

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE KEITH ARMSTRONG,

Appellant,

vs.

U.S. BANK NATIONAL  
ASSOCIATION, as Trustee for  
Structured Asset Securities Corporation  
Mortgage Pass-Through Certificates,  
Series 2007-BC3; OCWEN LOAN  
SERVICING, LLC; PHH MORTGAGE  
CORPORATION; WESTERN  
PROGRESSIVE-NEVADA, INC.;

Respondents.

Supreme Court Case No.: 83545

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A-19-796941-C] Clerk of Supreme Court

**RESPONDENTS' JOINT APPENDIX**  
**VOLUME 8 – (R 001709-R 001730)**

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Mortgage Corporation, successor  
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erroneously named; and Western  
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## **INDEX**

<b>DOCUMENT TITLE</b>	<b>DATE</b>	<b>PAGE #</b>	<b>VOL. #</b>
ANSWER TO COMPLAINT	12/09/2019	R 000074- R 000088	1
ANSWER TO FIRST AMENDED COMPLAINT	03/15/2021	R 000211- R 000224	1
APPENDIX TO U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; AND COUNTERMOTION FOR SUMMARY JUDGMENT	04/19/2021	R 000937- R 001279	4, 5, 6
DECLARATION OF NON-MONETARY STATUS OF DEFENDANT WESTERN PROGRESSIVE-NEVADA, INC. [NRS 107.029]	07/31/2019	R 000070- R 000073	1
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S ANSWER TO COMPLAINT	12/10/2019	R 000089- R 000102	1
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT AND COUNTERCLAIM	03/12/2021	R 000194- R 000210	1

<b>DOCUMENT TITLE</b>	<b>DATE</b>	<b>PAGE #</b>	<b>VOL. #</b>
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S OCTOBER 20, 2020 MOTION FOR PARTIAL SUMMARY JUDGMENT; AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT	04/14/2021	R 000712- R 000714	3
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; AND COUNTERMOTION FOR SUMMARY JUDGMENT	04/19/2021	R 001280- R 001310	6
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S REPLY IN SUPPORT OF COUNTERMOTION FOR SUMMARY JUDGMENT	05/19/2021	R 001361- R 001372	6
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-	05/21/2021	R 001378- R 001387	6

<b>DOCUMENT TITLE</b>	<b>DATE</b>	<b>PAGE #</b>	<b>VOL. #</b>
THROUGH CERTIFICATES, SERIES 2007-BC3'S SUPPLEMENTAL REPLY IN SUPPORT OF COUNTERMOTION FOR SUMMARY JUDGMENT			
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S SUPPLEMENTAL POINTS AND AUTHORITIES TO COUNTERMOTION FOR SUMMARY JUDGMENT	06/16/2021	R 001388-R 001456	6
DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S REPLY IN SUPPORT OF ITS SUPPLEMENTAL POINTS AND AUTHORITIES TO ITS COUNTERMOTION FOR SUMMARY JUDGMENT	07/13/2021	R 001686-R 001693	7
JOINDER TO DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATED, SERIES 2007-BC3'S OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; AND COUNTERMOTION FOR SUMMARY JUDGMENT	04/19/2021	R 001311-R 001313	6
JOINDER TO DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-	05/19/2021	R 001373-R 001377	6

<b>DOCUMENT TITLE</b>	<b>DATE</b>	<b>PAGE #</b>	<b>VOL. #</b>
BC3'S REPLY TO PLAINTIFF'S OPPOSITION TO ITS COUNTERMOTION FOR SUMMARY JUDGMENT; AND REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT PHH'S COUNTERMOTION FOR SUMMARY JUDGMENT			
NOTICE OF APPEAL	09/15/2021	R 001724- R 001730	8
NOTICE OF DECLARATION OF NON- MONETARY STATUS OF DEFENDANT WESTERN PROGRESSIVE-NEVADA, INC. RE FIRST AMENDED COMPLAINT [NRS 107.029]	03/15/2021	R 000225- R 000227	2
NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT AND GRANTING DEFENDANTS' COUNTERMOTIONS FOR SUMMARY JUDGMENT OF STATUTES OF LIMITATIONS GROUNDS	08/26/2021	R 001709- R 001723	8
OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTER- MOTION FOR SUMMARY JUDGMENT	04/14/2021	R 000715- R 000936	4
PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT VOL. 1	04/05/2021	R 000228- R 000260	2
PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT VOL. 2	04/05/2021	R 000261- R 000711	2, 3
PLAINTIFF'S FIRST AMENDED COMPLAINT: 1. WRONGFUL FORECLOSURE; 2. QUIET TITLE; 3. DECLARATORY RELIEF; AND 4. SLANDER OF TITLE; PLAINTIFF'S FIRST AMENDED COMPLAINT (ARBITRATION	02/27/2021	R 000103- R 000193	1

