

Electronically Filed  
Jun 06 2018 11:18 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOAS**

GEISENDORF & VILKIN, PLLC  
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2470 St. Rose Parkway, Suite 309  
Henderson, Nevada 89074  
Tel: (702) 873-5868  
Email: charles@gvattorneys.com  
Attorney for 9352 Cranesbill Trust,  
Teal Petal St. Trust, and Iyad Haddad

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

VENISE ABELARD,

Plaintiff,

vs.

9352 CRANESBILL TRUST, FORT APACHE  
SQUARE HOMEOWNERS ASSOCIATION,  
MESA MANAGEMENT, LAS VEGAS  
ASSOCIATION MANAGEMENT, LLC,  
BENCH MARCH ASSOCIATION SERVICES,  
IYAD HADDAD; et. al.,

Defendant.

And all related Parties and Actions.

Case No.: A-12-671509-C

Dept. No.: VII

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that 9352 Cranesbill Trust, Teal Petal St. Trust, and Iyad Haddad, hereby appeal to the Nevada Supreme Court from the Findings of Fact and Conclusions of Law granting Wells Fargo Bank, N.A.'s Motion for Summary Judgment entered in this action

1 on April 30, 2018.

2 Dated: May 29, 2018

3 GEISENDORF & VILKIN, PLLC

4 /s/ Charles L. Geisendorf

5 Charles L. Geisendorf, Esq.

6 Nevada Bar No. 6985

7 2470 St. Rose Parkway, Suite 309

8 Henderson, Nevada 89074

9 Tel: (702) 873-5868

10 Attorney for 9352 Cranesbill Trust,

11 Teal Petal St. Trust, and Iyad Haddad

12 **Certificate of Service**

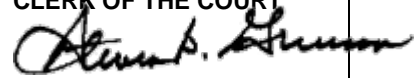
13 I hereby certify that on May 29, 2018, I served the following document(s):

14 A copy of the preceding **NOTICE OF APPEAL**.

- 15
- 16 ■ By Electronic Transmission: by transmitting the document to the parties
  - 17 registered to receive service for this case via this Court's mandatory e-service
  - 18 system.

19 /s/ Charles L. Geisendorf

20 An employee of Geisendorf & Vilkin, PLLC



**ASTA**  
GEISENDORF & VILKIN, PLLC  
Charles L. Geisendorf, Esq. (6985)  
2470 St. Rose Parkway, Suite 309  
Henderson, Nevada 89074  
Tel: (702) 873-5868  
Email: charles@gvattorneys.com  
Attorney for 9352 Cranesbill Trust,  
Teal Petal St. Trust, and Iyad Haddad

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

VENISE ABELARD,  
  
Plaintiff,

vs.

9352 CRANESBILL TRUST, FORT APACHE  
SQUARE HOMEOWNERS ASSOCIATION,  
MESA MANAGEMENT, LAS VEGAS  
ASSOCIATION MANAGEMENT, LLC,  
BENCH MARCH ASSOCIATION SERVICES,  
IYAD HADDAD; et. al.,

Defendant.

And all related Parties and Actions.

Case No.: A-12-671509-C  
Dept. No.: VII

**CASE APPEAL STATEMENT**

1. The appellants filing this case appeal statement are 9352 Cranesbill Trust, Teal Petal St. Trust, and Iyad Haddad.
2. The judge issuing the decision, judgment, or order appealed from is The Honorable Linda Marie Bell.

1           3.       The parties to the proceedings in District Court are Plaintiff, Venice Abelard;  
2 Defendants, 9352 Cranesbill Trust, Teal Petal St. Trust, Iyad Haddad, Fort Apache Square  
3 Homeowners Association, Mesa Management, Benchmark Association Services, Alessi &  
4 Koenig LLC, Las Vegas Association Mgmt LLC, and Intervenor, Wells Fargo Bank, N.A.  
5

6           4.       The parties to this appeal are Appellants, 9352 Cranesbill Trust, Teal Petal St.  
7 Trust, Iyad Haddad; and Respondent, Wells Fargo Bank, N.A.  
8

9           5.       Counsel for Appellants 9352 Cranesbill Trust, Teal Petal St. Trust, and Iyad  
10 Haddad is Charles L. Geisendorf, Esq. of GEISENDORF & VILKIN, PLLC, 2470 St. Rose  
11 Parkway, Suite 309, Henderson, Nevada 89074, (702) 873-5868. Counsel for Respondent,  
12 Wells Fargo Bank, N.A. is Jeffrey Willis, Esq., Erica J. Stutman, Esq., and Daniel S. Ivie, Esq. of  
13 SNELL & WILMER L.L.P., 13883 Howard Hughes Parkway, Suite 1100, Las Vegas, Nevada  
14 89169, (702) 784-5200.  
15

16           6.       The attorneys for both the Appellants, 9352 Cranesbill Trust, Teal Petal St. Trust,  
17 Iyad Haddad, and Respondent, Wells Fargo Bank, N.A. are licensed in the state of Nevada.  
18

19           7.       The appellants were represented by retained counsel in the District Court.  
20

21           8.       The appellants are represented by retained counsel on appeal.  
22

23           9.       There were no orders granting leave to proceed in forma pauperis.  
24

25           10.      The complaint was filed in District Court on November 6, 2012.  
26

27           11.      In this action, 9352 Cranesbill Trust, Teal Petal St. Trust, and Iyad Haddad are  
28 seeking quiet title to the real property from the former owner and from all existing encumbrances  
on the property. The District Court granted summary judgment in favor of Wells Fargo Bank,  
N.A.

          12.      This action has not previously been the subject of an appeal in the Nevada

1 Supreme Court.

2 13. This appeal does not involve child custody or visitation.

3 14. The appeal does not involve the possibility of settlement.

4  
5 Dated: May 29, 2018

6 GEISENDORF & VILKIN, PLLC

7 /s/ Charles L. Geisendorf

8 Charles L. Geisendorf, Esq.

9 Nevada Bar No. 6985

10 2470 St. Rose Parkway, Suite 309

11 Henderson, Nevada 89074

12 Tel: (702) 873-5868

13 Attorney for 9352 Cranesbill Trust,

14 Teal Petal St. Trust, and Iyad Haddad

15 **Certificate of Service**

16 I hereby certify that on May 29, 2018, I served the following document(s):

17 A copy of the preceding **CASE APPEAL STATEMENT**.

- 18 ■ By Electronic Transmission: by transmitting the document to the parties  
19 registered to receive service for this case via this Court's mandatory e-service  
20 system.

21 /s/ Charles L. Geisendorf

22 An employee of Geisendorf & Vilkin, PLLC

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

§  
§  
§  
§  
§

Location: **Department 7**  
Judicial Officer: **Bell, Linda Marie**  
Filed on: **11/06/2012**  
Case Number History:  
Cross-Reference Case Number: **A671509**

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CASE INFORMATION

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Case Type: **Title to Property**  
Subtype: **Foreclosure**  
Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**  
**Automatically Exempt from Arbitration**  
**Case Note**  
*Pending Motion to Amend*  
*Parties: Cranesbill Trust (Paid)*  
*with Teal Petals Trust 11-19-15*  
**In Forma Pauperis Granted**  
*SOLA as to Plaintiff*

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DATE

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CASE ASSIGNMENT

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**Current Case Assignment**

Case Number	A-12-671509-C
Court	Department 7
Date Assigned	03/02/2015
Judicial Officer	Bell, Linda Marie

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PARTY INFORMATION

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<b>Plaintiff</b>	<b>Abelard, Venise</b>	<b>Bookout, Debra</b> <i>Retained</i> 702-386-1452(W)
<b>Defendant</b>	<b>9352 Cranesbill Trust</b>	<b>Geisendorf, Charles L.</b> <i>Retained</i> 7028735868(W)
	<b>Alessi &amp; Koenig LLC</b> Removed: 03/27/2014 Dismissed	<b>Lam, Huong</b> <i>Retained</i> 702-222-4033(W)
	<b>Alessi &amp; Koenig LLC</b>	
	<b>Benchmark Association Services</b>	
	<b>Fort Apache Square Homeowners Assoc</b> Removed: 03/27/2014 Dismissed	
	<b>Fort Apache Square Homeowners Association</b>	<b>Pengilly, James</b> <i>Retained</i> 702-889-6665(W)
	<b>Haddad, Iyad</b> Removed: 03/27/2014 Dismissed	<b>Bohn, Michael F</b> <i>Retained</i> 702-642-3113(W)
	<b>Haddad, Iyad</b>	<b>Bohn, Michael F</b> <i>Retained</i>

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**CASE SUMMARY**  
CASE NO. A-12-671509-C

702-642-3113(W)

**Las Vegas Association Mgmt LLC**

**Mesa Management**

Removed: 03/27/2014  
Dismissed

**Lam, Huong**

*Retained*

702-222-4033(W)

**Mesa Management LLC**

**Nevada Association Services**

Removed: 01/12/2016  
Inactive

**Teal Petals St Trust**

**Bohn, Michael F**

*Retained*

702-642-3113(W)

**Counter Claimant 9352 Cranesbill Trust**

**Geisendorf, Charles L.**

*Retained*

7028735868(W)

**Wells Fargo Bank, N.A.**

**Sorenson, Amy F.**

*Retained*

702-784-5200(W)

**Counter Defendant 9352 Cranesbill Trust**

**Geisendorf, Charles L.**

*Retained*

7028735868(W)

**Abelard, Venise**

**Bookout, Debra**

*Retained*

702-386-1452(W)

**Cross Claimant 9352 Cranesbill Trust**

**Geisendorf, Charles L.**

*Retained*

7028735868(W)

**Wells Fargo Bank, N.A.**

**Sorenson, Amy F.**

*Retained*

702-784-5200(W)

**Cross Defendant Abelard, Venise**

**Bookout, Debra**

*Retained*

702-386-1452(W)

**Alessi & Koenig LLC**

**Fort Apache Square Homeowners Association**

Removed: 05/25/2018  
Dismissed

**Pengilly, James**

*Retained*

702-889-6665(W)

**Intervenor Wells Fargo Bank, N.A.**

**Sorenson, Amy F.**

*Retained*

702-784-5200(W)

**Third Party Defendant Teal Petals St Trust**

**Bohn, Michael F**

*Retained*


702-642-3113(W)

**Third Party Plaintiff Wells Fargo Bank, N.A.**

**Sorenson, Amy F.**













*Retained*

702-784-5200(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
11/06/2012	 Complaint With Jury Demand Filed By: Cross Defendant Abelard, Venise	














DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

*Complaint for Declaratory Relief, Damages, Wrongful Foreclosure, Violations of the FDCPA, Negligence, Fraud and Demand for Jury Trial*

11/06/2012	Case Opened
11/07/2012	 Motion for Temporary Restraining Order Filed By: Cross Defendant Abelard, Venise <i>Motion for Temporary Retraining Order and Preliminary Injunction on Order SHortening Time</i>
11/08/2012	 Errata Filed By: Cross Defendant Abelard, Venise <i>Errata to Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>
11/21/2012	 Stipulation and Order Filed by: Cross Defendant Abelard, Venise <i>Stipulation and Order to Continue Hearing</i>
11/26/2012	 Notice of Entry of Stipulation and Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Stipulation and Order</i>
11/30/2012	 Summons Filed by: Cross Defendant Abelard, Venise <i>Summons - Alessi &amp; Koenig LLC</i>
11/30/2012	 Summons Filed by: Cross Defendant Abelard, Venise <i>Summons - Fort Apache Square Homeowners Association</i>
11/30/2012	 Summons Filed by: Cross Defendant Abelard, Venise <i>Summons - Iyad Haddad</i>
11/30/2012	 Summons Filed by: Cross Defendant Abelard, Venise <i>Summons - Mesa Management</i>
11/30/2012	 Summons Filed by: Cross Defendant Abelard, Venise <i>Summons - Las Vegas Association Management LLC</i>
11/30/2012	 Summons Filed by: Cross Defendant Abelard, Venise <i>Summons - Nevada Association Services</i>
12/03/2012	 Response Filed by: Counter Defendant 9352 Cranesbill Trust <i>Response to Motion for Preliminary Injunction</i>
12/04/2012	 <b>Motion for Temporary Restraining Order (9:00 AM)</b> (Judicial Officer: Escobar, Adriana) <b>12/04/2012, 12/20/2012</b> <i>Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>



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**CASE SUMMARY**  
**CASE NO. A-12-671509-C**


12/07/2012	 Reply Filed by: Cross Defendant Abelard, Venise <i>Reply to Response to Motion for Preliminary Injunction</i>
12/13/2012	 Answer to Complaint Filed by: Defendant Mesa Management; Defendant Fort Apache Square Homeowners Assoc; Defendant Alessi & Koenig LLC <i>Answer to Complaint</i>
12/13/2012	 Initial Appearance Fee Disclosure Filed By: Defendant Mesa Management; Defendant Fort Apache Square Homeowners Assoc; Defendant Alessi & Koenig LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
02/05/2013	 Notice of Early Case Conference Filed By: Cross Defendant Abelard, Venise <i>Notice of Early Case Conference</i>
02/22/2013	 Order Granting Preliminary Injunction Filed By: Cross Defendant Abelard, Venise <i>Order Granting Temporary Restraining Order and Preliminary Injunction</i>
02/25/2013	 Notice of Entry of Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Order Granting Temporary Restraining Order and Preliminary Injunction</i>
03/27/2013	 Notice of Change of Address Filed By: Cross Defendant Abelard, Venise <i>Notice of Change of Address</i>
04/24/2013	 Answer and Counterclaim Filed By: Counter Defendant 9352 Cranesbill Trust <i>Answer and Counterclaim</i>
04/30/2013	 Answer and Counterclaim Filed By: Counter Defendant 9352 Cranesbill Trust <i>Answer and Counterclaim</i>
05/24/2013	 Reply to Counterclaim Filed by: Cross Defendant Abelard, Venise <i>Reply to Counterclaim</i>
05/30/2013	 Joint Case Conference Report Filed By: Cross Defendant Abelard, Venise <i>Joint Case Conference Report</i>
06/19/2013	 Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Defendant Fort Apache Square Homeowners Assoc <i>Defendants Fort Apache HOA's, Mesa Management's and Alessi &amp; Koenig's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment</i>
06/20/2013	 Scheduling Order <i>Scheduling Order</i>


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07/23/2013	 <b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Escobar, Adriana) <b>07/23/2013, 09/17/2013</b> <i>Defendants Fort Apache HOA's, Mesa Management's and Alessi &amp; Koenig's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment</i>
07/23/2013	 Notice of Motion Filed By: Defendant Fort Apache Square Homeowners Assoc <i>Notice of Motion</i>
08/07/2013	 Joinder to Motion For Summary Judgment Filed By: Counter Defendant 9352 Cranesbill Trust <i>Joinder to Motion for Summary Judgment</i>
08/19/2013	 Amended Certificate of Mailing Filed By: Counter Defendant 9352 Cranesbill Trust <i>Amended Certificate of Mailing</i>
08/21/2013	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
08/28/2013	 Stipulation and Order Filed by: Cross Defendant Abelard, Venise <i>Stipulation and Order to Continue Hearing</i>
08/29/2013	 Notice of Entry of Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Stipulation and Order to Continue Hearing</i>
08/30/2013	 Opposition to Motion to Dismiss Filed By: Cross Defendant Abelard, Venise <i>Plaintiff's Opposition to "Defendants Fort Apache Homeowners Association, Mesa Management and Alessi &amp; Koenig, LLC's Motion to Dismiss, or in the Alternative, for Summary Judgment</i>
09/16/2013	 Reply in Support Filed By: Defendant Alessi & Koenig LLC <i>Defendants Fort Apache Square Homeowners Association, Mesa Management, and Alessi &amp; Koenig, LLC's Reply in Support of Motion to Dismiss, or in the Alternative, Motion for Summary Judgment</i>
09/17/2013	<b>Joinder</b> (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Joinder to Motion for Summary Judgment</i>
09/17/2013	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Escobar, Adriana)
10/01/2013	 Opposition Filed By: Cross Defendant Abelard, Venise <i>Plaintiff's Opposition to "Defendants Fort Apache Homeowners Association, Mesa Management and Alessi &amp; Koenig, LLC's Reply in Support of Motion to Dismiss, or in the Alternative, for Summary Judgment"</i>
10/14/2013	 <b>Decision</b> (4:00 PM) (Judicial Officer: Escobar, Adriana)
12/09/2013	 Pre-trial Memorandum


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**CASE SUMMARY**  
**CASE NO. A-12-671509-C**


Filed by: Cross Defendant Abelard, Venise  
*Plaintiff's Pre-trial Memorandum*


12/12/2013  **Calendar Call** (10:00 AM) (Judicial Officer: Escobar, Adriana)  
**12/12/2013, 05/15/2014**

01/03/2014  Order Setting Civil Jury Trial  
*First Amended Order Setting Civil Jury Trial*


03/04/2014  Motion for Summary Judgment  
Filed By: Counter Defendant 9352 Cranesbill Trust  
*Motion for Summary Judgment*

03/05/2014  Certificate of Mailing  
Filed By: Counter Defendant 9352 Cranesbill Trust  
*Certificate of Mailing*


03/21/2014  Opposition to Motion For Summary Judgment  
Filed By: Cross Defendant Abelard, Venise  
*Plaintiff's Opposition to 9352 Cranesbill Trust's Motion for Summary Judgment*

03/27/2014  Order  
Filed By: Counter Defendant 9352 Cranesbill Trust  
*Order Findings of Fact; and Conclusions of Law*


03/27/2014 **Order of Dismissal** (Judicial Officer: Escobar, Adriana)  
Debtors: Venise Abelard (Plaintiff)  
Creditors: Mesa Management (Defendant), Fort Apache Square Homeowners Assoc (Defendant), Alessi & Koenig LLC (Defendant)  
Judgment: 03/27/2014, Docketed: 04/03/2014  
Debtors: Venise Abelard (Plaintiff)  
Creditors: 9352 Cranesbill Trust (Defendant)  
Judgment: 03/27/2014, Docketed: 04/03/2014  
Comment: Certain Counts  
Debtors: Venise Abelard (Plaintiff)  
Creditors: Iyad Haddad (Defendant)  
Judgment: 03/27/2014, Docketed: 04/03/2014

03/28/2014  Notice of Entry of Order  
Filed By: Defendant Fort Apache Square Homeowners Assoc  
*Notice of Entry of Order*















04/08/2014  **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Escobar, Adriana)  
*Motion for Summary Judgment*

05/06/2014  Pre-trial Memorandum  
Filed by: Cross Defendant Abelard, Venise  
*Joint Pre-Trial Memorandum*

05/27/2014 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Escobar, Adriana)  
*Vacated - per Judge*














07/02/2014  Notice of Appearance  
Party: Cross Defendant Abelard, Venise  
*Notice of Appearance of Counsel*

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**












07/03/2014	 Certificate of Service Filed by: Cross Defendant Abelard, Venise <i>Certificate of Service of Notice of Appearance</i>
07/24/2014	 <b>Status Check: Trial Setting</b> (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.)
09/12/2014	 Amended Complaint Filed By: Cross Defendant Abelard, Venise <i>Amended Complaint for Declaratory Relief, Damages, Violations of the FDCPA, Fraud and Demand for Jury Trial</i>
09/22/2014	 Notice of Entry of Stipulation and Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Order to Continue Hearing on Plaintiff's Motion for Summary Judgment and Extend Opposition Deadline</i>
10/13/2014	 Answer to Amended Complaint Filed By: Defendant Fort Apache Square Homeowners Assoc <i>Fort Apache Square Homeowners Association; Mesa Management, LLC and Alessi &amp; Koenig, LLC's Answer to Amended Complaint</i>
10/27/2014	 Answer and Counterclaim Filed By: Counter Defendant 9352 Cranesbill Trust <i>Answer to Amended Complaint and Counterclaim</i>
11/20/2014	 Answer to Counterclaim <i>Answer to Defendant Haddad and 9352 Cranesbill Trusts' Counterclaim</i>
03/02/2015	Case Reassigned to Department 7 <i>District Court Case Reassignment 2015</i>
05/15/2015	 Motion Filed By: Counter Defendant 9352 Cranesbill Trust <i>Motion to Require the Plaintiff/Counterdefendant to Pay Rent</i>
06/01/2015	 Opposition Filed By: Cross Defendant Abelard, Venise <i>Opposition to Defendant/Counter-claimant's Motion to Require the Plaintiff/Counter-defendant to Pay Rent</i>
06/16/2015	 <b>Motion</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Defendants'/Counterclaimants' Motion to Require the Plaintiff/Counterdefendant to Pay Rent</i>
07/13/2015	 Motion to Intervene Party: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Motion to Intervene</i>
07/14/2015	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
07/22/2015	 Order <i>Order</i>
07/31/2015	 Joint Case Conference Report Filed By: Cross Defendant Abelard, Venise

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

*Joint Case Conference Report*


07/31/2015	 Notice of Non Opposition Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of No Opposition to Wells Fargo Bank, N.A.'s Motion to Intervene</i>
08/13/2015	 <b>Motion to Intervene</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Wells Fargo Bank, N.A.'s Motion to Intervene</i>
09/02/2015	 Order Granting Motion Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Order Granting Wells Fargo Bank, N.A.'s Motion to Intervene</i>
09/02/2015	 Notice of Entry of Order Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Order</i>
09/10/2015	 Answer to Counterclaim Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Answer In Intervention to 9352 Cranesbill Trust's Counterclaim and Wells Fargo Bank, N.A.'s Counterclaims, Cross-Claims</i>
09/10/2015	 Initial Appearance Fee Disclosure Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Third-Party Plaintiff Wells Fargo Bank, N.A.'s Initial Appearance Fee Disclosure</i>
09/11/2015	 NRCP 16.1 Initial List of Witnesses and Documents Filed By: Cross Defendant Abelard, Venise <i>Plaintiff Abelard's First Supplement to 16.1 Initial Disclosures of Documents and Witnesses</i>
09/14/2015	 Acceptance of Service Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Acceptance of Service</i>
09/29/2015	 Answer to Crossclaim Filed By: Defendant Fort Apache Square Homeowners Assoc <i>Fort Apache Square Homeowners Association and Alessi &amp; Koenig, LLC's Answer to Wells Fargo Bank, N.A.'s Cross-Claim</i>
09/30/2015	 Notice of Entry of Stipulation and Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines (First Request)</i>
09/30/2015	 Stipulation and Order to Extend Discovery Deadlines Filed By: Cross Defendant Abelard, Venise <i>Stipulation and Order to Extend Discovery Deadlines (First Request)</i>
10/06/2015	 Motion to Dismiss Filed By: Counter Defendant 9352 Cranesbill Trust <i>Motion to Dismiss Third Party Complaint</i>
10/08/2015	 Order Setting Civil Jury Trial <i>Third Order Setting Civil Jury Trial</i>

DEPARTMENT 7  
**CASE SUMMARY**  
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10/23/2015	 Opposition to Motion Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Opposition to Motion to Dismiss Third Party Complaint</i>
10/23/2015	 Request for Judicial Notice Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Request for Judicial Notice</i>
11/03/2015	 Reply in Support Filed By: Counter Defendant 9352 Cranesbill Trust <i>Reply in Support of Motion to Dismiss Third Party Complaint</i>
11/10/2015	 <b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Defendant's Motion to Dismiss</i>
11/19/2015	 Motion to Amend Answer Filed By: Defendant Haddad, Iyad <i>Defendants' Motion to Amend Their Answer to the Amended Complaint and Counterclaim to Reflect Real Party in Interest and Motion to Amend the Case Caption</i>
12/08/2015	 Opposition Filed By: Cross Defendant Abelard, Venise <i>Plaintiff/ Counterdefendant's Opposition to Defendant's Motion to Amend Answer to Amend Complaint and Counterclaim to Reflect Real Party in Interest</i>
12/09/2015	 Motion Filed By: Cross Defendant Abelard, Venise <i>Motion for Leave to Amend First Amended Complaint to Add Defendants</i>
12/17/2015	 Stipulation and Order Filed by: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Stipulation and Order to Allow Wells Fargo Bank, N.A. to Amend Its Answer to 9352 Cranesbill Trust's Counterclaim and Wells Fargo Bank, N.A.'s Counterclaims, Cross-Claims and Third-Party Complaint</i>
12/18/2015	 Errata Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Errata to Stipulation and Order to Allow Wells Fargo Bank, N.A. to Amend Its Answer to 9352 Cranesbill Trust's Counterclaim and Wells Fargo Bank, N.A.'s Counterclaims, Cross-Claims and Third-Party Complaint</i>
12/18/2015	 Notice of Entry of Stipulation and Order Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Stipulation and Order to Allow Wells Fargo Bank, N.A. to Amend Its Answer to 9352 Cranesbill Trust's Counterclaim and Wells Fargo Bank, N.A.'s Counterclaims, Cross-Claims and Third-Party Complaint</i>
12/22/2015	 Decision and Order <i>Decision and Order</i>
12/22/2015	<b>Motion to Amend</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Defendants' Motion to Amend Their Answer to the Amended Complaint and Counterclaim to Reflect Real Party in Interest and Motion to Amend the Case Caption</i>
12/22/2015	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Plaintiff/ Counterdefendant's Opposition to Defendant's Motion to Amend Answer to Amend</i>

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

*Complaint and Counterclaim to Reflect Real Party in Interest*










12/22/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
12/22/2015	 <b>Minute Order</b> (3:30 PM) (Judicial Officer: Bell, Linda Marie)
12/24/2015	 Decision and Order Filed By: Cross Defendant Abelard, Venise <i>Decision and Order</i>
01/12/2016	<b>CANCELED Motion for Leave</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - Previously Decided</i> <i>Motion for Leave to Amend First Amended Complaint to Add Defendants</i>
01/12/2016	 Amended Complaint Filed By: Cross Defendant Abelard, Venise <i>Second Amended Complaint for Declaratory Relief, Damages, Violations of the FDCPA, Fraud and Demand for Jury Trial</i>
01/22/2016	 Motion to Extend Discovery Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Motion to Extend Discovery Deadlines and Continue Trial (Second Request)</i>
02/02/2016	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - per Commissioner</i>
02/08/2016	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - per Commissioner</i>
02/15/2016	 Notice of Non Opposition Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of No Opposition to Wells Fargo Bank, N.A.'s Motion to Extend Discovery Deadlines and Continue Trial</i>
02/16/2016	 Answer to Amended Complaint Filed By: Counter Defendant 9352 Cranesbill Trust <i>Answer to Second Amended Complaint</i>
02/24/2016	 <b>Motion to Extend Discovery</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Wells Fargo Bank, N.A.'s Motion to Extend Discovery Deadlines and Continue Trial (Second Request)</i>
03/15/2016	 <b>Status Conference</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
04/01/2016	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
04/05/2016	 Discovery Commissioners Report and Recommendations Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Discovery Commissioner's Report and Recommendations</i>
04/08/2016	 Order Setting Civil Jury Trial <i>Fourth Order Setting Civil Jury Trial</i>

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

05/17/2016	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - per Commissioner</i>
05/23/2016	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - per Commissioner</i>
06/02/2016	 <b>Notice of Association of Counsel</b> Filed By: Defendant Fort Apache Square Homeowners Assoc <i>Notice of Association of Counsel for Fort Apache Square Homeowners Association</i>
06/14/2016	 <b>Status Conference</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
06/15/2016	 <b>Substitution of Attorney</b> Filed by: Cross Defendant Abelard, Venise <i>Substitution of Counsel for Fort Apache Square Homeowners Association</i>
07/18/2016	 <b>Motion for Summary Judgment</b> Filed By: Trust Haddad, Iyad <i>Motion for Summary Judgment</i>
07/18/2016	 <b>Motion for Summary Judgment</b> Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
07/18/2016	 <b>Appendix</b> Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Appendix of Exhibits to Motion for Summary Judgment</i>
07/18/2016	 <b>Supplemental</b> Filed by: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Supplemental Request for Judicial Notice</i>
08/17/2016	 <b>Stipulation and Order</b> Filed by: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Stipulation and Order to Continue Hearing and Set Briefing Schedule on Motion for Summary Judgment</i>
08/17/2016	 <b>Notice of Entry of Stipulation and Order</b> Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Stipulation and Order to Continue Hearing and Set Briefing Schedule on Motion for Summary Judgment</i>
08/18/2016	 <b>Opposition to Motion For Summary Judgment</b> Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Opposition to 9352 Cranesbill Trust and Iyad Haddad's Motion for Summary Judgment</i>
08/18/2016	 <b>Opposition to Motion For Summary Judgment</b> Filed By: Counter Defendant 9352 Cranesbill Trust <i>Opposition by Defendants 9352 Cranesbill Trust and Iyad Haddad to Intervenor Wells Fargo Bank's Motion for Summary Judgment</i>
08/25/2016	 <b>Motion to Stay</b> Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Motion to Stay or to Continue Trial on Order Shortening Time</i>














DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**













08/26/2016	 Motion Filed By: Cross Defendant Abelard, Venise <i>Motion in Limine No. 1 of 1 to Exclude Certain Evidence at Trial</i>
09/01/2016	 Reply in Support Filed By: Counter Defendant 9352 Cranesbill Trust <i>Reply in Support of Defendants 9352 Cranesbill Trust and Iyad Haddad's Motion for Summary Judgment</i>
09/01/2016	 Reply in Support Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Reply in Support of Motion for Summary Judgment</i>
09/06/2016	 Joinder To Motion Filed By: Defendant Alessi & Koenig LLC <i>Alessi &amp; Koenig, LLC and Mesa Management, LLC's Joinder to Wells Fargo Bank, N.A.'s Motion to Stay or to Continue Trial</i>
09/07/2016	 Joinder Filed By: Cross Defendant Abelard, Venise <i>Plaintiff Venise Abelard's Joinder to Wells Fargo's Motion to Stay</i>
09/08/2016	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>09/08/2016, 05/04/2017, 08/03/2017, 09/14/2017, 11/16/2017</b> <i>Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
09/08/2016	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>09/08/2016, 05/04/2017, 08/03/2017, 09/14/2017, 11/16/2017</b> <i>Defendant's Motion for Summary Judgment</i>
09/08/2016	<b>Motion to Continue Trial</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy) <i>Wells Fargo Bank, N.A.'s Motion to Stay or to Continue Trial on Order Shortening Time</i>
09/08/2016	<b>Joinder</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy) <i>Alessi &amp; Koenig, LLC and Mesa Management, LLC's Joinder to Wells Fargo Bank, N.A.'s Motion to Stay or to Continue Trial</i>
09/08/2016	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy)
10/04/2016	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy) <i>Vacated</i>
10/10/2016	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i>
12/20/2016	 Suggestion of Bankruptcy Filed By: Cross Defendant Alessi & Koenig LLC <i>Suggestion of Bankruptcy</i>
12/27/2016	 Order Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Order Staying Case</i>
12/28/2016	 Stipulation and Order Filed by: Third Party Plaintiff Wells Fargo Bank, N.A.

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

*Stipulation and Order to Continue Hearing on Motions for Summary Judgment*











12/28/2016	 Notice of Entry of Order Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Order Staying Case</i>
12/29/2016	 Notice of Entry of Stipulation and Order Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Stipulation and Order to Continue Hearing on Motions for Summary Judgment</i>
01/05/2017	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>01/05/2017, 05/04/2017, 08/03/2017, 09/14/2017, 11/16/2017</b> <i>Plaintiff / Counter-defendant Venise Abelard's Motion in Limine No. 1 of 1 to Exclude Certain Evidence at Trial</i>
01/05/2017	<b>Status Check</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>01/05/2017, 05/04/2017, 08/03/2017, 09/14/2017, 11/16/2017</b> <i>Status Check: Stay / Status of Case</i>
01/05/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
03/22/2017	 Notice of Change Filed By: Cross Defendant Alessi & Koenig LLC <i>Notice of Change of Counsel of Record for Defendants Alessi &amp; Koenig, LLC and Mesa Management, LLC</i>
05/04/2017	<b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i> <i>Status Check: Status of Case</i>
05/04/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
07/14/2017	 Substitution of Attorney Filed by: Counter Defendant 9352 Cranesbill Trust; Trust Haddad, Iyad <i>Substitution of Attorney</i>
08/03/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Thompson, Charles)
09/14/2017	<b>Status Check</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>09/14/2017, 11/16/2017</b> <i>Status Check: Status of Case</i>
09/14/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
09/18/2017	 Stipulation and Order Filed by: Cross Defendant Abelard, Venise <i>Stipulation and Order to Extend 5-Year Rule (NRCP 41(e))</i>
09/19/2017	 Notice of Entry of Stipulation and Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Stipulation and Order to Extend 5-Year Rule (NRCP 41 (e))</i>
11/16/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**







01/10/2018	 Motion Filed By: Cross Defendant Abelard, Venise <i>Plaintiff's Motion for EDCR 2.51 Settlement Conference</i>
01/31/2018	 Request for Judicial Notice Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Supplemental Request for Judicial Notice</i>
01/31/2018	 Motion for Summary Judgment Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
01/31/2018	 Appendix Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Appendix of Exhibits to Motion for Summary Judgment</i>
01/31/2018	 Motion for Summary Judgment Filed By: Third Party Defendant Teal Petals St Trust <i>Motion for Summary Judgment</i>
02/10/2018	 <b>Minute Order</b> (11:00 AM) (Judicial Officer: Bell, Linda Marie)
02/13/2018	<b>CANCELED Motion for Settlement Conference</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - Previously Decided</i> <i>Plaintiff's Motion for EDCR 2.51 Settlement Conference</i>
02/20/2018	 Opposition to Motion For Summary Judgment <i>Wells Fargo Bank, N.A.'s Opposition to Motion for Summary Judgment</i>
02/20/2018	 Opposition Filed By: Counter Defendant 9352 Cranesbill Trust <i>Opposition to Wells Fargo Bank, N.A. s Motion for Summary Judgment</i>
02/23/2018	 Opposition Filed By: Cross Defendant Abelard, Venise <i>Plaintiff's Opposition to Defendants Iyad Haddad's, 9352 Cranesbill Ct. Trust's, and Teal Petals St. Trust's Motion for Summary Judgment and Joinder to Wells Fargo Bank, N.A.'s Opposition to Motion for Summary Judgment</i>
02/27/2018	 Reply in Support Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Wells Fargo Bank, N.A.'s Reply In Support of Motion for Summary Judgment</i>
02/27/2018	 Reply in Support Filed By: Counter Defendant 9352 Cranesbill Trust <i>Reply in Support of Motion for Summary Judgment</i>
03/02/2018	 Order Setting Settlement Conference <i>Order Setting Settlement Conference</i>
03/06/2018	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
03/06/2018	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

*Defendants' Motion for Summary Judgment*

03/06/2018	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
03/06/2018	 Motion to Withdraw As Counsel Filed By: Cross Defendant Alessi & Koenig LLC <i>Motion to Withdraw as Counsel of Record for Alessi &amp; Koenig, LLC</i>
03/13/2018	 Order Filed By: Cross Defendant Abelard, Venise <i>Order Granting Plaintiff's Motion for EDCR 2.51 Settlement Conference</i>
03/13/2018	 Stipulation and Order Filed by: Cross Defendant Abelard, Venise <i>Stipulation and Order to Extend Deadline for Opposition to MSJ</i>
03/13/2018	 Notice of Entry of Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Order Granting Plaintiff's Motion for 2.51 Settlement Conference</i>
03/13/2018	 Notice of Entry of Stipulation and Order Filed By: Cross Defendant Abelard, Venise <i>Notice of Entry of Stipulation and Order to Extend Deadline for Opposition to MSJ</i>
03/22/2018	 Motion to Withdraw As Counsel Filed By: Defendant Mesa Management LLC <i>Motion to Withdraw as Counsel of Record for Mesa Management, LLC</i>
04/03/2018	<b>CANCELED Minute Order</b> (11:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - Duplicate Entry</i>
04/03/2018	 <b>Settlement Conference</b> (1:30 PM) (Judicial Officer: Wiese, Jerry A.)
04/10/2018	<b>Calendar Call</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
04/10/2018	<b>Motion to Withdraw as Counsel</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Steven Loizzi, Jr's, Esq., Motion to Withdraw as Counsel of Record for Alessi &amp; Koenig, LLC</i>
04/10/2018	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie)
04/16/2018	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i>
04/24/2018	 <b>Motion to Withdraw as Counsel</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Steven Loizzi, Jr's, Esq., Motion to Withdraw as Counsel of Record for Mesa Management, LLC</i>
04/27/2018	<b>Summary Judgment</b> (Judicial Officer: Bell, Linda Marie) Debtors: 9352 Cranesbill Trust (Counter Defendant), Fort Apache Square Homeowners Association (Cross Defendant), Alessi & Koenig LLC (Cross Defendant), Teal Petals St Trust (Third Party Defendant), Teal Petals St Trust (Defendant) Creditors: Wells Fargo Bank, N.A. (Cross Claimant, Intervenor, Counter Claimant, Third Party Plaintiff) Judgment: 04/27/2018, Docketed: 04/30/2018

