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Elizabeth A. Brown
Clerk of Supreme Court

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LEIDIANNE L BAUTISTA, an individual, and)	Case No.: A-22-852903-C
CONSTANTINE S. NACAR, an individual,)	Dept.: 14
)	
Plaintiffs)	SUPREME COURT NO. : 85204
)	
v.)	
)	
NEVADA ASSOCIATION SERVICES, INC., a)	
Nevada Corporation, SATICOY BAY LLC)	
SERIES 10449 FORKED RUN, a Nevada)	
Limited Liability Company and)	
DOES 2 through 10 and ROE CORPORATIONS)	
I through X, inclusive.)	
)	
Defendants)	
)	
DOE 1, Good Faith Purchaser for value)	
)	
Real Party In Interest.)	
)	
)	
)	

Case Appeal Statement

1. Name of appellant filing this case appeal statement:

Leidianne L. Bautista, Constantine S. Nacar

1 **2. Judge issuing the decision judgment or Order appealed from:**

2 The Honorable Adriana Escobar. Eighth Judicial District, Clark County Nevada

3 **3. Counsel for Appellant:**

4 Joseph A. Scalia II, Esq.
5 3355 S. Highland Drive
6 Suite 111
7 Las Vegas, NV 89109

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

11 Respondent: **NEVADA ASSOCIATION SERVICES, INC**

12
13 **Brandon E. Wood, Esq.**
14 6625 S. Valley View Blvd. Suite 300
15 Las Vegas, NV 89118

16 Respondent: **SATICOY BAY LLC SERIES 10449 FORKED RUN LLC**

17 **Christopher L. Benner, Esq.**
18 Roger P. Croteau & Associates
19 2810 Charleston Boulevard, No. 67
20 Las Vegas, NV 89102

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

25 Both counsel are licensed to practice law in Nevada

26 ///

27 ///

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

3 Retained

4 7. **Indicate whether Respondent was represented by appointment or retained counsel**
5 **in the district court:**

6 Retained

7
8 8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and**
9 **the date of entry of the district court order granting granting such leave:**

10 Not applicable

11 9. **Indicate the date the proceedings commenced in District Court (e.g. date complaint**
12 **was filed, indictment, information or petition was filed.**

13
14 The proceeding commenced in District Court on on May 20, 2022 with a Complaint for
15 Injunctive relief and Motion for Temporary Restraining Order on Emergency Request for Stay of
16 Redemption Date.

17
18 10. **Provide a brief description of the nature of the action and result in District Court.**
19 **including the type of judgment being appealed and relief granted by the court:**

20 Plaintiffs (Homeowners filed an action to sell her interest in the property after the HOA
21 (Nevada Association Services Inc.) sold it at auction (for failure to pay monthly fees), but prior to the
22 expiration of the redemption period. Saticoy Bay is the purchaser at the HOA auction.

23
24 The Court denied the motion was denied notwithstanding an inequitable outcome as stated in
25 the Order.

26 ///

27 ///

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

Not applicable

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

Not applicable

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

This appeal raises an important public policy question: Can a homeowner convey her interest in a property after the HOA auction, but prior to the expiration of the redemption period to recoup her equity in the property. (Is there a right to sell the property to a bona vide purchaser during the redemption period?)

Dated this 29th day of December 2022

Senior Counsel LLC

/s/ Joseph A. Scalia, Esq.
Nevada Bar 5123
3355 S Highland Ave, Ste. 111
Las Vegas, NV 89109
Phone (702) 267-7811
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of December, 2022, true and correct
copies of the foregoing *Case Appeal Statement* were served on Defendants by:

_____ U.S. Mail, First Class, postage prepaid to the person(s) identified below;

_____ Via Facsimile at the number(s) identified below

_____ Via Electronic mail to the person(s) identified below

 X Via Electronic mail utilizing the Odyssey E-File and Serve system to the person(s)

identified below as follows:

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Christopher L. Benner, Esq.
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chris@croteaulaw.com

and all other addresses registered in Odyssey

/s/ Joseph Scalia
Senior Counsel LLC.