

Electronically Filed
Dec 01 2017 02:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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**IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CLARK, NEVADA**

U.S. BANK NATIONAL ASSOCIATION ND,
A NATIONAL ASSOCIATION

Case No. A-12-667690-C

Dept. No. XVI

Plaintiff,

v.

NOTICE OF APPEAL

GEORGE R. EDWARDS, an individual, ANY
AND ALL PERSON UNKNOWN, CLAIMING
TO BE PERSONAL REPRESENTATIVES OF
GEORGE R. EDWARDS ESTATE OR DULY
APPOINTED, QUALIFIED, AND ACTING
EXECUTOR OF THE WILL OF THE ESTATE
OF GEORGE R. EDWARDS; RESOURCES
GROUP, LLC a Nevada Limited-Liability
Company; GLENVIEW WEST
TOWNHOMES ASSOCIATION , a Nevada
non-profit corporation; DOES 4 through 10,
inclusive, and ROES 1 through 10, inclusive

Defendants.

AND ALL RELATED CLAIMS.

/.../

/.../

/.../

1 NOTICE is hereby given in the above-captioned matter that U.S. BANK NATIONAL
2 ASSOCIATION ND, A NATIONAL ASSOCIATION (“U.S. BANK”); appeals to the Supreme
3 Court of Nevada from the Notice of Entry of Findings of Fact and Conclusions of Law and Final
4 Judgment Pursuant to NRCP 54(b) between Resources Group LLC and U.S. Bank National
5 Association ND entered on November 1, 2017.

6 DATED: November 22, 2017.

7 McCarthy & Holthus, LLP

8 By: /s/ Thomas N. Beckom, Esq

9 Thomas N. Beckom, Esq

DEPARTMENT 16
CASE SUMMARY
CASE NO. A-12-667690-C

U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

§
§
§
§
§

Location: **Department 16**
Judicial Officer: **Williams, Timothy C.**
Filed on: **08/30/2012**
Case Number History:
Cross-Reference Case Number: **A667690**

CASE INFORMATION

Statistical Closures

11/02/2017 Judgment Reached (bench trial)

Case Type: **Title to Property**
Subtype: **Foreclosure**

Case Flags: **Appealed to Supreme Court**
Automatically Exempt from Arbitration

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-12-667690-C
Court Department 16
Date Assigned 09/25/2012
Judicial Officer Williams, Timothy C.

PARTY INFORMATION

Plaintiff

U S Bank National Association

Lead Attorneys

Beckom, Thomas N.
Retained
702-685-0329(W)

Defendant

County of Clark

Edwards, George R

Fitzpatrick, Laura B

Removed: 01/16/2013
Dismissed

Glenview West Townhomes Association

Hall, Michael R
Retained
7023164111(W)

Nevada State of

Republic Silver State Disposal Inc

Removed: 01/16/2013
Dismissed

Resources Group LLC

Vilkin, Richard J.
Retained
702-873-5868(W)

Counter Claimant

Resources Group LLC

Vilkin, Richard J.
Retained
702-873-5868(W)

Counter Defendant

U S Bank National Association

Beckom, Thomas N.
Retained
702-685-0329(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

08/30/2012




Complaint


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Filed By: Counter Defendant U S Bank National Association
Complaint for Judicial Foreclosure of Deed of Trust


08/30/2012 Case Opened


09/06/2012  Notice of Pendency of Action
Filed By: Counter Defendant U S Bank National Association
Notice of Pendency of Action


09/18/2012  Summons Issued
Summons - Civil

09/18/2012  Return
Return of Service - Laura B Fitzpatrick


09/24/2012  **Minute Order** (3:01 PM) (Judicial Officer: Barker, David)
Minute Order: Recusal


09/25/2012  Notice of Department Reassignment


11/16/2012  Application
Filed By: Counter Defendant U S Bank National Association
Application for an Order to Serve by Publication

11/16/2012  Affidavit for Service by Publication
Filed By: Counter Defendant U S Bank National Association
Affidavit of Benjamin D. Petiprin in Support of Application for an Order to Serve by Publication


11/16/2012  Amended Complaint
Filed By: Counter Defendant U S Bank National Association
Amendment to Complaint

11/26/2012  Amended Summons
Filed By: Counter Defendant U S Bank National Association
Amended Summons

12/18/2012  Order for Service by Publication
Filed By: Counter Defendant U S Bank National Association
Order to Serve by Publication














12/19/2012  Notice of Entry of Order
Filed By: Counter Defendant U S Bank National Association
Notice of Entry of Order to Serve by Publication

01/04/2013  Declaration
Filed By: Counter Defendant U S Bank National Association
Declaration of Mailing














01/04/2013  Declaration
Filed By: Counter Defendant U S Bank National Association
Declaration of Mailing

01/04/2013














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	 Declaration Filed By: Counter Defendant U S Bank National Association <i>Declaration of Mailing</i>
01/04/2013	 Declaration Filed By: Counter Defendant U S Bank National Association <i>Declaration of Mailing</i>
01/16/2013	 Affidavit of Publication Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Publication - (George Edwards Estate) Laura B Fitzpatrick</i>
01/16/2013	 Notice of Voluntary Dismissal Without Prejudice Filed by: Counter Defendant U S Bank National Association <i>Notice of Voluntary Dismissal of Defendant Republic Silver STate</i>
01/16/2013	Voluntary Dismissal (Judicial Officer: Williams, Timothy C.) Debtors: Laura B Fitzpatrick (Defendant), Republic Silver State Disposal Inc (Defendant) Creditors: U S Bank National Association (Plaintiff) Judgment: 01/16/2013, Docketed: 01/24/2013
03/26/2013	 Default Filed By: Counter Defendant U S Bank National Association <i>Default - George Edwards</i>
04/11/2013	 Amended Complaint Filed By: Counter Defendant U S Bank National Association <i>Second Amendment to Complaint</i>
04/24/2013	 Amended Summons Filed By: Counter Defendant U S Bank National Association <i>Second Amended Summons</i>
05/13/2013	 Return <i>Return of Service - Glenview West Townhomes Association</i>
08/07/2013	 Application Filed By: Counter Defendant U S Bank National Association <i>Application for an Order to Serve by Publication</i>
08/07/2013	 Affidavit for Service by Publication Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Benjamin D. Petiprin in Support of Application for an Order to Serve by Publication</i>
08/07/2013	 Application Filed By: Counter Defendant U S Bank National Association <i>Application for an Order to Serve by Publication</i>
08/20/2013	 Default Filed By: Counter Defendant U S Bank National Association <i>Default - Glenview West Townhomes Association</i>
11/18/2013	 Affidavit of Due Diligence










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	Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Due Diligence - Resource Group</i>
12/04/2013	 Return <i>Return of Service - Resource Group LLC</i>
12/04/2013	 Return <i>Return of Service - Resource Group LLC</i>
02/07/2014	 Default Filed By: Counter Defendant U S Bank National Association Default Prty: Counter Claimant Resources Group LLC <i>(Set Aside 07/14/2014) Default against Resources Group LLC</i>
07/14/2014	 Stipulation and Order Filed by: Counter Claimant Resources Group LLC <i>Stipulation and Order</i>
07/15/2014	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>Notice of Entry of Order</i>
07/16/2014	 Answer and Counterclaim Filed By: Counter Claimant Resources Group LLC <i>Answer and Counterclaim</i>
08/20/2014	 Stipulation and Order Filed by: Counter Claimant Resources Group LLC <i>Stipulation and Order for Stay of Proceedings</i>
08/22/2014	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>Notice of Entry of Order</i>
12/01/2014	 Motion for Order Filed By: Counter Claimant Resources Group LLC <i>Motion to Lift Stay</i>
01/06/2015	 Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant's Motion to Lift Stay</i>
01/20/2015	 Order Granting Filed By: Counter Claimant Resources Group LLC <i>Order Lifting Stay</i>
01/21/2015	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>Notice of Entry of Order</i>
02/20/2015	 Answer and Counterclaim Filed By: Counter Defendant U S Bank National Association <i>Answer to Counterclaim</i>
04/15/2015	












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	 Joint Case Conference Report Filed By: Counter Defendant U S Bank National Association <i>Joint Case Conference Report</i>
05/18/2015	 Scheduling Order <i>Scheduling Order</i>
06/05/2015	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
10/14/2015	 Subpoena Duces Tecum Filed by: Counter Defendant U S Bank National Association <i>Subpoena Duces Tecum</i>
10/14/2015	 Subpoena Duces Tecum Filed by: Counter Defendant U S Bank National Association <i>Subpoena Duces Tecum</i>
10/19/2015	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Return of Service</i>
10/19/2015	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Return of Service</i>
11/25/2015	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
11/30/2015	 Notice of Entry of Order Filed By: Counter Defendant U S Bank National Association <i>Notice of Entry of Stipulation and Order to Extend Deadlines (First Request)</i>
11/30/2015	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Defendant U S Bank National Association <i>Stipulation and Order to Extend Deadlines (First Request)</i>
02/11/2016	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Order</i>
02/29/2016	CANCELED Bench Trial (10:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Order</i>
04/06/2016	 Notice of Firm Name Change Filed By: Counter Defendant U S Bank National Association <i>Notice of Firm Name Change</i>
05/16/2016	 Motion for Summary Judgment Filed By: Counter Defendant U S Bank National Association <i>U.S. Bank National Association, ND's Motion for Summary Judgment</i>
05/16/2016	 Affidavit in Support Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Julie Lor in Support of Motion for Summary Judgment</i>













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06/02/2016	 Counter-motion For Summary Judgment Filed By: Counter Claimant Resources Group LLC <i>Opposition to Plaintiff's Motion for Summary Judgment and Resources Group Counter-Motion for Summary Judgment</i>
06/09/2016	 Reply Filed by: Counter Defendant U S Bank National Association <i>U.S. Bank National Association, ND's Reply in Support of Motion for Summary Judgment and Opposition to Resources Group, LLC's Counter-motion for Summary Judgment</i>
06/13/2016	 Reply in Support Filed By: Counter Claimant Resources Group LLC <i>Reply in Support of Resources Group, LLC's Counter-motion for Summary Judgment</i>
06/16/2016	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>U.S. Bank National Association, ND's Motion for Summary Judgment</i>
06/16/2016	Opposition and Counter-motion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Opposition to Motion for Dismissal and Plaintiff's Counter-motion for Summary Judgment</i>
06/16/2016	Opposition and Counter-motion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Opposition to Plaintiff's Motion for Summary Judgment and Resources Group Counter-Motion for Summary Judgment</i>
06/16/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)
06/16/2016	Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)
06/29/2016	 Notice of Association of Counsel Filed By: Defendant Edwards, George R <i>Notice of Association of the Law Firm of McCarty Holthus LLP</i>
07/20/2016	 Amended Order Setting Civil Non-Jury Trial <i>2nd Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
07/20/2016	 Stipulation and Order Filed by: Counter Defendant U S Bank National Association <i>Stipulation and Order to Re-Open Discovery, Vacate Trial and Extend the 5 Year Rule Pursuant to Nev. R. CIV. PRO 41(e)</i>
07/26/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>Notice of Entry of Stipulation and Order To Reopen Discovery, Vacate Trial and Extend the 5 Year Rule Pursuant to NEV R. VIC. PRO 41 (e)</i>
08/01/2016	 Motion to Amend Answer Filed By: Counter Defendant U S Bank National Association <i>Motion to Amend the Answer to the Counterclaim</i>
08/04/2016	CANCELED Bench Trial (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i>
08/10/2016	 Order Denying Motion Filed By: Counter Claimant Resources Group LLC <i>Order Denying Cross Motions for Summary Judgment</i>

















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08/11/2016	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>Notice of Entry of Order</i>
09/01/2016	 Motion to Amend (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion to Amend their Answer to the Counterclaim</i>
09/20/2016	 Notice of Deposition Filed By: Counter Defendant U S Bank National Association <i>Notice of Deposition for Nev. R. Civ. pro 30(b)(6) Witness for Resources Group LLC</i>
10/11/2016	 Subpoena Filed by: Counter Defendant U S Bank National Association <i>Subpoena</i>
10/11/2016	 Subpoena Filed by: Counter Defendant U S Bank National Association <i>Subpoena</i>
10/20/2016	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Service</i>
10/26/2016	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Service</i>
11/15/2016	 Stipulation to Extend Discovery Party: Defendant Edwards, George R <i>Stipulation and Order to Extend Discovery Deadlines (Second Request)</i>
11/16/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>Notice of Entry of Stipulation and Order To Extend Discovery Deadlines (second request)</i>
11/17/2016	 Notice of Deposition Filed By: Counter Defendant U S Bank National Association <i>Notice of Deposition</i>
11/17/2016	 Re-Notice Filed by: Counter Defendant U S Bank National Association <i>Re-Notice of Deposition</i>
11/23/2016	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Service</i>
12/02/2016	 Order Granting Motion Filed By: Counter Defendant U S Bank National Association <i>Order on Plaintiff's Motion to Amend Their Answer to the Counterclaim</i>
01/03/2017	 Motion for Summary Judgment

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	Filed By: Counter Defendant U S Bank National Association <i>U.S. Bank's Motion for Summary Judgment</i>
01/03/2017	 Motion for Summary Judgment Filed By: Counter Claimant Resources Group LLC <i>Motion for Summary Judgment</i>
01/04/2017	 Notice of Entry of Order Filed By: Counter Defendant U S Bank National Association <i>Notice of Entry of Order on Plaintiff's Motion to Amend Their Answer to the Counterclaim</i>
01/04/2017	 Notice of Hearing Filed By: Counter Defendant U S Bank National Association <i>Notice of Hearing of Motion for Summary Judgment</i>
01/10/2017	 Substitution of Attorney Filed by: Counter Defendant U S Bank National Association <i>Substitution of Attorney</i>
01/16/2017	 Affidavit of Service <i>Affidavit of Service</i>
01/17/2017	 Opposition Filed By: Counter Defendant U S Bank National Association <i>Opposition to Resource's Motion for Summary Judgment</i>
01/19/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Resources Group LLC <i>Resources Group, LLC's Opposition to U.S. Bank's Motion for Summary Judgment</i>
01/20/2017	 Amended Answer Filed By: Counter Defendant U S Bank National Association <i>First Amended Answer to the Counterclaim</i>
01/31/2017	 Reply in Support Filed By: Counter Claimant Resources Group LLC <i>Resources Group, LLC's Reply in Support of Motion for Summary Judgment</i>
01/31/2017	 Reply in Support Filed By: Counter Defendant U S Bank National Association <i>US Bank's Reply in Support of It's Motion for Summary Judgment</i>
02/06/2017	 Notice of Appearance Party: Defendant Glenview West Townhomes Association <i>Notice of Appearance</i>
02/07/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant/counterclaimant, Resources Group, LLC's ,Motion for Summary Judgment</i>
02/07/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>U.S. Bank's Motion for Summary Judgment</i>
02/07/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)

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02/07/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Glenview West Townhomes Association <i>Initial Appearance Fee Disclosure</i>
02/16/2017	 Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)
03/07/2017	 Minute Order (3:00 PM) (Judicial Officer: Williams, Timothy C.)
03/23/2017	 Notice of Hearing <i>Notice of Hearing</i>
03/29/2017	 Minute Order (2:00 PM) (Judicial Officer: Williams, Timothy C.)
03/30/2017	 Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Status Check: Stipulation and Order to Continue Trial Date/Toll NRCP 41(e) to Date Certain</i>
04/03/2017	 Stipulation and Order Filed by: Counter Claimant Resources Group LLC <i>Stipulation and Order to Toll NRCP 41(e)</i>
04/04/2017	 Amended Order Setting Civil Non-Jury Trial <i>3rd Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
04/04/2017	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>Notice of Entry of Order</i>
08/03/2017	 Substitution of Attorney Filed by: Counter Claimant Resources Group LLC <i>Substitution of Attorney</i>
08/31/2017	 Pre-Trial Disclosure Party: Counter Defendant U S Bank National Association <i>U.S. Bank's Pre-Trial Disclosures</i>
09/02/2017	 Pre-Trial Disclosure Party: Counter Claimant Resources Group LLC <i>Pre-Trial Disclosures Of Defendant and Counter-claimant Resources Group, LLC</i>
09/12/2017	 Affidavit of Due Diligence Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Due Diligence</i>
09/12/2017	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Service</i>
09/12/2017	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Service</i>
09/13/2017	 Pre-trial Memorandum

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Filed by: Counter Defendant U S Bank National Association
U.S. Bank's Pre-Trial Memorandum

09/14/2017	 Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)
09/15/2017	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>Affidavit of Service</i>
09/20/2017	 Affidavit of Service Filed By: Counter Claimant Resources Group LLC <i>Affidavit of Service on David Alessi</i>
09/24/2017	 Pre-trial Memorandum Filed by: Counter Claimant Resources Group LLC <i>Pre Trial Memorandum of Defendant and Counterclaimant Resources Group, LLC; Objections to the Pre Trial Memorandum of Plaintiff</i>
09/26/2017	 Pre-trial Memorandum Filed by: Counter Defendant U S Bank National Association <i>Joint Pre-Trial Memorandum</i>
09/28/2017	 Trial Brief Filed By: Counter Defendant U S Bank National Association <i>U.S. Bank's Brief in Support of Trial</i>
10/02/2017	 Bench Trial - FIRM (9:30 AM) (Judicial Officer: Williams, Timothy C.) 10/02/2017-10/03/2017, 10/17/2017 <i>Bench Trial -Firm</i>
10/31/2017	 Findings of Fact, Conclusions of Law and Judgment <i>Findings of Fact, Conclusions of Law and Judgment</i>
10/31/2017	Order (Judicial Officer: Williams, Timothy C.) Debtors: U S Bank National Association (Counter Defendant) Creditors: Resources Group LLC (Counter Claimant) Judgment: 10/31/2017, Docketed: 11/01/2017
11/01/2017	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Counter Claimant Resources Group LLC <i>Notice of Entry of Findings of Fact and Conclusions of Law and Final Judgment pursuant to NRCP 54(b) Between Resources Group, LLC and U.S. Bank National Association, ND</i>
11/01/2017	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
11/22/2017	 Notice of Appeal Filed By: Counter Defendant U S Bank National Association

Clark County, Nevada

Case No. _____

XVIIII

(Assigned by Clerk's Office)

I. Party Information*Plaintiff(s) (name/address/phone):*U.S. BANK NATIONAL ASSOCIATION ND,
a national association,*Attorney (name/address/phone):*LAW OFFICES OF LES ZIEVE
Grace M. Kim, Esq. (NV Bar 9268)
Benjamin D. Petiprin, Esq. (NV Bar 11681)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Tel: (702) 948-856 Fax: (702) 446-9898*Defendant(s) (name/address/phone):*GEORGE R. EDWARDS, an individual; LAURA B. FITZPATRICK, tax receiver
and treasurer of the COUNTY OF CLARK, STATE OF NEVADA; REPUBLIC
SILVER STATE DISPOSAL, INC. dba REPUBLIC SERVICES, a Nevada
corporation; DOES 1 through 10, inclusive, and ROES 1 through 10, inclusive.*Attorney (name/address/phone):***II. Nature of Controversy** (Please check applicable bold category and
applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> Title to Property <input checked="" type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence -- Auto <input type="checkbox"/> Negligence -- Medical/Dental <input type="checkbox"/> Negligence -- Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence -- Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment -- Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

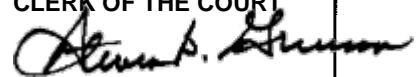
- | | | |
|-----------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

August 30, 2012

Date

/s/ Benjamin D. Petiprin

Signature of initiating party or representative



1 FFCL
2
3

4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6 U.S. BANK NATIONAL ASSOCIATION, ND, A
7 NATIONAL ASSOCIATION,

8 Plaintiff,

9 vs.

CASE NO.: A-12-667690-C
DEPT. NO.: XVI

10 GEORGE R. EDWARDS, an individual, ANY
11 ALL PERSON UNKOWN CLAIMING TO BE
12 PERSONAL REPRESENTATIVES OF GEORGE
13 R.EDWARDS ESTATE OR DULY APPOINTED,
14 QUALIFIED, AND ACTING EXECUTOR OF
15 THE WILL OF THE ESTATE OF GEORGE R.
16 EDWARDS; RESOURCES GROUP, LLC, a
Nevada limited liability company; GENVIEW
WEST TOWNHOMES ASSOCIATION, a Nevada
non-profit corporation; DOES 4 through 10,
inclusive, and ROES 1 through 10, inclusive

17 Defendants.
18

19 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20 The above-entitled case, having come on for bench trial on October 2 and 3, 2017,
21 before Department XVI of the Eighth Judicial District Court, in and for Clark County,
22 Nevada, with the Honorable Timothy C. Williams presiding. Priscilla L. Baker, Esq. and
23 Thomas N. Beckom, Esq., of the law firm of McCarthy & Holthus appearing for Plaintiff,
24 U.S. Bank National Association, ND, a National Association; Charles L. Geisendorf,
25 Esq., and Richard J. Vilkin, Esq., of the law firm of Geisendorf & Vilkin, appearing for
26 Defendant Resources Group, LLC.

27 . . .
28

1 This Court, after having reviewed the papers, pleadings, and briefs on file herein,
2 hearing testimony of witnesses and oral argument of counsel, the Court hereby makes the
3 following Findings of Fact and Conclusions of Law:
4

5 **FINDINGS OF FACT**

- 6 1. On March 26, 2009, a Deed of Trust as to the subject property was recorded in
7 Clark County, Nevada listing the grantor as George R. Edwards and the lender as
8 U.S. Bank National Association ND, a national banking association organized
9 under the laws of the United States. The subject property was legally described as
10 Lot Nineteen (19) of Glenview West Townhome, as shown by Map thereof on file
11 in Book 30 of Plats, Page 65, in the Office of the County Recorder of Clark
12 County. The subject property was also described as Assessor's Parcel Number
13 163-24-111-021. (The "subject property.")
14
15 2. The Deed of Trust stated the address of U.S. Bank to be: US Recordings, 2925
16 Country Drive STE 201, ST. Paul, MN 55117.
17
18 3. On January 4, 2011, a Notice of Delinquent Assessment Lien was recorded on the
19 subject property in Clark County, Nevada by Alessi & Koenig, LLC on behalf of
20 Glenview West Townhouses Association. A non-recorded copy of that Notice of
21 Delinquent Assessment Lien had previously been mailed to the grantor and owner
22 of the subject property, George R. Edwards, at the subject property street address
23 of 4254 Rollingstone Drive, Las Vegas, NV 89103 on December 20, 2010.
24
25 4. George R. Edwards first became delinquent in his payment of homeowner
26 monthly assessments on November 1, 2009. He remained delinquent on all
27 monthly assessments between November 1, 2009, and the date of foreclosure sale
28

1 on January 25, 2012, with the exception of one payment of \$414 made in
2 December 2011. The monthly assessment amount was \$130.

3 5. On March 29, 2011, a Notice of Default and Election to Sell was recorded against
4 the subject property by Alessi & Koenig, LLC on behalf of Glenview West
5 Townhouses Association ("HOA").

6 6. On April 5, 2011, a copy of the Notice of Default and Election to Sell was mailed
7 by Alessi & Koenig, the agent for the HOA, to U.S. Bank at US Recordings, 2925
8 Country Drive STE 201, ST. Paul, MN 55117.

9 7. On October 13, 2011, a copy of the Notice of Sale was recorded in Clark County,
10 Nevada.

11 8. On or soon after September 16, 2011, a non-recorded copy of the Notice of Sale
12 was mailed by Alessi & Koenig LLC to U.S. Bank at US Recordings, 2925
13 Country Drive STE 201, ST. Paul, MN 55117.

14 9. On January 25, 2011, Alessi & Koenig sold the subject property at public auction
15 to 4254 Rollingstone Avenue Trust for the high bid price of \$5,331.

16 10. The Trustee's Deed Upon Sale states in part:

17 This conveyance is made pursuant to the powers conferred
18 on Trustee by NRS 116 et seq., and that certain Notice of
19 Delinquent Assessment Lien, described herein [recorded
20 January 4, 2011]. Default occurred as set forth in a Notice
21 of Default and Election to Sell which was recorded in the
22 office of the recorder of said county. All requirements of
23 law regarding the mailing of copies of notices and the
24 posting and publication of the copies of the Notice of Sale
25 have been complied with.

26 11. On January 25, 2012, Iyad Eddie Haddad appeared at the public auction and was
27 the high bidder for a price of \$5,331 which he paid in cash that day.
28 ...

- 1 12. Mr. Haddad instructed that the property be vested in 4254 Rollingstone Avenue
2 Trust.
- 3 13. Prior to the sale, Mr. Haddad had no information about the property other than
4 what was contained in the recorded documents, including no information as to
5 any dispute as to title. He received no information from the HOA or its trustee
6 about the property prior to sale, other than it was going to be sold at public
7 auction.
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9 14. The sales trustee Alessi & Koenig paid to the HOA from the proceeds of the sale
10 the total amount of \$2995.60 to cover all past due assessments dating back to
11 November 1, 2009, with the exception of the \$414 payment made in December
12 2011.
- 13 15. The nine months of assessments from April 4, 2010, to January 4, 2011, remained
14 unpaid throughout the foreclosure, up to and including the date of sale, and were
15 paid in full to the HOA from the proceeds of the sale in the amount of \$1,170 (9
16 months X \$130 per month = \$1,170).
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18 16. On May 29, 2012, a Grant Bargain Sale Deed was recorded in Clark County,
19 Nevada in which 4254 Rollingstone Avenue Trust transferred and conveyed the
20 subject property to Resources Group, LLC as trustee for the Bourne Valley Court
21 Trust dated 5/4/2012.
- 22
23 17. The subject property was included in a Chapter 11 bankruptcy case in 2012 and
24 2013. However, in that Chapter 11 bankruptcy case, captioned *In re: Saticoy Bay*
25 *LLC Series Bowman Lair, Debtor* (Case No. 13-12463-btb, District of Nevada),
26 the court ordered the petition dismissed without taking any action as to the
27 petition or granting any relief.
- 28

CONCLUSIONS OF LAW

1. In Nevada, a homeowners association (“HOA”) has a lien for delinquent assessments, a portion of which has priority over a first deed of trust. NRS 116.3116(2); *SFR Investments Pool I, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, ___, 334 P.3d 408, 419 (2014). When the HOA forecloses on its lien, this extinguishes all inferior liens. *Ibid.*
2. When an HOA forecloses on its lien for delinquent assessments, the purchaser at the foreclosure sale receives a “deed without warranty which conveys to the grantee all title of the unit’s owner to the unit [.]” NRS 116.31164(3)(a).
3. The Nevada Supreme Court has affirmed that deed recitals are “conclusive” to the matters recited in NRS 116.31166 “in the absence of grounds for equitable relief.” *Shadow Wood Homeowners Assn., Inc. v. New York Comm. Bancorp, Inc.*, 132 Nev. ___, ___, 366 P.3d 1105, 1111-1112 (2016).
4. NRS 116.31164 concerns mailing of the Notice of Default and Election to Sell and the recording of same, the elapsing of 90 days, and the giving of Notice of Sale. Such a deed containing those recitals is conclusive against the unit’s former owner, his or her heirs and assigns, and all other persons....” NRS 116.31166(1)-(2); *Shadow Wood v. New York Comm., supra*, at 1110.
5. Given the recitals’ conclusive effects, a party contesting the sale has the burden to overcome these conclusive presumptions. “A presumption not only fixes the burden of going forward with evidence, but it also shifts the burden of proof.” *Yeager v. Harrah’s Club, Inc.*, 111 Nev. 830, 834, 897 P.2d 1093, 1095 (1995).
6. At the time of the foreclosure in this case, there was no requirement under Nevada law that a holder of a first deed of trust be mailed the Notice of Default unless that

- 1 holder gave notice to the association of the existence of its secured interest at least
2 30 days prior to the recordation of the Notice of Default. NRS 116.31163(2).
- 3 7. At the time of the foreclosure in this case, there was no requirement under Nevada
4 law that a holder of a first deed of trust be mailed the Notice of Sale unless that
5 holder gave notice to the association of the existence of its secured interest prior
6 to the recordation of the Notice of Sale. NRS 116.311635(1)(b)(2).
7
- 8 8. U.S. Bank did not make the notifications to the HOA of its secured interest as
9 required by NRS 116.31163(2) and NRS 116.31165(1)(b)(2).
- 10 9. The conclusive effects of the Trustee's Deed Upon Sale have not been overcome
11 in this case.
- 12 10. In addition, the facts proved show that Alessi & Koenig, LLC complied with all
13 requirements of law in conducting this non-judicial foreclosure pursuant to NRS
14 116.3116 et seq..
15
- 16 11. Alessi & Koenig timely and properly served the Notice of Default and the Notice
17 of Sale on U.S. Bank as if U.S. Bank had made the notification specified in NRS
18 116.31163(2) and NRS 311635(1)(b)(2).
- 19 12. The Uniform Fraudulent Transfer Act (NRS 112.140 et seq.) has no application to
20 the foreclosure and sale in the case at bar. For one, the subject property is not
21 subject to the Act because the property was encumbered by a lien (the HOA lien),
22 which is excluded under the Act. NRS 112.150(2)(a)). Second, the Act was
23 designed to protect unsecured creditors (and not secured mortgage holders) and
24 not to interfere with or displace the separate statutory requirements of NRS
25 116.3116 et seq.
26
- 27 13. The doctrine of judicial estoppel has as its purpose to prevent a party from taking
28

1 inconsistent positions that arise from intentional wrongdoing or an attempt to
2 obtain an unfair advantage. *Marcuse v. Del Webb Communities, Inc.*, 123 Nev.
3 278, 163 P.3d 462, 468-469 (2007). The doctrine does not preclude changes in
4 position that are not intended to sabotage the judicial process. *Ibid.*

5 14. There are five requirements to invoke the doctrine of judicial estoppel: "1) the
6 same party has taken two positions; (2) the positions were taken in judicial or
7 quasi-judicial administrative proceedings; (3) the party was successful in asserting
8 the first position (i.e., the tribunal adopted the position or accepted it as true); (4)
9 the two positions are totally inconsistent; and (5) the first position was not taken
10 as a result of ignorance, fraud, or mistake." *Marcuse v. Del Webb Communities,*
11 *Inc., supra*, 163 P.3d at 468-469.

12 15. The doctrine of judicial estoppel does not apply in this case for three separate and
13 independent reasons: 1) Defendant and Counterclaimant's affiliate was not
14 successful in asserting any position as to the first deed of trust in the bankruptcy
15 proceedings as the bankruptcy court did not adopt the affiliate's position and in
16 fact dismissed the affiliated party's Chapter 11 petition with no action taken in
17 an Order filed as Doc 76 entered 10/03/2013 (*In re Saticoy Bay LLC Series*
18 *Bowman Lair*, Debtor (Case 13-12463-btb)); 2) the two positions taken in the
19 bankruptcy court and the instant court are not totally inconsistent; and 3) the
20 conduct did not sabotage the judicial process.

21 16. Plaintiff U.S. Bank had numerous options to avoid the foreclosure on its first deed
22 of trust which it did not utilize. It could have tendered and/or paid off the super-
23 priority portion of the lien prior to the sale. It could have also, as stated by the
24 Nevada Supreme Court, paid off the entire HOA lien or established an escrow
25
26
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28

1 account for such payments. It could also have filed a court action to enjoin the
2 sale and recorded a lis pendens on the subject property. Thus, the inequity of
3 which U.S. Bank complains is "of its own making." See *SFR Investments Pool I,*
4 *LLC v. U.S. Bank, N.A.*, 130 Nev. ____, ____, 334 P.3d 408, 414 (2014).

5 17. Because U.S. Bank did not pursue any of its legal remedies to stop the sale or
6 inform potential purchasers prior to the sale as to a dispute as to title, it is not
7 entitled to equitable relief. *Davenport v. State Farm*, 81 Nev. 361, 404 P.2d 10, 14
8 (1965); 19 Am Jur., Equity, Sec. 107, p. 107 and Sec. 119, pp. 120-121.

9 18. With regard to the issue of commercial reasonableness of the sale, an allegation of
10 inadequate purchase price alone is insufficient to set aside a foreclosure sale,
11 "there must also be a showing of fraud, unfairness, or oppression." *Shadow Wood*
12 *v. New York Comm.*, *supra*, 366 P.3d at 1110. See also, *Golden v. Tomiyasu*, 79
13 Nev. 503, 387 P.2d 989, 995 (1963) ("inadequacy of price, however gross, is not
14 in itself a sufficient ground for setting aside a trustee's sale legally made, there
15 must be in addition proof of some element of fraud, unfairness or oppression as
16 accounts for and brings about the inadequacy of price" (internal citations
17 omitted) (emphasis added)).

18 19. In this case, the subject property sold for \$5,331. There has been no showing to
19 prove fraud, unfairness or oppression leading to this sales price.

20 20. Defendant and Counterclaimant's predecessor, 4254 Rollingstone Avenue Trust,
21 was a bona fide purchaser for value, at the HOA foreclosure sale, without notice,
22 actual or constructive or inquiry, of any defects in the sale or any pre-sale dispute
23 as to title. There is nothing in law or equity that should prevent Defendant and
24 Counterclaimant Resources Group LLC as trustee for the Bourne Valley Court
25
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1 Trust dated 5/4/2012 from having clear and unencumbered title to the subject
2 property.

3 21. The holding of the Nevada Supreme Court *SFR Investments Pool 1, LLC v. U.S.*
4 *Bank, N.A.*, 130 Nev. ____, ____, 334 P.3d 408 (2014) that foreclosure on a
5 homeowner's lien extinguishes a first deed of trust is retroactive. *K&P Homes v.*
6 *Christiana Trust*, 133 Nev., Advance Opinion 51 (filed July 27, 2017, Nevada
7 Supreme Court Case No. 69966).

8
9 22. It was proper for Alessi & Koenig to include "the total amount of the lien"—and
10 not just the super-priority amount—in its recorded notices. *SFR Investments Pool*
11 *1, LLC v. U.S. Bank, N.A.*, 130 Nev. ____, ____, 334 P.3d 408, 418 (2014).

12 23. The mortgage protection clause in the HOA's CC&Rs does not protect U.S. Bank.
13 The Nevada Supreme Court expressly rejected that argument in the *SFR* decision.
14 The Court stated: "NRS 116.1104 defeats this argument. It states that Chapter
15 116's 'provisions may not be varied by agreement, and rights conferred by it may
16 not be waived...[e]xcept as *expressly* provided in' Chapter 116. (Emphasis
17 added.) 'Nothing in [NRS] 116.3116 expressly provides for a waiver of the
18 HOA's right to a priority position for the HOA's super priority lien.'" *SFR*
19 *Investments Pool 1 v. U.S. Bank, supra*, 334 P.3d at 419 (case quoted omitted).

20
21 24. It is ordered that title is quieted in the subject property in Defendant and
22 Counterclaimant Resources Group, LLC as trustee for the Bourne Valley Court
23 Trust dated 5/4/2012, free and clear of all liens and encumbrances by, and forever
24 enjoining, Defendant U.S. Bank National Association ND from asserting any
25 estate, title, right, interest, or claim to the subject property adverse to Defendant
26 and Counterclaimant Resources Group, LLC as trustee of the Bourne Valley
27
28

1 Court Trust dated 5/4/2012.

2 25. The Court directs that this is a final judgment as between Defendant and
3 Counterclaimant Resources Group, LLC as trustee of the Bourne Valley Court
4 Trust dated 5/4/2012 on the one hand and Defendant U.S. Bank National
5 Association ND on the other hand, pursuant to NRCP 54(b), as there is no just
6 reason for delay of entry of judgment and the court directs entry of final judgment
7 as between these parties.
8

9 IT IS SO ORDERED AND ADJUDGED this 31st day of October, 2017.

10
11 
12 _____
DISTRICT COURT JUDGE

13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the date filed, this document was electronically served to
16 all registered parties for case number A667690 as follows:

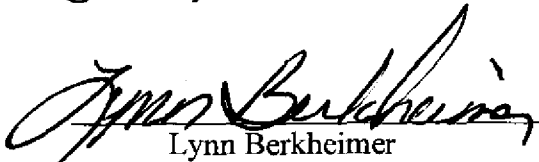
17
18 Benjamin D. Petiprin, Esq. bpetiprin@zievelaw.com

19 Amber Geiman . ageiman@lawhjc.com

20 Kristin Schuler-Hintz . dcnv@mccarthyholthus.com

21 Stuart Taylor . staylor@lawhjc.com

22 Thomas N. Beckom . tbeckom@mccarthyholthus.com

23
24 
25 _____
Lynn Berkheimer
26 Judicial Executive Assistant
27
28



Richard Vilkin
Nevada Bar No. 8301
Geisendorf & Vilkin, PLLC
2470 St. Rose Parkway, Suite 309
Henderson, Nevada 89074
Direct Dial: (702) 476-3211
Office phone: (702) 873-5868
Email: Richard@gvattorneys.com
*Attorneys for defendant and counterclaimant
Resources Group, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

U.S. BANK NATIONAL ASSOCIATION ND, A
NATIONAL ASSOCIATION,

Plaintiff,

v.

GEORGE R. EDWARDS, an individual, ANY AND
ALL PERSON UNKNOWN CLAIMING TO BE
PERSONAL REPRESENTATIVES OF GEORGE
R. EDWARDS ESTATE OR DULY APPOINTED,
QUALIFIED, AND ACTING EXECUTOR OF
THE WILL OF THE ESTATE OF GEORGE R.
EDWARDS; RESOURCES GROUP, LLC, a
Nevada limited liability company; GENVIEW
WEST TOWNHOMES ASSOCIATION, a Nevada
non-profit corporation; DOES 4 through 10,
inclusive, and ROES 1 through 10, inclusive,

Defendants.

RESOURCES GROUP, LLC,

Counter-claimant,

v.

U.S. BANK NATIONAL ASSOCIATION, ND,

Counter-claimant.

Case No.: A-12-667690-C

Dept. No.: XVI

NOTICE OF ENTRY OF FINDINGS
OF FACT AND CONCLUSIONS OF
LAW AND FINAL JUDGMENT
PURSUANT TO NRCP 54(b)
BETWEEN RESOURCES GROUP,
LLC AND U.S. BANK NATIONAL
ASSOCIATION, ND

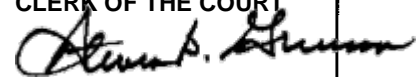
1 TO ALL PARTIES AND ATTORNEYS:

2 PLEASE TAKE NOTICE that the court has signed and filed on October 31, 2017 its
3 Findings of Fact and Conclusions of Law in this case as between Resources Group, LLC and
4 U.S. Bank National Association, ND, pursuant to NRCP 54(b). A true copy of said document is
5 attached.
6

7 Date: November 1, 2017

GEISENDORF & VILKIN, PLLC

8
9
10 By: /s/ Richard J. Vilkin
11 Richard J. Vilkin, Esq. (8301)
12 2470 St. Rose Parkway, Suite 309
13 Henderson, Nevada 89074
14 *Attorneys for defendant and*
15 *counterclaimant Resources Group,*
16 *LLC*
17
18
19
20
21
22
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1 FFCL
2
3

4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6 U.S. BANK NATIONAL ASSOCIATION, ND, A
7 NATIONAL ASSOCIATION,

8 Plaintiff,

9 vs.

CASE NO.: A-12-667690-C
DEPT. NO.: XVI

10 GEORGE R. EDWARDS, an individual, ANY
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14 QUALIFIED, AND ACTING EXECUTOR OF
15 THE WILL OF THE ESTATE OF GEORGE R.
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Nevada limited liability company; GENVIEW
WEST TOWNHOMES ASSOCIATION, a Nevada
non-profit corporation; DOES 4 through 10,
inclusive, and ROES 1 through 10, inclusive

17 Defendants.
18

19 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20 The above-entitled case, having come on for bench trial on October 2 and 3, 2017,
21 before Department XVI of the Eighth Judicial District Court, in and for Clark County,
22 Nevada, with the Honorable Timothy C. Williams presiding. Priscilla L. Baker, Esq. and
23 Thomas N. Beckom, Esq., of the law firm of McCarthy & Holthus appearing for Plaintiff,
24 U.S. Bank National Association, ND, a National Association; Charles L. Geisendorf,
25 Esq., and Richard J. Vilkin, Esq., of the law firm of Geisendorf & Vilkin, appearing for
26 Defendant Resources Group, LLC.

27 . . .
28

1 This Court, after having reviewed the papers, pleadings, and briefs on file herein,
2 hearing testimony of witnesses and oral argument of counsel, the Court hereby makes the
3 following Findings of Fact and Conclusions of Law:
4

5 **FINDINGS OF FACT**

- 6 1. On March 26, 2009, a Deed of Trust as to the subject property was recorded in
7 Clark County, Nevada listing the grantor as George R. Edwards and the lender as
8 U.S. Bank National Association ND, a national banking association organized
9 under the laws of the United States. The subject property was legally described as
10 Lot Nineteen (19) of Glenview West Townhome, as shown by Map thereof on file
11 in Book 30 of Plats, Page 65, in the Office of the County Recorder of Clark
12 County. The subject property was also described as Assessor's Parcel Number
13 163-24-111-021. (The "subject property.")
14
15 2. The Deed of Trust stated the address of U.S. Bank to be: US Recordings, 2925
16 Country Drive STE 201, ST. Paul, MN 55117.
17
18 3. On January 4, 2011, a Notice of Delinquent Assessment Lien was recorded on the
19 subject property in Clark County, Nevada by Alessi & Koenig, LLC on behalf of
20 Glenview West Townhouses Association. A non-recorded copy of that Notice of
21 Delinquent Assessment Lien had previously been mailed to the grantor and owner
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4 what was contained in the recorded documents, including no information as to
5 any dispute as to title. He received no information from the HOA or its trustee
6 about the property prior to sale, other than it was going to be sold at public
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- 8 8. U.S. Bank did not make the notifications to the HOA of its secured interest as
9 required by NRS 116.31163(2) and NRS 116.31165(1)(b)(2).
- 10 9. The conclusive effects of the Trustee's Deed Upon Sale have not been overcome
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22 of trust which it did not utilize. It could have tendered and/or paid off the super-
23 priority portion of the lien prior to the sale. It could have also, as stated by the
24 Nevada Supreme Court, paid off the entire HOA lien or established an escrow
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1 account for such payments. It could also have filed a court action to enjoin the
2 sale and recorded a lis pendens on the subject property. Thus, the inequity of
3 which U.S. Bank complains is "of its own making." See *SFR Investments Pool I,*
4 *LLC v. U.S. Bank, N.A.*, 130 Nev. ____, ____, 334 P.3d 408, 414 (2014).

5 17. Because U.S. Bank did not pursue any of its legal remedies to stop the sale or
6 inform potential purchasers prior to the sale as to a dispute as to title, it is not
7 entitled to equitable relief. *Davenport v. State Farm*, 81 Nev. 361, 404 P.2d 10, 14
8 (1965); 19 Am Jur., Equity, Sec. 107, p. 107 and Sec. 119, pp. 120-121.

9 18. With regard to the issue of commercial reasonableness of the sale, an allegation of
10 inadequate purchase price alone is insufficient to set aside a foreclosure sale,
11 "there must also be a showing of fraud, unfairness, or oppression." *Shadow Wood*
12 *v. New York Comm.*, *supra*, 366 P.3d at 1110. See also, *Golden v. Tomiyasu*, 79
13 Nev. 503, 387 P.2d 989, 995 (1963) ("inadequacy of price, however gross, is not
14 in itself a sufficient ground for setting aside a trustee's sale legally made, there
15 must be in addition proof of some element of fraud, unfairness or oppression as
16 accounts for and brings about the inadequacy of price" (internal citations
17 omitted) (emphasis added)).

18 19. In this case, the subject property sold for \$5,331. There has been no showing to
19 prove fraud, unfairness or oppression leading to this sales price.

20 20. Defendant and Counterclaimant's predecessor, 4254 Rollingstone Avenue Trust,
21 was a bona fide purchaser for value, at the HOA foreclosure sale, without notice,
22 actual or constructive or inquiry, of any defects in the sale or any pre-sale dispute
23 as to title. There is nothing in law or equity that should prevent Defendant and
24 Counterclaimant Resources Group LLC as trustee for the Bourne Valley Court
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1 Trust dated 5/4/2012 from having clear and unencumbered title to the subject
2 property.

3 21. The holding of the Nevada Supreme Court *SFR Investments Pool 1, LLC v. U.S.*
4 *Bank, N.A.*, 130 Nev. ____, ____, 334 P.3d 408 (2014) that foreclosure on a
5 homeowner's lien extinguishes a first deed of trust is retroactive. *K&P Homes v.*
6 *Christiana Trust*, 133 Nev., Advance Opinion 51 (filed July 27, 2017, Nevada
7 Supreme Court Case No. 69966).

8
9 22. It was proper for Alessi & Koenig to include "the total amount of the lien"—and
10 not just the super-priority amount—in its recorded notices. *SFR Investments Pool*
11 *1, LLC v. U.S. Bank, N.A.*, 130 Nev. ____, ____, 334 P.3d 408, 418 (2014).

12 23. The mortgage protection clause in the HOA's CC&Rs does not protect U.S. Bank.
13 The Nevada Supreme Court expressly rejected that argument in the *SFR* decision.
14 The Court stated: "NRS 116.1104 defeats this argument. It states that Chapter
15 116's 'provisions may not be varied by agreement, and rights conferred by it may
16 not be waived...[e]xcept as *expressly* provided in' Chapter 116. (Emphasis
17 added.) 'Nothing in [NRS] 116.3116 expressly provides for a waiver of the
18 HOA's right to a priority position for the HOA's super priority lien.'" *SFR*
19 *Investments Pool 1 v. U.S. Bank, supra*, 334 P.3d at 419 (case quoted omitted).

20
21 24. It is ordered that title is quieted in the subject property in Defendant and
22 Counterclaimant Resources Group, LLC as trustee for the Bourne Valley Court
23 Trust dated 5/4/2012, free and clear of all liens and encumbrances by, and forever
24 enjoining, Defendant U.S. Bank National Association ND from asserting any
25 estate, title, right, interest, or claim to the subject property adverse to Defendant
26 and Counterclaimant Resources Group, LLC as trustee of the Bourne Valley
27
28

1 Court Trust dated 5/4/2012.

2 25. The Court directs that this is a final judgment as between Defendant and
3 Counterclaimant Resources Group, LLC as trustee of the Bourne Valley Court
4 Trust dated 5/4/2012 on the one hand and Defendant U.S. Bank National
5 Association ND on the other hand, pursuant to NRCP 54(b), as there is no just
6 reason for delay of entry of judgment and the court directs entry of final judgment
7 as between these parties.
8

9 IT IS SO ORDERED AND ADJUDGED this 31st day of October, 2017.

10
11 
12 _____
13 DISTRICT COURT JUDGE

14
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on the date filed, this document was electronically served to
17 all registered parties for case number A667690 as follows:

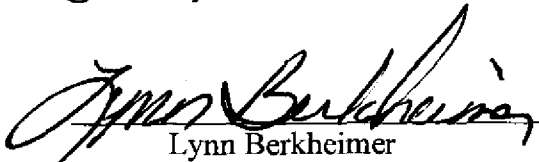
18 Benjamin D. Petiprin, Esq. bpetiprin@zievelaw.com

19 Amber Geiman . ageiman@lawhjc.com

20 Kristin Schuler-Hintz . dcnv@mccarthyholthus.com

21 Stuart Taylor . staylor@lawhjc.com

22 Thomas N. Beckom . tbeckom@mccarthyholthus.com
23

24 
25 _____
26 Lynn Berkheimer
27 Judicial Executive Assistant
28

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Certificate of E-Service

I hereby certify that on November 1, 2017, I served the following document(s):

A copy of the preceding NOTICE OF ENTRY OF FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND FINAL JUDGMENT PURSUANT TO NRCP 54(b)
BETWEEN RESOURCES GROUP, LLC AND U.S. BANK NATIONAL ASSOCIATION, ND.

- By Electronic Transmission: by transmitting the document to the parties registered to received service for this case via this Court's mandatory e-service system.
- By Mail: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the US Mail, addressed as set forth below.

George R. Edwards Trust
c/o Robert Hazell
14983 Mammoth Place
Fontana, CA 92336
Defendant

ANY AND ALL PERSONS UNKNOWN
CLAIMING TO BE PERSONAL REPRESENTATIVES
OF GEORGE R. EDWARDS ESTATE, OR
DULY APPOINTED, QUALIFIED, AND ACTING
EXECUTOR OF THE WILL OF THE ESTATE OF
GEORGE R. EDWARDS
14983 Mammoth Place
Fontana, CA 92336
Defendant

/s/ Stacie Geisendorf
an employee of Geisendorf & Vilkin, PLLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 24, 2012

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

September 24, 2012 3:01 PM Minute Order

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Because the Court's spouse is a Chief Deputy in the Civil Division of the District Attorney's Office, and the defense of this case will be handled by attorneys under her supervision, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Grace M. Kim, Esq., (Les Zieve Law Offc). aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

January 06, 2015

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

January 06, 2015 9:00 AM Motion

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Nora Pena

RECORDER:

REPORTER: Leah Armendariz

PARTIES

PRESENT: Arlitz, Jeff Attorney
Petiprin, Benjamin D., ESQ Attorney

JOURNAL ENTRIES

- Mr. Petiprin present on Court Call.

Mr. Arlitz advised there is no opposition as this is a simple Stay. No opposition by Mr. Petiprin and requested to be allowed to answer 20 days after the filing of notice of entry of order to the motion to Lift Stay. Mr. Arlitz agreed. COURT ORDERED, Defendant's motion to Lift Stay GRANTED under the conditions placed on the record as stated above from the other case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 16, 2016

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

June 16, 2016

9:00 AM

All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Bohn, Michael F Attorney
Moore, Sherry A. Attorney
Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

- U.S. BANK NATIONAL ASSOCIATION, ND'S MOTION FOR SUMMARY JUDGMENT ..
OPPOSITION TO MOTION FOR DISMISSAL AND PLAINTIFF'S COUNTERMOTION FOR
SUMMARY JUDGMENT .. OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AND RESOURCES GROUP COUNTER-MOTION FOR SUMMARY JUDGMENT

Ms. Moore argued the sales price was grossly inadequate, the notice of default was not sent to Bank of America rather it went to US Recordings, and that the notice of sale and default must be sent to all lienholders. Mr. Bohn argued regarding the finality of a foreclosure sale and that banks want their sales final, that the notice went to the office of Les Zieve who was representing Bank of America, and that the bank had three months between the notice and the sale to protect their lien and the failed to do so. Following further arguments by counsel COURT STATED FINDINGS AND ORDERED, both Motions for Summary Judgment DENIED.

PRETRIAL/CALENDAR CALL:

Mr. Bohn requested a date late in the stack and noted the trial would be for one to two days. COURT ORDERED, Trial Date SET and noted if the parties wished to stipulate to the factual issues, that

would take the procedural issues off the table.

08/04/16 10:30 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 01, 2016

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

September 01, 2016 9:00 AM Motion to Amend

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney

JOURNAL ENTRIES

- Mr. Beckom stated the motion was unopposed. COURT ORDERED, Motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****February 07, 2017**

A-12-667690-C U S Bank National Association, Plaintiff(s)
 vs.
 George Edwards, Defendant(s)

February 07, 2017 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney
 Bohn, Michael F Attorney
 Taylor, Stuart J. Attorney
 Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

-- DEFENDANT/COUNTERCLAIMANT, RESOURCES GROUP, LLC'S ,MOTION FOR SUMMARY JUDGMENT .. U.S. BANK'S MOTION FOR SUMMARY JUDGMENT

MATTER TRAILED AND RECALLED AT THE HOUR OF 9:31 AM with Mr. Beckom, Esq. now present.

Colloquy regarding the Saticoy Bay decision and that it took the constitutional issues off the table. Mr. Beckom argued Mr. Haddad, the principal of the group who purchased the property at the homeowner s association sale, filed bankruptcy and he was therefore judicially estopped from asserting otherwise. Mr. Beckom further argued Mr. Haddad received the benefit of the bankruptcy stay, that the sales price was unfair, that it appeared Alessi and Koenig (A&K) was involved in the sale as they also conducted the sale, and that A&K colluded with Mr. Haddad. Upon inquiry by the court regarding whether it would be a question of fact for the jury to decide regarding the question of the home not being sold in a commercially reasonable manner, Mr. Trippiedi stated the price may be an issue; however we didn't get there due to the fact that there was no fraud/oppression/or

unfairness pursuant to the Shadow Wood case. Mr. Trippiedi argued the Mortgage Protection Clause was taken care of in the SFR cases and that NRS 116.1104 invalidated the Mortgage Protection Clause as the public was on notice. Mr. Bohn stated the question of title to the property should be for the court to decide. Mr. Taylor argued questions of unfairness or fraud would be a question of fact for the jury to decide. Mr. Bohn argued the Pltf. should be bound by their discovery questions regarding commercial reasonability, that the Pltf.'s had remedies that could have been exercised prior to the sale but were not, and that under common law the sale was valid. Mr. Beckom argued Mr. Alessi testified he served the wrong person with the default and that he didn't serve US Bank. Mr. Bohn argued the Deed of Trust had the address and the notice of default was sent to that address; furthermore notice was mailed to multiple addresses for the bank. Following further arguments by counsel regarding the homestead exemption claims, fraudulent sales and fraudulent transfers, COURT ORDERED, Motions CONTINUED TO CHAMBERS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 16, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

February 16, 2017 10:30 AM Pretrial/Calendar Call

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney
Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

- Mr. Trippiedi stated the parties had stipulated to continue the trial date however it hadn't been signed by both parties yet. COURT ORDERED, Trial Date CONTINUED.

09/14/17 9:00 AM PRETRIAL/CALENDAR CALL

10/02/17 9:30 AM BENCH TRIAL

MATTER RECALLED AT THE HOUR OF 10:17 AM with Mr. Beckom present.

Court updated counsel regarding Mr. Trippiedi's statements. Mr. Beckom stated he had a number of trials back to back and he therefore requested this trial to be pushed to the next stack. Court stated he would agree with whatever counsel was able to agree to and noted counsel should be aware of any five-year rule considerations. COURT ORDERED, Status Check Re: Stipulation and Order to Continue Trial Date SET, counsel must waive the five-year rule and stipulate to a date certain.

03/16/17 9:00 AM Status Check Re: Stipulation and Order to Continue Trial Date

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 07, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

March 07, 2017

3:00 PM

Minute Order

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- U.S. Bank s Motion for Summary Judgment

After a review and consideration of the points and authorities on file herein, and oral argument of counsel, the COURT DETERMINED as follows:

COURT ORDERED, Plaintiff U.S. Bank National Association s Motion for Summary Judgment shall be DENIED in light of the Nevada Supreme Court decision in Saticoy Bay, LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage, A Division of Wells Fargo Bank N.A., 133 Nev. Adv. Op. 5 (2017).

Furthermore, the issue of the adequacy of the sale price at the HOA sale is not, itself, sufficient grounds for setting aside an HOA sale legally made without proof of some element of fraud, unfairness or oppression. Counsel for Resources Group, LLC, shall prepare a detailed Order based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: A copy of this minute order was electronically served to all Wiznet registered

parties by the Judicial Executive Assistant./ls 3-7-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 29, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

March 29, 2017

2:00 PM

Minute Order

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant/Counterclaimant, Resources Group, LLC s Motion for Summary Judgment

After a review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

There are issues of fact as to the Home Owners Association sale of the subject property, the adequacy of the sale price, and whether Defendant Resources Group, LLC was a bona fide purchaser. As a result, Defendant Resources Group, LLC s Motion for Summary Judgment shall be DENIED. Counsel for Defendant, Resource Group, shall prepare a detailed Order based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 30, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

March 30, 2017 9:00 AM Status Check

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney
Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

- Mr. Beckom stated the court made a decision in the motions for summary judgment yesterday. Mr. Trippiedi stated they stipulated to continue the trial date out to a date certain, however the Homeowners Association was not here today. Mr. Beckom noted they were in default status. Following colloquy regarding what the trial would be regarding, Mr. Trippiedi stated they'd agreed to extend the date to November 3, 2017.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 14, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

September 14, 2017 10:30 AM Pretrial/Calendar Call

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER:

PARTIES

PRESENT: Beckom, Thomas N. Attorney
Thongkham, Chatree, ESQ Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- COURT ORDERED, Bench Trial date STANDS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 02, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

October 02, 2017 9:30 AM Bench Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Baker, Priscilla L. Attorney
Beckom, Thomas N. Attorney
Geisendorf, Charles L. Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- BENCH TRIAL - DAY 1

Opening Statements by Ms. Baker and Mr. Vilkin. Testimony and Exhibits presented (see Worksheets).

COURT ORDERED, BENCH TRIAL CONTINUED.

CONTINUED TO: 10/3/17 10:30 AM BENCH TRIAL (DAY 2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 03, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

October 03, 2017 10:30 AM Bench Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Baker, Priscilla L. Attorney
Beckom, Thomas N. Attorney
Geisendorf, Charles L. Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- BENCH TRIAL - DAY 2

Testimony presented and Exhibits admitted (see Worksheets). Plaintiff RESTED. Testimony presented and Exhibits admitted (see worksheets). Defendant RESTED. Following closing arguments by Mr. Beckom and Mr. Vilkin, COURT ORDERED, matter CONTINUED for Chambers Decision.

10/17/17 CONTINUED FOR CHAMBERS DECISION

EXHIBIT(S) LIST

Case No.: **A667690**

Hearing / Trial Date: **October 2, 2017**

Dept. No.: **XVI**

Judge: **TIMOTHY C. WILLIAMS**

Plaintiff: **U S BANK NATIONAL**

Court Clerk: **TENA M. JOLLEY**

ASSOCIATION

Recorder / Reporter: **PEGGY ISOM**

Counsel for Plaintiff: Thomas Beckom

vs.

Priscilla Baker

Defendant: **GEORGE EDWARDS**

Counsel for Defendant: Richard Vilkin

Charles Geisendorf

HEARING / TRIAL BEFORE THE COURT

JOINT

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Legal Description of Subject Property USB0001	10.3.17	STIP	10.3.17
2	Delinquent Taxes for the Fiscal 2003-2004 USB0002-0004	10.3.17	STIP	10.3.17
3	U.S. Bank Equiline Agreement USB0005-0010	10.2.17	NO	10.2.17
4	Deed of Trust USB0011-0019	10.2.17	NO	10.2.17
5	Notice of Claim of Lien USB0020-0022	10.3.17	STIP	10.3.17
6	Tax Trustee Deed USB0023-0025	10.3.17	STIP	10.3.17
7	Alessi & Koenig, LLC's Production of Documents USB0026-0175	10.2.17	Stip	10.2.17
8	Glenview West Townhomes Association's Production of Documents USB0176-0261	10.3.17	STIP	10.3.17
9	Trustee's Deed Upon Sale USB0262-0263	10.3.17	STIP	10.3.17
10	Miscellaneous BPO's USB0264-0310	NOT OFFERED		—
11	Documents from Bankruptcy of the Bourne Valley Court Trust USB0311-0361	10.2.17	Stip	10.2.17
12	Miscellaneous Title Documents USB0417-0488	10.2.17	Stip	10.2.17
13	U.S. Bank's Expert Designation	10.3.17	NO	10.3.17
14	Expert Report of Brunson	10.3.17	obj.	10.3.17
15	Responses and Objections of Plaintiff to Request for Admissions Propounded by Defendant Resources Group, LLC	10.3.17	STIP	10.3.17
16	Responses and Objections of Plaintiff to Interrogatories Propounded by Defendant Resources Group, LLC	10.3.17	STIP	10.3.17

EXHIBIT(S) LIST

Case No: A667690

U S BANK NATIONAL ASSOCIATION

VS.

GEORGE EDWARDS

JOINT

EXHIBITS

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

KRISTIN A. SCHULER-HINTZ
9510 WEST SAHARA AVE., STE 200
LAS VEGAS, NV 89117

DATE: November 28, 2017
CASE: A-12-667690-C

RE CASE: U.S. BANK NATIONAL ASSOCIATION vs. GEORGE R. EDWARDS;
RESOURCES GROUP, LLC; GLENVIEW WEST TOWN HOMES ASSOCIATION

NOTICE OF APPEAL FILED: November 22, 2017

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND FINAL JUDGMENT PURSUANT TO NRCp 54(B) BETWEEN RESOURCES GROUP, LLC AND U.S. BANK NATIONAL ASSOCIATION, ND; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff(s),

vs.

GEORGE R. EDWARDS; RESOURCES GROUP, LLC; GLENVIEW WEST TOWN HOMES ASSOCIATION,

Defendant(s),

Case No: A-12-667690-C

Dept No: XVI

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 28 day of November 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk