

Case No. 81390

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**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 07:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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**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

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**APPELLANTS' APPENDIX**

**VOLUME 5**

**PAGES 1001-1250**

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JOEL D. HENRIOD (SBN 8492)

DANIEL F. POLSENBERG (SBN 2376)

DAN R. WAITE (SBN 4078)

LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
(702) 949-8200

*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

**EXHIBIT T**

001001

001001

**EXHIBIT T**

## NOTICE OF SPECIAL ASSOCIATION MEETING

of the

### ROSEMERE ESTATES PROPERTY OWNERS ASSOCIATION

A special meeting of the Rosemere Estates Property Owners Association has been called. Please refer to the attached Agenda for the list of meeting topics.

The special meeting will take place on:

MONDAY, SEPTEMBER 15, 2008 AT 7:00 PM AT: 1901 ROSEMERE COURT, LAS  
VEGAS, NV. 89117.

Additionally, this serves as special notice that at this meeting the Association will consider commencing a civil action by the Association against the Lytle Trust for violations of the Association Declaration and in response to the Lytle Trust's claims against the Association.

All Members are encouraged to attend for a discussion of the topics listed in the attached meeting Agenda. Additionally, any member may request copies of the minutes from this meeting and may speak to the association or the executive board about this meeting.



# EXHIBIT U

# EXHIBIT U

THE ROSEMERE ESTATES PROPERTY OWNERS ASSOCIATION  
AGENDA FOR  
SPECIAL MEMBERSHIP MEETING  
TO BE HELD AT: 1901 ROSEMERE COURT, LAS VEGAS, NV 89117  
SEPTEMBER 15, 2008, 7:00 P.M.

REVISED AGENDA

- I. CALL THE MEETING TO ORDER
- II. ESTABLISH QUORUM OF MEMBERS - In order for the quorum requirement to be satisfied, thirty percent (30%) of the Voting Membership must attend the meeting or return their ballots or proxies. See Bylaws, Article III, Section 3.9 and NRS 116.3109(1).

If the meeting cannot be held because a quorum is not present, then the Members present at the meeting may adjourn the meeting of the Membership to a time that is not less than 48 hours or more than 30 days from the date of the meeting. At the subsequent meeting, a quorum shall be deemed to be present if the number of Members of the Sub-Association who are present in person or by ballot or proxy at the beginning of the subsequent meeting equals or exceeds 20 percent of the total number of voting members of the association; however, if the number of members deemed present in person, by ballot, or by proxy still does not meet or exceed the 30% required by the Bylaws (as discussed above), action may be taken only on those matters that were included as items on the agenda of the original meeting. See NRS 116.3109(2).

III. TOPICS TO BE CONSIDERED:

- A. Lytle Trust/Rosemere Association Arbitration: Consideration of the Lytle proposal to enter into binding arbitration in the ADR Program of the Nevada Real Estate Division to resolve all disputes between the Lytle Trust and the Association including Case No. IS-07-1641 before the Office of the Ombudsman.
- B. Korras General Proxy: Consideration of the June 5, 2007, General Proxy signed by Chris Korras.
- C. Operating and/or reserve budget: Consideration and discussion of the preparation and distribution of an operating budget and reserve budget by the Association from July 1, 2007 through July 18, 2008.
- D. Financial statements: Consideration and discussion of the distribution of financial statements by the Association during the period of July 1, 2007 through July 18, 2008.
- E. Civil action against the Lytle Trust: Consideration of potential civil action against the Lytle Trust by the Association including enforcement of the Declaration as well as

other claims relating to actions brought by the Lytle Trust against the Association. Action may be taken on this item.

- F. Assessments: 1/9<sup>th</sup> of ninety-thousand dollars (\$90,000) per unit in conjunction with litigation in the Lytle Trust actions. Action may be taken on this item.
- G. Outstanding Assessments: Consideration of lien foreclosures on outstanding assessments. Action may be taken on this item.

IV. TOPICS ON WHICH ACTION MAY BE TAKEN AT THIS MEETING:

- A. Civil action against the Lytle Trust as discussed in item "E".
- B. Assessment of 1/9<sup>th</sup> of ninety-thousand dollars (\$90,000) per unit for common legal fees and expenses as discussed in item "F".
- C. Institution of foreclosure proceedings for unpaid assessments as discussed in item "G".

- V. MEMBERSHIP OPEN FORUM: Period of time devoted to Members comments and discussion of the considered topics, subject to the reasonable limitations adopted by the Board of Directors at the start of the open forum period. No action may be taken on any item at this meeting unless the item itself has been specifically included on this agenda as one in which action may be taken.

- VI. VOTE ON TOPICS WHERE ACTION MAY BE TAKEN – A majority of the votes cast by Members at a duly held meeting at which a quorum is present shall constitute approval of the Members and prevail. See Bylaws, Article III, Section 3.12.

- VII. ADJOURNMENT

# EXHIBIT V

# EXHIBIT V

Oct. 28. 2010 5:05PM

No. 4568 P. 8/23

001007

ROSEMERE ESTATES  
1661 ROSEMERE CT  
LAS VEGAS, NV 89117-2081

294

84-707443812 FAX  
8432741847

7-30-16

Pay to the Order of Henry D. Johnston, Ltd. \$ 7,310.00

SEVEN THOUSAND THREE HUNDRED TEN AND NO/100 — Dollars

WELLS FARGO  
Wells Fargo Bank, N.A.  
Nevada  
wellsfargo.com

For LEGAL FEES AND ARBITRATION

Johanna McCumber

⑆321270742⑆ 863274134⑆ 00294

001007

001007

001007

# EXHIBIT W

# EXHIBIT W

Oct. 28. 2010 5:06PM

No. 4568 P. 14/23

ROSEMERE ESTATES  
1881 ROSEMERE CT  
LAS VEGAS, NV 89117-2061

292

94-7074/2010 002  
99 827 41847

7/28/2010

Pay to the Order of LEACH JOHNSON SONG & GRUCHOW \$ 10,000.00

TEN THOUSAND AND NO Dollars



Wells Fargo Bank, N.A.  
Member  
FDIC

for Retainer Johnny Mc Cumber

⑆321270742⑆ 863274134 00292

# EXHIBIT X

001010

001010

# EXHIBIT X



Date: 02/28/2012

# Detail Transaction File List Leach Johnson Song & Gruchow

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Client	Trans Date	Trmkr	H Check P Number	Tcode/ Task Code	Stmt.# Rate	Hours to Bill	Amount		R
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	07/14/2010	RR	A	1	160.00	0.30	48.00	Initial meeting with Mr. Anderson and Mr. Gruchow regarding Rosemere Estates, timeline and possible representation.	AR
866.001	07/14/2010	KG	A	1	275.00	0.80	220.00	Telephone call with Mr. and Mrs. McCumber regarding case facts, issues and engagement	AR
866.001	07/15/2010	RR	A	1	160.00	0.70	112.00	Conference with Kirby Gruchow regarding background; left message with Orville McCumber; phone conference with Orville McCumber of BOD.	AR
866.001	07/16/2010	RR	A	1	160.00	0.80	128.00	Multiple phone conferences with Orville McCumber addressing proposed course of action with arbitration in light of discovery deadline; scheduled meeting with BOD	AR
866.001	07/16/2010	KG	A	1	275.00	0.80	220.00	Strategy conference with Mr. Reed arbitration and discovery headlines; telephone call with client regarding issues and strategy; prior Rosemere counsel issues and strategy and meeting with client	AR
866.001	07/19/2010	RR	A	1	160.00	0.10	16.00	Coordinated initial conference with partners with BOD for retention as counsel.	AR
866.001	07/20/2010	RR	A	1	160.00	1.80	288.00	Received and reviewed additional information regarding matter before supreme court; meeting with BOD.	AR
866.001	07/20/2010	SA	A	1	275.00	2.00	550.00	Review materials supplied by client; Meeting with Board of Directors	AR
866.001	07/22/2010	RR	A	1	160.00	0.20	32.00	Review file for status of matter; analyze course of action.	AR
866.001	07/23/2010	RR	A	1	160.00	3.30	528.00	Commenced review and analysis of file, including but not limited review of governing documents, claim form, response to claim form, supreme court briefs, order by Ara Shirlinlan in prior action; NAS lien, board minutes.	AR
866.001	07/26/2010	RR	A	1	160.00	3.20	512.00	Received and reviewed multiple correspondence from Orville McCumber requesting advice regarding meeting; drafted analysis of relevant notice requirements per NRS Chapter 116 and requested additional information; email to Jason Smith requesting any and all information regarding prior action; commenced additional review of file including bylaws, rules and regulations, response form and request of consolidation and opposition to same; reviewed NRED Control No 09-33 for analysis of claim preclusion.	AR
866.001	07/26/2010	JL	A	1	275.00	0.30	82.50	Conference with Mr. Reed regarding factual background, emergency meeting and budget issues	AR
866.001	07/26/2010	SA	A	1	275.00	2.00	550.00	Receive and review email from Orville McCumber; Email to Mr. McCumber; Long telephone conference with Jason Smith; Continue reviewing file;	AR
866.001	07/27/2010	RR	A	1	160.00	2.30	368.00	Received and reviewed letter from Scann, opposing counsel; drafted letter to Scann addressing same, delivered draft of same to Mr. Anderson for review and comment; phone conference with Orville McCumber regarding letter and meeting; held additional phone conference with Orville addressing meeting and requested copy of Notice; prepared documents for Ms. Guralny who was to attend meeting.	AR
866.001	07/27/2010	NG	A	16	245.00	2.50	612.50	Office conference with Sean Anderson and Ryan Reed regarding Board Meeting (3); substantive analysis of governing documents and NRS 116 regarding meeting (3); prepare for meeting (5); travel to and attend meeting (1.4).	AR
866.001	07/27/2010	SA	A	1	275.00	1.40	385.00	Receive numerous emails from Jason Smith; Begin reviewing voluminous documents attached thereto	AR
866.001	07/28/2010	RR	A	1	160.00	3.20	512.00	Received and reviewed copy of notice of	AR

001011

ate: 02/28/2012

# Detail Transaction File List Leach Johnson Song & Gruchow

Page

Client	Trans Date	Trmkr	H P	Check Number	Tcode/ Task Code	Stmnt# Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	07/28/2010	SA	A		1	275.00	1.30	357.50	special meeting and attached agenda; reviewed discovery order; commenced additional review of file including letter from NRED addressing NRS 116.3102; reviewed numerous letters from Dr. Keart and comments; numerous correspondence with Gerry Zobrist regarding status of matter and request for file; sent email of representation to Zobrist; to retain file, sent runner to obtain same; phone conference with Arbitrator who will issue order on new deadlines for this matter, all of which have been extended.
866.001	07/29/2010	RR	A		1	160.00	0.10	16.00	Receive and review correspondence from Susan Scann objecting to special meeting; Conference with Nicole Guralny; Telephone conference with Dee Newell; Continue reviewing documents provided by Jason Smith
866.001	07/29/2010	SA	A		1	275.00	0.70	192.50	received and reviewed email from Orville McCumber requesting status of Arbitration phone conference.
866.001	08/03/2010	SA	A		1	275.00	0.40	75.92	Receive and review correspondence from counsel for Lyles and attached early Arbitration Production of Documents and documents attached thereto
866.001	08/03/2010	RR	A		1	160.00	0.80	88.35	Receive and review email from Orville McCumber; Email to Mr. McCumber
866.001	08/06/2010	RR	A		1	160.00	3.90	430.68	Commenced preparation of documents for exchange on August 11, as requested in arbitrator order.
866.001	08/09/2010	RR	A		1	160.00	0.30	33.13	Received and reviewed arbitrator discovery order; reviewed all documents provided by Zobrist; drafted email to McCumber requesting information with attached discovery order; reviewed Claimant initial disclosures.
866.001	08/10/2010	SA	A		1	275.00	0.70	132.87	Receive and review numerous correspondence from O. McCumber with attached minutes and notice of lien.
866.001	08/10/2010	RR	A		1	160.00	0.60	66.26	Review documents to be produced pursuant to Arbitrator's Order; Review Witness List
866.001	08/10/2010	SA	A		1	275.00	0.30	56.94	Finalized initial production per arbitration order.
866.001	08/11/2010	SA	A		1	275.00	1.40	265.73	Receive and review correspondence from Orville McCumber and attached document regarding meeting; conference with Mr. Reed regarding same
866.001	08/12/2010	SA	A		1	275.00	0.10	18.98	Telephone conference with Susan Scann, counsel for Lyles; Review, edit and finalize Witness List; Review, revise and finalize Initial Production of Documents; Receive and review correspondence from Arbitrator Dee Newell regarding billing; Receive and review Amended Witness List from Susan Scann
866.001	08/16/2010	RR	A		1	160.00	4.90	541.13	Receive and review correspondence from Susan Scann and attached documents
866.001	08/18/2010	NG	A		16	245.00	0.70	118.37	Drafted Interrogatories and Requests for Production per arbitration order.
866.001	08/18/2010	RR	A		1	160.00	0.90	99.39	Office conference with Mr. Reed regarding Interrogatories and Responses to Production(3); substantive analysis of Complaint(4).
866.001	08/19/2010	RR	A		1	160.00	0.90	99.39	Left phone message with Susan Scann; email to Scann regarding same; phone conference with Susan Scann regarding disclosures; email to client requesting documents.
866.001	08/20/2010	RR	A		1	180.00	1.80	198.78	Reviewed discovery order and drafted email to BOD requesting draft chronology of events per order; phone conference with BOD regarding NAS, minutes, chronology; phone conference with NAS regarding file for Lyle file; received email from NAS with attached file.
866.001	08/20/2010	RR	A		1	180.00	1.80	198.78	Reviewed all documents provided by NAS;

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Client	Trans Date	Trmkr	H Check P	Number	Tcode/ Task Code	Stmt# Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	08/23/2010	RR	A		1	160.00	1.00	110.43	AR
866.001	08/24/2010	RR	A		1	160.00	1.10	121.48	AR
866.001	08/25/2010	SA	A		1	275.00	0.80	151.85	AR
866.001	08/25/2010	RR	A		1	160.00	2.40	265.04	AR
866.001	08/25/2010	JL	A		1	275.00	0.20	37.96	AR
866.001	08/26/2010	SA	A		1	276.00	0.50	84.90	AR
866.001	08/26/2010	RR	A		1	160.00	3.60	397.58	AR
866.001	08/27/2010	RR	A		1	160.00	2.30	254.00	AR
866.001	08/30/2010	RR	A		1	160.00	6.70	739.91	AR
866.001	08/31/2010	SA	A		1	275.00	0.30	58.94	AR
866.001	09/01/2010	SA	A		1	275.00	0.50	137.50	AR
866.001	09/02/2010	SA	A		1	275.00	1.00	275.00	AR
866.001	09/02/2010	RR	A		1	160.00	1.10	176.00	AR

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Client	Trans Date	Tmkr	H Check P Number	Tcode/ Task Code	Stmt# Rate	Hours to Bill	Amount		Rs
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	09/03/2010	RR	A	1	160.00	0.40	64.00	Finalized Motion to Dismiss, reviewed exhibits for proper order.	AR(
866.001	09/03/2010	SA	A	1	275.00	1.20	330.00	Review and finalize Motion to Dismiss or Stay	AR(
866.001	09/07/2010	NG	A	1	245.00	1.70	416.50	Substantive analysis of NRS 116 regarding executive session(.3); conference with John Leach regarding the same(.1);prepare email to client regarding audio tape(.1); prepare letter to Lytle attorney regarding request from Lytle(1.2).	AR(
866.001	09/07/2010	JL	A	1	275.00	0.20	55.00	Conference with Ms. Guralny regarding retention and meeting with counsel in executive session	AR(
866.001	09/07/2010	SA	A	1	275.00	0.70	182.50	Conferences with Ms. Guralny; Review correspondence prepared by Ms. Guralny to Susan Scann; Draft email to Board	AR(
866.001	09/08/2010	SA	A	1	275.00	0.50	137.50	Receive and review email from Orville McCumber and attached documents; Telephone conference with Mr. McCumber regarding same	AR(
866.001	09/09/2010	RR	A	1	160.00	2.30	368.00	Continued responses to discovery; phone conference with Jason Smith; reviewed HOA Initial disclosures in prior NRED action as provided by Mr. Smith.	AR(
866.001	09/09/2010	SA	A	1	275.00	0.50	137.50	Receive and review email and attached pleadings from Jason Smith	AR(
866.001	09/10/2010	RR	A	1	160.00	1.60	256.00	Finalized request for production list to be sent to Kearn and McCumber; finalized request for admissions; continued responses to ROGS.	AR(
866.001	09/10/2010	SA	A	1	275.00	0.30	82.50	Review and edit questions to be sent to Dr. Kearn regarding arbitration	AR(
866.001	09/13/2010	RR	A	1	160.00	3.00	480.00	Phone conference with BOD regarding requests for discovery; commenced review of additional information provided us from Kearn; continued response to discovery, finalized draft of response to request for production.	AR(
866.001	09/14/2010	RR	A	1	160.00	0.50	80.00	Receive and review email from McCumber; finalized documents for response to request for production.	AR(
866.001	09/14/2010	SA	A	1	275.00	1.30	367.50	Receive and review Claimants' Supplemental List of Witnesses and Second Supplemental Document List; Receive and review email from Orville McCumber and attached documents; Listen to audio tape of 7/27/10 meeting; Discussion with Ms. Hoss regarding production of document and responses to discovery	AR(
866.001	09/15/2010	RR	A	1	160.00	0.90	144.00	Receive and review claimants supplemental list and documents; conference with Mr. Anderson regarding additional item; phone conference with Scann regarding deposition of NAS.	AR(
866.001	09/15/2010	SA	A	1	275.00	2.40	660.00	Begin reviewing responses to written discovery propounded by Lytle; Telephone conference with offices of Susan Scann, counsel for Lytle; Conferences with Ryan Reed; Receive and review email from Presline Alexander, assistant for Susan Scann, and attached documents to be used in deposition of NAS representative; Receive and review correspondence from Susan Scann	AR(
866.001	09/16/2010	RR	A	1	160.00	5.50	880.00	Conference with Scann regarding deposition of NAS; traveled to deposition of NAS, NAS did not show; finalized discovery, responses to request for admissions, request for production of documents and ROGS.	AR(
866.001	09/16/2010	SA	A	1	275.00	4.70	1,292.50	Multiple telephone conferences with Arbitrator Dee Newell regarding scheduling issues; Review, revise and finalize Responses to Requests for Admission, Requests for Production, and Interrogatories; Conferences with Mr. Reed regarding deposition of NAS representative; Receive and review	AR(

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Client	Trans Date	Trmkr	H Check P Number	Tcode/ Task Code	Stmnt# Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association								
866.001	09/17/2010	SA	A	1	275.00	1.60	440.00 voluminous fax from Dee Newell and attachments Receive and review Lytle's Third Supplemental Disclosure and documents attached thereto; Receive and review Lytle's responses to First Set of Interrogatories and First Set of Requests for Production of Documents; Email to Orville McCumber; Receive and review email from Mr. McCumber; Receive and review Claimants' Responses to First Set of Requests for Production of Documents	ARC
866.001	09/17/2010	RR	A	1	160.00	0.20	32.00 Receive and review fax from arbitrator regarding deadlines regarding Motion to Dismiss.	ARC
866.001	09/21/2010	RR	A	1	160.00	4.10	656.00 Receive and review Claimant Opposition to Motion to Dismiss; drafted reply to opposition; review letter from Scann regarding lien filed by Kears; multiple phone conferences with Scann regarding scheduling of depositions and arbitrator phone conference.	ARC
866.001	09/21/2010	SA	A	1	275.00	0.80	220.00 Receive and review correspondence from Susan Scann; Receive and review Claimants' Opposition to Motion to Dismiss or, in the Alternative, for Stay of Proceedings; Receive and review Arbitrator's Bill	ARC
866.001	09/22/2010	SA	A	1	275.00		0.00 Revise and substantially edit Reply to Opposition; Supplemental research regarding extraneous points raised in Lytle Opposition; Review and revise lengthy correspondence to Susan Scann	ARC
866.001	09/22/2010	RR	A	1	160.00	1.30	208.00 Receive and review multiple voice mails from Susan Scann; drafted letter to opposing counsel addressing content of September 21, 2010, reviewed arbitrator bill.	ARC
866.001	09/23/2010	RR	A	1	160.00	6.40	1,024.00 Prepared documents for arbitrator telephone conference; phone conference with arbitrator and opposing counsel; commenced arbitration brief; research regarding NRS 116.4116 and NAC 116.405; phone conference with BOD, Conference with Mr. Anderson and Mr. Reed regarding pending legal issues, status and enforceability of HOA liens	ARC
866.001	09/23/2010	JL	A	1	275.00	0.40	110.00 Prepare for and participate in telephonic conference with Arbitrator Newell and counsel for Claimants; Receive and review Arbitrator's Decision on Motion to Dismiss or Stay	ARC
866.001	09/23/2010	SA	A	1	275.00	1.20	330.00 Analysis of NRS 116.4117 with NRS 116.2103; receive and review additional NAS documents provided by BOD regarding member; phone call with Scann regarding subpoena of non BOD members.	ARC
866.001	09/24/2010	RR	A	1	160.00	1.30	208.00 Receive and review email authorizing this office to release lien; had release of lien prepared; commenced arbitration brief.	ARC
866.001	09/27/2010	RR	A	1	160.00	6.10	976.00 Review and revise Notice of Release of Lien; Prepare Supplement to 16.1 Disclosures	ARC
866.001	09/27/2010	SA	A	1	275.00	0.40	110.00 Continued draft of arbitration brief; provided and drafted response to each issues (identifying all responsive documents and exhibits, provided same to Mr. Anderson; phone conference with McCumbers, set pre hearing meeting; phone call from Susan Scann, email to BOD regarding request that we accept service of process.	ARC
866.001	09/28/2010	RR	A	1	160.00	7.50	1,200.00 Substantive analysis of governing documents on NRS 116 regarding common expenses and assessments (.9); draft insert regarding the same (.9).	ARC
866.001	09/28/2010	NG	A	1	245.00	1.80	441.00 Review NRS 116 regarding applicability of NRS 116.4117 to small communities;	ARC
866.001	09/28/2010	JL	A	1	275.00	0.20	55.00	ARC

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Client	Trans Date	H Check Tmkr P Number	Tcode/ Task Code	Stnt# Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association							
866.001	09/28/2010	SA A	1	275.00		0.00	ARI
866.001	09/28/2010	SA A	1	275.00	2.50	687.50	ARI
866.001	09/29/2010	SA A	1	275.00	4.00	1,100.00	ARI
866.001	09/29/2010	RR A	1	180.00	1.90	304.00	ARI
866.001	09/30/2010	RR A	1	160.00	3.90	624.00	ARI
866.001	09/30/2010	SA A	1	275.00	2.70	742.50	AR
866.001	10/01/2010	RR A	1	180.00	0.90	144.00	AR
866.001	10/01/2010	SA A	1	275.00	0.50	137.50	AR
866.001	10/05/2010	RR A	1	180.00	0.20	32.00	AR
866.001	10/06/2010	RR A	1	160.00	2.30	368.00	AR
866.001	10/06/2010	SA A	1	275.00	2.50	687.50	AR
866.001	10/08/2010	RR A	1	180.00	3.80	608.00	AR
866.001	10/08/2010	SA A	1	275.00	3.20	880.00	AR
866.001	10/11/2010	RR A	1	160.00	0.30	48.00	AR
866.001	10/15/2010	RR A	1	180.00	1.20	192.00	AR
866.001	10/18/2010	RR A	1	160.00	0.90	144.00	AR

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Client	Trans Date	Trmkr	H Check P	Number	Tcode/ Task Code	Stmt # Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	10/18/2010	SA	A		1	275.00	0.50	137.50	AR
								conference call with arbitrator regarding the same.	
								Review correspondence from Tom Harper dated October 11 and 15; Draft response to Mr. Harper regarding same; Telephone conference with Arbitrator Newell regarding necessity of another telephone conference	
866.001	10/19/2010	RR	A		1	160.00	1.10	176.00	AR
								Drafted and sent status to McCumber regarding Harpers requests for additional documents; reviewed First Supp and response to Claimant Request No 18; email and phone conference with Jason Smith regarding same.	
866.001	10/19/2010	SA	A		1	275.00	1.20	330.00	AR
								Conference with Mr. Reed regarding missing meeting; Receive and review email from Jason Smith regarding same; Review file for information regarding loan for attorneys' fees cited in Harper's letter; Conference with Mr. Reed regarding same	
866.001	10/20/2010	RR	A		1	160.00	1.10	176.00	AR
								Phone conference with Orville and Johnie McCumber regarding request from Harper; receive and review letter from Harper regarding discovery request; review email provided from McCumbers with attached documents.	
866.001	10/20/2010	SA	A		1	275.00	1.00	275.00	AR
								Receive and review all bank and accounting documents provided by McCumbers; Receive and review deposition transcript for Dr. Kearn	
866.001	10/22/2010	RR	A		1	160.00	0.40	84.00	AR
								Drafted and sent letter to Dee Newell regarding Harpers request for additional documents.	
866.001	10/25/2010	SA	A		1	275.00	0.30	82.50	AR
								Review and evaluate documents provided by client for production to opposing counsel as a result of supplemental request for documents	
866.001	10/26/2010	RR	A		1	160.00	0.30	48.00	AR
								Printed financial ledger, identified possible issues and provided same to Mr. Anderson for review and comment.	
866.001	10/26/2010	SA	A		1	275.00	0.30	82.50	AR
								Receive and review additional documents provided by McCumbers; Conference with Mr. Reed regarding amending Admissions	
866.001	10/27/2010	RR	A		1	160.00	3.00	480.00	AR
866.001	10/27/2010	SA	A		1	275.00	2.60	715.00	AR
								Continued Arbitration Brief; Conferences with Ryan Reed; Begin preparation for Arbitration Hearing	
866.001	10/28/2010	RR	A		1	160.00	4.70	752.00	AR
								Continued with arbitration brief; phone conference with Dee Newell regarding Harper Request; reviewed documents and amendment to be sent to Harper; reviewed and responded to email from Orville regarding billing.	
866.001	10/28/2010	SA	A		1	275.00	3.00	825.00	AR
								Telephone conference with Dee Newell; Review documents to be provided to Tom Harper; Continue preparation for arbitration hearing; Draft direct examination for Dr. Kearn;	
866.001	11/01/2010	RR	A		1	160.00	2.10	336.00	AR
								Receive and review email from Orville McCumber with attached bank statements, reviewed same, continued arbitration brief.	
866.001	11/01/2010	SA	A		1	275.00	3.70	1,017.50	AR
								Multiple conferences with Mr. Reed; Continue working on Arbitration Brief; Telephone conference with Orville McCumber; Begin preparing exhibit list and direct and cross examinations; Telephone conference with Dee Newell; Receive and review correspondence from Tom Harper	
866.001	11/02/2010	SA	A		1	275.00	3.80	990.00	AR
								Receive and review Tom Harper correspondence dated November 1, 2010; Revise and edit correspondence to Dee Newell in response to Tom Harper correspondence dated November 1, 2010; Continue research and drafting portions of Arbitration Brief	
866.001	11/02/2010	RR	A		1	160.00	1.80	288.00	AR
								Receive and review Zobrist and Stone subpoena; drafted response to letter issued from Harper November 1, 2010;	

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Client	Trans Date	Trmkr	H Check P Number	Tcode/ Task Code	Stmt # Rate	Hours to Bill	Amount		Ri
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	11/03/2010	RR	A	1	180.00	4.80	768.00	reviewed bank statements provide from Mr. McCumber.	AR
866.001	11/03/2010	SA	A	1	275.00	2.00	550.00	Continued draft of arbitration brief.	AR
								Continue working on exhibit list and direct and cross examinations; Receive and review subpoenas issued for NAS and Gery Zobrist	AR
866.001	11/04/2010	SA	A	1	275.00	6.00	1,375.00	Complete research and drafting Arbitration Brief; Continue reviewing documents and assembling exhibits for Arbitration hearing; In-office meeting with Board members regarding November 8 arbitration hearing;	AR
866.001	11/04/2010	RR	A	1	160.00	6.10	976.00	In office meeting with Mr. Kearl, Mr. and Mrs. Zobrist and Mr. & Mrs. McCumber in preparation for arbitration; finalized brief and final list of witnesses.	AR
866.001	11/05/2010	RR	A	1	160.00	3.90	624.00	Receive and review Claimant's 64 page arbitration brief; research on slander of title in preparation for hearing; drafted letter to Tom Harper regarding requests for exhibits; reviewed two letters from Harper regarding the same.	AR
866.001	11/05/2010	SA	A	1	275.00	7.50	2,062.50	Continue reviewing 64page arbitration brief submitted by Lyles; Review research conducted by Mr. Reed regarding special damages; Revise and edit correspondence to tom harper; Receive and review correspondence from tom harper; Continue reviewing files and preparing for November 8 arbitration hearing;	AR
866.001	11/08/2010	RR	A	1	160.00	10.10	1,016.00	Prepared for travel to and attended all day arbitration hearing.	AR
866.001	11/08/2010	SA	A	1	275.00	12.50	3,437.50	Continue preparation for arbitration hearing; Travel to and participate in arbitration hearing	AR
866.001	11/09/2010	RR	A	1	160.00	0.10	16.00	Scheduled motion for attorneys' fees and costs deadline.	AR
866.001	11/15/2010	RR	A	1	160.00	1.40	224.00	Receive review and respond to email from Orville regarding agent, arbitrator bill and arbitration brief; drafted motion for attorneys' fees and costs and memorandum of costs with supporting affidavit.	AR
866.001	11/16/2010	RR	A	1	160.00	0.50	80.00	Commence preparation for costs and fees.	AR
866.001	11/16/2010	SA	A	1	275.00	1.40	385.00	Telephone conference with Arbitrator Newell regarding billing issues; Receive and review email from Debbie Kluska and attached account information for Lyles; Revise and edit Motion for Attorneys' Fees and Costs	AR
866.001	11/17/2010	SA	A	1	275.00	1.20	330.00	Review, revise and edit Motion for Attorneys' Fees and Memorandum of Costs	AR
866.001	11/17/2010	RR	A	1	160.00	1.30	208.00	Receive and review email from Debbie Kluska with current NAS lien total; finalized motion for fees and costs; gathered exhibits for same, drafted letter to Dee Newell, redacted billing for motion to be provided to claimant.	AR
866.001	11/17/2010	SA	A	1	275.00	1.00	275.00	Revise letter to Dee Newell; Finalize Motion for Fees and Costs	AR
866.001	11/19/2010	RR	A	1	160.00	0.80	128.00	Receive and review letter from Tom Harper regarding motion for attorneys' fees and costs; review arbitration award and decision.	AR
866.001	11/19/2010	SA	A	1	275.00	1.00	275.00	Receive and review email from Tom Harper regarding Motion for Attorneys' Fees and Costs; Review and analyze Arbitration Decision and Award; Telephone conference with Arbitrator Dee Newell regarding billing issue	AR
866.001	11/22/2010	SA	A	1	275.00	0.40	110.00	Telephone conference with Mr. and Mrs. McCumber regarding Arbitration Decision and Award	AR
866.001	12/02/2010	RR	A	1	160.00	0.20	32.00	Receive and review NRED completion certificate.	AR

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Client	Trans Date	Tmkr	H P	Check Number	Trcode/ Task Code	Stmnt # Rate	Hours to Bill	Amount	
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	12/08/2010	JL	A		1	275.00	0.30	82.50	Telephone conference with Attorney Christensen regarding appeal right and settlement issues; conference with Mr. Anderson regarding status and proposed course of action
866.001	12/09/2010	RR	A		1	160.00	0.50	80.00	Multiple phone conferences with BOD and Mr. Anderson regarding issues with final bill.
866.001	12/15/2010	RR	A		1	160.00	0.70	112.00	Multiple phone conferences with BOD regarding complaint filed by Lytle and meeting requirements as set forth in NRS 116.
866.001	12/15/2010	NG	A		3	245.00	0.60	147.00	Telephone conference with client and Mr. Reed regarding board meetings; agendas; litigation (.8)
866.001	12/15/2010	SA	A		1	275.00	0.80	220.00	Receive and review copy of Complaint filed by Lyles against Association; Telephone conference with Orville McCumber regarding same
866.001	12/16/2010	RR	A		1	160.00	1.80	288.00	Receive and review complaint; research regarding NRS 38.300, NRCP 9 and slander of title; conference with Mr. Anderson regarding same.
866.001	12/17/2010	RR	A		1	160.00	0.20	32.00	Drafted and sent email to BOD with attached complaint.
866.001	12/20/2010	RR	A		1	160.00	0.30	48.00	Phone conference with BOD regarding complaint, service of complaint and proposed course of action.
866.001	12/20/2010	NG	A		1	245.00	2.90	710.50	Draft and prepare notice template for general meeting (1.2); Draft and prepare Agenda for general meeting (.8); Draft and prepare Notice of Executive session (.4) Draft and prepare agenda for executive session (.4); Draft and prepare email client regarding notices (.3)
866.001	12/21/2010	RR	A		1	160.00	3.70	592.00	Commenced motion in response to complaint regarding NRS 38.330, subject matter jurisdiction, factual background and judicial estoppel.
866.001	12/21/2010	SA	A		1	275.00	0.70	192.50	Review Lytle Complaint and confer with Mr. Reed regarding Motion to Dismiss or Motion for Summary Judgment
866.001	12/30/2010	SA	A		1	275.00	0.60	165.00	Telephone conferences with Orville and Johnnie McCumber; Receive and review email from Jim Christensen, new counsel for Lyles
866.001	01/03/2011	SA	A		1	275.00	0.40	110.00	Conference with Mr. Leach regarding substitution of attorney Jim Christensen for Tom Harper and Mr. Christensen's request for settlement discussions; Telephone conference with Jim Christensen;
866.001	01/03/2011	RR	A		1	160.00	0.60	96.00	Phone conference with Orville and Johnnie McCumber regarding response to Complaint and Board Meeting; receive and review email from Mr. Christensen advising that he will be substituting as counsel for Lytle and granting extension of time to answer complaint.
866.001	01/03/2011	JL	A		1	275.00	0.30	82.50	Telephone conference with Attorney Christensen regarding substitution of counsel; conference with Mr. Anderson regarding status
866.001	01/05/2011	SA	A		1	275.00	0.40	110.00	Receive and review email from Orville McCumber; Telephone conference with Mr. and Mrs. McCumber
866.001	01/06/2011	RR	A		29	0.50	0.30	0.15	Phone conference with Orville and Johnnie McCumber regarding course of action and upcoming meeting with Jim Christensen.
866.001	01/10/2011	SA	A		1	275.00	0.40	110.00	Receive and review email from McCumbers; Receive and review attorneys' lien filed by Tom Harper;
866.001	01/10/2011	RR	A		1	160.00	0.40	64.00	Conference with Mr. Reed regarding same Receive phone call from Orville & Johnnie McCumber regarding lien placed on award by Harper; Received and reviewed Notice of a Hearing Lien - email to Mr. McCumber regarding same.
866.001	01/12/2011	SA	A		1	275.00	1.40	385.00	Conference with Jim Christensen, counsel

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Client ID 866.001	Rosemere Estates	Property Owners Association							
866.001	01/13/2011	RR	A		3	160.00	0.20	32.00	AR
866.001	01/18/2011	RR	A		9	160.00	0.20	32.00	AR
866.001	01/18/2011	SA	A		1	275.00	0.20	55.00	AR
866.001	01/19/2011	SA	A		1	275.00	1.00	275.00	AR
866.001	01/19/2011	RR	A		3	160.00	0.50	80.00	AR
866.001	01/25/2011	RR	A		9	160.00	0.30	48.00	AR
866.001	01/26/2011	RR	A		9	160.00	0.40	64.00	AR
866.001	01/26/2011	SA	A		1	275.00	0.70	192.50	AR
866.001	01/27/2011	RR	A		3	160.00	0.30	48.00	AR
866.001	01/27/2011	NG	A		9	245.00	0.70	171.50	AR
866.001	01/27/2011	SA	A		1	275.00	0.40	110.00	AR
866.001	01/28/2011	RR	A		1	160.00	0.20	32.00	AR
866.001	02/01/2011	SA	A		1	275.00	0.50	137.50	AR
866.001	02/10/2011	RR	A		3	160.00	0.10	16.00	AR
866.001	02/16/2011	SA	A		1	275.00	0.40	110.00	AR
866.001	02/16/2011	RR	A		1	160.00	0.30	48.00	AR
866.001	03/07/2011	SA	A		9	275.00	1.20	330.00	AR
866.001	03/07/2011	RR	A		9	160.00	0.20	32.00	AR
866.001	03/14/2011	RR	A		9	160.00	0.40	64.00	AR
866.001	03/18/2011	SA	A		1	275.00	0.10	27.50	AR
866.001	03/25/2011	RR	A		9	160.00	0.40	64.00	AR
866.001	03/26/2011	SA	A		1	275.00	1.40	385.00	AR
866.001	03/31/2011	RR	A		9	160.00	0.30	48.00	AR
866.001	04/01/2011	RR	A		3	160.00	0.30	48.00	AR
866.001	04/04/2011	RR	A		8	160.00	0.30	48.00	AR

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Client	Trans Date	Trnkr	H P	Check Number	Tcode/ Task Code	Stmt # Rate	Hours to Bill	Amount		Ru
Client ID 866.001	Rosemere Estates			Property Owners Association						
866.001	04/05/2011	SA	A		9	275.00	0.20	55.00	Review and revise correspondence to James Christensen, counsel for the Lytles	AR
866.001	04/05/2011	RR	A		8	160.00	0.40	64.00	Drafted letter to James Christensen regarding representation (.3); Edits to Same (.1)	AR
866.001	04/08/2011	RR	A		1	160.00	0.20	32.00	Directed Ms. Cybul to provide Answer and Counterclaim to board of directors	AR
866.001	04/11/2011	RR	A		9	160.00	0.10	16.00	Receive and review issue related to Counterclaim	AR
866.001	04/18/2011	SA	A		9	275.00	0.30	82.50	Review, revise and substantially edit Errata to Answer	AR
866.001	04/18/2011	RR	A		9	160.00	0.50	80.00	receive and review Substitution of Attorney; email to Orville McCumber with same, requested status of Supreme Court Hearing (.3); Compiled and executed documents regarding same	AR
866.001	04/20/2011	RR	A		9	160.00	0.90	144.00	Receive, review and respond to email from Orville McCumber (.5); Drafted 3 day Notice of Intent to take Default (.3); Edit to Response (.1)	AR
866.001	04/20/2011	SA	A		1	275.00	0.20	55.00	Review, revise and edit 3 day Notice of Intent to Take Default (.1); Review, revise and edit email to Mr. McCumber (.1)	AR
866.001	05/08/2011	SA	A		14	275.00	0.30	82.50	Conference with Mr. Reed regarding status and strategy	AR
866.001	05/08/2011	RR	A		8	200.00	0.30	60.00	Prepared 3 day Notice, directed same to be served for Lytle Counsel	AR
866.001	05/11/2011	SA	A		9	275.00	0.20	55.00	Receive and review correspondence from Robert Sullivan, counsel for Lytles	AR
866.001	05/11/2011	RR	A		9	200.00	0.30	60.00	Receive and review letter from opposing counsel regarding scheduling of Early Case Conference (.2); Finalized 3 day Notice (.1)	AR
866.001	05/13/2011	SA	A		9	275.00	0.30	82.50	Receive and review Reply to Counterclaim; Receive and review Demand for Jury Trial	AR
866.001	05/13/2011	RR	A		9	200.00	0.60	120.00	Receive and review Lytle Reply to Counterclaim (.3); Receive and review Demand for Jury Trial (.2); Receive and review certificate of Service (.1)	AR
866.001	05/20/2011	RR	A		8	200.00	0.40	80.00	Commenced document preparation for Early Case Conference; Confirmed early case conference location and time.	AR
866.001	05/24/2011	RR	A		9	200.00	0.20	40.00	continued preparation of documents for NRCP 16.1 Initial Disclosures	AR
866.001	05/25/2011	RR	A		9	200.00	0.20	40.00	Receive and review Notice of Early Case Conference	AR
866.001	05/25/2011	RR	A		8	200.00	0.50	100.00	continued preparation of documents for NRCP 16.1 Initial Disclosures; left phone message with Orville McCumber regarding Early Case Conference; Phone conference with Orville McCumber providing status	AR
866.001	05/28/2011	RR	A		8	200.00	1.50	300.00	Continued documents review of draft; 16.1 Initial disclosures prepared for and attended Early Case Conference	AR
866.001	05/27/2011	SA	A		3	275.00	0.50	137.50	Telephone conference with Orville McCumber (.5);	AR
866.001	06/07/2011	SA	A		9	275.00	0.30	82.50	Exchange emails with Orville McCumber; Review and analyze correspondence from Lytles	AR
866.001	05/08/2011	SA	A		9	275.00	0.70	192.50	Review and analyze Lytle correspondence to Dr. Sandavol; Evaluate Nevada Revised Statutes; Telephone conference with Mr. and Mrs. McCumber regarding same	AR
866.001	06/16/2011	RR	A		1	200.00	0.40	80.00	Left phone message with opposing counsel requesting Initial Disclosures (.2); Receive and review email from Orville McCumber requesting status (.2)	AR
866.001	06/17/2011	RR	A		9	200.00	0.30	60.00	Receive, review and respond to email from Orville McCumber regarding Initial Disclosures (.3)	AR
866.001	06/17/2011	NG	A		8	245.00	1.60	392.00	Prepare and draft letter to Lytles' (1.2); substantive analysis of NRS 116 regarding assessments (.4)	AR
866.001	06/27/2011	RR	A		9	200.00	0.30	60.00	Receive, review, and respond to email from Orville McCumber regarding Plaintiffs Initial Disclosures	AR

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Client ID 866.001 Rosemere Estates Property Owners Association										
866.001	06/28/2011	RR	A		8	200.00	2.70	540.00	Continued draft of Motion for Summary Judgment; Reviewed NRS 38.330 (5)	AR
866.001	06/29/2011	RR	A		9	200.00	0.20	40.00	Provided Mr. Anderson with status of Motion for Summary Judgment (.2)	AR
866.001	06/30/2011	RR	A		10	200.00	1.90	380.00	legislative research regarding NRS 38.330; Westlaw research regarding same	AR
866.001	07/05/2011	SA	A		9	275.00	0.50	137.50	Review, revise, and edit draft Joint Case Conference Report prepared by opposing counsel	AR
866.001	07/13/2011	RR	A		9	200.00	0.30	60.00	Receive and review revised Joint Case Conference Report; Executed same; Left Message with opposing counsel regarding conduct of client (.3)	AR
866.001	07/13/2011	SA	A		1	275.00	0.50	137.50	Receive and review email from Orville McCumber and attachments from Lyles; Email to Orville; Telephone conference with Orville	AR
866.001	07/19/2011	RR	A		9	200.00	0.20	40.00	Receive and review copy of filed Joint Case Conference Report (.2)	AR
866.001	07/19/2011	SA	A		1	275.00	0.20	55.00	Receive and review Final Joint Case Conference Report from Robert Sullivan, counsel for Lyles (.2)	AR
866.001	07/22/2011	RR	A		9	200.00	0.50	100.00	Receive and review documents from Orville McCumber; drafted response to Lyle letter dated July 11, 2011 (.5)	AR
866.001	07/26/2011	DZ	A		14	125.00	0.20	25.00	Office conference with Mr. Reed re: MSJ	AR
866.001	07/25/2011	RR	A		9	200.00	4.10	820.00	Continued Motion to Dismiss ( 1.8); Research regarding slander of title and injunctive relief (2.3)	AR
866.001	07/26/2011	RR	A		3	200.00	0.40	80.00	Phone conference with Arbitrator regarding court reporter and hearing (.2); left message with opposing counsel regarding documents, after review of Early Case Conference documents (.2)	AR
866.001	07/27/2011	RR	A		1	200.00	0.20	40.00	Directed assistant to contact Mr. Harper regarding ADR hearing court reporter (.1); Receive, review, and respond to request from Mr. McCumber for copy of letter (.1)	AR
866.001	08/16/2011	RR	A		3	200.00	0.70	140.00	Tried to call Mr. McCumber (.1); Drafted status update to Mr. McCumber regarding course of action (.3); Drafted letter to opposing council regarding initial disclosure (.3)	AR
866.001	08/17/2011	RR	A		9	200.00	0.30	60.00	Receive and review phone message from Orville McCumber; Phone conference with Mr. and Mrs. McCumber regarding status of matter and Arbitration hearing transcript	AR
866.001	08/18/2011	SA	A		14	275.00	0.20	55.00	Conference with Mr. Reed regarding Motion for Summary Judgment (.2)	AR
866.001	08/22/2011	RR	A		8	200.00	2.80	560.00	Continued Motion for Summary Judgment; Reviewed arbitration transcript, drafted affidavit of Orville McCumber in Support of Motion Summary Judgment (2.8)	AR
866.001	09/13/2011	NG	A		9	255.00	0.30	76.50	Review and analyze letter from Lyle's attorney regarding various issues (.2); conference with Mr. Reed regarding the same (.1)	AR
866.001	09/15/2011	RR	A		9	200.00	0.10	20.00	Receive and review e-mail from Mr. McCumber requesting status (.1)	AR
866.001	09/15/2011	SA	A		9	295.00	2.50	737.50	Revised, review, and edit Motion for Summary Judgment and Affidavit of Orville McCumber; Exchange e-mails with Mr. McCumber (2.5)	AR
866.001	09/16/2011	RR	A		8	200.00	3.40	680.00	Commenced edits to Motion for Summary Judgment and McCumber Affidavit, additional analysis regarding slander of title (2.7); Meeting with Mr. McCumber (.7)	AR
866.001	09/16/2011	SA	A		8	295.00	1.00	295.00	Final revisions to Motion for Summary Judgment and Affidavit of Orville McCumber (1.0)	AR
866.001	09/19/2011	RR	A		8	200.00	0.90	180.00	Inputted McCumber Affidavit into Motion to Summary Judgment, finalized Motion to Summary Judgment provided draft to Mr. Anderson (.9)	AF
866.001	09/21/2011	RR	A		9	200.00	0.30	60.00	Receive and review notice of Motion; Provided status to client e-mail	AF
866.001	09/21/2011	SA	A		8	295.00	1.20	354.00	Final revisions to Motion for Summary Judgment and Affidavit of Orville McCumber (1.2)	AF

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Client	Trans Date	Trndr	H P	Check Number	Tcode/ Task Code	Stnt# Rate	Hours to Bill	Amount	R
Client ID 866.001 Rosemere Estates Property Owners Association	866.001	09/22/2011	SA	A	9	295.00	0.50	147.50	AR
866.001	09/23/2011	RR	A		9	200.00	0.80	120.00	AR
866.001	10/03/2011	JL	A		1	295.00	0.20	59.00	AR
866.001	10/03/2011	RR	A		9	200.00	1.50	300.00	AR
866.001	10/03/2011	SA	A		9	295.00	1.80	531.00	AR
866.001	10/04/2011	RR	A		9	200.00	1.80	360.00	AR
866.001	10/04/2011	SA	A		9	295.00	2.30	678.50	AR
866.001	10/06/2011	RR	A		9	200.00	0.10	20.00	AR
866.001	10/06/2011	SA	A		9	295.00	0.10	29.50	AR
866.001	10/06/2011	RR	A		8	200.00	0.80	120.00	AR
866.001	10/07/2011	RR	A		9	200.00	0.10	20.00	AR
866.001	10/07/2011	SA	A		9	295.00	0.30	88.50	AR
866.001	10/10/2011	RR	A		9	200.00	1.40	280.00	AR
866.001	10/17/2011	RR	A		8	200.00	4.10	820.00	AR
866.001	10/17/2011	SA	A		9	295.00	0.80	236.00	AR
866.001	10/18/2011	JL	A		1	295.00	0.20	59.00	AR
866.001	10/18/2011	RR	A		9	200.00	4.20	840.00	AR
866.001	10/18/2011	SA	A		18	295.00	3.30	973.50	AR

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Client	Trans Date	Trmkr	H P	Check Number	Tcode/ Task Code	Smt# Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association	866.001 10/19/2011	RR	A		8	200.00	5.30	1,060.00	ARC
866.001	10/20/2011	RR	A		9	200.00	0.30	60.00	ARC
866.001	10/20/2011	SA	A		9	295.00	3.00	885.00	ARC
866.001	10/26/2011	SA	A		9	295.00	3.30	973.50	ARC
866.001	10/27/2011	RR	A		9	200.00	0.20	40.00	ARC
866.001	10/31/2011	RR	A		3	200.00	0.70	140.00	ARC
866.001	10/31/2011	SA	A		9	295.00	1.20	354.00	ARC
866.001	11/02/2011	RR	A		9	200.00	0.70	140.00	ARC
866.001	11/02/2011	SA	A		3	295.00	0.40	118.00	ARC
866.001	11/03/2011	RR	A		3	200.00	0.90	180.00	ARC
866.001	11/04/2011	RR	A		8	200.00	0.30	60.00	ARC
866.001	11/04/2011	SA	A		9	295.00	0.30	88.50	ARC
866.001	11/08/2011	RR	A		1	200.00	0.20	40.00	ARC
866.001	11/10/2011	RR	A		8	200.00	0.40	80.00	ARC
866.001	11/10/2011	SA	A		9	295.00	0.10	29.50	ARC
866.001	11/14/2011	RR	A		13	200.00	5.80	1,160.00	ARC

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Client	Trans Date	Trmkr	H P	Check Number	Ycode/ Task Code	Stmnt# Rate	Hours to Bill	Amount	Remarks	Re
Client ID 866.001 Rosemere Estates Property Owners Association										
866.001	11/14/2011	SA	A		9	295.00	5.80	1,711.00	Commenced verified memo of costs (.1); Commenced draft of Order Granting Motion for Summary Judgment (.8) Receive, review, and analyze Lyles First Supplement to Opposition to Motion for Summary Judgment (.3); Prepare for, travel to, and argue Hearing on Motion for Summary Judgment (4.5); Telephone conference with Mr. and Mrs. McCumber regarding same and status (.5)	ARC
866.001	11/15/2011	RR	A		8	200.00	0.60	120.00	Edits to Order Granting Associations Motion for Summary Judgment (.3); Drafted and sent e-mail to Sullivan with draft Order for review and comment to be provided by November 18, 2011 (.3)	ARC
866.001	11/15/2011	SA	A		8	295.00	0.20	59.00	Final revisions to Order Granting Motion for Summary Judgment (.2)	ARC
866.001	11/16/2011	RR	A		8	200.00	0.30	60.00	Commenced draft of verified Memo of Costs (.3)	ARC
866.001	11/17/2011	RR	A		9	200.00	2.50	500.00	Reviewed billings for purpose of determining applicable time person for Motion for Attorney Fees (.2); Commenced application to confirm and Motion for Attorneys Fees (2.5)	ARC
866.001	11/21/2011	RR	A		9	200.00	1.10	220.00	Review and analyze e-mail from Mr. Sullivan with suggested redline edits to Order forwarded same to Mr. Anderson (.3); Requested assistant to pull minute order, if any, reviewed same (.3); Continued Motion for Attorney's fees and application to continue (.2); Directed assistant to contact Mr. Smith regarding file (.1); Receive, review and respond to e-mail from Mr. McCumber regarding Order and Motion and course of action (.2)	ARC
866.001	11/23/2011	RR	A		9	200.00	0.40	80.00	Receive and review e-mail from Santoro Driggs regarding files ready for pick up (.2); Receive and review letter from Mr. Smith confirming transfer of file (.2)	ARC
866.001	11/23/2011	SA	A		9	295.00	1.50	442.50	Receive and review correspondence from Jason Smith and begin reviewing documents provided by Mr. Smith regarding previously filed action by Lyles (1.0); Receive and review e-mail from Lyles counsel Robert Sullivan regarding revisions to Order Granting Motion for Summary Judgment (.2); Directions to Mr. Reed regarding same (.3)	ARC
866.001	11/28/2011	RR	A		8	200.00	0.50	100.00	Made edits to Order, compared to original Order as submitted, provided draft and changes to Mr. Anderson for review and comment (.3); Drafted and sent e-mail to opposing counsel regarding Order and conduct of Ms. Lyle contacting our office (.2)	ARC
866.001	11/28/2011	SA	A		8	295.00	0.20	59.00	Finalize Order granting Motion for Summary Judgment (.2)	ARC
866.001	11/29/2011	RR	A		9	200.00	0.40	80.00	Reviewed Wiznet for Register of actions (.2); Receive, review, and respond to e-mail from Mr. McCumber regarding Lyles review of records (.2)	ARC
866.001	11/30/2011	SA	A		9	295.00	1.20	354.00	Review documents for Trudi Lyle document review; E-mail to Orville McCumber; Review NRS 116 for costs of copying disputed by Ms. Lyle (1.2)	ARC
866.001	12/05/2011	RR	A		8	200.00	0.40	80.00	Finalized Memo of Costs and submitted draft of same to Mr. Anderson (.4)	ARC
866.001	12/07/2011	SA	A		9	295.00	0.50	147.50	Review, revise, and edit Verified Memorandum of Costs (.5)	ARC
866.001	12/09/2011	RR	A		9	200.00	0.20	40.00	Receive and review executed Order of Court (.2)	ARC
866.001	12/09/2011	SA	A		1	295.00	0.40	118.00	Telephone conference with Orville McCumber regarding status (.4)	ARC
866.001	12/13/2011	SA	A		1	295.00	0.50	147.50	Receive, review and analyze correspondence from Beau Sterling, counsel for Lyles in appeal and attached Notice of Association of Counsel, Motion and Order Exonerating Bond and attachments, and Memorandum of	ARC

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Client	Trans Date	Trnkr	H Check P Number	Tcode/ Task Code	Stnt# Rate	Hours to Bill	Amount	R
Client ID 866.001 Rosemere Estates Property Owners Association								
866.001	12/16/2011	RR	A	9	200.00	0.60	120.00	AR
							Appellate Costs Taxable in District Court Receive and review letter from Sterling Kerr advising us of Notice of Association of Counsel for exonerating the appeal bond; Reviewed his verification Memo of Costs, Notice of Association and Ex Parte Application (.8)	
866.001	12/16/2011	RR	A	9	200.00	0.30	60.00	AR
							Executed Verified Memo of Costs to be filed with court (.1); Receive, review, and respond to e-mail from Mr. McCumber regarding scheduling phone conference and past board of directors meeting (.2)	
866.001	12/19/2011	RR	A	9	200.00	0.90	180.00	AR
							Held phone conference with Mr. and Mrs. McCumber regarding Lytle Order and course of action (.9)	
866.001	01/04/2012	RR	P	9	200.00	0.40	80.00	
							Receive and review Lyles' Three Day Notice (.2); Contacted Mr. Sullivan to advise Answer would be submitted today (.2)	
866.001	01/05/2012	RR	P	10	200.00	0.40	80.00	
							Researched Wiznet to see if defendant filing in A-09-593497-C (.2); Receive, review, and respond to e-mail from Mr. McCumber regarding motion for Attorney's fees (.2);	
866.001	01/05/2012	SA	P	9	295.00	0.70	206.50	
							Receive, review, and analyze Lytle Motion for Relief from Judgment to Alter and Amend Judgment for Clarification of Decision and Order for Sanctions for Reconsideration and for Leave to Amend to file Supplemental Complaint (.7)	
866.001	01/06/2012	SA	P	9	295.00	1.50	442.50	
							Review, revise, and edit Motion to Confirm Arbitration Award and Motion for Attorneys Fees and costs; Finalize same for submission to court (1.5)	
866.001	01/09/2012	RR	P	9	200.00	1.20	240.00	
							Receive and review Plaintiffs Motion for Relief from Order; Commenced Opposition analysis and briefing (1.2)	
866.001	01/12/2012	SA	P	9	295.00	0.20	59.00	
							Receive, review, and analyze Application for Order Shortening Time on Motion for Reconsideration (.2)	
866.001	01/13/2012	RR	P	8	200.00	1.70	340.00	
							Commenced Omnibus Opposition to Plaintiffs Motion to Clarify and Reconsider (1.7)	
866.001	01/17/2012	RR	P	8	200.00	6.40	1,280.00	
							Continued Opposition to Plaintiffs Motion filed December 27, 2011, prepared and submitted draft of same to Mr. Anderson (6.4)	
866.001	01/18/2012	SA	P	9	295.00	3.60	1,062.00	
							Review, revise & edit opposition to Plaintiffs' motion from relief from Judgment, to alter or amend Judgment for clarification for reconsideration for leave to amend or supplement complaint; finalize same for filing and service; conferences with Mr. Reed regarding same and strategy (3.6)	
866.001	01/26/2012	RR	P	9	200.00	0.90	180.00	
							Receive and review Plaintiffs Reply in Support of Plaintiffs Motion for Relief from Judgment (.6); Provided status to Mr. McCumber regarding Motion and upcoming hearings (.3)	
866.001	01/26/2012	SA	P	9	295.00	0.60	177.00	
							Receive and review the Lytle's reply brief in support of plaintiffs' motion; conference with Mr. Reed regarding same (.6)	
866.001	01/29/2012	RR	P	8	200.00	1.10	220.00	
							Commenced preparation on hearing on Plaintiffs Motion for Reconsideration (1.1)	
866.001	01/30/2012	RR	P	54	200.00	8.10	1,820.00	
							Prepared for travel to and attended hearing on Plaintiffs Motion to Clarify, Reconsideration & Sanctions (3.8); Phone conference with board regarding outcome (.6); Receive and review Plaintiffs Opposition to Our Motion for Attorney's Fees, commence Reply (3.7)	
866.001	01/30/2012	SA	P	13	295.00	6.00	1,770.00	
							Prepare for, travel to and argue hearing on motion for reconsideration to clarify, etc. (4.2); receive, review and analyze plaintiffs' opposition to motion to confirm and for award of attorneys' fees (.6); draft framework for reply brief and directions to Mr. Reed regarding same (1.2)	

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Client	Trans Date	Trmkr	H P	Check Number	Ycode/ Task Code	Stmt# Rate	Hours to Bill	Amount	Re
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	01/31/2012	RR	P		B	200.00	5.10	1,020.00	Continued response to Opposition to Our Motion for Attorney's Fees, provided draft of same to MR. Anderson for review and comment (3.2); Drafted letter to Sullivan and Judge Bara regarding issues related to Sullivan's edits (1.9)
866.001	02/01/2012	RR	P		9	200.00	4.10	820.00	Receive and review letter from Attorney Sullivan threatening to file bar complaint (.3); receive and review plaintiff's first supplement to plaintiff's opposition, drafted objection and motion to strike (3.8)
866.001	02/01/2012	SA	P		1	295.00	0.20	59.00	Receive and review correspondence from Robert Sullivan regarding Bar Complaint; Receive and review Plaintiffs' First Supplement to Plaintiffs' Opposition; Draft framework for Objection and Motion to Strike same;
866.001	02/02/2012	RR	P		9	200.00	1.90	380.00	Review and edit letter to be issued to Attorney Sullivan; continued drafting of objection to and motion to strike improper first supplement, provided draft of same to Mr. Anderson (1.9)
866.001	02/02/2012	SA	P		1	295.00	3.60	1,062.00	Prepare response to Robert Sullivan correspondence, review and edit same; Review, revise and edit Objection to First Supplement and Motion to Strike;
866.001	02/03/2012	RR	P		8	200.00	0.60	120.00	Prepared proposed order denying their motion and cover letter to Attorney Sullivan with attached order (.8)
866.001	02/03/2012	SA	P		1	295.00	0.20	59.00	Review, revise and edit proposed Order Denying Motion
866.001	02/06/2012	RR	P		13	200.00	5.00	1,000.00	Prepared for, traveled to and attended hearing on motion for attorney fees, cant set matter regarding attorney fees for evidentiary hearing (3.7); telephone conference with board of directors regarding outcome of hearing and strategy moving forward (.5); prepared order granting in part and denying in part our motion to confirm and motion for attorney fees (.8)
866.001	02/06/2012	SA	P		1	295.00	5.00	1,475.00	Prepared for, traveled to and argued hearing on Motion for Attorneys' Fees/Motion to Confirm; Telephone conference with Board regarding hearing outcome and strategy; Directions to Mr. Read regarding Order
866.001	02/08/2012	RR	P		8	200.00	0.40	80.00	Revise and edit order denying defendant application to continue granting motion for attorney fees (.2); prepared cover letter to send to opposing counsel with attached proposed order (.2)
866.001	02/09/2012	RR	P		9	200.00	0.30	60.00	Receive and review letter from Attorney Sullivan approving content of order denying his motion for reconsideration, executed order to be filed with court (.3)
866.001	02/15/2012	SA	P		1	295.00	1.20	354.00	Draft framework of Motion for Attorneys' Fees and begin reviewing billings
866.001	02/16/2012	RR	P		8	200.00	2.70	540.00	Commenced drafting of motion for attorney's fees (2.3); receive and review recorders transcript of January 30, 2012 hearing (.4)
866.001	02/27/2012	SA	P		1	295.00	3.20	944.00	Complete Motion for Attorneys' Fees and Complete reviewing billings, finalize same for filing with Court
Subtotal for Fees						Billable	448.10	85,614.65	
866.001	07/28/2010	KG	A		29	0.500		17.50	Conference Call RR
866.001	08/06/2010	KG	A		51	0.200		67.80	Photocopy charges-Black & White
866.001	08/11/2010	KG	A		23	6.500		6.50	Delivery Charge
866.001	08/16/2010	KG	A		51	0.200		6.40	Photocopy charges-Black & White
866.001	08/18/2010	KG	A		23	6.500		6.50	Delivery Charge
866.001	08/23/2010	KG	A		53			0.61	Postage
866.001	08/24/2010	KG	A		51	0.200		41.60	Photocopy charges-Black & White
866.001	08/25/2010	KG	A		53			9.80	Postage
866.001	09/03/2010	KG	A		53			14.70	Postage
866.001	09/03/2010	KG	A		51	0.200		96.00	Photocopy charges-Black & White-480
866.001	09/08/2010	KG	A		53			1.39	Postage

001027

Date: 02/28/2012

# Detail Transaction File List Leach Johnson Song & Gruchow

Page:

Client	Trans Date	Trmkr	H P	Check Number	Ycode/ Task Code	Stmnt# Rate	Hours to Bill	Amount	R
Client ID 866.001	Rosemere Estates Property Owners Association								
866.001	09/08/2010	KG	A		51	0.200		6.40 Photocopy charges-Black & White-32	AR
866.001	09/16/2010	KG	A		23	6.500		6.50 Delivery Charge	AR
866.001	09/16/2010	KG	A		51	0.200		22.80 Photocopy charges-Black & White -114	AR
866.001	09/22/2010	KG	A		53			0.44 Postage	AR
866.001	09/28/2010	KG	A		55	0.200		6.60 Facsimile costs -33	AR
866.001	09/29/2010	KG	A		53			0.44 Postage	AR
866.001	09/30/2010	KG	A		53			0.88 Postage	AR
866.001	10/05/2010	KG	A		23	6.500		6.50 Delivery Charge	AR
866.001	10/18/2010	KG	A		53			0.44 Postage	AR
866.001	11/02/2010	KG	A		56	0.200		2.40 Scan Copy -12	AR
866.001	11/02/2010	KG	A		55	0.200		6.60 Facsimile costs -33	AR
866.001	11/04/2010	KG	A		51	0.200		64.80 Photocopy charges-Black & White -324	AR
866.001	11/04/2010	KG	A		23	6.500		6.50 Delivery Charge	AR
866.001	11/04/2010	KG	A		23	6.500		6.50 Delivery Charge	AR
866.001	11/05/2010	KG	A		51	0.200		145.60 Photocopy charges-Black & White -728	AR
866.001	11/16/2010	KG	A		55	0.200		4.60 Facsimile costs -23	AR
866.001	12/16/2010	KG	A		51	0.200		18.80 Photocopy charges-Black & White - 94	AR
866.001	03/31/2011	KG	A		51	0.200		2.00 Photocopy charges-Black & White - 10	AR
866.001	03/31/2011	KG	A		53			0.81 Postage	AR
866.001	04/05/2011	KG	A		53			0.44 Postage	AR
866.001	04/05/2011	KG	A		51	0.200		0.20 Photocopy charges-Black & White - 1	AR
866.001	04/05/2011	KG	A		56	0.200		0.40 Scan Copy - 2	AR
866.001	04/05/2011	KG	A		55	0.200		0.20 Facsimile costs - 1	AR
866.001	04/18/2011	KG	A		53			0.88 Postage	AR
866.001	04/18/2011	KG	A		51	0.200		2.00 Photocopy charges-Black & White - 10	AR
866.001	04/18/2011	KG	A		55	0.200		2.00 Facsimile costs - 10	AR
866.001	04/20/2011	KG	A		53			0.44 Postage	AR
866.001	05/11/2011	KG	A		51	0.200		1.20 Photocopy charges-Black & White -8	AR
866.001	05/11/2011	KG	A		53			0.44 Postage	AR
866.001	05/26/2011	KG	A		51	0.200		65.20 Photocopy charges-Black & White -328	AR
866.001	06/28/2011	KG	A		53			12.06 Postage	AR
866.001	07/22/2011	KG	A		53			11.98 Postage	AR
866.001	07/22/2011	KG	A		51	0.200		11.20 Photocopy charges-Black & White -56	AR
866.001	09/19/2011	KG	A		56	0.200		77.20 Scan Copy -386	AR
866.001	09/19/2011	KG	A		51	0.200		77.20 Photocopy charges-Black & White -386	AR
866.001	09/19/2011	KG	A		53			4.75 Postage	AR
866.001	09/22/2011	KG	A		56	0.200		0.60 Scan Copy -3	AR
866.001	09/22/2011	KG	A		51	0.200		0.60 Photocopy charges-Black & White -3	AR
866.001	09/22/2011	KG	A		53			0.44 Postage	AR
866.001	10/11/2011	KG	A		53			0.88 Postage	AR
866.001	10/11/2011	KG	A		51	0.200		1.60 Photocopy charges-Black & White -8	AR
866.001	10/11/2011	KG	A		56	0.200		0.80 Scan Copy -4	AR
866.001	10/18/2011	KG	A		53			3.36 Postage	AR
866.001	10/18/2011	KG	A		53			13.66 Postage	AR
866.001	10/18/2011	KG	A		51	0.200		14.40 Photocopy charges-Black & White -72	AR
866.001	10/27/2011	KG	A		51	0.200		3.20 Photocopy charges-Black & White -16	AR
866.001	10/27/2011	KG	A		56	0.200		3.20 Scan Copy -16	AR
866.001	11/03/2011	KG	A		56	0.200		0.40 Scan Copy -2	AR
866.001	11/04/2011	KG	A		53			12.06 Postage	AR
866.001	11/04/2011	KG	A		51	0.200		0.40 Photocopy charges-Black & White -2	AR
866.001	11/28/2011	KG	A		51	0.200		28.80 Photocopy charges-Black & White -144	AR
866.001	11/30/2011	KG	A		53			0.44 Postage	AR
866.001	01/05/2012	KG	P		51	0.200		3.20 Photocopy charges-Black & White -16	
866.001	01/06/2012	KG	P		51	0.200		9.20 Photocopy charges-Black & White -46	
866.001	01/09/2012	KG	P		53			0.88 Postage	
866.001	01/09/2012	KG	P		53			1.28 Postage	
866.001	01/09/2012	KG	P		56	0.200		1.60 Scan Copy -8	
866.001	01/13/2012	KG	P		53			5.41 Postage	
866.001	01/13/2012	KG	P		51	0.200		0.80 Photocopy charges-Black & White -3	
866.001	01/13/2012	KG	P		56	0.200		0.60 Scan Copy -3	
866.001	01/31/2012	KG	P		53			5.04 Postage	
Subtotal for Expenses						Billable	0.00	958.65	
866.001	08/26/2010	KG	A		76			9.05 Online legal research, RR	AR
866.001	09/14/2010	KG	A		79			32.43 Legal Document Solutions 71921	AR
866.001	09/21/2010	KG	A		76			4.38 Online legal research, RR	AR
866.001	09/21/2010	KG	A		76			57.41 Online legal research, RR	AR
866.001	09/22/2010	KG	A		79			64.86 Legal Document Solutions 72072 Media Conversion Services	AR
866.001	09/27/2010	KG	A		48			20.00 Clark County Recorder - Lien Release	AR
866.001	11/04/2010	KG	A		76			17.36 Online legal research, SA	AR
866.001	11/05/2010	KG	A		76			13.07 Online legal research, RR	AR
866.001	12/16/2010	KG	A		76			25.94 Online legal research, RR	AR
866.001	03/31/2011	KG	A		79			233.19 NV Court Fees	AR
866.001	04/04/2011	KG	A		79			3.50 NV Court Fees	AR
866.001	04/18/2011	KG	A		48			3.50 Wiznet- Court E-Filing Fee	AR
866.001	04/20/2011	KG	A		48			3.50 Wiznet- Court E-Filing Fee	AR
866.001	04/21/2011	KG	A		48			3.50 Wiznet- Court E-Filing Fee	AR

ate: 02/28/2012

# Detail Transaction File List Leach Johnson Song & Gruchow

Page:

Client	Trans Date	Trmr	H P	Check Number	Tcode/ Task Code	Stnt# Rate	Hours to Bill	Amount	Ri
Client ID 866.001 Rosemere Estates Property Owners Association									
866.001	05/11/2011	KG	A		48			3.50	Wiznet- Court E-Filing Fee
866.001	06/28/2011	KG	A		78			7.38	Online legal research. RR
866.001	08/30/2011	KG	A		76			173.67	Online legal research. RR
866.001	07/26/2011	KG	A		76			23.81	Online legal research. RR
866.001	08/16/2011	KG	A		78			3.11	Online legal research. RR
866.001	09/19/2011	KG	A		48			209.50	Wiznet- Court E-Filing Fee
866.001	09/22/2011	KG	A		48			3.50	Wiznet- Court E-Filing Fee
866.001	10/11/2011	KG	A		23	6.500		6.50	Delivery Charge Documents Picked up from Orville McCumber
866.001	10/11/2011	KG	A		48			3.50	Wiznet- Court E-Filing Fee
866.001	10/19/2011	KG	A		76			3.63	Online legal research. RR
866.001	10/31/2011	KG	A		23	6.500		6.50	Delivery Charge Documents to Dept. 32
866.001	11/14/2011	KG	A		79			13.00	Court Parking SLA
866.001	11/22/2011	KG	A		23	6.500		6.50	Delivery Charge Pick up Documents from Santoro Driggs
866.001	11/29/2011	KG	A		23	6.500		6.50	Delivery Charge Documents to Dept 32
866.001	12/01/2011	KG	A		23	6.500		6.50	Delivery Charge Pick up documents from Dept 32
866.001	12/02/2011	KG	A		23	6.500		6.50	Delivery Charge Documents Picked up from Dept. 32
866.001	12/06/2011	KG	A		23	6.500		6.50	Delivery Charge Documents picked up from Dept. 32
866.001	12/09/2011	KG	A		48			3.50	Wiznet- Court E-Filing Fee
866.001	12/15/2011	KG	P		48			3.50	Wiznet- Court E-Filing Fee
866.001	12/15/2011	KG	P		48			3.50	Wiznet- Court E-Filing Fee
866.001	01/09/2012	KG	P		48			3.50	Wiznet- Court E-Filing Fee
866.001	01/23/2012	KG	P		23	6.500		6.50	Delivery Charge Documents to Dept. 32
866.001	01/30/2012	KG	P		79			11.00	Court Parking SLA
866.001	02/01/2012	KG	P		23	6.500		6.50	Delivery Charge -Documents to Dept.32
866.001	02/06/2012	KG	P		79			9.00	Court Parking SLA
866.001	02/09/2012	KG	P		23	6.500		6.50	Delivery Charge -Documents to District Court
866.001	02/13/2012	KG	P		79			6.00	Court Parking RR
866.001	02/13/2012	KG	P		79			109.95	Clark County Treasurer-Copy of Hearing Transcript
866.001	02/14/2012	KG	P		23	6.500		6.50	Delivery Charge -Documents to Regional Justice Center
866.001	02/16/2012	KG	P		23	6.500		6.50	Delivery Charge -Pick up Documents from Dept. 32
Subtotal for Advances						Billable	0.00	1,163.24	
866.001	10/04/2010		A		0			5,747.50	Client Fund Payment.
866.001	11/10/2010		A		0			4,252.50	Client Fund Payment.
866.001	11/18/2010		A	1014	900	38942		351.76	Payment -Personal Check(Rosemere Estates HOA)
866.001	12/08/2010		A	1019	900	40280		16,325.23	Payment
866.001	12/10/2010		A	1021	900	40744		7,391.44	Payment
866.001	02/17/2011		A	1032	900	45141		16,338.93	Payment
866.001	04/06/2011		A	1046	900	48667		4,643.89	Payment
866.001	05/25/2011		A	1056	900	52131		311.50	Payment
866.001	06/21/2011		A	1060	900	53835		1,186.30	Payment
866.001	08/12/2011		A	1068	900	56703		645.06	Payment
866.001	10/18/2011		A	1081	900	63883		5,804.94	Payment
866.001	11/18/2011		A	1088	900	65627		2,834.40	Payment
866.001	12/21/2011		A	1094	900	67566		9,201.73	Payment
866.001	02/01/2012		A	1100	900	69271		5,749.60	Payment
Subtotal for Payments						Billable Payments	0.00	80,784.78	

total for Client ID 866.001 Billable 448.10 97,636.64 Rosemere Estates Property Owners Association  
Payments 80,784.78 Lytle Trust (NREC 10/11/12)

## GRAND TOTALS

Billable 448.10 97,636.64  
Payments 80,784.78

# EXHIBIT Y

# EXHIBIT Y

December 4, 2009

To Whom It May Concern:

We have this date become aware of a situation that concerns us.

There is a proposal for the Rosemere Estates Homeowners Association to grant an accommodation to a specific member, without notice, consultation or approval of the other homeowners.

Specifically: It is proposed that the Lamothes be given until January 2, 2010 to pay the assessments, interest and other expenses and charges that they owe to the Association. These charges currently total \$ 20,310. On January 2, this amount owed will become \$20,480 (see data attached).

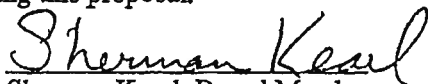
In order to make this accommodation, the Association (the Board), will need to notify Nevada Association Services, Inc. (NAS) of our decision to do so. NAS is currently moving forward, as we contracted them to do, with the process to collect the sums due the Association (see attached letter).

It is our understanding of the Governing Documents that no one individual can legally grant this accommodation.

Additionally, we feel that we cannot, again according to our Governing Documents, grant such an accommodation to a specific member without making all other members aware that such an accommodation is being made, and is available to them also as members of the Association. We feel that to treat a specific member differently than the general membership is to invite scrutiny, criticism, and in this case legal actions. Something we all abhor.

Such an action requires the support of a majority of the Board. And, all things considered, such an action, though legal, should not be done by the Board without consultation with, and approval from, the membership.

Accordingly we have asked the membership to convene at 5 pm this date at our home for the purpose of discussing this proposal, and then to express ourselves in the form of a secret ballot vote to let the Board know the feelings of the membership regarding this proposal.

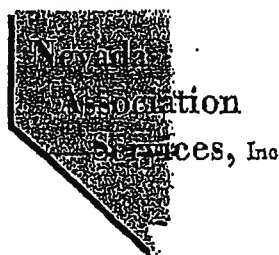
  
Sherman Kearn Board Member

  
Karen Kearn Board Member

001031

# EXHIBIT Z

# EXHIBIT Z



6224 W. Desert Inn Rd., Suite A  
Las Vegas, Nevada 89146  
Tel: 702.804.8885 / 775.322.8005  
Fax: 702.804.8887 / 755.322.8009  
www.nas-inc.com

Self

## Consent and Authorization

Rosemere Estates (the "Association") hereby appoints Nevada Association Services, Inc. ("NAS"), as the Association's agent for the purpose of collecting delinquent assessments, and/or fines, from Association homeowners. NAS is given full power and authority to act on behalf of and in the name of the Association to do all things in which NAS deems appropriate to effect the collection of the delinquency. This process may include, but is not limited to, sending demand letters, recording of a Notice Delinquent Assessment Lien and if necessary proceeding with a non-judicial foreclosure. NAS is hereby granted the authority to speak directly to the delinquent homeowner(s) on behalf of the Association. If a file is cancelled by the Association, or the Association refuses to allow NAS to continue collection efforts NAS may cancel the file with fees and costs the responsibility of the Association.

NAS is being retained on an as-needed basis and NAS makes no representations or warranties regarding the successful result of its collection efforts. NAS has the option of declining to service the delinquency of any file presented by the Association. NAS may, in its own discretion, terminate the servicing of any Association collection file at any time.

The Association represents to NAS (and NAS is relying on such representation) that in referring any matter to NAS for collection of delinquent assessments, fines or other charges, the Association, has complied with all applicable Federal and State rules and regulations, including, but not limited to applicable provisions of the Nevada Revised Statutes, Covenants Conditions and Restrictions (CC&R's), other Association governing documents and the Federal and State Fair Debt Collection Practices Act, if applicable. The Association also permits NAS to charge collection fees and costs as provided under applicable State and Federal law, and the Association's governing documents.

If NAS, its agents, officers or employees are named party to a lawsuit or other legal proceeding involving the Association and/or a homeowner, the Association agrees to indemnify and hold harmless NAS, its agents, officers or employees from any and all claims, losses, judgment, fees, charges and costs, including attorney's fees, incurred by NAS, its agents, officers or employees with respect to such lawsuit or legal proceeding (including defending a lawsuit). In addition to the indemnification described herein, if NAS, its agents, officers or employees, are named as a party to any lawsuit, the Association, at its own expense, will retain the services of legal counsel, satisfactory to NAS, to represent NAS in such proceeding. The fees and costs for such legal representation will be paid directly by the Association to legal counsel, or as otherwise agreed upon by the Association and NAS. This obligation of indemnification shall survive the termination of this Consent and Acknowledgment without time limitation.

The person signing below is a member of the Board of Directors or lawful agent of the Association with full power to bind the Association to the terms hereof.

SHERMAN KEARL  
Print Name

SECRETARY  
Title

July 9, 2009  
Date

Sherman Kearl  
Authorized Signature

NAS000003

# EXHIBIT AA

# EXHIBIT AA





Nevada Association Services, Inc.  
6224 W. Desert Inn Road, Suite A  
Las Vegas, NV 89146  
Phone (702) 804-8885  
Fax (702) 804-8887  
Toll Free (888) 627-5544

VIA REGULAR AND  
CERTIFIED MAIL

August 08, 2009

Allen Lytle  
4705 Alladin Lane  
Las Vegas NV 89102

*Re: Trustees Sale #N49759  
1930 Rosemere Court, Las Vegas, NV 89117  
Rosemere Estates / Allen Lytle*

Dear Mr. Lytle:

As you were previously advised, Nevada Association Services, Inc. (NAS) has been retained by Rosemere Estates (the Association) to collect from you the overdue homeowner's assessments you owe the Association. As of the date the lien was prepared, the total amount due, including collection fees and costs is \$12,500.00 (also called the balance due or debt.) Since you have decided not to reinstate your account, a Notice of Delinquent Assessment Lien was recorded on your property. A copy of the lien is enclosed. The amount stated above does NOT include assessments, late fees, interest, fines, collection fees and costs, and other applicable charges, that have become due since the date the lien was recorded. Those additional amounts must be included when you submit your payment. Therefore, you may wish to contact this office to verify the amount due prior to sending your payment.

Nevada law permits NAS to proceed with the recordation of a Notice of Default and Election to Sell (also called an "NOD") which is the next step in the lien foreclosure process. If you want to resolve this matter before the recordation of the NOD, you must, within 30 days from the date of this letter, pay the balance due by cashier's check or money order payable to NAS. Recording of the NOD will result in additional charges for which you will be responsible. The 30 Day Period referenced in our prior "Initial Letter" still applies. Federal Law grants you 30 Days from the date of receipt of the Initial Letter to dispute the validity of the debt or any portion thereof. Should you fail to dispute, in writing, the validity of the debt or any portion thereof within the 30 Day Period, NAS will assume the debt is valid. If you dispute the debt or any portion thereof in writing, NAS will, to the extent required by law, cease collection efforts until validation of the debt is sent to you.

Sincerely,

Drew Malmquist  
Nevada Association Services, Inc.  
encl.

"Nevada Association Services, Inc. is a debt collector. Nevada Association Services, Inc. is attempting to collect a debt. Any information obtained will be used for that purpose."

001035

APN # 163-03-313-009  
# N49759

# **Receipt/Conformed Copy**

Requestor:  
NORTH AMERICAN TITLE COMPANY  
07/20/2009 10:40:06 T20090249744  
Book/Instr: 20090720-0001631  
Lien Page Count: 1  
Fees: \$14.00 N/C Fee: \$0.00

Debbie Conway  
Clark County Recorder

## **NOTICE OF DELINQUENT ASSESSMENT LIEN**

In accordance with Nevada Revised Statutes and the Association's declaration of Covenants Conditions and Restrictions (CC&Rs), recorded on July 03, 2007, as instrument number 0001934 Book 20070703, of the official records of Clark County, Nevada, the Rosemere Estates has a lien on the following legally described property.

The property against which the lien is imposed is commonly referred to as 1930 Rosemere Court Las Vegas, NV 89117 and more particularly legally described as: Rosemere Court, Plat Book 59, Page 58, Lot 9 in the County of Clark.

The owner(s) of record as reflected on the public record as of today's date is (are):  
Lytle Trust, John Allen & Trudi Lee Lytle TRS

Mailing address(es):  
4705 Alladin Lane, Las Vegas, NV 89102  
4705 Alladin Lane, Las Vegas, NV 89102


\*Total amount due through today's date is \$12,500.00.

This amount includes late fees, collection fees and interest in the amount of \$2,379.00.

\* Additional monies will accrue under this claim at the rate of the claimant's regular assessments or special assessments, plus permissible late charges, costs of collection and interest, accruing after the date of the notice.

Nevada Association Services, Inc. is a debt collector. Nevada Association Services, Inc. is attempting to collect a debt. Any information obtained will be used for that purpose.

Dated: July 16, 2009



By: Autumn Fesel, of Nevada Association Services, Inc., as agent for Rosemere Estates.

When Recorded Mail To:  
Nevada Association Services, Inc.  
TS #N49759  
6224 W. Desert Inn Road, Suite A  
Las Vegas, NV 89146  
(702) 804-8885  
(888) 627-5544



0001  
Nevada Association Services, Inc.  
6224 W. Desert Inn Road, Suite A  
Las Vegas, NV 89146  
Phone (702) 804-8885  
Fax (702) 804-8887  
Toll Free (888) 627-5544

July 16, 2009

Linda Lamotho  
1830 Rosemere Court  
Las Vegas NV 89117

VIA REGULAR AND  
CERTIFIED MAIL

Re: *Trustees Sale #N49760*  
*1830 Rosemere Court, Las Vegas, NV 89117*  
*Rosemere Estates*

2222012145

Dear Ms. Lamotho:

Nevada Association Services (NAS) has been retained by Rosemere Estates (also called the Association) to collect from you the overdue homeowner's assessment you owe to the Association. As of today's date, records show a balance due on your account of \$12,083.00. Any statements or invoices you receive from your association or its managing agent will not reflect the total amount due.

If you want to resolve this matter before a Notice of Delinquent Assessment Lien is recorded and sent to you pursuant to Nevada Revised Statutes, you must, within 10 days from the date of this letter, pay the balance due. Your payment must be in the form of cashier's check or money order, payable to Nevada Association Services, and mailed to the address indicated above. Should you decide not to pay within the 10 day period, this office will be entitled to proceed with the preparation and recordation of the Notice of Delinquent Assessment Lien. Should the Notice of Delinquent Assessment Lien be prepared and recorded, the additional cost to you will be \$325.00 plus recording and mailing costs. There will also be a \$30.00 charge to your account to release the Notice of Delinquent Assessment Lien, plus recording costs. These charges may not be all inclusive.

Federal Law gives you 30 Days from the date you receive this letter (the 30 Day Period) to dispute the validity of the debt or any part thereof. If you do not dispute the validity of the debt or any portion thereof as outlined above, NAS will assume the debt is valid. If you do contest the validity of this debt or any portion thereof, by notifying NAS in writing to that effect, NAS will, as required by law, obtain and mail to you verification of the debt. And, within the 30 Day Period you request in writing the name and address of your original creditor, if the original creditor is different from the current creditor, the Association, NAS will also furnish you with that information. Federal Law does not require NAS to wait until the end of the 30 Day Period to record the Notice of Delinquent Assessment Lien. If, however, you notify NAS, in writing, within the 30 Day Period, that begins with the receipt of this letter, that you dispute the debt or any portion thereof, or that you request the name and address of the original creditor, if the original creditor is different from the current creditor, the Association, NAS will, as required by law, cease collection of the debt or any disputed portion thereof until NAS obtains verification of the debt or the name and address of the original creditor and a copy of such verification or name of the original creditor is mailed to you by NAS.

If you have any questions, please contact an account manager at (702) 804-8885.

Sincerely,

*M. Alexander*

Megan Alexander  
Nevada Association Services, Inc.



"Nevada Association Services, Inc. is a debt collector. Nevada Association Services, Inc. is attempting to collect a debt. Any information obtained will be used for that purpose."

001037

# EXHIBIT BB

# EXHIBIT BB



Nevada Association Services  
 6224 W. Desert Inn Road, Suite A  
 Las Vegas, NV 89146  
 Phone: (702) 804-8885  
 Fax: (702) 804-8887  
 Toll Free: (888) 627-5544

December 1, 2009

Trudi Lytle  
 c/o Wolf, Rifkin, Shapiro, Schulan & Rabkin, LLP  
 3556 E. Russell Road, 2nd Floor  
 Las Vegas NV 89120

*RE: 1930 Rosemere Court  
 Rosemere Estates / Allen Lytle  
 Trustees Sale # N49759*

Dear Ms. Lytle:

As you know, your failure to pay your homeowner's association assessments has resulted in a lien being recorded against your property. The Association will soon proceed with a non-judicial foreclosure action, which could result in you losing your property. You will also be responsible to pay the additional foreclosure fees and costs, which could total approximately \$700 in additional charges.

Both this office and your Association urge you to contact Nevada Association Services, Inc. in order to arrange for immediate payment. Should you decide not to remit full payment in the form of cashier's check or money order, to this office, within 10 days of the date of this letter, foreclosure proceedings will commence.

YOU MUST CONTACT THIS OFFICE TO VERIFY THE AMOUNT DUE PRIOR TO SENDING YOUR PAYMENT.

This will be the final correspondence you will receive prior to a Notice of Default being recorded on your property.

Thank you in advance for your immediate payment.

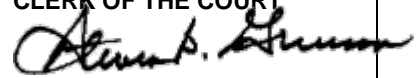
Sincerely,

Debbie Kluska  
 Nevada Association Services, Inc.

Nevada Association Services, Inc. is a debt collector. Nevada Association Services, Inc. is attempting to collect a debt. Any information obtained will be used for that purpose.

26

26



**OPPM**  
DAN R. WAITE, ESQ.  
Nevada Bar No. 4078  
DWaite@lrrc.com  
**LEWIS ROCA ROTHGERBER CHRISTIE LLP**  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
Telephone: 702-949-8200  
Facsimile: 702-949-8398

*Attorneys for Defendants*

**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

**CORRECTION TO 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 22, 2020**

**TIME OF HEARING: 9:00 A.M.**

Defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust file this correction to its "Opposition to Plaintiff's Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held In Contempt for Violation of Court Orders" filed in the above-captioned matter on March 19, 2020 (the "Contempt Opposition"). In the Contempt Opposition, the undersigned incorrectly identified five District Court proceedings when there have been six.

Accordingly, the Contempt Opposition, should be revised at 13:4-11 as follows (with the **bolded** information reflecting the corrections):

The numerous legal proceedings between the Lytle Trust, on the one hand, and the Association and/or the homeowners, on the other hand, span more than 12 years. Indeed, there have been two cases before the Nevada Real Estate Division, **six** cases in the District Court, and twelve appeals to the Nevada Supreme Court, including some still pending there. Furthermore, several of the appeals resulted in additional proceedings in the District Court on remand. The dockets to these cases are extensive. (*See* Dockets to District Court Cases, attached hereto as Exs. A-E, **and CC**, and Dockets to Supreme Court Cases, attached hereto as Exs. F-Q).

The newly referenced Ex. CC is attached to this filing.

Dated this 13<sup>th</sup> day of April, 2020.

**LEWIS ROCA ROTHGERBER CHRISTIE LLP**

By: /s/ Dan R. Waite

DAN R. WAITE (SBN 4078)  
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3993 Howard Hughes Pkwy, Suite 600  
Las Vegas, NV 89169-5996

**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 “**Correction to 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.

Richard Haskin  
**GIBBS, GIDEN, LOCHER, TURNER, SENET & WITTBRODT, LLP**  
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*Attorneys for Marjorie Boulden Trust and  
 Linda and Jacques Lamothe Trust*

Dated this 13<sup>th</sup> day of April, 2020

/s/ Luz Horvath  
 An Employee of Lewis Roca Rothgerber Christie LLP

# Exhibit CC

# Exhibit CC

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## REGISTER OF ACTIONS

CASE No. 07A547615

John Lytle, Trudi Lytle, et al vs Rosemere Estates Property Owners Assn §

§  
§  
§  
§  
§

Case Type: **Breach of Contract**

Subtype: **Other Contracts/Acc/Judgment**

Date Filed: **09/05/2007**

Location: **Department 20**

Cross-Reference Case Number: **A547615**

### PARTY INFORMATION

		Lead Attorneys
Defendant	Rosemere Estates Property Owners Assn	Jason D. Smith <i>Retained</i> 702-648-8771(W)
Plaintiff	Lytle Trust	Thomas D. Harper <i>Retained</i> 7023839744(W)
Plaintiff	Lytle, John A	Thomas D. Harper <i>Retained</i> 7023839744(W)
Plaintiff	Lytle, Trudi L	Thomas D. Harper <i>Retained</i> 7023839744(W)

### EVENTS & ORDERS OF THE COURT

<b>DISPOSITIONS</b>	
10/24/2007	<b>Order of Dismissal</b> (Judicial Officer: Glass, Jackie) Converted Disposition: Entry Date & Time: 10/30/2007 @ 07:16 Description: ORDER Debtor: Multiple Parties Creditor: Rosemere Estates Property Owners Assn Amount Awarded: \$0.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$0.00
<b>OTHER EVENTS AND HEARINGS</b>	
09/05/2007	<b>Complaint</b> COMPLAINT FILED Fee \$148.00 07A5476150001.tif pages
09/05/2007	<b>Motion</b> PLTF'S MTN FOR PRELIMINARY INJUNCTION /1 07A5476150002.tif pages
09/05/2007	<b>Initial Appearance Fee Disclosure</b> INITIAL APPEARANCE FEE DISCLOSURE 07A5476150003.tif pages
09/07/2007	<b>Acceptance of Service</b> ACCEPTANCE OF SERVICE 07A5476150004.tif pages
09/21/2007	<b>Appearance</b> DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND DEFENDANT'S COUNTERMOTION TO DISMISS COMPLAINT FOR LACK OF JURISDICTION 07A5476150005.tif pages
09/21/2007	<b>Initial Appearance Fee Disclosure</b> INITIAL APPEARANCE FEE DISCLOSURE NRS CHAPTER 19 07A5476150006.tif pages
10/03/2007	<b>Receipt of Copy</b> RECEIPT OF COPY 07A5476150007.tif pages
10/03/2007	<b>Receipt of Copy</b> RECEIPT OF COPY 07A5476150008.tif pages
10/03/2007	<b>Points and Authorities</b> REPLY POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS MOTION FOR PRELIMINARYINJUNCTION AND OPPOSITION TO DEFENDANTS COUNTER MOTION TO DISMISS COMPLAINT FOR LACK OF JURISDICTION 07A5476150009.tif pages
10/08/2007	<b>Motion</b> DEFENDANT'S COUNTERMOTION TO DISMISS 07A5476150010.tif pages
10/08/2007	<b>Motion for Preliminary Injunction</b> (9:00 AM) (Judicial Officer Glass, Jackie) PLTF'S MTN FOR PRELIMINARY INJUNCTION /1 Heard By: Jackie Glass <a href="#">Parties Present</a>

[Minutes](#)  
Result: Continuance Granted

10/09/2007 **Reply**  
*DEFTS REPLY IN SUPPORT OF COUNTERMOTION TO DISMISS FOR LACK OF JURISDICTION*  
07A5476150012.tif pages

10/10/2007 **Motion**  
*ALL PENDING MOTIONS 10/10/07*  
07A5476150011.tif pages

10/10/2007 **Motion for Preliminary Injunction** (9:00 AM) (Judicial Officer Glass, Jackie)  
*PLTF'S MTN FOR PRELIMINARY INJUNCTION /1 Heard By: Jackie Glass*  
Result: Moot

10/10/2007 **Motion** (9:00 AM) (Judicial Officer Glass, Jackie)  
*DEFENDANT'S COUNTERMOTION TO DISMISS Heard By: Jackie Glass*  
Result: Motion Granted

10/10/2007 **All Pending Motions** (9:00 AM) (Judicial Officer Glass, Jackie)  
*ALL PENDING MOTIONS 10/10/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachele Hamilton Heard By: Jackie Glass*  
[Parties Present](#)  
[Minutes](#)

10/24/2007 Result: Matter Heard  
**Judgment**  
*ORDER*  
07A5476150014.tif pages

10/25/2007 **Notice of Entry of Order**  
*NOTICE OF ENTRY OF ORDER*  
07A5476150013.tif pages

09/21/2008 **Opposition**  
*DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION AND DEFENDANTS COUNTERMOTION TO DISMISS COMPLAINT FOR LACK OF JURISDICTION*  
07A5476150015.tif pages

05/20/2010 **Order to Statistically Close Case**  
*Order to Statistically Close Case*

06/25/2010 **Case Reassigned to Department 12**  
*Reassigned from Department 5*

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

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**FINANCIAL INFORMATION**


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	<b>Conversion Extended Connection Type</b> No Convert Value @ 07A547615	
	Total Financial Assessment	249.00
	Total Payments and Credits	249.00
	<b>Balance Due as of 04/13/2020</b>	<b>0.00</b>
09/05/2007	Transaction Assessment	249.00
09/05/2007	Conversion Payment      Receipt # 01380122	THOMAS D HARPER LTD (148.00)
09/21/2007	Conversion Payment      Receipt # 01383175	SANTORO DRIGGS WALCH KEARNEY H (101.00)

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## REGISTER OF ACTIONS

CASE NO. A-18-775843-C

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

§  
§  
§  
§  
§  
§

Case Type: **Other Real Property**

Date Filed: **06/08/2018**

Location: **Department 31**

Cross-Reference Case Number: **A775843**

### PARTY INFORMATION

		Lead Attorneys
Defendant	Rosemere Estates Property Owners' Association	
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

	OTHER EVENTS AND HEARINGS
06/08/2018	<b>Complaint</b> <i>Complaint for Declaratory Relief and Preliminary Injunction (Exempt from Arbitration - Affects Title to Real Property and Declaratory Relief Requested)</i>
06/08/2018	<b>Initial Appearance Fee Disclosure</b> <i>Initial Appearance Fee Disclosure</i>
06/14/2018	<b>Summons Electronically Issued - Service Pending</b> <i>Summons - Civil</i>
07/11/2018	<b>Proof</b> <i>Proof of Service of Summons and Complaint by Certified Mail, Return Receipt</i>
08/06/2018	<b>Notice of Intent to Take Default</b> <i>Notice of Intent to Take Default Judgment</i>
08/21/2018	<b>Affidavit of Due Diligence</b> <i>Affidavit of Due Diligence</i>
08/30/2018	<b>Default</b> <i>Default as to Rosemere Estates Property Owners Association</i>
10/15/2018	<b>Application</b> <i>Application for Appointment of Receiver</i>
10/15/2018	<b>Declaration</b> <i>Declaration of Trudi Lee Lytle in Support of Application for Appointment of Receiver</i>
11/15/2018	<b>Motion for Appointment of Receiver</b> (9:00 AM) (Judicial Officer Kishner, Joanna S.) <i>Application for Appointment of Receiver</i> <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Granted
11/20/2018	<b>Order</b> <i>(Order Revoked 10/17/19) Order Appointing of Receiver of Defendant Rosemere Property Owners Association</i>
11/29/2018	<b>Notice of Entry of Order</b> <i>Notice of Entry of Order Appointing of Receiver of Defendant Rosemere Property Owners Association</i>
08/29/2019	<b>Order Scheduling Status Check</b> <i>Order Scheduling Status Check</i>
09/17/2019	<b>Status Check</b> (9:00 AM) (Judicial Officer Kishner, Joanna S.) <i>Status Check: Appointment of Receiver</i> <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Set Status Check
10/10/2019	<b>Status Check</b> (9:00 AM) (Judicial Officer Kishner, Joanna S.) <b>10/10/2019, 10/17/2019</b> <i>Status Check: Receiver</i> <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Continued
10/15/2019	<b>Declaration</b>

001047

10/16/2019 *Declaration of Richard E. Haskin Re Order to Show Cause Hearing*  
**Order to Show Cause**  
*Order to Show Cause*

10/16/2019 **Report and Recommendations**  
*Receiver's Status Report and Recommendations*

10/17/2019 **Show Cause Hearing** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
 Result: Matter Heard

10/17/2019 **All Pending Motions** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*All Pending Motions (10/17/2019)*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

10/24/2019 **Application**  
*Renewed Application for Appointment of Receiver*

10/24/2019 **Declaration**  
*Declaration of Trudi Lee Lytle in Support of Renewed Application for Appointment of Receiver*

10/28/2019 **Clerk's Notice of Hearing**  
*Notice of Hearing*

10/29/2019 **Errata**  
*Notice of Errata Re Renewed Application for Appointment of Receiver*

12/03/2019 **Motion for Appointment of Receiver** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Plaintiff's Renewed Application for Appointment of Receiver*  
[Minutes](#)  
 Result: Granted

12/18/2019 **Order**  
*Order Appointing a Receiver of Defendant Rosemere Property Owners Association*

12/18/2019 **Notice of Entry of Order**  
*Notice of Entry of Order Appointing a Receiver of Defendant Rosemere Property Owners Association*

12/26/2019 **Oath**  
*Oath of Receiver*

12/27/2019 **Bond**  
*Undertaking Under Section NRS 32.275*

02/03/2020 **Report of Receiver**  
*District Court Receiver's Initial Report and Notice of Intent to Pay Receiver's Fees and Expenses*

03/04/2020 **Motion to Intervene**  
*Motion to Intervene*

03/04/2020 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure*

03/05/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

03/06/2020 **Association of Counsel**  
*Association of Counsel*

03/09/2020 **Notice of Appearance**  
*Notice of Appearance*

03/09/2020 **Report of Receiver**  
*District Court Receiver's Report for January 2020*

03/12/2020 **Status Check** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Parties Present](#)  
 Result: Matter Heard

03/12/2020 **Motion to Intervene** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Motion to Intervene*  
*04/07/2020 Reset by Court to 03/12/2020*  
 Result: Motion Granted

03/12/2020 **All Pending Motions** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

03/16/2020 **Stipulation and Order**  
*Stipulation and Order Allowing Intervention*

03/16/2020 **Motion**  
*Receiver's Motion for Instructions and Proposed Order*

03/17/2020 **Notice of Entry of Stipulation and Order**  
*Notice of Entry of Stipulation and Order Allowing Intervention*

03/17/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

03/19/2020 **Joinder**  
*Plaintiff Lytle Trust's Joinder to Receiver's Motion for Instructions*

03/26/2020 **Opposition and Countermotion**  
*Opposition to Receiver's Motion for Instructions and Countermotion to Set Aside or Amend Receivership Order*

04/01/2020 **Report of Receiver**  
*District Court Receiver's Report for February 2020*

04/09/2020 **Reply**  
*Plaintiff Lytle Trust's (1) Reply in Support of Joinder to Receiver's Motion for Instructions, and (2) Opposition to Intervenor's Countermotion to Set Aside or Amend Receivership Order*

04/09/2020 **Reply**  
*Receiver's Reply to Intervenor's Opposition to Motion for Instructions and Opposition to Countermotion to Set Aside or Amend Receivership Order*

04/10/2020 **Motion**  
*Intervenor's Motion to Move Hearing Date on Receiver's Motion for Instructions, Or, in the Alternative, Request to File a Reply Brief Within Five Days of the Hearing*

04/10/2020 **Opposition to Motion**

	<i>Plaintiff Lytle Trust's: (1) Opposition to Intervenor's Motion to Move Hearing Date on Receiver's Motion for Instructions, and (2) Non-Opposition to the Alternative Request to File a Reply Brief Within Five Days of the Hearing</i>		
04/13/2020	<b>Clerk's Notice of Hearing</b>		
	<i>Notice of Hearing</i>		
04/13/2020	<b>Notice</b>		
	<i>CourtCall Appearance</i>		
04/13/2020	<b>Notice to Appear</b>		
	<i>Courtcall Appearance</i>		
04/13/2020	<b>Notice to Appear</b>		
	<i>CourtCall Appearance</i>		
04/15/2020	<b>Motion</b> (9:00 AM) (Judicial Officer Kishner, Joanna S.)		
	<i>Receiver's Motion for Instructions and Proposed Order</i>		
	<i>04/16/2020 Reset by Court to 04/15/2020</i>		
04/15/2020	<b>Opposition and Counteremotion</b> (9:00 AM) (Judicial Officer Kishner, Joanna S.)		
	<i>Opposition to Receiver's Motion for Instructions and Counteremotion to Set Aside or Amend Receivership Order</i>		
	<i>04/16/2020 Reset by Court to 04/15/2020</i>		
05/14/2020	<b>Motion</b> (9:00 AM) (Judicial Officer Kishner, Joanna S.)		
	<i>Intervenor's Motion to Move Hearing Date on Receiver's Motion for Instructions, Or, in the Alternative, Request to File a Reply Brief Within Five Days of the Hearing</i>		

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**FINANCIAL INFORMATION**

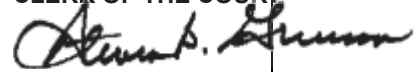

---

	<b>Intervenor</b> Gerry R. Zobrist and Jolin G. Zobrist Family Trust		
	Total Financial Assessment		
	0.00		
	Total Payments and Credits		
	0.00		
	<b>Balance Due as of 04/13/2020</b>		
	<b>0.00</b>		
	<b>Intervenor</b> September Trust, dated March 23, 1972		
	Total Financial Assessment		
	343.00		
	Total Payments and Credits		
	343.00		
	<b>Balance Due as of 04/13/2020</b>		
	<b>0.00</b>		
03/04/2020	Transaction Assessment		343.00
03/04/2020	Efile Payment	Receipt # 2020-13562-CCCLK	September Trust, dated March 23, 1972 (343.00)
	<b>Plaintiff</b> Lytle Trust		
	Total Financial Assessment		
	14.00		
	Total Payments and Credits		
	14.00		
	<b>Balance Due as of 04/13/2020</b>		
	<b>0.00</b>		
03/19/2020	Transaction Assessment		3.50
03/19/2020	Efile Payment	Receipt # 2020-16831-CCCLK	Lytle Trust (3.50)
04/09/2020	Transaction Assessment		3.50
04/09/2020	Efile Payment	Receipt # 2020-19834-CCCLK	Lytle Trust (3.50)
04/10/2020	Transaction Assessment		3.50
04/10/2020	Efile Payment	Receipt # 2020-20058-CCCLK	Lytle Trust (3.50)
04/13/2020	Transaction Assessment		3.50
04/13/2020	Efile Payment	Receipt # 2020-20118-CCCLK	Lytle Trust (3.50)
	<b>Plaintiff</b> Lytle, Trudi Lee		
	Total Financial Assessment		
	325.50		
	Total Payments and Credits		
	325.50		
	<b>Balance Due as of 04/13/2020</b>		
	<b>0.00</b>		
06/11/2018	Transaction Assessment		270.00
06/11/2018	Efile Payment	Receipt # 2018-38716-CCCLK	Lytle, Trudi Lee (270.00)
01/02/2020	Transaction Assessment		45.00
01/02/2020	Payment (Window)	Receipt # 2020-00162-CCCLK	Counter Transaction (45.00)
03/06/2020	Transaction Assessment		3.50
03/06/2020	Efile Payment	Receipt # 2020-14182-CCCLK	Lytle, Trudi Lee (3.50)
03/16/2020	Transaction Assessment		3.50
03/16/2020	Efile Payment	Receipt # 2020-16035-CCCLK	Lytle, Trudi Lee (3.50)
03/17/2020	Transaction Assessment		3.50
03/17/2020	Efile Payment	Receipt # 2020-16217-CCCLK	Lytle, Trudi Lee (3.50)

*27*

*27*





**RPLY**

**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

**REPLY TO 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**

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

DATE OF HEARING: April 22, 2020  
TIME OF HEARING: 9:00 a.m.

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

1 (“Gegen”) (hereafter September Trust, Zobrist Trust, Sandoval Trust and Gegen may be  
2 collectively referred to as “Plaintiffs”), by and through their attorneys, Christensen James &  
3 Martin, Reply to the Lytle Trust’s Opposition to Plaintiffs’ Motion for an Order to Show Cause  
4 Why the Lytle Trust Should Not Be Held In Contempt For Violations of Court Orders. This  
5 Reply is based upon the following Memorandum of Points and Authority, Exhibits, Affidavit, all  
6 other documents on file with the Court in this matter, and any argument allowed at the time of  
7 the hearing of this matter.

8 DATED this 14th day of April 2020.

CHRISTENSEN JAMES & MARTIN

By: /s/ Wesley J. Smith

Wesley J. Smith, Esq.

Nevada Bar No. 11871

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

## 12 MEMORANDUM OF POINTS AND AUTHORITIES

### 13 I. INTRODUCTION

14 The simple issue in this case is whether the Lytle Trust’s efforts to appoint a receiver  
15 violated this Court’s Orders. This Court’s Orders and the Supreme Court’s Orders of Affirmance  
16 declare that the Lytle Trust may not enforce its Judgments against the Plaintiffs, the Judgments  
17 are not an obligation of the Plaintiffs, the Association’s governing documents are the CC&Rs,  
18 and the Association is a limited purpose association (“LPA”) governing only by NRS  
19 116.1201(2). The Lytle Trust sought a receiver to take over the Association and impose special  
20 assessments, which are not authorized by the CC&Rs or NRS 116.1201(2), to pay the  
21 Judgments. Therefore, the simple answer is yes, the Lytle Trust violated this Court’s Orders. The  
22 Lytle Trust attempts to complicate the matter by asserting that the Receiver is entitled to implied  
23 rights to make special assessments that do not violate the Court’s Orders. As will be discussed  
24 below, these implied rights cannot exist under traditional rules of equity. The Lytle Trust should  
25 be held in contempt of this Court’s Orders.

## II. STANDARD OF REVIEW

Plaintiffs have shown by clear and convincing evidence that this Court's May 2018 Order has been violated. 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. *In re Bennett*, 298 F.3d 1059, 1069 (9th Cir. 2002). If the moving party meets this burden, the burden shifts "to the contemnors to demonstrate why they were unable to comply." *Id.* As shown below, the Lytle Trust has failed to demonstrate why they have not complied with this Court's Orders. Therefore, the Lytle Trust is not entitled to its fees and costs for having to respond to this Motion. However, the Plaintiffs are entitled to their fees and costs for showing a violation of this Court's Orders, which should include an assessment of penalties.

## III. ARGUMENT

### A. The Lytle Trust's Actions, Whether Direct or Indirect, are in Contempt of This Court's May 2018 Order.

The Lytle Trust argues that the Receivership Order does not violate any prior Orders because the Lytle Trust, as a Judgment Creditor, has a right to have a receiver appointed to collect its judgments against the Association. Such action, the Lytle Trust argues, is not a direct action against the Plaintiffs. In short, the Lytle Trust argues that the prior Orders only address the parameters of what the Lytle Trust is prohibited to do against the Plaintiffs and not what the Lytle Trust can do against the Association. In fact, the Lytle Trust asserts that no order negates the Association's rights to impose assessments against the Plaintiffs and that seeking a Receiver over the Association is not even an indirect action against the Plaintiffs because the Association is distinct from the homeowners. *See* Lytle Trust's Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violations of Court Orders ("Opposition") at 6-9.

In summary, the Lytle Trust acknowledges that this Court enjoined it from collecting its judgments from the Plaintiffs or their properties, but argues that injunction does not preclude it

1 from asking the Court to appoint a receiver to collect the judgments from the Plaintiffs through  
2 special assessments. This hyper-technical argument that the Lytle Trust can accomplish  
3 indirectly what it cannot do directly highlights the intent of the Lytle Trust to circumvent this  
4 Court's Orders. The Lytle Trust may not use a receiver to do something that the Lytle Trust has  
5 been forbidden to do by this Court.

6 This Court's Orders impact more than just the activity of the Lytle Trust. The conclusions  
7 of law also impact the very nature of the Association. The Lytle Trust's arguments ignore the  
8 conclusions of law reached by this Court that: the Amended CC&Rs, which granted a special  
9 assessment power, are *void ab initio*; the original CC&Rs, which do not grant a special  
10 assessment power, govern the Association; and the Association is an LPA governed by NRS  
11 116.1201(2) and its specifically enumerated provisions only. Those conclusions of law preempt  
12 any effort to make a special assessment by the Association. The fact that the Lytle Trust argued  
13 in its application to appoint the receiver that a special assessment could be made (even arguing  
14 that the Amended CC&Rs allow it) and failed to inform the Receivership Court of the limitations  
15 imposed by this Court's Orders is proof that the Lytle Trust violated this Court's Orders.

16 As the Lytle Trust has aptly pointed out, the Receiver stands in the shoes of the entity it  
17 represents. Opposition at 5:1-10. As such, the Receiver's powers are limited to those that the  
18 Association has. A review of the cases cited by the Lytle Trust include the following language:  
19 "A general receiver takes the rights, causes and remedies ... which were available to those whose  
20 interests the receiver was appointed to represent. . ." *Gravel Resources of Arizona v. Hills*, 170  
21 P.3d 282, 287 (Ariz. Ct. App. 2007) *citing* 65 *Am.Jur.2d Receivers* § 100 (2001); "Generally, a  
22 receiver stands in the shoes of a corporation and can assert only those claims which the  
23 corporation itself could have asserted." *Banco de DeSarrollo Agropecuario, S.A. v. Gibbs*, 709  
24 F.Supp. 1302, 1305, *citing* *Lank v. New York Stock Exchange*, 548 F.2d 61, 67 (2d Cir.1977);  
25 and "Handler, the individual, acting as Receiver, stands in the shoes of the Weinberger Entities  
26 for the purposes of enforcing the Weinberger Entities' rights, including the collection of their  
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1 outstanding income.” *Weiss v. Weinberger*, 2005 WL 1432190, at \*3 (N.D. Ind. 2005) (*citing*  
2 *B.E.L.T., Inc. v. Lacrad Int’l Corp.*, 2002 WL 1905389 at \*2 (N.D. Ill. 2002)). These cases make  
3 clear that a receiver appointed to stand in the shoes of the Association has only those claims,  
4 rights and remedies that the Association is entitled to. In this case, the Association’s powers were  
5 limited by the Court’s conclusions of law discussed above. Although the Association is entitled  
6 to take certain actions which the Plaintiffs have not disputed, the Receiver has been granted a  
7 special assessment power that is in direct violation of this Court’s Orders and exceeds the rights  
8 and obligation that the Association possessed prior to his appointment.

9 Whether this Court has the power to hold the Lytle Trust in contempt of the Supreme  
10 Court’s Order of Affirmance is beside the point. What is relevant is that this Court’s Orders, both  
11 the July 2017 Order and May 2018 Order, have been affirmed by the Supreme Court and are not  
12 reasonably subject to dispute and this Court has the inherent power to enforce its own judgments.  
13 Such Orders have been deliberately ignored by the Lytle Trust’s actions, whether directly or  
14 indirectly, and the Lytle Trust should be held in contempt.

15 **B. NRS 82 Should Not Expand the Powers of the Receiver Because Doing Such**  
16 **Directly Contradicts this Court’s Prior Orders.**

17 The Lytle Trust asserts that the CC&Rs and NRS 116.1201(2) can be circumvented by  
18 NRS 82 and the Restatement (Third) of Property: Servitudes to allow the Receiver to impose  
19 assessments. Opposition at 14:8-13. However, under the Restatement Servitudes § 6.4 Reporter’s  
20 Note (2000) (which section is cited by the Lytle Trust, Opposition at 16:6-9), it states,  
21 “Associations that are incorporated are entitled to exercise powers granted under the applicable  
22 corporation statutes, *unless they conflict with the law of common-interest communities.*” Further,  
23 NRS 82.121(1)(c) states that a corporation may only exercise its powers under this chapter  
24 “when not inconsistent with . . . the purposes and objects for which the corporation is organized.”

25 Expanding the CC&Rs to include all of Chapter 82.131 would be inconsistent with and  
26 conflict with the purposes and objects for which the Association is organized. The CC&Rs  
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1 enabled a property owner's committee for the purpose of maintaining the landscape of the  
2 common elements of the common-interest community, which were limited to only four items of  
3 concern (exterior planters, exterior walls, entrance gate, and private drive). The CC&Rs provide  
4 for common expenses associated with that maintenance, but do not contemplate special  
5 assessments imposed for paying a judgment that was incurred by the Association while acting  
6 outside the scope of those CC&Rs.

7 As such, the Association is an LPA governed solely by NRS 116.1201 and its enumerated  
8 provisions. Indeed, the First Order of Affirmance makes clear that the Supreme Court is not  
9 inclined to imply powers where the statute is silent in direct contravention to the Lytle Trust's  
10 assertions. Exhibit 1 at 4 ("We explained that under the plain language of Chapter 116, limited  
11 purpose associations are not subject to Chapter 116 outside of certain express statutory  
12 exceptions, and that NRS 116.3117 is not among those exceptions."). Specifically, the Nevada  
13 Legislature saw fit to grant special assessment rights by statute, but did not extend those powers  
14 to LPAs when it drafted NRS 116.1201(2). Thus, under the plain language of NRS 116, the  
15 Association's powers have been expressly limited by the Nevada Legislature. Granting broader  
16 powers simply because the Association incorporated under NRS 82 would be inconsistent NRS  
17 116.1201(2) and the CC&Rs, in violation of NRS 82.121(1)(c) and the Restatement (Third) of  
18 Property: Servitudes that the Lytle Trust urges the Court to follow.

19 **C. This Court's Prior Orders Preclude the Receivership Order From Being Based**  
20 **on the Amended CC&Rs**

21 In the Receivership Application, the Lytle Trust argues that special assessments may be  
22 made on the property owners to pay the Rosemere Judgments under the authority of the  
23 Amended CC&Rs. *See* Ex. 7, Application at Part II.C.4 ("The Amended CC&Rs Grant the  
24 Association Authority to Assess Each Unit for Payment of Judgments Against the Association")  
25 and Part III.D ("the Amended CC&Rs...provide the Association with the ability to specially  
26 assess each unit owner for payment of the judgments"). The Lytle Trust argued in this case that  
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1 the Amended CC&Rs could still be used as a collection mechanism. However, this Court  
2 rejected these arguments because the Amended CC&Rs had been found to be *void ab initio* in  
3 the Rosemere Judgments. Both the July 2017 Order and the May 2018 Order concluded that “the  
4 Amended CC&Rs were judicially declared to have been improperly adopted and recorded, the  
5 Amended CC&Rs are invalid and have no force and effect and were declared *void ab initio*.”  
6 July 2017 Order at 2:23-3:15, 4:12-23; May 2018 Order at 3:9-8:9. The First Order of  
7 Affirmance affirmed the District Court’s result. *See* Ex. 1. The Second Order of Affirmance then  
8 directly rejected any continued use of the Amended CC&Rs:

9       Moreover, the order granting summary judgment for the Lytles in NRED 2  
10       acknowledged that the amended CC&Rs were *void ab initio*, meaning those  
11       documents never had force or effect. *See Washoe Med. Ctr. v. Second Judicial*  
12       *Dist. Court*, 122 Nev. 1298, 1304, 148 P.3d 790, 794 (2006) (addressing a  
13       complaint); *Nev. Power Co. v. Metro. Dev. Co.*, 104 Nev. 684, 686, 765 P.2d  
14       1162, 1163-64 (1988) (addressing a statute); *see also Void Ab Initio, Black’s Law*  
15       *Dictionary* (11th ed. 2019) (“Null from the beginning, as from the first moment  
16       when a contract is entered into.”). Thus, the stipulation does not apply to the  
17       present case, and, moreover, the CC&Rs upon which the Lytles rely had no force  
18       and cannot be used to justify applying NRS 116.3117 here.

19 Ex. 8 at 5-6.

20       Thus, the Amended CC&R’s cannot grant the Association, or any receiver appointed to  
21       act on its behalf, any authority because they have no force or effect as a matter of law. This is the  
22       result that the Lytle Trust intended. It spent hundreds of thousands of dollars litigating with the  
23       Association about the legality and effectiveness of the Amended CC&Rs, ultimately prevailing  
24       and obtaining the Rosemere Judgments that concluded, as a matter of law, that the Amended  
25       CC&Rs are *void ab initio*. The Lytle Trust then sought to use the Amended CC&Rs as a basis for  
26       recording the abstracts of judgment against the Intervenor’s properties. The property owners  
27       were then forced to spend hundreds of thousands of dollars defending against this improper tactic  
28       in this Case and in turn prevailed. The Amended CC&Rs have no effect and cannot be used as a  
29       basis of special assessment. In fact, in its Opposition, the Lytle Trust concedes that “this Court  
30       determined that the Amended CC&Rs, as opposed to the original CC&Rs, had no force or  
31       effect.” Opposition at 14:3-4. Therefore, the Lytle Trust violated this Court’s Orders because it

1 argued in its Application that the Amended CC&Rs could be used as a basis for special  
2 assessment.

3 **D. The Receivership Order Violates this Court's Prior Orders Because it Relies on**  
4 **Powers Not Contained in the CC&Rs.**

5 Since this Court has declared that the Amended CC&Rs are *void ab initio*, the only  
6 document governing the Rosemere Subdivision is the original CC&Rs, which do not have a  
7 power of special assessment. Although CC&Rs are not conventional two-party contracts, they  
8 create contractual obligations that bind the parties subject to them. *U.S. Home Corp. v. Michael*  
9 *Ballesteros Trust*, 134 Nev. 180, 185, 192 415 P.3d 32 (2018) (recognizing that the obligations  
10 imposed by CC&Rs are contractual in nature). Thus, the limitations in the CC&Rs bind the  
11 Association. *Regent at Town Centre Homeowners' Ass'n v. Oxbow Constr., LLC*, 419 P.3d 702  
12 (Table) 2018 WL 2431690 \*2 (Nev. May 24, 2018) (citing *Pinnacle Museum Tower Ass'n v.*  
13 *Pinnacle Mkt. Dev. (US )*, LLC, 282 P.3d 1217, 1221 (Cal. 2012)) (holding that an arbitration  
14 clause in CC&Rs was binding on the homeowners' association, even though the association did  
15 not exist as an independent entity when the CC&Rs were drafted and recorded). CC&Rs  
16 purporting to impose affirmative obligations are to be strictly construed and not enforced unless  
17 the obligation is clear and unambiguous. *Beech Mountain Prop. Owners Ass'n, Inc. v. Seifart*, 48  
18 N.C.App. 286, 269 S.E.2d 178 (1980). Actions taken in excess of the association's power  
19 granted by the CC&Rs are unenforceable. *MaJor v. Miraverde Homeowners Ass'n.*, 7 Cal. App.  
20 4th 618, 628, 9 Cal. Rptr. 2d 237 (1992) ("[w]e conclude an association may not exceed the  
21 authority granted to it by the CC&R's. Where the association exceeds its scope of authority, any  
22 rule or decision resulting from such an *ultra vires* act is invalid whether or not it is a 'reasonable'  
23 response to a particular circumstance.").

24 This applies to special assessments. Courts will look to an association's CC&Rs or  
25 bylaws to determine proper procedures for levying special assessments. *See, e.g., Beebe v. Bd. of*  
26 *Dirs. of the Bridger Creek Subdiv. Cmty. Ass'n*, 2015 MT 183, 379 Mont. 484, 487, 352 P.3d



1 1094, 1096 (determining that special assessments must be in accordance with CC&Rs). In fact,  
2 special assessments must be authorized by CC&Rs. *See Lovering v. Seabrook Island Prop.*  
3 *Owners Ass’n*, 289 S.C. 77, 344 S.E.2d 862 (S.C.Ct.App.1986), *aff’d as modified*, 291 S.C. 201,  
4 352 S.E.2d 707 (S.C. 1987) (association not authorized to levy special assessments where neither  
5 the protective covenants nor the bylaws give association such power); *Brooks v. Northglen*  
6 *Ass’n*, 76 S.W.3d 162 (Tex. App. 2002) (homeowners association lacked authority to impose  
7 assessments in excess of limitation stated in restriction); *Anderson v. Lake Arrowhead Civic*  
8 *Ass’n*, 253 Va. 264, 483 S.E.2d 209 (1997) (covenant limiting the amount community  
9 association could assess precluded association from increasing assessment); *Quinn v. Castle*  
10 *Park Ranch Prop. Owners Ass’n*, 77 P.3d 823, 826 (Colo. App. 2003) (concluding that the  
11 CC&Rs did not authorize a special assessment to pave a community road in the amount imposed  
12 by the association).

13 Even a limited purpose association can be empowered, through its CC&Rs, with the  
14 power to make special assessments. For example, in *Saticoy Bay LLC Series 4500 Pac. Sun v.*  
15 *Lakeview Loan Servicing, LLC*, 441 P.3d 81 (Table), 2019 WL 215833\*1 (May 15, 2019), the  
16 Court noted that “appellant acknowledged in district court that a limited purpose association and  
17 its unit owners can, under contract principles, provide in CC&Rs that an association can impose  
18 and foreclose a lien for unpaid assessments.” However, absent that express grant of power, a  
19 limited purpose association does not have that power because the Nevada Legislature did not  
20 provide it in NRS 116.1201(2). *See discussion supra*.

21 Here, the Receivership Order grants power to the Receiver that far exceeds the authority  
22 granted to the Association by the CC&Rs. Under the CC&Rs, the Association has power to  
23 maintain four items – exterior planters, exterior perimeter and frontage walls, the entrance gate,  
24 and the private drive and sewer system. Exhibit 9, CC&Rs at ¶¶ 19-21. The CC&Rs further state  
25 that the cost and expense of this maintenance will be shared equally by the lot owners. *Id.*  
26 Beyond this, there is no express power of assessment and there is no grant of power to make  
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1 special assessments for other purposes. There are simply no provisions in the CC&Rs that allow  
2 the Association or the Receiver to collect special assessments to pay the Rosemere Judgments.  
3 Here, the CC&Rs could have granted the Association power to impose special assessments for  
4 this purpose, to lien for nonpayment, and foreclose upon the lien, but they did not.

5 That limitation by exclusion has meaning. In *Caughlin Ranch Homeowners Ass'n v.*  
6 *Caughlin Club*, 109 Nev. 264, 849 P.2d 310 (1993), the Nevada Supreme Court rejected an  
7 attempt to impose an assessment that was not expressly granted in the CC&Rs because the  
8 property owner had no notice that such an assessment would be possible. The Court held  
9 determined that "When construing real property covenants of doubtful import, they should be  
10 construed against the person seeking enforcement. *See Harborview Imp. Ass'n v. Downey*, 270  
11 Md. 365, 311 A.2d 422, 425 (1973). Moreover, 'a grantee can only be bound by what he had  
12 notice of, not the secret intentions of the grantor.' *Larson*, 77 Ill.Dec. at 74, 459 N.E.2d at 1170."  
13 *Caughlin*, 109 Nev. 264, 849 P.2d at 312. The Court based its holding on *Lakeland Prop.*  
14 *Owners Ass'n v. Larson*, 121 Ill.App.3d 805, 77 Ill.Dec. 68, 459 N.E.2d 1164 (1984), where an  
15 association was attempting to impose maintenance fees upon lot owners. *Caughlin* at 267. The  
16 *Larson* court concluded that the imposition of a maintenance fee constituted a new covenant for  
17 which notice was not given, unrelated to those in existence at the time the lot owner purchased  
18 the property and therefore could not be imposed upon the homeowners. *Id.* In this case, the  
19 Plaintiffs had no notice that a special assessment to pay \$1.8 million in judgments could or  
20 would be made because neither the CC&Rs or NRS 116.1201(2) provided that power to the  
21 Association. As in *Caughlin*, such an assessment cannot stand.

22 In other jurisdictions assessment provisions in restrictive covenants (1) must contain a  
23 "sufficient standard by which to measure...liability for assessments,"...(2) "must identify with  
24 particularity the property to be maintained," and (3) "must provide guidance to a reviewing court  
25 as to which facilities and properties the...association ...chooses to maintain." *Willow Bend*  
26 *Homeowners Ass'n v. Robinson*, 192 N.C. App. 405, 413, 665 S.E.2d 570, 575 (2008); *See*

1 *Lovering v. Seabrook Island Prop. Owners Asso.*, 289 S.C. 77, 83, 344 S.E.2d 862, 866 (Ct. App.  
2 1986) (citations omitted). The CC&Rs simply do not contain any such language. The Lytle  
3 Trust, through the Receiver, is now attempting to have the Association impose fees upon the  
4 property owners for a new assessment for which notice was not given and is not expressly stated  
5 in the CC&Rs. This is improper under *Caughlin*.

6 The Lytle Trust urges this Court to use implied powers because as quoted by the Lytle  
7 Trust, “[f]ailure of the governing documents to provide the powers that are implied under this  
8 section typically reflects inadequate attention by the developer rather than deliberate choice by  
9 the purchasers.” Opposition at 16:9-14. However, the Lytle Trust deliberately made the choice as  
10 a purchaser to fight against any expansion of the CC&Rs in the Rosemere lawsuits and accepted  
11 and fought for in their own words “the scant 3.5-page original CC&Rs”. Opposition at 16:13-14.  
12 In fact, the Rosemere Judgments (drafted by the Lytle Trust) actually acknowledge this reality  
13 and directly contradict its current position in its quest to expand the power of the Association.  
14 The Order Granting Plaintiffs John Allen Lytle and Trudi Lee Lytle's Motion for Summary  
15 Judgment filed July 30, 2013 in Case No. A-09-593497-C, Dept. XII, states:

16 16. The property owners recognized that the Association did not have powers granted to  
17 it other than those granted by the Original CC&Rs. For example, the Association had no  
18 power to assess, fine, issue rules and regulations, or undertake other actions commonly  
reserved for homeowners' associations.

19 Exhibit 10 at 3. Further, the Order Granting Plaintiff John Allen Lytle and Trudi Lee Lytle's, as  
20 Trustees of the Lytle Trust, Motion for Summary Judgment, Case No.: A-10-631355-C, Dept.  
21 XXXII entered on November 15, 2016, states:

22 8. Here, this Court has declared the Amended CC&Rs void ab initio, meaning that they  
23 never had any force and effect. The liens in questions are all based on assessments that  
were levied pursuant to the Amended CC&Rs. As a result, the assessments and resulting  
liens are invalid and must be similarly declared void ab initio.

24 Exhibit 11 at 7:14-17.

25 It is appropriate to mention here the Lytle Trust's lengthy argument about the  
26 Association's actions from 2007-2009, including borrowing money from the homeowners,

1 making assessments to raise funds to pay attorney's fees, imposing and collecting late fees, and  
2 hiring a collection agency to pursue their collections. *See* Opposition at 20:18-28, 21, 22, 23, and  
3 24:1-16. As the Lytle Trust correctly asserts these powers are not expressly granted in the  
4 original CC&R's or by NRS 116.1201(2) ("First, nothing in NRS 116.1201(2) nor in the  
5 Association's original CC&Rs authorize the Association to hire or pay lawyers") and ("Thus,  
6 even though nothing in NRS 116.1201(2) or the CC&Rs expressly authorize assessments...")  
7 Opp. 22:12-14, 23-25. The Lytle Trust is exactly right and in fact was vindicated in obtaining  
8 judgments against the Association for this activity.

9       However, this past conduct by the Association cannot be duplicated here nor used as  
10 persuasive authority to now violate this Court's Orders, because such actions were taken by the  
11 Association while the Amended CC&Rs were the governing document. In fact, from June 2,  
12 2007 (when the Amended CC&Rs were executed by the officers) until July 30, 2013 when they  
13 were declared void *ab initio*, the Amended CC&Rs were the governing document for this  
14 Association. The Lytle Trust confirmed this in its Application for Receiver: "The Amended  
15 CC&Rs were in full force and effect at all times during the first two lawsuits commenced by the  
16 Lytle Trust against the Association." Exhibit 7 at 23-25. Pursuant to Sections 1.4 (Assessment),  
17 1.5 (Assessment, Capitol Improvement), 1.6 (Assessment, Common Expense) and 1.7  
18 (Assessment, Special), of the Amended CC&Rs, the Association was expressly allowed to make  
19 assessments and take the actions outlined by the Lytle Trust. Section 10.3 allows the Association  
20 to collect assessments or to foreclose a lien for unpaid assessments, Section 10.9 allows for a  
21 common expense assessment as well as a late fee, interest and attorneys' fees for the collection  
22 and Article 12 authorizes notices of violations of the Amended CC&Rs as well as assessments,  
23 including attorney's fees for violations of the governing documents.

24       Most importantly though, none of these actions can now be taken by the Association  
25 either expressly or impliedly, because the Amended CC&Rs have been declared void *ab initio* at  
26 the insistence of the Lytle Trust. The Orders underlying the Rosemere Judgments unequivocally  
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1 state that the Association does not have the power to assess fines pursuant to the original  
2 CC&Rs. Thus, the Lytle Trust's current desire to have the Court look to past conduct of the  
3 Association to justify liens or special assessments *now* directly contradicts the prior Orders  
4 which clearly state that the CC&Rs are the only documents that govern this Association.

5 **E. The Receivership Order Exceeds the Authority Granted by NRS Chapter 116 to**  
6 **Limited Purpose Associations in Direct Violation of this Court's Prior Orders**

7 The Association is a limited purpose association. July 2017 Order at 3:3-5, 3:13-15, 4:12-  
8 13; May 2018 Order at 4:12-14, 4:22-25, 7:20-24. A limited purpose association is not governed  
9 by NRS Chapter 116, except those provisions specifically enumerated in NRS 116.1201(2). In  
10 *Saticoy Bay LLC Series 4500 Pacific Sun v. Lakeview Loan Servicing, LLC*, 441 P.3d 81 (Table),  
11 2019 WL 2158334, \*1 (May 15, 2019), the Nevada Supreme Court upheld this Court's order,  
12 finding that because a homeowners association was a limited purpose association ("LPA"), it  
13 was not governed by NRS Chapter 116. In fact, the Court declined to extend NRS Chapter 116 to  
14 the LPA even though a provision of its CC&Rs implicated NRS Chapter 116. *Id.* at 2 ("Finally,  
15 although Article 7.4 [of the CC&Rs] authorizes Blue Diamond to conduct a foreclosure sale 'in  
16 like manner' as provided in NRS Chapter 116, we are not persuaded that a limited purpose  
17 association automatically becomes subject to NRS Chapter 116 simply by virtue of following  
18 that Chapter's process for conducting foreclosure sales."); *see also Bank of America, N.A. v.*  
19 *Aspen Meadows*, 2019 WL 2437453 (D. Nev. 2019) (LPA is not entitled to a superpriority lien  
20 under NRS 116, even though the association conducts foreclosure sales "in like manner" as  
21 provided by NRS 116).

22 The First Order of Affirmance and Second Order of Affirmance confirmed that LPAs are  
23 not subject to NRS Chapter 116, except the enumerated statutory exceptions. Ex. 1 at 4; Ex. 8 at  
24 2. Under NRS 116.1201(2), an LPA is only subject to the following provisions of Chapter 116:  
25 NRS 116.31155 – LPA required to pay the fees imposed on the Association to pay for the costs  
26 of administering Office of Ombudsman and Commission; NRS 116.31158 – LPA required to  
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1 register the Association with the Ombudsman; NRS 116.31038 – LPA required to deliver to the  
2 Association certain property held or controlled by declarant; NRS 116.31083 – LPA required to  
3 notice and hold meetings of the executive board, take minutes and periodically review certain  
4 financial and legal matters at meetings; NRS 116.31152 – LPA required to prepare a study of  
5 reserve in accordance with the requirements of this section including submission to the Division;  
6 NRS 116.31073 – LPA required to maintain, repair, restore and replace security walls; and NRS  
7 116.4101 to 116.412 – LPA required to comply with the requirements for a Public Offering  
8 Statement. Some of these provisions have a reference to assessments, but do not create a power  
9 of special assessments for an LPA.

10 By comparison, there are provisions in NRS 116 not expressly enumerated in NRS  
11 116.1201(2) that do grant the power to levy assessments, impose fines, lien property, and  
12 foreclose on those liens. For instance, NRS 116.3115 states that “Assessments to pay a judgment  
13 against the association may be made only against the units in the common-interest community at  
14 the time the judgment was entered, in proportion to their liabilities for common expenses.”  
15 Because NRS 116.3115 is not specifically enumerated in NRS 116.1201(2), it is not applicable  
16 to the Association. The Nevada Supreme Court held that a similar provision, NRS 116.3117,  
17 could not be applied to the Association under the Lytle Trusts’ statutory, contractual, and  
18 equitable arguments. *See* Ex. 1 at 3-8; Exhibit 8 at 3-6.

19 The same result is necessary here. None of the statutory provisions governing LPA’s  
20 allow the Association or the Receiver to impose fees upon the homeowners for the Rosemere  
21 Judgments. In contrast, NRS 116.3115, which does **not** govern LPAs or this Association, does  
22 provide this power. This power was expressly excluded from the provisions of NRS 116 that  
23 govern LPAs. Thus, any expansion of this authority is in direct contravention of this Court’s  
24 Orders.

**F. Granting Implied Powers to the Association to Assess Fines is in Direct Contravention of this Court's Prior Orders.**

Without authority to make special assessments under the CC&Rs or NRS 116.1201(2), the Lytle Trust argues that such powers may be implied under Chapter 6 of the Restatement of Servitudes because of the short and incomplete CC&Rs. However, the Nevada Supreme Court already decided that “the plain language of the statute is clear.” Ex. 1 at 4.

The Lytle Trust cites to *Artemis Expl. Co. v. Ruby Lake Estates Homeowner's Ass'n*, 135 Nev. Adv. Op. 48; 2019 WL 4896442 (2019) (unpublished disposition) and *Double Diamond v. Second Jud. Dist. Ct.*, 131 Nev. 557, 563 (2015), for the proposition that implied powers of assessment have been granted to common interest communities. However, neither of these cases are about limited purpose associations and deal with associations with very different CC&Rs than those at issue in this case and do not deal with special assessments to pay judgments. The Courts in these cases may rely upon Restatement of Servitudes §§ 6.2 and 6.4 to imply powers, but those powers are implied based on very different circumstances than those present here.

The distinction in these cases is important because the Court's ability to imply a power is governed by the traditional rules of equity. As the Nevada Supreme Court declared almost 70 years ago, “The rule as to retention of jurisdiction by equity to afford complete relief will not be applied where to do so would be in contravention of statutory provisions.” *Smith v. Smith*, 68 Nev. 10, 22–23, 226 P.2d 279, 285 (1951) (quoting 30 C.J.S., Equity, § 67, p. 421). As explained above, NRS 116.3115 grants special assessment powers, but the Nevada Legislature did not extend that power to LPAs like the Association in this case. Implying that power here would contravene NRS 116.1201(2). The Nevada Supreme Court was not willing to do this with NRS 116.3117, and the same result is required here with NRS 116.3115. *Artemis* and *Double Diamond* did not deal with these same concerns because they dealt with associations that were not limited by NRS 116.1201(2).

1 The Lytle Trust's argument about Judge Wiese's ruling that the Association had to the  
2 power to host an election does not change this analysis. The CC&Rs contemplate a Board, so the  
3 power to hold elections was implied. Opposition at 20:8-12. However, the CC&Rs do not  
4 contemplate any powers to make special assessments. In fact, the CC&Rs do not even  
5 contemplate that the Association will incur judgments. Instead, the CC&Rs grant a right of  
6 action between property owners for violations of the CC&Rs, not against the Association itself.  
7 It seems that the Lytle Trust did not elect this remedy.

8 The Restatement of Servitude's Section 6.5 provides the implied power to impose  
9 assessments only "to raise the funds reasonably necessary to carry out its functions by levying  
10 assessments against the individually owned property in the community...." Opp. 16:21-27. This  
11 emphasizes the power to impose assessments only when reasonably necessary to carry out the  
12 Association's functions. In this case, the Association's express functions are limited to the  
13 maintenance of the four common elements. Thus, the assessment power described in the  
14 Restatement does not justify a special assessment to pay a judgment incurred by the Association  
15 when it acted outside of its functions.

16 The Lytle Trust also cited *D.R. Horton, Inc. v. Eighth Judicial Dist. Ct.*, 125 Nev. 449,  
17 457, 215 P.3d 697 (2009), which quotes the Restatement of Servitudes § 6.11. The Restatement  
18 reads: "Except as limited by statute or the governing documents, the association has the power to  
19 institute...litigation...in its own name, on behalf of itself, or on behalf of the member property  
20 owners in a common-interest community on matters affecting the community." Restatement  
21 (Third) of Prop.: Servitudes § 6.11 (2000). The CC&Rs, however, limit the power of litigation  
22 and do not allow for homeowners to sue the Association. The only remedy allowed by the  
23 homeowners is to sue one another directly:

24 Except as otherwise provided herein, Subdivider or any owner or owners of any of the  
25 lots shall have the right to enforce any or all of the provisions of the covenants,  
26 conditions and restrictions upon any other owner or owners. In order to enforce said  
27 provision or provisions, any appropriate judicial proceeding in law or in equity may be  
28 initiated and prosecuted by any such lot owner or owners against any other owner or  
owners.



1 Exhibit 9, CC&Rs at ¶ 24. The Rosemere Judgments confirm this:

2 4. The Original CC&Rs then grant each homeowner, and not any homeowners'  
3 association, the power to enforce the Original CC&Rs against one another.

4 18. Consistent with the absence of a governing body, e.g. unit-owners' association,  
5 delegated with the duty to enforce the Original CC&Rs, the Developer provided each  
6 homeowner the right to independently enforce the Original CC&Rs against one another.

7 Exhibit 10 at 2, 9. Thus, since at least 2013, there has been a Court Order in place recognizing  
8 that the Association does not have the power to enforce the CC&Rs against the individual  
9 homeowners.

10 In *D. R. Horton*, the court cited to *Beazer Homes Nevada, Inc. v. Dist. Ct.*, 120 Nev. 575,  
11 583, 97 P.3d 1132, 1137 (2004), noting that the Court looks to the commentary of a model act  
12 “where a Nevada statute is patterned after the act”. 125 Nev. at 458-459. In *Beazer Homes*  
13 *Holding Corp. v. Eighth Judicial Dist. Ct.*, 128 Nev. 723, 732, 291 P.3d 128 (2012), also cited by  
14 the Lytle Trust, the Court considered the applicable Restatement sections because the  
15 Restatement mirrored the portions of the Uniform Common Interest Ownership Act upon which  
16 the statutes in question were based. In the instant case, the Lytle Trust has not shown any  
17 evidence that the Restatement mirrors or even addresses NRS 116.1201(2) and LPAs.

18 Indeed, the Nevada Legislature first enacted its Common Interest Ownership Act in 1991  
19 based on the 1982 Uniform Common Interest Ownership Act. *See* NRS 116; 1991 Statutes of  
20 Nevada, Page 535 (Chapter 245, AB 221). NRS 116.1201(2) was not part of that 1982 Uniform  
21 Act or the 1991 enactment. The Nevada Legislature added NRS 116.1201(2) as a complete carve  
22 out for associations created for the limited purpose of maintaining landscaping of common  
23 elements in 1999. *See* 1999 Statutes of Nevada, Page 2998 (Chapter 572, SB 451). In 2005, the  
24 specifically enumerated statutes found in NRS 116.1201(2) were added. *See* 2005 Statutes of  
25 Nevada, Pages 2587-2588 (Chapter 494, SB 325). In other words, NRS 116.1201(2) was a  
26 product of the Nevada Legislature and the Restatement does not mirror this section. For these  
27 reasons, the provisions of the Restatement cited by the Lytle Trust have no bearing on this  
28 matter.

1 The Lytle Trust cites to several other cases in which the Nevada Supreme Court has cited  
2 to the Restatement Third of Properties. See Opposition at 18:9-26. However, none of these cases  
3 are about HOA's or LPA's. See *Glenbrook Club v. Match Point Properties, LLC*, 127 Nev.  
4 1137, 373 P.3d 917 (Table) (2011) (Issue was whether a parcel was part of the planned unit  
5 development (PUD); *Bullion Monarch Mining, Inc. v. Barrick Goldstrick Mines, Inc.*, 131 Nev.  
6 99, 345 P.3d 1040 (2015) (Issue was regarding Nevada's rule against perpetuities); *Peake*  
7 *Development, Inc. v. R.B. Properties, Inc.*, 2014 WL 859215 (Nev. 2014) (unpublished) (Issue  
8 was regarding declaratory relief to determine easement rights); *St. James Village, Inc. v.*  
9 *Cunningham*, 125 Nev. 211, 210 P.3d 190 (2009) (Issue was regarding authorization to  
10 unilaterally relocate an easement to facilitate development of the property). These cases do not  
11 support the argument that the Restatement is applicable here.

12 The Lytle Trust further argues that the Association must be able to pay judgments for  
13 injuries in common areas. But there are no "common" areas in which injuries can occur. All  
14 areas of the Subdivision are owned by each of the lot owners. While the property owners  
15 committee is given the power to maintain the exterior planters, exterior walls, entrance gate, and  
16 private drive/sewer system, these elements are not actually owned by the Association. See the  
17 Plat Map, attached hereto as Exhibit 12.

18 The Lytle Trust also argues that the CC&Rs' use of the phrase "liens established  
19 hereunder" provides the Association the implied power to lien. This language cannot in and of  
20 itself create a lien. While it suggest a possibility of a lien, the context is important. The entire  
21 paragraph states:

22 A breach or violation of these CC&R's or any re-entry by reason of such breach  
23 or any liens established hereunder shall not defeat or render invalid or modify in  
24 any way the lien of any mortgage or deed of trust made in good faith and for  
25 value as to said lots or PROPERTY or any part thereof; that these CC&Rs shall  
26 be binding and effective against any owner of said PROPERTY whose title  
27 thereof is acquired by foreclosure, trustee's sale or otherwise.

28 81, CC&Rs at Recitals. This introductory language in the CC&Rs states that breaches of the  
CC&Rs shall not defeat mortgages or deeds of trusts. This language is simply and only to allow

property owners to obtain loans to finance the purchases of their homes. In other words, the words “or any liens established hereunder” is only referring to liens expressly authorized by the CC&Rs or authorized by the unit owner and does not give the Association the right to lien the Plaintiffs’ properties to pay the Judgments. The Nevada Supreme Court rejected similar arguments made by the Lytle Trust. *See* Ex. 1 at 8 n.3.

The CC&Rs do not grant the power to lien. Therefore, the power to lien may not be implied nor is it logical or implied that the CC&Rs should contain such. Again, the Rosemere Judgments confirm this:

9. There is a strong public policy in protecting property owners in common-interest communities against any alteration of the burdens of character of the community. Rest. 3d, Property - Servitudes, § 6.10, Comments.

16. In reviewing the language of the Original CC&Rs, the Court must strictly construe the covenants thereto and any “doubt will be resolved in favor of the unrestricted use of the property....” *Dickstein v. Williams*, 93 Nev. 605,608, 571 P.2d 1169 (1977); *see also*, *e.g.*, *South Shore Homes Ass’n v. Holland Holidays*, 549 P.2d 1035, 1043 (Kan. 1976); *Duffy v. Sunburst Farms East Mutual Water & Agricultural Company, Inc.*, 604 P.2d 1124 (Ariz. 1980); *Bordleon v. Homeowners Ass’n of Lake Ramsey*, 916 So.2d 179, 183 (La. Ct. App. 2005); *Cummings v. Dosam*, 159 S.E.2d 513, 517 (N.C. 1968); *Long v. Branham*, 156 S.E.2d 235,236 (N.C. 1967).

Exhibit 10 at 8, 9. As the Lytle Trust has already argued, allowing the Association an implied lien right would alter the CC&Rs which is in direct violation of this Court’s prior Orders.

**G. The Receiver is Acting as an Agent of the Lytle Trust in Direct Contravention of this Court’s Prior Orders.**

The Lytle Trust argues that it is entitled to the valid exercise of its judgment creditor rights, which includes the appointment of a Receiver pursuant to NRS 32.010 to satisfy its Rosemere Judgments. Opposition at 11:6-12; 15:6-13. The Lytle Trust argues that the Receiver’s actions on behalf of the Association are different than the Lytle Trust’s actions against the Association or the Plaintiffs, so the Receiver’s actions have not violated the May 2018 Order. *Id.* at 26.

However, the Receiver is supposed to be a neutral party appointed by the court. *Anes v. Crown Partnership, Inc.*, 113 Nev. 195, 932 P.2d 1067 (1997), *citing Lynn v. Ingalls*, 100 Nev.

1 115, 120, 676 P.2d 797, 800–01 (1984). A receiver must act for the benefit of all interested  
2 parties. *Fullerton v. Second Judicial Dist. Court In and For County of Washoe*, 111 Nev. 391,  
3 400, 892 P.2d 935, 941 (1995); *Shannon v. Sup. Ct.*, 217 Cal.App.3d 986, 266 Cal.Rptr. 242  
4 (1990). Yet, the Receiver has not stayed neutral or acted on behalf all property owners. The  
5 Receiver has staked out a position in concert with the Lytle Trust against the other property  
6 owners. The Receiver has affirmatively declared that the Prior Orders do not prohibit it from  
7 making special assessments to pay the Lytle Trust. The Receiver declares that he “is not taking  
8 any action against the owners or their property directly, rather, the Receiver is satisfying the  
9 Judgment through the Association”, “Nonetheless, the Receiver can carry out his duties because:  
10 (a) the Receiver’s authority is not limited to the powers enumerated in NRS 116.1201 and the  
11 CC&Rs, and (b) the implied authority of common interest communities allows the Receiver to  
12 impose the assessments ordered by the Court”, “If the Receiver cannot perform his duties as  
13 authorized by this Court’s Order Appointing Receiver, the Association will be left with no means  
14 to satisfy the Judgments”, “In granting the injunction, the court only prohibited the *Lytle Trust*  
15 from taking action against the Owners and their properties”, and “Therefore, the Court’s order in  
16 his matter and the Receiver’s appointment do not run afoul of the injunction related to the Lytle  
17 Trust”. Exhibit 7, Motion for Instructions at 3:3-6, 2:21-23, 5:9-11, 20-25. All of these  
18 arguments parrot the arguments made by the Lytle Trust and only benefit the Lytle Trust - one  
19 homeowner out of nine (9). In fact, the Receiver made such a good case for the Lytle Trust, that  
20 the Lytle Trust joined the Receiver’s Motion. See Exhibit 13, Joinder to Motion for Instruction.  
21 Such actions are not neutral nor are they for the benefit of all interested parties. The Receiver has  
22 been acting as an officer of the Lytle Trust, advancing the Lytle Trust’s theories even in the face  
23 of legal opposition. He is not acting in the interest of the Association or the property owners.

24 As an agent of the Court, the Receiver should be interested in the fact that the Lytle Trust  
25 failed to inform him of many relevant issues that, in the least, would have been pertinent to the  
26 Court’s decision on the Receivership Order. The Lytle Trust asserts that it was merciful in not  
27  
28

1 informing Judge Kishner of this consolidated case, because it would be information that was not  
2 relevant. Opposition at 12:18-28, 13:1-19. However, under Nevada Rule of Professional Conduct  
3 3.3, “(a) A lawyer shall not knowingly: (1) Make a false statement of fact or law to a tribunal or  
4 fail to correct a false statement of material fact or law previously made to the tribunal by the  
5 lawyer; (2) *Fail to disclose to the tribunal legal authority in the controlling jurisdiction known*  
6 *to the lawyer to be directly adverse to the position of the client* and not disclosed by opposing  
7 counsel; or (3) Offer evidence that the lawyer knows to be false.” (Emphasis added). Under this  
8 duty of candor to the tribunal, which is bolstered by NRCP 11, the Lytle Trust’s counsel should  
9 have disclosed the Prior Orders to the Receivership court, which directly impacted the  
10 Receivership case and constituted clear legal authority on the issues presented therein.<sup>1</sup>

11 However, the Receiver clearly does not care about these matters. Thus, the Receiver is  
12 acting as an agent of the Lytle Trust. The Receiver continues to advance the Lytle Trust’s agenda  
13 in direct contravention of this Court’s Orders.

#### 14 IV. CONCLUSION

15 The Lytle Trust was clearly not satisfied that its efforts to collect from the Plaintiffs were  
16 not successful. The Lytle Trust is obviously upset that it has Judgments which are not being paid.  
17 It is further upset that its judgment debtor, the Association, has no further assets on which it can  
18 execute. Unsatisfied that it spent so much money to obtain an uncollectible judgment, the Lytle  
19 Trust has now sought the appointment of a receiver to do what this Court told the Lytle Trust it  
20 could not. Where the Receiver steps into the shoes of the Association, the Receiver cannot take  
21 actions that the Association could not take if it was still in possession of the estate. Yet, the Lytle  
22 Trust did not tell the Receivership Court about the findings of fact and conclusions of law in this  
23 Case so that it could empower the Receiver to make special assessments on the Plaintiffs. The  
24 power granted to the Receiver directly contradicts this Court’s Orders.

25 \_\_\_\_\_  
26 <sup>1</sup> In connection with its failure to inform the Receivership Court of this case, the Lytle Trust also asserts it was not  
27 required to take corrective action in response to the Letter from the Plaintiffs’ attorney to the Receiver. However,  
28 this duty of candor applied to this as well.

1 Based on the foregoing, the Plaintiffs respectfully request this Court to issue an Order  
2 requiring Defendants to appear and show cause why they should not be held in contempt for  
3 violation of this Court's prior Orders. Plaintiffs also respectfully request that a \$500 fee be  
4 assessed per Plaintiff and that the Plaintiffs be awarded all of their reasonable expenses incurred  
5 as result of the Lytle Trust's violation, including without limitation the Plaintiffs' attorney's fees  
6 and costs.

7 DATED this 14th day of April 2020.

8 CHRISTENSEN JAMES & MARTIN

9 By: /s/ Wesley J. Smith  
10 Wesley J. Smith, Esq.  
11 Nevada Bar No. 11871  
12 *Attorneys for September Trust, Zobrist*  
13 *Trust, Sandoval Trust and Gegen*  
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**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On April 14, 2020, I caused a true and correct copy of the foregoing REPLY TO 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 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)  
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 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):

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

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

/s/ Natalie Saville  
 Natalie Saville

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

**DECL**  
**CHRISTENSEN JAMES & MARTIN**  
KEVIN B. CHRISTENSEN, ESQ. (175)  
WESLEY J. SMITH, ESQ. (11871)  
LAURA J. WOLFF, ESQ. (6869)  
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Las Vegas, Nevada 89117  
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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

**DECLARATION OF COUNSEL IN  
SUPPORT OF REPLY TO  
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**

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



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 Reply to Opposition to Plaintiffs' Motion for  
14 an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of  
15 Court Orders ("Reply").

16 5. A true and correct copy of the original CC&Rs governing the Association, are  
17 attached to the Reply as Exhibit 9.

18 6. A true and correct copy of the Order Granting Plaintiffs John Allen Lytle and  
19 Trudi Lee Lytle's Motion for Summary Judgment filed July 30, 2013, in Case No. A-09-593497-  
20 C, Dept. XII, is attached to the Reply as Exhibit 10.

21 7. A true and correct copy of the Order Granting Plaintiff John Allen Lytle and  
22 Trudi Lee Lytle's, as Trustees of the Lytle Trust, Motion for Summary Judgment, Case No.: A-  
23 10-631355-C, Dept. XXXII entered on November 15, 2016, is attached to the Reply as Exhibit  
24 11.

25 8. I reviewed the online records of the Clark County Assessor's Office, Clark  
26 County Nevada, and I found and printed records from that website, including the Plat Map  
27 attached to the Reply as Exhibit 12.  
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*/s/ Wesley J. Smith*  


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Wesley J. Smith, Esq.  
NV Bar No. 11871

# Exhibit 9

# Exhibit 9

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
(CC and R's)

This Declaration of Covenants, Conditions and Restrictions made this 4<sup>th</sup> Day of JAN, 1974 by Baughman & Turner Pension Trust hereinafter referred to as "Subdivider", owner in fee simple of the land situated in the City of Las Vegas, County of Clark, State of Nevada, described as follows:

Lots 1 through 9 of Rosemere Court, a subdivision, recorded in Book 59 of Plats, Page 58, Clark County Records, Nevada.

WHEREAS, it is the desire and intention of Subdivider to sell the land described above and to impose on it mutual, beneficial covenants, conditions and restrictions under a general plan or scheme of improvement for the benefit of all the land described above and the future owners of the lots comprising said land.

NOW, THEREFORE, Subdivider hereby declares that all of the land described above is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the following covenants, conditions and restrictions, all of which are declared and agreed to be in furtherance of a plan for the subdivision, improvement and sale of said land and are established and agreed upon for the attractiveness of said land and lots and every part thereof. All of such covenants, conditions and restrictions shall run with the land and shall be binding on the Subdivider and on all of its heirs, successors and assigns and on all other parties having or occupying any right, title, or interest in the described land or any part thereof, and on all of their heirs, successors and assigns.

A breach or violation of these CC & R's or any re-entry by reason of such breach or any liens established hereunder shall not defeat or render invalid or modify in any way the lien of any mortgage or deed of trust made in good faith and for value as to said lots or PROPERTY or any part thereof; that these CC & R's shall be binding and effective against any owner of said PROPERTY whose title thereof is acquired by foreclosure, trustee's sale or otherwise.

1. Lots shall be used for private one-family residential purposes exclusively. Customary out-buildings including guest house, hobby house, private garages or carports may be erected or maintained therein, consistent with City of Las Vegas Zoning Ordinances.

2. All lavatories and toilets shall be built indoors and be connected with the existing sewer system.

3. No antennas or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation shall be erected, used or maintained on the roof of any structure within subdivision. In addition, no cooling or heating units shall be visible on the roof of any structure within subdivision.

4. No rubbish, brush, weeds, undergrowth or debris of any kind or character shall ever be placed or permitted to accumulate upon said lots so as to render said premises a fire hazard, unsanitary, unsightly, offensive or detrimental to any other property in the vicinity or the occupants thereof. Trash containers shall be visible on days of trash pick-up only. The Owner of the lot, for himself, his successors and assigns agrees to care for, cultivate, prune and maintain in good condition any and all trees, lawns and shrubs.

5. No odors shall be permitted to arise therefrom so as to render any such lot unsanitary, unsightly, offensive or detrimental to any other lot and no nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any other lot or to the occupants thereof; and without limiting the generality of any of the foregoing provisions, no horns, whistles, bells or other sound devices, except devices used exclusively for security purposes, shall be located, used or placed upon any lots. Stereo speakers may be used at reasonable volume levels.

6. No structure (including but not limited to dwelling units, garages, carports, walls and fences) shall be permitted to fall into disrepair and all structures shall at all times be kept in good condition and repair and adequately painted or otherwise finished. Any and all repairs, redecorations, modifications or additions, interior and exterior, shall fully comply with all restrictions.

7. No owner shall permit any thing or condition to exist upon any lot which shall induce, breed or harbor infectious plant disease or noxious insects.

8. For continuity of the neighborhood appearance, every single-family dwelling erected shall be of Spanish, Moorish, Mediterranean or similar-style architecture, and shall have a tile roof, face into the cul-de-sac and contain not less than 3,000 square feet of floor space for one-story homes and 3,500 square feet of floor space for two-story homes, exclusive of basements, porches, patios, garages, carports, guest or hobby houses.

9. Driveways for Lots 1 and 9 must enter the cul-de-sac and not the entrance street.

10. Building plans of residences to be erected shall be approved by Subdivider prior to start of construction.

11. Easements for installation and maintenance of utilities and drainage facilities have been conveyed as shown on the recorded subdivision plat and otherwise of record.

12. No billboards, signs, or advertising of any kind excepting a conventional "for sale" or "for rent" sign not larger than two feet by two feet shall be erected or maintained upon any of said lots without the written consent of Subdivider.

13. No animals or fowl, other than household pets, shall be kept or maintained on said property or any portion thereof. At any one time the total number of household pets shall not exceed four. No horses shall be allowed within the subdivision at any time.

14. Each Owner of a lot agrees for himself and his successors and assigns that he will not in any way interfere with the natural or established drainage of water over his lot from adjoining or other lots in said subdivision, or that he will make adequate provisions for proper drainage in the event it is necessary to change the natural or established flow of water drainage over his lot. For the purpose hereof, "natural" drainage is defined as the drainage which occurred or which would occur at the time the overall grading of said subdivision, including the finish grading of each lot in said parcel was completed by the Subdivider.

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15. Landscaping in front of a residence shall be completed within three (3) months from completion of construction of that residence. Landscaping shall meet or surpass VA and FHA standards.

16. No clotheslines shall be placed nor shall any clothes be hung in any manner whatsoever on any lot in a location visible from a public street.

16. No boat, trailer, mobile home, camper or commercial vehicles may be parked at any time within the private drive (street) area. In addition, no automobile, camper, mobile home, commercial vehicle, truck, boat or other equipment may be dismantled on any lot in an area visible from an adjoining property or the street area.

17. No boat, trailer, mobile home, camper, or commercial vehicle may be parked or stored at any time on any lot in an area visible from adjoining properties or streets. Additionally, no automobile, camper, mobile home, commercial vehicle, truck, boat or other equipment may be dismantled or stored on any lot in an area visible from adjoining properties or streets.

18. No commercial tools, equipment, commercial vehicles, structures or other commercial appurtenances shall be stored at any time on any lot.

19. Purchasers/Owners shall on an equal share basis, assume responsibility to maintain any and all off-site improvements which have been installed by Subdivider.

20. Purchasers/Owners or their successors in interest shall assume responsibility to maintain walls erected by Subdivider. Side and front walls shall be of the same type and color as presently installed and shall be erected within three months from completion of construction of house on said lot. Cost of side walls shall be agreed upon and equally shared by adjoining property owners. In the event side walls are already erected at time of purchase of lot, the Purchaser of that lot shall pay the adjoining lot owner who previously erected said wall one half (1/2) the cost as proven by his paid receipts. Payment shall be made within sixty (60) days from date of purchase of said lot.

21. A property owners committee shall be established by all owners of lots within the subdivision.

a. The committee shall determine the type and cost of landscaping on the four (4) exterior wall planters, and the entrance-way planters. The committee shall also determine the method and cost of watering and maintaining planters. All costs shall be equally shared by all owners of lots within the subdivision. In the event of any disagreement, the majority shall rule.

b. The exterior perimeter wall along the Oakey, Tenaya and El Parque frontage shall be maintained and/or repaired when appropriate, under the direction of the property owners committee. The costs to be equally shared by all 9 lot owners.

c. The Entrance Gate and it's related mechanical and electrical systems shall be maintained and/or repaired on an equal share basis by all lot owners.

d. The Private Drive (the interior street) used for ingress and egress purposes by all lot owners and the private sewer system within the Private Drive and easement area shall be maintained and/or repaired on an equal share basis by all owners of lots within the subdivision.

22. Construction trailers or mobile homes will not be permitted on any lot within the subdivision.

2 4 0 1 0 1 2 4 1

23. Each of the provisions of these covenants, conditions and restrictions shall be deemed independent and severable and the invalidity or partial invalidity of any provision or portion thereof, shall not effect validity or enforceability of any other provision.

24. Except as otherwise provided herein, Subdivider or any 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. In order to enforce said provision or provisions, any appropriate judicial proceeding in law or in equity may be initiated and prosecuted by any such lot owner or owners against any other owner or owners.

25. Attorney's Fees: In any legal or equitable proceeding for the enforcement of or to restrain the violation of the Declaration of Covenants, Conditions and Restrictions or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding.

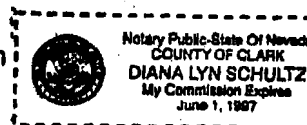
IN WITNESS WHEREOF, said Owner/Subdivider Baughman & Turner Pension Trust of Nevada, has hereunto affixed their signatures.

Date: 1/4/94 Stephen F. Turner  
Owner/Subdivider/Trustee Stephen F. Turner

Date: 1-4-94 Richard J. Baughman  
Owner/Subdivider/Trustee Richard J. Baughman

On this 4<sup>th</sup> day of JANUARY, 1994,  
before me, the undersigned, a Notary Public in  
and for said County and State, Personally appeared

Stephen F. Turner & Richard J. Baughman



(this area for official seal)

Diana Lyn Schultz  
Notary Public in and for said County and State

When Recorded Mail To:

Baughman & Turner, Inc.  
1210 Hinson Street  
Las Vegas, NV 89102

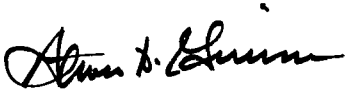
4 of 4

CLARK COUNTY, NEVADA  
JOAN L. SWIFT, RECORDER  
RECORDED AT REQUEST OF:  
BAUGHMAN & TURNER INC  
01-04-94 14100 PDR 4  
BOOK: 948104 INST: 01241  
FEE: 10.00 RPT: .00

# Exhibit 10

# Exhibit 10



  
CLERK OF THE COURT

1 **OGSJ**  
Richard E. Haskin, Esq.  
2 Nevada State Bar # 11592  
3 **GIBBS GIDEN LOCHER TURNER**  
**SENET & WITTBRODT LLP**  
4 7450 Arroyo Crossing Parkway, Suite 270  
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5 Attorneys for Plaintiff  
6 JOHN ALLEN LYTLE and  
TRUDI LEE LYTLE  
7 as Trustees of the Lytle Trust

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10  
11 JOHN ALLEN LYTLE and TRUDI LEE LYTLE,  
as Trustees of the Lytle Trust,

CASE NO. A-09-593497-C  
Dept.: XII

12 Plaintiffs,

13 v.

14 ROSEMERE ESTATES PROPERTY OWNERS'  
ASSOCIATION; and DOES 1 through 10,  
15 inclusive,

16 Defendants.

**ORDER GRANTING PLAINTIFFS JOHN  
ALLEN LYTLE AND TRUDI LEE  
LYTLE'S MOTION FOR SUMMARY  
JUDGMENT**

17  
18 PLEASE TAKE NOTICE that on April 1, 2013, the Court heard Plaintiffs JOHN ALLEN  
19 LYTLE and TRUDI LYTLE, as TRUSTEES OF THE LYTLE TRUST's ("Plaintiff"), Motion for  
20 Summary Judgment, and ROSEMERE ESTATES PROPERTY OWNERS' ASSOCIATION's (the  
21 "Association") Motion for Summary Judgment. After considering the motions, oppositions and  
22 replies thereto, the declarations, affidavits, and evidence submitted therewith, and hearing oral  
23 argument thereon, the Court grants Plaintiffs JOHN ALLEN LYTLE AND TRUDI LEE LYTLE, as  
24 TRUSTEES OF THE LYTLE TRUST's Motion for Summary Judgment. The Court further denies  
25 ROSEMERE ESTATES PROPERTY OWNERS' ASSOCIATION's Motion for Summary  
26 Judgment.

27 ///

28 ///

  
JUL 25 2013

Pursuant to NRCP 56(c), the Court's findings with respect to the undisputed material facts and legal determinations on which the court granted summary judgment are set forth herein and as follows:

**I. FINDINGS OF UNDISPUTED MATERIAL FACTS**

1. On January 4, 1994, Baughman & Turner Pension Trust (the "Developer"), as the subdivider of a cul-de-sac to be made up of nine (9) residential lots on a street known as Rosemere Court in Las Vegas, Nevada, recorded with the Clark County Recorder's Office a Declaration of Covenants, Conditions, and Restrictions ("Original CC&Rs.")

2. The Original CC&Rs consist of four (4) pages and 25 paragraphs, with no bylaws annexed, no amendment provision, and no homeowners association, as defined by Chapter 116.

3. The Original CC&Rs create a "property owners' committee" with very limited maintenance duties over specific common area items (exterior walls and planters, entrance way and planters, entrance gate, and the private street), which are specifically set forth in Paragraph 21 of the Original CC&Rs.

4. The Original CC&Rs then grant each homeowner, and not any homeowners' association, the power to enforce the Original CC&Rs against one another.

5. Among other things, there are no rental or pet restrictions or construction deadline in the Original CC&Rs.

6. The Developer then sold the nine (9) undeveloped lots between May 1994 and July 1996.

7. The first of the lots was conveyed by the Developer under the Original CC&Rs on May 19, 1994.

8. Plaintiff's trustees, John Allen Lytle and Trudi Lee Lytle (the "Lytles"), purchased a Rosemere Estates property, assessor's parcel number ("APN") 163-03-313-009 ("Plaintiff's Property"), on November 6, 1996, from the original buyer who first purchased it from the Developer on August 25, 1995.

9. The Lytles later transferred Plaintiff's Property to Plaintiff.

///

1           10.    The Lytles purchased the property with the sole purpose of building a custom home  
2 thereon.

3           11.    The primary reasons that the Lytles selected the property were the limited restrictions  
4 contained in the Original CC&Rs and the lack of a “unit-owners association,” as that term is legally  
5 defined by Chapter 116 of the Nevada Revised Statutes (“NRS”).

6           12.    Further, the Lytles could not meet any restrictive deadline on construction, so  
7 Plaintiff purposefully selected in a community with no construction deadline.

8           13.    Plaintiff undertook the design of the new custom built home, and by 2006, Plaintiff  
9 had developed preliminary plans that were approved by the Developer.

10          14.    Sometime after Plaintiff purchased its property, a group of property owners formed  
11 the Rosemere Estates Property Owners Association (the “Association”), with the sole purpose of  
12 maintaining those common areas designated by Paragraph 21 of the Original CC&Rs.

13          15.    In 1997, two owners, acting on behalf of all owners, filed Non-Profit Articles of  
14 Incorporation (the “Articles”) pursuant to NRS 82, which formalized the property owners’  
15 committee and named it “Rosemere Estates Property Owners Association.”

16          16.    The property owners recognized that the Association did not have powers granted to  
17 it other than those granted by the Original CC&Rs. For example, the Association had no power to  
18 assess, fine, issue rules and regulations, or undertake other actions commonly reserved for  
19 homeowners’ associations.

20          17.    In 1997, some of the property owners prepared and distributed a proposed set of  
21 amended CC&Rs, which proposed to empower the Association and drastically increase the scope of  
22 the Original CC&Rs.

23          18.    The property owners determined that unanimous consent was required to amend the  
24 Original CC&Rs. Due to a failure to obtain unanimous consent, as required, the proposed CC&Rs  
25 were not adopted.

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1           19. At a February 23, 2004 Association meeting, two Board members presented a set of  
2 proposed, amended CC&Rs. The newly proposed CC&Rs included various restrictions not within  
3 the Original CC&Rs, including animal restrictions, exterior maintenance and repair obligations,  
4 prohibitions against “unsightly articles,” and other use restrictions and obligations.

5           20. The proposed amended CC&Rs were not unanimously approved at the February 23,  
6 2004 meeting and, therefore, not adopted.

7           21. Without warning, consultation or advisement to the Rosemere property owners, on or  
8 about July 2, 2007, Amended and Restated CC&Rs were again proposed to the property owners by  
9 the Board.

10           22. This third set of proposed amended CC&Rs increased the complexity, scope, and size  
11 of the CC&Rs, from 4 pages to 36 pages, and contained numerous additional restrictions upon the  
12 property owners.

13           23. At the July 2, 2007 homeowners’ meeting, the Association’s Board presented the  
14 property owners with a binder that contained the following: (1) new Articles of Incorporation, dated  
15 June 6, 2007, which articles were never filed although represented to be as set forth herein; (2) a  
16 letter from the Board to the Association members; (3) a Corporate Charter referencing the February  
17 25, 1997 and June 6, 2007 Articles of Incorporation; (4) a section entitled “Governing Documents”  
18 referencing the June 6, 2007 Articles of Incorporation; (5) the “First Statutorily Mandated  
19 Amendment to the Bylaws of the Rosemere Estates Homeowners Association,” containing the  
20 recital “WHEREAS, the Declaration was recorded in the Office of Clark County Recorder on  
21 January 4, 1994, which Declaration provides for a method to make amendments to the Declaration  
22 and Bylaws...;” (6) the proposed Amended and Restated Covenants, Conditions and Restrictions  
23 (“Amended CC&Rs”). Bylaws did not exist prior to 2007.

24           24. The binders containing all of the foregoing documents were presented to each  
25 homeowner together with the following misrepresentations: (1) the June 6, 2007 Articles of  
26 Incorporation were filed with the Secretary of State, (2) the original CC&Rs provided a method for  
27 amendment, (3) the CC&Rs could be amended without unanimous consent, (4) the 1999 Nevada  
28 Legislature, through adoption of Senate Bill 451, “mandated” that the original CC&Rs be changed

1 to conform to NRS Chapter 116 “without complying with the procedural requirements generally  
2 applicable to the adoption of an amendment...,” and (5) all of the changes made were under NRS  
3 116.2117.

4 25. The proposed Amended CC&Rs were far more restrictive than the Original CC&Rs  
5 and changed the very nature of property ownership within Rosemere Estates. The Amended  
6 CC&Rs contained numerous and onerous new use restrictions including the drastic expansion of the  
7 powers, rights, and duties of the Association, a section entitled “Restrictions on Use, Alienation,  
8 and Occupancy,” pet restrictions, parking restrictions, lease restrictions, the establishment of a  
9 Design Review Committee with unfettered discretion, and a new and expansive definition of  
10 “nuisance.”

11 26. The Amended CC&Rs also contained a morality clause, providing as follows:

12 No use that is reasonably deemed immoral, improper,  
13 offensive, or unlawful by the Board of Directors may be  
14 made of the Property or any portion thereof.

15 27. The Amended CC&Rs also contained a pet restriction that permits any animal found  
16 off a leash to immediately be turned over to animal control, and any animal causing a “nuisance,” a  
17 vague and undefined term, to be permanently removed from Rosemere Estates upon three days  
18 written notice and hearing before the Board.

19 28. Finally, the proposed Amended CC&Rs contained a construction timeline that would  
20 require Plaintiff to complete the construction of the custom home on the lot within a mere *60 days*  
21 of receipt of approval from the proposed Design Review Committee—something never envisioned  
22 in the Original CC&Rs and impossible to adhere to.

23 29. Plaintiff’s property is the only Property subject to this restriction as Plaintiff’s  
24 Property was the only undeveloped lot at the time of amendment.

25 30. Further, the 60 day deadline is impossible to satisfy, and the homeowner is fined  
26 \$50.00 per day for failure to comply with this impossible deadline.

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31. Pursuant to the Amended CC&Rs, approval for a home design was (1) entirely within the Board's discretion, (2) based on Design Review Guidelines that have never been published, and (3) not subject "to any objective standards of reasonableness."

32. After the Board presented the proposed Amended CC&Rs to the owners, together with the written misrepresentations set forth above, the Board did not provide the owners with a reasonable time to review or discuss the lengthy pack of legal documents, or to seek legal advice. Rather, the Board insisted that the amendment was "a done deal."

33. Despite the misrepresentations introducing the governing documents, the vast expansion of the Original CC&Rs, the lack of any review time or discussion, and the insistence that the amendment was a "done deal," the Board asked the property owners to sign documents acknowledging their approval, with a notary retained by the Board present to verify signatures.

34. The Amended CC&Rs were not agreed to by all property owners at the July 2, 2007 meeting. In fact, only five of the property owners approved, with three property owners who refused to sign the amendment. A fourth homeowner submitted a disputed proxy that was not counted by the Board.

35. Despite the failure to obtain the required unanimous approval for amending the Original CC&Rs, the Association proceeded, on July 3, 2007, to record the Amended CC&Rs in the office of the Recorder for Clark County, Nevada.

## II. LEGAL DETERMINATIONS

### 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. 724, 731, 121 P.3d 1026, 1031 (2005) (*quoting* NRCP 56(c).)

3. 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 Nev. at 730, 121 P.3d at 1030 (internal citation omitted).

**B. Plaintiff Is Entitled To Summary Judgment In Its Favor**

4. A declaratory relief cause of action is proper where a conflict has arisen between the litigating parties, and the action is brought to establish the rights of the parties. 26 C.J.S. Declaratory Judgments § 1.

5. Plaintiff’s Cause of Action for Declaratory Relief seeks (1) a declaration from the Court that the Amended CC&Rs were not properly adopted by the members of the Association and were improperly recorded against Plaintiff’s Property, and (2) a permanent injunction against the Association from adopting further amendments without unanimous consent.

6. Summary judgment as to the Declaratory Relief Cause of Action is warranted based on the Court’s finding that the Amended CC&Rs were not adopted with unanimous consent, as required, and were, therefore, improperly recorded against Plaintiff’s Property.

**C. Rosemere Is A Limited Purpose Association Under NRS 116.1201 And Not A Unit-Owners’ Association Within The Meaning Of NRS, Chapter 116**

7. In order to create a valid unit-owners’ association, as defined by Chapter 116, certain formalities “must” be followed. NRS 116.3101 provides, in pertinent part,

**Organization of unit-owners’ association.**

1. A unit-owners’ association must be organized no later than the date the first unit in the common-interest community is conveyed.. . .

8. The purpose of Section 3101 is to provide the purchaser record notice that he/she/it is purchasing a property that is governed by a homeowners association and will be bound by Chapter 116, *et seq.*

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///

///

1           9.     There is a strong public policy in protecting property owners in common-interest  
2 communities against any alteration of the burdens of character of the community. Rest. 3d,  
3 Property – Servitudes, § 6.10, Comments.<sup>1</sup>

4           10.    A buyer is said to have “record notice” of the recorded covenants, conditions and  
5 restrictions on the property, thus the mandate that the homeowners’ association be formed prior to  
6 conveyance of the first unit in the community, together with the requirement that the CC&Rs be  
7 recorded. NRS 116.3101.

8           11.    Here, no Chapter 116 unit-owners’ association was formed because no association  
9 was organized prior to the date the first unit was conveyed. The Association was not formed until  
10 February 25, 1997, more than three years after Rosemere Estates was formed and the Original  
11 CC&Rs were recorded.

12           12.    Further, the Association did not have any powers beyond those of the “property  
13 owners committee” designated in the Original CC&Rs—simply to care for the landscaping and  
14 other common elements of Rosemere Estates as set forth in Paragraph 21 of the Original CC&Rs.

15           13.    The Original CC&Rs provide for the creation of a “property owners’ committee,”  
16 which is a “limited purpose association,” as defined by the 1994 version of NRS 116.1201, then in  
17 effect. That provision provided that Chapter 116 did not apply to “Associations created for the  
18 limited purpose of maintaining. . . “[t]he landscape of the common elements of a common interest  
19 community. . . .”

20           14.    In 1997, Rosemere Estates’ owners formed the Association for the express and  
21 limited purpose of (1) tending to the limited matters set forth in Paragraph 21 of the Original  
22 CC&Rs, (2) holding a bank account in which to deposit and withdraw funds for the payment of the  
23 limited common area expenses assigned to the Owners Committee, and (3) purchasing liability  
24 insurance. The intent was never to form a unit-owners’ association within the meaning of Chapter  
25 116.

26     ///

27 \_\_\_\_\_  
28 <sup>1</sup> “Property owners in common-interest communities are protected against amendments that unfairly  
change the allocation of burdens in the community or change the character of the community.” Rest.  
Law 3d, Property – Servitudes, § 6.10, Comments.



1           15. A limited purpose association cannot enforce “any restrictions concerning the use of  
2 units by the units’ owners, unless the limited-purpose association is created for a rural agricultural  
3 residential common-interest community.” NRS 116.1201(2)(a)(5). There is no question that  
4 Rosemere Estates was not “created for a rural agricultural residential common-interest community,”  
5 hence the Association cannot enforce “any restrictions concerning the use of units by the units’  
6 owners....”

7           16. In reviewing the language of the Original CC&Rs, the Court must strictly construe  
8 the covenants thereto and any “doubt will be resolved in favor of the unrestricted use of the  
9 property....” *Dickstein v. Williams*, 93 Nev. 605, 608, 571 P.2d 1169 (1977); *see also, e.g., South*  
10 *Shore Homes Ass’n v. Holland Holidays*, 549 P.2d 1035, 1043 (Kan. 1976); *Duffy v. Sunburst*  
11 *Farms East Mutual Water & Agricultural Company, Inc.*, 604 P.2d 1124 (Ariz. 1980); *Bordleon v.*  
12 *Homeowners Ass’n of Lake Ramsey*, 916 So.2d 179, 183 (La. Ct. App. 2005); *Cummings v. Dosam*,  
13 159 S.E.2d 513, 517 (N.C. 1968); *Long v. Branham*, 156 S.E.2d 235, 236 (N.C. 1967).

14           17. In keeping with this well-settled and general principle, the Court construes the  
15 Original CC&Rs pursuant to the plain meaning of the language therein. Nowhere is there reference  
16 in the Original CC&Rs to a “unit-owners’ association” or “homeowners association.” Rather, the  
17 Developer created a 116.1201 *limited purpose association* termed a “property owners’ committee,”  
18 and the Developer provided that committee with limited, rather than comprehensive, duties and  
19 powers.

20           18. Consistent with the absence of a governing body, *e.g.* unit-owners’ association,  
21 delegated with the duty to enforce the Original CC&Rs, the Developer provided each homeowner  
22 the right to independently enforce the Original CC&Rs against one another.

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

26 ///

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**D. The CC&Rs Can Only Be Amended By Unanimous Consent of All Property Owners**

20. Because Rosemere Estates is a limited purpose association under NRS 116.1201, NRS 116.2117, the statutory provision typically governing amendments to the CC&R's, does not apply here.

21. The Original CC&Rs are mutual and reciprocal among all of the Rosemere Estates property owners. The Original CC&Rs "touch and concern" (and thus "run with") the land. Accordingly, under long-standing and well-established common law, the Original CC&Rs are binding, and not subject to amendment, absent a new conveyance properly executed by all Rosemere property owners and in conformance with all of the other legal requirements for a valid transfer of an interest in real property. In short, there can be no valid amendment of the Original CC&Rs absent, at a minimum, the unanimous consent of all Rosemere property owners.

22. There has never been unanimous consent to amend the Original CC&Rs and there has never been a valid conveyance of Plaintiff's interest in the Original CC&Rs. Specifically, unanimous consent was not received in 2007, when the invalid Amended CC&Rs were wrongfully recorded by the Association.

23. Even if the provisions related to amendment within Chapter 116 were to apply, the Amended CC&Rs would still be invalid, and wrongly recorded, because NRS 116.2117 required unanimous consent under these circumstances. NRS 116.2117 specifies the kinds of amendments that require unanimous unit owner approval (as opposed to majority or supermajority approval). In particular, a "change of use" always requires unanimous approval.

NRS 116.2117 provides, in pertinent part:

1. . . .the declaration, including any plats, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, unless the declaration specifies a different percentage for all amendments or for specified subjects of amendment. If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval.

\* \* \*

///

///

4. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment may change the boundaries of any unit, change the allocated interests of a unit **or change the uses to which any unit is restricted, in the absence of unanimous consent of only those units' owners whose units are affected and the consent of a majority of the owners of the remaining units.**

(Emphasis added.)

24. For the reasons set forth above, the Association's counter-motion for summary judgment is without merit.

### **III. JUDGMENT**

IT IS HEREBY ADJUDGED AND DECREED:

#### **A. Declaration**

25. Pursuant to the foregoing, this Court declares and orders 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. This Order, may be recorded in the Office of the Clark County Recorder's Office by any party and, once recorded, shall be sufficient notice of same.

#### **B. Injunctive Relief**

26. The Association is permanently enjoined from recording and enforcing the Amended CC&Rs. The Association is hereby ordered to release the Amended CC&Rs, Document Number 20070703-0001934, recorded with the Clark County Recorder on July 3, 2007, within ten (10) court days after the date of Notice of Entry of this Order.

#### **C. Plaintiff's Monetary Damages**

27. Plaintiff's monetary damages are subject to a prove-up hearing, and Plaintiff is to submit a separate motion regarding the same.

#### **D. The Association's Motion For Summary Judgment**

28. The Association's Motion for Summary Judgment is denied.

#### **E. Costs**

29. Plaintiff is deemed the prevailing party in this action. Plaintiff is directed to prepare, file and serve a Memorandum of Costs.

///

30. Plaintiff is deemed the prevailing party in this action. Any motion for attorney fees addressed separately by the Court.

Dated this 27 day of July, 2013.

MICHELLE LEAVITT, DISTRICT COURT JUDGE

Prepared and submitted by:

Richard E. Haskin, Esq.  
Gibbs, Giden, Locher, Turner, Senet & Wittbrodt LLP  
7450 Arroyo Crossing Parkway, Suite 270  
Las Vegas, Nevada 89113  
Attorney for Plaintiff  
JOHN ALLEN LYTLE and TRUDI LEE LYTLE  
as Trustees of the Lytle Trust

# Exhibit 11

# Exhibit 11

1 **NEOJ**  
 Richard E. Haskin, Esq.  
 2 Nevada State Bar # 11592  
**GIBBS GIDEN LOCHER TURNER**  
**3 SENET & WITTBRODT LLP**  
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 4 Las Vegas, Nevada 89113-4059  
 (702) 836-9800

5 Attorneys for Plaintiffs and Counterdefendants  
 6 JOHN ALLEN LYTLE and TRUDI LYTLE

7  
 8 **DISTRICT COURT**  
 9 **CLARK COUNTY, NEVADA**

10  
 11 JOHN ALLEN LYTLE and TRUDI LYTLE, as  
 Trustees of the Lytle Trust,

12 Plaintiff,

13 v.

14 ROSEMERE ESTATES PROPERTY OWNERS  
 ASSOCIATION, a Nevada non-profit corporation;  
 15 and DOES I through X, inclusive,

16 Defendants.

17  
 18 ROSEMERE ESTATES PROPERTY OWNERS  
 19 ASSOCIATION, a Nevada non-profit corporation;  
 and DOES I through X, inclusive,

20 Counterclaimants,

21 v.

22 JOHN ALLEN LYTLE and TRUDI LYTLE, as  
 Trustees of the Lytle Trust,

23 Counterdefendants.

24  
 25 ///

26 ///

27 ///

28 ///

CASE NO.: A-10-631355-C  
 Dept.: XXXII

**NOTICE OF ENTRY OF ORDER  
 GRANTING MOTION FOR SUMMARY  
 JUDGMENT**

1 NOTICE IS HEREBY GIVEN that on the 15th day of November, 2016, an ORDER  
2 GRANTING MOTION FOR SUMMARY JUDGMENT was entered in the above-entitled matter, a  
3 copy of which is attached hereto.

4  
5 DATED: November 16, 2016

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

6  
7  
8 By: 

Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
7450 Arroyo Crossing Parkway, Suite 270  
Las Vegas, Nevada 89113-4059  
Attorneys for Plaintiffs and Counterdefendants  
JOHN ALLEN LYTLE and TRUDI LYTLE

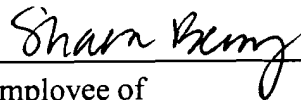
GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

001095

**CERTIFICATE OF MAILING**

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP, hereby certifies that on November 16, 2016, she served a copy of  
the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR SUMMARY  
JUDGMENT** by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at Las  
Vegas, Nevada, said envelope(s) addressed to:

ROSEMERE ESTATES PROPERTY OWNERS  
ASSOCIATION  
Board of Directors  
c/o Ray Sandoval  
1860 Rosemere Court  
Las Vegas, Nevada 89117

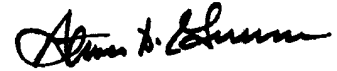
  
An employee of  
Gibbs Giden Locher Turner  
Senet & Wittbrodt LLP

GIBBS GIDEN LOCHER TURNER SENET &amp; WITTBRODT LLP

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CLERK OF THE COURT

1 **ORD**

2 Richard E. Haskin, Esq.

3 Nevada State Bar # 11592

4 **GIBBS GIDEN LOCHER TURNER**

5 **SENET & WITTBRODT LLP**

6 1140 N. Town Center Drive, Suite 300

7 Las Vegas, Nevada 89144-0596

8 (702) 836-9800

9 Attorneys for Plaintiffs and Counterdefendants

10 JOHN ALLEN LYTLE and TRUDI LYTLE

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JOHN ALLEN LYTLE and TRUDI LYTLE, as  
14 Trustees of the Lytle Trust,

15 Plaintiffs,

16 v.

17 ROSEMERE ESTATES PROPERTY OWNERS  
18 ASSOCIATION, a Nevada non-profit corporation;  
19 and DOES I through X, inclusive,

20 Defendants.

21 ROSEMERE ESTATES PROPERTY OWNERS  
22 ASSOCIATION, a Nevada non-profit corporation;  
23 and DOES I through X, inclusive,

24 Counterclaimants,

25 v.

26 JOHN ALLEN LYTLE and TRUDI LYTLE, as  
27 Trustees of the Lytle Trust,

28 Counterdefendants.

29 ///

30 ///

31 ///

CASE NO. A-10-631355-C  
Dept.: XXXII

**ORDER GRANTING PLAINTIFF JOHN  
ALLEN LYTLE AND TRUDI LEE  
LYTLE'S, AS TRUSTEES OF THE LYTLE  
TRUST, MOTION FOR SUMMARY  
JUDGMENT**

NOV 10 2016

PLEASE TAKE NOTICE that on November 8, 2016, the Court heard Plaintiffs JOHN ALLEN LYTLE and TRUDI LYTLE, as Trustees of the Lytle Trust (hereinafter "Plaintiff" or the "Lytles") MOTION FOR SUMMARY JUDGMENT in the above-captioned matter, filed on September 14, 2016. After considering the First Amended Complaint, deemed filed by Order of this Court on June 1, 2016, the Motion for Summary Judgment, the Declaration of Trudi Lytle, and evidence submitted therewith, and hearing oral argument, and no opposition having been filed by Defendant and Counterclaimant ROSEMERE ESTATES PROPERTY OWNERS ASSOCIATION ("Defendant"), the Court grants Plaintiffs' Motion for Summary Judgment.

**I. FINDINGS OF FACT**

1. On January 4, 1994, Baughman & Turner Pension Trust (the "Developer"), as the subdivider of a cul-de-sac to be made up of nine (9) residential lots on a street known as Rosemere Court in Las Vegas, Nevada, recorded with the Clark County Recorder's Office a Declaration of Covenants, Conditions, and Restrictions ("Original CC&Rs.).

2. The Original CC&Rs consist of four (4) pages and 25 paragraphs, with no bylaws annexed, no amendment provision, and no homeowners association, as defined by Chapter 116.

3. The Original CC&Rs create a "property owners' committee" with very limited maintenance duties over specific common area items (exterior walls and planters, entrance way and planters, entrance gate, and the private street), which are specifically set forth in Paragraph 21 of the Original CC&Rs.

4. The Developer then sold the nine (9) undeveloped lots between May 1994 and July 1996.

5. The first of the lots was conveyed by the Developer under the Original CC&Rs on May 19, 1994.

6. Plaintiff's trustees, John Allen Lytle and Trudi Lee Lytle (the "Lytles"), purchased a Rosemere Estates property, assessor's parcel number ("APN") 163-03-313-009 ("Plaintiff's Property"), on November 6, 1996, from the original buyer who first purchased it from the Developer on August 25, 1995.

7. The Lytles later transferred Plaintiff's Property to Plaintiff.

1           8.     In another action by Plaintiff against the Association before this Court, the Court  
2 found, as a matter of law, as follows:

3           a.     The Association is a limited purpose association under NRS 116.1201 and not  
4 a unit-owners' association, as that term is defined by Chapter 116. In making this finding,  
5 the District Court specifically found: (1) "the Association did not have any powers beyond  
6 those of the "property owners committee" designated in the Original CC&Rs—simply to care  
7 for the landscaping and other common elements of Rosemere Estates as set forth in  
8 Paragraph 21 of the Original CC&Rs;" (2) that the Association was "created for the limited  
9 purpose of maintaining. . . "[t]he landscape of the common elements of a common interest  
10 community. . .;" and (3) the Association "cannot enforce "any restrictions concerning the use  
11 of units by the units' owners . . ."

12           b.     The Amended CC&Rs were not properly adopted or recorded, that the  
13 Amended CC&Rs are invalid, and that the Amended CC&Rs have no force and effect.

14           9.     The Court's Judgment was affirmed by the Nevada Supreme Court, Docket No.  
15 63942.

16           10.    On September 15, 2008, at an Executive Board meeting of the Association, on a 5-3  
17 vote, the membership voted to approve an Executive Board proposal that, first, each member of the  
18 Association should be assessed \$10,000.00 "in conjunction with [Plaintiff's] actions" in bringing the  
19 NRED 1 litigation and in pursuing litigation against Plaintiff for unarticulated and nebulous reasons,  
20 and, second, that "the Association should bring foreclosure proceedings against any lots with  
21 outstanding assessments due the Association."

22           11.    On July 20, 2009, the Association, through a collection agency, NAS, caused to be  
23 recorded a Notice of Delinquent Assessment Lien in the Clark County Recorder's Office in the  
24 amount of \$12,500.00 (stated as including late fees, collection fees and interest in the amount of  
25 \$2,379.00) against Plaintiff's property within Rosemere Estates. The July 20, 2009 lien shall be  
26 referred to herein as the "First Lien."

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12. Plaintiff immediately objected to validity of the First Lien and assessments to the Association and the collection agency because the validity of the Amended CC&Rs was the subject of litigation and the fact that Plaintiff had bonded around the lien. Further, the assessment, at least in substantial part, is for legal fees that Plaintiff would have to pay to sue itself. This lien remains recorded against Plaintiff's Property.

13. Plaintiff never received notice of the assessment or notice of an intent to lien as required by NRS 116.31162(1)(a), which requires a notice of the delinquent assessment stating the amount of the assessment and additional costs. This must be mailed by the Association, or its agent, to Plaintiff prior to recording any lien. And this was not done.

14. On or about November 19, 2009, the Association (through its collection agency) notified Plaintiff that the payoff amount had increased to \$21,045.00. Lytle Decl., ¶ 26. Plaintiff objected at every instance to the First Lien. *Id.* at ¶ 27.

15. After a Nevada Real Estate Division ("NRED") arbitration of the validity of the Amended CC&RS, the arbitrator wrongfully ruled in favor of the Association and awarded the Association \$45,000.00 in legal fees and \$7,255.19 in costs. Plaintiff immediately filed a trial de novo in District Court, the NRED 1 case, and posted a supersedeas bond with the Clerk in the amount of \$52,255.19, covering the foregoing fees and costs.

16. On November 18, 2009, the Association, through its attorney Gerry G. Zobrist, the son of Board President Gerry Zobrist, recorded a Judgment dismissing the NRED 1 case against Plaintiff's Property, which also included a \$52,255.19 attorney fee and cost award, against Plaintiffs' Property. The recorded Judgment shall be referred to herein as the "Second Lien."

17. The Association recorded the Second Lien ten (10) days after Plaintiff posted a bond to cover the \$52,255.19 monetary judgment which the Association deemed good and sufficient.

18. The purpose for recording the Second Lien (Judgment) was simply to slander title to Plaintiff's Property. The NRED 1 dismissal and monetary award was overturned by the Nevada Supreme Court on September 29, 2011 in Docket No. 54886.

19. The Second Lien was released on November 14, 2012.

///

20. On or about November 19, 2009, the Association (through its collection agency) notified Plaintiff that the payoff amount on the First Lien had increased to \$21,045.00 and that the Association was going to foreclose on the property. The increase in the lien amount included a \$1,000.00 late fee, when only \$10.00 was permissible pursuant to the Amended CC&Rs. Also, the Association demanded a special assessment interest amount of \$900.00 at 12% interest per annum, when the allowable interest rate is 3.25% per NRS 99.040(1) on this date.

21. On or about March 16, 2010, Plaintiff filed a second arbitration action with NRED against the Association disputing the validity of the assessment and related penalties, interest and collection fees.

22. While the arbitration matter was pending and five (5) days after the Complaint was filed in this action, the Association recorded yet another lien against Plaintiff's property on March 22, 2010, in the amount of \$136,583.00, without any justification for doing so. The March 22, 2010 lien shall be referred to as the "Third Lien."

23. The Third Lien was released by the Association on September 27, 2010, only after Plaintiff discovered it had been recorded.

24. The Third Lien includes the amounts from the First and Second Liens, which already were recorded against Plaintiff's Property.

25. The three liens, which were all recorded at the same time, totaled \$209,883.19. The only amount that had been adjudicated was \$52,255.19, and there was a bond posted in that amount which was deemed, by the Association, as good and sufficient.

26. For the reasons set forth in this Order, the Association did not have a right to have any of these liens recorded against Plaintiff's Property.

## **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)).

3. 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). 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). In this case, the Association failed to oppose the Motion for Summary Judgment and failed to appear for the hearing thereon, which was a general failing to present any facts demonstrating the existence of a genuine issue for trial.

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)

**B. Summary Judgment Is Proper As To Plaintiff's Declaratory Relief Cause of Action**

5. A declaratory relief cause of action is proper where a conflict has arisen between the litigating parties, and the action is brought to establish the rights of the parties. 26 C.J.S. Declaratory Judgments § 1.

6. The Lytles' Seventh Cause of Action seeks Declaratory Relief and assumes, therein, that the Amended CC&Rs are void *ab initio*, as they indeed are.<sup>1</sup> See First Amended Complaint ("FAC"), ¶¶ 32 – 39. Specifically, the Lytles seek this Court to declare that the Liens based on the assessments at issue are invalid because they were based on the Amended CC&Rs, which were void *ab initio* – meaning that there was never any right prescribed by the Amended CC&Rs as they were void from their inception and recording.

7. *Void ab initio* means that the documents are of no force and effect., *i.e.* it does not legally exist. Washoe Medical Center v. Second Judicial Dist. Court of State of Nev., 122 Nev. 1298, 1304, 148 P.3d 790, 794 (2006); see also Black's Law Dictionary, 2d ed.. The phrase *ab initio* comes from Latin and has the literal translation "from the start" or "from the beginning." If a court declares something void *ab initio*, it typically means that the court's ruling applies from the very beginning, from when the act occurred. In other words, the court declares the documents, in this case, the Amended CC&Rs, invalid from the very inception.

8. Here, this Court has declared the Amended CC&Rs void *ab initio*, meaning that they never had any force and effect. The liens in questions are all based on assessments that were levied pursuant to the Amended CC&Rs. As a result, the assessments and resulting liens are invalid and must be similarly declared void *ab initio*.

#### C. Summary Judgment Is Granted As To The Quiet Title Cause Of Action

9. A plaintiff may bring a quiet title cause of action and must allege (1) the plaintiff has an interest in real property, and (2) the defendant claims an interest adverse to that of plaintiff. Twain Harte Homeowners Assn. v. Patterson, 239 Cal.Rptr. 316 (1987), South Shore Land Co. v. Petersen, 38 Cal.Rptr. 392 (1964), Thornton v. Stevenson, 8 Cal.Rptr. 603 (1960).

10. The Plaintiff's Fourth Cause of Action is for Quiet Title and alleges that the liens described herein "were recorded without any right and for invalid reasons as set forth herein, and the lien presently recorded against the property impairs and clouds Plaintiff's title to Plaintiff's Property."

<sup>1</sup> Plaintiff believes that a determination as to the Seventh Cause of Action first, which alleges that the liens are void *ab initio* and must be revoked because the District Court already has determined that the Amended CC&Rs are void *ab initio* is the appropriate starting point for the Court's determination of this matter.

11. "A cloud on title is described as any outstanding instrument, record, claim, or encumbrance which is actually invalid or inoperative but which may nevertheless impair the title to property." 53 Cal. Jur. 3d Quieting Title § 15. "Actions to determine the continuing validity of a restrictive covenant are normally brought either as an action for a declaratory judgment or an action to quiet title.

12. Where the action is one to quiet title, it is necessary to show that the plaintiff holds title to the property in question and that there is 'cloud' upon the title, or, in other words, that a hostile claim is outstanding. 27 Causes of Action 203, §§ 5, 25 (2012), see also Cortese v United States, 782 F.2d 845 (9th Cir Cal 1986); Garnick v Serewitch, 39 NJ Super 486, 121 A.2d 423 (1956); 65 Am. Jur. 2d, *Quieting Title and Determination of Adverse Claims* §§ 9-17; C.J.S., Quieting Title §§ 58-66.

13. As set forth above in this Order, the Amended CC&Rs and the liens based thereon are all void *ab initio*. The recording of the Amended CC&Rs and the liens all were a cloud on title, and summary judgment granting Plaintiff's Quiet Title cause of action is warranted and granted.

**D. Summary Judgment Is Granted As To The Injunctive Relief Cause Of Action**

14. Plaintiff's Fifth Cause of Action alleges that "Plaintiff is entitled to a preliminary and permanent mandatory injunction ordering the Association not to foreclose on the first lien recorded on Plaintiff's Property on July 20, 2009, pending final resolution of the within litigation."

15. As set forth above, all liens, including the first lien, are void ab initio and are illegitimate. Therefore, no foreclosure action may be pursued to enforce the liens, and summary judgment is proper as to Fifth Cause of Action for injunctive relief.

**E. Summary Judgment Is Granted As To The Slander Of Title Cause Of Action**

16. "Slander of title involves false and malicious communications that disparage a person's title in land and cause special damages." Higgins v. Higgins, 103 Nev. 443, 445, 744 P.2d 530, 531 (1987).

17. An award of expenses, including attorneys' fees, incurred in removing a cloud on title is proper. Summa Corp. v. Greenspun, 98 Nev. 528, 532, 655 P.2d 513, 515 (1982).

///



1           18.     “Malice” has been defined as “knowledge that it [a statement] was false or with  
2 reckless disregard of whether it was false or not.” New York Times Co. v. Sullivan, 376 U.S. 254,  
3 279-80 (1964). Reckless disregard means that the publisher of the statement acted with a “ ‘high  
4 degree of awareness of ... [the] probable falsity’ ” of the statement or had serious doubts as to the  
5 publication's truth.” *Id.* at 280.

6           19.     Plaintiff's Third Cause of Action alleges slander of title against the Association as a  
7 result of the Association's recording the First and Second Liens.

8           20.     The Association knew or should have known that it had no right to issue assessments  
9 against Plaintiff and knew or should have known that the bond posted by Plaintiff adequately  
10 covered the Association's lien on Plaintiff's Property and therefore the Association acted  
11 maliciously or in reckless disregard of the falsity of the lien by recording the lien on the Property and  
12 refusing to remove the same up through the present date.

13           21.     Further, the recordation by the Association of the Third Lien constitutes slander of  
14 title to Plaintiff's Property as the Association and its Board members knew or should have known  
15 that they had no legal right to record the lien as the amount of lien had not been adjudicated by any  
16 court, arbitrator or arbiter and therefore the Association and/or its Board members acted with malice  
17 and/or with reckless disregard of the falsity of the lien.

18           22.     This Court already found that the Association had no lawful right to record and  
19 enforce the Amended CC&Rs. As such, the Amended CC&Rs were declared void *ab initio*.  
20 Similarly, the First and Second Liens, and all other liens recorded against Plaintiff's Property are  
21 void *ab initio* because they were born from the Amended CC&Rs. Thus, the falsity of the liens is  
22 clearly established.

23           23.     In addition to being false, the Association's actions were malicious because the  
24 Association recorded the liens with reckless disregard for the integrity of those liens.

25           24.     The July 2007 amendment meeting and the actions that preceded that meeting to  
26 perpetrate the fraud of the Amended CC&Rs and post-meeting actions in recording the Amended  
27 CC&Rs were fraudulent. The Association's Board, at that time, pushed the Amended CC&Rs  
28 through an improperly noticed meeting wherein homeowners were provided with written

1 misrepresentations, insufficient time to consider and debate the proposed amendment, and then,  
 2 despite all of these problems, the Association's Board still recorded the Amended CC&RS without  
 3 the required unanimous consent. The process was reckless and malicious and aimed at the Lytles,  
 4 who were the only undeveloped lot at the time, from building their dream home.

5 25. Once the Amended CC&Rs were improperly recorded, the Association, again acting  
 6 in disregard for Plaintiff's rights, recorded liens against Plaintiff's Property and swiftly moved to  
 7 foreclose against the First Lien.

8 26. As a result of the Association's actions, as set forth herein and as established by the  
 9 record in Case No. A-09-593497-C, the Association's actions were malicious.

10 27. Therefore, summary judgment as to Plaintiff's Third Cause of Action for Slander of  
 11 Title is appropriate.

12 **F. The Liens Are Invalid Because The Association Did Not Adopt An Annual Budget**

13 28. The Association's Board failed to adopt an annual budget in violation of NRS §  
 14 116.3115. Assessments may not be imposed if they are not done so based on an annual budget  
 15 prepared by the Board. NRS 116.3115, see also Bylaws, Sections 8.1 and 8.2.

16 29. The Association failed to adopt a budget in either 2009 or 2010, as required under  
 17 Article 10, Section 10.4 of the Amended CC&Rs and Article VIII, Section 8.1 and 8.2 of the  
 18 Bylaws.

19 30. As set forth in NRS 116.3115 and in the Association's own amended governing  
 20 documents (since revoked but in place at the time of the assessments in question), an annual budget  
 21 is required in order to impose assessments.

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**G. The Liens Are Invalid Because The Association Failed To Provide Requisite Notice  
And A Hearing Prior To Levying The Assessments And Recording The Liens  
Against The Property**

31. NRS 116.31162(1)(2) provides as follows:

1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

32. Plaintiff never received any required statutory notice from the Association or anyone acting on its behalf of the delinquent assessment and other sums allegedly due that served as the basis for the First Lien.

33. Thus, the First Lien, even if the basis for that lien were valid, which they are not, is procedurally defective.

**H. The Association's Collection Agency Was Never Properly Authorized**

34. NRS 116.31086 requires the Association to obtain three (3) bids before hiring a collection agent, in this case NAS.

35. No bids were collected, and no meeting took place during which NAS was appointed as the Association's collection agent.

36. Yet, despite not being lawfully engaged and authorized, NAS recorded the First Lien on the Lytle Property and pursued collection and foreclosure. This was improper.

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**I. Plaintiff Suffered Damages**

37. NRS 116.1183 provides as follows:

1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:

(a) Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;

(b) Recommended the selection or replacement of an attorney, community manager or vendor; or

(c) Requested in good faith to review the books, records or other papers of the association.

2. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

[Emphasis added].

38. Plaintiff presented adequate evidence that it suffered damages as a result of the Board's retaliatory actions.

39. Plaintiff planned to build a dream home in the community, and the actions taken by the Board were intentionally and directly targeted at Allen and Trudi Lytle in order to prevent them from ever moving into the community.

40. Once more, Plaintiff underwent financial hardship in posting the various bonds in order to appeal this action (and other actions).

41. This matter commenced with the unlawful amendment in July 2007 and did not conclude until the Supreme Court affirmed the District Court's ruling that the Association's conduct was, indeed, unlawful and in violation of the Lyles' rights as homeowners.

42. Finally, the Association suspended the Plaintiff's voting rights, the right to run for the Board, blocked Plaintiff's attendance at meetings, and suspended membership privileges, all without complying with Article 12, Section 1.2(d) of the Amended CC&Rs and NRS 116.31041(2).

///

43. The Association's retaliatory actions cost the Lytles their dream home. These actions further entitle Plaintiff to attorneys' fees incurred in this action, the underlying arbitration, and appeal in this action.

**J. Plaintiff Is Entitled To Punitive Damages**

44. A wronged plaintiff may recover punitive damages in an action for slander of title. Summa Corp. v. Greenspun, 98 Nev. 528, 655 P.2d 513 (1982).

45. Once more, the plaintiff need not show that the land was adversely affected. Id. at 531. Actual damages in the form of costs to remove the cloud on title, such as attorneys' fees, is sufficient. Id.

46. The Association, through its Board, recorded three (3) improper and unlawful liens against Plaintiff's Property. Once more, each lien incorporated the prior lien amount, reaching a total of \$209,883.19, when the only amount that had been adjudicated was \$52,255.19, when there was a bond posted in that amount which was deemed, by the Association, as good and sufficient.

47. The Court finds that the Association did not have a right to have any of these liens recorded against Plaintiff's Property.

48. The totality of the liens made it impossible for Plaintiff to sell the Property, even though a good and sufficient bond had been deposited.

49. The Association's actions were taken in order to prevent the Lytles from building their dream home in the community.

50. Pursuant to the foregoing, Plaintiff is entitled to punitive damages in an amount to be determined after a prove-up hearing on damages.

**K. Plaintiff Is Entitled To An Award Of Damages Equal To Its Costs And Attorneys'**

**Fees Incurred In Removing The Cloud On Title**

51. A plaintiff can recover its costs and attorneys' fees as damages in an action for slander of title. See generally Summa Corp., 98 Nev. 528, 655 P.2d 513.

52. Plaintiff is directed to submit a memorandum of costs and application for attorneys' fees.

///

1           **L. Summary Judgment Is Granted Against The Associations' Counterclaim**

2           53.     The Association's Counterclaim merely seeks to enforce actions taken against the  
3     Lyttles via the Amended CC&Rs, which are *void ab initio* as set forth herein. For the reasons set  
4     forth herein and the legal authority cited, all fines, assessments and liens are void *ab initio* and  
5     should be declared as such.

6           **III. JUDGMENT**

7           **IT IS HEREBY ADJUDGED AND DECREED:**

8           1.     All liens recorded by the Association against Plaintiff's Property are invalid and have  
9     no force and effect. This Order may be recorded in the Office of the Clark County Recorder's  
10    Office by any party, and, once recorded, shall be sufficient notice of the same.

11          2.     The Association is hereby ordered to release any and all liens recorded against the  
12    Property within sixty (60) days of the date of service of this Order on the Association, including (a)  
13    the Notice of Delinquent Assessment Lien, Book/Instr. No. 20090720-001631, and (b) the  
14    Judgment, Book/Instr. No. 200911180005345.

15          3.     The Association's Counterclaim is dismissed.

16          4.     Plaintiff is the prevailing party in this action. Plaintiff is directed to prepare, file and  
17    serve a Memorandum of Costs.

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1           5.     Plaintiff is deemed the prevailing party in this action. Any motion for attorneys' fees  
2 will be addressed separately by the Court.

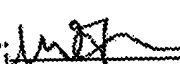
3  
4 IT IS SO ORDERED this 14 day of November, 2016.

5  
6   
7 HONORABLE ROB BARE  
8 District Court Judge, Dept. XXXII

9 ROB BARE  
10 JUDGE, DISTRICT COURT, DEPARTMENT 32

11 DATED: November 10, 2016

12 GIBBS GIDEN LOCHER TURNER  
13 SENET & WITTBRODT LLP

14 By:  #12490  
15 Richard E. Haskin, Esq.  
16 Nevada State Bar # 11592  
17 1140 N. Town Center Drive, Suite 300  
18 Las Vegas, Nevada 89144-0596  
19 Attorneys for Plaintiffs and Counterdefendants  
20 JOHN ALLEN LYTLER and TRUDI LYTLER

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

# Exhibit 12

001112

# Exhibit 12



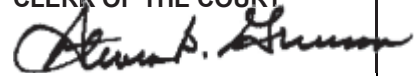


# Exhibit 13

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001114

# Exhibit 13



**JOIN**

DAN R. WAITE, ESQ.  
Nevada Bar No. 4078  
DWaite@lrrc.com

**LEWIS ROCA ROTHGERBER CHRISTIE LLP**

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**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; ,

Defendants,

Case No.: A-18-775843-C

Dept. No.: 31

**PLAINTIFF LYTLE TRUST'S JOINDER  
TO RECEIVER'S MOTION FOR  
INSTRUCTIONS**

**DATE OF HEARING: April 16, 2020  
TIME OF HEARING: 9:00 a.m.**

Plaintiff Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust, by and through their undersigned co-counsel Dan R. Waite, hereby join in Receiver's Motion for Instructions and Proposed Order, filed in this action on March 16, 2020 ("Receiver's Motion for Instructions").

Further, the Lytle Trust advises the Court that the recently-added intervenor homeowners filed a motion in Case No. A-16-747800-C (Judge Timothy Williams) to hold the Lytle Trust in contempt (and seeking, *inter alia*, monetary sanctions against both the Lytle Trust and the court-appointed Receiver) ("Contempt Motion"). The Contempt Motion is currently scheduled to be heard by Judge Williams on April 21, 2020 at 9:00 a.m.

In their Contempt Motion, the homeowners contend that, by seeking (and obtaining) the appointment of a Receiver here, the Lytle Trust violated a permanent injunction entered against it by Judge Williams. The Lytle Trust anticipates the intervenor homeowners will make those same

1 unfounded accusations here in response to the Receiver's Motion for Instructions. Accordingly,  
2 in addition to joining the Receiver's Motion for Instructions, the Lytle Trust offers and  
3 incorporates herein the additional arguments and authorities it recently submitted in opposition to  
4 the intervenor homeowners' Contempt Motion. (See "Opposition to Plaintiffs' Motion for an  
5 Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of  
6 Court Orders," filed in Case A-16-747800-C earlier today, attached hereto as **Exhibit A** (the  
7 "Contempt Opposition")). Portions of the Contempt Opposition are similar to arguments and  
8 authorities contained in the Receiver's Motion for Instructions. However, substantial additional  
9 arguments, authorities, and evidence are contained in the attached Contempt Opposition.

10 The Lytle Trust respectfully asks the Court to fully consider its attached Contempt  
11 Opposition.

12 Dated this 19<sup>th</sup> day of March, 2020.

13 LEWIS ROCA ROTHGERBER CHRISTIE LLP

14  
15  
16 By: /s/ Dan R. Waite

17 Dan R. Waite (4078)  
18 3993 Howard Hughes Pkwy, Suite 600  
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20 *Attorneys for Plaintiffs, Trudi Lee Lytle and John Allen*  
21 *Lytle, as Trustees of the Lytle Trust*

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this day, I caused a true and correct copy of the following ***“Joinder to Receiver’s Motion for Instructions and Proposed Order”*** to be e-filed and served via the Court’s E-Filing System.

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Dated this 19<sup>th</sup> day of March, 2020

/s/ Luz Horvath  
 An Employee of Lewis Roca Rothgerber Christie LLP

# Exhibit A

# Exhibit A



**OPPM**  
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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 (10<sup>th</sup> 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.<sup>1</sup>

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 . . .”).

<sup>1</sup> 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 DeSarrollo 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.<sup>2</sup> This distinction is fatal to the homeowners’ Motion.<sup>3</sup>

<sup>2</sup> 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

<sup>3</sup> 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.<sup>4</sup>

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

<sup>4</sup> 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. Lindskoog*, 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.

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

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

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

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



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

3 **G. THE HOMEOWNERS' LETTER NEITHER ASKED THE LYTLT TRUST TO**  
4 **TAKE ANY CORRECTIVE ACTION NOR WAS CORRECTIVE ACTION**  
5 **NECESSARY BECAUSE NO COURT ORDER WAS VIOLATED**

6 The Motion next argues that the Lytle Trust's alleged violation of the May 2018 Order  
7 must be deemed intentional (contemptuous) because the Lytle Trust did not take corrective action  
8 in response to the aggressive "cease and desist" letter sent by the homeowners' counsel. (Mtn. at  
9 15:5-16). However, a simple review of that "cease and desist" letter (Mtn. at Ex. 4) reveals that it  
10 was not even addressed to the Lytle Trust. Nor did the letter ask/demand the Lytle Trust to do  
11 anything. Thus, it is curious how the Lytle Trust's nonresponse to a letter that was not addressed  
12 to it and requested no action from it could even remotely constitute evidence of its intent. Indeed,  
13 the Lytle Trust does not control the court-appointed Receiver and the Receiver is not its agent.

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

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

19 The Lytle Trust did not violate any order, not intentionally and not accidentally.  
20 Therefore, no basis exists to award the Plaintiffs \$500 in total (as contemplated by NRS  
21 22.100(2)), to say nothing of \$500 each as requested by the homeowners. Nor is there any basis to  
22 award Plaintiffs their attorney fees and costs. Least of all, there is no basis to award Plaintiffs'  
23 fees and costs for filing a motion to intervene in a different case (which the parties there stipulated  
24 to without request and would have stipulated to if requested without the need of a motion).

25 To the contrary, the Lytle Trust has been wrongfully required to expend significant  
26 resources responding to this contempt Motion. Therefore, the Lytle Trust should be awarded its  
27 fees and costs against each of the moving/joining homeowners. If the Court grants such, the Lytle  
28 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 19<sup>th</sup> day of March, 2020.

6 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**

7  
8 By: 

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13 *Attorneys for Defendants*

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Las Vegas, NV 89169-5996

**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 19<sup>th</sup> 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**

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

**EVENTS & ORDERS OF THE COURT**

	<b>DISPOSITIONS</b>
10/02/2009	<b>Order of Dismissal With Prejudice</b> (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	<b>Judgment Upon Arbitration Award</b> (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	<b>Clerk's Certificate</b> (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	<b>Order</b> (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	<b>Order</b> (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	<b>Order</b> (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	<b>Amended Renewal of Judgment</b> (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 <b>Summary Judgment</b> (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	<b>Judgment</b> (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
	<b>OTHER EVENTS AND HEARINGS</b>
06/26/2009	<b>Complaint</b> <i>Complaint for Trial De Novo Pursuant to NRS 38.330; Declaratory Relief; and for a Permanent Injunction</i>
06/26/2009	<b>Initial Appearance Fee Disclosure</b>
07/27/2009	<b>Summons</b>
08/18/2009	<b>Initial Appearance Fee Disclosure</b>
08/18/2009	<b>Motion to Dismiss</b> <i>Defendant's Motion to Dismiss Plaintiff's Complaint and to Confirm Arbitration Award</i>
09/04/2009	<b>Opposition to Motion to Dismiss</b> <i>Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint and to Confirm Arbitration Award</i>
09/15/2009	<b>Reply in Support</b> <i>Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Complaint and to Confirm Arbitration Award</i>
09/21/2009	<b>Motion to Dismiss</b> (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	<b>Order Granting Motion</b> <i>Order Granting Defendant's Motion to Dismiss Complaint and to Confirm Arbitration Award</i>
10/05/2009	<b>Notice of Entry of Order</b>
10/14/2009	<b>Judgment</b>
10/15/2009	<b>Notice of Entry of Judgment</b>
10/21/2009	<b>Motion to Reconsider</b> <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	<b>Substitution of Attorney</b> <i>Plaintiff's Substitution of Attorney</i>
10/29/2009	<b>Reporters Transcript</b> <i>Reporter's Transcript Hearing September 21, 2009</i>
11/04/2009	<b>Receipt of Copy</b> <i>Receipt of Copy of Notice of Appeal</i>
11/04/2009	<b>Notice of Appeal</b>
11/04/2009	<b>Case Appeal Statement</b>
11/04/2009	<b>Notice of Posting Bond</b> <i>Notice of Posting Supersedeas Bond</i>
11/06/2009	<b>Stipulation and Order</b> <i>Stipulation and Order Vacating Hearing Date and Posting of Supersedeas Bond</i>
11/10/2009	<b>Notice of Entry</b> <i>Notice of Entry of Stipulation and Order Vacating Hearing Date and Posting of Supersedeas Bond</i>
11/13/2009	<b>Certificate of Mailing</b> <i>Certificate of Mailing of Notice of Posting of Supersedeas Bond</i>
11/30/2009	<b>CANCELED Motion</b> (8:30 AM) (Judicial Officer Leavitt, Michelle) <i>Vacated - per Stipulation and Order</i>
10/11/2011	<b>Substitution of Attorney</b> <i>Substitution of Attorney</i>
10/20/2011	<b>Substitution of Attorney</b> <i>Substitution of Attorney</i>
10/25/2011	<b>Notice of Entry</b> <i>Notice of Entry of Order</i>
11/01/2011	<b>NV Supreme Court Clerks Certificate/Judgment -Remanded</b> <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
12/10/2011	<b>Notice of Association of Counsel</b> <i>Notice of Association of Counsel (Beau Sterling for Plaintiffs)</i>
12/10/2011	<b>Memorandum of Costs and Disbursements</b> <i>Plaintiffs' Verified Memorandum of Appellate Costs Taxable in the District Court Pursuant to NRAP 39(e)</i>
12/27/2011	<b>Notice of Intent to Take Default</b> <i>Notice of Intent to Take Default</i>
12/29/2011	<b>Receipt of Copy</b> <i>Receipt of Copy</i>
01/09/2012	<b>Answer</b> <i>Answer to Verified Complaint</i>
01/19/2012	<b>Ex Parte Order</b> <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	<b>At Request of Court</b> (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	<b>Substitution of Attorney</b> <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 Lytle's 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

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**FINANCIAL INFORMATION**


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<b>Defendant Rosemere Estates Property Owners Association</b>			647.00
Total Financial Assessment			647.00
Total Payments and Credits			0.00
<b>Balance Due as of 03/11/2020</b>			
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)
<b>Plaintiff Lytle Trust</b>			24.00
Total Financial Assessment			24.00
Total Payments and Credits			0.00
<b>Balance Due as of 03/11/2020</b>			

11/04/2009	Transaction Assessment			24.00
11/04/2009	Payment (Window)	Receipt # 2009-66605-FAM	Thomas D Harper Ltd	(24.00)
<b>Plaintiff Lytle, John Allen</b>				
	Total Financial Assessment			403.00
	Total Payments and Credits			403.00
	<b>Balance Due as of 03/11/2020</b>			<b>0.00</b>
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

# 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 <b>Sean L. Anderson</b> <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	<b>Sean L. Anderson</b> <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	<b>Summary Judgment</b> (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	<b>Order of Dismissal Without Prejudice</b> (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	<b>Judgment for Attorney's Fees</b> (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	<b>Judgment for Attorney's Fees</b> (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	<b>Order</b> (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 Assocation'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*  
**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

<b>Counter Claimant Rosemere Estates Property Owners Association</b>			
	Total Financial Assessment		423.00
	Total Payments and Credits		423.00
	<b>Balance Due as of 03/11/2020</b>		<b>0.00</b>
04/04/2011	Transaction Assessment		223.00
04/04/2011	Efile Payment	Receipt # 2011-32840-CCCLK	(223.00)
09/19/2011	Transaction Assessment		200.00
09/19/2011	Efile Payment	Receipt # 2011-104987-CCCLK	(200.00)
<b>Counter Defendant Lytle, John Allen</b>			
	Total Financial Assessment		224.00
	Total Payments and Credits		224.00
	<b>Balance Due as of 03/11/2020</b>		<b>0.00</b>
04/10/2012	Transaction Assessment		24.00
04/10/2012	Efile Payment	Receipt # 2012-45746-CCCLK	(24.00)
09/14/2016	Transaction Assessment		200.00
09/14/2016	Efile Payment	Receipt # 2016-89103-CCCLK	(200.00)
<b>Plaintiff Lytle Trust</b>			
	Total Financial Assessment		324.00
	Total Payments and Credits		324.00
	<b>Balance Due as of 03/11/2020</b>		<b>0.00</b>
12/14/2010	Transaction Assessment		30.00
12/14/2010	Transaction Assessment		270.00
12/14/2010	Efile Payment	Receipt # 2010-69801-CCCLK	(300.00)
09/19/2014	Transaction Assessment		24.00
09/19/2014	Payment (Window)	Receipt # 2014-108108-CCCLK	(24.00)



# EXHIBIT C

# 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

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EVENTS & ORDERS OF THE COURT

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**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	<b>Stipulation and Order</b> <i>Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/28/2019	<b>Notice of Entry of Stipulation and Order</b> <i>Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
11/26/2019	<b>Notice of Appearance</b> <i>Notice of Appearance</i>
11/26/2019	<b>Request</b> <i>Request for Transcripts</i>
12/05/2019	<b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Re: All Pending Motions. March 21, 2018</i>
12/05/2019	<b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Re: Decision May 2, 2018</i>
03/04/2020	<b>Motion for Order to Show Cause</b> <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	<b>Clerk's Notice of Hearing</b> <i>Notice of Hearing</i>
03/05/2020	<b>Joinder To Motion</b> <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	<b>Notice of Appearance</b> <i>Notice of Appearance</i>
03/06/2020	<b>Joinder To Motion</b> <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	<b>Association of Counsel</b> <i>Association of counsel</i>
04/21/2020	<b>Motion for Order to Show Cause</b> (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	<b>Joinder</b> (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	<b>Joinder</b> (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

	<b>Counter Claimant Lytle Trust</b>			30.00
	Total Financial Assessment			30.00
	Total Payments and Credits			0.00
	<b>Balance Due as of 03/11/2020</b>			
02/09/2017	Transaction Assessment			30.00
02/09/2017	Efile Payment	Receipt # 2017-13015-CCCLK	Lytle Trust	(30.00)
	<b>Counter Claimant Lytle, John Allen</b>			30.00
	Total Financial Assessment			30.00
	Total Payments and Credits			0.00
	<b>Balance Due as of 03/11/2020</b>			
02/09/2017	Transaction Assessment			30.00
02/09/2017	Efile Payment	Receipt # 2017-13014-CCCLK	Lytle, John Allen	(30.00)
	<b>Counter Claimant Lytle, Trudi Lee</b>			776.50
	Total Financial Assessment			776.50
	Total Payments and Credits			0.00
	<b>Balance Due as of 03/11/2020</b>			
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)
	<b>Counter Defendant Disman, Robert Z</b>				
	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)
	<b>Counter Defendant Disman, Yvonne A</b>				
	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)
	<b>Counter Defendant Jacques &amp; Linda Lamothe Living Trust</b>				
	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)
	<b>Plaintiff Marjorie B. Boulden Trust</b>				
	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)

§  
§  
§  
§  
§  
§

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*

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**FINANCIAL INFORMATION**


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	<b>Defendant Rosemere Estates Property Owners Association</b>		223.00
	Total Financial Assessment		223.00
	Total Payments and Credits		0.00
	<b>Balance Due as of 03/11/2020</b>		
07/02/2015	Transaction Assessment		223.00
07/02/2015	Efile Payment	Receipt # 2015-69192-CCCLK	(223.00)
		Rosemere Estates Property Owners Association	
	<b>Plaintiff Lytle, John Allen</b>		470.00
	Total Financial Assessment		470.00
	Total Payments and Credits		0.00
	<b>Balance Due as of 03/11/2020</b>		
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)

§  
§  
§  
§  
§  
§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**

<b>Defendant</b>	<b>Lytle Trust</b>	<b>Lead Attorneys</b> <b>Richard Edward Haskin Esq</b> <i>Retained</i> 702-836-9800(W)
<b>Plaintiff</b>	<b>Gegen, Dennis A</b>	<b>Laura J. Wolff</b> <i>Retained</i> 7022551718(W)
<b>Plaintiff</b>	<b>Gegen, Julie S</b>	<b>Laura J. Wolff</b> <i>Retained</i> 7022551718(W)
<b>Plaintiff</b>	<b>Gerry R Zobrist and Jolin G Zobrist Family Trust</b>	<b>Laura J. Wolff</b> <i>Retained</i> 7022551718(W)
<b>Plaintiff</b>	<b>Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust</b>	<b>Laura J. Wolff</b> <i>Retained</i> 7022551718(W)
<b>Plaintiff</b>	<b>September Trust</b>	<b>Laura J. Wolff</b> <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*

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**FINANCIAL INFORMATION**

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<b>Defendant Lytle Trust</b>			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	<b>Balance Due as of 03/11/2020</b>		<b>0.00</b>
01/10/2018	Transaction Assessment		223.00
01/10/2018	Efile Payment	Receipt # 2018-02367-CCCLK	(223.00)
		Lytle Trust	
<b>Plaintiff September Trust</b>			
	Total Financial Assessment		590.00
	Total Payments and Credits		590.00
	<b>Balance Due as of 03/11/2020</b>		<b>0.00</b>
11/30/2017	Transaction Assessment		390.00
11/30/2017	Efile Payment	Receipt # 2017-89710-CCCLK	(390.00)
11/30/2017	Transaction Assessment		200.00
11/30/2017	Efile Payment	Receipt # 2017-90672-CCCLK	(200.00)
		September Trust	
		September Trust	
<b>Trustee Lytle, Trudi Lee</b>			
	Total Financial Assessment		200.00
	Total Payments and Credits		200.00
	<b>Balance Due as of 03/11/2020</b>		<b>0.00</b>
02/13/2018	Transaction Assessment		200.00
02/13/2018	Efile Payment	Receipt # 2018-10205-CCCLK	(200.00)
		Lytle, Trudi Lee	

# EXHIBIT F

001189

001189

# EXHIBIT F

**Nevada**  
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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: 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

# Nevada Appellate Courts

## Appellate Case Management System

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### Case Information: 60657

<b>Short Caption:</b>	LYTLE VS. ROSEMER ESTATES PROPERTY OWNERS ASSOC. C/W 61308	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	60657*, 61308	<b>Related Case (s):</b>	54886, 61308, 63942, 65294, 65721, 66558
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A631355	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Remittitur Issued/Case Closed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>	04/19/2012 / Mishel, Persi	<b>SP Status:</b>	Completed
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	05/04/2015	<b>How Submitted:</b>	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

Combined Case View

# EXHIBIT H

# EXHIBIT H



**Nevada**  
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# Appellate Case Management System

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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: 61308

<b>Short Caption:</b>	LYTLE VS. ROSEMER ESTATES PROPERTY OWNERS ASSOC. C/W 60657	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	60657*, 61308	<b>Related Case (s):</b>	54886, 60657, 63942, 65294, 65721, 66558
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A631355	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Remittitur Issued/Case Closed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>	08/06/2012 / Mishel, Persi	<b>SP Status:</b>	Completed
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	05/04/2015	<b>How Submitted:</b>	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. Filed Opposition to Appellants' Motion to Consolidate Appeals and for Related Relief. Nos. 60657/61308.</p>	15-04262
02/09/2015	Motion		
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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# EXHIBIT I

# EXHIBIT I

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### Case Information: 63942

<b>Short Caption:</b>	ROSEMERE ESTATES PROPERTY OWNERS ASSOC. VS. LYTLE CW 65294/65721	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	63942*, 65294, 65721	<b>Related Case (s):</b>	54886, 60657, 61308, 65294, 65721, 66558
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A593497	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Remittitur Issued/Case Closed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>		<b>SP Status:</b>	Exempt
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	08/04/2015	<b>How Submitted:</b>	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

		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.	
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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# EXHIBIT J

# EXHIBIT J



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### Case Information: 65294

<b>Short Caption:</b>	LYTLE VS. ROSEMER ESTATES PROP. OWNERS ASS'N. C/W 63942/65721	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	63942*, 65294, 65721	<b>Related Case (s):</b>	54886, 60657, 61308, 63942, 65721, 66558
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A593497	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Remittitur Issued/Case Closed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>		<b>SP Status:</b>	Exempt
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	08/04/2015	<b>How Submitted:</b>	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

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**Case Information: 65721**

<b>Short Caption:</b>	LYTLE VS. ROSEMER ESTATES PROP. OWNERS ASS'N. C/W 63942/65294	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	63942*, 65294, 65721	<b>Related Case(s):</b>	54886, 60657, 61308, 63942, 65294, 66558
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A593497	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Remittitur Issued/Case Closed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>		<b>SP Status:</b>	Exempt
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	08/04/2015	<b>How Submitted:</b>	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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# EXHIBIT L

# Nevada Appellate Courts

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### Case Information: 66558

<b>Short Caption:</b>	LYTLE VS. ROSEMERE ESTATES	<b>Court:</b>	Supreme Court
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A631355	<b>Related Case (s):</b>	54886, 60657, 61308, 63942, 65294, 65721
<b>Disqualifications:</b>		<b>Classification:</b>	Civil Appeal - General - Other
<b>Replacement:</b>		<b>Case Status:</b>	Remittitur Issued/Case Closed
<b>To SP/Judge:</b>		<b>Panel Assigned:</b>	Panel
<b>Oral Argument:</b>		<b>SP Status:</b>	Exempt
<b>Submission Date:</b>	08/04/2015	<b>Oral Argument Location:</b>	
		<b>How Submitted:</b>	On Briefs

### + Party Information

### 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
		Related Case (s):	76198, 77007, 79753, 79776
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A747800	Classification:	Civil Appeal - General - Other
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:	05/17/2017 / Mishel, Persi	SP Status:	Completed
Oral Argument:		Oral Argument Location:	
Submission Date:	09/13/2018	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

001231

001231

		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

<b>Short Caption:</b>	LYTLE VS. SEPTEMBER TR., DATED MARCH 23, 1972 C/W 77007	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	76198*, 77007	<b>Related Case (s):</b>	73039, 77007, 79753, 79776
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A747800	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Disposition Filed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>		<b>SP Status:</b>	Exempt
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	03/02/2020	<b>How Submitted:</b>	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

001236

		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

Combined Case View



# EXHIBIT O

# EXHIBIT O

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<b>Case Information: 77007</b>			
<b>Short Caption:</b>	LYTLE VS. SEPTEMBER TR., DATED MARCH 23, 1972 C/W 76198	<b>Court:</b>	Supreme Court
<b>Consolidated:</b>	76198*, 77007	<b>Related Case (s):</b>	73039, 76198, 79753, 79776
<b>Lower Court Case(s):</b>	Clark Co. - Eighth Judicial District - A747800	<b>Classification:</b>	Civil Appeal - General - Other
<b>Disqualifications:</b>		<b>Case Status:</b>	Disposition Filed
<b>Replacement:</b>		<b>Panel Assigned:</b>	Panel
<b>To SP/Judge:</b>		<b>SP Status:</b>	Exempt
<b>Oral Argument:</b>		<b>Oral Argument Location:</b>	
<b>Submission Date:</b>	03/02/2020	<b>How Submitted:</b>	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

# EXHIBIT P

# EXHIBIT P