

1 **NOAS**
2 DAVID J. WINTERTON, ESQ.
3 Nevada Bar No. 004142
4 DAVID J. WINTERTON & ASSOC., LTD.
5 7881 W. Charleston Blvd., Suite 220
6 Las Vegas, Nevada 89117
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Electronically Filed
May 11 2021 10:37 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ADRIANA DIAZ individually; and JAIME DIAZ, individually;

Plaintiffs,

vs

BCMB1 TRUST, and DOES I-X individuals and ROES XI-XX;

Defendant.

Case No. A-20-819873-C
Dept No. 8

Hearing Date: March 23, 2021

Hearing Time: 10:00 a.m.

(Exempt from Arbitration because it deals with title to real property)

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs ADRIANA DIAZ; and JAIME DIAZ, hereby appeal to the Supreme Court of Nevada from the final decision on a Motion to Dismiss filed by the Defendant BCMB1 TRUST and entered in favor of the BCMB1 TRUST. The Notice of entry of Order was filed on April 8, 2021.

DATED this 3rd day of May, 2021

DAVID J. WINTERTON & ASSOC., LTD.

By: /s/: David J. Winterton Esq.

David J. Winterton, Esq.
Nevada Bar No. 004142
7881 W. Charleston Blvd., Suite 220
Las Vegas, Nevada 89117
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of May, 2021, I Electronically Served a True and Correct copy of the foregoing **Notice of Appeal** as follows:

Allison R. Schmidt SBN: 10743
Cuong M. Nguyen SBN: 11228
Ghidotti | Berger, LLP
8716 Spanish Ridge Ave., #115
Las Vegas, NV 89148

/s/: Autumn G. Wheeler
An Employee of David J. Winterton & Asoc., Ltd

DAVID J. WINTERTON & ASSOCIATES, LTD.
7881 W. Charleston Blvd., Suite 220
Las Vegas, Nevada 89117
(702) 363-0317

CASE SUMMARY**CASE NO. A-20-819873-C**

Adriana Diaz, Plaintiff(s)
vs.
BCMB1 Trust, Defendant(s)

§
§
§
§
§

Location: **Department 8**
 Judicial Officer: **Peterson, Jessica K.**
 Filed on: **08/19/2020**
 Case Number History:
 Cross-Reference Case Number: **A819873**

CASE INFORMATION**Statistical Closures**

04/07/2021 Motion to Dismiss by the Defendant(s)

Case Type: **Other Title to Property**

Case Status: **04/07/2021 Dismissed**





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

Case Number A-20-819873-C
 Court Department 8
 Date Assigned 01/04/2021
 Judicial Officer Peterson, Jessica K.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Diaz, Adriana	Winterton, David J <i>Retained</i> 7023630317(W)
	Diaz, Jaime	Winterton, David J <i>Retained</i> 7023630317(W)
Defendant	BCMB1 Trust	Schmidt, Allison <i>Retained</i> 702-900-9040(W)

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

08/19/2020	 Initial Appearance Fee Disclosure Filed By: Plaintiff Diaz, Adriana; Plaintiff Diaz, Jaime <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
08/19/2020	 Complaint Filed By: Plaintiff Diaz, Adriana; Plaintiff Diaz, Jaime <i>Complaint</i>
08/19/2020	 Summons Electronically Issued - Service Pending <i>Summons Electronically Issued</i>
01/04/2021	Case Reassigned to Department 8 <i>Judicial Reassignment to Judge Jessica K. Peterson</i>
02/12/2021	 Motion to Dismiss Filed By: Defendant BCMB1 Trust <i>Motion to Dismiss</i>


CASE SUMMARY**CASE NO. A-20-819873-C**

02/16/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/04/2021	 Opposition to Motion to Dismiss Filed By: Plaintiff Diaz, Adriana; Plaintiff Diaz, Jaime <i>Opposition to Motion to Dismiss</i>
04/07/2021	 Order Granting Motion <i>ORDER GRANTING MOTION TO DISMISS</i>
04/08/2021	 Notice of Entry of Order Filed By: Defendant BCMB1 Trust <i>Notice of Entry of Order</i>
04/08/2021	 Filing Fee Remittance Filed By: Defendant BCMB1 Trust <i>Filing Fee Remittance</i>
05/03/2021	 Notice of Appeal Filed By: Plaintiff Diaz, Adriana; Plaintiff Diaz, Jaime <i>Notice of Appeal</i>

DISPOSITIONS

04/07/2021	Order of Dismissal With Prejudice (Judicial Officer: Peterson, Jessica K.) Debtors: Adriana Diaz (Plaintiff), Jaime Diaz (Plaintiff) Creditors: BCMB1 Trust (Defendant) Judgment: 04/07/2021, Docketed: 04/08/2021
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HEARINGS

03/23/2021	 Motion to Dismiss (10:00 AM) (Judicial Officer: Peterson, Jessica K.) <i>Defendant's Motion to Dismiss</i> Granted; Journal Entry Details: <i>Ms. Schmidt submitted to the Court. Mr. Winterton argued the debt per his client has been terminated. Argument by Ms. Schmidt. COURT stated its FINDINGS and ORDERED Defendant's Motion to Dismiss GRANTED. Ms. Schmidt to prepare the order.;</i>
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DATE**FINANCIAL INFORMATION**

Defendant BCMB1 Trust	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 5/5/2021	0.00
Plaintiff Diaz, Adriana	
Total Charges	300.00
Total Payments and Credits	300.00
Balance Due as of 5/5/2021	0.00
Plaintiff Diaz, Jaime	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 5/5/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-20-819873-C
Department 24

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

Plaintiff(s) (name/address/phone): <div style="border-bottom: 1px solid black; padding: 2px;">Adriana Diaz</div> <div style="border-bottom: 1px solid black; padding: 2px;">Jaime Diaz</div>	Defendant(s) (name/address/phone): <div style="border-bottom: 1px solid black; padding: 2px;">BCMB1 Trust</div>
Attorney (name/address/phone): <div style="border-bottom: 1px solid black; padding: 2px;">DAVID J. WINTERTON, ESQ.</div> <div style="border-bottom: 1px solid black; padding: 2px;">7881 W. Charleston Blvd., Suite 220</div> <div style="border-bottom: 1px solid black; padding: 2px;">Las Vegas, Nevada 89117</div> <div style="border-bottom: 1px solid black; padding: 2px;">(702) 363-0317</div>	Attorney (name/address/phone): <div style="border-bottom: 1px solid black; padding: 2px;"></div>

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

Civil Case Filing Types

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

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

8/18/2020

Date

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Smith

CLERK OF THE COURT

ORDR

Allison R. Schmidt SBN: 10743
Cuong M. Nguyen SBN: 11228
Ghidotti | Berger, LLP
8716 Spanish Ridge Ave., #115
Las Vegas, NV 89148
Tel: (949) 427-2010
Fax: (949) 427-2732
Email: aschmidt@ghidottiberger.com
cnguyen@ghidottiberger.com

Attorney for Defendant BCMB1 Trust

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ADRIANA DIAZ, an individual; and JAIME
DIAZ, an individual,

Plaintiffs

v.

BCMB1 TRUST; and DOES I-X; and ROES
XI-XX

Defendants.

CASE NO.: A-20-819873-C

DEPT. NO.: 24

**ORDER GRANTING MOTION TO
DISMISS**

COMES NOW Defendant BCMB1 Trust's ("BCMB1") motion to dismiss came on for hearing before this Court on March 23, 2021 at 9:00am. Allison R. Schmidt, Esq. appeared on behalf of BCMB1 and David Winterton, Esq. appeared on behalf of Adriana and Jaime Diaz ("Diaz" or "Plaintiffs"). The Court, having reviewed the motion and opposition thereto, and having heard the arguments of counsel, and good cause appearing, finds as follows:

Plaintiffs' complaint alleges that Plaintiffs are the owners of the real property located at 5913 W. Gowan Road, Las Vegas, NV (the "property"). See Compl. 10. Plaintiffs' obtained a first mortgage in March of 2003, and a second mortgage "prior to 2009". See Compl. at 11-12. In 2019, the Second deed of trust was assigned to BCMB1 Trust. The court takes judicial notice of the

1 recorded documents attached to the Motion to Dismiss, including the second deed of trust and
2 assignments.

3 Plaintiffs filed a Chapter 7 Bankruptcy petition in 2009 in the District of Nevada, case no.
4 09-16951-mkn. *Id.* at 13. Plaintiffs obtained a Chapter 7 discharge on August 12, 2009. *Id.* at 17.
5 The Plaintiffs assert their complaint that the loan was alternatively (1) “terminated” as a result of
6 their Chapter 7 Bankruptcy, or (2) extinguished under NRS 106.240 because no payments have
7 been made in over 10 years. *See* Compl. at 14-20. Further, the court takes judicial notice of the
8 Plaintiffs’ Bankruptcy case, the petition, discharge and other filings of record.

9 When ruling on a Motion to dismiss, this Court may accept all of the plaintiffs factual
10 allegations as true and draw every reasonable inference in the plaintiff’s favor to determine
11 whether the allegations are sufficient to state a claim for relief. *Sanchez v. Wal-Mart Stores, Inc.*,
12 125 Nev. 818, 823, 221 P.3d 1276, 1280 (2009). A complaint should be dismissed for failure to
13 state a claim “only if it appears beyond a doubt that it could prove no set of facts, which, if true,
14 would entitle it to relief.” *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d
15 670, 672 (2008).

16 The court may take into account matters of public record, orders, items present in the
17 record of the case, and any exhibits attached to the complaint when ruling on a motion to dismiss
18 for failure to state a claim upon which relief can be granted. *Breliant v. Preferred Equities Corp.*,
19 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993).

20 Plaintiffs’ claim that the second lien was extinguished or stripped by their Chapter 7
21 bankruptcy discharge is subject to dismissal. The United States Supreme Court has expressly
22 held that the lien of a junior secured creditor may not be stripped or modified by a Chapter 7
23 bankruptcy. *Bank of Am., N.A. v. Caulkett*, 575 U.S. 790, 135 S. Ct. 1995, 1999, 192 L. Ed. 2d
24 52 (2015). Indeed, a secured creditor’s lien generally passes through a Chapter 7 bankruptcy
25 action unaffected. *In re Seymour*, No. ADV 11-02551, 2013 WL 1736471, at *7 (B.A.P. 9th Cir.
26 Apr. 23, 2013), *aff’d*, 601 F. App’x 572 (9th Cir. 2015). While Plaintiffs’ personal liability on the
27 loan was discharged, the beneficiary of the second deed of trust still may proceed against the
28 collateral to recover the funds it lent Plaintiffs.

Similarly, the Court finds that Plaintiffs’ claims under NRS 106.240 is also subject to

dismissal. Plaintiffs plead absolutely no facts that suggest the loan has ever been “fully due” for the purposes of the 10-year statute of limitations imposed by NRS 106.240. The loan, by its terms, does not mature until 2033. In order to prevail on the NRS 106.240 claim, Plaintiffs must plead that the loan became “wholly due” more than 10 years ago. Plaintiffs’ argument that the NRS 106.240 was triggered by their Bankruptcy is without merit. Additionally, the Nevada Supreme Court stated clearly that no statute of limitations applies to non-judicial foreclosures because they are not judicial actions. *Facklam v. HSBC Bank USA for Deutsche ALT-A Sec. Mortg. Loan Tr.*, 401 P.3d 1068, 1071 (Nev. 2017) (statute of limitations applicable to actions for breach of contract does not apply to nonjudicial foreclosures).

Based on the foregoing, BCMB1’s Motion it hereby GRANTED. Plaintiffs’ complaint is dismissed with prejudice.

DATED this ____ day of _____, 2021

Dated this 7th day of April, 2021



DISTRICT COURT JUDGE

8DB 42A 2EA8 C2AD
Jessica K. Peterson
District Court Judge

Respectfully submitted by:

/s/Allison R. Schmidt

Allison R. Schmidt SBN: 10743
Cuong M. Nguyen SBN: 11228
Ghidotti | Berger, LLP
Email: aschmidt@ghidottiberger.com
cnguyen@ghidottiberger.com
Attorney for Defendant BCMB1 Trust

Approved as to form and content, all rights reserved:

No response from Plaintiffs’ counsel
David J. Winterton SBN: 4142
7881 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
702-363-0317
Attorney for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Adriana Diaz, Plaintiff(s)

CASE NO: A-20-819873-C

7 vs.

DEPT. NO. Department 8

8 BCMB1 Trust, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/7/2021

15 Autumn Wheeler

autumn@davidwinterton.com

16 David Winterton

david@davidwinterton.com

17 Autumn Wheeler

autumn@davidwinterton.com

18 David J. Winterton & Ltd.

david@davidwinterton.com

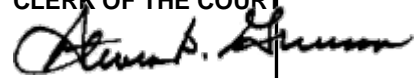
19 Allison Schmidt

aschmidt@ghidottiberger.com

20 Tina Abrante

tabrante@ghidottiberger.com

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22
23
24
25
26
27
28



1 **NOE**

2 Matthew Dayton SBN: 11552
3 Ghidotti | Berger, LLP
4 415 South 6th Street, #310
5 Las Vegas, NV 89101
6 Tel: (949) 427-2010
7 Fax: (949) 427-2732
8 Email: MDayton@ghidottiberger.com

9 Attorney for Defendant BCMB1 Trust

10 **EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ADRIANA DIAZ, an individual; and JAIME
13 DIAZ, an individual,

14 Plaintiffs

15 v.

16 BCMB1 TRUST; and DOES I-X; and ROES
17 XI-XX

18 Defendants.

CASE NO.: A-20-819873-C

DEPT. NO.: 24

NOTICE OF ENTRY OF ORDER

19 TO: ALL INTERESTED PARTIES:

20 PLEASE TAKE NOTICE that the Order Granting Motion to Dismiss was entered by the
21 above-entitled Court on the 7th day of April, 2021, a copy of which is attached hereto and made a
22 part thereof.

23 DATED this 8th day of April, 2021.

24 /s/ Matthew Dayton, Esq.

25 Matthew Dayton, SBN: 11552

26 GHIDOTTI | BERGER

27 415 South 6th Street, #310

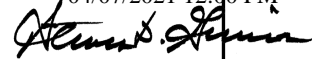
28 Las Vegas, NV 89101

Tel: (949) 427-2010

Fax: (949) 427-2732

Email: MDayton@ghidottiberger.com

Attorney for Defendant BCMB1 Trust



CLERK OF THE COURT

ORDR

Allison R. Schmidt SBN: 10743
Cuong M. Nguyen SBN: 11228
Ghidotti | Berger, LLP
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Las Vegas, NV 89148
Tel: (949) 427-2010
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1 dismissal. Plaintiffs plead absolutely no facts that suggest the loan has ever been “fully due” for
2 the purposes of the 10-year statute of limitations imposed by NRS 106.240. The loan, by its
3 terms, does not mature until 2033. In order to prevail on the NRS 106.240 claim, Plaintiffs must
4 plead that the loan became “wholly due” more than 10 years ago. Plaintiffs’ argument that the
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7 because they are not judicial actions. *Facklam v. HSBC Bank USA for Deutsche ALT-A Sec.*
8 *Mortg. Loan Tr.*, 401 P.3d 1068, 1071 (Nev. 2017) (statute of limitations applicable to actions for
9 breach of contract does not apply to nonjudicial foreclosures).

10 Based on the foregoing, BCMB1’s Motion it hereby GRANTED. Plaintiffs’ complaint is
11 dismissed with prejudice.

12 DATED this ____ day of _____, 2021

Dated this 7th day of April, 2021

13
14 

DISTRICT COURT JUDGE

8DB 42A 2EA8 C2AD
Jessica K. Peterson
District Court Judge

15
16
17 Respectfully submitted by:

/s/Allison R. Schmidt

18 Allison R. Schmidt SBN: 10743
19 Cuong M. Nguyen SBN: 11228
Ghidotti | Berger, LLP
20 Email: aschmidt@ghidottiberger.com
cnguyen@ghidottiberger.com
21 Attorney for Defendant BCMB1 Trust

22 Approved as to form and content, all rights reserved:

23
24 No response from Plaintiffs’ counsel
David J. Winterton SBN: 4142
25 7881 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
26 702-363-0317
Attorney for Plaintiffs
27
28

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Adriana Diaz, Plaintiff(s)

CASE NO: A-20-819873-C

7 vs.

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17 Autumn Wheeler

autumn@davidwinterton.com

18 David J. Winterton & Ltd.

david@davidwinterton.com

19 Allison Schmidt

aschmidt@ghidottiberger.com

20 Tina Abrante

tabrante@ghidottiberger.com

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23
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25
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27
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 23, 2021

A-20-819873-C Adriana Diaz, Plaintiff(s)
vs.
BCMB1 Trust, Defendant(s)

March 23, 2021 10:00 AM Motion to Dismiss

HEARD BY: Peterson, Jessica K. **COURTROOM:** Phoenix Building 11th Floor
116

COURT CLERK: Dauriana Simpson

RECORDER: Nancy Maldonado

REPORTER:

PARTIES

PRESENT: Schmidt, Allison Attorney
Winterton, David J Attorney

JOURNAL ENTRIES

- Ms. Schmidt submitted to the Court. Mr. Winterton argued the debt per his client has been terminated. Argument by Ms. Schmidt. COURT stated its FINDINGS and ORDERED Defendant's Motion to Dismiss GRANTED. Ms. Schmidt to prepare the order.



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

DAVID J. WINTERTON, ESQ.
7881 W. CHARLESTON BLVD., SUITE 220
LAS VEGAS, NV 89117

DATE: May 5, 2021
CASE: A-20-819873-C

RE CASE: ADRIANA DIAZ; JAIME DIAZ vs. BCMB1 TRUST

NOTICE OF APPEAL FILED: May 3, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ADRIANA DIAZ; JAIME DIAZ,

Plaintiff(s),

vs.

BCMB1 TRUST,

Defendant(s),

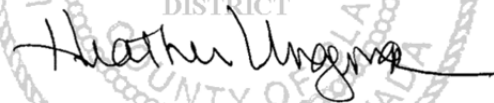
Case No: A-20-819873-C

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of May 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk