

Electronically Filed
Feb 25 2014 02:46 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

VILLA PALMS COURT 102
TRUST,

No. 62528

Appellant,

vs.

WILLIAM L. RILEY, AN
INDIVIDUAL; AND 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,

Respondents.

MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE

The STATE BAR OF NEVADA REAL PROPERTY SECTION, by
and through F. DeARMOND SHARP (Nevada Bar No. 780), hereby moves
this Honorable Court for leave to file its Proposed Brief of Amicus Curiae in

1 this matter. The Proposed Brief of Amicus Curiae contains no argument. It
2 merely seeks to provide this Court with additional data relevant to this
3 appeal.
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5 This motion is made pursuant to NRAP 29, and is based upon all other
6 pleadings, papers, and documents on file with this Court, and the following
7 Memorandum of Points and Authorities offered in support of the Motion.
8

9 DATED this 25th day of February, 2014.
10

11 By /s/ F. DeArmond Sharp
12 F. DeARMOND SHARP (SBN 780)
13 for State Bar of Nevada
14 Real Property Section

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 Currently pending before this Court, and before multiple district
17 courts in Nevada, are cases addressing the effect of HOA “super-priority
18 liens” under NRS 116.3116. This issue is of particular interest to the State
19 Bar of Nevada Real Property Section, because this section is comprised of
20 members who frequently encounter this issue in daily practice. The
21 Proposed Amicus wish to file an amicus brief for the limited purpose of
22 directing the Court's attention to the current national discussion regarding
23 both the policy and the interpretation of Section 3-116 of the Uniform
24 Common Interest Ownership Act (UCIOA), the basis of NRS 116.3116.
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1 Briefing in this matter was completed on September 19, 2013.
2
3 However, because the proposed amicus brief does not contain any argument,
4 the State Bar of Nevada Real Property Section respectfully requests that this
5 Court grant it leave to file the proposed brief in order to provide this Court
6 with information that may be useful in neutrally assessing the issue pending
7 in this appeal.
8

9
10 DATED this 25th day of February, 2014.

11 ROBISON, BELAUSTEGUI, SHARP & LOW
12 A Professional Corporation
13 71 Washington Street
14 Reno, NV 89503
15 775-329-3151

16 By /s/ F. DeArmond Sharp
17 F. DeARMOND SHARP (SBN 780)
18 for State Bar of Nevada
19 Real Property Section
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I certify that I am an employee of Robison, Belaustegui, Sharp & Low, and that on this date I caused to be served a true copy of **MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE** on all parties to this action by the method(s) indicated below:

_____ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

X_____ by using the Court's CM/ECF Electronic Notification System addressed to:

Michael V. Infuso
Zachary P. Takos

_____ by personal delivery/hand delivery addressed to:

DATED this 25th day of February, 2014.

/s/ Joan E. Peyser