

Electronically Filed
Jul 07 2022 08:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF
CLARK

A-22-854299-A

CHRISTINE JERMYN,
ET AL., APPELLANT

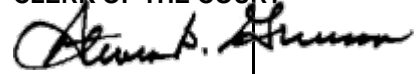
Notice of Appeal

v.

PROGRESS
RESIDENTIAL
BORROWER 4 LLC,
RESPONDENT

Notice is hereby given that Christine Jermyn the above named Appellant hereby appeals to the Supreme Court of Nevada From the order of summary eviction AFFIRMED and order denying stay of eviction by the Justice Court AFFIRMED. entered in this action on the 29 day of June 2022. Pursuant NEVADA RULES OF APPELLATE PROCEDURE Rule 3

/s/Christine Jermyn



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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 CHRISTINE JERMYN,

11 Appellant(s),

12 vs.

13 PROGRESS RESIDENTIAL BORROWER 4 LLC,

14 Respondent(s),
15

Case No: A-22-854299-A

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Christine Jermyn

20 2. Judge: Tara Clark Newberry

21 3. Appellant(s): Christine Jermyn

22 Counsel:

23 Christine Jermyn
24 1468 Little Spring Ct.
25 Las Vegas, NV 89128

26 4. Respondent (s): Progress Residential Borrower 4 llc

27 Counsel:

28 Christopher R. Walker, Esq.
2831 St. Rose Pkwy., Suite 220
Henderson, NV 89052

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
8 ***Expires 1 year from date filed*
9 Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

10 9. Date Commenced in District Court: June 20, 2022

11 10. Brief Description of the Nature of the Action: Appeal from Lower Court

12 Type of Judgment or Order Being Appealed: Judgment

13 11. Previous Appeal: No

14 Supreme Court Docket Number(s): N/A

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

17 Dated This 5 day of July 2022.

18 Steven D. Grierson, Clerk of the Court

19
20
21 /s/ Heather Ungermann

22 Amanda Hampton, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

25 cc: Christine Jermyn
26
27
28

CASE SUMMARY**CASE NO. A-22-854299-A**

Christine Jermyn, Appellant
vs.
Progress Residential Borrower 4 LLC, Respondent

§
§
§
§
§
§

Location: **Department 21**
 Judicial Officer: **Clark Newberry, Tara**
 Filed on: **06/20/2022**
 Cross-Reference Case Number: **A854299**
 Lower Court Case Number: **22E018343**

CASE INFORMATION**Statistical Closures**

06/29/2022 Summary Judgment

Case Type: **Appeal from Lower Court - Evictions/TPO**

Case Status: **06/29/2022 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-22-854299-A
 Court Department 21
 Date Assigned 06/20/2022
 Judicial Officer Clark Newberry, Tara

PARTY INFORMATION

Appellant **Jermyn, Christine**

Lead Attorneys

Pro Se

702-625-5168(H)

Respondent **Progress Residential Borrower 4 LLC**

Walker, Christopher R, ESQ

Retained

602-957-7877(W)

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

06/20/2022



Appeal from Lower Court

Appealed By: Appellant Jermyn, Christine

[1] Certification of Record on Appeal to District Court from Order of Summary Eviction (Residential)

06/29/2022



Order

[2] Order of Affirmance

06/30/2022



Notice of Appeal

Filed By: Appellant Jermyn, Christine

[3] Notice of Appeal

07/05/2022



Motion to Stay

Filed By: Appellant Jermyn, Christine

[4] Motion to Stay

07/05/2022



Case Appeal Statement

Case Appeal Statement

DISPOSITIONS

06/29/2022

Appeal Affirmed (Judicial Officer: Clark Newberry, Tara)

CASE SUMMARY

CASE NO. A-22-854299-A

Debtors: Christine Jermyn (Appellant)

Creditors: Progress Residential Borrower 4 LLC (Respondent)

Judgment: 06/29/2022, Docketed: 06/30/2022

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. _____

22-854299-A
CASE NO. A-22-854299-A
Department 21

(Assigned by Clerk's Office)

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

Appellant(s) (Name/Address/Phone):

Jermyn, Christine
1468 Little Spring Ct
Las Vegas, NV 89128
Home: 702-625-5168

Respondent(s) (Name/Address/Phone):

Progress Residential Borrower 4 LLC
7500 N Dobson Rd
Ste #300
Scottsdale, AZ 85256
Work: 702-589-4716

Attorney Name:

Christine Jermyn

Attorney Name:

Nona ML Lawrence, ESQ

II. Nature of Controversy (Please Select the Primary Complaint or the One Most Applicable Case Type Below)

Case Type Below)

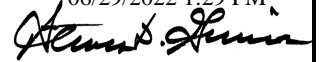
Civil Case Filing Types

<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 type="checkbox"/> Foreclosure Mediation Assistance</p> <p><input type="checkbox"/> Other Title to Property (e.g., Quiet Title)</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;">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 (select case type and estate value)</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 () Surviving Spouse</p> <p><input type="checkbox"/> Trust/Conservatorship</p> <p><input type="checkbox"/> Other Probate</p> <p>Estate Value</p> <p><input type="checkbox"/> \$300,000 or Greater</p> <p><input type="checkbox"/> \$200,000-\$299,999</p> <p><input type="checkbox"/> \$100,001-\$199,000</p> <p><input type="checkbox"/> \$25,001-\$100,000</p> <p><input type="checkbox"/> \$20,001-\$25,000</p> <p><input type="checkbox"/> \$2,501-\$20,000</p> <p><input type="checkbox"/> \$2,500 or less</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"/> Collections of Account</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"/> Petition to Seal Records</p> <p><input type="checkbox"/> Mental Competency (in Lower Court Proceeding)</p> <p>Nevada State Agency Appeal</p> <p><input type="checkbox"/> Department of Motor Vehicle</p> <p>Appeal Other</p> <p><input checked="" type="checkbox"/> Appeal from Justice/Municipal 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 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.

6/15/22
Date

[Signature]
Signature of initiating party or representative


CLERK OF THE COURT

ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTINE JERMYN, ET AL.,
APPELLANT

VS.

PROGRESS RESIDENTIAL BORROWER
4 LLC, RESPONDENT

CASE NO.: A-22-854299-A

JC CASE NO.: 22E018343

DEPARTMENT: 21

ORDER OF AFFIRMANCE

The above-entitled action is an appeal from Justice Court, Las Vegas Township. The Order of Summary Eviction in Justice Court is JUNE 2, 2022. Appellant's notice of appeal was filed in Justice Court on JUNE 15, 2022.

Litigants in Justice Court are authorized by law to appeal summary eviction orders, pursuant to the case of *Lippis v. Peters*, 112 Nev. 1008 (1996) and NRS Chapter 40. Under the Constitution of the State of Nevada, Section 6, district courts have "final appellate jurisdiction in cases arising in Justice Courts." JCRCP 72A allows an aggrieved party to appeal a judgment in a civil action, and the district court "may consider errors of law and the sufficiency of the evidence, and may remand for a new trial whether or not a motion for new trial has been made."¹

Pursuant to JCRCP 76A, which proscribes the powers of the district court on appeal, "[a] case appealed must not be tried anew...[u]pon an appeal heard upon the record or a statement of the case, the district court may review all orders affecting the judgment appealed from and may set aside, or confirm, or modify, any or all of the proceedings subsequent to and dependent upon such judgment, and may, if necessary or proper, order a new trial."

¹ The District Court recognizes that JCRCP 2 indicates that as to summary eviction proceedings "Rules governing summary evictions commence with Rule 101"; however in absence of any other appellate rule, the District Court refers to JCRCP 72 through 76B as persuasive guidance.

1 A lower court's "factual findings...are given deference and will be upheld if not
2 clearly erroneous and if supported by substantial evidence." *Ogawa v. Ogawa*, 125 Nev. 660,
3 668, 221 P.3d 699, 704 (2009); see also *Nelson v. Peckham Plaza Partnerships*, 110 Nev. 23,
4 25, 866 P.2d 1138, 1139 (1994). "Substantial evidence is evidence that a reasonable mind
5 might accept as adequate to support a conclusion." *Id.* "Where there is conflicting testimony
6 presented," it is for the trier of fact "to determine what weight and credibility to give to the
7 testimony." *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

8 This Court is not the appropriate forum to accept additional evidence related to the
9 Summary Eviction and related proceedings beyond that presented before the lower court.
10 Therefore, this Court is limited to making legal rulings on the evidence and defenses asserted
11 below and cannot, for the first time on appeal, consider additional evidence on arguments that
12 were not presented in the lower court.

13 This Court has reviewed the above-entitled appeal and FINDS that the Appellant was
14 properly served with the Notice(s) of Eviction and AB486 does not apply as Justice Court
15 found that Tenant had initiated an application on May 28, 2022 but the application was not
16 completed.

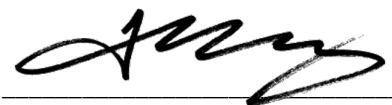
17 On appeal, this Court can only consider errors of law or sufficiency of the evidence.
18 Upon review of the record, this Court does not find the Justice Court's ruling was in error and
19 further finds that there was sufficient evidence to support the order of summary eviction.
20 Thus, the order of summary eviction is **AFFIRMED**.

21 **COURT ORDERS** the summary eviction order and the order denying stay of eviction
22 by the Justice Court **AFFIRMED**.

23 **COURT FURTHER ORDERS** the District Court case is **CLOSED**.

24 **COURT FURTHER ORDERS BOND**, if any, returned to the Appellant.

25 Dated this 29th day of June, 2022

26 
27

28 **E48 F04 D425 A2C1**
Tara Clark Newberry
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Christine Jermyn, Appellant

CASE NO: A-22-854299-A

7 vs.

DEPT. NO. Department 21

8 Progress Residential Borrower 4
9 LLC, Respondent

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/29/2022

15 Christine Jermyn

admin@creativeconceptspartners.com

16 Nona Lawrence

nona@scottclarklaw.com

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

CHRISTINE JERMYN
1468 LITTLE SPRING CT.
LAS VEGAS, NV 89128

DATE: July 5, 2022
CASE: A-22-854299-A

RE CASE: CHRISTINE JERMYN vs. PROGRESS RESIDENTIAL BORROWER 4 LLC

NOTICE OF APPEAL FILED: June 30, 2022

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 OF AFFIRMANCE; NOTICE OF DEFICIENCY

CHRISTINE JERMYN,

Appellant(s),

vs.

PROGRESS RESIDENTIAL BORROWER 4
LLC,

Respondent(s),


Case No: A-22-854299-A

Dept No: XXI

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 5 day of July 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

