

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

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LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
2260 Corporate Circle, Suite 480,
Henderson, Nevada 89074
(702) 642-3113/ (702) 642-9766 FAX
Attorneys for defendant/counterclaimant Resources Group, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

U.S. BANK NATIONAL ASSOCIATION, ND, a
national association

Plaintiff,

vs.

GEORGE R. EDWARDS, an individual; ANY AND
ALL PERSONS UNKNOWN, CLAIMING TO BE
PERSONAL REPRESENTATIVES OF GEORGE
R. EDWARDS ESTATE, OR DULY APPOINTED,
QUALIFIED, AND ACTING EXECUTOR OF THE
WILL OF THE ESTATE OF GEORGE R.
EDWARDS; RESOURCES GROUP, LLC, a Nevada
Limited Liability Company; GLENVIEW WEST
TOWNHOMES ASSOCIATION, a Nevada non-
profit corporation; DOES 4 through inclusive; and
ROES 1 through 10 inclusive

Defendants.

RESOURCES GROUP, LLC,

Counter-claimant

vs

U.S. BANK NATIONAL ASSOCIATION, ND, a
national association
Counter-defendant

CASE NO.: A-12-667690-C
DEPT NO.: XVI

NOTICE OF APPEAL

1 NOTICE IS HEREBY GIVEN that plaintiff, Defendant/counterclaimant Resources Group,
2 LLC, hereby appeals to the Supreme Court of Nevada from the Order Granting Motion for Summary
3 Judgment entered in this action on June 8, 2022.

4 DATED this 5th day of July, 2022

5 LAW OFFICES OF
6 MICHAEL F. BOHN, ESQ., LTD.

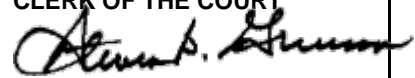
7 By: / s / Michael F. Bohn, Esq. /
8 Michael F. Bohn, Esq.
9 2260 Corporate Circle, Suite 480,
10 Henderson, Nevada 89074
11 Attorney for Resources Group, LLC

12 **CERTIFICATE OF SERVICE**

13 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.02, I hereby certify that I am an employee of
14 Law Offices of Michael F. Bohn., Esq., and on the 5th day of July, 2022, an electronic copy of the
15 NOTICE OF APPEAL was served on opposing counsel via the Court's electronic service system
16 to the following counsel of record:

17 Kristin A. Schuler-Hintz, Esq.
18 Shane P. Gale, Esq.
19 McCarthy & Holthus, LLP
20 9510 W. Sahara Ave., Ste. 200
21 Las Vegas, NV 89117
22 Attorney for plaintiff/counterdefendant

23 /s/ / Maggie Lopez/
24 An Employee of the LAW OFFICES OF
25 MICHAEL F. BOHN, ESQ., LTD.
26
27
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DISTRICT COURT
CLARK COUNTY, NEVADA

U.S. BANK NATIONAL ASSOCIATION, ND, a
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Plaintiff,

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GEORGE R. EDWARDS, an individual; ANY AND
ALL PERSONS UNKNOWN, CLAIMING TO BE
PERSONAL REPRESENTATIVES OF GEORGE
R. EDWARDS ESTATE, OR DULY APPOINTED,
QUALIFIED, AND ACTING EXECUTOR OF THE
WILL OF THE ESTATE OF GEORGE R.
EDWARDS; RESOURCES GROUP, LLC, a Nevada
Limited Liability Company; GLENVIEW WEST
TOWNHOMES ASSOCIATION, a Nevada non-
profit corporation; DOES 4 through inclusive; and
ROES 1 through 10 inclusive

Defendants.

RESOURCES GROUP, LLC,

Counter-claimant

vs

U.S. BANK NATIONAL ASSOCIATION, ND, a
national association
Counter-defendant

CASE NO.: A-12-667690-C
DEPT NO.: XVI

CASE APPEAL STATEMENT

- 1 1. The appellant filing this case appeal statement is Resources Group, LLC.
- 2 2. The judge issuing the judgment appealed from is the honorable Timothy Williams..
- 3 3. The parties to the proceedings in District Court is U.S. Bank National Association,
- 4 plaintiff, and George R. Edwards, an Individual; Any and All Persons Unknown, Claiming to Be
- 5 Personal Representatives of George R. Edwards Estate, or Duly Appointed, Qualified, and Acting
- 6 Executor of the Will of the Estate of George R. Edwards; Resources Group, LLC, a Nevada Limited
- 7 Liability Company; Glenview West Townhomes Association, defendants.
- 8 4. The parties to this appeal are the appellant Resources Group, LLC; the respondent is U.S.
- 9 Bank National Association.
- 10 5. Counsel for appellant Resources Group, LLC is Michael F. Bohn, Esq.; 2260 Corporate
- 11 Circle, Suite 480, Henderson, Nevada 89074 ; (702) 642-3113. Counsel for respondents U.S. Bank
- 12 National Association is Kristin A. Schulter-Hintz, Esq., McCarthy & Holthus, LLP, 9510 West
- 13 Sahara Avenue, Suite 200, Las Vegas, Nevada 89117; (702) 685-0329.
- 14 6. The attorneys for both the plaintiff/appellant and defendants/respondents are licensed in
- 15 the state of Nevada.
- 16 7. The appellant was represented by retained counsel in the District Court;
- 17 8. The appellant is represented by retained counsel on appeal;
- 18 9. There were no orders granting leave to proceed in forma pauperis;
- 19 10. The complaint was filed in District Court on August 30, 2012;
- 20 11. The plaintiff filed this action seeking quiet title to the real property from the former
- 21 owner and from all existing encumbrances on the property. The district court granted summary
- 22 judgment in favor of the plaintiff.
- 23 12. The case has previously been the subject of an appeal or an original writ proceedings;
- 24 13. The case does not involve child custody or visitation; and,
- 25
- 26
- 27
- 28

1 14. It is likely that this case can be settled.

2 DATED this 5th day of July, 2022

3 LAW OFFICES OF
4 MICHAEL F. BOHN, ESQ., LTD.

5 By: / s / Michael F. Bohn, Esq. /
6 Michael F. Bohn, Esq.
7 2260 Corporate Circle, Suite 480,
8 Henderson, Nevada 89074
9 Attorney for Resources Group, LLC

10 **CERTIFICATE OF SERVICE**

11 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of
12 Law Offices of Michael F. Bohn., Esq., and on the 5th day of July, 2022, an electronic copy of the
13 CASE APPEAL STATEMENT was served on opposing counsel via the Court's electronic service
14 system to the following counsel of record:

15 Kristin A. Schuler-Hintz, Esq.
16 Shane P. Gale, Esq.
17 McCarthy & Holthus, LLP
18 9510 W. Sahara Ave., Ste. 200
19 Las Vegas, NV 89117
20 Attorney for plaintiff/counterdefendant

21 /s/ / Maggie Lopez/
22 An Employee of the LAW OFFICES OF
23 MICHAEL F. BOHN, ESQ., LTD.
24
25
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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-12-667690-C**

U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

§
§
§
§
§
§

Location: **Department 16**
 Judicial Officer: **Williams, Timothy C.**
 Filed on: **08/30/2012**
 Case Number History:
 Cross-Reference Case Number: **A667690**
 Supreme Court No.: **74575**

CASE INFORMATION**Statistical Closures**

06/08/2022 Summary Judgment
 11/02/2017 Judgment Reached (bench trial)

Case Type: **Title to Property**Subtype: **Foreclosure**

Case
Status: **06/08/2022 Closed**

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

Case Number A-12-667690-C
 Court Department 16
 Date Assigned 09/25/2012
 Judicial Officer Williams, Timothy C.

PARTY INFORMATION**Plaintiff****U S Bank National Association**

Lead Attorneys
Schuler-Hintz, Kristin A.,
ESQ
Retained
 702-685-0329(W)

Defendant**County of Clark**

Removed: 04/11/2013
 Inactive

Edwards, George R**Fitzpatrick, Laura B**

Removed: 01/16/2013
 Dismissed

Glenview West Townhomes Association

Removed: 11/19/2018
 Dismissed

Nevada State of

Removed: 04/11/2013
 Inactive

Republic Silver State Disposal Inc

Removed: 01/16/2013
 Dismissed

Resources Group LLC

Hall, Michael R
Retained
 7023164111(W)

Bohn, Michael F
Retained
 702-642-3113(W)













Counter Claimant**Resources Group LLC**

Bohn, Michael F
Retained
 702-642-3113(W)

Counter**U S Bank National Association****Schuler-Hintz, Kristin A.,**















CASE SUMMARY**CASE NO. A-12-667690-C****Defendant****ESQ***Retained*

702-685-0329(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
08/30/2012	 Complaint Filed By: Counter Defendant U S Bank National Association <i>[1] Complaint for Judicial Foreclosure of Deed of Trust</i>	
08/30/2012	Case Opened	
09/06/2012	 Notice of Pendency of Action Filed By: Counter Defendant U S Bank National Association <i>[2] Notice of Pendency of Action</i>	
09/18/2012	 Summons Issued <i>[3] Summons - Civil</i>	
09/18/2012	 Return <i>[4] Return of Service - Laura B Fitzpatrick</i>	
09/25/2012	 Notice of Department Reassignment <i>[5]</i>	
11/16/2012	 Application Filed By: Counter Defendant U S Bank National Association <i>[7] Application for an Order to Serve by Publication</i>	
11/16/2012	 Affidavit for Service by Publication Filed By: Counter Defendant U S Bank National Association <i>[8] Affidavit of Benjamin D. Petiprin in Support of Application for an Order to Serve by Publication</i>	
11/16/2012	 Amended Complaint Filed By: Counter Defendant U S Bank National Association <i>[6] Amendment to Complaint</i>	
11/26/2012	 Amended Summons Filed By: Counter Defendant U S Bank National Association <i>[9] Amended Summons</i>	
12/18/2012	 Order for Service by Publication Filed By: Counter Defendant U S Bank National Association <i>[10] Order to Serve by Publication</i>	
12/19/2012	 Notice of Entry of Order Filed By: Counter Defendant U S Bank National Association <i>[11] Notice of Entry of Order to Serve by Publication</i>	
01/04/2013	 Declaration Filed By: Counter Defendant U S Bank National Association <i>[13] Declaration of Mailing</i>	

CASE SUMMARY

CASE NO. A-12-667690-C

01/04/2013	 Declaration Filed By: Counter Defendant U S Bank National Association <i>[14] Declaration of Mailing</i>
01/04/2013	 Declaration Filed By: Counter Defendant U S Bank National Association <i>[12] Declaration of Mailing</i>
01/04/2013	 Declaration Filed By: Counter Defendant U S Bank National Association <i>[15] Declaration of Mailing</i>
01/16/2013	 Affidavit of Publication Filed By: Counter Defendant U S Bank National Association <i>[16] Affidavit of Publication - (George Edwards Estate) Laura B Fitzpatrick</i>
01/16/2013	 Notice of Voluntary Dismissal Without Prejudice Filed by: Counter Defendant U S Bank National Association <i>[17] Notice of Voluntary Dismissal of Defendant Republic Silver State</i>
03/26/2013	 Default Filed By: Counter Defendant U S Bank National Association <i>[18] Default - George Edwards</i>
04/11/2013	 Amended Complaint Filed By: Counter Defendant U S Bank National Association <i>[19] Second Amendment to Complaint</i>
04/24/2013	 Amended Summons Filed By: Counter Defendant U S Bank National Association <i>[20] Second Amended Summons</i>
05/13/2013	 Return <i>[21] Return of Service - Glenview West Townhomes Association</i>
08/07/2013	 Application Filed By: Counter Defendant U S Bank National Association <i>[23] Application for an Order to Serve by Publication</i>
08/07/2013	 Affidavit for Service by Publication Filed By: Counter Defendant U S Bank National Association <i>[24] Affidavit of Benjamin D. Petiprin in Support of Application for an Order to Serve by Publication</i>
08/07/2013	 Application Filed By: Counter Defendant U S Bank National Association <i>[22] Application for an Order to Serve by Publication</i>
08/20/2013	 Default Filed By: Counter Defendant U S Bank National Association <i>[25] Default - Glenview West Townhomes Association</i>
11/18/2013	 Affidavit of Due Diligence Filed By: Counter Defendant U S Bank National Association















CASE SUMMARY

CASE NO. A-12-667690-C

	<i>[26] Affidavit of Due Diligence - Resource Group</i>
12/04/2013	 Return <i>[27] Return of Service - Resource Group LLC</i>
12/04/2013	 Return <i>[28] Return of Service - Resource Group LLC</i>
02/07/2014	 Default Filed By: Counter Defendant U S Bank National Association Default Prty: Counter Claimant Resources Group LLC <i>[29] (Set Aside 07/14/2014) Default against Resources Group LLC</i>
07/14/2014	 Stipulation and Order Filed by: Counter Claimant Resources Group LLC <i>[30] Stipulation and Order</i>
07/15/2014	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>[31] Notice of Entry of Order</i>
07/16/2014	 Answer and Counterclaim Filed By: Counter Claimant Resources Group LLC <i>[32] Answer and Counterclaim</i>
08/20/2014	 Stipulation and Order Filed by: Counter Claimant Resources Group LLC <i>[33] Stipulation and Order for Stay of Proceedings</i>
08/22/2014	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>[34] Notice of Entry of Order</i>
12/01/2014	 Motion for Order Filed By: Counter Claimant Resources Group LLC <i>[35] Motion to Lift Stay</i>
01/20/2015	 Order Granting Filed By: Counter Claimant Resources Group LLC <i>[36] Order Lifting Stay</i>
01/21/2015	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>[37] Notice of Entry of Order</i>
02/20/2015	 Answer and Counterclaim Filed By: Counter Defendant U S Bank National Association <i>[38] Answer to Counterclaim</i>
04/15/2015	 Joint Case Conference Report Filed By: Counter Defendant U S Bank National Association <i>[39] Joint Case Conference Report</i>
05/18/2015	














CASE SUMMARY

CASE NO. A-12-667690-C

	 Scheduling Order <i>[40] Scheduling Order</i>
06/05/2015	 Order Setting Civil Non-Jury Trial <i>[41] Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
10/14/2015	 Subpoena Duces Tecum Filed by: Counter Defendant U S Bank National Association <i>[42] Subpoena Duces Tecum</i>
10/14/2015	 Subpoena Duces Tecum Filed by: Counter Defendant U S Bank National Association <i>[43] Subpoena Duces Tecum</i>
10/19/2015	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[44] Return of Service</i>
10/19/2015	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[45] Return of Service</i>
11/25/2015	 Amended Order Setting Civil Non-Jury Trial <i>[46] Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
11/30/2015	 Notice of Entry of Order Filed By: Counter Defendant U S Bank National Association <i>[48] Notice of Entry of Stipulation and Order to Extend Deadlines (First Request)</i>
11/30/2015	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Defendant U S Bank National Association <i>[47] Stipulation and Order to Extend Deadlines (First Request)</i>
04/06/2016	 Notice of Firm Name Change Filed By: Counter Defendant U S Bank National Association <i>[49] Notice of Firm Name Change</i>
05/16/2016	 Motion for Summary Judgment Filed By: Counter Defendant U S Bank National Association <i>[50] U.S. Bank National Association, ND's Motion for Summary Judgment</i>
05/16/2016	 Affidavit in Support Filed By: Counter Defendant U S Bank National Association <i>[51] Affidavit of Julie Lor in Support of Motion for Summary Judgment</i>
06/02/2016	 Countermotion For Summary Judgment Filed By: Counter Claimant Resources Group LLC <i>[52] Opposition to Plaintiff's Motion for Summary Judgment and Resources Group Counter-Motion for Summary Judgment</i>
06/09/2016	 Reply Filed by: Counter Defendant U S Bank National Association <i>[53] U.S. Bank National Association, ND's Reply in Support of Motion for Summary Judgment and Opposition to Resources Group, LLC's Countermotion for Summary Judgment</i>















CASE SUMMARY

CASE NO. A-12-667690-C

06/13/2016	 Reply in Support Filed By: Counter Claimant Resources Group LLC <i>[54] Reply in Support of Resources Group, LLC's Countermotion for Summary Judgment</i>
06/29/2016	 Notice of Association of Counsel Filed By: Defendant Edwards, George R <i>[55] Notice of Association of the Law Firm of McCarty Holthus LLP</i>
07/20/2016	 Amended Order Setting Civil Non-Jury Trial <i>[56] 2nd Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
07/20/2016	 Stipulation and Order Filed by: Counter Defendant U S Bank National Association <i>[57] Stipulation and Order to Re-Open Discovery, Vacate Trial and Extend the 5 Year Rule Pursuant to Nev. R. CIV. PRO 41(e)</i>
07/26/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>[58] Notice of Entry of Stipulation and Order To Reopen Discovery, Vacate Trial and Extend the 5 Year Rule Pursuant to NEV R. VIC. PRO 41 (e)</i>
08/01/2016	 Motion to Amend Answer Filed By: Counter Defendant U S Bank National Association <i>[59] Motion to Amend the Answer to the Counterclaim</i>
08/10/2016	 Order Denying Motion Filed By: Counter Claimant Resources Group LLC <i>[60] Order Denying Cross Motions for Summary Judgment</i>
08/11/2016	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>[61] Notice of Entry of Order</i>
09/20/2016	 Notice of Deposition Filed By: Counter Defendant U S Bank National Association <i>[62] Notice of Deposition for Nev. R. Civ. pro 30(b)(6) Witness for Resources Group LLC</i>
10/11/2016	 Subpoena Filed by: Counter Defendant U S Bank National Association <i>[63] Subpoena</i>
10/11/2016	 Subpoena Filed by: Counter Defendant U S Bank National Association <i>[64] Subpoena</i>
10/20/2016	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[65] Affidavit of Service</i>
10/26/2016	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[66] Affidavit of Service</i>

CASE SUMMARY

CASE NO. A-12-667690-C

11/15/2016	 Stipulation to Extend Discovery Party: Defendant Edwards, George R <i>[67] Stipulation and Order to Extend Discovery Deadlines (Second Request)</i>
11/16/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant U S Bank National Association <i>[68] Notice of Entry of Stipulation and Order To Extend Discovery Deadlines (second request)</i>
11/17/2016	 Notice of Deposition Filed By: Counter Defendant U S Bank National Association <i>[70] Notice of Deposition</i>
11/17/2016	 Re-Notice Filed by: Counter Defendant U S Bank National Association <i>[69] Re-Notice of Deposition</i>
11/23/2016	 Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[71] Affidavit of Service</i>
12/02/2016	 Order Granting Motion Filed By: Counter Defendant U S Bank National Association <i>[72] Order on Plaintiff's Motion to Amend Their Answer to the Counterclaim</i>
01/03/2017	 Motion for Summary Judgment Filed By: Counter Defendant U S Bank National Association <i>[74] U.S. Bank's Motion for Summary Judgment</i>
01/03/2017	 Motion for Summary Judgment Filed By: Counter Claimant Resources Group LLC <i>[73] Motion for Summary Judgment</i>
01/04/2017	 Notice of Entry of Order Filed By: Counter Defendant U S Bank National Association <i>[76] Notice of Entry of Order on Plaintiff's Motion to Amend Their Answer to the Counterclaim</i>
01/04/2017	 Notice of Hearing Filed By: Counter Defendant U S Bank National Association <i>[75] Notice of Hearing of Motion for Summary Judgment</i>
01/10/2017	 Substitution of Attorney Filed by: Counter Defendant U S Bank National Association <i>[77] Substitution of Attorney</i>
01/16/2017	 Affidavit of Service <i>[78] Affidavit of Service</i>
01/17/2017	 Opposition Filed By: Counter Defendant U S Bank National Association <i>[79] Opposition to Resource's Motion for Summary Judgment</i>
01/19/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Resources Group LLC

CASE SUMMARY

CASE NO. A-12-667690-C

[80] Resources Group, LLC's Opposition to U.S. Bank's Motion for Summary Judgment

01/20/2017



Amended Answer

Filed By: Counter Defendant U S Bank National Association

[81] First Amended Answer to the Counterclaim

01/31/2017



Reply in Support

Filed By: Counter Claimant Resources Group LLC

[82] Resources Group, LLC's Reply in Support of Motion for Summary Judgment

01/31/2017



Reply in Support

Filed By: Counter Defendant U S Bank National Association

[83] US Bank's Reply in Support of It's Motion for Summary Judgment

02/06/2017



Notice of Appearance

Party: Defendant Glenview West Townhomes Association

[84] Notice of Appearance

02/07/2017



Initial Appearance Fee Disclosure

Filed By: Defendant Glenview West Townhomes Association

[85] Initial Appearance Fee Disclosure

03/23/2017



Notice of Hearing

[86] Notice of Hearing

04/03/2017



Stipulation and Order

Filed by: Counter Claimant Resources Group LLC

[87] Stipulation and Order to Toll NRCP 41(e)

04/04/2017



Amended Order Setting Civil Non-Jury Trial

[89] 3rd Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call

04/04/2017



Notice of Entry of Order

Filed By: Counter Claimant Resources Group LLC

[88] Notice of Entry of Order

08/03/2017



Substitution of Attorney

Filed by: Counter Claimant Resources Group LLC

[90] Substitution of Attorney

08/31/2017



Pre-Trial Disclosure

Party: Counter Defendant U S Bank National Association

[91] U.S. Bank's Pre-Trial Disclosures

09/02/2017



Pre-Trial Disclosure

Party: Counter Claimant Resources Group LLC

[92] Pre-Trial Disclosures Of Defendant and Counter-claimant Resources Group, LLC

09/12/2017



Affidavit of Due Diligence

Filed By: Counter Defendant U S Bank National Association

[93] Affidavit of Due Diligence









09/12/2017



Affidavit of Service

CASE SUMMARY

CASE NO. A-12-667690-C

	<p>Filed By: Counter Defendant U S Bank National Association <i>[94] Affidavit of Service</i></p>
09/12/2017	<p> Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[95] Affidavit of Service</i></p>
09/13/2017	<p> Pre-trial Memorandum Filed by: Counter Defendant U S Bank National Association <i>[96] U.S. Bank's Pre-Trial Memorandum</i></p>
09/15/2017	<p> Affidavit of Service Filed By: Counter Defendant U S Bank National Association <i>[97] Affidavit of Service</i></p>
09/20/2017	<p> Affidavit of Service Filed By: Counter Claimant Resources Group LLC <i>[98] Affidavit of Service on David Alessi</i></p>
09/24/2017	<p> Pre-trial Memorandum Filed by: Counter Claimant Resources Group LLC <i>[99] Pre Trial Memorandum of Defendant and Counterclaimant Resources Group, LLC; Objections to the Pre Trial Memorandum of Plaintiff</i></p>
09/26/2017	<p> Pre-trial Memorandum Filed by: Counter Defendant U S Bank National Association <i>[100] Joint Pre-Trial Memorandum</i></p>
09/28/2017	<p> Trial Brief Filed By: Counter Defendant U S Bank National Association <i>[101] U.S. Bank's Brief in Support of Trial</i></p>
10/31/2017	<p> Findings of Fact, Conclusions of Law and Judgment <i>[102] Findings of Fact, Conclusions of Law and Judgment</i></p>
11/01/2017	<p> Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Counter Claimant Resources Group LLC <i>[103] Notice of Entry of Findings of Fact and Conclusions of Law and Final Judgment pursuant to NRCP 54(b) Between Resources Group, LLC and U.S. Bank National Association, ND</i></p>
11/01/2017	<p> Order to Statistically Close Case <i>[104] Civil Order to Statistically Close Case</i></p>
11/22/2017	<p> Notice of Appeal Filed By: Counter Defendant U S Bank National Association <i>[105]</i></p>
01/16/2018	<p> Reporters Transcript <i>[106] Reporters Transcript of Hearing 2/7/17</i></p>
01/16/2018	<p> Reporters Transcript <i>[107] Court Reporters Transcript of Bench Trial</i></p>















CASE SUMMARY

CASE NO. A-12-667690-C

01/16/2018	 Reporters Transcript <i>[108] Court Reporters Transcript of Bench Trial 10-3-17</i>
07/31/2018	 Substitution of Attorney <i>[109] Substitution of Attorneys</i>
11/19/2018	 Stipulation and Order for Dismissal Filed by: Defendant Glenview West Townhomes Association <i>[110] Stipulation and Order for Dismissal With Prejudice of Defendant Glenview West Townhomes Association Only</i>
11/21/2018	 Notice of Entry of Stipulation & Order for Dismissal <i>[111] Notice of Entry of Stipulation and Order for Dismissal With Prejudice of Defendant Glenview West Townhomes Association Only</i>
07/16/2019	 Order Setting Hearing <i>[112] Order Setting Hearing</i>
10/08/2019	 Notice of Hearing Filed By: Counter Defendant U S Bank National Association <i>[113] Notice of Hearing</i>
12/03/2019	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[114] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Vacated and Remand; Rehearing Denied</i>
01/13/2020	 Scheduling and Trial Order <i>[115] Scheduling Order and Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
02/13/2020	 Notice <i>[116] Notice of Disassociation of Counsel</i>
05/22/2020	 Motion to Compel Filed By: Counter Defendant U S Bank National Association <i>[117] Motion to Compel</i>
05/22/2020	 Declaration Filed By: Counter Defendant U S Bank National Association <i>[118] Declaration of Shane P. Gale, Esq. in Support of Motion to Compel</i>
05/22/2020	 Clerk's Notice of Hearing <i>[119] Notice of Hearing</i>
05/29/2020	 Affidavit of Due Diligence Filed By: Counter Defendant U S Bank National Association <i>[120] Affidavit of Due Diligence - Barbara Cegavske</i>
05/29/2020	 Affidavit of Mailing Filed By: Counter Defendant U S Bank National Association <i>[121] Affidavit of Mailing SDT Service on the Secretary of State</i>
06/02/2020	 Certificate of Mailing Filed By: Counter Defendant U S Bank National Association

CASE SUMMARY

CASE NO. A-12-667690-C

	<i>[122] Certificate of Mailing</i>
06/24/2020	 Supplemental Disclosures Filed By: Counter Defendant U S Bank National Association <i>[123] U.S. Bank National Association, N.D.'s Supplemental Disclosures</i>
06/29/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Claimant Resources Group LLC <i>[124] STIPULATION AND ORDER TO EXTEND DISCOVERY AND CONTINUE TRIAL DATE (First Request)</i>
06/29/2020	 Amended Order Setting Civil Non-Jury Trial <i>[125] AMENDED ORDER SETTING CIVIL NON-JURY TRIAL, PRE-TRIAL/CALENDAR CALL</i>
06/29/2020	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>[126] Notice of Entry of Order</i>
06/30/2020	 Supplemental Disclosures Filed By: Counter Defendant U S Bank National Association <i>[127] U.S. Bank National Association, N.D.'s Supplemental Disclosures</i>
07/13/2020	 Application <i>[128] U.S. bank National Association, N.D.'s Application to Vacate Hearing on Motion to Compel</i>
10/12/2020	 Motion to Extend Discovery Filed By: Counter Claimant Resources Group LLC <i>[129] Motion to Extend Discovery and Continue the Trial Date (Second Request)</i>
10/12/2020	 Clerk's Notice of Hearing <i>[130] Notice of Hearing</i>
11/16/2020	 Motion to Compel <i>[131] Motion to Compel</i>
11/17/2020	 Clerk's Notice of Hearing <i>[132] Notice of Hearing</i>
11/18/2020	 Amended Order Setting Civil Non-Jury Trial <i>[133] 2nd Amended Order Setting Civil Non-Jury Trial, Pre-Tria/Calendar Call</i>
11/30/2020	 Motion to Compel Filed By: Counter Claimant Resources Group LLC <i>[134] Motion to Compel</i>
12/01/2020	 Clerk's Notice of Hearing <i>[135] Notice of Hearing</i>
12/09/2020	 Notice of Entry of Order Filed By: Counter Claimant Resources Group LLC <i>[136] Notice of Entry of Order</i>

CASE SUMMARY

CASE NO. A-12-667690-C

12/09/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Claimant Resources Group LLC <i>[137] STIPULATION AND ORDER TO EXTEND DISCOVERY AND CONTINUE TRIAL DATE (Second Request)</i>
03/31/2021	 Opposition to Motion to Compel Filed By: Counter Defendant U S Bank National Association <i>[138] Opposition to Defendant Resource Group LLC's Motion to Compel</i>
04/05/2021	 Notice of Rescheduling of Hearing <i>[139] Notice of Rescheduling Hearing</i>
04/20/2021	 Notice of Rescheduling of Hearing <i>[140] Notice of Rescheduling Hearing</i>
04/28/2021	 Discovery Commissioners Report and Recommendations <i>[141] Discovery Commissioner s Report and Recommendations -Originals</i>
05/14/2021	 Order Filed By: Counter Claimant Resources Group LLC <i>[142] Order On Discovery Commissioner's Report and Recommendations</i>
07/02/2021	 Stipulation and Order Filed by: Counter Claimant Resources Group LLC <i>[143] Stipulation and Order to Extend Discovery and Continue Trial (Third Request)</i>
10/18/2021	 Amended Order <i>[144] Amended Order Rescheduling Dates for Trial and Pre-Trial - Calendar Call</i>
03/16/2022	 Motion for Summary Judgment Filed By: Counter Defendant U S Bank National Association <i>[145] U.S. Bank National Association N.D.'s Motion for Summary Judgment</i>
03/17/2022	 Clerk's Notice of Hearing <i>[146] Notice of Hearing</i>
03/31/2022	 Opposition Filed By: Counter Claimant Resources Group LLC <i>[147] Resource Group LLC's Opposition to U.S. Bank's Motion for Summary Judgment</i>
04/06/2022	 Order <i>[148] Order Rescheduling Date for Pre-Trial-Calendar Call</i>
04/07/2022	 Reply in Support <i>[149] U.S. Bank National Association N.D.'s Reply in Support of Motion for Summary Judgment</i>
04/15/2022	 Supplement <i>[150] Re-filed exhibits</i>
06/08/2022	 Order Granting Summary Judgment Filed By: Counter Defendant U S Bank National Association

CASE SUMMARY

CASE NO. A-12-667690-C

[151] Order Granting US Bank National Association N.D. ' Motion for Summary Judgment

06/09/2022



Notice of Entry of Order

[152] Notice of Entry of Order

07/05/2022



Notice of Appeal

Filed By: Counter Claimant Resources Group LLC

[153] Notice of appeal

07/05/2022



Case Appeal Statement

Filed By: Counter Claimant Resources Group LLC

[154] Case Appeal Statement

DISPOSITIONS

01/16/2013

Voluntary Dismissal (Judicial Officer: Williams, Timothy C.)

Debtors: Laura B Fitzpatrick (Defendant), Republic Silver State Disposal Inc (Defendant)

Creditors: U S Bank National Association (Plaintiff)

Judgment: 01/16/2013, Docketed: 01/24/2013

10/31/2017

Order (Judicial Officer: Williams, Timothy C.)

Debtors: U S Bank National Association (Counter Defendant)

Creditors: Resources Group LLC (Counter Claimant)

Judgment: 10/31/2017, Docketed: 11/01/2017

11/19/2018

Order of Dismissal With Prejudice (Judicial Officer: Williams, Timothy C.)

Debtors: U S Bank National Association (Plaintiff)

Creditors: Glenview West Townhomes Association (Defendant)

Judgment: 11/19/2018, Docketed: 11/20/2018

12/03/2019

Clerk's Certificate (Judicial Officer: Williams, Timothy C.)

Debtors: Resources Group LLC (Defendant)

Creditors: U S Bank National Association (Plaintiff)

Judgment: 12/03/2019, Docketed: 12/10/2019

Comment: Supreme Court No. 74575 Appeal Vacated and Remanded

06/08/2022

Summary Judgment (Judicial Officer: Williams, Timothy C.)

Debtors: George R Edwards (Defendant), Resources Group LLC (Defendant)

Creditors: U S Bank National Association (Plaintiff)

Judgment: 06/08/2022, Docketed: 06/09/2022

HEARINGS

09/24/2012



Minute Order (3:01 PM) (Judicial Officer: Barker, David)

Minute Order: Recusal

Minute Order - No Hearing Held;

Journal Entry Details:

Because the Court s spouse is a Chief Deputy in the Civil Division of the District Attorney's Office, and the defense of this case will be handled by attorneys under her supervision, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Grace M. Kim, Esq., (Les Zieve Law Offc). aw ;

01/06/2015



Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendant's Motion to Lift Stay

Granted;



Journal Entry Details:

Mr. Petiprin present on Court Call. Mr. Arlitz advised there is no opposition as this is a simple Stay. No opposition by Mr. Petiprin and requested to be allowed to answer 20 days after the filing of notice of entry of order to the motion to Lift Stay. Mr. Arlitz agreed. COURT

CASE SUMMARY

CASE NO. A-12-667690-C


ORDERED, Defendant's motion to Lift Stay GRANTED under the conditions placed on the record as stated above from the other case. ;

02/11/2016	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Order</i>
02/29/2016	CANCELED Bench Trial (10:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Order</i>
06/16/2016	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>U.S. Bank National Association, ND's Motion for Summary Judgment</i> Denied;
06/16/2016	Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Opposition to Motion for Dismissal and Plaintiff's Countermotion for Summary Judgment</i> Denied;
06/16/2016	Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Opposition to Plaintiff's Motion for Summary Judgment and Resources Group Counter-Motion for Summary Judgment</i> Denied;
06/16/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Denied; Journal Entry Details: <i>U.S. BANK NATIONAL ASSOCIATION, ND'S MOTION FOR SUMMARY JUDGMENT .. OPPOSITION TO MOTION FOR DISMISSAL AND PLAINTIFF'S COUNTERMOTION FOR SUMMARY JUDGMENT .. OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND RESOURCES GROUP COUNTER-MOTION FOR SUMMARY JUDGMENT Ms. Moore argued the sales price was grossly inadequate, the notice of default was not sent to Bank of America rather it went to US Recordings, and that the notice of sale and default must be sent to all lienholders. Mr. Bohn argued regarding the finality of a foreclosure sale and that banks want their sales final, that the notice went to the office of Les Zieve who was representing Bank of America, and that the bank had three months between the notice and the sale to protect their lien and the failed to do so. Following further arguments by counsel COURT STATED FINDINGS AND ORDERED, both Motions for Summary Judgment DENIED. PRETRIAL/CALENDAR CALL: Mr. Bohn requested a date late in the stack and noted the trial would be for one to two days. COURT ORDERED, Trial Date SET and noted if the parties wished to stipulate to the factual issues, that would take the procedural issues off the table. 08/04/16 10:30 AM BENCH TRIAL;</i>
06/16/2016	Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) Trial Date Set;
08/04/2016	CANCELED Bench Trial (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i>
09/01/2016	 Motion to Amend (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion to Amend their Answer to the Counterclaim</i> Granted; Journal Entry Details: <i>Mr. Beckom stated the motion was unopposed. COURT ORDERED, Motion GRANTED.;</i>
02/07/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant/counterclaimant, Resources Group, LLC's ,Motion for Summary Judgment</i> Denied;
02/07/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>U.S. Bank's Motion for Summary Judgment</i> Denied;

CASE SUMMARY

CASE NO. A-12-667690-C

02/07/2017


 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Continued for Chambers Decision;

Journal Entry Details:

- DEFENDANT/COUNTERCLAIMANT, RESOURCES GROUP, LLC'S ,MOTION FOR SUMMARY JUDGMENT. . U.S. BANK'S MOTION FOR SUMMARY JUDGMENT MATTER TRAILED AND RECALLED AT THE HOUR OF 9:31 AM with Mr. Beckom, Esq. now present. Colloquy regarding the Saticoy Bay decision and that it took the constitutional issues off the table. Mr. Beckom argued Mr. Haddad, the principal of the group who purchased the property at the homeowner s association sale, filed bankruptcy and he was therefore judicially estopped from asserting otherwise. Mr. Beckom further argued Mr. Haddad received the benefit of the bankruptcy stay, that the sales price was unfair, that it appeared Alessi and Koenig (A&K) was involved in the sale as they also conducted the sale, and that A&K colluded with Mr. Haddad. Upon inquiry by the court regarding whether it would be a question of fact for the jury to decide regarding the question of the home not being sold in a commercially reasonable manner, Mr. Trippiedi stated the price may be an issue; however we didn't get there due to the fact that there was no fraud/oppression/or unfairness pursuant to the Shadow Wood case. Mr. Trippiedi argued the Mortgage Protection Clause was taken care of in the SFR cases and that NRS 116.1104 invalidated the Mortgage Protection Clause as the public was on notice. Mr. Bohn stated the question of title to the property should be for the court to decide. Mr. Taylor argued questions of unfairness or fraud would be a question of fact for the jury to decide. Mr. Bohn argued the Pltf. should be bound by their discovery questions regarding commercial reasonability, that the Pltf.'s had remedies that could have been exercised prior to the sale but were not, and that under common law the sale was valid. Mr. Beckom argued Mr. Alessi testified he served the wrong person with the default and that he didn't serve US Bank. Mr. Bohn argued the Deed of Trust had the address and the notice of default was sent to that address; furthermore notice was mailed to multiple addresses for the bank. Following further arguments by counsel regarding the homestead exemption claims, fraudulent sales and fraudulent transfers, COURT ORDERED, Motions CONTINUED TO CHAMBERS. ;

02/16/2017


 **Pretrial/Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

Mr. Trippiedi stated the parties had stipulated to continue the trial date however it hadn't been signed by both parties yet. COURT ORDERED, Trial Date CONTINUED. 09/14/17 9:00 AM PRETRIAL/CALENDAR CALL 10/02/17 9:30 AM BENCH TRIAL MATTER RECALLED AT THE HOUR OF 10:17 AM with Mr. Beckom present. Court updated counsel regarding Mr. Trippiedi's statements. Mr. Beckom stated he had a number of trials back to back and he therefore requested this trial to be pushed to the next stack. Court stated he would agree with whatever counsel was able to agree to and noted counsel should be aware of any five-year rule considerations. COURT ORDERED, Status Check Re: Stipulation and Order to Continue Trial Date SET, counsel must waive the five-year rule and stipulate to a date certain. 03/16/17 9:00 AM Status Check Re: Stipulation and Order to Continue Trial Date;

03/07/2017

 **Minute Order** (3:00 PM) (Judicial Officer: Williams, Timothy C.)

Minute Order - No Hearing Held;

Journal Entry Details:

U.S. Bank s Motion for Summary Judgment After a review and consideration of the points and authorities on file herein, and oral argument of counsel, the COURT DETERMINED as follows: COURT ORDERED, Plaintiff U.S. Bank National Association s Motion for Summary Judgment shall be DENIED in light of the Nevada Supreme Court decision in Saticoy Bay, LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage, A Division of Wells Fargo Bank N.A., 133 Nev. Adv. Op. 5 (2017). Furthermore, the issue of the adequacy of the sale price at the HOA sale is not, itself, sufficient grounds for setting aside an HOA sale legally made without proof of some element of fraud, unfairness or oppression. Counsel for Resources Group, LLC, shall prepare a detailed Order based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: A copy of this minute order was electronically served to all Wiznet registered parties by the Judicial Executive Assistant./ls 3-7-17 ;

03/29/2017

 **Minute Order** (2:00 PM) (Judicial Officer: Williams, Timothy C.)

Minute Order - No Hearing Held;

CASE SUMMARY

CASE NO. A-12-667690-C

Journal Entry Details:

Defendant/Counterclaimant, Resources Group, LLC s Motion for Summary Judgment After a review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: There are issues of fact as to the Home Owners Association sale of the subject property, the adequacy of the sale price, and whether Defendant Resources Group, LLC was a bona fide purchaser. As a result, Defendant Resources Group, LLC s Motion for Summary Judgment shall be DENIED. Counsel for Defendant, Resource Group, shall prepare a detailed Order based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. ;

03/30/2017



Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Status Check: Stipulation and Order to Continue Trial Date/Toll NRCP 41(e) to Date Certain Matter Heard;

Journal Entry Details:

Mr. Beckom stated the court made a decision in the motions for summary judgment yesterday. Mr. Trippiedi stated they stipulated to continue the trial date out to a date certain, however the Homeowners Association was not here today. Mr. Beckom noted they were in default status. Following colloquy regarding what the trial would be regarding, Mr. Trippiedi stated they'd agreed to extend the date to November 3, 2017.;

09/14/2017



Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

COURT ORDERED, Bench Trial date STANDS.;

10/02/2017



Bench Trial - FIRM (9:30 AM) (Judicial Officer: Williams, Timothy C.)

10/02/2017-10/03/2017, 10/17/2017

Bench Trial -Firm

at Calendar Call

Matter Continued;

Continued for Chambers Decision;

Decision Made;

Journal Entry Details:

See Findings of Fact and Conclusions of Law filed October 31, 2017.;

at Calendar Call

Matter Continued;

Continued for Chambers Decision;

Decision Made;

Journal Entry Details:

BENCH TRIAL - DAY 2 Testimony presented and Exhibits admitted (see Worksheets). Plaintiff RESTED. Testimony presented and Exhibits admitted (see worksheets). Defendant RESTED.

Following closing arguments by Mr. Beckom and Mr. Vilkin, COURT ORDERED, matter CONTINUED for Chambers Decision. 10/17/17 CONTINUED FOR CHAMBERS DECISION;

at Calendar Call

Matter Continued;

Continued for Chambers Decision;

Decision Made;

Journal Entry Details:

BENCH TRIAL - DAY 1 Opening Statements by Ms. Baker and Mr. Vilkin. Testimony and Exhibits presented (see Worksheets). COURT ORDERED, BENCH TRIAL CONTINUED. CONTINUED TO: 10/3/17 10:30 AM BENCH TRIAL (DAY 2);

08/07/2019



Further Proceedings (9:00 AM) (Judicial Officer: Williams, Timothy C.)

08/07/2019, 10/08/2019, 01/09/2020

Further Proceedings - Supreme Court Order - Vacated and Remanded

Matter Continued;

Matter Continued;

Trial Date Set;

Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-12-667690-C

APPEARANCES CONTINUED: Matthew Dayton, Esq. Mr. Bohn reviewed Supreme Court Order and related issues. Mr. Bohn requested 6-month discovery. Colloquy regarding discovery requirements and issue of client scheduling. There being agreement, COURT ORDERED, case schedule SET as follows: Close of Discovery 7/9/20; Amend Pleadings 4/10/20; Initial Experts 4/10/20; Rebuttal Experts 5/11/20; Dispositive Motions 8/10/20; Trial 11/9/20. Department to issue amended trial order. Court stated will afford parties opportunity to amend today's schedule. 10/15/20 10:30 AM PRETRIAL/CALENDAR CALL 11/9/20 9:30 AM BENCH TRIAL;

Matter Continued;

Matter Continued;

Trial Date Set;

Journal Entry Details:

APPEARANCES CONTINUED: Shane Gale, Esq. present via CourtCall for Pltf. Mr. Gale present. Mr. Gale advised Resources Group has petition for rehearing pending before Supreme Court and still briefing. There being agreement, COURT ORDERED, matter CONTINUED 90 days. MATTER RECALLED. Mr. Nikci present. Court provided the Status Check date set today. CONTINUED TO: 1/9/20 9:00 AM STATUS CHECK: FURTHER PROCEEDINGS - SUPREME COURT ORDER - VACATED AND REMANDED;

Matter Continued;

Matter Continued;

Trial Date Set;

Journal Entry Details:

APPEARANCES CONTINUED: Shane Gale, Esq. present for US Bank National Association. Matter of Further Proceedings: Supreme Court Order. Mr. Bohn advised Remittitur from Supreme Court not yet issued. There being agreement, today's matter CONTINUED 60 days. CONTINUED TO: 10/8/19 9:00 AM;

07/16/2020

CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin)

Vacated

Plaintiff's Motion to Compel

08/04/2020

CANCELED Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Stipulation and Order

10/15/2020

CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Stipulation and Order

11/09/2020



Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order re: Hearing on 11/17/20 at 9:00 a.m.

Minute Order - No Hearing Held;

Journal Entry Details:

Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

11/09/2020

CANCELED Bench Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Stipulation and Order

11/17/2020



Motion to Extend Discovery (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendant's Motion to Extend Discovery and Continue the Trial Date (Second Request)




Moot;

Journal Entry Details:

APPEARANCES: Matthew Dayton, Esq. present for Pltf. Adam Trippiedi, Esq. present for

CASE SUMMARY

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	<p><i>Deft. Hearing held telephonically. Mr. Trippiedi advised stipulation submitted yesterday obviates matter. Mr. Dayton advised he agrees to extend discovery and has no objection. Court stated will honor the agreement. Colloquy regarding appropriate trial date for the order. There being agreement, COURT ORDERED, Trial VACATED and RESET to 7/12/21. Department to issue separate amended trial order. 6/24/21 10:30 AM PRETRIAL/CALENDAR CALL 7/12/21 9:30 AM BENCH TRIAL ;</i></p>
12/03/2020	<p>CANCELED Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated - per Stipulation and Order</i></p>
01/07/2021	<p>CANCELED Motion to Compel (9:10 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated - On in Error</i></p> <p><i>Motion to Compel</i></p>
02/11/2021	<p>CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated</i></p>
02/22/2021	<p>CANCELED Bench Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated</i></p>
04/05/2021	<p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 4/13/21 at 9:00 a.m.</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;</i></p>
04/13/2021	<p> Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Hearing held by BlueJeans remote conferencing. Ms. Schuler-Hintz present. Upon Court's inquiry on trial setting, Ms. Schuler-Hintz advised a discovery motion is next set 4/16/21. Court stated parties may stipulate to extension of case schedule. MATTER RECALLED. Mr. Bohn present. Court reviewed discussion had with Ms. Schuler-Hintz.;</i></p>
04/16/2021	<p> Motion to Compel (9:00 AM) (Judicial Officer: Young, Jay)</p> <p><i>Defendant/Counterclaimant's Motion to Compel</i></p> <p>See 1/19/21 e-mail</p> <p>See 2/24/21 e-mail.</p> <p>Will be heard by Commissioner Young</p> <p>Last Continuance</p> <p>Granted; Defendant/Counterclaimant's Motion to Compel</p> <p>Journal Entry Details:</p> <p><i>Argument by Mr. Bohn. Discovery is closed, but counsel agreed to extend discovery. Argument by Ms. Schuler-Hintz. Upon Commissioner's inquiry, Ms. Schuler-Hintz stated the records were reviewed, and there is nothing in the files to show a relationship with US Recordings. Upon Commissioner's inquiry, Mr. Bohn agreed to let Ms. Schuler-Hintz file a late Opposition. Mr. Bohn stated there were numerous continuances in this case was due to COVID, his staff's health issues, and a death in Mr. Bohn's office. Ms. Schuler-Hintz had COVID issues in her</i></p>


EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY


CASE NO. A-12-667690-C


office as well. Ms. Shuler-Hintz stated counsel agreed to the late disclosures. Mr. Bohn agreed. COMMISSIONER RECOMMENDED, motion is GRANTED; U.S. Bank did provide some responses; if the responses are insufficient, counsel will conduct another EDCR 2.34 conference. Mr. Bohn to prepare the Report and Recommendations, and Ms. Schuler-Hintz to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, the Status Check will be vacated. 5-7-2021 10:00 a.m. Status Check: Compliance / 4-16-2021 DCRR;

05/07/2021 **CANCELED Status Check: Compliance (10:00 AM)** (Judicial Officer: Young, Jay)
Vacated
Status Check: Compliance / 4-16-2021 DCRR

06/23/2021  **Minute Order (3:00 AM)** (Judicial Officer: Williams, Timothy C.)
Minute Order re: Hearing on 6/29/21 at 10:30 a.m.
Minute Order - No Hearing Held;
Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: <https://bluejeans.com/552243859> To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

06/29/2021  **Pretrial/Calendar Call (10:30 AM)** (Judicial Officer: Williams, Timothy C.)
Trial Date Set;
Journal Entry Details:
Hearing held by BlueJeans remote conferencing. Mr. Bohn advised parties will need to extend discovery, parties were impacted by COVID-19 with certain discovery yet to complete, and parties submitted stipulation regarding extending close of discovery and 3-year rule. Ms. Schuler-Hintz advised the representation is correct, extension for close of discovery is for 120 days, and parties stipulate as regards the 3-year date. Further colloquy regarding whether proposed close of discovery sufficient and resetting trial. There being agreement, COURT ORDERED, case schedule RESET as follows: Close of Discovery 2/15/22; Dispositive Motions 3/17/22; Trial 5/16/22. Court stated it will annotate the stipulation submitted by the parties and execute same. 4/28/22 10:30 AM PRETRIAL/CALENDAR CALL 5/16/22 9:30 AM BENCH TRIAL;

04/21/2022  **Motion for Summary Judgment (9:30 AM)** (Judicial Officer: Williams, Timothy C.)
U.S. Bank National Association N.D.'s Motion for Summary Judgment
Motion Granted; See 5/12/22 Minute Order
Journal Entry Details:
Hearing held live and by BlueJeans remote conferencing. Arguments by counsel. Court stated will review the pleadings; decision forthcoming. Colloquy regarding certain conflicts of counsel on the trial stack. Court stated it will accommodate conflicts.;

05/10/2022  **Pretrial/Calendar Call (1:15 PM)** (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
Hearing held live and by BlueJeans remote conferencing. Court noted decision pending on summary judgment matter. Upon Court's inquiry, Mr. Gale advised next trial stack would be appropriate and that parties are close to settlement. There being agreement, COURT ORDERED, Trial VACATED; Status Check SET in 30 days regarding settlement and necessity to set new trial. Court stated parties may appear remotely. 6/14/22 9:00 AM STATUS CHECK;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-12-667690-C

SETTLEMENT/NECESSITY TO SET NEW TRIAL;

05/12/2022



Minute Order (3:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order: U.S. Bank National Association N.D.'s Motion for Summary Judgment

Minute Order - No Hearing Held;

Journal Entry Details:

After review and consideration of the points and authorities on file herein and oral argument of counsel, the Court determined as follows: Factually, based on the current state of the evidence, Plaintiff U.S. Bank National Association ("U.S. Bank") is not associated with U.S. Recordings. Consequently, any purported notice sent to U.S. Recording is not notice to U.S. Bank. U.S. Bank was precluded from the opportunity to pay the super-priority portion of the HOA lien in the instant action. Additionally, this Court will rely on the Restatement approach to assess the property's fair market value. In light of the gross inadequacy of the sale price of \$5,331, which represents between 10% and 15% of the property's fair market value, coupled with the failure to provide U.S. Bank notice, the subject sale shall be set aside on equitable grounds. Additionally, with a defect in the HOA sale, Resource Group's status as a bona fide purchaser becomes irrelevant. Thus, based on the failure to provide U.S. Bank notice of the HOA sale and the inadequacy of the sales price, Plaintiff U.S. Bank's Motion for Summary Judgment shall be GRANTED. Counsel on behalf of Plaintiff U.S. Bank shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature. CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

05/23/2022

CANCELED Bench Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

06/14/2022

CANCELED Status Check (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated - per Stipulation and Order

Status Check: Settlement/Necessity to Set New Trial

DATE

FINANCIAL INFORMATION

Defendant Glenview West Townhomes Association

Total Charges

223.00

Total Payments and Credits

223.00

Balance Due as of 7/7/2022

0.00

Counter Claimant Resources Group LLC

Total Charges

647.00

Total Payments and Credits

647.00

Balance Due as of 7/7/2022

0.00

Counter Defendant U S Bank National Association

Total Charges

904.00

Total Payments and Credits

904.00

Balance Due as of 7/7/2022

0.00

Counter Defendant U S Bank National Association

Appeal Bond Balance as of 7/7/2022

500.00

Clark County, Nevada

Case No. _____

XVII I

(Assigned by Clerk's Office)

I. Party Information*Plaintiff(s) (name/address/phone):*U.S. BANK NATIONAL ASSOCIATION ND,
a national association,*Attorney (name/address/phone):*LAW OFFICES OF LES ZIEVE
Grace M. Kim, Esq. (NV Bar 9268)
Benjamin D. Petiprin, Esq. (NV Bar 11681)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Tel: (702) 948-856 Fax: (702) 446-9898*Defendant(s) (name/address/phone):*GEORGE R. EDWARDS, an individual; LAURA B. FITZPATRICK, tax receiver
and treasurer of the COUNTY OF CLARK, STATE OF NEVADA; REPUBLIC
SILVER STATE DISPOSAL, INC. dba REPUBLIC SERVICES, a Nevada
corporation; DOES 1 through 10, inclusive, and ROES 1 through 10, inclusive.*Attorney (name/address/phone):***II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> Title to Property <input checked="" type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

Probate**Other Civil Filing Types**

Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters
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III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

<input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 90) <input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Investments (NRS 104 Art. 8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademarks (NRS 600A)	<input type="checkbox"/> Enhanced Case Mgmt/Business <input type="checkbox"/> Other Business Court Matters
--	---	---

August 30, 2012

Date

/s/ Benjamin D. Petiprin

Signature of initiating party or representative

Kristin A. Schuler-Hintz, Esq., SBN 7171
Shane P. Gale, Esq., SBN: 12967
McCarthy & Holthus, LLP
9510 West Sahara Avenue, Suite 200
Las Vegas, NV 89117
Telephone: (702) 685-0329
Facsimile: (866) 339-5961
Email: dcnv@mccarthyholthus.com
Attorneys for Plaintiff,
U.S. Bank National Association, ND,

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

U.S. BANK NATIONAL ASSOCIATION,
N.D.,

Plaintiff,

v.

GEORGE R. EDWARDS; ANY AND ALL
PERSONS UNKNOWN CLAIMING TO
BE PERSONAL REPRESENTATIVES OF
GEORGE R. EDWARDS ESTATE, OR
DULY APPOINTED, QUALIFIED AND
ACTING EXECUTOR OF THE WILL OF
THE ESTATE OF GEORGE R.
EDWARDS, RESOURCES GROUP, LLC;
GLENVIEW WEST TOWNHOMES
ASSOCIATION; DOES 4 through
inclusive; and ROES 1 through 10,
inclusive;

Defendants.

AND ALL OTHER CLAIMS.

) Case No.: A-12-667690-C

) Dept. No.: 16

) **ORDER GRANTING U.S. BANK**
) **NATIONAL ASSOCIATION N.D.'s**
) **MOTION FOR SUMMARY**
) **JUDGMENT**

This matter came before the Court on April 21, 2022, in Department 16, the Honorable
Timothy C. Williams presiding, on U.S. Bank National Association's (hereinafter "US Bank")
Motion for Summary Judgment.

///

///

Shane P. Gale, Esq., of the law firm of McCarthy & Holthus, LLP, appeared on behalf of US Bank, and Michael F. Bohn, Esq., of the Bohn Law Firm, appeared on behalf of Resources Group, LLC (hereinafter “Resources”).

Having reviewed the Motion, Opposition, and Reply, and hearing the arguments of counsel present, the Court hearing makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The subject of this action is real property commonly known as 4254 Rollingstone Drive, Las Vegas, NV 89103 (APN: 163-24-111-021) (the “Property”).
2. The Property is located within the common-interest community Glenview West Townhomes Homeowners’ Association (the “HOA”).
3. On or about March 3, 2009, George R. Edwards (hereinafter “Edwards”) executed a deed of trust, recorded in the in Property records on March 26, 2009 as instrument number 200903260003747 (the “Deed of Trust”), in favor of U.S. Bank National Association, ND (“US Bank”). *US Bank’s Motion for Summary Judgment*, Exhibit 1.
4. As indicated on page one of the Deed of Trust, US Bank’s mailing address is “U.S. Bank National Association, ND..., 4325 17th Avenue SW, Fargo, ND 58103.” *Id.*
5. Beneficial interest in the Deed of Trust was never assigned, and US Bank was, at origination, and remains the beneficiary of the Deed of Trust.
6. Due to Edwards’ failure to pay monthly HOA assessments, the HOA retained the law office of Alessi & Koenig (“A&K”) to collect amounts past due. *US Bank’s Motion for Summary Judgment*, Exhibit 2.
7. On or about January 4, 2011, A&K recorded a Notice of Delinquent Assessment Lien in the Property records as instrument number 201101040005412 (the “HOA Lien”), indicating that the amount due and owing to the HOA was \$2,330.00. *US Bank’s Motion for Summary Judgment*, Exhibit 3.

8. On or about March 29, 2011, A&K recorded a Notice of Default and Election to See Under Homeowners Association Lien in the Property records as instrument number 201103290002690 (the “HOA NOD”). *US Bank’s Motion for Summary Judgment*, Exhibit 4.
9. On or about October 13, 2011, A&K recorded a Notice of Trustee’s Sale in the Property records as instrument number 201110130001535 (the “HOA NOS”). *US Bank’s Motion for Summary Judgment*, Exhibit 5.
10. David Alessi, A&K’s NRCP 30(b)(6) designee, testified that at no point was the HOA Lien nor the HOA NOD mailed to US Bank’s address. *US Bank’s Motion for Summary Judgment*, Exhibit 6, at 100:1-5; 100:13-17; 108:7-13; 109:5-14.
11. Had US Bank received of the HOA sale, it would have paid the superpriority lien. *Id.*, at 42:14-25; 43:1; 44:6-10; 51:14-18.
12. US Bank did not receive alternative, adequate notice of the HOA Sale.
13. On or about January 25, 2012, the Property was sold to 4254 Rollingstone Drive Trust for \$5,331.00 (the “HOA Sale”). *US Bank’s Motion for Summary Judgment*, Exhibit 8.
14. The declaration of value attached to the HOA TDUS states that the value of the Property as \$5,331.00 – the same price for which the Property sold at the HOA Sale. *US Bank’s Motion for Summary Judgment*, Exhibit 10.
15. Expert testimony indicates that the Property’s fair market value is \$48,000.00. *US Bank’s Motion for Summary Judgment*, Exhibit 7, at 13:1-18; Exhibit 11.
16. Eddie Haddad testified in this action that he was aware that litigation would be necessary in order to obtain clear title to the Property. *Bank’s Motion for Summary Judgment*, Exhibit 6, at 190:10-23; Exhibit 9, at 19:12-15.
17. Eddie Haddad also testified that he was aware of US Bank’s DOT prior to bidding at the HOA Sale. *Bank’s Motion for Summary Judgment*, Exhibit 6, at 173:16-21; Exhibit 9, at 19:12-15.

1
2 **CONCLUSIONS OF LAW**

- 3 1. A Motion for Summary Judgment under NRCP 56(b)-(c) “shall be rendered forthwith if
4 the pleadings, depositions, answers to interrogatories, and admissions on file, together
5 with the affidavits, if any, show that there is no genuine issue as to any material fact and
6 that the moving party is entitled to a judgment as a matter of law.” NRCP 56(c). “The
7 purpose of summary judgment is to avoid a needless trial, when an appropriate showing
8 is made in advance and there is no genuine issue of fact to be tried, and the movant is
9 entitled to judgment as a matter of law.” *McDonald v. D.P. Alexander & Las Vegas*
10 *Blvd, LLC*, 121 Nev. 812, 815 (2005). The “nonmoving party may not defeat a motion
11 for summary judgment by relying on the gossamer threads of whimsy, speculation and
12 conjecture. As this court has made abundantly clear, [w]hen a motion for summary
13 judgment is made and supported as required by NRCP 56, the non-moving party may not
14 rest upon general allegations and conclusions, but must, by affidavit or otherwise, set
15 forth specific facts demonstrating the existence of a genuine factual issue. *Wood v.*
16 *Safeway*, 121 Nev. 724, 121 P.3d 1026, 1030-1031 (2005). All evidence and inferences
17 must be viewed in a light most favorable to the non-moving party. *Id.*, at 1031. Whether
18 a fact is “material” depends on the underlying substantive law, and includes only those
19 factual disputes that could change the final outcome of the case. *Id.* However, a scintilla
20 of evidence, or evidence that is merely colorable, or not significantly probative does not
21 present a genuine issue of material fact. *Addisu v. Meyer*, 198 F.3d 1130, 1134 (9th Cir.,
22 2000). Mere disagreement or a bald assertion that a genuine issue of material fact exists
23 does not preclude summary judgment. *Harper v. Wallingford*, 877 F.2d 728, 731 (9th Cir.,
24 1989). The United States Supreme Court describes genuineness as:

25 When opposing parties tell two different stories, one of which is blatantly
26 contradicted by the record, so that no reasonable jury could believe it, a court
27 should not adopt that version of the facts for purposes of ruling on a motion for
summary judgment.

1 *Scott v. Harris*, 550 U.S. 372, 380 (2007).

- 2 2. The “slightest doubt” standard has been abrogated from Nevada’s summary judgment
3 law. *Wood v. Safeway*, 121 Nev. 724, 121 P.3d 1026, 1031 (2005).
- 4 3. There are no facts in the record to support a finding that US Recordings in an agent for
5 US Bank with respect to accepting the notice of default. “An agency relationship is
6 formed when one who hires another retains a contractual right to control the other’s
7 manner of performance.” *Grand Hotel Gift Shop v. Granite St. Ins.*, 108 Nev. 811, 815,
8 839 P.2d 599, 602 (Nev., 1992). There is no evidence that US Recordings and US Bank
9 entered into a contract or agreement permitting US Recordings to control US Bank’s
10 performance. Nor is the mere fact that its name appears on the “return to” address imply
11 that US Recordings has apparent authority to accept notice on behalf of US Bank. The
12 plain and explicit language in the deed of trust directed all recordings or notices be
13 directed to US Bank at the address reflected on page one of the deed of trust.
- 14 4. Alessi & Koenig’s failure to mail U.S. Bank the NOD at the address given for it in the
15 recorded deed of trust violated NRS 116.31168 and NRS 107.090(3). Accordingly, US
16 Bank did not have actual notice of the HOA Sale.
- 17 5. Not mailing the HOA NOD to US Bank prejudiced it in that US Bank did not receive the
18 statutorily guaranteed 90 day period to address the HOA Lien. NRS 116.31162(1)(c) and
19 (3).
- 20 6. Had U.S. Bank received notice of default, it would have paid the lien off and this
21 establishes the lack of notice and prejudice needed to void the HOA Sale.
- 22 7. The standard by which “gross inadequacy” is measured is the fair market value of the real
23 estate. For this purpose the latter means, not the fair “forced sale” value of the real estate,
24 but the price which would result from negotiation and mutual agreement, after ample
25 time to find a purchaser, between a vendor who is willing, but not compelled to sell, and
26 a purchaser who is willing to buy, but not compelled to take a particular piece of real
27

estate. Restatement (Third) of Property (Mortgages) § 8.3 cmt. b (1997) (emphasis added).

8. Resources purchased the Property for 11% of fair market value. Accordingly, this price inadequacy here is “palpable and great.” *Shadow Canyon*, at 749; *Shadow Wood*, at 60. The price/fair market value disparity is a relevant consideration because a wide disparity may require less evidence of fraud, unfairness, or oppression to justify setting aside the sale.
9. Failure to send statutorily required notices is a specific example of an irregularity that rises to the level of fraud, oppression, or unfairness sufficient to set an HOA sale aside. *Shadow Canyon*, at 749 fn.11.
10. Resources has constructive knowledge of US Bank’s DOT. *Nationstar Mortgage LLC v. Saticoy Bay LLC*, *Servies 9229 Millikan Avenue*, 996 F.3d 950, 958 (9th Cir., May 5, 2021).
11. A party's status as a BFP is irrelevant when a defect in the foreclosure proceeding renders the sale void. *Bank of America v. SFR Investments Pool 1, LLC*, 134 Nev. 604, 612, 427 P.3d 113, 121 (Nev., 2018).
12. The HOA Sale is therefore deemed void, and US Bank’s DOT remains as an encumbrance and valid lien on the Property.
13. This Order is certified as final under NRCP 54(b).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT US Bank’s
Motion for Summary Judgment is **GRANTED**; and

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///

///

///

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Status
June
Conference, scheduled for ~~July~~ 14, 2022 at 9:00AM is hereby **VACATED**.

Dated: _____

Dated this 8th day of June, 2022

James C. Williams

DISTRICT COURT JUDGE MH

Respectfully submitted by:

B58 CB6 CFC0 4A52
Timothy C. Williams
District Court Judge

Dated: May 16, 2022

McCARTHY & HOLTHUS, LLP

/s/ Shane P. Gale

Kristin A. Schuler-Hintz, Esq.

Nevada Bar No. 7171

Shane P. Gale, Esq.

Nevada Bar No. 12967

9510 West Sahara Avenue, Suite 200

Las Vegas, Nevada 89117

Attorneys for Plaintiff:

U.S. Bank, National Association, ND

Approved as to form and content:

Dated: June 1, 2022

BOHN LAW FIRM

/s/ Michael F. Bohn

Michael F. Bohn, Esq.

Nevada Bar No. 1641

2260 Corporate Circle, Suite 480

Henderson, Nevada 89074

Attorneys for Resources Group, LLC

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 U S Bank National Association,
Plaintiff(s)

CASE NO: A-12-667690-C

7 vs.

DEPT. NO. Department 16

8
9 George Edwards, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Granting Motion 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: 6/8/2022

15 "Benjamin D. Petiprin, Esq." .

bpetiprin@zievelaw.com

16 Amber Geiman .

ageiman@lawhjc.com

17 Kristin Schuler-Hintz .

dcnv@mccarthyholthus.com

18 Stuart Taylor .

staylor@lawhjc.com

19 Thomas N. Beckom .

tbeckom@mccarthyholthus.com

20 Kristin Schuler-Hintz

DCNV@mccarthyholthus.com

21 E-Service BohnLawFirm

office@bohnlawfirm.com

22 Michael Bohn

mbohn@bohnlawfirm.com

23 Maurice Mazza

mazza@bohnlawfirm.com

24 Maggie Lopez

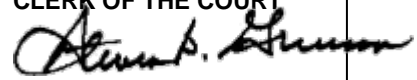
maggie@bohnlawfirm.com

25

26

27

28



Kristin A. Schuler-Hintz, Esq., SBN 7171
Shane P. Gale SNB 12967
MCCARTHY & HOLTHUS, LLP
9510 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
Phone: 702.685.0329
Fax: 866.339.5691
Email: DCNV@McCarthyHolthus.com

Attorneys for Plaintiff

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

U.S. BANK NATIONAL ASSOCIATION,
N.D.

Plaintiff,

vs.

GEORGE R. EDWARDS; ANY AND ALL
PERSONS UNKNOWN CLAIMING TO
BE PERSONAL REPRESENTATIVES OF
GEORGE R. EDWARDS ESTATE, OR
DULY APPOINTED, QUALIFIED AND
ACTING EXECUTOR OF THE WILL OF
THE ESTATE OF GEORGE R.
EDWARDS, RESOURCES GROUP, LLC;
GLENVIEW WEST TOWNHOMES
ASSOCIATION; DOES I-X; and ROES 1-
10 inclusive,

Defendants.

Case No. A-12-667690-C

Dept. No. 16

NOTICE OF ENTRY OF ORDER

YOU AND ALL OF YOU PLEASE TAKE NOTICE that the following ORDER
GRANTING U.S. BANK NATIONAL ASSOCIATION N.D.'S MOTION FOR SUMMARY
JUDGMENT was entered on 6/8/2022 for the above captioned matter. A true and correct copy of
said order is attached hereto.

Dated: June 8, 2022

McCarthy & Holthus, LLP

/s/ Shane P. Gale

Kristin A. Schuler-Hintz, Esq. SBN 7171
Shane P Gale SNB 12967
9510 West Sahara Avenue, Suite 200
Las Vegas, NV 89117

CERTIFICATE OF MAILING

On June 9, 2022, I caused a copy of the foregoing documents described as Notice of Entry of Order to be served in the manner of US Mail, on the following individuals:

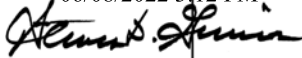
George Edwards
4254 Rollingstone Drive
Las Vegas, NV 89103

Michael F. Bohn, Esq
2260 Corporate Circle #480
Henderson, NV 89074

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Shane P. Gale

An employee of McCarthy & Holthus, LLP


CLERK OF THE COURT

Kristin A. Schuler-Hintz, Esq., SBN 7171
Shane P. Gale, Esq., SBN: 12967
McCarthy & Holthus, LLP
9510 West Sahara Avenue, Suite 200
Las Vegas, NV 89117
Telephone: (702) 685-0329
Facsimile: (866) 339-5961
Email: dcnv@mccarthyholthus.com
Attorneys for Plaintiff,
U.S. Bank National Association, ND,

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

U.S. BANK NATIONAL ASSOCIATION,
N.D,

Plaintiff,

v.

GEORGE R. EDWARDS; ANY AND ALL
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BE PERSONAL REPRESENTATIVES OF
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DULY APPOINTED, QUALIFIED AND
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THE ESTATE OF GEORGE R.
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ASSOCIATION; DOES 4 through
inclusive; and ROES 1 through 10,
inclusive;

Defendants.

AND ALL OTHER CLAIMS.

Case No.: A-12-667690-C

Dept. No.: 16

**ORDER GRANTING U.S. BANK
NATIONAL ASSOCIATION N.D.'s
MOTION FOR SUMMARY
JUDGMENT**

This matter came before the Court on April 21, 2022, in Department 16, the Honorable Timothy C. Williams presiding, on U.S. Bank National Association's (hereinafter "US Bank") Motion for Summary Judgment.

///

///

Shane P. Gale, Esq., of the law firm of McCarthy & Holthus, LLP, appeared on behalf of US Bank, and Michael F. Bohn, Esq., of the Bohn Law Firm, appeared on behalf of Resources Group, LLC (hereinafter “Resources”).

Having reviewed the Motion, Opposition, and Reply, and hearing the arguments of counsel present, the Court hearing makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The subject of this action is real property commonly known as 4254 Rollingstone Drive, Las Vegas, NV 89103 (APN: 163-24-111-021) (the “Property”).
2. The Property is located within the common-interest community Glenview West Townhomes Homeowners’ Association (the “HOA”).
3. On or about March 3, 2009, George R. Edwards (hereinafter “Edwards”) executed a deed of trust, recorded in the in Property records on March 26, 2009 as instrument number 200903260003747 (the “Deed of Trust”), in favor of U.S. Bank National Association, ND (“US Bank”). *US Bank’s Motion for Summary Judgment*, Exhibit 1.
4. As indicated on page one of the Deed of Trust, US Bank’s mailing address is “U.S. Bank National Association, ND..., 4325 17th Avenue SW, Fargo, ND 58103.” *Id.*
5. Beneficial interest in the Deed of Trust was never assigned, and US Bank was, at origination, and remains the beneficiary of the Deed of Trust.
6. Due to Edwards’ failure to pay monthly HOA assessments, the HOA retained the law office of Alessi & Koenig (“A&K”) to collect amounts past due. *US Bank’s Motion for Summary Judgment*, Exhibit 2.
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- 1
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- 5 Exhibit 4.
- 6 9. On or about October 13, 2011, A&K recorded a Notice of Trustee’s Sale in the Property
- 7 records as instrument number 201110130001535 (the “HOA NOS”). *US Bank’s Motion*
- 8 *for Summary Judgment*, Exhibit 5.
- 9 10. David Alessi, A&K’s NRCP 30(b)(6) designee, testified that at no point was the HOA
- 10 Lien nor the HOA NOD mailed to US Bank’s address. *US Bank’s Motion for Summary*
- 11 *Judgment*, Exhibit 6, at 100:1-5; 100:13-17; 108:7-13; 109:5-14.
- 12 11. Had US Bank received of the HOA sale, it would have paid the superpriority lien. *Id.*, at
- 13 42:14-25; 43:1; 44:6-10; 51:14-18.
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- 15 13. On or about January 25, 2012, the Property was sold to 4254 Rollingstone Drive Trust for
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- 17 14. The declaration of value attached to the HOA TDUS states that the value of the Property
- 18 as \$5,331.00 – the same price for which the Property sold at the HOA Sale. *US Bank’s*
- 19 *Motion for Summary Judgment*, Exhibit 10.
- 20 15. Expert testimony indicates that the Property’s fair market value is \$48,000.00. *US*
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- 22 16. Eddie Haddad testified in this action that he was aware that litigation would be necessary
- 23 in order to obtain clear title to the Property. *Bank’s Motion for Summary Judgment*,
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- 25 17. Eddie Haddad also testified that he was aware of US Bank’s DOT prior to bidding at the
- 26 HOA Sale. *Bank’s Motion for Summary Judgment*, Exhibit 6, at 173:16-21; Exhibit 9, at
- 27 19:12-15.

CONCLUSIONS OF LAW

1. A Motion for Summary Judgment under NRCP 56(b)-(c) “shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” NRCP 56(c). “The purpose of summary judgment is to avoid a needless trial, when an appropriate showing is made in advance and there is no genuine issue of fact to be tried, and the movant is entitled to judgment as a matter of law.” *McDonald v. D.P. Alexander & Las Vegas Blvd, LLC*, 121 Nev. 812, 815 (2005). The “nonmoving party may not defeat a motion for summary judgment by relying on the gossamer threads of whimsy, speculation and conjecture. As this court has made abundantly clear, [w]hen a motion for summary judgment is made and supported as required by NRCP 56, the non-moving party may not rest upon general allegations and conclusions, but must, by affidavit or otherwise, set forth specific facts demonstrating the existence of a genuine factual issue. *Wood v. Safeway*, 121 Nev. 724, 121 P.3d 1026, 1030-1031 (2005). All evidence and inferences must be viewed in a light most favorable to the non-moving party. *Id.*, at 1031. Whether a fact is “material” depends on the underlying substantive law, and includes only those factual disputes that could change the final outcome of the case. *Id.* However, a scintilla of evidence, or evidence that is merely colorable, or not significantly probative does not present a genuine issue of material fact. *Addisu v. Meyer*, 198 F.3d 1130, 1134 (9th Cir., 2000). Mere disagreement or a bald assertion that a genuine issue of material fact exists does not preclude summary judgment. *Harper v. Wallingford*, 877 F.2d 728, 731 (9th Cir., 1989). The United States Supreme Court describes genuineness as:

When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.

1 *Scott v. Harris*, 550 U.S. 372, 380 (2007).

- 2 2. The “slightest doubt” standard has been abrogated from Nevada’s summary judgment
3 law. *Wood v. Safeway*, 121 Nev. 724, 121 P.3d 1026, 1031 (2005).
- 4 3. There are no facts in the record to support a finding that US Recordings in an agent for
5 US Bank with respect to accepting the notice of default. “An agency relationship is
6 formed when one who hires another retains a contractual right to control the other’s
7 manner of performance.” *Grand Hotel Gift Shop v. Granite St. Ins.*, 108 Nev. 811, 815,
8 839 P.2d 599, 602 (Nev., 1992). There is no evidence that US Recordings and US Bank
9 entered into a contract or agreement permitting US Recordings to control US Bank’s
10 performance. Nor is the mere fact that its name appears on the “return to” address imply
11 that US Recordings has apparent authority to accept notice on behalf of US Bank. The
12 plain and explicit language in the deed of trust directed all recordings or notices be
13 directed to US Bank at the address reflected on page one of the deed of trust.
- 14 4. Alessi & Koenig's failure to mail U.S. Bank the NOD at the address given for it in the
15 recorded deed of trust violated NRS 116.31168 and NRS 107.090(3). Accordingly, US
16 Bank did not have actual notice of the HOA Sale.
- 17 5. Not mailing the HOA NOD to US Bank prejudiced it in that US Bank did not receive the
18 statutorily guaranteed 90 day period to address the HOA Lien. NRS 116.31162(1)(c) and
19 (3).
- 20 6. Had U.S. Bank received notice of default, it would have paid the lien off and this
21 establishes the lack of notice and prejudice needed to void the HOA Sale.
- 22 7. The standard by which "gross inadequacy" is measured is the fair market value of the real
23 estate. For this purpose the latter means, not the fair "forced sale" value of the real estate,
24 but the price which would result from negotiation and mutual agreement, after ample
25 time to find a purchaser, between a vendor who is willing, but not compelled to sell, and
26 a purchaser who is willing to buy, but not compelled to take a particular piece of real
27

1 estate. Restatement (Third) of Property (Mortgages) § 8.3 cmt. b (1997) (emphasis
2 added).

- 3 8. Resources purchased the Property for 11% of fair market value. Accordingly, this price
4 inadequacy here is “palpable and great.” *Shadow Canyon*, at 749; *Shadow Wood*, at 60.
5 The price/fair market value disparity is a relevant consideration because a wide disparity
6 may require less evidence of fraud, unfairness, or oppression to justify setting aside the
7 sale.
- 8 9. Failure to send statutorily required notices is a specific example of an irregularity that
9 rises to the level of fraud, oppression, or unfairness sufficient to set an HOA sale aside.
10 *Shadow Canyon*, at 749 fn.11.
- 11 10. Resources has constructive knowledge of US Bank’s DOT. *Nationstar Mortgage LLC v.*
12 *Saticoy Bay LLC*, *Servies 9229 Millikan Avenue*, 996 F.3d 950, 958 (9th Cir., May 5,
13 2021).
- 14 11. A party's status as a BFP is irrelevant when a defect in the foreclosure proceeding renders
15 the sale void. *Bank of America v. SFR Investments Pool 1, LLC*, 134 Nev. 604, 612, 427
16 P.3d 113, 121 (Nev., 2018).
- 17 12. The HOA Sale is therefore deemed void, and US Bank’s DOT remains as an
18 encumbrance and valid lien on the Property.
- 19 13. This Order is certified as final under NRCP 54(b).

20 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT US Bank’s**
21 **Motion for Summary Judgment is GRANTED; and**

22 ///

23 ///

24 ///

25 ///

26 ///

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Status
Conference, scheduled for ~~July~~ June 14, 2022 at 9:00AM is hereby **VACATED**.

Dated: _____

Dated this 8th day of June, 2022

Timothy C. Williams

DISTRICT COURT JUDGE MH

Respectfully submitted by:

B58 CB6 CFC0 4A52
Timothy C. Williams
District Court Judge

Dated: May 16, 2022

McCARTHY & HOLTHUS, LLP

/s/ *Shane P. Gale*

Kristin A. Schuler-Hintz, Esq.

Nevada Bar No. 7171

Shane P. Gale, Esq.

Nevada Bar No. 12967

9510 West Sahara Avenue, Suite 200

Las Vegas, Nevada 89117

Attorneys for Plaintiff:

U.S. Bank, National Association, ND

Approved as to form and content:

Dated: June 1, 2022

BOHN LAW FIRM

/s/ Michael F. Bohn

Michael F. Bohn, Esq.

Nevada Bar No. 1641

2260 Corporate Circle, Suite 480

Henderson, Nevada 89074

Attorneys for Resources Group, LLC

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 U S Bank National Association,
Plaintiff(s)

CASE NO: A-12-667690-C

7 vs.

DEPT. NO. Department 16

8
9 George Edwards, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Granting Motion 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: 6/8/2022

15 "Benjamin D. Petiprin, Esq." .

bpetiprin@zievelaw.com

16 Amber Geiman .

ageiman@lawhjc.com

17 Kristin Schuler-Hintz .

dcnv@mccarthyholthus.com

18 Stuart Taylor .

staylor@lawhjc.com

19 Thomas N. Beckom .

tbeckom@mccarthyholthus.com

20 Kristin Schuler-Hintz

DCNV@mccarthyholthus.com

21 E-Service BohnLawFirm

office@bohnlawfirm.com

22 Michael Bohn

mbohn@bohnlawfirm.com

23 Maurice Mazza

mazza@bohnlawfirm.com

24 Maggie Lopez

maggie@bohnlawfirm.com

25

26

27

28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 24, 2012

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

September 24, 2012 3:01 PM Minute Order

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Because the Court's spouse is a Chief Deputy in the Civil Division of the District Attorney's Office, and the defense of this case will be handled by attorneys under her supervision, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Grace M. Kim, Esq., (Les Zieve Law Offc). aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

January 06, 2015

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

January 06, 2015

9:00 AM

Motion

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Nora Pena

RECORDER:

REPORTER: Leah Armendariz

PARTIES

PRESENT: Arlitz, Jeff Attorney
Petiprin, Benjamin D., ESQ Attorney

JOURNAL ENTRIES

- Mr. Petiprin present on Court Call.

Mr. Arlitz advised there is no opposition as this is a simple Stay. No opposition by Mr. Petiprin and requested to be allowed to answer 20 days after the filing of notice of entry of order to the motion to Lift Stay. Mr. Arlitz agreed. COURT ORDERED, Defendant's motion to Lift Stay GRANTED under the conditions placed on the record as stated above from the other case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 16, 2016

A-12-667690-C	U S Bank National Association, Plaintiff(s)
	vs.
	George Edwards, Defendant(s)

June 16, 2016

9:00 AM

All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Bohn, Michael F	Attorney
	Moore, Sherry A.	Attorney
	Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- U.S. BANK NATIONAL ASSOCIATION, ND'S MOTION FOR SUMMARY JUDGMENT ..
OPPOSITION TO MOTION FOR DISMISSAL AND PLAINTIFF'S COUNTERMOTION FOR
SUMMARY JUDGMENT .. OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AND RESOURCES GROUP COUNTER-MOTION FOR SUMMARY JUDGMENT

Ms. Moore argued the sales price was grossly inadequate, the notice of default was not sent to Bank of America rather it went to US Recordings, and that the notice of sale and default must be sent to all lienholders. Mr. Bohn argued regarding the finality of a foreclosure sale and that banks want their sales final, that the notice went to the office of Les Zieve who was representing Bank of America, and that the bank had three months between the notice and the sale to protect their lien and the failed to do so. Following further arguments by counsel COURT STATED FINDINGS AND ORDERED, both Motions for Summary Judgment DENIED.

PRETRIAL/CALENDAR CALL:

Mr. Bohn requested a date late in the stack and noted the trial would be for one to two days. COURT ORDERED, Trial Date SET and noted if the parties wished to stipulate to the factual issues, that

would take the procedural issues off the table.

08/04/16 10:30 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 01, 2016

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

September 01, 2016 9:00 AM Motion to Amend

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney

JOURNAL ENTRIES

- Mr. Beckom stated the motion was unopposed. COURT ORDERED, Motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 07, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

February 07, 2017 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney
 Bohn, Michael F Attorney
 Taylor, Stuart J. Attorney
 Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

-- DEFENDANT/COUNTERCLAIMANT, RESOURCES GROUP, LLC'S ,MOTION FOR SUMMARY JUDGMENT .. U.S. BANK'S MOTION FOR SUMMARY JUDGMENT

MATTER TRAILED AND RECALLED AT THE HOUR OF 9:31 AM with Mr. Beckom, Esq. now present.

Colloquy regarding the Saticoy Bay decision and that it took the constitutional issues off the table. Mr. Beckom argued Mr. Haddad, the principal of the group who purchased the property at the homeowner s association sale, filed bankruptcy and he was therefore judicially estopped from asserting otherwise. Mr. Beckom further argued Mr. Haddad received the benefit of the bankruptcy stay, that the sales price was unfair, that it appeared Alessi and Koenig (A&K) was involved in the sale as they also conducted the sale, and that A&K colluded with Mr. Haddad. Upon inquiry by the court regarding whether it would be a question of fact for the jury to decide regarding the question of the home not being sold in a commercially reasonable manner, Mr. Trippiedi stated the price may be an issue; however we didn't get there due to the fact that there was no fraud/oppression/or

unfairness pursuant to the Shadow Wood case. Mr. Trippiedi argued the Mortgage Protection Clause was taken care of in the SFR cases and that NRS 116.1104 invalidated the Mortgage Protection Clause as the public was on notice. Mr. Bohn stated the question of title to the property should be for the court to decide. Mr. Taylor argued questions of unfairness or fraud would be a question of fact for the jury to decide. Mr. Bohn argued the Pltf. should be bound by their discovery questions regarding commercial reasonability, that the Pltf.'s had remedies that could have been exercised prior to the sale but were not, and that under common law the sale was valid. Mr. Beckom argued Mr. Alessi testified he served the wrong person with the default and that he didn't serve US Bank. Mr. Bohn argued the Deed of Trust had the address and the notice of default was sent to that address; furthermore notice was mailed to multiple addresses for the bank. Following further arguments by counsel regarding the homestead exemption claims, fraudulent sales and fraudulent transfers, COURT ORDERED, Motions CONTINUED TO CHAMBERS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 16, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

February 16, 2017 10:30 AM Pretrial/Calendar Call

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney
 Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

- Mr. Trippiedi stated the parties had stipulated to continue the trial date however it hadn't been signed by both parties yet. COURT ORDERED, Trial Date CONTINUED.

09/14/17 9:00 AM PRETRIAL/CALENDAR CALL

10/02/17 9:30 AM BENCH TRIAL

MATTER RECALLED AT THE HOUR OF 10:17 AM with Mr. Beckom present.

Court updated counsel regarding Mr. Trippiedi's statements. Mr. Beckom stated he had a number of trials back to back and he therefore requested this trial to be pushed to the next stack. Court stated he would agree with whatever counsel was able to agree to and noted counsel should be aware of any five-year rule considerations. COURT ORDERED, Status Check Re: Stipulation and Order to Continue Trial Date SET, counsel must waive the five-year rule and stipulate to a date certain.

03/16/17 9:00 AM Status Check Re: Stipulation and Order to Continue Trial Date

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 07, 2017

A-12-667690-C	U S Bank National Association, Plaintiff(s)
	vs.
	George Edwards, Defendant(s)

March 07, 2017

3:00 PM

Minute Order

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- U.S. Bank s Motion for Summary Judgment

After a review and consideration of the points and authorities on file herein, and oral argument of counsel, the COURT DETERMINED as follows:

COURT ORDERED, Plaintiff U.S. Bank National Association s Motion for Summary Judgment shall be DENIED in light of the Nevada Supreme Court decision in Saticoy Bay, LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage, A Division of Wells Fargo Bank N.A., 133 Nev. Adv. Op. 5 (2017).

Furthermore, the issue of the adequacy of the sale price at the HOA sale is not, itself, sufficient grounds for setting aside an HOA sale legally made without proof of some element of fraud, unfairness or oppression. Counsel for Resources Group, LLC, shall prepare a detailed Order based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: A copy of this minute order was electronically served to all Wiznet registered

parties by the Judicial Executive Assistant./ls 3-7-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 29, 2017

A-12-667690-C	U S Bank National Association, Plaintiff(s) vs. George Edwards, Defendant(s)
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March 29, 2017

2:00 PM

Minute Order

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant/Counterclaimant, Resources Group, LLC s Motion for Summary Judgment

After a review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

There are issues of fact as to the Home Owners Association sale of the subject property, the adequacy of the sale price, and whether Defendant Resources Group, LLC was a bona fide purchaser. As a result, Defendant Resources Group, LLC s Motion for Summary Judgment shall be DENIED. Counsel for Defendant, Resource Group, shall prepare a detailed Order based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****March 30, 2017**

A-12-667690-C U S Bank National Association, Plaintiff(s)
 vs.
 George Edwards, Defendant(s)

March 30, 2017 9:00 AM Status Check

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Beckom, Thomas N. Attorney
 Trippiedi, Adam R. Attorney

JOURNAL ENTRIES

- Mr. Beckom stated the court made a decision in the motions for summary judgment yesterday. Mr. Trippiedi stated they stipulated to continue the trial date out to a date certain, however the Homeowners Association was not here today. Mr. Beckom noted they were in default status. Following colloquy regarding what the trial would be regarding, Mr. Trippiedi stated they'd agreed to extend the date to November 3, 2017.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 14, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

September 14, 2017 10:30 AM Pretrial/Calendar Call

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER:

PARTIES

PRESENT: Beckom, Thomas N. Attorney
Thongkham, Chatree, ESQ Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- COURT ORDERED, Bench Trial date STANDS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 02, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

October 02, 2017 9:30 AM Bench Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Baker, Priscilla L. Attorney
Beckom, Thomas N. Attorney
Geisendorf, Charles L. Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- BENCH TRIAL - DAY 1

Opening Statements by Ms. Baker and Mr. Vilkin. Testimony and Exhibits presented (see Worksheets).

COURT ORDERED, BENCH TRIAL CONTINUED.

CONTINUED TO: 10/3/17 10:30 AM BENCH TRIAL (DAY 2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 03, 2017

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

October 03, 2017 10:30 AM Bench Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Baker, Priscilla L. Attorney
Beckom, Thomas N. Attorney
Geisendorf, Charles L. Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- BENCH TRIAL - DAY 2

Testimony presented and Exhibits admitted (see Worksheets). Plaintiff RESTED. Testimony presented and Exhibits admitted (see worksheets). Defendant RESTED. Following closing arguments by Mr. Beckom and Mr. Vilkin, COURT ORDERED, matter CONTINUED for Chambers Decision.

10/17/17 CONTINUED FOR CHAMBERS DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 17, 2017

A-12-667690-C	U S Bank National Association, Plaintiff(s) vs. George Edwards, Defendant(s)
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October 17, 2017 3:00 AM Bench Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- See Findings of Fact and Conclusions of Law filed October 31, 2017.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 07, 2019

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

August 07, 2019 9:00 AM Further Proceedings

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Shane Gale, Esq. present for US Bank National Association.

Matter of Further Proceedings: Supreme Court Order. Mr. Bohn advised Remittitur from Supreme Court not yet issued. There being agreement, today's matter CONTINUED 60 days.

CONTINUED TO: 10/8/19 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 08, 2019

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

October 08, 2019 9:00 AM Further Proceedings

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT: Nikci, Nikoll Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Shane Gale, Esq. present via CourtCall for Pltf.

Mr. Gale present. Mr. Gale advised Resources Group has petition for rehearing pending before Supreme Court and still briefing. There being agreement, COURT ORDERED, matter CONTINUED 90 days. MATTER RECALLED. Mr. Nikci present. Court provided the Status Check date set today.

CONTINUED TO: 1/9/20 9:00 AM STATUS CHECK: FURTHER PROCEEDINGS - SUPREME COURT ORDER - VACATED AND REMANDED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

January 09, 2020

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

January 09, 2020 9:00 AM Further Proceedings

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Matthew Dayton, Esq.

Mr. Bohn reviewed Supreme Court Order and related issues. Mr. Bohn requested 6-month discovery. Colloquy regarding discovery requirements and issue of client scheduling. There being agreement, COURT ORDERED, case schedule SET as follows: Close of Discovery 7/9/20; Amend Pleadings 4/10/20; Initial Experts 4/10/20; Rebuttal Experts 5/11/20; Dispositive Motions 8/10/20; Trial 11/9/20. Department to issue amended trial order. Court stated will afford parties opportunity to amend today's schedule.

10/15/20 10:30 AM PRETRIAL/CALENDAR CALL

11/9/20 9:30 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 09, 2020

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

November 09, 2020 8:00 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 458 575 421

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 17, 2020

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

**November 17, 2020 9:00 AM Motion to Extend
Discovery**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- APPEARANCES: Matthew Dayton, Esq. present for Pltf. Adam Trippiedi, Esq. present for Deft.

Hearing held telephonically. Mr. Trippiedi advised stipulation submitted yesterday obviates matter. Mr. Dayton advised he agrees to extend discovery and has no objection. Court stated will honor the agreement. Colloquy regarding appropriate trial date for the order. There being agreement, COURT ORDERED, Trial VACATED and RESET to 7/12/21. Department to issue separate amended trial order.

6/24/21 10:30 AM PRETRIAL/CALENDAR CALL

7/12/21 9:30 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

April 05, 2021

A-12-667690-C	U S Bank National Association, Plaintiff(s)
	vs.
	George Edwards, Defendant(s)

April 05, 2021

8:00 AM

Minute Order

HEARD BY: Williams, Timothy C.

COURTROOM: Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:

Dial the following number: 1-408-419-1715

Meeting ID: 552 243 859

Online: <https://bluejeans.com/552243859>

To connect by phone, dial the telephone number, then the meeting ID, followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

April 13, 2021

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

April 13, 2021

9:00 AM

**Status Check: Trial
Readiness**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Schuler-Hintz, Kristin A., ESQ Attorney

JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing. Ms. Schuler-Hintz present. Upon Court's inquiry on trial setting, Ms. Schuler-Hintz advised a discovery motion is next set 4/16/21. Court stated parties may stipulate to extension of case schedule. MATTER RECALLED. Mr. Bohn present. Court reviewed discussion had with Ms. Schuler-Hintz.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****April 16, 2021**

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

April 16, 2021**9:00 AM****Motion to Compel****Defendant/Counterclaimant's Motion to Compel****HEARD BY:** Young, Jay**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT: Bohn, Michael F Attorney
Schuler-Hintz, Kristin A., ESQ Attorney

JOURNAL ENTRIES

- Argument by Mr. Bohn. Discovery is closed, but counsel agreed to extend discovery. Argument by Ms. Schuler-Hintz. Upon Commissioner's inquiry, Ms. Schuler-Hintz stated the records were reviewed, and there is nothing in the files to show a relationship with US Recordings. Upon Commissioner's inquiry, Mr. Bohn agreed to let Ms. Schuler-Hintz file a late Opposition. Mr. Bohn stated there were numerous continuances in this case was due to COVID, his staff's health issues, and a death in Mr. Bohn's office. Ms. Schuler-Hintz had COVID issues in her office as well. Ms. Schuler-Hintz stated counsel agreed to the late disclosures. Mr. Bohn agreed. COMMISSIONER RECOMMENDED, motion is GRANTED; U.S. Bank did provide some responses; if the responses are insufficient, counsel will conduct another EDCR 2.34 conference.

Mr. Bohn to prepare the Report and Recommendations, and Ms. Schuler-Hintz to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, the Status Check will be vacated.

5-7-2021 10:00 a.m. Status Check: Compliance / 4-16-2021 DCRR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****June 23, 2021**

A-12-667690-C U S Bank National Association, Plaintiff(s)
 vs.
 George Edwards, Defendant(s)

June 23, 2021**3:00 AM****Minute Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** Chambers**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is:

Dial the following number: 1-408-419-1715

Meeting ID: 552 243 859

Online: <https://bluejeans.com/552243859>

To connect by phone, dial the telephone number, then the meeting ID, followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 29, 2021

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

June 29, 2021

10:30 AM

Pretrial/Calendar Call

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

Bohn, Michael F

Attorney

Schuler-Hintz, Kristin A., ESQ

Attorney

JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing. Mr. Bohn advised parties will need to extend discovery, parties were impacted by COVID-19 with certain discovery yet to complete, and parties submitted stipulation regarding extending close of discovery and 3-year rule. Ms. Schuler-Hintz advised the representation is correct, extension for close of discovery is for 120 days, and parties stipulate as regards the 3-year date. Further colloquy regarding whether proposed close of discovery sufficient and resetting trial. There being agreement, COURT ORDERED, case schedule RESET as follows: Close of Discovery 2/15/22; Dispositive Motions 3/17/22; Trial 5/16/22. Court stated it will annotate the stipulation submitted by the parties and execute same.

4/28/22 10:30 AM PRETRIAL/CALENDAR CALL

5/16/22 9:30 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

April 21, 2022

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

April 21, 2022

9:30 AM

**Motion for Summary
Judgment**

**See 5/12/22 Minute
Order**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Christopher Darling
LaCarol Kelley

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Bohn, Michael F Attorney
 Gale, Shane P Attorney

JOURNAL ENTRIES

- Hearing held live and by BlueJeans remote conferencing. Arguments by counsel. Court stated will review the pleadings; decision forthcoming. Colloquy regarding certain conflicts of counsel on the trial stack. Court stated it will accommodate conflicts.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 10, 2022

A-12-667690-C U S Bank National Association, Plaintiff(s)
vs.
George Edwards, Defendant(s)

May 10, 2022

1:15 PM

Pretrial/Calendar Call

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Christopher Darling

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

Bohn, Michael F
Gale, Shane P

Attorney
Attorney

JOURNAL ENTRIES

- Hearing held live and by BlueJeans remote conferencing. Court noted decision pending on summary judgment matter. Upon Court's inquiry, Mr. Gale advised next trial stack would be appropriate and that parties are close to settlement. There being agreement, COURT ORDERED, Trial VACATED; Status Check SET in 30 days regarding settlement and necessity to set new trial. Court stated parties may appear remotely.

6/14/22 9:00 AM STATUS CHECK: SETTLEMENT/NECESSITY TO SET NEW TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****May 12, 2022**

A-12-667690-C U S Bank National Association, Plaintiff(s)
 vs.
 George Edwards, Defendant(s)

May 12, 2022**3:00 AM****Minute Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** Chambers**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- After review and consideration of the points and authorities on file herein and oral argument of counsel, the Court determined as follows:

Factually, based on the current state of the evidence, Plaintiff U.S. Bank National Association ("U.S. Bank") is not associated with U.S. Recordings. Consequently, any purported notice sent to U.S. Recording is not notice to U.S. Bank. U.S. Bank was precluded from the opportunity to pay the super-priority portion of the HOA lien in the instant action.

Additionally, this Court will rely on the Restatement approach to assess the property's fair market value. In light of the gross inadequacy of the sale price of \$5,331, which represents between 10% and 15% of the property's fair market value, coupled with the failure to provide U.S. Bank notice, the subject sale shall be set aside on equitable grounds. Additionally, with a defect in the HOA sale, Resource Group's status as a bona fide purchaser becomes irrelevant. Thus, based on the failure to provide U.S. Bank notice of the HOA sale and the inadequacy of the sales price, Plaintiff U.S. Bank's Motion for Summary Judgment shall be GRANTED.

Counsel on behalf of Plaintiff U.S. Bank shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file

herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

EXHIBIT(S) LIST

Case No.: A667690

Hearing / Trial Date: October 2, 2017

Dept. No.: XVI

Judge: TIMOTHY C. WILLIAMS

Court Clerk: TENA M. JOLLEY

Plaintiff: U S BANK NATIONAL

Recorder / Reporter: PEGGY ISOM

ASSOCIATION

Counsel for Plaintiff: Thomas Beckom

vs.

Priscilla Baker

Defendant: GEORGE EDWARDS

Counsel for Defendant: Richard Vilkin

Charles Geisendorf

HEARING / TRIAL BEFORE THE COURT

JOINT

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Legal Description of Subject Property USB0001	10-3-17	STIP	10-3-17
2	Delinquent Taxes for the Fiscal 2003-2004 USB0002-0004	10-3-17	STIP	10-3-17
3	U.S. Bank Equiline Agreement USB0005-0010	10-2-17	NO	10-2-17
4	Deed of Trust USB0011-0019	10-2-17	NO	10-2-17
5	Notice of Claim of Lien USB0020-0022	10-3-17	STIP	10-3-17
6	Tax Trustee Deed USB0023-0025	10-3-17	STIP	10-3-17
7	Alessi & Koenig, LLC's Production of Documents USB0026-0175	10-2-17	Stip	10-2-17
8	Glenview West Townhomes Association's Production of Documents USB0176-0261	10-3-17	STIP	10-3-17
9	Trustee's Deed Upon Sale USB0262-0263	10-3-17	STIP	10-3-17
10	Miscellaneous BPO's USB0264-0310	NOT OFFERED		—
11	Documents from Bankruptcy of the Bourne Valley Court Trust USB0311-0361	10-2-17	Stip	10-2-17
12	Miscellaneous Title Documents USB0417-0488	10-2-17	Stip	10-2-17
13	U.S. Bank's Expert Designation	10-3-17	NO	10-3-17
14	Expert Report of Brunson	10-3-17	obj.	10-3-17
15	Responses and Objections of Plaintiff to Request for Admissions Propounded by Defendant Resources Group, LLC	10-3-17	STIP	10-3-17
16	Responses and Objections of Plaintiff to Interrogatories Propounded by Defendant Resources Group, LLC	10-3-17	STIP	10-3-17

EXHIBIT(S) LIST

Case No: A667690

U S BANK NATIONAL ASSOCIATION

VS.

GEORGE EDWARDS

JOINT

EXHIBITS

[illegible]



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

MICHAEL F. BOHN, ESQ.
2260 CORPORATE CIR., SUITE 480
HENDERSON, NV 89074

DATE: July 7, 2022
CASE: A-12-667690-C

RE CASE: U.S. BANK NATIONAL ASSOCIATION, ND vs. GEORGE R. EDWARDS, an individual; ANY AND ALL PERSONS UNKNOWN, CLAIMING TO BE PERSONAL REPRESENTATIVES OF GEORGE R. EDWARDS ESTATE, OR DULY APPOINTED, QUALIFIED, AND ACTING EXECUTOR OF THE WILL OF THE ESTATE OF GEORGE R. EDWARDS; RESOURCES GROUP, LLC

NOTICE OF APPEAL FILED: July 5, 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 GRANTING U.S. BANK NATIONAL ASSOCIATION N.D.'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

U.S. BANK NATIONAL ASSOCIATION, ND,

Plaintiff(s),

vs.

GEORGE R. EDWARDS, an individual; ANY AND ALL PERSONS UNKNOWN, CLAIMING TO BE PERSONAL REPRESENTATIVES OF GEORGE R. EDWARDS ESTATE, OR DULY APPOINTED, QUALIFIED, AND ACTING EXECUTOR OF THE WILL OF THE ESTATE OF GEORGE R. EDWARDS; RESOURCES GROUP, LLC,

Defendant(s),


Case No: A-12-667690-C

Dept No: XVI

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 7 day of July 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk