

1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

FILED

2018 MAR -6 PM 4:06

Electronically Filed
Mar 13 2018 10:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7
8 **IN AND FOR THE COUNTY OF ELKO**

9 ARTEMIS EXPLORATION COMPANY, a
10 Nevada Corporation,
11 Plaintiff,

12 vs.

13 RUBY LAKE ESTATES HOMEOWNER'S
14 ASSOCIATION, STEPHEN WEST;
15 DOMINIC DIBONA; EVELYN DIBONA;
16 MICHAEL BRENNAN AND MARNIE
17 BRENNAN; RICHARD BECKERDITE;
18 BILL NOBLE AND CHERYL NOBLE;
19 AARON MOTES; BILL HARMON AND
20 TERI HARMON; LEROY PERKS AND
21 NORA PERKS; JUAN LA CHICA AND
22 VICTORIA LA CHICA; BRAD KEIFE;
23 SEVEN K PROPERTIES; MIKE CECCHI
24 AND KRIS CECCHI; WAYNE CIRONE
25 AND ILA CIRONE; CONNIE STAFFORD;
26 AARON YOHEY; PAUL LUCAS; DAVE
27 MILLER; JAMES TAYLOR; MIKE MASON
28 AND SHELLY MASON; JIMMY SARGENT
AND ELLEN SARGENT; JACK HEALY
AND YVETTE HEALY; BO HARMON;
MICHAEL GOWAN; PHIL FRANK AND
DOROTHY FRANK; JOE HERNANDEZ
AND PAULA HERNANDEZ; DENNIS
MCINTYRE AND VALERI MCINTYRE;
ROBERT HECKMAN AND NATHAN
HECKMAN; JAMES VANDER MEER;
HAROLD WYATT AND MARY WYATT;
ROBERT CLARK; BETH TEITLEBAUM;
DANIEL SPILSBURY AND DELAINE
SPILSBURY; TERRY HUBERT AND
BONNIE HUBERT; RUSSELL ROGERS
AND SUSAN ROGERS; ROCKY ROA;
BEVERLY PATTERSON; DENNIS
CUNNINGHAM; RILEY MANZONIE;
DAVID NORWOOD; DAVID JOHNSON;
and DOES I-X,

Defendants.

NOTICE OF APPEAL

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NOTICE OF APPEAL

Notice is hereby given that ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Plaintiff, and MARY WYATT and HAROLD WYATT, Defendants, above named, hereby join in an appeal to the Supreme Court of Nevada from the District Court's Final Judgment entered in this action on the 26th day of February, 2018.

Dated this 6th day of March, 2018.

GERBER LAW OFFICES, LLP

By: _____

TRAVIS W. GERBER, ESQ.

Nevada State Bar No. 8083

ZACHARY A. GERBER, ESQ.

Nevada State Bar No. 13128

491 4th Street

Elko, Nevada 89801

(775) 738-9258

ATTORNEYS FOR PLAINTIFF, and
DEFENDANTS HAROLD AND
MARY WYATT

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES,
3 LLP, and that on the 6th day of March, 2018, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Notice of Appeal* addressed as follows:

5 Gayle A. Kern, Esq.
6 KERN & ASSOCIATES, LTD.
7 5421 Kietzke Lane, Suite 200
8 Reno, Nevada 89511

9 Madison Waller
10 Employee of Gerber Law Offices, LLP
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2010 MAR -6 PM 4: 09

U.S. DISTRICT COURT

1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: This document does
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6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8
9 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,
Plaintiff,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION, STEPHEN WEST;
12 DOMINIC DIBONA; EVELYN DIBONA;
MICHAEL BRENNAN AND MARNIE
BRENNAN; RICHARD BECKERDITE;
13 BILL NOBLE AND CHERYL NOBLE;
AARON MOTES; BILL HARMON AND
14 TERI HARMON; LEROY PERKS AND
NORA PERKS; JUAN LA CHICA AND
15 VICTORIA LA CHICA; BRAD KEIFE;
SEVEN K PROPERTIES; MIKE CECCHI
16 AND KRIS CECCHI; WAYNE CIRONE
AND ILA CIRONE; CONNIE STAFFORD;
17 AARON YOHEY; PAUL LUCAS; DAVE
MILLER; JAMES TAYLOR; MIKE MASON
18 AND SHELLY MASON; JIMMY SARGENT
AND ELLEN SARGENT; JACK HEALY
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MICHAEL GOWAN; PHIL FRANK AND
20 DOROTHY FRANK; JOE HERNANDEZ
AND PAULA HERNANDEZ; DENNIS
21 MCINTYRE AND VALERI MCINTYRE;
ROBERT HECKMAN AND NATHAN
22 HECKMAN; JAMES VANDER MEER;
HAROLD WYATT AND MARY WYATT;
23 ROBERT CLARK; BETH TEITLEBAUM;
DANIEL SPILSBURY AND DELAINE
24 SPILSBURY; TERRY HUBERT AND
BONNIE HUBERT; RUSSELL ROGERS
25 AND SUSAN ROGERS; ROCKY ROA;
BEVERLY PATTERSON; DENNIS
26 CUNNINGHAM; RILEY MANZONIE;
DAVID NORWOOD; DAVID JOHNSON;
27 and DOES I-X,

Defendants.

CASE APPEAL STATEMENT

CASE APPEAL STATEMENT

Appellants, ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Plaintiff, and MARY WYATT and HAROLD WYATT, Defendants, hereby file their Case Appeal Statement, pursuant to Rule 3 of the Nevada Rules of Appellate Procedure, as follows:

1. Name of appellant filing this case appeal statement:

Plaintiff Artemis Exploration Company, a Nevada corporation; and Defendants Harold Wyatt and Mary Wyatt.

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Judge Alvin R. Kacin, Fourth Judicial District Court, Department 2.

3. Identify each appellant and the name and address of counsel for each appellant:

Plaintiff Artemis Exploration Company, a Nevada corporation; and Defendants Harold Wyatt and Mary Wyatt are the appellants. Counsel for appellants are as follows:

TRAVIS W. GERBER, ESQ.
Nevada State Bar No. 8083
ZACHARY A. GERBER, ESQ.
Nevada State Bar No. 13128
GERBER LAW OFFICES, LLP
491 4th Street
Elko, Nevada 89801
(775) 738-9258

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Defendant Ruby Lake Estates Homeowner's Association is the respondent in this case. Respondent's counsel are as follows:

GAYLE A. KERN, ESQ.
Nevada State Bar No. 1620
KAREN M. AYARBE, ESQ.
Nevada State Bar. No. 3358
KERN & ASSOCIATES, LTD.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
(775) 324-5930

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney

1 permission to appear under SCR 42 (attach a copy of any district court order granting such
2 permission):

3 No. Appellants' and Respondent's counsel are licensed to practice law in the State of Nevada.

4 6. Indicate whether appellant was represented by appointed or retained counsel in the
5 district court:

6 Appellant was represented by retained counsel in the district court.

7 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

8 Appellant is represented by retained counsel on appeal.

9 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
10 of entry of the district court order granting such leave:

11 No. Appellant is not proceeding in forma pauperis.

12 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
13 indictment, information, or petition was filed):

14 Plaintiff/Appellant filed its Complaint on March 2, 2012.

15 10. Provide a brief description of the nature of the action and result in the district court
16 including the type of judgment or order being appealed and the relief granted by the district
17 court:

18 The central issues in this case are whether Ruby Lake Estates subdivision is a
19 common-interest community pursuant to NRS 116.021, whether RLEHOA is a valid unit-owners'
20 association pursuant to NRS 116.3101, and whether Ruby Lake Estates Homeowner's Association
21 has authority to levy mandatory assessments against lot owners.

22 Artemis Exploration Company ("Artemis") and Harold and Mary Wyatt ("Wyatts") are lot
23 owners in Ruby Lake Estates, a rural subdivision of 51 lots that was subdivided in 1989. The
24 recorded Declaration, Restrictions and Covenants of Ruby Lake Estates subdivision does not contain
25 any covenant or provision for the organization of a homeowner's association or for the payment of
26 dues or any common expenses. Ruby Lake Estates Homeowner's Association ("RLEHOA") was
27 organized by a group of lot owners in Ruby Lake Estates in 2006, 17 years after the conveyance of
28

1 the first lots. RLEHOA began assessing mandatory dues and compelling payment under threat of
2 liens.

3 The matter was submitted for non-binding arbitration through the Nevada Real Estate Division
4 pursuant to NRS 38.300 - NRS 38.360. An Arbitration Award was granted in RLEHOA's favor on
5 February 7, 2012. Artemis filed the instant case for judicial review on March 2, 2012, pursuant to
6 NRS 38.330(5) seeking a declaratory judgment establishing that RLEHOA is not a valid unit-owners'
7 association and that RLEHOA is not authorized by the Declaration, Restrictions and Covenants of
8 Ruby Lake Estates to assess or compel the payment of dues. RLEHOA filed counterclaims and a cross
9 claim. The District Court subsequently ordered the joinder of all property owners within Ruby Lake
10 Estates, including the Wyatts. All property owners were defaulted except for Artemis and the Wyatts,
11 and the parties subsequently stipulated to dismiss RLEHOA's counterclaims and cross claim, which
12 were dismissed by order entered on February 26, 2016.

13 Artemis and RLEHOA submitted Motions for Summary Judgment in the District Court action.
14 The District Court denied Artemis's Motion for Summary Judgment and entered its Order Granting
15 Defendant's Motion for Summary Judgment on February 14, 2013, in favor of RLEHOA.

16 In its Order Granting Defendant's Motion for Summary Judgment, the District Court
17 concluded that Ruby Lake Estates is a common-interest community because "1) the CC&R's are 'real
18 estate' within the meaning of NRS 116.081; and 2) the CC&Rs constitute contractual interests for
19 which Ruby Lake Estates lot owners were obligated to pay at the time of the HOA's incorporation."
20 The District Court also concluded that Ruby Lake Estates Homeowner's Association is a valid
21 homeowner's association because it was not bound by NRS 116.3101(1), which requires that "[a]
22 unit-owner's association must be organized no later than the date the first unit in the common-interest
23 community is conveyed." NRS 116.3101 (1).

24 On February 26, 2018, the District Court entered its Final Judgment, from which this appeal
25 is taken.

26 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
27 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of**
28 **the prior proceeding:**

1 Yes. ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Appellant, vs. RUBY
2 LAKE ESTATES HOMEOWNER'S ASSOCIATION, Respondent. Supreme Court Case No. 63338.

3 **12. Indicate whether this appeal involves child custody or visitation:**

4 No.

5 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

6 No.

7 Dated this 6th day of March, 2018.

8 **GERBER LAW OFFICES, LLP**

9 By: 

10 TRAVIS W. GERBER, ESQ.

Nevada State Bar No. 8083

11 ZACHARY A. GERBER, ESQ.

Nevada State Bar No. 13128

12 491 4th Street

Elko, Nevada 89801

(775) 738-9258

13 ATTORNEYS FOR PLAINTIFF, and

14 DEFENDANTS HAROLD AND

MARY WYATT

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES,
3 LLP, and that on the 6 day of March, 2018, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Case Appeal Statement* addressed as follows:

5 Gayle A. Kern, Esq.
6 KERN & ASSOCIATES, LTD.
7 5421 Kietzke Lane, Suite 200
8 Reno, Nevada 89511

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Madison Wallock
Employee of Gerber Law Offices, LLP

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 1
TIME 12:21

TYPE: CIVIL STATUS: CLOSED
ARTEMIS EXPLORATION COMPANY VS. RUBY LAKE

2/26/18

-----JUDGE-----
CURRENT: KACIN, ALVIN R
INAC 3/05/12: NO JUDGE ASSIGNED
INAC 8/15/12: PORTER, NANCY

--PARTY #--

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PC 001: ARTEMIS EXPLORATION COMPANY

-----ATTORNEYS-----
GERBER, TRAVIS
GERBER, TRAVIS INAC
GERBER, TRAVIS INAC

VS.

DN 002: RUBY LAKE ESTATES HOMEOWNER'S ASSO KERN, GAYLE A

DD 003: WEST, STEPHEN NONE

DD 004: DIBONA, DOMINIC NONE

DD 005: DIBONA, EVELYN NONE

DD 006: BRENNAN, MICHAEL NONE

DD 007: BRENNAN, MARNIE NONE

DD 008: BECKERDITE, RICHARD NONE

DD 009: NOBLE, BILL NONE

DD 010: NOBLE, CHERYL NONE

DD 011: MOTES, AARON NONE

DD 012: HARMON, BILL NONE

DD 013: HARMON, TERI NONE

DD 014: PERKS, LEROY NONE

DD 015: PERKS, NORA NONE

DD 016: LA CHICA, JUAN NONE

DD 017: LA CHICA, VICTORIA NONE

DD 018: KEIFE, BRAD NONE

DD 019: SEVEN K PROPERTIES NONE

DD 020: CECCHI, MIKE NONE

DD 021: CECCHI, KRIS NONE

DD 022: CIRONE, WAYNE NONE

DD 023: CIRONE, ILA NONE

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 2
TIME 12:21

| | |
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| DD 024: STAFFORD, CONNIE | NONE |
| DD 025: YOHEY, AARON | NONE |
| DD 026: LUCAS, PAUL | NONE |
| DD 027: MILLER, DAVE | NONE |
| DD 028: TAYLOR, JAMES | NONE |
| DD 029: MASON, MIKE | NONE |
| DD 030: MASON, SHELLY | NONE |
| DD 031: SARGENT, JIMMY | NONE |
| DD 032: SARGENT, ELLEN | NONE |
| DD 033: HEALY, JACK | NONE |
| DD 034: HEALY, YVETTE | NONE |
| DD 035: HARMON, BO | NONE |
| DD 036: GOWAN, MICHAEL | NONE |
| DD 037: GOWAN, MARY ANN | NONE |
| DD 038: FRANK, PHIL | NONE |
| DD 039: FRANK, DOROTHY | NONE |
| DD 040: HERNANDEZ, JOE | NONE |
| DD 041: HERNANDEZ, PAULA | NONE |
| DD 042: MCINTYRE, DENNIS | NONE |
| DD 043: MCINTYRE, VALERI | NONE |
| DD 044: HECKMAN, ROBERT | NONE |
| DD 045: HECKMAN, NATHAN | NONE |
| DD 046: VANDER MEER, JAMES | NONE |
| DD 047: WYATT, HAROLD | NONE |
| DD 048: WYATT, MARY | NONE |
| DD 049: CLARK, ROBERT | NONE |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 3
TIME 12:21

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|---|------|
| DD 050: TEITLEBAUM, BETH | NONE |
| DD 051: SPILSBURY, DANIEL | NONE |
| DD 052: SPILSBURY, DELAINE | NONE |
| DD 053: HUBERT, TERRY | NONE |
| DD 054: HUBERT, BONNIE | NONE |
| DD 055: ROGERS, RUSSELL DOB: 1/08/87 | NONE |
| DD 056: ROGERS, SUSAN | NONE |
| DD 057: ROA, ROCKY | NONE |

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|-----------------------------|---------------|----|-------|
| ISSUE 1: BREACH OF CONTRACT | ISSUES | CV | CVC01 |
| DISPOSITION: JUDGMENT | DATE: 2/26/18 | | |

MAJOR EVENTS

| | |
|-------------------------------|-------------------------------|
| 7/05/12 FILE CHECKED OUT BY: | ANTONUCCI000 |
| 8/14/12 FILE CHECKED IN BY: | ANTONUCCI000 |
| 8/14/12 FILE CHECKED OUT BY: | ANTONUCCI000 |
| 8/16/12 FILE CHECKED IN BY: | FLEURY 000 |
| 8/20/12 HEARING ON MOTION | FOR: 10/10/12 9:00 DC2SEC 000 |
| 9/13/12 FILE CHECKED OUT BY: | COOK 000 |
| 9/14/12 FILE CHECKED IN BY: | JAKEMAN 000 |
| 10/04/12 FILE CHECKED OUT BY: | COOK 000 |
| 2/14/13 FILE CHECKED IN BY: | PECK 000 |
| 4/04/13 FILE CHECKED OUT BY: | ANTONUCCI000 |
| 5/15/13 FILE CHECKED IN BY: | RODRIGUEZ000 |
| 6/05/13 FILE CHECKED OUT BY: | ANTONUCCI000 |
| 6/06/13 FILE CHECKED IN BY: | PECK 000 |
| 1/02/14 FILE CHECKED IN BY: | ANTONUCCI000 |
| 1/10/14 FILE CHECKED OUT BY: | PLUNKETT 000 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 4
TIME 12:21

| | | |
|-------------------------------|--------------------|------------|
| 1/10/14 FILE CHECKED IN BY: | PECK | 000 |
| 2/24/14 FILE CHECKED OUT BY: | TIPTON | 000 |
| 2/25/14 FILE CHECKED OUT BY: | PECK | 000 |
| 3/05/14 FILE CHECKED IN BY: | PECK | 000 |
| 3/06/14 HEARING ON MOTION | FOR: 5/28/14 13:30 | DC2SEC 000 |
| 3/07/14 FILE CHECKED IN BY: | PECK | 000 |
| 5/23/14 FILE CHECKED OUT BY: | DEMARS | 000 |
| 5/28/14 FILE REOPENED | MERKLEY | 000 |
| 5/01/15 FILE CHECKED IN BY: | RODRIGUEZ | 000 |
| 6/25/15 FILE CHECKED OUT BY: | DEMARS | 000 |
| 9/15/15 FILE CHECKED IN BY: | ANTONUCCI | 000 |
| 1/12/16 FILE CHECKED OUT BY: | PECK | 000 |
| 1/22/16 FILE CHECKED IN BY: | RODRIGUEZ | 000 |
| 1/26/16 FILE CHECKED OUT BY: | FLEURY | 000 |
| 2/10/16 FILE CHECKED IN BY: | RODRIGUEZ | 000 |
| 4/04/16 FILE CHECKED OUT BY: | PECK | 000 |
| 4/13/16 FILE CHECKED IN BY: | PECK | 000 |
| 9/30/16 FILE CHECKED OUT BY: | PECK | 000 |
| 10/03/16 FILE CHECKED IN BY: | PECK | 000 |
| 12/22/16 FILE CHECKED OUT BY: | RODRIGUEZ | 000 |
| 1/04/17 FILE CHECKED IN BY: | RODRIGUEZ | 000 |
| 2/14/17 FILE CHECKED OUT BY: | PLUNKETT | 000 |
| 3/08/17 HEARING ON MOTION | FOR: 5/02/17 13:30 | DC2SEC 000 |
| 3/08/17 FILE CHECKED IN BY: | PECK | 000 |
| 4/27/17 FILE CHECKED OUT BY: | DEMARS | 000 |
| 2/26/18 FILE CHECKED IN BY: | JALLEN | 000 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 5
TIME 12:21

2/26/18 DATE CLOSED DISPOSITION: JUDGMENT

| FILING DATE | EVENT | COMMENT | PROCEEDINGS EVENT DATE | ENTRY PERSON/P |
|----------------|---|---------|---------------------------|----------------|
| 3/02/12 | FILE OPENED - DC | | | PECK 000 |
| 3/02/12 | JUDGE ASSIGNED EVENT JUDGE: PORTER, NANCY | | | PECK 000 |
| 3/02/12 | COMPLAINT | | | PECK 001 |
| 3/21/12 | ACCEPTANCE OF SERVIC GAYLE A KERN ACCEPTANCE OF SERVICE ON MARCH 20, 2012 | | | PECK 001 |
| 3/28/12 | CERT OF MAILING | | | ANTONUCCI001 |
| 4/02/12 | ANSWER - CIVIL | | | PECK 002 |
| 4/16/12 | ANSWER & COUNTRCLAIM | | | PECK 001 |
| 4/30/12 | MOT FOR SUMMARY JUDG | | | ANTONUCCI001 |
| 5/02/12 | NOTICE OF EARLY CASE CONFERENCE (AS TO COUNTERCLAIM) | | | WAND 002 |
| 5/14/12 | NOTICE OF NRCP 16.1 | | | ANTONUCCI001 |
| 5/30/12 | OPPOSITION TO PLAINTIFFS MOT FOR SUMMARY JUDGMENT | | | FLEURY 002 |
| 5/30/12 | MOT FOR SUMMARY JUDG | | | FLEURY 002 |
| 5/30/12 | EXHIBIT(S) IN SUPPORT OF OPPOSITION TO PLAINTIFFS MOT FOR SUM JUDGMENT AND MOT FOR SUM JUDGMENT | | | FLEURY 002 |
| 5/30/12 | NOTE ADDED TO FILE CREATED VOL 2 | | | FLEURY 000 |
| 5/31/12 | AFFID OF ROBERT WINES | | | ANTONUCCI002 |
| 6/15/12 | JOINT CASE CONF RPT | | | WAND 000 |
| 6/15/12 | NOTE ADDED TO FILE VOL. 3 STARTED | | | WAND 000 |
| 6/15/12 | REPLY TO OPPOSITION TO PL'S MOT FOR SUMMARY JUDGMENT | | | ANTONUCCI001 |
| 6/22/12 | OPPOSITION TO MOTION | | | ANTONUCCI001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 6
TIME 12:21

FOR SUMMARY JUDGMENT

| | | |
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| 7/05/12 | REPLY TO OPPOSITION TO RELEHOA'S MOT FOR SUMMARY JUDGMENT | ANTONUCCI002 |
| 7/05/12 | REQUEST FOR REVIEW MOT FOR SUMMARY JUDGMENT | ANTONUCCI002 |
| 7/05/12 | FILE CHECKED OUT BY: DC I for review/signature VOL 3 ONLY | ANTONUCCI000 |
| 7/05/12 | NOTE ADDED TO FILE VOL 4 CREATED | ANTONUCCI000 |
| 7/09/12 | REQUEST for oral argument to be set on df's mot for summary judgement (07/09 sent plead to dc 1 file ckout) | ANTONUCCI002 |
| 7/11/12 | REQUEST FOR REVIEW FILE CHECKED OUT SENT PLEADING UP TO DC 1 | PECK 001 |
| 8/09/12 | SUPPLEMENTAL RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION'S SUPPLEMENT TO EXHIBITS TO MOTION FOR SUMMARY JUDGMENT (copy ret'd to attorney, original to DC1) | JAKEMAN 002 |
| 8/14/12 | SUPPLEMENTAL SECOND SUPPLEMENTAL TO EXHIBITS TO MOT FOR SUMMARY JUDGEMENT (08/14 SENT PLEAD TO DC 1 FILE CKOUT) | ANTONUCCI002 |
| 8/14/12 | FILE CHECKED IN BY: | ANTONUCCI000 |
| 8/14/12 | ORD OF RECUSAL | ANTONUCCI000 |
| 8/14/12 | FILE CHECKED OUT BY: DC 2 for review/signature VOL 1, 2, 3 AND 4 | ANTONUCCI000 |
| 8/16/12 | FILE CHECKED IN BY: VOL 1-4 | FLEURY 000 |
| 8/20/12 | HEARING ON MOTION -hearing on motion for summary judgment -gerber to prepare order setting hearing on motion | FOR: 10/10/12 9:00 DC2SEC 000 |
| 8/23/12 | AFFIDAVIT ORIGINAL AFFIDAVITS OF MICHAEL WAYNE MASON AND SHELLY RENEE MASON PREVIOUSLY FILED AS EXHIBITS TO RUBY LAKE ESTATES HOMEOWNER'S ASSOC'S 2ND SUPPLEMENTAL TO | RODRIGUEZ002 |

EXHIBITS TO MOT FOR SUMMARY JUDGMENT

| | | |
|---|-----------|-----|
| 9/13/12 FILE CHECKED OUT BY: DC 2 for review/signature Vol. 4 | COOK | 000 |
| 9/14/12 FILE CHECKED IN BY: | JAKEMAN | 000 |
| 9/14/12 ORD SETTING HEARING ON MOTIONS FOR SUMMARY JUDGMENT (2 copies Gerber's box) | JAKEMAN | 000 |
| 10/04/12 FILE CHECKED OUT BY: DC 2 for review/signature | COOK | 000 |
| 10/10/12 HRG - DC2 CVHRG | COOK | 001 |
| 2/12/13 ORD DENYING MOTION ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMT (FILE STILL CHECKED OUT SENT PLEADING UP TO DC 2) | PECK | 000 |
| 2/14/13 FILE CHECKED IN BY: VOL 1-4 | PECK | 000 |
| 2/14/13 ORD GRANTING MOTION ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT | PECK | 000 |
| 3/01/13 MOTION FOR CONFIRMATION AND JUDGMENT ON AN ARBITRATION AWARD (NRS 38.239 AND NRS 38.330(5) AND AWARD OF ATTORNEY'S FEES AND COSTS (copy ret'd to Kern) | JAKEMAN | 002 |
| 3/01/13 AFFID OF GAYLE A KERN IN SUPPORT OF ATTORNEY'S FEES AND COSTS (copy ret'd to Kern) | JAKEMAN | 002 |
| 3/01/13 MEMO OF COSTS (copy ret'd to Kern) | JAKEMAN | 002 |
| 3/01/13 NOTICE OF ENTRY ORDR ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (copy ret'd to Kern) | JAKEMAN | 002 |
| 3/01/13 NOTICE OF ENTRY ORDR ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (copy ret'd to Kern) | JAKEMAN | 002 |
| 3/15/13 OPPOSITION TO MOTION FOR CONFIRMATION & JUDGMENT ON AN ARBITRATION AWARD & AWARD OF ATTORNEY FEES & COSTS | RODRIGUEZ | 001 |
| 3/29/13 REPLY TO OPPOSITION | RODRIGUEZ | 002 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 8
TIME 12:21

TO MOT FOR CONFIRMATION AND JUDGMENT

| | |
|--|--------------|
| 3/29/13 SUPPLEMENTAL AFFIDAVIT OF GAYLE KERN IN SUPPOT OF ATTORNEY'S FEES AND COSTS | RODRIGUEZ002 |
| 3/29/13 SUPPLEMENTAL MEMORANDUM OF COSTS | RODRIGUEZ002 |
| 4/04/13 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER ORD GRANTING MOTION MOTION FOR CONFIRMATION & JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY FEES AND COSTS | ANTONUCCI002 |
| 4/04/13 FILE CHECKED OUT BY: DC 2 for review/signature | ANTONUCCI000 |
| 5/15/13 FILE CHECKED IN BY: VOL 4 ONLY | RODRIGUEZ000 |
| 5/15/13 ORD GRANTING MOTION FOR CONFIRMATION AND JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY FEES AND COSTS (4 PGS) | RODRIGUEZ000 |
| 5/20/13 REQUEST FOR AMENDED ORDER GRANTING DEF MOTION FOR CONFIRMATION AND JUDGEMENT ON A ARBITRATION AWARD OF ATTORNEYS FEES AND COSTS | PLUNKETT 002 |
| 5/29/13 OPPOSITION TO DF'S RQST FOR AMENDED ORDER | RODRIGUEZ001 |
| 6/03/13 NOTICE OF APPEAL-CV NOTICE OF APPEAL-CIVIL W/APPEAL BOND | RODRIGUEZ001 |
| 6/03/13 FILING FEE PAID | RODRIGUEZ001 |
| 6/03/13 CASE APPEAL STATEMNT | RODRIGUEZ001 |
| 6/03/13 BOND ON APPEAL COST BOND FILED BY GERBER'S LAW OFFICE GERBER'S LAW OFFICE CHECK #2904 IN THE AMOUNT OF \$500.00 | RODRIGUEZ001 |
| 6/03/13 NOTICE OF POSTING SUPERSEDEAS BOND | RODRIGUEZ001 |
| 6/03/13 RECEIPT(S) OF SUPERSEDEAS BOND CK # 1128 IN THE AMOUNT OF \$55,440.14 REC'D FROM ARTEMIS EXPLORATION CO THROUGH GERBER'S LAW OFFICE | RODRIGUEZ001 |
| 6/05/13 FILE CHECKED OUT BY: | ANTONUCCI000 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 9
TIME 12:21

DC 2 for review/signature

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| 6/05/13 | REPLY TO OPPOSITION | PLUNKETT | 002 |
| 6/05/13 | REQUEST FOR REVIEW | PLUNKETT | 002 |
| | DISPOSITION: RESPONSE/ORDER judgment REQUEST FOR AMENDED ORDER GRANTING DEF MOTION FOR CONFIRMATION AND JUDGEMENT ON AN ARBITRATION AWARD OF ATTORNEY'S FEES AND COSTS (PLEADING PUT IN DC2 BOX) | | |
| 6/06/13 | FILE CHECKED IN BY: | PECK | 000 |
| 6/06/13 | LETTER FROM KERN & ASSOCIATES LTD | PECK | 000 |
| 6/06/13 | JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY'S FEES AND COSTS | PECK | 000 |
| 6/06/13 | CLERK'S CERTIFICATE MAILED APPEAL PACKETS TO ATT GENERAL, PL'S BOX, MAIL TO APPELLANTS ATTORNEY ON 06/06/13 | ANTONUCCI | 000 |
| 6/10/13 | SUPREME CT RECEIPT filing fee / Notice of Appeal | TIPTON | 000 |
| 6/13/13 | SUPREME CT RECEIPT | ANTONUCCI | 000 |
| 6/21/13 | COPIES PREPARED FOR TO GERBER'S LAW OFFICE OF MOTION FILED 3/1/13 AND JUDGMENT FILED 6/6/13 | RODRIGUEZ | 001 |
| 7/12/13 | NOTICE OF ENTRY ORDR GRANTING DEF MOTION FOR CONFIRMATION OF JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY'S FEE AND COST AND 2 JUDGMENT ON AN ABBITRATION AWARD AND A WARD OF ATTORNEYS FEES AND COSTS | PECK | 000 |
| 7/15/13 | NOTICE OF POSTING ADDITIONAL SUPERSEDEAS BOND | PLUNKETT | 001 |
| 7/15/13 | RECEIPT(S) OF SUPERSEDEAS BOND | PLUNKETT | 001 |
| 7/15/13 | DEPOSIT OF FUNDS CK #1138 SUPERSEDEAS BOND \$26,810.67 | PLUNKETT | 001 |
| 11/26/13 | MOTION FOR RELIEF FROM JUDGMENT OR ORDER (NRCP 60(B) AND MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS REMAINING COUNTER CLAIMS | PECK | 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 10
TIME 12:21

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| 12/05/13 MISC PLEADING | PLUNKETT 001 |
| PLAINTIFF/COUNTERDEFENDANTS FIRST SUPPLEMENT TO THE JOINT CASE CONFERENCE REPORT | |
| 1/02/14 NOTICE OF | PLUNKETT 001 |
| ORDER DISMISSING APPEAL | |
| 1/02/14 FILE CHECKED IN BY: | ANTONUCCI000 |
| 1/02/14 SUPREME CT ORDER | ANTONUCCI000 |
| dismissing appeal | |
| 1/10/14 FILING FEE PAID | PECK 002 |
| \$25 CHECK NUMBER 20644 | |
| 1/10/14 OPPOSITION | PECK 002 |
| TO ARTEMIS EXPLORATION COMPANY'S MOTION FOR RELIEF FR OM JUDGMENT OR ORDER (NRCP 60(B) AND RUBY LAKE ESTATE HOMEOWNER'S ASS OPPOSITION TO ARTEMIS MOTIN FOR SUMMARY JUDGMENT ON DEF REMAINING COUNTERCLAIMS | |
| 1/10/14 SUPPLEMENTAL | PECK 002 |
| SECOND SUPPLEMENTAL MEMORANDUM OF COSTS | |
| 1/10/14 FILE CHECKED OUT BY: | PLUNKETT 000 |
| DC 2 for review/signature | |
| 1/10/14 FILE CHECKED IN BY: | PECK 000 |
| ON KA'S DESK | |
| 1/23/14 MOTION | PECK 001 |
| TO RELEASE COST BOND AND SUPERSEDEAS BONDS | |
| 1/23/14 NOTICE OF APPEARANCE | PECK 001 |
| 1/23/14 REPLY | PECK 001 |
| TO RUBY LAKE ESTATES HOMEOWNERS ASS ECT | |
| 1/23/14 MOT FOR SUMMARY JUDG | ANTONUCCI002 |
| (01/24 SENT PLEAD TO DC 2 FILE CKOUT) | |
| 1/30/14 VOLUME CREATED | PECK 000 |
| VOLUME 05 CREATED | |
| 1/30/14 AFFID OF | PECK 000 |
| ELIZABETH ESSINGTON | |
| 2/07/14 OPPOSITION TO MOTION | PECK 001 |
| FOR SUMMARY JUDGMENT ON COUNTERCLAIMS | |
| 2/21/14 FAX | FLEURY 002 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 11
TIME 12:21

OF REPLY POINTS & AUTHORITIES IN SUPPORT OF RUBY LAKE
ESTATES HOMEOWNERS ASSO MOT FOR SUMMARY JUDGMENT ON
COUNTER CLAIMS

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| 2/21/14 FAX | | FLEURY | 002 |
| THIRD SUPPLEMENTAL MEMO OF COSTS | | | |
| 2/24/14 REPLY | | TIPTON | 002 |
| POINTS AND AUTHORITIES IN SUPPORT OF RUBY LAKES ESTATES HOMEOWNERS ASSOCIATIONSMOTION FOR SUMMARY JUDGMENT ON COUNTERCLAIMS | | | |
| 2/24/14 MEMO OF COSTS | | TIPTON | 002 |
| third supplemental memorandum of costs | | | |
| 2/24/14 REQUEST FOR REVIEW | | TIPTON | 002 |
| 2/24/14 FILE CHECKED OUT BY: | | TIPTON | 000 |
| DC 2 for review/signature Vol 5 only | | | |
| 2/25/14 FILE CHECKED OUT BY: | | PECK | 000 |
| DC 2 for review/signature VOL 1 & 4 | | | |
| 2/25/14 REQUEST FOR REVIEW | | PLUNKETT | 001 |
| 3/05/14 FILE CHECKED IN BY: | | PECK | 000 |
| VOL 1 AND 4 | | | |
| 3/06/14 HEARING ON MOTION | FOR: 5/28/14 13:30 | DC2SEC | 000 |
| -hearing on motion for summary judgment & motion for relief from judgment or order | | | |
| 3/07/14 FILE CHECKED IN BY: | | PECK | 000 |
| 3/07/14 ORD SETTING HEARING | | PECK | 000 |
| 5/23/14 FILE CHECKED OUT BY: | | DEMARS | 000 |
| DC 2 for review/signature | | | |
| 5/28/14 REQUEST FOR REVIEW | | RODRIGUEZ | 001 |
| DISPOSITION: RESPONSE/ORDER ORD RELEASING BONDS 8/12/14 OF MOT TO RELEASE COST BOND PLEADING PLACED IN DC 2 PICK UP BOX @ 11:50 | | | |
| 5/28/14 HRG - DC2 CVHRG | | DEMARS | 000 |
| HEARING ON MOTION FOR RELIEF FROM JUDGMENT AND MOTION FOR SUMMARY JUDGMENT RE: REMAINING COUNTERCLAIMS | | | |
| 5/28/14 FILE REOPENED | | MERKLEY | 000 |
| 6/12/14 SUBMISSION OF ORDER | | PECK | 000 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 12
TIME 12:21

ORDER SENT TO JUDGE FOR SIGNATURE ORDER RELEASING
COST BOND AND SUPERSEDEAS BONDS

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| 7/15/14 REQUEST FOR REVIEW | PECK | 001 |
| DISPOSITION: RESPONSE/ORDER ORD RELEASING BONDS 8/12/14 | | |
| SECOND REQUEST FOR THE MOTION TO RELEASE COST | | |
| BOND AND SUPERSEDEAS BONDS | | |
| (FILE CHECKED OUT SENT PLEADING TO DC 2) | | |
| 8/08/14 REQUEST FOR REVIEW | ANTONUCCI | 001 |
| DISPOSITION: RESPONSE/ORDER ORD RELEASING BONDS 8/12/14 | | |
| THIRD REQUEST FOR REVIEW OF PL/CTRDF'S MOT TO | | |
| RELEASE COST BOND AND SUPERSEDEAS BONDS FILED 01/23/ | | |
| 14. (SENT PLEAD TO DC 2 FILE CKOUT) | | |
| 8/12/14 ORD TO RELEASE FUNDS | RODRIGUEZ | 000 |
| ORD RELEASING COST BOND AND SUPERSEDEAS BONDS | | |
| CLERK'S CK#1099 IN THE AMOUNT OF \$82,750.81 MADE | | |
| PAYABLE TO ARTEMIS EXPLORATION COMPANY ON 8/13/14 | | |
| PLEADING PLACED IN DC2 PICK UP BOX @ 4:59 8/15/14 | | |
| 8/13/14 NOTICE OF ENTRY ORDR | RODRIGUEZ | 001 |
| PLEADING PLACED IN DC2 PICK UP BOX @ 4:59 8/15/14 | | |
| 1/14/15 REQUEST FOR REVIEW | RODRIGUEZ | 001 |
| DISPOSITION: RESPONSE/ORDER ORD GRANTING MOTION | | |
| 2ND RQST TO REVIEW PLNTF'S MOT FOR RELIEF | | |
| PLEADING PLACED IN DC2 PIC UP BOX @ 3:29 | | |
| 4/14/15 ORD GRANTING MOTION | PECK | 000 |
| FOR RELIEF FROM JUDGMENT | | |
| (FILE CHECKED OUT SENT PLEADING TO DC 2) | | |
| 4/17/15 NOTICE OF ENTRY ORDR | RODRIGUEZ | 001 |
| PLEADING PLACED IN DC2 PICK UP BOX @ 4:36 | | |
| 5/01/15 ORD SETTING HEARING | RODRIGUEZ | 000 |
| 5/01/15 FILE CHECKED IN BY: | RODRIGUEZ | 000 |
| VOL 1 2 3 4 5 | | |
| 5/18/15 HEARING | FOR: 7/01/15 13:30 DC2SEC | 000 |
| -hearing to show cause why ruby lake estates lot owne | | |
| rs, other than artemis, should not be made parties to | | |
| the counterclaim for declaratory relief. | | |
| 6/04/15 MOTION | PECK | 001 |
| FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY | | |
| JUDGMENT ON DEFENDANT'S REMAINING COUNTERCLAIMS AND | | |
| MOTION FOR RECONSIDERATION OF ORDERS DENYING | | |
| PLAINTIFF'S AND GRANTING DEF MOTIONS FOR SUMMARY | | |
| 6/22/15 OPPOSITION TO MOTION | MERKLEY | 002 |

FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY
JUDGMENT ON DEFENDANT'S REMAINING COUNTERCLAIMS AND
OPPOSITION TO MOTION FOR RECONSIDERATION OF ORDERS
DENYING PLAINTIFF'S AND GRANTING DEFENDANT'S MOTIONS
FOR SUMMARY JUDGMENT

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| 6/23/15 | CERTIFICATE OF PERSONAL SERVICE OF RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION OPPOSITION TO MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT OF DEF REMAINING COUNTERCLAIMS AND OPPOSITION TO MOTION FOR RECONSIDERATION OF ORDERS DENYIN PLAINTIFFS AND GRANTIN DEF MOTIONS FOR SUMMARY JUDGMENT | PECK | 000 |
| 6/25/15 | FILE CHECKED OUT BY: DC 2 for review/signature | DEMARS | 000 |
| 6/30/15 | REPLY IN SPRT OF MOT FOR LEAVE AND REPLY IN SPRT OF MOTION FOR RECONSIDERATION PLEADING PLACED IN DC2 PICK UP BOX @12:00 ON 7/1/15 | RODRIGUEZ | 001 |
| 6/30/15 | REQUEST FOR REVIEW OF MOT FOR LEAVE AND FOR RECONSIDERATION PLEADING PLACED IN DC2 PICK UP BOX @12:00 ON 7/1/15 | RODRIGUEZ | 001 |
| 7/01/15 | HRG - OSC | DEMARS | 000 |
| 7/01/15 | COPIES PREPARED FOR OF CD TO GAYLE A KERN LTD | PECK | 002 |
| 9/11/15 | ORDER re: joinder of necessary parties (sent plead to dc 2 file ckout) | ANTONUCCI | 000 |
| 9/14/15 | NOTICE OF ENTRY ORDR ORDER RE: JOINDER OF NECESSARY PARTIES (FILE CHECKED OUT SENT PLEADING UP TO DC 2) | PECK | 000 |
| 9/15/15 | FILE CHECKED IN BY: vol #1, 2, 3, 4, 5 6 | ANTONUCCI | 000 |
| 1/12/16 | FILE CHECKED OUT BY: x02 | PECK | 000 |
| 1/12/16 | SUBMISSION OF ORDER ORDER SENT TO JUDGE FOR SIGNATURE STIP AND ORDER TO AMEND COMPLAINT, ANSWER AND COUNTERCLAIM PURSUANT TO ORDER RE: JOINDER OF NECESSARY PARTIES ENTERED SEP 11, 2015 | PECK | 000 |
| 1/19/16 | SUBMISSION OF ORDER | PECK | 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 14
TIME 12:21

ORDER SENT TO JUDGE FOR SIGNATURE AMENDED STIP
AND ORDER TO AMEND COMPLAINT ANSWER AND COUNTERCLAIM
PURSUANT TO ORDER RE: JOINDER OF NECESSARY PARTIES
ENTERED SEP 11, 2015

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| 1/22/16 FILE CHECKED IN BY: VOL 6 ONLY | RODRIGUEZ000 |
| 1/26/16 FILE CHECKED OUT BY: DC I for review/signature VOL 6 | FLEURY 000 |
| 2/10/16 AMENDED ORDER AMENDED STIP & ORD TO AMEND COMPLAINT, ANSWER & CNTRCLM PURSUANT TO ORD RE: JOINDER OF NECESSART PARTIES ENTERED 9/11/15 | RODRIGUEZ000 |
| 2/10/16 FILE CHECKED IN BY: VOL 6 ONLY | RODRIGUEZ000 |
| 2/17/16 SUMMONS ISSUED STEPHEN WEST | PECK 001 |
| 2/17/16 SUMMONS ISSUED DOMINIC DIBONA | PECK 001 |
| 2/17/16 SUMMONS ISSUED EVELYN DIBONA | PECK 001 |
| 2/17/16 SUMMONS ISSUED MICHAEL BRENNAN | PECK 001 |
| 2/17/16 SUMMONS ISSUED MARNIE BRENNAN | PECK 001 |
| 2/17/16 SUMMONS ISSUED RICHARD BECKERDITE | PECK 001 |
| 2/17/16 SUMMONS ISSUED BILL NOBLE | PECK 001 |
| 2/17/16 SUMMONS ISSUED CHERYL NOBLE | PECK 001 |
| 2/17/16 SUMMONS ISSUED AARON MOTES | PECK 001 |
| 2/17/16 SUMMONS ISSUED BILL HARMON | PECK 001 |
| 2/17/16 SUMMONS ISSUED TERI HARMON | PECK 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 15
TIME 12:21

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| 2/17/16 SUMMONS ISSUED LEROY PERKS | PECK | 001 |
| 2/17/16 SUMMONS ISSUED NORA PERKS | PECK | 001 |
| 2/17/16 SUMMONS ISSUED JUAN LA CHICA | PECK | 001 |
| 2/17/16 SUMMONS ISSUED VICTORIA LA CHICA | PECK | 001 |
| 2/17/16 SUMMONS ISSUED BRAD KEIFE | PECK | 001 |
| 2/17/16 SUMMONS ISSUED SEVEN K PROPERTIES | PECK | 001 |
| 2/17/16 SUMMONS ISSUED MIKE CECCHI | PECK | 001 |
| 2/17/16 SUMMONS ISSUED KRIS CECCHI | PECK | 001 |
| 2/17/16 SUMMONS ISSUED WAYNE CIRONE | PECK | 001 |
| 2/17/16 SUMMONS ISSUED ILA CIRONE | PECK | 001 |
| 2/17/16 SUMMONS ISSUED CONNIE STAFFORD | PECK | 001 |
| 2/17/16 SUMMONS ISSUED AARON YOHEY | PECK | 001 |
| 2/17/16 SUMMONS ISSUED PAUL LUCAS | PECK | 001 |
| 2/17/16 SUMMONS ISSUED DAVE MILLER | PECK | 001 |
| 2/17/16 SUMMONS ISSUED JAMES TAYLOR | PECK | 001 |
| 2/17/16 SUMMONS ISSUED MIKE MASON | PECK | 001 |
| 2/17/16 SUMMONS ISSUED SHELLY MASON | PECK | 001 |
| 2/17/16 SUMMONS ISSUED | PECK | 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 16
TIME 12:21

JIMMY SARGENT

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| 2/17/16 SUMMONS ISSUED ELLEN SARGENT | PECK | 001 |
| 2/17/16 SUMMONS ISSUED JACK HEALY | PECK | 001 |
| 2/17/16 SUMMONS ISSUED YVETTE HEALY | PECK | 001 |
| 2/17/16 SUMMONS ISSUED BO HARMON | PECK | 001 |
| 2/17/16 SUMMONS ISSUED MICHAEL GOWAN | PECK | 001 |
| 2/17/16 SUMMONS ISSUED MARY ANN GOWAN | PECK | 001 |
| 2/17/16 SUMMONS ISSUED PHIL FRANK | PECK | 001 |
| 2/17/16 SUMMONS ISSUED DOROTHY FRANK | PECK | 001 |
| 2/17/16 SUMMONS ISSUED JOE HERNANDEZ | PECK | 001 |
| 2/17/16 SUMMONS ISSUED PAULA HERNANDEZ | PECK | 001 |
| 2/17/16 SUMMONS ISSUED DENNIS MCINTYRE | PECK | 001 |
| 2/17/16 SUMMONS ISSUED VALERI MCINTYRE | PECK | 001 |
| 2/17/16 SUMMONS ISSUED ROBERT HECKMAN | PECK | 001 |
| 2/17/16 SUMMONS ISSUED NATHAN HECKMAN | PECK | 001 |
| 2/17/16 SUMMONS ISSUED JAMES VANDER MEER | PECK | 001 |
| 2/17/16 SUMMONS ISSUED HAROLD WYATT | PECK | 001 |
| 2/17/16 SUMMONS ISSUED MARY WYATT | PECK | 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 17
TIME 12:21

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| 2/17/16 SUMMONS ISSUED ROBERT CLARK | PECK | 001 |
| 2/17/16 SUMMONS ISSUED BETH TEITLEBAUM | PECK | 001 |
| 2/17/16 SUMMONS ISSUED DANIEL SPILSBURY | PECK | 001 |
| 2/17/16 SUMMONS ISSUED DELAINE SPILSBURY | PECK | 001 |
| 2/17/16 SUMMONS ISSUED TERRY HUBERT | PECK | 001 |
| 2/17/16 SUMMONS ISSUED BONNIE HUBERT | PECK | 001 |
| 2/17/16 SUMMONS ISSUED RUSSELL ROGERS | PECK | 001 |
| 2/17/16 SUMMONS ISSUED SUSAN ROGERS | PECK | 001 |
| 2/17/16 SUMMONS ISSUED ROCKY ROA | PECK | 001 |
| 2/17/16 AMENDED FIRST AMENDED COMPLAINT | PECK | 001 |
| 3/11/16 ANSWER TO FIRST AMENDED COMPALINT; COUNTERCLAIM AND CROSS-CLAIM | ANTONUCCI | 002 |
| 4/04/16 SUBMISSION OF ORDER ORDER SENT TO JUDGE FOR SIGNATURE STIP AND ORDER TO FILE SECOND AMENDED COMPLAINT AND ANSWER TO SECOND AMENDED COMPLAINT | PECK | 000 |
| 4/04/16 FILE CHECKED OUT BY: DC 2 for review/signature (COPIES SUBMITTED) | PECK | 000 |
| 4/13/16 FILE CHECKED IN BY: VOL 6 ONLY | PECK | 000 |
| 4/13/16 STIPULATION & ORDER TO FILE SECOND AMENDED OCMPLAINT AND ANSWER TO SECONDAMENDED COMPAINIT, COUNTERCLAIM AND CROSSCLAIM PUSUANT TO ORDER RE: JOINDER OF NECESSARY PARTIES ENTERED SEPTEMBER | PECK | 000 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 18
TIME 12:21

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| 4/14/16 SECOND AM COMPLAINT | RODRIGUEZ001 |
| 4/14/16 SUMMONS ISSUED MANY SUMMONS ISSUED | RODRIGUEZ001 |
| 4/14/16 ANSWER & COUNTRCLAIM ANSWER TO 2ND AMENDED COMPLAINT; COUNTERCLAIM AND CROSS-CLAIM | RODRIGUEZ002 |
| 5/03/16 ACCEPTANCE OF SERVIC DOROTHY FRANK SERVED ON 4/25/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC MARY WYATT SERVED ON 4/21/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC HAROLD WYATT SERVED ON 4/21/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC DELAINE SPILSBURY SERVED ON 4/28/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC MICHAEL BRENNAN SERVED ON 4/28/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC DANIEL SPILSBURY SERVED ON 4/28/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC JIMMY SARGEND SERVED ON 4/26/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC PAUL LUCAS SERVED ON 4/26/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC BERVERLY PATTERSON SERVED ON 4/29/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC ROCKY ROA SERVED ON 4/28/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC RUSSELL ROGERS SERVED ON 4/25/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC SUSAN ROGERS SERVED ON 4/25/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC ELLEN SARGENT SERVED ON 4/26/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC LEROY PERKS SERVED ON 4/26/16 | PECK 001 |
| 5/03/16 ACCEPTANCE OF SERVIC | PECK 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 19
TIME 12:21

NORA PERKS SERVED ON 4/25/16

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| 5/03/16 ACCEPTANCE OF SERVIC PAULA HERNNDEZ SERVED ON 4/26/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC JOE HERNANDEZ 4/26/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC DAVID NORWOOD APRIL 25, 2016 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC STEPHEN WEST SERVED ON 4/23/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC BO HARMON 4/29/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC TERI HARMON SERVED ON 4/29/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC BILL HARMON SERVED ON 4/29/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC ROBERT CLARK 4/20/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC CONNIE STAFFORD SERVED ON 4/24/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC AARON YOHEY SERVED ON 4/24/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC RICHARD BECKERDITE SERVED ON 4/25/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC ILA CIRONE SERVED ON 4/28/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC MARNIE BRENNAN SERVED ON 4/28/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC WAYNE CIRONE SERVED ON 4/28/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC JAMES VANDER MEER SERVED ON 4/25/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC BILL NOBLE SERVED ON 5/3/16 | PECK | 001 |
| 5/03/16 ACCEPTANCE OF SERVIC CHERYL NOBLE SERVED ON 5/3/16 | PECK | 001 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 20
TIME 12:21

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| 5/04/16 ACCEPTANCE OF SERVIC PHIL FRANK SERVED ON 4/25/16 | PECK | 001 |
| 5/04/16 ACCEPTANCE OF SERVIC riley manzonie served on 5/1/16 | PECK | 001 |
| 5/04/16 ANSWER TO SECOND AMENDED COUNTERCLAIM | PECK | 001 |
| 5/05/16 ACCEPTANCE OF SERVIC ROBERT HECKMAN SERVED ON 4/30/16 | PECK | 001 |
| 5/05/16 ACCEPTANCE OF SERVIC TERRY HUBERT SERVED ON 5/2/16 | PECK | 001 |
| 5/05/16 ACCEPTANCE OF SERVIC BONNIE HUBERT SERVED ON 5/2/16 | PECK | 001 |
| 5/05/16 ACCEPTANCE OF SERVIC VALERI MCINTYRE SERVED ON 4/29/16 | PECK | 001 |
| 5/05/16 ACCEPTANCE OF SERVIC DAVE MILLER SERVED ON 4/30/16 | PECK | 001 |
| 5/05/16 ACCEPTANCE OF SERVIC DENNIS MCINTYRE SERVED ON 4/30/16 | PECK | 001 |
| 5/09/16 ACCEPTANCE OF SERVIC SIGNED BY MIKE MASON ON 5/5/16 | RODRIGUEZ | 001 |
| 5/09/16 ACCEPTANCE OF SERVIC SIGNED BY SHELLY MASON ON 5/5/16 | RODRIGUEZ | 001 |
| 5/09/16 ACCEPTANCE OF SERVIC SIGNED BY JAMES TAYLOR ON 5/2/16 | RODRIGUEZ | 001 |
| 5/09/16 ACCEPTANCE OF SERVIC SIGNED BY NATHAN HECKMAN ON 5/4/16 | RODRIGUEZ | 001 |
| 5/09/16 ACCEPTANCE OF SERVIC SIGNED BY SEVEN K PROPERTIES ON 5/4/16 | RODRIGUEZ | 001 |
| 5/12/16 ANSWER TO SECOND AMENDED COMPLAING AND CROSS-CLAIM HAROLD WYATT AND MARY WATT'S | PECK | 001 |
| 5/12/16 ACCEPTANCE OF SERVIC DENNIS CUNNINGHAM SERVED ON 5/9/16 | PECK | 001 |
| 5/16/16 ACKLDGMNT OF SERVICE JACK HEALY SERVED ON 5/8/16 | PECK | 001 |

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DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 21
TIME 12:21

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| 5/16/16 ACCEPTANCE OF SERVIC YVETTE HEALY SERVED ON 5/11/16 | PECK | 001 |
| 5/16/16 ACCEPTANCE OF SERVIC BRAD KEIFE 4/25/16 | PECK | 001 |
| 5/23/16 ACCEPTANCE OF SERVIC SIGNED BY JUAN LA CHICA | RODRIGUEZ | 001 |
| 5/23/16 ACCEPTANCE OF SERVIC SIGNED BY VICTORIA LA CHICA | RODRIGUEZ | 001 |
| 5/24/16 CERTIFICATE OF SERV | PECK | 000 |
| 6/01/16 SUMMONS ISSUED X2 | PECK | 001 |
| 6/06/16 ACCEPTANCE OF SERVIC SIGNED BY AARON MOTES | RODRIGUEZ | 001 |
| 6/17/16 ACCEPTANCE OF SERVIC MICHAEL GOWAN SERVED ON 6/15/16 | PECK | 001 |
| 6/21/16 ACCEPTANCE OF SERVIC SIGNED BY BETH TEITLEBAUM | RODRIGUEZ | 001 |
| 7/29/16 SUMMONS ISSUED FOR KRIS CECCHI | RODRIGUEZ | 001 |
| 7/29/16 SUMMONS ISSUED MIKE CECCHI | RODRIGUEZ | 001 |
| 8/22/16 DECLARATION OF SERVICE | RODRIGUEZ | 001 |
| 8/29/16 ACCEPTANCE OF SERVIC BY EVELYN DIBONA | MERKLEY | 001 |
| 8/29/16 ACCEPTANCE OF SERVIC BY DOMINIC DIBONA | MERKLEY | 001 |
| 9/26/16 APPL FOR CLK DEFAULT | PECK | 001 |
| 9/26/16 AFFID OF ZACHARY A GERBER ESQ IN SUPPORT OF APPICA;TION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT | PECK | 001 |
| 9/30/16 FILE CHECKED OUT BY: DC 2 for review/signature VOL 6 ONLY | PECK | 000 |
| 9/30/16 NOTICE OF INTENT | PECK | 001 |

TO TAKE DEFAULT

| | | |
|---|---------|-----|
| 9/30/16 SUBMISSION OF ORDER | PECK | 000 |
| ORDER SENT TO JUDGE FOR SIGNATURE STIP AND ORDER TO DISMISS MARY ANN GOWAN AND JOIN DAVID JOHNSON AS REAL PARTIES IN INTEREST | | |
| 10/03/16 FILE CHECKED IN BY: | PECK | 000 |
| 10/03/16 STIPULATION & ORDER | PECK | 000 |
| TO DISMISS MARY ANN GOWAN AND JOIN DAVID JOHNSON AS REAL PARTIES IN INTEREST | | |
| 10/04/16 SUMMONS ISSUED | MERKLEY | 001 |
| 10/11/16 APPL FOR CLK DEFAULT | PECK | 001 |
| AMENDED DEFAULT FOR PHIL FRANK AND DORTHY FRANK ONLY | | |
| 10/11/16 AFFID OF | PECK | 001 |
| ZACHARY A GERBER ESQ. IN SUPPORT OF APPLICATION FOR ENTRY OF AMENDED DEFAU.LT AND DEFAULT JUDGMENT | | |
| 10/11/16 AMENDED | PECK | 001 |
| CLERK'S DEFAULT FOR PHIL FRANK AND DOROTHY FRANK ONLY | | |
| 10/17/16 MOTION | MERKLEY | 001 |
| AND REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF DEFENDANT'S REMAINING COUNTERCLAIMS; MOTION & REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT, MOTION & REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION OF ORDER DENYING PLAINTIFF'S AND GRANTING DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT; AND OPPOSITION TO RUBY LAKE ESTATES HOMEOWNERS ASSOCIATIONS MOTION FOR SUMMARY JUDGMENT ON COUNTERCLAIMS | | |
| 10/17/16 VOLUME CREATED | MERKLEY | 000 |
| VOLUME 7 CREATED | | |
| 10/26/16 ERRATUM | PECK | 000 |
| TO HARLD AND MARY WYATT'S MOTION TO REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON DEF REMAINING COCOUNTERCLAIMS; MOTION AND REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT ON DEF REMAINING COUNTERCLAIM; MOTIN AND REPLY IN SUPPORT OF MOTION FOR CONSIDERATION OF ORDER DENYING PLAINTIFF'S AND GRANTING DEF MOTIONS FOR SUMMARY JUDGMENT AND OPPOSITION TO RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION'S MOTIN FOR SUMMARY JUDGMENT ON COUNTERCLAIMS | | |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 23
TIME 12:21

| | | | |
|-------------------------------|--|-----------|-----|
| 12/19/16 RESPONSE | | TIPTON | 002 |
| 12/21/16 REPLY | REPLY TO RUBY LAKE'S RESPONSE TO WYATTS'S ERRATA AND JOINDER IN ARTEMIS EXPLORATION COMPANY'S: MOTION AND REPLY IN SPRT...; MOTION AND REPLY IN SPRT...; MOTION AND REPLY IN SPRT...; OPPOSITION TO MOTION FOR SUMMARY JUDGMENT ON COUNTERCLAIM | RODRIGUEZ | 001 |
| 12/21/16 REQUEST FOR REVIEW | OF PENDNG MOTIONS; ARTEMIS'S MOT FOR SMRY JUDGMENT ON DEF'S REMAING COUNTERCLAIM ARTEMIS'S MOT FOR LEAVE TO FILE SUPPLEMENTAL TO MOT ARTEMIS'S MOT FOR RECONSIDERATION RUBY LAKE'S MOT FOR SUMMARY JUDGMENT ON COUNTERCLAIMS | RODRIGUEZ | 000 |
| 12/22/16 FILE CHECKED OUT BY: | DC2 for review/signature OF GERBER'S PROPOSED STIP & ORD TO DISMISS DAVID JOHNSON VOL 7 ONLY | RODRIGUEZ | 000 |
| 1/04/17 STIPULATION & ORDER | TO DISMISS DAVID JOHNSON, NAMED AS TRUSTEE OF MR JAMES VANDER MEER'S TRUST AND DAVID JOHNSON IS NOT AN OWNER OF ANY LOT WITHIN RUBY LAKES ESTATE | RODRIGUEZ | 000 |
| 1/04/17 FILE CHECKED IN BY: | VOL 7 ONLY | RODRIGUEZ | 000 |
| 2/14/17 FILE CHECKED OUT BY: | DC 2 for review/signature VOL 6 & 7 | PLUNKETT | 000 |
| 3/08/17 HEARING ON MOTION | FOR: 5/02/17 13:30 DC2SEC -hearing on motion for summary judgment & countertermoti on | | 000 |
| 3/08/17 ORD SETTING HEARING | ORAL ARGUMENT | PECK | 000 |
| 3/08/17 FILE CHECKED IN BY: | VOL 6 & 7 | PECK | 000 |
| 4/27/17 FILE CHECKED OUT BY: | DC 2 for review/signature | DEMARS | 000 |
| 5/02/17 HRG - DC2 CVHRG | HRG FOR ORAL ARGUMENT ON MOTION FOR SUMMARY JUDGMENT & COUNTERMOTIONS | DEMARS | 000 |

PGM ID-DSPDOC
DATE 3/07/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 24
TIME 12:21

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| 12/06/17 MOT TO DISMISS COUNTERCLAIMS AND CROSSCLAIM UNDER NRCP 41(E) AND TO DENY PENDING MOTIONS FOR LACK OF JURISDICTION (FILE CHECKED OUT SENT PLEADING TO DC 2) | PECK | 001 |
| 12/13/17 FAX SENT DOCKET SENT TO CHRIS AT KERN AND GAYLE | JALLEN | 002 |
| 12/13/17 FAX SENT FAXED A COPY OF THE REQUEST FOR REVIEW FILED 12/21/16 TO CHRIS W/KERN & ASSOCIATES, LTD PER HER RQST. | DEMARS | 002 |
| 2/26/18 STIPULATION & ORDER STIPULATION AND ORDER FOR DISMISSAL OF COUNTERCLAIMS AND CROSS-CLAIM WITH OUT PREJUDICE, WITHDRAWAL OF PENDING MOTIONS AND FOR FINAL JUDGEMENT NO COPIES PROVIDED | JALLEN | 000 |
| 2/26/18 JUDGMENT FINAL JUDGEMENT - COPY PLACED IN GERBER'S PICK UP BOX | JALLEN | 000 |
| 2/26/18 FILE CHECKED IN BY: ALL VOLUMES CASE IS LOCATED ON THE EMPTY SHELF NEXT TO THE JUVENILE FILES | JALLEN | 000 |
| 3/01/18 COPIES PREPARED FOR | MALOTTE | 000 |
| 3/01/18 NOTICE OF ENTRY OF FINAL JUDGMENT | RODRIGUEZ | 001 |
| 3/06/18 NOTICE OF APPEAL | RODRIGUEZ | 001 |
| 3/06/18 FILING FEE PAID | RODRIGUEZ | 001 |
| 3/06/18 BOND COST BOND | RODRIGUEZ | 001 |
| 3/06/18 CASE APPEAL STATEMNT | RODRIGUEZ | 001 |
| 3/06/18 CASH BOND CASH BOND IN THE AMOUNT OF \$500.00 POSTED BY GERBER LAW OFFICE W/ CK #5412 | RODRIGUEZ | 001 |
| 3/07/18 CLERK'S CERTIFICATE FOR SUPREME COURT APPEAL | JALLEN | 000 |

BONDS

| | | | | |
|-----------------------------------|-----------------------|--------|--------------|-----------|
| 3/06/18 BOND-CASH | CASH BAIL / FORG AMT: | 500.00 | RCPT: 284677 | RODRIGUEZ |
| POSTED BY: GERBER LAW OFFICES LLP | | | | |

PEOPLE INVOLVED

| ENTERED | PERSON | PERSON TYPE | STATUS | ENTRY PERSON |
|---------|-------------------|----------------|----------|--------------|
| 3/05/12 | NO JUDGE ASSIGNED | JUD | INACTIVE | PECK |
| 8/15/12 | PORTER, NANCY | JUD | INACTIVE | ANTONUCCI |
| 4/16/12 | GERBER, TRAVIS | ATT | INACTIVE | PECK |
| 1/23/14 | GERBER, TRAVIS | ATT | INACTIVE | PECK |

PAYMENTS

| DATE | TYPE | RECPT | COMMENT | AMOUNT | CODE | ENTRY PER |
|---------|----------|--------|------------------------------------|--------|------|-----------|
| 3/02/12 | CHECK | 261935 | NEW CASE | 275.00 | 004 | PECK |
| | | | POSTED BY: GERBER, TRAVIS | | | |
| 4/30/12 | CHECK | 262722 | MOT SUMMARY JUDGEMENT | 200.00 | 022 | ANTONUCCI |
| | | | POSTED BY: GERBER, TRAVIS W | | | |
| 6/03/13 | CHECK | 267253 | ARTEMIS'S NTC OF APPEA | 24.00 | 013 | RODRIGUEZ |
| | | | POSTED BY: GERBER LAW OFFICES, LLP | | | |
| 6/21/13 | CASH | 267433 | COPY MOTION & JUDGMENT | 18.00 | 050 | RODRIGUEZ |
| | | | POSTED BY: GERBER'S LAW OFFIC, E | | | |
| 3/06/18 | CHECK | 284673 | ARTEMIS'S NTC OF APPEA | 24.00 | 013 | RODRIGUEZ |
| | | | POSTED BY: GERBER LAW OFFICES, | | | |
| 3/06/18 | CHECK | 284677 | | 500.00 | BON | RODRIGUEZ |
| | | | POSTED BY: GERBER LAW OFFICES LLP | | | |
| 4/02/12 | CHECK | 262312 | ANSWER | 198.00 | 010 | PECK |
| | | | POSTED BY: KERN, GAYLA | | | |
| 5/30/12 | CREDIT C | 263187 | | 200.00 | 022 | FLEURY |
| | | | POSTED BY: KERN, GAYLE | | | |
| 1/10/14 | CHECK | 269302 | FILING FEE | 25.00 | 041 | PECK |
| | | | POSTED BY: KERN, GAYLE | | | |
| 1/24/14 | CHECK | 269487 | MOTION FOR SUMMARY | 200.00 | 022 | ANTONUCCI |
| | | | POSTED BY: KERN, GAYLE | | | |
| 7/01/15 | CHECK | 274633 | | 5.00 | 066 | PECK |
| | | | POSTED BY: KERN, GAYLE | | | |

1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: Pursuant to NRS 239B.030,
4 this document does not contain the social
5 security number of any person.

FILED

2018 MAR -1 PM 2:47

11. CO DISTRICT COURT

CLERK DEPUTY *fb*

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8
9 **ARTEMIS EXPLORATION COMPANY,**
10 **a Nevada corporation,**

11 Plaintiff,

12 vs.

13 **RUBY LAKE ESTATES HOME**
14 **OWNER'S ASSOCIATION;** and DOES I-X,

15 Defendants.

NOTICE OF ENTRY OF FINAL
JUDGMENT

16 **RUBY LAKE ESTATES HOMEOWNER'S**
17 **ASSOCIATION,**

18 Counterclaimant,

19 vs.

20 **ARTEMIS EXPLORATION COMPANY,**
21 **a Nevada corporation,**

22 Counterdefendant.

23 TO: RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION, Defendant/Counterclaimant

24 GAYLE A. KERN, ESQ., KERN & ASSOCIATES, LTD., attorneys for
25 Defendant/Counterclaimant

26 PLEASE TAKE NOTICE that a Final Judgment was entered in the above-entitled matter on
27 February 26, 2018. A copy of the Final Judgment is attached hereto as Exhibit A.

28 ///

1 DATED this 27th day of February, 2018.

2 GERBER LAW OFFICES, LLP

3
4 By: 

5 TRAVIS W. GERBER, ESQ.

6 Nevada State Bar No. 8083

7 ZACHARY A. GERBER, ESQ.

8 Nevada State Bar No. 13128

9 491 4th Street

10 Elko, Nevada 89801

11 (775) 738-9258

12 ATTORNEYS FOR

13 PLAINTIFF/COUNTERDEFENDANT

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES,
3 LLP, and that on the 28 day of February, 2018, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Notice of Entry of Final Judgment* addressed as
5 follows:

6 Gayle A. Kern, Esq.
7 Kern & Associates, Ltd.
8 5421 Kietzke Lane, Suite 200
9 Reno, Nevada 89511

10 Madison Wallock
11 MADISON WALLOCK
12
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FILED

CASE NO. CV-C-12-175

DEPT. NO. 12

2018 FEB 26 AM 9:29

ELKO CO DISTRICT COURT

*Affirmation: This document does
not contain the social security
number of any person.*

CLERK DEPUTY

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

Plaintiff,

FINAL JUDGMENT

vs.

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION AND DOES I-X,

Defendants.

The Court, having reviewed and considered the parties' Stipulation and Order for Dismissal of Counterclaims and Crossclaim Without Prejudice, Withdrawal of Pending Motions, and for Final Judgment ("Stipulation and Order"), and further based upon this Court's review and consideration of the Motion for Summary Judgment of Defendant Ruby Lake Estates Homeowner's Association ("RLEHOA") on Plaintiff Artemis Exploration Company's ("Artemis's") Declaratory Relief Claim, the exhibits in support of RLEHOA's Motion, Artemis's Opposition thereto, RLEHOA's Reply; and Artemis's Motion for Summary Judgment on its Declaratory Relief Claim, RLEHOA's Opposition thereto, and Artemis's Reply; and the Court being fully informed in the premises:

The Court finds that a Complaint was filed by Artemis on March 2, 2012, which contained a cause of action for Declaratory Relief, and other causes of action that were subsequently, voluntarily dismissed by Artemis. On April 2, 2012, RLEHOA answered the Complaint and filed counterclaims against Artemis. After competing Motions for Summary Judgment were filed by

1 Artemis and RLEHOA regarding Artemis's sole claim of Declaratory Relief, this Court entered its
2 Order Granting RLEHOA's Motion for Summary Judgment entered February 14, 2013, and the
3 Court's Order Denying Artemis's Motion for Summary Judgment entered February 12, 2013. The
4 Orders determined as a matter of law that RLEHOA is a common interest community pursuant to
5 NRS Chapter 116, valid at its inception, and it continues to be so today.
6

7 Pursuant to this Court's Order: Joinder of Necessary Parties, filed September 11, 2015,
8 Artemis filed its Second Amended Complaint on April 14, 2016, against RLEHOA and all property
9 owners within Ruby Lake Estates subdivision. RLEHOA filed its Answer to Second Amended
10 Complaint, Counterclaim and Cross-Claim on April 14, 2016, which asserted Counterclaims against
11 Artemis and a Cross-Claim against all property owners within Ruby Lake Estates subdivision
12 seeking a determination that RLEHOA is a common interest community pursuant to NRS Chapter
13 116: All property owners within Ruby Lake Estates subdivision were properly served in accord with
14 the Nevada Rules of Civil Procedure with Artemis's Second Amended Complaint and RLEHOA's
15 Cross-claim. Except for Harold and Mary Wyatt and Artemis, all other property
16 owners/defendants/cross-defendants failed to respond or appear, and defaults for each of them have
17 been entered. Pursuant to the afore-mentioned Stipulation and Order, RLEHOA's counterclaims
18 and cross-claim have now been dismissed without prejudice, and all pending Motions have been
19 withdrawn. Furthermore, the Wyatts as party defendants to Artemis's Second Amended Complaint
20 have stipulated and agreed to be bound by this Court's Order Granting RLEHOA's Motion for
21 Summary Judgment entered February 14, 2013, and the Court's Order Denying Artemis's Motion
22 for Summary Judgment entered February 12, 2013, and any subsequent appeal related thereto.
23
24
25

26 Thus, the Court finds that the only claim not dismissed is Artemis's declaratory judgment
27 claim, which was filed as part of Artemis's original Complaint and re-filed in identical form in
28 Artemis's Second Amended Complaint. Artemis's claim was resolved by the Court's Order Granting

1 RLEHOA's Motion for Summary Judgment entered February 14, 2013, and the Court's Order
2 Denying Artemis's Motion for Summary Judgment entered February 12, 2013. These Orders have
3 not been reconsidered or reversed, and therefore as standing Orders this Court finds that Artemis's
4 claim for declaratory relief has been resolved as a matter of law in accordance with the Court's
5 Orders as to all active litigants which have appeared in this matter, Artemis, RLEHOA, Harold
6 Wyatt, and Mary Wyatt.
7

8 **IT IS THEREFORE ORDERED** that **JUDGMENT** is entered in favor of RLEHOA in
9 accord with the Court's Order Granting RLEHOA's Motion for Summary Judgment entered
10 February 14, 2013, and the Court's Order Denying Artemis's Motion for Summary Judgment
11 entered February 12, 2013, and that RLEHOA is a common interest community pursuant to NRS
12 Chapter 116, valid at its inception, and it continues to be so today.
13

14 **IT IS FURTHER ORDERED** that, as to the properly served and defaulted property owner
15 defendants to Artemis's Second Amended Complaint, there is no just reason for delay, Artemis's
16 identical claim for declaratory relief has been resolved as to all appearing parties, and that this
17 **JUDGMENT** shall be entered as a **FINAL JUDGMENT** in accord with NRCP 54(b).
18

19 DATED this 26 day of February, 2018.
20

21 /S/ ALVIN R KACIN
22

23 _____
24 DISTRICT COURT JUDGE
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1 CASE NO. CV-C-12-175

2 DEPT. NO. ~~4~~ 2

3 *Affirmation: This document does*
4 *not contain the social security*
5 *number of any person.*

FILED

2018 FEB 26 AM 9:29

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY JA

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF ELKO

8 ARTEMIS EXPLORATION COMPANY, a
9 Nevada Corporation,

10 Plaintiff,

FINAL JUDGMENT

11 vs.

12 RUBY LAKE ESTATES HOMEOWNER'S
13 ASSOCIATION AND DOES I-X,

14 Defendants.
15 _____/

16 The Court, having reviewed and considered the parties' Stipulation and Order for Dismissal
17 of Counterclaims and Crossclaim Without Prejudice, Withdrawal of Pending Motions, and for Final
18 Judgment ("Stipulation and Order"), and further based upon this Court's review and consideration
19 of the Motion for Summary Judgment of Defendant Ruby Lake Estates Homeowner's Association
20 ("RLEHOA") on Plaintiff Artemis Exploration Company's ("Artemis's") Declaratory Relief Claim,
21 the exhibits in support of RLEHOA's Motion, Artemis's Opposition thereto, RLEHOA's Reply; and
22 Artemis's Motion for Summary Judgment on its Declaratory Relief Claim, RLEHOA's Opposition
23 thereto, and Artemis's Reply; and the Court being fully informed in the premises:
24
25

26 The Court finds that a Complaint was filed by Artemis on March 2, 2012, which contained
27 a cause of action for Declaratory Relief, and other causes of action that were subsequently,
28 voluntarily dismissed by Artemis. On April 2, 2012, RLEHOA answered the Complaint and filed
counterclaims against Artemis. After competing Motions for Summary Judgment were filed by

1 Artemis and RLEHOA regarding Artemis's sole claim of Declaratory Relief, this Court entered its
2 Order Granting RLEHOA's Motion for Summary Judgment entered February 14, 2013, and the
3 Court's Order Denying Artemis's Motion for Summary Judgment entered February 12, 2013. The
4 Orders determined as a matter of law that RLEHOA is a common interest community pursuant to
5 NRS Chapter 116, valid at its inception, and it continues to be so today.
6

7 Pursuant to this Court's Order: Joinder of Necessary Parties, filed September 11, 2015,
8 Artemis filed its Second Amended Complaint on April 14, 2016, against RLEHOA and all property
9 owners within Ruby Lake Estates subdivision. RLEHOA filed its Answer to Second Amended
10 Complaint, Counterclaim and Cross-Claim on April 14, 2016, which asserted Counterclaims against
11 Artemis and a Cross-Claim against all property owners within Ruby Lake Estates subdivision
12 seeking a determination that RLEHOA is a common interest community pursuant to NRS Chapter
13 116. All property owners within Ruby Lake Estates subdivision were properly served in accord with
14 the Nevada Rules of Civil Procedure with Artemis's Second Amended Complaint and RLEHOA's
15 Cross-claim. Except for Harold and Mary Wyatt and Artemis, all other property
16 owners/defendants/cross-defendants failed to respond or appear, and defaults for each of them have
17 been entered. Pursuant to the afore-mentioned Stipulation and Order, RLEHOA's counterclaims
18 and cross-claim have now been dismissed without prejudice, and all pending Motions have been
19 withdrawn. Furthermore, the Wyatts as party defendants to Artemis's Second Amended Complaint
20 have stipulated and agreed to be bound by this Court's Order Granting RLEHOA's Motion for
21 Summary Judgment entered February 14, 2013, and the Court's Order Denying Artemis's Motion
22 for Summary Judgment entered February 12, 2013, and any subsequent appeal related thereto.
23
24
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26 Thus, the Court finds that the only claim not dismissed is Artemis's declaratory judgment
27 claim, which was filed as part of Artemis's original Complaint and re-filed in identical form in
28 Artemis's Second Amended Complaint. Artemis's claim was resolved by the Court's Order Granting

1 RLEHOA's Motion for Summary Judgment entered February 14, 2013, and the Court's Order
2 Denying Artemis's Motion for Summary Judgment entered February 12, 2013. These Orders have
3 not been reconsidered or reversed, and therefore as standing Orders this Court finds that Artemis's
4 claim for declaratory relief has been resolved as a matter of law in accordance with the Court's
5 Orders as to all active litigants which have appeared in this matter, Artemis, RLEHOA, Harold
6 Wyatt, and Mary Wyatt.

8 ***IT IS THEREFORE ORDERED*** that ***JUDGMENT*** is entered in favor of RLEHOA in
9 accord with the Court's Order Granting RLEHOA's Motion for Summary Judgment entered
10 February 14, 2013, and the Court's Order Denying Artemis's Motion for Summary Judgment
11 entered February 12, 2013, and that RLEHOA is a common interest community pursuant to NRS
12 Chapter 116, valid at its inception, and it continues to be so today.

14 ***IT IS FURTHER ORDERED*** that, as to the properly served and defaulted property owner
15 defendants to Artemis's Second Amended Complaint, there is no just reason for delay, Artemis's
16 identical claim for declaratory relief has been resolved as to all appearing parties, and that this
17 ***JUDGMENT*** shall be entered as a ***FINAL JUDGMENT*** in accord with NRCP 54(b).

19 DATED this 26 day of February, 2018.

21
22
23 
24 DISTRICT COURT JUDGE
25
26
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28

1 CASE NO. CV-C-12-175

2 DEPT. 1 2

3 Affirmation: Pursuant to NRS 239B.030,
4 this document does not contain the social
5 security number of any person.

FILED

2018 FEB 26 AM 9:29

ELKO CO DISTRICT COURT

CLERK DEPUTY DA

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8 ARTEMIS EXPLORATION COMPANY, a
9 Nevada Corporation,
10
11 Plaintiff,

12 vs.

13 RUBY LAKE ESTATES HOMEOWNER'S
14 ASSOCIATION, *et. al.*,
15 Defendants.

16 RUBY LAKE ESTATES HOMEOWNER'S
17 ASSOCIATION,
18 Counterclaimant,

19 vs.

20 ARTEMIS EXPLORATION COMPANY,
21 a Nevada Corporation,
22 Counterdefendant.

23 RUBY LAKE ESTATES HOMEOWNER'S
24 ASSOCIATION,
25 Cross-Claimant,

26 vs.

27 STEPHEN WEST; *et. al.*,
28 Cross-Defendants.

STIPULATION AND ORDER FOR
DISMISSAL OF COUNTERCLAIMS
AND CROSS-CLAIM WITHOUT
PREJUDICE, WITHDRAWAL OF
PENDING MOTIONS, AND FOR
FINAL JUDGMENT

1 Plaintiff/Counterdefendant, ARTEMIS EXPLORATION COMPANY ("Artemis"),
2 Defendant/Cross-Defendant, HAROLD and MARY WYATT ("Wyatts"), and
3 Defendant/Counterclaimant/Cross-Claimant RUBY LAKE ESTATES HOMEOWNER'S
4 ASSOCIATION ("RLEHOA") (collectively the "Parties"), by and through their respective,
5 undersigned counsel, hereby STIPULATE AND AGREE, as follows:

6 1. The Parties stipulate to dismiss all RLEHOA's counterclaims and cross-claim without
7 prejudice pursuant to NRCP 41(a)(1)(ii) and 41(c).

8 2. The Parties stipulate to withdraw all pending motions, including RLEHOA's Motion
9 for Summary Judgment on Counterclaims, Artemis's Motion for Summary Judgment on Defendant's
10 Remaining Counterclaims, Artemis's Motion for Leave to File Supplement to Motion for Summary
11 Judgment on Defendant's Remaining Counterclaims, and Artemis's Motion for Reconsideration of
12 Orders Denying Plaintiff's and Granting Defendant's Motions for Summary Judgment. The Parties
13 agree that all documents filed in the case shall be a matter of record upon appeal, and the law and
14 facts stated therein shall not be precluded from being presented on appeal.

15 3. The Parties stipulate that Artemis' and Wyatts' pending Motion to Dismiss
16 Counterclaims and Cross-Claims Under NRCP 41(e) and to Deny Pending Motions For Lack of
17 Jurisdiction ("Motion to Dismiss") is moot and, therefore, withdrawn upon the entry of this
18 Stipulation and Order and Final Judgment. The withdrawn Motion to Dismiss, and any arguments,
19 case law, or allegations in relation thereto, shall not be subject to or presented in any appeal.

20 4. This dismissal of RLEHOA's Counterclaims and Cross-claim shall not constitute an
21 adjudication on the merits, and all Parties stipulate and agree to bear their own fees and costs incurred
22 in the prosecution and/or defense of the Counterclaims and Crossclaim.

23 5. In accord with this Court's Order: Joinder of Necessary Parties entered September 11,
24 2015 ("Joinder Order"), Artemis filed its Second Amended Complaint on or about April 14, 2016,
25 naming all additional property owners of RLEHOA, and RLEHOA filed its Answer, Counterclaims,
26 and Cross-claim on or about April 14, 2016. Thereafter, and following proper service of process of
27 the Second Amended Complaint and RLEHOA's Cross-claim, the Wyatts filed their Answer on or
28 about May 16, 2016. The Second Amended Complaint contains a single declaratory relief claim

1 seeking determination that RLEHOA does not constitute a common interest community pursuant to
2 NRS Chapter 116. In further accord with the Court's Joinder Order, RLEHOA's single Cross-claim
3 against the other property owners is also a declaratory relief claim seeking a determination that
4 RLEHOA is a common interest community subject to the provisions of NRS Chapter 116.

5 6. Artemis, RLEHOA, and the Wyatts are the only parties which have appeared in this
6 matter. All other named property owner/defendants/cross-defendants were properly served with the
7 Second Amended Complaint and RLEHOA's Cross-claim in accord with the Nevada Rules of Civil
8 Procedure, but no appearances were made, and defaults have been duly entered with the Court as
9 to all of the non-appearing property owners/defendants/cross-defendants.

10 7. The Parties stipulate that, with the dismissal of the Cross-claim without prejudice,
11 the non-appearing property owners/defendants/cross-defendants and the Wyatts shall no longer be
12 cross-defendants to this matter. The Wyatts shall remain as party defendants only by virtue of
13 Artemis's Second Amended Complaint and the Wyatts' Answer filed on or about May 16, 2016.
14 Defaults remain of record as to the non-appearing property owners/defendants to Artemis's Second
15 Amended Complaint for declaratory relief, which is identical to the declaratory relief claim asserted
16 in Artemis's original Complaint filed on or about March 2, 2012 ("Original Complaint").

17 8. The Wyatts stipulate and agree to be bound by this Court's Order Granting RLEHOA's
18 Motion for Summary Judgment entered February 14, 2013, on Artemis's declaratory relief claim as
19 asserted in its Original Complaint, and which is identical to Artemis's declaratory relief claim in its
20 Second Amended Complaint. The Wyatts further stipulate and agree to be bound by this Court's
21 Order Denying Artemis's Motion for Summary Judgment entered February 12, 2013 on Artemis's
22 declaratory relief claim as asserted in its Original Complaint, and which is identical to Artemis's
23 declaratory relief claim in its Second Amended Complaint. In both of its Orders, the Court determined
24 as a matter of law that RLEHOA is a common interest community pursuant to NRS Chapter 116,
25 valid at its inception, and continues to be so today. The Wyatts further stipulate and agree to be bound
26 by any decision from the Nevada Supreme Court and/or Nevada Court of Appeals in connection with
27 any appeal of this Court's February 2013 Orders referenced herein-above.

28 ///

1 9. The Parties stipulate and agree that all claims have been resolved as to all parties which
2 have appeared in this matter, including the Wyatts who have stipulated to be bound by this Court's
3 February 12, 2013 and February 14, 2013 Orders, that the other named property owners/defendants
4 were properly served and defaulted as to Artemis's Second Amended Complaint, which is identical
5 to Artemis's declaratory relief claim already adjudicated by the Court's February 2013 Orders.

6 10. Wherefore, the Parties stipulate, agree, and request that the Court enter Final Judgment
7 as to Artemis, RLEHOA, and the Wyatts, and as to the defaulted defendants pursuant to NRCP 54(b)
8 because there is no just reason to delay entry of Final Judgment. A proposed Judgment is attached
9 hereto as Exhibit "A".

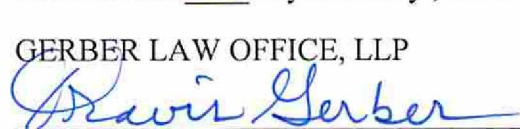
10 DATED this 16th day of February, 2018.

11 KERN & ASSOCIATES, LTD.

12 
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14 NEVADA BAR #1620
15 KAREN M. AYARBE, ESQ.
16 NEVADA BAR #3358
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Attorneys for Defendant Ruby Lake
Estates Homeowner's Association

DATED this 20th day of February, 2018.

GERBER LAW OFFICE, LLP

12 
13 TRAVIS GERBER, ESQ.
14 NEVADA BAR #8083
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Attorneys for Plaintiff Artemis Exploration
Company and Defendants Harold and Mary
Wyatt

ORDER

20 IT IS SO ORDERED this 26 day of February, 2018.

23 
24 DISTRICT COURT JUDGE

EXHIBIT "A"

1 CASE NO. CV-C-12-175

2 DEPT. NO. I

3 *Affirmation: This document does*
4 *not contain the social security*
5 *number of any person.*

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF ELKO

8 ARTEMIS EXPLORATION COMPANY, a
9 Nevada Corporation,

10 Plaintiff,

FINAL JUDGMENT

11 vs.

12 RUBY LAKE ESTATES HOMEOWNER'S
13 ASSOCIATION AND DOES I-X,

14 Defendants.
15 _____ /

16 The Court, having reviewed and considered the parties' Stipulation and Order for Dismissal
17 of Counterclaims and Crossclaim Without Prejudice, Withdrawal of Pending Motions, and for Final
18 Judgment ("Stipulation and Order"), and further based upon this Court's review and consideration
19 of the Motion for Summary Judgment of Defendant Ruby Lake Estates Homeowner's Association
20 ("RLEHOA") on Plaintiff Artemis Exploration Company's ("Artemis's") Declaratory Relief Claim,
21 the exhibits in support of RLEHOA's Motion, Artemis's Opposition thereto, RLEHOA's Reply; and
22 Artemis's Motion for Summary Judgment on its Declaratory Relief Claim, RLEHOA's Opposition
23 thereto, and Artemis's Reply; and the Court being fully informed in the premises:

24
25 The Court finds that a Complaint was filed by Artemis on March 2, 2012, which contained
26 a cause of action for Declaratory Relief, and other causes of action that were subsequently,
27 voluntarily dismissed by Artemis. On April 2, 2012, RLEHOA answered the Complaint and filed
28 counterclaims against Artemis. After competing Motions for Summary Judgment were filed by

1 Artemis and RLEHOA regarding Artemis's sole claim of Declaratory Relief, this Court entered its
2 Order Granting RLEHOA's Motion for Summary Judgment entered February 14, 2013, and the
3 Court's Order Denying Artemis's Motion for Summary Judgment entered February 12, 2013. The
4 Orders determined as a matter of law that RLEHOA is a common interest community pursuant to
5 NRS Chapter 116, valid at its inception, and it continues to be so today.
6

7 Pursuant to this Court's Order: Joinder of Necessary Parties, filed September 11, 2015,
8 Artemis filed its Second Amended Complaint on April 14, 2016, against RLEHOA and all property
9 owners within Ruby Lake Estates subdivision. RLEHOA filed its Answer to Second Amended
10 Complaint, Counterclaim and Cross-Claim on April 14, 2016, which asserted Counterclaims against
11 Artemis and a Cross-Claim against all property owners within Ruby Lake Estates subdivision
12 seeking a determination that RLEHOA is a common interest community pursuant to NRS Chapter
13 116. All property owners within Ruby Lake Estates subdivision were properly served in accord with
14 the Nevada Rules of Civil Procedure with Artemis's Second Amended Complaint and RLEHOA's
15 Cross-claim. Except for Harold and Mary Wyatt and Artemis, all other property
16 owners/defendants/cross-defendants failed to respond or appear, and defaults for each of them have
17 been entered. Pursuant to the afore-mentioned Stipulation and Order, RLEHOA's counterclaims
18 and cross-claim have now been dismissed without prejudice, and all pending Motions have been
19 withdrawn. Furthermore, the Wyatts as party defendants to Artemis's Second Amended Complaint
20 have stipulated and agreed to be bound by this Court's Order Granting RLEHOA's Motion for
21 Summary Judgment entered February 14, 2013, and the Court's Order Denying Artemis's Motion
22 for Summary Judgment entered February 12, 2013, and any subsequent appeal related thereto.
23
24
25

26 Thus, the Court finds that the only claim not dismissed is Artemis's declaratory judgment
27 claim, which was filed as part of Artemis's original Complaint and re-filed in identical form in
28 Artemis's Second Amended Complaint. Artemis's claim was resolved by the Court's Order Granting

1 RLEHOA's Motion for Summary Judgment entered February 14, 2013, and the Court's Order
2 Denying Artemis's Motion for Summary Judgment entered February 12, 2013. These Orders have
3 not been reconsidered or reversed, and therefore as standing Orders this Court finds that Artemis's
4 claim for declaratory relief has been resolved as a matter of law in accordance with the Court's
5 Orders as to all active litigants which have appeared in this matter, Artemis, RLEHOA, Harold
6 Wyatt, and Mary Wyatt.

8 ***IT IS THEREFORE ORDERED*** that ***JUDGMENT*** is entered in favor of RLEHOA in
9 accord with the Court's Order Granting RLEHOA's Motion for Summary Judgment entered
10 February 14, 2013, and the Court's Order Denying Artemis's Motion for Summary Judgment
11 entered February 12, 2013, and that RLEHOA is a common interest community pursuant to NRS
12 Chapter 116, valid at its inception, and it continues to be so today.

14 ***IT IS FURTHER ORDERED*** that, as to the properly served and defaulted property owner
15 defendants to Artemis's Second Amended Complaint, there is no just reason for delay, Artemis's
16 identical claim for declaratory relief has been resolved as to all appearing parties, and that this
17 ***JUDGMENT*** shall be entered as a ***FINAL JUDGMENT*** in accord with NRCP 54(b).

19 DATED this ____ day of _____, 2018.

23 _____
DISTRICT COURT JUDGE

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,

VS. Plaintiff/Counter Defendant,

Date: 10/10/12
Case No.: CV-C-12-175
Dept: 2

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

Defendant/Counter Claimant.

Elizabeth Essington, president, present on behalf of Plaintiff and represented by
Travis Gerber, Esq.
Lee Perks and Aaron Yohey, directors, present on behalf of Defendant and represented by
Gayle A. Kern, Esq. and Robert J. Wines, Esq.
Court Clerk, Barbara Cook, present.
Hearing video recorded.

HEARING ON MOTION FOR SUMMARY JUDGMENT

Court convened at 9:14 a.m. .

The Court noted the presence of the parties.

This was the date and time set for a hearing on a Motion for Summary Judgment filed by the Plaintiff on April 30, 2012, and a Motion for Summary Judgment filed by the Defendant on May 30, 2012.

The Court noted Artemis filed its motion first, and directed Mr. Gerber to proceed.

Mr. Gerber advised that he would be calling Elizabeth Essington, president of Artemis, as his witness. He made an opening statement.

Ms. Kern introduced Lee Perks and Aaron Yohey, who were directors of the homeowners association, and Harold and Mary Wyatt and Teri Harmon, who were association members. She made an opening statement.

Mr. Gerber clarified the issues.

The parties discussed whether there would need to be witness testimony, and how they wished to proceed.

The Court directed Mr. Gerber to proceed.

Mr. Gerber presented argument.

Ms. Kern presented argument.

Ms. Kern referred to an enlarged Plat Map that she asked to have introduced as an exhibit, and continued argument.

The parties discussed the exhibit, and concluded that since Mr. Gerber prepared it, it would be marked as Plaintiff's Exhibit 1.

Offered. No objection. Admitted.

Mr. Gerber referred to the Plaintiff's Exhibit 1 Plat Map, and gave rebuttal argument.

Ms. Kern gave additional argument.

Mr. Gerber addressed the arbitration.

Mr. Wines advised that he had an emergency guardianship hearing in Department 1, and had to leave.

Mr. Wines was excused.

Mr. Gerber gave additional argument.

The Court advised that it would take this matter under consideration. However, due to the court calendar and judicial college, it would probably not be able to issue a decision before the end of the year.

The parties had nothing further.

Court adjourned at 10:26 a.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,
Plaintiff,

VS.

Date: 05/28/14
Case No.: CV-C-12-0175
Dept: 2

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Defendant.

Plaintiff present and represented by
Travis Gerber, Esq. and Zachary Gerber, Esq.

Defendant present and represented by
Karen Ayarbe, Esq. and Bob Wines, Esq.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

**HEARING ON MOTION FOR RELIEF FROM JUDGMENT AND
MOTION FOR SUMMARY JUDGMENT RE: REMAINING COUNTERCLAIMS**

The Court noted the presence of the parties.

This was the date and time set to hear argument on Motions filed by the parties.

Travis Gerber addressed the Motion to release cost bond and supersedeas bonds filed January 23, 2014 advising the Court the Motion was uncontested. Travis Gerber requested the Court release the cost bond due to the fact there is no appeal pending.

Ms. Ayarbe did not object to the request.

The Court granted the request and directed Travis Gerber to supply an Order for the Court's consideration.

Travis Gerber addressed the remaining Motions and provided argument.

Ms. Ayarbe provided argument to the Court.

Travis Gerber presented rebuttal.

Ms. Ayarbe presented surrebuttal.

The Court advised it would take the matter under consideration.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,

Claimant,

VS.

Date: 07/01/15

Case No.: CV-C-12-0175

Dept: 2

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Counter Claimants.

Claimant present and represented by
Travis Gerber, Esq. and Zach Gerber, Esq.
Counter Claimants present and represented by
Karen Ayarbe, Esq. and Robert Wines, Esq.
Court Clerk, Angelina DeMars, present.
Hearing video recorded.

ORDER TO SHOW CAUSE HEARING

The Court noted the presence of the parties.

The matter was before the Court for a hearing on an Order to Show Cause filed May 1, 2015.

The Court made a record of the case.

Ms. Ayarbe addressed the Court and offered Defendant's Exhibit A, Ruby Lake Estates Customer Contact List dated June 23, 2015. Ms. Ayarbe provided argument as to why the members of the Homeowner's Association should not be included in the Court's ruling.

Mr. Travis Gerber presented argument to the Court stating that the members should be considered in the judgment.

The Court addressed the parties and advised that it was concerned that by entering a judgment not combining all of the members that more litigation would be brought before the Court.

Discussion was held regarding Chapter 38.

Ms. Ayarbe presented additional argument to the Court stating that all the members could not be added due to the fact that they have not yet filed a Chapter 38.

Mr. Travis Gerber advised that the Court would not have jurisdiction to join the parties due to Ms. Ayarbe's argument that they have not filed for Chapter 38. Therefore, Mr. Travis Gerber requested the Court dismiss the counterclaim.

The Court inquired if there was an objection to the admittance of Defendant's Exhibit A. There being no objection, the Court **ORDERED** Defendant's Exhibit A admitted.

Ms. Ayarbe argued that the Counterclaim was valid due to the fact that the Claimant had already participated in Mediation, Arbitration and filed Chapter 38.

The Court addressed the parties and advised that it would take the matter under consideration.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,
Plaintiff,
VS.

Date: 05/02/17
Case No.: CV-C-12-0175
Dept: 2

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Defendant.

Plaintiff not present and represented by
Travis Gerber, Esq. and Zach Gerber, Esq.
Defendant not present and represented by
Karen Ayarbe, Esq. and Bob Wines, Esq.
Court Clerk, Angelina DeMars, present.
Hearing video recorded.

HEARING FOR ORAL ARGUMENT

The Court noted the presence of the parties.

This was the date and time set by the Court for a hearing for oral argument on Motion for summary judgment and Countermotions.

The Court made a record of the case and stated that the pending Motions were the Plaintiff's Motion for relief from Judgment or Order and Motion for Summary Judgment on Defendant's remaining counter claims, the Defendant's Motion to release cost bond and supersede as bonds, the Plaintiff's Motion for leave to file supplement to Motion for Summary Judgment on Defendant's remaining counter claims and Motion for reconsideration of Orders denying Plaintiff's and granting Defendant's Motion for Summary and the joint Request for review filed December 21, 2016. The Court noted that the remaining parties were Artemis Exploration Company, Ruby Lake Estates Homeowner's Association, Harold and Mary Wyatt. The Court stated that it had been advised by the

parties that everything had been fully briefed and recited. The Court noted that all 58 lot owners had been served. The Court inquired if that was still correct.

Both parties concurred.

Mr. T Gerber confirmed that Harold and Mary Wyatt had joined Artemis Exploration Company's papers and pleadings that had been filed. Mr. T Geber stated that he would be arguing for the Court to take grant the Plaintiff's Motion for leave to reconsider and supplement the pending Motion for Summary Judgment, to grant the Summary Judgment on all pending claims and to enter a final Judgment. Mr. T Gerber presented argument on behalf of his clients.

Ms. Ayarbe presented argument on behalf of Ruby Lake Estates Homeowner's Association. Ms. Ayarbe noted that of the 58 lot owners served; only the Wyatt's joined Artemis Exploration Company's case.

Mr. T. Gerber presented rebuttal argument.

Ms. Ayarbe presented surrebuttal argument.

The Court advised that it would review the briefs, other pleadings and take the matter under consideration.

Court adjourned.

PGM ID-EXEXIPS
DATE 10/10/2012

ELKO COUNTY COURT SYSTEM
EXHIBIT DATA FOR:

PAGE 1

ARTEMIS EXPLORATION COMP CVC 120000175-001

| EXHIBIT # | EXHIBIT DESCRIPTION | LOCATE | LOGGED | BY | DISP |
|-----------------|---------------------|--------|----------|----|------|
| 1-MOT SUM JUDGT | PLAT MAP | ENV V | 10/10/12 | BC | E |

FILED

2018 MAR -7 PM 12:16

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY _____ *HA*

Case No. CV-C-12-0000175

Dept. No. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

ARTEMIS EXPLORATION COMPANY,
Appellant,

vs.

CLERK'S CERTIFICATION

HOMEOWNER'S ASSOCIATION RUBY LAKE ESTATES,
Respondent,
_____ /

I, CAROL FOSMO, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. CV-C-12-0000175, Dept. 2, ARTEMIS EXPLORATION COMPANY, Appellant, vs. HOMEOWNER'S ASSOCIATION RUBY LAKE ESTATES, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on March 7, 2018.

CAROL FOSMO, ELKO COUNTY CLERK

By *Jonil Allen*

JONIL ALLEN, DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. CV-C-12-0000175, Dept. 2, ARTEMIS EXPLORATION COMPANY, Appellant, vs. HOMEOWNER'S ASSOCIATION RUBY LAKE ESTATES, Respondent, as appears on file and of record in this Court, to the following:

Nevada Supreme Court via Eflex

Gayle Kern and Karen Ayarbe, ESQ
Kern and Associates
5421 Kietzke Lane Ste 200
Reno, Nevada 89511

Travis Gerber
Pick up Box in the Elko County Clerk's Office
550 Court Street, Third Floor
Elko, NV 89801

Adam Paul Laxalt
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701-4717

DATED this 7, day of MARCH, 2018



JONI L ALLEN, Deputy Clerk