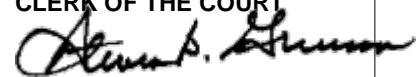


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Electronically Filed
7/2/2021 3:04 PM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Jul 09 2021 08:36 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARCHAI B.T., a Bank Trust,
Plaintiff,

vs.

CRISTELA PEREZ, an individual; SFR
INVESTMENTS POOL 1, LLC, a limited
liability company; U.S. BANK NATIONAL
ASSOCIATION, N.D., a national association;
DOES I through X; and ROE
CORPORATIONS I through 10, inclusive,,

Defendants.

Case No. A-13-689461-C

Consolidated with: A-16-742327-C

Dept. No. XI

NOTICE OF APPEAL

SFR INVESTMENTS POOL 1, LLC, a Nevada
limited liability company,

Counterclaimant/Cross-Claimant,

vs.

MARCHAI B.T., a Bank Trust; U.S. BANK
NATIONAL ASSOCIATION, N.D., a national
association; CRISTELA PEREZ, an individual;
and DOES I through X; and ROE
CORPORATIONS I through 10, inclusive,

Counter-Defendant/Cross-Defendants.

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PLEASE TAKE NOTICE that defendant / counterclaimant / cross-claimant SFR Investments Pool 1, LLC (“SFR”), by and through its counsel of record, hereby appeals from the following orders and judgments:

1. May 24, 2012 Order Denying Marchai B.T’s Motion to Retax and Settle Costs, notice of entry of which was filed on June 2, 2021;
2. May 6, 2021 Order Granting in Part and Denying in Part SFR’s Motion to Retax and Settle Memorandum of Costs and Disbursements; and
3. Any and all orders and judgments made appealable thereby.

DATED: July 2, 2021.

KIM GILBERT EBRON

/s/ Jacqueline A. Gilbert

JACQUELINE A. GILBERT, ESQ.

Nevada Bar No. 10593

DIANA S. EBRON, ESQ.

Nevada Bar No. 10580

7625 Dean Martin Dr., Ste. 110

Las Vegas, NV 89139

Attorneys for SFR Investments Pool 1, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 2021, pursuant to NRCP 5(b), I served via the Eighth Judicial District Court electronic filing system the foregoing **NOTICE OF APPEAL** to the following parties:

David J. Merrill, P.C.

David J. Merrill david@djmerrellpc.com

Attorneys for Plaintiff Marchai, B.T.

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

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Attorneys for Defendant Wyeth Ranch Community Association

/s/ Alexander Loglia
An employee of KIM GILBERT EBRON

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
83069

CASE INFORMATION

Related Cases

A-16-742327-C (Consolidated)

Case Type: **Title to Property**
 Subtype: **Foreclosure**

Statistical Closures

07/02/2021 Judgment Reached (bench trial)
 10/03/2017 Stipulated Judgment

Case Status: **07/02/2021 Closed**

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)

CASE SUMMARY

CASE NO. A-13-689461-C

**Counter
Defendant**

Marchai B T Bank Trust

Removed: 08/06/2018
Dismissed

Merrill, David J
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: Plaintiff Marchai B T Bank Trust 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		

CASE SUMMARY

CASE NO. A-13-689461-C

	 Answer to Counterclaim Filed By: Plaintiff Marchai B T Bank Trust <i>Answer to Counterclaim</i>
12/13/2013	 Default Filed By: Plaintiff Marchai B T Bank Trust <i>Default</i>
12/19/2013	 Affidavit of Service Filed By: Plaintiff Marchai B T Bank Trust <i>Affidavit of Service</i>
12/27/2013	 Affidavit of Service Filed By: Plaintiff Marchai B T Bank Trust <i>Affidavit of Service</i>
01/28/2014	 Application Filed By: Plaintiff Marchai B T Bank Trust <i>Application for an Order to Extend Time to Serve Summons and Complaint</i>
01/28/2014	 Affidavit in Support Filed By: Plaintiff Marchai B T Bank Trust <i>Affidavit of Benjamin D. Petiprin in Support of Application for an Order to Extend Time to Serve Summons and Complaint</i>
02/13/2014	 Order Extending Time to Serve Filed By: Plaintiff Marchai B T Bank Trust <i>Order to Extend Time to Serve Summons and Complaint</i>
02/13/2014	 Joint Case Conference Report Filed By: Plaintiff Marchai B T Bank Trust <i>Joint Case Conference Report</i>
02/13/2014	 Default Filed By: Plaintiff Marchai B T Bank Trust <i>Default Against Cross-Defendant Cristela Perez</i>
02/13/2014	 Default Filed By: Plaintiff Marchai B T Bank Trust <i>Default Against Cross-Defendant U.S. Bank National Association, N.D.</i>
02/14/2014	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order to Extend Time to Serve Summons and Complaint</i>
02/19/2014	 Scheduling Order <i>Scheduling Order</i>
03/11/2014	 Return Party: Plaintiff Marchai B T Bank Trust <i>Return of Service</i>
04/22/2014	 Default Filed By: Plaintiff Marchai B T Bank Trust

CASE SUMMARY














CASE NO. A-13-689461-C

Default

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


CASE SUMMARY

CASE NO. A-13-689461-C

	<p>Filed By: Plaintiff Marchai B T Bank Trust <i>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</i></p>
01/18/2017	<p> Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i></p>
01/24/2017	<p> Order Filed By: Plaintiff Marchai B T Bank Trust <i>(A689461) Order Denying, in Part, and Granting, in Part, Defendant Wyeth Ranch Community Association's Motion to Dismiss</i></p>
01/25/2017	<p> Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i></p>
01/31/2017	<p> Answer to Complaint Filed by: Consolidated Case Party Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Answer and Affirmative Defenses</i></p>
01/31/2017	<p> Notice of Bankruptcy Filed By: Consolidated Case Party Wyeth Ranch Community Association <i>Notice of Bankruptcy and Suggestion of Stay</i></p>
02/06/2017	<p> Answer to Complaint Filed by: Cross Claimant SFR Investments Pool I LLC <i>SFR Investments Pool 1, LLC's Answer to Complaint</i></p>
02/14/2017	<p> Order Setting Civil Bench Trial <i>Third Order Setting Civil Bench Trial</i></p>
05/16/2017	<p> Supplemental Joint Case Conference Report Party: Plaintiff Marchai B T Bank Trust <i>Supplemental Joint Case Conference Report</i></p>
07/21/2017	<p> Motion for Summary Judgment Filed By: Cross Claimant SFR Investments Pool I LLC <i>SFR Investments Pool 1, LLC's Motion for Summary Judgment</i></p>
07/21/2017	<p> Motion for Summary Judgment Filed By: Consolidated Case Party Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Motion for Summary Judgment</i></p>
07/21/2017	<p> Motion in Limine to Exclude Expert Witness Filed by: Plaintiff Marchai B T Bank Trust <i>Motion in Limine to Exclude Testimony from Michael Brunson</i></p>
08/14/2017	<p> Opposition to Motion For Summary Judgment Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T. s Opposition to SFR Investments Pool 1, LLC and Wyeth Ranch Community Association s Motions for Summary Judgment</i></p>
08/21/2017	


CASE SUMMARY

CASE NO. A-13-689461-C

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

CASE SUMMARY

CASE NO. A-13-689461-C

11/03/2017	 Case Appeal Statement Filed By: Cross Claimant SFR Investments Pool I LLC <i>Case Appeal Statement</i>
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>








CASE SUMMARY

CASE NO. A-13-689461-C

08/07/2018	 Notice of Entry of Judgment Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Judgment</i>
08/08/2018	 Amended Notice of Appeal Party: Defendant SFR Investments Pool 1, LLC <i>Amended Notice of Appeal</i>
08/27/2018	 Motion for Attorney Fees Filed By: Plaintiff Marchai B T Bank Trust <i>Motion for Attorney Fees</i>
10/12/2018	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
10/18/2018	 Order Granting Motion Filed By: Plaintiff Marchai B T Bank Trust <i>Order Granting Motion for Attorney Fees</i>
10/19/2018	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
08/20/2019	 Notice of Release of Lis Pendens Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Release of Lis Pendens</i>
12/11/2019	 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>
12/16/2019	 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>
12/16/2019	 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>
12/16/2019	 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>
01/29/2020	 Order to Stay Proceedings <i>Order Granting Stay Pending Appeal</i>
01/29/2020	 Notice of Entry of Order Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Entry of Order Granting Stay Pending Appeal</i>






CASE SUMMARY

CASE NO. A-13-689461-C

03/06/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: January - February, 2020</i>
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>


CASE SUMMARY

CASE NO. A-13-689461-C

08/19/2020	 Reply in Support Filed By: Plaintiff Marchai B T Bank Trust <i>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</i>
08/21/2020	 Order <i>Order Granting Marchai s Motion to Reopen Discovery on an Order Shortening Time</i>
08/21/2020	 Notice of Entry of Order Filed By: Plaintiff Marchai B T Bank Trust <i>Notice of Entry of Order</i>
09/15/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal - August 2020</i>
09/25/2020	 Motion for Summary Judgment Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Motion for Summary Judgment</i>
09/28/2020	 Clerk's Notice of Hearing <i>Notice o Hearing</i>
10/13/2020	 Notice Filed By: Defendant SFR Investments Pool 1, LLC <i>Notice of Accounting for Injunction Pending Appeal: September 2020</i>
10/19/2020	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Opposition to Defendant Wyeth Ranch Community Association's Motion for Summary Judgment</i>
10/19/2020	 Statement Filed by: Plaintiff Marchai B T Bank Trust <i>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</i>
11/02/2020	 Reply in Support Filed By: Defendant Wyeth Ranch Community Association <i>Defendant Wyeth Ranch Community Association's Reply in Support of its Motion for Summary Judgment</i>
11/02/2020	 Objection <i>Objections to Pre-Trial Disclosures</i>
11/02/2020	 Objection Filed By: Defendant Wyeth Ranch Community Association <i>Objection to Pre-Trial Disclosures</i>
11/02/2020	 Objection Filed By: Plaintiff Marchai B T Bank Trust <i>Marchai, B.T.'s Objections to Defendant Wyeth Ranch Community Association's Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)</i>

CASE SUMMARY

CASE NO. A-13-689461-C

11/06/2020	 Joint Pre-Trial Memorandum Filed By: Plaintiff Marchai B T Bank Trust <i>Joint Pre-Trial Memorandum</i>
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>

CASE SUMMARY

CASE NO. A-13-689461-C

02/18/2021	 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

CASE SUMMARY

CASE NO. A-13-689461-C

	Filed By: Plaintiff Marchai B T Bank Trust <i>Plaintiff Motion for Attorney Fees</i>
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
SFR Investments Pool 1, LLC's Opposition to Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements

04/20/2021



Opposition to Motion

Filed By: Plaintiff Marchai B T Bank Trust
Marchai, B.T.'s Opposition to Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Costs

04/23/2021



Opposition to Motion

Filed By: Defendant Wyeth Ranch Community Association
Defendant Wyeth Ranch Community Association's Opposition to the Motion to Retax and Settle Costs

04/26/2021



Notice of Appeal

Filed By: Plaintiff Marchai B T Bank Trust
Marchai, B.T.'s Notice of Appeal

04/26/2021



Case Appeal Statement

Case Appeal Statement

04/30/2021



Reply in Support

Filed By: Defendant Wyeth Ranch Community Association
Defendant Wyeth Ranch Community Association's Reply in Support of Its Motion for Attorney's Fees and Costs

04/30/2021



Reply in Support

Filed By: Plaintiff Marchai B T Bank Trust
Reply in Support of Marchai, B.T.'s Motion to Retax and Settle the Costs

05/06/2021



Order

Order Granting in Part and Denying in Part SFR's Mot to Retax...

05/10/2021



Notice of Entry of Order

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

05/19/2021



Notice

Filed By: Defendant SFR Investments Pool 1, LLC
Notice of Accounting for Injunction Pending Appeal: April, 2021

05/24/2021



Order Denying Motion

Filed By: Plaintiff Marchai B T Bank Trust
Order Denying Marchai, B.T.'s Motion to Retax and Settle Cost

05/24/2021



Order Denying Motion

Filed By: Plaintiff Marchai B T Bank Trust
Order Denying Defendant Wyeth Ranch Community Association's Motion for Attorney's Fees and Cost

06/02/2021



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust

CASE SUMMARY

CASE NO. A-13-689461-C

Notice of Entry of Order

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

06/15/2021



Notice

Filed By: Defendant SFR Investments Pool 1, LLC

Notice of Accounting for Injunction Pending Appeal: May 2021

06/28/2021



Notice of Filing Cost Bond

Filed By: Defendant Wyeth Ranch Community Association

Notice of Filing Cost Bond on Appeal

07/01/2021



Order Granting Motion

Filed By: Plaintiff Marchai B T Bank Trust

Order Granting Marchai's B.T.'s Motion for Attorney Fees

07/01/2021



Notice of Entry of Order

Filed By: Plaintiff Marchai B T Bank Trust

Notice of Entry of Order

07/02/2021



Order to Statistically Close Case

Civil Order to Statistically Close Case

07/02/2021



Notice of Appeal

Filed By: Defendant SFR Investments Pool 1, LLC

Notice of Appeal

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)

CASE SUMMARY

CASE NO. A-13-689461-C

	<p>Creditors: Marchai B T Bank Trust (Plaintiff) Judgment: 08/06/2018, Docketed: 08/06/2018 Total Judgment: 535,178.50</p> <p>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</p>
08/06/2018	<p>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</p> <p>Debtors: SFR Investments Pool I LLC (Counter Claimant) Creditors: Marchai B T Bank Trust (Counter Defendant) Judgment: 08/06/2018, Docketed: 08/06/2018</p> <p>Debtors: SFR Investments Pool I LLC (Counter Claimant, Cross Claimant) Creditors: Cristela Perez (Cross Defendant) Judgment: 08/06/2018, Docketed: 08/06/2018</p>
10/18/2018	<p>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</p>
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>
07/01/2021	<p>Order (Judicial Officer: Gonzalez, Elizabeth) Debtors: Cristela Perez (Defendant) Creditors: Marchai B T Bank Trust (Plaintiff) Judgment: 07/01/2021, Docketed: 07/02/2021 Total Judgment: 254,848.00</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>

CASE SUMMARY

CASE NO. A-13-689461-C

08/11/2015



Motion to Coordinate (10:30 AM) (Judicial Officer: Bare, Rob)

Defendant SFR Investments Pool 1 LLC's Motion for Pre-Trial Coordination on Order Shortening Time

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@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);

01/21/2016

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - On in Error

02/16/2016

CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - On in Error

02/16/2016

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)
SFR Investments Pool 1, LLC's Motion For Summary Judgment
Denied;

02/16/2016

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)
Marchai, B.T.'s Motion for Summary Judgment
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)
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)
Off Calendar;

02/16/2016



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

Matter Heard;

Journal Entry Details:

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

CASE SUMMARY

CASE NO. A-13-689461-C

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.;

03/22/2016



Minute Order (9:40 AM) (Judicial Officer: Bell, Linda Marie)

Decision Made;

Journal Entry Details:

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.;

08/25/2016



Motion for Leave (9:00 AM) (Judicial Officer: Hardcastle, Kathy)

Marchai, B.T.'s Motion, On Shortened Time, for Leave to File an Amended Complaint

MINUTES

Off Calendar;

On in error. -sdp

Journal Entry Details:

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 ;

SCHEDULED HEARINGS



Status Check (12/01/2016 at 9:00 AM) (Judicial Officer: Bell, Linda Marie)

Status Check: Status of Case / Stay

12/01/2016



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;








CASE SUMMARY

CASE NO. A-13-689461-C

01/03/2017	<p>Joinder (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p><i>Wyeth Ranch Community Association's Joinder to SFR Investments Pool I, 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)</i></p> <p>Moot;</p>
01/03/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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 I, 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 I, 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 ;</i></p>
06/22/2017	<p> Status Conference (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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 no 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.;</i></p>
08/22/2017	<p>Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p><i>SFR Investments Pool I LLC's Motion for Summary Judgment</i></p> <p>Denied;</p>
08/22/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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;</i></p>
08/29/2017	<p> Calendar Call (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, pending Motion for Summary Judgment GRANTED; trial date and Motion in Limine VACATED.;</i></p>
08/29/2017	<p>CANCELED Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p><i>Vacated - Previously Decided</i></p> <p><i>Defendant Wyeth Ranch Community Association's Motion for Summary Judgment</i></p>

CASE SUMMARY

CASE NO. A-13-689461-C

09/05/2017	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i>
09/12/2017	CANCELED Motion in Limine (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i> <i>Motion in Limine to Exclude Testimony from Michael Brunson</i>
09/12/2017	 Status Check (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Status Check: Decision</i> Matter Heard; Status Check: Decision Journal Entry Details: <i>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.;</i>
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: <i>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.;</i>
11/21/2017	 Motion to Retax (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>SFR s Motion To Retax And Settle Memorandum Of Costs And Disbursements</i> Denied; Journal Entry Details: <i>Matter called, no parties present. COURT ORDERED, MOTION DENIED. Mr. Merrill to prepare the Order; counsel was notified no one needed to appear.;</i>
04/26/2018	 Motion for Default Judgment (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>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</i> MINUTES Granted; Journal Entry Details: <i>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;</i> 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: <i>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;</i>
06/21/2018	 Status Check: Status of Case (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 06/21/2018, 07/19/2018 Continued;

CASE SUMMARY

CASE NO. A-13-689461-C

08/06/2018

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;



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 (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

CASE SUMMARY

CASE NO. A-13-689461-C

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 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

CASE SUMMARY

CASE NO. A-13-689461-C

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;

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

CASE SUMMARY

CASE NO. A-13-689461-C

	 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) <i>Vacated - per Judge</i>
02/02/2021	 Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard; Journal Entry Details: <i>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.;</i>
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: <i>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;</i>
03/05/2021	 Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Court's Decision</i> Matter Continued; FFCL filed 3/8/21. Journal Entry Details: <i>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.;</i>
04/16/2021	 Motion to Retax (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>SFR's Motion to Retax and Settle Memorandum of Costs and Disbursements</i> Granted in Part; Journal Entry Details: <i>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);</i>

CASE SUMMARY

CASE NO. A-13-689461-C

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

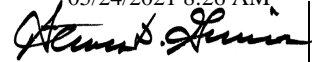


All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

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 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);


CLERK OF THE COURT

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

1 **ODM**
David J. Merrill
2 Nevada Bar No. 6060
David J. Merrill, P.C.
3 10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
4 Telephone: (702) 566-1935
Facsimile: (702) 993-8841
5 Email: david@djmerrillpc.com
Attorney for Marchai, B.T.
6
7
8

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

Case No.: A-13-689461-C

Dept. No. XI

Consolidated with: A-16-742327-C

16 AND ALL RELATED CLAIMS AND AC-
17 TIONS

18 **Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs**

19
20 Marchai, B.T.'s Motion to Retax and Settle the Costs came before the Court, in cham-
21 bers, on the 7th day of May 2021. The Court, having considered the motion, SFR Investments
22 Pool 1, LLC's Opposition to Plaintiff's Motion to Retax and Settlement Memorandum of Costs;
23 Defendant Wyeth Ranch Community Association's Opposition to the Motion to Retax and Settle
24 Costs; the Reply in Support of Marchai, B.T.'s Motion to Retax and Settle the Costs; and good
25 cause appearing therefor:

26 **It is ordered** that the motion is **denied**;
27
28

It is further ordered that Wyeth Ranch is awarded reasonable costs against Marchai of \$1,524.14;

It is further ordered that under *Schouweiler v. Yance Co.*, 101 Nev. 827, 712 P.2d 786 (1985), the costs awarded against Marchai are passed through and assessed against SFR Investments Pool 1, LLC.

Dated this 24th day of May, 2021

Ευθύμης

819 309 8B54 5B04
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:

Kim Gilbert Ebron

Lipson Neilson P.C.

By: /s/ Karen L. Hanks
 Karen L. Hanks
 Nevada Bar No. 9578
 7625 Dean Martin Drive, Suite 110
 Las Vegas, Nevada 89139
 (702) 485-3300
 Attorneys for SFR Investments Pool 1, LLC

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 As-
sociation



David Merrill <david@djmerillpc.com>

RE: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

1 message

Karen Hanks <karen@kgelegal.com>

Thu, May 20, 2021 at 11:27 AM

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

Cc: Jackie Gilbert <jackie@kgelegal.com>, Diana Ebron <diana@kgelegal.com>, "Wolf Rivers

(de715b910+matter1020495566@maildrop.clio.com)" <de715b910+matter1020495566@maildrop.clio.com>, Candi Fay <candifay@kgelegal.com>

You can insert my e-signature

Karen L. Hanks, Esq.

Kim Gilbert Ebron

7625 Dean Martin Drive, Suite 110

Las Vegas, Nevada 89139

Telephone: 702-485-3300

Facsimile: 702-485-3301

From: David Merrill [mailto:david@djmerillpc.com]

Sent: Thursday, May 20, 2021 6:58 AM

To: Karen Hanks <karen@kgelegal.com>; David Ochoa <dochoa@lipsonneilson.com>

Subject: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

Karen and David,

I have attached for your review and approval a draft of the Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs. I must submit to the Court by tomorrow. Please review and advise if you have any suggested changes or with approval to add 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



David Merrill <david@djmerillpc.com>

RE: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

1 message

David Ochoa <DOchoa@lipsonneilson.com>

Thu, May 20, 2021 at 7:43 PM

To: David Merrill <david@djmerillpc.com>, "Karen L. Hanks" <karen@kgelegal.com>

David,

I approve, you may add 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 6:58 AM**To:** Karen L. Hanks <karen@kgelegal.com>; David Ochoa <DOchoa@lipsonneilson.com>**Subject:** Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

Karen and David,

I have attached for your review and approval a draft of the Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs. I must submit to the Court by tomorrow. Please review and advise if you have any suggested changes or with approval to add 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:

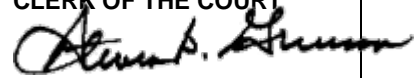
14 Service Date: 5/24/2021

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
21 Susana Nutt .	snutt@lipsonneilson.com
22 Tomas Valerio .	staff@kgelegal.com
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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David Ochoa	dochoa@lipsonneilson.com
David Merrill	david@djmerrillpc.com
Kaleb Anderson	kanderson@lipsonneilson.com
Renee Rittenhouse	rrittenhouse@lipsonneilson.com
Susana Nutt	snutt@lipsonneilson.com
Juan Cerezo	jcerezo@lipsonneilson.com
Candi Fay	candifay@kgelegal.com



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

11
12
13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 MARCHAI, B.T., a Nevada business trust,
16
17 Plaintiff,

18 v.

19 CRISTELA PEREZ, an individual; *et al.*
20
21 Defendants.

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

Consolidated with: A-16-742327-C

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28
AND ALL RELATED CLAIMS AND AC-
TIONS

Notice of Entry of Order

Take notice that on the 24th day of May 2021, the Court entered an Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs, a copy of which is attached.

Dated this 2nd day of June 2021.

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.

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

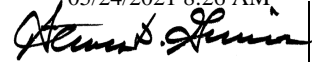
Diana Cline Ebron	diana@kgelegal.com
E-Service for Kim Gilbert Ebron	eservice@kgelegal.com
Michael L. Sturm	mike@kgelegal.com
Tomas Valerio	staff@kgelegal.com
Candi Fay	candifay@kgelegal.com

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

Brenda Correa	bcorrea@lipsonneilson.com
Kaleb Anderson	kanderson@lipsonneilson.com
Megan Hummel	mhummel@lipsonneilson.com
Renee Rittenhouse	rrittenhouse@lipsonneilson.com
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

1 **ODM**
2 David J. Merrill
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7 Telephone: (702) 566-1935
8 Facsimile: (702) 993-8841
9 Email: david@djmerrillpc.com
10 Attorney for Marchai, B.T.

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

14 Plaintiff,

15 v.

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

17 Defendants.

Case No.: A-13-689461-C

Dept. No. XI

Consolidated with: A-16-742327-C

18 AND ALL RELATED CLAIMS AND AC-
19 TIONS

20 **Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs**

21 Marchai, B.T.'s Motion to Retax and Settle the Costs came before the Court, in cham-
22 bers, on the 7th day of May 2021. The Court, having considered the motion, SFR Investments
23 Pool 1, LLC's Opposition to Plaintiff's Motion to Retax and Settlement Memorandum of Costs;
24 Defendant Wyeth Ranch Community Association's Opposition to the Motion to Retax and Settle
25 Costs; the Reply in Support of Marchai, B.T.'s Motion to Retax and Settle the Costs; and good
26 cause appearing therefor:

27 **It is ordered** that the motion is **denied**;
28

It is further ordered that Wyeth Ranch is awarded reasonable costs against Marchai of \$1,524.14;

It is further ordered that under *Schouweiler v. Yance Co.*, 101 Nev. 827, 712 P.2d 786 (1985), the costs awarded against Marchai are passed through and assessed against SFR Investments Pool 1, LLC.

