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SATICOY BAY LLC SERIES 10449 FORKED RUN

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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF NEVADA

LEIDIANNE L. BAUTISTA,
CONSTANTINE S. NACAR

Appellants,

v.

ROC TITLE, LLC, NEVADA
ASSOCIATION SERVICES, INC.,
SATICOY BAY LLC SERIES 10449
FORKED RUN.

Respondents.

Supreme Court Case No. 85204

District Court Case No. A-22-852903-C
Appeal from Hon. Adriana Escobar

REPLY SUPPORTING MOTION TO DISMISS

COMES NOW Respondent SATICOY BAY LLC SERIES 10449 FORKED RUN, (“Saticoy”) by and through their undersigned counsel, and hereby submits this Reply in support of the Motion to Dismiss pursuant to NRAP 27(a)(4). This Reply is based on the points and authorities submitted herein, the papers and pleading on file, and any oral arguments the Court may entertain.

Dated this August 17, 2023.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Roger P. Croteau

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SERIES 10449 FORKED RUN

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

1. Law firms that have appeared for Saticoy Bay LLC Series 10449 Forked Run (“Saticoy”): Roger P. Croteau & Associates, Ltd.

2. Parent corporations/entities: Saticoy Bay LLC Series 10449 Forked Run is a Nevada series limited liability company. Respondent’s Manager is Bay Harbor Trust, with Iyad Haddad as the trustee of the Bay Harbor Trust. No publicly held corporation owns 10% or more of the beneficial interest in the Appellant and/or the Bay Harbor Trust.

Dated this August 17, 2023.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Roger P. Croteau

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SERIES 10449 FORKED RUN

MEMORANDUM OF POINTS AND AUTHORITIES

LEGAL ARGUMENT

Appellants Leidianne L. Buatista and Constantine S. Nacar (“Appellants”) do not contest the factual history set forth by Saticoy, and instead only state that Appellants understood that an additional briefing schedule would be set based upon the receipt of the transcript. Appellants then seem to contend that they were in the process of determining when to draft the Opening Brief and Appendix, based on the 7-day notice of July 25, 2023, when they received the current Motion to Dismiss, filed on August 4, 2023. The Motion to Dismiss was filed and served three days after the August 1, 2023, deadline for Appellants to have submitted the Opening Brief and Appendix. Thus, by Appellants own briefing, they acknowledge that they had, again, failed to timely comply with the Order of this Court, and that they had not even sought to comply until after the deadline had already passed.

While Appellants contend that they seek only a “short delay” which will not cause Saticoy to “suffer prejudice,” the Appellants fail to acknowledge that what

they are actually seeking is an endorsement of the extension from the original deadline of April 4, 2023, to the proposed current deadline of, at a minimum, 14 days following the entry of an Order addressing this motion, namely, September 1, 2023, or later. Appellants are essentially seeking a third extension, totaling 140 days, by way of their purported 14-day request.

Appellants contend that the underlying issues concerns an “important public policy issue regarding the ability of homeowner’s ability to sell a property during a redemption period.” No such public policy issue exists; indeed, the only interest advanced by further delay is that of Appellants. As Appellants do not set forth any basis of the purported “public policy,” Saticoy will provide background.

Appellants entire claim is a request that the district court stay Respondents obtain title to the subject property located at 10449 Forked Run St., Las Vegas Nevada 89178 APN 176-27-822-022 (“Property”) after a foreclosure sale by Nevada Association Services (“NAS”) on behalf of Quintessa II at Mountains Edge Homeowners’ Association (“HOA”) on March 24, 2022, wherein Saticoy purchased the Property for \$315,100.00. Instead of properly redeeming the Property and proceeding with a sale of the Property once Saticoy’s interest in the Property was terminated by a Redemption, Appellants instead sought, and failed to obtain, an Order from the district court tolling the 60-day redemption period set

forth under NRS 116.31166 and *ordering* the Appellants purported sale of the Property to proceed, despite Appellants failure to timely redeem the Property. Appellants case appeal statement characterizes the is as whether “a homeowner [can] 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?)” See Appellants’ Case Appeal Statement of December 29, 2022.

Thus, it is clear that the “public policy” question posed by Appellants has been, and remains, a matter of delay which is, indeed, prejudicial to Saticoy. Appellants ongoing efforts to prevent Saticoy from obtaining the Property, while failing to redeem the Property, indicate solely an intent to delay, and do not concern the public at large.

CONCLUSION

Based upon the foregoing, Saticoy respectfully requests that the Motion to Dismiss be Granted, and this appeal dismissed.

Dated this August 17, 2023

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Roger P. Croteau

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SERIES 10449 FORKED RUN

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ROGER P. CROTEAU & ASSOCIATES, LTD. and that on the August 17, 2023, I caused a true and correct copy of the foregoing document to be served on all parties as follows:

 X VIA ELECTRONIC SERVICE: through the Nevada Supreme Court's efile and serve system.

 VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on service list below in the United States mail at Las Vegas, Nevada.

 VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated on the service list below.

 VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the service list below.

/s/ Joseph Koehle
An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.