Electronically Filed
8/18/2017 8:01 PM
Steven D. Grierson
CLERK OF THE COURT

**NOAS**

Michael Beede, Esq.
Nevada Bar No. 13068
THE LAW OFFICE OF MIKE BEEDE, PLLC
2470 St. Rose Pkwy, Suite 201
Henderson, NV 89074
Phone: 702-473-8406
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eservice@legallv.com
*Attorney for Plaintiff/Appellant, Platinum Realty and Holdings, LLC*

Electronically Filed
Aug 24 2017 01:50 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

PLATINUM REALTY AND HOLDINGS, LLC,

Plaintiff,

v.

HEATHER A. DOWERS, an individual; DALE DOWERS, an individual; NATIONSTAR MORTGAGE, LLC, a Delaware limited liability company; RCB BANK, AS SUCCESSOR TO HOME NATIONAL BANK; 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,

NATIONSTAR MORTGAGE, LLC,

Cross-claimant,

v.

DAKOTA CONDOMINIUMS HOA; and NEVADA ASSOCIATION SERVICES, INC.,

Cross-Defendants.

CASE NO. A-14-693956-C
DEPT NO. XXXI

**PLAINTIFF, PLATINUM REALTY AND HOLDINGS, LLC'S NOTICE OF APPEAL**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:



Docket 73819 Document 2017-28442

Case Number: A-14-693956-C

Plaintiff Platinum Realty and Holdings, LLC, by and through their attorney of record, Michael Beede, Esq. of The Law Office of Mike Beede, PLLC hereby appeals to the Supreme Court of Nevada from this Court's Findings Of Fact And Conclusions of Law And Judgment filed July 17, 2017, Granting Defendant/Cross-Claimant, Nationstar Mortgage, LLC's Rule 52 Motion and Denying Plaintiff's Rule 52 Motion.

DATED this 18th day of August, 2017.

THE LAW OFFICE OF MIKE BEEDE, PLLC

*/s/ Michael Beede, Esq.*

By: MICHAEL BEEDE, Esq.
Nevada Bar No. 13068
2470 St. Rose Pkwy, Suite 201
Henderson, NV 89074
T: 702-473-8406
F: 702-832-0248
eservice@LegalLV.com
*Attorney for Platinum Realty and Holdings, LLC*

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of The Law Office of Mike Beede, PLLC, and that on this ___day of August, 2017, I did cause a true and correct copy of the foregoing **PLAINTIFF PLATINUM REALTY AND HOLDINGS, LLC'S NOTICE OF APPEAL** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

| | |
|---|---|
| Ariel E. Stern, Esq. | ariel.stern@akerman.com |
| Chris Yergensen, Esq. | Chris@nas-inc.com |
| Natalie L. Winslow, Esq. | natalie.winslow@akerman.com |
| Akerman Las Vegas Office | akermanlas@akerman.com |
| Brandon E. Wood | brandon@nas-inc.com |
| Elizabeth Streible | elizabeth.streible@akerman.com |
| EService | EserviceLegalLV@gmail.com |
| Marcia Wright | marcia@boyacklaw.com |
| Mike Beede | Mike@legallv.com |
| Patrick Orme | patrick@boyacklaw.com |
| Susan E. Moses | susanm@nas-inc.com |
| Jamie Combs | jamie.combs@akerman.com |

*/s/ Allison Zeason*
An Employee of the Law Office of Mike Beede, PLLC

Electronically Filed
8/18/2017 7:58 PM
Steven D. Grierson
CLERK OF THE COURT

**ASTA**

Michael Beede, Esq.
Nevada Bar No. 13068
THE LAW OFFICE OF MIKE BEEDE, PLLC
2470 St. Rose Pkwy, Suite 201
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Phone: 702-473-8406
Fax: 702-832-0248
eservice@legallv.com
*Attorney for Plaintiff/Appellant, Platinum Realty and Holdings, LLC*

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| | |
|---|---|
| PLATINUM REALTY AND HOLDINGS, LLC,<br>Plaintiff,<br>v.<br><br>HEATHER A. DOWERS, an individual; DALE DOWERS, an individual; NATIONSTAR MORTGAGE, LLC, a Delaware limited liability company; RCB BANK, AS SUCCESSOR TO HOME NATIONAL BANK; 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),<br><br>Defendants, | CASE NO. A-14-693956-C<br>DEPT NO. XXXI<br><br>**PLAINTIFF PLATINUM REALTY AND HOLDINGS, LLC'S CASE APPEAL STATEMENT** |
| NATIONSTAR MORTGAGE, LLC,<br><br>Cross-claimant,<br>v.<br><br>DAKOTA CONDOMINIUMS HOA; and NEVADA ASSOCIATION SERVICES, INC.,<br><br>Cross-Defendants. | |

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:



Case Number: A-14-693956-C

Plaintiff, Platinum Realty and Holdings, LLC (hereinafter "Plaintiff"), by and through their attorney of record, Michael Beede, Esq. of The Law Office of Mike Beede, PLLC, hereby submits their Case Appeal Statement pursuant to NRAP3(f)(3).

1) The appellant filing this Case Appeal statement is PLATINUM REALTY AND HOLDINGS, LLC
2) The orders appealed are:
    a) The Findings Of Fact And Conclusions of Law And Judgment filed July 17, 2017, Granting Defendant/Cross-Claimant, Nationstar Mortgage, LLC's Rule 52 Motion and Denying Plaintiff's Rule 52 Motion, signed by the honorable Judge Joanna Kishner on July 3, 2017, and filed in the above-entitled Court on July 17, 2017. A Notice of Entry of Order was filed on July 20, 2017.
3) Counsel for Appellant is as follows:

    **THE LAW OFFICE OF MICHAEL BEEDE, PLLC**
    Michael N. Beede, Esq.
    Nevada Bar No. 13068
    2470 St. Rose Pkwy, Suite 201
    Henderson, NV 89074
    T: 702-473-8406
    F: 702-832-0248

4) Counsel for Respondent is as follows:

    **AKERMAN LLP**
    Ariel E. Stern, Esq.
    Nevada Bar No. 8276
    Natalie L. Winslow, Esq.
    Nevada Bar No. 12125
    1160 Town Center Drive, Suite 330
    Las Vegas, Nevada 89144
    T: (702) 634-5000
    F: (702) 380-8572

5) All counsel listed above are licensed to practice law in Nevada.
6) Appellant is represented by retained counsel in the District Court.
7) Appellant is represented by retained counsel on appeal.
8) Appellant was not granted leave to proceed in forma pauperis by the District Court.

9) The date proceedings commenced in District Court was January 3, 2014.

10) In this action, Appellant argues that they own the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada 89144 and bearing Clark County Assessor's Parcel Number 138-30-317-174 (the "Property") free and clear of all liens as a result of an HOA superpriority lien foreclosure sale. The Court ruled in favor of Respondent, Nationstar Mortgage, LLC on a Rule 52 motion on the basis that 12 USC § 4617(j)(3) prevents the extinguishment of Nationstar's deed of trust.

11) Appellant filed a complaint for quiet title to have the Court declare that Appellant bought the Property free and clear of all competing interests, including the deed of trust claimed by Respondent. In response to the Complaint, Respondent filed a Motion to Dismiss the Complaint for Failure to State a Claim Upon Which Relief Can Be Granted on February 6, 2014. Appellant opposed this Motion on February 27, 2014. Respondent filed their Reply in Support on March 7, 2014. The Motion to Dismiss was heard on March 13, 2014, and at the hearing, the Judge denied Respondent's Motion to Dismiss. Respondent subsequently filed their Answer to the Complaint on March 24, 2014. An Early Case Conference was held, and a joint case conference report was agreed upon and submitted on May 21, 2014. On October 15, 2015, Respondent filed a Motion for Leave to Amend their Answer and to Assert Claims against the HOA and the HOA Trustee. That Motion was unopposed, and on December 14, 2015 an Order was filed Granting Respondent's Motion for Leave to Amend. On December 18, 2015, Respondent filed their Amended Answer to Appellant's Complaint, Counterclaim against Appellant, as well as Cross-Claims against Dakota Condominiums Homeowners Association ("Dakota") and Nevada Association Services, Inc. ("NAS"). Dakota answered the Cross-Claim on January 14, 2016. NAS answered the Cross-Claim on January 25, 2016. Appellant answered the Counter-claim on January 29, 2016. Respondent and appellant submitted competing motions for summary judgment on September 27, 2016 and September 30, 2016, respectively. The Motions were both heard on November 3, 2016, and a decision was

entered on November 4, 2016. The District Court found that there were genuine issues of material fact that would preclude the Court from granting any party's motion for summary judgment. With both motions denied, this case proceeded to trial. A Pre-Trial Conference was held on January 5, 2017, and a Calendar Call was held on February 21, 2017. At the trial, the Court found that the testimony of the witnesses combined with the evidence presented was sufficient to grant Respondent's NRCP 52 motion on the basis that 12 USC § 4617(j)(3) prevented the extinguishment of Respondent's deed of trust by the HOA Foreclosure Sale. Respondent asserted that Fannie Mae had a property interest in the Deed of Trust. However, Appellant contends that Respondent failed to establish through sufficient admissible evidence that Freddie Mac has any interest in the Deed of Trust, and therefore, 12 USC § 4617(j)(3) has no application to the instant facts. Specifically, as the Nevada Supreme Court made clear in both *Edelstein v. Bank of N.Y. Mellon*, 286 P.3d 249, 259 (Nev. 2012) and *Montierth v. Deutsche Bank (In re Montierth)*, 354 P.3d 648, 651 (Nev. 2015), notes and deeds of trust are distinct property interests which can be owned and assigned independent of the other. Here, all of the recorded documents and other signed writings clearly indicate that the beneficial interest in the Deed of Trust (as opposed to the note) had been assigned to Nationstar. By contrast, no evidence was presented to the Court which met the relevant evidentiary standards which established that Freddie Mac had ever been assigned any interest in the Deed of Trust. Moreover, no evidence (which meets the relevant evidentiary standards) was presented to the Court to establish that Freddie Mac was the owner or holder of the underlying Note. Nonetheless, the Court found that the Respondent had proved otherwise.

Moreover, Appellant is a Bona Fide purchaser under the standards set forth in *Shadow Wood*, 366 P.3d at 1115. It is undisputed that Plaintiff and its predecessor-in-interest gave value for the property, and took title without any knowledge (actual, constructive, or inquiry) of any interest in the property asserted by Freddie Mac. The testimony of witnesses from Freddie Mac, Nationstar, and Bank of America all

confirmed that Appellant could not have discovered any interest asserted by Freddie Mac regardless of how diligent of an inquiry it may have undertaken. Appellant contends that because no document was ever recorded which placed Appellant on notice of Freddie Mac's claim of ownership of the Deed of Trust, that the sale is not void or subject to the Deed of Trust.

Despite the foregoing, the District Court granted Respondent's NRCP 52 Motion based on the conclusion that the loan and subsequent Deed of Trust are protected under 12 USC § 4617(j)(3) and that Respondent's Deed of Trust therefore survived the HOA Foreclosure Sale and remains a senior lien against the Property. Appellant now appeals.

12) This case's bench trial occurred on the following dates:

- February 27, 2017 through March 1, 2017
- March 7, 2017
- March 9, 2017 through March 10, 2017
- March 13, 2017 through March 15, 2017
- March 29, 2017
- May 18, 2017

13) Respondent filed thee The Findings Of Fact And Conclusions of Law And Judgment which granted Nationstar Mortgage, LLC's Rule 52 Motion and Denied Platinum Realty and Holdings, LLC's Rule 52 Motion on July 17, 2017. Notice of Entry of that Order was filed on July 20, 2017.

14) This case has not previously been the subject of an appeal to or original writ proceeding in the Supreme Court.

15) This appeal does not involve child custody or visitation.

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16) This appeal does not involve the possibility of settlement.

DATED this 18th day of August, 2017.

THE LAW OFFICE OF MIKE BEEDE, PLLC

*/s/ Michael Beede, Esq.*_____

MICHAEL BEEDE, Esq.
Nevada Bar No. 13068
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Henderson, NV 89074
T: 702-473-8406
F: 702-832-0248
eservice@LegalLV.com
*Attorney for Platinum Realty and Holdings, LLC*

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of The Law Office of Mike Beede, PLLC, and that on this 18th day of August, 2017, I did cause a true and correct copy of the foregoing **PLAINTIFF PLATINUM REALTY AND HOLDINGS, LLC'S CASE APPEAL STATEMENT** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

| | |
|---|---|
| Ariel E. Stern, Esq. | ariel.stern@akerman.com |
| Chris Yergensen, Esq. | Chris@nas-inc.com |
| Natalie L. Winslow, Esq. | natalie.winslow@akerman.com |
| Akerman Las Vegas Office | akermanlas@akerman.com |
| Brandon E. Wood | brandon@nas-inc.com |
| Elizabeth Streible | elizabeth.streible@akerman.com |
| EService | EserviceLegalLV@gmail.com |
| Marcia Wright | marcia@boyacklaw.com |
| Mike Beede | Mike@legallv.com |
| Patrick Orme | patrick@boyacklaw.com |
| Susan E. Moses | susanm@nas-inc.com |
| Jamie Combs | jamie.combs@akerman.com |

*/s/ Allison Zeason*
An Employee of the Law Office of Mike Beede, PLLC

DEPARTMENT 31

# CASE SUMMARY

## CASE NO. A-14-693956-C

| | | | |
|---|---|---|---|
| **Platinum Realty and Holdings, LLC, Plaintiff(s)** | § | Location: | **Department 31** |
| **vs.** | § | Judicial Officer: | **Kishner, Joanna S.** |
| **Heather Dowers, Defendant(s)** | § | Filed on: | **01/03/2014** |
| | § | Cross-Reference Case Number: | **A693956** |

### CASE INFORMATION

**Statistical Closures**
07/26/2017 Judgment Reached (bench trial)

Case Type: **Title to Property**
Subtype: **Quiet Title**

Case Flags: **Appealed to Supreme Court**
**Automatically Exempt from Arbitration**

### DATE — CASE ASSIGNMENT

**Current Case Assignment**

| | |
|---|---|
| Case Number | A-14-693956-C |
| Court | Department 31 |
| Date Assigned | 01/03/2014 |
| Judicial Officer | Kishner, Joanna S. |

### PARTY INFORMATION

| | | *Lead Attorneys* |
|---|---|---|
| **Plaintiff** | **Platinum Realty and Holdings, LLC** | **Beede, Michael**<br>*Retained*<br>702-473-8406(W) |
| **Defendant** | **Dowers, Dale** | |
| | **Dowers, Heather A** | |
| | **Nationstar Mortgage LLC** | **Stern, Ariel E.**<br>*Retained*<br>702-634-5000(W) |
| | **RCB Bank** | |
| **Counter Claimant** | **Nationstar Mortgage LLC** | **Stern, Ariel E.**<br>*Retained*<br>702-634-5000(W) |
| **Counter Defendant** | **Platinum Realty and Holdings, LLC** | **Beede, Michael**<br>*Retained*<br>702-473-8406(W) |
| **Cross Claimant** | **Nationstar Mortgage LLC** | **Stern, Ariel E.**<br>*Retained*<br>702-634-5000(W) |
| **Cross Defendant** | **Dakota Condominiums HOA** | **Boyack, Edward D.**<br>*Retained*<br>7025623415(W) |
| | **Nevada Association Services Inc** | **Yergensen, Christopher V.**<br>*Retained*<br>0000000000(W) |
| **Other** | **Greene Infuso LLP** | |

### DATE — EVENTS & ORDERS OF THE COURT — INDEX

| | |
|---|---|
| 01/03/2014 | Complaint<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Complaint for Quiet Title and Declaratory Relief* |
| 01/03/2014 | Initial Appearance Fee Disclosure<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Initial Appearance Fee Disclosure* |
| 01/03/2014 | Case Opened |
| 01/09/2014 | Notice of Lis Pendens<br>Filed by: Counter Defendant Platinum Realty and Holdings, LLC<br>*Notice of Lis Pendens* |
| 01/13/2014 | Application<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Application for Order Authorizing Plaintiff to Serve Summons and Complaint on All Unknown Claimants by Publication* |
| 01/23/2014 | Affidavit of Service<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Affidavit of Service* |
| 01/23/2014 | Order<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Order Authorizing Plaintiff to Serve Summons and Complaint on All Unknown Claimants by Publication* |
| 01/24/2014 | Affidavit of Service<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Affidavit of Service* |
| 02/06/2014 | Initial Appearance Fee Disclosure<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Initial Appearance Fee Disclosure (NRS Chapter 19)* |
| 02/06/2014 | Motion to Dismiss<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Motion to Dismiss Complaint With Prejudice For Failure to State A Claim Upon Which Relief Can Be Granted* |
| 02/07/2014 | Certificate of Service<br>Filed by: Cross Claimant Nationstar Mortgage LLC<br>*Certificate of Service* |
| 02/11/2014 | Affidavit of Service<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Affidavit of Service* |
| 02/27/2014 | Opposition to Motion to Dismiss<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Plaintiff's Opposition to Nationstar Mortgage, LLC'S Motion to Dismiss* |
| 03/03/2014 | Affidavit of Publication of Summons |

Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Affidavit of Publication of Summons*

03/03/2014 Stipulation and Order
Filed by: Counter Defendant Platinum Realty and Holdings, LLC
*Stipulation and Order of Disclaimer of Interest and to Dismiss Defendants Heather A. Dowers and Dale Dowers*

03/05/2014 Notice of Entry of Order
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Notice of Entry of Order of Disclaimer of Interest and to Dismiss Defendants Heather A. Dowers and Dale Dowers*

03/07/2014 Reply in Support
Filed By: Cross Claimant Nationstar Mortgage LLC
*Reply in Support of Motion to Dismiss Complaint with Prejudice for Failure to State a Claim Upon which Relief can be Granted*

03/10/2014 Affidavit of Non-Service
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Declaration of Non Service*

03/13/2014 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
*Defendant Nationstar Mortgage LLC's Motion to Dismiss Complaint With Prejudice For Failure to State A Claim Upon Which Relief Can Be Granted*

03/24/2014 Answer to Complaint
Filed by: Cross Claimant Nationstar Mortgage LLC
*Nationstar Mortgage, LLC's Answer to Complaint*

03/26/2014 Order Denying Motion
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Order Denying Nationstar Mortgage, LLC's Motion to Dismiss*

03/27/2014 Notice of Entry of Order
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Notice of Entry of Order Denying Nationstar Mortgage, LLC's Motion to Dismiss*

03/28/2014 *CANCELED* **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated*
*Status Check: Order 3/13/14*

04/14/2014 Three Day Notice of Intent to Default
Filed by: Counter Defendant Platinum Realty and Holdings, LLC
*Three Day Notice of Intenet to Take Default Against Defendant*

05/21/2014 Joint Case Conference Report
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Joint Case Conference Report*

