

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,

Appellant ,

v.

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

Respondents .

Supreme Court No.: 73039

District Court Case No.: A-16-747800-C

Electronically Filed
Jul 24 2017 09:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DEFENDANTS TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST'S

RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW Defendants TRUDI LEE LYTLE, JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST (the "Trust"), by and through their counsel of record, Richard E. Haskin, Esq., and Timothy Elson, Esq., of the law firm of GIBBS, GIDEN, LOCHER, TURNER, SENET & WITTBRODT, LLP, and hereby submits its Settlement Conference Statement.

I. BRIEF STATEMENT OF MATERIAL AND UNDISPUTED FACTS

The essential facts in this case are undisputed. Thus summary judgment is appropriate.

Respondents initiated this lawsuit on December 8, 2016, seeking to quiet title to their respective properties and setting forth claims for quiet title, cloud on title, and slander of title. .

On April 26, 2017, after hearing, the District Court granted Respondents Motion for Partial Summary Judgment on all claims. *See* Order, Exhibit A. Therein, the District Court granted an injunction against Appellants.

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///

On June 2, 2017, Appellants filed a Docketing Statement with this Supreme Court indicating that one of the basis for appeal was that the underling order granted an injunction. See Docketing Statement, Exhibit B, Section 4. Further, this injunction was the an issue noted on appeal. *Id.* at Section 9. Finally, the Docketing Statement provides that NRAP 3(b)(3) serves as the basis for this Court's jurisdiction. *Id.* at Section 21.

II. BASIS FOR APPEAL

The Supreme Court has jurisdiction to consider the appeal of any order from a district court in a civil action "granting...an injunction..." NRAP 3(b)(3). Here, the District Court granted an injunction, permanently enjoining Appellants from clouding title to Respondents' property or recording any abstract of judgment. This matter is fit for appeal.

DATED: July 21, 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
Attorneys for Appellants

CERTIFICATE OF MAILING

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on July 24, 2017, she served a copy of the foregoing **DEFENDANTS TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST'S RESPONSE TO ORDER TO SHOW CAUSE** by electronic service through the Nevada Supreme Court's ECF System:

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

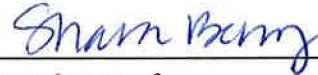
Attorneys for Plaintiffs **MARJORIE BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, ETAL.**

Tel: (702) 384-2070
Fax: (702) 384-2128
Email: dan@foleyoakes.com

Persi J. Mishel
2725 Tidewater Court
Las Vegas, Nevada 89117

Settlement Judge

Tel: (702) 981-3043



An employee of
Gibbs Giden Locher Turner
Senet & Wittbrodt LLP

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 8th 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)

15 Plaintiff,)

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

16 v.)

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

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

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

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

FOLEY
&
OAKES

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 **FINDINGS OF FACT**

7
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
19 4. John Allen Lytle and Trudi Lee Lytle are the Trustees of the Lytle Trust
20 (collectively the "Defendants") which owns that certain residential property known as parcel
21 number 163-03-313-009 (the "Lytle Property").

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

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

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 Judgment 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 Judgment 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 25th day of April 2017

He D
DISTRICT COURT JUDGE

Submitted by:
FOLEY & OAKES, PC

Daniel T. Foley, Esq.
626 S. 8th 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. 8th 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

EXHIBIT “B”

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

TRUDI LEE LYTLE; AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,
Appellants
vs.
MARJORIE BOULDEN, TRUSTEE OF THE
MARJORIE B. BOULDEN TRUST, etc

No. 73039

Electronically Filed
Jun 02 2017 10:22 a.m.

Elizabeth A. Brown
DOCKETING STATEMENT
Clerk of Supreme Court
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

Revised December 2015

1. Judicial District Eighth Department XVI
County Clark Judge Timothy Williams
District Ct. Case No. A-16-747800-C

2. Attorney filing this docketing statement:

Attorney Richard E. Haskin Telephone (702) 836-9800
Firm Gibbs, Giden, Locher, Turner, Senet & Wittbrodt, LLP
Address 1140 N. Towne Center, Suite 300
Las Vegas, NV 89140

Client(s) Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Daniel T. Foley Telephone (702) 384-2070
Firm Foley & Oakes, PC
Address 626 S. 8th Street
Las Vegas, NV 89101

Client(s) Marjorie B. Boulden, Linda Lamothe, Jacques Lamothe

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input checked="" type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input checked="" type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
☐ Venue
☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Case No. 60657
Case No. 61308
Case No. 65721
Case No. 63942
Case No. 65294

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Eighth Judicial District Court, case number A-09-593497-C
Eighth Judicial District Court, case number A-10-631355-C

8. Nature of the action. Briefly describe the nature of the action and the result below:

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

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether the district court erred in finding that Appellants clouded title to Respondents' properties when Appellants recorded the abstracts of judgment against Respondents' properties?
2. Whether the district court erred in finding that Appellants' slandered title to Respondents' properties when there is no evidence and no findings by the court of malice, oppression, or fraud, and the district court did not consider the issue at hearing?
3. Whether the district court erred in ordering that Appellants were permanently enjoined from "taking any action in the future against [Respondents] or their properties based upon" the underlying judgment against the Rosemere Estate Property Owners' Association?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: NRS 116.3117 permits a judgment creditor as to the association to record an abstract of judgment against the association and all of the units therein at the time the judgment was entered. However, NRS 116.3117 is not incorporated into those statutes that apply to limited purpose association under NRS 116.1201. Appellants contend that Appellants may still record an abstract of judgment related to a limited purpose association against all units within the limited purpose association, because, by definition, a "unit" is included within and property of the limited purpose association via NRS 116.021 and NRS 116.093.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

While there is no presumptive assignment to the Court of Appeals, Appellants contend that this case should be retained by the Supreme Court due its familiarity with the issues and matters at hand. The Supreme Court has considered and determined appeals related to Appellants and Rosemere Estates Property Owners Association, which issues are unique and involved herein.

14. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from April 26, 2017

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served April 27, 2017

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☒ NRCP 59 Date of filing May 15, 2017

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed May 9, 2017

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input checked="" type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The district court granted Respondents' Motion for Partial Summary Judgment to quiet title to property, for cloud on title and slander of title. Respondents later waived a claim for damages other than attorneys' fees and costs. Therefore, judgment is final. NRAP 3A(b)(1). Further, the district court granted an injunction prohibiting Appellants from enforcing its judgment against the association as to Respondents' properties. NRA 3A(b)(3).

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust
Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust
Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda
Lamothe Living Trust

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Respondents made claims for quiet title, slander of title, and cloud on title. All claims were disposed of via summary judgment on April 26, 2017.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☐ Yes

☒ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

Respondents still seek attorneys' fees and costs, which motion will be heard on June 29, 2017.

(b) Specify the parties remaining below:

Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust
Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust
Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe
Living Trust

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

Order is independently appealable under NRAP 3A(b).

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

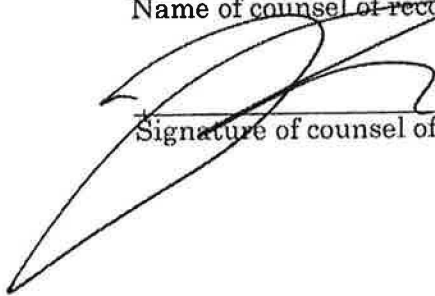
I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Trudi Lytle
Name of appellant

June 2, 2017
Date

Nevada, Clark County
State and county where signed

Richard E. Haskin
Name of counsel of record

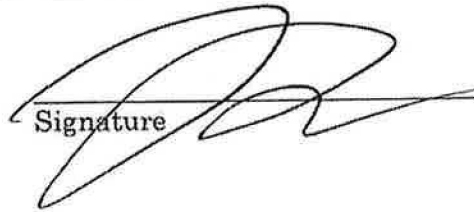

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 2nd day of June, 2017, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Dated this 2nd day of June, 2017


Signature

CERTIFICATE OF MAILING

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on June 2, 2017, she served a copy of the foregoing **DOCKETING STATEMENT** by electronic service through the Nevada Supreme Court's ECF System:

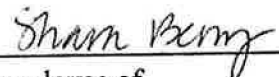
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