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Elizabeth A. Brown
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NOAS
ROGER P. CROTEAU, ESQ.
Nevada Bar No.: 4958
TIMOTHY E. RHODA, ESQ.
Nevada Bar No. 7878
ROGER P. CROTEAU & ASSOCIATES, LTD
2810 W. Charleston Blvd., Ste. 75
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(702) 254-7775
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Attorneys for Plaintiff
Saticoy Bay LLC Series 34 Innisbrook

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 34
INNISBROOK,

Case No.: A-14-710161-C
Dept.: XXVI

Plaintiff,

NOTICE OF APPEAL

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3 *et al.*,

Defendants.

AND ALL RELATED ACTIONS

Notice is hereby given that Saticoy Bay, LLC Series 34 Innisbrook, Plaintiff above named, hereby appeals to the Supreme Court of the State of Nevada from the Court's *Order* entered in this action on the 18th day of November, 2019, and *Notice of Entry of the Order* entered on the 19th day November, 2019, and any order made appealable thereby.

The Court's *Order* entered in this action on the 11th day of September, 2019 and *Notice of Entry of the Order* entered in this action on the 11th day of September, 2019, and any order made appealable thereby.

The Court's *Findings of Fact, Conclusions of Law, and Order Granting Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment*, entered on the 3rd day of December, 2018 and *Notice of Entry of Fact, Conclusions of Law, and Order Granting Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment* entered in this action on the 5th day of December, 2018, and any order made appealable thereby.

Dated this 19th day of November, 2019.

ROGER P. CROTEAU & ASSOCIATES, LTD

By: /s/ Roger Croteau

ROGER P. CROTEAU, ESQ.

Nevada Bar No.: 4958

2810 W. Charleston Blvd., Ste. 75

Las Vegas, Nevada 89102

Attorney for Plaintiff

Saticoy Bay LLC Series 34 Innisbrook

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of
3 ROGER P. CROTEAU & ASSOCIATES, LTD. and that on the 19th day of November, 2019, I
4 caused a true and correct copy of the foregoing document to be served on all parties as follows:

5 X VIA ELECTRONIC SERVICE: through the Court's e-file and serve system.

6 Thornburg Mortgage Securities Trust 2007-3 - Defendant

7 Akerman LLP AkermanLAS@akerman.com
8 Melanie Morgan melanie.morgan@akerman.com
9 Jared Sechrist jared.sechrist@akerman.com

10 Spanish Trail Master Association - Counter Defendant

11 Sean L. Anderson sanderson@leachjohnson.com
12 Robin Callaway rcallaway@lkglawfirm.com
13 Patty Gutierrez pgutierrez@lkglawfirm.com
14 Ryan D Hastings rhastings@lkglawfirm.com
15 Gina LaCascia glacascia@leachjohnson.com

16 **OTHER SERVICE CONTACTS**

17 Luz Garcia nvrec@avalonlg.com
18 Bryan Naddafi bryan@avalonlg.com
19 Kurt Naddafi kurt@avalonlg.com
20 Gregory Walch greg.walch@lvvwd.com
21 Venicia Considine vconsidine@lacs.org
22 Donald H. Williams, Esq. dwilliams@dhwlawlv.com
23 David R. Koch dkoch@kochscow.com
24 Robin Gullo rgullo@dhwlawlv.com
25 Staff . aeshenbaugh@kochscow.com
26 Steven B. Scow . sscow@kochscow.com
27 Travis Akin travisakin8@gmail.com

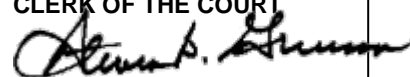
28 VIA U.S. MAIL: by placing a true copy hereof enclosed in a sealed envelope with
postage thereon fully prepaid, addressed as indicated on service list below in the United
States mail at Las Vegas, Nevada.

 VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated
on the service list below.

 VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this
date to the addressee(s) at the address(es) set forth on the service list below.

26 /s/ Anna Gresl

27 An employee of ROGER P. CROTEAU &
28 ASSOCIATES, LTD.



1 **NOAS**
2 **ROGER P. CROTEAU, ESQ.**
3 Nevada Bar No.: 4958
4 **TIMOTHY E. RHODA, ESQ.**
5 Nevada Bar No. 7878
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10 (702) 228-7719 (facsimile)
11 croteaulaw@croteaulaw.com
12 *Attorneys for Plaintiff*
13 *Saticoy Bay LLC Series 34 Innisbrook*

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

17 *****

18 **SATICOY BAY LLC SERIES 34**
19 **INNISBROOK,**

20 **Plaintiff,**

21 **vs.**

22 **THORNBURG MORTGAGE SECURITIES**
23 **TRUST 2007-3 *et al.*,**

24 **Defendants.**

25 **AND ALL RELATED ACTIONS**

Case No.: A-14-710161-C
Dept.: XXVI

CASE APPEAL STATEMENT

26 **1. Name of appellant filing this case appeal statement.**

27 Saticoy Bay, LLC Series 34 Innisbrook (Plaintiff/Appellant).

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

The Honorable Gloria Sturman (Department XXVI; Eighth Judicial District Court, Clark County, NV).

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

Appellant: Saticoy Bay, LLC Series 34 Innisbrook (sole Appellant)

Counsel: Roger P. Croteau, Esq.; Roger P. Croteau & Associates, Ltd., 2810 West Charleston Blvd., Suite 75, Las Vegas, Nevada 89102.

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

Respondent: Timpa, Frank (Deceased) ("*Former Owners*")

Appellate Counsel: Unknown

Trial Counsel: Travis D. Akin, Esq.; The Law Office of Travis Akin; 8275 South Eastern Avenue, Las Vegas, Nevada 89123

Respondent: Timpa, Madelaine (Deceased) ("*Former Owners*")

Appellate Counsel: Unknown

Trial Counsel: Travis D. Akin, Esq.; The Law Office of Travis Akin; 8275 South Eastern Avenue, Las Vegas, Nevada 89123

Respondent: Red Rock Financial Services LLC ("*HOA Trustee*")

Appellate Counsel: Unknown

Trial Counsel: David Koch, Esq., Robert L. English, Esq., Steven B. Scow, Esq., Brody R. Wight, Daniel G. Scow, Esq.; Koch & Scow LLC; 11500 South Eastern Avenue, Suite 210, Henderson, NV 89052

Respondent: Spanish Trail Master Association ("*HOA*")

Appellate Counsel: Unknown

Trial Counsel: Sean L. Anderson, Esq., Ryan D. Hastings Esq.; Leach Johnson Song & Gruchow; 8945 West Russell Road, Suite 330, Las Vegas, Nevada 89148

Respondent: Thornburg Mortgage Securities Trust 2007-3 ("*Lender*")

Appellate Counsel: Unknown

Trial Counsel: Melanie D. Morgan, Esq., Thera A. Cooper, Esq.; Akerman LLP; 1635 Village Center Circle, Suite 200, Las Vegas, Nevada 89134

Respondent: Timpa Trust

Appellate Counsel: Unknown

Trial Counsel: Travis D. Akin, Esq.; The Law Office of Travis Akin; 8275 South Eastern Avenue, Las Vegas, Nevada 89123

Respondent: Republic Services

Appellate Counsel: Unknown

Trial Counsel: Donald H. Williams, Esq., Drew Starbuck, Esq.; Williams Starbuck Attorneys at Law; 612 South 10th Street, Las Vegas, Nevada 89101

Respondent: Las Vegas Valley Water District

Appellate Counsel: Unknown

Trial Counsel: Gregory J. Walch, Esq.; Holley, Driggs, Walch; 400 South Fourth Street, Suite 300, Las Vegas, Nevada 89101

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission).

Not applicable. Known counsel for both Plaintiff/Appellant as well as Defendants/Respondents are duly licensed to practice law in the State of Nevada.

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

Appellant was represented in the District Court by retained counsel.

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

Appellant is represented on appeal by retained counsel.

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

Not applicable. No such relief was either granted to, or sought by, the Appellant here.

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

November 20, 2014.

10. Provide a brief description of the nature of the action and result in the district court,

1 including the type of judgment or order being appealed and the relief granted by the district
2 court.

3 Nature of the action: Plaintiff/Appellant commenced an action in the district court below
4 alleging six claims against the named Defendants/Respondents. Plaintiff's/Appellant's
5 claims/causes of action sought damages for (I) declaration to quiet title against all Defendants, (II)
6 declaratory relief as to all Defendants (III) unlawful detainer against the Former Owners and the
7 Timpa Trust, (IV) intentional and/or negligent misrepresentation and violation of NRS 116.1113
8 against HOA and the HOA Trustee, (V) unjustly enrichment as to the HOA, HOA Trustee, the
9 Former Owners and the Timpa Trust, and (VI) rescission of the HOA foreclosure sale occurred
10 based upon the misrepresentations of the HOA and HOA Trustee and on equity grounds under the
11 facts of this case.

12 Lender filed an Answer and Counterclaim for (1) Quiet Title/Declaratory Relief versus
13 Plaintiff/Appellant and HOA, (II) Permanent and Preliminary Injunction versus Plaintiff/Appellant,
14 (III) Wrongful foreclosure versus the HOA and HOA Trustee, (IV) Negligence versus the HOA
15 and HOA Trustee, (V) Negligence per se versus HOA and HOA Trustee, (VI) Breach of Contract
16 versus the HOA and HOA Trustee, (VII) Misrepresentation versus the HOA, (VIII) Unjust
17 Enrichment versus Plaintiff/Appellant, HOA and HOA Trustee, (IX) Breach of the Covenant of
18 Good Faith and Faith Dealing versus the HOA and HOA Trustee, (X) In the Alternative,
19 Application for Deficiency Judgment/Breach Contract versus Timpa and the Lender requests that
20 the Court declare that the HOA foreclosure sale is void and that the sale should be set aside. The
21 HOA Trustee answered the various claims and asserted a Counterclaim for Interpleader of the
22 excess proceeds of the HOA foreclosure sale in the amount of \$1,168,865.05 that it did not deposit
23 with the Court until June 20, 2019. The Former Owners and the Timpa Trust failed to answer or
24 otherwise plead in response to Plaintiff/Appellant's three (3) complaints, nor did the Former
25 Owners and Timpa Trust answer or otherwise plead a response to the Lender's Counterclaim. In
26 response to the HOA Trustee's Counterclaim for Interpleader Madelaine Timpa and the Timpa
27 Trust answered the Counterclaim and filed a claim by Madelaine Timpa for the surplus
28 funds/excess proceeds.

1
2 Relief granted the district court:

3 The claims and counterclaims of the parties to this litigation emanate from an NRS 116
4 foreclosure sale that occurred on November 7, 2014, for a high bid of \$1,201,000.00. The issues
5 decided by the Court related to the Lender's rejected tender of the Lender's tender of the super
6 priority lien amount issues of rescission of the HOA foreclosure sale by the HOA Trustee based
7 upon the HOA and HOA Trustee's misrepresentation and omissions material of facts by the HOA
8 and HOA Trustee relating to the Lender's rejected tender by HOA Trustee, and the proper
9 distribution of the HOA foreclosure proceeds pursuant to NRS 116 *et. seq.* To end, the Court made
10 three substantive orders that the Plaintiff/Appellant hereby appeals:

11 (1) The Court's *Findings of Fact, Conclusions of Law, and Order Granting Thornburg*
12 *Mortgage Securities Trust 2007-3's Motion for Summary Judgment*, entered on the 3rd day of
13 December, 2018 granted summary judgment in Lender's favor and found that the HOA foreclosed
14 on only the sub-priority portion of its lien; Saticoy purchased an interest in the property subject to
15 the deed of trust which remained first position encumbrance against the property; that all remaining
16 claims not specifically mentioned, including all claims in Lender's counterclaim and crossclaims
17 and Plaintiff/Appellant's complaint, are dismissed with prejudice. The Court failed to consider the
18 arguments of Plaintiff/Appellant and Lender's request that the foreclosure sale be declared void and
19 to rescind the sale. The Court further dismissed the claims of Plaintiff/Appellant against the HOA
20 and HOA Trustee in error without finding of facts and/or conclusions of law regarding all claims
21 alleged by Plaintiff/Appellant against the HOA and HOA Trustee. The Court failed to exercise its
22 equitable powers and perform equity in this case where the facts demand equity, yet the Court
23 exercised the equitable remedy of tender. For the foregoing reasons, the Plaintiff/Appellant asserts
24 that the Court abused its discretion and committed errors of law;

25 (2) The *Order* entered in this action on the 11th day of September, 2019 granted Timpa
26 Trust's Motion for Summary Judgment and ordered the Clerk of the Court to issue a check in the
27 amount of \$29,161.69 from the excess proceeds deposited with the Court on June 20, 2019, payable
28 to "Koch & Scow LLC" as payment for the attorney fees and costs alleged to be due to the HOA

1 Trustee pursuant to NRS 116.31164, and ordered the Clerk of Court to issue a check in the amount
2 of \$1,139,703.36 from the excess proceeds payable to Todd Timpa and Stuart Timpa, successor co-
3 trustees of the Timpa Trust and Bryan Naddafi and Travis Akin, their attorneys, as collection of the
4 portion of HOA Excess Proceeds due and owing to Timpa Trust under NRS 116.31164.

5 Plaintiff/Appellant asserts that the excess proceeds are payable to all subordinate liens of record
6 determined as of the date of filing of the Notice of Delinquent Assessment Lien. The Court's order
7 unjustly enriched the Former Owners and the Timpa Trust and the Lender and directly the
8 Plaintiff/Appellant as the Deed of Trust secured by the property remains unsatisfied or partially
9 reduces by application of the excess proceeds. Plaintiff/Appellant asserts that the Court committed
10 an error of law in its interpretation of NRS 116 *et seq*; and

11 (3) The *Order* entered in this action on the 18th day of November, 2019, denied Plaintiff's
12 Motion to Amend Complaint Pursuant to NRCP 15(b)(2) and 60(b), and incorporating the
13 reasoning of the Supreme Court of Nevada's Decision in *Jessup*, and EDCR 2.30 to Set
14 Aside/Rescind NRS 116 Foreclosure Sale, as the Court does not see the request as an appropriate
15 approach, that there is a separate final order. Plaintiff filed a Motion for Reconsideration under
16 NRCP 59(e) and 60(b) of (I) the Court's Summary Judgment Order of December 3, 2018 and (II)
17 the Court's Order Concerning the Distribution of Excess Proceeds to amend the Findings of Fact in
18 the December 8, 2019 Summary Judgment Order . The Court granted in part and denied in part the
19 Plaintiff's/Appellant's Motion for Reconsideration to state that at the time of the December 8, 2019
20 Order, the Supreme Court of Nevada's March 2019 decision in *Bank of Am., N.A. v Thomas Jessup,*
21 *LLC Series VII* had not yet been published and any such references regarding the unwinding of the
22 foreclosure sale were not discussed or considered in the Summary Judgment Order of this case and
23 to the extent that the determination in *Jessup* have any bearing to this case, it was not considered by
24 the Court. Plaintiff asserts that the Court abused its discretion by not granting the Motion for
25 Reconsideration.

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

1 Not applicable. This case has neither been the subject of an appeal to, nor original writ
2 proceeding in, the Supreme Court.

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

4 Not applicable. This appeal is not addressed to issues of either child custody or visitation.

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

6 Plaintiff/Appellant remains open to possibility of settlement.
7
8

9 Dated this 19th day of November, 2019.

10 ROGER P. CROTEAU & ASSOCIATES, LTD

11 By: /s/ Roger Croteau

12 ROGER P. CROTEAU, ESQ.

13 Nevada Bar No.: 4958

14 2810 W. Charleston Blvd., Ste. 75

15 Las Vegas, Nevada 89102

16 *Attorney for Plaintiff*

17 *Saticoy Bay LLC Series 34 Innisbrook*
18
19
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21
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23
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27
28

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of ROGER P. CROTEAU & ASSOCIATES, LTD. and that on the 19th day of November, 2019, I caused a true and correct copy of the foregoing document to be served on all parties as follows:

 X VIA ELECTRONIC SERVICE: through the Court's e-file and serve system.

Thornburg Mortgage Securities Trust 2007-3 - Defendant

Akerman LLP AkermanLAS@akerman.com

Melanie Morgan melanie.morgan@akerman.com

Jared Sechrist jared.sechrist@akerman.com

Spanish Trail Master Association - Counter Defendant

Sean L. Anderson sanderson@leachjohnson.com

Robin Callaway rcallaway@lkglawfirm.com

Patty Gutierrez pgutierrez@lkglawfirm.com

Ryan D Hastings rhastings@lkglawfirm.com

Gina LaCascia glacascia@leachjohnson.com

OTHER SERVICE CONTACTS

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Donald H. Williams, Esq. dwilliams@dhwlawlv.com

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Robin Gullo rgullo@dhwlawlv.com

Staff . aeshenbaugh@kochscow.com

Steven B. Scow . sscow@kochscow.com

Travis Akin travisakin8@gmail.com

_____ VIA U.S. MAIL: by placing a true copy hereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on service list below in the United States mail at Las Vegas, Nevada.

_____ VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated on the service list below.

_____ VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the service list below.

/s/ Anna Gresl

An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.

CASE SUMMARY**CASE NO. A-14-710161-C**

Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant
(s)

§
§
§
§
§

Location: **Department 26**
 Judicial Officer: **Sturman, Gloria**
 Filed on: **11/20/2014**
 Case Number History:
 Cross-Reference Case Number: **A710161**

CASE INFORMATION**Statistical Closures**

09/12/2019 Summary Judgment
 12/07/2018 Summary Judgment

Case Type: **Other Title to Property**

Case Status: **09/12/2019 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-14-710161-C
 Court Department 26
 Date Assigned 07/17/2017
 Judicial Officer Sturman, Gloria

PARTY INFORMATION

Plaintiff	Saticoy Bay LLC Series 34 Innisbrook	Croteau, Roger P, ESQ <i>Retained</i> 702-254-7775(W)
Defendant	Bank of America NA	
	Recontrust Company N.A. Removed: 02/10/2017 Data Entry Error	
	Recontrust Company NA Removed: 03/27/2015 Dismissed	Schmidt, Allison <i>Retained</i> 702-634-5000(W)
	Red Rock Financial Services LLC	Koch, David <i>Retained</i> 702-318-5041(W)
	Spanish Trail Master Association	Hastings, Ryan D. <i>Retained</i> 702-538-9074(W)
	Thornburg Mortgage Securities Trust 2007-3	Morgan, Melanie D. <i>Retained</i> 702-634-5000(W)
	Timpa Trust	Akin, Travis D <i>Retained</i> 702-522-6450(W)
	Timpa, Frank	Akin, Travis D <i>Retained</i> 702-522-6450(W)
	Timpa, Madelaine	Akin, Travis D <i>Retained</i> 702-522-6450(W)

CASE SUMMARY

CASE NO. A-14-710161-C

Counter Claimant	Red Rock Financial Services	Koch, David <i>Retained</i> 702-318-5041(W)
	Thornburg Mortgage Securities Trust 2007-3	Morgan, Melanie D. <i>Retained</i> 702-634-5000(W)
Counter Defendant	Countrywide Home Loans Inc	
	Estates West at Spanish Trails Removed: 07/27/2015 Dismissed	
	Las Vegas Valley Water District	Walch, Gregory J. <i>Retained</i> 702-258-3288(W)
	Mortgage Electronic Registration System Inc	
	Red Rock Financial Services	Koch, David <i>Retained</i> 702-318-5041(W)
	Republic Services	Williams, Donald H <i>Retained</i> 7023207755(W)
	Republic Services Removed: 12/04/2018 Data Entry Error	Williams, Donald H <i>Retained</i> 7023207755(W)
	Saticoy Bay LLC Series 34 Innisbrook Removed: 12/03/2018 Dismissed	Croteau, Roger P, ESQ <i>Retained</i> 702-254-7775(W)
	Spanish Trail Master Association	Hastings, Ryan D. <i>Retained</i> 702-538-9074(W)
	Thornburg Mortgage Securities Trust 2007-3	Morgan, Melanie D. <i>Retained</i> 702-634-5000(W)
	Timpa Trust	Akin, Travis D <i>Retained</i> 702-522-6450(W)
	Timpa, Frank	Akin, Travis D <i>Retained</i> 702-522-6450(W)
	Timpa, Frank	
	Timpa, Madelaine	Pro Se Akin, Travis D <i>Retained</i> 702-522-6450(W)
Trustee	Timpa, Frank	Akin, Travis D <i>Retained</i> 702-522-6450(W)
	Timpa, Madelaine	Akin, Travis D <i>Retained</i> 702-522-6450(W)

DATE













EVENTS & ORDERS OF THE COURT

INDEX

CASE SUMMARY

CASE NO. A-14-710161-C

EVENTS

11/20/2014	 Complaint Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Complaint</i>
11/20/2014	Case Opened
11/25/2014	 Amended Complaint Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Amended Complaint</i>
11/26/2014	 Motion for Order to Show Cause Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Ex Parte Motion for Order to Show Cause Why a Writ of Restitution Should Not Issue</i>
12/09/2014	 Order to Show Cause Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order to Show Cause</i>
12/30/2014	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Frank Kalata</i>
12/30/2014	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Madelaine Timpa</i>
12/30/2014	 Affidavit of Service Filed By: Counter Defendant Timpa, Frank <i>Affidavit of Service- Madelaine Timpa and Timpa Trust</i>
01/05/2015	Case Reassigned to Department 2 <i>District Court Case Reassignment 2015</i>
01/07/2015	 Notice of Appearance Party: Counter Defendant Timpa, Frank <i>Notice of Appearance of Counsel</i>
01/07/2015	 Statement of Legal Aid Representation and Fee Waiver For: Counter Defendant Timpa, Frank <i>Statement of Legal Aid Representation</i>
01/20/2015	 Stipulation and Order Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Stipulation and Order Directing Issuance of Writ of Restitution</i>
01/21/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Entry of Order</i>
02/02/2015	 Receipt of Copy Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Receipt of Copy</i>











CASE SUMMARY

CASE NO. A-14-710161-C

02/02/2015	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Recontrust Company NA</i>
02/05/2015	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Thornsborg Mortgage Securities Trsut 2007-3</i>
02/19/2015	 Motion to Withdraw As Counsel Filed By: Counter Defendant Timpa, Frank <i>Motion to Withdraw as Counsel</i>
02/23/2015	 Notice of Appearance Party: Defendant Recontrust Company NA <i>Notice of Appearance of Counsel on behalf of ReconTrust Company, N.A.</i>
02/23/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Recontrust Company NA <i>Initial Appearance Fee Disclosure on behalf of ReconTrust Company, N.A.</i>
03/27/2015	 Stipulation and Order for Dismissal With Prejudice Filed By: Defendant Recontrust Company NA <i>Disclaimer of Interest and Stipulation and Order For Dismissal With Prejudice as to Recontrust Company, N.A.</i>
03/31/2015	 Order to Withdraw as Attorney of Record Filed by: Counter Defendant Timpa, Frank <i>Order Granting Motion to Withdraw as Counsel</i>
04/01/2015	 Notice of Entry of Order Filed By: Counter Defendant Timpa, Frank <i>Notice of Entry of Order</i>
04/03/2015	 Stipulation and Order for Dismissal With Prejudice Filed By: Defendant Recontrust Company NA <i>Disclaimer of Interest and Stipulation and Order for Dismissal with Prejudice as to Recontrust Company, N.A.</i>
04/08/2015	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant Recontrust Company NA <i>Notice of Entry of Order</i>
04/10/2015	 Answer and Counterclaim Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Answer and Counterclaims</i>
04/13/2015	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Initial Appearance Fee Disclosure</i>
04/24/2015	 Motion to Amend Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion to Amend Complaint</i>

CASE SUMMARY

CASE NO. A-14-710161-C

04/27/2015	 Motion to Dismiss Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion to Dismiss Counterclaim</i>
05/04/2015	Case Reassigned to Department 15 <i>Case reassigned from Judge Richard F Scotti Dept 2</i>
05/15/2015	 Summons Issued <i>Summons - Affidavit of Due Diligence - (Spanish Trail Master Association)</i>
05/15/2015	 Summons Issued <i>Summons - Affidavit of Due Diligence - (Red Rock Financial Services)</i>
05/15/2015	 Summons Issued <i>Summons - Affidavit of Due Diligence - (Frank TImpa)</i>
05/21/2015	 Answer to Counterclaim Filed By: Counter Claimant Red Rock Financial Services <i>Red Rock Financial Services' Answer to Thornburg Mortgage Securities Trust 2007-3 counterclaim; and Red Rock Financial Services' Counterclaim for Interpleader (NRCP 22)</i>
05/21/2015	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Red Rock Financial Services <i>Initial Appearance Fee Disclosure</i>
06/09/2015	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Spanish Trail Master Association <i>Initial Appearance Fee Disclosure</i>
06/09/2015	 Motion to Dismiss Filed By: Counter Defendant Spanish Trail Master Association <i>Motion to Dismiss Thornburg Mortgage Securities Trust 2007-3's Counter-claims</i>
06/10/2015	 Order Granting Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order</i>
06/11/2015	 Second Amended Complaint Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Second Amended Complaint</i>
06/11/2015	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Order</i>
06/11/2015	 Order Denying Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order Denying Motion to Dismiss</i>
06/11/2015	 Notice of Entry of Order Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Entry of Order</i>
06/15/2015	

CASE SUMMARY

CASE NO. A-14-710161-C

	 Notice of Lis Pendens Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Lis Pendens</i>
06/15/2015	 Acceptance of Service Filed By: Counter Claimant Red Rock Financial Services <i>Acceptance of Service</i>
06/16/2015	 Certificate of Service Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Certificate of Service</i>
06/23/2015	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Republic Services <i>Initial Appearance Fee Disclosure</i>
06/23/2015	 Reply to Counterclaim Filed by: Counter Defendant Republic Services <i>Republic Services Reply to Counterclaim</i>
06/24/2015	 Answer to Counterclaim Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Answer to Red Rock Financial Services' Counterclaim for Interpleader (NRCP 22)</i>
06/26/2015	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Countrywide Home Loans Inc</i>
06/26/2015	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Republic Services Inc</i>
06/26/2015	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Estates West at Spanish Trail</i>
07/01/2015	 Affidavit of Service Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Affidavit of Service - Mortgage Electronic Registration System</i>
07/15/2015	 Order Denying Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Order Denying Without Prejudice Defendant Spanish Trail Master Association's Motion to Dismiss Thornburg Mortgage Securities Trust 2007-3's Counterclaim</i>
07/17/2015	 Acceptance of Service Filed By: Counter Defendant Timpa, Frank <i>Acceptance of Service - Frank Timpa and Madelaine Timpa</i>
07/20/2015	 Stipulation and Order Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Stipulation and Order to Dismiss Without Prejudice Defendant Spanish Trail Master Association</i>

CASE SUMMARY

CASE NO. A-14-710161-C

07/21/2015	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Order Denying Without Prejudice Defendant Spanish Trail Master Association's Motion to Dismiss Thornburg Mortgage Securities Trust 2007-3's Counterclaim</i>
07/21/2015	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Stipulation and Order to Dismiss Without Prejudice Defendant Spanish Trail Master Association</i>
07/27/2015	 Stipulation and Order Filed by: Counter Claimant Red Rock Financial Services <i>Counter-Defendant Estates West at Spanish Trails' Disclaimer of Interest; and Stipulation and Order for Dismissal of Counterclaimant Red Rock Financial Services' Counterclaim Against Estates West at Spanish Trails</i>
07/27/2015	 Disclaimer of Interest Filed By: Counter Defendant Las Vegas Valley Water District <i>Disclaimer of Interest</i>
07/27/2015	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Counter Claimant Red Rock Financial Services <i>Notice of Entry of Stipulation and Order for Dismissal</i>
07/27/2015	 Affidavit of Service Filed By: Counter Claimant Red Rock Financial Services <i>Affidavit of Service - Las Vegas Valley Water District</i>
08/12/2015	 Motion to Dismiss Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Motion to Dismiss Plaintiff's Second Amended Complaint</i>
08/17/2015	 Receipt of Copy Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Receipt of Copy</i>
08/24/2015	 Countermotion For Summary Judgment Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint; and Countermotion for Summary Judgment</i>
09/15/2015	 Stipulation and Order Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Stipulation and Order</i>
09/16/2015	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Stipulation and Order</i>
09/22/2015	 Reply in Support Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Defendant Mortgage Securities Trust 2007-3's Reply in Support of Motion to Dismiss with Prejudice Plaintiff's Second Amended Complaint and Opposition to Plaintiff's Countermotion for Summary Judgment</i>

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10/09/2015	 Reply in Support Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Reply in Support of Plaintiff's Countermotion for Summary Judgment</i>
11/03/2015	 Three Day Notice to Plead Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Three Day notice to Plead</i>
11/05/2015	 Supplemental Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Supplemental Authority Regarding Tender of Super-Priority Lien Amount</i>
02/19/2016	 Supplement Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Defendant Thornburg Mortgage Securities Trust 2007-3's Supplemental Briefing In Support Of Motion To Dismiss With Prejudice Plaintiff's Second Amended Complaint And In Opposition To Plaintiff's Countermotion For Summary Judgment</i>
02/19/2016	 Supplemental Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Supplemental Authorities in Support of Plaintiff's Motion for Summary Judgment</i>
03/02/2016	 Order Denying Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order</i>
03/03/2016	 Notice of Entry Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Entry of Order</i>
05/23/2016	 Answer to Amended Complaint Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Answer to Second Amended Complaint</i>
06/17/2016	 Joint Case Conference Report Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Joint Case Conference Report</i>
07/28/2016	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
08/03/2016	 Joinder to Case Conference Report Filed By: Counter Claimant Red Rock Financial Services <i>Notice of Red Rock Financial Services' Joinder in the Joint Case Conference Report</i>
08/10/2016	 Joinder to Case Conference Report Filed By: Counter Defendant Republic Services <i>Defendant, Republic Services, Inc.'s Joinder in the Joint Case Conference Report</i>
09/16/2016	 Scheduling Order <i>Scheduling Order</i>
09/22/2016	 Order Setting Civil Non-Jury Trial

CASE SUMMARY

CASE NO. A-14-710161-C

Order Setting Civil Non-Jury Trial, Pre-Trial Conference, and Calendar Call

12/13/2016	 Motion to Amend Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Plaintiff's Motion for Leave to Amend Complaint and Add Parties</i>
01/05/2017	 Notice Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Completion of Mediation Pursuant to NRS 38.310</i>
02/09/2017	 Order Granting Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order Granting Motion to Amend</i>
02/10/2017	 Notice of Entry Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of entry of Order</i>
02/10/2017	 Third Amended Complaint Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Third Amended Complaint</i>
02/15/2017	 Default Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Default</i>
02/24/2017	 Answer to Amended Complaint Filed By: Counter Defendant Republic Services <i>Answer to Third Amended Complaint</i>
03/03/2017	 Answer to Amended Complaint Filed By: Defendant Red Rock Financial Services LLC <i>Red Rock Financial Services' Answer to Plaintiff's Third Amended Complaint</i>
03/17/2017	 Motion to Amend Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Motion to Amend Counterclaims and Add Parties</i>
03/19/2017	 Answer Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Answer to Saticoy Bay LLC Series 34 Innisbrook's Third Amended Complaint</i>
03/19/2017	 Errata Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Errata to Motion to Amend Counterclaims and Add Parties</i>
05/15/2017	 Order Granting Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Order Granting Thornburg Mortgage Securities 2007-3's Motion to Amend Counterclaims and Add Parties</i>
05/17/2017	

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CASE NO. A-14-710161-C

	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Order Granting Thornburg Mortgage Securities Trust 2007-3's Motion to Amend Counterclaims and Add Parties</i>
05/30/2017	 Amended Answer Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Answer to Saticoy Bay LLC Series 34 Innisbrook's Third Amended Complaint and Counterclaims</i>
06/02/2017	 Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference, and Calendar Call</i>
06/02/2017	 Stipulation and Order Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Stipulation and Order to Extend Discovery and Continue Trial (First Request)</i>
06/05/2017	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Stipulation and Order to Extend Discovery and Continue Trial</i>
06/12/2017	 Answer and Counterclaim Filed By: Counter Claimant Red Rock Financial Services <i>Red Rock Financial Serices' Answer to Thornburg Mortgage Securities Trust 2007-3 Counterclaim; and Red rock Financial Services' Counterclaim for Interpleader (NRCP 22)</i>
06/14/2017	 Motion to Dismiss Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion to Dismiss Counterclaim</i>
06/28/2017	 Opposition to Motion to Dismiss <i>Red Rock Financial Services, LLC's Limited Opposition to Motion to Dismiss Counterclaim</i>
06/30/2017	 Opposition <i>Opposition to Saticoy Bay's Motion to Dismiss Counterclaim</i>
07/05/2017	 Answer to Counterclaim Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Defendant Thornburg Mortgage Securities Trust 2007-3's Answer to Red Rock Financial Services' Counterclaim</i>
07/11/2017	 Affidavit of Service Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Affidavit of Service</i>
07/11/2017	 Reply in Support Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Reply to Red Rock Financial Services, LLC's Limited Opposition to Motion to Dismiss Counterclaim</i>
07/11/2017	 Reply in Support Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Reply in Support of Motion to Dismiss Counterclaim</i>















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CASE NO. A-14-710161-C

07/17/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
08/09/2017	 Motion to Dismiss Filed By: Counter Defendant Spanish Trail Master Association <i>Counter-Defendant Spanish Trail Master Association's Motion to Dismiss Defenant/Counter-Claimaint Thornburg Mortgage Securities Trust 2007-3's Third Amended Counterclaims</i>
08/10/2017	 Three Day Notice of Intent to Default Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Three Day Notice of Intent to Take Default Against Spanish Trail Master Association</i>
08/15/2017	 Joinder To Motion Filed By: Counter Claimant Red Rock Financial Services <i>Red Rock Financial Services' Joinder to Counter-Defendant Spanish Trail Master Association's Motion to Dismiss Defendant/Counter-Claimant Thornburg Mortgage Securities Trust 2007-3's Third Amended Complaint</i>
08/18/2017	 Motion to Extend Discovery Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Motion to Extend Discovery and Continue Trial on Order Shortening Time</i>
08/22/2017	 Order Denying Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Order Denying Motion to Dismiss Counterclaim Without Prejudice</i>
08/24/2017	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Order Denying Plaintiff's Motion to Dismiss Counterclaim Without Prejudice</i>
08/28/2017	 Opposition to Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Opposition to Spanish Trail's Motion to Dismiss Counterclaim</i>
09/05/2017	 Substitution of Attorney Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Substitution of Counsel</i>
09/07/2017	 Answer to Counterclaim Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Answer to Thornburg Mortgage Securities Trust 2007-3-'s Counterclaims</i>
09/12/2017	 Reply in Support Filed By: Counter Defendant Spanish Trail Master Association <i>Counter-Defendant Spanish Trail Master Association's Reply in Support of Its Motion to Dismiss Defendant/Counter-Claimant Thornburg Mortgage Securities Trust 2007-3's Third Amended Counterclaim</i>
10/09/2017	 Order Filed By: Counter Defendant Spanish Trail Master Association <i>Order Granting in Part and Denying in Part Counter-Defendant Spanish Trial Master Association's Motion to Dismiss Defendant/Counter-Claimant Thornberg Mortgage Securities Trust 2007-3's Third Amended Counterclaims and Red Rock Financial Services' Joinder</i>

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11/03/2017	 Notice of Entry Filed By: Counter Defendant Spanish Trail Master Association <i>Notice of Entry of Order Granting in Part and Denying in Part</i>
11/06/2017	 Order Granting Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Order Granting Motion to Extend Discovery and Continue Trial on Order Shortening Time</i>
11/14/2017	 Order Setting Civil Bench Trial <i>Order Setting Bench Trial</i>
11/14/2017	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Order Granting Motion to Extend Discovery and Continue Trial on Order Shortening Time</i>
11/17/2017	 Order Granting Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Amended Order Granting Motion to Extend Discovery and Continue Trial on Order Shortening Time</i>
11/20/2017	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Amended Order Granting Motion to Extend Discovery and Continue Trial on Order Shortening Time</i>
12/15/2017	 Order Setting Civil Bench Trial <i>Order Setting Bench Trial</i>
01/12/2018	 Motion to Extend Discovery Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Motion to Extend Discovery and Continue Trial (Third Request)</i>
01/18/2018	 Notice of Change of Address Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice Of Change Of Address</i>
01/31/2018	 Opposition Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Opposition to Motion to Continue Discovery</i>
02/12/2018	 Reply in Support Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Reply in Support of Motion to Extend Discovery and Continue Trial</i>
03/02/2018	 Order Granting Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Order Granting Motion to Extend Discovery and Continue Trial</i>
03/07/2018	 Notice of Entry of Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Order Granting Motion to Extend Discovery and Continue Trial</i>
03/08/2018	 Receipt of Copy

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Filed by: Counter Defendant Spanish Trail Master Association
Receipt of Copy

05/04/2018	 Notice of Change of Address <i>Notice of Change of Address</i>
05/04/2018	 Motion for Summary Judgment Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i>
05/04/2018	 Motion for Summary Judgment Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion for Summary Judgment</i>
05/10/2018	 Notice of Change of Address <i>Amended Notice of Change of Address</i>
05/14/2018	 Opposition <i>Republic Services, Inc. s Partial Opposition To Plaintiff Saticoy Bay, LLC Series 43 Innisbrook s Motion For Summary Judgment</i>
05/21/2018	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Turst 2007-3's Opposition to Saticoy Bay LLC's Series 34 Innisbrook's Motion for Summary Judgment</i>
05/22/2018	 Opposition Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Plaintiff's Opposition to Defendant Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i>
05/22/2018	 Opposition and Countermotion Filed By: Counter Defendant Spanish Trail Master Association <i>Counter-Defendant Spanish Trail Master Association's Opposition to Thornburg Mortgage's Motion for Summary Judgment and Countermotion for Summary Judgment</i>
05/23/2018	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Spanish Trail Master Association <i>Initial Appearance Fee Disclosure</i>
05/29/2018	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Reply Supporting Its Motion For Summary Judgment And Opposition To Spanish Trials Master Association's Countermotion For Summary Judgment</i>
05/30/2018	 Opposition to Motion <i>Republic Services, Inc.'s Partial Opposition to Counterdefendant, Spanish Trail Master Association's Countermotion for Summary Judgment</i>
05/30/2018	 Joinder to Motion For Summary Judgment Filed By: Counter Claimant Red Rock Financial Services <i>Red Rock Financial Services' Joinder to Counter-Defendant Spanish Trial Master Association's Countermotion for Summary Judgment</i>




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06/04/2018	 Reply in Support Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Reply in Support of Plaintiff's Motion for Summary Judgment</i>
06/05/2018	 Stipulation and Order Filed by: Counter Defendant Spanish Trail Master Association <i>Stipulation and Order to Consolidate Hearing Dates and Continue Status Check (First Request)</i>
06/05/2018	 Notice of Entry Filed By: Counter Defendant Spanish Trail Master Association <i>Notice of Entry of Stipulation and Order Consolidating Hearing Dates and Continue Status Check</i>
06/15/2018	 Stipulation and Order Filed by: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Stipulation and Order to Continue Hearing on the Parties' Motions for Summary Judgment</i>
06/19/2018	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Notice of Entry of Stipulation and Order to Continue Hearing on the Parties' Motions for Summary Judgment</i>
06/26/2018	 Reply in Support Filed By: Counter Defendant Spanish Trail Master Association <i>Counter-Defendant Spanish Trail Master Association's Reply in Support of its Countermotion for Summary Judgment</i>
06/27/2018	 Supplement <i>Supplement to Plaintiff's Opposition to Defendant Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i>
06/28/2018	 Errata Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Errata to Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i>
06/29/2018	 Reply in Support Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornbur Mortgage Securities Trust 2007-3's Reply Supporting It's Motion for Summary Judgment or, in The Alternative Surreply Supporting Summary Judgment</i>
07/02/2018	 Errata Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Errata to Thornburg Mortgage Securities Trust 2007-3's Reply Supporting its Motion to Strike Plaintiffs Supplemental Opposition to its Motion for Summary Judgment or in the Alternative, Surreply Supporting Summay Judgment</i>
07/06/2018	 Pre-Trial Disclosure Party: Counter Defendant Spanish Trail Master Association <i>Spanish Trail Master Association's PreTrial Disclosures</i>
07/19/2018	 Answer Filed By: Counter Defendant Spanish Trail Master Association <i>Spanish Trail Master Association's Answer to Thornburg Mortgage's Counterclaims</i>

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07/19/2018	 Answer Filed By: Defendant Spanish Trail Master Association <i>Spanish Trail Master Association's Answer to Saticoy Bay's Third Amended Complaint</i>
07/24/2018	 Joint Pre-Trial Memorandum <i>Joint Pre-Trial Memorandum</i>
09/06/2018	 Order Setting Civil Bench Trial <i>Order Resetting Bench Trial</i>
09/11/2018	 Stipulation and Order <i>Stipulation and Order Continuing Trial Date</i>
09/12/2018	 Notice of Entry <i>Notice of Entry of Order</i>
09/17/2018	 Motion to Reconsider Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Motion For Reconsideration Of Order Denying Summary Judgment</i>
09/27/2018	 Notice of Change of Address Filed By: Counter Defendant Spanish Trail Master Association <i>Notice of Change of Address and Notice of Firm Name Change</i>
10/02/2018	 Opposition Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Plaintiff's Opposition to Motion for Reconsideration</i>
10/26/2018	 Reply in Support Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Reply Supporting its Motion for Reconsideration</i>
12/03/2018	 Findings of Fact, Conclusions of Law and Order Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Findings of Fact, Conclusions of Law and Order Granting Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i>
12/04/2018	 Memorandum of Costs and Disbursements Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Memorandum of Costs</i>
12/05/2018	 Notice of Entry of Findings of Fact, Conclusions of Law <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i>
12/07/2018	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
01/04/2019	 Order <i>Order Setting Further Proceedings</i>
01/31/2019	 Notice of Appearance

CASE SUMMARY

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Party: Counter Defendant Thornburg Mortgage Securities Trust 2007-3
Notice of Appearance

01/31/2019	 Answer Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Madelaine Timpa and Timpa Trust's Verified Answer To Red Rock Financial Services' Counterclaim For Interpleader And Madelaine Timpa's Claim To Surplus Funds</i>
02/01/2019	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Initial Appearance Fee Disclosure</i>
03/05/2019	 Substitution of Attorney <i>Substitution of Attorney</i>
03/29/2019	 Miscellaneous Filing Filed by: Counter Defendant Timpa Trust <i>Status Memo</i>
04/04/2019	 Miscellaneous Filing Filed by: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Status Memo</i>
04/04/2019	 Joinder Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg's Joinder to Madelaine Timpa and Timpa Trust's Status Memo</i>
04/15/2019	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
05/10/2019	 Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion to Reinstate Statistically Closed Case</i>
05/10/2019	 Ex Parte Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Ex Parte Motion for Order Shortening Time on Motion to Reinstate Statistically Closed Case</i>
05/10/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/10/2019	 Notice of Association of Counsel Filed By: Counter Defendant Timpa, Frank <i>Notice of Association of Counsel</i>
06/11/2019	 Order Setting Civil Bench Trial <i>Scheduling Order and Order Setting Civil Non-Jury Trial and Calendar Call</i>
06/19/2019	 Order Filed By: Counter Defendant Timpa, Madelaine <i>Order</i>
06/20/2019	 Notice of Entry of Order

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CASE NO. A-14-710161-C

	Filed By: Counter Defendant Timpa Trust <i>Notice of Entry of Order</i>
06/25/2019	 Motion for Summary Judgment Filed By: Counter Defendant Timpa Trust <i>Timpa Trust's Motion for Summary Judgment</i>
06/26/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/09/2019	 Notice of Deposit Filed By: Counter Claimant Red Rock Financial Services <i>Notice of Red Rock Financial Services' Deposit of Interpleaded Funds With the Court</i>
07/09/2019	 Response Filed by: Counter Claimant Red Rock Financial Services <i>Red Rock Financial Services' Limited Response to Timpa Trust's Motion for Summary Judgment</i>
07/09/2019	 Reply Filed by: Counter Defendant Timpa, Frank <i>TIMPA TRUST'S REPLY TO RED ROCK FINANCIAL SERVICES LIMITED RESPONSE TO TIMPA TRUST S MOTION FOR SUMMARY JUDGMENT</i>
07/09/2019	 Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion to Enlarge Time In Which to File Opposition to Timpa Trust's Motion for Summary Judgment</i>
07/09/2019	 Declaration Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Declaration of Roger P. Croteau in Support of Motion</i>
07/10/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/11/2019	 Motion for Order Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Motion for Order Shortening Time on Motion to Enlarge Time in Which to File Opposition</i>
07/18/2019	 Order Shortening Time Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order Shortening Time</i>
07/18/2019	 Notice of Entry Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Entry of Order Shortening Time</i>
07/23/2019	 Opposition to Motion Filed By: Counter Defendant Timpa Trust <i>Timpa Trust's Opposition to Saticoy Bay LLC Series 34 Innisbrook s Motion To Enlarge Time In Which To File Opposition to Timpa Trust's Motion For Summary Judgment</i>
07/24/2019	 Amended

CASE SUMMARY

CASE NO. A-14-710161-C

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Amended Motion to Enlarge Time in Which to File Opposition to Timpa Trust's Motion for Summary Judgment

07/25/2019



Notice of Non Opposition

Filed By: Counter Defendant Timpa Trust
Notice Pursuant to EDCR 2.20(e) of Non-Opposition by Plaintiff to Timpa Trust's Motion for Summary Judgment

07/26/2019



Opposition to Motion

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Opposition to Timpa Trust's Motion for Summary Judgment and Red Rock Financial Services Limited Response to Timpa Trust's Motion for Summary Judgment

08/06/2019



Reply to Opposition

Filed by: Counter Defendant Timpa Trust
Timpa Trust's Reply to Saticoy Bay LLC Series 34 Innisbrook's Opposition to Timpa Trust's Motion for Summary Judgment

08/11/2019



Ex Parte Motion

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Ex Parte Motion To Continue August 13, 2019 Hearing Date

08/11/2019



Declaration

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
DECLARATION OF ROGER P. CROTEAU IN SUPPORT OF EX PARTE MOTION TO CONTINUE AUGUST 13, 2019 HEARING DATE

08/15/2019



Order Granting

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Order Granting Ex Parte Motion to Continue August 13, 2019 Hearing Date

08/15/2019



Notice of Entry

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Notice of Entry of Order

08/29/2019



Notice of Change

Filed By: Counter Defendant Timpa, Frank
Notice of Change Of Trustee Of Plaintiff Timpa Trust U/T/D March 3, 1999

08/29/2019



Amended Notice

Filed By: Counter Defendant Timpa Trust
Amended Notice of Change of Trustee of Timpa Trust U/T/D March 3, 1999

09/11/2019



Order

Filed By: Counter Defendant Timpa, Madelaine
Order

09/11/2019



Notice of Entry of Order

Filed By: Counter Defendant Timpa Trust
Notice of Entry of Order

09/24/2019





Motion to Reconsider

Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Plaintiff's Motion For Reconsideration Under NRCP 59(E) and 60(B) of (I) The Court's

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Summary Judgment Order of December 3, 2018 and (Ii) The Court S Order Concerning the Distribution of Excess Proceeds

09/25/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/02/2019	 Motion to Stay Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Plaintiff's Emergency Motion for a Stay of Execution Pending the Court's Adjudication of Plaintiff's Pending Motion for Reconsideration of the Court's Excess Proceeds Order Pursuant to NRCP 62(b)(3) & (4)</i>
10/02/2019	 Ex Parte Motion Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Ex Parte Motion for Entry of an Order Shortening Time for Hearing on Plaintiff's Emergency Motion for a Stay of Execution Pending the Court's Adjudication of Plaintiff's Pending Motion for Reconsideration of the Court's Excess Proceeds Order Pursuant to NRCP 62(b)(3) & (4)</i>
10/03/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/04/2019	 Opposition to Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg's Mortgage Securities Trust 2007-3's Limited Opposition to Plaintiff's Motion for Reconsideration</i>
10/04/2019	 Joinder To Motion Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3 <i>Thornburg Mortgage Securities Trust 2007-3's Limited Joinder to Plaintiff's Emergency Motion for Stay of Execution Pending the Court's Adjudication of Plaintiff's Pending Motion for Reconsideration of the Court's Excess Proceeds Order Pursuant to 62(b)(3)&(4)</i>
10/08/2019	 Order Shortening Time Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order Shortening Time For Hearing On Plaintiff's Emergency Motion For A Stay Of Execution Pending The Court's Adjudication Of Plaintiff's Pending Motion For Reconsideration Of The Court's Excess Proceeds Order Pursuant To NRCP 62(b)(3) & (4)</i>
10/08/2019	 Notice of Entry of Order Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Entry of Order Shortening Time For Hearing</i>
10/08/2019	 Opposition to Motion Filed By: Counter Defendant Timpa Trust <i>Opposition to Plaintiff's Motion for Reconsideration Under NRCP 59(E) and 60(B) of (I) the Court's Summary Judgment Order of December 3, 2018 and (II) the Court's Order Concerning the Distribution of Excess Proceeds</i>
10/14/2019	 Notice of Posting Bond <i>Notice of Posting Security Costs</i>
10/14/2019	 Order Granting <i>Order Granting Plaintiff's Emergency Motion for a Stay of Execution</i>
10/16/2019	 Motion to Amend Complaint Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook

CASE SUMMARY

CASE NO. A-14-710161-C

Plaintiff's Motion to Amend Complaint Pursuant NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale

10/17/2019



Clerk's Notice of Hearing
Notice of Hearing

10/18/2019



Reply in Support
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Plaintiff's Reply to Thornburg Mortgage Securities Trust 2007 - 3's Limited Opposition to Plaintiff's Motion for Reconsideration

10/18/2019



Ex Parte Motion
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Ex Parte Motion for Entry of an Order Shortening Time for Hearing on Plaintiff's Motion to Amend Complaint Pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in JESSUP, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale

10/21/2019



Clerk's Notice of Hearing
Notice of Hearing

10/23/2019



Order Shortening Time
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
ORDER SHORTENING TIME FOR HEARING ON PLAINTIFF'S MOTION TO AMEND COMPLAINT PURSUANT TO NRCP 15(b)(2) AND 60(b), THE SUPREME COURT OF NEVADA'S DECISION IN JESSUP, AND EDCR 2.30 TO SET ASIDE/RESCIND NRS 116 FORECLOSURE SALE

10/23/2019



Notice of Entry of Order
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Notice of Entry of Order Shortening Time

10/23/2019



Ex Parte Motion for Enlargement of Time
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Ex Parte Motion to Enlarge Time in Which to File a Reply to Timpa Trust's Opposition to Plaintiff's Motion for Reconsideration

10/25/2019



Opposition to Motion
Filed By: Counter Defendant Thornburg Mortgage Securities Trust 2007-3
Thornburg Mortgage Securities Trust 2007-3's Limited Opposition to Plaintiff's Motion to Amend Complaint Pursuant To NRCP 15(B)(2) and 60(B)

10/25/2019



Reply in Support
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Plaintiff's Reply in Support of Its Motion for Reconsideration

10/27/2019



Opposition to Motion
Filed By: Counter Defendant Timpa Trust
Opposition to Plaintiff's Motion to Amend Complaint Pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale






10/28/2019



Order Granting
Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook
Order Granting Ex Parte Motion to Enlarge Time in Which to File a Reply to Timpa Trust's Opposition to Plaintiff's Motion for Reconsideration

CASE SUMMARY

CASE NO. A-14-710161-C

10/28/2019	 Opposition to Motion Filed By: Counter Claimant Red Rock Financial Services <i>Red Rock Financial Services' Opposition to Plaintiff's Motion to Amend Complaint</i>
11/18/2019	 Order Granting Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Order</i>
11/19/2019	 Notice of Entry of Order Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Entry of Order</i>
11/19/2019	 Notice of Appeal Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Notice of Appeal</i>
11/19/2019	 Case Appeal Statement Filed By: Plaintiff Saticoy Bay LLC Series 34 Innisbrook <i>Case Appeal Statement</i>

DISPOSITIONS

03/27/2015	Order of Dismissal Without Prejudice (Judicial Officer: Scotti, Richard F.) Debtors: Saticoy Bay LLC Series 34 Innisbrook (Plaintiff) Creditors: Recontrust Company NA (Defendant) Judgment: 03/27/2015, Docketed: 04/03/2015
04/03/2015	Order of Dismissal With Prejudice (Judicial Officer: Scotti, Richard F.) Debtors: Saticoy Bay LLC Series 34 Innisbrook (Plaintiff) Creditors: Recontrust Company NA (Defendant) Judgment: 04/03/2015, Docketed: 04/07/2015
07/27/2015	Order of Dismissal With Prejudice (Judicial Officer: Hardy, Joe) Debtors: Estates West at Spanish Trails (Counter Defendant) Creditors: Red Rock Financial Services (Counter Claimant) Judgment: 07/27/2015, Docketed: 08/03/2015
10/09/2017	Order of Dismissal Without Prejudice (Judicial Officer: Sturman, Gloria) Debtors: Thornburg Mortgage Securities Trust 2007-3 (Counter Claimant) Creditors: Spanish Trail Master Association (Counter Defendant) Judgment: 10/09/2017, Docketed: 10/10/2017 Comment: Certain Claims
12/03/2018	Order of Dismissal With Prejudice (Judicial Officer: Sturman, Gloria) Debtors: Saticoy Bay LLC Series 34 Innisbrook (Plaintiff) Creditors: Thornburg Mortgage Securities Trust 2007-3 (Counter Claimant) Judgment: 12/03/2018, Docketed: 12/04/2018 Debtors: Saticoy Bay LLC Series 34 Innisbrook (Plaintiff) Creditors: Thornburg Mortgage Securities Trust 2007-3 (Defendant) Judgment: 12/03/2018, Docketed: 12/04/2018
12/03/2018	Summary Judgment (Judicial Officer: Sturman, Gloria) Debtors: Saticoy Bay LLC Series 34 Innisbrook (Plaintiff) Creditors: Thornburg Mortgage Securities Trust 2007-3 (Defendant) Judgment: 12/03/2018, Docketed: 12/06/2018
09/11/2019	Summary Judgment (Judicial Officer: Sturman, Gloria) Debtors: Thornburg Mortgage Securities Trust 2007-3 (Counter Claimant)

CASE SUMMARY

CASE NO. A-14-710161-C

Creditors: Timpa Trust (Counter Defendant)

Judgment: 09/11/2019, Docketed: 09/12/2019

Debtors: Saticoy Bay LLC Series 34 Innisbrook (Plaintiff)

Creditors: Thornburg Mortgage Securities Trust 2007-3 (Defendant)

Judgment: 09/11/2019, Docketed: 09/12/2019

HEARINGS

01/13/2015



Show Cause Hearing (9:00 AM) (Judicial Officer: Scotti, Richard F.)

Off Calendar;

Journal Entry Details:

Mr. Arlitz advised the eviction was resolved by Stipulation. As the Writ of Restitution Motion is Withdrawn, COURT ORDERED, matter OFF CALENDAR.;

03/23/2015



Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Scotti, Richard F.)

Granted;

Journal Entry Details:

COURT ORDERED, Motion GRANTED as unopposed, pursuant to EDCR 2.20. Ms. Considine to prepare and submit the order to Chambers. CLERK'S NOTE: The above minute order has been distributed via facsimile to: Venicia G. Considine, Esq. (702-388-1642) ;

05/26/2015



Motion to Amend Complaint (3:00 AM) (Judicial Officer: Hardy, Joe)

Plaintiff's Motion to Amend Complaint

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, pursuant to EDCR 2.23(c), no opposition having been filed pursuant to EDCR 2.20(e), this court hereby GRANTS Plaintiff's Motion to Amend Complaint. Plaintiff's counsel are directed to submit a written order. ;

06/08/2015



Motion to Dismiss (9:00 AM) (Judicial Officer: Hardy, Joe)

Plaintiff's Motion to Dismiss Counterclaim

Off Calendar;

Journal Entry Details:

Mr. Swift, Esq. advised he has prepared an Opposition to this Motion however has not filed same, therefore Mr. Bohn, Esq. was gracious to allow him to request this matter be CONTINUED. COURT stated, the Court previously GRANTED leave to Amend the Complaint through a minute order and the Order has not been filed yet, therefore there is no operative order in place. Accordingly, COURT ORDERED, Matter is OFF CALENDAR.;

07/10/2015



Motion to Dismiss (11:00 AM) (Judicial Officer: Hardy, Joe)

Motion to Dismiss Thornburg Mortgage Securities Trust 2007-3's Counter-claims

Minute Order - No Hearing Held;

Journal Entry Details:




COURT ORDERED, the Court hereby DISMISSES WITHOUT PREJUDICE as moot third-party Defendant Spanish Trail Master Association s Motion to Dismiss Thornburg Mortgage Securities Trust 2007-3 s Counter-Claims. The Court notes that this motion was filed on June 9, 2015, two days before Plaintiff Saticoy Bay LLC Series 34 Innisbrook filed its Second Amended Complaint, filed on June 11, 2015. In other words, the motion to dismiss was filed in response to a pleading that is no longer operative. The Court also notes that no party has filed a procedurally valid pleading in response to Plaintiff's Second Amended Complaint. Thus, no valid counterclaims, cross-claims, or third-party complaints yet exist in this case. Accordingly, the Court hereby VACATES the July 14, 2015, 9:00 AM hearing regarding Spanish Trail Master Association s motion to dismiss. Further, the Court respectfully suggests that entities who are not parties to the Second Amended Complaint await Defendants filing and service of response(s) to the Second Amended Complaint prior to filing further responses to inoperative pleadings. Thornburg Mortgage Security Trust 2007-3 s counsel is hereby directed to prepare the order and submit it directly to this Court within 10 days of the date of this minute order pursuant to EDCR 7.21. ;

07/24/2015

CANCELED Telephonic Conference (10:00 AM) (Judicial Officer: Kishner, Joanna S.)

CASE SUMMARY

CASE NO. A-14-710161-C

	<i>Vacated - On in Error</i>
11/03/2015	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p>11/03/2015, 02/25/2016</p> <p><i>Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint</i></p> <p>Under Advisement; Denied Without Prejudice;</p> <p>MINUTES</p> <p>Under Advisement; Denied Without Prejudice;</p>
11/03/2015	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p>11/03/2015, 02/25/2016</p> <p><i>Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint; and Countermotion for Summary Judgment</i></p> <p>Under Advisement; Denied Without Prejudice;</p> <p>MINUTES</p> <p>Under Advisement; Denied Without Prejudice;</p>
11/03/2015	<p> All Pending Motions (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p><i>Deft's Motion to Dismiss Plaintiff's Second Amended Complaint and Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint; and Countermotion for Summary Judgment</i></p> <p>Under Advisement; Journal Entry Details:</p> <p>DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT...OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT; AND COUNTERMOTION FOR SUMMARY JUDGMENT Matter argued and submitted. Upon the Court's inquiry as to the status of the Timpa Counter-Defendants, Mr. Wade advised Madelaine Timpa, after being evicted now lives with her sister and Frank Timpa is now deceased. Court stated, it is unclear as to whether or not the Timpa family is a party to this action. Court directed Mr. Bohn, Esq. to supplement and include whether or not the Timpas' and Timpa Trust are parties to this action. Court specified it would assist the Court to know if the Timpas are represented by Brian Nadafi or were they defaulted, were they served, are they parties either by appearance or otherwise and provide this supplement to the Court by 11/17/15. COURT ORDERED, matters are UNDER ADVISEMENT. Court stated, it will issue its decision either by way of a detailed minute order or a written order.;</p>
02/04/2016	<p> Minute Order (3:00 AM) (Judicial Officer: Hardy, Joe)</p> <p><i>Minute Order - Under Advisement Decision: Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint...Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint; Countermotion for Summary Judgment</i></p> <p>Minute Order - No Hearing Held; Journal Entry Details:</p> <p><i>In light of the Nevada Supreme Court's recent decision in Shadow Wood HOA v. New York Community Bancorp, 132 Nev. Adv. Op. 5, this Court believes additional briefing regarding how, if at all, that decision would affect or control this Court's ruling in this case is necessary. Therefore, and because there are competing dispositive motions, the parties are ordered to file simultaneous supplemental briefs with an additional hearing as follows: (1) supplemental brief due on or before 5:00 p.m. on February 19, 2016 and (2) hearing is set for 9:00 a.m. on February 25, 2016. Note, to the extent those dates do not work for their schedules, the parties may stipulate to modify the dates. CLERK'S NOTE: A copy of this minute order e-mailed to: Michael Bohn, Esq. [mbohn@bohnlawfirm.com] and Shadd Wade, Esq. [swade@wrightlegal.net]. (KD 2/4/16);</i></p>
02/25/2016	<p> All Pending Motions (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p>Matter Heard; Journal Entry Details:</p>

CASE SUMMARY

CASE NO. A-14-710161-C

DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT; AND COUNTERMOTION FOR SUMMARY JUDGMENT Eric Powers, Esq. present on behalf of Defendant / Counter Claimant / Counter Defendant Thornburg Mortgage Securitie Trust 2007-3. Mr. Bohn indicated the parties had agreed to have the instant Motions denied without prejudice, to allow for additional discovery to be conducted. COURT ORDERED Defendant's Motion to Dismiss and Plaintiff's Countermotion for Summary Judgment DENIED WITHOUT PREJUDICE, pursuant to the parties' agreement; discovery to proceed in the ordinary course. ;

08/16/2016



Discovery Conference (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Scheduling Order Will Issue;

Journal Entry Details:

Counsel anticipate 2 - 3 days for trial re: Quiet Title / Declaratory Relief. No settlement conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 06/15/17; adding parties, amended pleadings 03/17/17; initial expert disclosures DUE 02/15/17; rebuttal expert disclosures DUE 03/17/17; dispositive motions TO BE FILED BY 07/17/17. Scheduling Order will issue.;

01/17/2017



Motion for Leave (3:00 AM) (Judicial Officer: Hardy, Joe)

Plaintiff's Motion for Leave to Amend Complaint and Add Parties

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, Plaintiff's Motion for Leave to Amend Complaint and Add Parties is hereby GRANTED pursuant to NRCP 15(a), NRCP 19, NRCP 20, EDCR 2.30, and EDCR 2.20 (e). Plaintiff's counsel is to prepare the written order, submit it to Defendants counsel for review and approval, and submit it to Department 15 s chambers within 10 days pursuant to EDCR 7.21. Plaintiff shall have 10 judicial day after filing and service of the notice of entry of the written order in which to file and serve the second amended complaint. CLERK'S NOTE: A copy of this minute order was e-mailed to: Michael F. Bohn, Esq. [mbohnbohnlawfirm.com], Adam R. Trippiedi, Esq. [atrippiedi@bohrlawfirm.com], Dana J. Nitz, Esq. [dnitz@wrightlegal.net], Eric Powers, Esq. [epowers@wrightlegal.net], Donald H. Williams, Esq. [maclaw@winnemucca.net], Bryan Naddafi, Esq. [bryan@olympialawpc.com], David R. Koch, Esq. [dkoch@kochscow.com], Steven B. Scow, Esq. [sscow@kochscow.com], and Robert L. English, Esq. [renglish@amfarm.com]. (KD 1/18/17);

04/17/2017



Motion to Amend (3:00 AM) (Judicial Officer: Hardy, Joe)

Thornburg Mortgage Securities Trust 2007-3's Motion to Amend Counterclaims and Add Parties

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, Thornburg Mortgage Securities Trust 2007-3 s Motion to Amend Counterclaims and Add Parties is hereby GRANTED pursuant to NRCP 15(a), EDCR 2.30, and EDCR 2.20(e). Counsel for Movant is to prepare the written order, submit it to counsel for all parties for review and approval, and submit it to Department 15 s chambers within 10 days pursuant to EDCR 7.21. Movant shall have 10 judicial days after filing and service of the notice of entry of the written order in which to file and serve an answer to the amended pleading. CLERK'S NOTE: A copy of this minute order was e-mailed to: Eric S. Powers, Esq. [epowers@wrightlegal.net], Edgar C. Smith, Esq. [esmith@wrightlegal.net], David R. Koch, Esq. [dkoch@kochscow.com], Steven B. Scow, Esq. [sscow@kochscow.com], Michael F. Bohn, Esq. [mbohn@bohnlawfirm.com], Bryan Naddafi, Esq. [bryan@olympialawpc.com], and Donald H. Williams, Esq. [dwilliams@dhwlwlv.com]. (KD 4/18/17);

07/10/2017

CANCELED Status Check (9:30 AM) (Judicial Officer: Hardy, Joe)

Vacated - per Stipulation and Order

07/17/2017



Minute Order (3:00 AM) (Judicial Officer: Hardy, Joe)

Minute Order Re: Recusal and Reassignment

Minute Order - No Hearing Held;

Journal Entry Details:

Although the Court could, and would, rule fairly and without bias, the COURT FINDS that RECUSAL is appropriate in this matter pursuant to Canon 2.11(A) of the Nevada Code of

CASE SUMMARY

CASE NO. A-14-710161-C

Judicial Conduct, in order to avoid the appearance of impartiality or implied bias because counsel in this action (David R. Koch and Steven B. Scow) are Judge Hardy's ecclesiastical leaders. Thus, the COURT RECUSES itself and ORDERS that this case be RANDOMLY REASSIGNED in accordance with appropriate procedures. COURT FURTHER ORDERS that counsel shall not be required to appear for the July 18, 2017, Motion to Dismiss hearing in Department 15; said Motion shall be reset by the newly assigned department. CLERK'S NOTE: A copy of this minute order was e-mailed to: Eric S. Powers, Esq. [epowers@wrightlegal.net], Edgar C. Smith, Esq. [esmith@wrightlegal.net], David R. Koch, Esq. [dkoch@kochscow.com], Steven B. Scow, Esq. [sscows@kochscow.com], Michael Bohn, Esq. [mbohn@bohnlawfirm.com], Bryan Naddafi, Esq. [bryan@olympialawpc.com], Donald Williams, Esq. [dwilliams@dhwlavlv.com], Adam Trippiedi, Esq. [atrippiedi@bohnlawfirm.com], Robert English, Esq. [renglish@amfam.com], Venicia Considine, Esq. [vconsidine@lacs.org], Gregory Walch, Esq. [greg.walch@lvvwd.com], Seand Anderson, Esq. [sanderson@leachjohnson.com], and Ryan Hastings, Esq. [rhastings@leachjohnson.com]. (KD 7/17/17);

07/25/2017



Motion to Dismiss (9:30 AM) (Judicial Officer: Sturman, Gloria)

Plaintiff's Motion to Dismiss Counterclaim

Per Recusal Court Minutes 7/17/17

Denied Without Prejudice;

Journal Entry Details:

Mr. Bohn argued there was not proper notice, that the Pltf. was a bona fide purchaser, that there was no equitable remedy, and that if the real estate agent denied the tender then there may be a case against them as they knew something was going on and didn't stop the sale. Mr. Kelley stated the Def't.'s filed a counter claim for the same type of relief as the Pltf.'s were seeking and further argued that Pltf.'s were not bona fide purchaser pursuant to the Bank of America vs. SFR case. Mr. Kelley further argued the tender was conditional and therefore invalid and that this was a Motion to Dismiss and the question was if Thornburg Mortgage cited a valid claim for relief. Colloquy regarding the Miles Bauer letter. Mr. Kelley further argued discovery was not complete and that payment of the super priority lien was rejected. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE to raise as a Motion for Summary Judgment as there were legal and factual questions regarding the effect of the tender.;

08/14/2017

CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Hardy, Joe)

Vacated - per Stipulation and Order

08/29/2017

CANCELED Motion to Extend Discovery (9:00 AM) (Judicial Officer: Sturman, Gloria)

Vacated - On In Error

Motion to Extend Discovery and Continue Trial on Order Shortening Time

08/29/2017



Motion to Extend Discovery (9:30 AM) (Judicial Officer: Sturman, Gloria)

Motion to Extend Discovery and Continue Trial on Order Shortening Time

Granted;

Journal Entry Details:

Mr. Kelley stated they had plenty of time as discovery had only been going for one year. Mr. Garner requested a three month continuance. Mr. Bohn stated that due to new counsel coming on board he would agree. Following colloquy regarding trial dates, COURT ORDERED, Motion GRANTED, Discovery pushed to January 2018, Dispositive Motions pushed to February 2018, Trial Dates VACATED AND RESET; Judicial Executive Assistant to prepare the new trial order. 05/03/18 9:00 AM CALENDAR CALL 05/29/18 9:00 BENCH TRIAL ;

08/30/2017

CANCELED Calendar Call (8:30 AM) (Judicial Officer: Hardy, Joe)

Vacated - per Stipulation and Order

09/05/2017

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Hardy, Joe)

Vacated - per Stipulation and Order




09/19/2017

Motion to Dismiss (9:30 AM) (Judicial Officer: Sturman, Gloria)

Counter-Defendant Spanish Trail Master Association's Motion to Dismiss Defenant/Counter-Claimaint Thornburg Mortgage Securities Trust 2007-3's Third Amended Counterclaims
Granted in Part;

CASE SUMMARY

CASE NO. A-14-710161-C


09/19/2017	<p>Joinder (9:30 AM) (Judicial Officer: Sturman, Gloria)</p> <p><i>Red Rock Financial Services' Joinder to Counter-Defendant Spanish Trail Master Association's Motion to Dismiss Defendant/Counter-Claimant Thornburg Mortgage Securities Trust 2007-3's Third Amended Complaint</i></p> <p>Granted in Part;</p>
09/19/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)</p> <p>Granted in Part;</p> <p>Journal Entry Details:</p> <p>- COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S MOTION TO DISMISS DEFENDANT/COUNTER-CLAIMANT THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S THIRD AMENDED COUNTERCLAIMS RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S MOTION TO DISMISS DEFENDANT/COUNTER-CLAIMANT THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S THIRD AMENDED COMPLAINT Mr. Hastings argued he was not a proper party to the declaratory relief claim, the quiet title claim was inappropriate as the bank has no ability to quiet title in it's own name, that in the Verduga case the legislative intent was to replace the statute with common law, that there was nothing that stays a bank paying less than the full lien amount prior to a sale and the rejection of the tender would void the sale. and that there was no claim that would unwind the sale. Mr. Hastings further argued regarding NRS 12(b)(5) claims, wrongful foreclosure, negligence based claims, tort based claims, and unjust enrichment. Mr. Wright joined Red Rock's motion and stated there was no reason to distinguish the Homeowner's Association (HOA) from Red Rock (RR) as they were just a collection agency. Ms. Combs argued this was just a tender case, the tender was rejected, RR was a necessary party, the HOA wrongfully foreclosed on the entire lien including the super priority and extinguished the Deed of Trust, and that the foreclosure sale was invalid or was a sub-priority sale. Ms. Combs further argued they tendered the entire nine months assessments and they wrongfully rejected it placing our Deed of Trust at risk. Following further arguments by counsel COURT ORDERED, GRANTED IN PART as to Declaratory Relief and Quiet Title as it was not a remedy as plead; however there may be other declaratory relief actions they may be entitled; as to Wrongful Foreclosure or Negligence in the alternative, to the extent they allege these claims for breach of contract those shall be GRANTED WITHOUT PREJUDICE as it had not been clarified and may survive; as to SFR, it can be read as counsel has, however until the Supreme Court decides whether they are going to enforce this alleged contract through the mortgage savings clause then it shall be DENIED WITHOUT PREJUDICE; the Breach of Covenant of Good Faith and Fair Dealing and the contract claims GRANTED as they were not properly brought and therefore go away; unjust enrichment DENIED as it's viable and they may be able to prove something; Misrepresentation DENIED; Wrongful foreclosure DENIED; Negligence Per Se DENIED; Mr. Hastings to prepare the order. ;</p>
11/06/2017	<p> Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria)</p> <p>Per Recusal Court Minutes 7/17/17</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p>Upon Court's inquiry, Mr. Zummo indicated he was recently retained as counsel of record and have been aggressively been pursuing Discovery, and they are still in the process of serving written Discovery on the HOA. Mr. Zummo stated parties recently submitted a proposed Discovery Order extending Discovery and inquired when the Discovery cut off date was. Upon Court's inquiry, Mr. Trippiedi stated most of these cases have been stayed at some point, however he is not sure if this case has been stayed. Colloquy regarding Discovery cut off. COURT ORDERED, Discovery cut off February 2, 2018; status check SET. 1/9/18 9:00 A.M. STATUS CHECK;</p>
12/11/2017	<p>CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Hardy, Joe)</p> <p>Vacated - Judge Not Available</p>
01/04/2018	<p> Minute Order (3:00 AM) (Judicial Officer: Sturman, Gloria)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p>COURT FINDS this matter on calendar for a Status Check on January 9, 2018 and following a review of the case Counsel is HEREBY ORDERED, to provide a WRITTEN UPDATE regarding the case status and trial readiness; January 9, 2017 Status Check VACATED.</p>

CASE SUMMARY

CASE NO. A-14-710161-C


CLERK'S NOTE: A copy of this minute order was faxed or placed in the attorney folders of: Michael Bohn, Esq. (702-642-9766), David Koch, Esq. (702-318-5039), Melanie Morgan, Esq. (702-380-8572), and Venici Considine, Esq. (702-388-1642) /s/ 1-4-18;

01/09/2018 **CANCELED Status Check** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Judge

02/20/2018  **Motion to Extend Discovery** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Motion to Extend Discovery and Continue Trial (Third Request)
Trial Date Set;
Journal Entry Details:
Mr. Zummo requested the opportunity to schedule an additional 30(b)(6) witness and stated he was new to the case in September and wanted to pursue all discovery of homeowner tender to the Homeowners Association. Mr. Trippiedi stated he didn't oppose taking the deposition and that he'd been working with his client to get the deposition completed. Mr. Trippiedi further argued he didn't see the need for an extension as previous counsel could have pursued all of these issues and noted the deposition could be completed this month. Mr. Hastings requested time to respond to discovery. Mr. Wright stated no opposition. COURT ORDERED, Motion GRANTED as counsel shouldn't be cut off on the opportunity to respond to the new legal decision; Trial Dates VACATED AND RESET, Status Check: Trial Readiness SET. 07/12/18 9:00 AM CALENDAR CALL 08/06/18 9:00 AM BENCH TRIAL 06/05/18 9:00 AM STATUS CHECK: TRIAL READINESS ;

05/03/2018 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Hardy, Joe)
Vacated - per Attorney or Pro Per



05/29/2018 **CANCELED Bench Trial** (9:00 AM) (Judicial Officer: Hardy, Joe)
Vacated - per Attorney or Pro Per

06/01/2018  **Decision** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacate;
Journal Entry Details:
STATUS CHECK: TRIAL READINESS .. THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT .. COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT .. RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRIAL MASTER ASSOCIATION'S COUNTERMOTION FOR SUMMARY JUDGMENT COURT FINDS the Motions on calendar for June 5, 2018 have not been fully briefed as there are no reply briefs on file AND THEREFORE ORDERED, Status Check: Trial Readiness VACATED AND RESET; Thornburg Mortgage Securities Trust 2007-3's Motion For Summary Judgment VACATED AND RESET; Counter-Defendant Spanish Trail Master Association's Opposition To Thornburg Mortgage's Motion For Summary Judgment And Countermotion For Summary Judgment VACATED AND RESET; Red Rock Financial Services' Joinder To Counter-Defendant Spanish Trial Master Association's Countermotion For Summary Judgment VACATED AND RESET, all motions to be heard on the same date as the currently scheduled Motion for Summary Judgment filed by Saticoy Bay LLC Series 34 Innisbrook. 06/12/18 9:30 AM STATUS CHECK: TRIAL READINESS 06/12/18 9:30 AM THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT 06/12/18 9:30 AM COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT 06/12/18 9:30 AM RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRIAL MASTER ASSOCIATION'S COUNTERMOTION FOR SUMMARY JUDGMENT CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows: Michael Bohn, Esq. (mbohn@bohnlawfirm.com), David Koch, Esq. (Dkoch@kochscow.com), Ryan Hastings, Esq. (rhastings@leachjohnson.com), and Melanie Morgan, Esq. (melanie.morgan@akerman.com) /s/ 06-01-18 ;

06/12/2018 **Status Check: Trial Readiness** (9:30 AM) (Judicial Officer: Sturman, Gloria)
06/12/2018, 07/03/2018
See 06/01/18 Advance Decision
Matter Continued;

CASE SUMMARY

CASE NO. A-14-710161-C

	<p>Matter Heard; See 06/01/18 Advance Decision Matter Continued; Matter Heard;</p>
06/12/2018	<p>Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria) 06/12/2018, 07/03/2018 <i>Thornburg Mortgage Securities Trust 2007-3's Motion for Summary Judgment</i> See 06/01/18 Advance Decision Matter Continued; Denied; See 06/01/18 Advance Decision Matter Continued; Denied;</p>
06/12/2018	<p>Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria) 06/12/2018, 07/03/2018 <i>Motion for Summary Judgment</i> Matter Continued; Denied; Matter Continued; Denied;</p>
06/12/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Sturman, Gloria) 06/12/2018, 07/03/2018 <i>Counter-Defendant Spanish Trail Master Association's Opposition to Thornburg Mortgage's Motion for Summary Judgment and Countermotion for Summary Judgment</i> See 06/01/18 Advance Decision Matter Continued; Denied; See 06/01/18 Advance Decision Matter Continued; Denied;</p>
06/12/2018	<p>Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria) 06/12/2018, 07/03/2018 <i>Red Rock Financial Services' Joinder to Counter-Defendant Spanish Trail Master Association's Countermotion for Summary Judgment</i> See 06/01/18 Advance Decision Matter Continued; Denied; See 06/01/18 Advance Decision Matter Continued; Denied;</p>
06/12/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria) Matter Continued; Journal Entry Details: <i>STATUS CHECK: TRIAL READINESS .. THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT .. COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT .. STATUS REPORT REGARDING MR. PHILLIPS EFFORTS AS SPECIAL ADMINISTRATOR COURT FINDS counsel sent a Stipulation and Order requesting the hearings be moved. COURT THEREFORE ORDERED, Hearings VACATED AND RESET in accordance with the Stipulation.;</i></p>
07/03/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria) Matter Heard; Journal Entry Details: <i>MOTION FOR SUMMARY JUDGMENT Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED. THORNBURG MORTGAGE SECURITIES</i></p>

CASE SUMMARY

CASE No. A-14-710161-C

TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED. COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED. RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S COUNTERMOTION FOR SUMMARY JUDGMENT Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED. STATUS CHECK: TRIAL READINESS Mr. Bohn and Ms. Morgan requested to continue the trial to a different stack. Colloquy regarding what issues are to be taken to trial. Ms. Morgan advised parties can stipulate to a majority of the facts. Court directed counsel to discuss what issues can be resolved and make those representations at calendar call. Ms. Morgan added parties can put together something regarding stipulated facts and evidence. COURT FURTHER ORDERED, all claims against Republic Services DISMISSED. Mr. Bohn to prepare the Order.;

07/12/2018



Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)

Matter Heard;

Journal Entry Details:

Mr. Bohn stated he was unavailable during the month of August and requested the trial be pushed to the next stack. Mr. Hastings stated he thought the parties had come to an agreement as to the facts at the Motion for Summary Judgment and that a stipulation was circulating regarding them. Mr. Bohn stated the trial would only be three days. COURT ORDERED, Trial Dates VACATED AND RESET. 08/16/18 9:00 AM CALENDAR CALL 09/10/18 9:00 AM BENCH TRIAL;

08/16/2018



Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)

Matter Continued;

Journal Entry Details:

Mr. Stern stated he'd spoken with Mr. Bohn and neither of them were available the weeks of September 12, 2018 and September 19, 2018. Following colloquy, counsel requested the week of September 24, 2019 and stated they needed six days. COURT ORDERED, Trial Dates SET. 09/20/18 10:30 AM PRE-TRIAL CONFERENCE 09/24/18 9:00 AM BENCH TRIAL MATTER RECALLED at the hour of 9:35 AM with Mr. Bohn present. Court ADVISED Mr. Bohn of the trial dates.;

09/20/2018

CANCELED Pre Trial Conference (10:30 AM) (Judicial Officer: Sturman, Gloria)

Vacated - per Stipulation and Order

09/24/2018

CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria)

Vacated - per Stipulation and Order

11/06/2018



Motion For Reconsideration (9:00 AM) (Judicial Officer: Sturman, Gloria)

Thornburg Mortgage Securities Trust 2007-3's Motion For Reconsideration Of Order Denying Summary Judgment

Granted;

Journal Entry Details:

Ms. Morgan stated this was just about the narrow view of tender, there were no questions of fact, that she had the Miles Bower letter, and that the language contained conditions; however the bank had a right to ask. Ms. Morgan argued the amount was correct, the rejection was not reasonable, and the letter was authenticated based on the affidavit. Mr. Bohn argued the property was purchased for \$1.2 million, that it was an unusual case, that he believed the case should go to trial; that the Supreme Court had reversed a number of times, and if they went to trial the issue for appeal went away. Mr. Bohn argued these cases were more like a Evidential Hearing with stipulated evidence and that the question was who gets the excess proceeds. Mr. Bohn further questioned if the priority of the lien was determined at the time of the sale. Mr. Hastings argued his client still had an issue with the excess proceeds; however they hadn't been made part of this case, that no one had interplead, that Mr. Bohn's client had claims against the Homeowner's Association (HOA) based on allegations that they owed a duty of tender, and that if the bank's motion was granted it would make sense to push out the trial date to allow additional discovery on the remaining issues and reduce trial time. COURT FINDS there were changes in law and the letter didn't change in substance as to tender, that tender does not have to be accepted, and the right to ask for the release of their client was not an

CASE SUMMARY**CASE NO. A-14-710161-C**

unreasonable request. Therefore with respect to tender, there do not appear to be any remaining questions. Case law has changed everything and in subsequent cases this is where the Court ended up. The issue here is just as to Mr. Bohn's client and the bank and it resolves that question; however it doesn't appear to resolve the remaining questions in the case and should counsel wish to seek 54(b) judgment they can. **COURT THEREFORE ORDERED, Motion for Summary Judgment GRANTED** as it was not a Motion for Reconsideration since that was a different standard. Further, this is instead new case law and it is directly on point, it's directed to a tender case, and that with the oddities of this case the Court thinks it means this case is not over as to the remaining issues. Mr. Bohn's client had issues with respect to his remaining claims and it was unclear what effect that had on the trial date; however there was no need to go to trial as to tender because there was no question of Mr. Bohn's client's bonified purchaser (BFP) status. The Supreme Court expressly, in the September 13, 2018 case, rejected that and stated BFP status had nothing to do with tender. So, Mr. Bohn's client is a BFP; however the tender was made and the only issue raised was what were the claims of a BFP and are they entitled to know that and does it alter his status as a BFP as between his claims as to the others. ;

12/13/2018 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

01/07/2019 **CANCELED Bench Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

02/05/2019  **Status Check: Settlement/Trial Setting** (9:00 AM) (Judicial Officer: Sturman, Gloria)

02/05/2019, 03/01/2019

Matter Continued;

See Advance Decision filed 3/1/19

Matter Continued;

Case Closed

Journal Entry Details:

COURT ORDERED, Status Check CONTINUED to the CHAMBERS calendar for the parties to file a written status report. Report to include the date when the parties calculate the five-year rule will run, whether any party is entitled to a preferential setting due to age, and a trial ready date so the Court may issue an Order setting Bench Trial. 04/05/19 STATUS CHECK: SETTLEMENT/TRIAL SETTING Chambers Calendar CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows: Michael Bohn, Esq.

(mbohn@bohnlawfirm.com), Brody Wight, Esq. (Bwight@kochscow.com), Sean Anderson, Esq. (sanderson@lkglawfirm.com), Melanie Morgan, Esq. (melanie.morgan@akerman.com), and Travis Akin, Esq. (702-778-6600) ./ls 03-01-19 ;

Matter Continued;


See Advance Decision filed 3/1/19

Matter Continued;

Case Closed

Journal Entry Details:

Court stated this was a 2014 case and she thought it was settled. Mr. Wight stated there were some claims left that hadn't come to the forefront of the case until now and that some of them could be addressed by summary judgment. Mr. Anderson stated he didn't see any claims and that the case was over. Mr. Akin stated there was an issue with the excess proceeds that Red Rock had in escrow. Mr. Nikci stated he wanted a trial and that he would need at least 90 days. Court stated she thought the case was closed and had to be reopened when someone filed an answer a month ago. Mr. Anderson argued counsel for Thornburg, Ms. Morgan, was just here on another case and she left, which she wouldn't have done if the case wasn't over. Mr. Akin stated they just came in for the excess proceeds and noted they'd just been waiting for the merits to be decided. Mr. Wight stated his understanding was that Pltf. asserted claims against Red Rock indicating a tender had been made against the property. Mr. Anderson argued the order stated all claims, cross claims, and Saticoy were dismissed. Court stated it appeared they needed to determine if the case was resolved and why the excess funds hadn't been disbursed. Mr. Akin argued his client was elderly and he didn't want to drag this out any longer. Mr. Nikci requested 90 days to resolve the case. Following further arguments, **COURT ORDERED, Status Check: Settlement/Trial Setting CONTINUED. CONTINUED TO: 03/05/19 9:00 AM ;**

05/13/2019  **Minute Order** (9:00 AM) (Judicial Officer: Sturman, Gloria)

Minute Order - No Hearing Held;

CASE SUMMARY

CASE NO. A-14-710161-C

Journal Entry Details:

This matter having been statistically closed on April 15, 2019, and having received an ex parte request to reinstate the case, on the grounds that the closure was based on incomplete information about the status of the litigation. Therefore, good cause appearing the exparte request is GRANTED, pursuant to EDCR 2.90(c) and Brown v MHC Statecoach LLC, 120 Nev. 343 (2013). The Clerk's office is directed to reopen the above captioned matter. CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve. /lg 5-13-19;

06/11/2019



Motion (9:00 AM) (Judicial Officer: Sturman, Gloria)

Motion to Reinstate Statistically Closed Case

Trial Date Set;

Journal Entry Details:

MATTER TRAILED AND RECALLED at the hour of 9:48 AM with all parties present. Court stated it appeared the case was procedurally closed as it met the requirements, however it should not have been closed. Mr. Akin stated the remaining issue was regarding who was to receive the excess proceeds from the foreclosure, that NRS 116.31164(7) lays it out clearly, that Red Rock Financial had the funds, and that he'd like an order that Red Rock deposit the funds with the Court and for a hearing be set to determine who will receive the excess funds so the parties will have time to file motions and set the Evidentiary Hearing. Ms. Morgan stated Timpa Trust filed a separate lawsuit for the excess proceeds, that it was for \$1.2 million, and they were looking to consolidate the two cases. Mr. Akin argued they did that as a safety net and he would dismiss it to keep the matter simple if this court would hear it. Ms. Morgan stated dismissal would be cleaner than consolidation. Mr. Akin stated he wanted the funds deposited with the court. COURT FINDS this to be an appropriate action under the Local Rule and that the case was closed in error. COURT ORDERED, Motion to Reinstate GRANTED; Funds to be deposited with the court within 30 days; Trial Date SET. 09/19/19 9:00 AM CALENDAR CALL 10/14/19 9:00 AM BENCH TRIAL;

08/06/2019



Motion (9:00 AM) (Judicial Officer: Sturman, Gloria)

Motion to Enlarge Time In Which to File Opposition to Timpa Trust's Motion for Summary Judgment

Moot;

Journal Entry Details:

Mr. Croteau stated the opposition was filed on July 26, 2019 and opposing counsel had five days to reply.. Mr. Naddafi argued he didn't have five days and that it was prejudicial. Mr. Naddafi argued the request was filed July 26, 2019 and there were no reasons supported by his affidavit. Court inquired if counsel needed additional time. Mr. Naddafi stated no, that he would get it filed today. COURT ORDERED, Motion to Enlarge Time MOOT; Motion ACCEPTED as late filed.;

08/13/2019



Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria)

08/13/2019, 08/20/2019

Timpa Trust's Motion for Summary Judgment

Matter Heard;

Matter Heard;

Journal Entry Details:

Following extensive arguments by counsel COURT ORDERED, Statutory scheme shall be strictly applied; based on the Court's reading of the statute, there is STANDING as they have a concern in where the funds go as arguably there are substantial deficiencies on the property which effect their interest. They have standing to raise those issues, the bank has not waived deficiencies as there is a process they must go through. Thornburg has waived a request for the excess proceeds from the Homeowner's Association sale and as they did not interplead the funds rather just said pay them to the bank. The bank is not waiving a right to proceed on the deficiency and claim that the \$1,000,000 would satisfy their deficiency. The bank did not try to interfere with the interpleader, rather they just requested the money as the bank must follow proper procedures to establish what the deficiency is. They haven't waived their right to establish the deficiency, and even though they didn't know what the deficiency is, it appears likely that once the bank goes through the process they will establish a substantial deficiency. Red Rock shall be paid first all amounts due totaling \$29,161.69, remainder of the funds disbursed to Timpa Trust and they are to follow the proper procedures; Judicial Estoppel DENIED.;

Matter Heard;

CASE SUMMARY

CASE NO. A-14-710161-C

	<p>Matter Heard; Journal Entry Details: <i>Colloquy regarding the Ex Parte Motion to Continue the Hearing. Counsel indicated they assumed the hearing had been continued. COURT ORDERED, matter CONTINUED noting that to the extent that parties that had no claim to the interpled funds were requesting to be excused from appearing then that was understood. CONTINUED TO: 08/20/19 9:30 AM;</i></p>
08/13/2019	<p>CANCELED Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - Duplicate Entry Timpa Trust's Motion for Summary Judgment</i></p>
09/19/2019	<p>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i></p>
10/10/2019	<p> Motion For Stay (10:45 AM) (Judicial Officer: Sturman, Gloria) <i>Plaintiff's Emergency Motion for a Stay of Execution Pending the Court's Adjudication of Plaintiff's Pending Motion for Reconsideration of the Court's Excess Proceeds Order Pursuant to NRCP 62(b)(3) & (4)</i> Granted in Part; Journal Entry Details: <i>Mr. Croteau argued under Rule 62(b) the case should be stayed pending a decision regarding whether the excess proceeds should be distributed or not, that there was no danger of loss as the funds were deposited with the Court, and that a bond for the stay should be the cost of attorney's fees. Ms. Morgan agreed the status quo should remain, that she did not agree regarding recourse; however she agreed a stay was appropriate. Ms. Morgan stated the funds were secure in an interest bearing account and there was no harm or prejudice. Mr. Akin argued the bank did not have a chance at the deficiency as the Statute of Limitations had run and the borrowers were deceased, that they were just stalling, that they'd had an opportunity to rent the property during these past years, that it was unclear what interest rate they were entitled to, and that the bond should be between the fees and \$14,500. Mr. Croteau argued there was not five year rule problem. Court agreed the case was closed as there was summary judgment and that this was just post judgment issues AND FURTHER ORDERED, \$5,000 Bond; interest to be determined at a later date; counsel to review the five year rule to determine if the rule had been satisfied.;</i></p>
10/14/2019	<p>CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i></p>
10/29/2019	<p>Motion For Reconsideration (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Plaintiff's Motion For Reconsideration Under NRCP 59(E) and 60(B) of (I) The Court's Summary Judgment Order of December 3, 2018 and (II) The Court's Order Concerning the Distribution of Excess Proceeds</i> Granted in Part;</p>
10/29/2019	<p>Motion to Amend Complaint (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Plaintiff's Motion to Amend Complaint Pursuant NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale</i> Denied;</p>
10/29/2019	<p>Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Ex Parte Motion for Entry of an Order Shortening Time for Hearing on Plaintiff's Motion to Amend Complaint Pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in JESSUP, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale</i> Re-scheduled in Error Denied;</p>
10/29/2019	<p> All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria) Granted in Part; Journal Entry Details: <i>PLAINTIFF'S MOTION FOR RECONSIDERATION UNDER NRCP 59(E) AND 60(B) OF (I) THE COURT'S SUMMARY JUDGMENT ORDER OF December 3, 2018 AND (II) THE</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE No. A-14-710161-C

COURT'S ORDER CONCERNING THE DISTRIBUTION OF EXCESS PROCEEDS .. PLAINTIFF'S MOTION TO AMEND COMPLAINT PURSUANT NRCP 15(B)(2) AND 60(B), THE SUPREME COURT OF NEVADA'S DECISION IN JESSUP, AND EDCR 2.30 TO SET ASIDE/RESCINDEX PARTE MOTION FOR ENTRY OF AN ORDER SHORTENING TIME FOR HEARING ON PLAINTIFF'S MOTION TO AMEND COMPLAINT PURSUANT TO NRCP 15(B)(2) AND 60(B), THE SUPREME COURT OF NEVADA'S DECISION IN JESSUP, AND EDCR 2.30 TO SET ASIDE/RESCIND NRS 116 FORECLOSURE SALE NRS 116 FORECLOSURE SALE Mr. Croteau argued the Court never addressed the Saticoy claims against the HOA or the HOA trustee and that the sale of the property should be set aside or rescinded pursuant to the ruling in the Jessup case. Mr. Akin argued the order was circulated and signed by all parties, that the excess proceeds statute never changed, that Pltff. knew they were taking a risk when they purchased the property, and that the Jessup case came out in March 2019 therefore it was too late, as they never mentioned it in July when they were briefing. Mr. Wight argued this motion was an attempt to resurrect the dead as everything was already plead, that the equitable relief was already before the Court and was dismissed with prejudice, and that there was nothing in the rules that allowed them to amend. COURT STATED FINDINGS AND ORDERED, Motion to Amend DENIED as the Court does not see it as an appropriate approach, that it is its own separate final order and the case is final and it was therefore procedurally untimely; Motion for Entry DENIED; Motion for Reconsideration GRANTED IN PART as the Findings of Fact amended to say Jessup came out after the fact and any references regarding the unwinding of the sale were not discussed or considered in the summary judgment phase and to the extent Jessup has any bearing it was not considered by the Court. ;

11/01/2019	CANCELED Status Check: Settlement Documents (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order FFCL</i>
11/05/2019	CANCELED Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated Ex Parte Motion for Entry of an Order Shortening Time for Hearing on Plaintiff's Emergency Motion for a Stay of Execution Pending the Court's Adjudication of Plaintiff's Pending Motion for Reconsideration of the Court's Excess Proceeds Order Pursuant to NRCP 62(b)(3) & (4)</i>
11/05/2019	CANCELED Joinder (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated Thornburg Mortgage Securities Trust 2007-3's Limited Joinder to Plaintiff's Emergency Motion for Stay of Execution Pending the Court's Adjudication of Plaintiff's Pending Motion for Reconsideration of the Court's Excess Proceeds Order Pursuant to 62(b)(3)&(4)</i>

DATE

FINANCIAL INFORMATION

Defendant Recontrust Company NA	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 11/21/2019	0.00
 Counter Claimant Red Rock Financial Services	
Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 11/21/2019	0.00
 Counter Defendant Republic Services	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 11/21/2019	0.00
 Counter Defendant Spanish Trail Master Association	
Total Charges	869.00
Total Payments and Credits	869.00
Balance Due as of 11/21/2019	0.00
 Counter Defendant Thornburg Mortgage Securities Trust 2007-3	
Total Charges	423.00
Total Payments and Credits	423.00

CASE SUMMARY**CASE NO. A-14-710161-C**

Balance Due as of 11/21/2019	0.00
Counter Defendant Timpa Trust	
Total Charges	200.00
Total Payments and Credits	200.00
Balance Due as of 11/21/2019	0.00
Defendant Red Rock Financial Services LLC	
Total Charges	0.00
Total Payments and Credits	0.00
Balance Due as of 11/21/2019	0.00
Plaintiff Saticoy Bay LLC Series 34 Innisbrook	
Total Charges	694.00
Total Payments and Credits	694.00
Balance Due as of 11/21/2019	0.00
Counter Defendant Timpa, Madelaine	
Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 11/21/2019	0.00
Defendant Red Rock Financial Services LLC	
Interplead Funds Balance as of 11/21/2019	1,168,865.05
Plaintiff Saticoy Bay LLC Series 34 Innisbrook	
Stay Bond Balance as of 11/21/2019	5,000.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
 Case No. A-14-710161-C Dept XXXI
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <p style="text-align: center;">SATICOY BAY LLC SERIES 34 INNISBROOK</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">THORNBURG MORTGAGE SECURITIES TRUST 2007-3; and RECONTRUST COMPANY, N.A. a division of BANK OF AMERICA</p>
Attorney (name/address/phone): <p style="text-align: center;">MICHAEL F. BOHN, ESQ. 376 East warm Springs Road, Suite 140 Las Vegas, NV 89119 (702) 642-3113</p>	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

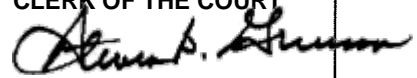
November 20, 2014

Date

/s/ Michael F. Bohn, Esq. /
 Signature of initiating party or representative

See other side for family-related case filings.

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ORDG

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Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

SATICOY BAY LLC SERIES 34
INNISBROOK,

**Case No.: A-14-710161-C
Dept.: XXVI**

Plaintiff,

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3 et al.,

Defendants.

AND ALL RELATED ACTIONS

ORDER

A hearing having been held on October 29, 2019, on Saticoy Bay LLC Series 34
Innisbrook's ("*Plaintiff*") Motion for Reconsideration under NRCP 59(e) and 60(b) of (I) the
Court's Summary Judgment Order of December 3, 2018 and (II) the Court's Order Concerning the

1 Distribution of Excess Proceeds and Plaintiff's Motion to Amend Complaint Pursuant to NRCP
2 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in Jessup, and EDCR 2.30 to Set
3 Aside/Rescind, Ex Parte Motion for Entry of an Order Shortening Time for Hearing on Plaintiffs
4 Motion to Amend Complaint pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's
5 Decision in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale. Appearances
6 by Bryan Naddafi, Travis Akin, and Elena Nutenko on behalf of Timpa Trust U/T/D March 3,
7 1999's (hereafter "*Timpa Trust*"), Donna Wittig on behalf of Thornburg Mortgage Securities Trust
8 2007-3 (hereafter "*Thornburg*"), Roger Croteau on behalf of Saticoy Bay LLC, Series 34
9 Innisbrook, and Brody Wight on behalf of Red Rock Financial Services LLC (hereafter "*Red*
10 *Rock*"). There having been no appearance by Spanish Trail Master Association (hereafter "*Spanish*
11 *Trail*"). The Court, having considered the moving papers, and the representations of counsel
12 present at the hearing, and good cause appearing:

13 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion to
14 Amend Complaint Pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision
15 in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale is DENIED as the
16 Court does not see the request as an appropriate approach, that there is a separate final order and
17 the case is final and as a result the request is procedurally untimely.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion for
19 Entry is DENIED.

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion for
21 Reconsideration under NRCP 59(e) and 60(b) of (I) the Court's Summary Judgment Order of
22 December 3, 2018 and (II) the Court's Order Concerning the Distribution of Excess Proceeds is
23 GRANTED IN PART to amend the Findings of Fact in the December 8, 2019 Summary Judgment
24 Order to now state that at the time of the December 8, 2019 Order, the Supreme Court of Nevada's
25 March 2019 decision in *Bank of Am., N.A. v. Thomas Jessup, LLC Series VII* had not yet been
26 published and any such references regarding the unwinding of the foreclosure sale were not
27 discussed or considered in the Summary Judgment Order of this case and to the extent that the
28 determination in *Jessup* have any bearing to this case, it was not considered by the Court.

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IT IS SO ORDERED.

DATED this 18th day of November, 2019



DISTRICT COURT JUDGE

Respectfully submitted by:

Reviewed by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

AKERMAN LLP

/s/ Roger Croteau

/s/ Melanie Morgan

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Attorney for Plaintiff

**Attorneys for Thornburg Mortgage
Securities Trust 2007-3**

Reviewed by:

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SONG

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**Attorneys for Spanish Trail Master
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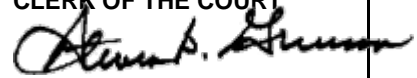
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Attorney for Todd Timpa and Stuart Timpa,

Successor Co-Trustees to the Timpa Trust

A710161 - Order From Oct. 29, 2019 Hearing



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Saticoy Bay LLC Series 34 Innisbrook

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 34
INNISBROOK,

Plaintiff,

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3 *et al.*,

Defendants.

AND ALL RELATED ACTIONS

Case No.: A-14-710161-C
Dept.: XXVI

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an **ORDER** has been entered on the 18th day of November, 2019, in the above captioned matter, a copy of which is attached hereto.

DATED this 18th day of November, 2019.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Roger P. Croteau

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee
3 of ROGER P. CROTEAU & ASSOCIATES, LTD. and that on the 18th day of November, 2019, I
4 caused a true and correct copy of the foregoing document to be served on all parties as follows:

5 X VIA ELECTRONIC SERVICE: through the Nevada Supreme Court's eflex e-file and
6 serve system.

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9 Melanie Morgan melanie.morgan@akerman.com

10 Jared Sechrist jared.sechrist@akerman.com

11 Spanish Trail Master Association - Counter Defendant

12 Sean L. Anderson sanderson@leachjohnson.com

13 Robin Callaway rcallaway@lkglawfirm.com

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29 _____ VIA U.S. MAIL: by placing a true copy hereof enclosed in a sealed envelope with
30 postage thereon fully prepaid, addressed as indicated on service list below in the United
31 States mail at Las Vegas, Nevada.

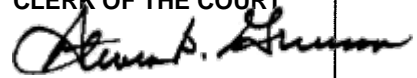
32 _____ VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated
33 on the service list below.

34 _____ VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this
35 date to the addressee(s) at the address(es) set forth on the service list below.

36 /s/ Jennifer Lee

37 An employee of ROGER P. CROTEAU &
38 ASSOCIATES, LTD.

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ORDG

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

SATICOY BAY LLC SERIES 34
INNISBROOK,

**Case No.: A-14-710161-C
Dept.: XXVI**

Plaintiff,

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3 et al.,

Defendants.

AND ALL RELATED ACTIONS

ORDER

A hearing having been held on October 29, 2019, on Saticoy Bay LLC Series 34
Innisbrook's ("*Plaintiff*") Motion for Reconsideration under NRCP 59(e) and 60(b) of (I) the
Court's Summary Judgment Order of December 3, 2018 and (II) the Court's Order Concerning the

1 Distribution of Excess Proceeds and Plaintiff's Motion to Amend Complaint Pursuant to NRCP
2 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision in Jessup, and EDCR 2.30 to Set
3 Aside/Rescind, Ex Parte Motion for Entry of an Order Shortening Time for Hearing on Plaintiffs
4 Motion to Amend Complaint pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's
5 Decision in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale. Appearances
6 by Bryan Naddafi, Travis Akin, and Elena Nutenko on behalf of Timpa Trust U/T/D March 3,
7 1999's (hereafter "*Timpa Trust*"), Donna Wittig on behalf of Thornburg Mortgage Securities Trust
8 2007-3 (hereafter "*Thornburg*"), Roger Croteau on behalf of Saticoy Bay LLC, Series 34
9 Innisbrook, and Brody Wight on behalf of Red Rock Financial Services LLC (hereafter "*Red*
10 *Rock*"). There having been no appearance by Spanish Trail Master Association (hereafter "*Spanish*
11 *Trail*"). The Court, having considered the moving papers, and the representations of counsel
12 present at the hearing, and good cause appearing:

13 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion to
14 Amend Complaint Pursuant to NRCP 15(b)(2) and 60(b), the Supreme Court of Nevada's Decision
15 in Jessup, and EDCR 2.30 to Set Aside/Rescind NRS 116 Foreclosure Sale is DENIED as the
16 Court does not see the request as an appropriate approach, that there is a separate final order and
17 the case is final and as a result the request is procedurally untimely.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion for
19 Entry is DENIED.

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion for
21 Reconsideration under NRCP 59(e) and 60(b) of (I) the Court's Summary Judgment Order of
22 December 3, 2018 and (II) the Court's Order Concerning the Distribution of Excess Proceeds is
23 GRANTED IN PART to amend the Findings of Fact in the December 8, 2019 Summary Judgment
24 Order to now state that at the time of the December 8, 2019 Order, the Supreme Court of Nevada's
25 March 2019 decision in *Bank of Am., N.A. v. Thomas Jessup, LLC Series VII* had not yet been
26 published and any such references regarding the unwinding of the foreclosure sale were not
27 discussed or considered in the Summary Judgment Order of this case and to the extent that the
28 determination in *Jessup* have any bearing to this case, it was not considered by the Court.

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IT IS SO ORDERED.

DATED this 18th day of November, 2019



DISTRICT COURT JUDGE

Respectfully submitted by:

Reviewed by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

AKERMAN LLP

/s/ Roger Croteau

/s/ Melanie Morgan

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Attorney for Plaintiff

**Attorneys for Thornburg Mortgage
Securities Trust 2007-3**

Reviewed by:

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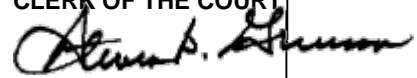
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Attorney for Todd Timpa and Stuart Timpa,

Successor Co-Trustees to the Timpa Trust

A710161 - Order From Oct. 29, 2019 Hearing



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*Attorneys for Todd Timpa and Stuart
Timpa, Successor Co-Trustees of
the Timpa Trust*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 34
INNISBROOK,

Plaintiff,

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3, *et al.*,

Defendants.

Case No.: A-14-710161-C

Department No.: XXVI

AND ALL RELATED ACTIONS

ORDER

A hearing having been held on the 20th day of August 2019 at 9:30 a.m., on Timpa Trust
U/T/D March 3, 1999's (hereafter "Timpa Trust") Motion for Summary Judgment. Appearances

1 by Bryan Naddafi, Travis Akin, and Elena Nutenko on behalf of Timpa Trust, Melanie Morgan
2 on behalf of Thornburg Mortgage Securities Trust 2007-3 (hereafter "Thornburg"), Roger
3 Croteau on behalf of Saticoy Bay LLC, Series 34 Innisbrook (hereafter "Saticoy"), and Brody
4 Wight on behalf of Red Rock Financial Services LLC (hereafter "Red Rock"). There having
5 been no appearance by Spanish Trail Master Association (hereafter "Spanish Trail"). The Court,
6 having considered the moving papers, and the representations of counsel present at the hearing,
7 makes the following findings of fact and conclusions of law:
8

9 **I. Findings of Fact**

- 10 1. The property located at 34 Innisbrook Ave., Las Vegas, Nevada (hereafter "Subject
11 Property") was sold via non-judicial foreclosure sale on November 7, 2014 as a result
12 of homeowners' association delinquencies under NRS 116 (hereafter "HOA
13 Foreclosure Sale").
14
- 15 2. At the time of the HOA Foreclosure Sale, Timpa Trust was the record holder of title
16 of the Subject Property.
17
- 18 3. Saticoy purchased the Subject Property at the HOA Foreclosure Sale for
19 \$1,201,000.00.
20
- 21 4. Saticoy's purchase of the Subject Property at the HOA Foreclosure Sale resulted in
22 Saticoy owning the Subject Property subject to a deed of trust securing a loan in the
23 original amount of \$3,780,000.00, of which Thornburg is the current beneficiary
24 (hereafter "Thornburg Deed of Trust"). This finding was the result of a previously
25 granted Summary Judgment Motion in favor of Thornburg.
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- 1 5. Red Rock, the party which conducted the HOA Foreclosure Sale, deposited funds in
2 the amount of \$1,168,865.05 with this Court on June 20, 2019 (hereafter "HOA
3 Excess Proceeds").
- 4 6. The HOA Excess Proceeds are the result of the money tendered by Saticoy at the
5 HOA Foreclosure Sale minus the amount Spanish Trail was owed by Timpa Trust.
- 6 7. On June 25, 2019, Timpa Trust filed a Motion for Summary Judgment seeking
7 adjudication of the order of the disbursement of the HOA Excess Proceeds.
- 8 8. On July 9, 2019, Red Rock filed a Limited Response to Timpa Trust's Motion for
9 Summary Judgment seeking a portion of the HOA Excess Proceeds.
- 10 9. On July 9, 2019, Timpa Trust filed a Reply to Red Rock's Limited Response.
- 11 10. On July 26, 2019, Saticoy filed an Opposition to Timpa Trust's Motion for Summary
12 Judgement stating that the HOA Excess Proceeds were to go directly to Thornburg
13 as a result of the HOA Foreclosure Sale.
- 14 11. On August 6, 2019, Timpa Trust filed a Reply to Saticoy's Opposition.
- 15 12. No other parties filed responsive pleadings to Timpa Trust's Motion for Summary
16 Judgment.
- 17 13. Thornburg has not foreclosed on the Subject Property via the Thornburg Deed of
18 Trust.
- 19 14. It appears likely that if Thornburg forecloses on the Thornburg Deed of Trust,
20 Thornburg will establish a substantial deficiency between what is owed to Thornburg
21 and how much Thornburg will receive from the sale.
- 22 15. Thornburg has not attempted to interfere with the deposit of the HOA Excess
23 Proceeds in recognition of Nevada's one-action rule and its relation to pursuit of a
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1 deficiency judgment. Accordingly, Thornburg has waived its claim to receive the
2 HOA Excess Proceeds. However, Thornburg has not waived any claim to a
3 deficiency balance after it forecloses on the Thornburg Deed of Trust, if it chooses to
4 do so. Moreover, Thornburg has not waived a claim that the HOA Excess Proceeds
5 could potentially satisfy such a deficiency.


6 16. Despite Thornburg's waiver of its claim to receive the HOA Excess Proceeds, Saticoy
7 has standing to assert where or how the HOA Excess Proceeds are to be utilized
8 because there will arguably be a substantial deficiency on the Subject Property if
9 Thornburg seeks to foreclose the Subject Property on the Thornburg Deed of Trust
10 and because Saticoy holds the Subject Property subject to the Thornburg Deed of
11 Trust.
12
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14 17. Red Rock, as the trustee who conducted the HOA Foreclosure Sale, submitted a claim
15 to receive \$29,161.69 in attorney fees and costs from the HOA Excess Proceeds.

16 18. No party objected to Red Rock's request for \$29,161.69 of the HOA Excess Proceeds.

17 19. Moreover, considering this matter has lasted approximately five (5) years, Red
18 Rock's request for \$29,161.69 is reasonable.
19

20 20. Thornburg is not a subordinate interest holder in the HOA Foreclosure Sale.

21 21. The original borrowers are deceased the property was
22 held in trust and the Successor Co-Trustees are
Todd Timpa and Stuart Timpa. 

23 II. Conclusions of Law

24 1. When there is no genuine issue of material fact and the moving party is entitled to
25 judgment as a matter of law, summary judgment is proper. See, *Charlie Brown*
26 *Constr. Co. v. Boulder City*, 106 Nev. 497, 499, 797 P.2d 946, 947 (1990) (citing
27 *Witsie v. Baby Grand Corp.*, 105 Nev. 291, 774 P.2d 432, 433 (1989)).
28

- 1 2. "Interpleader is an equitable proceeding to determine the rights of rival claimants to
2 property held by a third person having no interest therein" and "each claimant is
3 treated as a plaintiff and must recover on the strength of his own right or title and not
4 upon the weakness of his adversary's." *Balish v. Farnham*, 92 Nev. 133, 137, 546
5 P.2d 1297, 1299 (1976).
- 6 3. NRS 116.31164 governs the disbursement of the proceeds recovered from sales made
7 in accordance with NRS 116 such as Red Rock's HOA Foreclosure Sale.
- 8 4. NRS 116.31164 is clear and "the way the statute reads is the way the statue reads."
9 Typically, this Court will dispense remaining excess proceeds from NRS 116 sales
10 to the former homeowner.
11
- 12 5. What makes this matter somewhat unique is that the amount in question is larger than
13 other matters this Court has previously handled.
- 14 6. When there is a potential, albeit speculative, deficiency judgment for a future sale by
15 the lender that has yet to take place (as we have here), how shall the Court rule to
16 dispense excess foreclosure proceeds from an NRS 116 sale? The answer is to strictly
17 apply the statutory scheme.
18
- 19 7. Accordingly, Red Rock is entitled to receive the fees and costs it has submitted to be
20 paid from a portion of the HOA Excess Proceeds under NRS 116.31164.
- 21 8. Moreover, because there are no subordinate lienholders after Red Rock, the
22 remainder of the HOA Excess Proceeds, after payment to Red Rock, shall go to the
23 former homeowners Timpa Trust.
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1 9. Saticoy has not conceded any argument regarding the utilization of the HOA Excess
2 Proceeds under the doctrine of judicial estoppel based on previous filings in this
3 matter.

4 10. Although the Court accepted Saticoy's Opposition as late filed, no such arguments
5 presented by Saticoy in its Opposition are deemed waived by this Court.

6
7 11. The thirty (30) day automatic stay enumerated in NRCP 62(a) is applicable to a
8 decision regarding disbursement of interpleader funds.

9 **JUDGMENT**

10 The Court having made its Findings of Fact and Conclusions of Law:

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Timpa Trust's
12 Motion for Summary Judgment is GRANTED.

13
14 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Clerk of the
15 Court is to issue a check in the amount of \$29,161.69 from the funds previously deposited with
16 this Court on June 20, 2019, written payable to "Koch & Scow LLC" as payment for the attorney
17 fees and costs Red Rock is due under NRS 116.31164.

18
19 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Clerk of the
20 Court is to issue a check in the amount of \$1,139,703.36 from the funds previously deposited
21 with this Court on June 20, 2019, written payable to "Bryan Naddafi and Travis Akin" as
22 collection of the portion of HOA Excess Proceeds due and owing to Timpa Trust under NRS
23 116.31164.

24
25 *// Todd Timpa and Stewart Timpa successor co-trustees*
26 *// of the Timpa Trust, and Bryan Naddafi and*
27 *// Travis Akin, their attorneys.*
28

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** issuance of any
2 checks by the Clerk of the Court can only be made until thirty (30) days have passed after service
3 of written notice of entry of this Order as required under NRCP 62(a).

4 DATED this 9th day of September 2019

6
7 
8 **HON. JUDGE GLORIA STURMAN**
9 **DISTRICT COURT JUDGE**

10 Respectfully submitted by:

11 **AVALON LEGAL GROUP LLC**

12 /s/ Bryan Naddafi

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22 Co-Trustees of the Timpa Trust

11 **THE LAW OFFICE OF TRAVIS**
12 **AKIN**

12 /s/ Travis Akin

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22 Co-Trustees of the Timpa Trust

20 Reviewed by:

21 **AKERMAN LLP**

22 /s/ Melanie Morgan

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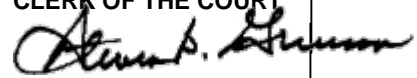
3 /s/ Ryan Hastings

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/s/ Brody Wight

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15 *Attorneys for Todd Timpa and Stuart*
16 *Timpa, Successor Co-Trustees of*
17 *the Timpa Trust*

18 **EIGHTH JUDICIAL DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 SATICOY BAY LLC SERIES 34
21 INNISBROOK,

22 Plaintiff,

23 vs.

24 THORNBURG MORTGAGE SECURITIES
25 TRUST 2007-3, *et al.*,

26 Defendants.

Case No.: A-14-710161-C

Department No.: XXVI

27 AND ALL RELATED ACTIONS

28 **NOTICE OF ENTRY OF ORDER**

1 PLEASE TAKE NOTICE that an Order was entered by the Court on the 11th day
2 of September 2019 in the instant action. A copy of said Order is attached hereto.

3 DATED this 11th day of September 2019

AVALON LEGAL GROUP LLC



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AKIN**

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*Attorneys for Todd Timpa and
Stuart Timpa, Successor Co-
Trustees of TIMPA TRUST U/T/D
MARCH 3, 1999*

CERTIFICATE OF SERVICE

The undersigned hereby certifies on September 11, 2019 a true and correct copy of the ORDER AND NOTICE OF ENTRY OF ORDER was served to the following at their last known address(es), facsimile numbers and/or e-mail/other electronic means, pursuant to:

E-MAIL AND/OR ELECTRONIC MEANS: N.R.C.P. 5(b)(2)(D) and addresses(s) having consented to electronic service, via e-mail or other electronic means to the e-mail address(es) of the addressee(s).

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/s/ Luz Garcia

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 34
INNISBROOK,

Plaintiff,

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3, *et al.*,

Defendants.

Case No.: A-14-710161-C

Department No.: XXVI

AND ALL RELATED ACTIONS

ORDER

A hearing having been held on the 20th day of August 2019 at 9:30 a.m., on Timpa Trust
U/T/D March 3, 1999's (hereafter "Timpa Trust") Motion for Summary Judgment. Appearances

<input checked="" type="checkbox"/> Summary Judgment	<input type="checkbox"/> Motion to Dismiss by Def(s)
<input type="checkbox"/> Stipulated Judgment	<input type="checkbox"/> Voluntary Dismissal
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Involuntary Dismissal
<input type="checkbox"/> Judgment of Arbitration	<input type="checkbox"/> Stipulated Dismissal

1 by Bryan Naddafi, Travis Akin, and Elena Nutenko on behalf of Timpa Trust, Melanie Morgan
2 on behalf of Thornburg Mortgage Securities Trust 2007-3 (hereafter "Thornburg"), Roger
3 Croteau on behalf of Saticoy Bay LLC, Series 34 Innisbrook (hereafter "Saticoy"), and Brody
4 Wight on behalf of Red Rock Financial Services LLC (hereafter "Red Rock"). There having
5 been no appearance by Spanish Trail Master Association (hereafter "Spanish Trail"). The Court,
6 having considered the moving papers, and the representations of counsel present at the hearing,
7 makes the following findings of fact and conclusions of law:
8

9 **I. Findings of Fact**

- 10 1. The property located at 34 Innisbrook Ave., Las Vegas, Nevada (hereafter "Subject
11 Property") was sold via non-judicial foreclosure sale on November 7, 2014 as a result
12 of homeowners' association delinquencies under NRS 116 (hereafter "HOA
13 Foreclosure Sale").
14
- 15 2. At the time of the HOA Foreclosure Sale, Timpa Trust was the record holder of title
16 of the Subject Property.
17
- 18 3. Saticoy purchased the Subject Property at the HOA Foreclosure Sale for
19 \$1,201,000.00.
20
- 21 4. Saticoy's purchase of the Subject Property at the HOA Foreclosure Sale resulted in
22 Saticoy owning the Subject Property subject to a deed of trust securing a loan in the
23 original amount of \$3,780,000.00, of which Thornburg is the current beneficiary
24 (hereafter "Thornburg Deed of Trust"). This finding was the result of a previously
25 granted Summary Judgment Motion in favor of Thornburg.
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- 1 5. Red Rock, the party which conducted the HOA Foreclosure Sale, deposited funds in
2 the amount of \$1,168,865.05 with this Court on June 20, 2019 (hereafter "HOA
3 Excess Proceeds").
- 4 6. The HOA Excess Proceeds are the result of the money tendered by Saticoy at the
5 HOA Foreclosure Sale minus the amount Spanish Trail was owed by Timpa Trust.
- 6 7. On June 25, 2019, Timpa Trust filed a Motion for Summary Judgment seeking
7 adjudication of the order of the disbursement of the HOA Excess Proceeds.
- 8 8. On July 9, 2019, Red Rock filed a Limited Response to Timpa Trust's Motion for
9 Summary Judgment seeking a portion of the HOA Excess Proceeds.
- 10 9. On July 9, 2019, Timpa Trust filed a Reply to Red Rock's Limited Response.
- 11 10. On July 26, 2019, Saticoy filed an Opposition to Timpa Trust's Motion for Summary
12 Judgement stating that the HOA Excess Proceeds were to go directly to Thornburg
13 as a result of the HOA Foreclosure Sale.
- 14 11. On August 6, 2019, Timpa Trust filed a Reply to Saticoy's Opposition.
- 15 12. No other parties filed responsive pleadings to Timpa Trust's Motion for Summary
16 Judgment.
- 17 13. Thornburg has not foreclosed on the Subject Property via the Thornburg Deed of
18 Trust.
- 19 14. It appears likely that if Thornburg forecloses on the Thornburg Deed of Trust,
20 Thornburg will establish a substantial deficiency between what is owed to Thornburg
21 and how much Thornburg will receive from the sale.
- 22 15. Thornburg has not attempted to interfere with the deposit of the HOA Excess
23 Proceeds in recognition of Nevada's one-action rule and its relation to pursuit of a
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1 deficiency judgment. Accordingly, Thornburg has waived its claim to receive the
2 HOA Excess Proceeds. However, Thornburg has not waived any claim to a
3 deficiency balance after it forecloses on the Thornburg Deed of Trust, if it chooses to
4 do so. Moreover, Thornburg has not waived a claim that the HOA Excess Proceeds
5 could potentially satisfy such a deficiency.

6 *pending establishment of deficiency*
7 16. Despite Thornburg's waiver of its claim to receive the HOA Excess Proceeds, Saticoy
8 has standing to assert where or how the HOA Excess Proceeds are to be utilized
9 because there will arguably be a substantial deficiency on the Subject Property if
10 Thornburg seeks to foreclose the Subject Property on the Thornburg Deed of Trust
11 and because Saticoy holds the Subject Property subject to the Thornburg Deed of
12 Trust.
13

14 17. Red Rock, as the trustee who conducted the HOA Foreclosure Sale, submitted a claim
15 to receive \$29,161.69 in attorney fees and costs from the HOA Excess Proceeds.

16 18. No party objected to Red Rock's request for \$29,161.69 of the HOA Excess Proceeds.

17 19. Moreover, considering this matter has lasted approximately five (5) years, Red
18 Rock's request for \$29,161.69 is reasonable.
19

20 20. Thornburg is not a subordinate interest holder in the HOA Foreclosure Sale.

21 *21. The original borrowers are deceased & the property was*
22 *held in trust and the Successor Co-Trustees are*
23 *Todd Timpa and Stuart Timpa. m*

24 II. Conclusions of Law

25 1. When there is no genuine issue of material fact and the moving party is entitled to
26 judgment as a matter of law, summary judgment is proper. See, *Charlie Brown*
27 *Constr. Co. v. Boulder City*, 106 Nev. 497, 499, 797 P.2d 946, 947 (1990) (citing
28 *Witsie v. Baby Grand Corp.*, 105 Nev. 291, 774 P.2d 432, 433 (1989)).

- 1 2. "Interpleader is an equitable proceeding to determine the rights of rival claimants to
2 property held by a third person having no interest therein" and "each claimant is
3 treated as a plaintiff and must recover on the strength of his own right or title and not
4 upon the weakness of his adversary's." *Balish v. Farnham*, 92 Nev. 133, 137, 546
5 P.2d 1297, 1299 (1976).
- 6 3. NRS 116.31164 governs the disbursement of the proceeds recovered from sales made
7 in accordance with NRS 116 such as Red Rock's HOA Foreclosure Sale.
- 8 4. NRS 116.31164 is clear and "the way the statute reads is the way the statute reads."
9 Typically, this Court will dispense remaining excess proceeds from NRS 116 sales
10 to the former homeowner.
- 11 5. What makes this matter somewhat unique is that the amount in question is larger than
12 other matters this Court has previously handled.
- 13 6. When there is a potential, albeit speculative, deficiency judgment for a future sale by
14 the lender that has yet to take place (as we have here), how shall the Court rule to
15 dispense excess foreclosure proceeds from an NRS 116 sale? The answer is to strictly
16 apply the statutory scheme.
- 17 7. Accordingly, Red Rock is entitled to receive the fees and costs it has submitted to be
18 paid from a portion of the HOA Excess Proceeds under NRS 116.31164.
- 19 8. Moreover, because there are no subordinate lienholders after Red Rock, the
20 remainder of the HOA Excess Proceeds, after payment to Red Rock, shall go to the
21 former homeowners Timpa Trust.
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1 9. Saticoy has not conceded any argument regarding the utilization of the HOA Excess
2 Proceeds under the doctrine of judicial estoppel based on previous filings in this
3 matter.

4 10. Although the Court accepted Saticoy's Opposition as late filed, no such arguments
5 presented by Saticoy in its Opposition are deemed waived by this Court.
6

7 11. The thirty (30) day automatic stay enumerated in NRCP 62(a) is applicable to a
8 decision regarding disbursement of interpleader funds.

9 **JUDGMENT**

10 The Court having made its Findings of Fact and Conclusions of Law:

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Timpa Trust's
12 Motion for Summary Judgment is GRANTED.
13

14 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Clerk of the
15 Court is to issue a check in the amount of \$29,161.69 from the funds previously deposited with
16 this Court on June 20, 2019, written payable to "Koch & Scow LLC" as payment for the attorney
17 fees and costs Red Rock is due under NRS 116.31164.
18

19 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Clerk of the
20 Court is to issue a check in the amount of \$1,139,703.36 from the funds previously deposited
21 with this Court on June 20, 2019, written payable to "Bryan Naddahi and Travis Akin" as
22 collection of the portion of HOA Excess Proceeds due and owing to Timpa Trust under NRS
23 116.31164.
24

25 *"Todd Timpa and Stewart Timpa successor co-trustees
26 of the Timpa Trust, and Bryan Naddahi and
27 Travis Akin, their attorneys.
28*

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** issuance of any
2 checks by the Clerk of the Court can only be made until thirty (30) days have passed after service
3 of written notice of entry of this Order as required under NRCP 62(a).

4 DATED this 9th day of September 2019

6
7 
8 **HON. JUDGE GLORIA STURMAN**
9 **DISTRICT COURT JUDGE**

10 Respectfully submitted by:

11 **AVALON LEGAL GROUP LLC**

12 /s/ Bryan Naddafi

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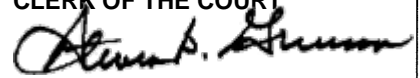
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15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 SATICOY BAY LLC SERIES 34
18 INNISBROOK,

19 Plaintiff,

20 vs.

21 THORNBURG MORTGAGE SECURITIES
22 TRUST 2007-3, *et al.*,

23 Defendants.

Case No.: A-14-710161-C

Division: XXVI

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER GRANTING
THORNBURG MORTGAGE
SECURITIES TRUST 2007-3'S
MOTION FOR SUMMARY
JUDGMENT**

24 AND ALL RELATED ACTIONS

25 The court having considered Thornburg Mortgage Securities Trust 2007-3 (**Thornburg**)'s
26 motion for reconsideration, the opposition thereto, and the argument of counsel converts the motion
27 into a motion for summary judgment and makes the following findings of fact, conclusion of law
28 and order **GRANTING** summary judgment in Thornburg's favor.¹

¹ The Court denied the parties' competing motions for summary judgment by oral order on July 3, 2018. The order denying the motions for summary judgment had not been entered when Thornburg moved to reconsider based on *Bank of America, N.A. v. SFR Investments Pool 1, LLC*, 427 P.3d 113, 134 Nev. Adv. Op. 72, *2 (Nev. Sept. 13, 2018).

1 **I. FINDINGS OF FACT**

2 1. Frank Timpa executed a deed of trust securing a \$3,780,000 loan to purchase the
3 property located at 34 Innisbrook Ave, Las Vegas, Nevada on June 2, 2006. The deed of trust lists
4 Countrywide Home Loans, Inc. as the lender and Mortgage Electronic Registration System, Inc.
5 (**MERS**) as beneficiary and lender's nominee and was recorded on June 6, 2006. *Id.*

6 2. Section 9 of the deed of trust provides if "there is a...lien which may attain priority
7 over the [deed of trust]...then Lender may do and pay for whatever is reasonable or appropriate to
8 protect Lender's interest in the property." *Id.* The deed of trust's planned unit development rider
9 (**PUD rider**) provides "[i]f Borrower does not pay PUD dues and assessments when due, then
10 Lender may pay them." *Id.* The loan securing the deed of trust matures on July 1, 2046 and has an
11 unpaid balance of \$6,279,233.20.

12 3. On June 9, 2010, a corporate assignment of deed of trust was recorded assigning the
13 beneficial interest in the deed of trust to Thornburg.

14 4. The property is within the Spanish Trail Master Association (the **HOA**) and is subject
15 to its declaration of covenants, conditions, and restrictions recorded March 7, 1984 (the **CC&Rs**).

16 5. Art. IV, Section 6, "Subordination to First Mortgages," provides:

17
18 The lien of the assessments provided for herein shall be prior to all other liens recorded
19 subsequent to the recordation of the Notice of delinquent Assessment, except that the lien of
20 the assessment provided for herein, shall be subordinate to the lien of any first Mortgage
21 given for value, and the sale or transfer of any Lot pursuant to the first Mortgage foreclosure
22 shall extinguish the lien of such assessments as to payments which became due prior to such
23 sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments
24 thereafter becoming due or from the lien thereon.

25 6. Art. IX Section 1, permits "Mortgagees [to], jointly or severally, pay taxes or other
26 charges which are in default and which may or have become a charge against the Association
27 property, unless such taxes or other charges are separately assessed against the Owners, in which
28 case, the rights of Mortgages shall be governed by the provisions of their Mortgages..."

...

...

1 7. Art. X Section 3, provides:

2
3 A breach of any of the covenants, conditions, restrictions or other provisions of this
4 Declaration shall not affect or impair the lien or charge of any bona fide Mortgage made in
5 good faith and for value on any lot provided however, that any subsequent owner of the lot
6 shall be bound by the provisions of this Declaration, whether such Owner's title was acquired
7 by foreclosure or by a trustee's sale or otherwise.

8 8. On August 4, 2011, Red Rock Financial Services (**Red Rock**), on behalf of the HOA,
9 recorded a lien for delinquent assessments indicating borrower owed \$5,543.92 (the **Lien**). The Lien
10 indicated it was recorded "in accordance with" the CC&Rs.

11 9. At the time the Lien was recorded, the HOA's assessments were \$225.00 per month.
12 There were no nuisance abatement charges. The superpriority amount of the HOA's lien was \$2,025
13 (\$225.00 x 9) for the assessments coming due December 1, 2010 through August 1, 2011.

14 10. From July 9, 2013 through December 13, 2013, borrower made payments totaling
15 \$2,350. Red Rock accepted the payments and applied the payments to the delinquent assessments
16 coming due December 1, 2010 through August 1, 201.²

17 11. On December 6, 2011, Red Rock recorded a notice of default and election to sell
18 pursuant to the lien for delinquent assessments asserting the HOA was owed \$8,312.52.

19 12. On December 23, 2011, BAC Home Loan Servicing (**BANA**), then the loan servicer,
20 through its counsel Miles, Bauer, Bergstorm & Winters (**Miles Bauer**) sent correspondence to Red
21 Rock seeking to determine the superpriority amount and offered to "pay that sum upon adequate
22 proof." Red Rock received the letter on December 27, 2011.

23 13. On January 26, 2012, Red Rock responded with a ledger indicating the total amount
24 due was \$9,255.44.

25 14. On February 10, 2012, Miles Bauer, by courier sent correspondence to Red Rock
26 enclosing a \$2,025 check. Red Rock received the check on February 10, 2012. Red Rock rejected the
27 payment without explanation at the time of the rejection.

28 ...

² Throughout the collection process Timpa paid in excess of \$10,000 toward the HOA's lien. Timpa's final payment of \$500.00 occurred on October 14, 2014, mere weeks before the HOA's sale.

1 15. Then on February 12, 2012, after rejecting BANA's payment, Red Rock sent
2 correspondence to Thornburg asserting the Red Rock's belief that the HOA's lien was junior to the
3 deed of trust.

4 16. Red Rock recorded a notice of foreclosure sale on September 15, 2014 stating the
5 HOA would sell the property on October 8, 2014 and the amount then due was \$20,309.95. The
6 notice asserted the sale would "be made without covenant or warrant, express or implied
7 regarding...title or possession, encumbrance, obligations to satisfy any secured or unsecured liens."

8 17. On November 10, 2014, a foreclosure deed recorded indicating the HOA sold the
9 property to Saticoy Bay LLC Series 34 Innisbrook on November 7, 2014 for \$1,201,000.

10 18. At the time of the HOA's sale the property was worth \$2,000,000.

11 19. Since the sale Saticoy has leased the property and obtained rental income.

12 **II. CONCLUSIONS OF LAW**

13 1. "Summary judgment is appropriate...when the pleadings, depositions, answers to
14 interrogatories, admissions, and affidavits, if any, that are properly before the court demonstrate that
15 no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter
16 of law." *Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005). "While the pleadings and other
17 evidence must be construed in the light most favorable to the nonmoving party, that party has the
18 burden to 'do more than simply show that there is some metaphysical doubt' as to the operative facts
19 to defeat a motion for summary judgment." *Id.* at 1031 (*quoting Matsushita Elec. Indus. Co. v.*
20 *Zenith Radio*, 475 U.S. 574, 586 (1986)). The governing law determines which "factual disputes are
21 material and will preclude summary judgment; other factual disputes are irrelevant." *Id.* Nevada
22 courts follow the federal summary judgment standard, not the "slightest doubt" standard previously
23 applicable before *Wood*. *Id.* at 1031, 1037.

24 2. Parties must prove their claims and affirmative defenses by a preponderance of the
25 evidence. *See Nev. J.I. 2EV.1.* Under Nevada law, "[t]he term 'preponderance of the evidence'
26 means such evidence as, when weighed with that opposed to it, has more convincing force, and from
27 which it appears that the greater probability of truth lies therein." *Nev. J.I. 2EV.1; Corbin v. State*,
28 111 Nev. 378, 892 P.2d 580 (1995) (regarding entrapment, "[p]reponderance of the evidence means

1 such evidence as, when weighed with that opposed to it, has more convincing force and the greater
2 probability of truth.").

3 3. Nevada law draws no distinction between circumstantial and direct evidence.
4 *Deveroux v. State*, 96 Nev. 388, 391 (1980); Nev. J.I. 2EV.3 ("The law makes no distinction
5 between the weight to be given to either direct or circumstantial evidence. Therefore, all of the
6 evidence in the case, including circumstantial evidence, should be considered . . .").

7 4. *Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP, f/k/a*
8 *Countrywide Home Loans Servicing, LP v. SFR Investments Pool 1, LLC*, 427 P.3d 113, 134 Nev.
9 Adv. Op. 72, *2 (Nev. Sept. 13, 2018) confirms Thornburg is entitled to summary judgment.
10 Thornburg submitted admissible evidence BANA tendered the full super-priority amount before the
11 sale. Pursuant to *Bank of America's* binding precedent, Saticoy's interest, if any, is subject to the
12 deed of trust.

13 5. "[T]he superpriority lien granted by NRS 116.3116(2) does not include an amount for
14 collection fees and foreclosure costs incurred; rather it is limited to an amount equal to the common
15 expense assessments due during the nine months before foreclosure." *Horizon at Seven Hills*
16 *Homeowners Association, Inc. v. Ikon Holdings, LLC*, 132 Nev. Adv. Op. 35, at 13, 2016 WL
17 1704199 at *6 ; *See Bank of America*, *4.

18 6. A mortgagee's pre-foreclosure tender of the superpriority amount protects the deed of
19 trust. *SFR Investments*, 334 P.3d 408, 414 ("[A]s junior lienholder, [the holder of the first deed of
20 trust] could have paid off the [HOA] lien to avert loss of its security[.]"); *id.*, at 413 ("[S]ecured
21 lenders will most likely pay the [9] months' assessments demanded by the association rather than
22 having the association foreclose on the unit.") (emphasis added).

23 7. BANA's tender is evidenced in Miles Bauer's (Thornburg's Motion at Ex. I) and Red
24 Rock's business records (Thornburg's Motion at Ex. G) eliminating any question of fact regarding
25 delivery of the check. The records were properly authenticated by affidavits.

26 8. *Bank of America* concluded BANA's check and letter – like the check and letter here
27 – were not impermissibly conditional. *Bank of America* at * 7. BANA was not required to record the
28 tender (*id.* at * 10) or "keep the tender good" (*id.* at * 11). Sending a check for the full super-priority

1 amount extinguished the super-priority lien. *Id.* * 2. SFR's purported *bona fide* purchaser status was
2 irrelevant. *Id.* at * 13. SFR purchased the property subject to the deed of trust. *Id.* * 14.

3 9. The court finds Saticoy is a *bona fide* purchaser, but that status is "irrelevant when a
4 defect in the foreclosure proceedings renders the sale void." *Id.*, citing *Henke v. First S. Props, Inc.*,
5 586 S.W.2d 617, 620 (Tex. App. 1979). "[A]fter a valid tender of the superpriority portion of an
6 HOA lien, a foreclosure sale on the entire lien is void as to the superpriority portion, because it
7 cannot extinguish the first deed of trust." *Id.*

8 JUDGMENT

9 The Court having made its Findings of Fact and Conclusions of Law:

10 **IT IS ORDERED, ADJUDGED, and DECREED** the HOA foreclosed on only the sub-
11 priority portion of its lien;

12 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED**, Saticoy purchased an
13 interest in the Property, located at 34 Innisbrook Ave, Las Vegas, Nevada subject to the deed of trust
14 which remains a first position encumbrance against the Property;

15 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the deed of trust
16 recorded on June 12, 2006 remains a first position lien against the Property and is superior to the
17 interest conveyed in the Foreclosure Deed;

18 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that all remaining claims
19 not specifically mentioned, including all claims in Thornburg's counterclaim and crossclaims and
20 Saticoy's complaint, are dismissed with prejudice; and

21 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the lis pendens
22 recorded June 16, 2015, as Instrument No. 20150616-0000991 is hereby expunged;

23 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that any party may record
24 this Findings of Fact, Conclusions of Law, and Judgment in the Property's records; and

25 ...

26 ...

27 ...

28 ...

1 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that Thornburg shall have
2 its cost of suit, any issues regarding attorneys' fees to be deferred pending motion practice.

3 DATED November 30 2018.

4 
DISTRICT COURT JUDGE

5 Respectfully submitted by:

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1 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that Thornburg shall have
2 its cost of suit, any issues regarding attorneys' fees to be deferred pending motion practice.

3 DATED _____, 2018.

4 
DISTRICT COURT JUDGE

5 Respectfully submitted by:

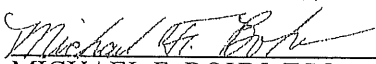
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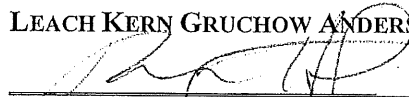
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1 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that Thornburg shall have
2 its cost of suit, any issues regarding attorneys' fees to be deferred pending motion practice.

3 DATED _____, 2018.

4 
DISTRICT COURT JUDGE

5 Respectfully submitted by:

6 **AKERMAN LLP**


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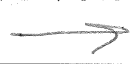
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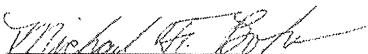
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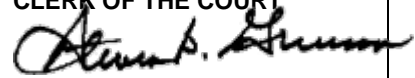

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 34
INNISBROOK,

Plaintiff,

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3, *et al.*,

Defendants.

Case No.: A-14-710161-C

Division: XXVI

**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND
ORDER GRANTING THORNBURG
MORTGAGE SECURITIES TRUST
2007-3'S MOTION FOR SUMMARY
JUDGMENT**

AND ALL RELATED ACTIONS

///

///

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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that a **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
3 **ORDER GRANTING THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S**
4 **MOTION FOR SUMMARY JUDGMENT** has been entered by this Court on the 3rd day of
5 December, 2018, in the above-captioned matter. A copy of said Order is attached hereto as
6 **Exhibit A.**

7
8 DATED: DECEMBER 5, 2018
9

10 **AKERMAN LLP**

11 /s/ Thera A. Cooper

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28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 5th day of December, 2018, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List as follows:

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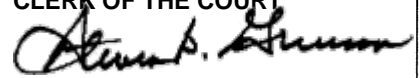
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An employee of AKERMAN LLP

EXHIBIT A

EXHIBIT A



1 **ORD**

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15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 SATICOY BAY LLC SERIES 34
18 INNISBROOK,

19 Plaintiff,

20 vs.

21 THORNBURG MORTGAGE SECURITIES
22 TRUST 2007-3, *et al.*,

23 Defendants.

Case No.: A-14-710161-C

Division: XXVI

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER GRANTING
THORNBURG MORTGAGE
SECURITIES TRUST 2007-3'S
MOTION FOR SUMMARY
JUDGMENT**

24 AND ALL RELATED ACTIONS

25 The court having considered Thornburg Mortgage Securities Trust 2007-3 (**Thornburg**)'s
26 motion for reconsideration, the opposition thereto, and the argument of counsel converts the motion
27 into a motion for summary judgment and makes the following findings of fact, conclusion of law
28 and order **GRANTING** summary judgment in Thornburg's favor.¹

¹ The Court denied the parties' competing motions for summary judgment by oral order on July 3, 2018. The order denying the motions for summary judgment had not been entered when Thornburg moved to reconsider based on *Bank of America, N.A. v. SFR Investments Pool 1, LLC*, 427 P.3d 113, 134 Nev. Adv. Op. 72, *2 (Nev. Sept. 13, 2018).

1 **I. FINDINGS OF FACT**

2 1. Frank Timpa executed a deed of trust securing a \$3,780,000 loan to purchase the
3 property located at 34 Innisbrook Ave, Las Vegas, Nevada on June 2, 2006. The deed of trust lists
4 Countrywide Home Loans, Inc. as the lender and Mortgage Electronic Registration System, Inc.
5 (**MERS**) as beneficiary and lender's nominee and was recorded on June 6, 2006. *Id.*

6 2. Section 9 of the deed of trust provides if "there is a...lien which may attain priority
7 over the [deed of trust]...then Lender may do and pay for whatever is reasonable or appropriate to
8 protect Lender's interest in the property." *Id.* The deed of trust's planned unit development rider
9 (**PUD rider**) provides "[i]f Borrower does not pay PUD dues and assessments when due, then
10 Lender may pay them." *Id.* The loan securing the deed of trust matures on July 1, 2046 and has an
11 unpaid balance of \$6,279,233.20.

12 3. On June 9, 2010, a corporate assignment of deed of trust was recorded assigning the
13 beneficial interest in the deed of trust to Thornburg.

14 4. The property is within the Spanish Trail Master Association (the **HOA**) and is subject
15 to its declaration of covenants, conditions, and restrictions recorded March 7, 1984 (the **CC&Rs**).

16 5. Art. IV, Section 6, "Subordination to First Mortgages," provides:

17
18 The lien of the assessments provided for herein shall be prior to all other liens recorded
19 subsequent to the recordation of the Notice of delinquent Assessment, except that the lien of
20 the assessment provided for herein, shall be subordinate to the lien of any first Mortgage
21 given for value, and the sale or transfer of any Lot pursuant to the first Mortgage foreclosure
22 shall extinguish the lien of such assessments as to payments which became due prior to such
23 sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments
24 thereafter becoming due or from the lien thereon.

25 6. Art. IX Section 1, permits "Mortgagees [to], jointly or severally, pay taxes or other
26 charges which are in default and which may or have become a charge against the Association
27 property, unless such taxes or other charges are separately assessed against the Owners, in which
28 case, the rights of Mortgages shall be governed by the provisions of their Mortgages..."

...

...

1 7. Art. X Section 3, provides:

2
3 A breach of any of the covenants, conditions, restrictions or other provisions of this
4 Declaration shall not affect or impair the lien or charge of any bona fide Mortgage made in
5 good faith and for value on any lot provided however, that any subsequent owner of the lot
6 shall be bound by the provisions of this Declaration, whether such Owner's title was acquired
7 by foreclosure or by a trustee's sale or otherwise.

8 8. On August 4, 2011, Red Rock Financial Services (**Red Rock**), on behalf of the HOA,
9 recorded a lien for delinquent assessments indicating borrower owed \$5,543.92 (the **Lien**). The Lien
10 indicated it was recorded "in accordance with" the CC&Rs.

11 9. At the time the Lien was recorded, the HOA's assessments were \$225.00 per month.
12 There were no nuisance abatement charges. The superpriority amount of the HOA's lien was \$2,025
13 (\$225.00 x 9) for the assessments coming due December 1, 2010 through August 1, 2011.

14 10. From July 9, 2013 through December 13, 2013, borrower made payments totaling
15 \$2,350. Red Rock accepted the payments and applied the payments to the delinquent assessments
16 coming due December 1, 2010 through August 1, 201.²

17 11. On December 6, 2011, Red Rock recorded a notice of default and election to sell
18 pursuant to the lien for delinquent assessments asserting the HOA was owed \$8,312.52.

19 12. On December 23, 2011, BAC Home Loan Servicing (**BANA**), then the loan servicer,
20 through its counsel Miles, Bauer, Bergstorm & Winters (**Miles Bauer**) sent correspondence to Red
21 Rock seeking to determine the superpriority amount and offered to "pay that sum upon adequate
22 proof." Red Rock received the letter on December 27, 2011.

23 13. On January 26, 2012, Red Rock responded with a ledger indicating the total amount
24 due was \$9,255.44.

25 14. On February 10, 2012, Miles Bauer, by courier sent correspondence to Red Rock
26 enclosing a \$2,025 check. Red Rock received the check on February 10, 2012. Red Rock rejected the
27 payment without explanation at the time of the rejection.

28 ...

² Throughout the collection process Timpa paid in excess of \$10,000 toward the HOA's lien. Timpa's final payment of \$500.00 occurred on October 14, 2014, mere weeks before the HOA's sale.

1 15. Then on February 12, 2012, after rejecting BANA's payment, Red Rock sent
2 correspondence to Thornburg asserting the Red Rock's belief that the HOA's lien was junior to the
3 deed of trust.

4 16. Red Rock recorded a notice of foreclosure sale on September 15, 2014 stating the
5 HOA would sell the property on October 8, 2014 and the amount then due was \$20,309.95. The
6 notice asserted the sale would "be made without covenant or warrant, express or implied
7 regarding...title or possession, encumbrance, obligations to satisfy any secured or unsecured liens."

8 17. On November 10, 2014, a foreclosure deed recorded indicating the HOA sold the
9 property to Saticoy Bay LLC Series 34 Innisbrook on November 7, 2014 for \$1,201,000.

10 18. At the time of the HOA's sale the property was worth \$2,000,000.

11 19. Since the sale Saticoy has leased the property and obtained rental income.

12 **II. CONCLUSIONS OF LAW**

13 1. "Summary judgment is appropriate...when the pleadings, depositions, answers to
14 interrogatories, admissions, and affidavits, if any, that are properly before the court demonstrate that
15 no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter
16 of law." *Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005). "While the pleadings and other
17 evidence must be construed in the light most favorable to the nonmoving party, that party has the
18 burden to 'do more than simply show that there is some metaphysical doubt' as to the operative facts
19 to defeat a motion for summary judgment." *Id.* at 1031 (*quoting Matsushita Elec. Indus. Co. v.*
20 *Zenith Radio*, 475 U.S. 574, 586 (1986)). The governing law determines which "factual disputes are
21 material and will preclude summary judgment; other factual disputes are irrelevant." *Id.* Nevada
22 courts follow the federal summary judgment standard, not the "slightest doubt" standard previously
23 applicable before *Wood*. *Id.* at 1031, 1037.

24 2. Parties must prove their claims and affirmative defenses by a preponderance of the
25 evidence. *See Nev. J.I. 2EV.1.* Under Nevada law, "[t]he term 'preponderance of the evidence'
26 means such evidence as, when weighed with that opposed to it, has more convincing force, and from
27 which it appears that the greater probability of truth lies therein." *Nev. J.I. 2EV.1; Corbin v. State*,
28 111 Nev. 378, 892 P.2d 580 (1995) (regarding entrapment, "[p]reponderance of the evidence means

1 such evidence as, when weighed with that opposed to it, has more convincing force and the greater
2 probability of truth.").

3 3. Nevada law draws no distinction between circumstantial and direct evidence.
4 *Deveroux v. State*, 96 Nev. 388, 391 (1980); Nev. J.I. 2EV.3 ("The law makes no distinction
5 between the weight to be given to either direct or circumstantial evidence. Therefore, all of the
6 evidence in the case, including circumstantial evidence, should be considered . . .").

7 4. *Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP, f/k/a*
8 *Countrywide Home Loans Servicing, LP v. SFR Investments Pool 1, LLC*, 427 P.3d 113, 134 Nev.
9 Adv. Op. 72, *2 (Nev. Sept. 13, 2018) confirms Thornburg is entitled to summary judgment.
10 Thornburg submitted admissible evidence BANA tendered the full super-priority amount before the
11 sale. Pursuant to *Bank of America's* binding precedent, Saticoy's interest, if any, is subject to the
12 deed of trust.

13 5. "[T]he superpriority lien granted by NRS 116.3116(2) does not include an amount for
14 collection fees and foreclosure costs incurred; rather it is limited to an amount equal to the common
15 expense assessments due during the nine months before foreclosure." *Horizon at Seven Hills*
16 *Homeowners Association, Inc. v. Ikon Holdings, LLC*, 132 Nev. Adv. Op. 35, at 13, 2016 WL
17 1704199 at *6 ; *See Bank of America*, *4.

18 6. A mortgagee's pre-foreclosure tender of the superpriority amount protects the deed of
19 trust. *SFR Investments*, 334 P.3d 408, 414 ("[A]s junior lienholder, [the holder of the first deed of
20 trust] could have paid off the [HOA] lien to avert loss of its security[.]"); *id.*, at 413 ("[S]ecured
21 lenders will most likely pay the [9] months' assessments demanded by the association rather than
22 having the association foreclose on the unit.") (emphasis added).

23 7. BANA's tender is evidenced in Miles Bauer's (Thornburg's Motion at Ex. I) and Red
24 Rock's business records (Thornburg's Motion at Ex. G) eliminating any question of fact regarding
25 delivery of the check. The records were properly authenticated by affidavits.

26 8. *Bank of America* concluded BANA's check and letter – like the check and letter here
27 – were not impermissibly conditional. *Bank of America* at * 7. BANA was not required to record the
28 tender (*id.* at * 10) or "keep the tender good" (*id.* at * 11). Sending a check for the full super-priority

1 amount extinguished the super-priority lien. *Id.* * 2. SFR's purported *bona fide* purchaser status was
2 irrelevant. *Id.* at * 13. SFR purchased the property subject to the deed of trust. *Id.* * 14.

3 9. The court finds Saticoy is a *bona fide* purchaser, but that status is "irrelevant when a
4 defect in the foreclosure proceedings renders the sale void." *Id.*, citing *Henke v. First S. Props, Inc.*,
5 586 S.W.2d 617, 620 (Tex. App. 1979). "[A]fter a valid tender of the superpriority portion of an
6 HOA lien, a foreclosure sale on the entire lien is void as to the superpriority portion, because it
7 cannot extinguish the first deed of trust." *Id.*

8 JUDGMENT

9 The Court having made its Findings of Fact and Conclusions of Law:

10 **IT IS ORDERED, ADJUDGED, and DECREED** the HOA foreclosed on only the sub-
11 priority portion of its lien;

12 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED**, Saticoy purchased an
13 interest in the Property, located at 34 Innisbrook Ave, Las Vegas, Nevada subject to the deed of trust
14 which remains a first position encumbrance against the Property;

15 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the deed of trust
16 recorded on June 12, 2006 remains a first position lien against the Property and is superior to the
17 interest conveyed in the Foreclosure Deed;

18 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that all remaining claims
19 not specifically mentioned, including all claims in Thornburg's counterclaim and crossclaims and
20 Saticoy's complaint, are dismissed with prejudice; and

21 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the lis pendens
22 recorded June 16, 2015, as Instrument No. 20150616-0000991 is hereby expunged;

23 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that any party may record
24 this Findings of Fact, Conclusions of Law, and Judgment in the Property's records; and

25 ...

26 ...

27 ...

28 ...

1 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that Thornburg shall have
2 its cost of suit, any issues regarding attorneys' fees to be deferred pending motion practice.

3 DATED November 30 2018.

4 
DISTRICT COURT JUDGE

5 Respectfully submitted by:

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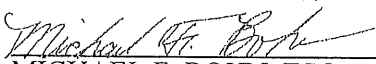
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DATED _____, 2018.

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KOCH & SCOW LLC

WILLIAMS STARBUCK


DAVID R. KOCH, ESQ.
Nevada Bar No. 8830
STEVEN B. SCOW, ESQ.
Nevada Bar No. 9906
11500 S. Eastern Ave., Suite 210
Henderson, NV 89052
Attorneys for Red Rock Financial Services, LLC

DONALD H. WILLIAMS, ESQ.
Nevada Bar No. 5548
DREW STARBUCK, ESQ.
Nevada Bar No. 13964
612 So. Tenth Street
Las Vegas, NV 89101

Attorneys for Republic Services, Inc.


1 **IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that Thornburg shall have
2 its cost of suit, any issues regarding attorneys' fees to be deferred pending motion practice.

3 DATED _____, 2018.

4 
DISTRICT COURT JUDGE

5 Respectfully submitted by:

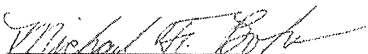
6 **AKERMAN LLP**

7 
8 **MELANIE D. MORGAN, ESQ.**
9 Nevada Bar No. 8215
10 **THERA A. COOPER, ESQ.**
11 Nevada Bar No. 13468
12 1635 Village Center Circle, Suite 200
13 Las Vegas, Nevada 89134

14 *Attorneys for Thornburg Mortgage Securities Trust 2007-3*


15 Reviewed by::

16 **MICHAEL F. BOHN, ESQ., LTD.**


17 
18 **MICHAEL F. BOHN, ESQ.**
19 Nevada Bar No. 1641
20 **ADAM R. TRIPPIEDI, ESQ.**
21 Nevada Bar No. 12294
22 2260 Corporate Circle, Suite 480
23 Henderson, NV 89074

24 *Attorneys for Saticoy Bay LLC Series 34*
25 *Innisbrook*

26 **KOCH & SCOW LLC**

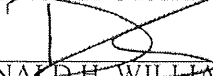
27 
28 **DAVID R. KOCH, ESQ.**
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Attorneys for Republic Services, Inc.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 13, 2015

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

January 13, 2015 9:00 AM Show Cause Hearing

HEARD BY: Scotti, Richard F. **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Billie Jo Craig

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Arlitz, Jeff Attorney

JOURNAL ENTRIES

- Mr. Arlitz advised the eviction was resolved by Stipulation. As the Writ of Restitution Motion is Withdrawn, COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 23, 2015

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

**March 23, 2015 3:00 AM Motion to Withdraw as
Counsel**

HEARD BY: Scotti, Richard F.

COURTROOM: No Location

COURT CLERK: Keri Cromer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Motion GRANTED as unopposed, pursuant to EDCR 2.20. Ms. Considine to prepare and submit the order to Chambers.

CLERK'S NOTE: The above minute order has been distributed via facsimile to: Venicia G. Considine, Esq. (702-388-1642)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 26, 2015

A-14-710161-C	Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s) vs. Thornburg Mortgage Securities Trust 2007-3, Defendant(s)
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May 26, 2015

3:00 AM

**Motion to Amend
Complaint**

HEARD BY: Hardy, Joe

COURTROOM: No Location

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, pursuant to EDCR 2.23(c), no opposition having been filed pursuant to EDCR 2.20(e), this court hereby GRANTS Plaintiff's Motion to Amend Complaint.

Plaintiff's counsel are directed to submit a written order.

June 08, 2015

PRINT DATE: 11/21/2019 Page 4 of 43 Minutes Date: January 13, 2015

July 10, 2015

PRINT DATE: 11/21/2019 Page 5 of 43 Minutes Date: January 13, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

November 03, 2015

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

November 03, 2015 9:00 AM

All Pending Motions

HEARD BY: Hardy, Joe

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Jennifer Kimmel

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Wade, Shadd Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT...OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT; AND COUNTERMOTION FOR SUMMARY JUDGMENT

Matter argued and submitted. Upon the Court's inquiry as to the status of the Timpa Counter-Defendants, Mr. Wade advised Madelaine Timpa, after being evicted now lives with her sister and Frank Timpa is now deceased. Court stated, it is unclear as to whether or not the Timpa family is a party to this action. Court directed Mr. Bohn, Esq. to supplement and include whether or not the Timpas' and Timpa Trust are parties to this action. Court specified it would assist the Court to know if the Timpas are represented by Brian Nadafi or were they defaulted, were they served, are they parties either by appearance or otherwise and provide this supplement to the Court by 11/17/15.

COURT ORDERED, matters are UNDER ADVISEMENT. Court stated, it will issue its decision either by way of a detailed minute order or a written order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 04, 2016

A-14-710161-C	Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s) vs. Thornburg Mortgage Securities Trust 2007-3, Defendant(s)
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February 04, 2016 3:00 AM Minute Order

HEARD BY: Hardy, Joe **COURTROOM:** No Location

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- In light of the Nevada Supreme Court's recent decision in Shadow Wood HOA v. New York Community Bancorp, 132 Nev. Adv. Op. 5, this Court believes additional briefing regarding how, if at all, that decision would affect or control this Court's ruling in this case is necessary. Therefore, and because there are competing dispositive motions, the parties are ordered to file simultaneous supplemental briefs with an additional hearing as follows: (1) supplemental brief due on or before 5:00 p.m. on February 19, 2016 and (2) hearing is set for 9:00 a.m. on February 25, 2016. Note, to the extent those dates do not work for their schedules, the parties may stipulate to modify the dates.

CLERK'S NOTE: A copy of this minute order e-mailed to: Michael Bohn, Esq. [mbohn@bohnlawfirm.com] and Shadd Wade, Esq. [swade@wrightlegal.net]. (KD 2/4/16)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 25, 2016

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

February 25, 2016

9:00 AM

All Pending Motions

HEARD BY: Hardy, Joe

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Bohn, Michael F

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT; AND COUNTERMOTION FOR SUMMARY JUDGMENT

Eric Powers, Esq. present on behalf of Defendant / Counter Claimant / Counter Defendant Thornburg Mortgage Securitie Trust 2007-3.

Mr. Bohn indicated the parties had agreed to have the instant Motions denied without prejudice, to allow for additional discovery to be conducted. COURT ORDERED Defendant's Motion to Dismiss and Plaintiff's Countermotion for Summary Judgment DENIED WITHOUT PREJUDICE, pursuant to the parties' agreement; discovery to proceed in the ordinary course.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 16, 2016

A-14-710161-C	Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
	vs.
	Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

August 16, 2016 9:00 AM Discovery Conference

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Powers, Eric S.	Attorney
	Scow, Steven B.	Attorney
	Starbuck, Drew	Attorney
	Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- Counsel anticipate 2 - 3 days for trial re: Quiet Title / Declaratory Relief. No settlement conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 06/15/17; adding parties, amended pleadings 03/17/17; initial expert disclosures DUE 02/15/17; rebuttal expert disclosures DUE 03/17/17; dispositive motions TO BE FILED BY 07/17/17. Scheduling Order will issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 17, 2017

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

January 17, 2017 3:00 AM Motion for Leave

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff s Motion for Leave to Amend Complaint and Add Parties is hereby GRANTED pursuant to NRCP 15(a), NRCP 19, NRCP 20, EDCR 2.30, and EDCR 2.20(e). Plaintiff s counsel is to prepare the written order, submit it to Defendants counsel for review and approval, and submit it to Department 15 s chambers within 10 days pursuant to EDCR 7.21. Plaintiff shall have 10 judicial day after filing and service of the notice of entry of the written order in which to file and serve the second amended complaint.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Michael F. Bohn, Esq. [mbohnbohnlawfirm.com], Adam R. Trippiedi, Esq. [atrippiedi@bohllawfirm.com], Dana J. Nitz, Esq. [dnitz@wrightlegal.net], Eric Powers, Esq. [epowers@wrightlegal.net], Donald H. Williams, Esq. [maclaw@winnemucca.net], Bryan Naddafi, Esq. [bryan@olympialawpc.com], David R. Koch, Esq. [dkoch@kochscow.com], Steven B. Scow, Esq. [sscows@kochscow.com], and Robert L. English, Esq. [renglish@amfarm.com]. (KD 1/18/17)

July 17, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 25, 2017

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

July 25, 2017 9:30 AM Motion to Dismiss

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
Kelley, Michael S. Attorney

JOURNAL ENTRIES

- Mr. Bohn argued there was not proper notice, that the Pltf. was a bona fide purchaser, that there was no equitable remedy, and that if the real estate agent denied the tender then there may be a case against them as they knew something was going on and didn't stop the sale. Mr. Kelley stated the Deft.'s filed a counter claim for the same type of relief as the Pltf.'s were seeking and further argued that Pltf.'s were not bona fide purchaser pursuant to the Bank of America vs. SFR case. Mr. Kelley further argued the tender was conditional and therefore invalid and that this was a Motion to Dismiss and the question was if Thornburg Mortgage cited a valid claim for relief. Colloquy regarding the Miles Bauer letter. Mr. Kelley further argued discovery was not complete and that payment of the super priority lien was rejected. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE to raise as a Motion for Summary Judgment as there were legal and factual questions regarding the effect of the tender.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 29, 2017

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

**August 29, 2017 9:30 AM Motion to Extend
Discovery**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
Garner, Rex D. Attorney
Kelley, Michael S. Attorney
Wight, Brody R. Attorney

JOURNAL ENTRIES

- Mr. Kelley stated they had plenty of time as discovery had only been going for one year. Mr. Garner requested a three month continuance. Mr. Bohn stated that due to new counsel coming on board he would agree. Following colloquy regarding trial dates, COURT ORDERED, Motion GRANTED, Discovery pushed to January 2018, Dispositive Motions pushed to February 2018, Trial Dates VACATED AND RESET; Judicial Executive Assistant to prepare the new trial order.

05/03/18 9:00 AM CALENDAR CALL

05/29/18 9:00 BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

September 19, 2017

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

September 19, 2017 9:30 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Arlitz, Jeff	Attorney
	COMBS, JAMIE	Attorney
	Hastings, Ryan D.	Attorney
	Wight, Brody R.	Attorney

JOURNAL ENTRIES

-- COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S MOTION TO DISMISS DEFENDANT/COUNTER-CLAIMANT THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S THIRD AMENDED COUNTERCLAIMS RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S MOTION TO DISMISS DEFENDANT/COUNTER-CLAIMANT THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S THIRD AMENDED COMPLAINT

Mr. Hastings argued he was not a proper party to the declaratory relief claim, the quiet title claim was inappropriate as the bank has no ability to quiet title in it's own name, that in the Verduga case the legislative intent was to replace the statute with common law, that there was nothing that stays a bank paying less than the full lien amount prior to a sale and the rejection of the tender would void the sale. and that there was no claim that would unwind the sale. Mr. Hastings further argued regarding NRS 12(b)(5) claims, wrongful foreclosure, negligence based claims, tort based claims, and unjust enrichment. Mr. Wright joined Red Rock's motion and stated there was no reason to distinguish the Homeowner's Association (HOA) from Red Rock (RR) as they were just a collection

agency. Ms. Combs argued this was just a tender case, the tender was rejected, RR was a necessary party, the HOA wrongfully foreclosed on the entire lien including the super priority and extinguished the Deed of Trust, and that the foreclosure sale was invalid or was a sub-priority sale. Ms. Combs further argued they tendered the entire nine months assessments and they wrongfully rejected it placing our Deed of Trust at risk. Following further arguments by counsel COURT ORDERED, GRANTED IN PART as to Declaratory Relief and Quiet Title as it was not a remedy as plead; however there may be other declaratory relief actions they may be entitled; as to Wrongful Foreclosure or Negligence in the alternative, to the extent they allege these claims for breach of contract those shall be GRANTED WITHOUT PREJUDICE as it had not been clarified and may survive; as to SFR, it can be read as counsel has, however until the Supreme Court decides whether they are going to enforce this alleged contract through the mortgage savings clause then it shall be DENIED WITHOUT PREJUDICE; the Breach of Covenant of Good Faith and Fair Dealing and the contract claims GRANTED as they were not properly brought and therefore go away; unjust enrichment DENIED as it's viable and they may be able to prove something; Misrepresentation DENIED; Wrongful foreclosure DENIED; Negligence Per Se DENIED; Mr. Hastings to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

November 06, 2017

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

November 06, 2017 9:30 AM Status Check

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Kory Schlitz

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Scow, Steven B.	Attorney
	Trippiedi, Adam R.	Attorney
	Williams, Donald H	Attorney
	Zummo, Jason J.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Zummo indicated he was recently retained as counsel of record and have been aggressively been pursuing Discovery, and they are still in the process of serving written Discovery on the HOA. Mr. Zummo stated parties recently submitted a proposed Discovery Order extending Discovery and inquired when the Discovery cut off date was. Upon Court's inquiry, Mr. Trippiedi stated most of these cases have been stayed at some point, however he is not sure if this case has been stayed. Colloquy regarding Discovery cut off. COURT ORDERED, Discovery cut off February 2, 2018; status check SET.

1/9/18 9:00 A.M. STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 04, 2018

A-14-710161-C	Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s) vs. Thornburg Mortgage Securities Trust 2007-3, Defendant(s)
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January 04, 2018

3:00 AM

Minute Order

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT FINDS this matter on calendar for a Status Check on January 9, 2018 and following a review of the case Counsel is HEREBY ORDERED, to provide a WRITTEN UPDATE regarding the case status and trial readiness; January 9, 2017 Status Check VACATED.

CLERK'S NOTE: A copy of this minute order was faxed or placed in the attorney folders of: Michael Bohn, Esq. (702-642-9766), David Koch, Esq. (702-318-5039), Melanie Morgan, Esq. (702-380-8572), and Venici Considine, Esq. (702-388-1642) ./ls 1-4-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 20, 2018

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

**February 20, 2018 9:00 AM Motion to Extend
Discovery**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Hastings, Ryan D. Attorney
 Trippiedi, Adam R. Attorney
 Wight, Brody R. Attorney
 Zummo, Jason J. Attorney

JOURNAL ENTRIES

- Mr. Zummo requested the opportunity to schedule an additional 30(b)(6) witness and stated he was new to the case in September and wanted to pursue all discovery of homeowner tender to the Homeowners Association.

Mr. Trippiedi stated he didn't oppose taking the deposition and that he'd been working with his client to get the deposition completed. Mr. Trippiedi further argued he didn't see the need for an extension as previous counsel could have pursued all of these issues and noted the deposition could be completed this month.

Mr. Hastings requested time to respond to discovery.

Mr. Wright stated no opposition.

COURT ORDERED, Motion GRANTED as counsel shouldn't be cut off on the opportunity to respond

to the new legal decision; Trial Dates VACATED AND RESET, Status Check: Trial Readiness SET.

07/12/18 9:00 AM CALENDAR CALL

08/06/18 9:00 AM BENCH TRIAL

06/05/18 9:00 AM STATUS CHECK: TRIAL READINESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****June 01, 2018**

A-14-710161-C

Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)

vs.

Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

June 01, 2018**9:00 AM****Decision****HEARD BY:** Sturman, Gloria**COURTROOM:** RJC Courtroom 10D**COURT CLERK:** Lorna Shell**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS .. THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT .. COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT .. RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRIAL MASTER ASSOCIATION'S COUNTERMOTION FOR SUMMARY JUDGMENT

COURT FINDS the Motions on calendar for June 5, 2018 have not been fully briefed as there are no reply briefs on file AND THEREFORE ORDERED, Status Check: Trial Readiness VACATED AND RESET; Thornburg Mortgage Securities Trust 2007-3's Motion For Summary Judgment VACATED AND RESET; Counter-Defendant Spanish Trail Master Association's Opposition To Thornburg Mortgage's Motion For Summary Judgment And Countermotion For Summary Judgment VACATED AND RESET; Red Rock Financial Services' Joinder To Counter-Defendant Spanish Trial Master Association's Countermotion For Summary Judgment VACATED AND RESET, all motions to be heard on the same date as the currently scheduled Motion for Summary Judgment filed by Saticoy Bay LLC Series 34 Innisbrook.

06/12/18 9:30 AM STATUS CHECK: TRIAL READINESS

PRINT DATE:

11/21/2019

Page 21 of 43

Minutes Date:

January 13, 2015

06/12/18 9:30 AM THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT

06/12/18 9:30 AM COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT

06/12/18 9:30 AM RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRIAL MASTER ASSOCIATION'S COUNTERMOTION FOR SUMMARY JUDGMENT

CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows: Michael Bohn, Esq. (mbohn@bohnlawfirm.com), David Koch, Esq. (Dkoch@kochscow.com), Ryan Hastings, Esq. (rhastings@leachjohnson.com), and Melanie Morgan, Esq. (melanie.morgan@akerman.com) ./ls
06-01-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 12, 2018

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

June 12, 2018

9:30 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS .. THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT .. COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT .. STATUS REPORT REGARDING MR. PHILLIPS EFFORTS AS SPECIAL ADMINISTRATOR

COURT FINDS counsel sent a Stipulation and Order requesting the hearings be moved. COURT THEREFORE ORDERED, Hearings VACATED AND RESET in accordance with the Stipulation.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 03, 2018

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

July 03, 2018

9:30 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Madalyn Kearney

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Hastings, Ryan D. Attorney
 Morgan, Melanie D. Attorney
 Wight, Brody R. Attorney

JOURNAL ENTRIES

- MOTION FOR SUMMARY JUDGMENT

Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED.

THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT

Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED.

**COUNTER-DEFENDANT SPANISH TRAIL MASTER ASSOCIATION'S OPPOSITION TO
THORNBURG MORTGAGE'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION
FOR SUMMARY JUDGMENT**

Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED.

**RED ROCK FINANCIAL SERVICES' JOINDER TO COUNTER-DEFENDANT SPANISH TRAIL
MASTER ASSOCIATION'S COUNTERMOTION FOR SUMMARY JUDGMENT**

Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Motion DENIED.

STATUS CHECK: TRIAL READINESS

Mr. Bohn and Ms. Morgan requested to continue the trial to a different stack. Colloquy regarding what issues are to be taken to trial. Ms. Morgan advised parties can stipulate to a majority of the facts. Court directed counsel to discuss what issues can be resolved and make those representations at calendar call. Ms. Morgan added parties can put together something regarding stipulated facts and evidence.

COURT FURTHER ORDERED, all claims against Republic Services DISMISSED. Mr. Bohn to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 12, 2018

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

July 12, 2018 9:00 AM Calendar Call

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Hastings, Ryan D. Attorney
 Scow, Steven B. Attorney
 Wittig, Donna Attorney

JOURNAL ENTRIES

- Mr. Bohn stated he was unavailable during the month of August and requested the trial be pushed to the next stack.

Mr. Hastings stated he thought the parties had come to an agreement as to the facts at the Motion for Summary Judgment and that a stipulation was circulating regarding them.

Mr. Bohn stated the trial would only be three days.

COURT ORDERED, Trial Dates VACATED AND RESET.

08/16/18 9:00 AM CALENDAR CALL

09/10/18 9:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 16, 2018

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

August 16, 2018 9:00 AM Calendar Call

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Hastings, Ryan D. Attorney
 Scow, Steven B. Attorney
 Stern, Ariel E. Attorney

JOURNAL ENTRIES

- Mr. Stern stated he'd spoken with Mr. Bohn and neither of them were available the weeks of September 12, 2018 and September 19, 2018.

Following colloquy, counsel requested the week of September 24, 2019 and stated they needed six days.

COURT ORDERED, Trial Dates SET.

09/20/18 10:30 AM PRE-TRIAL CONFERENCE

09/24/18 9:00 AM BENCH TRIAL

MATTER RECALLED at the hour of 9:35 AM with Mr. Bohn present. Court ADVISED Mr. Bohn of the trial dates.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

November 06, 2018

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

November 06, 2018 9:00 AM

**Motion For
Reconsideration**

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Hastings, Ryan D. Attorney
 Morgan, Melanie D. Attorney
 Scow, Steven B. Attorney

JOURNAL ENTRIES

- Ms. Morgan stated this was just about the narrow view of tender, there were no questions of fact, that she had the Miles Bower letter, and that the language contained conditions; however the bank had a right to ask. Ms. Morgan argued the amount was correct, the rejection was not reasonable, and the letter was authenticated based on the affidavit.

Mr. Bohn argued the property was purchased for \$1.2 million, that it was an unusual case, that he believed the case should go to trial; that the Supreme Court had reversed a number of times, and if they went to trial the issue for appeal went away. Mr. Bohn argued these cases were more like a Evidential Hearing with stipulated evidence and that the question was who gets the excess proceeds. Mr. Bohn further questioned if the priority of the lien was determined at the time of the sale.

Mr. Hastings argued his client still had an issue with the excess proceeds; however they hadn't been made part of this case, that no one had interplead, that Mr. Bohn's client had claims against the Homeowner's Association (HOA) based on allegations that they owed a duty of tender, and that if

the bank's motion was granted it would make sense to push out the trial date to allow additional discovery on the remaining issues and reduce trial time.

COURT FINDS there were changes in law and the letter didn't change in substance as to tender, that tender does not have to be accepted, and the right to ask for the release of their client was not an unreasonable request. Therefore with respect to tender, there do not appear to be any remaining questions. Case law has changed everything and in subsequent cases this is where the Court ended up. The issue here is just as to Mr. Bohn's client and the bank and it resolves that question; however it doesn't appear to resolve the remaining questions in the case and should counsel wish to seek 54(b) judgment they can. COURT THEREFORE ORDERED, Motion for Summary Judgment GRANTED as it was not a Motion for Reconsideration since that was a different standard. Further, this is instead new case law and it is directly on point, it's directed to a tender case, and that with the oddities of this case the Court thinks it means this case is not over as to the remaining issues. Mr. Bohn's client had issues with respect to his remaining claims and it was unclear what effect that had on the trial date; however there was no need to go to trial as to tender because there was no question of Mr. Bohn's client's bonified purchaser (BFP) status. The Supreme Court expressly, in the September 13, 2018 case, rejected that and stated BFP status had nothing to do with tender. So, Mr. Bohn's client is a BFP; however the tender was made and the only issue raised was what were the claims of a BFP and are they entitled to know that and does it alter his status as a BFP as between his claims as to the others.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 05, 2019

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

February 05, 2019 9:00 AM

**Status Check:
Settlement/Trial Setting**

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Akin, Travis D Attorney
 Anderson, Sean L. Attorney
 Nikci, Nikoll Attorney
 Wight, Brody R. Attorney

JOURNAL ENTRIES

- Court stated this was a 2014 case and she thought it was settled.

Mr. Wight stated there were some claims left that hadn't come to the forefront of the case until now and that some of them could be addressed by summary judgment.

Mr. Anderson stated he didn't see any claims and that the case was over.

Mr. Akin stated there was an issue with the excess proceeds that Red Rock had in escrow.

Mr. Nikci stated he wanted a trial and that he would need at least 90 days.

Court stated she thought the case was closed and had to be reopened when someone filed an answer a month ago.

Mr. Anderson argued counsel for Thornburg, Ms. Morgan, was just here on another case and she left, which she wouldn't have done if the case wasn't over.

Mr. Akin stated they just came in for the excess proceeds and noted they'd just been waiting for the merits to be decided.

Mr. Wight stated his understanding was that Pltf. asserted claims against Red Rock indicating a tender had been made against the property.

Mr. Anderson argued the order stated all claims, cross claims, and Saticoy were dismissed.

Court stated it appeared they needed to determine if the case was resolved and why the excess funds hadn't been disbursed.

Mr. Akin argued his client was elderly and he didn't want to drag this out any longer.

Mr. Nikci requested 90 days to resolve the case.

Following further arguments, COURT ORDERED, Status Check: Settlement/Trial Setting
CONTINUED.

CONTINUED TO: 03/05/19 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 01, 2019

A-14-710161-C	Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s) vs. Thornburg Mortgage Securities Trust 2007-3, Defendant(s)
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March 01, 2019

3:00 PM

**Status Check:
Settlement/Trial Setting**

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Status Check CONTINUED to the CHAMBERS calendar for the parties to file a written status report. Report to include the date when the parties calculate the five-year rule will run, whether any party is entitled to a preferential setting due to age, and a trial ready date so the Court may issue an Order setting Bench Trial.

04/05/19 STATUS CHECK: SETTLEMENT/TRIAL SETTING Chambers Calendar

CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows: Michael Bohn, Esq. (mbohn@bohnlawfirm.com), Brody Wight, Esq. (Bwight@kochscow.com), Sean Anderson, Esq. (sanderson@lkglawfirm.com), Melanie Morgan, Esq. (melanie.morgan@akerman.com), and Travis Akin, Esq. (702-778-6600) ./ls 03-01-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 13, 2019

A-14-710161-C	Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s) vs. Thornburg Mortgage Securities Trust 2007-3, Defendant(s)
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May 13, 2019

9:00 AM

Minute Order

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This matter having been statistically closed on April 15, 2019, and having received an ex parte request to reinstate the case, on the grounds that the closure was based on incomplete information about the status of the litigation. Therefore, good cause appearing the exparte request is GRANTED, pursuant to EDCR 2.90(c) and Brown v MHC Statecoach LLC, 120 Nev. 343 (2013). The Clerk's office is directed to reopen the above captioned matter.

CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve. /lg 5-13-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 11, 2019

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

June 11, 2019

9:00 AM

Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

Akin, Travis D

Attorney

Hastings, Ryan D.

Attorney

Morgan, Melanie D.

Attorney

Naddafi, Bryan

Attorney

JOURNAL ENTRIES

- MATTER TRAILED AND RECALLED at the hour of 9:48 AM with all parties present.

Court stated it appeared the case was procedurally closed as it met the requirements, however it should not have been closed.

Mr. Akin stated the remaining issue was regarding who was to receive the excess proceeds from the foreclosure, that NRS 116.31164(7) lays it out clearly, that Red Rock Financial had the funds, and that he'd like an order that Red Rock deposit the funds with the Court and for a hearing be set to determine who will receive the excess funds so the parties will have time to file motions and set the Evidentiary Hearing.

Ms. Morgan stated Timpa Trust filed a separate lawsuit for the excess proceeds, that it was for \$1.2 million, and they were looking to consolidate the two cases.

Mr. Akin argued they did that as a safety net and he would dismiss it to keep the matter simple if this

court would hear it.

Ms. Morgan stated dismissal would be cleaner than consolidation.

Mr. Akin stated he wanted the funds deposited with the court.

COURT FINDS this to be an appropriate action under the Local Rule and that the case was closed in error. COURT ORDERED, Motion to Reinstate GRANTED; Funds to be deposited with the court within 30 days; Trial Date SET.

09/19/19 9:00 AM CALENDAR CALL

10/14/19 9:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 06, 2019

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

August 06, 2019 9:00 AM Motion

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Croteau, Roger P, ESQ Attorney
 Lachman, Scott Attorney
 Naddafi, Bryan Attorney
 Wight, Brody R. Attorney

JOURNAL ENTRIES

- Mr. Croteau stated the opposition was filed on July 26, 2019 and opposing counsel had five days to reply..

Mr. Naddafi argued he didn't have five days and that it was prejudicial. Mr. Naddafi argued the request was filed July 26, 2019 and there were no reasons supported by his affidavit.

Court inquired if counsel needed additional time.

Mr. Naddafi stated no, that he would get it filed today.

COURT ORDERED, Motion to Enlarge Time MOOT; Motion ACCEPTED as late filed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 13, 2019

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

**August 13, 2019 9:30 AM Motion for Summary
Judgment**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Natalie Ortega

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Scow, Steven B. Attorney
 Stern, Ariel E. Attorney

JOURNAL ENTRIES

- Colloquy regarding the Ex Parte Motion to Continue the Hearing. Counsel indicated they assumed the hearing had been continued. COURT ORDERED, matter CONTINUED noting that to the extent that parties that had no claim to the interpled funds were requesting to be excused from appearing then that was understood.

CONTINUED TO: 08/20/19 9:30 AM

August 20, 2019

PRINT DATE: 11/21/2019 Page 38 of 43 Minutes Date: January 13, 2015

DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 10, 2019

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

October 10, 2019 10:45 AM Motion For Stay

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Akin, Travis D Attorney
Croteau, Roger P, ESQ Attorney
Morgan, Melanie D. Attorney
Scow, Steven B. Attorney

JOURNAL ENTRIES

- Mr. Croteau argued under Rule 62(b) the case should be stayed pending a decision regarding whether the excess proceeds should be distributed or not, that there was no danger of loss as the funds were deposited with the Court, and that a bond for the stay should be the cost of attorney's fees.

Ms. Morgan agreed the status quo should remain, that she did not agree regarding recourse; however she agreed a stay was appropriate. Ms. Morgan stated the funds were secure in an interest bearing account and there was no harm or prejudice.

Mr. Akin argued the bank did not have a chance at the deficiency as the Statute of Limitations had run and the borrowers were deceased, that they were just stalling, that they'd had an opportunity to rent the property during these past years, that it was unclear what interest rate they were entitled to, and that the bond should be between the fees and \$14,500.

Mr. Croteau argued there was not five year rule problem.

Court agreed the case was closed as there was summary judgment and that this was just post judgment issues AND FURTHER ORDERED, \$5,000 Bond; interest to be determined at a later date; counsel to review the five year rule to determine if the rule had been satisfied.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 29, 2019

A-14-710161-C Saticoy Bay LLC Series 34 Innisbrook, Plaintiff(s)
vs.
Thornburg Mortgage Securities Trust 2007-3, Defendant(s)

October 29, 2019 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Akin, Travis D	Attorney
	Croteau, Roger P, ESQ	Attorney
	Naddafi, Bryan	Attorney
	Nutenko, Elena	Attorney
	Wight, Brody R.	Attorney
	Wittig, Donna	Attorney

JOURNAL ENTRIES

- PLAINTIFF S MOTION FOR RECONSIDERATION UNDER NRCP 59(E) AND 60(B) OF (I) THE COURT S SUMMARY JUDGMENT ORDER OF December 3, 2018 AND (II) THE COURT S ORDER CONCERNING THE DISTRIBUTION OF EXCESS PROCEEDS .. PLAINTIFF'S MOTION TO AMEND COMPLAINT PURSUANT NRCP 15(B)(2) AND 60(B), THE SUPREME COURT OF NEVADA'S DECISION IN JESSUP, AND EDCR 2.30 TO SET ASIDE/RESCINDEX PARTE MOTION FOR ENTRY OF AN ORDER SHORTENING TIME FOR HEARING ON PLAINTIFF'S MOTION TO AMEND COMPLAINT PURSUANT TO NRCP 15(B)(2) AND 60(B), THE SUPREME COURT OF NEVADA'S DECISION IN JESSUP, AND EDCR 2.30 TO SET ASIDE/RESCIND NRS 116 FORECLOSURE SALE NRS 116 FORECLOSURE SALE

Mr. Croteau argued the Court never addressed the Saticoy claims against the HOA or the HOA trustee and that the sale of the property should be set aside or rescinded pursuant to the ruling in the Jessup case.

Mr. Akin argued the order was circulated and signed by all parties, that the excess proceeds statute never changed, that Pltf. knew they were taking a risk when they purchased the property, and that the Jessup case came out in March 2019 therefore it was too late, as they never mentioned it in July when they were briefing.

Mr. Wight argued this motion was an attempt to resurrect the dead as everything was already plead, that the equitable relief was already before the Court and was dismissed with prejudice, and that there was nothing in the rules that allowed them to amend.

COURT STATED FINDINGS AND ORDERED, Motion to Amend DENIED as the Court does not see it as an appropriate approach, that it is it's own separate final order and the case is final and it was therefore procedurally untimely; Motion for Entry DENIED; Motion for Reconsideration GRANTED IN PART as the Findings of Fact amended to say Jessup came out after the fact and any references regarding the unwinding of the sale were not discussed or considered in the summary judgment phase and to the extent Jessup has any bearing it was not considered by the Court.



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

ROGER P. CROTEAU, ESQ.
2810 W. CHARLESTON BLVD., STE 75
LAS VEGAS, NV 89102

DATE: November 21, 2019
CASE: A-14-710161-C

RE CASE: SATICOY BAY LLC SERIES 34 INNISBROOK vs. THORNBURG MORTGAGE SECURITIES TRUST 2007-3; BANK OF AMERICA; FRANK TIMPA; MADELAINE TIMPA; TIMPA TRUST; SPANISH TRAIL MASTER ASSOCIATION; RED ROCK FINANCIAL SERVICES

NOTICE OF APPEAL FILED: November 19, 2019

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

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.

****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; ORDER; NOTICE OF ENTRY OF ORDER; ORDER; NOTICE OF ENTRY OF ORDER; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SATICOY BAY LLC SERIES 34
INNISBROOK ,

Plaintiff(s),

vs.

THORNBURG MORTGAGE SECURITIES
TRUST 2007-3; BANK OF AMERICA;
FRANK TIMPA; MADELAINE TIMPA;
TIMPA TRUST; SPANISH TRAIL MASTER
ASSOCIATION; RED ROCK FINANCIAL
SERVICES,

Defendant(s),

Case No: A-14-710161-C

Dept No: XXVI

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 21 day of November 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk