

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS A. PICKENS,
INDIVIDUALLY AND AS TRUSTEE
OF THE LV BLUE TRUST,

Appellant,

vs.

DR. DANKA K. MICHAELS,
INDIVIDUALLY AND AS TRUSTEE
OF THE MICH-MICH TRUST,

Respondent;

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Feb 23 2022 10:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 83491
D.C. Case No. D-17-560737-D

APPENDIX

Volume IV of XXXVII

ATTORNEYS FOR APPELLANT

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CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Complaint for Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest	10/24/2017	I/AA00001-00015
Request for Issuance of Joint Preliminary Injunction	10/25/2017	I/AA00016
Affidavit of Process Server	11/02/2017	I/AA00017-00022
Notice of Appearance of Attorney	11/27/2017	I/AA00023-00024
Appendix of Exhibits in Support of Defendant's Motion to Dismiss	11/29/2017	I/AA00025-00044
Motion to Dismiss	11/29/2017	I/AA00045-00061
Petition to Seal Records Pursuant to NRS 125.110(2)	12/15/2017	I/AA00062-00063
Exhibit Appendix to Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00064-00093
Motion Opposition Fee Information Sheet	12/20/2017	I/AA00094
Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00095- I/AA00111
Order to Seal Records Pursuant to NRS 125.110(2)	12/22/2017	I/AA00112- I/AA00113
Stipulation and Order to Continue Hearing	12/28/2017	I/AA00114- 000115
Notice of Entry of Stipulation and Order	12/29/2017	I/AA00116- 000119
Notice of Entry of Order to Seal Records	01/03/2018	I/AA00120-00124
Reply to Opposition to Defendant's Motion to Dismiss and Opposition to Countermotion for Attorney's Fees and Costs	01/09/2018	I/AA00125-00141
Court Minutes	01/25/2018	I/AA00142-00143
Court Minutes	02/23/2018	I/AA00144-00145
Order	03/09/2018	I/AA00146-00154

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Notice of Entry of Order	03/12/2018	I/AA00155-00164
Order	03/12/2018	I/AA0065-00173
First Amended Compliant for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine	03/22/2018	I/AA00174-00188
Answer to First Amended Complaint for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine; Affirmative Defenses and Counterclaim	05/02/2018	I/AA00189-00211
Reply to Defendant's Counterclaim	05/30/2018	I/AA00212-00219
Plaintiff, Danka K. Michaels' Initial Expert Witness List	07/11/2018	I/AA00220-00229
Declaration of Service	07/13/2018	I/AA00230
Joint Early Case Conference Report Pursuant to N.R.C..P 16.2(i)(2)	07/13/2018	I/AA00231-00237
Declaration of Service	07/19/2018	I/AA00238
Order Setting Case Management Conference and Directing Compliance with NRCP 16.2	07/31/2018	I/AA00239-00242
Declaration of Service Robert Semonian	08/03/2018	I/AA00243
Declaration of Service Shannon L. Evans	08/03/2018	I/AA00244
Motion for Leave to File Second Amended Complaint	09/07/2018	I/AA00245- II/AA00270
Motion Opposition Fee Information Sheet	09/07/2018	II/AA00271
Case and Trial Management Order	09/10/2018	II/AA00272- 00274
Court Minutes	09/10/2018	II/AA00275- 00276

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Certificate of Service	09/11/2018	II/AA00277-00278
Stipulation and Order Granting Leave to File Second Amended Complaint, and Vacating Motion Hearing	10/08/2018	II/AA00279-00281
Notice of Entry of Stipulation and Order	10/10/2018	II/AA00282-00287
Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest	10/15/2018	II/AA00288-00305
Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/19/2018	II/AA00306-00329
Declaration of Danka K. Michaels in Support of Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/21/2018	II/AA00330-00332
Order After Hearing of September 10, 2018	12/11/2018	II/AA00333-00336

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Reply to Defendant's Counterclaim	12/12/2018	II/AA00337-00344
Notice of Entry of Order	12/17/2018	II/AA00345-00351
Motion Opposition Fee Information Sheet	01/08/2019	II/AA00352
Motion to Withdraw as Attorney of Records for Plaintiff	01/08/2019	II/AA00353-00358
Certificate of Service	01/09/2019	II/AA00359-00360
Order Granting Withdrawal as Attorney of Record for Plaintiff	02/05/2019	II/AA00361-00362
Notice of Entry of Order	02/06/2019	II/AA00363-00367
Notice of Taking Videotaped Deposition	02/15/2019	II/AA00368-00370
Defendant's Witness List (Non-Expert)	02/20/2019	II/AA00371-00375
Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00376-00378
Second Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00379-00381
Notice of Appearance	03/08/2019	II/AA00382-00383
Notice of Department Reassignment	03/11/2019	II/AA00384-00385
Peremptory Challenge of Judge	03/11/2019	II/AA00386-00388
Case Management Order – Domestic	03/21/2019	II/AA00389-00394
Notice of Attorney's Lien	04/05/2019	II/AA00395-00397

**CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Appendix of Exhibits in Support of Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00398-00440
Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00441-00458
Notice of Hearing	04/22/2019	II/AA00459
Defendant's Supplemental Witness List (Non-Expert)	04/24/2019	II/AA00460-00464
Notice of Unavailability of Counsel	05/08/2019	II/AA00465-00467
Appendix of Exhibits to Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00468-00495
Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00496-III/AA00516
Reply in Support of Defendant's Motion to Compel Discovery Responses	05/15/2019	III/AA00517-00522
Plaintiff's Supplement to Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/21/2019	III/AA00523-00527
Stipulation and Order RE: Motion to Compel	05/28/2019	III/AA00528-00534
Notice of Entry of Stipulation and Order RE: Motion to Compel	05/29/2019	III/AA00535-00543
Receipt of Check	06/03/2019	III/AA00544
Notice of Entry of Stipulation and Order to Continue	06/13/2019	III/AA00545-00551
Stipulation and Order to Continue	06/13/2019	III/AA00552-00556
Stipulation and Order to Vacate Discovery Hearing	06/18/2019	III/AA00557-00559
Notice of Entry of Stipulation and Order to Vacate Discovery Hearing	06/19/2019	III/AA00560-00564

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Satisfaction and Release of Lien	07/31/2019	III/AA00565-00566
Appendix of Exhibits in Support of Defendant’s Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	III/AA00567-IV/AA00702
Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	IV/AA00703-00736
Notice of Hearing	08/01/2019	IV/AA00737
Notice of Unavailability of Counsel	08/05/2019	IV/AA00738-00740
Stipulation to Extend Discovery Deadlines and Continue Trial (First Request) and Order Continuing Trial	08/05/2019	IV/AA00741-00745
Plaintiff’s Opposition to Defendant’s Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion for Leave of Court to File Supplemental Points and Authorities	08/12/2019	IV/AA00746-V/AA00754
Notice of Entry of Stipulation and Order	08/16/2019	V/AA0055-00762

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Appendix of Exhibits to Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion 1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00763-00813
Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for International Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00814-00843
Declaration of Service	09/05/2019	V/AA00844

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Appendix of Exhibits in Support of Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00845-00861
Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00862-00879
Minute Order	09/10/2019	V/AA00880-00881

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Declaration of Service	11/01/2019	V/AA00882
Notice of Taking Custodian of Records Deposition and Seven Day Notice of Intent to Serve Subpoena Duces Tecum	12/09/2019	V/AA00883- 00885
Declaration of Service	12/20/2019	V/AA00886
Defendant's Second Supplemental Witness List (Non-Expert)	12/27/2019	V/AA00887- 00891
Trial Subpoena Robert Semonian	01/28/2020	V/AA00892- 00898
Trial Subpoena Shannon L. Evans, Esq.	01/28/2020	V/AA00899- 00905
Trial Subpoena	01/29/2020	V/AA00906- 00909
Declaration of Service	02/04/2020	V/AA00910
Declaration of Service	02/05/2020	V/AA00911
Stipulation and Order to Extend Filing of Pre- Trial Memorandum and Trail Exhibits	02/06/2020	V/AA00912- 00913
Defendant's Pre-Trial Memorandum	02/07/2020	V/AA00914- 00932
Plaintiff Thomas Pickens Pretrial Memorandum	02/07/2020	V/AA00933- 00950
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/10/2020	V/AA00951- 00954
Plaintiff Thomas Pickens General Financial Disclosure Form-Trial	02/11/2020	V/AA00955- 00962
Receipt of Copy	02/11/2020	V/AA00963
General Financial Disclosure Form	02/13/2020	V/AA00964- 00981
Notice of Non-Opposition to Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	V/AA00982- VII/AA01254

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Supplemental Exhibit in Support of Notice of Non-Opposition to Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	VII/AA01255-VIII/AA01727
Court Minutes	02/14/2020	VIII/AA01728
Notice of Intent to Appear by Communication Equipment	02/20/2020	VIII/AA01729-IX/01768
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01769-01770
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01771-01780
Court Minutes	02/21/2020	IX/AA01781-01793
Notice of Hearing	03/20/2020	IX/AA01794-01798
Stipulation and Order to Continue Day Three of Trial	06/24/2020	IX/AA01799-01800
Notice of Entry of Stipulation and Order	06/25/2020	IX/AA01801-01810
Notice of Change of Firm	06/26/2020	IX/AA01811-01819
Court Minutes	07/20/2020	IX/AA01820-01823
Estimated Cost of Expedited Transcripts	07/22/2020	IX/AA01824-01826
Notice of Hearing	08/26/2020	IX/AA1827-X/AA2051
Final Billing for Transcripts	09/01/2020	X/AA02052-02054
Transcript RE: Non-Jury Trial	09/01/2020	X/AA02055-02070
Transcript RE: Non-Jury Trial Day 2	09/01/2020	X/AA02071-02086

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Notice of Appearance of Co-Counsel for Defendant	10/16/2020	X/AA02087-02122
Notice of Hearing	10/26/2020	X/AA02123-02190
Notice of Hearing	11/17/2020	X/AA02191-02201
Notice of Hearing	11/25/2020	X/AA02202-02209
Court Minutes	01/22/2021	X/AA02210-02220
Notice of Hearing	01/22/2021	X/AA02221-02232
Notice of Change of Firm Address	01/27/2021	X/AA02233-02243
Notice of Hearing	02/23/2021	X/AA02244-XI/AA02252
Court Minutes	03/05/2021	XI/AA02253-02261
Notice of Hearing	03/08/2021	XI/AA02262-02271
Court Minutes	03/12/2021	XI/AA02272-02284
Court Minutes	04/02/2021	XI/AA02285-02301
Defendant's EDCR 7.27 Brief	04/02/2021	XI/AA02302-02320
Stipulation and Order to Extend Briefing Deadlines	04/14/2021	XI/AA02321-02329
Notice of Entry of Stipulation and Order	04/19/2021	XI/AA02330-02351
Stipulation and Order to Extend Briefing Deadline	04/22/2021	XI/AA02352-02369

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Closing Argument	04/23/2021	XI/AA02370-02834
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02835-02406
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02407-02424
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02425-02443
Defendant's Closing Argument Brief	05/28/2021	XI/AA02444-02467
Stipulation and Order to Extend Deadline for Plaintiff to File His Rebuttal Brief	06/14/2021	XI/AA02468-02488
Plaintiff's Rebuttal to Defendant's Closing Argument	06/15/2021	XI/AA02489-XII/AA02524
Notice of Change of Firm Address	08/01/2021	XII/AA02525-02567
Findings of Fact, Conclusions of Law and Judgement	08/03/2021	XII/AA02568-02613
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgement	08/05/2021	XII/AA02614-02657
Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02658-02671
Exhibit of Appendix to Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02672-02716
Case Appeal Statement	09/02/2021	XII/AA02717-02743
Notice of Appeal	09/02/2021	XII/AA02744-XIII/AA02768
Estimated Cost of Transcript	09/07/2021	XIII/AA02769-02791
Estimated Costs of Transcript	09/07/2021	XIII/AA02792-02822

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Objection to Defendant Danka K. Michaels' Memorandum of Fees and Costs	09/07/2021	XIII/AA02823-02854
Defendant's Reply to Plaintiff's Objection to Memorandum of Fees and Costs	09/20/2021	XIII/AA02855-02885
Certification of Transcripts Notification of Completion	10/28/2021	XIII/AA02886-02913
Final Billing for Transcripts	10/28/2021	XIII/AA02914-02956
Transcript RE: Non-Jury Trial Day 3	10/28/2021	XIII/AA02957-XIV/AA03007
Transcript RE: Non-Jury Trial Day 4	10/28/2021	XIV/AA03008-03040
Transcript RE: Non-Jury Trial Day 5	10/28/2021	XIV/AA03041-03054
Receipt of Copy	11/10/2021	XIV/AA03055-03069
Plaintiff's Trial Exhibit 1 - Photographs of the parties' wedding on April 7, 2002 and announcement	02/14/2020	XIV/AA03070-03083
Plaintiff's Trial Exhibit 2 - Litterae Matrimoniales (Marriage Certificate) of Thomas Pickens and Danka Katarina Oltusova dated April 7, 2002	02/14/2020	XIV/AA03084-03096
Plaintiff's Trial Exhibit 3 - Medical Records for Tom Pickens produced by Danka Michaels, his physician	02/14/2020	XIV/AA03097-03111
Plaintiff's Trial Exhibit 4 - Nevada Prescription Monitoring Program Prescription log for Tom Pickens	02/14/2020	XIV/AA03112-03116
Plaintiff's Trial Exhibit 5 - Chain of Title with Applicable Deeds for 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145	02/14/2020	XIV/AA03117-03127

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff’s Trial Exhibit 6 - Chain of Title with Applicable Deeds for 7608 Lowe Avenue, Las Vegas, Nevada 89131	02/14/2020	XIV/AA03128-03136
Plaintiff’s Trial Exhibit 7 - Affidavit of Custodian of Records and file from First American Title Company—purchase of 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145 on October 7, 2004	02/14/2020	XIV/AA03137-03150
Plaintiff’s Trial Exhibit 8 - Certificate of Custodian of Records for Ticor Title of Nevada—purchase of 7608 Lowe Avenue, Las Vegas, Nevada 89131 on February 28, 2011	02/14/2020	XIV/AA03151-03164
Plaintiff’s Trial Exhibit 9 - 2005 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA3165-03180
Plaintiff’s Trial Exhibit 10 - 2006 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03181-03196
Plaintiff’s Trial Exhibit 11 - 2007 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03197-03210
Plaintiff’s Trial Exhibit 12 - 2008 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03211-03224
Plaintiff’s Trial Exhibit 13 - 2009 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03225-XV/AA03262
Plaintiff’s Trial Exhibit 14 - 2010 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03263-03319
Plaintiff’s Trial Exhibit 15 - 2011 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03320-03372
Plaintiff’s Trial Exhibit 16 - 2012 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03373-03429
Plaintiff’s Trial Exhibit 17 - 2013 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03430-03478
Plaintiff’s Trial Exhibit 18 - 2014 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03479-03494

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Trial Exhibit 19 - 2015 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03495- XVI/AA03543
Plaintiff's Trial Exhibit 20 - 2016 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XVI/AA03544- 03639
Plaintiff's Trial Exhibit 21 - 2005 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03640- 03735
Plaintiff's Trial Exhibit 22 - 2006 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03736- XVII/AA03823
Plaintiff's Trial Exhibit 23 - 2007 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03824- 03848
Plaintiff's Trial Exhibit 24 - 2008 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03849- 03998
Plaintiff's Trial Exhibit 25 - 2009 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03999 XVIII/AA04127
Plaintiff's Trial Exhibit 26 - 2010 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04128- 04239
Plaintiff's Trial Exhibit 27 - 2011 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04240- XIX/AA04361
Plaintiff's Trial Exhibit 28 - 2012 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04362- 04482
Plaintiff's Trial Exhibit 29 - 2013 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04483- XX/AA04646
Plaintiff's Trial Exhibit 30 - 2014 1040 Income Tax Return for Danka Michaels	02/14/2020	XX/AA04647- XXI/AA04755
Plaintiff's Trial Exhibit 31 - 2015 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04756- 04842
Plaintiff's Trial Exhibit 32 - 2016 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04843- 04879
Plaintiff's Trial Exhibit 35 - 2006 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04880- 04908

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 36 - 2007 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04909- XXII/AA05059
Plaintiff's Trial Exhibit 37 - 2008 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05060- 05200
Plaintiff's Trial Exhibit 38 - 2009 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05201- XXIII/AA05305
Plaintiff's Trial Exhibit 39 - 2010 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05306- 05391
Plaintiff's Trial Exhibit 40 - 2011 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05392- 05488
Plaintiff's Trial Exhibit 41 - 2012 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05489- XXIV/AA05577
Plaintiff's Trial Exhibit 42 - 2013 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05578- 05669
Plaintiff's Trial Exhibit 43 - 2014 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05670- XXV/AA05758
Plaintiff's Trial Exhibit 44 - 2015 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05759- 05802
Plaintiff's Trial Exhibit 45 - 2016 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05803- 05934
Plaintiff's Trial Exhibit 46 - 2017 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA005935- XXVI/AA06106

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 47 - 2012 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVI/AA06107- XXVII/AA06297
Plaintiff's Trial Exhibit 48 - 2013 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06298- 06490
Plaintiff's Trial Exhibit 49 - 2014 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06491- XXVIII/ AA06589
Plaintiff's Trial Exhibit 50 - 2015 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06590-06672
Plaintiff's Trial Exhibit 51 - 2016 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06673-06691
Plaintiff's Trial Exhibit 52 - 2008 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXVIII/ AA06692- XXIX/ AA06759
Plaintiff's Trial Exhibit 53 - 2009 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06760-06832
Plaintiff's Trial Exhibit 54 - 2010 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06833-06862
Plaintiff's Trial Exhibit 55 - 2011 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06863-06912
Plaintiff's Trial Exhibit 56 - 2012 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06913-06930
Plaintiff's Trial Exhibit 57 - 2013 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06931-06962
Plaintiff's Trial Exhibit 58 - 2014 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06963-06998

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 59 - 2015 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06999
Plaintiff's Trial Exhibit 60 - 2016 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXX/AA07000
Plaintiff's Trial Exhibit 63 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 05/29/2014 through 12/31/2014	02/14/2020	XXX/AA07001- 07002
Plaintiff's Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff's Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff's Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff's Trial Exhibit 70 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2018 through 12/31/2018	02/14/2020	XXX/AA07011
Plaintiff's Trial Exhibit 71 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2019 through 04/30/19	02/14/2020	XXX/AA07012- 07013
Plaintiff's Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Trial Exhibit 76 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2015 through 12/31/15	02/14/2020	XXX/AA07015- 07016
Plaintiff's Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017- 07050
Plaintiff's Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
Plaintiff's Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052
Plaintiff's Trial Exhibit 82 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/30/10 through 12/15/11	02/14/2020	XXX/AA07053
Plaintiff's Trial Exhibit 83 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/11 through 12/14/12	02/14/2020	XXX/AA07054- 07057
Plaintiff's Trial Exhibit 84 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/15/12 through 12/15/13	02/14/2020	XXX/AA07058
Plaintiff's Trial Exhibit 85 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/13 through 12/15/14	02/14/2020	XXX/AA07059

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 86 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/14 through 12/15/15	02/14/2020	XXX/AA07060
Plaintiff's Trial Exhibit 87 - American Express Statements #72004 Thomas Pickens card #72004 #73002 Danka Michaels card #72020 12/16/15 through 12/15/16	02/14/2020	XXX/AA07061-07092
Plaintiff's Trial Exhibit 88 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/16 through 12/15/17	02/14/2020	XXX/AA07093-07095
Plaintiff's Trial Exhibit 89 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/17 through 12/15/18	02/14/2020	XXX/AA07096-07204
Plaintiff's Trial Exhibit 90 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/18 through 04/14/19	02/14/2020	XXX/AA07205-07228
Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
Plaintiff's Trial Exhibit 97 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/10 through 12/08/11	02/14/2020	XXX/AA07231
Plaintiff's Trial Exhibit 98 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/11 through 12/07/12	02/14/2020	XXX/AA07232-07236

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 99 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/12 through 12/08/13	02/14/2020	XXX/AA07237-07239
Plaintiff's Trial Exhibit 100 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/13 through 12/08/14	02/14/2020	XXX/AA07240-07247
Plaintiff's Trial Exhibit 101 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/14 through 12/08/15	02/14/2020	XXX/AA07248-07250
Plaintiff's Trial Exhibit 102 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/15 through 12/08/16	02/14/2020	XXXI/AA07251-07255
Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258
Plaintiff's Trial Exhibit 104 - American Express Statements #63006 titled in the name of Thomas Pickens 01/08/18 through 12/07/18	02/14/2020	XXXI/AA07259
Plaintiff's Trial Exhibit 105 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXI/AA07260
Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
Plaintiff's Trial Exhibit 107 - American Express #51001 titled in the name of Blue Point Development 12/21/13 through 12/19/14	02/14/2020	XXXI/AA07263
Plaintiff's Trial Exhibit 108 - American Express #51001 titled in the name of Blue Point Development 12/20/14 through 12/20/15	02/14/2020	XXXI/AA07264-XXXII/AA07516
Plaintiff's Trial Exhibit 109 - American Express #51001 titled in the name of Blue Point Development 12/21/15 through 12/20/16	02/14/2020	XXXII/AA07517-07682

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 110 - American Express #51001 titled in the name of Blue Point Development 12/21/16 through 12/20/17	02/14/2020	XXXII/AA 07683-07685
Plaintiff’s Trial Exhibit 111 - American Express #51001 titled in the name of Blue Point Development 12/21/17 through 12/20/18	02/14/2020	XXXII/AA 07686-07687
Plaintiff’s Trial Exhibit 112 - American Express #51001 titled in the name of Blue Point Development 12/21/18 through 04/19/19	02/14/2020	XXXII/AA 07688-07689
Plaintiff’s Trial Exhibit 113 - Bank of America Bank Statements #2561 titled in the name of Blue Point Development 10/29/12 through 02/28/14	02/14/2020	XXXII/AA 07690-07691
Plaintiff’s Trial Exhibit 114 - Bank of America Bank Statements #0222 titled in the name of Patience One LLC 11/01/12 through 12/31/13	02/14/2020	XXXII/AA 07692-07693
Plaintiff’s Trial Exhibit 115 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 06/06/17 through 12/08/17	02/14/2020	XXXII/AA 07694-07695
Plaintiff’s Trial Exhibit 116 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/09/17 through 12/07/18	02/14/2020	XXXII/AA 07696-07698
Plaintiff’s Trial Exhibit 117 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXII/AA 07699-07700
Plaintiff’s Trial Exhibit 118 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 10/16/18 through 12/31/18	02/14/2020	XXXII/AA 07701-07702
Plaintiff’s Trial Exhibit 119 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 01/01/19 through 04/30/19	02/14/2020	XXXII/AA 07703-07704
Plaintiff’s Trial Exhibit 125 - Land Rover Financial Group statement 12/13/13 – 01/12/14	02/14/2020	XXXII/AA 07705-07706

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 126 - Lexus Statement – 12/24/13	02/14/2020	XXXII/AA 07707
Plaintiff’s Trial Exhibit 127 - Southwest Pension Services – Danka Michaels. Statements 09/03/2013 and 12/31/13	02/14/2020	XXXII/AA 07708- XXXIII/AA 07769
Plaintiff’s Trial Exhibit 128 - Valic – Danka Michalecko statements 9/30/13, 12/31/13, and 9/30/15	02/14/2020	XXXIII/AA 07770-07772
Plaintiff’s Trial Exhibit 129 - Pinnacle Health Systems – Danka K. Michaels. Statements 9/30/13 and 12/31/13	02/14/2020	XXXIII/AA 07773-07778
Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 150 - Plaintiff email dated May 9, 2012	02/14/2020	XXXIII/AA 07934-07964
Plaintiff’s Trial Exhibit 151 - Plaintiff email dated November 13, 2011	02/14/2020	XXXIII/AA 07965-07998
Plaintiff’s Trial Exhibit 152 - Plaintiff email dated December 2, 2016	02/14/2020	XXXIII/AA 07999- XXXIV/AA 08018
Plaintiff’s Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
Plaintiff’s Trial Exhibit 154 - #002651 Emails between Dr. Michaels and R. Semonian	02/21/2020	XXXIV/AA 08203-08209
Plaintiff’s Trial Exhibit 155 – NV Prescription Monitoring Program	02/21/2020	XXXIV/AA 08210-08247
Plaintiff’s Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
Defendant’s Trial Exhibit A – Plaintiff’s Response to Defendant’s First Request for Production of Documents and Tangible Things from Plaintiff (with certain attachments thereto)	02/14/2020	XXXIV/AA 08249
Defendant’s Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250- XXXV/AA 08257
Defendant’s Trial Exhibit G – Records produced by Equity Title, LLC, in response to Subpoena Duces Tecum for Blue Mesa property (Affidavit and relevant documents)	02/14/2020	XXXV/AA 08258-08270
Defendant’s Trial Exhibit J – Plaintiff’s Decree of Divorce filed June 26, 2021	02/14/2020	XXXV/AA 08271

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Defendant's Trial Exhibit K – Blue Point Development account statement and record produced by Wells Fargo Bank, in response to Subpoena Duces Tecum	02/14/2020	XXXV/AA 08272
Defendant's Trial Exhibit L – Wells Fargo billing Statement dated November 2016	02/14/2020	XXXV/AA 08273- XXXVI/AA 08571
Defendant's Trial Exhibit M – Notice of Entry of Findings of Fact and Conclusions of Law filed on June 1, 2018 in the matter of <i>Bluepoint Development Inc. v. Patience One, LLC</i>	02/14/2020	XXXVI/AA 08572- XXXVII/AA 08867
Defendant's Trial Exhibit N – Records evidencing attorney's fees and expert fees paid by Defendant in this action	02/14/2020	XXXVII/AA 08868-08938
Receipt of Copy	11/10/2021	XXXVII/AA 08939

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Affidavit of Process Server	11/02/2017	I/AA00017-00022
Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00376-00378
Answer to First Amended Complaint for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine; Affirmative Defenses and Counterclaim	05/02/2018	I/AA00189-00211
Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/19/2018	II/AA00306-00329
Appendix of Exhibits in Support of Defendant’s Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	III/AA00567-IV/AA00702
Appendix of Exhibits in Support of Defendant’s Motion to Compel Discovery Responses	04/22/2019	II/AA00398-00440
Appendix of Exhibits in Support of Defendant’s Motion to Dismiss	11/29/2017	I/AA00025-00044

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Appendix of Exhibits in Support of Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00845-00861
Appendix of Exhibits to Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion 1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00763-00813
Appendix of Exhibits to Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00468-00495

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Case and Trial Management Order	09/10/2018	II/AA00272-00274
Case Appeal Statement	09/02/2021	XII/AA02717-02743
Case Management Order – Domestic	03/21/2019	II/AA00389-00394
Certificate of Service	09/11/2018	II/AA00277-00278
Certificate of Service	01/09/2019	II/AA00359-00360
Certification of Transcripts Notification of Completion	10/28/2021	XIII/AA02886-02913
Complaint for Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest	10/24/2017	I/AA00001-00015
Court Minutes	01/25/2018	I/AA00142-00143
Court Minutes	02/23/2018	I/AA00144-00145
Court Minutes	09/10/2018	II/AA00275-00276
Court Minutes	02/14/2020	VIII/AA01728
Court Minutes	02/21/2020	IX/AA01781-01793
Court Minutes	07/20/2020	IX/AA01820-01823
Court Minutes	01/22/2021	X/AA02210-02220
Court Minutes	03/05/2021	XI/AA02253-02261
Court Minutes	03/12/2021	XI/AA02272-02284
Court Minutes	04/02/2021	XI/AA02285-02301

**ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Declaration of Danka K. Michaels in Support of Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/21/2018	II/AA00330-00332
Declaration of Service	07/13/2018	I/AA00230
Declaration of Service	07/19/2018	I/AA00238
Declaration of Service	09/05/2019	V/AA00844
Declaration of Service	11/01/2019	V/AA00882
Declaration of Service	12/20/2019	V/AA00886
Declaration of Service	02/04/2020	V/AA00910
Declaration of Service	02/05/2020	V/AA00911
Declaration of Service Robert Semonian	08/03/2018	I/AA00243
Declaration of Service Shannon L. Evans	08/03/2018	I/AA00244
Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02658-02671
Defendant’s Closing Argument Brief	05/28/2021	XI/AA02444-02467
Defendant’s EDCR 7.27 Brief	04/02/2021	XI/AA02302-02320
Defendant’s Motion to Compel Discovery Responses	04/22/2019	II/AA00441-00458
Defendant’s Pre-Trial Memorandum	02/07/2020	V/AA00914-00932
Defendant’s Reply to Plaintiff’s Objection to Memorandum of Fees and Costs	09/20/2021	XIII/AA02855-02885
Defendant’s Second Supplemental Witness List (Non-Expert)	12/27/2019	V/AA00887-00891

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Defendant's Supplemental Witness List (Non-Expert)	04/24/2019	II/AA00460-00464
Defendant's Trial Exhibit A – Plaintiff's Response to Defendant's First Request for Production of Documents and Tangible Things from Plaintiff (with certain attachments thereto)	02/14/2020	XXXIV/AA 08249
Defendant's Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250- XXXV/AA 08257
Defendant's Trial Exhibit G – Records produced by Equity Title, LLC, in response to Subpoena Duces Tecum for Blue Mesa property (Affidavit and relevant documents)	02/14/2020	XXXV/AA 08258-08270
Defendant's Trial Exhibit J – Plaintiff's Decree of Divorce filed June 26, 2021	02/14/2020	XXXV/AA 08271
Defendant's Trial Exhibit K – Blue Point Development account statement and record produced by Wells Fargo Bank, in response to Subpoena Duces Tecum	02/14/2020	XXXV/AA 08272
Defendant's Trial Exhibit L – Wells Fargo billing Statement dated November 2016	02/14/2020	XXXV/AA 08273- XXXVI/AA 08571
Defendant's Trial Exhibit M – Notice of Entry of Findings of Fact and Conclusions of Law filed on June 1, 2018 in the matter of <i>Bluepoint Development Inc. v. Patience One, LLC</i>	02/14/2020	XXXVI/AA 08572- XXXVII/AA 08867
Defendant's Trial Exhibit N – Records evidencing attorney's fees and expert fees paid by Defendant in this action	02/14/2020	XXXVII/AA 08868-08938
Defendant's Witness List (Non-Expert)	02/20/2019	II/AA00371-00375

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Estimated Cost of Expedited Transcripts	07/22/2020	IX/AA01824-01826
Estimated Cost of Transcript	09/07/2021	XIII/AA02769-02791
Estimated Costs of Transcript	09/07/2021	XIII/AA02792-02822
Exhibit Appendix to Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00064-00093
Exhibit of Appendix to Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02672-02716
Final Billing for Transcripts	09/01/2020	X/AA02052-02054
Final Billing for Transcripts	10/28/2021	XIII/AA02914-02956
Findings of Fact, Conclusions of Law and Judgement	08/03/2021	XII/AA02568-02613
First Amended Compliant for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine	03/22/2018	I/AA00174-00188
General Financial Disclosure Form	02/13/2020	V/AA00964-00981
Joint Early Case Conference Report Pursuant to N.R.C..P 16.2(i)(2)	07/13/2018	I/AA00231-00237
Minute Order	09/10/2019	V/AA00880-00881
Motion for Leave to File Second Amended Complaint	09/07/2018	I/AA00245-II/AA00270
Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	IV/AA00703-00736
Motion Opposition Fee Information Sheet	12/20/2017	I/AA00094

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Motion Opposition Fee Information Sheet	09/07/2018	II/AA00271
Motion Opposition Fee Information Sheet	01/08/2019	II/AA00352
Motion to Dismiss	11/29/2017	I/AA00045-00061
Motion to Withdraw as Attorney of Records for Plaintiff	01/08/2019	II/AA00353-00358
Notice of Appeal	09/02/2021	XII/AA02744-XIII/AA02768
Notice of Appearance	03/08/2019	II/AA00382-00383
Notice of Appearance of Attorney	11/27/2017	I/AA00023-00024
Notice of Appearance of Co-Counsel for Defendant	10/16/2020	X/AA02087-02122
Notice of Attorney's Lien	04/05/2019	II/AA00395-00397
Notice of Change of Firm	06/26/2020	IX/AA01811-01819
Notice of Change of Firm Address	01/27/2021	X/AA02233-02243
Notice of Change of Firm Address	08/01/2021	XII/AA02525-02567
Notice of Department Reassignment	03/11/2019	II/AA00384-00385
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgement	08/05/2021	XII/AA02614-02657
Notice of Entry of Order	03/12/2018	I/AA00155-00164
Notice of Entry of Order	12/17/2018	II/AA00345-00351
Notice of Entry of Order	02/06/2019	II/AA00363-00367
Notice of Entry of Order to Seal Records	01/03/2018	I/AA00120-00124
Notice of Entry of Stipulation and Order	12/29/2017	I/AA00116-000119

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Notice of Entry of Stipulation and Order	10/10/2018	II/AA00282-00287
Notice of Entry of Stipulation and Order	08/16/2019	V/AA0055-00762
Notice of Entry of Stipulation and Order	06/25/2020	IX/AA01801-01810
Notice of Entry of Stipulation and Order	04/19/2021	XI/AA02330-02351
Notice of Entry of Stipulation and Order RE: Motion to Compel	05/29/2019	III/AA00535-00543
Notice of Entry of Stipulation and Order to Continue	06/13/2019	III/AA00545-00551
Notice of Entry of Stipulation and Order to Vacate Discovery Hearing	06/19/2019	III/AA00560-00564
Notice of Hearing	04/22/2019	II/AA00459
Notice of Hearing	08/01/2019	IV/AA00737
Notice of Hearing	03/20/2020	IX/AA01794-01798
Notice of Hearing	08/26/2020	IX/AA1827-X/AA2051
Notice of Hearing	10/26/2020	X/AA02123-02190
Notice of Hearing	11/17/2020	X/AA02191-02201
Notice of Hearing	11/25/2020	X/AA02202-02209
Notice of Hearing	01/22/2021	X/AA02221-02232
Notice of Hearing	02/23/2021	X/AA02244-XI/AA02252
Notice of Hearing	03/08/2021	XI/AA02262-02271

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Notice of Intent to Appear by Communication Equipment	02/20/2020	VIII/AA01729-IX/01768
Notice of Non-Opposition to Plaintiff’s Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	V/AA00982-VII/AA01254
Notice of Taking Custodian of Records Deposition and Seven Day Notice of Intent to Serve Subpoena Duces Tecum	12/09/2019	V/AA00883-00885
Notice of Taking Videotaped Deposition	02/15/2019	II/AA00368-00370
Notice of Unavailability of Counsel	05/08/2019	II/AA00465-00467
Notice of Unavailability of Counsel	08/05/2019	IV/AA00738-00740
Opposition to Defendant’s Motion to Dismiss and Countermotion for Attorney’s Fees and Costs	12/20/2017	I/AA00095-I/AA00111
Order	03/09/2018	I/AA00146-00154
Order	03/12/2018	I/AA0065-00173
Order After Hearing of September 10, 2018	12/11/2018	II/AA00333-00336
Order Granting Withdrawal as Attorney of Record for Plaintiff	02/05/2019	II/AA00361-00362
Order Setting Case Management Conference and Directing Compliance with NRCp 16.2	07/31/2018	I/AA00239-00242
Order to Seal Records Pursuant to NRS 125.110(2)	12/22/2017	I/AA00112-I/AA00113
Peremptory Challenge of Judge	03/11/2019	II/AA00386-00388
Petition to Seal Records Pursuant to NRS 125.110(2)	12/15/2017	I/AA00062-00063
Plaintiff Thomas Pickens General Financial Disclosure Form-Trial	02/11/2020	V/AA00955-00962

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff Thomas Pickens Pretrial Memorandum	02/07/2020	V/AA00933-00950
Plaintiff, Danka K. Michaels' Initial Expert Witness List	07/11/2018	I/AA00220-00229
Plaintiff's Closing Argument	04/23/2021	XI/AA02370-02834
Plaintiff's Objection to Defendant Danka K. Michaels' Memorandum of Fees and Costs	09/07/2021	XIII/AA02823-02854
Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion for Leave of Court to File Supplemental Points and Authorities	08/12/2019	IV/AA00746-V/AA00754
Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for International Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00814-00843
Plaintiff's Rebuttal to Defendant's Closing Argument	06/15/2021	XI/AA02489-XII/AA02524
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/10/2020	V/AA00951-00954

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01769-01770
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01771-01780
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02835-02406
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02407-02424
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02425-02443
Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00496-III/AA00516
Plaintiff's Supplement to Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/21/2019	III/AA00523-00527
Plaintiff's Trial Exhibit 1 - Photographs of the parties' wedding on April 7, 2002 and announcement	02/14/2020	XIV/AA03070-03083
Plaintiff's Trial Exhibit 10 - 2006 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03181-03196
Plaintiff's Trial Exhibit 100 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/13 through 12/08/14	02/14/2020	XXX/AA07240-07247
Plaintiff's Trial Exhibit 101 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/14 through 12/08/15	02/14/2020	XXX/AA07248-07250
Plaintiff's Trial Exhibit 102 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/15 through 12/08/16	02/14/2020	XXXI/AA07251-07255
Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 104 - American Express Statements #63006 titled in the name of Thomas Pickens 01/08/18 through 12/07/18	02/14/2020	XXXI/AA07259
Plaintiff's Trial Exhibit 105 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXI/AA07260
Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
Plaintiff's Trial Exhibit 107 - American Express #51001 titled in the name of Blue Point Development 12/21/13 through 12/19/14	02/14/2020	XXXI/AA07263
Plaintiff's Trial Exhibit 108 - American Express #51001 titled in the name of Blue Point Development 12/20/14 through 12/20/15	02/14/2020	XXXI/AA07264-XXXII/AA07516
Plaintiff's Trial Exhibit 109 - American Express #51001 titled in the name of Blue Point Development 12/21/15 through 12/20/16	02/14/2020	XXXII/AA07517-07682
Plaintiff's Trial Exhibit 11 - 2007 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03197-03210
Plaintiff's Trial Exhibit 110 - American Express #51001 titled in the name of Blue Point Development 12/21/16 through 12/20/17	02/14/2020	XXXII/AA07683-07685
Plaintiff's Trial Exhibit 111 - American Express #51001 titled in the name of Blue Point Development 12/21/17 through 12/20/18	02/14/2020	XXXII/AA07686-07687
Plaintiff's Trial Exhibit 112 - American Express #51001 titled in the name of Blue Point Development 12/21/18 through 04/19/19	02/14/2020	XXXII/AA07688-07689
Plaintiff's Trial Exhibit 113 - Bank of America Bank Statements #2561 titled in the name of Blue Point Development 10/29/12 through 02/28/14	02/14/2020	XXXII/AA07690-07691

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 114 - Bank of America Bank Statements #0222 titled in the name of Patience One LLC 11/01/12 through 12/31/13	02/14/2020	XXXII/AA 07692-07693
Plaintiff’s Trial Exhibit 115 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 06/06/17 through 12/08/17	02/14/2020	XXXII/AA 07694-07695
Plaintiff’s Trial Exhibit 116 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/09/17 through 12/07/18	02/14/2020	XXXII/AA 07696-07698
Plaintiff’s Trial Exhibit 117 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXII/AA 07699-07700
Plaintiff’s Trial Exhibit 118 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 10/16/18 through 12/31/18	02/14/2020	XXXII/AA 07701-07702
Plaintiff’s Trial Exhibit 119 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 01/01/19 through 04/30/19	02/14/2020	XXXII/AA 07703-07704
Plaintiff’s Trial Exhibit 12 - 2008 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03211- 03224
Plaintiff’s Trial Exhibit 125 - Land Rover Financial Group statement 12/13/13 – 01/12/14	02/14/2020	XXXII/AA 07705-07706
Plaintiff’s Trial Exhibit 126 - Lexus Statement – 12/24/13	02/14/2020	XXXII/AA 07707
Plaintiff’s Trial Exhibit 127 - Southwest Pension Services – Danka Michaels. Statements 09/03/2013 and 12/31/13	02/14/2020	XXXII/AA 07708- XXXIII/AA 07769
Plaintiff’s Trial Exhibit 128 - Valic – Danka Michalecko statements 9/30/13, 12/31/13, and 9/30/15	02/14/2020	XXXIII/AA 07770-07772

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 129 - Pinnacle Health Systems – Danka K. Michaels. Statements 9/30/13 and 12/31/13	02/14/2020	XXXIII/AA 07773-07778
Plaintiff’s Trial Exhibit 13 - 2009 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03225- XV/AA03262
Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 14 - 2010 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03263- 03319
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933
Plaintiff’s Trial Exhibit 15 - 2011 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03320- 03372
Plaintiff’s Trial Exhibit 150 - Plaintiff email dated May 9, 2012	02/14/2020	XXXIII/AA 07934-07964

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 151 - Plaintiff email dated November 13, 2011	02/14/2020	XXXIII/AA 07965-07998
Plaintiff's Trial Exhibit 152 - Plaintiff email dated December 2, 2016	02/14/2020	XXXIII/AA 07999- XXXIV/AA 08018
Plaintiff's Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
Plaintiff's Trial Exhibit 154 - #002651 Emails between Dr. Michaels and R. Semonian	02/21/2020	XXXIV/AA 08203-08209
Plaintiff's Trial Exhibit 155 – NV Prescription Monitoring Program	02/21/2020	XXXIV/AA 08210-08247
Plaintiff's Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
Plaintiff's Trial Exhibit 16 - 2012 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03373- 03429
Plaintiff's Trial Exhibit 17 - 2013 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03430- 03478
Plaintiff's Trial Exhibit 18 - 2014 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03479- 03494
Plaintiff's Trial Exhibit 19 - 2015 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03495- XVI/AA03543
Plaintiff's Trial Exhibit 2 - Litterae Matrimoniales (Marriage Certificate) of Thomas Pickens and Danka Katarina Oltusova dated April 7, 2002	02/14/2020	XIV/AA03084- 03096
Plaintiff's Trial Exhibit 20 - 2016 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XVI/AA03544- 03639
Plaintiff's Trial Exhibit 21 - 2005 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03640- 03735
Plaintiff's Trial Exhibit 22 - 2006 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03736- XVII/AA03823

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 23 - 2007 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03824-03848
Plaintiff's Trial Exhibit 24 - 2008 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03849-03998
Plaintiff's Trial Exhibit 25 - 2009 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03999 XVIII/AA04127
Plaintiff's Trial Exhibit 26 - 2010 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04128-04239
Plaintiff's Trial Exhibit 27 - 2011 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04240- XIX/AA04361
Plaintiff's Trial Exhibit 28 - 2012 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04362-04482
Plaintiff's Trial Exhibit 29 - 2013 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04483- XX/AA04646
Plaintiff's Trial Exhibit 3 - Medical Records for Tom Pickens produced by Danka Michaels, his physician	02/14/2020	XIV/AA03097-03111
Plaintiff's Trial Exhibit 30 - 2014 1040 Income Tax Return for Danka Michaels	02/14/2020	XX/AA04647- XXI/AA04755
Plaintiff's Trial Exhibit 31 - 2015 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04756-04842
Plaintiff's Trial Exhibit 32 - 2016 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04843-04879
Plaintiff's Trial Exhibit 35 - 2006 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04880-04908
Plaintiff's Trial Exhibit 36 - 2007 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04909- XXII/AA05059
Plaintiff's Trial Exhibit 37 - 2008 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05060-05200

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 38 - 2009 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05201- XXIII/AA05305
Plaintiff’s Trial Exhibit 39 - 2010 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05306- 05391
Plaintiff’s Trial Exhibit 4 - Nevada Prescription Monitoring Program Prescription log for Tom Pickens	02/14/2020	XIV/AA03112- 03116
Plaintiff’s Trial Exhibit 40 - 2011 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05392- 05488
Plaintiff’s Trial Exhibit 41 - 2012 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05489- XXIV/AA05577
Plaintiff’s Trial Exhibit 42 - 2013 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05578- 05669
Plaintiff’s Trial Exhibit 43 - 2014 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05670- XXV/AA05758
Plaintiff’s Trial Exhibit 44 - 2015 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05759- 05802
Plaintiff’s Trial Exhibit 45 - 2016 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05803- 05934
Plaintiff’s Trial Exhibit 46 - 2017 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA005935- XXVI/AA06106
Plaintiff’s Trial Exhibit 47 - 2012 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVI/AA06107- XXVII/AA06297

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 48 - 2013 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06298-06490
Plaintiff's Trial Exhibit 49 - 2014 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06491-XXVIII/ AA06589
Plaintiff's Trial Exhibit 5 - Chain of Title with Applicable Deeds for 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145	02/14/2020	XIV/AA03117-03127
Plaintiff's Trial Exhibit 50 - 2015 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06590-06672
Plaintiff's Trial Exhibit 51 - 2016 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06673-06691
Plaintiff's Trial Exhibit 52 - 2008 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXVIII/ AA06692-XXIX/ AA06759
Plaintiff's Trial Exhibit 53 - 2009 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06760-06832
Plaintiff's Trial Exhibit 54 - 2010 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06833-06862
Plaintiff's Trial Exhibit 55 - 2011 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06863-06912
Plaintiff's Trial Exhibit 56 - 2012 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06913-06930
Plaintiff's Trial Exhibit 57 - 2013 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06931-06962

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 58 - 2014 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06963-06998
Plaintiff’s Trial Exhibit 59 - 2015 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06999
Plaintiff’s Trial Exhibit 6 - Chain of Title with Applicable Deeds for 7608 Lowe Avenue, Las Vegas, Nevada 89131	02/14/2020	XIV/AA03128- 03136
Plaintiff’s Trial Exhibit 60 - 2016 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXX/AA07000
Plaintiff’s Trial Exhibit 63 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 05/29/2014 through 12/31/2014	02/14/2020	XXX/AA07001- 07002
Plaintiff’s Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff’s Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff’s Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff’s Trial Exhibit 7 - Affidavit of Custodian of Records and file from First American Title Company—purchase of 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145 on October 7, 2004	02/14/2020	XIV/AA03137- 03150

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 70 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2018 through 12/31/2018	02/14/2020	XXX/AA07011
Plaintiff’s Trial Exhibit 71 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2019 through 04/30/19	02/14/2020	XXX/AA07012-07013
Plaintiff’s Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014
Plaintiff’s Trial Exhibit 76 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2015 through 12/31/15	02/14/2020	XXX/AA07015-07016
Plaintiff’s Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017-07050
Plaintiff’s Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
Plaintiff’s Trial Exhibit 8 - Certificate of Custodian of Records for Ticor Title of Nevada—purchase of 7608 Lowe Avenue, Las Vegas, Nevada 89131 on February 28, 2011	02/14/2020	XIV/AA03151-03164
Plaintiff’s Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 82 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/30/10 through 12/15/11	02/14/2020	XXX/AA07053
Plaintiff's Trial Exhibit 83 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/11 through 12/14/12	02/14/2020	XXX/AA07054- 07057
Plaintiff's Trial Exhibit 84 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/15/12 through 12/15/13	02/14/2020	XXX/AA07058
Plaintiff's Trial Exhibit 85 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/13 through 12/15/14	02/14/2020	XXX/AA07059
Plaintiff's Trial Exhibit 86 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/14 through 12/15/15	02/14/2020	XXX/AA07060
Plaintiff's Trial Exhibit 87 - American Express Statements #72004 Thomas Pickens card #72004 #73002 Danka Michaels card #72020 12/16/15 through 12/15/16	02/14/2020	XXX/AA07061- 07092
Plaintiff's Trial Exhibit 88 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/16 through 12/15/17	02/14/2020	XXX/AA07093- 07095

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 89 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/17 through 12/15/18	02/14/2020	XXX/AA07096-07204
Plaintiff's Trial Exhibit 9 - 2005 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA3165-03180
Plaintiff's Trial Exhibit 90 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/18 through 04/14/19	02/14/2020	XXX/AA07205-07228
Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
Plaintiff's Trial Exhibit 97 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/10 through 12/08/11	02/14/2020	XXX/AA07231
Plaintiff's Trial Exhibit 98 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/11 through 12/07/12	02/14/2020	XXX/AA07232-07236
Plaintiff's Trial Exhibit 99 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/12 through 12/08/13	02/14/2020	XXX/AA07237-07239
Receipt of Check	06/03/2019	III/AA00544
Receipt of Copy	02/11/2020	V/AA00963
Receipt of Copy	11/10/2021	XIV/AA03055-03069
Receipt of Copy	11/10/2021	XXXVII/AA 08939
Reply in Support of Defendant's Motion to Compel Discovery Responses	05/15/2019	III/AA00517-00522
Reply to Defendant's Counterclaim	05/30/2018	I/AA00212-00219

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Reply to Defendant's Counterclaim	12/12/2018	II/AA00337-00344
Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00862-00879
Reply to Opposition to Defendant's Motion to Dismiss and Opposition to Countermotion for Attorney's Fees and Costs	01/09/2018	I/AA00125-00141
Request for Issuance of Joint Preliminary Injunction	10/25/2017	I/AA00016
Satisfaction and Release of Lien	07/31/2019	III/AA00565-00566
Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest	10/15/2018	II/AA00288-00305
Second Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00379-00381

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME IV OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Stipulation and Order Granting Leave to File Second Amended Complaint, and Vacating Motion Hearing	10/08/2018	II/AA00279-00281
Stipulation and Order RE: Motion to Compel	05/28/2019	III/AA00528-00534
Stipulation and Order to Continue	06/13/2019	III/AA00552-00556
Stipulation and Order to Continue Day Three of Trial	06/24/2020	IX/AA01799-01800
Stipulation and Order to Continue Hearing	12/28/2017	I/AA00114-000115
Stipulation and Order to Extend Briefing Deadline	04/22/2021	XI/AA02352-02369
Stipulation and Order to Extend Briefing Deadlines	04/14/2021	XI/AA02321-02329
Stipulation and Order to Extend Deadline for Plaintiff to File His Rebuttal Brief	06/14/2021	XI/AA02468-02488
Stipulation and Order to Extend Filing of Pre-Trial Memorandum and Trial Exhibits	02/06/2020	V/AA00912-00913
Stipulation and Order to Vacate Discovery Hearing	06/18/2019	III/AA00557-00559
Stipulation to Extend Discovery Deadlines and Continue Trial (First Request) and Order Continuing Trial	08/05/2019	IV/AA00741-00745
Supplemental Exhibit in Support of Notice of Non-Opposition to Plaintiff’s Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	VII/AA01255-VIII/AA01727
Transcript RE: Non-Jury Trial	09/01/2020	X/AA02055-02070
Transcript RE: Non-Jury Trial Day 2	09/01/2020	X/AA02071-02086

**ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME IV OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Transcript RE: Non-Jury Trial Day 3	10/28/2021	XIII/AA02957- XIV/AA03007
Transcript RE: Non-Jury Trial Day 4	10/28/2021	XIV/AA03008- 03040
Transcript RE: Non-Jury Trial Day 5	10/28/2021	XIV/AA03041- 03054
Trial Subpoena	01/29/2020	V/AA00906- 00909
Trial Subpoena Robert Semonian	01/28/2020	V/AA00892- 00898
Trial Subpoena Shannon L. Evans, Esq.	01/28/2020	V/AA00899- 00905

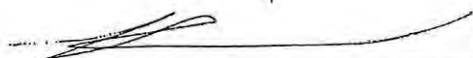
Shannon

Waiver of Conflict


The undersigned acknowledge the conflict of interest which exists in the joint representation by Shannon Evans and Evans & Associates with regard to our estate planning and Patience One, LLC and acknowledge that each of us has the right to obtain separate counsel. Said representation has been made at the request and with the consent of the undersigned, and agree that in the event of a conflict between the parties, that Shannon Evans and Evans & Associates will not represent either party.

Each party further agrees to release Shannon Evans and Evans & Associates from any and all claims arising out of the joint representation and several interests and agree to permit Shannon Evans and Evans & Associates to represent the parties hereto with respect to other legal and separate matters which one or both parties may request from time to time.

Dated this 1 day of SEP 13 2016.



Thomas Pickens



Danka Michaels

#19

EXHIBIT G

EXHIBIT G

EXHIBIT G

APN NO.: 138-05-610-005

RECORDING REQUESTED BY:
EQUITY TITLE OF NEVADA
WHEN RECORDED MAIL TO:

Thomas A. Pickens
4514 Blue Mesa Way
Las Vegas, NV 89129

MAIL TAX STATEMENTS TO:
SAME AS ABOVE

Affix RPTT: \$\$\$3,009.00
ESCROW NO.: 17210286 DAW

Inst #: 20170530-0000500

Fees: \$19.00 N/C Fee: \$25.00

RPTT: \$3009.00 Ex: #

05/30/2017 09:06:13 AM

Receipt #: 3096399

Requestor:

EQUITY TITLE OF NEVADA

Recorded By: OSA Pgs: 4

DEBBIE CONWAY

CLARK COUNTY RECORDER

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH THAT:

Jason Gerber, an unmarried man

for a valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain Sell
and convey to

Thomas A. Pickens, a single person

all that real property situated in the County of Clark, State of Nevada, described as follows:

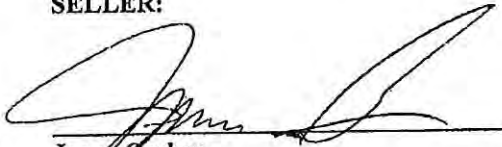
See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto
belonging to in anywise appertaining.

SUBJECT TO:

1. General and special taxes for the current fiscal year.
2. Covenants, conditions, restrictions, rights of way, easements and reservations of record.

SELLER:


Jason Gerber
JASON GERBER

STATE OF NEVADA
COUNTY OF Clark

} SS:

On May 25, 2017

Personally appeared before me, a Notary Public

Jason Gerber

Who acknowledged that he/she/they executed the above instrument.



Y. Troncoso
Notary Public

My commission expires: Oct. 5, 2020

Exhibit A

Parcel One (1):

Lot 35 of **TUCSON RIDGE UNIT 2**, as shown by map thereof on file in Book 72 of Plats, Page 83, in the Office of the County Recorder of Clark County, Nevada.

Parcel Two (2):

Together with an easement for ingress and egress over that portion of all lots shown as private streets as shown on the final map of Tucson Ridge – Unit 2

EXHIBIT H

EXHIBIT H

EXHIBIT H

1 **DECL**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: jvagroup@theabramslawfirm.com

Attorney for Defendant

Eighth Judicial District Court

Family Division

Clark County, Nevada

8 THOMAS A. PICKENS,

9 Plaintiff,

10 vs.

11 DANKA K. MICHAELS,

12 Defendant.

) Case No.: D-17-560737-D

) Department: B

13
14 **DECLARATION OF ROBERT SEMONIAN**

15 1. I, Robert Semonian, declare under penalty of perjury under
16 the law of the State of Nevada, pursuant to NRS 53.045, that the
17 foregoing is true and correct.

18 2. I am above the age of majority and I am competent to testify
19 to the facts contained in this declaration.

20 3. I have been preparing the Federal Income Tax Returns for
21 Danka Michaels and for Thomas Pickens since at least 2004.

4. Since at least 2004, I have prepared each of their returns as “single, unmarried,” not as “married filing joint” or “married filing separate.”

5. With regards to filing status, I had lengthy discussions with Thomas about this. He specifically told me that he and Danka went to some European country and had a ceremony in a church but that they intentionally never submitted the paperwork to legalize their marriage because, he said, they were "married emotionally, not legally."

6. Danka confirmed the same information about the ceremony and filing status.

7. This issue came up every year when I prepared their tax returns and I spoke with Tom to decipher which deductions would be reported on which tax return.

Dated this 29th day of November, 2017.

ROBERT SEMONIAN

EXHIBIT I

EXHIBIT I

EXHIBIT I

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF NEVADA)

ss:

COUNTY OF CLARK)

Tracy Ruccia, being duly sworn and says:

1. That at all times herein affiant was over eighteen years of age, not a party to or interested in the proceedings in which this affidavit was made,

2. I am employed by Equity Title, LLC, in the

Admin. Department.

3. That on the 2nd day of July, 2018, affiant received the SUBPOENA DUCES TECUM requesting:

Any and all documents in the file (whether stored electronically or on paper) relating to the purchase of the property located at 4514 Blue Mesa Way, Las Vegas, Nevada 89129, Escrow # 17210286 DAW, including, but not limited to, purchase agreements, the closing statement, records of deposits or purchase funds, deeds, trust agreements, power of attorneys, e-mails, internal memos, general information forms, correspondence, notes, wiring instructions and the front and back of any canceled checks.

///

///

///

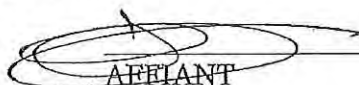
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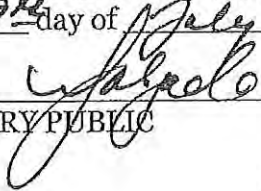
1 4. That on the 9th day of July, 2018, affiant
2 provided true and correct copies of said documents.

3 FURTHER, AFFIANT SAYETH NAUGHT.

4 Dated this 9th day of July, 2018.

5 
AFFIANT

6 SIGNED AND SWORN to before me
7 this 9th day of July, 2018.

8 
NOTARY PUBLIC





EQUITY

TITLE OF NEVADA

VESTING INSTRUCTIONS

May 22, 2017

TO: Equity Title of Nevada

RE: ESCROW NO. 17210286 DAW

Title for the Buyer(s) is to be vested as follows (use full names and initials, and specify if a Partnership, Trust of Corporation):

Thomas A. Pickens

PLEASE CHECK ONE OF THE FOLLOWING:

- | | |
|---|--|
| <input checked="" type="checkbox"/> A Single Man (never been married) | <input type="checkbox"/> A married woman as her Sole and Separate Property (Spouse will be required to execute a Quit Claim Deed) |
| <input type="checkbox"/> A Single Woman (never been married) | <input type="checkbox"/> A married man as his Sole and Separate Property (The Community Property Interest of Spouse to be conveyed) |
| <input type="checkbox"/> An Unmarried Man (divorced or widowed) | <input type="checkbox"/> Trust (Copy of trust to be provided to Title prior to close) |
| <input type="checkbox"/> An Unmarried Woman (divorced or widowed) | <input type="checkbox"/> Partnership (Statement of Partnership to be provided to Title prior to close) |
| <input type="checkbox"/> Husband and Wife | <input type="checkbox"/> Corporation (Corporate Resolution to be provided to Title prior to close) |
| <input type="checkbox"/> Wife and Husband | <input type="checkbox"/> Limited Liability Company in the State of: _____ (Copy of Operating Agreement, Articles of Organization & Cert of Good Standing). |
| <input type="checkbox"/> Domestic Partner | <input type="checkbox"/> A married man, and a married man (married to each other) |
| <input type="checkbox"/> A married woman, and a married woman (married to each other) | |

PLEASE CHECK ONE OF THE FOLLOWING IN ADDITION TO THE ABOVE:

- ☐ AS JOINT TENANTS (Upon death of one of the joint tenants, the property passes to the surviving joint tenant(s); it does NOT go through probate and it CANNOT be willed to an heir.)
- ☐ AS COMMUNITY PROPERTY (For Married couples or Domestic Partner). All real property acquired during the course of the marriage is considered community property unless designated otherwise. In case of death, property DOES go through probate, and CAN be willed to an heir.)
- ☐ AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP (For Married couples or Domestic Partner) (Carries the benefit of survivorship in that it does NOT go through probate in the event of death; it CANNOT be willed to an heir.)
- ☐ AS TENANTS IN COMMON (Usually used by persons buying property together, but not married or Domestic Partner. Need to state the individual interest of the persons taking title, i.e. 50% - 50%, OR 75% - 25% etc. The ownership interest CAN be said or willed; in the case of death, it DOES require a probate.) SPECIFY INTEREST BELOW.
- ☐ AS HIS/HER SOLE AND SEPARATE PROPERTY (The interest of the spouse or Domestic Partner must be conveyed as Nevada is a "community property" state, and real property cannot be sold or encumbered without the spouse executing all documents evidencing consent. The spouse or Domestic Partner will execute a deed divesting themselves of any possible community property interest. CAN be willed; DOES require a probate in case of death.)

IF TENANTS IN COMMON please state the individual interests of each party (totaling 100%) _____

You are hereby authorized and directed to conform any and all documents contained in the above referenced escrow to this vesting, or to comply with Lender requirements, whether or not they have already been executed. It is further acknowledged and authorized that my/our name(s) may be altered to be identical with the Deed of Trust provided by my/our lending institution. PLEASE NOTE: (THE ESCROW AGENT/HOLDER CANNOT ADVISE YOU AS TO HOW YOU SHOULD ACQUIRE YOUR VESTED INTEREST). The manner of vesting can have legal or tax consequences. If you are unsure of this, please contact your attorney and/or accountant for advice.

BUYER:

Thomas A. Pickens

APN NO.: 138-05-610-005

RECORDING REQUESTED BY:
EQUITY TITLE OF NEVADA
WHEN RECORDED MAIL TO:
Thomas A. Pickens
4514 Blue Mesa Way
Las Vegas, NV 89129

MAIL TAX STATEMENTS TO:
SAME AS ABOVE

Affix RPTT: \$3,009.00
ESCROW NO.: 17210286 DAW

Inst #: 20170530-0000500
Fees: \$19.00 N/G Fee: \$25.00
RPTT: \$3009.00 Ex: #
06/30/2017 09:06:13 AM
Receipt #: 3096399
Requestor:
EQUITY TITLE OF NEVADA
Recorded By: OSA Pgs: 4
DEBBIE CONWAY
CLARK COUNTY RECORDER

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH THAT:

Jason Gerber, an unmarried man

for a valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain Sell
and convey to

Thomas A. Pickens, a single person

all that real property situated in the County of Clark, State of Nevada, described as follows:

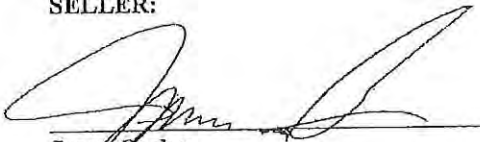
See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto
belonging to in anywise appertaining.

SUBJECT TO:

1. General and special taxes for the current fiscal year.
2. Covenants, conditions, restrictions, rights of way, easements and reservations of record.

SELLER:


Jason Gerber
JASON GERBER

STATE OF NEVADA
COUNTY OF Clark

} SS:

On May 25, 2017

Personally appeared before me, a Notary Public

Jason Gerber

Who acknowledged that (he) she/they executed the above instrument.



Y. Troncoso
Notary Public

My commission expires: Oct. 5, 2020

Exhibit A

Parcel One (1):

Lot 35 of **TUCSON RIDGE UNIT 2**, as shown by map thereof on file in Book 72 of Plats, Page 83, in the Office of the County Recorder of Clark County, Nevada.

Parcel Two (2):

Together with an easement for ingress and egress over that portion of all lots shown as private streets as shown on the final map of Tucson Ridge – Unit 2

Uniform Residential Loan Application

This application is designed to be completed by the applicant(s) with the Lender's assistance. Applicants should complete this form as "Borrower" or "Co-Borrower," as applicable. Co-Borrower information must also be provided (and the appropriate box checked) when ☐ the income or assets of a person other than the Borrower (including the Borrower's spouse) will be used as a basis for loan qualification or ☐ the income or assets of the Borrower's spouse or other person who has community property rights pursuant to state law will not be used as a basis for loan qualification, but his or her liabilities must be considered because the spouse or other person has community property rights pursuant to applicable law and Borrower resides in a community property state, the security property is located in a community property state, or the Borrower is relying on other property located in a community property state as a basis for repayment of the loan.

If this is an application for joint credit, Borrower and Co-Borrower each agree that we intend to apply for joint credit (sign below):

Thomas A Pickens

Borrower

Co-Borrower

Mortgage Applied for: <input type="checkbox"/> VA <input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Other (explain):		Agency Case Number	Lender Case Number XXXXXX4472
<input type="checkbox"/> FHA <input type="checkbox"/> USDA/Rural Housing Service			

Amount \$472,000.00	Interest Rate/No. of Months 4% 360	Amortization Type: <input checked="" type="checkbox"/> Fixed Rate <input type="checkbox"/> Other (explain): <input type="checkbox"/> GPM <input type="checkbox"/> ARM (type):
------------------------	---------------------------------------	--

Subject Property Address (street, city, state & ZIP) 4514 Blue Mesa WAY, Las Vegas, NV 89129-2214		No. of Units 1
Legal Description of Subject Property (attach description if necessary) SEE ATTACHED LEGAL DESCRIPTION		Year Built 1998

Purpose of Loan: <input checked="" type="checkbox"/> Purchase <input type="checkbox"/> Construction <input type="checkbox"/> Other (explain): <input type="checkbox"/> Refinance <input type="checkbox"/> Construction-Permanent	Property will be: <input checked="" type="checkbox"/> Primary Residence <input type="checkbox"/> Secondary Residence <input type="checkbox"/> Investment
---	--

Complete this line if construction or construction-permanent loan.				
Year Acquired	Original Cost \$	Amount Existing Liens \$	(a) Present Value of Lot \$	(b) Cost of Improvements \$
Total (a + b) \$				

Complete this line if this is a refinance loan.				
Year Acquired	Original Cost \$	Amount Existing Liens \$	Purpose of Refinance	Describe Improvements <input type="checkbox"/> made <input type="checkbox"/> to be made
Cost: \$				

Title will be held in what Name(s) Thomas A Pickens	Manner in which Title will be held Individual	Estate will be held in: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold (show expiration date)
Source of Down Payment, Settlement Charges, and/or Subordinate Financing (explain) Checking Savings		

III. BORROWER INFORMATION

Borrower's Name (include Jr. or Sr. if applicable) Thomas A Pickens				Co-Borrower's Name (include Jr. or Sr. if applicable)			
Social Security Number [REDACTED]	Home Phone (incl. area code) 702-604-0038	DOB (mm/dd/yyyy) 10/05/1956	Yrs. School 16	Social Security Number	Home Phone (incl. area code)	DOB (mm/dd/yyyy)	Yrs. School
<input type="checkbox"/> Married <input type="checkbox"/> Separated	<input checked="" type="checkbox"/> Unmarried (include single, divorced, widowed)	Dependents (not listed by Co-Borrower) no ages		<input type="checkbox"/> Married <input type="checkbox"/> Separated	<input type="checkbox"/> Unmarried (include single, divorced, widowed)	Dependents (not listed by Borrower) no ages	
Present Address (street, city, state, ZIP) <input checked="" type="checkbox"/> Own <input type="checkbox"/> Rent 12.61 No. Yrs. 9517 QUEEN CHARLOTTE DR, LAS VEGAS, NV 89145-8673				Present Address (street, city, state, ZIP) <input type="checkbox"/> Own <input type="checkbox"/> Rent No. Yrs.			
Mailing Address, if different from Present Address 9517 QUEEN CHARLOTTE DR, LAS VEGAS, NV 89145-8673				Mailing Address, if different from Present Address			
If residing at present address for less than two years, complete the following: Former Address (street, city, state, ZIP) <input type="checkbox"/> Own <input type="checkbox"/> Rent No. Yrs.				Former Address (street, city, state, ZIP) <input type="checkbox"/> Own <input type="checkbox"/> Rent No. Yrs.			

IV. EMPLOYMENT INFORMATION

Borrower		Co-Borrower	
Name & Address of Employer <input checked="" type="checkbox"/> Self Employed Blue Point Development, Inc. 3320 North Buffalo Drive, suite 208 LAS VEGAS, NV 89129	Yrs. on this job 8.67	Name & Address of Employer <input type="checkbox"/> Self Employed	Yrs. on this job
Position/Title/Type of Business President	Yrs. employed in this line of work/profession 29.00	Position/Title/Type of Business	Yrs. employed in this line of work/profession
Business Phone (incl. area code) 702-604-0038		Business Phone (incl. area code)	
If employed in current position for less than two years or if currently employed in more than one position, complete the following:			
Name & Address of Employer <input checked="" type="checkbox"/> Self Employed Patience One LLC 3320 N Buffalo, Suite 208 LAS VEGAS, NV 89129	Dates (from - to) 05/09/2012 -	Name & Address of Employer <input type="checkbox"/> Self Employed	Dates (from - to)
Position/Title/Type of Business Partner	Monthly Income \$(20.00)	Position/Title/Type of Business	Monthly Income \$
Business Phone (incl. area code) 702-604-0038		Business Phone (incl. area code)	
Name & Address of Employer <input type="checkbox"/> Self Employed	Dates (from - to)	Name & Address of Employer <input type="checkbox"/> Self Employed	Dates (from - to)
Position/Title/Type of Business	Monthly Income \$	Position/Title/Type of Business	Monthly Income \$
Business Phone (incl. area code)		Business Phone (incl. area code)	



V. MONTHLY INCOME AND COMBINED HOUSING EXPENSE INFORMATION						
Gross Monthly Income	Borrower	Co-Borrower	Total	Combined Housing Ex	Present	Proposed
Base Empl. Income *	\$18,072.00	\$	\$18,072.00	Rent	\$	
Overtime				First Mortgage (P&I)	3,886.84	\$2,253.41
Bonuses				Other Financing (P&I)		
Commissions				Hazard Insurance	165.58	97.63
Dividends/Interest				Real Estate Taxes	379.58	262.10
Net Rental Income				Mortgage Insurance		
Other (before compiling, see the notice in "describe other income," below)				Homeowner Assn. Dues	303.00	80.00
				Other: Special Assessments		
Total	\$18,072.00	\$	\$18,072.00	Total	\$4,735.00	\$2,693.16

* Self Employed Borrower(s) may be required to provide additional documentation such as tax returns and financial statements.

B/C	Describe Other Income	Net/for: Alimony, child support, or separate maintenance income need not be revealed if the Borrower (B) or Co-Borrower (C) does not choose to have it considered for repaying this loan.	Monthly Amount
			\$

VI. ASSETS AND LIABILITIES

This Statement and any applicable supporting schedules may be completed jointly by both married and unmarried Co-Borrowers if their assets and liabilities are sufficiently joined so that the Statement can be meaningfully and fairly presented on a combined basis; otherwise, separate Statements and Schedules are required. If the Co-Borrower action was completed about a non-applicant spouse or other person, this Statement and supporting schedules must be completed about that spouse or other person also.

Completed ☐ Jointly ☒ Not Jointly

ASSETS		Cash or Market Value	Liabilities and Pledged Assets. List the creditor's name, address, and account number for all outstanding debts, including automobile loans, revolving charge accounts, real estate loans, alimony, child support, stock pledges, etc. Use continuation sheet, if necessary. Indicate by (*) those liabilities, which will be satisfied upon sale of real estate owned or upon refinancing of the subject property.			
Description						
Cash deposit toward purchase held by:		\$10,000.00				
Etcrow						
List checking and savings accounts below						
Name and address of Bank, S&L, or Credit Union			Name and address of Company	Monthly Payment & Months Left to Pay	Unpaid Balance	
Wells Fargo Bank, N.A.			Net Rental Loss	\$ Payment/Months	\$	
ST ROSE & EASTERN OFFICE, P.O. BOX 6995 PORTLAND, OR 97228-6995				4,735.00		
Acct. no.		\$194,939.51	Acct. no.			
3065793436			Name and address of Company	\$ Payment/Months	\$	
Name and address of Bank, S&L, or Credit Union			Upfront application fees	26.30	\$25.94	
				19		
Acct. no.		\$	Acct. no.			
Name and address of Bank, S&L, or Credit Union			None			
			Name and address of Company	\$ Payment/Months	\$	
			AMERICAN EXPRESS	(396.00)	(18,444.69)	
Acct. no.		\$		46		
Name and address of Bank, S&L, or Credit Union			Acct. no.			
			-3499904878293783			
			Name and address of Company	\$ Payment/Months	\$	
			AMERICAN EXPRESS	(144.31)	(141.31)	
Acct. no.		\$		1		
Stocks & Bonds (Company name/number & description)		\$	Acct. no.			
			-3499911586514553			
			Name and address of Company	\$ Payment/Months	\$	
Life insurance net cash value		\$				
Face amount: \$						
Subtotal Liquid Assets		\$204,939.51	Acct. no.			
Real estate owned (enter market value from schedule of real estate owned)		\$900,000.00	Name and address of Company	\$ Payment/Months	\$	
Vested interest in retirement fund		\$114,474.38				
Net worth of business(es) owned (attach financial statement)		\$	Acct. no.			
			Name and address of Company	\$ Payment/Months	\$	
Automobiles owned (make and year)		\$				
			Acct. no.			
			Alimony/Child Support/Separate Maintenance Payments Owed to:	\$		
Other Assets (itemize)		\$	Job-Related Expense (child care, union dues, etc.)	\$		
			Total Monthly Payments	\$4,761.30		
Total Assets a.		\$1,219,413.89	Net Worth (a minus b)	\$1,218,887.95	Total Liabilities b.	\$525.94



VI. ASSETS AND LIABILITIES (cont'd)							
Schedule of Real Estate Owned (if additional property owned, use continuation sheet.)		Amount of	Gross Rental	Mo	ge Payments	Insurance, Maintenance, Taxes & Misc.	Net Rental Income
Property Address (enter S if sold, PS if pending sale or R if rental being held for income)	Type of Property	Market Value	Mortgages & Liens	Income			
9517 QUEEN CHARLOTTE DR.	R SFR	\$900,000.00	\$593,833.00	\$0.00	\$4,432.00	\$848.16	\$(4,735.00)
Totals		\$900,000.00	\$593,833.00	\$	\$4,432.00	\$848.16	\$(4,735.00)

List any additional names under which credit has previously been received and indicate appropriate creditor name(s) and account number(s):

Alternate Name: THOMAS ALLEN PICKENS
Creditor Name: Account Number:

VII. DETAILS OF TRANSACTION		VIII. DECLARATIONS	
a. Purchase price	\$590,000.00	If you answer "Yes" to any questions a through i, please use continuation sheet for explanation.	
b. Alterations, improvements, repairs			
c. Land (if acquired separately)			
d. Refinance (incl. debts to be paid off)		a. Are there any outstanding judgments against you?	
e. Estimated prepaid items	1,769.49	b. Have you been declared bankrupt within the past 7 years?	
f. Estimated closing costs	47,159.03	c. Have you had property foreclosed upon or given title or deed in lieu thereof in the last 7 years?	
g. PMI, MIP, Funding Fee	0.00	d. Are you a party to a lawsuit?	
h. Discount (if Borrower will pay)	0.00	e. Have you directly or indirectly been obligated on any loan which resulted in foreclosure, transfer of title in lieu of foreclosure, or judgment? (This would include such loans as home mortgage loans, SBA loans, home improvement loans, educational loans, manufactured (mobile) home loans, any mortgage, financial obligation, bond, or loan guarantee. If "Yes," provide details, including date, name, and address of Lender, FHA or VA case number, if any, and reasons for the action.)	
i. Total costs (add items a through h)	638,928.52	f. Are you presently delinquent or in default on any Federal debt or any other loan, mortgage, financial obligation, bond, or loan guarantee? If "Yes," give details as described in the preceding question.	
j. Subordinate financing		g. Are you obligated to pay alimony, child support, or separate maintenance?	
k. Borrower's closing costs paid by Seller	42,263.09	h. Is any part of the down payment borrowed?	
l. Other Credits (explain)		i. Are you a co-maker or endorser on a note?	
Borrower FOC	\$25.94	j. Are you a U.S. citizen?	
Over Tolerance	\$2.40	k. Are you a permanent resident alien?	
Earnest Money	10,000.00	l. Do you intend to occupy the property as your primary residence? If "Yes," complete question m below.	
m. Loan amount (exclude PMI, MIP, Funding Fee financed)	472,000.00	m. Have you had an ownership interest in a property in the last three years?	
n. PMI, MIP, Funding Fee financed	0.00	(1) What type of property did you own -- principal residence (PR), second home (SH), or investment property (IP)?	
o. Loan amount (add m & n)	472,000.00	(2) How did you hold title to the home -- solely by yourself (S), jointly with your spouse (SP), or jointly with another person (O)?	
p. Cash from/to Borrower (subtract j, k, l & o from i)	114,087.09		

IX. ACKNOWLEDGEMENT AND AGREEMENT

Each of the undersigned specifically represents to Lender and to Lender's actual or potential agents, brokers, processors, attorneys, insurers, servicers, successors and assigns and agrees and acknowledges that: (1) the information provided in this application is true and correct as of the date set forth opposite my signature and that any intentional or negligent misrepresentation of this information contained in this application may result in civil liability, including monetary damages, to any person who may suffer any loss due to reliance upon any misrepresentation that I have made on this application, and/or in criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Sec. 1001, et seq.; (2) the loan requested pursuant to this application (the "Loan") will be secured by a mortgage or deed of trust on the property described in this application; (3) the property will not be used for any illegal or prohibited purpose or use; (4) all statements made in this application are made for the purpose of obtaining a residential mortgage loan; (5) the property will be occupied as indicated in this application; (6) the Lender, its servicers, successors or assigns may retain the original and/or an electronic record of this application, whether or not the Loan is approved; (7) the Lender and its agents, brokers, insurers, servicers, successors, and assigns may continuously rely on the information contained in the application, and I am obligated to amend and/or supplement the information provided in this application if any of the material facts that I have represented herein should change prior to closing of the Loan; (8) in the event that my payments on the Loan become delinquent, the Lender, its servicers, successors or assigns may, in addition to any other rights and remedies that it may have relating to such delinquency, report my name and account information to one or more consumer reporting agencies; (9) ownership of the Loan and/or administration of the Loan account may be transferred with such notice as may be required by law; (10) neither Lender nor its agents, brokers, insurers, servicers, successors or assigns has made any representation or warranty, express or implied, to me regarding the property or the condition or value of the property; and (11) my transmission of this application as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or my facsimile transmission of this application containing a facsimile of my signature, shall be as effective, enforceable and valid as if a paper version of this application were delivered containing my original written signature.

Acknowledgement. Each of the undersigned hereby acknowledges that any owner of the Loan, its servicers, successors and assigns, may verify or reverify any information contained in this application or obtain any information or data relating to the Loan, for any legitimate business purpose through any source, including a source named in this application or a consumer reporting agency.

Borrower's Signature: Thomas A Pickens Date: 5/25/2017
Co-Borrower's Signature: _____ Date: _____

X. INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following information is requested by the Federal Government for certain types of loans related to a dwelling in order to monitor the lender's compliance with equal credit opportunity, fair housing and home mortgage disclosure laws. You are not required to furnish this information, but are encouraged to do so. The law provides that a lender may not discriminate either on the basis of this information, or on whether you choose to furnish it. If you furnish the information, please provide both ethnicity and race. For race, you may check more than one designation. If you do not furnish ethnicity, race, or sex, under Federal regulations, this lender is required to note the information on the basis of visual observation and surname if you have made this application in person. If you do not wish to furnish the information, please check the box below. (Lender must review the above material to assure that the disclosures satisfy all requirements to which the lender is subject under applicable state law for the particular type of loan applied for.)

BORROWER		CO-BORROWER	
I do not wish to furnish this information		I do not wish to furnish this information.	
Ethnicity:	<input type="checkbox"/> Hispanic or Latino <input checked="" type="checkbox"/> Not Hispanic or Latino	Ethnicity:	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino
Race:	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input checked="" type="checkbox"/> White <input type="checkbox"/> Native Hawaiian or Other Pacific Islander	Race:	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> White <input type="checkbox"/> Native Hawaiian or Other Pacific Islander
Sex:	<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Sex:	<input type="checkbox"/> Female <input type="checkbox"/> Male
To be Completed by Loan Originator:			
This information was provided: <input type="checkbox"/> In a face-to-face interview <input checked="" type="checkbox"/> In a telephone interview		<input type="checkbox"/> By the applicant and submitted by fax or mail <input type="checkbox"/> By the applicant and submitted via e-mail or the Internet	
Loan Originator's Signature: <u>Mc Jeffrey W Zachow</u>		Date: _____	
Loan Originator's Name (print or type): <u>Mc Jeffrey W Zachow</u>		Loan Originator's Phone Number (including area code): <u>702-525-5264</u>	
Loan Origination Company's Name: <u>Wells Fargo Bank N.A.</u>		Loan Origination Company's Address: <u>3800 HOWARD HUGHES PKWY, 2ND FLOOR, LAS</u>	
Loan Origination Company Identifier: <u>359801</u>			



CONTINUATION SHEET/RESIDENTIAL LOAN APPLICATION		
Use this continuation sheet if you need more space to complete the Residential Loan Application. Mark B for Borrower or C for Co-Borrower.	Borrower:	Agency Case Number:
	Thomas A Pickens	
	Co-Borrower:	Lender Case Number:
		XXXXXX4472

Alternate Names Continued

Alternate Name	Creditor Name	Account Number
TIM	PICKENS	
THOMAS	PICKENS	

I/we fully understand that it is a Federal crime punishable by fine or imprisonment, or both, to knowingly make any false statements concerning any of the above facts as applicable under the provisions of Title 18, United States Code, Section 1001, et seq.

Borrower's Signature:	Date:	Co-Borrower's Signature:	Date:
X <u>Thomas A Pickens</u>	<u>5/25/2017</u>	X _____	_____



EXHIBIT J

EXHIBIT J

EXHIBIT J

Date: July 13, 2018
Time: 11:16AM

Page: 1

Disbursement Worksheet

Escrow No. : 04-08-1662-SAH
Closer : Sheri A. Hutchison
Closing Date : 10/07/2004
Lender : Greenpoint Mortgage
Loan No : 0085079119

Buyer : Danka K. Michaels and Thomas A Pickens
Seller : Bradley L. Boone and Kym E. Boone
Property Address : 9517 Queen Charlotte Drive
Las Vegas, NV 89145-8673
Trust Account : -Inactive-BOA - Escrow Trust Account

RECEIPTS:

St	Number	Date	Type	Payer	Amount
I	48862	08/19/2004	Earnest Money	Danka K. Michaels, MD	25,000.00
			Check	# 1230	
I	49461	08/31/2004	Additional	Michaels, Danka K.	5,000.00
			Check	# 594	
I	51165	09/30/2004	Initial	Michaels, Danka K.	185,686.13
			Check	# 078402	
			Due From Seller	Bradley L. Boone, Kym E. Boone	25.48
I	51667	10/07/2004	Loan Proceeds	Greenpoint Mortgage	808,363.96
			Wire Transfer		
			Total Issued Receipts	:	1,024,050.09
			+ Remaining Due	:	25.48
			Total Receipts	:	1,024,075.57

CHECKS:

St	Number	Date	Type	Payee	Amount
W	9371	10/08/2004	Seller Proceeds	Bradley L. Boone, Kym E. Boone	323,744.21
I	123446	10/08/2004	Seller Proceeds	Bradley L. Boone, Kym E. Boone	717,042.22
V	123446	10/08/2004	Seller Proceeds	Bradley L. Boone, Kym E. Boone	717,042.22
I	123494	10/08/2004	Seller Proceeds	Bradley L. Boone, Kym E. Boone	323,744.21
V	123494	10/08/2004	Seller Proceeds	Bradley L. Boone, Kym E. Boone	323,744.21
			Buyer Refund	Danka K. Michael And Thomas A Pickens	0.48
I	123447	10/08/2004	Buyer Refund	Danka K. Michael, Thomas A Pickens	2,814.61
V	123447	10/08/2004	Buyer Refund	Danka K. Michael, Thomas A Pickens	2,814.61
I	123505	10/08/2004	Buyer Refund	Danka K. Michael And Thomas A Pickens	6,876.84
I	123448	10/08/2004	Lender Refund	Greenpoint Mortgage	1,750.26
V	123448	10/08/2004	Lender Refund	Greenpoint Mortgage	1,750.26
I	123449	10/08/2004	Listing Broker	Rossum Realty Unlimited	29,970.00
V	123449	10/08/2004	Listing Broker	Rossum Realty Unlimited	29,970.00
I	123973	10/12/2004	Listing Broker	Rossum Realty Unlimited	29,970.00
I	123450	10/08/2004	Selling Broker	Realty Executives of Nevada	30,320.00
V	123450	10/08/2004	Selling Broker	Realty Executives of Nevada	30,320.00
I	123506	10/08/2004	Selling Broker	Realty Executives of Nevada	29,970.00
I	123507	10/08/2004	Split	Realty Executives of Nevada	350.00
W	9370	10/08/2004	Payoff	Chase Manhattan	291,308.67
I	123495	10/08/2004	Payoff	Chase Manhattan	291,308.67
V	123495	10/08/2004	Payoff	Chase Manhattan	291,308.67
I	123508	10/08/2004	Payoff	Chase Manhattan	97,421.56
I	123451	10/08/2004	County Taxes	Clark County Treasurer	1,860.97
V	123451	10/08/2004	County Taxes	Clark County Treasurer	1,860.97
I	123509	10/08/2004	Home Owner's Warranty	Alliance Home Warranty	549.00
I	121858	09/30/2004	Miscellaneous Fee	Bradley L. Boone & Kym E. Boone	215,686.13

EXHIBIT K

EXHIBIT K

EXHIBIT K

Last Will and Testament

of

Danka Michaels

I, **Danka Michaels**, domiciled and resident in Clark County, Nevada, declare that this is my Last Will and I revoke all other Wills.

ARTICLE 1. DEBTS AND FUNERAL EXPENSES

I direct that my death taxes, debts, and expenses be paid as directed in the **Mich-Mich Trust**, dated APR 05 2010, as amended/restated. If the instructions of this paragraph are not operative or are held invalid, or if the Trust fails or has been revoked, then I hereby incorporate herein by reference the terms of the Trust, as amended, on the date of its execution.

ARTICLE 2. DISPOSITION OF MORTAL REMAINS

Upon my death, my remains shall be cremated and ashes spread by Executor.

ARTICLE 3. POWERS OF APPOINTMENT

It is my intention by this Will to exercise any power of appointment which I may own at the time of my death. I appoint any and all such property, to the extent such power allows, to the **Mich-Mich Trust**, dated APR 05 2010, as amended/restated, to be held or distributed in accordance with the terms thereof.

ARTICLE 4. MY HEIRS

I am unmarried. I have one (1) children as follows: **Jakub Michalecko**. He shall hereinafter be referred to as "my children."

ARTICLE 5. RESIDUARY ESTATE

All of the rest of my estate, wheresoever located, I give, devise and bequeath to the Trustees of a certain Trust entitled the "**Mich-Mich Trust**," established by me on APR 05 2010, as amended/ restated, the same to be held by my Trustees as part of the principal of the said Trust.

My children and other heirs shall be provided for, if at all, under the terms of said Trust, and I have intentionally made no provisions for them in this Will.

If the disposition of this paragraph is not operative or is held invalid, or if the said Trust fails or has been revoked, then I hereby incorporate herein by reference the terms of said Trust on the date of its execution, giving effect to any subsequent amendments, and I give the residue of my estate to the Successor Trustee named in that Trust, in Trust, to be held, administered and distributed as therein provided.

ARTICLE 6. EXECUTOR

I name **Jakub Michalecko** to serve as Executor of this Will. If he should fail to qualify or cease to act, I hereby nominate and appoint **Thomas Pickens** to serve as Executor. I direct that no bond shall be required of either of them.

ARTICLE 7. GUARDIAN

In the event I become incapacitated, I appoint **Jakub Michalecko** to serve as my Guardian. I direct that no bond shall be required of him.

ARTICLE 8. PROVISION FOR OTHERS

I have intentionally, made no provisions in this Will for anyone who is now living or for anyone who may be born hereafter, except as provided herein. Except as otherwise provided herein, I have intentionally, and with full knowledge, omitted to provide for my heirs, including any person or persons who may hereafter become my heir or heirs.

ARTICLE 9. SPECIAL POWERS OF MY EXECUTOR

I give the Executor the following powers and discretions, in each case to be exercisable without Court Order:

- 9.1 To exercise any and all powers set forth in NRS Sections 163.260 through 163.410, inclusive, in addition to and not in limitation of the powers herein set forth;
- 9.2 To sell at public or private sale, to retain, to lease, to borrow money and, for that purpose, to mortgage or to pledge, all or part of the real or personal property of my estate;
- 9.3 To settle claims in favor of or against my estate;
- 9.4 To exercise, or not to exercise, any election or option granted to the Executor by the Internal Revenue Code in force at my death, even though such exercise, or non-exercise, increases or decreases estate principal or income;
- 9.5 To distribute the residue of my estate in cash or in kind, or partly in each, and, for this purpose, the determination of the Executor as to the value of any property distributed in kind shall be conclusive;
- 9.6 To execute and deliver any deeds, contracts, mortgages, bills of sale or other instruments necessary or desirable for the exercise of the Executor's powers and discretions;
- 9.7 As to any real property, to collect the rents and earnings, to keep in tenantable repair the buildings and fixtures, to employ agents and custodians, to make all reasonable expenditures to preserve the property, to insure the property, the Executor and any person having an interest in or responsibility for the care, management or repair of the property against risks as the Executor determines advisable;

- 9.9 To carry out any agreement I may have entered into during my lifetime in connection with any business, corporation or partnership in which I have an interest.

ARTICLE 10. GOVERNING LAW

This will shall be governed, construed and enforced in accordance with the laws of the State of Nevada in effect at the time of my death.

I subscribe my name to this Will (consisting of 4 pages, including the self-proving affidavit) in Las Vegas, Clark County, Nevada this _____ day of APR 05 2010.


Danka Michaels

On the date last above written, **Danka Michaels**, declared to us, the undersigned, that the foregoing instrument, was her Will and requested us to act as witnesses to it. Thereafter, she signed this Will in our presence, all of us being present at the same time. We now, at her request, in her presence and in the presence of each other, subscribe our names as witnesses.



Rachel Lizarraga

Residing at:

Residing at:

6580 Donald Nelson Av.
Las Vegas, NV 89131

P.O. Box 371447

Las Vegas, NV 89137

SELF-PROVING AFFIDAVIT

STATE OF NEVADA

}

ss.

COUNTY OF CLARK

}

Then and there personally appeared the within-named Shannon Blair and Rachel Lizarraga, who being duly sworn, depose and say: That they witnessed the execution of the within Will of the within named Testatrix, **Danka Michaels**; that said Testatrix subscribed said Will and declared the same to be her Will in their presence; that they thereafter subscribed the same as witnesses in the presence of the Testatrix and in the presence of each other and at the request of said

Testatrix; that said Testatrix, at the time of the execution of said Will, appeared to them to be of full age and of sound mind and memory; that they make this affidavit at the request of said Testatrix.

[Signature]

Rachel Linguaga

SUBSCRIBED and SWORN to before
me this APR 05 2010

[Signature]
NOTARY PUBLIC

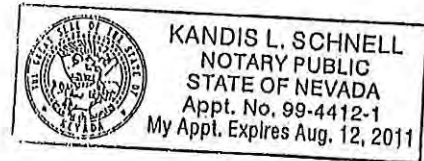


EXHIBIT L

EXHIBIT L

EXHIBIT L

MICH-MICH TRUST

DANKA MICHAELS, SETTLOR & TRUSTEE

PREPARED BY:

**EVANS & ASSOCIATES
7251 W. LAKE MEAD #530
LAS VEGAS, NEVADA 89128
(702) 699-7333**

#11

Danka Michaels000581

AA00653

MICH-MICH TRUST

ARTICLE I CREATION OF TRUST

- 1.1 Declaration. Danka Michaels of Clark County, Nevada, who is herein referred to as "the settlor" or "the trustee," depending on the context, hereby declares that she holds certain property (the "trust estate") in trust, to be held, administered, and distributed according to the terms of this instrument.
- 1.2 Name of Trust. The name of the trust created by this instrument shall be "Mich-Pick Trust."
- 1.3 Effective Date. This declaration shall be effective immediately on execution by all the parties.
- 1.4 Marital Status. The settlor is unmarried.
- 1.5 Previous Marriage. The settlor was previously married, but that marriage ended with a valid decree of dissolution.
- 1.6 Identification of Living Children. The settlor has one (1) living child, as follows: Jakub Michalecko.
- 1.7 Deceased Children. The settlor has no deceased children.
- 1.8 Definitions of Child, Children, and Issue. As used in this instrument, the terms "child" and "children" refer to all persons referred to in the Nevada Probate Code, as in effect at the time of execution of this instrument, and the term "issue" refers to all persons referred to in the Nevada Probate Code, as in effect at the time of execution of this instrument.
- 1.9 Identification of Living Grandchildren. The settlor has one (1) living grandchildren as follows: Lukas Michaels.
- 1.10 Definitions of Grandchild and Grandchildren. The terms "grandchild" and "grandchildren" as used therein in this instrument includes all grandchildren of settlor.
- 1.11 Provision for Others. Settlor has intentionally made no provisions in this trust for anyone who is living or for anyone who may be born hereafter, except as provided herein. Except as otherwise provided herein, the settlor has intentionally and with full knowledge, failed to provide for her heirs, including any person or persons who may hereafter become her heir or heirs.

THIS SPACE INTENTIONALLY LEFT BLANK

**ARTICLE VIII.
SIGNATURE AND EXECUTION**

- 8.1 Execution. I certify that I have read the foregoing declaration of trust and that it correctly states the terms and conditions under which the trust estate is to be held, administered, and distributed. As trustee of the trust created by this declaration of trust, I approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions. As settlor of the trust created by this declaration of trust, I approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions.

Executed on APR 05 2010, at Las Vegas, Clark County, Nevada.

SETTLOR-TRUSTEE



Danka Michaels

ACKNOWLEDGMENT

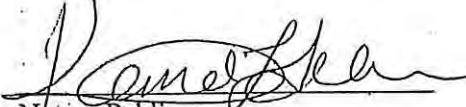
State of Nevada

)
) ss
)

County of Clark

On APR 05 2010 before me, a notary public in and for the State of Nevada, personally appeared **Danka Michaels**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public

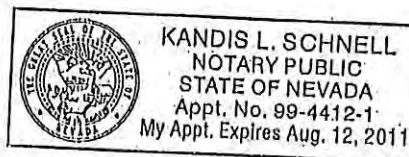


EXHIBIT M

EXHIBIT M

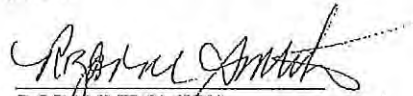
EXHIBIT M

CERTIFICATE OF CUSTODIAN OF RECORDS


STATE OF NEVADA)
)ss
COUNTY OF CLARK)

NOW COMES ROZANNE SMITH, who after first being duly sworn deposes and says:

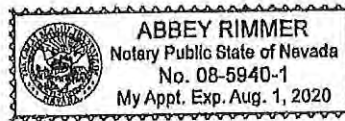
1. I am over the age of twenty-one (21) years and fully competent to testify to the statements made in this Affidavit in a court of law.
2. The statements made in this Affidavit are true to the best of my own personal knowledge, except those made upon information and belief, and, as to those statements, I believe them to be true.
3. That I am the custodian of records for TICOR TITLE OF NEVADA, INC.
4. I hereby certify that the files delivered to Fidelity National Law Group on or about the 30th day of August, 2018, for Escrow File Number 11054523, is a true and correct copy of the original records maintained and created in the ordinary course of business of TICOR TITLE OF NEVADA, INC.


ROZANNE SMITH

SUBSCRIBED and SWORN to before me
this 30th day of August, 2018.



NOTARY PUBLIC



SUB008154

Danka Michaels000703

AA00657

Ticor Title of Nevada, Inc.
Las Vegas
Escrow Ledger Listing

Print Date - Time: 08/23/2018 - 10:48:11 AM

Page: 1

User: RS

File Information	Ledger Totals
Escrow Number: 11054523	Posted Balance: 0.00
Escrow Officer: LG - Lois Golding	Receipts In Process: 0.00
Branch: 005 - Corporate Circle - Green Valley	Disbursements In Process: 0.00
Bank: 04-US Bank	Receipts On Hold: 0.00
Account Number: [REDACTED]	Available Balance: \$0.00
Seller / Buyer: Custom Estates/Michaels	
Property Address: 7608 Lowe Ave Las Vegas, NV 89131	Savings Balance: \$0.00

Posted Items								
Date	Src	By	Payor/Payee/Memo	Type	Number	Receipts	Disbursements	Balance
02/03/2011	R 03	WC	DANKA K MICHAELS	WIN	50003383	2,000.00	0.00	2,000.00
02/16/2011	D 03	VW	CUSTOM ESTATES, LLC		50010388 C	0.00	(2,000.00)	0.00
02/28/2011	R 03	WC	ALLY BANK	WIN	50003711	99,938.83	0.00	99,938.83
02/28/2011	R 03	WC	DANKA K MICHAELS	WIN	50003714	27,394.56	0.00	127,333.39
02/28/2011	T 03	VW	TICOR TITLE OF NEVADA, INC.		9082483	0.00	(2,215.75)	125,117.64
03/01/2011	D 03	MS	ALLSTATE INS		50011031 C	0.00	(432.96)	124,684.68
03/01/2011	D 03	MS	BANC SERV		50011032 C	0.00	(150.00)	124,534.68
03/01/2011	D 03	MS	CAMCO		50011033 C	0.00	(125.00)	124,409.68
03/01/2011	D 03	MS	CITY OF LAS VEGAS		50011034 C	0.00	(235.98)	124,173.70
03/01/2011	D 03	MS	CITY OF LAS VEGAS.		50011035 C	0.00	(667.70)	123,506.00
03/01/2011	D 03	MS	CLARK COUNTY TREASURER		50011036 C	0.00	(321.92)	123,184.08
03/01/2011	D 03	MS	DANKA KATARINA MICHAELS AND TH		50011037 V	0.00	(115.00)	123,069.08
03/01/2011	D 03	MS	ELITE REALTY		50011038 C	0.00	(3,897.00)	119,172.08
03/01/2011	D 03	MS	ELKHORN COMM ASSOC		50011039 C	0.00	(147.00)	119,025.08
03/01/2011	D 03	MS	EXCELLENCE COMM MGMT		50011040 C	0.00	(250.00)	118,775.08
03/01/2011	D 03	MS	OLD REPUBLIC HOME PROTECTION		50011041 C	0.00	(455.00)	118,320.08
03/01/2011	D 03	MS	PALOMA HOA		50011042 C	0.00	(40.00)	118,280.08
03/01/2011	D 03	MS	REPUBLIC SERVICES		50011043 C	0.00	(26.38)	118,253.70
03/01/2011	W 03	CJ	R/S INVESTMENT HOLDINGS LTD		50001508	0.00	(57,265.00)	60,988.70
03/01/2011	W 03	CJ	CUSTOM ESTATES, LLC		50001509	0.00	(60,988.70)	0.00
03/08/2011	D 03	VW	CITY OF LAS VEGAS		50011364 C	0.00	(17.32)	(17.32)
03/21/2011	R 03	CJ	TTN LOSS ADJUSTMENT	LAF	50004076	17.32	0.00	0.00
04/13/2013	R 03	MGA	Transfer to Bank 04	TBK	000000	0.00	0.00	0.00
05/27/2013	D 03	RR	VOID DUE TO OUTSTANDING CHECK		50011037 V	0.00	115.00	115.00
05/27/2013	R 03	RR	VDC #000000050011037 to 005/04	TBK	000000	(115.00)	0.00	0.00
05/27/2013	R 04	RR	VDC #000000050011037 from 005/03	TBK	000000	115.00	0.00	115.00
05/27/2013	D 04	RR	DANKA KATARINA MICHAELS AND TH		70005573 C	0.00	(115.00)	0.00
Posted Balance:								\$0.00

Ticor Title of Nevada, Inc.
Las Vegas
Escrow Ledger Listing

Print Date - Time: 04/03/2012 - 2:49:17PM

Page: 1

User: RR

File Information	Ledger Totals
Escrow Number: 11054523	Posted Balance: 0.00
Escrow Officer: LG - Lois Golding	Receipts In Process: 0.00
Branch: 005 - Corporate Circle - Green Valley	Disbursements In Process: 0.00
Bank: 03-Wells Fargo Bank, NA	Receipts On Hold: 0.00
Account Number: [REDACTED]	Available Balance: \$0.00
Seller / Buyer: Custom Estates/Michaels	Savings Balance: \$0.00
Property Address: 7608 Lowe Ave Las Vegas, NV 89131	

Posted Items								
Date	Src	By	Payor/Payee/Memo	Type	Number	Receipts	Disbursements	Balance
02/03/2011	R 03	WC	DANKA K MICHAELS	WIN	50003383	2,000.00	0.00	2,000.00
02/16/2011	D 03	VW	CUSTOM ESTATES, LLC		50010388C	0.00	(2,000.00)	0.00
02/28/2011	R 03	WC	ALLY BANK	WIN	50003711	99,938.83	0.00	99,938.83
02/28/2011	R 03	WC	DANKA K MICHAELS	WIN	50003714	27,394.56	0.00	127,333.39
02/28/2011	T 03	VW	TICOR TITLE OF NEVADA, INC.		9082483	0.00	(2,215.75)	125,117.64
03/01/2011	D 03	MS	ALLSTATE INS		50011031C	0.00	(432.96)	124,684.68
03/01/2011	D 03	MS	BANC SERV		50011032C	0.00	(150.00)	124,534.68
03/01/2011	D 03	MS	CAMCO		50011033C	0.00	(125.00)	124,409.68
03/01/2011	D 03	MS	CITY OF LAS VEGAS		50011034C	0.00	(235.98)	124,173.70
03/01/2011	D 03	MS	CITY OF LAS VEGAS.		50011035C	0.00	(667.70)	123,506.00
03/01/2011	D 03	MS	CLARK COUNTY TREASURER		50011036C	0.00	(321.92)	123,184.08
03/01/2011	D 03	MS	DANKA KATARINA MICHAELS AND TH		50011037	0.00	(115.00)	123,069.08
03/01/2011	D 03	MS	ELITE REALTY		50011038C	0.00	(3,897.00)	119,172.08
03/01/2011	D 03	MS	ELKHORN COMM ASSOC		50011039C	0.00	(147.00)	119,025.08
03/01/2011	D 03	MS	EXCELLENCE COMM MGMT		50011040C	0.00	(250.00)	118,775.08
03/01/2011	D 03	MS	OLD REPUBLIC HOME PROTECTION		50011041C	0.00	(455.00)	118,320.08
03/01/2011	D 03	MS	PALOMA HOA		50011042C	0.00	(40.00)	118,280.08
03/01/2011	D 03	MS	REPUBLIC SERVICES		50011043C	0.00	(26.38)	118,253.70
03/01/2011	W 03	CJ	R/S INVESTMENT HOLDINGS LTD		50001508	0.00	(57,265.00)	60,988.70
03/01/2011	W 03	CJ	CUSTOM ESTATES, LLC		50001509	0.00	(60,988.70)	0.00
03/08/2011	D 03	VW	CITY OF LAS VEGAS		50011364C	0.00	(17.32)	(17.32)
03/21/2011	R 03	CJ	TTN LOSS ADJUSTMENT	LAF	50004076	17.32	0.00	0.00
Posted Balance:								\$0.00

TTN00003

Ticor Title of Nevada, Inc.

Final Disbursement Report

Print Date - Time: 03/01/2011 - 11:10:55AM

Page 1 of 2

User: MS

File Information			
Escrow Number:	11054523-005	Open Date:	01/10/2011
Escrow Officer:	Lois Golding	Close Date:	02/28/2011
Seller / Buyer:	Custom Estates/Michaels		
Property Address:	7608 Lowe Ave Las Vegas, NV 89131		

Payee / Payor	Ref Num	Date	Status / Type / Sub Amount	Amount	Totals
Receipts					
Receipts					
1. DANKA K MICHAELS	50003383	02/03/2011	WIN	2,000.00	
2. ALLY BANK	50003711	02/28/2011	WIN	99,938.83	
3. DANKA K MICHAELS	50003714	02/28/2011	WIN	27,394.56	
					129,333.39
Disbursements					
Disbursements					
1. CUSTOM ESTATES, LLC	50010388	02/16/2011		(2,000.00)	
Early release of funds			(2,000.00)		
2. ALLSTATE INS	50011031	03/01/2011		(432.96)	
Homeowner's insurance			(432.96)		
3. BANC SERV	50011032	03/01/2011		(150.00)	
22800 SAVI RANCH PKWY #208 YORBA LINDA, CA 92887 INVOICE# 110616418					
Notary Fee			(150.00)		
4. CAMCO	50011033	03/01/2011		(125.00)	
P.O. BOX 12117 LAS VEGAS, NV 89112					
HOA Transfer Fee			(125.00)		
5. CITY OF LAS VEGAS	50011034	03/01/2011		(235.98)	
400 STEWART AVE LAS VEGAS, NV 89101 ACCT# 12010692					
Sewer Bill			(235.98)		
6. CITY OF LAS VEGAS	50011035	03/01/2011		(667.70)	
P.O. BOX 748023 LOS ANGELES, CA 90074 APN 12516511008					
SID Payoff			(667.70)		
7. CLARK COUNTY TREASURER	50011036	03/01/2011		(321.92)	
Real Property Taxes - 4th qtr			(321.92)		
8. DANKA KATARINA MICHAELS AND THO	50011037	03/01/2011		(115.00)	
9517 QUEEN CHARLOTTE LAS VEGAS, NV 89145					
Refund			(115.00)		
9. ELITE REALTY	50011038	03/01/2011		(3,897.00)	
7942 W. Sahara Ave. Las Vegas, NV 89117					
Commission			(3,897.00)		
10. ELKHORN COMM ASSOC	50011039	03/01/2011		(147.00)	
P.O. BOX 12117 LAS VEGAS, NV 89112					
HOA Dues			(147.00)		
11. EXCELLENCE COMM MGMT	50011040	03/01/2011		(250.00)	
601 WHITNEY RANCH DR #B10 HENDERSON, NV 89014					
HOA Transfer Fee			(250.00)		
12. OLD REPUBLIC HOME PROTECTION	50011041	03/01/2011		(455.00)	
P.O. BOX 5017 SAN RAMON, CA 94583 CONF# 17865772					
Home Warranty			(455.00)		
13. PALOMA HOA	50011042	03/01/2011		(40.00)	
HOA Dues/Fees- March			(40.00)		
14. REPUBLIC SERVICES	50011043	03/01/2011		(26.38)	
770 E SAHARA AVE LAS VEGAS, NV 89104 ACCT#62016930					
Trash Bill			(26.38)		
					TTN00131

disburse.rpt (06/18/2009)

Danka Michaels000834

AA00660

**A. Settlement Statement (HUD-1)**Ticor Title of Nevada, Inc.
2285 Corporate Circle #130
Henderson, NV 89074

OMB Approval No. 2502-0265

B. Type of Loan1. ☐ FHA 2. ☐ RHS 3. ☒ Conv. Unlins. 6. File Number: 11054523-005 LG 7. Loan Number: 0611020015 8. Mortgage Insurance Case Number:

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name of Borrower: Danka Katarina Michaels Thomas A. Pickens
Address of Borrower: 9517 QUEEN CHARLOTTE LAS VEGAS, NV 89145 9517 QUEEN CHARLOTTE LAS VEGAS, NV 89145E. Name of Seller: Custom Estates, LLC
Address of Seller: 5594 S. FORT APACHE RD # 100 LAS VEGAS, NV 89148F. Name of Lender: Imortgage.com, Inc.
Address of Lender: 4800 N. Scottsdale Rd Ste 3800 Scottsdale, AZ 85251G. Property Location: 7608 Lowe Ave, Las Vegas, NV 89131
Clark 125-16-511-008H. Settlement Agent: Ticor Title of Nevada, Inc.
(702) 932-0812
Place of Settlement: 2285 Corporate Circle #130, Henderson, NV 89074

I. Settlement Date: 02/28/2011 Proration Date: 02/28/2011 Funding Date: 02/28/2011 Disburse Date:

J. Summary of Borrower's Transaction

100. Gross Amount Due from Borrower	
101. Contract sales price	129,900.00
102. Personal property	
103. Settlement charges to borrower (line 1400)	6,879.05
104.	
105.	
Adjustments for items paid by seller in advance	
106. City/town taxes to	
107. County taxes 02/28/2011 to 04/01/2011	118.04
108. Assessments to	
109. Elkhorn HOA 02/28/2011 to 04/01/2011	24.20
110. Sewer Bill 02/28/2011 to 12/01/2011	178.95
111. Trash Bill 02/28/2011 to 03/01/2011	1.32
112. Paloma HOA 02/28/2011 to 03/01/2011	4.00
113.	
114.	
115.	
120. Gross Amount Due from Borrower	137,105.56
200. Amounts Paid by or in Behalf of Borrower	
201. Deposit or earnest money	2,000.00
202. Principal amount of new loan(s)	103,920.00
203. Existing loan(s) taken subject to	
204. CLOSING FUNDS	27,394.56
205.	
206. Seller Paid Closing Costs	2,598.00
207. Seller Paid Owners Policy	145.00
208. Seller Paid Transfer Tax	663.00
209.	
Adjustments for items unpaid by seller	
210. City/town taxes to	
211. County taxes to	
212. Assessments to	
213.	
214.	
215.	
216.	
217. Appraisal Reimbursement	500.00
218.	
219.	
220. Total Paid by/for Borrower	137,220.56
300. Cash at Settlement from/to Borrower	
301. Gross amount due from borrower (line 120)	137,105.56
302. Less amounts paid by/for borrower (line 220)	137,220.56
303. Cash <input type="checkbox"/> From <input checked="" type="checkbox"/> To Borrower	115.00

K. Summary of Seller's Transaction

400. Gross Amount Due to Seller	
401. Contract sales price	129,900.00
402. Personal property	
403.	
404.	
405.	
Adjustments for items paid by seller in advance	
406. City/town taxes to	
407. County taxes 02/28/2011 to 04/01/2011	118.04
408. Assessments to	
409. Elkhorn HOA 02/28/2011 to 04/01/2011	24.20
410. Sewer Bill 02/28/2011 to 12/01/2011	178.95
411. Trash Bill 02/28/2011 to 03/01/2011	1.32
412. Paloma HOA 02/28/2011 to 03/01/2011	4.00
413.	
414.	
415.	
420. Gross Amount Due to Seller	130,226.51
500. Reductions in Amount Due to Seller	
501. Excess deposit (see Instructions)	
502. Settlement charges to seller (line 1400)	6,066.81
503. Existing loan(s) taken subject to	
504. Payoff of first mortgage loan	57,265.00
505. Payoff of second mortgage loan	
506. Seller Paid Closing Costs	2,598.00
507. Seller Paid Owners Policy	145.00
508. Seller Paid Transfer Tax	663.00
509.	
Adjustments for items unpaid by seller	
510. City/town taxes to	
511. County taxes to	
512. Assessments to	
513.	
514.	
515.	
516. Early release of funds	2,000.00
517. Appraisal Reimbursement	500.00
518.	
519.	
520. Total Reduction Amount Due Seller	69,237.81
600. Cash at Settlement to/from Seller	
601. Gross amount due to seller (line 420)	130,226.51
602. Less reductions in amount due seller (line 520)	69,237.81
603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	60,988.70

L. Settlement Charges

700. Total Real Estate Broker Fees		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of commission (line 700) follows:			
701. \$	to Realty One Group Inc.		
702. \$ 3,897.00	to Elite Realty		
703. Commission paid at settlement			3,897.00
704.			

800. Items Payable in Connection with Loan			
801. Our origination charge 1.0 or \$1039.20	\$ 2,029.20	(from GFE #1)	
802. Your credit or charge (points) for the specific interest rate chosen \$ 1,039.20		(from GFE #2)	
803. Your adjusted origination charges		(from GFE A)	3,068.40
804. Appraisal fee		(from GFE #3)	500.00
805. Credit report		(from GFE #3)	
806. Tax service		(from GFE #3)	85.00
807. Flood certification		(from GFE #3)	25.00
808.			

900. Items Required by Lender to Be Paid in Advance			
901. Daily interest charges from 02/28/2011 to 03/01/2011 @ \$16.0151 /day		(from GFE #10)	16.02
902. Mortgage insurance premium for 0 months to		(from GFE #3)	
903. Homeowner's insurance for years to Allstate Ins		(from GFE #11)	432.96
904.			

1000. Reserves Deposited with Lender			
1001. Initial deposit for your escrow account		(from GFE #9)	286.75
1002. Homeowner's insurance 2 months @ \$ 36.0800	\$ 72.16		
1003. Mortgage insurance months @ \$	\$		
1004. Property taxes 2 months @ \$ 107.3100	\$ 214.62		
1005. months @ \$	\$		
1006. months @ \$	\$		
1007. Aggregate adjustment	\$(0.03)		

1100. Title Charges			
1101. Title services and lender's title insurance		(from GFE #4)	905.50
1102. Settlement, Escrow or Closing Fee to Titor Title of Nevada, Inc.	\$ 472.50		288.75
1103. Owner's title insurance to Titor Title of Nevada, Inc.	\$ 145.00	(from GFE #5)	145.00
1104. Lender's title insurance to Titor Title of Nevada, Inc.	\$ 433.00		
1105. Lender's title policy limit \$103,920			
1106. Owner's title policy limit \$129,900			
1107. Agent's portion of the total title insurance premium	\$ 508.64		
1108. Underwriter's portion of the total title insurance premium	\$ 69.36		
1121. ALTA Extended to Titor Title of Nevada, Inc.			78.50

1200. Government Recording and Transfer Charges			
1201. Government recording charges		(from GFE #7)	95.00
1202. Deed \$ Mortgage \$ Release \$			40.00
1203. Transfer taxes		(from GFE #8)	663.00
1204. City/County tax/stamps	Deed \$ 663.00 Mortgage \$		
1205. State tax/stamps	Deed \$ Mortgage \$		
1206. Excise Tax	Deed \$		
1207. Aggregate Recording Fee to Titor Title of Nevada, Inc.	\$ 135.00		

1300. Additional Settlement Charges			
1301. Required services that you can shop for		(from GFE #6)	
1302.	\$		
1303.	\$		
1304.			
1305. Notary Fee to BancServ			150.00
1306. Real Property Taxes - 4th qtr to Clark County Treasurer			321.92
1307. Home Warranty to Old Republic Home Protection			455.00
1308. HOA Transfer Fee to Excellence Comm Mgmt			250.00
1309. HOA Dues/Fees- March to Paloma HOA			40.00
1310. SID Payoff to City of Las Vegas.			667.70
1311. Trash Bill to Republic Services			26.39
1313. Sewer Bill to City of Las Vegas			235.98
1314. HOA Transfer Fee to CAMCO			125.00
1315. HOA Dues to Elkhorn Comm Assoc			66.00
			81.00

1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	6,879.05	6,068.81
--	-----------------	-----------------

POCB = Paid outside of closing by Borrower POCS = Paid outside of closing by Seller POCL = Paid outside of closing by Lender POCM = Paid outside of closing by Mortgage broker

Comparison of Good Faith Estimate (GFE) and HUD-1 Charges		Good Faith Estimate	HUD-1
Charges That Cannot Increase			
Our origination charge	# 801	2,029.20	2,029.20
Your credit or charge (points) for the specific interest rate chosen	# 802	1,039.20	1,039.20
Your adjusted origination charges	# 803	3,068.40	3,068.40
Transfer taxes	# 1203	663.00	663.00
Total		3,731.40	3,731.40

Charges That in Total Cannot Increase More Than 10%		Good Faith Estimate	HUD-1
Government recording charges	# 1201	160.00	95.00
Appraisal fee	# 804	700.00	500.00
Tax service	# 806	85.00	85.00
Flood certification	# 807	25.00	25.00
Total		960.00	705.00
Increase between GFE and HUD-1 Charges		\$ (255.00) or (26.56)%	

Charges That Can Change		Good Faith Estimate	HUD-1
Initial deposit for your escrow account	# 1001	713.86	280.75
Daily interest charges	# 901 \$16.0151 /day	480.45	16.02
Homeowner's insurance	# 903	420.00	432.96
Title services and lender's title insurance	# 1101	1,850.00	905.50
Owner's title insurance	# 1103	842.00	145.00

Loan Terms

Your initial loan amount is	\$ 103,920.00
Your loan term is	30 years
Your initial interest rate is	5.625%
Your initial monthly amount owed for principal, interest, and any mortgage insurance is	\$ 598.22 includes <input checked="" type="checkbox"/> Principal <input checked="" type="checkbox"/> Interest <input type="checkbox"/> Mortgage Insurance
Can your interest rate rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of _____%. The first change will be on _____ and can change again every _____ after _____. Every change date, your interest rate can increase or decrease by _____%. Over the life of the loan, your interest rate is guaranteed to never be lower than _____% or higher than _____%.
Even if you make payments on time, can your loan balance rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of \$ _____.
Even if you make payments on time, can your monthly amount owed for principal, interest, and mortgage insurance rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, the first increase can be on _____ and the monthly amount owed can rise to \$ _____. The maximum it can ever rise to is \$ _____.
Does your loan have a prepayment penalty?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, your maximum prepayment penalty is \$ _____.
Does your loan have a balloon payment?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, you have a balloon payment of \$ _____ due in _____ years on _____.
Total monthly amount owed including escrow account payments	<input type="checkbox"/> You do not have a monthly payment for items, such as property taxes and homeowner's insurance. You must pay these items directly yourself. <input checked="" type="checkbox"/> You have an additional monthly escrow payment of \$ 143.39 that results in a total initial monthly amount owed of \$ 741.61. This includes principal, interest, any mortgage insurance and any items checked below: <input checked="" type="checkbox"/> Property taxes <input checked="" type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Flood Insurance <input type="checkbox"/> <input type="checkbox"/>

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.

File Number: 11054523 - 005 - LG

Payoff Addendum

BREAKDOWN OF PAYOFF ON HUD line #504

Payoff to: R/S Investment Holdings LTD

Loan #:

Description	Amount
Principal Balance	57,265.00
Interest	0.00
Total Payoff	57,265.00

Total as shown on HUD line #504. 57,265.00



2285 Corporate Circle #130, Henderson, NV 89074

(702) 932-0812

RECEIPT

No: 50003714

Date: 02/28/2011 Escrow No. 11054523 - 005 LG

Received from: DANKA K MICHAELS

Seller: Custom Estates, LLC

Buyer: Michaels, Danka Katarina

Property Address: 7608 Lowe Ave, Las Vegas, NV 89131

ABA Number: WIRE

Type of Transaction: WIN

TOTAL: \$27,394.56 Wells Fargo Bank, NA

BY: _____

The parties to this escrow acknowledge that the maintenance of escrow accounts with some depository institutions may result in Escrow Holder or its affiliates being provided with bank services, accommodations or other benefits by the depository institution. Escrow Holder or its affiliates also may elect to enter into other business transactions with or obtain loans for investment or other purposes from the depository institution. All such services, accommodations and other benefits shall accrue to Escrow Holder or its affiliates, and Escrow Holder or its affiliates shall have no obligation to account to the parties to the escrow for the value of such services, accommodations or other benefits.

NOTICE OF OPPORTUNITY TO EARN INTEREST

You have the opportunity to earn interest on your escrowed funds as follows:

1. Request your escrow agent set up an interest bearing account.
2. The charge to set up and service the interest bearing account is \$25.00
3. As an example, the amount of interest you can earn on a deposit of \$1,000.00 for a thirty day period at an interest of 4% is \$3.33. Interest earned is dependent on the amount of the deposit, length of time of the deposit and the prevailing interest rate.
4. To establish an interest bearing account, ask for an "Escrow Instruction - Interest Bearing Account", complete the form and return it to your escrow officer.

ALL CHECKS RECEIVED SUBJECT TO COLLECTION
Payments accepted only if such payment is in accordance with terms of contract

TTN00163

Danka Michaels000866

AA00665

2/28/2011

206 / BOOK TRANSFER CREDIT

Credit Amount:

27,394.56

Cust Ref: COMPLETE

Bank Ref:

Wells Ref: 110228119757

000009500236105 DANKA K MICHAELS 9517 QUEEN CHARLOTTE DR LAS

VEGAS NV 89145-8673 0007668059795558 OBI=RE-ESC

ROW NUMBER 11054523. FBO Donk a Michaels /FTR/ BNF=D 0000041

23119646 TICOR TITLE OF NEVADA, INC CLARK COUNTY CUSTODIAL E

SCW ACCT ATTN ACCOUNTING DEPARTMENT LAS VEGAS NV 89113-2243

Completed Timestamp 110228161004 (Time Released)

Escrow #

11054523 LE

Spoke with

Dan

emailed

Teresa

50003714

TTN00164

<https://wellssuite.wellsfargo.com/tir/tirservice?KEY=434051&actionType=PleaseWait&c...> 02/28/2011

Danka Michaels000867

AA00666



2285 Corporate Circle #130, Henderson, NV 89074

(702) 932-0812

RECEIPT

No: 50003711

Date: 02/28/2011 Escrow No. 11054523 - 005 LG

Received from: ALLY BANK

Seller: Custom Estates, LLC

Buyer: Michaels, Danka Katarina

Property Address: 7608 Lowe Ave, Las Vegas, NV 89131

ABA Number: WIRE

Type of Transaction: WIN

TOTAL: \$99,938.83 Wells Fargo Bank, NA

BY: _____

The parties to this escrow acknowledge that the maintenance of escrow accounts with some depository institutions may result in Escrow Holder or its affiliates being provided with bank services, accommodations or other benefits by the depository institution. Escrow Holder or its affiliates also may elect to enter into other business transactions with or obtain loans for investment or other purposes from the depository institution. All such services, accommodations and other benefits shall accrue to Escrow Holder or its affiliates, and Escrow Holder or its affiliates shall have no obligation to account to the parties to the escrow for the value of such services, accommodations or other benefits.

NOTICE OF OPPORTUNITY TO EARN INTEREST

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4. To establish an interest bearing account, ask for an "Escrow Instruction - Interest Bearing Account", complete the form and return it to your escrow officer.

ALL CHECKS RECEIVED SUBJECT TO COLLECTION
Payments accepted only if such payment is in accordance with terms of contract

TTN00165

Danka Michaels000868

AA00667

2/28/2011

195 / INCOMING MONEY TRANSFER

Credit Amount:

99,938.83

Cust Ref: COMPLETE

Bank Ref:

Wires Ref: 0228B1QGC04C013307

Wells Ref: 110228108658

021000021 JPMORGAN CHASE BANK 4 NEW YORK PLAZA NEW YORK, NY

8278800059ZO ORG=ALLY BANK WDA-IMOR 4800 N SCOTTSDALE RD STE

3800 SCOTTSDALE AZ 85251-7618 RFB=EPO OF 11/02/28 OBI=REF T

T05-TT11054523 ATTN LOIS GOLDING 7608 LOWE AVENUE 89131 LAS

VEGAS NV LOAN-0611020015 OPI=802902866 /FTR/BNF=4123119646

TICOR TITLE OF NEVADA

Completed Timestamp 110228152033 (Time Released)

Escrow # 11054523 LG

Spoke with

emailed

50003711



2285 Corporate Circle #130, Henderson, NV 89074

(702) 932-0812

RECEIPT

No: 50003383

Date: 02/03/2011 Escrow No. 11054523 - 005 LG

Received from: DANKA K MICHAELS

Seller: Custom Estates, LLC

Buyer: Dr. Danka Michaels, MD

Property Address: 7608 Lowe Ave, Las Vegas, NV 89131

ABA Number: WIRE

Type of Transaction: WIN

TOTAL: \$2,000.00 Wells Fargo Bank, NA

BY: _____

The parties to this escrow acknowledge that the maintenance of escrow accounts with some depository institutions may result in Escrow Holder or its affiliates being provided with bank services, accommodations or other benefits by the depository institution. Escrow Holder or its affiliates also may elect to enter into other business transactions with or obtain loans for investment or other purposes from the depository institution. All such services, accommodations and other benefits shall accrue to Escrow Holder or its affiliates, and Escrow Holder or its affiliates shall have no obligation to account to the parties to the escrow for the value of such services, accommodations or other benefits.

NOTICE OF OPPORTUNITY TO EARN INTEREST

You have the opportunity to earn interest on your escrowed funds as follows:

1. Request your escrow agent set up an interest bearing account.
2. The charge to set up and service the interest bearing account is \$25.00
3. As an example, the amount of interest you can earn on a deposit of \$1,000.00 for a thirty day period at an interest of 4% is \$3.33. Interest earned is dependent on the amount of the deposit, length of time of the deposit and the prevailing interest rate.
4. To establish an interest bearing account, ask for an "Escrow Instruction - Interest Bearing Account", complete the form and return it to your escrow officer.

ALL CHECKS RECEIVED SUBJECT TO COLLECTION
Payments accepted only if such payment is in accordance with terms of contract

TTN00171

Danka Michaels000874

AA00669

2/3/2011

206 / BOOK TRANSFER CREDIT

Cust Ref: COMPLETE

Wells Ref: 110203060972

000009500236105 DANKA K MICHAELS 9517 QUEEN CHARLOTTE DR LAS
VEGAS NV 89145-8673 0006509034909286 OBI=FOR FU
RTHR CREDIT TO ESCROW 110545 23 /FTR/ BNF=D 000004123119646
TICOR TITLE OF NEVADA, INC CLARK COUNTY CUSTODIAL ESCW ACCT
ATTN ACCOUNTING DEPARTMENT LAS VEGAS NV 89113-2243
Completed Timestamp 110203150919 (Time Released)

Credit Amount:

2,000.00

Bank Ref:

Escrow #

11054523167

Spoke with

Jm

emailed

Teresa

50003383

TTN00172



2285 Corporate Circle #130, Henderson, NV 89074

(702) 932-0812

RECEIPT

No: 50003383

Date: 02/03/2011 Escrow No. 11054523 - 005 LG

Received from: DANKA K MICHAELS

Seller: Custom Estates, LLC

Buyer: Dr. Danka Michaels, MD

Property Address: 7608 Lowe Ave, Las Vegas, NV 89131

ABA Number: WIRE

Type of Transaction: WIN

TOTAL: \$2,000.00 Wells Fargo Bank, NA

BY: _____

The parties to this escrow acknowledge that the maintenance of escrow accounts with some depository institutions may result in Escrow Holder or its affiliates being provided with bank services, accommodations or other benefits by the depository institution. Escrow Holder or its affiliates also may elect to enter into other business transactions with or obtain loans for investment or other purposes from the depository institution. All such services, accommodations and other benefits shall accrue to Escrow Holder or its affiliates, and Escrow Holder or its affiliates shall have no obligation to account to the parties to the escrow for the value of such services, accommodations or other benefits.

NOTICE OF OPPORTUNITY TO EARN INTEREST

You have the opportunity to earn interest on your escrowed funds as follows:

1. Request your escrow agent set up an interest bearing account.
2. The charge to set up and service the interest bearing account is \$25.00
3. As an example, the amount of interest you can earn on a deposit of \$1,000.00 for a thirty day period at an interest of 4% is \$3.33. Interest earned is dependent on the amount of the deposit, length of time of the deposit and the prevailing interest rate.
4. To establish an interest bearing account, ask for an "Escrow Instruction - Interest Bearing Account", complete the form and return it to your escrow officer.

ALL CHECKS RECEIVED SUBJECT TO COLLECTION
Payments accepted only if such payment is in accordance with terms of contract

TTN00171

Danka Michaels000874

AA00671

2/3/2011

206 / BOOK TRANSFER CREDIT

Cust Ref: COMPLETE

Wells Ref: 110203060972

Credit Amount:

2,000.00

Bank Ref:

000009500236105 DANKA K MICHAELS 9517 QUEEN CHARLOTTE DR LAS
VEGAS NV 89145-8673 0006509034909286 OBI=FOR FU
RTHR CREDIT TO ESCROW 110545 23 /FTR/ BNF=D 000004123119646
TICOR TITLE OF NEVADA, INC CLARK COUNTY CUSTODIAL ESCW ACCT
ATTN ACCOUNTING DEPARTMENT LAS VEGAS NV 89113-2243
Completed Timestamp 110203150919 (Time Released)

Escrow #

11054523 1G

Spoke with

Jw

emailed

Teresa

50003383

TTN00172

EXHIBIT N

EXHIBIT N

EXHIBIT N

Last Will and Testament

of

Thomas Allen Pickens

I, **Thomas Allen Pickens**, domiciled and resident in Clark County, Nevada, declare that this is my Last Will and I revoke all other Wills.

ARTICLE 1. DEBTS AND FUNERAL EXPENSES

I direct that my death taxes, debts, and expenses be paid as directed in the **LV Blue Trust** dated JUN 04 2012, as amended/restated. If the instructions of this paragraph are not operative or are held invalid, or if the Trust fails or has been revoked, then I hereby incorporate herein by reference the terms of the Trust, as amended, on the date of its execution.

ARTICLE 2. DISPOSITION OF MORTAL REMAINS

Upon my death, my remains shall be cremated and disposed of at the discretion of my executor.

ARTICLE 3. POWERS OF APPOINTMENT

It is my intention by this Will to exercise any power of appointment which I may own at the time of my death. I appoint any and all such property, to the extent such power allows, to the **LV Blue Trust**, dated JUN 04 2012, as amended/restated, to be held or distributed in accordance with the terms thereof.

ARTICLE 4. MY HEIRS

I am not married and do not have any children.

ARTICLE 5. RESIDUARY ESTATE

All of the rest of my estate, wheresoever located, I give, devise and bequeath to the Trustees of a certain Trust entitled the "**LV Blue Trust**," established by me on JUN 04 2012, as amended/restated, the same to be held by my Trustees as part of the principal of the said Trust.

My heirs shall be provided for, if at all, under the terms of said Trust, and I have intentionally made no provisions for them in this Will.

If the disposition of this paragraph is not operative or is held invalid, or if the said Trust fails or has been revoked, then I hereby incorporate herein by reference the terms of said Trust on the date of its execution, giving effect to any subsequent amendments, and I give the residue of my estate to the Successor Trustee named in that Trust, in Trust, to be held, administered and distributed as therein provided.

EVANS & ASSOCIATES
A PROFESSIONAL LAW CORPORATION

#5

Initials of Testator

Danka Michaels001069

AA00674

ARTICLE 6. EXECUTOR

I name, **Danka Michaels** to serve as Executor of this Will. If she should fail to qualify or cease to act, I hereby nominate and appoint **Jakub Michalecko** to serve as Executor. I direct that no bond shall be required of any of them.

ARTICLE 7. GUARDIAN

In the event I become incapacitated, I appoint **Danka Michaels** to serve as my Guardian. I direct that no bond shall be required.

ARTICLE 8. PROVISION FOR OTHERS

I have intentionally, made no provisions in this Will for anyone who is now living or for anyone who may be born hereafter, except as provided herein. Except as otherwise provided herein, I have intentionally, and with full knowledge, omitted to provide for my heirs, including any person or persons who may hereafter become my heir or heirs.

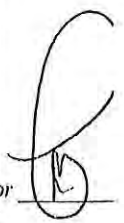
ARTICLE 9. SPECIAL POWERS OF MY EXECUTOR

I give the Executor the following powers and discretions, in each case to be exercisable without Court Order:

- 9.1 To exercise any and all powers set forth in NRS Sections 163.260 through 163.410, inclusive, in addition to and not in limitation of the powers herein set forth;
- 9.2 To sell at public or private sale, to retain, to lease, to borrow money and, for that purpose, to mortgage or to pledge, all or part of the real or personal property of my estate;
- 9.3 To settle claims in favor of or against my estate;
- 9.4 To exercise, or not to exercise, any election or option granted to the Executor by the Internal Revenue Code in force at my death, even though such exercise, or non-exercise, increases or decreases estate principal or income;
- 9.5 To distribute the residue of my estate in cash or in kind, or partly in each, and, for this purpose, the determination of the Executor as to the value of any property distributed in kind shall be conclusive;
- 9.6 To execute and deliver any deeds, contracts, mortgages, bills of sale or other instruments necessary or desirable for the exercise of the Executor's powers and discretions;
- 9.7 As to any real property, to collect the rents and earnings, to keep in tenantable repair the buildings and fixtures, to employ agents and custodians, to make all reasonable expenditures to preserve the property, to insure the property, the Executor and any person having an interest in or responsibility for the care, management or repair of the property against risks as the Executor determines advisable;

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Initials of Testator



Danka Michaels001070

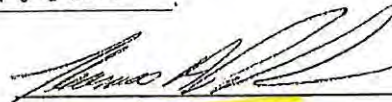
AA00675

- 9.8 To pay all packing, shipping, insurance and other charges relative to the distribution of any tangible personal property in my estate;
- 9.9 To carry out any agreement I may have entered into during my lifetime in connection with any business, corporation or partnership in which I have an interest.

ARTICLE 10. GOVERNING LAW

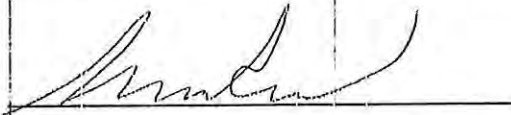
This will shall be governed, construed and enforced in accordance with the laws of the State of Nevada in effect at the time of my death.

I subscribe my name to this Will (consisting of 4 pages, including the self-proving affidavit) in Las Vegas, Clark County, Nevada this _____ day of JUN 04 2012.



Thomas Allen Pickens

On the date last above written, Thomas Allen Pickens declared to us, the undersigned, that the foregoing instrument, was his Will and requested us to act as witnesses to it. Thereafter, he signed this Will in our presence, all of us being present at the same time. We now, at his request, in his presence and in the presence of each other, subscribe our names as witnesses.



Residing at:

6580 Donald Nelson Ave.
Las Vegas, NV 89131



Residing at:

10167 Monks Blvd Ct.
Las Vegas, NV 89183

SELF-PROVING AFFIDAVIT

STATE OF NEVADA

}

ss.

COUNTY OF CLARK

}

Then and there personally appeared the within-named Shannon Evans and Tara Alcox, who being duly sworn, depose and say: That they witnessed the execution of the within Will of the within named Testator, **Thomas Allen Pickens**; that said Testator subscribed said Will and declared the same to be his Will in their presence; that they thereafter subscribed the same as witnesses in the presence of the Testator and in the presence of each other and at

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Initials of Testator



Danka Michaels001071

AA00676

the request of said Testator; that said Testator, at the time of the execution of said Will, appeared to them to be of full age and of sound mind and memory; that they make this affidavit at the request of said Testator.

SUBSCRIBED and SWORN to before
me this 9th day of JUN 2012

R. Lizarraga
NOTARY PUBLIC



EVANS & ASSOCIATES
A PROFESSIONAL LAW CORPORATION

Initials of Testator [Signature]

Danka Michaels001072

AA00677

EXHIBIT O

EXHIBIT O

EXHIBIT O

LV BLUE TRUST

THOMAS ALLEN PICKENS, SETTLOR & TRUSTEE

PREPARED BY:

**EVANS & ASSOCIATES
7251 W. LAKE MEAD BLVD. #530
LAS VEGAS, NEVADA 89128
(702) 699-7333**

#11

LV BLUE TRUST

ARTICLE I. CREATION OF TRUST

- 1.1 Declaration. Thomas Allen Pickens of Clark County, Nevada, who is herein referred to as "the settlor" or "the trustee," depending on the context, hereby declares that he holds certain property (the "trust estate") in trust, to be held, administered, and distributed according to the terms of this instrument.
- 1.2 Name of Trust. The name of the trust created by this instrument shall be "LV Blue Trust."
- 1.3 Effective Date. This declaration shall be effective immediately on execution by all the parties.
- 1.4 Marital Status. The settlor is not married.
- 1.5 Identification of Living Children. The settlor has no living children.
- 1.6 Deceased Children. The settlor has no deceased children.
- 1.7 Definitions of Child, Children, and Issue. As used in this instrument, the terms "child" and "children" refer to all persons referred to in the Nevada Probate Code, as in effect at the time of execution of this instrument, and the term "issue" refers to all persons referred to in the Nevada Probate Code, as in effect at the time of execution of this instrument.
- 1.8 Provision for Others. Settlor has intentionally made no provisions in this trust for anyone who is living or for anyone who may be born hereafter, except as provided herein. Except as otherwise provided herein, the settlor has intentionally and with full knowledge, failed to provide for his heirs, including any person or persons who may hereafter become his heir or heirs.

THIS SPACE INTENTIONALLY LEFT BLANK

**ARTICLE VIII.
SIGNATURE AND EXECUTION**

- 8.1 Execution. I certify that I have read the foregoing declaration of trust and that it correctly states the terms and conditions under which the trust estate is to be held, administered, and distributed. As trustee of the trust created by this declaration of trust, I approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions. As settlor of the trust created by this declaration of trust, I approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions.

Executed on JUN 04 2012, at Las Vegas, Clark County, Nevada.

SETTLOR-TRUSTEE



Thomas Allen Pickens

ACKNOWLEDGMENT

State of Nevada

)

) ss

County of Clark

)

On JUN 04 2012, before me, a notary public in and for the State of Nevada, personally appeared **Thomas Allen Pickens**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

R. Lizarraga
Notary Public



EXHIBIT P

EXHIBIT P

EXHIBIT P

1 A. During this court case.

2 Q. So, you're saying that from 2002 until 2017
3 roughly, that you sincerely believed that you were
4 married?

5 A. I think early 2017.

6 Q. Was there any doubt in your mind about it?

7 A. Not -- there was no doubt in my mind that we
8 got married in Slovakia.

9 Q. Okay. And what was your understanding of the
10 marriage in Slovakia or what you were referring to, I
11 should say, as the marriage in Slovakia?

12 A. That we were husband and wife.

13 Q. Okay. So, you thought you were legally wed?

14 A. Absolutely.

15 Q. Okay. From 2002 through the present have you
16 and Danka filed a single tax return as a married
17 couple?

18 A. No.

19 Q. How did you file your taxes?

20 A. Individually.

21 Q. Okay. So --

22 A. Bob Semonian did our taxes.

23 Q. Okay. So, the question is, Did you file
24 married filing separate, or did you file single,
25 unmarried?

1 A. Single, unmarried.

2 Q. Okay. And you did that every single year?

3 A. That's correct.

4 Q. All right. You understand that when you sign
5 your federal income tax return, you're doing so under
6 penalty of perjury; correct?

7 A. Right. I understand.

8 Q. Okay. And you made representations to the
9 federal government for over a decade and a half that
10 you were single, unmarried; correct?

11 A. The reason -- can I explain why we did it?

12 Q. Can you answer my question first?

13 A. Whatever the CPA told us to do, I did.

14 Q. So, is it your testimony today that Robert
15 Semonian instructed you to file separately even though
16 you're alleging that he knew and you told him that you
17 were married?

18 A. Here's --

19 Q. It's a yes -- it's a yes-or-no question.

20 A. This is where I need an attorney. Because --

21 Q. Because you can't answer a yes-or-no question?

22 A. No, because it's -- it -- the reason for this
23 whole situation is because of another issue.

24 Q. Okay. And what's the other issue?

25 A. The other issue is: There was four lawsuits

1 Q. Okay. Did I -- I didn't ask you a question;
2 right?

3 A. Okay. That's the problem with this whole --

4 Q. Okay.

5 A. -- situation.

6 Q. Hold on. I'll let you say whatever --

7 A. No.

8 Q. -- it is you need to say in just a moment.

9 A. All right.

10 Q. This is your Last Will and Testament; correct?

11 A. Correct.

12 Q. Okay. And this was executed by you in 2012;
13 correct?

14 A. Correct.

15 Q. Specifically, June 4, 2012; correct?

16 A. Correct.

17 Q. Okay. And by that time there were no
18 malpractice suits pending any longer; correct?

19 A. I don't -- I can't tell you. I don't know.

20 Q. All the -- any --

21 A. I can't tell you.

22 Q. Okay. Any malpractice lawsuits that you said
23 were pending in 2002 would have been resolved by 2012;
24 correct?

25 A. I don't -- I can't answer that one way or

1 another.

2 Q. Okay. And can you read Article 4 to your Last
3 Will and Testament of 2012? It's highlighted.

4 A. "I am not married."

5 Q. And you initialed the bottom of this page;
6 correct?

7 A. And the reason I did is because --

8 Q. It's yes or no. Did you -- are these your
9 initials at the bottom of this page?

10 A. Yes.

11 Q. Okay. And is this your signature? "I
12 subscribe my name to this Will, consisting of four
13 pages, including" --

14 A. It is.

15 Q. -- "self-proving affidavit, in Las Vegas,
16 Clark County, Nevada this day of June 4, 2012."

17 Is that your signature?

18 A. Yes.

19 Q. Do you recognize this document?

20 A. Yes.

21 Q. Okay. So, this is a document.

22 We're going to mark it as the second exhibit
23 to Mr. Pickens' deposition transcript.

24 And it is entitled LV Blue Trust; correct?

25 Can you read Article 1.4?

1 A. It says I'm not married.

2 Q. Okay. And this document was signed by you
3 also in 2012.

4 A. Correct.

5 Q. Correct? And this is your signature that
6 appears on the last page?

7 A. Correct. Correct.

8 Q. Please look at it. That's your signature?

9 A. It's my signature.

10 Q. Okay.

11 A. Now, do I get to tell you why I did that?

12 Q. Sure. Please do.

13 A. The reason I did that is because we were
14 married in Slovakia, not in the United States. And,
15 therefore, I wanted to make sure that Danka got
16 everything. And in that will and testament she got
17 every single thing that I owned, everything. Her or
18 Jakub or someone in her family did, because we were
19 married. That's why I did it.

20 Shannon Evans did exactly what she did on
21 Danka's. She copied basically the same thing. And I
22 signed it, because that's what she wanted me to do.
23 Now, if I would have left something to somebody else,
24 that would have been one thing. I didn't. I left
25 everything to her.

1 bathroom. We had rings that we wore together. We
2 were there for each other, no matter what, until the
3 end, until the end.

4 Q. You and Stacy had a two-year relationship --

5 A. No, we didn't have a two-year relationship.
6 That's not true.

7 Q. -- before -- before Stacy con -- contacted
8 Danka.

9 A. No, it's not. I can tell you basically the --
10 the time was -- the first time I got involved with
11 Stacy is probably August or September of 2015. It's
12 during the time that my dad was sick and dying.

13 So, I mean, I -- you guys can judge me all you
14 want. It's fine. I mean, I -- I just don't know what
15 else you want out of me. The blood is gone.

16 Q. You -- you and Danka divided all of your
17 assets between September and November of 2016.

18 Is that a fair statement?

19 A. No. September of 2016.

20 Q. Okay.

21 A. And I think it was the -- I'm not sure of the
22 date. I'm thinking it's the -- we had a meeting in
23 Shannon's office, again the same day that the -- the
24 day after I came back and signed over the building. I
25 signed over the houses. I signed over -- and -- and

1 2016 you and Danka had no communications with one
2 another until the lawsuit --

3 A. Text messages.

4 Q. Okay. When did you purchase the Blue Mesa
5 property?

6 A. 2017, I believe.

7 Q. Do you remember when in 2017?

8 A. I can't tell you for sure.

9 Q. Does May, 2017 sound about right?

10 A. You have the paperwork.

11 Q. Okay. Now, you have no divorce decree from
12 Danka; correct?

13 A. Yeah. She could take that house, too.

14 Q. Okay. So, I'm going to show you what's been
15 marked as Bates No. Danka Michaels 00042. And this
16 will be the next exhibit, but I'm going to lump it
17 together with some other Blue Mesa documents.

18 A. Okay.

19 Q. Okay. You -- this is your signature?

20 A. Yeah.

21 Q. Okay. And this says that you are a single
22 man, never been married; correct?

23 A. No. Never been married is not true.

24 Q. That's the box that you checked: single man.

25 A. Okay. Fine. I -- I checked something to buy

1 a house.

2 Q. Okay. And the grant, bargain, and sale deed,
3 which is Danka Michaels 00043, Bates stamp -- you
4 purchased that as Thomas Pickens, a single person; is
5 that correct?

6 I'm going to add this to the Blue Mesa
7 paperwork.

8 A. Correct. It's my signature.

9 Q. Okay. And you got a loan on that property;
10 correct?

11 A. Yeah. Absolutely.

12 Q. All right. And when you completed your
13 Uniform Residential Loan Application -- is this your
14 signature?

15 A. Of course.

16 Q. Would -- would you like to look at it first?

17 A. No. I don't need to do it. And I understand
18 where you're going.

19 Q. And this is Bates stamped Danka Michaels
20 000220.

21 You marked your marital status as unmarried;
22 correct?

23 A. Correct. I mean, why would Danka Michaels get
24 this? What -- why is this here? Why is that date
25 stamp there? I'm just asking the question.

EXHIBIT Q

EXHIBIT Q

EXHIBIT Q

1 I -- and a question I have: Haven't we
2 already gone past the point that we've decided I'm not
3 married?

4 Q. Are you making any claims to Danka's medical
5 practice?

6 A. Absolutely not.

7 Q. Okay. So, in the papers that were filed by
8 your prior counsel there was a claim being made to the
9 medical practice.

10 Are you saying today that you are withdrawing
11 that claim?

12 A. It -- here's the problem with the question: I
13 don't want to attack Danka. I never wanted to attack
14 Danka. And we're making it about that. And -- and
15 it's wrong. I don't want what she worked so hard to
16 build. But I helped build that. I was there to help
17 her build it. I actually built out every space she's
18 in. I was involved with design and overseeing every
19 single one.

20 Am I happy for her? Absolutely. Do I want
21 her to be happy? Absolutely.

22 Q. When did you start Blue Point Development?

23 A. 2008.

24 Q. So, during the time that you had -- were
25 having a relationship with Danka; correct?

1 A. Correct.

2 Q. Where did you get the money to start Blue
3 Point Development?

4 A. I -- I don't think we even started with any
5 money.

6 Q. Is it --

7 A. She did -- she -- she did give me help, as I
8 gave her help.

9 Q. Okay. So, she --

10 A. We -- we acted like a married couple and
11 supported each other.

12 THE WITNESS: Sorry.

13 BY MS. ABRAMS:

14 Q. So, she gave you about \$30,000 to start Blue
15 Point Development?

16 A. Okay.

17 Q. Right?

18 A. Right.

19 Q. And that's the company that you said you were
20 earning \$50,000 a month and a million-dollar bonus on;
21 correct?

22 A. I -- absolutely.

23 Q. That you still own?

24 A. That's correct.

25 Q. Okay.

1 A. I make -- never mind.

2 Q. Go ahead. I am not going to stop you.

3 A. The company actually is going to be closed
4 down.

5 Q. With regards to the Queen Charlotte Drive
6 property, do you agree that Danka put the down payment
7 for that property?

8 A. Absolutely.

9 Q. On the Lowes (phonetic) property, do you agree
10 that Danka put down the down payment for that
11 property?

12 A. Absolutely.

13 Q. What did -- are you making any claims to any
14 equity in Queen Charlotte?

15 A. Well, I think there is claims in loss on Queen
16 Chard -- Charlotte, to tell you the truth. We bought
17 it for nine point -- or 999,000. Because they took
18 the golf course out, the equity in that house probably
19 dropped. So, I don't even know if it's worth any
20 money. I don't have a clue.

21 I'm not trying to steal her house, and I don't
22 really -- I -- again, I'm trying to be fair, and I
23 don't want to -- that's all I care about. I'm not
24 asking her to give up a house or sell the house or any
25 of that stuff.

EXHIBIT R

EXHIBIT R

EXHIBIT R

1 You did not tell Stacy in 2015 that you were married;
2 correct?

3 A. Yes, I did.

4 Q. So, according to you, you and Danka split
5 everything up around the last quarter of 2016.

6 A. That's correct.

7 Q. You filed your complaint for divorce October
8 of 2017; correct?

9 A. Correct.

10 Q. You had very little contact with Danka at all
11 in between those two dates; correct?

12 A. Correct.

13 Q. What triggered the filing in October 24th of
14 2017?

15 A. Bob came into my office -- two things. When I
16 walked out of the office after signing things, I
17 really got upset about it, because I knew it was wrong
18 after I did it. But I did.

19 Q. You mean in September of '16?

20 A. Correct. And then the second thing: Bob came
21 into my office and said --

22 Q. Bob -- Bob who?

23 A. Bob Semonian.

24 Q. Came into your office when?

25 A. I can't tell you what date. I don't remember.

1 Q. Was it close to the October, 2017 date?

2 A. Probably close. I -- again, I don't know.

3 Q. Okay.

4 A. He came into my office and said, "Tom,
5 since -- do you realize that by signing over things
6 that you signed, you're going to be responsible for
7 40 percent of everything you signed over as a gift
8 tax?" I said, "How could that be? Why would I -- why
9 would I be responsible for almost \$2 million in gift
10 tax by signing something over?" It made no sense at
11 all.

12 So, when he did that, I have no other choice
13 but to decide what I'm going to do. I -- there is no
14 way I could afford \$2.4 million worth of taxes. So,
15 you know, obviously somebody forgot to tell me that
16 during the time when my mind wasn't right, that, "By
17 the way, if you sign this stuff over, you're going to
18 owe -- owe 40 percent gift tax into the situation."

19 Q. Whose responsibility do you believe it was to
20 tell you that?

21 A. Shannon. Again, she's the professional. I'm
22 not a professional. I did whatever Danko asked me to
23 do, I did.

24 Q. So, when you said that you felt Shannon led
25 you down a path or something, you're referring to this

1 gift tax issue; correct?

2 A. I think it's the whole situation. I mean,
3 I -- I -- I think she should have just said, "No,
4 we're not going to do this. We -- we've got to talk
5 about this." One, she was both our lawyers, and she
6 let us do it. Even though she said she was Danka's,
7 she was both of our lawyers. So, she should have
8 never let me sign anything over in a manner that
9 happened.

10 I mean, I -- I -- I agreed to this room, I
11 did. Should I have not? Absolutely not. Was I in
12 the right mind? Absolutely not. So, again, I --
13 that's all I can say.

14 Q. Okay. So, let's take each one of those.

15 A. Okay.

16 Q. You -- you just said a whole bunch of things.

17 A. I know.

18 Q. You -- you believe it was Shannon's obligation
19 not to let you sign paperwork that you asked to sign.

20 Is that what your testimony is today?

21 A. My -- my testimony is, Danka wanted me to
22 sign. I signed.

23 Q. Who paid Shannon Evans that day for
24 preparing --

25 A. I actually paid. I actually -- I actually

1 paid. Again, I'm the kind soul that wants to be fair
2 to everybody, and it just -- again, it doesn't matter.
3 I mean, everything you have here is -- shows that we
4 weren't married.

5 Q. So, the trigger for you to file a lawsuit
6 against my client was Robert Semonian telling you you
7 would be obligated to pay gift tax; correct?

8 A. Correct. The -- two -- two triggers. That --
9 that was the final trigger. There was several
10 triggers. Let's go. Go on. Move on.

11 Q. There was only one trigger?

12 A. I mean, the main trigger was the \$2.4 million
13 worth of gift tax.

14 Q. Did Robert Semonian tell you that it would --
15 there would no -- be no tax associated with those
16 transfers if it was a spouse-to-spouse transfer?

17 A. No. He didn't tell me that.

18 Q. Did you know that?

19 A. No. Why would I know that? I don't know
20 that. If I would have known that in the first place,
21 I would have never signed anything over.

22 Q. If you would have known what in the first
23 place?

24 A. That by -- a gift tax. Why would I know
25 anything about that? I mean, again, I'm not the

EXHIBIT S

EXHIBIT S

EXHIBIT S

1 gift tax issue; correct?

2 A. I think it's the whole situation. I mean,
3 I -- I -- I think she should have just said, "No,
4 we're not going to do this. We -- we've got to talk
5 about this." One, she was both our lawyers, and she
6 let us do it. Even though she said she was Danka's,
7 she was both of our lawyers. So, she should have
8 never let me sign anything over in a manner that
9 happened.

10 I mean, I -- I -- I agreed to this room, I
11 did. Should I have not? Absolutely not. Was I in
12 the right mind? Absolutely not. So, again, I --
13 that's all I can say.

14 Q. Okay. So, let's take each one of those.

15 A. Okay.

16 Q. You -- you just said a whole bunch of things.

17 A. I know.

18 Q. You -- you believe it was Shannon's obligation
19 not to let you sign paperwork that you asked to sign.

20 Is that what your testimony is today?

21 A. My -- my testimony is, Danka wanted me to
22 sign. I signed.

23 Q. Who paid Shannon Evans that day for
24 preparing --

25 A. I actually paid. I actually -- I actually

1 paid. Again, I'm the kind soul that wants to be fair
2 to everybody, and it just -- again, it doesn't matter.
3 I mean, everything you have here is -- shows that we
4 weren't married.

5 Q. So, the trigger for you to file a lawsuit
6 against my client was Robert Semonian telling you you
7 would be obligated to pay gift tax; correct?

8 A. Correct. The -- two -- two triggers. That --
9 that was the final trigger. There was several
10 triggers. Let's go. Go on. Move on.

11 Q. There was only one trigger?

12 A. I mean, the main trigger was the \$2.4 million
13 worth of gift tax.

14 Q. Did Robert Semonian tell you that it would --
15 there would no -- be no tax associated with those
16 transfers if it was a spouse-to-spouse transfer?

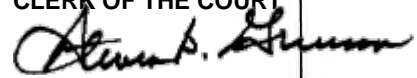
17 A. No. He didn't tell me that.

18 Q. Did you know that?

19 A. No. Why would I know that? I don't know
20 that. If I would have known that in the first place,
21 I would have never signed anything over.

22 Q. If you would have known what in the first
23 place?

24 A. That by -- a gift tax. Why would I know
25 anything about that? I mean, again, I'm not the



1 **MDSM**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

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Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)

9) Department: J
Plaintiff,)

10 vs.)

11 DANKA K. MICHAELS, individually,)
12 and as trustee of the Mich-Mich Trust,) Oral Argument is Requested
13 Defendant.) X YES NO

14 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK
OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN
15 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE
CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE
16 REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE
SCHEDULED HEARING DATE.

17 **MOTION FOR SUMMARY JUDGMENT, TO DISMISS, FOR
PROTECTIVE ORDER AND FOR ATTORNEY FEES**

18 **COMES NOW** Defendant, Danka K. Michaels, by and through her attorney
19 of record, Jennifer V. Abrams, Esq., of The Abrams & Mayo Law Firm, and
20 hereby submits her *Motion for Summary Judgment, to Dismiss, for Protective*
21 *Order, and for Attorney Fees.*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This case was initiated on October 24, 2017 with Tom's filing of a Complaint for Divorce against a woman with whom he *knew* was never married. He was well aware that the commitment ceremony in Slovakia was intended only for social and emotional purposes - not for legal purposes as the parties *intentionally* chose *not* to be legally married.

Tom refused to voluntarily dismiss his action for "divorce" wherein he sought to set aside deeds and an assignment of LLC interest (i.e., to renege on the parties' property division agreement from more than a year earlier), and he sought an award of alimony and attorney fees from Danka. After Danka spent tens of thousands of dollars to retain counsel, obtain a report from an expert in Slovakia, and obtain Declarations from the parties' accountant and estate planning attorney - all of which proved that the parties were never legally married and that they both were well aware that they were never legally married - Tom amended his complaint to add a bogus "putative spouse" claim to the existing bogus claim for "divorce." After Danka spent additional funds conducting discovery that further evidenced the parties were never married and that Tom was well aware of it, Tom filed a Second Amended Complaint wherein he finally withdrew his bogus claim for divorce but continued to falsely allege that he "believed" he and Danka were legally married in an effort to support his concocted financial claims against her.

1 For the first time in the Second Amended Complaint, Tom makes a claim for an
2 interest in Danka's medical practice. Tom's then counsel, Paul Lemcke, then
3 promptly withdrew based on "personal and professional differences in the case."

4 Tom was deposed on March 7, 2019. His deposition testimony evidences
5 that none of the claims in his Second Amended Complaint against Danka have any
6 merit either.

7 At this juncture, Tom's new counsel, Michele LoBello, has propounded
8 burdensome discovery requests upon Danka, much of which has little to no
9 relevance to the bogus claims being made by Tom in Second Amended Complaint
10 but which appear to be designed to unnecessarily burden Danka (a busy physician).

11 Based upon all of the evidence obtained thus far combined with Tom's
12 deposition testimony, it is pretty clear that Tom will not be able to meet his
13 burdens of proof on any of the causes of action in his Second Amended Complaint.
14 This is exactly the type of case for which motions for summary judgment are
15 intended. This Court should summarily adjudicate this case to avoid the further
16 unnecessary expenditure of time and money, find that Tom's causes of action fail,
17 and award Danka the attorney fees and costs she incurred over the past 22 months
18 defending against Tom's frivolous litigation.

19 **II. FACTUAL AND PROCEDURAL HISTORY**

20 Plaintiff, THOMAS A. PICKENS (hereinafter referred to as "Tom"), and
21 Defendant, DANKA K. MICHAELS, (hereinafter referred to as "Danka"), met in

1 2000 after they each had gone through prior divorces.

2 They met in a hospital where Danka treated Tom for chest pain. Tom
3 pursued Danka and they started dating in 2001. After meeting Danka's family, the
4 parties decided to start living together and Tom moved into Danka's home. Tom
5 and Danka decided to have a commitment ceremony to commemorate their
6 relationship and living arrangement, but not to be legally married. Accordingly,
7 they participated in such a ceremony in Bratislava, Slovakia on April 7, 2002.
8 They intentionally did not comply with the requirements for a valid marriage in
9 Slovakia and never registered their marriage or completed any of the necessary
10 paperwork to officiate same.

11 By 2001 when the parties began dating, Danka had accumulated assets,
12 including savings, retirement, and real estate. Tom came to the relationship with no
13 assets and some debt.¹ Immediately following the commitment ceremony in 2002,
14 Tom stopped working until 2004.² Danka continued to work during this time.

15 In 2004, Danka sold her separate property home and put the proceeds toward
16 the down payment for the Queensridge property. Danka put Tom's name on this

17
18 ¹ Tom was divorced from a prior spouse, Terrie Lynne Meadows-Pickens, on June 26, 2001. His
19 Decree of Divorce (attached as Exhibit A), evidences that the parties divided encumbered
20 vehicles, some furniture and furnishings, and credit card debt. Tom confirmed as much during
his deposition, wherein he testified he had no assets, no real property, and a "normal" amount of
debt. See transcript of Deposition of Thomas Pickens at page 24, line 13 through page 25, line
17, attached as Exhibit B.

21 ² See Social Security Statement for Thomas Pickens, attached as Exhibit C, evidencing a drop in
his taxed social security earnings in 2002 and only \$2,000 of income in 2003.

1 property because they were in a relationship.

2 Danka also bought a rental property (Lowe Avenue) and an office building
3 on Buffalo and Cheyenne with funds from her separate property savings accounts.
4 She put Tom's name on both of those properties as well. While Tom did make
5 some financial contributions to these properties over the years, Danka was
6 contributing funds to a retirement account for Tom's benefit during that time as
7 well.

8 Other than the three pieces of real property mentioned above, the parties
9 substantially kept their finances separate. Danka knows very little about Tom's
10 income, assets and finances except that Tom contributed very little money during
11 most of their relationship. Between 2001 and 2007, Tom primarily worked at
12 Station Casinos, he had some periods of unemployment, and he received some pay
13 from Danka's medical practice. In or about 2008, Danka gave Tom approximately
14 \$30,000 to help him start his own business, Blue Point Development.

15 By 2014, the relationship was deteriorating. Tom was traveling a lot for
16 work as he had construction contracts in Florida. In 2014, Blue Point Development
17 earned over \$2.7 Million in revenue³ and Tom reported Adjusted Gross Income on
18 his personal return of \$493,448 that year.⁴ In 2015, Tom was traveling even more

19 ³ See 2014 U.S. Corporation Income Tax Return, Form 1120, for Blue Point Development, Inc.,
20 attached as Exhibit D.

21 ⁴ See 2014 U.S. Individual Income Tax Return, Form 1040, for Thomas Pickens, attached as
Exhibit E.

1 and by 2016, Tom had only been in Nevada twice, to Danka's knowledge.

2 In the fall of 2016, Danka received a message from a woman named Stacey,
3 indicating that she was pregnant with Tom's child. Stacey informed Danka that
4 she and Tom had been living together for two years, which is why Tom hadn't
5 been coming home much between 2014 and 2016. Danka confronted Tom, who
6 was upset about having been caught, but was not apologetic at all.

7 Danka informed Tom that he needed to officially move out. Neither party
8 filed for divorce because they were not married. Instead, they agreed to divide
9 jointly titled assets and debts and go their separate ways.

10 They contacted their estate planning attorney, Shannon Evans, Esq. to assist
11 them with dividing their assets.

12 Attorney Evans met with both parties. She explained the potential conflict
13 and each party signed a conflict waiver. Attorney Evans' understood from the
14 parties that they were dividing jointly titled assets equitably, and by agreement,
15 based upon who substantially paid for the asset.⁵ The paperwork was reviewed and
16 executed in Attorney Evans' office. **Tom** paid Attorney Evans for her services.

17 Tom kept the retirement account funded by Danka with a balance of over
18 \$200,000 as well as the construction business funded by Danka, Blue Point
19 Development. Danka kept the Queensridge residence, the Lowe rental property,
20 and the office building, because she substantially paid for them.

21 ⁵ See Declaration of Shannon Evans, Esq. and Waiver of Conflict, attached as Exhibit F.

1 Both Danka and Tom operated their businesses out of the office building
2 that was transferred to Danka. Prior to the transfer, Tom had collected rents and
3 controlled the rental account. After the division of assets and transfer of ownership
4 in late 2016, Danka opened a new operating account for the office building rental
5 income. Tom not only gave up control of the rental income from the property, he
6 also began paying rent to Danka for his use of space in her building.

7 Also in late 2016, the parties closed their joint account(s) and Tom
8 terminated Danka's use of his American Express credit card that Danka was
9 authorized to use. Tom packed up his belongings and moved his belongings out of
10 Danka's home. Tom and Danka completely terminated their relationship as of the
11 fall of 2016 except that Tom was paying rent to Danka for use of the office space
12 in her building.

13 Approximately eight (8) months later, in May 2017, Tom purchased a home
14 in his name alone as "a single individual."⁶

15 Five months after that (thirteen months after the division of assets and
16 debts), on October 24, 2017, Tom filed a *Complaint for Divorce and for Set Aside*
17 *of Deed of Real Property and Assignment of L.L.C. Interest*. Danka was quite
18 surprised. The parties were not married, they had no contact for over one year, and
19 both parties had been following the terms of their final agreement for over one
20 year. Accordingly, Danka filed a *Motion to Dismiss* the divorce action on

21 ⁶ See Grant, Bargain, Sale Deed, attached as Exhibit G.

1 November 29, 2017, on the basis that the parties were never married. In support of
2 her Motion, Danka attached the following exhibits as offers of proof:

3 a. The Declaration of Robert Semonian, CPA - Mr. Semonian attested to
4 the fact that the parties had filed their Federal Income Tax Returns as "single,
5 unmarried" individuals every year for more than a decade. They did not file their
6 taxes as "married filing joint" or "married filing separate," because they knew they
7 were not married. In fact, each year, Mr. Semonian discussed the filing status and
8 allocation of taxable events on the parties' respective *individual* returns. Please see
9 Declaration of Robert Semonian attached hereto as Exhibit H.

10 b. The Declaration of Shannon Evans, Esq., as referenced above and
11 attached hereto. Attorney Evans confirmed that the parties made it clear to her
12 when she prepared their estate planning documents over the years that they were
13 not legally married and did not plan on being legally married.

14 c. Expert Report from Daniela Jezova, LL.M., PhD. - Danka's expert
15 opined that the parties were not legally married in Slovakia.⁷ In response to Tom's
16 *Opposition*, a more in-depth supplemental expert report was also provided to the
17 Court in support of Danka's initial *Motion to Dismiss* further confirming that the
18 parties were never legally married.

19 ///

20 ⁷ Please see Exhibit C attached to Danka's *Motion to Dismiss* filed November 29, 2017 and
21 Exhibit D attached to Danka's *Reply to Opposition to Defendant's Motion to Dismiss and*
Opposition to Countermotion for Attorney's Fees and Costs filed January 19, 2018.

1 Tom vehemently opposed the *Motion to Dismiss*, attaching photos and the
2 announcement of the parties' commitment ceremony. Judge Marquis indicated that,
3 absent an Evidentiary Hearing, she was not inclined to make a finding that the
4 parties did not have a valid marriage. Because the Court was not inclined to make
5 such a determination at that time, Judge Marquis also did not rule on dismissing
6 Tom's second cause of action to set aside the deeds he had paid Attorney Evans to
7 prepare for his signature. The Court noted the following in its March 9, 2018
8 Order on page eight (8), lines nine (9) through nineteen (19):

9 Plaintiff's second cause of action in its Complaint asks the Court to
10 invalidate the Deeds of Real Property and Assignment of Interests for
11 the residential properties and corporation acquired during the
12 relationship and transferred to Defendant after the relationship ended.
13 Plaintiff's second cause of action requests relief and division of
14 property as the Parties were married at the time the property was
15 acquired. Since this issue rests on the issue of whether a valid marriage
16 exists between the parties, the Court cannot the make a decision with
17 regard to property distribution absent an Evidentiary Hearing.

18 Shortly after the Court issued its Order/decision, and prior to Danka filing
19 her Answer to Tom's initial Complaint, Tom filed his *First Amended Complaint*
20 *for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C.*
21 *Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine*
on March 22, 2018. Despite Judge Marquis' reluctance to dismiss the case at that
early stage, Tom's counsel recognized the unlikelihood that Tom would prevail in
proving a valid marriage. Thus, in an apparent abundance of caution, Tom's
counsel amended the complaint to include an alternative claim for equitable relief

1 under the putative spouse doctrine. Danka filed her *Answer to First Amended*
2 *Complaint for Divorce; for Set Aside of Deeds of Real Property and Assignment of*
3 *L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse*
4 *Doctrine; Affirmative Defenses and Counterclaim* on May 2, 2018.

5 Meanwhile, discovery was ongoing, and Danka subpoenaed the escrow file
6 for the real property (Blue Mesa property) purchased by Tom in May 2017 "as a
7 single person," as reflected not only on the Deed but the vesting instructions signed
8 by Tom as well. The significance of this purchase and titling of property by Tom is
9 its timing - Tom purchased this property as a single, unmarried man ***eight months***
10 ***after*** he voluntarily executed the transfer documents he is now trying to set aside,
11 and ***five months before*** Tom filed for "divorce." Tom also applied for his mortgage
12 as "unmarried." Please see escrow documents attached hereto as Exhibit I. Said
13 records were disclosed to Tom through his then counsel in July 2018.

14 The escrow file for the Queen Charlotte Drive property (where the parties
15 lived together until around 2014) was also obtained and it evidenced that the funds
16 used to purchase that property came from Danka. This was also consistent with
17 what the parties told Ms. Evans in 2016. Please see Exhibit J.

18 A subpoena was also issued for Attorney Evans' file. The documents
19 obtained from Attorney Evans⁸ also confirmed that the parties were well aware that

20
21 ⁸ Both parties' records were subpoenaed but Ms. Evans' requested a signed and notarized
Authorization before releasing Tom's file. Thus, the parties' records were received separately.

1 they were *not* married. Please see Danka's Last Will and Testament attached
2 hereto as Exhibit K and pages of the Mich-Mich Trust attached hereto as Exhibit L.
3 Said records were disclosed to Tom's then counsel on August 30, 2018.

4 After this indisputable evidence was disclosed in discovery, Attorney
5 Lemcke sought leave to amend the complaint again, this time to completely
6 remove the cause of action for "divorce." Instead of litigating the issue and again,
7 because Tom refused to abandon his frivolous claims, Danka stipulated to allow
8 Tom to amend his Complaint a second time. Therefore, on October 15, 2018, Tom
9 filed his *Second Amended Complaint for Equitable Relief Under (1) The Putative*
10 *Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold*
11 *Property as if the Parties Were Married Under Michoff; and to Set Aside Deed of*
12 *Real Property and Assignment of L.L.C. Interest.* Danka filed her Answer,
13 Affirmative Defenses and Counterclaim on November 19, 2018.

14 The escrow file for the Lowe Avenue rental property was also subpoenaed.
15 Again, the escrow documents confirmed that the funds used to purchase the
16 property came from Danka. Please see Exhibit M.

17 After Tom signed an Authorization for the Release of Records, Danka
18 received his records from Ms. Evans. Just as was seen in Danka's estate planning
19 documents, Tom's Last Will and Testament of 2012 stated, "I am not married..."
20 Please see Exhibit N. This was repeated in his "LV Blue Trust," which states in
21 reference to Tom "The settlor is not married." Please see Exhibit O.

1 These additional records were provided to Tom through his then counsel on
2 January 3, 2019. Just five days later, on January 8, 2019, Attorney Lemcke filed a
3 Motion to Withdraw on the basis that "Plaintiff and his counsel have encountered
4 personal and professional differences in the case, and the continued representation
5 of Plaintiff by Mr. Lemcke is no longer workable or advisable." Please see page
6 two (2), lines two (2) through six (6) of Attorney Lemcke's Motion to Withdraw.

7 On March 7, 2019, Attorney Abrams deposed Tom. During his deposition,
8 Tom confirmed that the parties filed their taxes every year as "single, unmarried."
9 Tom also confirmed that his Will and Trust were prepared for him as a single man.
10 He also admitted that the parties divided their assets in September 2016. Tom also
11 confirmed that months after he and Danka divided their assets, he purchased the
12 Blue Mesa property as a single man. Please see excerpts from Tom's deposition
13 attached hereto as Exhibit P.

14 Tom then went on to admit that he was not making a claim on Danka's
15 medical practice.

16 Q. Are you making any claims to Danka's medical practice?

17 A. Absolutely not.⁹

18 He also confirmed that Danka is the one who put the down payments on the Queen
19 Charlotte and Lowes properties.

20 Q. With regards to the Queen Charlotte Drive property, do you agree that

21 ⁹ Page sixty-one (61), lines four (4) through six (6).

1 Danka put the down payment for that property?

A. Absolutely.

2 Q. On the Lowes (phonetic) property, do you agree that Danka put down
the down payment for that property?

3 A. Absolutely.¹⁰

4 Please see transcript excerpts attached hereto as Exhibit Q.

5 Tom then alleged that the reason he filed for a divorce from Danka over a
6 year after they divided their assets and months after he purchased a home as a
7 single man was that he believed he would be responsible for *gift taxes*.¹¹

8 Q. So, according to you, you and Danka split everything up around the
last quarter of 2016.

9 A. That's correct.

Q. You filed your complaint for divorce October of 2017; correct?

10 A. Correct.

Q. You had very little contact with Danka at all in between those two
11 dates; correct?

A. Correct.

12 Q. What triggered the filing in October 24th of 2017?

A. Bob came into my office -- two things. When I walked out of the
13 office after signing things, I really got upset about it, because I knew
it was wrong after I did it. But I did.

14 Q. You mean in September of '16?

A. Correct. And then the second thing: Bob came into my office and said
15 --

Q. Bob -- Bob who?

16 A. Bob Semonian.

Q. Came into your office when?

17 A. I can't tell you what date. I don't remember.

Q. Was it close to the October, 2017 date?

18 A. Probably close. I -- again, I don't know.

Q. Okay.

19 A. He came into my office and said, "Tom, since -- do you realize that by

20 ¹⁰ Page sixty-three (63), lines five (5) through eleven (11).

21 ¹¹ Spouse-to-spouse transfers are not taxable events.

1 signing over things that you signed, you're going to be responsible for
2 40 percent of everything you signed over as a gift tax?" I said, "How
3 could that be? Why would I -- why would I be responsible for almost
4 \$2 million in gift tax by signing something over?" It made no sense at
5 all.

6 So, when he did that, I have no other choice but to decide what I'm
7 going to do. I -- there is no way I could afford \$2.4 million worth of
8 taxes. So, you know, obviously somebody forgot to tell me that during
9 the time when my mind wasn't right, that, "By the way, if you sign
10 this stuff over, you're going to owe -- owe 40 percent gift tax into the
11 situation."¹²

12 Q. So, the trigger for you to file a lawsuit against my client was Robert
13 Semonian telling you you would be obligated to pay gift tax; correct?

14 A. Correct. The -- two -- two triggers. That -- that was the final trigger.
15 There was several triggers. Let's go. Go on. Move on.

16 Q. There was only one trigger?

17 A. I mean, the main trigger was the \$2.4 million worth of gift tax.¹³

18 Please see transcript excerpts attached hereto as Exhibit R.

19 Tom has now acknowledged that the parties were not legally married. He
20 also has acknowledged that he was aware of this by way of signing tax returns as
21 single, signing estate planning documents as single and purchasing property as a
single man. He also confirmed that he voluntarily, knowingly, and intentionally
signed off on the documents transferring the three properties at issue to Danka in
2016. And, even though Tom expressed a bit of buyer's remorse immediately after
executing the transfer documents, he moved on, purchased his own property, and
did nothing for over a year. He testified that he pursued this case against Danka

¹² Page seventy-one (71), line four (4) through page seventy-two (72), line eighteen (18).

¹³ Page seventy-four (74), lines five (5) through thirteen (13).

1 over a year later because he believed that there would be tax implications resulting
2 from the transfer of assets between the unmarried parties.

3 Attorneys Abrams and LoBello had a joint telephone conference with Mr.
4 Semonian. He explained that Tom would not owe any gift taxes associated with the
5 transfers of property in light of the change in the tax laws in 2019. Further, he
6 explained that Tom would only owe gift tax on property over \$15,000 that he
7 *gifted* to Danka – if he simply removed his name from title to property to which
8 Danka had all legal rights, there would be no gift tax involved. Considering
9 Nevada’s well established law that unmarried persons holding jointly titled
10 property own it in proportion to the investment of each and considering that Danka
11 made nearly 100% of the investment into the three properties in question, Tom did
12 not "gift" anything to her and no gift taxes would be owed.¹⁴ In sum, the entirety of
13 every claim made by Tom against Danka lacks merit. A judgment should be
14 entered denying Tom’s claims and awarding Danka the reasonable attorney fees
15 and costs she incurred over the past 22 months defending Tom’s frivolous claims
16 against her.

17 **III. LAW AND ARGUMENT**

18 **A. Standard for Motion to Dismiss - NRCP 12(b) and NRCP 56**

19 NRCP 12(b)(5) specifically provides that the defense of the “failure to state

20 ¹⁴ Any investment that Tom may have made into any of the properties was more than
21 compensated back to him when he took the retirement account funded by Danka and the multi-
million dollar business in which Danka invested the seed money.

1 a claim upon which relief can be granted” may be made by motion. *Gull v. Hoalst*,
2 77 Nev. 54, 359 P.2d 383 (1961); *Schneider v. County of Elko*, 119 Nev. 381, 75
3 P.3d 368, 369 (2003). For the purpose of considering a 12(b)(5) motion, a court
4 must accept the allegations of the complaint as true, and draw all inferences in
5 favor of the non-moving party. See *Stockmeier v. Nevada Dep’t of Corrections*,
6 124 Nev. 313, 183 P.3d 133, 135 (2008); *Snyder v. Viani*, 110 Nev. 1339, 885 P.2d
7 610 (1994); *Haertel v. Sonshine Carpet Co.*, 102 Nev. 614, 730 P.2d 428 (1986),
8 *modified on rehearing on other grounds*, 104 Nev. 331, 757 P.2d 364 (1988);
9 *Hansen-Neiderhauser, Inc. v. Nevada State Tax Comm’n*, 81 Nev. 307, 402 P.2d
10 480 (1965). “Dismissal is proper where the allegations are insufficient to establish
11 the elements of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corrections*, 124
12 Nev. 313, 183 P.3d 133, 135 (2008) (quoting *Hampe v. Foote*, 118 Nev. 405, 408,
13 47 P.3d 438, 439 (2002)). If the proper showing is made by the movant, a motion
14 to dismiss for failure to state a claim may be granted irrespective of the type of
15 action involved or its complexity. See, e.g., *Kaldi v. Farmers Ins. Exch.*, 117 Nev.
16 273, 21 P.3d 16 (2001) (motion to dismiss granted in action involving alleged
17 wrongful termination of insurance agent, trade secrets, and proprietary
18 information).

19 If, on a motion to dismiss for failure of the pleading to state a claim upon
20 which relief can be granted, matters outside the pleading are presented to and not
21 excluded by the court, the motion shall be treated as one for summary judgment

1 and disposed of as provided in Rule 56, and all parties shall be given reasonable
2 opportunity to present all material made pertinent to such a motion by Rule 56.
3 NRCp 12(b).

4 **B. Standard for Summary Judgment**

5 Summary judgment is a pre-trial procedure for adjudication of all or part of
6 the legal issues in a case when resolution of those issues does not depend on the
7 determination of factual disputes.¹⁵ The purpose of summary judgment is to avoid
8 unnecessary trials when they would serve no useful purpose, because there is no
9 remaining actual dispute about the relevant facts of the case.¹⁶

10 ¹⁵ See *Fire Ins. Exch. v. Cornell*, 120 Nev. 303, 305, 90 P.3d 978, 979 (2004), citing *Butler v.*
11 *Bogdanovich*, 101 Nev. 449, 451, 705 P.2d 662, 663 (1985); *Pegasus v. Reno Newspapers, Inc.*,
12 118 Nev. 706, 713, 57 P.3d 82, 87 (2002) (quoting *Posadas v. City of Reno*, 109 Nev. 448, 452,
851 P.2d 438, 441-42 (1993); see also *White Cap Indus., Inc. v. Ruppert*, 119 Nev. 126, 67 P.3d
13 318, 319 (2003) (but evidence is construed in light most favorable to non-moving party); *Komton*
v. Conrad, Inc., 119 Nev. 123, 67 P.3d 316, 317 (2003) (same); *Pressler v. City of Reno*, 118
14 Nev. 506, 50 P.3d 1096 (2002); *Hewitt v. Allen*, 118 Nev. 216, 43 P.3d 345, 347 (2002) (same).
In that situation, a trial to determine the facts would serve no purpose. Summary judgment
allows the court to avoid a trial where one is factually unnecessary. *Moss v. Washoe Med. Ctr.,*
Inc., No. 3:04-CV-0267-ECRRAM, 2006 U.S. Dist. LEXIS 11781, 1-4 (D. Nev. Mar. 1, 2006).
Therefore the decision to grant or deny a motion for summary judgment – or to reverse or affirm
15 the same on appeal – is a balancing of the policy of a trial on the merits on the one hand, and the
policy of a speedy and inexpensive determination on the other.

16 ¹⁶ *Moss v. Washoe Med. Ctr., Inc.*, No. 3:04-CV-0267-ECRRAM, 2006 U.S. Dist. LEXIS 11781,
*1-2 (D. Nev. Mar. 1, 2006); *Burgess v. Gilman*, No. 3:03-CV-0707-ECR-RAM, 2006 U.S. Dist.
17 LEXIS 9436, *9 (D. Nev. Feb. 27, 2006); *Flowers v. Carville*, 292 F. Supp. 2d 1225, 1228 (D.
Nev. 2003); *Maes v. Henderson*, 33 F. Supp. 2d 1281 (D. Nev. 1999); *Hardy v. United States*,
18 918 F. Supp. 312 (D. Nev. 1996); *Knapp v. Miller*, 863 F. Supp. 1221 (D. Nev. 1994); *Forest v.*
Vitek, Inc., 884 F. Supp. 378 (D. Nev. 1993); *Bourne v. Tahoe Reg'l Planning Agency*, 829 F.
19 Supp. 1203 (D. Nev. 1993); *Alam v. Reno Hilton Corp.*, 819 F. Supp. 905 (D. Nev. 1993);
Sahara Gaming Corp. v. Culinary Workers Union Local 226, 115 Nev. 212, 984 P.2d 164
20 (1999); *Coray v. Hom*, 80 Nev. 39, 389 P.2d 76 (1964); *Shorty. Hotel Riviera, Inc.*, 79 Nev. 94,
378 P.2d 979 (1963). It is not to decide any issue of fact that may be presented, but to discover if
any real issue of fact exists. *A.I. Credit Corp. v. Gohres*, 299 F. Supp. 2d 1156 (D. Nev. 2004);
21 *Daugherty v. Wabash Life Ins. Co.*, 87 Nev. 32, 482 P.2d 814 (1971).

1 In Nevada, summary judgment is appropriate when, after a review of the
2 pleadings and affidavits, viewed in the light most favorable to the non-moving
3 party, there are no genuine issues of material fact and the moving party is, as a
4 matter of law, entitled to judgment in its favor.¹⁷ The movant has the burden of
5 demonstrating that there is no genuine issue of any material fact to be
6 determined.¹⁸ An issue of fact is “genuine” when it materially alters the outcome
7 of the proceedings and “a rational trier of fact could return a verdict for the non-
8 moving party.”¹⁹ Moreover, doubts must be resolved against the moving party and
9 his supporting affidavits and depositions, if any, must be scrutinized carefully by
10 the court, even as to inferences.²⁰

11 The moving party may meet its burden by showing the absence of evidence
12 to support one or more of the prima facie elements of the non-moving party's
13 case.²¹ In fact, the moving party need not affirmatively produce any evidence
14 negating the prima facie elements of its non-moving party's claim.²² Once the
15 moving party has demonstrated a lack of evidence, the non-moving party then
16 bears the burden of producing evidence to sustain a jury verdict on all those issues

17 ¹⁷ *Pope v. Motel 6*, 121 Nev. 307, 311, 114 P.3d 277, 280 (2005).

18 ¹⁸ *Renaud v. 200 Convention Center, Ltd.*, 102 Nev. 500, 501, 728 P.2d 445, 446, 433 (1989).

19 ¹⁹ *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005)

20 ²⁰ *Hoffmeister Cabinets of Nevada, Inc. v. Bivins*, 87 Nev. 282, 284, 486 P.2d 57, 58 (1971).

21 ²¹ NRCP 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Coast Hotels and Casinos, Inc. v. Culinary Workers Union Local 226*, 35 F.Supp. 2d 765 (D. Nev 1999).

22 ²² *Id.*

1 for which it bears the burden at trial.²³

2 The non-moving party "is not entitled to build a case on the gossamer
3 threads of whimsy, speculation, and conjecture,"²⁴ but must actually state some
4 relevant facts in actual dispute:

5 While the pleadings and other proof must be construed in a light more
6 favorable to the nonmoving party, that party bears the burden to "do more than
7 simply show that there was some metaphysical doubt" as to the operative facts in
8 order to avoid summary judgment being entered in the moving party's favor. The
9 nonmoving party "must, by affidavit or otherwise, set forth specific facts
10 demonstrating the existence of a genuine issue for trial or have summary judgment
11 issued against him."²⁵

12 If the non-moving party does not come forward with admissible evidence, in
13 the form of specific facts, to show the existence of a genuine issue of material fact,
14 the court must enter a summary judgment in accordance with the law.²⁶ Summary
15 judgment will not be denied on the mere hope that the non-moving party will be
16 able to discredit the movant's evidence at trial.²⁷ Mere conclusory statements are

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²³ *Rebel Oil Company v. Atlantic Richfield Company*, 53 F.3d 1421 (9th Cir. 1995).

19 ²⁴ *Bulbman Inc. v. Nevada Bell*, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992) (quoting *Collins v.*
20 *Union Fed. Savings & Loan*, 99 Nev. 284, 294, 662 P.2d 610, 618-19 (1983)).

21 ²⁵ *Wood* at 731.

²⁶ *Posadas v. City of Reno*, 109 Nev. 448 (1993).

²⁷ *Hickman v. Meadow Wood Reno*, 96 Nev. 782, 784 (1980).

1 insufficient to create a genuine issue of material fact, or their absence.²⁸

2 The "slightest doubt" standard for summary judgment, under which it would
3 be precluded upon the slightest doubt as to the operative facts, is no longer a
4 correct statement of the law and should not be used when analyzing motions for
5 summary judgment; instead the non-moving party must raise a genuine issue of
6 material fact to withstand such a motion.²⁹

7 In *Wood*, the Nevada Supreme Court highlighted its more recent favor of the
8 summary judgment procedure by emphasizing the language of NRCP 56(c),
9 primarily that summary judgment "shall be rendered forthwith" when there is no
10 genuine issue of material fact and that the moving party is entitled to a judgment as
11 a matter of law. *Wood* also emphasized the language of NRCP 1, primarily that
12 summary judgment is an integral part of the Rules of Civil Procedure as a whole,
13 which are designed "to secure the just, speedy and inexpensive determination of
14 every action."

15 Beyond the requirements in NRCP 56(c), the federal courts have defined the
16 court's role when faced with a summary judgment motion as a three-step process
17 which would seem to be fully consistent with state law:

- 18 1. Determining whether a fact is material.
- 19 2. Determining whether there is a genuine issue for the trier of fact, as

20
21 ²⁸ *Bond v. Stardust, Inc.*, 82 Nev. 47, 410 P.2d 472 (1966).

²⁹ *Wood* at 730

1 determined by the documents submitted to the court.

2 3. Considering that evidence in light of the appropriate standard of
3 proof.³⁰

4 **C. Tom's Second Amended Complaint should be dismissed because**
5 **Tom's allegations are insufficient to establish the elements of a claim for**
6 **relief.³¹**

7 Even if we accept the allegations of the Second Amended Complaint as true
8 and draw all inferences in favor of the non-moving party (i.e., even if we accept
9 Tom's allegations that he truly believed there was a valid marriage, that he and
10 Danka held themselves out as a married couple, and that they agreed to and did
11 pool their assets), Tom avers, in relevant part, that he signed the transfer
12 documents when the parties' relationship was ending, and he transferred three
13 properties to Danka individually:

14 25. At the September 13, 2016 meeting, Pickens and
15 Michaels signed a Grant, Bargain, Sale Deed conveying the Queen
16 Charlotte Property from Pickens and Michaels . . . to Michaels, as an
17 "unmarried woman."

18 26. At the September 13, 2016 meeting, Pickens and
19 Michaels signed a Grant, Bargain, Sale Deed conveying the Lowe
20

21 ³⁰ See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-49 (1986); *Moss v. Washoe Med. Ctr., Inc.*, No. 3:04-CV-0267-ECR-RAM, 2006 U.S. Dist. LEXIS 11781, **1-4 (D. Nev. Mar. 1, 2006); *Burgess v. Gilman*, No. 3:03-CV-0707-ECR-RAM, 2006 U.S. Dist. LEXIS 9436, *9-11 (D. Nev. Feb. 27, 2006); *Maes v. Henderson*, 33 F. Supp. 2d 1281, 1285-86 (D. Nev. 1.999); *Hardy v. United States*, 918 F. Supp. 312 (D. Nev. 1996); *Knapp v. Miller*, 863 F. Supp. 1221 (D. Nev. 1994); *Forest v. Vitek, Inc.*, 884 F. Supp. 378 (D. Nev. 1993); *Bourne v. Tahoe Reg'l Planning Agency*, 829 F. Supp. 1203 (D. Nev. 1993); *Alam v. Reno Hilton Corp.*, 819 F. Supp. 905 (D. Nev. 1993).

³¹ Danka disputes the averions in Tom's Second Amended Complaint but for purposes of this analysis only, they will be treated as being true.

1 Property from Pickens and Michaels . . . to Michaels, as an
2 “unmarried woman.”

3 27. At the September 13, 2016 meeting, Pickens and
4 Michaels signed (as the trustee of the L V Blue Trust) an Assignment
5 and Assumption of Membership Interest from the L V Blue Trust to
6 the Mich-Mich Trust.

7 In other words, regardless of whether or not he previously “believed” there
8 was a valid marriage, he admits that he transferred the Queensridge and Lowe
9 properties to Danka as an “unmarried woman” and the office building into Danka’s
10 individual trust. And regardless of whether or not the parties were previously
11 holding themselves out as married or pooling assets, Tom admits that he
12 transferred the Queensridge and Lowe properties to Danka as an “unmarried
13 woman” and the office building into Danka’s individual trust. Thus, the question
14 becomes one of the enforceability of the transfers.

15 As to *that* issue, Tom alleges that he executed the deeds “under duress.”
16 Tom does not, however, allege any facts sufficient to support that conclusion – he
17 does *not* allege that he was threatened or harmed, that he was misled, that he
18 didn’t possess sufficient business acumen to understand the consequences of his
19 actions, or that he did not understand the financial situation or the rights being
20 forfeited. In fact, Tom avers in paragraph 23 of his Second Amended Complaint
21 that he chose to execute the deeds and transfer documents “with the sole intention
of ameliorating Michaels’ rage and restoring marital peace.” In other words,
according to Tom’s Second Amended Complaint, Tom understood the

1 consequences of his actions when he signed the deeds and transfer documents and
2 he chose to sign them with a specific intention in mind - the intention of
3 “ameliorating Michaels’ rage and restoring marital peace.” Tom *knew there was*
4 *no guarantee* that the transfer of property would “ameliorate Michaels’ rage and
5 restore marital peace.” In fact, Tom makes no allegation anywhere in the Second
6 Amended Complaint of any such “guarantee” nor does he allege that the transfers
7 were conditioned upon a restoration of the relationship.

8 “A party's undisclosed, subjective intent is immaterial when determining the
9 existence of a contract.”³² Verbal agreements of parties, especially when acted
10 upon, are generally held to be binding.³³ Based on the foregoing, Tom fails to state
11 a claim upon which relief may be granted and his Second Amended Complaint
12 should be dismissed with prejudice.

13 **D. Alternatively, summary judgment is appropriate in this case.**

14 **i. Tom’s cannot prevail on his claim under the putative spouse**
15 **doctrine.**

16 In order to be a putative spouse, a litigant claiming such status must have
17 participated in a marriage ceremony in good faith, believing they were validly,
18 legally married. *Williams v. Williams*, 120 Nev. 559, 97 P.3d 1124 (2004). That did

19 ³² *James Hardie Gypsum (Nevada) Inc. v. Inquipco*, 112 Nev. 1397, 1402, 929 P.2d 903, 906
20 (1996), overruled on other grounds by *Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n*,
117 Nev. 948, 955 n.6, 35 P.3d 964, 968-69 n.6 (2001).

21 ³³ See *Grisham v. Grisham*, 128 Nev. 679; 289 P.3d 230 (2012) and *Phung v. Doan*, 420 P.3d
1029 (2018) unpub.

1 not happen here.

2 Tom acknowledged year after year that the parties were not legally married
3 by preparing and signing U.S. Federal Income Tax Returns as a "single,
4 unmarried" individual. Furthermore, he prepared and signed off on his estate
5 planning documents as a single - not a married - man. His actions after the
6 breakup further evidence that he knew there was no marriage. Tom understood in
7 2016 that a divorce would not be necessary to divide assets, so he paid Attorney
8 Shannon Evans to prepare the transfer documents. He knowingly and voluntarily
9 signed off on the Deeds and related documents to effectuate the transfer of assets
10 and then he and Danka went their separate ways. Months later, Tom purchased
11 real property as a single, unmarried man. More than a year after the final breakup,
12 Tom falsely alleged that he and Danka were married in Complaint for Divorce.
13 The contents of that Complaint for Divorce are very telling as to what Tom "knew"
14 at the time he falsely alleged there was a valid marriage. In the thousands of
15 divorce filings, it is rare for a Marriage Certificate to be attached to a Complaint
16 for Divorce and for allegations that the marriage was "valid" to be included in the
17 averions.

18 And according to Tom himself, it was only after Tom allegedly learned of
19 possible tax consequences from the transfer of assets between *unmarried people*
20 that he pursued his bogus claim against Danka - transfers of assets between
21 *married* people does not create a taxable event.

1 As the evidence clearly establishes that Tom was well aware that the parties
2 were not legally married, Tom's cause of action for equitable relief under the
3 putative spouse doctrine cannot stand and must be dismissed.

4 **ii. Tom cannot prevail on his claim for equitable relief under**
5 **express and/or implied contract.**

6 Whether or not the parties once agreed to hold assets together during their
7 relationship or not is entirely irrelevant to the current proceedings. They broke up.
8 They knowingly and voluntarily divided the assets equitably. Tom acknowledged
9 that he was in Florida when he called Danka to discuss the asset division. He
10 acknowledged that he scheduled a flight to Las Vegas, traveled here, and
11 voluntarily went to Attorney Shannon Evans' office to review and execute the
12 transfer documents in question. He admitted that he paid Attorney Evans for her
13 services.³⁴ Each party walked away with their own businesses, their own retirement
14 accounts, etc. The three properties that Danka substantially paid for were
15 transferred to her. Danka was removed as an authorized user on Tom's American
16 Express account and the unwinding of their ties was finalized. There are no jointly
17 titled assets existing today for this Court to divide. The parties made an agreement
18 in 2016 to separate their assets, executed documents to effectuate that agreement
19 and Tom has acknowledged same. Tom has not presented any basis to set aside the
20 September 2016 agreement except his mistaken belief that he would owe gift taxes,

21 ³⁴ See Deposition Transcript page seventy-three (73), line twenty-three (23) through page
seventy-four (74), line one (1) attached hereto as Exhibit S.

1 which he would not. Even if he did, which is not the case, the question for this
2 Court would be whether or not Tom should be responsible for the entirety of the
3 tax obligation or whether it was an omitted debt to be adjudicated by this Court.
4 Therefore, Tom's second cause of action also fails.

5 **iii. Tom cannot prevail on his request to set aside the deeds and**
6 **assignment of L.L.C. interest.**

7 The Nevada Supreme Court cases of *Sack v. Tomlin*,³⁵ and *Langevin v.*
8 *Langevin*,³⁶ are controlling. They stand for the proposition that when unmarried
9 cohabiting couples purchase property titled in both parties' names, with or without
10 the right of survivorship, they own the property in proportion to the amounts they
11 each contributed to the purchase price. Here, the properties in question were
12 purchased with Danka's money. While Tom may have made some contributions,
13 those were more than compensated by her funding of his retirement account and
14 the seed money she gave Tom to start his lucrative business, Blue Point
15 Development. Under Nevada law, these properties were legally owned 100% (or
16 nearly 100%) by Danka's even *before* Tom signed the transfer documents.

17 Next, the parties entered into a lawful and enforceable, fully executed
18 contract as to the division of their assets. Tom has admitted that he voluntarily
19 signed the documents in 2016 to transfer the three properties to Danka. He flew
20 from Florida to Nevada to sign the documents and even paid for Ms. Evans' time

21 ³⁵ 111 Nev. 204, 871 P.2d 298 (1994)

³⁶ 111 Nev. 1481, 907 P.2d 981 (1995)

1 in preparing the documents. Tom has acknowledged that Ms. Evans prepared the
2 paperwork that was asked of her by both parties. Both parties voluntarily signed a
3 Waiver of Conflict.

4 Additionally, Tom has acknowledged that the funds used to purchase the
5 properties came from Danka. He confirmed that he took the retirement account
6 valued at over \$200,000 and that he took the business, Blue Point Development.
7 He also testified during his deposition that he is not seeking an interest in Danka's
8 medical practice, even though he made such a claim in this Second Amended
9 Complaint. In sum, there is no basis to set aside the fully executed agreement of
10 the parties or the transfer documents for the three properties in question. In
11 *Anderson v. Anderson*,³⁷ the parties divided a sum of cash into two account. The
12 trial court described this division as a "final division of these funds." The wife
13 received \$56,000 more than the husband received. Husband appealed. The Nevada
14 Supreme Court affirmed, finding the unequal division was supported by husband
15 getting a more valuable car, receiving twice as much in Social Security, and having
16 moved in with his girlfriend so he had no rental expense. The Court made no
17 decision as to whether a written agreement was necessary although the same result
18 could be obtained by estoppel.³⁸ Here, Danka relied on the fully executed
19 agreement in 2016. It should not now be disrupted.

20 ³⁷ 107 Nev. 570, 816 P.2d 463 (1991).

21 ³⁸ See also *Cartan v. David*, 18 Nev. 310 (1884) (once an agreement is fully executed, the rights of the parties become fixed).

1 **E. Danka Should Be Awarded Attorney's Fees and Costs.**

2 This case was filed and litigated in a frivolous and vexatious manner, as
3 explained in excruciating detail above. Danka has expended upwards of \$50,000 in
4 attorney fees and costs thus far during these twenty-two (22) months of litigation.
5 The litigation should be put to an end with the granting of this motion and Danka
6 should be awarded a judgment against Tom for her attorney fees and costs.

7 It is submitted that an assessment of fees is appropriate here, since Tom has
8 obviously, and deliberately, requested relief to which he is not entitled. He filed a
9 series of fraudulent complaints *knowing* that the parties were never legally married
10 and had already divided their assets in 2016. Given the foregoing, an award of fees
11 is called for under EDCR 7.60(b):

12 (b) The Court may, after notice and an opportunity to be heard, impose
13 upon an attorney or a party any and all sanctions which may, under the
14 facts of the case, be reasonable, including the imposition of fines, costs or
15 attorney's fees when an attorney or a party without just cause:

16

17 (3) So multiplies the proceedings in a case as to increase costs
18 unreasonably and vexatiously.

19 (4) Fails or refuses to comply with these rules
20

21 Accordingly, Danka should be awarded the entirety of the fees and costs she
has been compelled to respond to an action that should never have been filed.
Danka requests an award of fees sufficient to make her whole and to allow her to
receive the benefit of the parties' agreement without this unnecessary expenditure
of funds to enforce it.

1 In evaluating requests for reimbursement of fees and costs, the District
2 Court must evaluate the *Brunzell Factors*³⁹:

- 3 1. *The Qualities of the Advocate*: his ability, his training, education,
experience, professional standing and skill.
- 4 2. *The Character of the Work to be Done*: its difficulty, its intricacy, its
5 importance, time and skill required, the responsibility imposed and the
prominence and character of the parties where they affect the
importance of the litigation.
- 6 3. *The Work Actually Performed by the Lawyer*: the skill, time and
attention given to the work.
- 7 4. *The Result*: whether the attorney was successful and what benefits
were derived.

8 Each of these factors should be given consideration, and no one element should
9 predominate or be given undue weight. *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d
10 727 (2005).

11 The *Brunzell Factors* apply to this case as follows:

12
13 Attorney Jennifer V. Abrams graduated magna cum laude in the top
4% of her law school class. She is a member in good standing of the State
14 Bar of Nevada, Clark County Bar Association, American Bar Association,
American Association for Justice, which is formerly the Association of Trial
15 Lawyers of America, the State Bar of California and the Louisiana State Bar
(both inactive). Although Attorney Abrams is admitted to practice law in
16 three states, she chooses to dedicate herself exclusively to Las Vegas divorce
and family law matters. Attorney Abrams served as a member of the State
17 Bar of Nevada Family Law Executive Council for five (5) years and was the
Treasurer for the section for four (4) of those years. She is Certified by the
18 State Bar of Nevada as a Family Law Specialist and is a peer-reviewed and
certified Fellow of the American Academy of Matrimonial Lawyers. She
19 was appointed by the Nevada Supreme Court to the Family Law Rules
Committee. She has contributed as an author and editor to several State Bar
20 publications, including, the Family Practice Manual (second edition) and she
created the Detailed Financial Disclosure Form for high asset and complex

21 ³⁹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969)

1 divorce cases which has been adopted for new cases filed after January 1,
2 2013. See ADKT 476. She was on the committee that re-wrote Section 5 of
3 the Eighth Judicial District Court Rules and she re-drafted Nevada Rule of
4 Civil Procedure 16.2 and 16.205.

5 Stephanie Stolz is the current Firm Administrator / Lead Certified
6 Paralegal and began her legal career at The Abrams Law Firm nine years
7 ago. She started at the receptionist position in May 2004. While working
8 full-time for the firm, she simultaneously completed the Paralegal Studies
9 Program with special emphasis in Nevada Practices and Procedures,
10 Contract Law, and Family Law from the University of Nevada Las Vegas. In
11 2005 she was promoted to a Certified Paralegal position. In 2006 she
12 achieved the role of Lead Certified Paralegal. Stephanie was promoted to
13 the role of Firm Administrator in 2010. In addition to her Lead Certified
14 Paralegal duties, she is responsible for numerous areas of the firm's business
15 operations including accounting and vendor relationships. Stephanie is also
16 certified through NALA.

17 2. *The Character of the Work to be Done:* The facts and circumstances
18 surrounding the filing of this Motion are fully incorporated herein by reference.
19 Attorney Abrams has diligently reviewed the applicable law, explored the relevant
20 facts and has properly applied one to the other.

21 3. *The Work Actually Performed by the Lawyer:* Work is still ongoing
regarding these issues. Thus, redacted billing statements will be provided prior to
the hearing on this matter. It is of note that Danka has incurred approximately
\$50,000 in fees and costs to date in this action.

4. *The Result:* It is anticipated that given the clear and convincing
evidence that this Court lack jurisdiction and that this case should be dismissed that
the outcome of this hearing will be favorable to Danka.

///

1 The work actually performed is detailed on the billing summaries, which
2 will be filed under separate cover before the hearing on this matter, consistent with
3 the requirements under *Love*.

4 Under either set of rules (the Rule 11 based NRS 18.010, or the Family Law
5 line of cases), we believe that an award of fees in the full amount incurred is
6 warranted in this instance.

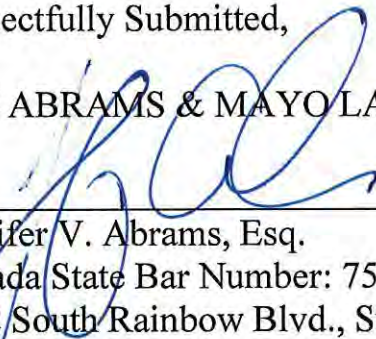
7 **IV. CONCLUSION**

8 Based on the aforementioned facts, law and analysis, the Court should grant
9 the relief requested in Defendant's *Motion for Summary Judgment, to Dismiss, for*
10 *Protective Order, and for Attorney Fees* in its entirety.

11 DATED Thursday, August 01, 2019.

12 Respectfully Submitted,

13 THE ABRAMS & MAYO LAW FIRM

14 
15 Jennifer V. Abrams, Esq.
16 Nevada State Bar Number: 7575
17 6252 South Rainbow Blvd., Suite 100
18 Las Vegas, Nevada 89118
19 Attorney for Defendant
20
21

1 **DECLARATION OF DANKA K. MICHAELS**

2 1. I, DANKA K. MICHAELS, do solemnly swear to testify herein to the
3 truth, the whole truth and nothing but the truth.

4 2. That I am the Defendant in the above-entitled action.

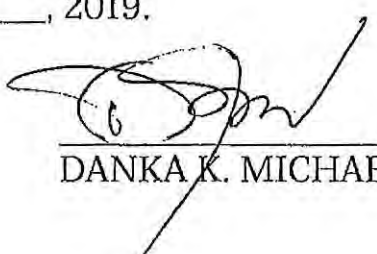
5 3. That I am above the age of majority and I am competent to testify to
6 the facts contained in this affidavit.

7 4. That I make this declaration in support of the foregoing *Motion for*
8 *Summary Judgment, to Dismiss, for Protective Order, and for Attorney Fees.*

9 5. That I have read said Motion and hereby certify that the facts set forth
10 in the Points and Authorities attached thereto are true of my own knowledge,
11 except for those matters therein contained stated upon information and belief, and
12 as to those matters, I believe them to be true. I incorporate said facts into this
13 declaration as though fully set forth herein.

14 6. I declare under penalty of perjury under the law of the State of
15 Nevada, pursuant to NRS 53.045, that the foregoing is true and correct.

16 Dated this 31st day of July, 2019.

17 
18 DANKA K. MICHAELS
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Michele T. LoBello, Esq.
Attorney for Plaintiff

Chad

An Employee of The Abrams & Mayo Law Firm

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

THOMAS A. PICKENS,

Plaintiff/Petitioner

v.

DANKA K. MICHAELS,

Defendant/Respondent

Case No. D-17-560737-D

Dept. J

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

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

The total filing fee for the motion/opposition I am filing with this form is:	
<input checked="" type="checkbox"/> \$0	<input type="checkbox"/> \$25 <input type="checkbox"/> \$57 <input type="checkbox"/> \$82 <input type="checkbox"/> \$129 <input type="checkbox"/> \$154

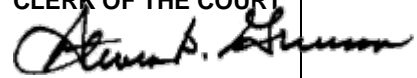
Party filing Motion/Opposition: Defendant / Respondent Date 07/31/2019

Signature of Party or Preparer 

AA00736

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
8/1/2019 2:11 PM
Steven D. Grierson
CLERK OF THE COURT



Thomas A. Pickens, Plaintiff
vs.
Danka K. Michaels, Defendant.

Case No.: D-17-560737-D
Department J

NOTICE OF HEARING

Please be advised that the Defendant's Motion for Summary Judgment, to Dismiss, for Protective Order and for Attorney Fees in the above-entitled matter is set for hearing as follows:

Date: September 11, 2019
Time: 9:00 AM
Location: Courtroom 04
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

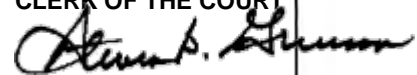
By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

AA00737



NOTC

Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)

Plaintiff,

vs.

DANKA K. MICHAELS, individually,)
and as trustee of the Mich-Mich Trust,)

Defendant.

NOTICE OF UNAVAILABILITY OF COUNSEL

TO: ALL PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN that Jennifer V. Abrams, Esq. of The Abrams & Mayo Law Firm, counsel to Defendant Danka K. Michaels, will be unavailable during the period of time beginning August 20, 2019 and concluding September 4, 2019. Attorney Abrams will be out of the

1 jurisdiction, and will not have access to cellular telephone signal, internet
2 access, or other usual means of service and communication. Accordingly,
3 during this time, Attorney Abrams will be unavailable for the purpose of
4 receiving or responding to any notice or moving papers, responding to
5 correspondence, appearing at any hearing or deposition, etc.

6 DATED Monday, August 05, 2019.

7 Respectfully Submitted,

8 THE ABRAMS & MAYO LAW FIRM

9 /s/ Jennifer V. Abrams, Esq.

10 Jennifer V. Abrams, Esq.

11 Nevada State Bar Number: 7575

12 6252 South Rainbow Blvd., Suite 100

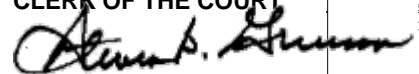
13 Las Vegas, Nevada 89118

14 Attorney for Defendant

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Michele T. LoBello, Esq.
Attorney for Plaintiff

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



1 **SAO**
2 **BLACK & LOBELLO**
3 Michele Touby LoBello, Esq.
4 Nevada Bar No. 5527
5 10777 West Twain Avenue, Suite 300
6 Las Vegas, Nevada 89135
7 Telephone No.: 702-869-8801
8 Facsimile No.: 702-869-2669
9 Email: mlobello@blacklobello.law
10 Attorneys for Plaintiff,
11 **THOMAS A. PICKENS**

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 **THOMAS A. PICKENS,**
16 Individually and as Trustee of the LV
17 Blue Trust,

18 Plaintiff

19 vs.

20 **DANKA K. MICHAELS,**
21 Individually and as Trustee of the Mich-
22 Mich Trust

23 Defendant

CASE NO.: D-17-560737-D
DEPT. J

24 **STIPULATION TO EXTEND**
25 **DISCOVERY DEADLINES AND**
26 **CONTINUE TRIAL**
27 **(FIRST REQUEST)**
28 **AND ORDER CONTINING TRIAL**

Pursuant to EDCR 7.30(f) and (h), EDCR 2.35 and EDCR 5.514(b), Plaintiff, THOMAS A. PICKENS, by and through his attorneys of record, Michele Touby LoBello, Esq., of the law firm Black & LoBello; and Defendant, DANKA K. MICHAELS, by and through her attorneys of record, Jennifer V. Abrams, Esq., and the Abrams & Mayo Law Firm, respectfully submit the following Stipulation and Order requesting an extension of the current dates for Discovery, filing of Motions to Amend Pleadings, and Dispositive Motions, and to continue the trial set for September 9 and 10, 2019.

IT IS HEREBY STIPULATED the parties require additional time to conduct discovery and to continue to attempt to resolve this matter or to prepare for and

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1 conduct the trial. Pursuant to the Case Management Order issued by this Court on
2 March 21, 2019, the trial of this matter is scheduled for two full days, on September
3 9 and 10, 2019. The Case Management Order further specifies Discovery deadlines,
4 as well as the dealings for filing motions to amend or dispositive motions. Finally,
5 the Case Management Order provides that for good cause, the Court may grant a
6 stipulation of the parties to continue the trial.

7 IT IS FURTHER STIPULATED the parties have agreed to extend all of these
8 deadlines, as well as the date of trial, for no less than 60 days. The parties request
9 the Court enter an Order consistent with this Stipulation as follows:

10 IT IS FURTHER STIPULATED the trial of this matter, may be continued for
11 60 days, to the Court's next available Two Full Days trial setting.

12 IT IS FURTHER STIPULATED the Court should entered the following
13 Orders concerning extended deadlines, consistent with the March 21, 2019 Case
14 Management Order:

- 15 1. Forty-five (45) days prior to trial, no additional non-expert witnesses may
16 be named.
- 17 2. Discovery closes: Twenty (20) days before trial.
- 18 3. No additional motions to amend the pleadings or add parties to the case:
19 Forty-five (45) days prior to trial.
- 20 4. No dispositive motions: Thirty (30) days prior to trial.
- 21 5. Additional Orders of the Court: Copies of Exhibits must be provided in
22 written form to the opposing party no later than ten (10) days before trial.
23 Parties are to provide three (3) sets of Exhibits in written form in binders
24 to the Court ten (10) days before trial. Exhibits must be indexed and
25 individually numbered at the bottom, right side corner.
- 26 6. A current Financial Disclosure Form must be filed and served ten (10) days
27 before trial. The three (3) most recent paystubs must be attached.
28

7. Pre-Trial Memorandum, Final Witness List and List of proposed Trial Exhibits (NOT THE EXHIBITS) must be filed and served no later than ten (10) days before Trial. The Pre-Trial Memorandum must conform with EDCR 5.524.

8. Meet and Confer: Litigants and/or counsel must meet no later than five (5) calendar days before trial to arrive at stipulations regarding the admissibility and exchange of proposed exhibits, and the names and addresses of all potential witnesses to be called at trial pursuant to EDCR 5.524.

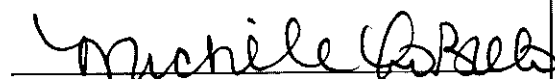
9. Expert witnesses: Disclosure of expert witnesses must be made pursuant to NRCP 16.2(d)(5).

IT IS FURTHER STIPULATED all other Orders as set forth in the March 21, 2019 Case Management Order shall remain the Order of the Court.

IT IS SO STIPULATED by:

Dated this 31st day of July 2019.


BLACK & LOBELLO



Michele Touby LoBello, Esq.
Nevada State Bar #5527
10777 West Twain Avenue, #300
Las Vegas, Nevada 89135
Attorneys for Plaintiff

Dated this 30th day of July 2019.

THE ABRAMS & MAYO LAW FIRM



Jennifer V. Abrams, Esq.
Nevada State Bar # 7575
6252 South Rainbow Blvd, Suite 100
Las Vegas, NV 89118
Attorney for Defendant

**ORDER CONTINUING TRIAL AND
EXTENDING DISCOVERY AND RELATED DEADLINES**

Pursuant to the Stipulation of the parties, and good cause appearing therefore, the Court hereby ORDERS as follows:

1 IT IS HEREBY ORDERED the trial of this matter, shall be continued for 60
2 days, to the Court's next available Two Full Day trial setting, as follows:

3 TRIAL DATE (DAY 1): February 14, ²⁰²⁰~~2019~~, at 9:00 a.m., and

4 TRIAL DATE (DAY 2): February 21, ²⁰²⁰~~2019~~, at 9:00 a.m.

5 IT IS FURTHER ORDERED, consistent with the original March 21, 2019

6 Case Management Order:

- 7 1. Forty-five (45) days prior to trial, no additional non-expert witnesses may
8 be named.
- 9 2. Discovery closes: Twenty (20) days before trial.
- 10 3. No additional motions to amend the pleadings or add parties to the case:
11 Forty-five (45) days prior to trial.
- 12 4. No dispositive motions: Thirty (30) days prior to trial.
- 13 5. Additional Orders of the Court: Copies of Exhibits must be provided in
14 written form to the opposing party no later than ten (10) days before trial.
15 Parties are to provide three (3) sets of Exhibits in written form in binders
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17 individually numbered at the bottom, right side corner.
- 18 6. A current Financial Disclosure Form must be filed and served ten (10) days
19 before trial. The three (3) most recent paystubs must be attached.
- 20 7. Pre-Trial Memorandum, Final Witness List and List of proposed Trial
21 Exhibits (NOT THE EXHIBITS) must be filed and served no later than ten
22 (10) days before Trial. The Pre-Trial Memorandum must conform with
23 EDCR 5.524.
- 24 8. Meet and Confer: Litigants and/or counsel must meet no later than five
25 (5) calendar days before trial to arrive at stipulations regarding the
26 admissibility and exchange of proposed exhibits, and the names and
27 addresses of all potential witnesses to be called at trial pursuant to EDCR
28

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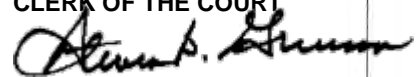
5.524.

9. Expert witnesses: Disclosure of expert witnesses must be made pursuant to NRCP 16.2(d)(5).

IT IS FURTHER ORDERED all other Orders as set forth in the March 21, 2019 Case Management Order shall remain the Order of the Court.

IT IS SO ORDERED this 1 day of ~~July~~ 2019.


HONORABLE RENA G. HUGHES
DISTRICT COURT JUDGE



1 **OPPC**
2 **BLACK & LOBELLO**
3 Michele Touby LoBello, Esq.
4 Nevada Bar No. 5527
5 10777 West Twain Avenue, Suite 300
6 Las Vegas, Nevada 89135
7 Telephone No.: 702-869-8801
8 Facsimile No.: 702-869-2669
9 Email: mlobello@blacklobello.law
10 Attorneys for Plaintiff,
11 **THOMAS A. PICKENS**

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 **THOMAS A. PICKENS,**
16
17 Plaintiff

CASE NO.: D-17-560737-D
DEPT. J

18 vs.

19 **DANKA K. MICHAELS,**
20
21 Defendant

Date of Hearing: Sept. 11, 2019
Time of Hearing: 9:00 a.m.
Oral Argument Requested: Yes

22 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS COUNTERMOTION
23 WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF
24 YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS COUNTERMOTION.
25 FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10)
26 DAYS OF YOUR RECEIPT OF THIS COUNTERMOTION MAY RESULT IN THE REQUESTED RELIEF
27 BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING.

28 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR**
SUMMARY JUDGMENT, TO DISMISS, FOR PROTECTIVE ORDER AND
FOR ATTORNEY FEES
AND
COUNTERMOTION FOR LEAVE OF COURT TO FILE
SUPPLEMENTAL POINTS AND AUTHORITIES

29 Plaintiff, Thomas A. Pickens ("Tom"), by and through his attorneys of record,
30 Michele Touby LoBello and the law firm of Black & LoBello hereby submits his

1 OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
2 TO DISMISS, FOR PROTECTIVE ORDER AND FOR ATTORNEY FEES AND
3 COUNTERMOTION FOR LEAVE OF COURT TO FILE SUPPLEMENTAL
4 POINTS AND AUTHORITIES.

5 This Opposition and Countermotion are made and based upon the attached
6 Points and Authorities, the accompanying Declaration of counsel for THOMAS
7 PICKENS in support hereof, the Exhibits attached hereto, and any argument or
8 evidence that the Court may entertain at the hearing on the Motion.

9 RESPECTFULLY SUBMITTED this 12th day of August, 2019.

10 **BLACK & LOBELLO**

11
12 

13 Michele Touby LoBello
14 Nevada State Bar No. 5527
15 10777 West Twain Avenue, Suite 300
16 Las Vegas, Nevada 89135
17 (702) 869-8801
18 Attorneys for Plaintiff,
19 THOMAS PICKENS
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BLACK & LOBELLO

Michele LoBello
Michele Touby LoBello
Nevada State Bar No. 5527
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
(702) 869-8801
Attorneys for Plaintiff,
THOMAS PICKENS

I, Michele Touby LoBello, hereby declare as follows:

28

1 COUNTERMOTION FOR LEAVE OF COURT TO FILE SUPPLEMENTAL
2 POINTS AND AUTHORITIES.

3 2. Defendant served Plaintiff with her Motion for Summary Judgment, to
4 Dismiss, for Protective Order and for Attorney Fees on August 1, 2019. Plaintiff's
5 Opposition to this Motion is thus due August 12, 2019, according to the deadlines
6 set forth in the governing Rules.

7 3. Undersigned counsel requested that Defendant stipulate to allow
8 additional time until Monday, August 19, 2019, for Plaintiff to respond to the motion
9 for summary judgment, due to counsel's trial schedule the week prior to August 12th,
10 as well as personal family commitments schedule the weekend prior to Monday
11 August 12th. Defendant declined to grant the one week extension unless Plaintiff
12 agreed that Defendant would have an open extension of time to respond to
13 outstanding written discovery requests. Specifically, Plaintiff served Defendant
14 with written Requests for Production of Documents on June 20, 2019. Thereafter,
15 counsel agreed to limit the scope of the formal written requests, and permitted
16 Defendant until August 15, 2019 to provide her written responses.

17 4. After Plaintiff requested the lengthy extension of time to respond to
18 Defendant's discovery requests, Defendant granted the request without question.
19 Then, Defendant filed her instant motion for summary judgment and related relief.
20 Due to time constraints in counsel's schedule during the past 10 days since the
21 Motion was served, and due to the fact the defense of this dispositive Motion is
22 critical to Plaintiff, the Court should extend the time for Plaintiff to file supplemental
23 Points and Authorities in support of this Opposition and Countermotion, through
24 August 19, 2019, as requested of Defendant.

25 5. Notably, Defendant's Motion seeks this Court's findings on substantial
26 issues which will govern the ultimate disposition of the case, yet discovery is far
27 from complete. Discovery will no doubt produce information which will be essential
28

1 to Plaintiff's case. Plaintiff is entitled to complete the same. *Harrison v. Falcon*
2 *Products, Inc.*, 103 Nev. 558, 746 P.2d 642 (1987).

3 6. This request for additional time to prepare the Opposition will not
4 prejudice Defendant, as the parties recently stipulated to extend discovery, the date
5 of trial and the deadlines for filing dispositive motions. It would be prejudicial to
6 Plaintiff not to allow him to fully brief an oppose the summary judgment where
7 Defendant was granted the courtesy of additional time to respond to discovery which
8 apparently was not sought in good faith where she intended to file a motion for
9 summary judgment and likely hoped to thwart Plaintiff's discovery efforts.


10 7. Finally, the hearing of this matter is not scheduled until September 11,
11 2019. If Plaintiff files his supplemental Points and Authorities by August 19, 2019,
12 Defendant will still have 23 days prior to the hearing to respond.

13 8. I can also represent as an officer of the Court that this request for
14 extension is not sought for purposes of delay.

15 9. I have made every effort to comply with EDCR 5.501 as of the time of
16 this filing, and I am filing this date as this is the deadline for Plaintiff to file his
17 Opposition.

18 10. I declare under penalty of perjury under the laws of State of Nevada,
19 (NRS 53.045) that the foregoing is true and correct.

20 Executed this 12th day of August, 2019.

21
22 
23 Michele Touby LoBello

24 ///

25 ///

26 ///

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