<b>DOCUMENT TITLE</b>	<b>DATE</b>	<b>PAGE #</b>	<b>VOL. #</b>
EXCEPTION CLAIMED: TITLE TO REAL PROPERTY)			
REPLY RE SUPPLEMENTAL BRIEF REGARDING THE STATUTES OF LIMITATIONS BARRING PLAINTIFF'S FIRST AMENDED COMPLAINT; AND JOINDER TO DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S REPLY IN SUPPORT OF ITS SUPPLEMENTAL POINTS AND AUTHORITIES TO COUNTERMOTIONS FOR SUMMARY JUDGMENT	07/13/2021	R 001694- R 001701	7
SUPPLEMENT TO DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; AND COUNTERMOTION FOR SUMMARY JUDGMENT	05/11/2021	R 001314- R 001360	6
SUPPLEMENTAL BRIEF REGARDING STATUTES OF LIMITATIONS BARRING PLAINTIFF'S FIRST AMENDED COMPLAINT; JOINDER TO SUPPLEMENTAL POINTS AND AUTHORITIES TO COUNTERMOTION FOR SUMMARY JUDGMENT BY DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-	06/16/2021	R 001457- R 001685	6, 7

DOCUMENT TITLE	DATE	PAGE #	VOL. #
THROUGH CERTIFICATES, SERIES 2007-BC3'S			
TRANSCRIPT OF HEARING HELD ON JULY 28, 2021	08/03/2021	R 001702- R 001708	7
VERIFIED COMPLAINT FOR: 1. WRONGFUL FORECLOSURE; 2. QUIET TITLE; 3. DECLARATORY RELIEF; 4. SLANDER OF TITLE; 5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND 6. FRAUD; VERIFIED COMPLAINT (ARBITRATION EXCEPTION CLAIMED: TITLE TO REAL PROPERTY)	06/18/2019	R 000001- R 000069	1

DATED this 28<sup>th</sup> day of March, 2022.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated below, I served a copy of the foregoing **RESPONDENTS' JOINT APPENDIX** upon the parties to the appeal, via the following service methods:

**BY UNITED STATES MAIL:** Holo Discovery, located at 3016 W. Charleston Blvd., Ste. 170, Las Vegas, Nevada 89102, at the direction of the undersigned, placed a copy of the foregoing document for collection and mailing, in a sealed envelope with postage fully prepaid addressed to:

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Tyrone Keith Armstrong  
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DATED this 28<sup>th</sup> day of March, 2022.

/s/ Kevin M. Sutehall  
\_\_\_\_\_  
Kevin M. Sutehall





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12 *Association, as Trustee for Structured Asset Securities*  
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14 *Series 2007-BC3*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 TYRONE KEITH ARMSTRONG,  
18  
19 Plaintiff,

20 vs.

21 U.S. BANK NATIONAL ASSOCIATION, as  
22 Trustee for Structured Asset Securities  
23 Corporation Mortgage Pass-Through  
24 Certificates, Series 2007-BC3; OCWEN  
25 LOAN SERVICING, LLC; PHH  
26 MORTGAGE CORPORATION; WESTERN  
27 PROGRESSIVE-NEVADA, INC.; BNC  
28 MORTGAGE, INC. DOES 1 through 20; ROE  
BUSINESS ENTITIES 1 through 20,  
Defendants

Case No. A-19-796941-C  
Dept.: 18

**NOTICE OF ENTRY OF ORDER**  
**DENYING PLAINTIFF'S**  
**AMENDED MOTION FOR PARTIAL**  
**SUMMARY JUDGMENT AND**  
**GRANTING DEFENDANTS'**  
**COUNTERMOTIONS FOR SUMMARY**  
**JUDGMENT ON STATUTES OF**  
**LIMITATIONS GROUNDS**

21 **PLEASE TAKE NOTICE** that an Order Denying Plaintiff's Amended Motion for Partial  
22 Summary Judgment and Granting Defendants' Countermotions for Summary Judgment on  
23 Statutes of Limitations Grounds, was entered in the above-entitled matter on August 25, 2021, a

24  
25 ///

26  
27 ///

1 copy of which is attached hereto.

2 DATED this 26<sup>th</sup> day of August, 2021.

3 **FOX ROTHSCHILD LLP**

4  
5 /s/ Kevin M. Sutehall

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12 *Asset Securities Corporation Mortgage Pass-Through*  
13 *Certificates, Series 2007-BC3*

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on the 26<sup>th</sup> day of August, 2021, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT AND GRANTING DEFENDANTS' COUNTERMOTIONS FOR SUMMARY JUDGMENT ON STATUTES OF LIMITATIONS GROUNDS** through the Court's electronic service system to the parties listed below:

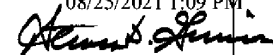
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Ocwen Loan Servicing, LLC,  
erroneously named; and Western  
Progressive-Nevada, Inc.*

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 26<sup>TH</sup> day of August, 2021.

/s/ \_\_\_\_\_  
An employee of FOX ROTHSCHILD LLP

  
CLERK OF THE COURT

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14 *Series 2007-BC3*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 TYRONE KEITH ARMSTRONG,  
18  
19 Plaintiff,

20 vs.

21 U.S. BANK NATIONAL ASSOCIATION, as  
22 Trustee for Structured Asset Securities  
23 Corporation Mortgage Pass-Through  
24 Certificates, Series 2007-BC3; OCWEN LOAN  
25 SERVICING, LCC; PHH MORTGAGE  
26 CORPORATION; WESTERN  
27 PROGRESSIVE-NEVADA, INC.; BNC  
28 MORTGAGE, INC., DOES 1 through 20; ROE  
BUSINESS ENTITIES 1 through 20,  
Defendants.

Case No.: A-19-796941-C  
Dept.: 18

**ORDER DENYING PLAINTIFF'S**  
**AMENDED MOTION FOR PARTIAL**  
**SUMMARY JUDGMENT AND**  
**GRANTING DEFENDANTS'**  
**COUNTERMOTIONS FOR SUMMARY**  
**JUDGMENT ON STATUTES OF**  
**LIMITATIONS GROUNDS**

20 The following motions came on for a hearing on June 2, 2021, at 10:00 a.m., before the above-  
21 entitled Court via Bluejeans Video Conferencing System: (1) Plaintiff Tyrone Keith Armstrong's  
22 ("Plaintiff's") Amended Motion for Partial Summary Judgment, filed April 5, 2021 ("Plaintiff's  
23 Amended MPSJ"); (2) Defendant U.S. Bank National Association, as Trustee for Structured Asset  
24 Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's ("U.S. Bank  
25 Trust's") Countermotion for Summary Judgment, filed April 19, 2021 ("U.S. Bank Trust's  
26 Countermotion"); and, (3) Defendants PHH Mortgage Corporation, PHH Mortgage Corporation,  
27 successor to Ocwen Loan Servicing, LLC, erroneously named ("PHH's") Countermotion for  
28 Summary Judgment, filed April 14, 2021 ("PHH's Countermotion") (U.S. Bank Trust and PHH may

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1 sometimes be referred to collectively as, “Defendants”). At the June 2, 2021 hearing, the Court  
2 considered, in addition to Plaintiff’s Amended MPSJ, U.S. Bank Trust’s Countermotion and PHH’s  
3 Countermotion, the following filings:

- 4 • PHH’s Opposition to Plaintiff’s Amended MPSJ (contained within the same filing as PHH’s  
5 Countermotion), filed April 14, 2021;
- 6 • U.S. Bank Trust’s Opposition to Plaintiff’s Amended MPSJ (contained within the same filing  
7 as U.S. Bank Trust’s Countermotion), filed April 19, 2021;
- 8 • PHH’s Joinder to both U.S. Bank Trust’s Opposition to Plaintiff’s MPSJ and U.S. Bank  
9 Trust’s Countermotion, filed April 19, 2021;
- 10 • U.S. Bank Trust’s Supplemental Opposition to Plaintiff’s Amended MPSJ, filed May 11,  
11 2021;
- 12 • Plaintiff’s Reply to U.S. Bank Trust’s Opposition to Plaintiff’s MPSJ and Opposition to U.S.  
13 Bank Trust’s Countermotion, filed May 12, 2021;
- 14 • Plaintiff’s Reply to PHH’s Opposition to Plaintiff’s MPSJ and Opposition to PHH’s  
15 Countermotion, filed May 12, 2021;
- 16 • U.S. Bank Trust’s Reply in Support of its Countermotion, filed May 19, 2021;
- 17 • PHH’s Joinder to U.S. Bank Trust’s Reply in Support of its Countermotion and Reply in  
18 Support of PHH’s Countermotion, filed May 19, 2021;
- 19 • U.S. Bank Trust’s Supplemental Reply in Support of its Countermotion, filed May 21, 2021;
- 20 • Plaintiff’s Supplemental Reply in Support of Plaintiff’s Amended MPSJ, filed May 29, 2021;
- 21 and
- 22 • All appendices, declarations, and exhibits to the foregoing.

23 At the June 2, 2021 hearing, the Court denied Plaintiff’s Amended MPSJ, finding the  
24 existence of genuine issues of material facts in dispute. At the same hearing, the Court withheld its  
25 determinations of U.S. Bank Trust’s Countermotion and PHH’s Countermotion, ordered the parties  
26 to submit supplemental briefing regarding the statutes of limitations, and continued the hearing to  
27 July 28, 2021.

1 On June 16, 2021, U.S. Bank Trust and PHH filed supplemental briefing regarding the statutes  
2 of limitations in further support of their respective Countermotions. On June 30, 2021, Plaintiff filed  
3 Supplemental Points and Authorities concerning U.S. Bank Trust's Countermotion and PHH's  
4 Countermotion. On July 13, 2021, U.S. Bank Trust and PHH filed supplemental briefing in reply to  
5 Plaintiff's supplemental responses. The Court conducted the continued hearing as scheduled, on July  
6 28, 2021, at 10:00 a.m., via BlueJeans Video Conferencing System.

7 The Court, having reviewed the pleadings and papers on file herein, and having heard the  
8 arguments of counsel and of Plaintiff, and good cause appearing, **FINDS AND ORDERS AS**  
9 **FOLLOWS.**

10 **THE COURT FINDS, AT MINIMUM, THE FOLLOWING FACTS TO BE**  
11 **UNDISPUTED:**

- 12 • Plaintiff filed his initial Complaint in this matter on June 18, 2019 (the "Complaint").  
13 The Complaint concerned a certain deed of trust recorded by lender, BNC Mortgage,  
14 Inc. ("BNC"), on January 25, 2007 (the "2007 Deed of Trust") against Plaintiff's real  
15 property located in Clark County, Nevada, which real property is commonly known  
16 as 3713 Brentcove Drive, North Las Vegas, Nevada 89032, with Clark County  
17 Assessor's Parcel Number 139-09-217-099 (the "Property"). See Complaint,  
18 generally, including at ¶¶ 10, 25, and 29.
- 19 • In the Complaint, Plaintiff alleged that, "On May 06, 2010, [Defendants] . . . interfered  
20 with Plaintiff's use of the Property and recorded a Notice of Default and Election to  
21 Sell as document number: 201005060002260 in the official records of Clark County,  
22 Nevada. The notice of default was premised on a promise to pay BNC. Said notice of  
23 default identified U.S. Bank as the beneficiary, Ocwen as the loan servicer and  
24 Western as the trustee." Complaint at ¶ 36. Plaintiff asserted that he suffered lack of  
25 sleep, anxiety, depression, lack of appetite and loss of productivity related to his  
26 employment as a result of the May 2010 non-judicial foreclosure proceedings. *Id.* at  
27 ¶ 37.

- On March 28, 2011, Plaintiff, by his own admission, sent a letter to Chase Home Finance, then servicer of the loan secured by the 2007 Deed of Trust (the “2007 Loan”), which letter addressed and described in detail, and objected to the authenticity and enforceability of, the 2007 Deed of Trust.
- Plaintiff filed his First Amended Complaint in this matter on February 27, 2021 (the “FAC”). Like the Complaint, the FAC concerned the authenticity and enforceability of the 2007 Deed of Trust. FAC at ¶ 16-17.
- Each of Plaintiff’s four causes of action in the FAC concerned the 2007 Deed of Trust and the 2007 Loan which it secured. *See generally* FAC.
- In the FAC, like in the Complaint, Plaintiff alleged that, “On May 06, 2010, [Defendants] interfered with Plaintiff’s use of the Property and recorded a Notice of Default and Election to Sell as document number. . .” FAC at ¶ 35.

**IT IS HEREBY ORDERED** that Plaintiff’s Amended MPSJ is denied, based on the existence of genuine issues of material facts in dispute;

**IT IS FURTHER ORDERED** that both U.S. Bank Trust’s Countermotion and PHH’s Countermotion are granted as further set forth below, in their entirety, and that the FAC is hereby dismissed with prejudice. The Court finds and holds that there exist no genuine issues of material facts in dispute which might otherwise preclude summary judgment in favor of Defendants and against Plaintiff on all of Plaintiff’s claims, and further finds and holds that both U.S. Bank Trust and PHH are entitled to summary judgment as a matter of law dismissing with prejudice each and every one of Plaintiff’s causes of action in the FAC.

**THE COURT FURTHER FINDS AND HOLDS** that the respective statutes of limitations applicable to Plaintiff’s causes of action in the FAC are between two and five years. Specifically, the statutes of limitations for those causes of action are as follows:

- Wrongful foreclosure: three or four years<sup>1</sup>;

---

<sup>1</sup> Whether the statute of limitations for a wrongful foreclosure claim is three or four years is immaterial for purposes of deciding Defendants’ Countermotions. For purposes of this Order, the Court presumes that the statute of limitations on Plaintiff’s wrongful foreclosure claim is four years.

- Quiet title: five years;
- Declaratory relief: four years; and,
- Slander of title: two years.

*See, e.g.*, U.S. Bank Trust's Countermotion and PHH's Countermotion, and supplemental/reply briefs in support thereof.

As verified above, **THE COURT SPECIFICALLY FINDS** that Plaintiff affirmatively alleged that he was emotionally and physically injured, and was deprived of the use of his Property, in May 2010, all as the result Defendants' alleged conduct arising from the existence of the 2007 Deed of Trust; and, that by his own admissions and allegations, Plaintiff was aware of Defendants' claims against his Property, arising from the 2007 Deed of Trust, more than nine years before he filed the Complaint seeking relief.

Accordingly, **THE COURT SPECIFICALLY HOLDS** that the statutes of limitations on all of Plaintiff's causes of action expired prior to the date on which Plaintiff filed the Complaint, June 18, 2019;

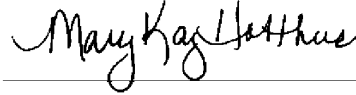
**THE COURT FURTHER HOLDS** that the statute of limitations applicable to a quiet title cause of action is triggered when, in this case, Plaintiff is either ejected from the Property *or* when the validity or legality of Plaintiff's ownership or possession of his Property is called into question; that the validity or legality of Plaintiff's ownership or possession of his Property was called into question in May 2010, per Plaintiff's own admissions and allegations in both the Complaint and the FAC; that Plaintiff's cause of action seeking to quiet his title or interest in the Property, in response to the existence and recording of the 2007 Deed of Trust, expired in May 2015; and, that the statutes of limitations applicable to each of Plaintiff's other cause of action in the FAC expired in or before May 2014;

Consistent with the foregoing, the temporary restraining order granted in favor of Plaintiff and against Defendants on June 28, 2019, and to the extent of any preliminary injunctions against foreclosure proceedings for which Plaintiff applied or suggested in the record, **BE AND ARE HEREBY LIFTED AND VACATED IN THEIR ENTIRETY.**



1           **IT IS SO ORDERED.**

Dated this 25th day of August, 2021

2  
3           

4 Submitted by:

5 **FOX ROTHSCHILD LLP**

**8A8 0BD E198 0C75**  
**Mary Kay Holthus**  
**District Court Judge**

6  
7 /s/ Kevin M. Sutehall

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Mortgage Pass-Through Certificates, Series 2007-BC3*

12  
13 Approved as to Form and Content:

14 DATED: August 12, 2021

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Corporation; PHH Mortgage Corporation,  
successor to Ocwen Loan Servicing, LLC,  
erroneously named; and Western Progressive-  
Nevada, Inc.*

21 DATED: August \_\_, 2021

22  
23 -Did Not Approve-

24 TYRONE KEITH ARMSTRONG  
25 PRO SE  
26  
27  
28

**From:** [Jeffrey S. Allison](#)  
**To:** [Sutehall, Kevin M.](#)  
**Cc:** [Grossman, John L.](#); [Loffredo, Doreen](#)  
**Subject:** RE: [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs  
**Date:** August 12, 2021 8:41:04 AM

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Confirmed. Thanks.

Jeffrey S. Allison

Senior Attorney

**HOUSER** LLP

9970 Research Drive, Irvine, CA 92618

P: (949) 679-1111 F: (949) 679-1112

[www.houser-law.com](http://www.houser-law.com)

Offices in Arizona, California, Connecticut, Massachusetts,  
Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon & Washington

Admitted to Practice in California & Nevada.

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**From:** Sutehall, Kevin M. [<mailto:KSutehall@foxrothschild.com>]  
**Sent:** Thursday, August 12, 2021 8:25 AM  
**To:** Jeffrey S. Allison <[jallison@houser-law.com](mailto:jallison@houser-law.com)>  
**Cc:** Grossman, John L. <[JGrossman@foxrothschild.com](mailto:JGrossman@foxrothschild.com)>; Loffredo, Doreen  
<[dloffredo@foxrothschild.com](mailto:dloffredo@foxrothschild.com)>  
**Subject:** FW: [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs

Jeff—we plan to make the correction to the property's APN on page 3 and reject all of Armstrong's other revisions and "corrections" within the attached, and we will submit that proposed order to the Court this morning. I presume you are ok with us submitting the same draft that we circulated to you and Armstrong yesterday with the APN corrected but please confirm anyway. Thanks.

Kevin

**Kevin Sutehall**

Counsel

**Fox Rothschild LLP**

One Summerlin

1980 Festival Plaza Drive, Suite 700

Las Vegas, NV 89135

(702) 699-5925 - direct

(702) 597-5503 - fax

[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

---

**From:** Tyrone Armstrong <[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)>  
**Sent:** August 11, 2021 7:40 PM  
**To:** Sutehall, Kevin M. <[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)>  
**Cc:** Jeffrey S. Allison <[jallison@houser-law.com](mailto:jallison@houser-law.com)>; Grossman, John L. <[JGrossman@foxrothschild.com](mailto:JGrossman@foxrothschild.com)>; Loffredo, Doreen <[dloffredo@foxrothschild.com](mailto:dloffredo@foxrothschild.com)>  
**Subject:** [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs

PLAINTIFF'S FIRST AMENDED RED-LINED DRAFT OF ORDER OF 7/28/2021

Mr. Sutehall,

This correspondence amends and supersedes the email and attachments I sent to you today at 7:11pm (pst). Attached is your draft of the Order of the hearing of July 28, 2021 with my red-lined corrections.

Pg. 3, line 17: the parcel number is missing a digit;

Pg. 4, lines 1-2: This letter was drafted and sent on behalf of Plaintiff, and some errors were contained therein;

Pg. 4, lines 7-9: the allegations of lack of sleep, anxiety, depression, lack of appetite and loss of productivity related to employment were in support of Plaintiff's claim of Intentional Infliction of Emotional Distress, was set aside by Plaintiff, and not correlated to the issue of title to real property;

Pg. 4, lines 17-23: The Court made no oral or express findings that granted U.S. Bank's counterclaims.

Pg. 5, lines 8-9: the allegations of lack of sleep, anxiety, depression, lack of appetite and loss of productivity related to employment were in support of Plaintiff's claim of Intentional Infliction of Emotional Distress, was set aside by Plaintiff, and not correlated to the issue of title to real property;

Pg. 5, line 25 to Pg. 6, lines 1-4: Cited relevant portion of Berberich in the findings.

Pg. 6, lines 8-10: I intend to ask the Court to amend the judgment once the Order is entered and/or appeal with a contemporaneous motion to stay. The lis pendens should remain in place pending reconsideration or appeal or I will re-petition in the appellate courts to keep it in place. I have a highly likely chance of success on the merits because the Court appears to have overlooked an essential portion of Berberich that indicates:

"Consistent [\*\*7] with this understanding of NRS 11.080, the limitations period is triggered when the plaintiff is ejected from the property or has had the validity or legality of his or her ownership or possession of the property called into question. *See, e.g., Salazar v. Thomas*, 236 Cal. App. 4th 467, 186 Cal. Rptr. 3d 689, 695 (Ct. App. 2015) (discussing the general rule in California, which has a statute almost identical to NRS 11.080, see Cal. Civ. Proc. Code § 318, that "whether a statute of limitations bars an action to quiet title may turn on whether the plaintiff is in *undisturbed* possession of the land" (quoting *Mayer v. L&B Real*

*Estate*, 43 Cal. 4th 1231, 78 Cal. Rptr. 3d 62, 185 P.3d 43, 46 (Cal. 2008))). "[M]ere notice of an adverse claim is not enough to commence the owner's statute of limitations." *Id.* at 696; *see also Crestmar Owners Ass'n v. Stapakis*, 157 Cal. App. 4th 1223, 69 Cal. Rptr. 3d 231, 234 (Ct. App. 2007) ("[T]he statute of limitations for an action to quiet title does not begin to run until someone presses an adverse claim against the person holding the property."). Thus, for example, **a notice of default issued on a deed of trust has been found insufficient to dispute an owner's possession** because it does "not call into question the validity of [the owner's] control of the property" or "indirectly question [the owner's] control of the property by asserting [someone else] was entitled to possess the [property]." *Salazar*, 186 Cal. Rptr. 3d at 698."

Berberich v. Bank of Am., N.A., 460 P.3d 440, 443, 2020 Nev. LEXIS 10, \*6-7, 136 Nev. Adv. Rep. 10 (Nev. March 26, 2020)

Sincerely,  
Tyrone K. Armstrong  
*Plaintiff Pro Se*

On Wed, Aug 11, 2021 at 2:12 PM Sutehall, Kevin M. <[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)> wrote:

Mr. Allison and Mr. Armstrong,  
Attached is a draft order concerning the Court's ruling on the parties' respective motions for summary judgment. Please provide your comments and/or proposed revisions, if any, or alternatively your approval to the form of the order, by the close of business tomorrow, August 12, 2021. We intend to submit the proposed order to the Court on Friday at the latest.  
Kevin

**Kevin Sutehall**  
Counsel  
**Fox Rothschild LLP**  
One Summerlin  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, NV 89135  
(702) 699-5925 - direct  
(702) 597-5503 - fax  
[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)  
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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5	
6 Tyrone Armstrong, Plaintiff(s)	CASE NO: A-19-796941-C
7 vs.	DEPT. NO. Department 18
8 US Bank National Association,	
9 Defendant(s)	

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 8/25/2021

16 Kevin Sutehall	ksutehall@foxrothschild.com
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22 John Grossman	jgrossman@foxrothschild.com
24 Tyrone Armstrong	performanceoneautomotive@gmail.com
25 Doreen Loffredo	dloffredo@foxrothschild.com
26 Melanie Thomas	Melanie.Thomas@lewisbrisbois.com

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Darren Brenner

dbrenner@wrightlegal.net



1 **NOAS**

2 **TYRONE KEITH ARMSTRONG**

3 3713 Brentcove Drive

4 North Las Vegas, Nevada 89032

5 Telephone: (702) 491-8426

6 Email: [performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)

7 *Plaintiff Pro Se*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **TYRONE KEITH ARMSTRONG,** )

Case No: A-19-796941-C

11 )  
12 Plaintiff, )

Dept No: XVIII

13 vs. )

14 )  
15 **U.S. BANK NATIONAL** )  
16 **ASSOCIATION, as Trustee for** )  
17 **Structured Asset Securities** )

18 **Corporation Mortgage Pass-Through** )  
19 **Certificates, Series 2007-BC3;** )  
20 **OCWEN LOAN SERVICING, LLC;** )  
21 **PHH MORTGAGE CORPORATION;** )

22 **WESTERN PROGRESSIVE-** )  
23 **NEVADA, INC.; DOES 1 through 20;** )  
24 **and ROE BUSINESS ENTITIES 1** )  
25 **through 20;** )

26 **Defendants.** )

27 **NOTICE OF APPEAL**

28 **TO: ALL PARTIES AND THEIR COUNSELS OF RECORD:**



1 NOTICE IS HEREBY GIVEN that Plaintiff Pro Se, Tyrone Keith  
2 Armstrong ("Plaintiff-Appellant"), hereby appeals to the Supreme Court of the  
3 State of Nevada from the *Order Denying Plaintiff's Motion for Partial Summary*  
4 *Judgment and Granting Defendant's Countermotions for Summary Judgment of*  
5 *Statutes of Limitations Grounds* entered in this action on August 25, 2021 (Notice  
6 of Entry of Order filed August 26, 2021).  
7  
8

9 Pursuant to the Order to Proceed in Forma Pauperis entered herein on  
10 December 22, 2020,<sup>1</sup> Plaintiff-Appellant is exempt from payment of fees and  
11 respectfully moves to proceed on appeal without payment of filing fees.  
12

13 **DATED** this 15<sup>th</sup> day of September, 2021.  
14

15 By: /s/ Tyrone K. Armstrong  
16 TYRONE K. ARMSTRONG  
17 3713 Brentcove Drive  
18 North Las Vegas, Nevada 89032  
19 (702) 491-8426  
20 performanceoneautomotive@gmail.com  
21 *Plaintiff Pro Se*  
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28 <sup>1</sup> Order to Proceed in Forma Pauperis attached as Exhibit 1.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of September, 2021, I served a true and correct copy of the foregoing *Notice of Appeal*, via the Court designated electronic service and/or U.S. Mail, first class postage prepaid, addressed to the following:

HOUSER, LLP  
Jeffrey S. Allison, Esq.  
6671 S. Las Vegas Boulevard  
Las Vegas, Nevada 89119  
Email: [jallison@houser-law.com](mailto:jallison@houser-law.com)  
*Attorney for:*  
*Ocwen Loan Servicing, LLC;*  
*PHH Mortgage Corporation;*  
*Western Progressive-Nevada, Inc.*

FOX ROTHSCHILD, LLP  
Kevin M. Sutehall, Esq.  
John L. Grossman, Esq.  
1980 Festival Plaza Drive Ste. 700  
Las Vegas, Nevada 89135  
[ksutehall@foxrothschild.com](mailto:ksutehall@foxrothschild.com)  
[jgrossman@foxrothschild.com](mailto:jgrossman@foxrothschild.com)  
*Attorneys for U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3*

By: /s/ Tyrone K. Armstrong  
TYRONE K. ARMSTRONG  
3713 Brentcove Drive  
North Las Vegas, Nevada 89032  
(702) 491-8426  
[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)  
*Plaintiff Pro Se*

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# EXHIBIT 1

OIFP

Name: Tyrone Keith Armstrong  
Address: 3713 Brentcove Drive  
City, State, Zip: N. Las Vegas, NV  
Phone: (702) 491-8426  
Email: performanceoneautomotive  
Self-Represented

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Tyrone K. Armstrong  
Plaintiff,  
vs.  
U.S. Bank, N.A., et. al.  
Defendant.

CASE NO.: A-19-796941-C  
DEPT: XVIII

**Order to Proceed in Forma Pauperis**

Upon consideration of the movant's Application to Proceed in Forma Pauperis, and it appearing that there is not sufficient income, property, or resources with which to maintain the action, and good cause appearing therefore:

**IT IS HEREBY ORDERED** that (name) Tyrone Keith Armstrong shall be permitted to proceed In Forma Pauperis with this action pursuant to the terms of this Order.

**IT IS FURTHER ORDERED** that if the above-named party prevails in this action, the Court shall enter an order pursuant to NRS 12.015 requiring the opposing party to pay the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

**IT IS FURTHER ORDERED** that the above-named party shall be permitted to commence or defend the action without costs. The Clerk of Court shall file or issue any necessary writ, process, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that this Order shall not apply to costs for transcripts or recordings of court proceedings. A separate application and order shall be required to waive any such fees.

**IT IS FURTHER ORDERED** that this Order shall expire one year from the date the Order is filed. The party shall be required to reapply for any further waiver after this Order expires.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Dated this 22nd day of December, 2020

*Mary Kay Holthus*

DISTRICT COURT **BBB/07E 3737 1046**  
**Mary Kay Holthus**  
District Court Judge

Respectfully Submitted:

(Signature) \_\_\_\_\_

(Printed Name) Tyrone Keith Armstrong

In Proper Person

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5	
6 Tyrone Armstrong, Plaintiff(s)	CASE NO: A-19-796941-C
7 vs.	DEPT. NO. Department 18
8 US Bank National Association,	
9 Defendant(s)	

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 12/22/2020

16 Kevin Sutehall	ksutehall@foxrothschild.com
17 Jeffrey Allison	jallison@houser-law.com
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22 Doreen Loffredo	dloffredo@foxrothschild.com
23 John Grossman	jgrossman@foxrothschild.com
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