Dated this 24th day of May, 2021

Ευθύμης

819 309 8B54 5B04
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:

Kim Gilbert Ebron

Lipson Neilson P.C.

By: /s/ Karen L. Hanks
 Karen L. Hanks
 Nevada Bar No. 9578
 7625 Dean Martin Drive, Suite 110
 Las Vegas, Nevada 89139
 (702) 485-3300
 Attorneys for SFR Investments Pool 1, LLC

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 As-
sociation



David Merrill <david@djmerillpc.com>

RE: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

1 message

Karen Hanks <karen@kgelegal.com>

Thu, May 20, 2021 at 11:27 AM

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

Cc: Jackie Gilbert <jackie@kgelegal.com>, Diana Ebron <diana@kgelegal.com>, "Wolf Rivers

(de715b910+matter1020495566@maildrop.clio.com)" <de715b910+matter1020495566@maildrop.clio.com>, Candi Fay <candifay@kgelegal.com>

You can insert my e-signature

Karen L. Hanks, Esq.

Kim Gilbert Ebron

7625 Dean Martin Drive, Suite 110

Las Vegas, Nevada 89139

Telephone: 702-485-3300

Facsimile: 702-485-3301

From: David Merrill [mailto:david@djmerillpc.com]

Sent: Thursday, May 20, 2021 6:58 AM

To: Karen Hanks <karen@kgelegal.com>; David Ochoa <dochoa@lipsonneilson.com>

Subject: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

Karen and David,

I have attached for your review and approval a draft of the Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs. I must submit to the Court by tomorrow. Please review and advise if you have any suggested changes or with approval to add 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



David Merrill <david@djmerillpc.com>

RE: Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

1 message

David Ochoa <DOchoa@lipsonneilson.com>

Thu, May 20, 2021 at 7:43 PM

To: David Merrill <david@djmerillpc.com>, "Karen L. Hanks" <karen@kgelegal.com>

David,

I approve, you may add 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 6:58 AM**To:** Karen L. Hanks <karen@kgelegal.com>; David Ochoa <DOchoa@lipsonneilson.com>**Subject:** Marchai, B.T. v. Perez (Case No. A-13-689461-C): Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs

Karen and David,

I have attached for your review and approval a draft of the Order Denying Marchai, B.T.'s Motion to Retax and Settle the Costs. I must submit to the Court by tomorrow. Please review and advise if you have any suggested changes or with approval to add 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:

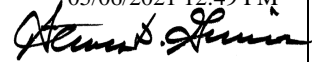
14 Service Date: 5/24/2021

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
21 Susana Nutt .	snutt@lipsonneilson.com
22 Tomas Valerio .	staff@kgelegal.com
23 KGE Legal Staff	staff@kgelegal.com
24 KGE E-Service List	eservice@kgelegal.com
25 Diana Ebron	diana@kgelegal.com

26
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David Ochoa	dochoa@lipsonneilson.com
David Merrill	david@djmerrillpc.com
Kaleb Anderson	kanderson@lipsonneilson.com
Renee Rittenhouse	rrittenhouse@lipsonneilson.com
Susana Nutt	snutt@lipsonneilson.com
Juan Cerezo	jcerezo@lipsonneilson.com
Candi Fay	candifay@kgelegal.com


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 Granting in Part and Denying in Part SFR's Motion to
Retax and Settle Memorandum of Costs and Disburse-
ments**

SFR Investments Pool 1, LLC's Motion to Retax and Settle Memorandum of Costs and Disbursement came before this Court, in chambers, on the 16th day of April 2021. The Court, having considered Marchai, B.T.'s Memorandum of Costs and Disbursements, the motion, Marchai's opposition, SFR's reply, and good cause appearing therefor:

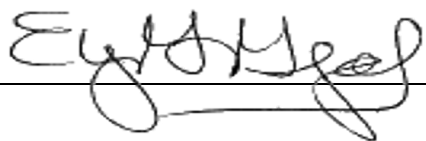
It is ordered that the motion is **granted in part and denied in part**. Specifically, under NRS § 18.020, the Court awards Marchai the costs requested in its Memorandum of Costs and

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

1 Disbursements except for Marchai's requested costs of: (1) the \$250.000 fee paid to the mediator
2 for the Nevada Real Estate Division mediation; and (2) the \$151.35 in parking expenses.

3 **It is further ordered** that Marchai is awarded costs of \$3,959.06, jointly and severally,
4 against SFR and Cristela Perez. The Court has attempted to apportion the costs between SFR and
5 Perez but finds that apportionment is impracticable. Marchai's principal claim in this action
6 (which it asserted against both SFR and Perez) is for judicial foreclosure. The costs Marchai in-
7 curred—except those excluded by the Court—were to further its claim for judicial foreclosure
8 against SFR and Perez and protect its deed of trust from SFR's claim that the association's fore-
9 closure extinguished Marchai's deed of trust.

10 **Dated this 6th day of May, 2021**

11 
12

13 Submitted by:

14 David J. Merrill, P.C.

F1B FE8 3B64 6472
Elizabeth Gonzalez
District Court Judge

15 By: /s/ David J. Merrill
16 David J. Merrill
17 Nevada Bar No. 6060
18 10161 Park Run Drive, Suite 150
19 Las Vegas, Nevada 89145
20 (702) 566-1935
21 Attorney for Marchai, B.T.
22
23
24
25
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27
28

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 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: 5/6/2021

15 Michael Sturm

mike@kgelegal.com

16 David J. Merrill .

david@djmerrillpc.com

17 Diana Cline Ebron .

diana@kgelegal.com

18 E-Service for Kim Gilbert Ebron .

eservice@kgelegal.com

19 Kaleb Anderson .

kanderson@lipsonneilson.com

20 Michael L. Sturm .

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21 Renee Rittenhouse .

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22 Susana Nutt .

snutt@lipsonneilson.com

23 Tomas Valerio .

staff@kgelegal.com

24 KGE Legal Staff

staff@kgelegal.com

25 KGE E-Service List

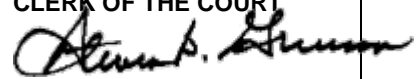
eservice@kgelegal.com

26
27
28

Diana Ebron	diana@kgelegal.com
David Ochoa	dochoa@lipsonneilson.com
David Merrill	david@djmerrillpc.com
Kaleb Anderson	kanderson@lipsonneilson.com
Renee Rittenhouse	rrittenhouse@lipsonneilson.com
Susana Nutt	snutt@lipsonneilson.com
Juan Cerezo	jcerezo@lipsonneilson.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 5/7/2021

Jacqueline Gilbert	Kim Gilbert Ebron
	Attn: Jacqueline Gilbert
	7625 Dean Martin Drive, Suite 110
	Las Vegas, NV, 89139



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

11
12
13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 MARCHAI, B.T., a Nevada business trust,
16
17 Plaintiff,

18 v.

19 CRISTELA PEREZ, an individual; *et al.*
20
21 Defendants.

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

Consolidated with: A-16-742327-C

22
23 AND ALL RELATED CLAIMS AND AC-
24 TIONS

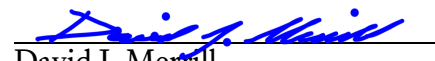
25 **Notice of Entry of Order**

26 **Take notice** that on the 6th day of May 2021, the Court entered an Order Granting in
27 Part and Denying in Part SFR's Motion to Retax and Settle Memorandum of Costs and Dis-
28 bursements, a copy of which is attached.

Dated this 10th day of May 2021.

David J. Merrill, P.C.

By:


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.

Certificate of Service

I hereby certify that on the 10th day of May 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
E-Service for Kim Gilbert Ebron
Michael L. Sturm
Tomas Valerio

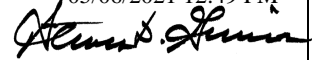
diana@kgelegal.com
eservice@kgelegal.com
mike@kgelegal.com
staff@kgelegal.com

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

Brenda Correa
Kaleb Anderson
Megan Hummel
Renee Rittenhouse
Susana Nutt
Juan Cerezo
David Ochoa

bcorrea@lipsonneilson.com
kanderson@lipsonneilson.com
mhummel@lipsonneilson.com
rrittenhouse@lipsonneilson.com
snutt@lipsonneilson.com
jcerezo@lipsonneilson.com
dochoa@lipsonneilson.com


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

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 Granting in Part and Denying in Part SFR's Motion to
Retax and Settle Memorandum of Costs and Disburse-
ments**

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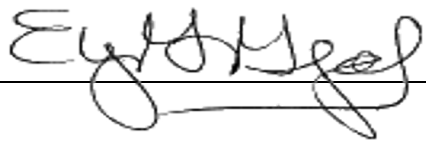
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DAVID J. MERRILL, P.C.
10161 PARK RUN DRIVE, SUITE 150
LAS VEGAS, NEVADA 89145
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1 Disbursements except for Marchai's requested costs of: (1) the \$250.000 fee paid to the mediator
2 for the Nevada Real Estate Division mediation; and (2) the \$151.35 in parking expenses.

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4 against SFR and Cristela Perez. The Court has attempted to apportion the costs between SFR and
5 Perez but finds that apportionment is impracticable. Marchai's principal claim in this action
6 (which it asserted against both SFR and Perez) is for judicial foreclosure. The costs Marchai in-
7 curred—except those excluded by the Court—were to further its claim for judicial foreclosure
8 against SFR and Perez and protect its deed of trust from SFR's claim that the association's fore-
9 closure extinguished Marchai's deed of trust.

10 **Dated this 6th day of May, 2021**

11 
12

13 Submitted by:

14 David J. Merrill, P.C.

F1B FE8 3B64 6472
Elizabeth Gonzalez
District Court Judge

15 By: /s/ David J. Merrill
16 David J. Merrill
17 Nevada Bar No. 6060
18 10161 Park Run Drive, Suite 150
19 Las Vegas, Nevada 89145
20 (702) 566-1935
21 Attorney for Marchai, B.T.
22
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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
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mike@kgelegal.com

16 David J. Merrill .

david@djmerrillpc.com

17 Diana Cline Ebron .

diana@kgelegal.com

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21 Renee Rittenhouse .

rittenhouse@lipsonneilson.com

22 Susana Nutt .

snutt@lipsonneilson.com

23 Tomas Valerio .

staff@kgelegal.com

24 KGE Legal Staff

staff@kgelegal.com

25 KGE E-Service List

eservice@kgelegal.com

26
27
28

Diana Ebron	diana@kgelegal.com
David Ochoa	dochoa@lipsonneilson.com
David Merrill	david@djmerrillpc.com
Kaleb Anderson	kanderson@lipsonneilson.com
Renee Rittenhouse	rrittenhouse@lipsonneilson.com
Susana Nutt	snutt@lipsonneilson.com
Juan Cerezo	jcerezo@lipsonneilson.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 5/7/2021

Jacqueline Gilbert	Kim Gilbert Ebron
	Attn: Jacqueline Gilbert
	7625 Dean Martin Drive, Suite 110
	Las Vegas, NV, 89139

**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)

March 22, 2016 9:40 AM Minute Order

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 Merrill, David J	Attorney 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: 07/07/2021

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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: 07/07/2021

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

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
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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**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

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**

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

September 28, 2018**3:00 AM****Motion for Attorney Fees****Plaintiff's Motion for
Attorney Fees****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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****December 17, 2019**

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

December 17, 2019 9:00 AM Motion to Stay

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

- 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.

**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: 07/07/2021

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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: 07/07/2021

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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**

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

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

**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
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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

- 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

PRINT DATE: 07/07/2021

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Minutes Date: November 04, 2014

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)
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January 08, 2021

3:00 AM

**Motion For
Reconsideration**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- 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

**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

Defendant's 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

[illegible]

Exhibit List

CASE NO: A-13-689461-C

DEPT NO: 11

Marchal, B.T. PLAINTIFF

TRIAL DATE: #####

JUDGE: Honorable Elizabeth Gonzalez

CLERK: JULIE POWERS

RECORDED: 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	Ident. of Device Traditional (cur)	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	2-22-21	NO	2-22-21/
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	2-22-21	NO	2-22-21/

Exhibit List

Exhibit Number	Identif. of Device or Traditional (put V)	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	Identify of Device or Traditional (unit)	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. 29, 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 Jettic (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	Identify of Deeds or Traditional (part)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	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 (unit)	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-WY000110	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	Identify of Device or Traditional (pub/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	UA
131.pdf	Golden Drive	Adjustment Register (Oct. 1, 2013)	WY000365	Yes				UA
132.pdf	Golden Drive	Preliminary Report for Title Insurance (Oct. 9, 2013)	MBT0680-MBT0690	Yes				UA
133.pdf	Golden Drive	Complaint for Interpleader (Oct. 23, 2013)	MBT0651-MBT0670	Yes				UA
134.pdf	Golden Drive	Letter from Peak Loan Servicing to Cristela Perez (Nov. 8, 2013)	MBT0676	Yes				UA
135.pdf	Golden Drive	Evidence of Lender Place Insurance (Feb. 15, 2015)	MBT0695	Yes				UA
136.pdf	Golden Drive	Certificate of Custodian of Records Pursuant to NRS 52.260 (Oct. 9, 2015)	MBT0052-MBT0053	Yes				UA
137.pdf	Golden Drive	Insurance Coverage Notification (Oct. 13, 2015)	MBT0678	Yes				UA
138.pdf	Golden Drive	Resident Transaction Detail (Oct. 16, 2015)	WY000377-WY000380	Yes				UA
139.pdf	Golden Drive	Resident Transaction Detail (Oct. 16, 2015)	WY000381-WY000385	Yes				UA
140.pdf	Golden Drive	Affidavit of David Alessi (Nov. 10, 2015)	MBT0329-MBT0332	Yes				UA
141.pdf	Golden Drive	Records Search & Order System (Jan. 11, 2016)	18-20	Yes	2-22-21	NO	2-22-21	UA
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	UA
143.pdf	Golden Drive	Notice of Accounting for Injunction Pending Appeal: September 2020 (Oct. 13, 2020)		Yes	2-22-21	NO	2-22-21	UA
144.pdf	Golden Drive	Second Amended Notice of Taking Deposition of Wyeth Ranch Community Association		Yes	2-22-21	NO	2-22-21	UA

145 TRADITIONAL DOCUMENT RE: PAY-OFF AMOUNT

UA

EXHIBIT(S) LIST

Case No.: A-13-689461-C

Trial Date:

FEBRUARY 22, 2021

Dept. 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

JACQUELINE A. GILBERT, ESQ.
7625 DEAN MARTIN DR., STE 110
LAS VEGAS, NV 89139

DATE: July 7, 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: July 2, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING MARCHAI, B.T.'S MOTION TO RETAX AND SETTLE THE COSTS; NOTICE OF ENTRY OF ORDER; ORDER GRANTING IN PART AND DENYING IN PART SFR'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS AND DISBURSEMENTS; 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 7 day of July 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk