

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARATH CHANDRA,
ADMINISTRATOR, NEVADA
REAL ESTATE DIVISION,

Appellant,

vs.

MELANI SCHULTE; AND
WILLIAM SCHULTE,

Respondents.

Case No. 75477

District Court No. D-12-458809-D

Electronically Filed
Feb 13 2019 08:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JOINT APPENDIX – VOLUME II of III

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Chief Deputy Attorney General
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Attorney for Respondent

Case No. 75477

INDEX TO JOINT APPENDIX

Appellant, SHARATH CHANDRA, ADMINISTRATOR, NEVADA
REAL ESTATE DIVISION, by and through his undersigned attorneys, hereby
submits this JOINT APPENDIX as follows:

DESCRIPTION	VOL.	BATES NUMBERS
Amended Decree of Divorce Nunc Pro Tunc, filed April 3, 2017	I	JA0028-JA0043
Complaint and Notice of Hearing, filed June 11, 2013	I	JA0006-JA0013
Complaint for Divorce, filed February, 10, 2012	I	JA0001-JA0005
Final Judgment in Favor of 1341 Minuet, LLC and Against William R. Schulte, filed May 18, 2017	I	JA0061-JA0063
Final Judgment in Favor of 1701 Empire Mine, LLC and Against William R. Schulte, filed May 18, 2017	I	JA0055-JA0057
Final Judgment in Favor of 2861 Marathon, LLC and Against William R. Schulte, filed May 25, 2017	I	JA0079-JA0081
Final Judgment in Favor of 5524 Rock Creek, LLC and Against William R. Schulte, filed May 18, 2017	I	JA0064-JA0066

Final Judgment in Favor of 5609 San Ardo, LLC and Against William R. Schulte, filed May 18, 2017	I	JA0067-JA0069
Final Judgment in Favor of 8216 Peaceful Canyon, LLC and Against William R. Schulte, filed May 23, 2017	I	JA0076-JA0078
Final Judgment in Favor of 9521 Sierra Summit, LLC and Against William R. Schulte, filed May 18, 2017	I	JA0070-JA0072
Final Judgment in Favor of Cherish, LLC and Against William R. Schulte, filed May 18, 2017	I	JA0058-JA0060
Final Judgment in Favor of Melani Schulte and Against William R. Schulte, filed May 23, 2017	I	JA0073-JA0075
Findings of Fact, Conclusions of Law and Decree of Divorce, filed July 8, 2013	I	JA0014-JA0025
Findings of Fact, Conclusions of Law, and Order, filed October 11, 2013	I	JA0026-JA0027
Motion to Amend Decree of Divorce Nunc Pro Tunc; To Enforce Decree of Divorce and Related Relief, filed February 13, 2017	III	JA0277-JA0386
Notice of Appeal, filed March 22, 2018	II	JA0273-JA0276
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 1701 Empire Mine, LLC Melani Schulte, filed February 21, 2018	II	JA0219-JA0224
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to Cherish, LLC Melani Schulte, filed February 21, 2018	II	JA0225-JA0230

Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 1341 Minuet, LLC Melani Schulte, filed February 21, 2018	II	JA0231-JA0236
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 5524 Rock Creek, LLC Melani Schulte, filed February 21, 2018	II	JA0237-JA0242
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 5609 San Ardo, LLC Melani Schulte, filed February 21, 2018.	II	JA0243-JA0248
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 9521 Sierra Summit, LLC Melani Schulte, filed February 21, 2018	II	JA0249-JA0254
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to Melani Schulte, filed February 21, 2018	II	JA0255-JA0260
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 8216 Peaceful Canyon, LLC Melani Schulte, filed February 21, 2018	II	JA0261-JA0266
Notice of Entry of Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 2861 Marathon, LLC Melani Schulte, filed February 21, 2018	II	JA0267-JA0272

Notice of Motion and Order for an Order Shortening Time for a Hearing on the Verified Petition for an Order Directing Payment From ERRF Fund to Melani Schulte as Successor in Interest to 5609 San Ardo, LLC or in the Alternative a Hearing with Oral Arguments Set in the Ordinary Course, filed November 17, 2017	I	JA0127-JA0137
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 1701 Empire Mine, LLC Melani Schulte, filed February 20, 2018	I	JA0183-JA0186
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to Cherish, LLC Melani Schulte, filed February 20, 2018	I	JA0187-JA190
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 1341 Minuet, LLC Melani Schulte, filed February 20, 2018	I	JA0191-JA0194
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 5524 Rock Creek, LLC Melani Schulte, filed February 20, 2018	II	JA0195-JA0198
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 5609 San Ardo, LLC Melani Schulte, filed February 20, 2018	II	JA0199-JA0202
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 9521 Sierra Summit, LLC Melani Schulte, filed February 20, 2018	II	JA0203-JA0206

Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to Melani Schulte Melani Schulte, filed February 20, 2018	II	JA0207-JA0210
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 8216 Peaceful Canyon, LLC Melani Schulte, filed February 20, 2018	II	JA0211-JA0214
Order Directing Payment Out of the Education Research and Recovery Fund and to the Successor in Interest to 2861 Marathon, LLC Melani Schulte, filed February 20, 2018	II	JA0215-JA0218
Order From April 3, 2017 Hearing Granting Final Judgment Against William R. Schulte, filed May 18, 2017	I	JA0044-JA0054
Petitioners' Consolidated Reply to Real Estate Division's Answer in Opposition to Verified Petitions, filed November 28, 2017	I	JA0142-JA0148
Real Estate Division's Answer in Opposition to Verified Petitions for an Order Directing Payment Out of the Education Research Recovery Fund, filed November 16, 2017	I	JA0138-JA0141
Transcript Re: All Pending Motions, taken November 30, 2017	I	JA0149-JA0182
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0082-JA0086
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0087-JA0091

Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0092-JA0096
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0097-JA0101
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0102-JA0106
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0107-JA0111
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0112-JA0116
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0117-JA0121
Verified Petition for an Order Directing Payment Out of the Education Research Recovery Fund Pursuant to NRS 645.841 to 645.8494 Inclusive, filed October 25, 2017	I	JA0122-JA0126

Dated: February 12, 2019.

AARON D. FORD
Attorney General

By: / s / Donald J. Bordelove
Donald J. Bordelove (Bar. No. 12561)

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on 12th day of February, 2019, I filed this completed docketing statement via this Court's electronic filing system.

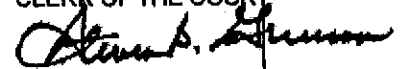
The following participants in this case are registered electronic filing systems users and will be served electronically:

Amberlea Davis, Esq.
Law Offices of Amberlea Davis
415 S. Sixth Street, Suite 300
Las Vegas, NV 89101

The following participants in this case are not registered electronic filing systems users and will be served via United States mail, first class, postage prepaid:

William R. Schulte
8252 Nice Court
Las Vegas, NV 89129

/ s / Marilyn Millam
an employee of the
Office of the Nevada Attorney General



1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShesMyLawyer.com

9 Attorney for: 5524 ROCK CREEK, LLC

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 5524***
20 ***ROCK CREEK, LLC MELANI SCHULTE***

21 This matter came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

5524 ROCK CREEK, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

5524 ROCK CREEK, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$14,590.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 5524 ROCK CREEK, LLC the amount of \$14,590.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
5524 ROCK CREEK, LLC

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416 S. 6th St., Ste. 300
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1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

19 Phone: (702) 440-8000

20 Email: Amber@ShellsMyLawyer.com

21 Attorney for: 5524 ROCK CREEK, LLC

22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 Keith Kizer

26 Senior Deputy Attorney General

27 State of Nevada - Office of the Attorney General

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5524 ROCK CREEK, LLC

Steven D. Grierson

1 **ORD**
2 **Amberlea Davis**
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7 Phone: (702) 440-8000
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9 Attorney for: 5609 SAN ARDO, LLC
10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
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15 **-vs-**

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CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 5609***
20 ***SAN ARDO, LLC MELANI SCHULTE***

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22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
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17 **THE COURT ORDERS** that Plaintiffs motion is granted.

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19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 5609 SAN ARDO, LLC the amount of \$10,400.00.

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23 nine individual judgments do not collectively total more than \$92,919.59.

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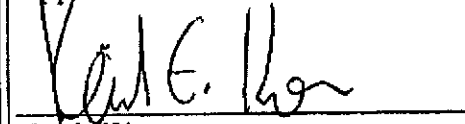
19 Phone: (702) 440-8000

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21 Attorney for: 5609 SAN ARDO, LLC

22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 Keith Kizer

26 Senior Deputy Attorney General

27 State of Nevada - Office of the Attorney General

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5609 SAN ARDO, LLC



1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShelsMyLawyer.com

9 Attorney for: 9521 SIERRA SUMMIT, LLC

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CASE: D-12-458809-D

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9521 SIERRA SUMMIT, LLC

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12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:

15 /s/ Amberlea Davis

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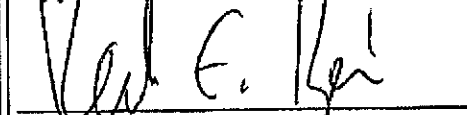
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21 Attorney for: 9521 SIERRA SUMMIT, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

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27 **Senior Deputy Attorney General**

28 **State of Nevada - Office of the Attorney General**

555 E Washington Avenue, Ste. 3900

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9521 SIERRA SUMMIT, LLC

Amberlea Davis

ORD

Amberlea Davis

Nevada Bar Number: 11551

Law Offices of Amberlea Davis

415 S. Sixth St, Ste 300

Las Vegas, NV 89101

Phone: (702) 440-8000

Email: Amber@ShelsMyLawyer.com

Attorney for: Melani Schulte

and Successor in Interest Melani Schulte

DISTRICT COURT

CLARK COUNTY NEVADA

MELANI SCHULTE,

Plaintiff,

-vs-

WILLIAM R. SCHULTE,

Defendants.

CASE: D-12-458809-D

DEPT: I

**ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH
AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO
MELANI SCHULTE MELANI SCHULTE**

This matter came before the court for a hearing on November 30, 2017. Melani Schulte was present and represented by Attorney Amberlea Davis. Senior Deputy Attorney General Keith Kizer from the Nevada Attorney General's office was present representing the Sharath Chandra, Administrator of Nevada Real Estate Division guardian of the Education Research and Recovery Fund (ERRF Fund). William R. Schulte failed to appear at the November 30 hearing.

Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and that approximately \$92,919.59 was still available in the fund to pay claims against

Melani Schulte

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

Melani Schulte

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$1,556.00, which is less than
9 the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to Melani Schulte the amount of \$1,556.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
Melani Schulte

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

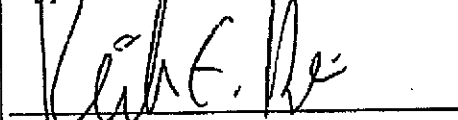
6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s Amberlea Davis
16 **Law Offices of Amberlea Davis**
17 415 S. Sixth St, Ste 300
18 Las Vegas, NV 89101
19 Phone: (702) 440-8000
20 Email: Amber@SheIsMyLawyer.com
21 Attorney for: Melani Schulte
22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 _____
26 Keith Kizer

27 **Senior Deputy Attorney General**
28 **State of Nevada - Office of the Attorney General**
555 E Washington Avenue, Ste. 3900
Las Vegas, NV 89101

Melani Schulte



1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@SheIsMyLawyer.com

9 Attorney for: 8216 PEACEFUL CANYON, LLC
and Successor in Interest Melani Schulte

10 **DISTRICT COURT**

11 **CLARK COUNTY NEVADA**

12 **MELANI SCHULTE,**

13 **Plaintiff,**

14 **-vs-**

15 **WILLIAM R. SCHULTE,**

16 **Defendants.**

CASE: D-12-458809-D

DEPT: I

17 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
18 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 8216***
19 ***PEACEFUL CANYON, LLC MELANI SCHULTE***

20 This matter came before the court for a hearing on November 30, 2017.
21 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
22 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
23 was present representing the Sharath Chandra, Administrator of Nevada Real
24 Estate Division guardian of the Education Research and Recovery Fund (ERRF
25 Fund). William R. Schulte failed to appear at the November 30 hearing.

26 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
27 that approximately \$92,919.59 was still available in the fund to pay claims against
28

8216 PEACEFUL CANYON, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

8216 PEACEFUL CANYON, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$10,715.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 8216 PEACEFUL CANYON, LLC the amount of \$10,715.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiffs prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
8216 PEACEFUL CANYON, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

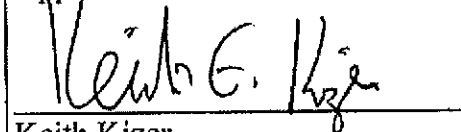
19 Phone: (702) 440-8000

20 Email: Amber@SheIsMyLawyer.com

21 Attorney for: 8216 PEACEFUL CANYON, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 
26 Keith Kizer

27 Senior Deputy Attorney General

28 State of Nevada - Office of the Attorney General

555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

8216 PEACEFUL CANYON, LLC

Steven D. Grierson

ORD

Amberlea Davis
Nevada Bar Number: 11551
Law Offices of Amberlea Davis
415 S. Sixth St, Ste 300
Las Vegas, NV 89101
Phone: (702) 440-8000
Email: Amber@SheIsMyLawyer.com
Attorney for: 2861 MARATHON, LLC
and Successor in Interest Melani Schulte

**DISTRICT COURT
CLARK COUNTY NEVADA**

MELANI SCHULTE,

Plaintiff,

-vs-

WILLIAM R. SCHULTE,

Defendants.

CASE: D-12-458809-D

DEPT: I

**ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH
AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 2861
MARATHON, LLC MELANI SCHULTE**

This matter came before the court for a hearing on November 30, 2017. Melani Schulte was present and represented by Attorney Amberlea Davis. Senior Deputy Attorney General Keith Kizer from the Nevada Attorney General's office was present representing the Sharath Chandra, Administrator of Nevada Real Estate Division guardian of the Education Research and Recovery Fund (ERRF Fund). William R. Schulte failed to appear at the November 30 hearing.

Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and that approximately \$92,919.59 was still available in the fund to pay claims against

2861 MARATHON, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant; therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

2861 MARATHON, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$11,228.75, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 2861 MARATHON, LLC the amount of \$11,228.75.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
2861 MARATHON, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

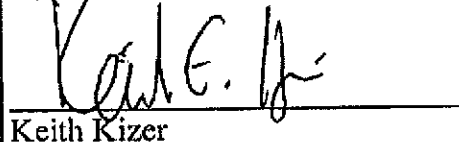
6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s/ Amberlea Davis
16 **Law Offices of Amberlea Davis**
17 415 S. Sixth St, Ste 300
18 Las Vegas, NV 89101
19 Phone: (702) 440-8000
20 Email: Amber@SheIsMyLawyer.com
21 Attorney for: 2861 MARATHON, LLC
22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 _____

26 Keith Kizer
27 Senior Deputy Attorney General
28 State of Nevada - Office of the Attorney General
555 E Washington Avenue, Ste. 3900
Las Vegas, NV 89101

2861 MARATHON, LLC



1 NEO

2 Amberlea Davis

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShelsMyLawyer.com

9 Attorney for: 1701 EMPIRE MINE, LLC

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
12 **CLARK COUNTY NEVADA**

13 MELANI SCHULTE,

14 Plaintiff,

15 -vs-

16 WILLIAM R. SCHULTE,

17 Defendants.

18 CASE: D-12-458809-D

19 DEPT: I

20 **NOTICE OF ENTRY OF ORDER**21 **NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION**
22 **RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO**
23 **1701 EMPIRE MINE, LLC MELANI SCHULTE**24 **PLEASE TAKE NOTICE:** The attached Order was entered in the above matter on February 20,
25 2018.

26 Dated February 21, 2018.

27 /s Amberlea Davis

28 Attorney Amberlea Davis

Nevada Bar #11551

Attorney for: 1701 EMPIRE MINE, LLC
and Successor in Interest - Melani Schulte

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

EXHIBIT 1

ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 1701 EMPIRE MINE, LLC MELANI
SCHULTE FILED FEBRUARY 20, 2018.

Steven D. Grierson

ORD

Amberlea Davis
Nevada Bar Number: 11551
Law Offices of Amberlea Davis
415 S. Sixth St, Ste 300
Las Vegas, NV 89101
Phone: (702) 440-8000
Email: Amber@ShelsMyLawyer.com
Attorney for: 1701 EMPIRE MINE, LLC
and Successor in Interest Melani Schulte

DISTRICT COURT
CLARK COUNTY NEVADA

MELANI SCHULTE,
Plaintiff,

CASE: D-12-458809-D

-VS-

WILLIAM R. SCHULTE,
Defendants.

DEPT: I

**ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH
AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 1701
EMPIRE MINE, LLC MELANI SCHULTE**

This matter came before the court for a hearing on November 30, 2017. Melani Schulte was present and represented by Attorney Amberlea Davis. Senior Deputy Attorney General Keith Kizer from the Nevada Attorney General's office was present representing the Sharath Chandra, Administrator of Nevada Real Estate Division guardian of the Education Research and Recovery Fund (ERRF Fund). William R. Schulte failed to appear at the November 30 hearing.

Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and that approximately \$92,919.59 was still available in the fund to pay claims against

1701 EMPIRE MINE, LLC

LAW OFFICES OF AMBERLEA DAVIS

415 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

Non-Trial Dispositions:
☐ Other
☐ Settled/Withdrawn
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
Trial Dispositions:
☐ Judgment Resolved by Trial
☐ Judgment Resolved by Trial

2018-02-20

001

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

1701 EMPIRE MINE, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$10,900.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 1701 EMPIRE MINE, LLC the amount of \$10,900.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
1701 EMPIRE MINE, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

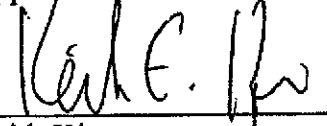
19 Phone: (702) 440-8000

20 Email: Amber@SheIsMyLawyer.com

21 Attorney for: 1701 EMPIRE MINE, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 
26 _____
27 Keith Kizer

28 **Senior Deputy Attorney General**

State of Nevada - Office of the Attorney General

555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

1701 EMPIRE MINE, LLC

Amberlea Davis

NEO
Amberlea Davis
Nevada Bar Number: 11551
Law Offices of Amberlea Davis
415 S. Sixth St, Ste 300
Las Vegas, NV 89101
Phone: (702) 440-8000
Email: Amber@SheIsMyLawyer.com
Attorney for: CHERISH, LLC
and Successor in Interest Melani Schulte

DISTRICT COURT
CLARK COUNTY NEVADA

MELANI SCHULTE,

Plaintiff,
-vs-

WILLIAM R. SCHULTE,

Defendants,

CASE: D-12-458809-D

DEPT: I

NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION
RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO
CHERISH, LLC MELANI SCHULTE

PLEASE TAKE NOTICE: The attached Order was entered in the above matter on February 20,
2018.

Dated February 21, 2018.

/s Amberlea Davis
Attorney Amberlea Davis
Nevada Bar #11551
Attorney for: CHERISH, LLC
and Successor in Interest - Melani Schulte

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO CHERISH, LLC MELANI SCHULTE
FILED FEBRUARY 20, 2018.*

Amberlea Davis

1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShelsMyLawyer.com

9 Attorney for: CHERISH, LLC

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 Plaintiff,

15 -vs-

16 **WILLIAM R. SCHULTE,**

17 Defendants.

CASE: D-12-458809-D

DEPT: 1

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO***
20 ***CHERISH, LLC MELANI SCHULTE***

21 This mater came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

CHERISH, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

CHERISH, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the EERF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$12,060.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14 **ORDER**

15 **THE COURT ORDERS** that Plaintiffs motion is granted.

16
17 **THE COURT ORDERS** and directs the Administrator of the Real Estate
18 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
19 interest to CHERISH, LLC the amount of \$12,060.00.

20
21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
CHERISH, LLC

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s/ Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

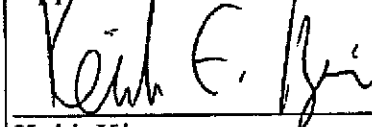
19 Phone: (702) 440-8000

20 Email: Amber@SheIsMyLawyer.com

21 Attorney for: CHERISH, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 

26 Keith Kizer

27 **Senior Deputy Attorney General**

28 **State of Nevada - Office of the Attorney General**

555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

CHERISH, LLC



1 **NEO**
 2 **Amberlea Davis**
 3 Nevada Bar Number: 11551
 4 Law Offices of Amberlea Davis
 5 415 S. Sixth St, Ste 300
 6 Las Vegas, NV 89101
 7 Phone: (702) 440-8000
 8 Email: Amber@SheIsMyLawyer.com
 9 Attorney for: 1341 MINUET, LLC
 10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
 12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**
 15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

18 **CASE: D-12-458809-D**

19 **DEPT: I**

20 **NOTICE OF ENTRY OF ORDER**

21 **NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION**
 22 **RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO**
 23 **1341 MINUET, LLC MELANI SCHULTE**

24 **PLEASE TAKE NOTICE:** The attached Order was entered in the above matter on February 20,
 25 2018.

26 **Dated February 21, 2018.**

27 /s Amberlea Davis
 28 Attorney Amberlea Davis
 Nevada Bar #11551
 Attorney for: 1341 MINUET, LLC
 and Successor in Interest - Melani Schulte

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 1341 MINUET, LLC MELANI SCHULTE
FILED FEBRUARY 20, 2018.*

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

Amber B. Davis

1 **ORD**
2 **Amberlea Davis**
3 Nevada Bar Number: 11551
4 Law Offices of Amberlea Davis
5 415 S. Sixth St, Ste 300
6 Las Vegas, NV 89101
7 Phone: (702) 440-8000
8 Email: Amber@ShellsMyLawyer.com
9 Attorney for: 1341 MINUET, LLC
10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

18 **CASE: D-12-458809-D**

19 **DEPT: I**

20 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
21 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 1341***
22 ***MINUET, LLC MELANI SCHULTE***

23 This mater came before the court for a hearing on November 30, 2017.
24 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
25 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
26 was present representing the Sharath Chandra, Administrator of Nevada Real
27 Estate Division guardian of the Education Research and Recovery Fund (ERRF
28 Fund). William R. Schulte failed to appear at the November 30 hearing.

Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
that approximately \$92,919.59 was still available in the fund to pay claims against

1341 MINUET, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**

9
10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

1341 MINUET, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$12,402.71, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 1341 MINUET, LLC the amount of \$12,402.71.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
1341 MINUET, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

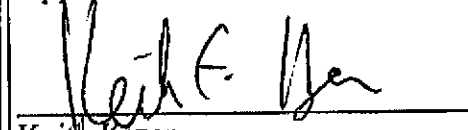
19 Phone: (702) 440-8000

20 Email: Amber@SheIsMyLawyer.com

21 Attorney for: 1341 MINUET, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 
26 Keith Kizer

27 **Senior Deputy Attorney General**

28 **State of Nevada - Office of the Attorney General**

555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

1341 MINUET, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

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Steven D. Grierson
CLERK OF THE COURT

Amberlea Davis

1 NEO
2 Amberlea Davis
3 Nevada Bar Number: 11551
4 Law Offices of Amberlea Davis
5 415 S. Sixth St, Ste 300
6 Las Vegas, NV 89101
7 Phone: (702) 440-8000
8 Email: Amber@SheIsMyLawyer.com
9 Attorney for: 5524 ROCK CREEK, LLC
10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
12 **CLARK COUNTY NEVADA**

13 MELANI SCHULTE,

14 Plaintiff,
15 -vs-

16 WILLIAM R. SCHULTE,
17 Defendants.

CASE: D-12-458809-D

DEPT: I

NOTICE OF ENTRY OF ORDER

18 **NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION**
19 **RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO**
20 **5524 ROCK CREEK, LLC MELANI SCHULTE**

21 PLEASE TAKE NOTICE: The attached Order was entered in the above matter on February 20,
22 2018.

23 Dated February 21, 2018.

24 /s Amberlea Davis
25 Attorney Amberlea Davis
26 Nevada Bar #11551
27 Attorney for: 5524 ROCK CREEK, LLC
28 and Successor in Interest - Melani Schulte

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 5524 ROCK CREEK, LLC MELANI
SCHULTE FILED FEBRUARY 20, 2018.*

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

Amberlea Davis

1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShellsMyLawyer.com

9 Attorney for: 5524 ROCK CREEK, LLC

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 **ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH**
19 **AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 5524**
20 **ROCK CREEK, LLC MELANI SCHULTE**

21 This matter came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis, Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

5524 ROCK CREEK, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

5524 ROCK CREEK, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the EERF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$14,590.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 5524 ROCK CREEK, LLC the amount of \$14,590.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
5524 ROCK CREEK, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:

15 /s/ Amberlea Davis

16 Law Offices of Amberlea Davis

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

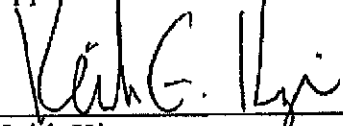
19 Phone: (702) 440-8000

20 Email: Amber@SheIsMyLawyer.com

21 Attorney for: 5524 ROCK CREEK, LLC

22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 _____

26 Keith Kizer

27 Senior Deputy Attorney General

28 State of Nevada - Office of the Attorney General

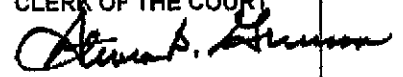
555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

5524 ROCK CREEK, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

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2/21/2018 5:56 PM
Steven D. Grierson
CLERK OF THE COURT



1 NEO
2 Amberlea Davis
3 Nevada Bar Number: 11551
4 Law Offices of Amberlea Davis
5 415 S. Sixth St, Ste 300
6 Las Vegas, NV 89101
7 Phone: (702) 440-8000
8 Email: Amber@SheIsMyLawyer.com
9 Attorney for: 5609 SAN ARDO, LLC
10 and Successor in Interest Melani Schulte

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DISTRICT COURT
CLARK COUNTY NEVADA

MELANI SCHULTE,

Plaintiff,
-vs-

WILLIAM R. SCHULTE,
Defendants.

CASE: D-12-458809-D

DEPT: I

NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION
RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO
5609 SAN ARDO, LLC MELANI SCHULTE

PLEASE TAKE NOTICE: The attached Order was entered in the above matter on February 20,
2018.

Dated February 21, 2018.

/s Amberlea Davis
Attorney Amberlea Davis
Nevada Bar #11551
Attorney for: 5609 SAN ARDO, LLC
and Successor in Interest - Melani Schulte

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 5609 SAN ARDO, LLC MELANI
SCHULTE FILED FEBRUARY 20, 2018.*

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

Amberlea Davis

1 **ORD**
2 **Amberlea Davis**
3 Nevada Bar Number: 11551
4 Law Offices of Amberlea Davis
5 415 S. Sixth St, Ste 300
6 Las Vegas, NV 89101
7 Phone: (702) 440-8000
8 Email: Amber@ShelsMyLawyer.com
9 Attorney for: 5609 SAN ARDO, LLC
10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 5609***
20 ***SAN ARDO, LLC MELANI SCHULTE***

21 This mater came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

5609 SAN ARDO, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

5609 SAN ARDO, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the EERF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$10,400.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 5609 SAN ARDO, LLC the amount of \$10,400.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiffs prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
5609 SAN ARDO, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:

15 /s/ Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

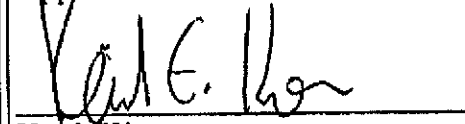
19 Phone: (702) 440-8000

20 Email: Amber@ShelsMyLawyer.com

21 Attorney for: 5609 SAN ARDO, LLC

22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 Keith Kizer

26 Senior Deputy Attorney General

27 State of Nevada - Office of the Attorney General

28 555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

5609 SAN ARDO, LLC



1 **NEO**
 2 **Amberlea Davis**
 3 Nevada Bar Number: 11551
 4 Law Offices of Amberlea Davis
 5 415 S. Sixth St, Ste 300
 6 Las Vegas, NV 89101
 7 Phone: (702) 440-8000
 8 Email: Amber@SheIsMyLawyer.com
 9 Attorney for: 9521 SIERRA SUMMIT, LLC
 10 and Successor in Interest Melani Schulte

7 **DISTRICT COURT**
 8 **CLARK COUNTY NEVADA**

9
 10 **MELANI SCHULTE,**

11 **Plaintiff,**
 12 **-vs-**

13 **WILLIAM R. SCHULTE,**

14 **Defendants.**

CASE: D-12-458809-D

DEPT: I

NOTICE OF ENTRY OF ORDER

15 **NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION**
 16 **RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO**
 17 **9521 SIERRA SUMMIT, LLC MELANI SCHULTE**

18
 19 **PLEASE TAKE NOTICE:** The attached Order was entered in the above matter on February 20,
 20 **2018.**

21
 22 **Dated February 21, 2018.**

23
 24 /s Amberlea Davis
 25 Attorney Amberlea Davis
 26 Nevada Bar #11551
 27 Attorney for: 9521 SIERRA SUMMIT, LLC
 28 and Successor in Interest - Melani Schulte

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 9521 SIERRA SUMMIT, LLC MELANI
SCHULTE FILED FEBRUARY 20, 2018.*

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

Steven D. Grierson

1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShellsMyLawyer.com

9 Attorney for: 9521 SIERRA SUMMIT, LLC
10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 9521***
20 ***SIERRA SUMMIT, LLC MELANI SCHULTE***

21 This matter came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

9521 SIERRA SUMMIT, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

9521 SIERRA SUMMIT, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$11,093.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 9521 SIERRA SUMMIT, LLC the amount of \$11,093.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
9521 SIERRA SUMMIT, LLC

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:

15 /s Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

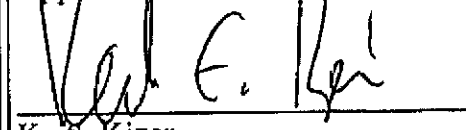
19 Phone: (702) 440-8000

20 Email: Amber@SheIsMyLawyer.com

21 Attorney for: 9521 SIERRA SUMMIT, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 
26 Keith Kizer

27 Senior Deputy Attorney General

28 State of Nevada - Office of the Attorney General

555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

9521 SIERRA SUMMIT, LLC



1 NEO
2 Amberlea Davis
3 Nevada Bar Number: 11551
4 Law Offices of Amberlea Davis
5 415 S. Sixth St, Ste 300
6 Las Vegas, NV 89101
7 Phone: (702) 440-8000
8 Email: Amber@ShelsMyLawyer.com
9 Attorney for: Melani Schulte
10 and Successor in Interest Melani Schulte

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14
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17
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21
22
23
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DISTRICT COURT
CLARK COUNTY NEVADA

MELANI SCHULTE,

Plaintiff,
-vs-

WILLIAM R. SCHULTE,

Defendants.

CASE: D-12-458809-D

DEPT: I

NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION
RESEARCH AND RECOVERY FUND AND TO MELANI SCHULTEPLEASE TAKE NOTICE: The attached Order was entered in the above matter on February 20,
2018.

Dated February 21, 2018.

/s Amberlea DavisAttorney Amberlea Davis
Nevada Bar #11551
Attorney for: Melani Schulte

EXHIBIT 1

ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO MELANI SCHULTE FILED FEBRUARY 20, 2018.

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

Amberlea Davis

1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShelsMyLawyer.com

9 Attorney for: Melani Schulte

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO***
20 ***MELANI SCHULTE MELANI SCHULTE***

21 This mater came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

Melani Schulte

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702-518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

Melani Schulte

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the EERF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$1,556.00, which is less than
9 the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to Melani Schulte the amount of \$1,556.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
Melani Schulte

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s/ Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

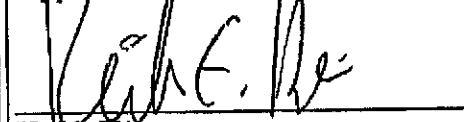
19 Phone: (702) 440-8000

20 Email: Amber@ShelsMyLawyer.com

21 Attorney for: Melani Schulte

22 and Successor in Interest Melani Schulte

23 Approved as to Form and Content:

24 
25 Keith Kizer

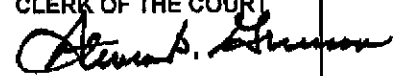
26 **Senior Deputy Attorney General**

27 **State of Nevada - Office of the Attorney General**

28 555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

Melani Schulte



1 **NEO**
 2 **Amberlea Davis**
 3 Nevada Bar Number: 11551
 4 Law Offices of Amberlea Davis
 5 415 S. Sixth St, Ste 300
 6 Las Vegas, NV 89101
 7 Phone: (702) 440-8000
 8 Email: Amber@SheIsMyLawyer.com
 9 Attorney for: 8216 PEACEFUL CANYON, LLC
 10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**
 12 **CLARK COUNTY NEVADA**

13 MELANI SCHULTE,

14 Plaintiff,
 15 -vs-

16 WILLIAM R. SCHULTE,
 17 Defendants.

18 CASE: D-12-458809-D

19 DEPT: I

20 **NOTICE OF ENTRY OF ORDER**

21 **NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION**
 22 **RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO**
 23 **8216 PEACEFUL CANYON, LLC MELANI SCHULTE**

24 PLEASE TAKE NOTICE: The attached Order was entered in the above matter on February 20,
 25 2018.

26 Dated February 21, 2018.

27 /s Amberlea Davis
 28 Attorney Amberlea Davis
 Nevada Bar #11551
 Attorney for: 8216 PEACEFUL CANYON, LLC
 and Successor in Interest - Melani Schulte

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 8216 PEACEFUL CANYON, LLC
MELANI SCHULTE FILED FEBRUARY 20, 2018.*

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

Steven D. Grierson

1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@ShelsMyLawyer.com

9 Attorney for: 8216 PEACEFUL CANYON, LLC

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 8216***
20 ***PEACEFUL CANYON, LLC MELANI SCHULTE***

21 This matter came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

8216 PEACEFUL CANYON, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
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7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

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11 645.841 et seq.

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16 she is not married to the Defendant, therefore, the exception does not apply.

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19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
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24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
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26 in good faith concerning her duties in managing the former community property
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28

8216 PEACEFUL CANYON, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$10,715.00, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 8216 PEACEFUL CANYON, LLC the amount of \$10,715.00.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

28
8216 PEACEFUL CANYON, LLC

LAW OFFICES OF AMBERLEA DAVIS
416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

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2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

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5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s/ Amberlea Davis

16 **Law Offices of Amberlea Davis**

17 415 S. Sixth St, Ste 300

18 Las Vegas, NV 89101

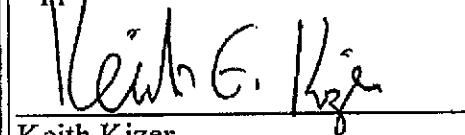
19 Phone: (702) 440-8000

20 Email: Amber@ShellsMyLawyer.com

21 Attorney for: 8216 PEACEFUL CANYON, LLC

22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 

26 Keith Kizer

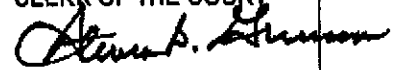
27 Senior Deputy Attorney General

28 State of Nevada - Office of the Attorney General

555 E Washington Avenue, Ste. 3900

Las Vegas, NV 89101

8216 PEACEFUL CANYON, LLC



1 NEO

2 Amberlea Davis

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

5 415 S. Sixth St, Ste 300

6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@SheIsMyLawyer.com

9 Attorney for: 2861 MARATHON, LLC

10 and Successor in Interest Melani Schulte

11
12 DISTRICT COURT
13 CLARK COUNTY NEVADA
14

15 MELANI SCHULTE,

16 Plaintiff,

17 -vs-

18 WILLIAM R. SCHULTE,

19 Defendants.
20

21 CASE: D-12-458809-D

22 DEPT: I

23 NOTICE OF ENTRY OF ORDER
2425 NOTICE OF ENTRY OF ORDER DIRECTING PAYMENT OUT OF THE EDUCATION
26 RESEARCH AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO
27 2861 MARATHON, LLC MELANI SCHULTE
2829 PLEASE TAKE NOTICE: The attached Order was entered in the above matter on February 20,
30 2018.

31 Dated February 21, 2018.

32 /s Amberlea Davis

33 Attorney Amberlea Davis

34 Nevada Bar #11551

35 Attorney for: 2861 MARATHON, LLC

36 and Successor in Interest - Melani Schulte
37
38

EXHIBIT 1

*ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH AND RECOVERY
FUND AND TO THE SUCCESSOR IN INTEREST TO 2861 MARATHON, LLC MELANI
SCHULTE FILED FEBRUARY 20, 2018.*

LAW OFFICES OF AMBERLEA DAVIS

416 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

Steven D. Grlerson

1 **ORD**

2 **Amberlea Davis**

3 Nevada Bar Number: 11551

4 Law Offices of Amberlea Davis

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6 Las Vegas, NV 89101

7 Phone: (702) 440-8000

8 Email: Amber@SheIsMyLawyer.com

9 Attorney for: 2861 MARATHON, LLC

10 and Successor in Interest Melani Schulte

11 **DISTRICT COURT**

12 **CLARK COUNTY NEVADA**

13 **MELANI SCHULTE,**

14 **Plaintiff,**

15 **-vs-**

16 **WILLIAM R. SCHULTE,**

17 **Defendants.**

CASE: D-12-458809-D

DEPT: I

18 ***ORDER DIRECTING PAYMENT OUT OF THE EDUCATION RESEARCH***
19 ***AND RECOVERY FUND AND TO THE SUCCESSOR IN INTEREST TO 2861***
20 ***MARATHON, LLC MELANI SCHULTE***

21 This matter came before the court for a hearing on November 30, 2017.
22 Melani Schulte was present and represented by Attorney Amberlea Davis. Senior
23 Deputy Attorney General Keith Kizer from the Nevada Attorney General's office
24 was present representing the Sharath Chandra, Administrator of Nevada Real
25 Estate Division guardian of the Education Research and Recovery Fund (ERRF
26 Fund). William R. Schulte failed to appear at the November 30 hearing.

27 Attorney Kizer proffered that \$7,080.41 has been paid by the ERRF fund and
28 that approximately \$92,919.59 was still available in the fund to pay claims against

2861 MARATHON, LLC

LAW OFFICES OF AMBERLEA DAVIS
415 S. 6th St., Ste. 300
Las Vegas, Nevada 89101
Telephone: 702.518-4377

1 William R. Schulte. Plaintiff Melani Schulte was present and proffered testimony.
2 Twenty-Two judgments were entered against William R. Schulte totaling over
3 \$200,000. However, the Plaintiff filed verified petitions only on nine of the twenty-
4 two judgments. The total of the nine verified petitions was approximately \$94,945.
5 The Court has reviewed and considered the verified petition, the pleadings and oral
6 argument.

7
8 **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**
9

10 **THE COURT FINDS** that the Petitioner has met the requirements of NRS
11 645.841 et seq.

12 **THE COURT FINDS** NRS 645.844 (4)(a) applies.

13 **THE COURT FINDS** the "spouse exception" does not apply in this case
14 because Plaintiff is a former spouse. At the time Plaintiff filed her action for
15 recovery from the ERRF, Plaintiff was a former spouse not a current spouse and
16 she is not married to the Defendant, therefore, the exception does not apply.

17 Further, the Court looked at the public policy pertaining to the word
18 "spouse" in the NRS statute. The statute is designed to prevent married couples
19 acting in concert to defraud other parties.

20 **THE COURT FINDS** that the Plaintiff has never been found to have
21 committed any type of business fraud concerning the former community property
22 assets she was awarded in the divorce.

23 **THE COURT FINDS** public policy also warrants that persons such as
24 Plaintiff should be encouraged to keep businesses viable in Nevada. Otherwise,
25 there would be less business conducted in Nevada. Here, Plaintiff has always acted
26 in good faith concerning her duties in managing the former community property
27 assets and ensuring no further harm to the tenants, paying restitution, and getting
28

2861 MARATHON, LLC

1 the businesses up to par.

2 **THE COURT FINDS** that the fund is limited to \$100,000 per licensee and
3 that \$7,080.41 has already been paid from the ERRF fund on the license of William
4 R. Schulte.

5 **THE COURT FINDS** that the fund is limited to \$25,000 per judgment.

6 **THE COURT FINDS** that the nine verified petitions have separate
7 judgments.

8 **THE COURT FINDS** that this judgment is for \$11,228.75, which is less
9 than the \$25,000 per judgment limit.

10 **THE COURT FINDS** that because of the fund limits, that the total of these
11 nine judgments may not exceed \$92,919.59.

12 If any conclusions of law are properly findings of fact, they shall be treated
13 as if appropriately identified and designated.

14
15 **ORDER**

16
17 **THE COURT ORDERS** that Plaintiffs motion is granted.

18 **THE COURT ORDERS** and directs the Administrator of the Real Estate
19 Research and Recovery Fund (EERF) to pay Melani Schulte the successor in
20 interest to 2861 MARATHON, LLC the amount of \$11,228.75.

21 **THE COURT ORDERS** and directs the Administrator of the Real Estate
22 Research and Recovery Fund (EERF) may prorate or offset the payment so that the
23 nine individual judgments do not collectively total more than \$92,919.59.

24 **THE COURT ORDERS** that Plaintiff's prior accounting (for paid security
25 deposits and collected rent) from the nine (9) Judgements that apply, which were
26 filed on or about 5/18/17, 5/23/17, 5/24/17, and 5/25/17 shall be attached as
27 exhibits to the Order from today's hearing.

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2861 MARATHON, LLC

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1 **THE COURT ORDERS** that all previously filed Judgments and Orders
2 may be e-mailed to Attorney Kizer by the Judicial Executive Assistant (JEA) for
3 Department I as he does not have access in this sealed case.

4 **THE COURT ORDERS** the Registry of Actions be printed and provided
5 them to both Counsel IN OPEN COURT.

6 **THE COURT ORDERS** that this is a final order.

7
8 Dated January 29, 2018.

9
10
11 
12 DISTRICT COURT JUDGE

13
14 Respectfully Submitted:
15 /s/ Amberlea Davis
16 **Law Offices of Amberlea Davis**
17 415 S. Sixth St, Ste 300
18 Las Vegas, NV 89101
19 Phone: (702) 440-8000
20 Email: Amber@ShellsMyLawyer.com
21 Attorney for: 2861 MARATHON, LLC
22 and Successor in Interest Melani Schulte

23
24 Approved as to Form and Content:

25 
26 _____

27 Keith Kizer
28 **Senior Deputy Attorney General**
29 **State of Nevada - Office of the Attorney General**
30 555 E Washington Avenue, Ste. 3900
31 Las Vegas, NV 89101

32
33 2861 MARATHON, LLC



1 **NOAS**
2 **ADAM PAUL LAXALT**
3 Attorney General
4 Keith E. Kizer (Bar No. 4305)
5 Senior Deputy Attorney General
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9 Las Vegas, NV 89101
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13 Attorneys for Sharath Chandra, Administrator,
14 Nevada Real Estate Division

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **MELANI SCHULTE,**
18
19 Plaintiff,

20 vs.

21 **WILLIAM R. SCHULTE,**
22
23 Defendant.

Case No. D-12-458809-D
Dept. No. I

24 **NOTICE OF APPEAL**

25 Notice is hereby given that Sharath Chandra, Administrator, Nevada Real Estate Division (the
26 "Division"), hereby appeals to the Supreme Court of Nevada from:

27 1. Order Directing Payment Out of the Education Research and Recovery Fund and to the
28 Successor in Interest to 9521 Sierra Summit, LLC Melani Schulte, filed on February 20, 2018, Notice
of Entry of which was given on February 21, 2018.

2. Order Directing Payment Out of the Education Research and Recovery Fund and to the
Successor in Interest to 5609 San Ardo, LLC Melani Schulte, filed on February 20, 2018, Notice of
Entry of which was given on February 21, 2018.

3. Order Directing Payment Out of the Education Research and Recovery Fund and to the
Successor in Interest to 5524 Rock Creek, LLC Melani Schulte, filed on February 20, 2018, Notice of
Entry of which was given on February 21, 2018.

...

1 4. Order Directing Payment Out of the Education Research and Recovery Fund and to the
2 Successor in Interest to 8216 Peaceful Canyon, LLC Melani Schulte, filed on February 20, 2018,
3 Notice of Entry of which was given on February 21, 2018.

4 5. Order Directing Payment Out of the Education Research and Recovery Fund and to the
5 Successor in Interest to 1341 Minuet, LLC Melani Schulte, filed on February 20, 2018, Notice of Entry
6 of which was given on February 21, 2018.

7 6. Order Directing Payment Out of the Education Research and Recovery Fund and to the
8 Successor in Interest to 2861 Marathon, LLC Melani Schulte, filed on February 20, 2018, Notice of
9 Entry of which was given on February 21, 2018.

10 7. Order Directing Payment Out of the Education Research and Recovery Fund and to the
11 Successor in Interest to 1701 Empire Mine, LLC Melani Schulte, filed on February 20, 2018, Notice of
12 Entry of which was given on February 21, 2018.

13 8. Order Directing Payment Out of the Education Research and Recovery Fund and to the
14 Successor in Interest to Cherish, LLC Melani Schulte, filed on February 20, 2018, Notice of Entry of
15 which was given on February 21, 2018.

16 9. Order Directing Payment Out of the Education Research and Recovery Fund and to the
17 Successor in Interest to Melani Schulte Melani Schulte, filed on February 20, 2018, Notice of Entry of
18 which was given on February 21, 2018.

19 10. Final Judgment in Favor of 9521 Sierra Summit, LLC and Against William R. Schulte,
20 filed on May 18, 2017, of which no notice of entry was given to the Division.

21 11. Final Judgment in Favor of 5609 San Ardo, LLC and Against William R. Schulte, filed
22 on May 18, 2017, of which no notice of entry was given to the Division.

23 12. Final Judgment in Favor of 5524 Rock Creek, LLC and Against William R. Schulte,
24 filed on May 18, 2017, of which no notice of entry was given to the Division.

25 13. Final Judgment in Favor of 8216 Peaceful Canyon, LLC and Against William R.
26 Schulte, filed on May 23, 2017, of which no notice of entry was given to the Division.

27 14. Final Judgment in Favor of 1341 Minuet, LLC and Against William R. Schulte, filed on
28 May 18, 2017, of which no notice of entry was given to the Division.

1 15. Final Judgment in Favor of 2861 Marathon, LLC and Against William R. Schulte, filed
2 on May 25, 2017, of which no notice of entry was given to the Division.

3 16. Final Judgment in Favor of 1701 Empire Mine, LLC and Against William R. Schulte,
4 filed on May 18, 2017, of which no notice of entry was given to the Division.

5 17. Final Judgment in Favor of Cherish, LLC and Against William R. Schulte, filed on May
6 18, 2017, of which no notice of entry was given to the Division.

7 18. Final Judgment in Favor of Melani Schulte and Against William R. Schulte, filed on
8 May 23, 2017, of which no notice of entry was given to the Division.

9 19. Order From April 3, 2017 Hearing Granting Final Judgment Against William R.
10 Schulte, filed on May 18, 2017, of which no notice of entry was given to the Division.

11 20. All other orders, judgments, rulings, decisions, and other Court actions herein as to
12 which the Division is an aggrieved party that are made appealable by the foregoing final and/or
13 appealable judgments and orders in this action.

14 DATED this 22nd day of March, 2018.

15 ADAM PAUL LAXALT
16 Attorney General

17 By: / s / Keith E. Kizer
18 Keith E. Kizer (Bar. No. 4305)
19 Senior Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that
3 on 22nd day of March, 2018, I filed the foregoing document via this Court's electronic filing system.

4 The following participants in this case are registered electronic filing systems users and will be
5 served electronically:

6 Amberlea Davis, Esq.
7 Law Offices of Amberlea Davis
8 415 S. Sixth Street, Suite 300
Las Vegas, NV 89101

9 The following participants in this case are not registered electronic filing systems users and will
10 be served via United States mail, first class, postage prepaid:

11 William B. Schulte
12 7201 W. Lake Mead, #550
Las Vegas, NV 89128

13 William B. Schulte
14 8252 Nice Court
Las Vegas, NV 89129

15
16 / s / Danielle Wright

17 Danielle Wright, an employee of
18 the Office of the Nevada Attorney General
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