

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of a District Court

No. D 15523582 D.....

Dept. No.J....

IN THE8TH..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OFCLARK.....

Electronically Filed
Jun 21 2017 09:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CAPUCNE Y HOLMES }
v. }
WILBERT R HOLMES }

NOTICE OF APPEAL

Notice is hereby given that WILBERT R HOLMES., defendant above named, hereby appeals to the Supreme Court of Nevada (DIVORCE DECREE) (NOTICE OF ENTRY OF DECREE DIVORCE)) on the ..8TH..... day of ...JUNE....., 20 .17..... entered in this action

Attorney PRO SE

10550 PATRINGTON CT.

LAS VEGAS NV 89183

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 CAPUCINE Y. HOLMES,

10 Plaintiff(s)

11 vs.

12 WILBERT R. HOLMES,

13 Defendant(s),

Case No: D-15-523582-D

Dept No: J

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Wilbert R. Holmes

19 2. Judge: Rena G. Hughes

20 3. Appellant(s): Wilbert R. Holmes

21 Counsel:

22 Wilbert R. Holmes
23 10550 Patrington Ct.
24 Las Vegas, NV 89183

25 4. Respondent (s): Capucine Y. Holmes

26 Counsel:

27 Capucine Y. Holmes
28 637 Twilight Blue Ave.
North Las Vegas, NV 89032

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: N/A
4 Permission Granted: N/A

5 6. Appellant Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, October 10, 2016

8 Appellant Filed Application to Proceed in Forma Pauperis: N/A
9 Date Application(s) filed: N/A

10 9. Date Commenced in District Court: November 5, 2015

11 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

12 Type of Judgment or Order Being Appealed: Divorce Decree

13 11. Previous Appeal: No

14 Supreme Court Docket Number(s): N/A

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

17 Dated This 14 day of June 2017.

18 Steven D. Grierson, Clerk of the Court

19
20 /s/ Amanda Hampton

21 Amanda Hampton, Deputy Clerk
22 200 Lewis Ave
23 PO Box 551601
24 Las Vegas, Nevada 89155-1601
25 (702) 671-0512

26
27 cc: Wilbert R. Holmes
28

CASE SUMMARY

CASE NO. D-15-523582-D

Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

§
§
§
§

Location: **Department J**
 Judicial Officer: **Hughes, Rena G.**
 Filed on: **11/05/2015**

CASE INFORMATION

Related Cases

D-08-399088-D (1J1F Related - Rule 5.42)
 T-09-120864-N (1J1F Related - Rule 5.42)
 T-15-166156-T (1J1F Related - Rule 5.42)
 T-16-169488-T (1J1F Related - Rule 5.42)
 T-16-171478-T (1J1F Related - Rule 5.42)
 T-16-172022-T (1J1F Related - Rule 5.42)
 T-16-174232-T (1J1F Related - Rule 5.42)
 T-17-177384-T (1J1F Related - Rule 5.42)
 T-17-179521-T (1J1F Related - Rule 5.103)

Case Type: **Divorce - Complaint**
 Subtype: **Complaint No Minor(s)**

Case Status: **06/01/2017 Closed**

Case Flags: **Mail Received in the Clerk's Office**
Order After Hearing Required
Proper Person Mail Returned
Appealed to Supreme Court
In Forma Pauperis Granted
to Wilbert Holmes on 10/10/16

Statistical Closures

06/01/2017 Settled/Withdrawn With Judicial Conference or Hearing

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number D-15-523582-D
 Court Department J
 Date Assigned 11/05/2015
 Judicial Officer Hughes, Rena G.






PARTY INFORMATION

Plaintiff	Holmes, Capucine Yolanda 637 Twilight Blue AVE North Las Vegas, NV 89032	Pro Se 702-884-7587(H)
Defendant	Holmes, Wilbert Roy Confidential	Pro Se 702-281-5752(H)

DATE














EVENTS & ORDERS OF THE COURT

EVENTS

11/05/2015	 Complaint for Divorce <i>Complaint for Divorce</i>
11/16/2015	 Affidavit of Service Filed by: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Affidavit Of Service</i>
11/19/2015	 Application to Proceed in Forma Pauperis Filed by: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis</i>
12/07/2015	 Answer and Counterclaim - Divorce, Annulment, Separate Maint Filed by: Defendant Holmes, Wilbert Roy For: Plaintiff Holmes, Capucine Yolanda <i>Answer and Counterclaim for Divorce (No Children)</i>
12/17/2015	 Certificate of Service

CASE SUMMARY

CASE NO. D-15-523582-D

	Filed by: Defendant Holmes, Wilbert Roy <i>CERTIFICATE OF SERVICE C HOLMES VS W HOLMES</i>
12/23/2015	 Reply to Counterclaim Filed by: Plaintiff Holmes, Capucine Yolanda <i>Reply to counterclaim</i>
12/30/2015	 NRCP 16.2 Case Management Conference <i>Notice of NRCP 16.2 Case Management Conferences</i>
01/05/2016	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda <i>General Financial Disclosure Form</i>
02/02/2016	 Notice of Appearance Party: Defendant Holmes, Wilbert Roy <i>Notice of Appearance and Request for Notice</i>
02/08/2016	 Subpoena Filed by: Plaintiff Holmes, Capucine Yolanda <i>Subpoena Duces Tecum for Business Records (No Appearance Required)</i>
02/09/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
02/18/2016	 Notice Filed by: Defendant Holmes, Wilbert Roy <i>Notice of Unavailability</i>
02/18/2016	 Substitution of Attorney Filed by: Defendant Holmes, Wilbert Roy <i>Substitution of Attorney</i>
02/22/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
03/16/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form</i>
03/30/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
04/11/2016	 Trial Management Order Party: Plaintiff Holmes, Capucine Yolanda <i>Trial Management Order</i>
04/14/2016	 Motion Filed by: Defendant Holmes, Wilbert Roy <i>Motion to Withdraw as Attorney for Defendant</i>
04/18/2016	 Certificate of Service Filed by: Defendant Holmes, Wilbert Roy <i>Certificate of Service</i>
05/16/2016	 Order Filed by: Defendant Holmes, Wilbert Roy <i>Order Regarding Hearing of April 6, 2016</i>
05/16/2016	 Amended Answer Filed by: Defendant Holmes, Wilbert Roy <i>Amended Answer and Counterclaim</i>
05/16/2016	 Notice of Entry of Order Filed by: Defendant Holmes, Wilbert Roy

CASE SUMMARY

CASE NO. D-15-523582-D

Notice of Entry of Order Re: Motion to Withdraw as Attorney of Record for Defendant

05/16/2016



Order to Withdraw as Attorney of Record

Filed by: Defendant Holmes, Wilbert Roy

Order Re Motion to Withdrawal as Attorney of Record for Defendant

05/17/2016



Notice of Entry of Order

Filed by: Plaintiff Holmes, Capucine Yolanda

Notice of Entry of Order

05/26/2016



Reply to Counterclaim

Filed by: Plaintiff Holmes, Capucine Yolanda

For: Defendant Holmes, Wilbert Roy

Reply to Amended Answer and Counterclaim

06/29/2016



Ex Parte Motion

Filed by: Defendant Holmes, Wilbert Roy

Ex Parte Motion for An Order Shortening Time

07/07/2016



Subpoena Duces Tecum

Filed by: Plaintiff Holmes, Capucine Yolanda

Subpoena Duces Tecums

07/12/2016



Request

Filed by: Plaintiff Holmes, Capucine Yolanda

REQUEST FOR PRODUCTION OF DOCUMENTS

07/12/2016



Interrogatories

Filed by: Plaintiff Holmes, Capucine Yolanda

WILBERT ROY HOLMES

07/15/2016



Application to Proceed in Forma Pauperis

Filed by: Defendant Holmes, Wilbert Roy

Application to Proceed in Forma Pauperis (Filing Fees/Service Only)

07/16/2016



Motion

Filed by: Defendant Holmes, Wilbert Roy

For: Plaintiff Holmes, Capucine Yolanda

Deft's Motion for change of Venue

07/18/2016



Notice of Motion

Filed by: Defendant Holmes, Wilbert Roy

NOTM - Notice of Motion D-15-523582-D Change of Venue

07/19/2016



Application to Proceed in Forma Pauperis

Filed by: Defendant Holmes, Wilbert Roy

Application to Proceed in Forma Pauperis D-15-523582-D

07/22/2016



Motion

Filed by: Plaintiff Holmes, Capucine Yolanda

For: Defendant Holmes, Wilbert Roy

Plaintiff's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement

07/25/2016



Motion

Filed by: Plaintiff Holmes, Capucine Yolanda

Ex Parte Motion for an Order Shortening Time

07/26/2016



Order Shortening Time

Filed by: Plaintiff Holmes, Capucine Yolanda

Order Shortening Time

07/29/2016



















Affidavit of Service

Filed by: Plaintiff Holmes, Capucine Yolanda

Affidavit of service


















CASE SUMMARY

CASE NO. D-15-523582-D

08/03/2016	 Proof of Service Filed by: Plaintiff Holmes, Capucine Yolanda <i>Proof of Service</i>
08/04/2016	 Certificate of Mailing Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Mailing</i>
08/05/2016	 Motion Filed by: Defendant Holmes, Wilbert Roy For: Plaintiff Holmes, Capucine Yolanda <i>Defendant Wilbert Homles Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i>
08/18/2016	 Notice of Motion Filed by: Defendant Holmes, Wilbert Roy <i>Notice of Motion Change Judge</i>
08/31/2016	 Certificate of Mailing Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Mailing</i>
08/31/2016	 Subpoena Filed by: Plaintiff Holmes, Capucine Yolanda <i>Subpoena</i>
08/31/2016	 Opposition to Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion to Disqualify Judge Rena Hughes</i>
09/02/2016	 Affidavit of Service Filed by: Plaintiff Holmes, Capucine Yolanda <i>Affidavit of Service</i>
09/23/2016	 Order Denying <i>Order Denying Motion to Disqualify</i>
09/28/2016	 Stricken Document Filed by: Defendant Holmes, Wilbert Roy <i>*****STRICKEN DOCUMENT PER JOURNAL ENTRIES DATED 10/04/16*****Complaint for Malicious Prosecution</i>
10/05/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
10/06/2016	 Trial Management Order <i>Trial Management Order</i>
10/10/2016	 Order to Proceed In Forma Pauperis Filed by: Defendant Holmes, Wilbert Roy <i>Order to Proceed In Forma Pauperis</i>
10/11/2016	 Application to Proceed in Forma Pauperis Filed by: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis</i>
10/11/2016	 Trial Management Order Party: Plaintiff Holmes, Capucine Yolanda <i>Trial Management Order</i>
10/17/2016	 Notice Filed by: Plaintiff Holmes, Capucine Yolanda <i>Notice of Taking Evidentiary Hearing Off Calender</i>

















CASE SUMMARY

CASE NO. D-15-523582-D

10/17/2016	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Service</i>
10/18/2016	 Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>MOTION TO PLACE ON CALENDAR D-15-523582-D</i>
10/19/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for An Order Shortening Time</i>
10/19/2016	 Notice of Motion Filed by: Defendant Holmes, Wilbert Roy <i>Defendant's Motion for Malicious Prosecution</i>
10/26/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
10/26/2016	 Trial Management Order <i>Trial Management Order</i>
10/26/2016	 Notice of Hearing <i>Notice of Hearing</i>
11/29/2016	 Notice of Rescheduling of Hearing Filed by: Plaintiff Holmes, Capucine Yolanda <i>Notice of Rescheduling of Hearing</i>
12/01/2016	 Motion Filed by: Attorney Kimble-Simms, Marsha For: Plaintiff Holmes, Capucine Yolanda <i>Motion to Withdraw as Counsel of Record</i>
12/07/2016	 Order Shortening Time Filed by: Plaintiff Holmes, Capucine Yolanda <i>Order Shortening Time</i>
12/11/2016	 Affirmation Filed by: Defendant Holmes, Wilbert Roy <i>Affirmation- Case Conference Report or Pre-Trial Memorandum</i>
12/11/2016	 Pre-trial Memorandum Filed by: Defendant Holmes, Wilbert Roy <i>Defendant's Pre-Trial Memorandum</i>
12/12/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form</i>
12/13/2016	 Certificate of Mailing Filed by: Defendant Holmes, Wilbert Roy For: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Mailing</i>
12/14/2016	 Miscellaneous Filing <i>Updated Witness Letter/Kim Panfield</i>
12/18/2016	 Exhibits Filed by: Defendant Holmes, Wilbert Roy <i>Malicious Prosecution Detail and Exhibits</i>
12/19/2016	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy


















CASE SUMMARY

CASE NO. D-15-523582-D

	<i>Updated Pre Trial Memorandum</i>
12/20/2016	 Certificate of Mailing Filed by: Plaintiff Holmes, Capucine Yolanda <i>MOTION TO WITHDRAW AS COUNSEL OF RECORD</i>
12/22/2016	 Certificate of Mailing Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Mailing</i>
12/22/2016	 Pre-trial Memorandum Filed by: Plaintiff Holmes, Capucine Yolanda <i>Pre-Trial Memorandum</i>
12/31/2016	 Certificate of Mailing Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of mailing</i>
01/03/2017	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy <i>D-15-523582-D UPDATEDa PRE TRIAL MEMO....</i>
01/04/2017	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy <i>D-15-523582-D PRE TRIAL MEMO EXHIBIT E and F plus</i>
01/05/2017	 Pre-trial Memorandum Filed by: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>
01/05/2017	 Certificate of Mailing Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Mailing</i>
01/05/2017	 Pre-trial Memorandum Filed by: Defendant Holmes, Wilbert Roy <i>Pre Trial Memo Schedule AA</i>
01/08/2017	 Pre-trial Memorandum <i>D-15-523582-D PRE TRIAL MEMO-UPDATED FINANCIAL DISCLO FORM with EXHIBIT J</i>
01/10/2017	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>Financial Disclosure Form</i>
01/10/2017	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda
01/16/2017	 Pre-trial Memorandum Filed by: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Updated</i>
01/17/2017	 Pre-trial Memorandum Filed by: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>
01/18/2017	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda <i>Certificate of Service</i>
01/20/2017	 Subpoena Filed by: Plaintiff Holmes, Capucine Yolanda <i>Subpoena</i>

CASE SUMMARY

CASE NO. D-15-523582-D

01/24/2017	 Affidavit of Service Filed by: Plaintiff Holmes, Capucine Yolanda <i>Affidavit of Service</i>
02/01/2017	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy <i>COURT REQUEST LETTER D-15-523582-D - Capucine Yolanda Holmes, Plaintiff vs. Wilbert Roy Holmes, Defendant.</i>
02/05/2017	 Motion to Enforce Filed by: Defendant Holmes, Wilbert Roy <i>DEFENDANT'S MOTION TO ENFORCE/SHOW CAUSE</i>
02/09/2017	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
02/10/2017	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy <i>PROPERTY ESCROW DETAIL REQUIRED D-15-523582-D</i>
02/14/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>EX PARTE Motion For An Order Shortening Time D-15-523582-D</i>
02/14/2017	 Affidavit of Service Filed by: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda <i>Affidavit of Service</i>
02/16/2017	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
02/16/2017	 Document Filed Filed by: Plaintiff Holmes, Capucine Yolanda <i>DOCUMENT OF PROPERTY SETTLEMENT STATEMENT PURCHASE SHEET</i>
02/18/2017	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
02/21/2017	 Miscellaneous Filing Party: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
04/06/2017	 Order Filed by: Plaintiff Holmes, Capucine Yolanda <i>Order from Hearing 4-05-17</i>
04/06/2017	 Miscellaneous Filing <i>Closing Instructions</i>
06/01/2017	 Decree of Divorce <i>Decree of Divorce</i>
06/01/2017	 Notice of Entry <i>Notice of Entry of Decree of Divorce</i>
06/08/2017	 Notice of Appeal Filed by: Defendant Holmes, Wilbert Roy <i>Notice of Appeal</i>
06/09/2017	 Notice of Entry of Order/Judgment Filed by: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order Decree of Divorce</i>

CASE SUMMARY

CASE NO. D-15-523582-D

06/09/2017



Withdrawal of Attorney

Filed by: Plaintiff Holmes, Capucine Yolanda

Withdrawal of Attorney

DISPOSITIONS

06/01/2017

Judgment (Judicial Officer: Hughes, Rena G.)

Judgment (\$100,862.73, In Full , Wilburt Roy Holmes shall pay Capucine Yolanda Holmes for her interest in the marital residence.)

HEARINGS

03/30/2016



Case Management Conference (11:00 AM) (Judicial Officer: Hughes, Rena G.)

03/30/2016, 04/06/2016

Events: 02/09/2016 Notice of Rescheduling of Hearing

Reset, from 3/30/16, due to JNA.

02/24/2016 Reset by Court to 03/30/2016

02/24/2016 Reset by Court to 02/24/2016

MINUTES



Notice of Rescheduling of Hearing

Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery. COURT stated FINDINGS and ORDERED: 1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties. 2. The PRE NUPITAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY. 3. DISCOVERY shall be OPEN. 4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED. 5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days. Attorney Jacobson to prepare an Order, from today's hearing. 9/27/16 11:00 am CALENDAR CALL 10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2);

MINUTES



Notice of Rescheduling of Hearing

Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16. A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.;
Off Calendar

05/17/2016

CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Deft's Attorney's Motion to Withdraw as Attorney of Record

07/26/2016



Minute Order (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a

CASE SUMMARY


CASE NO. D-15-523582-D

hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife. Judge Rena Hughes has in fact not attended any social events at the parties home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11. Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050. Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED. Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.; Minute Order - No Hearing Held

09/21/2016 **CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Judge


Deft's Motion for Change of Venue

09/22/2016  **Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Barker, David)

Events: 08/18/2016 Notice of Motion

Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144

MINUTES

 Notice of Motion

Filed by: Defendant Holmes, Wilbert Roy

Notice of Motion Change Judge

Matter Continued;

Journal Entry Details:

The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion. CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to: Wilbert Roy Holmes 10550 Pattrington Ct. Las Vegas, NV 89183.anm/9/22/16 ;

Matter Continued

09/23/2016 **Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144

09/23/2016  **Minute Order** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)


Minute Order: Motion to Disqualify

Minute Order - No Hearing Held; Motion to disqualify denied.

Journal Entry Details:

COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order. CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Pattrington Ct Las Vegas, NV 89183. / dr 9-28-16 ;

Minute Order - No Hearing Held

09/27/2016  **Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

due to stacking - set EH on 10/12/16

Matter Heard;

Journal Entry Details:

Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify. Court clerk trainee, Marlana Elliott, present. COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be


CASE SUMMARY

CASE NO. D-15-523582-D

RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.;

Matter Heard

10/04/2016

 **Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 07/22/2016 Motion

Pltf's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement per OST

08/04/2016 Reset by Court to 10/04/2016

MINUTES

 Motion

Filed by: Plaintiff Holmes, Capucine Yolanda

For: Defendant Holmes, Wilbert Roy

Plaintiff's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement

JEA


for the OST. rescheduled back to original date

Evidentiary Hearing;

Journal Entry Details:

PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST Court clerk Tiffany Skaggs present. Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG. Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything. Attorney advised, Defendant represented he was not going to appear in court anymore. COURT ORDERED, 1. Behavioral Order shall be in EFFECT immediately. 2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED. 3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document. 4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce. 5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce. 6. Attorney shall file briefs pursuant to Michigan Law. 7. Evidentiary hearing regarding financials and marital residence STANDS. 12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement Minute's from today's hearing to suffice.; Evidentiary Hearing

10/11/2016

 **Minute Order** (10:00 AM) (Judicial Officer: Hughes, Rena G.)




Minute Order - No Hearing Held;

Journal Entry Details:

-PER JUDGE NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016. Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff's request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016. This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017. The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence. Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court. ;

CASE SUMMARY

CASE NO. D-15-523582-D

	<i>Minute Order - No Hearing Held</i>
12/15/2016	<p>CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p><i>Vacated - per Attorney or Pro Per</i></p> <p><i>Validity of Pre nuptial agreement - per Judge one hour</i></p>
12/20/2016	<p>Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 10/19/2016 Notice of Motion</p> <p><i>Deft's Motion for Malicious Prosecution</i></p> <p>12/20/2016 Reset by Court to 12/20/2016</p> <p>Denied;</p> <p><i>Denied</i></p>
12/20/2016	<p>Status Check (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 10/26/2016 Notice of Hearing</p> <p>11/29/2016 Reset by Court to 12/20/2016</p> <p>12/20/2016 Reset by Court to 12/20/2016</p> <p>Matter Heard;</p> <p><i>Matter Heard</i></p>
12/20/2016	<p>Calendar Call (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 11/29/2016 Notice of Rescheduling of Hearing</p> <p><i>Stack #5</i></p> <p>Matter Heard;</p> <p><i>Matter Heard</i></p>
12/20/2016	<p>Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 12/01/2016 Motion</p> <p><i>Motion to Withdraw as Counsel of Record per OST</i></p> <p>01/25/2017 Reset by Court to 12/20/2016</p> <p>Off Calendar;</p> <p><i>Off Calendar</i></p>
12/20/2016	<p> All Pending Motions (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today. Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing. Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document. Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization. COURT stated FINDINGS and ORDERED: 1. Defendant's MOTION shall be DENIED. 2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN. 3. EVIDENTIARY HEARING STANDS. ;</i></p> <p><i>Matter Heard</i></p>
01/10/2017	<p> Evidentiary Hearing (1:30 PM) (Judicial Officer: Hughes, Rena G.)</p> <p>01/10/2017, 01/18/2017</p> <p>Events: 10/05/2016 Notice of Rescheduling of Hearing</p> <p><i>DAY 2 - Finances / equity in marital residence</i></p> <p>10/11/2016 Reset by Court to 10/12/2016</p> <p>10/12/2016 Reset by Court to 04/18/2017</p> <p>01/10/2017 Reset by Court to 01/10/2017</p> <p>04/18/2017 Reset by Court to 01/10/2017</p> <p>MINUTES</p> <p> Notice of Rescheduling of Hearing</p> <p><i>Notice of Rescheduling of Hearing</i></p>

CASE SUMMARY

CASE NO. D-15-523582-D

Due to stacking
reset to 4/18/17. New TMO will be sent by JEA
Stack #5

Matter Continued;
Under Advisement;
Journal Entry Details:

Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient. Ms. Kimble-Simms shall prepare the Order from today's hearing. Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag);

MINUTES



Notice of Rescheduling of Hearing

Notice of Rescheduling of Hearing

Due to stacking
reset to 4/18/17. New TMO will be sent by JEA
Stack #5

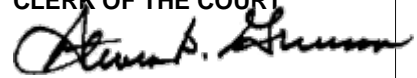
Matter Continued;
Under Advisement;
Journal Entry Details:

HOUSEKEEPING ISSUES. Review of issues and the pre marital agreement. Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow. Exhibits offered and admitted. See exhibit worksheet. Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested. Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17. ;

Matter Continued

04/04/2017 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)
Vacated - per Secretary
Stack #2

04/05/2017 **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)
Events: 02/05/2017 Motion to Enforce
DEFENDANT'S MOTION TO ENFORCE/SHOW CAUS
03/08/2017 Reset by Court to 04/06/2017
04/06/2017 Reset by Court to 04/05/2017



1 DECD
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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 CAPUCINE YOLANDA HOLMES,

8 Plaintiff,

9 vs.

10 WILBERT ROY HOLMES,

11 Defendant.
12

CASE NO. : D-15-523582-D

DEPARTMENT J

13 **DECREE OF DIVORCE**
14

15 This matter came on for a trial before the Honorable Rena G. Hughes,
16 Department J of the 8th Judicial District Court, Family Division on January
17 10, 2017 and January 18, 2017. Subsequent to trial, the parties were ordered
18 to provide the Court written documentation of the original mortgage against
19 the marital residence located at 10550 Patrington Court, Las Vegas, Nevada.
20

21 On January 20, 2017, Plaintiff sent a subpoena to Chicago Title
22 Company requesting the mortgage information. On February 1, February 10,
23 and February 16, 2017 the parties filed additional documents, mainly
24 consisting of the closing settlement statement for the property, but not the
25
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1 original mortgage information. The closing settlement statement showed an
2 original mortgage of \$240,000, but no further details.

3
4 On April 6, 2017 Defendant filed "Closing Instructions" showing an
5 initial mortgage for \$240,000 at an annual rate of 7.5%. This is the
6 information the Court required to make a final decision in the matter.
7

8 **FINDINGS OF FACT**

9 The parties were married on July 3, 1999 in Las Vegas, Nevada. There
10 are no children of the marriage and Plaintiff is not pregnant.
11

12 The parties have resided in the State of Nevada for more than six
13 weeks prior to the filing of a Complaint for Divorce by Capucine. This Court
14 has personal jurisdiction over the parties, as well as subject matter
15 jurisdiction.
16

17 The issues before the Court were the division of the equity in the
18 marital residence pursuant to an Antenuptial Agreement, and Capucine's
19 request for attorneys' fees.
20

21 Procedurally, Capucine filed a Complaint for Divorce on November 5,
22 2015, and served Wilbert, who filed an Answer and Counterclaim for
23 Divorce on December 7, 2015. Thereafter, Capucine filed a Reply to the
24 Counterclaim on December 23, 2015. It was not plead until the Reply to
25 Counterclaim that the parties had entered into an "Antenuptial Agreement"
26
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1 on July 2, 1999 one day before the marriage was solemnized. The
2 Antenuptial Agreement was executed and notarized in Nevada, but is
3 governed by Michigan law.
4

5 Prior to trial on July 18, 2016, Wilbert filed a "Motion for Change of
6 Venue" requesting the case be moved to Nye County on the basis that
7 Wilbert would not receive a fair trial in Clark County because Capucine
8 allegedly had undue influence and power over the District Court Judges in
9 Clark County, Nevada. Wilbert's motion was denied as baseless.
10
11

12 Wilbert then filed a "Memorandum of Law in Support of Motion to
13 Disqualify Judge Rena G. Hughes Under 28 U.S.C. §144" on August 5, 2016,
14 seeking to disqualify this Court on the basis of alleged "actual or implied bias
15 of prejudice." Wilbert's motion was denied by the Chief Judge of the Eighth
16 Judicial District Court on September 23, 2016 by written order.
17
18

19 The case was set for trial on the Court's earliest available time, and
20 took place over two (2) days. At the conclusion of the evidence, the Court
21 was missing a key piece of information, namely, the original mortgage on the
22 marital residence, including the interest rate. Once Wilbert obtained and
23 provided this information to the Court, the Court had sufficient evidence to
24 reach a determination on Capucine's interest in the marital residence pursuant
25 to the Antenuptial Agreement. (Capucine initially challenged the July 2,
26
27
28

1 1999 Antenuptial Agreement, then abandoned her claim.) At trial both
2 parties admitted to the validity of the Antenuptial Agreement as controlling
3 the disposition and determination of their marital estate.
4

5 The key provisions of the Antenuptial Agreement are as follows:
6

7 3. SOLE OWNERSHIP AND CONTROL OF
8 EXISTING ASSETS. Each party during his or her lifetime
9 shall keep and retain sole ownership, control, and enjoyment
10 of all real personal intangible, or mixed property now owned
11 by him or her, free and clear of any claim of the other party.

12 6. DIVISION OF ASSETS IF MARRIAGE IS
13 DISSOLVED. In the event that the marriage of Will and
14 Capucine shall terminate as a result of divorce, then, in full
15 satisfaction, settlement and discharge of any and all rights or
16 claims of alimony, support, property division, or other rights
17 or claims of any kind, nature, or description incident to
18 marriage and divorce (including any right to payment of legal
19 fees incident to a divorce) under the present or future statutes
20 and laws or common law of the State of Michigan or any
21 other jurisdiction (all of which are hereby waived and
22 released) the parties agree that all property acquired after the
23 marriage between the parties shall be divided as follows:
24

25 a. Any property acquired in either party's individual
26 capacity or name during the marriage, including
27 any investment accounts and/or contributions to
28 retirement plans (including but not limited to IRAs,
401(k) plans, 403(b)s, TSAs, SEP, IRAs, IRA
rollovers, and pension plans) shall remain the sole
and separate property of the party named on the
account or the party who acquired the property in
his or her individual capacity or name.

b. Will will retain the marital home that he is now in
the process of building and Capucine will release

1 and/or waive any dower rights, homestead rights or
2 other rights or claims of any kind of nature under
3 the present or future statutes she has on said home.

4 c. Each person retains any furniture or other items that
5 he or she brought into the marriage.

6 d. If an action for dissolution of marriage is filed by
7 either party before two (2) full years of marriage,
8 neither party will have any claim against the other
9 party's income, asset appreciation, interest,
10 earnings or separate property, and in lieu thereof,
11 Will shall pay and Capucine shall accept the
12 following: Twenty thousand (\$20,000) dollars.

13 e. If an action for dissolution of marriage is filed
14 by either party after two (2) full years of
15 marriage, all assets acquired after marriage by
16 either party, other than the marital home
17 referred to in Paragraph b above and assets
18 acquired with the income from separate
19 property will be deemed marital property and
20 divided 50/50 between the parties. With respect
21 to the marital home, any increase in the equity of
22 the marital home from the point of the end of
23 two full years of marriage to the time of divorce
24 will be split 50/50 between the parties.

25 Antenuptial Agreement (emphasis added).

26 The marital residence at 10550 Patrington Court, Las Vegas,
27 Nevada was constructed during the marriage. The parties moved in
28 around December 1999. Wilburt alone is on title and on the mortgage.
Wilburt filed a document post-trial (as requested) indicating the original
mortgage price was \$240,000.00 with 7.5% interest per annum.

When the parties married, they contracted for any increase in equity in the marital home from the point two full years after marriage to the time of divorce be split 50/50. While Wilburt had sole and exclusive control over the mortgage, any re-financing, second mortgages, and home equity lines of credit, he did not have contractual authority to defeat Capucine's interest in the equity by depleting it.

This is the reason the Court requested the original mortgage terms. The Court needed to determine what financial equity would have been available had Wilburt not leveraged all the equity in the home.

Pursuant to the original mortgage of \$240,000.00, at 7.5% annual interest, amortized, the balance of the mortgage at the time of divorce should have been \$177,124.48.

The value of the home at the time of divorce was \$620,000.00, as testified by Justin Novinger, a real estate broker, who is certified to appraise real estate. The historical value of the home in 2001 was \$488,413.00 according to Mr. Novinger.

The Court calculated the increase in equity according to the following formula:

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1	Value 2 full years after marriage:	\$488,413.00
2		
3	Amortized mortgage balance 2 full years	
4	After marriage 7/2001:	<u>(\$236,418.54)</u>
5	Equity value after 2 years married:	\$251,994.46
6		
7	Value at divorce 1/2017	\$620,000.00
8		
9	Amortized mortgage balance at divorce	
10	under initial mortgage 1/2017:	<u>(\$166,280.18)</u>
11	Equity value at divorce under	
12	original mortgage:	\$453,719.92
13		
14	Increase in equity:	<u>\$201,725.46</u>
15	50%	<u>\$100,862.73</u>

12 Capucine is entitled to 50% in the increased equity value of
13 \$100,862.73. To the extent Wilburt has incurred liens for property taxes,
14 utilities and homeowner's association dues, such shall not decrease
15 Capucine's equity interest. Wilburt incurred, or allowed such debts to accrue
16 unpaid, without Capucine's knowledge or consent, thus he shall be 100%
17 responsible to pay the same.

20 Pursuant to the Antenuptial Agreement, all other items of property and
21 debts are the sole and separate property of each party, save and except items
22 of personal property. Capucine has personal property items located in the
23 residence that were not returned to her.

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CONCLUSIONS OF LAW

NOW, THEREFORE, based upon the above findings of fact,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court has personal and subject matter jurisdiction over the parties to restore them to the status of single, unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to NRS ch. 123A, parties may contract with respect to their rights and obligations, and the disposition of the same upon dissolution of marriage. Neither party provided the Court with the relevant Michigan statutes pertaining to Antenuptial Agreements. The Court conducted legal research on the matter. While Michigan has not adopted the Uniform Premarital Agreements Act, there appears to be no public policy in Michigan against parties entering into written contracts in contemplation of marriage. M.C.L.A. 566.132. The Court finds the Premarital Agreement in this case is not against Michigan public policy or statute.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Wilburt Roy Holmes shall pay Capucine Yolanda Holmes \$100,862.73 for her interest in the marital residence, within sixty (60) days. The sum of \$100,862.73 is reduced to judgment, carrying interest at the legal rate.

1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
2
3 Capucine Yolanda Holmes shall have a lien on the marital residence located
4 at 10550 Pattrington Court, Las Vegas, Nevada in the amount of \$100,862.73,
5 to be recorded in the Office of the County Recorder, Clark County, Nevada
6 by Ms. Holmes.
7

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
9
10 if Wilburt Roy Holmes does not tender \$100,862.73 to Capucine Yolanda
11 Holmes within sixty (60) days, Ms. Holmes shall be entitled to force the sale
12 of the property to obtain her equity share in the amount of \$100,862.73, plus
13 costs and attorney's fees to effectuate the sale.
14

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
16 Wilburt Roy Holmes shall provide Capucine Yolanda Holmes' items left at
17 the marital residence to her, at his cost, and move them to a location she
18 designates. Mr. Holmes shall deliver her items within thirty (30) days, or be
19 responsible for the replacement costs of any items not returned to Capucine.
20

21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
22 the Court retains jurisdiction over the property issues to resolve any disputes
23 post-Decree.
24

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
26 the Antenuptial Agreement, paragraph 6, precludes Capucine's ability to
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1 recover attorney's fees. Otherwise, pursuant to *Sargeant v. Sargeant*, Ms.
2
3 Holmes would have been entitled to her attorney's fees and costs incurred in
4 this action.

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** each
6
7 party shall retain all other personal property in his or her possession.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** each
9
10 party shall pay, defend, and hold the other harmless from any and all
11 liabilities and debts in his or her name.

12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
13
14 the bonds of matrimony now existing between the parties are hereby wholly
15 dissolved, and an absolute Decree of Divorce is hereby granted to the parties,
16 and each of the parties are hereby restored to the status of a single, unmarried
17 person.

18
19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
20 each party shall submit the information required in NRS 125.130 on a


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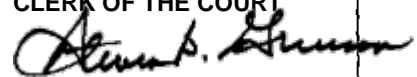
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1 separate form to the Court. Such information shall be maintained by the
2
3 Clerk in a confidential manner and not part of the public record.

4 **IT IS SO ORDERED** this 31st day of May, 2017.

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7 RENA G. HUGHES
8 DISTRICT COURT JUDGE
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1 NOE

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3 DISTRICT COURT
4 FAMILY DIVISION
5 CLARK COUNTY, NEVADA

6 Capucine Yolanda Holmes, Plaintiff
7 vs.
8 Wilbert Roy Holmes, Defendant.

Case No.: D-15-523582-D
Department J

9 **NOTICE OF ENTRY OF DECREE OF DIVORCE**

10 **TO: ALL PARTIES AND/OR THEIR ATTORNEYS**

11 Please take note that after a review of the Court file, an Order was prepared by
12 the Court following a scheduled hearing. A copy of the DECREE OF DIVORCE is
13 attached hereto.

14 **CERTIFICATE OF SERVICE**

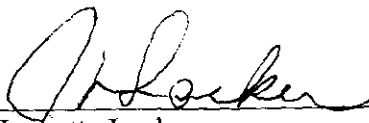
15 I hereby certify that on the above file stamped date:

16 I have e-served pursuant to NEFCR 9 and or placed a copy of the foregoing NOTICE
17 OF ENTRY OF DECREE OF DIVORCE in the appropriate attorney folder located in
18 the Clerk of the Court's Office of:

19 Marsha Kimble-Simms, Esq.

20 I have e-served pursuant to NEFCR 9 and or mailed, via first-class mail, postage fully
21 prepaid the foregoing NOTICE OF ENTRY OF DECREE OF DIVORCE to:

22 Wilbert Roy Holmes
23 10550 PatringtonCt.
24 Las Vegas, NV 89183

25 
26 Jeanette Lacker
27 Judicial Executive Assistant
28 Department J

Non-Trial Dispositions:

- ☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred

- Settled/Withdrawn:**
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR

Trial Dispositions:

- ☐ Disposed After Trial Start
☐ Judgment Reached by Trial



1 DECD
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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 CAPUCINE YOLANDA HOLMES,

8 Plaintiff,

9 vs.

10 WILBERT ROY HOLMES,

11 Defendant.
12

CASE NO. : D-15-523582-D

DEPARTMENT J

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1 original mortgage information. The closing settlement statement showed an
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4 On April 6, 2017 Defendant filed "Closing Instructions" showing an
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6 information the Court required to make a final decision in the matter.
7

8 FINDINGS OF FACT

9 The parties were married on July 3, 1999 in Las Vegas, Nevada. There
10 are no children of the marriage and Plaintiff is not pregnant.
11

12 The parties have resided in the State of Nevada for more than six
13 weeks prior to the filing of a Complaint for Divorce by Capucine. This Court
14 has personal jurisdiction over the parties, as well as subject matter
15 jurisdiction.
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17 The issues before the Court were the division of the equity in the
18 marital residence pursuant to an Antenuptial Agreement, and Capucine's
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21 Procedurally, Capucine filed a Complaint for Divorce on November 5,
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6 Venue" requesting the case be moved to Nye County on the basis that
7 Wilbert would not receive a fair trial in Clark County because Capucine
8 allegedly had undue influence and power over the District Court Judges in
9 Clark County, Nevada. Wilbert's motion was denied as baseless.
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13 Disqualify Judge Rena G. Hughes Under 28 U.S.C. §144" on August 5, 2016,
14 seeking to disqualify this Court on the basis of alleged "actual or implied bias
15 of prejudice." Wilbert's motion was denied by the Chief Judge of the Eighth
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20 took place over two (2) days. At the conclusion of the evidence, the Court
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23 provided this information to the Court, the Court had sufficient evidence to
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1 1999 Antenuptial Agreement, then abandoned her claim.) At trial both
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3 parties admitted to the validity of the Antenuptial Agreement as controlling
4 the disposition and determination of their marital estate.

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7 3. SOLE OWNERSHIP AND CONTROL OF
8 EXISTING ASSETS. Each party during his or her lifetime
9 shall keep and retain sole ownership, control, and enjoyment
10 of all real personal intangible, or mixed property now owned
11 by him or her, free and clear of any claim of the other party.

12 6. DIVISION OF ASSETS IF MARRIAGE IS
13 DISSOLVED. In the event that the marriage of Will and
14 Capucine shall terminate as a result of divorce, then, in full
15 satisfaction, settlement and discharge of any and all rights or
16 claims of alimony, support, property division, or other rights
17 or claims of any kind, nature, or description incident to
18 marriage and divorce (including any right to payment of legal
19 fees incident to a divorce) under the present or future statutes
20 and laws or common law of the State of Michigan or any
21 other jurisdiction (all of which are hereby waived and
22 released) the parties agree that all property acquired after the
23 marriage between the parties shall be divided as follows:

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25 capacity or name during the marriage, including
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27 retirement plans (including but not limited to IRAs,
28 401(k) plans, 403(b)s, TSAs, SEP, IRAs, IRA
rollovers, and pension plans) shall remain the sole
and separate property of the party named on the
account or the party who acquired the property in
his or her individual capacity or name.

b. Will will retain the marital home that he is now in
the process of building and Capucine will release

1 and/or waive any dower rights, homestead rights or
2 other rights or claims of any kind of nature under
3 the present or future statutes she has on said home.

4 c. Each person retains any furniture or other items that
5 he or she brought into the marriage.

6 d. If an action for dissolution of marriage is filed by
7 either party before two (2) full years of marriage,
8 neither party will have any claim against the other
9 party's income, asset appreciation, interest,
10 earnings or separate property, and in lieu thereof,
11 Will shall pay and Capucine shall accept the
12 following: Twenty thousand (\$20,000) dollars.

13 e. If an action for dissolution of marriage is filed
14 by either party after two (2) full years of
15 marriage, all assets acquired after marriage by
16 either party, other than the marital home
17 referred to in Paragraph b above and assets
18 acquired with the income from separate
19 property will be deemed marital property and
20 divided 50/50 between the parties. With respect
21 to the marital home, any increase in the equity of
22 the marital home from the point of the end of
23 two full years of marriage to the time of divorce
24 will be split 50/50 between the parties.

25 Antenuptial Agreement (emphasis added).

26 The marital residence at 10550 Patrington Court, Las Vegas,
27 Nevada was constructed during the marriage. The parties moved in
28 around December 1999. Wilburt alone is on title and on the mortgage.
Wilburt filed a document post-trial (as requested) indicating the original
mortgage price was \$240,000.00 with 7.5% interest per annum.

When the parties married, they contracted for any increase in equity in the marital home from the point two full years after marriage to the time of divorce be split 50/50. While Wilburt had sole and exclusive control over the mortgage, any re-financing, second mortgages, and home equity lines of credit, he did not have contractual authority to defeat Capucine's interest in the equity by depleting it.

This is the reason the Court requested the original mortgage terms. The Court needed to determine what financial equity would have been available had Wilburt not leveraged all the equity in the home.

Pursuant to the original mortgage of \$240,000.00, at 7.5% annual interest, amortized, the balance of the mortgage at the time of divorce should have been \$177,124.48.

The value of the home at the time of divorce was \$620,000.00, as testified by Justin Novinger, a real estate broker, who is certified to appraise real estate. The historical value of the home in 2001 was \$488,413.00 according to Mr. Novinger.

The Court calculated the increase in equity according to the following formula:

/ / /

/ / /

Value 2 full years after marriage:	\$488,413.00
Amortized mortgage balance 2 full years After marriage 7/2001:	<u>(\$236,418.54)</u>
Equity value after 2 years married:	\$251,994.46
Value at divorce 1/2017	\$620,000.00
Amortized mortgage balance at divorce under initial mortgage 1/2017:	<u>(\$166,280.18)</u>
Equity value at divorce under original mortgage:	\$453,719.92
Increase in equity:	<u>\$201,725.46</u>
50%	<u>\$100,862.73</u>

Capucine is entitled to 50% in the increased equity value of \$100,862.73. To the extent Wilburt has incurred liens for property taxes, utilities and homeowner's association dues, such shall not decrease Capucine's equity interest. Wilburt incurred, or allowed such debts to accrue unpaid, without Capucine's knowledge or consent, thus he shall be 100% responsible to pay the same.

Pursuant to the Antenuptial Agreement, all other items of property and debts are the sole and separate property of each party, save and except items of personal property. Capucine has personal property items located in the residence that were not returned to her.

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CONCLUSIONS OF LAW

NOW, THEREFORE, based upon the above findings of fact,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court has personal and subject matter jurisdiction over the parties to restore them to the status of single, unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to NRS ch. 123A, parties may contract with respect to their rights and obligations, and the disposition of the same upon dissolution of marriage. Neither party provided the Court with the relevant Michigan statutes pertaining to Antenuptial Agreements. The Court conducted legal research on the matter. While Michigan has not adopted the Uniform Premarital Agreements Act, there appears to be no public policy in Michigan against parties entering into written contracts in contemplation of marriage. M.C.L.A. 566.132. The Court finds the Premarital Agreement in this case is not against Michigan public policy or statute.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Wilburt Roy Holmes shall pay Capucine Yolanda Holmes \$100,862.73 for her interest in the marital residence, within sixty (60) days. The sum of \$100,862.73 is reduced to judgment, carrying interest at the legal rate.

1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
2
3 Capucine Yolanda Holmes shall have a lien on the marital residence located
4 at 10550 Patrington Court, Las Vegas, Nevada in the amount of \$100,862.73,
5 to be recorded in the Office of the County Recorder, Clark County, Nevada
6
7 by Ms. Holmes.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
9
10 if Wilburt Roy Holmes does not tender \$100,862.73 to Capucine Yolanda
11 Holmes within sixty (60) days, Ms. Holmes shall be entitled to force the sale
12 of the property to obtain her equity share in the amount of \$100,862.73, plus
13 costs and attorney's fees to effectuate the sale.
14

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
16 Wilburt Roy Holmes shall provide Capucine Yolanda Holmes' items left at
17 the marital residence to her, at his cost, and move them to a location she
18 designates. Mr. Holmes shall deliver her items within thirty (30) days, or be
19 responsible for the replacement costs of any items not returned to Capucine.
20

21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
22 the Court retains jurisdiction over the property issues to resolve any disputes
23 post-Decree.
24

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
26 the Antenuptial Agreement, paragraph 6, precludes Capucine's ability to
27
28

1 recover attorney's fees. Otherwise, pursuant to *Sargeant v. Sargeant*, Ms.
2
3 Holmes would have been entitled to her attorney's fees and costs incurred in
4 this action.

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** each
6
7 party shall retain all other personal property in his or her possession.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** each
9
10 party shall pay, defend, and hold the other harmless from any and all
11 liabilities and debts in his or her name.

12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
13
14 the bonds of matrimony now existing between the parties are hereby wholly
15 dissolved, and an absolute Decree of Divorce is hereby granted to the parties,
16 and each of the parties are hereby restored to the status of a single, unmarried
17 person.

18
19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
20 each party shall submit the information required in NRS 125.130 on a


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1 separate form to the Court. Such information shall be maintained by the
2
3 Clerk in a confidential manner and not part of the public record.

4 **IT IS SO ORDERED** this 31st day of May, 2017.

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7 RENA G. HUGHES
8 DISTRICT COURT JUDGE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 30, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**March 30, 2016 11:00 AM Case Management
Conference**

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16.

A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 06, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**April 06, 2016 11:00 AM Case Management
Conference**

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present	Pro Se
Wilbert Holmes, Defendant, present	Pro Se

JOURNAL ENTRIES

- Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery.

COURT stated FINDINGS and ORDERED:

1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties.
2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY.
3. DISCOVERY shall be OPEN.
4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED.
5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days.

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Attorney Jacobson to prepare an Order, from today's hearing.

9/27/16 11:00 am CALENDAR CALL

10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2)

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 06, 2016 11:00AM Case Management Conference
Reset, from 3/30/16, due to JNA.
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

July 26, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

July 26, 2016 11:00 AM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife.

Judge Rena Hughes has in fact not attended any social events at the parties' home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff

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has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11.

Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050.

Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED.

Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 27, 2016 11:00AM Calendar Call
due to stacking - set EH on 10/12/16
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

September 22, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**September 22, 3:00 AM Motion to Disqualify
2016 Judge**

HEARD BY: Barker, David**COURTROOM:****COURT CLERK:****PARTIES:**

Capucine Holmes, Plaintiff, not present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion.

CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to:
Wilbert Roy Holmes
10550 Patrington Ct.
Las Vegas, NV 89183.anm/9/22/16

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 23, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 23, 2016 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order.

CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 27, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 27, 2016 11:00 AM Calendar Call

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify.

Court clerk trainee, Marlana Elliott, present.

COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 04, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 04, 2016 10:00 AM Motion

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST

Court clerk Tiffany Skaggs present.

Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG.

Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything.

Attorney advised, Defendant represented he was not going to appear in court anymore.

COURT ORDERED,

1. Behavioral Order shall be in EFFECT immediately.

2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED.

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3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document.

4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce.

5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce.

6. Attorney shall file briefs pursuant to Michigan Law.

7. Evidentiary hearing regarding financials and marital residence STANDS.

12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement

Minute's from today's hearing to suffice.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

October 11, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 11, 2016 10:00 AM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Marlana Elliott**PARTIES:**

Capucine Holmes, Plaintiff, not present	Pro Se
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- -PER JUDGE

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016.

Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff s request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of

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the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016.

This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017.

The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence.

Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

December 20, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

December 20, 2016 11:00 AM All Pending Motions

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, present	Pro Se
Wilbert Holmes, Defendant, present	Pro Se

JOURNAL ENTRIES

- DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS
CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST

Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today.

Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing.

Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document.

Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization.

COURT stated FINDINGS and ORDERED:

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1. Defendant's MOTION shall be DENIED.
2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN.
3. EVIDENTIARY HEARING STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 10, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

January 10, 2017 1:30 PM Evidentiary Hearing

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present	Pro Se
Wilbert Holmes, Defendant, present	Pro Se

JOURNAL ENTRIES

- HOUSEKEEPING ISSUES.

Review of issues and the pre marital agreement.

Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow.

Exhibits offered and admitted. See exhibit worksheet.

Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested.

Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17.

INTERIM CONDITIONS:

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FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 18, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

January 18, 2017 1:30 PM Evidentiary Hearing

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: April Graham

PARTIES:

Capucine Holmes, Plaintiff, present	Pro Se
Wilbert Holmes, Defendant, present	Pro Se

JOURNAL ENTRIES

- Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient.

Ms. Kimble-Simms shall prepare the Order from today's hearing.

Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag)

INTERIM CONDITIONS:

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FUTURE HEARINGS: Jan 18, 2017 1:30PM Evidentiary Hearing
DAY 2 - Finances / equity in marital residence
Courtroom 04 Hughes, Rena G.

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D 15 523582 D

Plaintiff reserves the right to call witnesses as necessary.

V. LIST OF EXHIBITS

I intend to introduce the following exhibits at trial:

- | | OFFER | OBJ | ADMIT |
|---|--------------|--------------|-----------------------|
| 1. Exhibit A. Pre-Marital Agreement. | X | | X 1/10/17 |
| 2. Exhibit B. Letter from Defendant's former attorney agreeing to give Plaintiff her personal items. | X | | X 1/10/17 |
| 3. Exhibit C. List of Personal Item not received from defendant and cost of replacement. | X | | |
| 4. Exhibit D. Clark County Property Recorder's marital home value November 1, 1999. Abstracts of Property Sales. Judicial Notice N.R.S. 47 (1) (b) | X | | X 1/10/17 JAN 10 2017 |
| 5. Exhibit E. Clark County Property Recorder's home sold August 1, 2001 value Abstracts of Property Sales. Judicial Notice N.R.S. 47 (1) (b). This home has three hundred more square feet. | X | | X 1/10/17 JAN 10 2017 |
| 6. Exhibit F. Clark County Property Recorder's home sold June 1, 2002 value Abstracts of Property Sales. Judicial Notice N.R.S. 47 (1) (b). | X | | X 1/10/17 JAN 10 2017 |
| 7. Exhibit G. Zillow Estimate of the Value of the house. Judicial Notice N.R.S. 47 (1) (b). | X | X | |
| 8. Exhibit H. Movoto Real Estate Listing Site Estimates home at \$710,333.00 | X | | |
| 9. Exhibit I. Impeachment. Rental Lease Agreement and Release of Information for Income from the marital home not listed on the Financial Disclosure Form. | X | | X 1/10/17 JAN 10 2017 |
| 10. Exhibit J. Impeachment. Checks totaling \$6900.00 payment for Rental Agreement. | X | X | X 1/10/17 JAN 10 2017 |
| 11. Exhibit K. Impeachment. PayPal Receipt for \$700.00 | X | X | X 1/10/17 JAN 10 2017 |
| 12. Exhibit L. Impeachment. Haeli Miceli Payment receipt \$2,427.20. | X | | X 1/10/17 JAN 10 2017 |
| 13. Exhibit M. Impeachment. Email from defendant confirming 4 rentals. | X | X | X 1/10/17 JAN 10 2017 |
| 14. Exhibit N. Attorney Fees/negotiation letters. | X | | |
| 15. Exhibit O. Impeachment. Emails from Defendant admitting he rents home for \$8000.00 a month. | X | | |

APMEM

Marsha Kimble Simms, Esq.
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(702) 333-1449 (O), 702-644-0457 (F)
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D

DEPT NO.: J

AMENDED PRE-TRIAL MEMORANDUM

The plaintiff's Pretrial Memorandum is amended as follows:

1. Six additional exhibits are added to the list of exhibits.

V. LIST OF EXHIBITS

- | | | | | |
|-------------------------------------|--|---|--|--|
| <input checked="" type="checkbox"/> | Exhibit P. Henderson Police Department Incident Report 6/9/2016 | | | |
| <input checked="" type="checkbox"/> | 17. Exhibit Q. Lien on Property of Creditor William H. George Case No.: A-15-722160-F | X | | |
| <input checked="" type="checkbox"/> | 18. Exhibit R. Lien on Property HOA violation failure to use Property single family uses only. | X | | |
| <input checked="" type="checkbox"/> | 19. Exhibit S. Affidavit of Capucine Holmes to Chief Judge Tyrell. | X | | |
| <input checked="" type="checkbox"/> | 20. Exhibit T. Response to Letter to San Rafeal HOA | X | | |
| <input checked="" type="checkbox"/> | Exhibit U. Advertisement for listing of home for rent. | | | |

DATED: January 5, 2017

Submitted by: 

~~21. T. R. D. F.~~

~~23. Justin Wodinger report~~

CASE NO D-15-523582-0

OFFERED[illegible]

D15 523 582D

IX. LIST OF EXHIBITS

I intend to introduce the following exhibits at trial:

1. ~~EXHIBIT A~~ My proposed distribution of property and debts is attached as
2. ~~EXHIBIT B~~ Recorded deeds and documents showing ownership in real property
3. ~~EXHIBIT C~~ Letter document showing reverse mortgage required release from plaintiff
3. ~~EXHIBIT D~~ Court required certified property appraisals
4. ~~EXHIBIT E~~ Violated fiduciary duties and immoral actions resulting in financial loss and hardship
5. ~~EXHIBIT F~~ see exhibit E documents, also
- ~~EXHIBIT G~~ Detail from IED case filed in NLV court
- ~~EXHIBIT H~~ Letter from Nevada Legal Aid Center

OFFERED	OBJECTION	ADMITTED

X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL

The following unusual legal or factual issues may be presented at trial: _____

These would be Exhibits E and F showing "some of!" the plaintiffs adulterous extramarital affairs and activities that factually date back to 2004. These "bisexual affairs" and events has caused marital discourse and financial and mental stress upon myself. Thusly the true reason for the dissolution of a happy marriage.

EXHIBIT ~~A~~ 7/3/02 APPRAISAL
 11 ✓ C2 6/5/14 APPRAISAL

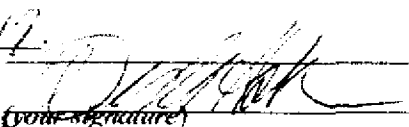
X	X	
X	X	1/10/17

XI. LENGTH OF TRIAL

This trial should take approximately ____ 1 ____ x ☒ hours / ☐

days.

DATED January 2, 2017 . 2017.

Submitted By: 

(print your name)

WILBERT R. HOLMES

Defendant's

EXHIBITS

CASE NO D-15-523582-U

ADMITTED

OFFERED

[illegible]

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; DECREE OF DIVORCE; NOTICE OF ENTRY OF DECREE OF DIVORCE;
DISTRICT COURT MINUTES; EXHIBITS LIST

CAPUCINE Y. HOLMES,

Plaintiff(s),

vs.

WILBERT R. HOLMES,

Defendant(s),

Case No: D-15-523582-D

Dept No: J

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 14 day of June 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Brandi J. Wendel
Court Division Administrator

June 14, 2017

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: CAPUCINE Y. HOLMES vs. WILBERT R. HOLMES
D.C. CASE: D-15-523582-D

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed June 8, 2017. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

April 5, 2017

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Amanda Hampton", written over a horizontal line.

Amanda Hampton, Deputy Clerk