

FILED

MAY 27 2022

CASE NO.: 82379 - COA

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

LEO KRAMER and AUDREY KRAMER, PRO SE

Plaintiffs-Appellants

v.

NATIONAL DEFAULT SERVICING CORPORATION, et al.,

Defendants-Appellees

ON APPEAL FROM THE JUDGMENT OF THE THIRD JUDICIAL DISTRICT
COURT IN AND FOR THE COUNTY OF LYON, STATE OF NEVADA

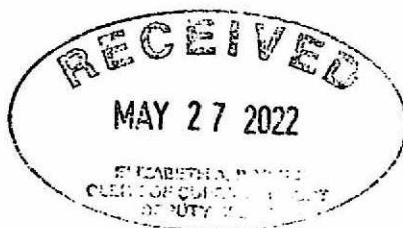
JOHN P. SCHLEGELMILCH, Judge Presiding

Third Judicial District Case No.: 18-CV-00663

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REVIEW**

May 26, 2022

Leo Kramer and Audrey Kramer
Plaintiffs-Appellants, in Pro se
2364 Redwood Road
Hercules, CA 94547



TO THE HONORABLE SUPREME COURT OF NEVADA:

Petitioners, Leo Kramer and Audrey Kramer, (“Petitioners”), file this First [Unopposed] Motion for Extension of Time to File Petition for Review under Nev. R. App. P. 40B. In support of this motion, Petitioners show the following:

I. Introduction

On May 06, 2022, the Court of Appeals of the State of Nevada in case **No. 82379-COA**, issued an Order of Affirmance erroneously affirming the decision of the Third Judicial District Court, Lyon County; Hon. John Schlegelmilch, which grants summary judgments in favor of the Defendants-Appellee when there is genuine issue of material fact that remains to be litigated as to *inter alia*, the validity of the Deed of Trust which forms the basis of the Notice of Default and the subsequent non-judicial foreclosure sale of Petitioners’ Real Property.

In its Order of Affirmance, the Court of Appeals made several errors and made statements that are not supported by the record in this case. Further, the Court of Appeals failed to address the genuine disputed issue of material facts which precludes the entry of summary judgment, to wit, the jury, being the conscience of the community is best suited to determine the facts concerning fraudulent real estate documents, and fabricated “Assignment of Deed of Trust” which Officers of the

Court were implicated, which formed the basis of the Notice of Default and the Subsequent unlawful foreclosure of Petitioners' real property in the State of Nevada.

Appellants respectfully file with this honorable court this motion for an extension of time in which to file Appellants' Petition for Review. Appellant, Audrey Kramer, a pro se litigant and a senior citizen, has a very serious personal family matter involving an aging parent. The matter entails extenuating circumstances concerning medical issues beyond Appellant's control which have and will require Appellant's full focus and attention over the next several weeks. Appellant's parent is 90 years of age and has no one else to care for them at this time.

Further, Appellants were unaware of the courts' decision until May 23rd, as they were out of town and did not have access to their mail. Appellants assert there are several key issues which were inadvertently overlooked by this Hon. Court of Appeals and believe a 30 day extension would provide enough time to address the above mentioned family matter and allow Appellants adequate time to prepare and submit Appellants' Petition for Review to this Hon. Court by June 24, 2022.

II. Argument

A. Decisions of Court of Appeals Reviewable by Petition for Review.

A decision of the Court of Appeals is a final decision that is not reviewable by the Supreme Court except on petition for review. A party aggrieved by a decision of the Court of Appeals may file a petition for review with the clerk of the Supreme Court. The petition must state the question(s) presented for review and the reason(s) review is warranted. Supreme Court review is not a matter of right but of judicial discretion. The following, while neither controlling nor fully measuring the Supreme Court's discretion, are factors that will be considered in the exercise of that discretion: (1) Whether the question presented is one of first impression of general statewide significance; (2) Whether the decision of the Court of Appeals conflicts with a prior decision of the Court of Appeals, the Supreme Court, or the United States Supreme Court; (3) Whether the case involves fundamental issues of statewide public importance. *Rule 40B - Petition for Review by the Supreme Court*, Nev. R. App. P. 40B.

Here, Petitioners humbly and respectfully implore this Honorable Court to grant the requested Extension of Time in which to File Petition for Review so that Petitioners can adequately provide the questions presented for review and the reasons review is warranted.

Further, in its decision of May 06, 2022, the Court of Appeals of the State of Nevada in case **No. 82379-COA**, conflicts with a prior decision of the Court of Appeals, the Supreme Court, and the prior decisions of the United States Supreme Court.

Additionally, the Court of Appeals overlooked a material point of law in its decision when the Court of Appeal failed to consider the fraudulent real estate documents and the “Assignment of Deed of Trust” by JPMorgan Chase Bank and National Default Servicing Corporation in their zeal to unlawfully foreclose on Petitioners’ real property in the State of Nevada.

Fundamental issues of statewide public importance

Based in the Record and the circumstances of this case, Petitioners contend that this case involves fundamental issues of statewide public importance. Homeowners in the State of Nevada are consistently facing with unlawful foreclosure of their real property with the use of fraudulent real estate documents by foreclosing entities throughout the state of Nevada. This case presents the circumstances where fraudulent Assignment of Deed of Trust and improper notice of default were used to cause the unlawful foreclosure of Petitioners’ real property in the State of Nevada. Petitioners’ real property in the state of Nevada is unique

and petitioners will suffer irreparable harm if this Honorable allow the Court of Appeals' Affirmance to stand.

Petitioners recognize that the determination of error is not itself sufficient to justify a reversal of the judgment, of course, but only where error has resulted in prejudicial outcome as here. As such, extension of time to file "Petition for Review" of the Court of Appeals' decision of May 06, 2022, in Case No.: **82379-COA** is warranted in the instant case in the interest of justice.

B. Conclusion

For the foregoing reasons, Petitioner respectfully request that this Honorable Court grant their Motion for Extension of Time in which to file their Petition for Review to adequately address the errors in the Court of Appeals affirmance in case No. **82379-COA** of May 06, 2022.

Respectfully Submitted,

Date: 5/26/2022

Leo Kramer
Leo Kramer, Appellant, Pro se

Date: 5/26/2022

Audrey Kramer
Audrey Kramer, Appellant, Pro se

CERTIFICATE OF SERVICE

I Hereby Certify that on _____, 2022, that the foregoing:

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REVIEW**

for Leo Kramer and Audrey Kramer as Appellants were Served By UPS on the
following counsel/s of record:

Krista J. Nielson, Esq.
Ace Van Patten
Kevin S. Soderstrom
Tiffany & Bosco, P.A.
10100 W. Charleston Boulevard, Ste.220
Las Vegas, NV 89135
Attorney for National Default Servicing Corporations

Mathew K. Schriever
John T. Steffen
Hutchison & Steffen
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Attorney for Breckenridge Property Fund 2016, LLC

Date: 5/26/2022 Name: Audrey Kramer

Signature: Audrey Kramer