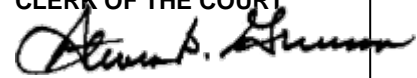


ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

Electronically Filed
7/2/2020 10:30 AM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Jul 09 2020 02:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS
ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHET A. GLOVER, ESQ.
Nevada Bar No. 10054
ROGER P. CROTEAU & ASSOCIATES, LTD
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croteaulaw@croteaulaw.com
chet@croteaulaw.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

SATICOY BAY, LLC, SERIES 9720
HITCHING RAIL, a Nevada limited liability
company,

Plaintiff,

vs.

PECCOLE RANCH COMMUNITY
ASSOCIATION; a Nevada non-profit
corporation; NEVADA ASSOCIATION
SERVICES, INC., a domestic corporation,

Defendants.

Case No. A-19-791797-C
Dept No. 15

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff Saticoy Bay, LLC Series 9720 Hitching Rail, by
and through its attorneys, Roger P. Croteau & Associates, Ltd., hereby appeals to the Supreme Court
of Nevada from:

...

...

...

...

(1) the Order Granting Peccole Ranch Community Association and Nevada Association Services' Motion to Dismiss or in the Alternative for Summary Judgment; and (2) all rulings and interlocutory orders giving rise to or made appealable by the final judgment.

Dated this 2nd day of July, 2020.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Chet A. Glover

Roger P. Croteau, Esq.

Nevada Bar No. 4958

Chet A. Glover, Esq.

Nevada Bar No. 10054

2810 W. Charleston Blvd., Suite 75

Las Vegas, Nevada 89102

Attorneys for Plaintiff

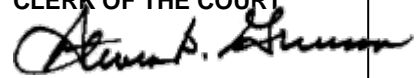
ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2020 I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle

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



ASTA
ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHET A. GLOVER, ESQ.
Nevada Bar No. 10054
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Las Vegas, Nevada 89102
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croteaulaw@croteaulaw.com
chet@croteaulaw.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

SATICOY BAY, LLC, SERIES 9720
HITCHING RAIL, a Nevada limited liability
company,

Plaintiff,

vs.

PECCOLE RANCH COMMUNITY
ASSOCIATION; a Nevada non-profit
corporation; NEVADA ASSOCIATION
SERVICES, INC., a domestic corporation,

Defendants.

Case No. A-19-791797-C
Dept No. 15

CASE APPEAL STATEMENT

Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail (“**Plaintiff**”), by and through its attorneys, Roger P. Croteau & Associates, Ltd., submits its Case Appeal Statement.

1. Name of appellant filing this case appeal statement:

Saticoy Bay, LLC, Series 9720 Hitching Rail

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

The Honorable Joe Hardy

3. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

a. Saticoy Bay, LLC, Series 9720 Hitching Rail

Roger P. Croteau, Esq.
Chet A. Glover, Esq.
Roger P. Croteau & Associates, Ltd.
2810 West Charleston Blvd., #75
Las Vegas, Nevada 89102
(702) 254-7775

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

a. Peccole Ranch Community Association (the "HOA")

Kaleb D. Anderson, Esq.
Amanda A. Ebert, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500

Respondent's appellate counsel is unknown at this time but will presumably be Respondent's trial counsel.

b. Nevada Association Services, Inc. (the "HOA Trustee")

Kaleb D. Anderson, Esq.
Amanda A. Ebert, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500

Respondent's appellate counsel is unknown at this time but will presumably be Respondent's trial counsel.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that

1 attorney permission to appear under SCR 42 (attach a copy of any district court order
2 granting such permission):

3 N/A

4
5 6. **Indicate whether appellant was represented by appointed or retained counsel in the**
6 **district court:**

7 N/A

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

9 Retained counsel.

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

12 N/A

13
14 9. **Indicate the date the proceedings commenced in the district court, e.g., date complaint,**
15 **indictment, information, or petition was filed:**

16 The original Complaint in this matter was filed on March 26, 2019 in the Eighth Judicial
17 District Court of the State of Nevada in and for Clark County, Nevada, Case No. A-19-
18 791797-C.

19
20 10. **Provide a brief description of the nature of the action and result in the district court,**
21 **including the type of judgment or order being appealed and the relief granted by the**
22 **district court:**

23 Plaintiff believes this is a case of first impression for the court. The instant action
24 relates to real property that was the subject of a homeowners' association lien foreclosure sale
25 pursuant to NRS Chapter 116. Generally, based upon current case law, absent some special
26 circumstances, foreclosure trustees performing foreclosure sales pursuant to NRS Chapter
27 107 have no duty to the bidders and/or purchasers of the property being foreclosed upon. The
28

body of common law has developed from the precept that information exists in the public domain to conduct reasonable due diligence under the circumstances to properly inform a potential bidder; however, that information is not available under any circumstances to the bidder of all liens and their priority in a NRS Chapter 116 foreclosure sale.

This case focuses on the duties and obligations owed by a homeowners' association by and through its agent, the foreclosure trustee, to inform the bidders and purchasers at the NRS Chapter 116 foreclosure sale as to the bifurcated status of the homeowners' association's lien vis a vis the first deed of trust secured by the property, pursuant to NRS 116.3116. The question is with or without inquiry from an NRS Chapter 116 bidder, and certainly with actual inquiry by the actual purchaser of the homeowner's foreclosure sale, does that homeowners' association and/or its foreclosure trustee have an obligation of good faith, honesty in fact, and candor pursuant to NRS 116.3116 to the NRS Chapter 116 foreclosure bidders to disclose any attempted and/or actual tender or payment of the superpriority lien amounts, thereby rendering the sale, and the purchaser's interest in the property, subject to the first deed of trust or not?

On June 26, 2019, Respondents filed a Motion to Dismiss or in the Alternative for Summary Judgment (the "MTD"). After briefing and argument, the district court granted the MTD. Plaintiff contends that the district court erred as a matter of law. The Notice of Entry of Order granting the MTD was filed on June 3, 2020.

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

N/A.

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

1 N/A

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

3 Appellant believes that the possibility of settlement exists.

4 Dated this 2nd day of July, 2020.

5 ROGER P. CROTEAU & ASSOCIATES, LTD.

6 /s/ Chet A. Glover

7 Roger P. Croteau, Esq.

8 Nevada Bar No. 4958

9 Chet A. Glover, Esq.

10 Nevada Bar No. 10054

11 2810 W. Charleston Blvd., Suite 75

12 Las Vegas, Nevada 89102

13 Attorneys for Plaintiff

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2020 I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle

An employee of

ROGER P. CROTEAU & ASSOCIATES, LTD.

CASE SUMMARY**CASE NO. A-19-791797-C**

Saticoy Bay, LLC, Series 9720 Hitching Rail, Plaintiff(s)
vs.
Peccole Ranch Community Association, Defendant(s)

§
§
§
§
§

Location: **Department 15**
 Judicial Officer: **Hardy, Joe**
 Filed on: **03/26/2019**
 Cross-Reference Case Number: **A791797**

CASE INFORMATIONCase Type: **Intentional Misconduct**

Case Status: **03/26/2019 Open**

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

Case Number A-19-791797-C
 Court Department 15
 Date Assigned 03/26/2019
 Judicial Officer Hardy, Joe

PARTY INFORMATION**Plaintiff****Saticoy Bay, LLC, Series 9720 Hitching Rail***Lead Attorneys***Croteau, Roger P, ESQ***Retained*

702-254-7775(W)

Defendant

Nevada Association Services
 Removed: 03/19/2020
 Dismissed

Peccole Ranch Community Association**Anderson, Kaleb D.***Retained*

702-382-1500(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

03/26/2019

**Complaint**

Filed By: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail
Complaint

03/26/2019

**Initial Appearance Fee Disclosure**

Filed By: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail
Initial Appearance Fee Disclosure

03/26/2019

**Summons Electronically Issued - Service Pending**

Party: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail
Summons

03/26/2019

**Summons Electronically Issued - Service Pending**

Party: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail
Summons

06/26/2019

**Motion To Dismiss - Alternative Motion For Summary Judgment**

Filed By: Defendant Peccole Ranch Community Association; Defendant Nevada

CASE SUMMARY

CASE NO. A-19-791797-C

	Association Services <i>Motion To Dismiss - Alternative Motion For Summary Judgment</i>
06/26/2019	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
06/27/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/23/2019	 Stipulation and Order Filed by: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail <i>Stipulation and Order to Continue August 21,2019 Hearing Date</i>
09/02/2019	 Opposition to Motion to Dismiss Filed By: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail <i>Opposition to Motion to Dismiss</i>
09/03/2019	 Affidavit Filed By: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail <i>Affidavit of Service</i>
09/03/2019	 Affidavit <i>Affidavit of Service</i>
09/11/2019	 Stipulation and Order Filed by: Defendant Peccole Ranch Community Association <i>Stipulation and Order to Continue Hearing on Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment</i>
09/12/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant Peccole Ranch Community Association <i>Notice of Entry of Order Stipulation and Order to continue hearing on Defendants Motion to Dismiss or in Alternative Motion for Summary Judgment</i>
09/18/2019	 Errata Filed By: Defendant Peccole Ranch Community Association <i>ERRATA TO NOTICE OF ENTRY OF STIPULATION AND ORDER TO CONTINUE HEARING</i>
10/01/2019	 Reply in Support Filed By: Defendant Peccole Ranch Community Association; Defendant Nevada Association Services <i>Defendants' Reply in Support of Motion to Dismiss or in the Alternative for Sumary Judgment</i>
03/19/2020	 Order Granting Motion Filed By: Defendant Peccole Ranch Community Association; Defendant Nevada Association Services <i>Order Granting Peccole Ranch Community Association and Nevada Assoication Services Motion to Dismiss or in the Alternative for Summary Judgment</i>
05/05/2020	 Filing Fee Remittance Filed By: Defendant Peccole Ranch Community Association <i>Filing Free Remittance</i>
06/03/2020	

CASE SUMMARY

CASE NO. A-19-791797-C



Notice of Entry

Filed By: Defendant Peccole Ranch Community Association

Notice of Entry of Order

07/02/2020



Notice of Appeal

Filed By: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail

Notice of Appeal

07/02/2020



Case Appeal Statement

Filed By: Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail

Case Appeal Statement

DISPOSITIONS

03/19/2020

Order of Dismissal Without Prejudice (Judicial Officer: Hardy, Joe)

Debtors: Saticoy Bay, LLC, Series 9720 Hitching Rail (Plaintiff)

Creditors: Peccole Ranch Community Association (Defendant), Nevada Association Services (Defendant)

Judgment: 03/19/2020, Docketed: 03/23/2020

HEARINGS

07/29/2019



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

07/29/2019, 08/21/2019, 10/07/2019

Defendants' Motion to Dismiss Or In the Alternative for Summary Judgment

09/09/2019

Continued to 10/07/2019 - At the Request of Counsel - Saticoy Bay, LLC, Series 9720 Hitching Rail; Peccole Ranch Community Association; Nevada Association Services

Continued;

Continued;

Granted in Part;

Journal Entry Details:

Ms. Ebert argued in support of the Motion, stating that the foreclosure sale complied with statute, and Plaintiff's claims failed as a matter of law due to the non-warranty status of the subject deed. Mr. Croteau argued in opposition, stating that the case flowed from the question of whether a buyer, upon inquiry, must be informed of a tender. Additionally, Mr. Croteau argued that NRS 38.310 was not applicable in the instant case. COURT ORDERED Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment, was hereby GRANTED IN PART WITHOUT PREJUDICE / DENIED IN PART WITHOUT PREJUDICE, FINDING and ORDERING the following: (1) despite Plaintiff's arguments, it did appear that NRS 38.310 was implicated in the instant case; (2) the instant case was hereby DISMISSED WITHOUT PREJUDICE, as the language contained in NRS 38.310 required mandatory, pre-litigation mediation through the Nevada Real Estate Division (NRED) in a civil action related to the enforcement of CC&Rs; (3) under NRS 38.310(1)(a) and NRS 38.310(2), mandatory dismissal was required, if parties failed to participate in pre-litigation NRED mediation; (4) the instant case was not an action related to title of property; therefore, that exception under NRS 38.300(3), would not apply; (5) the instant case was an action for money damages or equitable relief; therefore, there was no threat of irreparable harm, as the case did not deal with title to real property; (6) under the McKnight case, the Supreme Court read NRS 38.310 (a) fairly broadly; (7) if the parties did not successfully resolve their claims through the NRED mediation process, the case could be filed again; and (8) due to the Court's ruling, the Court did not get to any of the alternative arguments regarding substance or summary judgment. Ms. Ebert to prepare the Order, and forward it to Mr. Croteau for approval as to form and content. Mr. Croteau requested the instant case be stayed until the completion of NRED mediation, as the statute of limitations would not allow for the case to be filed again. COURT ORDERED its ruling shall STAND.;

Continued;

Continued;

Granted in Part;


Journal Entry Details:

The Court noted that a Stipulation and Order to Continue Hearing was submitted to the Court, and signed, on August 20, 2019. Mr. Dunkley affirmed the Court's representations. COURT ORDERED the instant Motion was hereby CONTINUED to the date set forth in the Stipulation

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-791797-C

08/20/2019	<p><i>and Order to Continue Hearing. CONTINUED TO: 9/9/19 9:00 AM;</i> Continued; Continued; Granted in Part; Journal Entry Details: <i>Mr. Dunkley advised that a Stipulation and Order had been prepared, requesting a continuance of the instant Motion. COURT ORDERED the instant Motion was hereby CONTINUED pursuant to the Stipulation and Order. CONTINUED TO: 8/21/19 9:00 AM;</i></p> <p> Minute Order (3:00 AM) (Judicial Officer: Hardy, Joe) <i>Minute Order: Striking of the Stipulation and Order to Continue Hearing</i> Minute Order - No Hearing Held; Journal Entry Details: <i>COURT ORDERED the Stipulation and Order to Continue Hearing, filed on July 29, 2019, was hereby STRICKEN, FINDING that said Stipulation and Order was not signed by the Court.;</i></p>	
------------	--	--

DATE

FINANCIAL INFORMATION

<p>Defendant Peccole Ranch Community Association</p> <p>Total Charges</p> <p>Total Payments and Credits</p> <p>Balance Due as of 7/7/2020</p> <p>Plaintiff Saticoy Bay, LLC, Series 9720 Hitching Rail</p> <p>Total Charges</p> <p>Total Payments and Credits</p> <p>Balance Due as of 7/7/2020</p>	<p>453.00</p> <p>453.00</p> <p>0.00</p> <p>294.00</p> <p>294.00</p> <p>0.00</p>
--	--

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <div style="text-align: center;"> Saticoy Bay, LLC, Series 9720 Hitching Rail c/o Roger P. Croteau & Associates, Ltd 2810 W. Charleston Blvd., Ste. 75 Las Vegas, NV 89102 </div>	Defendant(s) (name/address/phone): <div style="text-align: center;"> Peccole Ranch Community Assn Nevada Association Services Department 15 </div>
Attorney (name/address/phone): <div style="text-align: center;"> Roger P. Croteau, Esq. 2810 W. Charleston Blvd., Ste. 75 Las Vegas, NV 89102 702-254-7775 </div>	Attorney (name/address/phone):

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

Civil Case Filing Types

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

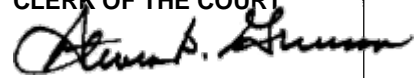
Business Court filings should be filed using the Business Court civil coversheet.

3/26/19

Date

Signature of initiating party or representative

See other side for family-related case filings.



LIPSON NEILSON P.C.
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
AMANDA A. EBERT, ESQ.
Nevada Bar No. 12731
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*Attorneys for Peccole Ranch Community Association, and
Nevada Association Services, Inc.*

DISTRICT COURT
CLARK COUNTY, NEVADA

SATICOY BAY, LLC SERIES 9720
HITCHING RAIL, a Nevada limited liability
company,

Plaintiff,

v.

PECCOLE RANCH COMMUNITY
ASSOCIATION; and NEVADA
ASSOCIATION SERVICES, INC.,
Defendants.

CASE NO.: A-19-791797-C

Department: 15

**ORDER GRANTING PECCOLE
RANCH COMMUNITY ASSOCIATION
AND NEVADA ASSOCIATION
SERVICES' MOTION TO DISMISS OR
IN THE ALTERNATIVE FOR
SUMMARY JUDGMENT**

This Court, having considered the pleadings on file together with the oral arguments of counsel, orders the Motion to Dismiss or in the Alternative for Summary Judgment Granted in part and Denied in part. During the hearing, the Court held the following:

(1) despite Plaintiff's arguments, it did appear that NRS 38.310 was implicated in the instant case;

(2) the instant case was hereby DISMISSED WITHOUT PREJUDICE, as the language contained in NRS 38.310 required mandatory, pre-litigation mediation through the Nevada Real Estate Division (NRED) in a civil action related to the

enforcement of CC&Rs;

(3) under NRS 38.310(1)(a) and NRS 38.310(2), mandatory dismissal was required, if parties failed to participate in pre-litigation NRED mediation;

(4) the instant case was not an action related to title of property; therefore, that exception under NRS 38.300(3), would not apply;

(5) the instant case was an action for money damages or equitable relief; therefore, there was no threat of irreparable harm, as the case did not deal with title to real property;

(6) under the McKnight case, the Supreme Court read NRS 38.310(a) fairly broadly;

(7) if the parties did not successfully resolve their claims through the NRED mediation process, the case could be filed again; and

(8) due to the Court's ruling, the Court did not get to any of the alternative arguments regarding substance or summary judgment.

DATE: March __, 2020.

**ROGER P. CROTEAU & ASSOCIATES,
LTD.**

Refused

Roger P. Croteau, Esq.
Nevada Bar No. 4958
2810 W. Charleston Blvd. Ste.75
Las Vegas, NV 89148
Attorney for Plaintiff

DATE: March 13th, 2020.

LIPSON NEILSON P.C.

[Signature]

LIPSON NEILSON P.C.
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
AMANDA A. EBERT, ESQ.
Nevada Bar No. 12731
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Las Vegas, Nevada 89144
*Attorneys for Peccole Ranch Community
Association, and
Nevada Association Services, Inc.*

Saticoy Bay, LLC Series 9720 Hitching Rail v.
Peccole Ranch Community Association
Case No. A-19-791797-C

THEREFORE, this Court ORDERS Motion GRANTED IN PART WITHOUT
PREJUDICE and DENIED IN PART WITHOUT PREJUDICE.

Dated this 17th day of March, 2020.


DISTRICT COURT JUDGE 10

Respectfully Submitted by:

LIPSON NEILSON P.C.

By: 

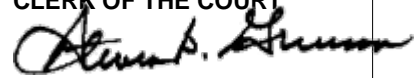
Kaleb D. Anderson, Esq.

Amanda A. Ebert, Esq.

9900 Covington Cross Dr., Ste.120

Las Vegas, Nevada 89144

*Attorneys for Peccole Ranch Community Association,
and Nevada Association Services, Inc.*



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*Attorneys for Peccole Ranch Community Association, and
Nevada Association Services, Inc.*

DISTRICT COURT
CLARK COUNTY, NEVADA

SATICOY BAY, LLC SERIES 9720
HITCHING RAIL, a Nevada limited liability
company,

Plaintiff,

v.

PECCOLE RANCH COMMUNITY
ASSOCIATION; and NEVADA
ASSOCIATION SERVICES, INC.,
Defendants.

CASE NO.: A-19-791797-C

Department: 15

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Order Granting Peccole Ranch Community Association and Nevada Association Services' Motion to Dismiss or in the Alternatively for Summary Judgment was filed with the court this 19th day of March, 2020, a copy of which is attached.

DATED this 3rd day of June, 2020.

LIPSON NEILSON P.C.

By: /s/ Amanda A. Ebert

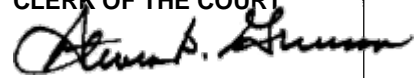
JOSEPH P. GARIN, ESQ. (NV Bar No. 6653)
AMANDA A. EBERT, ESQ. (NV Bar No. 12731)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 - Telephone
*Attorneys for Peccole Ranch Community Association,
and Nevada Association Services, Inc.*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 3rd day of June, 2020, I electronically transmitted the foregoing **NOTICE OF ENTRY OF ORDER** to the Clerk's Office using the Odyssey eFileNV and Serve system for filing and transmittal to the following Odyssey eFileNV and Serve registrants:

Roger P. Croteau, Esq. ROGER P. CROTEAU & ASSOCIATES, LTD. 2810 W. Charleston Blvd. Ste.75 Las Vegas, NV 89148 croteaulaw@croteaulaw.com <i>Attorney for Plaintiff</i>	
---	--

/s/ Sydney Ochoa
Employee of LIPSON NEILSON P.C.



LIPSON NEILSON P.C.
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DISTRICT COURT
CLARK COUNTY, NEVADA

SATICOY BAY, LLC SERIES 9720
HITCHING RAIL, a Nevada limited liability
company,

Plaintiff,

v.

PECCOLE RANCH COMMUNITY
ASSOCIATION; and NEVADA
ASSOCIATION SERVICES, INC.,
Defendants.

CASE NO.: A-19-791797-C

Department: 15

**ORDER GRANTING PECCOLE
RANCH COMMUNITY ASSOCIATION
AND NEVADA ASSOCIATION
SERVICES' MOTION TO DISMISS OR
IN THE ALTERNATIVE FOR
SUMMARY JUDGMENT**

This Court, having considered the pleadings on file together with the oral arguments of counsel, orders the Motion to Dismiss or in the Alternative for Summary Judgment Granted in part and Denied in part. During the hearing, the Court held the following:

(1) despite Plaintiff's arguments, it did appear that NRS 38.310 was implicated in the instant case;

(2) the instant case was hereby DISMISSED WITHOUT PREJUDICE, as the language contained in NRS 38.310 required mandatory, pre-litigation mediation through the Nevada Real Estate Division (NRED) in a civil action related to the

enforcement of CC&Rs;

(3) under NRS 38.310(1)(a) and NRS 38.310(2), mandatory dismissal was required, if parties failed to participate in pre-litigation NRED mediation;

(4) the instant case was not an action related to title of property; therefore, that exception under NRS 38.300(3), would not apply;

(5) the instant case was an action for money damages or equitable relief; therefore, there was no threat of irreparable harm, as the case did not deal with title to real property;

(6) under the McKnight case, the Supreme Court read NRS 38.310(a) fairly broadly;

(7) if the parties did not successfully resolve their claims through the NRED mediation process, the case could be filed again; and

(8) due to the Court's ruling, the Court did not get to any of the alternative arguments regarding substance or summary judgment.

DATE: March __, 2020.

**ROGER P. CROTEAU & ASSOCIATES,
LTD.**

Refused

Roger P. Croteau, Esq.
Nevada Bar No. 4958
2810 W. Charleston Blvd. Ste.75
Las Vegas, NV 89148
Attorney for Plaintiff

DATE: March 13th, 2020.

LIPSON NEILSON P.C.

[Signature]

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Saticoy Bay, LLC Series 9720 Hitching Rail v.
Peccole Ranch Community Association
Case No. A-19-791797-C

THEREFORE, this Court ORDERS Motion GRANTED IN PART WITHOUT
PREJUDICE and DENIED IN PART WITHOUT PREJUDICE.

Dated this 17th day of March, 2020.


DISTRICT COURT JUDGE 10

Respectfully Submitted by:

LIPSON NEILSON P.C.

By: 

Kaleb D. Anderson, Esq.
Amanda A. Ebert, Esq.
9900 Covington Cross Dr., Ste.120
Las Vegas, Nevada 89144
*Attorneys for Peccole Ranch Community Association,
and Nevada Association Services, Inc.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 29, 2019

A-19-791797-C Saticoy Bay, LLC, Series 9720 Hitching Rail, Plaintiff(s)
vs.
Peccole Ranch Community Association, Defendant(s)

July 29, 2019

9:00 AM

Motion to Dismiss

HEARD BY: Hardy, Joe

COURTROOM: RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Dunkley, Peter E Attorney

JOURNAL ENTRIES

- Mr. Dunkley advised that a Stipulation and Order had been prepared, requesting a continuance of the instant Motion. COURT ORDERED the instant Motion was hereby CONTINUED pursuant to the Stipulation and Order.

CONTINUED TO: 8/21/19 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 20, 2019

A-19-791797-C Saticoy Bay, LLC, Series 9720 Hitching Rail, Plaintiff(s)
vs.
Peccole Ranch Community Association, Defendant(s)

August 20, 2019 3:00 AM Minute Order

HEARD BY: Hardy, Joe **COURTROOM:** Chambers

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED the Stipulation and Order to Continue Hearing, filed on July 29, 2019, was hereby STRICKEN, FINDING that said Stipulation and Order was not signed by the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 21, 2019

A-19-791797-C Saticoy Bay, LLC, Series 9720 Hitching Rail, Plaintiff(s)
vs.
Peccole Ranch Community Association, Defendant(s)

August 21, 2019 9:00 AM Motion to Dismiss

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Dunkley, Peter E Attorney

JOURNAL ENTRIES

- The Court noted that a Stipulation and Order to Continue Hearing was submitted to the Court, and signed, on August 20, 2019. Mr. Dunkley affirmed the Court's representations. COURT ORDERED the instant Motion was hereby CONTINUED to the date set forth in the Stipulation and Order to Continue Hearing.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

October 07, 2019

A-19-791797-C Saticoy Bay, LLC, Series 9720 Hitching Rail, Plaintiff(s)
vs.
Peccole Ranch Community Association, Defendant(s)

October 07, 2019 9:00 AM Motion to Dismiss

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Croteau, Roger P, ESQ Attorney
Ebert, Amanda A. Attorney

JOURNAL ENTRIES

- Ms. Ebert argued in support of the Motion, stating that the foreclosure sale complied with statute, and Plaintiff's claims failed as a matter of law due to the non-warranty status of the subject deed. Mr. Croteau argued in opposition, stating that the case flowed from the question of whether a buyer, upon inquiry, must be informed of a tender. Additionally, Mr. Croteau argued that NRS 38.310 was not applicable in the instant case. COURT ORDERED Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment, was hereby GRANTED IN PART WITHOUT PREJUDICE / DENIED IN PART WITHOUT PREJUDICE, FINDING and ORDERING the following: (1) despite Plaintiff's arguments, it did appear that NRS 38.310 was implicated in the instant case; (2) the instant case was hereby DISMISSED WITHOUT PREJUDICE, as the language contained in NRS 38.310 required mandatory, pre-litigation mediation through the Nevada Real Estate Division (NRED) in a civil action related to the enforcement of CC&Rs; (3) under NRS 38.310(1)(a) and NRS 38.310(2), mandatory dismissal was required, if parties failed to participate in pre-litigation NRED mediation; (4) the instant case was not an action related to title of property; therefore, that exception under NRS 38.300(3), would not apply; (5) the instant case was an action for money damages or equitable relief; therefore, there was no threat of irreparable harm, as the case did not deal with title to real property; (6) under the McKnight case, the Supreme Court read NRS 38.310(a) fairly broadly; (7) if the parties did not successfully resolve their claims through the NRED mediation process, the case could be filed

again; and (8) due to the Court's ruling, the Court did not get to any of the alternative arguments regarding substance or summary judgment. Ms. Ebert to prepare the Order, and forward it to Mr. Croteau for approval as to form and content.

Mr. Croteau requested the instant case be stayed until the completion of NRED mediation, as the statute of limitations would not allow for the case to be filed again. COURT ORDERED its ruling shall STAND.



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

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

DATE: July 7, 2020
CASE: A-19-791797-C

RE CASE: SATICOY BAY, LLC, SERIES 9720 HITCHING RAIL vs. PECCOLE RANCH COMMUNITY ASSOCIATION; NEVADA ASSOCIATION SERVICES, INC.

NOTICE OF APPEAL FILED: July 2, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING PECCOLE RANCH COMMUNITY ASSOCIATION AND NEVADA ASSOCIATION SERVICES' MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SATICOY BAY, LLC, SERIES 9720
HITCHING RAIL,

Plaintiff(s),

vs.

PECCOLE RANCH COMMUNITY
ASSOCIATION; NEVADA ASSOCIATION
SERVICES, INC.,

Defendant(s),

Case No: A-19-791797-C

Dept No: XV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 7 day of July 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk