

CLERK OF THE COURT

NOAS

Richard E. Haskin, Esq.  
Nevada State Bar # 11592

**GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP**

1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144-0596  
(702) 836-9800

Attorneys for Defendants  
TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
& THE LYTLE TRUST

Electronically Filed  
May 15 2017 02:20 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF THE  
MARJORIE B. BOULDENR TRUST, LINDA  
LAMOTHE AND JACQUES LAMOTHE,  
TRUSTEES OF THE JACQUES & LINDA  
LAMOTHE LIVING TRUST

Case No.: A-16-747800-C  
Dept.: XVI

**NOTICE OF APPEAL**

Plaintiff,

v.

TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
THE LYTLE TRUST, DOES I through X,  
inclusive, and ROE CORPORATIONS I through  
X,

Defendants.

NOTICE IS HEREBY GIVEN that defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust appeal to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment entered on April 26, 2017.

DATED: May 4, 2017

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

By: 

Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144-0596

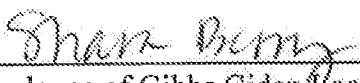
Attorneys for Defendants TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, & THE LYTLE TRUST

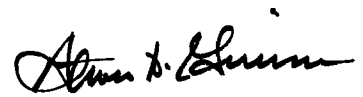
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**CERTIFICATE OF SERVICE**

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on May 9, 2017, she served a copy of the foregoing **NOTICE OF APPEAL** by electronic service through the Regional Justice Center for Clark County, Nevada's ECF System:

DANIEL T. FOLEY, ESQ.  
FOLEY & OAKS  
626 S. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101

  
An employee of Gibbs Giden Locher Turner  
Senet & Wittbrodt LLP



CLERK OF THE COURT

ASTA  
Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
**GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP**  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144-0596  
(702) 836-9800

Attorneys for Defendants  
TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
& THE LYTLE TRUST

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF THE  
MARJORIE B. BOULDENR TRUST, LINDA  
LAMOTHE AND JACQUES LAMOTHE,  
TRUSTEES OF THE JACQUES & LINDA  
LAMOTHE LIVING TRUST

Case No.: A-16-747800-C  
Dept.: XVI

Plaintiff,

v.

TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
THE LYTLE TRUST, DOES I through X,  
inclusive, and ROE CORPORATIONS I through  
X,

Defendants.

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this appeal statement:**

Trudi Lee Lytle, John Allen Lytle, as Trustees of the Lytle Trust (collectively, the "Lytles")

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

The Honorable Timothy Williams

**3. Identify each appellant and the name and address of counsel for each appellant:**

Appellants: Defendants Trudi Lee Lytle, John Allen Lytle, Trustee of the Lytle Trust

**Counsel for Appellant:**

Richard E. Haskin, Esq.  
GIBBS, GIDEN, LOCHER, TURNER, SENET & WITTBRODT, LLP  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144  
(702) 836-9800

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

- 1           **4. Identify each respondent and the name and address of appellate counsel, if**  
2           **known, for each respondent (if the name of a respondent's appellate counsel is**  
3           **unknown, indicate as much and provide the name and address of that**  
4           **respondent's trial counsel):**

5           Respondents: Plaintiffs Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust,  
6           Linda Lamothe and Jacques Lamothe, Trustees of the Jacques & Linda  
7           Lamothe Living Trust (collectively, the "Plaintiffs")

7           Counsel for Respondents

8           Daniel T. Foley, Esq.  
9           FOLEY & OAKS  
10          626 S. 8<sup>th</sup> Street  
11          Las Vegas, Nevada 89101  
12          (702) 384-2070

- 13          **5. Indicate whether any attorney identified above in response to question 3 or 4 is**  
14          **not licensed to practice law in Nevada and, if so, whether the district court**  
15          **granted that attorney permission to appear under SCR 42 (attach a copy of any**  
16          **district court order granting such permission):**

17          All counsel identified above are licensed to practice in Nevada.

- 18          **6. Indicate whether appellant was represented by appointed or retain counsel in**  
19          **the district court: Retained.**  
20          **7. Indicate whether appellant is represented by appointed or retained counsel on**  
21          **appeal: Retained.**  
22          **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and**  
23          **the date of entry of the district court order granting such leave:**

24          Appellant has not requested leave to proceed in forma pauperis in this matter.

- 25          **9. Indicate the date the proceedings commenced in the district court (e.g., date**  
26          **complaint, indictment, information, or petition was filed): December 8, 2016.**

27          //  
28          //  
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//

**10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:**

Plaintiffs commenced the underlying action to dispute the validity and legal effect of abstracts of judgment the Lytles recorded against their respective properties in relation to a judgment the Lytles obtained against the Rosemere Estates Property Owners Association, whereas the Plaintiffs' properties are included as property of and within the association. The Lytles appeal the decision of the district court granting partial summary judgment in Plaintiffs' favor and holding that the Lytles improperly clouded and slandered title to Plaintiffs' properties, expunging the abstracts of judgment recorded against the Plaintiffs' properties, permanently enjoining the Lytles "from recording and enforcing the Final Judgment from the Rosemere Litigation or any abstracts related thereto against" the Plaintiffs' properties, and permanently enjoining the Lytles "from taking any action in the future against the Plaintiffs or their properties based upon the Rosemere LPA Litigation."

**11. Order appealed from:**

Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment entered on April 26, 2017.

**12. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:**

This matter has not previously been the subject of appeal or original writ proceeding.

**13. Indicate whether this appeal involves child custody or visitation: No.**

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1           **14. If this is a civil case, indicate whether this appeal involves the possibility**  
2           **of settlement:**

3           There is a possibility of settlement, and the Lytles request referral to the Supreme Court  
4 settlement conference program..

5  
6 DATED: May 9, 2017

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

7  
8 By: 

Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144-0596

Attorneys for Defendants TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, & THE LYTLE TRUST

**CERTIFICATE OF SERVICE**

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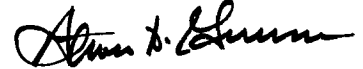
DANIEL T. FOLEY, ESQ.  
FOLEY & OAKS  
626 S. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101

*Sham Berry*

An employee of Gibbs Giden Locher Turner  
Senet & Wittbrodt LLP

**NOTC**

Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
**GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP**  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144-0596  
(702) 836-9800



CLERK OF THE COURT

Attorneys for Defendants  
TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
& THE LYTLE TRUST

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF THE  
MARJORIE B. BOULDENR TRUST, LINDA  
LAMOTHE AND JACQUES LAMOTHE,  
TRUSTEES OF THE JACQUES & LINDA  
LAMOTHE LIVING TRUST

Case No.: A-16-747800-C  
Dept.: XVI

**NOTICE OF DEPOSITING SECURITY  
FOR COSTS ON APPEAL**

Plaintiff,

v.

TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
THE LYTLE TRUST, DOES I through X,  
inclusive, and ROE CORPORATIONS I through  
X,

Defendants.

TAKE NOTICE that in accordance with NRAP 7, Defendants/Appellants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust have deposited \$500.00 with the Clerk of the Eighth Judicial District Court, which amount represents the security for costs on appeal.

DATED: May 9, 2017

**GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP**

By: 

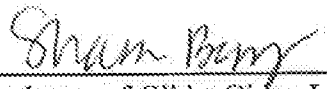
Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144-0596

Attorneys for Defendants TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, & THE LYTLE TRUST

**CERTIFICATE OF SERVICE**

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DANIEL T. FOLEY, ESQ.  
FOLEY & OAKS  
626 S. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101

  
An employee of Gibbs Giden Locher Turner  
Senet & Wittbrodt LLP

DEPARTMENT 16  
**CASE SUMMARY**  
**CASE NO. A-16-747800-C**

**Marjorie B. Boulden Trust, Plaintiff(s)**  
**vs.**  
**Lytle Trust, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 16**  
Judicial Officer: **Williams, Timothy C.**  
Filed on: **12/08/2016**  
Cross-Reference Case Number: **A747800**

CASE INFORMATION

Case Type: **Other Title to Property**  
Case Flags: **Appealed to Supreme Court**  
**Arbitration Exemption Granted**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number           A-16-747800-C  
Court                   Department 16  
Date Assigned         12/08/2016  
Judicial Officer       Williams, Timothy C.

PARTY INFORMATION

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Boulden, Marjorie B</b> Removed: 12/08/2016 Data Entry Error	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Jacques &amp; Linda Lamothe Living Trust</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Lamothe, Jacques</b> Removed: 12/08/2016 Data Entry Error	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Lamothe, Linda</b> Removed: 12/08/2016 Data Entry Error	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Marjorie B. Boulden Trust</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
<b>Defendant</b>	<b>Lytle Trust</b>	<b>Haskin Esq, Richard Edward</b> <i>Retained</i> 702-836-9800(W)
	<b>Lytle, John Allen</b> Removed: 12/08/2016 Data Entry Error	<b>Haskin Esq, Richard Edward</b> <i>Retained</i> 702-836-9800(W)
	<b>Lytle, Trudi Lee</b> Removed: 12/08/2016 Data Entry Error	<b>Haskin Esq, Richard Edward</b> <i>Retained</i> 702-836-9800(W)

DATE

EVENTS & ORDERS OF THE COURT













INDEX

12/08/2016















Complaint  
Filed By: Plaintiff Marjorie B. Boulden Trust  
*Complaint*










DEPARTMENT 16  
**CASE SUMMARY**  
**CASE NO. A-16-747800-C**

01/11/2017	 Motion for Temporary Restraining Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>
01/12/2017	 Response Filed by: Plaintiff Marjorie B. Boulden Trust <i>Response to Ex-Parte Motion to Continue Hearing</i>
01/17/2017	 Acceptance of Service Filed By: Plaintiff Marjorie B. Boulden Trust <i>Acceptance of Service of Summons and Complaint</i>
01/17/2017	 Receipt of Copy Filed by: Plaintiff Marjorie B. Boulden Trust <i>Receipt of Copy</i>
01/17/2017	 Ex Parte Motion Filed By: Trustee Lytle, Trudi Lee <i>Ex Parte Emergency Motion on Order Shortening Time by Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust to Continue Hearing Set for January 17, 2017</i>
01/18/2017	 Opposition to Motion Filed By: Trustee Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Temporary Restraining Order</i>
01/18/2017	 Declaration Filed By: Trustee Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Opposition to Motion for Temporary Restraining Order</i>
01/18/2017	 Request for Judicial Notice Filed By: Trustee Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Opposition to Motion for Temporary Restraining Order</i>
01/18/2017	 Receipt of Copy Filed by: Trustee Lytle, Trudi Lee <i>Receipt of Copy</i>
01/19/2017	 <b>Motion for Temporary Restraining Order (9:00 AM)</b> (Judicial Officer: Williams, Timothy C.) <i>Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>
02/08/2017	 Answer to Complaint Filed by: Trustee Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiffs' Complaint</i>
02/08/2017	 Motion to Dismiss Filed By: Trustee Lytle, Trudi Lee <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>

DEPARTMENT 16  
**CASE SUMMARY**  
**CASE NO. A-16-747800-C**

02/09/2017	 Initial Appearance Fee Disclosure Filed By: Trustee Lytle, Trudi Lee <i>Initial Appearance Fee Disclosure</i>
02/24/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Partial Summary Judgment</i>
02/28/2017	 Opposition to Motion to Dismiss Filed By: Plaintiff Marjorie B. Boulden Trust <i>Opposition to Motion to Dismiss</i>
03/10/2017	 Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Amended Complaint</i>
03/10/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust <i>Stipulation and Order for Leave for Plaintiffs to File Amended Complaint</i>
03/14/2017	<b>CANCELED Motion to Dismiss (9:00 AM)</b> (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i> <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>
03/23/2017	 Stipulation and Order Filed by: Trustee Lytle, Trudi Lee <i>Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/24/2017	 Request for Judicial Notice Filed By: Trustee Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/24/2017	 Declaration Filed By: Trustee Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/27/2017	 Countermotion For Summary Judgment Filed By: Trustee Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/27/2017	 Notice of Entry of Stipulation and Order Filed By: Trustee Lytle, Trudi Lee <i>Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/30/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
04/05/2017	 Reply to Opposition Filed by: Plaintiff Marjorie B. Boulden Trust

**CASE SUMMARY****CASE NO. A-16-747800-C***Reply to the Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Summary Judgment*

04/13/2017	<b>Motion for Partial Summary Judgment</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion for Partial Summary Judgment</i>
04/13/2017	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
04/13/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.)
04/26/2017	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i>
04/26/2017	<b>Partial Summary Judgment</b> (Judicial Officer: Williams, Timothy C.) Debtors: Lytle Trust (Defendant) Creditors: Marjorie B. Boulden Trust (Plaintiff), Marjorie B Boulden (Trustee), Linda Lamothe (Trustee) Judgment: 04/26/2017, Docketed: 05/03/2017
04/27/2017	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Trustee Boulden, Marjorie B; Trustee Lamothe, Jacques; Trustee Lamothe, Linda <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i>
04/28/2017	 Motion for Attorney Fees and Costs Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Trustee Boulden, Marjorie B; Trustee Lamothe, Jacques; Trustee Lamothe, Linda <i>Motion for Attorney's Fees and Costs</i>
05/09/2017	 Notice of Lis Pendens Filed by: Trustee Lytle, Trudi Lee <i>Notice of Lis Pendens</i>
05/09/2017	 Notice of Lis Pendens Filed by: Trustee Lytle, Trudi Lee <i>Notice of Lis Pendens</i>
05/09/2017	 Notice of Appeal Filed By: Trustee Lytle, Trudi Lee <i>Notice of Appeal</i>
05/09/2017	 Notice Filed By: Trustee Lytle, Trudi Lee <i>Notice of Depositing Security for Costs on Appeal</i>
05/09/2017	 Case Appeal Statement Filed By: Trustee Lytle, Trudi Lee <i>Case Appeal Statement</i>
05/30/2017	<b>Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion for Attorney's Fees and Costs</i>

DEPARTMENT 16  
**CASE SUMMARY**  
**CASE NO. A-16-747800-C**  
FINANCIAL INFORMATION

DATE

<b>Defendant</b> Lytle Trust	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 5/11/2017</b>	<b>0.00</b>
<b>Plaintiff</b> Jacques & Linda Lamothe Living Trust	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 5/11/2017</b>	<b>0.00</b>
<b>Plaintiff</b> Marjorie B. Boulden Trust	
Total Charges	470.00
Total Payments and Credits	470.00
<b>Balance Due as of 5/11/2017</b>	<b>0.00</b>
<b>Trustee</b> Lytle, John Allen	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 5/11/2017</b>	<b>0.00</b>
<b>Trustee</b> Lytle, Trudi Lee	
Total Charges	447.00
Total Payments and Credits	447.00
<b>Balance Due as of 5/11/2017</b>	<b>0.00</b>
<b>Trustee</b> Lytle, Trudi Lee	
Appeal Bond Balance as of 5/11/2017	<b>500.00</b>

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

(Assigned by Clerk's Office)

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

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

Marjorie Boulden, 1960 Rosemere Ct., Las Vegas, NV 89117

Jacques Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Linda Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

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

Trudi Lee Lytle

John Allen Lytle

Attorney (name/address/phone):

Daniel T. Foley

626 So. 8th Street, Las Vegas, NV 89101

702-384-2070

Attorney (name/address/phone):

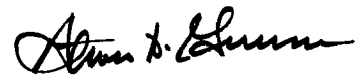
**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types****Real Property****Landlord/Tenant**☐ Unlawful Detainer☐ Other Landlord/Tenant**Title to Property**☐ Judicial Foreclosure☒ Other Title to Property**Other Real Property**☐ Condemnation/Eminent Domain☐ Other Real Property**Negligence**☐ Auto☐ Premises Liability☐ Other Negligence**Malpractice**☐ Medical/Dental☐ Legal☐ Accounting☐ Other Malpractice**Torts****Other Torts**☐ Product Liability☐ Intentional Misconduct☐ Employment Tort☐ Insurance Tort☐ Other Tort**Probate****Probate** (select case type and estate value)☐ Summary Administration☐ General Administration☐ Special Administration☐ Set Aside☐ Trust/Conservatorship☐ Other Probate**Estate Value**☐ Over \$200,000☐ Between \$100,000 and \$200,000☐ Under \$100,000 or Unknown☐ Under \$2,500**Construction Defect & Contract****Construction Defect**☐ Chapter 40☐ Other Construction Defect**Contract Case**☐ Uniform Commercial Code☐ Building and Construction☐ Insurance Carrier☐ Commercial Instrument☐ Collection of Accounts☐ Employment Contract☐ Other Contract**Judicial Review/Appeal****Judicial Review**☐ Foreclosure Mediation Case☐ Petition to Seal Records☐ Mental Competency**Nevada State Agency Appeal**☐ Department of Motor Vehicle☐ Worker's Compensation☐ Other Nevada State Agency**Appeal Other**☐ Appeal from Lower Court☐ Other Judicial Review/Appeal**Civil Writ****Civil Writ**☐ Writ of Habeas Corpus☐ Writ of Mandamus☐ Writ of Quo Warrant☐ Writ of Prohibition☐ Other Civil Writ**Other Civil Filing****Other Civil Filing**☐ Compromise of Minor's Claim☐ Foreign Judgment☐ Other Civil Matters

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

12/7/16  
Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **FFCL**  
2 DANIEL T. FOLEY, ESQ.  
3 Nevada Bar No. 1078  
4 FOLEY & OAKES, PC  
5 626 S 8<sup>th</sup> Street  
6 Las Vegas, Nevada 89101  
7 Tel.: (702) 384-2070  
8 Fax: (702) 384-2128  
9 Email: dan@foleyoakes.com  
10 *Attorneys for Plaintiffs*

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

9 MARJORIE B. BOULDEN, TRUSTEE OF )  
10 THE MARJORIE B. BOULDEN TRUST, )  
11 LINDA LAMOTHE AND JACQUES )  
12 LAMOTHE, TRUSTEES OF THE )  
13 JACQUES & LINDA LAMOTHE )  
14 LIVING TRUST )

13 Plaintiff, )

Case No. A-16-747800-C  
Dept. No. XVI

14 v. )

15 TRUDI LEE LYTLE AND JOHN ALLEN )  
16 LYTLE, AS TRUSTEES OF THE LYTLE )  
17 TRUST, DOES I through X; and ROE )  
18 CORPORATIONS I through X, )  
19 Defendants. )

Date of Hearing: April 13, 2017  
Time of Hearing: 9:00 a.m.

19 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING**  
20 **PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

21 Plaintiffs' Motion for Partial Summary Judgment and Defendants' Counter Motion for  
22 Summary Judgment having come on for hearing before this Court on the 13<sup>th</sup> day of April 2017,  
23 Plaintiffs Marjorie Boulden and Linda Lamothe appeared with their counsel, Daniel T. Foley,  
24 Esq. and Defendants John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust,  
25 appearing with their counsel, Richard Haskin, Esq. The Court having reviewed the Plaintiffs'  
26 Motion, the Defendants' Opposition and Counter-Motion and the Plaintiffs' Reply and all  
27

1 documents attached thereto or otherwise filed in this case, and good cause appearing therefore,  
2 makes these Findings of Fact and Conclusions of Law.

3 To the extent any Findings of Fact also contain Conclusions of Law said Conclusions of  
4 Law should be considered as such. To the extent that any Conclusions of Law also contain  
5 Findings of Fact said Findings of Fact should be considered as such.

6  
7 **FINDINGS OF FACT**

8 1. Mrs. Boulden is trustee of the Marjorie B. Boulden Trust (hereinafter "Mrs.  
9 Boulden") which owns that residential property known as parcel number 163-03-313-008 also  
10 known as 1960 Rosemere Ct., Las Vegas, NV 89117 ("the Boulden Property").

11 2. Mr. and Mrs. Lamothe are the trustees of the Linda Lamothe and Jacques Lamothe  
12 Living Trust (hereinafter "Mr. and Mrs. Lamothe") which owns that certain residential property  
13 known as parcel number 163-03-313-002 also known as 1830 Rosemere Ct., Las Vegas, NV  
14 89117 (the "Lamothe Property").

15 3. The Boulden Property and the Lamothe Property are located in the Rosemere  
16 Court subdivision and are subject to the CC&Rs recorded January 4, 1994 (the "Original  
17 CC&Rs").

18 4. John Allen Lytle and Trudi Lee Lytle are the Trustees of the Lytle Trust  
19 (collectively the "Defendants") which owns that certain residential property known as parcel  
20 number 163-03-313-009 (the "Lytle Property").

21 5. In 2009, the Defendants sued the Rosemere Estates Property Owners Association  
22 (the Association") in the Eighth Judicial District Court, case # A-09-593497-C (the "Rosemere  
23 LPA Litigation").

24 6. None of the Plaintiffs were ever parties in the Rosemere LPA Litigation.  
25  
26  
27

1           7.       None of the Plaintiffs were a "losing party" in the Rosemere LPA Litigation as that  
2 term is found in Section 25 of the Original CC&Rs.

3           8.       The Defendants obtained a Summary Judgment for Declaratory Relief from the  
4 District Court in the Rosemere LPA Litigation, which found and ruled as follows:

- 5                   a.   The Association is a limited purpose association under NRS 116.1201, is  
6                   not a Chapter 116 "unit-owners' association," and is relegated to only  
7                   those specific duties and powers set forth in Paragraph 21 of the Original  
8                   CC&Rs and NRS 116.1201.
- 9                   b.   The Association did not have any powers beyond those of the "property  
10                  owners committee" designation in the Original CC&Rs – simply to care  
11                  for the landscaping and other common elements of Rosemere Estates as  
12                  set forth in Paragraph 21 of the Original CC&Rs.
- 13                  c.   Consistent with the absence of a governing body, the Developer provided  
14                  each homeowner the right to independently enforce the Original CC&Rs  
15                  against one another.
- 16                  d.   The Amended and Restated CC&Rs recorded with the Clark County  
17                  Recorder's Office as Instrument #20070703-0001934 (the "Amended  
18                  CC&Rs") are invalid, and the Amended CC&Rs have no force and effect.

19           9.       Pursuant to NRS 116.1201(2) most of NRS Chapter 116 does not apply to the  
20 Association because it is a limited purpose association that is not a rural agricultural residential  
21 community.

22           10.      After obtaining Summary Judgment in the Rosemere LPA Litigation, the  
23 Defendants filed a Motion for Attorneys' Fees and Costs against the Association, and conducted a  
24 prove-up hearing on damages. After hearing all matters, a Final Judgment was entered in the  
25 Defendants' favor against the Association for \$361,238.59, which includes damages, attorneys'  
26 fees and costs (the "Final Judgment").

27           11.      After obtaining the Final Judgment, the Defendants, on August 16, 2016, recorded  
28 with the Clark County Recorder's office an Abstract of Judgement referencing the Final Judgment

1 against the Association, recorded as Instrument #20160818-0001198 (the "First Abstract of  
2 Judgment").

3 12. In the First Abstract of Judgment, the Defendants listed the parcel numbers of the  
4 Boulden Property and the Lamothe Property as properties to which the First Abstract of Judgment  
5 and Final Judgment was to attach.

6 13. On September 2, 2016, the Defendants recorded with the Clark County Recorder's  
7 office an Abstract of Judgement referencing the Final Judgment against the Association, recorded  
8 as Instrument #20160902-0002684 (the "Second Abstract of Judgment"). The Second Abstract  
9 of Judgment listed the parcel number of the Lamothe Property only as the property to which the  
10 Final Judgment was to attach.

11 14. On September 2, 2016, the Defendants recorded with the Clark County Recorder's  
12 office an Abstract of Judgement referencing the Final Judgment against the Association, recorded  
13 as Instrument #20160902-0002690 (the "Third Abstract of Judgment"). The Third Abstract of  
14 Judgment listed the parcel number of the Boulden Property only as the property to which the  
15 Final Judgment was to attach.

### 16 CONCLUSIONS OF LAW

17 1. The Association is a "limited purpose association" as referenced in NRS  
18 116.1201(2).

19 2. As a limited purpose association, NRS 116.3117 is not applicable to the  
20 Association.

21 3. As a result of the Rosemere LPA Litigation, the Amended CC&Rs were judicially  
22 declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and  
23 have no force and effect and were declared void ab initio.

24 4. The Plaintiffs were not parties to the Rosemere LPA Litigation.

5. The Plaintiffs were not “losing parties” in the Rosemere LPA Litigation as per Section 25 of the Original CC&Rs.

6. The Final Judgment in favor of the Defendants is not against, and is not an obligation of, the Plaintiffs.

7. The Final Judgment against the Association is not an obligation or debt owed by the Plaintiffs.

8. The First Abstract of Judgment recorded as Instrument #20160818-0001198 was improperly recorded against the Lamothe Property and constitutes a cloud against the Lamothe Property.

9. The First Abstract of Judgment recorded as Instrument #20160818-0001198 was improperly recorded against the Boulden Property and constitutes a cloud against the Boulden Property.

10. The Second Abstract of Judgment recorded as Instrument #20160902-0002684 improperly recorded against the Lamothe Property and constitutes a cloud against the Lamothe Property.

11. The Third Abstract of Judgment recorded as Instrument #20160902-0002690 was improperly recorded against the Boulden Property and constitutes a cloud against the Boulden Property.

## ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Partial Summary Judgment is **GRANTED**.

1           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that  
2 Defendants' Motion for Summary Judgment is DENIED.

3           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
4 Defendants improperly clouded the title to the Boulden Property.

5           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
6 Defendants improperly clouded the title to the Lamothe Property.

7           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
8 Defendants slandered the title to the Boulden Property.

9           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the First  
10 Abstract of Judgment recorded as Instrument #20160818-0001198 in the Clark County  
11 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
12 Recorder's Office.

13           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
14 Second Abstract of Judgment recorded as Instrument #20160902-0002684 in the Clark County  
15 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
16 Recorder's Office.


17           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Third  
18 Abstract of Judgment recorded as Instrument #20160902-0002690 in the Clark County  
19 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
20 Recorder's Office.

21           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
22 Defendants are permanently enjoined from recording and enforcing the Final Judgment from the  
23 Rosemere LPA Litigation or any abstracts related thereto against the Boulden Property or the  
24 Lamothe Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Defendants are hereby ordered to release the First Abstract of Judgment, the Second Abstract of Judgment, and the Third Abstract of Judgment recorded with the Clark County Recorder within ten (10) days after the date of Notice of Entry of this Order.

DATED this 25<sup>th</sup> day of April 2017

  
DISTRICT COURT JUDGE

Submitted by:  
FOLEY & OAKES, PC  
  
Daniel T. Foley, Esq.  
626 S. 8<sup>th</sup> St.  
Las Vegas, Nevada 89101  
Attorney for Plaintiffs

Approved as to form:

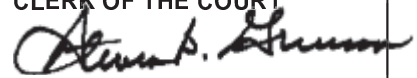
Richard E. Haskin, Esq.  
Gibbs Giden Locker Turner Senet & Wittbrodt LLP  
1140 N. Town Center Dr., Ste. 300  
Las Vegas, Nevada 89144  
Attorney for Defendants

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Defendants are hereby ordered to release the First Abstract of Judgment, the Second Abstract of Judgment, and the Third Abstract of Judgment recorded with the Clark County Recorder within ten (10) days after the date of Notice of Entry of this Order.

DISTRICT COURT JUDGE

~~Daniel T. Foley, Esq.  
626 S. 8<sup>th</sup> St.  
Las Vegas, Nevada 89101  
Attorney for Plaintiffs~~

~~Richard E. Haskin, Esq.  
Gibbs Olden Locker Turner Senet & Wittbrodt LLP  
1140 N. Town Center Dr., Ste. 300  
Las Vegas, Nevada 89144  
Attorney for Defendants~~



1 **NOE**  
2 DANIEL T. FOLEY, ESQ.  
3 Nevada Bar No. 1078  
4 FOLEY & OAKES, PC  
5 626 S 8<sup>th</sup> Street  
6 Las Vegas, Nevada 89101  
7 Tel.: (702) 384-2070  
8 Fax: (702) 384-2128  
9 Email: dan@foleyoakes.com  
10 *Attorneys for Plaintiffs*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 MARJORIE B. BOULDEN, TRUSTEE OF )  
14 THE MARJORIE B. BOULDEN TRUST, )  
15 LINDA LAMOTHE AND JACQUES )  
16 LAMOTHE, TRUSTEES OF THE )  
17 JACQUES & LINDA LAMOTHE )  
18 LIVING TRUST )

19 Plaintiff, )

Case No. A-16-747800-C

Dept. No. XVI

20 v. )

21 TRUDI LEE LYTLER AND JOHN ALLEN )  
22 LYTLER, AS TRUSTEES OF THE LYTLER )  
23 TRUST, DOES I through X; and ROE )  
24 CORPORATIONS I through X, )  
25 Defendants. )

26 **NOTICE OF ENTRY**

27 PLEASE TAKE NOTICE that the Clerk of the Court entered the attached Findings of  
28 Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment  
in the above-entitled manner on April 26<sup>th</sup>, 2017. A copy of said Findings of Fact, Conclusions  
of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment is attached hereto

///

///

///

1 as Exhibit "A".

2 Respectfully Submitted,

3 FOLEY & OAKES, PC

4 /s/Daniel T. Foley

5 Daniel T. Foley, Esq.

6 Nevada Bar No. 1078

7 626 So. 8<sup>th</sup> Street

8 Las Vegas, Nevada 89101

9 *Attorney for Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NEFCR 9, N.R.C.P. 5(b) and EDCR 7.26, I hereby certify that I am an  
3 employee of Foley & Oakes, PC, and that on the 27<sup>th</sup> day of April, 2017, I served the following  
4 document(s):

5 **NOTICE OF ENTRY**

6 I served the above-named document(s) by the following means to the person s as listed  
7 below: [ x ] By Electronic Transmission through the Wiznet System:

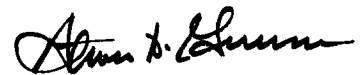
8  
9 Richard E. Haskin, Esq.  
10 GIBBS, GIDEN, LOCHER, TURNER,  
11 SENET & WHITTBRODT, LLP  
12 1140 N. Town Center Drive, Suite 300  
13 Las Vegas, NV 89144

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

15 /s/ Maren Foley  
16 An employee of FOLEY & OAKES  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

EXHIBIT “A”

EXHIBIT “A”



CLERK OF THE COURT

1 **FFCL**  
2 DANIEL T. FOLEY, ESQ.  
3 Nevada Bar No. 1078  
4 FOLEY & OAKES, PC  
5 626 S 8<sup>th</sup> Street  
6 Las Vegas, Nevada 89101  
7 Tel.: (702) 384-2070  
8 Fax: (702) 384-2128  
9 Email: dan@foleyoakes.com  
10 *Attorneys for Plaintiffs*

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

9 MARJORIE B. BOULDEN, TRUSTEE OF )  
10 THE MARJORIE B. BOULDEN TRUST, )  
11 LINDA LAMOTHE AND JACQUES )  
12 LAMOTHE, TRUSTEES OF THE )  
13 JACQUES & LINDA LAMOTHE )  
14 LIVING TRUST )

13 Plaintiff, )

Case No. A-16-747800-C  
Dept. No. XVI

14 v. )

15 TRUDI LEE LYTLE AND JOHN ALLEN )  
16 LYTLE, AS TRUSTEES OF THE LYTLE )  
17 TRUST, DOES I through X; and ROE )  
18 CORPORATIONS I through X, )  
19 Defendants. )

Date of Hearing: April 13, 2017  
Time of Hearing: 9:00 a.m.

19 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING**  
20 **PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

21 Plaintiffs' Motion for Partial Summary Judgment and Defendants' Counter Motion for  
22 Summary Judgment having come on for hearing before this Court on the 13<sup>th</sup> day of April 2017,  
23 Plaintiffs Marjorie Boulden and Linda Lamothe appeared with their counsel, Daniel T. Foley,  
24 Esq. and Defendants John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust,  
25 appearing with their counsel, Richard Haskin, Esq. The Court having reviewed the Plaintiffs'  
26 Motion, the Defendants' Opposition and Counter-Motion and the Plaintiffs' Reply and all  
27

1 documents attached thereto or otherwise filed in this case, and good cause appearing therefore,  
2 makes these Findings of Fact and Conclusions of Law.

3 To the extent any Findings of Fact also contain Conclusions of Law said Conclusions of  
4 Law should be considered as such. To the extent that any Conclusions of Law also contain  
5 Findings of Fact said Findings of Fact should be considered as such.

6  
7 **FINDINGS OF FACT**

8 1. Mrs. Boulden is trustee of the Marjorie B. Boulden Trust (hereinafter "Mrs.  
9 Boulden") which owns that residential property known as parcel number 163-03-313-008 also  
10 known as 1960 Rosemere Ct., Las Vegas, NV 89117 ("the Boulden Property").

11 2. Mr. and Mrs. Lamothe are the trustees of the Linda Lamothe and Jacques Lamothe  
12 Living Trust (hereinafter "Mr. and Mrs. Lamothe") which owns that certain residential property  
13 known as parcel number 163-03-313-002 also known as 1830 Rosemere Ct., Las Vegas, NV  
14 89117 (the "Lamothe Property").

15 3. The Boulden Property and the Lamothe Property are located in the Rosemere  
16 Court subdivision and are subject to the CC&Rs recorded January 4, 1994 (the "Original  
17 CC&Rs").

18 4. John Allen Lytle and Trudi Lee Lytle are the Trustees of the Lytle Trust  
19 (collectively the "Defendants") which owns that certain residential property known as parcel  
20 number 163-03-313-009 (the "Lytle Property").

21 5. In 2009, the Defendants sued the Rosemere Estates Property Owners Association  
22 (the Association") in the Eighth Judicial District Court, case # A-09-593497-C (the "Rosemere  
23 LPA Litigation").

24 6. None of the Plaintiffs were ever parties in the Rosemere LPA Litigation.  
25  
26  
27

1           7.       None of the Plaintiffs were a "losing party" in the Rosemere LPA Litigation as that  
2 term is found in Section 25 of the Original CC&Rs.

3           8.       The Defendants obtained a Summary Judgment for Declaratory Relief from the  
4 District Court in the Rosemere LPA Litigation, which found and ruled as follows:

- 5                   a.   The Association is a limited purpose association under NRS 116.1201, is  
6                   not a Chapter 116 "unit-owners' association," and is relegated to only  
7                   those specific duties and powers set forth in Paragraph 21 of the Original  
8                   CC&Rs and NRS 116.1201.
- 9                   b.   The Association did not have any powers beyond those of the "property  
10                  owners committee" designation in the Original CC&Rs – simply to care  
11                  for the landscaping and other common elements of Rosemere Estates as  
12                  set forth in Paragraph 21 of the Original CC&Rs.
- 13                  c.   Consistent with the absence of a governing body, the Developer provided  
14                  each homeowner the right to independently enforce the Original CC&Rs  
15                  against one another.
- 16                  d.   The Amended and Restated CC&Rs recorded with the Clark County  
17                  Recorder's Office as Instrument #20070703-0001934 (the "Amended  
18                  CC&Rs") are invalid, and the Amended CC&Rs have no force and effect.

19           9.       Pursuant to NRS 116.1201(2) most of NRS Chapter 116 does not apply to the  
20 Association because it is a limited purpose association that is not a rural agricultural residential  
21 community.

22           10.      After obtaining Summary Judgment in the Rosemere LPA Litigation, the  
23 Defendants filed a Motion for Attorneys' Fees and Costs against the Association, and conducted a  
24 prove-up hearing on damages. After hearing all matters, a Final Judgment was entered in the  
25 Defendants' favor against the Association for \$361,238.59, which includes damages, attorneys'  
26 fees and costs (the "Final Judgment").

27           11.      After obtaining the Final Judgment, the Defendants, on August 16, 2016, recorded  
28 with the Clark County Recorder's office an Abstract of Judgement referencing the Final Judgment

1 against the Association, recorded as Instrument #20160818-0001198 (the "First Abstract of  
2 Judgment").

3 12. In the First Abstract of Judgment, the Defendants listed the parcel numbers of the  
4 Boulden Property and the Lamothe Property as properties to which the First Abstract of Judgment  
5 and Final Judgment was to attach.

6 13. On September 2, 2016, the Defendants recorded with the Clark County Recorder's  
7 office an Abstract of Judgement referencing the Final Judgment against the Association, recorded  
8 as Instrument #20160902-0002684 (the "Second Abstract of Judgment"). The Second Abstract  
9 of Judgment listed the parcel number of the Lamothe Property only as the property to which the  
10 Final Judgment was to attach.

11 14. On September 2, 2016, the Defendants recorded with the Clark County Recorder's  
12 office an Abstract of Judgement referencing the Final Judgment against the Association, recorded  
13 as Instrument #20160902-0002690 (the "Third Abstract of Judgment"). The Third Abstract of  
14 Judgment listed the parcel number of the Boulden Property only as the property to which the  
15 Final Judgment was to attach.

### 16 CONCLUSIONS OF LAW

17 1. The Association is a "limited purpose association" as referenced in NRS  
18 116.1201(2).

19 2. As a limited purpose association, NRS 116.3117 is not applicable to the  
20 Association.

21 3. As a result of the Rosemere LPA Litigation, the Amended CC&Rs were judicially  
22 declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and  
23 have no force and effect and were declared void ab initio.

24 4. The Plaintiffs were not parties to the Rosemere LPA Litigation.

5. The Plaintiffs were not “losing parties” in the Rosemere LPA Litigation as per Section 25 of the Original CC&Rs.

6. The Final Judgment in favor of the Defendants is not against, and is not an obligation of, the Plaintiffs.

7. The Final Judgment against the Association is not an obligation or debt owed by the Plaintiffs.

8. The First Abstract of Judgment recorded as Instrument #20160818-0001198 was improperly recorded against the Lamothe Property and constitutes a cloud against the Lamothe Property.

9. The First Abstract of Judgment recorded as Instrument #20160818-0001198 was improperly recorded against the Boulden Property and constitutes a cloud against the Boulden Property.

10. The Second Abstract of Judgment recorded as Instrument #20160902-0002684 improperly recorded against the Lamothe Property and constitutes a cloud against the Lamothe Property.

11. The Third Abstract of Judgment recorded as Instrument #20160902-0002690 was improperly recorded against the Boulden Property and constitutes a cloud against the Boulden Property.

## ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Partial Summary Judgment is **GRANTED**.

1       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that  
2 Defendants' Motion for Summary Judgment is DENIED.

3       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
4 Defendants improperly clouded the title to the Boulden Property.

5       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
6 Defendants improperly clouded the title to the Lamothe Property.

7       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
8 Defendants slandered the title to the Boulden Property.

9       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the First  
10 Abstract of Judgment recorded as Instrument #20160818-0001198 in the Clark County  
11 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
12 Recorder's Office.

13       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
14 Second Abstract of Judgment recorded as Instrument #20160902-0002684 in the Clark County  
15 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
16 Recorder's Office.

17       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Third  
18 Abstract of Judgment recorded as Instrument #20160902-0002690 in the Clark County  
19 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
20 Recorder's Office.

21       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
22 Defendants are permanently enjoined from recording and enforcing the Final Judgment from the  
23 Rosemere LPA Litigation or any abstracts related thereto against the Boulden Property or the  
24 Lamothe Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Defendants are hereby ordered to release the First Abstract of Judgment, the Second Abstract of Judgment, and the Third Abstract of Judgment recorded with the Clark County Recorder within ten (10) days after the date of Notice of Entry of this Order.

DATED this 25<sup>th</sup> day of April 2017

DISTRICT COURT JUDGE

Daniel T. Foley, Esq.  
626 S. 8<sup>th</sup> St.  
Las Vegas, Nevada 89101  
Attorney for Plaintiffs

Richard E. Haskin, Esq.  
Gibbs Giden Locker Turner Senet & Wittbrodt LLP  
1140 N. Town Center Dr., Ste. 300  
Las Vegas, Nevada 89144  
Attorney for Defendants

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Defendants are hereby ordered to release the First Abstract of Judgment, the Second Abstract of Judgment, and the Third Abstract of Judgment recorded with the Clark County Recorder within ten (10) days after the date of Notice of Entry of this Order.

DISTRICT COURT JUDGE

~~Daniel T. Foley, Esq.  
626 S. 8<sup>th</sup> St.  
Las Vegas, Nevada 89101  
Attorney for Plaintiffs~~

~~Richard E. Haskin, Esq.  
Gibbs Olden Locker Turner Senet & Wittbrodt LLP  
1140 N. Town Center Dr., Ste. 300  
Las Vegas, Nevada 89144  
Attorney for Defendants~~

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

# COURT MINUTES

January 19, 2017

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Lytle Trust, Defendant(s)

**January 19, 2017      9:00 AM      Motion for Temporary Restraining Order**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Lorna Shell

**RECORDER:**

**REPORTER:** Peggy Isom

## PARTIES

<b>PRESENT:</b>	Boulden, Marjorie B	Plaintiff
	Foley, Daniel Thomas, ESQ	Attorney
	Haskin Esq, Richard Edward	Attorney
	Lamothe, Linda	Plaintiff
	Lytle, John Allen	Defendant
	Lytle, Trudi Lee	Defendant

## JOURNAL ENTRIES

- Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this \$361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.

PRINT DATE: 05/11/2017

Page 1 of 2

Minutes Date: January 19, 2017

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 13, 2017**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Lytle Trust, Defendant(s)

---

**April 13, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Williams, Timothy C.      **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Lorna Shell

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney  
                 Haskin Esq, Richard Edward      Attorney

**JOURNAL ENTRIES**

- MOTION FOR PARTIAL SUMMARY JUDGMENT  
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND  
COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES

Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for  
Summary Judgment GRANTED; Deft.'s Countermotion DENIED.

# 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; NOTICE OF DEPOSITION SECURITY FOR COSTS OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

MARJORIE B. BOULDEN, TRUSTEE OF THE  
MARJORIE B. BOULDEN TRUST; LINDA  
LAMOTHE AND JACQUES LAMOTHE,  
TRUSTEE OF THE JACQUES & LINDA  
LAMOTHE LIVING TRUST,

Plaintiff(s),

vs.

TRUDI LEE LYTLER; JOHN ALLEN LYTLER;  
THE LYTLER TRUST,

Defendant(s),

Case No: A-16-747800-C

Dept No: XVI

now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 11 day of May 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

**NATIONWIDE LEGAL NEVADA LLC**

1609 JAMES M. WOOD BLVD  
LOS ANGELES, CA 90015  
(213) 249-9999

CONFIRM ENCASHMENT  
OF OVER \$200.00 W/  
THE MAKER @ (213) 249-9999

**BANK OF AMERICA**  
OLYMPIC-UNION BRANCH 309 (323) 730-9140  
1625 W. OLYMPIC BLVD  
LOS ANGELES, CA 90015  
16-66/1220

23719

DATE 5/10/17

PAY TO THE  
ORDER OF

NEVADA SUPREMA COURT

\$ 250.<sup>00</sup>

TWO HUNDRED FIFTY & <sup>40</sup>/<sub>100</sub>

DOLLARS

DR# 8237

CLIENT GOLT

NOT TO EXCEED \$1,500.00  
VOID AFTER 90 DAYS

CONTROL # 76112



⑈023719⑈ ⑆122000661⑆ 03094⑈47193⑈