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IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN, AS TRUSTEE OF
THE GORDON B. HANSEN TRUST,
DATED 8/22/08,

Appellant,

vs.

JOEL A. STOKES AND SANDRA F.
STOKES, AS TRUSTEE OF THE
JIMIACK IRREVOCABLE TRUST;
YUEN K. LEE, AN INDIVIDUAL,
D/B/A MANAGER F. BONDURANT,
LLC; SUN CITY ANTHEM
COMMUNITY ASSOCIATION,
INC.; AND NATIONSTAR
MORTGAGE, LLC,

Respondents.

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Jul 15 2020 01:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No.: 79295

District Court Case No A-15-720032-C
Consolidated with A-16-730078-C

An Appeal from The Eighth Judicial District Court
The Honorable Joanna Kishner, Presiding

**APPELLANTS' OPPOSITION TO RESPONDENT NATIONSTAR
MORTGAGE, LLC'S MOTION TO DISMISS APPEAL**

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1 Nona Tobin, as Trustee of the Gordon B. Hansen Trust, dated 8/22/08
2 (“Tobin, as Trustee”), by and through her undersigned attorneys, respectfully
3 submits this opposition to respondent Nationstar Mortgage, LLC’s Motion to
4 Dismiss Appeal

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 This appeal arises out of an action to Quiet Title and for Wrongful
7 Foreclosure, among other claims, resulting from the purchase and sale of real
8 property at a homeowner’s association foreclosure sale. Cross-claimant, Nona
9 Tobin (“Tobin”) is the Trustee of the Gordon B. Hansen Trust dated 8/22/08 (the
10 “Trust”), owner of the subject property (the “Property”) prior to the wrongful
11 foreclosure.¹ As detailed in her Opening Brief,² Tobin asserts that Cross-
12 Defendant, Sun City Anthem Community Association (“SCA”) failed to follow
13 the necessary procedures to properly foreclose upon the Property, specifically
14 including but not limited to failing to provide requisite notices.³

15 Notwithstanding the documented deficiencies in the foreclosure process,
16 Cross-Defendant, SCA filed Cross-Defendant SCA’s Motion for Summary
17 Judgment on February 5, 2019, which was joined by Nationstar Mortgage, LLC
18 (“Nationstar”), but not Joel A. Stokes and Sandra F. Stokes, as Trustees of the
19 JimiJack Irrevocable Trust (“JimiJack”). Following the hearing on March 5,
20 2019, the district court ignored the deficiencies and granted SCA’s motion, and

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¹ AA Vol. VI 001111, 001122

22 ² See Appellant’s Opening Brief, pp. 3-19.

³ AA Vol. VI 001130, Tobin Decl., ¶ 69; AA Vol. Vi001138, Tobin Decl., ¶ 66.

1 in so doing, also granted Nationstar’s Limited Joinder. Notice of Entry of
2 Findings of Fact, Conclusion of Law and Order on Cross-Defendant Sun City
3 Anthem Community Association’s Motion for Summary Judgment was filed on
4 April 18, 2019 (the “April 18 Order and Findings”).⁴

5 Tobin, as Trustee of the Gordon B. Hansen Trust dated 8/22/08, filed
6 Cross-Claimant Nona Tobin’s Motion for Reconsideration on April 29, 2019.
7 Again, Nationstar filed a Limited Joinder in support of SCA’s opposition to
8 Tobin’s motion. The motion for reconsideration was denied following a hearing
9 on May 29, 2019. Notice of Entry of the Order Denying Motion for
10 Reconsideration was filed on May 31, 2019 (the “May 31, 2019 Order”).⁵

11 Tobin’s remaining Counterclaim against Plaintiffs, JimiJack, Yuen K. Lee
12 and F. Bondurant, LLC proceeded to trial commencing June 5, 2019. The Order
13 on Findings of Fact, Conclusions of Law quieting title in favor of Joel A. Stokes
14 and Sandra F. Stokes, as Trustees of the JimiJack Irrevocable Trust was filed on
15 June 24, 2019. Notice of Entry of the Order on Findings of Fact, Conclusions of
16 Law was also filed on June 24, 2019 (the “June 24 Order and Findings”).⁶

17 Tobin appeals from the June 24 Order and Findings, the April 18 Order
18 and Findings, and the May 31, 2019 Order. Tobin asserts, among other things,
19 that the district court erred by (i) granting summary judgment in favor SCA on
20 her claims for quiet title and equitable relief to void SCA’s foreclosure sale, (ii)

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22 ⁴ AA Vol. V 001045-001058

⁵ AA Vol. X 001885-001888

⁶ AA Vol XII 002565-002580

1 finding that SCA properly followed the process and procedures in foreclosing
2 upon the Property (iii) failing to quiet title in favor of Tobin, as Trustee of the
3 Gordon B. Hansen Trust dated 8/22/08, and (iv) quieting title in favor of
4 JimiJack.

5 Tobin filed her Opening Brief on December 19, 2019. SCA and JimiJack
6 filed a combined Answering Brief on July 1, 2020. Again, Nationstar joined
7 Respondents' Answering Brief.

8 Although Tobin has not asserted direct claims against Nationstar, the
9 present action is unlike *Trans W. Leasing Corp. v. Corrao Constr. Co.*, 98 Nev.
10 385, 386-387, 649 P.2d 1371 (1982) and the other cases cited by Nationstar in
11 that Nationstar has not once, but three times joined in the papers filed by SCA,
12 including most recently the answering brief. For reasons unknown, Nationstar
13 has actively participated in this action against Tobin by joining in SCA's motion
14 for summary judgment, SCA's opposition to Tobin's motion for reconsideration
15 and now, the answering brief. As a result, it should not be dismissed from this
16 appeal. In the alternative, and to the extent that Nationstar is not a proper party
17 to this appeal, it must be bound by this Court's decision in the event of reversal.
18 *Id. at footnote 1.*

19 **Conclusion**

20 Nationstar has repeatedly joined in court filings in opposition to Tobin's
21 claims, and notwithstanding its most recent joinder, seeks to be dismissed from
22 this appeal. This continuing conduct requires that the appeal not be dismissed as

1 to Nationstar. However, should this Court deem it appropriate to dismiss the
2 appeal as to Nationstar only, the decision of this Court must be binding on
3 Nationstar.

4 For the foregoing reasons Cross-Claimant Nona Tobin respectfully
5 requests that Nationstar's motion to dismiss be denied, or in the alternative, that
6 this Court expressly state that its decision, in the event of reversal, is binding on
7 Nationstar.

8 DATED this 15th day of July, 2020.

9 MUSHKIN & COPPEDGE

10
11 /s/L. Joe Coppedge

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