Electronically Filed
6/3/2021 7:36 PM
Steven D. Grierson
CLERK OF THE COURT

Electronically Filed
Jun 10 2021 02:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

ANOA
JOEL D. HENRIOD
Nevada Bar No. 8492
DANIEL F. POLSENBERG
Nevada Bar No. 2376
DAN R. WAITE
Nevada Bar No. 4078
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200
JHenriod@LewisRoca.com
DPolsenberg@LewisRoca.com
DWaite@LewisRoca.com

Attorneys for Defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust

DISTRICT COURT
CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, trustee of the Marjorie B. Boulden Trust; LINDA LAMOTHE; and JACQUES LAMOTHE, Trustees of the Jacques & Linda Lamothe Living Trust, Plaintiffs, v. TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as trustees of the Lytle Trust, DOES I through X, inclusive, and ROE CORPORATIONS I through X, Defendants.	Case No. A-16-747800-C Dep't No. 16 **AMENDED NOTICE OF APPEAL**
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, Plaintiffs, v.	Consolidated with: Case No. A-17-765372-C Dep't No. 16

Docket 81689 Document 2021-16724

Case Number: A-16-747800-C

TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as trustees of the Lytle Trust, JOHN DOES I through V, inclusive, and ROE ENTITIES I through V, inclusive,

Defendants.

Please take notice that defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust hereby appeal to the Supreme Court of Nevada from:

1. "Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs," filed August 11, 2020, notice of entry of which was served electronically on August 11, 2020 (Exhibit A);

2. "Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b)," filed April 30, 2021, notice of entry of which was served electronically on May 4, 2021 (Exhibit B); and

3. All judgments, rulings and interlocutory orders made appealable by the foregoing.

Dated this 3rd day of June, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: */s/Joel D. Henriod*

JOEL D. HENRIOD (SBN 8492)
DANIEL F. POLSENBERG (SBN 2376)
DAN R. WAITE (SBN 4078)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2021, I served the foregoing "Amended Notice of Appeal" on counsel by the Court's electronic filing system to the persons and addresses listed below:

KEVIN B. CHRISTENSEN
WESLEY J. SMITH
CHRISTENSEN JAMES & MARTIN
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
KBC@CJMLV.com
Wes@CJMLV.com

Attorneys for 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

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

Attorneys for Robert Z. Disman and Yvonne A. Disman

Daniel T. Foley
FOLEY & OAKES, PC
1210 South Valley View Boulevard
Suite 208
Las Vegas, Nevada 89102
Dan@FoleyOakes.com

Attorneys for Marjorie B. Boulden, trustee of the Marjorie B. Boulden Trust, and Linda Lamothe and Jacques Lamothe, trustees of the Jacques & Linda Lamothe Living Trust

/s/ Emily D. Kapolnai
An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP

EXHIBIT A

EXHIBIT A

Electronically Filed
8/11/2020 2:16 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

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 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS**
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

NOTICE IS HEREBY GIVEN, that an Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs was entered in the above-captioned matter on August 11, 2020. A copy of the Order is attached hereto.

DATED this 11th day of August 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

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

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

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On August 11, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond, to be served in the following manner:

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

Liz Gould (liz@foleyoakes.com)
Daniel Foley (Dan@foleyoakes.com)
Maren Foley (maren@foleyoakes.com)
Jennifer Martinez (jennifer.martinez@fnf.com)
Christina Wang (christina.wang@fnf.com)
Mia Hurtado (mia.hurtado@fnf.com)
Richard E. Haskin, Esq. (rhaskin@gibbsgiden.com)
Robin Jackson (rjackson@gibbsgiden.com)
Shara Berry (sberry@gibbsgiden.com)
Daniel Hansen (dhansen@gibbsgiden.com)
Joel D. Henriod (JHenriod@LRRC.com)
Daniel F. Polsenberg (DPolsenberg@LRRC.com)
Dan R. Waite (DWaite@LRRC.com)

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

☐ 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

Electronically Filed
8/11/2020 11:09 AM
Steven D. Grierson
CLERK OF THE COURT

ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS** Date: July 7, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs ("Motion"), Defendant's Opposition, and Plaintiffs' Reply, as well as the Plaintiffs' Memorandum of Costs and Disbursements ("Memorandum"), which came on for hearing on July 7, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of 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 ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion and filings related thereto, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion in part and denies the Motion in part and enters the following Findings of Fact, Conclusions of Law, and Order:

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

FINDINGS OF FACT

1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant to NRS 18.010(2) ("First Fees Order").

3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically, section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding."

4. The Court has also awarded attorney's fees and costs to other parties in these consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County, Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").

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

7. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of Defendant Rosemere Property Owners Association (the "Order Appointing Receiver"). Among other rights, powers, and duties, the Order Appointing Receiver instructed the receiver to "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." (Order Appointing Receiver at 2:19-20).

8. Upon learning of the Lytle Trust's actions related to the Receivership Action, the Plaintiffs incurred additional attorney's fees and costs both in this consolidated case and in the Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") on March 4, 2020 in this Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle Trust's arguments, present oral argument, and prepare proposed orders.

9. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The Contempt Order is hereby incorporated by reference.

10. In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for violating its orders, and that the Court may impose fines and award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of $500 to each movant, and that the Plaintiffs may file applications for their reasonable expenses, including, without limitation, attorney's fees, incurred as a result of the contempt. The Court now finds that Plaintiffs are entitled to an award of their reasonable expenses, including reasonable attorney's fees and costs, incurred as a result of obtaining the Contempt Order.

11. Plaintiffs also seek additional attorney's fees and costs related to the Lytle Trust's appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court, as well as attorney's fees and costs related to the Receivership Action.

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

12. The Plaintiffs filed the instant Motion requesting an award of all attorney's fees in the total amount of $149,403.20 and costs in the total amount of $4,145.08 that they have incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

13. Plaintiffs have attached billing statements and a Declaration from their counsel to the Motion to support the request.

CONCLUSIONS OF LAW

1. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

2. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

3. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

4. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so

5. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

6. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

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

7. NRS 22.100(3) provides a basis for awarding fees associated with the contempt proceedings in this case.

8. The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of the advocate, the character of the work to be done, the work actually performed by the lawyer, and the result obtained.

9. The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs' counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the extent awarded in this Order.

10. However, the Court finds that certain time and amounts billed are not compensable in this matter and will reduce the award accordingly.

11. The Court has reviewed the Plaintiffs' submitted billing statements, which the fees charged total $149,403.20.

12. The Plaintiffs' fee statements include entries that are commonly defined as block billing that make it difficult for the Court to determine the exact amount billed for each individual task and the reasonableness of the request.

13. The Court denies an award of fees incurred in the Receivership Action before Judge Kishner. Plaintiffs' counsel represented this amount was $36,259.00, which the Court accepts. The denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an award of fees from Judge Kishner in the Receivership Action.

14. The Court also denies any charges related to the appeal and will not award fees for work described in the briefing as clerical work, which the Court has determined total $23,374.00.

15. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23,374.00, which leaves a difference of $89,770.20.

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

16. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20 to further account for the block billing in the fee statements. The difference after the discount is $76,304.67.

17. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with modifications, resulting in a total fee award of $76,304.67.

18. Additionally, the Court grants costs in the sum of $4,145.08.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Findings of Fact shall be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any extent necessary to effectuate the intent of this Order.

IT IS FURTHER ORDERED, ADJUDED AND DECREED that Plaintiffs' Motion for Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded in favor of Plaintiffs 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, in the total aggregate amount of $76,304.67 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are awarded in favor of Plaintiffs 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

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

Tenants, in the total aggregate amount of $4,145.08 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lytle Trust is ordered to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen James & Martin Special Client Trust Account in the amount of $80,449.75 and delivered to Christensen James & Martin within ten (10) days of the Notice of Entry of this Order.

IT IS SO ORDERED.

Dated this 10th day of August, 2020.

DISTRICT COURT JUDGE

Submitted by:

CHRISTENSEN JAMES & MARTIN
/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

EXHIBIT B

EXHIBIT B

Electronically Filed
5/4/2021 4:52 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B)** Date: October 13, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

PLEASE TAKE NOTICE that on April 30, 2021, an Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b) was filed with the Court, a copy of which is attached hereto.

DATED this 4th day of May, 2021.

CHRISTENSEN JAMES & MARTIN
By: *<u>/s/ Wesley J. Smith, Esq.</u>*
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On May 4, 2021, I caused a true and correct copy of the foregoing Notice of Entry of Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b), 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.

Joel Henriod (JHenriod@LRRC.com)
Daniel Polsenberg (DPolsenberg@LRRC.com)
Dan Waite (DWaite@LRRC.com)
Luz Horvath (lhorvath@lrrc.com)
Lisa Noltie (lnoltie@lrrc.com)
Christina Wang (christina.wang@fnf.com)
FNLG Court Filings (FNLG-Court-Filings-NV@fnf.com)

/s/ Natalie Saville
Natalie Saville

ELECTRONICALLY SERVED
4/30/2021 4:31 PM

Electronically Filed
04/30/2021 4:30 PM
CLERK OF THE COURT

ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B)** Date: October 13, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

Case Number: A-16-747800-C

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

Presently before the Court is Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Motion to Amend"), Defendant's Opposition, and Plaintiffs' Reply, which came on for hearing on October 13, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of 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 ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion to Amend and filings related thereto, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion to Amend. This Order shall amend and replace the Second Fees Order, defined below, and the Court hereby enters the following Findings of Fact, Conclusions of Law, and Order:

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

FINDINGS OF FACT

1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant to NRS 18.010(2) ("First Fees Order").

3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically, section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding."

4. The Court has also awarded attorney's fees and costs to other parties in these consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County, Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").

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

7. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of Defendant Rosemere Property Owners Association (the "Order Appointing Receiver"). Among other rights, powers, and duties, the Order Appointing Receiver instructed the receiver to "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." (Order Appointing Receiver at 2:19-20).

8. Upon learning of the Lytle Trust's actions related to the Receivership Action, the Plaintiffs incurred additional attorney's fees and costs both in this consolidated case and in the Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") on March 4, 2020 in this Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle Trust's arguments, present oral argument, and prepare proposed orders.

9. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The Contempt Order is hereby incorporated by reference.

10. In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for violating its orders, and that the Court may impose fines and award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of $500 to each movant, and that the Plaintiffs may file applications for their reasonable expenses, including, without limitation, attorney's fees, incurred as a result of the contempt.

11. On May 26, 2020, Plaintiffs filed their Motion for Attorney's Fees and Costs ("Attorney's Fees Motion"). The Motion was opposed by the Lytle Trust on June 9, 2020 and Plaintiffs filed a Reply in support on June 29, 2020.

12. In the Attorney's Fees Motion, Plaintiffs requested an award of their reasonable expenses, including reasonable attorney's fees and costs, incurred as a result of obtaining the Contempt Order.

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

13. Plaintiffs also sought additional attorney's fees and costs related to the Lytle Trust's appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court, as well as attorney's fees and costs related to the Receivership Action.

14. The Attorney's Fees Motion requested an award of all attorney's fees in the total amount of $149,403.20 and costs in the total amount of $4,145.08 that they incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

15. Plaintiffs attached billing statements and a Declaration from their counsel to the Attorney's Fees Motion to support the request.

16. On August 11, 2020, this Court entered its Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs ("Second Fees Order").[1]

17. Consistent with the Court's express conclusion in the Court Minutes entered on July 7, 2020, the Second Fees Order contained the following Conclusion of Law: "The Court also denies any charges related to the appeal…" *See* Second Fees Order at 6, ¶ 14.

18. On August 21, 2020, the Lytle Trust filed its Notice of Appeal of the Second Fees Order with the Supreme Court of Nevada, Case No. 81689 ("Appeal").

19. On September 8, 2020, the Plaintiffs filed their Motion to Amend, requesting that the Court grant instead of deny fees and costs incurred on appeal or, in the alternative, to provide findings of fact and conclusions of law to support the denial of the appeal fees.

20. The Motion to Amend was filed within 28 days of service of Notice of Entry of the Second Fees Order. NRCP 52(b).

21. The Court found that good cause existed and would grant the Motion to Amend to award attorney's fees stemming from appeals under paragraph 25 of the CC&Rs.

22. The Court acknowledged that it did not have jurisdiction to grant the Motion to Amend because the underlying Order had been appealed. *See* NRAP 12A; NRCP 62.1; *Foster v. Dingwall,* 126 Nev. 49, 52-53, 228 P.3d 453, 455 (2010).

[1] This Order is denoted as the "Second" Order to avoid confusion with the previous Fees Order entered in favor of Plaintiffs on September 11, 2018.

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

23. On January 14, 2021, the Court entered its Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1 That the District Court Would Grant Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Certification Order"). The Certification Order is hereby incorporated by reference.

24. On April 12, 2021, the Supreme Court entered its Order of Limited Remand ("Remand Order") remanding the Appeal "to the district court for the limited purpose of resolving respondents' motion to amend the August 11, 2020, attorney fees and costs award." Remand Order at 1-2. The Remand Order is hereby incorporated by reference.

CONCLUSIONS OF LAW

1. Plaintiffs' Motion to Amend was timely filed pursuant to NRCP 52(b).

2. Following entry of the Remand Order, the Court now has jurisdiction to grant the Motion to Amend, and consistent with its Certification Order hereby amends the Second Fees Order.

3. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

4. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

5. Nevada allows parties to freely provide for attorney's fees "by express contractual provisions." *Davis v. Beling*, 128 Nev. 301, 321, 278 P.3d 501, 515 (2012); *Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477(1988) (per curiam). If the attorney fee provision in a contract "is clear and unambiguous [then it] will be enforced as written." *Davis*, 128 Nev. at 321, 278 P.3d at 515. Section 25 of the CC&Rs is such an express contractual provision that the Court has previously found it to be clear in awarding fees and costs to the other property owners, including fees and costs incurred on appeal.

6. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

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

7. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so.

8. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

9. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

10. NRS 22.100(3) provides a basis for awarding fees associated with the contempt proceedings in this case.

11. Section 25 of the CC&Rs provides a basis for awarding fees to Plaintiffs, including fees and costs incurred for appeals.

12. The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in *Brunzell v. Golden Gate Nat'I Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of the advocate, the character of the work to be done, the work actually performed by the lawyer, and the result obtained.

13. The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs' counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the extent awarded in this Order.

14. However, the Court finds that certain time and amounts billed are not compensable in this matter and will reduce the award accordingly.

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

15. The Court has reviewed the Plaintiffs' submitted billing statements, which the fees charged total $149,403.20.

16. The Plaintiffs' fee statements include entries that are commonly defined as block billing that make it difficult for the Court to determine the exact amount billed for each individual task and the reasonableness of the request.

17. The Court denies an award of fees incurred in the Receivership Action before Judge Kishner. Plaintiffs' counsel represented this amount was $36,259.00, which the Court accepts. The denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an award of fees from Judge Kishner in the Receivership Action.

18. The Court will not award fees for work described in the briefing as clerical work, which the Court has determined total $23,374.00.

19. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23,374.00, which leaves a difference of $89,770.20.

20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20 to further account for the block billing in the fee statements. The difference after the discount is $76,304.67.

21. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with modifications, resulting in a total fee award of $76,304.67.

22. Additionally, the Court grants costs in the sum of $4,145.08.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) is GRANTED.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order shall amend and replace the Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs entered on August 11, 2020.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Findings of Fact shall be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any extent necessary to effectuate the intent of this Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded in favor of Plaintiffs 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, in the total aggregate amount of $76,304.67 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are awarded in favor of Plaintiffs 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, in the total aggregate amount of $4,145.08 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust.

///

///

///

///

///

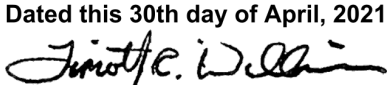
CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 § FAX: (702) 255-0871

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lytle Trust is ordered to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen James & Martin Special Client Trust Account in the amount of $80,449.75 and delivered to Christensen James & Martin, or deposited with the Clerk of the Court pending resolution of the appeal from the Second Fee Order, within ten (10) days of the Notice of Entry of this Order.

IT IS SO ORDERED.

Dated this ___ day of _____, 2021.

Dated this 30th day of April, 2021



DISTRICT COURT JUDGE

ZJ

C9B 99D 318B E6BC
Timothy C. Williams
District Court Judge

Submitted by:

CHRISTENSEN JAMES & MARTIN
/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)	CASE NO: A-16-747800-C DEPT. NO. Department 16

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 4/30/2021

"Daniel T. Foley, Esq." .	dan@foleyoakes.com
Maren Foley .	maren@foleyoakes.com
Liz Gould	liz@foleyoakes.com
Daniel Foley	Dan@foleyoakes.com
Natalie Saville	nat@cjmlv.com
Wesley Smith	wes@cjmlv.com
Laura Wolff	ljw@cjmlv.com
Joel Henriod	JHenriod@LRRC.com
Daniel Polsenberg	DPolsenberg@LRRC.com
Dan Waite	DWaite@LRRC.com
Luz Horvath	lhorvath@lrrc.com

Christina Wang	christina.wang@fnf.com
FNLG Court Filings	FNLG-Court-Filings-NV@fnf.com
Daniel Hansen	dhansen@gibbsgiden.com
Cynthia Kelley	ckelley@lewisroca.com

Electronically Filed
6/3/2021 7:36 PM
Steven D. Grierson
CLERK OF THE COURT

ANOA
JOEL D. HENRIOD
Nevada Bar No. 8492
DANIEL F. POLSENBERG
Nevada Bar No. 2376
DAN R. WAITE
Nevada Bar No. 4078
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200
JHenriod@LewisRoca.com
DPolsenberg@LewisRoca.com
DWaite@LewisRoca.com

Attorneys for Defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust

DISTRICT COURT
CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, trustee of the Marjorie B. Boulden Trust; LINDA LAMOTHE; and JACQUES LAMOTHE, Trustees of the Jacques & Linda Lamothe Living Trust, Plaintiffs, v. TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as trustees of the Lytle Trust, DOES I through X, inclusive, and ROE CORPORATIONS I through X, Defendants.	Case No. A-16-747800-C Dep't No. 16 **AMENDED CASE APPEAL STATEMENT**
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, Plaintiffs, v.	Consolidated with: Case No. A-17-765372-C Dep't No. 16

TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as trustees of the Lytle Trust, JOHN DOES I through V, inclusive, and ROE ENTITIES I through V, inclusive,

Defendants.

1. Name of appellants filing this case appeal statement:

Defendants Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust

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

The Honorable Timothy C. Williams

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

Attorneys for Appellants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust

JOEL D. HENRIOD
DANIEL F. POLSENBERG
DAN R. WAITE
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

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

Attorneys for Respondents 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

KEVIN B. CHRISTENSEN
WESLEY J. SMITH
CHRISTENSEN JAMES & MARTIN
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
(702) 255-1718

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

N/A

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

Retained counsel

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

Retained counsel

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

N/A

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

"Complaint," filed December 8, 2016 in case no. A-16-7476800-C.

"Complaint," filed November 30, 2017 in case no. A-17-765372-C.

Case no. A-17-765372-C was consolidated with case no. A-16-7476800-C on February 28, 2018.

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

In other lawsuits, the defendant Lytle Trust obtained three judgments (totaling approx. $1.8 million) against the Rosemere Estate Property Owners Association ("Association"). The Lytle Trust is a member of the Association. This action stems from a dispute over the validity and legal effect of abstracts of judgments the Lytle Trust recorded against certain residential property owned by other Association members. The district court (Judge T. Williams) granted summary judgment in favor of plaintiffs and entered a permanent injunction against the Lytle Trust precluding action to enforce their judgments directly against the other Association members (the "May 2018 order"). The Dismans were added as parties to the litigation when they purchased the Boulden property. The district court awarded fees and costs to plaintiffs on September 20, 2019.

Following affirmance of the May 2018 order by this Court on July 15, 2020, Plaintiffs moved the district court for an additional

award of fees incurred post-judgment. The district court granted the majority of fees requested on August 11, 2020. Defendants timely appealed.

Defendants now formally amend the scope of that appeal to include the subsequent "Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b)," filed April 30, 2021, notice of entry of which was served electronically on May 4, 2021.

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.

Lytle v. Boulden, Case No. 73039
Lytle v. September Trust, Dated March 23, 1972, Case No. 76198
Lytle v. September Trust, Dated March 23, 1972, Case No. 77007
Lytle v. Disman, Case No. 79753
Lytle v. Boulden, Case No. 79776
Lytle v. September Trust, Dated March 23, 1972, Case No. 81390
Lytle v. September Trust, Dated March 23, 1972, Case No. 81689

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

This case does not involve child custody or visitation.

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

No. The related appeal already has been removed from the Court's settlement program.

Dated this 3rd day of June, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: */s/Joel D. Henriod*

JOEL D. HENRIOD (SBN 8492)
DANIEL F. POLSENBERG (SBN 2376)
DAN R. WAITE (SBN 4078)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2021, I served the foregoing "Amended Case Appeal Statement" on counsel by the Court's electronic filing system to the persons and addresses listed below:

KEVIN B. CHRISTENSEN
WESLEY J. SMITH
CHRISTENSEN JAMES & MARTIN
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
KBC@CJMLV.com
Wes@CJMLV.com

Attorneys for 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

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

Attorneys for Robert Z. Disman and Yvonne A. Disman

Daniel T. Foley
FOLEY & OAKES, PC
1210 South Valley View Boulevard
Suite 208
Las Vegas, Nevada 89102
Dan@FoleyOakes.com

Attorneys for Marjorie B. Boulden, trustee of the Marjorie B. Boulden Trust, and Linda Lamothe and Jacques Lamothe, trustees of the Jacques & Linda Lamothe Living Trust

/s/ Emily D. Kapolnai
An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-747800-C

Marjorie B. Boulden Trust, Plaintiff(s)	§	Location:	**Department 16**
vs.	§	Judicial Officer:	**Williams, Timothy C.**
Trudi Lytle, Defendant(s)	§	Filed on:	**12/08/2016**
	§	Case Number History:	
	§	Cross-Reference Case Number:	**A747800**
	§	Supreme Court No.:	**73039**
	§		**76198**
	§		**77007**
	§		**79753**
	§		**79776**
	§		**81390**
			81689

CASE INFORMATION

Related Cases
A-17-765372-C (Consolidated)

Statistical Closures
01/14/2019 Stipulated Dismissal

Case Type: **Other Title to Property**

Case Status: **01/14/2019 Dismissed**

DATE	CASE ASSIGNMENT

Current Case Assignment

Case Number	A-16-747800-C
Court	Department 16
Date Assigned	04/11/2019
Judicial Officer	Williams, Timothy C.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Boulden, Marjorie B**	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
	Jacques & Linda Lamothe Living Trust	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
	Lamothe, Jacques	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
	Lamothe, Linda	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
	Marjorie B. Boulden Trust	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
Defendant	**Lytle Trust**	**Waite, Dan R** *Retained* 702-949-8200(W)
	Lytle, John Allen	**Waite, Dan R** *Retained* 702-949-8200(W)
	Lytle, Trudi Lee	**Waite, Dan R** *Retained*

		702-949-8200(W)
Counter Claimant	**Lytle Trust** Removed: 01/14/2019 Dismissed	**Waite, Dan R** *Retained* 702-949-8200(W)
	Lytle, John Allen Removed: 01/14/2019 Dismissed	**Waite, Dan R** *Retained* 702-949-8200(W)
	Lytle, Trudi Lee Removed: 01/14/2019 Dismissed	**Waite, Dan R** *Retained* 702-949-8200(W)
Counter Defendant	**Disman, Robert Z** Removed: 01/14/2019 Dismissed	**Wang, Christina H.** *Retained* 702-667-3000(W)
	Disman, Yvonne A Removed: 01/14/2019 Dismissed	**Wang, Christina H.** *Retained* 702-667-3000(W)
	Jacques & Linda Lamothe Living Trust Removed: 01/14/2019 Dismissed	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
	Lamothe, Jacques Removed: 01/14/2019 Dismissed	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
	Lamothe, Linda Removed: 01/14/2019 Dismissed	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
Cross Claimant	**Disman, Robert Z** Removed: 01/14/2019 Dismissed	**Wang, Christina H.** *Retained* 702-667-3000(W)
	Disman, Yvonne A Removed: 01/14/2019 Dismissed	**Wang, Christina H.** *Retained* 702-667-3000(W)
Cross Defendant	**Boulden, Marjorie B** Removed: 01/14/2019 Dismissed	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
Other Plaintiff	**Gegen, Dennis A**	**Smith, Wesley J., ESQ** *Retained* 702-255-1718(W)
	Gegen, Julie S	**Smith, Wesley J., ESQ** *Retained* 702-255-1718(W)
	Gerry R. Zobrist and Jolin G. Zobrist Family Trust	**Smith, Wesley J., ESQ** *Retained* 702-255-1718(W)
	Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated	**Smith, Wesley J., ESQ** *Retained* 702-255-1718(W)
	September Trust Dated March 23, 1972	**Smith, Wesley J., ESQ** *Retained* 702-255-1718(W)
Trustee	**Boulden, Marjorie B** Removed: 01/14/2019 Dismissed	

	Foley, Daniel Thomas, ESQ *Retained* 702-384-2070(W)
Lamothe, Jacques Removed: 01/14/2019 Dismissed	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
Lamothe, Linda Removed: 01/14/2019 Dismissed	**Foley, Daniel Thomas, ESQ** *Retained* 702-384-2070(W)
Lytle, John Allen Removed: 01/14/2019 Dismissed	**Waite, Dan R** *Retained* 702-949-8200(W)
Lytle, Trudi Lee Removed: 01/14/2019 Dismissed	**Waite, Dan R** *Retained* 702-949-8200(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	EVENTS	
12/08/2016	Complaint Filed By: Plaintiff Marjorie B. Boulden Trust *Complaint*	
01/11/2017	Motion for Temporary Restraining Order Filed By: Plaintiff Marjorie B. Boulden Trust *Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time*	
01/12/2017	Response Filed by: Plaintiff Marjorie B. Boulden Trust *Response to Ex-Parte Motion to Continue Hearing*	
01/17/2017	Acceptance of Service Filed By: Plaintiff Marjorie B. Boulden Trust *Acceptance of Service of Summons and Complaint*	
01/17/2017	Receipt of Copy Filed by: Plaintiff Marjorie B. Boulden Trust *Receipt of Copy*	
01/17/2017	Ex Parte Motion Filed By: Defendant Lytle, Trudi Lee *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 Filed By: Defendant Lytle, Trudi Lee *Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Temporary Restraining Order*	
01/18/2017	Declaration Filed By: Defendant Lytle, Trudi Lee *Declaration of Richard E. Haskin in Support of Opposition to Motion for Temporary Restraining Order*	

01/18/2017 Request for Judicial Notice
Filed By: Defendant Lytle, Trudi Lee
Request for Judicial Notice in Support of Opposition to Motion for Temporary Restraining Order

01/18/2017 Receipt of Copy
Filed by: Defendant Lytle, Trudi Lee
Receipt of Copy

02/08/2017 Answer to Complaint
Filed by: Defendant Lytle, Trudi Lee
Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiffs' Complaint

02/08/2017 Motion to Dismiss
Filed By: Defendant Lytle, Trudi Lee
Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint

02/09/2017 Initial Appearance Fee Disclosure
Filed By: Defendant Lytle, Trudi Lee
Initial Appearance Fee Disclosure

02/24/2017 Motion for Partial Summary Judgment
Filed By: Plaintiff Marjorie B. Boulden Trust
Motion for Partial Summary Judgment

02/28/2017 Opposition to Motion to Dismiss
Filed By: Plaintiff Marjorie B. Boulden Trust
Opposition to Motion to Dismiss

03/10/2017 Amended Complaint
Filed By: Plaintiff Marjorie B. Boulden Trust
Amended Complaint

03/10/2017 Stipulation and Order
Filed by: Plaintiff Marjorie B. Boulden Trust
Stipulation and Order for Leave for Plaintiffs to File Amended Complaint

03/23/2017 Stipulation and Order
Filed by: Defendant Lytle, Trudi Lee
Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment

03/24/2017 Request for Judicial Notice
Filed By: Defendant Lytle, Trudi Lee
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

03/24/2017 Declaration
Filed By: Defendant Lytle, Trudi Lee
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

03/27/2017

Countermotion For Summary Judgment
Filed By: Defendant Lytle, Trudi Lee
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
Filed By: Defendant Lytle, Trudi Lee
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
Filed by: Plaintiff Marjorie B. Boulden Trust
Reply to the Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Summary Judgment

04/26/2017 Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Marjorie B. Boulden Trust
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
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
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
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Motion for Attorney's Fees and Costs

05/09/2017 Notice of Lis Pendens
Filed by: Defendant Lytle, Trudi Lee
Notice of Lis Pendens

05/09/2017 Notice of Lis Pendens
Filed by: Defendant Lytle, Trudi Lee
Notice of Lis Pendens

05/09/2017 Notice of Appeal
Filed By: Defendant Lytle, Trudi Lee
Notice of Appeal

05/09/2017 Notice
Filed By: Defendant Lytle, Trudi Lee
Notice of Depositing Security for Costs on Appeal

05/09/2017 Case Appeal Statement
Filed By: Defendant Lytle, Trudi Lee
Case Appeal Statement

05/15/2017 Motion to Reconsider

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
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
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration

05/26/2017 Notice of Entry of Stipulation and Order
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration

05/31/2017 Opposition to Motion
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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 Opposition to Motion
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Opposition to Motion for Reconsideration

06/02/2017 Reply to Opposition
Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
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
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
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
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Notice of Entry of Order

06/29/2017 Notice of Release of Lis Pendens
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Release of Lis Pendens

06/29/2017 Notice of Release of Lis Pendens
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Release of Lis Pendens

06/30/2017 Motion for Leave to File
Party: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Plaintiffs' Motion for Leave to File Second Amended Complaint

07/25/2017 Order Granting Motion
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law

07/25/2017 Stipulation and Order
Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Stipulation and Order for Leave for Plaintiffs to File Second Amended Complaint

07/25/2017 Second Amended Complaint
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Second Amended Complaint

07/25/2017 Notice of Entry of Order
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Notice of Entry of Stipulation and Order

08/02/2017 Joint Case Conference Report
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Joint Case Conference Report

08/11/2017 Answer and Counterclaim
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Summons

08/15/2017 Summons
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Summons

08/23/2017 Affidavit of Service
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Affidavit of Service

08/23/2017 Affidavit of Service
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Affidavit of Service

09/05/2017 Answer to Counterclaim
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Counter-Defendants and Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Answer and Counterclaim

09/26/2017 Initial Appearance Fee Disclosure
Filed By: Cross Claimant Disman, Yvonne A
Initial Appearance Fee Disclosure

10/13/2017 Answer
Filed By: Plaintiff Marjorie B. Boulden Trust
Plaintiff's Answer to Cross-Complaint

12/08/2017 Motion
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
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
Filed By: Plaintiff Marjorie B. Boulden Trust

Opposition to Motion to Extend Discovery Deadlines and Trial Setting

01/02/2018 Opposition
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
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 Consolidate
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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
Filed by: Plaintiff Marjorie B. Boulden Trust
Peremptory Challenge of Judge

01/25/2018 Notice of Department Reassignment
Notice of Department Reassignment

01/29/2018 Notice of Change of Hearing
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Change of Hearing

02/01/2018 Ex Parte Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Amended Order Granting Order Shortening Time

02/05/2018 Notice of Entry of Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A

Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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 Notice of Change of Address
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Notice of Change of Firm Address

02/13/2018 Stipulation and Order
Filed by: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)

02/13/2018 Notice of Entry of Stipulation and Order
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)

02/22/2018 Notice of Early Case Conference
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Early Case Conference

02/28/2018 Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

03/01/2018 Request
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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
Filed By: Defendant Lytle Trust
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

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

05/24/2018 Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
(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
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Motion for Attorney's Fees and Costs

06/04/2018 Memorandum
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Memorandum of Costs and Disbursements

06/04/2018 Declaration
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs

06/06/2018 Notice
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs

06/08/2018 Motion to Retax
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Motion to Retax and Settle Memorandum of Costs

06/13/2018 Release
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Release of Abstract of Judgment

06/13/2018 Release
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Release of Abstract of Judgment

06/13/2018 Release
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Release of Abstract of Judgment

06/13/2018 Release
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Release of Abstract of Judgment

06/15/2018 Opposition
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs

06/15/2018 Declaration
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Declaration of Counsel in Support of Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs

06/19/2018 Notice of Appeal
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

06/19/2018 Case Appeal Statement
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

06/22/2018 Opposition to Motion
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

06/28/2018 Motion for Summary Judgment
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Robert Z. Disman and Yvonne A. Disman's Motion to Summary Judgment or, in the Alternative, Motion for Judgmetn on the Pleadings

07/05/2018 Reply to Opposition
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

07/05/2018 Declaration
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

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 Opposition to Motion For Summary Judgment
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A

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
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Order Regardinf 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
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

09/28/2018 Motion to Stay
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

10/02/2018 Reply
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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
Filed By: Plaintiff Boulden, Marjorie B
Change of Address

11/16/2018 Motion to Reconsider
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

11/16/2018 Order Shortening Time
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Order Shortening Time

11/21/2018 Opposition
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Opposition to Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
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
Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
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 NV Supreme Court Clerks Certificate/Judgment - Affirmed
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed

01/14/2019 Stipulation and Order
Filed by: Plaintiff Boulden, Marjorie B
Stipulation and Order to Dismiss Remaining Claims without Prejudice

01/14/2019 Notice of Entry
Filed By: Plaintiff Boulden, Marjorie B
Notice Of Entry Of Stipulation And Order To Dismiss All Remaining Claims Without Prejudice

01/16/2019 Memorandum of Costs and Disbursements
Filed By: Plaintiff Boulden, Marjorie B
Plaintiffs' Memorandum of Costs and Disbursements

01/16/2019 Motion
Filed By: Plaintiff Boulden, Marjorie B
Motion to Attorney's Fees and Costs

01/18/2019 Motion to Retax
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Motion to Retax and Settle Memorandum of Costs

01/23/2019 Motion for Attorney Fees
Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

01/29/2019 Opposition to Motion
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

02/04/2019 Opposition
Filed By: Plaintiff Boulden, Marjorie B
Plaintiffs' Opposition to Motion to Retax Costs

02/07/2019 Reply
Filed by: Plaintiff Boulden, Marjorie B
Reply To Defendants Opposition To Motion For Attorneys Fees And Costs

02/12/2019 Opposition to Motion
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees and Costs

02/15/2019 Reply to Opposition
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Reply to Opposition to Motion to Retax and Settle Memorandum of Costs

02/20/2019 Reply
Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion for Attorney's Fees

04/10/2019 Notice of Hearing
Notice of Hearing

04/11/2019 Notice of Department Reassignment
Notice of Department Reassignment

04/22/2019 Stipulation and Order
Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Stipulation and Order to Continue Hearing Date on Pending Motions

04/25/2019 Notice of Entry
Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Notice of Entry of Stipulation and Order to Continue Hearing Date on Pending Motions

05/07/2019 Request
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
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

05/24/2019 Notice of Change of Address
Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
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
Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
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
Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
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
Filed By: Plaintiff Boulden, Marjorie B
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
Filed By: Plaintiff Boulden, Marjorie B
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
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

09/30/2019 Case Appeal Statement
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

10/04/2019 Notice of Appeal
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

10/04/2019 Case Appeal Statement
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

10/22/2019 Stipulation and Order
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond

10/24/2019 Notice of Entry of Stipulation and Order
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond

10/28/2019 Stipulation and Order
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond

10/28/2019 Notice of Entry of Stipulation and Order
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond

11/26/2019 Notice of Appearance
Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appearance

11/26/2019 Request
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Request for Transcripts

12/05/2019 Recorders Transcript of Hearing
Transcript of Proceedings Re: All Pending Motions. March 21, 2018

12/05/2019 Recorders Transcript of Hearing
Transcript of Proceedings Re: Decision May 2, 2018

03/04/2020 Motion for Order to Show Cause
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

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)

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

03/05/2020 Joinder To Motion
Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust
(5/14/20 Withdrawn) 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

03/06/2020 Notice of Appearance
Party: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
Notice of Appearance

03/06/2020 Joinder To Motion
Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
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

03/11/2020 Association of Counsel
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen
Association of counsel

03/19/2020 Opposition to Motion
Filed By: Defendant Lytle Trust
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

03/31/2020 Notice of Rescheduling
Notice of Rescheduling

04/13/2020 Notice
Filed By: Defendant Lytle Trust
CourtCall Appearance

04/13/2020 Notice to Appear
Filed By: Defendant Lytle, Trudi Lee
Courtcall Appearance

04/13/2020 Notice
Filed By: Defendant Lytle Trust
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

04/14/2020 Reply to Opposition
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
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

04/14/2020

Joinder
Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
Joinder to 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

04/21/2020 Exhibits
Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Hearing Exhibits

05/07/2020 Stipulation and Order
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Stipulation and Order to Disburse Cash Supersedeas Bond

05/07/2020 Notice of Entry of Stipulation and Order
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond

05/14/2020 Withdrawal
Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust
Withdrawal of 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

05/14/2020 Satisfaction of Judgment
Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust
Satisfaction of Judgment

05/15/2020 NV Supreme Court Clerks Certificate/Judgment - Affirmed
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed

05/18/2020 Motion
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Motion to Release Cash Supersedeas Bond and Request for Interst Thereon

05/19/2020 Objection
Filed By: Defendant Lytle Trust
Defendant's (1) Objection to Plaintiffs' Proposed Order, and (2) Competing Order

05/19/2020 Motion for Clarification
Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time

05/19/2020 Clerk's Notice of Hearing
Notice of Hearing

05/20/2020 Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document

05/22/2020 Order Granting Motion
Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

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

05/22/2020 Notice of Entry of Order
Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders

05/22/2020 Stipulation and Order
Filed by: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
STIPULATION AND ORDER TO DISBURSE CASH SUPERSEDEAS BOND AND PAY INTEREST THEREON

05/22/2020 Notice of Entry of Stipulation and Order
Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond

05/26/2020 Motion for Attorney Fees and Costs
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Motion for Attorney's Fees and Costs

05/26/2020 Declaration
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs

05/26/2020 Memorandum of Costs and Disbursements
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Memorandum of Costs and Disbursements

05/26/2020 Clerk's Notice of Hearing
Notice of Hearing

05/29/2020 Opposition to Motion
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Opposition to Defendant Lytle Trust's Motion for Clarification

06/09/2020 Opposition to Motion
Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Opposition To Plaintiffs' Motion For Attorney Fees and Costs

06/10/2020 Stipulation and Order
Filed by: Attorney Haskin Esq, Richard Edward; Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
STIPULATION AND ORDER TO DISBURSE CASH SUPERSEDEAS BOND

06/10/2020 Notice of Entry of Stipulation and Order
Filed By: Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond

06/11/2020 Motion for Attorney Fees
Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
(7/6/20 Withdrawn) Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

06/11/2020 Appendix
Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

06/12/2020 Clerk's Notice of Hearing
Notice of Hearing

06/17/2020 Reply in Support
Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Reply in Support of Motion for Clarification

06/22/2020 Notice of Appeal
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

06/22/2020 Case Appeal Statement
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

06/22/2020 Amended Certificate of Service
Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen
Amended Certificate of Service

06/29/2020 Reply to Opposition
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Reply to Defendant Lytle Trust's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

07/02/2020 Notice
Filed By: Defendant Lytle Trust
Notice of Disassociation of Counsel

07/06/2020 Notice of Withdrawal of Motion
Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
Notice of Withdrawal of Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

07/15/2020 Order Denying Motion
Filed By: Other Plaintiff September Trust Dated March 23, 1972
ORDER DENYING DEFENDANT LYTLE TRUST S MOTION FOR CLARIFICATION AND EX PARTE REQUEST FOR ORDER SHORTENING TIME

07/15/2020 Notice of Entry of Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.

Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Order Denying Defendant Lytle Trust s Motion for Clarification and ex Parte Request for Order Shortening Time

07/31/2020 Amended Notice of Appeal
Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Amended Notice of Appeal

07/31/2020 Amended Case Appeal Statement
Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Amended Case Appeal Statement

08/04/2020 Amended Notice of Appeal
Errata to Amended Notice of Appeal

08/04/2020 Amended Case Appeal Statement
Errata to Amended Case Appeal Statement

08/11/2020 Order
(A765372) ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS MOTION FOR ATTORNEY S FEES AND COSTS

08/11/2020 Notice of Entry of Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs Motion for Attorney s Fees and Costs

08/21/2020 Notice of Appeal
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

08/21/2020 Case Appeal Statement
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

08/31/2020 Request
Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Request for Transcripts

09/08/2020 Motion for Attorney Fees and Costs
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) (Hearing Requested)

09/08/2020 Clerk's Notice of Hearing
Notice of Hearing

09/11/2020 Request

Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Request for Transcripts

09/22/2020 Opposition
Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Opposition to Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)

09/24/2020 Reporters Transcript
Court Reporters transcript of Proceedings (Civil) 7-7-2020

09/28/2020 Supplement
Filed by: Defendant Lytle Trust
Defendant Lytle Trust's Supplement to Opposition to Plaintiffs Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)

10/06/2020 Reply in Support
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Reply in Support of Their Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)

01/14/2021 Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972
ORDER CERTIFYING TO THE SUPREME COURT PURSUANT TO NRAP 12(A) AND NRCP 62.1 THAT THE DISTRICT COURT WOULD GRANT PLAINTIFFS MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS MOTION FOR ATTORNEY S FEES AND COSTS PURSUANT TO NRCP 52(B)

01/15/2021 Notice of Entry of Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
NOTICE OF ENTRY OF ORDER CERTIFYING TO THE SUPREME COURT PURSUANT TO NRAP 12(A) AND NRCP 62.1 THAT THE DISTRICT COURT WOULD GRANT PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B)

01/28/2021 Motion to Consolidate
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiff's Motion to Consolidate or Coordinate this Case with Case A-18-775843-C (Dept. XXXI)

02/01/2021 Clerk's Notice of Hearing
Notice of Hearing

02/11/2021 Opposition to Motion
Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Opposition to Plaintiffs' Motion to Consolidate or Coordinate this Case with A-18-775843-C (Dept. XXXI)

02/26/2021

Reply to Opposition
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Reply to Defendants' Opposition to Motion to Consolidate or Coordinate this Case with Case No. A-18-775843-C (Dept. XXXI)

03/10/2021 Order Denying Motion
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Order Denying Plaintiffs' Motion to Consolidate or Coordinate

03/17/2021 Notice of Entry
Filed By: Defendant Lytle Trust
Notice of Entry of Order Denying Plaintiffs' Motion to Consolidate or Coordinate this Case with Case A-18-775843-C (Dept. XXXI)

04/15/2021 Notice of Entry of Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Order of Limited Remand

04/19/2021 Order Setting Hearing
Order Setting Hearing Further Proceedings re: Supreme Court Order of Limited Remand

04/27/2021 Brief
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen
Defendant Lytle Trust's Report for April 29, 2021 Hearing, and Proposed Order

04/28/2021 Status Report
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Status Report for Hearing on Further Proceedings Re: Supreme Court Order of Limited Remand

04/30/2021 Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated
Order Granting Plaintiff's Motion to Amend Order Granting in Part and Denying In Part Plaintiffs' Motion for Attorney's Fees and Cost Pursuant to NRCP 52(B)

05/04/2021 Notice of Entry of Order
Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)

05/14/2021 Notice of Posting Bond
Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Posting Cash Bond to Secure Order Granting Attorney's Fees Pending Appeal

06/03/2021 Amended Notice of Appeal
Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Amended Notice of Appeal

06/03/2021 Amended Case Appeal Statement
Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Amended Case Appeal Statement

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
Satisfaction: Satisfaction of Judgment

05/15/2020 **Clerk's Certificate** (Judicial Officer: Williams, Timothy C.)
Debtors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)
Creditors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)
Judgment: 05/15/2020, Docketed: 05/22/2020
Comment: Supreme Court No.76198/77007 " Appeal Affirmed"

HEARINGS

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
Withdrawn;
Journal Entry Details:
Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this $361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.;

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

04/13/2017 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Motion for Partial Summary Judgment
Granted;

04/13/2017 **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
Denied;

04/13/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
MOTION FOR PARTIAL SUMMARY JUDGMENT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for Summary Judgment GRANTED; Deft.'s Countermotion DENIED.;

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
Matter Continued; Motion for Attorney's Fees and Costs
Vacate;
Matter Continued; Motion for Attorney's Fees and Costs
Vacate;
Journal Entry Details:

Following arguments of counsel, Court stated that from a practical standpoint this motion will

be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED. CONTINUED TO: 6/29/17 9:00 AM;

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
Matter Continued; Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Granted;
Journal Entry Details:
Daniel Foley, Esq., appeared on behalf of Pltfs Richard Haskin, Esq., appeared on behalf of Defts The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendes. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens. Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017. Court directed Mr. Foley to submit the proposed order.;
Matter Continued; Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Granted;
Journal Entry Details:
Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and matter was trailed to enable Mr. Foley and the Court to review it. When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date. CONTINUED TO: 6/6/17 9:00 AM;

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
Motion Granted;

06/29/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
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...DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS Mr. Haskin argued in support of the Motion for Reconsideration, stating that and Order was entered granting Summary Judgment in favor of the Plaintiff, wherein there was a Finding against Defendant Lytle Trust as to slander of title; however, there was no evidence presented during arguments regarding slander of title. Upon Court's inquiry, Mr. Foley stated that the causes of action appropriately dealt with through the Court's ruling on the Summary Judgment were as follows: Quiet Title, Declaratory Relief, and Slander of Title. Mr. Foley argued in opposition to the Motion for Reconsideration, stating that the Lytles recorded abstracts of judgment on Plaintiffs' parcel numbers, in order to attach the to the properties, which was slander of title and a knowing malicious effort. Additionally, Mr. Foley stated that the case had developed as follows: Mr. Haskin had submitted another judgment obtained on behalf of the Lytle's against the HOA, which must be disclosed; therefore, the Complaint must be amended, and declaratory relief would be needed, to ensure that the findings from the judgment would not waive the claim for slander of title damages for loss of sale. Pursuant to those representations, Mr. Foley stated that he would seek leave to amend the Complaint, and would withdraw the Motion for Attorney's Fees and Costs. COURT ORDERED the Motion for Reconsideration was hereby DENIED; however, the Alternative Motion to Alter or Amend Judgment was GRANTED as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, COURT ORDERED the Motion for Attorney's Fees and Costs was VACATED. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.;

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

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)
Recused;
Stip & Order to Extend Discovery submitted & signed by Judge - Mtn to Extend not necessary
Journal Entry Details:
Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court RECUSES itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.;

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

MINUTES

Stip & Order to Extend Discovery submitted, signed by Judge - motion not necessary
Reset; Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Journal Entry Details:
Court notes opposition not received by Court or opposing counsel. COURT ORDERED, CONTINUED for Plaintiff's response to opposition filed. CONTINUED TO: 02/21/18 9:00 a.m.;

SCHEDULED HEARINGS

Motion to Consolidate (02/21/2018 at 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

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
Granted;
Journal Entry Details:
The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.;

03/21/2018 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Events: 03/01/2018 Request
Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

MINUTES

Request
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings
Continued for Chambers Decision; Plaintiff's Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

SCHEDULED HEARINGS

Decision (05/02/2018 at 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

All Pending Motions (03/21/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

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
Continued for Chambers Decision; 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

03/21/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Matter Heard;
Journal Entry Details:
Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment Arguments by counsel. COURT ORDERED, CONTINUED for Decision. 04/04/18 9:00 a.m. 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;

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
Hearing Date;
Journal Entry Details:
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 HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.;

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
Decision Made;
Journal Entry Details:
Decision: As to Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings, COURT FINDS after review of Judge Williams' previous order in this case, that order addressed a majority of the issues raised in this matter, and this Court hereby adopts the Findings of Fact, Conclusions of Law from Judge Williams' order as they may pertain to the issues in this matter. Court notes Judge Williams' order addresses additional facts and he did not take any findings that the Defendants Lytle Trust was entitled to the property and that issue was left to the trier of fact. Additionally, that order is the law of the case; based on relevant issues it is applicable in this case. The order in this matter, COURT ORDERED, MOTION GRANTED expunging and striking the abstract(s) of judgment recorded against the Plaintiffs' properties, restraining, enjoining Lytles' from selling or attempting to sell the Plaintiffs' properties; and, from taking any action in the future against the Plaintiffs or their properties based upon any litigation the Lytles have commenced against the association. In addition to the Findings of Fact Conclusions of Laws in this matter, Court Finds that the ruling in this matter be consistent with Judge Williams' order; that being the law of the case. Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment COURT ORDERED, MOTION DENIED. Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.;

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

MINUTES

Continued for Chambers Decision; Plaintiffs' Motion for Attorney's Fees and Costs

SCHEDULED HEARINGS

All Pending Motions (07/26/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

07/26/2018 **Motion to Retax** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Defendants' Motion to Retax and Settle Memorandum of Costs

MINUTES

Continued for Chambers Decision;

SCHEDULED HEARINGS

Decision (08/09/2018 at 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

07/26/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Matter Heard;
Journal Entry Details:
Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case. 08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs /// Decision: Plaintiffs' Motion for Attorney's Fees and Costs;

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

MINUTES

Continued for Chambers Decision; Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

SCHEDULED HEARINGS

Decision (08/17/2018 at 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

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

MINUTES

Decision Made; Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

SCHEDULED HEARINGS

All Pending Motions (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

08/09/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Matter Heard;
Journal Entry Details:

Decision - Plaintiff's Motion for Attorney's Fees COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED. Decision - Defendants' Motion to Retax and Settle Memorandum of Costs In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED. COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS: As to September Trust: $13,513.26 Attorney fees GRANTED $250.87 Costs GRANTED As to Zobrist Trust: $13,331.26 Attorney fees GRANTED $250.87 Costs GRANTED As to Sandoval Trust: $12,616.26 Attorney fees GRANTED $250.87 Costs GRANTED As to Dennis & Julie Gegan:

$12,590.26 Attorney fees GRANTED $250.87 Costs GRANTED For a Total of $52,051.04 Attorney's fees; and, $1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date. Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.;

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
Decision Made; Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings
Journal Entry Details:
This Court having hear argument, reviewed the pleadings and papers on file, and good cause appearing therefrom ORDERS, Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Judgment on the Pleadings is DENIED Without Prejudice. Mr. Haskin is to prepare the order consistent with the opposition, submit to opposing counsel for approval as to content and form and submit to Chambers for consideration. CLERK'S NOTE: The above minute order has been distributed to: Christina Wang, Esq.; and, Richard Haskin, Esq.;

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
Granted; 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
Journal Entry Details:
Matter submitted. Court Finds cash Bond issue addressed in past and amount posted sufficient to indemnify Defendants if they prevail. COURT ORDERS, 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 is GRANTED. Mr. Haskin to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

11/27/2018 **Request of Court** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Request of Court - Clarification of Order: In RE: Competing Orders

MINUTES

Matter Heard; Request of Court - Clarification of Order: In RE: Competing Orders

SCHEDULED HEARINGS

All Pending Motions (11/27/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

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
Decision Made; Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

11/27/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Matter Heard;
Journal Entry Details:

Request of Court - Clarification of Order: In RE: Competing Orders ... Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees Court advised regarding review of competing orders received. Court does not find that either order complies with this Court's ruling form the hearing. Colloquy regarding the law of the case based on prior ruling in this matter by Judge Williams. Court notes this Court was not aware these proceedings were before the Nevada Supreme Court (NVSC) on the order this Court based its ruling upon, otherwise the Court would have deferred ruling the matter until NVSC had ruled, however, since there is no order on file from the hearing on the motion for summary judgment, COURT VACATES PRIOR

RULING and Defers Judgment on Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings pending ruling by NVSC, which may resolve this issue in its entirety. Ms. Wang to prepare the order consistent with this Court's findings within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

01/08/2019 **Pre Trial Conference** (8:30 AM) (Judicial Officer: Barker, David)

Off Calendar;
Journal Entry Details:
Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR. ;

02/05/2019 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
Vacated - per Judge

02/19/2019 *CANCELED* **Bench Trial** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated - per Judge

02/20/2019 **Motion for Attorney Fees and Costs** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
02/20/2019, 04/10/2019, 05/16/2019
Plaintiff's Motion for Attorney's Fees and Costs
Continued;
Continued;
Motion Granted;
Continued;
Continued;
Motion Granted;
Continued;
Continued;
Motion Granted;
Journal Entry Details:
No parties present. COURT ORDERED, matter CONTINUED to this Court's hearing calendar. CONTINUED TO: 4/3/19 8:30 AM CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt;

02/27/2019 **Motion to Retax** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
02/27/2019, 04/10/2019, 05/16/2019
Defendants' Motion to Retax and Settle Memorandum of Costs
Continued;
Continued;
Motion Denied;
Continued;
Continued;
Motion Denied;
Continued;
Continued;
Motion Denied;

02/27/2019 **Motion for Attorney Fees and Costs** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
02/27/2019, 04/10/2019, 05/16/2019
Robert Z. Disman and Yvonne Disman's Motion for Attorney's Fees
Continued;
Continued;
Motion Granted;
Continued;
Continued;
Motion Granted;
Continued;
Continued;

Motion Granted;

02/27/2019 **All Pending Motions** (3:00 AM) (Judicial Officer: Thompson, Charles)
Matter Heard;
Journal Entry Details:
DEFENDANT'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES COURT ORDERED, matter CONTINUED to be heard by Judge Barker. CONTINUED TO: 4/3/19 8:30 AM CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt 2/27/19;

04/10/2019 **All Pending Motions** (8:30 AM) (Judicial Officer: Barker, David)
Matter Heard;
Journal Entry Details:
MOTION FOR ATTORNEY FEES AND COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES ... DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS Upon Court's inquiry, Mr. Foley advised they believe the motions should be heard by Judge Williams, noting Judge Williams recused because his daughter was hired as Judge William's law clerk, however; that position is now over. Mr. Haskin concurred, however, requested the matter be trailed so he can speak to his client. Court noted it will only transfer the case if all parties are in agreement, noting the Court will reach out to Judge Williams to see if he is willing to take the case back. Matter TRAILED. Matter RECALLED. Mr. Haskin advised his client is amenable to returning to Judge Williams. COURT ORDERED, matter SET for Status Check. CONTINUED TO: 5/1/19 9:00 AM (DEPT. 16) CLERK'S NOTE: Subsequent to Court, COURT ORDERED, Motions CONTINUED to Dept. 16's calendar to be heard by Judge Williams. COURT FURTHER ORDERED, matter TRANSFERRED to Department 16. -amt 4/10/19 CLERK'S NOTE: Subsequent to previous rulings, Court noted it will contact Judge Weise and have the case transferred to Department 16 as opposed to having the Clerk's Office reassign the case via this minute order. -amt 4/11/19 ;

04/11/2019 **Minute Order** (2:00 PM) (Judicial Officer: Wiese, Jerry A.)
Minute Order - No Hearing Held;
Journal Entry Details:
The above-referenced matter was previously handled by Judge Timothy Williams. Motions for Summary Judgment were apparently granted, resulting in an Appeal and affirmance. Judge Williams previously recused from the case, due to the fact that his law clerk was related to one of attorneys for one of the parties. Following remand from the Supreme Court, various motions have been filed including a Motion to Retax, and Motion for Attorney's Fees. These matters are currently in Department 9. Judge David Barker, is sitting in Department 9, and recently had a hearing with the attorneys, who indicated that they believed Judge Williams was much more familiar with the facts and circumstances of the case, and would be in a better position to rule on the pending motions. It is noted that the law clerk which previously resulted in Judge Williams recusal is no longer Judge Williams law clerk, so no conflict currently exists. Judge Williams has indicated his willingness to handle this matter. Pursuant to EDCR 1.31, and good cause appearing, the Presiding Civil Judge hereby ORDERS that the Clerk's Office Reassign Case No. A747800 from Department IX to Department XVI (Judge Williams), as Judge Williams (as the prior handling Judge) has more information with regard to the pending case, and such transfer will promote judicial economy. ;

05/16/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
MOTION FOR ATTORNEY'S FEES AND COSTS...ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES...DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS Arguments by Mr. Foley, Mr. Haskin, and Ms. Wang. COURT ORDERED, fees and costs awarded. Court stated will take review of attorney fee amounts. FURTHER ORDERED, as to Motion to Retax, costs given. Prevailing party to submit respective orders.;

05/17/2019 **Minute Order** (2:51 PM) (Judicial Officer: Williams, Timothy C.)
re: Motions for Attorneys' Fees

Matter Heard;
Journal Entry Details:
After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: The Court has ruled that the CC&R s control the award of attorney s fees in this matter. Pursuant to paragraph 25 of the CC&R s regarding attorney s fees, the losing party or parties shall pay in such amount as may be fixed the court. Applying the language of the CC&R s the Court determined that the Boulden and Lamothe Plaintiffs and Disman Counter Defendants are the winning parties, the Lytle Defendants are the losing party and the language is mandatory regarding the assessment of attorney fees against the losing party. In addition, after considering the Brunzell factors, the Court awards the Boulden and Lamothe Plaintiffs attorney s fees in the requested amount of $75,733.80 and the Disman Counter Defendants attorney s fees in the requested amount of $35, 676.00. Lastly, the Court declines to make the determination that the Defendants actions lacked reasonable grounds except for the filing of Lis Pendens, which was clearly unreasonable in light of the procedural history of the case. Counsel for the Boulden and Lamothe Plaintiffs and Disman Counter Defendants shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile. ;

04/06/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
re: 4/22/20 Hearing
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate. If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is: Dial the following number: 1-888-748-9073 Meeting ID: 702 671 440 6 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

04/22/2020 **Motion for Order to Show Cause** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders
Motion Granted;

04/22/2020 **Joinder** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
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
Motion Granted;

04/22/2020 **Joinder** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
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
Motion Granted;

04/22/2020 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:

APPEARANCES CONTINUED: Patricia Lee and Receiver, Kevin Singer, also present telephonically. PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT

ORDERS 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 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 All parties present telephonically. Arguments by counsel. Court stated ITS FINDS and ORDERED, Motion for Order to Show Cause GRANTED; will be assessment of $500.00 per Pltf. Court directed filing of application for fees and costs to be heard on the merits. Court directed Mr. Smith to prepare and circulate findings of fact and conclusions of law; if parties cannot agree on form and content, may submit competing orders. ;

06/25/2020

Minute Order (3:43 PM) (Judicial Officer: Williams, Timothy C.)
Minute Order re: Hearing on 7/2/20 at 9:00 a.m.
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

06/29/2020

Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order re: Hearing on 7/7/20 at 9:00 a.m.
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

07/02/2020

Motion for Clarification (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time
Motion Denied;
Journal Entry Details:
APPEARANCES CONTINUED: Court Reporter, Michael Bouley, present. All counsel present telephonically. Arguments by counsel. Mr. Waite advised he intends to file supersedeas cash bond relating to recent contempt order. Mr. Smith advised no objection. Court directed Mr. Waite to file appropriate motion in that regard. As to Motion for Clarification, Court stated ITS FINDINGS and ORDERED, Motion DENIED. Court directed Mr. Smith or Ms. Wang to prepare the order and circulate; if parties cannot agree on form and content, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;

07/07/2020

Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order re: Plaintiffs' Motion for Attorney's Fees and Costs
Minute Order - No Hearing Held;
Journal Entry Details:

After a review and consideration of the record, the points and authorities on file herein, and

oral argument of counsel, the Court determined as follows: As noted at the July 7, 2020 hearing, the Court finds the CC&Rs provide a basis for attorney fee recovery. Further, Plaintiff has satisfied the Brunzell factors. Additionally, Court restates that fees sought regarding those matters before Judge Kishner are denied $36,259.00. The Court also denies any charges related to the appeal. Moreover, under this case s circumstances, the Court will not award fees for clerical work $23, 374.00. The Court has reviewed the Plaintiff s submitted billing statements, which the fees charged total $149,403.20. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23, 374.00, which leaves a difference of $89,770.20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20. The difference after the discount is $76,304.67. Consequently, THE COURT GRANTS PLAINTIFF S MOTION FOR ATTORNEY S FEES AND COSTS BUT WITH MODIFICATIONS. Also, the Court grants costs in the sum of $4,145.08. Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK S NOTE: This Minute Order has been served to counsel electronically through Odyssey eFile.;

07/07/2020 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Plaintiffs' Motion for Attorney's Fees and Costs
Granted in Part; See 7/7/20 Minute Order
Journal Entry Details:
Counsel present telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion for Attorney's Fees and Costs GRANTED IN PART and DENIED IN PART; no consideration given in this case to Judge Kishner's sole decision in other action. Court stated will review matter for determination of reasonable fees and matter of the appeal. Decision forthcoming.;

07/16/2020 *CANCELED* **Motion for Attorney Fees** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated
Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

10/12/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order re: Hearing on 10/13/20 at 9:00 a.m.
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

10/13/2020 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) (Hearing Requested)
Motion Granted; See 12/14/20 Minute Order
Journal Entry Details:
Hearing held telephonically. Arguments by counsel. Court stated will review matter and issue decision.;

12/14/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order: Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) (Hearing Requested)
Minute Order - No Hearing Held;
Journal Entry Details:

After review and consideration of the points and authorities on file herein and oral argument of counsel, the Court determined as follows: After additional review and consideration, this Court awards attorney's fees stemming from appeals under paragraph 25 of the CC&Rs. Accordingly, Plaintiff's Motion to Amend the Court's Order Granting in Part and Deny in Part Plaintiff's Motion for Attorney's Fees and Cost is GRANTED to reflect such change. Counsel for Plaintiff, Marjorie Boulden Trust, shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature. CLERK S ORDER: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;

02/25/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order re: Hearing on 3/4/21 at 9:05 a.m.
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

03/04/2021 **Motion to Consolidate** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
Plaintiff's Motion to Consolidate or Coordinate with Case A-18-775843-C (Dept. XXXI)
Motion Denied;
Journal Entry Details:
APPEARANCES CONTINUED: Patricia Lee, Esq. present for pending Receiver. Hearing held telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion to Consolidate or Coordinate DENIED; will follow mandate of Supreme Court in Nalder case. Court directed Mr. Waite to prepare and circulate the order. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us. ;

04/19/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order re: Hearing on 4/29/21 at 9:00 a.m.
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

04/29/2021 **Further Proceedings** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Further Proceedings re Supreme Court Order of Limited Remand filed 4/12/21
Under Advisement;

Journal Entry Details:
Hearing held by BlueJeans remote conferencing. Mr. Waite argued that proposed order should specify and identify amounts. Mr. Smith argued that there is a procedural issue with regard to amending an order not presented by motion. Court stated will review the limited remand further; if assistance from counsel need in that regard, will provide notice. Decision on remand issue by minute order forthcoming.;

DATE	FINANCIAL INFORMATION	
	Cross Claimant Disman, Robert Z	
	Total Charges	200.00
	Total Payments and Credits	200.00
	Balance Due as of 6/8/2021	**0.00**
	Cross Claimant Disman, Yvonne A	
	Total Charges	253.00
	Total Payments and Credits	253.00
	Balance Due as of 6/8/2021	**0.00**
	Defendant Lytle Trust	
	Total Charges	89.50
	Total Payments and Credits	89.50
	Balance Due as of 6/8/2021	**0.00**
	Defendant Lytle, John Allen	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 6/8/2021	**0.00**
	Defendant Lytle, Trudi Lee	
	Total Charges	852.50
	Total Payments and Credits	852.50
	Balance Due as of 6/8/2021	**0.00**
	Plaintiff Jacques & Linda Lamothe Living Trust	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 6/8/2021	**0.00**
	Plaintiff Marjorie B. Boulden Trust	
	Total Charges	931.50
	Total Payments and Credits	931.50
	Balance Due as of 6/8/2021	**0.00**
	Defendant Lytle Trust	
	Supersedeas Bond Balance as of 6/8/2021	**80,449.75**
	Defendant Lytle, Trudi Lee	
	Appeal Bond Balance as of 6/8/2021	**500.00**
	Defendant Lytle, Trudi Lee	
	Appeal Bond Balance as of 6/8/2021	**1,500.00**
	Defendant Lytle, Trudi Lee	
	Supersedeas Bond Balance as of 6/8/2021	**0.00**

A-16-747800-C

XVI

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):	Defendant(s) (name/address/phone):
Marjorie Boulden, 1960 Rosemere Ct., Las Vegas, NV 89117	Trudi Lee Lytle
Jacques Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117	John Allen Lytle
Linda Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117	
Attorney (name/address/phone):	**Attorney (name/address/phone):**
Daniel T. Foley	
626 So. 8th Street, Las Vegas, NV 89101	
702-384-2070	

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

Civil Case Filing Types

Real Property

Landlord/Tenant
- [ ] Unlawful Detainer
- [ ] Other Landlord/Tenant

Title to Property
- [ ] Judicial Foreclosure
- [x] Other Title to Property

Other Real Property
- [ ] Condemnation/Eminent Domain
- [ ] Other Real Property

Torts

Negligence
- [ ] Auto
- [ ] Premises Liability
- [ ] Other Negligence

Malpractice
- [ ] Medical/Dental
- [ ] Legal
- [ ] Accounting
- [ ] Other Malpractice

Other Torts
- [ ] Product Liability
- [ ] Intentional Misconduct
- [ ] Employment Tort
- [ ] Insurance Tort
- [ ] Other Tort

Probate

Probate *(select case type and estate value)*
- [ ] Summary Administration
- [ ] General Administration
- [ ] Special Administration
- [ ] Set Aside
- [ ] Trust/Conservatorship
- [ ] Other Probate

Estate Value
- [ ] Over $200,000
- [ ] Between $100,000 and $200,000
- [ ] Under $100,000 or Unknown
- [ ] Under $2,500

Construction Defect & Contract

Construction Defect
- [ ] Chapter 40
- [ ] Other Construction Defect

Contract Case
- [ ] Uniform Commercial Code
- [ ] Building and Construction
- [ ] Insurance Carrier
- [ ] Commercial Instrument
- [ ] Collection of Accounts
- [ ] Employment Contract
- [ ] Other Contract

Judicial Review/Appeal

Judicial Review
- [ ] Foreclosure Mediation Case
- [ ] Petition to Seal Records
- [ ] Mental Competency

Nevada State Agency Appeal
- [ ] Department of Motor Vehicle
- [ ] Worker's Compensation
- [ ] Other Nevada State Agency

Appeal Other
- [ ] Appeal from Lower Court
- [ ] Other Judicial Review/Appeal

Civil Writ

Civil Writ
- [ ] Writ of Habeas Corpus
- [ ] Writ of Mandamus
- [ ] Writ of Quo Warrant
- [ ] Writ of Prohibition
- [ ] Other Civil Writ

Other Civil Filing

Other Civil Filing
- [ ] Compromise of Minor's Claim
- [ ] Foreign Judgment
- [ ] Other Civil Matters

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

12/7/16
Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
8/11/2020 11:09 AM
Steven D. Grierson
CLERK OF THE COURT

ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **<u>ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS</u>** Date: July 7, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs ("Motion"), Defendant's Opposition, and Plaintiffs' Reply, as well as the Plaintiffs' Memorandum of Costs and Disbursements ("Memorandum"), which came on for hearing on July 7, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of 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 ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion and filings related thereto, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion in part and denies the Motion in part and enters the following Findings of Fact, Conclusions of Law, and Order:

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

FINDINGS OF FACT

1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant to NRS 18.010(2) ("First Fees Order").

3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically, section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding."

4. The Court has also awarded attorney's fees and costs to other parties in these consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County, Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").

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

7. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of Defendant Rosemere Property Owners Association (the "Order Appointing Receiver"). Among other rights, powers, and duties, the Order Appointing Receiver instructed the receiver to "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." (Order Appointing Receiver at 2:19-20).

8. Upon learning of the Lytle Trust's actions related to the Receivership Action, the Plaintiffs incurred additional attorney's fees and costs both in this consolidated case and in the Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") on March 4, 2020 in this Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle Trust's arguments, present oral argument, and prepare proposed orders.

9. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The Contempt Order is hereby incorporated by reference.

10. In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for violating its orders, and that the Court may impose fines and award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of $500 to each movant, and that the Plaintiffs may file applications for their reasonable expenses, including, without limitation, attorney's fees, incurred as a result of the contempt. The Court now finds that Plaintiffs are entitled to an award of their reasonable expenses, including reasonable attorney's fees and costs, incurred as a result of obtaining the Contempt Order.

11. Plaintiffs also seek additional attorney's fees and costs related to the Lytle Trust's appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court, as well as attorney's fees and costs related to the Receivership Action.

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

12. The Plaintiffs filed the instant Motion requesting an award of all attorney's fees in the total amount of $149,403.20 and costs in the total amount of $4,145.08 that they have incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

13. Plaintiffs have attached billing statements and a Declaration from their counsel to the Motion to support the request.

CONCLUSIONS OF LAW

1. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

2. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

3. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

4. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so

5. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

6. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

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

7. NRS 22.100(3) provides a basis for awarding fees associated with the contempt proceedings in this case.

8. The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of the advocate, the character of the work to be done, the work actually performed by the lawyer, and the result obtained.

9. The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs' counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the extent awarded in this Order.

10. However, the Court finds that certain time and amounts billed are not compensable in this matter and will reduce the award accordingly.

11. The Court has reviewed the Plaintiffs' submitted billing statements, which the fees charged total $149,403.20.

12. The Plaintiffs' fee statements include entries that are commonly defined as block billing that make it difficult for the Court to determine the exact amount billed for each individual task and the reasonableness of the request.

13. The Court denies an award of fees incurred in the Receivership Action before Judge Kishner. Plaintiffs' counsel represented this amount was $36,259.00, which the Court accepts. The denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an award of fees from Judge Kishner in the Receivership Action.

14. The Court also denies any charges related to the appeal and will not award fees for work described in the briefing as clerical work, which the Court has determined total $23,374.00.

15. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23,374.00, which leaves a difference of $89,770.20.

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

16. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20 to further account for the block billing in the fee statements. The difference after the discount is $76,304.67.

17. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with modifications, resulting in a total fee award of $76,304.67.

18. Additionally, the Court grants costs in the sum of $4,145.08.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Findings of Fact shall be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any extent necessary to effectuate the intent of this Order.

IT IS FURTHER ORDERED, ADJUDED AND DECREED that Plaintiffs' Motion for Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded in favor of Plaintiffs 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, in the total aggregate amount of $76,304.67 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are awarded in favor of Plaintiffs 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

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

Tenants, in the total aggregate amount of $4,145.08 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lytle Trust is ordered to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen James & Martin Special Client Trust Account in the amount of $80,449.75 and delivered to Christensen James & Martin within ten (10) days of the Notice of Entry of this Order.

IT IS SO ORDERED.

Dated this 10th day of August, 2020.

DISTRICT COURT JUDGE

Submitted by:

CHRISTENSEN JAMES & MARTIN
/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

Electronically Filed
8/11/2020 2:16 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

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 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS**
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

NOTICE IS HEREBY GIVEN, that an Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs was entered in the above-captioned matter on August 11, 2020. A copy of the Order is attached hereto.

DATED this 11th day of August 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

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

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

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On August 11, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond, to be served in the following manner:

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

Liz Gould (liz@foleyoakes.com)
Daniel Foley (Dan@foleyoakes.com)
Maren Foley (maren@foleyoakes.com)
Jennifer Martinez (jennifer.martinez@fnf.com)
Christina Wang (christina.wang@fnf.com)
Mia Hurtado (mia.hurtado@fnf.com)
Richard E. Haskin, Esq. (rhaskin@gibbsgiden.com)
Robin Jackson (rjackson@gibbsgiden.com)
Shara Berry (sberry@gibbsgiden.com)
Daniel Hansen (dhansen@gibbsgiden.com)
Joel D. Henriod (JHenriod@LRRC.com)
Daniel F. Polsenberg (DPolsenberg@LRRC.com)
Dan R. Waite (DWaite@LRRC.com)

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

☐ 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

Electronically Filed
8/11/2020 11:09 AM
Steven D. Grierson
CLERK OF THE COURT

ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS** Date: July 7, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs ("Motion"), Defendant's Opposition, and Plaintiffs' Reply, as well as the Plaintiffs' Memorandum of Costs and Disbursements ("Memorandum"), which came on for hearing on July 7, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of 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 ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion and filings related thereto, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion in part and denies the Motion in part and enters the following Findings of Fact, Conclusions of Law, and Order:

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

FINDINGS OF FACT

1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant to NRS 18.010(2) ("First Fees Order").

3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically, section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding."

4. The Court has also awarded attorney's fees and costs to other parties in these consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County, Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").

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

7. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of Defendant Rosemere Property Owners Association (the "Order Appointing Receiver"). Among other rights, powers, and duties, the Order Appointing Receiver instructed the receiver to "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." (Order Appointing Receiver at 2:19-20).

8. Upon learning of the Lytle Trust's actions related to the Receivership Action, the Plaintiffs incurred additional attorney's fees and costs both in this consolidated case and in the Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") on March 4, 2020 in this Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle Trust's arguments, present oral argument, and prepare proposed orders.

9. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The Contempt Order is hereby incorporated by reference.

10. In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for violating its orders, and that the Court may impose fines and award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of $500 to each movant, and that the Plaintiffs may file applications for their reasonable expenses, including, without limitation, attorney's fees, incurred as a result of the contempt. The Court now finds that Plaintiffs are entitled to an award of their reasonable expenses, including reasonable attorney's fees and costs, incurred as a result of obtaining the Contempt Order.

11. Plaintiffs also seek additional attorney's fees and costs related to the Lytle Trust's appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court, as well as attorney's fees and costs related to the Receivership Action.

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

12. The Plaintiffs filed the instant Motion requesting an award of all attorney's fees in the total amount of $149,403.20 and costs in the total amount of $4,145.08 that they have incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

13. Plaintiffs have attached billing statements and a Declaration from their counsel to the Motion to support the request.

CONCLUSIONS OF LAW

1. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

2. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

3. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

4. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so

5. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

6. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

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

7. NRS 22.100(3) provides a basis for awarding fees associated with the contempt proceedings in this case.

8. The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of the advocate, the character of the work to be done, the work actually performed by the lawyer, and the result obtained.

9. The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs' counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the extent awarded in this Order.

10. However, the Court finds that certain time and amounts billed are not compensable in this matter and will reduce the award accordingly.

11. The Court has reviewed the Plaintiffs' submitted billing statements, which the fees charged total $149,403.20.

12. The Plaintiffs' fee statements include entries that are commonly defined as block billing that make it difficult for the Court to determine the exact amount billed for each individual task and the reasonableness of the request.

13. The Court denies an award of fees incurred in the Receivership Action before Judge Kishner. Plaintiffs' counsel represented this amount was $36,259.00, which the Court accepts. The denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an award of fees from Judge Kishner in the Receivership Action.

14. The Court also denies any charges related to the appeal and will not award fees for work described in the briefing as clerical work, which the Court has determined total $23,374.00.

15. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23,374.00, which leaves a difference of $89,770.20.

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

16. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20 to further account for the block billing in the fee statements. The difference after the discount is $76,304.67.

17. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with modifications, resulting in a total fee award of $76,304.67.

18. Additionally, the Court grants costs in the sum of $4,145.08.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Findings of Fact shall be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any extent necessary to effectuate the intent of this Order.

IT IS FURTHER ORDERED, ADJUDED AND DECREED that Plaintiffs' Motion for Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded in favor of Plaintiffs 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, in the total aggregate amount of $76,304.67 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are awarded in favor of Plaintiffs 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

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

Tenants, in the total aggregate amount of $4,145.08 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lytle Trust is ordered to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen James & Martin Special Client Trust Account in the amount of $80,449.75 and delivered to Christensen James & Martin within ten (10) days of the Notice of Entry of this Order.

IT IS SO ORDERED.

Dated this 10th day of August, 2020.

DISTRICT COURT JUDGE

Submitted by:

CHRISTENSEN JAMES & MARTIN
/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

Electronically Filed
04/30/2021 4:30 PM
CLERK OF THE COURT

ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B)** Date: October 13, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

Presently before the Court is Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Motion to Amend"), Defendant's Opposition, and Plaintiffs' Reply, which came on for hearing on October 13, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of 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 ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion to Amend and filings related thereto, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion to Amend. This Order shall amend and replace the Second Fees Order, defined below, and the Court hereby enters the following Findings of Fact, Conclusions of Law, and Order:

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

FINDINGS OF FACT

1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant to NRS 18.010(2) ("First Fees Order").

3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically, section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding."

4. The Court has also awarded attorney's fees and costs to other parties in these consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County, Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").

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

7. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of Defendant Rosemere Property Owners Association (the "Order Appointing Receiver"). Among other rights, powers, and duties, the Order Appointing Receiver instructed the receiver to "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." (Order Appointing Receiver at 2:19-20).

8. Upon learning of the Lytle Trust's actions related to the Receivership Action, the Plaintiffs incurred additional attorney's fees and costs both in this consolidated case and in the Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") on March 4, 2020 in this Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle Trust's arguments, present oral argument, and prepare proposed orders.

9. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The Contempt Order is hereby incorporated by reference.

10. In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for violating its orders, and that the Court may impose fines and award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of $500 to each movant, and that the Plaintiffs may file applications for their reasonable expenses, including, without limitation, attorney's fees, incurred as a result of the contempt.

11. On May 26, 2020, Plaintiffs filed their Motion for Attorney's Fees and Costs ("Attorney's Fees Motion"). The Motion was opposed by the Lytle Trust on June 9, 2020 and Plaintiffs filed a Reply in support on June 29, 2020.

12. In the Attorney's Fees Motion, Plaintiffs requested an award of their reasonable expenses, including reasonable attorney's fees and costs, incurred as a result of obtaining the Contempt Order.

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

13. Plaintiffs also sought additional attorney's fees and costs related to the Lytle Trust's appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court, as well as attorney's fees and costs related to the Receivership Action.

14. The Attorney's Fees Motion requested an award of all attorney's fees in the total amount of $149,403.20 and costs in the total amount of $4,145.08 that they incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

15. Plaintiffs attached billing statements and a Declaration from their counsel to the Attorney's Fees Motion to support the request.

16. On August 11, 2020, this Court entered its Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs ("Second Fees Order").[1]

17. Consistent with the Court's express conclusion in the Court Minutes entered on July 7, 2020, the Second Fees Order contained the following Conclusion of Law: "The Court also denies any charges related to the appeal…" *See* Second Fees Order at 6, ¶ 14.

18. On August 21, 2020, the Lytle Trust filed its Notice of Appeal of the Second Fees Order with the Supreme Court of Nevada, Case No. 81689 ("Appeal").

19. On September 8, 2020, the Plaintiffs filed their Motion to Amend, requesting that the Court grant instead of deny fees and costs incurred on appeal or, in the alternative, to provide findings of fact and conclusions of law to support the denial of the appeal fees.

20. The Motion to Amend was filed within 28 days of service of Notice of Entry of the Second Fees Order. NRCP 52(b).

21. The Court found that good cause existed and would grant the Motion to Amend to award attorney's fees stemming from appeals under paragraph 25 of the CC&Rs.

22. The Court acknowledged that it did not have jurisdiction to grant the Motion to Amend because the underlying Order had been appealed. *See* NRAP 12A; NRCP 62.1; *Foster v. Dingwall,* 126 Nev. 49, 52-53, 228 P.3d 453, 455 (2010).

[1] This Order is denoted as the "Second" Order to avoid confusion with the previous Fees Order entered in favor of Plaintiffs on September 11, 2018.

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

23. On January 14, 2021, the Court entered its Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1 That the District Court Would Grant Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Certification Order"). The Certification Order is hereby incorporated by reference.

24. On April 12, 2021, the Supreme Court entered its Order of Limited Remand ("Remand Order") remanding the Appeal "to the district court for the limited purpose of resolving respondents' motion to amend the August 11, 2020, attorney fees and costs award." Remand Order at 1-2. The Remand Order is hereby incorporated by reference.

CONCLUSIONS OF LAW

1. Plaintiffs' Motion to Amend was timely filed pursuant to NRCP 52(b).

2. Following entry of the Remand Order, the Court now has jurisdiction to grant the Motion to Amend, and consistent with its Certification Order hereby amends the Second Fees Order.

3. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

4. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

5. Nevada allows parties to freely provide for attorney's fees "by express contractual provisions." *Davis v. Beling*, 128 Nev. 301, 321, 278 P.3d 501, 515 (2012); *Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477(1988) (per curiam). If the attorney fee provision in a contract "is clear and unambiguous [then it] will be enforced as written." *Davis*, 128 Nev. at 321, 278 P.3d at 515. Section 25 of the CC&Rs is such an express contractual provision that the Court has previously found it to be clear in awarding fees and costs to the other property owners, including fees and costs incurred on appeal.

6. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

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

7. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so.

8. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

9. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

10. NRS 22.100(3) provides a basis for awarding fees associated with the contempt proceedings in this case.

11. Section 25 of the CC&Rs provides a basis for awarding fees to Plaintiffs, including fees and costs incurred for appeals.

12. The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in *Brunzell v. Golden Gate Nat'I Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of the advocate, the character of the work to be done, the work actually performed by the lawyer, and the result obtained.

13. The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs' counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the extent awarded in this Order.

14. However, the Court finds that certain time and amounts billed are not compensable in this matter and will reduce the award accordingly.

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

15. The Court has reviewed the Plaintiffs' submitted billing statements, which the fees charged total $149,403.20.

16. The Plaintiffs' fee statements include entries that are commonly defined as block billing that make it difficult for the Court to determine the exact amount billed for each individual task and the reasonableness of the request.

17. The Court denies an award of fees incurred in the Receivership Action before Judge Kishner. Plaintiffs' counsel represented this amount was $36,259.00, which the Court accepts. The denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an award of fees from Judge Kishner in the Receivership Action.

18. The Court will not award fees for work described in the briefing as clerical work, which the Court has determined total $23,374.00.

19. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23,374.00, which leaves a difference of $89,770.20.

20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20 to further account for the block billing in the fee statements. The difference after the discount is $76,304.67.

21. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with modifications, resulting in a total fee award of $76,304.67.

22. Additionally, the Court grants costs in the sum of $4,145.08.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) is GRANTED.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order shall amend and replace the Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs entered on August 11, 2020.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Findings of Fact shall be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any extent necessary to effectuate the intent of this Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded in favor of Plaintiffs 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, in the total aggregate amount of $76,304.67 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are awarded in favor of Plaintiffs 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, in the total aggregate amount of $4,145.08 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust.

///

///

///

///

///

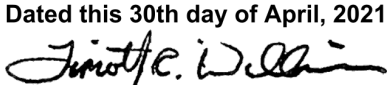
CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 § FAX: (702) 255-0871

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lytle Trust is ordered to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen James & Martin Special Client Trust Account in the amount of $80,449.75 and delivered to Christensen James & Martin, or deposited with the Clerk of the Court pending resolution of the appeal from the Second Fee Order, within ten (10) days of the Notice of Entry of this Order.

IT IS SO ORDERED.

Dated this ___ day of _____, 2021.

Dated this 30th day of April, 2021



DISTRICT COURT JUDGE

ZJ

C9B 99D 318B E6BC
Timothy C. Williams
District Court Judge

Submitted by:

CHRISTENSEN JAMES & MARTIN
/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)	CASE NO: A-16-747800-C DEPT. NO. Department 16

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 4/30/2021

"Daniel T. Foley, Esq." .	dan@foleyoakes.com
Maren Foley .	maren@foleyoakes.com
Liz Gould	liz@foleyoakes.com
Daniel Foley	Dan@foleyoakes.com
Natalie Saville	nat@cjmlv.com
Wesley Smith	wes@cjmlv.com
Laura Wolff	ljw@cjmlv.com
Joel Henriod	JHenriod@LRRC.com
Daniel Polsenberg	DPolsenberg@LRRC.com
Dan Waite	DWaite@LRRC.com
Luz Horvath	lhorvath@lrrc.com

Christina Wang	christina.wang@fnf.com
FNLG Court Filings	FNLG-Court-Filings-NV@fnf.com
Daniel Hansen	dhansen@gibbsgiden.com
Cynthia Kelley	ckelley@lewisroca.com

Electronically Filed
5/4/2021 4:52 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B)** Date: October 13, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

PLEASE TAKE NOTICE that on April 30, 2021, an Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b) was filed with the Court, a copy of which is attached hereto.

DATED this 4th day of May, 2021.

CHRISTENSEN JAMES & MARTIN
By: *<u>/s/ Wesley J. Smith, Esq.</u>*
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On May 4, 2021, I caused a true and correct copy of the foregoing Notice of Entry of Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b), 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.

Joel Henriod (JHenriod@LRRC.com)
Daniel Polsenberg (DPolsenberg@LRRC.com)
Dan Waite (DWaite@LRRC.com)
Luz Horvath (lhorvath@lrrc.com)
Lisa Noltie (lnoltie@lrrc.com)
Christina Wang (christina.wang@fnf.com)
FNLG Court Filings (FNLG-Court-Filings-NV@fnf.com)

/s/ Natalie Saville
Natalie Saville

ELECTRONICALLY SERVED
4/30/2021 4:31 PM

Electronically Filed
04/30/2021 4:30 PM
CLERK OF THE COURT

ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
Nevada Bar No. 6869
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel.: (702) 255-1718
Facsimile: (702) 255-0871
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST, Plaintiffs, vs. TRUDI LEE LYTLE, JOHN ALLEN LYTLE, THE LYTLE TRUST, DOES I through X, and ROE CORPORATIONS I through X, Defendants.	Case No.: A-16-747800-C Dept. No.: XVI **ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B)** Date: October 13, 2020 Time: 9:00 a.m.
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	Case No.: A-17-765372-C Dept. No.: XVI CONSOLIDATED

Case Number: A-16-747800-C

DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST; JOHN DOES I through V; and ROE ENTITIES I through V, inclusive,

Defendants.

Presently before the Court is Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Motion to Amend"), Defendant's Opposition, and Plaintiffs' Reply, which came on for hearing on October 13, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of 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 ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion to Amend and filings related thereto, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion to Amend. This Order shall amend and replace the Second Fees Order, defined below, and the Court hereby enters the following Findings of Fact, Conclusions of Law, and Order:

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

FINDINGS OF FACT

1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant to NRS 18.010(2) ("First Fees Order").

3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically, section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay in such amount as may be fixed by the court in such proceeding."

4. The Court has also awarded attorney's fees and costs to other parties in these consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County, Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").

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

7. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of Defendant Rosemere Property Owners Association (the "Order Appointing Receiver"). Among other rights, powers, and duties, the Order Appointing Receiver instructed the receiver to "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." (Order Appointing Receiver at 2:19-20).

8. Upon learning of the Lytle Trust's actions related to the Receivership Action, the Plaintiffs incurred additional attorney's fees and costs both in this consolidated case and in the Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") on March 4, 2020 in this Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle Trust's arguments, present oral argument, and prepare proposed orders.

9. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The Contempt Order is hereby incorporated by reference.

10. In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for violating its orders, and that the Court may impose fines and award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of $500 to each movant, and that the Plaintiffs may file applications for their reasonable expenses, including, without limitation, attorney's fees, incurred as a result of the contempt.

11. On May 26, 2020, Plaintiffs filed their Motion for Attorney's Fees and Costs ("Attorney's Fees Motion"). The Motion was opposed by the Lytle Trust on June 9, 2020 and Plaintiffs filed a Reply in support on June 29, 2020.

12. In the Attorney's Fees Motion, Plaintiffs requested an award of their reasonable expenses, including reasonable attorney's fees and costs, incurred as a result of obtaining the Contempt Order.

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

13. Plaintiffs also sought additional attorney's fees and costs related to the Lytle Trust's appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court, as well as attorney's fees and costs related to the Receivership Action.

14. The Attorney's Fees Motion requested an award of all attorney's fees in the total amount of $149,403.20 and costs in the total amount of $4,145.08 that they incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

15. Plaintiffs attached billing statements and a Declaration from their counsel to the Attorney's Fees Motion to support the request.

16. On August 11, 2020, this Court entered its Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs ("Second Fees Order").[1]

17. Consistent with the Court's express conclusion in the Court Minutes entered on July 7, 2020, the Second Fees Order contained the following Conclusion of Law: "The Court also denies any charges related to the appeal…" *See* Second Fees Order at 6, ¶ 14.

18. On August 21, 2020, the Lytle Trust filed its Notice of Appeal of the Second Fees Order with the Supreme Court of Nevada, Case No. 81689 ("Appeal").

19. On September 8, 2020, the Plaintiffs filed their Motion to Amend, requesting that the Court grant instead of deny fees and costs incurred on appeal or, in the alternative, to provide findings of fact and conclusions of law to support the denial of the appeal fees.

20. The Motion to Amend was filed within 28 days of service of Notice of Entry of the Second Fees Order. NRCP 52(b).

21. The Court found that good cause existed and would grant the Motion to Amend to award attorney's fees stemming from appeals under paragraph 25 of the CC&Rs.

22. The Court acknowledged that it did not have jurisdiction to grant the Motion to Amend because the underlying Order had been appealed. *See* NRAP 12A; NRCP 62.1; *Foster v. Dingwall,* 126 Nev. 49, 52-53, 228 P.3d 453, 455 (2010).

[1] This Order is denoted as the "Second" Order to avoid confusion with the previous Fees Order entered in favor of Plaintiffs on September 11, 2018.

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

23. On January 14, 2021, the Court entered its Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1 That the District Court Would Grant Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Certification Order"). The Certification Order is hereby incorporated by reference.

24. On April 12, 2021, the Supreme Court entered its Order of Limited Remand ("Remand Order") remanding the Appeal "to the district court for the limited purpose of resolving respondents' motion to amend the August 11, 2020, attorney fees and costs award." Remand Order at 1-2. The Remand Order is hereby incorporated by reference.

CONCLUSIONS OF LAW

1. Plaintiffs' Motion to Amend was timely filed pursuant to NRCP 52(b).

2. Following entry of the Remand Order, the Court now has jurisdiction to grant the Motion to Amend, and consistent with its Certification Order hereby amends the Second Fees Order.

3. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

4. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

5. Nevada allows parties to freely provide for attorney's fees "by express contractual provisions." *Davis v. Beling*, 128 Nev. 301, 321, 278 P.3d 501, 515 (2012); *Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477(1988) (per curiam). If the attorney fee provision in a contract "is clear and unambiguous [then it] will be enforced as written." *Davis*, 128 Nev. at 321, 278 P.3d at 515. Section 25 of the CC&Rs is such an express contractual provision that the Court has previously found it to be clear in awarding fees and costs to the other property owners, including fees and costs incurred on appeal.

6. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

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

7. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so.

8. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

9. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

10. NRS 22.100(3) provides a basis for awarding fees associated with the contempt proceedings in this case.

11. Section 25 of the CC&Rs provides a basis for awarding fees to Plaintiffs, including fees and costs incurred for appeals.

12. The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in *Brunzell v. Golden Gate Nat'I Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of the advocate, the character of the work to be done, the work actually performed by the lawyer, and the result obtained.

13. The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs' counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the extent awarded in this Order.

14. However, the Court finds that certain time and amounts billed are not compensable in this matter and will reduce the award accordingly.

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

15. The Court has reviewed the Plaintiffs' submitted billing statements, which the fees charged total $149,403.20.

16. The Plaintiffs' fee statements include entries that are commonly defined as block billing that make it difficult for the Court to determine the exact amount billed for each individual task and the reasonableness of the request.

17. The Court denies an award of fees incurred in the Receivership Action before Judge Kishner. Plaintiffs' counsel represented this amount was $36,259.00, which the Court accepts. The denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an award of fees from Judge Kishner in the Receivership Action.

18. The Court will not award fees for work described in the briefing as clerical work, which the Court has determined total $23,374.00.

19. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23,374.00, which leaves a difference of $89,770.20.

20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20 to further account for the block billing in the fee statements. The difference after the discount is $76,304.67.

21. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with modifications, resulting in a total fee award of $76,304.67.

22. Additionally, the Court grants costs in the sum of $4,145.08.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) is GRANTED.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order shall amend and replace the Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs entered on August 11, 2020.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Findings of Fact shall be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any extent necessary to effectuate the intent of this Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded in favor of Plaintiffs 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, in the total aggregate amount of $76,304.67 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are awarded in favor of Plaintiffs 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, in the total aggregate amount of $4,145.08 against Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust.

///

///

///

///

///

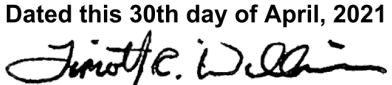
CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 § FAX: (702) 255-0871

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lytle Trust is ordered to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen James & Martin Special Client Trust Account in the amount of $80,449.75 and delivered to Christensen James & Martin, or deposited with the Clerk of the Court pending resolution of the appeal from the Second Fee Order, within ten (10) days of the Notice of Entry of this Order.

IT IS SO ORDERED.

Dated this ___ day of _____, 2021.

Dated this 30th day of April, 2021



DISTRICT COURT JUDGE

ZJ

C9B 99D 318B E6BC
Timothy C. Williams
District Court Judge

Submitted by:

CHRISTENSEN JAMES & MARTIN
/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen

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

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)	CASE NO: A-16-747800-C DEPT. NO. Department 16

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 4/30/2021

"Daniel T. Foley, Esq." .	dan@foleyoakes.com
Maren Foley .	maren@foleyoakes.com
Liz Gould	liz@foleyoakes.com
Daniel Foley	Dan@foleyoakes.com
Natalie Saville	nat@cjmlv.com
Wesley Smith	wes@cjmlv.com
Laura Wolff	ljw@cjmlv.com
Joel Henriod	JHenriod@LRRC.com
Daniel Polsenberg	DPolsenberg@LRRC.com
Dan Waite	DWaite@LRRC.com
Luz Horvath	lhorvath@lrrc.com

Christina Wang	christina.wang@fnf.com
FNLG Court Filings	FNLG-Court-Filings-NV@fnf.com
Daniel Hansen	dhansen@gibbsgiden.com
Cynthia Kelley	ckelley@lewisroca.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property | **COURT MINUTES** | **January 19, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

January 19, 2017 **9:00 AM** **Motion for Temporary Restraining Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Boulden, Marjorie B	Plaintiff
Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Lamothe, Linda	Plaintiff
Lytle, John Allen	Defendant
Lytle, Trudi Lee	Defendant

JOURNAL ENTRIES

- Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this $361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 13, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 13, 2017 **9:00 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:
Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- MOTION FOR PARTIAL SUMMARY JUDGMENT
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES

Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for Summary Judgment GRANTED; Deft.'s Countermotion DENIED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**May 30, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 30, 2017	**9:00 AM**	**Motion for Attorney Fees and Costs**	**Motion for Attorney's Fees and Costs**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:
Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- Following arguments of counsel, Court stated that from a practical standpoint this motion will be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED.

CONTINUED TO: 6/29/17 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**June 01, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 01, 2017	**9:00 AM**	**Motion to Cancel Lis Pendens**	**Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Sharon Chun

RECORDER:

REPORTER:

PARTIES PRESENT:
Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and matter was trailed to enable Mr. Foley and the Court to review it.

When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date.

CONTINUED TO: 6/6/17 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**June 06, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 06, 2017 **9:00 AM** **Motion to Cancel Lis Pendens**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Marwanda Knight

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

JOURNAL ENTRIES

- Daniel Foley, Esq., appeared on behalf of Pltfs
Richard Haskin, Esq., appeared on behalf of Defts

The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendes. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens.

Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017.

Court directed Mr. Foley to submit the proposed order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **June 29, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 29, 2017 **9:00 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:
Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- 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...DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS

Mr. Haskin argued in support of the Motion for Reconsideration, stating that and Order was entered granting Summary Judgment in favor of the Plaintiff, wherein there was a Finding against Defendant Lytle Trust as to slander of title; however, there was no evidence presented during arguments regarding slander of title. Upon Court's inquiry, Mr. Foley stated that the causes of action appropriately dealt with through the Court's ruling on the Summary Judgment were as follows: Quiet Title, Declaratory Relief, and Slander of Title. Mr. Foley argued in opposition to the Motion for Reconsideration, stating that the Lytles recorded abstracts of judgment on Plaintiffs' parcel numbers, in order to attach the to the properties, which was slander of title and a knowing malicious effort. Additionally, Mr. Foley stated that the case had developed as follows: Mr. Haskin had submitted another judgment obtained on behalf of the Lytle's against the HOA, which must be disclosed; therefore, the Complaint must be amended, and declaratory relief would be needed, to ensure that the findings from the judgment would not waive the claim for slander of title damages for loss of sale. Pursuant to those representations, Mr. Foley stated that he would seek leave to amend the

Complaint, and would withdraw the Motion for Attorney's Fees and Costs. COURT ORDERED the Motion for Reconsideration was hereby DENIED; however, the Alternative Motion to Alter or Amend Judgment was GRANTED as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, COURT ORDERED the Motion for Attorney's Fees and Costs was VACATED. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**January 16, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

January 16, 2018 **9:00 AM** **Motion to Extend Discovery**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court RECUSES itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 07, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 07, 2018	**9:00 AM**	**Motion to Consolidate**	**Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Elson, Tim	Attorney
Foley, Daniel Thomas, ESQ	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Court notes opposition not received by Court or opposing counsel. COURT ORDERED, CONTINUED for Plaintiff's response to opposition filed.

CONTINUED TO:
02/21/18 9:00 a.m.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 21, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 21, 2018 **9:00 AM** **Motion to Consolidate**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Phyllis Irby

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Elson, Tim	Attorney
Foley, Daniel Thomas, ESQ	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**March 21, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

March 21, 2018	**9:00 AM**	**Motion for Summary Judgment**	**Plaintiff's Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**March 21, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

March 21, 2018	**9:00 AM**	**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**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **March 21, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

March 21, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

Arguments by counsel. COURT ORDERED, CONTINUED for Decision.

04/04/18 9:00 a.m. 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

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **April 04, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 04, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT: Foley, Daniel Thomas, ESQ Attorney

JOURNAL ENTRIES

- 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

HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION

CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **May 02, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 02, 2018 **9:00 AM** **Decision**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Decision:

As to Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings, COURT FINDS after review of Judge Williams' previous order in this case, that order addressed a majority of the issues raised in this matter, and this Court hereby adopts the Findings of Fact, Conclusions of Law from Judge Williams' order as they may pertain to the issues in this matter. Court notes Judge Williams' order addresses additional facts and he did not take any findings that the Defendants Lytle Trust was entitled to the property and that issue was left to the trier of fact. Additionally, that order is the law of the case; based on relevant issues it is applicable in this case. The order in this matter, COURT ORDERED, MOTION GRANTED expunging and striking the abstract(s) of judgment recorded against the Plaintiffs' properties, restraining, enjoining Lytles' from selling or attempting to sell the Plaintiffs' properties; and, from taking any action in the future against the Plaintiffs or their properties based upon any litigation the Lytles have commenced against the association. In addition to the Findings of Fact Conclusions of Laws in this matter, Court Finds that

the ruling in this matter be consistent with Judge Williams' order; that being the law of the case.

Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment
COURT ORDERED, MOTION DENIED.

Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **July 26, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

July 26, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Haskin Esq, Richard Edward	Attorney
Oakes, John M.	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs

Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case.

08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs /// Decision: Plaintiffs' Motion for Attorney's Fees and Costs

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **August 09, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

August 09, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Decision - Plaintiff's Motion for Attorney's Fees

COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED.

Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED.

COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS:
As to September Trust:
$13,513.26 Attorney fees GRANTED
$250.87 Costs GRANTED

As to Zobrist Trust:
$13,331.26 Attorney fees GRANTED
$250.87 Costs GRANTED

As to Sandoval Trust:
$12,616.26 Attorney fees GRANTED
$250.87 Costs GRANTED

As to Dennis & Julie Gegan:
$12,590.26 Attorney fees GRANTED
$250.87 Costs GRANTED

For a Total of $52,051.04 Attorney's fees; and, $1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date.

Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**August 17, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

August 17, 2018	**3:00 AM**	**Decision**	**Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- This Court having hear argument, reviewed the pleadings and papers on file, and good cause appearing therefrom ORDERS, Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Judgment on the Pleadings is DENIED Without Prejudice.

Mr. Haskin is to prepare the order consistent with the opposition, submit to opposing counsel for approval as to content and form and submit to Chambers for consideration.

CLERK'S NOTE: The above minute order has been distributed to: Christina Wang, Esq.; and, Richard Haskin, Esq.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**October 23, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

October 23, 2018	**9:00 AM**	**Motion to Stay**	**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**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Matter submitted. Court Finds cash Bond issue addressed in past and amount posted sufficient to indemnify Defendants if they prevail. COURT ORDERS, 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 is GRANTED. Mr. Haskin to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in

this matter.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **November 27, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

November 27, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Request of Court - Clarification of Order: In RE: Competing Orders ... Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

Court advised regarding review of competing orders received. Court does not find that either order complies with this Court's ruling form the hearing. Colloquy regarding the law of the case based on prior ruling in this matter by Judge Williams. Court notes this Court was not aware these proceedings were before the Nevada Supreme Court (NVSC) on the order this Court based its ruling upon, otherwise the Court would have deferred ruling the matter until NVSC had ruled, however, since there is no order on file from the hearing on the motion for summary judgment, COURT VACATES PRIOR RULING and Defers Judgment on Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings pending ruling by NVSC, which may resolve this issue in its entirety. Ms. Wang to prepare the order consistent with this Court's findings within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**January 08, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

January 08, 2019 **8:30 AM** **Pre Trial Conference**

HEARD BY: Barker, David **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney

JOURNAL ENTRIES

- Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 20, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 20, 2019 **3:00 AM** **Motion for Attorney Fees and Costs**

HEARD BY: Barker, David **COURTROOM:** No Location

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- No parties present.

COURT ORDERED, matter CONTINUED to this Court's hearing calendar.

CONTINUED TO: 4/3/19 8:30 AM

CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **February 27, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 27, 2019 **3:00 AM** **All Pending Motions**

HEARD BY: Thompson, Charles **COURTROOM:** No Location

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES

COURT ORDERED, matter CONTINUED to be heard by Judge Barker.

CONTINUED TO: 4/3/19 8:30 AM

CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt 2/27/19

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 10, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 10, 2019 **8:30 AM** **All Pending Motions**

HEARD BY: Barker, David **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- MOTION FOR ATTORNEY FEES AND COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES ... DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS

Upon Court's inquiry, Mr. Foley advised they believe the motions should be heard by Judge Williams, noting Judge Williams recused because his daughter was hired as Judge William's law clerk, however; that position is now over. Mr. Haskin concurred, however, requested the matter be trailed so he can speak to his client. Court noted it will only transfer the case if all parties are in agreement, noting the Court will reach out to Judge Williams to see if he is willing to take the case back. Matter TRAILED.

Matter RECALLED. Mr. Haskin advised his client is amenable to returning to Judge Williams. COURT ORDERED, matter SET for Status Check.

CONTINUED TO: 5/1/19 9:00 AM (DEPT. 16)

CLERK'S NOTE: Subsequent to Court, COURT ORDERED, Motions CONTINUED to Dept. 16's calendar to be heard by Judge Williams. COURT FURTHER ORDERED, matter TRANSFERRED to Department 16. -amt 4/10/19

CLERK'S NOTE: Subsequent to previous rulings, Court noted it will contact Judge Weise and have the case transferred to Department 16 as opposed to having the Clerk's Office reassign the case via this minute order. -amt 4/11/19

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 11, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 11, 2019 **2:00 PM** **Minute Order**

HEARD BY: Wiese, Jerry A. **COURTROOM:** No Location

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The above-referenced matter was previously handled by Judge Timothy Williams. Motions for Summary Judgment were apparently granted, resulting in an Appeal and affirmance. Judge Williams previously recused from the case, due to the fact that his law clerk was related to one of attorneys for one of the parties. Following remand from the Supreme Court, various motions have been filed including a Motion to Retax, and Motion for Attorney's Fees. These matters are currently in Department 9. Judge David Barker, is sitting in Department 9, and recently had a hearing with the attorneys, who indicated that they believed Judge Williams was much more familiar with the facts and circumstances of the case, and would be in a better position to rule on the pending motions. It is noted that the law clerk which previously resulted in Judge Williams recusal is no longer Judge Williams law clerk, so no conflict currently exists. Judge Williams has indicated his willingness to handle this matter.

Pursuant to EDCR 1.31, and good cause appearing, the Presiding Civil Judge hereby ORDERS that the Clerk's Office Reassign Case No. A747800 from Department IX to Department XVI (Judge Williams), as Judge Williams (as the prior handling Judge) has more information with regard to the pending case, and such transfer will promote judicial economy.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **May 16, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 16, 2019 **9:00 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Smith, Wesley J., ESQ	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- MOTION FOR ATTORNEY'S FEES AND COSTS...ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES...DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS

Arguments by Mr. Foley, Mr. Haskin, and Ms. Wang. COURT ORDERED, fees and costs awarded. Court stated will take review of attorney fee amounts. FURTHER ORDERED, as to Motion to Retax, costs given. Prevailing party to submit respective orders.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**May 17, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 17, 2019 **2:51 PM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

The Court has ruled that the CC&R s control the award of attorney s fees in this matter. Pursuant to paragraph 25 of the CC&R s regarding attorney s fees, the losing party or parties shall pay in such amount as may be fixed the court. Applying the language of the CC&R s the Court determined that the Boulden and Lamothe Plaintiffs and Disman Counter Defendants are the winning parties, the Lytle Defendants are the losing party and the language is mandatory regarding the assessment of attorney fees against the losing party. In addition, after considering the Brunzell factors, the Court awards the Boulden and Lamothe Plaintiffs attorney s fees in the requested amount of $75,733.80 and the Disman Counter Defendants attorney s fees in the requested amount of $35, 676.00.

Lastly, the Court declines to make the determination that the Defendants actions lacked reasonable grounds except for the filing of Lis Pendens, which was clearly unreasonable in light of the procedural history of the case.

Counsel for the Boulden and Lamothe Plaintiffs and Disman Counter Defendants shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute

Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 06, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 06, 2020 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate.
If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-888-748-9073
Meeting ID: 702 671 440 6
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.
If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 22, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 22, 2020 **9:00 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES PRESENT:

Boulden, Marjorie B	Plaintiff
Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Lamothe, Linda	Plaintiff
Lytle, John Allen	Defendant
Lytle, Trudi Lee	Defendant
Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Patricia Lee and Receiver, Kevin Singer, also present telephonically.

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

All parties present telephonically. Arguments by counsel. Court stated ITS FINDS and ORDERED, Motion for Order to Show Cause GRANTED; will be assessment of $500.00 per Pltf. Court directed filing of application for fees and costs to be heard on the merits. Court directed Mr. Smith to prepare and circulate findings of fact and conclusions of law; if parties cannot agree on form and content, may submit competing orders.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**June 25, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 25, 2020 **3:43 PM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 979 480 011
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**June 29, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 29, 2020 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 979 480 011
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**July 02, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

July 02, 2020 **9:00 AM** **Motion for Clarification**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Court Reporter, Michael Bouley, present.

All counsel present telephonically. Arguments by counsel. Mr. Waite advised he intends to file supersedeas cash bond relating to recent contempt order. Mr. Smith advised no objection. Court directed Mr. Waite to file appropriate motion in that regard. As to Motion for Clarification, Court stated ITS FINDINGS and ORDERED, Motion DENIED. Court directed Mr. Smith or Ms. Wang to prepare the order and circulate; if parties cannot agree on form and content, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **July 07, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

July 07, 2020 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:
As noted at the July 7, 2020 hearing, the Court finds the CC&Rs provide a basis for attorney fee recovery. Further, Plaintiff has satisfied the Brunzell factors. Additionally, Court restates that fees sought regarding those matters before Judge Kishner are denied $36,259.00. The Court also denies any charges related to the appeal. Moreover, under this case s circumstances, the Court will not award fees for clerical work $23, 374.00.
The Court has reviewed the Plaintiff s submitted billing statements, which the fees charged total $149,403.20. In light of the findings above, the $149,403.20 is reduced by $36,259.00 and $23, 374.00, which leaves a difference of $89,770.20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the $89,770.20. The difference after the discount is $76,304.67.
Consequently, THE COURT GRANTS PLAINTIFF S MOTION FOR ATTORNEY S FEES AND COSTS BUT WITH MODIFICATIONS. Also, the Court grants costs in the sum of $4,145.08.
Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.
CLERK S NOTE: This Minute Order has been served to counsel electronically through Odyssey eFile.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**July 07, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

July 07, 2020	**9:00 AM**	**Motion for Attorney Fees and Costs**	**See 7/7/20 Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Counsel present telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion for Attorney's Fees and Costs GRANTED IN PART and DENIED IN PART; no consideration given in this case to Judge Kishner's sole decision in other action. Court stated will review matter for determination of reasonable fees and matter of the appeal. Decision forthcoming.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**October 12, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

October 12, 2020 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 458 575 421
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**October 13, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

October 13, 2020	**9:00 AM**	**Motion for Attorney Fees and Costs**	**See 12/14/20 Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Hearing held telephonically. Arguments by counsel. Court stated will review matter and issue decision.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**December 14, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

December 14, 2020 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- After review and consideration of the points and authorities on file herein and oral argument of counsel, the Court determined as follows:
After additional review and consideration, this Court awards attorney's fees stemming from appeals under paragraph 25 of the CC&Rs. Accordingly, Plaintiff's Motion to Amend the Court's Order Granting in Part and Deny in Part Plaintiff's Motion for Attorney's Fees and Cost is GRANTED to reflect such change.
Counsel for Plaintiff, Marjorie Boulden Trust, shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature.

CLERK S ORDER: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 25, 2021**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 25, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**March 04, 2021**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

March 04, 2021 **9:05 AM** **Motion to Consolidate**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Patricia Lee, Esq. present for pending Receiver.

Hearing held telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion to Consolidate or Coordinate DENIED; will follow mandate of Supreme Court in Nalder case. Court directed Mr. Waite to prepare and circulate the order.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 19, 2021**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 19, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 29, 2021**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 29, 2021 **9:00 AM** **Further Proceedings**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing. Mr. Waite argued that proposed order should specify and identify amounts. Mr. Smith argued that there is a procedural issue with regard to amending an order not presented by motion. Court stated will review the limited remand further; if assistance from counsel need in that regard, will provide notice. Decision on remand issue by minute order forthcoming.

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):

AMENDED NOTICE OF APPEAL; AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS; ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B); NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B); DISTRICT COURT MINUTES

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

Plaintiff(s),

vs.

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

Defendant(s),

Case No: A-16-747800-C
Consolidated with A-17-765372-C
Dept No: XVIII

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 8 day of June 2021.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk