

IN THE SUPREME COURT OF THE STATE OF NEVADA

Wesley Rusch _____

A Supreme Court 85821

Appellant,

vs.

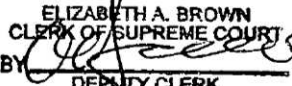
District Court Case No. A-21-840626c

Martin CUOA _____

Respondent.

FILED

APR 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, *see* NRAP 28(k), with the Nevada Supreme Court on or before the due date, *see* NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

APR 14 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the **parties'** attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
October 18 2022	
July 12 2022	

Notice of Appeal. Give the date you filed your notice of appeal in the district court: September 19 2022

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
A-20- 826568-C	Rusch v Martin	District Court

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

Yes

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

The honorable Judge Nancy Allf failed to apply the law to the true facts of this case.

Instead Ms. Allf relied upon the false and misleading statements made by Marc Cwik

MARC S. CWIK, Martin's Attorney has violated the NEVADA RULES OF PROFESSIONAL CONDUCT

Rule 3.1. Meritorious Claims and Contentions. A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

Rule 3.3. Candor Toward the Tribunal.

(a) A lawyer shall not knowingly: (1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

The courts priors rulings were clearly erroneous.

Plaintiffs is not a vexatious litigant as HE HAS NOT FILED MULTIPLE LAWSUITS WITHOUT MERIT

PLAINTIFFS LAWSUITS HAVE BEEN WITH MERIT AS DISCUSSED BELOW AND THE PLAINTIFFS SHOULD HAVE BEEN AWARDED COMPENSATION YEARS AGO.

Plaintiffs Wesley Rusch and Oliver Longboy have filed a civil complaint against the Martin Condominium Unit Owners Association seeking compensation for their wrongful and illegal acts.

The Martin failed to respond to the complaint. They are in DEFAULT!

The Martin has admitted they were at fault for the flood damage that caused Plaintiffs to vacate their condo for over three months so that Nigro could repair the condo.

The Martin has admitted that Red Rock sold Plaintiff's Condo in violation of Nevada Law. The Martin did not comply with the Martin CCRs and NRS22.116 et seq when it sold the property, There was no notice nor demand letter; a clear violation of the constitutional right to due process of law. The Martin has produced no notice as there was no notice to produce.

THE COURT SHOULD HAVE GRANTED PLAINTIFF'S SUMMARY JUDGMENT

NRCP 56 provides the following: "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion." There is no genuine dispute as to the Flood Damages and the Wrongful Sale of Plaintiff's Condo therefore Sumary Judgment must be awarded to Plaintiff.

Plaintiffs objected to the proposed Courts Orders on the grounds that they contained FALSE and MISSING STATEMENTS. It is apparent that the

court never read the proposed orders before signing them otherwise they would have had seen the blatant errors therein. The Martin does not deny the false and misleading statements container therein.

The Martin HOA's agent Red Rock did not comply with NRS 116.31162 et seq and CCR 17.2 when they sold Plaintiffs home

Notice of Delinquent Assessments

Before starting the foreclosure, the **HOA must mail a notice of delinquent assessment to the homeowner**, which states:

the **amount of the assessments and other sums that are due**

a description of the unit against which the lien is imposed, and

the name of the record owner of the unit. (Nev. Rev. Stat. § 116.31162).

NRS 116.31162 specifically provides that: Foreclosure of liens: Mailing of notice of delinquent assessment; recording of notice of default and election to sell; period during which unit's owner may pay lien to avoid foreclosure; limitations on type of lien that may be foreclosed.

the association may foreclose its lien by sale after all of the following occur:

(a) **The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due** *The Martin Failed to do this*. in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit. *The Martin Failed to do this*

(b) **Not less than 30 days after mailing the notice of delinquent assessment** pursuant to paragraph (a), the association or other person conducting the sale **has exccecuted and caused to be recorded, with the county recorder of the county** *The Martin failed to do this* in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

(Added to NRS by 1991, 569; A 1993, 2371; 1997, 3121; 1999, 3011; 2003, 2244, 2273; 2005, 2608)

No Notice of the August 10 Sale as required by Nevada Law

Plaintiffs did not receive any written or oral notice of a proposed sale of his property . Plaintiff first learned of the sale by a call from an attorney's office. Therefore the sale was illegal and Rusch and Longboy must be compensated.


The sales of Plaintiff's condo was in violation of Nevada Law. Red Rock was required to comply with Nevada Law and they did not therefore the sale is VOID and the sale must be reversed and Plaintiff must be returned to his condo,+

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

The court failed to rule on the legality of the sale. The sale of Plaintiffs condo was in violation on the Martins CCRs, Nevada Law and the Constitutional Right of Due process of law. _____

_____ Plaintiffs have been homeless ever since moving from hotel to hotel during a pandemic and need to be compensated for their damages. Plaintiffs should be compensated for their damages and their home returned to them . The court needs to rule that the sale was void and award Plaintiffs damages

DATED this __8th__ day of __March_____, 20__23__.


/S/ Wesley Rusch_____
Signature of Appellant

Wesley
Rusch_____
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

By personally serving it upon him/her; or

By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Mark C Cwik Lewis Brisbois

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 |

ATED this 28th day of July, 2023.



/S/Wesley Rusch
Signature of Appellant

Wesley Rusch
Print Name of Appellant

PO Box 30907

Address

Law Vegas NV 89173

City/State/Zip

702 764 0001

Telephone