is now officially LIFTED. Counsel to file an Answer within 10 days of entry of the Order. Mr. Coons requested a Stipulation for either party to not transfer property in any manner and that the bank not foreclose on the property. Mr. Stern requested counsel to file a Preliminary Injunction Motion and post Bond. The Court stated its findings that it was appropriate to not have the bank to foreclose and found sufficient showing of the likelihood of success on the merits and irreparable injury to warrant a Preliminary Injunction and proceed to foreclosure. COURT ORDERED, a Bond for \$100.00 be posted or a firm check for \$100.00. Plaintiff also has an agreement ordering that neither party dispose or transfer the property.

DISTRICT COURT  
CLARK COUNTY, NEVADA

Title to Property

COURT MINUTES

February 16, 2016

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A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

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February 16, 2016      8:30 AM      Motion to Dismiss

HEARD BY: Cadish, Elissa F.      COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES**

**PRESENT:**      Brenner, Darren      Attorney  
                         Miskey, Thomas      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding attorney fees, and attorney fee provisions. Mr. Brenner stated he is not opposed to an order saying they are dismissed, and if the Plaintiff prevails a motion for fees and cost can be filed, which the defense can argue against on the merits. Court stated findings and ORDERED, Bank of America's Motion To Dismiss is GRANTED; should the Plaintiff prevail in the case and seek attorney fees and cost, a motion can be filed; Mr. Brenner to prepare the order, running it by opposing counsel prior to submission.

3.-8-16 8:30 AM Status Check

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**March 08, 2016**

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A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

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**March 08, 2016      8:30 AM      Status Check**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed  
Billie Jo Craig

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:** Miskey, Thomas      Attorney

**JOURNAL ENTRIES**

- Attorney Donna Wittig present on behalf of Defendant Bank of America.

Upon inquiry of the Court, counsel advised Discovery was completed. Court noted the Bench Trial was on the 5/23/16 stack for a 2 to 3-day Bench Trial. Motions in Limine are due 4/8/16 pursuant to the Scheduling Order. Court directed counsel to advise the Court if the matter is resolved or they want a Settlement Conference. COURT ORDERED, Trial date STANDS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**March 29, 2016**

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A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

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**March 29, 2016      8:30 AM      All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Billie Jo Craig

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- PLAINTIFF'S RENEWED MOTION FOR SUMMARY JUDGMENT...CARRINGTON MORTGAGE HOLDINGS, LLC'S, MOTION FOR SUMMARY JUDGMENT

Attorney Melanie Morgan present on behalf of Carrington Mortgage Holdings.

Ms. Morgan advised she received a letter that both Motions were CONTINUED. COURT SO ORDERED.

CONTINUED TO: 4/5/16 8:30 AM (BOTH)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Title to Property

COURT MINUTES

April 05, 2016

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A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

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**April 05, 2016      8:30 AM      All Pending Motions**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**      Miskey, Thomas      Attorney  
                         Wittig, Donna      Attorney

**JOURNAL ENTRIES**

- Plaintiff's Renewed Motion for Summary Judgment...Carrington Mortgage Holdings, LLC's Motion for Summary Judgment

Arguments by counsel regarding tender, commercial reasonableness, HUD issues, whether there was a foreclosure sale, loan splitting. Court stated findings and ORDERED, Plaintiff's Renewed Motion for Summary Judgment GRANTED; Carrington Mortgage Holdings, LLC's Motion for Summary Judgment DENIED; order to be submitted. Mr. Miskey requested the ruling be certified as a final order. Court stated all claims have been addressed, and once entered will be a final order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**June 21, 2016**

A-13-684151-C

R Ventures VIII, LLC., Plaintiff(s)

vs.

Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

**June 21, 2016**

**3:00 AM**

**Motion For  
Reconsideration**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Jill Chambers

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

The Court has read and considered Carrington Mortgage Holdings, LLC's Motion for Reconsideration of Orders on Summary Judgment, Plaintiff's Opposition thereto, and Carrington's Reply in Support thereof. The Court notes that Carrington filed a Notice of Appeal on June 1, 2016, which divested this Court of jurisdiction. Moreover, if this Court still had jurisdiction, it would deny the instant Motion. The Court first notes that the motion for reconsideration was timely filed. Nevertheless, Carrington seeks reconsideration based on the recent Nevada Supreme Court decisions in the Shadow Wood and Ikon cases. However, the Shadow Wood case was issued before the underlying decision, and was actually briefed and argued by the parties and considered by the Court in the ruling previously made. Moreover, the Ikon case does not affect this Court's decision and is not contrary the findings and conclusions of the Court. Accordingly, the Court's decision was not clearly erroneous, nor is there any other legal basis on which to grant reconsideration. Thus, the instant Motion for Reconsideration is DENIED. Plaintiff's counsel should submit a proposed order after providing a draft to opposing counsel for review, comment, and approval as to form and content.

CLERK S NOTE: Counsel is to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the following Service Recipients via Wiznet E-Service: akermanlas@akerman.com; ariel.stern@akerman.com; christine.parvan@akerman.com; elizabeth.streible@akerman.com; charles@coopercoons.com; kim@coopercoons.com; liz@coopercoons.com; thomas@coopercoons.com. jmc 6/23/16



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**August 09, 2016**

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A-13-684151-C      R Ventures VIII, LLC., Plaintiff(s)  
vs.  
Taylor, Bean & Whitaker Mortgage Corp., Defendant(s)

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**August 09, 2016      8:30 AM      Motion for Attorney Fees  
and Costs**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Denise Husted

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**      Garner, Rex D.      Attorney  
                 Miskey, Thomas      Attorney

**JOURNAL ENTRIES**

- Mr. Miskey stated that the Defendant's opposition doesn't challenge his assertion of the reasonableness of the fees and costs. He advised that his argument is whether NRS 116 applied, whether it was constitutional and on that basis he believes at the very minimum the NRS 116 provision does not explicitly provide a cause of action; there is an implicit caused of action based on the protections given to the purchasers through NRS116. Arguments in opposition by Mr. Garner. He stated that the NRS116 fee provision does no apply to this case. The Court stated its findings and ORDERED. attorneys fees in the amount of \$24,005.00 and costs in the amount of \$1,460.55 are GRANTED. Ms. Miskey to prepare the order.



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

ARIEL E. STERN, ESQ.  
1160 TOWN CENTER DRIVE, SUITE 330  
LAS VEGAS, NV 89144

DATE: October 5, 2016  
CASE: A-13-684151-C

**RE CASE:** R VENTURES VIII, LLC, a Nevada series limited liability company of the container R VENTURES, LLC under NRS § 86.296 vs. TAYLOR, BEAN & WHITAKER MORTGAGE CORP.; JOYCE PIERCE; CARRINGTON MORTGAGE HOLDINGS, LLC

NOTICE OF APPEAL FILED: October 3, 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.*

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**\*\*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):

CARRINGTON MORTGAGE HOLDINGS, LLC'S NOTICE OF APPEAL;  
CARRINGTON MORTGAGE HOLDINGS, LLC'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

R VENTURES VIII, LLC, a Nevada series limited liability company of the container R VENTURES, LLC under NRS § 86.296,

Plaintiff(s),

vs.

TAYLOR, BEAN & WHITAKER MORTGAGE CORP.; JOYCE PIERCE; CARRINGTON MORTGAGE HOLDINGS, LLC,

Defendant(s),

Case No: A-13-684151-C

Dept No: VI

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 5 day of October 2016.

Steven D. Grierson, Clerk of the Court

*Chaunte Pleasant*

Chaunte Pleasant, Deputy Clerk

