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Attorneys for Defendant Wyeth Ranch Community Association

DISTRICT COURT
CLARK COUNTY, NEVADA

MARCHAI, B.T., a Nevada business trust
Plaintiff,
v.
CRISTELA PEREZ, an individual, et al.
Defendants.

AND ALL RELATED CLAIMS AND ACTIONS.

Case No.: A-13-689461-C
Dept. No.: XI

Consolidated with: A-16-742327-C

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendant WYETH RANCH COMMUNITY ASSOCIATION ("HOA" or "Wyeth Ranch"), hereby appeals from the following order or judgment:

1. Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs entered on May 24, 2021, notice of entry entered on June 2, 2021; and

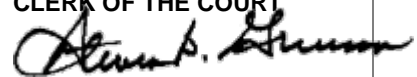
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Electronically Filed
Jun 16 2021 11:57 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

2. All other orders made appealable thereby.

Dated this 11th day of June, 2021.

LIPSON NEILSON P.C.

/s/ David T. Ochoa

By: _____

KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
DAVID T. OCHOA, ESQ.
Nevada Bar No. 10414
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

*Attorneys for Defendant
Wyeth Ranch Community Association*

CERTIFICATE OF SERVICE

I certify that on the 11th day of June, 2021, I electronically transmitted the foregoing **NOTICE OF APPEAL** to the Clerk's Office using the Odyssey eFileNV & Serve system for filing and transmittal to the following Odyssey eFileNV & Serve registrants addressed to:

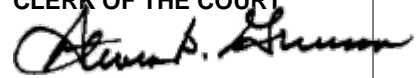
David J. Merrill, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
david@djmerillpc.com

Attorney for Plaintiff Marchai, B.T.

Diana Cline Ebron, Esq.
Jacqueline A. Gilbert, Esq.
KIM GILBERT EBRON
7625 Dean Martin Drive, Suite 110
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jackie@kgelegal.com

*Attorneys for SFR Investments Pool 1,
LLC*

/s/ Juan Cerezo
An employee of LIPSON NEILSON P.C.



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Attorneys for Defendant Wyeth Ranch Community Association

DISTRICT COURT
CLARK COUNTY, NEVADA

MARCHAI, B.T., a Nevada business trust
Plaintiff,

v.

CRISTELA PEREZ, an individual, et al.
Defendants.

Case No.: A-13-689461-C
Dept. No.: XI

Consolidated with: A-16-742327-C

CASE APPEAL STATEMENT

AND ALL RELATED CLAIMS AND ACTIONS.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: WYETH RANCH
COMMUNITY ASSOCIATION (“HOA” or “Wyeth Ranch”).

**2. Identify the judge issuing the decision, judgment, or order appealed
from:** The Honorable Elizabeth Gonzalez

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

Appellant: Wyeth Ranch Community Association

Counsel: Kaleb D. Anderson, Esq.
David T. Ochoa, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

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

4 The case deals with a Homeowner's Association foreclosure that took place in
5 2013. The district court originally found the purchaser at the sale, SFR Investment Pool
6 1, LLC, took subject to the deed of trust. This Court remanded under 9352 *Cranesbill*
7 *Tr. v. Wells Fargo Bank, N.A.*, 136 Nev. 76, 459 P.3d 227 (2020), on the limited issue of
8 whether the prior owner's partial payment of assessments satisfied the superpriority
9 portion of the lien.

10 After remand and before trial, Wyeth Ranch served an Offer of Judgment on
11 Marchai B.T. At trial Marchai failed to prevail on any of its remaining claims against
12 Wyeth Ranch and failed to beat the offer of judgment. Wyeth Ranch sought attorney's
13 fees and cost based on the offer of judgment (NRS 17.117 and NRCP 68) and NRS
14 116.4117. The Court awarded Wyeth Ranch costs but denied attorney's fees, and
15 Wyeth Ranch now appeals the Order denying Wyeth Ranch attorney's fees.

16 **11. Indicate whether the case has previously been the subject of an**
17 **appeal to or original writ proceeding in the Supreme Court and, if so, the caption**
18 **and Supreme Court docket number of the prior proceeding:**

19 SFR Investment Pool 1, LLC v. Marchai B.T., No. 77416.

20 SFR Investment Pool 1, LLC v. Marchai B.T., and Marchai B.T. v. Wyeth Ranch
21 Community Association No. 82771 (related and pending).

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

23 N/A

24 ///

25 ///

26 ///

27 ///

28 ///

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

3 Wyeth Ranch is willing to address settlement, and has already provided a
4 settlement statement to Settlement Judge Thomas J. Tanksley on related appeal: SFR
5 Investment Pool 1, LLC v. Marchai B.T., No. 82771.

6
7 Dated this 11th day of June, 2021.

8
9 LIPSON NEILSON P.C.

10 */s/ David T. Ochoa*
11 By: _____
12 KALEB D. ANDERSON, ESQ.
13 Nevada Bar No. 7582
14 DAVID T. OCHOA, ESQ.
15 Nevada Bar No. 10414
16 9900 Covington Cross Drive, Suite 120
17 Las Vegas, Nevada 89144
18
19 *Attorneys for Defendant*
20 *Wyeth Ranch Community Association*
21
22
23
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25
26
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28

CERTIFICATE OF SERVICE

I certify that on the 11th day of June, 2021, I electronically transmitted the foregoing **CASE APPEAL STATEMENT** to the Clerk's Office using the Odyssey eFileNV & Serve system for filing and transmittal to the following Odyssey eFileNV &

Serve registrants addressed to:

David J. Merrill, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
david@djmerrillpc.com

Attorney for Plaintiff Marchai, B.T.

Diana Cline Ebron, Esq.
Jacqueline A. Gilbert, Esq.
KIM GILBERT EBRON
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Las Vegas, NV 89139
diana@kgelegal.com
jackie@kgelegal.com

*Attorneys for SFR Investments Pool 1,
LLC*

/s/ Juan Cerezo

An employee of LIPSON NEILSON P.C.

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-13-689461-C

Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 11**
 Judicial Officer: **Gonzalez, Elizabeth**
 Filed on: **09/30/2013**
 Case Number History:
 Cross-Reference Case Number: **A689461**
 Supreme Court No.: **74416**
82771

CASE INFORMATION

Related Cases

A-16-742327-C (Consolidated)

Case Type: **Title to Property**

Subtype: **Foreclosure**

Statistical Closures

10/03/2017 Stipulated Judgment

Case Status: **04/15/2020 Reopened**

DATE

CASE ASSIGNMENT











Current Case Assignment

Case Number A-13-689461-C
 Court Department 11
 Date Assigned 07/02/2018
 Judicial Officer Gonzalez, Elizabeth

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Marchai B T Bank Trust	Merrill, David J <i>Retained</i> 702-566-1935(W)
Defendant	Perez, Cristela	
	SFR Investments Pool 1, LLC Removed: 08/08/2018 Data Entry Error	Gilbert, Jacqueline <i>Retained</i> 702-485-3300(W)
	SFR Investments Pool 1, LLC	Gilbert, Jacqueline <i>Retained</i> 702-485-3300(W)
	SFR Investments Pool I LLC Removed: 08/06/2018 Dismissed	Ebron, Diana S. <i>Retained</i> 702-485-3300(W)
	U S Bank National Association ND Removed: 08/06/2018 Dismissed	
	Wyeth Ranch Community Association	Ochoa, David <i>Retained</i> 702-382-1500(W)
Consolidated Case Party	Wyeth Ranch Community Association Removed: 08/06/2018 Dismissed	Anderson, Kaleb D. <i>Retained</i> 702-382-1500(W)
Counter Claimant	SFR Investments Pool I LLC Removed: 08/06/2018 Dismissed	Ebron, Diana S. <i>Retained</i> 702-485-3300(W)
Counter	Marchai B T Bank Trust	Merrill, David J

CASE SUMMARY**CASE NO. A-13-689461-C****Defendant**Removed: 08/06/2018
Dismissed*Retained*
702-566-1935(W)**Cross Claimant****SFR Investments Pool I LLC**
Removed: 08/06/2018
Dismissed**Ebron, Diana S.**
Retained
702-485-3300(W)**Cross Defendant****Perez, Cristela**
Removed: 08/06/2018
Dismissed**U S Bank National Association ND**
Removed: 08/06/2018
Dismissed

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
09/30/2013	 Complaint Filed By: Plaintiff Marchai B T Bank Trust <i>Complaint for Judicial Foreclosure of Deed of Trust</i>	
09/30/2013	Case Opened	
10/03/2013	 Notice of Pendency of Action Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Pendency of Action</i>	
10/25/2013	 Return Party: Plaintiff Marchai B T Bank Trust <i>Return of Non-Service</i>	
10/25/2013	 Summons Filed by: Plaintiff Marchai B T Bank Trust <i>Summons - Civil</i>	
11/01/2013	 Return Party: Plaintiff Marchai B T Bank Trust <i>Return of Service</i>	
11/07/2013	 Affidavit of Service Filed By: Plaintiff Marchai B T Bank Trust <i>Affidavit of Service</i>	
11/12/2013	 Affidavit of Service Filed By: Defendant Perez, Cristela Party Served: Cross Defendant U S Bank National Association ND	
11/13/2013	 Notice of Lis Pendens Filed by: Plaintiff Marchai B T Bank Trust <i>Notice of Lis Pendens</i>	
11/13/2013	 Answer and Counterclaim Filed By: Cross Claimant SFR Investments Pool I LLC <i>Answer, Counterclaim, and Cross Claim</i>	
12/03/2013	 Answer to Counterclaim	

CASE SUMMARY

CASE NO. A-13-689461-C

Filed By: Plaintiff Marchai B T Bank Trust
Answer to Counterclaim

12/13/2013



Default

Filed By: Plaintiff Marchai B T Bank Trust
Default

12/19/2013



Affidavit of Service

Filed By: Plaintiff Marchai B T Bank Trust
Affidavit of Service

12/27/2013



Affidavit of Service

Filed By: Plaintiff Marchai B T Bank Trust
Affidavit of Service

01/28/2014



Application

Filed By: Plaintiff Marchai B T Bank Trust
Application for an Order to Extend Time to Serve Summons and Complaint

01/28/2014



Affidavit in Support

Filed By: Plaintiff Marchai B T Bank Trust
Affidavit of Benjamin D. Petiprin in Support of Application for an Order to Extend Time to Serve Summons and Complaint

02/13/2014



Order Extending Time to Serve

Filed By: Plaintiff Marchai B T Bank Trust
Order to Extend Time to Serve Summons and Complaint

02/13/2014



Joint Case Conference Report

Filed By: Plaintiff Marchai B T Bank Trust
Joint Case Conference Report

02/13/2014



Default

Filed By: Plaintiff Marchai B T Bank Trust
Default Against Cross-Defendant Cristela Perez

02/13/2014



Default

Filed By: Plaintiff Marchai B T Bank Trust
Default Against Cross-Defendant U.S. Bank National Association, N.D.

02/14/2014



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust
Notice of Entry of Order to Extend Time to Serve Summons and Complaint

02/19/2014



Scheduling Order

Scheduling Order

03/11/2014



Return

Party: Plaintiff Marchai B T Bank Trust
Return of Service

04/22/2014



Default

Filed By: Plaintiff Marchai B T Bank Trust
Default














CASE SUMMARY

CASE NO. A-13-689461-C

07/09/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Stipulation and Order</i>
07/09/2014	 Stipulation and Order Filed by: Cross Claimant SFR Investments Pool I LLC <i>Stipulation and Order Staying Litigation</i>
12/05/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Status Check November 4, 2014</i>
01/28/2015	 Notice of Entry Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order Lifting Stay</i>
01/28/2015	 Order Filed By: Cross Claimant SFR Investments Pool I LLC <i>Order Lifting Stay</i>
02/12/2015	 Stipulation and Order to Extend Discovery Deadlines Filed By: Cross Claimant SFR Investments Pool I LLC <i>Stipulation and Order to Extend Discovery Deadline Dates (First Request)</i>
02/17/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadline Dates</i>
02/25/2015	 Order Setting Civil Bench Trial <i>Second Order Setting Bench Trial</i>
03/02/2015	Case Reassigned to Department 7 <i>District Court Case Reassignment 2015</i>
07/27/2015	 Motion Filed By: Cross Claimant SFR Investments Pool I LLC <i>Motion for Pre-Trial Coordination on Shortening Time</i>
08/25/2015	 Document Filed Filed by: Cross Claimant SFR Investments Pool I LLC <i>Proposed Case Management Order (unsigned)</i>
10/09/2015	 Subpoena Duces Tecum Filed by: Plaintiff Marchai B T Bank Trust <i>Subpoena Duces Tecum</i>
10/09/2015	 Subpoena Duces Tecum Filed by: Plaintiff Marchai B T Bank Trust <i>Subpoena Duces Tecum</i>
12/02/2015	 Substitution of Attorney Filed by: Plaintiff Marchai B T Bank Trust <i>Substitution of Attorney</i>

CASE SUMMARY

CASE NO. A-13-689461-C

12/18/2015	 Notice of Change of Address Filed By: Cross Claimant SFR Investments Pool I LLC <i>Notice of Change of Address and Notice of Change of Firm Name</i>
01/04/2016	 Stipulation and Order Filed by: Cross Claimant SFR Investments Pool I LLC <i>Stipulation and Order to Extend Dispositive Motion Deadlines</i>
01/04/2016	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
01/14/2016	 Motion for Summary Judgment Filed By: Cross Claimant SFR Investments Pool I LLC <i>SFR Investments Pool I, LLC's Motion For Summary Judgment</i>
01/14/2016	 Motion for Summary Judgment Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Motion for Summary Judgment</i>
01/14/2016	 Appendix Filed By: Cross Defendant U S Bank National Association ND <i>Appendix of Exhibits to Marchai, B.T.'s Motion for Summary Judgment</i>
01/14/2016	 Appendix Filed By: Cross Defendant U S Bank National Association ND <i>Appendix of Exhibits to Marchai, B.T.'s Motion for Summary Judgment</i>
01/19/2016	 Pre-Trial Disclosure Party: Cross Claimant SFR Investments Pool I LLC <i>SFR Investments Pool I, LLC's Pre-Trial Disclosures</i>
02/03/2016	 Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to SFR Investments Pool I, LLC's Motion for Summary Judgment</i>
02/04/2016	 Opposition to Motion For Summary Judgment Filed By: Cross Claimant SFR Investments Pool I LLC <i>SFR Investments Pool I, LLC'S Opposition to Marchai B.T.'S Motion for Summary Judgment</i>
02/08/2016	 Reply in Support Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Reply in Support of Motion for Summary Judgment</i>
02/09/2016	 Reply in Support Filed By: Cross Claimant SFR Investments Pool I LLC <i>Reply in Support of Motion for Summary Judgment and Counter-Motions to Strike Pursuant TO NRCP RULE 37(d) and Eighth Judicial District Court Rule 2.20(a)</i>
02/15/2016	 Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to Counter-Motions to Strike Pursuant to NRCP 37(d) and Eighth Judicial District Court Rule 2.20(a)</i>

CASE SUMMARY

CASE NO. A-13-689461-C

02/22/2016	 Certificate of Service Filed by: Plaintiff Marchai B T Bank Trust <i>Certificate of Service</i>
03/22/2016	 Decision and Order <i>Decision and Order</i>
03/23/2016	 Notice of Entry of Decision and Order Filed By: Cross Claimant SFR Investments Pool I LLC <i>Notice of Entry of Decision and Order</i>
03/24/2016	 Notice of Entry of Decision and Order Filed By: Cross Claimant SFR Investments Pool I LLC <i>Notice of Entry of Decision and Order</i>
08/18/2016	 Motion for Leave to File Party: Plaintiff Marchai B T Bank Trust <i>Motion, On Shortened Time, for Leave to File an Amended Complaint</i>
08/19/2016	 Certificate of Service Filed by: Plaintiff Marchai B T Bank Trust <i>Certificate of Service</i>
08/24/2016	 Opposition to Motion Filed By: Cross Claimant SFR Investments Pool I LLC <i>Notice of Intent to Oppose Motion for Leave to File an Amended Complaint on OST Via Oral Argument at Hearing</i>
09/30/2016	 Order Denying Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Denying Motion</i>
10/03/2016	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
10/04/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Plaintiff's Motion on Shortened Time for Leave to File an Amended Complaint - 8-25-2016</i>
10/05/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Plaintiff's Motion on Shortened Time for Leave to File an Amended Complaint- 8-25-2016</i>
12/13/2016	 Order Filed By: Plaintiff Marchai B T Bank Trust <i>Order Lifting Stay and Consolidating Cases</i>
12/13/2016	 Notice of Entry of Order Filed By: Cross Defendant U S Bank National Association ND <i>Notice of Entry of Order</i>
01/17/2017	 Order Denying Motion Filed By: Plaintiff Marchai B T Bank Trust

CASE SUMMARY

CASE NO. A-13-689461-C

Order Denying Motion SFR Investments Pool 1, LLC's Motion to Dismiss with Prejudice Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and EDCR 7.10(b) and Motion to Strike Pleading Pursuant to NRCP 12(f) and Wyeth Ranch Community Association's Joinder Thereto

01/18/2017



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust
Notice of Entry of Order

01/24/2017



Order

Filed By: Plaintiff Marchai B T Bank Trust
(A689461) Order Denying, in Part, and Granting, in Part, Defendant Wyeth Ranch Community Association's Motion to Dismiss

01/25/2017



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust
Notice of Entry of Order

01/31/2017



Answer to Complaint

Filed by: Consolidated Case Party Wyeth Ranch Community Association
Defendant Wyeth Ranch Community Association's Answer and Affirmative Defenses

01/31/2017



Notice of Bankruptcy

Filed By: Consolidated Case Party Wyeth Ranch Community Association
Notice of Bankruptcy and Suggestion of Stay

02/06/2017



Answer to Complaint

Filed by: Cross Claimant SFR Investments Pool I LLC
SFR Investments Pool 1, LLC's Answer to Complaint

02/14/2017



Order Setting Civil Bench Trial

Third Order Setting Civil Bench Trial

05/16/2017



Supplemental Joint Case Conference Report

Party: Plaintiff Marchai B T Bank Trust
Supplemental Joint Case Conference Report

07/21/2017



Motion for Summary Judgment

Filed By: Cross Claimant SFR Investments Pool I LLC
SFR Investments Pool 1, LLC's Motion for Summary Judgment

07/21/2017



Motion for Summary Judgment

Filed By: Consolidated Case Party Wyeth Ranch Community Association
Defendant Wyeth Ranch Community Association's Motion for Summary Judgment

07/21/2017



Motion in Limine to Exclude Expert Witness

Filed by: Plaintiff Marchai B T Bank Trust
Motion in Limine to Exclude Testimony from Michael Brunson

08/14/2017



Opposition to Motion For Summary Judgment

Filed By: Plaintiff Marchai B T Bank Trust
Marchai, B.T. s Opposition to SFR Investments Pool 1, LLC and Wyeth Ranch Community Association s Motions for Summary Judgment









08/21/2017



Opposition to Motion in Limine

CASE SUMMARY













CASE NO. A-13-689461-C

	<p>Filed By: Cross Claimant SFR Investments Pool I LLC</p> <p><i>Opposition to Motion in Limine to Exclude Testimony from Michael Brunson</i></p>
08/21/2017	<p> Reply in Support</p> <p>Filed By: Consolidated Case Party Wyeth Ranch Community Association</p> <p><i>Defendant Wyeth Ranch Community Association's Reply in Support of Motion for Summary Judgment</i></p>
08/21/2017	<p> Reply in Support</p> <p>Filed By: Cross Claimant SFR Investments Pool I LLC</p> <p><i>Reply in Support of SFR Investments Pool 1, LLC's Motion for Summary Judgment</i></p>
08/21/2017	<p> Joinder to Opposition to Motion</p> <p>Filed by: Consolidated Case Party Wyeth Ranch Community Association</p> <p><i>Defendant Wyeth Ranch Community Association's Joinder to SFR Investments Pool 1, LLC s Opposition to Motion in Limine to Exclude Testimony from Michael Brunson</i></p>
08/23/2017	<p> Reporters Transcript</p> <p><i>Court Reporters transcript of Proceedings - 2-16-2016</i></p>
08/24/2017	<p> Pre-Trial Disclosure</p> <p>Party: Cross Claimant SFR Investments Pool I LLC</p> <p><i>SFR Investments Pool 1, LLC's Pre-Trial Disclosures</i></p>
08/25/2017	<p> Objection</p> <p><i>Objections to Pre-Trial Disclosures</i></p>
08/29/2017	<p> Reporters Transcript</p> <p><i>Court Reporters transcript of Proceedings (Civil) - 8-22-17</i></p>
09/05/2017	<p> Reporters Transcript</p> <p><i>Court Reporters transcript of Proceedings - 8-29-17</i></p>
10/03/2017	<p> Decision and Order</p> <p><i>Decision and Order</i></p>
10/04/2017	<p> Notice of Entry of Decision and Order</p> <p>Filed By: Plaintiff Marchai B T Bank Trust</p> <p><i>Notice of Entry of Decision and Order</i></p>
10/10/2017	<p> Memorandum of Costs and Disbursements</p> <p>Filed By: Plaintiff Marchai B T Bank Trust</p> <p><i>Memorandum of Costs and Disbursements</i></p>
10/19/2017	<p> Motion to Retax</p> <p>Filed By: Cross Claimant SFR Investments Pool I LLC</p> <p><i>SFR s Motion To Retax And Settle Memorandum Of Costs And Disbursements</i></p>
11/03/2017	<p> Notice of Appeal</p> <p>Filed By: Cross Claimant SFR Investments Pool I LLC</p> <p><i>Notice of Appeal</i></p>
11/03/2017	<p> Case Appeal Statement</p> <p>Filed By: Cross Claimant SFR Investments Pool I LLC</p>

CASE SUMMARY

CASE NO. A-13-689461-C

Case Appeal Statement

11/08/2017	 Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Opposition to SFR's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
11/13/2017	 Reply in Support Filed By: Cross Claimant SFR Investments Pool I LLC <i>SFR S Reply In Support of Its Motion To Retax and Settle Memorandum of Costs and Disbursements</i>
12/26/2017	 Order Denying Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Denying SFR's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
12/30/2017	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
04/17/2018	 Application for Default Judgment Party: Cross Claimant SFR Investments Pool I LLC <i>SFR Investments Pool I, LLC's Application for Judgment by Default Against Cristela Perez and U.S. Bank National Association, N.D. on Order Shortening Time</i>
04/26/2018	 Judgment Filed By: Cross Claimant SFR Investments Pool I LLC <i>Judgment By Default Against Cristela Perez and U.S. Bank National Association, N.D. On Order Shortening Time</i>
04/27/2018	 Notice of Entry of Judgment by Default Party: Cross Claimant SFR Investments Pool I LLC <i>Notice of Entry of Judgment By Default Against Cristela Perez and U.S. Bank National Association, N.D. on Order Shortening Time</i>
07/02/2018	Case Reassigned to Department 11 <i>Reassigned From Judge Bell - Dept 7</i>
07/19/2018	 Application for Default Judgment Party: Plaintiff Marchai B T Bank Trust <i>Application for Default Judgment and Entry of Final Judgment on Order Shortening Time</i>
07/19/2018	 Certificate of Service Filed by: Plaintiff Marchai B T Bank Trust <i>Certificate of Service</i>
08/05/2018	 Appendix Filed By: Plaintiff Marchai B T Bank Trust <i>Appendix of Exhibits for the Hearing on the Application for Default Judgment and Entry of Final Judgment on Order Shortening Time</i>
08/06/2018	 Judgment Filed By: Plaintiff Marchai B T Bank Trust <i>Judgment</i>
08/07/2018	 Notice of Entry of Judgment

CASE SUMMARY















CASE NO. A-13-689461-C

	<p>Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Judgment</i></p>
08/08/2018	<p> Amended Notice of Appeal Party: Defendant SFR Investments Pool 1, LLC <i>Amended Notice of Appeal</i></p>
08/27/2018	<p> Motion for Attorney Fees Filed By: Plaintiff Marchai B T Bank Trust <i>Motion for Attorney Fees</i></p>
10/12/2018	<p> Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i></p>
10/18/2018	<p> Order Granting Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Granting Motion for Attorney Fees</i></p>
10/19/2018	<p> Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i></p>
08/20/2019	<p> Notice of Release of Lis Pendens Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Release of Lis Pendens</i></p>
12/11/2019	<p> Order Shortening Time Filed By: Defendant SFR Investments Pool 1, LLC <i>Motion to Stay Pending Appeal or for Injunction Pending Appeal on Order Shortening Time</i></p>
12/16/2019	<p> Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to Motion to Stay Pending Appeal or for Injunction Pending Appeal on Shortened Time</i></p>
12/16/2019	<p> Reply in Support Filed By: Defendant SFR Investments Pool 1, LLC <i>Reply in Support of Motion to Stay Pending Appeal or for Injunction Pending Appeal on Order Shortening Time</i></p>
12/16/2019	<p> Amended Filed By: Defendant SFR Investments Pool 1, LLC <i>Amended Reply in Support of Motion to Stay Pending Appeal or in the Alternative Injunction Pending Appeal on Order Shortening Time</i></p>
01/29/2020	<p> Order to Stay Proceedings <i>Order Granting Stay Pending Appeal</i></p>
01/29/2020	<p> Notice of Entry of Order Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Entry of Order Granting Stay Pending Appeal</i></p>
03/06/2020	<p> Notice Filed By: Defendant SFR Investments Pool 1, LLC</p>

CASE SUMMARY

CASE NO. A-13-689461-C

Notice of Accounting for Injunction Pending Appeal: January - February, 2020

04/15/2020	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remand</i>
04/16/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: March 2020</i>
04/21/2020	 Scheduling and Trial Order <i>Third Amended Order Setting Civil Bench Trial and Calendar Call</i>
04/27/2020	 Stipulation and Order Filed by: Plaintiff Marchai B T Bank Trust <i>Stipulation and Order to Continue Injunction</i>
04/28/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Stipulation and Order</i>
05/15/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: April, 2020</i>
06/19/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Stipulated Continuing Injunction: May 2020</i>
07/21/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of accounting for Injunction Pending Appeal: June, 2020</i>
08/13/2020	 Order Shortening Time <i>Marchai's Motion to Reopen Discovery on an Order Shortening Time - 3rd Request</i>
08/13/2020	 Motion to Extend Discovery Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai's Motion to Reopen Discovery on an Order Shortening Time</i>
08/17/2020	 Non Opposition <i>Notice of Non-Opposition to Motion to Re-Open Discovery</i>
08/17/2020	 Response Filed by: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Response to Motion to Reopen Discovery, and Alternative Countermotion for a Briefing Schedule</i>
08/17/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: July 2020</i>
08/19/2020	 Reply in Support Filed By: Plaintiff Marchai B T Bank Trust

CASE SUMMARY

CASE NO. A-13-689461-C

Reply in Support of Marchai s Motion to Reopen Discovery on an Order Shortening Time and Opposition to the Alternative Request for a Briefing Schedule

08/21/2020



Order

Order Granting Marchai s Motion to Reopen Discovery on an Order Shortening Time

08/21/2020



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust

Notice of Entry of Order

09/15/2020



Notice

Filed By: Defendant SFR Investments Pool 1, LLC

Notice of Accounting for Injunction Pending Appeal - August 2020

09/25/2020



Motion for Summary Judgment

Filed By: Defendant Wyeth Ranch Community Association

Defendant Wyeth Ranch Community Association's Motion for Summary Judgment

09/28/2020



Clerk's Notice of Hearing

Notice o Hearing

10/13/2020



Notice

Filed By: Defendant SFR Investments Pool 1, LLC

Notice of Accounting for Injunction Pending Appeal: September 2020

10/19/2020



Opposition to Motion For Summary Judgment

Filed By: Plaintiff Marchai B T Bank Trust

Marchai, B.T.'s Opposition to Defendant Wyeth Ranch Community Association's Motion for Summary Judgment

10/19/2020



Statement

Filed by: Plaintiff Marchai B T Bank Trust

Marchai, B.T.'s Statement of Undisputed and Disputed Facts in Support of its Opposition to Wyeth Ranch Community Association's Motion for Summary Judgment

11/02/2020



Reply in Support

Filed By: Defendant Wyeth Ranch Community Association

Defendant Wyeth Ranch Community Association's Reply in Support of its Motion for Summary Judgment

11/02/2020



Objection

Objections to Pre-Trial Disclosures

11/02/2020



Objection

Filed By: Defendant Wyeth Ranch Community Association

Objection to Pre-Trial Disclosures

11/02/2020



Objection

Filed By: Plaintiff Marchai B T Bank Trust

Marchai, B.T.'s Objections to Defendant Wyeth Ranch Community Association's Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)

11/06/2020



Joint Pre-Trial Memorandum

Filed By: Plaintiff Marchai B T Bank Trust

CASE SUMMARY

CASE NO. A-13-689461-C

Joint Pre-Trial Memorandum

11/16/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: October 2020</i>
11/18/2020	 Trial Subpoena Filed by: Plaintiff Marchai B T Bank Trust <i>Trial Subpoena</i>
11/24/2020	 Order Denying Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Denying Defendant Wyeth Ranch Community Association's Motion for Summary Judgment</i>
11/30/2020	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
12/04/2020	 Motion to Reconsider Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Motion for Reconsideration or Clarification Under NRCP 60, Alternatively Motion in Limine</i>
12/07/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/17/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: November, 2020</i>
12/21/2020	 Transcript of Proceedings <i>Transcript of Proceedings: Defendant Wyeth Ranch Community Association's Motion for Summary Judgment; Calendar Call</i>
12/21/2020	 Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to Defendant Wyeth Ranch Community Association's Motion for Reconsideration or Clarification Under NRCP 60, Alternatively Motion in Limine</i>
12/30/2020	 Reply in Support Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Reply in Support of its Motion for Reconsideration or Clarification Under NRCP 60, Alternatively Motion in Limine</i>
01/20/2021	 Order Filed By: Plaintiff Marchai B T Bank Trust <i>Order Denying Defendant Wyeth Ranch Community Association's Motion for Reconsideration or Clarification Under NRCP 60, Alternatively Motion in Limine</i>
01/21/2021	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: December, 2020</i>
02/18/2021	

CASE SUMMARY

CASE NO. A-13-689461-C

	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: January 2021</i>
02/19/2021	 Audiovisual Transmission Equipment Appearance Request Party: Defendant Wyeth Ranch Community Association <i>Audiovisual Transmission Equipment Appearance Request</i>
02/19/2021	 Audiovisual Transmission Equipment Appearance Consent Party: Defendant Wyeth Ranch Community Association <i>Audiovisual Transmission Equipment Appearance Consent</i>
02/19/2021	 Trial Brief Filed By: Defendant SFR Investments Pool 1, LLC <i>SFR Investments Pool 1, LLC's Trial Brief re: Failure to Satisfy the Superpriority Portion</i>
02/22/2021	 Trial Brief <i>SFR INVESTMENTS POOL 1, LLC S TRIAL BRIEF RE: BONA FIDE PURCHASER</i>
03/08/2021	 Findings of Fact, Conclusions of Law and Judgment <i>Findings of Fact and Conclusions of Law</i>
03/11/2021	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
03/11/2021	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Findings of Fact, Conclusions of Law</i>
03/11/2021	 Memorandum of Costs and Disbursements Filed By: Plaintiff Marchai B T Bank Trust <i>Memorandum of Costs and Disbursements</i>
03/15/2021	 Motion to Retax Filed By: Defendant SFR Investments Pool 1, LLC <i>SFR's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
03/16/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/16/2021	 Opposition Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Opposition to Marchai's Memorandum of Costs and Disbursements and Alternative Limited Joinder to SFR's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
03/18/2021	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: February 2021</i>
03/25/2021	 Motion for Attorney Fees Filed By: Plaintiff Marchai B T Bank Trust <i>Plaintiff Motion for Attorney Fees</i>

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03/25/2021	 Transcript of Proceedings <i>Transcript of Proceedings: Bench Trial</i>
03/26/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
03/29/2021	 Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to SFR's Motion to Retax and Settle Memorandum of Costs and Wyeth Ranch's Joinder</i>
03/30/2021	 Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Curative Action</i>
03/30/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/01/2021	 Memorandum Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Verified Memorandum of Fees and Costs</i>
04/01/2021	 Motion for Attorney Fees and Costs Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs</i>
04/02/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/05/2021	 Reply in Support Filed By: Defendant SFR Investments Pool 1, LLC <i>SFR Investments Pool 1, LLC's Reply in Support of its Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
04/05/2021	 Motion to Retax Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Motion to Retax and Settle the Costs</i>
04/06/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/12/2021	 Notice of Appeal Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Appeal</i>
04/12/2021	 Case Appeal Statement Filed By: Defendant SFR Investments Pool 1, LLC <i>Case Appeal Statement</i>
04/15/2021	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal - March 2021</i>

CASE SUMMARY

CASE NO. A-13-689461-C

04/19/2021	 Opposition Filed By: Defendant SFR Investments Pool 1, LLC <i>SFR Investments Pool 1, LLC's Opposition to Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
04/20/2021	 Opposition to Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs</i>
04/23/2021	 Opposition to Motion Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Opposition to the Motion to Retax and Settle Costs</i>
04/26/2021	 Notice of Appeal Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Notice of Appeal</i>
04/26/2021	 Case Appeal Statement <i>Case Appeal Statement</i>
04/30/2021	 Reply in Support Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Reply in Support of Its Motion for Attorney's Fees and Costs</i>
04/30/2021	 Reply in Support Filed By: Plaintiff Marchai B T Bank Trust <i>Reply in Support of Marchai, B.T.'s Motion to Retax and Settle the Costs</i>
05/06/2021	 Order <i>Order Granting in Part and Denying in Part SFR's Mot to Retax...</i>
05/10/2021	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
05/19/2021	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: April, 2021</i>
05/24/2021	 Order Denying Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Denying Marchai, B.T.'s Motion to Retax and Settle Cost</i>
05/24/2021	 Order Denying Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Cost</i>
06/02/2021	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>

CASE SUMMARY

CASE NO. A-13-689461-C

06/02/2021



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust

Notice of Entry of Order

06/11/2021



Notice of Appeal

Filed By: Defendant Wyeth Ranch Community Association

Notice of Appeal

06/11/2021



Case Appeal Statement

Filed By: Defendant Wyeth Ranch Community Association

Case Appeal Statement

DISPOSITIONS

10/03/2017

Summary Judgment (Judicial Officer: Bell, Linda Marie)

Debtors: SFR Investments Pool I LLC (Defendant)

Creditors: Marchai B T Bank Trust (Plaintiff)

Judgment: 10/03/2017, Docketed: 10/04/2017

12/26/2017

Order (Judicial Officer: Bell, Linda Marie)

Debtors: SFR Investments Pool I LLC (Defendant)

Creditors: Marchai B T Bank Trust (Plaintiff)

Judgment: 12/26/2017, Docketed: 12/26/2017

Total Judgment: 2,752.85

04/26/2018

Default Judgment (Judicial Officer: Bell, Linda Marie)

Debtors: Cristela Perez (Cross Defendant), U S Bank National Association ND (Cross Defendant)

Creditors: SFR Investments Pool I LLC (Cross Claimant)

Judgment: 04/26/2018, Docketed: 04/26/2018

08/06/2018

Judgment (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Cristela Perez (Defendant)

Creditors: Marchai B T Bank Trust (Plaintiff)

Judgment: 08/06/2018, Docketed: 08/06/2018

Total Judgment: 535,178.50

Debtors: SFR Investments Pool I LLC (Defendant), Wyeth Ranch Community Association (Consolidated Case Party)

Creditors: Marchai B T Bank Trust (Plaintiff)

Judgment: 08/06/2018, Docketed: 08/06/2018

Total Judgment: 2,752.85

08/06/2018

Order of Dismissal Without Prejudice (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Cristela Perez (Defendant), SFR Investments Pool I LLC (Defendant), U S Bank National Association ND (Defendant)

Creditors: Marchai B T Bank Trust (Plaintiff)

Judgment: 08/06/2018, Docketed: 08/06/2018

Debtors: SFR Investments Pool I LLC (Counter Claimant)

Creditors: Marchai B T Bank Trust (Counter Defendant)

Judgment: 08/06/2018, Docketed: 08/06/2018

Debtors: SFR Investments Pool I LLC (Counter Claimant, Cross Claimant)

Creditors: Cristela Perez (Cross Defendant)

Judgment: 08/06/2018, Docketed: 08/06/2018

10/18/2018

Order (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Cristela Perez (Defendant)



Creditors: Marchai B T Bank Trust (Plaintiff)

Judgment: 10/18/2018, Docketed: 10/19/2018

Total Judgment: 127,142.50





CASE SUMMARY

CASE NO. A-13-689461-C

04/15/2020	<p>Clerk's Certificate (Judicial Officer: Gonzalez, Elizabeth) Debtors: SFR Investments Pool 1, LLC (Defendant) Creditors: Marchai B T Bank Trust (Plaintiff) Judgment: 04/15/2020, Docketed: 04/17/2020 Comment: Supreme Court No. 74416; Reversed and Remand</p>
03/08/2021	<p>Order (Judicial Officer: Gonzalez, Elizabeth) Debtors: Cristela Perez (Defendant), SFR Investments Pool 1, LLC (Defendant), Wyeth Ranch Community Association (Defendant) Creditors: Marchai B T Bank Trust (Plaintiff) Judgment: 03/08/2021, Docketed: 03/08/2021</p>
	<p>HEARINGS</p>
09/25/2014	<p>CANCELED Calendar Call (11:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Order</i></p>
10/20/2014	<p>CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Order</i></p>
11/04/2014	<p> Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check: Stay</i> Matter Heard; Journal Entry Details: <i>At STATUS CHECK: STAY, counsel requested Court lift stay and allow them to proceed in ordinary course. COURT SO ORDERED.;</i></p>
08/11/2015	<p> Motion to Coordinate (10:30 AM) (Judicial Officer: Bare, Rob) <i>Defendant SFR Investments Pool 1 LLC's Motion for Pre-Trial Coordination on Order Shortening Time</i> Matter Heard; Journal Entry Details: DEFENDANT SFR INVESTMENTS POOL 1 LLC'S MOTION FOR PRE-TRIAL COORDINATION ON ORDER SHORTENING TIME Attorneys Edgar Smith, Richard Vilkin, Diana Cline, Karen Hanks present. Sign-up sheets Left Side Filed in A662394: Robert Anderlik, Taylor Anello, Thomas N. Beckom, Jonathan D. Blum, Darren Brenner, Michael Brooks, Diana Cline, Britannica Collins, Chelsea Crowton, Peter Dunkley, Jessica Friedman, Charles Geisendorf, David Gluth, Karen Hanks, Joshua O. Igeleke, Michael Li, Steven Loizzi Jr., Elizabeth Lowell, Erica D. Loyd, Matthew McAlonis, David J. Merrill, Patrick Orme, Robin Perkins, Benjamin Petiprin (appeared telephonically), Edgar C. Smith, Kevin S. Soderstrom, Ashlie Surer, Abe Vigil, Richard Vilkin, Shawn Walkenshaw, David Winterton. Upon inquiry of the Court, Ms. Hanks advised the Motion was filed and heard in this Court as this Court had the lowest case number. Colloquy regarding coordinating the HOA cases as to Discovery, Trials, and witness availability. Counsel suggested a more specific Case Management Plan for a Special Discovery Master to deal with these cases as the various District Court Judges thoughts vary. Court noted he talked briefly with Chief Judge David Barker and Chief Civil Judge Betsy Gonzalez. The Court noted Court Administration would be interested in addressing this issue. Court inquired if Ms. Hanks would be the point of contact, and she advised she would. She provided her E-mail address: Karen@hkmlaw.com Statement by Mr. Vilkin regarding having a meeting first to determine what counsel will agree on as to the Case Management Plan. Statements from Attorney Surur regarding coordination for Discovery procedures and noted her two cases where one was Dismissed and the other was pending a Motion to Dismiss where the Court had no jurisdiction. Statements from Attorney Brooks, who had multiple cases, regarding setting deadlines for counsel to submit a plan to in-house counsel, which may take 2 to 3 weeks. Attorney Brenner advised a Case Management Plan would first be needed as there are 10 different banks and in-house counsel. He would then be in a position to respond. COURT ORDERED, Ms. Hanks to submit a Proposed Case Management Plan to counsel by 8/25/15. Counsel to respond by 9/29/15. Matter SET for Status Check: Proposed Case Management Plan to determine when a Continued Hearing on this Motion to Coordinate to be heard. 9/1/15 10:30 AM STATUS CHECK: PROPOSED CASE MANAGEMENT PLAN (IN A662394 ONLY);</p>
01/21/2016	<p>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)</p>

CASE SUMMARY

CASE NO. A-13-689461-C

	<i>Vacated - On in Error</i>
02/16/2016	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - On in Error</i>
02/16/2016	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>SFR Investments Pool 1, LLC's Motion For Summary Judgment</i> Denied;
02/16/2016	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Marchai, B.T.'s Motion for Summary Judgment</i> Denied;
02/16/2016	Status Check: Reset Trial Date (9:00 AM) (Judicial Officer: Bell, Linda Marie) Matter Heard;
02/16/2016	Response and Countermotion (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Reply in Support of Motion for Summary Judgment and Counter-Motions to Strike Pursuant TO NRCP RULE 37(d) and Eighth Judicial District Court Rule 2.20(a)</i> Off Calendar;
02/16/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie) Matter Heard; Journal Entry Details: <i>Colloquy regarding transfer of the case. Court advised when this case was transferred from department 26, the trial date remained on that calendar; as trial should be scheduled in department 7. Mr. Merrill advised the Court's view on the summary judgment and any issues of fact will decide when trial should be set. No opposition by Ms. Hanks. Following extensive arguments by Counsel as to SFR Investments Pool 1, LLC's Motion for Summary Judgment and Marchai, B.T.'s Motion for Summary Judgment, COURT ORDERED, MATTERS TAKEN UNDER ADVISEMENT. Reply in Support of Motion for Summary Judgment and Counter - Motion for Summary Judgment and Counter - Motions to Strike Pursuant to NRCP Rule 37(d) and EDCR 2.20 (a); OFF CALENDAR Court further advised following a decision on the motions for summary judgment, trial date will be discussed. Parties so noted.;</i>
03/22/2016	 Minute Order (9:40 AM) (Judicial Officer: Bell, Linda Marie) Decision Made; Journal Entry Details: <i>Decision The Court finds that genuine issues of material fact remain in this case. the Court DENIES SFR and Marchai's Motions for Summary Judgment and SFR's Motion to Strike.;</i>
08/25/2016	 Motion for Leave (9:00 AM) (Judicial Officer: Hardcastle, Kathy) <i>Marchai, B.T.'s Motion, On Shortened Time, for Leave to File an Amended Complaint</i> MINUTES Off Calendar; On in error. -sdp Journal Entry Details: <i>Marchai, BT's Motion on Order Shortening Time, for Leave to File and Amended Complaint Ms. Hanks advised she misread the order and is orally opposing the motion at this time. Mr. Merrill advised the statute comes into play in three years which runs on Sunday. COURT ORDERED, case STAYED three (3) months and a status check will be SET. Colloquy regarding bring in additional parties. Mr. Merrill advised he will file a complaint and move to consolidate. Court so noted. 12/1/16 9:00 AM STATUS CHECK: STATUS OF CASE / STAY 12/1/16 9:00 AM ;</i> SCHEDULED HEARINGS  Status Check (12/01/2016 at 9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Status Check: Status of Case / Stay</i>
12/01/2016	

CASE SUMMARY

CASE NO. A-13-689461-C



Status Check (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Status Check: Status of Case / Stay

MINUTES

Matter Heard;

Journal Entry Details:

Status Check: Status of Case / Stay Court advised it is not inclined to wait for the decision by the Nevada Supreme Court and ORDERED, stay LIFTED and trial date SET. Mr. Merrill advised a motion to amend was filed then the case was stayed, to preserve the claims, a new action was filed in DC XXXI. COURT ORDERED, this case CONSOLIDATED with A-16-742327-C. Ms. Gilbert advised no opposition to consolidation. Colloquy regarding trial setting. COURT FURTHER ORDERED, a status check date SET. 1/3/17 9:00 AM STATUS CHECK: TRIAL SETTING;

SCHEDULED HEARINGS

Status Check: Trial Setting (01/03/2017 at 9:00 AM) (Judicial Officer: Bell, Linda Marie)

01/03/2017

Status Check: Trial Setting (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Trial Date Set;

01/03/2017

Motion to Dismiss (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Defendant Wyeth Ranch Community Association's Motion to Dismiss

Denied in Part;

01/03/2017

Motion to Dismiss (9:00 AM) (Judicial Officer: Bell, Linda Marie)

SFR Investments Pool 1, LLC's Motion to Dismiss With Prejudice Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and EDCR 7.10(B) and Motion to Strike Pleading Pursuant to NRCP 12(f)

Moot;

01/03/2017

Joinder (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Wyeth Ranch Community Association's Joinder to SFR Investments Pool 1, LLC's Motion to Dismiss with Prejudice Plaintiff's Complaint Pursuant to NRCP(12b)(1) and EDCR 7.10(b), and Motion to Strike Pleading Pursuant to NRCP 12(f)

Moot;

01/03/2017



All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Matter Heard;

Journal Entry Details:

Ms. J. Funai Esq. present on behalf of Wyeth ranch Community Association Following extensive arguments by Counsel, COURT ORDERED as follows: Defendnat Wyeth Ranch Community Associations Motion to Dismiss; DENIED as to Failure to Medicate under 38.310 (1)(a) and GRANTED as to Quiet Title. SFR Investments Pool 1, LLC's Motion to Dismiss With Prejudice Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and EDCR 7.10(B) and Motion to Strike Pleading Pursuant to NRCP 12(f); MOOT Wyeth Ranch Community Association's Joinder to SFR Investments Pool 1, LLC's Motion to Dismiss With Prejudice Plaintiff's Complaint Pursuant to NRP 12(b)(1) and EDCR 7.10(B) and Motion to Strike Pleading Pursuant to NRCP 12(f); MOOT. 8/29/17 9:00 AM CALENDAR CALL 9/5/17 9:00 AM BENCH TRIAL ;

06/22/2017



Status Conference (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Matter Heard;

Journal Entry Details:

Status Conference Mr. Merrill advised discovery is completed and responses and answers will be filed next week. Upon the Court's inquiry, dispositive motions are due by July 21 which Mr. Merrill does not anticipate. As to the supplemental joint case conference report requesting a settlement conference, parties advised they have not had discussions as such. Court advised although a settlement conference is encouraged, the trial will not be continued thereto; further stating parties can contact departments individually to schedule the conference. Court reviewed the DC VII trial handout.;

08/22/2017

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)

CASE SUMMARY

CASE NO. A-13-689461-C

SFR Investments Pool I LLC's Motion for Summary Judgment
Denied;

08/22/2017



All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Matter Heard;

Journal Entry Details:

SFR Investments Pool I LLC's Motion for Summary Judgment... Defendant Wyeth Ranch Community Association's Motion for Summary Judgment... Colloquy regarding scheduling as there was a discrepancy as to setting the motions on calendar. Both Ms. Gilbert and Ms. Hummel advised the reply was filed yesterday, but are ready to proceed. Court reviewed the reply. Following extensive arguments by Counsel, COURT ORDERED, the following: SFR Investments Pool I LLC's Motion for Summary Judgment; MATTER TAKEN UNDER ADVISEMENT. Defendant Wyeth Ranch Community Association's Motion for Summary Judgment; MATTER TAKEN UNDER ADVISEMENT. As to the Motion in Limine set on 8/29/17, COURT ORDERED, matter to be heard 9/12/17. 9/12/17 9:00 AM STATUS CHECK: DECISION 9/12/17 9:00 AM MOTION IN LIMINE TO EXCLUDE TESTIMONY FROM MICHAEL BRUNSON;

08/29/2017



Calendar Call (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Matter Heard;

Journal Entry Details:

COURT ORDERED, pending Motion for Summary Judgment GRANTED; trial date and Motion in Limine VACATED.;

08/29/2017

CANCELED Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated - Previously Decided

Defendant Wyeth Ranch Community Association's Motion for Summary Judgment

09/05/2017

CANCELED Bench Trial (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated

09/12/2017

CANCELED Motion in Limine (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated

Motion in Limine to Exclude Testimony from Michael Brunson

09/12/2017



Status Check (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Status Check: Decision

Matter Heard; Status Check: Decision

Journal Entry Details:

Court advised a decision is pending. Colloquy regarding the order of the summary judgment. Court advised it will be written that the summary judgment is denied but the resolution and legal issues necessarily wraps up the case. Ms. Gilbert so noted and advised she will inform Mr. Merrill.;

10/03/2017



Minute Order (5:00 PM) (Judicial Officer: Bell, Linda Marie)

Minute Order - No Hearing Held; Decision and Order Re: SFR and Wyeth Ranch MSJ

Journal Entry Details:

The Court finds that no genuine issues of material fact remain in this case. the Court DENIES SFR and the HOA's Motions for Summary Judgment. As the parties agree on all the material fact in t his case, the resolution of the legal issues presented on the motions for summary judgment necessarily result in a finding in favor of Marchai.;

11/21/2017



Motion to Retax (9:00 AM) (Judicial Officer: Bell, Linda Marie)

SFR s Motion To Retax And Settle Memorandum Of Costs And Disbursements

Denied;

Journal Entry Details:

Matter called, no parties present. COURT ORDERED, MOTION DENIED. Mr. Merrill to prepare the Order; counsel was notified no one needed to appear.;

04/26/2018

CASE SUMMARY

CASE NO. A-13-689461-C



Motion for Default Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)

SFR Investments Pool 1, LLC's Application for Judgment by Default Against Cristela Perez and U.S. Bank National Association, N.D. on Order Shortening Time

MINUTES

Granted;

Journal Entry Details:

Defendant's witness, Christopher John Hardin, SWORN and TESTIFIED. Defendant's Exhibits ADMITTED (See Worksheets). Ms. Gilbert moved for Judgment. COURT ORDERED, Application for Judgment, GRANTED; Judgment ENTERED as requested. Mr. Merrill stated he will be submitting a similar Motion for Summary Judgment. COURT FURTHER ORDERED, Status Check, SET. 05/24/18 9:00 A.M. STATUS CHECK: STATUS OF CASE;

SCHEDULED HEARINGS



Status Check: Status of Case (05/24/2018 at 9:00 AM) (Judicial Officer: Bell, Linda Marie)

05/24/2018



Status Check: Status of Case (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Judgement entered 4/26/18 - sdg

Matter Heard;

Journal Entry Details:

Court noted the matter had been vacated. Matter Recalled. Lisa Zastrow, Esq. now present. Ms. Zastrow requested matter be placed on calendar for a status check in 30 days. COURT SO ORDERED. 06/21/18 9:00 AM STATUS CHECK: STATUS OF CASE;

06/21/2018



Status Check: Status of Case (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

06/21/2018, 07/19/2018

Continued;

Hearing Set;

Journal Entry Details:

Order shortening time signed in open court and returned to Mr. Merrill for filing. COURT ORDERED, matter SET for Prove Up on August 6, 2018 at 9:15 AM.;

Continued;

Hearing Set;

Journal Entry Details:

Also present, David Markman, Esq. CONFERENCE AT BENCH. Court advised part of the case is now with the Supreme Court and default judgments will be filed for remaining parties. COURT ORDERED, matter CONTINUED for 30 days. CONTINUED TO: 7/19/18 9:00 AM;

08/06/2018



Prove Up (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)

Judgment for the Plaintiff;

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Megan Hummell for the Wyeth Ranch Community Association. Scott Sawyer, SWORN and TESTIFIED via video conferencing. There being no objection, COURT ORDERED, Plaintiff's Proposed Exhibits 1 through 6 ADMITTED into evidence. (See worksheet.) Counsel for Defendants stated they did not have any cross examination. COURT ORDERED, it appears that counsel has established the amounts due and owing after the deed of trust that was properly transferred to the Plaintiff are as follows: principal in the amount of \$430,113.48, interest in the amount of \$96,566.45, and late charges in the amount of \$8,498.56. The Court ENTERS JUDGMENT in favor of the Plaintiff in those amounts. In addition, previously awarded costs in the amount of \$2,752.85 are REDUCED to JUDGMENT at this time. All remaining issues in the case that have previously not been decided are DISMISSED. Proposed judgment executed in open court and returned to counsel for filing.;

09/28/2018



Motion for Attorney Fees (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Motion for Attorney Fees

Granted; Plaintiff's Motion for Attorney Fees

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20

CASE SUMMARY

CASE NO. A-13-689461-C

(e) the motion for attorney s fees is deemed unopposed. After evaluating the Brunzell factors, the request of \$127,142.50 is reasonable and granted in full. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK S NOTE: A copy of this minute order was distributed via the E-Service Master List. /lg 10-1-18;

12/17/2019



Motion to Stay (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Stay Pending Appeal or for Injunction Pending Appeal on Order Shortening Time Granted in Part;

Journal Entry Details:

Following arguments by counsel, COURT ORDERED, motion GRANTED IN PART. Rents from the property will be deposited into a separate interest-bearing account and a monthly accounting needs to be filed with the Court; taxes, HOA fees, insurance, and any maintenance amounts may be deducted with the agreement of opposing counsel. No amounts will be withdrawn without the agreement of opposing counsel except for taxes and HOA assessments. Mr. Merrill advised there are at least 2 violation liens on the property and requested that they be removed posthaste; the most recent one he saw was for about \$3,000. Ms. Gilbert advised the fines that are accounted for as violation liens are non-foreclosable, and they are in negotiations with HOA; one was for fines that were accumulated before they got the property. COURT DIRECTED Ms. Gilbert to provide an update to Mr. Merrill on the progress of the release of the liens; the Court will NOT RELEASE the liens; Mr. Merrill to file a separate motion.;

08/20/2020



Motion for Discovery (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Marchai s Motion to Reopen Discovery on an Order Shortening Time (Third Request)

Granted; countermotion denied.

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Karen Hanks for SFR Investments Pool 1, LLC. All parties appeared by telephone. Mr. Merrill argued in support of reopening discovery in order to take a deposition that will probably be at most half a day; it is unopposed, and they need the deposition to have a full record per the Supreme Court's direction. Following argument in opposition by Mr. Ochoa, COURT ORDERED, motion GRANTED; the 30(b)(6) deposition may go forward; countermotion DENIED; a motion for summary judgment may be filed. Court inquired as to how long the trial will take. Mr. Merrill advised they have very few factual issues and that he hopes the parties can come up with a stipulated statement of facts; so, he thinks the trial may take 2 days. Court so noted. Court further advised it can conduct bench trials during this public health emergency. 11-10-20 9:30 AM CALENDAR CALL 11-16-20 1:30 PM BENCH TRIAL;

11/10/2020

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant Wyeth Ranch Community Association's Motion for Summary Judgment

Denied;

Journal Entry Details:

Parties appeared by telephone. Following arguments by counsel, COURT ORDERED, there are genuine issues of material fact related not only to the super-priority, subpriority application of payments but also disposition of proceeds following the sale; the motion is DENIED.;

11/10/2020



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard; trial to commence 12/1/20

Journal Entry Details:

Parties appeared by telephone. Parties advised that this case will take 2 days to try. Mr. Merrill noted there may be scheduling issues; his wife has a medical issue, and he has a depo; the parties have talked about the 9th and 10th of December. Court stated this will not work and inquired about November 30. Mr. Merrill stated he has one witness who will not be back in town then. Upon inquiry of the Court, counsel advised December 1 and 2 are open. Mr. Martinez noted one housekeeping issue, that at the 2.67 Mr. Merrill brought up his plan to use Mr. Dugan for an issue that is different than what Mr. Dugan was disclosed as an expert for. Court stated it will deal with this at trial; that is an objection that counsel makes at trial as beyond the scope, and the Court will rule. Upon counsel's inquiry regarding the Court's earlier ruling on the additional claim, Court noted application of proceeds may have been part of the good faith and fair dealing claim but that will be litigated at trial. Mr. Martinez asked if they

CASE SUMMARY

CASE NO. A-13-689461-C

can brief the Dugan issue. Court stated counsel are always welcome to file a trial brief in accordance with the Rules. COURT ORDERED, Bench Trial SET to COMMENCE on December 1, 2020. Law Clerk to send out the rules for bench trials. 12-1-20 10:00 AM BENCH TRIAL;

11/12/2020



Minute Order (8:53 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Vacating Bench Trial Scheduled for December 1, 2020

MINUTES

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, Bench Trial scheduled for December 1, 2020 VACATED. Beginning on Friday, November 13, 2020, and until further notice, at the request and suggestion of Governor Sisolak and for the safety of You and our Staff, Department XI has elected to cancel all Settlement Conferences, Trials and Evidentiary Hearings. The Department will be working remotely during this time. These matters will be rescheduled as the public health emergency permits. COURT FURTHER ORDERED, status check SET in this case on the Court's chambers calendar in 3 weeks. 12-4-20 CHAMBERS STATUS CHECK: BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 11-12-20;

SCHEDULED HEARINGS



Status Check (12/04/2020 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/04/2020, 12/18/2020, 12/22/2020

Status Check: Bench Trial

12/01/2020

CANCELED Bench Trial (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Judge

12/04/2020



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/04/2020, 12/18/2020, 12/22/2020

Status Check: Bench Trial

Matter Continued;

Hearing Set; continued to calendar call session for 12/22/20

Matter Heard; BT set to commence on 1/19/21

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Karen Hanks. All parties appeared by telephone. Trial estimated to take 2 to 3 days. There being no objection, COURT ORDERED, Bench Trial SET to COMMENCE on January 19, 2021 at 9:30 a.m.; on the 20th, trial will start at 9 a.m., and on the 21st, at 9:30 a.m. Proposed findings of fact and conclusions of law are to be emailed to the Department by the Friday before (January 15, 2021). Counsel to be present in the courtroom; witnesses may testify in person or testify remotely (AV appearance request and consent to be filed). No new trial setting order will need to be issued. Clerk to send the parties the electronic exhibit protocol. 1-8-21 9:00 AM DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR RECONSIDERATION OR CLARIFICATION UNDER NRCP 60, ALTERNATIVELY MOTION IN LIMINE 1-19-21 9:30 AM BENCH TRIAL 1-20-21 9:00 AM BENCH TRIAL 1-21-21 9:30 AM BENCH TRIAL;

Matter Continued;

Hearing Set; continued to calendar call session for 12/22/20

Matter Heard; BT set to commence on 1/19/21

Journal Entry Details:

COURT ORDERED, matter CONTINUED to the Calendar Call session of December 22, 2020. 12-22-20 9:00 AM STATUS CHECK: BENCH TRIAL 1-8-21 CHAMBERS DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR RECONSIDERATION OR CLARIFICATION UNDER NRCP 60, ALTERNATIVELY MOTION IN LIMINE CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20;

Matter Continued;

Hearing Set; continued to calendar call session for 12/22/20

Matter Heard; BT set to commence on 1/19/21

Journal Entry Details:

COURT ORDERED, matter CONTINUED for 2 weeks. ...12-18-20 - CHAMBERS CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-8-20;

CASE SUMMARY

CASE NO. A-13-689461-C

01/08/2021



Motion For Reconsideration (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant Wyeth Ranch Community Association's Motion for Reconsideration or Clarification Under NRCP 60, Alternatively Motion in Limine

Minute Order - No Hearing Held;

Journal Entry Details:

The Court, having reviewed motion for reconsideration/clarification and the related briefing and being fully informed, states that Plaintiff may raise the identified bad faith issue as it appears to have been broadly included in the pleadings. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-11-21;

01/08/2021



Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Vacating and Resetting Trial Date

MINUTES

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, due to the exposure to the coronavirus by one attorney in this matter, the current bench trial setting of January 19, 2021 is VACATED. Matter RESET for trial on the February 2021 stack with Calendar Call on February 2, 2021. 2-2-21 9:30 AM CALENDAR CALL 2-8-21 1:30 PM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-11-21 ;

SCHEDULED HEARINGS



Calendar Call (02/02/2021 at 9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)



Bench Trial (02/22/2021 at 10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

01/19/2021

CANCELED Bench Trial (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Judge

02/02/2021



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Parties appeared by telephone. COURT ORDERED, bench trial SET for February 22 - 24, 2021, COMMENCING at 10:30 a.m. on the 22nd. Clerk to email the electronic exhibit protocol. Proposed findings of fact and conclusions of law in Word format DUE on February 19, 2021 at noon. 2-22-21 10:30 AM BENCH TRIAL CLERK'S NOTE: Counsel to be present in the courtroom with face coverings; witnesses may testify by audiovisual (AV) means; an AV request form and consent must be filed.;

02/22/2021



Bench Trial (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

no objection by the parties

Decision Made; status check on Court's decision 3/5/21

Journal Entry Details:

DAY 1 Nicholas Tomassetti of Courts I.T. verified the electronic exhibit drives on the record and endorsed them to the Clerk. Per counsel's representation, COURT ORDERED, proposed exhibits 1, 4 through 10, 112, 114, 116 through 120, 122 through 141, 143, and 144 ADMITTED per the parties' stipulation. Opening statements WAIVED. Testimony and exhibits presented. (See worksheet.) Ms. Hanks argued the expert Mr. Dugan's testimony will be outside the scope of his designation as an expert. Response by Mr. Merrill. COURT DIRECTED counsel to bring a copy of his expert designation after the lunch break. LUNCH RECESS. Testimony and exhibits continued. (See worksheet.) Following arguments by Ms. Hanks and Mr. Merrill regarding Ms. Hanks' 52(c) motion, COURT ORDERED, motion DENIED based on the conflict between the testimony of Ms. Saucedo and the written document Exhibit 45. Defendant's case-in-chief commenced. Testimony and exhibits presented. At the hour of 3:27 pm, Defendants RESTED. Mr. Merrill advised Plaintiff had no rebuttal case. Closing

CASE SUMMARY

CASE NO. A-13-689461-C

arguments. COURT ORDERED, matter will STAND SUBMITTED. Matter SET for status check on the Court's decision in 2 weeks. 3-5-21 CHAMBERS STATUS CHECK: COURT'S DECISION;

03/05/2021



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Court's Decision

Matter Continued;

FFCL filed 3/8/21.

Journal Entry Details:

Matter continued one week. CONTINUED TO: 3/12/21 - CHAMBERS CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

04/16/2021



Motion to Retax (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

SFR's Motion to Retax and Settle Memorandum of Costs and Disbursements

Granted in Part;

Journal Entry Details:

The Court having reviewed SFR S Motion To Retax and the related briefing and being fully informed, COURT ORDERED, motion GRANTED IN PART. The mediation fee and parking fees are disallowed. Remaining costs awarded jointly against SFR and Perez. COURT ORDERED, counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ js (4-22-21);

04/30/2021



Motion for Attorney Fees (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff Motion for Attorney Fees

Motion Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e), the Plaintiff s Motion for Fees is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. After evaluation of the Brunzell factors, fees as requested are APPROVED. COURT FURTHER ORDERED, moving counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / js (5-3-21);

05/07/2021

Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs

Motion Denied;

05/07/2021

Motion to Retax (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Marchai, B.T.'s Motion to Retax and Settle the Costs

Motion Denied;

05/07/2021



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR ATTORNEY'S FEES AND COSTS...MARCHAI, B.T.'S MOTION TO RETAX AND SETTLE THE COSTS The Court having reviewed DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR ATTORNEY'S FEES AND COSTS, MARCHAI, B.T.'S MOTION TO RETAX AND SETTLE THE COSTS, and the related briefing and being fully informed, COURT ORDERED, the motion for attorney's fees is DENIED, COURT FURTHER ORDERED, the motion to retax is DENIED, and COURT ADDITIONALLY ORDERED, AWARDS reasonable costs of \$1524.14. While Wyeth Ranch prevailed on claims against it, because of the issues related to the inconsistent evidence presented by the HOA with respect to the application of payments, the Court DECLINES to exercise discretion to award attorney's

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-13-689461-C

fees. The OJ was not reasonable in amount given the potential preclusive effect and the failure to accept the offer of judgment was not unreasonable because of the potential preclusive effect of acceptance given the broad language of the OJ. Under Schouwiler, the costs awarded may be passed through to SFR. Counsel for Plaintiff is DIRECTED to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject, but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. /js (5-7-21);

DATE

FINANCIAL INFORMATION

Cross Claimant SFR Investments Pool I LLC

Total Charges 649.00

Total Payments and Credits 649.00

Balance Due as of 6/15/2021 0.00

Consolidated Case Party Wyeth Ranch Community Association

Total Charges 200.00

Total Payments and Credits 200.00

Balance Due as of 6/15/2021 0.00

Defendant SFR Investments Pool 1, LLC

Total Charges 24.00

Total Payments and Credits 24.00

Balance Due as of 6/15/2021 0.00

Defendant Wyeth Ranch Community Association

Total Charges 224.00

Total Payments and Credits 224.00

Balance Due as of 6/15/2021 0.00

Plaintiff Marchai B T Bank Trust

Total Charges 494.00

Total Payments and Credits 494.00

Balance Due as of 6/15/2021 0.00

Plaintiff Marchai B T Bank Trust

Appeal Bond Balance as of 6/15/2021 500.00

CIVIL COVER SHEET

Clark County, Nevada

Case No. _____

(Assigned by Clerk's Office)

A- 1 3 - 689461 - C

XXVI

I. Party Information

Plaintiff(s) (name/address/phone):

MARCHI B.T.

Attorney (name/address/phone):

Benjamin D. Petiprin, Esq. (NV Bar 11681)
 Law Offices of Les Zieve
 3753 Howard Hughes Parkway, Suite 200
 Las Vegas, Nevada 89169
 Tel: (702) 948-856 Fax: (702) 446-989

Defendant(s) (name/address/phone):

CRISTELA PEREZ, ET. AL.

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> Title to Property <input checked="" type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

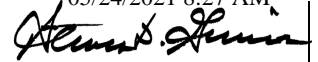
<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104 Art. 8)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	

September 30, 2013

Date

/s/ Benjamin D. Petiprin

Signature of initiating party or representative


CLERK OF THE COURT

DAVID J. MERRILL, P.C.
10161 PARK RUN DRIVE, SUITE 150
LAS VEGAS, NEVADA 89145
(702) 566-1935

ODM
David J. Merrill
Nevada Bar No. 6060
David J. Merrill, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 566-1935
Facsimile: (702) 993-8841
Email: david@djmerrillpc.com
Attorney for Marchai, B.T.

DISTRICT COURT
CLARK COUNTY, NEVADA

MARCHAI, B.T., a Nevada business trust,

Plaintiff,

v.

CRISTELA PEREZ, an individual; *et al.*

Defendants.

Case No.: A-13-689461-C

Dept. No. XI

Consolidated with: A-16-742327-C

AND ALL RELATED CLAIMS AND AC-
TIONS

**Order Denying Defendant Wyeth Ranch Community Association's Mo-
tion for Attorney's Fees and Costs**

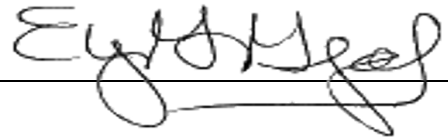
Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs came before the Court, in chambers, on the 7th day of May 2021. The Court, having considered the motion, Marchai, B.T.'s opposition, the reply, and good cause appearing therefor:

It is ordered that the motion is **denied**.

The Court declines to award attorney's fees to Wyeth Ranch as a prevailing party. Although the Court concluded that Wyeth Ranch prevailed on Marchai's claims, the Court declines to exercise its discretion to award attorney's fees because of issues related to the inconsistent evidence Wyeth Ranch presented about applying the homeowner's payments.

The Court also declines to exercise its discretion to award attorney's fees to Wyeth Ranch under N.R.C.P. 68. After considering the factors under *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268 (1983), the Court concludes Marchai brought its claims against Wyeth Ranch in good faith. Further, the Court concludes that Wyeth Ranch's offer of judgment was not reasonable in amount given the potentially preclusive effect of the offer of judgment. Moreover, Marchai reasonably refused to accept the offer of judgment given the potentially preclusive effect of acceptance given the broad language of Wyeth Ranch's offer of judgment.

Dated this 24th day of May, 2021



F6A B0C D054 C221
Elizabeth Gonzalez
District Court Judge

Submitted by:

David J. Merrill, P.C.

By: /s/ David J. Merrill
David J. Merrill
Nevada Bar No. 6060
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 566-1935
Attorney for Marchai, B.T.

Approved as to form:

Lipson Neilson P.C.

By: /s/ David T. Ochoa
David T. Ochoa
Nevada Bar No. 10414
9900 Covington Cross Drive, Suite
120
Las Vegas, Nevada 89144
(702) 382-1500
Attorneys for Wyeth Ranch Community Association



David Merrill <david@djmerillpc.com>

RE: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees

1 message

David Ochoa <DOchoa@lipsonneilson.com>
To: David Merrill <david@djmerillpc.com>

Thu, May 20, 2021 at 8:15 PM

David, you may use my e-signature.

David



David Ochoa, Esq.

Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120

Las Vegas, Nevada 89144

702-382-1500

702-382-1512 (fax)

E-Mail: dochoa@lipsonneilson.com

Website: www.lipsonneilson.com

OFFICES IN NEVADA, MICHIGAN, ARIZONA & COLORADO *****

CONFIDENTIALITY NOTICE

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on the contents of this information is prohibited and may be unlawful. If you receive this message in error, or are not the named recipient(s), please notify the sender, delete this e-mail from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.

From: David Merrill <david@djmerillpc.com>
Sent: Thursday, May 20, 2021 7:26 AM
To: David Ochoa <DOchoa@lipsonneilson.com>
Subject: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees

David,

I have attached for your review and approval a draft of the Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees. I must submit to the Court tomorrow. Please review and advise if you have any changes or if I may submit to the Court with your electronic signature. Thank you.

--

David J. Merrill

David J. Merrill, P.C.

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

Office: (702) 566-1935

Mobile: (702) 577-0268

Fax: (702) 993-8841

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Marchai B T Bank Trust,
Plaintiff(s)

CASE NO: A-13-689461-C

7 vs.

DEPT. NO. Department 11

8
9 Cristela Perez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

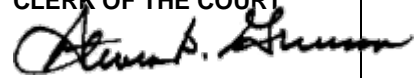
14 Service Date: 5/24/2021

15 David J. Merrill .	david@djmerrillpc.com
16 Diana Cline Ebron .	diana@kgelegal.com
17 E-Service for Kim Gilbert Ebron .	eservice@kgelegal.com
18 Kaleb Anderson .	kanderson@lipsonneilson.com
19 Michael L. Sturm .	mike@kgelegal.com
20 Renee Rittenhouse .	rrittenhouse@lipsonneilson.com
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23 KGE Legal Staff	staff@kgelegal.com
24 KGE E-Service List	eservice@kgelegal.com
25 Diana Ebron	diana@kgelegal.com

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Candi Fay	candifay@kgelegal.com



1 **NEOJ**
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2 Nevada Bar No. 6060
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3 10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
4 Telephone: (702) 566-1935
Facsimile: (702) 993-8841
5 E-mail: david@djmerillpc.com
Attorney for Marchai, B.T.
6
7

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 MARCHAI, B.T., a Nevada business trust,
11 Plaintiff,

12 v.

13 CRISTELA PEREZ, an individual; *et al.*
14 Defendants.

Case No.: A-13-689461-C
Dept. No. XI

Consolidated with: A-16-742327-C

15
16 AND ALL RELATED CLAIMS AND AC-
TIONS
17

18 **Notice of Entry of Order**

19 **Take notice** that on the 24th day of May 2021, the Court entered an Order Denying De-
20 fendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs, a copy
21 of which is attached.

22 Dated this 2nd day of June 2021.

23 David J. Merrill, P.C.

24
25 By: /s/ David J. Merrill
David J. Merrill
26 Nevada Bar No. 6060
10161 Park Run Drive, Suite 150
27 Las Vegas, Nevada 89145
(702) 566-1935
28 Attorney for Marchai, B.T.

DAVID J. MERRILL, P.C.
10161 PARK RUN DRIVE, SUITE 150
LAS VEGAS, NEVADA 89145
(702) 566-1935

Certificate of Service

I hereby certify that on the 2nd day of June 2021, a copy of the Notice of Entry of Order was served electronically to the following through the Court's electronic service system:

Kim Gilbert Ebron

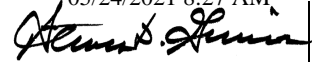
Diana Cline Ebron	diana@kgelegal.com
E-Service for Kim Gilbert Ebron	eservice@kgelegal.com
Michael L. Sturm	mike@kgelegal.com
Tomas Valerio	staff@kgelegal.com
Candi Fay	candifay@kgelegal.com

Lipson, Neilson, Cole, Seltzer & Garin, P.C.

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Susana Nutt	snutt@lipsonneilson.com
Juan Cerezo	jcerezo@lipsonneilson.com
David Ochoa	dochoa@lipsonneilson.com

/s/ David J. Merrill

An employee of David J. Merrill, P.C.


CLERK OF THE COURT

DAVID J. MERRILL, P.C.
10161 PARK RUN DRIVE, SUITE 150
LAS VEGAS, NEVADA 89145
(702) 566-1935

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9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 MARCHAI, B.T., a Nevada business trust,

12 Plaintiff,

13 v.

14 CRISTELA PEREZ, an individual; *et al.*

15 Defendants.
16

17 AND ALL RELATED CLAIMS AND AC-
TIONS
18

Case No.: A-13-689461-C

Dept. No. XI

Consolidated with: A-16-742327-C

19 **Order Denying Defendant Wyeth Ranch Community Association's Mo-**
20 **tion for Attorney's Fees and Costs**

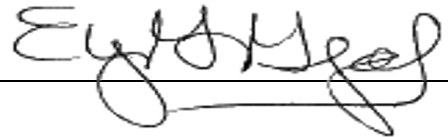
21 Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and
22 Costs came before the Court, in chambers, on the 7th day of May 2021. The Court, having con-
sidered the motion, Marchai, B.T.'s opposition, the reply, and good cause appearing therefor:

23 **It is ordered** that the motion is **denied**.

24 The Court declines to award attorney's fees to Wyeth Ranch as a prevailing party. Alt-
25 hough the Court concluded that Wyeth Ranch prevailed on Marchai's claims, the Court declines
26 to exercise its discretion to award attorney's fees because of issues related to the inconsistent evi-
27 dence Wyeth Ranch presented about applying the homeowner's payments.
28

The Court also declines to exercise its discretion to award attorney's fees to Wyeth Ranch under N.R.C.P. 68. After considering the factors under *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268 (1983), the Court concludes Marchai brought its claims against Wyeth Ranch in good faith. Further, the Court concludes that Wyeth Ranch's offer of judgment was not reasonable in amount given the potentially preclusive effect of the offer of judgment. Moreover, Marchai reasonably refused to accept the offer of judgment given the potentially preclusive effect of acceptance given the broad language of Wyeth Ranch's offer of judgment.

Dated this 24th day of May, 2021



F6A B0C D054 C221
Elizabeth Gonzalez
District Court Judge

Submitted by:

David J. Merrill, P.C.

By: /s/ David J. Merrill
David J. Merrill
Nevada Bar No. 6060
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 566-1935
Attorney for Marchai, B.T.

Approved as to form:

Lipson Neilson P.C.

By: /s/ David T. Ochoa
David T. Ochoa
Nevada Bar No. 10414
9900 Covington Cross Drive, Suite
120
Las Vegas, Nevada 89144
(702) 382-1500
Attorneys for Wyeth Ranch Community Association



David Merrill <david@djmerillpc.com>

RE: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees

1 message

David Ochoa <DOchoa@lipsonneilson.com>
To: David Merrill <david@djmerillpc.com>

Thu, May 20, 2021 at 8:15 PM

David, you may use my e-signature.

David



David Ochoa, Esq.

Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120

Las Vegas, Nevada 89144

702-382-1500

702-382-1512 (fax)

E-Mail: dochoa@lipsonneilson.com

Website: www.lipsonneilson.com

OFFICES IN NEVADA, MICHIGAN, ARIZONA & COLORADO *****

CONFIDENTIALITY NOTICE

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on the contents of this information is prohibited and may be unlawful. If you receive this message in error, or are not the named recipient(s), please notify the sender, delete this e-mail from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.

From: David Merrill <david@djmerillpc.com>
Sent: Thursday, May 20, 2021 7:26 AM
To: David Ochoa <DOchoa@lipsonneilson.com>
Subject: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees

David,

I have attached for your review and approval a draft of the Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees. I must submit to the Court tomorrow. Please review and advise if you have any changes or if I may submit to the Court with your electronic signature. Thank you.

--

David J. Merrill

David J. Merrill, P.C.

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

Office: (702) 566-1935

Mobile: (702) 577-0268

Fax: (702) 993-8841

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Marchai B T Bank Trust,
Plaintiff(s)

CASE NO: A-13-689461-C

7 vs.

DEPT. NO. Department 11

8
9 Cristela Perez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Denying Motion 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: 5/24/2021

15 David J. Merrill . david@djmerrillpc.com

16 Diana Cline Ebron . diana@kgelegal.com

17 E-Service for Kim Gilbert Ebron . eservice@kgelegal.com

18 Kaleb Anderson . kanderson@lipsonneilson.com

19 Michael L. Sturm . mike@kgelegal.com

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21 Susana Nutt . snutt@lipsonneilson.com

22 Tomas Valerio . staff@kgelegal.com

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24 KGE E-Service List eservice@kgelegal.com

25 Diana Ebron diana@kgelegal.com

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Juan Cerezo	jcerezo@lipsonneilson.com
Candi Fay	candifay@kgelegal.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 04, 2014

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

November 04, 2014 9:00 AM Status Check

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Linda Denman

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cline, Diana S. Attorney
Petiprin, Benjamin D., ESQ Attorney

JOURNAL ENTRIES

- At STATUS CHECK: STAY, counsel requested Court lift stay and allow them to proceed in ordinary course. COURT SO ORDERED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 11, 2015

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

August 11, 2015 10:30 AM Motion to Coordinate

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Billie Jo Craig

RECORDER: Carrie Hansen

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT SFR INVESTMENTS POOL 1 LLC'S MOTION FOR PRE-TRIAL COORDINATION
ON ORDER SHORTENING TIME

Attorneys Edgar Smith, Richard Vilkin, Diana Cline, Karen Hanks present.
Sign-up sheets Left Side Filed in A662394: Robert Anderlik, Taylor Anello, Thomas N. Beckom, Jonathan D. Blum, Darren Brenner, Michael Brooks, Diana Cline, Britannica Collins, Chelsea Crowton, Peter Dunkley, Jessica Friedman, Charles Geisendorf, David Gluth, Karen Hanks, Joshua O. Igeleke, Michael Li, Steven Loizzi Jr., Elizabeth Lowell, Erica D. Loyd, Matthew McAlonis, David J. Merrill, Patrick Orme, Robin Perkins, Benjamin Petiprin (appeared telephonically), Edgar C. Smith, Kevin S. Soderstrom, Ashlie Surer, Abe Vigil, Richard Vilkin, Shawn Walkenshaw, David Winterton.

Upon inquiry of the Court, Ms. Hanks advised the Motion was filed and heard in this Court as this Court had the lowest case number. Colloquy regarding coordinating the HOA cases as to Discovery, Trials, and witness availability. Counsel suggested a more specific Case Management Plan for a Special Discovery Master to deal with these cases as the various District Court Judges thoughts vary. Court noted he talked briefly with Chief Judge David Barker and Chief Civil Judge Betsy Gonzalez. The Court noted Court Administration would be interested in addressing this issue. Court inquired if Ms. Hanks would be the point of contact, and she advised she would. She provided her E-mail

address:

Karen@hkimlaw.com

Statement by Mr. Vilkin regarding having a meeting first to determine what counsel will agree on as to the Case Management Plan.

Statements from Attorney Surur regarding coordination for Discovery procedures and noted her two cases where one was Dismissed and the other was pending a Motion to Dismiss where the Court had no jurisdiction.

Statements from Attorney Brooks, who had multiple cases, regarding setting deadlines for counsel to submit a plan to in-house counsel, which may take 2 to 3 weeks.

Attorney Brenner advised a Case Management Plan would first be needed as there are 10 different banks and in-house counsel. He would then be in a position to respond.

COURT ORDERED, Ms. Hanks to submit a Proposed Case Management Plan to counsel by 8/25/15. Counsel to respond by 9/29/15. Matter SET for Status Check: Proposed Case Management Plan to determine when a Continued Hearing on this Motion to Coordinate to be heard.

9/1/15 10:30 AM STATUS CHECK: PROPOSED CASE MANAGEMENT PLAN
(IN A662394 ONLY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 16, 2016

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

February 16, 2016 9:00 AM All Pending Motions

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Hanks, Karen Attorney
 Merrill, David J Attorney

JOURNAL ENTRIES

- Colloquy regarding transfer of the case. Court advised when this case was transferred from department 26, the trial date remained on that calendar; as trial should be scheduled in department 7. Mr. Merrill advised the Court's view on the summary judgment and any issues of fact will decide when trial should be set. No opposition by Ms. Hanks.

Following extensive arguments by Counsel as to SFR Investments Pool 1, LLC's Motion for Summary Judgment and Marchai, B.T.'s Motion for Summary Judgment, COURT ORDERED, MATTERS TAKEN UNDER ADVISEMENT.

Reply in Support of Motion for Summary Judgment and Counter - Motion for Summary Judgment and Counter - Motions to Strike Pursuant to NRCP Rule 37(d) and EDCR 2.20 (a); OFF CALENDAR

Court further advised following a decision on the motions for summary judgment, trial date will be discussed. Parties so noted.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	March 22, 2016
--------------------------	----------------------	-----------------------

A-13-689461-C	Marchai B T Bank Trust, Plaintiff(s) vs. Cristela Perez, Defendant(s)
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March 22, 2016	9:40 AM	Minute Order
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HEARD BY: Bell, Linda Marie	COURTROOM: RJC Courtroom 03B
------------------------------------	-------------------------------------

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Decision

The Court finds that genuine issues of material fact remain in this case. the Court DENIES SFR and Marchai's Motions for Summary Judgment and SFR's Motion to Strike.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 25, 2016

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

August 25, 2016 9:00 AM Motion for Leave

HEARD BY: Hardcastle, Kathy **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Hanks, Karen Attorney
 Merrill, David J Attorney

JOURNAL ENTRIES

- Marchai, BT's Motion on Order Shortening Time, for Leave to File and Amended Complaint

Ms. Hanks advised she misread the order and is orally opposing the motion at this time. Mr. Merrill advised the statute comes into play in three years which runs on Sunday. COURT ORDERED, case STAYED three (3) months and a status check will be SET. Colloquy regarding bring in additional parties. Mr. Merrill advised he will file a complaint and move to consolidate. Court so noted.

12/1/16 9:00 AM STATUS CHECK: STATUS OF CASE / STAY

12/1/16 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

December 01, 2016

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

December 01, 2016 9:00 AM Status Check

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
 Merrill, David J Attorney

JOURNAL ENTRIES

- Status Check: Status of Case / Stay

Court advised it is not inclined to wait for the decision by the Nevada Supreme Court and ORDERED, stay LIFTED and trial date SET.

Mr. Merrill advised a motion to amend was filed then the case was stayed, to preserve the claims, a new action was filed in DC XXXI. COURT ORDERED, this case CONSOLIDATED with A-16-742327-C. Ms. Gilbert advised no opposition to consolidation. Colloquy regarding trial setting. COURT FURTHER ORDERED, a status check date SET.

1/3/17 9:00 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	January 03, 2017
--------------------------	----------------------	-------------------------

A-13-689461-C	Marchai B T Bank Trust, Plaintiff(s) vs. Cristela Perez, Defendant(s)
---------------	---

January 03, 2017 9:00 AM All Pending Motions

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Gilbert, Jacqueline	Attorney
	Merrill, David J	Attorney

JOURNAL ENTRIES

- Ms. J. Funai Esq. present on behalf of Wyeth ranch Community Association

Following extensive arguments by Counsel, COURT ORDERED as follows:

Defendnat Wyeth Ranch Community Associations Motion to Dismiss; DENIED as to Failure to Medicate under 38.310(1)(a) and GRANTED as to Quiet Title.

SFR Investments Pool 1, LLC's Motion to Dismiss With Prejudice Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and EDCR 7.10(B) and Motion to Strike Pleading Pursuant to NRCP 12(f); MOOT

Wyeth Ranch Community Association's Joinder to SFR Investments Pool 1, LLC's Motion to Dismiss With Prejudice Plaintiff's Complaint Pursuant to NRP 12(b)(1) and EDCR 7.10(B) and Motion to Strike Pleading Pursuant to NRCP 12(f); MOOT.

8/29/17 9:00 AM CALENDAR CALL

9/5/17 9:00 AM BENCH TRIAL

PRINT DATE: 06/15/2021

Page 8 of 43

Minutes Date: November 04, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****June 22, 2017**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

June 22, 2017 9:00 AM Status Conference

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Gilbert, Jacqueline	Attorney
	Hummel, Megan	Attorney
	Merrill, David J	Attorney

JOURNAL ENTRIES

- Status Conference

Mr. Merrill advised discovery is completed and responses and answers will be filed next week. Upon the Court's inquiry, dispositive motions are due by July 21 which Mr. Merrill does not anticipate. As to the supplemental joint case conference report requesting a settlement conference, parties advised they have not had discussions as such. Court advised although a settlement conference is encouraged, the trial will not be continued thereto; further stating parties can contact departments individually to schedule the conference. Court reviewed the DC VII trial handout.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 22, 2017

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

August 22, 2017 9:00 AM All Pending Motions

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
 Hummel, Megan Attorney
 Merrill, David J Attorney

JOURNAL ENTRIES

- SFR Investments Pool I LLC's Motion for Summary Judgment... Defendant Wyeth Ranch Community Association's Motion for Summary Judgment...

Colloquy regarding scheduling as there was a discrepancy as to setting the motions on calendar. Both Ms. Gilbert and Ms. Hummel advised the reply was filed yesterday, but are ready to proceed. Court reviewed the reply.

Following extensive arguments by Counsel, COURT ORDERED, the following:

SFR Investments Pool I LLC's Motion for Summary Judgment; MATTER TAKEN UNDER ADVISEMENT.

Defendant Wyeth Ranch Community Association's Motion for Summary Judgment; MATTER TAKEN UNDER ADVISEMENT.

As to the Motion in Limine set on 8/29/17, COURT ORDERED, matter to be heard 9/12/17.

PRINT DATE: 06/15/2021

Page 11 of 43

Minutes Date: November 04, 2014

9/12/17 9:00 AM STATUS CHECK: DECISION

9/12/17 9:00 AM MOTION IN LIMINE TO EXCLUDE TESTIMONY FROM MICHAEL BRUNSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 29, 2017

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

August 29, 2017 9:00 AM Calendar Call

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry
Elizabeth Vargas

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
Kim, Howard C. Attorney
Merrill, David J Attorney

JOURNAL ENTRIES

- COURT ORDERED, pending Motion for Summary Judgment GRANTED; trial date and Motion in Limine VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 12, 2017

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

September 12, 2017 9:00 AM

Status Check

**Status Check:
Decision**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney

JOURNAL ENTRIES

- Court advised a decision is pending. Colloquy regarding the order of the summary judgment. Court advised it will be written that the summary judgment is denied but the resolution and legal issues necessarily wraps up the case. Ms. Gilbert so noted and advised she will inform Mr. Merrill.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 03, 2017

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

October 03, 2017

5:00 PM

Minute Order

**Decision and Order
Re: SFR and Wyeth
Ranch MSJ**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court finds that no genuine issues of material fact remain in this case. the Court DENIES SFR and the HOA's Motions for Summary Judgment. As the parties agree on all the material fact in t his case, the resolution of the legal issues presented on the motions for summary judgment necessarily result in a finding in favor of Marchai.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 21, 2017

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

November 21, 2017 9:00 AM Motion to Retax

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Phyllis Irby

RECORDER: Gail Reiger

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Matter called, no parties present. COURT ORDERED, MOTION DENIED. Mr. Merrill to prepare the Order; counsel was notified no one needed to appear.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	April 26, 2018
A-13-689461-C	Marchai B T Bank Trust, Plaintiff(s) vs. Cristela Perez, Defendant(s)	

April 26, 2018	9:00 AM	Motion for Default Judgment
-----------------------	----------------	------------------------------------

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK:

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
Merrill, David J Attorney

JOURNAL ENTRIES

- Defendant's witness, Christopher John Hardin, SWORN and TESTIFIED. Defendant's Exhibits ADMITTED (See Worksheets). Ms. Gilbert moved for Judgment. COURT ORDERED, Application for Judgment, GRANTED; Judgment ENTERED as requested. Mr. Merrill stated he will be submitting a similar Motion for Summary Judgment. COURT FURTHER ORDERED, Status Check, SET.

05/24/18 9:00 A.M. STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 24, 2018

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

May 24, 2018

9:00 AM

**Status Check: Status of
Case**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 03B

COURT CLERK: Nancy Maldonado

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Hanks, Karen

Attorney

JOURNAL ENTRIES

- Court noted the matter had been vacated.

Matter Recalled. Lisa Zastrow, Esq. now present. Ms. Zastrow requested matter be placed on calendar for a status check in 30 days. COURT SO ORDERED.

06/21/18 9:00 AM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	June 21, 2018
--------------------------	----------------------	----------------------

A-13-689461-C	Marchai B T Bank Trust, Plaintiff(s) vs. Cristela Perez, Defendant(s)
---------------	---

June 21, 2018	9:00 AM	Status Check: Status of Case
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HEARD BY: Bell, Linda Marie	COURTROOM: RJC Courtroom 15A
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COURT CLERK: Lauren Kidd

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Gilbert, Jacqueline	Attorney
	Merrill, David J	Attorney

JOURNAL ENTRIES

- Also present, David Markman, Esq. CONFERENCE AT BENCH. Court advised part of the case is now with the Supreme Court and default judgments will be filed for remaining parties. COURT ORDERED, matter CONTINUED for 30 days.

CONTINUED TO: 7/19/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 19, 2018

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

July 19, 2018

9:00 AM

**Status Check: Status of
Case**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
 Hummel, Megan Attorney
 Merrill, David J Attorney

JOURNAL ENTRIES

- Order shortening time signed in open court and returned to Mr. Merrill for filing. COURT ORDERED, matter SET for Prove Up on August 6, 2018 at 9:15 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****August 06, 2018**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

August 06, 2018 9:15 AM Prove Up

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
Merrill, David J Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Megan Hummell for the Wyeth Ranch Community Association.

Scott Sawyer, SWORN and TESTIFIED via video conferencing. There being no objection, COURT ORDERED, Plaintiff's Proposed Exhibits 1 through 6 ADMITTED into evidence. (See worksheet.) Counsel for Defendants stated they did not have any cross examination. COURT ORDERED, it appears that counsel has established the amounts due and owing after the deed of trust that was properly transferred to the Plaintiff are as follows: principal in the amount of \$430,113.48, interest in the amount of \$96,566.45, and late charges in the amount of \$8,498.56. The Court ENTERS JUDGMENT in favor of the Plaintiff in those amounts. In addition, previously awarded costs in the amount of \$2,752.85 are REDUCED to JUDGMENT at this time. All remaining issues in the case that have previously not been decided are DISMISSED. Proposed judgment executed in open court and returned to counsel for filing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	September 28, 2018
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A-13-689461-C	Marchai B T Bank Trust, Plaintiff(s) vs. Cristela Perez, Defendant(s)
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September 28, 2018	3:00 AM	Motion for Attorney Fees	Plaintiff's Motion for Attorney Fees
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HEARD BY: Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Louisa Garcia**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion for attorney s fees is deemed unopposed. After evaluating the Brunzell factors, the request of \$127,142.50 is reasonable and granted in full. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK S NOTE: A copy of this minute order was distributed via the E-Service Master List. /lg 10-1-18

December 17, 2019

Minutes Date: November 04, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****August 20, 2020**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

August 20, 2020 9:00 AM Motion for Discovery countermotion denied.

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Merrill, David J Attorney
 Ochoa, David Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Karen Hanks for SFR Investments Pool 1, LLC.

All parties appeared by telephone.

Mr. Merrill argued in support of reopening discovery in order to take a deposition that will probably be at most half a day; it is unopposed, and they need the deposition to have a full record per the Supreme Court's direction. Following argument in opposition by Mr. Ochoa, COURT ORDERED, motion GRANTED; the 30(b)(6) deposition may go forward; countermotion DENIED; a motion for summary judgment may be filed.

Court inquired as to how long the trial will take. Mr. Merrill advised they have very few factual issues and that he hopes the parties can come up with a stipulated statement of facts; so, he thinks the trial may take 2 days. Court so noted. Court further advised it can conduct bench trials during this public health emergency.

11-10-20 9:30 AM CALENDAR CALL

PRINT DATE: 06/15/2021

Page 24 of 43

Minutes Date: November 04, 2014

A-13-689461-C

11-16-20

1:30 PM

BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 10, 2020

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

**November 10, 2020 9:00 AM Motion for Summary
Judgment**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Merrill, David J Attorney
 Ochoa, David Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Following arguments by counsel, COURT ORDERED, there are genuine issues of material fact related not only to the super-priority, subpriority application of payments but also disposition of proceeds following the sale; the motion is DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****November 10, 2020**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

**November 10, 2020 9:30 AM Calendar Call trial to commence
12/1/20**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Martinez, Jason G.	Attorney
	Merrill, David J	Attorney
	Ochoa, David	Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Parties advised that this case will take 2 days to try. Mr. Merrill noted there may be scheduling issues; his wife has a medical issue, and he has a depo; the parties have talked about the 9th and 10th of December. Court stated this will not work and inquired about November 30. Mr. Merrill stated he has one witness who will not be back in town then. Upon inquiry of the Court, counsel advised December 1 and 2 are open.

Mr. Martinez noted one housekeeping issue, that at the 2.67 Mr. Merrill brought up his plan to use Mr. Dugan for an issue that is different than what Mr. Dugan was disclosed as an expert for. Court stated it will deal with this at trial; that is an objection that counsel makes at trial as beyond the scope, and the Court will rule. Upon counsel's inquiry regarding the Court's earlier ruling on the additional claim, Court noted application of proceeds may have been part of the good faith and fair dealing claim but that will be litigated at trial. Mr. Martinez asked if they can brief the Dugan issue. Court stated counsel are always welcome to file a trial brief in accordance with the Rules.

COURT ORDERED, Bench Trial SET to COMMENCE on December 1, 2020. Law Clerk to send out the rules for bench trials.

12-1-20 10:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 12, 2020

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

November 12, 2020 8:53 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Bench Trial scheduled for December 1, 2020 VACATED.

Beginning on Friday, November 13, 2020, and until further notice, at the request and suggestion of Governor Sisolak and for the safety of You and our Staff, Department XI has elected to cancel all Settlement Conferences, Trials and Evidentiary Hearings.

The Department will be working remotely during this time. These matters will be rescheduled as the public health emergency permits.

COURT FURTHER ORDERED, status check SET in this case on the Court's chambers calendar in 3 weeks.

12-4-20 CHAMBERS

STATUS CHECK: BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 11-12-20

PRINT DATE: 06/15/2021

Page 29 of 43

Minutes Date: November 04, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

December 04, 2020

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

December 04, 2020 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for 2 weeks.

...12-18-20 - CHAMBERS

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-8-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	December 18, 2020
A-13-689461-C	Marchai B T Bank Trust, Plaintiff(s) vs. Cristela Perez, Defendant(s)	

December 18, 2020	3:00 AM	Status Check	continued to calendar call session for 12/22/20
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to the Calendar Call session of December 22, 2020.

12-22-20	9:00 AM	STATUS CHECK: BENCH TRIAL
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1-8-21	CHAMBERS	DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR RECONSIDERATION OR CLARIFICATION UNDER NRCP 60, ALTERNATIVELY MOTION IN LIMINE
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CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****December 22, 2020**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

December 22, 2020**9:00 AM****Status Check****BT set to commence
on 1/19/21****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Martinez, Jason G.
Merrill, David J
Ochoa, David

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Karen Hanks.

All parties appeared by telephone.

Trial estimated to take 2 to 3 days. There being no objection, COURT ORDERED, Bench Trial SET to COMMENCE on January 19, 2021 at 9:30 a.m.; on the 20th, trial will start at 9 a.m., and on the 21st, at 9:30 a.m. Proposed findings of fact and conclusions of law are to be emailed to the Department by the Friday before (January 15, 2021). Counsel to be present in the courtroom; witnesses may testify in person or testify remotely (AV appearance request and consent to be filed). No new trial setting order will need to be issued. Clerk to send the parties the electronic exhibit protocol.

1-8-21 9:00 AM DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S
MOTION FOR RECONSIDERATION OR CLARIFICATION UNDER NRCP 60, ALTERNATIVELY
MOTION IN LIMINE

A-13-689461-C

1-19-21	9:30 AM	BENCH TRIAL
1-20-21	9:00 AM	BENCH TRIAL
1-21-21	9:30 AM	BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

January 08, 2021

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

January 08, 2021 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, due to the exposure to the coronavirus by one attorney in this matter, the current bench trial setting of January 19, 2021 is VACATED. Matter RESET for trial on the February 2021 stack with Calendar Call on February 2, 2021.

2-2-21 9:30 AM CALENDAR CALL

2-8-21 1:30 PM BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-11-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 02, 2021

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

February 02, 2021 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Hanks, Karen	Attorney
	Merrill, David J	Attorney
	Ochoa, David	Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

COURT ORDERED, bench trial SET for February 22 - 24, 2021, COMMENCING at 10:30 a.m. on the 22nd. Clerk to email the electronic exhibit protocol. Proposed findings of fact and conclusions of law in Word format DUE on February 19, 2021 at noon.

2-22-21 10:30 AM BENCH TRIAL

CLERK'S NOTE: Counsel to be present in the courtroom with face coverings; witnesses may testify by audiovisual (AV) means; an AV request form and consent must be filed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****February 22, 2021**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

February 22, 2021**10:30 AM****Bench Trial**

**status check on
Court's decision
3/5/21**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Hanks, Karen	Attorney
	Merrill, David J	Attorney
	Ochoa, David	Attorney

JOURNAL ENTRIES

- DAY 1

Nicholas Tomassetti of Courts I.T. verified the electronic exhibit drives on the record and endorsed them to the Clerk.

Per counsel's representation, COURT ORDERED, proposed exhibits 1, 4 through 10, 112, 114, 116 through 120, 122 through 141, 143, and 144 ADMITTED per the parties' stipulation.

Opening statements WAIVED.

Testimony and exhibits presented. (See worksheet.)

Ms. Hanks argued the expert Mr. Dugan's testimony will be outside the scope of his designation as an expert. Response by Mr. Merrill. COURT DIRECTED counsel to bring a copy of his expert

designation after the lunch break. LUNCH RECESS.

Testimony and exhibits continued. (See worksheet.)

Following arguments by Ms. Hanks and Mr. Merrill regarding Ms. Hanks' 52(c) motion, COURT ORDERED, motion DENIED based on the conflict between the testimony of Ms. Saucedo and the written document Exhibit 45.

Defendant's case-in-chief commenced. Testimony and exhibits presented.

At the hour of 3:27 pm, Defendants RESTED. Mr. Merrill advised Plaintiff had no rebuttal case.

Closing arguments.

COURT ORDERED, matter will STAND SUBMITTED. Matter SET for status check on the Court's decision in 2 weeks.

3-5-21 CHAMBERS STATUS CHECK: COURT'S DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 05, 2021

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

March 05, 2021 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter continued one week.

CONTINUED TO: 3/12/21 - CHAMBERS

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

April 16, 2021

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

April 16, 2021 3:00 AM Motion to Retax

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Jacqueline Smith

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed SFR S Motion To Retax and the related briefing and being fully informed, COURT ORDERED, motion GRANTED IN PART. The mediation fee and parking fees are disallowed. Remaining costs awarded jointly against SFR and Perez. COURT ORDERED, counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ js (4-22-21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

April 30, 2021

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

April 30, 2021 3:00 AM Motion for Attorney Fees

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Jacqueline Smith

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the Plaintiff's Motion for Fees is deemed unopposed.

Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. After evaluation of the Brunzell factors, fees as requested are APPROVED. COURT FURTHER ORDERED, moving counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / js (5-3-21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****May 07, 2021**

A-13-689461-C Marchai B T Bank Trust, Plaintiff(s)
vs.
Cristela Perez, Defendant(s)

May 07, 2021**3:00 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Jacqueline Smith**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR ATTORNEY'S FEES AND COSTS...MARCHAI, B.T.'S MOTION TO RETAX AND SETTLE THE COSTS

The Court having reviewed DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR ATTORNEY'S FEES AND COSTS, MARCHAI, B.T.'S MOTION TO RETAX AND SETTLE THE COSTS, and the related briefing and being fully informed, COURT ORDERED, the motion for attorney's fees is DENIED, COURT FURTHER ORDERED, the motion to retax is DENIED, and COURT ADDITIONALLY ORDERED, AWARDS reasonable costs of \$1524.14.

While Wyeth Ranch prevailed on claims against it, because of the issues related to the inconsistent evidence presented by the HOA with respect to the application of payments, the Court DECLINES to exercise discretion to award attorney's fees. The OJ was not reasonable in amount given the potential preclusive effect and the failure to accept the offer of judgment was not unreasonable because of the potential preclusive effect of acceptance given the broad language of the OJ. Under Schouwiler, the costs awarded may be passed through to SFR. Counsel for Plaintiff is DIRECTED to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's

intended disposition on the subject, but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / js (5-7-21)

EXHIBIT(S) LIST

Case No.: **A-13-689461-C**

Hearing Date:

Dept. No.: **07**

Judge:

Court Clerk:

Plaintiff: **MARCHAI B T BANK TRUST**

Recorder:

Counsel for Plaintiff:

vs.

Defendant: **CRISTELA PEREZ**

Counsel for Defendant:

HEARING BEFORE THE COURT

Defendants' EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: **A-13-689461-C**

Trial Date: **AUGUST 6, 2018 – PROVE UP**

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Plaintiff: **MARCHAI, B.T.**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: **DAVID MERRILL, ESQ.**

vs.

Defendant: **CRISTELA PEREZ**

Counsel for Defendant
SFR Investments Pool
I LLC:

**JACQUELINE GILBERT,
ESQ.**

Counsel for Defendant Wyeth Ranch Community
Association: **MEGAN HUMMEL, ESQ.**

TRIAL BEFORE THE COURT

PLAINTIFF'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	INTEREST FIRST ADJUSTABLE RATE NOTICE	8-6-18	NO	8-6-18	wa
2	DEED OF TRUST				wa
3	CORPORATE ASSIGNMENT DEED OF TRUST				wa
4	ASSIGNMENT OF MORTGAGE				wa
5	ASSIGNMENT OF DEED OF TRUST				wa
6	NOTICE OF INTENT TO FORECLOSE	8-6-18	NO	8-6-18	wa

Exhibit List

CASE NO: A-13-689461-C

DEPT NO: 11

Marchal, B.T. PLAINTIFF

TRIAL DATE: #####

JUDGE: Honorable Elizabeth Gonzalez

CLERK: JULIE ROBERTS

RECORDS: JULIE HAWKINS

JURY FEES: N/A

COUNSEL FOR PLAINTIFF: David J. Merrill, David J. Merrill, P.C. for Marchal, B.T.

FEBRUARY 22, 2021

Cristela Perez, et al. DEFENDANT

COUNSEL FOR DEFENDANT: Karen L. Hanks, Kim Gilbert Ebron for SFR Investments Pool 1, LLC David Ochoa, Lipson Neilson P.C. for Wyeth Ranch Community Association

Exhibit Number	Identify of Device or Traditional (curly)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
1.pdf	Golden Drive	Legal Description	MBT0001	Yes	2-22-21	NO	2-22-21
2.pdf	Golden Drive	Peak Loan Servicing Spreadsheet	MBT0675	No		OBJ	
3.pdf	Golden Drive	SFR Delinquency Review	MBT0679	No		OBJ	
4.pdf	Golden Drive	Log	WY000386-WY000390	Yes	2-22-21	NO	2-22-21
5.pdf	Golden Drive	Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Oct. 4, 2002)	WY000001-WY000005	Yes			
6.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Nov. 14, 2002)	WY000056-WY000006	Yes			
7.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Feb. 28, 2003)	WY000064-WY000006	Yes			
8.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (May 20, 2003)	WY000070-WY000007	Yes			
9.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Aug. 25, 2003)	WY000074-WY000007	Yes			
10.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Nov. 10, 2003)	WY000078-WY000008	Yes			
11.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Feb. 10, 2004)	WY000082-WY000008	Yes			
12.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (May 4, 2004)	WY000087-WY000009	Yes	2-22-21	NO	2-22-21

Exhibit List

Exhibit Number	Ident. of Device or Traditional (unit)	Description of Exhibit	Alphanumeric Designation on Est.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
13.pdf	Golden Drive	Deed of Trust (July 15, 2004)	WY000432-WY00044	Yes	2-23-21	NO	2-23-21
14.pdf	Golden Drive	Deed of Trust (July 15, 2004)	WY000445-WY00047	Yes			UA
15.pdf	Golden Drive	Grant, Bargain, Sale Deed (July 16, 2004)	WY000591-WY00059	Yes			UA
16.pdf	Golden Drive	Grant, Bargain, Sale Deed (July 19, 2004)	WY000587-WY00059	Yes			UA
17.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (July 22, 2004)	WY000091-WY00009	Yes			UA
18.pdf	Golden Drive	Amendment to Declaration of Covenants, Conditions and Restrictions for Wyeth Ranch (Nov. 4, 2004)	WY000095-WY00009	Yes			UA
19.pdf	Golden Drive	InterestFirst Adjustable Rate Note (Oct. 19, 2005)	MBT0002-MBT0010	Yes			UA
20.pdf	Golden Drive	Deed of Trust (Oct. 19, 2005)	MBT0011-MBT0032	Yes			UA
21.pdf	Golden Drive	Loan Policy of Title Insurance (Nov. 9, 2005)	MBT0754-MBT0769	Yes			UA
22.pdf	Golden Drive	Substitution of Trustee and Full Reconveyance (Nov. 4, 2005)	6-7	Yes			UA
23.pdf	Golden Drive	Substitution of Trustee and Full Reconveyance (Nov. 7, 2005)	9-10	Yes			UA
24.pdf	Golden Drive	Deed of Trust (Dec. 26, 2006)	WY000402-WY00040	Yes			UA
25.pdf	Golden Drive	Email from Rose to Parker (Dec. 28, 2006)	WY000339	Yes			UA
26.pdf	Golden Drive	Letter from Cristela Perez (Jan. 23, 2007)	MBT0058	Yes			UA
27.pdf	Golden Drive	Letter from Roses to Wyeth Ranch (Jan. 24, 2007)	MBT0270	Yes			UA
28.pdf	Golden Drive	Email from Johnson to Crystal Parker (Jan. 24, 2007)	MBT0279	Yes			UA
29.pdf	Golden Drive	Letter from Perez to Wyeth Ranch (Jan. 24, 2007)	WY000327	Yes			UA
30.pdf	Golden Drive	Email from Parker to Johnson (Jan. 24, 2007)	WY000336	Yes			UA
31.pdf	Golden Drive	Email from Johnson to Rose (Jan. 25, 2007)	WY000337	Yes			UA
32.pdf	Golden Drive	Email from Parker to Johnson (Jan. 25, 2007)	WY000338	Yes			UA
33.pdf	Golden Drive	Email from Rose to Johnson (Jan. 30, 2007)	WY000334	Yes			UA
34.pdf	Golden Drive	Email from Rose to Johnson (Jan. 30, 2007)	WY000335	Yes	2-23-21	NO	2-23-21

Exhibit List

Exhibit Number	Ident. of Deeds or Trademark (p.1)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
35.pdf	Golden Drive	Letter from Wyeth Ranch to Perez (Apr. 4, 2007)	WY000116	Yes	2-22-21	NO	2-22-21
36.pdf	Golden Drive	Email from Rose to Johnson (May 24, 2007)	WY000329	Yes			
37.pdf	Golden Drive	Email from Ritchey to Johnson (June 1, 2007)	WY000330	Yes			
38.pdf	Golden Drive	Email from Rossol to Johnson (June 1, 2007)	WY000331	Yes			
39.pdf	Golden Drive	Email from Chris to Johnson (June 1, 2007)	WY000333	Yes			
40.pdf	Golden Drive	Email from Christians to Johnson (June 2, 2007)	WY000332	Yes			
41.pdf	Golden Drive	Letter from Wyeth Ranch to Perez (Aug. 21, 2007)	WY000324	Yes			
42.pdf	Golden Drive	Letter from Wyeth Ranch to Perez (Sept. 18, 2007)	WY000323	Yes			
43.pdf	Golden Drive	Letter from Wyeth Ranch to Perez (Oct. 5, 2007)	WY000322	Yes			
44.pdf	Golden Drive	Letter from Wyeth Ranch to Perez (Sept. 11, 2008)	WY000284	Yes			
45.pdf	Golden Drive	Account Statement (Sept. 17, 2008)	WY000392	Yes			
46.pdf	Golden Drive	Lien Letter (Sept. 30, 2008)	WY000477-WY000478	Yes			
47.pdf	Golden Drive	Notice of Delinquent Assessment (Lien) (Sept. 30, 2008)	WY000628	Yes			
48.pdf	Golden Drive	Retainer Agreement (Oct. 28, 2008)	WY000108-WY000109	Yes			
49.pdf	Golden Drive	Notice of Default and Election to Sell Under Homeowners Association Lien (Dec. 17, 2008)	WY000476	Yes			
50.pdf	Golden Drive	Certified Mail Receipts (Jan. 7, 2009)	WY000472-WY000475	Yes			
51.pdf	Golden Drive	Delinquent Collection Policy (Sept. 10, 2009)	WY000099-WY000100	Yes			
52.pdf	Golden Drive	Authorization to Conclude Non-Judicial Foreclosure and Conduct Trustee Sale (Nov. 5, 2009)	WY000350	Yes			
53.pdf	Golden Drive	Notice of Trustee's Sale (Dec. 18, 2009)	WY000505	Yes			
54.pdf	Golden Drive	Record Property Information Report (Dec. 21, 2009)	WY000493-WY000498	Yes			
55.pdf	Golden Drive	Certified Mail Receipts (Jan. 25, 2010)	WY000507-WY000509	Yes			
56.pdf	Golden Drive	Certified Mail Receipts (Jan. 25, 2010)	WY000511-WY000512	Yes	2-22-21	NO	2-22-21

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Exhibit List

Exhibit Number	Ident of Device or Traditional (pvt)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
57.pdf	Golden Drive	Facsimile Cover Letter (Feb. 3, 2010)	WY000504	Yes	2-22-21	NO	2-22-21
58.pdf	Golden Drive	Payment Receipt (Feb. 18, 2010)	WY000506	Yes			
59.pdf	Golden Drive	Payment Plan Detail (Mar. 11, 2010)	WY000521-WY000522	Yes			
60.pdf	Golden Drive	Letter from Alessi & Koenig to Perez (Apr. 13, 2010)	WY000523-WY000524	Yes			
61.pdf	Golden Drive	Payment Receipt (May 11, 2010)	WY000533	Yes			
62.pdf	Golden Drive	Pre-Notice of Trustee Sale Notification (July 13, 2010)	MBT0504	Yes			
63.pdf	Golden Drive	Facsimile Cover Letter (July 27, 2010)	WY000539-WY000540	Yes			
64.pdf	Golden Drive	Payment Receipt (Aug. 4, 2010)	WY000541	Yes			
65.pdf	Golden Drive	Payment Plan Detail (Aug. 6, 2010)	WY000542-WY000543	Yes			
66.pdf	Golden Drive	Payment Receipt (Sept. 28, 2010)	WY000544	Yes			
67.pdf	Golden Drive	Payment Receipt (Nov. 30, 2010)	WY000545	Yes			
68.pdf	Golden Drive	Letter from Wyeth Ranch to Perez (Dec. 27, 2010)	WY000136	Yes			
69.pdf	Golden Drive	Email from Charlene Fan to Branko Jelfic (Mar. 8, 2011)	MBT0628-MBT0629	Yes			
70.pdf	Golden Drive	Rescission of Notice of Trustee's Sale (Mar. 8, 2011)	14	Yes			
71.pdf	Golden Drive	Notice of Trustee's Sale (Mar. 8, 2011)	WY000631	Yes			
72.pdf	Golden Drive	Payment Receipt (Mar. 11, 2011)	WY000546	Yes			
73.pdf	Golden Drive	Certified Mail Receipts (Apr. 4, 2011)	MBT0513-MBT0517	Yes			
74.pdf	Golden Drive	Notice of Delinquent Violation Lien (Apr. 21, 2011)	MBT0286-MBT0287	Yes			
75.pdf	Golden Drive	Payment to Alessi & Koenig (May 25, 2011)	MBT0519	Yes			
76.pdf	Golden Drive	Authorization to Conclude Non-Judicial Foreclosure and Conduct Trustee Sale (June 2, 2011)	WY000110	Yes			
77.pdf	Golden Drive	Breach of Payment Plan Letter (July 27, 2011)	MBT0526	Yes			
78.pdf	Golden Drive	Payment Receipt (Aug. 4, 2011)	WY000562	Yes			
79.pdf	Golden Drive	Delinquent Collection Policy Wyeth Ranch Homeowners Association (Nov. 10, 2011)	WY000101-WY000102	Yes			
80.pdf	Golden Drive	Lien Letter (Nov. 29, 2011)	WY000657	Yes			
81.pdf	Golden Drive	Lien Letter (Nov. 29, 2011)	WY000658-WY000659	Yes	2-22-21	NO	2-22-21

Exhibit List

Exhibit Number	Ident of Deeds or Traditional (p/v)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offended	Objection	Date Admitted
82.pdf	Golden Drive	Notice of Delinquent Assessment (Lien) (Nov. 29, 2011)	WY000727	Yes	2-22-21	NO	2-22-21
83.pdf	Golden Drive	Pre-Notice of Default (Jan. 25, 2012)	MBT0539	Yes			
84.pdf	Golden Drive	Notice of Default and Election to Sell Under Homeowners Association Lien (Feb. 14, 2012)	WY000646	Yes			
85.pdf	Golden Drive	Real Estate Listing Report (Feb. 15, 2012)	WY000570-WY000581	Yes			
86.pdf	Golden Drive	Real Property Parcel Record (Feb. 23, 2012)	WY000582-WY000584	Yes			
87.pdf	Golden Drive	Certified Mail Receipts (Mar. 5, 2012)	WY000645	Yes			
88.pdf	Golden Drive	First Class Mail Envelopes (Mar. 5, 2012)	WY000753-WY000754	Yes			
89.pdf	Golden Drive	Email from O'Connor to Rose (Mar. 9, 2012)	WY000352-WY000353	Yes			
90.pdf	Golden Drive	Corporate Assignment of Deed of Trust (Mar. 14, 2012)	MBT0744-MBT0745	Yes			
91.pdf	Golden Drive	Payment Receipt (Mar. 19, 2012)	WY000649	Yes			
92.pdf	Golden Drive	Corporate Assignment of Deed of Trust (May 5, 2012)	MBT0719-MBT0720	Yes			
93.pdf	Golden Drive	Payment Receipt (May 8, 2012)	WY000680	Yes			
94.pdf	Golden Drive	Corporate Assignment of Deed of Trust (May 25, 2012)	MBT0710-MBT0711	Yes			
95.pdf	Golden Drive	Pre-Notice of Trustee Sale Notification (July 18, 2012)	MBT0576	Yes			
96.pdf	Golden Drive	Pre-Notice of Trustee Sale Notification (July 18, 2012)	MBT0577	Yes			
97.pdf	Golden Drive	Assignment of Mortgage (July 26, 2012)	WY000672-WY000673	Yes			
98.pdf	Golden Drive	Payment Receipt (July 28, 2012)	WY000681	Yes			
99.pdf	Golden Drive	Notice of Intent to Foreclose (Oct. 3, 2012)	MBT0047-MBT0049	Yes			
100.pdf	Golden Drive	Notice of Trustee's Sale (Oct. 10, 2012)	WY000719	Yes			
101.pdf	Golden Drive	Certified Mail Receipts (Oct. 25, 2012)	WY000691-WY000694	Yes			
102.pdf	Golden Drive	Email from Eden to O'Connor (Oct. 30, 2012)	MBT0297-MBT0299	Yes			
103.pdf	Golden Drive	Letter from Perez to Wyeth Ranch (Oct. 31, 2012)	MBT0300	Yes			
104.pdf	Golden Drive	Delinquent Collection Policy (Nov. 15, 2012)	WY000103-WY000104	Yes			
105.pdf	Golden Drive	Executive Session Meeting (Nov. 15, 2012)	WY000107	Yes	2-22-21	NO	2-22-21

Exhibit List

Exhibit Number	Ident. of Device or Traditional (c/v)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
106.pdf	Golden Drive	Affidavit of Service (Nov. 26, 2012)	WY000696-WY000697	Yes	2-22-21	NO	2-22-21
107.pdf	Golden Drive	Payment to Alessi & Koenig (Nov. 27, 2012)	MBT0590	Yes			
108.pdf	Golden Drive	Assignment of Deed of Trust (Mar. 12, 2013)	MBT0037-MBT0038	Yes			
109.pdf	Golden Drive	Letter from Alessi & Koenig to Perez (Apr. 11, 2013)	WY000720-WY000721	Yes			
110.pdf	Golden Drive	Transfer of Servicing Letter (June 17, 2013)	MBT0702-MBT0705	Yes	2-22-21	NO	2-22-21
111.pdf	Golden Drive	Loan Master Report (July 3, 2013)	MBT0699-MBT0701	No		OBJ	
112.pdf	Golden Drive	Letter from Peak Loan Servicing to Perez (July 10, 2013)	MBT0697	Yes	2-22-21	NO	2-22-21
113.pdf	Golden Drive	Affiliated Business Arrangement Disclosure Statement (July 10, 2013)	MBT0698	No		OBJ	
114.pdf	Golden Drive	Notice of Trustee's Sale (July 11, 2013)	MBT0617	Yes	2-22-21	NO	2-22-21
115.pdf	Golden Drive	Peak Loan Servicing Financial Statement (July 15, 2013)	MBT0691-MBT0694	No		OBJ	
116.pdf	Golden Drive	Email from Bates to Nicole Gaudin (July 29, 2013)	MBT0636-MBT0637	Yes	2-22-21	NO	2-22-21
117.pdf	Golden Drive	Email from Fran Brockett to Bates (July 29, 2013)	MBT0638-MBT0639	Yes			
118.pdf	Golden Drive	Certified Mail Receipts (July 29, 2013)	WY000722-WY000724	Yes			
119.pdf	Golden Drive	Affidavit of Posting Notice of Sale (July 30, 2013)	WY000760	Yes			
120.pdf	Golden Drive	Email from Nevada Legal Support Services to Bates (July 31, 2013)	MBT0640-MBT0643	Yes	2-22-21	NO	2-22-21
121.pdf	Golden Drive	Loan Reinstatement Calculation (Aug. 7, 2013)	MBT0696	No		OBJ	
122.pdf	Golden Drive	Affidavit of Publication (Aug. 16, 2013)	WY000762	Yes	2-22-21	NO	2-22-21
123.pdf	Golden Drive	Collection Policy (Aug. 21, 2013)	WY000105-WY000106	Yes			
124.pdf	Golden Drive	Email from Bates to Maximum Financial (Aug. 28, 2013)	MBT0645	Yes			
125.pdf	Golden Drive	Email from Michaels to O'Connor (Aug. 28, 2013)	WY000358-WY000360	Yes			
126.pdf	Golden Drive	Trustee's Deed Upon Sale (Aug. 29, 2013)	MBT0050-MBT0051	Yes			
127.pdf	Golden Drive	Cashier's Check (Aug. 29, 2013)	MBT0627	Yes			
128.pdf	Golden Drive	Payment Receipt (Aug. 29, 2013)	WY000766	Yes			
129.pdf	Golden Drive	Check Stubs (Sept. 3, 2013)	WY000361	Yes	2-22-21	NO	2-22-21

Exhibit List

Exhibit Number	Ident of Device or Traditional (p/v)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes/No	Date Offered	Objection	Date Admitted
130.pdf	Golden Drive	Letter from Peak Loan Servicing to Cristela Perez (Sept. 5, 2013)	MBT0673-MBT0674	Yes	2-22-21	NO	2-22-21
131.pdf	Golden Drive	Adjustment Register (Oct. 1, 2013)	WY000365	Yes			
132.pdf	Golden Drive	Preliminary Report for Title Insurance (Oct. 9, 2013)	MBT0680-MBT0690	Yes			
133.pdf	Golden Drive	Complaint for Interpleader (Oct. 23, 2013)	MBT0651-MBT0670	Yes			
134.pdf	Golden Drive	Letter from Peak Loan Servicing to Cristela Perez (Nov. 8, 2013)	MBT0676	Yes			
135.pdf	Golden Drive	Evidence of Lender Place Insurance (Feb. 15, 2015)	MBT0695	Yes			
136.pdf	Golden Drive	Certificate of Custodian of Records Pursuant to NRS 52.260 (Oct. 9, 2015)	MBT0052-MBT0053	Yes			
137.pdf	Golden Drive	Insurance Coverage Notification (Oct. 13, 2015)	MBT0678	Yes			
138.pdf	Golden Drive	Resident Transaction Detail (Oct. 16, 2015)	WY000377-WY000380	Yes			
139.pdf	Golden Drive	Resident Transaction Detail (Oct. 16, 2015)	WY000381-WY000385	Yes			
140.pdf	Golden Drive	Affidavit of David Alessi (Nov. 10, 2015)	MBT0329-MBT0332	Yes			
141.pdf	Golden Drive	Records Search & Order System (Jan. 11, 2016)	18-20	Yes	2-22-21	NO	2-22-21
142.pdf	Golden Drive	Appraisal of Real Property Expert Report Prepared by Scott Dugan (Apr. 14, 2017)		No	2-22-21	OBJ	2-22-21
143.pdf	Golden Drive	Notice of Accounting for Injunction Pending Appeal: September 2020 (Oct. 13, 2020)		Yes	2-22-21	NO	2-22-21
144.pdf	Golden Drive	Second Amended Notice of Taking Deposition of Wyeth Ranch Community Association		Yes	2-22-21	NO	2-22-21

145 TRADITIONAL DOCUMENT RE: PAY-OFF AMOUNT

EXHIBIT(S) LIST

Case No.: **A-13-689461-C**

Trial Date:

FEBRUARY 22, 2021Dept. No.: **XI**

Judge: HON. ELIZABETH GONZALEZ

Court Clerk: DULCE ROMEA

Plaintiff: **MARCHAI B T BANK TRUST**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: *DAVID MERRILL, ESQ.*

VS.

Defendant: **CRISTELA PEREZ**

Counsel for DEFENDANT: KAREN HANICKS, ESQ.;

DAVID OCHOA, ESQ.

TRIAL BEFORE THE COURT

DEMONSTRATIVE EXHIBITS

[illegible]



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

KALEB D. ANDERSON, ESQ.
9900 COVINGTON CROSS DR., STE 120
LAS VEGAS, NV 89144

DATE: June 15, 2021
CASE: A-13-689461-C
C/W A-16-742327-C

RE CASE: MARCHAI, B.T., BANK TRUST vs. CRISTELA PEREZ; SFR INVESTMENTS POOL 1, LLC; WYETH RANCH COMMUNITY ASSOCIATION

NOTICE OF APPEAL FILED: June 11, 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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT WYETH RANCH COMMUNITY ASSOCIATION'S MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MARCHAI, B.T., BANK TRUST ,

Plaintiff(s),

vs.

CRISTELA PEREZ; SFR INVESTMENTS
POOL 1, LLC; WYETH RANCH
COMMUNITY ASSOCIATION,

Defendant(s),

Case No: A-13-689461-C

Consolidated with A-16-742327-C

Dept No: XI

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 15 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

