

Case No. 81390

In the Supreme Court of Nevada

TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as
trustees of the Lytle Trust,
Appellant,

vs.

SEPTEMBER TRUST, DATED MARCH 23, 1972;
GERRY R. ZOBRIST AND JOLIN G. ZOBRIST, as
trustees of the GERRY R. ZOBRIST AND JOLIN
G. ZOBRIST FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE SANDOVAL
GEGEN, as Trustees of the RAYNALDO G. AND
EVELYN A. SANDOVAL JOINT LIVING AND
DEVOLUTION TRUST DATED MAY 27, 1992;
DENNIS A. GEGEN AND JULIE S. GEGEN,
Husband and wife, as joint tenants; ROBERT
Z. DISMAN; and YVONNE A. DISMAN,
Respondents.

Electronically Filed
Mar 15 2021 07:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable TIMOTHY C. WILLIAMS, District Judge
District Court Case Nos. A-16-747800-C and A-17-765372-C

**APPELLANTS' APPENDIX
VOLUME 4
PAGES 751-1000**

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DANIEL F. POLSENBERG (SBN 2376)
DAN R. WAITE (SBN 4078)
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Attorneys for Appellants

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CERTIFICATE OF SERVICE

I certify that on March 15, 2021, I submitted the foregoing “Appellants’ Appendix” for filing *via* the Court’s eFlex electronic filing system.

Electronic notification will be sent to the following:

Kevin B. Christensen
Wesley J. Smith
CHRISTENSEN JAMES & MARTIN
7740 W. Sahara Avenue
Las Vegas, Nevada 89117

Christina H. Wang
FIDELITY NATIONAL LAW GROUP
8363 W. Sunset Road, Suite 120
Las Vegas, Nevada 89113

*Attorneys for Respondents Robert Z.
Disman and Yvonne A. Disman*

*Attorneys for Respondents September
Trust, dated March 23, 1972, Gerry R.
Zobrist and Jolin G. Zobrist, as trus-
tees of the Gerry R. Zobrist and Jolin
G. Zobrist Family Trust, Raynaldo G.
Sandoval and Julie Marie Sandoval
Gegen, as trustees of the Raynaldo G.
and Evelyn A. Sandoval Joint Living
and Devolution Trust dated May 27,
1992, and Dennis A. Gegen and Julie
S. Gegen, husband and wife, as joint
tenants*

/s/ Emily D. Kapolnai
An Employee of Lewis Roca Rothgerber Christie LLP

1 characterized by the court's desire to...compensate the contemnor's adversary for the injuries
2 which result from the noncompliance." *State, Dept. of Indus. Relations, Div. of Indus. Ins.*
3 *Regulation v. Albanese*, 112 Nev. 851, 919 P.2d 1067, 1071 (1996) (*quoting Falstaff Brewing*
4 *Corp. v. Miller Brewing Co.*, 702 F.2d 770, 778 (9th Cir.1983)).

5 The Plaintiffs request that this Court assess a \$500.00 penalty per Plaintiff to the Lytle
6 Trust, its counsel, and the Receiver, as well as award all Plaintiffs' attorney's fees and costs
7 incurred as a result of violations of the May 2018 Order, including but not limited to having to
8 prepare, file and argue this Motion and intervene in the Receivership Action.⁵

9 **IV.**

10 **CONCLUSION**

11 Based on the foregoing, the Plaintiffs respectfully request this Court to issue an Order
12 requiring Defendants to appear and show cause why they should not be held in contempt for
13 violation of the May 2018 Order. Plaintiffs also respectfully request that a \$500 fee be assessed
14 per Plaintiff and that the Plaintiffs be awarded all of their reasonable expenses incurred as result
15 of the Lytle Trust's violation, including without limitation the Plaintiffs' attorney's fees and
16 costs.

17 DATED this 4th day of March 2020.

18 CHRISTENSEN JAMES & MARTIN

19 By: /s/ Wesley J. Smith

20 Wesley J. Smith, Esq.

21 Nevada Bar No. 11871

22 *Attorneys for September Trust, Zobrist*
23 *Trust, Sandoval Trust and Gegen*

24
25 ⁵ As a result of the violation of the May 2018 Order, Plaintiffs were also forced to intervene in
26 the Receivership Action to inform the court of this Court's Orders and to amend or rescind the
27 Receivership Order to avoid further violations of the permanent injunction. The Plaintiffs' fees
28 and costs for those efforts should be included in the fee award in this case.

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On March 4, 2020, I caused a true and correct copy of the foregoing Plaintiffs' Motion for an Order to Show Cause, to be served in the following manner:

☒ **ELECTRONIC SERVICE:** electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

Liz Gould (liz@foleyoakes.com)
Daniel Foley (Dan@foleyoakes.com)
Maren Foley (maren@foleyoakes.com)
Jennifer Martinez (jennifer.martinez@fnf.com)
Christina Wang (christina.wang@fnf.com)
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Daniel Hansen (dhansen@gibbsgiden.com)
Joel D. Henriod (JHenriod@LRRC.com)
Daniel F. Polsenberg (DPolsenberg@LRRC.com)
Dan R. Waite (DWaite@LRRC.com)

☒ **UNITED STATES MAIL:** depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

Kevin Singer
Scott Yahraus
Receivership Specialists
7251 W. Lake Mead Blvd., Suite 300
Las Vegas, NV 89128

☐ **FACSIMILE:** By sending the above-referenced document via facsimile as follows:

☒ **E-MAIL:** electronic transmission by email to the following address(es):

Kevin Singer (Kevin@ReceivershipSpecialists.com)
Scott Yahraus (Scott@receivershipspecialists.com)

/s/ Natalie Saville
Natalie Saville

DECL
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ. (175)
WESLEY J. SMITH, ESQ. (11871)
LAURA J. WOLFF, ESQ. (6869)
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Attorneys for September Trust, Zobrist Trust, Sandoval Trust,
and Dennis & Julie Gegen

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST, *et*
al.,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**DECLARATION OF COUNSEL IN
SUPPORT OF PLAINTIFFS'
MOTION FOR AN ORDER TO
SHOW CAUSE**

SEPTEMBER TRUST, DATED MARCH 23,
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C
Dept. No.: XVI

Consolidated

State of Nevada)
) ss.
County of Clark)

Wesley J. Smith, Esq., states under penalty of perjury:

1. I am at least 18 years of age. I personally prepared this Declaration and I am familiar with all factual statements it contains, which I know to be true and correct, except for

CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 § FAX: (702) 255-0871

000753

1 any statements made on information and belief, which statements I believe to be true. I am
2 competent to testify to the same and would so testify if called upon as a witness.

3 2. I am an attorney licensed to practice before all state and federal courts of the State
4 of Nevada.

5 3. I am a partner and shareholder in the law firm Christensen James & Martin, Chtd.
6 (“CJM”), counsel for the Plaintiffs, September Trust, dated March 23, 1972 (“September Trust”),
7 Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist
8 Family Trust (“Zobrist Trust”), Raynaldo G. Sandoval and Jule Marie Sandoval Gegen, as
9 Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust Dated
10 May 27, 1992 (“Sandoval Trust”), and Dennis A. Gegen and Julie S. Gegen, Husband and Wife
11 as Joint Tenants (hereafter “Gegen”) (hereafter September Trust, Zobrist Trust, Sandoval Trust
12 and Gegen may be collectively referred to as “Plaintiffs”) in the above-captioned case.

13 4. I make this Declaration in support of Plaintiffs’ Motion for an Order to Show
14 Cause (“Motion”).

15 5. A true and correct copy of the Nevada Supreme Court Order of Affirmance
16 entered on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*,
17 affirming the decision of this Court in Case No. A-16-747800-C is attached to the Motion as
18 Exhibit 1.

19 6. I reviewed the online records of the Eighth Judicial District Court, Clark County
20 Nevada, and I found and printed records from that website, including the following documents
21 for Case No. A-18-775843-C:

22 a. A true and correct copy of the Order Appointing a Receiver of Defendant
23 Rosemere Property Owners Association, attached to the Motion as Exhibit 3;

24 b. A true and correct copy of the Complaint, attached to the Motion as
25 Exhibit 6; and

26 c. A true and correct copy of the Renewed Application for Appointment of
27 Receiver filed on October 24, 2019, attached to the Motion as Exhibit 7.
28

1 7. On January 29, 2020, I sent a letter to the Receiver on behalf of the Plaintiffs
2 notifying him that his letter was in direct violation of the permanent injunction issued in this
3 Case, demanded that he cease and desist from any further effort to collect any judgment or take
4 any action against the Plaintiffs and that he, as an officer of the Court, notify the Court of this
5 Court's May 2018 Order. A true and correct copy of the letter I mailed to the Receiver is
6 attached to the Motion as Exhibit 4.

7 8. As of the date of this Motion, the Receiver's attorney has not filed any paperwork
8 with the Court in this Case or Case No. A-18-775843-C with regard to these issues.

9 9. The Plaintiffs have incurred fees and costs as a result of the Lytle Trust's actions,
10 including responding to the Receiver, preparing this Motion, and preparing a Motion to Intervene
11 in the Receivership Action, which fees and costs were reasonable and necessary to protect the
12 Plaintiffs from violation of the May 2018 Order. Detail on the fees and costs incurred will be
13 provided when this Court grants the Plaintiffs' request for fees and costs.

14 Further your affiant sayeth naught.

15 DATED this 3rd day of March, 2020.



17 _____
18 Wesley J. Smith, Esq.
19 NV Bar No. 11871

AFFT
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ. (175)
WESLEY J. SMITH, ESQ. (11871)
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Attorneys for September Trust, Zobrist Trust, Sandoval Trust,
and Dennis & Julie Gegen

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST, *et*
al.,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**AFFIDAVIT OF KAREN D.
KEARL IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN
ORDER TO SHOW CAUSE**

SEPTEMBER TRUST, DATED MARCH 23,
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C
Dept. No.: XVI

Consolidated

State of Nevada)
) ss.
County of Clark)

Karen D. Kearl, states under penalty of perjury:

1. I am a resident of Clark County, Nevada and over the age of 18.

CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 § FAX: (702) 255-0871

000756

1 2. I have personal knowledge of the facts stated herein, except as to those matters
2 which are stated upon information and belief, and as to those matters I believe them to be true. I
3 am competent to testify to the same and would so testify if called upon as a witness.

4 3. I make this Affidavit in support of Plaintiffs' Motion for an Order to Show Cause
5 ("Motion").

6 4. I am a Trustee of the September Trust, Dated March 23, 1972 (hereafter
7 "September Trust").

8 5. The September Trust is the owner of a residential property in the Rosemere
9 Subdivision in Clark County, Nevada, Assessor's Parcel No. 163-03-313-004, known as 1861
10 Rosemere Court, Las Vegas, Nevada 89117 ("September Property").

11 6. Shortly after January 22, 2020, I received a letter from Kevin Singer of
12 Receivership Specialists ("Receiver Letter") regarding the appointment of Mr. Singer as a
13 Receiver in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
14 *Owners' Association*. A true and correct copy of the Receiver Letter is attached to the Motion as
15 Exhibit 2.

16 7. In the Receiver Letter, Mr. Singer states that "the appointment of the receivership
17 is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the
18 Lytle family ("the Plaintiff"). ... These judgments need to be paid and the Court agreed with the
19 Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments....We would like
20 to meet with title holding members of the HOA...[to] share three ideas we have to pay these
21 judgments."

22 8. Attached to the Receiver Letter were several Exhibits including the [Proposed]
23 Order Appointing a Receiver of Defendant Rosemere Property Owners Association ("Order
24 Appointing Receiver"), a true and correct copy of which is attached to the Motion as Exhibit 3.

25 9. After my attorney Wesley J. Smith sent a reply letter on January 29, 2020
26 informing Mr. Singer that his actions violated a permanent injunction issued by this Court, the
27 Receiver sent me a second letter ("Second Receiver Letter") explaining that he would be seeking
28

1 additional instructions from the Court through his attorney. A true and correct copy of this letter
2 is attached to the Motion as Exhibit 5.

3 10. I am seeking an Order to Show Cause because the Order Appointing Receiver
4 violates the permanent injunction issued by this Court in its Order Granting Motion for Summary
5 Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying
6 Countermotion for Summary Judgment in May 2018.

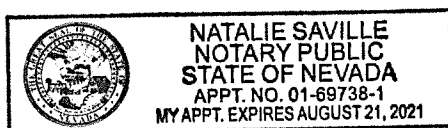
7 11. Further your affiant sayeth naught.

8 DATED this 3 day of March, 2020.

9
10 By: Karen D. Kearl
11 Karen D. Kearl

12 Subscribed and sworn to before me
13 this 3 day of the month of March, 2020.

14 N. Saville
15 Notary Public in and for the County and State



1 **AFFT**
2 **CHRISTENSEN JAMES & MARTIN**
3 KEVIN B. CHRISTENSEN, ESQ. (175)
4 WESLEY J. SMITH, ESQ. (11871)
5 LAURA J. WOLFF, ESQ. (6869)
6 7440 W. Sahara Avenue
7 Las Vegas, Nevada 89117
8 Tel.: (702) 255-1718
9 Facsimile: (702) 255-0871
10 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
11 *Attorneys for September Trust, Zobrist Trust, Sandoval Trust,*
12 *and Dennis & Julie Gegen*

13 **EIGHTH JUDICIAL DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 MARJORIE B. BOULDEN, TRUSTEE OF
16 THE MARJORIE B. BOULDEN TRUST, *et*
17 *al.*,

18 Plaintiffs,

19 vs.

20 TRUDI LEE LYTLE, *et al.*,

21 Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**AFFIDAVIT OF GERRY R.
ZOBRIST IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN
ORDER TO SHOW CAUSE**

22 SEPTEMBER TRUST, DATED MARCH 23,
23 1972, *et al.*,

24 Plaintiffs,

25 vs.

26 TRUDI LEE LYTLE AND JOHN ALLEN
27 LYTLE, AS TRUSTEES OF THE LYTLE
28 TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C
Dept. No.: XVI

Consolidated

State of Nevada)
) ss.
County of Clark)

Gerry R. Zobrist, states under penalty of perjury:

1. I am a resident of Clark County, Nevada and over the age of 18.

CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 & FAX: (702) 255-0871

000759

1 2. I have personal knowledge of the facts stated herein, except as to those matters
2 which are stated upon information and belief, and as to those matters I believe them to be true. I
3 am competent to testify to the same and would so testify if called upon as a witness.

4 3. I make this Affidavit in support of Plaintiffs' Motion for an Order to Show Cause
5 ("Motion").

6 4. I am a Trustee of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust
7 (hereafter "Zobrist Trust").

8 5. The Zobrist Trust is the owner of a residential property in the Rosemere
9 Subdivison in Clark County, Nevada, with Assessor's Parcel No. 163-03-313-005, known as
10 1901 Rosemere Court, Las Vegas, Nevada 89117 ("Zobrist Property").

11 6. Shortly after January 22, 2020, I received a letter from Kevin Singer of
12 Receivership Specialists ("Receiver Letter") regarding the appointment of Mr. Singer as a
13 Receiver in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
14 *Owners' Association*. A true and correct copy of the Receiver Letter I received is attached to the
15 Motion as Exhibit 2.

16 7. In the Receiver Letter, Mr. Singer states that "the appointment of the receivership
17 is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the
18 Lytle family ("the Plaintiff"). ... These judgments need to be paid and the Court agreed with the
19 Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments....We would like
20 to meet with title holding members of the HOA...[to] share three ideas we have to pay these
21 judgments."

22 8. Attached to the Receiver Letter were several Exhibits including the Order
23 Appointing a Receiver of Defendant Rosemere Property Owners Association ("Order Appointing
24 Receiver"), a true and correct copy of which is attached to the Motion as Exhibit 3.

25 9. After my attorney Wesley J. Smith sent a reply letter on January 29, 2020
26 informing Mr. Singer that his actions violated a permanent injunction issued by this Court, the
27 Receiver sent me a second letter ("Second Receiver Letter") explaining that he would be seeking
28

1 additional instructions from the Court through his attorney. A true and correct copy of a letter
2 exactly like what I received is attached to the Motion as Exhibit 5.

3 10. I am seeking an Order to Show Cause because the Order Appointing Receiver
4 violates the permanent injunction issued by this Court in its Order Granting Motion for Summary
5 Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying
6 Countermotion for Summary Judgment in May 2018.

7 11. Further your affiant sayeth naught.

8
9 DATED this 3 day of March 2020.

10
11
12 By: Gerry R. Zobrist
13 Gerry R. Zobrist

14 Subscribed and sworn to before me
15 this 3 day of the month of March 2020.

16 N. Saville
17 Notary Public in and for the County and State



AFFT
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ. (175)
WESLEY J. SMITH, ESQ. (11871)
LAURA J. WOLFF, ESQ. (6869)
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Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust,
and Dennis & Julie Gegen

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST, *et*
al.,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**AFFIDAVIT OF JULIE MARIE
SANDOVAL GEGEN IN SUPPORT
OF PLAINTIFFS' MOTION FOR
AN ORDER TO SHOW CAUSE**

SEPTEMBER TRUST, DATED MARCH 23,
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C
Dept. No.: XVI

Consolidated

State of Nevada)
) ss.
County of Clark)

Julie Marie Sandoval Gegen, states under penalty of perjury:

1. I am a resident of Clark County, Nevada and over the age of 18.

CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 § FAX: (702) 255-0871

000762

1 2. I have personal knowledge of the facts stated herein, except as to those matters
2 which are stated upon information and belief, and as to those matters I believe them to be true. I
3 am competent to testify to the same and would so testify if called upon as a witness.

4 3. I make this Affidavit in support of Plaintiffs' Motion for an Order to Show Cause
5 ("Motion").

6 4. I am a Trustee of the Raynaldo G. and Evelyn A. Sandoval Joint Living and
7 Devolution Trust Dated May 27, 1992 (hereafter "Sandoval Trust").

8 5. The Sandoval Trust is the owner of a residential property in the Rosemere
9 Subdivision in Clark County, Nevada, with Assessor's Parcel No. 163-03-313-001, known as
10 1860 Rosemere Court, Las Vegas, Nevada 89117, ("Sandoval Property").

11 6. I am also a Joint Tenant with my husband Dennis A. Gegen as joint owners
12 (hereafter "Gegens") of a residential property in the Rosemere Subdivision in Clark County,
13 Nevada, with Assessor's Parcel No. 163-03-313-003, known as 1831 Rosemere Court, Las
14 Vegas, Nevada 89117 ("Gegen Property").

15 7. Shortly after January 22, 2020, I received a letter from Kevin Singer of
16 Receivership Specialists ("Receiver Letter") regarding the appointment of Mr. Singer as a
17 Receiver in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
18 *Owners' Association*. A true and correct copy of the Receiver Letter I received is attached to the
19 Motion as Exhibit 2.

20 8. In the Receiver Letter, Mr. Singer states that "the appointment of the receivership
21 is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the
22 Lytle family ("the Plaintiff"). ... These judgments need to be paid and the Court agreed with the
23 Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments....We would like
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6 Receiver sent me a second letter ("Second Receiver Letter") explaining that he would be seeking
7 additional instructions from the Court through his attorney. A true and correct copy of a letter
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9 11. I am seeking an Order to Show Cause because the Order Appointing Receiver
10 violates the permanent injunction issued by this Court in its Order Granting Motion for Summary
11 Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying
12 Countermotion for Summary Judgment in May 2018.

13 12. Further your affiant sayeth naught.

14 DATED this 4 day of March, 2020.

15
16 By: Julie Marie Sandoval Gegen

17 Subscribed and sworn to before me
18 this 4 day of the month of March, 2020.

19 N. Saville
20 Notary Public in and for the County and State

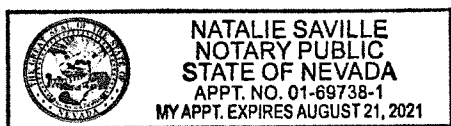


Exhibit 1

Nevada Supreme Court Order Affirming July 2017 Order

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN
ALLEN LYTLE, AS TRUSTEES OF THE
LYTLE TRUST,

Appellants,

vs.

MARJORIE B. BOULDEN, TRUSTEE
OF THE MARJORIE B. BOULDEN
TRUST; LINDA LAMOTHE; JACQUES
LAMOTHE, TRUSTEES OF THE
JACQUES & LINDA LAMOTHE
LIVING TRUST; ROBERT Z. DISMAN;
AND YVONNE A. DISMAN,
Respondents.

No. 73039

FILED

DEC 04 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting an injunction in a real property action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

In 1996, appellants Trudi and John Lytle purchased a lot in Rosemere Estates for the purpose of building a residence. The lots in Rosemere Estates are subject to Covenants, Conditions, and Restrictions (Original CC&Rs) imposed by the developer. The Original CC&Rs contemplated the future formation of a property owners' committee that would maintain limited common areas in the development. Two homeowners, acting on behalf of all Rosemere Estates lot-owners, subsequently filed non-profit articles of incorporation to create the committee contemplated in the Original CC&Rs, the Rosemere Estates Property Owners Association (Association).

In 2007, the Association amended the Original CC&Rs, effectively trying to turn itself into a homeowners' association under NRS Chapter 116 and enforce new restrictions on the Lytles' lot. The Lytles filed suit against the Association, seeking a declaration that the amended CC&Rs were void as well as damages, costs, and fees. The district court granted summary judgment in favor of the Lytles, finding that: the Original CC&Rs did not form a homeowners' association under NRS Chapter 116, but rather a limited purpose association; the amended CC&Rs were improperly adopted and recorded; and the Association had no power to impose additional restrictions on the Lytles' property as though it were a homeowners' association. Consequently, the district court declared the amended CC&Rs invalid and awarded the Lytles monetary damages, attorney fees, and costs.

The Lytles subsequently recorded abstracts of judgment against properties contained within Rosemere Estates, including two owned by Marjorie Boulden and Linda and Jacques Lamothe.¹ Boulden and the Lamothes filed suit against the Lytles seeking declaratory and injunctive relief and to quiet title and remove the abstracts of judgment clouding title. They later moved for summary judgment on all causes of action. The district court granted the motion, concluding that because Boulden and the Lamothes were not parties to the previous litigation and the Association

¹Respondents Robert Z. Disman and Yvonne A. Disman purchased the property belonging to Marjorie Boulden in August 2017, and were added as respondents to this appeal on the Lytles' motion to join them.

was limited in purpose and not subject to NRS 116.3117's mechanism by which judgments against a homeowners' association may be recorded against properties therein, Boulden and the Lamothes were not obligated under the Lytle's judgment. Determining that the Lytles improperly clouded title, the district court ordered the abstracts of judgment expunged from the properties' titles and entered a permanent injunction enjoining the Lytles from enforcing the judgment or any related abstracts against the Boulden or Lamothe properties.

The Lytles now appeal, arguing that NRS 116.3117 applies to limited purpose associations both through plain statutory language and on equitable grounds or, in the alternative, that they are permitted to record their abstracts of judgment against the subject properties under general principles governing common-interest communities.

DISCUSSION

Standard of review

Where injunctive relief is granted in the form of summary judgment, the standard of review is de novo. *A.L.M.N., Inc. v. Rosoff*, 104 Nev. 274, 277, 757 P.2d 1319, 1321 (1988); *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is appropriate where there is no dispute of material fact and the moving party is entitled to judgment as a matter of law. *Wood*, 121 Nev. at 729, 121 P.3d at 1029.

NRS 116.3117 does not apply to limited purpose associations

Where a statute's language is unambiguous, this court gives effect to its plain meaning. *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*,

123 Nev. 468, 476, 168 P.3d 731, 737 (2007). NRS 116.1201(2)(a) provides, in relevant part, that limited purpose associations are not subject to NRS Chapter 116, with enumerated statutory exceptions, NRS 116.3117 not among them. NRS 116.3117(1)(a) states that a monetary judgment against an association, once recorded, is a lien against all real property of the association and all of the units in the common-interest community. An "association" is defined as a unit-owners' association organized under NRS 116.3101. NRS 116.011. A unit-owners' association must be in existence on or before the date when the first unit is conveyed. NRS 116.3101.

Here, the Lytles do not dispute that the Association is a limited purpose association. Although they assert that properties within limited purpose associations are subject to NRS 116.3117's lien provisions, NRS 116.1201 spells out the specific statutes within NRS Chapter 116 that apply to limited purpose associations, and NRS 116.3117 is not among them. Aside from those listed statutes, NRS Chapter 116 "does not apply to [a] limited purpose association." NRS 116.1201(2)(a). Thus, the plain language of the statute is clear that limited purpose associations are not subject to NRS 116.3117's lien provisions. By listing exactly which provisions within NRS Chapter 116 apply to limited purpose associations, NRS 116.1201 does not leave any room for question or expansion in the way the Lytles urge. We are likewise not persuaded by the Lytles' further contention that they may place a valid judgment lien on the Boulden and Lamothe properties through a series of statutory incorporations. Specifically, although the Lytles argue that NRS 116.3117 applies to limited purpose associations

through NRS 116.4117(2)'s reference to NRS 116.3111, which states that "liens resulting from judgments against the association are governed by NRS 116.3117," NRS 116.4117(2) does not incorporate NRS 116.3111. Instead, it enumerates the circumstances in which suit may be brought for breach of NRS Chapter 116 or governing documents "except as otherwise provided in NRS 116.3111." NRS 116.3111 addresses tort and contract liability for "injury or damage arising out of the condition or use of the common elements," which is not at issue here. Therefore, although NRS 116.4117(2) references NRS 116.3111, it does not incorporate it and there is no interpretive progression that suggests limited purpose associations are subject to NRS 116.3117.

The Lytles next argue that a broad, equitable mechanism set forth in *Mackintosh v. California Federal Savings & Loan Association*, 113 Nev. 393, 935 P.2d 1154 (1997), allows them to record a judgment lien against the Boulden and Lamothe properties. We disagree here as well. The Lytles contend that *Mackintosh* allows them to treat the Association as a homeowners' association subject to all provisions of NRS Chapter 116 in order to enforce their judgment, despite the district court's unchallenged determination in the action in which they obtained their judgment that the Association is a limited purpose association. The facts and holdings of *Mackintosh* do not support the conclusion proffered by the Lytles. Although *Mackintosh* recognized that a prevailing party may recover attorney fees from the other contracting party under a contractual provision even where that contract has been rescinded, it had nothing to do with statutory lien rights. 113 Nev. at 406, 935 P.2d at 1162. The Lytles intermingle two

different legal theories—contractual attorney fees and statutory lien rights—in an attempt to piece together a solution that would allow them to enforce a judgment lien against property owners who were not parties to the Lytles’ complaint against Rosemere Estates, and whose property interests had never been subject of any suit. Nothing in *Mackintosh* suggests that applies beyond the context of contractual agreements and the circumstances of that case, and we are not persuaded that it otherwise provides a basis for expanding the application of NRS 116.3117.²

General principles of common-interest communities do not permit the Lytles to record the abstracts of judgment against all properties subject to the Association

The Lytles argue that all of the Rosemere Estates units, including respondents’ real properties, are the property of the Association under *D.R. Horton, Inc. v. Eighth Judicial District Court*, 125 Nev. 449, 215 P.3d 697 (2009), and the Lytles consequently may record their abstracts of judgment pursuant to NRS 17.150(2). We disagree.

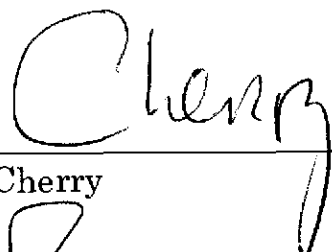
²The Lytle’s also argue that the “sword and shield doctrine” allows the judgment to be recorded against respondents’ properties, relying on *Molina v. State*, 120 Nev. 185, 193-94, 87 P.3d 533, 539 (2004), which held that a criminal defendant could not invoke the attorney-client privilege while simultaneously seeking to withdraw his guilty plea when he put the content of his interactions with his attorney at issue by arguing that his attorney advised him to enter a plea without knowledge of his case. *Molina* is inapposite here, as it adjudicated evidentiary issues unrelated to this dispute. Here, although respondents relied on the inapplicability of NRS Chapter 116 in seeking declaratory and injunctive relief in the underlying action in order to have the liens clouding their titles expunged, they were not parties to the Lytle-Rosemere Estates litigation, in which the Lytles likewise relied on NRS Chapter 116 to have Rosemere Estate’s amended CC&Rs declared invalid.


NRS 17.150(2) allows a party to record a judgment with a county recorder, which then serves as a lien on the property of the judgment debtor. Because it is undisputed that the respondents were not parties to the Lytles' prior suit against the Association, the question turns on whether the Association holds a property interest in the individual lots constituting Rosemere Estates.

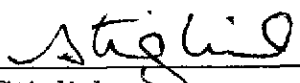
D.R. Horton did not hold that individual units subject to a homeowners' association are the property of that association. *D.R. Horton* only considered the question of standing, not ownership. 125 Nev. at 451-52, 215 P.3d at 699. Additionally, *D.R. Horton's* holding that individual units are part of the common-interest community, *id.* at 460, 215 P.3d 704, does not mean that the property of individual owners is also owned by homeowners' associations, as homeowners' associations and common-interest communities are not the same thing, see NRS 116.011; NRS 116.3101; NRS 116.021. Finally, NRS 116.3117(1)(a) further undermines the Lytles' position that homeowners' associations have an ownership interest in individual units, as it distinguishes between the property owned by the association and the individual units in the common-interest community. Under the association ownership position asserted by the Lytles, the statute's language allowing judgments to be recorded against the units would be rendered superfluous, as NRS 17.150 would be sufficient to allow judgments to be recorded against the units of a common-interest community. Statutory construction principles do not support this position. See *Harris Assocs. v. Clark Cty. Sch. Dist.*, 119 Nev. 638, 642, 81 P.3d 532,

534 (2003) (“[W]e construe statutes to give meaning to all of their parts and language[.]” (internal quotation marks omitted)).³ Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.

 J.
Cherry

 J.
Parraguirre

 J.
Stiglich

³The Lytles also contend that the Original CC&Rs created a mechanism to record a judgment against the Association on individual units within Rosemere Estates. They cite the provision stating, “[A]ny liens established hereunder shall not defeat . . . the lien of any mortgage . . . as to said lots” As nothing within that provision explicitly permits a judgment against the contemplated association to be recorded as a lien on properties within the community, we conclude that it does not create a mechanism by which the Lytles could record their judgment against the Association as a lien on member properties. *Diaz v. Ferne*, 120 Nev. 70, 73, 84 P.3d 664, 665-66 (2004) (observing that this court reviews de novo the interpretation of a restrictive covenant in CC&Rs); see *Am. First Fed. Credit Union v. Soro*, 131 Nev. 737, 739, 359 P.3d 105, 106 (2015) (providing that when “the language of the contract [or CC&R] is clear and unambiguous[.] . . . the contract will be enforced as written” (internal quotation marks omitted)).

cc: Hon. Timothy C. Williams, District Judge
Persi J. Mishel, Settlement Judge
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas
Fidelity National Law Group
Foley & Oakes, PC
Christensen James & Martin
Eighth District Court Clerk

000774

000774

Exhibit 2

January 22, 2020 Letters from
Receiver to Property Owners

RECEIVERSHIP SPECIALISTS

STATE AND U.S. FEDERAL COURT RECEIVERS/TRUSTEES

January 22, 2020

To: Mr. & Mrs. Zobrist
1901 Rosemere Ct.
Las Vegas, NV 89117

From: Kevin Singer
Receivership Specialists

RE: Receivership Over Rosemere Estates Property Owners Association

Dear Mr. & Mrs. Zobrist;

My name is Kevin Singer and I have been appointed by the District Court of Clark County as the neutral District Court Receiver ("Receiver") over your homeowner's association (HOA). Attached as "**Exhibit 1**" is my appointing order for you to review. My intention is to work with the HOA and its members, not against.

The appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family ("the Plaintiff"). The Lytle's own lot 9 in Rosemere Estates. These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.

We would like to meet with the title holding members of the HOA on February 1, 2020, at 9:30 am at the mailboxes of Rosemere Estates to introduce ourselves, go over the Court's Order and share three ideas we have to pay these judgments. It would be appreciated if someone volunteered their home for the meeting. This will not be an HOA meeting and we will not be conducting HOA business at this meeting.

In the meantime, we welcome a conversation with you regarding the current care and maintenance of the community. We are seeking to know the following:

- 1) Who is currently leading the HOA?
- 2) How much are the HOA dues per home per month?
- 3) Who does the HOA bank with? Provide evidence of bank statements.
- 4) Are there any insurances in place for the HOA?
- 5) A list of all vendors servicing the property for landscaping and your gate, etc.

Corporate Headquarters
Los Angeles
11500 W. Olympic Blvd.
Suite 530
Los Angeles, CA 90064
Tel: (310) 552-9064
Fax: (310) 552-9066

San Francisco
795 Folsom Street
1st Floor
San Francisco, CA 94107
Tel: (415) 848-2984
Fax: (415) 848-2301

San Diego
4660 La Jolla Village Drive
Suite 100
San Diego, CA 92122
Tel: (858) 546-4815
Fax: (858) 646-3097

Sacramento
980 9th Street
16th Floor
Sacramento, CA 95814
Tel: (916) 449-9655
Fax: (916) 446-7104

Las Vegas
7251 W. Lake Mead Blvd.
Suite 300
Las Vegas, NV 89128
Tel: (702) 562-4230
Fax: (702) 562-4001

Reno
200 S. Virginia Street
Suite 800
Reno, NV 89501
Tel: (775) 398-3103
Fax: (775) 686-2401

Phoenix
2 N. Central Avenue
Suite 1800
Phoenix, AZ 85004
Tel: (602) 343-1889
Fax: (602) 343-1801

000776

Lastly, since my appointment on December 18, 2019, I have put the HOA back into good standing with the Nevada Real Estate Division and the Nevada Secretary of State. See "**Exhibits 2 & 3**" showing good standing.

If you have any questions or any information you would like to communicate to me, please call or e-mail my associate Scott Yahraus at (702) 562-4230, Scott@ReceivershipSpecialists.com. All homeowners will be receiving this correspondence.

Respectfully Yours;

A handwritten signature in black ink, appearing to read "Kevin Singer". The signature is stylized with a large "K" and "S".

Kevin Singer
Clark County District Court Receiver
Case: A-18-775843-C

RECEIVERSHIP SPECIALISTS

STATE AND U.S. FEDERAL COURT RECEIVERS/TRUSTEES

January 22, 2020

To: September Trust
1831 Rosemere Ct.
Las Vegas, NV 89117

From: Kevin Singer
Receivership Specialists

RE: Receivership Over Rosemere Estates Property Owners Association

Dear September Trust;

My name is Kevin Singer and I have been appointed by the District Court of Clark County as the **neutral** District Court Receiver ("Receiver") over your homeowner's association (HOA). Attached as "**Exhibit 1**" is my appointing order for you to review. My intention is to work with the HOA and its members, not against.

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We would like to **meet** with the title holding **members of the HOA** on **February 1, 2020, at 9:30 am** at the mailboxes of Rosemere Estates to introduce ourselves, go over the Court's Order and share three ideas we have to pay these judgments. It would be appreciated if someone **volunteered** their **home** for the meeting. This will not be an HOA meeting and we will not be conducting HOA business at this meeting.

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- 1) Who is currently **leading** the **HOA**?
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- 3) Who does the HOA **bank** with? Provide evidence of bank **statements**.
- 4) Are there any **insurances** in place for the HOA?
- 5) A list of all **vendors servicing** the property for **landscaping** and your **gate**, etc.

Corporate Headquarters
Los Angeles
11500 W. Olympic Blvd.
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San Francisco
795 Folsom Street
1st Floor
San Francisco, CA 94107
Tel: (415) 848-2984
Fax: (415) 848-2301

San Diego
4660 La Jolla Village Drive
Suite 100
San Diego, CA 92122
Tel: (858) 546-4815
Fax: (858) 646-3097

Sacramento
980 9th Street
16th Floor
Sacramento, CA 95814
Tel: (916) 449-9655
Fax: (916) 446-7104

Las Vegas
7251 W. Lake Mead Blvd.
Suite 300
Las Vegas, NV 89128
Tel: (702) 562-4230
Fax: (702) 562-4001

Reno
200 S. Virginia Street
Suite 800
Reno, NV 89501
Tel: (775) 398-3103
Fax: (775) 686-2401

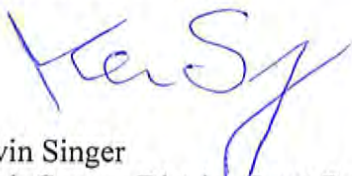
Phoenix
2 N. Central Avenue
Suite 1800
Phoenix, AZ 85004
Tel: (602) 343-1889
Fax: (602) 343-1801

000778

Lastly, since my appointment on December 18, 2019, I have put the HOA back into good standing with the Nevada Real Estate Division and the Nevada Secretary of State. See "Exhibits 2 & 3" showing good standing.

If you have any questions or any information you would like to communicate to me, please call or e-mail my associate Scott Yahraus at (702) 562-4230, Scott@ReceivershipSpecialists.com. All homeowners will be receiving this correspondence.

Respectfully Yours;



Kevin Singer
Clark County District Court Receiver
Case: A-18-775843-C

000779

000779

ORIGIN ID: CIBA (424) 276-2507
 KEVIN SINGER
 KEVIN SINGER
 11500 W OLYMPIC BLVD
 530
 LOS ANGELES, CA 90064
 UNITED STATES US

SHIP DATE: 22 JAN 20
 ACTWGT: 0.50 LB
 CAD: 104561473INET4220
 BILL SENDER

TO GEGEN DENNIS A & JULIE S

1831 ROSEMERE CT

LAS VEGAS NV 89117

(310) 552-9064

REF: SL 1930

PO:

DEPT:



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RECEIVERSHIP SPECIALISTS

STATE AND U.S. FEDERAL COURT RECEIVERS/TRUSTEES

January 22, 2020

To: Mr. & Mrs. Gegen
1831 Rosemere Ct.
Las Vegas, NV 89117

From: Kevin Singer
Receivership Specialists

RE: Receivership Over Rosemere Estates Property Owners Association

Dear Mr. & Mrs. Gegen;

My name is Kevin Singer and I have been appointed by the District Court of Clark County as the neutral District Court Receiver ("Receiver") over your homeowner's association (HOA). Attached as "**Exhibit 1**" is my appointing order for you to review. My intention is to work with the HOA and its members, not against.

The appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family ("the Plaintiff"). The Lytle's own lot 9 in Rosemere Estates. These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.

We would like to meet with the title holding members of the HOA on February 1, 2020, at 9:30 am at the mailboxes of Rosemere Estates to introduce ourselves, go over the Court's Order and share three ideas we have to pay these judgments. It would be appreciated if someone volunteered their home for the meeting. This will not be an HOA meeting and we will not be conducting HOA business at this meeting.

In the meantime, we welcome a conversation with you regarding the current care and maintenance of the community. We are seeking to know the following:

- 1) Who is currently leading the HOA?
- 2) How much are the HOA dues per home per month?
- 3) Who does the HOA bank with? Provide evidence of bank statements.
- 4) Are there any insurances in place for the HOA?
- 5) A list of all vendors servicing the property for landscaping and your gate, etc.

Corporate Headquarters
Los Angeles
11500 W. Olympic Blvd.
Suite 530
Los Angeles, CA 90064
Tel: (310) 552-9064
Fax: (310) 552-9066

San Francisco
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1st Floor
San Francisco, CA 94107
Tel: (415) 848-2984
Fax: (415) 848-2301

San Diego
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Suite 100
San Diego, CA 92122
Tel: (858) 546-4815
Fax: (858) 646-3097

Sacramento
980 9th Street
16th Floor
Sacramento, CA 95814
Tel: (916) 449-9655
Fax: (916) 446-7104

Las Vegas
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Suite 300
Las Vegas, NV 89128
Tel: (702) 562-4230
Fax: (702) 562-4001

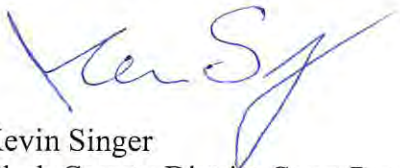
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If you have any questions or any information you would like to communicate to me, please call or e-mail my associate Scott Yahraus at (702) 562-4230, Scott@ReceivershipSpecialists.com. All homeowners will be receiving this correspondence.

Respectfully Yours;



Kevin Singer
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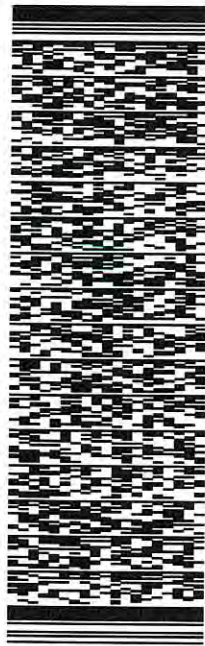
TO SANDOVAL JT LIV & DEVOLUTION TR ETA

1860 ROSEMERE CT

LAS VEGAS NV 89117

(310) 552-9064 REF: SL 1930

PO: DEPT:



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RECEIVERSHIP SPECIALISTS

STATE AND U.S. FEDERAL COURT RECEIVERS/TRUSTEES

January 22, 2020

To: Mr. & Mrs. Sandoval
1860 Rosemere Ct.
Las Vegas, NV 89117

From: Kevin Singer
Receivership Specialists

RE: Receivership Over Rosemere Estates Property Owners Association

Dear Mr. & Mrs. Sandoval;

My name is Kevin Singer and I have been appointed by the District Court of Clark County as the neutral District Court Receiver ("Receiver") over your homeowner's association (HOA). Attached as "**Exhibit 1**" is my appointing order for you to review. My intention is to work with the HOA and its members, not against.

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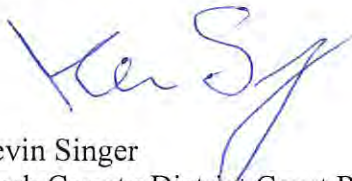
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If you have any questions or any information you would like to communicate to me, please call or e-mail my associate Scott Yahraus at (702) 562-4230, Scott@ReceivershipSpecialists.com. All homeowners will be receiving this correspondence.

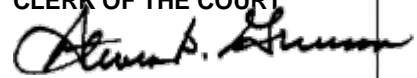
Respectfully Yours;



Kevin Singer
Clark County District Court Receiver
Case: A-18-775843-C

Exhibit 3

Order Appointing Receiver



ORD

Richard E. Haskin, Esq.
Nevada State Bar # 11592
**GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP**
1140 N. Town Center Drive, Suite 300
Las Vegas, Nevada 89144-0596
(702) 836-9800

Attorneys for Plaintiff
TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,

Plaintiff,

v.

ROSEMERE ESTATES PROPERTY OWNERS'
ASSOCIATION; DOES 1 through 20, inclusive;
and ROE CORPORATIONS 1 through 80,
inclusive,

Defendants.

CASE NO.: A-18-775843-C
DEPT.: XXXI

**[PROPOSED] ORDER
APPOINTING A RECEIVER
OF DEFENDANT ROSEMERE
PROPERTY OWNERS ASSOCIATION**

On December 3, 2019, at 9:00 a.m. in Department XXXI of the above-caption Court, Plaintiff TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST (hereinafter the "Lytle Trust"), Renewed Application for Appointment of a Receiver came on for hearing. No one appeared for Defendant ROSEMERE ESTATES PROPERTY OWNERS' ASSOCIATION (the "Association"), which has been defaulted in this case due to its failure to appear.

After reviewing the Lytle Trust's Application for Appointment of a Receiver and considering additional argument at the hearing, the Court makes the following Order:

IT IS ORDERED that the Lytle Trust's Application for Appointment for Receiver is granted pursuant to NRS 32.010(1) and NRS 82.476. A Receiver shall be appointed for the Association which consists of the following properties: APN 163-03-313-001; APN 163-03-313-002; APN 163-

03-313-003; APN 163-03-313-004; APN 163-03-313-005; APN 163-03-313-006; APN 163-03-313-007; APN 163-03-313-008; and APN 163-03-313-009.

IT IS FURTHER ORDERED that Kevin Singer (the "Receiver") is hereby appointed Receiver in this action, subject to the condition that before entering upon his duties as Receiver, he shall execute a receiver's oath and post a bond from an insurer in the sum of \$5,000.00, conditioned upon faithful performance of his duties as receiver herein. The Receiver's oath and bond are to be filed in Department XXXI no later than December 27, 2015 *with the Clerk*. Prior to Receiver posting his bond, Plaintiffs shall advance \$5,000.00 to the Receiver to cover his cost to post a bond and initial fees and expenses. The Receiver shall reimburse Plaintiff's advance through an Association assessment or dues.

IT IS FURTHER ORDERED that the Receiver is directed by this Court to do the following specific acts pursuant to NRS 32.255 which provides the Court, when appointing a receiver, "exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property:"

1. Immediately take possession and control of the Association's financial accounts, including locating all checkbooks, and ledgers, and other Association records and documents including, but not limited to, budgets, reserve studies, insurance policies and other effects of the Association Accounts.

2. Issue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association.

3. Pay NRED for mandatory registration pursuant to NRS 116.31155, and if there are insufficient funds within the Association's accounts to pay such fees, issue a special assessment to all owners within the Association to satisfy any amounts due to NRED.

4. Update registration with the ombudsman pursuant to NRS 116.31158.

5. Pay the Secretary of State for the State of Nevada all past due and presently due amounts to amend the Association's status from "revoked" status, and if there are insufficient funds within the Association's accounts to pay such fees, issue and collect a special assessment to all owners within the Association to satisfy any amounts due to Secretary of State.

1 6. Conduct an election for the Board of Directors for the Association.

2 7. Make any necessary repairs to the common areas, and if there are insufficient funds
3 within the Association's account to pay for such repairs, issue and collect a special assessment to all
4 owners within the Association to pay for said repairs.

5 8. Issue and collect a special assessment to the Association membership to pay the
6 receiver's fees and costs.

7 9. Exercise any power set forth in NRS 32.290, NRS 32.295, NRS 32.315, and NRS
8 32.320.

9 10. The Receiver shall have all power and authority of a receiver provided by law,
10 including the following powers and responsibilities:

- 11 a. The Receiver is authorized and empowered to operate, manage, control, conduct, care
12 for, preserve, and maintain the Receivership Estate ("Receivership Estate" is defined
13 as the Association and all operations of the Association). In this regard the Receiver
14 shall be authorized to manage, operate and make all decisions on behalf of the
15 Association.
- 16 b. The Receiver may change the locks on the doors providing access and access to the
17 common areas and management office, so long as this does not interfere with
18 Association owner's and resident's access to their units in the Property, and to do all
19 things which he deems necessary to protect the Receivership Estate.
- 20 c. The Receiver is authorized to take possession of the Receivership Estate and seize,
21 manage and control the Receivership Estate, whether in the possession of the
22 Association's board of directors and/or officers, past or present members of the board
23 of directors or officers, or any company contracted to provide services to the
24 Association, including common area services.
- 25 d. The Receiver is further authorized to take possession of and collect any accounts,
26 chattel paper and general intangibles of every kind hereafter arising out of the
27 Receivership Estate and take possession of all the books and records relating to the
28 foregoing, wherever located, as the Receiver deems necessary for the proper

administration of the Receivership Estate.

- e. The Receiver is authorized and empowered to enter, gain access to take possession of and manage all Association Accounts wherever located pending discharge, including the power to demand any and all records from the any and all banks and other financial institutions holding present and past Association Accounts.
- f. The Receiver shall preserve and protect the assets, tax records, books and records where located while he acts to operate the affairs of the Association.
- g. The Receiver is authorized to review all Accounts of the Association for all expenditures and collections. Also, the Receiver is authorized to review the current active account statements, contracts, invoices, and materials prepared by or regarding any third party (past or present) who provided services to the Association.
- h. The Receiver is authorized and empowered to execute and prepare all documents and to perform all acts, either in the name of the Association, as applicable, or in the Receiver's own name, which are necessary or incidental to preserving, protecting, managing and/or controlling the Receivership Estate while the Receiver operates the business of the Association. In particular, the Receiver shall have the authority without limitation to immediately cancel, extend, modify or enter into any existing or new contracts or leases necessary to operate the Receivership Estate.
- i. The Receiver is authorized and empowered to demand, collect and receive all monies, funds and payments arising from or in connections with any sale and/or lease of any assets of the Receivership Estate, as well as monthly payments of mortgage debt service, maintenance fees, dues, assessments and other fees from Association unit owners, including fees paid directly to any person or entity managing any portion of the Property on the Association's behalf.
- j. The Receiver may take any and all steps necessary to receive, collect and review all mail addressed to or on behalf of the Association, received at any address by any owner or board member on behalf of the Association, or any post office boxes held in the name of the Association, and the Receiver is authorized to instruct the U.S.

- 1 Postmaster to re-route, hold, and/or release said mail to said Receiver.
- 2 k. The Receiver may take possession of all Association Accounts and safe deposit boxes
- 3 of the Association and accounts as they pertain to the assets, wherever located and
- 4 receive possession of any money on deposit in said Association Accounts. The
- 5 Receiver also has the authority to close any Association Account(s) that the Receiver
- 6 deems necessary for operation or management of the Receivership Estate. Institutions
- 7 that have provided banking or other financial services to the Association are
- 8 instructed to assist the Receiver by providing records that he requests. These
- 9 institutions may charge their ordinary rates for providing this service.
- 10 l. The Receiver is empowered to use Association tax identification numbers and
- 11 establish bank accounts at any bank or investment accounts at any financial institution
- 12 the Receiver deems appropriate for the deposit of monies and funds collected and
- 13 received in connection with his operation and management of the Receivership
- 14 Estate. Any institutions that have Association Accounts and/or funds that are part of
- 15 the Receivership Estate or the Association shall be turned over to the custody and
- 16 control of the Receiver and that institution shall not be held liable for turnover of
- 17 funds.
- 18 m. To the extent feasible, the Receiver shall, within thirty (30) days of his qualification
- 19 hereunder, file in this action an inventory of all property of which Receiver shall have
- 20 taken possession pursuant to this Order and file monthly accountings thereafter.
- 21 n. The Receiver, or any party to this action, may from time to time, and on due notice to
- 22 all parties, make application to this Court on an ex parte basis or noticed motion for
- 23 further orders instructing the Receiver.
- 24 o. The Receiver is authorized to institute ancillary proceedings in this state or other
- 25 states as is necessary to obtain possession and control of assets of the Association and
- 26 the Receiver may engage the services of counsel with further court order. The
- 27 Receiver may pay for such services from the funds of the Receivership Estate. The
- 28 Receiver may hire legal counsel with further court order to institute such proceedings

1 in this State or other states as is necessary to obtain possession and control of assets
2 of the Association.

- 3 p. The Receiver is empowered to serve subpoenas when necessary with court approval.
- 4 q. The Receiver has the authority to assess all Association unit owners to pay for any
5 operation costs or to pay for judgments against the Association. If an Association
6 member does not pay an assessment then the Receiver may proceed to foreclose on
7 said members ownership interest in the property.
- 8 r. The Receiver has authority to take any and all legal actions or remedies to make sure
9 that Association unit owners pay their monthly debt service, maintenance fees, dues,
10 assessments or other fees.

11 11. The Receiver shall also be entitled to perform the following:

- 12 a. Hire professionals, including accountants, paralegals, property managers, and
13 attorneys, to aid and counsel the Receiver in performing his duties.
- 14 b. Hire contractors to evaluate and make repairs to the Property and other assets of the
15 Receivership Estate.
- 16 c. Pay the fees and costs of any professional retained by the Receiver to aid him.
- 17 d. Pay such other and ordinary expenses deemed appropriate by the Receiver to carry
18 out the Receiver's duties as specified herein.
- 19 e. Pay the Receiver's fees from the funds of the Receivership Estate.
- 20 f. The Receiver may use any federal tax payer identification numbers or apply for a new
21 tax payer number relating to the Association for any lawful purposes and prepare tax
22 returns if required.

23 12. Monthly accounting of Receiver's income, expenses, and fees ("Receiver's Report"):

- 24 a. The Receiver shall each month prepare and serve on the parties a narrative of what
25 issues he is addressing, accounting of revenues and expenses incurred in the
26 administration of the receivership.
- 27 b. The Receiver shall pay the Receiver's own fees of \$275 per hour, fees of his agents,
28 and expenses using funds of the Receivership Estate. Upon completion of monthly

Receiver's Report, and the mailing of such statement to the parties' respective attorneys of record, or any other designated person or agent, and if no objection is received within 10 calendar days after the mailing of the interim statement. If a party fails to object within 10 days of receiving Receiver's fees and administrative costs and expenses in the monthly interim statement, they shall thereafter be barred from making an objection to Receiver's fees and administrative costs and expenses as reflected in said interim report;

13. Receiver's final report and discharge:

- a. Motion required. Discharge of the Receiver shall require a Court order upon noticed motion for approval of the Receiver's final report and account and exoneration of the Receiver's bond.
- b. Time. Not later than sixty (60) days after the receivership terminates the Receiver shall file, serve, and obtain a hearing date on a motion for discharge of the Receiver.
- c. Notice. The Receiver shall give notice to all persons of whom the Receiver is aware who have potential claims against the receivership property.
- d. Contents of Motion. The motion to approve the final report and account and for discharge of the Receiver shall contain the following:
 - i. Declaration or Declarations. (1) stating what was done during the receivership; (2) certifying the accuracy of the final accounting, and the basis for said accounting (3) stating the termination of the receivership (such as reinstatement); and (4) stating the basis for an order for the distribution of any surplus or payment of any deficit.
 - ii. Accounting Summary. A summary of the receivership accounting, which shall include: (1) the total revenues received; (2) the total expenditures identified and enumerated by major categories; (3) the net amount of any surplus or deficit; and (4) evidence of necessary supporting facts.

14. Bankruptcy: Nominal Plaintiff's Duty to Give Notice. If any party files a bankruptcy case during the receivership, the Association shall give notice of the bankruptcy case to the Court, to all parties, and to the Receiver three (3) business days after the day on which the Association

1 receives notice of the bankruptcy.

2 15. Bankruptcy: Receiver's Duties. If the Receiver receives notice that a bankruptcy has
3 been filed and part of the bankruptcy estate includes property that is the subject of this Order, the
4 Receiver shall have the following duties:

- 5 a. Turn over property if no relief from the stay will be sought. The Receiver shall
6 immediately contact the party who obtained the appointment of the Receiver, and
7 determine whether that party intends to move in the bankruptcy court for an order for
8 (1) relief from the automatic stay, and (2) relief from the Receiver's obligation to turn
9 over the property (11 U.S.C. § 542). If the party has no intention to make such a
10 motion, the Receiver shall immediately turn over the property to the appropriate
11 entity either to the trustee in bankruptcy if one has been appointed or, if not, to the
12 debtor in possession-and otherwise comply with 11 United States Code § 543.
- 13 b. Remain in possession pending resolution. If the party who obtained the receivership
14 intends to seek relief immediately from both the automatic stay and the Receiver's
15 obligation to turn over the property, the Receiver may remain in possession and
16 preserve the property pending the ruling on those motions (11 U.S.C. § 543(a)). The
17 Receiver's authority to preserve the property shall continue as follows:
- 18 i. The Receiver may continue to collect monthly payments of mortgage debt
19 service, maintenance fees, dues, assessments and other fees from Association
20 unit owners;
- 21 ii. The Receiver may make only those disbursements necessary to preserve and
22 protect any and all accounts of the Receivership Estate.
- 23 c. Turn over property if no motion for relief is filed within fifteen (15) days after notice
24 of the bankruptcy. If the party who obtained the receivership fails to file a motion
25 within fifteen (15) court days after his or her receipt of notice of the bankruptcy
26 filing, the Receiver shall immediately turn over the property to the appropriate entity
27 either to the trustee in bankruptcy if one has been appointed or, if not, to the debtor in
28 possession and otherwise comply with 11 United States Code §543.
- d. Retain Bankruptcy Counsel. The Receiver may petition the Court to retain legal

counsel to assist the Receiver with issues arising out of the bankruptcy proceedings.

