

DENNIS K. BAHAM
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APPELLANT IN PRO PER

FILED

JUL 07 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS BAHAM, an individual,

Appellant,

v.

BAYVIEW LOAN SERVICING, LLC, a
Foreign Limited Liability Company; FIRST
AMERICAN TRUSTEE SERVICING
SOLUTIONS, L.L.C., a Foreign Limited
Liability Company; and BANK OF NEW
YORK MELLON f/k/a THE BANK OF
NEW YORK AS TRUSTEE FOR THE
CERTIFICATE HOLDERS OF CWALT,
INC., ALTERNATIVE LOAN TRUST 2005-
2, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-2,

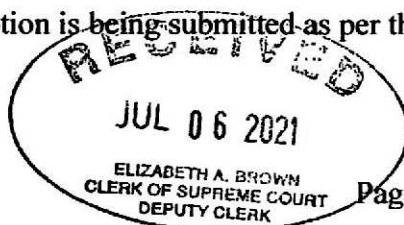
Respondent,

SUPREME COURT NO. 82621


DISTRICT COURT NO. A795762

MOTION FOR RECONSIDERATION

COMES NOW, Appellant, Dennis Baham, Pro per, who submits its Motion For Reconsideration from the Courts's Order filed and entred on April 16, 2021 removing First American Trustee Servicing Solutions (FATSS) from the caption. The Courts's order has failed to consider the fact that the lower court has not issued an order removing (FATSS) from this action. This motion is being submitted as per the Nevada Rues of Civil Practice.



Dated this 30th day of June, 2021

By: 
Dennis Baham
6017 Guild Court
Las Vegas, Nevada 89131
Appellant in Pro per

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

First American Trustee Servicing Solution, the Trustee in this action filed a declaration of non-monetary status to Baham's Amended complaint on June 18, 2020 per this court pursuant to NRS 107.029(5). although Baham as a pro per misunderstood the rule, FATSS did not or has not filed any pleading with District Court to be properly removed from this action. On March 15, 2021, FATSS files a motion with this court to be removed from this action with out requesting approval from the lower court first.

II. FACTS

The facts of First American Trustee Servicing Solutions actions are detailed as follows, FATSS filed a declaration of non-monetary status to Baham's Amended Complaint on June 18, 2020. Baham did not file an objection to the declaration and FATSS did and has not filed any pleading with the lower court to get approval to be removed from this action. (There is no order on record from the lower court)

FATSS then files a motion with this court to be removed from this action and failed to provide proof of service to Baham so he could timely respond their motion.

This court in its order is penalizing Baham for not filing an opposition when in fact, FATSS did not provide Baham with proof of service to their motion to removed from this case. It is impossible for Baham to meet a timely dead line when he was never provided proof of service as per the Nevada Rules of Appellate Procedure.

III. LEGAL STANDARD

Under the Nevada Rules of Appellate Procedure proof of service must be attached to the filing. **Rule 25 (5)(d)(1) states as follows:**

(d) Proof of Service.

(1) Papers presented for filing shall contain either of the following:

(A) personal, including delivery of the copy to a clerk or other responsible person at the counsel office.

(B) proof of service in the form of a statement by the person who made service certfying: (i) the date and manner of service;

(ii) the names of the persons served; and

(iii) the mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.

Counsel For FATSS failed to provide any proof of service to Appellant Baham as per the NRAP. The Clerk of Court also errored as per **NRAP Rule 25 (d)(3)**

(3) The clerk may permit papers to be filed without acknowledgment or proof of service but shall require such to be filed promptly thereafter. The court will not take any action on any such papers, including requests for ex parte relief, until an acknowledgment or proof of service is filed.

IV. CONCLUSION

Based on the foregoing, Baham request that the Court reconsider its order removing FATSS from this action based on the facts and the rule of law.

DATED this 30th day of June, 2021.

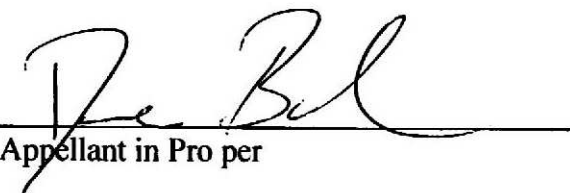
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June, 2021, I caused a true and correct copy of the foregoing **MOTION FOR RECONSIDERATION** to be served by mailing it by first class mail with sufficient postage prepaid to the following:

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Appellant in Pro per