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VEGAS UNITED INVESTMENT
7 **SERIES 105, INC.**

Electronically Filed
May 08 2018 04:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8
9 IN THE SUPREME COURT OF THE STATE OF NEVADA

10 ***

11 VEGAS UNITED INVESTMENT SERIES)
12 105, INC., A NEVADA DOMESTIC)
CORPORATION,)
13 Appellant,)
14 vs.)
15 CELTIC BANK CORPORATION,)
16 SUCCESSOR-IN-INTEREST TO SILVER)
STATE BANK BY ACQUISITION OF)
17 ASSETS FROM THE FDIC AS RECEIVER)
FOR SILVER STATE BANK, A UTAH)
18 BANKING CORPORATION ORGANIZED)
AND IN GOOD STANDING WITH THE)
19 LAWS OF THE STATE OF UTAH,)
Respondents.)
20

Supreme Court No. 74163

District Court Case No. A728233

21 **SUPPLEMENT TO RESPONSE TO ORDER TO SHOW CAUSE**

22 Pursuant to this Court’s Order dated April 6, 2018, Appellant hereby supplements its
23 Response to Order to Show Cause with the attached Stipulation and Order to Certify Final
24 Judgment, which was entered by the district court on or about May 3, 2018. Appellant
25 respectfully suggests that this Stipulation and Order establishes that this Court possesses
26 jurisdiction over this matter; that the Order to Show Cause entered herein on February 23, 2018,
27 should be discharged; and that the Court should enter such other and further Orders as it may
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deem meet and appropriate.

DATED this 8th day of May, 2018.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Timothy E. Rhoda
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**VEGAS UNITED INVESTMENT
SERIES 105, INC.**

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of ROGER P. CROTEAU & ASSOCIATES, LTD. and that on the 8th day of May, 2018, I caused a true and correct copy of the foregoing document to be served on all parties as follows:

X VIA ELECTRONIC SERVICE: through the Nevada Supreme Court's efile and serve system.

Sylvester & Polednak, Ltd.

Contact
Bridget Williams
Kelly L. Schmitt

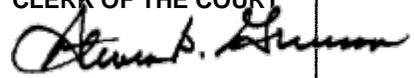
Email
bridget@sylvesterpolednak.com
kelly@sylvesterpolednak.com

 VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on service list below in the United States mail at Las Vegas, Nevada.

 VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated on the service list below.

 VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the service list below.

/s/ Timothy E. Rhoda
An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.



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1 **SAO**
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12 *Attorney for Defendant*
13 **VEGAS UNITED INVESTMENT**
14 **SERIES 105, INC.**

DISTRICT COURT
CLARK COUNTY, NEVADA

12 CELTIC BANK CORPORATION, successor-)
13 in-interest to SILVER STATE BANK by)
14 acquisition of assets from the FDIC as Receiver)
15 for Silver State Bank, a Utah banking)
16 corporation organized and in good standing)
17 with the laws of the State of Utah,)

Case No. A-15-728233-C
Dept. No. XXII

Plaintiff,)

17 vs.)

STIPULATION AND ORDER TO
CERTIFY FINAL JUDGMENT

18 VEGAS UNITED INVESTMENT SERIES)
19 105, INC., a Nevada domestic corporation;)
20 GIBSON ROAD, LLC, a Nevada limited)
21 liability company; GIBSON BUSINESS)
22 CENTER PROPERTY OWNER)
23 ASSOCIATION, a Nevada non-profit)
24 corporation; REPUBLIC SILVER STATE)
25 DISPOSAL, INC. dba REPUBLIC SERVICES)
26 OF SOUTHERN NEVADA, a foreign)
27 corporation; DOE Individuals I through X; and)
28 ROE Corporations and Organizations I through)
V; DOE Individuals I through X; and ROE)
Corporations and Organizations I through V,)

Defendants.)

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1 VEGAS UNITED INVESTMENT SERIES)
2 105, INC., a Nevada corporation,)
3 Counterclaimant,)
4 vs.)
5 CELTIC BANK CORPORATION, successor-)
6 in-interest to SILVER STATE BANK by)
7 acquisition of assets from the FDIC as Receiver)
8 for Silver State Bank, a Utah banking)
9 corporation; GIBSON ROAD, LLC, a Nevada)
10 limited liability company; DOE individuals I)
11 through XX; and ROE CORPORATIONS I)
12 through XX,,)
13 Counter-Defendants.)

11 **STIPULATION AND ORDER TO CERTIFY FINAL JUDGMENT**

12 COMES NOW, Plaintiff, CELTIC BANK CORPORATION, and
13 Defendant/Counterclaimant, VEGAS UNITED INVESTMENT SERIES 105, INC., by and
14 through their undersigned counsel, and hereby stipulate and agree as follows:

- 15 1. The instant action arose from a Complaint for Judicial Foreclosure filed by the
16 Plaintiff, Celtic Bank Corporation ("*Celtic Bank*") on November 25, 2015, related
17 to real property commonly known as 181 Gibson Road, Henderson, Nevada (*the*
18 "*Property*"). Pursuant to the Complaint, Celtic Bank sought to judicially
19 foreclose upon a deed of trust ("*Deed of Trust*") securing a loan made to Gibson
20 Road, LLC ("*Gibson Road*") by Celtic Bank's predecessor-in-interest. To that
21 end, the Complaint is composed of a single claim for Judicial Foreclosure.
- 22 2. The Property was the subject of a homeowners association lien foreclosure sale
23 ("*HOA Foreclosure Sale*") conducted on behalf of Gibson Business Center
24 Property Owner Association ("*HOA*") on or about March 21, 2014. The HOA
25 Foreclosure Sale resulted from the failure of Gibson Road to pay assessments to
26 HOA.
- 27 3. Vegas United appeared at the Foreclosure Sale and purchased the Property.
28 Vegas United thereafter became the title holder of the Property.

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4. In response to the Complaint, Vegas United brought a Counterclaim for Quiet Title/Declaratory Relief, asserting that Celtic Bank’s Deed of Trust and Gibson Road’s ownership interest were extinguished by the HOA Foreclosure Sale pursuant to Nevada law as interpreted by the Nevada Supreme Court in the matter of *SFR Investments*. Vegas United also brought a counterclaim for Slander of Title against Celtic Bank.
5. Gibson Road did not appear in response to either the Complaint or Counterclaim. Celtic Bank caused a Default to be entered against Gibson Road with respect to the Complaint on March 28, 2016. Vegas United caused a Default to be entered against Gibson Road with respect to its Counterclaim on April 29, 2016.
6. The matter proceeded to a non-jury trial between August 9, 2017 and August 11, 2017.
7. Upon trial, the district court determined that the Deed of Trust was not extinguished by the HOA Foreclosure Sale and that Celtic Bank could therefore judicially foreclose Property.
8. The district court entered Findings of Fact, Conclusions of Law and Judgment (“*FFCL*”) on August 25, 2017, which stated in pertinent part as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED judgment is rendered in favor of CELTIC BANK CORPORATION as against VEGAS UNITED INVESTMENT SERIES 105, INC. with respect to its Complaint for Judicial Foreclosure. As GIBSON ROAD, LLC is a defaulting party, CELTIC BANK CORPORATION can judicially foreclose upon the property;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED judgment is rendered in favor of CELTIC BANK CORPORATION as against VEGAS UNITED INVESTMENT SERIES 105, INC. With respect to the Counter-Claim for quiet title/declaratory relief and slander of title. The Bank’s first-security interest was not extinguished by the Association’s foreclosure sale.
9. The *FFCL* resolved Celtic Bank’s claim against Gibson Road by authorizing a judicial foreclosure of the Property. However, the *FFCL* did not specifically address Vegas United’s Counterclaim as it related to Gibson Road.
10. Vegas United has appealed the *FFCL* to the Nevada Supreme Court.

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- 11. Subsequent to the filing of the appeal, Celtic Bank caused a sheriff's sale to be conducted over Vegas United's objection, and purchased the Property via credit bid. Celtic Bank currently holds title to the Property subject to a statutory right of redemption and pending appeal.
- 12. On February 23, 2018, the Nevada Supreme Court issued an Order to Show Cause directing the parties to show cause why the appeal should not be dismissed for lack of jurisdiction due to the failure of the FFCL to resolve all claims against Gibson Road. Subsequent to reviewing Vegas United's response to the Order to Show Cause, the Nevada Supreme Court issued an Order on April 6, 2018, which granted Vegas United 45 days in which to submit documentation demonstrating that jurisdiction exists.
- 13. To the extent that Vegas United's affirmative claims against Gibson Road were not resolved by the FFCL, they have been rendered moot pending the result of the appeal as a result of the sheriff's sale conducted by Celtic Bank because Vegas United no longer possesses record title to the Property. To the extent that any dispute remains regarding Vegas United's claims vis a vis Gibson Road, it would be best dealt with upon remand if Vegas United prevails.

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1 14. Pursuant to NRCP 54(b), that there is no just reason for delay and that the FFCL
2 should be certified as a final judgment.

3 Dated this 30th day of April, 2018.

4 ROGER P. CROTEAU &
ASSOCIATES, LTD.

SYLVESTER & POLEDNAK, LTD.

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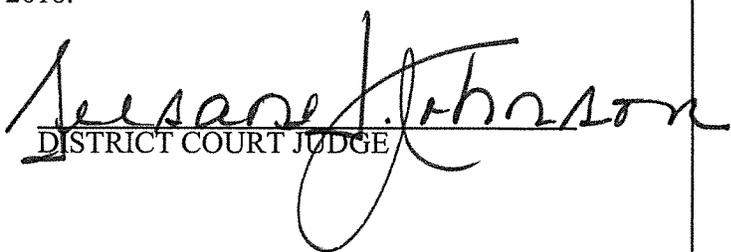
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CELTIC BANK CORPORATION

12
13
14 **ORDER**

15 IT IS HEREBY ORDERED that pursuant to NRCP 54(b) and the stipulation of the
16 parties, the Court expressly finds that the Findings of Fact, Conclusions of Law and Judgment
17 entered herein on August 25, 2017, rules upon or effectively renders moot each of the remaining
18 claims against Gibson Road, LLC; that there is no just reason for delay; and that said Order shall
19 constitute a final appealable judgment.

20 IT IS FURTHER ORDERED that this matter shall be CLOSED.

21 Dated this 3rd ^{may} day of April, 2018.

22
23 
24 DISTRICT COURT JUDGE

25
26 A728233 y.m.