IT IS FURTHER ORDERED that the board of directors and officers of the Association, any and all parties to this action, including any of their respective agents, servants, directors, assignees, successors, representatives, employees, and all persons or entities acting under, or in concert with them, or for them, are required to cooperate with the Receiver by providing documents, account records, statements, ledgers, check books, check book register, and any and all documents necessary for the Receiver to manage the affairs of the Receivership Estate. They are also required to pay any assessments which the Receiver imposes on the Association.

IT IS FURTHER ORDERED that receipt of this Order constitutes notice as contemplated in NRS 32.290.

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until: (1) upon entry of an order by the Court finding good cause for removal of the Receiver, or (2) by further order of this Court.

IT IS FURTHER ORDERED, that the Court will maintain jurisdiction over this matter and over the Receiver so long as the Receiver is in place.

IT IS SO ORDERED.

Dated this 13 day of December 2019.

*- A status check is set for
Thursday, March 12, 2020.*


DISTRICT COURT JUDGE

Submitted by:

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

By: 

Richard E. Haskin, Esq.

Nevada State Bar # 11592

Daniel M. Hansen, Esq.

Nevada State Bar # 13886

1140 N. Town Center Drive, Suite 300

Las Vegas, Nevada 89144

Attorneys for Plaintiff

TRUDI LEE LYTLER AND JOHN ALLEN LYTLER, AS
TRUSTEES OF THE LYTLER TRUST

Exhibit 4
January 29, 2020
Cease & Desist Letter



CHRISTENSEN JAMES & MARTIN CHTD.
ATTORNEYS AT LAW

KEVIN B. CHRISTENSEN
EVAN L. JAMES *†
DARYL E. MARTIN
WESLEY J. SMITH **
LAURA J. WOLFF *
KEVIN B. ARCHIBALD

7440 W. SAHARA AVENUE
LAS VEGAS, NEVADA 89117
TEL 702 255 1718
FAX 702 255 0871
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* ALSO LICENSED IN UTAH
† ALSO LICENSED IN WASHINGTON

Writer's Email: wes@cjmlv.com

VIA FIRST CLASS MAIL & EMAIL

January 29, 2020

Kevin Singer
Scott Yahraus
Receivership Specialists
7251 W. Lake Mead Blvd., Suite 300
Las Vegas, NV 89128
Kevin@ReceivershipSpecialists.com
Scott@receivershipspecialists.com

Re: *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C
September Trust et al v. Trudi Lee Lytle et al., Case No. A-17-765372-C
DEMAND TO CEASE & DESIST VIOLATION OF PERMANENT INJUNCTION

Dear Mr. Singer & Mr. Yahraus:

This office is legal counsel for the September Trust, dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust Dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants ("Gegen"). Please direct all further correspondence and communication regarding the September Trust, Zobrist Trust, Sandoval Trust and Gegen (hereinafter "Owners") to my attention.

As you are aware, the Owners are each the owner of a parcel within the Rosemere Court subdivision in Las Vegas, Nevada. Please be advised, if you do not already know, that a Judgment was entered on May 25, 2018 in Case No. A-17-765372-C, *September Trust et al v. Trudi Lee Lytle et al.*, in favor of the Owners against John Allen Lytle and Trudi Lee Lytle as Trustees of the Lytle Trust ("Lytle Trust"). A copy is enclosed as Exhibit 1. The Judgment required the Lytle Trust to release Abstracts of Judgment which it had recorded against the Owners' property. The Judgment includes the following orders:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the **Lytle Trust is permanently enjoined from recording and enforcing the Judgments** obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the **Lytle Trust is**

permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

(emphasis added). Therefore, there is a permanent injunction prohibiting the Lytle Trust from taking any action against the Owners or their properties based on any judgment it has obtained against the Rosemere association. The permanent injunction remains in full force and effect and was not stayed by appeal.

You are probably also aware that in a related case, the Nevada Supreme Court issued an Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*, affirming the decision of the District Court in Case No. A-16-747800-C granting nearly identical relief to Marjorie Boulden and Linda and Jacques Lamothe, former owners of two other parcels in the Rosemere Court subdivision. A copy is enclosed as Exhibit 2. The Order of Affirmance unequivocally and absolutely held that a judgment obtained by the Lytle Trust against the limited-purpose Rosemere association could not be enforced against individual owners or their properties.

Despite the Judgments and Orders discussed above, which clearly prohibit such action, the Owners each received a letter from Mr. Singer dated January 22, 2020 regarding the appointment of Mr. Singer as a Receiver in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association*. In the letter, Mr. Singer states that “the appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family (“the Plaintiff”). ... These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments....We would like to meet with title holding members of the HOA...[to] share three ideas we have to pay these judgments.” Among several other improper provisions, the Order Appointing Receiver enclosed with the letter purports to grant Mr. Singer power to “issue and collect special assessments upon all owners...to satisfy the Lytle Trust’s judgments against the Association.”

YOU ARE HEREBY NOTIFIED that the January 22, 2020 letter and your actions are in direct violation of the permanent injunction issued in Case No. A-17-765372-C. **YOU ARE HEREBY DEMANDED** to withdraw the letter and to self-report your violation to the Court. **YOU ARE FURTHER DEMANDED TO CEASE AND DESIST** from any further effort to collect any judgment or taking any action against the Owners or their properties based on any judgment the Lytle Trust has obtained against the Rosemere association.

Further, you should be aware that the Lytle Trust’s Judgments you reference contain the following findings of fact and conclusions of law:

The Association is a limited purpose association under NRS 116.1201, is not a Chapter 116 “unit-owners’ association,” and is relegated to only those specific duties and powers set forth in Paragraph 21 of the Original CC&Rs and NRS 116.1201;

The Association did not have any powers beyond those of the “property owners committee” designation in the Original CC&Rs - simply to care for the landscaping and other common elements of Rosemere Estates as set forth in Paragraph 21 of the Original CC&Rs;

Consistent with the absence of a governing body, the Developer provided each homeowner the right to independently enforce the Original CC&Rs against one another; and

The Amended and Restated CC&Rs recorded with the Clark County Recorder's Office as Instrument No. 20070703-0001934 (the "Amended CC&Rs") are invalid, and the Amended CC&Rs have no force and effect.

The Nevada Supreme Court's Order of Affirmance in Case No. 73039 further solidifies that the power of the owner committee contemplated by the Original CC&Rs is limited to only those powers and duties enumerated in the Original CC&Rs and NRS 116.1201. The Order Appointing Receiver is inconsistent with the Judgments upon which it is allegedly predicated and grants the Receiver powers that are not enumerated in either the Original CC&Rs or NRS 116.1201.

We are confident that the Court was not informed of these facts and circumstances prior to issuance of the Order Appointing Receiver or it would not have been issued. Now that you have been apprised of these facts, it is your duty as an officer of the Court to immediately notify the Court of: 1) the existence of Case Nos. A-16-747800-C, A-17-765372-C, and 73039 and the Judgments and Orders entered therein; 2) your violation of the permanent injunction; 3) the impact of the Original CC&Rs and NRS 116.1201 on the Order Appointing Receiver and the limitations they necessarily impose on your ability to act as Receiver. No later than February 7, 2020, please provide a file-stamped copy of papers fully informing the Court of all relevant facts as discussed herein. Should you fail to do so, the Owners will be forced to intervene to set aside the improper Order Appointing Receiver and will seek to recover their fees and costs from you, the Lytle Trust, and its counsel.

Sincerely,



Wesley J. Smith, Esq.

Enclosures: Exhibit 1 – A-17-765372-C, Notice of Entry of Order Granting Motion for Summary Judgment
Exhibit 2 – 73039, Order of Affirmance

cc: Clients
Daniel Foley, Esq. (dan@foleyoakes.com), *Counsel Lamothe & Boulden*
Christina Wang, Esq. (Christina.Wang@fnf.com), *Counsel for Disman*
Richard Haskin, Esq. (rhaskin@gibbsgiden.com), *Counsel for Lytle Trust*

Exhibit 5

January 30, 2020 Letters from Receiver to Property Owners

RECEIVERSHIP SPECIALISTS

STATE AND U.S. FEDERAL COURT RECEIVERS/TRUSTEES

January 30, 2020

To: September Trust
1831 Rosemere Ct.
Las Vegas, NV 89117

From: Kevin Singer
Receivership Specialists

RE: Receivership Over Rosemere Estates Property Owners Association

Dear Mr. & Mrs. Sandoval;

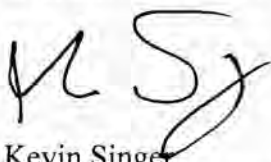
As you are aware from our January 21, 2020, letter we were planning on conducting a meeting on Saturday February 1, 2020 at 9:30am, to meet all of the homeowners for an informational introductory meeting regarding the appointed receivership and judgment that the Lytle family has over the Rosemere Estates Property Owners Association.

On January 29, 2020, we received a letter from Mr. Wesley Smith, Esq. who represents four (4) of the homeowners. Mr. Smith argues that past court rulings contradict the receivership order being permissible. In an abundance of caution, I will have my attorney seek additional instructions from my appointing court to comment and rule on the arguments that Mr. Smith has brought forth.

In the meantime, we will be postponing our February 1st meeting to a future date. We will be in touch with you to set a new meeting date after my court weighs in.

If you have any questions or any information you would like to communicate to me, please call or e-mail my associate Scott Yahraus at (702) 562-4230, Scott@ReceivershipSpecialists.com.

Respectfully Yours;



Kevin Singer
Clark County District Court Receiver
Case: A-18-775843-C

Corporate Headquarters
Los Angeles
11500 W. Olympic Blvd.
Suite 530
Los Angeles, CA 90064
Tel: (310) 552-9064
Fax: (310) 552-9066

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Fax: (775) 686-2401

Phoenix
2 N. Central Avenue
Suite 1800
Phoenix, AZ 85004
Tel: (602) 343-1889
Fax: (602) 343-1801

ORIGIN ID: CIBA (424) 276-2507
KEVIN SINGER
KEVIN SINGER
11500 W OL YAMPIC BL VD
530
LOS ANGELES, CA 90064
UNITED STATES US

SHIP DATE: 30JAN20
ACTWGT: 0.20 LB
CAD: 104561473JANET4220

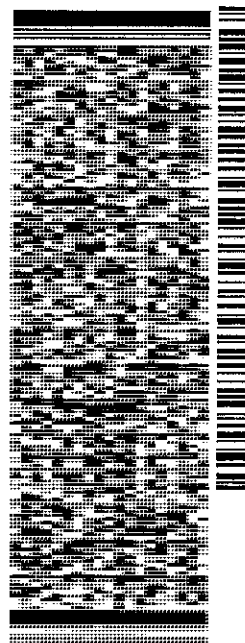
BILL SENDER

TO **MR. & MRS. SANDOVAL**

1860 ROSEMERE CT.

LAS VEGAS NV 89117

REF: 1930-JA-FOR-SY
PO: (310) 552-9064
DEPT:



J201020011361111

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PRIORITY OVERNIGHT

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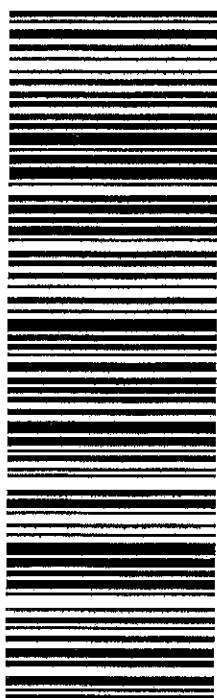
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RECEIVERSHIP SPECIALISTS

STATE AND U.S. FEDERAL COURT RECEIVERS/TRUSTEES

January 30, 2020

To: Mr. & Mrs. Sandoval
1860 Rosemere Ct.
Las Vegas, NV 89117

From: Kevin Singer
Receivership Specialists

RE: Receivership Over Rosemere Estates Property Owners Association

Dear Mr. & Mrs. Sandoval;

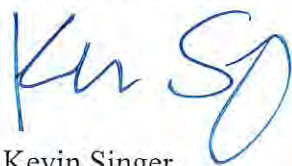
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Case: A-18-775843-C

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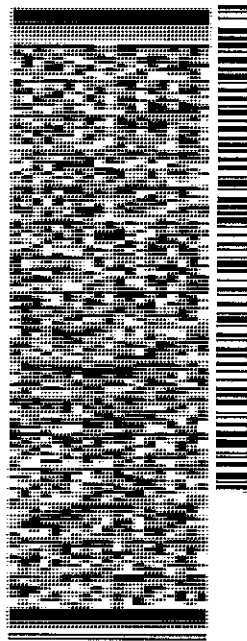
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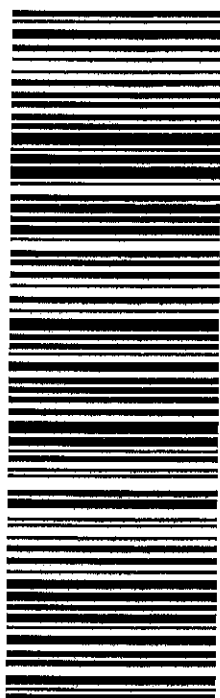
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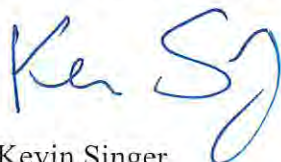
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Kevin Singer
Clark County District Court Receiver
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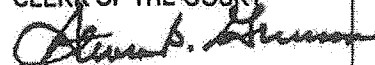
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Fax: (775) 686-2401

Phoenix
2 N. Central Avenue
Suite 1800
Phoenix, AZ 85004
Tel: (602) 343-1889
Fax: (602) 343-1801

Exhibit 6

Complaint in Receivership Action

Electronically Filed
6/8/2018 11:55 AM
Steven D. Grierson
CLERK OF THE COURT


COMP

Richard E. Haskin, Esq.
Nevada State Bar # 11592

Timothy Elson, Esq.
Nevada State bar # 11559

**GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP**

1140 N. Town Center Drive, Suite 300
Las Vegas, Nevada 89144-0596
(702) 836-9800

Attorneys for Plaintiff

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST

DISTRICT COURT**CLARK COUNTY, NEVADA**

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,

Plaintiff,

v.

ROSEMERE ESTATES PROPERTY OWNERS'
ASSOCIATION; DOES 1 through 20, inclusive;
and ROE CORPORATIONS 1 through 80,
inclusive,

Defendants.

CASE NO.: A-18-775843-C
DEPT.: Department 31

**COMPLAINT FOR DECLARATORY
RELIEF AND PRELIMINARY
INJUNCTION**

**(EXEMPT FROM ARBITRATION -
AFFECTS TITLE TO REAL PROPERTY
AND DECLARATORY RELIEF
REQUESTED)**

Plaintiff TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE
LYTLE TRUST (hereinafter "Plaintiff" or the "Lyttles"), by and through the undersigned counsel,
hereby complains and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is the current owner of real property located 1930 Rosemere Court, in Clark
County, Nevada, APN 163-03-313-009, and described as:

Lot Nine (9) of Rosemere Court, as shown by map thereof on file in Book 59,
of Plats, Page 58, in the Office of the County Recorder of Clark County,
Nevada ("Plaintiff's Property").

///

1 Plaintiff's Property was previously owned by J. Allen Lytle and Trudi L. Lytle, the current
2 Trustees of the Lytle Trust, having been purchased by deed recorded November 15, 1996.

3 2. Defendant ROSEMER ESTATES PROPERTY OWNERS' ASSOCIATION
4 ("Defendant" or the "Association"), at all times herein mentioned is a common interest community
5 and comprised of nine (9) owners of single family lots, eight of which are developed, all as more
6 particularly described in the recorded Declaration of Covenants, Conditions and Restrictions, dated
7 January 4, 1994 (the "CC&Rs") for the Association, as recorded in the official records of the Clark
8 County Nevada Recorder's office. A true and correct copy of the CC&Rs is attached hereto, and
9 incorporated herein, as Exhibit "1."

10 3. Defendants DOES 1 through 20, inclusive, are sued herein under fictitious names,
11 their true names and capacities being unknown to Plaintiff but are believed to reside in the State of
12 Nevada; Plaintiff will ask leave of Court to amend its Complaint by inserting their true names and
13 capacities in the place and stead of said fictitious names when the same have been ascertained.

14 4. Defendants ROE CORPORATIONS 1 through 80, inclusive, are sued herein under
15 fictitious names, their true names and capacities being unknown to Plaintiff but are believed to be
16 corporations or other entities authorized to conduct business in the State of Nevada; Plaintiff will ask
17 leave of Court to amend its Complaint by inserting their true names and capacities in the place and
18 stead of said fictitious names when the same have been ascertained.

19 5. Plaintiff is informed and believes and based upon such information and belief alleges
20 that each Defendant designated herein as DOES 1 through 20, inclusive, and ROE
21 CORPORATIONS 1 through 80, inclusive (collectively the "DOE and ROE DEFENDANTS"), is
22 responsible in some way and/or manner for the acts and occurrences herein alleged, whether such
23 acts and occurrences were committed intentionally, negligently, recklessly or otherwise, and that
24 each DOE and ROE Defendant is subject to Plaintiff's relief or are involved as otherwise alleged
25 herein.

26 6. At all times mentioned herein, each of the Defendants was the agent and employee of
27 each of the remaining Defendants, and was, in doing the things herein complained of, acting within
28 the course and scope of such agency and employment or are otherwise in privity as alleged herein.

7. The CC&Rs and obligations sued upon herein were to be and was executed and performed in Clark County, Nevada. Further, the property at issue that gave rise to this action is located Clark County, Nevada. As such, venue is proper in this Court.

GENERAL ALLEGATIONS

8. Plaintiff's Property is located within the Association and as such is part of the Association.

9. The Association is a common interest community and, more specifically, a *limited purpose association* pursuant to NRS 116.1201.

10. The CC&Rs provide, in pertinent part:

- a) Establishment of a "property owners committee" responsible for (a) determining the type and cost of landscaping exterior wall planters, entrance way planters, which cost is equally divided amongst the nine (9) owners; (b) maintaining the exterior perimeter and frontage; (c) maintaining the entrance gate; and (d) maintaining the private drive and the sewer system.
- b) "...an owner or owners of any of the lots shall have the right to enforce any or all of the provisions of the covenants, conditions and restrictions upon any other owner or owners."

11. Pursuant to the direction of the CC&Rs, the Association formed the "Owners' Committee" tasked with maintaining the common elements pursuant to the CC&Rs.

12. On February 25, 1997, the "owners' committee" (as referenced in paragraph 21 of the CC&Rs) formed the Association on behalf of and with the consent of all owners, which is a non-profit corporation organized under Chapter 82 of the Nevada Revised Statutes. The owners' committee named the corporation "Rosemere Estates Property Owners Association."

13. The Association at all times has been governed by a three (3) person Board of Directors, consisting of a President, Secretary and Treasurer.

///

///

1 14. The Association consistently held Board elections through March 2010, pursuant to
2 the protocols and methodology of NRS 116.31034, even though the Association is a limited purpose
3 association and Chapter 116 does not provide for a method of election of a Board for a limited
4 purpose association.

5 15. The Board last held an election on March 24, 2010. The Board members in place
6 from 2010 through July 2013 were as follows: Ray Sandoval (President), Orville McCumber
7 (Secretary), and Johnnie McCumber (Treasurer).

8 16. On January 27, 2014, during an unrelated court hearing involving the Association,
9 Orville McCumber, former Board Secretary, testified under oath that he no longer sat on the
10 Association's Board. In August 2015, Ray Sandoval, former Board President, told Plaintiff that the
11 Board "dissolved" and had not conducted any business since July 29, 2013. During this
12 conversation, Mr. Sandoval stated that the Board had not conducted any meetings since July 2013,
13 and did not intend on conducting any future meetings or conducting any future Association business.
14 It was abundantly clear from this conversation that the Board simply does not exist, and all former
15 officers abandoned their positions.

16 17. Presently, there is no sitting and acting Board for the Association, even though such a
17 board is required.

18 18. Thereafter, the Lytles filed a legal action in the Eighth Judicial District Court of
19 Nevada, Case No. A-15-716420-C (the "Prior Lawsuit") to require the Association to hold an
20 election. In the Prior Lawsuit, the Court held that the Association was required to hold an election
21 pursuant to NRS 82.271, 82.276, and 82.306. Despite a ruling requiring the election, the Association
22 has not done so as no neutral third party will agree to handle the election due to the Association
23 lacking funds to compensate the third party in advance of the election.

24 19. As a result of not having a Board, the Association cannot conduct business and
25 maintain the community as required by the CC&RS and Chapters 82 and 116 of the Nevada Revised
26 Statutes. Therefore, the Rosemere Estates Community has begun to dilapidate.

27 ///

28 ///

24. A neutral third party needs to be put in place immediately to hold an election and to handle day-to-day activities until a Board can commence the maintenance and handle the day-day-to affairs of the Association.

(Declaratory Judgment against Defendants)

27. Plaintiff requests that this Court declare that the Association must continue to operate as required by the CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection activity against any homeowners that have failed to pay their assessments; 7) paying known creditors of the Association; 8) specially assessing the homeowners to ensure that enough proceeds exist within the HOA funds to pay all known creditors assessing; and 9) any other activity required under

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1 Nevada law.

2 28. Plaintiffs bring this action pursuant to NRS 116.4117(2)(b).

3 29. As such, an order from this Court is appropriate that the Association must conduct the
4 above-referenced activity.

5 **SECOND CAUSE OF ACTION**

6 **((For Breach of Contract / Easement Agreement Against All Defendants))**

7 30. Plaintiff repeats and re-alleges the preceding paragraphs as though fully set forth
8 herein and incorporates the same herein by reference.

9 31. Pursuant to the CC&Rs, as well as other Nevada law, the Association was required to
10 maintain the Rosemere Estates Community and handle the day to day activities required of the
11 Association, as specified in more detail throughout this Complaint.

12 32. The Association breached the CC&Rs, as well as other Nevada law, by failing to
13 maintain the Rosemere Estates Community and handle the day to day activities, which includes, but
14 is no limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the
15 exterior perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive
16 and sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection
17 activity against any homeowners that have failed to pay their assessments; 7) paying known creditors
18 of the Association; 8) specially assessing the homeowners to ensure that enough proceeds exist
19 within the HOA funds to pay all known creditors assessing; and 9) any other activity required under
20 Nevada law.

21 33. Plaintiff, at all times, performed under the CC&Rs.

22 34. Plaintiff, at all times, substantially complied with all provisions contained therein.

23 35. Plaintiff alleges that the terms of the CC&Rs, as well as the other obligations under
24 Nevada law, are definite and certain between the parties.

25 36. Plaintiff is informed and believes that certain remedies at law are inadequate because,
26 for example, the Association failed and continues to fail to handle its obligations under the CC&Rs,
27 as well as Nevada law. Monetary damages will not make Plaintiff whole for these types of damages.
28 Plaintiff seeks specific performance to prevent these types of violations from occurring moving

1 forward.

2 37. Plaintiff tendered performance under the CC&Rs, as well as other Nevada law.

3 38. Plaintiff respectfully requests that this Court make an order requiring specific
4 performance and believes the Court will do so given the facts plead herein.

5 39. Plaintiff is informed and believes that it is entitled to the relief demanded herein.

6 40. Plaintiff is informed and believes that the Association is violating and will continue to
7 violate certain provisions in the CC&Rs, as well as Nevada law, as more specifically set forth above.

8 41. The Association's actions will continue to violate Plaintiff's rights respecting the
9 subject of this action, and will tend to render the judgment ineffectual.

10 42. If the Association continues to commit these types of violations, Plaintiff will suffer
11 great or irreparable injury.

12 43. Plaintiff has demonstrated a likelihood of success on the merits.

13 44. Plaintiff has demonstrated a reasonable probability that if the Association's conduct
14 continues, Plaintiff will suffer irreparable harm for which there is an inadequate remedy at law.

15 45. Plaintiff has demonstrated that the threatened injury to it in absence of an injunction
16 outweighs any potential harm that the injunction may cause the Association.

17 46. Plaintiff has demonstrated that the granting of an injunction is not contrary to the
18 public interest.

19 47. Plaintiff respectfully requests that this Court make an order precluding the
20 Association from continuing to breach the CC&Rs, as well as Nevada law, for all violations in which
21 there is not an adequate remedy at law until this matter is resolved.

22 48. It has been necessary for Plaintiff to retain the services of counsel to represent them
23 and to bring this action, and Plaintiff is entitled to recover attorneys' fees and costs incurred herein.

24 **PRAYER FOR RELIEF**

25 Plaintiff responsibly requests the Court grant the following relief:

26 1. For an Order declaring that the Association must continue to operate as required by
27 the CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not
28 limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior

1 perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and sewer
 2 system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection activity
 3 against any homeowners that have failed to pay their assessments; 7) paying known creditors of the
 4 Association; 8) specially assessing the homeowners to ensure that enough proceeds exist within the
 5 HOA funds to pay all known creditors assessing; and 9) any other activity required under Nevada
 6 law.

7 2. For specific performance requiring the Association to comply with the CC&Rs, as
 8 well as other Nevada law, with respect to the Association's maintenance and day-to-day activities;

9 3. For injunctive relief preventing the Association from violating the terms of the
 10 CC&RS, as well as other Nevada law, moving forward;

11 4. For appointment of a receiver to handle the maintenance obligations and day-to-day
 12 activities, including the financial activities regarding assessments and creditors, until a duly
 13 constituted board may be instituted and power transitioned thereto;

14 5. For reasonable attorneys' fees;

15 6. For costs of suit and litigation; and

16 7. For such other and further relief as the Court deems just and proper

17 DATED: June 8, 2018

GIBBS GIDEN LOCHER TURNER
 SENET & WITTBRODT LLP

19 By: 

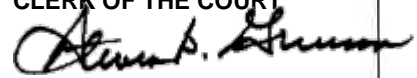
20 Richard E. Haskin, Esq.
 21 Nevada State Bar # 11592
 1140 N. Town Center Drive, Suite 300
 Las Vegas, Nevada 89144

22 Attorneys for Plaintiff

23 TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS
 24 TRUSTEES OF THE LYTLE TRUST

Exhibit 7

Application for Appointment of Receiver



APPL

Richard E. Haskin, Esq.
Nevada State Bar # 11592

**GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP**

1140 N. Town Center Drive, Suite 300
Las Vegas, Nevada 89144-0596
(702) 836-9800

Attorneys for Plaintiff
TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,

Plaintiff,

v.

ROSEMERE ESTATES PROPERTY OWNERS'
ASSOCIATION; DOES 1 through 20, inclusive;
and ROE CORPORATIONS 1 through 80,
inclusive,

Defendants.

CASE NO.: A-18-775843-C
DEPT.: XXXI

**RENEWED APPLICATION FOR
APPOINTMENT OF RECEIVER**

Date:
Time:

[HEARING REQUESTED]

Plaintiff TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE
LYTLE TRUST (hereinafter the "Lytle Trust"), hereby apply for an Appointment of a Receiver to
preserve Defendant ROSEMERE ESTATES PROPERTY OWNERS' ASSOCIATION (the
"Association"), to pay for mandatory maintenance of the common area expenses, and to compel an
assessment of the Association members to pay a judgment against the Association.

This Motion is brought pursuant to NRS 32.010, 78.600, 78.650, and 82.471, and is made
upon the grounds that the Lytle Trust—which is both (a) a property owner in Rosemere Estates and
thus a member of the Association, and (b) a creditor with judgments against the Association
exceeding \$1.4 million—seeks the assistance of a Receiver pursuant to:

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///

1 (1) NRS 32.010(1) (“A receiver may be appointed . . . by a creditor to subject any property or
2 fund to the creditor’s claim . . .”),

3 (2) NRS 32.010(3) (“A receiver may be appointed . . . [a]fter judgment, to carry the judgment
4 into effect”),

5 (3) NRS 32.010(4) (“A receiver may be appointed . . . [a]fter judgment . . . when the
6 judgment debtor refuses to apply the judgment debtor’s property in satisfaction of the judgment”),

7 (4) NRS 32.010(5) (“A receiver may be appointed . . . when a corporation . . . has forfeited
8 its corporate rights”),

9 (5) NRS 32.010(6) (“A receiver may be appointed . . . [i]n all other cases where receivers
10 have heretofore been appointed by the usages of the courts of equity”),

11 (6) by analogy, NRS 78.600 (receiver may be appointed when entity “cease[s] to exist in any
12 manner whatever”),

13 (7) by analogy, NRS 78.650(1)(c) (a receiver may be appointed when entity’s “trustees or
14 directors have been guilty of . . . nonfeasance”),

15 (8) by analogy, NRS 78.650(1)(d) (a receiver may be appointed when entity “is unable to
16 conduct the business . . . by reason of the . . . refusal to function of any of the directors or trustees”),

17 (9) by analogy, NRS 78.650(1)(f) (a receiver may be appointed when entity “has abandoned
18 its business”),

19 (10) by analogy, NRS 78.650(1)(h) (a receiver may be appointed when entity “has become
20 insolvent”),

21 (11) by analogy and alternatively, NRS 78.650(1)(i) (a receiver may be appointed when
22 entity “although not insolvent, is for any cause not able to pay its debts or other obligations as they
23 mature”), and

24 (12) because the Association is a nonprofit corporation, NRS 82.471(1) (a receiver may be
25 appointed when entity “becomes insolvent or suspends its ordinary business for want of funds to
26 carry on the business, or if its business has been and is being conducted at a great loss and greatly
27 prejudicial to the interests of its creditors or members”).

28 ///

1 Without the appointment of a Receiver, the common Association expenses, such as the
2 NRED and Secretary of State fees, will continue to go unpaid. Additional grounds exist because the
3 Association is refusing to pay and refusing to assess Association members related to various
4 monetary judgments awarded to the Lytles against the Association. This Motion is based upon this
5 Notice, the attached Memorandum of Points and Authorities, the Affidavit of Trudi Lee Lytle, the
6 Request for Judicial Notice and attached exhibits thereto, all of the pleadings and papers on file in
7 this action, and such other oral and documentary evidence as may be presented at the hearing on this
8 Motion.

9
10 DATED: October 24, 2019

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

11
12 By: 

Richard E. Huskin, Esq.
Nevada State Bar # 11592
1140 N. Town Center Drive, Suite 300
Las Vegas, Nevada 89144
Attorneys for Plaintiff

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14
15 TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS
16 TRUSTEES OF THE LYTLE TRUST
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NOTICE OF MOTION

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on the _____ day of _____, 2019, at _____ a.m., in Dept. XXXI of the above referenced Court, or as soon thereafter as counsel may be heard, the law firm of Gibbs, Giden, Locher, Turner, Senet & Wittbrodt, LLP, will bring the instant RENEWED APPLICATION FOR APPOINTMENT OF RECEIVER.

DATED: October 24, 2019

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

By: _____

Richard E. Haskin, Esq.
Nevada State Bar # 11592
1140 N. Town Center Drive, Suite 300
Las Vegas, Nevada 89144
Attorneys for Plaintiff

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS
TRUSTEES OF THE LYTLE TRUST

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

000819

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND PROCEDURAL BACKGROUND

Plaintiff TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST (hereinafter the "Lytle Trust"), hereby apply for an Appointment of a Receiver to reconstitute the Defendant ROSEMERE ESTATES PROPERTY OWNERS' ASSOCIATION (the "Association"), to pay for mandatory maintenance of the common area expenses, and to compel a special assessment of the Association members to partially pay judgments entered against the Association in favor of the Lytle Trust. The Association, due to its defunct status, failed to answer the Complaint in this matter and is in default.

In a series of lawsuits stoked by the Association's vengeful conduct towards the Lytle Trust, and specifically its trustees, Allen and Trudi Lytle, the Lytle Trust thwarted the Association's efforts to unlawfully foreclose on the Lytle Trust's property within the Association. As an additional result, the Lytle Trust was awarded compensatory damages, punitive damages, attorneys' fees, and costs in a series of three (3) separate judgments, the total of which is \$1,481,822.11. The judgments are accruing interest at the legal rate, and the Association has failed to pay any amount against the judgments, although the Lytle Trust garnished \$2,622.27 from the Association's bank account. Once more, the Association has refused to specially assess the Association members to satisfy the judgments. No additional funds are available to garnish.

The Association's failures to take action likely is the result of a united abandonment of the Association's Board when, in 2014, each of the three (3) Board members simply resigned from the Board after the Lytle Trust prevailed in two (2) separate Supreme Court appeals. Since 2014, the Board has not conducted any business, including those matters statutorily required of it, *i.e.*, payment of registration fees, conducting elections for the Board, and adopting a budget.¹ As it stands today, the Lytle Trust is uncertain as to who has the Association's checkbook, access to its bank accounts, and all of the Association's records and documents. Normally, these are safeguarded

¹ While some work or services to common area elements continues (such as repair of the entrance gate, water service and other utilities associated with the common areas), it is unclear who is authorizing such work and/or paying for such services. Clearly, something surreptitiously is occurring to the exclusion of the Lytle Trust and without the formality of a Board.

1 and entrusted to the Board. Here, there is no Board. Further, there is uncertainty as to what, if any,
2 insurance coverage exists for the Association and its membership (which potentially could put all
3 Association members at substantial risk of liability).

4 In addition to failing to pay the Lytle Trust judgments, the Association's status with the
5 Secretary of State is currently revoked, and the Association failed to pay mandatory fees to the
6 Nevada Real Estate Division ("NRED") or update its registration with the Ombudsman. Simply
7 stated, the Association is not operating as it must and the appointment of a receiver is necessary to
8 pay creditors, ensure that the Association has insurance, maintain control over the books and records
9 of the Association, as well as operate the most basic day-to-day Association activities until a Board
10 is in place.

11 This action commenced on June 8, 2018. The defendant Association failed to appear or
12 otherwise answer and was defaulted on August 30, 2018. On November 20, 2018, this Court granted
13 the Lytle Trust's Application for Appointment of a Receiver (the "Receiver Order"). A specific
14 receiver was neither identified in the Application nor specified in the resulting Order. Despite
15 counsel's efforts, the task of locating a Receiver with experience and expertise to run an NRS 116
16 "limited purpose association" proved much more difficult than anticipated. After court-ordered
17 status check hearings in September and October 2019, including a show-cause hearing, the Court, on
18 October 17, 2019, rescinded its Receiver Order, but did so without prejudice. In ruling, the Court
19 noted that a proper demonstration of the relevant criteria had originally been made to obtain the
20 Receiver Order; however, the Court felt compelled to rescind the Receiver Order due to the passage
21 of time without a receiver in place.

22 Counsel takes this opportunity to again apologize for the prior delay and the additional work
23 and concern such caused the Court. The Lytle Trust recently identified a competent receiver
24 candidate—Kevin Singer, who has been appointed receiver in more than 380 cases and whom the
25 Court met at the October 17, 2019 hearing—and files this Renewed Application for Appointment of
26 a Receiver. This Renewed Application is based, substantially, on the same criteria this Court already
27 found proper and seeks the appointment of Kevin Singer as the Receiver, pursuant to the proposed
28 order attached hereto as Exhibit 16.

II. STATEMENT OF FACTS

A. The Rosemere Estates Community And Defunct Board

At all relevant times, the Lytle Trust has owned property located at 1930 Rosemere Court, Las Vegas, Nevada, Assessor Parcel No. 163-03-313-009, which was and is part of Rosemere Estates ("Rosemere Estates"). Declaration of Trudi Lee Lytle ("Lytle Decl."), ¶ 2. Rosemere Estates consists of nine (9) properties, which originally were sold as undeveloped lots. *Id.* at ¶ 3.

Rosemere Estates is governed by the community's CC&Rs, which were drafted by the Developer, and dated January 4, 1994 (the "CC&Rs"). Lytle Decl., ¶ 4, *see also* CC&Rs, **Exhibit 1**. The CC&Rs created a "property owners' committee" ("Owners Committee"), tasked to maintain the common areas of the community, including the four (4) exterior wall planters, entrance way planters, perimeter wall and frontage, the entrance gate, and the private driveway. All of the common area expenses are shared equally between the owners. *Id.*

On February 25, 1997, the homeowners unanimously formed the Association, i.e., "Rosemere Estates Property Owners' Association," a NRS 82 non-profit corporation, which took the place of the Owners Committee in the Original CC&Rs, in order to hold a bank account and perform the actions required pursuant to the Original CC&Rs. Lytle Decl., ¶ 6, *see also* Articles of Incorporation, **Exhibit 2**. The Association consists of all properties within the community. Other than the first two to three years, the Association's Board has always had three members, consisting of a President, Secretary, and Treasurer. Lytle Decl., ¶ 7.

The Association held Board elections every three (3) years through March 2010. Lytle Decl., ¶ 8. Each election cycle, homeowners were invited to submit applications to run for the Board. *Id.* Thereafter, election forms were distributed, and an election occurred wherein three (3) Board members were elected. *Id.* However, it has been over nine (9) years since the Board last held an election on March 24, 2010. *Id.* at ¶ 9. The Board members in place from 2010 through July 2013 were Ray Sandoval (President), Orville McCumber (Secretary), and Johnnie McCumber (Treasurer). *Id.* There has been no Board in place for at least six (6) years.

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1 On January 27, 2014, during a court hearing involving the Lytle Trust and the Association in
2 a separate action related to the Board's unlawful adoption and recordation of Amended CC&Rs,
3 Orville McCumber, former Board Secretary, testified under oath that he no longer sat on the
4 Association's Board. Lytle Decl., ¶ 10, *see also* Transcript of Hearing, **Exhibit 3**. Public records
5 reveal the McCumbers moved more than two years ago and ceased to be Association members at
6 that time.²

7 In September 2014, Ray Sandoval, former Board President, and Trudi Lee Lytle had a
8 telephone conversation during which Mr. Sandoval stated that the Board "dissolved" and had not
9 conducted any business since July 29, 2013. Lytle Decl., ¶ 11. Further, Mr. Sandoval stated that
10 the Board had not conducted any meetings since July 2013, and did not intend to conduct any future
11 meetings or any future Association business. *Id.* It was abundantly clear from this conversation that
12 the Board simply does not exist, and all former officers abandoned their positions. *Id.*

13 Presently, there is no sitting and acting Board for the Association. The Board has not
14 conducted any meetings since 2013. Lytle Decl., ¶ 12. As a result of not having a Board, the
15 Association cannot conduct business. *Id.* at ¶ 13. Further, the Association has not paid its annual
16 dues to the Nevada Secretary of State, NRED or filed any of the required forms with these agencies.
17 As it stands, the Association is in "revoked" status with the Nevada Secretary of State. Nevada
18 Secretary of State Status, **Exhibit 4**.

19 **B. Adoption of the Amended CC&Rs in 2007**

20 At a July 2, 2007 Board meeting, the Board purportedly adopted a set of Amended and
21 Restated Covenants, Conditions and Restrictions ("Amended CC&Rs"), which vastly expanded the
22 Board and Association's powers and adopted the entirety of NRS Chapter 116. *See* Order Granting
23 Summary Judgment, Findings of Fact ("FOF") Nos. 23 – 35, **Exhibit 5**. The Amended CC&Rs
24 were in full force and effect at all times during the first two lawsuits commenced by the Lytle Trust
25 against the Association.

26 ///

27
28 ² *See* <http://www.clarkcountynv.gov/assessor/Pages/PropertyRecords.aspx?H=redrock&P=assrrealprop/pcl.aspx> (last accessed on October 18, 2019).

C. Judgments Entered In Favor Of The Lytle Trust And Against The Association

1. Rosemere 1 Litigation (2007-2016)

In 2007, the Lytle Trust filed an NRS 38.310 mandated non-binding arbitration before the NRED, naming the Association as respondent. The Lytle Trust sought a declaration that the Amended CC&Rs were unlawfully adopted, recorded and enforced by the Association against the Lytle Trust.

After the arbitrator found in favor of the Association, the Lytle Trust filed for a trial de novo in this District Court, case number A-09-593497-C, which was assigned to Judge Michelle Leavitt (the “Rosemere 1 Litigation”). The Lytle Trust entirely prevailed in the litigation, and the Court granted the Lytle Trust’s summary judgment on July 29, 2013. *Id.*, COL No. 11, **Exhibit 5**. Indeed, the Court determined that “the Amended CC&Rs were not properly adopted or recorded, that the Amended CC&Rs are invalid, and that the Amended CC&Rs have no force and effect.” *Id.*, COL No. 25.

On May 25, 2016, after hearing the Lytle Trust’s motion for attorneys’ fees, the Court awarded the Lytle Trust \$297,072.66 in attorneys’ fees. Order Awarding Attorneys’ Fees in Rosemere 1 Litigation, **Exhibit 6**. On June 17, 2016, the Court awarded the Lytle Trust damages, after a prove-up hearing, in the amount of \$63,566.93. Order Awarding Damages in Rosemere 1 Litigation, **Exhibit 7**. Finally, the Court awarded the Lytle Trust costs in the amount of \$2,561.80. Orders Awarding Costs in Rosemere 1 Litigation, **Exhibit 8**. Thus, the total amount the Association owes the Lytle Trust arising from Rosemere 1 Litigation is \$363,201.39, plus accruing interest.

2. Rosemere 2 Litigation (2010-2017)

On March 16, 2010, the Lytle Trust initiated another NRS 38.310 mandated non-binding arbitration before NRED, naming the Association as respondent (the “Rosemere 2 Litigation”). The purpose of the Rosemere 2 Litigation was to halt non-judicial foreclosure proceedings initiated by the Association against the Lytle Trust pursuant to NRS Chapter 116 and the Amended CC&Rs.³ *See*, Complaint in Rosemere 2 Litigation, **Exhibit 9**. The Lytle Trust also sought an order directing

³ Note, Rosemere 2 Litigation commenced more than six years *before* the Court in Rosemere 1 Litigation ruled that the Amended CC&Rs were invalid. Indeed, for purposes of Rosemere 2 Litigation, the parties stipulated that the Amended CC&Rs were valid and that NRS Chapter 116 fully applied to the Association.

1 the Association to comply with NRS Chapter 116 and the Amended CC&Rs where the Association
2 had failed to comply, e.g. approval of budgets, conduct of meetings, etc. *Id.* After the Association
3 prevailed in the arbitration (in November 2010), the Lytle Trust promptly filed a lawsuit (for trial de
4 novo) on December 13, 2010. *See*, Complaint in Rosemere 2 Litigation, **Exhibit 9**. The Association
5 filed a counterclaim, seeking to enforce assessments the Association levied against the Lytle Trust's
6 property.

7 On November 14, 2016, the Court granted the Lytle Trust's Motion for Summary Judgment
8 as to each and every cause of action and against the Association's Counterclaim. *See*, Order
9 Granting Summary Judgment in Rosemere 2 Litigation, **Exhibit 10**. The District Court then
10 awarded the Lytles the following: \$274,608.28 in attorneys' fees, \$4,725.00 in costs, and
11 \$823,824.84 in punitive damages pursuant to NRS 42.005. *See*, Order Granting Attorneys' Fees and
12 Costs in Rosemere 2 Litigation, **Exhibit 11**; *see also* Order Granting Punitive Damages in NRED 2
13 Litigation, **Exhibit 12**. Pursuant to the foregoing, the total amount of the judgment against the
14 Association and in favor of the Lytle Trust in the Rosemere 2 Litigation, including attorneys' fees
15 and costs, is \$1,103,158.12.

16 **3. Rosemere 3 Litigation (2015-2017)**

17 On April 2, 2015, the Lytle Trust filed an action against the Association in the Eighth
18 Judicial District, Case No. A-15-716420-C, seeking to compel the Association to hold an election, as
19 it had not conducted an election since March 24, 2010, despite the legal obligation to do so (the
20 "Rosemere 3 Litigation"). *See* Complaint in Rosemere 3 Litigation, **Exhibit 13**. On September 13,
21 2017, the Court granted the Lytle Trust's Motion for Summary Judgment, and ordered that election
22 take place before a neutral third party. *See* Order Granting Summary Judgment in Rosemere 3
23 Litigation, **Exhibit 14**.

24 On November 7, 2017, the Court awarded the Lytle Trust \$14,807.50 in attorneys' fees and
25 \$655.10 in costs. Order Granting Attorneys' Fees and Costs in Rosemere 3 Litigation, **Exhibit 15**.

26 ///

27 ///

28 ///

All of the foregoing orders in Rosemere 1, 2 and 3 Litigations are final and not subject to appeal, and all monetary orders are accruing interest. Aside from two garnishments netting a combined \$2,622.27, no amount has been paid on any of the judgments. Lytle Decl., ¶ 15.

4. The Amended CC&Rs Grant The Association Authority To Assess Each Unit For Payment Of Judgments Against The Association

The Amended CC&Rs, which were in full force and effect during the entirety of the Rosemere 1 and 2 Litigation matters, provide, in pertinent part:

10.1 Liability for Common Expenses: The percentage of liability for Common Expenses allocated to each Lot ... is a fraction, the numerator being one (1) and the denominator being the total number of lots within the Property. Nothing contained in this Section shall prohibit certain Common Expenses from being apportioned to particular Lots under this Declaration.

10.2 Common Expenses Attributable to Fewer than all Lots; Exempt Property

(c) An Assessment to pay a judgment against the Association may be made only against the Lots in the Property at the time the judgment was entered, in proportion to the respective Liability for Common Expense.

10.11 Personal Liability of Owners: The Owner of a Lot, at the time a Common Expense Assessment or portion thereof is due and payable, is personally liable for the Common Expense Assessment. Additionally, the Owner of a Lot... is deemed to covenant and agree to pay to the Association: (a) annual Common Expense Assessments; (b) Capital Improvement Assessments; and (c) Special Assessments... All Assessments, together with interest, costs, and reasonable attorneys' fees for the collection thereof, shall be a charge on the land and shall be a continuing lien upon the Lot against which such Assessment is made.

Pursuant to the Amended CC&Rs, the Association has the power and authority to assess each "Lot" or unit for the total amount of any judgments against the Association in proportion to ownership within the Association. In the present case, there are nine (9) lots; therefore, each lot may be assessed one-ninth (1/9th) of the total judgment amounts.⁴

The Court must take note that the Amended CC&Rs were in full force and effect during the entirety of the Rosemere 1 and 2 Litigation matters. Further, as set forth in the next Section, the Courts in both matters awarded attorneys' fees and costs pursuant to the Amended CC&Rs.

⁴ However, as argued herein, *infra*, because the Lytle Trust is the prevailing party and judgment creditor, it makes no sense to require the Lytle Trust to pay any portion of its own judgments. Instead, the judgments should be assessed against the remaining eight (8) lots.

1 5. The Rosemere 1 and Rosemere 2 Judgments Were Awarded Pursuant To
2 The Amended CC&Rs

3 The Amended CC&Rs were recorded on July 3, 2007, in the office of the Recorder for Clark
4 County, Nevada. From that date, the Association deemed itself a full-blown unit owners'
5 association, subject to and taking advantage of all rights, privileges and remedies afforded by the
6 entirety of Chapter 116, including the right to assess and initiate Chapter 116 foreclosure
7 proceedings for failure to pay assessments, which is exactly what the Association did to the Lytle
8 Trust. *See generally*, Order Granting Summary Judgment, **Exhibit 5**. The Amended CC&Rs adopt
9 Chapter 116 of the Nevada Revised Statutes. Amended CC&Rs, at Article I, **Exhibit 1**. The
10 Amended CC&Rs define the Association pursuant to the Uniform Common-Interest Ownership Act.
11 *Id.* at 1.1. The Amended CC&Rs routinely reference Chapter 116 of the Nevada Revised Statutes.
12 *See, e.g., id.* at 1.13, 1.14, 1.30, 8.1, 10.3 (referring to the lien statutes codified in Chapter 116).

13 In granting the Lytle Trust's Motion for Attorneys' Fees, the district court in the Rosemere 1
14 and 2 Litigations cited *Mackintosh v. Cal. Fed. S&L Ass'n*, 113 Nev. 393, 405-406, 935 P.2d 1154,
15 1162 (1997), and held that the Lytle Trust could recover attorneys' fees under the Amended CC&Rs
16 because that document, while declared *void ab initio* by the district court, was in effect and enforced
17 by the Association against the Lytle Trust at all times during the underlying litigation. *See*
18 *generally*, Orders Granting Attorneys' Fees, **Exhibits 6, 11**.

19 In *Mackintosh, supra*, the purchasers of real property sued a savings and loan association for
20 rescission of a residential property purchase agreement. *Mackintosh*, 113 Nev. at 396-397, 935 P.2d
21 at 1157. The district court granted summary judgment in favor of the purchasers, finding the
22 purchase agreement was properly rescinded and *void ab initio*. However, the district court denied
23 the purchasers' request for attorney fees because the entire agreement, including the attorneys' fee
24 provision, was "void from its date of inception, just as if the contract had never existed." *Id.* 113
25 Nev. at 405-406, 935 P.2d at 1162.

26 The Supreme Court upheld the district court's summary judgment determination that the
27 purchasers had rescinded the purchase agreement. *Id.* However, the Supreme Court held the district
28 court improperly denied the purchasers' request for attorneys' fees. *Id.* Holding that an attorney fee

provision in a void agreement *could* support an award of fees, the Supreme Court relied on a Florida Supreme Court case, *Katz v. Van Der Noord*, 546 So.2d 1047 (Fla. 1989), which held:

We hold that when parties enter into a contract and litigation later ensues over that contract, attorney's fees may be recovered under a prevailing-party attorney's fee provision contained therein even though the contract is rescinded or held to be unenforceable. The legal fictions which accompany a judgment of rescission do not change the fact that a contract did exist. It would be unjust to preclude the prevailing party to the dispute over the contract which led to its rescission from recovering the very attorney's fees which were contemplated by that contract.

Id. at 1049.

Finally, in the Rosemere 2 Litigation, the Court cited the Amended CC&Rs and provisions of NRS Chapter 116 repeatedly in finding that the Association violated its own governing documents. For example, the Court found that the Association failed to notify the Lytle Trust of the intent to lien as required by NRS 116.31162(1)(a). Order Granting Summary Judgment, FOF No. 13, COL Nos. 31, 32, **Exhibit 5**. The Association failed to adopt an annual budget as required by NRS 116.3115 and the Association's Amended CC&Rs and Bylaws. *Id.* at COL No. 28 - 30. The Association failed to take bids before hiring a collection agency as required by NRS 116.31086 (*Id.* at COL No. 34) and unlawfully suspended the Lytle Trust's membership privileges without complying with the Amended CC&Rs. *Id.* at COL No. 42.

III. ARGUMENT

A. Several Provisions of NRS 32.010 Authorize The Appointment Of A Receiver

NRS 32.010 relevantly provides as follows:

A receiver may be appointed by the court in which an action is pending, or by the judge thereof:

1. In an action... by a creditor to subject any property or fund to the creditor's claim . . . on application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed or materially injured.

* * *

3. After judgment, to carry the judgment into effect.

///

1 **4. After judgment, . . . in proceedings in aid of execution, . . . or when**
2 **the judgment debtor refuses to apply the judgment debtor's property**
3 **in satisfaction of the judgment.**

4 **5. In the cases when a corporation . . . is insolvent, or in imminent**
5 **danger of insolvency, or has forfeited its corporate rights.**

6 **6. In all other cases where receivers have heretofore been appointed**
7 **by the usages of the courts of equity.**

8 [Emphasis added.]

9 Customarily, a receiver is a neutral party appointed by the court to take possession of
10 property and preserve its value for the benefit of the person or entity subsequently determined to be
11 entitled to the property. *Anes v. Crown Partnership*, 113 Nev. 195; 932 P.2d 1067, 1069 (1997)
12 (citation omitted). At least two things are essential to the appointment of a receiver under the
13 statute: 1) there must be an action pending in which the application is made; and, 2) the petition
14 must state sufficient facts under one of the subdivisions of the statute to justify such action. *See*
15 *State v. Second Judicial Dist. Court in and for Washoe County*, 49 Nev. 145, 241 P. 317 (1925).

16 The first requirement was satisfied when the Lytles filed their Complaint here against the
17 Association on June 8, 2018.

18 The second requirement for the appointment of a receiver similarly is met under each of
19 subsections 1, and 3-6, only one of which is needed to warrant the appointment of a receiver.
20 Indeed, it is worth noting that the original Application for Appointment of a Receiver (which this
21 Court granted on November 15, 2018, but then revoked on October 17, 2019, due to the passage of
22 time without a receiver being empaneled) was based only on subsection 1 of NRS 32.010, and this
23 Court found such sufficient. Additionally, however, the Lytle Trust obtained judgments against the
24 Association and a Receiver is needed to carry those judgments into effect. *See* NRS 32.010(3).
25 Further, a Receiver is warranted because the Association, as the judgment debtor, refuses to satisfy
26 the judgments and shows no intention of paying any amount against any of these judgments. NRS
27 32.010(4), Lytle Decl. at ¶ 15. Indeed, immediately after the Lytle Trust prevailed in its first action
28 against the Association, the Board members all abandoned their positions in an effort to avoid
paying the judgments and being put into the unenviable position of levying a special assessment on
the owners. A receiver is independently warranted under NRS 32.010(5) because the Association is

1 “insolvent, or in imminent danger of insolvency,” as evidenced by its failure to collect any dues or
2 make any assessments in many years while more than \$1,400,000 in judgments against it remain
3 outstanding, and, alternatively, because the Association “has forfeited its corporate rights,” at least
4 temporarily so, as evidenced by its “revoked” status with the Nevada Secretary of State. **Exhibit 4.**
5 Finally, the “catchall” provision of NRS 32.010(6) also applies because courts of equity have
6 historically appointed receivers when, for example, “in view of all the circumstances of the case,
7 [appointment of a receiver is needed] for the promotion of justice where no other adequate remedy
8 exists.” *Bowler v. Leonard*, 70 Nev. 370, 383, 269 P.2d 833, 839 (1954). Here, the Lytle Trust has
9 substantial judgments against the Association, whose Board members abandoned their duties when
10 the judgments were entered and no other adequate remedy exists to reconstitute the Board and assess
11 the Association members to pay the judgments, to the extent permitted by law, and to otherwise keep
12 the Association in good standing.

13 **B. By Analogy, NRS 78.600 and 78.650 Authorize The Appointment of a Receiver**

14 NRS Chapter 78 regards private corporations. While the Association is formed as a Chapter
15 82 nonprofit corporation, the principles underlying the appointment of a receiver for a for-profit
16 entity under Chapter 78 are equally applicable regarding a nonprofit entity under Chapter 82.

17 Under NRS 78.600, a receiver may be appointed when the corporate entity “cease[s] to exist
18 in any manner whatever.” Here, the Association ceased to conduct any business many years ago and
19 is in “revoked” status with the Nevada Secretary of State. **Exhibit 4.**

20 Additionally, pursuant to NRS 78.650(1)(c), a receiver may be appointed when the corporate
21 entity’s “trustees or directors have been guilty of . . . nonfeasance.” “Nonfeasance” is the “[t]he
22 failure to act when a duty to act exists.” BLACK’S LAW DICTIONARY 1216 (10th ed. 2014). Here, the
23 Association has a duty to elect a functioning Board, to preserve its legal status, to pay its debts,
24 including the judgments obtained by the Lytle Trust, etc.—it has done none of these things (i.e.,
25 nonfeasance).

26 Further, pursuant to NRS 78.650(1)(d), a receiver may be appointed when the corporate
27 entity “is unable to conduct the business . . . by reason of the . . . neglect or refusal to function of any
28 of the directors or trustees.” Clearly, this applies here. Indeed, without repeating the applicable

1 facts, each of NRS 78.650(1)(f) (authorizing a receiver when the entity “has abandoned its
2 business”), 78.650(1)(h) (authorizing a receiver when the entity “has become insolvent”), and
3 78.650(1)(i) (authorizing a receiver when the entity, even if “not insolvent, is for any cause not able
4 to pay its debts or other obligations as they mature”—at a minimum, the Lytle Trust judgments are
5 all matured and unpaid), are clearly satisfied here.

6 Any one of the foregoing authorize and justify the appointment of a receiver here.

7 **C. NRS 82.471(1) Authorizes The Appointment of A Receiver**

8 NRS Chapter 82 applies to nonprofit corporations, like the Association. NRS 82.471(1)
9 authorizes the appointment of a receiver when the entity “becomes insolvent or suspends its ordinary
10 business for want of funds to carry on the business, or if its business has been and is being conducted
11 at a great loss and greatly prejudicial to the interest of its creditors or members.”

12 A receiver may be requested by a creditor holding at least 10% of the outstanding
13 indebtedness or by a member holding at least 10% of the voting power. *Id.* Here, the 10% threshold
14 is satisfied by the Lytle Trust both as a creditor (with judgments totaling in excess of \$1.4 million)
15 and as an Association member (as one of nine members, the Lytle Trust holds an 11.11% voting
16 right).

17 In the present case, a receiver should be appointed because the Association is indebted to the
18 Lytle Trust in the amount of \$1,481,822.11 (plus accrued post-judgment interest), the Association’s
19 Board disbanded shortly before the first of three judgments was awarded, likely in an effort to make
20 it more cumbersome for the Lytle Trust to recover, and the Association is without any governing
21 body to assess the homeowners and pay the judgments. Further, the Association is currently in
22 default with the NRED and Nevada Secretary of State and risks permanently losing its right to exist
23 and operate. In short, the Lytle Trust is “greatly prejudic[ed]” because the Association’s
24 abandonment of its duties deprives the Lytle Trust, as a creditor, any ability to be paid its judgments,
25 and, deprives the Lytle Trust, as a member, the benefits of an existing, functioning Association in
26 good standing.

27 ///

28 ///

D. NRS 82 Provides The Association With The Authority To Assess Members To Pay The Judgments

NRS 82.241 provides that, while a member of a corporation is not personally liable for the debts, liabilities or obligations of a corporation, the corporation may levy assessments upon its members. NRS 82.131(5), *see also* NRS 82.241(3)(a).

In the present case, the District Court already ruled that the Association is liable for attorneys' fees, costs and damages pursuant to the Amended CC&Rs, which provide the Association with the ability to specially assess each property (unit) for the costs of judgments. Amended CC&Rs, ¶ 10.11, **Exhibit 16**.

E. The Lytle Trust, As Judgment Creditor, Should Not Receive Any Assessment to Pay Its Own Judgments

The current balance of the judgments the Lytle Trust obtained against the Association, with interest, exceeds \$1,500,000. Divided nine ways (for the nine members in the Association) results in a pro rata share of approximately \$167,000 per member. However, such allocation would absurdly require the Lytle Trust to pay a substantial part of its own judgments. Stated differently, the Lytle Trust was wrongfully required to engage in litigation (three times) with the Association. That litigation resulted in numerous proceedings at the NRED, District Court, Nevada Supreme Court, and further proceedings in the District Court on remand. The Lytle Trust expended its trustees' (Allen and Trudi Lytle's) life savings embroiled in litigation. The Lytle Trust prevailed and, *to make it whole*, was awarded in excess of \$1,400,000; mostly in legal fees, costs, and punitive damages. If the Lytle Trust, the judgment creditor, is required to absorb \$167,000 of the awards against the Association, the Lytle Trust will not be whole and, absurdly, it would be required to shoulder some liability for the punitive damage award even though it (the Lytle Trust) was the one who was harassed and subjected to the Association's judicially-determined oppressive conduct.

Assessing any part of the Lytle Trust's judgments against the Lytle Trust will, to that same extent, render the judgments "moot because [the Lytle Trust] would, in affect [sic], pay [its] own judgement." *J&J Timber Co. v. Broome*, 932 So.2d 1, 7 (Miss. 2006); *see also, Goldsmith v. Sachs*, 17 F. 726, 727 (D. Cal. 1882) ("The plaintiff does not contribute to pay his own judgment . . ."),

Exhibit 8

Nevada Supreme Court Order Affirming May 2018 Order

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN
ALLEN LYTLE, AS TRUSTEES OF THE
LYTLE TRUST,

Appellants,

vs.

SEPTEMBER TRUST, DATED MARCH
23, 1972; GERRY R. ZOBRIST; JOLIN G.
ZOBRIST, AS TRUSTEES OF THE
GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST FAMILY TRUST; RAYNALDO
G. SANDOVAL; JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES
OF THE RAYNALDO G. AND EVELYN
A. SANDOVAL JOINT LIVING TRUST
AND DEVOLUTION TRUST DATED
MAY 27, 1992; DENNIS A. GEGEN;
AND JULIE S. GEGEN, HUSBAND
AND WIFE, AS JOINT TENANTS,
Respondents.

TRUDI LEE LYTLE; JOHN ALLEN
LYTLE; AND LYTLE TRUST,

Appellants,


vs.

SEPTEMBER TRUST, DATED MARCH
23, 1972; GERRY R. ZOBRIST; JOLIN G.
ZOBRIST, AS TRUSTEES OF THE
GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST FAMILY TRUST; RAYNALDO
G. SANDOVAL; JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES
OF THE RAYNALDO G. AND EVELYN
A. SANDOVAL JOINT LIVING TRUST
AND DEVOLUTION TRUST DATED
MAY 27, 1992; DENNIS A. GEGEN;
AND JULIE S. GEGEN, HUSBAND
AND WIFE, AS JOINT TENANTS,
Respondents.

No. 76198

FILED

MAR 02 2000

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

No. 77007

ORDER OF AFFIRMANCE

These are consolidated appeals from district court orders granting summary judgment and awarding attorney fees in a real property action. Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.

Appellants Trudi and John Lytle and the Lytle Trust (the Lytles) own property in Rosemere Estates and appeal judgments in the latest of a long line of cases arising from disputes with their homeowners' association. As the parties are familiar with the complex litigation history underlying this case, we do not recount the whole of it here. As pertinent to this appeal, the Lytles litigated three cases against their homeowners' association, which the Lytles term NRED 1, NRED 2, and NRED 3. They ultimately prevailed against the association in each case, receiving awards of \$361,238.59, \$1,103,158.21, and \$15,462.60, respectively. Importantly, the lower court in NRED 1 determined the association was a limited purpose association as defined by NRS 116.1201 and not a Chapter 116 unit-owners association, and that the amended CC&Rs, which would have substantially increased the scope and complexity of the governing CC&Rs, were *void ab initio*. We affirmed that decision. See *Rosemere Estates Prop. Owners Ass'n v. Lytle*, Docket Nos. 63942, 65294 & 65721 (Order Affirming (Docket No. 63942); Vacating and Remanding (Docket No. 65294); Affirming in Part, Reversing in Part, and Remanding (Docket No. 65294); and Vacating and Remanding (Docket No. 65721)). The district court order in NRED 2 likewise recognized that the amended CC&Rs were *void ab initio* and the association was not a Chapter 116 unit-owners association.

Following the judgment in NRED 1, the Lytles recorded abstracts of judgment against the other eight properties in Rosemere to

recover their \$361,238.59 judgment. Two homeowners, Marjorie Boulden and Linda and Dr. Jacques Lamothe, filed a complaint seeking an injunction to restrain the Lytles from foreclosing on their properties and to strike the abstracts of judgment. The district court granted partial summary judgment, awarding the plaintiffs a permanent injunction against the Lytles and ordering the abstracts of judgment expunged and stricken from the Clark County records. The Lytles appealed that decision to this court and subsequently released the liens against the Boulden and Lamothe properties. While that appeal was pending, the respondents in this case learned of their neighbors' success and contacted the Lytles to request that the Lytles likewise release the abstracts of judgment from their properties. The Lytles refused, and the respondents filed a complaint substantially similar to the Boulden/Lamothe complaint, requesting an order restraining the Lytles from foreclosing on their properties, canceling and expunging the abstracts of judgment, and declaring the Lytles had no right to or interest in the properties for any of the NRED judgments.

Respondents' case was consolidated below with the remainder of the Boulden/Lamothe case. The district court thereafter granted summary judgment for respondents, and further granted their motion for attorney fees and costs. Subsequently, we affirmed the grant of partial summary judgment in favor of Boulden and Lamothe. *Lytle v. Boulden*, Docket No. 73039 (Order of Affirmance, December 4, 2018). We explained that under the plain language of Chapter 116, limited purpose associations are not subject to Chapter 116 outside of certain express statutory exceptions, and that NRS 116.3117 is not among those exceptions. *Id.* Moreover, we were not persuaded by the Lytles' arguments that other Nevada law, notably equitable principles or the general principles of

common-interest communities, would allow them to record abstracts of judgment against homeowners who were not parties in the litigation against Rosemere and whose properties were not the subject of any lawsuit. *Id.*

In the present appeal, the Lytles argue the district court erred by granting summary judgment in favor of respondents and abused its discretion by awarding respondents attorney fees and costs, contending the district court improperly applied, as law of the case, its earlier Boulden/Lamothe summary judgment. We have carefully reviewed the record and conclude the district court did not err under the particular facts present here.

We review a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists "and that the moving party is entitled to a judgment as a matter of law." *Id.*

We previously addressed in Docket No. 73039 whether the Lytles could rely on NRS 116.3117 to record abstracts of judgment against the individual properties in Rosemere. That decision constitutes law of the case here, where the respondents' case has been consolidated with the Boulden/Lamothe case and the claims and legal issues in the two are substantially the same. *See Dictor v. Creative Mgmt. Servs., LLC*, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010) (stating "that when an appellate court decides a principle or rule of law [either expressly or by necessary implication], that decision governs the same issues in subsequent proceedings in that case"); *LoBue v. State ex rel. Dep't of Highways*, 92 Nev. 529, 532, 554 P.2d 258, 260 (1976) ("The law of the first appeal is the law of

the case on all subsequent appeals in which the facts are substantially the same." (internal quotations omitted)).

The Lytles concede our decision in Docket No. 73039 resolves the summary judgment issues as related to NRED 1 and 3. However, the Lytles argue the order in Docket No. 73039 does not resolve the arguments as related to NRED 2, as in that case the Lytles and the association stipulated that the amended CC&Rs were valid and enforceable for purposes of the NRED 2 litigation, and under those amended CC&Rs the Lytles could rely on NRS 116.3117 to record abstracts of judgment against the properties to recover their judgment in NRED 2.¹

We see no factual differences that would distinguish this case from Docket No. 73039 or enable the Lytles to record abstracts of judgment against the subject properties to recover the NRED 2 judgment. Although the Lytles and the association signed a stipulation in NRED 2, that stipulation was for the purposes of NRED 2 only and was between the Lytles and the association. The respondents were not parties to the NRED 2 litigation nor did they sign the stipulation. Moreover, the order granting summary judgment for the Lytles in NRED 2 acknowledged that the amended CC&Rs were *void ab initio*, meaning those documents never had force or effect. See *Washoe Med. Ctr. v. Second Judicial Dist. Court*, 122 Nev. 1298, 1304, 148 P.3d 790, 794 (2006) (addressing a complaint); *Nev. Power Co. v. Metro. Dev. Co.*, 104 Nev. 684, 686, 765 P.2d 1162, 1163-64

¹The Lytles further argue that equitable principles should operate to allow them to utilize NRS 116.3117, and they contest this court's analysis in Docket No. 73039 of NRS 116.1201 and whether the plain language rule applies to Chapter 116. We addressed similar arguments in Docket No. 73039 and after doing so again here, we remain convinced they are without merit.

(1988) (addressing a statute); *see also Void Ab Initio*, *Black's Law Dictionary* (11th ed. 2019) ("Null from the beginning, as from the first moment when a contract is entered into."). Thus, the stipulation does not apply to the present case, and, moreover, the CC&Rs upon which the Lytles rely had no force and cannot be used to justify applying NRS 116.3117 here. Accordingly, we affirm the grant of summary judgment.²

We next consider the attorney fees award. We review an award of attorney fees for a manifest abuse of discretion, but will review questions of law de novo. *Pardee Homes of Nev. v. Wolfram*, 135 Nev. 173, 176, 444 P.3d 423, 425-26 (2019). NRS 18.010(2)(b) allows the court to award attorney fees to the prevailing party where the complaint or defense was brought or maintained either to harass the prevailing party or without reasonable ground. The statute instructs courts to "liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations." NRS 18.010(2)(b). Under this provision, a defense is without reasonable ground if no credible evidence supports it. *See Capanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018) (addressing NRS 18.010(2)(b)). The analysis of whether the party acted on reasonable grounds "depends upon the actual circumstances of the case rather than a hypothetical set of facts favoring [the party's] averments." *Bergmann v. Boyce*, 109 Nev. 670, 675, 856 P.2d 560, 563 (1993), *superseded by statute on*

²We need not address the Lytles' argument that the district court improperly relied on the law-of-the-case doctrine, as the record demonstrates the district court based its decision on the parties' arguments and, moreover, we conclude the district court reached the correct result here. *See Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) ("This court will affirm a district court's order if the district court reached the correct result, even if for the wrong reason.").

other grounds as stated in *In re DISH Network Derivative Litig.*, 133 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017). A district court may decide an award for attorney fees “despite the existence of a pending appeal from the underlying final judgment.” NRCP 54(d)(2)(A).


In its order awarding attorney fees and costs, the district court made detailed findings of fact, concluded the Boulden/Lamothe summary judgment order constituted law of the case, and noted that after the court entered that order, the Lytles had an opportunity to avoid the present litigation while still preserving their legal arguments for appeal. We need not address whether the prior order awarding partial summary judgment constituted law of the case,³ as we conclude that under the circumstances here the district court did not manifestly abuse its discretion.

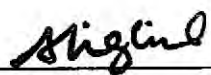
The record shows that the respondents approached the Lytles after the district court determined the Lytles improperly recorded the abstracts of judgment to recover for NRED 1. Respondents requested that the Lytles likewise remove the abstracts of judgment from their properties, but the Lytles refused to do so, despite removing the abstracts of judgment from the Boulden and Lamothe properties. The Lytles have not shown why they could not have accommodated the respondents while still preserving their arguments for appeal from the Boulden/Lamothe summary judgment, thereby avoiding this litigation. And although the partial summary

³Although this court has previously stated that trial court decisions do not constitute law-of-the-case, *see Byford v. State*, 116 Nev. 215, 232, 994 P.2d 700, 711-12 (2000), we note that federal law provides that the doctrine applies to district court decisions, although it does not preclude a district court from reconsidering its own rulings unless a higher court has ruled on the issue and mandated a certain outcome. *See, e.g., Askins v. U.S. Dep’t of Homeland Sec.*, 899 F.3d 1035, 1042 (9th Cir. 2018); *Moore v. James H. Matthews & Co.*, 682 F.2d 830, 833-34 (9th Cir. 1982).

judgment order was pending on appeal at the time the district court awarded the respondents attorney fees, NRCP 54(d)(2)(A) allows the court to decide attorney fees under the known facts and despite any pending appeal. Under these particular facts, therefore, we conclude the district court did not abuse its discretion by concluding the Lytles maintained their defense without reasonable ground, and we affirm the award of attorney fees. Accordingly, we

ORDER the judgments of the district court AFFIRMED.

 J.
Gibbons

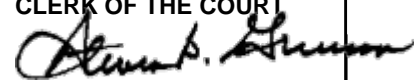
 J.
Stiglich

 J.
Silver

cc: Hon. Mark B. Bailus, District Judge
Lewis Roca Rothgerber Christie LLP/Las Vegas
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas
Christensen James & Martin
Eighth District Court Clerk

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Robert Z. Disman and Yvonne A. Disman

DISTRICT COURT
CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST,
LINDA LAMOTHE AND JACQUES
LAMOTHE, TRUSTEES OF THE JACQUES
& LINDA LAMOTHE LIVING TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN LYTLE,
THE LYTLE TRUST, DOES I through X, and
ROE CORPORATIONS I through X,

Defendants.

AND ALL RELATED MATTERS

Case No.: A-16-747800-C

Dept. No.: XVI

**JOINDER TO PLAINTIFFS' MOTION
FOR AN ORDER TO SHOW CAUSE
WHY THE LYTLE TRUST SHOULD
NOT BE HELD IN CONTEMPT FOR
VIOLATION OF COURT ORDERS**

Hearing Date: April 21, 2020

Hearing Time: 9:00 a.m.

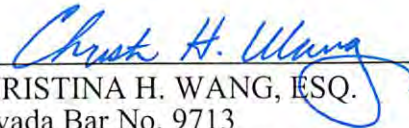
Counter-Defendants/Cross-Claimants ROBERT Z. DISMAN and YVONNE A.
DISMAN (hereinafter collectively referred to as, the "Dismans"), by and through their attorneys
of record, the Fidelity National Law Group, hereby file this Joinder to Plaintiffs' Motion for an
Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of
Court Orders, filed on March 4, 2020.

The Dismans hereby join in the arguments raised as set forth in the Motion for those
reasons stated therein, the papers and pleadings on file herein, and any oral argument that the

1 Court may entertain at the time of any hearing on the Motion.

2 DATED this 6th day of March, 2020.

3 FIDELITY NATIONAL LAW GROUP

4
5 

6 CHRISTINA H. WANG, ESQ.
7 Nevada Bar No. 9713
8 8363 W. Sunset Road, Suite 120
9 Las Vegas, Nevada 89113
10 *Attorneys for Counter-Defendants/Cross-*
11 *Claimants Robert Z. Disman and*
12 *Yvonne A. Disman*

CERTIFICATE OF SERVICE

The undersigned employee of Fidelity National Law Group, hereby certifies that she served a copy of the foregoing **JOINDER TO PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS** upon the following parties on the date below entered (unless otherwise noted), at the fax numbers and/or addresses indicated below by: [X] (i) placing said copy in an envelope, first class postage prepaid, in the United States Mail at Las Vegas, Nevada, [] (ii) via facsimile, [] (iii) via courier/hand delivery, [] (iv) via overnight mail, [] (v) via electronic delivery (email), and/or [X] (vi) via electronic service through the Court's Electronic File/Service Program.

Richard E. Haskin, Esq.
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Boulden Trust, amended and restated
dated July 17, 1996; and Linda Lamothe
and Jacques Lamothe, Trustees of the
Jacques and Linda Lamothe Living Trust*

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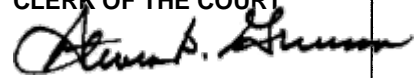
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST, et
al.,

Plaintiff,

v.

TRUDI LEE LYTLE, et al.,

Defendants,

SEPTEMBER TRUST, DATED MARCH 23,
1972, et al.,

Plaintiffs,

v.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, et al.,

Defendants.

Case No.: A-16-747800-C

Dept. No.: 16

**OPPOSITION TO PLAINTIFFS' MOTION
FOR AN ORDER TO SHOW CAUSE WHY
THE LYTLE TRUST SHOULD NOT BE
HELD IN CONTEMPT FOR VIOLATION
OF COURT ORDERS**

DATE OF HEARING: APRIL 21, 2020

TIME OF HEARING: 9:00 A.M.

I.

INTRODUCTION

This is a \$1.8 million motion...and the movants understand this significance. More particularly, the movant homeowners, through the Rosemere Estate Property Owners Association (the "Association"), waged vicious battles with the Lytle Trust for more than a decade, resulting in three judgments in favor of the Lytle Trust against the Association, which have a current

1 combined balance of more than \$1.8 million. The Association's actions against the Lytle Trust
2 were so outrageous that the Lytle Trust's judgments include a punitive damage award in excess of
3 \$800,000. The homeowners funded the Association's litigation expenses through assessments and
4 personal loans to the Association. However, when the judgments started rolling-in in favor of the
5 Lytle Trust against the Association, the board members (some of these very Plaintiffs) resigned
6 and rendered the Association defunct, failing to renew its status with the Nevada Real Estate
7 Division or the Nevada Secretary of State.

8 No doubt, the homeowners assumed that, without a functioning Association, there would
9 be no one to make an assessment to pay the judgments. Curiously, in the years after the
10 Association was intentionally rendered defunct, it has still managed to pay its obligations to, for
11 example, maintain the entrance gate, pay water and electricity for common areas, etc. In short, a
12 secret Association exists to continue the Association's purposes, except to pay the judgments. The
13 homeowner movants had no hesitation to pay tens of thousands of dollars each to an Association
14 assessment to fund the Association's fight against the Lytle Trust. However, when the Lytle Trust
15 prevailed again and again, the homeowners rendered the Association defunct and now vigorously
16 fight the Lytle Trust's efforts to collect its judgments from the Association.

17 If the homeowner movants prevail in their motion, the Lytle Trust will likely have no way
18 to collect their judgments from the Association. Thus, this is a \$1.8 million motion.

19 Plaintiffs' Motion For An Order to Show Cause Why The Lytle Trust Should Not Be Held
20 In Contempt For Violation Of Court Orders ("Motion") demonstrates an astonishing lack of
21 understanding regarding (1) receivers, (2) the fundamental differences between judgment creditors
22 (like the Lytle Trust) and judgment debtors (like the Association), and (3) this Court's permanent
23 injunction and the Nevada Supreme Court's Order of Affirmance.

24 Indeed, judgment creditors have a right to collect judgments. Judgment debtors have an
25 obligation to pay or satisfy judgments. The court-appointed Receiver here (Kevin Singer,
26 appointed by Judge Kishner in Case No. A-18-775843 ("Receiver Action")) acts in the stead of the
27 defunct Association. As such, the Receiver was empowered and acts NOT to collect the Lytle
28 Trust's judgments; but rather, to pay or satisfy the Association's judgment liability. Indeed, the

Receiver, an officer of the Court, acts in the shoes of and on behalf of the Association, not the Lytle Trust.

Neither this Court's permanent injunction nor the Supreme Court's Order of Affirmance purports to alter in any manner the Lytle Trust's rights as a judgment creditor against its judgment debtor—the *Association*. Instead, those orders address only what the Lytle Trust cannot do as it relates to the *homeowners*. More particularly, those orders recognize that the homeowners are not judgment debtors and therefore the Lytle Trust cannot enforce its judgments directly against the homeowners or their property, as the Lytle Trust previously attempted when it recorded abstracts of judgment against the homeowners' properties. However, the Lytle Trust is free to exercise its judgment creditor rights against the Association. The Lytle Trust's actions against the Association to collect its judgment cannot be confused with the Receiver's actions on behalf of the Association to pay the judgments.

The Receiver's powers in this case are not limited, as the movants suggest, to NRS 116.1201(2) and the original CC&Rs. Numerous other sources exist to empower the Receiver, as recognized in Judge Kishner's Order Appointing Receiver.

For all the reasons as will now be demonstrated, the Lytle Trust did not violate this Court's permanent injunction. The Motion must be DENIED.

II.

STANDARD OF REVIEW

A permanent injunction is strictly construed for purposes of a contempt proceeding. *Benefit Bank v. J.E. Wheeler Energy Co.*, 2010 WL 11561234, at n.14 (citing *FTC v. Kukendall*, 371 F.3d 745, 760 (10th Cir. 2004)).

Indeed, a violation of a permanent injunction must be demonstrated by clear and convincing evidence. *Bohannon v. Eighth Judicial Dist. Ct.*, 2017 WL 1080066, at *3 (Nev. 2017) ("When a contempt proceeding is civil in nature, any allegations need . . . be proven by clear and convincing evidence."); *Boink Systems, Inc. v. Las Vegas Sands Corp.*, 2011 WL 3419438, at *3 (D. Nev. 2011) ("LVS has established clear and convincing evidence that the court's permanent injunction has been violated."). The homeowners acknowledge, but fail to satisfy, this standard.

(See Mtn. at 9:25-26, “The moving party has the burden of showing by clear and convincing evidence that the party against whom contempt is sought violated a specific and definite court order.”).

III.

LEGAL ARGUMENTS

A. THE RECEIVER IS AN OFFICER OF THE COURT APPOINTED TO ACT ON BEHALF OF THE ASSOCIATION, NOT ON BEHALF OF THE LYTLE TRUST

Judgment creditors “collect” judgments. Judgment debtors “pay” or “satisfy” judgments. The Motion’s fatal flaw is its failure to understand that the Receiver answers to the Court and acts on behalf of the judgment debtor Association to *pay* the judgments, i.e., the Receiver does not answer to or act on behalf of the judgment creditor Lytle Trust to *collect* its judgments.

The Motion goes astray in just the second sentence of its Introduction. There, the homeowners assert that the Lytle Trust obtained the appointment of a receiver to act “as its personal collection agent against the Plaintiffs and their properties.” (Mtn. at 3:7-9). Indeed, the theme of the Motion (repeated nine times) is that the court-appointed Receiver wrongfully attempts to “collect” the Lytle Trust’s judgments from the Plaintiff homeowners.¹

The homeowners seem to think the Receiver is acting as an agent of the Lytle Trust. He is not—the Receiver is an officer and agent of the Court. *See U.S. Bank Nat’l Ass’n v. Palmilla Dev. Co.*, 131 Nev. 72, 77, 343 P.3d 603, 606 (2015) (“the receiver, for all intents and purposes, acts as a court’s proxy”); *Agnes v. Crown Partnership, Inc.*, 113 Nev. 195, 201, 932 P.2d 1067, 1071 (1997) (“A receiver appointed by the court acts as an officer of the court.”); *State v. Wildes*, 34 Nev. 94, 116 P. 595, 597 (1911) (“The receiver is the officer or agent of the court from which he derives his appointment . . .”).

¹ See Motion at 3:7-9 (quoted above), 3:19-23 (“the Receiver’s attempt to *collect* the Judgments . . . obtained against the Association, from the Plaintiffs’ or their properties are direct violations of the permanent injunction”); 7:5-6 (referencing letter sent to Receiver demanding that “he cease and desist from any further effort to *collect* any judgments or take any action against the Plaintiffs”); 8:13-14 (“the very purpose of the Order Appointing Receiver is to attempt to *collect* the Rosemere judgments from the Plaintiffs”); 8:17-20 (“The Lytle Trust’s attempts to appoint a Receiver to *collect* on the Judgments . . . are in clear violation of this Court’s May 2018 Order.”); 9:1-2 (“the Receiver’s letter to the Plaintiffs seeking to *collect* the Lytle Trust’s judgments violated this Court’s permanent injunction”); 13:20-21 (“The Lytle Trust was unquestionably prohibited . . . from taking any action to *collect* the Rosemere judgments from the Plaintiffs or their properties.”); 14:1-4 (“The Lytle Trust was not legally permitted to seek *collection* from the Plaintiffs Passing the illegal *collection* effort to the Receiver cannot be used to circumvent the [referenced Orders].”) (emphases added).

Although someone has to petition the Court for the appointment of a receiver—the Lytle Trust in this instance—“[a] court-appointed receiver . . . is an officer of the court, . . . and not an agent of the party who procured the appointment.” *Miller v. Noonan*, 930 N.Y.S.2d 394, 396 (N.Y. Sup. Ct. App. Term 2011) (emphasis added). To the contrary, “[a] receiver stands in the shoes of the corporation.” *Lank v. NYSE*, 548 F.2d 61, 67 (2d Cir. 1977); *accord*, *Kelley v. College of St. Benedict*, 901 F. Supp.2d 1123, 1128 (D. Minn. 2012) (“a receiver ‘stands in the shoes’ of the receivership entity”); *Gravel Resources of Arizona v. Hills*, 170 P.3d 282, 287 (Ariz. Ct. App. 2007) (“When appointed, the receiver stands in the shoes of the entity it represents.”); *Banco de DeSarrolo Agropecuario, S.A. v. Gibbs*, 709 F. Supp. 1302, 1305 (S.D.N.Y. 1989) (“a receiver stands in the shoes of a corporation”).

In short, “[a] receiver, in addition to being an officer of the court, is a representative of the corporation. He takes its place in respect to . . . the administration of its affairs The receiver takes the place of the former managers of the corporation, . . . and he . . . conducts everything in his own name, as such receiver, under the orders of the court.” *Martin v. Forrey*, 193 N.E. 679, 681 (Ind. Ct. App. 1935). Again, a receiver is “not an agent of the party who procured the appointment.” *Noonan, supra*. Nor does a receiver stand in the shoes of the corporation’s creditors. *Weiss v. Weinberger*, 2005 WL 1432190, at *3 (N.D. Ind. 2005) (“court-appointed receiver stands in the shoes of corporation it was appointed to represent and not the corporation’s creditors”) (citing *B.E.L.T., Inc. v. Lacrad Int’l Corp.*, 2002 WL 1905389, at *2 (N.D. Ill. 2002)).

The Motion incorrectly attributes the Receiver’s actions to the Lytle Trust. The Lytle Trust merely exercised its right as a judgment creditor to seek appointment of a receiver over the judgment debtor Association. Because the Receiver stands in the shoes of and acts on behalf of the Association, his actions regarding the judgments can only be viewed as actions to pay the judgments—i.e., to satisfy the Association’s judgment liability—and not to collect the judgments on behalf of the Lytle Trust.² This distinction is fatal to the homeowners’ Motion.³

² Indeed, the Receiver’s initial January 22, 2020 letter to the homeowners implicitly recognizes the difference between “collecting” a judgment on behalf of the judgment creditor and “satisfying” or “paying” a judgment on behalf of the judgment debtor: “The appointment of the receivership is predicated on judgments against the HOA These judgments need to be paid and the Court agreed with the [Lytle Trust] by appointing a Receiver to facilitate the satisfying of the judgments.” (Mtn. at Ex. 2) (emphases added).

B. THE HOMEOWNERS MISCONSTRUE THE MAY 2018 PERMANENT INJUNCTION

1. This Court's May 2018 Order Does Not Preclude Any Action By The Association, Nor Could It Because The Association Is Not A Party

Ironically, the very point that the homeowners successfully argued to this Court years ago (and which was affirmed on appeal), they now disregard. More specifically, the homeowners obtained the permanent injunction because they were not parties to the actions between the Lytle Trust and the Association that resulted in judgments against the Association. Yet, the homeowners now apparently believe this Court's May 2018 permanent injunction affects and binds the Association even though the Association is not (and never has been) a party here.

In short, the Court's May 2018 Order does not purport to bind the Association nor could it since the Association was NOT (and still is NOT) a party here.

2. The Homeowners Disregard Critical Context and Language In This Court's May 2018 Order

The homeowners focus on just nine *lines* from this Court's nine *page* May 2018 Order, disregarding the context in which the Order arose. Also, the homeowners disregard critical language within the nine lines they focus upon.

After the Lytle Trust obtained its judgments against the Association, the Lytle Trust recorded abstracts of judgment ("liens") against the homeowners' lots. Importantly, the Lytle Trust recorded just one of its three judgments. Because the homeowners were not parties to the actions giving rise to the judgments, Plaintiff homeowners filed this action against the Lytle Trust to expunge the liens. The homeowners were also concerned that the Lytle Trust might record its second and third judgments against their properties. (*See* Complaint (filed 11/30/17) at paras. 53

³ Plaintiffs' confused approach (i.e., its failure to acknowledge that the Receiver acts on behalf of the Association, and not the Lytle Trust) is poignantly demonstrated on pages 7-8 of the Motion. There, the Motion provides: "...the Lytle Trust asserts that the main purpose in requesting a Receiver is to require the owners in the Subdivision to pay the . . . Judgments." (Mtn. at 7:23-25). However, in support of this false statement, the Motion cites several portions of the Lytle Trust's Renewed Application for Appointment of Receiver ("Renewed Receiver Application") that, in fact, demonstrate the main reason for seeking the appointment of a receiver was to facilitate the *Association's (and not the homeowners')* payment of the judgments. That is, the Motion cites (and even quotes) the Renewed Receiver Application "at 3:2-4, 5:17-18 ('Additional grounds exist because the Association is refusing to pay and refusing to assess Association members related to various monetary judgments awarded to the Lytles against the Association'), . . . 15:20-25 ('the Association has a duty...to pay its debts, including the Judgments obtained by the Lytle Trust')" (Emphases added). In short, the main purpose for the Lytle Trust's Renewed Receiver Application was the Association's failure to pay the judgments, NOT "to require the owners in the Subdivision to pay the . . . Judgments." (Mtn. at 7:23-25).

1 (“if the Lytles were to record the Rosemere Judgment II or the Rosemere Judgment III like they
 2 have the Rosemere Judgment I, the Plaintiffs will not have an adequate remedy at law because
 3 they could not sell their Properties.”), 54 (“The Lytles have threatened to record the Rosemere
 4 Judgment II against other homeowners in the Rosemere Subdivision”), and 57 (“Plaintiffs are
 5 entitled to an Order . . . expunging the liens . . . and *declaring that the Rosemere Judgment II and*
 6 *the Rosemere Judgment III may not be recorded against the Plaintiffs’ Properties.*”) (emphases
 7 added)).

8 In short, it is clear that the homeowners sought to expunge the one judgment lien that had
 9 been recorded and to preclude the Lytle Trust from recording its other two judgments. The
 10 homeowners prevailed as set forth in the Court’s May 2018 Order.

11 The Court devoted six pages in its May 2018 Order finding and concluding that the Lytle
 12 Trust’s Rosemere Judgment I lien improperly clouded the Plaintiff homeowners’ properties. (*See*
 13 May 2018 Order at 3-8). The Court next ordered the Rosemere Judgment I liens stricken from the
 14 County Recorder’s records. (*Id.* at 9-10). Then (i.e., in that context after finding the Rosemere
 15 Judgment I liens were improperly recorded and striking the liens), the Court issued a two
 16 paragraph permanent injunction, which forms the entire basis of the present contempt Motion. (*Id.*
 17 at 10:10-19).

18 It is clear that the intent and purpose of the permanent injunction was to preclude the Lytle
 19 Trust from repeating the kind of direct action against the homeowners’ properties that the Court
 20 just found improper. More particularly, the May 2018 permanent injunction addressed and
 21 remedied the homeowners’ concern, as expressed in their Complaint, that the Lytle Trust might try
 22 to record its Rosemere Judgment II and Rosemere Judgment III against the homeowners’
 23 properties.

24 Equally clear, the Court did not eviscerate the Lytle Trust’s judgment creditor rights
 25 against its judgment debtor, the Association, who was not a party.

26 The first paragraph of the permanent injunction provides:

27 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the
 28 Lytle Trust is permanently enjoined from recording and enforcing the
 Judgments [i.e., Rosemere Judgment I, Rosemere Judgment II, and Rosemere

Judgment III] . . . obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

First, there is no allegation that the Lytle Trust violated the permanent injunction by recording anything after this Court's May 2018 Order. Second, the permanent injunction enjoins the Lytle Trust only from enforcing its judgments "against the September *Property*, Zobrist *Property*, Sandoval *Property* or Gegen *Property*." (Emphasis added). The "Property" of each plaintiff is defined as each plaintiff's residential lot. The Order's focus on the homeowners' properties is consistent with their pleaded concern that the Lytle Trust might record its other two judgments against the homeowners' properties.

However, in exercising its judgment creditor right to seek the appointment of a receiver over the judgment debtor Association, the Lytle Trust was not enforcing its judgments "against the September Property, Zobrist Property, Sandoval Property or Gegen Property," and the Motion does not claim otherwise. The homeowners undoubtedly recognize the weakness of their reliance on this first paragraph because they focus mostly on the second paragraph.

The second paragraph of the permanent injunction provides:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III. (Emphasis added).

Again, it is important to consider the Order's context. While this Court's permanent injunction speaks to the relationship between the Lytle Trust and the homeowners (parties here but not parties to the actions giving rise to the judgments), it says nothing about the relationship between the Lytle Trust and its judgment debtor, the Association (not a party here). Indeed, the permanent injunction precluded the Lytle Trust from taking action "directly" against the homeowners because they were not judgment debtors. In seeking the appointment of a receiver to take control of the Association, the Lytle Trust did not act "directly against the homeowners or their properties." Seeking a receiver over the Association was not even indirect action against the Plaintiffs or their properties because, as the homeowners themselves repeatedly asserted in a brief that resulted in the May 2018 Order, "[t]he difference between the Association and the Plaintiffs [homeowners] is paramount to this lawsuit" (Plaintiffs' Reply in support of MSJ (filed 2/21/18) at

24:13-14); “[t]he Plaintiffs are not the Association” (*Id.* at 10:8-9), “[f]irst and foremost, the Plaintiffs are not the Association” (*Id.* at 15:6-7), and “[t]he Plaintiffs are not the Association, it is that simple” (*Id.* at 15:13-14). Thus, given this acknowledged “paramount” distinction between the Association and the homeowners, any action by the Lytle Trust against the Association is not action, direct or indirect, against the Plaintiff homeowners.

In sum, this Court’s May 2018 Order did not preclude the Lytle Trust from taking action against the Association to collect its judgments. Instead, since the wrong the homeowners’ claimed was the Lytle Trust’s attempt to collect its three judgments directly from them (instead of from the Association), the Order remedied such by precluding the Lytle Trust from taking any enforcement action “directly” against the homeowners. The Lytle Trust’s effort to obtain the appointment of a receiver over the Association was (1) a valid exercise of its judgment creditor rights, and (2) not “direct” action against the homeowners.

C. THE HOMEOWNERS MISCONSTRUE THE NEVADA SUPREME COURT’S ORDER OF AFFIRMANCE IN THE LAMOTHE/BOULDEN CONSOLIDATED CASE

The Motion also relies upon the Nevada Supreme Court’s December 4, 2018, Order of Affirmance from the summary judgment this Court granted to homeowners Lamothe and Boulden in the consolidated case. (*See* Mtn. at 5:18-6:10). However, as with the May 2018 Order, the homeowners misconstrue the Order of Affirmance to support their Motion.⁴

The Association has never been a party to either the Lamothe/Boulden action or the subsequent appeal that resulted in the Order of Affirmance. Thus, while the Order of Affirmance addresses what the *Lytle Trust*, as a judgment creditor, cannot do to *collect* its judgments (i.e., it cannot collect its judgments directly from the homeowners or their properties), it says nothing

⁴ As a preliminary matter, the homeowners cannot rely on the Nevada Supreme Court’s Order of Affirmance to support their contempt claim here. “It is well settled . . . that the power to judge a contempt rests solely with the court contemned, and that no court is authorized to punish a contempt against another court.” *In re Contempt of Lance*, 55 N.E.3d 1129, 1132 (Ohio Ct. App. 2016); *accord, Smith v. City of Blanco*, 2013 WL 491022, at *6 (Tex. Ct. App. 2013) (“a trial court does not have jurisdiction to enforce another court’s order through contempt”); *Cole v. Morgan*, 2000 WL 34229820, at *5 (W.D. Wis. 2000) (“Petitioner is mistaken in his belief that this court has the authority to hold respondents in contempt of court for ignoring another court’s order.”). These authorities (and many similar not cited) end the inquiry into the Nevada Supreme Court’s Order of Affirmance as a basis for holding the Lytle Trust in contempt. Nevertheless, the Lytle Trust did not violate the Order of Affirmance, as will now be shown in the text.

1 about what the *Association*, as a judgment debtor, can or cannot do to *satisfy* the valid judgments
2 entered against it.

3 The Motion states that “[t]he Order of Affirmance . . . holds that a judgment obtained by
4 the Lytle Trust against the [Association] cannot be enforced against individual owners or their
5 properties” (Mtn. at 5:18-20). However, this statement reveals a critical misunderstanding
6 of the Nevada Supreme Court’s holding. Indeed, the Nevada Supreme Court addressed only what
7 the Lytle Trust could or could not do; not what the nonparty Association (acting on its own or
8 through a Receiver) could or could not do. For example, the Court characterized the permanent
9 injunction granted to Lamothe/Boulden as “enjoining *the Lytles* [but saying nothing about the
10 nonparty Association] from enforcing the judgment . . . against the [homeowner] properties.”
11 (Mtn. at Ex. 1, at p. 3, emphases added). Furthermore, the Court declared that “[w]e are likewise
12 not persuaded by the Lytle’s further contention that *they* may place a valid judgment lien on the
13 [homeowner] properties.” (*Id.* at p. 4, emphases added).

14 In short, the Nevada Supreme Court saying what the *Lytle Trust* cannot do to *collect* its
15 judgments says nothing about what the *Association* can or cannot do to *pay* or *satisfy* those
16 judgments. The Motion implies the Association, through its court-appointed Receiver, cannot do
17 anything to satisfy the judgments entered against it, and thereby remove its judgment debtor
18 liability. Common sense dictates otherwise. Most certainly, however, nothing in the Order of
19 Affirmance applies to the Association or its court-appointed Receiver.

20 What the Motion seems to disregard or misunderstand is that the Lytle Trust DOES NOT
21 CARE *HOW* the Association pays the judgments; only that it pays. So, for hypothetical example,
22 if the Receiver, in the discharge of his duties, discovered sufficient Association assets to satisfy
23 the judgments without any additional financial assessment upon the homeowners, the Lytle Trust
24 would of course be perfectly happy with that result. Alternatively, the Receiver might obtain a
25 loan (something he has expressed interest in doing) to satisfy the Association’s judgment liability,
26 thereby allocating repayment of the loan to the current and *future* homeowners *over several years*.

27 Although the Lytle Trust exercised its judgment creditor right to seek appointment of a
28 receiver over the judgment debtor Association, such cannot be deemed action by the Lytle Trust

1 against the homeowners—the homeowners were not even parties to the Receivership action.
 2 Ultimately, whatever the Receiver does to satisfy the judgments will be Receiver-action on behalf
 3 of the judgment debtor Association, not on behalf of the judgment creditor Lytle Trust.

4 **D. SEEKING THE APPOINTMENT OF A RECEIVER WAS A VALID EXERCISE**
 5 **OF THE LYTLE TRUST’S JUDGMENT CREDITOR RIGHTS**

6 Nothing—ABSOLUTELY NOTHING—in either this Court’s permanent injunction (i.e.,
 7 the May 2018 Order) or the Nevada Supreme Court’s Order of Affirmance even remotely
 8 purports to diminish the Lytle Trust’s *valid* exercise of its judgment creditor rights. Indeed, an
 9 order precluding a judgment creditor’s exercise of existing rights would arguably constitute an
 10 unconstitutional taking. That’s not what occurred here. To the contrary, the only thing this
 11 Court’s permanent injunction references and precludes is an *invalid* attempt to create and then
 12 exercise judgment creditor rights that do not actually exist.

13 Every judgment creditor (not, every judgment creditor *except the Lytle Trust*) has
 14 the right to seek the appointment of a receiver over a judgment debtor who refuses to pay. For
 15 example, NRS 32.010 authorizes appointment of a receiver “by a creditor to subject any property
 16 or fund to the creditor’s claim” (NRS 32.010(1)), “to carry the judgment into effect” (NRS
 17 32.010(3)) or “in proceedings in aid of execution, . . . or when the judgment debtor refuses to
 18 apply the judgment debtor’s property in satisfaction of the judgment (NRS 32.020(4)). The
 19 homeowners incorrectly suggest this Court’s permanent injunction stripped the Lytle Trust of this
 20 important right, and did so by implication and not expressly. Furthermore, NRS 32.010(6)
 21 authorizes the appointment of a receiver “[i]n all other cases where receivers have heretofore been
 22 appointed by the usages of the courts of equity.” “Since very early days, courts of equity have
 23 appointed receivers at the request of judgment creditors when execution has been returned
 24 unsatisfied.” *Pittsburgh Equitable Meter Co. v. Paul C. Loeber & Co.*, 160 F.2d 721, 728 (7th
 25 Cir. 1947); *accord, Peterson v. Lindscoog*, 93 Ill. App. 276, 282 (Ill. App. Ct. 1901) (“courts of
 26 equity are inclined to a liberal exercise of their jurisdiction by granting receivers over the estate of
 27 a debtor in behalf of his judgment creditors”). Nothing in any order took this judgment creditor
 28 right away from the Lytle Trust.

Furthermore, the Association is an NRS 82 nonprofit corporation and NRS 82.471(1) vests creditors, like the Lytle Trust, with the right to seek the appointment of a receiver when the nonprofit corporation “becomes insolvent or suspends its ordinary business for want of funds to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors” There can be no dispute that the Association, with a multimillion dollar judgment entered against it and no collection of dues or other money, is insolvent and has otherwise suspended its ordinary business. Thus, the Lytle Trust possessed and validly exercised its statutory right to seek the appointment of a Receiver over the judgment debtor Association.

In short, it is hornbook law that a “receivership may be an appropriate remedy for a judgment creditor.” Wright & Miller, *Appointment of Receivers*, 12 Fed. Prac. & Proc. Civ. § 2983 (3d ed.). Neither this Court’s May 2018 Order nor the Supreme Court’s Order of Affirmance (nor any other order) deprived the Lytle Trust of any valid judgment creditor rights against its judgment debtor Association, nor could they since the Association was not (and still is not) a party here.

E. THE ORDER APPOINTING RECEIVER DOES NOT VIOLATE THE MAY 2018 ORDER

1. The Application for Appointment of a Receiver Did Not Conceal Relevant Information from Judge Kishner

The Motion implies some nefarious motive to the Lytle Trust because it “did not seek a receiver in this case or any of the three prior cases in which it obtained judgments against the Association.” (Mtn. at 10:18-20). First, important reasons existed for seeking the appointment of a receiver that had nothing to do with the Lytle Trust’s judgments, e.g., reinstating the Association in good standing with the Nevada Secretary of State and the Nevada Real Estate Division, overseeing the election of a new Association Board, etc. None of these things came under the jurisdiction of any of the courts who issued the judgments. Second, with three judgments obtained from three different judges at three different times, the Lytle Trust (i.e., its counsel) simply felt it more efficient and effective to seek the appointment of a Receiver in a single, new action.

1 Next, the Motion accuses the Lytle Trust of “purposefully and selectively present[ing]
 2 facts to a new judge, conveniently leaving out key findings of fact and conclusions of law”
 3 (Mtn. at 10:25-26). The Lytle Trust admits that it purposefully and selectively presented to Judge
 4 Kishner what it presented to her—mercifully so. The numerous legal proceedings between the
 5 Lytle Trust, on the one hand, and the Association and/or the homeowners, on the other hand, span
 6 more than 12 years. Indeed, there have been two cases before the Nevada Real Estate Division,
 7 five cases in the District Court, and twelve appeals to the Nevada Supreme Court, including some
 8 still pending there. Furthermore, several of the appeals resulted in additional proceedings in the
 9 District Court on remand. The dockets to these cases are extensive. (*See* Dockets to District
 10 Court Cases, attached hereto as **Exs. A-E**, and Dockets to Supreme Court Cases, attached hereto
 11 as **Exs. F-Q**).

12 Yes, of course, the Lytle Trust was purposeful and selective in what it presented to Judge
 13 Kishner in conjunction with its request for the appointment of a Receiver. Indeed, the Lytle Trust
 14 presented to Judge Kishner only that which was relevant to the Court’s determination of the
 15 Receiver application—and, this Court’s May 2018 Order, along with many other orders *that also*
 16 *were not violated*, were not relevant to that determination. That is, because the Lytle Trust was
 17 not taking any action against the homeowners or their properties and, indeed, the homeowners
 18 were not even parties to the Receivership Action, an order (injunction) that enjoined the Lytle
 19 Trust from trying to enforce its judgments directly against the homeowners was not relevant.

20 **2. The Association’s Powers, and therefore the Receiver’s Powers, are Not**
 21 **Limited to the Original CC&Rs and NRS 116.1201(2)**

22 In another spectacular display of their misunderstanding, the homeowners next accuse the
 23 Lytle Trust of making misrepresentations to Judge Kishner that contradict the conclusions of law
 24 in this Court’s May 2018 Order. (Mtn. at 11-12). More particularly, the homeowners falsely
 25 assume that a Court’s determination that a certain authority (e.g., contract, statute, or rule) does
 26 not vest the Association with a specific power, is tantamount to a determination that no authority
 27 vests the Association with that specific power. Indeed, any statute that is merely silent on a
 28 certain right or power leaves room for that right or power to be supplied elsewhere.

Here, the Motion correctly notes that this Court's May 2018 Order determined that "the Association is a 'limited purpose association' as referenced in NRS 116.1201(2)." (Mtn. at 11:18-19, quoting May 2018 Order at 7:20-21). And, this Court determined that the Amended CC&Rs, as opposed to the original CC&Rs, had no force or effect. (*Id.*). However, such does not mean, as the Motion wrongly suggests, that "[t]he only powers the Association or Receiver would be entitled to exercise are those enumerated in the original CC&Rs or NRS 116.1201(2)" (Mtn. at 11:23-12:1).

a. NRS 82 authorizes the appointment of a Receiver and to levy assessments

While the Association acts as a limited purpose association, it conducts that business through the vehicle of an NRS Chapter 82 nonprofit corporation. Thus, NRS 82 vests the Association with additional powers and duties, beyond those vested by the original CC&Rs and NRS 116.1201(2). *See* RESTATEMENT (THIRD) OF PROPERTY: SERVITUDES at Introductory Note (2000) (common-interest communities, which include limited purpose associations, are governed by laws that include "the law governing the vehicle used in the community for management of commonly held property or provision of services."). Indeed, nowhere in the original CC&Rs or NRS 116.1201(2) is the power to make assessments expressly excluded. Thus, that power can be, and indeed is, expressly provided elsewhere.

First, NRS 82.471(1) authorizes the appointment of a Receiver when, as here, the corporation becomes insolvent or suspends its ordinary business or is conducted with great prejudice to its creditors. Second, with or without a Receiver, NRS 82.121 vests the Association with broad general powers. And, with a Receiver, the Association has the additional powers vested in NRS 82.476(2)(a)-(i), most, if not all, of which are not expressed in either the original CC&Rs or NRS 116.1201(2). Beyond the foregoing general powers, NRS 82.131 vests the Association with additional specific powers, including the power to "[l]evy dues, assessments and fees." (NRS 82.131(5), emphases added).

In short, there are additional bases beyond those contemplated in NRS 116.1201(2) and the original CC&Rs for (a) the Association to act, and (b) the appointment and empowerment of a Receiver. Therefore, even if, *arguendo*, the Association or Receiver is powerless under one area

of the law, they may be (and are) empowered by another area of the law. Judge Kishner was well within her right, power, and discretion to appoint the Receiver over the Association and to vest him with the powers and duties she did. Nothing Judge Kishner did violates or contradicts this Court's May 2018 Order.

b. NRS 32 authorizes the appointment of a Receiver to give effect to a judgment

NRS 32.010 also authorizes appointment of a receiver "by a creditor to subject any property or fund to the creditor's claim" (NRS 32.010(1)), "[a]fter judgment, to carry the judgment into effect" (NRS 32.010(3)), and "[a]fter judgment, . . . in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply the judgment debtor's property in satisfaction of the judgment" (NRS 32.010(4)). Such constitute alternative bases for appointing a Receiver outside the original CC&Rs and NRS 116.1201(2).

c. The Association has relevant implied powers

As a preliminary matter, NRS Chapter 116 regards "common-interest communities." There are many different kinds of "common-interest communities," including homeowner associations, condominium associations, planned unit communities, and cooperatives. Most relevantly, common-interest communities also include limited purpose associations. *See Bank of New York Mellon v. Imagination North Landscaping Maintenance Ass'n*, 2019 WL 1383261, at *4 (D. Nev. 2019) ("a limited-purpose association [is] a type of common-interest community").

1) The RESTATEMENT and implied powers in common-interest communities

Chapter 6 of the RESTATEMENT (THIRD) OF PROPERTY: SERVITUDES (2000) ("Restatement Servitudes") is entitled "Common-Interest Communities" and many of its sections identify various implied powers. The Introductory Note explains that implied powers are necessary "to provide common-interest communities with the powers needed to function effectively over the long term even where the governing documents have not been carefully prepared." (Emphasis added). Indeed, Section 6.1 emphasizes the need for implied powers in *residential* common-interest communities:

[T]he likelihood that purchasers of residential property will appreciate the significance of the details or be able to negotiate changes in the documents governing association powers . . . is generally assumed to be lower than in the case of commercial purchasers. This assumption leads to a generally greater willingness than might be appropriate for purely commercial developments . . . to *imply association powers* . . . to permit reasonable functioning of residential common-interest communities. (Restatement Servitudes § 6.1 cmt. a, emphasis added).

Section 6.4 relevantly provides: “*In addition to the powers granted by statute [NRS 116] and the governing documents [CC&Rs], a common-interest community has the powers reasonably necessary to manage the common property, administer the servitude regime, and carry out other functions set forth in the declaration.*” (Emphases added). The comment to this Section explains that implied powers are needed to supplement those powers expressly granted by statute and the CC&Rs because “[f]ailure of the governing documents to provide the powers that are implied under this section typically reflects inadequate attention by the developer rather than deliberate choice by the purchasers.” Here, even a fleeting look at the Association’s scant 3.5-page original CC&Rs reveals they were not prepared with adequate attention (e.g., (1) the CC&Rs include undefined terms (“PROPERTY,” “Owner,” “Purchaser,” etc.), (2) the CC&Rs contain numerous specific rules but fail to identify any enforcement mechanism to ensure compliance, etc., etc.). In sum, the short, incomplete, and ambiguous CC&Rs are a good example of why the rules regarding implied powers are needed.

2) *Common-interest communities possess the implied power to impose assessments*

The Restatement Servitude’s Section 6.5 provides direct authority regarding the Association’s *implied* power to impose assessments. That section provides:

(1) Except as limited by statute or the declaration:

(a) a common-interest community has the power to raise the funds reasonably necessary to carry out its functions by levying assessments against the individually owned property in the community . . . ;

(b) assessments may be allocated among the individually owned properties on any reasonable basis, and are secured by a lien against the individually owned properties.

As with the other Restatement provisions regarding implied powers, “[t]he rules stated in this section supplement the powers granted to the association by statute and the governing documents.” (*Id.* at § 6.5, cmt a, emphases added). Indeed, “[u]nder the rule stated in this section, the power to raise funds reasonably necessary to carry out the functions of a common-interest community will be implied if not expressly granted by the declaration or by statute.” (*Id.* at cmt b) (emphases added).

3) *Common-interest communities possess the implied power to lien*

An important corollary to the implied power to assess is the power to lien if an assessment is not paid. The Restatement implies this right as well. (*Id.* at § 6.5(1)(b) (“assessments . . . are secured by a lien against the individually owned properties.”)). Indeed, as the comment provides: “Unless such a lien provision has been expressly excluded, a lien for unpaid assessments may be implied using the court’s traditional power to impose an equitable lien when appropriate to secure payment of an obligation.” (*Id.* at cmt d). The Association’s CC&Rs do not expressly exclude assessment liens. To the contrary, as shown next, the CC&Rs mention and necessarily assume such liens.

4) *The Association’s CC&Rs expressly mention the possibility of liens; thus implying the power to lien and to assess*

The Association’s power to impose assessments and to lien the property of those who do not pay is not just implied as a matter of law through the foregoing Restatement provisions, it is also inferred in the original CC&Rs. More specifically, the last unnumbered preamble paragraph expressly references “*liens established hereunder.*” Yet, nowhere else in the CC&Rs is the power to lien specified. Clearly, the unexpressed power to lien must be implied in order to give effect to the CC&Rs’ express mention of “liens established hereunder.” *See Solid v. Eighth Judicial Dist. Ct.*, 133 Nev. 118, 124, 393 P.3d 666, 672 (2017) (“A basic rule of contract interpretation is that every word must be given effect if at all possible. A court should not interpret a contract so as to make meaningless its provisions.”) (internal quotes and citations omitted). In other words, “[s]ince all things necessary to carry a contract into effect may be implied therefrom,” the CC&Rs’ express mention of liens necessarily requires an implied power to impose those liens.

1 *See Fidelity & Cas. Co. of N.Y. v. Gray*, 72 P.2d 341, 346 (Okla. 1937). And, if the power to lien
2 is implied, the precedent power to assess must be implied as well.

3 In short, while a limited purpose association's twin powers to assess and to lien are not
4 expressly authorized by NRS 116.1201(2) or the original CC&Rs, neither are those powers
5 expressly prohibited. Thus, the Restatement Servitudes § 6.5 and the CC&Rs' reference to "liens
6 established hereunder" provide substantial support that those powers exist by implication.

7 5) *The Nevada Supreme Court frequently relies on the Restatement*
8 *Servitudes, including Section 6 regarding Common-Interest*
9 *Communities*

10 Lest there be any doubt about the force of the Restatement Servitudes in this state, the
11 Nevada Supreme Court has relied upon and adopted various provisions from the RESTATEMENT
12 (THIRD) OF PROPERTIES: SERVITUDES (2000). *See e.g., Glenbrook Club v. Match Point Properties,*
13 *LLC*, 127 Nev. 1137, 373 P.3d 917 (2011) (citing Restatement Servitudes §§ 1.1(2) and 7.5 with
14 approval); *Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.*, 131 Nev. 99, 345 P.3d
15 1040 (2015) (quoting Restatement Servitudes § 3.3 cmt. b with approval); *Peake Development,*
16 *Inc. v. R.B. Properties, Inc.*, 2014 WL 859215 (Nev. 2014) (unpublished) (citing Restatement
17 Servitudes §§ 4.5(1)(a) and 4.5(2) with approval); *St. James Village, Inc. v. Cunningham*, 125
18 Nev. 211, 210 P.3d 190 (2009) (quoting Restatement Servitudes § 4.8 cmt. f with approval).

19 Indeed, the Nevada Supreme Court has repeatedly relied on Section 6 ("Common-Interest
20 Communities") of the Restatement Servitudes, including to find implied powers not expressly
21 authorized by NRS 116 or the CC&Rs. *See e.g., Artemis Exploration Co. v. Ruby Lake Estate*
22 *Homeowner's Ass'n*, 135 Nev. Adv. Op. 48, 2019 WL 4896442 (2019) (unpublished) (applying
23 Restatement Servitudes § 6.2); *Double Diamond v. Second Judicial Dist. Ct.*, 131 Nev. 557, 354
24 P.3d 641 (2015) (relying upon Restatement Servitudes § 6.19); *Beazer Homes Holding Corp. v.*
25 *Eighth Judicial Dist. Ct.*, 128 Nev. 723, 291 P.3d 128 (2012) (quoting Restatement Servitudes §
26 6.11 cmt. a, with approval), *D.R. Horton, Inc. v. Eighth Judicial Dist. Ct.*, 125 Nev. 449, 215 P.3d
27 697 (2009) (quoting Restatement Servitudes § 6.11, with approval).

28 The recent *Artemis Exploration* case, *supra*, albeit unpublished, is very instructive. There,
one issue was whether the subject common-interest community could impose monetary

1 assessments upon its members when the governing document “did not expressly state that [the
2 association’s] residents would be responsible for payment assessments” 2019 WL 4896442,
3 at *1. The Court resolved the issue by relying on the Restatement Servitudes Section 6.2: “An
4 implied obligation may also be found where the declaration . . . fails to include a mechanism for
5 providing the funds necessary to carry out [the association’s] functions.” *Id.* at *5. Based on the
6 Restatement, the Nevada Supreme Court found “an implied payment obligation.” *Id.*

7 Similarly, here, because NRS 116 is largely inapplicable to limited purpose associations
8 and the CC&Rs do not express an assessment right, that right exists by implication. Thus, the
9 proper question is not whether Judge Kishner could *expand* the role of the Association beyond that
10 contemplated by NRS 116.1201(2) or the original CC&Rs, because that question assumes that the
11 statute and CC&Rs are the sole and exclusive source of the Association’s powers. Rather, the
12 powers Judge Kishner vested in the Association, through its Receiver, were not *new* powers
13 *created* by the Court. Instead, they were *already-existing* powers the Court merely *identified*.

14 6) *Common sense dictates implied powers*

15 Implied powers exist here by necessity and as a matter of common sense. For example,
16 consider a hypothetical where a Rosemere Estate guest incurs vehicle and/or bodily injury when
17 the entrance gate malfunctions due to the Association’s negligence. Unless the power to assess
18 homeowners to pay the resulting judgment is implied (and to lien those who do not pay), a
19 deserving plaintiff will have the mechanism to obtain a judgment but, absurdly, no mechanism to
20 collect it. Similarly, here, the Lytle Trust obtained substantial judgments against the Association;
21 yet, unless the Association possesses the implied power to impose assessments to pay the
22 judgments, those judgments will exist with no mechanism to enforce payment. Certainly, the law
23 does not create a right and a remedy without any mechanism to enforce the remedy. *See Utah &*
24 *N. Railway Co. v. Crawford*, 1880 WL 4240, at *3 (Idaho 1880) (stating that conferring a right,
25 “while withholding all remedy for its enforcement, would be . . . keeping the word of promise to
26 the ear, and breaking it to the hope; in fine, . . . a gross absurdity.”)

Clearly, that which the Association had implied power to do itself could be vested by the Court in the Receiver. And, in any event, as set forth above, the Association's power to impose assessments is not just implied, it is expressly contemplated in NRS 82.131(5).

7) *This Court (Judge Wiese) previously implied powers in the Association*

In one of the actions the Lytle Trust brought against the Association, the District Court (Judge Weise) implied the Association's power to host elections based on the need for a Board even though NRS 116.1201(2) and the CC&Rs do not provide for elections. (*See Order Granting MSJ at Conclusion 9, Ex. R*). More particularly, Judge Wiese held that "a Board must exist and, as a consequence, so must elections." (*Id.* at Conclusion 8). The Court then ascertained the election method by looking at the election method in NRS 82.286, even though NRS 116.1201(2) and the CC&Rs do not provide a method for elections.

In short, NRS 116.1201(2) and the CC&Rs are a source of the Association's powers, but they are not the only source. NRS 82 is an additional source because the Association is an NRS 82 nonprofit corporation. And, the law (as set forth in the Restatement Servitudes and applied by the Nevada Supreme Court) implies all powers needed to function in an orderly manner, including the power to raise funds to satisfy the Association's obligations.

d. The homeowner's current position is inconsistent with their prior actions

Although the homeowners question Judge Kishner's ability to vest the Receiver with the powers she vested in him, the Court need look no further than the past actions by some of the very people who now question that power. Indeed, the Association, through the homeowners, acted in the past in ways not expressly authorized by either the CC&Rs or NRS 116.1201(2). Thus, power for their actions derived from another statutory or implied source. Consider the following examples:

The Association repeatedly borrows without any express authority to borrow. As the Association's ledger shows (attached as **Ex. S**), it received a \$1,300 loan from one homeowner (Sherman Kearn aka Plaintiff September Trust) on June 4, 2007 (with another \$200 lent by Mr. Kearn on June 6, 2007) and a loan of \$25,000 from five homeowners on November 20, 2009. Those five homeowners were Kearn (aka Plaintiff September Trust), Sandoval (aka Plaintiff

1 Sandoval Trust), Haehn (the predecessor of Plaintiff Gegen), Zobrist (aka Plaintiff Zobrist Trust),
 2 and McCumber. Nothing in NRS 116.1201(2) nor in the original CC&Rs authorize the
 3 Association to obtain loans. Nevertheless, NRS 82.131(1) vests nonprofit corporations, like the
 4 Association, with the power to “[b]orrow money . . . when necessary for the transaction of its
 5 business” Thus, any dispute about whether the Association has powers beyond those
 6 expressly granted by NRS 116.1201(2) or the original CC&Rs is disingenuous.

7 The Association hired lawyers, without any express authority to do so, and paid those
 8 lawyers through multiple assessments, without any express authority to impose assessments. The
 9 attached ledger (Ex. R) also shows the Association paid more than \$125,000 to the Santoro Driggs
 10 law firm, which represented the Association in various lawsuits adverse to the Lytles. The ledger
 11 shows the Association raised these funds through assessments. More specifically, on September
 12 15, 2008, the Association conducted a special meeting to “consider commencing a civil action by
 13 the Association against the Lytle Trust . . . and in response to the Lytle Trust’s claims against the
 14 Association.” (Notice of Special Meeting, **Ex. T**). Agenda item III(F) provided for a litigation
 15 assessment of \$10,000 upon each lot owner: “Assessments: 1/9th of ninety-thousand dollars
 16 (\$90,000) per unit in conjunction with litigation in the Lytle Trust actions.” (Agenda for 9/15/08
 17 Special Meeting, **Ex. U**). The Association’s ledger reflects the receipt of \$50,000 (i.e., \$10,000
 18 from five lot owners) just four days later (Ex. S). More particularly, the ledger (for September 19,
 19 2008) reflects “\$10,000/unit Assessment: Sandoval, Haehn, Kearl, Zobrist, McCumber.” (*Id.*)
 20 Not coincidentally, the ledger shows a \$50,000 payment made to Santoro Driggs less than a month
 21 later. Additionally, associated with 11/13/08, the ledger reflects “\$10,000 Assessment: Boulden,”
 22 presumably in satisfaction of the \$10,000 assessed each lot owner in order to create a litigation
 23 fund. (*Id.*).

24 Another legal fund assessment was made in August 2009 as reflected on the attached
 25 ledger’s entry for 8/29/09: “\$7,000 assessments: Sandoval, Heahn, Kearl, Zobrist, McCumber”—
 26 totaling \$35,000 in received assessments—and a corresponding payment two days later to the
 27 Santoro Driggs law firm in the amount of \$35,000. Just a few days later, homeowner Boulden
 28

1 paid her \$7,000 legal fund assessment and, a week later, a payment of \$7,000 was made to Santoro
2 Driggs.

3 The Association hired other lawyers beside the Santoro Driggs law firm to fight the Lytles.
4 Plaintiff Zobrist apparently convinced the Association to hire his son, who was paid at least
5 \$7,310 as evidenced by the Association's check attached hereto as **Ex. V**. Additionally, the
6 Association hired and paid the Leach Johnson Song & Gruchow firm ("LJS&G") at least \$10,000
7 as evidenced by the Association's check attached hereto as **Ex. W**. Indeed, the attached billings
8 from LJS&G (**Ex. X**) demonstrate, on the last page, that the Association was billed \$97,636.64
9 and, as of the date of the report, had paid \$87,784.78.

10 In short, the Association retained at least three different law firms and paid those firms
11 approx. \$225,000 to fight the Lytles in multiple actions.

12 The foregoing gives rise to two important points. First, nothing in NRS 116.1201(2) nor in
13 the Association's original CC&Rs authorize the Association to hire or pay lawyers. Indeed,
14 nothing in NRS 82 expressly authorizes a nonprofit corporation to hire or pay lawyers. NRS
15 82.121(2)(b), however, does vest nonprofit corporations with the power to "[s]ue and be sued in
16 any court of law or equity." Thus, the power to hire and pay lawyers must necessarily be implied
17 from the expressed right to participate in litigation (especially since the Association cannot
18 represent itself and, therefore, can participate in litigation only through retained counsel). In short,
19 any dispute from the homeowners about whether the Association has powers beyond those
20 expressly granted by NRS 116.1201(2) or the CC&Rs is disingenuous and refuted by their own
21 past conduct.

22 Second, the Association raised the funds to pay Santoro Driggs through "assessments" and
23 imposed such on multiple occasions. (See attached ledger, Ex. S). Thus, even though nothing in
24 NRS 116.1201(2) or the CC&Rs expressly authorize assessments, any contention by the
25 homeowners that the Association lacks that power is contradicted by their own prior actions.

26 The Association assesses owners for other reasons, without any express authority to
27 impose assessments. Beyond assessments to pay lawyers to fight the Lytles, the attached ledger
28 shows the Association imposed and collected assessments and late fees for other reasons. For

1 example, on 12/13/07, the Association received \$1,500 from “Lot #6 (dues/assessment/fees/int.).”
 2 (Emphases added). Then, again, on 4/7/09, the Association received an additional \$11,500 from
 3 “Lot #6 Assessment and late fee.” Further, returning to the Association’s special meeting on
 4 September 15, 2008, Agenda item III(G) memorializes Association assessments and possible
 5 related foreclosures: “Outstanding Assessments: Consideration of lien foreclosures on outstanding
 6 assessments.” (Agenda for 9/15/08 Special Meeting, Ex. U) Indeed, at least one homeowner (the
 7 Lamothes) incurred “assessments, interest and other expenses and charges they owe to the
 8 Association” in the amount of \$20,310. (See “To whom it may concern” letter (12/4/09), Ex. Y).

9 In short, powers that the homeowners *actually* exercised on behalf of the Association are
 10 not expressly conferred anywhere in NRS 116.1201(2) or the original CC&Rs. However, in the
 11 words of the Restatement Servitudes, powers are implied when necessary “to manage the property,
 12 administer the servitude regime, and carry out other functions set forth in the [CC&Rs].” See
 13 Restatement Servitudes § 6.4.

14 The Association hires a collection agency to collect unpaid assessments and to lien
 15 Association member properties. An even more troubling example of duplicity exists. The
 16 Association not only imposed assessments on all Association members and collected those
 17 assessments from some members, it also hired a collection agency to pursue collection, lien, and
 18 foreclose against those who did not pay. Attached hereto (Ex. Z) is a one-page contract whereby
 19 the Association, through Kearn (aka Plaintiff September Trust), retained Nevada Association
 20 Services, Inc. (“NAS”) “as the Association’s agent for the purpose of *collecting delinquent*
 21 *assessments, and/or fines, from Association homeowners.*” Pursuant to that agreement, the
 22 Association represented to NAS “that in referring any matter to NAS for collection of delinquent
 23 assessments, fines or other charges, *the Association, has complied with all* applicable Federal and
 24 State rules and regulations, including, but not limited to *applicable provisions of the [NRS],*
 25 *[CC&Rs], other Association governing documents . . .*” Thus, the Association not only imposed
 26 fines and assessments on its own accord, but it also affirmatively represented to its collection
 27 agency that those powers existed as a matter “of the [NRS], [CC&Rs], [and] other Association
 28 governing documents.” These representations by the Association, through some of the very

homeowners adverse here to the Lytle Trust, directly contradict their own actions and current position.

To make matters worse, NAS sent letters to two owners (the Lytles and Ms. Lamothe) indicating (1) it was retained by the Association “to collect from you the overdue homeowner’s assessments,” (2) that “a Notice of Delinquent Assessment Liens was recorded on your property” (indeed, a lien was recorded against the Lytle property), and (3) that failure to pay the assessments would result in “the next step in the lien foreclosure process,” i.e., “recordation of a Notice of Default and Election to Sell.” The letters and lien are attached hereto as **Ex AA**. Threats of foreclosure by the Association, through NAS, continued. See Letter (12/1/09) attached hereto as **Ex. BB** (“The Association will soon proceed with a non-judicial foreclosure action, which could result in you losing your property.”). Thus, any claim now by the homeowners that the Association lacks the power to assess, lien, and/or foreclose constitutes evidence of bad faith.

In sum, some of the very people who previously managed the Association—i.e., an Association that exercised power to (1) impose assessments to pay attorneys to fight the Lytles, and (2) impose assessments, late fees, liens, and threats of foreclosure—are the same people who now inconsistently contend the Association has no power to do any of those same things.

e. The homeowners are disingenuously selective regarding the Receiver’s assessment powers

The homeowners have not disputed the Receiver’s power to impose assessments against them. They have only disputed the Receiver’s power to impose assessments against them *to satisfy the Lytle Trust’s judgments*.

The Order Appointing Receiver expressly empowers the Receiver to impose assessments for the purposes of (1) reimbursing the Lytle Trust for advancing the initial fees and cost required by the Receiver (Mtn. at Ex. 3, at 2:7-10), (2) satisfying the amount needed to bring the Association current with the Nevada Real Estate Division (*Id.* at 2:21-23), (3) satisfying the amount needed to bring the Association current with the Nevada Secretary of State (*Id.* at 2:25-28), (4) paying for any needed repairs to the common areas (e.g., entrance gate, landscaping, etc.) (*Id.* at 3:2-4), (5) paying the Receiver’s fees and cost (*Id.* at 3:5-6), and (6) paying operation costs or other judgments against the Association (*Id.* at 6:4-5). The Motion does not dispute any of the

1 foregoing six assessment powers vested by Judge Kishner in the Receiver. The homeowners'
 2 Motion only disputes the Receiver's vested power to impose an assessment "to satisfy the Lytle
 3 Trust's judgments against the Association." (*Id.* at 2:19-20).

4 Such selectiveness reveals the homeowners' true understanding that the Association (and,
 5 therefore, the Receiver on behalf of the Association) possesses the power to impose assessments.
 6 After all, as set forth above, many of these same homeowners, previously acting in their capacity
 7 as Association Board members, imposed and collected (from themselves) Association assessments
 8 to create a large litigation fund to fight the Lytle Trust; even if the homeowners now despise that
 9 same assessment power in the hands of the Receiver to satisfy the Association's judgment liability
 10 to the Lytle Trust.

11 *f. The Lytle Trust agrees with Plaintiffs that NRS 116.3117 has no*
 12 *application here*

13 The Motion makes much of the ruling by this Court and the Nevada Supreme Court's
 14 ruling in its Order of Affirmance that NRS 116.3117 does not apply to limited purpose
 15 associations and, therefore, the Lytle Trust cannot record its judgments (or otherwise enforce its
 16 judgments) directly against the homeowner properties. The Lytle Trust agrees; but, the Lytle
 17 Trust did not rely upon NRS 116.3117 in seeking the appointment of a Receiver (indeed, neither
 18 the Renewed Application for Appointment of a Receiver nor the Order Appointing Receiver cites
 19 NRS 116.3117) nor does the appointment of a Receiver over the *Association* constitute any kind
 20 of direct action against the *homeowners or their properties*. Further, because NRS 116.3117 does
 21 not apply to limited purpose associations, it neither expands *nor limits* a limited purpose
 22 association's powers—the statute is simply not relevant to limited purpose associations.

23 In short, while the *Lytle Trust* cannot seek to *collect* its judgments directly from the
 24 homeowners pursuant to NRS 116.3117, such says nothing about whether the *Association* (on its
 25 own or through its court-appointed Receiver) can attempt to *satisfy* the judgments through a
 26 member assessment. Neither this Court's May 2018 Order nor the Nevada Supreme Court's Order
 27 of Affirmance even addressed the Association's assessment power or the Lytle Trust's judgment
 28 creditor right to seek appointment of a Receiver over the judgment debtor Association, who was

1 not a party to either proceeding. Accordingly, the Lytle Trust's exercise of its right to seek the
 2 appointment of a Receiver and Judge Kishner's empowerment of the Receiver could not constitute
 3 a violation of either the May 2018 Order or the Order of Affirmance.

4 **F. THE RECEIVER'S LETTER DID NOT VIOLATE THE MAY 2018 ORDER**

5 The homeowners brazenly contend that the Receiver's letter of introduction to the
 6 homeowners "violates the May 2018 Order." (Mtn. at 14:15, et seq.). This argument is fatally
 7 flawed because the homeowners fail to recognize (again) that the Receiver is an agent of the Court
 8 appointed to act on behalf of the Association, not on behalf of the Lytle Trust.

9 The Receiver, standing in the shoes of the Association, is the person charged with
 10 satisfying the judgments owed to the Lytle Trust. Since the Association does not manufacture
 11 widgets or provide services to generate revenues, the Association (i.e., the Receiver on behalf of
 12 the Association) must look to its only source of revenue—its members—to satisfy the judgments.
 13 That is, the judgment liability is no different than any other Association obligation that must be
 14 paid. Whether it's the electrician who repairs the entry gate or the Lytle Trust's judgments, the
 15 Association's only source to pay its debts is to look to its homeowner members. No matter how
 16 much the Plaintiff homeowners dislike the Lytles, the Lytle Trust obtained valid, final judgments,
 17 and the Receiver was properly empowered to satisfy that liability.

18 The homeowners cite absolutely no authority that a court-appointed Receiver acting within
 19 the bounds of the appointment Order is even capable, as a matter of law, of violating a different
 20 court order issued by a different judge in a different case where the receivership entity (the
 21 Association) was not even a party. As the homeowners themselves correctly acknowledge: "A
 22 party is required to adhere to court orders, even erroneous orders, until terminated or overturned."
 23 (Mtn. at 9:11-13, citing *Rish v. Simao*, 368 P.3d 1203, 1210 (Nev. 2016)). Thus, even if,
 24 *arguendo*, the Order Appointing Receiver is erroneous or invalid in some respect (it's not), the
 25 Receiver was and continues to be duty-bound to fully comply with it until it is terminated or
 26 overturned. Since there is no allegation that the Receiver acted in any manner contrary to the
 27 Order Appointing Receiver, the Receiver cannot be liable in any manner for an alleged violation
 28 of this Court's May 2018 Order (and the homeowners' attempt to interfere with the Receiver's

rights and responsibilities and to besmirch his professional reputation as an officer and agent of the Court should not be taken lightly).

G. THE HOMEOWNERS' LETTER NEITHER ASKED THE LYTLE TRUST TO TAKE ANY CORRECTIVE ACTION NOR WAS CORRECTIVE ACTION NECESSARY BECAUSE NO COURT ORDER WAS VIOLATED

The Motion next argues that the Lytle Trust's alleged violation of the May 2018 Order must be deemed intentional (contemptuous) because the Lytle Trust did not take corrective action in response to the aggressive "cease and desist" letter sent by the homeowners' counsel. (Mtn. at 15:5-16). However, a simple review of that "cease and desist" letter (Mtn. at Ex. 4) reveals that it was not even addressed to the Lytle Trust. Nor did the letter ask/demand the Lytle Trust to do anything. Thus, it is curious how the Lytle Trust's nonresponse to a letter that was not addressed to it and requested no action from it could even remotely constitute evidence of its intent. Indeed, the Lytle Trust does not control the court-appointed Receiver and the Receiver is not its agent.

In any event, neither the Receiver nor the Lytle Trust were required to take the action the homeowners' counsel demanded because neither the Receiver nor the Lytle Trust violated this Court's May 2018 Order, or any other order.

H. IF ANY PARTY IS ENTITLED TO ITS FEES AND COSTS, IT'S THE LYTLE TRUST FOR HAVING TO RESPOND TO THIS MOTION

The Lytle Trust did not violate any order, not intentionally and not accidentally. Therefore, no basis exists to award the Plaintiffs \$500 in total (as contemplated by NRS 22.100(2)), to say nothing of \$500 each as requested by the homeowners. Nor is there any basis to award Plaintiffs their attorney fees and costs. Least of all, there is no basis to award Plaintiffs' fees and costs for filing a motion to intervene in a different case (which the parties there stipulated to without request and would have stipulated to if requested without the need of a motion).

To the contrary, the Lytle Trust has been wrongfully required to expend significant resources responding to this contempt Motion. Therefore, the Lytle Trust should be awarded its fees and costs against each of the moving/joining homeowners. If the Court grants such, the Lytle Trust requests leave to file an affidavit setting forth the amount of its fees and cost.

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IV.

CONCLUSION

Legal proceedings between the Lytle Trust and the Association (and/or the homeowners) commenced more than a dozen years ago. Unfortunately, it has been a Hatfield v. McCoy situation ever since. For years, the homeowners (some of these very Plaintiffs) pulled the strings of the Association and waged their personal battle against the Lytle Trust under the guise of the Association. Eventually, the Lytle Trust obtained judgments against the Association amounting to more than \$1.8 million, including more than \$800,000 in punitive damages. When those judgments started coming in, the homeowners abandoned the Association (resigning their Board positions), leaving the Association to become defunct. Now, the homeowners approach this Court with righteous indignation asking the Court to burn the Lytle-Trust-witch for allegedly violating this Court's permanent injunction.

The permanent injunction enjoins the *Lytle Trust*, and only the Lytle Trust, from seeking to collect its judgments directly from the homeowners. NOTHING, however, IN ANY ORDER, affects the Lytle Trust's judgment creditor rights against the judgment debtor Association. One of those rights unaffected by any Order is the judgment creditor's right to seek the appointment of a Receiver over the judgment debtor. Thus, the Lytle Trust violated no order when it sought the appointment of a Receiver over the Association.

Further, NO ORDER negates or even restricts the *Association's* right to impose assessments against its members to satisfy Association obligations, including its obligation to satisfy the Lytle Trust judgments. Indeed, the Association, through some of these very same Plaintiff homeowners, previously imposed and collected substantial assessments. And, the Receiver, as an agent of the Court acting on behalf of the Association, was expressly authorized to exercise that same power to satisfy the Association's financial obligations, including the Lytle Trust Judgments. This assessment power, which existed and was exercised by the Association long before the Receiver was appointed, does not violate any order or law.

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1 In short, the homeowners have utterly failed to show, by any evidence, let alone clear and
2 convincing evidence, that the Lytle Trust or the court-appointed Receiver violated any order. The
3 Motion must be DENIED, with fees and costs awarded to the Lytle Trust.

4
5 Dated this 19th day of March, 2020.

6 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**

7
8 By: 

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Lewis Roca
ROTHGERBER CHRISTIE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on this day, I caused a true and correct copy of the following "*Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders*" to be e-filed and served via the Court's E-Filing System.

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Dated this 19th day of March, 2020

/s/ Luz Horvath

An Employee of Lewis Roca Rothgerber Christie LLP

EXHIBIT A

EXHIBIT A

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REGISTER OF ACTIONS

CASE NO. A-09-593497-C

John Lytle, Plaintiff(s) vs. Rosemere Estates Property Owners
Association, Defendant(s)

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Case Type: Other Civil Filing
Subtype: Other Civil Matters
Date Filed: 06/26/2009
Location: Department 20
Cross-Reference Case Number: A593497
Supreme Court No.: 54886
63942
65294
65721

PARTY INFORMATION

Defendant	Rosemere Estates Property Owners Association	Lead Attorneys Sean L. Anderson <i>Retained</i> 702-538-0074(W)
Plaintiff	Lytle Trust	Airene Haze <i>Retained</i> 702-444-7711(W)
Plaintiff	Lytle, John Allen	Airene Haze <i>Retained</i> 702-444-7711(W)
Plaintiff	Lytle, Trudi Lee	Airene Haze <i>Retained</i> 702-444-7711(W)

EVENTS & ORDERS OF THE COURT

	DISPOSITIONS
10/02/2009	Order of Dismissal With Prejudice (Judicial Officer: Leavitt, Michelle) Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Creditors: Rosemere Estates Property Owners Association (Defendant) Judgment: 10/02/2009, Docketed: 10/07/2009
10/14/2009	Judgment Upon Arbitration Award (Judicial Officer: Leavitt, Michelle) Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Creditors: Rosemere Estates Property Owners Association (Defendant) Judgment: 10/14/2009, Docketed: 10/16/2009 Total Judgment: 52,255.19
11/01/2011	Clerk's Certificate (Judicial Officer: Leavitt, Michelle) Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 11/01/2011, Docketed: 11/03/2011 Comment: Reversed and Remanded
06/03/2016	Order (Judicial Officer: Leavitt, Michelle) Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 06/03/2016, Docketed: 06/13/2016 Total Judgment: 297,072.66
06/21/2016	Order (Judicial Officer: Leavitt, Michelle) Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 06/21/2016, Docketed: 06/28/2016 Total Judgment: 63,566.93
07/27/2016	Order (Judicial Officer: Leavitt, Michelle) Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 07/27/2016, Docketed: 08/03/2016 Total Judgment: 599.00
05/23/2019	Amended Renewal of Judgment (Judicial Officer: Leavitt, Michelle) Reason: Renewal of Judgment Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 05/23/2019, Docketed: 08/06/2013 Total Judgment: 362,568.62

	07/30/2013 Summary Judgment (Judicial Officer: Leavitt, Michelle) Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 07/30/2013, Docketed: 08/06/2013
02/11/2020	Judgment (Judicial Officer: Johnson, Eric) Debtors: Rosemere Estates Property Owners Association (Defendant) Creditors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff) Judgment: 02/11/2020, Docketed: 02/11/2020 Total Judgment: 447,614.35
	OTHER EVENTS AND HEARINGS
06/26/2009	Complaint <i>Complaint for Trial De Novo Pursuant to NRS 38.330; Declaratory Relief; and for a Permanent Injunction</i>
06/26/2009	Initial Appearance Fee Disclosure
07/27/2009	Summons
08/18/2009	Initial Appearance Fee Disclosure
08/18/2009	Motion to Dismiss <i>Defendant's Motion to Dismiss Plaintiff's Complaint and to Confirm Arbitration Award</i>
09/04/2009	Opposition to Motion to Dismiss <i>Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint and to Confirm Arbitration Award</i>
09/15/2009	Reply in Support <i>Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Complaint and to Confirm Arbitration Award</i>
09/21/2009	Motion to Dismiss (8:30 AM) (Judicial Officer Leavitt, Michelle) <i>Defendant's Motion to Dismiss Plaintiffs' Complaint and to Confirm Arbitration Award</i> <u>Parties Present</u> <u>Minutes</u> Result: Granted
10/02/2009	Order Granting Motion <i>Order Granting Defendant's Motion to Dismiss Complaint and to Confirm Arbitration Award</i>
10/05/2009	Notice of Entry of Order
10/14/2009	Judgment
10/15/2009	Notice of Entry of Judgment
10/21/2009	Motion to Reconsider <i>Plaintiff's Motion for Rehearing and/or Reconsideration on Defendant's Motion to Dismiss Complaint and to Confirm Arbitration Award</i>
10/22/2009	Substitution of Attorney <i>Plaintiff's Substitution of Attorney</i>
10/29/2009	Reporters Transcript <i>Reporter's Transcript Hearing September 21, 2009</i>
11/04/2009	Receipt of Copy <i>Receipt of Copy of Notice of Appeal</i>
11/04/2009	Notice of Appeal
11/04/2009	Case Appeal Statement
11/04/2009	Notice of Posting Bond <i>Notice of Posting Supersedeas Bond</i>
11/06/2009	Stipulation and Order <i>Stipulation and Order Vacating Hearing Date and Posting of Supersedeas Bond</i>
11/10/2009	Notice of Entry <i>Notice of Entry of Stipulation and Order Vacating Hearing Date and Posting of Supersedeas Bond</i>
11/13/2009	Certificate of Mailing <i>Certificate of Mailing of Notice of Posting of Supersedeas Bond</i>
11/30/2009	CANCELED Motion (8:30 AM) (Judicial Officer Leavitt, Michelle) <i>Vacated - per Stipulation and Order</i>
10/11/2011	Substitution of Attorney <i>Substitution of Attorney</i>
10/20/2011	Substitution of Attorney <i>Substitution of Attorney</i>
10/25/2011	Notice of Entry <i>Notice of Entry of Order</i>
11/01/2011	NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
12/10/2011	Notice of Association of Counsel <i>Notice of Association of Counsel (Beau Sterling for Plaintiffs)</i>
12/10/2011	Memorandum of Costs and Disbursements <i>Plaintiffs' Verified Memorandum of Appellate Costs Taxable in the District Court Pursuant to NRAP 39(e)</i>
12/27/2011	Notice of Intent to Take Default <i>Notice of Intent to Take Default</i>
12/29/2011	Receipt of Copy <i>Receipt of Copy</i>
01/09/2012	Answer <i>Answer to Verified Complaint</i>
01/19/2012	Ex Parte Order <i>Plaintiffs' Ex Parte Application and Order Exonerating Cash Appeal Bonds and Directing Clerk of the Court To Release and Disburse Monies Held in Trust</i>
02/13/2012	At Request of Court (8:30 AM) (Judicial Officer Leavitt, Michelle) <i>Setting Slip Dept XII - Status Check</i> <u>Parties Present</u> <u>Minutes</u> Result: Matter Heard
04/06/2012	Substitution of Attorney <i>John Allen Lytle and Trudi Lytle, as Trustees of the Lytle Trust, Substitution of Counsel</i>

04/16/2012 **Status Check (8:30 AM)** (Judicial Officer Leavitt, Michelle)
Status Check: New Counsel For Plaintiffs
Parties Present
Minutes
 Result: Off Calendar

05/04/2012 **Request**
Plaintiff's Request for Written Findings of Fact and Conclusions of Law

06/12/2012 **Joint Case Conference Report**
Joint Case Conference Report

06/13/2012 **Demand for Jury Trial**
Demand for Jury Trial

06/19/2012 **Scheduling Order**
Scheduling Order

07/02/2012 **Order Scheduling Status Check**
Order Setting Civil Jury Trial

09/20/2012 **Motion for Summary Judgment**
Defendant's Motion for Summary Judgment and to Confirm Arbitration Award

09/20/2012 **Certificate of Mailing**
Certificate of Service

10/08/2012 **Affidavit in Support**
Affidavit of Richard Haskin, Esq. in Support of Opposition to Rosemere's Motion for Summary Judgment And to Confirm Arbitration Award

10/08/2012 **Affidavit in Support**
Affidavit of Trudi Lytle Allen in Support of Request for Judicial Notice in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment And to Confirm Arbitration Award

10/08/2012 **Affidavit in Support**
Affidavit of John Allen Lytle In Support of John Allen Lytle John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition To Motion for Summary Judgment And Motion To Confirm Arbitration Award

10/08/2012 **Statement**
Separate Statement of Disputed Facts in Support of John Allen Lytle and Trudi Lee Lytle as Trustees of the lytle Trust Opposition to Motion for Summary Judgment and Motion to Confirm Arbitraton Award

10/08/2012 **Opposition to Motion For Summary Judgment**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Rosemere Estates Property Owner's Association's Motion for Summary Judgment And to Confirm Arbitration Award, or, in the Alternative Countermotion for Continuance Pursuant to NRCP 56(F)

10/08/2012 **Request for Judicial Notice**
Request for Judicial Notice in Support of John Allen Lytle and Trudi Lee lytle as Trustee of the Lytle Trust's Opposition to Motin for Summary Judgment

10/09/2012 **Objection**
John Allen Lytle and Trudi Lee Lytle's Objections to Evidence Offered in Support of Rosemere Estates Property Owner's Association's Motion for Summary Judgment

10/15/2012 **Motion**
Motion to Expunge and Release Recorded Judgment

10/16/2012 **Certificate of Service**
Certificate of Service

10/16/2012 **Reply**
Reply in Support of Defendant's Motion for Summary Judgment and Opposition to Plaintiff's Countermotion for Continuance Pursuant to NRCP 56 (f)

10/22/2012 **Motion for Summary Judgment (8:30 AM)** (Judicial Officer Leavitt, Michelle)
Defendant's Motion for Summary Judgment and to Confirm Arbitration Award
Parties Present
Minutes
 Result: Denied

10/25/2012 **Opposition**
Defendant's Opposition to Plaintiffs' Motion for Leave to File Amended Complaint for Trial De Novo Pursuant to NRS 38.330

10/30/2012 **Affidavit in Support**
Affidavit of Richard Haskin, Esq. in Support of Reply to Opposition to Motion for Leave to File First Amended Complaint

10/30/2012 **Reply**
Plaintiff John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust, Reply to Opposition to Motion for Leave to File First Amended Complaint

11/05/2012 **Motion for Leave (8:30 AM)** (Judicial Officer Leavitt, Michelle)
Plaintiff John Allen Lytle and Trudi Lee Lytle's as Trustees of The Lytle Trust, Motion for Leave to File First Amended Complaint for trial De Novo Pursuant to NRS 38.330
Parties Present
Minutes
 Result: Granted in Part

11/07/2012 **Order Denying Motion**
Order Denying Defendant's Motion for Summary Judgment and to Confirm Arbitration Award

11/12/2012 **Notice of Entry of Order**
Notice of Entry of Order Re Order Denying Defendant's Motion for Summary Judgment and to Confirm Arbitration Award

11/16/2012 **Notice of Withdrawal of Motion**
Notice to Withdraw Motion to Expunge and Release Recorded Judgment

11/26/2012 **CANCELED Motion (8:30 AM)** (Judicial Officer Leavitt, Michelle)
Vacated
Plaintiffs' Motion to Expunge and Release Recorded Judgment
 11/19/2012 Reset by Court to 11/26/2012

11/27/2012 **Order**
Order Partially Granting Plaintiffs' Motion for Leave to File First Amended Complaint

11/28/2012 **Notice of Entry of Order**
Notice of Entry of Order Partially Granting Plaintiff's Motion for Leave to File First Amended Complaint

01/15/2013 **Motion to Quash**
Defendant's Motion to Quash Plaintiffs' Subpeona Duces Tecum

01/15/2013 **Certificate of Mailing**

01/15/2013 **Certificate of Service**
Joinder To Motion
Cotton, Driggs, Walch, Holley, Woloson & Thompson's Joinder to Defendant's Motion to Quash Plaintiffs' Subpoena Duces Tecum

01/22/2013 **Opposition to Motion**
John Allen Lytle and Trudi Lee Lytle's Opposition to Motion to Quash Subpoena Duces Tecum

02/07/2013 **Reply**
Reply in Support of Defendant's Motion to Quash Plaintiffs' Subpoena Duces Tecum

02/08/2013 **Order Shortening Time**
Amended Notice of hearing of Defendant's Motion to Quash Plaintiff's Subpoena Duces Tecum and Order Shortening Time

02/25/2013 **CANCELED Motion to Quash** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Vacated - On in Error
Defendant's Motion to Quash Plaintiffs' Subpoena Duces Tecum

02/25/2013 **Joinder** (1:30 PM) (Judicial Officer Beecroft, Chris A., Jr.)
Cotton, Driggs, Walch, Holley, Woloson & Thompson's Joinder to Defendant's Motion to Quash Plaintiffs' Subpoena Duces Tecum
Parties Present
02/25/2013 Reset by Court to 02/25/2013
Result: Granted

02/25/2013 **Motion to Quash** (1:30 PM) (Judicial Officer Beecroft, Chris A., Jr.)
Defendant's Motion To Quash Plaintiff's Subpoena Duces Tecum
Parties Present
Result: Granted

02/25/2013 **All Pending Motions** (1:30 PM) (Judicial Officer Beecroft, Chris A., Jr.)
Parties Present
Minutes
Result: Matter Heard

02/28/2013 **Motion for Summary Judgment**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Summary Judgment

02/28/2013 **Declaration**
Declaration of Richard E. Haskin, Esq. in Support of Motion for Summary Judgment

02/28/2013 **Statement**
Separate Statement of Facts in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Motion for Summary Judgment

02/28/2013 **Affidavit in Support**
Affidavit of Trudi Lee Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Motion for Summary Judgment

02/28/2013 **Affidavit in Support**
Affidavit of John Allen Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Motion for Summary Judgment

02/28/2013 **Request for Judicial Notice**
Request for Judicial Notice in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Motion for Summary Judgment

03/01/2013 **Motion in Limine**
Defendant Rosemere Estates Property Owners' Association's Motion in Limine

03/01/2013 **Motion for Summary Judgment**
Defendant's Motion for Summary Judgment

03/04/2013 **Amended Notice**
Amended Notice of Motion

03/05/2013 **Order Shortening Time**
Rosemere Estates Property Owners' Association's Motion to Strike Plaintiff's Third (Sic) and Fourth (Sic) Supplemental Disclosures on Order Shortening Time

03/08/2013 **Declaration**
Declaration of Richard E. Haskin, Esq. in Support of the Opposition to Motion to Strike the Third and Fourth Supplemental Disclosures

03/08/2013 **Opposition to Motion**
John Allen Lytle and Trudi Lee Lytle's Opposition to Motion to Strike Third and Fourth Supplemental Disclosures

03/11/2013 **Motion to Strike** (1:30 PM) (Judicial Officer Beecroft, Chris A., Jr.)
Rosemere Estates Property Owners' Association's Motion to Strike Plaintiff's Third (Sic) and Fourth (Sic) Supplemental Disclosures on Order Shortening Time
Parties Present
Minutes
Result: Granted

03/11/2013 **Reply**
Rosemere Estates Property Owners' Association's Reply in Support of Motion to Strike Plaintiff's Third [sic] and Fourth [sic] Supplemental Disclosures on Order Shortening Time

03/14/2013 **Opposition to Motion**
John Allen Lytle and Trudi Lee Lytle's Opposition to Motion in Limine

03/14/2013 **Declaration**
Declaration of Richard E. Haskin, Esq. in Support of the Opposition to Motion in Limine

03/15/2013 **Pre-Trial Disclosure**
Defendant Rosemere Estates Property Owners Association's NRCP 16.1(A)(3) Pre-Trial Disclosures

03/20/2013 **Opposition to Motion For Summary Judgment**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Rosemere Estates Property Owners' Association's Motion for Summary Judgment

03/20/2013 **Statement**
Separate Statement of Facts in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment

03/20/2013 **Request for Judicial Notice**
Request for Judicial Notice in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment

03/20/2013 **Affidavit in Support**
Affidavit of Trudi Lee Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment

03/20/2013 **Affidavit in Support**
Affidavit of John Allen Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment

03/20/2013 **Declaration**

Declaration of Richard E. Haskin, Esq. in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment
 03/20/2013 **Opposition to Motion For Summary Judgment**
 Defendant's Opposition to Plaintiffs' Motion for Summary Judgment
 03/22/2013 **Reply in Support**
 Rosemere Estates Property Owners' Association's Reply in Support of Motion In Limine
 03/25/2013 **CANCELED Status Check: Compliance/Sanctions** (2:00 PM) (Judicial Officer Beecroft, Chris A., Jr.)
 Vacated - On In Error
 03/25/2013 **CANCELED Status Check: Compliance/Sanctions** (2:00 PM) (Judicial Officer Beecroft, Chris A., Jr.)
 Vacated - On In Error
 03/25/2013 **CANCELED Status Check: Compliance/Sanctions** (2:00 PM) (Judicial Officer Beecroft, Chris A., Jr.)
 Vacated - per Commissioner
 03/26/2013 **Reply in Support**
 Defendant's Reply in Support of Motion for Summary Judgment
 03/26/2013 **Declaration**
 Declaration of Richard E. Haskin, Esq. in Support of Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment
 03/26/2013 **Reply to Opposition**
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Reply to Rosemere Estates Property Owners' Association's Opposition to Motion for Summary Judgment
 03/27/2013 **Reply to Motion**
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Sur-Reply Re: Plaintiffs' Motion for Summary Judgment
 03/29/2013 **Discovery Commissioners Report and Recommendations**
 Discovery Commissioner's Report and Recommendations
 03/29/2013 **Objection**
 Defendant's Objection to Plaintiffs' NRCP 16.1 (a)(3) Pre-Trial Disclosures
 03/29/2013 **Objection to Discovery Commissioners Report and Recommend**
 Defendant's Objection to Discovery Commissioner Report and Recommendation Re: Defendant's Motion to Strike Plaintiff's Third (sic) and Fourth (sic) Supplemental Disclosure on Order Shortening Time
 04/01/2013 **Motion** (8:30 AM) (Judicial Officer Leavitt, Michelle)
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Summary Judgment
 Result: Granted
 04/01/2013 **Motion in Limine** (8:30 AM) (Judicial Officer Leavitt, Michelle)
 Defendant Rosemere Estates Property Owners' Association's Motion in Limine
 Result: Matter Heard
 04/01/2013 **Motion for Summary Judgment** (8:30 AM) (Judicial Officer Leavitt, Michelle)
 Defendant's Motion for Summary Judgment
 04/08/2013 Reset by Court to 04/01/2013
 Result: Matter Heard
 04/01/2013 **CANCELED Status Check: Compliance/Sanctions** (2:00 PM) (Judicial Officer Beecroft, Chris A., Jr.)
 Vacated - per Commissioner
 04/01/2013 **Notice of Entry of Order**
 Notice of Entry of Order Affirming Discovery Commissioners Report and Recommendation
 04/01/2013 **All Pending Motions** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Parties Present
Minutes
 Result: Matter Heard
 04/02/2013 **Recorders Transcript of Hearing**
 Recorder's Transcript Re: Defendant's Motion to Strike Plaintiffs' Supplemental Disclosures, On Ost March 1, 2013
 04/08/2013 **Calendar Call** (10:00 AM) (Judicial Officer Leavitt, Michelle)
 Result: Off Calendar
 04/16/2013 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Leavitt, Michelle)
 Vacated - per Judge
 05/30/2013 **Declaration**
 Declaration of Trudi Lee Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Supplement its Rule 16.1 Disclosures and Re-Open Discovery on Order Shortening Time
 05/30/2013 **Motion**
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Leave to Supplement its Rule 16.1 Disclosures and Re-Open Discovery on Order Shortening Time
 06/07/2013 **Opposition**
 Defendant's Opposition to Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Leave to Supplement Its Rule 16.1 Disclosures and Re-Open Discovery on Order Shortening Time
 06/10/2013 **Motion for Leave** (1:30 PM) (Judicial Officer Beecroft, Chris A., Jr.)
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Leave to Supplement its Rule 16.1 Disclosures and Re-Open Discovery on Order Shortening Time
Parties Present
Minutes
 Result: Granted
 06/10/2013 **Reply to Opposition**
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Reply to Opposition Re: Motion for Leave to Supplement its Rule 16.1 Disclosures and Re-Open Discovery on Order Shortening Time
 06/26/2013 **Objection to Discovery Commissioners Report and Recommend**
 Defendant's Objection to Discovery Commissioner Report and Recommendation
 06/27/2013 **Minute Order** (3:00 AM) (Judicial Officer Leavitt, Michelle)
 Minute Order addressing Plt's Motion for Summary Judgment (from 4/01/13)
Minutes
 Result: Minute Order - No Hearing Held
 07/01/2013 **CANCELED Status Check: Compliance/Sanctions** (2:00 PM) (Judicial Officer Beecroft, Chris A., Jr.)
 Vacated - per Commissioner
 07/02/2013 **Reporters Transcript**
 Recorder's Transcript Re: Plaintiff's Motion for Leave to Supplement 16.1 Disclosures and Reopen Discovery, on OST June 10, 2013
 07/30/2013 **Order Granting Summary Judgment**

Order Granting Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Summary Judgment.

07/31/2013 **Notice of Entry of Order**
Notice of Entry of Order Granting Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Summary Judgment

08/02/2013 **Memorandum of Costs and Disbursements**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Memorandum of Costs

08/07/2013 **Motion to Retax**
Defendant's Motion to Re-Tax Costs

08/08/2013 **Certificate of Mailing**
Certificate of Mailing of Defendant's Motion to Re-Tax Costs

08/14/2013 **Motion for Prove Up**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment

08/14/2013 **Motion to Amend Judgment**
Defendant's Motion to Correct, Alter Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(E), and Motion for Reconsideration

08/15/2013 **Certificate of Mailing**
Certificate of Mailing of Defendant's Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(e) and Motion for Reconsideration

08/20/2013 **Motion**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

08/20/2013 **Opposition**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Motion to Re-Tax Costs

08/20/2013 **Request for Judicial Notice**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Request for Judicial Notice in Support of Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

08/20/2013 **Request for Judicial Notice**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Request for Judicial Notice in Support of Opposition to Motion to Re-Tax Costs

08/22/2013 **Notice of Hearing**
Notice of Hearing on Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for an Order Directing Rosemere Estate Property Owners' Association to Correct Court Ordered Revocation

08/27/2013 **Reply**
Defendant's Reply in Support of Motion to Re-Tax Costs

08/29/2013 **Opposition to Motion**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(E), and Motion for Reconsideration

08/29/2013 **Request for Judicial Notice**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Request for Judicial Notice in Support of Opposition to Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(E), and Motion for Reconsideration

08/30/2013 **Notice of Appeal**
Notice of Appeal

08/30/2013 **Case Appeal Statement**
Case Appeal Statement

09/03/2013 **Opposition**
Defendant's Opposition to Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment

09/03/2013 **Opposition**
Defendant's Opposition to Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

09/09/2013 **Reply**
Reply in Support of Defendant's Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(e), and Motion for Reconsideration

09/11/2013 **Reply to Opposition**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Reply to Rosemere Estates Property Owners' Association's Opposition to Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment

09/11/2013 **Request for Judicial Notice**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Request for Judicial Notice in Support of Reply to Opposition to Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment

09/17/2013 **Reply to Opposition**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Reply to Opposition to Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

10/07/2013 **Motion to Retax** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendant's Motion to Re-Tax Costs
09/16/2013 Reset by Court to 09/18/2013
09/18/2013 Reset by Court to 09/18/2013
09/18/2013 Reset by Court to 09/23/2013
09/23/2013 Reset by Court to 10/07/2013
Result: Granted

10/07/2013 **Motion for Prove Up** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment
09/16/2013 Reset by Court to 09/18/2013
09/18/2013 Reset by Court to 09/23/2013
09/23/2013 Reset by Court to 10/07/2013
Result: Granted

10/07/2013 **Motion to Amend Judgment** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendant's Motion to Correct, Alter Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(E), and Motion for Reconsideration
09/16/2013 Reset by Court to 09/18/2013
09/18/2013 Reset by Court to 09/23/2013
09/23/2013 Reset by Court to 10/07/2013
Result: Denied

10/07/2013 **Motion for Order** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

09/23/2013 *Reset by Court to 10/07/2013*

10/07/2013 **Result: Granted**
All Pending Motions (8:30 AM) (Judicial Officer Leavitt, Michelle)
Parties Present
Minutes
Result: Matter Heard

10/18/2013 **Memorandum of Costs and Disbursements**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's First Amended Verified Memorandum of Costs

10/21/2013 **Notice of Hearing**
Notice of Hearing on Plaintiff John Allen Lytle and Trudi Lee Lytle's First Amended Verified Memorandum of Costs

10/24/2013 **Motion to Retax**
Defendant's Motion to Re-Tax Costs

10/29/2013 **Receipt of Copy**
Receipt of Copy of Defendant's Motion to Re-Tax Costs

11/05/2013 **Order**
Order Granting Defendant's Motion to Re-Tax Costs

11/05/2013 **Notice of Entry of Order**
Notice of Entry of Order Granting Defendant's Motion to Re-Tax Costs

11/06/2013 **Order Denying Motion**
Order Denying Rosemere Estates Property Owners' Association's Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(E), and Motion for Reconsideration

11/06/2013 **Order Granting Motion**
Order Granting Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

11/06/2013 **Notice of Entry of Order**
Notice of Entry of Order Denying Rosemere Estates Property Owners' Association's Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(E), and Motion for Reconsideration

11/06/2013 **Notice of Entry of Order**
Notice of Entry of Order Granting Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for an Order Directing Rosemere Estates Property Owners' Association to Correct Court Ordered Revocation

11/13/2013 **Opposition to Motion**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Motion to Re-Tax Costs

11/13/2013 **Request for Judicial Notice**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Request for Judicial Notice in Support of Opposition to Motion to Re-Tax Costs

11/25/2013 **Reply in Support**
Defendant's Reply in Support of Motion to Re-Tax Costs and Objection to Request for Judicial Notice

12/02/2013 **CANCELED Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Vacated - On in Error
Motion to Withdraw As Counsel of Record and Stay Discovery
11/25/2013 Reset by Court to 12/02/2013

12/02/2013 **Motion** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Notice of Hearing on Plaintiff John Allen Lytle and Trudi Lee Lytle's First Amended Verified Memorandum of Costs
11/25/2013 Reset by Court to 12/02/2013

12/02/2013 **Result: Matter Heard**
Motion to Retax (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendant's Motion to Re-Tax Costs
11/25/2013 Reset by Court to 12/02/2013

12/02/2013 **Result: Granted in Part**
Prove Up (8:30 AM) (Judicial Officer Leavitt, Michelle)
11/25/2013 Reset by Court to 12/02/2013

12/02/2013 **Result: Off Calendar**
All Pending Motions (8:30 AM) (Judicial Officer Leavitt, Michelle)
Parties Present
Minutes
Result: Matter Heard

12/05/2013 **Opposition to Motion**
John Allen Lytle and Trudi Lee Lytle's Opposition to Rosemere Estates Property Owners' Association's Objection to Discovery Commissioner's Report and Recommendations

12/05/2013 **Declaration**
Declaration of Richard E. Haskin, Esq. in Support of John Allen Lytle and Trudi Lee Lytle's Opposition to Rosemere Estates Property Owners' Association's Objection to Discovery Commissioner's Report and Recommendations

12/12/2013 **Affidavit of Due Diligence**
Affidavit of Due Diligence

12/12/2013 **Affidavit of Due Diligence**
Affidavit of Due Diligence

12/12/2013 **Affidavit of Due Diligence**
Affidavit of Due Diligence

12/30/2013 **Affidavit of Due Diligence**
Affidavit of Due Diligence

01/03/2014 **Reply in Support**
Reply in Support of Defendant's Objection to Discovery Commissioner's Report and Recommendation and Request that Plaintiff's Impermissibly Late-Filed Opposition be Stricken From the Record

01/27/2014 **Prove Up** (9:30 AM) (Judicial Officer Leavitt, Michelle)
Parties Present
Minutes
Result: Matter Heard

02/04/2014 **Recorders Transcript of Hearing**
Prove Up; January 27, 2014

02/04/2014 **Recorders Transcript of Hearing**

Prove Up; Defendants' Motion to Re-Tax; Notice of Hearing on Plaintiffs Lytles' First Amended Verified Memorandum of Costs; Motion to Withdraw as Counsel of Record and Stay Discovery; December 2, 2013

02/13/2014 **Order**
Order Granting in Part and Denying in Part Defendant's Motion to Re-Tax Costs

02/19/2014 **Notice of Entry of Order**
Notice of Entry of Order Granting in Part and Denying in Part Defendant's Motion to Retax Costs

03/11/2014 **Order Denying Motion**
Order Denying Plaintiffs' Motion to Prove-Up Damages

03/11/2014 **Notice of Entry of Order**
Notice of Entry of Order Denying Plaintiffs' Motion to Prove-Up Damages

03/24/2014 **Notice of Appeal**
Notice of Appeal

03/25/2014 **Case Appeal Statement**
Case Appeal Statement

03/28/2014 **Affidavit in Support**
Affidavit of Thomas D. Harper in Support of Motion for Attorneys' Fees

03/28/2014 **Affidavit in Support**
Affidavit of George Hand in Support of Motion for Attorneys' Fees

03/28/2014 **Affidavit in Support**
Affidavit of Richard E. Haskin, Esq. in Support of Motion for Attorneys' Fees

03/28/2014 **Affidavit in Support**
Affidavit of Beau Sterling in Support of Motion for Attorneys' Fees

03/28/2014 **Declaration**
Declaration of Michael J. Lemcool in Support of Motion for Attorneys' Fees

03/28/2014 **Motion for Attorney Fees**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

03/28/2014 **Request for Judicial Notice**
Request for Judicial Notice in Support of Motion for Attorneys' Fees

04/15/2014 **Opposition to Motion**
Opposition to Plaintiff's Motion for Attorneys' Fees

04/24/2014 **Reply in Support**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Reply in Support of Their Motion for Attorneys' Fees

04/24/2014 **Request for Judicial Notice**
Request for Judicial Notice in Support of Reply to Opposition to Motion for Attorneys' Fees

04/25/2014 **Recorders Transcript of Hearing**
Transcript of Proceedings: Hearing on Motions Monday, October 7, 2013

04/28/2014 **Motion for Attorney Fees** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

Parties Present

Minutes

Result: Denied

05/15/2014 **Recorders Transcript of Hearing**
Transcript of Proceedings: Plaintiffs' Motion for Summary Judgment; Defendant's Motion in Limine; Defendant's Motion for Summary Judgment Monday, April 1, 2013

05/16/2014 **Notice of Appeal**
Plaintiffs' First Amended/Supplemental Notice of Appeal

05/16/2014 **Case Appeal Statement**
Case Appeal Statement (Amended/Supplemental)

05/29/2014 **Order Denying Motion**
Order Denying Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

05/30/2014 **Notice of Entry of Order**
Notice of Entry of Order Denying Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

11/26/2014 **Recorders Transcript of Hearing**
Proceedings of Transcript Re: Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees Monday, April 28, 2014

11/20/2015 **NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part**
Nevada Supreme Court Clerk's Certificate Judgment - Affirmed (63942); Affirmed in Part, Reversed in Part and Remand (65294); Vacated and Remand (65721)

01/06/2016 **Order Shortening Time**
Motion to Withdraw as Attorney of Record on Order Shortening Time

01/06/2016 **Receipt of Copy**
Receipt of Copy of Motion to Withdraw as Attorney of Record on Order Shortening Time

01/13/2016 **Affidavit**
Affidavit of Service

01/25/2016 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Leach Johnson Song & Gruchow's Motion to Withdraw as Attorney of Record on Order Shortening Time

Parties Present

Minutes

01/25/2016 Reset by Court to 01/27/2016

01/27/2016 Reset by Court to 01/25/2016

Result: Granted

02/02/2016 **Order Granting Motion**
Order Granting Motion to Withdraw as Attorney of Record on Order Shortening Time

02/22/2016 **Status Check** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Status Check: New Counsel For Deft. Rosemere Estates Property Owners Association

Parties Present

Minutes

Result: Off Calendar

02/29/2016 **Memorandum of Costs and Disbursements**
Plaintiffs John Allen Lytle and Trudi Lee Lytle's Verified Memorandum of Costs

03/24/2016 **Affidavit in Support**

03/24/2016 **Affidavit of Richard E. Haskin, Esq. in Support of Motion for Attorneys' Fees**
Affidavit in Support
 Affidavit of Thomas D. Harper in Support of Motion for Attorneys' Fees

03/24/2016 **Affidavit in Support**
 Affidavit of Michael J. Lemcool in Support of Motion for Attorneys' Fees

03/24/2016 **Affidavit in Support**
 Affidavit of George Hand in Support of Motion for Attorneys' Fees

03/24/2016 **Motion for Attorney Fees**
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

03/29/2016 **Notice of Rescheduling**
 Notice Of Rescheduling Of Hearings

04/26/2016 **Notice**
 Notice of Non-Opposition to Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

05/02/2016 **Motion for Attorney Fees (8:30 AM)** (Judicial Officer Leavitt, Michelle)
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees
Parties Present
Minutes
 04/25/2016 Reset by Court to 05/02/2016
 Result: Granted

05/04/2016 **Motion for Prove Up**
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment

06/03/2016 **Order Granting Motion**
 Order on Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Attorneys' Fees

06/06/2016 **Motion (8:30 AM)** (Judicial Officer Leavitt, Michelle)
 Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion to Prove-Up Damages Pursuant to Court's Order Granting Summary Judgment
Parties Present
Minutes
 Result: Judgment for the Plaintiff

06/06/2016 **Notice of Entry of Order**
 Notice of Entry of Order on Motion for Attorneys' Fees

06/21/2016 **Order**
 Order Awarding Plaintiffs Damages Following Prove-Up Hearing

06/24/2016 **Notice of Entry of Order**
 Notice of Entry of Order Awarding Damages

07/27/2016 **Order**
 Order Awarding Costs

07/28/2016 **Notice of Entry of Order**
 Notice of Entry of Order Awarding Costs

08/18/2016 **Abstract of Judgment**
 Abstract of Judgment

07/02/2018 **Case Reassigned to Department 20**
 Reassigned From Judge Leavitt - Dept 12

05/23/2019 **Affidavit for Renewal of Judgment**
 Affidavit of Renewal of Judgment

02/04/2020 **Motion to Reduce**
 Motion to Reduce Orders for Payment of Money to Judgment

02/04/2020 **Clerk's Notice of Hearing**
 Notice of Hearing

02/11/2020 **Judgment**
 Judgment Against Rosemere Estates Property Owners' Association

02/11/2020 **Notice of Entry of Judgment**
 Notice of Entry of Judgment Against Rosemere Estates Property Owners' Association

03/11/2020 **CANCELED Motion (8:30 AM)** (Judicial Officer Johnson, Eric)
 Vacated - per Law Clerk
 Plaintiff's Motion to Reduce Orders for Payment of Money to Judgment

FINANCIAL INFORMATION

Defendant Rosemere Estates Property Owners Association			647.00
Total Financial Assessment			647.00
Total Payments and Credits			0.00
Balance Due as of 03/11/2020			
08/18/2009	Transaction Assessment		223.00
08/18/2009	Payment (Window)	Receipt # 2009-47453-FAM	(223.00)
09/20/2012	Transaction Assessment		200.00
09/20/2012	Efile Payment	Receipt # 2012-117870-CCCLK	(200.00)
03/04/2013	Transaction Assessment		200.00
03/04/2013	Efile Payment	Receipt # 2013-25936-CCCLK	(200.00)
08/30/2013	Transaction Assessment		24.00
08/30/2013	Efile Payment	Receipt # 2013-106002-CCCLK	(24.00)
Plaintiff Lytle Trust			24.00
Total Financial Assessment			24.00
Total Payments and Credits			0.00
Balance Due as of 03/11/2020			

11/04/2009	Transaction Assessment			24.00
11/04/2009	Payment (Window)	Receipt # 2009-66605-FAM	Thomas D Harper Ltd	(24.00)
Plaintiff Lytle, John Allen				
	Total Financial Assessment			403.00
	Total Payments and Credits			403.00
	Balance Due as of 03/11/2020			0.00
06/30/2009	Transaction Assessment			151.00
06/30/2009	Payment (Window)	Receipt # 2009-33777-FAM	Wolf Rifkin Shapiro Schulman a	(151.00)
10/14/2009	Transaction Assessment			3.00
10/14/2009	Payment (Window)	Receipt # 2009-61766-FAM	Santaro Driggs Walch Kearney H	(3.00)
11/09/2009	Transaction Assessment			5.00
11/09/2009	Payment (Window)	Receipt # 2009-67704-FAM	GERRY ZOBRIST, LTD.	(5.00)
02/28/2013	Transaction Assessment			200.00
02/28/2013	Efile Payment	Receipt # 2013-24863-CCCLK	Lytle, John Allen	(200.00)
03/25/2014	Transaction Assessment			24.00
03/25/2014	Efile Payment	Receipt # 2014-35065-CCCLK	Lytle, John Allen	(24.00)
05/21/2014	Transaction Assessment			10.00
05/21/2014	Payment (Window)	Receipt # 2014-59180-CCCLK	Nationwide Legal Nevada LLC	(10.00)
07/14/2017	Transaction Assessment			10.00
07/14/2017	Payment (Window)	Receipt # 2017-57437-CCCLK	Nationwide Legal Nevada LLC	(10.00)

EXHIBIT B

000886

000886

EXHIBIT B

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REGISTER OF ACTIONS

CASE No. A-10-631355-C

Lytle Trust, Plaintiff(s) vs. Rosemere Estates Property Owners
Association, Defendant(s)

§
§
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§

Case Type: **Other Civil Filing**
Subtype: **Other Civil Matters**
Date Filed: **12/13/2010**
Location: **Department 32**
Cross-Reference Case Number: **A631355**
Supreme Court No.: **60657**
61308
66558

PARTY INFORMATION

Counter Claimant	Rosemere Estates Property Owners Association	Lead Attorneys Sean L. Anderson <i>Retained</i> 702-638-9074(WA)
Counter Defendant	Lytle, John Allen	Richard Edward Haskin Esq <i>Retained</i> 702-836-9800(W)
Counter Defendant	Lytle, Trudi Lee	Richard Edward Haskin Esq <i>Retained</i> 702-836-9800(W)
Defendant	Rosemere Estates Property Owners Association	Sean L. Anderson <i>Retained</i> 702-638-9074(WA)
Plaintiff	Lytle Trust	Richard Edward Haskin Esq <i>Retained</i> 702-836-9800(W)
Plaintiff	Lytle, John Allen	Richard Edward Haskin Esq <i>Retained</i> 702-836-9800(W)
Plaintiff	Lytle, Trudi Lee	Richard Edward Haskin Esq <i>Retained</i> 702-836-9800(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

12/09/2011 **Summary Judgment** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Counter Defendant, Plaintiff), Trudi Lee Lytle (Counter Defendant, Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Counter Claimant, Defendant)
Judgment: 12/09/2011, Docketed: 12/19/2011

12/09/2011 **Order of Dismissal Without Prejudice** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Defendant)
Judgment: 12/09/2011, Docketed: 12/19/2011
Comment: Certain Claim

05/15/2012 **Judgment for Attorney's Fees** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Defendant)
Judgment: 05/15/2012, Docketed: 05/29/2012

06/05/2012 **Judgment for Attorney's Fees** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Defendant)
Judgment: 06/05/2012, Docketed: 06/12/2012
Total Judgment: 104,023.74

08/13/2012 **Order** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Defendant)
Judgment: 08/13/2012, Docketed: 08/21/2012
Total Judgment: 7,185.45

01/22/2016 **Clerk's Certificate** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Defendant)
Judgment: 01/22/2016, Docketed: 02/01/2016
Comment: Supreme Court No. 66558; Affirmed

01/22/2016 **Clerk's Certificate** (Judicial Officer: Bare, Rob)
Debtors: Lytle Trust (Plaintiff), John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Creditors: Rosemere Estates Property Owners Association (Defendant)
Judgment: 01/22/2016, Docketed: 02/01/2016
Comment: Supreme Court No. 60657; Vacated and Remand

04/18/2017 **Order** (Judicial Officer: Bare, Rob)
Debtors: Rosemere Estates Property Owners Association (Defendant)
Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Judgment: 04/18/2017, Docketed: 04/25/2017
Total Judgment: 279,333.25

05/15/2017 **Order** (Judicial Officer: Bare, Rob)
Debtors: Rosemere Estates Property Owners Association (Defendant)
Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Judgment: 05/15/2017, Docketed: 05/22/2017
Total Judgment: 823,824.84

05/23/2019 **Renewal of Judgment** (Judicial Officer: Bare, Rob)
Debtors: Rosemere Estates Property Owners Association (Defendant)
Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff)
Judgment: 05/23/2019, Docketed: 05/23/2019
Total Judgment: 1,103,158.12

OTHER EVENTS AND HEARINGS

12/13/2010 **Complaint**
Complaint for Trial De Novo Pursuant to NRS 38.330; Declaratory Relief; Preliminary and Permanent Injunctive Relief; and Money Damages

12/28/2010 **Summons**
Summons

01/01/2011 **Case Reassigned to Department 32**
Case reassigned from Judge Bixler, James

01/07/2011 **Notice**
Notice of Attorney's Lien

01/07/2011 **Motion to Withdraw As Counsel**
Motion to Withdraw as Attorney of Record and Motion to Adjudicate the Rights of Counsel for Enforcement of Attorney's Lien and for Judgment of Attorney's Fees

01/13/2011 **Certificate of Mailing**
Certificate of Mailing of Motion to Withdraw as Attorney of Record for Plaintiffs and Motion to Adjudicate the Rights of Counsel for Enforcement of Attorney's Lien and for Judgment of Attorney's Fees

01/24/2011 **Opposition to Motion**
Opposition to Motion to Withdraw and to Adjudicate Lien

01/27/2011 **Substitution of Attorney**
Substitution of Attorney

02/04/2011 **Reply Points and Authorities**
Reply Points and Authorities in Support of Motion to Adjudicate the Rights of Counsel for Enforcement of Attorney's Lien and for Judgment of Attorney's Fees

02/14/2011 **Motion** (9:00 AM) (Judicial Officer Bare, Rob)
Thomas D. Harper's Motion to Withdraw as Attorney of Record for Plaintiffs and Motion to Adjudicate the Rights of Counsel for Enforcement of Attorney's Lien and for Judgment of Attorney's Fees
Parties Present
Minutes
Result: Denied

03/01/2011 **Order**
Order

03/09/2011 **Notice of Entry of Order**
Notice of Entry of Order

03/31/2011 **Answer and Counterclaim**
Answer and Counterclaim

04/04/2011 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

04/07/2011 **Substitution of Attorney**
Plaintiff's Substitution of Attorney

04/08/2011 **Reply**
Defendant's Reply in Support of Motion to Dismiss

04/08/2011 **Demand for Jury Trial**
Plaintiff's Demand for Trial by Jury

04/18/2011 **Errata**
Errata to Answer and Counterclaim

04/19/2011 **Reply to Counterclaim**
Reply to Counterclaim

04/20/2011 **Three Day Notice of Intent to Default**
Three Day Notice of Intent to Take Default

05/11/2011 **Three Day Notice of Intent to Default**
Three Day Notice of Intent to Take Default

05/11/2011 **Amended Certificate of Service**
Certificate of Service (Amended) for Reply to Counterclaim and Demand for Jury Trial

05/23/2011 **Notice of Early Case Conference**

07/14/2011 **Notice of Early Case Conference**
Joint Case Conference Report
Joint Case Conference Report

07/20/2011 **Scheduling Order**
Scheduling Order

07/29/2011 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call**
Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call

09/19/2011 **Motion for Summary Judgment**
Defendant/Counterclaimant Rosemere Estates Property Owners' Association's Motion for Summary Judgment

09/22/2011 **Notice of Hearing**
Notice of Hearing

10/10/2011 **Opposition to Motion For Summary Judgment**
Opposition to Motion for Summary Judgment

10/31/2011 **Reply**
Defendant/Counterclaimant Rosemere Estates Property Owners' Association's Reply to Plaintiff/Counter-Defendants' Opposition to Motion for Summary Judgment

11/11/2011 **Supplement**
Plaintiffs' Supplement to Opposition to Defendant's Motion for Summary Judgment

11/14/2011 **Motion for Summary Judgment (9:00 AM) (Judicial Officer Bare, Rob)**
Defendant/Counterclaimant Rosemere Estates Property Owners' Association's Motion for Summary Judgment
Parties Present
Minutes
11/04/2011 Reset by Court to 11/14/2011

11/18/2011 **Result: Granted**
Stipulation and Order
Stipulation and Order to Continue Hearing on Defendants' Motion to Dismiss

12/01/2011 **Recorders Transcript of Hearing**
Recorder's Transcript of: Defendant/Counter Claimant Rosemere Estates Property Owners' Association's Motion For Summary Judgment November 14, 2011

12/09/2011 **Order**
Order Granting Defendants/Counterclaimant Motion for Summary Judgment

12/15/2011 **Notice of Entry of Order**
Notice of Entry Order Granting Defendant/ Counterclaimant's Motion for Summary Judgment

12/15/2011 **Memorandum of Costs and Disbursements**
Verified Memorandum of Costs

12/27/2011 **Motion for Relief**
Plaintiffs' Motion for Relief from Judgment or Order pursuant to NRCP 60, to Alter or Amend Judgment pursuant to NRCP 59 and for Clarification of Decision and Order upon Defendants' Motion for Summary Judgment, and Request for Sanctions Pursuant to E.D.C.R. 7.60, or in the Alternative Motion for Reconsideration, or in the Alternative, Motion for Leave to Amend or Supplement Pursuant to N.R.C.P. 15

12/30/2011 **Receipt of Copy**
Receipt of Copy

01/06/2012 **Motion**
Defendant/Counterclaimant's Application to Confirm Arbitrator's Decision and Award and Motion for Attorneys' Fees

01/13/2012 **Errata**
Errata to Defendant/Counterclaimants Application to Confirm Arbitrator's Decision and Award and Motion for Attorneys' Fees

01/13/2012 **Notice of Hearing**
Notice of Hearing

01/17/2012 **Opposition**
Defendant/Counterclaimant Rosemere Estates Property Owners' Association's Omnibus Opposition to Plaintiff's Motion

01/25/2012 **Petitioner's Reply Brief**
Reply in Support of Plaintiffs' Motion (1) For Relief from Judgment or Order (NRCP 60); (2) to Alter or Amend Judgment (NRCP 59); (3) For Clarification of Decision and Order; (4) For Sanctions (E.D.C.R. 7.60); (5) For Reconsideration; (6) For Leave to Amend or Supplement Their Complaint (NRCP 15)

01/27/2012 **Opposition and Countermotion**
Plaintiff's Opposition to Defendant's Motion to Confirm Arbitrator's Decision and Award and Motion for Fees and Costs; Plaintiff's Countermotion to Strike (NRCP 12) and for Sanctions (EDCR 7.60)

01/30/2012 **Motion for Relief (9:00 AM) (Judicial Officer Bare, Rob)**
Plaintiffs' Motion for Relief from Judgment or Order pursuant to NRCP 60, to Alter or Amend Judgment pursuant to NRCP 59 and for Clarification of Decision and Order upon Defendants' Motion for Summary Judgment, and Request for Sanctions Pursuant to E.D.C.R. 7.60, or in the Alternative Motion for Reconsideration, or in the Alternative, Motion for Leave to Amend or Supplement Pursuant to N.R.C.P. 15
Parties Present
Minutes
Result: Denied

01/31/2012 **Supplement**
Supplement to Plaintiffs' Reply in Support of Motion for Relief from Judgment or Order pursuant to NRCP 60 [And Related Relief]

01/31/2012 **Supplement**
Supplement to Plaintiff's Opposition to Defendant's Motion to Confirm Arbitrator's Decision and Award and Motion for Attorney's Fees

01/31/2012 **Reply in Support**
Reply in Support of Motion to Confirm Arbitrator's Award and Motion for Attorneys' Fees & Opposition to Plaintiffs' Countermotion to Strike and for Sanctions

02/02/2012 **Objection**
Objection to and Motion to Strike Improper First Supplement

02/06/2012 **Motion (9:00 AM) (Judicial Officer Bare, Rob)**
Defendant/Counterclaimant's Application to Confirm Arbitrator's Decision and Award and Motion for Attorneys' Fees
Result: Denied in Part

02/06/2012 **Opposition and Countermotion (9:00 AM) (Judicial Officer Bare, Rob)**
Plaintiff's Opposition to Defendant's Motion to Confirm Arbitrator's Decision and Award and Motion for Fees and Costs; Plaintiff's Countermotion to Strike (NRCP 12) and for Sanctions (EDCR 7.60)
Result: Denied

02/06/2012 **All Pending Motions (9:00 AM) (Judicial Officer Bare, Rob)**
Parties Present

Minutes
Result: Matter Heard
02/15/2012 **Recorders Transcript of Hearing**
Recorder's Transcript of: All Pending Motions January 30, 2012
02/28/2012 **Supplemental Brief**
Supplemental Briefing in Support of Award of Attorneys' Fees, Costs and Damages
03/05/2012 **Order Denying Motion**
Order Denying Plaintiff/CounterDefendant's Motion (1) For Relief from Judgment or Order (NRCP 60); (2) To Alter or Amend Judgment (NRCP 59); (3) For Clarification of Decision and Order; (4) For Sanctions (E.D.C.R. 7.60); (5) For
03/09/2012 **Notice of Entry of Order**
Notice of Entry Order Denying Plaintiff/ Counterdefendant's Motion: (1) For Relief from Judgment or Order (NRCP 60); (2) To Alter or Amend Judgment (NRCP 59); (3) For Clarification of Decision and Order; (4) For Sanctions (E.D.C.R. 7.60); (5) For Reconsideration; (6) For Leave to Amend or Supplement Their Complaint (NRCP 15)
03/12/2012 **Substitution of Attorney**
John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust, Substituion of Counsel
03/27/2012 **Ex Parte Motion**
John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust, Ex Parte Motion to Continue Hearing and Motion for Order Shortening Time to Continue Hearing on Motion for Attorneys' Fees
04/10/2012 **Notice of Appeal**
Notice of Appeal (Lytle Trust)
04/10/2012 **Case Appeal Statement**
Case Appeal Statement (Lytle Trust)
04/12/2012 **Opposition**
John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Supplemental Briefing in Support of Attorney's Fees, Costs and Damages
04/12/2012 **Request for Judicial Notice**
Request for Judicial Notice in Support of Opposition to Motion for Attorneys Fees, Costs and Damages
04/16/2012 **Certificate of Mailing**
Certificate of Service
04/20/2012 **Reply to Opposition**
Reply to Plaintiff's Opposition to Supplemental Briefing inn Support of Award of Attorneys' Fees, Costs and Damages
04/27/2012 **Evidentiary Hearing (10:00 AM) (Judicial Officer Bare, Rob)**
Parties Present
Minutes
04/13/2012 Reset by Court to 04/27/2012
04/27/2012 Reset by Court to 04/27/2012
Result: Matter Heard
05/04/2012 **Supplemental**
Supplemental Briefing in Support of Award of Attorneys' Fees and Costs Post February 27, 2012
05/08/2012 **Request**
Plaintiff's Request for Written Findings of Fact and Conclusions of Law
05/10/2012 **Objection**
Plaintiffs' Objections to Rosemere Estates Property Owners Assocition's Proposed Order Awarding Attorney's Fees and Damages
05/11/2012 **Opposition**
John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Defendant 's Supplemental Briefing in Support of Award of Attorneys' Fees and Costs Post February 27, 2012
05/15/2012 **Order**
Order (1) Denying Defendant's Application to Confirm Arbitrator's Decision and Award Without Prejudice With Leave to File Supplemental Briefing; (2) Granting Defendant's Motion for Attorneys' Fees; and (3) Denying Plaintiff's Countermotion to Strike and for Sanctions
05/16/2012 **Decision (3:00 AM) (Judicial Officer Bare, Rob)**
Court's Decision Re: Attorney's Fees & Costs
Minutes
Result: Decision Made
05/16/2012 **Notice of Entry of Order**
Notice of Entry of Order (1) Denying Defendant's Application to Confirm Arbitrator's Decision and Award Without Prejudice with Leave to File Supplemental Briefing; (2) Granting Defendant's Motion for Attorneys' Fees; and (3) Denying Plaintiffs' Countermotion to Strike and For Sanctions
06/05/2012 **Order**
Order Awarding Attorneys' Fees and Damages
06/08/2012 **CANCELED Pretrial/Calendar Call (11:00 AM) (Judicial Officer Bare, Rob)**
Vacated - per Judge
06/12/2012 **Notice of Entry of Order**
Notice of Entry of Order Awarding Attorneys' Fees and Damages
06/19/2012 **Reporters Transcript**
Transcript of Proceedings - Evidentiary Hearing - April 27, 2012
06/20/2012 **Motion to Stay**
Plaintiff John Lytle and Trudi Lytle's Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond
06/25/2012 **CANCELED Jury Trial (1:30 PM) (Judicial Officer Bare, Rob)**
Vacated - per Judge
07/16/2012 **Notice of Appeal**
Amended Notice of Appeal
07/16/2012 **Case Appeal Statement**
Amended Case Appeal Statement
07/18/2012 **Minute Order (3:00 AM) (Judicial Officer Bare, Rob)**
Minutes
Result: Minute Order - No Hearing Held
07/19/2012 **Bond**
Cash Bond Posted
07/20/2012 **CANCELED Motion to Stay (9:00 AM) (Judicial Officer Bare, Rob)**
Vacated - per Order

Plaintiff John Lytle and Trudi Lytle's Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond

08/10/2012 **Objection**
Plaintiffs' Objections to Rosemere Estates Property Owners Association's Proposed Supplemental Order Awarding Attorney's Fees

08/13/2012 **Order**
Supplemental Order Awarding Attorneys' Fees

08/14/2012 **Notice of Entry**
Notice of Entry of Supplemental Order Awarding Attorneys' Fees

08/14/2012 **Order Granting Motion**
Order Granting John Allen Lytle and Trudi Lytle's Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond; Stay of Execution of Judgment Pending Appeal

08/15/2012 **Notice of Entry of Order**
Notice of Entry of Order Granting John Allen Lytle and Trudi Lytle's Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond; Stay of Execution of Judgment Pending Appeal

08/28/2012 **Motion to Amend Judgment**
Notice of Motion to 1) Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP Rule 59(e) and 2) Motion for Reconsideration

09/14/2012 **Opposition**
Defendant's Opposition to (1) Plaintiffs Motion to Correct, Alter or Vacate Judgment Pursuant to NRCP 59 and (2) Motion for Reconsideration

10/01/2012 **Reply in Support**
Plaintiff John Allen Lytle and Trudi Lytle, as Trustees of The Lytle Trust, Reply in Support of Motion: 1) To Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP Rule 59(e); and 2) Motion for Reconsideration

10/02/2012 **Motion to Amend**
Plaintiff John Allen Lytle and Trudi Lee Lytle's as Trustees of The Lytle Trust, Motion for Leave to File First Amended Complaint for trial De Novo Pursuant to NRS 38.330

10/02/2012 **Certificate of Mailing**
Certificate of Mailing Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Leave to File First Amended Complaint for Trial De Novo Pursuant to NRS 38.330

10/05/2012 **Affidavit in Support**
Affidavit of Trudi Lee Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment and Motion to Confirm Arbitration Award

10/05/2012 **Affidavit in Support**
Affidavit of John Allen Lytle in Support of John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's, Opposition to Motion for Summary Judgment and Motion to Confirm Arbitration Award

10/05/2012 **Affidavit in Support**
Affidavit of Richard Haskin, Esq. In Support of Opposition to Rosemere's Motion for Summary Judgment and Motion to Confirm Arbitration Award

10/05/2012 **Objection**
John Allen Lytle and Trudi Lee Lytle's Objections to Evidence Offered in Support of Rosemere Estates Property Owner's Associations' Motion for Summary Judgment

10/08/2012 **Motion to Amend** (9:00 AM) (Judicial Officer Bare, Rob)
Counter Defendant's Notice of Motion to 1) Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP Rule 59(e) and 2) Motion for Reconsideration
Parties Present
Minutes
Result: Denied

01/16/2013 **Order Denying Motion**
Order Denying: 1) Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(e); and 2) Motion for Reconsideration

01/17/2013 **Notice of Entry of Order**
Notice of Entry of Order Denying: 1) Motion to Correct, Alter, Amend and/or Vacate Judgment/Order Pursuant to NRCP 59(e); and 2) Motion for Reconsideration

01/30/2013 **Notice of Appeal**
Second Amended Notice of Appeal

01/30/2013 **Case Appeal Statement**
Second Amended Case Appeal Statement

04/07/2014 **Appendix**
Plaintiffs' / Counter-Defendants' First Supplemental Appendix of Exhibits

04/07/2014 **Motion to Vacate**
Plaintiffs' / Counter-Defendants' Motion for Relief From Judgment and Special Order After Judgment Pursuant to NRCP 60(b); Request for Certification of Intent to Grant Motion; and Notice of Motion

04/08/2014 **Proof of Service**
Amended Certificate of Service

04/24/2014 **Opposition**
Opposition to Plaintiffs' Counter-Defendants' Motion for Relief from Judgment and Special Order After Judgment Pursuant to NRCP 60(b)

04/24/2014 **Appendix**
Appendix to Opposition to Plaintiffs'/Counter-Defendants' Motion for Relief from Judgment and Special Order after Judgment Pursuant to NRCP 60(b)

04/29/2014 **Objection**
The Lytles' Notice of Objections to Rosemere's Non-Conforming Appendix to Opposition to Plaintiffs'/Counterdefendants' Motion for Relief from Judgment and Special Order After Judgment Pursuant to NRCP 60(b)

06/20/2014 **Reply**
Reply in Support of Plaintiffs' / Counter-Defendants' Motion for Relief From Judgment and Special Order After Judgment Pursuant to NRCP 60(b); Request for Certification of Intent to Grant Motion

06/24/2014 **Motion for Relief** (10:30 AM) (Judicial Officer Bare, Rob)
Plaintiffs' / Counter-Defendants' Motion for Relief From Judgment and Special Order After Judgment Pursuant to NRCP 60(b); Request for Certification of Intent to Grant Motion; and Notice of Motion
Parties Present
Minutes
05/08/2014 Reset by Court to 06/24/2014
Result: Matter Heard

08/13/2014 **Order Denying Motion**
Order Denying Plaintiffs'/Counter-Defendants Motion for Relief from Judgment and Special Order After Judgment Pursuant to NRCP 60(B)
Request for Certification of Intent to Grant Motion

08/19/2014 **Notice of Entry of Order**

09/18/2014 **Notice of Entry of Order**
 09/30/2014 **Notice of Appeal**
 09/30/2014 **Case Appeal Statement**
 Case Appeal Statement
 10/17/2014 **Recorders Transcript of Hearing**
 Recorder's Transcript of Proceedings: Plaintiffs' / Counter-Defendants' Motion for Relief From Judgment and Special Order After Judgment Pursuant to NRCP 60(B); Request for Certification of Intent to Grant Motion; and Notice of Motion 6/24/14
 01/06/2016 **Order Shortening Time**
 Motion to Withdraw as Attorney of Record on Order Shortening Time
 01/07/2016 **Receipt of Copy**
 Receipt of Copy of Motion to Withdraw as Attorney of Record on Order Shortening Time
 01/11/2016 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)
 Minutes
 Result: Minute Order - No Hearing Held
 01/13/2016 **Affidavit**
 Affidavit of Service
 01/14/2016 **CANCELED Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Bare, Rob)
 Vacated - per Law Clerk
 Motion to Withdraw as Attorney of Record on Order Shortening Time
 01/22/2016 **NV Supreme Court Clerks Certificate/Judgment -Remanded**
 Nevada Supreme Court Clerk's Certificate Judgment - Vacated and Remand
 01/22/2016 **NV Supreme Court Clerks Certificate/Judgment - Affirmed**
 Nevada Supreme Court Clerk's Certificate Judgment - Affirmed
 02/05/2016 **Ex Parte Motion**
 John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Ex Parte Motion for Release of Bond
 02/11/2016 **Errata**
 Notice of Errata Re: John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust's Ex Parte Motion for Release of Bond
 02/12/2016 **Order to Withdraw as Attorney of Record**
 Order Granting Motion to Withdraw as Attorney of Record on Order Shortening Time
 02/12/2016 **Notice of Entry of Order**
 Notice of Entry of Order Granting Motion to Withdraw as Attorney of Record on Order Shortening Time
 02/19/2016 **Order**
 Order Releasing Cash Bond in the Amount of \$123,000.00 to Plaintiffs John Allen Lytle and Trudi Lytle, as Trustees of the Lytle Trust
 02/22/2016 **Notice of Entry of Order**
 Notice of Entry of Order Releasing Cash Bond in the Amount of \$123,000.00
 03/08/2016 **Motion**
 Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Leave to File First Amended Complaint
 04/26/2016 **Notice**
 Notice of Non-Opposition to Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Leave to File First Amended Complaint
 05/25/2016 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)
 Minutes
 Result: Minute Order - No Hearing Held
 05/31/2016 **CANCELED Motion for Leave** (9:00 AM) (Judicial Officer Bare, Rob)
 Vacated - per Law Clerk
 Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Leave to File First Amended Complaint
 06/03/2016 **Order Granting Motion**
 Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Leave to File First Amended Complaint
 06/06/2016 **Notice of Entry of Order**
 Notice of Entry of Order Granting Motion for Leave to File First Amended Complaint
 09/14/2016 **Motion for Summary Judgment**
 Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of The Lytle Trust, Motion for Summary Judgment
 09/14/2016 **Declaration**
 Declaration of Trudi Lee Lytle in Support of Motion for Summary Judgment
 10/10/2016 **Notice of Non Opposition**
 Notice of Non-Opposition to Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of The Lytle Trust, Motion for Summary Judgment
 11/08/2016 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer Bare, Rob)
 Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of The Lytle Trust, Motion for Summary Judgment
 Parties Present
 Minutes
 Result: Motion Granted
 11/15/2016 **Order**
 Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Summary Judgment
 11/16/2016 **Notice of Entry of Order**
 Notice of Entry of Order Granting Motion for Summary Judgment
 11/30/2016 **Memorandum of Costs and Disbursements**
 Verified Memorandum of Costs
 01/06/2017 **Affidavit in Support**
 Affidavit of Richard Haskin in Support of Motion for Attorneys' Fees
 01/06/2017 **Motion for Attorney Fees**
 Plaintiff John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust, Motion for Attorneys' Fees
 01/06/2017 **Declaration**
 Declaration of Beau Sterling in Support of Motion for Attorneys' Fees
 01/06/2017 **Request for Judicial Notice**
 Request for Judicial Notice in Support of Motion for Attorneys' Fees
 01/10/2017 **Order to Statistically Close Case**
 Civil Order To Statistically Close Case
 01/31/2017 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)
 Minutes
 Result: Minute Order - No Hearing Held
 01/31/2017 **Notice of Non Opposition**
 Notice of Non-Opposition to Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Attorneys' Fees

02/22/2017 **Motion**
Plaintiff John Allen Lytle and Trudi Lee Lytle's, As Trustees of The Lytle Trust, Motion for Damages

02/22/2017 **Affidavit in Support**
Affidavit of Richard Haskin in Support of Motion for Damages

02/22/2017 **Declaration**
Declaration of Trudi Lee Lytle in Support of Motion for Damages

02/23/2017 **Minute Order** (11:29 AM) (Judicial Officer Bare, Rob)
Plaintiff John Allen Lytle and Trudi Lee Lytle's, As Trustees of the Lytle Trust, Motion for Damages & Plaintiff John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust, Motion for Attorneys' Fees
Minutes
 Result: Minute Order - No Hearing Held

02/23/2017 **Amended Affidavit**
Amended Affidavit of Richard Haskin in Support of Motion for Damages

03/21/2017 **Motion for Attorney Fees** (9:30 AM) (Judicial Officer Bare, Rob)
Plaintiff John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust, Motion for Attorneys' Fees
Parties Present
 02/09/2017 Reset by Court to 02/16/2017
 02/16/2017 Reset by Court to 03/02/2017
 03/02/2017 Reset by Court to 03/21/2017
 Result: Granted

03/21/2017 **Motion** (9:30 AM) (Judicial Officer Bare, Rob)
Plaintiff John Allen Lytle and Trudi Lee Lytle's, As Trustees of The Lytle Trust, Motion for Damages
Parties Present
 04/13/2017 Reset by Court to 03/21/2017
 Result: Hearing Set

03/21/2017 **All Pending Motions** (9:30 AM) (Judicial Officer Bare, Rob)
Parties Present
Minutes
 Result: Matter Heard

03/27/2017 **Minute Order** (2:00 PM) (Judicial Officer Bare, Rob)
Minutes
 Result: Minute Order - No Hearing Held

04/11/2017 **CANCELED Prove Up** (1:30 PM) (Judicial Officer Bare, Rob)
 Vacated
 Prove Up Hearing - Plaintiff John Allen Lytle and Trudi Lee Lytle's, As Trustees of The Lytle Trust, Motion for Damages

04/18/2017 **Order Granting Motion**
Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Attorneys' Fees

04/19/2017 **Notice of Entry of Order**
Notice of Entry of Order Granting Motion for Attorneys' Fees

04/25/2017 **Prove Up** (1:30 PM) (Judicial Officer Bare, Rob)
Court's Prove Up Hearing Re: Testimony to Plaintiff's Damages
Parties Present
Minutes
 04/13/2017 Reset by Court to 04/13/2017
 04/13/2017 Reset by Court to 04/25/2017
 Result: Matter Heard

05/15/2017 **Order Granting**
Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Punitive Damages After Hearing

05/15/2017 **Notice of Entry of Order**
Notice of Entry of Order Granting Punitive Damages After Hearing

07/25/2017 **Abstract of Judgment**
Abstract of Judgment

09/29/2017 **Ex Parte Motion for Order Allowing Examination of Judgment**
Ex Parte Motion for Judgment Debtor's Examination and Production of Documents

10/11/2017 **Order for Judgment Debtor Examination**
Order for Judgment Debtor's Examination and Production of Documents

10/12/2017 **Notice of Entry of Order**
Notice of Entry of Order for Judgment Debtor's Examination and Production of Documents

10/17/2017 **Affidavit of Service**
Proof of Service

10/18/2017 **Affidavit of Service**
Affidavit of Service

10/18/2017 **Affidavit of Service**
Affidavit of Service

12/11/2017 **Order**
Order Expunging and Releasing Lien

12/12/2017 **Notice of Entry of Order**
Notice of Entry of Order Expunging and Releasing Lien

05/23/2019 **Affidavit for Renewal of Judgment**
Affidavit for Renewal of Judgment

02/04/2020 **Motion to Reduce**
Motion to Reduce Orders for Payment of Money to Judgment

02/04/2020 **Clerk's Notice of Hearing**
Notice of Hearing

03/12/2020 **Motion** (9:30 AM) (Judicial Officer Bare, Rob)
Plaintiff's Motion to Reduce Orders for Payment of Money to Judgment

FINANCIAL INFORMATION

Counter Claimant Rosemere Estates Property Owners Association			
	Total Financial Assessment		423.00
	Total Payments and Credits		423.00
	Balance Due as of 03/11/2020		0.00
			223.00
04/04/2011	Transaction Assessment		(223.00)
04/04/2011	Efile Payment	Receipt # 2011-32840-CCCLK	200.00
09/19/2011	Transaction Assessment		(200.00)
09/19/2011	Efile Payment	Receipt # 2011-104987-CCCLK	
Counter Defendant Lytle, John Allen			
	Total Financial Assessment		224.00
	Total Payments and Credits		224.00
	Balance Due as of 03/11/2020		0.00
			24.00
04/10/2012	Transaction Assessment		(24.00)
04/10/2012	Efile Payment	Receipt # 2012-45746-CCCLK	200.00
09/14/2016	Transaction Assessment		(200.00)
09/14/2016	Efile Payment	Receipt # 2016-89103-CCCLK	
Plaintiff Lytle Trust			
	Total Financial Assessment		324.00
	Total Payments and Credits		324.00
	Balance Due as of 03/11/2020		0.00
			30.00
12/14/2010	Transaction Assessment		270.00
12/14/2010	Transaction Assessment		(300.00)
12/14/2010	Efile Payment	Receipt # 2010-69801-CCCLK	24.00
09/19/2014	Transaction Assessment		(24.00)
09/19/2014	Payment (Window)	Receipt # 2014-108108-CCCLK	

EXHIBIT C

000895

000895

EXHIBIT C

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REGISTER OF ACTIONS

CASE No. A-16-747800-C

Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)

§
§
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Case Type: Other Title to Property
Date Filed: 12/08/2016
Location: Department 16
Cross-Reference Case Number: A747800
Supreme Court No.: 73039
76198
77007
79753
79776

RELATED CASE INFORMATION

Related Cases

A-17-765372-C (Consolidated)

PARTY INFORMATION

Lead Attorneys

Defendant	Lytle Trust	Richard Edward Haskin Esq
Defendant	Lytle, John Allen	Richard Edward Haskin Esq
Defendant	Lytle, Trudi Lee	Richard Edward Haskin Esq
Other Plaintiff	Gegen, Dennis A	Wesley J. Smith, ESQ
Other Plaintiff	Gegen, Julie S	Wesley J. Smith, ESQ
Other Plaintiff	Gerry R. Zobrist and Jolin G. Zobrist Family Trust	Wesley J. Smith, ESQ <i>Retained</i>
Other Plaintiff	Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated	Wesley J. Smith, ESQ <i>Retained</i>
Other Plaintiff	September Trust Dated March 23, 1972	Wesley J. Smith, ESQ
Plaintiff	Boulden, Marjorie B	Daniel Thomas Foley, ESQ
Plaintiff	Jacques & Linda Lamothe Living Trust	Daniel Thomas Foley, ESQ
Plaintiff	Lamothe, Jacques	

Daniel Thomas Foley, ESQ
Retained

Plaintiff Lamothe, Linda

Daniel Thomas Foley, ESQ

Plaintiff Marjorie B. Boulden Trust

Daniel Thomas Foley, ESQ

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 04/26/2017 **Partial Summary Judgment** (Judicial Officer: Williams, Timothy C.)
Debtors: Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Marjorie B Boulden (Trustee), Linda Lamothe (Trustee)
Judgment: 04/26/2017, Docketed: 05/03/2017
- 07/25/2017 **Partial Summary Judgment** (Judicial Officer: Williams, Timothy C.)
Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff)
Judgment: 07/25/2017, Docketed: 07/25/2017
- 01/08/2019 **Clerk's Certificate** (Judicial Officer: Vacant, DC 9)
Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)
Judgment: 01/08/2019, Docketed: 01/14/2019
Comment: Supreme Court No.73039 APPEAL AFFIRMED
- 01/14/2019 **Order of Dismissal Without Prejudice** (Judicial Officer: Vacant, DC 9)
Debtors: Trudi Lee Lytle (Defendant, Trustee), John Allen Lytle (Defendant, Trustee), Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff, Trustee), Jacques Lamothe (Plaintiff, Trustee), Linda Lamothe (Plaintiff, Trustee)
Judgment: 01/14/2019, Docketed: 01/14/2019
Comment: Certain Causes
Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)
Creditors: Jacques & Linda Lamothe Living Trust (Counter Defendant), Jacques Lamothe (Counter Defendant), Linda Lamothe (Counter Defendant), Robert Z Disman (Counter Defendant), Yvonne A Disman (Counter Defendant)
Judgment: 01/14/2019, Docketed: 01/14/2019
Debtors: Robert Z Disman (Cross Claimant), Yvonne A Disman (Cross Claimant)
Creditors: Marjorie B Boulden (Cross Defendant)
Judgment: 01/14/2019, Docketed: 01/14/2019
- 09/06/2019 **Order** (Judicial Officer: Williams, Timothy C.)
Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)
Creditors: Robert Z. Disman (Counter Defendant), Yvonne A. Disman (Counter Defendant)
Judgment: 09/06/2019, Docketed: 09/06/2019
Total Judgment: 35,676.00
- 09/20/2019 **Order** (Judicial Officer: Williams, Timothy C.)
Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)
Judgment: 09/20/2019, Docketed: 09/23/2019
Total Judgment: 77,146.80

OTHER EVENTS AND HEARINGS

- 12/08/2016 **Complaint**
Complaint
- 01/11/2017 **Motion for Temporary Restraining Order**
Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time
- 01/12/2017 **Response**
Response to Ex-Parte Motion to Continue Hearing
- 01/17/2017 **Acceptance of Service**
Acceptance of Service of Summons and Complaint
- 01/17/2017 **Receipt of Copy**
Receipt of Copy
- 01/17/2017 **Ex Parte Motion**
Ex Parte Emergency Motion on Order Shortening Time by Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust to Continue Hearing Set for January 17, 2017
- 01/18/2017 **Opposition to Motion**
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Temporary Restraining Order
- 01/18/2017 **Receipt of Copy**

01/18/2017 **Receipt of Copy**
Declaration
Declaration of Richard E. Haskin in Support of Opposition to Motion for Temporary Restraining Order

01/18/2017 **Request for Judicial Notice**
Request for Judicial Notice in Support of Opposition to Motion for Temporary Restraining Order

01/19/2017 **Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time
Parties Present
Minutes
01/17/2017 Reset by Court to 01/19/2017

02/08/2017 **Result: Withdrawn**
Answer to Complaint
Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiffs' Complaint

02/08/2017 **Motion to Dismiss**
Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint

02/09/2017 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

02/24/2017 **Motion for Partial Summary Judgment**
Motion for Partial Summary Judgment

02/28/2017 **Opposition to Motion to Dismiss**
Opposition to Motion to Dismiss

03/10/2017 **Amended Complaint**
Amended Complaint

03/10/2017 **Stipulation and Order**
Stipulation and Order for Leave for Plaintiffs to File Amended Complaint

03/14/2017 **CANCELED Motion to Dismiss** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Vacated - per Stipulation and Order
Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint

03/23/2017 **Stipulation and Order**
Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment

03/24/2017 **Declaration**
Declaration of Richard E. Haskin in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment

03/24/2017 **Request for Judicial Notice**
Request for Judicial Notice in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment

03/27/2017 **Countermotion For Summary Judgment**
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment

03/27/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment

03/30/2017 **Commissioners Decision on Request for Exemption - Granted**
Commissioner's Decision on Request for Exemption - Granted

04/05/2017 **Reply to Opposition**
Reply to the Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Summary Judgment

04/13/2017 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Motion for Partial Summary Judgment
03/28/2017 Reset by Court to 04/13/2017

04/13/2017 **Result: Granted**
Opposition and Countermotion (9:00 AM) (Judicial Officer Williams, Timothy C.)
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment

04/13/2017 **Result: Denied**
All Pending Motions (9:00 AM) (Judicial Officer Williams, Timothy C.)
Parties Present
Minutes
Result: Matter Heard

04/26/2017 **Findings of Fact, Conclusions of Law and Order**
Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment

04/27/2017 **Notice of Entry of Findings of Fact, Conclusions of Law**
Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment

04/28/2017 **Motion for Attorney Fees and Costs**
Motion for Attorney's Fees and Costs

05/09/2017 **Notice of Appeal**
Notice of Appeal

05/09/2017 **Case Appeal Statement**
Case Appeal Statement

05/09/2017 **Notice of Lis Pendens**
Notice of Lis Pendens

05/09/2017 **Notice of Lis Pendens**
Notice of Lis Pendens

05/09/2017 **Notice**
Notice of Depositing Security for Costs on Appeal

05/15/2017 **Motion to Reconsider**
Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment

05/15/2017 **Opposition to Motion**
Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs

05/16/2017 **Errata**
Notice of Errata Re: Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment

05/22/2017 **Motion to Cancel Lis Pendens**
Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

05/25/2017 **Stipulation and Order**
Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration

05/26/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration

05/30/2017 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer Williams, Timothy C.)
05/30/2017, 06/29/2017
Deft's Motion for Attorney's Fees and Costs
Parties Present
Minutes
Result: Matter Continued

05/31/2017 **Opposition to Motion**
Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Opposition to Plaintiff's Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Counsel in Contempt of Court

06/01/2017 **Motion to Cancel Lis Pendens** (9:00 AM) (Judicial Officer Williams, Timothy C.)
06/01/2017, 06/06/2017
Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time
Parties Present
Minutes
Result: Matter Continued

06/01/2017 **Opposition to Motion**
Opposition to Motion for Reconsideration

06/02/2017 **Reply to Opposition**
Reply to Defendants' Opposition to Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court

06/23/2017 **Order Granting Motion**
Order Granting Plaintiffs' Motion to Cancel Lis Pendens and Order Denying Motion to Hold Defendants and/or Their Counsel in Contempt of Court

06/23/2017 **Reply to Opposition**
Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Reply to Opposition to Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment

06/27/2017 **Notice of Entry of Order**
Notice of Entry of Order

06/29/2017 **Motion For Reconsideration** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment
06/15/2017 Reset by Court to 06/29/2017
Result: Motion Granted

06/29/2017 **All Pending Motions** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Parties Present
Minutes
Result: Matter Heard

06/29/2017 **Notice of Release of Lis Pendens**
Notice of Release of Lis Pendens

06/29/2017 **Notice of Release of Lis Pendens**
Notice of Release of Lis Pendens

06/30/2017 **Motion for Leave to File**
Plaintiffs' Motion for Leave to File Second Amended Complaint

07/25/2017 **Order Granting Motion**
Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law

07/25/2017 **Stipulation and Order**
Stipulation and Order for Leave for Plaintiffs to File Second Amended Complaint

07/25/2017 **Second Amended Complaint**
Second Amended Complaint

07/25/2017 **Notice of Entry of Order**
Notice of Entry of Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law

07/25/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order

08/01/2017 **CANCELED Motion to Amend Complaint** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Vacated - per Stipulation and Order
Plaintiffs' Motion for Leave to File a Second Amended Complaint

08/02/2017 **Joint Case Conference Report**
Joint Case Conference Report

08/11/2017 **Answer and Counterclaim**
Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiff's Second Amended Complaint and Counterclaim

08/15/2017 **Summons**
Summons

08/15/2017 **Summons**
Summons

08/23/2017 **Affidavit of Service**
Affidavit of Service

08/23/2017 **Affidavit of Service**
Affidavit of Service

09/05/2017 **Answer to Counterclaim**
Plaintiffs' Answer to Counter Complaint

09/13/2017 **Scheduling Order**
Scheduling Order

09/21/2017 **Order Setting Civil Non-Jury Trial**
Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call

09/26/2017 **Answer**
Counter-Defendants and Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Answer and Counterclaim

09/26/2017 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

10/13/2017 **Answer**
Plaintiff's Answer to Cross-Complaint

12/08/2017 **Motion**
Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting

12/14/2017 **Order Shortening Time**
Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting

12/15/2017 **Notice of Entry of Order**
Notice of Entry of Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting

12/26/2017 **Opposition**
Opposition to Motion to Extend Discovery Deadlines and Trial Setting

01/02/2018 **Opposition**
Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust s Opposition to Motion to Extend Discovery Deadlines

01/09/2018 **Reply in Support**
Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion to Extend Discovery Deadlines and Trial Setting

01/16/2018 **Motion to Extend Discovery** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Counter Defendants/Cross Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting (First Requested Extension)
Parties Present
Minutes
01/30/2018 Reset by Court to 02/07/2018
01/30/2018 Reset by Court to 01/16/2018
Result: Recused

01/16/2018 **Motion to Consolidate**
Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

01/18/2018 **Notice of Department Reassignment**
Notice of Department Reassignment

01/23/2018 **Order**
Plaintiffs' Ex Parte Motion for Order Shortening Time and Order Shortening

01/23/2018 **Reporters Transcript**
Court Reporters transcript of Proceedings June 6, 2017

01/24/2018 **Peremptory Challenge**
Peremptory Challenge of Judge

01/25/2018 **Notice of Department Reassignment**
Notice of Department Reassignment

01/29/2018 **Notice of Change of Hearing**
Notice of Change of Hearing

02/01/2018 **Ex Parte Order**
Amended Order Granting Order Shortening Time

02/05/2018 **Notice of Entry of Order**
Notice of Entry of Amended Order Granting Order Shortening Time

02/06/2018 **Amended Order Setting Civil Non-Jury Trial**
Amended Order Setting Civil Bench Trial

02/07/2018 **Motion to Consolidate** (9:00 AM) (Judicial Officer Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Parties Present
Minutes
02/06/2018 Reset by Court to 02/07/2018
02/22/2018 Reset by Court to 02/27/2018
02/27/2018 Reset by Court to 03/01/2018
03/01/2018 Reset by Court to 02/06/2018
Result: Reset

02/07/2018 **Notice of Change of Address**
Notice of Change of Firm Address

02/13/2018 **Stipulation and Order**
Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)

02/13/2018 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)

02/21/2018 **Motion to Consolidate** (9:00 AM) (Judicial Officer Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Parties Present
Minutes
Result: Granted

02/22/2018 **Notice of Early Case Conference**
Notice of Early Case Conference

02/28/2018 **Order**
Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

03/01/2018 **Request**
Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

03/01/2018 **Motion for Summary Judgment**
Plaintiffs' Motion for Summary Judgment (Filed 11/30/17 in Subordinate Case A-17-765372-C)

03/01/2018 **Opposition and Countermotion**
Defendant Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings; and (2) Counter Motion for Summary Judgment (Filed 02/09/18 in subordinate case A-17-795372-C)

03/01/2018 **Reply to Opposition**

Plaintiffs' Reply to Defendants' Opposition to the Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings and Opposition to Plaintiffs' Countermotion for Summary Judgment (Filed 2/21/18 in subordinate case A-17-765372-C)
 03/05/2018 **Notice**
 Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
 03/21/2018 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer Bailus, Mark B)
 Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings
Parties Present
 Result: Continued for Chambers Decision
 03/21/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer Bailus, Mark B)
 Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment
Parties Present
 Result: Continued for Chambers Decision
 03/21/2018 **All Pending Motions** (9:00 AM) (Judicial Officer Bailus, Mark B)
Parties Present
Minutes
 Result: Matter Heard
 04/04/2018 **All Pending Motions** (9:00 AM) (Judicial Officer Bailus, Mark B)
 Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment
Parties Present
Minutes
 Result: Hearing Date
 05/02/2018 **Decision** (9:00 AM) (Judicial Officer Bailus, Mark B)
 Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment
Parties Present
Minutes
 04/11/2018 Reset by Court to 04/18/2018
 04/18/2018 Reset by Court to 04/25/2018
 04/25/2018 Reset by Court to 05/02/2018
 Result: Decision Made
 05/24/2018 **Order**
 (A765372) Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment
 05/25/2018 **Notice of Entry of Order**
 Notice of Entry of Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment
 06/04/2018 **Motion for Attorney Fees and Costs**
 Plaintiffs' Motion for Attorney's Fees and Costs
 06/04/2018 **Memorandum**
 Memorandum of Costs and Disbursements
 06/04/2018 **Declaration**
 Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs
 06/06/2018 **Notice**
 Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs
 06/08/2018 **Motion to Retax**
 Defendants' Motion to Retax and Settle Memorandum of Costs
 06/13/2018 **Release**
 Release of Abstract of Judgment
 06/13/2018 **Release**
 Release of Abstract of Judgment
 06/13/2018 **Release**
 Release of Abstract of Judgment
 06/13/2018 **Release**
 Release of Abstract of Judgment
 06/15/2018 **Opposition**
 Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs
 06/15/2018 **Declaration**
 Declaration of Counsel in Support of Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs
 06/19/2018 **Notice of Appeal**
 Notice of Appeal
 06/19/2018 **Case Appeal Statement**
 Case Appeal Statement
 06/22/2018 **Opposition to Motion**
 Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs
 06/28/2018 **Motion for Summary Judgment**
 Robert Z. Disman and Yvonne A. Disman's Motion to Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings
 07/05/2018 **Reply to Opposition**
 Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs
 07/05/2018 **Declaration**
 Declaration of Counsel in Support of Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs
 07/06/2018 **Notice of Change of Hearing**
 Notice of Change of Hearing
 07/26/2018 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer Bailus, Mark B)
 Plaintiffs' Motion for Attorney's Fees and Costs
Parties Present
 07/11/2018 Reset by Court to 07/12/2018

07/12/2018 *Reset by Court to 07/26/2018*
 Result: Continued for Chambers Decision
 07/26/2018 **Motion to Retax** (9:00 AM) (Judicial Officer Bailus, Mark B)
Defendants' Motion to Retax and Settle Memorandum of Costs
Parties Present
 07/11/2018 *Reset by Court to 07/12/2018*
 07/12/2018 *Reset by Court to 07/26/2018*
 Result: Continued for Chambers Decision
 07/26/2018 **All Pending Motions** (9:00 AM) (Judicial Officer Bailus, Mark B)
Parties Present
Minutes
 Result: Matter Heard
 07/26/2018 **Opposition to Motion For Summary Judgment**
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings
 08/01/2018 **Reply in Support**
 08/09/2018 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer Bailus, Mark B)
Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings
Parties Present
 07/31/2018 *Reset by Court to 08/09/2018*
 Result: Continued for Chambers Decision
 08/09/2018 **Decision** (9:00 AM) (Judicial Officer Bailus, Mark B)
Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees
Parties Present
 Result: Decision Made
 08/09/2018 **All Pending Motions** (9:00 AM) (Judicial Officer Bailus, Mark B)
Parties Present
Minutes
 Result: Matter Heard
 08/17/2018 **Decision** (3:00 AM) (Judicial Officer Bailus, Mark B)
Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings
Minutes
 Result: Decision Made
 08/27/2018 **Recorders Transcript of Hearing**
Recorder's Transcript of Hearing Re: Defendants' Motion to Retax and Settle Memorandum of Costs; Plaintiffs' Motion for Attorney's Fees and Costs 6/26/18
 08/27/2018 **Recorders Transcript of Hearing**
Recorder's Transcript of Hearing Re: Decision - Defendants' Motion to Retax and Settle Memorandum of Costs; Decision - Plaintiffs' Motion for Attorney's Fees; Robert Z. Disman and Yvonne A. Dismans' Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings 8/9/18
 09/12/2018 **Order**
Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs
 09/13/2018 **Notice**
Notice of Entry of Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs
 09/14/2018 **Notice of Appeal**
Notice of Appeal
 09/28/2018 **Motion to Stay**
Defendant John Allen Lytle and Trudi Lee Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time
 10/01/2018 **Response**
Plaintiffs' Response to Defendants' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of Supersedeas Bond
 10/01/2018 **Case Appeal Statement**
Case Appeal Statement
 10/02/2018 **Reply**
Defendant John Allen Lytle and Trudi Lytles' Reply to Plaintiffs' Response to Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond
 10/05/2018 **Stipulation and Order**
Stipulation and Order to Continue Hearing on Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond
 10/08/2018 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Continue Hearing on Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond
 10/09/2018 **Change of Address**
Change of Address
 10/23/2018 **Motion to Stay** (9:00 AM) (Judicial Officer Bailus, Mark B)
Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time
Parties Present
Minutes
 10/04/2018 *Reset by Court to 10/23/2018*
 Result: Granted
 11/16/2018 **Motion to Reconsider**
Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees
 11/16/2018 **Order Shortening Time**

Order Shortening Time

11/21/2018 **Opposition**
Opposition to Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

11/27/2018 **Request of Court** (9:00 AM) (Judicial Officer Bailus, Mark B)
Request of Court - Clarification of Order: In RE: Competing Orders
Parties Present
 11/20/2018 Reset by Court to 11/27/2018

Result: Matter Heard

11/27/2018 **Motion For Reconsideration** (9:00 AM) (Judicial Officer Bailus, Mark B)
Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees
Parties Present
 11/20/2018 Reset by Court to 11/27/2018

Result: Decision Made

11/27/2018 **All Pending Motions** (9:00 AM) (Judicial Officer Bailus, Mark B)
Parties Present
Minutes
 Result: Matter Heard

12/03/2018 **Recorders Transcript of Hearing**
Recorder's Transcript of Hearing Re: Request of Court - Clarification of Order: In Re: Competing Orders; Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorneys' Fees. Heard on November 27, 2018.

12/12/2018 **Amended Order Setting Civil Non-Jury Trial**
Amended Order Setting Civil Non-Jury Trial

12/27/2018 **Order**
Order Denying Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

01/03/2019 **Notice of Entry of Order**
Notice of Entry of Order Denying Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

01/05/2019 **Notice of Change of Hearing**
Notice of Change of Hearing

01/07/2019 **Case Reassigned to Department 9**
Judicial Reassignment - From Judge Bailus to Vacant, DC9

01/08/2019 **Pre Trial Conference** (8:30 AM) (Judicial Officer Barker, David)
Parties Present
Minutes
 05/10/2018 Reset by Court to 05/10/2018
 05/10/2018 Reset by Court to 12/19/2018
 05/10/2018 Reset by Court to 05/10/2018
 12/19/2018 Reset by Court to 01/08/2019
 01/08/2019 Reset by Court to 01/08/2019

Result: Off Calendar

01/08/2019 **NV Supreme Court Clerks Certificate/Judgment - Affirmed**
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed

01/14/2019 **Stipulation and Order**
Stipulation and Order to Dismiss Remaining Claims without Prejudice

01/14/2019 **Notice of Entry**
Notice Of Entry Of Stipulation And Order To Dismiss All Remaining Claims Without Prejudice

01/16/2019 **Memorandum of Costs and Disbursements**
Plaintiffs' Memorandum of Costs and Disbursements

01/16/2019 **Motion**
Motion to Attorney's Fees and Costs

01/18/2019 **Motion to Retax**
Defendants' Motion to Retax and Settle Memorandum of Costs

01/23/2019 **Motion for Attorney Fees**
Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

01/29/2019 **Opposition to Motion**
Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

02/04/2019 **Opposition**
Plaintiffs' Opposition to Motion to Retax Costs

02/05/2019 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer Senior, Judge)
Vacated - per Judge
 01/30/2019 Reset by Court to 02/05/2019
 02/05/2019 Reset by Court to 02/05/2019

02/07/2019 **Reply**
Reply To Defendants Opposition To Motion For Attorneys Fees And Costs

02/12/2019 **Opposition to Motion**
Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees and Costs

02/15/2019 **Reply to Opposition**
Defendants' Reply to Opposition to Motion to Retax and Settle Memorandum of Costs

02/19/2019 **CANCELED Bench Trial** (10:00 AM) (Judicial Officer Senior, Judge)
Vacated - per Judge
 05/29/2018 Reset by Court to 05/29/2018
 05/29/2018 Reset by Court to 05/29/2018
 05/29/2018 Reset by Court to 02/04/2019
 02/04/2019 Reset by Court to 02/19/2019
 02/19/2019 Reset by Court to 02/19/2019

02/20/2019 **Motion for Attorney Fees and Costs** (3:00 AM) (Judicial Officer Barker, David)
02/20/2019, 04/10/2019, 05/16/2019
Plaintiff's Motion for Attorney's Fees and Costs
Minutes
04/03/2019 *Reset by Court to 04/10/2019*
05/01/2019 *Reset by Court to 05/16/2019*
Result: Continued

02/20/2019 **Reply**
Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion for Attorney's Fees

02/27/2019 **Motion to Retax** (3:00 AM) (Judicial Officer Thompson, Charles)
02/27/2019, 04/10/2019, 05/16/2019
Defendants' Motion to Retax and Settle Memorandum of Costs
04/03/2019 *Reset by Court to 04/10/2019*
05/01/2019 *Reset by Court to 05/16/2019*
05/02/2019 *Reset by Court to 05/01/2019*
Result: Continued

02/27/2019 **Motion for Attorney Fees and Costs** (3:00 AM) (Judicial Officer Thompson, Charles)
02/27/2019, 04/10/2019, 05/16/2019
Robert Z. Disman and Yvonne Disman's Motion for Attorney's Fees
04/03/2019 *Reset by Court to 04/10/2019*
05/01/2019 *Reset by Court to 05/16/2019*
05/02/2019 *Reset by Court to 05/01/2019*
Result: Continued

02/27/2019 **All Pending Motions** (3:00 AM) (Judicial Officer Thompson, Charles)
Minutes
Result: Matter Heard

04/10/2019 **Notice of Hearing**
Notice of Hearing

04/10/2019 **All Pending Motions** (8:30 AM) (Judicial Officer Barker, David)
Parties Present
Minutes
Result: Matter Heard

04/11/2019 **Minute Order** (2:00 PM) (Judicial Officer Wiese, Jerry A.)
Minutes
Result: Minute Order - No Hearing Held

04/11/2019 **Notice of Department Reassignment**
Notice of Department Reassignment

04/22/2019 **Stipulation and Order**
Stipulation and Order to Continue Hearing Date on Pending Motions

04/25/2019 **Notice of Entry**
Notice of Entry of Stipulation and Order to Continue Hearing Date on Pending Motions

05/07/2019 **Request**
Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Request to Set Hearing on Order Certifying Supreme Court Intent to Reconsider Motion for Attorneys' Fees and Costs

05/16/2019 **All Pending Motions** (9:00 AM) (Judicial Officer Williams, Timothy C.)
Parties Present
Minutes
Result: Matter Heard

05/17/2019 **Minute Order** (2:51 PM) (Judicial Officer Williams, Timothy C.)
re: Motions for Attorneys' Fees
Minutes
Result: Matter Heard

05/24/2019 **Notice of Change of Address**
Notice of Change of Firm Address

06/10/2019 **Reporters Transcript**
Court Reporters transcript of Proceedings (Civil) 5-16-19

09/06/2019 **Findings of Fact, Conclusions of Law and Order**
Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

09/06/2019 **Notice of Entry of Order**
Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman Motion for Attorney's Fees

09/20/2019 **Order**
Order Granting Plaintiffs; Motion for Attorneys' Fees and Costs and Order Denying Defendants' Motion to Retax and Settle Costs

09/20/2019 **Notice of Entry**
Notice Of Entry Of Order Granting Plaintiffs Motion For Attorneys Fees And Costs And Order Denying Defendants Motion To Retax And Settle Costs

09/30/2019 **Notice of Appeal**
Notice of Appeal

09/30/2019 **Case Appeal Statement**
Case Appeal Statement

10/04/2019 **Notice of Appeal**
Notice of Appeal

10/04/2019 **Case Appeal Statement**
Case Appeal Statement

10/22/2019 **Stipulation and Order**
Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond

10/24/2019 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond

10/28/2019	Stipulation and Order <i>Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/28/2019	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
11/26/2019	Notice of Appearance <i>Notice of Appearance</i>
11/26/2019	Request <i>Request for Transcripts</i>
12/05/2019	Recorders Transcript of Hearing <i>Transcript of Proceedings Re: All Pending Motions. March 21, 2018</i>
12/05/2019	Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Decision May 2, 2018</i>
03/04/2020	Motion for Order to Show Cause <i>Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders (Hearing Requested)</i>
03/05/2020	Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/05/2020	Joinder To Motion <i>Joinder On Plaintiffs September Trust Et. Al s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i>
03/06/2020	Notice of Appearance <i>Notice of Appearance</i>
03/06/2020	Joinder To Motion <i>Joinder to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders</i>
03/11/2020	Association of Counsel <i>Association of counsel</i>
04/21/2020	Motion for Order to Show Cause (9:00 AM) (Judicial Officer Williams, Timothy C.) <i>Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders</i>
04/21/2020	Joinder (9:00 AM) (Judicial Officer Williams, Timothy C.) <i>Joinder On Plaintiffs September Trust Et. Al s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i>
04/21/2020	Joinder (9:00 AM) (Judicial Officer Williams, Timothy C.) <i>Joinder to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders</i>

FINANCIAL INFORMATION

	Counter Claimant Lytle Trust			30.00
	Total Financial Assessment			30.00
	Total Payments and Credits			0.00
	Balance Due as of 03/11/2020			
02/09/2017	Transaction Assessment			30.00
02/09/2017	Efile Payment	Receipt # 2017-13015-CCCLK	Lytle Trust	(30.00)
	Counter Claimant Lytle, John Allen			30.00
	Total Financial Assessment			30.00
	Total Payments and Credits			0.00
	Balance Due as of 03/11/2020			
02/09/2017	Transaction Assessment			30.00
02/09/2017	Efile Payment	Receipt # 2017-13014-CCCLK	Lytle, John Allen	(30.00)
	Counter Claimant Lytle, Trudi Lee			776.50
	Total Financial Assessment			776.50
	Total Payments and Credits			0.00
	Balance Due as of 03/11/2020			
02/09/2017	Transaction Assessment			223.00
02/09/2017	Efile Payment	Receipt # 2017-13013-CCCLK	Lytle, Trudi Lee	(223.00)
03/27/2017	Transaction Assessment			200.00
03/27/2017	Efile Payment	Receipt # 2017-28884-CCCLK	Lytle, Trudi Lee	(200.00)
05/09/2017	Transaction Assessment			24.00
05/09/2017	Efile Payment	Receipt # 2017-42399-CCCLK	Lytle, Trudi Lee	(24.00)
08/11/2017	Efile Payment	Receipt # 2017-63924-CCCLK	Lytle, Trudi Lee	(223.00)
08/25/2017	Transaction Assessment			223.00
06/19/2018	Transaction Assessment			24.00
06/19/2018	Efile Payment	Receipt # 2018-40750-CCCLK	Lytle, Trudi Lee	(24.00)
09/14/2018	Transaction Assessment			24.00
09/14/2018	Efile Payment	Receipt # 2018-61280-CCCLK	Lytle, Trudi Lee	(24.00)
09/30/2019	Transaction Assessment			24.00
09/30/2019	Efile Payment	Receipt # 2019-59399-CCCLK	Lytle, Trudi Lee	(24.00)
10/04/2019	Transaction Assessment			24.00
10/04/2019	Efile Payment	Receipt # 2019-60690-CCCLK	Lytle, Trudi Lee	(24.00)
11/26/2019	Transaction Assessment			3.50
11/26/2019	Efile Payment	Receipt # 2019-71603-CCCLK	Lytle, Trudi Lee	(3.50)
11/26/2019	Transaction Assessment			3.50
11/26/2019	Efile Payment	Receipt # 2019-71609-CCCLK	Lytle, Trudi Lee	(3.50)

03/11/2020	Transaction Assessment				3.50
03/11/2020	Efile Payment	Receipt # 2020-15024-CCCLK	Lytle, Trudi Lee		(3.50)
	Counter Defendant Disman, Robert Z				
	Total Financial Assessment				200.00
	Total Payments and Credits				200.00
	Balance Due as of 03/11/2020				0.00
06/28/2018	Transaction Assessment				200.00
06/28/2018	Efile Payment	Receipt # 2018-43316-CCCLK	Disman, Robert Z		(200.00)
	Counter Defendant Disman, Yvonne A				
	Total Financial Assessment				253.00
	Total Payments and Credits				253.00
	Balance Due as of 03/11/2020				0.00
09/26/2017	Transaction Assessment				253.00
09/26/2017	Efile Payment	Receipt # 2017-74527-CCCLK	Disman, Yvonne A		(253.00)
	Counter Defendant Jacques & Linda Lamothe Living Trust				
	Total Financial Assessment				30.00
	Total Payments and Credits				30.00
	Balance Due as of 03/11/2020				0.00
12/08/2016	Transaction Assessment				30.00
12/08/2016	Efile Payment	Receipt # 2016-119217-CCCLK	Jacques & Linda Lamothe Living Trust		(30.00)
	Plaintiff Marjorie B. Boulden Trust				
	Total Financial Assessment				931.50
	Total Payments and Credits				931.50
	Balance Due as of 03/11/2020				0.00
12/08/2016	Transaction Assessment				270.00
12/08/2016	Efile Payment	Receipt # 2016-119216-CCCLK	Marjorie B. Boulden Trust		(270.00)
02/24/2017	Transaction Assessment				200.00
02/24/2017	Efile Payment	Receipt # 2017-18673-CCCLK	Marjorie B. Boulden Trust		(200.00)
07/28/2017	Transaction Assessment				6.50
07/28/2017	Payment (Window)	Receipt # 2017-60690-CCCLK	American Legal Investigation Services Nevada, INC. Filed Account		(6.50)
01/25/2018	Transaction Assessment				450.00
01/25/2018	Efile Payment	Receipt # 2018-05759-CCCLK	Marjorie B. Boulden Trust		(450.00)
09/24/2018	Transaction Assessment				5.00
09/24/2018	Payment (Window)	Receipt # 2018-63529-CCCLK	Christensen James & Martin		(5.00)

EXHIBIT D

EXHIBIT D

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REGISTER OF ACTIONS

CASE No. A-15-716420-C

John Lytle, Plaintiff(s) vs. Rosemere Estates Property Owners
Association, Defendant(s)

§
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§
§
§

Case Type: **Other Civil Matters**Date Filed: **04/02/2015**Location: **Department 30**Cross-Reference Case Number: **A716420****PARTY INFORMATION****Lead Attorneys**Defendant **Kearl, Sherman L**Defendant **Rosemere Estates Property Owners
Association**

Ryan Reed
Retained
702-638-9074(W)

Defendant **Zobrist, Gerry G**Plaintiff **Lytle Trust**

Richard Edward Haskin Esq
Retained
702-836-9800(W)

Plaintiff **Lytle, John Allen**

Richard Edward Haskin Esq
Retained
702-836-9800(W)

Plaintiff **Lytle, Trudi Lee**

Richard Edward Haskin Esq
Retained
702-836-9800(W)

EVENTS & ORDERS OF THE COURT**DISPOSITIONS**

- 09/14/2017 **Summary Judgment** (Judicial Officer: Wiese, Jerry A.)
Debtors: Rosemere Estates Property Owners Association (Defendant)
Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff), Lytle Trust (Plaintiff)
Judgment: 09/14/2017, Docketed: 09/15/2017
- 11/08/2017 **Order** (Judicial Officer: Wiese, Jerry A.)
Debtors: Rosemere Estates Property Owners Association (Defendant), Sherman L Kearl (Defendant), Gerry G Zobrist (Defendant)
Creditors: John Allen Lytle (Plaintiff), Trudi Lee Lytle (Plaintiff), Lytle Trust (Plaintiff)
Judgment: 11/08/2017, Docketed: 11/08/2017
Total Judgment: 15,462.60

OTHER EVENTS AND HEARINGS

- 04/02/2015 **Case Opened**
- 04/02/2015 **Complaint**
Complaint for Declaratory Relief
- 04/02/2015 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure
- 04/06/2015 **Summons Issued**
Summons - Civil
- 04/08/2015 **Errata**
Plaintiffs' Errata to Complaint for Declaratory Relief
- 04/17/2015 **Affidavit of Service**
Affidavit of Service - Rosemere Estates Property Owners Association
- 05/21/2015 **Default**
Default as to Defendant Rosemere Estates Property Owners' Association
- 05/26/2015 **Notice of Entry of Default**
Notice of Entry of Default as to Defendant Rosemere Estates Property Owners Association
- 06/03/2015 **Motion to Set Aside Default Judgment**
(Set Aside 8/20/15) Motion to Set Aside Default
- 06/19/2015 **Opposition to Motion**
Plaintiffs' Opposition to Motion to Set Aside Default
- 06/30/2015 **Reply in Support**
Reply in Support of Motion to Set Aside Default
- 07/01/2015 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure
- 07/07/2015 **Motion to Set Aside Default Judgment** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
Deft's Motion to Set Aside Default

Parties Present

Minutes

Result: Granted

08/13/2015 **Notice of Entry of Order**
Notice of Entry of Order Granting Motion to Set Aside Default Judgment

08/20/2015 **Order Granting Motion**
Order Granting Motion to Set Aside Default Judgment

08/21/2015 **Notice of Entry of Order**
Amended Notice of Entry of Order Granting Motion to Set Aside Default Judgment

08/27/2015 **Motion to Dismiss**
Motion to Dismiss or, In the Alternative, Motion to Stay

09/14/2015 **Opposition to Motion to Dismiss**
Plaintiffs' Opposition to Motion to Dismiss

09/24/2015 **Reply**
Reply in Support of Motion to Dismiss or, In the Alternative, Motion to Stay

10/01/2015 **Motion to Dismiss** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
Defendant's Motion to Dismiss or, In the Alternative, Motion to Stay

Parties Present

Minutes

Result: Granted

11/04/2015 **Stipulation**
Stipulation to Lift Stay and Set Status Conference

11/05/2015 **Notice of Entry**
Notice of Entry of Stipulation to Lift Stay and Set Status Conference

11/25/2015 **Individual Case Conference Report**
Plaintiff John Allen Lytle and Trudi Lee Lytle, as Trustees of The Lytle Trust's Individual Case Conference Report

12/14/2015 **Motion to Dismiss**
Renewed Motion to Dismiss

01/04/2016 **Opposition to Motion**
Plaintiffs' Opposition to Renewed Motion to Dismiss

01/05/2016 **Minute Order** (7:45 AM) (Judicial Officer Bulla, Bonnie)

Minutes

Result: Matter Heard

01/06/2016 **Order Shortening Time**
Motion to Withdraw as Attorney of Record on Order Shortening Time

01/07/2016 **Receipt of Copy**
Receipt of Copy of Motion to Withdraw as Attorney of Record on Order Shortening Time

01/07/2016 **Reply in Support**
Reply in Support of Renewed Motion to Dismiss

01/13/2016 **Affidavit**
Affidavit of Service

01/14/2016 **Motion to Dismiss** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
01/14/2016, 04/14/2016
Defendant Rosemere Estates Property Owners Association's Renewed Motion to Dismiss

Parties Present

Minutes

Result: Matter Continued

01/14/2016 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
Ryan W. Reed, Esq.'s Motion to Withdraw as Attorney of Record on Order Shortening Time

Parties Present

Result: Motion Granted

01/14/2016 **All Pending Motions** (9:00 AM) (Judicial Officer Wiese, Jerry A.)

Parties Present

Minutes

Result: Matter Heard

01/26/2016 **Order to Withdraw as Attorney of Record**
Order Granting Motion to Withdraw as Attorney of Record on Order Shortening Time

01/27/2016 **Notice of Entry of Order**
Notice of Entry of Order Granting Motion to Withdraw as Attorney of Record on Order Shortening Time

03/31/2016 **Status Check** (9:00 AM) (Judicial Officer Wiese, Jerry A.)

Parties Present

Minutes

Result: Matter Heard

04/07/2016 **Declaration**
Declaration of Trudi Lee Lytle in Support of Motion for Summary Judgment

04/07/2016 **Motion for Summary Judgment**
Plaintiff's Motion for Summary Judgment on Order Shortening Time

04/07/2016 **Request for Judicial Notice**
Request for Judicial Notice in Support of Plaintiff's Motion for Summary Judgment on Order Shortening Time

05/10/2016 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
Plaintiff's Motion for Summary Judgment on Order Shortening Time

Minutes

Result: Minute Order - No Hearing Held

05/10/2016 **Notice**
Notice of Vacating Hearing

06/20/2016 **Order to Statistically Close Case**
Order to Statistically Close Case

09/14/2017 **Order Granting Summary Judgment**

09/15/2017 **Order Granting Summary Judgment**
Notice of Entry of Order
Notice of Entry of Order Granting Summary Judgment

10/02/2017 **Memorandum of Costs and Disbursements**
Verified Memorandum of Costs

10/02/2017 **Affidavit in Support**
Affidavit of Richard E. Haskin, Esq. in Support of Plaintiffs' Motion for Attorneys' Fees and Costs

10/02/2017 **Motion for Attorney Fees and Costs**
Plaintiffs' Motion for Attorneys' Fees and Costs

11/02/2017 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
Plaintiff's Motion for Attorney Fees and Costs

Parties Present

Minutes

11/08/2017 **Result: Granted**
Order
Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Attorneys' Fees

11/13/2017 **Notice of Entry of Order**
Notice of Entry of Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Attorney's Fees

11/16/2017 **Notice of Entry of Order**
Notice of Entry of Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Attorneys' Fees

02/04/2020 **Motion to Reduce**
Motion to Reduce Order for Payment of Money to Judgment

02/04/2020 **Clerk's Notice of Hearing**
Notice of Hearing

03/11/2020 **Motion** (9:00 AM) (Judicial Officer Wiese, Jerry A.)
Plaintiffs Motion to Reduce Order for Payment of Money to Judgment

Parties Present

Minutes

03/11/2020 **Result: Granted**
Judgment
Judgment

03/11/2020 **Notice of Entry of Judgment**
Notice of Entry of Judgment

FINANCIAL INFORMATION

	Defendant Rosemere Estates Property Owners Association		223.00
	Total Financial Assessment		223.00
	Total Payments and Credits		0.00
	Balance Due as of 03/11/2020		
07/02/2015	Transaction Assessment		223.00
07/02/2015	Efile Payment	Receipt # 2015-69192-CCCLK	(223.00)
		Rosemere Estates Property Owners Association	
	Plaintiff Lytle, John Allen		470.00
	Total Financial Assessment		470.00
	Total Payments and Credits		0.00
	Balance Due as of 03/11/2020		
04/02/2015	Transaction Assessment		270.00
04/02/2015	Efile Payment	Receipt # 2015-34467-CCCLK	(270.00)
04/07/2016	Transaction Assessment		200.00
04/07/2016	Efile Payment	Receipt # 2016-34626-CCCLK	(200.00)
		Lytle, John Allen	
		Lytle, John Allen	

EXHIBIT E

EXHIBIT E

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REGISTER OF ACTIONS

CASE No. A-17-765372-C

September Trust, Plaintiff(s) vs. Lytle Trust, Defendant(s)

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§Case Type: **Other Real Property**Date Filed: **11/30/2017**Location: **Department 16**Cross-Reference Case Number: **A765372****RELATED CASE INFORMATION****Related Cases**

A-16-747800-C (Consolidated)

PARTY INFORMATION

Defendant	Lytle Trust	Lead Attorneys Richard Edward Haskin Esq <i>Retained</i> 702-836-9800(W)
Plaintiff	Gegen, Dennis A	Laura J. Wolff <i>Retained</i> 7022551718(W)
Plaintiff	Gegen, Julie S	Laura J. Wolff <i>Retained</i> 7022551718(W)
Plaintiff	Gerry R Zobrist and Jolin G Zobrist Family Trust	Laura J. Wolff <i>Retained</i> 7022551718(W)
Plaintiff	Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust	Laura J. Wolff <i>Retained</i> 7022551718(W)
Plaintiff	September Trust	Laura J. Wolff <i>Retained</i> 7022551718(W)

EVENTS & ORDERS OF THE COURT**DISPOSITIONS**

- 05/24/2018 **Summary Judgment** (Judicial Officer: Bailus, Mark B)
Debtors: Lytle Trust (Defendant)
Creditors: September Trust (Plaintiff), Dennis A Gegen (Plaintiff), Gerry R Zobrist and Jolin G Zobrist Family Trust (Plaintiff), Julie S Gegen (Plaintiff), Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust (Plaintiff)
Judgment: 05/24/2018, Docketed: 05/24/2018
Comment: Filed in A747800
- 09/12/2018 **Order** (Judicial Officer: Bailus, Mark B)
Debtors: Lytle Trust (Defendant)
Creditors: September Trust (Plaintiff)
Judgment: 09/12/2018, Docketed: 09/13/2018
Total Judgment: 13,764.13
Debtors: Lytle Trust (Defendant)
Creditors: Gerry R Zobrist and Jolin G Zobrist Family Trust (Plaintiff)
Judgment: 09/12/2018, Docketed: 09/13/2018
Total Judgment: 13,582.13
Debtors: Dennis A Gegen (Plaintiff), Julie S Gegen (Plaintiff)
Creditors: Lytle Trust (Defendant)
Judgment: 09/12/2018, Docketed: 09/13/2018
Total Judgment: 12,841.13
Comment: Total collectively = \$53,054.52 Doc filed in A747800

OTHER EVENTS AND HEARINGS

- 11/30/2017 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure
- 11/30/2017 **Complaint**
Complaint

11/30/2017 **Motion for Summary Judgment**
Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

12/05/2017 **Summons Electronically Issued - Service Pending**
Summons - Civil

12/18/2017 **Acceptance of Service**
Acceptance of Service

12/29/2017 **Request**
Request for Change of Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

01/02/2018 **Notice of Rescheduling of Hearing**
Notice Of Rescheduling Of Hearing

01/03/2018 **Certificate of Mailing**
Certificate of Service of Notice

01/10/2018 **Answer to Complaint**
Answer to Complaint

01/10/2018 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

01/17/2018 **Motion to Consolidate**
Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C (with Notice of Motion)

01/18/2018 **Notice of Change of Hearing**
Notice of Change of Hearing

01/25/2018 **Notice of Change of Hearing**
Notice of Change of Hearing

01/29/2018 **Notice of Change of Hearing**
Notice of Change of Hearing

02/07/2018 **Motion to Consolidate (9:00 AM)** (Judicial Officer Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Parties Present
Minutes
02/06/2018 Reset by Court to 02/07/2018
02/22/2018 Reset by Court to 02/27/2018
02/27/2018 Reset by Court to 03/01/2018
03/01/2018 Reset by Court to 02/06/2018
Result: Reset

02/09/2018 **Request**
Request for Change of Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

02/09/2018 **Opposition and Countermotion**
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment

02/13/2018 **Initial Appearance Fee Disclosure**
Fee Disclosure for Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment

02/13/2018 **Notice**
Notice Of Rescheduling Of Hearing

02/21/2018 **Motion to Consolidate (9:00 AM)** (Judicial Officer Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Parties Present
Minutes
Result: Matter Heard

02/21/2018 **Reply to Opposition**
Plaintiffs' Reply to Defendants' Opposition to the Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings and Opposition to Plaintiffs' Countermotion for Summary Judgment

03/02/2018 **Order**
Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

03/02/2018 **Notice of Department Reassignment**
Notice of Department Reassignment

03/05/2018 **Notice**
Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

03/14/2018 **Reply to Opposition**
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Reply to Opposition to Countermotion for Summary Judgment

03/21/2018 **CANCELED Motion for Summary Judgment (9:00 AM)** (Judicial Officer Bailus, Mark B)
Vacated - Subordinate Case
Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings
01/04/2018 Reset by Court to 02/15/2018
02/15/2018 Reset by Court to 03/08/2018
03/08/2018 Reset by Court to 03/21/2018

03/21/2018 **CANCELED Opposition and Countermotion (9:00 AM)** (Judicial Officer Bailus, Mark B)
Vacated - Subordinate Case
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment
02/15/2018 Reset by Court to 03/08/2018
03/08/2018 Reset by Court to 03/21/2018

05/11/2018 **Recorders Transcript of Hearing**
Recorders Transcript of Hearing Re: All Pending Motions. Heard on March 21, 2018

05/11/2018 **Recorders Transcript of Hearing**
Recorders Transcript of Hearing Re: Decision. Heard on May 2, 2018

07/16/2018 **Opposition to Motion For Summary Judgment**
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings

01/07/2019 **Case Reassigned to Department 9**
Judicial Reassignment - From Judge Bailus to Vacant, DC9

02/18/2020 | **Order to Statistically Close Case**
Civil Order to Statistically Close Case

FINANCIAL INFORMATION

Defendant Lytle Trust			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 03/11/2020		0.00
01/10/2018	Transaction Assessment		223.00
01/10/2018	Efile Payment	Receipt # 2018-02367-CCCLK Lytle Trust	(223.00)
Plaintiff September Trust			
	Total Financial Assessment		590.00
	Total Payments and Credits		590.00
	Balance Due as of 03/11/2020		0.00
11/30/2017	Transaction Assessment		390.00
11/30/2017	Efile Payment	Receipt # 2017-89710-CCCLK September Trust	(390.00)
11/30/2017	Transaction Assessment		200.00
11/30/2017	Efile Payment	Receipt # 2017-90672-CCCLK September Trust	(200.00)
Trustee Lytle, Trudi Lee			
	Total Financial Assessment		200.00
	Total Payments and Credits		200.00
	Balance Due as of 03/11/2020		0.00
02/13/2018	Transaction Assessment		200.00
02/13/2018	Efile Payment	Receipt # 2018-10205-CCCLK Lytle, Trudi Lee	(200.00)

EXHIBIT F

EXHIBIT F

Nevada
Appellate Courts

Appellate Case Management System

C-Track, the browser based CMS for Appellate Courts

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Cases

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Only filed documents can be viewed. Some documents received in a case may not be available for viewing.

Some documents originating from a lower court, including records and appendices, may not be available for viewing.

For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 54886

Short Caption:	LYTLE VS. ROSEMER ESTATE PROPERTY OWNERS	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A593497	Related Case (s):	60657, 61308, 63942, 65294, 65721, 66558
Disqualifications:		Classification:	Civil Appeal - General - Other
Replacement:		Case Status:	Remittitur Issued/Case Closed
To SP/Judge:	11/12/2009 / Hoppe, Craig	Panel Assigned:	Panel
Oral Argument:	04/13/2011 at 10:30 AM	SP Status:	Completed
Submission Date:	04/13/2011	Oral Argument Location:	Regional Justice Center
		How Submitted:	After Oral Argument

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
11/06/2009	Notice of Appeal Documents	Filed Certified Copy of Notice of Appeal/Settlement. Notice Re Settlement Conference Program and Suspension of Rules mailed to all counsel. (The requesting of transcripts and briefing are stayed pursuant to NRAP 16(a)(1). Docketing Statement Form mailed to counsel for appellant(s).)		09-27160
11/06/2009	Filing Fee	Filing Fee due. Filing fee will be forwarded by the District Court.		
11/09/2009	Filing Fee	Received Filing Fee Paid on Filing. \$250.00 from Thomas D. Harper. Check No. 9396.		
11/12/2009	Settlement Notice	Issued Notice: Assignment to Settlement Program. Settlement Judge: Craig A. Hoppe		09-27515
11/17/2009	Notice/Incoming	Filed Notice of Appearance. Representing appellant Lytle Trust: Beau Sterling, Esq.		09-28085

12/01/2009	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Docketing Statement due: December 7, 2009.	09-29079
12/04/2009	Settlement Program Report	Filed ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference will be scheduled.	09-29529
12/10/2009	Docketing Statement	Filed Docketing Statement.	09-29931
01/19/2010	Settlement Program Report	Filed Final Report/No Settlement. The parties were unable to agree to a settlement of this matter.	10-01472
01/21/2010	Settlement Order/Procedural	Filed Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant: 15 days to request transcripts; 90 days to file and serve opening brief and appendix.	10-01733
02/10/2010	Transcript Request	Filed Certificate of No Transcript Request.	10-03689
02/16/2010	Notice/Incoming	Filed Notice of Appearance. Representing respondent: Jason D. Smith (Santoro, Driggs, Walch, Kearney, Holley & Thompson).	10-04088
04/19/2010	Motion	Filed Motion to Extend Time. Unopposed Motion For Extension of Time (First)	10-10160
04/19/2010	Notice/Outgoing	Filed Notice Motion/Stipulation Approved. The motion/stipulation to enlarge time to file opening brief is approved. Due date: May 21, 2010.	10-10161
05/24/2010	Motion	Filed Motion to Extend Time. Unopposed Motion For Extension of Time (Second).	10-13367
06/07/2010	Motion	Filed Motion to Extend Time. Unopposed Motion For Extension of Time (Third).	10-14494
06/11/2010	Order/Procedural	Filed Order. Granting Motions. Opening Brief and Appendix due: June 18, 2010.	10-15162
06/21/2010	Brief	Filed Opening Brief.	10-16064
06/21/2010	Appendix	Filed Appendix to Opening Brief.	10-16065
06/21/2010	Appendix	Filed Appendix to Opening Brief. Appellants' Legislative History Addendum	10-16066
06/21/2010	Appendix	Filed Appendix to Opening Brief. Appellants' Statutory Addendum	10-16067
07/21/2010	Brief	Filed Answering Brief.	10-18849
08/26/2010	Motion	Filed Motion to Extend Time to File the Reply Brief. (First Request). (30) days.	10-21996
09/07/2010	Order/Procedural	Filed Order Granting Motion. Reply Brief due: September 20, 2010.	10-22782
09/21/2010	Brief	Filed Reply Brief.	10-24182
01/25/2011	Motion		11-02445

		Filed Motion to Withdraw as Counsel. Counsel for Appellant Thomas D. Harper, Esq.	
01/26/2011	Notice/Incoming	Filed Notice. Notice of Consent of Counsel (re withdrawal of attorney Thomas D. Harper as co-counsel).	11-02519
02/01/2011	Order/Procedural	Filed Order Approving Notice of Change of Attorneys. The clerk of this court shall remove attorney Thomas D. Harper and the law firm of Thomas D. Harper, Ltd. from this court's docket.	11-03127
03/04/2011	Notice/Outgoing	Issued Notice Scheduling Oral Argument. Oral argument is scheduled for April 13, 2011 at 10:30 a.m. at the Regional Justice Center for 30 minutes before the Southern Nevada Panel. SNP11-NS/JH/RP	11-06662
03/31/2011	Notice/Outgoing	Issued Oral Argument Reminder Notice.	11-09736
04/13/2011	Case Status Update	Oral argument held this day. Case submitted for decision. To the Southern Nevada Panel. SNP11S-NS/JH/RP	
09/29/2011	Order/Dispositional	Filed Order of Reversal and Remand. "ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for further trial de novo proceedings on the Lytles' complaint."	11-29777
10/03/2011	Notice/Incoming	Filed Appellants' Verified Memorandum of Costs.	11-29957
10/24/2011	Remittitur	Issued Memorandum of Costs. Costs allowed and taxed: \$281.71	11-32656
10/24/2011	Remittitur	Issued Remittitur. Memorandum of cost and disbursements allowed and taxed in the amount of \$281.71.	11-32659
10/24/2011	Case Status Update	Remittitur Issued/Case Closed	
11/04/2011	Remittitur	Filed Remittitur. Received by District Court Clerk on November 1, 2011.	11-32659

Combined Case View

EXHIBIT G

EXHIBIT G

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For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 60657

Short Caption:	LYTLE VS. ROSEMER ESTATES PROPERTY OWNERS ASSOC. C/W 61308	Court:	Supreme Court
Consolidated:	60657*, 61308	Related Case (s):	54886, 61308, 63942, 65294, 65721, 66558
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A631355	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:	04/19/2012 / Mishel, Persi	SP Status:	Completed
Oral Argument:		Oral Argument Location:	
Submission Date:	05/04/2015	How Submitted:	On Briefs

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
04/12/2012	Filing Fee	Filing fee due for Appeal.		
04/12/2012	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		12-11750
04/12/2012	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		12-11752
04/12/2012	Filing Fee	E-Payment \$250.00 from Beau Sterling		
04/12/2012	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. (Docketing Statement mailed to appellant counsel).		12-11797
04/19/2012	Settlement Notice	Issued Notice: Assignment to Settlement Program - Settlement Judge: Persi J. Mishel.		12-12578
05/14/2012	Notice/Outgoing	Issued Notice to File Docketing Statement. Due date: 10 days.		12-15265
05/14/2012	Settlement Program Report	Filed ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference will be scheduled.		12-15345
06/26/2012	Order/Procedural	Filed Order. To date, appellants have failed to comply with this court's notice.		12-20038

09/10/2012	Settlement Program Report	Appellants shall, within ten days from the date of this order, file the docketing statement. Filed ECAR/Not Appropriate for Settlement Program. This case is not appropriate for mediation. Settlement Conference Date: no date given.	12-28507
12/20/2012	Settlement Order/Procedural	Filed Order Consolidating Appeals, Removing Appeals from Settlement Program, Reinstating Briefing and Conditionally Imposing Sanctions. Appellants: Transcript request form due 15 days. Opening brief due 90 days. Appellants failed to file the docketing statement for each of these appeals when originally due. This court issued notices and an order directing appellants to file the docketing statements. Appellants have failed to comply with those notices and order. We conclude that appellants' failure to file the docketing statements in compliance with the court's procedural rules, the notices issued in this matter, and this court's order warrants the conditional imposition of sanctions. Appellants: \$500 due to the Supreme Court Law Library and provide proof of payment within 15 days. Sanctions will be vacated if appellants file the docketing statement or motion for extension of time within 10 days. Counsel cautioned. Nos. 60657/61308.	12-40340
01/11/2013	Motion	Filed Motion For Extension Of Time To File Docketing Statement and Transcript Request, as Directed by Court Order, And for Temporary Stay of Appeal Pending Written Disposition of Post-Judgment Motions.	13-01279
01/31/2013	Notice of Appeal Documents	Filed Notice of Appeal/Amended/Supplemental. Nos. 60657/61308.	13-03247
02/26/2013	Filing Fee	E-Payment \$250.00 from Beau Sterling. NOTE: Filing fee was previously paid on 4/12/12. This payment was refunded on 3/26/13.	
03/08/2013	Transcript Request	Filed Certificate of No Transcript Request.	13-07136
03/15/2013	Motion	Filed Motion For Extension Of Time To File Docketing Statement and Withdrawal of Request for Stay of Proceedings. Nos. 60657/61308.	13-07863
03/21/2013	Motion	Filed Motion for Extension of Time - Opening Brief (First).	13-08438
03/21/2013	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Opening Brief due: April 19, 2013.	13-08458
04/17/2013	Order/Procedural	Filed Order Granting Motion for Extension of Time and Directing Counsel to Pay Overdue Sanctions. We direct the clerk to file the docketing statement provisionally received in this court on March 15, 2013. Appellant's counsel shall have 11 days from the date of this order to personally pay the overdue \$500 sanction and provide proof of payment to this court. Appellants have notified this court that they wish to withdraw their motion to stay these consolidated appeals, and we therefore take no action on the stay motion. Nos. 60657/61308.	13-11369
04/17/2013	Docketing Statement	Filed Docketing Statement. Nos. 60657/61308.	13-11370
04/22/2013	Motion		13-11678

		Filed Motion For Extension Of Time To File Opening Brief and Appendix (Second). Nos. 60657/61308.	
04/26/2013	Order/Procedural	Filed Order Granting Motion for Extension of Time. Appellant: Opening brief and appendix due: May 20, 2013. Nos. 60657/61308	13-12243
04/30/2013	Notice/Incoming	Filed Proof of Payment Sanction -Notice of Compliance with Order (Re April 17, 2013 Order). Nos. 60657/61308.	13-12563
04/30/2013	Motion	Filed Motion for Reconsideration of Order Regarding Sanctions. Nos. 60657/61308.	13-12661
05/21/2013	Motion	Filed Motion For Temporary Stay of Briefing Schedule or, in the Alternative, For Extension of Time to File Combined Opening Brief in Consolidated Appeals. Nos. 60657/61308.	13-14932
05/30/2013	Motion	Filed Opposition to Appellant's Motion for Temporary Stay of Briefing Schedule or, In the Alternative, For Extension of Time to File Combined Opening Brief in Consolidated Appeals and Countermotion to Dismiss the Appeal. Nos. 60657/61308.	13-16017
06/06/2013	Motion	Filed Opposition to Motion to Dismiss and Reply in Support of Motion for Stay.	13-16643
06/17/2013	Motion	Filed Motion for Extension of Time to File Reply Brief in Support of Motion to Dismiss Appeal. Nos. 60657/61308	13-17714
07/16/2013	Notice/Incoming	Filed Supplemental Status Report Regarding District Court Proceedings.	13-20769
07/18/2013	Order/Procedural	Filed Order Denying Motion for Reconsideration. The sanction stands, and as counsel has paid it and submitted proof of payment, no further action will be taken on the sanctions matter. Fn1[We defer ruling on all other pending requests for relief.] Nos. 60657/61308.	13-21139
07/22/2013	Motion	Filed Respondent's Objection to Appellant's Supplemental Status Report Regarding District Court Proceedings.	13-21443
07/24/2013	Order/Procedural	Filed Order to Show Cause. Appellants shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent shall have 11 days from the date that appellants' response is served to file and serve any reply. Briefing is suspended. Fn2[In light of this order, we deny as moot appellants' motion for a temporary stay or extension of time to file their opening brief.] Fn3[We deny respondent's countermotion to dismiss the appeal based on appellants' failure to file the opening brief. We grant respondent's motion for an extension of time to file a reply and direct the clerk of this court to file the reply provisionally received on June 18, 2013, and appellant's response to the motion for an extension of time provisionally received on June 27, 2013.] Nos. 60657/61308.	13-21720
07/24/2013	Motion	Filed Reply in Support of Rosemere Estates Property Owners' Association's Motion to Dismiss the Appeal (Filed in Docket No. 61308).	13-21721
07/24/2013	Motion	Filed Appellants' Response to Respondent's Motion for Leave to File Late Reply in Support of its Motion to Dismiss Appellants' Appeals and Appellants' Renewed Request for	13-21723

		Temporary Stay of Proceedings or Limited Remand.	
08/27/2013	Motion	Filed Response to Order to Show Cause.	13-25409
09/03/2013	Motion	Filed Reply to Response to Order to Show Cause . Nos. 60657/61308.	13-25977
12/26/2013	Opinion/Non-Dispositional	Filed Per Curiam Opinion. "Briefing Reinstated." Appellants must file and serve their opening brief and appendix within 30 days of the date of this opinion. No more extensions of time will be granted. Before Hardesty, Parraguirre and Cherry, JJ. 129 Nev. Adv. Opn. No. 98. NNP13. Nos. 60657/61308	13-39241
01/17/2014	Notice/Incoming	Filed Second Supplemental Status Report Regarding District Court Proceedings.	14-01836
01/24/2014	Notice/Incoming	Filed Proof of Service (Appellants' Appendix Volumes 1 - 7).	14-02604
01/27/2014	Appendix	Filed Appendix to Opening Brief volumes 1-7. Via FTP.	14-02644
01/30/2014	Motion	Filed Appellants Motion to Consolidate Appeals and for Related Relief. Nos. 60657/61308/63942.	14-03223
01/31/2014	Appendix	Filed Appendix Exhibits I, J, K and L in Support of Motion to Consolidate Appeals, Etc. Nos. 60657/61308/63942.	14-03368
02/07/2014	Motion	Filed Respondent's Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief in Nos. 60657/61308/63942.	14-04079
02/07/2014	Motion	Filed Respondent's Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief in Nos. 60657/61308/63942.	14-04080
02/19/2014	Order/Clerk's	Filed Order Granting Telephonic Extension. Reply to the Opposition to the Motion to Consolidate due: February 24, 2014. Nos. 60657/61308	14-05369
02/25/2014	Motion	Filed Reply in Support of Appellants' Motion to Consolidate Appeals and for Related Relief in Nos. 60657/61308 & 63943.	14-06114
03/25/2014	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief, Returning Unfiled Opening Brief in Docket Nos. 60657 and 61308, and Reinstating Briefing in Docket No. 63942. Nos.60657/61308 - Lytles' motion for an extension of time to file the opening brief due and the proposed Opening Brief due: 11 days. No. 63942 - Rosemere Estates' Transcript Request Form and Docket Statement due: 20 days. Opening Brief due: 60 days. Nos. 60657/61308/63942.	14-09332
04/08/2014	Motion	Filed Motion for Extension of Time to File Opening Brief. Nos. 60657/61308.	14-11099
04/11/2014	Notice/Incoming	Filed Notice of Pending NRCP Rule 60 (b) Motion for Relief From Judgment. Nos. 60657/61308.	14-11706
04/21/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion for Extension of Time to File Opening Brief. Nos. 60657/61308.	14-12783
04/25/2014	Notice/Incoming	Filed Notice of Pending Opposition to NRCP Rule 60(b) Motion for Relief from Judgment.	14-13442
04/29/2014	Order/Clerk's	Filed Order Granting Telephonic Extension. Appellant's opposition to respondent's motion for an extension of time filed on April 21, 2014, due: May 7, 2014. Nos. 60657/61308.	14-13852

05/27/2014	Order/Procedural	Filed Order Granting Respondent's Motion to Extend Time. The clerk of this court shall file the opposition received on April 23, 2014. We defer ruling on appellant's motion to extend the time to file the opening brief, pending receipt and consideration of any reply to respondent's opposition. Nos. 60657/61308.	14-17096
05/27/2014	Motion	Filed Opposition to Motion for Extension of Time to File Opening Brief. Nos. 60657/61308.	14-17097
06/13/2014	Order/Procedural	Filed Order Granting Motion to Extend Time. The clerk of this court shall file the opening brief, provisionally received in this court on April 8, 2014. Fn1[No action was requested in either appellants' April 11, 2014, notice of pending NRCP 60(b) motion for relief or their April 25, 2014, notice of pending opposition to NRCP 60 (b) motion for relief, and thus, no action will be taken on those notices.] Nos. 60657/61308.	14-19554
06/13/2014	Brief	Filed Appellants' Opening Brief (Dockets 60657 / 61308).	14-19563
07/07/2014	Motion	Filed Stipulation for Extension of Time to File Answering Brief (First Request)	14-21895
07/07/2014	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Answering Brief Due Date August, 13, 2014.	14-21998
08/13/2014	Motion	Filed Stipulation for Extension of Time to File Answering Brief (Second Request) Nos. 60657/61308.	14-26514
08/20/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondent shall have until September 12, 2014, to file and serve the answering brief. Nos. 60657/61308.	14-27403
09/11/2014	Motion	Filed Stipulation for Extension of Time to File Answering Brief (Third Request). NOs. 60657/61308	14-30154
09/24/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondents shall have until October 3, 2014, to file and serve the answering brief. Nos. 60657/61308.	14-31732
10/06/2014	Brief	Filed Respondent's Answering Brief.	14-33054
10/06/2014	Appendix	Filed Respondent's Appendix, Vol. 1.	14-33055
10/09/2014	Motion	Filed Renewed Motion to Consolidate Appeals and For Related Relief (Dockets 60657/61308; Dockets 63942/65294/65721; Docket 66558).	14-33614
10/24/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion to Consolidate Appeals and for Related Relief (First Request).	14-35539
11/05/2014	Motion	Filed Motion for Extension of Time to File Reply Brief (First Request). Nos. 60657/61308.	14-36588
12/08/2014	Motion	Filed Motion for Extension of Time to File Reply Brief (Second Request). Nos. 60657/61308.	14-39774
01/06/2015	Motion	Filed Motion for Stay of Briefing Schedule (60657 C/W 61308)	15-00341
01/13/2015	Motion	Filed Opposition to Appellants' Motion to Stay of Briefing Schedule. Nos. 60657/61308.	15-01393
01/22/2015	Motion	Filed Motion for Extension of Time to File Reply (Reply to Opposition of Motion to Stay Briefing). Nos. 60657/61308.	15-02357
02/09/2015	Order/Procedural		15-04252

<p>Filed Order Denying Motion to Consolidate and for Related Relief and Modifying Briefing Schedule. The clerk of this court shall file the opening brief and answering brief received in Docket No. 63942 on October 20, 2015. The Lytles have filed motions to stay briefing in Docket Nos. 66558, 63942, and 60657 pending resolution of various pending motions, and Rosemere Estates Property Owners Association has opposed them. No cause appearing, we deny the motions for stay, however, we modify the briefing schedule as follows. Within 30 days of the date of this order, the Lytles shall file the reply brief in the consolidated appeals in Docket No. 60657 and 61308 and the opening brief and appendix in Docket No. 66558, and Rosemere Estates Property Owners Association shall file the combined reply brief and answering brief in the consolidated appeals in Docket No. 63942, 65294 and 65721. fn1[Cause appearing, we grant Rosemere Estates Property Owners Association's motions for extensions of time to file oppositions to the Lytle's motions to consolidate. The clerk of this court shall file the oppositions received on October 29, 2014, in Docket Nos. 66558, 63942, and 60657.] fn2[We grant the Lytles' motions for extensions of time to file replies in support of the motions to stay briefing. The clerk of this court shall file the replies received on January 29, 2015, in Docket Nos. 66558, 63942, and 60657.] fn3[In light of this order, we deny as moot the Lytles' motions for extensions of time to file the reply brief in Docket No. 60657.] Nos. 63942/65294/65721/60657/61308/66558.</p>		
02/09/2015	Motion	Filed Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief. Nos. 60657/61308. 15-04262
02/09/2015	Motion	Filed Reply in Support of Motion for Stay of Briefing Schedule. Nos. 60657/61308. 15-04265
03/12/2015	Brief	Filed Appellant's Reply Brief. Nos. 60657/61308 15-07636
03/12/2015	Case Status Update	Briefing Completed/To Screening.
05/04/2015	Order/Procedural	Filed Order Submitting Appeal for Decision without Oral Argument. Nos. 60657/61308. 15-13501
12/21/2015	Order/Dispositional	Filed Order Vacating and Remanding. "ORDER the judgment of the district court VACATED AND REMAND this matter to the district court for proceedings consistent with this order." NNP15-NS/MG/KP Nos. 60657/61308. 15-39048
01/19/2016	Remittitur	Issued Remittitur. Nos. 60657/61308. 16-01720
01/19/2016	Case Status Update	Remittitur Issued/Case Closed.
01/28/2016	Remittitur	Filed Remittitur. Received by District Court Clerk on January 22, 2016. 16-01720

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Case Information: 61308

Short Caption:	LYTLE VS. ROSEMER ESTATES PROPERTY OWNERS ASSOC. C/W 60657	Court:	Supreme Court
Consolidated:	60657*, 61308	Related Case (s):	54886, 60657, 63942, 65294, 65721, 66558
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A631355	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:	08/06/2012 / Mishel, Persi	SP Status:	Completed
Oral Argument:		Oral Argument Location:	
Submission Date:	05/04/2015	How Submitted:	On Briefs

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
07/19/2012	Filing Fee	Filing fee due for Appeal.		
07/19/2012	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		12-22810
07/19/2012	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		12-22812
07/25/2012	Filing Fee	Filing Fee Paid with Efiling. \$250 from Beau Sterling--Confirmation number 12072548081763.		
07/31/2012	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement due: 20 days.		12-24087
08/06/2012	Settlement Notice	Issued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Persi J. Mishel.		12-24723
09/10/2012	Settlement Program Report	Filed ECAR/Not Appropriate for Settlement Program. This case is not appropriate for mediation. Settlement Conference Date: no date given.		12-28505
09/10/2012	Settlement Program Report	Filed ECAR/Not Appropriate for Settlement Program. This case is not		12-28506

		appropriate for mediation. Settlement Conference Date: no date given. Nos. 61308/60657	
10/09/2012	Notice/Outgoing	Issued Notice to File Docketing Statement. Due date: 10 days.	12-31817
		Filed Order Consolidating Appeals, Removing Appeals from Settlement Program, Reinstating Briefing and Conditionally Imposing Sanctions. Appellants: Transcript request form due 15 days. Opening brief due 90 days. Appellants failed to file the docketing statement for each of these appeals when originally due. This court issued notices and an order directing appellants to file the docketing statements. Appellants have failed to comply with those notices and order. We conclude that appellants' failure to file the docketing statements in compliance with the court's procedural rules, the notices issued in this matter, and this court's order warrants the conditional imposition of sanctions. Appellants: \$500 due to the Supreme Court Law Library and provide proof of payment within 15 days. Sanctions will be vacated if appellants file the docketing statement or motion for extension of time within 10 days. Counsel cautioned. Nos. 60657/61308.	
12/20/2012	Settlement Order/Procedural	Filed Motion For Extension Of Time To File Docketing Statement and Transcript Request, as Directed by Court Order, And for Temporary Stay of Appeal Pending Written Disposition of Post-Judgment Motions.	12-40340
01/11/2013	Motion	Filed Notice of Appeal/Amended/Supplemental. Nos. 60657/61308.	13-01279
01/31/2013	Notice of Appeal Documents	E-Payment \$250.00 from Beau Sterling. NOTE: Filing fee was previously paid on 4/12/12. This payment was refunded on 3/26/13.	13-03247
02/26/2013	Filing Fee	Filed Certificate of No Transcript Request.	13-07136
03/08/2013	Transcript Request	Filed Motion For Extension Of Time To File Docketing Statement and Withdrawal of Request for Stay of Proceedings. Nos. 60657/61308.	13-07863
03/15/2013	Motion	Filed Motion for Extension of Time - Opening Brief (First).	13-08438
03/21/2013	Motion	Issued Notice Motion/Stipulation Approved. Opening Brief due: April 19, 2013.	13-08458
03/21/2013	Notice/Outgoing	Filed Order Granting Motion for Extension of Time and Directing Counsel to Pay Overdue Sanctions. We direct the clerk to file the docketing statement provisionally received in this court on March 15, 2013. Appellant's counsel shall have 11 days from the date of this order to personally pay the overdue \$500 sanction and provide proof of payment to this court. Appellants have notified this court that they wish to withdraw their motion to stay these consolidated appeals, and we therefore take no action on the stay motion. Nos. 60657/61308.	13-11369
04/17/2013	Order/Procedural	Filed Docketing Statement. Nos. 60657/61308.	13-11370
04/17/2013	Docketing Statement	Filed Motion For Extension Of Time To File Opening Brief and Appendix (Second). Nos. 60657/61308.	13-11678
04/22/2013	Motion		

04/26/2013	Order/Procedural	Filed Order Granting Motion for Extension of Time. Appellant: Opening brief and appendix due: May 20, 2013. Nos. 60657/61308	13-12243
04/30/2013	Notice/Incoming	Filed Proof of Payment Sanction -Notice of Compliance with Order (Re April 17, 2013 Order). Nos. 60657/61308.	13-12563
04/30/2013	Motion	Filed Motion for Reconsideration of Order Regarding Sanctions. Nos. 60657/61308.	13-12661
05/21/2013	Motion	Filed Motion For Temporary Stay of Briefing Schedule or, in the Alternative, For Extension of Time to File Combined Opening Brief in Consolidated Appeals. Nos. 60657/61308.	13-14932
05/30/2013	Motion	Filed Opposition to Appellant's Motion for Temporary Stay of Briefing Schedule or, In the Alternative, For Extension of Time to File Combined Opening Brief in Consolidated Appeals and Countermotion to Dismiss the Appeal. Nos. 60657/61308.	13-16017
06/06/2013	Motion	Filed Opposition to Motion to Dismiss and Reply in Support of Motion for Stay.	13-16643
06/17/2013	Motion	Filed Motion for Extension of Time to File Reply Brief in Support of Motion to Dismiss Appeal. Nos. 60657/61308	13-17714
07/16/2013	Notice/Incoming	Filed Supplemental Status Report Regarding District Court Proceedings.	13-20769
07/18/2013	Order/Procedural	Filed Order Denying Motion for Reconsideration. The sanction stands, and as counsel has paid it and submitted proof of payment, no further action will be taken on the sanctions matter. Fn1[We defer ruling on all other pending requests for relief.] Nos. 60657/61308.	13-21139
07/22/2013	Motion	Filed Respondent's Objection to Appellant's Supplemental Status Report Regarding District Court Proceedings.	13-21443
07/24/2013	Order/Procedural	Filed Order to Show Cause. Appellants shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent shall have 11 days from the date that appellants' response is served to file and serve any reply. Briefing is suspended. Fn2[In light of this order, we deny as moot appellants' motion for a temporary stay or extension of time to file their opening brief.] Fn3[We deny respondent's countermotion to dismiss the appeal based on appellants' failure to file the opening brief. We grant respondent's motion for an extension of time to file a reply and direct the clerk of this court to file the reply provisionally received on June 18, 2013, and appellant's response to the motion for an extension of time provisionally received on June 27, 2013.] Nos. 60657/61308.	13-21720
07/24/2013	Motion	Filed Reply in Support of Rosemere Estates Property Owners' Association's Motion to Dismiss the Appeal (Filed in Docket No. 61308).	13-21721
07/24/2013	Motion	Filed Appellants' Response to Respondent's Motion for Leave to File Late Reply in Support of its Motion to Dismiss Appellants' Appeals and Appellants' Renewed Request for Temporary Stay of Proceedings or Limited Remand.	13-21723
08/27/2013	Motion	Filed Response to Order to Show Cause.	13-25409
09/03/2013	Motion		13-25977

12/26/2013	Opinion/Non-Dispositional	Filed Reply to Response to Order to Show Cause . Nos. 60657/61308. Filed Per Curiam Opinion. "Briefing Reinstated." Appellants must file and serve their opening brief and appendix within 30 days of the date of this opinion. No more extensions of time will be granted. Before Hardesty, Parraguirre and Cherry, JJ. 129 Nev. Adv. Opn. No. 98. NNP13. Nos. 60657/61308	13-39241
01/17/2014	Notice/Incoming	Filed Second Supplemental Status Report Regarding District Court Proceedings.	14-01836
01/24/2014	Notice/Incoming	Filed Proof of Service (Appellants' Appendix Volumes 1 - 7).	14-02604
01/27/2014	Appendix	Filed Appendix to Opening Brief volumes 1-7. Via FTP.	14-02644
01/30/2014	Motion	Filed Appellants Motion to Consolidate Appeals and for Related Relief. Nos. 60657/61308/63942.	14-03223
01/31/2014	Appendix	Filed Appendix Exhibits I, J, K and L in Support of Motion to Consolidate Appeals, Etc. Nos. 60657/61308/63942.	14-03368
02/07/2014	Motion	Filed Respondent's Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief in Nos. 60657/61308/63942.	14-04079
02/07/2014	Motion	Filed Respondent's Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief in Nos. 60657/61308/63942.	14-04080
02/19/2014	Order/Clerk's	Filed Order Granting Telephonic Extension. Reply to the Opposition to the Motion to Consolidate due: February 24, 2014. Nos. 60657/61308	14-05369
02/25/2014	Motion	Filed Reply in Support of Appellants' Motion to Consolidate Appeals and for Related Relief in Nos. 60657/61308 & 63943.	14-06114
03/25/2014	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief, Returning Unfiled Opening Brief in Docket Nos. 60657 and 61308, and Reinstating Briefing in Docket No. 63942. Nos. 60657/61308 - Lytles' motion for an extension of time to file the opening brief due and the proposed Opening Brief due: 11 days. No. 63942 - Rosemere Estates' Transcript Request Form and Docket Statement due: 20 days. Opening Brief due: 60 days. Nos. 60657/61308/63942.	14-09332
04/08/2014	Motion	Filed Motion for Extension of Time to File Opening Brief. Nos. 60657/61308.	14-11099
04/11/2014	Notice/Incoming	Filed Notice of Pending NRCP Rule 60 (b) Motion for Relief From Judgment. Nos. 60657/61308.	14-11706
04/21/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion for Extension of Time to File Opening Brief. Nos. 60657/61308.	14-12783
04/25/2014	Notice/Incoming	Filed Notice of Pending Opposition to NRCP Rule 60(b) Motion for Relief from Judgment.	14-13442
04/29/2014	Order/Clerk's	Filed Order Granting Telephonic Extension. Appellant's opposition to respondent's motion for an extension of time filed on April 21, 2014, due: May 7, 2014. Nos. 60657/61308.	14-13852
05/27/2014	Order/Procedural	Filed Order Granting Respondent's Motion to Extend Time. The clerk of this court shall file the opposition received on April 23, 2014. We defer ruling on	14-17096

		appellant's motion to extend the time to file the opening brief, pending receipt and consideration of any reply to respondent's opposition. Nos. 60657/61308.	
05/27/2014	Motion	Filed Opposition to Motion for Extension of Time to File Opening Brief. Nos. 60657/61308.	14-17097
06/13/2014	Order/Procedural	Filed Order Granting Motion to Extend Time. The clerk of this court shall file the opening brief, provisionally received in this court on April 8, 2014. Fn1[No action was requested in either appellants' April 11, 2014, notice of pending NRCP 60(b) motion for relief or their April 25, 2014, notice of pending opposition to NRCP 60 (b) motion for relief, and thus, no action will be taken on those notices.] Nos. 60657/61308.	14-19554
06/13/2014	Brief	Filed Appellants' Opening Brief (Dockets 60657 / 61308).	14-19563
07/07/2014	Motion	Filed Stipulation for Extension of Time to File Answering Brief (First Request)	14-21895
07/07/2014	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Answering Brief Due Date August, 13, 2014.	14-21998
08/13/2014	Motion	Filed Stipulation for Extension of Time to File Answering Brief (Second Request) Nos. 60657/61308.	14-26514
08/20/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondent shall have until September 12, 2014, to file and serve the answering brief. Nos. 60657/61308.	14-27403
09/11/2014	Motion	Filed Stipulation for Extension of Time to File Answering Brief (Third Request). NOs. 60657/61308	14-30154
09/24/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondents shall have until October 3, 2014, to file and serve the answering brief. Nos. 60657/61308.	14-31732
10/06/2014	Brief	Filed Respondent's Answering Brief.	14-33054
10/06/2014	Appendix	Filed Respondent's Appendix, Vol. 1.	14-33055
10/09/2014	Motion	Filed Renewed Motion to Consolidate Appeals and For Related Relief (Dockets 60657/61308; Dockets 63942/65294/65721; Docket 66558).	14-33614
10/24/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion to Consolidate Appeals and for Related Relief (First Request).	14-35539
11/05/2014	Motion	Filed Motion for Extension of Time to File Reply Brief (First Request). Nos. 60657/61308.	14-36588
12/08/2014	Motion	Filed Motion for Extension of Time to File Reply Brief (Second Request). Nos. 60657/61308.	14-39774
01/06/2015	Motion	Filed Motion for Stay of Briefing Schedule (60657 C/W 61308)	15-00341
01/13/2015	Motion	Filed Opposition to Appellants' Motion to Stay of Briefing Schedule. Nos. 60657/61308.	15-01393
01/22/2015	Motion	Filed Motion for Extension of Time to File Reply (Reply to Opposition of Motion to Stay Briefing). Nos. 60657/61308.	15-02357
02/09/2015	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief and Modifying Briefing Schedule. The clerk of this court shall file the opening brief and answering brief received in Docket No.	15-04252

		<p>63942 on October 20, 2015. The Lytles have filed motions to stay briefing in Docket Nos. 66558, 63942, and 60657 pending resolution of various pending motions, and Rosemere Estates Property Owners Association has opposed them. No cause appearing, we deny the motions for stay, however, we modify the briefing schedule as follows. Within 30 days of the date of this order, the Lytles shall file the reply brief in the consolidated appeals in Docket No. 60657 and 61308 and the opening brief and appendix in Docket No. 66558, and Rosemere Estates Property Owners Association shall file the combined reply brief and answering brief in the consolidated appeals in Docket No. 63942, 65294 and 65721. fn1[Cause appearing, we grant Rosemere Estates Property Owners Association's motions for extensions of time to file oppositions to the Lytle's motions to consolidate. The clerk of this court shall file the oppositions received on October 29, 2014, in Docket Nos. 66558, 63942, and 60657.] fn2[We grant the Lytles' motions for extensions of time to file replies in support of the motions to stay briefing. The clerk of this court shall file the replies received on January 29, 2015, in Docket Nos. 66558, 63942, and 60657.] fn3[In light of this order, we deny as moot the Lytles' motions for extensions of time to file the reply brief in Docket No. 60657.] Nos. 63942/65294/65721/60657/61308/66558.</p>	
02/09/2015	Motion	Filed Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief. Nos. 60657/61308.	15-04262
02/09/2015	Motion	Filed Reply in Support of Motion for Stay of Briefing Schedule. Nos. 60657/61308.	15-04265
03/12/2015	Brief	Filed Appellant's Reply Brief. Nos. 60657/61308	15-07636
03/12/2015	Case Status Update	Briefing Completed/To Screening.	
05/04/2015	Order/Procedural	Filed Order Submitting Appeal for Decision without Oral Argument. Nos. 60657/61308.	15-13501
12/21/2015	Order/Dispositional	Filed Order Vacating and Remanding. "ORDER the judgment of the district court VACATED AND REMAND this matter to the district court for proceedings consistent with this order." NNP15-NS/MG/KP Nos. 60657/61308.	15-39048
01/19/2016	Remittitur	Issued Remittitur. Nos. 60657/61308.	16-01720
01/19/2016	Case Status Update	Remittitur Issued/Case Closed.	
01/28/2016	Remittitur	Filed Remittitur. Received by District Court Clerk on January 22, 2016.	16-01720

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Case Information: 63942

Short Caption:	ROSEMERE ESTATES PROPERTY OWNERS ASSOC. VS. LYTLE CW 65294/65721	Court:	Supreme Court
Consolidated:	63942*, 65294, 65721	Related Case (s):	54886, 60657, 61308, 65294, 65721, 66558
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A593497	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:		SP Status:	Exempt
Oral Argument:		Oral Argument Location:	
Submission Date:	08/04/2015	How Submitted:	On Briefs

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
09/05/2013	Filing Fee	Filing fee due for Appeal. Filing fee will be forwarded by the District Court.		
09/05/2013	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)		13-26156
09/05/2013	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed.		13-26158
09/06/2013	Filing Fee	Filing Fee Paid. \$250.00 from LJS & G LTD. Check No. 12849.		
09/16/2013	Notice/Incoming	Filed Notice of Appearance, Beau Sterling and Sterling Law, LLC, as appellate co-counsel for respondents John Allen Lytle and Trudi Lee Lytle, as Trustees of the Lytle Trust.		13-27244
09/17/2013	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant(s) 15 days transcript request form; 120 days opening brief.		13-27446
09/24/2013	Motion	Filed Motion for Extension of Time to file Docketing Statement and Transcript Request, and for Temporary Stay of		13-28525

11/12/2013	Motion	Appeal Pending Written Disposition of Post-Judgment Motions. Filed Motion for Extension of Time to File Docketing Statement and Transcript Request [Second Request], and For Temporary Stay of Appeal Pending Written Disposition of Post-Judgment Motions.	13-33793
11/25/2013	Order/Procedural	Filed Order to Show Cause. Appellant shall have 60 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondents may file any reply within 15 days from the date that appellant's response is served. The deadlines for filing a docketing statement, requesting transcripts, and filing briefs in this appeal are suspended pending further order of this court. Fn1[In light of this order, we deny as moot appellant's motions for extensions of time and to stay this appeal.]	13-35587
01/27/2014	Motion	Filed Appellant's Response to Order to Show Cause.	14-02712
01/28/2014	Motion	Filed Respondents' Reply to Appellant's Response to Order to Show Cause.	14-02892
01/30/2014	Motion	Filed Respondents' Motion to Consolidate Appeals and for Related Relief. Nos. 60657/61308/63942.	14-03225
01/31/2014	Appendix	Filed Appendix Exhibits I, J, K and L in Support of Motion to Consolidate Appeals, Etc. Nos. 60657/61308/63942.	14-03366
03/25/2014	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief, Returning Unfiled Opening Brief in Docket Nos. 60657 and 61308, and Reinstating Briefing in Docket No. 63942. Nos.60657/61308 - Lytles' motion for an extension of time to file the opening brief due and the proposed Opening Brief due: 11 days. No. 63942 - Rosemere Estates' Transcript Request Form and Docket Statement due: 20 days. Opening Brief due: 60 days. Nos. 60657/61308/63942.	14-09336
04/15/2014	Docketing Statement	Filed Docketing Statement Civil Appeals.	14-11991
04/15/2014	Transcript Request	Filed Certificate of No Transcript Request.	14-11992
04/17/2014	Docketing Statement	Filed Respondents' Response to Appellant's Docketing Statement.	14-12396
04/17/2014	Motion	Filed Motion to Consolidate Appeals (Dockets 63942 and 65294)	14-12397
04/18/2014	Notice/Incoming	Filed Errata Notice of Errata to Appellant's Docketing Statement	14-12528
05/22/2014	Order/Clerk's	Filed Order Granting Telephonic Extension. Opening Brief and Appendix due: June 3, 2014.	14-16757
05/22/2014	Motion	Filed Motion to Consolidate Appeals (Dockets 63942, 65294 and 65721).	14-16831
06/03/2014	Brief	Filed Appellant's Opening Brief.	14-18069
06/05/2014	Order/Procedural	Filed Order Consolidating Appeals, Setting Revised Briefing Schedule, and Regarding Jurisdiction. Rosemere Estates Appendix due: 5 days. Lytles Answering Brief on Appeal and Opening Brief on Cross-Appeal due: 35 days. Thereafter, briefing shall proceed in accordance with NRAP 28.1(f)(1), with Rosemere Estates acting as the appellant and the Lytles acting as the cross-appellants. Lytles' Docketing	14-18256

		Statement in docket no. 65721 due: 11 days. Nos. 63942/65294/65721.	
06/05/2014	Docketing Statement	Filed Docketing Statement Civil Appeals. (Docket 65721)	14-18339
06/05/2014	Transcript Request	Filed Request Certificate of No Transcript Request (Docket 65721).	14-18353
06/06/2014	Notice/Incoming	Filed Respondents' Notice Regarding Adoption of Joint Appendix for Use in Consolidated Cross-Appeals (Dockets 65294 and 65721). Nos. 63942/65294/65721.	14-18430
06/09/2014	Appendix	Filed Joint Appendix Volumes 1-21. Via FTP. Nos. 63942/65294/65721	14-18578
07/09/2014	Motion	Filed Stipulation for First Extension of Time.	14-22208
07/09/2014	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Combined Answering and Opening Brief Due Date: August 11, 2014.	14-22328
08/12/2014	Motion	Filed Unopposed Motion for Extension of Time (Lytle's Combined Answering and Opening Brief). Nos. 63942/65294/65721.	14-26308
08/20/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. John Allen Lytle and Trudi Lee Lytle shall have until September 10, 2014, to file and serve their combined brief. Nos. 63942/65294/65721.	14-27406
09/11/2014	Motion	Filed Stipulation for Third Extension of Time (Lytle's Combined Answering and Opening Brief) Nos. 63942/65294/65721.	14-30059
09/24/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondents Combined Answer on Appeal and Opening Brief on Cross-Appeal due: October 3, 2014. Nos. 63942/65294/65721.	14-31725
10/08/2014	Motion	Filed Motion For Extension of Time. (Lytle's Combined Answering and Opening Brief) Nos. 63942/65294/65721.	14-33445
10/09/2014	Motion	Filed Renewed Motion to Consolidate Appeals and For Related Relief (Dockets 60657/61308; Dockets 63942/65294/65721; Docket 66558).	14-33613
10/20/2014	Motion	Filed Request for Permission to Exceed Type-Volume Limitation. Nos. 63942/65294/65721.	14-34803
10/24/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion to Consolidate Appeals and for Related Relief (First Request). Nos. 63942/65294/65721.	14-35540
01/06/2015	Motion	Filed Motion for Stay of Briefing Schedule (Dockets 63942 CW 65294 CW 65721).	15-00343
01/13/2015	Motion	Filed Opposition to Appellants' Motion to Stay Briefing Schedule. Nos. 63942/65294/65721.	15-01401
01/22/2015	Motion	Filed Motion for Extension of Time to File Reply (Reply to Opposition of Motion to Stay Briefing). Nos. 63942/65294/65721.	15-02354
02/09/2015	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief and Modifying Briefing Schedule. The clerk of this court shall file the opening brief and answering brief received in Docket No. 63942 on October 20, 2015. The Lytle's have filed motions to stay briefing in Docket Nos. 66558, 63942, and 60657 pending resolution of various pending motions, and Rosemere Estates Property Owners Association has opposed them.	15-04251

		<p>No cause appearing, we deny the motions for stay, however, we modify the briefing schedule as follows. Within 30 days of the date of this order, the Lytles shall file the reply brief in the consolidated appeals in Docket No. 60657 and 61308 and the opening brief and appendix in Docket No. 66558, and Rosemere Estates Property Owners Association shall file the combined reply brief and answering brief in the consolidated appeals in Docket No. 63942, 65294 and 65721. fn1[Cause appearing, we grant Rosemere Estates Property Owners Association's motions for extensions of time to file oppositions to the Lytle's motions to consolidate. The clerk of this court shall file the oppositions received on October 29, 2014, in Docket Nos. 66558, 63942, and 60657.] fn2[We grant the Lytles' motions for extensions of time to file replies in support of the motions to stay briefing. The clerk of this court shall file the replies received on January 29, 2015, in Docket Nos. 66558, 63942, and 60657.] fn3[In light of this order, we deny as moot the Lytles' motions for extensions of time to file the reply brief in Docket No. 60657.] Nos. 63942/65294/65721/60657/61308/66558.</p>	
02/09/2015	Brief	Filed Respondents' Combined Answering Brief and Opening Brief. Nos. 63942/65294/65721.	15-04255
02/09/2015	Motion	Filed Opposition to Appellants' Motion to Consolidate Appeals and For Related Relief. Nos. 63942/65294/65721.	15-04259
02/09/2015	Motion	Filed Reply in Support of Motion for Stay of Briefing Schedule. Nos. 63942/65294/65721.	15-04263
03/12/2015	Order/Clerk's	Filed Order Granting Telephonic Extension. Rosemere Estates Property Owners Association's combined Reply/Answering Brief due: March 18, 2015. Nos. 63942/65294/65721.	15-07647
03/18/2015	Motion	Filed Request for Permission to Exceed Type-Volume Limitation.	15-08366
03/19/2015	Notice/Incoming	Filed Response to Request for Permission to Exceed Type-Volume Limitation: Notice of No Opposition.	15-08384
03/25/2015	Order/Procedural	Filed Order Granting Motion. The clerk of this court shall file the combined reply and answering brief received on March 18, 2015. John and Trudi Lytle shall have 30 days from the date of this order to file and serve a reply brief addressing issues raised in Docket Nos. 65294 and 65721. Nos. 63942/65294/65721.	15-09042
03/25/2015	Brief	Filed Appellant's Combined Reply and Answering Brief.	15-09043
04/27/2015	Motion	Filed Motion for Extension of Time (Lytles' Reply Brief). Nos. 63942/65294/65721.	15-12638
04/30/2015	Order/Procedural	Filed Order Granting Motion. John and Trudi Lytle Shall have until May 26, 2015, to file and serve the reply brief addressing issues raised in Docket Nos. 65294 and 65721. Nos. 63942/65294/65721.	15-13155
05/27/2015	Motion	Filed Motion for Extension of Time. (Lytles' Reply Brief) Nos. 63942/65294/65721	15-16112
06/08/2015	Order/Procedural	Filed Order Granting Motion. John and Trudi Lytle's Reply Brief in Docket Nos.	15-17368

		65294 and 65721 due: June 25, 2015. Nos. 63942/65294/65721.	
06/26/2015	Brief	Filed Respondents' Reply Brief. Nos. 63942/65294/65721.	15-19523
06/26/2015	Appendix	Filed Respondents' Supplemental Appendix. Nos. 63942/65294/65721.	15-19528
06/29/2015	Case Status Update	Briefing Completed/To Screening. Nos. 63942/65294/65721.	
08/04/2015	Order/Procedural	Filed Order Submitting for Decision without Oral Argument. Cause appearing, oral argument will not be scheduled and this appeal shall stand submitted for decision as of the date of this order on the briefs filed herein. Nos. 63942/65294/65721.	15-23471
10/19/2015	Order/Dispositional	Filed Order Affirming (Docket No. 63942); Vacating and Remanding (Docket No. 65294); Affirming in Part, Reversing in Part, and Remanding (Docket No. 65294); and Vacating and Remanding (Docket No. 65721). "Docket No. 63942 - We affirm the district court's July 30, 2013, summary judgment in Docket No. 63942. Docket No. 65294 - We vacate the district court's March 11, 2014, order and remand for further proceedings consistent with this order. We reverse the district court's February 13, 2014, order to the extent that it denied the Lytle's request for costs relating to filing fees and e-filing charges. All other aspects of that order are affirmed." Docket No. 65721 - We vacate the district court's May 29, 2014, order denying attorney fees and remand for further proceedings consistent with this order." NNP15-NS/MG/KP Nos. 63942/65294/65721.	15-31763
11/13/2015	Remittitur	Issued Remittitur. Nos. 63942/65294/65721.	15-34718
11/13/2015	Case Status Update	Remittitur Issued/Case Closed. Nos. 63942/65294/65721.	
12/04/2015	Remittitur	Filed Remittitur. Received by District Court Clerk on November 20, 2015.	15-34718

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Case Information: 65294

Short Caption:	LYTLE VS. ROSEMERE ESTATES PROP. OWNERS ASS'N. C/W 63942/65721	Court:	Supreme Court
Consolidated:	63942*, 65294, 65721	Related Case (s):	54886, 60657, 61308, 63942, 65721, 66558
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A593497	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:		SP Status:	Exempt
Oral Argument:		Oral Argument Location:	
Submission Date:	08/04/2015	How Submitted:	On Briefs

Party Information

Docket Entries

Date	Type	Description	Pending?	Document
03/27/2014	Filing Fee	Filing fee due for Appeal.		
03/27/2014	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		14-09723
03/27/2014	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		14-09736
03/30/2014	Filing Fee	E-Payment \$250.00 from Beau Sterling		
03/31/2014	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing statement due: 20 days.		14-09904
03/31/2014	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant(s) 15 days transcript request form; 120 days opening brief.		14-10083
04/15/2014	Transcript Request	Filed Certificate of No Transcript Request.		14-12203
04/17/2014	Docketing Statement	Filed Docketing Statement Civil Appeals.		14-12388
04/17/2014	Motion			14-12398

05/22/2014	Motion	Filed Motion to Consolidate Appeals (Dockets 63942 and 65294)	
		Filed Motion to Consolidate Appeals (Dockets 63942, 65294 and 65721).	14-16832
06/05/2014	Order/Procedural	Filed Order Consolidating Appeals, Setting Revised Briefing Schedule, and Regarding Jurisdiction. Rosemere Estates Appendix due: 5 days. Lytles Answering Brief on Appeal and Opening Brief on Cross-Appeal due: 35 days. Thereafter, briefing shall proceed in accordance with NRAP 28.1(f)(1), with Rosemere Estates acting as the appellant and the Lytles acting as the cross-appellants. Lytles' Docketing Statement in docket no. 65721 due: 11 days. Nos. 63942/65294/65721.	14-18256
06/05/2014	Docketing Statement	Filed Docketing Statement Civil Appeals. (Docket 65721)	14-18339
06/05/2014	Transcript Request	Filed Request Certificate of No Transcript Request (Docket 65721).	14-18353
06/06/2014	Notice/Incoming	Filed Respondents' Notice Regarding Adoption of Joint Appendix for Use in Consolidated Cross-Appeals (Dockets 65294 and 65721). Nos. 63942/65294/65721.	14-18430
06/09/2014	Appendix	Filed Joint Appendix Volumes 1-21. Via FTP. Nos. 63942/65294/65721	14-18578
07/09/2014	Motion	Filed Stipulation for First Extension of Time.	14-22208
07/09/2014	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Combined Answering and Opening Brief Due Date: August 11, 2014.	14-22328
08/12/2014	Motion	Filed Unopposed Motion for Extension of Time (Lytles' Combined Answering and Opening Brief). Nos. 63942/65294/65721.	14-26308
08/20/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. John Allen Lytle and Trudi Lee Lytle shall have until September 10, 2014, to file and serve their combined brief. Nos. 63942/65294/65721.	14-27406
09/11/2014	Motion	Filed Stipulation for Third Extension of Time (Lytles' Combined Answering and Opening Brief) Nos. 63942/65294/65721.	14-30059
09/24/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondents Combined Answer on Appeal and Opening Brief on Cross-Appeal due: October 3, 2014. Nos. 63942/65294/65721.	14-31725
10/08/2014	Motion	Filed Motion For Extension of Time. (Lytles' Combined Answering and Opening Brief) Nos. 63942/65294/65721.	14-33445
10/09/2014	Motion	Filed Renewed Motion to Consolidate Appeals and For Related Relief (Dockets 60657/61308; Dockets 63942/65294/65721; Docket 66558).	14-33613
10/20/2014	Motion	Filed Request for Permission to Exceed Type-Volume Limitation. Nos. 63942/65294/65721.	14-34803
10/24/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion to Consolidate Appeals and for Related Relief (First Request). Nos. 63942/65294/65721.	14-35540
01/06/2015	Motion	Filed Motion for Stay of Briefing Schedule (Dockets 63942 CW 65294 CW 65721).	15-00343
01/13/2015	Motion		15-01401

		Filed Opposition to Appellants' Motion to Stay Briefing Schedule. Nos. 63942/65294/65721.	
01/22/2015	Motion	Filed Motion for Extension of Time to File Reply (Reply to Opposition of Motion to Stay Briefing). Nos. 63942/65294/65721. Filed Order Denying Motion to Consolidate and for Related Relief and Modifying Briefing Schedule. The clerk of this court shall file the opening brief and answering brief received in Docket No. 63942 on October 20, 2015. The Lytles have filed motions to stay briefing in Docket Nos. 66558, 63942, and 60657 pending resolution of various pending motions, and Rosemere Estates Property Owners Association has opposed them. No cause appearing, we deny the motions for stay, however, we modify the briefing schedule as follows. Within 30 days of the date of this order, the Lytles shall file the reply brief in the consolidated appeals in Docket No. 60657 and 61308 and the opening brief and appendix in Docket No. 66558, and Rosemere Estates Property Owners Association shall file the combined reply brief and answering brief in the consolidated appeals in Docket No. 63942, 65294 and 65721. fn1[Cause appearing, we grant Rosemere Estates Property Owners Association's motions for extensions of time to file oppositions to the Lytle's motions to consolidate. The clerk of this court shall file the oppositions received on October 29, 2014, in Docket Nos. 66558, 63942, and 60657.] fn2[We grant the Lytles' motions for extensions of time to file replies in support of the motions to stay briefing. The clerk of this court shall file the replies received on January 29, 2015, in Docket Nos. 66558, 63942, and 60657.] fn3[In light of this order, we deny as moot the Lytles' motions for extensions of time to file the reply brief in Docket No. 60657.] Nos. 63942/65294/65721/60657/61308/66558.	15-02354
02/09/2015	Order/Procedural	Filed Respondents' Combined Answering Brief and Opening Brief. Nos. 63942/65294/65721.	15-04251
02/09/2015	Brief	Filed Opposition to Appellants' Motion to Consolidate Appeals and For Related Relief. Nos. 63942/65294/65721.	15-04255
02/09/2015	Motion	Filed Reply in Support of Motion for Stay of Briefing Schedule. Nos. 63942/65294/65721.	15-04259
02/09/2015	Motion	Filed Order Granting Telephonic Extension. Rosemere Estates Property Owners Association's combined Reply/Answering Brief due: March 18, 2015. Nos. 63942/65294/65721.	15-04263
03/12/2015	Order/Clerk's	Filed Request for Permission to Exceed Type-Volume Limitation.	15-07647
03/18/2015	Motion	Filed Response to Request for Permission to Exceed Type-Volume Limitation: Notice of No Opposition.	15-08366
03/19/2015	Notice/Incoming	Filed Order Granting Motion. The clerk of this court shall file the combined reply and answering brief received on March 18, 2015. John and Trudi Lytle shall have 30 days from the date of this order to file and serve a reply brief addressing issues raised in Docket Nos. 65294 and 65721. Nos. 63942/65294/65721.	15-08384
03/25/2015	Order/Procedural		15-09042

03/25/2015	Brief	Filed Appellant's Combined Reply and Answering Brief.	15-09043
04/27/2015	Motion	Filed Motion for Extension of Time (Lyttles' Reply Brief). Nos. 63942/65294/65721.	15-12638
04/30/2015	Order/Procedural	Filed Order Granting Motion. John and Trudi Lytle Shall have until May 26, 2015, to file and serve the reply brief addressing issues raised in Docket Nos. 65294 and 65721. Nos. 63942/65294/65721.	15-13155
05/27/2015	Motion	Filed Motion for Extension of Time. (Lyttles' Reply Brief) Nos. 63942/65294/65721	15-16112
06/08/2015	Order/Procedural	Filed Order Granting Motion. John and Trudi Lytle's Reply Brief in Docket Nos. 65294 and 65721 due: June 25, 2015. Nos. 63942/65294/65721.	15-17368
06/26/2015	Brief	Filed Respondents' Reply Brief. Nos. 63942/65294/65721.	15-19523
06/26/2015	Appendix	Filed Respondents' Supplemental Appendix. Nos. 63942/65294/65721.	15-19528
06/29/2015	Case Status Update	Briefing Completed/To Screening. Nos. 63942/65294/65721.	
08/04/2015	Order/Procedural	Filed Order Submitting for Decision without Oral Argument. Cause appearing, oral argument will not be scheduled and this appeal shall stand submitted for decision as of the date of this order on the briefs filed herein. Nos. 63942/65294/65721.	15-23471
10/19/2015	Order/Dispositional	Filed Order Affirming (Docket No. 63942); Vacating and Remanding (Docket No. 65294); Affirming in Part, Reversing in Part, and Remanding (Docket No. 65294); and Vacating and Remanding (Docket No. 65721). "Docket No. 63942 - We affirm the district court's July 30, 2013, summary judgment in Docket No. 63942. Docket No. 65294 - We vacate the district court's March 11, 2014, order and remand for further proceedings consistent with this order. We reverse the district court's February 13, 2014, order to the extent that it denied the Lytle's request for costs relating to filing fees and e-filing charges. All other aspects of that order are affirmed." Docket No. 65721 - We vacate the district court's May 29, 2014, order denying attorney fees and remand for further proceedings consistent with this order." NNP15-NS/MG/KP Nos. 63942/65294/65721.	15-31763
11/13/2015	Remittitur	Issued Remittitur. Nos. 63942/65294/65721.	15-34718
11/13/2015	Case Status Update	Remittitur Issued/Case Closed. Nos. 63942/65294/65721.	
12/04/2015	Remittitur	Filed Remittitur. Received by District Court Clerk on November 20, 2015.	15-34718

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EXHIBIT K

000944

000944

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For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 65721

Short Caption:	LYTLE VS. ROSEMER ESTATES PROP. OWNERS ASS'N. C/W 63942/65294	Court:	Supreme Court
Consolidated:	63942*, 65294, 65721	Related Case(s):	54886, 60657, 61308, 63942, 65294, 66558
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A593497	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:		SP Status:	Exempt
Oral Argument:		Oral Argument Location:	
Submission Date:	08/04/2015	How Submitted:	On Briefs

Party Information

Docket Entries

Date	Type	Description	Pending?	Document
05/21/2014	Filing Fee	Filing fee due for Appeal.		
05/21/2014	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		14-16595
05/21/2014	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		14-16597
05/22/2014	Filing Fee	E-Payment \$250.00 from Beau Sterling		
05/22/2014	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 20 days.		14-16780
05/22/2014	Motion	Filed Motion to Consolidate Appeals (Dockets 63942, 65294 and 65721).		14-16833
05/23/2014	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant(s) 15 days transcript request form; 120 days opening brief.		14-16851
06/05/2014	Order/Procedural	Filed Order Consolidating Appeals, Setting Revised Briefing Schedule, and Regarding Jurisdiction. Rosemere		14-18256

		Estates Appendix due: 5 days. Lytles Answering Brief on Appeal and Opening Brief on Cross-Appeal due: 35 days. Thereafter, briefing shall proceed in accordance with NRAP 28.1(f)(1), with Rosemere Estates acting as the appellant and the Lytles acting as the cross-appellants. Lytles' Docketing Statement in docket no. 65721 due: 11 days. Nos. 63942/65294/65721.	
06/05/2014	Docketing Statement	Filed Docketing Statement Civil Appeals. (Docket 65721)	14-18339
06/05/2014	Transcript Request	Filed Request Certificate of No Transcript Request (Docket 65721).	14-18353
06/06/2014	Notice/Incoming	Filed Respondents' Notice Regarding Adoption of Joint Appendix for Use in Consolidated Cross-Appeals (Dockets 65294 and 65721). Nos. 63942/65294/65721.	14-18430
06/09/2014	Appendix	Filed Joint Appendix Volumes 1-21. Via FTP. Nos. 63942/65294/65721	14-18578
07/09/2014	Motion	Filed Stipulation for First Extension of Time.	14-22208
07/09/2014	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Combined Answering and Opening Brief Due Date: August 11, 2014.	14-22328
08/12/2014	Motion	Filed Unopposed Motion for Extension of Time (Lytles' Combined Answering and Opening Brief). Nos. 63942/65294/65721.	14-26308
08/20/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. John Allen Lytle and Trudi Lee Lytle shall have until September 10, 2014, to file and serve their combined brief. Nos. 63942/65294/65721.	14-27406
09/11/2014	Motion	Filed Stipulation for Third Extension of Time (Lytles' Combined Answering and Opening Brief) Nos. 63942/65294/65721.	14-30059
09/24/2014	Order/Procedural	Filed Order Granting Motion for Extension of Time. Respondents Combined Answer on Appeal and Opening Brief on Cross-Appeal due: October 3, 2014. Nos. 63942/65294/65721.	14-31725
10/08/2014	Motion	Filed Motion For Extension of Time. (Lytles' Combined Answering and Opening Brief) Nos. 63942/65294/65721.	14-33445
10/09/2014	Motion	Filed Renewed Motion to Consolidate Appeals and For Related Relief (Dockets 60657/61308; Dockets 63942/65294/65721; Docket 66558).	14-33613
10/20/2014	Motion	Filed Request for Permission to Exceed Type-Volume Limitation. Nos. 63942/65294/65721.	14-34803
10/24/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion to Consolidate Appeals and for Related Relief (First Request). Nos. 63942/65294/65721.	14-35540
01/06/2015	Motion	Filed Motion for Stay of Briefing Schedule (Dockets 63942 CW 65294 CW 65721).	15-00343
01/13/2015	Motion	Filed Opposition to Appellants' Motion to Stay Briefing Schedule. Nos. 63942/65294/65721.	15-01401
01/22/2015	Motion	Filed Motion for Extension of Time to File Reply (Reply to Opposition of Motion to Stay Briefing). Nos. 63942/65294/65721.	15-02354
02/09/2015	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief and Modifying Briefing Schedule. The clerk of	15-04251

		<p>this court shall file the opening brief and answering brief received in Docket No. 63942 on October 20, 2015. The Lytles have filed motions to stay briefing in Docket Nos. 66558, 63942, and 60657 pending resolution of various pending motions, and Rosemere Estates Property Owners Association has opposed them. No cause appearing, we deny the motions for stay, however, we modify the briefing schedule as follows. Within 30 days of the date of this order, the Lytles shall file the reply brief in the consolidated appeals in Docket No. 60657 and 61308 and the opening brief and appendix in Docket No. 66558, and Rosemere Estates Property Owners Association shall file the combined reply brief and answering brief in the consolidated appeals in Docket No. 63942, 65294 and 65721. fn1[Cause appearing, we grant Rosemere Estates Property Owners Association's motions for extensions of time to file oppositions to the Lytle's motions to consolidate. The clerk of this court shall file the oppositions received on October 29, 2014, in Docket Nos. 66558, 63942, and 60657.] fn2[We grant the Lytles' motions for extensions of time to file replies in support of the motions to stay briefing. The clerk of this court shall file the replies received on January 29, 2015, in Docket Nos. 66558, 63942, and 60657.] fn3[In light of this order, we deny as moot the Lytles' motions for extensions of time to file the reply brief in Docket No. 60657.] Nos. 63942/65294/65721/60657/61308/66558. Filed Respondents' Combined Answering Brief and Opening Brief. Nos. 63942/65294/65721.</p>	
02/09/2015	Brief		15-04255
02/09/2015	Motion	Filed Opposition to Appellants' Motion to Consolidate Appeals and For Related Relief. Nos. 63942/65294/65721.	15-04259
02/09/2015	Motion	Filed Reply in Support of Motion for Stay of Briefing Schedule. Nos. 63942/65294/65721.	15-04263
03/12/2015	Order/Clerk's	Filed Order Granting Telephonic Extension. Rosemere Estates Property Owners Association's combined Reply/Answering Brief due: March 18, 2015. Nos. 63942/65294/65721.	15-07647
03/18/2015	Motion	Filed Request for Permission to Exceed Type-Volume Limitation.	15-08366
03/19/2015	Notice/Incoming	Filed Response to Request for Permission to Exceed Type-Volume Limitation: Notice of No Opposition.	15-08384
03/25/2015	Order/Procedural	Filed Order Granting Motion. The clerk of this court shall file the combined reply and answering brief received on March 18, 2015. John and Trudi Lytle shall have 30 days from the date of this order to file and serve a reply brief addressing issues raised in Docket Nos. 65294 and 65721. Nos. 63942/65294/65721.	15-09042
03/25/2015	Brief	Filed Appellant's Combined Reply and Answering Brief.	15-09043
04/27/2015	Motion	Filed Motion for Extension of Time (Lytles' Reply Brief). Nos. 63942/65294/65721.	15-12638
04/30/2015	Order/Procedural	Filed Order Granting Motion. John and Trudi Lytle Shall have until May 26, 2015, to file and serve the reply brief	15-13155

		addressing issues raised in Docket Nos. 65294 and 65721. Nos. 63942/65294/65721.	
05/27/2015	Motion	Filed Motion for Extension of Time. (Lyttles' Reply Brief) Nos. 63942/65294/65721	15-16112
06/08/2015	Order/Procedural	Filed Order Granting Motion. John and Trudi Lytle's Reply Brief in Docket Nos. 65294 and 65721 due: June 25, 2015. Nos. 63942/65294/65721.	15-17368
06/26/2015	Brief	Filed Respondents' Reply Brief. Nos. 63942/65294/65721.	15-19523
06/26/2015	Appendix	Filed Respondents' Supplemental Appendix. Nos. 63942/65294/65721.	15-19528
06/29/2015	Case Status Update	Briefing Completed/To Screening. Nos. 63942/65294/65721.	
08/04/2015	Order/Procedural	Filed Order Submitting for Decision without Oral Argument. Cause appearing, oral argument will not be scheduled and this appeal shall stand submitted for decision as of the date of this order on the briefs filed herein. Nos. 63942/65294/65721.	15-23471
10/19/2015	Order/Dispositional	Filed Order Affirming (Docket No. 63942); Vacating and Remanding (Docket No. 65294); Affirming in Part, Reversing in Part, and Remanding (Docket No. 65294); and Vacating and Remanding (Docket No. 65721). "Docket No. 63942 - We affirm the district court's July 30, 2013, summary judgment in Docket No. 63942. Docket No. 65294 - We vacate the district court's March 11, 2014, order and remand for further proceedings consistent with this order. We reverse the district court's February 13, 2014, order to the extent that it denied the Lytle's request for costs relating to filing fees and e-filing charges. All other aspects of that order are affirmed." Docket No. 65721 - We vacate the district court's May 29, 2014, order denying attorney fees and remand for further proceedings consistent with this order." NNP15-NS/MG/KP Nos. 63942/65294/65721.	15-31763
11/13/2015	Remittitur	Issued Remittitur. Nos. 63942/65294/65721.	15-34718
11/13/2015	Case Status Update	Remittitur Issued/Case Closed. Nos. 63942/65294/65721.	
12/04/2015	Remittitur	Filed Remittitur. Received by District Court Clerk on November 20, 2015.	15-34718

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Case Information: 66558

Short Caption:	LYTLE VS. ROSEMERE ESTATES	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A631355	Related Case (s):	54886, 60657, 61308, 63942, 65294, 65721
Disqualifications:		Classification:	Civil Appeal - General - Other
Replacement:		Case Status:	Remittitur Issued/Case Closed
To SP/Judge:		Panel Assigned:	Panel
Oral Argument:		SP Status:	Exempt
Submission Date:	08/04/2015	Oral Argument Location:	
		How Submitted:	On Briefs

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Docket Entries

Date	Type	Description	Pending?	Document
09/23/2014	Filing Fee	Filing fee due for Appeal.		
09/23/2014	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		14-31504
09/23/2014	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		14-31506
09/23/2014	Notice/Outgoing	Issued Notice to File Case Appeal Statement/Civil. Due date: 10 days.		14-31508
09/29/2014	Filing Fee	E-Payment \$250.00 from Beau Sterling		
09/30/2014	Notice of Appeal Documents	Filed Case Appeal Statement.		14-32386
09/30/2014	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing statement mailed to counsel for appellant - due: 20 days.		14-32495
09/30/2014	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant(s) 15 days transcript request form; 120 days opening brief.		14-32572
10/02/2014	Docketing Statement	Filed Docketing Statement Civil Division.		14-32800

10/09/2014	Motion	Filed Renewed Motion to Consolidate Appeals and For Related Relief (Dockets 60657/61308; Dockets 63942/65294/65721; Docket 66558).	14-33612
10/21/2014	Transcript Request	Filed Certificate of No Transcript Request.	14-34987
10/24/2014	Motion	Filed Motion for Extension of Time to File Opposition to Motion to Consolidate Appeals and for Related Relief (First Request).	14-35538
01/06/2015	Motion	Filed Motion for Stay of Briefing Schedule.	15-00340
01/13/2015	Motion	Filed Opposition to Appellants' Motion to Stay Briefing Schedule.	15-01402
01/22/2015	Motion	Filed Motion for Extension of Time to File Reply (Reply to Opposition of Motion to Stay Briefing).	15-02353
02/09/2015	Order/Procedural	Filed Order Denying Motion to Consolidate and for Related Relief and Modifying Briefing Schedule. The clerk of this court shall file the opening brief and answering brief received in Docket No. 63942 on October 20, 2015. The Lytles have filed motions to stay briefing in Docket Nos. 66558, 63942, and 60657 pending resolution of various pending motions, and Rosemere Estates Property Owners Association has opposed them. No cause appearing, we deny the motions for stay, however, we modify the briefing schedule as follows. Within 30 days of the date of this order, the Lytles shall file the reply brief in the consolidated appeals in Docket No. 60657 and 61308 and the opening brief and appendix in Docket No. 66558, and Rosemere Estates Property Owners Association shall file the combined reply brief and answering brief in the consolidated appeals in Docket No. 63942, 65294 and 65721. fn1[Cause appearing, we grant Rosemere Estates Property Owners Association's motions for extensions of time to file oppositions to the Lytle's motions to consolidate. The clerk of this court shall file the oppositions received on October 29, 2014, in Docket Nos. 66558, 63942, and 60657.] fn2[We grant the Lytles' motions for extensions of time to file replies in support of the motions to stay briefing. The clerk of this court shall file the replies received on January 29, 2015, in Docket Nos. 66558, 63942, and 60657.] fn3[In light of this order, we deny as moot the Lytles' motions for extensions of time to file the reply brief in Docket No. 60657.] Nos. 63942/65294/65721/60657/61308/66558.	15-04253
02/09/2015	Motion	Filed Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief.	15-04261
02/09/2015	Motion	Filed Reply in Support of Motion for Stay of Briefing Schedule.	15-04264
03/12/2015	Brief	Filed Appellants' Opening Brief.	15-07623
03/12/2015	Appendix	Filed Appendix to Opening Brief Volumes 1-9 (via FTP).	15-07660
04/10/2015	Brief	Filed Respondent's Answering Brief.	15-10871
05/12/2015	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Reply Brief due: May 18, 2015.	15-14450
05/19/2015	Motion		15-15270

		Filed Motion to Extend Time (Reply Brief).	
05/19/2015	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Reply Brief due: June 8, 2015.	15-15280
06/09/2015	Motion	Filed Motion for Extension of Time (Second) Reply Brief.	15-17453
06/19/2015	Order/Procedural	Filed Order Granting Motion. Reply Brief due: July 8, 2015.	15-18894
07/09/2015	Brief	Filed Appellants' Reply Brief.	15-20806
07/09/2015	Case Status Update	Briefing Completed/To Screening.	
08/04/2015	Order/Procedural	Filed Order Submitting for Decision without Oral Argument. Cause appearing, oral argument will not be scheduled and this appeal shall stand submitted for decision as of the date of this order on the briefs filed herein.	15-23469
11/24/2015	Appendix	Filed Appellant's Appendix Volume 8.	15-35991
11/24/2015	Appendix	Filed Appellant's Appendix Volume 9.	15-36287
12/21/2015	Order/Dispositional	Filed Order of Affirmance. "ORDER the judgment of the district court AFFIRMED." NNP15-NS/MG/KP.	15-39100
01/19/2016	Remittitur	Issued Remittitur.	16-01735
01/19/2016	Case Status Update	Remittitur Issued/Case Closed.	
01/28/2016	Remittitur	Filed Remittitur. Received by District Court Clerk on January 22, 2016.	16-01735

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Case Information: 73039

Short Caption:	LYTLE VS. BOULDEN	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A747800	Related Case (s):	76198, 77007, 79753, 79776
Disqualifications:		Classification:	Civil Appeal - General - Other
Replacement:		Case Status:	Remittitur Issued/Case Closed
To SP/Judge:	05/17/2017 / Mishel, Persi	Panel Assigned:	Panel
Oral Argument:		SP Status:	Completed
Submission Date:	09/13/2018	Oral Argument Location:	
		How Submitted:	On Record And Briefs

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
05/15/2017	Filing Fee	Filing Fee Paid. \$250.00 from Nationwide Legal Nevada LLC. Check no. 23719.		
05/15/2017	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)		17-16179
05/15/2017	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to		17-16182

		the settlement program. Timelines for requesting transcripts and filing briefs are stayed.	
05/17/2017	Settlement Notice	Issued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Persi J. Mishel.	17-16526
06/02/2017	Docketing Statement	Filed Docketing Statement Civil Appeals.	17-18378
06/09/2017	Settlement Program Report	Filed ECAR/Not Appropriate for Settlement Program. This case is not appropriate for mediation.	17-19149
06/15/2017	Settlement Order/Procedural	Filed Order Removing From Settlement Program/Briefing Reinstated. This appeal is removed from the settlement program. Appellant(s): 15 days transcript request; 90 days opening brief.	17-19973
06/22/2017	Order/Procedural	Filed Order to Show Cause. Appellants' Response due: 30 days. Respondents may file any reply within 11 days of service of appellants response. Briefing is suspended.	17-20775
07/24/2017	Motion	Filed Response to Order to Show Cause Appellant's Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Response to Order to Show Cause.	17-24336
08/01/2017	Motion	Filed Appellants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Supplemental Response to Order to Show Cause.	17-25589
10/09/2017	Order/Procedural	Filed Order Reinstating Briefing. Transcript Request Form due: 11 days. Opening Brief and Appendix due: 90 days.	17-34193
11/07/2017	Notice/Outgoing	Issued Notice to Request Transcripts. Due date: 10 days.	17-38238
11/14/2017	Transcript Request	Filed Request for Transcript of Proceedings.	17-39223

		Transcripts requested: 06/01/17, 06/06/17. To Court Reporter: Peggy Isom.	
11/16/2017	Motion	Filed Appellant's Motion to Add Party as Respondent to Appeal.	17-39590
		Filed Order. Appellant's shall have 15 days from the date of this order to provide this court with written proof of service of the motion upon Robert and Yvonne Dismar. The Dismans may file any opposition to the motion within 7 days of service of the motion.	
12/05/2017	Order/Procedural		17-41744
		Filed Proof of Service by Mail (Appellant's Motion to Add Party as Respondent to Appeal served on Robert and Yvonne Dismar).	
12/05/2017	Notice/Incoming		17-41823
		Filed Order Granting Motion. Appellants have filed a motion for leave to add Robert Z. Dismar and Yvonne A. Dismar as respondents to this appeal. Cause appearing, we grant the unopposed motion. The clerk shall modify the caption of this appeal consistent with the caption on this order.	
01/02/2018	Order/Procedural		18-00115
		Filed Notice of Entry of Order (Order Granting Motion).	
01/09/2018	Notice/Incoming		18-01220
		Filed Stipulation for First Extension of Time (Opening Brief and Appendix).	
01/09/2018	Motion		18-01223
		Filed Order Granting Motion. Opening Brief and Appendix due: January 23, 2018. fn1 [The stipulation is signed on behalf of respondents Marjorie Bolden, Jacques Kamothe, and Linda Lamothe by attorney Michael Oaks. Mr. Oaks is not listed on this court's docket as counsel of record for these respondents. The stipulation is not signed by any counsel on behalf of respondents Robert	
01/16/2018	Order/Procedural		18-02035

		Disman and Yvonne Disman.]	
01/23/2018	Notice/Outgoing	Issued Notice of Deficient Brief. Missing Disclosure Statement, Routing Statement and not Double-Spaced. Corrected brief due: 5 days.	18-03269
01/24/2018	Brief	Filed Appellants' Opening Brief.	18-03331
01/24/2018	Notice/Incoming	Filed Appellants' Disclosure Statement.	18-03332
01/24/2018	Appendix	Filed Appellants' Appendix Vol. 1.	18-03423
01/24/2018	Appendix	Filed Appellants' Appendix Vol. 2.	18-03425
01/24/2018	Appendix	Filed Appellants' Appendix Vol. 3.	18-03429
01/24/2018	Appendix	Filed Appellants' Appendix Vol. 4.	18-03430
01/26/2018	Transcript	Filed Notice from Court Reporter. Peggy Isom stating that the requested transcripts were delivered. Dates of transcripts: 6/6/17.	18-03833
02/21/2018	Order/Clerk's	Filed Order Granting Telephonic Extension. Respondents Robert Z. Disman and Yvonne A. Disman's Answering Brief due: March 9, 2018.	18-06712
02/22/2018	Motion	Filed Stipulation for First Extension of Time [Respondents' Marjorie B. Boulden, Jacques & Linda Lamothe Living Trust, Linda Lamothe, Jacques Lamothe, and Marjorie B. Boulden Trust Answering Brief].	18-06894
02/22/2018	Notice/Outgoing	Issued Notice - Stipulation Approved. Respondents' (Marjorie B. Boulden, Jacques & Linda Lamothe Living Trust, Linda Lamothe, Jacques Lamothe, and Marjorie B. Boulden Trust) Answering Brief due: March 9, 2018.	18-06932
03/09/2018	Brief	Filed Respondents' Marjorie B. Boulden, Jacques & Linda Lamothe Living Trust, Linda Lamothe, Jacques Lamothe and Marjorie B. Boulden Trusts Answering Brief.	18-09362
03/12/2018	Brief	Filed Answering Brief of Respondents Robert	18-09504

		Z. Disman and Yvonne A. Disman. Filed Amicus Brief Supporting Respondents and Affirmance of Amici Curiae September Trust, dated March 23, 1972; Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust Dated May 27, 1992; and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants.	
03/19/2018	Brief		18-10535
03/19/2018	Appendix	Filed Amicus Curiae Appendix Volume I.	18-10536
04/09/2018	Motion	Filed Stipulation for First Extension of Time [Appellant's Reply Brief].	18-13304
04/09/2018	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellant's Reply Brief due: April 23, 2018.	18-13310
04/18/2018	Motion	Filed Stipulation for Second Extension of Time (Appellant's Reply Brief).	18-14813
04/24/2018	Order/Procedural	Filed Order Granting Motion. Appellants Reply Brief due: April 27, 2018.	18-15510
04/27/2018	Brief	Filed Appellants' Reply Brief.	18-16181
04/27/2018	Case Status Update	Briefing Completed/To Screening.	
06/19/2018	Motion	Filed Appellants' Motion for Leave to File Response to Amicus Brief. (DETACHED BRIEF FROM MOTION AND RETURNED UNFILED PER 07/23/18 ORDER.)	18-23472
06/22/2018	Motion	Filed Respondents' Marjorie B. Boulden, Trustee of the Marjorie Boulden Trust; Linda Lamothe; and Jacques Lamothe, Trustees of The Jacques & Linda Lamothe Living Trust's	18-24043

		Response to Appellant's Motion for Leave to File Response to Amicus Brief.	
07/23/2018	Order/Procedural	Filed Order Denying Motion. The clerk shall detach the proposed brief from appellants' June 19, 2018, motion and return it unfiled.	18-28056
09/13/2018	Order/Procedural	Filed Order Submitting for Decision Without Oral Argument.	18-35883
10/09/2018	Notice/Incoming	Filed Notice of Change of Address. (Foley & Oakes, PC)	18-39642
10/16/2018	Motion	Filed Motion to Consolidate Appeals. Nos. 76198/73039.	18-40673
10/19/2018	Motion	Filed Respondents' Boulden and Lamothes' Response to Appellants' Motion to Consolidate Appeals (Nos. 73039/76198).	18-41212
10/23/2018	Notice/Incoming	Filed Respondents Robert Z. Disman and Yvonne A. Disman Joinder to Respondents' Response to Appellants' Motion to Consolidate Appeals. (Nos. 73039/76198).	18-41746
10/24/2018	Motion	Filed Appellants' Reply to Opposition to Motion to Consolidate Appeals (Nos. 73039/76198).	18-41810
11/01/2018	Order/Procedural	Filed Order Denying Motion. Appellants have filed motions to consolidate these appeals. We deny the motions at this time. Nos. 76198/73039.	18-42912
12/04/2018	Order/Dispositional	Filed Order of Affirmance. "ORDER the judgment of the district court AFFIRMED." SNP18-MC/RP/LS. (SC).	18-906850
01/02/2019	Remittitur	Issued Remittitur. (SC)	19-00205
01/02/2019	Case Status Update	Remittitur Issued/Case Closed. (SC)	
01/17/2019	Remittitur	Filed Remittitur. Received by District Court Clerk on January 8, 2019. (SC)	19-00205

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Case Information: 76198

Short Caption:	LYTLE VS. SEPTEMBER TR., DATED MARCH 23, 1972 C/W 77007	Court:	Supreme Court
Consolidated:	76198*, 77007	Related Case (s):	73039, 77007, 79753, 79776
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A747800	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Disposition Filed
Replacement:		Panel Assigned:	Panel
To SP/Judge:		SP Status:	Exempt
Oral Argument:		Oral Argument Location:	
Submission Date:	03/02/2020	How Submitted:	On Record And Briefs

Party Information

Due Items

Docket Entries

Date	Type	Description	Pending?	Document
06/26/2018	Filing Fee	Filing Fee due for Appeal.		
06/26/2018	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		18-24417
06/26/2018	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		18-24419
07/02/2018	Filing Fee	Filing Fee Paid. \$250.00 from Nationwide Legal Nevada. Check no. 26431.		
07/02/2018	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 20 days.		18-25033

07/03/2018	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant: 15 days transcript request form; 120 days opening brief.	18-25262
07/19/2018	Transcript Request	Filed Certificate That No Transcript is Being Requested.	18-27546
07/24/2018	Docketing Statement	Filed Docketing Statement Civil Appeals.	18-28241
08/28/2018	Order/Procedural	Filed Order to File Amended Docketing Statement. Appellants Amended Docketing Statement due: 20 days.	18-33549
09/17/2018	Docketing Statement	Filed Amended Docketing Statement Civil Appeals.	18-36288
10/16/2018	Motion	Filed Motion to Consolidate Appeals. Nos. 76198/73039.	18-40672
10/23/2018	Motion	Filed Respondents' Response to Appellants' Motion to Consolidate Appeals.	18-41753
10/24/2018	Motion	Filed Appellants' Reply to Opposition to Motion to Consolidate Appeals (Nos. 73039/76198).	18-41814
10/29/2018	Motion	Filed Stipulation for First Extension of Time (Opening Brief & Appendix).	18-42292
10/29/2018	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellants' Opening Brief and Appendix due: November 30, 2018.	18-42295
10/29/2018	Motion	Filed Appellants' Joint Motion to Consolidate Appeals (Nos. 76198/77007).	18-42308
11/01/2018	Order/Procedural	Filed Order Denying Motion. Appellants have filed motions to consolidate these appeals. We deny the motions at this time. Nos. 76198/73039.	18-42915
11/15/2018	Order/Procedural	Filed Order to Show Cause and Denying Motion. Appellants shall have 30 days from the date of this order to show cause why the appeal in Docket No. 77007 should not be dismissed for lack of jurisdiction. Respondents may file any reply within 11 days of service of appellants' response. The deadline to file documents in Docket No. 77007 are suspended. The joint motion to consolidate these appeals is denied at this time. Nos. 76198/77007. (SC)	18-904334
11/28/2018	Motion	Filed Stipulation for Second Extension of Time (Opening Brief). (SC)	18-905988
12/06/2018	Order/Procedural	Filed Order Granting Motion. Appellants' Opening Brief and Appendix due: December 14, 2018. (SC).	18-907255
12/13/2018	Motion		18-908424

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		Filed Stipulation for Third Extension of Time (Opening Brief). (SC)	
12/27/2018	Order/Procedural	Filed Order Granting Motion. Appellant's Opening Brief and Appendix due: January 14, 2019. (SC)	18-910560
01/15/2019	Brief	Filed Appellants' Opening Brief. (SC)	19-02320
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 1. (SC)	19-02321
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 2. (SC)	19-02322
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 3. (SC)	19-02323
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 4. (SC)	19-02324
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 5. (SC)	19-02326
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 6. (SC)	19-02327
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 7. (SC)	19-02328
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 8. (SC)	19-02329
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 9. (SC)	19-02330
01/15/2019	Appendix	Filed Appellants' Appendix - Volume 10. (SC)	19-02331
		Filed Order Consolidating Appeals and Reinstating Briefing. Appellants shall have 30 days from the date of this order to file and serve the opening brief and appendix in Docket No. 77007. Respondents shall have 30 days from service of the opening brief in Docket No. 77007 to file and serve a single answering brief addressing all issues in these appeals. Appellants shall have 30 days from service of the answering brief to file and serve a single reply brief. Nos. 76198/77007. (SC)	
01/28/2019	Order/Procedural		19-04301
02/12/2019	Motion	Filed Appellants' Motion for Extension to File Opening Brief. Nos. 76198/77007. (SC)	19-06638
02/12/2019	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellants' Opening Brief due: March 29, 2019. Nos. 76198/77007. (SC)	19-06640
03/13/2019	Motion	Filed Appellant's Motion for Extension to File Opening Brief (Second Request). Nos. 76198/77077. (SC)	19-11205
03/14/2019	Motion	Filed Respondents' Response to Motion For Extension To File Opening Brief (Second Request). Nos. 76198/77007. (SC)	19-11280
03/15/2019	Motion	Filed Appellants' Reply to Response to Motion for Extension to File Opening Brief (Second Request). Nos. 76198/77007. (SC)	19-11639

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03/19/2019	Order/Procedural	Filed Order Granting Motion. Appellant shall have until April 29, 2019, to file and serve the opening brief and appendix in Docket No. 77007. (SC)	19-12057
04/22/2019	Motion	Filed Appellants' Motion for Extension to File Opening Brief (77007)(Third Request). Nos. 76198/77007. (SC)	19-17474
04/22/2019	Motion	Filed Respondents' Response to Motion for Extension to File Opening Brief (Third Request). Nos. 76198/77007. (SC)	19-17547
04/25/2019	Motion	Filed Appellants' Reply to Response to Motion for Extension to File Opening Brief (Third Request). Nos. 76198/77007. (SC)	19-18287
05/02/2019	Order/Procedural	Filed Order Denying Motion. Appellants' Opening Brief in Docket No. 77007 due: 14 days. Nos. 76198/77007. (SC).	19-19225
05/16/2019	Brief	Filed Appellants' Opening Brief (77007). Nos. 76198/77007. (REJECTED PER NOTICE ISSUED ON 05/16/19). (SC)	
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 1. Nos. 76198/77007. (SC)	19-21593
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 2. Nos. 76198/77007. (SC)	19-21594
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 3. Nos. 76198/77007. (SC)	19-21595
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 4. Nos. 76198/77007. (SC)	19-21596
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 5. Nos. 76198/77007. (SC)	19-21597
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 6. Nos. 76198/77007. (SC)	19-21599
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 7. Nos. 76198/77007. (SC)	19-21600
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 8. Nos. 76198/77007. (SC)	19-21601
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 9. Nos. 76198/77007. (SC)	19-21602
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 10. Nos. 76198/77007. (SC)	19-21603
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 11. Nos. 76198/77007. (SC)	19-21604
05/16/2019	Notice/Outgoing	Issued Notice of Deficient Brief. Corrected Opening Brief (77007) due: 5 days. Nos. 76198/77007. (SC)	19-21641
05/20/2019	Brief	Filed Appellants' Opening Brief. Nos. 76198/77007. (SC)	19-21918
06/17/2019	Brief		

		Filed Respondent's Answering Brief and Appendix Volumes 1-2 (REJECTED PER NOTICE ISSUED ON 06/18/19). Nos. 76198/77007. (SC)	
06/18/2019	Notice/Outgoing	Issued Notice of Deficient Brief. Corrected Answering Brief and Appendix due: 5 days. Nos. 76198/77007. (SC)	19-26318
06/19/2019	Brief	Filed Respondents' Answering Brief. Nos. 76198/77007. (SC)	19-26426
06/19/2019	Appendix	Filed Respondents' Appendix - Volume 1. Nos. 76198/77007. (SC)	19-26427
06/19/2019	Appendix	Filed Respondents' Appendix - Volume 2. Nos. 76198/77007. (SC)	19-26430
07/17/2019	Motion	Filed Stipulation for Extension of Time (REJECTED PER ATTORNEY REQUEST). Nos. 76198/77007. (SC)	
07/17/2019	Motion	Filed Stipulation for Extension of Time (REJECTED - DUPLICATE FILING). Nos. 76198/77007. (SC)	
07/17/2019	Motion	Filed Stipulation for Extension of Time (Appellant's Reply Brief). Nos. 76198/77007. (SC)	19-30321
07/18/2019	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellant's Reply Brief due: August 5, 2019. Nos. 76198/77007. (SC)	19-30411
08/05/2019	Motion	Filed Stipulation for Extension of Time (Appellant's Reply Brief). Nos. 76198/77007. (SC)	19-32782
08/13/2019	Order/Procedural	Filed Order Granting Motion. Appellants shall have until August 19, 2019, to file and serve the reply brief. Nos. 76198/77007. (SC)	19-34040
08/19/2019	Motion	Filed Appellants' Motion to Exceed Type Volume Limitation (Reply Brief). Nos. 76198/77007. (SC)	19-34749
08/19/2019	Brief	Filed Appellants' Reply Brief. Nos. 76198/77007. (SC) (REJECTED PER 08/26/19 ORDER).	
08/26/2019	Motion	Filed Respondents' Opposition to Appellants' Motion to Exceed Type-Volume Limitation and Countermotion to Strike Portions of Appellants' Reply Brief. Nos. 76198/77007. (SC)	19-35596
08/26/2019	Order/Procedural	Filed Order Granting Motion and Rejecting Reply Brief. Cause appearing, appellants' motion for leave to file a reply brief in excess of the type-volume limitation is granted. Because the brief is not prepared in accordance with NRAP 32, the clerk of this court shall reject the reply brief filed on August 19, 2019. Appellants' Reply brief due: 7	19-35650

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		days. fn1 [Appellants' opening brief was rejected for this same reason on May 16, 2019.] Nos. 76198/77007. (SC).	
08/29/2019	Motion	Filed Appellant's Motion to Exceed Type-Volume Limitation (REJECTED PER PHONE CALL WITH ATTORNEY). (SC)	19-36325
08/30/2019	Brief	Filed Appellants' Reply Brief. Nos. 76198/77007. (REJECTED FOR MISSING WORD COUNT ON CERT. OF COMPLIANCE). (SC)	
09/03/2019	Brief	Filed Appellants' Reply Brief. Nos. 76198/77007. (SC)	19-36650
09/03/2019	Case Status Update	Briefing Completed/To Screening. Nos. 76198/77007. (SC)	
10/22/2019	Notice/Incoming	Filed Notice of Association of Counsel (Joel D. Henriod, Daniel Polsenberg and Dan Waite of Lewis Roca Rothgerber Christine LLP associate with Richard Haskin of Gibbs, Giden, Locher, Turner, Senet & Wittbrodt, LLP for Appellants). Nos. 76198/77007. (SC)	19-43714
01/10/2020	Order/Procedural	Filed Order. The parties shall submit a response within 10 days of the date of this order addressing whether Dr. Lamothe has any interest in the outcome of these consolidated appeals or whether the outcome may affect him in any way. Nos. 76198/77007. (SC)	20-01201
01/21/2020	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Appellants shall have until February 4, 2020, to file and serve their response to this court's order filed January 10, 2020. Nos. 76198/77007. (SC).	20-02832
01/21/2020	Motion	Filed Respondents' Response to January 10, 2020 Order. Nos. 76198/77007. (SC)	20-02852
01/28/2020	Notice/Incoming	Filed Appellant's Response to January 10, 2020 Order. Nos. 76198/77007. (SC)	20-03851
03/02/2020	Order/Procedural	Filed Order Submitting for Decision Without Oral Argument. Nos. 76198/77007. (SC).	20-08227
03/02/2020	Order/Dispositional	Filed Order of Affirmance. "ORDER the judgments of the district court AFFIRMED." SNP20-MG/LS/AS. Nos. 76198/77007. (SC).	20-08333
03/05/2020	Notice/Incoming	Filed Respondents' Bill of Costs. Nos. 76198/77007. (SC)	Y 20-08832

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Case Information: 77007			
Short Caption:	LYTLE VS. SEPTEMBER TR., DATED MARCH 23, 1972 C/W 76198	Court:	Supreme Court
Consolidated:	76198*, 77007	Related Case (s):	73039, 76198, 79753, 79776
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A747800	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Disposition Filed
Replacement:		Panel Assigned:	Panel
To SP/Judge:		SP Status:	Exempt
Oral Argument:		Oral Argument Location:	
Submission Date:	03/02/2020	How Submitted:	On Record And Briefs

Party Information

Docket Entries				
Date	Type	Description	Pending?	Document
09/21/2018	Filing Fee	Filing Fee due for Appeal.		
09/21/2018	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day.		18-37058
09/21/2018	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		18-37061
09/21/2018	Notice/Outgoing			18-37063

09/28/2018	Filing Fee	Issued Notice to File Case Appeal Statement/Civil. Due date: 10 days. Filing Fee Paid. \$250.00 from Nationwide Legal Nevada. Check no. 27303.	
09/28/2018	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 20 days.	18-38110
10/02/2018	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant: 15 days transcript request form; 120 days opening brief.	18-38439
10/17/2018	Docketing Statement	Filed Docketing Statement Civil Appeals.	18-40805
10/29/2018	Motion	Filed Appellants' Joint Motion to Consolidate Appeals (Nos. 76198/77007).	18-42307
11/15/2018	Order/Procedural	Filed Order to Show Cause. Order to Show Cause and Denying Motion. Appellants shall have 30 days from the date of this order to show cause why the appeal in Docket No. 77007 should not be dismissed for lack of jurisdiction. Respondents may file any reply within 11 days of service of appellants' response. The deadline to file documents in Docket No. 77007 are suspended. The joint motion to consolidate these appeals is denied at this time. Nos. 76198/77007. (SC)	18-904341
12/13/2018	Motion	Filed Respondents' Response to Order to	18-908525

12/17/2018	Motion	Show Cause and Denying Motion. (SC) Filed Appellants Response to Courts Order to Show Cause. (SC) Filed Order Consolidating Appeals and Reinstating Briefing. Appellants shall have 30 days from the date of this order to file and serve the opening brief and appendix in Docket No. 77007.	18-909166
01/28/2019	Order/Procedural	Respondents shall have 30 days from service of the opening brief in Docket No. 77007 to file and serve a single answering brief addressing all issues in these appeals. Appellants shall have 30 days from service of the answering brief to file and serve a single reply brief. Nos. 76198/77007. (SC)	19-04301
02/12/2019	Motion	Filed Appellants' Motion for Extension to File Opening Brief. Nos. 76198/77007. (SC)	19-06638
02/12/2019	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellants' Opening Brief due: March 29, 2019. Nos. 76198/77007. (SC)	19-06640
03/13/2019	Motion	Filed Appellant's Motion for Extension to File Opening Brief (Second Request). Nos. 76198/77077. (SC)	19-11205
03/14/2019	Motion	Filed Respondents' Response to Motion For Extension To File Opening Brief (Second Request). Nos. 76198/77007. (SC)	19-11280
03/15/2019	Motion	Filed Appellants' Reply to Response to Motion for Extension to File Opening Brief (Second Request). Nos. 76198/77007. (SC)	19-11639
03/19/2019	Order/Procedural	Filed Order Granting Motion. Appellant shall have until April 29, 2019, to file and serve the opening brief and appendix in Docket No. 77007. (SC)	19-12057

04/22/2019	Motion	Filed Appellants' Motion for Extension to File Opening Brief (77007)(Third Request). Nos. 76198/77007. (SC)	19-17474
04/22/2019	Motion	Filed Respondents' Response to Motion for Extension to File Opening Brief (Third Request). Nos. 76198/77007. (SC)	19-17547
04/25/2019	Motion	Filed Appellants' Reply to Response to Motion for Extension to File Opening Brief (Third Request). Nos. 76198/77007. (SC)	19-18287
05/02/2019	Order/Procedural	Filed Order Denying Motion. Appellants' Opening Brief in Docket No. 77007 due: 14 days. Nos. 76198/77007. (SC).	19-19225
05/16/2019	Brief	Filed Appellants' Opening Brief (77007). Nos. 76198/77007. (REJECTED PER NOTICE ISSUED ON 05/16/19). (SC)	
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 1. Nos. 76198/77007. (SC)	19-21593
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 2. Nos. 76198/77007. (SC)	19-21594
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 3. Nos. 76198/77007. (SC)	19-21595
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 4. Nos. 76198/77007. (SC)	19-21596
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 5. Nos. 76198/77007. (SC)	19-21597
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 6. Nos. 76198/77007. (SC)	19-21599
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 7. Nos. 76198/77007. (SC)	19-21600
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 8. Nos. 76198/77007. (SC)	19-21601
05/16/2019	Appendix	Filed Appellants' Appendix (77007) -	19-21602

		Volume 9. Nos. 76198/77007. (SC)	
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 10. Nos. 76198/77007. (SC)	19-21603
05/16/2019	Appendix	Filed Appellants' Appendix (77007) - Volume 11. Nos. 76198/77007. (SC)	19-21604
05/16/2019	Notice/Outgoing	Issued Notice of Deficient Brief. Corrected Opening Brief (77007) due: 5 days. Nos. 76198/77007. (SC)	19-21641
05/20/2019	Brief	Filed Appellants' Opening Brief. Nos. 76198/77007. (SC)	19-21918
06/17/2019	Brief	Filed Respondent's Answering Brief and Appendix Volumes 1-2 (REJECTED PER NOTICE ISSUED ON 06/18/19). Nos. 76198/77007. (SC)	
06/18/2019	Notice/Outgoing	Issued Notice of Deficient Brief. Corrected Answering Brief and Appendix due: 5 days. Nos. 76198/77007. (SC)	19-26318
06/19/2019	Brief	Filed Respondents' Answering Brief. Nos. 76198/77007. (SC)	19-26426
06/19/2019	Appendix	Filed Respondents' Appendix - Volume 1. Nos. 76198/77007. (SC)	19-26427
06/19/2019	Appendix	Filed Respondents' Appendix - Volume 2. Nos. 76198/77007. (SC)	19-26430
07/17/2019	Motion	Filed Stipulation for Extension of Time (REJECTED PER ATTORNEY REQUEST). Nos. 76198/77007. (SC)	
07/17/2019	Motion	Filed Stipulation for Extension of Time (REJECTED - DUPLICATE FILING). Nos. 76198/77007. (SC)	
07/17/2019	Motion	Filed Stipulation for Extension of Time (Appellant's Reply Brief). Nos. 76198/77007. (SC)	19-30321
07/18/2019	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellant's Reply Brief due:	19-30411

08/05/2019	Motion	August 5, 2019. Nos. 76198/77007. (SC) Filed Stipulation for Extension of Time (Appellant's Reply Brief). Nos. 76198/77007. (SC)	19-32782
08/13/2019	Order/Procedural	Filed Order Granting Motion. Appellants shall have until August 19, 2019, to file and serve the reply brief. Nos. 76198/77007. (SC)	19-34040
08/19/2019	Motion	Filed Appellants' Motion to Exceed Type Volume Limitation (Reply Brief). Nos. 76198/77007. (SC)	19-34749
08/19/2019	Brief	Filed Appellants' Reply Brief. Nos. 76198/77007. (SC) (REJECTED PER 08/26/19 ORDER).	
08/26/2019	Motion	Filed Respondents' Opposition to Appellants' Motion to Exceed Type-Volume Limitation and Countermotion to Strike Portions of Appellants' Reply Brief. Nos. 76198/77007. (SC)	19-35596
08/26/2019	Order/Procedural	Filed Order Granting Motion and Rejecting Reply Brief. Cause appearing, appellants' motion for leave to file a reply brief in excess of the type-volume limitation is granted. Because the brief is not prepared in accordance with NRAP 32, the clerk of this court shall reject the reply brief filed on August 19, 2019. Appellants' Reply brief due: 7 days. fn1 [Appellants' opening brief was rejected for this same reason on May 16, 2019.] Nos. 76198/77007. (SC).	19-35650
08/29/2019	Motion	Filed Appellant's Motion to Exceed Type-Volume Limitation (REJECTED PER PHONE CALL WITH ATTORNEY). (SC)	19-36325
08/30/2019	Brief	Filed Appellants' Reply Brief. Nos. 76198/77007. (REJECTED FOR	

		MISSING WORD COUNT ON CERT. OF COMPLIANCE). (SC)	
09/03/2019	Brief	Filed Appellants' Reply Brief. Nos. 76198/77007. (SC)	19-36650
09/03/2019	Case Status Update	Briefing Completed/To Screening. Nos. 76198/77007. (SC)	
10/22/2019	Notice/Incoming	Filed Notice of Association of Counsel (Joel D. Henriod, Daniel Polsenberg and Dan Waite of Lewis Roca Rothgerber Christine LLP associate with Richard Haskin of Gibbs, Giden, Locher, Turner, Senet & Wittbrodt, LLP for Appellants). Nos. 76198/77007. (SC)	19-43714
01/10/2020	Order/Procedural	Filed Order. The parties shall submit a response within 10 days of the date of this order addressing whether Dr. Lamothe has any interest in the outcome of these consolidated appeals or whether the outcome may affect him in any way. Nos. 76198/77007. (SC)	20-01201
01/21/2020	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Appellants shall have until February 4, 2020, to file and serve their response to this court's order filed January 10, 2020. Nos. 76198/77007. (SC).	20-02832
01/21/2020	Motion	Filed Respondents' Response to January 10, 2020 Order. Nos. 76198/77007. (SC)	20-02852
01/28/2020	Notice/Incoming	Filed Appellant's Response to January 10, 2020 Order. Nos. 76198/77007. (SC)	20-03851
03/02/2020	Order/Procedural	Filed Order Submitting for Decision Without Oral Argument. Nos. 76198/77007. (SC).	20-08227
03/02/2020	Order/Dispositional	Filed Order of Affirmance. "ORDER the judgments of the district court AFFIRMED." SNP20- MG/LS/AS. Nos. 76198/77007. (SC).	20-08333

03/05/2020	Notice/Incoming	Filed Respondents' Bill of Costs. Nos. 76198/77007. (SC)	Y	20-08832
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Combined Case View

000975

000975

EXHIBIT P

EXHIBIT P

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Appellate Case Management System

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For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 79753

Short Caption:	LYTLE VS. DISMAN	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A747800	Related Case(s):	73039, 76198, 77007, 79776
Disqualifications:		Classification:	Civil Appeal - General - Other
Replacement:		Case Status:	Briefing Reinstated
To SP/Judge:		Panel Assigned:	Panel
Oral Argument:		SP Status:	Exempt
Submission Date:		Oral Argument Location:	
		How Submitted:	

Party Information

Due Items

Docket Entries

Date	Type	Description	Pending?	Document
10/07/2019	Filing Fee	Filing Fee due for Appeal. (SC)		
10/07/2019	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (SC)		19-41336
10/07/2019	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days. (SC)		19-41349
10/11/2019	Filing Fee	Filing Fee Paid. \$250.00 from Nationwide Legal Nevada. Check no. 212204. (SC)		
10/11/2019	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 21 days. (SC).		19-42208

10/14/2019	Settlement Notice	Issued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant(s) 14 days transcript request form; 120 days opening brief. (SC)	19-42354
10/22/2019	Notice/Incoming	Filed Substitution of Counsel (Lewis Roca Rothgerber Christie LLP in place of Gibbs, Giden, Locher, Turner, Senet & Wittbrodt as counsel for Appellants). (SC)	19-43711
01/03/2020	Motion	Filed Appellants' Motion for Extension of Time to File Docketing Statement and Transcript Request. (SC)	20-00353
01/03/2020	Docketing Statement	Filed Docketing Statement Civil Appeals. (SC)	20-00354
01/03/2020	Transcript Request	Filed Certificate of No Transcript Request. (SC)	20-00356
01/14/2020	Order/Procedural	Filed Order Granting Motion. Appellant's motion for an extension of time to file the docketing statement and transcript request form is granted. The docketing statement and certificate of no transcript request were filed on January 3, 2020. (SC)	20-01729
02/10/2020	Motion	Filed Appellants' Motion for Extension To File Opening Brief and Appendix. (SC)	20-05566
02/11/2020	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellants' Opening Brief and Appendix due: March 12, 2020. (SC)	20-05620

Combined Case View

EXHIBIT Q

EXHIBIT Q

Nevada Appellate Courts

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For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 79776

Short Caption:	LYTLE VS. BOULDEN	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A747800	Related Case(s):	73039, 76198, 77007, 79753
Disqualifications:		Classification:	Civil Appeal - General - Other
Replacement:		Case Status:	Briefing Reinstated
To SP/Judge:	10/18/2019 / Kunin, Israel	Panel Assigned:	Panel
Oral Argument:		SP Status:	Completed
Submission Date:		Oral Argument Location:	
		How Submitted:	

Party Information

Due Items

Docket Entries

Date	Type	Description	Pending?	Document
10/09/2019	Filing Fee	Filing Fee due for Appeal. (SC)		
10/09/2019	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (SC)		19-41857
10/09/2019	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days. (SC)		19-41864
10/15/2019	Filing Fee	E-Payment \$250.00 from Richard E. Haskin		
10/15/2019	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 21 days. (SC).		19-42579
10/18/2019	Settlement Notice			19-43248

		Issued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Israel Kunin. (SC).	
10/22/2019	Notice/Incoming	Filed Substitution of Counsel (Lewis Roca Rothgerber Christie LLP in place of Gibbs, Giden, Locher, Turner, Senet & Wittbrodt for Appellants). (SC)	19-43713
11/08/2019	Settlement Program Report	Filed ECAR/Not Appropriate for Settlement Program. This case is not appropriate for mediation. (SC)	19-45997
11/12/2019	Settlement Order/Procedural	Filed Order Removing From Settlement Program, Reinstating Briefing, and Directing Appellants to File the Docketing Statement. This appeal is removed from the settlement program. Appellants: 14 days transcript request; 90 days opening brief and appendix. Docketing Statement due: 10 days. (SC).	19-46329
11/22/2019	Docketing Statement	Filed Docketing Statement Civil Appeals. (SC)	19-47959
11/26/2019	Transcript Request	Filed Request for Transcript of Proceedings. Transcripts requested: 3/21/18, 4/4/18, and 5/2/18. To Court Reporter: Not given. (SC)	19-48432
02/10/2020	Motion	Filed Motion for Extension of Time to File Opening Brief and Appendix. (SC)	20-05567
02/11/2020	Notice/Outgoing	Issued Notice - Motion Approved. Appellant's Opening Brief and Appendix due: March 11, 2020. (SC)	20-05617

Combined Case View

EXHIBIT R

EXHIBIT R

Electronically Filed
9/14/2017 3:48 PM
Steven D. Grierson
CLERK OF THE COURT



1 **ORD**

2 Richard E. Haskin, Esq.
3 Nevada State Bar # 11592
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9 Attorneys for Plaintiff
10 JOHN ALLEN LYTLE and TRUDI LEE
11 LYTLE, as Trustees of the Lytle Trust

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 JOHN ALLEN LYTLE and TRUDI LEE LYTLE,
11 as Trustees of the Lytle Trust,

12 Plaintiff,

13 v.

14 ROSEMERE ESTATES PROPERTY OWNERS'
15 ASSOCIATION; and DOES 1 through 10,
16 inclusive,

17 Defendants.

CASE NO. A-15-716420-C
Dept.: XXX

**ORDER GRANTING SUMMARY
JUDGMENT**

18 PLEASE TAKE NOTICE that on May 10, 2016, the Court heard Plaintiffs JOHN ALLEN
19 LYTLE and TRUDI LYTLE, as Trustees of the Lytle Trust (hereinafter "Plaintiff" or the "Lyttles")
20 MOTION FOR SUMMARY JUDGMENT in the above-captioned matter, filed on September 14,
21 2016. After considering the First Amended Complaint, deemed filed by Order of this Court on April
22 7, 2016, the Motion for Summary Judgment, the Declaration of Trudi Lytle, and evidence submitted
23 therewith, and hearing oral argument, and no opposition having been filed by Defendant and
24 Counterclaimant ROSEMERE ESTATES PROPERTY OWNERS ASSOCIATION ("Defendant"),
25 the Court grants Plaintiffs' Motion for Summary Judgment.

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

1
2 **I. FINDINGS OF FACT**

3 1. At all relevant times, Plaintiff has owned real property located at 1930 Rosemere
4 Court, Las Vegas, Nevada, Assessor Parcel No. 163-03-313-009, which was and is part of Rosemere
5 Estates ("Rosemere Estates").

6 2. Rosemere Estates consists of nine (9) properties, which originally were sold as
7 undeveloped lots.

8 3. As an owner of one (1) of nine (9) lots, the Plaintiff represents 11% of the voting
9 power.

10 4. Rosemere Estates is governed by the community's CC&Rs, which were drafted by
11 the Developer, and dated January 4, 1994 (the "CC&Rs").

12 5. The CC&Rs created a "property owners' committee" ("Owners Committee").

13 6. On February 25, 1997, the Owners Committee, unanimously formed "Rosemere
14 Estates Property Owners' Association" (the "Association") on February 25, 1997, a NRS 82 non-
15 profit corporation, for the purpose of acting as a limited purpose association pursuant to Nevada
16 Revised Statutes, Chapter 116.

17 7. Each property within Rosemere Estates is part of the Association.

18 8. The Owners Committee has consisted of three members, a President, Secretary and
19 Treasurer.

20 9. The Association held Board elections every three (3) years through March 2010.

21 10. Each election cycle, homeowners would be invited to submit applications to run for
22 the Board. Thereafter, election forms would be distributed, and an election would take place
23 wherein three (3) Board members were elected.

24 11. The last election took place on March 24, 2010.

25 12. Presently, there is no sitting and acting Board for the Association.

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II. CONCLUSIONS OF LAW

A. Summary Judgment Standard

1. Summary judgment shall be rendered in favor of a moving party if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. NRCP Rule 56(c).

2. "Summary Judgment is appropriate and shall be rendered forthwith when the pleadings and other evidence on file demonstrate that no 'genuine issue as to any material fact [remains] and that the moving party is entitled to judgment as a matter of law.'" Wood v. Safeway, 121 Nev. Adv. Op. 73, 121 P.3d, 1026, 1029 (2005)(quoting NRCP 56(c)). In Wood, the Nevada Supreme Court rejected the "slightest doubt" standard from Nevada's prior summary judgment jurisprudence, Id. at 1037, and adopted the summary judgment standard which had been articulated by the United States Supreme Court in its 1986 Trilogy: Celotex Corp. v. Catrett, 477 U.S. 317 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986); and Matsushita Electrical Industrial Company v. Zenith Radio Corporation, 475 U.S. 574 (1986).

3. The application of the standard requires the non-moving party to respond to the motion by "Set[ting] forth specific facts demonstrating existence of a genuine issue for trial." Wood, 121 p.3d at 1031. This obligation extends to every element of every claim made, and where there is a failure as to any element of a claim, summary judgment is proper. Barnettler v. Reno Air, Inc., 114 Nevada 441, 447, 956, P2d. 1382, 1386 (1998).

4. The Nevada Supreme Court held that "Rule 56 should not be regarded as a 'disfavored procedural shortcut' but instead as an integral important procedure which is designed 'to secure just, speedy and inexpensive determination in every action.'" Wood, 121, p.3d at 1030 (quoting Celotex, 477 U.S. at 327). In Liberty Lobby, the U.S. Supreme Court noted that:

"Only disputes over facts that might affect the outcome of the suit under governing law will properly preclude the entry of summary judgment. Factual disputes that are irrelevant or unnecessary will not be counted.

Id. (quoting Liberty Lobby, 477 U.S. at 247-48).

1 **B. The District Court Has The Authority To Order An Election**

2 5. The Association is a *limited purpose association* per NRS 116. While a limited
3 purpose association is not restricted by all of the provisions of Chapter 116, a limited purpose
4 association must have a Board of Directors. NRS 116.1201, 116.31083, 116.31152.

5 6. Pursuant to the provisions of Chapter 116 applicable to limited purpose associations,
6 the Board must conduct noticed meetings at least once every quarter, review pertinent financial
7 information, discuss civil actions, revise and review assessments for the common area expenses,
8 establish adequate reserves, conduct and publish a reserve study, and maintain the common areas as
9 required. NRS 116.31083 – 116.31152, 116.31073.

10 7. Further, the CC&Rs require the Board to oversee and conduct the maintenance of
11 defined common areas.

12 8. Chapter 116 does not provide for a method of elections for a limited purpose
13 association Board. However, a Board must exist and, as a consequence, so must elections. See
14 generally NRS 116.1201, 116.31083, 116.31152.

15 9. While Chapter 116 is silent, Chapter 82, provides needed guidance in this regard.
16 NRS 82.286 states that “[i]f a corporation has members entitled to vote for the election of directors,
17 or for the election of delegates who vote for the election of directors...the directors or delegates of
18 every corporation must be chosen at the annual meeting of the members or delegates, to be held on a
19 date and at a time and in the manner provided for in the bylaws, by a plurality of the votes cast at the
20 election. If for any reason the directors are not elected pursuant to NRS 82.271 or 82.276 or at the
21 annual meeting of the members or delegates, they may be elected at any special meeting of the
22 members which is called and held for that purpose.”

23 10. Further, if a non-profit corporation fails to conduct an election, as required, the
24 directors then in office maintain their respective positions until an election takes place, as required
25 by NRS 82.296. See NRS 82.301.

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11. If the corporation fails or refuses, as is the case here, to hold an election within 18 months after the last election, "the district court has jurisdiction in equity, upon application of any one or more of the members of the corporation representing 10 percent of the voting power of the members entitled to vote for the election of directors or for the election of delegates who are entitled to elect directors..." NRS 82.306.

12. Here, there has been no Board election for well over six (6) years. Further, the Board directors abandoned their positions in 2013.

13. Plaintiff, as the owner of one of the nine lots, represents 11% of the voting power. Thus, Plaintiff may apply to the District Court to hold an election, as Plaintiff has done so in this action.

14. When interpreting a statute, legislative intent "is the controlling factor." Robert E. v. Justice Court, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983). The starting point for determining legislative intent is the statute's plain meaning. Id. When a statute "is clear on its face, a court cannot go beyond the statute in determining legislative intent." Id.; see also State v. Catanio, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004). But when "the statutory language lends itself to two or more reasonable interpretations," the statute is ambiguous, and we may then look beyond the statute in determining legislative intent. Catanio, 120 Nev. at 1033, 102 P.3d at 590. Internal conflict can also render a statute ambiguous. Law Offices of Barry Levinson v. Milko, 124 Nev. 355, 367, 184 P.3d 378, 387 (2008).

15. To interpret an ambiguous statute, we look to the legislative history and construe the statute in a manner that is consistent with reason and public policy. Great Basin Water Network v. State Eng'r, 126 Nev. —, —, 234 P.3d 912, 918 (2010); see also Moore v. State, 122 Nev. 27, 32, 126 P.3d 508, 511 (2006); Robert E., 99 Nev. at 445–48, 664 P.2d at 959–61.

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1 16. The Legislature's intent is the primary consideration when interpreting an ambiguous
2 statute. Cleghorn v. Hess, 109 Nev. 544, 548, 853 P.2d 1260, 1262 (1993). When construing an
3 ambiguous statutory provision, "this court determines the meaning of the words used in a statute by
4 examining the context and the spirit of the law or the causes which induced the [L]egislature to enact
5 it." Leven v. Frey, 123 Nev. 399, 404, 168 P.3d 712, 716 (2007). In conducting this analysis, "[t]he
6 entire subject matter and policy may be involved as an interpretive aid." Id. (internal quotation
7 marks omitted). Accordingly, a court will consider "the statute's multiple legislative provisions as a
8 whole." Id.

9 17. Chapter 116 is ambiguous with respect to the election of Board for a limited purpose
10 association. While a Board is required, the election process normally required for a Board is not
11 included in the limited purpose association statutory framework. See generally NRS 116.1201,
12 116.31083, 116.31152.

13 18. In 1997, the Nevada Legislature passed Senate Bill 314 (SB 314), and in 1999, the
14 Legislature expanded legislation in Senate Bill 451 (SB 451), to provide protection, rights, and
15 obligations of homeowners living in common interest communities, known as the Common-Interest
16 Ownership Act, presently set forth in Chapter 116. SB 451 included several additional provisions
17 intended to protect homeowners' rights to serve on an association's board and elect those board
18 members, including 2-year terms, notification, secret balloting, proxies and public voting.

19 19. Further, SB 451 offered additional protections regarding the financial accountability
20 of the Board of Directors. See generally NRS 116.31038, 31151, 31152.

21 20. There is no question that these additional financial safeguards and requirements of the
22 board apply to a limited purpose association. However, the legislature did not include any election
23 protocol for the limited purpose association. The Court is tasked with resolving this obvious
24 ambiguity.

25 21. The Court has concluded in this matter that the election must proceed in the manner
26 in which elections always have been held by the Association, every three (3) years.

27 22. The Court grants Plaintiff's First Cause of Action for Declaratory Relief that an
28 election must be held pursuant to NRS 82.271, 82.276, and 82.306.

23. Plaintiff has provided good cause for this Court to order that the election be administered by a neutral third party selected by Plaintiff, and the neutral shall be paid for by the Association after the election is held and directors put in place.

III. JUDGMENT

IT IS HEREBY ADJUDGED AND DECREED

1. The Association shall hold an election within ninety (90) days from the date of this order.

2. Plaintiff is directed to retain a neutral third party, either a licensed community manager or attorney, to administer the election, which shall include all items required of a homeowners' election, including, but not necessarily limited to, the preparation and collection of nomination forms, preparation, mailing and collective of ballots, and counting of ballots at a duly notice Association election meeting. The neutral third party is ordered to look to NRS 116.31034 for guidance in the administration of the election.

3. The Association shall pay the neutral third party for its efforts in administering the election after the election takes place and directors take office.

4. This Court shall retain jurisdiction until this Order has been fully complied with, including but not limited to, the election has occurred, a Board is sitting, and the neutral third party has been paid by the Association.

5. Plaintiff is the prevailing party in this litigation and is ordered to submit a separation application for attorneys' fees and costs.

IS SO ORDERED this 13 day of Sept, 2017.


HONORABLE JERRY A. WIESE
District Court Judge, Dept. XXX

1 DATED: September 8, 2017

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

2
3
4 By:

Richard E. Haskin, Esq.

Nevada State Bar # 11592

7450 Arroyo Crossing Parkway, Suite 270

Las Vegas, Nevada 89113-4059

Attorneys for Plaintiff

JOHN ALLEN LYTLE and TRUDI LEE LYTLE, as

Trustees of the Lytle Trust

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GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

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EXHIBIT S

EXHIBIT S

ROSEMERE ESTATES HOMEOWNERS ASSOCIATION

Financial Account for Period 6-5-07 to 7-1-08
[Note correction on entries 6-4 and 6-5 of last Account]

Check #:	Date:	Item:	Inc:	Exp:	Balance:
				On 6-1-07:	\$152.14
	6-4-07	Kearl loan to Association	\$1,300		\$1,452.14
	6-6	Kearl [\$500 Dues/\$200 loan to Association]	700		2,152.14
114	6-5	Santoro et al [attorney fee]		\$1,259.55	\$892.59
115	6-5	Fed-Ex / Kinko		53.44	839.15
116	6-5	State Farm Insurance		450.00	389.15
117	6-10	LV Water		11.68	377.47
118	6-27	Nevada Power		20.15	357.32
119	6-27	Embarq (phone)		26.89	330.43
	7-3	\$500 Dues [lots: #1,3,5,7,8 &9]	\$3,000		3,745.43
	7-30	\$500 Dues: Lot #2	500		3,830.43
120	7-3	County Recorder		52.00	3,778.43
121	7-4	Karen Kearl (reim. Office supplies)		151.97	3,626.46
122	7-17	LV Water		9.79	3,616.67
123	7-17	Embarq		26.88	3,589.79
124	7-20	Nevada Power		26.30	3,563.49
125	8-10	S. Kearl (reim. loan of 6-4)		2,000.00	1,563.49
126	8-10	LV Water		33.67	1,529.82
127	8-10	Karen Kearl (reim. loan of 2-16)		200.00	1,329.82
128	8-30	Nevada Power		26.39	1,303.43
129	9-13	LV Water		30.82	1,272.61
130	9-13	Embarq		26.88	1,245.73
	9-20	\$500.00 Assessment [Lots: #1,3,4,5,&7]	\$2,500		3,745.73
	9-21	\$500 Assessment Lot #8	500		4,245.73
131	9-27	S. Kearl (reim. Kinko)		23.79	4,221.94
132	9-27	Nevada Power		26.30	4,195.64
133	10-12	LV Water		16.32	4,179.32
	10-12	\$500.00 Assessment Lot #2	\$500		4,679.32
134	10-15	Embarq		26.87	4,652.45
135	10-15	U.S. Post Office (stamps)		41.00	4,611.45
136	11-1	Nevada Power		26.31	4,585.14
137	11-10	LV Water		16.05	4,569.09
138	11-26	Embarq		26.87	4,542.22
139	11-26	Nevada Power		30.33	4,511.89
	12-13	Lot #6 (dues/assessment/fees/int.)	\$1,500		6,011.89
140		VOID			
141	12-15	LV Water		15.67	5,996.22
142	12-16	Embarq		26.87	5,969.35

Check#:	Date:	Item:	Inc:	Exp:	Balance:
143	12-20	Nevada Power		32.23	\$5,937.12
144	12-20	Innovative Access Control (gate maint.)		255.09	5,682.03
145	1-10-08	Embarq		26.84	5,655.19
146	1-10	Ombudsman – Fee		27.00	5,628.19
147	1-10	Secretary of State – Fee		25.00	5,603.19
148	1-15	LV Water		5.39	5,597.19
149	1-20	Nevada Power		31.92	5,565.88
150	2-20	Nevada Power		30.62	5,535.26
151	2-20	Embarq		28.47	5,506.79
152	2-20	LV Water		12.33	5,494.46
153	3-10	State Farm Insurance		450.00	5,044.46
154	3-10	Office Depot – (toner, files, supplies)		283.20	4,761.26
155	3-15	LV Water		14.06	4,747.20
156	3-15	Embarq		28.47	4,718.73
157	3-30	Nevada Power		29.22	4,689.51
158	4-15	Embarq		28.51	4,661.00
159	4-15	LV Water		11.93	4,649.07
160	5-1	Nevada Power		29.52	4,619.55
161	5-2	Sams Club (Assoc. Mtg. Refreshments)		50.00	4,569.55
162	5-15	LV Water		12.19	4,557.36
163	5-20	Embarq		28.51	4,528.85
164	5-20	Nevada Power		28.46	4,500.39
165	6-20	LV Water		14.99	4,485.40
166	6-20	Nevada Power		27.91	4,459.49
167	6-20	Embarq		28.51	4,428.98

ROSEMERE ESTATES HOMEOWNERS ASSOCIATION

Financial Records for Period 7-1-08 to 1-1-09

Check #:	Date:	Item:	Inc:	Exp:	Balance:
					\$4,428.98
168		VOID			
169	7-15	LV Water		\$ 32.71	\$4,396.29
170	7-15	Embarq [telephone]		28.50	4,367.77
171	7-20	Nevada Power		27.63	4,340.14
172	8-12	LV Water		36.11	4,304.03
173	8-15	Embarq		28.50	4,275.53
174	9-1	Nevada Power		26.67	4,248.86
175	9-4	S. Kearl – stationary supplies		82.26	4,166.60
	9-4	Binder for Lot #6	\$100		4,266.60
176	9-10	LV Water		30.33	4,236.27
177	9-15	Embarq		28.50	4,207.77
	9-19	\$10,000/unit Assessment: Sandoval, Haehn			
		Kearl, Zobrist, McCumber	50,000		54,207.77
	9-24	Lytle [partial payment of 9-19-07			
		Assessment/Annual Dues]	500		54,707.77
178	9-24	Nevada Power		25.89	54,681.88
179	10-10	Santoro, Driggs, et al – Legal Fees	50,000.00		4,681.88
180	10-10	S. Kearl – Painting supplies (Home Depot			
		for wall/graffiti repair)	81.48		4,600.40
181	10-15	K. Kearl – Office Supplies (CostCo)		23.56	4,576.84
182	10-15	LV Water		36.32	4,540.52
183	10-30	K. Kearl – File Cabinet – office supplies		217.44	4,323.08
184	10-30	Embarq		28.40	4,294.68
185	10-30	Nevada Power		30.71	4,263.97
186	11-12	LV Water		27.13	4,236.84
	11-13	\$10,000 Assessment: Boulden	10,000		14,236.84
187	11-15	Embarq		28.42	14,208.42
188	11-25	Nevada Power		30.40	14,178.02
189	12-10	Secretary of State		25.00	14,153.02
190	12-20	Embarq		28.42	14,124.60
191	12-20	Mesquite Lawn Service (replacement of			
		valves, timer, pipes – clean palms, etc.)	760.00		13,364.60
192	12-20	LV Water		40.06	13,324.54
193	12-20	State of Nevada		50.00	13,274.54
194	12-26	Nevada Power		31.50	\$13,243.04

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ROSEMERE ESTATES HOMEOWNERS ASSOCIATION

FINANCIAL ACCOUNTS

January 2008 thru June 2009

Check #:	Date:	Item:	Inc:	Exp:	Balance:
2008:					<u>\$5,682.03</u>
145	1-10	Embarq		\$26.84	\$5,655.19
146	1-10	Ombudsman fee		27.00	5,628.19
147	1-10	Secretary of State fee		25.00	5,603.19
148	1-15	LV Water		5.39	5,597.19
149	1-20	Nevada Power		31.92	5,565.88
150	2-20	Nevada Power		30.62	5,535.26
151	2-20	Embarq		28.47	5,506.79
152	2-20	LV Water		12.33	5,494.46
153	3-10	State Farm Insurance		450.00	5,044.46
154	3-10	Office Depot		283.20	4,761.26
155	3-15	LV Water		14.06	4,747.20
156	3-15	Embarq		28.47	4,718.73
157	3-30	Nevada Power		29.22	4,689.51
158	4-15	Embarq		28.51	4,661.00
159	4-15	LV Water		11.93	4,649.07
160	5-1	Nevada Power		29.52	4,619.55
161	5-2	Sams Club (mtg. refreshments)		50.00	4,569.55

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162	5-15	LV Water	12.19	4,557.36
163	5-20	Embarq	28.51	4,528.85
164	5-20	Nevada Power	28.46	4,500.39
165	6-20	LV Water	14.99	4,485.40
166	6-20	Nevada Power	27.91	4,459.49
167	6-20	Embarq	28.51	4,428.98
168	V O I D			
169	7-15	LV Water	32.71	4,396.27
170	7-15	Embarq	28.50	4,367.77
171	7-20	Nevada Power	27.63	4,340.14
172	8-12	LV Water	36.11	4,304.03
173	8-15	Embarq	28.50	4,275.53
174	9-1	Nevada Power	26.67	4,248.86
175	9-4	Office Depot	82.26	4,166.60
		Lot #6 Binder	\$100.00	4,266.60
176	9-10	LV Water	30.33	4,236.27
177	9-15	Embarq	28.50	4,207.77
	9-19	\$10,000 assessment: Sandoval, Haehn, Kearl, Zobrist and McCumber	\$50,000.00	54,207.77
	9-24	Partial payment of 2007 Dues: Lytle	\$500.00	54,707.77
178	9-24	Nevada Power	25.89	54,681.88
179	10-10	Santoro, Driggs atty fees	\$50,000.00	4,681.88
180	10-10	Home Depot (stucco/paint)	81.48	4,600.40
181	10-15	CostCo (office supplies)	23.56	4,576.84

182	10-15	LV Water	36.32	4,540.52
183	10-30	Office Depot	217.44	4,323.08
184	10-30	Embarq	28.40	4,294.68
185	10-30	Nevada Power	30.71	4,263.97
186	11-12	LV Water	27.13	4,236.84
	11-13	\$10,000 assessment: Boulden	\$10,000.00	14,236.84
187	11-15	Embarq	28.42	14,208.42
188	11-25	Nevada Power	30.40	14,178.02
189	12-10	Secretary of State fee	25.00	14,153.02
190	12-20	Embarq	28.42	14,124.60
191	12-20	Mesquite Landscaping	760.00	13,364.60
192	12-20	LV Water	40.06	13,324.54
193	12-20	State of Nevada (certification fee)	50.00	13,274.54
194	12-26	Nevada Power	31.50	13,243.04

2009:

195	1-5	Office Depot	219.31	13,023.73
196	1-22	NRED – Omb. fee	27.00	12,996.73
197	1-22	Embarq	29.96	12,966.77
198	1-22	LV Water	31.59	12,935.18
199	2-1	Nevada Energy (Power)	31.37	12,903.81
200	2-20	LV Water	32.71	12,871.10
201	2-20	Embarq	29.96	12,841.14
202	2-22	Nevada Energy	31.69	12,809.45

203	3-1	Office Depot	17.17	12,792.28
204	3-10	State Farm Insurance	450.00	12,342.28
205	3-15	LV Water	29.71	12,312.57
206	3-15	Embarq	29.96	12,282.61
	4-7	Lot #6 Assessment and late fee:	\$11,500.00	23,782.61
207	4-7	Office Max	98.03	23,684.58
208	4-8	Nevada Energy	31.13	23,653.45
209	4-9	Copy Doc (copier repair)	120.37	23,533.08
210	4-15	LV Water	26.32	23,506.76
211	4-16	Embarq	30.01	23,476.75
212	4-17	Esquire (Lytle Depositions)	\$1,323.45	22,153.30
213	4-22	Nevada Energy	28.30	22,125.00
214	5-7	LV Water	29.92	22,095.08
215	5-20	Embarq	30.01	23,476.75
216	5-20	Nevada Energy	25.99	22,039.08
217	6-10	Santoro, Driggs atty fees	\$12,000.00	10,039.08
218	6-10	LV Water	29.51	10,009.57
219	6-15	Embarq	30.01	9,979.56
220	6-16	Kinko's	41.22	9,938.34
221	6-20	Nevada Energy	28.97	<u>\$9,909.37</u>

ROSEMER ESTATES HOMEOWNERS ASSOCIATION

FINANCIAL ACCOUNTS

July 2009 thru December 2009

Check #:	Date:	Item:	Inc:	Exp:	Balance:
	6-20				9,909.37
222	7-12	LV Water		35.06	9,874.31
223	7-12	Santoro, Driggs, et al -- legal fees	5,000.00		4,874.31
224	7-16	Office Max -- supplies		73.84	4,800.47
225	7-22	NV Energy		24.54	4,775.93
226	7-22	Embarq		29.92	4,746.01
227	7-29	Office Max -- supplies		133.30	4,612.71
228	8-12	LV Water		32.31	4,580.40
	8-29	\$7,000 assessments: Sandoval, Heahn, Kearl, Zobrist, McCumber	35,000		39,580.40
229	8-29	NV Energy		20.57	39,559.83
230	8-29	Embarq		29.95	39,529.88
231	8-29	US Post Office -- stamps		44.00	39,485.88
232	8-31	Santoro, Driggs, et al -- legal fees	35,000.00		4,485.88
	9-14	Marge Boulden	7,000		11,485.88
233	9-14	LV Water		32.71	11,453.17
234	9-16	Embarq		30.01	11,423.16
235	9-21	Santoro, Driggs, et al -- legal fees	7,000.00		4,423.16
236	9-21	Kinko's		51.86	4,371.30

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237	9-21	NV Energy	21.21	4,350.09
238	10-13	LV Water	29.71	4,320.38
239	10-20	Embarq	29.99	4,290.39
240	10-20	NV Energy	21.02	4,269.37
241	11-20	LV Water	32.31	4,237.06
242	11-20	NV Energy	27.85	4,209.21
	11-20	\$5,000 loan to HOA: Sandoval, Haehn, Kearn, Zobrist (\$10,000: \$5,000 on behalf of McCumber) \$25,000		29,209.21
243	11-21	Santoro, Driggs, et al – legal fees	25,000.00	4,209.21
244	11-21	Century Link (Embarq)	29.99	4,179.22
	12-8	McCumber deposit to replace \$5,000 from Zobrist (see 11-20 above)	\$5,000.00	9,179.22
245	12-8	Gerry Zobrist – refund	5,000.00	4,179.22
246	12-16	Century Link (Embarq)	29.99	4,149.23
247	12-16	LV Water	29.71	4,119.52
248	12-20	NV Energy	12.95	4,106.57