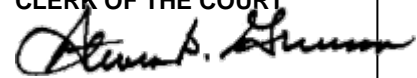


ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

Electronically Filed
11/10/2021 11:20 AM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Nov 18 2021 08:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**
2 **ROGER P. CROTEAU, ESQ.**
3 Nevada Bar No. 4958
4 **CHRISTOPHER L. BENNER, ESQ.**
5 Nevada Bar No. 8963
6 **ROGER P. CROTEAU & ASSOCIATES, LTD**
7 2810 W. Charleston Blvd., Ste. 75
8 Las Vegas, Nevada 89102
9 (702) 254-7775 (telephone)
10 (702) 228-7719 (facsimile)
11 croteaulaw@croteaulaw.com
12 chris@croteaulaw.com
13 *Attorneys for Plaintiff*

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

13 **DAISY TRUST, a Nevada trust,**
14 **Plaintiff,**

15 vs.

16 **SUNRISE RIDGE MASTER**
17 **HOMEOWNERS ASSOCIATION; and**
18 **NEVADA ASSOCIATION SERVICES,**
19 **INC., a Nevada non-profit corporation,**

20 **Defendants.**

Case No. A-19-790395-C
Dept No. 18

NOTICE OF APPEAL

21 //
22 //
23 //
24 //
25 //
26 //

1 NOTICE IS HEREBY GIVEN that Plaintiff DAISY TRUST, by and through its attorneys,
2 Roger P. Croteau & Associates, Ltd., hereby appeals to the Supreme Court of Nevada the Order
3 Granting Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss and
4 Defendant Nevada Association Services' Joinder thereto, and all rulings and interlocutory orders
5 giving rise to or made appealable by the final judgment.
6

7 Dated November 10, 2021.

8 ROGER P. CROTEAU & ASSOCIATES, LTD.

9 /s/ Christopher L. Benner

10 Roger P. Croteau, Esq.

11 Nevada Bar No. 4958

12 Christopher L. Benner, Esq.

13 Nevada Bar No. 8963

14 2810 W. Charleston Blvd., Suite 75

15 Las Vegas, Nevada 89102

16 *Plaintiff Daisy Trust*
17
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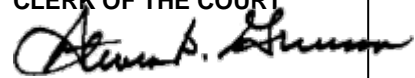
ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2021, I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle

An employee of ROGER P. CROTEAU & ASSOCIATES, LTD.



ASTA
ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
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(702) 254-7775 (telephone)
(702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
chris@croteaulaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

DAISY TRUST, a Nevada trust,

Plaintiff,

vs.

SUNRISE RIDGE MASTER
HOMEOWNERS ASSOCIATION; and
NEVADA ASSOCIATION SERVICES,
INC., a Nevada non-profit corporation,

Defendants.

Case No. A-19-790395-C
Dept No. 18

CASE APPEAL STATEMENT

Plaintiff Daisy Trust, by and through their attorneys, Roger P. Croteau & Associates, Ltd.,
submits its Case Appeal Statement.

1. Name of appellant filing this case appeal statement:

Daisy Trust

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Mary Kay Holthus

**3. Set forth the name, law firm, address, and telephone number of all counsel on appeal
and identify the party or parties whom they represent:**

a. Daisy Trust

Roger P. Croteau, Esq.
Christopher L. Benner, Esq.
Roger P. Croteau & Associates, Ltd.
2810 West Charleston Blvd., #75
Las Vegas, Nevada 89102
(702) 254-7775

4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):**

a. Nevada Association Services ("NAS")

Respondent's appellate counsel is unknown at this time but will presumably be Respondent's trial counsel.

BRANDON E. WOOD, ESQ.
6625 S. Valley View Blvd, Suite 300
Las Vegas, Nevada 89118

b. Sunrise Ridge Master Homeowner's Association ("Sunrise")

Respondent's appellate counsel is unknown at this time but will presumably be Respondent's trial counsel.

J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):**

N/A

6. **Indicate whether appellant was represented by appointed or retained counsel in the district court:**

Retained counsel.

7. **Indicate whether appellant is represented by appointed or retained counsel on appeal:**

Retained counsel.

8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

N/A

9. **Indicate the date the proceedings commenced in the district court, e.g., date complaint, indictment, information, or petition was filed:**

The original Complaint in this matter was filed on March 1, 2019 in the Eighth Judicial District Court of the State of Nevada in and for Clark County, Nevada, Case No. A-19-790395-C.

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

The instant action relates to Daisy Trust's claim for damages against Sunrise and NAS stemming from an allegation of intentional or, alternatively, negligent misrepresentation on the part of the Sunrise and NAS in failing to disclose to Daisy Trust, upon request, whether or not a superpriority payment had been made or tendered to Sunrise, prior to NAS conducting a non-judicial foreclosure sale of the real property identified as 3883 Winter Whitetail Street, Las Vegas, Nevada 89122 (APN 161-15-811-066). Daisy Trust's claims also allege breach of the duty of good faith, conspiracy, statutory violations on the part of Sunrise and NAS under NRS 113, and unjust enrichment.

After briefing by the Parties, the District Court granted Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss or Alternatively, Motion for

Summary Judgment (“Motion”) and NAS’ Joinder thereto on September 1, 2021. The Notice of Entry of Order Granting the Motion was filed and served on October 12, 2021.

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

N/A.

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

N/A

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

Appellant believes that the possibility of settlement exists.

Dated this 10th day of November, 2021.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher L. Benner

Roger P. Croteau, Esq.

Nevada Bar No. 4958

Christopher L. Benner, Esq.

Nevada Bar No. 8963

2810 W. Charleston Blvd., Suite 75

Las Vegas, Nevada 89102

Attorneys for Plaintiff

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

CERTIFICATE OF SERVICE

I hereby certify that on November 10th, 2021 I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle

An employee of

ROGER P. CROTEAU & ASSOCIATES, LTD.

CASE SUMMARY**CASE NO. A-19-790395-C****Daisy Trust, Plaintiff(s)****vs.****Sunrise Ridge Master Homeowners Association, Defendant
(s)**§
§
§
§
§Location: **Department 18**Judicial Officer: **Holthus, Mary Kay**Filed on: **03/01/2019**Cross-Reference Case **A790395**

Number:

CASE INFORMATION**Statistical Closures**

10/12/2021 Summary Judgment

Case Type: **Intentional Misconduct**Case
Status: **10/12/2021 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

| | |
|------------------|-------------------|
| Case Number | A-19-790395-C |
| Court | Department 18 |
| Date Assigned | 03/01/2019 |
| Judicial Officer | Holthus, Mary Kay |

PARTY INFORMATION**Plaintiff****Daisy Trust***Lead Attorneys***Croteau, Roger P, ESQ***Retained*

702-254-7775(W)

Defendant**Nevada Association Services, Inc.**

Removed: 10/12/2021

Dismissed

Wood, Brandon E.*Retained*

702-804-8885(W)

Sunrise Ridge Master Homeowners Association**Ebert, John William***Retained*

702-382-1500(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

03/01/2019



Complaint

Filed By: Plaintiff Daisy Trust

[1] Complaint

03/01/2019



Initial Appearance Fee Disclosure

Filed By: Plaintiff Daisy Trust

[2] Initial Appearance Fee Disclosure

03/01/2019



Summons Electronically Issued - Service Pending

Party: Plaintiff Daisy Trust

[3] Summons - HOA

03/01/2019



Summons Electronically Issued - Service Pending

Party: Plaintiff Daisy Trust

[4] Summons

03/07/2019



Affidavit of Service

Filed By: Plaintiff Daisy Trust

CASE SUMMARY

CASE NO. A-19-790395-C

[5] Affidavit of Service - HOA

03/07/2019



Affidavit of Service

Filed By: Plaintiff Daisy Trust

[6] Affidavit of Service

04/09/2019



Initial Appearance Fee Disclosure

Filed By: Defendant Sunrise Ridge Master Homeowners Association

[7] Sunrise Ridge Master Homeowners Association's Initial Appearance Fee Disclosure

04/09/2019



Motion to Dismiss-Alternative Mtn Partial Summary Judgment

Filed By: Defendant Sunrise Ridge Master Homeowners Association

[8] Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

04/09/2019



Clerk's Notice of Hearing

[9] Notice of Hearing

04/12/2019



Joinder

[10] Nevada Association Services, Inc.'s Joinder to Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

04/12/2019



Initial Appearance Fee Disclosure

Filed By: Defendant Nevada Association Services, Inc.

[11] Initial Appearance Fee Disclosure (NRS Chapter 19)

04/30/2019



Notice of Non Opposition

Filed By: Defendant Sunrise Ridge Master Homeowners Association

[12] Sunrise Ridge Master Homeowners Association's Notice of Non-Opposition to its Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

05/01/2019



Notice of Withdrawal

Filed by: Defendant Sunrise Ridge Master Homeowners Association

[13] Sunrise Ridge Master Homeowners Association's Notice of Withdrawal of Notice of Non-Opposition to its Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

05/09/2019



Notice of Rescheduling

[14] Notice of Rescheduling

05/28/2019



Stipulation and Order

Filed by: Plaintiff Daisy Trust

[15] Stipulation and Order to Continue

05/28/2019



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Daisy Trust

[16] Notice of Entry of Order

06/02/2019



Opposition to Motion

Filed By: Plaintiff Daisy Trust

[17] Plaintiff's Opposition to Sunrise Ridge Master Homeowners Association's Motion to Dismiss

07/10/2019



Reply in Support

Filed By: Defendant Sunrise Ridge Master Homeowners Association

CASE SUMMARY

CASE NO. A-19-790395-C

[18] Defendant Sunrise Ridge Master Homeowners Association's Reply in Support of Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

09/23/2019



Stipulation and Order

Filed by: Plaintiff Daisy Trust

[19] Stipulation and Order to Continue Hearing

12/17/2019



Stipulation and Order

Filed by: Plaintiff Daisy Trust

[20] Stipulation and Order to Continue Hearing

12/17/2019



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Daisy Trust

[21] Notice of Entry of Stipulation and Order to Continue Hearing

04/03/2020



Supplement

Filed by: Defendant Sunrise Ridge Master Homeowners Association

[22] Defendant Sunrise Ridge Master Homeowners' Supplement to Motion to Dismiss, or Alternatively Motion for Partial Summary Judgment

05/01/2020



Supplement to Opposition

Filed By: Plaintiff Daisy Trust

[23] Supplement to Opposition to Sunrise Ridge Master Homeowners' Motion to Dismiss, or Alternatiely, Motion for Partial Summary Judgment

05/07/2020



Notice of Rescheduling

[24] NOTICE OF RESCHEDULING OF TIME ONLY FOR HEARING AND FORMAL REQUEST TO APPEAR TELEPHONICALLY FOR CIVIL LAW AND MOTION CALENDAR: WEDNESDAY, MAY 13, 2020 AT 10:00 a.m.

05/27/2020



Motion to Amend Complaint

Filed By: Plaintiff Daisy Trust

[25] Motion to Amend Complaint

05/27/2020



Clerk's Notice of Hearing

[26] Notice of Hearing

06/10/2020



Opposition

Filed By: Defendant Sunrise Ridge Master Homeowners Association

[27] Defendant Sunrise Ridge Master Homeowners Association's Opposition to Plaintiff's Motion to Amend Complaint

06/15/2020



Reply in Support

Filed By: Plaintiff Daisy Trust

[28] Reply in Support of Motion to Amend Complaint

06/25/2020



Notice of Rescheduling

[29] NOTICE OF RESCHEDULING OF TIME ONLY FOR HEARING AND FORMAL REQUEST TO APPEAR TELEPHONICALLY FOR CIVIL LAW AND MOTION CALENDAR: WEDNESDAY, JULY 1, 2020 AT 10:00 a.m.

10/13/2020



Order Denying Motion

Filed By: Plaintiff Daisy Trust

[30] Order Denying Motion to Dismiss, Or in the Alternatively, Motion For Partial Summary Judgment; And (2) Granting in Part and Denying In Part Motion to Amend Complaint

CASE SUMMARY

CASE NO. A-19-790395-C

| | |
|------------|--|
| 10/14/2020 |  Notice of Entry of Order Filed By: Plaintiff Daisy Trust <i>[31] Notice of Entry of Order</i> |
| 11/24/2020 |  Filing Fee Remittance <i>[32] Filing Fee Remittance</i> |
| 06/14/2021 |  First Amended Complaint Filed By: Plaintiff Daisy Trust <i>[33] First Amended Complaint</i> |
| 06/28/2021 |  Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Defendant Sunrise Ridge Master Homeowners Association <i>[34] Defendant Sunrise Ridge Homeowners' Association's Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment</i> |
| 06/29/2021 |  Clerk's Notice of Hearing <i>[35] Notice of Hearing</i> |
| 06/30/2021 |  Joinder To Motion Filed By: Defendant Nevada Association Services, Inc. <i>[36] Nevada Association Services, Inc.'s Joinder to Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment</i> |
| 07/12/2021 |  Opposition Filed By: Plaintiff Daisy Trust <i>[37] OPPOSITION TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION MOTION TO DISMISS PLAINTIFF S FIRST AMENDED COMPLAINT, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR NRCP 56 (D) RELIEF</i> |
| 08/25/2021 |  Reply in Support Filed By: Defendant Sunrise Ridge Master Homeowners Association <i>[38] Defendant Sunrise Ridge Homeowners' Association's Reply in Support of Its Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment</i> |
| 10/12/2021 |  Order Granting <i>[39] Order Granting Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment, and Defendant Nevada Association Services' Joinder Thereto</i> |
| 10/12/2021 |  Notice of Entry of Order Filed By: Defendant Sunrise Ridge Master Homeowners Association <i>[40] Notice of Entry of Order Granting Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment, and Defendant Nevada Association Services' Joinder Thereto</i> |
| 11/10/2021 |  Notice of Appeal Filed By: Plaintiff Daisy Trust <i>[41] Notice of Appeal</i> |
| 11/10/2021 |  Case Appeal Statement <i>[42]</i> |

CASE SUMMARY

CASE NO. A-19-790395-C

DISPOSITIONS

- 10/12/2021 **Summary Judgment** (Judicial Officer: Holthus, Mary Kay)
Debtors: Daisy Trust (Plaintiff)
Creditors: Sunrise Ridge Master Homeowners Association (Defendant)
Judgment: 10/12/2021, Docketed: 10/13/2021
- 10/12/2021 **Order of Dismissal With Prejudice** (Judicial Officer: Holthus, Mary Kay)
Debtors: Daisy Trust (Plaintiff)
Creditors: Sunrise Ridge Master Homeowners Association (Defendant), Nevada Association Services, Inc. (Defendant)
Judgment: 10/12/2021, Docketed: 10/13/2021

HEARINGS

- 07/17/2019 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
07/17/2019, 09/18/2019
Defendant Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment
Matter Continued;
Matter Settled;
Matter Continued;
Matter Settled;
- 07/17/2019 **Joinder** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
07/17/2019, 09/18/2019
Events: 04/12/2019 Joinder
Nevada Association Services, Inc.'s Joinder to Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment
Matter Continued;
Matter Settled;
Matter Continued;
Matter Settled;
- 07/17/2019  **All Pending Motions** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
Matter Continued;
Journal Entry Details:
DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC.'S JOINDER TO SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT Mr. Croteau noted the other case was in federal court and the didn't bring action; therefore, counsel would like to wait and see if matter was appealed. Following colloquy, Ms. Hummel indicated they had another week left; therefore, requested matter continued for 30-45 days. COURT SO ORDERED. 9/18/19 9:00 AM CONTINUED: DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC.'S JOINDER TO SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT;
- 09/18/2019 **Status Check** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
Status Check: Federal Case; Motion to Dismiss and Joinder to be reset after Federal Case is resolved
Matter Settled;
- 09/18/2019  **All Pending Motions** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
Matter Settled;
Journal Entry Details:
STATUS CHECK: FEDERAL CASE; MOTION TO DISMISS AND JOINDER TO BE RESET AFTER FEDERAL CASE IS RESOLVED DEFENDANT SUNRISE RIDGE MASTER

CASE SUMMARY

CASE No. A-19-790395-C

HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT NEVADA ASSOCIATION SERVICES, INC.'S JOINDER TO SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT Court noted it received a stipulation and order to continue for settlement documents. Mr. Woods noted that was not from his office. COURT ORDERED, matter SET for status check, settlement documents. Stipulation and Order SIGNED IN OPEN COURT. 10/30/19 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS;

10/30/2019



Status Check (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
10/30/2019, 12/04/2019, 01/22/2020

STATUS CHECK: SETTLEMENT DOCUMENTS

Matter Continued;

Matter Continued;

Matter Continued;

Journal Entry Details:

Mr. Croteau indicated the case had been updated and was not settled; therefore, he requested the matter be set for argument due to not being resolved at the federal level. Further, Mr. Croteau noted the Court would need to proceed with the instant case and a date could be set for argument on the brief. Colloquy between parties. Following colloquy, COURT ORDERED, matter SET for argument. 3/11/20 9:00 AM ARGUMENT;

Matter Continued;

Matter Continued;

Matter Continued;

Journal Entry Details:

Parties not present. COURT ORDERED, matter CONTINUED. 1/22/20 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS;

Matter Continued;

Matter Continued;

Matter Continued;

Journal Entry Details:

Mr. Croteau indicated he spoke with the builder and was now waiting on settlement information; therefore, requested matter be continued. Mr. Croteau requested a 30 days continuance. COURT SO ORDERED. 12/4/19 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS;

03/11/2020



Argument (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

ARGUMENT: BRIEFING

Briefing Schedule Set;

Journal Entry Details:

Statements by Mr. Wong requesting that the Court strike the dismissal of Plaintiff's Complaint. Court noted if striking the dismissal of first cause of action, not looking to kick out the whole case. Colloquy between parties. Mr. Croteau indicated if the was the case, he would like to supplement his response. Following colloquy, COURT ORDERED the following Briefing Schedule: Mr. Wong to file Supplement Brief by April 3, 2020, Mr. Croteau to file Response by May 1, 2020, and matter CONTINUED for Argument. 5/13/20 9:00 AM ARGUMENT: SUPPLEMENTAL BRIEF;

05/13/2020



Argument (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

Briefing Schedule Set;



Journal Entry Details:

Roger Croteau, Esq. and Jonathan Wong, Esq. via Bluejeans video conference. Mr. Croteau indicated a Joinder was filed by Nevada Association Service on April 12, 2020. Statements by Mr. Wong. Arguments by Mr. Croteau. Colloquy between parties. Court advised parties it previously found there wasn't any duty and agreed that there can't be any conspiracy at the instant point; additionally, Court believed if there was an affirmative misrepresentation it would be a different story, which is somewhat being raised at the instant hearing. Statements by Mr Croteau. Mr. Wong indicated it might be beneficial if the Court would take the instant matter under advisement to read transcripts. Colloquy between parties. Following colloquy, Court advised it would give Mr. Croteau an opportunity to submit an Opposition and Mr. Wong could respond with his take on the matter, which could possibly turn into a summary judgment; however, Court noted it kind of ruled on the same thing before, but had also found affirmative representation on some level. Mr. Croteau accepted the opportunity given by the

CASE SUMMARY

CASE NO. A-19-790395-C

Court. COURT ORDERED the following Briefing Schedule: Mr. Croteau to file Brief by May 27, 2020, Mr. Wong to file Response by June 10, 2020, Mr. Croteau to file Reply by June 15, 2020, and matter CONTINUED for Argument. Mr. Wong to prepare the Order and submit to opposing counsel for approval as to form and content. 6/24/20 10:00 AM ARGUMENT CLERK'S NOTE: A time of 9:00 am was given in court in error; therefore, the correct time should be 10:00 am on June 24, 2020. //5-18-20/ dy;

| | |
|------------|--|
| 07/01/2020 | Argument (10:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS SUPPLEMENT TO MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT</i> Denied; |
| 07/01/2020 | Motion to Amend Complaint (10:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Plaintiff's Motion to Amend Complaint</i> Granted; |
| 07/01/2020 |  All Pending Motions (10:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>Roger Croteau, Esq. and Jonathan Wong, Esq. present via Bluejeans video conference. PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SUNRISE RIDGE MASTER HOMEOWNER'S SUPPLEMENT TO MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT Court noted it did grant the Motion to amend; however, it didn't believe it was a viable claim, and would deny as to that portion. Statements by Mr. Croteau. Colloquy between parties regarding omission. Arguments by Mr. Wong. COURT ORDERED, Plaintiff's Motion to Amend was hereby GRANTED; as to Defendant Sunrise Ridge Master Homeowner's Supplement to Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment was hereby DENIED. Court noted it was appropriate to bring back as a Summary Judgment. Mr. Croteau to prepare the Order and submit to opposing counsel for approval a to form and content.;</i> |
| 09/01/2021 | Motion to Dismiss (10:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Defendant Sunrise Ridge Homeowners' Association's Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment</i> Granted; |
| 09/01/2021 | Joinder (10:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Nevada Association Services, Inc.'s Joinder to Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment</i> Granted; |
| 09/01/2021 |  All Pending Motions (10:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>DEFENDANT SUNRISE RIDGE HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT ... NEVADA ASSOCIATION SERVICES, INC.'S. JOINDER TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT Counsel present via Bluejeans. Arguments by regarding the factual dispute if any amount of funds were paid before the foreclosure process, the exhibits provided, inquires regarding tender prior to the sale, lack of payment on the HOA lien, and any duty of the HOA. COURT STATED FINDINGS, and ORDERED, Defendant Sunrise Ridge Homeowners' Association's Motion To Dismiss Plaintiff's First Amended Complaint, Or Alternatively, Motion For Summary Judgment and the Joinder GRANTED. Mr. Wong is to prepare the Order with findings of fact and conclusions of law as set forth in their moving papers, provide a copy to opposing counsel for review as to form and content and return it back to the Court within 10 days. CLERK'S NOTE: This minute order was created utilizing the JAVS recording. /sb 10.20.21;</i> |

DATE

FINANCIAL INFORMATION

Defendant Nevada Association Services, Inc.

CASE SUMMARY

CASE NO. A-19-790395-C

| | |
|--|-------------|
| Total Charges | 423.00 |
| Total Payments and Credits | 423.00 |
| Balance Due as of 11/15/2021 | 0.00 |
| | |
| Defendant Sunrise Ridge Master Homeowners Association | |
| Total Charges | 623.00 |
| Total Payments and Credits | 623.00 |
| Balance Due as of 11/15/2021 | 0.00 |
| | |
| Plaintiff Daisy Trust | |
| Total Charges | 294.00 |
| Total Payments and Credits | 294.00 |
| Balance Due as of 11/15/2021 | 0.00 |

DISTRICT COURT CIVIL COVER SHEET CASE NO: A-19-790395-C

County, Nevada

Case No.

Department 18

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

| | |
|---------------------------------------|------------------------------------|
| Plaintiff(s) (name/address/phone): | Defendant(s) (name/address/phone): |
| Daisy Trust | Sunrise Ridge Master HOA |
| c/o Roger P. Croteau, Esq. (SBN 4958) | Nevada Association Services, Inc. |
| 2810 W. Charleston Blvd., Ste. 75 | |
| Las Vegas, NV 89102 | |
| Attorney (name/address/phone): | Attorney (name/address/phone): |
| Roger P. Croteau & Associates, Ltd. | |
| 2810 W. Charleston Blvd., Ste. 75 | |
| Las Vegas, NV 89102 | |
| 702-254-7775 | |

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

| | | |
|--|--|--|
| Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property | Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice | Torts Other Torts <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort |
| Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500 | Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract | Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal |
| Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ | | Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters |

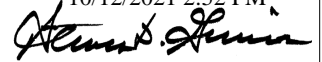
Business Court filings should be filed using the Business Court civil coversheet

3/1/19

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

LIPSON NEILSON P.C.
J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
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(702) 382-1512 - Facsimile
bebert@lipsonneilson.com
jwong@lipsonneilson.com

*Attorneys for Defendant,
Sunrise Ridge Master Homeowners Association*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DAISY TRUST, a Nevada trust,

Plaintiff,

vs.

SUNRISE RIDGE MASTER
HOMEOWNERS' ASSOCIATION, a
Nevada non-profit corporation; and
NEVADA ASSOCIATION SERVICES,
INC., a Nevada corporation;

Defendants.

Case No.: A-19-790395-C
Dept No.: XVIII

**ORDER GRANTING DEFENDANT
SUNRISE RIDGE MASTER
HOMEOWNERS' ASSOCIATION'S
MOTION TO DISMISS, OR
ALTERNATIVELY, MOTION FOR
SUMMARY JUDGMENT, AND
DEFENDANT NEVADA ASSOCIATION
SERVICES' JOINDER THERETO**

Hearing Date: September 1, 2021
Hearing Time: 10:00 a.m.

On September 1, 2021, Defendant Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment ("Motion") came before the Court for hearing. Chris L. Benner, Esq., appeared on behalf of Plaintiff, Jonathan K. Wong, Esq., appeared on behalf of defendant Sunrise Ridge Master Homeowners Association (the "HOA"), and Brandon E. Wood, Esq., appeared on behalf of defendant Nevada Association Services, Inc. ("NAS"). The Court, having reviewed all moving papers and pleadings, having heard oral argument of counsel, and for good cause appearing therefor, FINDS AND ORDERS as follows:

FINDINGS OF FACT

1. On or about January 25, 2005, Michael Delapaz, Carolyn Delapaz, and Ludivina Catacutan (the "Former Owners") obtained a loan to purchase real property located at 3883 Winter Whitetail Ave., Las Vegas, Nevada 89122 (the "Property").

2. The Property was subject to the HOA's Covenants, Conditions, and Restrictions ("CC&Rs").

3. Sometime after purchasing the Property, the Former Owners defaulted on their homeowners' assessments.

4. On May 20, 2010, Nevada Association Services ("NAS"), on behalf of Sunrise Ridge Master Homeowners Association ("Sunrise Ridge"), recorded a Notice of Claim of Delinquent Assessment Lien.

5. On July 13, 2010, NAS, on behalf of Sunrise Ridge, recorded a Notice of Default and Election to Sell.

6. On or around March 21, 2012, Sunrise Ridge, through NAS, recorded a Notice of Sale.

7. On or around March 30, 2012, Bank of America ("BANA"), through counsel Miles, Bauer, Bergstrom & Winters, LLP ("Miles Bauer") contacted NAS and the HOA and requested a breakdown of nine (9) months of common HOA assessments in order to calculate the Super Priority Lien Amount.

8. On April 19, 2012, Miles Bauer sent NAS supplemental correspondence, wherein it offered to pay \$378.00 to discharge Sunrise Ridge's superpriority lien on the Property.

9. On or around August 24, 2012, Sunrise Ridge, through NAS, foreclosed on the Property. A foreclosure deed in favor of Daisy Trust was recorded on August 30, 2012.

10. On March 3, 2016, BANA filed a lawsuit against Sunrise Ridge, NAS, and Daisy Trust in the United States District Court, District of Nevada, Case No. 2:16-cv-00467-MMD-CWH ("Federal Action"). The complaint alleged causes of action for

1 Quiet Title/Declaratory Relief, Breach of NRS 116.1113, and Wrongful Foreclosure, and
2 Injunctive Relief.

3 11. On January 22, 2019, Sunrise Ridge, Daisy Trust, and BANA filed
4 competing motions for summary judgment. On March 1, 2019, while dispositive motions
5 remained pending in the Federal Action, Daisy Trust filed the instant lawsuit against
6 Sunrise Ridge and NAS alleging causes of action for Intentional/Negligent
7 Misrepresentation, Breach of NRS 116, and Conspiracy.

8 12. On March 18, 2019, the district court in the Federal Action issued an
9 order granting summary judgment in BANA's favor on its cause of action for quiet title,
10 as well as Daisy Trust's counterclaims. The district court denied summary judgment on
11 BANA's claims against Sunrise Ridge for Breach of NRS 116 and Wrongful
12 Foreclosure.

13 13. On March 1, 2019, Plaintiff filed a complaint in the instant matter, alleging
14 causes of action for 1) Intentional/Negligent Misrepresentation; 2) Breach of the Duty of
15 Good Faith; and 3) Conspiracy. Sunrise Ridge filed a Motion to Dismiss, or
16 Alternatively, Motion for Summary Judgment (the "MTD/MSJ") on April 9, 2019. The
17 MTD/MSJ was ultimately heard on July 1, 2020. This Court denied the MTD/MSJ and
18 allowed Plaintiff leave to file an amended complaint, but specifically ordered that it
19 would not allow addition of a claim for Violation of NRS 113. A formal order was
20 entered on October 14, 2020.

21 14. On June 22, 2021, Plaintiff filed its First Amended Complaint (the "FAC"),
22 asserting claims for 1) Intentional/Negligent Misrepresentation; 2) Breach of NRS
23 116.1113; 3) Conspiracy; 4) Violation of NRS 113 (subsequently withdrawn by Plaintiff);
24 and 5) Unjust Enrichment.

25 15. Any finding of fact that should be a conclusion of law shall be treated as
26 such.

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28 ///

CONCLUSIONS OF LAW

1. The Court reviews Sunrise Ridge's Motion under Rule 12(b)(5) of the Nevada Rules of Civil Procedure ("NRCP"). NRCP 12(b)(5) provides that a complaint may be dismissed for "failure to state a claim upon which relief can be granted." Nev. R. Civ. P. 12(b)(5). When ruling on such a motion, the factual allegations in the complaint are treated as true and all inferences are drawn in favor of the plaintiff. *Jacobs v. Adelson*, 130 Nev. Adv. Op. 44, 325 P.3d 1282, 1285 (2014). A complaint should be dismissed when the allegations are insufficient to entitle the plaintiff to relief. *Id.*

2. Nevada has adopted the Uniform Common Interest Owner Act through Nevada Revised Statutes ("NRS") Chapter 116.

3. NRS 116 establishes that homeowners' associations ("HOA" or "HOAs") may impose assessments. See NRS 116.3115.

4. NRS 116 establishes that HOAs have a lien against units for assessments. See generally NRS 116.3116.

5. Sunrise Ridge foreclosed on the Property pursuant to NRS 116.

6. Under the version of NRS 116 in effect at the time of the Foreclosure Sale, neither Sunrise Ridge nor NAS had an affirmative duty to disclose to potential bidders the existence of payments or attempted payments on the HOA's lien.

7. Under Nevada law, intentional misrepresentation requires three elements: "(1) a false representation that is made with either knowledge or belief that it is false or without a sufficient foundation, (2) an intent to induce another's reliance, and (3) damages that result from this reliance." *Nelson v. Heer*, 123 Nev. 217, 225-26, 163 P.3d 420, 426 (2007) (citations omitted). As for negligent misrepresentation, Nevada law requires a plaintiff to show that the defendant is "one who, without exercising reasonable care or competence, 'supplies false information for the guidance of others in their business transactions' is liable for 'pecuniary loss caused to them by their justifiable reliance upon the information.'" *Barmettler v. Reno Air, Inc.*, 114 Nev. 441, 449, 956 P.2d 1382, 1387 (1998) (citations omitted).

1 8. Neither Sunrise Ridge nor NAS had an affirmative duty to disclose to
2 Plaintiff the existence of the Attempted Payment. See *Noonan v. Bayview Loan*
3 *Servicing, LLC*, 438 P.3d 335 (Nev. 2019) (finding that summary judgment was
4 appropriate on the plaintiff's negligent misrepresentation claim because the HOA
5 "neither made an affirmative false statement nor omitted a material fact it was bound to
6 disclose.").

7 9. As such, the only way a misrepresentation could have been made would
8 be for Plaintiff to have specifically inquired about whether payment was made on the
9 HOA's lien, and in response be advised specifically that no such payments had been
10 made.

Here, Plaintiff does not allege that Defendants made any active misrepresentation; rather, he alleges only that Defendants are guilty of a material omission by failing to advise Plaintiff about BANA's Attempted Payment "upon inquiry." This is insufficient to state a claim for relief for Intentional/Negligent Misrepresentation.

15 10. Because there was no misrepresentation – neither intentional nor
16 negligent – Plaintiff's remaining causes of action necessarily fail to state claims upon
17 which relief can be granted.

ORDER

19 In light of the above findings of fact and conclusions of law:

IT IS HEREBY ORDERED that Sunrise Ridge's Motion and NAS's Joinder are GRANTED pursuant to Nevada Rule of Civil Procedure ("NRC") 12(b)(5), and that Plaintiff's First Amended Complaint is dismissed with prejudice and judgment entered thereon. Because this Court is granting relief pursuant to NRC 12(b)(5), it does not

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reach or address any of the parties' arguments relating to NRCP 56, including Plaintiff's request for NRCP 56(d) relief.

Dated this 12th day of October, 2021



DISTRICT COURT JUDGE

E78 D5A 4E2D 4282
Mary Kay Holthus
District Court Judge

Submitted by:

LIPSON NEILSON P.C.

/s/ Jonathan Wong

J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
*Attorneys for Defendant Sunrise Ridge Master
Homeowner's Association*

Approved as to form and content by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher Benner

ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHRIS L. BENNER, ESQ.
Nevada Bar No. 8963
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89148
Attorney for Plaintiff

NEVADA ASSOCIATION SERVICES, INC.

/s/ Brandon Wood

BRANDON E. WOOD, ESQ.
Nevada Bar No. 12900
6625 S. Valley View Blvd., Suite 300
Las Vegas, Nevada 89118
Attorney for Defendant Nevada Association Services, Inc.

Juan Cerezo

From: Chris Benner <chris@croteaulaw.com>
Sent: Wednesday, September 22, 2021 4:38 PM
To: Jonathan Wong; 'Brandon Wood'
Subject: RE: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

You may use my e-signature.

Christopher L. Benner, Esq.
Roger P. Croteau & Associates
2810 Charleston Boulevard, No. H-75
Las Vegas, NV 89102
(702) 254-7775
chris@croteaulaw.com

The information contained in this email message is intended for the personal and confidential use of the intended recipient(s) only. This message may be an attorney/client communication and therefore privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by reply email or telephone and delete the original message and any attachments from your system. Please note that nothing in the accompanying communication is intended to qualify as an "electronic signature."

From: Jonathan Wong <JWong@lipsonneilson.com>
Sent: Wednesday, September 22, 2021 4:23 PM
To: Chris Benner <chris@croteaulaw.com>; 'Brandon Wood' <brandon@nas-inc.com>
Subject: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

Counsel,

Attached is a proposed order granting the HOA's MTD and NAS's Joinder. Please confirm I have your authority to use your electronic signatures in submission to the court. Thanks.

Jonathan K. Wong, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144-7052
(702) 382-1500
(702) 382-1512 (fax)
E-Mail: jwong@lipsonneilson.com
Website: www.lipsonneilson.com

Juan Cerezo

From: Brandon Wood <brandon@nas-inc.com>
Sent: Friday, September 24, 2021 9:30 AM
To: Jonathan Wong; 'Chris Benner'
Subject: RE: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

You may use my electronic signature.

Best,

Brandon E. Wood, Esq.

Nevada Association Services, Inc.
6625 S. Valley View Blvd. Suite 300
Las Vegas, NV 89118
702-804-8885 Office
702-804-8887 Fax

Our office hours are Monday – Thursday 9-5, Friday 9-4:30 and closed for lunch from 12-1 daily. There is a drop-box available for payments in front of our office during normal business hours and lunch.



PERSONAL AND CONFIDENTIAL: Nevada Association Services, Inc. is a debt collector. Nevada Association Services, Inc. is attempting to collect a debt. Any information obtained will be used for that purpose. This message originates from Nevada Association Services, Inc. This message and any file(s) or attachment(s) transmitted with it are confidential, intended only for the named recipient, and may contain information that is a trade secret, proprietary, or is otherwise protected against unauthorized use or disclosure. Any disclosure, distribution, copying, or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. Personal messages express only the view of the sender and are not attributable to Nevada Association Services, Inc.

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Las Vegas, Nevada 89144-7052
(702) 382-1500
(702) 382-1512 (fax)
E-Mail: jwong@lipsonneilson.com

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Daisy Trust, Plaintiff(s)

CASE NO: A-19-790395-C

7 vs.

DEPT. NO. Department 18

8 Sunrise Ridge Master
9 Homeowners Association,
10 Defendant(s)

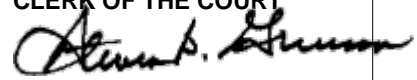
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 10/12/2021

| | |
|------------------|-----------------------------|
| 16 Susana Nutt | snutt@lipsonneilson.com |
| 17 Brandon Wood | brandon@nas-inc.com |
| 18 Roger Croteau | croteaulaw@croteaulaw.com |
| 19 Susan Moses | susanm@nas-inc.com |
| 20 Croteau Admin | receptionist@croteaulaw.com |
| 21 Sydney Ochoa | sochoa@lipsonneilson.com |
| 22 Jonathan Wong | jwong@lipsonneilson.com |
| 23 Juan Cerezo | jcerezo@lipsonneilson.com |

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LIPSON NEILSON P.C.
J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
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bebert@lipsonneilson.com
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Sunrise Ridge Master Homeowners Association*

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CLARK COUNTY, NEVADA**

DAISY TRUST, a Nevada trust,

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HOMEOWNERS' ASSOCIATION, a
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Defendants.

Case No.: A-19-790395-C
Dept No.: XVIII

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANT SUNRISE
RIDGE MASTER HOMEOWNERS'
ASSOCIATION'S MOTION TO DISMISS,
OR ALTERNATIVELY, MOTION FOR
SUMMARY JUDGMENT, AND
DEFENDANT NEVADA ASSOCIATION
SERVICES' JOINDER THERETO**

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1 TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on the 12th day of October, 2021, an Order
3 Granting Defendant Sunrise Ridge Master Homeowners Association's Motion to
4 Dismiss, or Alternatively, Motion for Summary Judgment, and Defendant Nevada
5 Association Services' Joinder Thereto was entered in the above-captioned matter, a
6 true and correct copy of which is attached hereto as **Exhibit A**.

7 DATED this 12th day of October, 2021.

8 LIPSON NEILSON P.C.

9 /s/ Jonathan K. Wong

10 By:

11 J. William Ebert, Esq. (Bar No. 2697)
12 Jonathan K. Wong, Esq. (Bar No. 13621)
13 9900 Covington Cross Drive, Suite 120
14 Las Vegas, Nevada 89144

15 *Attorneys for Defendant,*
16 *Sunrise Ridge Master Homeowners Association*
17
18
19
20
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, on the 12th day of October, 2021, I electronically transmitted the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT, AND DEFENDANT NEVADA ASSOCIATION SERVICES' JOINDER THERETO** to the Clerk's Office using the Odyssey eFileNV & Serve system for filing and transmittal to the following Odyssey eFileNV& Serve registrants addressed to:

Roger P. Croteau, Esq.
Chris Benner, Esq.
ROGER P. CROTEAU & ASSOCIATES, LTD.
2810 W. Charleston Blvd., Suite 75
Las Vegas, NV 89148
croteaulaw@croteaulaw.com

*Attorneys for Plaintiff,
Daisy Trust*

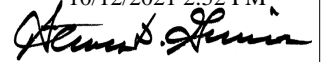
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brandon@nas-inc.com

Attorney for Defendant Nevada Association Services, Inc.

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

EXHIBIT “A”

EXHIBIT “A”


CLERK OF THE COURT

LIPSON NEILSON P.C.
J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
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CONCLUSIONS OF LAW

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5. Sunrise Ridge foreclosed on the Property pursuant to NRS 116.

6. Under the version of NRS 116 in effect at the time of the Foreclosure Sale, neither Sunrise Ridge nor NAS had an affirmative duty to disclose to potential bidders the existence of payments or attempted payments on the HOA's lien.

7. Under Nevada law, intentional misrepresentation requires three elements: "(1) a false representation that is made with either knowledge or belief that it is false or without a sufficient foundation, (2) an intent to induce another's reliance, and (3) damages that result from this reliance." *Nelson v. Heer*, 123 Nev. 217, 225-26, 163 P.3d 420, 426 (2007) (citations omitted). As for negligent misrepresentation, Nevada law requires a plaintiff to show that the defendant is "one who, without exercising reasonable care or competence, 'supplies false information for the guidance of others in their business transactions' is liable for 'pecuniary loss caused to them by their justifiable reliance upon the information.'" *Barmettler v. Reno Air, Inc.*, 114 Nev. 441, 449, 956 P.2d 1382, 1387 (1998) (citations omitted).

1 8. Neither Sunrise Ridge nor NAS had an affirmative duty to disclose to
2 Plaintiff the existence of the Attempted Payment. See *Noonan v. Bayview Loan*
3 *Servicing, LLC*, 438 P.3d 335 (Nev. 2019) (finding that summary judgment was
4 appropriate on the plaintiff's negligent misrepresentation claim because the HOA
5 "neither made an affirmative false statement nor omitted a material fact it was bound to
6 disclose.").

7 9. As such, the only way a misrepresentation could have been made would
8 be for Plaintiff to have specifically inquired about whether payment was made on the
9 HOA's lien, and in response be advised specifically that no such payments had been
10 made.

Here, Plaintiff does not allege that Defendants made any active misrepresentation; rather, he alleges only that Defendants are guilty of a material omission by failing to advise Plaintiff about BANA's Attempted Payment "upon inquiry." This is insufficient to state a claim for relief for Intentional/Negligent Misrepresentation.

15 10. Because there was no misrepresentation – neither intentional nor
16 negligent – Plaintiff’s remaining causes of action necessarily fail to state claims upon
17 which relief can be granted.

ORDER


19 In light of the above findings of fact and conclusions of law:

IT IS HEREBY ORDERED that Sunrise Ridge's Motion and NAS's Joinder are GRANTED pursuant to Nevada Rule of Civil Procedure ("NRC") 12(b)(5), and that Plaintiff's First Amended Complaint is dismissed with prejudice and judgment entered thereon. Because this Court is granting relief pursuant to NRC 12(b)(5), it does not

24 || *///*25 || *///*26 || *///*27 || *III*28 || *///*

reach or address any of the parties' arguments relating to NRCP 56, including Plaintiff's request for NRCP 56(d) relief.

Dated this 12th day of October, 2021



DISTRICT COURT JUDGE

E78 D5A 4E2D 4282
Mary Kay Holthus
District Court Judge

Submitted by:

LIPSON NEILSON P.C.

/s/ Jonathan Wong

J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
*Attorneys for Defendant Sunrise Ridge Master
Homeowner's Association*

Approved as to form and content by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher Benner

ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHRIS L. BENNER, ESQ.
Nevada Bar No. 8963
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89148
Attorney for Plaintiff

NEVADA ASSOCIATION SERVICES, INC.

/s/ Brandon Wood

BRANDON E. WOOD, ESQ.
Nevada Bar No. 12900
6625 S. Valley View Blvd., Suite 300
Las Vegas, Nevada 89118
Attorney for Defendant Nevada Association Services, Inc.

Juan Cerezo

From: Chris Benner <chris@croteaulaw.com>
Sent: Wednesday, September 22, 2021 4:38 PM
To: Jonathan Wong; 'Brandon Wood'
Subject: RE: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

You may use my e-signature.

Christopher L. Benner, Esq.
Roger P. Croteau & Associates
2810 Charleston Boulevard, No. H-75
Las Vegas, NV 89102
(702) 254-7775
chris@croteaulaw.com

The information contained in this email message is intended for the personal and confidential use of the intended recipient(s) only. This message may be an attorney/client communication and therefore privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by reply email or telephone and delete the original message and any attachments from your system. Please note that nothing in the accompanying communication is intended to qualify as an "electronic signature."

From: Jonathan Wong <JWong@lipsonneilson.com>
Sent: Wednesday, September 22, 2021 4:23 PM
To: Chris Benner <chris@croteaulaw.com>; 'Brandon Wood' <brandon@nas-inc.com>
Subject: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

Counsel,

Attached is a proposed order granting the HOA's MTD and NAS's Joinder. Please confirm I have your authority to use your electronic signatures in submission to the court. Thanks.

Jonathan K. Wong, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144-7052
(702) 382-1500
(702) 382-1512 (fax)
E-Mail: jwong@lipsonneilson.com
Website: www.lipsonneilson.com

Juan Cerezo

From: Brandon Wood <brandon@nas-inc.com>
Sent: Friday, September 24, 2021 9:30 AM
To: Jonathan Wong; 'Chris Benner'
Subject: RE: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

You may use my electronic signature.

Best,

Brandon E. Wood, Esq.

Nevada Association Services, Inc.
6625 S. Valley View Blvd. Suite 300
Las Vegas, NV 89118
702-804-8885 Office
702-804-8887 Fax

Our office hours are Monday – Thursday 9-5, Friday 9-4:30 and closed for lunch from 12-1 daily. There is a drop-box available for payments in front of our office during normal business hours and lunch.



PERSONAL AND CONFIDENTIAL: Nevada Association Services, Inc. is a debt collector. Nevada Association Services, Inc. is attempting to collect a debt. Any information obtained will be used for that purpose. This message originates from Nevada Association Services, Inc. This message and any file(s) or attachment(s) transmitted with it are confidential, intended only for the named recipient, and may contain information that is a trade secret, proprietary, or is otherwise protected against unauthorized use or disclosure. Any disclosure, distribution, copying, or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. Personal messages express only the view of the sender and are not attributable to Nevada Association Services, Inc.

From: Jonathan Wong <JWong@lipsonneilson.com>
Sent: Wednesday, September 22, 2021 4:23 PM
To: 'Chris Benner' <chris@croteaulaw.com>; Brandon Wood <brandon@nas-inc.com>
Subject: Daisy Trust v. Sunrise Ridge et al (A-19-790395-C): order granting MTD

Counsel,

Attached is a proposed order granting the HOA's MTD and NAS's Joinder. Please confirm I have your authority to use your electronic signatures in submission to the court. Thanks.

Jonathan K. Wong, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144-7052
(702) 382-1500
(702) 382-1512 (fax)
E-Mail: jwong@lipsonneilson.com

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Daisy Trust, Plaintiff(s)

CASE NO: A-19-790395-C

7 vs.

DEPT. NO. Department 18

8 Sunrise Ridge Master
9 Homeowners Association,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 10/12/2021

| | |
|------------------|-----------------------------|
| 16 Susana Nutt | snutt@lipsonneilson.com |
| 17 Brandon Wood | brandon@nas-inc.com |
| 18 Roger Croteau | croteaulaw@croteaulaw.com |
| 19 Susan Moses | susanm@nas-inc.com |
| 20 Croteau Admin | receptionist@croteaulaw.com |
| 21 Sydney Ochoa | sochoa@lipsonneilson.com |
| 22 Jonathan Wong | jwong@lipsonneilson.com |
| 23 Juan Cerezo | jcerezo@lipsonneilson.com |

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25
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 17, 2019

| | |
|---------------|---|
| A-19-790395-C | Daisy Trust, Plaintiff(s) vs. Sunrise Ridge Master Homeowners Association, Defendant(s) |
|---------------|---|

July 17, 2019 9:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

| | |
|-----------------|--|
| PRESENT: | Croteau, Roger P, ESQ Attorney Hummel, Megan Attorney Wood, Brandon E. Attorney |
|-----------------|--|

JOURNAL ENTRIES

- DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC.'S JOINDER TO SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT

Mr. Croteau noted the other case was in federal court and the didn't bring action; therefore, counsel would like to wait and see if matter was appealed. Following colloquy, Ms. Hummel indicated they had another week left; therefore, requested matter continued for 30-45 days. COURT SO ORDERED.

9/18/19 9:00 AM CONTINUED: DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC.'S JOINDER TO SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

September 18, 2019

A-19-790395-C Daisy Trust, Plaintiff(s)
vs.
Sunrise Ridge Master Homeowners Association, Defendant(s)

September 18, 2019 9:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Wood, Brandon E. Attorney

JOURNAL ENTRIES

- STATUS CHECK: FEDERAL CASE; MOTION TO DISMISS AND JOINDER TO BE RESET AFTER FEDERAL CASE IS RESOLVED DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT NEVADA ASSOCIATION SERVICES, INC.'S JOINDER TO SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT

Court noted it received a stipulation and order to continue for settlement documents. Mr. Woods noted that was not from his office. COURT ORDERED, matter SET for status check, settlement documents. Stipulation and Order SIGNED IN OPEN COURT.

10/30/19 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

October 30, 2019

A-19-790395-C Daisy Trust, Plaintiff(s)
vs.
Sunrise Ridge Master Homeowners Association, Defendant(s)

October 30, 2019 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Croteau, Roger P, ESQ Attorney
 Williams, Amber M Attorney

JOURNAL ENTRIES

- Mr. Croteau indicated he spoke with the builder and was now waiting on settlement information; therefore, requested matter be continued. Mr. Croteau requested a 30 days continuance. COURT SO ORDERED.

12/4/19 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

December 04, 2019

A-19-790395-C Daisy Trust, Plaintiff(s)
vs.
Sunrise Ridge Master Homeowners Association, Defendant(s)

December 04, 2019 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Parties not present. COURT ORDERED, matter CONTINUED.

1/22/20 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

January 22, 2020

| | |
|---------------|---|
| A-19-790395-C | Daisy Trust, Plaintiff(s) |
| | vs. |
| | Sunrise Ridge Master Homeowners Association, Defendant(s) |

January 22, 2020 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

| | | |
|-----------------|-----------------------|----------|
| PRESENT: | Croteau, Roger P, ESQ | Attorney |
| | Wong, Jonathan K. | Attorney |

JOURNAL ENTRIES

- Mr. Croteau indicated the case had been updated and was not settled; therefore, he requested the matter be set for argument due to not being resolved at the federal level. Further, Mr. Croteau noted the Court would need to proceed with the instant case and a date could be set for argument on the brief. Colloquy between parties. Following colloquy, COURT ORDERED, matter SET for argument.

3/11/20 9:00 AM ARGUMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

March 11, 2020

| | |
|---------------|---|
| A-19-790395-C | Daisy Trust, Plaintiff(s) vs. Sunrise Ridge Master Homeowners Association, Defendant(s) |
|---------------|---|

March 11, 2020 9:00 AM Argument

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

| | | |
|-----------------|--|----------------------|
| PRESENT: | Croteau, Roger P, ESQ Wong, Jonathan K. | Attorney Attorney |
|-----------------|--|----------------------|

JOURNAL ENTRIES

- Statements by Mr. Wong requesting that the Court strike the dismissal of Plaintiff's Complaint. Court noted if striking the dismissal of first cause of action, not looking to kick out the whole case. Colloquy between parties. Mr. Croteau indicated if the was the case, he would like to supplement his response. Following colloquy, COURT ORDERED the following Briefing Schedule: Mr. Wong to file Supplement Brief by April 3, 2020, Mr. Croteau to file Response by May 1, 2020, and matter CONTINUED for Argument.

5/13/20 9:00 AM ARGUMENT: SUPPLEMENTAL BRIEF

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****May 13, 2020**

A-19-790395-C

Daisy Trust, Plaintiff(s)

vs.

Sunrise Ridge Master Homeowners Association, Defendant(s)

May 13, 2020**10:00 AM****Argument****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

Croteau, Roger P, ESQ

Attorney

Wong, Jonathan K.

Attorney

JOURNAL ENTRIES

- Roger Croteau, Esq. and Jonathan Wong, Esq. via Bluejeans video conference.

Mr. Croteau indicated a Joinder was filed by Nevada Association Service on April 12, 2020. Statements by Mr. Wong. Arguments by Mr. Croteau. Colloquy between parties. Court advised parties it previously found there wasn't any duty and agreed that there can't be any conspiracy at the instant point; additionally, Court believed if there was an affirmative misrepresentation it would be a different story, which is somewhat being raised at the instant hearing. Statements by Mr Croteau. Mr. Wong indicated it might be beneficial if the Court would take the instant matter under advisement to read transcripts. Colloquy between parties. Following colloquy, Court advised it would give Mr. Croteau an opportunity to submit an Opposition and Mr. Wong could respond with his take on the matter, which could possibly turn into a summary judgment; however, Court noted it kind of ruled on the same thing before, but had also found affirmative representation on some level. Mr. Croteau accepted the opportunity given by the Court. COURT ORDERED the following Briefing Schedule: Mr. Croteau to file Brief by May 27, 2020, Mr. Wong to file Response by June 10, 2020, Mr. Croteau to file Reply by June 15, 2020, and matter CONTINUED for Argument. Mr. Wong to prepare the Order and submit to opposing counsel for approval as to form and content.

6/24/20 10:00 AM ARGUMENT

CLERK'S NOTE: A time of 9:00 am was given in court in error; therefore, the correct time should be 10:00 am on June 24, 2020. //5-18-20/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 01, 2020

| | |
|---------------|---|
| A-19-790395-C | Daisy Trust, Plaintiff(s) vs. Sunrise Ridge Master Homeowners Association, Defendant(s) |
|---------------|---|

July 01, 2020 10:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke
Ro'Shell Hurtado

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

| | | |
|-----------------|-----------------------|----------|
| PRESENT: | Croteau, Roger P, ESQ | Attorney |
| | Wong, Jonathan K. | Attorney |

JOURNAL ENTRIES

- Roger Croteau, Esq. and Jonathan Wong, Esq. present via Bluejeans video conference.

PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SUNRISE RIDGE MASTER HOMEOWNER'S SUPPLEMENT TO MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR PARTIAL SUMMARY JUDGMENT

Court noted it did grant the Motion to amend; however, it didn't believe it was a viable claim, and would deny as to that portion. Statements by Mr. Croteau. Colloquy between parties regarding omission. Arguments by Mr. Wong. COURT ORDERED, Plaintiff's Motion to Amend was hereby GRANTED; as to Defendant Sunrise Ridge Master Homeowner's Supplement to Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment was hereby DENIED. Court noted it was appropriate to bring back as a Summary Judgment. Mr. Croteau to prepare the Order and submit to opposing counsel for approval a to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

September 01, 2021

A-19-790395-C Daisy Trust, Plaintiff(s)
vs.
Sunrise Ridge Master Homeowners Association, Defendant(s)

September 01, 2021 10:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Erin Burnett

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Benner, Christopher L. Attorney
Wong, Jonathan K. Attorney
Wood, Brandon E. Attorney

JOURNAL ENTRIES

- DEFENDANT SUNRISE RIDGE HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT ... NEVADA ASSOCIATION SERVICES, INC'S. JOINDER TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT

Counsel present via Bluejeans.

Arguments by regarding the factual dispute if any amount of funds were paid before the foreclosure process, the exhibits provided, inquires regarding tender prior to the sale, lack of payment on the HOA lien, and any duty of the HOA. COURT STATED FINDINGS, and ORDERED, Defendant Sunrise Ridge Homeowners' Association's Motion To Dismiss Plaintiff's First Amended Complaint, Or Alternatively, Motion For Summary Judgment and the Joinder GRANTED. Mr. Wong is to prepare the Order with findings of fact and conclusions of law as set forth in their moving papers, provide a copy to opposing counsel for review as to form and content and return it back to the Court within 10 days.

CLERK'S NOTE: This minute order was created utilizing the JAVS recording. /sb 10.20.21



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

ROGER P. CROTEAU, ESQ.
2810 W. CHARLESTON BLVD., STE. 75
LAS VEGAS, NV 89102

DATE: November 15, 2021
CASE: A-19-790395-C

RE CASE: DAISY TRUST vs. SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION; NEVADA ASSOCIATION SERVICES, INC.

NOTICE OF APPEAL FILED: November 10, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT, AND DEFENDANT NEVADA ASSOCIATION SERVICES' JOINDER THERETO; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT, AND DEFENDANT NEVADA ASSOCIATION SERVICES' JOINDER THERETO; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DAISY TRUST,

Plaintiff(s),

vs.

SUNRISE RIDGE MASTER HOMEOWNERS
ASSOCIATION; NEVADA ASSOCIATION
SERVICES, INC.,

Defendant(s),

Case No: A-19-790395-C

Dept No: XVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 15 day of November 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk