

NOTC
Aaron D. Grigsby, Esq.
Nevada Bar No. 9043
The Grigsby Law Group
A Professional Corporation
2880 W. Sahara Ave,
Las Vegas, Nevada 89102
Phone: (702) 202-5235
Fax: (702) 944-7856
aaron@grigsbylawgroup.com
Attorney for Miguel A. Gonzalez

Electronically Filed
Oct 29 2020 12:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

LILIANA C. GONZALEZ,

Plaintiff,

Case No. D-07-376585-Z

vs.

Dept. No. F

MIGUEL A. GONZALEZ,

Defendant,

_____/

NOTICE OF APPEAL

Notice is hereby given that Defendant, Miguel Gonzalez, hereby appeals to the Supreme Court of Nevada from the Order entered in this action on October 22, 2020.

DATED this 22nd day of October, 2020

By: /s/Aaron Grigsby

Aaron D. Grigsby, Esq.

Nevada Bar No. 9043

2880 West Sahara Ave.

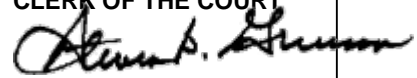
Las Vegas, Nevada 89102

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Nevada Bar No. 9043
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Las Vegas, Nevada 89102
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Fax: (702) 944-7856
aaron@grigsbylawgroup.com
Attorney for Miguel A. Gonzalez

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA
LILIANA C. GONZALEZ,
Plaintiff, Case No. D-07-376585-Z
vs. Dept. No. F
MIGUEL A. GONZALEZ,
Defendant,

_____/

CASE APPEAL STATEMENT

A.Name of Appellant filing this case appeal
statement:

Miguel Gonzalez

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

The Honorable Denise L. Gentile, Eight Judicial
District Court

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

Miguel Gonzalez, Appellant

1 Aaron D. Grigsby, Esq
2 Grigsby Law Group
3 2880 West Sahara Ave.
4 Las Vegas, Nevada 89102
Counsel for Appellant

5 D. Identify each respondent and the name and address
6 of appellate counsel, if known, otherwise name
7 and address of respondent's trial counsel:

8 Liliana C. Gonzalez, Respondent

9 Byron L. Mills, Esq
10 Mills & Anderson
11 703 S. 8th Street
12 Las Vegas, Nevada 89101

13 E. Identify whether Appellant was represented by
14 appointed counsel in the district court:

15 Appellant was not represented by appointed
16 counsel in the district court.

17 F. Identify whether appellant is represented by
18 appointed counsel on appeal:

19 Appellant is not represented by appointed counsel
20 on appeal.

21 G. Identify if Appellant was granted leave to
22 proceed in forma pauperis and if so, the date of
23 the district court's order granting that leave:

24 No

25 H. Date that the proceedings commenced in the
26 district court:

27 August 5, 2020

28 I. Provide a brief description of the nature of the
action and result in district court, including

1 the type of judgment or order being appealed and
2 the relief granted by the district court:

3 The action started as a divorce action; divorce
4 was finalized July 30, 2007. The Plaintiff filed
5 a motion to enforce the Decree of Divorce.
6 Defendant opposed the motion. The Judge granted
7 Plaintiff's motion. This order is being
8 appealed.

9 J. Identify if the case been the subject of an
10 appeal to or original writ proceeding in the
11 Supreme Court:

12 No.

13 K. Identify if appeal involves child custody and
14 visitation:

15 No.

16 L. Identify if appeal involves the possibility of
17 settlement:

18 Yes.

19 Dated this 22nd day of October, 2020
20

21 The Grigsby Law Group
22 A Professional Law Corporation

23
24 /s/Aaron Grigsby
25 Aaron D. Grigsby, Esq.
26 Nevada Bar No. 9043
27 2880 West Sahara Ave.
28 Las Vegas, Nevada 89102
(702) 202-5235

The Grigsby Law Group
2880 West Sahara Ave.
Las Vegas, Nevada 89102
Tel: (702) 202-5235

CERTIFICATE OF SERVICE

I hereby certify that service of the Case Appeal Statement was made on the 22nd day of October, 2020, pursuant to NRCP 5(b) and pursuant to EDCR 8.05(2), EDCR 8.05(f) and Administrative Order 14-2, by mandatory electronic service through the Eighth Judicial District Court's electronic filing system or United States Mail to the following address.

Byron L. Mills, Esq
Mills & Anderson
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

____/s/ Jackson Newark_____
Employee of The Grigsby Law Group

CASE SUMMARY**CASE NO. D-07-376585-Z**

In the Matter of the Joint Petition for Divorce of:
GONZALEZ, LILIANA C and GONZALEZ,
MIGUEL A

§
§
§
§

Location: **Department F**
 Judicial Officer: **Gentile, Denise L**
 Filed on: **06/19/2007**

CASE INFORMATION**Related Cases**

R-12-168257-R (Linked - 1J1F)

Case Type: **Divorce - Joint Petition**Subtype: **Joint Petition Subject Minor(s)****Statistical Closures**

10/21/2020 Settled/Withdrawn With Judicial Conference or Hearing

10/14/2011 Involuntary Dismissal

07/30/2007 Decision without Trial / Hearing

Case
Status: **10/21/2020 Closed**

Case Flags: **Order After Hearing Required**
Proper Person Documents
Mailed
Appealed to Supreme Court

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

Case Number D-07-376585-Z
 Court Department F
 Date Assigned 01/05/2015
 Judicial Officer Gentile, Denise L

PARTY INFORMATION**Petitioner****GONZALEZ, LILIANA C**

2767 La Canda
 Las Vegas, NV 89109

Mills, Byron*Retained*

702-386-0030(W)

Rincon, Adriana*Retained*

702-444-7777(W)


GONZALEZ, MIGUEL A


6419 RUBYLYN AVE
 Las Vegas, NV 89122


Grigsby, Aaron D, ESQ*Retained*


702-202-5235(W)


Subject Minor**Gonzalez, Catherine Esther****Gonzalez, Michael Jeovany****DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

06/19/2007  Joint Petition for Summary Decree of Divorce

06/19/2007  Affidavit of Resident Witness
 Filed by: Petitioner GONZALEZ, LILIANA C

07/03/2007  Notice of Seminar Completion EDCR 5.07
 Filed by: Petitioner GONZALEZ, LILIANA C

















07/03/2007  Notice of Seminar Completion EDCR 5.07
 Filed by: Petitioner GONZALEZ, MIGUEL A

07/18/2007  Joint Petition for Summary Decree of Divorce
Amended

07/30/2007

CASE SUMMARY

CASE NO. D-07-376585-Z

	 Decree of Divorce Filed by: Petitioner GONZALEZ, MIGUEL A; Petitioner GONZALEZ, LILIANA C
03/15/2011	 Notice of Motion Filed By: Petitioner GONZALEZ, LILIANA C <i>Notice of Motion</i>
04/06/2011	 Certificate of Mailing Filed By: Petitioner GONZALEZ, LILIANA C <i>Certificate of Mailing</i>
04/26/2011	 Financial Disclosure Form Filed by: Petitioner GONZALEZ, LILIANA C <i>Financial Disclosure Form</i>
08/15/2011	 Motion Filed By: Petitioner GONZALEZ, LILIANA C <i>Plaintiff's Motion For Change In Visitation Schedule; Child Support And Attorney's Fees</i>
09/16/2011	 Financial Disclosure Form Filed by: Petitioner GONZALEZ, LILIANA C <i>Financial Disclosure Form</i>
09/16/2011	 Certificate of Mailing Filed By: Petitioner GONZALEZ, LILIANA C <i>Certificate of Mailing of Financial Disclosure Form</i>
10/14/2011	 Order Filed By: Petitioner GONZALEZ, LILIANA C <i>Order of the Court</i>
10/26/2011	 Notice of Entry of Order Filed By: Petitioner GONZALEZ, LILIANA C <i>Notice of Entry of Order and Withdrawal of Attorney</i>
01/05/2015	Judicial Elections 2014 - Case Reassignment <i>Family Court Judicial Officer Reassignment 2014</i>
08/05/2020	 Motion Filed By: Petitioner GONZALEZ, LILIANA C <i>Plaintiffs Motion to Enforce Decree of Divorce and Other Related Relief, and Notice of Motion</i>
08/05/2020	 Certificate of Service Filed by: Petitioner GONZALEZ, LILIANA C <i>Certificate o Electronicf Service</i>
08/06/2020	 Clerk's Notice of Hearing <i>Clerks Notice of Hearing</i>
08/06/2020	 Re-Notice of Motion Filed by: Petitioner GONZALEZ, LILIANA C <i>Re-Notice of Motion</i>
08/07/2020	 Notice of Hearing <i>Notice of hearing</i>
08/07/2020	 Certificate of Service Filed by: Petitioner GONZALEZ, LILIANA C <i>Certificate of Electronic Service</i>
08/17/2020	 Opposition and Countermotion Filed By: Attorney Grigsby, Aaron D, ESQ; Petitioner GONZALEZ, MIGUEL A <i>Petitioner Miguel Gonzalez Opposition to Motion to Enforce Decree of Divorce and Other Related Relief and Countermotion for Attorney's Fees and Cost</i>


CASE SUMMARY

CASE NO. D-07-376585-Z

08/21/2020	 Financial Disclosure Form Filed by: Petitioner GONZALEZ, LILIANA C <i>General Financial Disclosure Form</i>
08/24/2020	 Financial Disclosure Form Filed by: Petitioner GONZALEZ, LILIANA C <i>Amended Financial Disclosure Form</i>
08/26/2020	 Certificate of Service Filed by: Petitioner GONZALEZ, LILIANA C <i>Certificate of Electronic Service</i>
09/02/2020	 Reply to Opposition Filed by: Petitioner GONZALEZ, LILIANA C <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Enforce Decree of Divorce and Other Related Relief and Opposition to Defendant's Countermotion for Attorney's Fees</i>
09/03/2020	 Certificate of Service Filed by: Petitioner GONZALEZ, LILIANA C <i>Certificate of Electronic Service</i>
10/21/2020	 Order <i>Order of the Court</i>
10/22/2020	 Notice of Entry of Order Filed By: Petitioner GONZALEZ, LILIANA C <i>Notice of Entry of Order</i>
10/22/2020	 Notice of Appeal Filed By: Petitioner GONZALEZ, MIGUEL A <i>Notice of Appeal</i>
10/22/2020	 Case Appeal Statement Filed By: Petitioner GONZALEZ, MIGUEL A <i>Case Appeal Statement</i>

HEARINGS

05/02/2011	<p>Motion to Modify Custody (9:30 AM) (Judicial Officer: Gonzalez, William B)</p> <p>Events: 03/15/2011 Notice of Motion <i>Liliana Gonzalez's Motion to Modify Custody, Visitation and/or Child Support</i> Off Calendar; Journal Entry Details: <i>LILIANA GONZALEZ'S MOTION TO MODIFY CUSTODY, VISITATION AND /OR CHILD SUPPORT</i> <i>Petitioner, Miguel Gonzalez, did not make an appearance when this matter was called. The Court noted Ms. Gonzalez had filed a Certificate of Mailing in this matter as proof of service. Upon Court's inquiry, Ms. Gonzalez stated Mr. Gonzalez spent very little time with the minor children. The Court explained to Petitioner if the child support was modified based on her current petition, the change would be based on the order issued in the Decree, which indicated the parties were sharing equal custody of the minor child. The Court suggested Ms. Gonzalez submit an amended order requesting custody be modified. COURT ORDERED, MATTER OFF CALENDAR. ;</i> <i>Off Calendar</i></p>
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09/19/2011	<p> Motion to Modify Visitation (9:30 AM) (Judicial Officer: Gonzalez, William B)</p> <p>Events: 08/15/2011 Motion <i>Liliana Gonzalez's Motion For Change In Visitation Schedule, Child Support And Attorney's Fees</i></p>
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MINUTES

Matter Heard;
Journal Entry Details:

Court noted, no appearance by the Defendant. Plaintiff sworn and testified. Plaintiff stated, she last saw the Defendant in June for the last court date. Plaintiff explained, she tried to talk to him about child support but he refused to discuss it. Also stated, Defendant has not been following the visitation schedule and has only given her \$200.00 towards child support. Ms. Rincon represented, Defendant has owned Giovanni's Restaurant since February 2011. Ms. Rincon requested the Court impute the Nevada General Wage of \$3,475.00 per month.

CASE SUMMARY**CASE NO. D-07-376585-Z**

COURT ORDERED, It appears Mom has had de facto primary physical custody of the minor children. The Court will impute the Nevada General Wage against the Defendant to set child support at \$850.00 per month which would be 25% of his gross monthly income, as of August 2011. The Court will award Plaintiff the sum of \$1,700.00 in child support arrears. Beginning October 1, 2011, Defendant shall pay Plaintiff \$850.00 per month as child support and an ADDITIONAL \$200.00 per month towards child support arrears until the arrears are paid in full. Defendant shall have visitation every other weekend from Friday's through Sunday's. If he wants more visitation, he must File a Motion with the Court. Plaintiff AWARDED \$1,250.00 for Attorney's fees. Ms. Rincon shall prepare the Order for today's hearing.;

Matter Heard

09/18/2020

CANCELED Motion (0:05 AM) (Judicial Officer: Gentile, Denise L)

Vacated - per Attorney or Pro Per

Plaintiffs Motion to Enforce Decree of Divorce and Other Related Relief, and Notice of Motion

09/21/2020



Minute Order (8:00 AM) (Judicial Officer: Gentile, Denise L)

Minute Order - No Hearing Held;

Journal Entry Details:

NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers. COURT FINDS that a Motion to Enforce Decree of Divorce and Other Related Relief was filed by Petitioner Liliana Gonzalez to enforce the terms of the parties Decree of Divorce which granted her the right to the marital residence; she was to receive a quitclaim deed and she was to refinance the home within 3 months. COURT FINDS that the Motion was scheduled on this Court's calendar on Wednesday September 23, 2020. COURT FINDS that an Opposition to the Motion was filed alleging that Liliana failed to timely assert her rights to the home, pursuant to Davidson v. Davidson, thus, she no longer had the right to 100% ownership of the home, and that she was a 50% co-owner with her ex-husband. COURT FINDS that in his Opposition, Miguel argues that he is entitled to 50% of the entirety of the home, even though Liliana was awarded the home in the Decree, has paid on the mortgage for 13 years, and he has paid nothing on the home, since the parties divorce; Miguel alleges that because there has been no quitclaim or refinance, that he is still entitled to assert his rights to the payment of the equity value of the home from 2007 and of the entirety of the increase in equity that exists from that date to now. Liliana's Reply cited the most recent case which refutes Miguel's argument. COURT FINDS that it has considered the arguments from each party, and has weighed the facts and the law. COURT FINDS that it is persuaded by Liliana that she should prevail, as she is entitled to be transferred her ownership interest in the home, based upon the holding in Kuptz-Blinkinsop v. Blinkinsop, 466 P.3d 1271 (2020). In Blinkinsop the Court found that when there is an interest in real property that is granted, the decree is not affected by the 6 year statute of limitations. COURT FINDS in this regard that Liliana's argument is persuasive, and her Motion is hereby GRANTED. COURT FINDS that contemporaneously, Miguel failed to assert his rights to the money judgment owed to him in 2007, which was half of the equity at the time of the parties divorce (alleged by Liliana to be approximately \$5000 after withdrawing equity in a loan, and the housing market crash). This Court has no information or record as it relates to the value of the home in 2007. COURT FURTHER FINDS that Miguel failed to assert his right for this money payment within 6 years of the Decree of Divorce, and is therefore time barred from the ability to assert the right to said monies. COURT HEREBY ORDERS that the Motion filed by Liliana is hereby GRANTED in part; COURT ORDERS the Countermotion is hereby DENIED. Liliana's attorney's fees request may be placed on this Court's calendar in the form of a Motion pursuant to NRCP 54, and supported by the requisite documents and information necessary for the Court to determine the fees which were reasonable and necessary to pursue this action. The hearing presently scheduled for Wednesday September 23, 2020 at 2:00 p.m. is hereby VACATED. Attorney Mills to prepare the Order consistent with this Minute Order. CLERK'S NOTE: On 9/21/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm);

Minute Order - No Hearing Held

09/23/2020

CANCELED Motion (2:00 PM) (Judicial Officer: Gentile, Denise L)

Vacated

Liliana Gonzalez's Re-Notice of Motion

09/23/2020

CANCELED Opposition & Countermotion (2:00 PM) (Judicial Officer: Gentile, Denise L)

Vacated

Petitioner Miguel Gonzalez, Opposition to Motion to Enforce Decree of Divorce and Other Related Relief and Countermotion for Attorney's Fees and Cost

09/23/2020

CANCELED Hearing (2:00 PM) (Judicial Officer: Gentile, Denise L)

Vacated

Pltf's Reply to Def't's Opposition to Pltf's Motion to Enforce Decree of Divorce and Other Related Relief and Opposition to Def't's Countermotion for Attorney's Fees

Heather S. Miller
CLERK OF THE COURT

1 **ORD**

2 BYRON L. MILLS, ESQ.

3 Nevada Bar#6745

4 MILLS & ANDERSON

5 703 S. 8th Street

6 Las Vegas NV 89101

7 (702) 386-0030

8 attorneys@millsnv.com

9 Attorney for Plaintiff

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

10 LILIANA C. GONZALEZ nka
11 LILIANA C. GARCIA

12 Plaintiff,

13 v.

14 MIGUEL A. GONZALEZ,

15 Defendant.
16

CASE NO.: D-07-376585-Z
DEPT. NO.: F

17 **ORDER OF THE COURT**

18 Pursuant to Administrative Order 20-17, the Court may issue a decision on
19 the papers. After review of the pleadings on file, the Court enters its Findings and
20 Orders in a Minute Order issued September 21, 2020, which is reiterated
21 hereinbelow. Therefore, the hearing set for September 23, 2020 is vacated.

22 **THE COURT FINDS** that it has personal jurisdiction over the parties and
23 subject matter jurisdiction over the case.

24 **THE COURT FURTHER FINDS** that a Motion to Enforce Decree of
25 Divorce and Other Related Relief was filed by Petitioner, Liliana Gonzalez to
26 enforce the terms of the parties Decree of Divorce which granted her the right to
27 the marital residence. Respondent, Javier Gonzalez was to sign a Quitclaim Deed
28 and Liliana was to refinance the home within 3 months.

1 **THE COURT FURTHER FINDS** that Lilian's Motion was scheduled on
2 this Court's calendar on Wednesday September 23, 2020.

3 **THE COURT FURTHER FINDS** that an Opposition to the Motion was
4 filed alleging that Liliana failed to timely assert her rights to the home, pursuant to
5 *Davidson v. Davidson*, thus, she no longer had the right to 100% ownership of the
6 home, and that she was a 50% co-owner with her ex-husband.

7 **THE COURT FURTHER FINDS** that in Miguel's Opposition, Miguel
8 argues that he is entitled to 50% of the entirety of the home, even though Liliana
9 was awarded the home in the Decree, has paid on the mortgage for 13 years and
10 Miguel has made no financial contribution since the parties divorce. Miguel alleges
11 that because there has been no quitclaim or refinance, that he is still entitled to assert
12 his rights to the payment of the equity value of the home from 2007 and of the
13 entirety of the increase in equity that exists from that date to now.

14 **THE COURT FURTHER FINDS** that it has considered the arguments
15 from each party, and has weighed the facts and the law.

16 **THE COURT FURTHER FINDS** that it is persuaded by Liliana that she
17 should prevail, as she is entitled to be transferred her ownership interest in the home,
18 based upon the holding in *Kuptz-Blinkinsop v. Blinkinsop*, 466 P.3d 1271 (2020). In
19 *Blinkinsop* the Court found that when there is an interest in real property that is
20 granted, the decree is not affected by the 6-year statute of limitations.

21 **THE COURT FURTHER FINDS** in this regard that Lilian's argument is
22 persuasive, and her Motion is hereby Granted.

23 **THE COURT FURTHER FINDS** that contemporaneously, Miguel failed
24 to assert his rights to the money judgment owed to him in 2007, which was half of
25 the equity at the time of the parties' divorce (alleged by Liliana to be approximately
26 \$5000 after withdrawing equity in a loan, and the housing market crash). This Court
27 has no information or record as it relates to the value of the home in 2007.
28

1 **THE COURT FURTHER FINDS** that Miguel failed to assert his right for
2 this money payment within six years of the Decree of Divorce and, therefore, is
3 time barred from the ability to assert the right to said monies.

4 Based on the foregoing and good cause appearing,

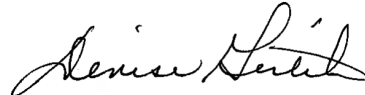
5 **IT IS HEREBY ORDERED** that Lilian's Motion to Enforce is granted in
6 part. Miguel is ordered to sign the Quitclaim Deed in favor of the Plaintiff on 2767
7 La Canada Street., Las Vegas, Nevada.

8 **IT IS FURTHER ORDERED** Liliana's attorney's fees request may be
9 placed on this Court's calendar in the form of a Motion pursuant to NRCP 54, and
10 supported by the requisite documents and information necessary for the Court to
11 determine the fees which were reasonable and necessary to pursue this action.

12 **IT IS HEREBY ORDERED** that Miguel's Countermotion is denied.

13 **IT IS FURTHER ORDERED** Attorney Mills to prepare the Order
14 consistent with this Minute Order.

15 DATED this _____ day of _____ ~~Dated, this 21st~~ ²⁰²⁰ day of October, 2020

16 

17
18 DISTRICT JUDGE
A89 4A1 F094 6AC6
Denise L. Gentile
District Court Judge

19 Submitted by:

20 MILLS & ANDERSON

21
22 BY: 

23 BYRON L. MILLS, ESQ.

24 Nevada Bar #6745

25 703 S. 8th Street

26 Las Vegas, Nevada 89101

27 Attorney for Plaintiff
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 In the Matter of the Joint Petition
for Divorce of:

CASE NO: D-07-376585-Z

7 DEPT. NO. Department F

8 GONZALEZ, LILIANA C
and GONZALEZ, MIGUEL A

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

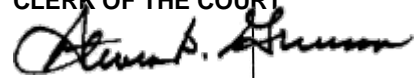
14 Service Date: 10/21/2020

15 Aaron Grigsby

aaron@grigsbylawgroup.com

16 Byron Mills

modonnell@millsnv.com



1 **NEO**

2 DANIEL W. ANDERSON, ESQ.
3 Nevada Bar No. 9955
4 BYRON L. MILLS, ESQ.
5 Nevada Bar No. 6745
6 MILLS & ANDERSON
7 703 S. 8TH STREET
8 Las Vegas NV 89101
9 (702) 386-0030
10 Attorney for Plaintiff
11 attorneys@millsnv.com

8 **DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 LILIANA C. GONZALEZ nka
12 LILIANA C. GARCIA

13 Plaintiff,

14 v.

15 MIGUEL A. GONZALEZ,

16 Defendant.

CASE NO.: D-07-376585-Z
DEPT. NO.: F

17 **NOTICE OF ENTRY OF ORDER**

18
19 **TO: ALL PARTIES IN INTEREST**

20 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that
21 pursuant to **N.R.C.P. Rule 58**, an **ORDER OF THE COURT** was entered in the
22 above-entitled matter on October 21, 2020, a copy of which is attached hereto.

23 DATED this 21 day of October, 2020.

24 MILLS & ANDERSON



26 BYRON L. MILLS, ESQ.

27 Bar No. 6745

28 703 South Eighth Street

Las Vegas, Nevada 89101

Attorney for Plaintiff

1 Gonzalez
2 D-07-376585-Z

3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I am an employee of MILLS & ANDERSON and that
5 on the 22nd day of October, service of the **NOTICE OF ENTRY OF ORDER**
6 **and ORDER** was made by:

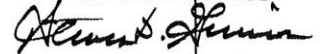
7 1. Via Electronic Service to:

8 aaron@grigsbylaw.com

9
10 2. Via e-mail to:

11 Liliana Garcia: (lilicg72@yahoo.com)
12

13
14 
15 MARY O'DONNELL, an employee
16 of MILLS & ANDERSON
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CLERK OF THE COURT

ORD

BYRON L. MILLS, ESQ.

Nevada Bar#6745

MILLS & ANDERSON

703 S. 8th Street

Las Vegas NV 89101

(702) 386-0030

attorneys@millsnv.com

Attorney for Plaintiff

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

LILIANA C. GONZALEZ nka
LILIANA C. GARCIA

Plaintiff,

v.

MIGUEL A. GONZALEZ,

Defendant.

CASE NO.: D-07-376585-Z
DEPT. NO.: F

ORDER OF THE COURT

Pursuant to Administrative Order 20-17, the Court may issue a decision on the papers. After review of the pleadings on file, the Court enters its Findings and Orders in a Minute Order issued September 21, 2020, which is reiterated hereinbelow. Therefore, the hearing set for September 23, 2020 is vacated.

THE COURT FINDS that it has personal jurisdiction over the parties and subject matter jurisdiction over the case.

THE COURT FURTHER FINDS that a Motion to Enforce Decree of Divorce and Other Related Relief was filed by Petitioner, Liliana Gonzalez to enforce the terms of the parties Decree of Divorce which granted her the right to the marital residence. Respondent, Javiar Gonzalez was to sign a Quitclaim Deed and Liliana was to refinance the home within 3 months.

1 **THE COURT FURTHER FINDS** that Lilian's Motion was scheduled on
2 this Court's calendar on Wednesday September 23, 2020.

3 **THE COURT FURTHER FINDS** that an Opposition to the Motion was
4 filed alleging that Liliana failed to timely assert her rights to the home, pursuant to
5 *Davidson v. Davidson*, thus, she no longer had the right to 100% ownership of the
6 home, and that she was a 50% co-owner with her ex-husband.

7 **THE COURT FURTHER FINDS** that in Miguel's Opposition, Miguel
8 argues that he is entitled to 50% of the entirety of the home, even though Liliana
9 was awarded the home in the Decree, has paid on the mortgage for 13 years and
10 Miguel has made no financial contribution since the parties divorce. Miguel alleges
11 that because there has been no quitclaim or refinance, that he is still entitled to assert
12 his rights to the payment of the equity value of the home from 2007 and of the
13 entirety of the increase in equity that exists from that date to now.

14 **THE COURT FURTHER FINDS** that it has considered the arguments
15 from each party, and has weighed the facts and the law.

16 **THE COURT FURTHER FINDS** that it is persuaded by Liliana that she
17 should prevail, as she is entitled to be transferred her ownership interest in the home,
18 based upon the holding in *Kuptz-Blinkinsop v. Blinkinsop*, 466 P.3d 1271 (2020). In
19 *Blinkinsop* the Court found that when there is an interest in real property that is
20 granted, the decree is not affected by the 6-year statute of limitations.

21 **THE COURT FURTHER FINDS** in this regard that Lilian's argument is
22 persuasive, and her Motion is hereby Granted.

23 **THE COURT FURTHER FINDS** that contemporaneously, Miguel failed
24 to assert his rights to the money judgment owed to him in 2007, which was half of
25 the equity at the time of the parties' divorce (alleged by Liliana to be approximately
26 \$5000 after withdrawing equity in a loan, and the housing market crash). This Court
27 has no information or record as it relates to the value of the home in 2007.
28

1 **THE COURT FURTHER FINDS** that Miguel failed to assert his right for
2 this money payment within six years of the Decree of Divorce and, therefore, is
3 time barred from the ability to assert the right to said monies.

4 Based on the foregoing and good cause appearing,

5 **IT IS HEREBY ORDERED** that Lilian's Motion to Enforce is granted in
6 part. Miguel is ordered to sign the Quitclaim Deed in favor of the Plaintiff on 2767
7 La Canada Street., Las Vegas, Nevada.

8 **IT IS FURTHER ORDERED** Liliana's attorney's fees request may be
9 placed on this Court's calendar in the form of a Motion pursuant to NRCP 54, and
10 supported by the requisite documents and information necessary for the Court to
11 determine the fees which were reasonable and necessary to pursue this action.

12 **IT IS HEREBY ORDERED** that Miguel's Countermotion is denied.

13 **IT IS FURTHER ORDERED** Attorney Mills to prepare the Order
14 consistent with this Minute Order.

15 DATED this _____ day of _____ ~~Dated this 21st day of October, 2020~~

16
17 

18 DISTRICT JUDGE
19 A89 4A1 F094 6AC6
20 Denise L. Gentile
21 District Court Judge

22 Submitted by:

23 MILLS & ANDERSON

24 BY: 

25 BYRON L. MILLS, ESQ.
26 Nevada Bar #6745
27 703 S. 8th Street
28 Las Vegas, Nevada 89101
 Attorney for Plaintiff

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 In the Matter of the Joint Petition
7 for Divorce of:

CASE NO: D-07-376585-Z

DEPT. NO. Department F

8 GONZALEZ, LILIANA C
9 and GONZALEZ, MIGUEL A

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/21/2020

15 Aaron Grigsby

aaron@grigsbylawgroup.com

16 Byron Mills

modonnell@millsnv.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

May 02, 2011

D-07-376585-Z

In the Matter of the Joint Petition for Divorce of:

GONZALEZ, LILIANA C

and GONZALEZ, MIGUEL A

May 02, 2011

9:30 AM

**Motion to Modify
Custody**

HEARD BY: Gonzalez, William B

COURTROOM: Courtroom 03

COURT CLERK: Kathleen Boyle

PARTIES:

Catherine Gonzalez, Subject Minor, not
present

GONZALEZ, LILIANA C, Petitioner, present

Pro Se

GONZALEZ, MIGUEL A, Petitioner, not
present

Aaron Grigsby, Attorney, not present

Michael Gonzalez, Subject Minor, not present

JOURNAL ENTRIES

- LILIANA GONZALEZ'S MOTION TO MODIFY CUSTODY, VISITATION AND /OR CHILD
SUPPORT

Petitioner, Miguel Gonzalez, did not make an appearance when this matter was called. The Court noted Ms. Gonzalez had filed a Certificate of Mailing in this matter as proof of service.

Upon Court's inquiry, Ms. Gonzalez stated Mr. Gonzalez spent very little time with the minor children. The Court explained to Petitioner if the child support was modified based on her current petition, the change would be based on the order issued in the Decree, which indicated the parties were sharing equal custody of the minor child. The Court suggested Ms. Gonzalez submit an amended order requesting custody be modified.

COURT ORDERED, MATTER OFF CALENDAR.

PRINT DATE:	10/26/2020	Page 1 of 6	Minutes Date:	May 02, 2011
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	10/26/2020	Page 2 of 6	Minutes Date:	May 02, 2011
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES**

September 19, 2011

D-07-376585-Z

In the Matter of the Joint Petition for Divorce of:

GONZALEZ, LILIANA C

and GONZALEZ, MIGUEL A

**September 19,
2011****9:30 AM****Motion to Modify
Visitation****HEARD BY:** Gonzalez, William B**COURTROOM:** Courtroom 03**COURT CLERK:** Julie Richmond**PARTIES:**Catherine Gonzalez, Subject Minor, not
present

GONZALEZ, LILIANA C, Petitioner, present

Adriana Rincon, Attorney, present

GONZALEZ, MIGUEL A, Petitioner, not

Aaron Grigsby, Attorney, not present

present

Michael Gonzalez, Subject Minor, not present

JOURNAL ENTRIES

- Court noted, no appearance by the Defendant. Plaintiff sworn and testified.

Plaintiff stated, she last saw the Defendant in June for the last court date. Plaintiff explained, she tried to talk to him about child support but he refused to discuss it. Also stated, Defendant has not been following the visitation schedule and has only given her \$200.00 towards child support.

Ms. Rincon represented, Defendant has owned Giovanni's Restaurant since February 2011. Ms. Rincon requested the Court impute the Nevada General Wage of \$3,475.00 per month.

COURT ORDERED,

It appears Mom has had de facto primary physical custody of the minor children.

The Court will impute the Nevada General Wage against the Defendant to set child support at \$850.00 per month which would be 25% of his gross monthly income, as of August 2011.

PRINT DATE:	10/26/2020	Page 3 of 6	Minutes Date:	May 02, 2011
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The Court will award Plaintiff the sum of \$1,700.00 in child support arrears. Beginning October 1, 2011, Defendant shall pay Plaintiff \$850.00 per month as child support and an ADDITIONAL \$200.00 per month towards child support arrears until the arrears are paid in full.

Defendant shall have visitation every other weekend from Friday's through Sunday's. If he wants more visitation, he must File a Motion with the Court.

Plaintiff AWARDED \$1,250.00 for Attorney's fees.

Ms. Rincon shall prepare the Order for today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	10/26/2020	Page 4 of 6	Minutes Date:	May 02, 2011
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES**

September 21, 2020

D-07-376585-Z

In the Matter of the Joint Petition for Divorce of:

GONZALEZ, LILIANA C

and GONZALEZ, MIGUEL A

**September 21,
2020****8:00 AM****Minute Order****HEARD BY:** Gentile, Denise L**COURTROOM:** Chambers**COURT CLERK:** Melissa McCulloch**PARTIES:**Catherine Gonzalez, Subject Minor, not
presentGONZALEZ, LILIANA C, Petitioner, not
presentGONZALEZ, MIGUEL A, Petitioner, not
present

Michael Gonzalez, Subject Minor, not present

Byron Mills, Attorney, not present

Aaron Grigsby, Attorney, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers.

COURT FINDS that a Motion to Enforce Decree of Divorce and Other Related Relief was filed by Petitioner Liliana Gonzalez to enforce the terms of the parties Decree of Divorce which granted her the right to the marital residence; she was to receive a quitclaim deed and she was to refinance the home within 3 months. COURT FINDS that the Motion was scheduled on this Court s calendar on Wednesday September 23, 2020.

COURT FINDS that an Opposition to the Motion was filed alleging that Liliana failed to timely assert her rights to the home, pursuant to Davidson v. Davidson, thus, she no longer had the right to 100% ownership of the home, and that she was a 50% co-owner with her ex-husband. COURT FINDS that in his Opposition, Miguel argues that he is entitled to 50% of the entirety of the home, even though

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Liliana was awarded the home in the Decree, has paid on the mortgage for 13 years, and he has paid nothing on the home, since the parties' divorce; Miguel alleges that because there has been no quitclaim or refinance, that he is still entitled to assert his rights to the payment of 1/3 of the equity value of the home from 2007 and 1/3 of the entirety of the increase in equity that exists from that date to now. Liliana's Reply cited the most recent case which refutes Miguel's argument.

COURT FINDS that it has considered the arguments from each party, and has weighed the facts and the law. COURT FINDS that it is persuaded by Liliana that she should prevail, as she is entitled to be transferred her ownership interest in the home, based upon the holding in *Kuptz-Blinkinsop v. Blinkinsop*, 466 P.3d 1271 (2020). In *Blinkinsop* the Court found that when there is an interest in real property that is granted, the decree is not affected by the 6 year statute of limitations.

COURT FINDS in this regard that Lilian's argument is persuasive, and her Motion is hereby GRANTED. COURT FINDS that contemporaneously, Miguel failed to assert his rights to the money judgment owed to him in 2007, which was half of the equity at the time of the parties' divorce (alleged by Liliana to be approximately \$5000 after withdrawing equity in a loan, and the housing market crash). This Court has no information or record as it relates to the value of the home in 2007. COURT FURTHER FINDS that Miguel failed to assert his right for this money payment within 6 years of the Decree of Divorce, and is therefore time barred from the ability to assert the right to said monies.

COURT HEREBY ORDERS that the Motion filed by Liliana is hereby GRANTED in part; COURT ORDERS the Countermotion is hereby DENIED.

Liliana's attorney's fees request may be placed on this Court's calendar in the form of a Motion pursuant to NRCP 54, and supported by the requisite documents and information necessary for the Court to determine the fees which were reasonable and necessary to pursue this action.

The hearing presently scheduled for Wednesday September 23, 2020 at 2:00 p.m. is hereby VACATED.

Attorney Mills to prepare the Order consistent with this Minute Order.

CLERK'S NOTE: On 9/21/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	10/26/2020	Page 6 of 6	Minutes Date:	May 02, 2011
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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

AARON D. GRIGSBY, ESQ.
2880 W. SAHARA AVE.
LAS VEGAS, NV 89102

DATE: October 26, 2020
CASE: D-07-376585-Z

RE CASE: In the Matter of the Joint Petition for Divorce of: LILIANA C. GONZALEZ nka LILIANA CAROLINA GARCIA and MIGUEL A. GONZALEZ

NOTICE OF APPEAL FILED: October 22, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER OF THE COURT; NOTICE OF ENTRY OF
ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Joint Petition for Divorce of:

LILIANA C. GONZALEZ nka LILIANA
CAROLINA GARCIA and MIGUEL A.
GONZALEZ,

Petitioner(s),

Case No: D-07-376585-Z

Dept No: F

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 26 day of October 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk