

**IN THE SUPREME COURT OF NEVADA**

SFR INVESTMENTS POOL 1, LLC, a limited liability company

Appellant,

vs.

MARCHAI B.T., a bank trust,

Respondent.

Supreme Court Case No. 74416

District Court Case No. A-13-689461-C

Consolidated with A-16-74327-C

Electronically Filed  
Aug 08 2018 08:22 a.m.

Elizabeth A. Brown

**RESPONSE TO ORDER TO SHOW CAUSE**

On March 1, 2018, this Court issued an order to show cause why the case should not be dismissed for lack of jurisdiction. As the Court noted, appellant SFR Investments Pool 1, LLC's claims against the former homeowner, Cristela Perez and against U.S. Bank remained pending before the district court. Additionally, because of the consolidation of the cases (noted in the caption), respondent Marchai B.T.'s claims against the Association and Alessi & Koenig, as well as its complaint for judicial foreclosure remain pending.

On April 26, 2018, this Court granted SFR an additional sixty (60) days to respond to the Order to Show Cause. On April 26, 2018, default judgment was entered against Cristela Perez and U.S. Bank, disposing of SFR's claims against those parties.

On July 2, 2018, this Court granted SFR until August 9, 2018 to respond to the order to show cause and demonstrate why this Court has jurisdiction over the appeal.

On August 6, 2017, a judgment was entered in favor of Marchai on all claims against all defendants. The judgment also dismissed any remaining SFR counterclaims and cross-claims with prejudice, and reduced to judgment Marchai's award of costs. A true and correct copy of the file-stamped Judgment is attached hereto for the Court's convenience.

This Judgment adjudicates all remaining claims against all remaining parties. SFR filed an Amended Notice of Appeal in the District Court on August 7, 2018. The file-stamped copy is not yet available but can be submitted to this Court upon receipt if necessary. SFR believes the clerk of the district court will forward the document upon being file-stamped.

Based on the foregoing, SFR believes jurisdiction is properly vested in this Court pursuant to NRAP 4(a)(6) – (7).

DATED this 7th day of August 2018.

**KIM GILBERT EBRON**

/s/ Jacqueline A. Gilbert  
JACQUELINE A. GILBERT, ESQ.  
Nevada Bar No. 10593  
DIANA CLINE EBRON, ESQ.  
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*Attorneys for Appellant SFR*  
*Investments Pool 1, LLC*

## **CERTIFICATE OF SERVICE**

I certify that on the 7th day of August 2018, I filed the foregoing **Response to Order to Show Cause** which shall be served via electronic service from the Court's eflex system to:

### **Master Service List**

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**Docket Number and Case Title:** 74416 - SFR INV.'S POOL 1, LLC VS. MARCHAI B.T.

**Case Category** Civil Appeal

**Information current as of:** Jun 25 2018 09:05 p.m.

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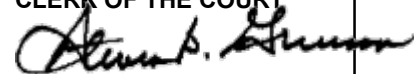
**Electronic notification will be sent to the following:**

Jacqueline Gilbert

David Merrill

Dated this 7th day of August 2018.

/s/Jacqueline A. Gilbert  
An employee of Kim Gilbert Ebron



**JUDG**  
David J. Merrill  
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Attorney for Marchai, B.T.

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

MARCHAI, B.T., a Nevada business  
trust,

Plaintiff,

v.

CRISTELA PEREZ, an individual; *et al.*

Defendants.

Case No.: A-13-689461-C  
Dept. No. VII

Consolidated with: A-16-742327-C

**AND ALL RELATED CLAIMS AND  
ACTIONS**

**JUDGMENT**

On December 13, 2013, the Clerk of the Court entered a default against U.S. Bank, N.A. for its failure to file a response to the Complaint for Judicial Foreclosure of Deed of Trust. On April 22, 2014, the Clerk entered a default against Perez for her failure to serve a response to the complaint. On October 3, 2017, this Court entered a Decision and Order that entered summary judgment in favor of Marchai, B.T. and against SFR Investments Pool 1, LLC and Wyeth Ranch Community Association. Based upon the defaults, the Decision and Order, and good cause appearing therefor:

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1       **It is hereby ordered, adjudged, and decreed** that Marchai shall take  
2 judgment in its favor and against SFR, Perez, and U.S. Bank on its claim for judi-  
3 cial foreclosure;

4       **It is further ordered, adjudged, and decreed** that SFR and U.S. Bank's  
5 interests in the property located at 7119 Wolf Rivers Avenue, Las Vegas, Nevada  
6 89131 (APN 125-15-811-013), shall be and hereby are subordinate, subsequent, and  
7 subject to the Deed of Trust recorded on November 9, 2005 as Document No.  
8 20051109-0001385, which is now owned by Marchai;

9       **It is further ordered, adjudged, and decreed** that Perez owes Marchai a  
10 total of \$535,178.50, which includes \$430,113.48 in principal, \$96,566.45 in interest  
11 through August 6, 2018, and \$8,498.57 in late charges;

12       **It is further ordered, adjudged, and decreed** that the Deed of Trust  
13 shall be foreclosed to satisfy the amounts owed by Perez to Marchai;

14       **It is further ordered, adjudged, and decreed** that the Sheriff of Clark  
15 County, or a levying officer appointed by the Court, shall have the authority to sell  
16 the property and apply the proceeds of the sale due to Marchai;

17       **It is further ordered, adjudged, and decreed** that SFR, Wyeth Ranch,  
18 U.S. Bank, Perez, and all persons claiming under them subsequent to the recording  
19 of the Deed of Trust, either as lien claimants, judgment creditors, claimants under a  
20 junior deed of trust, purchasers, encumbrances, and otherwise, be barred and fore-  
21 closed from all rights, claims, interest or equity of redemption of the property and  
22 every part of the property when the time for redemption has lapsed;

23       **It is further ordered, adjudged, and decreed** that Marchai, or any other  
24 party to this action, may bid at the foreclosure sale;

25       **It is further ordered, adjudged, and decreed** that when the time for re-  
26 demption has lapsed, the levying officer or Sheriff shall execute a deed to the pur-  
27 chaser of the property at the sale and the purchaser at the sale shall be given pos-  
28 session of the property upon production of the levying officer's or Sheriff's deed;

1           **It is further ordered, adjudged, and decreed that nothing in this Judg-**  
2 **ment shall prevent Marchai from electing to exercise its non-judicial foreclosure**  
3 **rights under the Deed of Trust;**

4           **It is further ordered, adjudged, and decreed that Marchai shall take**  
5 **judgment in its favor and against SFR and Wyeth Ranch on a claim for declaratory**  
6 **relief;**

7           **It is further ordered, adjudged, and decreed that Marchai holds a valid**  
8 **interest in the property;**

9           **It is further ordered, adjudged, and decreed that Wyeth Ranch's lien on**  
10 **the property was subject to Marchai's deed of trust;**

11           **It is further ordered, adjudged, and decreed that Wyeth Ranch's fore-**  
12 **closure of its lien did not extinguish Marchai's deed of trust;**

13           **It is further ordered, adjudged, and decreed that SFR's counterclaims**  
14 **and cross claims for quiet title/declaratory relief and preliminary and permanent**  
15 **injunction shall be and hereby are dismissed with prejudice;**

16           **It is further ordered, adjudged, and decreed that Marchai shall take**  
17 **judgment, jointly and severally, in its favor and against SFR and Wyeth Ranch for**  
18 **its reasonable costs in the amount of \$2,752.85; and**

**It is further ordered, adjudged, and decreed that this Judgment is intended as the final judgment by the Court and any remaining claims against any remaining parties shall be and hereby are dismissed without prejudice.**

Dated this 6 day of August 2018.

Honorable Elizabeth Gonzalez  
District Court Judge

Submitted by:

David J. Merrill, P.C.

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