DEPARTMENT 7  
**CASE SUMMARY**  
**CASE NO. A-12-671509-C**

04/27/2018	 Findings of Fact, Conclusions of Law and Order Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Findings of Fact, Conclusions of Law and Order Granting Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
04/27/2018	 Order Filed By: Cross Defendant Alessi & Koenig LLC <i>Order Granting Steven Loizzi, Jr., Esq.'s Motion to Withdraw as Counsel of Record for Alessi &amp; Koenig, LLC</i>
04/30/2018	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Wells Fargo Bank, N.A.'s Motion for Summary Judgment</i>
05/03/2018	 Notice of Entry Filed By: Cross Defendant Alessi & Koenig LLC <i>Notice of Entry of Order Granting Steven Loizzi, Esq.'s Motion to Withdraw as Counsel of Record for Alessi &amp; Koenig, LLC</i>
05/08/2018	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>05/08/2018, 06/19/2018</b>
05/15/2018	 Order Filed By: Defendant Mesa Management LLC <i>Order Granting Steven Loizzi, Jr., Esq.'s Motion to Withdraw as Counsel of Record for Mesa Management, LLC</i>
05/18/2018	 Notice of Entry Filed By: Defendant Mesa Management LLC <i>Notice of Entry of Order Granting Steven Loizzi, Esq.'s Motion to Withdraw as Counsel of Record for Mesa Management, LLC</i>
05/25/2018	<b>Order of Dismissal With Prejudice</b> (Judicial Officer: Bell, Linda Marie) Debtors: Fort Apache Square Homeowners Association (Cross Defendant) Creditors: Wells Fargo Bank, N.A. (Cross Claimant) Judgment: 05/25/2018, Docketed: 05/25/2018
05/25/2018	 Stipulation and Order for Dismissal Filed by: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Stipulation and Order to Dismiss Wells Fargo Bank, N.A.'s Claims Against Fort Apache Square Homeowners Association</i>
05/25/2018	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Third Party Plaintiff Wells Fargo Bank, N.A. <i>Notice of Entry of Stipulation and Order to Dismiss Wells Fargo Bank, N.A.'s Claims Against Fort Apache Square Homeowners Association</i>
05/29/2018	 Notice of Appeal Filed By: Counter Defendant 9352 Cranesbill Trust <i>Notice of Appeal</i>
05/29/2018	 Case Appeal Statement Filed By: Counter Defendant 9352 Cranesbill Trust <i>Case Appeal Statement</i>

DEPARTMENT 7  
**CASE SUMMARY**  
CASE NO. A-12-671509-C

## CIVIL COVER SHEET

A-12-671509-C

County, Nevada

XIV

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)**I. Party Information**

Plaintiff(s) (name/address/phone): Venise Abelard

Defendant(s) (name/address/phone): 9352 Cranesbill Trust

Attorney (name/address/phone):

Michael Joe, Esq.

800 South 8<sup>th</sup> Street

Las Vegas, NV 89101

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

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

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

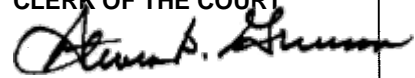
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS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

11/6/12

/s/ Michael Joe, Esq.

Date

Signature of initiating party or representative



**ORDR**

Jeffrey Willis, Esq.  
Nevada Bar No. 4797  
Erica J. Stutman, Esq.  
Nevada Bar No. 10794  
Daniel S. Ivie, Esq.  
Nevada Bar No. 10090  
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*Attorneys for Intervenor Wells Fargo Bank, N.A.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

VENISE ABELARD,

Plaintiff,

vs.

9352 CRANESBILL TRUST; FORT APACHE  
SQUARE HOMEOWNERS ASSOCIATION;  
MESA MANAGEMENT, LAS VEGAS  
ASSOCIATION MANAGEMENT, LLC;  
BENCHMARK ASSOCIATION SERVICES;  
IYAD HADDAD, an individual; ALESSI &  
KOENIG, LLC; NEVADA ASSOCIATION  
SERVICES and DOES I through X and ROE  
COMPANIES I through X, inclusive,

Defendants.

And all related Parties and Actions.

Case No. A-12-671509-C

Dept. VII

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER GRANTING  
WELLS FARGO BANK, N.A.'S  
MOTION FOR SUMMARY  
JUDGMENT**

This matter came for hearing before the Court on March 6, 2018 at 9:00 a.m. on  
Intervenor Wells Fargo Bank, N.A.'s ("Wells Fargo") Motion for Summary Judgment and  
Defendants 9352 Cranesbill St. Trust, Teal Petals St. Trust and Iyad Haddad's ("Defendants")  
Motion for Summary Judgment. Jeffrey Willis, Esq. and Daniel S. Ivie, Esq. of Snell & Wilmer,  
LLP appeared on behalf of Wells Fargo; Charles Geisendorf, Esq. of Geisendorf & Vilkin, PLLC

4846-0617-5583.1

Snell & Wilmer

LAW OFFICES  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
702.784.5200

APR 23 2018  
SDY



1 appeared on behalf of Defendants; Joice B. Bass, Esq. of Legal Aid Center of Southern Nevada  
2 appeared on behalf of Plaintiff Venise Abelard ("Plaintiff"); and Elizabeth Lowell, Esq. of  
3 Pengilly Law Firm appeared on behalf of Fort Apache Square Homeowners Association (the  
4 "HOA").

5 Based on the Court's consideration of the full briefing on the motions, the record on this  
6 case on file herein, and argument of counsel at the hearing, the court makes the following  
7 findings of fact and conclusions of law.

### 8 FINDINGS OF FACT

9 1. This matter involves real property located at 9352 Cranesbill Court, Las Vegas,  
10 Nevada 89149, APN 125-18-513-016 (the "Property").

11 2. On or about November 20, 2007, Plaintiff purchased the Property with proceeds  
12 from a mortgage loan provided by DHI Mortgage Company, LTD. ("DHI") in the amount of  
13 \$226,081.00.

14 3. A Deed of Trust naming Plaintiff and non-party Marcus Compere as borrowers  
15 and DHI as the lender was recorded as instrument no. 20120718-0003166 on November 28, 2007,  
16 granting DHI a security interest in the Property (the "Deed of Trust").

17 4. On October 17, 2012, Wells Fargo became the beneficiary of the Deed of Trust via  
18 an Assignment of Mortgage recorded against the Property as instrument no. 20121017-0001249.

19 5. On July 12, 2011, Alessi & Koenig ("A&K"), acting on behalf of the HOA,  
20 recorded a Notice of Delinquent Assessment Lien ("Notice of Lien") against the Property for  
21 unpaid assessments, late fees, collection costs and other charges allegedly owed by Plaintiff.

22 6. During the 2010 calendar year, the HOA's monthly assessment amount was  
23 \$56.00. For 2011, that amount increased to \$61.00 per month. As of January 1, 2012, the  
24 monthly assessment amount increased again to \$64.50.

25 7. On September 14, 2011, Plaintiff made a payment of \$142.00 to the HOA.

26 8. On September 15, 2011, acting on behalf of the HOA, A&K recorded a Notice of  
27 Default and Election to Sell Under Homeowners Association Lien ("NOD"), claiming a total  
28 amount due of \$3,403.58.

- 1           9.       On February 1, 2012, Plaintiff made a payment of \$284.00 to the HOA.
- 2           10.       On April 30, 2012, Plaintiff made a payment of \$223.50 to the HOA.
- 3           11.       On May 7, 2012, acting on behalf of the HOA, A&K recorded a Notice of
- 4       Trustee's Sale ("Notice of Sale"), claiming a total amount due of \$3,932.58.
- 5           12.       On June 20, 2012, Plaintiff made a final payment to the HOA of \$149.00.
- 6           13.       On July 11, 2012, A&K, foreclosed on the Property on behalf of the HOA and sold
- 7       it to Defendant 9352 Cranesbill Ct. Trust for \$4,900.00.
- 8           14.       On July 27, 2012, Defendant 9352 Cranesbill Ct. Trust conveyed the Property to
- 9       Defendant Teal Petals St. Trust.
- 10          15.       In its moving papers and at the hearing, Wells Fargo argued that Plaintiff's
- 11       payments to the HOA constituted a tender of the super-priority component of the HOA lien,
- 12       thereby satisfying the super-priority portion and preserving the Deed of Trust.
- 13          16.       Defendants argued that Wells Fargo's Deed of Trust was extinguished by virtue of
- 14       the HOA foreclosure sale.
- 15          17.       Defendants also argued that only a beneficiary of a deed of trust could pay off a
- 16       super-priority component of an HOA lien, not a homeowner. Defendants argued that if a
- 17       homeowner makes payments after the commencement of an action to enforce an HOA lien, those
- 18       payments can only be applied to the total balance owing on the account, not the super-priority
- 19       portion.

- 20          18.       Defendants also argued that a document stating that the super-priority portion of
- 21       the HOA's lien had been satisfied should have been recorded prior to the HOA foreclosure sale.
- 22          19.       Defendants further argued that they are entitled to bona fide purchaser status.

### CONCLUSIONS OF LAW

- 24          1.       The super-priority component of an HOA's lien consists of "the assessments for
- 25       common expenses ... which would have become due in absence of acceleration during the 9
- 26       months immediately preceding institution of an action to enforce the lien." NRS 116.3116(2)
- 27       (2012).

28

2. An action to enforce an HOA's delinquent assessment lien commences upon service of a notice of delinquent assessments. *Saticoy Bay LLC Series 2021 Gray Eagle Way v. JPMorgan Chase Bank, N.A.*, 133 Nev. Adv. Op. 3, 388 P.3d 226, 231 (2017).

3. The HOA instituted an action to enforce its lien against the Property in this case on July 12, 2011 when A&K recorded the Notice of Lien.

4. Therefore, the HOA's super-priority lien in this matter consisted of the assessments due for the nine months that immediately preceded the recording of the Notice of Lien, or the months of September 2010 through June 2011.

5. The monthly assessment for the Property between September 2010 and December 2010 were \$56.00 per month. The monthly assessments due on the Property between January 2011 and June 2011 increased to \$61.00 per month. Thus, the total amount of the HOA's super-priority component of the lien was \$534.00 (\$56.00 x 3 mo. + \$61.00 x 6 mo. = \$534.00).

6. Between the recording of the HOA Notice of Lien on July 12, 2011 and the HOA foreclosure sale on July 11, 2012, Plaintiff made payments to the HOA totaling \$798.50.

7. Nevada Revised Statutes 116.3116(2) states the HOA lien is prior to first deeds of trust, but it does not limit who can satisfy the superpriority portion of the lien.

8. Because Plaintiff's payments to the HOA exceeded the super-priority component of the HOA's lien, the super-priority component of the lien was satisfied prior to the HOA foreclosure sale. *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan Chase Bank, N.A.*, 408 P.3d 558, 2017 WL 6597154, \*1 (Nev. December 22, 2017). Therefore, there was no super-priority component of the HOA's lien that could have extinguished Wells Fargo's Deed of Trust on the Property.

9. Although the HOA did not record a document showing that Plaintiff had satisfied the super-priority component of the HOA's lien prior to the sale, there is no requirement that such a document be recorded. *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan Chase Bank, N.A.*, 408 P.3d 558, 2017 WL 6597154, \*1 (Nev. December 22, 2017).

10. Defendants are not entitled to bona fide purchaser status with regard to Wells Fargo's Deed of Trust. The bona fide purchaser doctrine cannot revive an already-satisfied super-

1 priority component of an HOA lien. *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan*  
2 *Chase Bank, N.A.*, 408 P.3d 558, 2017 WL 6597154, \*1 (Nev. December 22, 2017).

3 **ORDER**

4 Good cause appearing, therefor

5 IT IS ORDERED that Wells Fargo's Motion for Summary Judgment is GRANTED.

6 IT IS FURTHER ORDERED that Plaintiff's payments to the HOA constituted a tender of  
7 the super-priority component of the HOA lien prior to the HOA foreclosure sale and that the  
8 tender satisfied the super-priority lien on the Property.

9 IT IS FURTHER ORDERED the Deed of Trust recorded against the Property as  
10 instrument no. 20071128-0003832 was not extinguished by the July 11, 2012 HOA foreclosure  
11 and remains as an encumbrance and lien on the Property.

12 IT IS FURTHER ORDERED THAT the July 12, 2012 HOA foreclosure sale conveyed  
13 title of the Property to Defendant 9352 Cranesbill Ct. Trust subject to the Deed of Trust.

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1 IT IS SO ORDERED.

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3 Dated this 21 day of April, 2018.

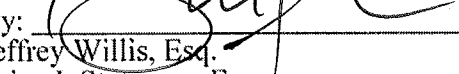


DISTRICT COURT JUDGE



4  
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6  
7  
8 Respectfully submitted by:

9 SNELL & WILMER L.L.P.

10  
11 By:   
12 Jeffrey Willis, Esq.  
13 Erica J. Stutsman, Esq.  
14 Daniel S. Ivie, Esq.  
15 3883 Howard Hughes Parkway, Suite 1100  
16 Las Vegas, Nevada 89169  
17 Attorneys for Intervenor Wells Fargo Bank,  
18 N.A.

Approved as to form:

GEISENDORF & VILKIN, PLLC

By: \_\_\_\_\_  
Charles L. Geisendorf, Esq.  
2470 St. Rose Parkway, Suite 309  
Henderson, Nevada 89074  
Attorneys for Defendants 9352 Cranesbill Ct.  
Trust, Teal Petals St. Trust and Iyad Haddad

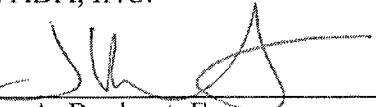
19 Approved as to form and content:

20 PENGILLY LAW FIRM

21 By: \_\_\_\_\_  
22 James W. Pengilly, Esq.  
23 Elizabeth B. Lowell, Esq.  
24 1995 Village Center Cir. Suite 190  
25 Las Vegas, NV 89134

26 Attorneys for Fort Apache Square HOA

Approved as to form and content:  
LEGAL AID CENTER OF SOUTHERN  
NEVADA, INC.

By:  \_\_\_\_\_  
Debra A. Bookout, Esq.  
Joice B. Bass, Esq.  
725 E. Charleston Blvd.  
Las Vegas, Nevada 89101

Attorney for Plaintiff Venise Abelard

IT IS SO ORDERED.

Dated this \_\_\_\_ day of April, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

SNELL & WILMER L.L.P.

By:

Jeffrey Willis, Esq.  
Erica J. Stutsman, Esq.  
Daniel S. Ivie, Esq.  
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*Attorneys for Intervenor Wells Fargo Bank,  
N.A.*

Approved as to form:

GEISENDORF & VILKIN, PLLC

By:

Charles L. Geisendorf, Esq.  
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Trust, Teal Petals St. Trust and Iyad Haddad*

Approved as to form and content:

PENGILLY LAW FIRM

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LEGAL AID CENTER OF SOUTHERN  
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By:

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Las Vegas, Nevada 89101  
*Attorney for Plaintiff Venise Abelard*

IT IS SO ORDERED.

Dated this \_\_\_\_ day of April, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

SNELL & WILMER L.L.P.

Approved as to form:

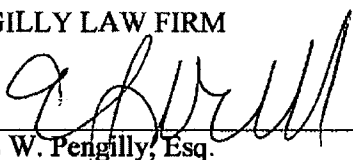
GEISENDORF & VILKIN, PLLC

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N.A.*

By: \_\_\_\_\_  
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*Attorneys for Defendants 9352 Cranesbill Ct.  
Trust, Teal Petals St. Trust and Iyad Haddad*

Approved as to form and content:

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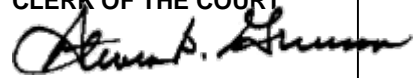
By:  \_\_\_\_\_  
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Las Vegas, NV 89134

*Attorneys for Fort Apache Square HOA*

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By: \_\_\_\_\_  
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*Attorney for Plaintiff Venise Abelard*



Jeffrey Willis, Esq.  
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divie@swlaw.com

*Attorneys for Intervenor Wells Fargo Bank, N.A.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

VENISE ABELARD,

Plaintiff,

vs.

9352 CRANESBILL TRUST; FORT APACHE  
SQUARE HOMEOWNERS ASSOCIATION;  
MESA MANAGEMENT, LAS VEGAS  
ASSOCIATION MANAGEMENT, LLC;  
BENCHMARK ASSOCIATION SERVICES;  
IYAD HADDAD, an individual; ALESSI &  
KOENIG, LLC; NEVADA ASSOCIATION  
SERVICES and DOES I through X and ROE  
COMPANIES I through X, inclusive,

Defendants.

And all related Parties and Actions.

Case No. A-12-671509-C

Dept. VII

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND  
ORDER GRANTING WELLS FARGO  
BANK, N.A.'S MOTION FOR  
SUMMARY JUDGMENT**

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1 PLEASE TAKE NOTICE that the FINDINGS OF FACT, CONCLUSIONS OF LAW  
2 AND ORDER GRANTING WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY  
3 JUDGMENT was entered with this Court on April 27, 2018, a copy of which is attached hereto.

4 Dated this 27th day of April 2018.

SNELL & WILMER L.L.P.

5  
6 By: /s/Daniel S. Ivie

Jeffrey Willis, Esq.

Erica J. Stutsman, Esq.

Daniel S. Ivie, Esq.

3883 Howard Hughes Parkway, Suite 1100

Las Vegas, Nevada 89169

*Attorneys for Intervenor Wells Fargo Bank,  
N.A.*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **WELLS FARGO BANK, N.A.'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** by the method indicated:

  X   U. S. Mail  
       U.S. Certified Mail  
       Federal Express  
  X   Electronic Service  
       E-mail

and addressed to the following:

Via Electronic Service  
  
Charles L. Geisendorf, Esq.  
GEISENDORF & VILKIN, PLLC  
2470 St. Rose Parkway, Suite 309  
Henderson, Nevada 89074  
*Attorney for Defendants/Counterclaimants  
Iyad Haddad and 9352 Cranesbill Trust*

Via Electronic Service  
  
Debra A. Bookout, Esq.  
Joice B. Bass, Esq.  
LEGAL AID CENTER OF SOUTHERN  
NEVADA, INC.  
725 E. Charleston Blvd.  
Las Vegas, Nevada 89101  
*Attorney for Plaintiff Venise Abelard*

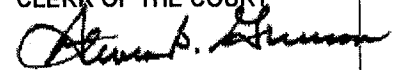
Via Electronic Service  
  
Steven T. Loizzi, Jr., Esq.  
HOA LAWYERS GROUP  
9500 W. Flamingo Road, Suite 204  
Las Vegas, NV 89147  
*Attorneys for Alessi Koenig, LLC*

Via Electronic Service  
  
James W. Pengilly, Esq.  
Elizabeth B. Lowell, Esq.  
PENGILLY LAW FIRM  
1995 Village Center Cir. Suite 190  
Las Vegas, NV 89134  
*Attorneys for Fort Apache Square HOA*

Via U.S. Mail  
  
Office of the Attorney General  
Attn: Gina Long  
555 E. Washington Ave.  
Suite 3900  
Las Vegas, NV 89101

DATED this 30<sup>th</sup> day of April 2018.

/s/ Gaylene Kim  
An employee of Snell & Wilmer L.L.P.



**ORDR**

Jeffrey Willis, Esq.  
Nevada Bar No. 4797  
Erica J. Stutman, Esq.  
Nevada Bar No. 10794  
Daniel S. Ivie, Esq.  
Nevada Bar No. 10090  
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jwillis@swlaw.com  
estutman@swlaw.com  
divie@swlaw.com

*Attorneys for Intervenor Wells Fargo Bank, N.A.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

VENISE ABELARD,

Plaintiff,

vs.

9352 CRANESBILL TRUST; FORT APACHE  
SQUARE HOMEOWNERS ASSOCIATION;  
MESA MANAGEMENT, LAS VEGAS  
ASSOCIATION MANAGEMENT, LLC;  
BENCHMARK ASSOCIATION SERVICES;  
IYAD HADDAD, an individual; ALESSI &  
KOENIG, LLC; NEVADA ASSOCIATION  
SERVICES and DOES I through X and ROE  
COMPANIES I through X, inclusive,

Defendants.

And all related Parties and Actions.

Case No. A-12-671509-C

Dept. VII

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER GRANTING  
WELLS FARGO BANK, N.A.'S  
MOTION FOR SUMMARY  
JUDGMENT**

This matter came for hearing before the Court on March 6, 2018 at 9:00 a.m. on  
Intervenor Wells Fargo Bank, N.A.'s ("Wells Fargo") Motion for Summary Judgment and  
Defendants 9352 Cranesbill St. Trust, Teal Petals St. Trust and Iyad Haddad's ("Defendants")  
Motion for Summary Judgment. Jeffrey Willis, Esq. and Daniel S. Ivie, Esq. of Snell & Wilmer,  
LLP appeared on behalf of Wells Fargo; Charles Geisendorf, Esq. of Geisendorf & Vilkin, PLLC

4846-0617-5583.1

Snell & Wilmer

L.L.P.  
LAW OFFICES  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
702.784.5200

APR 23 2018  
SDY

1 appeared on behalf of Defendants; Joice B. Bass, Esq. of Legal Aid Center of Southern Nevada  
2 appeared on behalf of Plaintiff Venise Abelard ("Plaintiff"); and Elizabeth Lowell, Esq. of  
3 Pengilly Law Firm appeared on behalf of Fort Apache Square Homeowners Association (the  
4 "HOA").

5 Based on the Court's consideration of the full briefing on the motions, the record on this  
6 case on file herein, and argument of counsel at the hearing, the court makes the following  
7 findings of fact and conclusions of law.

### 8 FINDINGS OF FACT

9 1. This matter involves real property located at 9352 Cranesbill Court, Las Vegas,  
10 Nevada 89149, APN 125-18-513-016 (the "Property").

11 2. On or about November 20, 2007, Plaintiff purchased the Property with proceeds  
12 from a mortgage loan provided by DHI Mortgage Company, LTD. ("DHI") in the amount of  
13 \$226,081.00.

14 3. A Deed of Trust naming Plaintiff and non-party Marcus Compere as borrowers  
15 and DHI as the lender was recorded as instrument no. 20120718-0003166 on November 28, 2007,  
16 granting DHI a security interest in the Property (the "Deed of Trust").

17 4. On October 17, 2012, Wells Fargo became the beneficiary of the Deed of Trust via  
18 an Assignment of Mortgage recorded against the Property as instrument no. 20121017-0001249.

19 5. On July 12, 2011, Alessi & Koenig ("A&K"), acting on behalf of the HOA,  
20 recorded a Notice of Delinquent Assessment Lien ("Notice of Lien") against the Property for  
21 unpaid assessments, late fees, collection costs and other charges allegedly owed by Plaintiff.

22 6. During the 2010 calendar year, the HOA's monthly assessment amount was  
23 \$56.00. For 2011, that amount increased to \$61.00 per month. As of January 1, 2012, the  
24 monthly assessment amount increased again to \$64.50.

25 7. On September 14, 2011, Plaintiff made a payment of \$142.00 to the HOA.

26 8. On September 15, 2011, acting on behalf of the HOA, A&K recorded a Notice of  
27 Default and Election to Sell Under Homeowners Association Lien ("NOD"), claiming a total  
28 amount due of \$3,403.58.

- 1           9.     On February 1, 2012, Plaintiff made a payment of \$284.00 to the HOA.
- 2           10.    On April 30, 2012, Plaintiff made a payment of \$223.50 to the HOA.
- 3           11.    On May 7, 2012, acting on behalf of the HOA, A&K recorded a Notice of
- 4 Trustee's Sale ("Notice of Sale"), claiming a total amount due of \$3,932.58.
- 5           12.    On June 20, 2012, Plaintiff made a final payment to the HOA of \$149.00.
- 6           13.    On July 11, 2012, A&K, foreclosed on the Property on behalf of the HOA and sold
- 7 it to Defendant 9352 Cranesbill Ct. Trust for \$4,900.00.
- 8           14.    On July 27, 2012, Defendant 9352 Cranesbill Ct. Trust conveyed the Property to
- 9 Defendant Teal Petals St. Trust.
- 10          15.    In its moving papers and at the hearing, Wells Fargo argued that Plaintiff's
- 11 payments to the HOA constituted a tender of the super-priority component of the HOA lien,
- 12 thereby satisfying the super-priority portion and preserving the Deed of Trust.
- 13          16.    Defendants argued that Wells Fargo's Deed of Trust was extinguished by virtue of
- 14 the HOA foreclosure sale.
- 15          17.    Defendants also argued that only a beneficiary of a deed of trust could pay off a
- 16 super-priority component of an HOA lien, not a homeowner. Defendants argued that if a
- 17 homeowner makes payments after the commencement of an action to enforce an HOA lien, those
- 18 payments can only be applied to the total balance owing on the account, not the super-priority
- 19 portion.
- 20          18.    Defendants also argued that a document stating that the super-priority portion of
- 21 the HOA's lien had been satisfied should have been recorded prior to the HOA foreclosure sale.
- 22          19.    Defendants further argued that they are entitled to bona fide purchaser status.

### CONCLUSIONS OF LAW

- 24          1.     The super-priority component of an HOA's lien consists of "the assessments for
- 25 common expenses ... which would have become due in absence of acceleration during the 9
- 26 months immediately preceding institution of an action to enforce the lien." NRS 116.3116(2)
- 27 (2012).
- 28

2. An action to enforce an HOA's delinquent assessment lien commences upon service of a notice of delinquent assessments. *Saticoy Bay LLC Series 2021 Gray Eagle Way v. JPMorgan Chase Bank, N.A.*, 133 Nev. Adv. Op. 3, 388 P.3d 226, 231 (2017).

3. The HOA instituted an action to enforce its lien against the Property in this case on July 12, 2011 when A&K recorded the Notice of Lien.

4. Therefore, the HOA's super-priority lien in this matter consisted of the assessments due for the nine months that immediately preceded the recording of the Notice of Lien, or the months of September 2010 through June 2011.

5. The monthly assessment for the Property between September 2010 and December 2010 were \$56.00 per month. The monthly assessments due on the Property between January 2011 and June 2011 increased to \$61.00 per month. Thus, the total amount of the HOA's super-priority component of the lien was \$534.00 ( $\$56.00 \times 3 \text{ mo.} + \$61.00 \times 6 \text{ mo.} = \$534.00$ ).

6. Between the recording of the HOA Notice of Lien on July 12, 2011 and the HOA foreclosure sale on July 11, 2012, Plaintiff made payments to the HOA totaling \$798.50.

7. Nevada Revised Statutes 116.3116(2) states the HOA lien is prior to first deeds of trust, but it does not limit who can satisfy the superpriority portion of the lien.

8. Because Plaintiff's payments to the HOA exceeded the super-priority component of the HOA's lien, the super-priority component of the lien was satisfied prior to the HOA foreclosure sale. *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan Chase Bank, N.A.*, 408 P.3d 558, 2017 WL 6597154, \*1 (Nev. December 22, 2017). Therefore, there was no super-priority component of the HOA's lien that could have extinguished Wells Fargo's Deed of Trust on the Property.

9. Although the HOA did not record a document showing that Plaintiff had satisfied the super-priority component of the HOA's lien prior to the sale, there is no requirement that such a document be recorded. *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan Chase Bank, N.A.*, 408 P.3d 558, 2017 WL 6597154, \*1 (Nev. December 22, 2017).

10. Defendants are not entitled to bona fide purchaser status with regard to Wells Fargo's Deed of Trust. The bona fide purchaser doctrine cannot revive an already-satisfied super-

priority component of an HOA lien. *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan Chase Bank, N.A.*, 408 P.3d 558, 2017 WL 6597154, \*1 (Nev. December 22, 2017).

**ORDER**

Good cause appearing, therefor

IT IS ORDERED that Wells Fargo's Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's payments to the HOA constituted a tender of the super-priority component of the HOA lien prior to the HOA foreclosure sale and that the tender satisfied the super-priority lien on the Property.

IT IS FURTHER ORDERED the Deed of Trust recorded against the Property as instrument no. 20071128-0003832 was not extinguished by the July 11, 2012 HOA foreclosure and remains as an encumbrance and lien on the Property.

IT IS FURTHER ORDERED THAT the July 12, 2012 HOA foreclosure sale conveyed title of the Property to Defendant 9352 Cranesbill Ct. Trust subject to the Deed of Trust.

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IT IS SO ORDERED.

Dated this 21 day of April, 2018.

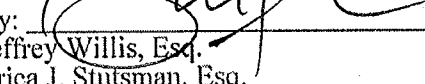


DISTRICT COURT JUDGE

HLK

Respectfully submitted by:

SNELL & WILMER L.L.P.

By:   
Jeffrey Willis, Esq.  
Erica J. Stutsman, Esq.  
Daniel S. Ivie, Esq.  
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Attorneys for Intervenor Wells Fargo Bank,  
N.A.

Approved as to form:

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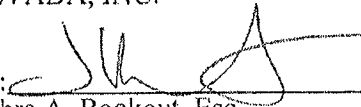
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PENGILLY LAW FIRM

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Attorneys for Fort Apache Square HOA

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NEVADA, INC.

By:   
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Joice B. Bass, Esq.  
725 E. Charleston Blvd.  
Las Vegas, Nevada 89101

Attorney for Plaintiff Venise Abelard



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IT IS SO ORDERED.

Dated this \_\_\_\_ day of April, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:  
SNELL & WILMER L.L.P.

Approved as to form:  
GEISENDORF & VILKIN, PLLC

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Jeffrey Willis, Esq.  
Erica J. Stutsman, Esq.  
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*Attorneys for Intervenor Wells Fargo Bank,  
N.A.*

By: \_\_\_\_\_  
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2470 St. Rose Parkway, Suite 309  
Henderson, Nevada 89074  
*Attorneys for Defendants 9352 Cranesbill Ct.  
Trust, Teal Petals St. Trust and Iyad Haddad*

Approved as to form and content:  
PENGILLY LAW FIRM

Approved as to form and content:  
LEGAL AID CENTER OF SOUTHERN  
NEVADA, INC.

By: \_\_\_\_\_  
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*Attorneys for Fort Apache Square HOA*

By: \_\_\_\_\_  
Debra A. Bookout, Esq.  
Joice B. Bass, Esq.  
725 E. Charleston Blvd.  
Las Vegas, Nevada 89101  
*Attorney for Plaintiff Venise Abelard*

1 IT IS SO ORDERED.

2  
3 Dated this \_\_\_\_ day of April, 2018.

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DISTRICT COURT JUDGE

Respectfully submitted by:

SNELL & WILMER L.L.P.

Approved as to form:

GEISENDORF & VILKIN, PLLC

By:

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Erica J. Stutsman, Esq.  
Daniel S. Ivie, Esq.  
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Las Vegas, Nevada 89169  
*Attorneys for Intervenor Wells Fargo Bank,  
N.A.*


By:

Charles L. Geisendorf, Esq.  
2470 St. Rose Parkway, Suite 309  
Henderson, Nevada 89074  
*Attorneys for Defendants 9352 Cranesbill Ct.  
Trust, Teal Petals St. Trust and Iyad Haddad*

Approved as to form and content:

PENGILLY LAW FIRM

By:

  
James W. Pengilly, Esq.  
Elizabeth B. Lowell, Esq.  
1995 Village Center Cir. Suite 190  
Las Vegas, NV 89134

*Attorneys for Fort Apache Square HOA*

Approved as to form and content:

LEGAL AID CENTER OF SOUTHERN  
NEVADA, INC.

By:

Debra A. Bookout, Esq.  
Joice B. Bass, Esq.  
725 E. Charleston Blvd.  
Las Vegas, Nevada 89101

*Attorney for Plaintiff Venise Abelard*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**December 04, 2012**

---

A-12-671509-C	Venise Abelard, Plaintiff(s)
	vs.
	9352 Cranesbill Trust, Defendant(s)

---

**December 04, 2012      9:00 AM      Motion for Temporary  
Restraining Order**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** Maureen Schorn

**PARTIES**

<b>PRESENT:</b>	Abelard, Venise	Plaintiff
	Bohn, Michael F	Attorney
	Davis, Jill C.	Attorney
	Michael, Joe	Attorney

**JOURNAL ENTRIES**

- Court disclosed personal knowledge of Mr. Joe and Ms. Davis. Counsel had no objection to proceeding.

Mr. Joe gave the Court the case's history and argued for TRO. Mr. Bohn advised the Pltf has not met burden for injunctive relief and that eviction is not scheduled until December is over. Mr. Joe advised the Court he has proof the Pltf made payments to the association and that she only received notice of the sale. Mr. Bohn requested additional time to review payments made. COURT ORDERED MATTER CONTINUED. Mr. Bohn requested any documents Mr. Joe would like to be considered to be filed within the week.

12/18/12 9:00 AM CONTINUED

CLERK'S NOTE: Parties contacted chambers to change return date to 12/20/12 at 9:00 AM. jmc

**A-12-671509-C**

12/10/12

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**December 20, 2012**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**December 20, 2012      9:00 AM      Motion for Temporary  
Restraining Order**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** Maureen Schorn

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Michael, Joe      Attorney

**JOURNAL ENTRIES**

- Mr. Bohn advised the he contacted the firm that preformed the foreclosure and requested the documentation proving the foreclosure was done but has not heard back yet. Mr. Joe suggested the Court issue the TRO without prejudice and if it is proven the Pltf did not pay as she has represented, Mr. Bohn can file another motion. COURT GRANTED and directed Mr. Joe to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**July 23, 2013**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**July 23, 2013      9:30 AM      Motion to Dismiss**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** Maureen Schorn

**PARTIES**

**PRESENT:** Lam, Huong      Attorney

**JOURNAL ENTRIES**

- Ms. Lam advised the Court, upon review of the file, the Pltf. was not served and requested matter be continued. COURT SO ORDERED.

8/20/13 9:30 AM CONTINUED

CLERK'S NOTE: Pltf's attorney appeared on another matter and was given new date. jmc 7/23/13

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**September 17, 2013**

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A-12-671509-C	Venise Abelard, Plaintiff(s) vs. 9352 Cranesbill Trust, Defendant(s)
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**September 17, 2013     9:30 AM**

**All Pending Motions**

**HEARD BY:** Escobar, Adriana

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** Maureen Schorn

**PARTIES**

<b>PRESENT:</b>	Bace, Bradley D, ESQ Bohn, Michael F Joe, Michael R. Wulz, Dan L	Attorney Attorney Attorney Attorney
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**JOURNAL ENTRIES**

- Mr. Bace advised the Court he filed his opposition and confirmed if it had been received by the Court. Mr. Bace argued, pursuant to NRS 1.16, the Pltf. has been noticed as required adding that Pltf. did not pay late fees which are not included in the lien amount. Mr. Bohn advised the Court that his client purchased the home at the foreclosure sale. Colloquy regarding Pltf's proof of late fee payments, the sale of the home in the proper venue and if the Pltf. was notified of the amount of late fees she was to pay. Court stated, after hearing new argument, she would like to another look at everything and will render her decision via minute order. Upon, Mr. Joe's request, Court stated he may respond to Mr. Bace's. Court ORDERED matter set for decision adding if decision is posted prior to hearing date, parties are not required to appear.

10/22/13 9:00 AM DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****October 14, 2013**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
    vs.  
    9352 Cranesbill Trust, Defendant(s)

**October 14, 2013****4:00 PM****Decision****HEARD BY:** Escobar, Adriana**COURTROOM:** Phoenix Building Courtroom -  
11th Floor**COURT CLERK:** Jill Chambers**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This matter came before the Court on Defendants Fort Apache Homeowner's Association, Mesa Management, and Alessi & Koenig, LLC s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment. Defendants' 9352 Cranesbill Trust and Iyad Haddad JOINDER to the motion set for hearing on September 17, 2013. After listening to argument of counsel, this matter was placed on Department XIV's Chambers Calendar for decision. The Defendants move to dismiss pursuant to NRS 38.310 for failure to mediate or arbitrate. Pursuant to NRS 38.310(1) (a), no civil action based upon a claim relating to the interpretation, application, or enforcement of any CC&Rs may be commenced in any court in this State unless the action has been submitted to mediation or arbitration pursuant to the provisions of NRS 38.310 to 38.369, inclusive. Pursuant to NRS 38.310(2), a civil court shall dismiss any action commenced in violation of subsection 1. However, pursuant to NRS 38.300(3), the provisions of NRS 38.310 do not apply to actions in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to title to residential property.

Here, the Court finds the claims alleged by plaintiff are related to the interpretation, application and enforcement of the CC&Rs, specifically the provision(s) requiring payment of HOA assessments. However, counts one and two of the Complaint are related to title to residential property.



Plaintiff does not claim she has mediated or arbitrated these claims as required pursuant to NRS 38.310. Thus, the Court cannot hear these claims. Accordingly, counts three through seven of the Complaint are dismissed against all moving parties pursuant to NRS 38.310(2), defendant's motion is hereby GRANTED as to counts three through seven.

The moving defendants also move to dismiss pursuant to NRCP Rule 12(b)(5), which requires dismissal when the allegations set forth in a complaint fail to state a cause of action upon which relief can be granted.

The Court grants defendants Fort Apache Homeowner's Association, Mesa Management and Alessi & Koenig's motion to dismiss counts one and two pursuant to NRCP Rule 12(b)(5). Counts one and two, for declaratory relief and quiet title, respectively, require there to be a dispute as to title to the property. The Complaint does not allege that these defendants have or may assert a claim to title to the property. Therefore, plaintiff has failed to state a claim pursuant to NRCP 12(b)(5) against these moving defendants and therefore, the Court, hereby GRANTS the motion to dismiss on counts one and two.

Defendants 9352 Cranesbill Trust and Iyad Haddad have joined in the motion to dismiss pursuant to NRCP Rule 12(b)(5). The Complaint does allege that 9352 Cranesbill Trust claims or may claim an interest in the property. Therefore, the motion to dismiss is DENIED as to 9352 Cranesbill Trust. However, the plaintiff fails to make any allegations against defendant Iyad Haddad. Thus, Haddad's motion to dismiss is GRANTED. The Court hereby GRANTS plaintiff leave to amend counts one and two against Haddad.

In summary, the entirety of the Complaint is dismissed as to defendants Fort Apache Square Homeowner's Association, Mesa Management and Alessi & Koenig. Counts one and two are dismissed pursuant to NRCP 12(b)(5) and counts three through seven are dismissed pursuant to NRS 38.310(2).

As to 9352 Cranesbill Trust, counts three through seven are dismissed pursuant to NRS 38.310(2). The motion to dismiss counts one and two pursuant to NRCP 12(b)(5) are denied.

As to Defendant Iyad Haddad, counts three through seven are DISMISSED pursuant to NRS 38.310(2). Counts one and two are DISMISSED pursuant to NRCP 12(b)(5). However, plaintiff is GRANTED leave to amend counts one and two against Haddad. Counsel for Fort Apache Homeowner's Association, Mesa Management, and Alessi & Koenig, LLC is to prepare an order including findings of facts conclusions of law and have all parties sign the order as to form and content.

CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 10/14/13

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**December 12, 2013**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**December 12, 2013      10:00 AM      Calendar Call**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** Maureen Schorn

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Joe, Michael R.      Attorney

**JOURNAL ENTRIES**

- Mr. Bohn stated he is agrees to go on to a trial stack next summer along with the other Defts. named. Mr. Joe stated the HOA still needs to be included. Mr. Bohn further stated he intends on filing for summary judgment within the next few weeks and asked Court to allow. Court stated she will allow and SET new trial date.

5/15/14 10:00 AM CALENDAR CALL

5/27/14 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**April 08, 2014**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**April 08, 2014      9:30 AM      Motion for Summary  
Judgment**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** Renee Silvaggio

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Joe, Michael R.      Attorney

**JOURNAL ENTRIES**

- Argument by counsel regarding foreclosure sale and HOA payments by the Pltf. Court FINDS there are genuine issues of material fact and DENIED Motion. Mr. Joe to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**May 15, 2014**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**May 15, 2014      10:00 AM      Calendar Call**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** JoAnn Melendez

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Joe, Michael R.      Attorney

**JOURNAL ENTRIES**

- Mr. Joe stated Alessi & Konig were dismissed, the HOA appointed a mediator and will have a re-filing of the Complaint suggesting matter be postponed until all the parties are back together. Mr. Bohn agreed to have all issues decided at one time. Court SET matter for status check and VACATED trial date.

7/24/14 9:00 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**July 24, 2014**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**July 24, 2014**

**9:00 AM**

**Status Check: Trial Setting**

**HEARD BY:** Bonaventure, Joseph T.

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:** JoAnn Melendez

**PARTIES**

**PRESENT:**      Arlitz, Jeff      Attorney  
                    Bookout, Debra      Attorney

**JOURNAL ENTRIES**

- Ms. Bookout stated parties were unable to resolve matter at mediation and requested additional time as she recently took over the case. COURT SO ORDERED.

9/11/14 9:00 AM CONTINUED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****June 16, 2015**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
                                  vs.  
                                  9352 Cranesbill Trust, Defendant(s)

**June 16, 2015****9:00 AM****Motion****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Sylvia Perry**RECORDER:** Renee Vincent**REPORTER:****PARTIES****PRESENT:**

Bohn, Michael F  
 Bookout, Debra

Attorney  
 Attorney

**JOURNAL ENTRIES**

- Defendants' / Counterclaimants Motion to Require the Plaintiff / Counter defendant to Pay Rent

Colloquy regarding a trial date. COURT ORDERED, trial date SET.

Arguments by Mr. Bohn advising his client acquired the property in 2012 and holds the title; he has been paying the taxed, HOA and the insurance. The Plaintiff has alleged claims against the HOA; has been in the home for three years without payment of any fees. Defendant calculated \$1,000.00 a month is a reasonable amount. Arguments in opposition by Ms. Bookout stating the title is still in question as it one of the claims raised in both the counterclaim and complaint. Upon Court's inquiry, Ms. Bookout advised her client is not paying the mortgage at this time. COURT ORDERED, motion DENIED. Further arguments by Mr. Bohn advising his client has been paying, taxed, insurance and HOA; further advising he is uncertain as to the payment amount but can provide it to the court at a later date. COURT SO NOTED. COURT FURTHER ORDERED, Plaintiff is to pay the taxes, HOA and insurance if she is to remain in the home from 6/1/15 forward.

7/14/15 9:00 AM STATUS CHECK

**A-12-671509-C**

2/2/16 9:00 AM CALENDAR CALL

2/8/15 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**July 14, 2015**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**July 14, 2015**

**9:00 AM**

**Status Check**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Status Check

Ms. Bookout advised Mr. Bohn was going to be present today with some information as to what had been paid. Further, insurance and taxes have not been paid by Mr. Bohn's client but by Wells Fargo. Plaintiff agreed to pay those fees but is awaiting notice of the fees. Ms. Lam advised nothing to add. Colloquy regarding Mr. Bohn's presence. COURT advised matter OFF CALENDAR, matter can be placed on calendar for any other issues. Parties so noted.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**August 13, 2015**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**August 13, 2015      9:00 AM      Motion to Intervene**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**      Lam, Huong      Attorney

**JOURNAL ENTRIES**

- Wells Fargo Bank, N.A.'s Motion to Intervene

COURT ORDERED, motion GRANTED as it was unopposed. Parties were notified as to no need to appear.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**November 10, 2015**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**November 10, 2015      9:00 AM**

**Motion to Dismiss**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Defendant's Motion to Dismiss

No parties present

Court advised no additional arguments is to be heard and ORDERED, decision pending. Court will prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**December 22, 2015**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**December 22, 2015      9:00 AM**

**All Pending Motions**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Defendants Motion to Amend their Answer to the Amended Complaint and Counterclaim to Reflect real Party in Interest and Motion to Amend the Case Caption... Plaintiff / Counterdefendant's Opposition to the Defendant's Motion to Amend Answer to Amend Complaint and Counterclaim to Reflect Real Party in Interest...

No parties present

COURT ORDERED, motion to amend GRANTED IN PART/DENIED IN PART as it will allow both parties to amend to add Teal Petals St. Trust and correct the name of Cranesbill. The request for substitution of Teal Petals for Cranesbill is DENIED. Court will prepare the Order. Parties advised no need to be present on this date.

Plaintiff / Counterdefendant's Opposition to Defendant's Motion to Amend is OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**December 22, 2015**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**December 22, 2015      3:30 PM      Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Decision

the Court GRANTS Cranesbill trust and Teal Petal's Motion to Dismiss Third- Party Complaint in its entirety. Because this Order dismisses all causes of action against these parties, the Court ORDERS that Cranesbill Trust and Teal Petals be dismissed from this case.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****February 24, 2016**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
                                  vs.  
                                  9352 Cranesbill Trust, Defendant(s)

<b>February 24, 2016</b>	<b>9:30 AM</b>	<b>Motion to Extend Discovery</b>	<b>Wells Fargo Bank, N.A.'s Motion to Extend Discovery Deadlines and Continue Trial (Second Request)</b>
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**HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bookout, Debra	Attorney
	Ivie, Daniel	Attorney
	Lam, Huong	Attorney
	Mikrut, Denise	Attorney

**JOURNAL ENTRIES**

- 2012 case. Mr. Ivie intervened seven months ago, counsel have been conducting discovery, and Mr. Ivie requested a 90 day extension. Colloquy.

COMMISSIONER RECOMMENDED, motion is GRANTED; 5/23/16 Trial date VACATED; discovery cutoff EXTENDED to 6/9/16; FILE dispositive motions by 7/11/16; 8/22/16 Trial ready.

Mr. Ivie to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay

a contribution. Mr. Ivie to appear at status check hearing to report on the Report and Recommendations.

4/1/16 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**March 15, 2016**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**March 15, 2016      9:00 AM      Status Conference**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Bookout, Debra      Attorney  
Perkins, Casey G      Attorney  
Schimming, Chantel      Attorney

**JOURNAL ENTRIES**

- Status Conference

Colloquy regarding trial setting. Parties agreed to go on the October stack. Court so noted. Ms. Schimming advised all discovery should be completed by June 9. COURT ORDERED, matter CONTINUED to ensure all discovery has been completed.

6/16/16 9:00 AM STATUS CONFERENCE

10/4/16 9:00 AM CALENDAR CALL

10/10/16 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****June 14, 2016**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
                                  vs.  
                                  9352 Cranesbill Trust, Defendant(s)

**June 14, 2016****9:00 AM****Status Conference****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Sylvia Perry**RECORDER:** Renee Vincent**REPORTER:****PARTIES****PRESENT:**

Bookout, Debra  
 Loizzi, Steven T., Jr.  
 Markmon, David  
 Perkins, Casey G  
 Trippiedi, Adam R.

Attorney  
 Attorney  
 Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- Status Conference

Upon Court's inquiry, all parties advised they are trial Counsel.

Mr. Markman advised they were just retained on behalf of the HOA, Alessi Koenig has been representing the HOA, and does believe they need to assert cross claims due to indemnity. Further stating it may or may not impact trial as there is no discovery although the bank is willing to provide some. Colloquy regarding scheduling. Parties advised the trial will go approximately 5 days with 6 witnesses. Court reviewed the Dept VII trial handout. Mr. Perkins advised although dispositive motions are due 7/11, proposal is to move it to 7/18 with replies due 9/1. Court advised if all parties agree, it has no opposition and will hear motions on an OST. Parties so noted.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**September 08, 2016**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

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**September 08, 2016      9:00 AM**

**All Pending Motions**

**HEARD BY:** Hardcastle, Kathy

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Bohn, Michael F      Attorney  
Bookout, Debra      Attorney  
Duthie, Tracee      Attorney  
Ivie, Daniel      Attorney

**JOURNAL ENTRIES**

- Wells Fargo Bank, NA's Motion to Stay or to Continue Trial on Order Shortening Time... Alessi & Koenig, LLC and Mesa Management, LLC's Joinder to Wells Fargo Bank, NA's Motion to Stay or to Continued to Trial... Wells Fargo Bank, NA's Motion for Summary Judgment... Defendant's Motion for Summary Judgment...

Ms. J. Bass Esq. of the Legal Aid Center also present.

Parties advised there was no opposition to the Motion to Stay or Continue. COURT ORDERED, motion GRANTED, CASE STAYED. As to the motions for Summary Judgment, COURT ORDERED, motions will be heard following the stay; a status check is SET. Calendar call and trial dates vacated.

1/5/17 9:00 AM WELLS FARGO BANK, NA S MOTION FOR SUMMARY JUDGMENT  
DEFENDANTS MOTION FOR SUMMARY JUDGMENT MOTION IN LIMINE NO. 1 OF 1 TO  
EXCLUDE CERTAIN EVIDENCE AT TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****January 05, 2017**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
                                  vs.  
                                  9352 Cranesbill Trust, Defendant(s)

**January 05, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Bookout, Debra      Attorney  
                          Ivie, Daniel      Attorney  
                          Trippiedi, Adam R.      Attorney

**JOURNAL ENTRIES**

- Status Check: Stay / Status of Case... Plaintiff / Counter - Defendant Venise Abelard's Motion in Limine No. 1 to Exclude Certain Evidence at Trail...

Court advised the motion in limine on today's calendar will not be heard as it is scheduled to ensure it does not fall through the cracks and ORDERED, motion CONTINUED.

Colloquy regarding the status of the case as it was currently stayed pending the decision of Bourne Valley and the Nevada Supreme Court. Further colloquy regarding the bankruptcy of Alessi and Koenig. Mr. Ivie advised he is planning to file a motion for relief from stay in bankruptcy court and to pursue all claims at the same time. Further, Mr. Ivie requested to continue the stay pending the Bourne Valley and the Nevada Supreme Court's decisions. Court advised it would like to move forward with the case. As to the bankruptcy, COURT ORDERED, a status check will be SET. Additionally, the motion for summary judgment set on 2/9/17 to be CONTINUED to be heard with other pending motions.

5/4/17 9:00 AM PLAINTIFF / COUNTERDEFENDANT VENISE ABELARD'S MOTION IN LIMINE

NO. 1 OF 1 TO EXCLUDE CERTAIN EVIDENCE AT TRIAL

5/4/17 9:00 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**May 04, 2017**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**May 04, 2017**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

Bass, Joice B.

Attorney

Ivie, Daniel

Attorney

Trippiedi, Adam R.

Attorney

**JOURNAL ENTRIES**

- Wells Fargo Bank, NA's Motion for Summary Judgment... Defendant's Motion for Summary Judgment... Plaintiff/ Counter-Defendant Venise Abelard's Motion in Limine No. 1 of 1 to Exclude Certain Evidence at Trial... Status Check: Stay/Status of Case...

Ms. Bass advised there are numerous claims against Alessi and Koenig and requested to continue the motions sixty (60) days. There being no opposition, COURT SO ORDERED.

CONTINUED TO 8/3/17 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**August 03, 2017**

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A-12-671509-C	Venise Abelard, Plaintiff(s) vs. 9352 Cranesbill Trust, Defendant(s)
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**August 03, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Thompson, Charles      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bass, Joice B. Ivie, Daniel Lowell, Elizabeth B.	Attorney Attorney Attorney
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**JOURNAL ENTRIES**

- Plaintiff / Counter-Defendant Venise Abelard's Motion in Limine No. 1 of 1 to Exclude Certain Evidence at Trial... Status/ Check: Stay / Status of Case... Wells Fargo Bank, N.A.'s Motion for Summary Judgment... Defendant's Motion for Summary Judgment...

Mr. Ivie advised this case was stayed due to Alessi and Koenig's bankruptcy. Ms. Bass requested an additional thirty (30) days to analyze Plaintiff's position with regards to the bankruptcy and to work on settlement discussions. At the return date hopefully a stipulation to extend the 5 year mark will be presented or will be prepared to set a trial date. COURT ORDERED, stay STANDS and all pending motions CONTINUED with a status check SET.

9/14/17 9:00 AM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**September 14, 2017**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

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**September 14, 2017    9:00 AM**

**All Pending Motions**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Bookout, Debra      Attorney  
                  Lowell, Elizabeth B.      Attorney  
                  Pengilly, James      Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: STATUS OF CASE... WELLS FARGO BANK, NA'S MOTION FOR SUMMARY JUDGMENT... DEFENDANT'S MOTION FOR SUMMARY JUDGMENT... PLAINTIFF / COUNTER-DEFENDANT VENISE ABELARD'S MOTION IN LIMINE NO. 1 OF 1 TO EXCLUDE CERTAIN EVIDENCE AT TRIAL... STATUS CHECK: STAY / STATUS OF CASE...

Court advised a stay was in place due the bankruptcy of Alessi and Koenig. Ms. Bookout advised at the last hearing, Court inquired if parties would move forward without Alessi and Koenig which was determined not possible. In the abundance of caution, parties entered into a stipulation to extend the five year deadline. Court advised the clock does not run while the case is stayed. Parties so noted. Upon the Court's inquiry, parties advised not ready to lift the stay and requested sixty (60) days to sort out the issues regarding Alessi and Koenig. COURT ORDERED status check SET and matter CONTINUED.

ALL PENDING MOTIONS CONTINUED TO 11/16/17 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**November 16, 2017**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

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**November 16, 2017      9:00 AM**

**All Pending Motions**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Bookout, Debra      Attorney  
Geisendorf, Charles L.      Attorney  
Lowell, Elizabeth B.      Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: STATUS OF CASE... STATUS CHECK: STAY/STATUS OF CASE... PLAINTIFF / COUNTER-DEFENDANT VENISE ABELARD'S MOTION IN LIMINE NO 1 OF 1 TO EXCLUDE CERTAIN EVIDENCE AT TRIAL... WELLS FARGO BANK, NA'S MOTION FOR SUMMARY JUDGMENT... DEFENDANT'S MOTION FOR SUMMARY JUDGMENT...

Ms. Bookout gave a brief summary of the case; further stating parties have stipulated to extending the five year rule. Colloquy regarding scheduling as to lifting the stay and renoticing dates for pending motions. Parties further advised they can complete a 2.35 stipulation. Court so noted and ORDERED, matter TRAILED for the presence of Mr. Geisendorf.

MATTER RECALLED, all parties present.

Colloquy regarding scheduling. COURT ORDERED, STAY LIFTED and motions due by January 31, 2018. COURT FURTHER ORDERED, trial date SET.

4/10/18 9:00 AM CALENDAR CALL

4/16/18 9:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**February 10, 2018**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

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**February 10, 2018      11:00 AM      Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Sylvia Perry

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Motion for Settlement Conference is granted as unopposed. Plaintiff s counsel to prepare order. Counsel may contact the settlement conference department to see if they can be accommodated prior to the 4/16 trial. If there s no availability, counsel will need to make arrangements with an individual department to hear the settlement conference. Trial will not be continued for a settlement conference. 2/13/18 hearing date is vacated.

CLERK'S NOTE: Counsel notified via phone call by DC VII law clerk. 2/12/18.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****March 06, 2018**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

<b>March 06, 2018</b>	<b>9:00 AM</b>	<b>All Pending Motions</b>	<b>Wells Fargo Bank, N.A's Motion for Summary Judgment....Defenda nts' Motion for Summary Judgment</b>
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**HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Phyllis Irby**RECORDER:** Renee Vincent**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bass, Joice B.	Attorney
	Geisendorf, Charles L.	Attorney
	Ivie, Daniel	Attorney
	Whipple, Melvin R.	Attorney
	Willis, Jeffrey L.	Attorney

**JOURNAL ENTRIES**

- Mr. Whipple argued the dispositive factor is that the borrower and homeowner made payments to the HOA after the notice of delinquent assessment lien; that were greater than nine months of assessments before the notice of assessment loan. The sale that occurred as a matter of law had to be a sub-priority sale. The Bank seeks an Order from this Court recognizing and declaring that under all circumstances if the sale is allowed to stand; it was a sub-priority sale.

Mr. Geisendorf argued it is inconsequential that the homeowner makes the payments to the delinquent account. The homeowner had no intentions of paying off the super priority lien. Mr. Geisendorf further argued the trustee was extinguished by the foreclosure sale; the sale was properly conducted.

Following further argument of counsel. The Court stated with respect to the Banks Motion for Summary Judgment, COURT ORDERED, MOTION GRANTED on the first issue that the homeowner satisfied the super-priority amount of the lien after the lien was filed. The Court doesn't think the statute requires that it be the lender who satisfies the super-priority amount.

The Court further stated with the remaining arguments of the bank; COURT DOES NOT FIND the sale was commercially unreasonable, in addition, under the Nevada Supreme Court bonafide purchaser analysis; the Court doesn't find any of the other arguments apply. FURTHER ORDERED, CRANESBILL MOTION FOR SUMMARY JUDGMENT regarding Ms. Abelard is GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property****COURT MINUTES****April 03, 2018**

A-12-671509-C      Venise Abelard, Plaintiff(s)  
    vs.  
    9352 Cranesbill Trust, Defendant(s)

**April 03, 2018****1:30 PM****Settlement Conference****HEARD BY:** Wiese, Jerry A.**COURTROOM:****COURT CLERK:** Phyllis Irby**RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Bass, Joice B.	Attorney
	Ivie, Daniel	Attorney
	Lowell, Elizabeth B.	Attorney

**JOURNAL ENTRIES**

- VENISE ABELARD V. FORT APACHE SQUARE HOMEOWNERS ASSOCIATION, ET AL.

The above-referenced matter came on for a settlement conference with Judge Jerry Wiese on Tuesday, April 3, 2018. The Plaintiff, Venise Abelard, was present, and was represented by Joyce Bass, Esq. Fort Apache Square Homeowners Association (HOA) was present through Mandy Endelman and Janette Hill (community managers), and Nicole Benavidez (of Farmers Insurance), and was represented by Elizabeth Lowell, Esq. Nevada Association Services (NAS), was present through Brandon Wood, Esq. Wells Fargo Bank was present through Phillip Cargioli, and was represented by Dan Ivy, Esq. (They were excused before the remainder of the case settled) The parties agreed to a resolution and settlement of all claims. It is the intention of the parties that this settlement will resolve the entire case. The parties and attorneys will work together to prepare and execute all necessary settlement documents, including a Stipulation and Order for Dismissal of All Claims. Each party is to bear its own attorney s fees and costs. The case is now referred back to the originating department for further handling and closure.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**April 10, 2018**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

---

**April 10, 2018**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Aja Brown

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:** Bass, Joice B.

Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL....STEVEN LOIZZLI, JR.'S ESQ., MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR ALESSI & KOENIG, LLC

Ms. Bass advised she had previously sent notification to Chambers indicating the matter had settled and she will be preparing settlement documents. Court stated it has received a signed copy of a settlement agreement. COURT ORDERED, trial VACATED, matter SET for hearing. Ms. Bass stated there was no opposition to the Motion to Withdraw. COURT FURTHER ORDERED, Motion to Withdraw GRANTED. Upon Court's inquiry, Ms. Bass stated the Bankruptcy does not impact the settlement. Ms. Bass further stated the settlement is intended to be a complete settlement of all of the claims and parties and she will include a Dismissal in the settlement. COURT SO NOTED.

5/8/18 9:00 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**April 24, 2018**

---

A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

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**April 24, 2018**

**9:00 AM**

**Motion to Withdraw as  
Counsel**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

COURT ORDERED, motion GRANTED as Unopposed. Mr. Loizzi to prepare the Order.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Kimberly Estala, to all registered parties for Odyssey File & Serve.//ke 04/25/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**May 08, 2018**

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A-12-671509-C      Venise Abelard, Plaintiff(s)  
vs.  
9352 Cranesbill Trust, Defendant(s)

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**May 08, 2018**

**9:00 AM**

**Status Check**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Aja Brown

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

Bass, Joice B.

Attorney

Geisendorf, Charles L.

Attorney

Lowell, Elizabeth B.

Attorney

Attorney

**JOURNAL ENTRIES**

- Ms. Bass stated all of the claims have been resolved and she is awaiting an order on the Summary Judgment that was to be issued by the Court. Ms. Bass further stated she is finalizing the Settlement Agreement that would resolve the remaining claims with the HOA. Ms. Lowell requested an additional 45 days to get the agreement signed. COURT SO ORDERED. Court stated the parties will not need to appear if the Stipulation and Order to Dismiss has been filed.

CONTINUED TO: 6/19/18 9:00 AM



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

**CHARLES L. GEISENDORF, ESQ.**  
**2470 ST. ROSE PKWY., SUITE 309**  
**HENDERSON, NV 89074**

**DATE: May 31, 2018**  
**CASE: A-12-671509-C**

**RE CASE:** VENISE ABELARD vs. IYAD HADDAD, Individually and as Trustee for CRANESBILL CT. TRUST; 9352 CRANESBILL CT. TRUST; TEAL PETALS ST. TRUST; FORT APACHE SQUARE HOMEOWNERS ASSOCIATION; MESA MANAGEMENT, LLC; LAS VEGAS ASSOCIATION MANAGEMENT, LLC; ALESSI & KOENIG, LLC

NOTICE OF APPEAL FILED: May 29, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

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

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

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

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



# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

VENISE ABELARD,

Plaintiff(s),

vs.

IYAD HADDAD, Individually and as Trustee  
for CRANESBILL CT. TRUST; 9352  
CRANESBILL CT. TRUST; TEAL PETALS  
ST. TRUST; FORT APACHE SQUARE  
HOMEOWNERS ASSOCIATION; MESA  
MANAGEMENT, LLC; LAS VEGAS  
ASSOCIATION MANAGEMENT, LLC;  
ALESSI & KOENIG, LLC,

Defendant(s),

Case No: A-12-671509-C

Dept No: VII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 31 day of May 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk