

IN THE SUPREME COURT OF THE STATE OF NEVADA

VILLA PALMS COURT 102 TRUST,

Appellant,

v.

WILLIAM L. RILEY, an individual;
DEUTSCHE BANK NATIONAL
TRUST COMPANY, an expired
Nevada Corporation, in its capacity as
indenture trustee for the Noteholders of
AAMES MORTGAGE INVESTMENT
TRUST 2005-3, a Delaware Statutory
Trust; and any and all other persons
unknown claiming any right, title, estate,
lien or interest in the Property adverse to
the Plaintiff's ownership, or any cloud
upon Plaintiff's title thereto (DOES 1
through 10, inclusive),

Respondents.

62528
CASE NO. ~~59139~~

Electronically Filed
Feb 19 2013 04:20 p.m.
Troy K. Lindeman
Clerk of Supreme Court

1. Eight Judicial District, Department XVI

County of Clark, the Honorable Judge Timothy Williams

District Ct. Case No. A-13-674595-C

2. Attorney filing this docketing statement:

Attorney: Michael V. Infuso, Esq. Telephone: (702) 570-6000

Firm: Greene Infuso, LLP, 3030 South Jones Boulevard, Suite 101, Las Vegas,

Nevada 89146

Client: Villa Palms Court 102 Trust

3. Attorney (s) representing respondents(s):

Attorney: Christopher M. Hunter, Esq. Telephone: (702) 685-0329

Firm: McCarthy & Holthus, 9510 W. Sahara Suite 110, Las Vegas, Nevada 89117

Client: Deutsche Bank National Trust Company

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| X Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following? No

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

7. Pending and prior proceedings in other courts. List the case name , number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This is a quiet title action relating to property in Clark County, Nevada. Specifically, Villa Palms Court 102 Trust ("Villa Palms") seeks to quiet title to property solely in its name after acquiring the property at a homeowner's association foreclosure. Villa Palms sought a preliminary injunction preventing Deutsche Bank National Trust Company ("Deutsche") from foreclosing on its deed of trust, which Deutsche alleges still encumbers the property. The District Court denied Villa Palm's application for preliminary injunction and this appeal followed.

9. **Issues on appeal.** State concisely the principal issues(s) in this appeal (attach separate sheets as necessary):

Did the homeowner's association's foreclosure of its super priority lien impact or extinguish Deutsche's first security interest on the subject property (i.e., its Deed of Trust), such that the Villa Palms is reasonably likely to succeed on the merits of its claims, making preliminary injunction proper?

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this courts which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issue raised:

Martin Centeno and Ricardo Fojas v. Maverick Valley Properties LLC; Clark Co. Records Office; and Clark Co. Assessor's Office, Supreme Court No. 60984 (Dist. Ct. Case No. A654878)

Martin Centeno v. National Default Servicing Corp.; MERS; US Bank; and Nevada Legal News, Supreme Court No. 61416 (Dist. Ct. Case No. A653747)

Both cases involve the effect, if any, of an homeowner's association's foreclosure of its super priority lien relative to a first security interest.

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state

X N/A

☐ Yes

☐ No

If not, explain:

12. **Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issues arising under the United States and/or Nevada Constitutions

X A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

This Court has not addressed the impact, if any, of any homeowner's association's foreclosure of its super priority lien on first security interests.

13. Trial. If this action proceeded to trial, how many days did the trial last?

Not applicable.

Was it bench or jury trial? _____

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from: January 25, 2013

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served: January 25, 2013

Was service by:

☐ Delivery

X Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCp 50(b), 52(b), or 59): Not applicable

(a) Specify the type of motion, the date and method of service the motion, and date of filing.

- ☐ NRCP 50(b) Date of filing _____
- ☐ NRCP 52(b) Date of filing _____
- ☐ NRCP 59 Date of filing _____

- (b) Date of entry of written order resolving tolling motion _____
- (c) Date of written notice of entry of order resolving tolling motion was served _____

Was Service by:

- ☐ Delivery
- ☐ Mail

18. Date of notice of appeal filed: January 28, 2013

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other: NRAP (a)(1)

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| X NRAP 3A (b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

On January 25, 2013, notice of entry of order was entered denying Villa Palm's application for preliminary injunction. NRAP 3A(b)(3) specifically allows for an appeal from an order refusing to grant an injunction.

21. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Appellant Villa Palms Court 102 Trust; and Respondent Deutsche Bank National Trust Company

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

Defendant William L. Riley is not a party to this appeal because he has not yet been served.

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Villa Palms: quiet title and declaratory relief. No formal disposition.

Deutsche: No counterclaim, cross-claim or third-party claim asserted to date.

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☐ Yes

X No

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below: Quiet title and declaratory relief.

(b) Specify the parties remaining below: Deutsche and William L. Riley.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)? No.

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment? No.

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

The order denying Villa Palm's application for preliminary injunction is independently appealable pursuant to NRAP 3A(b)(3).

26. Attached file-stamped copies of the following documents:

- The latest-filed complaint, counterclaim, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims, and/or third-party claims asserted in the action or consolidation action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

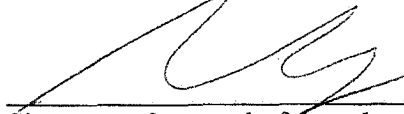
I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Villa Palms Court 102 Trust
Name of appellant

2/19/13
Date

Clark County, Nevada
State and county where signed

Michael V. Infuso, Esq.
Name of counsel of record


Signature of counsel of record

CERTIFICATE OF SERVICE

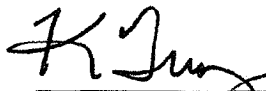
I certify that on the 19 day of February, 2013, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address (es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Christopher M. Hunter, Esq.
Kristin A. Schuler-Hintz, Esq.
McCarthy & Holthus, LLP
9510 West Sahara Ave., Suite 110
Las Vegas, Nevada 89117

Israel "Ishi" Kunin, Esq., Settlement Judge
Kunin & Carman
3551 East Bonanza Road, Suite 110
Las Vegas, Nevada 89110

Dated this 19 day of February, 2013.



Employee of Greene Infuso, LLP

TAB 1

CIVIL COVER SHEET

CLARK County, Nevada

Case No. _____
(Assigned by Clerk's Office)

XVI

I. Party Information

Plaintiff(s) (name/address/phone):	Villa Palms Court 102 Trust c/o Michael V. Infuso, LLP Greene Infuso, LLP 3030 S. Jones Blvd., #101 Las Vegas, Nevada 89146 (702) 570-6000	Defendant(s) (name/address/phone):	William L. Riley, Deutsche Bank National Trust,
Attorney (name/address/phone):		Attorney (name/address/phone):	UNKNOWN

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 type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" 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
<input type="checkbox"/> Probate 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"/> Other Civil Filing Types <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	

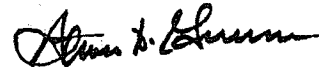
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

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

1/8/13
Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

COMP

Michael V. Infuso, Esq., Nevada Bar No. 7388
Zachary P. Takos, Esq., Nevada Bar No. 11293

GREENE INFUSO, LLP

3030 South Jones Boulevard, Suite 101

Las Vegas, Nevada 89146

Telephone: (702) 570-6000

Facsimile: (702) 463-8401

E-mail: minfuso@greeneinfusolaw.com

ztakos@greeneinfusolaw.com

Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT FOR

CLARK COUNTY, NEVADA

VILLA PALMS COURT 102 TRUST,

Plaintiff,

v.

WILLIAM L. RILEY, an individual;
DEUTSCHE BANK NATIONAL TRUST
COMPANY, an expired Nevada
Corporation, in its capacity as indenture
trustee for the Noteholders of AAMES
MORTGAGE INVESTMENT TRUST
2005-3, a Delaware Statutory Trust; and any
and all other persons unknown claiming any
right, title, estate, lien or interest in the
Property adverse to the Plaintiff's ownership,
or any cloud upon Plaintiff's title thereto
(DOES 1 through 10, inclusive);

Defendants.

Case No. A-13-674595-C

Dept. No. XVI

**VERIFIED COMPLAINT FOR QUIET
TITLE AND DECLARATORY RELIEF**

**Exempt from Arbitration: Concerns Title
to Property**

Plaintiff Villa Palms Court 102 Trust, by and through its counsel of record, the law firm of
Greene Infuso, LLP, hereby complains against the above-named Defendants as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Villa Palms Court 102 Trust ("Plaintiff") is a Nevada trust formed under
the laws of the state of Nevada and, at all relevant times, lawfully doing business in Clark County,
Nevada.

2. Upon information and belief, Defendant William L. Riley is an individual residing,
at all relevant times, in Clark County, Nevada.

1
2 3. Upon information and belief, Defendant Deutsche Bank National Trust Company,
3 an expired Nevada Corporation, in its capacity as indenture trustee for the Noteholders of
4 AAMES Mortgage Investment Trust 2005-3, at all relevant times, is doing business in Clark
5 County, Nevada.

6 4. The true names and capacities of Does 1 through 10 ("Doe Defendants") are all
7 other persons unknown claiming any right, title, estate, lien or interest in the Property adverse to
8 the Plaintiff's ownership, or any cloud upon Plaintiff's title thereto. Plaintiff therefore sues such
9 Doe Defendants by fictitious names Plaintiff will seek leave of court to amend this Complaint to
10 reflect the true names and capacities of each of the Doe Defendants as and when such information
11 is ascertained. (The above-identified defendants, including the Doe Defendants, are referred to
12 collectively herein as "Defendants.")

13 5. This action relates to the ownership and title of certain real property located in
14 Clark County, Nevada. Accordingly, jurisdiction and venue are appropriate in Clark County,
15 Nevada.

16 GENERAL ALLEGATIONS

17 6. On or about November 16, 2012 Plaintiff purchased certain real property
18 commonly known as 1908 Villa Palms Unit #102, Las Vegas, Nevada 89128 (the "Property") at a
19 properly noticed foreclosure sale in accordance with NRS 116.3116 through 116.31168, inclusive.

20 7. The Foreclosure Deed conveying the Property to Plaintiff was recorded on
21 November 27, 2012 with the Clark County Recorder's Office in Book/Instrument Number
22 201211270001933. A true and correct copy of the Foreclosure Deed is attached hereto as Exhibit
23 1.

24 8. Upon information and belief, Defendants may have had an interest in the Property
25 at one time.

26 9. Upon information and belief, none of the Defendants had a valid interest in the
27 Property subsequent to at the time of the foreclosure sale.
28

10. Through the foreclosure sale, Plaintiff acquired title to the Property free and clear of all liens and encumbrances.

FIRST CLAIM FOR RELIEF

(Quiet Title)

11. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 10 of this Complaint, as though fully set forth herein.

12. Plaintiff is the rightful owner of the Property by virtue of the Foreclosure Deed.

13. Upon information and belief, none of the Defendants had a valid interest in the Property subsequent to the foreclosure sale.

14. Plaintiff is entitled to a determination from this Court, pursuant to NRS 40.010, that Plaintiff is the rightful owner of the Property and that Defendants, and each of them, have no right, title, or interest in the Property.

SECOND CLAIM FOR RELIEF

(Declaratory Relief)

15. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 14 of this Complaint, as though fully set forth herein.

16. Plaintiff seeks a declaration from this Court, pursuant to NRS 40.010, that title in the Property is vested in Plaintiff free and clear of all liens and encumbrances, that Defendants herein have no estate, right, title or interest in the Property, and that Defendants are forever enjoined from asserting any estate, title, right, or interest in the Property adverse to Plaintiff.

WHEREFORE, Plaintiff prays for the following relief:

1. For a determination and declaration that Plaintiff is the rightful holder of title to the Property, free and clear of all liens and encumbrances;

2. For a determination and declaration that Defendants have no estate, right, title or interest in the Property;

3. For a judgment forever enjoining Defendants from asserting any estate, right, title or interest in the Property; and

GREENE INFUSO, LLP
3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146
(702) 570-6000

1 4. For such other and further relief as this Court may deem just and proper.

2 DATED this 8 day of January, 2013.

3 GREENE INFUSO, LLP

4 

5 Michael V. Infuso, Esq., Nevada Bar No. 7388
6 Zachary P. Takos, Esq., Nevada Bar No. 11293
7 3030 South Jones Boulevard, Suite 101
8 Las Vegas, Nevada 89146

9 Attorneys for Plaintiff

VERIFICATION

I, Iyad Haddad, am a Trustee for the Villa Palms Court 102 Trust, Plaintiff in the above-entitled action. I have read the foregoing document and am competent to testify that the contents thereof are true to the best of my knowledge, except for those matters stated therein on information and belief and, as to those matters; I believe them to be true.

I declare under the penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 8th day of January, 2013.

IYAD HADDAD

Exhibit 1

Inst #: 201211270001933

Fees: \$18.00 N/C Fee: \$0.00

RPTT: \$30.60 Ex: #

11/27/2012 09:37:18 AM

Receipt #: 1395518

Requestor:

NORTH AMERICAN TITLE COMPAN

Recorded By: JACKSM Pgs: 3

DEBBIE CONWAY

CLARK COUNTY RECORDER

31

Please mail tax statement and
when recorded mail to:
Villa Palms Court 102 Trust
PO Box 36208
Las Vegas, Nevada 89133

Accommodation

FORECLOSURE DEED

APN # 138-21-620-053

NAS # N69041

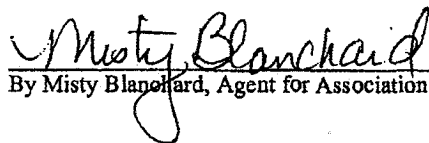
The undersigned declares:

Nevada Association Services, Inc., herein called agent (for the La Posada Condominium Association), was the duly appointed agent under that certain Notice of Delinquent Assessment Lien, recorded December 22, 2011 as instrument number 0003923 Book 20111222, in Clark County. The previous owner as reflected on said lien is Mark W Riley, Nevada Association Services, Inc. as agent for La Posada Condominium Association does hereby grant and convey, but without warranty expressed or implied to: Villa Palms Court 102 Trust (herein called grantee), pursuant to NRS 116.31162, 116.31163 and 116.31164, all its right, title and interest in and to that certain property legally described as: La Posada At Summerlin Unit 3, Plat Book 57, Page 2, Unit 255, Bldg Q Clark County

AGENT STATES THAT:

This conveyance is made pursuant to the powers conferred upon agent by Nevada Revised Statutes, the La Posada Condominium Association governing documents (CC&R's) and that certain Notice of Delinquent Assessment Lien, described herein. Default occurred as set forth in a Notice of Default and Election to Sell, recorded on 5/21/2012 as instrument # 0001078 Book 20120521 which was recorded in the office of the recorder of said county. Nevada Association Services, Inc. has complied with all requirements of law including, but not limited to, the elapsing of 90 days, mailing of copies of Notice of Delinquent Assessment and Notice of Default and the posting and publication of the Notice of Sale. Said property was sold by said agent, on behalf of La Posada Condominium Association at public auction on 11/16/2012, at the place indicated on the Notice of Sale. Grantee being the highest bidder at such sale, became the purchaser of said property and paid therefore to said agent the amount bid \$5,800.00 in lawful money of the United States, or by satisfaction, pro tanto, of the obligations then secured by the Delinquent Assessment Lien.

Dated: November 16, 2012



By Misty Blanchard, Agent for Association and Employee of Nevada Association Services

STATE OF NEVADA)
COUNTY OF CLARK)

On November 16, 2012, before me, Elissa Hollander, personally appeared Misty Blanchard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same in his/her authorized capacity, and that by signing his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.
WITNESS my hand and seal.

(Seal)



(Signature)

Elissa Hollander

STATE OF NEVADA
DECLARATION OF VALUE

1. Assessor Parcel Number(s)

a. 138-21-620-053
b. _____
c. _____
d. _____

2. Type of Property:

a. ☐ Vacant Land b. ☐ Single Fam. Res.
c. ☒ Condo/Twnhse d. ☐ 2-4 Plex
e. ☐ Apt. Bldg f. ☐ Comm'l/Ind'l
g. ☐ Agricultural h. ☐ Mobile Home
Other _____

FOR RECORDERS OPTIONAL USE ONLY

Book _____ Page: _____

Date of Recording: _____

Notes: _____

3.a. Total Value/Sales Price of Property

\$ 5800.00

b. Deed in Lieu of Foreclosure Only (value of property) (_____)

c. Transfer Tax Value: \$ 5800.00

d. Real Property Transfer Tax Due \$ 30.60

4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Misty Blanchard Capacity: Agent

Signature _____ Capacity: _____

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: Nevada Association Services

Address: 6224 W. Desert Inn Road

City: Las Vegas

State: Nevada Zip: 89146

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Villa Palms Court 102 Trust

Address: PO Box 36208

City: Las Vegas

State: Nevada Zip: 89133

COMPANY/PERSON REQUESTING RECORDING (Required if not seller or buyer)

North American Title Company _____

8485 W. Sunset Road, Suite 111 _____

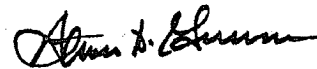
Las Vegas, NV 89113 _____

Escrow # N69041

State: _____ Zip: _____

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

TAB 2



CLERK OF THE COURT

1 NEOJ
2 Michael V. Infuso, Esq., Nevada Bar No. 7388
3 Zachary P. Takos, Esq., Nevada Bar No. 11293
4 **GREENE INFUSO, LLP**
5 3030 South Jones Boulevard, Suite 101
6 Las Vegas, Nevada 89146
7 Telephone: (702) 570-6000
8 Facsimile: (702) 463-8401
9 E-mail: minfuso@greeneinfusolaw.com
10 ztakos@greeneinfusolaw.com

11 Attorneys for Plaintiff

12
13 **EIGHTH JUDICIAL DISTRICT COURT FOR**
14 **CLARK COUNTY, NEVADA**

15 VILLA PALMS COURT 102 TRUST

Case No. A-13-674595-C

16 Plaintiff,

Dept. No. XVI

17 v.

18 **NOTICE OF ENTRY OF ORDER**
19 **DENYING PLAINTIFF'S**
20 **APPLICATION FOR PRELIMINARY**
21 **INJUNCTION**

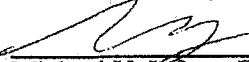
22 WILLIAM L. RILEY, an individual;
23 DEUTSCHE BANK NATIONAL TRUST
24 COMPANY; an expired Nevada
25 Corporation, in its capacity as indenture
26 trustee for the Noteholders of AAMES
27 MORTGAGE INVESTMENT TRUST
28 2005-3, a Delaware Statutory Trust; and any
and all other persons unknown claiming any
right, title, estate, lien or interest in the
Property adverse to the Plaintiff's ownership,
or any cloud upon Plaintiff's title thereto
(DOES 1 through 10, inclusive);

Defendants.

29 PLEASE TAKE NOTICE that on January 22, 2013 (filed January 24 2013), the above-
30 entitled Court entered an **ORDER DENYING PLAINTIFF'S APPLICATION FOR**
31 **PRELIMINARY INJUNCTION**. A copy of said Order is attached hereto.

32 DATED this 25 day of January, 2013.

33 **GREENE INFUSO, LLP**

34 
35 Michael V. Infuso, Esq., Nevada Bar No. 7388
36 Zachary P. Takos, Esq., Nevada Bar No. 11293
37 3030 South Jones Boulevard, Suite 101
38 Las Vegas, Nevada 89146

GREENE INFUSO, LLP
3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146
(702) 570-6000

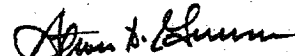
GREENE INFUSO, LLP
3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146
(702) 570-6000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Greene Infuso, LLP, and that on this 25th day of January 2013, I caused to be served via United States Mail, postage prepaid, a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION** properly addressed as follows:

Christopher M. Hunter, Esq.
McCarthy & Holthus, LLP
9510 W. Sahara Suite 110
Las Vegas, Nevada 89117

Frances H. Ritchie
An Employee of GREENE INFUSO, LLP


CLERK OF THE COURT

1 **ORDR**

2 Michael V. Infuso, Esq., Nevada Bar No. 7388
3 Zachary P. Takos, Esq., Nevada Bar No. 11293
4 **GREENE INFUSO, LLP**
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10 ztakos@greeneinfusolaw.com

11 Attorneys for Plaintiff

12 **EIGHTH JUDICIAL DISTRICT COURT FOR**
13 **CLARK COUNTY, NEVADA**

14 **VILLA PALMS COURT 102 TRUST**

Case No. A-13-674595-C

15 Plaintiff,

Dept. No. XVI

16 v.

ORDER DENYING PLAINTIFF'S
APPLICATION FOR PRELIMINARY
INJUNCTION

17 **WILLIAM L. RILEY**, an individual;
18 **DEUTSCHE BANK NATIONAL TRUST**
19 **COMPANY**; an expired Nevada
20 Corporation, in its capacity as indenture
21 trustee for the Noteholders of **AAMES**
22 **MORTGAGE INVESTMENT TRUST**
23 **2005-3**, a Delaware Statutory Trust; and any
24 and all other persons unknown claiming any
25 right, title, estate, lien or interest in the
26 Property adverse to the Plaintiff's ownership,
27 or any cloud upon Plaintiff's title thereto
28 (DOES 1 through 10, inclusive);

Defendants.

21 Plaintiff Villa Palms Court 102 Trust's ("Plaintiff") Application for Preliminary
22 Injunction ("Application") having come on for hearing on the 17th day of January, 2013 before the
23 above-referenced Court, the Court having considered Plaintiff's Application, Deutsche Bank
24 National Trust Company's ("Deutsche") opposition to the Application, and all statements made
25 by counsel at the hearing, and good cause appearing,

26 IT IS HEREBY ORDERED that Plaintiff's Application is DENIED. Specifically, the
27 Court finds that Plaintiff failed to demonstrate a reasonable likelihood of success on the merits
28

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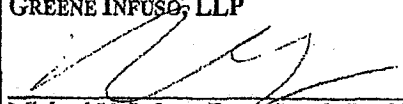
1 because the Court holds that the homeowner's association's foreclosure of its super-priority lien
2 under NRS Chapter 116 did not impact or extinguish Deutsche's first security interest on the
3 subject property.

4
5 DATED this 22nd day of January, 2013.

6
7 
8 DISTRICT COURT JUDGE

9 Respectfully submitted by:

10 GRENE INFUSO, LLP

11 
12 Michael V. Infuso, Esq., Nevada Bar No. 7388
13 Zachary P. Takos, Esq., Nevada Bar No. 11293
14 3030 South Jones Boulevard, Suite 101
15 Las Vegas, Nevada 89146
16 Attorneys for Plaintiff