

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 82723

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~~Elizabeth A. Brown~~
Clerk of Supreme Court

DAVID PATRICK STUCKE
Appellant

And

CHRISTIE LEEANN STUCKE
Respondent

Appeal from Order from February 25, 2021 regarding Findings of Fact,
Conclusions of Law and Order and Decree of Divorce, Clark County Nevada,
Eighth Judicial District Court Family Division Department F
Appellant's Appendix Volume 5

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IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID PATRICK STUCKE

Appellant,

vs.

CHRISTIE LEEANN STUCKE,

Respondent.

Supreme Court Case No.: **82723**

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Transcript Re: Non-Jury Trial (December 17, 2020)	2129-2230, Vol. 11
Transcript Re: Non-Jury Trial (December 17, 2020)	2231-2234, Vol. 12

DATED this 22nd day of October 2021.



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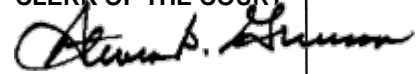
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10 Attorney for Plaintiff

11 Eighth Judicial District Court
12 Family Division
13 Clark County, Nevada
14

15 DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
)		
16 Plaintiff,	)	Department:	F
)		
17 vs.)		
)		
18 CHRISTIE LEEANN STUCKE,)		
)		
19 Defendant.)		
)		

20 **NOTICE OF ENTRY OF ORDER AFTER HEARING**

21 PLEASE TAKE NOTICE that the Order After Hearing of October 7,
2019 was duly entered in the above-referenced matter.

///

///

///

///

1 A true and correct copy of said Order is attached hereto.

2 DATED Thursday, October 31, 2019.

3 Respectfully Submitted,

4 THE ABRAMS & MAYO LAW FIRM

5 

Vincent Mayo, Esq.

6 Nevada State Bar Number: 8564

7 6252 South Rainbow Blvd., Suite 100

8 Las Vegas, Nevada 89118

9 Attorney for Plaintiff

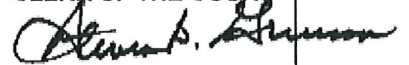
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that the foregoing NOTICE OF ENTRY OF ORDER
12 AFTER HEARING was filed electronically with the Eighth Judicial
13 District Court in the above-entitled matter on Thursday, October 31,
14 2019. Electronic service of the foregoing document shall be made in
15 accordance with the Master Service List, pursuant to NEFCR 9, as
follows:

16 Dawn Throne, Esq.
17 Attorney for Defendant

18 

An Employee of The Abrams & Mayo Law Firm



ORDR

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
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Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
)		
Plaintiff,	)	Department:	F
)		
vs.)		
)		
CHRISTIE LEEANN STUCKE,	)	Date of Hearing:	October 7, 2019
	)	Time of Hearing:	10:00 a.m.
Defendant.)		
)		

ORDER AFTER HEARING OF OCTOBER 7, 2019

This matter coming on for hearing on the on the 7th day of October 2019, before the Honorable Denise L. Gentile, upon the (1) Plaintiff's *Motion to Change Custody; for Child Support; Exclusive Possession of the Marital Residence; Attorney's Fees and Related Relief*; (2) Defendant's *Opposition to Motion to Change Custody; for Child Support; Exclusive Possession of the Marital Residence; Attorney's Fees*

1 *and Related Relief and Countermotion for an Order to Show Cause*
2 *Why Plaintiff Should Not be Held in Contempt of Court, to Reconsider*
3 *the Order Entered on August 22, 2019 and for Attorney's Fees and*
4 *Costs; (3) Plaintiff's Reply in Support of Motion to Change Custody; for*
5 *Child Support; Exclusive Possession of the Marital Residence;*
6 *Attorney's Fees and Related Relief and Opposition to Countermotion*
7 *for an Order to Show Cause Why Plaintiff Should Not be Held in*
8 *Contempt of Court, to Reconsider the Order Entered on August 22, 2019*
9 *and for Attorney's Fees and Costs; (4) Plaintiff's Motion to Compel*
10 *Discovery Responses; (5) Defendant's Opposition to Plaintiff's Motion*
11 *to Compel Discovery Responses; (6) Plaintiff's Reply in Support of*
12 *Motion to Compel Discovery Responses; and (7) Pre-Trial Conference,*
13 *with Plaintiff, DAVID PATRICK STUCKE (hereinafter referred to as*
14 *"David"), having appeared personally and by and through his attorney of*
15 *record, VINCENT MAYO, ESQ., of THE ABRAMS & MAYO LAW FIRM,*
16 *and Defendant, CHRISTIE LEEANN STUCKE (hereinafter referred to as*
17 *"Christie"), having appeared personally and by and through her attorney*
18 *of record, DAWN R. THRONE, ESQ., of THRONE & HAUSER, and the*
19 *Court having listened to the representations and arguments of counsel,*
20 *and good cause appearing:*

21 *///*

1 **THE COURT HEREBY NOTES** that counsel represented the
2 parties have reached a temporary resolution relative to today's matters
3 and placed the terms on the record.

4 **BASED UPON THE STIPULATION OF THE PARTIES,**

5 **IT IS HEREBY ORDERED** that Christie shall make her best
6 efforts to locate and return to David his Birth Certificate, World Series of
7 Poker bracelet, Social Security card and diplomas. David acknowledges
8 receipt of his passport.

9 **IT IS FURTHER ORDERED** that the parties agree to attend
10 Keisha Weiford's Co-Parenting Course. The cost of the counseling will be
11 paid from the top of the sale proceeds received from the Grandview
12 residence.

13 **IT IS FURTHER ORDERED** that without prejudice, the
14 custodial schedule with the minor children shall be modified as follows.
15 David shall have the children each week from Monday morning when
16 school starts (or 8:00 a.m. if school is not in session) to Wednesday
17 morning when school starts (or 8:00 a.m. if school is not in session).
18 Christie shall have the children each week from Wednesday morning
19 when school starts (or 8:00 a.m. if school is not in session) to Friday
20 morning when school starts (or 8:00 a.m. if school is not in session).
21 The weekends shall be alternated from Friday morning when school

1 starts to Monday morning when school starts (or 8:00 a.m. if school is
2 not in session). As a point of reference, David's first weekend shall begin
3 October 11, 2019. All visitation exchanges shall occur at Montessori
4 school, unless there is no school, in which case they shall occur at the
5 McDonald's the parties have previously exchanged at.

6 **IT IS FURTHER ORDERED** that the parties shall follow the
7 Court's standard holiday schedule. A copy was provided to each side and
8 attached hereto as Exhibit 1.

9 **IT IS FURTHER ORDERED** that the parties agree that until
10 such time as any claim related to inappropriate contact with the minor
11 child is substantiated, any claims or comments of said contact are not to
12 be discussed with friends/family. However, the parties shall continue to
13 cooperate with the evaluation and any CPS investigation.

14 **IT IS FURTHER ORDERED** that the parties shall continue with
15 the Dr. Paglini's Child Custody Evaluation. Dr. Paglini has already been
16 paid \$7,500 and an additional \$7,500 will be held from off the top of the
17 sale proceeds received from the Grandview residence to be applied
18 toward any outstanding amounts due to him. In addition, the CPS
19 records may be released to Dr. Paglini pursuant to 432B.290(c) as the
20 Court finds the information in the records is necessary for the
21 determination of the custody issue. The parties also agree to execute any

1 authorizations/releases for their prior medical records, including, joint
2 counseling sessions, to be released to Dr. Paglini.

3 **IT IS FURTHER ORDERED** that the parties agree to a twenty-
4 four (24) hour right of first refusal, with 24-hours prior notice to the
5 other side. The parties shall also be required to provide the other party
6 with any child care information they intend to use when the children are
7 not in their care.

8 **IT IS FURTHER ORDERED** that Sarah may begin counseling
9 with Donna Wilburn and that this expense will be paid solely by David.
10 Any counseling records will be provided to Dr. Paglini.

11 **IT IS FURTHER ORDERED** that the parties shall not use
12 marijuana or alcohol in excess while the children are in their care. There
13 is to be no use of any illegal substances at any time. Both parties shall be
14 subject to random drug testing at the request of the other party, up to
15 one (1) time each calendar month. The requesting party is to notify the
16 Court's chambers and copy opposing counsel with the request. If the
17 request is received by 10:00 a.m., the party taking the test is to report to
18 ATI by 5:00 p.m. the same day. If the request is made after 10:00 a.m.,
19 the party taking the test is to report to ATI by 12:00 p.m. the following
20 day.

21 ///

1 **IT IS FURTHER ORDERED** that the Grandview residence shall
2 be sold. From off the top of the net sale proceeds from this house, the
3 parties agree to pay for Keisha Weiford and \$7,500 will be held for any
4 additional funds requested by Dr. Paglini. The remaining funds will be
5 split equally between the parties. It is agreed that Christie's share of the
6 proceeds will be made payable to the Throne Hauser Trust Account. This
7 agreement is made without prejudice and all prior claims for a separate
8 property interest in said funds by either side will be reserved and subject
9 to reallocation if established at trial.

10 **IT IS FURTHER ORDERED** that Attorney Throne shall release
11 the lis pendens on the Grandview residence forthwith after entry of this
12 Order.

13 **IT IS FURTHER ORDERED** that the W. Maule residence will
14 be sold. The parties to mutually agree upon a realtor. If they cannot
15 agree, Christie will provide David with three (3) names of realtors for
16 selection by David. It is agreed that the garage will be converted back to
17 its previous appearance. Any cost to this conversion will be Christie's
18 responsibility.

19 **IT IS FURTHER ORDERED** that David will be permitted to go
20 to the W. Maule residence to inventory the property/furnishings. A third
21 party or a representative from Attorney Mayo's office will be present and

1 both parties may video. Christie may also have a third-party witness
2 present. David will be permitted to take any of his personal belongings.
3 However, any personal property in dispute is to be placed on an A/B list
4 for selection by the other party. Furthermore, David will make his best
5 efforts to locate and return Christie's wedding ring if in his possession.

6 **IT IS FURTHER ORDERED** that both parties reserve any and
7 all prior claims of Joint Preliminary Injunction violations and enter into
8 these agreements and orders without prejudice.

9 **IT IS FURTHER ORDERED** that pursuant to EDCR 5.602,
10 counsel will have a meet and confer to discuss the outstanding discovery
11 issues.

12 **IT IS FURTHER ORDERED** that the matter is set for a status
13 check hearing on January 21, 2020, at 11:00 a.m. regarding Dr. Paglini's
14 evaluation and further proceedings.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

1 **IT IS FURTHER ORDERED** that Attorney Mayo to prepare the
2 Order from today's hearing with Attorney Throne to review and
3 countersign.

4 Dated this 30th day of Oct., 2019.

V. J. N. O. R., Senior Judge
for *Gentile* [®] _©
DISTRICT COURT JUDGE

7 Respectfully Submitted:

Approved as to form and content:

8 The Abrams & Mayo Law Firm

Throne & Hauser

9 
10 Vincent Mayo, Esq.
11 Nevada State Bar Number: 8564
12 6252 S. Rainbow Boulevard
13 Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Email: vmgroup@theabramslawfirm.com
Attorney for Plaintiff

 10/15/19
Dawn R. Throne, Esq.
Nevada State Bar Number: 6145
1070 W. Horizon Ridge Parkway
Suite 100
Henderson, Nevada 89012
Tel: (702) 800-3580
Email: dawn@thronehauser.com
Attorney for Defendant

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

HOLIDAY AND VACATION PLAN

Department F

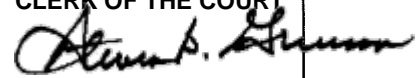
The Court encourages parents to communicate regarding holiday and vacation time with their children. The following Holiday and Vacation Plan is a "default" schedule where parents are unable to otherwise agree. Any deviation therefrom should be memorialized in writing with both parents' signatures. Holidays/Special Occasions take precedence over residential time and Vacation time. Unless otherwise ordered, reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County, Nevada School District Schedule. (See www.ccsd.net)

EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
Thanksgiving: The holiday visitation shall begin the day school ends for Thanksgiving break (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school).	Dad	Mom
Christmas/Winter Break: Winter break shall be divided between the parents, with the first block of time commencing when school ends for the Winter Break (or 3:00 p.m. if the children are not in school), and continue until the mid-point of the Winter Break at 12:00 p.m.. The second block of time shall commence on mid-point at 12:00 p.m. and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). If the break has an odd number of days, the second half of the break shall receive the extra day.		
First Block	Mom	Dad
Second Block	Dad	Mom
EXTENDED HOLIDAYS, cont'd.	ODD YEAR	EVEN YEAR
Easter/Spring Break: The holiday visitation shall begin on the day school ends before the break (or 3:00 p.m. if the children are not in school) and continue until the day school is scheduled to resume (or 9:00 a.m. if the children are not in school).	Dad	Mom

SPECIAL OCCASIONS (Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)	ODD YEAR	EVEN YEAR
Mother's Day	Mom	Mom
Father's Day	Dad	Dad

Summer/Track Break Vacations
<p>Each parent shall be entitled to one (1) vacation each year with the children for a period not to exceed two (2) consecutive weeks (unless otherwise agreed to in writing). Each parent shall designate his/her respective vacation plans by May 1st of each year. The parties shall not exercise their vacations in periods shorter than seven (7) days at a time, unless otherwise, mutually agreed in writing. If there is a conflict related to the dates designated by the parties, Mom shall have priority in even years and Dad shall have priority in odd years. Neither party shall schedule vacation time during the other party's holiday time or during time the children are scheduled to be in school.</p>

If two holidays/special occasions overlap or conflict, Mom's holiday shall take precedence over Dad's holiday, in odd numbered years; Dad's holiday shall take precedence over Mom's holiday in even numbered years.



NEOJ
Vincent Mayo, Esq.
Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
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Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@TheAbramsLawFirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
)		
Plaintiff,	)	Department:	F
)		
vs.)		
)		
CHRISTIE LEEANN STUCKE,)		
)		
Defendant.)		
)		

NOTICE OF ENTRY OF ORDER AFTER HEARING

PLEASE TAKE NOTICE that the Order After Hearing of January 7,
2020 was duly entered in the above-referenced matter.

///

///

///

///

1 A true and correct copy of said Order is attached hereto.

2 DATED Friday, February 28, 2020.

3 Respectfully Submitted,
4 THE ABRAMS & MAYO LAW FIRM

5 /s/ Vincent Mayo, Esq.
6 Vincent Mayo, Esq.
7 Nevada State Bar Number: 8564
8 6252 South Rainbow Blvd., Suite 100
9 Las Vegas, Nevada 89118
10 Attorney for Plaintiff

11 **CERTIFICATE OF SERVICE**

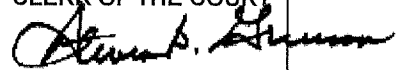
12 I hereby certify that the foregoing *Notice of Entry of Order After*
13 *Hearing* was filed electronically with the Eighth Judicial District Court
14 in the above-entitled matter. Service of the foregoing document was
15 made on Friday, February 28, 2020 via 1st Class U.S. Mail, postage fully
16 prepaid, addressed to:

17 Christie Stucke
18 3485 W. Maule Avenue
19 Las Vegas, Nevada 89118
20 Defendant, in proper person

21 And via email to:

Christie Stucke
Email: christiestucke@gmail.com

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



ORDR

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@TheAbramsLawFirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
)	
Plaintiff,	)	Department: F
)	
vs.)	
)	
CHRISTIE LEEANN STUCKE,	)	Date of Hearing: January 7, 2020
	)	Time of Hearing: 9:30 a.m.
Defendant.)	
)	

ORDER AFTER HEARING OF JANUARY 7, 2020

This matter coming on for hearing on the on the 7th day of January 2020, before the Honorable Denise L. Gentile, upon (1) Defendant's *Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt*; (2) Plaintiff's *Opposition to Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt and*

1 *Countermotion to Hold Christie in Contempt of Court; for Return of*
2 *Plaintiff's Computer Tower, WSOP Bracelet, Social Security Card and*
3 *Other Personal Property; To Ensure that Defendant Timely Pays her*
4 *Share of the Bills; for Attorney's Fees and Related Relief; and (3)*
5 *Defendant's Reply to Plaintiff's Partial Opposition to the Motion to for*
6 *an Order to Show Cause and Hold Defendant in Contempt of Court*
7 *Order; and for Attorney's Fees, with Plaintiff, DAVID PATRICK*
8 *STUCKE (hereinafter referred to as "David"), having appeared*
9 *personally and by and through his attorney of record, VINCENT MAYO,*
10 *ESQ., of THE ABRAMS & MAYO LAW FIRM, and Defendant,*
11 *CHRISTIE LEEANN STUCKE (hereinafter referred to as "Christie"),*
12 *having appeared personally in proper person, and the Court having*
13 *listened to the representations and arguments of counsel, and good*
14 *cause appearing:*

15 **THE COURT HEREBY NOTES** that it was represented that the
16 Grandview property is currently under contract and there is a *Lis*
17 *Pendens* attached to the West Maule property, which is hindering it from
18 being placed on the market for sale. Furthermore, while the *Lis Pendens*
19 was removed from the Grandview property, there is now an Order
20 recorded thereon by Defendant's prior counsel.

21 ///

1 **THE COURT FURTHER NOTES** that there was argument by
2 Attorney Mayo regarding Christie's violations of the Court's Orders,
3 including nonpayment of the mortgage on the W. Maule residence and
4 the 2015 Chrysler van Christi drives and was ordered to be responsible
5 on the payments for per the order from the April 17, 2019 hearing, and
6 for request to release the *Lis Pendens* on the W. Maule property.

7 **THE COURT FURTHER NOTES** the statements made by
8 Christie regarding her request to allow her girlfriend to move into the
9 Maule residence to assist with bills until the property sells.

10 **THE COURT FURTHER NOTES** that upon inquiry, it was
11 represented that Dr. Paglini's evaluation is still ongoing and Christie has
12 another appointment scheduled with him this week.

13 **THEREFORE,**

14 **IT IS HEREBY ORDERED** that David's request for an Order to
15 Show Cause against Christie is granted. An Order to Show Cause was
16 signed and filed in open court. (Video time indexes 10:04:22 and
17 10:04:45) However, the date thereon was today's hearing and needs to
18 be updated to a future date. Therefore, David's counsel shall submit an
19 Order to Show Cause with a blank in the date for this Court to fill in and
20 sign off on. (Video time index 10:20:55)

21

1 **IT IS FURTHER ORDERED** that David is to pull the amount of
2 funds needed to bring the West Maule residence mortgage and the loan
3 payments on Christie's 2015 Chrysler van current (which Christi was
4 responsible for paying per the order from the April 17, 2019 hearing)
5 from the proceeds of the parties' prior property sale, currently being held
6 in his attorney's trust account. This amount will be reimbursed by
7 Christie from her community interest in the proceeds from the sale of
8 the Grandview home. (Video time indexes 10:09:44, 10:10:25 and
9 10:12:25)

10 **IT IS FURTHER ORDERED** that Christie is to release/lift the
11 *Lis Pendens* on the West Maule property within ten (10) days of today's
12 date. (Video time index 10:11:50)

13 **IT IS FURTHER ORDERED** that David is permitted to explore
14 his options in buying out Christie's interest in the Maule property.
15 Specifically, David can obtain a pre-qualification appraisal to be
16 prepared by the bank. The appraiser is permitted to inspect the house
17 and Christie can be present for same. (Video time indexes 10:14:28,
18 10:15:08 and 10:15:54)

19 **IT IS FURTHER ORDERED** that Christie needs to release the
20 Order recorded on the Grandview property within ten (10) days of
21 today's date. (Video time index 10:24:50)

1 **IT IS FURTHER ORDERED** that if the Lis Pendens and Order
2 are not released from the Maule and Grandview properties respectively
3 by the next hearing, then Attorney Mayo is directed to bring with him to
4 the next hearing a proposed Order resolving these issues. (Video time
5 indexes 10:24:00 and 10:24:50)

6 **IT IS FURTHER ORDERED** that Christie's girlfriend, Jessica,
7 may move into the West Maule residence to assist Christie with the
8 monthly expenses until such time as the home is sold, or she is bought
9 out by David. (Video time index 10:13:45)

10 **IT IS FURTHER ORDERED** that this Court is not going to
11 update the financial Orders in this case until the parties file updated
12 Financial Disclosure Forms. (Video time index 10:25:30)

13 **IT IS FURTHER ORDERED** that all pending
14 Motions/Oppositions will be continued to the Return Hearing currently
15 set for January 21, 2020, at 11:00 a.m.¹

16 ///

17 ///

18 ///

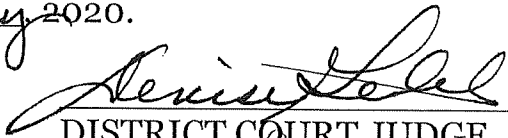
19 ///

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21 ¹ This hearing was moved to January 30, 2020, at 10:00 a.m.

1 ~~IT IS FURTHER ORDERED~~ that Attorney Mayo is to prepare
2 ~~an Order from today's hearing.~~

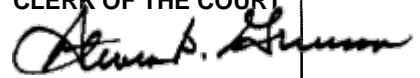
3 Dated this 25th day of February 2020.

4 
DISTRICT COURT JUDGE

5 Respectfully Submitted:
6 THE ABRAMS & MAYO LAW FIRM DENISE L. GENTILE

7 
Vincent Mayo, Esq.
8 Nevada State Bar Number: 8564
6252 S. Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
9 Email: vmgroup@theabramslawfirm.com
Attorney for Plaintiff

10
11
12
13
14
15
16
17
18
19
20
21



1 **NEOJ**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: VMGroup@TheAbramsLawFirm.com

Attorney for Plaintiff

6
Eighth Judicial District Court
7 Family Division
Clark County, Nevada
8

9 DAVID PATRICK STUCKE,

) Case No.: D-18-580621-D

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14
15 **NOTICE OF ENTRY OF ORDER TO SHOW CAUSE**

16 PLEASE TAKE NOTICE that an Order to Show Cause was duly
17 entered in the above-referenced matter.

18 ///

19 ///

20 ///

21 ///

1 A true and correct copy of said Order is attached hereto.

2 DATED Wednesday, January 15, 2020.

3 Respectfully Submitted,
4 THE ABRAMS & MAYO LAW FIRM

5 /s/ Vincent Mayo, Esq.

6 Vincent Mayo, Esq.
7 Nevada State Bar Number: 8564
8 6252 South Rainbow Blvd., Suite 100
9 Las Vegas, Nevada 89118
10 Attorney for Plaintiff

11 **CERTIFICATE OF SERVICE**

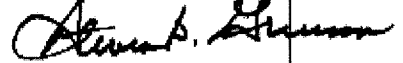
12 I hereby certify that the foregoing *Notice of Entry of Order to*
13 *Show Cause* was filed electronically with the Eighth Judicial District
14 Court in the above-entitled matter, on Wednesday, January 15, 2020.
15 Service of the foregoing document, as well as the *Ex Parte Application*
16 *for an Order to Show Cause*, was made on January 15, 2020 via 1st Class
17 U.S. Mail, postage fully prepaid, addressed to:

18 Christie Stucke
19 3485 W. Maule Avenue
20 Las Vegas, Nevada 89118
21 Defendant, in proper person

And via email to:

Christie Stucke
Email: christiestucke@gmail.com

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



1 **OSC**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: vmgroup@theabramslawfirm.com

Attorney for Plaintiff

6 Eighth Judicial District Court

7 Family Division

8 Clark County, Nevada

9 DAVID PATRICK STUCKE,

) Case No.: D-18-580621-D

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14
15 **ORDER TO SHOW CAUSE**

16 Defendant, CHRISTIE LEEANN STUCKE, having failed to comply
17 with this Court's orders without just cause, and good cause appearing,

18 **IT IS HEREBY ORDERED** that CHRISTIE LEEANN STUCKE

19 shall appear before the Honorable Denise L. Gentile, District Court

20 Judge, Department F, of the Family Court Division of the Eighth Judicial

21 District Court, at 601 North Pecos Road, Las Vegas, Nevada 89101, on

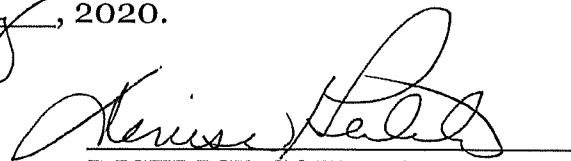
STUCKE-0850

1 January 30, 2020, at 10:00 a.m., to show cause,
2 if any, why she should not be held in contempt for her refusal to comply
3 with this Court's orders. Specifically, her failure to abide by this Court's
4 *Order After Hearing of October 7, 2019*, the Court's *Order After*
5 *Hearing of April 17, 2019* and the Court's *Order After Hearing of March*
6 *27, 2019*.

7 To further show cause, if any, why this Court should not impose
8 additional sanctions against CHRISTIE LEEANN STUCKE for her
9 disregard of this Court's orders.

10 **IT IS FURTHER ORDERED** that if CHRISTIE LEEANN
11 STUCKE fails to appear at said time for said hearing, a warrant for her
12 arrest shall issue forthwith.

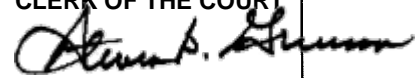
13 DATED this 14th day of January, 2020.

14 
15 DISTRICT COURT JUDGE

DENISE L. GENTILE

16 Respectfully Submitted:
17 THE ABRAMS & MAYO LAW FIRM

18 
19 Vincent Mayo, Esq.
20 Nevada State Bar Number: 8564
21 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Email: ymgroup@theabramslawfirm.com
Attorney for Plaintiff



1 **NEOJ**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: VMGroup@TheAbramsLawFirm.com

Attorney for Plaintiff

6
Eighth Judicial District Court
7 Family Division
Clark County, Nevada
8

9 DAVID PATRICK STUCKE,

) Case No.: D-18-580621-D

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14
15 **NOTICE OF ENTRY OF ORDER AFTER HEARING**

16 PLEASE TAKE NOTICE that the Order After Hearing of January

17 30, 2020 was duly entered in the above-referenced matter.

18 ///

19 ///

20 ///

21 ///

1 A true and correct copy of said Order is attached hereto.

2 DATED Friday, February 28, 2020.

3 Respectfully Submitted,
4 THE ABRAMS & MAYO LAW FIRM

5 /s/ Vincent Mayo, Esq.
6 Vincent Mayo, Esq.
7 Nevada State Bar Number: 8564
8 6252 South Rainbow Blvd., Suite 100
9 Las Vegas, Nevada 89118
10 Attorney for Plaintiff

11 **CERTIFICATE OF SERVICE**

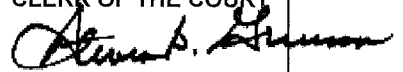
12 I hereby certify that the foregoing *Notice of Entry of Order After*
13 *Hearing* was filed electronically with the Eighth Judicial District Court
14 in the above-entitled matter. Service of the foregoing document was
15 made on Friday, February 28, 2020 via 1st Class U.S. Mail, postage fully
16 prepaid, addressed to:

17 Christie Stucke
18 3485 W. Maule Avenue
19 Las Vegas, Nevada 89118
20 Defendant, in proper person

21 And via email to:

Christie Stucke
Email: christiestucke@gmail.com

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



ORDR

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@TheAbramsLawFirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
)	
Plaintiff,	)	Department: F
)	
vs.)	
)	
CHRISTIE LEEANN STUCKE,	)	Date of Hearing: 1/30/2020
	)	Time of Hearing: 10:00 a.m.
Defendant.)	
)	

ORDER AFTER HEARING OF JANUARY 30, 2020

This matter coming on for hearing on the on the 30th day of January 2020, before the Honorable Denise L. Gentile, upon (1) Defendant's *Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt*; (2) Plaintiff's *Opposition to Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding*

1 *Contempt and Countermotion to Hold Christie in Contempt of Court;*
2 *for Return of Plaintiff's Computer Tower, WSOP Bracelet, Social*
3 *Security Card and Other Personal Property; To Ensure that Defendant*
4 *Timely Pays her Share of the Bills; for Attorney's Fees and Related*
5 *Relief; (3) Defendant's Reply to Plaintiff's Partial Opposition to the*
6 *Motion to for an Order to Show Cause and Hold Defendant in*
7 *Contempt of Court Order; and for Attorney's Fees; and (4) Order to*
8 *Show Cause against Christie Leeann Stucke, with Plaintiff, DAVID*
9 *PATRICK STUCKE (hereinafter referred to as "David"), having appeared*
10 *personally and by and through his attorney of record, VINCENT MAYO,*
11 *ESQ., of THE ABRAMS & MAYO LAW FIRM, and Defendant,*
12 *CHRISTIE LEEANN STUCKE (hereinafter referred to as "Christie"),*
13 *having appeared personally in proper person, and the Court having*
14 *listened to the representations and arguments of counsel, and good*
15 *cause appearing:*

16 **THE COURT HEREBY NOTES** that the parties were sworn in
17 and testified.

18 **THE COURT FURTHER NOTES** that it reviewed the matters
19 on calendar.

20 ///

21 ///

1 **THE COURT FURTHER NOTES** that there was discussion
2 regarding outstanding issues and the status of the return of coins and
3 necklace and David's request for an Order to Show Cause.

4 **THE COURT FURTHER NOTES** that there was testimony by
5 Christie regarding the coins, birth certificate, etc.

6 **THE COURT FURTHER NOTES** that there was testimony by
7 witness, Joseph Mesirow, regarding the computer tower and potential
8 tampering.

9 **THE COURT FURTHER NOTES** it was represented that a
10 report by Dr. Paglini will be ready in approximately sixty (60) days. The
11 Court confirmed it has already received the CPS records. The Court will
12 coordinate a return hearing with David's counsel and Christie once the
13 report is received from Dr. Paglini.

14 **THEREFORE,**

15 **IT IS HEREBY ORDERED** that Christie is under an ongoing
16 obligation to return any personal items of David's as they are found in
17 the home. Any final determination as to missing items and values will
18 be determined at trial.

19 **IT IS FURTHER ORDERED** that David's counsel will be
20 provided the computer tower and a copy of any images copied or
21 retrieved from the server by Joseph Mesirow.

1 **IT IS FURTHER ORDERED** that David is to provide copies of
2 any joint tax returns/transcripts in his possession to Christie.

3 **IT IS FURTHER ORDERED** that David is to authorize the
4 realtor to speak to Christie regarding the sale of the Grandview property
5 by the end of the day on January 31, 2020.

6 **IT IS FURTHER ORDERED** that Christie is to file/serve her
7 updated Detailed Financial Disclosure Form (FDF), including, a
8 profit/loss statement, by February 7, 2020.

9 **IT IS FURTHER ORDERED** that Christie will allow a complete
10 appraisal of the West Maule residence to allow David to proceed with a
11 refinance of the loan and buy Christie out of her equity in the West
12 Maule residence.

13 **IT IS FURTHER ORDERED** that David will front the February
14 2020 mortgage payment on the West Maule property to maintain his
15 credit, which will be reimbursed to him from Christie's potential interest
16 in the Grandview property.

17 **IT IS FURTHER ORDERED** that each party is entitled to
18 telephone contact with the minor children once a day while they are in
19 the care of the other parent.

20 ///

21 ///

1 **IT IS FURTHER ORDERED** that each party is responsible for
2 providing an itinerary to the other party for any out-of-state travel with
3 the minor children.

4 **IT IS FURTHER ORDERED** that all of the net sales proceeds
5 from the 3740 Grandview Place, LV NV 89118 residence are to be placed
6 in Attorney Mayo's trust account, until further order of the Court.

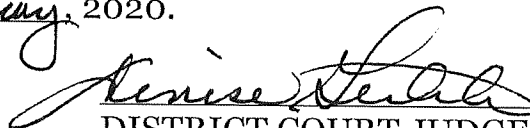


7 **IT IS FURTHER ORDERED** that David's request for an Order
8 Shortening Time on the Motion to approve the refinance of the West
9 Maule property shall be granted, upon submission of same to the Court.

10 **IT IS FURTHER ORDERED** that Attorney Mayo is to prepare
11 an Order from today's hearing.

12 Dated this 25th day of February, 2020.

13

14 Respectfully Submitted:


DISTRICT COURT JUDGE 
DENISE L. GENTILE 

15 THE ABRAMS & MAYO LAW FIRM

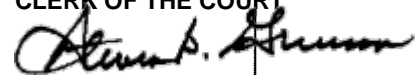
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Vincent Mayo, Esq.
Nevada State Bar Number: 8564
6252 S. Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Email: vmgroup@theabramslawfirm.com
Attorney for Plaintiff

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MOT

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@theabramslawfirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
)	
Plaintiff,	)	Department: F
)	
vs.	)	Date of Hearing:
	)	Time of Hearing:
CHRISTIE LEEANN STUCKE,)	
	)	ORAL ARGUMENT REQUESTED
Defendant.	)	<u> X </u> YES <u> </u> NO

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**EMERGENCY MOTION TO ALLOW PLAINTIFF TO
COMPLETE THE REFINANCE OF THE MAULE RESIDENCE
AND
FOR DEFENDANT TO VACATE THE RESIDENCE**

NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE,
by and through his attorney of record, VINCENT MAYO, ESQ., of THE

1 ABRAMS & MAYO LAW FIRM, and hereby submits his *Emergency*
2 *Motion to Allow Plaintiff to Complete the Refinance of the Maule*
3 *Residence and for the Defendant to Vacate the Residence.*

4 This Motion is made and based upon the attached Points and
5 Authorities, the Declaration of Plaintiff attached hereto, the Appendix of
6 Exhibits in support, all papers and pleadings on file herein, and any oral
7 argument adduced at the hearing of this matter.

8 Dated: Friday, February 21, 2020.

9 Respectfully Submitted:

10 THE ABRAMS & MAYO LAW FIRM

11 _____
12 Vincent Mayo, Esq.
13 Nevada State Bar: 8564
14 6252 South Rainbow Blvd., Suite 100
15 Las Vegas, Nevada 89118
16 Attorney for Plaintiff

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. FACTUAL BACKRGROUNG**

17 At the hearing on January 7, 2020, this Court allowed Plaintiff,
18 David Patrick Stucke (hereinafter referred to as "David"), to explore his
19 options on buying Defendant, Christie Leeann Stucke (hereinafter
20 referred to as "Christie") out of her interest in the Maule property.
21 Specifically, the Court stated the following:

1 David is permitted to explore his options in buying out
2 Christie's interest in the Maule property. Specifically, David can
3 obtain a pre-qualification appraisal to be prepared by the bank.
The appraiser is permitted to inspect the house and Christie can be
present for same. (Video time indexes 10:14:28, 10:15:08 and
10:15:54)¹

4 The Court went on to further order at the January 30, 2020
5 hearing as follows based on the stipulations placed on the record:
6

7 IT IS FURTHER ORDERED that Christie will allow a
complete appraisal of the West Maule residence to allow David to
8 proceed with a refinance of the loan and buy Christie out of her
equity in the West Maule residence.²

9 IT IS FURTHER ORDERED that David's request for an
Order Shortening Time on the Motion to approve the refinance of
10 the West Maule property shall be granted, upon submission of
same to the Court.³

11 Accordingly, the Maule residence was appraised, and the value
12 came in at \$500,000.⁴ The current loan on the residence is
13 approximately \$238,000, with the equity equaling approximately
14 \$262,000.

15 David was approved to receive a loan in the amount of \$361,000.⁵
16 After payment of the mortgage and closing costs, there's approximately
17 \$117,000 that will be received as the result of the refinance.
18

19 ¹ The Order After Hearing is still pending.

20 ² The Order After Hearing is still pending. Please see video record and Court Minutes
form the January 30, 2020 hearing.

³ Id.

⁴ Please see appraisal report attached hereto as Exhibit 1.

21 ⁵ Please see Conditions – Borrower Outstanding with Requirements attached hereto
as Exhibit 2 and Loan Quote attached hereto as Exhibit 3.

1 David is making a separate property claim to the W. Maule home.
2 Specifically, this home was purchased almost a year before the parties
3 married and is titled in just David's name. The \$30,000 down payment,
4 closing costs and the \$6,000 to repair the failing stucco and paint the
5 exterior of the home when it was purchased all came from David's sole
6 and separate property. With the bare minimum of David receiving credit
7 for these payments (although he plans on pursuing his separate property
8 interest), the refinance is more than enough to cover Christie's interest
9 in the home. Further, and if need be, David's interest in the Brickfield
10 and Grandview properties is also available to cover any funds that are
11 needed in addition to the \$117,000.

12 **II. LAW AND ARGUMENT**

13 Accordingly, David is requesting permission from this Court to
14 proceed with the refinance of the Maule residence. Additionally, David
15 will need to move into the home as soon as possible, with Christie
16 moving out. The remainder of the refinance proceeds should be placed
17 in David's attorney's trust account until Trial in this matter and evidence
18 is presented regarding David's separate property claims and this Court
19 decides on same.

20 ///

21 ///

1 **III. CONCLUSION**

2 Based upon the foregoing, the Court should grant Plaintiff, DAVID
3 PATRICK STUCKE'S Motion in its entirety.

4 Dated Friday, February 21, 2020.

5 Respectfully Submitted,

6 THE ABRAMS & MAYO LAW FIRM

7
8 Vincent Mayo, Esq.
9 Nevada State Bar Number: 8564
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Plaintiff

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1. I, DAVID PATRICK STUCKE, do solemnly swear to testify

2. That I am the Plaintiff in the above-entitled mater.

3. That I make this declaration in support of the foregoing

4. That I have read said Motion and hereby certify that the facts

5. I declare under penalty of perjury under the law of the State

21st


DAVID PATRICK STUCKE

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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

DAVID PATRICK STUCKE,

Plaintiff/Petitioner

v.

CHRISTIE LEEANN STUCKE,

Defendant/Respondent

Case No. D-18-580621-D

Dept. F

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

<input type="checkbox"/> \$25	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-	
<input checked="" type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>	The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>	The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>	Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

<input checked="" type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-	
<input type="checkbox"/> \$129	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-	
<input type="checkbox"/> \$57	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

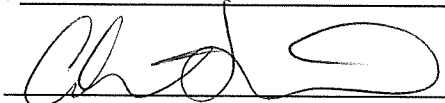
The total filing fee for the motion/opposition I am filing with this form is:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

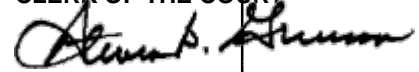
Party filing Motion/Opposition: Plaintiff/Petitioner

Date 02/21/2020

Signature of Party or Preparer



STUCKE-0866



EXH
Vincent Mayo, Esq.
Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@TheAbramsLawFirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
)	
Plaintiff,	)	Department: F
vs.)	
)	
)	
CHRISTIE LEEANN STUCKE,)	
)	
Defendant.)	
)	

**APPENDIX OF EXHIBITS IN SUPPORT OF
EMERGENCY MOTION TO ALLOW PLAINTIFF TO
COMPLETE THE REFINANCE OF THE MAULE RESIDENCE
AND FOR DEFENDANT TO VACATE THE RESIDENCE**

Exhibit	Description
1	Appraisal Report
2	Conditions – Borrower outstanding with requirements

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3	Loan Quote
----------	------------

Dated this 21st day of February, 2020.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ Vincent Mayo, Esq.
Vincent Mayo, Esq.
Nevada State Bar Number: 8564
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Plaintiff

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EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

APPRAISELV
92 PETTSWOOD DR
HENDERSON, NV 89002
(702) 823-4499
<http://WWW.IVALUEVEGAS.COM>

02/11/2020

David Stucke
3485 W Maule Ave
Las Vegas, NV 89120

Re: Property: 3485 W Maule Ave
Las Vegas, NV 89118
Borrower: David Stucke
File No.: 0009658

Opinion of Value: \$ 500,000
Effective Date: 01/28/2020

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a vocational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



VANCE RANDALL
CERTIFIED RESIDENTIAL APPRAISER
License or Certification #: A.0007808-CR
State: NV Expires: 04/30/2020
APPRAISELASVEGAS@GMAIL.COM

STUCKE-0871

3485 W MAULE AVENUE**EFFECTIVE DATE**

01/28/2020

APPRAISAL OF REAL PROPERTY

3485 W Maule Ave
 PARCEL MAP FILE 10 PAGE 87 LOT 4
 Las Vegas, NV 89118

CLIENT

David Stucke
 3485 W Maule Ave, Las Vegas, NV 89120

Letter of Transmittal	1
GP Residential	2
GP Residential	3
Additional Comparables 4-6	4
Supplemental Addendum w/sig block	5
Property History	6
GP Residential	7
Market Conditions Addendum to the Appraisal Report	8
Market Conditions Charts 1-3	9
Market Conditions Charts 4-6	10
Building Sketch	11
Aerial Map	12
Location Map	13
Comparable Sales Map	14
Subject Photos	15
Photograph Addendum	16
Photograph Addendum	17
Photograph Addendum	18
Photograph Addendum	19
Comparable Photos 1-3	20
Comparable Photos 4-6	21
LICENSE	22

STUCKE-0872

RESIDENTIAL APPRAISAL REPORT

0011121

File No.: 0011121

SUBJECT	Property Address: 3485 W Maule Ave		City: Las Vegas		State: NV		Zip Code: 89118																																																																																																																																																																																																																																																																																																																																																									
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	Assessor's Parcel #: 177-05-302-003																																																																																																																																																																																																																																																																																																																																																															
	Tax Year: 2020 R.E. Taxes: \$ 2,297		Special Assessments: \$ 0		Borrower (if applicable): David Stucke																																																																																																																																																																																																																																																																																																																																																											
ASSIGNMENT	Current Owner of Record: Stucke, David		Occupant: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant		<input type="checkbox"/> Manufactured Housing																																																																																																																																																																																																																																																																																																																																																											
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Location: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural</td> <td rowspan="5"> Predominant Occupancy <input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vacant (>5%) </td> <td colspan="2"> One-Unit Housing PRICE AGE \$(000) (yrs) 60 Low 1 3,328 High 63 250 Pred 16 </td> <td colspan="2"> Present Land Use One-Unit 75 % 2-4 Unit 0 % Multi-Unit 10 % Comm'l 10 % 5 % </td> <td colspan="2"> Change in Land Use <input type="checkbox"/> Not Likely <input type="checkbox"/> Likely * <input type="checkbox"/> In Process * * To: </td> </tr> <tr> <td>Built up: <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%</td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>Growth rate: <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow</td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>Property values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining</td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>Demand/supply: <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply</td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="8">Marketing time: <input checked="" type="checkbox"/> Under 3 Mos. <input type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.</td> </tr> <tr> <td colspan="8">Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): SEE ATTACHED MARKET CONDITIONS</td> </tr> <tr> <td colspan="8">ADDENDUM.</td> </tr> <tr> <td colspan="8">5% "OTHER" UNDER LAND USE ABOVE REFERS TO THE VACANT LOTS IN THE AREA.</td> </tr> <tr> <td colspan="8">ASSUMING A COMPETITIVE AND OPEN MARKET, THE EXPOSURE TIME FOR THE SUBJECT PROPERTY IS BETWEEN 20-50 DAYS.</td> </tr> <tr> <td rowspan="4" style="writing-mode: vertical-rl; transform: rotate(180deg); text-align: center; font-weight: bold;">DESCRIPTION OF THE IMPROVEMENTS</td> <td colspan="8"> Dimensions: APPROXIMATELY 145' X 147.2' Site Area: 21,344 SqFt Zoning Classification: R-E Description: RURAL ESATES RESIDENTIAL Zoning Compliance: <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning Are CC&Rs applicable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Have the documents been reviewed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Ground Rent (if applicable) \$ / Highest & Best Use as improved: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain) </td> </tr> <tr> <td colspan="8"> Actual Use as of Effective Date: SINGLE FAMILY RESIDENCE Use as appraised in this report: SINGLE FAMILY RESIDENCE Summary of Highest & Best Use: THE SUBJECT'S CURRENT USE AS A SINGLE FAMILY RESIDENTIAL STRUCTURE IS THE HIGHEST AND BEST USE OF THE PROPERTY. THE SUBJECT'S USE IS LEGALLY PERMISSIBLE AND THE RESIDENTIAL STRUCTURE IS THE MOST FEASIBLE OPTION. 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Location: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Predominant Occupancy <input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vacant (>5%)	One-Unit Housing PRICE AGE \$(000) (yrs) 60 Low 1 3,328 High 63 250 Pred 16		Present Land Use One-Unit 75 % 2-4 Unit 0 % Multi-Unit 10 % Comm'l 10 % 5 %		Change in Land Use <input type="checkbox"/> Not Likely <input type="checkbox"/> Likely * <input type="checkbox"/> In Process * * To:																																																																																																																																																																																																																																																																																																																																																										
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DESCRIPTION OF THE IMPROVEMENTS	Dimensions: APPROXIMATELY 145' X 147.2' Site Area: 21,344 SqFt Zoning Classification: R-E Description: RURAL ESATES RESIDENTIAL Zoning Compliance: <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning Are CC&Rs applicable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Have the documents been reviewed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Ground Rent (if applicable) \$ / Highest & Best Use as improved: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain)																																																																																																																																																																																																																																																																																																																																																															
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Other site elements: <input type="checkbox"/> Inside Lot <input type="checkbox"/> Corner Lot <input checked="" type="checkbox"/> Cul de Sac <input type="checkbox"/> Underground Utilities <input type="checkbox"/> Other (describe) FEMA Spec'l Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FEMA Flood Zone x FEMA Map # 32003C2560F FEMA Map Date 11/16/2011 Site Comments: IT SHOULD BE NOTED THAT THE SUBJECT IS IN CLOSE PROXIMITY TO THE 215 AND I-15 FREEWAYS. HOWEVER, THE NOISE IS VERY MINIMAL AND THERE IS PRIVACY WALLS THAT PROVIDE SECLUSION AND ACT AS A SOUND BARRIER. THERE IS NO NEGATIVE IMPACT ON THE SUBJECT'S VALUE OR MARKETABILITY.																																																																																																																																																																																																																																																																																																																																																																
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Doors	HOLLOW CORE/AVG	Microwave	<input type="checkbox"/>	Heated	<input type="checkbox"/>	Pool	POOL																																																																																																																																																																																																																																																																																																																																																									
		Washer/Dryer	<input type="checkbox"/>	Finished	<input type="checkbox"/>																																																																																																																																																																																																																																																																																																																																																											
Finished area above grade contains: 7 Rooms 3 Bedrooms 2.1 Bath(s) 3,324 Square Feet of Gross Living Area Above Grade Additional features: THE SUBJECT HAS ENERGY EFFICIENT APPLIANCES, DUAL PANE WINDOWS, 1 FIREPLACE AND SOLID CORE DOORS AT EXTERIOR. (SEE ADDITIONAL FEATURES ON PAGE 3) GRANITE COUNTER TOPS, DOUBLE OVENS, CEILING FANS, ETC. Describe the condition of the property (including physical, functional and external obsolescence): PHYSICAL DEPRECIATION IS LESS TYPICAL FOR A HOME OF THIS AGE. NO FUNCTIONAL OBSOLESCENCE NOTED. NO EXTERNAL OBSOLESCENCE NOTED AT THE TIME OF INSPECTION. PHYSICAL DEPRECIATION WAS CALCULATED USING THE AGE LIFE METHOD AND INCLUDES THE APPRAISERS OBSERVATIONS. THE PROPERTY APPEARS TO BE IN AVERAGE CONDITION FOR THE NEIGHBORHOOD. AT THE TIME OF INSPECTION ALL UTILITIES WERE ON, THE KITCHEN AND BATHROOMS WERE UPDATED ~5 YEARS AGO.																																																																																																																																																																																																																																																																																																																																																																

STUCKE-0873

RESIDENTIAL APPRAISAL REPORT

0011121

File No.: 0011121

TRANSFER HISTORY	My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.									
	Data Source(s): Realist									
	1st Prior Subject Sale/Transfer		Analysis of sale/transfer history and/or any current agreement of sale/listing: THE SUBJECT'S SALES/COMPARABLES SALES							
	Date:		HISTORY ANALYSIS REVEALED NOTHING OUT OF THE ORDINARY. SEE ATTACHED PROPERTY HISTORY ADDENDUM.							
	Price:									
	Source(s):									
	2nd Prior Subject Sale/Transfer									
	Date:									
	Price:									
	Source(s):									
SALES COMPARISON APPROACH	SALES COMPARISON APPROACH TO VALUE (if developed) <input type="checkbox"/> The Sales Comparison Approach was not developed for this appraisal.									
	FEATURE		SUBJECT		COMPARABLE SALE # 1		COMPARABLE SALE # 2		COMPARABLE SALE # 3	
	Address 3485 W Maule Ave Las Vegas, NV 89118		9456 Polaris Ave Las Vegas, NV 89139-8311		4025 W Mardon Ave Las Vegas, NV 89139-5817		3165 W Torino Ave Las Vegas, NV 89139-7856			
	Proximity to Subject		3.20 miles S		0.75 miles SW		2.38 miles S			
	Sale Price		\$ 450,000		\$ 575,000		\$ 480,500			
	Sale Price/GLA		\$ 150.91 /sq.ft.		\$ 144.40 /sq.ft.		\$ 160.06 /sq.ft.			
	Data Source(s)		GLVAR #N/A		GLVAR #2096416;DOM 44		GLVAR #2072163;DOM 89		GLVAR #2091898;DOM 3	
	Verification Source(s)		PHYSICAL INSPECT.		Doc #190807002955;Realist		Doc #190628002488;Realist		Doc #190603003101;Realist	
	VALUE ADJUSTMENTS		DESCRIPTION		+(-) \$ Adjust.		DESCRIPTION		+(-) \$ Adjust.	
	Sales or Financing		ArmLth				ArmLth			
	Concessions		Conv;0				Conv;0			
	Date of Sale/Time		08/07/2019				06/28/2019			
	Rights Appraised		Fee Simple				Fee Simple			
	Location		N;Res;				N;Res;			
	Site		21,344 SqFt		33,977 SqFt		22,651 SqFt		20,473 SqFt	
	View		RESIDENTIAL				CITY		RESIDENTIAL	
	Design (Style)		DT2;Southwest		DT1;SWR		DT2;Southwest		DT1;SWR	
	Quality of Construction		Average				Average			
	Age		43		41		38		30	
	Condition		Average				Average			
	Above Grade		Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
	Room Count		7 3 2.1		8 4 2.1		10 3 2.1		8 4 3.0	
	Gross Living Area		3,324 Sq.ft.		2,982 Sq.ft.		3,982 Sq.ft.		3,002 Sq.ft.	
	Basement & Finished Rooms Below Grade		0sf		0sf		0sf		0sf	
	Functional Utility		Average				Average			
	Heating/Cooling		FWA;CAC		FWA;CAC		FWA;CAC		FWA;CAC	
	Energy Efficient Items		Assorted		Assorted		Assorted		Assorted	
	Garage/Carport		3 Garage;1 Carport		3 Garage		3 Garage		5 Garage	
	Porch/Patio/Deck		CovPch;CovPat		CovPch;Pat		CovPch;Pat		CovPch;EnclPat	
	Built-Ins/Upgrades		Good		Inferior		Good		Good	
	Pool Features		Pool		None		Pool		None	
	Exterior Features		Typical		Inferior L/S		Superior L/S		Typical	
	Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 55,350		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -86,950		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 39,150			
	Adjusted Sale Price of Comparables		Net 12.3 % Gross 23.5 % \$ 505,350		Net 15.1 % Gross 15.1 % \$ 488,050		Net 8.1 % Gross 12.3 % \$ 519,650			
	Summary of Sales Comparison Approach ALL SALES ARE LOCATED WITHIN THE SUBJECT'S COMPETITIVE MARKET AREA AND ARE SIMILAR IN FUNCTION AND UTILITY. POSITIVE AND NEGATIVE ADJUSTMENTS FOR THE COMPARABLE SALES WERE REQUIRED IN AREAS OF DISSIMILARITY TO PRODUCE THE BEST INDICATED VALUE FOR THE SUBJECT. THE SUBJECT COMPETES WELL WITH SIMILAR SIZED, AGED HOMES IN ITS COMPETITIVE MARKET AREA. THE COMPARABLES UTILIZED WERE THE BEST AVAILABLE AT THE TIME OF INSPECTION.									
LINEAR REGRESSION STUDIES DID NOT SHOW SUPPORT FOR INDIVIDUAL BEDROOM OR BATHROOM ADJUSTMENTS AND TYPICALLY THESE DIFFERENCES ARE ACCOUNTED FOR IN THE OVERALL GLA ADJUSTMENTS										
THE APPRAISER'S FEE FOR THIS ASSIGNMENT IS \$500. THE AMC'S REGISTRATION # IS AMC.0000010.										
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.										
Indicated Value by Sales Comparison Approach \$ 500,000										

STUCKE-0874

0011121

File No.: 0011121

SALES COMPARISON APPROACH

Summary of Sales Comparison Approach

STUCKE-0875

Supplemental Addendum


File No. 0011121

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				

An area's predominant value is an estimate of the most common market sales price for a general category of home within a defined market area. The overall price range is reflected in the high and low prevailing prices of residential properties that are comparable to the property being appraised. When a home's value exceeds the upper price range or is less than the lower range, the home may be considered an over improvement or under improvement within the market area. In some instances, the improvements can represent an over improvement for the neighborhood but are still within the market area upper price range. While the subject's value exceeds the area's predominant price, it does not exceed the upper limit reflected within the price range, nor is it considered to be over improved for its neighborhood. The subject conforms to neighboring properties for overall construction, amenities and features. The area properties exceeding the predominant value do appeal to a current and active market along with buyers' needs and financing qualifications. Within a market of this type, a sale price that exceeds the appraised value or loan amount is not uncommon. Neither the subject's value nor improvements are considered negative within the subject market area.

Highest and Best Use:

The subject's HBU is a single-family residential property. It is legal and permissible to be used as such, it is the most feasible use, and it is surrounded by other single-family residential properties. Economically and functionally it makes the most sense, due to the site zoning and site size.

Signature 
Name VANCE RANDALL
Date Signed 02/11/2020
State Certification # A.0007808-CR State NV
Or State License # State

Signature _____
Name _____
Date Signed _____
State Certification # _____ State _____
Or State License # _____ State _____

STUCKE-0876

PROPERTY HISTORY

File No. 0011121

Borrower	David Stucke		
Property Address	3485 W Maule Ave		
City	Las Vegas	County	Clark
		State	NV
		Zip Code	89118
Lender/Client	David Stucke		

*** SUBJECT 36-MONTH PRIOR TRANSFER HISTORY ***

3485 W Maule Ave
-No transfer history.

*** COMPARABLE 12-MONTH PRIOR TRANSFER HISTORY ***
(may include properties that were considered but not utilized as comparables)

9456 Polaris Ave
-Transferred on 08/23/2018 for \$0. It transferred from Garza Arthur Jr and Patricia A to Garza Family Trust and was a Bargain and Sale Deed (Document #180823000203).

4025 Mardon Ave
-No transfer history.

3165 W Torino Ave
-No transfer history.


5970 Sobb Ave
-No transfer history.

198 Ebb Tide Cir
-No transfer history.

STUCKE-0877

RESIDENTIAL APPRAISAL REPORT

0011121
File No.: 0011121

COST APPROACH	COST APPROACH TO VALUE (if developed) <input checked="" type="checkbox"/> The Cost Approach was not developed for this appraisal.			
	Provide adequate information for replication of the following cost figures and calculations.			
	Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): DUE TO THE AGE AND PHYSICAL DEPRECIATION OF THE HOME, THE COST APPROACH WOULD NOT BE AN ACCURATE INDICATOR OF MARKET VALUE FOR THE SUBJECT.			
INCOME APPROACH	ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input type="checkbox"/> REPLACEMENT COST NEW		OPINION OF SITE VALUE = \$	
	Source of cost data:		DWELLING Sq.Ft. @ \$ = \$	
	Quality rating from cost service: Effective date of cost data:		Sq.Ft. @ \$ = \$	
	Comments on Cost Approach (gross living area calculations, depreciation, etc.):		Sq.Ft. @ \$ = \$	
			Sq.Ft. @ \$ = \$	
			Sq.Ft. @ \$ = \$	
			Sq.Ft. @ \$ = \$	
			Sq.Ft. @ \$ = \$	
			Sq.Ft. @ \$ = \$	
			Sq.Ft. @ \$ = \$	
Estimated Remaining Economic Life (if required): 40 Years		INDICATED VALUE BY COST APPROACH = \$		
PUD	INCOME APPROACH TO VALUE (if developed) <input checked="" type="checkbox"/> The Income Approach was not developed for this appraisal.			
	Estimated Monthly Market Rent \$ X Gross Rent Multiplier = \$ Indicated Value by Income Approach			
	Summary of Income Approach (including support for market rent and GRM): PER CLIENT REQUEST THE INCOME APPROACH WAS NOT INCLUDED IN THE SCOPE OF WORK AND THEREFORE NOT PERFORMED FOR THIS ASSIGNMENT.			
RECONCILIATION	PROJECT INFORMATION FOR PUDs (if applicable) <input type="checkbox"/> The Subject is part of a Planned Unit Development.			
	Legal Name of Project:			
	Describe common elements and recreational facilities:			
ATTACHMENTS	Indicated Value by: Sales Comparison Approach \$ 500,000 Cost Approach (if developed) \$ Income Approach (if developed) \$			
	Final Reconciliation THE SALES COMPARISON IS WEIGHED MOST AS THIS APPROACH IS CONSIDERED TO BE THE MOST RELIABLE INDICATOR OF VALUE AS IT TENDS TO REFLECT THE ACTIONS OF BUYERS AND SELLERS IN THE OPEN MARKET.			
SIGNATURES	This appraisal is made <input checked="" type="checkbox"/> "as is", <input type="checkbox"/> subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, <input type="checkbox"/> subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair:			
	<input type="checkbox"/> This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.			
	Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 500,000, as of: 01/28/2020, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.			
	A true and complete copy of this report contains 22 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.			
	Attached Exhibits:			
	<input checked="" type="checkbox"/> Scope of Work <input checked="" type="checkbox"/> Limiting Cond./Certifications <input checked="" type="checkbox"/> Narrative Addendum <input checked="" type="checkbox"/> Photograph Addenda <input checked="" type="checkbox"/> Sketch Addendum			
	<input checked="" type="checkbox"/> Map Addenda <input checked="" type="checkbox"/> Additional Sales <input checked="" type="checkbox"/> Cost Addendum <input checked="" type="checkbox"/> Flood Addendum <input type="checkbox"/> Manuf. House Addendum			
	<input type="checkbox"/> Hypothetical Conditions <input type="checkbox"/> Extraordinary Assumptions <input type="checkbox"/>			
	Client Contact: Client Name: David Stucke			
	E-Mail: Address: 3485 W Maule Ave, Las Vegas, NV 89120			
APPRaiser  Appraiser Name: VANCE RANDALL Company: APPRAISELV Phone: (702) 823-4499 Fax: (702) 586-0411 E-Mail: APPRAISELASVEGAS@GMAIL.COM Date of Report (Signature): 02/11/2020 License or Certification #: A.0007808-CR State: NV Designation: CERTIFIED RESIDENTIAL APPRAISER Expiration Date of License or Certification: 04/30/2020 Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 01/28/2020		SUPERVISORY APPRAISER (if required) or CO-APPRaiser (if applicable) Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date of Report (Signature): _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: _____		

Market Conditions Addendum to the Appraisal Report

0011121
File No. 0011121

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address 3485 W Maule Ave City Las Vegas State NV ZIP Code 89118

Borrower David Stucke

Instructions: The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)	10	3	4	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	1.67	1.00	1.33	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Comparable Active Listings	15	16	12	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Ab.Rate)	9.0	16.0	9.0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	\$500,250	\$450,000	\$577,500	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Sales Days on Market	44	44	54	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Comparable List Price	\$649,000	\$629,500	\$659,000	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Listings Days on Market	142	77	131	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale Price as % of List Price	98%	96%	97%	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Seller-(developer, builder, etc.)paid financial assistance prevalent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.). An analysis was performed on 17 competing sales over the past 12 months. For those sales, a total of 35.3% were reported to have seller concessions. This analysis shows a change of +48.2% per month.

Are foreclosure sales (REO sales) a factor in the market? ☐ Yes ☒ No If yes, explain (including the trends in listings and sales of foreclosed properties).

An analysis was performed on 17 competing sales over the past 12 months. For those sales, a total of 0.0% were reported to be REO.

Cite data sources for above information. Information reported in the GLVAR system (using an effective date of 01/28/2020) was utilized to arrive at the results noted on this addendum. Any percent change results noted in these comments are based on simple regression.

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.

An analysis was performed on 17 competing sales over the past 12 months. The sales within this group had a median sale price of \$500,000. This analysis shows a change of +3.3% per month. Based on all sales in this same group, there is a 8.5 month supply. This analysis shows a change of -1.4% per month. These sales had a median DOM of 44. This analysis shows a change of +3.7% per month.

If the subject is a unit in a condominium or cooperative project, complete the following:

Project Name:

Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Unit Supply (Total Listings/Ab.Rate)				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Are foreclosure sales (REO sales) a factor in the project? ☐ Yes ☐ No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

Signature
Appraiser Name VANCE RANDALL
Company Name APPRAISELV
Company Address 92 PETTWOOD DR, HENDERSON, NV 89002
State License/Certification # A.0007808-CR State NV
Email Address APPRAISELASVEGAS@GMAIL.COM

Signature
Supervisory Appraiser Name
Company Name
Company Address
State License/Certification #
Email Address

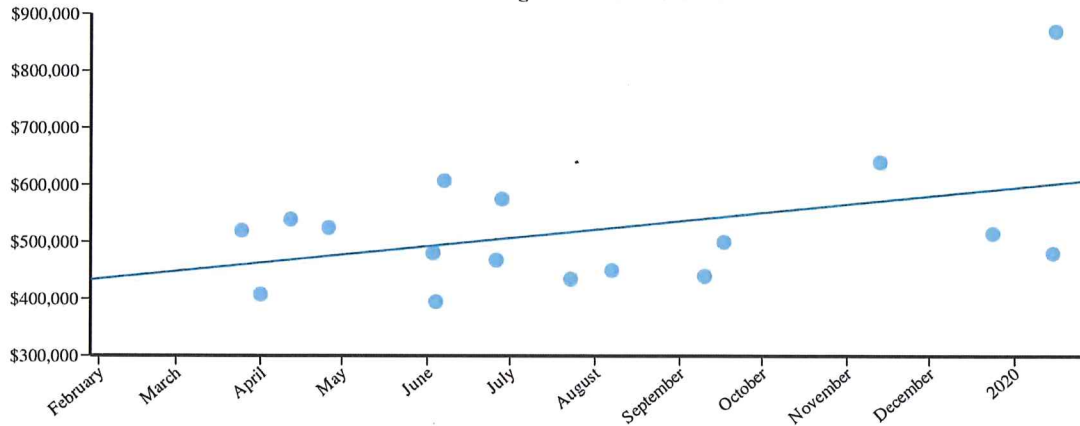
Market Conditions Charts - Page 1

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV
				Zip Code	89118
Lender/Client	David Stucke				

Competing Med Sale \$

Total: \$500,000 $y = 482.07x + 432267.69$
 Simple Regression Per Month: $+3.3\%$

Date Range: 1/29/2019 - 1/28/2020

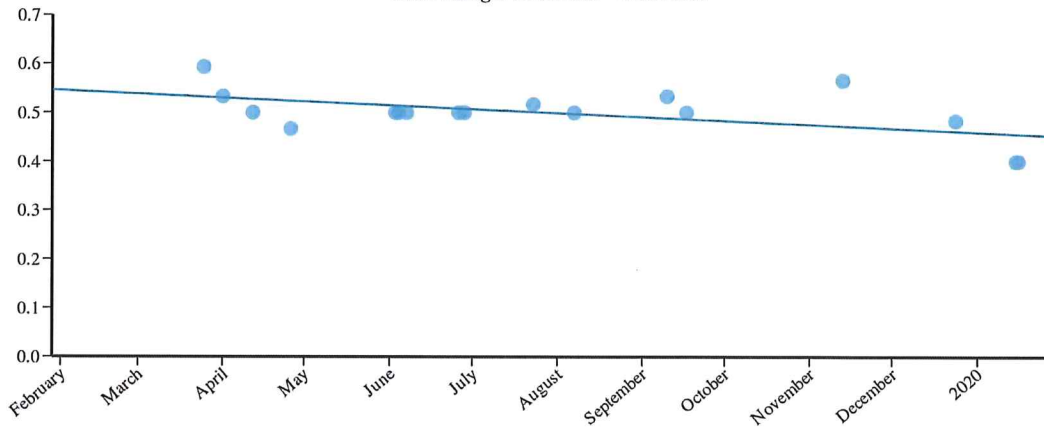


Median \$

Competing Housing Supply (Months of)

Total: 8.5 $y = -0.0003x + 0.55$
 Simple Regression Per Month: -1.4%

Date Range: 1/29/2019 - 1/28/2020

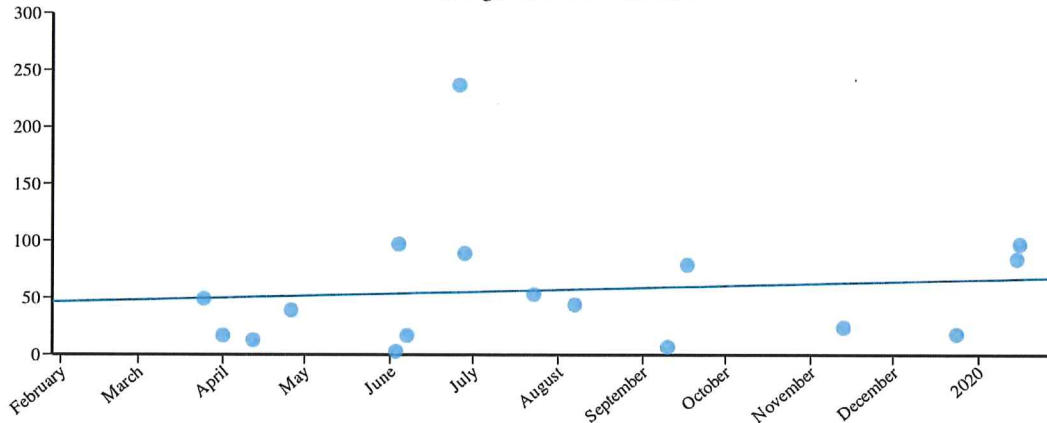


Housing Supply

Competing Med DOM (Sales)

Total: 44 $y = 0.0582x + 46.22$
 Simple Regression Per Month: $+3.7\%$

Date Range: 1/29/2019 - 1/28/2020



Sales DOM

STUCKE-0880

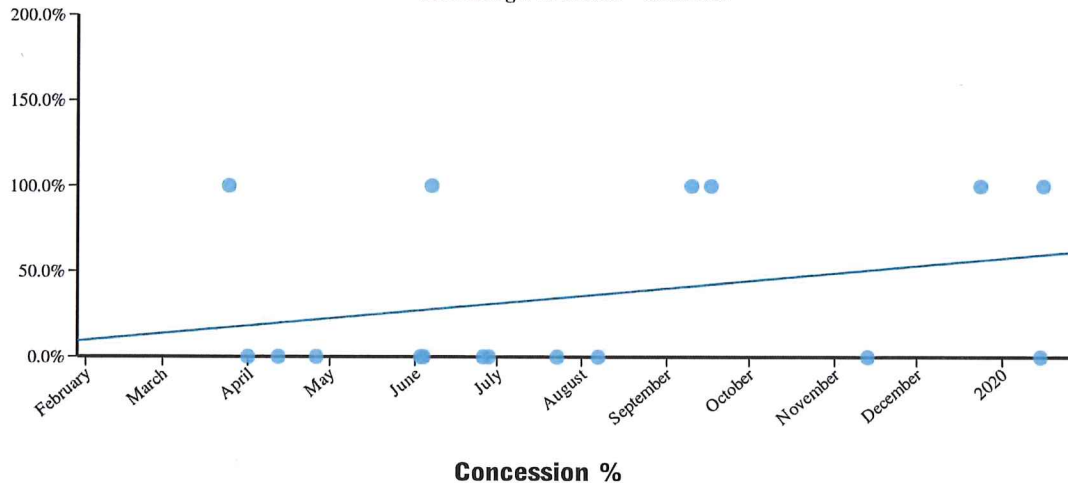
Market Conditions Charts - Page 2

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				

● Competing Concession %

Total: 35.3% $y = 0.1446x + 8.83$
Simple Regression Per Month: +48.2%

Date Range: 1/29/2019 - 1/28/2020

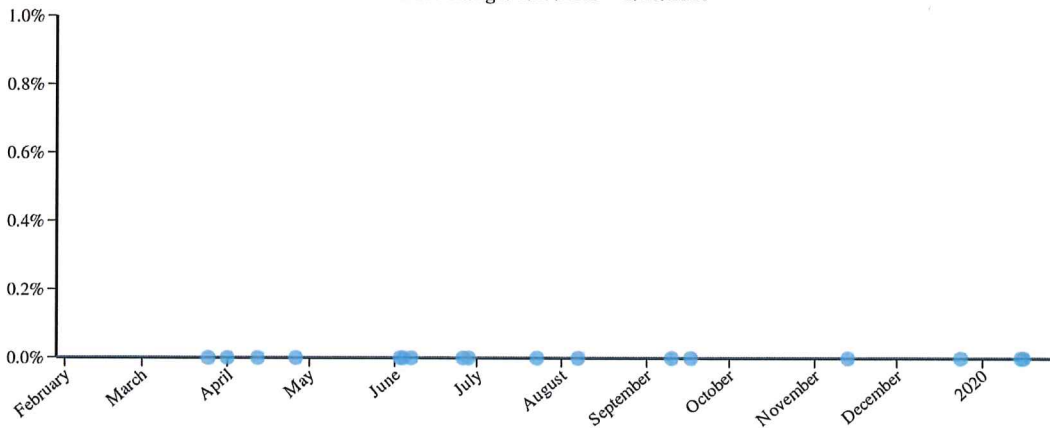


Concession %

● Competing REO % (Sales)

Total: 0.0%
Simple Regression Per Month: N/A

Date Range: 1/29/2019 - 1/28/2020

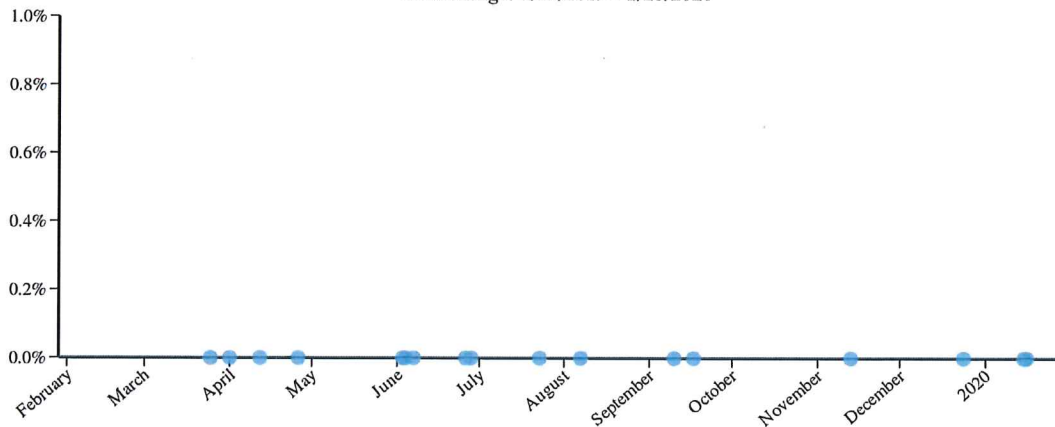


Foreclosure Analysis

● Competing Short % (Sales)

Total: 0.0%
Simple Regression Per Month: N/A

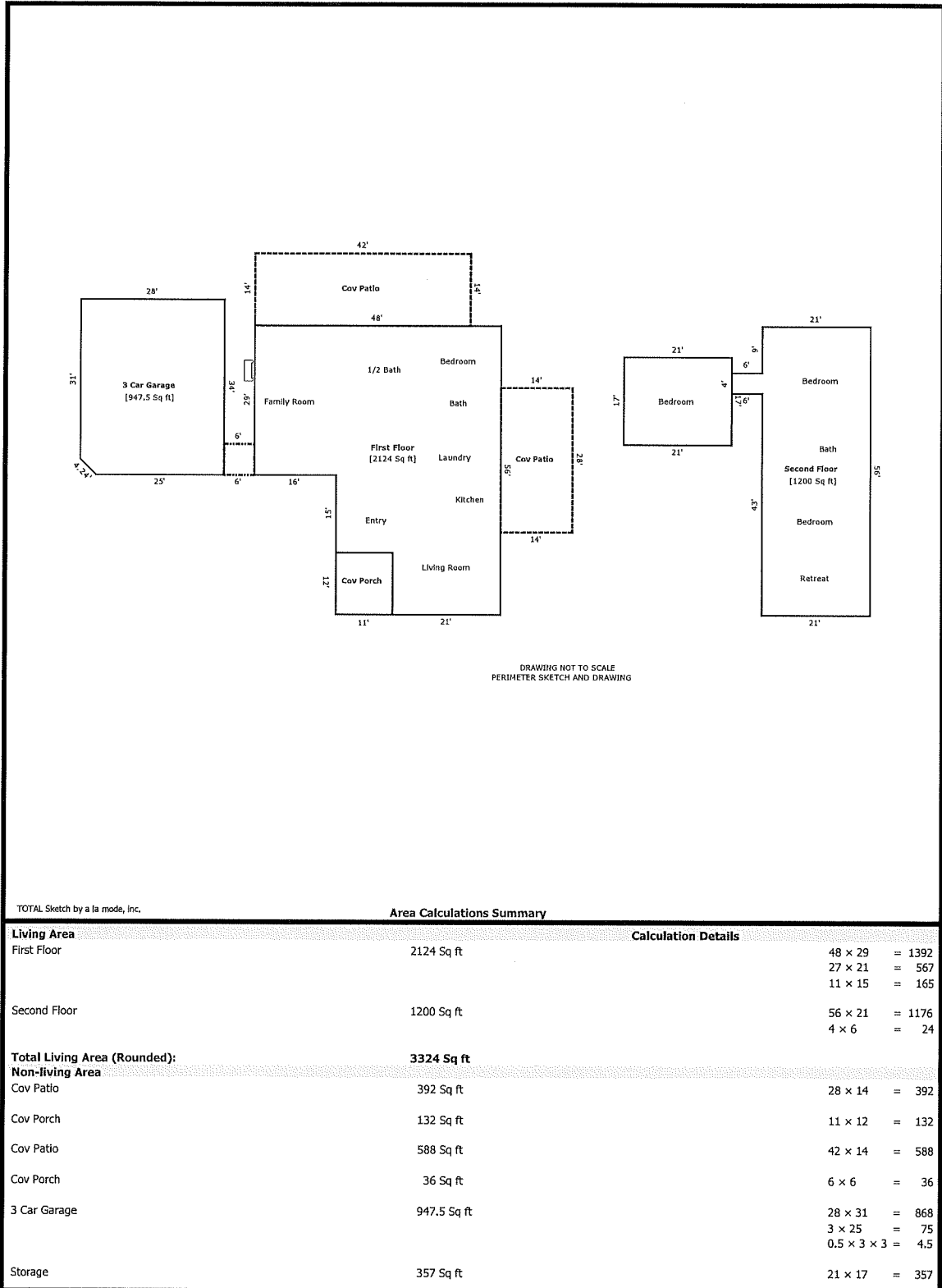
Date Range: 1/29/2019 - 1/28/2020



Short Sale Analysis

Building Sketch

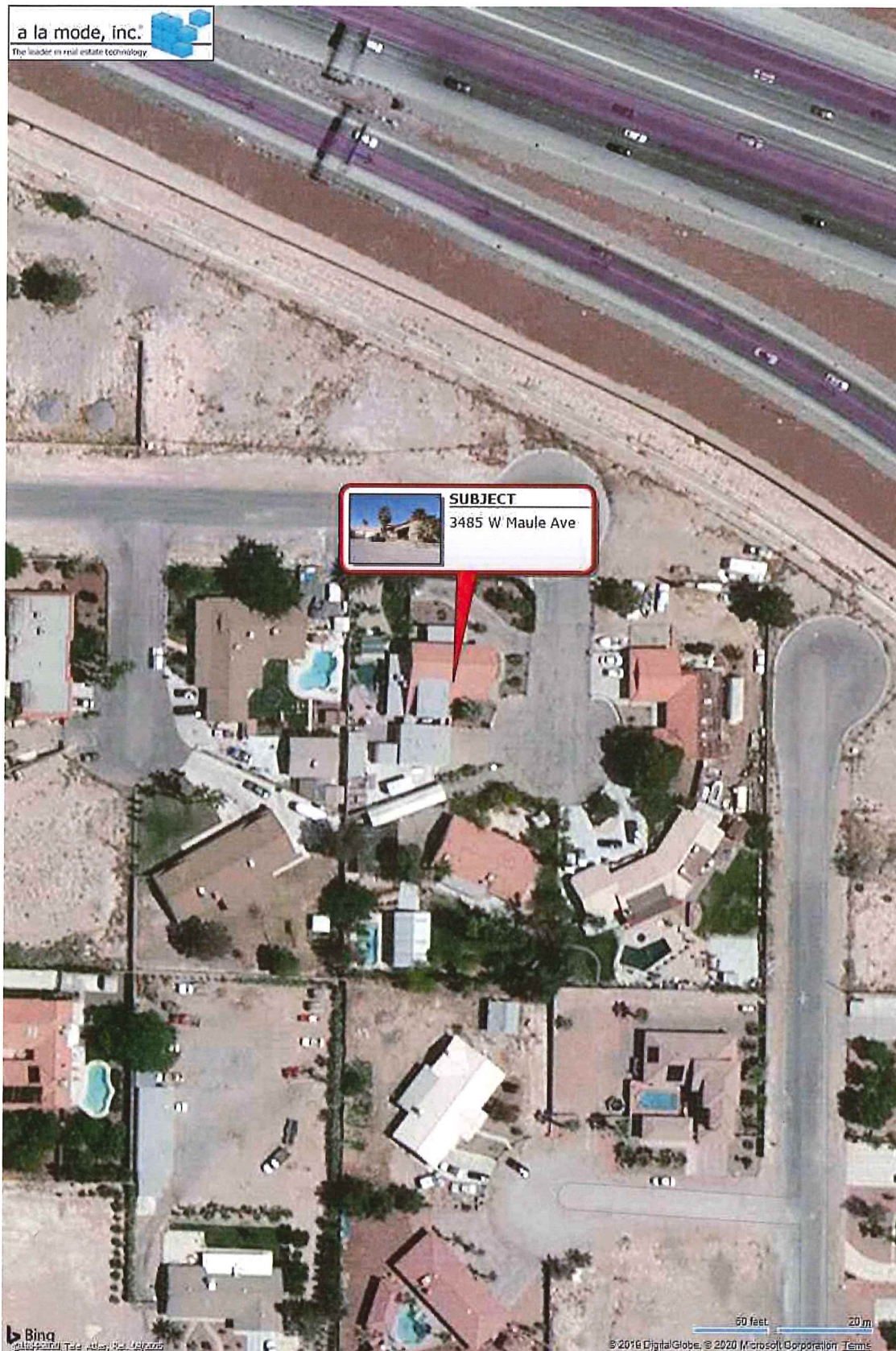
Borrower	David Stucke			
Property Address	3485 W Maule Ave			
City	Las Vegas	County	Clark	State NV Zip Code 89118
Lender/Client	David Stucke			



STUCKE-0882

Aerial Map

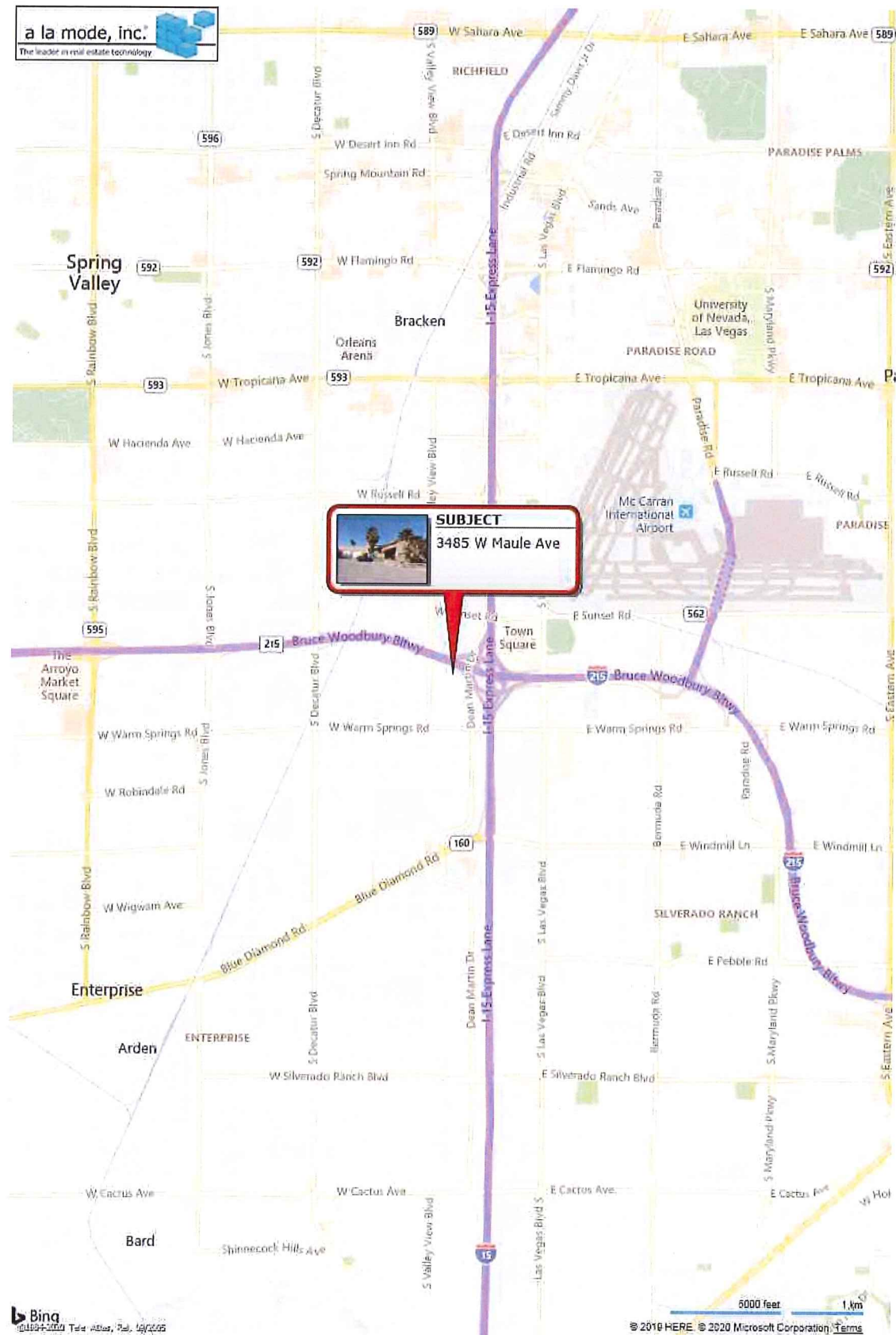
Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



STUCKE-0883

Location Map

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV
Lender/Client	David Stucke	Zip Code	89118		



Comparable Sales Map

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



STUCKE-0885

Subject Photo Page

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



Subject Front

3485 W Maule Ave
Sales Price
Gross Living Area 3,324
Total Rooms 7
Total Bedrooms 3
Total Bathrooms 2.1
Location N;Res;
View RESIDENTIAL
Site 21,344 SqFt
Quality Average
Age 43



Subject Rear



Subject Street

STUCKE-0886

Photograph Addendum

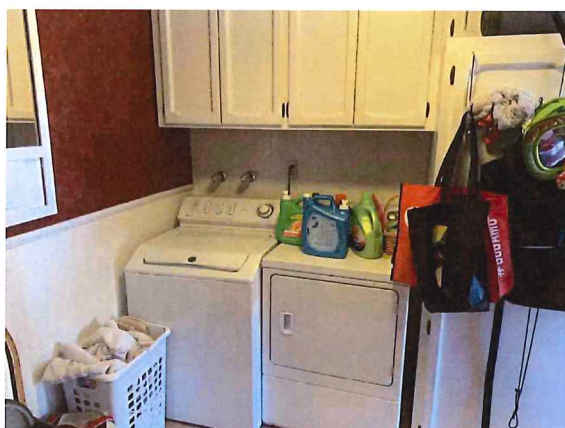
Borrower	David Stucke					
Property Address	3485 W Maule Ave					
City	Las Vegas	County	Clark	State	NV	Zip Code 89118
Lender/Client	David Stucke					



Subject Living Room



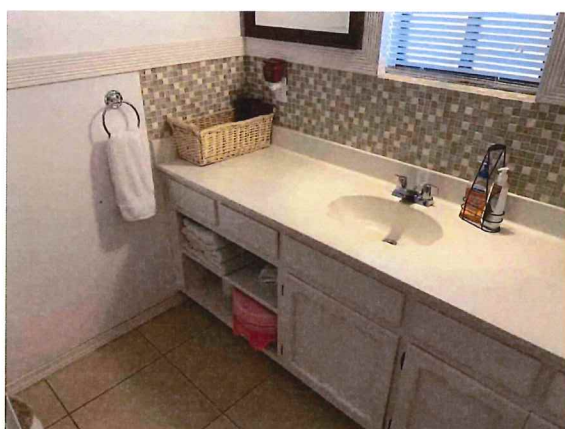
Subject Kitchen



Subject Laundry



Subject Family Room



Subject Half Bathroom



Subject Bedroom

STUCKE-0887

Photograph Addendum

Borrower	David Stucke					
Property Address	3485 W Maule Ave					
City	Las Vegas	County	Clark	State	NV	Zip Code 89118
Lender/Client	David Stucke					



Subject Bathroom



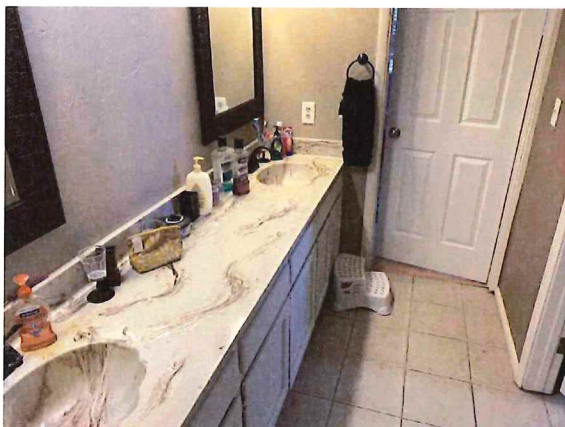
Subject Bedroom



Subject Bedroom



Subject Bathroom



Subject Bathroom



Subject Master Bedroom

STUCKE-0888

Photograph Addendum

Borrower	David Stucke					
Property Address	3485 W Maule Ave					
City	Las Vegas	County	Clark	State	NV	Zip Code 89118
Lender/Client	David Stucke					



Subject Master Retreat



Subject Pool



Subject Pool Equipment



Subject Storage Shed



Subject Storage Shed



Subject Rear Yard

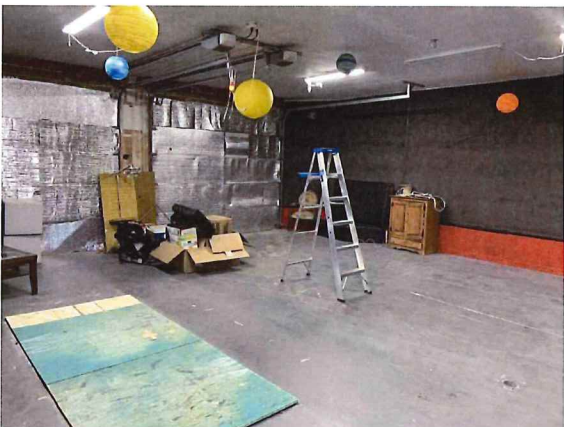
STUCKE-0889

Photograph Addendum

Borrower	David Stucke					
Property Address	3485 W Maule Ave					
City	Las Vegas	County	Clark	State	NV	Zip Code 89118
Lender/Client	David Stucke					



Subject Side View



Subject Garage



Subject Side View



Subject Garage

Comparable Photo Page

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



Comparable 1

9456 Polaris Ave
 Prox. to Subject 3.20 miles S
 Sales Price 450,000
 Gross Living Area 2,982
 Total Rooms 8
 Total Bedrooms 4
 Total Bathrooms 2.1
 Location N;Res;
 View RESIDENTIAL
 Site 33,977 SqFt
 Quality Average
 Age 41

MLS PHOTO



Comparable 2

4025 W Mardon Ave
 Prox. to Subject 0.75 miles SW
 Sales Price 575,000
 Gross Living Area 3,982
 Total Rooms 10
 Total Bedrooms 3
 Total Bathrooms 2.1
 Location N;Res;
 View CITY
 Site 22,651 SqFt
 Quality Average
 Age 38

MLS PHOTO



Comparable 3

3165 W Torino Ave
 Prox. to Subject 2.38 miles S
 Sales Price 480,500
 Gross Living Area 3,002
 Total Rooms 8
 Total Bedrooms 4
 Total Bathrooms 3.0
 Location N;Res;
 View RESIDENTIAL
 Site 20,473 SqFt
 Quality Average
 Age 30

MLS PHOTO

STUCKE-0891

Comparable Photo Page

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



Comparable 4

5970 Sabb Ave
Prox. to Subject 2.17 miles NW
Sales Price 525,000
Gross Living Area 3,221
Total Rooms 7
Total Bedrooms 4
Total Bathrooms 3.0
Location N;Res;
View RESIDENTIAL
Site 25,265 SqFt
Quality Average
Age 26

MLS PHOTO



Comparable5

198 Ebb Tide Cir
Prox. to Subject 1.42 miles SE
Sales Price 408,000
Gross Living Area 2,934
Total Rooms 7
Total Bedrooms 3
Total Bathrooms 3.1
Location N;Res;
View RESIDENTIAL
Site 19,166 SqFt
Quality Average
Age 37

MLS PHOTO

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Prox. to Subject
Sales Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location
View
Site
Quality
Age

STUCKE-0892

LICENSE

APPRAISER CERTIFICATE

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

NOT TRANSFERABLE

REAL ESTATE DIVISION

NOT TRANSFERABLE

This is to Certify That : VANCE D RANDALL

Certificate Number: A.0007808-CR

Is duly authorized to act as a CERTIFIED RESIDENTIAL APPRAISER from the issue date to the expiration date at the business address stated here in, unless the certificate is sooner revoked, cancelled, withdrawn, or invalidated.

Issue Date: March 6, 2018

Expire Date: April 30, 2020

In witness whereof, THE DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION, by virtue of the authority vested in it by Chapter 645C of the Nevada Revised Statutes, has caused this Certificate to be issued with its Seal printed thereon. This certificate must be conspicuously displayed in place of business.

**FOR: APPRAISELV LLC
228 PIONEERS PEAK AVE
HENDERSON, NV 89002**

REAL ESTATE DIVISION

**SHARATH CHANDRA
Administrator**



STUCKE-0893

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

Conditions - Borrower Outstanding with Requirements

Date Issued	02/19/20	Loan No.	1400477296
Borrowers	David P Stucke	Property	3485 W Maule Avenue
Lender	Cardinal Financial Company, Limited Partnership		Las Vegas, NV 89118
	NMLS ID: 66247 State Lic: 3968		Clark County
Originator	Mike Dean NMLS ID: 162919 State MLO ID: 997		

Below is a list of borrower-provided documents pending receipt or approval. We require these documents to support the information provided on the loan application.

Loan Purpose Cash-out	Loan Amount \$361,000	Rate 5.125%	Product Conventional 30 Year, Fixed Rate	Est. Fund 02/20/20
---------------------------------	---------------------------------	-----------------------	--	------------------------------

Required Prior to Approval

Credit	Decision
<input type="checkbox"/> Divorce Decree or Separation Agreement for David P. Stucke <ul style="list-style-type: none"> Ensure all pages of the divorce agreement, separation agreement, or other notarized agreement as dictated by local custom, including any modifications, are provided. 	Unreceived

Required Prior to Funding

Credit	Decision
<input type="checkbox"/> Settlement Statement | Sale of Property Concurrent Closing for 3740 Grandview Place, Las Vegas, NV <ul style="list-style-type: none"> Ensure borrower(s) in our system of record match name of sellers. Ensure document indicates date of sale. Ensure document is final settlement statement (HUD or Closing Disclosure format). <i>[Please provide final executed settlement statement]</i> 	Pending Pending Rejected

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3

Cardinal Financial Company, Limited Partnership

3145 St Rose Parkway, Suite 201 • Henderson, NV 89052

Loan Quote | Closing Disclosure

Your actual rate, payment and costs could be higher. Get an official Loan Estimate before choosing the loan.

Prepared For	
Borrowers	David P Stucke
Date Issued	2/19/20
Notes	

Prepared By	
Loan Officer	Mike Dean
Phone	(702) 303-1333
Email	mike.dean@cardinalfinancial.com
NMLS ID	162919

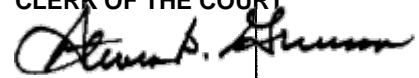
Loan Terms	
Purpose	Refinance
Property	3485 W Maule Avenue, Las Vegas, NV 89118
Property Use	Primary Residence
Est. Property Value	\$525,000
Loan Amount	\$361,000
Product	Conventional 30 Year, Fixed Rate
Interest Rate	5.125%
Annual Percentage Rate (APR)	5.212%

Estimated Monthly Payments	
Mortgage Payment	
Principal & Interest	\$1,965.60
Mortgage Insurance	\$0.00
Property Taxes	\$191.53
Hazard Insurance	\$101.45
Total Mortgage Payment	\$2,258.58

Estimated Closing Costs	
Loan Costs	
Lock Extension Fee	\$1,010.80
Processing Fee	\$695.00
Underwriting Fee	\$995.00
Appraisal Fee	\$490.00
Title - Closing Protection Letter Fee	\$25.00
Title - Electronic Recording Fee	\$13.50
Title - Endorsement 9	\$100.00
Title - Lender's Title Insurance	\$813.75
Title - Notary Fee	\$175.00
Title - Settlement Fee	\$250.00
Total	\$4,568.05
Taxes and Other Government Fees	
Recording Fees	\$120.00
Total	\$120.00

Estimated Closing Costs	
Prepays	
Prepaid Interest (\$50.69 per day for 10 days)	\$506.90
County Property Tax (3 months)	\$574.15
Total	\$1,081.05
Initial Escrow Payment at Closing	
Homeowner's Insurance (\$101.45 per mo. for 8 mo.)	\$811.60
Aggregate Adjustment	- \$483.25
Total	\$328.35
Other	
Lender Credits	-\$704.59
Total	-\$704.59
Total Estimated Closing Costs	\$5,392.86

Estimated Cash to Close	
Loan Amount	\$361,000.00
Total Estimated Closing Costs	-\$5,392.86
Estimated Total Payoffs and Payments	-\$238,490.39
Estimated Cash To Borrower	\$117,606.75
<i>Estimated Closing Costs Financed (Paid from your Loan Amount)</i>	\$4,902.86



1 **EXH**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: VMGroup@TheAbramsLawFirm.com

Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

9 DAVID PATRICK STUCKE,

) Case No.: D-18-580621-D

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14 **SUPPLEMENTAL EXHIBIT IN SUPPORT OF**
15 **EMERGENCY MOTION TO ALLOW PLAINTIFF TO**
16 **COMPLETE THE REFINANCE OF THE MAULE RESIDENCE**
AND FOR DEFENDANT TO VACATE THE RESIDENCE

17 NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE,
18 by and through his attorney of record, VINCENT MAYO, ESQ., of THE
19 ABRAMS & MAYO LAW FIRM, and hereby submits the following
20 supplemental exhibit in support of his *Emergency Motion to Allow*
21

1 *Plaintiff to Complete the Refinance of the Maule Residence and for the*
2 *Defendant to Vacate the Residence.*

3

Exhibit	Description
4	Conditional approval letter for refinance of the Maul residence

6

7 Dated this 24th day of February, 2020.

8 Respectfully Submitted,

9 THE ABRAMS & MAYO LAW FIRM

10 /s/ Vincent Mayo, Esq.

11 Vincent Mayo, Esq.

12 Nevada State Bar Number: 8564

6252 South Rainbow Blvd., Suite 100

13 Las Vegas, Nevada 89118

14 Attorney for Plaintiff

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Tuesday ^{cont.} 25
Monday, February 24, 20 ^{cont.}

And via email to:

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4



February 23, 2020

Mr. Stucke,

This letter is to confirm that we have completed the underwriting of your loan file and have determined you have met all Fannie Mae loan parameters. Only two remaining underwriting conditions are outstanding and must be satisfied before Cardinal Financial can draft your closing documents.

- Quit Claim Deed signed by spouse or finalized divorce decree.
- Court order/decreed showing Bank of America auto loan #6301004118322 is the sole responsibility of your spouse.

Once we obtain these two items you will be able to sign closing documents and finalize this refinance transaction.

Thank you,

Michael Dean

Mike Dean
Branch Manager
702.938.7602

D-18-580621-D David Patrick Stucke, Plaintiff
vs.
Christie LeeAnn Stucke, Defendant.

March 10, 2020 09:30 AM Motion

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: McCulloch, Melissa

PARTIES PRESENT:

David Patrick Stucke, Counter Defendant, Plaintiff, Vincent Mayo, Attorney, Present Present

Christie LeeAnn Stucke, Counter Claimant, Pro Se Defendant, Present

Sarah Laura Stucke, Subject Minor, Not Present

David Orion Stucke, Subject Minor, Not Present

JOURNAL ENTRIES

PLAINTIFF'S EMERGENCY MOTION TO ALLOW PLAINTIFF TO COMPLETE THE REFINANCE OF THE MAULE RESIDENCE AND FOR DEFENDANT TO VACATE THE RESIDENCE

Parties SWORN and TESTIFIED.

Statements by Attorney Mayo regarding Plaintiff's refinance of the W. Maule residence, pay-off of the van through escrow and preservation of the funds until a stipulation is reached or further order of the Court. Statements by Defendant regarding need for disbursement of funds to allow her the ability to relocate from the residence. Argument by Attorney Mayo regarding alleged under claiming of income by Defendant. Discussion regarding alternatives for Defendant until such time as the matter is adjudicated or heard at a settlement conference. Further discussion regarding how much time is needed to complete discovery. Court NOTES, Defendant provided Plaintiff with several coins, keys and his wedding ring IN OPEN COURT.

Following discussion COURT ORDERED as follows:

1. SENIOR JUDGE SETTLEMENT CONFERENCE set on 5/6/20 at 1:30 p.m. Each Party shall submit a brief for the Senior Judge at least seven (7) days prior to the settlement conference, as well as file/serve an updated Financial Disclosure Form (FDF), if necessary, with courtesy copies delivered to the department drop box. Order referring to Senior Judge Settlement Program provided to the parties and FILED IN OPEN COURT.

2. In the interim, Plaintiff is permitted to complete the RE-FINANCE of the W. Maule residence. Defendant is to cooperate and execute a Quit Claim Deed, if it is needed, with the understanding that she is not waiving her community interest in the residence. Should she fail to do so, the Clerk of the Court, Steve Grierson, will be permitted to execute a deed on her behalf. The pay-off of the parties' van will be permitted through escrow as part of the re-finance. Pursuant to the 1/30/20 Order, the community equity funds are to be placed in Counsel's Trust Account until stipulation or further order of the Court.

3. Defendant will be permitted to stay in the W. Maule residence for another four (4) weeks while she lines up alternative living arrangements for her and the children. Parties are to discuss and Plaintiff is to consider assisting Defendant with reasonable funds to assist in her relocation, including moving fees and deposits on a new residence, by agreeing to the release of community funds, as opposed to this matter returning back to Court.

Attorney Mayo will prepare an Order from today's hearing.

4. The W. Maule furniture/furnishings are to be divided via an A/B List.

INTERIM CONDITIONS:

FUTURE HEARINGS:

May 06, 2020 1:30PM Settlement Conference
Courtroom 03 Gentile, Denise L

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 11, 2020

D-18-580621-D David Patrick Stucke, Plaintiff
vs.
Christie LeeAnn Stucke, Defendant.

June 11, 2020 8:00 AM Minute Order

HEARD BY: Gentile, Denise L**COURTROOM:** Chambers**COURT CLERK:** Melissa McCulloch**PARTIES:**

Christie Stucke, Defendant, Counter Claimant, Pro Se
not present
David Stucke, Plaintiff, Counter Defendant, Vincent Mayo, Attorney, not present
not present
David Stucke, Subject Minor, not present
Sarah Stucke, Subject Minor, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

COURT FINDS on June 8, 2020 Plaintiff requested a drug test referral for Defendant, pursuant to the Order from the October 7, 2019 hearing, entered on October 31, 2019. COURT FINDS Defendant was referred to American Toxicology, Inc., and results were reported to the Court on June 11, 2020.

COURT FINDS that Defendant's sample provided on June 8, 2020 returned results of THC Metabolite Positive 225ng/ml in Urine; and Negative in Hair.

COURT FINDS that the American Toxicology, Inc. results reported herein shall remain confidential pursuant to EDCR 5.301 and EDCR 5.304.

PRINT DATE:	06/11/2020	Page 1 of 2	Minutes Date:	June 11, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

STUCKE-0906

CLERK'S NOTE: On 6/11/20 a copy of the Court's Minute Order was provided to Defendant and to Plaintiff's Attorney of record. (mm)

FUTURE HEARINGS: June 23, 2020 10:00 AM Motion to Set Aside
 Gentile, Denise L
 Courtroom 03
 McCulloch, Melissa

 June 23, 2020 10:00 AM Opposition & Countermotion
 Gentile, Denise L
 Courtroom 03
 McCulloch, Melissa

PRINT DATE:	06/11/2020	Page 2 of 2	Minutes Date:	June 11, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

STUCKE-0907

Divorce - Complaint

COURT MINUTES

June 23, 2020

D-18-580621-D David Patrick Stucke, Plaintiff
vs.
Christie LeeAnn Stucke, Defendant.

June 23, 2020 10:00 AM All Pending Motions

HEARD BY: Gentile, Denise L COURTROOM: Courtroom 03

COURT CLERK: McCulloch, Melissa

PARTIES PRESENT:

David Patrick Stucke, Counter Defendant, Plaintiff, Vincent Mayo, Attorney, Present
Present

Christie LeeAnn Stucke, Counter Claimant, Pro Se
Defendant, Present

Sarah Laura Stucke, Subject Minor, Not Present

David Orion Stucke, Subject Minor, Not Present

JOURNAL ENTRIES

MOTION TO SET ASIDE ORDER, JUDGEMENT, AND/OR DEFAULT... PLAINTIFF'S OPPOSITION TO MOTION AND MOTION TO SET ASIDE ORDER, JUDGEMENT AND/OR ORDER AND COUNTERMOTION TO ORDER DEFENDANT TO STOP TRYING TO INFLUENCE THE COURT ON AN EX PARTE BASIS, FOR ATTORNEY'S FEES AND RELATED RELIEF

Both parties and Attorney Mayo participated TELEPHONICALLY.

Statements by the Plaintiff regarding Defendant not closing on the property or completing the refinance on purpose. Argument by Attorney Mayo. Discussion regarding status of discovery and the Court setting the matter for trial. Statements by Defendant regarding the need for a copy of her file and lack of documentation in her possession. Court stated all discovery disputes need to be heard before the Discovery Commissioner. Upon inquiry, Defendant represented she was in communication with Dr. Paglini and he is waiting her release and should have the report in the next thirty (30) days.

COURT ORDERED:

1. Defendant to provide Dr. Paglini with the signed release by the end of the day today.
2. NON-JURY TRIAL set for 9/14/20 at 9:00 a.m. regarding custody (Day 1); and 9/17/20 at 9:00 a.m. regarding financials/divorce (Day 2).
3. Discovery will close thirty (30) days prior to trial. Court to issue a TRIAL MANAGEMENT ORDER, which will be electronically provided to each side.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Printed Date: 6/26/2020

Page 1 of 2

Minutes Date:

June 23, 2020

Sep 14, 2020 9:00AM Non-Jury Trial
Courtroom 03 Gentile, Denise L

Sep 17, 2020 9:00AM Non-Jury Trial
Courtroom 03 Gentile, Denise L

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

August 03, 2020

D-18-580621-D David Patrick Stucke, Plaintiff
vs.
Christie LeeAnn Stucke, Defendant.

August 03, 2020 8:00 AM Minute Order

HEARD BY: Gentile, Denise L**COURTROOM:** Chambers**COURT CLERK:** Melissa McCulloch**PARTIES:**

Christie Stucke, Defendant, Counter Claimant, Fred Page, Attorney, not present
not present
David Stucke, Plaintiff, Counter Defendant, Vincent Mayo, Attorney, not present
not present
David Stucke, Subject Minor, not present
Sarah Stucke, Subject Minor, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

COURT FINDS that on July 27, 2020, Plaintiff, David Stucke, was referred to American Toxicology Institute (ATI) for testing. COURT FINDS the results for ATI have been returned to the Court, with a report of URINE DRUGS: THC Metabolite Positive 118 ng/ml and Amphetamine Positive 5228 ng/ml; and HAIR DRUGS: Amphetamine Positive 8885 pg/mg and Amphetamine Positive 9560 pg/ml. COURT FINDS the ATI results include additional notes as follows: Report Notes: The donor indicated a currently prescribed medication which is consistent for a positive finding for Amphetamine. The prescription has been verified by the laboratory. COURT FINDS ATI reports the Plaintiff s sample was collected on 7/27/2020.

PRINT DATE:	08/03/2020	Page 1 of 2	Minutes Date:	August 03, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

STUCKE-0910

COURT FINDS that on July 27, 2020, Defendant, Christie Stucke, was referred to ATI for testing. COURT FINDS the results for ATI have been returned to the Court, with a report of THC Metabolite Positive 112 ng/ml URINE DRUGS; and Negative for HAIR DRUGS. COURT FINDS ATI reports the Defendant s sample was collected on 7/27/2020.

CLERK'S NOTE: On 8/3/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

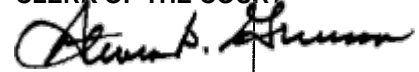
FUTURE HEARINGS: September 14, 2020 9:00 AM Non-Jury Trial
Gentile, Denise L
Courtroom 03
McCulloch, Melissa

September 17, 2020 9:00 AM Non-Jury Trial
Gentile, Denise L
Courtroom 03
McCulloch, Melissa

PRINT DATE:	08/03/2020	Page 2 of 2	Minutes Date:	August 03, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

STUCKE-0911



PTM
Vincent Mayo, Esq.
Nevada State Bar Number: 8564
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@tamlf.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
)	
Plaintiff,	)	Department: F
)	
vs.)	
)	
CHRISTIE LEEANN STUCKE,)	
)	
Defendant.)	
)	

PLAINTIFF'S PRE-TRIAL MEMORANDUM

COMES NOW, Plaintiff, DAVID PATRICK STUCKE, by and through his attorney of record, VINCENT MAYO, ESQ., of THE ABRAMS & MAYO LAW FIRM, and hereby submits his Pre-Trial Memorandum.

I. STATEMENTS OF FACTS

A. NAMES AND AGES OF THE PARTIES:

1. Plaintiff, David P. Stucke ("David"), age 46.

STUCKE-0912

2. Defendant, Christie LeeAnn Stucke (“Christie”), age 42.

B. DATE OF MARRIAGE:

The parties were married four (4) years ago, on May 28, 2016, in Las Vegas, Nevada.

C. RESOLVED ISSUES, INCLUDING AGREED RESOLUTION:

1. The parties are incompatible, with no possibility of reconciliation.
2. That the State of Nevada, County of Clark, has jurisdiction over these proceedings.
3. The parties should be equally responsible for any medical, dental (including orthodontic), psychological, optical, and prescription expenses of the minor children, not covered by insurance. The parties should utilize the “30/30 rule” in regard to payment of any such unreimbursed medical expenses of the minor children.

D. STATEMENT OF UNRESOLVED ISSUES:

1. Physical custody of the minor children, to wit: Sarah Stucke, DOB: May 22, 2016 (4-years-old); and David Stucke (Jr.), DOB: March 30, 2018 (2-years-old).
2. Child support.

1 3. Distribution of Assets.

2 4. Distribution of Debts.

3 5. Confirmation of Plaintiff's sole and separate premarital /
4 property.

5 6. Waste / dissipation by Defendant.

6 7. Attorney's fees.

7 **II. DAVID SHOULD BE AWARDED PRIMARY PHYSICAL**
8 **CUSTODY**

9 This Court is well aware of the struggle David has undergone in
10 attempting to co-parent with Christie and obtain some stability for the
11 parties' young children. Unfortunately, Christie has sabotaged these
12 efforts and made co-parenting a nightmare for David. Dr. Paglini, who
13 conducted a child custody evaluation in this matter, found Christie
14 cannot regulate her negative thoughts towards David and that her
15 children have been exposed to her negativity towards David on a number
16 of occasions. Dr. Paglini found this behavior is a major hinderance to co-
17 parenting and that Christie needs to undergo intense counseling to
18 address same.

19 This destructive, pathological misconduct is fueled by Christie's
20 hate for David and her "significant, emotional dysregulation"—a
21 condition that has existed throughout her life, as Dr. Paglini found in his
 report. Christie herself admitted to her psychological issues, telling Dr.

1 Paglini she informed a prior counselor and David both that she suffers
2 from borderline personality disorder.

3 It is of note that Dr. Paglini found David to be stable
4 psychologically and fit to care for the children. Christie herself admitted
5 that David is very loving and caring towards both children, playing and
6 spending time with them while he involves them in creative experiences.
7 David also focuses on the children's educational need, helping them
8 interactively with reading and math. Also, and unlike Christie, David is
9 careful not to involve the children in the litigation. Dr. Paglini also noted
10 that David is attentive to the children's needs and they have a close
11 relationship with David.

12 While Dr. Paglini has major concerns in regard to Christie's ability
13 to facilitate and encourage the relationship between David and the
14 children, he recommended a 60/40 joint physical custody with David
15 having the children four days a week (60%) and Christie having the
16 children three days of week (40%). This is contingent on Christie
17 undergoing counseling and the parties completing an extensive co-
18 parenting class. That being said, Dr. Paglini found that if Christie does
19 not complete the requirements of the Court and/or continues in her
20 behavior, the Court should consider David having primary physical
21 custody.

1 However, and most importantly, Christie made false claims of rape
2 by David and abuse towards the parties' daughter Sarah. Dr. Paglini
3 strongly recommended in his report that if Christie is lying and made
4 the claims for gain in this divorce, such conduct would be an ultimate
5 act of parental alienation and the Court should award David primary
6 physical custody with restrictions on Christie.

7 Unfortunately, this is exactly what occurred in this case. Christie's
8 own conduct and admissions evidence she intentionally lied about the
9 rape allegations, as well as the abuse claims against Sarah.

10 **Christie's false claims of rape**

11 Christie's false allegation of rape is best understood after some
12 background is provided. Unfortunately, Christie is an emotionally
13 disturbed individual as she has severe psychological problems. Christie
14 is a very violent woman and is prone to fits of rage over insignificant or
15 irrational issues, resulting in her cursing at David, throwing objects and
16 even striking him. During one incident on August 25, 2018, Christie was
17 screaming at David, accusing him of cheating and calling him an asshole
18 and repeating "Fuck you!" while literally holding a crying Sarah. Christie
19 had a history of denying such events so David decided to video record
20 her. Christie later rose, chased after David while holding Sarah, throwing
21 a car seat in David's direction and hitting him several times in the

1 process. During another incident, Christie literally grabbed two chairs in
2 the kitchen and smashed them while swinging them in David's direction.
3 Christie admitted to hitting David in a text from later that day. Christie
4 attacked David again a week later. David would often retreat to a
5 bedroom once he had Sarah and the baby to protect them while Christie
6 calmed down.

7 After a fight, Christie would get severally depressed and distant,
8 stating she was leaving. Christie did so on a number of occasions, being
9 gone for a few days while David cared for the children. Christie wouldn't
10 tell David where she was going or when she was coming home. Christie
11 would eventually return, asking David to take her back. It was times like
12 these that David, against his better judgment, took Christie back.

13 Christie became increasingly irrational, paranoid and self-centered
14 over the fall of 2018, resulting in her erratic and violent behavior
15 worsening. She attacked David on October 30, 2018, over her accusation
16 David was having an affair on her (which he wasn't). David tried to
17 defend himself and in fact, he was the one who called the police (as 911
18 recordings will evidence and Christie admits in text messages). When
19 the police arrived, David said Christie attacked him while Christi lied
20 and stated David started the fight. David was trying to get the car seats
21 so he could care for the kids while she abandoned the family for another

1 day. The police stated someone had to go to jail and although they
2 believed Christie to be the aggressor, Christie suggested she had some
3 bruises under her clothes (although they were not shown to the police).
4 The officer told David that he could take David to jail or both Christie
5 and David to jail. Since someone needed to be there for the children and
6 pick Sarah up from school, David agreed to be arrested.

7 The truth immediately came out as Christie, who did not want
8 David to go to actually go to jail, instantly tried to change her story but
9 the police reiterated protocol required them to take someone in.

10 **Christie did not file for a TPO and not only did she put up bail**
11 **for David but also picked him up from the police station and**
12 **went to lunch with him at the Peppermill.** Christie stated she was

13 sorry and did not want them to divorce. Christie was pushing for David
14 to send his mother, whom is very ill, back to Pennsylvania and re-
15 commit to the marriage. She asked David to “basically disown your
16 parents”. More telling is the fact Christie finally admitted in a text
17 message dated November 28th that she hit David that day, thereby
18 initiating the incident. Christie also admitted she hit David in an audio
19 recording of a conversation with David. Dr. Paglini concluded David had
20 not attacked Christie that day.

21 ///

1 A month later on November 26th, David attended a concert with
2 his friend Dan. Christie was upset because she alleged David did not go
3 to the concert and accused him of cheating (even though David did go to
4 the concert with his friend Dan). Christie, who was in a fit by that point,
5 stated:

6 "Fuck you, you are a liar! Fuck you, you are cheating on me! Fuck
7 you, you are done! We are fucking done! Cheating, fucking liar!
8 You are out tomorrow!"

9 Christie, infuriated, called the police, trying to use as an excuse
10 that David was drunk. David was not drunk (as the police confirmed),
11 and in fact had not drank that night. The police stated David did not
12 have to leave his home but it would be wise for the parties to sleep in
13 different rooms.

14 As usual, Christie apologized the next morning on November 27,
15 2018. Christie found out that David filed for divorce later that morning.
16 Christie responds by filing an application for a TPO on November 27,
17 2018. The TPO was denied the following day. Christie later after
18 retaining counsel filed a second TPO on December 6, claiming that she
19 was raped early in the morning of November 28th. Christie clearly is
20 leveraging the system designed to protect real victims to gain control of
21 the house and David's property. This is clear from the fact Christie does
not mention anything about any nonconsensual sex in the parties' texts

1 the next day on November 28th. In fact, the very first text David has from
2 Christie the next morning starts with the following:

3 “So your biggest complaint about me being upset and yelling and I
4 am telling you I am willing to go to counseling with you for the
yelling and I’m even willing to consider medication...”

5 **She makes absolutely no mention in the text, or in any**
6 **text thereafter, of any alleged rape.** Christie also did not call the
7 police. Most telling, Christie asked David two days later if he wanted to
8 go to rope sex instruction class with her. David went (trying to keep the
9 peace) on November 30th and there are photos of Christie, smiling and
10 tied up from that class. At the party, Christie requested that David use a
11 flogger on her. Due to the Christie’s erratic behavior and lies David
12 refused to. On November 28th, Christie told David (in recordings) to
13 “Pack your bags David...I’m done trying to give you a fair shake, you’re
14 going to have to do what the judge says now and it ain’t gonna be as good
15 as I would have given ya...I was willing to give you a fair shake, now I’m
16 not. You’ll suffer whatever consequences happen...You won’t have any
17 more chances. You will be out of this house. I guarantee you.... You’re
18 the one that’s going to pay the price.” These statements were right after
19 Christie’s friends told her to “fight back, fight dirty” in response to her
20 complaining about David’s divorce filing.

21 ///

1 David knew the parties could not remain together though,
2 especially after the parties' counselor stated she did not believe Christie
3 would ever change if she was BPD. David therefore filed for divorce on
4 November 28, 2018.

5 Once Christie was served with papers, Christie became erratic,
6 often apologetic and full of self-pity on top of her extreme vengeful
7 threats. David has audio from November 29th in which Christie states
8 she wants to reconcile ("you need to choose me over this divorce") and
9 that the parties should exercise joint physical custody. **This was one**
10 **day after the alleged rape.** David also has audio from December 4th
11 during which Christie tells David he needs to "pull his paperwork" and
12 choose their marriage. Christie then threatened to harm herself, saying
13 she couldn't go through another divorce and she's going to "go to sleep
14 soon in the van" due to having taken too much insulin that she had left
15 over from her pregnancy—implying she would kill herself. David
16 immediately told Christie to "stop talking like that." Shortly after
17 Christie's son Joel sent a text message to David stating that "mom may
18 do self-harm". Christie adds that David is trying to take the children
19 from her by asking for primary custody. David responds that he is just
20 trying to protect them and that she needs help.

21 ///

1 Christie then sends David a text on November 29, 2018, with an
2 attachment showing a man and a woman together that reads:

3 "I need you. I need your body against mine. Your warmth. Your
4 smell. The taste of your kiss. Your hands wrapped around my
curves."

5 Christie follows this with a text message a few days later on
6 December 4th telling David she loves him and stating she wants to
7 reconcile with David and have him dismiss the divorce:

8 "The only way that I can see our marriage being able to go on after
9 everything is for you to cancel the divorce and for us to try to start
over from scratch and have a burial ceremony for the past and
10 that you and I both recommit to this marriage and family...you
can be assured that if we can manage to do this I would be willing
to let go the past and you have to do the same."

11 It was only after David wasn't willing to reconcile that Christie got
12 angry and decided to use the prior alleged incidents against David to
13 gain leverage in the divorce case. This is evident from the fact Christie
14 applied for a TPO on November 27, 2018 but remained living with David
15 until she decided to file another one, this time with worse fabrications,
16 once she realized the parties would not reconcile. Clearly, Christie is
17 lying.

18 Therefore, it is clear Christie is lying. NRS 125C.0035(5) states that
19 claims of domestic violence by one parent towards another must be
20 proven by clear and convincing evidence. There is no doubt that in this
21 matter, David did not rape Christie and Christie cannot prove her claim,

1 much less by clear and convincing evidence. Dr. Paglini recommended
2 that if Christie lied about these accusations, it would have a direct effect
3 on custody and should result in David having primary custody.

4 It must be remembered that such false claims regarding domestic
5 violence are Christie's MO. Christie did so before in regard to the
6 October 30, 2018 incident (when she stated David assaulted her), only to
7 recant and tell the parties' counselor, Ms. Di Lauro, on November 17,
8 2018, that the altercation was an accident. Ms. Di Lauro also noted that
9 Christie all of a sudden started referencing "painful sexual memories"
10 involving David at a December 17, 2018 session (which was after David
11 was not willing to reconcile and filed for divorce). Ms. Di Lauro was
12 suspicious, stating that was the first time Christie had ever made such a
13 claim to her. Ms. Di Lauro also commented that said behavior was
14 contrary to the fact it was Christie who constantly complained David
15 didn't do enough for her in BDSM or sexually and David was the one
16 who was emotionally unavailable due to the parties' issues. Perhaps
17 most notably, Christie told David's mother that if David dropped the
18 divorce, she would drop her TPO and the request for the DA to prosecute
19 David.

20 ///

21 ///

Christie's false claims of David sexually abusing Sarah

Christie claimed in July 31, 2019 that David had sexually molested Sarah by touching Sarah's vagina. Based on the evidence in this matter, it is clear Christie lied about this, done solely in an attempt to use her lie as leverage in this case:

- Christie's initial reaction to supposedly finding out that her daughter was being molested was (as she told Dr. Paglini) "I didn't want to get too excited." She then decides to call her girlfriend Jessica, not to call the police or immediately call CPS. CPS saw the initial video and concluded that David was just taking Sarah out of the car seat and it didn't appear that any inappropriate touching occurred.
- Christie took Sarah to see the medical staff at Anthem Pediatrics. When the staff said hello to Sarah, the child immediately stated that her father had "touched her pee and stirred it up." This unsolicited statement was considered suspicious;
- When the nurse practitioner next asked Sarah to get on the weight scale, Sarah continued to **repeat her statement over and over (5-10 times)**. The nurse practitioner found this strange as well;

- 1 • When the doctor saw Sarah, Sarah appeared fine and it took
2 Christie asking Sarah, “Don’t you want to tell the doctor
3 something?”, to speak, as if Sarah had forgotten about the
4 statement and rather, was being told what to say;
- 5 • The medical exam of Sarah came out normal with no signs of
6 trauma, no redness, rash or other indicators;
- 7 • Christie refused for Sarah to have a SANE exam;
- 8 • Christie stated she never had any prior concerns regarding
9 inappropriate touching by David towards Sarah;
- 10 • Christie complained in court that David refused to put vaginal
11 cream on Sarah after she supposedly believes David is a
12 pedophile molesting his own daughter.
- 13 • Ms. Wilburn, Sarah’s counselor, observed Sarah with David and
14 concluded the two are very bonded. Of greater note is the fact
15 that in all of her appointments with Ms. Wilburn over a ten-
16 month period, Sarah never once disclosed anything indicating
17 any sexual abuse nor that she was in any way uncomfortable or
18 anxious around her father;
- 19 • LVMPD investigated the matter, found no evidence of anything
20 criminal and closed the case;
- 21

- 1 • Dr. Paglini's reports that there is no evidence that the sex abuse
2 allegations are true;
- 3 • CPS found Christie's allegations unsubstantiated. The
4 investigator spoke to David and Sarah and found nothing
5 indicating anything inappropriate, with Sarah even telling the
6 investigator that her father was "good to her";
- 7 • Ms. Di Lauro, the parties' counselor, reported neither party ever
8 reported any inappropriate behavior between David and Sarah;
- 9 • Christie attempted to make another claim that David molested
10 Sarah in September 2019. The detective decided not to follow-
11 up believing it was a divorce related issue.
- 12 • David has a recording from August 27, 2019, in which Sarah
13 tells David she is going to tell the doctor "the truth." When
14 David asked what that is, Sarah said that "mommy touched my
15 pee pee." David, not wanting Sarah to lie about either parent,
16 told Sarah her mother does not do that. Sarah then waits a
17 second and states David touched her pee pee. David told Sarah
18 he does not do that. Sarah then states that her brother (who is
19 2-years-old old) touches her pee pee followed by Mommy kisses
20 my pee pee, with David again correcting Sarah. It must be noted
21 that Dr. Paglini found David did not prompt this conversation

1 with Sarah and that David started recording Sarah after she had
2 voluntarily brought up the issue.

3 Despite all this demonstrable proof that David did nothing
4 inappropriate towards Sarah, Christie continued claiming David had
5 abused Sarah. This issue was dropped until Dr. Paglini was in the
6 process of completing his evaluation. Then, all of a sudden and not
7 coincidentally, Christie claimed that David again inappropriately touched
8 Sarah. Christie told Ms. Wilburn, who again did not find any evidence of
9 sexual abuse. CPS contacted Christie, stated they did not find anything
10 substantiating the claim and actually told Christie to send Sarah to
11 David's home.

12 Desperate to get CPS to believe her, Christie next sent CPS a video
13 taken at Christie's home in which Christie got Sarah to state David
14 touched her pee pee. **It is of note that after watching the video,**
15 **CPS believed that Christie was likely coaching Sarah.**

16 It is of note that this is Christie's MO. Christie was previously
17 married to John Hentschl, whom she had children with. After Christie
18 and Mr. Hentschl divorced and Mr. Hentschl was awarded primary
19 physical custody, Christie and Mr. Hentschl were arguing over matters
20 involving the children, Christie started making "disparaging, false,
21 and/or hurtful statements with the intent to interfere with the Former

1 Husband's parent/child relationship. The Former Wife [Christie] has
2 also made false and unsubstantiated reports to the Department of
3 Children and Family Services alleging that the Former Husband has
4 been physically abusing the child(ren)."¹ This litigation resulted in
5 Christie losing the case and having restricted access to the children.²
6 Hence, what the Court is seeing is a repeat of the gameplaying and lies
7 Christie resorts to when she has her back to the wall or wants leverage in
8 a case.

9 Christie's attempt to lie and call the father of the parties' children a
10 pedophile to the Court, third party investigators and even mutual
11 friends, is disgusting and inexcusable. It is also, as Dr. Paglini put it, the
12 ultimate act of parental alienation and evidence Christie cannot be
13 trusted with joint custody. In addition to the other factors set forth in
14 NRS 125C.0035, the following are of special importance:

15 (d) ***The level of conflict between the parents;*** (e) ***The***
16 ***ability of the parents to cooperate to meet the needs of***
the child.

17 Dr. Paglini has made it clear Christie has significant animosity
18 towards David, going so far as to disparage him in the presence of the
19 young children. Further, he believes this animosity is a hinderance to the

20 _____
21 ¹ This was reported by Mr. Hentschl in a April 22, 2004 Supplemental Petition for
Modification of Final Judgment of Dissolution of Marriage.

² This was ordered in the Stipulation for Temporary Visitation.

1 parties ability to co-parent going forward.

2 (f) ***The mental and physical health of the parents;*** (g)
3 ***The physical, developmental and emotional needs of the***
child.

4 Christie's substantial emotional dysfunction, in addition to her
5 admitted PTSD and borderline personality disorder, are fueling her
6 belief that she is "the victim" and her animosity for David. As a result,
7 Christie has a difficult time placing the children's best interests ahead of
8 her desire to hurt David. Dr. Paglini observed this via the numerous
9 times Christie has assaulted David and disparaged him in the presence
10 of the little children. This has created distress in the children. Donna
11 Wilburn also observed this. Worse of all though, this is clear from the
12 fact Christie has gone so far as to claim during this litigation that David
13 has suddenly become a pedophile in order to try and gain leverage in this
14 divorce.

15 It is of note that Dr. Paglini found that Christie has a history of
16 placing her own interests ahead of her children's. During her first
17 marriage, Christie and her ex-husband Mr. Hentschl both stated Christie
18 abandoned him and their children, which included a daughter from a
19 prior relationship, in order to move away to pursue a polyamorous
20 lifestyle. Today, Christie's adult children have severe issues, with
21 Christie admitting that her daughter Elizabeth has a history of serious

1 drug addiction (ongoing) and her son Joel has severe anger and
2 emotional issues.

3 Christie's tendency to be violent is also a concern for Dr. Paglini.
4 When upset, Christie is capable of hitting, throwing items, and
5 destroying property. Such behavior is not just limited to David. She was
6 that way with her two adult children when they were minors, with a
7 counselor in Florida testifying during a deposition that Christie struck
8 her son Joel in the face (at 8-years-old), causing his nose to bleed. Joel's
9 reaction was to try and leave blood on the wall as evidence since he knew
10 his mom would lie about it. This is terrifying as it also indicates it was
11 likely not the first time this type of thing occurred. A normal reaction
12 would be shock, not trying to think of how to leave evidence.

13 Therefore, and in light of the serious issues regarding Christie raised
14 in Dr. Paglini's report, his recommendations, and the evidence in this
15 case, the Court should order the following:

16 (1) David should be awarded primary physical custody of the
17 minor children with Christie having supervised visitation through a
18 mutually agreeable third party or visitation center like HeadsUp
19 Guidance and Wellness Centers of Nevada (which takes insurance), Palo
20 Verde Child & Family Services, Inc., Family First Services, Donna's
21 House, etc., as well as weekly video conferencing time with the children;

1 (2) Christie should undergo therapy through a new psychologist to
2 address her personality dynamics and anger issues and with the
3 psychologist communicating with Dr. Paglini to further understand
4 Christie's issues;³

5 (3) Christie should complete an extensive co-parenting class, with
6 her visitation remaining supervised until she does so; and

7 (4) Modification of the Court's Standard holiday and vacation
8 schedule to state: (a) Thanksgiving, Halloween, the children's birthdays,
9 the parents' birthdays and three-day holidays are included; and (b) the
10 two-week maximum continuous time is not to be attached to the
11 vacationing parent's regular custodial time. This occurred this summer
12 when Christie tried taking her two weeks sandwiched between her
13 regular time. This would have given David two separate 24-hour periods
14 in a 23-day period. Even Dr. Paglini stated such extended visitation with
15 such small children was not best for them.

16 **III. CHILD SUPPORT, MEDICAL COSTS AND CHILD'S**
17 **EXPENSES**

18 Since David should be awarded primary physical custody of the
19 parties' two (2) minor children, Christie should pay child support

20
21 ³ As Dr. Paglini states, Christie's current therapist is insufficient for this task has her
counseling with the therapist has focused on Christie's belief she is "a victim", not an
active contributor to her emotional issues.

1 pursuant to Nevada Administrative Code (NAC) 425.140. For purposes
2 of determining Christie's gross monthly income, the Court should look at
3 her W-2 compensation, as well any income derived from the businesses
4 she runs based on their true earning capacity under NAC 425.125 as
5 reflected in the 2019 figures.

6 **IV. PROPERTY AND DEBTS**

7 **A. COMMUNITY PROPERTY AND DEBTS**

8 There are a number of properties that must be adjudicated by the
9 Court, with special focus being on the following assets and debts:

10 (1) **3485 W. Maule Ave, LV NV 89118 ("W. Maule")**: This
11 property was bought via a short sale in March 2015 by David as his "sole
12 and separate property" prior to the parties' domestic partnership. When
13 they entered into the domestic partnership, they intended the W. Maule
14 property to remain David's separate property. The parties had both been
15 married before and were jaded by the concept of marriage. Therefore,
16 they did not want to marry at that time but wanted to ensure David
17 could cover Christie under his work health insurance policy. For that
18 reason only, the parties decided to enter into a domestic partnership.

19 The parties recognized that David would be contributing his
20 separate property towards the purchase of W. Maule and that his
21 contribution would therefore need to be protected. To that end, title was

1 acquired just in David's name (this is furthermore supported by David's
2 refinance in December 2015 that was still David's sole and separate
3 property).

4 Under *Malmquist v. Malmquist*, 106 Nev. 231, 792 P.2d 372
5 (1990), separate property contributions to real property are subject to
6 reimbursement on a dollar for dollar basis. The *Malmquist* Court
7 specifically relied on California Civil Code 4800(2)(now Civil Code
8 2640), that holds separate property contributions towards property shall
9 be reimbursed to the contributing party. As for David's separate down
10 payment, he put down 10% on \$284,000, which comes out to \$28,400.
11 These monies came from a premarital poker winnings from David's
12 2007 WSOP Bracelet that David had. NRS 123.130; *Kelly v. Kelly*, 86
13 Nev. 301, 468 P.2d 359 (1970). Hence, David is entitled to
14 reimbursement of these funds off the top.

15 In addition to his separate property down payment, David is also
16 entitled to the equity in W. Maule from the time David bought the
17 property in March 2015 until the time of the parties' marriage in May
18 2016. Again, the parties' intention was to keep W. Maule David's
19 separate property during the domestic partnership. This means that his
20 payments towards the mortgage until the date of marriage were his
21 separate property. Therefore, a *Malmquist* application to said funds is

1 appropriate. *Gafforini v. Gafforini*, No. 79436-COA, 2020 Nev. App.
2 Unpub. Lexis 592.

3 However, the *Malmquist* formula should be run on the actual fair
4 market value of the property at the time of purchase, not the short sale
5 value of \$284,000. An appraisal from 2015 shows the value of W. Maule
6 to be \$435,000. Hence, for purposes of the *Malmquist* formula, this is
7 permitted. The Nevada Supreme Court held in *Malmquist* that its
8 formula is not the only way to apportion the separate and community
9 interests in real property.⁴ The trial courts can deviate to the extent the
10 deviation results in an equitable result and division of property. An
11 example where deviation is likely is where the vast bulk of appreciation
12 in real property occurred prior to marriage.⁵ Here, the fair market value
13 of W. Maule was \$435,000, not the short sale contract price of
14 \$284,000. Using the \$284,000 figure would result in a windfall to
15 Christie and unfairly deprive David of separate equity. A just result
16 requires the fair market value of W. Maule be used, not the short sale
17 price.

18 Therefore, as the parties stipulated and the Court ordered on
19 March 10, 2020 for David to be awarded W. Maule and buy Christie out
20 of any interest she may have, and applying the *Malmquist* formula using

21 ⁴ 106 Nev. at 240.

⁵ *Id.*

1 the \$435,000 value, David's separate interest in W. Maule totals
2 \$265,929.87 and the community interest totals \$55,498.46. Hence,
3 David's total interest in the W. Maule equity is \$293,679.10 and
4 Christie's total interest in the W. Maule equity is \$27,749.23.⁶

5 Additionally, Christie's remaining equity in W. Maule should be
6 deducted by (1) the missed mortgage payments on W. Maule and the
7 Chrysler Van Christie was ordered to make, which she did not due to her
8 wasting the monies on gambling, thereby forcing the loans to be paid
9 from monies in David's counsel's client trust account; and (2) Christie's
10 wasting of marital funds on gambling. See Section V below. These total
11 \$67,410.51 related to Christie's gambling in 2019 and 2020 (\$134,821.02
12 divided by 2) and \$18,314 (related to Christie's missed mortgage and van
13 loan payments), with a grand total of \$85,724.51 to be deducted from
14 any equity Christie has in W. Maule.⁷

15
16 ⁶ See **Exhibit 1**. However, if the Court chooses to go with the short sale purchase
17 price, the analysis would be the following: Applying the *Malmquist* formula, David's
18 separate interest in W. Maule totals \$69,575.55 and the community interest totals
19 \$196,345.32. Hence, David's total interest in the W. Maule equity is \$167,752.71 and
20 Christie's total interest in the W. Maule equity is \$98,172.66. See **Exhibit 2**.

21 ⁷ Now, Christie may attempt to argue that since the parties bought the W. Maule
residence so close to the time they entered into a domestic partnership, application
of *Malmquist* is unavailable but she is wrong. W. Maule was purchased prior to the
domestic partnership and even if it had been, the parties transmuted any potential
joint / domestic partnership interest in W. Maule in David's separate property.
Where the parties intend for property that would have been marital / community in
nature to be separate, a transmutation occurs. *Colman v. Collier (In re Colman
Revocable Living Trust)*, 136 Nev. Adv. Rep. 13, 460 P.3d 452 (2020); *Mullikin v.
Jones*, 71 Nev. 14, 278 P.2d 876 (1955) *Schmanski v. Schmanski*, 115 Nev. 247, 984

1 It is of note that despite being ordered to move out of the W. Maule
2 residence, Christie delayed. Her excuses for doing so were numerous,
3 none of which had merit: Christie claimed she could not afford to
4 (despite having a roommate and spending tens of thousands on
5 gambling), movers were unavailable due to the pandemic (even though
6 David provided proof they were still working), and Christie falsely
7 claiming she did not have to execute a Quitclaim Deed (disregarding the
8 fact the Court ordered her to). These intentional delays barred David
9 from both moving into the W. Maule residence and from refinancing the
10 loan. Christie intentionally delayed the whole process even refusing the
11 appraisal, requiring the court to re-state what was previously issued.

12 (2) **7211 Birkland Court, LV NV 89117 (“Birkland**
13 **Court”)**: David spoke to Christie about owning an Air BNB that he
14 would own with his friend, Jonathan Morrell as their own separate
15 investment. Christie agreed and the parties acted accordingly. The
16 property was bought by David and Mr. Morrell on April 13, 2018. As part
17 of this, Christie executed title instructions to First American Title
18 Insurance in which she acknowledged all interest was to be vested solely
19 in David’s name as his “sole and separate property.” When David and

20 P.2d 752 (1999). In this case, it is clear W. Maule was bought just in David’s name,
21 the parties entered into a domestic partnership, not a marriage (as they believed
their rights in the former were different than the latter) and the parties subsequently
married when they wanted to be “actually married,” subject to the rights and
obligations therein.

1 Mr. Morrell were ready to commence the business, David transferred the
2 property on August 3, 2018 to the joint business formed the same day
3 between David and Mr. Morrell called JD Investments, LLC. Only David
4 and Mr. Morrell were listed on the business, not Christie. Mr. Morrell
5 and David each contributed to the acquisition of same, with Mr. Morrell
6 contributing \$589,889.13 and David \$25,000. David's \$25,000 came
7 from his premarital retirement account.

8 Hence, there is substantial proof that Christie transmuted any
9 interest in Birkland Court to David. *Colman v. Collier (In re Colman*
10 *Revocable Living Trust)*, 136 Ne Adv Rep. 13, 460 P.3d 452 (2020);
11 *Mullikin v. Jones*, 71 Nev. 14, 278 P.2d 876 (1955) *Schmanski v.*
12 *Schmanski*, 115 Nev. 247, 984 P.2d 752 (1999). While Christie will claim
13 she was not put on title due to her alleged bad credit, the residence was
14 bought free and clear, meaning Christie's credit would have no effect on
15 her being placed on title or listed as an owner in JD Investments.

16 Each was a 50% owner in JD Investments but as for their interest
17 in Birkland Court, Mr. Morrell owned 96% and David 4%. Each party
18 would split any gains from the house upon sale but with each receiving
19 back their initial investment. The company agreed to pay Mr. Morrell
20 monthly mortgage payments of principal and interest at a rate of 5.5%
21 but none of the mortgage payments were ever made. Mr. Morrell was

1 also to be paid 42.5% of the rental proceeds but never was. The property
2 was initially leased until renting it was no longer allowed due to
3 ordinances. David and Mr. Morrell therefore decided to sell, with the
4 property selling on February 29, 2019.

5 From the sale proceeds, the parties, along with Mr. Morrell,
6 entered into an agreement as to the disposition of the monies. This
7 agreement consist of the following:

- 8 • Mr. Morrell received back his \$589,889.13 initial investment
9 and \$25,636 as and for mortgage interest Mr. Morrell was
entitled to; and
- 10 • The remainder was deposited into David's counsel's client trust
11 account. This amount consists of \$25,000 (David's separate
12 property down payment), \$17,892.34 (the amount of rental
proceeds to which Mr. Morrell is entitled to), and half of the
remaining sales proceeds.

13 (3) **3740 Grandview Place, LV NV 89118 ("Grandview**
14 **Place")**: This property was bought in October 2017 for David to rent out
15 as his own investment. Accordingly, title is held by David as a "married
16 man as his sole and separate property." As a result, Christie executed a
17 GBS Deed when the property was purchased, with title being in David's
18 name. Also, there was a down payment of \$82,764.97 by David,
19 consisting mostly of David's separate property. It is of note that Christie
20 executed the GBS Deed after the down payment monies were made. By
21 doing so, Christie waived all interest in the monies (both separate and

1 community). *Todkill v. Todkill*, 88 Nev. 231, 495 P.2d 629 (1972); *Kerley*
2 *v. Kerley*, 112 Nev. 36, 910 P.2d 279 (1996); *Viramontes v. Perez-*
3 *Rodriguez*, COA Unpublished Case, No. 79736, 467 P.3d 649
4 (2020)(finding that a conveyance by wife to husband of property
5 acquired during the marriage creates a presumption of a gift that can
6 only be overcome by clear and convincing evidence.

7 The Grandview property was sold during the divorce, with the net
8 sales proceeds totaling \$63,077.55 (which are in David's client trust
9 account). David requests that since the amount of the down payment,
10 which is David's separate property, exceeds the net sales proceeds. David
11 should be awarded the full \$63,077.55.

12 (4) **Furniture and Furnishings**: The parties must still divide
13 up the furniture and furnishings in the W. Maule residence. This was
14 ordered by the Court at the March 10, 2020 hearing. Specifically, the
15 Order states:

16 **IT IS FURTHER ORDERED** that the W. Maule
17 furniture/furnishings are to be divided via an A/B List, which
18 entails the following: Christie shall prepare two lists, each of
19 which will contain a fair and equitable distribution of one-half (1/2)
20 of the total community furniture / furnishings, etc. Christie shall
21 provide these lists to David forthwith and at least fourteen (14)
days prior to moving out of the Maule residence. Unless these lists
are incomplete, David will choose, within five (5) days of the date
he receives such lists, either the "A" or the "B" list as the list of
items he wishes to have. In the event David believes the lists
prepared by Christie are incomplete, David shall have five (5) days
from the date he first receives the lists to provide Christie a third

1 list, which will contain the items that David believes to have been
2 omitted from the initial "A" and "B" lists. Christie shall thereafter
3 divide the items on the third list, distributing the additional items
4 among the "A" and "B" lists. Christie shall then provide the
5 amended lists to David who shall choose either of the two
6 amended lists and communicate his choice to Christie within five
(5) days of receiving such lists. The parties shall thereafter
cooperate to effectuate the resulting transfer of items with Christie
leaving the items awarded to David in the Maule residence and
removing the items on the list she selects.

7 The Court should order this division to occur pursuant to A/B Lists
8 and Christie to fully cooperate in this process.

9 (5) **David's Personal Property**: David is entitled to the
10 remaining personal property of his in Christie's possession. Most notable
11 of which is David's World Series of Poker (WSOP) bracelet. David
12 requested at the October 7, 2019 hearing that Christie return to him his
13 World Series of Poker bracelet, his passports, his coins and his Social
14 Security card. Christie represented that she "did not know if she had
15 them but would look for them." Regardless, the Court ordered Christie to
16 search and return the items. Christie also admitted that she refused to
17 give the items to David previously even though she didn't argue they
18 were his.

19 Christie's statement that she did not have the items was a lie.
20 Christie in fact disclosed a video of her opening the family safe back in
21 March 2019 (which was three months after David had been kicked out
due to the fraudulent TPO) and evidently forgot that she had. David

1 brought the video to the Court's attention earlier this year. The video,
2 with still shots provided, shows Christie in possession of all of these
3 items. When pressed again on this in Court on March 10, 2020, Christie
4 provided the passports, social security card, coins and David's necklace
5 but not his WSOP bracelet. Christie obviously cannot keep her lies
6 straight and is continuing to try and deceive this Court. She is also
7 refusing to provide David's WSOP bracelet as she knows it has special
8 sentimental value for him and is trying to hold it over his head as
9 leverage. Christie even told Dr. Paglini that she knows the bracelet "is
10 priceless to David." The Court will agree Christie's doing is in bad faith
11 and deceitful. It has now been almost one year and Christie still has not
12 provided David the property she was ordered to on October 7th.
13 Christie also has stolen \$40k in cash that David had left in the safe from
14 his 2007 bracelet winnings of \$603k. Clearly this is sole-separate
15 property and Christie used her fraudulent TPO to steal that from David
16 as well. David fully disclosed this asset at his first opportunity on his
17 FDF. Christie even went as far as to make a show of a video when she
18 and Scott Pheasant cut open the safe.

19 (6) **Christie's Disposition of Personal Property:** Christie
20 has sold or otherwise given away personal items and property
21 (consisting of household items, children's items, David's clothing, etc.)

1 without David's consent. Christie should therefore be ordered to replace
2 these items (especially David's personal property).

3 **V. MARITAL WASTE BY CHRISTIE**

4 Christie has wasted tens of thousands of dollars during this
5 divorce on gambling – gambling that has crippled the parties financially
6 and forced them to unnecessarily draw funds from David's counsel's
7 client trust account. Christie did so despite (1) a Joint Preliminary
8 Injunction (JPI) being in effect that barred Christie from doing so; (2)
9 both David and the Court admonishing Christie not to do so when her
10 representations were that she was losing money from the businesses;
11 and (3) Christie's representations as to same.

12 Dissipation, or waste, can provide a compelling reason for the
13 unequal disposition of community property. NRS 125.150(1)(b). In
14 *Putterman v. Putterman*, 113 Nev. 606, 939 P.2d 1047 (1997), the
15 Supreme Court found misconduct is also grounds for an unequal
16 division of assets when a litigant lied about the assets they had, as well
17 as their income. The *Putterman* Court went on to state that other
18 possible examples of misconduct warranting an unequal division of
19 assets or debts would be community property spent, conveyed,
20 transferred, secreted or otherwise converted by a spouse that compels a
21 court to award the non-offending spouse half of the property converted

1 constitutes financial misconduct, with waste being part of financial
2 misconduct. *Lofgren*, 112 Nev. at 1283. In *Lofgren v. Lofgren*, 112 Nev.
3 1282, 1283, 926 P.2d 296, 297 (1996), the Nevada Supreme Court held:

4 “[I]f community property is lost, expended or destroyed through
5 the intentional misconduct of one spouse, the court may consider
6 such misconduct as a compelling reason for making an unequal
7 disposition of community property and may appropriately
8 augment the other spouse's share of the remaining community
9 property...Generally, the dissipation which a court may consider
10 refers to one spouse's use of marital property for a selfish purpose
11 unrelated to the marriage in contemplation of divorce or at a time
12 when the marriage is in serious jeopardy or is undergoing an
13 irretrievable breakdown.”

14 24 Am. Jur. 2d *Divorce and Separation* § 524 (2018); *see also*
15 *Dissipation*, Black's Law Dictionary (10th ed. 2014) (defining
16 “dissipation” as “use of an asset for an illegal or inequitable purpose,
17 such as a spouse's use of community property for personal benefit when
18 a divorce is imminent”). *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Rep. 439
19 P.3d 397, 406-407 (2019). Further, “It should be kept in mind that the
20 secreting or wasting of community assets while divorce proceedings are
21 pending is to be distinguished from under contributing or
overconsuming of community assets during the marriage.”). *Id* at 408-
409.

Further, spouses owe a fiduciary relationship to the other. NRS
123.070; *York v. York*, 102 Nev. 179, 180 (1986). *See also Crawford v.*
Crawford, 24 Nev. 410 (1899); *Williams v. Waldman*, 108 Nev. 466,

1 836 P.2d 614 (1992); See also *Clark v. Lubritz*, 113 Nev. 1089, 944 P.2d
2 861 (1997); *Peardon v. Peardon*, 65 Nev. 717, 767, 201 P.2d 309, 333
3 (1948); *Sogg v. Nevada State Bank*, 108 Nev. 308, 312, 832 P.2d 781
4 (1992)(even affianced parties are in a presumed fiduciary relationship).
5 The rights and obligations of such a marital fiduciary duty is the same
6 as between general partners in a business. *York v. York*, 102 Nev. 179,
7 180 (1986). See also *Crawford v. Crawford*, 24 Nev. 410 (1899);
8 *Peardon v. Peardon*, 65 Nev. 717, 767 (1948).

9 In a fiduciary relationship, the party who gains some asset or
10 tangible advantage over the other has the duty to justify or dispute their
11 conduct by clear and convincing evidence. *Ricks v. Dabney*, 124 Nev.
12 74, 117 P.3d 1060 (2008). In Nevada, waste of community assets, or the
13 accumulation of debt, is wasteful if it is committed in secret or without
14 the direct consent of the other spouse. Similarly, a violation of any
15 provision of NRS 123.230 can result in a finding of financial misconduct
16 compelling the court to make an unequal division. In *Lofgren* and
17 *Puttermann*, it was found that spouse has a fiduciary duty to account for
18 all community funds. In this matter, Christie's massive waste /
19 dissipation of community income consists of the following:

20 (1) **Christie's Unwarranted and Reckless Gambling:**

21 Christie has gambled away \$134,821.02 over the last year and a half. In

February 2019, Christie claimed her income, which was historically \$13,000+ per month, had suddenly been reduced to \$4,100 per month. Her FDF listed her monthly expenses as \$3,966, meaning she was allegedly, at best, break even. Christie also claimed, in response to David's request to account for the decrease in business income, that she had "fallen behind" in her bookkeeping and needed someone to help her catch up but that she "could not afford to hire anyone."

The evidence at trial will establish these representations are complete lies. The business bank accounts will show the following mindboggling withdrawals:

Cash Taken from the Business Accounts in 2019

• Cash withdrawals made in Branch/Branch/Other:	\$31,946.00
• ATM/cash withdrawal made at Gambling Bars:	\$18,590.00
• ATM/cash withdrawals made at Casinos:	\$59,020.00
Total:	\$109,556.00

ATM Fees/Overdraft

• Atm fees/Overdraft on Personal Transactions:	\$4,347.00
• Atm fees/Overdraft fees on Casino Transaction:	\$4,572.07
Total:	\$8,919.07

Grand total: \$118,475.07

///

1 It must be remembered that the businesses transacted
2 electronically/online as clients are located outside of Nevada, as were
3 payment of legitimate business expenses. Hence, there was absolutely no
4 reason for cash withdrawals, much less withdrawals at gambling bars
5 and casinos. Being that total business income in 2019 after deduction of
6 business expenses was \$169,569.81, the \$118,475.07 wasted via
7 gambling and unexplained cash withdrawals is astounding.

8 These numbers do not even include monies wasted on gambling in
9 2020. The records to date for 2020 show Christie continued her wanton
10 disregard for financial responsibility, wasting massive amounts via
11 gambling and unaccounted for spending through June 2020:

12 Cash Taken from the Business Accounts in 2020

13	• Cash withdrawals made in Bank/ATM:	\$4,030.00
14	• ATM/cash withdrawal made at Gambling Bars:	\$1,880.00
15	• ATM/cash withdrawals made at Casinos:	\$10,435.95
16	Total:	\$16,345.95

17 These monies include sums taken in cash by Christie at the bank
18 and Christie failed to account for what she did with these significant
19 sums. Pursuant to *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Rep. 439 P.3d
20 397 (2019), failure by a spouse to account for community funds can
21 result in the Court finding the funds were wasted/dissipated. The

1 Nevada Supreme Court in *Kogod* stated that this is especially the case
2 where a spouse claims the dissipation is in excess of their reported
3 income.

4 What makes Christie's behavior so much worse and "shocks the
5 conscious" is that on top of lying about not having the funds to gamble,
6 she took advantage of social services – and essentially stole from those
7 who truly were destitute – while she gambled away tens of thousands of
8 dollars. Christie had social media posts in which she talks about going to
9 food banks, like 3Square, to get free groceries and supplies at the same
10 time she gambled with reckless disregard. Such behavior is despicable
11 and further demonstrates Christie's callous ways.

12 Now, Christie will attempt to deflect attention away from her lies
13 and waste by stating David gambled during the marriage. However,
14 David was a professional gambler back in the 2000's, with his gambling
15 dropping off in the early 2010's and definitely by the time he and
16 Christie were married. David did not gamble during the divorce (either
17 professionally or recreationally).

18 Christie will also likely argue that gambling is no different than
19 other recreational activities but her argument would lack merit.
20 Recreational gambling is purely for recreation—like any other
21 recreational community expense – but pathological gambling serves no

1 reasonable recreational function and is substantially harmful to the
2 financial position of the married spouses, as it has in this case. While
3 Nevada has not directly, the Supreme Court of Mississippi's reasoning in
4 *Lowery v. Lowery*, 25 So. 3d 274, 2009 Miss. LEXIS 549 (2009) is on
5 topic. In that case (with facts similar to our own and in which state
6 gambling is legal), the offending wife wasted \$122,000 in gambling. She
7 did so while lying about the gambling. The Court made an unequal
8 division of marital assets and debts based on wife's gambling and held
9 that gambling losses and debt can be wasteful, resulting in an unequal
10 division of marital assets and debt.⁸ The Court did so while also stating
11 that whether gambling losses constitute marital waste should be
12 determined on a case by case analysis.⁹ It is of note that wife's lies and
13 misrepresentations in combination with the total amount spent were a
14 major factor in the Court finding that her gambling constituted waste.¹⁰
15 Christie's gambling is so severe that she spends over \$1,000 on play
16 money casino apps on her phone that can't win real money since the
17 divorce process began. David paid all of Christie's bills, from December
18 2018 to April 2019, in addition to maintaining the rental properties
19 while Christie was losing \$6,000 per month in gambling while claiming

20
21 ⁸ *Id.* at 288.

⁹ *Id.* at 289.

¹⁰ *Id.* at 288 through 290.

1 to only make \$4,000 per month.

2 (7) **Christie's Refusal to Pay the W. Maule Mortgage and**
3 **2015 Chrysler Van**: Worse, Christie unilaterally stopped paying her
4 portion of monthly expenses starting in late December 2019. Christie
5 was ordered to pay the monthly mortgage on the W. Maule residence, as
6 well as the monthly loan payments on the 2015 Chrysler van.
7 Commencing in December 2019, Christie commenced alleging she
8 "could no longer afford to make the payments". David contested this
9 representation, stating records indicated she was continuing to gamble
10 at the same time she said she was broke.

11 The Court stated it did not have the information to confirm or
12 deny the claim so it ordered monies in David's client trust account to be
13 applied to the payments but that the amount would be reimbursed by
14 Christie from her portion of any marital funds held in trust. Christie
15 stopped making the W. Maule mortgage payments, which are \$1,599.28
16 a month, starting in December 2019 and stopped making the Chrysler
17 Van payments, which are \$331.60 per month, starting in March 2020.
18 By the time of trial, these will total \$15,992.80 and \$2,321.20,
19 respectively. David requests these funds be reimbursed from Christie's
20 portion of any community property.

21 ///

1 The Court should note that if Christie had not spent what she did
2 on needless gambling at the end of 2019 and throughout 2020, she
3 would have easily had the funds for payment of these bills. Instead of
4 being responsible, Christie chose to disregard this Court's orders and
5 blow the monies on herself, thereby and intentionally harming David
6 financially. Christie continues to travel on gambling trips going to the
7 Grand Sierra Resort in Reno, several times in June 2020 while claiming
8 be broke.

9 (8) **Christie's Other Unaccounted for Transactions:**

10 Christie has other transactions, which are in the tens of thousands, that
11 she has not accounted for. These shall be established at Trial. David
12 should be awarded half of said sums.

13 (9) **Christie's Sabotage of the Businesses:** Wanting to not

14 pay David support, Christie went about undermining the businesses in
15 order to artificially lower her income. Once the Court hears the evidence,
16 David requests Christie be imputed the businesses' actual income for
17 purposes of child support.

18 The parties have a number of businesses, three of which Christie
19 actively runs. One of these businesses is Atomic Radiology, Inc. (ARI).
20 ARI contracts with doctors and medical imaging centers to provide
21 imaging services. While it was understood Christie would provide the

1 majority of day to day work on this business, David was an integral part
2 of getting the business established and running. David was in fact still
3 listed on ARI's webpage as the President and CEO and listed as a
4 founder until the website was removed by Christie. In addition, Christie
5 filed falsified meeting minutes with the Nevada Secretary of State
6 claiming that David was at a meeting on December 4, 2018 signing all of
7 his rights to Atomic Radiology and assigning Christie 100% owner and
8 President.

9 The other two businesses are PCCG, Inc. (PCCG), and ActionRad
10 Solutions, Inc. (ActionRad). These businesses are software vendors for
11 the software utilized by clients of ARI. By using this software, PCCG and
12 ActionRad are able to give ARI clients better, competitive pricing. It is of
13 note the businesses are essentially the same, with the revenues both
14 listed on the PCCG P&L, and the only difference being one of the
15 companies Christie previously owned with a partner.

16 These three businesses were historically Christie's source of
17 income and were profitable. The P&Ls for 2017 show ARI made net
18 profit of \$124,638.27 and PCCG made \$171,975.89 – totaling
19 \$296,614.16. The 2018 numbers were similar and Christie should have
20 had similar numbers in 2019 and 2020. Further, there was a new client
21 at the end of 2018 that Christie was excited about as they would pay

1 \$5,000 per month that she told David about prior to their separation. In
2 fact, there is a text message from Christie to David's father at the end of
3 2018 in which Christie stated: "I make very good money, I make more
4 than your son by the way." Christie even told David during a fight before
5 the divorce, "You'll never get any money from me. I'll just open under
6 another name and run my business there. I make very little money
7 because I keep it all in the businesses."

8 Knowing that she would have to provide child support based on
9 the difference in the parties' incomes though, Christie started
10 misrepresenting business income and undermining the businesses. She
11 first attempted to claim the businesses were not profitable when they in
12 fact were. However, Christie's deception is based on the fact Christie
13 used the business accounts as her personal slush funds, constantly
14 withdrawing monies to pay personal monthly bills, entertainment,
15 gambling, etc., while falsely referring to them as "business expenses."

16 When this failed, Christie became more aggressive and nefarious.
17 Christie threatened to close her current company and move her clients to
18 a new one if David tried to push on the businesses or their income in the
19 divorce. David has audio of Christie stating she will screw him out of
20 assets and funds ("I'm going to hit you where it hurts cause that's all you
21 care about"[finances]). Not surprisingly, Christie started claiming during

1 this divorce that the businesses were “going under” and she had lost her
2 clients. She essentially shut one business down and sabotaged the other
3 two. Christie often bragged that it is great having a business with
4 residual income, because you don’t have to do a lot of work on a daily
5 basis. This helps to aid Christie in her ruse claiming to be a Swiss Colony
6 salesperson and now an insurance agent as a primary source of income.

7 **VII. CHRISTIE’S CONTEMPT OF COURT**

8 Christie has violated a number of Court orders, all of which
9 Christie did knowingly and with clear disregard for the authority of the
10 Court. David shall present said evidence and requests Christie be held in
11 contempt of court and sanctioned appropriately.

12 **VIII. ATTORNEY’S FEES**

13 Christie is the one who has unnecessarily forced this case to Trial
14 through her lies, attempted manipulation of the children, attempting
15 extortion of David, efforts to unduly influence this Court ex parte,
16 wasting of hundreds of thousands of dollars in community property and
17 sabotaging of businesses. Such behavior, resulting in vexatious litigation,
18 has been inexcusable and should result in attorney’s fees and costs being
19 awarded to David under EDCR 7.60, NRS 125C.250, NRS 125.150 and
20 NRCP 18.010. To that end, David shall submit a *Brunzell* Memorandum
21 of Fees & Costs / NRCP 54 motion post-trial. As to the fees, David has

1 paid his attorney \$60,761.87 (with a significant amount being borrowed)
2 and still owes his counsel \$21,886.68 as of September 1, 2020, which
3 does not include trial preparation and attendance.

4 **IX. LIST OF WITNESSES**

- 5 1. David Patrick Stucke, Plaintiff
6 c/o Vincent Mayo, Esq.
7 The Abrams & Mayo Law Firm
8 6252 South Rainbow Blvd., Suite 100
9 Las Vegas, Nevada 89118

10 Mr. Stucke will testify regarding the facts and circumstances
11 of the marriage.

- 12 2. Christie Leeann Stucke, Defendant
13 c/o Fred Page, Esq.
14 6930 South Cimarron Road, Suite 140
15 Las Vegas, Nevada 89113

16 Ms. Stucke will testify regarding the facts and circumstances
17 of the marriage.

- 18 3. Jonathan Morrell
19 c/o Zachary P. Takos, Esq.
20 1980 Festival Plaza Drive, Suite 300
21 Las Vegas, Nevada 89135

Mr. Morrell will testify regarding the purchase of the
Birkland Court residence and related financial matters.

4. John Paglini, Psy.D.
9163 West Flamingo Road, Suite 120
Las Vegas, Nevada 89147
Tel: (702) 869-9188

Dr. Paglini will testify regarding his custody evaluation.

5. Donna Wilburn

10655 W. Park Run Drive
Las Vegas, Nevada 89144
Tel: (702) 234-9325

Ms. Wilburn will testify regarding Sarah's therapy and other
custodial related matters.

6. Tiffany Keith
Tel: (702) 604-0783

Ms. Keith will testify regarding custodial related matters.

7. James Williams
1542 Dover Center Road
Westlake, Ohio 45145
Tel: (440) 666-2919

Mr. Williams will testify regarding financial matters and
conversations that he was present for between the parties.

8. Laura Jenkins
3137 Blossom Glen Court
Henderson, Nevada 89014
Tel: (702) 286-7931

Ms. Jenkins will testify regarding her interactions with Mr.
Stucke, the parties' children and custodial related matters.

9. Any and all witnesses relied upon by the Defendant, which
are properly disclosed.

10. Any and all rebuttal witnesses as necessary.

X. LIST OF EXHIBITS

A separate exhibit list will be provided as the current list would
make this filing voluminous.

///

1 **XI. LENGTH OF TRIAL**

2 Two (2) days.

3 DATED Thursday, September 10, 2020.

4 Respectfully Submitted,

5 THE ABRAMS & MAYO LAW FIRM

6 /s/ Vincent Mayo, Esq.

7 Vincent Mayo, Esq.

8 Nevada State Bar Number: 8564

6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

Attorney for Plaintiff

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Fred Page, Esq.
Attorney for Defendant

/s/ Chantel Wade
An employee of the Abrams & Mayo Law Firm

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

Contract sales value	\$435,000.00
Loan	\$255,600.00
Date of purchase:	3/20/15
Date of marriage:	5/28/16
Outstanding loan balance today:	\$234,070.13

Principal pay down from the time of first payment to marriage	\$28,871.14
Principal pay down from the time of marriage to now	\$21,058.73
Total principal pay down	\$49,929.87

$$CP = \$21,058.73 + \frac{\$21,058.73 + \$209,422.54}{\$435,000.00} \times \$65,000.00 = \$55,498.46$$

Total mortgage payments	=	57
Total SP payments	=	6
Total CP payments	=	51

$$51/57 = 89.47\% \quad \text{CP Percentage}$$

$$\text{Mortgage balance} = \$234,070.13 \times 89.47\% = \$209,422.54$$

Total equity	=	\$265,929.87
CP	=	\$55,498.46
SP	=	\$210,431.41

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

Contract sales price	\$284,000.00
Loan	\$255,600.00
Date of purchase:	July 28, 2015
Date of marriage:	May 28, 2016
Outstanding loan balance today:	\$234,070.13

Principal pay down from the time of purchase to marriage	\$28,871.14
Principal pay down from the time of marriage to now	\$21,058.73
Total principal pay down	\$49,929.87

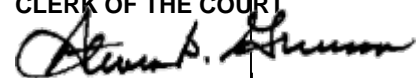
$$CP = \$21,058.73 + \frac{\$21,058.73 + \$209,422.54}{\$284,000.00} \times \$216,000.00 = \$196,354.32$$

Total mortgage payments	=	57
Total SP payments	=	6
Total CP payments	=	51

$$51/57 = 89.47\% \quad \text{CP Percentage}$$

$$\text{Mortgage balance} = \$234,070.13 \times 89.47\% = \$209,422.54$$

Total equity	=	\$265,929.87
CP	=	\$196,354.32
SP	=	\$69,575.55



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Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

DAVID PATRICK STUCKE,
Plaintiff,

vs.

CHRISTIE LEANN STUCKE,
Defendant.

Case No.: D-18-580621-D

Dept.: F

**Hearing Date: September 14, 2020
September 17, 2020**

Hearing Time: 9:15 a.m.

DEFENDANT'S AMENDED PRE-TRIAL MEMORANDUM

Defendant, CHRISTIE STUCKE, by and through her attorney, Fred Page, Esq., hereby submits her Amended Pre-Trial Memorandum which addresses marital waste and attorney's fees.

**I.
STATEMENT OF ESSENTIAL FACTS**

A. Names of the parties:

1. Cristine Stucke, Defendant, age 42
2. David Stucke, Plaintiff, age 46

1 **B. Date of Marriage:** May 28, 2016

2 **C. Names and Dates of Birth of the Children**

3 1. Sarah Laura Stucke, born July 22, 2016, age 4

4 2. David Orion Stucke, born March 30, 2018, age 2

5 **D. Resolved Issues, Including Agreed Resolution:**

6 1. Personal jurisdiction.

7 2. Subject matter jurisdiction

8 3. Joint legal custody.

9 4. Incompatibility.

10
11 **II.**
12 **CHILD CUSTODY**

13 Dr. Paglini provided an extensive 88-page report. Dr. Paglini reviewed all
14 of the filings in the case. Dr. Paglini reviewed numerous videos that David
15 provided to him. There was in depth psychological testing, interviews, and home
16 visits of both parties. Dr. Paglini also conducted extensive collateral interviews.
17 After all of the document review, all of the video reviews, all of the interviews
18 and testing, Dr. Paglini's concluded that the parties should have joint physical
19 custody.
20
21
22

23 Pursuant to NRS 125C.0045, the Court is authorized to enter orders at any
24 point in a child's minority as appears in their best interests. The preference under
25
26
27
28

1 NRS 125C.0035 is for joint physical custody. An application of the factors under
2 NRS 125C.0035(4) should lead to the conclusion that none of the factors would
3 lead to the conclusion of joint physical custody.
4

5 NRS 125C.0035 states in pertinent part,

6 The court shall award custody in the following order of preference
7 unless in a particular case the best interest of the child requires
8 otherwise:

- 9 (a) . . . If the court does not enter an order awarding joint custody
10 of a child after either parent has applied for joint custody, the
11 court shall state in its decision the reason for its denial of the
12 parent's application.

13 An analysis of the factors is as follows:

- 14 a. The wishes of the child if the child is of sufficient age and
15 capacity to form an intelligent preference as to his or her
16 physical custody

17 Not applicable.

- 18 b. Any nomination of a guardian for the child by a parent

19 Not applicable
20

- 21 c. Which parent is more likely to allow frequent associations and a
22 continuing relationship with the noncustodial parent

23 It appears that this factor is equal.
24

25 ///

1 **d. The level of conflict between the parents**

2 The level of conflict is currently high and is situational. As the divorce
3 recedes into the past, there is no reason why the parties would not be able co-
4 parent.
5

6 **e. The ability of the parents to cooperate to meet the needs of the**
7 **child**

8 If communication regarding the health and well-being of the children is in
9 writing through Talking Parents or Our Family Wizard, the parties should be able
10 to cooperate regarding the children's needs. Dr. Paglini did not identify anything
11 that would prohibit cooperation.
12

13 **f. The mental and physical health of the parents**

14 The parties are physically and mentally healthy. Dr. Paglini did not identify
15 any mental factors that would prevent either parent from being able to take care of
16 the children.
17
18

19 **g. The physical, developmental and emotional needs of the children**

20 The children are 4 and 2 years of age respectively. The children are still
21 bonding with both parents and the children need frequent contact with both
22 parents. There were no needs of the children identified by Dr. Paglini that neither
23 parent would be unable to address.
24
25
26
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1 **h. The nature of the relationship of the child with each parent**

2 The relationship of the children with their respective parents is good. There
3 has been no suggestion to the contrary.
4

5 **i. The ability of the child to maintain a relationship with any**
6 **sibling**

7 The children have several adult siblings with Christie whom they will need
8 to bond. David has no other children. This factor favors Christie.
9

10 **j. Any history of parental abuse or neglect of the child or a sibling**
11 **of the child**

12 There have been several CPS reports and a criminal investigation. After
13 those reports and investigation there has been no substantiation of abuse and no
14 criminal complaints have been filed.
15

16 **k. Whether either parent has engaged in an act of domestic violence**
17 **against the child, a parent of the child or any other person**
18 **residing with the child**

19 David has pled no contest to battery/domestic violence. David has done
20 nothing to rebut the presumption. David inundated Dr. Paglini with videos of
21 Christie and himself having arguments. After review, Dr. Paglini concluded that
22 he did not see anything that would prevent the parties from having joint physical
23 custody.
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1 **I. Whether either parent or any other person seeking physical**
2 **custody has committed any act of abduction against the child or**
3 **any other child**

4 Not applicable.

5 Based upon the foregoing, joint physical custody should be ordered.

6 **III.**
7 **VISITATION**

8 Dr. Paglini's recommended schedule may be implemented.

10 **IV.**
11 **CHILD SUPPORT**

12 Child support should be entered pursuant to NAC 425.

14 **V.**
15 **SPOUSAL SUPPORT**

16 Both parties pled in their Complaint and Counterclaim that neither party
17 should pay support to the other.

19 **VII.**
20 **PROPERTY AND DEBTS**

21 **A. Division of Community Property**

22 Per NRS 123.130, all property acquired after marriage is presumed to be
23 community property unless there is a pre or post-nuptial agreement, the property
24 was acquired by gift, award of personal injury damages, or acquired by gift or
25

1 devise, and the rents issues and profits thereof. *See Peters v. Peters*,¹ (all property
2 acquired after marriage is considered to be community property under NRS
3 123.220 and that presumption can only be overcome by clear and convincing
4 evidence); *Todkill v. Todkill*,² (same); *Carlson v. McCall*,³ (the burden is on the
5 person claiming it as separate property to overcome this presumption by proof
6 sufficiently clear and satisfactory to prove the correctness of such a claim); *Lake*
7 *v. Bender*,⁴ (property acquired during marriage is community property and
8 property acquired prior to marriage is separate property).

12 NRS 125.150(1)(b) provides that a court,

13 Shall, to the extent practicable, make an equal disposition of the
14 community property of the parties, except that the court may make an
15 unequal disposition of the community property in such proportions as
16 it deems just if the court finds a compelling reason to do so and sets
17 forth in writing the reasons for making the unequal disposition.

20 ¹ 92 Nev. 687, 557 P.2d 713 (1976)

22 ² 88 Nev. 231, 495 P.2d 629 (1972)

23 ³ 70 Nev. 437, 271 P.2d 1002 (1954)

25 ⁴ 18 Nev. 361, 7 P. 74 (1885)

1 It appears that David has tried to make this case much more complicated
2 that it actually is. Below is the proposed division of the community property as
3 required by NRS 125.150(1)(b).
4

5 **1. Real Property:**

6 **3485 West Maule Avenue, Las Vegas, Nevada 89118**
7

8 The real property located at 3485 West Maule Avenue was purchased on
9 July 28, 2015, according the Clark County Assessor. The purchase price was
10 \$284,000. Evidence and testimony will show that the real property was acquired
11 with monies acquired by the parties through their advantage gambling business.⁵
12

13 The parties were married to each other on May 28, 2016. Pursuant to NRS
14 125.130, the property was acquired during the course of the marriage and is
15 presumptively community property. The presumption of community property can
16 only be overcome by clear and convincing evidence. *See Todkill, supra.*
17
18

19 The fact 3485 West Maule was titled in David's name is irrelevant. *See*
20 NRS 123.130. David's opinion is irrelevant. *See Verheyden v. Verheyden*, 104
21

22
23
24 ⁵ The parties through mathematical tables would determine which types of
25 machines at which type of casinos would result in a mathematical advantage in
26 playing those machines. Christie and David would then play those machines.

1 Nev. 342, 757 P.2d 1328 (1988) (opinion of either spouse is of no weight in
2 determining whether property is community or separate).

3 Christie is entitled to one-half of the equity in the real property. It is
4 submitted because the down payment for the real property was acquired as part of
5 the parties' joint venture prior to the marriage.
6

7
8 There is authority in Nevada in multiple cases for this approach. In
9 *Benavidez v. Benavidez*, 92 Nev. 539, 554 P.2d 256 (1976), the district court
10 entered judgment dividing the parties' real and personal property acquired during
11 the marriage and prior to the marriage while the parties were cohabitating.
12

13 The Supreme Court affirmed the division concluding that division of the
14 property was properly based upon the guidelines of NRS 125.150. What is
15 apparently implied in the ruling is that the Court approved of the district court
16 applying community property principles to property during the period of co-
17 habitation.
18

19
20 In *Hay v. Hay*, 100 Nev. 196, 678 P.2d 672 (1984), the Supreme Court held
21 that an allegation of an agreement to pool income or contract to hold property is
22 enforceable, citing *Marvin v. Marvin*, 557 P.2d 106 (Cal. 1976).
23

24
25 The Supreme Court stated that
26

1 [i]n the absence of an express contract, the courts should inquire into
2 the conduct of the parties to determine whether that conduct
3 demonstrates an implied contract, agreement of partnership or joint
4 venture, or some other tacit understanding between the parties. The
5 courts may also employ the doctrine of *quantum meruit*, or equitable
remedies such as constructive or resulting trusts, when warranted by
the facts of the case.

6 *Id.* at 199.

7
8 The Court held that the remedies set forth in *Marvin* were available to
9 unmarried cohabitants. Unmarried persons who are living together have the same
10 rights to lawfully contract with each other regarding their property as do other
11 unmarried individuals. The agreement may be express or implied from their
12 conduct. The courts will protect their reasonable expectations with respect to
13 transactions concerning property rights. *Id.* at 199. Each case should be assessed
14 on its own merits with consideration given to the purpose, duration and stability of
15 the relationship and the expectations of the parties. *Id.*

16
17 In *Western States Constr., Inc. v. Michoff*, 108 Nev. 931, 840 P.2d 1220
18 (1992), the Supreme Court held that unmarried cohabitating adults may agree to
19 hold property that they acquire as though it were community property. The
20 agreement may be express or implied. The Court noted that district courts must
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1 protect the reasonable expectations of unmarried cohabitants with respect to
2 transactions concerning their property rights.

3 In *Carr-Bricken v. First Interstate Bank*, 105 Nev. 570, 779 P.2d 967
4 (1989), the Supreme Court held that a district court may consider the value of
5 property acquired during premarital cohabitation when determining the
6 distribution of property upon divorce, although the Court did not give much
7 guidance as to the standards to be applied.
8

9
10 If the Court determines that David's down payment is somehow his
11 separate property, the Court will still need to apportion the equity. There is no
12 factual dispute that immediately after the purchase that the parties lived together
13 as husband and wife, got pregnant together, held themselves out as a joint
14 economic unit, and Sarah was born barely a month after the marriage. Any
15 appreciation after the date of purchase is certainly community property.
16
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18
19 In *Robison v. Robison*, 100 Nev. 668, 691 P.2d 451 (1984) the Supreme
20 Court held that where payments are made with community funds on real property
21 owned by one spouse prior to the marriage, the community is entitled to a *pro*
22 *tanto* interest in such property in the ratio that the community payments bear to
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1 the payments made with separate funds. *Robison* has never been overruled and is
2 still good law.

3 If the Court determines that the down payment is somehow separate
4 property, David would be entitled to a deduction of \$28,400 from the total equity.
5 The remainder of the equity would need to be divided equally. It does not appear
6 that a current appraisal has been completed on the property. Zillow shows a value
7 of \$513,000. The loan balance is approximately \$235,000. The equity would be
8 approximately \$278,000. Deducting the down payment of \$28,400 would result
9 in a balance of \$249,600. One-half of that amount would be \$124,800.
10
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12

13 **7211 Birkland Court, Las Vegas, Nevada 89117**
14

15 The residence located at 7211 Birkland Court was acquired by the parties
16 during the course of the marriage on April 13, 2018. Pursuant to NRS 125.130,
17 the house is presumptively community property.
18

19 The real property was purchased as an investment property for Airbnb
20 rentals. Because the house was an investment with a partner, the request was
21 made to have Christie execute a Grant, Bargain, Sale Deed. There was never any
22 intent for Christie to relinquish any of her community property rights. Christie did
23 so because that was the requirement of being in the partnership with Jonathan
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1 Morrell due to her poor credit. Had she known that David had any different intent
2 at the time of the divorce Christie would have never signed the Grant, Bargain,
3 Sale Deed.
4

5 Once the house was placed in Jonathan Morrell's and David's name, the
6 house was then on August 3, transferred into J D Investments, LLC, a New
7 Mexico. The members of J D Investments, LLC are David Stucke and Jonathan
8 Morrell. J D Investments, LLC was created by David during the course of the
9 marriage. It does not matter whose name or names is on the LLC. See NRS
10 123.130. David's opinion is irrelevant. See *Verheyden, supra*. As such, J D
11 Investments, LLC is community property. Any assets owed by J D Investments,
12 LLC is therefore community property as well.
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16 The equity in 7211 Birkland, LLC needs to be divided equally.
17

18 **3740 Grandview Place, Las Vegas, Nevada 89118**

19 The real property located at 3740 Grandview Place was purchased on
20 October 31, 2017. Because the house was purchased during the course of the
21 marriage, pursuant to NRS 125.130, the house is presumptively community
22 property.
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1 David put himself on the title of 3740 Grandview Place as a "married man
2 as his sole and separate property." David's opinion as to the character of the real
3 property is irrelevant. See *Verheyden, supra*. More importantly is the Supreme
4 Court's holding in *Peardon v. Peardon*, 65 Nev. 717, 201 P.2d 309 (1948).
5 *Peardon* is still good law as it has never been overruled. The case contains a
6 number of significant holdings.
7

9 a. The relation of husband and wife is one involving the highest trust
10 and confidence. "Under both common law and equitable standards,
11 in any transaction, whereby one spouse seeks to obtain the other
12 spouse=s property without adequate compensation, no duress,
13 coercion, undue influence, imposition or overreaching will be
14 tolerated." *Peardon* at 717, 732.
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18 b. "As has been hereinbefore stated in a transaction between husband
19 and wife whereby she conveyed to him her property without
20 consideration, and it is not shown that he is not the dominant,
21 superior personality in influence and power, the burden of proof
22 shifts, and by a long-settled equitable doctrine, the burden is placed
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1 on the husband to prove the voluntary character of the wife's act in
2 party with her property." *Peardon* at 766.

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4 c. The Supreme Court approvingly incorporated Pomroy's Equity
5 Jurisprudence when it quoted, "where there is no coercion amounting
6 to duress, but a transaction is of the result of a moral, social, or
7 domestic force exerted upon a party, controlling the free action of his
8 will and preventing any true consent, equity may relieve against the
9 transaction, on the ground of undue influence, even though there may
10 be no invalidity at law. In the vast majority of instances, undue
11 influence naturally as a field to work upon in the condition or
12 circumstances of the person influenced, which render him
13 particularly susceptible and yielding – his dependent or fiduciary
14 relation toward the one exerting the influence, his mental or physical
15 weakens, his pecuniary necessities, his ignorance, lack of advice and
16 the like." *Peardon* at 766-67.

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22 d. "Where an antecedent fiduciary relation exists, a court of equity will
23 presume confidence placed and influence exerted . . ." *Peardon* at
24 767. (Emphasis in the original).

1 e. Because of the presumption arising from the very relationship itself
2 and the superior position of the husband as to the ability to exercise
3 undue influence to bring about a property advantage to himself,
4 equity requires that in a property transaction between husband and
5 wife, in order to assure the free exercise of the wife's will and
6 consent and the voluntary character of her act, she must be provided
7 with independent legal counsel and advice in relation to the
8 advisability and the fairness to her of the transaction . *Peardon* at
9
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12 768.

13 The burden is on David to show that the down payment was somehow his
14 separate property. At this point, no such evidence has been provided. The equity
15 in 3740 Grandview Place should be equally divided.
16

17
18 **2. Bank Accounts:** Each party should keep their own bank accounts.

19 **3. Vehicles:** David has a Toyota Prius. Christie has a 2015 Toyota
20 minivan. Each party should keep the vehicles in their possession.
21

22 **4. Household Goods and Furnishings:** Christie advises that David has
23 been out to the house roughly four times to get the items that he wanted.
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1 The household goods and furnishings should be considered as having been
2 divided by the parties.

3 **B. Division of Debt**

4 **1. Credit card debt**

5 Christie has roughly \$1,400 in credit card debt. The amount of credit card
6 debt that David has is unknown. The parties should keep the unsecured debt in
7 their possession as their sole and separate debt.
8
9

10 **C. Marital Waste**

11 It was overlooked from the original Pre-Trial Memorandum due to the
12 lateness of the hour, but David has been making claims that Christie committed
13 marital waste by gambling.
14
15

16 Marital waste can provide a compelling reason for the unequal disposition
17 of community property. *See Lofgren v. Lofgren*, 112 Nev. 1282, 1283, 926 P.2d
18 296, 297 (1996) ("if community property is lost, expended or destroyed through
19 the intentional misconduct of one spouse, the court may consider such misconduct
20 as a compelling reason for making an unequal disposition of community property
21 and may appropriately augment the other spouse's share of the remaining
22 community property.").

23 In *Putterman v. Putterman*, 113 Nev. 606, 939 P.2d 1047 (1997) the district
24 court found that the husband refused to account for finances over which he had
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1 control and the court believed that the husband was lying about having no income.

2 The district court made meticulous findings as to why the division was unequal.

3 In *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Op. 9, (April 25, 2019), the
4 Supreme Court noted that other potential “compelling reasons” for an unequal
5 division of community property could include negligent loss or destruction of
6 community property, unauthorized gifts of community property, and even,
7 possibly, compensation for losses occasioned by marriage and its breakup. *Id.* at
8 608.
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12 In Nevada, gambling is legal. Christie will testify that she and David
13 engaged in advantage gambling as a business in Las Vegas. Christie and David
14 operated the advantage gambling business before and during the marriage.
15 Christie will testify that David would identify games and machines for which
16 there was a mathematical advantage.
17
18

19 Christie will testify that they would then solicit investors to invest in those
20 games and machines and play those machines through their players card. By
21 playing through the players cards, they would obtain comps through the players
22 cards and overtime as they played through the machines, the comps would
23 eventually provide a profit to be distributed to the investors. Because both parties
24 operated the business, and it was originally David’s idea because of his math
25 background, there can be no finding of marital waste.
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1 operated the business, and it was originally David's idea because of his math
2 background, there can be no finding of marital waste.

3 4 **VIII.** **ATTORNEY'S FEES**

5 There should be no factual dispute that David is the stronger party
6 financially. Because of that, it has been difficult for Christie to meet him on an
7 equal footing and at one point had to represent herself due to lack of funds.
8

9
10 In *Sargeant v. Sargreant*, 88 Nev. 223, 495 P.2d 618 (1972), the Supreme
11 Court held that the wife does not have to show necessitous circumstances before
12 being awarded fees and costs. The Supreme Court further stated that the wife did
13 not have to invade her separate property before calling on the support of her
14 husband. Christie can and should be awarded fees pursuant to *Sargeant*.
15
16

17 Attorney's fees may also be awarded to Christie under NRS 18.010 as the
18 prevailing party, as well as NRS 125.040(2). Attorney's fees may additionally be
19 awarded under *Brunzell v. Golden Gate National Bank*.⁵ The undersigned is well
20 experienced in domestic relations law, the work requires something more than a
21 passing knowledge of domestic relations law, the work is more complex because
22 of the real estate transaction and because of the marital waste claims as well as the
23 custody issues.
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28 ⁵ 85 Nev. 345, 455 P.2d 31 (1969)

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**IX.
LIST OF WITNESSES**

- A. Plaintiff
B. Defendant

**X.
EXHIBITS**

- A. Defendant's Financial Disclosure Form
B. Plaintiff's Financial Disclosure Form
C. Credit card statements
D. Deeds from the Clark County Assessor's Office
E. Printout from the New Mexico Secretary of State

**XI.
UNUSUAL LEGAL OR FACTUAL ISSUES**

Character and division of the real properties.

**XII.
LENGTH OF TRIAL**

Two days.

DATED this 10th day of September 2020

PAGE LAW FIRM



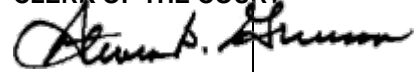
FRED PAGE, ESQ.
Nevada Bar No. 6080
6930 South Cimarron Road, Suite 140
(702) 823-2888
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of September 2020 that the foregoing AMENDED PRE-TRIAL MEMORANDUM was served pursuant to NEFCR 9 via e-service to Vincent Mayo, Esq., attorney for Plaintiff.

A handwritten signature in blue ink, consisting of a stylized 'V' followed by a horizontal line and a diagonal stroke.

An employee of Page Law Firm



MOT

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Email: VMGroup@TAMLF.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
)		
Plaintiff,	)	Department:	F
)		
vs.)		
)		
CHRISTIE LEEANN STUCKE,	)	ORAL ARGUMENT REQUESTED	
)		
Defendant.)		
)		

NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND PROVIDE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUEST FOR RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**MOTION TO ALLOW JOHN PAGLINI, PSY.D. TO REVIEW
NEWLY DISCOVERED EVIDENCE PRIOR TO GIVING
TESTIMONY AT THE PARTIES' TRIAL; AND FOR
RELATED RELIEF**

NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE,
by and through his Attorney of Record, Vincent Mayo, Esq., of The
Abrams & Mayo Law Firm, and hereby submits his *Motion to Allow John*

STUCKE-0983

1 *Paglini, Psy.D. to Review Newly Discovered Evidence Prior to Giving*
2 *Testimony at the Parties' Trial; and for Related Relief.*

3 This *Motion* is based upon the attached Memorandum of Points and
4 Authorities, any supporting exhibits provided in Plaintiff's Exhibit
5 Appendix filed contemporaneously with this Motion, the attached
6 Declaration of David Stucke, any and all pleadings and papers on file
7 herein, and any further evidence or argument presented to the Court at
8 the hearing of this matter.

9 **DATED** Monday, October 05, 2020.

10 Respectfully submitted,

11 THE ABRAMS & MAYO LAW FIRM

12 /s/ **Vincent Mayo, Esq.**

13 Vincent Mayo, Esq.
14 Nevada State Bar Number: 8564
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17 Las Vegas, Nevada 89118
18 Tel: (702) 222-4021
19 Fax: (702) 248-9750
20 Email: VMGroup@TAMLF.com
21 Attorney for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL BACKGROUND**

3 The parties to this divorce action are DAVID STUCKE (hereinafter
4 “David” or “Plaintiff”) and CHRISTIE STUCKE (hereinafter “Christie” or
5 “Defendant”). Day One of the parties’ Trial was held on September 14,
6 2020 wherein the Court took testimony related to property issues only
7 (custody has not yet been addressed); Day Two was then calendared for
8 September 17, 2020 (John Paglini, Psy.D., was scheduled to testify at the
9 beginning of the September 17, 2020 Trial). Shortly before the September
10 17, 2020 hearing, the Court advised that the matter needed to be taken
11 off-calendar for the day and rescheduled. As of this filing, a new date and
12 time for the parties’ second day of trial remains pending.

13 As the Court is well-aware, Christie first alleged during this
14 litigation that David has been sexually inappropriate with the parties’
15 young daughter (hereinafter “Sarah”) who is presently 4-years old.
16 Christie’s repugnant and insidious allegations include David penetrating
17 the minor child with his fingers when the child was 3 years old.
18 Predictably, Child Protective Services, the child’s pediatrician, the child’s
19 counselor (Donna Wilburn, LMFT) and Dr. Paglini all swiftly concluded
20 that nothing inappropriate took place and that it was quite possible that
21 Christie was coaching Sarah (raising obvious concerns related to

1 pathogenic parenting and emotional child abuse by way of Christie's
2 coaching and manipulation of the child).

3 Prior to day one of Trial, on August 1, 2020, David's significant other
4 (hereinafter "Laura") noticed that Sarah had become visibly upset and
5 started crying. When Laura asked Sarah what was wrong, Sarah's crying
6 intensified. David was moving items into an Airbnb at the time and was
7 not present. Knowing the troubled history of the parties, the extensive
8 history of this case, and, Christie's unrelenting willingness to poison Sarah
9 against her father, Laura grabbed her iPhone and began recording (the
10 video referenced herein is being submitted as **Exhibit 1**).

11 According to Laura's sworn affidavit, Sarah told Laura that she had
12 a "secret" to tell her but she would only whisper the secret in Laura's ear
13 (earlier in the day, Sarah had told Laura that her private parts were "itchy").
14 Sarah then whispers in Laura's ear, "daddy put a jellyfish in my pee pee."
15 When Laura tells Sarah that she shouldn't say things about people that
16 aren't true, Sarah tells Laura that she and her mother have "secrets" that
17 Sarah is not supposed to tell anyone else; that it's hard to have secrets;
18 and that she didn't know why her "pee pee" itched. Laura tells Sarah that
19 it could be many reasons including not wiping after using the bathroom,
20 irritation from the swimming pool, or the need for more baths. When
21 asked by Laura if it bothers her to have secrets, Sarah says yes; when asked

1 by Laura if she keeps secrets with David, Sarah says no. Sarah is also
2 heard on video saying Laura and her dad protect her and keep her safe
3 (Laura's Affidavit referenced herein is attached as **Exhibit 2**).

4 While David has no desire to delay the pending proceedings or
5 inconvenience the Court, this new piece evidence is obviously of
6 significant concern. At a minimum, Dr. Paglini should have the
7 opportunity to review the video and briefly meet with the parties
8 regarding its contents prior to giving testimony at the parties' upcoming
9 Trial. The video obtained by Laura is only 3-minutes in duration and
10 would not require a lengthy review by Dr. Paglini; however, this type of
11 evidence is precisely the kind of evidence that experts routinely rely upon
12 when forming opinions and reaching custodial-based recommendations
13 (particularly when investigating claims of systemic coaching, manipulation,
14 triangulation, and pathogenic parenting).

15 The Court has yet to enter final custodial orders in this case and Dr.
16 Paglini's testimony will likely carry considerable weight with regard to the
17 Court's ultimate best interest analysis, particularly with regard to Christie's
18 ability to foster and encourage frequent associations between Sarah and
19 her father (NRS 125C.0035(4)(c)); Christie's state of mental health (NRS
20 125C.0035(4)(f)); and whether Christie has a history of committing acts
21 of emotional abuse or neglect (NRS 125C.0035(4)(j)).

1 Accordingly, David is asking the Court to give Dr. Paglini the
2 opportunity to review the video referenced herein and, if necessary, meet
3 with the parties to discuss its contents prior to giving his testimony at the
4 parties' upcoming Trial. By doing so, the Court would be ensuring that Dr.
5 Paglini has *all information* necessary to make informed conclusions and
6 recommendations to the Court with regard to the best interests of Sarah
7 and David Jr. moving forward. Most importantly, neither party would be
8 prejudiced by allowing Dr. Paglini to review the video referenced herein.

9 **II. ARGUMENT AND ANALYSIS**

10 **A. The Court Should Allow Dr. Paglini to Review David's** 11 **Newly Discovered Evidence Prior to Testifying at Trial**

12 NRS 125C.0035 makes it abundantly clear that the *sole consideration*
13 of the Court, in determining the physical custody of a minor child, is the
14 *best interest* of that child. In *Blanco v. Blanco*, 129 Nev. 723, 311 P.3d
15 1170 (2013), the Nevada Supreme Court went a step further holding that
16 child custody matters must be decided on their *merits*. In *Price v. Dunn*,
17 106 Nev. 100, 105, 787 P.2d 785, 788 (1990), the Court specifically held
18 that the policy in favor of deciding cases on their merits *is heightened in*
19 *domestic relations matters*.

20 Here, we are dealing with the very serious issue of pathogenic
21 parenting and whether Christie has been abusing Sarah on an

1 emotional/psychological level. The recent video obtained by Laura
2 strongly supports David's contention that Christie has in fact been
3 coaching and manipulating this 4-year-old child on an abusive level. If
4 so, this is certainly a best interest consideration that the Court must
5 consider in its ultimate custodial determination at trial; as noted above,
6 particularly with regard to Christie's ability to foster and encourage
7 frequent associations between Sarah and David (NRS 125C.0035(4)(c));
8 Christie's state of mental health (NRS 125C.0035(4)(f)); and whether
9 Christie has a history of committing acts of emotional abuse upon Sarah
10 by way of coaching and manipulation (NRS 125C.0035(4)(j)).

11 **i. Regarding Pathogenic Parenting**

12 Mental health professionals refer to pathogenic parenting (also
13 called attachment-based parental alienation) as a *pervasive pattern* of
14 alienating and undermining behaviors designed to impair and eventually
15 ruin the other parent's relationship with his/her children. Pathogenic
16 parenting is sometimes mistakenly confused with parental alienation
17 "syndrome" (which was debunked by experts many years ago).¹

18 ...

19
20 ¹ According to experts, pathogenic parenting is not a new syndrome, but rather a
21 manifestation of standard and well-established pathologies. It only uses references
to classic works of psychology and none related to parental alienation syndrome;
giving pathogenic parenting tremendous power.

1 As the Court is aware, pathogenic parenting is more about lobbying,
2 coaching, manipulating, and (to a certain extent) programming a child
3 “against” the other parent. Based on the studies of national experts (like
4 Dr. Craig Childress and Dr. Richard Warshak) and the opinions of local
5 therapeutic providers (including Nicolas Ponzo, MSW, Stephanie Holland,
6 PhD, and Donna Wilburn, LMFT), pathogenic parenting, without question,
7 is a form of *emotional child abuse*.²

8 Pathogenic parents usually suffer from deep-seated mental illness³
9 (upon information and belief, Christie has borderline personality disorder)
10 and are oblivious, or simply don’t care, when it comes to understanding
11 how their crusade directly affects the emotional development and
12 wellbeing of their own children.⁴ More times than not, pathogenic parents

14 ² See recent cases within the Family Division of the Eighth Judicial District Court,
15 including *Abid v. Abid*; *Silva v. Silva*; *Kerrigan v. Kerrigan*; and *Sobczyk v. Osborne*.

16 ³ A parent suffering from a narcissistic or borderline personality disorder can
17 (under unrelenting stress or pressure from divorce) decompensate into persecutory
18 delusions that the other parent is inadequate or abusive. These parents then expel
19 their feelings of inadequacy or abandonment onto their former partner by using the
20 defense mechanisms of projection and splitting. In short, the ex-spouse must also
21 become the ex-parent of the child.

⁴ Through triangulation, psychological enmeshment with their children, and
the formation of a cross generational alliance with their children, the pathogenic
parent influences their children to share their delusion. This can be done by eliciting
criticism from the child about the other parent and then enthusiastically validating it,
and by mixing in partially true lies. These parents then use their children as
a narcissistic supply, creating a role reversal relationship that shows a lack of empathy
for their children’s own developmental needs.

1 are simply incapable of co-parenting and cannot be trusted with the status
2 of joint custodian. This is David's obvious concern heading into trial.

3 **ii. Regarding Routinely Relied Upon Evidence**

4 With regard to expert witnesses, NRS 50.285 mandates that (1) the
5 facts or data in a particular case upon which an expert bases an opinion
6 or inference may be those perceived by or made known to the expert *at or*
7 *before the hearing*; and (2) if of a type reasonably relied upon by experts
8 in forming in forming opinions or inferences upon the subject, the facts
9 or data *need not be admissible in evidence*.

10 In other words, even if the Court should deem the newly discovered
11 video inadmissible at the time of trial, Dr. Paglini could – and should –
12 have the opportunity to review the video prior to testifying at trial because
13 video recordings and audio recordings are routinely used and relied upon
14 by custody evaluators and outsourced providers on a regular basis when
15 forming opinions and making custodial recommendations (particularly
16 with regard to pathogenic parenting and emotional child abuse).

17 In the case of *Abid v. Abid*, 133 Nev. ___, ___ P.3d ___ (Adv. Opn. No.
18 94, Dec. 7, 2017), Dad placed a recording device in his child's backpack to
19 record the interactions between his child and Mom (Dad suspected Mom
20 was coaching and interrogating the minor child); neither Mom nor the
21 child consented to being recorded. The Nevada Supreme Court held that

1 though the recordings possibly violated NRS 200.650, the evidence was
2 admissible as the protection of a child (and that child's best interest) far
3 outweighs any exclusionary rule. The Court further held that the review of
4 the recordings by a child psychologist (in this case, Dr. Stephanie Holland)
5 who will be testifying as to her opinion was also proper considering the
6 best interest of the child (and considering that child psychologists
7 routinely review audio and video recordings when forming opinions).

8 Additionally, in the case of *Barrett v. Baird*, 111 Nev. 1496, 908 P.2d
9 689 (1995), the Nevada Supreme Court confirmed that in Nevada, as in
10 most jurisdictions, experts may rely on evidence that is otherwise
11 inadmissible at a trial even when testifying before a jury as to an ultimate
12 issue (such as negligence, in this particular case) pointing to both NRS
13 50.285 and NRS 50.295.

14 Here, David's request is reasonable and made in the spirit of
15 protecting the best interests of the parties' minor child. David is simply
16 asking the Court to allow Dr. Paglini to review the short, newly obtained
17 video prior to testifying at trial so that Dr. Paglini has all information
18 necessary to make informed recommendations and assist the Court in
19 making a final custodial determination in this case.

20 ...

21 ...

1 **III. CONCLUSION**

2 Based upon the foregoing, and for the reasons set forth herein,
3 David respectfully requests that the Court:

- 4 1. Allow Dr. Paglini to review the newly obtained video prior to
5 testifying at the parties' Trial;
- 6 2. Allow Dr. Paglini to speak to Laura and/or David regarding
7 the video prior to testifying at the parties' Trial;
- 8 3. Allow Dr. Paglini to meet with Christie regarding the video
9 prior to testifying at the parties' Trial;
- 10 4. Calendar day two of the parties' Trial for a date/time after Dr.
11 Paglini has reviewed the video; and
- 12 5. Award David any other relief deemed just and appropriate.

13 **DATED** Monday, October 05, 2020.

14 Respectfully submitted,

15 THE ABRAMS & MAYO LAW FIRM

16 /s/ Vincent Mayo, Esq.

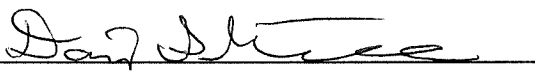
17 Vincent Mayo, Esq.
18 Nevada State Bar Number: 8564
19 The Abrams & Mayo Law Firm
20 6252 South Rainbow Blvd., Suite 100
21 Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: VMGroup@TAMLF.com
Attorney for Plaintiff

1 **DECLARATION OF DAVID STUCKE**

2 I, DAVID STUCKE, am the Plaintiff in this action and declare that I
3 am competent to testify to the facts in this Declaration. I have read the
4 foregoing *Motion to Allow John Paglini, Psy.D. to Review Newly Discovered*
5 *Evidence Prior to Giving Testimony at the Parties' Trial; and for Related Relief*
6 and know the content thereof; that the same is true of my own knowledge
7 except for those matters therein stated on information and belief, and as to
8 those matters, I believe them to be true. Those factual averments contained in
the referenced filing are incorporated here as if set forth in full.

9 **I declare under penalty of perjury under the laws of the**
10 **State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that**
the forgoing is true and correct.

11 **DATED** this 5th day of October 2020.

12
13 
14 **David Stucke**

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Fred Page, Esq.
Attorney for Defendant

An Employee of The Abrams & Mayo Law Firm

**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

DAVID PATRICK STUCKE

Plaintiff/Petitioner

vs.

CHRISTIE LEEANN STUCKE

Defendant/Respondent

Case Number: **D-18-580621-D**Department: **F**

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions after entry of a final Order issued pursuant to NRS 125, 125B, or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by Joint Petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below:

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | \$25 | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$25 reopen fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. |
| | <input type="checkbox"/> | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order. |
| | <input type="checkbox"/> | The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered. The final Order was entered on: _____. |
| | <input type="checkbox"/> | Other Excluded Motion |

Step 2. Select the \$0, \$129, or \$57 filing fee in the box below:

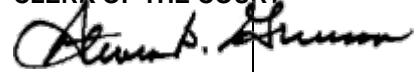
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|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed in a case not initiated by Joint Petition. |
| | <input type="checkbox"/> | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57 |
| -OR- | | |
| <input type="checkbox"/> | \$129 | The Motion/Opposition being filed with this form is subject to the \$129 fee because it is a Motion to modify, adjust, or enforce a final Order. |
| -OR- | | |
| <input type="checkbox"/> | \$57 | The Motion/Opposition being filed is subject to the \$57 fee because it is an Opposition to a Motion to modify, adjust, or enforce a final Order or it is a Motion and the opposing party has already paid a fee of \$129. |

Step 3. Add the filing fees from Step 1 and Step 2:

The total filing fee for the Motion/Opposition I am filing with this form is

☒ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: **Plaintiff**Date: **10.07.2020**Signature of Party of Preparer: /s/ Mark DiCiero



EXHS

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
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Fax: (702) 248-9750
Email: VMGroup@TAMLF.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
)		
Plaintiff,	)	Department:	F
)		
vs.)		
)		
CHRISTIE LEEANN STUCKE,)		
)		
Defendant.)		
)		

**APPENDIX OF EXHIBITS IN SUPPORT OF
MOTION TO ALLOW JOHN PAGLINI, PSY.D. TO REVIEW
NEWLY DISCOVERED EVIDENCE PRIOR TO GIVING
TESTIMONY AT THE PARTIES' TRIAL; AND FOR
RELATED RELIEF**

NOW INTO COURT comes Plaintiff, DAVID STUCKE, by and through his Attorney of Record, Vincent Mayo, Esq., of The Abrams & Mayo Law Firm, and hereby submits his *Appendix of Exhibits in Support of Plaintiff's Motion to Allow John Paglini, Psy.D. to Review Newly Discovered Evidence Prior to Giving Testimony at the Parties' Evidentiary Hearing; and for Related Relief.*

STUCKE-0997

...

DATED Wednesday, October 07, 2020.

Respectfully submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ **Vincent Mayo, Esq.**

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
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Fax: (702) 248-9750
Email: VMGroup@TAMLF.com
Attorney for Plaintiff

...

TABLE OF CONTENTS

Exhibit	Description	Page No.
1	Video of Sarah and Laura (Recorded 08.01.2020)	PLTF 001-002
2	Affidavit of Laura Jenkins	PLTF 003-005

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Appendix of Exhibits in Support of Plaintiff's Motion to Allow John Paglini, Psy.D. to Review Newly Discovered Evidence Prior to Giving Testimony at the Parties' Evidentiary Hearing; and for Related Relief* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Wednesday, October 07, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Fred Page, Esq.
Attorney for Plaintiff

/s/ Chantel Wade

An Employee of The Abrams & Mayo Law Firm

EXHIBIT 1

EXHIBIT 1



EXHIBIT 2

EXHIBIT 2

FAMILY COURT EIGHTH JUDICIAL COURT, LAS VEGAS, NV

David Stucke
Plaintiff
-VS-
Christie Stucke
Defendant

D-18-580621-D

AFFIDAVIT

I, Laura Jenkins, of Henderson, in Clark, Nevada, MAKE OATH AND SAY THAT:

On August 1, 2020 I was alone with Sarah Stucke and David Stucke, the minor children of my boyfriend David P. Stucke. We were all living together at the time. While I was alone with Sarah she said she had a secret to tell me but would only tell me in my ear. She said this after she said her private parts were itchy. I located my phone to audio record what she said because I didn't know what she would say and because her mother, Christie Stucke, had made false accusations of inappropriate touching against David the prior year. Those charges were investigated by CPS and deemed unfounded. It was also suspected that Christie had coached Sarah but that was not proven because Sarah was only three years old at the time. Sarah has had emotional issues coping with her parent's divorce and I wanted to have evidence of whatever the secret was so that I would be believed.

Once I started recording, I asked Sarah what she was going to tell me. She said she would only tell me in my ear. She said "Daddy put a jellyfish in my pee pee". And that she had told her mother that secret and that her and her mother have secrets that she's not supposed to tell anyone else. Also, she said that is bothers her and it is hard to have secrets. I told her she was safe and that no one was hurting her. She then said she didn't know why her pee pee itched and asked me why. I told her that it could be many reasons including not wiping after using the bathroom, irritation from the swimming pool, or the need for more baths. She frequently complains about being itchy during her custody time with David including her private parts at times. When this occurs we offer her a bath and don't discuss it further or make an issue of it.

I have two children myself, and I cannot imagine have secrets with my children regarding their genitals or discussing their genitals at all except during potty training. Sarah has been potty trained since I've known her which was in late December of 2018. It is extremely concerning that her mother discusses this subject with Sarah and is expected to keep secrets at all. Sarah is hyper aware of her pee pee and says it itches or hurts at times. It is extremely inappropriate for a child who is four (three years old during the first false accusation) to be aware of their private parts in this manner or be forced to discuss it in my opinion as a parent.

STATE OF NEVADA

COUNTY OF CLARK

SUBSCRIBED AND SWORN TO BEFORE
ME, on the 5th day of October, 2020

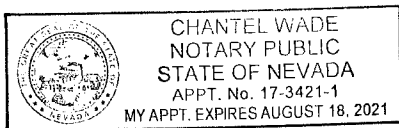
Signature

(Seal)

NOTARY PUBLIC

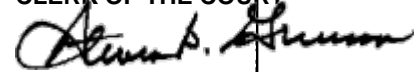
My Commission expires:

August 18, 2021



Laura Jenkins
(Signature)

Laura Jenkins



OPPC
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
PAGE LAW FIRM
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(702) 823-2888 office
(702) 628-9884 fax
Email: fpage@pagelawoffices.com
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

DAVID PATRICK STUCKE,
Plaintiff,

vs.

CHRISTINE LEEANN STUCKE,
Defendant.

Case No.: D-18-580621-D

Dept.: F

Hearing Date: November 6, 2020

Hearing Time: 12:05 a.m.

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO ALLOW
JOHN PAGLIN, PSY.D. TO REVIEW NEWLY DISCOVERED
EVIDENCE PRIOR TO GIVING TESTIMONY AT THE PARTIES'
TRIAL AND FOR RELATED
AND
COUNTERMOTION FOR ATTORNEY'S FEES**

Defendant, CHRISTINE LEEANN STUCKE, by and through her attorney,
Fred Page, Esq., hereby submits her Opposition to Plaintiff, DAVID PATRICK
STUCKE'S, Motion to Allow John Paglini, Psy.D. to Review Newly Discovered
Evidence Prior to Giving Testimony at the Parties' Trial and for Related Relief
and Countermotion for Attorney's Fees. This Opposition and Countermotion is

1 based upon the papers and pleadings on file, the attached Points and Authorities
2 and any oral argument that the Court may wish to entertain.

3
4 DATED this 30th day of October 2020

5 PAGE LAW FIRM

6
7 

8 FRED PAGE, ESQ.

9 Nevada Bar No. 6080

10 6930 South Cimarron Road, Suite 140

11 Las Vegas, Nevada 89113

12 (702) 823-2888

13 Attorney for Defendant

14 **POINTS AND AUTHORITIES**

15 **I.**

16 **FACTUAL BACKGROUND**

17 Defendant, CHRISTIE LEEANN STUCKE (hereinafter “Christie”) and
18 Plaintiff DAVID PATRICK STUCKE (hereinafter “David”) were entered into a
19 domestic partnership through the Nevada Secretary of State under Chapter 122A
20 on May 26, 2015.¹ After the parties entered into to domestic partnership the
21 parties cohabited and shared responsibilities as would any married couple. The
22 parties have two minor children the issue of the domestic partnership, Sarah Laura
23 Stucke, born July 22, 2016 (age 4), and David Orion Stucke, born March 30, 2018
24 (age 2).

25
26
27
28 ¹ The parties also participated in a marriage ceremony a year later on May 28, 2016.

1 David requested and received authorization to have Dr. Paglini conduct a
2 custody evaluation. Dr. Paglini conducted a very extensive and through
3 evaluation. The evaluation consisted of Dr. Paglini reviewing numerous video
4 that David had surreptitiously taken of Christie in an attempt to put her in a
5 negative light.
6

7
8 Dr. Paglini provided an extensive 88-page report. Dr. Paglini reviewed all
9 of the filings in the case. Dr. Paglini reviewed numerous videos that David
10 provided to him. There was in depth psychological testing, interviews, and home
11 visits of both parties. Dr. Paglini also conducted extensive collateral interviews.
12

13 After reviewing all of those secretly taken videos by David, Dr. Paglini still
14 concluded that the parties should share joint physical custody, contingent upon
15 Christie taking some classes, which Christie readily agreed to do.
16

17 David was deeply disappointed after having secretly recording Christie to
18 try and put her in a negative light and after having spent all of that money on Dr.
19 Paglini that Dr. Paglini still recommended joint physical custody.
20
21

22 The matter was last for trial before the on September 14, 2020. David
23 submitted some 8,000 pages of documents. Due to the length of David's direct
24 examination, the Court was unable to conclude testimony that day. Toward the
25 end of day 1, the Court asked if the parties would simply stipulate to Dr. Paglini's
26 report coming and stipulate to the parties having joint physical custody.
27
28

1 Initially, it appeared that David was going to stipulate to joint physical
2 custody. But then, his counsel still wanted Dr. Paglini to come in and
3 see if Dr. Paglini would vary from his recommendation based upon various
4 hypotheticals that he was going to pose to Dr. Paglini. In essence, David was
5 going to stipulate to joint physical custody, but he was not going to stipulate to
6 joint physical custody.
7

8
9 Because of David's refusal to stipulate to joint physical custody the Court
10 scheduled Dr. Paglini to testify on September 17. However, trial for that day had
11 to be continued due to an emergency involving the Court.
12

13 David subsequently used the intervening time period to surreptitiously take
14 more recordings against Christie and then try and use those recordings against her.
15

16 II. 17 OPPOSITION

18 A. David's Misstatements Should be Addressed

19
20 As is common in the Family Division of District Court, David's Motion is
21 replete with material misstatements of fact and impermissibly argument in a
22 purported "statement of facts."
23

24 David claims that Dr. Paglini and Donna Wilburn, MFT "swiftly concluded
25 that nothing inappropriate took place." Mot. at page 3, lines 19-20. That is
26 incorrect, both Dr. Paglini and Ms. Wilburn were unable to substantiate that any
27 sexual abuse took place.
28

1 David claims that Dr. Paglini concluded that it was “quite possible” that
2 Christie was coaching Sarah and that Christie was engaging in pathogenic
3 parenting. Mot. at page 3, line 20, through page 4, line 2. Dr. Paglini made no
4 such conclusions, and if he did, David is duty bound to provide some
5 substantiation for his claims. At no point is Christie required to prove a negative.
6

7
8 David claims that day one of trial was August 1, and that prior to day one,
9 July 31, that David’s significant other, Laura, noticed that Sarah was crying. The
10 assertion is incorrect. Day one of the trial was September 14.
11

12 David claims, in “statement of facts,” the video is precisely the kind of
13 evidence that experts routinely rely upon when forming opinions and reaching
14 custodial-based recommendations.” Mot. at page 5, lines 10-14. There is zero
15 basis for such an assertion to be made. David does not have the first clue as to
16 what experts rely upon when reviewing videos and as such has no place in a
17 “statement of facts.”
18
19

20 Christie has complied with all visitation orders. Dr. Palini has already
21 concluded that Christie’s mental health is sufficient fine. Dr. Paglini has
22 concluded that David fails to prove that Christie history of committing acts of
23 emotional abuse or neglect. And, Dr. Paglini already has enough data points to
24 reach that conclusion after the 20 plus recordings that David foisted upon him
25 after secretly recording Christie as many times as he possibly could.
26
27
28

1 David claims that Christie has a borderline personality disorder. Mot. at
2 page 8, lines 8-9. Dr. Paglini has conducted an extensive psychological
3 evaluation of both parties and has failed to conclude that Christie has any
4 personality disorder, let alone a borderline personality disorder.
5

6 **B. David's Request for Dr. Paglini to Review "Newly Discovered**
7 **Evidence" Should be Denied**

8 David is essentially asking the Court to rule on his untimely "motion in
9
10 limine" to admit new evidence in the middle of a trial. At some point limits have
11 to be place on David. There are rules, and David cannot continue to be permitted
12 to run amok and throw out whatever he can whenever he can when things have
13 not gone his way.²
14

15 David goes into great detail about pathogenic parenting and concludes that
16 Christie is engaging in it. Mot. at page 7, line 11, through page 8, line 7. Dr.
17 Paglini produced an 88-page report and after reviewing the videos dumped on him
18 by David, after interviewing the parties, and after reviewing all of the pleadings,
19 that he was unable to conclude that parental alienation or pathogenic parenting
20
21
22
23
24

25 ² For example, David submitted approximately 8,000 pages of exhibits in an effort
26 to try and overwhelm Christie's ability to be prepared for trial. When David was
27 asked to provide a hard copy of those 8,000 pages of exhibits, the response was
28 "go pound sand," leaving Christie having to print out 8,000 pages of exhibits that
David tried to dump upon her - and the Court.

1 was going on. Dr. Paglini has more than a sufficient amount of evidence with
2 which to make his conclusions.

3 NRS 48.035(2) provides that evidence may be excluded if its probative
4 value is substantially outweighed by considerations of undue delay, waste of time
5 or needless presentation of cumulative evidence. Dr. Paglini has already reviewed
6
7
8 20 something recordings from David in his desperate attempt to smear Christie.

9 David's citation to Abid v. Abid, 113 Nev. Adv. Op. 94 (December 7,
10 2017) is inapplicable as that recording took place months before the trial and not
11 in the middle of it.

13 The videos at this point are cumulative and one more video it not
14 going to make a difference. David's desperation to try and separate the children
15 from Christie should give the Court some pause as to whether he is willing, or
16 even able, to facilitate a relationship between Christie and the children.
17
18

19 David's request should be denied.

20
21 **C. The Video Recording Itself is Wholly Improper**

22 One cannot even get through trial and David wants to waste judicial
23 resources for another baseless video wherein they are coaching Sarah. Laura's
24 conduct is completely inappropriate that she is trying to coach Sarah that what she
25 saying did not happen???

1 It feels very much like gaslighting when Sarah is trying to tell Laura about
2 stuff. Instead of believing her Laura assumes that Christie has coached her.
3 Christie advises that Sarah may be 4 years of age, but she been very clear about
4 certain things and has been consistent with her verbal reporting about concerning
5 things between her and her father. It is inexplicable for David to claim that
6 Christie is somehow brainwashing her or prompting her when Sarah is not even
7 around me when she is talking to others.
8

9
10 David appears to be incredibly vindictive and wants to harm Christie in any
11 way he can. If anything, it looks like David is coaching Sarah or is maybe to try
12 to instigate Christie and get a reaction out of her.
13
14

15 **D. David Is Improperly Trying to Get Around the Rules of Having Sarah**
16 **Not Being Able to Testify**

17 A review of Dr. Paglini's report appears to indicate that he chose not to
18 conduct a forensic interview of the children. Dr. Paglini could have conducted a
19 forensic interview of the children, and have the children testify that way, but he
20 chose not to so. It appears that David has tried to manufacture a situation wherein
21 he can try and get an interview of Sarah and at the same avoid the requirements of
22 NRCP 16.215 regarding children under the age of 14 being able to testify.
23
24

25 The Rule requires that a Notice be filed within 60 days before the hearing.
26 The Rule also requires that a Motion to Permit Child Testimony by Alternative
27
28

Means be filed. David is prohibited from trying to backdoor his way into getting Sarah's statements as part of the evidentiary record.

Accordingly, David's Motion should be denied.

III. COUNTERMOTION

An award of attorney's fees in a divorce proceeding falls within the sound discretion of the trial court. NRS 125.150(2); NRS 125.040(2). In assessing the amount of attorney's fees, courts should examine "(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived." *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 350, 455 P.2d 31, 33 (1969).

In determining the amount appropriate for the attorney's fees, this court should take into consideration the *Brunzell* factors. Christie's counsel is a well experienced divorce lawyer. Motion writings in essence are intricate part of the law and it requires substantial effort in consideration with other legal activities. The result should be considered as being successful and counsel has performed

1 100 percent of the work. All factors set forth in *Brunzell* warrants an award of
2 substantial attorney's fees. Christine's counsel's qualifications under the *Brunzell*
3 factors should be recognized and Christie should be awarded the attorney's fees
4 she has incurred.
5

6
7 **IV.**
8 **CONCLUSION**

9 WHEREFORE, Defendant, CHRISTIE LEEANN STUCKE, respectfully
10 requests that the Court enter orders:

- 11 1. Denying Plaintiff's Motion in its entirety.
12
13 2. Awarding Christie the attorney's fees she has incurred in filing the
14 Motion and appearing at the hearing, and;
15
16 3. For any further relief the Court deems proper and just.

17 DATED this 30th day of October 2020

18 PAGE LAW FIRM

19
20 

21 FRED PAGE, ESQ.
22 Nevada Bar No. 6080
23 6930 South Cimarron Road, Suite 140
24 Las Vegas, Nevada 89113
25 (702) 823-2888
26 Attorney for Defendant
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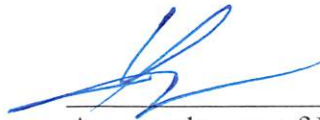
That she is the Defendant in the above-entitled action; that she has read the above and foregoing OPPOSITION AND COUNTERMOTION and knows the contents thereof and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, she believes them to be true.

Executed this _____ day of October 2020

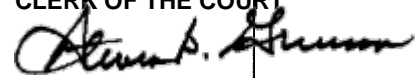
to be supplied
CHRISTIE LEEANN STUCKE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of October 2020, that the foregoing OPPOSITION AND COUNTERMOTION was served pursuant NEFCR 9 via e-service to Vincent Mayo, Esq. attorney for Plaintiff.



An employee of Page Law Firm



ROPP

Vincent Mayo, Esq.
Nevada State Bar Number: 8564
The Abrams & Mayo Law Firm
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Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-DD
)		
Plaintiff,	)	Department:	F
)		
vs.)		
	)	Date of Hearing:	11/6/20
CHRISTIE LEEANN STUCKE,	)	Time of Hearing:	In chambers
)		
Defendant.)		
)		

**REPLY IN SUPPORT OF MOTION TO ALLOW JOHN PAGLINI,
PSY.D. TO REVIEW NEWLY DISCOVERED EVIDENCE PRIOR
TO GIVING TESTIMONY AT THE PARTIES' TRIAL; AND FOR
RELATED RELIEF AND OPPOSITION TO COUNTERMOTION
FOR ATTORNEY'S FEES**

NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE,
by and through his Attorney of Record, Vincent Mayo, Esq., of The
Abrams & Mayo Law Firm, and hereby submits his *Reply in Support of*
Motion to Allow John Paglini, Psy.D. to Review Newly Discovered
Evidence Prior to Giving Testimony at the Parties' Trial; and for Related
Relief and Opposition to Countermotion for Attorney's Fees.

STUCKE-1017

1 This *Reply and Opposition* is based upon the attached
2 Memorandum of Points and Authorities, the attached Declaration of
3 David Stucke, any and all pleadings and papers on file herein, and any
4 further evidence or argument presented to the Court at the hearing of this
5 matter.

6 **DATED** Friday, November 06, 2020.

7 Respectfully submitted,

8 THE ABRAMS & MAYO LAW FIRM

9 /s/ Vincent Mayo, Esq.

10 Vincent Mayo, Esq.
11 Nevada State Bar Number: 8564
12 The Abrams & Mayo Law Firm
13 6252 South Rainbow Blvd., Suite 100
14 Las Vegas, Nevada 89118
15 Tel: (702) 222-4021
16 Fax: (702) 248-9750
17 Attorney for Plaintiff

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. REPLY AND OPPOSITION**

16 Focusing on the pertinent issues with Christie's Opposition, David's
17 position was not that the parties should be awarded joint physical custody.
18 David made it clear at Court that he should be awarded primary custody
19 based on Christie's manipulation of Sarah and attempts to destroy David's
20 relationship with her. Dr. Paglini even stated in his report that this was a
21

1 concern. Dr. Paglini emphasized that if Christie has coached Sarah,
2 including as to accusations of sexual abuse by David in an attempt to gain
3 leverage in this matter, then the Court should award David primary
4 custody. Dr. Paglini's report is replete with examples of why he is
5 concerned about Christie's conduct, including statements from David,
6 Sarah's mental health provider, CPS and Sarah's pediatrician. Hence, the
7 issue related to the potential evidence in the video is not just "collateral to
8 the matter" but directly at issue.

9 This trial is about what is best for the children and their long-term
10 mental welfare. Christie making secrets about David is very concerning.
11 The Court cannot forget that Christie's other three children have all been
12 diagnosed with mental disorders, with one being an ongoing drug addict
13 that is in and out of rehab. Clearly, Christie's parenting, and its effects on
14 Sarah, must be addressed.

15 Christie may try and claim the custody case is "simple" but it is not.
16 If it is, Dr. Paglini would not have produced an 88-page report. Further,
17 this Court cannot take the easy road as Christie wants and default to
18 custody. An award should be based on a thorough review of all the
19 pertinent facts.

20 Christie's attempt to excuse her behavior by stating she is just an
21 "overprotective parent" is not a valid excuse. Christie has consistently

1 taken Sarah to medical providers and contacted CPS based on the claim
2 that David is sexually abusing Sarah. Repeated claims of sexual abuse by
3 one parent against another is not simply a case of a “overprotective
4 parent”. What truly undermines Christie’s position is that she is still
5 refusing to state there was no sexual abuse by David in her Opposition.
6 Christie even recently told David via OFW on September 8, 2020 in regard
7 to David and inappropriate conduct towards Sarah, “Furthermore, it
8 certainly makes me believe that you are trying to conceal activities of this
9 nature with Sarah.” This is Christie calling David a pedophile, NOT being
10 overprotective. In addition, if Christie believes said abuse occurred, why
11 is she requesting joint custody? The only answer is that Christie knows it
12 did not and she is trying to keep the door open on this issue for leverage
13 purposes. This makes the need to review and consider the video in
14 question even more necessary.

15 The Court is well aware of Christie’s game playing and lying to David
16 and the Court, increasing the need to question Christie’s behavior with
17 Sarah against David.

18 Christie tries to distract the Court from the issue at hand by talking
19 about David using the video to coach Sarah. If that were true, why doesn’t
20 Christie want Dr. Paglini or the Court to see the video?

21 ///

1 Christie next claims the video David wants reviewed by Paglini
2 would just be cumulative. David agrees if it was in regard to Christie being
3 violent (as there is already unopposed evidence of that). However, the
4 video in question involves Sarah having “secrets with mommy about
5 daddy and that Sarah does not like having secrets. The conversation
6 happens after Sarah complains about her itchy vagina. This is an ongoing
7 theme and major concern for David.

8 Consideration of the short video (which is just a minute long long)
9 will not result in undue delay as the parties are not back in front of the
10 Court until December 9th, giving Dr. Paglini plenty of time to review the
11 short video and formulate any thoughts on it. Being that the children’s
12 best interest are always paramount, it seems unreasonable to not have all
13 relevant information considered.

14 Therefore, the video should be reviewed by Dr. Paglini and
15 Christie’s claim for attorney’s fees denied.

16 **III. CONCLUSION**

17 Based upon the foregoing, and for the reasons set forth herein,
18 David respectfully requests that the Court:

- 19 1. Allow Dr. Paglini to review the newly obtained video prior to
20 testifying at the parties’ Trial;
21

- 1 2. Allow Dr. Paglini to speak to Laura and/or David regarding
2 the video prior to testifying at the parties' Trial;
3 3. Allow Dr. Paglini, if he deems it necessary, to meet with
4 Christie regarding the video prior to testifying at the parties'
5 Trial;
6 4. Deny Christie's claim for attorney's fees.

7 **DATED** Friday, November 06, 2020.

8 Respectfully submitted,

9 THE ABRAMS & MAYO LAW FIRM

10 /s/ Vincent Mayo, Esq.


11 Vincent Mayo, Esq.
12 Nevada State Bar Number: 8564
13 The Abrams & Mayo Law Firm
14 6252 South Rainbow Blvd., Suite 100
15 Las Vegas, Nevada 89118
16 Tel: (702) 222-4021
17 Fax: (702) 248-9750
18 Email: VMGroup@TAMLF.com
19 Attorney for Plaintiff
20
21

1 **DECLARATION OF DAVID STUCKE**

2 I, DAVID STUCKE, am the Plaintiff in this action and declare that I
3 am competent to testify to the facts in this Declaration. I have read the
4 foregoing *Reply in Support of Motion to Allow John Paglini, Psy.D. to*
5 *Review Newly Discovered Evidence Prior to Giving Testimony at the*
6 *Parties' Trial; and for Related Relief and Opposition to Countermotion*
7 *for Attorney's Fees* and know the content thereof; that the same is true of
8 my own knowledge except for those matters therein stated on information
9 and belief, and as to those matters, I believe them to be true. Those factual
10 averments contained in the referenced filing are incorporated here as if set forth
11 in full.

12 **I declare under penalty of perjury under the laws of the State**
13 **of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing**
14 **is true and correct.**

15 **DATED** this 6th day of November 2020.

16 
17 **David Stucke**

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Fred Page, Esq.
Attorney for Defendant

An Employee of The Abrams & Mayo Law Firm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 06, 2020

D-18-580621-D David Patrick Stucke, Plaintiff
vs.
Christie LeeAnn Stucke, Defendant.

November 06, 2020 12:05 AM All Pending Motions

HEARD BY: Gentile, Denise L**COURTROOM:** Courtroom 03**COURT CLERK:** Melissa McCulloch**PARTIES:**

Christie Stucke, Defendant, Counter Claimant, Fred Page, Attorney, not present
not present
David Stucke, Plaintiff, Counter Defendant, Vincent Mayo, Attorney, not present
not present
David Stucke, Subject Minor, not present
Sarah Stucke, Subject Minor, not present

JOURNAL ENTRIES

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

COURT FINDS that Plaintiff filed a Motion to Allow Dr. Paglini to Review Newly Discovered Evidence Prior to Giving Testimony at the O Parties Trial; and for Related Relief; Defendant opposed and filed a Countermotion thereto and the Reply to the Opposition. All of these were set to be heard on 11/6/2020 on the Court's chambers Calendar. COURT has read and considered the papers on file herein.

COURT FINDS that discovery has closed, the report of Dr. Paglini has been generated, and the trial

PRINT DATE:	11/09/2020	Page 1 of 2	Minutes Date:	November 06, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

STUCKE-1025

has commenced. COURT FINDS that just because there is a gap between trial dates, does not mean because another incident occurs that the Court should re-open discovery and allow new evidence to be submitted without properly permitting the opponent to pursue discovery in response to refute any allegations, inferences, or conclusions the Plaintiff expects the Court and/or the expert to make with this information.

The Court will permit a line of questioning of the incident, if Dr. Paglini were to learn of this type of an incident would it change his opinion, or if he were to view such a video would it make a difference, but otherwise, there is no need to re-open discovery, cause Dr. Paglini to prepare an errata or addendum to his report, for this particular piece of information that may be addressed in open court.

Family Court cases are fluid and the facts are ever-changing, but we still must follow the rules, and create deadlines, so that the parties understand their universe of facts, (i.e., what facts they may present and against what facts they must defend). Notice and Opportunity to be heard is the basic tenet of due process, and in this case, to allow this request would prejudice the defendant, if the matter were still to proceed on December 9, if the Court were to provide the proper opportunity to pursue discovery in response to the newly discovered evidence, it would delay the trial and prejudice the parties. This matter shall proceed on December 9, 2020.

In this regard, the Motion filed by Plaintiff is hereby DENIED.

CLERK'S NOTE: On 11/9/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

FUTURE HEARINGS: December 09, 2020 9:00 AM Non-Jury Trial
 Gentile, Denise L
 Courtroom 03
 McCulloch, Melissa

PRINT DATE:	11/09/2020	Page 2 of 2	Minutes Date:	November 06, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Heather S. Linn
CLERK OF THE COURT

1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT
3 FAMILY DIVISION

4 CLARK COUNTY, NEVADA

5 DAVID STUCKE,

6 Plaintiff,

7 v.

8 CHRISTIE STUCKE,

9 Defendant.

CASE NO. D-18-580621-D

DEPT NO. F

Date of Hearing: 9/10/2020, 12/09/2020
12/10/2020, 12/11/2020, 12/17/2020

10
11 **FINDINGS OF FACT, CONCLUSIONS OF LAW**
12 **AND DECREE OF DIVORCE FROM TRIAL**

13 THE ABOVE MATTER having come on regularly for Trial before the Honorable Judge
14 DENISE GENTILE, for non-jury trial with Plaintiff, DAVID STUCKE (“Plaintiff” or “DAVID”),
15 having appeared personally, and by and through his attorney, VINCENT MAYO, ESQ., and
16 Defendant, CHRISTIE (“Defendant” or CHRISTIE”), having appeared personally by and through
17 her attorney of record, FRED PAGE, ESQ. The Court heard the evidence of the witnesses sworn
18 and examined in open court, which included the parties, Christie and David and John Paglini,
19 PsyD. This Court had the opportunity to assess the demeanor and credibility of the witnesses. The
20 Court examined documentary exhibits admitted into evidence - Plaintiff’s Exhibits 1(b), 2, 12(a),
21 (b), and ©, 13-16, 21, 22, 26, 27, 29, 33-37, 39-42, 43(a) and (b), 44, 45(a) and(b), 46 (a) and (b),
22 47-50, 69, 86, 87, 121, 135, 136, 139, 140, 142, 153, 182, 184, 192, 194-198, 202, 204, 206, 207,
23 207(a), 208 - 217 were admitted; Defendant’s Exhibits A-E were admitted. Being advised as to
24 the law in this case and good cause appearing, this Court renders its decision, as follows:

25 **I.**

26 **HISTORY OF THE CASE**

27 THE COURT FINDS that the parties were married on May 28, 2016. The parties have two
28 children, Sarah Stucke, born July 22, 2016, age 4, and David Orion Stuck, born March 30, 2018,
age 2. COURT FINDS that David filed this action on November 28, 2018. An Answer was filed
by Christie on December 13, 2018. COURT FINDS that this matter was hotly contested and

1 litigated with various motions, discovery disputes, numerous hearings in front of the Court, which
2 included custody, support orders, and related interim issues pertaining to the parties. The parties
3 were not sent to mediation because a joint physical custody schedule was entered by the TPO
4 hearing master, which was confirmed and adopted by this Court. The Court heard various motions
5 entered temporary family support orders, based upon the representations made by the parties as to
6 their financial situations. The case was set for trial after 2 years of discovery and litigation, and
7 this Decree follows:

8 **Preliminary Findings**

9 THE COURT HEREBY FINDS that the Court, as part of the process in formulating the
10 decision, listened to the testimony of witnesses and reviewed the Exhibits offered by the parties that
11 were admitted into the record. THE COURT FURTHER FINDS that the issues before the Court
12 included child custody, child support, the division of assets and debts, confirmation of separate
13 property, and attorney's fees.

14 The COURT FURTHER FINDS it is to the satisfaction of the Court that the parties are
15 residents of Nevada, as it was undisputed they have lived in the state of Nevada, and based upon
16 the parties' testimony, it is to the satisfaction of the Court that residence is established at least six
17 (6) weeks prior to the commencement of the action.. THE COURT HEREBY FINDS that it has
18 jurisdiction over these parties and the subject matter. THE COURT FURTHER FINDS that the
19 parties are incompatible, with no possibility of reconciliation.

20 **TERMINATION OF THE PARTIES' MARRIAGE**

21 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of
22 matrimony existing between Christie and David be, and the same are wholly dissolved, and an
23 absolute Decree of Divorce is hereby granted to Christie and David, and each of the parties is
24 restored to the status of a single, unmarried person.

25 **CUSTODY**

26 COURT FINDS the parties have two children, born of this marriage, Sarah Stucke, age 4,
27 and David Stucke, age 2. COURT FINDS the applicable statutory authority that governs this case
28 is as follows:

NRS 125C.001 State Policy. The legislature declares that it is the policy of this state:

1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;
 2. To encourage such parents to share the rights and responsibilities of child rearing; and
 3. To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support.
- As used in this subsection, “equivalent” must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.

NRS 125C.0015 Parents have joint custody until otherwise ordered by court.

1. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.
2. If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.

LEGAL CUSTODY

COURT FINDS that NRS 125C.002 provides the court with its authority for establishing joint legal custody, as follows:

1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:

(a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or

(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. The court may award joint legal custody without awarding joint physical custody.

COURT FINDS the neither party presented a case to overcome the presumption that it is in the children's best interests for the court to order joint legal custody; therefore, IT IS HEREBY ORDERED that each party is awarded Joint Legal Custody of the minor children.

PHYSICAL CUSTODY

NRS 125C.0025 Joint physical custody.

1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:

(a) The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or

1 (b) A parent has demonstrated, or has attempted to demonstrate but has had
his or her efforts frustrated by the other parent, an intent to establish a meaningful
2 relationship with the minor child.

3 2. For assistance in determining whether an award of joint physical custody is
appropriate, the court may direct that an investigation be conducted.

4 **NRS 125C.0035 Best interests of child: Joint physical custody; preferences;
presumptions when court determines parent or person seeking custody is perpetrator of
domestic violence or has committed act of abduction against child or any other child.**

5 1. In any action for determining physical custody of a minor child, the sole
consideration of the court is the best interest of the child. If it appears to the court
6 that joint physical custody would be in the best interest of the child, the court may
grant physical custody to the parties jointly.

7 2. Preference must not be given to either parent for the sole reason that the parent
is the mother or the father of the child.

8 3. The court shall award physical custody in the following order of preference
unless in a particular case the best interest of the child requires otherwise:

9 (a) To both parents jointly pursuant to NRS 125C.0025 or to either parent
pursuant to NRS 125C.003. If the court does not enter an order awarding joint
10 physical custody of a child after either parent has applied for joint physical custody,
the court shall state in its decision the reason for its denial of the parent's
11 application.

12 (b) To a person or persons in whose home the child has been living and
where the child has had a wholesome and stable environment.

13 © To any person related within the fifth degree of consanguinity to the child
whom the court finds suitable and able to provide proper care and guidance for the
14 child, regardless of whether the relative resides within this State.

15 (d) To any other person or persons whom the court finds suitable and able
to provide proper care and guidance for the child.

16 The Nevada Supreme Court has held that in custody matters, the polestar for judicial
17 decision is the best interest of the child, the court has broad discretion. The Supreme Court has
18 held that the district court must make specific findings and provide an adequate explanation of the
19 reasons for a child custody determination, and must tie it to the best interest factors enumerated by
20 statute, and any other relevant factors relevant to the determination. *Davis v. Ewalefo*, 131 Nev.
21 Adv. Op 45, 352 P3d 1139 (2015).

22 COURT FINDS that the parties shared joint physical custody during the pendency of the
23 action. COURT FINDS that David and Christie could not agree on the final custodial orders and
24 thus, the Court granted permission for Dr. John Paglini to conduct a child custody evaluation, at
25 David's request. COURT FINDS that after a lengthy period of conducting the evaluation; the
26 custody evaluation was completed on July 27, 2020; including the national pandemic, several
27 factors delayed the divorce trial, but the Court was finally able to hear testimony from Dr. Paglini
28 at the second day of the parties' divorce trial conducted on 12/09/2020. COURT FINDS that Dr.

1 Paglini's report was admitted as evidence, Plaintiff's Exhibit 207(a). COURT FINDS that Dr.
2 Paglini's report was 88 pages and very detailed as to his findings and recommendations. COURT
3 FINDS that it adopts Dr. Paglini's findings and recommendations, as though set forth fully herein.
4 Dr. Paglini's report and testimony were CREDIBLE and are fair and even-handed when evaluating
5 the parties, their behaviors, and what is best for the parties' minor children.

6 Based upon the FINDINGS OF FACT, the Court makes the following CONCLUSIONS
7 OF LAW AND ORDERS:

8 NRS 125C.0035(4) states: In determining the best interest of the child, the court shall
9 consider and set forth its specific findings concerning, among other things:

10 **(a) The wishes of the child if the child is of sufficient age and capacity to form an
intelligent preference as to his or her physical custody.**

11 Based upon the foregoing Court FINDS there was no testimony presented about this factor,
12 and therefore inapplicable.

13 **(b) Any nomination of a guardian for the child by a parent.**

14 Neither party presented evidence of this factor. This factor is inapplicable.

15 **© Which parent is more likely to allow the child to have frequent associations and a
16 continuing relationship with the noncustodial parent.**

17 Again this Court adopts the findings of Dr. Paglini on this issue. The Court is aware of the
18 struggles experienced during this case and the difficulty the parties have had co-parenting. COURT
19 FINDS that the most concerning was the continued theme learned about Christie in her efforts to
20 gain leverage or control in the custody proceedings. COURT FINDS that Christie made various
21 allegations against David, all in an attempt to gain an advantage, but none of which was
22 substantiated. COURT FINDS that Christie made allegations to denigrate David's image with the
23 Court, such as he was a cheater, that he raped her, that he was a pedophile, but also admitted in
24 some regards that he was good with the children. COURT FINDS that the context of each of such
25 allegations tended to occur when she was unable to gain ground in the divorce action, or there were
26 questions relating to her financial dealings, thus detracting the focus from what would otherwise
27 have been directed to the parties' money issues. COURT FINDS that Dr. Paglini's report addresses
28 this issue extensively in his factual recitation of the numerous reports of the parties regarding the

1 above issues. COURT FINDS that Dr. Paglini asserts and this Court ADOPTS that if David Stuck
2 truly were a pedophile or did in fact abuse his daughter, this would have serious ramifications on
3 the custodial recommendations and ultimately the orders. COURT CONFIRMS that there was no
4 evidence presented at trial to suggest that David was a pedophile, and Dr. Paglini's observation of
5 the children with their father indicated they were very bonded, while this would have been the
6 opportunity to observe discomfort of an issue between David and his daughter. COURT
7 FURTHER FINDS that Dr. Paglini asserts and this Court ADOPTS that if Ms. Stucke created sex
8 abuse claims or rape allegations for secondary gains, this would be the ultimate act of parental
9 alienation, and the Court would clearly give David primary custody. COURT ALSO FINDS that
10 there is evidence that Christie has a history of making similar allegations in her prior divorce with
11 the father of her elder children, which calls into question her credibility. However, her ex-husband
12 was unwilling to disparage Christie or offer negative testimony about Christie as he indicated to
13 Dr. Paglini that he and Christie have a good relationship now, and that she is a good mother. But,
14 there was a point when the relationship was not so cooperative.

15 While David attempted to utilize these findings by Dr. Paglini as a reason to seek primary
16 custody, Dr. Paglini testified that while the allegations of sexual abuse may not have been
17 substantiated, it does not mean that Christie reported it out of spite, but could have reported it
18 because she believed her daughter, as parents want to believe their children, and certainly do not
19 want to be in a position where they have chosen to ignore their children's claims of abuse, and then
20 it turns out to be true, so parents WANT to believe their children. COURT FINDS in conclusion,
21 that neither law enforcement, investigative agencies, nor Dr. Paglini or the Court could find that
22 any of such allegations were true. In this regard, this Court FINDS that it could find neither
23 scenario to be presented in the evidence admitted at trial. As it relates to this factor, there were
24 copious amounts of facts included in Dr. Paglini's report, and this Court adopts them herein. This
25 factor does not favor either party. See Dr. Paglini's report, Exhibit 207(a).

26 **(d) The level of conflict between the parents.**

27 COURT FINDS that there is a high level of conflict between the parties at this time, due
28 to these proceedings; however, this Court believes once the case has concluded, the level of conflict

1 should subside to a degree, as this litigation has played a role in the parties' acrimonious
2 relationship. COURT FINDS that the Court's Orders should establish parameters within which the
3 parties shall function, and there should be a reduction in conflict and also instruction for those
4 behaviors the parties should avoid in the future, in order to reduce conflict. Dr. Paglini
5 acknowledged that Christie has demonstrated her dislike for David, and has expressed so in front
6 of the children, and has expressed that if it continues, it would be a hindrance to the parties' ability
7 to co-parent moving forward. This factor favors David. See Dr. Paglini's report, Exhibit 207(a).

8 **(e) The ability of the parents to cooperate to meet the needs of the child.**

9 Other than the acrimony in the parties' divorce, and the issues that have been identified
10 herein and in Dr. Paglini's report, COURT FINDS that historically, both parties have been able to
11 cooperate to meet the needs of the minor children, as evidenced by the testimony at trial.

12 **(f) The mental and physical health of the parents.**

13 There was a concern for Christie's mental health as Dr. Paglini referred to her emotional
14 dysregulation and the increased dysregulation over time when she was upset with David, when she
15 was jealous or angry with David; COURT FINDS that there is concern for Christie's assaults on
16 David and her continued disparagement of David in the presence of the children which could have
17 lasting effects on the children. COURT FINDS that Dr. Paglini indicates Christie is not aware of
18 the impact this behavior would have on the children, and needs to be more mindful of the same.
19 Dr. Paglini noted that David tended to video record certain incidents with Christie that caused the
20 situation to escalate, and cause additional frustration. COURT FINDS that said behavior of each
21 party was intended to prove a point, and caused frustration to the other party, without concern for
22 how this would affect the children. COURT FINDS that Dr. Paglini determined David appreciated
23 the impact this could have on the children, while Christie chose to focus on blaming David for
24 instigating the incidents. COURT FINDS that Dr. Paglini reports Christie also has admitted she
25 has borderline personality disorder - sufferers of such disorder tend to be a challenge in
26 relationships as they are emotional over-reactive or dysregulated, over idealize and devalue very
27 quickly. COURT FINDS that Dr. Paglini's recommendation is that whether Christie suffers from
28 Borderline Personality or not, she needs to learn to regulate her anger/emotions and to express

1 herself in a more appropriate manner, and should be addressed in therapy (this will be addressed
2 herein below in the Orders). While Dr. Paglini did not identify specific mental health factors that
3 would prevent either parent from being able to parent the children, Dr. Paglini raised issues of
4 concern that if continued to be present or if increased may support a change in custody in the
5 future. See Dr. Paglini's Report, Exhibit 207(a).

6 **(g) The physical, developmental and emotional needs of the child.**

7 COURT FINDS that it needs to reiterate the concerns raised herein about the issues that
8 exist with the emotional dysregulation of Christie, and the continued acrimony that exists between
9 both parents, to the extent that the children are potentially pawns in the process. COURT FINDS
10 that while neither party demonstrated that either was incapable of providing the children what they
11 need on a day to day basis, physically, developmentally, emotionally, as a loving and caring parent,
12 each parent has behaved in such a way during this process and while in the process of the
13 dissolution of their relationship, that neither took into consideration that the triggering of the other
14 would create tension and behavior in the household to be witnessed by the children, NOT meeting
15 the children's emotional needs, but putting their own needs to win, gain an advantage, or prove a
16 point came first. Does this Court believes that each parent loves the children, yes. Does this Court
17 believe each is capable of meeting the physical, developmental and emotional needs of the children,
18 yes. Dr. Paglini's report indicates that each is a good parent, the children love their parents, and
19 the children are cared for, despite the negative interaction between the parents. COURT FINDS
20 that this factor does not favor either parent, but CAUTIONS both parents to be mindful of the fact
21 that while you may be able to feed, clothe, educate, and care for the children on a daily basis, their
22 emotional needs are important, and often the effects of your misconduct toward each other causes
23 an intangible effect that will come to light in later years, while the children are attempting to
24 conduct themselves in relationships, either familial or romantic type relationships. You are your
25 children's role models; straighten up and act like the two highly intelligent individuals capable of
26 understanding that a moment of indiscretion or inappropriate behavior may affect your children for
27 a lifetime. See Dr. Paglini's Report, Exhibit 207(a).

1 **(h) The nature of the relationship of the child with each parent.**

2 Based upon the testimony, and the report of Dr. Paglini, COURT FINDS the relationship
3 of the children with their parents is good. There was no evidence presented by either parent to
4 suggest otherwise, and Dr. Paglini indicates that during his observations the children were
5 comfortable and bonded with their parents.

6 **(i) The ability of the child to maintain a relationship with any sibling.**

7 COURT FINDS there are no other minor siblings; therefore the ability of the children to
8 maintain a relationship with any sibling is a non-issue, as these children remain together in the
9 custody schedule. COURT FINDS that Christie has children who are much older than the children
10 in this case and Christie is able to ensure the younger children maintain relationship with their elder
11 siblings during her timeshare.

12 **(j) Any history of parental abuse or neglect of the child or a sibling of the child.**

13 COURT FINDS that while there have been multiple reports to CPS and a criminal
14 investigation, there was no evidence presented related to abuse or neglect of the children. This
15 factor is inapplicable.

16 **(k) Whether either parent or any other person seeking physical custody has engaged
17 in an act of domestic violence against the child, a parent of the child or any other
18 person residing with the child.**

19 COURT FINDS there have been allegations of domestic violence by each party. COURT
20 FINDS that David pled no contest to a battery domestic violence case, and there was much
21 evidence presented to Dr. Paglini of Christie's volatile and violent behavior. COURT FINDS that
22 even with this behavior, Dr. Paglini concluded that this should not preclude either party from
23 having custody. This factor does not favor either party.

24 **(l) Whether either parent or any other person seeking physical custody has committed
25 any act of abduction against the child or any other children.**

26 COURT FINDS that there was no evidence presented regarding this factor, and is
27 inapplicable.

28 Based upon the foregoing FINDINGS, the Court states its ORDERS as follows:

IT IS HEREBY ORDERED that David and Christie are awarded Joint Legal and Joint
Physical Custody of the minor children, to wit: Sarah Stucke and David Stucke. Based upon the

1 recommendations of Dr. Paglini, the Court FURTHER ORDERS that the parties shall share the
2 children on an approximately 60/40 time share. COURT ORDERS that David shall have the
3 children each week from Monday at 8 a.m. to Friday at 8 a.m., Christie shall have the children from
4 Friday at 8 a.m. to Monday at 8 a.m. David shall also have the 3rd weekend and the 5th weekend
5 of the month (if there are 5 weekends in a given month), from Friday at 8 a.m. to Monday at 8 a.m.,
6 and Mom shall have the children from Monday at 8 a.m. to Wednesday at 8 a.m. of the week
7 following David's weekend. The 3rd weekend shall be defined by the weekend that has the 3rd
8 Friday of the month. COURT ORDERS that the parties shall share the children on a week on/week
9 off basis during the summer months, starting the first Friday of the children's summer school break;
10 the schedule shall continue until the weekend before the children return to school, at which point
11 their weekly custody schedule shall be reinstated. The children shall be with David the first week
12 after school ends, in odd years, and shall be with Christie the first week after school ends in even
13 years. COURT ORDERS that the parties shall take their respective vacations during the summer
14 months, and during their own custody time, and shall be no longer than one (1) week, unless
15 otherwise agreed by the parties. If the parties agree to extend vacation longer than the one week
16 as stated herein, they must do so in writing, and provide the other with compensatory time for the
17 time missed, to be exercised immediately after the children return from vacation.

18 IT IS FURTHER ORDERED that David and Christie will alternate the holidays, and adhere
19 to the following holiday schedule (if the holiday is not addressed herein, the holiday shall be
20 exercised by the person who has the children on that date, unless otherwise mutually agreed by the
21 parties, for any given holiday):

EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
Thanksgiving: The holiday visitation shall begin the day school ends for Thanksgiving break (or 3:00 p.m. if the children are not in school) and continue until the day school is scheduled to resume (or 9:00 a.m. if the children are not in school).	Dad	Mom

1	Christmas/Winter Break: Winter break shall be divided between the parents, with the first block of time commencing when school ends for the Winter Break (or 3:00 p.m. if the children are not in school), and continue until the mid-point of the Winter Break at 12:00 p.m.. The second block of time shall commence on mid-point at 12:00 p.m. and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). If the break has an odd number of days, the second half of the break shall receive the extra day.		
2	First Block	Mom	Dad
3	Second Block	Dad	Mom
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8	EXTENDED HOLIDAYS, contd.	ODD YEAR	EVEN YEAR
9	Spring Break: The holiday visitation shall begin on the day school ends before the break (or 3:00 p.m. if the children are not in school) and continue until the day school is scheduled to resume (or 9:00 a.m. if the children are not in school).	Dad	Mom
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12	SPECIAL OCCASIONS		
13	(Special Occasions begin at 9:00 a.m. on the individual day and	ODD YEAR	EVEN YEAR
14	continue until 9:00 p.m. on the same day)		
15			
16	Mother's Day	Mom	Mom
17	Father's Day	Dad	Dad

CHILD SUPPORT

COURT FINDS that child support should be set pursuant to NAC 425 and the applicable NRS 125B. COURT FINDS David's most recent financial declarations, amongst other testimonial evidence, demonstrate a gross monthly income of \$8,333 per month. Pursuant to NAC 423, applying the formula to David's income, twenty-two percent (22%) of David's gross monthly income is \$1,833.26. COURT FINDS that Christie's most recent financial declaration from 9/2020 shows that she earns \$4,100 per month, her financial declaration just prior to that which was served but never filed (and much more detailed and likely more accurate from the perspective of reporting from where her income is generated) indicates that she earns \$7,228 gross monthly income; the prior filings had incomes of \$4,100 (2/2019), \$7,021 (4/16/2019), and \$6,221 (4/23/2019).

1 COURT FINDS that it is almost impossible to discern what is actually Christie's monthly income.
2 Christie is a master of moving money between accounts, utilizing cash on hand, categorizing
3 personal expenses or paying personal expenses through her various business entities, receiving
4 income for one business entity but running it through a different entity, and frankly, making a
5 difficult accounting task almost insurmountable from the Court's perspective. What is obvious
6 from the information provided is that Christie does not accurately report her income on her
7 financial disclosure forms, as the figures provided do not match the cash withdrawals from the
8 various bank accounts owned by Christie, COURT FINDS that while Christie is willing to admit
9 to an income of \$7,223 on February 2020 and various other numbers in that range until just prior
10 to trial in September 2020, the Court FINDS that Christie is able to earn at minimum the same
11 amount of income as David based upon the disclosures and the withdrawals, and thus the Court
12 shall attribute the same amount of income of \$8,333 to Christie for purposes of calculating child
13 support. COURT FINDS that Christie's child support shall be set at \$1,833.26 per month; and
14 when applying the formula which requires the parties to offset each party's child support against
15 the other, then the child support amount in this case shall be ZERO. IT IS HEREBY ORDERED,
16 ADJUDGED, AND DECREED that NEITHER PARTY shall pay child support to the other.

17 **CHILDREN'S HEALTH EXPENSES**

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the cost of the minor
19 children's medical insurance premium shall be paid by David, and said premium shall be shared
20 equally by the parties. IT IS FURTHER ORDERED that each party shall pay one-half (1/2) of all
21 the reasonable and necessary medical, surgical, dental, orthodontic, psychological, and optical
22 expenses of the minor children not paid by any medical or other insurance covering the minor
23 children. Each party shall be responsible for the payment of his or her share of such expenses,
24 regardless of which party actually pays or incurs such expense, and the party actually paying any
25 such expense shall be reimbursed by the other party for his or her one-half (1/2) share of the same,
26 in accordance with the 30/30 rules. In this regard, within thirty (30) days from the date either party
27 actually incurs and pays for any such medical related expense for the minor children, such party
28 shall provide the other party with the appropriate billing statement and written verification of such

1 expense, and such party also shall provide written verification of his or her actual payment of the
2 same. Any such reimbursement required pursuant to the terms of this provision shall be paid within
3 thirty (30) days of the party's receipt of the other party's written request for reimbursement which
4 includes the above-mentioned written verification of such expense having been incurred by the
5 other party, as provided above. IT IS HEREBY ORDERED that if a receipt or request for
6 reimbursement is not tendered within thirty (30) days, the court may consider it a waiver of right
7 to reimbursement. IT IS FURTHER ORDERED that if there is no dispute, or payment, of a
8 reimbursement within the prescribed thirty (30) days, the obligated party may be subject to a
9 finding of contempt and appropriate sanctions.

10 **TAX EXEMPTIONS**

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Christie shall be entitled
12 to claim Sarah as a dependent on her tax returns, and David shall be entitled to claim David Orion,
13 as a dependent on his tax returns. When the eldest child reaches the age of majority, then the
14 parties shall alternate claiming David until such time he reaches the age of majority. In the event
15 the current custodial arrangement changes, the COURT retains jurisdiction to modify this
16 provision, as appropriate, so that it properly reflects which party should receive the exemption,
17 pursuant to I.R.S. Tax Code. COURT FINDS that if either party is unable to utilize the child on
18 his/her tax return, the parties may STIPULATE to the transfer the right to claim the children in any
19 given tax year; if the parties do so, the party transferring the right to claim said child shall sign the
20 necessary forms required to transfer the dependency exemption, if required.

21 **LEGAL AUTHORITY REGARDING DIVISION OF ASSETS**

22 THE COURT HEREBY FINDS that this Court considers the following statutory guidance
23 in evaluating the parties' competing property claims. First, Chapter 123 of the Nevada Revised
24 Statutes governs the property rights of a husband and wife. NRS 123.130 defines separate property
25 of a wife and husband while NRS 123.220 defines community property. NRS 125.150 governs the
26 adjudication of property rights, requiring an equal division, unless compelling circumstances exist
27 which warrant a different division. THE COURT FINDS that each party alleged in his/her
28 Complaints that there is community property, owned by the parties.

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COMMUNITY PROPERTY AND SEPARATE PROPERTY

THE COURT FINDS the parties have the following assets to be adjudicated by the Court:

3485 W. Maule Ave., LV, NV (West Maule):

COURT FINDS this property was purchased in July 2015 by David during the parties' domestic partnership. COURT FINDS that David argues that he signed a contract in March and thus the property was his sole and separate property; however, the closing date for the purchase was on July 28 2015. COURT FINDS that the date the property was acquired was during the domestic partnership and the presumption is that the property acquired during this period is community in nature. COURT FINDS that David argues several theories about the parties' intent, but provides no independent evidence of these theories that he was to maintain the property as his own, prior to the marriage, that the domestic partnership was not to have the legal effect that a partnership applies to property acquired during the same, etc. David's argument fails, as the property was purchased during the domestic partnership, the parties then married, and there is no legal writing or contract, pre-nuptial agreement or post-nuptial agreement indicating that this presumed community property was anything other than a community asset.

COURT FURTHER FINDS that the parties stipulated on March 2020 that David was to purchase Christie's interest in the property, and said purchase was to be based upon the stipulated value of \$500,000. COURT FINDS that Christie argued that the home was worth more than this amount at the time of trial, and that she should be bought out at the higher value, but this COURT FINDS that the stipulation is enforceable pursuant to EDCR 7.50, as consent was given by both parties in the minutes for this amount to be applied to the value of the property, when David is to purchase Christie's interest. There was no time frame or expiration date for the stipulated agreement. COURT FINDS that there was a delay in David's refinance of the home, due to Christie's failure to pay the mortgage, leaving David with a problem with his application. Throughout the proceedings, Christie failed to vacate the residence claiming she had no funds to relocate, despite evidence in the record demonstrating that she continued to gamble consistently; she claimed there were no movers, she claimed that she did not have to execute the quitclaim deed,

1 and intentionally delayed David from moving into the residence and refinancing the loan. COURT
2 FINDS the property is a community asset, acquired during the parties domestic partnership.
3 COURT ORDERS that the David shall be awarded the W. Maule home, and he shall owe Christie
4 one-half of the net equity interest in the home, as of the date of this Decree of Divorce; David shall
5 pay Christie said one-half after he deducts those amounts paid on her behalf for the mortgage and
6 the van.

7 (*COURT NOTES that David argued the property should have had a *Malmquist* calculation
8 applied to the home, as he argues 1) that he “purchased” the property in March 2015 prior to the
9 domestic partnership 2) that the home was intended to be his separate property until the parties
10 married 3) that there would only be a small share of the home awarded to Christie based upon these
11 arguments. COURT FURTHER FINDS that the Court was not provided a *Malmquist* calculation
12 for the date of trial, and was only provided Exhibits attached to the Pre-Trial Memorandum with
13 a summary of the calculation, and no underlying documentation to support the figures therein. A
14 brief review of the same, show that the figures do not match the mortgage statements for opening
15 loan amount or ending loan balance at time of trial.)

16 **7211 Birkland Court, LV, NV (“Birkland Court”)**

17 COURT FINDS that David purchased a home during the marriage at Birkland Court.
18 David testified that the funds came from a pre-marital retirement account, and this Court FINDS
19 this representation credible, especially based upon the parties’ conduct thereafter. COURT FINDS
20 that David would own this home with his friend, Jonathon Morrell as his own separate investment.
21 COURT FINDS that David testified that his partner refused to purchase the property with Christie,
22 so he ensured that the entirety of the transaction did not include Christie. COURT FINDS that
23 Christie contended that the reason for the purchase being in David’s name was due to her bad
24 credit. David contends that the home was purchased free and clear, and thus the argument that
25 credit was an issue is NOT CREDIBLE. COURT FINDS that Christie executed the documentation
26 for the home to be vested in the name of David, as his sole and separate property, and he and Mr.
27 Morrell purchased the home on April 13, 2018. COURT FINDS that the property was purchased
28 for the business purpose of rental through AirBnb and the property was transferred into an entity

1 called JD Investments, LLC, which was created during the marriage, but COURT FINDS that
2 because the entity was created for the purpose of the partnership entered into by David and Mr.
3 Morrell. COURT FINDS that Christie argues that because the entity was opened during the
4 marriage, and the property already owned by David was transferred into the entity, that this
5 transmutes the property BACK to being a community asset because the entity was formed during
6 the community. COURT FINDS that this shift in the titling of the asset from David as an
7 individual, as his sole and separate property to an entity where the ownership interest is held by
8 David, does not change the character of the separate property, but merely a vehicle for the two
9 owners of the property to take advantage of the protections afforded by the LLC; the entity would
10 be utilized to manage the expenses, document their business arrangement and ownership
11 percentages of the property, the agreement for distribution of profits related to their ownership, as
12 well as being able to deduct the expenses and utilize the tax benefits associated with holding the
13 property in an LLC. This is no different than transferring property to a family trust for estate
14 planning purposes, and the property is identified by the trust as separate property asset. The
15 character of the separate property asset does not change because a trustor takes advantage of the
16 estate planning vehicle. Christie waived her rights and interest in the property. David held title as
17 his sole and separate property and then later held his interest in the LLC, in which the property was
18 the only asset. *Colman v. Collier* (In re Colman Revocable Living Trust), 136 Nev Adv Rep 13,
19 460 P.3d 452 (2020), *Sprenger v. Sprenger*, 110 Nev. 855, 858, 878 P.2d 284, 286 (1994). If
20 David shared with Christie the profits therefrom, then that was a gift to the community. Christie
21 argued that the parties shared in the responsibility for the property, and that she participated heavily
22 in the maintenance and booking of the property, thus it was and intended to be a community asset.
23 COURT FINDS that there was no evidence that the community was owed money from improving
24 the property or to maintain the property.

25 Christie testified that the parties devoted time, energy, community money, to maintain the
26 property, but no independent evidence was presented about what amounts of community monies
27 were allegedly expended that would demonstrate the community was owed or somehow there was
28 a transmutation of the property, and therefore any claims of this nature are not credible and cannot

1 be sustained, and are hereby DENIED. In this regard, David is entitled to the proceeds from the
2 sale of the residence.

3 **3740 Grandview Place, LV NV (“Grandview”)**

4 COURT FINDS that another home was purchased during the marriage, in October 2017,
5 at Grandview. COURT FINDS title is held by David as a married man, as his sole and separate
6 property. COURT FINDS takes judicial notice of the fact that in Nevada, in order for a married
7 man to obtain title in real property as his sole and separate property, the wife must sign a deed
8 relinquishing all right, title and interest in the said property, as escrow will not close without her
9 waiver of her community property interest. COURT FINDS that the title of the property for the
10 Grandview residence was vested in David, a married man, as his sole and separate property. Any
11 and all interest in the monies put into the home for down payment as of the date of the purchase
12 would have been waived at the time of the transaction. COURT FINDS that there was testimony
13 from David that the money utilized to purchase the residence were from separate property sources.
14 COURT FINDS that while David was only able to trace some of the funds which were utilized to
15 purchase the home, his testimony and the tracing of which only confirms that the intent was for the
16 property to be David’s separate property. COURT FINDS that there was no credible evidence of
17 a credit problem or other reason as to why the home would be put into David’s name solely, but
18 still intended to be community property. COURT FINDS that there was no evidence presented at
19 the time of trial that any additional community monies were used to satisfy the debt on the
20 residence, that would have created a claim for community interest. Further, COURT FINDS that
21 if the down payment were in excess of \$80,000 and the sales proceeds were less than the down
22 payment in the amount of \$63,077.55, then the entirety of the proceeds from the Grandview
23 residence should be awarded to David. IT IS SO ORDERED.

24 **Business Interests**

25 **ACTION RAD, ATOMIC RADIOLOGY, AND PCCG**

26 COURT FINDS that the parties testified there were three businesses which were owned and
27 operated by the parties. COURT FINDS that Atomic Radiology contracted with physicians and
28 medical imaging centers to provide imaging services. COURT FINDS that the two other

1 businesses were software vendors for the software utilized by clients of Atomic Radiology.
2 COURT FINDS these three businesses were historically Christie's source of income and were
3 profitable. COURT FINDS that unfortunately Christie threatened and it appears made good on the
4 threat that she would ensure David did not receive anything from the businesses. COURT FINDS
5 that during the pendency of the proceedings this Court had difficulty discerning what was Christie's
6 actual income for purposes of child support, and at trial it was no different. COURT FINDS that
7 the difficulty lies in the fact that the accounting for the businesses was not completed by Christie.
8 There were accusations of theft of hard drives and deleting pertinent information. COURT
9 FURTHER FINDS that Christie tended to utilize the business accounts as both business and
10 personal, with transactions occurring between accounts, in casinos, ATM machines, to pay personal
11 expenses, making it almost impossible for the Court to discern what is business income, what is
12 personal income, what are business expenses versus personal expenses. COURT FINDS that the
13 businesses are alter-egos for Christie, as she failed to maintain the separate nature of the entities
14 from her personal transactions. COURT FURTHER FINDS that there were no business valuations
15 presented for the Court to be able to determine a value of the businesses for purposes of dividing
16 the assets or awarding Christie ownership and ascribing an amount for Christie to purchase the
17 business interest from David. In this regard, the Court has no alternative but to award a 50%
18 interest in the business interests to each party. COURT HEREBY ORDERS that the parties each
19 shall be awarded the 50% interest in the entities created during the marriage. COURT FURTHER
20 FINDS that there was some concern that Christie would commence a new business under a new
21 name and attempt to transfer the business away from the current entities to a new entity. COURT
22 CAUTIONS Christie that if this occurs, and it is brought to the Court's attention, the Court may
23 deem such entity to be the same business and a fraudulent effort to divest David of his ownership
24 interest in the same. COURT NOTES, should David choose not to be associated or retain his
25 ownership interest, he has the right to relinquish the same in writing and divest himself of any
26 interest in the businesses, but the Court cannot do so within the decree, as there is no other way to
27 divide the assets presently held by the parties. If David retains his ownership interest, Christie has
28 a fiduciary obligation to her partner and must conduct the businesses in this regard.

MARITAL WASTE

COURT FINDS that David alleges there is marital waste in the amount of thousands of dollars in excess of \$100,000. COURT FINDS that David spent inordinate efforts to attempt to clarify this for the Court with the various spreadsheets and financial statements prepared with the information he obtained during discovery, but even then it was difficult to differentiate, as during testimony, it was clear that some of the statements lacked requisite information for the Court to reach a reasonable conclusion (i.e. there were statements presenting purported business profit, but lacked any information relating to business expenses). COURT has reviewed the records prepared by David, and takes into account that David is not a trained professional in this area, but has a mathematical background. COURT FINDS that while it appreciates the efforts expended by David in his preparation of financial statements with the assistance of his girlfriend who is in the accounting field, the Court cannot find that they are reliable for purposes of making a finding of marital waste. While the Court CAN make the finding that Christie functions in such a manner that causes this Court to question all of her financial dealings - unfortunately those financial dealings were not put to the test by an expert who could have evaluated the records. COURT FINDS that the information provided by David definitely convinced this Court that Christie had access to funds in excess of what she presented to the Court at the time of the interim hearings, but it is impossible for this Court to discern what Christie did with the money, what money was transferred between businesses, what paid for personal expenses, and what was utilized by Christie for this venture of advantage gambling, or just recreational gambling. COURT FINDS that Christie's credibility is questionable as it pertains to her representations, as the Court can plainly see that Christie continued to withdraw cash from the business; she did so in gaming establishments, and then expects the Court to believe she did so to pay business expenses. This Court rejects such a notion. HOWEVER, the Court cannot be tasked with performing its own accounting of those transactions within the financial statements, to make a determination as to which transactions were personal, business, gambling, without an expert forensic accounting of said transactions. COURT AGREES with the representations made by Christie's counsel that this Court is unable to make the finding, after a review of the documents admitted into evidence, to determine the actual amount of waste.

1 In this regard, while the Court believes there is likely wasteful spending and potential concealment
2 of monies by Christie, the Court must DENY the claim for recovery of a sum certain of wasted
3 funds. COURT FINDS however that the evidence supports the Orders that Christie be responsible
4 for the expenses of the business, any tax ramifications associated with the business, as she has been
5 the party solely operating the business, as well as the party who has sole access to the funds
6 received by the business, which she used for her sole support and enjoyment, and did not utilize
7 for purposes of paying community expenses, as ordered by the Court.

8 **VEHICLES**

9 Each party shall hereby be awarded the vehicle in his/her possession.

10 **FINANCIAL ACCOUNTS**

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Christie shall be awarded
12 any and all financial accounts titled in her name solely (each party utilizes his/her own accounts
13 to function and pay bills on a monthly basis based upon this Court's distribution of community
14 income, so the value of these accounts vary from day to day).

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that David shall be awarded
16 any and all financial accounts titled in his name, including, (each party utilizes his/her own accounts
17 to function and pay bills on a monthly basis based upon this Court's distribution of community
18 income, so the value of these accounts vary from day to day).

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that any and all retirement
20 accounts shall be divided pursuant to the time rule, pursuant to *Gemma* and *Fondi*. COURT
21 FINDS that it did not receive independent documentary evidence of the actual value of the
22 retirement accounts which may be presently owned by the parties, but reference was made to the
23 same, and thus, they acknowledge the accounts were in existence at the time of the trial. In this
24 regard, the parties shall divide equally any and all retirement accounts COURT ORDERS that
25 David's counsel prepare the requisite orders necessary to effectuate the division of said retirement
26 account(s).

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FURNITURE AND FURNISHINGS

THE COURT HEREBY FINDS that neither party made any specific claims regarding the furniture and furnishings in either party's possession. COURT FINDS that certain property has already been divided by the parties, and there are certain furniture and furnishings remaining in the marital home. COURT FINDS that if the parties are unable to reach a resolution within 10 days of the date of this Decree of Divorce, then this Court hereby modifies its prior orders and orders David shall inventory all of the property owned by the parties (those in Christie's and David's possession), and prepare two lists A and B, with as equal a value as possible without having to have the properties valued. COURT ORDERS that David shall provide these two lists to his counsel within 30 days of the date of this Decree of Divorce, and Christie will be entitled to choose the list she desires to keep, and David will be left with the items on the remaining list. COURT ORDERS that Christie must make her selection within 7 days of receipt of the lists. Should she fail to make her selection in writing, then David will be entitled to choose the list he desires. COURT FINDS that the parties shall arrange with counsel the exchange of any items not already in his/her possession.

REMAINING PERSONAL PROPERTY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each party shall be awarded their individual clothing, shoes, accessories, jewelry, personal memorabilia and related personal property, already in his/her possession, or which may remain in the possession of the other. David has raised his desire to have his personal possessions returned, many of which have been resolved. David claims there remain items in Christie's possession, which she disputes. Christie is ORDERED to return any and all personal items, memorabilia, jewelry and effects which are in her possession, when she locates them.

DEBTS AND OBLIGATIONS

COURT FINDS the following debts are owed by the community:

TAX LIABILITIES

THE COURT FURTHER FINDS that debts and obligations accumulated during a marriage are community in nature. *Wolff v. Wolff*, 112 Nev. 1355 (1996); *Fuller v. Fuller*, 106 Nev. 404

1 (1990); NRS 125.150(1)(b). COURT received no independent evidence as to the extent of what
2 is or potentially may be the parties' income tax debt and therefore this Court is unable to
3 specifically identify the amount which may be owed by the parties and who should assume said
4 obligations. COURT ORDERS that each shall be entitled to file his/her own tax returns for the tax
5 year 2021. Any tax filings prior to that tax year, if not already filed, shall be filed in the manner
6 in which the parties deem appropriate for themselves individually or jointly.

7 **CREDIT CARDS**

8 COURT HEREBY ORDERS that each party shall assume, pay, indemnify and defend any
9 and all debt currently owed, in his/her name solely, or incurred on his/her behalf.

10 **CHRISTIE'S FAILURE TO PAY THE W. MAULE MORTGAGE AND VAN PAYMENT**

11 COURT FINDS that Christie unilaterally stopped paying her portion of the monthly
12 expenses starting in late December 2019. Christie was ordered to pay the monthly mortgage on the
13 W. Maule residence, as well as the monthly loan payments on the 2015 Chrysler Van.
14 Commencing in December 2019, she alleged that she did not have the income to make the
15 payments, and she could not afford to satisfy the obligations. David contested the same, and
16 indicated that Christie continued to gamble at the same time she said she was broke.

17 COURT FINDS it did not have the requisite financial information to confirm or deny that
18 Christie had the funds to pay the expenses, so David was required to withdraw the funds from trust,
19 which held the proceeds from the sale of a residence, and David paid the same on behalf of
20 Christie, which was to be offset from any monies she was to receive in the divorce. COURT
21 FINDS that by the time the Pre-Trial Memorandum was filed the sum of \$15,992.80 was owed for
22 the mortgage payments, and \$2,321.20 was owed on the van payments. COURT ORDERS that
23 David is to be repaid said sums from Christie's portion of the community property, as Christie did
24 not prove that she was unable to pay, and in fact, the evidence demonstrated that she deposited and
25 withdrew significant funds from her business accounts, which could have been used to pay the
26 mortgage and van payments, and Christie's explanation as to why she failed to do so, and alleged
27 poverty was not credible. COURT FINDS that it is without the updated information as to the total
28 amounts paid by David as of the date of this Decree, but David is entitled to be reimbursed all

1 payments made on behalf of Christie; upon proof of payment of the additional monies, the amount
2 set forth herein, as well as the additional amounts paid by David since the filing of the Pre-Trial
3 Memorandum, through the date of this Decree.

4 **ALIMONY**

5 COURT FINDS that it must consider the following factors when making an alimony award
6 as enumerated in NRS 125.150(9):

- 7 (a) The financial condition of each spouse;
- 8 (b) The nature and value of the respective property of each spouse;
- 9 (c) The contribution of each spouse to any property held by the spouses,
pursuant to NRS 123.030;
- 10 (d) The duration of the marriage;
- 11 (e) The income, earning capacity, age and health of each spouse;
- 12 (f) The standard of living during the marriage;
- 13 (g) The career before the marriage of the spouse who would receive the
alimony;
- 14 (h) The existence of specialized education or training or the level of marketable
skills attained by each spouse during the marriage;
- 15 (i) The contribution of either spouse as homemaker;
- 16 (j) The award of property granted by the court in the divorce, other than child
support and alimony, to the spouse who would receive the alimony;
- 17 (k) The physical and mental condition of each party as it relates to the financial
condition, health, and ability to work, of that spouse.

18 COURT FINDS that neither party sought alimony from the other, and therefore this issue
19 is foreclosed, and ORDERS there shall be no alimony award.

20 **ATTORNEY'S FEES**

21 THE COURT HEREBY FINDS that attorney's fees in this matter are governed by NRS
22 18.010, EDCR 7.60, and may make an award of fees pursuant to *Sargeant v. Sargeant*, 88 Nev.
23 223, 495 P.2d 618 (1972), to ensure that each party meets his adversary on equal footing at trial.
24 COURT FINDS that each party seeks attorney's fees from the Court. COURT FINDS that if either
25 party seeks attorney's fees, such request is permitted pursuant to NRCP 54, upon Motion for post-
26 judgment award of fees.

27 **MISCELLANEOUS**

28 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each party shall execute
any and all legal documents, certificates of title, bills of sale, quitclaim deeds or other evidence of
transfer necessary to effectuate this Decree within thirty (30) days of the entry of the Decree of
Divorce, unless specified otherwise herein. Should either party fail to execute any of said

1 documents to transfer interest to the other, then the parties shall seek relief from this Court pursuant
2 to NRCP 70, so that the Court may determine whether the Clerk of the Court shall sign the
3 necessary documentation on behalf of the non-signing party; in doing so, the Court will empower
4 the Clerk of the Court to sign, on behalf of the non-signing party, any of the said documents of
5 transfer which have not been executed by the party otherwise responsible for such.

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that if any claim, action or
7 proceeding is brought seeking to hold the other party liable on account of any debt, obligation,
8 liability, act or omission assumed by the other party, such party will, at his or her sole expense,
9 defend the other against any such claim or demand and that he or she will indemnify, defend and
10 hold harmless the other party.

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that if any joint debt,
12 obligation, liability, act or omission creating such liability has been omitted from this Decree and
13 is subsequently discovered, either party may petition the Court for an allocation of that debt,
14 obligation, liability, or liability arising from such act or omission, as permitted by statute.

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that except as specifically set
16 forth herein, each party hereto is released and absolved from any and all obligations and liabilities
17 for future acts and duties of the other, and except as specified herein, each of the parties hereby
18 releases the other from any and all liabilities, debts, or obligations of every kind or character
19 incurred up to this date.

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Christie has the right to
21 exercise the option and may to return to her maiden name, to wit: CHRISTIE MARTIN, if she
22 chooses.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall provide
24 the information required by NRS 125.130, NRS 125.230, and NRS 125B.055 on a separate form
25 to be submitted to the Court and the Welfare Division of the Department of Human Resources
26 ("Welfare Division") within ten (10) days from the date of the entry of this Decree of Divorce. IT
27 IS FURTHER ORDERED that each party shall update such information submitted to this Court
28 and the Welfare Division within ten (10) days should any of the information required to be

1 provided become inaccurate. IT IS FURTHER ORDERED that such information shall be
2 maintained by the Clerk of this Court and the Welfare Division in a confidential manner, and the
3 same shall not be part of the public records.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court retains
5 jurisdiction of the parties and the subject matter hereof for the purpose of making such other and
6 further orders as relates to the care, custody, support and maintenance of the minor children of the
7 parties as the Court may deem proper from time to time hereafter during the minority of said
8 children.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in the event either party
10 believes this Court is in error, the parties should avail themselves of the remedies available,
11 including but not limited to Post-trial Motions pursuant to NRCP 52(b), NRCP 59, and NRCP 60.

12 STATUTORY NOTICES

13 THE PARTIES ARE HEREBY ON NOTICE that they may request a review of child
14 support every three years pursuant to NRS 125B.145.

15 THE PARTIES ARE HEREBY ON NOTICE that the non-custodial parent may be subject
16 to the withholding of wages and commissions for delinquent payments of support pursuant to NRS
17 31A.010, et. seq. and NRS 125.450(2).

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Nevada, United States
19 of America is the habitual residence of the parties' minor child.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties and each of
21 them shall be bound by the provisions of NRS125C.0045(6) which states in pertinent part:

22 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
23 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS
24 ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN
25 NRS 193.130. NRS 200.359 provides that every person having a limited right of
26 custody to a child or any parent having no right to custody to the child who willfully
27 detains, conceals or removes the child from a parent, guardian or other person
28 having lawful custody or a right of visitation of the child in violation of an order of
this court, or removes the child from the jurisdiction of the court without the
consent of either the court or all the persons who have the right to custody or
visitation is subject to being punished for a category D felony as provided in NRS
193.130.

...

1 IT IS FURTHER ORDERED that, pursuant to NRS 125C.0045(7), the terms of the Hague
2 Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private
3 International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. IT
4 IS FURTHER ORDERED that the minor children's habitual residence is located in the United
5 States of America. NRS 125C.0045 (7) and (8) specifically provide as follows:

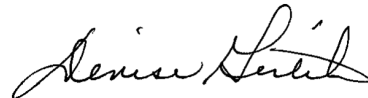
6 Section 7. In addition to the language required pursuant to subsection 6,
7 all orders authorized by this section must specify that the terms of the Hague
8 Convention of October 25, 1980, adopted by the 14th Session of the Hague
9 Conference on Private International Law, apply if a parent abducts or wrongfully
10 retains a child in a foreign country.

11 Section 8. If a parent of the child lives in a foreign country or has
12 significant commitments in a foreign country:

13 (a) The parties may agree, and the Court shall include in the Order for custody
14 of the child, that the United States is the country of habitual residence of the child
15 for the purposes of applying the terms of the Hague Convention as set forth in
16 Subsection 7.

17 (b) Upon motion of the parties, the Court may order the parent to post a bond
18 if the Court determines that the parent poses an imminent risk of wrongfully
19 removing or concealing the child outside the country of habitual residence. The
20 bond must be in an amount determined by the Court and may be used only to pay
21 for the cost of locating the child and returning him to his habitual residence if the
22 child is wrongfully removed from or concealed outside the country of habitual
23 residence. The fact that a parent has significant commitments in a foreign country
24 does not create a presumption that the parent poses an imminent risk of wrongfully
25 removing or concealing the child.

26 Dated this 15th day of February, 2021

27 

28 399 805 9C31 7AF6
Denise L. Gentile
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 David Patrick Stucke, Plaintiff

CASE NO: D-18-580621-D

7 vs.

DEPT. NO. Department M

8 Christie LeeAnn Stucke,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/15/2021

15 Vincent Mayo

VMGroup@TheAbramsLawFirm.com

16 Christie Stucke

christiestucke@gmail.com

17 Fred Page

fpage@pagelawoffices.com

18 Fred Page

admin@pagelawoffices.com