

1 TORY M. PANKOPF (SBN 7477)
2 **TORY M PANKOPF, LTD**
3 748 S Meadows Parkway, Suite 244
4 Reno, Nevada 89521
5 Telephone: (775) 384-6956
6 Facsimile: (775) 384-6958
7 Attorney for the Estates and Jill Sarge

REC'D & FILED ✓

2021 MAR 11 PM 12:02

Electronically Filed
Mar 15 2021 10:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8
9
10 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
11
12 **IN AND FOR THE CARSON CITY**

13 ESTATE OF THELMA AILENE SARGE,
14 ESTATE OF EDWIN JOHN SARGE, and JILL
15 SARGE

16 Plaintiffs,

17 v.

18 QUALITY LOAN SERVICE CORPORATION,
19 ROSEHILL, LLC, NATIONSTAR
20 MORTGAGE, dba CHAMPION MORTGAGE,
21 ZACHARY PEDERSON and MICHELLE
22 PEDERSON,

23 Defendant(s).

24 ZACHARY PEDERSON and MICHELLE
25 PEDERSON,

26 Plaintiff Intervenors/Defendants.

27 And Related Consolidated Cases.

CASE NO: 16 RP 00009 1B
DEPT NO: I

Consolidated with Case Nos.:


16 PBT 00107 1B and
16 PBT 00108 1B

28 **NOTICE OF APPEAL**

Plaintiffs, ESTATE OF THELMA AILENE SARGE, ESTATE OF EDWIN JOHN SARGE (collectively, "Estates"), and JILL SARGE ("Sarge") (collectively "Plaintiffs") by and through their attorney of record, Tory M. Pankopf, of the Law Offices of Tory M. Pankopf, Ltd., appeal the order entered in the above entitled case and certified as a final judgment granting

defendants', ZACHARY and MICHELLE PEDERSON, motion for summary judgment, denying Plaintiffs' motion for summary judgment, and denying defendant's, Rosehill LLC, motion to dismiss complaint.

Dated: March 11, 2021

TORY M. PANKOPF LTD
By: 
s/ TORY M. PANKOPF
TORY M. PANKOPF, ESQ.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I hereby certify that on the 11th day of March 2021, I mailed a true and correct copy of the following document(s):

NOTICE OF APPEAL

By email and depositing in the U.S. Mail, first class postage prepaid thereon, addressed to the following:

Quality Loan Services Corporation
c/o Matthew D. Dayton, Esq.
MCCARTHY HOLTHUS LLP
9510 W Sahara Ave, Suite 200
Las Vegas, NV 89117
Fax (866) 339-5691
khintz@McCarthyHolthus.com

Zachary and Michelle Pederson
Rosehill LLC
c/o James M. Walsh, Esq.
WASLSH & ROSEVEAR
9468 Double R Bl, Ste A
Reno, NV 89521
Fax (775) 853-0860
jmwals@wbri.net

NATIONSTAR MORTGAGE LLC
fhn Champion Mortgage Company
c/o Melanie D. Morgan, Esq.
AKERMAN LLP
1635 Village Center Cir, Suite 200
Las Vegas, NV 89134
melanie.morgan.akerman.com

DATED on this 11th day of March 2021.


s/ Tory M. Pankopf
Tory M. Pankopf

1 TORY M. PANKOPF (SBN 7477)
2 **TORY M PANKOPF, LTD**
3 748 S Meadows Parkway, Suite 244
4 Reno, Nevada 89521
5 Telephone: (775) 384-6956
6 tory@pankopfuslaw.com
7 Attorney for the Estates and Jill Sarge

REC'D & FILED ✓

2021 MAR 11 PM 12:02

AUGREY R. LATT
CLERK

BY _____ DEPUTY

8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
9 **IN AND FOR THE CARSON CITY**

10 ESTATE OF THELMA AILENE SARGE,
11 ESTATE OF EDWIN JOHN SARGE, and JILL
12 SARGE

13 Plaintiffs,

14 v.

15 QUALITY LOAN SERVICE CORPORATION,
16 ROSEHILL, LLC, NATIONSTAR
17 MORTGAGE, dba CHAMPION MORTGAGE,
18 ZACHARY PEDERSON and MICHELLE
19 PEDERSON,

20 Defendant(s).

CASE NO: 16 RP 00009 1B
DEPT NO: 1

Consolidated with Case Nos.:

16 PBT 00107 1B and
16 PBT 00108 1B

21 ZACHARY PEDERSON and MICHELLE
22 PEDERSON,

23 Plaintiff Intervenor/Defendants

24 And Related Consolidated Cases.

25 **CASE APPEAL STATEMENT**

26 Plaintiffs, ESTATE OF THELMA AILENE SARGE, ESTATE OF EDWIN JOHN
27 SARGE (collectively, "Estates"), and JILL SARGE ("Sarge") (collectively "Plaintiffs") by and
28 through their attorney of record, Tory M. Pankopf, of the Law Offices of Tory M. Pankopf, Ltd.,
submit their case appeal statement.

- 1 (1) Hon. JAMES T. RUSSELL entered the order being appealed.
- 2 (2) The name of each appellant and the name and address of counsel for each appellant are:
- 3
- | | |
|-----------------------------------|-------------------------------|
| 4 Appellants: | Counsel for Appellants is: |
| 5 Estates of EDWIN JOHN SARGE and | Tory M. Pankopf (SBN 7477) |
| 6 THELMA AILENE SARGE, and JILL | TORY M. PANKOPF LTD. |
| 7 SARGE | 748 S Meadows Pkwy, Suite 244 |
| | Reno, Nevada 89521 |
| | tory@pankopfuslaw.com |
| 8 | |
- 9 (4) The name of each respondent and the name and address of appellate counsel is:
- | | |
|-------------------------------------|-----------------------------|
| 10 Respondent: ZACHARY PEDERSON and | Counsel for Respondent are: |
| 11 MICHELLE PEDERSON | James M. Walsh, Esq. |
| 12 | WALSH & ROSEVEAR |
| 13 | 9468 Double R Bl., Ste A |
| 14 | Reno, NV 89521 |
| | Fax (775) 853-0860 |
| | <u>wbaker@wbri.net</u> |
| 15 Respondent: ROSEHILL, LLC | Counsel for Respondent are: |
| 16 | James M. Walsh, Esq. |
| 17 | WALSH & ROSEVEAR |
| 18 | 9468 Double R Bl., Ste A |
| 19 | Reno, NV 89521 |
| | Fax (775) 853-0860 |
| | wbaker@wbri.net |
- 20 (5) All attorneys listed above are licensed to practice law in Nevada;
- 21 (6) Appellants were represented by retained counsel in the district court;
- 22 (7) Appellants are represented by retained counsel on appeal;
- 23 (8) The district court did not grant Appellant leave to proceed in forma pauperis;
- 24 (9) The proceedings commenced in the district court on October 31, 2016;
- 25 (10) Appellants filed a complaint for violation of NRS 107.080 for failing to give required
- 26 notices. On December 3, 2020 Appellants filed an amended complaint for violations of NRS
- 27 107.080 and 107.550, conversion, unjust enrichment, and quiet/slander of title.
- 28

1 Respondents, Pedersons, filed a motion for summary judgment as to the first filed
2 complaint contending, as a matter of law, they are bona fide purchasers in good faith. The district
3 court granted their motion.

4 Appellants filed a motion for summary judgment also as to the first filed complaint
5 contending, as a matter of law, Pedersons were not bona fide purchasers. The district court denied
6 their motion.

7 Respondent, Rosehill, filed a motion to dismiss the first filed complaint. Plaintiffs'
8 amended complaint was filed in response to Rosehill's motion to dismiss the first filed complaint.
9 See NRCP 15(a)(1)(B). The district court denied the motion as moot.

10 (11) This case has been subject of an appeal in the Supreme Court as case number 73286.
11 On February 27, 2020 the Supreme Court entered its order reversing and remanding the district
12 court's order dismissing Plaintiffs' complaint.

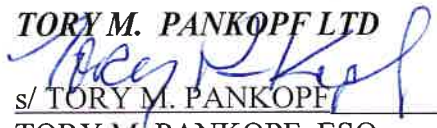
13 (12) The appeal does not involve child custody or visitation; and

14 (13) There is no possibility of settlement given the nature of the appeal.

15 **AFFIRMATION Pursuant to NRS 239B.030**

16 The undersigned does hereby affirm that this document does not contain the social security
17 number of any person.

18 Dated: March 11, 2021

19
20 **TORY M. PANKOPF LTD**
21 By: 
22 s/ TORY M. PANKOPF
23 TORY M. PANKOPF, ESQ.
24 Attorney for Plaintiffs
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I hereby certify that on the 11th day of March 2021, I mailed a true and correct copy of the following document(s):

CASE APPEAL STATEMENT


By email and depositing in the U.S. Mail, first class postage prepaid thereon, addressed to the following:

Quality Loan Services Corporation
c/o Matthew D. Dayton, Esq.
MCCARTHY HOLTHUS LLP
9510 W Sahara Ave, Suite 200
Las Vegas, NV 89117
Fax (866) 339-5691
khintz@McCarthyHolthus.com

Zachary and Michelle Pederson
Rosehill LLC
c/o James M. Walsh, Esq.
WASLSH & ROSEVEAR
9468 Double R Bl, Ste A
Reno, NV 89521
Fax (775) 853-0860
jmwalth@wbri.net

NATIONSTAR MORTGAGE LLC
fbn Champion Mortgage Company
c/o Melanie D. Morgan, Esq.
AKERMAN LLP
1635 Village Center Cir, Suite 200
Las Vegas, NV 89134
melanie.morgan.akerman.com

DATED on this 11th day of March 2021.


s/Tory M. Pankopf
Tory M. Pankopf

Judge: RUSSELL, JUDGE JAMES
TODD

Case No. 16 RP 00009 1B

Ticket No.
CTN:

SARGE, THELMA AILENE

By:

NATIONSTAR MORTGAGE LLC DRSPND

-VS-

By: MORGAN, MELANIE D
1653 VILLAGE CENTER
CIRCLE, SUITE 200
LAS VEGAS, NV 89134Dob:
Lic: QUALITY LOAN SERVICE
CORPORATION Sex:
Sid: DRSPNDBy: SCHULER-HINTZ, KRISTIN
9510 W. SAHARA, SUITE 110
LAS VEGAS, NV 89117Dob:
Lic: Sex:
Sid:Plate#:
Make:
Year: Accident:
Type:
Venue:
Location:SARGE, THELMA AILENE PLNTPET
PEDERSEN, MICHELLE IVNR
PEDERSEN, ZACHARY IVNRBond:
Type: Set:
Posted:

Charges:

Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	03/11/21	APPEAL BOND DEPOSIT Receipt: 68949 Date: 03/11/2021	1BSBARAJAS	500.00	0.00
2	03/11/21	CASE APPEAL STATEMENT	1BSBARAJAS	0.00	0.00
3	03/11/21	NOTICE OF APPEAL Receipt: 68949 Date: 03/11/2021	1BSBARAJAS	24.00	0.00
4	03/11/21	NOTICE OF ENTRY OF ORDER CERTIFYING FINAL JUDGMENT	1BSBARAJAS	0.00	0.00
5	02/10/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
6	02/10/21	ORDER RE FINAL JUDGMENT	1BSBARAJAS	0.00	0.00
7	02/10/21	ORDER DENYING STAY INTRODUCTION	1BSBARAJAS	0.00	0.00
8	02/09/21	NOTICE OF APPEARANCE	1BCCOOPER	0.00	0.00
9	02/04/21	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
10	02/04/21	REPLY TO OPPOSITION TO MOTION TO STAY ORDER PENDING APPEAL	1BPETERSON	0.00	0.00
11	02/04/21	IN SUPPORT OF REPLY TO OPPOSITION DECLARATION OF TORY M. PANKOPE	1BPETERSON	0.00	0.00
12	02/01/21	NOTICE OF ENTRY OF FINDINGS OF FACT CONCLUSIONS OF LAW AND SUMMARY JUDGMENT	1BCFRANZ	0.00	0.00
13	01/27/21	OPPOSITION TO MOTION FOR STAY PENDING APPEAL	1BSBARAJAS	0.00	0.00
14	01/21/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
15	01/21/21	ORDER DENYING REQUEST FOR SUBMISION	1BPETERSON	0.00	0.00
16	01/19/21	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
17	01/19/21	MOTION FOR ORDER SHORTENING TIME	1BPETERSON	0.00	0.00
18	01/19/21	MOTION FOR ORDER CERTIFYING AND DIRECTING ENTRY OF FINAL JUDGMENT	1BPETERSON	0.00	0.00
19	01/19/21	MOTION TO STAY ORDER PENDING APPEAL	1BPETERSON	0.00	0.00
20	01/13/21	CERTIFICATE OF MAILING	1BCCOOPER	0.00	0.00
21	01/13/21	DEFENDANT QUALITY LOAN SERVICE CORPORATIONS ANSWR TO AMENDED COMPLAINT	1BCCOOPER	0.00	0.00
22	12/24/20	FINDINGS OF FACT CONCLUSION OF LAW AND SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
23	12/22/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
24	12/22/20	ORDER STRIKING NOTICES OF RULING RE: MOTIONS	1BPETERSON	0.00	0.00
25	12/21/20	NOTICE OF RULING RE MOTION TO DISMISS COMPLAINT *STRICKEN PER ORDER STRIKING NOTICES OF RULING RE: MOTIONS BY JUDGE RUSSELL FILED DECEMBER 22, 2020*	1BPETERSON	0.00	0.00
26	12/21/20	NOTICE OF RULING RE AMENDED MOTION FOR SUMMARY JUDGMENT *STRICKEN PER ORDER STRIKING NOTICES OF RULING RE: MOTIONS BY JUDGE RUSSELL FILED DECEMBER 22, 2020*	1BPETERSON	0.00	0.00
27	12/21/20	NOTICE OF RULING RE MOTION FOR SUMMARY JUDGMENT *STRICKEN PER ORDER STRIKING NOTICES OF RULING RE: MOTIONS BY JUDGE RUSSELL FILED DECEMBER 22, 2020*	1BCCOOPER	0.00	0.00
28	12/18/20	ANSWER TO AMENDED COMPLAINT	1BCCOOPER	0.00	0.00
29	12/08/20	REQUEST FOR SUBMISSION OF MOTION TO DISMISS	1BSBARAJAS	0.00	0.00
30	12/08/20	REPLY IN SUPPORT OF MOTION TO DISMISS	1BSBARAJAS	0.00	0.00
31	12/08/20	REQUEST FOR SUBMISSION OF MOTION FOR SUMMAY JUDGMENT	1BSBARAJAS	0.00	0.00
32	12/08/20	REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
33	12/08/20	OPPOSITION TO MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
34	12/03/20	NOTICE RE OPPOSITION TO AMENDED MOTION FOR SUMMARY JUDGMENT	1BCCOOPER	0.00	0.00
35	12/03/20	AMENDED COMPLAINT	1BCCOOPER	0.00	0.00
36	12/02/20	MOTION FOR SUMMARY JUDGEMENT	1BPETERSON	0.00	0.00
37	11/30/20	EXHIBITS 1-10 IN SUPPORT OF MOTION FOR SUMMARY JUDGEMENT	1BPETERSON	0.00	0.00
38	11/30/20	MOTION FOR SUMMARY JUDGMENT	1BPETERSON	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
39	11/30/20	DECLARATION OF JILL SARGE IN SUPPORT OF MSJ RE COMPLAINT IN INTERVENTION	1BPETERSON	0.00	0.00
40	11/30/20	DECLARATION OF TORY M. PANKOPE IN SUPPORT OF MSJ RE COMPLAINT IN INTERVENTION	1BPETERSON	0.00	0.00
41	11/30/20	DECLARATION OF JILL SARGE	1BPETERSON	0.00	0.00
42	11/30/20	DECLARATION OF TORY M. PANKOPE	1BPETERSON	0.00	0.00
43	11/30/20	EXHIBITS 1-10 IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT	1BPETERSON	0.00	0.00
44	11/30/20	OPPOSITION TO MOTION FOR SUMMARY JUDGMENT	1BPETERSON	0.00	0.00
45	11/24/20	MOTION TO DISMISS	1BSBARAJAS	0.00	0.00
46	11/24/20	AMENDED MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
47	11/24/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
48	11/24/20	STIPULATION AND ORDER TO SET ASIDE DEFAULT	1BCCOOPER	0.00	0.00
49	11/23/20	DEMAND FOR JURY TRIAL	1BCCOOPER	0.00	0.00
50	11/23/20	THREE DAY NOTICE OF INTENT TO TAKE DEFAULT	1BCCOOPER	0.00	0.00
51	11/20/20	DEMAND FOR JURY BY TRIAL	1BSBARAJAS	0.00	0.00
52	11/20/20	THREE DAY NOTICE OF INTENT TO TAKE DEFAULTS	1BSBARAJAS	0.00	0.00
53	11/12/20	NOTICE OF SUBSTITUTION OF COUNSEL	1BSBARAJAS	0.00	0.00
54	10/26/20	ANSWER TO COMPLAINT	1BCCOOPER	0.00	0.00
55	10/07/20	CERTIFICATE OF SERVICE ON MOTION TO SET ASIDE DEFAULT	1BCCOOPER	0.00	0.00
56	10/07/20	HEARING DATE MEMO	1BSBARAJAS	0.00	0.00
57	09/29/20	HEARING HELD: The following event: CASE MANAGEMENT CONFERENCE scheduled for 09/29/2020 at 9:30 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJULIEH	0.00	0.00
58	09/28/20	MOTION TO SET ASIDE DEFAULT Receipt: 66951 Date: 09/29/2020	1BJULIEH	218.00	0.00
59	09/23/20	NOTICE OF APPEARANCE	1BPETERSON	0.00	0.00
60	09/03/20	AFFIDAVIT IN SUPPORT OF DEFAULT JUDGEMENT	1BPETERSON	0.00	0.00
61	09/03/20	APPLICATION FOR ENTRY OF DEFAULT	1BPETERSON	0.00	0.00
62	09/03/20	DEFAULT (3)	1BPETERSON	0.00	0.00
63	08/31/20	THREE DAY NOTICE OF INTENT TO TAKE DEFAULT	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
64	08/28/20	ANSWER TO COMPLAINT IN INTERVENTION	1BCCOOPER	0.00	0.00
65	08/28/20	ACKNOWLEDGMENT OF SERVICE AND SUMMONS ON COMPLAINT	1BCCOOPER	0.00	0.00
66	08/26/20	TRIAL DATE MEMO	1BCCOOPER	0.00	0.00
67	08/21/20	ANSWER TO COMPLAINT FOR REENTRY	1BSBARAJAS	0.00	0.00
68	08/13/20	COMPLAINT IN INTERVENTION	1BCFRANZ	0.00	0.00
69	08/13/20	NOTICE OF ENTRY OF ORDER GRANTING MOTION TO INTERVENE	1BCFRANZ	0.00	0.00
70	08/10/20	SUMMONS (3)	1BCFRANZ	0.00	0.00
71	08/10/20	ORDER TO SET NRCP 16.1 CASE MANAGEMENT CONFERENCE	1BCFRANZ	0.00	0.00
72	08/06/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
73	08/06/20	ORDER DENYING REQUEST FOR HEARING	1BJULIEH	0.00	0.00
74	08/06/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
75	08/06/20	ORDER GRANTING MOTION FOR INTERVENTION	1BJULIEH	0.00	0.00
76	08/06/20	WITHDRAWAL OF REQUEST FOR HEARING ON MOTIONS TO AMEND COMPLAINT	1BJULIEH	0.00	0.00
77	08/06/20	NOTICE OF ENTRY OF ORDER - GRANTING MOTION TO AMEND COMPLAINT RE DOES II, III AND IV	1BJULIEH	0.00	0.00
78	08/06/20	NOTICE OF ENTRY OF ORDER - GRANTING MOTION TO AMEND COMPLAINT RE DOES V AND VI	1BJULIEH	0.00	0.00
79	08/06/20	NOTICE OF ENTRY OF ORDER - GRANTING MOTION TO INTERVENE	1BJULIEH	0.00	0.00
80	08/05/20	REQUEST FOR HEARING ON MOTION TO DISMISS COMPLAINT	1BSBARAJAS	0.00	0.00
81	07/31/20	REQUEST FOR SUBMISSION OF MOTION TO INTERVENE	1BSBARAJAS	0.00	0.00
82	07/13/20	REQUEST FOR SUBMISSION	1BSBARAJAS	0.00	0.00
83	06/01/20	QUALITY LOAN SERVICE CORPORATION'S NOTICE OF DISASSOCIATION OF COUNSEL	1BPOKEEFE	0.00	0.00
84	05/26/20	MOTION FOR ORDER DETERMING 5-YEAR DISMISSAL DATE	1BCCOOPER	0.00	0.00
85	05/21/20	MOTION FOR INTERVENTION	1BPOKEEFE	0.00	0.00
86	05/07/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
87	05/07/20	ORDER	1BCCOOPER	0.00	0.00
88	05/07/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
89	05/07/20	ORDER ON DOE AMENDMENTS (2)	1BCCOOPER	0.00	0.00
90	05/04/20	QUALITY LOAN SERVICE CORPORATIONS ANSWER TO COMPLAINT	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
91	05/01/20	VERIFIED MEMORANDUM OF APPELLATE COSTS	1BSBARAJAS	0.00	0.00
92	04/30/20	REQUEST FOR SUBMISSION (3)	1BSBARAJAS	0.00	0.00
93	04/30/20	DECLARATION OF TORY M. PANKOPE	1BSBARAJAS	0.00	0.00
94	04/30/20	EX-PARTE APPLICATION FOR DOE V AND VI AMENDMENTS TO COMPLAINT	1BSBARAJAS	0.00	0.00
95	04/28/20	HEARING HELD: The following event: MOTION HEARING - CIVIL scheduled for 04/28/2020 at 2:30 pm has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
96	03/25/20	REMITTITUR	1BPOKEEFE	0.00	0.00
97	03/25/20	CLERK'S CERTIFICATE	1BSBARAJAS	0.00	0.00
98	03/25/20	ORDER OF REVERSAL AND REMAND	1BSBARAJAS	0.00	0.00
99	03/24/20	NOTICE OF CHANGE OF ADDRESS (LAW OFFICES OF TORY M. PANKOPF LTD.)	1BCCOOPER	0.00	0.00
100	03/19/20	EVENT RESCHEDULED The following event: MOTION HEARING - CIVIL scheduled for 04/28/2020 at 2:00 pm has been resulted as follows: Result: RESCHEDULED Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BPOKEEFE	0.00	0.00
101	03/19/20	AMENDED HEARING DATE MEMO	1BPOKEEFE	0.00	0.00
102	03/18/20	HEARING DATE MEMO	1BPOKEEFE	0.00	0.00
103	03/04/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
104	03/04/20	ORDER TO SET FOR HEARING	1BCCOOPER	0.00	0.00
105	03/02/20	ORDER OF REVERSAL AND REMAND	1BPOKEEFE	0.00	0.00
106	12/29/17	TRANSCRIPT OF PROCEEDING, HEARING MARCH 10, 2017	1BCTORRES	0.00	0.00
107	10/04/17	NOTICE OF REQUEST FOR CD-ROM CONTAINING AUDIO FILE OF PROCEEDINGS AND NOTICE OF HAVING AUDIO FILE TRANSCRIBED	1BCCOOPER	0.00	0.00
108	08/08/17	DECLARATION OF SERVICE	1BCCOOPER	0.00	0.00
109	06/15/17	RECEIPT	1BCGRIBBLE	0.00	0.00
110	06/15/17	APPEAL BOND DEPOSIT Receipt: 50106 Date: 06/15/2017	1BCGRIBBLE	500.00	0.00
111	06/15/17	CASE APPEAL STATEMENT	1BCGRIBBLE	0.00	0.00
112	06/15/17	NOTICE OF APPEAL FILED Receipt: 50106 Date: 06/15/2017	1BCGRIBBLE	24.00	0.00
113	06/12/17	NOTICE OF ENTRY OF ORDER GRANTING MOTION TO DISMISS	1BCGRIBBLE	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
114	05/22/17	NOTICE OF ENTRY OF ORDER GRANTING MOTION TO DISMISS	1BCCOOPER	0.00	0.00
115	05/15/17	MOTION TO DISMISS BY DEFENDANT	1BCCOOPER	0.00	0.00
116	05/12/17	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
117	05/12/17	ORDER GRANTING MOTION TO DISMISS	1BCCOOPER	0.00	0.00
118	04/10/17	NOTICE OF CHANGE OF ADDRESS	1BVANESSA	0.00	0.00
119	04/10/17	CERTIFICATE OF SERVICE	1BVANESSA	0.00	0.00
120	04/10/17	OPPOSITION TO RULE 11 MOTION FOR SANCTIONS	1BVANESSA	0.00	0.00
121	03/28/17	MOTION FOR SANCTIONS	1BCCOOPER	0.00	0.00
122	03/10/17	HEARING HELD: The following event: MOTION HEARING - CIVIL scheduled for 03/10/2017 at 10:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
123	03/02/17	CERTIFICATE OF MAILING	1BCCOOPER	0.00	0.00
124	02/28/17	DEFENDANT QULITY LOAN SERVICE CORPORATIONS OPPOSITION TO JILL ARGES MOTION TO INTERVENE	1BCCOOPER	0.00	0.00
125	02/23/17	OPPOSITION TO EX PARTE APPLICATION TO AMEND	1BVANESSA	0.00	0.00
126	02/23/17	MOTION TO DISMISS	1BVANESSA	0.00	0.00
127	02/23/17	TRIAL DATE MEMO	1BCCOOPER	0.00	0.00
128	02/08/17	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BVANESSA	0.00	0.00
129	02/08/17	ORDER DENYING REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
130	02/07/17	NOTICE TO SET	1BCGRIBBLE	0.00	0.00
131	02/07/17	REQUEST FOR SUBMISSION MOTION TO DISMISS COMPLAINT	1BCGRIBBLE	0.00	0.00
132	02/07/17	REQUEST FOR HEARING ON MOTION TO DISMISS COMPLAINT	1BCGRIBBLE	0.00	0.00
133	02/07/17	REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
134	02/07/17	DECLARATION OF TORY M PANKOPF	1BCGRIBBLE	0.00	0.00
135	02/07/17	EX PARTE APPLICATION FOR DOE II, III, IV AMENDMENTS TO COMPLAINT	1BCGRIBBLE	0.00	0.00
136	02/07/17	MOTION TO INTERVENE	1BCGRIBBLE	0.00	0.00
137	01/09/17	DEFENDANT QUALITY LOAN SERVICE CORPORATION'S REPLY TO THE OPPOSITION TO THE MOTION TO DISMISS THE COMPLAINT AS WELL AS MOTION TO EXPUNGE LIS PENDENS	1BJULIEH	0.00	0.00
138	01/06/17	CERTIFICATE OF SERVICE	1BJULIEH	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
139	01/06/17	SUPPLEMENT TO DECLARATION OF JILL SARGE	1BJULIEH	0.00	0.00
140	01/06/17	SUPPLEMENT TO OPPOSITION TO MOTION TO DISMISS COMPLAINT	1BJULIEH	0.00	0.00
141	12/30/16	CERTIFICATE OF SERVICE	1BJULIEH	0.00	0.00
142	12/30/16	DECLARATION OF TORY M. PANKOPE	1BJULIEH	0.00	0.00
143	12/30/16	DECLARATION OF JILL A. SARGE	1BJULIEH	0.00	0.00
144	12/30/16	OPPOSITION TO MOTION TO DISMISS COMPLAINT	1BJULIEH	0.00	0.00
145	12/30/16	CORRECTION TO PARAGRAPH VIII OF PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION (2)	1BJULIEH	265.00	0.00
146	12/12/16	CERTIFICATE OF MAILING	1BJULIEH	0.00	0.00
147	12/06/16	ORDER TO CONSOLIDATE	1BJULIEH	0.00	0.00
148	12/06/16	ORDER CANCELLING NOTICES RECORDED AGAINST 1636 SONOMA STREET, CARSON CITY, NEVADA	1BJULIEH	0.00	0.00
149	12/05/16	HEARING HELD: The following event: MOTION HEARING - CIVIL scheduled for 12/05/2016 at 2:30 pm has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
150	12/02/16	ORDER ON DOE 1 AMENDMENT	1BVANESSA	0.00	0.00
151	11/28/16	INITIAL APPEARANCE FEE DISCLOSURE	1BVANESSA	0.00	0.00
152	11/28/16	ANSWER - (QUALITY LOAN SERVICE CORPORATION) Receipt: 47182 Date: 11/28/2016	1BVANESSA	218.00	0.00
153	11/21/16	REQUEST FOR SUBMISSION	1BJULIEH	0.00	0.00
154	11/21/16	CERTIFICATE OF SERVICE	1BJULIEH	0.00	0.00
155	11/21/16	EX-PARTE APPLICATION FOR DOE 1 AMENDMENT TO COMPLAINT	1BJULIEH	0.00	0.00
156	11/18/16	TRIAL DATE MEMO	1BJULIEH	0.00	0.00
157	11/10/16	REQUEST FOR PLEADINGS AND NOTICE	1BCCOOPER	0.00	0.00
158	11/10/16	NOTICE TO SET HEARING ON MOTION TO EXPUNGE LIS PENDENS	1BCCOOPER	0.00	0.00
159	11/01/16	ISSUING SUMMONS	1BVANESSA	0.00	0.00
160	10/31/16	NOTICE OF PENDENCY OF ACTION	1BVANESSA	0.00	0.00
161	10/31/16	COMPLAINT FOR REENTRY	1BCCOOPER	265.00	0.00
Total:				2,014.00	0.00
Totals By: COST				1,014.00	0.00
HOLDING				1,000.00	0.00

INFORMATION	0.00	0.00
*** End of Report ***		

REC'D & FILED ✓

2021 FEB 10 PM 1:26

AUDREY ROWLAND
CLERK

BY

DEPUTY

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

ESTATE OF THELMA AILENE SARGE and
ESTATE OF EDWIN JOHN SARGE,

Plaintiffs,

v.

QUALITY LOAN SERVICE CORPORATION
and DOES I – X, inclusive,

Defendant(s).

CASE NO: 16 RP 00009 1B
DEPT NO: I

Consolidated with Case Nos.:

16 PBT 00107 1B and
16 PBT 00108 1B

ZACHARY PEDERSON and MICHELLE
PEDERSON,

Plaintiff Intervenor/Defendants

And Related Consolidated Cases.

ORDER RE FINAL JUDGMENT

Having read and considered plaintiffs' motion for an order certifying and directing entry of final judgment as the December 24, 2020 orders granting defendants'/plaintiffs' in Intervention motion for summary judgment, denying plaintiffs' motion for summary judgment, and denying

1 defendant's, Rosehill, motion to dismiss ("Order"), pursuant to NRCP 54(b), and good cause
2 appearing, the motion is granted.

3 IT IS HEREBY ORDERED that the Court's order entered on December 24, 2020 granting
4 defendants'/plaintiffs' in Intervention motion for summary judgment, denying plaintiffs' motion
5 for summary judgment, and denying defendant's, Rosehill, motion to dismiss is certified as a final
6 judgment and, given there is no just reason for delay, final judgment is to be entered forthwith.

7 FURTHER, plaintiffs will serve a notice of entry of order on all other parties and file proof
8 of service within 7 days after the date the court sends this order to plaintiffs' counsel.

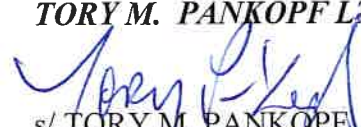
9 **IT IS SO ORDERED**

10
11 DATED: February 10, 2021.

12
13 
14 Judge of the District Court

15
16 Respectfully Submitted by,

17
18 **TORY M. PANKOPF LTD**

19 
20 By: s/ TORY M. PANKOPF
21 TORY M. PANKOPF, ESQ.
22 Attorney for Plaintiffs
23 748 S Meadows Parkway, Suite 244
24 Reno, Nevada 89521
25 Telephone: (775) 384-6956
26 tory@pankopfuslaw.com
27
28

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 22nd day of February, 2021, I sent via electronic mail, a true and correct
4 copy of the foregoing Order addressed as follows:

5 James M. Walsh, Esq.
6 Email: jmw Walsh@wbri.net


Donna M. Wittig, Esq.
Email: donna.wittig@akerman.com

7 Tory M. Pankopf, Esq.
8 Email: tory@pankopfslaw.com

Kristin Schuler-Hintz, Esq.
Email: khintz@mccarthyholthus.com

9 Melanie D. Morgan, Esq.
10 Email: melanie.morgan@akerman.com

Matthew Dayton, Esq.
Email: mdayton@mccarthyholthus.com

11
12 
13
14 Kimberly M. Carrubba, Esq.
15 Law Clerk, Dept. I
16
17
18
19
20
21
22
23
24
25
26
27
28

1 TORY M. PANKOPF (SBN 7477)
2 **TORY M PANKOPF, LTD**
3 748 S Meadows Parkway, Suite 244
4 Reno, Nevada 89521
5 Telephone: (775) 384-6956
6 Facsimile: (775) 384-6958
7 Attorney for the Estate and Petitioner

REC'D & FILED

2021 MAR 11 PM 12:02

AUBREY HOWLATT
CLERK

BY _____
DEPUTY

8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
9 **IN AND FOR THE CARSON CITY**

10 ESTATE OF THELMA AILENE SARGE,
11 ESTATE OF EDWIN JOHN SARGE, and JILL
12 SARGE

13 Plaintiffs,

14 v.

15 QUALITY LOAN SERVICE CORPORATION,
16 ROSEHILL, LLC, NATIONSTAR
17 MORTGAGE, dba CHAMPION MORTGAGE,
18 ZACHARY PEDERSON and MICHELLE
19 PEDERSON,

20 Defendant(s).

21 ZACHARY PEDERSON and MICHELLE
22 PEDERSON,

23 Plaintiff Intervenors.

24 And Related Consolidated Cases.

CASE NO: 16 RP 00009 1B
DEPT NO: I

Consolidated with Case Nos.:

16 PBT 00107 1B and
16 PBT 00108 1B

25 **NOTICE OF ENTRY OF ORDER**

26 **CERTIFYING FINAL JUDGMENT**


27 PLEASE TAKE NOTICE that the order certifying final judgment of the orders granting
28 defendants', Pedersons, motion for summary judgment, denying plaintiffs', Sarge, motion for

1 summary judgment, and denying defendant's, Rosehill, motion to dismiss as moot was entered
2 on February 10, 2021 and served on February 22, 2021. A copy of the order is attached hereto as
3 Exhibit "1".

4 **AFFIRMATION Pursuant to NRS 239B.030**

5 The undersigned does hereby affirm that this document does not contain the social
6 security number of any person.

7 Dated: March 11, 2021


s/Tory M. Pankopf
TORY M. PANKOPF, ESQ.
Attorney for Plaintiffs

10 **CERTIFICATE OF SERVICE**

11 Pursuant to NRCP 5, I hereby certify that on the 11th day of February 2021, I mailed a
12 true and correct copy of the following document(s):

- 13
14 1. Notice of Entry of Order Certifying Final Judgment.

15 By depositing in the U.S. Mail, first class postage prepaid thereon, addressed to the following:

16 Quality Loan Services Corporation
17 c/o Matthew D. Dayton, Esq.
18 MCCARTHY HOLTHUS LLP
19 9510 W Sahara Ave, Suite 200
20 Las Vegas, NV 89117
21 Fax (866) 339-5691
22 mdayton@sMcCarthyHolthus.com

James M. Walsh, Esq.
WALSH & ROSEVEAR
9468 Double R Bl., Ste A
Reno, NV 89521
Fax (775) 853-0860
wbaker@wbri.net

21 NATIONSTAR MORTGAGE LLC
22 fbn Champion Mortgage Company
23 c/o Melanie D. Morgan, Esq.
24 AKERMAN LLP
25 1635 Village Center Cir, Suite 200
26 Las Vegas, NV 89134
27 melanie.morgan.akerman.com

28 DATED on this 11th day of February 2021.


s/Tory M. Pankopf
Tory M. Pankopf

REC'D & FILED ✓

2021 FEB 10 PM 1:26

AUDREY ROWLAND
CLERK

BY

DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

ESTATE OF THELMA AILENE SARGE and
ESTATE OF EDWIN JOHN SARGE,

Plaintiffs,

v.

QUALITY LOAN SERVICE CORPORATION
and DOES I – X, inclusive,

Defendant(s).

CASE NO: 16 RP 00009 1B
DEPT NO: I

Consolidated with Case Nos.:

16 PBT 00107 1B and
16 PBT 00108 1B

ZACHARY PEDERSON and MICHELLE
PEDERSON,

Plaintiff Intervenors/Defendants

And Related Consolidated Cases.

ORDER RE FINAL JUDGMENT

Having read and considered plaintiffs' motion for an order certifying and directing entry of final judgment as the December 24, 2020 orders granting defendants'/plaintiffs' in Intervention motion for summary judgment, denying plaintiffs' motion for summary judgment, and denying

1 defendant's, Rosehill, motion to dismiss ("Order"), pursuant to NRCP 54(b), and good cause
2 appearing, the motion is granted.

3 IT IS HEREBY ORDERED that the Court's order entered on December 24, 2020 granting
4 defendants'/plaintiffs' in Intervention motion for summary judgment, denying plaintiffs' motion
5 for summary judgment, and denying defendant's, Rosehill, motion to dismiss is certified as a final
6 judgment and, given there is no just reason for delay, final judgment is to be entered forthwith.

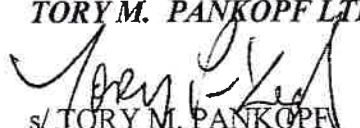
7 FURTHER, plaintiffs will serve a notice of entry of order on all other parties and file proof
8 of service within 7 days after the date the court sends this order to plaintiffs' counsel.

9 **IT IS SO ORDERED**

10
11 DATED: ~~January~~ ^{February} 10, 2021.

12
13 
14 Judge of the District Court

15
16
17 Respectfully Submitted by,

18 **TORY M. PANKOPF LTD**
19 
20 By: s/ TORY M. PANKOPF
21 TORY M. PANKOPF, ESQ.
22 *Attorney for Plaintiffs*
23 748 S Meadows Parkway, Suite 244
24 Reno, Nevada 89521
25 Telephone: (775) 384-6956
26 tory@pankopfuslaw.com
27
28

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 22nd day of February, 2021, I sent via electronic mail, a true and correct copy of the foregoing Order addressed as follows:

James M. Walsh, Esq.
Email: jmwalsh@wbri.net

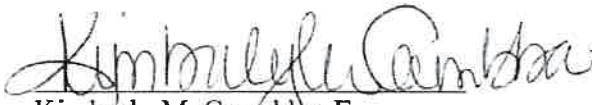
Donna M. Wittig, Esq.
Email: donna.wittig@akerman.com

Tory M. Pankopf, Esq.
Email: tory@pankopfuslaw.com

Kristin Schuler-Hintz, Esq.
Email: khintz@mccarthyholthus.com

Melanie D. Morgan, Esq.
Email: melanie.morgan@akerman.com

Matthew Dayton, Esq.
Email: mdayton@mccarthyholthus.com


Kimberly M. Carrubba, Esq.
Law Clerk, Dept. I

James M. Walsh, Esq.
Nevada State Bar No. 796.
Walsh & Rosevear
9468 Double R. Blvd., Suite A
Reno, Nevada 89521
Tel: (775) 853-0883
Email: jmw Walsh@wbri.net
Attorney for Pedersen

REC'D & FILED ✓

2020 DEC 24 AM 11:35

AUBREY ROYAL
CLERK

BY DS DEPUTY

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

ESTATE OF THELMA AILENE SARGE and
ESTATE OF EDWIN JOHN SARGE,

Case No.: 16 RP 0009 1B

Plaintiffs,

Dept. No: I

vs.

Consolidated With Case No.:

QUALITY LOAN SERVICE CORPORATION and
DOES I – X, inclusive,

16 PBT 00107 1B and
16 PBT 00108 1B

Defendants.

In the Matter of the Estate of:

THELMA AILENE SARGE,

Decedent.

In the Matter of the Estate of:

EDWIN JOHN SARGE,

Decedent.

FINDINGS OF FACT CONCLUSIONS OF LAW AND SUMMARY JUDGMENT

INTRODUCTION

Plaintiffs in Intervention Zachary and Michele Pedersen ("Pedersen") having filed a Motion for Summary Judgment against Plaintiffs claiming they are BFP's pursuant to NRS 107.560 and 14.017. Plaintiffs opposed and filed a counter motion for Summary Judgment against Pedersen. The Court having read and considered the motions and exhibits, the papers and pleadings on file hear in and the arguments, makes the following Findings of Fact, Conclusions of Law and Judgment.

FINDINGS OF FACT

1. Plaintiff, the Estate of Thelma Ailene Sarge and Edwin John Sarge, filed their complaint for “reentry” contending the foreclosure sale conducted by Quality Loan Service on or about October 13, 2016 was defective for lack of proper notice to the Estates.
2. Rosehill, LLC, was the successful bidder at that sale, paying the sum of \$255,100 for the real property at issue herein, that being, 1636 Sonoma Street, Carson City, Nevada.
3. The Deed of Trust in question herein, was executed by Edwin J. Sarge and Thelma A. Sarge, Trustees of the Sarge Trust dated March 28, 1988, recorded April 26, 2006 as Document No. 352840, Official Records of Carson City.
4. Both Sarges passed away and the heirs have not occupied 1636 Sonoma St. as their full time residence.
5. On September 2, 2015, the Sarges being in default under the terms and conditions of the Deed of Trust, a Notice of Breach and Default and of Election to Cause Sale of Real Property under Deed of Trust was recorded by Quality Loan Corporation. The Notice of Breach and Default and of Election to Cause Sale of Real Property under Deed of Trust was recorded September 22, 2015 as Document No. 457307, Official Records of Carson City.
6. Thereafter, on or about August 29, 2016, Quality Loan Corporation did record a Notice of Trustee’s Sale as Document No. 467446, Official Records of Carson City.
7. At the duly noticed trustee’s sale, as indicated, Rosehill, LLC was the successful bidder in the amount of \$255,100, and a Trustee’s Deed Upon Sale was issued to Rosehill, LLC and recorded November 2, 2016, as Document No. 469496, Official Records of Carson City Recorder.
8. Plaintiff brought the instant action and recorded a Lis Pendens against the subject property.
9. On or about November 2, 2016, Rosehill moved to expunge the Lis Pendens, and after hearing December 5, 2016, this Court entered its order expunging the Lis Pendens. At such hearing, the Court indicated that Plaintiff having failed to meet the requirements of NRS 14.015, that Rosehill’s title had a priority from the date of the Deed of Trust in 2006, that Plaintiffs had failed to meet their burden to provide any evidence that a default did not exist under the terms and conditions of the Deed of Trust at the time of foreclosure, that Plaintiffs produced no evidence of a tender of the amounts due and owing under the Deed of Trust and that the provisions of NRS 107.080 required

no notice to the estate or the beneficiaries. Sarge did not seek any stay of the order and it was not until over six months after the sale to Pedersen did Sarge file a Notice of Appeal of the dismissal. NOA filed June 14, 2017.

10. The Order Expunging the Lis Pendens was recorded with the Carson City Recorders Office December 7, 2016 File No. 470500. Sarge sought no stay of this order pending appeal.

11. After expunging of the Lis Pendens, Rosehill sold the subject property by Grant Bargain and Sale Deed to Pedersen. Said Deed was dated December 13, 2016 and recorded December 15, 2016, as Document No. 470725, Official Records of Carson City Recorder.

12. Rose Hill and Quality Loan Service subsequently both filed Motions to Dismiss.

13. Sarge's opposed the motions and specifically filed a Supplemental Opposition wherein they admit that they had made an election to pursue their Loss Mitigation Options under NRS 107.530. See exhibit D to the supplement. 7.

14. Sarge has made additional judicial admissions in their motion for summary judgment against Pedersen at P6, L2. Wherein they contend that their election to participate in the Banks loss mitigation process constituted a tender.

15. Sarge and their counsel had actual knowledge of the pending foreclosure and elected to participate in a loss mitigation option offered by the lender.

CONCLUSIONS OF LAW

1. Summary judgment is appropriate when the pleadings and admissible evidence show there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). *See Celotex Corp. v. Catrett*, 477 U.S. 317, 330 (1986) (*citing* Fed. R. Civ. Pro. 56(c)); NRCP 56. When

1 deciding a motion for summary judgment, the evidence and any reasonable inferences drawn
2 from it, must be viewed in a light most favorable to the non-moving party. NRCP 56; *Winn v.*
3 *Sunrise Hospital and Medical Center*, 128 Nev. Adv. Op. 23 (2012). If reasonable minds could
4 differ on material facts, summary judgment is inappropriate because summary judgment's
5 purpose is to avoid unnecessary trials when the facts are undisputed, and the case must then
6 proceed to the trier of fact. *Warren v. City of Carlsbad*, 58 F.3d 439, 441 (9th Cir. 1995); *see*
7 *also Nw. Motorcycle Ass'n v. U.S. Dept. of Agric.*, 18 F.3d 1468, 1471 (9th Cir. 1994).

8
9
10 2. Rosehill's title and that of its successor in interest, the Pedersens, is derivative and has the
11 priority of the Deed of Trust foreclosed on by Quality Loan Corporation. That Deed of Trust
12 was dated March 4, 2006, recorded April 26, 2006. This relation back of priority of the
13 Trustee's Deed extinguishes any claims, liens or encumbrances with regard to the real property
14 after April 26, 2006 in favor of the purchaser Rosehill and its successors in interest. United
15 States of America v. Real Property at 2659 Roundhill Dr., Alamo, CA, 194 F.3d 1020 (9th Cir.
16 1999). It is clear therefrom that any claims or interest of Sarge, the Sarge Estate or any interest
17 arriving therefrom were extinguished by the Quality Loan Corporation foreclosure.
18

19
20
21 3. The Pedersen's and Rosehill's title is also protected by NRS 14.017. That statute provides in
22 pertinent part:

23
24 Upon... the recordation of a certified copy of a court order for the
25 cancellation of a notice of the pendency of such an action with the
26 recorder of the county in which the notice was recorded, each person
27 who thereafter acquires an interest in the property as a purchaser,
28 transferee, mortgagee or other encumbrancer for valuable consideration
, except a party to the action who is not designated by a fictitious name
at that time of the withdrawal or order of cancellation, shall be deemed
to be without knowledge of the action or any matter, claim or allegation
contained therein, irrespective of whether the person has or at any time

1 had actual knowledge of the action... (2) the purpose of this section
2 is to provide for the absolute and complete transferability of real
3 property after the withdrawal or cancellation of a notice of the pendency
4 of an action affecting the property.

4 4. The order of cancellation was recorded December 7, 2016 and at that time Pedersen's were
5 not parties to this action. Based upon the statute they have presumptive status as bona fide
6 purchasers.

7 5. Sarge has admitted that long before the foreclosure occurred in October 2016 that they had
8 been in communication with Champion Mortgage to pursue their Loss Mitigation Options pursuant to
9 NRS 107.530. In fact, as noted Jill Sarge on February 4, 2016 executed a Loss Mitigation Option
10 Acknowledgment wherein, she elected to short sale of the property. See exhibit D to the Supplement to
11 Opposition to Motion to Dismiss Complaint.

12 6. Once Sarge made this election her remedies became those of NRS 107.560. If the lender
13 pursued foreclosure, in violation of NRS 107.530(1), the sole remedy of Sarge was to enjoin the sale. If
14 Sarge allowed the sale to go forward, as happened here, the remedy is solely against the bank as set forth
15 in NRS 107.560(2).

16 7. After recordation of the Trustee's Deed of Sale NRS 107.560(4) provides
17 a safe haven for any purchaser at the foreclosure sale. It states "a violation of NRS 107.400 to 107.560,
18 inclusive, does not affect the validity of a sale to a bona fide purchaser for value..."

19 8. During this period time Sarge was represented by current counsel who was in communication
20 with the lender's representatives specifically about the foreclosure schedule. See Sarge's Opposition to
21 Motion to Dismiss complaint filed December 30, 2016 at p. 3 line 15 wherein Sarge states

22
23 "Counsel for the Estates notified the trustee it had failed to serve
24 The NOD and NOS on the Estates and demanded it cease and desist
25 from foreclosing on the property..."

26 9. In addition to the foregoing Sarge in their motion admits their election to participate in the loss
27 mitigation process offered by the Bank and even threatened injunctive remedy should the bank proceed.
28

1 This brought them squarely within the foreclosure prevention alternatives defined in NRS 107.420 and
2 limited their remedy once they allowed the foreclosure to proceed to those against the bank as set forth
3 in NRS 107.560. And NRS 107.560 (4) specifically grants BFP protection to subsequent purchasers.

4
5 10. Sarge's pleadings constitute Judicial Admissions. Judicial admissions are defined as
6 deliberate, clear, unequivocal statements by a party about a concrete fact within that party's knowledge.
7 *Reyburn Lawn & Landscape Designers, Inc. v. Plaster Dev. Co., Inc.*, 255 P.3d 268, 127 Nev. 331 (2011)
8 citing *Smith v. Pavlovich*, 394 Ill.App.3d 458, 333 Ill.Dec. 446, 914 N.E.2d 1258, 1267 (2009). What
9 constitutes a judicial admission should be determined by the circumstances of each case and evaluated in
10 relation to the other testimony presented in order to prevent disposing of a case based on an unintended
11 statement made by a nervous party. *Id.*, 333 Ill.Dec. 446, 914 N.E.2d at 1268. *See Scalf v. D.B. Log*
12 *Homes, Inc.*, 128 Cal. App.4th 1510, 27 Cal.Rptr.3d 826, 833 (2005) (reasoning that concessions in
13 pleadings are judicial admissions whereas oral testimony subject to traditional impeachment is construed
14 as evidence); *Chaffee v. Kraft General Foods, Inc.*, 886 F.Supp. 1164 (D.N.J.1995) (explaining the
15 difference between a judicial admission, which is conclusively binding, and an evidentiary party
16 admission, which may be challenged).

17 "Judicial admissions are formal admissions in the pleadings which have the effect of withdrawing
18 a fact from issue and dispensing wholly with the need for proof of the fact." *In re Barker*, 839 F.3d 1189
19 (9th Cir. 2016); "Judicial admissions are 'conclusively binding on the party who made them'" *Am. Title*
20 *Ins. Co. v. Lacelaw Corp.*, 861 F.2d 224, 226 (9th Cir. 1988). "Where, however, the party making an
21 ostensible judicial admission explains the error in a subsequent pleading or by amendment, the trial court
22 must accord the explanation due weight." *Sicor Ltd. v. Cetus Corp.*, 51 F.3d 848 (9th Cir. 1995). *See*
23 *Lacelaw*, 861 F.2d at 226 ("Factual assertions in pleadings and pretrial orders, unless amended, are
24 considered judicial admissions conclusively binding on the party who made them."); *Hooper v. Romero*,
25 68 Cal.Rptr. 749, 753, 262 Cal.App.2d 574, 580 (1968) (same).

26 11. That Pedersen's are Bona Fide Purchasers for value pursuant to the provisions of
27 NRS 14.017 and 107.560.

28 12. That Sarge's damage remedy, if any, is limited to parties other than Pedersen or Rosehill

1 By NRS 107.560 and therefore based on the foregoing Sarge's Motion for Summary Judgment should
2 be denied, Pedersen's Motion for Summary Judgment will be granted and Rosehill's Motion to Dismiss
3 denied as moot.

4
5 Based upon the foregoing IT IS HEREBY ORDERED DECREED AND AJUDGED,
6 That Plaintiff's Motion for Summary Judgment is denied Pedersen's Motion for Summary Judgment is
7 granted and judgement is hereby granted and entered in favor of Zachary and Michelle Pedersen and
8 against Plaintiffs that Pedersen's are Bona Fide Purchasers for Value of 1636 Sonoma Street, Carson
9 City, Nevada APN: 010-513-07. And described as follows:

10
11 All that certain property situated in the County of Carson City, State of Nevada
12 , described as follows:

13 That portion of the Northwest ¼ of the Northwest ¼ of Section 28, Township 15
14 North, Range 20 East, M.D.B. & M., further described as follows:

15 Parcel 86 as shown on the Parcel Map for M.G. STAFFORD, INC., filed for
16 Record in the office of the Recorder of Carson City, Nevada, on August 22, 1989,
17 In Book 6, Page 1714, as Document No. 89571.

18 TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto
19 belonging or appertaining, and any reversions, remainders, rents, issues or profits
20 thereof.

21 And further that Zachary and Michelle Pedersen hold title free and clear of any claims of the
22 Plaintiff's with a priority date of April 26, 2006, said date being the recordation date of Document No.
23 352840, their title is derived from that of Rosehill, LLC the purchaser at foreclosure per Document No.
24 469496. Any and all other claims by Plaintiffs against Pedersen are hereby dismissed.

25 It is further hereby ordered that Rosehill LLC, Motion to Dismiss is denied as moot based upon
26 the foregoing as all claims against Rosehill are disposed and dismissed by these findings.

27 Dated: December 24th, 2020.

28 
Judge of the District Court

CERTIFICATE OF MAILING

Pursuant to NRCp 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 24th day of December, 2020, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

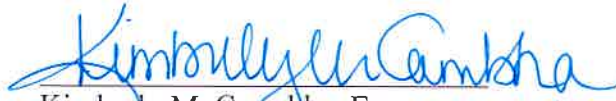
Tory M. Pankopf, Esq.
748 S. Meadows Pkwy., Ste. 244
Reno, NV 89701

Kristin Schuler-Hintz, Esq.
Matthew Dayton, Esq.
9510 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117

Melanie D. Morgan, Esq.
1635 Village Center Cir., Ste. 200
Las Vegas, NV 89134

James M. Walsh, Esq.
9468 Double R. Blvd., Ste. A
Reno, NV 89521

Melissa Vermillion, Esq.
7251 W. Lake Mead Blvd., Ste. 300
Las Vegas, NV 89128


Kimberly M. Carrubba, Esq.
Law Clerk, Dept. 1

James M. Walsh, Esq.
Nevada State Bar No. 796
Walsh & Rosevear
9468 Double R. Blvd., Suite A
Reno, Nevada 89521
Tel: (775)853-0883
Email: jmwalth@wbri.net
Attorney for intervenors

REC'D & FILED
2021 FEB -1 PM 12:30

AUGUST ROWLAND
CLERK

BY _____
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

ESTATE OF THELMA AILENE SARGE and
ESTATE OF EDWIN JOHN SARGE,

Plaintiffs,

vs.

QUALITY LOAN SERVICE CORPORATION and
DOES I - X, inclusive,

Defendants.

In the Matter of the Estate of:

THELMA AILENE SARGE,

Decedent.

In the Matter of the Estate of:

EDWIN JOHN SARGE,

Decedent.

Case No.: 16 RP 0009 IB

Dept. No: I

Consolidated With Case No.:

16 PBT 00107 IB and
16 PBT 00108 IB

**NOTICE OF ENTRY OF FINDINGS OF FACT CONCLUSION OF LAW AND SUMMARY
JUDGMENT**

COMES NOW, Plaintiffs in Intervention, by and through their counsel, James M. Walsh, Esq. of
Walsh & Rosevear. and hereby gives notice of the courts entry of FINDINGS OF FACT
CONCLUSIONS OF LAW AND SUMMARY JUDGMENT, entered December 24,2020,. A
copy of said Order is enclosed herewith.

Affirmation Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social
security number of any person.

DATED this 31st day of December 2020.

/s/
JAMES M. WALSH, ESQ.

1

CERTIFICATE OF SERVICE

24

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am an employee of WALSH & ROSEVEAR that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing document on all parties to this action by:

xx Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary course of business practices;

 Hand Delivery

 Facsimile

addressed as follows:

Tory M. Pankopf
748 South Meadows Pkwy, Ste 244
Reno, Nevada 89521
Attorneys for Estate and Petitioner

Kristin A. Schuler-Hintz
9510 W. Sahara Ave. Ste 200
Las Vegas, NV 89117
Attorney for Quality Loan Service

Melissa Vermillion Esq.
Barrett Daffin
7251 W. Lake Mead Blvd. Ste 300
Las Vegas, NV 89128

Mathew Dayton, Esq.
McCarthy & Holthus LLP
9510 W. Sahara Ave Ste.200
Las Vegas, NV 89117

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

Executed this 31st day of December, 2020.

/s/ James M. Walsh

James M. Walsh
Walsh & Rosevear

James M. Walsh, Esq.
Nevada State Bar No. 796.
Walsh & Rosevear
9468 Double R. Blvd., Suite A
Reno, Nevada 89521
Tel: (775) 853-0883
Email: jmw Walsh@wbri.net
Attorney for Pedersen

REC'D & FILED

2020 DEC 24 AM 11:35

AUBREY ROYAL
CLERK

BY DS
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

ESTATE OF THELMA AILENE SARGE and
ESTATE OF EDWIN JOHN SARGE,

Plaintiffs,

vs.

QUALITY LOAN SERVICE CORPORATION and
DOES I – X, inclusive,

Defendants.

In the Matter of the Estate of:

THELMA AILENE SARGE,

Decedent.

In the Matter of the Estate of:

EDWIN JOHN SARGE,

Decedent.

Case No.: 16 RP 0009 1B

Dept. No: I

Consolidated With Case No.:

16 PBT 00107 1B and

16 PBT 00108 1B

FINDINGS OF FACT CONCLUSIONS OF LAW AND SUMMARY JUDGMENT

INTRODUCTION

Plaintiffs in Intervention Zachary and Michele Pedersen ("Pedersen") having filed a Motion for Summary Judgment against Plaintiffs claiming they are BFP's pursuant to NRS 107.560 and 14.017. Plaintiffs opposed and filed a counter motion for Summary Judgment against Pedersen. The Court having read and considered the motions and exhibits, the papers and pleadings on file hear in and the arguments, makes the following Findings of Fact, Conclusions of Law and Judgment.

FINDINGS OF FACT

1. Plaintiff, the Estate of Thelma Ailene Sarge and Edwin John Sarge, filed their complaint for "reentry" contending the foreclosure sale conducted by Quality Loan Service on or about October 13, 2016 was defective for lack of proper notice to the Estates.
2. Rosehill, LLC, was the successful bidder at that sale, paying the sum of \$255,100 for the real property at issue herein, that being, 1636 Sonoma Street, Carson City, Nevada.
3. The Deed of Trust in question herein, was executed by Edwin J. Sarge and Thelma A. Sarge, Trustees of the Sarge Trust dated March 28, 1988, recorded April 26, 2006 as Document No. 352840, Official Records of Carson City.
4. Both Sarges passed away and the heirs have not occupied 1636 Sonoma St. as their full time residence.
5. On September 2, 2015, the Sarges being in default under the terms and conditions of the Deed of Trust, a Notice of Breach and Default and of Election to Cause Sale of Real Property under Deed of Trust was recorded by Quality Loan Corporation. The Notice of Breach and Default and of Election to Cause Sale of Real Property under Deed of Trust was recorded September 22, 2015 as Document No. 457307, Official Records of Carson City.
6. Thereafter, on or about August 29, 2016, Quality Loan Corporation did record a Notice of Trustee's Sale as Document No. 467446, Official Records of Carson City.
7. At the duly noticed trustee's sale, as indicated, Rosehill, LLC was the successful bidder in the amount of \$255,100, and a Trustee's Deed Upon Sale was issued to Rosehill, LLC and recorded November 2, 2016, as Document No. 469496, Official Records of Carson City Recorder.
8. Plaintiff brought the instant action and recorded a Lis Pendens against the subject property.
9. On or about November 2, 2016, Rosehill moved to expunge the Lis Pendens, and after hearing December 5, 2016, this Court entered its order expunging the Lis Pendens. At such hearing, the Court indicated that Plaintiff having failed to meet the requirements of NRS 14.015, that Rosehill's title had a priority from the date of the Deed of Trust in 2006, that Plaintiffs had failed to meet their burden to provide any evidence that a default did not exist under the terms and conditions of the Deed of Trust at the time of foreclosure, that Plaintiffs produced no evidence of a tender of the amounts due and owing under the Deed of Trust and that the provisions of NRS 107.080 required

no notice to the estate or the beneficiaries. Sarge did not seek any stay of the order and it was not until over six months after the sale to Pedersen did Sarge file a Notice of Appeal of the dismissal. NOA filed June 14, 2017.

10. The Order Expunging the Lis Pendens was recorded with the Carson City Recorders Office December 7, 2016 File No. 470500. Sarge sought no stay of this order pending appeal.
11. After expunging of the Lis Pendens, Rosehill sold the subject property by Grant Bargain and Sale Deed to Pedersen. Said Deed was dated December 13, 2016 and recorded December 15, 2016, as Document No. 470725, Official Records of Carson City Recorder.
12. Rose Hill and Quality Loan Service subsequently both filed Motions to Dismiss.
13. Sarge's opposed the motions and specifically filed a Supplemental Opposition wherein they admit that they had made an election to pursue their Loss Mitigation Options under NRS 107.530. See exhibit D to the supplement. 7.
14. Sarge has made additional judicial admissions in their motion for summary judgment against Pedersen at P6, L2. Wherein they contend that their election to participate in the Banks loss mitigation process constituted a tender.
15. Sarge and their counsel had actual knowledge of the pending foreclosure and elected to participate in a loss mitigation option offered by the lender.

CONCLUSIONS OF LAW

1. Summary judgment is appropriate when the pleadings and admissible evidence show there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). See *Celotex Corp. v. Catrett*, 477 U.S. 317, 330 (1986) (citing Fed. R. Civ. Pro. 56(c)); NRCP 56. When

deciding a motion for summary judgment, the evidence and any reasonable inferences drawn from it, must be viewed in a light most favorable to the non-moving party. NRCP 56; *Winn v. Sunrise Hospital and Medical Center*, 128 Nev. Adv. Op. 23 (2012). If reasonable minds could differ on material facts, summary judgment is inappropriate because summary judgment's purpose is to avoid unnecessary trials when the facts are undisputed, and the case must then proceed to the trier of fact. *Warren v. City of Carlsbad*, 58 F.3d 439, 441 (9th Cir. 1995); see also *Nw. Motorcycle Ass'n v. U.S. Dept. of Agric.*, 18 F.3d 1468, 1471 (9th Cir. 1994).

2. Rosehill's title and that of its successor in interest, the Pedersens, is derivative and has the priority of the Deed of Trust foreclosed on by Quality Loan Corporation. That Deed of Trust was dated March 4, 2006, recorded April 26, 2006. This relation back of priority of the Trustee's Deed extinguishes any claims, liens or encumbrances with regard to the real property after April 26, 2006 in favor of the purchaser Rosehill and its successors in interest. United States of America v. Real Property at 2659 Roundhill Dr., Alamo, CA, 194 F.3d 1020 (9th Cir. 1999). It is clear therefrom that any claims or interest of Sarge, the Sarge Estate or any interest arriving therefrom were extinguished by the Quality Loan Corporation foreclosure.
3. The Pedersen's and Rosehill's title is also protected by NRS 14.017. That statute provides in pertinent part:

Upon... the recordation of a certified copy of a court order for the cancellation of a notice of the pendency of such an action with the recorder of the county in which the notice was recorded, each person who thereafter acquires an interest in the property as a purchaser, transferee, mortgagee or other encumbrancer for valuable consideration, except a party to the action who is not designated by a fictitious name at that time of the withdrawal or order of cancellation, shall be deemed to be without knowledge of the action or any matter, claim or allegation contained therein, irrespective of whether the person has or at any time

had actual knowledge of the action... (2) the purpose of this section is to provide for the absolute and complete transferability of real property after the withdrawal or cancellation of a notice of the pendency of an action affecting the property.

4. The order of cancellation was recorded December 7, 2016 and at that time Pedersen's were not parties to this action. Based upon the statute they have presumptive status as bona fide purchasers.

5. Sarge has admitted that long before the foreclosure occurred in October 2016 that they had been in communication with Champion Mortgage to pursue their Loss Mitigation Options pursuant to NRS 107.530. In fact, as noted Jill Sarge on February 4, 2016 executed a Loss Mitigation Option Acknowledgment wherein, she elected to short sale of the property. See exhibit D to the Supplement to Opposition to Motion to Dismiss Complaint.

6. Once Sarge made this election her remedies became those of NRS 107.560. If the lender pursued foreclosure, in violation of NRS 107.530(1), the sole remedy of Sarge was to enjoin the sale. If Sarge allowed the sale to go forward, as happened here, the remedy is solely against the bank as set forth in NRS 107.560(2).

7. After recordation of the Trustee's Deed of Sale NRS 107.560(4) provides a safe haven for any purchaser at the foreclosure sale. It states "a violation of NRS 107.400 to 107.560, inclusive, does not affect the validity of a sale to a bona fide purchaser for value..."

8. During this period time Sarge was represented by current counsel who was in communication with the lender's representatives specifically about the foreclosure schedule. See Sarge's Opposition to Motion to Dismiss complaint filed December 30, 2016 at p. 3 line 15 wherein Sarge states

"Counsel for the Estates notified the trustee it had failed to serve The NOD and NOS on the Estates and demanded it cease and desist from foreclosing on the property..."

9. In addition to the foregoing Sarge in their motion admits their election to participate in the loss mitigation process offered by the Bank and even threatened injunctive remedy should the bank proceed.

This brought them squarely within the foreclosure prevention alternatives defined in NRS 107.420 and limited their remedy once they allowed the foreclosure to proceed to those against the bank as set forth in NRS 107.560. And NRS 107.560 (4) specifically grants BFP protection to subsequent purchasers.

10. Sarge's pleadings constitute Judicial Admissions. Judicial admissions are defined as deliberate, clear, unequivocal statements by a party about a concrete fact within that party's knowledge. *Reyburn Lawn & Landscape Designers, Inc. v. Plaster Dev. Co., Inc.*, 255 P.3d 268, 127 Nev. 331 (2011) citing *Smith v. Pavlovich*, 394 Ill.App.3d 458, 333 Ill.Dec. 446, 914 N.E.2d 1258, 1267 (2009). What constitutes a judicial admission should be determined by the circumstances of each case and evaluated in relation to the other testimony presented in order to prevent disposing of a case based on an unintended statement made by a nervous party. *Id.*, 333 Ill.Dec. 446, 914 N.E.2d at 1268. *See Scalf v. D.B. Log Homes, Inc.*, 128 Cal. App.4th 1510, 27 Cal.Rptr.3d 826, 833 (2005) (reasoning that concessions in pleadings are judicial admissions whereas oral testimony subject to traditional impeachment is construed as evidence); *Chaffee v. Kraft General Foods, Inc.*, 886 F.Supp. 1164 (D.N.J.1995) (explaining the difference between a judicial admission, which is conclusively binding, and an evidentiary party admission, which may be challenged).

"Judicial admissions are formal admissions in the pleadings which have the effect of withdrawing a fact from issue and dispensing wholly with the need for proof of the fact." *In re Barker*, 839 F.3d 1189 (9th Cir. 2016); "Judicial admissions are 'conclusively binding on the party who made them'" *Am. Title Ins. Co. v. Lacelaw Corp.*, 861 F.2d 224, 226 (9th Cir. 1988). "Where, however, the party making an ostensible judicial admission explains the error in a subsequent pleading or by amendment, the trial court must accord the explanation due weight." *Sicor Ltd. v. Cetus Corp.*, 51 F.3d 848 (9th Cir. 1995). *See Lacelaw*, 861 F.2d at 226 ("Factual assertions in pleadings and pretrial orders, unless amended, are considered judicial admissions conclusively binding on the party who made them."); *Hooper v. Romero*, 68 Cal.Rptr. 749, 753, 262 Cal.App.2d 574, 580 (1968) (same).

11. That Pedersen's are Bona Fide Purchasers for value pursuant to the provisions of NRS 14.017 and 107.560.

12. That Sarge's damage remedy, if any, is limited to parties other than Pedersen or Roschill

By NRS 107.560 and therefore based on the foregoing Sarge's Motion for Summary Judgment should be denied, Pedersen's Motion for Summary Judgment will be granted and Rosehill's Motion to Dismiss denied as moot.

Based upon the foregoing IT IS HEREBY ORDERED DECREED AND AJUDGED.

That Plaintiff's Motion for Summary Judgment is denied Pedersen's Motion for Summary Judgment is granted and judgement is hereby granted and entered in favor of Zachary and Michelle Pedersen and against Plaintiffs that Pedersen's are Bona Fide Purchasers for Value of 1636 Sonoma Street, Carson City, Nevada APN: 010-513-07. And described as follows:

All that certain property situated in the County of Carson City, State of Nevada, described as follows:

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 15 North, Range 20 East, M.D.B. & M., further described as follows:

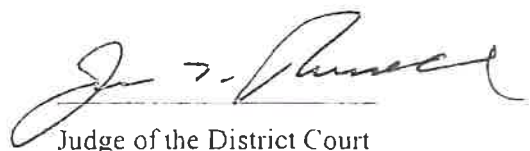
Parcel 86 as shown on the Parcel Map for M.G. STAFFORD, INC., filed for Record in the office of the Recorder of Carson City, Nevada, on August 22, 1989, In Book 6, Page 1714, as Document No. 89571.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

And further that Zachary and Michelle Pedersen hold title free and clear of any claims of the Plaintiff's with a priority date of April 26, 2006, said date being the recordation date of Document No. 352840, their title is derived from that of Rosehill, LLC the purchaser at foreclosure per Document No. 469496. Any and all other claims by Plaintiffs against Pedersen are hereby dismissed.

It is further hereby ordered that Rosehill LLC, Motion to Dismiss is denied as moot based upon the foregoing as all claims against Rosehill are disposed and dismissed by these findings.

Dated: December 24th 2020.


Judge of the District Court

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 24th day of December, 2020, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

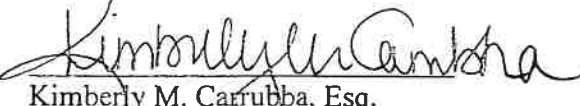
Tory M. Pankopf, Esq.
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7251 W. Lake Mead Blvd., Ste. 300
Las Vegas, NV 89128


Kimberly M. Carrubba, Esq.
Law Clerk, Dept. 1

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 16 RP 00009 1B

TITLE: THE ESTATE OF THELMA AILENE
SARGE AND EDWIN JOHN SARGE VS.
QUALITY LOAN SERVICE
CORPORATION

09/29/20 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Harkleroad, Clerk – Not Reported

STATUS HEARING

Present: Tory Pankopf counsel for Petitioner, appearing telephonically; Melissa Vermillion counsel for NationStar Mortgage, LLC, dba Champion Mortgage, appearing telephonically; James Walsh via telephone, counsel for Rosehill, LLC, appearing telephonically.

Statements were made by Court and counsel.

COURT ORDERED: It will have its Judicial Assistant contact counsel to set the matter for a settlement conference.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

SUPPLEMENTAL INFORMATION: Matt Dayton, counsel for Quality Loan Service called into the Go2Meeting after the parties hung up and the hearing was held. The Clerk advised him that the Court's Judicial Assistant will be contacting counsel to set the matter for a settlement conference.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 16 RP 00009 1B

TITLE: THE ESTATE OF THELMA AILENE SARGE
AND EDWIN JOHN SARGE VS. QUALITY
LOAN SERVICE CORPORATION

04/28/20 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

STATUS HEARING

Present: Tory Pankopf counsel for Petitioner; Shane Gale via telephone, counsel for Quality Loan Service Corp; James Walsh via telephone, counsel for Rosehill, LLC.

Statements were made by Court and counsel.

Court instructed counsel for proceed forward with the case.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 16 RP 00009 1B

TITLE: IN THE MATTER OF THE ESTATE OF
THELMA AILENE SARGE; ESTATE OF
THELMA AILENE SARGE AND ESTATE OF
EDWIN JOHN SARGE VS QUALITY LOAN
SERVICE CORPORATION

3/10/17 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

MOTION TO DISMISS

Present: Tory Pankopf counsel for Plaintiff; Kristin Schuler-Hintz, counsel for Defendant; Mile Walsh counsel for Rose Hill Corporation;

Statements were made by Court and counsel.

Court stated findings for the record;

COURT ORDERED: It grants the motion to dismiss.

Further statements were made by Court and Walsh and Pankopf regarding the motion to amend the complaint.

COURT ORDERED: It grants Walsh's motion to dismiss as well.
Schuler-Hintz and Walsh to prepare Orders.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 16 RP 00009 1B;
16 PBT 00108 1B &
16 PBT 00107 1B

TITLE: IN THE MATTER OF THE ESTATE OF
EDWIN JOHN SARGE

12/05/16 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Harkleroad, Clerk – Not Reported

MOTION TO EXPUNGE LIS PENDENS

Present: Tory Pankopf counsel for Thelma Ailene Sarge; Bill Baker counsel for Rose Hill Corporation; James Walsh

Statements were made by Court and counsel.

COURT ORDERED: It will go ahead and expunge the Lis Pendens.

Further statements were made by Court.

COURT ORDERED: Baker to prepare the Order granting the Motion and getting rid of the Lis Pendens and allowing the sale to conclude and go forward. It is not precluding any damages in regards to the other issue.

Further statements were made by Court and counsel.

COURT ORDERED: It will issue an Order consolidating all three cases.

Statements were made by Court.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

DISTRICT COURT CIVIL COVER SHEET

Carson City County, Nevada

Case No. 16-00098-AS
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Estate of Thelma Ailene Sarge

Estate of Edwin John Sarge

Defendant(s) (name/address/phone):

Quality Mail Service Corporation

411 Ivy Street

San Diego, CA 92101

619-645-7711

Attorney (name/address/phone):

Tory M. Pankopf, Esq.

Attorney (name/address/phone):

Unknown

Law Offices of T M Pankopf PLLC

9460 Double R Bl., #104

Reno, Nevada 89521 775-384-6956

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

Civil Case Filing Types

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

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

10/27/2016

Date

Signature of initiating party or representative

See other side for family-related case filings.