

560 Haunts Walk Ave.
Las Vegas, NV 89178
November 28, 2016

The Administrator
Foreclosure Mediation Program
Supreme Court Building
201 South Carson St., Suite 250
Carson City, Nevada 89071

Ms. Lilliette Brooks
Foreclosure Mediation Program
Supreme Court Building
201 South Carson St., Suite 250
Carson City, Nevada 89071

Mr. John McCormick
Assistant Court Administrator
Judicial Programs and Services
Supreme Court Building
201 South Carson St., Suite 250
Carson City, Nevada 89071

The Chief Justice
Supreme Court Building
201 South Carson Street
Carson City, Nevada 89071

Re: Wrongful Issuance of Certificate of Foreclosure Mediation
on property at 560 Haunts Walk Ave., Las Vegas, NV 89178

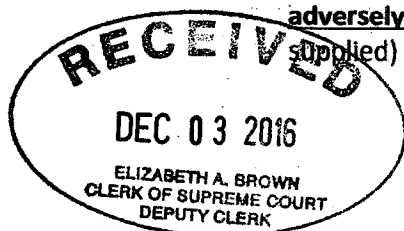
Sir:

This is to formally request the recall or cancelation of the Certificate of Foreclosure Mediation you issued on this matter on November 9, 2016, copy of which is attached as Exhibit "1" hereof.

The issuance of said Certificate is in violation of Section 27 of Rule 23 (Issuance of Certificates and Petition for Judicial Review) of the Amendment to Foreclosure Mediation Rules, effective 01/14/16, pursuant to ADKT 0435, which provides that:

"7. Upon receipt of notice of the filing of a petition for judicial review by the Administrator, or designee, and until final resolution of that action, the Administrator, or designee, shall refrain from taking any action which will adversely affect any party to the mediation." (emphasis

supplied)



71770
FILED

DEC 07 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

16-37919

There is no final resolution yet of the subject petition for judicial review because it is still on appeal in the Nevada Supreme Court, as shown by the timely filed Notice of Appeal, copy of which has been served to your office on November 15, 2016 as shown by copy thereof attached as Exhibit "2."


Despite the aforesaid law and in spite of the existence of an appeal in the Nevada Supreme Court, your office has issued the aforesaid Certificate of Foreclosure Mediation. (Exh. "1").

Considering that such issuance of Certificate of Foreclosure Mediation will cause great damage and prejudice to us for it will deprive us of our dwelling and considering further that said issuance may have been due to inadvertence or mistake, we respectfully request that the a Notice of Recall or Cancelation of said Certificate be issued as soon as possible because the Trustee has already set the trustee sale on December 13, 2016.

Please give this matter your preferential attention due to its importance and urgency as, otherwise, it will deprive us of our right to constitutional due process of law which includes the right to appeal to the Nevada Supreme Court – and we will have no more place to live.

Thank you for your timely assistance on this request.

Very truly yours,


RICARDO PASCUA
Petitioner

Alt. APN:

Recording request copy:

Exhibit "1"
DUPLICATE

When recorded, mail to:

CERTIFICATE**STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM**

Property Owner(s):

Pascua, Myra

Property Address:

560 Haunts Walk Ave.**Las Vegas, NV 89178****Clark Co.**

Trustee:

Seaside Trustee Inc.**3670 N. Rancho Drive, Suite 101****Las Vegas, NV 89130**

Instrument Number:

20060106-0001236

Deed of Trust Doc Number:

01/06/2006

Book:

Page:

- ☐ **Mediation Waived:** The Beneficiary may proceed with the foreclosure process.
- ☐ **Non-Applicable Property:** The Beneficiary may proceed with the foreclosure process.
- ☐ **No Agreement:** A Foreclosure Mediation Conference was held on 06/22/16. The parties were unable to agree to a resolution of this matter. The Beneficiary may proceed with the foreclosure process.
- ☐ **Relinquish the Property:** A Foreclosure Mediation Conference was held on 06/22/16. The parties agreed homeowner would voluntarily relinquish the property. The mediation required by law has been completed in this matter. The Beneficiary may proceed with the foreclosure process.
- ☐ **Grantor Non-Compliance:** The Grantor or person who holds the title of record did not attend the Foreclosure Mediation Conference or failed to produce the necessary disclosure forms. The Beneficiary may proceed with the foreclosure process.
- ☐ **Certificate Reissuance:** The Beneficiary may proceed with the foreclosure process.
- ☒ **Court Ordered:** The Beneficiary may proceed with the foreclosure process.

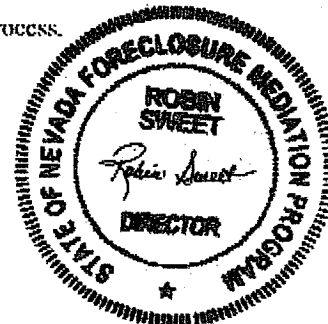
NOD Date: 02-09-2016 Proof of Service Date: 02-17-2016Certificate Issued Date: 11-09-2016**FMP CERT: 2016-11-09-0001**

Exhibit "2" FILED

NOV 15 2016

John B. Sullivan
CLERK OF COURT

1 RICARDO PASCUA
2 560 Haunts Walk Ave.
3 Las Vegas, NV 89178
4 Tel.: (702) 401-3569
5 Petitioner – PRO SE

DISTRICT COURT
CLARK COUNTY, NEVADA

6 RICARDO PASCUA,
7 Petitioner)

CASE NO. A-16-741223-J

8 vs.)

DEPT. NO. XXV

9 BAYVIEW LOAN SERVICING LLC;)
10 SEASIDE TRUSTEE, INC.;)
11 BANK OF NEW YORK MELLON;)
12 MEDIATION ADMINISTRATOR,)
13 Respondents.)

NOTICE OF APPEAL

14 COMES now herein Petitioner, and to this Honorable Court, respectfully gives
15 notice that he is appealing, as he hereby appeals, to the Supreme Court of Nevada the
16 "Order on Petition for Judicial Review," dated October 20, 2016, with Notice of Entry
17 of Order dated October 24, 2016, and copy actually received by Petitioner on October
18 27, 2016.
19

20 WHEREFORE, it is respectfully requested that this appeal be given due
21 course.
22

23 Dated: November 14, 2016.

24 *Ricardo B. Pascua*
25 RICARDO PASCUA
26 560 Haunts Walk Ave
27 Las Vegas, NV 89178
28 Tel.: (702) 401-3569
Petitioner – PRO SE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today I have served copy of the foregoing—

NOTICE OF APPEAL

by placing a copy thereof in an envelope and send it by U. S. mail with postage prepaid to the following:

AARON M. WAITE, ESQ.
WEINSTEIN & RILEY, PS
6785 South Eastern Avenue, Suite 4
Las Vegas, Nevada 89119
Attorneys for Respondents

MEDIATION ADMINISTRATOR
Foreclosure Mediation Program
200 Lewis Avenue, 17th Floor
Las Vegas, NV 89101

Dated: November 14, 2016.

Ricardo B. Pascua
RICARDO PASCUA
Petitioner — Pro Se