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7 Attorney for appellants

Electronically Filed  
Sep 05 2018 09:12 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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9  
10 SUPREME COURT  
11 STATE OF NEVADA

12 9352 CRANESBILL T RUST; TEAL PETALS  
ST. TRUST; AND IYAD HADDAD

DOCKET NO.: 76017

13 Appellants

14 vs.

15 WELLS FARGO BANK, N.A.

16 Respondents

17  
18 **RESPONSE TO ORDER TO SHOW CAUSE; and**  
19 **REQUEST FOR EXTENSION OF TIME**

20 Appellants 9352 Cranesbill Trust, Teal Petals St. Trust and Iyad Haddad, by and through it's  
21 attorney, Michael F. Bohn, Esq., respond to the order to show cause issued on August 2, 2018 as  
22 follows.

23 **POINTS AND AUTHORITIES**

24 Current counsel for appellants substituted into this case on July 27, 2018, shortly before  
25 this court issued it's order to show cause.

26 After examining the history of the case, counsel for the appellant determined that this court  
27 was correct regarding the remaining outstanding claims before the district court.

1 On April 3, 2018, there was a settlement conference involving the plaintiff, Fort Apache Square  
2 HOA. NAS, and Wells Fargo. The minutes from the conference notes that the case was settled and the  
3 entire case was settled, and that the parties would execute all necessary settlement documents. A copy  
4 of the minute order is attached as Exhibit A.

5 On April 27, 2018, the district court entered an order permitting counsel to withdraw as attorney  
6 for Alessi & Koenig.

7 On May 18, 2018, the district court entered an order permitting counsel to withdraw as attorney  
8 for defendant Mesa Management, LLC.

9 Additionally, Alessi & Koenig has filed for bankruptcy.

10 It has been determined that the best course for the appellant would be to file a motion before the  
11 district court for Rule 54(b) determination. The motion was filed on September 4, 2018 and is calendared  
12 for October 5, 2018. An order shortening time has been sought on the motion.

13 For this reason, it is requested that this court permit the appellant an additional 30 days to respond  
14 to the order to show cause. It is expected that the district court will make a determination on the motion  
15 by that time.

16 DATED this 4th day of September, 2018.

LAW OFFICES OF  
MICHAEL F. BOHN, ESQ., LTD.

18  
19 By: /s/ /Michael F. Bohn, Esq. /  
Michael F. Bohn, Esq.  
2260 Corporate Circle, Suite 480  
Henderson, Nevada 89074  
Attorney for appellants

1 **CERTIFICATE OF SERVICE**

2 In accordance with N.R.A.P. 25, I hereby certify that I am an employee of The Law Offices of  
3 Michael F. Bohn, Esq. LLC., and that on the 4th day of September 2018, a copy of the foregoing  
4 **RESPONSE TO ORDER TO SHOW CAUSE** was served electronically through the Court's  
5 electronic filing system to the following individual:

6  
7 Jeffrey Willis  
8 Erica J. Stutman  
9 Daniel S. Ivie  
10 SNELL & WILMER  
11 3883 Howard Hughes Parkway, Suite 1100  
12 Las Vegas, Nevada 8919

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/s/ Marc Sameroff /  
An Employee of the LAW OFFICES OF  
MICHAEL F. BOHN, ESQ., LTD.

EXHIBIT A

EXHIBIT A

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Inst #: 201302130001642  
Fees: \$20.00 N/C Fee: \$25.00  
RPTT: \$53.55 Ex: #  
02/13/2013 11:14:31 AM  
Receipt #: 1496296  
Requestor:  
ABSOLUTE COLLECTION SERVICE  
Recorded By: GILKS Pgs: 5  
DEBBIE CONWAY  
CLARK COUNTY RECORDER

**APN: 137-24-817-112**

**WHEN RECORDED MAIL DEED AND  
TAX STATEMENTS TO:**

Queen Victoria #1720-104  
NV West Servicing LLC, as Trustee  
27372 Aliso Creek Rd, Ste 200  
Aliso Viejo CA 92656

Title No. A2764  
Account NO. 119252  
TS No. 12980678

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**SPACE ABOVE THIS LINE FOR RECORDER'S USE**

**TRUSTEE'S DEED UPON SALE**

The undersigned declares:

- 1) The grantee herein **WAS NOT** the foreclosing beneficiary
- 2) The amount of the unpaid debt together with costs was \$ 10,100.00
- 3) The amount paid by the grantee at the trustee sale was \$ 10,100.00
- 4) The documentary transfer tax is \$ 53.55
- 5) City Judicial District of **LAS VEGAS**

And **Absolute Collection Services, LLC.**, as the duly appointed Trustee under the Notice of Delinquent Assessment hereinafter described, does hereby **GRANT** and **CONVEY**, but without warranty, express or implied, to: **Queen Victoria #1720-104, NV West Servicing LLC, as Trustee, 27372 Aliso Creek Rd, Ste 200, Aliso Viejo CA 92656**

(herein called Grantee), all of its right, title and interest in and to that certain property situated in the County of CLARK, State of NEVADA, described as follows:

**1720 Queen Victoria St #104, Las Vegas NV 89144**

Legal Description-shown on the Subdivision map recorded in Book No. 74 Page(s) 22, Unit 1914, Bldg 19, Inclusive, of Maps of the Country of Clark, State of Nevada; See Exhibit A Attached


**AGENT STATES THAT:**

This conveyance is made pursuant to the powers granted to **Carlisle HOA** and conferred upon appointed trustee by the provisions of the Nevada Revised Statutes, the

**Carlisle HOA** governing documents (CC&R's) recorded as instrument number **0001560** Book **20050202** on **FEBRUARY 2, 2005** and that certain Notice of Delinquent Assessment Lien recorded on **JANUARY 12, 2012** instrument number **0002174** Book **20120112** Official Records of CLARK County; and pursuant to NRS 117.070 et Seq. or NRS 116.3115 et Seq and NRS 116.3116 through 116.31168 et Seq. The name of the owner(s) of the property (trustor) was: **SUMMERLIN ENTERPRISE LLC**

Default occurred as set forth in a Notice of Default and Election to Sell, recorded on **MARCH 29, 2012** as instrument **0000237** Book **20120329** which was recorded in the office of the recorder of said county. Absolute Collection Services, LLC. Has complied with all requirements of law including, but not limited to, the elapsing of 90 days, mailing of copies of Notice of Delinquent Assessment and Notice of Default and the posting and publication of the Notice of Sale. Said property was sold by said agent, on behalf of **Carlisle HOA** at public auction on **FEBRUARY 12, 2013** at the place indicated on the Notice of Sale. Grantee being the highest bidder at such sale, became the purchaser of said property and paid therefore to said agent the amount bid **\$10,100.00** in lawful money of the United States, or by satisfaction, pro tanto, of the obligations then secured by the Delinquent Assessment Lien.

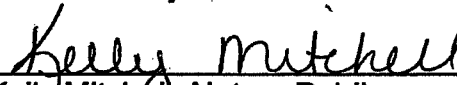
Dated: February 13, 2013

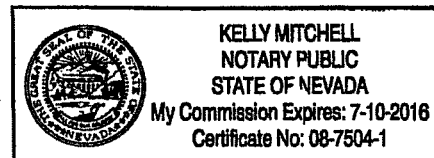
  
By Richard Kaye on behalf of Absolute Collection Services

STATE OF NEVADA       )  
COUNTY OF CLARK     )

On 2/13/13 before me, Kelly Mitchell, personally appeared Richard Kaye personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same in his/her authorized capacity, and that by signing his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and seal.

  
Kelly Mitchell, Notary Public  
My Commission Expires: 7/10/16  
Certificate No. 08-7504-1



**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CLARK, STATE OF NEVADA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL I (COMMON AREA):**

ONE (1) ALLOCATED INTEREST AS TENANTS-IN-COMMON IN AND TO THE COMMON AREA OF EACH PHASE OF FINAL MAP OF PACIFIC CREST (A CONDOMINIUM SUBDIVISION AND COMMON INTEREST COMMUNITY), AS SHOWN BY MAP THEREOF ON FILE IN BOOK 74 OF PLATS, PAGE 22, RECORDED JUNE 3, 1996 IN BOOK 960603 AS DOCUMENT NO. 00917 AND CERTIFICATE OF AMENDMENT RECORDED AUGUST 12, 1997 IN BOOK 970812 AS DOCUMENT NO., 00558 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA. SAID ALLOCATED INTEREST TO BE A FRACTION, NUMERATOR OF WHICH SHALL BE ONE (1), AND THE DENOMINATOR WHICH SHALL BE THE NUMBER OF UNITS IN THE COMMUNITY WHICH SHALL BECOME SUBJECT TO THE DECLARATION OF RESTRICTIONS RECORDED FEBRUARY 2, 2005 IN BOOK 20050202 AS DOCUMENT NO. 01560, OFFICIAL RECORDS AND ANY SUBSEQUENT AMENDMENTS AND/OR SUPPLEMENTS THERETO.

EXCEPTING THEREFROM ALL UNITS AND BUILDINGS LOCATED WITHIN THE ABOVE REFERENCED PLAT.

RESERVING THEREFROM THE RIGHT TO POSSESSION OF ALL THOSE AREAS DELINEATED AS "LIMITED COMMON ELEMENTS" UPON FINAL MAP OF PACIFIC CREST AS DEFINED IN THE DECLARATION.

FURTHER RESERVING THEREFROM FOR THE BENEFIT OF THE OWNERS OF ALL UNITS WITHIN FINAL MAP OF PACIFIC CREST, (EXCEPT THE UNIT REFERRED TO IN PARCEL II, HEREIN) NON-EXCLUSIVE EASEMENTS OF ACCESS, INGRESS, EGRESS, AND RECREATIONAL USE OF, IN AND OVER THE COMMON ELEMENTS, AS PROVIDED FOR IN AND SUBJECT TO THE DECLARATION.

**PARCEL II (LIVING UNIT):**

UNIT NO. ONE THOUSAND NINE HUNDRED FOURTEEN (1914) IN BUILDING NINETEEN (19), AS SHOWN UPON THE ABOVE REFERENCED PLAT.

**PARCEL III (LIMITED COMMON ELEMENTS):**

THE EXCLUSIVE RIGHT OF USE, POSSESSION, AND OCCUPANCY OF THOSE PORTIONS THE PROJECT DESIGNATED AS THOSE "LIMITED COMMON ELEMENTS" (INCLUDING, BUT NOT LIMITED TO PATIO(S), BALCONY(IES) AND PARKING SPACE(S) AS DEFINED IN AND SUBJECT TO THE DECLARATION), WHICH ARE APPURTENANT TO PARCELS I AND II DESCRIBED ABOVE.

**PARCEL IV (APPURTENANT EASEMENTS):**

A NON-EXCLUSIVE EASEMENT OF ACCESS, INGRESS EGRESS AND USE AND ENJOYMENT OF, IN, TO AND OVER THOSE PORTIONS OF FINAL MAP OF PACIFIC CREST. DELINEATED AS "COMMON RECREATIONAL AREA, PRIVATE STREETS AND OTHER COMMON ELEMENTS COMMON AREAS", AS DEFINED IN AND SUBJECT TO THE DECLARATION, WHICH EASEMENT IS APPURTENANT TO PARCELS I AND II.

**PARCEL V (GARAGE UNIT):**

THE EXCLUSIVE RIGHT OF USE, POSSESSION AND OCCUPANCY OF THAT PORTION OF PACIFIC CREST. AS GARAGE UNIT 127; SAID GARAGE UNIT TO BE A LIMITED COMMON ELEMENT



Order No. 12980678-098-

Guarantee No. NV-FWNV-IMP-7202328-1-12-12980678

**EXHIBIT A**  
(Continued)

**APPURTENANT TO THE UNIT DESCRIBED IN PARCEL II HEREIN, AS PROVIDED FOR AND SUBJECT TO  
THE DECLARATION**

APN: 137-24-817-112

**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**

**PRESENT:**      Bass, Joice B.      Attorney for the Plaintiff  
                          Ivie, Daniel      Attorney for Counter Claimant  
                          Lowell, Elizabeth B.      Attorney for the Defendant

**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.

PRINT DATE: 04/03/2018

Page 1 of 2

Minutes Date: April 03, 2018

