

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3
4 Electronically Filed
Mar 18 2021 12:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 ROCHELLE MEZZANO,

6 Appellant,

No. 81379

7 vs.

RESPONDENT'S APPENDIX

8
9 JOHN TOWNLEY,

10 Respondent.

11 _____ /
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Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
John P. Springgate (NSB# 1950) Alexander C. Morey (NSB#11216)
2 Kenton Karvasch (NSB#13515) Benjamin Albers (NSB#11895)
Silverman Kattelman Springgate, Chtd.
3 500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
Telephone: 775/322-3223
4 Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 JOHN TOWNLEY,

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 13

11
12 ROCHELLE MEZZANO and
13 DOES I through XX,
14 to include Doe individuals,
15 corporations, limited liability companies,
16 partnerships, trusts, limited partnerships,
and such other individuals or entities
as may exist or be formed

17 Defendants.

18 **NOTICE TO SET**

19 TO: Defendant, Rochelle Mezzano:

20 PLEASE TAKE NOTICE that Alexander Morey will appear via telephone before the
21 Calendar Clerk of the above-captioned Court on October 29, 2019, at the hour of 11:00
22 a.m. to set this matter for a Case Management Conference.
23

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Under NRS 239B.030 the undersigned affirms the preceding contains no social security number.

Dated this 8th day of October 2019.

SILVERMAN KATTELMAN SPRINGGATE, CHTD.


A horizontal line is drawn across the signature. Below the line, the text reads: ALEXANDER MOREY
Attorney for John Townley

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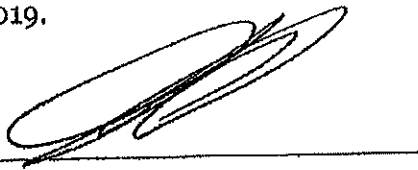
CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Notice to Set the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.

addressed to:
Rochelle Mezzano
735 Aesop Ct.
Reno, NV 89512

Dated this 5 day of October 2019.



Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
2 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
Silverman Kattelman Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
3 Reno, Nevada 89521
Telephone: 775/322-3223
4 Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 JOHN TOWNLEY,

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 13

11 ROCHELLE MEZZANO and
12 DOES I through XX,
13 to include Doe individuals,
14 corporations, limited liability companies,
15 partnerships, trusts, limited partnerships,
and such other individuals or entities
as may exist or be formed

16 Defendants.

17 **NOTICE OF CASE MANAGEMENT CONFERENCE**

18 To: Defendant, Rochelle Mezzano;

19 **PLEASE TAKE NOTICE** that a Case Management Conference has been set in
20 your case on February 6, 2020, at 9:30 a.m., in Department 13 of the Second Judicial
21 District Court of the State of Nevada, 1 South Sierra Street, Reno, Nevada.

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23 ///

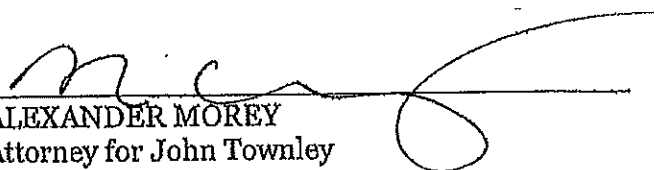
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Under NRS 239B.030 the undersigned affirms the preceding contains no social security number.

Dated this 19th day of November 2019.

SILVERMAN KATTELMAN SPRINGGATE, CHTD.


ALEXANDER MOREY
Attorney for John Townley

CERTIFICATE OF SERVICE

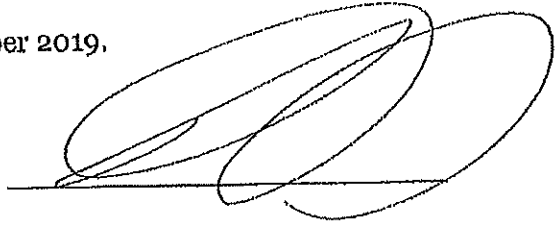
Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Notice of Case Management Conference the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email: rochellemezzano@yahoo.com

addressed to:

Rochelle Mezzano
735 Aesop Ct.
Reno, NV 89512

Dated this 19 day of November 2019.



FILED
Electronically
DV19-01864
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 : jbye

1 Code:
Gary R. Silverman (NSB# 409) Michael Y. Kattelmann (NSB#6708)
John F. Springgate (NSB# 1350) Alexander C. Morey (NSB# 11216)
2 Kenton Karrass (NSB#19615) Benjamin Albers (NSB#11896)
Silverman Kattelmann Springgate, Chtd.
3 600 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
4 Telephone: 775/322-3223
Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 **JOHN TOWNLEY,**
9 **Plaintiff** Case No. DV19-01564
10 **vs.** Dept. 13

12 **ROCHELLE MEZZANO and**
13 **DOES I through XX,**
14 **to include Doe individuals,**
15 **corporations, limited liability companies,**
16 **partnerships, trusts, limited partnerships,**
17 **and such other individuals or entities**
18 **as may exist or be formed**
19 **Defendants.**

19 **MOTION FOR ORDER DIRECTING DELIVERY OF FUNDS DUE**
20 **DEFENDANT PURSUANT TO DIVORCE AND PAPERS AND THINGS**
21 **RELATING TO DEFENDANT'S PROPERTY TO LAST KNOWN RESIDENCE**

22 John Townley moves the Court for an order directing the delivery of the funds
23 due Defendant, Rochelle Mezzano, pursuant to their divorce and papers and things
24 relating to Ms. Mezzano's property to her last known residence by postal carrier. John
25 requires an order from the Court because Ms. Mezzano will not retrieve the funds or
26 items. John further requests the Court grant him additional relief deemed necessary and
27 just.
28

Silverman, Kattelmann
Springgate, Chtd.
500 Damonte Ranch
Pkwy., #675
Reno, Nevada 89521
(775) 322-3223
fax (775) 322-3649

1 This Motion is made and based on the points and authorities herein, the
2 attachments hereto, the file in this case, and any evidence or argument presented at a
3 hearing on this Motion required by the Court.

4 I. POINTS AND AUTHORITIES

5 A. Facts

6 John is holding the money due Ms. Mezzano as part of her share of the parties'
7 estate. John initially had a cashier's check prepared and left the check and a box of
8 documents and things related to Ms. Mezzano's property at undersigned counsel's
9 office. (See Exhibit "1" for a list of the items). Despite notice she should retrieve the
10 items immediately, (Exhibit "2" -- letter to Ms. Mezzano), Ms. Mezzano did not pick up
11 the check or the items.

12 When it later became apparent Ms. Mezzano would not retrieve the check and did
13 not intend to pay the mortgage associated with her residence, on which John remains
14 liable, John redeposited the funds and paid the mortgage.¹

15 As of the date of this Motion, Ms. Mezzano has not proposed a means to transfer
16 the money or the documents and things.

17 B. Analysis

18 Every court has the power to compel obedience to the Court's lawful judgments
19 and orders. NRS 1.210(3). Further, this Court has the power to issue continuing orders
20 in aid of enforcement of its decrees. *McCormick v. Sixth Judicial Dist. Court*, 69 Nev.
21 214, 228-29, 246 P.2d 805, 812 (1952).

22 Here, Mr. Townley is not a depository, neither is undersigned counsel. Mr.
23 Townley does not wish to be and should be responsible for maintaining the funds due
24 Ms. Mezzano nor her papers and things related to her property. Because Ms. Mezzano
25 will not retrieve the items, John requires the Court's direction on how to deliver them to
26

27 ¹ John deducted \$4580.80 from the original amount due because he has paid the mortgage on Ms.
28 Mezzano's property twice. Paragraph 7 of the parties' decree of divorce permits John to pay the
debt and deduct the payments from amounts due to Ms. Mezzano.

1 Ms. Mezzano to effect the distribution of property and debt in this Court's divorce
2 decree. John submits delivery of the items to Ms. Mezzano's last known residence is the
3 best avenue to deliver items by a recognized means to reasonably assure delivery
4 without John having to force the items into Ms. Mezzano's hands. Issuing such an order
5 is a necessary and proper exercise of this Court's power to enforce and effect its decree
6 of divorce.

7 **II. CONCLUSION**

8 For the foregoing reasons, it is necessary and appropriate for the Court to enter
9 an order directing John to deliver the remaining funds due Ms. Mezzano and the papers
10 and things relating to her property by postal carrier.

11 **III. AFFIRMATION**

12 The undersigned affirms this Motion contains no personal information as defined
13 in NRS 239B.030.

14 Dated this 3rd day of March 2020.

15 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

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19 ALEXANDER MOREY
20 Attorney for John Townley
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DECLARATION OF JOHN TOWNLEY

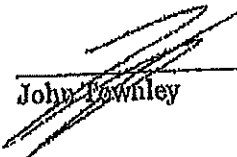
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COMES NOW, JOHN TOWNLEY, who executes this within the State of Nevada. I declare under penalty of perjury that the following is true and correct:

1. I am the Plaintiff herein.
2. I make this declaration of my own personal knowledge, information and belief,
3. The statement of facts in MOTION FOR ORDER DIRECTING

DELIVERY OF FUNDS DUE DEFENDANT PURSUANT TO DIVORCE AND PAPERS AND THINGS RELATING TO DEFENDANT'S PROPERTY TO LAST KNOWN RESIDENCE are hereby merged and incorporated into this declaration. I know the facts are true of my own knowledge, except those matters stated upon information and belief. As to those matters, I believe them to be true.

EXECUTED this 3RD day of March 2020.



John Townley

Silverman Katchuni
Springate, Ohio,
6140 Plumax St, #20
Reno, Nevada 89519
(775) 322-3223
Fax (775) 322-3649

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

John Tomney

Rochelle vs. Mezzano

FAMILY DIVISION MOTION/OPOSITION NOTICE (REQUIRED)	
CASE NO.	<u>15VA-01564</u>
DEPT. NO.	<u>13</u>

NOTICE: THIS MOTION/OPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A. Mark the CORRECT ANSWER with an X.		YES	NO
1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.		X	
2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.			X
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?			
4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?			
If the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.		Date	
B. If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.			

I affirm that the answers provided on this Notice are true.

Date: March 3, 2020

Signature:

Alexander Morera

Silverman • Kattelman • Springgate, Ohtd.
600 Damento Ranch Parkway, Suite 875
Reno, Nevada 89521

Print Name:

Print Address:

Telephone Number:

775-322-3223

INDEX OF EXHIBITS

Exhibit Number	Description	Number of Pages
1	List	1
2	Letter dated December 31, 2019	5
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2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 :jbye

EXHIBIT 1

IN THE BOX

- SS BUSS LIC. / EPO LMS
- SS PAY CHECKS COMMISSION CHECKS
- RENTAL BILLS AND OUTH'S AWD FOR ROBERT (UNIT 6)
- SS BANK STATEMENTS
- SS CHECKS (OPEN ACCOUNT)
- (1) CLOSED TRANSACTION WINDSTAR - MARTIAN
- RENT SPREADSHEET
- BOFA CREDIT CARD / STATEMENT OPEN ACOCT IN 'R'S NAME
- SPECTRUM BILL AESOP BT DISCONNECT ON 12-23
- " " VALLEY RD. CO/SS PHONE # ACTIVE
- NV. ENERGY BILLS IN 'R'S' NAME
- TAXES FOR VALLEY ROAD (CURRENT)
- TIMNA BILLS IN 'R'S' NAME
- AESOP MORTGAGE PAYMENT BOOK / STATEMENT PHH
- CITY OF RENO SEWER BILLS
- LOCKWOOD-MOORE PRINTER BILL NEW BILLING ADA 755 AASOP
- UNIVERSITY RIDGE HOA BILL " " " "
- AMERICAN FAMILY PAID INVOICE SEVEN STAR
- NOARIS ENVIRONMENTAL TREE MAINT. SS
- WASTE MANAGEMENT BILLS (CURRENT)
- CASHIERS CHECK FOR BAL OF ACCT
- CHECKS SS & ENVELOPES
- DUPLEX KEYS
- SEVEN STAR COMPUTER W/ QUICKBOOKS FOR QWERTZ
- AAC JONAI MARTIAN

FILED
Electronically
DV19-01564
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 : jbye

EXHIBIT 2

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate†
Alexander C. Morey†
Kenton Karrasch
Benjamin Albers

silverman@sk-s-reno.com
mvk@sk-s-reno.com
springgate@sk-s-reno.com
amorey@sk-s-reno.com
karrasch@sk-s-reno.com
ben@sk-s-reno.com

500 Damonte Ranch Parkway, Suite 675 -- Reno, Nevada 89521
(775) 322-3223 Fax (775) 822-8649

www.sk-s-reno.com

December 31, 2019
Via email & U.S. Mail

Rochelle Mezzano
735 Aesop Court
Reno, NV 89512

RE: Marriage of Townley & Mezzano, DV19-01564
Action Items

Dear Ms. Mezzano:

You and Mr. Townley are divorced. The Court entered the decree of divorce on December 11, 2019. Mr. Townley immediately began disentangling his finances from yours. Steps taken included, but were not limited to, closing certain joint accounts, obtaining a \$76,000 cashier's check, notifying renters, segregating insurance policies, and transferring utility bills. John directed me to send you this letter as notice **YOU SHOULD TAKE IMMEDIATE ACTION** to organize and manage your assets and obligations. A detailed discussion of some of the action items is below. Second, you must execute documents, including deeds and, possibly, a release of John's real estate license. Please contact me to arrange to sign the documents. Third, I have a box of documents and other items (including a \$76,000 cashier's check) at my office for your retrieval. Please contact me to arrange a time for you to come to my office and retrieve the items.

Discussion of Action Items:

Valley Road Tenants. With the award of this property to you, you are also awarded the lease contracts associated with the property. You currently hold the physical lease documents. Mr. Townley informed the tenants payment should be made to you moving forward. Payments have been made by placing payment in a drop box at Seven Star Realty. If you wish a different payment method, you must reach out to the tenants. Because you are the lessor and responsible for the lessor's obligations under the rental contracts, you must provide the tenants your contact information.

Utility Bills. Mr. Townley has removed his liability on the utility bills associated with the properties awarded to you. **YOU SHOULD TAKE IMMEDIATE STEPS TO CONTINUE UTILITY SERVICE. IF YOU DO NOT, THERE IS A RISK OF SIGNIFICANT PROPERTY DAMAGE IF PIPES FREEZE AND BURST.** Mr. Townley directed the bills to be delivered to your home on Aesop Court. Bills associated with Seven Star Realty will continue to that address. If you wish delivery to a different address, you must reach out to the service providers.

*Fellow of the American Academy of Matrimonial Lawyers.
†Nevada Certified Family Law Specialist

Seven Star Spectrum Bill. As a courtesy to you, Mr. Townley did not modify the Spectrum bill for the Valley Road property because that bill includes the Seven Star Realty business phone number. Mr. Townley was informed failure to pay the bill will cause a forfeit of the Seven Star Realty phone number. Mr. Townley intends to pay the January bill. He will not pay after that. If you do not take action before the end of the January billing period, you will likely forfeit Seven Star Realty's business phone number. Home and Auto Insurance, Mr. Townley contacted your insurers and separated the home and auto policies for his property and vehicles from your property and vehicles.

You are responsible for paying for your insurance going forward. Mr. Townley is informed the next payment will be due on or about January 20, 2020. Mr. Townley directed the insurers to delivery your bill to your home on Aesop Court. You must reach out to the insurers if you wish a different billing address or to change your coverage. Health Insurance. Mr. Townley is working to separate your health insurance policy from his policy. Mr. Townley expects to complete that division as of the February 2020 billing cycle. You must immediately contact Hometown Health and arrange for payment of your insurance premiums.

Keller Williams Profit Sharing. You must contact Keller Williams and inform the company where your profit sharing funds, if any, should be sent in the future.

Seven Star Realty Business Accounts. Mr. Townley cannot remove himself as a signer on the Seven Star Realty accounts as he is not an officer of the company. You must remove Mr. Townley. Please provide a date by which you will remove Mr. Townley from the accounts.

Cellular Phone. Your cellular phone bill will come due in January 2020. John observed activity on your number. If you wish to retain your cellular phone number, John will release it. However, Sprint informed John it will only hold the number for 48 hours. So, if you wish to keep the number, you must inform John beforehand. The transfer must be completed online. You must create an account with Sprint. John will not continue paying for this plan.

Redstone Drive. John received this property. Since you and he are on title to this property outside of any trust, you must transfer your interest in the property to John. A quitclaim deed transferring your interest in the property is attached to this letter. Be advised if you do not execute the quitclaim deed within 10 business days of presentation, John has the right to obtain an order the Clerk of Court sign as your attorney in fact and awarding him a judgment against you for the fees and costs he incurs.

Achilles Drive. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to him before the trust is revoked/dissolved.

F Street. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to him before the trust is revoked/dissolved.

Aesop Court. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to you before the trust is revoked/dissolved. He will direct the deed be delivered to the Aesop Ct. address once recorded as well as all future tax statements.

Valley Road. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to you before the trust is revoked/dissolved. He will direct the deed be delivered to the Aesop Ct. address once recorded as well as all future tax statements.

Corvette. The 2001 Corvette awarded to you in the divorce was held in the name of the Southern Illinois Wetland Preservation Trust. John, as trustee, executed the necessary documents to transfer the vehicle to you. Those documents are available for pickup at my office.

Gold & Coins. The gold and coins were awarded to John as part of his property upon divorce. You kept these coins in the safe at the Aesop Ct. home. There were a few ounces of Placer gold in the safe and a number of gold and silver coins. The gold and coins must be delivered to my office, 500 Damonte Ranch Pkwy., Ste. 675, Reno, Nevada 89521, within 30 days of this letter.

Safe Deposit Box. John transferred the autopayment for this box to the Seven Star Realty account. You may keep or terminate the box and its contents as you feel best. Releasing Real Estate License / Windup of Commissions. One commission will come due and payable to John from Seven Star Realty on or about January 7, 2020. The commission is an 80/20 split. Seven Star will owe John \$5,200. Second, John understands that you, the broker for Seven Star Realty, must release his license. Please confirm you will pay the commission due on receipt and release John's license promptly upon his request.

Feel free to call me to discuss this letter and this case: 775-322-3223.

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE


Alexander Morey

ACM:tm
cc: client

APN: 008-351-09

When recorded please return to:

Name: Silverman Kattelman Springgate, Chtd.
Address: 500 Damonte Ranch Pkwy., #675
City: Reno, Nevada 89521

MAIL FUTURE TAX STATEMENTS TO:

Name: John Townley
Address: 145 Redstone Dr.
Reno, NV 89512

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, John M. Townley, an unmarried man and Rochelle Mezzano, an unmarried woman, do hereby remise, release and forever quitclaim and transfer all right, title and interest to John M. Townley, an unmarried man as his sole and separate property the real property situate in the State of Nevada, County of Washoe, described as follows:

Commencing at the Northwest corner of Lot 18 in Block A of Prospect Hill Subdivision No 1, Washoe County, Nevada, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 24, 1952; thence North 206.2 feet; thence North 62°50' East 305.75 feet to the point of beginning; thence North 27°10' West 194.97 feet; thence North 73°50' East 122.25 feet; thence South 27°10' East 171.64 feet; thence South 62°50' West 120.0 feet to the point of beginning. Situate in the SE ¼ of the NW ¼ of Section 35, Township 20 North, Range 19 East, M.D.B.&M.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging or appertaining, and any reversions remainders, rents, issues and profits thereof.

John M. Townley

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

On this _____ day of _____, 2020 John M. Townley, personally appeared before me, a Notary Public, who acknowledged to me that he executed the within document and that he did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

Rochelle Mezzano

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

On this _____ day of _____, 2020 Rochelle Mezzano, personally appeared before me, a Notary Public, who acknowledged to me that she executed the within document and that she did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

Code:
1 Gary R. Silverman (NSB# 409) Michael Y. Kattelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander G. Moray (NSB#11216)
2 Kenton Kurasch (NSB#13515) Benjamin Albers (NSB#11898)
Silverman Kattelman Springgate, Chtd.
3 500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
4 Telephone: 775/322-3223
Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 **JOHN TOWNLEY,**

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 13

11
12 **ROCHELLE MEZZANO and**
13 **DOES I through XX,**
14 **to include Doe individuals,**
15 **corporations, limited liability companies,**
16 **partnerships, trusts, limited partnerships,**
17 **and such other individuals or entities**
18 **as may exist or be formed**

Defendants.

19 **MOTION FOR ORDER REQUIRING DEFENDANT TO REMOVE**
20 **PLAINTIFF'S LIABILITY ON MORTGAGE ASSIGNED TO HER IN DECREE**
21 **OF DIVORCE AND MOTION REQUIRING SALE OF REAL PROPERTY TO**
22 **PROTECT PLAINTIFF FROM LIABILITY IF DEFENDANT DEFAULTS IN**
23 **PAYMENT OF THE MORTGAGE**

24 John Townley moves the Court for an order requiring Defendant, Rochelle
25 Mezzano, to remove his liability on the mortgage associated with the real property at
26 735 Aesop Court, Reno, Nevada—Century 21 Mortgage as the lender—within 180 days of
27 the Court's order because Defendant has neglected to pay the mortgage and is exposing
28 John to liability. John further moves the Court for additional relief deemed necessary
and just.

I. POINTS AND AUTHORITIES

1 **A. Facts**

2 Ms. Mezzano lives at 735 Aesop Court, Reno, Nevada. She has been remodeling
3 the property. The Court's decree of divorce assigns the property to Ms. Mezzano.
4 (Findings of Fact, Conclusions of Law, and Decree of Divorce ¶ 4 and Ex. "B".) The
5 decree transfers the property subject to and with all existing debts. (Id. ¶ 6.) The decree
6 requires Ms. Mezzano to indemnify, defend, and hold John harmless from the liability.
7 (Id. ¶ 8.) Since divorce, Ms. Mezzano has demanded John pay the mortgage on her
8 property and has given no indication she will maintain the mortgage. (John has had to
9 pay the mortgage to protect his credit.) John is not Ms. Mezzano's bookkeeper or
10 personal assistant and is not responsible for paying the mortgage. He had hoped Ms.
11 Mezzano would maintain the liability and refinance within a reasonable time. That is
12 apparently unlikely. John believes the only means to secure Ms. Mezzano's obligation to
13 hold him harmless from the debt is entry of an order requiring her to do so by a hard
14 deadline.

15 **B. Analysis**

16 Every court has the power to compel obedience to the Court's lawful judgments
17 and orders. NRS 1.210(3). Further, this Court has the power to issue continuing orders
18 in aid of enforcement of its decrees. *McCormick v. Sixth Judicial Dist. Court*, 69 Nev.
19 214, 228-29, 246 P.2d 805, 812 (1952). Here, Ms. Mezzano has stated an intention not
20 to service the mortgage associated with the real property assigned to her and has failed
21 to service the mortgage. To protect John from further liability on the debt associated
22 with and transferred with Ms. Mezzano's property, the Court should provide Ms.
23 Mezzano a hard deadline by which to remove John's liability. John submits 180 days
24 from this Court's order granting the relief is reasonable.

25 **II. CONCLUSION**

26 For the foregoing reasons, it is necessary and appropriate for the Court to enter
27 an order requiring Ms. Mezzano to remove John Townley's liability on the mortgage
28


1 associated with the real property at 735 Aesop Court, Reno, Nevada, within 180 days of
2 this Court's order.

3 **III. AFFIRMATION**

4 The undersigned affirms this Motion contains no personal information as defined
5 in NRS 239B.030.

6 Dated this 3rd day of March 2020.

SILVERMAN KATTELMAN SPRINGGATE, CHTD.

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10 ALEXANDER MOREY
11 Attorney for John Townley
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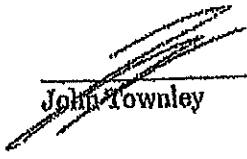
DECLARATION OF JOHN TOWNLEY

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COMES NOW, JOHN TOWNLEY, who executes this within the State of Nevada: I
declare under penalty of perjury that the following is true and correct:

1. I am the Plaintiff herein,
2. I make this declaration of my own personal knowledge, information and belief.
3. The statement of facts in MOTION FOR ORDER REQUIRING DEFENDANT TO REMOVE PLAINTIFF'S LIABILITY ON MORTGAGE ASSIGNED TO HER IN DECREE OF DIVORCE AND MOTION REQUIRING SALE OF REAL PROPERTY TO PROTECT PLAINTIFF FROM LIABILITY IF DEFENDANT DEFAULTS IN PAYMENT OF MORTGAGE are hereby merged and incorporated into this declaration. I know the facts are true of my own knowledge, except those matters stated upon information and belief. As to those matters, I believe them to be true.

EXECUTED this 3rd day of March 2020.



John Townley

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

John Tomney

Rochelle vs. Mezzano

FAMILY DIVISION MOTION/OPOSITION NOTICE (REQUIRED)	
CASE NO.	DVA-01564
DEPT. NO.	13

NOTICE: THIS MOTION/OPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A. Mark the CORRECT ANSWER with an X.		YES	NO
1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.		X	
2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.			X
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?			
4. Is this a motion or an opposition to a motion for reconsideration or a new trial and the motion was filed within 10 days of the Judge's Order?			
If the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.		Date	
B. If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.			

I affirm that the answers provided on this Notice are true.

Date: March 3, 2020

Signature:

Print Name:

Print Address:

Telephone Number:

Alexander Mezzano
Silverman • Kattelman • Springgate, Ohtd,
600 Damonte Ranch Parkway, Suite 378
Reno, Nevada 89521
775-322-3223

1 Code:
Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
2 Kenton Karvasch (NSB#13816) Benjamin Albare (NSB#11896)
Silverman Kattelman Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
3 Reno, Nevada 89521
Telephone: 775/322-3223
4 Facsimile: 775/322-3649
Attorney for John Towaley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 **JOHN TOWNLEY,**

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 13

11
12 **ROCHELLE MEZZANO and**
13 **DOES I through XX,**
14 to include Doe individuals,
15 corporations, limited liability companies,
16 partnerships, trusts, limited partnerships,
and such other individuals or entities
as may exist or be formed

17 Defendants.

18
19 **MOTION TO JOIN IRREVOCABLE TRUST TO FACILITATE DISTRIBUTION**
20 **OF COMMUNITY PROPERTY POST-DIVORCE AND MOTION FOR ORDER**
21 **DIRECTING DISTRIBUTION OF ASSETS FROM TRUSTS**

22 John Towaley moves the Court for an order joining the Southern Illinois
23 Wetlands Preservation Trust, dated June 16, 2010 (the "Trust") as a party to this action
24 so the Court may issue an order directing the distribution of assets from the trust, an
25 order directing the distribution of the vehicles from the trust to each party according to
26 the division in their divorce decree, and an order for additional relief deemed necessary
27 and just.
28

1 This Motion is made and based on the points and authorities herein, the
2 attachments hereto, the file in this case, and any evidence or argument presented at a
3 hearing on this Motion required by the Court.

4 I. POINTS AND AUTHORITIES

5 A. Facts

6 John Townley and Rochelle Mezzano are the grantors and the primary
7 beneficiaries of the Southern Illinois Wetlands Preservation Trust. John and a Ms. Silva
8 Moya are the current trustees. The Trust is irrevocable. At the time of divorce, the Trust
9 held title to vehicles used and operated by the parties, including the following: (a) 2001
10 Chevy Corvette Z VIN 1G1YY12S915113880, (b) 1986 Chevy 1520 4x4 PU VIN
11 1GCGK24M9GF347349, (c) 2006 Toy Hauler VIN 5LZBE19236S003527, and (d) a 2001
12 Chevy Corvette used by Ms. Mezzano. The parties acquired all of these vehicles during
13 the marriage. Because Ms. Mezzano has refused to participate in the parties' divorce,
14 John sought, and the Court confirmed a division of the vehicles and, recognizing the
15 Trust was not joined as a party, confirmed division by awarding the parties' beneficial
16 interests in the Trust assets and Trust. (See Findings of Fact, Conclusions of Law, and
17 Decree of Divorce.)

18 Since divorce, Ms. Mezzano has made demands on John that he pay certain
19 expenses for her benefit from the Trust. (Ms. Mezzano's demands are inappropriate not
20 only because the divorce assigned John the entire beneficial interest in the Trust,
21 excluding Ms. Mezzano's vehicles, but also because the Trust is a discretionary trust.)
22 Ms. Mezzano's behavior makes John concerned she will threaten the co-trustee of the
23 Trust, continue to make demands he pay her expenses from the Trust, and make it
24 difficult for the Trust to transfer the vehicles out of trust to each party. To protect the co-
25 trustee and eliminate the connection between the parties' post-divorce, John requires an
26 order directing distribution of the assets from the Trust. Joining the Trust as a party is
27 the necessary first step.

28 B. Analysis

1 An irrevocable trust holding property of the parties may be joined to a divorce
2 action under NRCP 19. *See Guerin v. Guerin*, 114 Nev. 127, 953 P.2d 716 (1998). Here,
3 because the Court distributed the beneficial interests of the parties (property of the
4 parties) and not the assets owned by the Trust, the Trust was not a necessary party to
5 the action. Now, however, because of Ms. Mezzano's intransigence, John requires orders
6 directly affecting the assets. To enter such an order enforceable against the Trust, the
7 Trust must be joined under NRCP 19(a). Because such an order will affect the interests
8 of the Trust and joining the Trust will not deprive the Court of jurisdiction, the Trust
9 should be joined.

10 Once the Trust is joined, the Court may direct the distribution of the vehicles
11 from the Trust. *See Klabacka v. Nelson*, 394 P.3d 940, 948 (Nev. 2017) (requiring trial
12 courts to trace assets in a spendthrift trust to determine whether community property
13 exists and implying, by necessity, such assets are subject to distribution); *see also*
14 *Lauricella v. Lauricella*, 565 N.E.2d 436, 437-39 (Mass. 1991) (discussing the divisibility
15 upon divorce of interests in property held in a spendthrift trust). Because John owns the
16 parties' beneficial interests in his vehicles held by the Trust and Ms. Mezzano the
17 interest in her 2001 Corvette, the Trust may and should distribute those assets. The
18 Court should direct the Trust to distribute the vehicles.¹

19 **II. CONCLUSION**

20 For the foregoing reasons, it is necessary and appropriate for the Court to enter
21 an order (1) joining the Southern Illinois Wetlands Preservation Trust, dated June 16,
22 2010, as a party to this action, and (2) directing the distribution of the vehicles to the
23 parties according to the decree of divorce.

24 **III. AFFIRMATION**

25 The undersigned affirms this Motion contains no personal information as defined
26 in NRS 239B.030.

27
28 ¹ John and the co-trustees will likely resign as trustees of the trust after distribution of the assets.
At that point, Ms. Mezzano and the remainder beneficiaries may appoint a replacement.

Silvornon, Kathleen
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Dated this 8th day of March 2019.

SILVERMAN KATTELMAN SPRINGGATE, CHTD.


ALEXANDER MOREY
Attorney for John Townley

DECLARATION OF JOHN TOWNLEY

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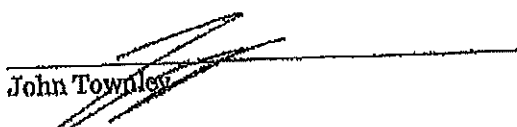
COMES NOW, JOHN TOWNLEY, who executes this within the State of Nevada: I
declare under penalty of perjury that the following is true and correct:

1. I am the Plaintiff herein.
2. I make this declaration of my own personal knowledge, information and belief.

3. The statement of facts in MOTION TO JOIN IRREVOCABLE TRUST
TO FACILYATE DISTRIBUTION OF COMMUNITY PROPERTY POST-
DIVORCE AND MOTION FOR ORDER DIRECTING DISTRIBUTION OF
ASSETS FROM TRUSTS are hereby merged and incorporated into this declaration. I

know the facts are true of my own knowledge, except those matters stated upon
information and belief. As to those matters, I believe them to be true.

EXECUTED this 3rd day of March 2020.


John Townley

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

John Tomley
Rochelle vs. Mezzano

FAMILY DIVISION MOTION/OPOSITION NOTICE (REQUIRED)	
CASE NO.	571A-01564
DEPT. NO.	13

NOTICE: THIS MOTION/OPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A. Mark the CORRECT ANSWER with an X.		YES	NO
1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.		X	
2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.			X
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?			
4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?			
IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.		Date	
B. If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.			

I affirm that the answers provided on this Notice are true.

Date: March 3, 2020

Signature:

Print Name:

Print Address:

Telephone Number:

Alexander Morey
Silveman • Kattelman • Springgate, Ctld,
600 Damonte-Rench Parkway, Suite 075
Reno, Nevada 89521
775-322-3223

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Jacqueline Bryant
Clerk of the Court
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Gary R. Silverman (NSB# 409) Michael V. Kuttelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander C. Moray (NSB#11216)
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Attorney for John Townley

**IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

JOHN TOWNLEY,
Plaintiff
vs.
Case No. DV19-01564
Dept. 13

**ROCHELLE MEZZANO and
DOES I through XX,
to include Doe individuals,
corporations, limited liability companies,
partnerships, trusts, limited partnerships,
and such other individuals or entities
as may exist or be formed
Defendants.**

**MOTION VESTING TITLE TO REAL PROPERTY IN PLAINTIFF; IN THE
ALTERNATIVE, MOTION FOR CLERK OF COURT TO EXECUTE DEED AS
ATTORNEY IN FACT**

John Townley moves the Court for an order vesting title to 145 Redstone Drive, Reno, Nevada, APN 003-351-09, in him as his sole and separate property pursuant to NRCP 70(b). In the alternative, John moves the Court for an order directing the Clerk of Court to execute the necessary deed to vest title to 145 Redstone Drive, Reno, Nevada, in him as his sole and separate property pursuant to NRCP 70(a) and this Court's Decree of Divorce. John further moves the Court for an award of attorney's fees and costs against Rochelle Mezzano for her failure to execute the deed upon demand and for additional relief deemed necessary and just.

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Springgate, Chfd.
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Pkwy., #678
Reno, Nevada 89521
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Fax (775) 322-3649

1 This Motion is made and based on the points and authorities herein, the
2 attachments hereto, the file in this case, and any evidence or argument presented at a
3 hearing on this Motion required by the Court.

4 I. POINTS AND AUTHORITIES

5 A. Facts

6 On September 11, 2019, undersigned counsel sent a letter to Rochelle Mezzano
7 advising her counsel represented John Townley, that John was proceeding with a
8 divorce, and that her immediate action was required, or John would proceed with
9 litigation. (Exhibit "1") Ms. Mezzano did not respond, and John initiated this divorce
10 action. A complaint was filed, and a summons obtained.

11 On October 4, 2019, a process server arrived at Ms. Mezzano's home. The process
12 server determined Ms. Mezzano was in the house when she responded to an oral notice,
13 she should come to the door to get documents. Ms. Mezzano, who knew a divorce was
14 imminent, refused to come to the door. The process server, therefore, posted the
15 summons and complaint and left the property. It is certain Ms. Mezzano received the
16 documents; she sent an email to John at 6:54 p.m. on the day of service which read "I
17 got served papers today. I have twenty days including the weekend to respond. Which
18 means I need to retain an attorney. So, I need a retainer. How would you like to
19 proceed?" (Exhibit "2") From that point forward, Ms. Mezzano refused to participate in
20 the case.

21 John and Ms. Mezzano then corresponded directly and agreed to hold a meeting
22 at counsel's office to discuss resolution. The meeting was to occur on the Morning of
23 October 22, 2019. Ms. Mezzano did not appear. Ms. Mezzano continued to avoid this
24 matter, and John proceeded with a default divorce.

25 The Court entered a default divorce on December 11, 2019.

26 Notice of entry of the divorce decree was sent to Ms. Mezzano by mail and email
27 on December 12, 2019.

28

1 On December 31, 2019, undersigned counsel sent a letter to Ms. Mezzano
2 concerning necessary tasks to complete the division of property and deliver money and
3 property to her post-divorce. (Exhibit "3".) That letter sought execution of a deed
4 transferring her interest in 145 Redstone Drive, Reno, Nevada, to John.

5 On January 4, 2020, undersigned counsel received a letter from an attorney in
6 Las Vegas, Nevada, alleging he represented Ms. Mezzano and claiming Ms. Mezzano
7 would shortly move to set aside the decree of divorce. (Exhibit "4".)

8 On January 7, 2020, undersigned counsel spoke to Ms. Mezzano's putative
9 counsel by phone. On January 10, 2020, undersigned counsel sent a letter to Ms.
10 Mezzano's putative counsel. (Exhibit "5".) There was no response.

11 On January 27, 2020, undersigned counsel sent a letter to Ms. Mezzano's
12 putative counsel. There was no response.

13 As of the date of this Motion, (more than two months after entry of the divorce
14 decree and two months after the January 4, 2020, letter alleging a motion to set aside)
15 there has been no communication from or action by Ms. Mezzano's putative counsel.
16 There has been substantial communication from Ms. Mezzano to John in which Ms.
17 Mezzano continues to pretend the divorce never occurred and that John is responsible
18 for her bills and maintenance of her assets. (Dec. of John Townley.)

19 **B. Analysis**

20 **1. Ms. Mezzano was properly served, a legal fact already determined**
21 **by this Court in issuing a divorce.**

22 If Ms. Mezzano finally engages in this action, John expects she will argue this
23 Court should not issue orders concerning the parties' assets because she was not
24 personally served and, therefore, the Court's divorce decree is void for lack of personal
25 jurisdiction. Ms. Mezzano has not articulated the bases—legal or factual—for her claim.
26 John is, therefore, left to surmise. Reasonably reviewing the facts, Ms. Mezzano's claim
27 must rely on a claim the process server did not place the summons and complaint in her

28

1 hands and, therefore, did not "personally" serve her. Any such assertion depends on an
2 unreasonable interpretation of the word "personally" in NRCP 4.2 and is wrong.

3 NRCP 4.2(a)(1) provides a plaintiff may accomplish service "by delivering a copy
4 of the summons and complaint to the individual personally." Although there does not
5 appear to be a Nevada case directly addressing the issue, Federal case law holds the rule
6 does not require a face-to-face meeting or an attempt to force papers onto a defendant.
7 *Currie v. Wood*, 112 F.R.D. 408, 409 (E.D.N.C. 1986) (citing cases). Further, substantial
8 compliance with personal service requirements coupled with actual notice to the
9 defendant is sufficient. See *Brockbank v. Second Judicial Dist. Court*, 65 Nev. 781, 201
10 P.2d 299 (1948) (discussing the corollary that rules for substitute service of process
11 must be strictly followed); see also, e.g., *Wagner v. Truesdell*, 1998 S.D. 9, ¶ 9, 574
12 N.W.2d 627, 629, *In re Coleman*, 793 N.W.2d 296, 302 (Minn. 2011).

13 *Currie v. Wood* is instructive on service and is comparable to this case. In *Currie*
14 *v. Wood*, the defendant, who had previously rejected a certified mailing, was told the
15 person serving process "had an envelope for him," which the defendant refused,
16 "without explanation" to take. The person serving process then placed the envelope in a
17 vehicle belonging to the defendant's employee and received the documents only after the
18 employee gave them to the defendant's wife. On those facts, the court held the
19 defendant had been served. *Id.* at 409-10.

20 Here, like the defendant in *Currie v. Wood*, Ms. Mezzano knew litigation was
21 coming, that a person arriving at her door to deliver documents was reasonably certain
22 to be there to serve process, and that she was attempting to avoid service. Plus, unlike
23 the facts in *Currie v. Wood*, Ms. Mezzano was not unaware of the contents of the
24 summons and complaint served on her. She acknowledged, less than eight hours after
25 service that "I got served papers today, I have twenty days including the weekend to
26 respond."

27 Ms. Mezzano was personally served with the summons and complaint. She made
28 a decision--after acknowledging service--to ignore the papers, to not attend a scheduled

1 settlement meeting, to ignore the notice John intended to seek a default, to ignore the
2 notice John intended to seek a default judgment, to ignore the hearing on the default
3 judgment, and to ignore entry of the decree of divorce. To move this matter forward and
4 garner Ms. Mezzano's participation, the Court must expressly and unequivocally inform
5 Ms. Mezzano she was properly served and is divorced.

6 **2. The Court may enter an order directly transferring the property.**

7 If real property is located in Nevada, rather than enter an order requiring
8 conveyance of the property, the Court may enter an order vesting title to the property in
9 the appropriate owner, NRCP 70(b). Here, 145 Redstone Drive is located in Nevada.
10 John is entitled to sole title under the Court's decree of divorce. Therefore, the Court
11 may enter a judgment divesting Ms. Mezzano of title and vesting title in John Townley
12 as his sole and separate property.

13 **3. Mr. Townley is entitled to an order the Clerk of Court execute, as**
14 **Ms. Mezzano's attorney in fact, the deed transferring title to 145 Redstone**
15 **Drive, Reno, Nevada, to him.**

16 Paragraph 10 of this Court's decree of divorce requires each party to execute
17 documents necessary to effect the division of assets in the decree. (Findings of Fact,
18 Conclusions of Law, and Decree of Divorce.) If a party fails to execute a document,
19 absent objection in writing, the opposing party is entitled, upon a motion made with two
20 days' notice, to an order directing the Clerk of Court to sign as attorney in fact for the
21 non-cooperative party. Here, John sought execution of a deed transferring his home,
22 awarded to him in the decree, to him. Ms. Mezzano did not provide written objections to
23 the document.¹ Nor does Ms. Mezzano have a valid objection to execution of the
24 document. The Court's decree of divorce is valid and enforceable. Pursuant to the
25 decree, John receives the property at 145 Redstone Drive, Reno, Nevada. And the deed
26

27 ¹ Assuming, *arguendo*, Ms. Mezzano's baseless and unacted upon objection to the decree is an objection
28 to the deed, the Court may nevertheless enforce its decree and order the execution of all necessary
documents to effect the division of property in the decree. The only effect of an objection is to require
routine motion practice rather than permit entry of an order on two days' notice.

1 transfers the property to John by quitclaim. John is entitled to execution by the Clerk of
2 Court.

3 **4. Mr. Townley is entitled to attorney's fees and costs.**

4 Pursuant to the Decree of Divorce, paragraph 10, and NRCP 70, Mr. Townley is
5 entitled to an award of reasonable attorney's fees. Upon the Court's entry of an order
6 granting him the relief sought, Mr. Townley shall file the affidavit of counsel containing
7 the information required by law for evaluation of an award of attorney's fees. After Ms.
8 Mezzano has had a reasonable opportunity to review the submitted material and object,
9 the Court should enter an award of attorney's fees.

10 **II. CONCLUSION**


11 For the foregoing reasons, it is necessary and appropriate for the Court to enter a
12 judgment divesting Rochelle Mezzano of all title to the real property at 145 Redstone
13 Drive, Reno, Nevada, APN 003-351-09, and vesting title in John M. Townley as his sole
14 and separate property, or, alternatively, directing the Clerk of Court to execute a
15 quitclaim deed vesting title in Mr. Townley. Mr. Townley should be awarded his
16 reasonable attorney's fees and costs.

17 **III. AFFIRMATION**

18 The undersigned affirms this Motion contains no personal information as defined
19 in NRS 239B.030.

20 Dated this 3rd day of March 2020.

21 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

22
23 
24 ALEXANDER MOREY
25 Attorney for John Townley
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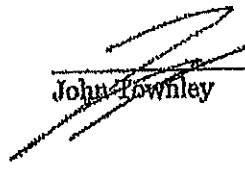
DECLARATION OF JOHN TOWNLEY

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COMES NOW, JOHN TOWNLEY, who executes this within the State of Nevada: I
declare under penalty of perjury that the following is true and correct:

1. I am the Plaintiff herein.
2. I make this declaration of my own personal knowledge, information and belief.
3. The statement of facts in **MOTION VESTING TITLE TO REAL PROPERTY IN PLAINTIFF; IN THE ALTERNATIVE, MOTION FOR CLERK OF THE COURT TO EXECUTE DEED AS ATTORNEY IN FACT** are hereby merged and incorporated into this declaration. I know the facts are true of my own knowledge, except those matters stated upon information and belief. As to those matters, I believe them to be true.

EXECUTED this 3rd day of March 2020.



John Townley

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

John Tomney
Rockelle vs. Mezzano

FAMILY DIVISION MOTION/OPPOSITION NOTICE (REQUIRED)	
CASE NO.	5511-01564
DEPT. NO.	13

NOTICE: THIS MOTION/OPPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A. Mark the CORRECT ANSWER with an X.		YES	NO
1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.		X	
2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.			X
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?			
4. Is this a motion or an opposition to a motion for reconsideration or a new trial and the motion was filed within 10 days of the Judge's Order?			
If the answer to Question 4 is YES, write in the filing date found on the front page of the Judge's Order.		Date	
B. If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.			

I affirm that the answers provided on this Notice are true.

Date: March 3, 2020

Signature:

Print Name:

Print Address:

Telephone Number:

Alexander Moray
Silverman • Kattelman • Springgate, Ohtd.
800 Damonte Ranch Parkway, Suite 875
Reno, Nevada 89521
775-322-3223

INDEX OF EXHIBITS

Exhibit Number	Description	Number of Pages
1	Letter dated September 11, 2019 to Rochelle	2
2	Email from Rochelle to John	2
3	Letter dated December 31, 2019 to Rochelle	5
4	Letter from F. Peter James	1
5	Letter dated January 10, 2020 to F. Peter James	6
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FILED
Electronically
DV19-01684
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 :jbye

EXHIBIT 1

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate
Alexander C. Morey
Benjamin E. Albers
Kenton C. Karrasch

silverman@skt-reno.com
mvk@skt-reno.com
springgate@skt-reno.com
amorey@skt-reno.com
ban@skt-reno.com
karrasch@skt-reno.com

500 Damonte Ranch Parkway, Suite 675 - Reno, Nevada 89521
(775) 822-3223 Fax (775) 822-8649

www.skt-reno.com

September 11, 2019
Via U.S. Mail

Rochelle Mezzano
736 Aesop Ct.
Reno, NV 89512

RE: Marriage of Townley and Mezzano

Dear Ms. Mezzano:

Your husband, John Townley, hired us to help him through a divorce. After much deliberation, John has decided he cannot remain married. He has directed us to secure a divorce and a fair division of your and his property and debts as quickly and inexpensively as possible. John's hope is that you and he can avoid a protracted, contentious, messy, and expensive divorce. He would rather you and he keep your money than pay lawyers. Although John does not speak for you, he suspects you share his view. We find that early settlement negotiations are the best way to reduce the duration and expense of a divorce. We ask you meet with us to participate in negotiations within the next two weeks. Delay will not be tolerated.

John provided you a rough financial statement and three possible divisions of assets some time ago. We have included copies of those documents with this letter for your ease of reference. You did not respond to John. When we meet to discuss settlement, bring proposals for the division of your and John's assets and debts. We expect you will be willing to take either side of any proposal you make—you must be willing to take what you offer to John.

Before September 20, 2019, we must have a written response to this letter promising you will meet with us to discuss settlement within two weeks. John has honored your requests for delay for nearly a year. He is unwilling to delay longer. If you will not promptly engage in meaningful settlement negotiations that move you and John toward divorce, you force him to engage the court to create a timeline and force your marriage to an end. Therefore, if we do not receive your written response before September 20, 2019, John has directed us to file for divorce on September 20, 2019, which we will do.

*Fellow of the American Academy of Matrimonial Lawyers.

Rochelle Mezzano
September 11, 2019
Page 2 of 2

Before that meeting, please provide us with a copy of any prenuptial agreement you claim is in effect between you and John and the location of the original document.

As a matter of recordkeeping, John has transferred the \$50,000 you requested to continue a remodel of your home. In exchange for that \$50,000 and the \$125,000 held in the safe in your home, John has transferred \$175,000 to himself. Moving forward, rather than fiddle with accountings, the \$175,000 in your control is your separate property and the \$175,000 in John's control is his separate property.

We look forward to hearing from your lawyer and scheduling a date to meet and discuss settlement. If you do not hire a lawyer—a choice we strongly advise against—we will work directly with you. In any discussions with us, you must keep in mind we are not your lawyers; we do not represent you; we represent John; and we advocate for John's interests.

You may reach us at 775-322-3223, by email at the addresses on the first page, and by mail to 500 Damonte Ranch Pkwy., Ste. 675, Reno, Nevada 89521. Contact us promptly. Delay will not be tolerated. We will file for divorce on September 20, 2019, if we do not have your promise to engage in meaningful settlement negotiations within two weeks.

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE, CHTD.



ALEXANDER MOREY

ACM:tm
cc: client

FILED
Electronically
DV19-01664
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 : jbye

EXHIBIT 2

Alexander Morey

From: John Townley <renorealtors@yahoo.com>
Sent: Friday, January 10, 2020 12:58 PM
To: Alexander Morey
Subject: Fw: Mediation

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "Rochelle Mezzano" <RochelleMezzano@Yahoo.com>
To: "renorealtors" <renorealtors@yahoo.com>
Sent: Fri, Oct 4, 2019 at 10:28 PM
Subject: Re: Mediation
Ok thanks.

On Oct 4, 2019, at 6:49 PM, renorealtors <renorealtors@yahoo.com> wrote:

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----
From: Rochelle Mezzano <RochelleMezzano@Yahoo.com>
Date: 10/4/19 6:54 PM (GMT-06:00)
To: renorealtors <renorealtors@yahoo.com>
Subject: Re: Mediation

I got served papers today.
I have twenty days including the weekend to respond. Which means I need to retain an attorney.
So, I need a retainer.
How would you like to proceed?

On Oct 4, 2019, at 2:08 PM, renorealtors <renorealtors@yahoo.com> wrote:

I have no objection will let you know monday or Tues

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Rochelle Mezzano <RochelleMezzano@Yahoo.com>

Date: 10/4/19 9:55 PM (GMT-08:00)

To: info@SierraMediation.com, reno@realtors@yahoo.com

Subject: Mediation

FILED
Electronically
DV19-01664
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 : jbye

EXHIBIT 3

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate†
Alexander C. Morey†
Kenton Karrasch
Benjamin Albers

silverman@sk-s-reno.com
mvk@sk-s-reno.com
springgate@sk-s-reno.com
amorey@sk-s-reno.com
karrasch@sk-s-reno.com
ben@sk-s-reno.com

500 Damonte Ranch Parkway, Suite 675 -- Reno, Nevada 89521
(775) 322-3229 Fax (775) 322-3649

www.sk-s-reno.com

December 31, 2019
Via email & U.S. Mail

Rochelle Mezzano
735 Aesop Court
Reno, NV 89512

RE: Marriage of Townley & Mezzano, DV19-01564
Action Items

Dear Ms. Mezzano:

You and Mr. Townley are divorced. The Court entered the decree of divorce on December 11, 2019. Mr. Townley immediately began disentangling his finances from yours. Steps taken included, but were not limited to, closing certain joint accounts, obtaining a \$76,000 cashier's check, notifying renters, segregating insurance policies, and transferring utility bills. John directed me to send you this letter as notice **YOU SHOULD TAKE IMMEDIATE ACTION** to organize and manage your assets and obligations. A detailed discussion of some of the action items is below. Second, you must execute documents, including deeds and, possibly, a release of John's real estate license. Please contact me to arrange to sign the documents. Third, I have a box of documents and other items (including a \$76,000 cashier's check) at my office for your retrieval. Please contact me to arrange a time for you to come to my office and retrieve the items.

Discussion of Action Items:

Valley Road Tenants. With the award of this property to you, you are also awarded the lease contracts associated with the property. You currently hold the physical lease documents. Mr. Townley informed the tenants payment should be made to you moving forward. Payments have been made by placing payment in a drop box at Seven Star Realty. If you wish a different payment method, you must reach out to the tenants. Because you are the lessor and responsible for the lessor's obligations under the rental contracts, you must provide the tenants your contact information.

Utility Bills. Mr. Townley has removed his liability on the utility bills associated with the properties awarded to you. **YOU SHOULD TAKE IMMEDIATE STEPS TO CONTINUE UTILITY SERVICE. IF YOU DO NOT, THERE IS A RISK OF SIGNIFICANT PROPERTY DAMAGE IF PIPES FREEZE AND BURST.** Mr. Townley directed the bills to be delivered to your home on Aesop Court. Bills associated with Seven Star Realty will continue to that address. If you wish delivery to a different address, you must reach out to the service providers.

*Fellow of the American Academy of Matrimonial Lawyers.
†Nevada Certified Family Law Specialist

Seven Star Spectrum Bill. As a courtesy to you, Mr. Townley did not modify the Spectrum bill for the Valley Road property because that bill includes the Seven Star Realty business phone number. Mr. Townley was informed failure to pay the bill will cause a forfeit of the Seven Star Realty phone number. Mr. Townley intends to pay the January bill. He will not pay after that. If you do not take action before the end of the January billing period, you will likely forfeit Seven Star Realty's business phone number, Home and Auto Insurance. Mr. Townley contacted your insurers and separated the home and auto policies for his property and vehicles from your property and vehicles.

You are responsible for paying for your insurance going forward. Mr. Townley is informed the next payment will be due on or about January 20, 2020. Mr. Townley directed the insurers to delivery your bill to your home on Aesop Court. You must reach out to the insurers if you wish a different billing address or to change your coverage. Health Insurance. Mr. Townley is working to separate your health insurance policy from his policy. Mr. Townley expects to complete that division as of the February 2020 billing cycle. You must immediately contact Hometown Health and arrange for payment of your insurance premiums.

Keller Williams Profit Sharing. You must contact Keller Williams and inform the company where your profit sharing funds, if any, should be sent in the future.

Seven Star Realty Business Accounts. Mr. Townley cannot remove himself as a signer on the Seven Star Realty accounts as he is not an officer of the company. You must remove Mr. Townley. Please provide a date by which you will remove Mr. Townley from the accounts.

Cellular Phone. Your cellular phone bill will come due in January 2020. John observed activity on your number. If you wish to retain your cellular phone number, John will release it. However, Sprint informed John it will only hold the number for 48 hours. So, if you wish to keep the number, you must inform John beforehand. The transfer must be completed online. You must create an account with Sprint. John will not continue paying for this plan.

Redstone Drive. John received this property. Since you and he are on title to this property outside of any trust, you must transfer your interest in the property to John. A quitclaim deed transferring your interest in the property is attached to this letter. Be advised if you do not execute the quitclaim deed within 10 business days of presentation, John has the right to obtain an order the Clerk of Court sign as your attorney in fact and awarding him a judgment against you for the fees and costs he incurs.

Achilles Drive. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to him before the trust is revoked/dissolved.

F Street. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to him before the trust is revoked/dissolved.

Aesop Court. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to you before the trust is revoked/dissolved. He will direct the deed be delivered to the Aesop Ct. address once recorded as well as all future tax statements.

Valley Road. John, in his capacity as trustee of the Townley Mezzano trust, intends to execute a quitclaim deed transferring this property from the trust to you before the trust is revoked/dissolved. He will direct the deed be delivered to the Aesop Ct. address once recorded as well as all future tax statements.

Corvette. The 2001 Corvette awarded to you in the divorce was held in the name of the Southern Illinois Wetland Preservation Trust. John, as trustee, executed the necessary documents to transfer the vehicle to you. Those documents are available for pickup at my office.

Gold & Coins. The gold and coins were awarded to John as part of his property upon divorce. You kept these coins in the safe at the Aesop Ct. home. There were a few ounces of Placer gold in the safe and a number of gold and silver coins. The gold and coins must be delivered to my office, 500 Damonte Ranch Pkwy., Ste. 675, Reno, Nevada 89521, within 30 days of this letter.

Safe Deposit Box. John transferred the autopayment for this box to the Seven Star Realty account. You may keep or terminate the box and its contents as you feel best. Releasing Real Estate License / Windup of Commissions. One commission will come due and payable to John from Seven Star Realty on or about January 7, 2020. The commission is an 80/20 split. Seven Star will owe John \$5,200. Second, John understands that you, the broker for Seven Star Realty, must release his license. Please confirm you will pay the commission due on receipt and release John's license promptly upon his request.

Feel free to call me to discuss this letter and this case! 775-322-3223.

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE


Alexander Morey

ACM:itm
cc: client

APN: 003-351-09

When recorded please return to:

Name: Silverman Kattelman Springgate, Chtd.
Address: 500 Damonte Ranch Plwy., #675
City: Reno, Nevada 89521

MAIL FUTURE TAX STATEMENTS TO:

Name: John Townley
Address: 145 Redstone Dr.
Reno, NV 89512

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, John M. Townley, an unmarried man and Rochelle Mezzano, an unmarried woman, do hereby remise, release and forever quitclaim and transfer all right, title and interest to John M. Townley, an unmarried man as his sole and separate property the real property situate in the State of Nevada, County of Washoe, described as follows:

Commencing at the Northwest corner of Lot 18 in Block A of Prospect Hill Subdivision No 1, Washoe County, Nevada, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 24, 1952; thence North 206.2 feet; thence North 62°50' East 305.75 feet to the point of beginning; thence North 27°10' West 194.97 feet; thence North 73°50' East 122.25 feet; thence South 27°10' East 171.64 feet; thence South 62°50' West 120.0 feet to the point of beginning. Situate in the SE ¼ of the NW ¼ of Section 35, Township 20 North, Range 19 East, M.D.B.&M.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging or appertaining, and any reversions remainders, rents, issues and profits thereof.

John M. Townley

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

On this _____ day of _____, 2020 John M. Townley, personally appeared before me, a Notary Public, who acknowledged to me that he executed the within document and that he did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

Rochelle Mezzano

STATE OF NEVADA)
 : ss
COUNTY OF WASHOE)

On this _____ day of _____, 2020 Rochelle Mezzano, personally appeared before me, a Notary Public, who acknowledged to me that she executed the within document and that she did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

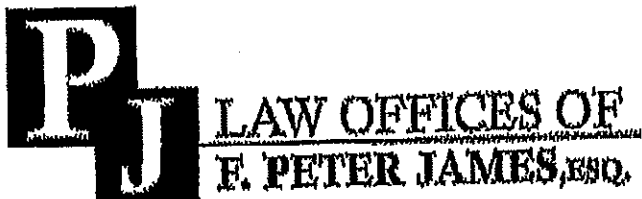
FILED
Electronically
DV18-01884
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 : jbye

EXHIBIT 4

Received
JAN/04/2020/SAT 12:49 PM F. Peter James ESQ

Jan 4 2020 02:03pm
FAX No. 7022560145

P. 001/001



VIA FACSIMILE
January 4, 2020

Alexander Morey, Esq.
Silverman Kettelman Springgate, Ctld.
500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
775-322-3649 (fax)

Re: *Townley v. Mezzano, et al.*
DV19-01554

Dear Mr. Morey:

Please take notice that I represent *Rochelle Mezzano* in the above-referenced matter.

I am informed that you have a default Decree of Divorce in place. It is my intention to file to set aside the same. Please advise your client not to remarry or otherwise dispose of marital assets as I will be requesting that the entire Decree be set aside, including the dissolution of the marriage. A basis for the set aside is that my client was not properly served.

Please advise if you are willing to stipulate to set aside the Decree. If so, I will draft up the paperwork. My client is also willing to entertain a fair settlement of this matter. Once I am familiar with the underlying facts, I can discuss the same with you.

For expediency, I am presently preparing the Motion to Set Aside. Even once filed, we can negotiate a fair resolution to the case. It is my understanding that the Decree did not equally divide the community assets. As stated, at present I am concentrating on the set aside. I will familiarize myself with the underlying facts of the case so I can speak about the matter properly.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

F. Peter James, Esq.

3821 WEST CHARLESTON BOULEVARD, SUITE 250
LAS VEGAS, NEVADA 89102
702-256-0087
702-256-0145 (FAX)

FILED
Electronically
DV18-01564
2020-03-03 04:01:20 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7772427 : jbye

EXHIBIT 5

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate†
Alexander C. Morey†
Kenton Karrasch
Benjamin Albers

silverman@sks-reno.com
mvk@sks-reno.com
springgate@sks-reno.com
amorey@sks-reno.com
karrasch@sks-reno.com
ben@sks-reno.com

500 Damonte Ranch Parkway, Suite 678 -- Reno, Nevada 89521
(775) 822-3229 Fax (775) 822-8649

www.sks-reno.com

January 10, 2020
Via email and facsimile

F. Peter James
Law Offices of F. Peter James, Esq.
3821 West Charleston Blvd, St., 250
Las Vegas, NV 89102
Fax: 702-256-0145

RE: Marriage of Townley & Mezzano, DV19-01564

Dear Mr. James:

Ms. Mezzano is directing caustic communications to my client. Have her stop immediately. All communication about this case must proceed through counsel. Second, when you and I spoke on the phone earlier this week, I requested a statement from Ms. Mezzano about what she wanted out of this divorce. You indicated you were seeking that information from her. I do not know whether Mr. Townley will have any appetite to settle this matter without the Court relieving Ms. Mezzano of the decree, but before Ms. Mezzano proceeds with litigation, she has an obligation to explain her desired resolution. Third, Ms. Mezzano owns Seven Star Realty. She is responsible for managing the business and ensuring bills are paid. Ms. Mezzano is demanding my client make payments. In particular, Ms. Mezzano demands my client make a payment to an agent to whom Seven Star owes money. (See attached email.) Mr. Townley understands the payment to Seven Star from which the agent is due a commission is sitting—in check form—on Ms. Mezzano's desk at Seven Star. He does not believe there are sufficient funds in the Seven Star account to make the payment without depositing that check. Ms. Mezzano must return to Reno, deposit the check, and make the payment to the agent.

Last, I suggest you review Ms. Mezzano's communication with Mr. Townley, especially the attached message in which she admits she was served. Ms. Mezzano knew a divorce case was coming. Ms. Mezzano knew the process server was at her house and had documents to give her. The process server confirmed Ms. Mezzano was present inside the home. When Ms. Mezzano refused to come to the door to receive documents,

///

*Fellow of the American Academy of Matrimonial Lawyers.
†Nevada Certified Family Law Specialist

F. Peter James
January 10, 2020
Page 2 of 2

the process server posted the documents on the door. Ms. Mezzano received the documents. Ms. Mezzano was served. If she forces this issue, she should be prepared to pay Mr. Townley's attorney's fees and costs.

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE


Alexander Morey

ACM:tm
enc.
cc: client

Alexander Morey

From: sevenstarrealty <sevenstarrealty@yahoo.com>
Sent: Thursday, January 9, 2020 4:03 PM
To: Alexander Morey
Subject: Fwd: 36-40 Park St check

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Rochelle Mezzano <RochelleMezzano@yahoo.com>
Date: 1/9/20 1:44 PM (GMT-07:00)
To: renorealtors@yahoo.com, Boy Townley Townley <SevenStarRealty@yahoo.com>
Subject: Fwd: 36-40 Park St check

Dear John,

Are you in the process of finding someone to sue your present attorney for malpractice and damages? No offense, you might consider it very seriously.

Below Victor is needing a check. Figure it out, please, for his sake and ours.

Thank you.

Rochelle Mezzano.

Begin forwarded message:

From: VICTOR MCDONALD <esquilar00@aol.com>
Date: January 9, 2020 at 12:36:44 PM MST
To: Rochelle Mezzano <rochellemezzano@yahoo.com>
Subject: 36-40 Park St check

John texted me to say he is no longer cutting commission checks for 7 Star Realty

I need that check this week to pay bills

First Centennial check
\$19,000

My commission check
\$16,200

Thanks
Victor

Sent from my iPhone

Alexander Morey

From: John Townley <renorealtors@yahoo.com>
Sent: Friday, January 10, 2020 12:58 PM
To: Alexander Morey
Subject: Fw: Mediation

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "Rochelle Mezzano" <RochelleMezzano@Yahoo.com>
To: "renorealtors" <renorealtors@yahoo.com>
Sent: Fri, Oct 4, 2019 at 10:28 PM
Subject: Re: Mediation
Ok thanks.

On Oct 4, 2019, at 6:49 PM, renorealtors <renorealtors@yahoo.com> wrote:

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----
From: Rochelle Mezzano <RochelleMezzano@Yahoo.com>
Date: 10/4/19 6:54 PM (GMT-06:00)
To: renorealtors <renorealtors@yahoo.com>
Subject: Re: Mediation

I got served papers today.
I have twenty days including the weekend to respond. Which means I need to retain an attorney.
So, I need a retainer.
How would you like to proceed?

On Oct 4, 2019, at 2:08 PM, renorealtors <renorealtors@yahoo.com> wrote:

I have no objection will let you know monday or Tues

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Rochelle Mezzano <RochelleMezzano@yahoo.com>

Date: 10/4/19 3:55 PM (GMT-06:00)

To: info@SierraMediation.com, renorealtors@yahoo.com

Subject: Mediation

Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
2 John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
3 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
4 Silverman Kattelman Springgate, Chtd.
5 500 Damonte Ranch Parkway, Suite 676
6 Reno, Nevada 89521
7 Telephone: 775/322-3223
8 Facsimile: 775/322-3649
9 Attorney for John Townley

10 **IN THE FAMILY DIVISION**
11 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
12 **IN AND FOR THE COUNTY OF WASHOE**
13 **JOHN TOWNLEY,**

14 Plaintiff

Case No. DV19-01564

15 vs.

Dept. 13

16 **ROCHELLE MEZZANO and**
17 **DOES I through XX,**
18 **to include Doe individuals,**
19 **corporations, limited liability companies,**
20 **partnerships, trusts, limited partnerships,**
21 **and such other individuals or entities**
22 **as may exist or be formed**
23 **Defendants.**

24 _____/
25 **DECLARATION OF PERSONAL SERVICE**
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DECLARATION OF PERSONAL SERVICE

(To be filled out and signed by the person who served the Defendant or Respondent)

STATE OF NEVADA

COUNTY OF WASHOE

I, John Curtis, declare:
(Name of person who completed service)

1. That I am not party to this action and I am over 18 years of age.
2. That I personally served a copy of the Summons and the following documents:

Motion vesting title to real property, Motion of
order requiring Def to remove Plaintiff's liability
on Mortgage, Motion to join irrevocable trust, Motion
for order directing delivery of funds due.
-Positive ID from Social Media photo.

upon Rochelle Mazzano, at the following address:


735 Arcsop Ct.

Reno, Nv. 89512

on the 4 day of March, 2019 @ 6:30 am/pm

This document does not contain the social security number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.



(Signature of person who completed service)

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Declaration of Personal Service the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email: rochellemezzano@yahoo.com

addressed to:

Rochelle Mezzano
735 Aesop Ct.
Reno, NV 89512

Dated this 9 day of March 2020.



1 Code: 2520
LAW OFFICES OF F. PETER JAMES, ESQ.
2 F. Peter James, Esq.
Nevada Bar No. 10091
3 Peter@PeterJamesLaw.com
3821 West Charleston Boulevard, Suite 250
4 Las Vegas, Nevada 89102
702-256-0087
5 702-256-0145 (fax)
Counsel for Defendant
6

7 **IN THE FAMILY DIVISION**
8 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
9 **IN AND FOR THE COUNTY OF WASHOE**

10 JOHN TOWNLEY,
11 Plaintiff,

CASE NO.: DV19-01564
DEPT.: 13

12 vs.

13 ROCHELLE MEZZANO, DOES I through XX,
14 to include Doe individuals, corporations,
15 limited liability companies, partnerships, trusts,
16 limited partnerships, and such other individuals
or entities as may exist or be found.

Defendant.

17 **NOTICE OF APPEARANCE OF COUNSEL**

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21 ///

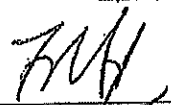
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1 Please take notice that F. Peter James, Esq. represents Defendant, Rochelle Mezzano,
2 in the above-entitled matter. Please forward all communications in this matter to Defendant
3 Mezzano through Mr. James' office.

4
5 Under NRS 239B.030, the undersigned affirms the preceding contains no social
6 security numbers.

7 Dated this 13 day of March, 2020

8 

9 LAW OFFICES OF F. PETER JAMES

10 F. Peter James, Esq.
11 Nevada Bar No. 10091
12 3821 W. Charleston Blvd., Suite 250
13 Las Vegas, Nevada 89102
14 702-256-0087
15 Counsel for Defendant
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CERTIFICATE OF SERVICE

I certify that on this 13th day of March, 2020, I caused the above and foregoing document entitled **NOTICE OF APPEARANCE OF COUNSEL** to be served as follows:

by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

to the attorney(s) / party(ies) listed below at the address(es) indicated below:

Alexander Morey, Esq.
Silverman, Kattleman, Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
775-322-3223
Counsel for Plaintiff

By: 
An employee of the Law Offices of F. Peter James, Esq., PLLC

Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
2 John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
3 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
4 Silverman Kattelman Springgate, Chtd.
5 500 Damonte Ranch Parkway, Suite 675
6 Reno, Nevada 89521
7 Telephone: 775/322-3223
8 Facsimile: 775/322-3649
9 Attorney for John Townley

10 **IN THE FAMILY DIVISION**
11 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
12 **IN AND FOR THE COUNTY OF WASHOE**

13 JOHN TOWNLEY,

14 Plaintiff

Case No. DV19-01564

15 vs.

Dept. 13

16 ROCHELLE MEZZANO, et. al.,

17 Defendants.

18 **NOTICE OF EXTENSION OF TIME TO FILE RESPONSES**

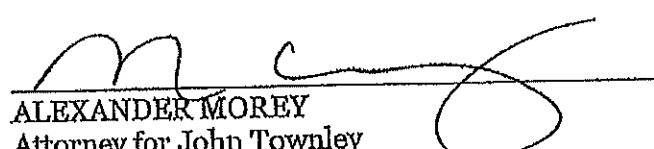
19 Undersigned counsel hereby notifies the Court counsel for Rochelle Mezzano
20 requested an extension of time to file responses to the pending motions in this matter.
21 By agreement, responses shall be filed on or before Friday, March 20, 2020.

22 **AFFIRMATION**

23 The undersigned affirms this document contains no personal information as
24 defined in NRS 239B.030.

25 Dated this 17th day of March 2020.

26 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

27 
28 ALEXANDER MOREY
Attorney for John Townley

CERTIFICATE OF SERVICE

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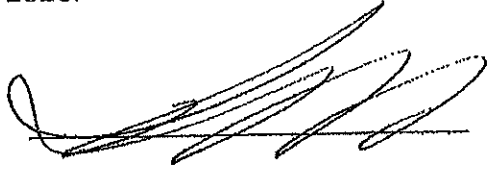
Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Notice of Extension of Time to File Responses the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email:

addressed to:

F. Peter James
3821 West Charleston Blvd., Ste. 250
Las Vegas, NV 89102

Dated this 17 day of March 2020.



Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6709)
John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
2 Kenton Karvasch (NSB#13515) Benjamin Albers (NSB#11895)
Silverman Kattelman Springgate, Chtd.
3 500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
4 Telephone: 775/322-3223
Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 JOHN TOWNLEY,

10 Plaintiff

Case No. DV19-01564

11 vs.

Dept. 13

12 ROCHELLE MEZZANO, et. al.,

13 Defendants.

14
15 **NOTICE OF EXTENSION OF TIME TO FILE RESPONSES**

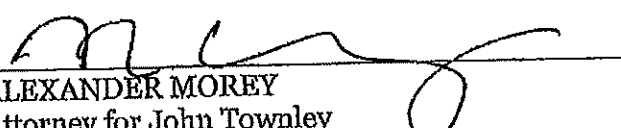
16 Undersigned counsel hereby notifies the Court counsel for Rochelle Mezzano
17 requested an extension of time to file responses to the pending motions in this matter.
18 By agreement, responses shall be filed on or before Monday, March 23, 2020 at noon.

19 **AFFIRMATION**

20 The undersigned affirms this document contains no personal information as
21 defined in NRS 239B.030.

22 Dated this 20th day of March 2020.

23 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

24
25 
26 ALEXANDER MOREY
27 Attorney for John Townley
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CERTIFICATE OF SERVICE

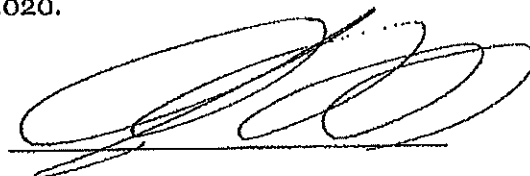
Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelmann Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Notice of Extension of Time to File Responses the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email:

addressed to:

F. Peter James
3821 West Charleston Blvd., Ste. 250
Las Vegas, NV 89102

Dated this 20 day of March 2020.



1 Code: 2645
LAW OFFICES OF F. PETER JAMES, ESQ.
2 F. Peter James, Esq.
Nevada Bar No. 10091
3 Peter@PeterJamesLaw.com
3821 West Charleston Boulevard, Suite 250
4 Las Vegas, Nevada 89102
702-256-0087
5 702-256-0145 (fax)
Counsel for Defendant

6
7 **IN THE FAMILY DIVISION**
8 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
9 **IN AND FOR THE COUNTY OF WASHOE**

10 JOHN TOWNLEY,
11
12 Plaintiff,

CASE NO.: DV19-01564
DEPT.: 13

13 vs.

14 ROCHELLE MEZZANO, DOES I through XX,
15 to include Doe individuals, corporations,
16 limited liability companies, partnerships, trusts,
17 limited partnerships, and such other individuals
18 or entities as may exist or be found.
19 Defendant.

20 **CONSOLIDATED OPPOSITIONS TO MOTIONS FILED MARCH 3, 2020**

21 COMES NOW Defendant, Rochelle Mezzano, by and through her counsel, F. Peter
22 James, Esq., who hereby moves this Honorable Court for denial of the following Motions filed
23 March 3, 2020, save as agrees herein:

- Motion for an Order Directing Delivery of Funds Due Defendant Pursuant to Divorce
and Papers and Things Relating to Defendant's Property to Last Known Residence
(hereinafter "Motion for Order Directing Delivery of Funds");

- 1 • Motion for Order Requiring Defendant to Remove Plaintiff's Liability on Mortgage
2 Assigned to Her in Decree of Divorce and Motion Requiring Sale of Real Property to
3 Protect Plaintiff from Liability if Defendant Defaults in Payment of Mortgage
4 (hereinafter "Motion to Remove Plaintiff's Name");
- 5 • Motion to Join Irrevocable Trust to Facilitate Distribution of Community Property
6 Post-Divorce and Motion for Order Directing Distribution of Assets from Trusts
7 (hereinafter "Motion to Joint Trust");
- 8 • Motion Vesting Title to Real Property in Plaintiff; in the Alternative, Motion for Clerk
9 of Court to Execute Deed as Attorney in Fact (hereinafter "Motion Vesting Title").

10 This Opposition is made and based on the papers and pleadings on file herein, the attached
11 points and authorities, the attached affidavit(s) / declaration(s), the filed exhibit(s), and upon
12 any oral argument the Court will entertain.

13 **POINTS AND AUTHORITIES**

14 The Court should deny the motions and all requests for relief therein, save as agreed
15 herein.

16 As to all motions, the requests should be stayed pending resolution of the Motion to
17 Set Aside (which includes a request to stay), which was filed March 22, 2020. Plaintiff is
18 requesting affirmative relief that will have to be undone if the set aside is granted. If things
19 are done here, they must then be undone when (and if) the set aside is granted. A few more
20 weeks will not cause harm to Plaintiff.

21 As to the individual merits:

22 ///

23 ///

1 **Motion for Order Directing Delivery of Funds**

2 Plaintiff wishes to have certain property delivered to Defendant; however, he does not
3 want to be “forced” to personally deliver them to Defendant.

4 A solution to this is simple. Plaintiff can drop off the items at Defendant’s brother-in-
5 law’s house. Plaintiff and he golf regularly. Plaintiff can drop it off to Defendant’s sister.
6 Plaintiff’s girlfriend can drop it by—she goes there often and unannounced. Also, Plaintiff
7 can mail any such document to Defendant’s counsel, who will safeguard such items. It appears
8 to be a box of documents, not personal property, such as lamps or furniture.

9 **Motion to Remove Plaintiff’s Name**

10 Plaintiff is requesting that the Court have his name removed from the 735 Aesop Court
11 residence (hereinafter “Aesop”). With the current COVID-19 pandemic, selling the residence
12 will be problematic at best. Refinancing is not an option as Plaintiff took the lion share of the
13 marital assets, and Defendant is not employed. (See General Financial Disclosure Form filed
14 March 22, 2020).

15 Further, Plaintiff disconnected the office phone and did not pay dues for the office to
16 continue running. This caused two agents to leave Defendant’s employ. Plaintiff cancelled
17 Defendant’s cell phone. All of these things cause Plaintiff hardship. All of this resulted in
18 marital waste which could have gone to the upkeep of the marital residence.

19 Plaintiff is complaining about exposure to potential liability, but kept assets from
20 Defendant that she could have used to pay the mortgage. Though Plaintiff states Defendant
21 has stated an intention not to pay any mortgage, such is not the case. This statement is mere
22 chatter.

23

1 The Decree does not have a provision to force the sale or to remove any names from
2 the debts. Parties take the assets, subject to any debt. (See Decree at 5:17-20). If Plaintiff
3 wanted to have his name removed from the mortgage, he easily could have put the same in the
4 Decree he drafted and submitted to the Court. Yet, he did not. Now, he is asking for this relief
5 post-decree.

6 The Court should deny this request for relief.

7 **Motion to Joint Trust**

8 The trusts should have actually been joined in this initial divorce. Failure to join a trust
9 prior to orders being entered as to them renders the judgment void as to the trust. See *Guerin*
10 *v. Guerin*, 114 Nev. 127, 132-33, 953 P.2d 716, 720 (1998). Here, the Default Decree of
11 Divorce awards trust properties to the parties without the trust having been joined. (See Decree
12 of Divorce filed December 11, 2019 at Exhibits 1 and 2) (the sections titled "TRUSTS").

13 As such, the judgments as to the trust assets are void. The trusts need to be added to
14 an Amended Complaint to be joined as separate entities. They need to be served and they need
15 to answer. This gives credence to setting aside the Default Decree to have Defendant
16 participate as well.

17 Accordingly, the Court should deny this request for relief.

18 **Motion Vesting Title**

19 It is brazen of Plaintiff to move the Court for an order for Defendant to deliver funds
20 when he never served Defendant and then procured a default Decree without her participation.

21 As stated herein, the Court should stay these proceedings pending resolution of the
22 motion to set aside (which includes a stay). Undoing these things will be problematic, at best,
23 if they are ordered.

1 Plaintiff asserts that Defendant was properly served; however and as stated in the
2 Motion to Set Aside, she was not. Plaintiff cites numerous federal cases, which are not cited
3 properly as to their facts. The cited cases were not as simple as Plaintiff asserts. The plaintiffs
4 also made numerous service attempts, most mailed the documents certified mail, and there was
5 a history of the defendant evading service. Here, one attempt at service was made. There is
6 no record of certified mailings. There is no record of Defendant avoiding service.

7 Moreover and as stated in the Motion to Set Aside, Nevada has a very strict
8 interpretation on following service rules. *See Quinlan v. Camden USA, Inc.*, 126 Nev. 311,
9 236 P.3d 613 (2010) (improper service of process (even if the person to be served actually
10 receives the document served) is ineffectual and is not service of process; thus, the document
11 served improperly is deemed not served at all). It is important to note that this case involved
12 service between attorneys in ongoing litigation—not the more important and stricter initial
13 service of process.

14 This Nevada Supreme Court case speaks as to Nevada's policy on service of process.
15 Rule 4.2 clearly states that personal service must be made—if not, service upon a person
16 residing therein (who is of sufficient age and discretion) is proper. Neither was done here. The
17 contractor served did not live there. The process server could have stated who s/he was and
18 demanded to see Defendant to serve her. This did not happen. For all Defendant knew, it
19 could have been a solicitor or pollster. There was no attempt to evade service. There was
20 simply improper service of process. Nevada's policy is clearly follow proper service rules or
21 there is not service of process.

22
23

1 The Court should not take action at this time as it will divest Defendant of rights to
2 property and create irreparable harm. Loss of real property results in irreparable harm. See
3 *Dixon v. Thatcher*, 103 Nev. 414, 415-16, 742 P.2d 1029, 1030 (1987).

4 Similarly, Plaintiff should not be awarded attorney's fees. To be awarded fees, there
5 must be a basis. There can be no award of fees absent a statute or rule to the contrary. See
6 *Valley Electric Ass'n v. Overfield*, 121 Nev. 7, 9, 106 P.3d 1198, 1199 (2005). Plaintiff failed
7 to cite to any authority under which fees could be awarded. (See generally Mot.). Plaintiff
8 cites paragraph 10 of the Decree, which has no attorney's fees provision. Even if it did, it is
9 a default order issued unilaterally and which should be set aside. Still, as the paragraph
10 contains no fees provision, that issue is moot. Similarly, Rule 70 also does not contain a fees
11 provision. Moreover, Plaintiff fails to provide the *Brunzell / Wilfong* factors.

12 As such, the request for fees should be denied as well as the other requests for relief.

13 CONCLUSION

14 As such, the Court should deny the Motions and all requests for relief therein, save as
15 agreed herein.

16
17 Under NRS 239B.030, the undersigned affirms the preceding contains no social
18 security numbers.

19 Dated this 23rd day of March, 2020
/s/ F Peter James

20 LAW OFFICES OF F. PETER JAMES
21 F. Peter James, Esq.
Nevada Bar No. 10091
22 3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
23 702-256-0087
Counsel for Defendant

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DECLARATION OF ROCHELLE MEZZANO

I, Rochelle Mezzano, declare under penalties of perjury of the laws of the State of Nevada that the following is true and correct to the best of my knowledge and information. I have personal knowledge of the facts contained in this Affidavit, save those stated upon information and/or belief, and as to those matters, I believe them to be true. I am competent and willing to testify in a court of law as to the facts contained in this Affidavit.

- 1. I am the Defendant in the above-entitled action.
- 2. I generally assert that the facts contained in this Motion are true and correct to the best of my knowledge, information, and belief.
- 3. The statements of fact contained herein are merged and incorporated into this Declaration as though fully set forth herein.
- 4. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated this 23rd day of March, 2020

/s/ Rochelle Mezzano

ROCHELLE MEZZANO

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CERTIFICATE OF SERVICE

I certify that on this 23rd day of March, 2020, I caused the above and foregoing document entitled **CONSOLIDATED OPPOSITIONS TO MOTIONS FILED MARCH 3, 2020** to be served as follows:

by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

pursuant to NEFCR, NRCF 5(b)(2)(D), and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

to the attorney(s) / party(ies) listed below at the address(es) indicated below:

Alexander Morey, Esq.
Silverman, Kattelman, Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
775-322-3223
Counsel for Plaintiff

By: */s/ F. Peter James*

An employee of the Law Offices of F. Peter James, Esq., PLLC

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

John Townley)
_____))
_____))
vs.)
_____))
Rochelle Mezzano, et al.)
_____))
_____)

FAMILY DIVISION MOTION/OPPPOSITION NOTICE (REQUIRED)
CASE NO. DV19-
DEPT. NO. 13

NOTICE: THIS MOTION/OPPPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X.	YES	NO
	1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.	X	
	2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.		X
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 14 days of the Judge's Order?		
	IF the answer to Question 4 is YES , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: March 23, 2020

Signature: _____



Print Name: _____

F. Peter James, Esq.

Print Address: _____

3821 W. Charleston Blvd., Ste 250; LV NV

Telephone Number: _____

89102 702-256-0087

FILED
Electronically
DV19-01664
2020-03-30 02:16:30 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7814843 : jbye

1 Code:
Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
2 John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
Kenton Karasch (NSB#19618) Benjamin Albers (NSB#11898)
3 Silverman Kattelman Springgate, Chtd.
500 Damonio Ranch Parkway, Suite 676
4 Reno, Nevada 89521
Telephone: 775/322-3223
Facsimile: 775/322-3649
Attorney for John Townley

5
6 **IN THE FAMILY DIVISION**
7 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR THE COUNTY OF WASHOE**

9 **JOHN TOWNLEY,**

10 Plaintiff

Case No. DV19-01564

11 vs.

Dept. 13

12 **ROCHELLE MEZZANO and**
13 **DOES I through XX,**
14 **to include Doe individuals,**
15 **corporations, limited liability companies,**
16 **partnerships, trusts, limited partnerships,**
17 **and such other individuals or entities**
18 **as may exist or be formed**

Defendants.

19 **REPLY TO CONSOLIDATED OPPOSITIONS TO MOTIONS FILED**
20 **MARCH 3, 2020**

21 Plaintiff, John Townley by and through his attorneys of record, SILVERMAN,
22 KATPELMAN SPRINGGATE, CHTD., replies to Defendant's Consolidated Oppositions to
23 Motions Filed March 3, 2020.

24 **POINTS AND AUTHORITIES**

25 **Defendant was Personally Served**

26 The heart of Defendant's argument in this case is her claim she was not served with
27 the summons and complaint. Neither the facts nor the law supports her claim. Here, a
28

Silverman, Kattelman
Springgate, Chtd.
500 Damonio Ranch
Pkwy., #675
Reno, Nevada 89521
(775) 322-3223
Fax (775) 322-3649

1 process server went to Defendant's home, determined Defendant was present inside,
2 heard Defendant refuse to come to the door to accept papers, and posted the papers on
3 Defendant's door. (See the affidavit of service filed in this matter.) The process server's
4 actions constitute personal service. Moreover, even if the actions of the process server did
5 not meet every technicality of the rules, only substantial compliance is required to hold a
6 defendant personally served. Here, the process server's actions were at least substantial
7 compliance, and Defendant received the documents and acknowledged service within
8 hours. Defendant was served.¹ See *Brockbank v. Second Judicial Dist. Court*, 65 Nev. 781,
9 201 P.2d 299 (1948) (discussing the corollary that rules for substitute service of process
10 must be strictly followed); see also, e.g., *Wagner v. Truesdell*, 1998 S.D. 9, ¶ 9, 574
11 N.W.2d 627, 629, *In re Coleman*, 793 N.W.2d 296, 302 (Minn. 2011).

14 **Defendant's Self-Serving Affidavit is Insufficient to Prove her Contentions**

15 A "defendant moving to vacate a default judgment based on improper service of
16 process, where the defendant had actual notice of the original proceeding but delayed in
17 bringing the motion until after entry of default judgment, bears the burden of proving
18 that service did not occur." *SEC v. Internet Sols. for Bus., Inc.*, 509 F.3d 1161, 1165 (9th
19 Cir. 2007). See also *Conforte v. Hanna*, 76 Nev. 239, 242-43, 351 P.2d 612, 614 (1960)
20 (explaining the trial court did not err in upholding the presumptively valid judgment in
21 the face of a failure of service challenge). The "burden is a substantial one. 'A signed return
22 of service constitutes prima facie evidence of valid service "which can be overcome only
23 by strong and convincing evidence.'" *Id.* at 1166. Self-serving and uncorroborated
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28 ¹ Defendant's argument service did not meet the requirements for substitute service is inapposite,
irrelevant, and, as discussed below, based on inadequate evidence.

1 affidavits are not such evidence. *See Lerma v. Stylistics L.A. Car Club, Inc.*, No. CV 12-
2 06704 DDP (JEMx), 2015 U.S. Dist. LEXIS 8048, at *7 (C.D. Cal. Jan. 23, 2015) (citing
3 cases). In this case, six months after service, the only evidence presented by Defendant in
4 support of her claim is her self-serving affidavit. As a matter of law, her affidavit is
5 insufficient to challenge service of process.

6 **Defendant never Requested Delivery of her Documents and Funds Despite**
7 **Inquiry**

9 For the first time in her oppositions, Defendant has suggested how to deliver her
10 documents and things. At no point did Defendant or her counsel reach out and present
11 any delivery destination. Defendant's sister and brother-in-law are not couriers. Nor is
12 her suggestion that Mr. Townley's girlfriend could deliver documents reasonable. First,
13 Mr. Townley's girlfriend does not associate with Defendant. (Exhibit "1" – declaration.)
14 Second, Mr. Townley's girlfriend is not a courier. Further, Defendant was more than
15 capable of coming to undersigned counsel's office and retrieving the documents and
16 things. Alternatively, Defendant was more than capable of sending instructions in writing.
17 That she did neither demonstrates an intent to delay and frustrate these proceedings.

18 **Defendant did not Service the Mortgage on her Home Despite having Cash**
19 **Available**

20 Defendant's financial disclosure form recently filed in this case discloses she
21 possesses \$80,000 in cash. (Exhibit "2" – FDF.) Despite having available cash and despite
22 Mr. Townley's attempts to transfer another \$70,000+ to her, Defendant demanded Mr.
23 Townley pay the mortgage on her home. Mr. Townley was forced to pay the mortgage to
24 protect his credit. Defendant's behavior is unreasonable and contrary to this Court's
25 decree of divorce.

1 **Defendant Ignores that the Court Distributed the Parties' Beneficial Property**

2 **Interests in the Trust**

3 Mr. Townley seeks an order joining the Southern Illinois Wetland Preservation
4 Trust to protect his co-trustee from unwarranted litigation by Defendant upon
5 distribution of assets held in the trust. The trust may distribute the assets to Mr. Townley
6 now, without a court order, because this Court's decree assigned all of the parties'
7 beneficial interests in certain trust assets—beneficial interests are property subject to
8 division upon divorce—to Mr. Townley. Defendant ignores this reality.

10 **Defendant's Description of the Effect of the *Quinlan* Case on Personal**
11 **Service is Misleading**

12 As described above, only substitute service of process is subject to strict
13 compliance rules. In contrast, personal service under NRCP 4.2(a)(1) is subject to a
14 substantial compliance analysis. The *Quinlan v. Camden USA, Inc.* case relied on by
15 Defendant concerned a substitute form of service—facsimile transmission—under NRCP
16 5. Defendant's assertion the service rules in *Quinlan* "between attorneys in ongoing
17 litigation" are laxer than those for service of initial process is incorrect. Nevada law is
18 directly to the contrary. *See Little v. Currie*, 5 Nev. 90, 92 (1869) (holding and citing cases
19 for the proposition that "[s]tatutory provisions for acquiring jurisdiction by any other
20 than personal service must be strictly pursued"). *See also Brockbank v. Second Judicial*
21 *Dist. Court*, 65 Nev. 781, 201 P.2d 299 (1948) (discussing in contrast to personal service
22 the rules for substitute service of process must be strictly followed); *Wagner v. Truesdell*,
23 1998 S.D. 9, ¶ 9, 574 N.W.2d 627, 629, *In re Coleman*, 793 N.W.2d 296, 302 (Minn. 2011).
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1 **Because the Court will Resolve the Service of Process Issue in Deciding Mr.**
2 **Townley's Motions, there is no Reason to Stay Decision Pending Defendant's**
3 **Belated Motion to Set Aside on Identical Grounds**

4 Mr. Townley sought relief from the Court because Defendant spent the prior six
5 months making litigation difficult and the prior four months threatening to move to set
6 aside the Court's decree without promptly acting. Now, after months of waiting,
7 Defendant wants the Court to delay a decision on Mr. Townley's motions because she
8 claims she was improperly served. As set out here, in Mr. Townley's motions, and in his
9 opposition to Defendant's untimely motion, Defendant is wrong and has insufficiently
10 supported her claim. And, even were her claim valid, Defendant's failure to act promptly
11 is ground enough to deny her relief, *Union Petrochemical Corp. v. Scott*, 96 Nev. 337, 339,
12 609 P.2d 323, 324 (1980), and estops her claim. Because Defendant has had a full
13 opportunity to argue her position in opposition to Mr. Townley's motions, and the Court
14 must decide the matter when considering Mr. Townley's motions, there is no reason to
15 stay any part of this case. The facts and law are before the Court. Staying this case will
16 only create more delay and reward Defendant for her continued tactic to delay, avoid, and
17 frustrate this matter.
18
19
20

21 **BASIS OF REPLY**

22 This Reply is made and based upon the Points and Authorities and declaration
23 attached hereto and incorporated herein by this reference and upon all pleadings and
24 documents on file herein.
25

26 **CONCLUSION**

27 Defendant made a conscious choice to ignore this matter after being served. She
28 made a second conscious choice to delay and delay again after entry of judgment. Now,

1 after her months of delay, the only evidence she presents in support of her claims is a
2 self-serving affidavit legally insufficient to prove her case. Defendant wants only to delay
3 the effects of her decisions. The time for reckoning is now. Defendant was personally
4 served. She had her chance to litigate this matter. She did not. Now she must comply
5 with this Court's decree of divorce.

6
7 For the reasons herein, the reasons stated in Mr. Townley's motions, and for the
8 reasons stated in Mr. Townley's opposition to Defendant's legally and factually
9 insufficient motion to set aside this Court's decree, the Court should grant him the relief
10 sought in his motions and bring this matter to a close.

11 Under NRS 239B.030 the undersigned affirms the preceding contains no social
12 security number.

13
14 Dated this 30 day of March 2020.

15 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

16
17 /s/ Alexander C. Morey
18 ALEXANDER MOREY
19 Attorney for John Townley
20
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DECLARATION OF JOHN TOWNLEY

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COMES NOW, JOHN TOWNLEY, who executes this within the State of Nevada: I
declare under penalty of perjury that the following is true and correct:

1. I am the Plaintiff herein.
2. I make this declaration of my own personal knowledge, information and belief.
3. The statement of facts in Reply to Consolidated Oppositions to Motions Filed March 3, 2020 are hereby merged and incorporated into this declaration. I know the facts are true of my own knowledge, except those matters stated upon information and belief. As to those matters, I believe them to be true.

EXECUTED this 30th day of March 2020.

~~John Townley~~

John Townley

CERTIFICATE OF SERVICE

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Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Reply to Consolidated Oppositions to Motions Filed March 3, 2020 the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to *Maria Moya*
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email:

addressed to:

F. Peter James
3821 West Charleston Blvd., Ste. 250
Las Vegas, NV 89102

Maria Moya
c/o 4888 Sparks. Blvd. #102
Sparks, NV 89436

Dated this 30 day of March 2020.

INDEX OF EXHIBITS

Exhibit Number	Description	Number of Pages
1	Declaration	1
2	FDF	8
3		
4		
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EXHIBIT 1

DECLARATION OF EVA OTERO

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COMES NOW, EVA OTERO, who executes this within the State of Nevada: I declare under penalty of perjury that the following is true and correct:

1. I am John Townley's girlfriend.


2. I make this declaration of my own personal knowledge, information and belief.

3. Since at least late June 2018 I have not been to Rochelle Mezzano's home or Defendant's sister or brother-in-law's home. It is not true that I go to any of those locations often and unannounced.

4. While I live in the same area and drive the same streets, I have not stepped foot on Rochelle's property for over a year.

5. I know these facts are true of my own knowledge, except those matters stated upon information and belief. As to those matters, I believe them to be true.

EXECUTED this 27 day of March 2020.



Eva Otero

EXHIBIT 2

MISC

Name: P. Peter James, Esq.
 Address: 3821 W. Charleston Blvd.
Suite 250; Las Vegas, NV 89102
 Phone: 702-256-0087
 Email: Peter@PeterJamesLaw.com
 Attorney for Defendant
 Nevada State Bar No. 10091

Second Judicial District Court
 Washoe County, Nevada

<u>John Townley</u> Plaintiff / Petitioner, vs. <u>Rochelle Mezzano, et al.</u> Defendant / Respondent.	Case No. <u>DV19-01564</u> Dept. <u>13</u>
---	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Rochelle Mezzano
2. How old are you? 54
3. What is your date of birth? March 18, 1967
4. What is your highest level of education? Associates Degree

B. Employment Information:

1. Are you currently employed/ self-employed? (check one)
 - No
 - Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
10/27/2008	Seven Star Realty, Inc.	Corporate Broker	by appointment	

2. Are you disabled? (check one)
 - No
 - Yes

If yes, what is your level of disability? _____
 What agency certified you disabled? _____
 What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: _____ Date of Hire: _____
 Date of Termination: _____ Reason for Leaving: _____

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending today my gross year to date pay is 0.00.

B. Determine your Gross Monthly Income.

Hourly Wage

	×		=		×	52 Weeks	=		÷	12 Months	=	
Hourly Wage		Number of hours worked per week		Weekly Income				Annual Income				Gross Monthly Income

Annual Salary

	÷	12 Months	=	
Annual Income				Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			

Total Average Gross Monthly Income (add totals from B and C above)	
---	--

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction)	
Total Monthly Deductions (Lines 1-11)		

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$0.00

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money you spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support	NEED	X		
Auto Insurance	\$500.00			
Car Loan/Lease Payment				
Cell Phone	\$150.00			
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	\$100.00			
Credit Card Payments (minimum due)	\$500.00			
Dry Cleaning	\$10.00			
Electric	\$200.00			
Food (groceries & restaurants)	\$300.00			
Fuel	\$100.00			
Gas (for home)	\$150.00		John	
Health Insurance (not deducted from pay)	NEED		cancelled	
HOA	\$150.00		my	
Home Insurance (if not included in mortgage)			Insurance	
Home Phone	\$10.00			
Internet/Cable	\$150.00			
Lawn Care	\$125.00			
Membership Fees	\$50.00			
Mortgage/Rent/Lease	\$2,400			
Pest Control	\$15.00			
Pets	\$35.00			
Pool Service	\$75.00			
Property Taxes (if not included in mortgage)				
Security				
Sewer	\$60.00			
Student Loans				
Unreimbursed Medical Expense	\$2,000			
Water	\$150.00			
Other:	\$266.00	Lifeln.	X	
Total Monthly Expenses				

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship	Has this child been certified as special needs/disabled?
1 st					
2 nd					
3 rd					
4 th					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing				
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses				

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name Is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Cash	\$80,000	- \$	= \$ 80,000	Rochelle
2.		\$	- \$	= \$	
3.		\$	- \$	= \$	
4.		\$	- \$	= \$	
5.		\$	- \$	= \$	
6.		\$	- \$	= \$	
7.		\$	- \$	= \$	
8.		\$	- \$	= \$	
9.		\$	- \$	= \$	
10.		\$	- \$	= \$	
11.		\$	- \$	= \$	
12.		\$	- \$	= \$	
13.		\$	- \$	= \$	
14.		\$	- \$	= \$	
15.		\$	- \$	= \$	
Total Value of Assets (add lines 1-15)		\$	- \$	= \$	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name Is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Chase Credit Card	\$ 8,000	Rochelle Mezzano
2.	Medical Debt	\$ 40,000	Rochelle Mezzano
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 48,000	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ \$7,500.00 on my behalf.
3. I have a credit with my attorney in the amount of \$ 1,200 (approx).
4. I currently owe my attorney at total of \$ 0.
5. I owe my prior attorney at total of \$ 0.

IMPORTANT: Read the following paragraphs carefully and initial each one if applicable.

RdM This document does not contain the personal information of any person as defined by NRS 603A.040.

RdM I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

 I have attached a copy of my 3 most recent pay stubs to this form.

 I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

 I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Rochelle Mezzano
Signature

3/20/2020
Date

CERTIFICATE OF SERVICE

I certify that on this 22nd day of March, 2020, I caused the above and foregoing document entitled **GENERAL FINANCIAL DISCLOSURE FORM** to be served as follows:

by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

pursuant to NEFCR, NRCP 5(b)(2)(D), and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

to the attorney(s) / party(ies) listed below at the address(es) indicated below:

Alexander Morey, Esq.
Silverman, Kattleman, Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
775-322-3223
Counsel for Plaintiff

By: */s/ F. Peter James*

An employee of the Law Offices of F. Peter James, Esq., PLLC

Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
2 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
Silverman Kattelman Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
3 Reno, Nevada 89521
Telephone: 775/322-3223
4 Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 JOHN TOWNLEY,

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 13

11 ROCHELLE MEZZANO and
12 DOES I through XX,
13 to include Doe individuals,
14 corporations, limited liability companies,
15 partnerships, trusts, limited partnerships,
16 and such other individuals or entities
17 as may exist or be formed
18 Defendants.

18 **REQUEST FOR SUBMISSION**

19 It is requested that the Motion to Set Aside Decree of Divorce and For Related
20 Relief in the above entitled matter be submitted to the Court for decision.

21 Under NRS 239B.030 the undersigned affirms the preceding contains no social
22 security number.

23 Dated this 8th day of April 2020.

24 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

25
26 /s/ Alexander Morey
27 ALEXANDER MOREY
28 Attorney for John Townley

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Request for Submission the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email:

addressed to:

F. Peter James
3821 West Charleston Blvd., Ste. 250
Las Vegas, NV 89102

Dated this 8th day of April 2020.

/s/ Toni Matts

1 Code: 3860
LAW OFFICES OF F. PETER JAMES, ESQ.
2 F. Peter James, Esq.
Nevada Bar No. 10091
3 Peter@PeterJamesLaw.com
3821 West Charleston Boulevard, Suite 250
4 Las Vegas, Nevada 89102
702-256-0087
5 702-256-0145 (fax)
Counsel for Defendant
6

7 **IN THE FAMILY DIVISION**
8 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
9 **IN AND FOR THE COUNTY OF WASHOE**

10 JOHN TOWNLEY,
11 Plaintiff,

CASE NO.: DV19-01564
DEPT.: 13

12 vs.

13 ROCHELLE MEZZANO, DOES I through XX,
to include Doe individuals, corporations,
14 limited liability companies, partnerships, trusts,
limited partnerships, and such other individuals
15 or entities as may exist or be found.

16 Defendant.

17 **REQUEST FOR SUBMISSION**

18 Defendant, Rochelle Mezzano, by and through her counsel. F. Peter James, Esq.,
19 hereby requests that the Motion to Set Aside Decree of Divorce and for Related Relief in the
20 above-entitled matter be submitted to the Court for decision.

21 ///

22 ///

23 ///

1 Under NRS 239B.030, the undersigned affirms the preceding contains no social
2 security numbers.

3 Dated this 12th day of May, 2020

4 /s/ *F. Peter James*

5 LAW OFFICES OF F. PETER JAMES
6 F. Peter James, Esq.
7 Nevada Bar No. 10091
8 3821 W. Charleston Blvd., Suite 250
9 Las Vegas, Nevada 89102
10 702-256-0087
11 Counsel for Defendant
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1 CERTIFICATE OF SERVICE

2 I certify that on this 12th day of May, 2020, I caused the above and foregoing document
3 entitled **REQUEST FOR SUBMISSION** to be served as follows:

4 [] by placing same to be deposited for mailing in the United States Mail, in a
5 sealed envelope upon which first class postage was prepaid in Las Vegas,
6 Nevada;

7 [X] pursuant to NEFCR, NRCP 5(b)(2)(D), and Administrative Order 14-2
8 captioned "In the Administrative Matter of Mandatory Electronic Service
9 in the Eighth Judicial District Court," by mandatory electronic service
10 through the Eighth Judicial District Court's electronic filing system;

11 to the attorney(s) / party(ies) listed below at the address(es) indicated below:

12 Alexander Morey, Esq.
13 Silverman, Kattleman, Springgate, Chtd.
14 500 Damonte Ranch Parkway, Suite 675
15 Reno, Nevada 89521
16 775-322-3223
17 Counsel for Plaintiff

17 By: */s/ F. Peter James*

18 _____
19 An employee of the Law Offices of F. Peter James, Esq., PLLC
20
21
22
23

1 Code:
2 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6709)
3 John P. Springgate (NSB# 2350) Alexander C. Morey (NSB#11216)
4 Kenton Karrasch (NSB#13516) Benjamin Albers (NSB#11895)
5 Silverman Kattelman Springgate, Chtd,
6 500 Damonte Ranch Parkway, Suite 675
7 Reno, Nevada 89521
8 Telephone: 775/322-3223
9 Facsimile: 775/322-3649
10 Attorney for John Townley

11
12 **IN THE FAMILY DIVISION**
13 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
14 **IN AND FOR THE COUNTY OF WASHOE**

15 **JOHN TOWNLEY,**

16 Plaintiff

Case No. DV19-01564

17 vs.

Dept. 13

18
19 **ROCHELLE MEZZANO,**
20 the Southern Illinois Wetlands Preservation
21 Trust, dated June 16, 2010 and
22 **DOES I through XX,**
23 to include Doe individuals,
24 corporations, limited liability companies,
25 partnerships, trusts, limited partnerships,
26 and such other individuals or entities
27 as may exist or be formed

28 Defendants.

**MOTION FOR ENTRY OF EX PARTE ORDER APPOINTING CLERK OF THE
COURT, DEFENDANT'S ATTORNEY IN FACT FOR EXECUTION OF DEED**

Plaintiff, John Townley, by counsel, moves this court for an ex-parte order appointing the Clerk of Court Defendant's agent for purposes of executing the Quitclaim Deed pursuant to Order Regarding Motion Vesting Title to Real Property in Plaintiff; In the Alternative, Motion for Clerk of the Court to Execute Deed As Attorney in Fact.

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1 **SPECIFIC RELIEF REQUESTED**

2 That the Court enter its order appointing Jacqueline Bryant, the Clerk of the Second
3 Judicial District Court, as attorney in fact for Defendant, Rochelle Mezzano, to execute such
4 Quitclaim Deed, attached as Exhibit "1", as necessary to convey title to the property
5 commonly described as 145 Redstone Drive, Reno, Nevada 89512 to Mr. Townley.

6 Plaintiff further requests entry of judgment against Defendant in his favor plus
7 interest at the legal rate for the attorney's fees incurred to obtain the relief sought in this
8 Motion. The amount incurred to date is \$112.50. (Exhibit "2" – Dec. of Counsel.)

9 Plaintiff further requests the Court grant him additional relief deemed necessary and
10 just.

11 **BASIS OF MOTION**

12 This motion is made and based upon the Points and Authorities attached hereto and
13 incorporated herein by this reference and upon all documents on file herein.

14 **POINTS AND AUTHORITIES**

15 **STATEMENT OF FACTS**

16 On Plaintiff's Motion, this Court entered its Order Regarding Motion Vesting Title to
17 Real Property in Plaintiff; In the Alternative, Motion for Clerk of the Court to Execute Deed
18 as Attorney in Fact. Therein, the Court directed Defendant to execute the required deed and
19 directed that if the Defendant did not execute the deed, the Court would appoint the Clerk
20 of Court to act on her behalf.

21 On June 5, 2020, undersigned counsel sent a courtesy copy of the deed to counsel for
22 Defendant. (Exhibit "3".) Defendant has not returned an executed copy of the deed.
23 Defendant did file a notice of appeal. Defendant has not sought a stay.

24 **ARGUMENT AND AUTHORITY**

25 Mr. Townley is entitled to an order appointing the Clerk of the Second Judicial
26 District Court as Defendant's agent for the purposes of executing the deed to 145 Redstone
27 Drive, Reno, Nevada 89512. Pursuant to the Court's order regarding the deed, he is also
28 entitled to attorney's fees incurred for bringing this Motion.

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AFFIRMATION

Under NRS 239B.030 the undersigned affirms the preceding contains no social security number.

Dated this 7th day of July 2020.
SILVERMAN KATTELMAN SPRINGGATE, CHTD.



ALEXANDER MOREY
Attorney for John Townley

CERTIFICATE OF SERVICE

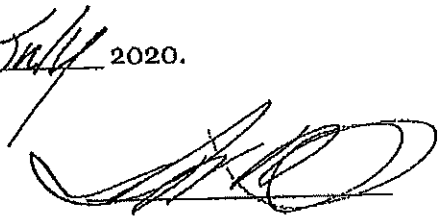
Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Motion for Entry of Ex Parte Order Appointing Clerk of the Court, Defendant's Attorney in Fact For Execution of Deed the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Hand Delivery
- Facsimile to the following numbers:
- Federal Express or other overnight delivery
- Reno Carson Messenger Service
- Certified Mail, Return receipt requested
- Electronically, using Second Judicial District Court's ECF system.
- Email:

addressed to:

F. Peter James
3821 West Charleston Blvd., Ste. 250
Las Vegas, NV 89102

Dated this 7 day of July 2020.



IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

John Tomblay

Rodelle vs. Mezzano
et al

FAMILY DIVISION MOTION/OPOSITION NOTICE (REQUIRED)
CASE NO. <u>DV19-01564</u>
DEPT. NO. <u>13</u>

NOTICE: THIS MOTION/OPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X.	YES	NO
	1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.	X	
	2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.		X
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		
	If the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: July 7, 2020

Signature: _____

Print Name: _____

Print Address: _____

Telephone Number: _____

Alexander Morera
Silverman • Kattelman • Springgate, Chld.
500 Damonte Ranch Parkway, Suite 676
Reno, Nevada 89521
775-322-3223

INDEX OF EXHIBITS

Exhibit Number	Description	Number of Pages
1	Deed	2
2	Declaration of Counsel	4
3	Letter to James	3
4		
5		
6		
7		
8		
9		

EXHIBIT 1

APN: 003-851-09

When recorded please return to:

Name: Silverman Kattelman Springgate, Chtd.
Address: 500 Damonte Ranch Pkwy., #675
City: Reno, Nevada 89521

MAIL FUTURE TAX STATEMENTS TO:

Name: John Townley
Address: 145 Redstone Dr.
Reno, NV 89512

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, John M. Townley, an unmarried man and Rochelle Mezzano, an unmarried woman, do hereby remise, release and forever quitclaim and transfer all right, title and interest to John M. Townley, an unmarried man as his sole and separate property the real property situate in the State of Nevada, County of Washoe, described as follows:

Commencing at the Northwest corner of Lot 18 in Block A of Prospect Hill Subdivision No 1, Washoe County, Nevada, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 24, 1952; thence North 206.2 feet; thence North 62°50' East 305.75 feet to the point of beginning; thence North 27°10' West 194.97 feet; thence North 73°50' East 122.25 feet; thence South 27°10' East 171.64 feet; thence South 62°50' West 120.0 feet to the point of beginning. Situate in the SE 1/4 of the NW 1/4 of Section 35, Township 20 North, Range 19 East, M.D.B.&M.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging or appertaining, and any reversions remainders, rents, issues and profits thereof.

John M. Townley

STATE OF NEVADA)
 : ss
COUNTY OF WASHOE)

On this _____ day of _____, 2020 John M. Townley, personally appeared before me, a Notary Public, who acknowledged to me that he executed the within document and that he did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

Rochelle Mezzano

STATE OF NEVADA)
 : ss
COUNTY OF WASHOE)

On this _____ day of _____, 2020 Rochelle Mezzano, personally appeared before me, a Notary Public, who acknowledged to me that she executed the within document and that she did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

EXHIBIT 2

1 **DECLARATION IN SUPPORT OF REQUEST FOR ATTORNEYS FEES AND**
2 **COSTS PURSUANT TO *MILLER v. WILFONG*, 121 NEV. 619 (2005)**

3 COMES NOW, Alexander C. Morey, who executes this within the State of Nevada;

4 I declare under penalty of perjury that the following is true and correct:

5 I am an attorney in the law firm of SILVERMAN KATTELMAN SPRINGGATE, CHTD., and
6 counsel for John Townley, in the above-referenced matter. I have personal knowledge of
7 the matters stated herein, except as to those matters stated upon information and belief,
8 and as to those matters, I believe them to be true. If called as a witness, I would be
9 competent to testify as to the matters stated in this declaration.
10

11 This Declaration is in support of John's request for attorney's fees and costs
12 concerning Motion For Entry Of Ex Parte Order Appointing Clerk Of The Court,
13 Defendant's Attorney In Fact For Execution Of Deed in this matter.
14

15 **1. The qualities of the advocate: his ability, his training, education,**
16 **experience professional standing and skill.** I am an attorney licensed in Nevada
17 where I am in good-standing. I graduated law school in 2008 from Northwestern School
18 of Law, Lewis & Clark. Thereafter, I served as a law clerk for the Second Judicial District
19 Court for the honorable Deborah Schumacher; and was an extern to the Honorable
20 Valerie P. Cooke. I was also a law clerk for the National Crime Victim Law Institute. In
21 2010, I began working at the law firm SILVERMAN KATTELMAN SPRINGGATE CHTD.
22 I became a shareholder in the firm in 2016. I work exclusively within the area of family
23 law.
24

25 **2. Character of the work to be done: its difficulty, its intricacy, its**
26 **importance, time and skill required, the responsibility imposed and the**
27 **prominence and character of the parties where they affect the importance**
28

1 of the litigation. Work done in this case is evidenced in the Motion For Entry Of Ex
2 Parte Order Appointing Clerk Of The Court, Defendant's Attorney In Fact For Execution
3 Of Deed on file in this action.

4 **3. The work actually performed by the lawyer: the skill, time and**
5 **attention given to the work.** The work on this matter was performed by counsel when
6 appropriate after drafting by staff to reduce cost. The work performed appears on the
7 billings in Exhibit A.

9 I am informed and believe and thereon allege that the rates charged are reasonable
10 and consistent with the charges typically made by other law firms in the Reno area with
11 sizes, services and reputations comparable to SILVERMAN KATTELMAN SPRINGGATE,
12 CHTD.

13
14 **4. The result: whether the attorney was successful and what benefits**
15 **were derived.** The court has yet to rule on the underlying motion, but invited the relief
16 sought by its prior orders. The relief sought is important because it clears title to real
17 property belonging to Mr. Townley.

18
19 **AFFIRMATION**

20 Under NRS 239B.030 the undersigned affirms the preceding contains no social
21 security number.

22 Dated this 7th day of July 2020.

23 SILVERMAN KATTELMAN SPRINGGATE, CHTD.


24
25 
26 ALEXANDER C. MOREY
27 Attorney for Plaintiff
28

EXHIBIT A

7/1/2020

Silverman Kattelman Springate, Chtd.

Page 1

Full Name Townlev, John

6/29/2020 *AM*
17939 Legal Services

Revise the motion for clerk to execute deed.

978:00

90:30

112:50

EXHIBIT 3

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate†
Alexander C. Morey†
Kenton Karrasch
Benjamin Albers

silverman@sks-reno.com
mvk@sks-reno.com
springgate@sks-reno.com
amorey@sks-reno.com
karrasch@sks-reno.com
ben@sks-reno.com

www.sks-reno.com

500 Damonte Ranch Parkway, Suite 675 -- Reno, Nevada 89521
(775) 822-3223 Fax (775) 822-3649

June 5, 2020
Via facsimile and U.S. Mail

F. Peter James
Law Offices of F. Peter James, Esq.
3821 West Charleston Blvd. St., # 250
Las Vegas, NV 89102
Fax: 702-256-0145

RE: Townley v. Mezzano, DV19-01564

Dear Mr. James:


We have not heard from you in arranging a time for Ms. Mezzano to pick up her documents and signing the Quitclaim Deed for the 145 Redstone Drive property.

For your convenience, I have enclosed another copy of the Deed.

If I do not hear from you by close of business, Monday, June 8, 2020, I will proceed per the Court orders.

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE,
CHTD.


Alexander Morey

ACM:tm
cc: client

*Fellow of the American Academy of Matrimonial Lawyers.
†Nevada Certified Family Law Specialist

APN: 003-351-09

When recorded please return to:

Name: Silverman Kattelman Springgate, Chtd.
Address: 500 Damonte Ranch Plwy., #675
City: Reno, Nevada 89521

MAIL FUTURE TAX STATEMENTS TO:

Name: John Townley
Address: 145 Redstone Dr.
Reno, NV 89512

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
John M. Townley, an unmarried man and Rochelle Mezzano, an unmarried woman, do
hereby remise, release and forever quitclaim and transfer all right, title and interest to
John M. Townley, an unmarried man as his sole and separate property the real property
situate in the State of Nevada, County of Washoe, described as follows:

Commencing at the Northwest corner of Lot 18 in Block A of Prospect Hill Subdivision
No 1, Washoe County, Nevada, according to the map thereof, filed in the office of the
County Recorder of Washoe County, State of Nevada, on October 24, 1952; thence North
206.2 feet; thence North 62°50' East 305.75 feet to the point of beginning; thence North
27°10' West 194.97 feet; thence North 73°50' East 122.25 feet; thence South 27°10' East
171.64 feet; thence South 62°50' West 120.0 feet to the point of beginning. Situate in the
SE 1/4 of the NW 1/4 of Section 35, Township 20 North, Range 19 East, M.D.B.&M.

TOGETHER with all tenements, hereditaments and appurtenances thereunto
belonging or appertaining, and any reversions remainders, rents, issues and profits
thereof.

John M. Townley

STATE OF NEVADA)
 : ss
COUNTY OF WASHOE)

On this _____ day of _____, 2020 John M. Townley, personally appeared before me, a Notary Public, who acknowledged to me that he executed the within document and that he did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

Rochelle Mezzano

STATE OF NEVADA)
 ; ss
COUNTY OF WASHOE)

On this _____ day of _____, 2020 Rochelle Mezzano, personally appeared before me, a Notary Public, who acknowledged to me that she executed the within document and that she did so freely, voluntarily and for the uses and purposes therein described.

Notary Public

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate†
Alexander C. Morey†
Kenton Karrasch
Benjamin Albers

silverman@sks-reno.com
mvk@sks-reno.com
springgate@sks-reno.com
amorey@sks-reno.com
karrasch@sks-reno.com
ben@sks-reno.com

www.sks-reno.com

500 Damonte Ranch Parkway, Suite 675 – Reno, Nevada 89521
(775) 322-3223 Fax (775) 322-3649

August 6, 2020
Via facsimile and US. Mail

F. Peter James
Law Offices of F. Peter James, Esq.
3821 West Charleston Blvd. St., # 250
Las Vegas, NV 89102
Fax: 702-256-0145

RE: Townley v. Mezzano, DV19-01564
Box of documents

Dear Mr. James:

We mailed Ms. Mezzano's box of documents and things to your office on July 22, 2020 with the estimated arrival to be July 25, 2020.

Please confirm you received the box from our office?

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE,
CHTD.


Alexander Morey

ACM:tm
cc: client

SILVERMAN
KATTELMAN
SPRINGGATE, Chtd.

Gary R. Silverman*
Michael V. Kattelman
John P. Springgate†
Alexander C. Morey†
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silverman@sks-reno.com
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amorey@sks-reno.com
karrasch@sks-reno.com
ben@sks-reno.com

www.sks-reno.com

500 Damonte Ranch Parkway, Suite 675 – Reno, Nevada 89521
(775) 322-3223 Fax (775) 322-3649

August 7, 2020
Via Certified Mail, Return Receipt Requested

F. Peter James
Law Offices of F. Peter James, Esq.
3821 West Charleston Blvd. St., # 250
Las Vegas, NV 89102
Fax: 702-256-0145

RE: Townley v. Mezzano, DV19-0156

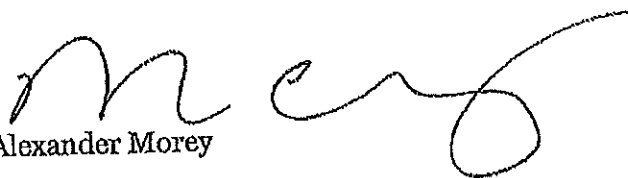
Dear Mr. James:

Enclosed please find a check in the sum of \$65,100 made payable to Rochelle Mezzano from New Jersey Water Way Trust representing monies owed Ms. Mezzano pursuant to court order.

Respectfully,

SILVERMAN KATTELMAN SPRINGGATE,
CHTD.

Alexander Morey



ACM:tm
cc: client

*Fellow of the American Academy of Matrimonial Lawyers.
†Nevada Certified Family Law Specialist

Heritage Bank
of Nevada
Division of Citicorp Bank

REMITTER

NEW JERSEY WATER WAY TRUST

Cashier's Check

000463

Date: 8/06/20

Branch: 7740

\$65,100.00**

EXACTLY **65,100 AND 00/100 DOLLARS

ROCHELLE MEZZANO

PAY TO THE ORDER OF

Rochelle Mezzano

⑆00000463⑆

40210

Cashier's Check

000463

Heritage Bank
of Nevada
Division of Citicorp Bank

DATE: 8/06/20

REMITTER: NEW JERSEY WATER WAY TRUST

TO: ROCHELLE MEZZANO

BRANCH: 7740
ORIGINATOR: AFEDELE
TIME: 10:12:20
CK AMT: \$65,100.00
FEE AMT: \$.00
TOTAL: \$65,100.00

NON-NEGOTIABLE