

CLERK OF THE COURT

Electronically Filed
Apr 05 2017 02:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

10 DAISY TRUST
11 Plaintiff,

12 vs.

13 WELLS FARGO BANK NA; MTC
14 FINANCIAL, INC., dba TRUSTEE CORPS;
15 and DONALD K. BLUME,

15 Defendants.

CASE NO.: A-13-679095-C
DEPT NO.: XXIII

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN that plaintiff, Daisy Trust, hereby appeals to the Supreme Court
18 of Nevada from the Order granting Wells Fargo Bank, N.A.'s motion for summary judgment entered in
19 this action on October 17, 2016.

20 DATED this 29th day of March 2017.

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

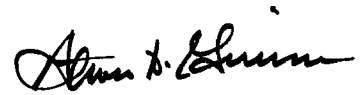
23 By: /s/ /Michael F. Bohn, Esq./
24 MICHAEL F. BOHN, ESQ.
25 376 E. Warm Springs Road, Suite 140
26 Las Vegas, Nevada 89119
27 Attorney for plaintiff

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 29th day of March 2017,, an electronic copy
4 of **NOTICE OF APPEAL**, copy of which is attached hereto, was served on opposing counsel via the
5 Court's electronic service system to the following counsel of record:

6 Richard C. Gordon, Esq.
7 Robin E. Perkins, Esq.
8 Daniel S. Ivie, Esq.
9 SNELL & WILMER, LLP
10 3883 Howard Hughes Parkway
11 Suite 1100
12 Las Vegas, NV 89169
13 *Attorney for Wells Fargo Bank*

14 /s/ /Marc Sameroff /
15 An Employee of the LAW OFFICES OF
16 MICHAEL F. BOHN, ESQ., LTD.
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CLERK OF THE COURT

1 **ASTA**
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4 376 East Warm Springs Road, Ste. 140
Las Vegas, Nevada 89119
5 (702) 642-3113/ (702) 642-9766 FAX

6 Attorney for plaintiff

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 DAISY TRUST

11 Plaintiff,

12 vs.

13 WELLS FARGO BANK NA; MTC
FINANCIAL, INC., dba TRUSTEE CORPS;
14 and DONALD K. BLUME,

15 Defendants.

CASE NO.: A-13-679095-C
DEPT NO.: XXIII

16
17 **CASE APPEAL STATEMENT**

- 18 1. The appellant filing this case appeal statement is Daisy Trust
- 19 2. The judge issuing the judgment appealed from is the honorable Stefany Miley.
- 20 3. The parties to the proceedings in District Court is Daisy Trust, plaintiff, and Wells Fargo Bank
- 21 NA, MTC Financial Inc.; and Donald K. Blume, defendants.
- 22 4. The parties to this appeal are the appellant Daisy Trust; the respondent is Wells Fargo Bank
- 23 NA.
- 24 5. Counsel for appellant Daisy Trust is Michael F. Bohn, Esq.; 376 E. Warm Springs Road, Suite
- 25 140, Las Vegas, Nevada 89119; (702) 642-3113. Counsel for respondent Wells Fargo Bank NA, is
- 26 Richard C. Gordon, Esq., 3883 Howard Hughes Parkway, Suite 1100, Las Vegas, Nevada, 89169 (702)
- 27 784-5200.

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

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

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

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

10. The complaint was filed in District Court on March 28, 2013;

11. The plaintiff filed this action seeking quiet title to the real property from the former owner and from all existing encumbrances on the property. The district court Wells Fargo's motion for summary judgment;

12. The case has previously been the subject of an appeal SC#63611;

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

14. The issues presented in this case are issues of first impression. For this reason, it is unlikely that this case can be settled.

DATED this 29th day of March 2017.

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 29th day of March 2017,, an electronic copy
4 of **CASE APPEAL STATEMENT**, copy of which is attached hereto, was served on opposing counsel
5 via the Court's electronic service system to the following counsel of record:

6 Richard C. Gordon, Esq.
Robin E. Perkins, Esq.
7 Daniel S. Ivie, Esq.
SNELL & WILMER, LLP
8 3883 Howard Hughes Parkway
Suite 1100
9 Las Vegas, NV 89169
Attorney for Wells Fargo Bank

10
11
12
13 /s/ /Marc Sameroff/
14 An Employee of the LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
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DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

Daisy Trust, Plaintiff(s)
vs.
Wells Fargo Bank, Defendant(s)

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§
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§

Location: **Department 23**
Judicial Officer: **Miley, Stefany**
Filed on: **03/28/2013**
Case Number History:
Cross-Reference Case Number: **A679095**
Supreme Court No.: **63611**

CASE INFORMATION

Statistical Closures

11/09/2016 Summary Judgment
05/06/2013 Transferred (before trial)

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-13-679095-C
Court Department 23
Date Assigned 04/25/2013
Judicial Officer Miley, Stefany




PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Daisy Trust	Bohn, Michael F <i>Retained</i> 702-642-3113(W)
Defendant	Blume, Cynthia S Removed: 05/07/2013 Dismissed	
	Blume, Donald K	
	MTC Financial Inc	Sullivan, Michael E. <i>Retained</i> 7027862862(W)
	Wells Fargo Bank	Sorenson, Amy F. <i>Retained</i> 702-784-5200(W)

DATE













EVENTS & ORDERS OF THE COURT

INDEX

03/28/2013	 Ex Parte Motion Filed By: Plaintiff Daisy Trust <i>Ex parte motion for temporary restraining order; or alternatively for order to show cause why a preliminary injunction should not issue</i>	
03/28/2013	 Complaint Filed By: Plaintiff Daisy Trust <i>Complaint</i>	
03/28/2013	Case Opened	
03/29/2013	 Ex Parte Motion Filed By: Plaintiff Daisy Trust	




DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

Ex Parte Motion for Temporary Restraining Order; or Alternatively, for Order to Show Cause Why a Preliminary Injunction Should Not Issue

04/10/2013	 Supplement Filed by: Plaintiff Daisy Trust <i>Supplement to Ex Parte Motion</i>
04/16/2013	 Declaration Filed By: Plaintiff Daisy Trust <i>Declaration of Michael F Bohn in Support of Motion for Temporary Restraining Order</i>
04/16/2013	 Affidavit Filed By: Plaintiff Daisy Trust <i>Affidavit of Iyad Haddad in Support of Motion for Temporary Restraining Order</i>
04/17/2013	 Temporary Restraining Order Filed by: Plaintiff Daisy Trust <i>Temporary Restraining Order</i>
04/19/2013	 Notice of Posting Bond Filed By: Plaintiff Daisy Trust <i>Notice of Posting Security</i>
04/25/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Wells Fargo Bank <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
04/25/2013	 Peremptory Challenge Filed by: Defendant Wells Fargo Bank <i>Peremptory Challenge of Judge</i>
04/25/2013	 Notice of Department Reassignment
04/30/2013	 Order <i>Order Extending Temporary Restraining Order</i>
05/01/2013	 Summons Issued Party: Plaintiff Daisy Trust <i>Summons - Civil</i>
05/06/2013	 Removal to Federal Court Filed by: Defendant Wells Fargo Bank <i>Notice of Removal to Federal Court</i>
05/07/2013	 Notice of Dismissal Filed By: Plaintiff Daisy Trust <i>Notice of Dismissal of Defendant Cynthia S. Blime</i>
05/07/2013	CANCELED Preliminary Injunction Hearing (11:00 AM) (Judicial Officer: Barker, David) <i>Vacated - Case Closed</i> <i>Temporary Restraining Order</i>
05/07/2013	Judgment of Dismissal - Entry by Clerk (Judicial Officer: Miley, Stefany) Debtors: Cynthia S Blume (Defendant) Creditors: Daisy Trust (Plaintiff)

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

Judgment: 05/07/2013, Docketed: 05/14/2013

05/10/2013	 Order of Remand from Federal Court <i>Order</i>
05/16/2013	 Stipulation and Order Filed by: Defendant Wells Fargo Bank <i>Stipulation and Order to Set Hearing on Order to Show Cause Why a Preliminary Injunction Should not Issue and Set Briefing Schedule and Continue Temporary Restraining Order</i>
05/17/2013	 Initial Appearance Fee Disclosure Filed By: Defendant MTC Financial Inc <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
05/17/2013	 Answer to Complaint Filed by: Defendant MTC Financial Inc <i>Answer to Complaint by Defendant MTC Financial Inc, dba Trustee Corps Sued as MTC Financial, Inc., dba Trustee Corps</i>
05/20/2013	 Notice of Entry of Stipulation and Order Filed By: Defendant Wells Fargo Bank <i>Notice of Entry of Stipulation and Order to Show Cause Why a Preliminary Injunction Should not Issue and Set Briefing Schedule and Continue Temporary Restraining Order</i>
05/21/2013	 Request for Judicial Notice Filed By: Defendant Wells Fargo Bank <i>Request for Judicial Notice</i>
05/21/2013	 Opposition and Countermotion Filed By: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Combined Opposition to Ex Parte Motion for Temporary Restraining Order; or Alternatively for Order to Show Cause and Countermotion to Dismiss</i>
05/22/2013	 Summons Issued Party: Plaintiff Daisy Trust <i>Summons - Civil</i>
05/22/2013	 Joinder to Opposition to Motion Filed by: Defendant MTC Financial Inc <i>Defendant MTC Financial Inc. dba Trustee Corps' Notice of Joinder in and to the Following: Defendant Wells Fargo Bank, N.A.'s Combined Opposition to Ex Parte Motion for Temporary Restraining Order; Or Alternatively for Order to Show Cause; and Defendant Wells Fargo Bank, N.A.'s Countermotion to Dismiss</i>
05/22/2013	 Affidavit of Service Filed By: Plaintiff Daisy Trust Party Served: Defendant Blume, Donald K <i>Affidavit of Service to Donald K Blume</i>
05/30/2013	 Notice of Non Opposition Filed By: Defendant Wells Fargo Bank <i>Notice of Non-Opposition to Wells Fargo Bank, N.A.'s Countermotion to Dismiss</i>
06/03/2013	 Opposition to Motion to Dismiss Filed By: Plaintiff Daisy Trust

CASE SUMMARY

CASE NO. A-13-679095-C

Response to opposition to motion for preliminary injunction; and opposition to counter motion to dismiss

06/25/2013



Reply in Support

Filed By: Defendant Wells Fargo Bank
WELLS FARGO BANK, N.A.'S REPLY IN SUPPORT OF ITS COUNTERMOTION TO DISMISS

06/27/2013



Supplement

Filed by: Defendant Wells Fargo Bank
Wells Fargo Bank, N.A.'s Supplement to Request for Judicial Notice

06/27/2013



Supplement

Filed by: Defendant Wells Fargo Bank
Supplement to Wells Fargo Bank, N.A.'s Reply in Support of Its Countermotion to Dismiss

06/27/2013



Joinder

Filed By: Defendant MTC Financial Inc
Defendant MTC Financial Inc. dba Trustee Corps' Notice of Joinder in and to the Following: Defendant Wells Fargo Bank, N.A.'s Reply in Support of its Countermotion to Dismiss

07/02/2013

Motion for Preliminary Injunction (9:30 AM) (Judicial Officer: Miley, Stefany)

Events: 03/28/2013 Ex Parte Motion
 03/28/2013 Complaint
 03/29/2013 Ex Parte Motion
 04/10/2013 Supplement
 04/16/2013 Declaration
 04/16/2013 Affidavit
 04/17/2013 Temporary Restraining Order
 04/30/2013 Order

Plaintiff's Ex Parte Motion for Temporary Restraining Order, or Alternatively, for Order to Show Cause Why a Preliminary Injunction Should Not Issue

07/02/2013

Opposition and Countermotion (9:30 AM) (Judicial Officer: Miley, Stefany)

Events: 05/21/2013 Opposition and Countermotion
Wells Fargo Bank, N.A.'s Combined Opposition to Ex Parte Motion for Temporary Restraining Order; or Alternatively for Order to Show Cause and Countermotion to Dismiss

07/02/2013

Joinder (9:30 AM) (Judicial Officer: Miley, Stefany)

Events: 05/22/2013 Joinder to Opposition to Motion
Defendant MTC Financial Inc. dba Trustee Corps' Notice of Joinder in and to the Following: Defendant Wells Fargo Bank, N.A.'s Combined Opposition to Ex Parte Motion for Temporary Restraining Order; Or Alternatively for Order to Show Cause; and Defendant Wells Fargo Bank, N.A.'s Countermotion to Dismiss

07/02/2013



All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany)

07/09/2013



Decision and Order

Decision

07/10/2013



Minute Order (2:11 PM) (Judicial Officer: Miley, Stefany)

07/11/2013



Notice of Entry












Filed By: Defendant Wells Fargo Bank
Notice of Entry of Decision Granting Wells Fargo's Motion to Dismiss

07/11/2013



Notice of Entry of Order













DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

	Filed By: Defendant Wells Fargo Bank <i>Notice of Entry of Minute Order Regarding Plaintiff's Request for Temporary Injunctive Relief</i>
07/12/2013	 Notice of Appeal Filed By: Plaintiff Daisy Trust <i>Notice of appeal</i>
08/26/2013	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiff's Ex-parte Motion for Temporary Restraining Order, or Alternatively for Order to Show Cause why a Preliminary Injunction Should Not Issue...Wells Fargo Bank's combined Opposition to Ex-parte Motion for Temporary Restraining Order, or Alternatively for Order to Show Cause and Countermotion to Dismiss...MTC Financial, Inc's Joinder to Wells Fargo Bank's Combined Opposition to Ex-parte Motion for Temporary Restraining Order and Countermotion to Dismiss</i>
01/21/2014	 Stipulation and Order Filed by: Plaintiff Daisy Trust <i>Stipulation and Order for Non-monetary Relief</i>
01/22/2014	 Notice of Entry Filed By: Plaintiff Daisy Trust <i>Notice of Entry of Order</i>
12/17/2014	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
12/17/2014	Clerk's Certificate (Judicial Officer: Miley, Stefany) Debtors: Daisy Trust (Plaintiff) Creditors: Wells Fargo Bank (Defendant), MTC Financial Inc (Defendant), Donald K Blume (Defendant) Judgment: 12/17/2014, Docketed: 12/22/2014 Comment: "REVERSE AND REMAND"
03/10/2015	 Status Check (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Status Check: Supreme Court Order</i>
03/19/2015	 Order Filed By: Plaintiff Daisy Trust <i>Order</i>
03/19/2015	 Notice of Entry of Order Filed By: Plaintiff Daisy Trust <i>Notice of Entry</i>
03/26/2015	 Stipulation and Order Filed by: Defendant Wells Fargo Bank <i>Stipulation and Order to Extend Wells Fargo Bank, N.A.'s Deadline to Respond to Complaint</i>
03/26/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Wells Fargo Bank <i>Notice of Entry of Order to Extend Wells Fargo Bank, N.A.'s Deadline to respond to Complaint</i>
04/24/2015	 Motion to Dismiss Filed By: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Motion to Dismiss</i>

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

04/24/2015	 Request for Judicial Notice Filed By: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Request for Judicial Notice</i>
04/24/2015	 Order Scheduling Status Check <i>Order Scheduling Status Check Re: Case Status</i>
05/08/2015	 Opposition Filed By: Plaintiff Daisy Trust <i>Plaintiff's Opposition to Defendant Wells Fargo Bank N.A.'s Motion to Dismiss</i>
05/19/2015	 Reply in Support Filed By: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Reply In Support of Motion to Dismiss</i>
05/21/2015	 Stipulation and Order Filed by: Plaintiff Daisy Trust <i>Stipulation and Order</i>
05/21/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Daisy Trust <i>Notice of Entry of Order</i>
06/09/2015	 Motion to Dismiss (9:30 AM) (Judicial Officer: Miley, Stefany) Events: 04/24/2015 Motion to Dismiss <i>Wells Fargo Bank, N.A.'s Motion to Dismiss</i>
06/16/2015	CANCELED Status Check (10:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
07/09/2015	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law and Order</i>
10/16/2015	 Notice of Rescheduling <i>Notice of Rescheduling of Evidentiary Hearing</i>
12/07/2015	 Stipulation and Order Filed by: Defendant Wells Fargo Bank <i>Stipulation and Order to Continue Evidentiary Hearing</i>
12/08/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Wells Fargo Bank <i>Notice of Entry of Stipulation and Order to Continue Evidentiary Hearing</i>
03/14/2016	 Motion for Summary Judgment Filed By: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
03/14/2016	 Request for Judicial Notice Filed By: Defendant Wells Fargo Bank <i>First Supplement to Wells Fargo Bank, N.A.'s Request for Judicial Notice</i>
03/29/2016	

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Daisy Trust <i>Opposition to Defendant's Motion for Summary Judgment</i>
05/10/2016	 Notice of Entry of Stipulation and Order Filed By: Defendant Wells Fargo Bank <i>Notice of Entry of Stipulation and Order to Continue Wells Fargo Bank's Motion for Summary Judgment and to Continue Evidentiary Hearing</i>
05/10/2016	 Stipulation and Order Filed by: Defendant Wells Fargo Bank <i>Stipulation and Order to Continue Wells Fargo Bank's Motion for Summary Judgment and to Continue Evidentiary Hearing</i>
06/21/2016	 Reply in Support Filed By: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Reply In Support of Its Motion for Summary Judgment</i>
06/28/2016	 Motion for Summary Judgment (9:30 AM) (Judicial Officer: Miley, Stefany) 06/28/2016, 08/02/2016 <i>Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
07/12/2016	 Supplement Filed by: Defendant Wells Fargo Bank <i>Wells Fargo Bank, N.A.'s Supplemental Evidence in Support of its Motion for Summary Judgment</i>
08/10/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Well's Fargo Bank, N.A.'s Motion for Summary Judgment August 02, 2016</i>
10/13/2016	 Default Filed By: Plaintiff Daisy Trust <i>Default for Defendant Donald K. Blume</i>
10/14/2016	 Order Granting Summary Judgment Filed By: Defendant Wells Fargo Bank <i>Order Granting Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
10/14/2016	Summary Judgment (Judicial Officer: Miley, Stefany) Debtors: Daisy Trust (Plaintiff) Creditors: Wells Fargo Bank (Defendant) Judgment: 10/14/2016, Docketed: 10/21/2016
10/17/2016	 Notice of Entry of Order Filed By: Defendant Wells Fargo Bank <i>Notice of Entry of Order Granting Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
11/09/2016	 Order to Statistically Close Case <i>Civil Order To Statistically Close Case</i>
11/15/2016	 Three Day Notice of Intent to Default Filed by: Plaintiff Daisy Trust <i>Three Day Notice of intent to Seek Default Judgment</i>

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-679095-C

12/09/2016	 Certificate of Mailing Filed By: Plaintiff Daisy Trust <i>Certificate of Mailing</i>
12/09/2016	 Motion for Default Judgment Filed By: Plaintiff Daisy Trust <i>Motion for Default Judgment Against Defendant Donald K. Blume</i>
12/27/2016	 Response Filed by: Defendant Wells Fargo Bank <i>Response to Motion for Default Judgment Against Defendant Donald K. Blume</i>
01/24/2017	 Motion for Default Judgment (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Plaintiff's Motion for Default Judgment Against Defendant Donald K Blume</i>
01/24/2017	CANCELED Evidentiary Hearing (10:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated - Moot</i> <i>Evidentiary Hearing - To determine whether the Plaintiff complied with all the legal requirements of the subject HOA foreclosure sale - See page 16 on the FFCL filed on July 9, 2015</i>
03/28/2017	 Default Judgment Filed By: Plaintiff Daisy Trust <i>Default Judgment Against Defendant Donald K. Blume</i>
03/29/2017	 Notice of Entry of Default Judgment Filed By: Plaintiff Daisy Trust <i>Notice of Entry of Default Judgment</i>
03/29/2017	 Notice of Appeal Filed By: Plaintiff Daisy Trust <i>Notice of Appeal</i>
03/29/2017	 Case Appeal Statement Filed By: Plaintiff Daisy Trust <i>Case Appeal Statement</i>

CIVIL COVER SHEET A- 13- 679095- C

CLARK County, Nevada XVI I I

Case No. _____
(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

DAISY TRUST

Defendant(s) (name/address/phone):

WELLS FARGO BANK, NA, MTC FINANCIAL
INC., dba TRUSTEE CORPS, DONALD K.
BLUME AND CYNTHIA S. BLUME

Attorney (name/address/phone):

MICHAEL F. BOHN, Esq.

376 E. Warm Springs Road Suite 125

Las Vegas, NV 89119

(702) 642-3113

Attorney (name/address/phone):

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

☐ **Arbitration Requested**

Civil Cases


Real Property	Negligence	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence -- Auto <input type="checkbox"/> Negligence -- Medical/Dental <input type="checkbox"/> Negligence -- Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence -- Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair competition
<p style="text-align: center;">Probate</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<p style="text-align: center;">Other Civil Filing Types</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <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"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal </div> <div style="width: 45%;"> <input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <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"/> Recover of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters </div> </div>	

III. Business Court Requested (Please check applicable category; for Clark and 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)	

MARCH 28, 2013

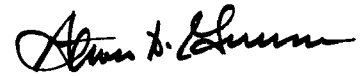
Date



Signature of initiating party or representative

See other side for family-related case filings.

ORIGINAL



CLERK OF THE COURT

1 OGSJ

Jeffrey Willis, Esq.

2 Nevada Bar No. 4797

Robin E. Perkins, Esq.

3 Nevada Bar No. 9891

David W. Gutke, Esq.

4 Nevada Bar No. 9820

SNELL & WILMER LLP.

5 3883 Howard Hughes Parkway, Suite 1100

Las Vegas, Nevada 89169

6 Telephone: 702.784.5200

Facsimile: 702.784.5252

7 rgordon@swlaw.com

rperkins@swlaw.com

8 dgutke@swlaw.com

9 Attorneys for Defendant Wells Fargo Bank, N.A.

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12
13 DAISY TRUST,

14 Plaintiff,

15 vs.

16 WELLS FARGO BANK, N.A., MTC
17 FINANCIAL, INC., dba TRUSTEE CORPS,
DONALD K. BLUME and CYNTHIA S.
18 BLUME,

19 Defendants.

Case No. A-13-679095-C

Dept. No. XXIII

ORDER GRANTING WELLS FARGO
BANK, N.A.'s MOTION FOR
SUMMARY JUDGMENT

20
21 Defendant Wells Fargo Bank, N.A. ("Wells Fargo") filed its Motion for Summary
22 Judgment ("Motion") on March 14, 2016, its Reply in Support of Motion on June 21, 2016, and
23 its Supplemental Brief in Support of Motion on July 12, 2016. Plaintiff Daisy Trust ("Plaintiff"
24 or "Daisy Trust") filed its Opposition on March 29, 2016. After considering oral arguments of
25 the parties on June 28, 2016 and August 2, 2016, the parties' extensive briefing to the Motion,
26 including the declarations of April H. Hatfield and Dean Meyer, the papers and pleadings on file,
27 and for good cause appearing pursuant to N.R.C.P. 56, this Court hereby grants Wells Fargo's
28 Motion for Summary Judgment and enters Findings of Fact and Conclusions of Law as follows:

Snell & Wilmer

LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

1 Single-Family Seller/Servicer Guide ("Guide"). The Guide serves as a central governing
2 document for Freddie Mac's relationship with servicers nationwide.

3 9. Freddie Mac's contract with its servicers establishes that Freddie Mac retains an
4 ownership interest in the Deed of Trust while the servicer is the beneficiary of record.

5 **B. The HOA Foreclosure Sale**

6 10. On August 5, 2010, the HOA recorded a Notice of Delinquent Assessment Lien.

7 11. On September 30, 2010, the HOA recorded a Notice of Default and Election to
8 Sell Under Homeowners Association Lien.

9 12. On or about October 21, 2011, Cynthia Blume, a.k.a Cynthia S. Dalley, recorded a
10 Quitclaim Deed, transferring her interest in the Property to Donald Blume.

11 13. The HOA recorded a Notice of Foreclosure Sale on January 31, 2012.

12 14. On August 9, 2012, an HOA Foreclosure Deed was recorded against the Property.
13 The Foreclosure Deed states that the Property was sold on August 3, 2012, to Daisy Trust, for a
14 purchase price of \$10,500.00.

15 15. At no time did the Federal Housing Finance Agency ("FHFA" or the
16 "Conservator") consent to the HOA sale extinguishing or foreclosing Freddie Mac's interest in
17 the Property. The FHFA's April 21, 2015 "Statement on HOA Super-Priority Lien Foreclosures"
18 (the "April 2015 Statement") states that "FHFA confirms that it has not consented, and will not
19 consent in the future, to the foreclosure or other extinguishment of any Fannie Mae or Freddie
20 Mac lien or other property interest in connection with HOA foreclosures of super-priority liens."

21 16. There is no genuine issue of material fact that the HOA foreclosure sale did not
22 extinguish Freddie Mac's interest.

23 **II. CONCLUSIONS OF LAW**

24 **A. Standard of Review**

25 1. Under N.R.C.P. 56(b), "[a] party against whom a claim...is sought may, at any
26 time, move with or without supporting affidavits for a summary judgment in the party's favor as
27 to all or any part thereof." Summary judgment is appropriate when the moving party demonstrates
28 that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a

1 matter of law. N.R.C.P. 56(c); *see also Wood v. Safeway*, 121 Nev. 724, 730, 121 P.3d 1026,
2 1031 (2005). Summary judgment is not a disfavored procedural short-cut, but instead is an
3 integral part of the rules, “which are designed to secure the just, speedy, and inexpensive
4 determination of every action.” *Id.* The substantive law determines which facts are material, and
5 only disputes over facts that might affect the outcome of the suit under the governing law will
6 properly preclude the entry of summary judgment. *Id.* Factual disputes that are irrelevant or
7 unnecessary will not be counted. *Id.* “A factual dispute is genuine when the evidence is such that
8 a rational trier of fact could return a verdict for the nonmoving party.” *Id.* at 731.

9 **B. Federal Foreclosure Bar**

10 2. In July 2008, Congress passed the Housing and Economic Recovery Act of 2008
11 (“HERA”), Pub. L. No. 110-289, 122 Stat. 2654, codified at 12 U.S.C. § 4511 *et seq.*, which
12 mandated FHFA to regulate Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. On
13 September 6, 2008, pursuant to HERA, FHFA’s Director placed Fannie Mae and Freddie Mac
14 into FHFA’s conservatorship.

15 3. Pursuant to HERA, Congress granted the FHFA an array of powers, privileges,
16 and exemptions from otherwise applicable laws to enable the FHFA to carry out its statutory
17 functions when acting as Conservator of the Enterprises (Fannie Mae and Freddie Mac). Among
18 these is a broad statutory “exemption” captioned “Property protection” that provides that when
19 the Enterprises are under the conservatorship of the FHFA, none of their property “shall be
20 subject to . . . foreclosure . . . without the consent of [FHFA].” 12 U.S.C. § 4617(j)(3) (the
21 “Federal Foreclosure Bar”).

22 4. The Federal Foreclosure Bar contains no conditions regarding the timing and
23 effectiveness of its statutory protections, which provide that no property of Freddie Mac in
24 conservatorship “shall be subject to . . . foreclosure . . . without the consent of [FHFA].”
25 12 U.S.C. § 4617(j)(3). Thus, unless and until FHFA gives its consent, the federal protection
26 “shall” be given full effect, which includes preemption of state law.

27 5. Freddie Mac has owned the Loan continuously from on or about November 13,
28 2007 through the present.

1 6. FHFA did not consent or agree to extinguishment of the Deed of Trust, and
2 Plaintiff offered no evidence to the contrary in opposition to Wells Fargo's Motion.
3 7. Accordingly, Freddie Mac's Deed of Trust was not extinguished by the August 3,
4 2012 HOA foreclosure sale.
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JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Wells Fargo's Motion for Summary Judgment is GRANTED, and judgment in favor of Wells Fargo is entered on all of Plaintiff's claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Federal Foreclosure Bar, the HOA foreclosure sale did not extinguish the Deed of Trust lien on the Property, and therefore Plaintiff acquired the Property at the HOA foreclosure sale subject to the Deed of Trust.

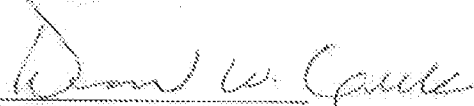
IT IS SO ORDERED.

DATED this 14 day of Nov 2016.


DISTRICT COURT JUDGE
JUDGE STEFANY A. MILEY

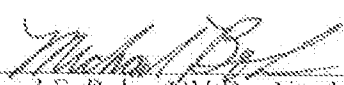
Respectfully Submitted by:

SNELL & WILMER L.L.P.

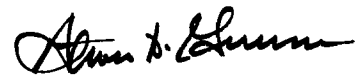
By: 
Jeffrey Willis (Nevada Bar No. 4797)
Robin E. Perkins (Nevada Bar No. 9891)
David W. Gutke (Nevada Bar No. 9820)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Attorneys for Defendant Wells Fargo Bank, N.A.

Approved as to form:

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

By: 
Michael F. Bohn, NV Bar No. 1641
376 E. Warm Springs Rd., Ste. 140
Las Vegas, Nevada 89119
Attorney for Plaintiff Daisy Trust

24695484



CLERK OF THE COURT

Jeffrey Willis, Esq.
Nevada Bar No. 4797
Robin E. Perkins, Esq.
Nevada Bar No. 9891
David W. Gutke, Esq.
Nevada Bar No. 9820
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
Telephone: 702.784.5200
Facsimile: 702.784.5252
rgordon@swlaw.com
rperkins@swlaw.com
dgutke@swlaw.com

Attorneys for Defendant Wells Fargo Bank, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

DAISY TRUST,

Plaintiff,

vs.

WELLS FARGO BANK, N.A., MTC
FINANCIAL, INC., dba TRUSTEE CORPS,
DONALD K. BLUME and CYNTHIA S.
BLUME,

Defendants.

Case No. A-13-679095-C

Dept. No. XXIII

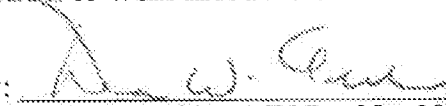
**NOTICE OF ENTRY OF ORDER
GRANTING WELLS FARGO BANK,
N.A.'s MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that an Order Granting Wells Fargo Bank, N.A.'s Motion for Summary Judgment was entered with this Court on October 14, 2016, a copy of which is attached hereto as Exhibit 1.

Dated: October 14, 2016.

SNELL & WILMER L.L.P.

By:


Robin E. Perkins (NV Bar No. 9891)
David W. Gutke (NV Bar No. 9820)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Attorneys for Defendant Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

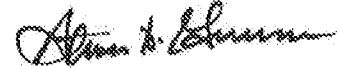
I, , the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On October 17, 2016, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT** by submitting it to the above-entitled Court for electronic filing and/or service upon the Court's Service list pursuant to the Eighth Judicial District Court's Administrative Order 14-2 dated May 9, 2014.

Dated: October 17, 2016

/s/ Faith Radford
An employee of Snell & Wilmer L.L.P.

EXHIBIT 1

ORIGINAL



CLERK OF THE COURT

1 OGSJ

Jeffrey Willis, Esq.

2 Nevada Bar No. 4797

Robin E. Perkins, Esq.

3 Nevada Bar No. 9891

David W. Gutke, Esq.

4 Nevada Bar No. 9820

SNELL & WILMER LLP.

5 3883 Howard Hughes Parkway, Suite 1100

Las Vegas, Nevada 89169

6 Telephone: 702.784.5200

Facsimile: 702.784.5252

7 rgordon@swlaw.com

rperkins@swlaw.com

8 dgutke@swlaw.com

9 *Attorneys for Defendant Wells Fargo Bank, N.A.*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12
13 DAISY TRUST,

14 Plaintiff,

15 vs.

16 WELLS FARGO BANK, N.A., MTC
FINANCIAL, INC., dba TRUSTEE CORPS.
17 DONALD K. BLUME and CYNTHIA S.
BLUME,
18

19 Defendants.

Case No. A-13-679095-C

Dept. No. XXIII

ORDER GRANTING WELLS FARGO
BANK, N.A.'s MOTION FOR
SUMMARY JUDGMENT

20
21 Defendant Wells Fargo Bank, N.A. ("Wells Fargo") filed its Motion for Summary
22 Judgment ("Motion") on March 14, 2016, its Reply in Support of Motion on June 21, 2016, and
23 its Supplemental Brief in Support of Motion on July 12, 2016. Plaintiff Daisy Trust ("Plaintiff"
24 or "Daisy Trust") filed its Opposition on March 29, 2016. After considering oral arguments of
25 the parties on June 28, 2016 and August 2, 2016, the parties' extensive briefing to the Motion,
26 including the declarations of April H. Hatfield and Dean Meyer, the papers and pleadings on file,
27 and for good cause appearing pursuant to N.R.C.P. 56, this Court hereby grants Wells Fargo's
28 Motion for Summary Judgment and enters Findings of Fact and Conclusions of Law as follows:

Snell & Wilmer

Law Offices
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
Tel. 702.784.5200

I. FINDINGS OF FACT

A. The Subject Property, Note, and Deed of Trust

1. A deed of trust listing Donald K. Blume and Cynthia S. Blume (the "Blumes") as the borrowers, Universal American Mortgage Company, LLC as the lender, and Mortgage Electronic Registration Systems, Inc. ("MERS"), as beneficiary in its capacity as nominee for Lender and Lender's successors and assigns, was executed on or about September 27, 2007, and recorded September 28, 2007 (the "Deed of Trust").

2. The Deed of Trust granted the lender a security interest in real property known as 10209 Dove Row Avenue, Las Vegas, Nevada 89166, APN 126-13-818-046 (the "Property") to secure the repayment of a loan in the original amount of \$417,000.00 to Borrower (the "Loan").

3. Federal Home Loan Mortgage Corporation ("Freddie Mac") purchased the Loan and thereby obtained a property interest in the Deed of Trust on or about November 13, 2007. Freddie Mac has never sold the Loan to any other entity, and has owned the Loan continuously from on or about November 13, 2007 through the present.

4. Dean Meyer, who prepared an affidavit on behalf of Freddie Mac, is in fact employed in the business of reviewing Freddie Mac's loans and making a determination when and if Freddie has an ownership interest in the loan. Freddie Mac's interest in the Loan is well documented and the ownership interest existed prior to and on the date of the foreclosure sale held on August 3, 2012 by the Blumes' homeowners association, Westminster at Providence (the "HOA").

5. There is no genuine issue of material fact regarding Freddie Mac's ownership interest in the Loan.

6. On February 26, 2011, MERS executed an assignment of the Deed of Trust, assigning the Deed of Trust to Wells Fargo. The Assignment was recorded on March 7, 2011.

7. Wells Fargo is the servicer of the Loan for Freddie Mac and was the servicer at the time of the HOA Sale on August 3, 2012.

8. The relationship between, on the one hand, Wells Fargo as the servicer of the Loan, and, on the other hand, Freddie Mac as owner of the Loan, is governed by Freddie Mac's

1 Single-Family Seller/Servicer Guide ("Guide"). The Guide serves as a central governing
2 document for Freddie Mac's relationship with servicers nationwide.

3 9. Freddie Mac's contract with its servicers establishes that Freddie Mac retains an
4 ownership interest in the Deed of Trust while the servicer is the beneficiary of record.

5 **B. The HOA Foreclosure Sale**

6 10. On August 5, 2010, the HOA recorded a Notice of Delinquent Assessment Lien.

7 11. On September 30, 2010, the HOA recorded a Notice of Default and Election to
8 Sell Under Homeowners Association Lien.

9 12. On or about October 21, 2011, Cynthia Blume, a.k.a Cynthia S. Dalley, recorded a
10 Quitclaim Deed, transferring her interest in the Property to Donald Blume.

11 13. The HOA recorded a Notice of Foreclosure Sale on January 31, 2012.

12 14. On August 9, 2012, an HOA Foreclosure Deed was recorded against the Property.
13 The Foreclosure Deed states that the Property was sold on August 3, 2012, to Daisy Trust, for a
14 purchase price of \$10,500.00.

15 15. At no time did the Federal Housing Finance Agency ("FHFA" or the
16 "Conservator") consent to the HOA sale extinguishing or foreclosing Freddie Mac's interest in
17 the Property. The FHFA's April 21, 2015 "Statement on HOA Super-Priority Lien Foreclosures"
18 (the "April 2015 Statement") states that "FHFA confirms that it has not consented, and will not
19 consent in the future, to the foreclosure or other extinguishment of any Fannie Mae or Freddie
20 Mac lien or other property interest in connection with HOA foreclosures of super-priority liens."

21 16. There is no genuine issue of material fact that the HOA foreclosure sale did not
22 extinguish Freddie Mac's interest.

23 **II. CONCLUSIONS OF LAW**

24 **A. Standard of Review**

25 1. Under N.R.C.P. 56(b), "[a] party against whom a claim...is sought may, at any
26 time, move with or without supporting affidavits for a summary judgment in the party's favor as
27 to all or any part thereof." Summary judgment is appropriate when the moving party demonstrates
28 that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a

1 matter of law. N.R.C.P. 56(c); *see also Wood v. Safeway*, 121 Nev. 724, 730, 121 P.3d 1026,
2 1031 (2005). Summary judgment is not a disfavored procedural short-cut, but instead is an
3 integral part of the rules, “which are designed to secure the just, speedy, and inexpensive
4 determination of every action.” *Id.* The substantive law determines which facts are material, and
5 only disputes over facts that might affect the outcome of the suit under the governing law will
6 properly preclude the entry of summary judgment. *Id.* Factual disputes that are irrelevant or
7 unnecessary will not be counted. *Id.* “A factual dispute is genuine when the evidence is such that
8 a rational trier of fact could return a verdict for the nonmoving party.” *Id.* at 731.

9 **B. Federal Foreclosure Bar**

10 2. In July 2008, Congress passed the Housing and Economic Recovery Act of 2008
11 (“HERA”), Pub. L. No. 110-289, 122 Stat. 2654, codified at 12 U.S.C. § 4511 *et seq.*, which
12 mandated FHFA to regulate Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. On
13 September 6, 2008, pursuant to HERA, FHFA’s Director placed Fannie Mae and Freddie Mac
14 into FHFA’s conservatorship.

15 3. Pursuant to HERA, Congress granted the FHFA an array of powers, privileges,
16 and exemptions from otherwise applicable laws to enable the FHFA to carry out its statutory
17 functions when acting as Conservator of the Enterprises (Fannie Mae and Freddie Mac). Among
18 these is a broad statutory “exemption” captioned “Property protection” that provides that when
19 the Enterprises are under the conservatorship of the FHFA, none of their property “shall be
20 subject to . . . foreclosure . . . without the consent of [FHFA].” 12 U.S.C. § 4617(j)(3) (the
21 “Federal Foreclosure Bar”).

22 4. The Federal Foreclosure Bar contains no conditions regarding the timing and
23 effectiveness of its statutory protections, which provide that no property of Freddie Mac in
24 conservatorship “shall be subject to . . . foreclosure . . . without the consent of [FHFA].”
25 12 U.S.C. § 4617(j)(3). Thus, unless and until FHFA gives its consent, the federal protection
26 “shall” be given full effect, which includes preemption of state law.

27 5. Freddie Mac has owned the Loan continuously from on or about November 13,
28 2007 through the present.

1 6. FHFA did not consent or agree to extinguishment of the Deed of Trust, and
2 Plaintiff offered no evidence to the contrary in opposition to Wells Fargo's Motion.

3 7. Accordingly, Freddie Mac's Deed of Trust was not extinguished by the August 3,
4 2012 HOA foreclosure sale.

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JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Wells Fargo's Motion for Summary Judgment is GRANTED, and judgment in favor of Wells Fargo is entered on all of Plaintiff's claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Federal Foreclosure Bar, the HOA foreclosure sale did not extinguish the Deed of Trust lien on the Property, and therefore Plaintiff acquired the Property at the HOA foreclosure sale subject to the Deed of Trust.

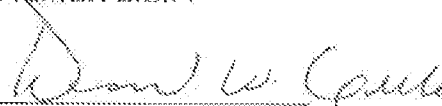
IT IS SO ORDERED.

DATED this 14 day of Nov, 2016.


DISTRICT COURT JUDGE
JUDGE STEFANY A. MILEY

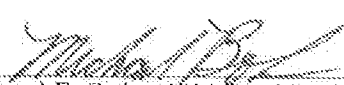
Respectfully Submitted by:

SNELL & WILMER L.L.P.

By: 
Jeffrey Willis (Nevada Bar No. 4797)
Robin E. Perkins (Nevada Bar No. 9891)
David W. Gutke (Nevada Bar No. 9820)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Attorneys for Defendant Wells Fargo Bank, N.A.

Approved as to form:

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

By: 
Michael F. Bohn, NV Bar No. 1641
376 E. Warm Springs Rd., Ste. 140
Las Vegas, Nevada 89119
Attorney for Plaintiff Daisy Trust

24695484

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 02, 2013

A-13-679095-C	Daisy Trust, Plaintiff(s) vs. Wells Fargo Bank, Defendant(s)
---------------	--

July 02, 2013 9:30 AM All Pending Motions

HEARD BY: Miley, Stefany

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michael Bohn, Esq., present on behalf of Plaintiff.
Richard Reynolds, Esq., present telephonically on behalf of Defendant MTC Financial Inc.
Robin Perkins, Esq., and Richard Gordon, Esq., present on behalf of Defendant Wells Fargo Bank.

Wells Fargo Bank, N.A.'s Combined Opposition to Ex Parte Motion for Temporary Restraining Order; or Alternatively for Order to Show Cause and Countermotion to Dismiss...Defendant MTC Financial Inc. dba Trustee Corps' Notice of Joinder in and to the Following: Defendant Wells Fargo Bank, N.A.'s Combined Opposition to Ex Parte Motion for Temporary Restraining Order; or Alternatively for Order to Show Cause and Countermotion to Dismiss...Plaintiff's Ex Parte Motion for Temporary Restraining Order, or Alternatively, for Order to Show Cause Why a Preliminary Injunction Should Not Issue

With respect to Wells Fargo Bank, N.A.'s Countermotion and Defendant MTC Financial Inc. dba Trustee Corp's Joinder, COURT ORDERED, Motion CONTINUED FOR CHAMBERS DECISION.

With respect to Plaintiff's Motion, arguments by Mr. Bohn and request for a thirty day stay, if the Court denies the Preliminary Injunction, from the date of the Court order to file an appeal with the Supreme Court. Arguments by Mr. Gordon. COURT stated its FINDINGS and ORDERED, Motion

DENIED. Mr. Bohn requested any foreclosure stayed for thirty days to take the matter to the Supreme Court. Ms. Perkins advised she believes the foreclosure is set for mid August. Court advised if it grants the request, it will include it in the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	July 10, 2013
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A-13-679095-C	Daisy Trust, Plaintiff(s) vs. Wells Fargo Bank, Defendant(s)
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July 10, 2013	2:11 PM	Minute Order
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HEARD BY: Miley, Stefany **COURTROOM:**

COURT CLERK: Anntoinette Naumec-Miller

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No Parties Present.

This case was set for a hearing on July 2, 2013. At the time of the hearing an oral request was made by the Plaintiff for a stay of foreclosure proceedings for thirty (30) days. The Court took this request under advisement.

After considering the oral argument in this case, exhibits and pleadings, the COURT ORDERS the request DENIED.

CLERK'S NOTE: A copy of this Minute Order was faxed to: Michael Bohn, Esq., at (702) 642-9766, Richard Reynolds, Esq., at (949) 863-3350 and Robin Perkins, Esq., and Richard Gordon, Esq., at (702) 784-5252. anm/7/10/13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	March 10, 2015
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A-13-679095-C	Daisy Trust, Plaintiff(s) vs. Wells Fargo Bank, Defendant(s)
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March 10, 2015	9:30 AM	Status Check	Status Check: Supreme Court Order
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HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Tan, Gerald L. Attorney

JOURNAL ENTRIES

- Counsel advised Answer would need to be filed within 20 days. Court noted case would now proceed forward.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	June 09, 2015
A-13-679095-C	Daisy Trust, Plaintiff(s) vs. Wells Fargo Bank, Defendant(s)	

June 09, 2015	9:30 AM	Motion to Dismiss	Wells Fargo Bank, N.A.'s Motion to Dismiss
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Ivie, Daniel	Attorney
	Tan, Gerald L.	Attorney

JOURNAL ENTRIES

- Court advised it would allow parties to make argument and noted matter would be taken under advisement. Mr. Ivie believed Complaint should be dismissed on several issues, argued due process, stated the statute should be found void and argued fundamental unfairness. Mr. Tan argued interpretation of statute and believed it to comport with due process. Counsel then argued assessments and commercial reasonableness. Further argument by Mr. Ivie as to due process. Statement by the Court noting around the country the optimum notice being found constitutional. Further argument by Mr. Ivie regarding notice and rebuttable presumption. Court advised matter taken under advisement.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	June 28, 2016
A-13-679095-C	Daisy Trust, Plaintiff(s) vs. Wells Fargo Bank, Defendant(s)	

June 28, 2016	9:30 AM	Motion for Summary Judgment	Wells Fargo Bank, N.A.'s Motion for Summary Judgment
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bohn, Michael F	Attorney
	Gutke, David W.	Attorney
	Trippiedi, Adam R.	Attorney
	Willis, Jeffrey L.	Attorney

JOURNAL ENTRIES

- Court noted Federal Foreclosure issue, stated the problem with Defendant's offer of proof and requested more information regarding in regards to interest in the property at the time of foreclosure. Argument by Mr. Willis regarding beneficiary of deed of trust noting the loan is owned by Freddie Mac and requested parties be allowed to supplement the records on said issue. Argument by Mr. Bohn noting Defendant had not yet filed an Answer, pointed out no Joint Case Conference Report, also noted no discovery had been done in this case and requested items be completed in order for the case to proceed. Further argument by Mr. Willis. Court advised it will allow additional time for documentation to be provided and ORDERED, matter CONTINUED.

08-02-16 9:30 AM WELLS FARGO BANK N.A.'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****August 02, 2016**

A-13-679095-C Daisy Trust, Plaintiff(s)
vs.
Wells Fargo Bank, Defendant(s)

August 02, 2016**9:30 AM****Motion for Summary
Judgment****Wells Fargo Bank,
N.A.'s Motion for
Summary Judgment****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Bohn, Michael F	Attorney
	Gutke, David W.	Attorney
	Trippiedi, Adam R.	Attorney
	Willis, Jeffrey L.	Attorney

JOURNAL ENTRIES

- Court noted it had received supplement affidavit. Argument by Mr. Bohn regarding Deed of Trust, pointed out the remaining portion of affidavit refers to loan and stated Deed of Trust is a security of payment which was assigned to Wells Fargo Bank. Argument by Mr. Willis noting it is an undisputed fact that it is owned by Freddie Mac and stated it could not be extinguished. Court stated accurate proof had been provided by Defendant, stated there was no genuine issue of material fact and ORDERED, motion GRANTED. FURTHER, request for judicial notice is GRANTED. Mr. Willis to prepare the Order and provide to opposing counsel for review prior to submitting to the Court for signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	January 24, 2017
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A-13-679095-C	Daisy Trust, Plaintiff(s) vs. Wells Fargo Bank, Defendant(s)
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January 24, 2017	9:30 AM	Motion for Default Judgment
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HEARD BY: Miley, Stefany	COURTROOM: RJC Courtroom 12C
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COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Blume, Donald K	Defendant
	Gutke, David W.	Attorney
	Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- Court noted Plaintiff wanted an Order from the Court stating that party is not an interested party as to the property. Mr. Trippiedi advised they had defaulted Mr. Blume. Mr. Blume advised he was not on the property and expressed an interest in paying \$10,500.00 and attorneys fee today. Court pointed out Plaintiff is cleaning up the title and noted the dispute today is between the bank and who both the property at foreclosure. COURT ORDERED, motion GRANTED. Mr. Trippiedi to prepare the Order. Counsel advised he would prepare the order and noted they would need to speak with defense counsel. Argument by Mr. Gutke. Court agreed this order will not change this Court's prior order.



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: March 31, 2017
CASE: A-13-679095-C

RE CASE: DAISY TRUST vs. WELLS FARGO BANK, N.A.; MTC FINANCIAL INC., DBA
TRUSTEE CORPS; DONALD K. BLUME

NOTICE OF APPEAL FILED: March 29, 2017

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER GRANTING WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DAISY TRUST,

Plaintiff(s),

vs.

WELLS FARGO BANK, N.A.; MTC
FINANCIAL INC., DBA TRUSTEE CORPS;
DONALD K. BLUME,

Defendant(s),

Case No: A-13-679095-C

Dept No: XXIII

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 31 day of March 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk