

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE CONNIE J. STEINHEIMER,

Respondents,

and

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito,

Real Party in Interest.

Case No.

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**PETITIONERS' APPENDIX,**  
**VOLUME 13**  
**(Nos. 1996–2073)**

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## **INDEX TO PETITIONERS' APPENDIX**

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Complaint (filed 12/17/2013)		Vol. 1, 1–17
Declaration of Salvatore Morabito in Support of Snowshoe Capital's Motion to Dismiss for Lack of Personal Jurisdiction (filed 05/12/2014)		Vol. 1, 18–21
Defendant Snowshoe Petroleum, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 05/12/2014)		Vol. 1, 22–30
JH, Inc., Jerry Herbst, and Berry Hinckley Industries Opposition to Motion to Dismiss (filed 05/29/2014)		Vol. 1, 31–43
<b>Exhibits to Opposition to Motion to Dismiss</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Affidavit of John P. Desmond (filed 05/29/2014)	Vol. 1, 44–48
2	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010)	Vol. 1, 49–88
3	Unanimous Written Consent of the Directors and Shareholders of CWC (dated 09/28/2010)	Vol. 1, 89–92
4	Unanimous Written Consent of the Board of Directors and Sole Shareholder of Superpumper (dated 09/28/2010)	Vol. 1, 93–102
5	Plan of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/28/2010)	Vol. 1, 103–107
6	Articles of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/29/2010)	Vol. 1, 108–110
7	2009 Federal Income Tax Return for P. Morabito	Vol. 1, 111–153

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Opposition to Motion to Dismiss (cont.)</b>		
8	May 21, 2014 printout from New York Secretary of State	Vol. 1, 154–156
9	May 9, 2008 Letter from Garrett Gordon to John Desmond	Vol. 1, 157–158
10	Shareholder Interest Purchase Agreement (dated 09/30/2010)	Vol. 1, 159–164
11	Relevant portions of the January 22, 2010 Deposition of Edward Bayuk	Vol. 1, 165–176
13	Relevant portions of the January 11, 2010 Deposition of Salvatore Morabito	Vol. 1, 177–180
14	October 1, 2010 Grant, Bargain and Sale Deed	Vol. 1, 181–187
15	Order admitting Dennis Vacco (filed 02/16/2011)	Vol. 1, 188–190
JH, Inc., Jerry Herbst, and Berry Hinckley Industries, Errata to Opposition to Motion to Dismiss (filed 05/30/2014)		Vol. 2, 191–194
<b>Exhibit to Errata to Opposition to Motion to Dismiss</b>		
<b>Exhibit</b>	<b>Document Description</b>	
12	Grant, Bargain and Sale Deed for APN: 040-620-09, dated November 10, 2005	Vol. 2, 195–198
Answer to Complaint of P. Morabito, individually and as trustee of the Arcadia Living Trust (filed 06/02/2014)		Vol. 2, 199–208
Defendant, Snowshow Petroleum, Inc.’s Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 06/06/2014)		Vol. 2, 209–216

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit to Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2)</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Salvatore Morabito in Support of Snowshow Petroleum, Inc.'s Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction (filed 06/06/2014)	Vol. 2, 217–219
Defendant, Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 06/19/2014)		Vol. 2, 220–231
<b>Exhibit to Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2)</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Salvatore Morabito in Support of Superpumper, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction (filed 06/19/2014)	Vol. 2, 232–234
JH, Inc., Jerry Herbst, and Berry Hinckley Industries, Opposition to Motion to Dismiss (filed 07/07/2014)		Vol. 2, 235–247
<b>Exhibits to Opposition to Motion to Dismiss</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Affidavit of Brian R. Irvine (filed 07/07/2014)	Vol. 2, 248–252
2	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010)	Vol. 2, 253–292
3	BHI Electronic Funds Transfers, January 1, 2006 to December 31, 2006	Vol. 2, 293–294

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Opposition to Motion to Dismiss (cont.)</b>		
4	Legal and accounting fees paid by BHI on behalf of Superpumper; JH78636-JH78639; JH78653-JH78662; JH78703-JH78719	Vol. 2, 295–328
5	Unanimous Written Consent of the Directors and Shareholders of CWC (dated 09/28/2010)	Vol. 2, 329–332
6	Unanimous Written Consent of the Board of Directors and Sole Shareholders of Superpumper (dated 09/28/2010)	Vol. 2, 333–336
7	Plan of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/28/2010)	Vol. 2, 337–341
8	Articles of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/29/2010)	Vol. 2, 342–344
9	2009 Federal Income Tax Return for P. Morabito	Vol. 2, 345–388
10	Relevant portions of the January 22, 2010 Deposition of Edward Bayuk	Vol. 2, 389–400
11	Grant, Bargain and Sale Deed for APN: 040-620-09, dated November 10, 2005	Vol. 2, 401–404
12	Relevant portions of the January 11, 2010 Deposition of Salvatore Morabito	Vol. 2, 405–408
13	Printout of Arizona Corporation Commission corporate listing for Superpumper, Inc.	Vol. 2, 409–414
Defendant, Superpumper, Inc.’s Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/15/2014)		Vol. 3, 415–421
Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.’s (filed 07/17/2014)		Vol. 3, 422–431

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Notice of Entry of Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.'s (filed 07/17/2014)		Vol. 3, 432–435
<b>Exhibit to Notice of Entry of Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.'s</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.'s	Vol. 3, 436–446
Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/22/2014)		Vol. 3, 447–457
Notice of Entry of Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/22/2014)		Vol. 3, 458–461
<b>Exhibit to Notice of Entry of Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/22/2014)	Vol. 3, 462–473
Answer to Complaint of Superpumper, Inc., and Snowshoe Petroleum, Inc. (filed 07/28/2014)		Vol. 3, 474–483
Answer to Complaint of Defendants, Edward Bayuk, individually and as trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito (filed 09/29/2014)		Vol. 3, 484–494
Notice of Bankruptcy of Consolidated Nevada Corporation and P. Morabito (filed 2/11/2015)		Vol. 3, 495–498

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Supplemental Notice of Bankruptcy of Consolidated Nevada Corporation and P. Morabito (filed 02/17/2015)		Vol. 3, 499–502
<b>Exhibits to Supplemental Notice of Bankruptcy of Consolidated Nevada Corporation and P. Morabito</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Involuntary Petition; Case No. BK-N-13-51236 (filed 06/20/2013)	Vol. 3, 503–534
2	Involuntary Petition; Case No. BK-N-13-51237 (06/20/2013)	Vol. 3, 535–566
3	Order for Relief Under Chapter 7; Case No. BK-N-13-51236 (filed 12/17/2014)	Vol. 3, 567–570
4	Order for Relief Under Chapter 7; Case No. BK-N-13-51237 (filed 12/17/2014)	Vol. 3, 571–574
Stipulation and Order to File Amended Complaint (filed 05/15/2015)		Vol. 4, 575–579
<b>Exhibit to Stipulation and Order to File Amended Complaint</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	First Amended Complaint	Vol. 4, 580–593
William A. Leonard, Trustee for the Bankruptcy Estate of P. Morabito, First Amended Complaint (filed 05/15/2015)		Vol. 4, 594–607
Stipulation and Order to Substitute a Party Pursuant to NRCP 17(a) (filed 05/15/2015)		Vol. 4, 608–611
Substitution of Counsel (filed 05/26/2015)		Vol. 4, 612–615
Defendants' Answer to First Amended Complaint (filed 06/02/2015)		Vol. 4, 616–623

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Amended Stipulation and Order to Substitute a Party Pursuant to NRCP 17(a) (filed 06/16/2015)		Vol. 4, 624–627
Motion to Partially Quash, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege (filed 03/10/2016)		Vol. 4, 628–635
<b>Exhibits to Motion to Partially Quash, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	March 9, 2016 Letter from Lippes	Vol. 4, 636–638
2	Affidavit of Frank C. Gilmore, Esq., (dated 03/10/2016)	Vol. 4, 639–641
3	Notice of Issuance of Subpoena to Dennis Vacco (dated 01/29/2015)	Vol. 4, 642–656
4	March 10, 2016 email chain	Vol. 4, 657–659
Minutes of February 24, 2016 Pre-trial Conference (filed 03/17/2016)		Vol. 4, 660–661
Transcript of February 24, 2016 Pre-trial Conference		Vol. 4, 662–725
Plaintiff's (Leonard) Opposition to Defendants' Motion to Partially Quash, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege (filed 03/25/2016)		Vol. 5, 726–746
<b>Exhibits to Opposition to Motion to Partially Quash or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege</b>		



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Teresa M. Pilatowicz in Support of Plaintiff's Opposition to Defendants' Motion to Partially Quash (filed 03/25/2016)	Vol. 5, 747–750
2	Application for Commission to take Deposition of Dennis Vacco (filed 09/17/2015)	Vol. 5, 751–759
3	Commission to take Deposition of Dennis Vacco (filed 09/21/2015)	Vol. 5, 760–763
4	Subpoena/Subpoena Duces Tecum to Dennis Vacco (09/29/2015)	Vol. 5, 764–776
5	Notice of Issuance of Subpoena to Dennis Vacco (dated 09/29/2015)	Vol. 5, 777–791
6	Dennis C. Vacco and Lippes Mathias Wexler Friedman LLP, Response to Subpoena (dated 10/15/2015)	Vol. 5, 792–801
7	Condensed Transcript of October 21, 2015 Deposition of Dennis Vacco	Vol. 5, 802–851
8	Transcript of the Bankruptcy Court's December 22, 2015, oral ruling; Case No. BK-N-13-51237	Vol. 5, 852–897
9	Order Granting Motion to Compel Responses to Deposition Questions; Case No. BK-N-13-51237 (filed 02/03/2016)	Vol. 5, 898–903
10	Notice of Continued Deposition of Dennis Vacco (filed 02/18/2016)	Vol. 5, 904–907
11	Debtor's Objection to Proposed Order Granting Motion to Compel Responses to Deposition Questions; Case No. BK-N-13-51237 (filed 01/22/2016)	Vol. 5, 908–925

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Reply in Support of Motion to Modify Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege (filed 04/06/2016)		Vol. 6, 926–932
Plaintiff’s Motion to Compel Production of Documents (filed 04/08/2016)		Vol. 6, 933–944
<b>Exhibits to Plaintiff’s Motion to Compel Production of Documents</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Teresa M. Pilatowicz in Support of Plaintiff’s Motion to Compel (filed 04/08/2016)	Vol. 6, 945–948
2	Bill of Sale – 1254 Mary Fleming Circle (dated 10/01/2010)	Vol. 6, 949–953
3	Bill of Sale – 371 El Camino Del Mar (dated 10/01/2010)	Vol. 6, 954–958
4	Bill of Sale – 370 Los Olivos (dated 10/01/2010)	Vol. 6, 959–963
5	Personal financial statement of P. Morabito as of May 5, 2009	Vol. 6, 964–965
6	Plaintiff’s First Set of Requests for Production of Documents to Edward Bayuk (dated 08/14/2015)	Vol. 6, 966–977
7	Edward Bayuk’s Responses to Plaintiff’s First Set of Requests for Production (dated 09/23/2014)	Vol. 6, 978–987
8	Plaintiff’s First Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust (dated 08/14/2015)	Vol. 6, 988–997

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Plaintiff's Motion to Compel Production of Documents (cont.)</b>		
9	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production (dated 09/23/2014)	Vol. 6, 998–1007
10	Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk (dated 01/29/2016)	Vol. 6, 1008–1015
11	Edward Bayuk's Responses to Plaintiff's Second Set of Requests for Production (dated 03/08/2016)	Vol. 6, 1016–1020
12	Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust (dated 01/29/2016)	Vol. 6, 1021–1028
13	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's Second Set of Requests for Production (dated 03/08/2016)	Vol. 6, 1029–1033
14	Correspondences between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq. (dated 03/25/2016)	Vol. 6, 1034–1037
Opposition to Plaintiff's Motion to Compel Production of Documents (filed 04/25/2016)		Vol. 7, 1038–1044
Reply in Support of Plaintiff's Motion to Compel Production of Documents (filed 05/09/2016)		Vol. 7, 1045–1057
<b>Exhibits to Reply in Support of Plaintiff's Motion to Compel Production of Documents</b>		

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq., in Support of Reply in Support of Plaintiff's Motion to Compel (filed 05/09/2016)	Vol. 7, 1058–1060
2	Amended Findings, of Fact and Conclusion of Law in Support of Order Granting Motion for Summary Judgment; Case No. BK-N-13-51237 (filed 12/22/2014)	Vol. 7, 1061–1070
3	Order Compelling Deposition of P. Morabito dated March 13, 2014, in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 03/13/2014)	Vol. 7, 1071–1074
4	Emergency Motion Under NRCP 27(e); Petition for Writ of Prohibition, <i>P. Morabito v. The Second Judicial District Court of the State of Nevada in and for the County of Washoe</i> ; Case No. 65319 (filed 04/01/2014)	Vol. 7, 1075–1104
5	Order Denying Petition for Writ of Prohibition; Case No. 65319 (filed 04/18/2014)	Vol. 7, 1105–1108
6	Order Granting Summary Judgment; Case No. BK-N-13-51237 (filed 12/17/2014)	Vol. 7, 1109–1112
Recommendation for Order RE: <i>Defendants' Motion to Partially Quash</i> , filed on March 10, 2016 (filed 06/13/2016)		Vol. 7, 1113–1124
Confirming Recommendation Order from June 13, 2016 (filed 07/06/2016)		Vol. 7, 1125–1126
Recommendation for Order RE: <i>Plaintiff's Motion to Compel Production of Documents</i> , filed on April 8, 2016 (filed 09/01/2016)		Vol. 7, 1127–1133

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Confirming Recommendation Order from September 1, 2016 (filed 09/16/2016)		Vol. 7, 1134–1135
Plaintiff's Application for Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order (filed 11/21/2016)		Vol. 8, 1136–1145
<b>Exhibits to Plaintiff's Application for Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order (filed 11/21/2016)	Vol. 8, 1146–1148
2	Confirming Recommendation Order from September 1, 2016 (filed 09/16/2016)	Vol. 8, 1149–1151
3	Recommendation for Order RE: <i>Plaintiff's Motion to Compel Production of Documents</i> , filed on April 8, 2016 (filed 09/01/2016)	Vol. 8, 1152–1159
4	Plaintiff's Motion to Compel Production of Documents (filed 04/08/2016)	Vol. 8, 1160–1265
5	Opposition to Plaintiff's Motion to Compel Production of Documents (filed 04/25/2016)	Vol. 8, 1266–1273
6	Reply in Support of Plaintiff's Motion to Compel Production of Documents (filed 05/09/2016)	Vol. 8, 1274–1342
7	Correspondences between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq. (dated 09/22/2016)	Vol. 8, 1343–1346
8	Edward Bayuk's Supplemental Responses to Plaintiff's Second Set of Requests for Production (dated 10/25/2016)	Vol. 8, 1347–1352

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Opposition to Plaintiff's Application for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court Order (filed 12/19/2016)		Vol. 9, 1353–1363
<b>Exhibits to Opposition to Plaintiff's Application for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Edward Bayuk in Support of Opposition to Plaintiff's Application for Order to Show Cause (filed 12/19/2016)	Vol. 9, 1364–1367
2	Declaration of Frank C. Gilmore, Esq., in Support of Opposition to Plaintiff's Application for Order to Show Cause (filed 12/19/2016)	Vol. 9, 1368–1370
3	Redacted copy of the September 6, 2016, correspondence of Frank C. Gilmore, Esq.	Vol. 9, 1371–1372
Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order (filed 12/23/2016)		Vol. 9, 1373–1375
Response: (1) to Opposition to Application for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court Order and (2) in Support of Order to Show Cause (filed 12/30/2016)		Vol. 9, 1376–1387
Minutes of January 19, 2017 Deposition of Edward Bayuk in RE: insurance policies (filed 01/19/2017)		Vol. 9, 1388
Minutes of January 19, 2017 hearing on Order to Show Cause (filed 01/30/2017)		Vol. 9, 1389
Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP (filed 07/18/2017)		Vol. 9, 1390–1404

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Correspondence between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq., dated March 8, 2016	Vol. 9, 1405–1406
2	Correspondence between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq., dated March 8, 2016, with attached redlined discovery extension stipulation	Vol. 9, 1407–1414
3	Jan. 3 – Jan. 4, 2017, email chain from Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq.	Vol. 9, 1415–1416
4	Declaration of Frank C. Gilmore, Esq., in Support of Motion to Quash (filed 07/18/2017)	Vol. 9, 1417–1420
5	January 24, 2017 email from Teresa M. Pilatowicz, Esq.,	Vol. 9, 1421–1422
6	Jones Vargas letter to HR and P. Morabito, dated August 16, 2010	Vol. 9, 1423–1425
7	Excerpted Transcript of July 26, 2011 Deposition of Sujata Yalamanchili, Esq.	Vol. 9, 1426–1431
8	Letter dated June 17, 2011, from Hodgson Russ (“HR”) to John Desmond and Brian Irvine on Morabito related issues	Vol. 9, 1432–1434
9	August 9, 2013, transmitted letter to HR	Vol. 9, 1435–1436
10	Excerpted Transcript of July 23, 2014 Deposition of P. Morabito	Vol. 9, 1437–1441
11	Lippes Mathias Wexler Friedman LLP, April 3, 2015 letter	Vol. 9, 1442–1444

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion to Quash Subpoena (cont.)</b>		
12	Lippes Mathias Wexler Friedman LLP, October 20, 2010 letter RE: Balance forward as of bill dated 09/19/2010 and 09/16/2010	Vol. 9, 1445–1454
13	Excerpted Transcript of June 25, 2015 Deposition of 341 Meeting of Creditors	Vol. 9, 1455–1460
(1) Opposition to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP; and (2) Countermotion for Sanctions and to Compel Resetting of 30(b)(3) Deposition of Hodgson Russ LLP (filed 07/24/2017)		Vol. 10, 1461–1485
<b>Exhibits to (1) Opposition to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP; and (2) Countermotion for Sanctions and to Compel Resetting of 30(b)(3) Deposition of Hodgson Russ LLP</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Declaration of Teresa M. Pilatowicz, Esq., in Support of (1) Opposition to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP (filed 07/24/2017)	Vol. 10, 1486–1494
A-1	Defendants' NRCP Disclosure of Witnesses and Documents (dated 12/01/2014)	Vol. 10, 1495–1598
A-2	Order Granting Motion to Compel Responses to Deposition Questions; Case No. BK-N-13-51237 (filed 02/03/2016)	Vol. 10, 1599–1604



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to (1) Opposition to Motion to Quash Subpoena; and (2) Countermotion for Sanctions (cont.)</b>		
A-3	Recommendation for Order RE: <i>Defendants' Motion to Partially Quash</i> , filed on March 10, 2016 (filed 06/13/2016)	Vol. 10, 1605–1617
A-4	Confirming Recommendation Order from September 1, 2016 (filed 09/16/2016)	Vol. 10, 1618–1620
A-5	Subpoena – Civil (dated 01/03/2017)	Vol. 10, 1621–1634
A-6	Notice of Deposition of Person Most Knowledgeable of Hodgson Russ LLP (filed 01/03/2017)	Vol. 10, 1635–1639
A-7	January 25, 2017 Letter to Hodgson Russ LLP	Vol. 10, 1640–1649
A-8	Stipulation Regarding Continued Discovery Dates (Sixth Request) (filed 01/30/2017)	Vol. 10, 1650–1659
A-9	Stipulation Regarding Continued Discovery Dates (Seventh Request) (filed 05/25/2017)	Vol. 10, 1660–1669
A-10	Defendants' Sixteenth Supplement to NRCP Disclosure of Witnesses and Documents (dated 05/03/2017)	Vol. 10, 1670–1682
A-11	Rough Draft Transcript of Garry M. Graber, Dated July 12, 2017 (Job Number 394849)	Vol. 10, 1683–1719
A-12	Sept. 15-Sept. 23, 2010 emails by and between Hodgson Russ LLP and Other Parties	Vol. 10, 1720–1723
Reply in Support of Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP, and Opposition to Motion for Sanctions (filed 08/03/2017)		Vol. 11, 1724–1734

<u><b>DOCUMENT DESCRIPTION</b></u>		<u><b>LOCATION</b></u>
Reply in Support of Countermotion for Sanctions and to Compel Resetting of 30(b)(6) Deposition of Hodgson Russ LLP (filed 08/09/2017)		Vol. 11, 1735–1740
Minutes of August 10, 2017 hearing on Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP, and Opposition to Motion for Sanctions (filed 08/11/2017)		Vol. 11, 1741–1742
Recommendation for Order RE: <i>Defendants’ Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP</i> , filed on July 18, 2017 (filed 08/17/2017)		Vol. 11, 1743–1753
Motion for Partial Summary Judgment (filed 08/17/2017)		Vol. 11, 1754–1796
Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment (filed 08/17/2017)		Vol. 11, 1797–1825
<b>Exhibits to Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Timothy P. Herbst in Support of Separate Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment	Vol. 12, 1826–1829
2	Findings of Fact, Conclusions of Law, and Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 10/12/2010)	Vol. 12, 1830–1846
3	Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 08/23/2011)	Vol. 12, 1847–1849

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
4	Excerpted Transcript of July 12, 2017 Deposition of Garry M. Graber	Vol. 12, 1850–1852
5	September 15, 2015 email from Yalamanchili RE: Follow Up Thoughts	Vol. 12, 1853–1854
6	September 23, 2010 email between Garry M. Graber and P. Morabito	Vol. 12, 1855–1857
7	September 20, 2010 email between Yalamanchili and Eileen Crotty RE: Morabito Wire	Vol. 12, 1858–1861
8	September 20, 2010 email between Yalamanchili and Garry M. Graber RE: All Mortgage Balances as of 9/20/2010	Vol. 12, 1862–1863
9	September 20, 2010 email from Garry M. Graber RE: Call	Vol. 12, 1864–1867
10	September 20, 2010 email from P. Morabito to Dennis and Yalamanchili RE: Attorney client privileged communication	Vol. 12, 1868–1870
11	September 20, 2010 email string RE: Attorney client privileged communication	Vol. 12, 1871–1875
12	Appraisal of Real Property: 370 Los Olivos, Laguna Beach, CA, as of Sept. 24, 2010	Vol. 12, 1876–1903
13	Excerpted Transcript of March 21, 2016 Deposition of P. Morabito	Vol. 12, 1904–1919
14	P. Morabito Redacted Investment and Bank Report from Sept. 1 to Sept. 30, 2010	Vol. 12, 1920–1922
15	Excerpted Transcript of June 25, 2015 Deposition of 341 Meeting of Creditors	Vol. 12, 1923–1927
16	Excerpted Transcript of December 5, 2015 Deposition of P. Morabito	Vol. 12, 1928–1952

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
17	Purchase and Sale Agreement between Arcadia Trust and Bayuk Trust entered effective as of Sept. 27, 2010	Vol. 12, 1953–1961
18	First Amendment to Purchase and Sale Agreement between Arcadia Trust and Bayuk Trust entered effective as of Sept. 28, 2010	Vol. 12, 1962–1964
19	Appraisal Report providing market value estimate of real property located at 8355 Panorama Drive, Reno, NV as of Dec. 7, 2011	Vol. 12, 1965–1995
20	An Appraisal of a vacant .977± Acre Parcel of Industrial Land Located at 49 Clayton Place West of the Pyramid Highway (State Route 445) Sparks, Washoe County, Nevada and a single-family residence located at 8355 Panorama Drive Reno, Washoe County, Nevada 89511 as of October 1, 2010 a retrospective date	Vol. 13, 1996–2073
21	APN: 040-620-09 Declaration of Value (dated 12/31/2012)	Vol. 14, 2074–2075
22	Sellers Closing Statement for real property located at 8355 Panorama Drive, Reno, NV 89511	Vol. 14, 2076–2077
23	Bill of Sale for real property located at 8355 Panorama Drive, Reno, NV 89511	Vol. 14, 2078–2082
24	Operating Agreement of Baruk Properties LLC	Vol. 14, 2083–2093
25	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Answer to Plaintiff's First Set of Interrogatories (dated 09/14/2014)	Vol. 14, 2094–2104
26	Summary Appraisal Report of real property located at 1461 Glenneyre Street, Laguna Beach, CA 92651, as of Sept. 25, 2010	Vol. 14, 2105–2155

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
27	Appraisal of Real Property as of Sept. 23, 2010: 1254 Mary Fleming Circle, Palm Springs, CA 92262	Vol. 15, 2156–2185
28	Appraisal of Real Property as of Sept. 23, 2010: 1254 Mary Fleming Circle, Palm Springs, CA 92262	Vol. 15, 2186–2216
29	Membership Interest Transfer Agreement between Arcadia Trust and Bayuk Trust entered effective as of Oct. 1, 2010	Vol. 15, 2217–2224
30	PROMISSORY NOTE [Edward William Bayuk Living Trust (“Borrower”) promises to pay Arcadia Living Trust (“Lender”) the principal sum of \$1,617,050.00, plus applicable interest] (dated 10/01/2010)	Vol. 15, 2225–2228
31	Certificate of Merger dated Oct. 4, 2010	Vol. 15, 2229–2230
32	Articles of Merger Document No. 20100746864-78 (recorded date 10/04/2010)	Vol. 15, 2231–2241
33	Excerpted Transcript of September 28, 2015 Deposition of Edward William Bayuk	Vol. 15, 2242–2256
34	Grant Deed for real property 1254 Mary Fleming Circle, Palm Springs, CA 92262; APN: 507-520-015 (recorded 11/04/2010)	Vol. 15, 2257–2258
35	General Conveyance made as of Oct. 31, 2010 between Woodland Heights Limited (“Vendor”) and Arcadia Living Trust (“Purchaser”)	Vol. 15, 2259–2265
36	Appraisal of Real Property as of Sept. 24, 2010: 371 El Camino Del Mar, Laguna Beach, CA 92651	Vol. 15, 2266–2292

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
37	Excerpted Transcript of December 6, 2016 Deposition of P. Morabito	Vol. 15, 2293–2295
38	Page intentionally left blank	Vol. 15, 2296–2297
39	Ledger of Edward Bayuk to P. Morabito	Vol. 15, 2298–2300
40	Loan Calculator: Payment Amount (Standard Loan Amortization)	Vol. 15, 2301–2304
41	Payment Schedule of Edward Bayuk Note in Favor of P. Morabito	Vol. 15, 2305–2308
42	November 10, 2011 email from Vacco RE: Baruk Properties, LLC/P. Morabito/Bank of America, N.A.	Vol. 15, 2309–2312
43	May 23, 2012 email from Vacco to Steve Peek RE: Formal Settlement Proposal to resolve the Morabito matter	Vol. 15, 2313–2319
44	Excerpted Transcript of March 12, 2015 Deposition of 341 Meeting of Creditors	Vol. 15, 2320–2326
45	Shareholder Interest Purchase Agreement between P. Morabito and Snowshoe Petroleum, Inc. (dated 09/30/2010)	Vol. 15, 2327–2332
46	P. Morabito Statement of Assets & Liabilities as of May 5, 2009	Vol. 15, 2333–2334
47	March 10, 2010 email from Naz Afshar, CPA to Darren Takemoto, CPA RE: Current Personal Financial Statement	Vol. 15, 2335–2337
48	March 10, 2010 email from P. Morabito to Jon RE: ExxonMobil CIM for Florida and associated maps	Vol. 15, 2338–2339

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
49	March 20, 2010 email from P. Morabito to Vacco RE: proceed with placing binding bid on June 22nd with ExxonMobil	Vol. 15, 2340–2341
50	P. Morabito Statement of Assets & Liabilities as of May 30, 2010	Vol. 15, 2342–2343
51	June 28, 2010 email from P. Morabito to George R. Garner RE: ExxonMobil Chicago Market Business Plan Review	Vol. 15, 2344–2345
52	Plan of Merger of Consolidated Western Corp. with and into Superpumper, Inc. (dated 09/28/2010)	Vol. 15, 2346–2364
53	Page intentionally left blank	Vol. 15, 2365–2366
54	BBVA Compass Proposed Request on behalf of Superpumper, Inc. (dated 12/15/2010)	Vol. 15, 2367–2397
55	Business Valuation Agreement between Matrix Capital Markets Group, Inc. and Superpumper, Inc. (dated 09/30/2010)	Vol. 15, 2398–2434
56	Expert report of James L. McGovern, CPA/CFF, CVA (dated 01/25/2016)	Vol. 16, 2435–2509
57	June 18, 2014 email from Sam Morabito to Michael Vanek RE: SPI Analysis	Vol. 17, 2510–2511
58	Declaration of P. Morabito in Support of Opposition to Motion of JH, Inc., Jerry Herbst, and Berry-Hinckley Industries for Order Prohibiting Debtor from Using, Acquiring, or Disposing of or Transferring Assets Pursuant to 11 U.S.C. §§ 105 and 303(f) Pending Appointment of Trustee; Case No. BK-N-13-51237 (filed 07/01/2013)	Vol. 17, 2512–2516

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
59	State of California Secretary of State Limited Liability Company – Snowshoe Properties, LLC; File No. 201027310002 (filed 09/29/2010)	Vol. 17, 2517–2518
60	PROMISSORY NOTE [Snowshoe Petroleum (“Maker”) promises to pay P. Morabito (“Holder”) the principal sum of \$1,462,213.00] (dated 11/01/2010)	Vol. 17, 2519–2529
61	PROMISSORY NOTE [Superpumper, Inc. (“Maker”) promises to pay Compass Bank (the “Bank” and/or “Holder”) the principal sum of \$3,000,000.00] (dated 08/13/2010)	Vol. 17, 2530–2538
62	Excerpted Transcript of October 21, 2015 Deposition of Salvatore R. Morabito	Vol. 17, 2539–2541
63	Page intentionally left blank	Vol. 17, 2542–2543
64	Edward Bayuk’s Answers to Plaintiff’s First Set of Interrogatories (dated 09/14/2014)	Vol. 17, 2544–2557
65	October 12, 2012 email from Stan Bernstein to P. Morabito RE: 2011 return	Vol. 17, 2558–2559
66	Page intentionally left blank	Vol. 17, 2560–2561
67	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 17, 2562–2564
68	Snowshoe Petroleum, Inc.’s letter of intent to set out the framework of the contemplated transaction between: Snowshoe Petroleum, Inc.; David Dwelle, LP; Eclipse Investments, LP; Speedy Investments; and TAD Limited Partnership (dated 04/21/2011)	Vol. 17, 2565–2572



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
69	Excerpted Transcript of July 10, 2017 Deposition of Dennis C. Vacco	Vol. 17, 2573–2579
70	April 15, 2011 email from P. Morabito to Christian Lovelace; Gregory Ivancic; Vacco RE: \$65 million loan offer from Cerberus	Vol. 17, 2580–2582
71	Email from Vacco to P. Morabito RE: \$2 million second mortgage on the Reno house	Vol. 17, 2583–2584
72	Email from Vacco to P. Morabito RE: Tim Haves	Vol. 17, 2585–2586
73	Settlement Agreement, Loan Agreement Modification & Release dated as of Sept. 7, 2012, entered into by Bank of America and P. Morabito	Vol. 17, 2587–2595
74	Page intentionally left blank	Vol. 17, 2596–2597
75	February 10, 2012 email from Vacco to Paul Wells and Timothy Haves RE: 1461 Glenneyre Street, Laguna Beach – Sale	Vol. 17, 2598–2602
76	May 8, 2012 email from P. Morabito to Vacco RE: Proceed with the corporate set-up with Ray, Edward and P. Morabito	Vol. 17, 2603–2604
77	September 4, 2012 email from Vacco to Edward Bayuk RE: Second Deed of Trust documents	Vol. 17, 2605–2606
78	September 18, 2012 email from P. Morabito to Edward Bayuk RE: Deed of Trust	Vol. 17, 2607–2611
79	October 3, 2012 email from Vacco to P. Morabito RE: Term Sheet on both real estate deal and option	Vol. 17, 2612–2614
80	March 14, 2013 email from P. Morabito to Vacco RE: BHI Hinckley	Vol. 17, 2615–2616
81	Page intentionally left blank	Vol. 17, 2617–2618

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
82	November 11, 2011 email from Vacco to P. Morabito RE: Trevor's commitment to sign	Vol. 17, 2619–2620
83	November 28, 2011 email string RE: Wiring \$560,000 to Lippes Mathias	Vol. 17, 2621–2623
84	Page intentionally left blank	Vol. 17, 2624–2625
85	Page intentionally left blank	Vol. 17, 2626–2627
86	Order for Relief Under Chapter 7; Case No. BK-N-13-51236 (filed 12/22/2014)	Vol. 17, 2628–2634
87	Report of Undisputed Election (11 U.S.C § 702); Case No. BK-N-13-51237 (filed 01/23/2015)	Vol. 17, 2635–2637
88	Amended Stipulation and Order to Substitute a Party to NRCP 17(a) (filed 06/11/2015)	Vol. 17, 2638–2642
89	Membership Interest Purchase Agreement, entered into as of Oct. 6, 2010 between P. Morabito and Edward Bayuk	Vol. 17, 2643–2648
90	Complaint; Case No. BK-N-13-51237 (filed 10/15/2015)	Vol. 17, 2649–2686
91	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010)	Vol. 17, 2687–2726
Objection to Recommendation for Order filed August 17, 2017 (filed 08/28/2017)		Vol. 18, 2727–2734
<b>Exhibit to Objection to Recommendation for Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's counsel's Jan. 24, 2017, email memorializing the discovery dispute agreement	Vol. 18, 2735–2736

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Opposition to Objection to Recommendation for Order filed August 17, 2017 (filed 09/05/2017)		Vol. 18, 2737–2748
<b>Exhibit to Opposition to Objection to Recommendation for Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Declaration of Teresa M. Pilatowicz, Esq., in Support of Opposition to Objection to Recommendation for Order (filed 09/05/2017)	Vol. 18, 2749–2752
Reply to Opposition to Objection to Recommendation for Order filed August 17, 2017 (dated 09/15/2017)		Vol. 18, 2753–2758
Defendants’ Opposition to Plaintiff’s Motion for Partial Summary Judgment (filed 09/22/2017)		Vol. 18, 2759–2774
Defendants’ Separate Statement of Disputed Facts in Support of Opposition to Plaintiff’s Motion for Partial Summary Judgment (filed 09/22/2017)		Vol. 18, 2775–2790
<b>Exhibits to Defendants’ Separate Statement of Disputed Facts in Support of Opposition to Plaintiff’s Motion for Partial Summary Judgment</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 08/23/2011)	Vol. 18, 2791–2793
2	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 18, 2794–2810
3	Order Denying Motion to Dismiss Involuntary Chapter 7 Petition and Suspending Proceedings Pursuant to 11 U.S.C §305(a)(1); Case No. BK-N-13-51237 (filed 12/17/2013)	Vol. 18, 2811–2814

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)</b>		
4	Excerpted Transcript of March 21, 2016 Deposition of P. Morabito	Vol. 18, 2815–2826
5	Excerpted Transcript of September 28, 2015 Deposition of Edward William Bayuk	Vol. 18, 2827–2857
6	Appraisal	Vol. 18, 2858–2859
7	Budget Summary as of Jan. 7, 2016	Vol. 18, 2860–2862
8	Excerpted Transcript of March 24, 2016 Deposition of Dennis Banks	Vol. 18, 2863–2871
9	Excerpted Transcript of March 22, 2016 Deposition of Michael Sewitz	Vol. 18, 2872–2879
10	Excerpted Transcript of April 27, 2011 Deposition of Darryl Noble	Vol. 18, 2880–2883
11	Copies of cancelled checks from Edward Bayuk made payable to P. Morabito	Vol. 18, 2884–2892
12	CBRE Appraisal of 14th Street Card Lock Facility (dated 02/26/2010)	Vol. 18, 2893–2906
13	Bank of America wire transfer from P. Morabito to Salvatore Morabito in the amount of \$146,127.00; and a wire transfer from P. Morabito to Lippes for \$25.00 (date 10/01/2010)	Vol. 18, 2907–2908
14	Excerpted Transcript of October 21, 2015 Deposition of Christian Mark Lovelace	Vol. 18, 2909–2918
15	June 18, 2014 email from Sam Morabito to Michael Vanek RE: Analysis of the Superpumper transaction in 2010	Vol. 18, 2919–2920
16	Excerpted Transcript of October 21, 2015 Deposition of Salvatore R. Morabito	Vol. 18, 2921–2929

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)</b>		
17	PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of \$1,462,213.00] (dated 11/01/2010)	Vol. 18, 2930–2932
18	TERM NOTE [P. Morabito ("Borrower") promises to pay Consolidated Western Corp. ("Lender") the principal sum of \$939,000.00, plus interest] (dated 09/01/2010)	Vol. 18, 2933–2934
19	SUCCESSOR PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of \$492,937.30, plus interest] (dated 02/01/2011)	Vol. 18, 2935–2937
20	Edward Bayuk's wire transfer to Lippes in the amount of \$517,547.20 (dated 09/29/2010)	Vol. 18, 2938–2940
21	Salvatore Morabito Bank of Montreal September 2011 Wire Transfer	Vol. 18, 2941–2942
22	Declaration of Salvatore Morabito (dated 09/21/2017)	Vol. 18, 2943–2944
23	Edward Bayuk bank wire transfer to Superpumper, Inc., in the amount of \$659,000.00 (dated 09/30/2010)	Vol. 18, 2945–2947
24	Edward Bayuk checking account statements between 2010 and 2011 funding the company with transfers totaling \$500,000	Vol. 18, 2948–2953
25	Salvatore Morabito's wire transfer statement between 2010 and 2011, funding the company with \$750,000	Vol. 18, 2954–2957
26	Payment Schedule of Edward Bayuk Note in Favor of P. Morabito	Vol. 18, 2958–2961

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)</b>		
27	September 15, 2010 email from Vacco to Yalamanchili and P. Morabito RE: Follow Up Thoughts	Vol. 18, 2962–2964
Reply in Support of Motion for Partial Summary Judgment (dated 10/10/2017)		Vol. 19, 2965–2973
Order Regarding Discovery Commissioner's Recommendation for Order dated August 17, 2017 (filed 12/07/2017)		Vol. 19, 2974–2981
Order Denying Motion for Partial Summary Judgment (filed 12/11/2017)		Vol. 19, 2982–2997
Defendants' Motions in Limine (filed 09/12/2018)		Vol. 19, 2998–3006
<b>Exhibits to Defendants' Motions in Limine</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Second Supplement to Amended Disclosures Pursuant to NRCP 16.1(A)(1) (dated 04/28/2016)	Vol. 19, 3007–3016
2	Excerpted Transcript of March 25, 2016 Deposition of William A. Leonard	Vol. 19, 3017–3023
3	Plaintiff, Jerry Herbst's Responses to Defendant Snowshoe Petroleum, Inc.'s Set of Interrogatories (dated 02/11/2015); and Plaintiff, Jerry Herbst's Responses to Defendant, Salvatore Morabito's Set of Interrogatories (dated 02/12/2015)	Vol. 19, 3024–3044
Motion in Limine to Exclude Testimony of Jan Friederich (filed 09/20/2018)		Vol. 19, 3045–3056

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion in Limine to Exclude Testimony of Jan Friederich</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Defendants' Rebuttal Expert Witness Disclosure (dated 02/29/2016)	Vol. 19, 3057–3071
2	Condensed Transcript of March 29, 2016 Deposition of Jan Friederich	Vol. 19, 3072–3086
Opposition to Defendants' Motions in Limine (filed 09/28/2018)		Vol. 19, 3087–3102
<b>Exhibits to Opposition to Defendants' Motions in Limine</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Declaration of Teresa M. Pilatowicz, Esq. in Support of Opposition to Defendants' Motions in Limine (filed 09/28/2018)	Vol. 19, 3103–3107
A-1	Plaintiff's February 19, 2016, Amended Disclosures Pursuant to NRCP 16.1(A)(1)	Vol. 19, 3108–3115
A-2	Plaintiff's January 26, 2016, Expert Witnesses Disclosures (without exhibits)	Vol. 19, 3116–3122
A-3	Defendants' January 26, 2016, and February 29, 2016, Expert Witness Disclosures (without exhibits)	Vol. 19, 3123–3131
A-4	Plaintiff's August 17, 2017, Motion for Partial Summary Judgment (without exhibits)	Vol. 19, 3132–3175
A-5	Plaintiff's August 17, 2017, Statement of Undisputed Facts in Support of his Motion for Partial Summary Judgment (without exhibits)	Vol. 19, 3176–3205
Defendants' Reply in Support of Motions in Limine (filed 10/08/2018)		Vol. 20, 3206–3217

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit to Defendants' Reply in Support of Motions in Limine</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Chapter 7 Trustee, William A. Leonard's Responses to Defendants' First Set of Interrogatories (dated 05/28/2015)	Vol. 20, 3218–3236
Defendants' Opposition to Plaintiff's Motions in Limine to Exclude the Testimony of Jan Friederich (filed 10/08/2018)		Vol. 20, 3237–3250
<b>Exhibits to Defendants' Opposition to Plaintiff's Motions in Limine to Exclude the Testimony of Jan Friederich</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Excerpt of Matrix Report (dated 10/13/2010)	Vol. 20, 3251–3255
2	Defendants' Rebuttal Expert Witness Disclosure (dated 02/29/2016)	Vol. 20, 3256–3270
3	November 9, 2009 email from P. Morabito to Daniel Fletcher; Jim Benbrook; Don Whitehead; Sam Morabito, etc. RE: Jan Friederich entered consulting agreement with Superpumper	Vol. 20, 3271–3272
4	Excerpted Transcript of March 29, 2016 Deposition of Jan Friederich	Vol. 20, 3273–3296
Defendants' Objections to Plaintiff's Pretrial Disclosures (filed 10/12/2018)		Vol. 20, 3297–3299
Objections to Defendants' Pretrial Disclosures (filed 10/12/2018)		Vol. 20, 3300–3303
Reply to Defendants' Opposition to Plaintiff's Motion in Limine to Exclude the Testimony of Jan Friederich (filed 10/12/2018)		Vol. 20, 3304–3311



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Minutes of September 11, 2018, Pre-trial Conference (filed 10/19/2018)		Vol. 20, 3312
Stipulated Facts (filed 10/29/2018)		Vol. 20, 3313–3321
Defendants’ Points and Authorities RE: Objection to Admission of Documents in Conjunction with the Depositions of P. Morabito and Dennis Vacco (filed 10/30/2018)		Vol. 20, 3322–3325
Plaintiff’s Points and Authorities Regarding Authenticity and Hearsay Issues (filed 10/31/2018)		Vol. 20, 3326–3334
Clerk’s Trial Exhibit List (filed 02/28/2019)		Vol. 21, 3335–3413
<b>Exhibits to Clerk’s Trial Exhibit List</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Certified copy of the Transcript of September 13, 2010 Judge’s Ruling; Case No. CV07-02764	Vol. 21, 3414–3438
2	Findings of Fact, Conclusions of Law, and Judgment; Case No. CV07-02764 (filed 10/12/2010)	Vol. 21, 3439–3454
3	Judgment; Case No. CV07-0767 (filed 08/23/2011)	Vol. 21, 3455–3456
4	Confession of Judgment; Case No. CV07-02764 (filed 06/18/2013)	Vol. 21, 3457–3481
5	November 30, 2011 Settlement Agreement and Mutual Release	Vol. 22, 3482–3613
6	March 1, 2013 Forbearance Agreement	Vol. 22, 3614–3622

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
8	Order Denying Motion to Dismiss Involuntary Chapter 7 Petition and Suspending Proceedings, Case 13-51237. ECF No. 94, (filed 12/17/2013)	Vol. 22, 3623–3625
19	Report of Undisputed Election– Appointment of Trustee, Case No. 13-51237, ECF No. 220	Vol. 22, 3626–3627
20	Stipulation and Order to Substitute a Party Pursuant to NRCPP 17(a), Case No. CV13-02663, May 15, 2015	Vol. 22, 3628–3632
21	Non-Dischargeable Judgment Regarding Plaintiff's First and Second Causes of Action, Case No. 15-05019-GWZ, ECF No. 123, April 30, 2018	Vol. 22, 3633–3634
22	Memorandum & Decision; Case No. 15-05019-GWZ, ECF No. 124, April 30, 2018	Vol. 22, 3635–3654
23	Amended Findings of Fact, Conclusions of Law in Support of Judgment Regarding Plaintiff's First and Second Causes of Action; Case 15-05019-GWZ, ECF No. 122, April 30, 2018	Vol. 22, 3655–3679
25	September 15, 2010 email from Yalamanchili to Vacco and P. Morabito RE: Follow Up Thoughts	Vol. 22, 3680–3681
26	September 18, 2010 email from P. Morabito to Vacco	Vol. 22, 3682–3683
27	September 20, 2010 email from Vacco to P. Morabito RE: Spirit	Vol. 22, 3684–3684
28	September 20, 2010 email between Yalamanchili and Crotty RE: Morabito -Wire	Vol. 22, 3685–3687
29	September 20, 2010 email from Yalamanchili to Graber RE: Attorney Client Privileged Communication	Vol. 22, 3688–3689

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
30	September 21, 2010 email from P. Morabito to Vacco and Cross RE: Attorney Client Privileged Communication	Vol. 22, 3690–3692
31	September 23, 2010 email chain between Graber and P. Morabito RE: Change of Primary Residence from Reno to Laguna Beach	Vol. 22, 3693–3694
32	September 23, 2010 email from Yalamanchili to Graber RE: Change of Primary Residence from Reno to Laguna Beach	Vol. 22, 3695–3696
33	September 24, 2010 email from P. Morabito to Vacco RE: Superpumper, Inc.	Vol. 22, 3697–3697
34	September 26, 2010 email from Vacco to P. Morabito RE: Judgment for a fixed debt	Vol. 22, 3698–3698
35	September 27, 2010 email from P. Morabito to Vacco RE: First Amendment to Residential Lease executed 9/27/2010	Vol. 22, 3699–3701
36	November 7, 2012 emails between Vacco, P. Morabito, C. Lovelace RE: Attorney Client Privileged Communication	Vol. 22, 3702–3703
37	Morabito BMO Bank Statement – September 2010	Vol. 22, 3704–3710
38	Lippes Mathias Trust Ledger History	Vol. 23, 3711–3716
39	Fifth Amendment & Restatement of the Trust Agreement for the Arcadia Living Trust dated September 30, 2010	Vol. 23, 3717–3755
42	P. Morabito Statement of Assets & Liabilities as of May 5, 2009	Vol. 23, 3756–3756

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
43	March 10, 2010 email chain between Afshar and Takemoto RE: Current Personal Financial Statement	Vol. 23, 3757–3758
44	Salazar Net Worth Report (dated 03/15/2011)	Vol. 23, 3759–3772
45	Purchase and Sale Agreement	Vol. 23, 3773–3780
46	First Amendment to Purchase and Sale Agreement	Vol. 23, 3781–3782
47	Panorama – Estimated Settlement Statement	Vol. 23, 3783–3792
48	El Camino – Final Settlement Statement	Vol. 23, 3793–3793
49	Los Olivos – Final Settlement Statement	Vol. 23, 3794–3794
50	Deed for Transfer of Panorama Property	Vol. 23, 3795–3804
51	Deed for Transfer for Los Olivos	Vol. 23, 3805–3806
52	Deed for Transfer of El Camino	Vol. 23, 3807–3808
53	Kimmel Appraisal Report for Panorama and Clayton	Vol. 23, 3809–3886
54	Bill of Sale – Panorama	Vol. 23, 3887–3890
55	Bill of Sale – Mary Fleming	Vol. 23, 3891–3894
56	Bill of Sale – El Camino	Vol. 23, 3895–3898
57	Bill of Sale – Los Olivos	Vol. 23, 3899–3902
58	Declaration of Value and Transfer Deed of 8355 Panorama (recorded 12/31/2012)	Vol. 23, 3903–3904
60	Baruk Properties Operating Agreement	Vol. 23, 3905–3914
61	Baruk Membership Transfer Agreement	Vol. 24, 3915–3921
62	Promissory Note for \$1,617,050 (dated 10/01/2010)	Vol. 24, 3922–3924

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
63	Baruk Properties/Snowshoe Properties, Certificate of Merger (filed 10/04/2010)	Vol. 24, 3925–3926
64	Baruk Properties/Snowshoe Properties, Articles of Merger	Vol. 24, 3927–3937
65	Grant Deed from Snowshoe to Bayuk Living Trust; Doc No. 2010-0531071 (recorded 11/04/2010)	Vol. 24, 3938–3939
66	Grant Deed – 1461 Glenneyre; Doc No. 2010000511045 (recorded 10/08/2010)	Vol. 24, 3940–3941
67	Grant Deed – 570 Glenneyre; Doc No. 2010000508587 (recorded 10/08/2010)	Vol. 24, 3942–3944
68	Attorney File re: Conveyance between Woodland Heights and Arcadia Living Trust	Vol. 24, 3945–3980
69	October 24, 2011 email from P. Morabito to Vacco RE: Attorney Client Privileged Communication	Vol. 24, 3981–3982
70	November 10, 2011 email chain between Vacco and P. Morabito RE: Baruk Properties, LLC/Paul Morabito/Bank of America, N.A.	Vol. 24, 3983–3985
71	Bayuk First Ledger	Vol. 24, 3986–3987
72	Amortization Schedule	Vol. 24, 3988–3990
73	Bayuk Second Ledger	Vol. 24, 3991–3993
74	Opposition to Motion for Summary Judgment and Declaration of Edward Bayuk; Case No. 13-51237, ECF No. 146 (filed 10/03/2014)	Vol. 24, 3994–4053
75	March 30, 2012 email from Vacco to Bayuk RE: Letter to BOA	Vol. 24, 4054–4055

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
76	March 10, 2010 email chain between P. Morabito and <a href="mailto:jon@aim13.com">jon@aim13.com</a> RE: Strictly Confidential	Vol. 24, 4056–4056
77	May 20, 2010 email chain between P. Morabito, Vacco and Michael Pace RE: Proceed with placing a Binding Bid on June 22nd with ExxonMobil	Vol. 24, 4057–4057
78	Morabito Personal Financial Statement May 2010	Vol. 24, 4058–4059
79	June 28, 2010 email from P. Morabito to George Garner RE: ExxonMobil Chicago Market Business Plan Review	Vol. 24, 4060–4066
80	Shareholder Interest Purchase Agreement	Vol. 24, 4067–4071
81	Plan of Merger of Consolidated Western Corporation with and Into Superpumper, Inc.	Vol. 24, 4072–4075
82	Articles of Merger of Consolidated Western Corporation with and Into Superpumper, Inc.	Vol. 24, 4076–4077
83	Unanimous Written Consent of the Board of Directors and Sole Shareholder of Superpumper, Inc.	Vol. 24, 4078–4080
84	Unanimous Written Consent of the Directors and Shareholders of Consolidated Western Corporation	Vol. 24, 4081–4083
85	Arizona Corporation Commission Letter dated October 21, 2010	Vol. 24, 4084–4091
86	Nevada Articles of Merger	Vol. 24, 4092–4098
87	New York Creation of Snowshoe	Vol. 24, 4099–4103
88	April 26, 2012 email from Vacco to Afshar RE: Ownership Structure of SPI	Vol. 24, 4104–4106
90	September 30, 2010 Matrix Retention Agreement	Vol. 24, 4107–4110

<u><b>DOCUMENT DESCRIPTION</b></u>		<u><b>LOCATION</b></u>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
91	McGovern Expert Report	Vol. 25, 4111–4189
92	Appendix B to McGovern Report – Source 4 – Budgets	Vol. 25, 4190–4191
103	Superpumper Note in the amount of \$1,462,213.00 (dated 11/01/2010)	Vol. 25, 4192–4193
104	Superpumper Successor Note in the amount of \$492,937.30 (dated 02/01/2011)	Vol. 25, 4194–4195
105	Superpumper Successor Note in the amount of \$939,000 (dated 02/01/2011)	Vol. 25, 4196–4197
106	Superpumper Stock Power transfers to S. Morabito and Bayuk (dated 01/01/2011)	Vol. 25, 4198–4199
107	<i>Declaration of P. Morabito in Support of Opposition to Motion of JH, Inc., Jerry Herbst, and Berry- Hinckley Industries for Order Prohibiting Debtor from Using, Acquiring or Transferring Assets Pursuant to 11 U.S.C. §§ 105 and 303(f) Pending Appointment of Trustee, Case 13-51237, ECF No. 22 (filed 07/01/2013)</i>	Vol. 25, 4200–4203
108	October 12, 2012 email between P. Morabito and Bernstein RE: 2011 Return	Vol. 25, 4204–4204
109	Compass Term Loan (dated 12/21/2016)	Vol. 25, 4205–4213
110	P. Morabito – Term Note in the amount of \$939,000.000 (dated 09/01/2010)	Vol. 25, 4214–4214
111	Loan Agreement between Compass Bank and Superpumper (dated 12/21/2016)	Vol. 25, 4215–4244
112	Consent Agreement (dated 12/28/2010)	Vol. 25, 4245–4249
113	Superpumper Financial Statement (dated 12/31/2007)	Vol. 25, 4250–4263

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
114	Superpumper Financial Statement (dated 12/31/2009)	Vol. 25, 4264–4276
115	Notes Receivable Interest Income Calculation (dated 12/31/2009)	Vol. 25, 4277–4278
116	Superpumper Inc. Audit Conclusions Memo (dated 12/31/2010)	Vol. 25, 4279–4284
117	Superpumper 2010 YTD Income Statement and Balance Sheets	Vol. 25, 4285–4299
118	March 12, 2010 Management Letter	Vol. 25, 4300–4302
119	Superpumper Unaudited August 2010 Balance Sheet	Vol. 25, 4303–4307
120	Superpumper Financial Statements (dated 12/31/2010)	Vol. 25, 4308–4322
121	Notes Receivable Balance as of September 30, 2010	Vol. 26, 4323
122	Salvatore Morabito Term Note \$2,563,542.00 as of December 31, 2010	Vol. 26, 4324–4325
123	Edward Bayuk Term Note \$2,580,500.00 as of December 31, 2010	Vol. 26, 4326–4327
125	April 21, 2011 Management letter	Vol. 26, 4328–4330
126	Bayuk and S. Morabito Statements of Assets & Liabilities as of February 1, 2011	Vol. 26, 4331–4332
127	January 6, 2012 email from Bayuk to Lovelace RE: Letter of Credit	Vol. 26, 4333–4335
128	January 6, 2012 email from Vacco to Bernstein	Vol. 26, 4336–4338
129	January 7, 2012 email from Bernstein to Lovelace	Vol. 26, 4339–4343
130	March 18, 2012 email from P. Morabito to Vacco	Vol. 26, 4344–4344



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
131	April 21, 2011 Proposed Acquisition of Nella Oil	Vol. 26, 4345–4351
132	April 15, 2011 email chain between P. Morabito and Vacco	Vol. 26, 4352
133	April 5, 2011 email from P. Morabito to Vacco	Vol. 26, 4353
134	April 16, 2012 email from Vacco to Morabito	Vol. 26, 4354–4359
135	August 7, 2011 email exchange between Vacco and P. Morabito	Vol. 26, 4360
136	August 2011 Lovelace letter to Timothy Halves	Vol. 26, 4361–4365
137	August 24, 2011 email from Vacco to P. Morabito RE: Tim Haves	Vol. 26, 4366
138	November 11, 2011 email from Vacco to P. Morabito RE: Getting Trevor's commitment to sign	Vol. 26, 4367
139	November 16, 2011 email from P. Morabito to Vacco RE: Vacco's litigation letter	Vol. 26, 4368
140	November 28, 2011 email chain between Vacco, S. Morabito, and P. Morabito RE: \$560,000 wire to Lippes Mathias	Vol. 26, 4369–4370
141	December 7, 2011 email from Vacco to P. Morabito RE: Moreno	Vol. 26, 4371
142	February 10, 2012 email chain between P. Morabito Wells, and Vacco RE: 1461 Glenneyre Street - Sale	Vol. 26, 4372–4375
143	April 20, 2012 email from P. Morabito to Bayuk RE: BofA	Vol. 26, 4376
144	April 24, 2012 email from P. Morabito to Vacco RE: SPI Loan Detail	Vol. 26, 4377–4378

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
145	September 4, 2012 email chain between Vacco and Bayuk RE: Second Deed of Trust documents	Vol. 26, 4379–4418
147	September 4, 2012 email from P. Morabito to Vacco RE: Wire	Vol. 26, 4419–4422
148	September 4, 2012 email from Bayuk to Vacco RE: Wire	Vol. 26, 4423–4426
149	December 6, 2012 email from Vacco to P. Morabito RE: BOA and the path of money	Vol. 26, 4427–4428
150	September 18, 2012 email chain between P. Morabito and Bayuk	Vol. 26, 4429–4432
151	October 3, 2012 email chain between Vacco and P. Morabito RE: Snowshoe Properties, LLC	Vol. 26, 4433–4434
152	September 3, 2012 email from P. Morabito to Vacco RE: Wire	Vol. 26, 4435
153	March 14, 2013 email chain between P. Morabito and Vacco RE: BHI Hinckley	Vol. 26, 4436
154	Paul Morabito 2009 Tax Return	Vol. 26, 4437–4463
155	Superpumper Form 8879-S tax year ended December 31, 2010	Vol. 26, 4464–4484
156	2010 U.S. S Corporation Tax Return for Consolidated Western Corporation	Vol. 27, 4485–4556
157	Snowshoe form 8879-S for year ended December 31, 2010	Vol. 27, 4557–4577
158	Snowshoe Form 1120S 2011 Amended Tax Return	Vol. 27, 4578–4655
159	September 14, 2012 email from Vacco to P. Morabito	Vol. 27, 4656–4657

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
160	October 1, 2012 email from P. Morabito to Vacco RE: Monday work for Dennis and Christian	Vol. 27, 4658
161	December 18, 2012 email from Vacco to P. Morabito RE: Attorney Client Privileged Communication	Vol. 27, 4659
162	April 24, 2013 email from P. Morabito to Vacco RE: BHI Trust	Vol. 27, 4660
163	Membership Interest Purchases, Agreement – Watch My Block (dated 10/06/2010)	Vol. 27, 4661–4665
164	Watch My Block organizational documents	Vol. 27, 4666–4669
174	October 15, 2015 Certificate of Service of copy of Lippes Mathias Wexler Friedman's Response to Subpoena	Vol. 27, 4670
175	Order Granting Motion to Compel Responses to Deposition Questions ECF No. 502; Case No. 13- 51237-gwz (filed 02/03/2016)	Vol. 27, 4671–4675
179	Gursey Schneider LLP Subpoena	Vol. 28, 4676–4697
180	Summary Appraisal of 570 Glenneyre	Vol. 28, 4698–4728
181	Appraisal of 1461 Glenneyre Street	Vol. 28, 4729–4777
182	Appraisal of 370 Los Olivos	Vol. 28, 4778–4804
183	Appraisal of 371 El Camino Del Mar	Vol. 28, 4805–4830
184	Appraisal of 1254 Mary Fleming Circle	Vol. 28, 4831–4859
185	Mortgage – Panorama	Vol. 28, 4860–4860
186	Mortgage – El Camino	Vol. 28, 4861
187	Mortgage – Los Olivos	Vol. 28, 4862
188	Mortgage – Glenneyre	Vol. 28, 4863

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
189	Mortgage – Mary Fleming	Vol. 28, 4864
190	Settlement Statement – 371 El Camino Del Mar	Vol. 28, 4865
191	Settlement Statement – 370 Los Olivos	Vol. 28, 4866
192	2010 Declaration of Value of 8355 Panorama Dr	Vol. 28, 4867–4868
193	Mortgage – 8355 Panorama Drive	Vol. 28, 4869–4870
194	Compass – Certificate of Custodian of Records (dated 12/21/2016)	Vol. 28, 4871–4871
196	June 6, 2014 Declaration of Sam Morabito – Exhibit 1 to Snowshoe Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction – filed in Case No. CV13-02663	Vol. 28, 4872–4874
197	June 19, 2014 Declaration of Sam Morabito – Exhibit 1 to Superpumper Motion to Dismiss Complaint for Lack of Personal Jurisdiction – filed in Case No. CV13-02663	Vol. 28, 4875–4877
198	September 22, 2017 Declaration of Sam Morabito – Exhibit 22 to Defendants' SSOF in Support of Opposition to Plaintiff's MSJ – filed in Case No. CV13-02663	Vol. 28, 4878–4879
222	Kimmel – January 21, 2016, Comment on Alves Appraisal	Vol. 28, 4880–4883
223	September 20, 2010 email from Yalamanchili to Morabito	Vol. 28, 4884
224	March 24, 2011 email from Naz Afshar RE: telephone call regarding CWC	Vol. 28, 4885–4886
225	Bank of America Records for Edward Bayuk (dated 09/05/2012)	Vol. 28, 4887–4897

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
226	June 11, 2007 Wholesale Marketer Agreement	Vol. 29, 4898–4921
227	May 25, 2006 Wholesale Marketer Facility Development Incentive Program Agreement	Vol. 29, 4922–4928
228	June 2007 Master Lease Agreement – Spirit SPE Portfolio and Superpumper, Inc.	Vol. 29, 4929–4983
229	Superpumper Inc 2008 Financial Statement (dated 12/31/2008)	Vol. 29, 4984–4996
230	November 9, 2009 email from P. Morabito to Bernstein, Yalaman RE: Jan Friederich – entered into Consulting Agreement	Vol. 29, 4997
231	September 30, 2010, Letter from Compass to Superpumper, Morabito, CWC RE: reducing face amount of the revolving note	Vol. 29, 4998–5001
232	October 15, 2010, letter from Quarles & Brady to Vacco RE: Revolving Loan Documents and Term Loan Documents between Superpumper and Compass Bank	Vol. 29, 5002–5006
233	BMO Account Tracker Banking Report October 1 to October 31, 2010	Vol. 29, 5007–5013
235	August 31, 2010 Superpumper Inc., Valuation of 100 percent of the common equity in Superpumper, Inc on a controlling marketable basis	Vol. 29, 5014–5059
236	June 18, 2014 email from S. Morabito to Vanek (WF) RE: Analysis of Superpumper Acquisition in 2010	Vol. 29, 5060–5061
241	Superpumper March 2010 YTD Income Statement	Vol. 29, 5062–5076

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
244	Assignment Agreement for \$939,000 Morabito Note	Vol. 29, 5077–5079
247	July 1, 2011 Third Amendment to Forbearance Agreement Superpumper and Compass Bank	Vol. 29, 5080–5088
248	Superpumper Cash Contributions January 2010 thru September 2015 – Bayuk and S. Morabito	Vol. 29, 5089–5096
252	October 15, 2010 Letter from Quarles & Brady to Vacco RE: Revolving Loan documents and Term Loan documents between Superpumper Prop. and Compass Bank	Vol. 29, 5097–5099
254	Bank of America – S. Morabito SP Properties Sale, SP Purchase Balance	Vol. 29, 5100
255	Superpumper Prop. Final Closing Statement for 920 Mountain City Hwy, Elko, NV	Vol. 29, 5101
256	September 30, 2010 Raffles Insurance Limited Member Summary	Vol. 29, 5102
257	Equalization Spreadsheet	Vol. 30, 5103
258	November 9, 2005 Grant, Bargain and Sale Deed; Doc #3306300 for Property Washoe County	Vol. 30, 5104–5105
260	January 7, 2016 Budget Summary – Panorama Drive	Vol. 30, 5106–5107
261	Mary 22, 2006 Compilation of Quotes and Invoices Quote of Valley Drapery	Vol. 30, 5108–5116
262	Photos of 8355 Panorama Home	Vol. 30, 5117–5151
263	Water Rights Deed (Document #4190152) between P. Morabito, E. Bayuk, Grantors, RCA Trust One Grantee (recorded 12/31/2012)	Vol. 30, 5152–5155

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
265	October 1, 2010 Bank of America Wire Transfer –Bayuk – Morabito \$60,117	Vol. 30, 5156
266	October 1, 2010 Check #2354 from Bayuk to P. Morabito for \$29,383 for 8355 Panorama funding	Vol. 30, 5157–5158
268	October 1, 2010 Check #2356 from Bayuk to P. Morabito for \$12,763 for 370 Los Olivos Funding	Vol. 30, 5159–5160
269	October 1, 2010 Check #2357 from Bayuk to P. Morabito for \$31,284 for 371 El Camino Del Mar Funding	Vol. 30, 5161–5162
270	Bayuk Payment Ledger Support Documents Checks and Bank Statements	Vol. 31, 5163–5352
271	Bayuk Superpumper Contributions	Vol. 31, 5353–5358
272	May 14, 2012 email string between P. Morabito, Vacco, Bayuk, and S. Bernstein RE: Info for Laguna purchase	Vol. 31, 5359–5363
276	September 21, 2010 Appraisal of 8355 Panorama Drive Reno, NV by Alves Appraisal	Vol. 32, 5364–5400
277	Assessor's Map/Home Comparisons for 8355 Panorama Drive, Reno, NV	Vol. 32, 5401–5437
278	December 3, 2007 Case Docket for CV07-02764	Vol. 32, 5438–5564
280	May 25, 2011 Stipulation Regarding the Imposition of Punitive Damages; Case No. CV07-02764 (filed 05/25/2011)	Vol. 33, 5565–5570
281	Work File for September 24, 2010 Appraisal of 8355 Panorama Drive, Reno, NV	Vol. 33, 5571–5628
283	January 25, 2016 Expert Witness Report Leonard v. Superpumper Snowshoe	Vol. 33, 5629–5652

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
284	February 29, 2016 Defendants' Rebuttal Expert Witness Disclosure	Vol. 33, 5653–5666
294	October 5, 2010 Lippes, Mathias Wexler Friedman, LLP, Invoices to P. Morabito	Vol. 33, 5667–5680
295	P. Morabito 2010 Tax Return (dated 10/16/2011)	Vol. 33, 5681–5739
296	December 31, 2010 Superpumper Inc. Note to Financial Statements	Vol. 33, 5740–5743
297	December 31, 2010 Superpumper Consultations	Vol. 33, 5744
300	September 20, 2010 email chain between Yalmanchili and Graber RE: Attorney Client Privileged Communication	Vol. 33, 5745–5748
301	September 15, 2010 email from Vacco to P. Morabito RE: Tomorrow	Vol. 33, 5749–5752
303	Bankruptcy Court District of Nevada Claims Register Case No. 13-51237	Vol. 33, 5753–5755
304	April 14, 2018 email from Allen to Krausz RE: Superpumper	Vol. 33, 5756–5757
305	Subpoena in a Case Under the Bankruptcy Code to Robison, Sharp, Sullivan & Brust issued in Case No. BK-N-13-51237-GWZ	Vol. 33, 5758–5768
306	August 30, 2018 letter to Mark Weisenmiller, Esq., from Frank Gilmore, Esq.,	Vol. 34, 5769
307	Order Granting Motion to Compel Compliance with the Subpoena to Robison, Sharp, Sullivan & Brust filed in Case No. BK-N-13-51237-GWZ	Vol. 34, 5770–5772
308	Response of Robison, Sharp, Sullivan & Brust's to Subpoena filed in Case No. BK-N-13-51237-GWZ	Vol. 34, 5773–5797



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
309	Declaration of Frank C. Gilmore in support of Robison, Sharp, Sullivan & Brust's Opposition to Motion for Order Holding Robison in Contempt filed in Case No. BK-N-13-51237-GWZ	Vol. 34, 5798–5801
Minutes of October 29, 2018, Non-Jury Trial, Day 1 (filed 11/08/2018)		Vol. 35, 5802–6041
Transcript of October 29, 2018, Non-Jury Trial, Day 1		Vol. 35, 6042–6045
Minutes of October 30, 2018, Non-Jury Trial, Day 2 (filed 11/08/2018)		Vol. 36, 6046–6283
Transcript of October 30, 2018, Non-Jury Trial, Day 2		Vol. 36, 6284–6286
Minutes of October 31, 2018, Non-Jury Trial, Day 3 (filed 11/08/2018)		Vol. 37, 6287–6548
Transcript of October 31, 2018, Non-Jury Trial, Day 3		Vol. 37, 6549–6552
Minutes of November 1, 2018, Non-Jury Trial, Day 4 (filed 11/08/2018)		Vol. 38, 6553–6814
Transcript of November 1, 2018, Non-Jury Trial, Day 4		Vol. 38, 6815–6817
Minutes of November 2, 2018, Non-Jury Trial, Day 5 (filed 11/08/2018)		Vol. 39, 6818–7007
Transcript of November 2, 2018, Non-Jury Trial, Day 5		Vol. 39, 7008–7011
Minutes of November 5, 2018, Non-Jury Trial, Day 6 (filed 11/08/2018)		Vol. 40, 7012–7167
Transcript of November 5, 2018, Non-Jury Trial, Day 6		Vol. 40, 7168–7169

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Minutes of November 6, 2018, Non-Jury Trial, Day 7 (filed 11/08/2018)		Vol. 41, 7170–7269
Transcript of November 6, 2018, Non-Jury Trial, Day 7		Vol. 41, 7270–7272 Vol. 42, 7273–7474
Minutes of November 7, 2018, Non-Jury Trial, Day 8 (filed 11/08/2018)		Vol. 43, 7475–7476
Transcript of November 7, 2018, Non-Jury Trial, Day 8		Vol. 43, 7477–7615
Minutes of November 26, 2018, Non-Jury Trial, Day 9 (filed 11/26/2018)		Vol. 44, 7616
Transcript of November 26, 2018, Non-Jury Trial – Closing Arguments, Day 9		Vol. 44, 7617–7666 Vol. 45, 7667–7893
Plaintiff’s Motion to Reopen Evidence (filed 01/30/2019)		Vol. 46, 7894–7908
<b>Exhibits to Plaintiff’s Motion to Reopen Evidence</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq. in Support of Plaintiff’s Motion to Reopen	Vol. 46, 7909–7913
1-A	September 21, 2017 Declaration of Salvatore Morabito	Vol. 46, 7914–7916
1-B	Defendants’ Proposed Findings of Fact, Conclusions of Law, and Judgment (Nov. 26, 2018)	Vol. 46, 7917–7957
1-C	Judgment on the First and Second Causes of Action; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 123 (April 30, 2018)	Vol. 46, 7958–7962

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Plaintiff's Motion to Reopen Evidence (cont.)</b>		
1-D	Amended Findings of Fact and Conclusions of Law in Support of Judgment Regarding Plaintiffs' First and Second Causes of Action; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 126 (April 30, 2018)	Vol. 46, 7963–7994
1-E	Motion to Compel Compliance with the Subpoena to Robison Sharp Sullivan Brust; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 191 (Sept. 10, 2018)	Vol. 46, 7995–8035
1-F	Order Granting Motion to Compel Compliance with the Subpoena to Robison Sharp Sullivan Brust; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 229 (Jan. 3, 2019)	Vol. 46, 8036–8039
1-G	Response of Robison, Sharp, Sullivan & Brust[] To Subpoena (including RSSB_000001 – RSSB_000031) (Jan. 18, 2019)	Vol. 46, 8040–8067
1-H	Excerpts of Deposition Transcript of Sam Morabito as PMK of Snowshoe Petroleum, Inc. (Oct. 1, 2015)	Vol. 46, 8068–8076
Errata to: Plaintiff's Motion to Reopen Evidence (filed 01/30/2019)		Vol. 47, 8077–8080
<b>Exhibit to Errata to: Plaintiff's Motion to Reopen Evidence</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Motion to Reopen Evidence	Vol. 47, 8081–8096

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Ex Parte Motion for Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing (filed 01/31/2019)		Vol. 47, 8097–8102
Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing (filed 02/04/2019)		Vol. 47, 8103–8105
Supplement to Plaintiff's Motion to Reopen Evidence (filed 02/04/2019)		Vol. 47, 8106–8110
<b>Exhibits to Supplement to Plaintiff's Motion to Reopen Evidence</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Supplemental Declaration of Gabrielle A. Hamm, Esq. in Support of Plaintiff's Motion to Reopen Evidence (filed 02/04/2019)	Vol. 47, 8111–8113
1-I	Declaration of Frank C. Gilmore in Support of Robison, Sharp Sullivan & Brust's Opposition to Motion for Order Holding Robison in Contempt; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 259 (Jan. 30, 2019)	Vol. 47, 8114–8128
Defendants' Response to Motion to Reopen Evidence (02/06/2019)		Vol. 47, 8129–8135
Plaintiff's Reply to Defendants' Response to Motion to Reopen Evidence (filed 02/07/2019)		Vol. 47, 8136–8143
Minutes of February 7, 2019 hearing on Motion to Reopen Evidence (filed 02/28/2019)		Vol. 47, 8144
Rough Draft Transcript of February 8, 2019 hearing on Motion to Reopen Evidence		Vol. 47, 8145–8158

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
[Plaintiff's Proposed] Findings of Fact, Conclusions of Law, and Judgment (filed 03/06/2019)		Vol. 47, 8159–8224
[Defendants' Proposed Amended] Findings of Fact, Conclusions of Law, and Judgment (filed 03/08/2019)		Vol. 47, 8225–8268
Minutes of February 26, 2019 hearing on Motion to Continue ongoing Non-Jury Trial (Telephonic) (filed 03/11/2019)		Vol. 47, 8269
Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)		Vol. 48, 8270–8333
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)		Vol. 48, 8334–8340
Memorandum of Costs and Disbursements (filed 04/11/2019)		Vol. 48, 8341–8347
<b>Exhibit to Memorandum of Costs and Disbursements</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Ledger of Costs	Vol. 48, 8348–8370
Application for Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/12/2019)		Vol. 48, 8371–8384
<b>Exhibits to Application for Attorneys' Fees and Costs Pursuant to NRCP 68</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Teresa M. Pilatowicz In Support of Plaintiff's Application for Attorney's Fees and Costs Pursuant to NRCP 68 (filed 04/12/2019)	Vol. 48, 8385–8390
2	Plaintiff's Offer of Judgment to Defendants (dated 05/31/2016)	Vol. 48, 8391–8397

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
3	Defendant's Rejection of Offer of Judgment by Plaintiff (dated 06/15/2016)	Vol. 48, 8398–8399
4	Log of time entries from June 1, 2016 to March 28, 2019	Vol. 48, 8400–8456
5	Plaintiff's Memorandum of Costs and Disbursements (filed 04/11/2019)	Vol. 48, 8457–8487
Motion to Retax Costs (filed 04/15/2019)		Vol. 49, 8488–8495
Plaintiff's Opposition to Motion to Retax Costs (filed 04/17/2019)		Vol. 49, 8496–8507
<b>Exhibits to Plaintiff's Opposition to Motion to Retax Costs</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Teresa M. Pilatowicz In Support of Opposition to Motion to Retax Costs (filed 04/17/2019)	Vol. 49, 8508–8510
2	Summary of Photocopy Charges	Vol. 49, 8511–8523
3	James L. McGovern Curriculum Vitae	Vol. 49, 8524–8530
4	McGovern & Greene LLP Invoices	Vol. 49, 8531–8552
5	Buss-Shelger Associates Invoices	Vol. 49, 8553–8555
Reply in Support of Motion to Retax Costs (filed 04/22/2019)		Vol. 49, 8556–8562
Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/25/2019)		Vol. 49, 8563–8578
<b>Exhibit to Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCP 68</b>		

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Bill Dispute Ledger	Vol. 49, 8579–8637
	Defendants, Salvatore Morabito, Snowshoe Petroleum, Inc., and Superpumper, Inc.'s Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 04/25/2019)	Vol. 49, 8638–8657
	Defendant, Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 04/26/2019)	Vol. 50, 8658–8676
	<b>Exhibits to Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60</b>	
<b>Exhibit</b>	<b>Document Description</b>	
1	February 27, 2019 email with attachments	Vol. 50, 8677–8768
2	Declaration of Frank C. Gilmore in Support of Edward Bayuk's Motion for New Trial (filed 04/26/2019)	Vol. 50, 8769–8771
3	February 27, 2019 email from Marcy Trabert	Vol. 50, 8772–8775
4	February 27, 2019 email from Frank Gilmore to <a href="mailto:eturner@Gtg.legal">eturner@Gtg.legal</a> RE: Friday Trial	Vol. 50, 8776–8777
	Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/30/2019)	Vol. 50, 8778–8790
	<b>Exhibit to Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68</b>	
<b>Exhibit</b>	<b>Document Description</b>	
1	Case No. BK-13-51237-GWZ, ECF Nos. 280, 282, and 321	Vol. 50, 8791–8835

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Plaintiff's Opposition to Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 05/07/2019)		Vol. 51, 8836–8858
Defendants, Salvatore Morabito, Snowshoe Petroleum, Inc., and Superpumper, Inc.'s Reply in Support of Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCp 52, 59, and 60 (filed 05/14/2019)		Vol. 51, 8859–8864
Declaration of Edward Bayuk Claiming Exemption from Execution (filed 06/28/2019)		Vol. 51, 8865–8870
<b>Exhibits to Declaration of Edward Bayuk Claiming Exemption from Execution</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Copy of June 22, 2019 Notice of Execution and two Write of Executions	Vol. 51, 8871–8896
2	Declaration of James Arthur Gibbons Regarding his Attestation, Witness and Certification on November 12, 2005 of the Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 06/25/2019)	Vol. 51, 8897–8942
Notice of Claim of Exemption from Execution (filed 06/28/2019)		Vol. 51, 8943–8949
Edward Bayuk's Declaration of Salvatore Morabito Claiming Exemption from Execution (filed 07/02/2019)		Vol. 51, 8950–8954
<b>Exhibits to Declaration of Salvatore Morabito Claiming Exemption from Execution</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Las Vegas June 22, 2019 letter	Vol. 51, 8955–8956
2	Writs of execution and the notice of execution	Vol. 51, 8957–8970



<u><b>DOCUMENT DESCRIPTION</b></u>		<u><b>LOCATION</b></u>
Minutes of June 24, 2019 telephonic hearing on Decision on Submitted Motions (filed 07/02/2019)		Vol. 51, 8971–8972
Salvatore Morabito’s Notice of Claim of Exemption from Execution (filed 07/02/2019)		Vol. 51, 8973–8976
Edward Bayuk’s Third Party Claim to Property Levied Upon NRS 31.070 (filed 07/03/2019)		Vol. 51, 8977–8982
Order Granting Plaintiff’s Application for an Award of Attorneys’ Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)		Vol. 51, 8983–8985
Order Granting in part and Denying in part Motion to Retax Costs (filed 07/10/2019)		Vol. 51, 8986–8988
Plaintiff’s Objection to (1) Claim of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS 21.112 and 31.070(5) (filed 07/11/2019)		Vol. 52, 8989–9003
<b>Exhibits to Plaintiff’s Objection to (1) Claim of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS 21.112 and 31.070(5)</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq.	Vol. 52, 9004–9007
2	11/30/2011 Tolling Agreement – Edward Bayuk	Vol. 52, 9008–9023
3	11/30/2011 Tolling Agreement – Edward William Bayuk Living Trust	Vol. 52, 9024–9035
4	Excerpts of 9/28/2015 Deposition of Edward Bayuk	Vol. 52, 9036–9041

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Plaintiff's Objection (cont.)</b>		
5	Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production, served 9/24/2015	Vol. 52, 9042–9051
6	8/26/2009 Grant Deed (Los Olivos)	Vol. 52, 9052–9056
7	8/17/2018 Grant Deed (El Camino)	Vol. 52, 9057–9062
8	Trial Ex. 4 (Confession of Judgment)	Vol. 52, 9063–9088
9	Trial Ex. 45 (Purchase and Sale Agreement, dated 9/28/2010)	Vol. 52, 9089–9097
10	Trial Ex. 46 (First Amendment to Purchase and Sale Agreement, dated 9/29/2010)	Vol. 52, 9098–9100
11	Trial Ex. 51 (Los Olivos Grant Deed recorded 10/8/2010)	Vol. 52, 9101–9103
12	Trial Ex. 52 (El Camino Grant Deed recorded 10/8/2010)	Vol. 52, 9104–9106
13	Trial Ex. 61 (Membership Interest Transfer Agreement, dated 10/1/2010)	Vol. 52, 9107–9114
14	Trial Ex. 62 (\$1,617,050.00 Promissory Note)	Vol. 52, 9115–9118
15	Trial Ex. 65 (Mary Fleming Grant Deed recorded 11/4/2010)	Vol. 52, 9119–9121
Notice of Entry of Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 07/16/2019)		Vol. 52, 9122–9124

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit to Notice of Entry of Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 07/10/2019)	Vol. 52, 9125–9127
Notice of Entry of Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/16/2019)		Vol. 52, 9128–9130
<b>Exhibit to Notice of Entry of Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)	Vol. 52, 9131–9134
Notice of Entry of Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/16/2019)		Vol. 52, 9135–9137
<b>Exhibit to Notice of Entry of Order Granting in Part and Denying in Part Motion to Retax Costs</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/10/2019)	Vol. 52, 9138–9141
Plaintiff's Objection to Notice of Claim of Exemption from Execution Filed by Salvatore Morabito and Request for Hearing (filed 07/16/2019)		Vol. 52, 9142–9146
Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon (filed 07/17/2019)		Vol. 52, 9147–9162

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	March 3, 2011 Deposition Transcript of P. Morabito	Vol. 52, 9163–9174
2	Mr. Bayuk’s September 23, 2014 responses to Plaintiff’s first set of requests for production	Vol. 52, 9175–9180
3	September 28, 2015 Deposition Transcript of Edward Bayuk	Vol. 52, 9181–9190
Reply to Plaintiff’s Objection to Notice of Claim of Exemption from Execution (filed 07/18/2019)		Vol. 52, 9191–9194
Declaration of Service of Till Tap, Notice of Attachment and Levy Upon Property (filed 07/29/2019)		Vol. 52, 9195
Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/2019)		Vol. 52, 9196–9199
<b>Exhibits to Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff’s Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9200–9204
2	Bayuk and the Bayuk Trust’s proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9205–9210
3	July 30, 2019 email evidencing Bayuk, through counsel Jeffrey Hartman, Esq., requesting until noon on July 31, 2019 to provide comments.	Vol. 52, 9211–9212

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Notice of Submission of Disputed Order (cont.)</b>		
4	July 31, 2019 email from Teresa M. Pilatowicz, Esq. Bayuk failed to provide comments at noon on July 31, 2019, instead waiting until 1:43 p.m. to send a redline version with proposed changes after multiple follow ups from Plaintiff's counsel on July 31, 2019	Vol. 52, 9213–9219
5	A true and correct copy of the original Order and Bayuk Changes	Vol. 52, 9220–9224
6	A true and correct copy of the redline run by Plaintiff accurately reflecting Bayuk's proposed changes	Vol. 52, 9225–9229
7	Email evidencing that after review of the proposed revisions, Plaintiff advised Bayuk, through counsel, that Plaintiff agree to certain proposed revisions, but the majority of the changes were unacceptable as they did not reflect the Court's findings or evidence before the Court.	Vol. 52, 9230–9236
Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/2019)		Vol. 53, 9237–9240
<b>Exhibits to Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 53, 9241–9245
2	Defendant's comments on Findings of Fact	Vol. 53, 9246–9247
3	Defendant's Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 53, 9248–9252

<u><b>DOCUMENT DESCRIPTION</b></u>		<u><b>LOCATION</b></u>
Minutes of July 22, 2019 hearing on Objection to Claim for Exemption (filed 08/02/2019)		Vol. 53, 9253
Order Denying Claim of Exemption (filed 08/02/2019)		Vol. 53, 9254–9255
Bayuk’s Case Appeal Statement (filed 08/05/2019)		Vol. 53, 9256–9260
Bayuk’s Notice of Appeal (filed 08/05/2019)		Vol. 53, 9261–9263
Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Case Appeal Statement (filed 08/05/2019)		Vol. 53, 9264–9269
Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Notice of Appeal (filed 08/05/2019)		Vol. 53, 9270–9273
<b>Exhibits to Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Notice of Appeal</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)	Vol. 53, 9274–9338
2	Order Denying Defendants’ Motions for New Trial and/or to Alter or Amend Judgment (filed 07/10/2019)	Vol. 53, 9339–9341
3	Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/10/2019)	Vol. 53, 9342–9345
4	Order Granting Plaintiff’s Application for an Award of Attorneys’ Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)	Vol. 53, 9346–9349

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Plaintiff's Reply to Defendants' Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim		Vol. 53, 9350–9356
Order Denying Claim of Exemption and Third-Party Claim (08/09/2019)		Vol. 53, 9357–9360
Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim (filed 08/09/2019)		Vol. 53, 9361–9364
<b>Exhibit to Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Claim of Exemption and Third-Party Claim (08/09/2019)	Vol. 53, 9365–9369
Notice of Entry of Order Denying Claim of Exemption (filed 08/12/2019)		Vol. 53, 9370–9373
<b>Exhibit to Notice of Entry of Order Denying Claim of Exemption</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Claim of Exemption (08/02/2019)	Vol. 53, 9374–9376
Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/19/2019)		Vol. 54, 9377–9401
<b>Exhibits to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Claim of Exemption and Third Party Claim (filed 08/09/19)	Vol. 54, 9402–9406

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion to Make Amended (cont.)</b>		
2	Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 11/12/05)	Vol. 54, 9407–9447
3	Spendthrift Trust Agreement for the Arcadia Living Trust (dated 10/14/05)	Vol. 54, 9448–9484
4	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/10)	Vol. 54, 9485–9524
5	P. Morabito's Supplement to NRCP 16.1 Disclosures (dated 03/01/11)	Vol. 54, 9525–9529
6	Transcript of March 3, 2011 Deposition of P. Morabito	Vol. 55, 9530–9765
7	Documents Conveying Real Property	Vol. 56, 9766–9774
8	Transcript of July 22, 2019 Hearing	Vol. 56, 9775–9835
9	Tolling Agreement JH and P. Morabito (partially executed 11/30/11)	Vol. 56, 9836–9840
10	Tolling Agreement JH and Arcadia Living Trust (partially executed 11/30/11)	Vol. 56, 9841–9845
11	Excerpted Pages 8–9 of Superpumper Judgment (filed 03/29/19)	Vol. 56, 9846–9848
12	Petitioners' First Set of Interrogatories to Debtor (dated 08/13/13)	Vol. 56, 9849–9853
13	Tolling Agreement JH and Edward Bayuk (partially executed 11/30/11)	Vol. 56, 9854–9858
14	Tolling Agreement JH and Bayuk Trust (partially executed 11/30/11)	Vol. 56, 9859–9863
15	Declaration of Mark E. Lehman, Esq. (dated 03/21/11)	Vol. 56, 9864–9867



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion to Make Amended (cont.)</b>		
16	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 56, 9868–9871
17	Assignment and Assumption Agreement (dated 07/03/07)	Vol. 56, 9872–9887
18	Order Denying Morabito’s Claim of Exemption (filed 08/02/19)	Vol. 56, 9888–9890
Errata to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/20/2019)		Vol. 57, 9891–9893
Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 08/30/2019)		Vol. 57, 9894–9910
Errata to Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 08/30/2019)		Vol. 57, 9911–9914
<b>Exhibits to Errata to Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq.	Vol. 57, 9915–9918
2	Plaintiff’s Amended NRCP 16.1 Disclosures (February 19, 2016)	Vol. 57, 9919–9926

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Errata (cont.)</b>		
3	Plaintiff's Fourth Supplemental NRCP 16.1 Disclosures (November 15, 2016)	Vol. 57, 9927–9930
4	Plaintiff's Fifth Supplemental NRCP 16.1 Disclosures (December 21, 2016)	Vol. 57, 9931–9934
5	Plaintiff's Sixth Supplemental NRCP 16.1 Disclosures (March 20, 2017)	Vol. 57, 9935–9938
Reply in Support of Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs (filed 09/04/2019)		Vol. 57, 9939–9951
<b>Exhibits to Reply in Support of Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs</b>		
<b>Exhibit</b>	<b>Document Description</b>	
19	Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19)	Vol. 57, 9952–9993
20	Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19)	Vol. 57, 9994–10010
Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/2019)		Vol. 57, 10011–10019
Bayuk's Case Appeal Statement (filed 12/06/2019)		Vol. 57, 10020–10026

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Bayuk's Notice of Appeal (filed 12/06/2019)		Vol. 57, 10027–10030
<b>Exhibits to Bayuk's Notice of Appeal</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying [Morabito's] Claim of Exemption (filed 08/02/19)	Vol. 57, 10031–10033
2	Order Denying [Bayuk's] Claim of Exemption and Third Party Claim (filed 08/09/19)	Vol. 57, 10034–10038
3	Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/19)	Vol. 57, 10039–10048
Notice of Entry of Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 12/23/2019)		Vol. 57, 10049–10052
<b>Exhibit to Notice of Entry of Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/19)	Vol. 57, 10053–10062

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
District Court Docket Case No. CV13-02663		Vol. 57, 10063–10111
Notice of Claim of Exemption and Third-Party Claim to Property Levied Upon, Case No. CV13-02663 (filed 08/25/2020)		Vol. 58, 10112–10121
<b>Exhibits to Notice of Claim of Exemption and Third-Party Claim to Property Levied Upon</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Writ of Execution, Case No. CV13-02663 (filed 07/21/2020)	Vol. 58, 10123–10130
2	Superior Court of California, Orange County Docket, Case No. 30-2019-01068591-CU-EN-CJC	Vol. 58, 10131–10139
3	Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 11/12/2005)	Vol. 58, 10140–10190

# Exhibit 20

**AN APPRAISAL  
OF A VACANT .977± ACRE PARCEL OF INDUSTRIAL LAND  
LOCATED AT 49 CLAYTON PLACE  
WEST OF THE PYRAMID HIGHWAY (STATE ROUTE 445)  
SPARKS, WASHOE COUNTY, NEVADA  
AND A SINGLE FAMILY RESIDENCE  
LOCATED AT 8355 PANORAMA DRIVE  
RENO, WASHOE COUNTY, NEVADA  
AS OF OCTOBER 1, 2010  
A RETROSPECTIVE DATE**

**William G. Kimmel**  
**Real Estate Appraiser & Consultant**

Airport Center  
1281 Terminal Way, Suite 205  
Reno, Nevada 89502  
775.323.6400 ~ william.kimmel@att.net

January 5, 2016

The Bankruptcy Estate of Paul Morabito  
c/o Teresa M. Pilatowicz  
Attorney at Law  
Garman, Turner and Gordon  
650 White Drive, Suite 100  
Las Vegas, NV 89119

Dear Ms. Pilatowicz:

Pursuant to your request, I have prepared an appraisal of a vacant industrial lot located at 49 Clayton Place, within the Spanish Springs Business Park, west of the Pyramid Highway (State Route 445), and northeast of West Calle de la Plata, within the city limits of Sparks, Washoe County, Nevada. In addition, I have prepared an appraisal of a single family residence located at 8355 Panorama Drive, outside of the city limits of Reno, within Washoe County, Nevada.

The purpose of this appraisal was to estimate the market value of each of the properties, which will be fee simple interest subject to any roadway or utility easements. The date of value for this report is October 1, 2010, a retrospective date, for each of the subject properties.

The intended user/client of this appraisal is the Bankruptcy Estate of Paul Morabito, and the intended use is for decision making purposes and bankruptcy court utilization.

As a result of my investigation and analysis contained within this report, it is my opinion that the market value of each of the subject properties, as of October 1, 2010, a retrospective date, was:

Industrial property at 49 Clayton Place, Sparks	\$	75,000
Single family residence at 8355 Panorama Drive	\$	2,000,000

Sincerely,



William G. Kimmel, MAI, SREA  
Certified General Appraiser  
State of Nevada  
Certification No. A.0000004-CG

WKG/mm

**TABLE OF CONTENTS**

PURPOSE OF THE APPRAISAL .....	3
"FAIR MARKET VALUE" FOR ESTATE PURPOSES .....	3
INTENDED USER/CLIENT .....	4
INTENDED USE OF REPORT .....	4
INTEREST APPRAISED .....	4
EFFECTIVE DATE OF VALUE .....	4
DATE OF REPORT .....	4
SCOPE OF THE APPRAISAL ASSIGNMENT .....	5
AREA MAP .....	6
RENO-SPARKS-TRUCKEE MEADOWS AREA DESCRIPTION .....	7
VACANT INDUSTRIAL PARCEL AT 48 CLAYTON PLACE .....	21
SUMMARY OF SALIENT FACTS & CONCLUSIONS .....	22
LOCATIONAL MAP .....	23
NEIGHBORHOOD MAP .....	24
AERIAL PHOTOGRAPH .....	25
ASSESSOR'S PARCEL MAP .....	26
SUBJECT PHOTOGRAPHS .....	27
NEIGHBORHOOD DESCRIPTION .....	29
SITE DATA .....	31
HIGHEST AND BEST USE .....	34
SUMMARY OF ANALYSIS AND VALUATION .....	36
LAND SALES CHART .....	36
EXPOSURE/MARKETING TIME .....	38
SINGLE FAMILY RESIDENCE AT 8355 PANORAMA DRIVE .....	39
SUMMARY OF SALIENT FACTS & CONCLUSIONS .....	40
LOCATIONAL MAP .....	41
NEIGHBORHOOD MAP .....	42
AERIAL PHOTOGRAPHS .....	43
ASSESSOR'S PARCEL MAP .....	45
SUBJECT PHOTOGRAPHS .....	46
BUILDING SKETCH .....	47
NEIGHBORHOOD DESCRIPTION .....	48
SITE DATA .....	49
HIGHEST AND BEST USE .....	53
SUMMARY OF ANALYSIS AND VALUATION .....	55
LAND SALES CHART .....	55
EXPOSURE/MARKETING TIME .....	58
ADDENDA .....	59
Assumptions and Limiting Conditions	
Qualifications of Appraiser	
Certification of Appraiser	



This is an appraisal report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an appraisal report. The depth of discussion contained in this report is specific to the needs of the client and to the intended use stated below. The appraiser is not responsible for unauthorized use of this report.

**CLIENT:** The Bankruptcy Estate of Paul Morabito  
Teresa M. Pilatowicz  
Attorney at Law  
Garman, Turner and Gordon  
650 White Drive, Suite 100  
Las Vegas, NV 89119

**APPRAISER:** William G. Kimmel, MAI, SREA  
Certified General Appraiser  
State of Nevada  
Certification No. A.0000004-CG  
  
William G. Kimmel & Associates  
1281 Terminal Way, Suite 205  
Reno, NV 89502

**SUBJECT:** A vacant industrial lot located at 49 Clayton Place, within the Spanish Springs Business Park, west of the Pyramid Highway (State Route 445), and northeast of West Calle de la Plata, within the city limits of Sparks, Washoe County, Nevada; as well as a single family residence located at 8355 Panorama Drive, outside of the city limits of Reno, within Washoe County, Nevada.

**PURPOSE OF THE APPRAISAL**

The purpose of this appraisal was to estimate the market value of the subject property.

**“FAIR MARKET VALUE” FOR ESTATE PURPOSES**

“Fair Market Value” is defined as the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts.”<sup>1</sup>

<sup>1</sup> Source: *Internal Revenue Bulletin* – 1/20/2004, Section 1.170A-1(C)(2).

**INTENDED USER/CLIENT**

The intended user of this report is the Bankruptcy Estate of Paul Morabito.

**INTENDED USE OF REPORT**

This appraisal is for internal decision making purposes including litigation

**INTEREST APPRAISED**

The interest appraised is 100% fee simple interest in the subject properties subject to any roadway or utility easements.

**EFFECTIVE DATE OF VALUE**

The date of value of this appraisal is October 1, 2010, a retrospective date.

**DATE OF REPORT**

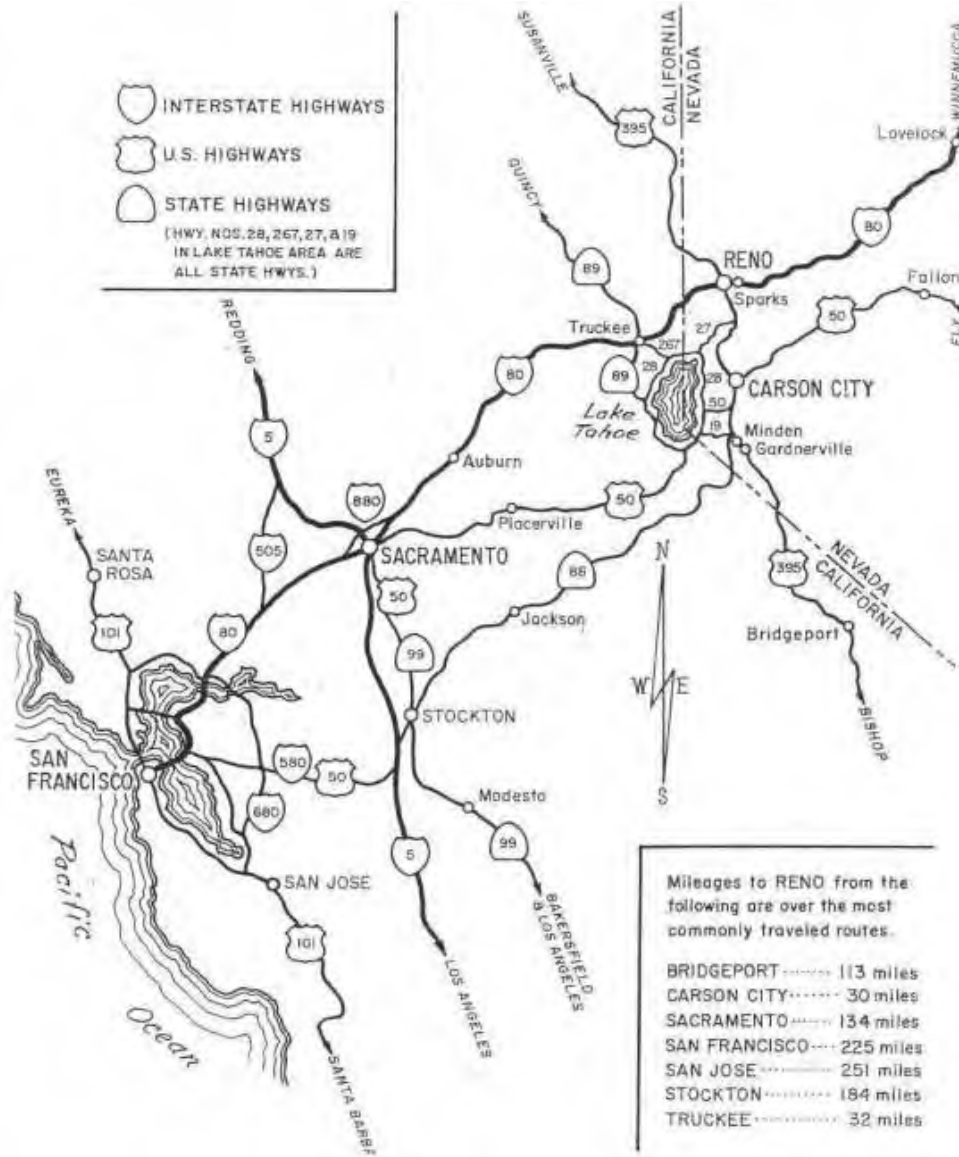
January 5, 2016

**SCOPE OF THE APPRAISAL ASSIGNMENT**

In order to complete an appraisal of the subject property, this appraiser:

- physically inspected the subject properties and considered the overall economics and demographics of the subject area as of the retrospective date;
- For the single family residence I was not able to inspect the interior and I therefore relied upon the current owners representation of its condition when they completed the purchase;
- I gave consideration to the comparable sales approach. The cost approach and income approach were not applicable;
- from this prepared an appraisal report.

**AREA MAP**



**RENO-SPARKS-TRUCKEE MEADOWS AREA DESCRIPTION**

**(As of 2010)**

The Reno Standard Metropolitan Statistical Area (SMSA) is defined to include all of Washoe County. Washoe County is in the northwesterly portion of Nevada bordered on the west by California and on the north by Oregon. Washoe County is located approximately 225 miles easterly of San Francisco and encompasses approximately 6,608 square miles (4,229,120± acres) and included within said county are the cities of Reno and Sparks. There are numerous unincorporated areas, which include Incline Village, Washoe City, New Washoe City, Franktown, Washoe Valley, Sun Valley, Lemmon Valley, Black Springs, Reno Park and Bordertown. The area is also known as the Reno-Sparks-Truckee Meadows and Greater Reno Area of the Reno Standard Metropolitan Statistical Area. The city of Reno is at 39°31' North Latitude and 119°49' West Longitude and has an elevation of approximately 4,500 feet above sea level.

The climate of the Reno-Sparks-Truckee Meadows area has four seasons with 306 average days of sunshine. The average precipitation is 7.2 inches including an average snow pack in the Sierra Nevada Mountain Range of 30 feet. The wettest month is January and the driest month is August. The average humidity is 55% with July having the lowest and December having the highest humidity.

In order to describe the Greater Reno Area (which is considered to be the Reno-Sparks-Truckee Meadows area), information concerning population, major industry, local economy, highways, air transportation, rail and trucking transportation, etc., will be presented.

**POPULATION:** A summary of population figures, beginning in 1990 for the Reno Standard Metropolitan Statistical Area (SMSA) which is defined to include all of Washoe County as well as the city of Reno and the city of Sparks, is illustrated on the following chart for the last sixteen years ending June 30. Said population figures were compiled by Nevada Department of Taxation and Nevada State Demographer, Nevada Small Business Development Center - University of Nevada Reno. This shows a decline from 2008 to 2009.

<b>July 1, Years</b>	<b>Washoe County</b>	<b>City Of Reno</b>	<b>City Of Sparks</b>
1990	257,120	134,930	53,440
1991	265,762	140,311	55,041
1992	273,178	144,417	56,341
1993	282,214	149,472	57,862
1994	293,141	155,371	59,709
1995	302,748	160,380	61,241
1996	312,366	165,842	62,561
1997	320,828	170,425	64,010
1998	327,899	174,247	65,118
1999	334,601	180,190	66,324
2000	341,935	181,603	67,350
2001	353,271	186,883	71,753
2002	359,423	187,834	75,255
2003	373,233	195,727	78,435
2004	383,453	199,249	81,673
2005	396,844	206,735	85,618
2006	409,085	214,371	87,846
2007	416,061	220,613	89,449
2008	423,833	223,012	91,684
2009	416,632	218,143	91,237
2010	417,379	217,282	92,331

The city of Reno currently encompasses approximately 36,000 acres including the Stead area. The city of Sparks encompasses 11,000 acres of land on both sides of Interstate 80. The major growth in the Sparks area of the Truckee Meadows is anticipated to be in a northeasterly direction, which essentially encompasses the Spanish Springs Valley.

Sparks has tentative plans to annex upward of 6,000 additional acres by the year 2020. This will be the major growth pattern of Sparks as the remaining land within the valley is primarily developed or surrounded by relatively steep mountains precluding easy development patterns. While there is anticipated to be some continuing growth in Sparks, particularly in the northeast corner of the Truckee Meadows, most of the future growth will be in Spanish Springs Valley.

The South Truckee Meadows, is also a growing suburban area and primarily south to Mt. Rose Highway as well as both sides of the highway, all of which is developing with residential development along with several golf courses, one of which was completed in late 1997 (Montreux), one in mid-1998 (Wolf Run) and two in the Arrow Creek development in 1998 and 1999.

Transportation to this portion of the valley is consistently improving especially with the widening of the Mount Rose Highway to a four-lane facility from South Virginia Street (U.S. Highway 395) to the Galena Creek area and, most importantly, the completion of Interstate 580 (U.S. Highway 395) to the Mount Rose Highway. Washoe County School District built Galena High School on the southerly side of the Mount Rose Highway and recently constructed the Damonte High School off of Rio Wrangler Parkway east of South Virginia Street.

This southeasterly portion of the Truckee Meadows, which encompasses the Double Diamond Ranch and Damonte Ranch, has also had significant development. The Damonte Ranch, directly south of the Double Diamond Ranch and northerly of the Virginia City Highway (Geiger Grade), has major residential development with the commercial and industrial portions already developed to some degree. The South



Meadows Business Park Diamond Ranch is nearing build-out with very few development owned sites left for sale.

**TAX STRUCTURE:** Nevada, at this time, has no local, state or corporate income taxes. There is no estate tax or gift tax per se; however, there is a pick-up tax which allows Nevada to pick up a portion of the federal tax. This does not increase the typical federal estate taxes. The Nevada Freeport Laws provide for the tax-free warehousing of goods while in transit through the state. The maximum property tax rate by statute is \$5.00 per \$100.00 of assessed value and \$3.64 by legislative action. The 2010-2011 property tax was set at maximum for Washoe County at \$3.6458 per \$100 of assessed value. The assessed valuation is 35% of market value as developed by the local assessing agencies.

In 2005 a law was passed that limits single family homes to a 3% per year tax increase and all other property to a maximum of an 8% increase. There is a 7.375% sales and use tax with food and drugs exempt. Real property transfer tax is \$2.05 per \$500 of unencumbered valuation. There is no tax on merchants' inventory and livestock held for sale. Gaming tax by the State of Nevada is 6.25% of gross gaming revenues.

**UTILITIES:** NV Energy Company provides electricity and natural gas. Water is now supplied by Truckee Meadows Water Authority, a joint city and county supplier that purchased the water company from NV Energy. AT & T provides telephone services, along with several competing companies for long distance services.

As indicated, NV Energy produces and distributes electricity. It generally has a variety of electrical generating plants. The two oldest are at Fort Churchill, about 30 miles east of

Carson City, and at Tracy on Interstate 80, about 15 miles east of Sparks. In addition, there is a major coal-fired plant at Valmy near Battle Mountain, Nevada.

**SEWAGE DISPOSAL:** Sewer service for the cities of Reno and Sparks are generally provided by the joint sewer treatment plant located east of Reno along the Truckee River. The capacity of this plant is sufficient to serve growth in the near future. However, because fully treated waters are discharged into the Truckee River, it is an expensive treatment facility and does have its limitations. Furthermore, there is a sewage disposal plant at Stead which is self-contained and, although within the city of Reno, only serves the Stead area. Finally, there is a sewer treatment plant generally in the southeast portion of the valley near the Double Diamond and Damonte Ranch areas which serves this region. It is anticipated to serve much of the growth in the southerly portion of Reno.

**SOLID WASTE DISPOSAL:** The Reno-Sparks-Truckee Meadows area is fortunate there is sufficient surrounding land with deep canyon areas which are utilized for solid waste disposal through a sanitary landfill. Because of the size of the land area utilized for this purpose, solid waste disposal is not judged to be a problem within the foreseeable future.

**WATER:** Truckee Meadows Water Authority is the primary supplier of water to the cities of Reno, Sparks and some of the surrounding unincorporated areas. The main water source is the Truckee River; some underground wells are used. Essentially, all of the water from the Truckee River was assigned to properties as part of the Orr Ditch Decree which was originally for agricultural utilization. In addition to the decreed rights, there

are also appropriated rights from wells as permitted by the State of Nevada, Division of Water Resources.

Generally speaking, within the Reno-Sparks-Truckee Meadows, no new water allocation is allowed other than some individual wells on existing parcels. No new parceling or subdivision may occur without the acquisition of existing water rights. Within the water service area, all new developments require the dedication of water in exchange for water service. Water rights from the Truckee River have varied considerably as to price paid. Water meters are now required on all new residential construction in the Truckee Meadows and have been since the summer of 1990 but retro-fitting is not required.

Water will be a continuing limiting growth factor unless and until water importation into the Truckee Meadows area is accomplished or unless new underground sources in the Truckee Meadows are found. To date, it has not been a significant problem in development; but, in the future, additional water resources will have to be procured for continued growth.

**RAILROAD AND TRUCKING TRANSPORTATION:** Reno SMSA is served by the Southern Pacific and Western Pacific/Union Pacific Railways which have merged, now Union Pacific Railroad Company. In addition, passenger service is provided by Amtrak. With these two railroads, Reno-Sparks is linked to the balance of northern Nevada and the rest of the country.

A large number of motor freight carriers offer service to most areas throughout the United States and it is estimated that freight, either through the railroad or the trucking

companies, can be shipped to approximately 80% of the 11 western states on an overnight basis and next day service to the remaining 20% of the western states.

**BUS TRANSPORTATION:** The primary bus line servicing the Reno-Sparks-Truckee Meadows area is Greyhound. A number of other companies provide charter and sightseeing tours. In addition, Citifare is a public transportation system which is operated by the Regional Transportation Commission. This provides bus transit throughout the cities of Reno and Sparks.

**HIGHWAY TRANSPORTATION:** The Reno-Sparks-Truckee Meadows area is located at a transportation crossroad. Two major highways serve the Reno-Sparks-Truckee Meadows area. These include Interstate 80, which is the major east-west transcontinental freeway and U.S. Highway 395/Interstate 580 which is the major north-south highway/freeway. Interstate 80 originates in the San Francisco Bay area on the west coast, passes through the Sacramento Valley area, the Reno-Sparks-Truckee Meadows area and continues in an easterly fashion through northern Nevada to the Elko area before continuing easterly through the Salt Lake City, Utah, area, across the mid-portion of Utah and eventually ending up in the New York City area on the east coast.

U.S. Highway 395 begins in the southern California area, continues northerly through the Bishop and Bridgeport areas and extends into Nevada through the Minden-Gardnerville area, the Carson City-Eagle Valley area, the Reno-Sparks-Truckee Meadows area and then northeasterly back into California near the Susanville area. It continues northeasterly into the Alturas area and then in a northerly fashion into Burns, Oregon. U.S. Highway 395 also continues northerly from the Burns, Oregon, area into the northeasterly portion of Washington.

U.S. Highway 50 does not come into the Reno-Sparks-Truckee Meadows area but does provide access from the Sacramento Valley area to the South Lake Tahoe area, into the Carson City-Eagle Valley area and then easterly across the mid-portion of Nevada.

**AIR TRAVEL:** The Reno-Sparks-Truckee Meadows area is served by Reno/Tahoe International Airport which is a modern jet facility that has recently completed a major expansion program of the terminal and a new parking garage. A new check-in area was also completed.

Three major fixed based operations (FBO's) for general aviation traffic are present at the airport. The Reno/Tahoe Airport facility has two north-south runways, both of which will also accommodate jumbo jets. There is also an east-west runway but this is more limited due to its shorter length. Reno/Tahoe International Airport is also designated as a port of entry with customs service and, in addition to passenger traffic, also has considerable air cargo.

**WAREHOUSING AND ASSOCIATED LIGHT MANUFACTURING:** During the 1970's, the warehousing and light manufacturing sectors of the Reno SMSA's economy showed impressive growth due largely to the State of Nevada's "Freeport Policy." This policy states that manufactured items and agricultural commodities of interstate origin and destination are exempt from personal property taxes while stored in the state of Nevada. As a result of this policy, the Reno Metropolitan Area has become a center for warehousing and interstate commerce in the Western United States. A variety of products including spices, auto and truck parts, institutional books and skiing equipment are manufactured or distributed.

The Bureau of Business and Economic Research at the University of Nevada, Reno compiled a number of additional reasons why the warehousing and light manufacturing sectors have prospered in the Reno-Sparks-Truckee Meadows area. First, the geographic location of the valley offers good proximity to markets throughout the Western United States. This factor is extremely important to companies involved in product distribution activities. The second reason is the state of Nevada's "right to work" law which does not restrict industries from hiring non-union workers.

Another major reason is the comparatively favorable tax structure. In addition to the lack of personal property taxes, there are no personal income, corporate income, franchise, severance, chain store or bank excise taxes. In April of 1986, the Reno-Sparks area was designated a Foreign Trade Zone. These factors combine to make the cities of Reno and Sparks quite competitive with other cities in respect to warehousing and light manufacturing activities.

In addition, Reno-Sparks-Truckee Meadows businesses formed EDAWN, the Economic Development Authority of Western Nevada, to pursue "favorable" companies for the area. With a strong advertising campaign, EDAWN has helped draw more and more new firms to the Reno-Sparks-Truckee Meadows area.

It is important to note that much of the Reno-Sparks-Truckee Meadows area does not have as much land left for this type of development. The Stead area, which has seen rapid growth in the past few years, is nearing build-out as is the Reno-Sparks-Truckee Meadows area. There is still some land southeasterly of the Reno/Tahoe International Airport, south of South McCarran Boulevard and east of Longley Lane, that is available

for development with an industrial area located at the northwesterly end of the South Meadows Business Park. This section has already seen the completion of a number of light industrial and business park uses and is nearing sellout. The Damonte Ranch still has about 200 acres for business/light industrial development. Industrial utilization has occurred in the Fernley area approximately 30 miles east of Reno on Interstate 80 and to the Tracy area, Tahoe Reno Industrial Park, about 15 miles east of Reno, also on Interstate 80. The Spanish Springs Valley, which is where most of the city of Sparks future growth will occur, does not plan to have any major industrial developments; however, it does have approximately 400 acres of business park within its Master Planned areas. The Tracy area, about 15 miles east of Reno on the south side of Interstate 80, is a major area of industrial growth with over 100,000 acres designated as the Tahoe/Reno Industrial Center. This is being developed by the same company as South Meadows Business Park.

**MISCELLANEOUS ACTIVITIES:** In addition to the previously mentioned tourist aspects with regard to gaming, it is also noted that the area enjoys considerable recreation activity which includes hiking, camping, fishing, a large number of ski areas, most of which are within one to a maximum of one and one-half hours from the Reno-Sparks-Truckee Meadows area. Furthermore, there is horseback riding, hunting and a wide variety of golf courses within the Truckee Meadows which includes Hidden Valley Country Club; Montreux Country Club; Wild Creek; Washoe County; Lakeridge; Rosewood Lakes; Red Hawk; ArrowCreek; Wolf Run, and D'Andrea. Hidden Valley, Montreux, the Hills Course at Red Hawk and a portion of ArrowCreek are members only clubs.

Thunder Canyon (formerly Lightning "W" Ranch) Golf Course is located in Washoe Valley, south of Reno. In addition, there are six golf courses in Graeagle near Portola, California, approximately one hour's driving time from Reno; six golf courses in Truckee, California, two of which are members only, approximately 40 minutes driving time from Reno; four golf courses in Carson City and another between Carson City and Minden; one in Dayton, approximately 55 minutes driving time from the Reno-Sparks-Truckee Meadows area; one golf course in the Minden-Gardnerville area plus two courses in Genoa; and, five or six golf courses surrounding Lake Tahoe, several of which are championship courses. In addition, Fernley has an 18-hole course approximately 35 minutes east of Reno. All of these facilities add to the general recreational aspect of the Reno-Sparks-Truckee Meadows location.

Not previously mentioned are several large lakes, which include Lake Tahoe as well as Pyramid Lake, plus Donner Lake, several reservoirs near Truckee, Lake Lahontan and numerous mountain lakes, with the larger facilities, in addition to fishing, also offering boating, water skiing, etc. Recreational amenities for the Reno-Sparks-Truckee Meadows area are excellent and provide one of the primary attributes for visitors coming to the area either for individuals or for families.

One of the major impacts to the downtown Reno area is the National Bowling Stadium, which is the first facility of this type in the United States, and opened in February of 1995 in the block bounded by East Fourth Street, Center Street, East Plaza Street and Lake Street. This is an \$80,000,000 state-of-the-art, multi-use facility. The American Bowling Congress and the Women's International Bowling Congress have long-term contracts with both organizations which is bringing 1,000 to 1,300 bowlers per day during the five to six month time frame of each year that it will be in operation.



Motel development will stay relatively static since motels have great difficulty competing with hotels because of the relatively low room rates without gaming to subsidize the motels as they do the hotels.

A new downtown events center has been completed north of Fourth Street between Center and Lake Street, extending to Fifth St.

Another segment of the Truckee Meadows Real Estate market is apartments. The multifamily development in the Reno Sparks area continued to experience very low vacancies from 5% to 7% area wide until early 2009 when vacancies reached almost 11%. However by the end of 2009 they dropped to 8.54% with the average rent at \$849 per month and the end of 2010 the vacancy average was 7.16% with rent at \$824.

Generally speaking, office occupancy varies as to location and type of office space. The office market is soft with vacancies ranging from 5% to as high as 20% in some areas. Typically, downtown office rents are averaging from \$1.50 to a high of \$2.25 per square foot per month fully serviced. The suburban office market has a greater range from a low of \$1.25 to \$2.50 per square foot fully serviced. The retail commercial market is somewhat over supplied and with more free-standing facilities and power centers, some of the smaller neighborhood and "strip" centers have been negatively impacted.

As far as the industrial market, the average vacancy at the end of 2010 15.1%. The lowest vacancies are in South Reno at 8.7%. The rental rates ranged from \$.25 to \$.68 per square foot per month on a triple net basis. In addition to the triple net lease rates,

there are certain CAM charges and they varied from \$.04 to \$.10 per square foot per month.

**SUMMARY AND OVERALL TREND CONCLUSION:** Generally speaking, the Reno-Sparks-Truckee Meadows area continues to show a decline in most segments of the market due to overall economic conditions that began in mid to late 2008 and was at its worse in 2009. The Reno-Sparks-Truckee Meadows area is a very attractive area to live as the weather patterns are quite good with only one or two months in a typical winter having relatively cold weather and snow, plus a short time frame in the summer where temperatures may reach close to 100°F. The Reno-Sparks-Truckee Meadows area is definitely a four-season location and this has added to its overall attractiveness. It is located at the edge of the mountains, the edge of the desert and, therefore, provides excellent individual and family recreational opportunities. It has easy access to unpopulated, open space. For the most part, the Reno-Sparks-Truckee Meadows area has a strong business attitude, an excellent university system, and, generally speaking, a favorable tax structure when compared to California. Overall, the Reno-Sparks area has relatively low room rate charges and relatively inexpensive food along with good entertainment, all because of the gaming which supports these facilities. In addition, there are excellent aspects of the arts available to the area, which include operas, symphonies, plays, exhibits and a wide variety of artistic endeavors.

Water, while not currently limiting development, may be a problem until new water sources such as the importation of water can be accomplished. To date, water availability has not really stopped any project nor has it become too expensive to be economically viable. Water shortages and water rationing, particularly during summer

months, are a problem which will have to be addressed and, more specifically, accomplished in the near future.

Gaming in other parts of the United States has had a detrimental impact on the Reno-Sparks-Truckee Meadows area. This area does not attract that many tourists from outside of the western United States or from outside of California but Indian gaming in California does have a negative impact on the area.

From a warehousing and transportation standpoint, the Reno-Sparks-Truckee Meadows area has an excellent geographical location for distribution for all of the pacific coast states and for most of the western states. The general industrial and warehouse industry, then, should, in the foreseeable future, be desirable.

Overall, the Reno-Sparks-Truckee Meadows area will continue to be an excellent place to reside as well as visit and it enjoys close proximity, particularly to the population centers of northern California as well as relatively good accessibility from other western states. Major visitors from the mid-west or the east have never been a primary factor in the Reno-Sparks-Truckee Meadows area but those visitors that do come to the area will continue to return because of the overall recreational and entertainment aspects of the region. The major negative factor in the market is residential. Most experts expect a bottoming out of the downturn in residential sales and prices in 2011 with some positive trends in 2012.

In 2009 and into 2010 financing was difficult to obtain due to the major economic downturn in late 2008 through 2009. In 2010 there were some positive economic signs with slow growth and improvement.

**VACANT INDUSTRIAL PARCEL AT 48 CLAYTON PLACE**  
**SPANISH SPRINGS INDUSTRIAL PARK, SPARKS, WASHOE COUNTY,**  
**NEVADA**

**SUMMARY OF SALIENT FACTS & CONCLUSIONS**

<b>LOCATION:</b>	48 Clayton Place Spanish Springs Business Park Sparks, Washoe County, Nevada
<b>ASSESSOR'S PARCEL NO.:</b>	538-131-11
<b>OWNER OF RECORD:</b>	Baruk Properties, LLC, as of October 2010
<b>DATE OF VALUE:</b>	October 1, 2010
<b>DATE OF REPORT:</b>	January 5, 2015
<b>INTEREST APPRAISED:</b>	100% fee simple, subject to any roadway or utility easements
<b>LAND AREA:</b>	.977± acres (42,554± square feet), according to the Washoe County Assessor's records
<b>IMPROVEMENT:</b>	Vacant land
<b>CLIENT/INTENDED USER:</b>	The Bankruptcy Estate of Paul Morabito
<b>INTENDED USE:</b>	For decision making purposes and litigation
<b>ZONING:</b>	I, Industrial
<b>FLOOD ZONE:</b>	Outside of a known flood zone
<b>HIGHEST AND BEST USE:</b>	Industrial
<b>EXPOSURE/MARKETING TIME:</b>	Approximately one to two years
<b>FINAL VALUE CONCLUSION:</b>	<b>\$75,000</b>

**LOCATIONAL MAP**



**NEIGHBORHOOD MAP**



**AERIAL PHOTOGRAPH**





ASSESSOR'S PARCEL MAP



**SUBJECT PHOTOGRAPHS**



***Photograph of subject property taken from east side of the Pyramid Highway looking westerly***



***Photograph taken from south end of Clayton Place cul-de-sac looking southeasterly at subject property***



***Photograph of Clayton Place at end of cul-de-sac, north of subject property, looking  
northwesterly toward Isador Court***

## **NEIGHBORHOOD DESCRIPTION**

The subject property is located in Washoe County, outside the city limits of Sparks, identified as Spanish Springs Valley. The main access to this valley is Pyramid Highway, which in the immediate area of the subject is a two-lane highway, however southerly becomes a four-lane highway. The majority of Spanish Springs Valley is currently under the jurisdiction of Washoe County, however the City of Sparks does have influence through the Sphere of Influence Plan, which is basically bordered on the north by Spanish Springs Road and La Posada Drive, the west by Pyramid Lake Highway and the south by the existing Sparks city limits, and to the east by the Pah Rah Mountain Range.

The majority of the development that has occurred with the Spanish Springs Valley is single family residential development, with lot sizes ranging from as small as one-third to one acre in size. Many of the more rural developments include 40 to even 120 acre parcels, but for the most part, these are located northerly more towards the Palomino Valley area. There are a number of developments within Spanish Springs, one of the more important of which is Wingfield Springs which has two 18-hole championship golf courses, excellent clubhouse area and overall good amenities. Spanish Springs High School southwesterly of the subject opened for its first year in Fall 2001, with Shaw Middle School opening in the Fall 2004.

There is a major commercial development in the area of Sparks Boulevard and Vista Boulevard at Disc Drive, and at Los Altos Parkway. Some of the more recent developments include a Wal-Mart, Kohl's Department Store, Home Depot and Costco, bottoming out of the downturn in residential sales and prices in 2011.

In 2009 and into 2010, financing was difficult to obtain due to the major economic downturn in late 2008 through 2009. In 2010 there were some positive economic signs with slow growth and improvements.

As will be discussed in the valuation section of this report, property values within this business center have declined from the mid-2000 timeframe, and listings are quite a bit lower than that timeframe, although some of the property owners still have high asking prices. Of great importance is there have been almost no new sales within the subject area. One of the difficulties with the Spanish Springs Business Park is its location at the northerly end of Spanish Springs Valley. In addition, the Pyramid Highway is more difficult to access than the competition from the Stead area, as well as the Tahoe Reno Industrial Center easterly of Sparks.

Generally, the primary problem, in my opinion, is the locational accessibility that will remain as such in the near future. There have been plans for freeway additions to improve accessibility, but this may be some time coming. As a result, the Spanish Springs Business Park has to compete with other industrial areas that are more easily accessible.

**SITE DATA**

**Location:** The subject property is located at 48 Clayton Place, northeasterly of Calle de la Plata, westerly of Pyramid Way, and south of the end of the cul-de-sac at Clayton Place which connects with Isador Court, all within the Spanish Springs Business Park, Sparks, Washoe County, Nevada. It is further identified as Parcel 2A, Record of Survey 5039, and a portion of Parcels 2 and 3, Parcel Map 47112. A copy of the last recorded deed relating to the subject property, which was in March 2014, after the date of value, has been included in the Addenda of this report.

**Assessor's Parcel Number:** 538-131-11

**Record Owner:** As of the retrospective date of value, October 1, 2010, from the records of the Washoe County Assessor, title to the subject property is vested in the name of Baruk Properties, LLC. There was apparently a non-arms length transfer in 2008.

After the date of value, it appears that on March 11, 2014 the property was transferred from Baruk Properties, LLC to the Desi Moreno 2001 Trust as to 16.96% interest, 788 Mallory, LLC as to 44.62% interest, and 30 Ohm Place/4900 Mill, LLC has 38.78%. The indicated sales price from the Assessor's records was \$85,000.

**Size and Shape:** The subject property is an unusual shaped property, and from the Assessor's map contains .977± acres, or 42,554± square feet. General speaking its maximum width is a little over 100 feet, but it has a depth of close to 400 feet. There is a 40-foot access easement out of the westerly portion of the subject property, and technically this reduces the usable area 40 feet by 125 feet, or approximately 5,000±

square feet that is not usable as it must remain as an access easement for the properties to the south and to the north for their only access to Clayton Place. Technically, then, the usable land amounts to 37,554± square feet after the deduction of this 5,000± square foot easement area. It appears that the easement only impacts the subject property, the property directly to the north of the subject, and the property to the south, as the other parcels do not have this easement taken out of their land area.

**Topography:** The subject property is all flat, level land, with no known adverse topographical problems. Soil and subsoil conditions within the subject area are judged to be appropriate for development.

**Earthquake Zone:** As is typical of the general area, the subject is located within a Seismic Zone 3, which indicates areas having the potential for moderate to severe shaking.

**Flood Plain:** According to the Federal Emergency Management Agency's Flood Rate Map, the subject is located outside of a known flood zone.

**Zoning:** The zoning of the subject property is Industrial, which allows for general industrial uses, primarily distribution, manufacturing, office and the potential for some commercial, all of which are allowed within the development. The Spanish Springs Business Park has CC&Rs, which prohibit outside storage, however truck parking is allowed.

**Street Improvements and Access:** Although the subject property abuts Pyramid Way along its easterly boundary, my discussions with the city of Sparks, as well as NDOT,

indicate that it would be highly unlikely that access would be allowed off the highway. It is relatively close (183± feet) from the intersection of Calle de la Plata, and this would generally be too close for safety reasons. This is the reason for the 40-foot access easement along the westerly portion of the subject property, not only to West Calle de la Plata, but also to Clayton Place. This access easement is currently not constructed. Clayton Place ends in a cul-de-sac and is paved, which in turn continues northwesterly to Isador Court. That in turn has access back to West Calle de la Plata and the Pyramid Highway.

It appears that there is access not only to Clayton Place but also West Calle de la Plata for the subject, but the extension of Clayton Place through the easement would have to be constructed.

**Availability of Utilities:** All essential public utilities are readily available to the subject property, which includes power, telephone, water, sewer and natural gas.



## **HIGHEST AND BEST USE**

Highest and best use may be defined as: "The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value." In estimating the highest and best use, there are essentially four stages of analysis:

- 1) Permissible Use: What uses are permitted by zoning and deed restrictions on the site in question?
- 2) Possible Use: What uses of the site in question are physically possible?
- 3) Feasible Use: Which possible and permissible uses will produce a net return to the owner of the site?
- 4) Highest and Best Use: Among the feasible uses, which will produce the highest net return or the highest present worth?

The highest and best use of the land (or site) if vacant and available for use, may be different from the highest and best use of the improved property. This is true when the improvement is not an appropriate use, but it makes a contribution to the total property value in excess of the value of the site.

The following tests must be met in estimating the highest and best use. The use must be legal and the use must be probable, not speculative or conjectural. There must be a profitable demand for such use and it must return to the land the highest net return for the longest period of time.

**Physically Possible Uses:** The property has an unusual shape, and after deducting from the necessary easement area, it has 37,554± square feet of usable area. Its shape is one of the difficulties with the property, as it is quite irregular, and it is also noted that there does not appear to be allowable direct access to the Pyramid Highway. Therefore, for access to occur, there will have to be an extension of the roadway from Clayton

Place to the subject property. This will either be up to Clayton or down to the Pyramid Highway, which will require expense.

To summarize, the necessity of extending accessibility to the site, and its unusual shape, are considered detrimental factors. Most of the properties within the Spanish Springs Business Park development are considerably larger, with only a few parcels under one acre.

**Legally Permissible Uses:** The zoning of the subject is Industrial, as well as the CC&Rs for the Spanish Springs Business Park, allow for most types of industrial, office and even commercial development. The only governing factor is that heavy manufacturing would typically not be allowed, or outside storage of parts and equipment other than vehicles would not be allowed. Overall, then, the zoning is not judged to be a limiting factor.

**Conclusion of Most Financially Feasible and Highest and Best Use:** The highest and best use would be for light industrial, office, or limited commercial use. Due to its shape and access costs it may be best used in combination with one of the adjoining parcels which do not have the shape problems or the cost to build the access. Basically as of the date of value the highest and best use is to hold the property until market conditions improve.

**SUMMARY OF ANALYSIS AND VALUATION**

In the analysis and valuation of the subject property, the following chart shows land sales in the general area of the subject property.

**LAND SALES CHART**

<b>Sale No.</b>	<b>Location</b>	<b>Date</b>	<b>Size</b>	<b>Price</b>	<b>Price/SF</b>
1	175 Design Place NE of Isador Court 538-141-19	2/2006	1.5± ac. 65,342± sf	\$261,364	\$4.00/sf
2A	160 Design Place NE of Isador Court 538-141-16 & 17	3/2006	2.5± ac. 108,900± sf	\$435,600	\$4.00/sf
2B	160 Design Place NE of Isador Court 538-141-16 & 17	Resale 7/2011	2.5± ac. 108,900± sf	\$134,000	\$1.23/sf
3	185 Design Place NE of Isador Court 538-141-24	7/2007	3.629± ac. 158,079± sf	\$676,884	\$4.28/sf
4 listing	49 Clayton Place 538-131-11 Subject property	Current Listing 12/2015	42,554± sf As stated in the listing, but 37,554± sf after deduction for roadway easement	Asking \$80,000	\$1.88/sf Gross area \$2.13/ sf Net useable

Sales 1 and 2A were 2006 transactions, located off the Pyramid Highway in an area more industrial in character. These sold essentially at \$4.00 per square foot in the 2006 timeframe.

Of particular importance is Sale 2B, which is the resale of Sale 2A, that sold in July 2011 at \$1.23 per square foot, indicating a significant decline in value.

Sale 3 occurred in mid-2007, again before the downturn, and in the same general area as Sales 1 and 2. This price was at \$4.28 per square foot.

Finally, the subject property is currently listed by NAI Alliance in 2015 at \$1.88 per square foot of gross area or \$2.13 per square foot net usable. At \$80,000, which is slightly less than the last recorded price of \$85,000. In my judgment, the primary difficulty is that the subject is a very irregular shaped parcel, and will be difficult to develop. Clayton Place must be extended to the subject property, either north out to Isador or south to Calle de la Plata.

Because of the lack of good data in this area, a substantial amount of judgment was required. As indicated in the date of value of October 2010, the market was still very difficult with very few new sales, and as a result, demand was limited more to properties that were more easily accessible and had more development potential.

Considering all of these factors, and recognizing that the current listing of the subject property, now must compete with other more recent developments such as Tahoe Reno Industrial Park with its substantial new development that has been occurring, as well as the Stead area which is also a competitive factor.

The difference between Sale 2A and Sale 2B shows a very significant decline. Sale 2B, which is somewhat after the date of value for the subject, is a more developable property and will not require the street extensions as the subject. On the other hand, the subject property does have visibility from the Pyramid Highway and Calle de la Plata, which is an asset.

Considering all of these factors, it is my judgment that the market value of the subject property, as of October 1, 2010, a retrospective date, is estimated at \$2.00 per square foot, but this is based upon the usable land area of 37,554± square feet. These computations indicate a final value conclusion of \$75,108, which I have rounded to \$75,000.

**EXPOSURE/MARKETING TIME**

Approximately one to two years.

**SINGLE FAMILY RESIDENCE AT 8355 PANORAMA DRIVE**  
**OUTSIDE THE CITY LIMITS OF RENO, WASHOE COUNTY, NEVADA**

**SUMMARY OF SALIENT FACTS & CONCLUSIONS**

<b>LOCATION:</b>	8355 Panorama Drive Outside the city limits of Reno, Washoe County, Nevada
<b>ASSESSOR'S PARCEL NO.:</b>	040-620-09
<b>OWNER OF RECORD:</b>	Acadia Living Trust, as of 10/1/2010 RCA Trust One, as of 12/31/2012
<b>DATE OF VALUE:</b>	October 1, 2010
<b>DATE OF REPORT:</b>	January 5, 2015
<b>INTEREST APPRAISED:</b>	Fee simple, subject to any roadway or utility easements
<b>LAND AREA:</b>	5± acres (217,800± square feet), according to the Washoe County Assessor's records
<b>IMPROVEMENT:</b>	3 bedroom, 3 bath, 2 half bath home Built in 2002 6,360± square feet, plus 1,500± square foot garage
<b>CLIENT/INTENDED USER:</b>	The Bankruptcy Estate of Paul Morabito
<b>INTENDED USE:</b>	For decision making purposes and litigation
<b>ZONING:</b>	HDR, Single Family Residential with minimum lot size of 2.5 acres
<b>FLOOD ZONE:</b>	Outside of a known flood zone
<b>HIGHEST AND BEST USE:</b>	Single family residential
<b>EXPOSURE/MARKETING TIME:</b>	Approximately one year
<b>FINAL VALUE CONCLUSION:</b>	<b>\$2,000,000</b>

**LOCATIONAL MAP**





**NEIGHBORHOOD MAP**



**AERIAL PHOTOGRAPHS**





## ASSESSOR'S PARCEL MAP



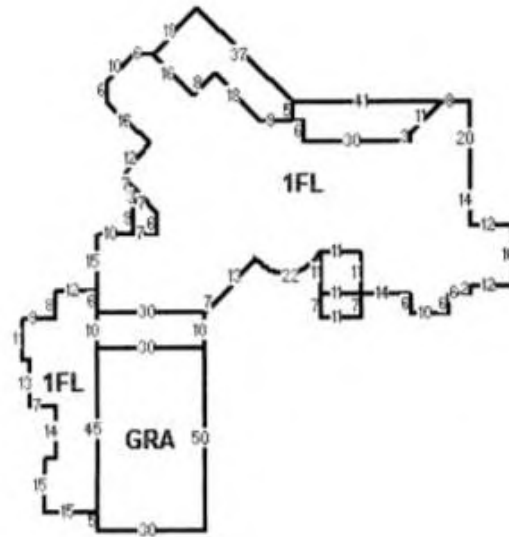
**SUBJECT PHOTOGRAPHS**



*Photograph of subject property taken from Panorama Drive looking westerly*



**BUILDING SKETCH**



**NEIGHBORHOOD DESCRIPTION**

The subject property is located in the southwest suburban portion of Washoe County, just outside the city limits of Reno, Nevada. Generally, this is an area of custom homes, typically high quality, with a required minimum 2.5 acre homesites, with close proximity to the freeway system, major collector streets, and shopping, offices, etc. This is one of the premier areas having larger sites, and extends southerly down past Holcomb Ranch Lane and Foothill Road.

There are also some quality residences, but typically not of the same land size, south of Zolezzi Lane near Thomas Creek Road, and there is also an area west of town off Mayberry Drive that also has larger sites.

Overall, this was a desirable neighborhood and remains as such, with no anticipated changes in the foreseeable future. The only detriment which impacted the entire Reno-Sparks area was the downturn in the economy that was continuing into 2010 and the date of value.

**SITE DATA**

**Location:** The subject property is identified as 8355 Panorama Drive, just outside of the city limits of Reno, within Washoe County, Nevada. It is located on the west side of Panorama Drive, approximately one-quarter mile south of Huffaker Lane, easterly of Lakeside Drive.

**Assessor's Parcel Number:** 040-620-09

**Record Owner:** According to the records of the Washoe County Assessor, the subject property was purchased originally in November 2005 at a reported price of \$2,650,000. This sale was from Daniel and Elica Mills to Paul Morabito. Then October 1, 2010 there was a transfer from Paul Morabito to Arcadia Living Trust. To the best of my knowledge, this was between related entities.

Then December 31, 2012, after the date of value, the Arcadia Living Trust sold the property to RCA Trust One who is essentially Raymond C. Avansino, Jr. and his wife, Kristen, at a reported price of \$2,584,000. There were then some related transfers between RCA Trust One and Avansino.

To the best of my knowledge, this is the title history. It is my understanding that the RCA Trust One and Avansino are made of the same individuals, however, Bert Pincolini was actually the trustee of the RCA Trust One.

**Size and Shape:** According to the Washoe County Assessor's records, the subject property contains a total of 5± acres, or 217,800± square feet. It is somewhat irregular



in shape, as indicated from the Assessor's map. Along its northerly boundary the depth is approximately 830±feet, with 540±feet along its southerly boundary. On its westerly boundary there is a width of about 273± feet, and on the extreme easterly boundary is 25 feet of frontage on Panorama Drive, which is essentially the driveway area back to the main subject residence.

**Topography:** The subject property is all flat, level land, with no known adverse topographical problems. It has irrigation rights for the permanent pasture area, and this is typical of properties in the subject area.

**Availability of Utilities:** Typically power and telephone are available to the subject. The homes in this area have individual wells for domestic water service, and individual septic tanks for sewage disposal. As indicated, there are water rights with the property for irrigation of natural grasses or pastureland around the home.

**Earthquake Zone:** As is typical of the Truckee Meadows, the subject is located within a Seismic Zone 3, which indicates areas having the potential for moderate to severe shaking.

**Flood Plain:** According to the Federal Emergency Management Agency's Flood Rate Map, the subject is located outside of a known flood zone.

**Street Improvements and Access:** Panorama Drive, which abuts the subject property along its easterly boundary, is a two-lane paved roadway that northerly ties to Huffaker Lane, which in turn connects westerly to Lakeside Drive with access over to McCarran Boulevard and eventually into more commercial development. Easterly Huffaker Lane

connects to South Virginia Street, the major north-south arterial, also identified as U.S. Highway 395. The new U.S. 395 Freeway (Interstate 580) crosses over Huffaker Lane, but there is no direct access. Considerable commercial development exists within a relatively short distance east of the subject property.

**Zoning:** The subject property is zoned HDR, which is a residential zoning allowing for one single family home for each 2.5 acres of land. This is typical of the general area.

**Assessments and Taxes:** The 2010 appraised value of the subject property was at \$1,002,300, and in 2011 it was \$1,159,189.

**Improvement Description:** It is noted that I was not able to inspect the interior of the subject residence. I have therefore taken the description from the Washoe County Assessor's records, plus a discussion with Mr. Avansino, the purchaser of the property.

It is Mr. Avansino's understanding that the property was vacant for about four or five years, and therefore when he purchased it in December 2012, it was not in good condition. From my discussions with Mr. Avansino, when he purchased the property there were two bedrooms and one low-end unit by the garage that had mold. This structure was demolished and a guest suite and bathroom was added. Most of the ceiling fixtures had been removed, as well as most of the heating and air conditioning equipment.

The pool was in very poor condition and was completely removed. A new swimming pool was installed, along with new trees, gardens, HVAC units, new wallpaper, wood

floors, concrete beams, and light fixtures. This indicates that the home was not in good condition at the time it was purchased.

From the records, it appears that the buyers spent well over \$1 million in remodeling and upgrades, although some of this was certainly due to the buyer's desire for changing many items. It is also my understanding that the pasture area had been abandoned, and it took about two years to get the pasture back in production. I therefore have assumed that as of the date of value, October 1, 2010, the property was not in typical condition for the custom homes in the area.

The main buildings contains three bedrooms, three full bathrooms and two half bathrooms. It apparently has four fireplaces and consists of 6,360± square feet, with a 1,500± square foot garage. As indicated, next to the garage the old mother-in-law quarters was removed and a new guest suite and bathroom was constructed.

The residence is frame construction with stucco, has a concrete tile roof, full heating and air conditioning, and wood subfloors rather than slab floors.

The new gunite swimming pool has a pump house, pressure systems, new heaters, and an electric pool cover.

Since my inspection was in late 2015 and not as of the date of value, again I have assumed that it was in substandard condition at the time of purchase. The buyer indicated that one of the reasons he purchased the property is that it adjoins his old family ranch on Huffaker Lane, and he had a desire to be close to that area.

## **HIGHEST AND BEST USE**

Highest and best use may be defined as: "The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value." In estimating the highest and best use, there are essentially four stages of analysis:

- 1) Permissible Use: What uses are permitted by zoning and deed restrictions on the site in question?
- 2) Possible Use: What uses of the site in question are physically possible?
- 3) Feasible Use: Which possible and permissible uses will produce a net return to the owner of the site?
- 4) Highest and Best Use: Among the feasible uses, which will produce the highest net return or the highest present worth?

The highest and best use of the land (or site) if vacant and available for use, may be different from the highest and best use of the improved property. This is true when the improvement is not an appropriate use, but it makes a contribution to the total property value in excess of the value of the site.

The following tests must be met in estimating the highest and best use. The use must be legal and the use must be probable, not speculative or conjectural. There must be a profitable demand for such use and it must return to the land the highest net return for the longest period of time.

**Physically Possible Uses:** The size of the subject property is large enough and typical of the subject area for residential development. Technically it could be divided into two parcels consistent with the zoning, but in the case of the subject with its layout of the improvements and the pasture area, in my opinion, it is best to remain as one 5± acre quality site. There are no topographical problems in the area.

**Legally Permissible Uses:** The subject property is in an area of minimum 2.5± acre homesites, typically custom homes. Technically the subject could be divided into two sites, but in my judgment this would tend to detract, to some degree, from the amenity of the pasture area and the surrounding developments, which generally are on larger sized sites.

**Conclusion of Most Financially Feasible and Highest and Best Use:** The highest and best use of the subject property is for its continuation as a single family custom home. If the site were vacant and unimproved, it could be divided into two sites, or developed with one single family residence.

**SUMMARY OF ANALYSIS AND VALUATION**

In the analysis and valuation of the subject property, I considered sales generally in the same timeframe as the subject, which best reflects the economics at the end of 2010.

The following chart summarizes this data:

**LAND SALES CHART**

<b>Sale No.</b>	<b>Location</b>	<b>Date</b>	<b>Land Size</b>	<b>Improvements</b>	<b>Price Price/SF</b>
1	8000 Lakeside Drive 040-930-12	3/2010	2.458± ac.	3 BR, 2½ BA Built 2005 One story 6,930± sf plus 3,343± sf garage Pool & pond onsite	\$2,500,000 \$360.75/sf Not incl. garage Note: prior sale in 2007 was \$2,875,000
2	8505 Dieringer Lane 040-660-07	7/2010	5.03± ac.	5 BR, 6½ BA Built 1979 Two stories 7,719± sf plus 378± sf basement and 860± sf garage Pool	\$1,150,000 \$148.98/sf Not incl. garage Note: prior sale in 2008 at \$1,825,000
3	4005 Odile Court 041-190-15	1/2011	4.02± ac.	4 BR, 5½ BA Built 1992 6,289± sf plus 1,314± sf attached garage and a 1,248± sf detached garage Pool	\$1,150,000 \$183.00/sf
4	8630 Bellhaven Road 041-130-50	5/2011	2.62± ac.	3 BR, 3 BA Plus 2 half baths Built 2002 3,755± sf plus 1,124± sf garage View lot, no irrigated land	\$1,125,000 \$299.60/sf

All of the sales were in the same general neighborhood as the subject. I utilized two sales in 2010 and two in 2011.

Sale 1 is located westerly of the subject on Lakeside Drive, and it is a house similar in size to the subject, but substantially larger garage area. As with the subject, it has a swimming pool, plus it also has an onsite pond area. This house was built in 2005, and from an outside inspection appears to be in better condition than the subject as of the date of this report in October 2010 as it did not require substantial upgrading and remodeling. This sale is smaller in land size at 2.458± acres. It is my opinion that this sale would represent a higher value than would be applicable to the subject property.

Sale 2 has 5.03± acres and the residence is larger in overall size than the subject. It has a small basement area and has an 860± square foot garage plus a swimming pool. It is older in age than the subject, but was judged in good condition at the time of sale.

It is noted that both Sales 1 and 2 were at lower prices at the time of their sale in 2010 than in 2007 and 2008, respectively. This indicates the downturn in the market, even at the upper end.

Sale 3 is only a few months after the date of value for the subject. It has 4± acres and therefore somewhat similar in size to the subject property, but is an older home. It also has a swimming pool, two different garages, and is similar in size to the subject's residence. This sale is judged superior in condition to the subject, but is in a more remote area to access off LeMay Lane, which have homes of somewhat lesser quality and size than the subject's neighborhood. Overall this sale would have a lower value than would be applicable to the subject property.

Sale 4 occurred in mid-2011, and is only 2.6± acres in size. This is a smaller residence and does not have any irrigated land. It has excellent views, and is southwest of Lone

Tree Lane. This would indicate a lower value than would be applicable to the subject property.

Of all the sales considered, Sale 1 was the most helpful, and it was in better condition at the time of sale than what I understand to be the condition of the subject property. It is difficult when considering the cost that the buyer of the subject eventually paid in 2012 because that buyer, Mr. Avansino, spent well over \$1 million remodeling and upgrading the residence. Much of this was necessary like new HVAC, wood flooring, new pool, restoring the pastures, etc., and other items were installed for personal taste. In discussions with Mr. Avansino, one of his primary motivations was that the subject property was adjacent to his family ranch, and therefore he felt that he overpaid for the property. There were many problems with the property, including many improvements having been stripped and the fact that it had been vacant for some time. As a result, the price paid in 2012 is considerably above its market value.

It is noted that October 1, 2010 there was a sale from Paul Morabito to Arcadia Living Trust, but this was not judged to be an arms length transaction. That transaction was less than the purchase in 2005 at \$2,650,000. Also according to the records there was a \$1,100,000 deed of trust, which as I understand it, would be in addition to the \$981,341 indicated by the records on the sale from Morabito to Arcadia Living Trust. If that is correct, that would bring that price to a little under \$2,100,000.

Again, I gave little consideration to these sales between Morabito and Arcadia Living Trust because they are not entirely arms length since Mr. Morabito was the trustee.



Overall, it is my opinion that Sale 1 would indicate a higher value than would be applicable to the subject property, particularly considering the subject's condition. This is a good site, and does have good accessibility, but from the information provided, it was in poor condition at the time of sale.

I have therefore considered a value for the subject property, as of October 1, 2010, at \$2,000,000.

**EXPOSURE/MARKETING TIME**

Approximately one year.

**ADDENDA**

APN: 538-131-11  
Escrow No. 202579-CD  
The undersigned hereby affirms  
that this document, including any  
exhibits, hereby submitted for  
recording DOES NOT contain the  
social security number of a person  
or persons as required by law.

RPTT: \$348.50  
**WHEN RECORDED, MAIL TO: Grantee's**  
Desi Moreno, Jr.  
3367 Snake River Drive  
Reno, Nevada 89503

**MAIL TAX STATEMENTS TO: Grantee's**  
Desi Moreno, Jr.  
3367 Snake River Drive  
Reno, Nevada 89503

**DOC #4333595**  
03/11/2014 04:36:33 PM  
Electronic Recording Requested By  
FIRST CENTENNIAL - RENO  
Washoe County Recorder  
Lawrence R. Burtness  
Fee: \$45.00 RPTT: \$348.50  
Page 1 of 4

**GRANT, BARGAIN and SALE DEED**

**THIS INDENTURE WITNESSETH:**

That SNOWSHOE Properties, LLC, a California limited liability company, and  
successor-in-interest to BARUK PROPERTIES, LLC, a Nevada limited liability  
company, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and  
sufficiency of which is hereby acknowledged, does hereby Grant, Bargain, Sell and  
Convey to:

The Desi Moreno 2001 Trust	16.96%
788 Mallory, LLC	44.26%
30 Ohm Place/4900 Mill, LLC	38.78%

the real property situated in the County of Washoe, State of Nevada, described as  
follows:

**SEE EXHIBIT "A" ATTACHED HERETO**

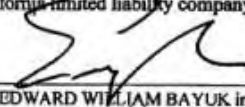
Together with all and singular tenements, hereditaments, water rights, if any, and  
appurtenances thereunto belonging or in anywise appertaining. Subject to (i) taxes for  
the current fiscal year, not due or delinquent, and any and all taxes and assessments  
levied or assessed after the recording date hereof, which includes the lien of supplemental  
taxes, if any; and (ii) restrictions, conditions, reservations, rights of way and easements  
affecting the use and occupancy of this property as the same may now appear of record.

4822-6410-6777.2

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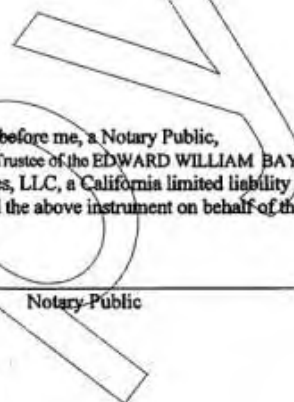
Witness my hand this 10 day of March, 2014.

SNOWSHOE Properties, LLC, a  
California limited liability company

  
By: EDWARD WILLIAM BAYUK in his  
capacity as Trustee of the EDWARD WILLIAM  
BAYUK LIVING TRUST  
Its: Manager

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

On March 10, 2014, personally appeared before me, a Notary Public,  
Edward William Bayuk, in his capacity as Trustee of the EDWARD WILLIAM BAYUK  
LIVING TRUST, Manager of SNOWSHOE Properties, LLC, a California limited liability  
company, who acknowledged that he/she executed the above instrument on behalf of the  
corporation.

  
Notary Public

SEE ATTACHED CERTIFICATE  
DATE 3-10-14 NOTARY INITIALS WJK

4822-6410-6777.2

## CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California  
County of Orange

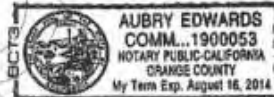
On March 10<sup>th</sup> 2014 before me, Aubry Edwards, Notary Public,  
personally appeared Edward William Bayuk,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf  
of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California  
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Aubry Edwards



### ADDITIONAL INFORMATION (OPTIONAL)

#### DESCRIPTION OF THE ATTACHED DOCUMENT

Grant Deed  
(Title or description of attached document)

(Title or description of attached document continued)

Number of pages 2 Document Date 3-10-14

(Add/omit/initials/initials)

#### NOTARY PUBLIC CONTACT INFORMATION

The UPS Store  
668 N Coast Hwy  
Laguna Beach, CA 92651

949-494-4420 tel  
949-494-9850 fax

store0120@theupsstore.com  
www.TheUPSStoreLocal.com/0120

**EXHIBIT "A"**  
**Legal Description**

**PARCEL 1:**

Parcel 2 as shown on Parcel Map 4712 filed as Document Number 3491690 on January 29, 2007 situate within the Southeast  $\frac{1}{4}$  of Section 23, Township 21 North, Range 20 East, M.D.M.

**EXCEPTING THEREFROM:**

A portion of said Parcel 2 being more particularly described as follows:

Beginning at a point on the Southerly line of said Parcel 2 from which point its Southwest corner bears N  $79^{\circ}30'34''$  W a distance of 57.50';

Thence N  $10^{\circ}29'26''$  E a distance of 60.75';

Thence S  $79^{\circ}30'34''$  E a distance of 68.58' to a point on the line between Parcels 2 & 3 on said Parcel Map 4712;

Thence along said line S  $10^{\circ}29'26''$  W a distance of 60.75';

Thence along the Southerly line of said Parcel 2 N  $79^{\circ}30'34''$  W a distance of 68.58' to the point of beginning.

**TOGETHER WITH:**

A portion of Parcel 3 as shown on said Parcel Map 4712 being more particularly described as follows:

Beginning at a point on the Northerly line of said Parcel 3 from which its Northeast corner bears N  $79^{\circ}30'34''$  W a distance of 169.08';

Thence S  $10^{\circ}29'26''$  W a distance of 30.75';

Thence N  $79^{\circ}30'34''$  W a distance of 102.84' to a point on the line between Parcels 2 & 3 on said Parcel Map 4712;

Thence along said line N  $10^{\circ}29'26''$  E a distance of 30.75';

Thence along the Northerly line of said Parcel 3 S  $79^{\circ}30'34''$  E a distance of 102.84' to the point of beginning, having an area of 3162.34 square feet, more or less.

The above legal description was taken from prior Document No. 3635650.

**PARCEL 2:**

An easement for ingress and egress over that area shown as "40' Access Easement" on Parcel Map No. 4712 filed in the office of the County Recorder of Washoe County, State of Nevada, on January 29, 2007, as File No. 3491690, of Official Records.

APN: 538-131-11

Order Number: 00202579

## LIMITING CONDITIONS

In acceptance of this appraisal assignment and the completion of the appraisal report submitted herewith, it has been assumed by these appraisers:

1. LIMIT OF LIABILITY:

The liability of Kimmel & Associates and employees is limited to the client only and to the fee actually received by Appraiser(s). Further, there is no accountability, obligation, or liability to any third party. If this report is disseminated to anyone other than client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The Appraiser(s) is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in real estate, client agrees that if a legal action is initiated by any lender, partner, part owner in any form of ownership, tenant, or any other party, the client will hold the Appraiser(s) completely harmless in any such action from any and all awards or settlements of any type, regardless of outcome.

2. COPIES, PUBLICATION, DISTRIBUTION, USE OF REPORT:

Possession of this report or any copy thereof does not carry with it the right of publication, nor may it be used for other than its intended use; the physical report(s) remain the property of the Appraiser(s) for the use of the client, the fee being for the analytical services only.

The By-Laws and Regulations of the Appraisal Institute require each Member and Candidate to control the use and distribution of each appraisal report signed by such Member or Candidate. Except as hereinafter provided, the client may distribute copies of this appraisal report in its entirety to such third parties as he may select; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatories of this appraisal report. Neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations, news, sales or other media for public communication without the prior written consent of the appraiser. (See last item in following list for client agreement/consent).

3. CONFIDENTIALITY:

This appraisal is to be used only in its entirety and no part is to be used without the whole report. All conclusions and opinions concerning the analysis as set forth in the report were prepared by the Appraiser(s) whose signature(s) appear on the appraisal report, unless indicated as "Review Appraiser". No change of any item in the report shall be made by anyone other than the Appraiser(s). The Appraiser(s) and firm shall have no responsibility if any such unauthorized change is made.

The Appraiser(s) may not divulge the material (evaluation) contents of the report, analytical findings, or conclusions, or give a copy of the report to anyone other than

the client or his designee as specified in writing except as may be required by the Appraisal Institute as they may request in confidence for ethics enforcement or by a court of law or body with the power of subpoena.

4. INFORMATION USED:

No responsibility is assumed for accuracy of information furnished by work of others, the client, his designee or public records. We are not liable for such information or the work of possible subcontractors. Be advised that some of the people associated with Kimmel & Associates and possibly signing the report are independent contractors. The comparable data relied upon in this report has been confirmed with one or more parties familiar with the transaction or from affidavit or other source thought reasonable; all are considered appropriate for inclusion to the best of our factual judgment and knowledge. An impractical and uneconomic expenditure of time would be required in attempting to furnish unimpeachable verification in all instances, particularly as to engineering and market related information. It is suggested that the client consider independent verification as a prerequisite to any transaction involving sale, lease, or other significant commitment of funds or subject property.

5. TESTIMONY, CONSULTATION, COMPLETION OF CONTRACT FOR APPRAISAL SERVICE:

The contract for appraisal, consultation or analytical service is fulfilled and the total fee is payable upon completion of the report. The Appraiser(s) or those assisting in preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal, in full or in part, nor engage in post appraisal consultation with client or third parties except under separate and special arrangement and at additional fee. If testimony or deposition is required because of any subpoena, the client shall be responsible for any additional time, fees, and charges regardless of issuing party.

6. EXHIBITS:

Any sketches, maps, and photographs in this report are included to assist the reader in visualizing the property and are not necessarily to scale. Site plans are not surveys unless indicated as such.

7. LEGAL, ENGINEERING, FINANCIAL, STRUCTURAL, OR MECHANICAL COMPONENTS; SOIL QUALITY:

No responsibility is assumed for matters, legal in character or nature, nor of any architectural, structural, mechanical, or engineering nature. No opinion is rendered as to the title, which is presumed to be good and merchantable. The property is appraised as if free and clear, unless otherwise stated in the appraisal report.

The legal description is assumed to be correct as used in this report as furnished by the client, their designee, or as derived by the Appraiser(s).



Please note that no advice is given regarding mechanical equipment or structural integrity or adequacy, soils and potential for settlement or drainage, matters concerning liens, title status, and legal marketability, and similar matters. The client should seek assistance from qualified architectural, engineering or legal professionals regarding such matters. The lender and owner may wish to require mechanical or structural inspections by a qualified and licensed contractor, civil or structural engineer, architect, or other expert.

The Appraiser(s) has inspected, as far as possible, by observation, the land and the improvements; however, it was not possible to personally observe conditions beneath the soil or hidden structural or other components. We have not critically inspected mechanical components within the improvements and no representations are made herein as to these matters unless specifically stated and considered in the report. The value estimate considers there being no such conditions that would cause a loss of value. The land or the soil of the area being appraised appears firm; however, subsidence in the area is unknown. The Appraiser(s) do not warrant against this condition or occurrence of problems arising from soil conditions.

Unless otherwise stated, it is assumed that there are no drainage problems relating to the land or the improvements.

The appraisal is based on there being no hidden, unapparent, or apparent conditions of the property site, sub-soil, or structures or toxic materials which would render it more or less valuable. No responsibility is assumed for any such conditions or for any expertise or engineering to discover them. All mechanical components are assumed to be in operable condition and status standard for properties of the subject type. Conditions of heating, cooling, ventilating, electrical and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. No judgment may be made by us as to adequacy of insulation, type of insulation, or energy efficiency of the improvements or equipment; which is assumed standard for the subject property's age and type.

If the Appraiser(s) has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representations or warranties are made concerning the above mentioned items.

The Appraiser(s) assumes no responsibility for any costs or consequences arising due to the need, or the lack of need for flood hazard insurance. An Agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

8. **INSULATION AND TOXIC MATERIALS:**

Unless otherwise stated in this report, the Appraiser(s) signing this report have no knowledge concerning the presence or absence of toxic materials and/or urea-formaldehyde foam insulation in existing improvements. If such is present, the value of the

**WILLIAM G. KIMMEL & ASSOCIATES**

property may be adversely affected, and re-appraisal at additional cost will be necessary to estimate the effects of such.

9. HAZARDOUS SUBSTANCES OF MATERIALS:

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage or agricultural chemicals which may or may not be present on the property, or other environmental conditions, were not called to the attention of, nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea-formaldehyde, foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field of environmental impact upon real estate if so desired.

10. LEGALITY OF USE:

The appraisal is based on the premise that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in the report, and that all applicable zoning, building, use regulations and restrictions of all types have been complied with unless otherwise stated in the report. It is further assumed that all required licenses, consents, permits, or other legislative or administrative approvals from all applicable local, state, federal and/or private authorities have been or can be obtained or renewed for any use considered in the value estimate.

11. COMPONENT VALUES:

The allocation of the total valuation in this report between land and improvements, if included in this report, applies only under the use of the property which is assumed in this report. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.

12. AUXILIARY AND RELATED STUDIES:

No environmental or impact studies, special market study or analysis, special highest and best use study or feasibility study has been requested or made unless otherwise specified in an agreement for services or so stated in the report.

13. DOLLAR VALUES, PURCHASING POWER:

The market value estimated and the costs used are as of the date of the estimate of value. All dollar amounts are based on the purchasing power and value of the dollar as of the date of the value estimate.

14. VALUE CHANGE, DYNAMIC MARKET, INFLUENCES, ALTERATION OF ESTIMATE BY APPRAISER:

The estimated market value, which is defined in the report, is subject to change with market changes over time. Value is highly related to exposure, time, promotional effort, terms, motivation, and conditions. The value estimate considers the productivity and relative attractiveness of the property physically and economically in the marketplace as of the date of value.

In cases of appraisals involving the capitalization of income benefits, the estimate of market value or investment value or value in use is a reflection of such benefits and Appraiser's interpretation of income and yields and other factors derived from general and specific client and market information. Such estimates are as of the date of the estimate of value, and they are thus subject to change as the market changes.

The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.

The appraisal report and value estimate are subject to change if the physical or legal entity or the terms of financing are different from what is set forth in this report.

15. INCLUSIONS:

Except as specifically indicated and typically considered as a part of the real estate, furnishings, equipment, other personal property, or business operations have been disregarded with only the real estate being considered in the value estimate. In some property types, business and real estate interests and values are combined but only if so stated within this report.

16. PROPOSED IMPROVEMENTS, CONDITIONED VALUE:

Improvements proposed, if any, on-site or off-site, as well as any repairs required are considered, for purposes of this appraisal, to be completed in good and workmanlike manner according to information submitted and/or considered by the appraisers. In cases of proposed construction, the appraisal is subject to change upon inspection of the property after construction is completed. This estimate of market value is as of the date shown, as proposed, as if completed and operating at levels shown and projected, unless otherwise stated.

17. MANAGEMENT OF THE PROPERTY:

It is assumed that the property which is the subject of this report will be under typically prudent and competent management, neither inefficient or superefficient.

18. FEE:

The Appraiser certifies that, my compensation is not contingent upon the report of a predetermined value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent

event, or that the appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.

19. AMERICANS WITH DISABILITIES ACT:

The Americans With Disabilities Act became effective January 26, 1992. Unless otherwise stated in this report, this appraisal firm did not conduct a compliance survey or audit, nor was one provided to determine whether or not the subject property is in conformity with the numerous requirements of the Americans With Disabilities Act. If the subject property is found to not be in compliance with Americans With Disabilities Act, the cost to cure the lack of compliance may have a negative or adverse impact on the value of the subject property. No responsibility is assumed for any such conditions, nor for any expertise or knowledge required to discover them. The client is urged to retain an expert in this field to ascertain the subject property's compliance with the Americans With Disabilities Act.

20. FEDERAL FAIR HOUSING ACT:

I am not an expert in the application of the Federal Fair Housing Act as it relates to multi-residential property requirements regarding physical or mental disabilities. This act requires certain accommodations for disabled persons in multi-unit buildings of four or more that were constructed after March 13, 1991. I recommend that a qualified inspector be retained to determine if the subject property meets the applicable requirements and if not what costs may be necessary to abide by the law. Unless otherwise stated, I have not considered any deductions in cost or value to comply with the requirements of the Federal Fair Housing Act.

21. CHANGES, MODIFICATIONS:

The Appraiser(s) reserve the right to alter statements, analyses, conclusions or any value estimate in the appraisal if there becomes known to them facts pertinent to the appraisal process which were unknown when the report was finished.

22. This is an appraisal report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

23. ACCEPTANCE AND/OR USE OF THIS APPRAISAL REPORT BY THE CLIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE CONDITIONS. APPRAISER LIABILITY EXTENDS ONLY TO THE STATED CLIENT AND NOT TO SUBSEQUENT PARTIES OR USERS, AND THE LIABILITY IS LIMITED TO THE AMOUNT OF FEE RECEIVED BY THE APPRAISER(S).

**QUALIFICATIONS OF WILLIAM G. KIMMEL**

**CERTIFIED GENERAL APPRAISER**  
**STATE OF NEVADA, CERTIFICATION #A.0000004-CG**

**Education:** B.A. Degree in Economics from Stanford University.

**Experience:** From 1959 to 1961, employed as a real estate broker-salesman in Reno and Lake Tahoe, Nevada. From 1961 to 1968, employed by the Nevada State Highway Department as a real estate appraiser and Assistant Supervisor. From April 1968 to present, an independent fee appraiser.

**Expert Witness:** Qualified as an expert witness in District Court in Washoe, Clark, Carson City, Lander, Lyon, Humboldt, Elko and Douglas Counties, Nevada; Superior Court in Eldorado and Los Angeles Counties, California; United States Tax Court in Las Vegas and Reno, Nevada, New York City, and Seattle, Washington; Federal Bankruptcy Courts in Reno, Las Vegas, San Francisco, Los Angeles, Phoenix, Portland Oregon; U.S. District Court in Reno and Las Vegas, Nevada; State District Court, Salt Lake City, Utah; U.S. District Court, Boise, Idaho; Superior Court, Newton County, Kentland, Indiana; United States Court of Federal Claims in Washington D.C.; Second Judicial Court, Chancery Court of Harrison County, Biloxi, Mississippi; Tax Court New Jersey; Court of Tax Appeals State of Kansas.

**Lecturer:** Instructed at the University of Nevada, Reno; Truckee Meadows Community College; Educations Dynamics Institute (Reno School of Real Estate); and Graduate Realtor Institute courses in real estate appraisal and land economics.

**Professional Organizations:** MAI - Member Appraisal Institute  
SREA - Senior Real Estate Analyst Member of the Appraisal Institute  
Licensed Real Estate Broker, Reno/Sparks Association of Realtors 1958-2011  
Certified General Appraiser, State of Nevada, Certification Number A.0000004-CG

**Offices Held:** President - 1986 - Sierra Nevada Chapter 60, American Institute of Real Estate Appraisers

President - 1976-1977 - Reno-Carson-Tahoe Chapter 189 Society of Real Estate Appraisers

President - 1966 - Chapter 44, American Right-of-Way Association

President - 1996 - Reno-Carson-Tahoe Chap. 189 Appraisal Institute

Board of Directors - 1973-1976 -Reno Board of Realtors

Commissioner - 1989-1994 - State of Nevada, Nevada Commission of Appraisers

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**Clients Served: Public Entities (partial list )**

Internal Revenue Service  
Nevada Industrial Commission  
Nevada State Highway Department ( NDOT)  
Nevada State Division of Parks  
Nevada State Planning Board  
Nevada State Division of Real Estate  
Nevada State Mental Health Institute  
Clark County  
Public Employees Retirement System  
California Division of Highways  
Carson City  
City of Elko  
City of Reno  
City of Sparks  
City of South Lake Tahoe  
City of Las Vegas  
City of Los Angeles  
City of West Wendover  
Incline Village General Improvement District  
University of Nevada, Reno  
Feather River College  
Kingsbury Improvement District  
Tahoe-Douglas Improvement District  
Crystal Bay Improvement District  
Douglas County  
Washoe County  
United States Forest Service  
McCarran International Airport  
Reno Redevelopment Agency  
Las Vegas Redevelopment Agency  
Sierra Pacific Power Company ( NV Energy)  
Kern River Gas  
Nevada Power Company  
Washoe County Airport Authority

**Lending Institutions & Mortgage Companies: (partial list)**

American Bank  
American Federal Savings Bank Lending Institutions  
(Formerly First Federal Savings)  
Bank of America  
Bank of Nevada  
Bank of Tokyo  
Bank of the West  
Bank West  
Banker's Mortgage Co. of CA  
Business Bank  
California Fed. Savings & Loan  
Central California Bank

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Central Valley National Bank  
Chase Manhattan Bank  
Citibank  
Colonial Bank  
Coldwell Banker  
Comerica Bank  
Crocker-Citizens National Bank  
Far West Mortgage Company  
First Bank of Arizona  
First Independent Bank of Nevada  
First Interstate Bank of Nevada  
First National Bank of Nevada  
First Western Savings & Loan  
Fleet Mortgage  
Giddings Company  
Great Basin Bank  
Heritage Bank  
Home Savings Association  
Interwest Mortgage  
Investor's Mortgage Service Co.  
Irwin Union Bank  
Manufacturer's Hanover Trust  
Mason-McDuffie  
Mortgage Guaranty Ins. Corp. (Hibernia Bank)  
Nevada National Bank  
Nevada Security Bank  
Nevada State Bank  
Northern Nevada Bank  
Pioneer Citizen's Bank of Nevada  
PriMerit Bank (Formerly Nevada Savings & Loan)  
Security Bank of Nevada  
Security Pacific Bank (Formerly Nevada National Bank)  
The Stanwell Company  
Sun West Bank  
United Mortgage Company  
U.S. Bank (Formerly Security Pacific Bank)  
Valley Bank of Nevada  
Wells Fargo Bank  
Zion's Bank

**Business Firms:**

In addition to the above,  
various accounting firms and law offices.



**Types of Properties Appraised:**

Gaming Casinos  
Hotel/Casinos  
Motels  
Hotels  
Apartments  
Condominiums  
Time Share & Interval Ownerships  
Mobile Home Park  
Shopping Centers  
Warehouses  
Medical Buildings  
Office Buildings  
Hospital  
Commercial Buildings  
Planned Unit Developments  
Brothels  
Industrial Buildings  
Single Family Residences  
Ski Areas  
Tennis Clubs  
Airport Facilities  
Feed Lots  
Guest Ranches  
Ranches  
Unimproved Land  
Forest Land  
Churches  
Schools  
Cemeteries  
Mortuaries  
Marinas  
Gravel Pits  
Air Rights  
Sub-Surface Rights  
Value of Business as a Going Concern  
Leasehold & Partial Interest

## CERTIFICATION

*I certify that, to the best of my knowledge and belief:*

- The statements of fact contained in this report are true and correct.*
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.*
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.*
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.*
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.*
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.*
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standard of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.*
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.*
- I have made a personal inspection of the property that is the subject of this report.*
- The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.*
- The appraiser's state registration has not been revoked, suspended, canceled or restricted.*
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.*



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William G. Kimmel, MAI, SREA  
Certified General Appraiser  
State of Nevada  
Certification No. A.0000004-CG