

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBERT R HOLMES

Appellant,

vs.

CAPUCINE Y HOLMES

Respondent.

Supreme Court No. 73291

District Court No. D523582

FILED

AUG 10 2017

APPELLANT'S INFORMAL BRIEF

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

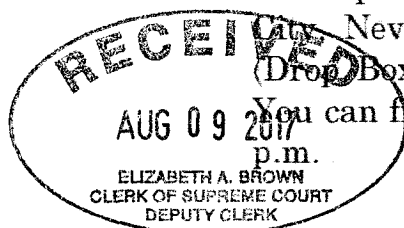
INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, *see* NRAP 28(k), with the Nevada Supreme Court on or before the due date, *see* NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

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You can file your brief Monday through Friday, 8:00 a.m. to 4:00



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Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
6/21/2017	DECREE OF DIVORCE

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 6/8/2017

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
D-08-399088-D	Complaint for Divorce	8TH DISTRICT family court

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

~~Our marriage functionally ended on New Years Eve 2007 when I accidentally discovered that my wife Capucine Holmes "is" having an ongoing extramarital affair with numerous other men and women. This "one" incident showed xxx rated sex text messages on her cell phone shared with Rand Ballard, a prominent businessman residing in Alpharetta Georgia.~~

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~~The facts being that this divorce case should not have reached this level. If the wording in the prenuptial agreement and the LAW had been followed by the court. One of which is:~~

~~Obtain and use the detail gathered by a Licensed, CERTIFIED REAL ESTATE PROPERTY APPRAISER~~

~~This was ordered by the court JUDGE RENA HUGHES. She did not follow her own order. She used contrived figures and details from an individual whom had "no appraiser credentials" whatsoever.~~

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~~Wilbert R. Holmes~~

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed).

I DEFENDANT Wilbert Holmes, hereby appeal the DIVORCE DECREE signed on May 31, 2017 by Judge Rena Hughes.

Judge Rena Hughes stated on Page 6, LINES 17 - 28, that Realtor, Justine Novinger gave his 'appraised value' on my home at 10550 Pattrington Ct. It is a FACT by the 'Nevada State Department of Business and Industry, Real Estate Division that 'no Realtor can give a true CERTIFIED LICENSED APPRAISAL without a CERTIFIED APPRAISER LICENSE', and that Justine Novinger', has never been a 'Licensed Certified Appraiser', who is also no longer a licensed Realtor, as Justine Novinger's real estate license to sell real estate has expired on May 31, 2017. It is a FACT in court, the opposing counsel wanted a 'certified licensed appraisal', however Rena Hughes demanded me, Wilbert Holmes, the DEFENDANT to pay the estimated full amount for the CERTIFIED LICENSED APPRAISAL price, UNFAIR.

A TRUE appraisal was brought into court by Appraisal Source, Wendel Snow, Certified Appraiser and ignored by Judge Rena Hughes, she also required a 'certified licensed appraisal'. Justine Novinger cannot legally do a certified licensed appraisal.

Justine Novinger's home values needs to be appealed, it is UNFAIR and not legal based on NRS 645 real estate / appraisal laws. Justine Novinger told Judge Rena Hughes in court he is not a licensed appraiser. The home values Justine Novinger stated is wrong for 2001. SEE BELOW, NRS 645C. NRS 645C550. NRS 645C557. NRS 645C560. NRS 6445C570. http://www.appraisalinstitute.org/assets/1/7/Nevada_BPO_Policy_Bulletin.pAs the DEFENDANT, I do not have money in the bank. My home is my only equity. THE AMOUNT OF EQUITY OF OVER \$100,000.00, DEMANDED by Judge Rena Holmes DOES NOT EVEN EXIST FOR today's home values and my home sale.

I will not receive near or over \$100,000.00 after selling the home. Judge Rena Hughes knew this and she demanded I pay the PLAINTIFF in 60 days. This is UNFAIR. Nevada State COMMUNITY PROPERTY LAWS, the HOMESTEAD ACT and my COSTS of my SALE, among other property deed ownership equity rulings were not considered by Judge Rena Hughes.

I should be entitled to that. I am a 70 years old senior citizen, a very ill man with a existing Brain Tumor, Recurring surgeries, Trigeminal Neuralgia, Chronic mental illness. A retired veteran and retired Accountant and Business Owner on a fixed income.

I showed Judge Rena Hughes my banking and medical records. The way Judge Rena Hughes demanded me to pay this UNFAIR, NOT LEGAL, HIGH AMOUNT in 60 days, with accruing interest, will only lead me into 'Contempt of Court'. Judge Rena Hughes knows I do not have the high amount of money Judge Rena Hughes wants me to pay the PLAINTIFF in 60 days or at all, PAGE 9. LINE 8 - 14. I believe Judge Rena Hughes is trying to make me face an undue punishment. This 60 day payment is UNFAIR and needs to be appealed. Judge Rena Hughes is leading me into pure mental and physical devastation .

My home is listed BY URBAN NEST REALTY, in the MLS for 3 years now due to liens. My home is now pending a sale and in escrow, with a qualified buyer at Chicago Title, waiting to close. I am unable to sell my home based on the divorce lien that made me lose a previous buyer in 2016. I cannot pay other bills, causing more liens, because I cannot close my home sale. The interest keeps adding up, giving me less equity in my reverse mortgage. I am requesting the Divorce Lien to be removed so I can sell my home. I KNOW JUDGE RENA HUGHES HAS BEEN VERY BIASED AND UNFAIR TO ME, DEFENDANT WILBERT HOLMES.

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Thus forth,

I am requesting that Capucine Yolanda Holmes PLAINTIFF pay ALL COST for "her requested" certified licensed appraisal'.

I am requesting the PLAINTIFF to pay for a Real Estate CPA to do all the math for a FAIR and TRUE home value, aft receiving a TRUE certified licensed appraisal. The math done on the Divorce Decree, PAGE 7, LINES 1-19 needs to b omitted and corrected. THE HOME VALUE IS HIGHLY WRONG

I am requesting that my good name HOLMES, (Never a criminal record, Top Secret Military Clearance, CCW Permits, State of Michigan Professional Licenses) be removed from the plaintiffs name (criminal record includes, 2 Domestic Violence convictions and more). A cease and desist to have plaintiff remove HOLMES from her name immediately.

I am requesting the court to STAY any actions until this appeal has been decided upon.

Wilbert R. Holmes
Appellant

The Commission of Appraisers of Real Estate may impose an administrative fine of up to \$5,000 to anyone who engages in any activity for which a license or certificate is required pursuant to NRS 645C. Brokers/salesman preparing BPO's and receiving compensation for any purpose other than listing/selling a property can be sub ect to a fine of up to \$5,000. NRS 645C.555 Administrative fine for engaging certain conduct without certificate, license, registration card or authorization; procedure for imposition of fine; udicial review; exceptions. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly: (a) Engages or offers to engage in any activity for which a certificate, license or registration card or any type of authorization is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not hold the required certificate, license or registration card or has not been given the required authorization; or (b) Assists or offers to assist another person to commit a violation described in paragraph (a). 2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater. 3. In determining the appropriate amount of the administrative fine, the Commission shall consider: (a) The severity of the violation and the degree of any harm that the violation caused to other persons; (b) The nature and amount of any gain or economic benefit that the person derive from the violation; (c) The person's history or record of other violations; and (d) Any other facts or circumstances that the Commission deems to be relevant. 4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard. 5. The person is entitled to udicial review of the decision of the Commission in the manner provided by chapter 233B of NRS. 6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter if: (a) A specific statute exempts the person from complying with the provisions of this chapter with regard to those activities; (b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities. (Added to NRS by 2003, 1297) In conclusion, real estate licensees should not perform BPO's for any purpose other than to assist a seller in determining a price to list a property. Real Estate licensees performing BPO's for any other purpose are in violation of NRS 645C and will be sub ect to a fine of up to \$5,000.00.

NRS 645C.550 Injunction relief. 1. Whenever the Division believes from evidence satisfactory to it that any person has violated or is about to violate a provision of this chapter, or a provision of any regulation, order, decision, demand or requirement of the Division or the Commission, it may bring an action, in the name of the Division, in the district court of the State of Nevada in and for the county where the person resides, or, if the person resides outside the State of Nevada, in any court of competent jurisdiction within or outside the State of Nevada, against the person to enjoin the person from engaging in or continuing the violation, or from doing any act or acts in furtherance of the violation. 2. If the action is brought in a district court of the State of Nevada, an order or udgment may be entered, when proper, awarding a temporary restraining order, preliminary injunction or final injunction. A preliminary injunction or temporary restraining order must not be granted without at least 5 days' notice to the opposite party. (Added to NRS by 1989, 825) NRS 645C.557 Prohibition on improperly influencing or attempting to improperly influence appraisal.

A person with an interest in a real estate transaction involving an appraisal shall not improperly influence or attempt to improperly influence, through coercion, extortion or bribery, the development, reporting, result or review of the appraisal. 2. Subsection 1 does not prohibit a person with an interest in a real estate transaction from requesting that an appraiser:

- (a) Consider additional appropriate property information;
- (b) Provide further detail, substantiation or explanation for the appraiser's conclusion as to value; or
- (c) Correct errors in an appraisal. (Added to NRS by 2009, 1512)

NRS 645C.560 Penalties.

1. Any person who obtains or attempts to obtain a certificate, license or registration card by means of intentional misrepresentation, deceit or fraud shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$10,000, or by both a fine and imprisonment.

2. Any certified or licensed appraiser or registered intern who is guilty of unprofessional conduct shall be punished, in addition to any administrative fine imposed by the Commission, by a criminal fine of not more than \$500 for each offense.

3. Any person who:

(a) Holds himself or herself out as a certified or licensed appraiser or registered intern;

(b) Uses in connection with his or her name the words "licensed," "registered," "certified" or any other title,

word, letter or other designation intended to imply or designate that he or she is a certified or licensed appraiser or registered intern; or

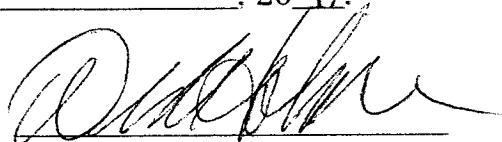
(c) Describes or refers to any appraisal or other valuation of real estate prepared by him or her as "certified" or "licensed" in this state,

È without first obtaining a certificate, license or permit as provided in this chapter is guilty of a gross misdemeanor.

(Added to NRS by 1989, 834; A 1991, 898)

NRS 645C.570 Duty to report conviction to Division. [Replaced in revision by NRS 645C.405.]

DATED this 5th day of August, 2017.

A handwritten signature in black ink, appearing to read 'Wilbert R Holmes', written over a horizontal line.

Signature of Appellant

Wilbert R Holmes

Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

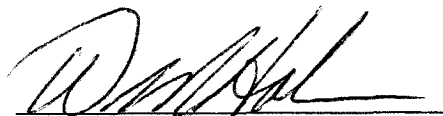
☒ By personally serving it upon him/her; or VIA CERTIFIED E-MAIL

ALSO

☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

CAPUCINE Y.
637 ~~BRUCE BLVD~~
TWILIGHT BLUE
NORTH LAS VEGAS NV
89032

DATED this 5th day of AUGUST, 2017.



Signature of Appellant

WILBERT R. HOLMES

Print Name of Appellant

10550 PATRINGTON CT,

Address

LAS VEGAS NV 89183

City/State/Zip

702 281-5752

Telephone