05/21/2014 Notice of Entry of Order
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Notice of Entry of Order (1) for of Disclaimer of Interest and (2) to Dismiss Claims Against Defendants Jeffrey A. Kersbergen*

| | |
|---|---|
| 05/29/2014 | Scheduling Order<br>*Scheduling Order* |
| 07/02/2014 | Order Setting Civil Non-Jury Trial<br>*Order Setting Civil Non-Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check* |
| 08/13/2014 | Application for Entry of Default<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Application for Entry of Default* |
| 08/20/2014 | Default<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Default Against Defendant* |
| 09/29/2014 | Substitution of Attorney<br>Filed by: Counter Defendant Platinum Realty and Holdings, LLC<br>*Substitution of Attorneys* |
| 10/16/2014 | Stipulation and Order to Extend Discovery Deadlines<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Stipulation and Order to Extend Discovery Deadlines by 90 Days* |
| 10/20/2014 | Notice of Entry of Stipulation and Order<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Notice of Entry of Stipulation and Order* |
| 12/24/2014 | Amended Order Setting Civil Non-Jury Trial<br>*Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check* |
| 02/03/2015 | Stipulation and Order to Extend Discovery Deadlines<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Stipulation and Order To Extend Discovery Deadlines (Second Request)* |
| 02/10/2015 | *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |
| 03/06/2015 | Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call<br>*Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference Calendar Call, and Status Check* |
| 04/09/2015 | *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |
| 05/04/2015 | Motion<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Motion to Adjudicate Attorney Lien* |
| 05/05/2015 | Notice of Hearing<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Notice of Hearing on Motion to Adjudicate Attorneys Lien* |
| 05/05/2015 | *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |

| | |
|---|---|
| 05/11/2015 | *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |
| 05/12/2015 | *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |
| 06/04/2015 | **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>**06/04/2015, 06/11/2015**<br>*The Law Firm of Green and Infuso's Motion to Adjudicate Attorney Lien* |
| 06/25/2015 | Affidavit of Service<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Affidavit of Service* |
| 06/25/2015 | Affidavit of Service<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Affidavit of Service* |
| 06/26/2015 | **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Status Check: Order 6/11/15* |
| 06/29/2015 | Order Granting Motion<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Order Granting Motion to Adjudicate Attorneys Lien* |
| 06/29/2015 | **Order** (Judicial Officer: Kishner, Joanna S.)<br>Debtors: Platinum Realty and Holdings, LLC (Plaintiff)<br>Creditors: Greene Infuso LLP (Other)<br>Judgment: 06/29/2015, Docketed: 08/03/2015<br>Total Judgment: 11,842.91 |
| 06/30/2015 | Notice of Entry of Order<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Notice of Entry of Order Granting Motion to Adjudicate Attorneys Lien* |
| 06/30/2015 | *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |
| 07/14/2015 | Amended Order Setting Civil Non-Jury Trial<br>*Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check* |
| 07/14/2015 | **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) |
| 07/14/2015 | Affidavit of Due Diligence<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Affidavit of Due Diligence* |
| 07/24/2015 | Affidavit of Service<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Affidavit of Service* |
| 07/28/2015 | *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Commissioner* |
| 08/03/2015 | *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) |

*Vacated - per Commissioner*

08/06/2015 Stipulation and Order to Extend Discovery Deadlines
Filed By: Cross Claimant Nationstar Mortgage LLC
*Stipulation and Order to Extend Discovery Deadlines by 90 days*

08/13/2015 *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Commissioner*

08/19/2015 Amended Order Setting Civil Non-Jury Trial
*Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference, Calendar Call and Status Check*

09/08/2015 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Commissioner*

09/14/2015 *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Commissioner*

10/15/2015 Substitution of Attorney
Filed by: Counter Defendant Platinum Realty and Holdings, LLC
*Substitution of Attorney*

10/15/2015 Motion for Leave to File
Party: Cross Claimant Nationstar Mortgage LLC
*Defendant Nationstar Mortgage, LLC's Motion For Leave To Amend Answer To Add Affirmative Defenses, To Assert Counterclaims Against Plaintiff, And To Join As Parties To Assert Claims Against Nevada Association Services, Inc. And Dakota Condominiums*

11/17/2015 **Motion for Leave** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Defendant Nationstar Mortgage, LLC's Motion For Leave To Amend Answer To Add Affirmative Defenses, To Assert Counterclaims Against Plaintiff, And To Join As Parties To Assert Claims Against Nevada Association Services, Inc. And Dakota Condominiums*

12/04/2015 **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Status Check: Order 11/17/15*

12/14/2015 Order
Filed By: Cross Claimant Nationstar Mortgage LLC
*Order Granting Defendant Nationstar Mortgage, LLC's Unopposed Motion For Leave To Amend Its Answer To Add Affirmative Defenses, To Assert Counterclaims, And To Join As Parties To Assert Claims Against Nevada Association Services, Inc. And Dakota Condominiums*

12/15/2015 Notice of Entry of Order
Filed By: Cross Claimant Nationstar Mortgage LLC
*Notice Of Entry Of Order Granting Defendant Nationstar Mortgage, LLC's Unopposed Motion For Leave To Amend Its Answer To Add Affirmative Defenses, To Assert Counterclaims, And To Join As Parties To Assert Claims Against Nevada Association Services, Inc. And Dakota Condominiums*

12/18/2015 Amended Answer
Filed By: Cross Claimant Nationstar Mortgage LLC
*Defendant Nationstar Mortgage, LLC's Amended Answer To Plaintiff's Complaint, Counterclaims Against Plaintiff, And Crossclaims Against Nevada Association Services, Inc. And Dakota Condominiums*

| | |
|---|---|
| 01/12/2016 | Affidavit of Service<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Affidavit Of Service* |
| 01/12/2016 | Affidavit of Service<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Affidavit Of Service* |
| 01/14/2016 | Answer to Complaint<br>Filed by: Cross Defendant Dakota Condominiums HOA<br>*Cross-Defendant Dakota Condominiums' Answer to Nationstar Mortgage's Cross-Claim* |
| 01/25/2016 | Initial Appearance Fee Disclosure<br>Filed By: Cross Defendant Nevada Association Services Inc<br>*Initial Appearance Fee Disclosure (NRS Chapter 19)* |
| 01/25/2016 | Answer to Crossclaim<br>Filed By: Cross Defendant Nevada Association Services Inc<br>*Nevada Association Services, Inc.'s Answer to Crossclaim* |
| 01/26/2016 | **Status Check** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>**01/26/2016, 02/04/2016** |
| 01/29/2016 | Order to Show Cause<br>*Order to Show Cause* |
| 01/29/2016 | Answer to Counterclaim<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Answer to Nationstar Mortgage, LLC's, Amended Counterclaim* |
| 02/04/2016 | **Show Cause Hearing** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Show Cause Hearing: Non-Appearance at Court Ordered Status Check / Potential Sanctions* |
| 02/04/2016 | **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) |
| 03/07/2016 | Order Setting Civil Non-Jury Trial<br>*Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference, and Calendar Call* |
| 03/15/2016 | *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - On in Error*<br>*Status Check* |
| 03/17/2016 | *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 04/12/2016 | *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 04/18/2016 | *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 05/26/2016 | **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) |
| 06/08/2016 | Notice of Entry of Stipulation and Order |

Filed By: Cross Defendant Dakota Condominiums HOA
*Notice of Entry of Stipulation and Order to Extend Discovery Dates (Fourth Request*

06/08/2016 Stipulation and Order
Filed by: Cross Defendant Dakota Condominiums HOA
*Stipulation and Order to Extend Discovery Dates (Fourth Request)*

06/16/2016 Order Setting Civil Non-Jury Trial
*Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check*

06/21/2016 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Judge*

06/27/2016 *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Judge*

07/12/2016 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Commissioner*

07/18/2016 *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
*Vacated - per Commissioner*
*Bench Trial #3*

09/13/2016 **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

09/27/2016 Motion for Summary Judgment
Filed By: Cross Claimant Nationstar Mortgage LLC
*Defendant Nationstar Mortgage, LLC's Motion For Summary Judgment*

09/30/2016 Motion for Summary Judgment
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Plaintiff Platinum Realty And Holdings, Llc's Motion For Summary Judgment*

10/07/2016 Pre-Trial Disclosure
Party: Cross Defendant Dakota Condominiums HOA
*Cross-Defendant Dakota Condominiums' NRCP 16.1(A)(3) Pre-Trial Disclosure*

10/07/2016 Joinder to Motion For Summary Judgment
Filed By: Cross Defendant Dakota Condominiums HOA
*Dakota Condominium HOA'S Joinder To Motion For Summary Judgment Filed By Plaintiff Platinum Realty And Holdings*

10/13/2016 **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)

10/17/2016 Opposition to Motion For Summary Judgment
Filed By: Cross Claimant Nationstar Mortgage LLC
*Defendant Nationstar Mortgage, LLC's Opposition To Plaintiff's Motion For Summary Judgment*

10/18/2016 Opposition to Motion For Summary Judgment
Filed By: Counter Defendant Platinum Realty and Holdings, LLC
*Plaintiff's Platinum Realty and Holdings, LLC's Opposition to Nationstar Mortgage LLC's Motion for Summary Judgment*

10/21/2016

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|---|---|
| | Joinder to Opposition to Motion<br>Filed by: Cross Defendant Dakota Condominiums HOA<br>*Dakota Condominium HOA's Joinder To Platinum Realty's Opposition To Nationstar's Motion For Summary Judgment* |
| 10/25/2016 | Reply in Support<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Defendant Nationstar Mortgage, LLC's Reply In Support of Its Motion For Summary Judgment* |
| 10/27/2016 | Reply in Support<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Plaintiff's Reply In Support of Its Motion for Summary Judgment* |
| 11/01/2016 | Affidavit of Service<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Affidavit Of Service* |
| 11/01/2016 | Affidavit of Service<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Affidavit Of Service* |
| 11/01/2016 | Affidavit of Service<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Affidavit Of Service* |
| 11/03/2016 | **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>**11/03/2016-11/04/2016**<br>*Defendant Nationstar Mortgage, LLC's Motion For Summary Judgment* |
| 11/03/2016 | **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>**11/03/2016-11/04/2016**<br>*Plaintiff Platinum Realty And Holdings, Llc's Motion For Summary Judgment* |
| 11/03/2016 | **Joinder** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>**11/03/2016-11/04/2016**<br>*Dakota Condominium HOA'S Joinder To Motion For Summary Judgment Filed By Plaintiff Platinum Realty And Holdings* |
| 11/03/2016 | **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) |
| 11/04/2016 | **All Pending Motions** (3:00 AM) (Judicial Officer: Kishner, Joanna S.) |
| 11/08/2016 | *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 11/14/2016 | *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 11/30/2016 | Joint Pre-Trial Memorandum<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Joint Pretrial Memorandum* |
| 12/02/2016 | Joinder<br>Filed By: Cross Defendant Dakota Condominiums HOA<br>*Dakota Condominium's Joinder to Joint Pre-Trial Memorandum* |

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| 12/06/2016 | **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) |
| 12/06/2016 | **Telephonic Conference** (3:00 PM) (Judicial Officer: Kishner, Joanna S.) |
| 12/12/2016 | *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge*<br>*Bench Trial #3* |
| 01/05/2017 | **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) |
| 01/31/2017 | *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 02/06/2017 | *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated - per Judge* |
| 02/21/2017 | **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Calendar Call* |
| 02/22/2017 | Notice of Entry of Order<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Notice of Entry of Order* |
| 02/22/2017 | Order to Show Cause<br>*Order to Show Cause for 2/28/17* |
| 02/22/2017 | Order Denying Motion<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Order* |
| 02/23/2017 | Exhibits<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Joint Trial Exhibits* |
| 02/23/2017 | Filing<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Nationstar Mortgage, LLC's Proposed Findings Of Fact And Conclusions Of Law* |
| 02/27/2017 | **Bench Trial** (9:15 AM) (Judicial Officer: Kishner, Joanna S.)<br>**02/27/2017-03/01/2017, 03/07/2017, 03/09/2017-03/10/2017, 03/13/2017-03/15/2017, 03/29/2017, 05/18/2017**<br>*Bench Trial #1* |
| 02/28/2017 | *CANCELED* **Show Cause Hearing** (10:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Vacated*<br>*Show Cause Hearing* |
| 03/08/2017 | Notice of Change of Address<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Notice of Change of Address* |
| 03/09/2017 | Order<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Order of Entry of Default Against Nevada Association Services, Inc. or Alternatively Striking of Answer* |

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| 03/10/2017 | Order Granting Motion<br>*Order Granting Motion To Seal* |
| 03/14/2017 | Filed Under Seal<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Nationstar Mortgage, LLC's Brief Regarding Impeachment Evidence of Shari Culotta* |
| 03/14/2017 | Filed Under Seal<br>*Dakota Condominium's HOA's Brief Regarding Sealing and Exclusion of Testimony - Sealed Per Order Dated 3/10/17* |
| 03/14/2017 | Filed Under Seal<br>*Plaintiff's Brief Re: Sealing and Exclusion of Testimony - Sealed Per Order Dated 3/10/17* |
| 03/14/2017 | Filed Under Seal<br>*Nationstar Mortgage, LLC's Brief Regarding Impeachment Evidence of Shari Culotta - Sealed Per Order Dated 3/10/17* |
| 03/23/2017 | Audiovisual Transmission Equipment Appearance Request<br>Party: Cross Claimant Nationstar Mortgage LLC<br>*Audiovisual Transmission Equipment Appearance Request* |
| 03/23/2017 | **Telephonic Conference** (1:00 PM) (Judicial Officer: Kishner, Joanna S.) |
| 03/27/2017 | Objection<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Plaintiff's Objection to Appearance by Simultaneous Audiovisual Equipment Request* |
| 03/29/2017 | Brief<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Nationstar Mortgage, LLC's Trial Brief* |
| 04/24/2017 | Brief<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Nationstar Mortgage LLC's Brief on Standing to Enforce the Note* |
| 04/24/2017 | Brief<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Plaintiff Platinum Realty and Holdings, LLCs Brief In Support of its Motion For Directed Verdict and In Opposition Of Defendant's Motion For Directed Verdict* |
| 05/08/2017 | Response<br>Filed by: Counter Defendant Platinum Realty and Holdings, LLC<br>*Plaintiff's Response to Defendant Nationstar Mortgage LLC's Brief on Standing to Enforce the Note* |
| 05/08/2017 | Transcript of Proceedings<br>*Transcript of Proceedings 3/13/17 Bench Trial* |
| 05/08/2017 | Reply in Support<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Nationstar Mortgage, LLC's Reply In Support Of Its Motion For Directed Verdict And Opposition To Plaintiff's Motion For Directed Verdict* |

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|---|---|
| 05/12/2017 | Brief<br>Filed By: Cross Defendant Dakota Condominiums HOA<br>*Dakota Condominium HOA's Reply to Nationstar's Trial Brief* |
| 05/12/2017 | Transcript of Proceedings<br>*Partial Transcript of Proceedings: Bench Trial -- Day 9 Partial Testimony of Dean Meyer - 3/15/17* |
| 06/06/2017 | Transcript of Proceedings<br>*Transcript of Proceedings - Bench Trial - Day 11 - 5-18-17* |
| 06/30/2017 | **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Status Check- Proposed Order* |
| 07/17/2017 | Findings of Fact, Conclusions of Law and Judgment<br>Filed by: Cross Claimant Nationstar Mortgage LLC<br>*Findings Of Fact And Conclusions Of Law And Judgment* |
| 07/17/2017 | **Judgment** (Judicial Officer: Kishner, Joanna S.)<br>Debtors: Platinum Realty and Holdings, LLC (Plaintiff)<br>Creditors: Nationstar Mortgage LLC (Defendant)<br>Judgment: 07/17/2017, Docketed: 07/24/2017 |
| 07/20/2017 | Notice of Entry of Judgment<br>Filed By: Cross Claimant Nationstar Mortgage LLC<br>*Notice Of Entry Of Findings Of Fact And Conclusions Of Law And Judgment* |
| 07/26/2017 | Order to Statistically Close Case<br>*Civil Order to Statistically Close Case* |
| 08/18/2017 | Case Appeal Statement<br>Filed By: Counter Defendant Platinum Realty and Holdings, LLC<br>*Plaintiff Platinum Realty and Holdings, LLC S Case Appeal Statement* |
| 08/18/2017 | Notice of Appeal<br>*Plaintiff, Platinum Realty and Holdings, LLC S Notice Of Appeal* |

A-14-693956-C

# CIVIL COVER SHEET

XXXI

CLARK County, Nevada

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

## I. Party Information

| | |
|---|---|
| Plaintiff(s) (name/address/phone): PLATINUM REALTY AND HOLDINGS, LLC<br>c/o Michael V. Infuso, Esq.<br>Greene Infuso, LLP<br>3030 S. Jones Blvd., #101<br>Las Vegas, Nevada 89146<br>(702) 570-6000 | Defendant(s) (name/address/phone): HEATHER A. DOWERS, et al. |
| 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**

- ☐ **Landlord/Tenant**
  - ☐ Unlawful Detainer
- ☑ **Title to Property**
  - ☐ Foreclosure
  - ☐ Liens
  - ☑ Quiet Title
  - ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
  - ☐ Partition
  - ☐ Planning/Zoning

**Torts**

Negligence
- ☐ **Negligence – Auto**
- ☐ **Negligence – Medical/Dental**
- ☐ **Negligence – Premises Liability** (Slip/Fall)
- ☐ **Negligence – Other**

- ☐ **Product Liability**
  - ☐ Product Liability/Motor Vehicle
  - ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
  - ☐ Torts/Defamation (Libel/Slander)
  - ☐ Interfere with Contract Rights
- ☐ **Employment Torts** (Wrongful termination)
- ☐ **Other Torts**
  - ☐ Anti-trust
  - ☐ Fraud/Misrepresentation
  - ☐ Insurance
  - ☐ Legal Tort
  - ☐ Unfair Competition

**Probate**

**Estimated Estate Value:** _____

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
  - ☐ Individual Trustee
  - ☐ Corporate Trustee
- ☐ **Other Probate**

**Other Civil Filing Types**

- ☐ **Construction Defect**
  - ☐ Chapter 40
  - ☐ General
- ☐ **Breach of Contract**
  - ☐ Building & Construction
  - ☐ Insurance Carrier
  - ☐ Commercial Instrument
  - ☐ Other Contracts/Acct/Judgment
  - ☐ Collection of Actions
  - ☐ Employment Contract
  - ☐ Guarantee
  - ☐ Sale Contract
  - ☐ Uniform Commercial Code
- ☐ **Civil Petition for Judicial Review**
  - ☐ Foreclosure Mediation
  - ☐ Other Administrative Law
  - ☐ Department of Motor Vehicles
  - ☐ Worker's Compensation Appeal

- ☐ **Appeal from Lower Court** *(also check applicable civil case box)*
  - ☐ Transfer from Justice Court
  - ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
  - ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
  - ☐ Compromise of Minor's Claim
  - ☐ Conversion of Property
  - ☐ Damage to Property
  - ☐ Employment Security
  - ☐ Enforcement of Judgment
  - ☐ Foreign Judgment – Civil
  - ☐ Other Personal Property
  - ☐ Recovery of Property
  - ☐ Stockholder Suit
  - ☐ Other Civil Matters

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

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Art. 8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

1/3/14
Date

Signature of initiating party or representative

***See other side for family-related case filings.***

Electronically Filed
7/17/2017 10:54 AM
Steven D. Grierson
CLERK OF THE COURT

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NATALIE L. WINSLOW, ESQ.
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Email: natalie.winslow@akerman.com

*Attorneys for Nationstar Mortgage, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| PLATINUM REALTY AND HOLDINGS, LLC,<br><br>Plaintiff,<br><br>v.<br><br>HEATHER A. DOWERS, an individual; DALE DOWERS, an individual; NATIONSTAR MORTGAGE, LLC, a Delaware limited liability company; RCB BANK, as successor to HOME NATIONAL BANK; 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 thereof (DOES 1 through 10, inclusive);<br><br>Defendants. | Case No.: A-14-693956-C<br><br>Dept: XXXI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT** |
| NATIONSTAR MORTGAGE, LLC,<br><br>Cross-Claimant,<br><br>v.<br><br>DAKOTA CONDOMINIUMS HOA; and NEVADA ASSOCIATION SERVICES, INC.,<br><br>Cross-Defendants. | |

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07-05-17 A10:2

Case Number: A-14-693956-C

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## FINDINGS OF FACT

1. On or about April 30, 2007, borrowers Heather and Dale Dowers entered into a loan agreement to borrow approximately $244,000.00 from Bank of America, NA, (**BANA**).

2. BANA secured the borrowers obligation under the loan with a senior deed of trust recorded as to the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada, 89144; APN 138-30-317-174.

3. The Federal Home Loan Mortgage Corporation (**Freddie Mac**), purchased the loan, thereby obtaining the property interest in the deed of trust on or about August 27, 2007.

4. Freddie Mac maintained that ownership at the time of the sale by Dakota Condominiums association (**HOA**) on or about December 14. 2012.

5. BANA remained the beneficiary of record on the deed of trust and Freddie Mac's servicer for the loan.

6. On or about September 6, 2008, pursuant to the Housing Economic Discovery Act (**HERA**), the Federal Housing and Finance Agency (**FHFA**), directly placed Freddie Mac into conservatorship, based on counsels' statements, it remains at the time of this ruling. Though the court has not independently verified the status of the conservatorship, all parties agree to Freddie Mac is still in conservatorship.

7. On April 30, 2012, Nevada Association Services, (**NAS**) as agent for the HOA, Dakota Condominiums, recorded a notice of delinquent assessment lien against the property.

8. The Notice stated that the total amount due was $1,596.00, which the notice stated included $881.00 of late fees, collection fees, and interest.

9. There was no evidence that the notice identified the superpriority amount parsed out in that notice of delinquent assessment.

10. At this time, the Court takes no position on whether acts conducted by NAS on behalf of the HOA fell outside the course of the agency between the two parties as there are no pending motions before the Court addressing the question. When the Court uses the term "agent" in its ruling, it means only that they were deemed to be an agent at that point.

11. On or about June 14, 2012, NAS recorded a Notice of Default and Election to Sell on the property. That notice stated the amount due was $2,748.00. Based on the exhibits entered at the time of trial, there was no evidence put forth that the notice distinguished the breakdown of the assessments between the collection costs, late fees, service charges, interest amounts or the super priority portion.

12. On November 15, 2012, NAS recorded a notice of foreclosure sale against the property. The notice, entered as an exhibit at trial, stated an amount of approximately $4,588.17 and set the foreclosure sale to commence in or about December 2012.

13. The Court declines to address any tender issues by either of the parties at this time as tender is not the subject of the Rule 52 motion before the court.

14. On December 19, 2012, a recorded deed upon foreclosure stating that the property had been sold to CSC Acquisition and Holdings for a purchase price of $5,500.00 was entered into evidence. That deed stated that it was without warrantee, express or implied.

15. On or About May 10, 2013, BANA assigned the deed of trust to Nationstar.

16. Nationstar is the beneficiary on record of the deed of trust as well as the servicer for the loan.

17. On May 23, 2013, a quitclaim was recorded saying that CSC conveyed the property to Platinum Realty Holdings on or about that same date.

18. Witnesses for Freddie Mac, Nationstar, and BANA presented testimony that at no time was there any consent by the FHFA, as conservator, to the HOA sale or any consent by FHFA to any extinguishing or foreclosing on Freddie Mac's interest in the property.

19. On January 3, 2014, Platinum filed the instant complaint.

20. On December 18, 2015 Nationstar filed its counterclaims against Platinum, HOA and NAS.

21. On January 26, 2017, trial commenced with and was held over a variety of days with all parties having full opportunity to present their witnesses and evidence.

22. Notwithstanding the scope of agency dispute between HOA and NAS, it is undisputed that at the time there was a contractual relationship between HOA and NAS, and NAS was acting pursuant

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to a contractual relationship. To the extent there is any dispute regarding scope of agency, it is not for the purpose of these rulings on the Rule 52 motions.

23. Despite Plaintiff's contentions otherwise, this court finds that there is no evidence todispute that Freddie Mac did own this loan at all relevant times.

24. Nationstar had appropriate standing to make the assertions in its motion pursuant *to In re Montierth*, 354 P.3d 648 (2015).

25. At the time of the HOA sale, BANA acted as Freddie Mac's authorized loan servicer and beneficiary of the record of deed of trust, consistent with *In re Montierth* and the Nevada Supreme Court.

26. In accordance with *In re Montierth*, BANA had the authority to foreclose on Freddie Mac's behalf, so therefore, even under Nevada law, Freddie Mac owned the deed of trust, thus it maintained the property interest and the underlying collateral at the time of the HOA sale in 2012.

26. The Court takes no position as to the issues presented in the brief submitted by the HOA.

27. The property purchased by Platinum Holdings is subject to the first deed of trust owned by Freddie Mac and subject to the federal foreclosure bar, 12 U.S.C. § 4617(j)(3).

28. It was uncontested that the protections in HERA were clearly intended to displace state law.

29. There were sufficient audit procedures to ensure that the electronic transfer of information to the servicers was accurate.

## CONCLUSIONS OF LAW

Pursuant to HERA, the federal foreclosure bar declares that no property of the agency shall be subject to levy, attachment, garnishment, foreclosure, or sale, and further that while Freddie Mac is in the conservatorship of the FHFA, none of this property "shall be subject to foreclosure…without the consent of the FHFA." 12 U.S.C. § 4617(j)(3).

The federal foreclosure bar, 12 U.S.C. § 4617(j)(3), directly preempts contrary state law because it automatically bars any nonconsensual extinguishment through foreclosure of any interest in the property held by Freddie Mac while in conservatorship. All of these adverse actions as asserted through the FHFA would be superior to any state law claims. Therefore, the Court finds that the federal foreclosure bar does apply.

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Congress created the protections in HERA to displace state law. *Skylights v. Byron*, 112 F.Supp.3d. 1145 (Nev. 2015). Since it was the intent of the federal foreclosure bar to completely take the entirety of the actions with regard to this area, the federal foreclosure bar does preempt Nevada foreclosure statutes under the conflict preemption because the state law is naturally preempted to the extent of any conflict with federal statute. *Valle Del So v. Whiting*, 732 F.3d 1006 (9th Cir. 2016), citing *Crosby v. Nat'l Foreign Trade Council,* 530 U.S. 363 (2000).

Under the Supremacy Clause, Article Six, Clause 2 of the United States Constitution, any state law, however clearly within the state's acknowledged power, which interferes with, or is contrary to a federal law must yield. The Court finds in this case the state law must yield to congress' clear intent in enacting the federal foreclosure bar. Because there is clear preemption, analysis of the various state court aspects would not be applicable. The Court finds that protections of the federal foreclosure bar extend to Freddie Mac in the instant case because the conservator has succeeded by law to Freddie Mac's rights, titles, powers and privileges. If neither Freddie Mac nor Fannie May could assert the protections of the federal foreclosure bar, there would be no substance to it and there would be nothing that could be prevented by it.

There is a variety of case law, including *Edelstein v. Bank of New York Mellon,* 286 P.3d 249 (2012), *and In re Montierth*, that state the fact that the ultimate owner of the federal entity not appearing on the underlying documents does not preclude what the ultimate relationship is. The Court believes that the Nevada Supreme Court has made the distinction between holder and owner.

In this case, the Court takes notice that the standard of proof the parties must meet to prove their claims and affirmative defenses is by a preponderance of the evidence. Under Nevada law, the term preponderance of the evidence means such evidence as, when weighed with that opposed to it, has a more convincing force, and from which appears that the greater probability of truth lies therein.

Under the provision of NRCP 52, the standard has been met by the movant Nationstar, and the Court, in evaluating its rulings has taken no distinction between the circumstantial and direct evidence, as *Deveroux v. State*, 96 Nev. 388 (1980), tells the Court that it need not take a distinction between the two. The Court grants the motion for Rule 52 relief on behalf of Nationstar. Based on the analysis just noted by the Court, it denies the motion under Rule 52 filed by Platinum Holdings.

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**JUDGMENT**

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Nationstar is granted.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Platinum Holdings is denied.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the HOA foreclosure sale did not extinguish the deed of trust on the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada, 89144; APN 138-30-317-174.

The Court does not reach the remaining claims or defenses among and between the parties, other than as stated in this order.

DATED this 3 day of July, 2017.

JOANNA S. KISHNER
DISTRICT JUDGE

Submitted this 30th day of June, 2017.

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*Attorneys for Nationstar Mortgage, LLC*

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TEL.: (702) 634-5000 – FAX: (702) 380-8572

**JUDGMENT**

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Nationstar is granted.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Platinum Holdings is denied.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the HOA foreclosure sale did not extinguish the deed of trust on the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada, 89144; APN 138-30-317-174.

The Court does not reach the remaining claims or defenses among and between the parties, other than as stated in this order.

DATED this ____ day of _____, 2017.

_____
DISTRICT JUDGE

Submitted this 30th day of June, 2017.

AKERMAN LLP

/s/Ariel E. Stern
ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
NATALIE L. WINSLOW, ESQ.
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THE LAW OFFICE OF MIKE BEEDE, PLLC

/s/Michael N. Beede
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Electronically Filed
7/20/2017 9:33 AM
Steven D. Grierson
CLERK OF THE COURT

**NJUD**
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*Attorneys for Nationstar Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PLATINUM REALTY AND HOLDINGS, LLC,

Plaintiff,

v.

HEATHER A. DOWERS, an individual; DALE DOWERS, an individual; NATIONSTAR MORTGAGE, LLC, a Delaware limited liability company; RCB BANK, as successor to HOME NATIONAL BANK; 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 thereof (DOES 1 through 10, inclusive);

Defendants.

---

NATIONSTAR MORTGAGE, LLC,

Cross-Claimant,

v.

DAKOTA CONDOMINIUMS HOA; and NEVADA ASSOCIATION SERVICES, INC.,

Cross-Defendants.

Case No.: A-14-693956-C

Dept. No.: XXXI

**NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT**

AKERMAN LLP
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LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 – FAX: (702) 380-8572

**TO: ALL PARTIES OF RECORD AND THEIR COUNSEL:**

PLEASE TAKE NOTICE that the Findings Of Fact And Conclusions Of Law And Judgment has been entered on July 17, 2017, a copy of which is attached hereto.

DATED this 20th day of July, 2017.

**AKERMAN LLP**

*/s/ Jamie K. Combs, Esq.*
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on this 25th day of October, 2017 and pursuant to NRCP 5, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT**, in the following manner:

**(ELECTRONIC SERVICE)** Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof & served through the Notice Of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

Michael N. Beede, Esq.
LAW OFFICES OF MICHAEL BEEDE, PLLC
2470 St. Rose Parkway, Suite 201
Henderson, Nevada 89074

*Attorney for Plaintiff*

Edward D. Boyack, Esq.
BOYACK ORME & ANTHONY
7432 West Sahara Avenue
Las Vegas, Nevada 89117

*Attorney for Dakota Condominiums Homeowners Association*

Christopher V. Yergensen, Esq.
NEVADA ASSOCIATION SERVICES, INC.
6224 West Desert Inn Road
Las Vegas, Nevada 89146

*Attorney for Nevada Association Services, Inc.*

*/s/ Allen G. Stephens*
An employee of AKERMAN LLP

# EXHIBIT A

# EXHIBIT A

Electronically Filed
7/17/2017 10:54 AM
Steven D. Grierson
CLERK OF THE COURT

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*Attorneys for Nationstar Mortgage, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| PLATINUM REALTY AND HOLDINGS, LLC,<br><br>Plaintiff,<br><br>v.<br><br>HEATHER A. DOWERS, an individual; DALE DOWERS, an individual; NATIONSTAR MORTGAGE, LLC, a Delaware limited liability company; RCB BANK, as successor to HOME NATIONAL BANK; 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 thereof (DOES 1 through 10, inclusive);<br><br>Defendants. | Case No.: A-14-693956-C<br><br>Dept: XXXI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT** |
| NATIONSTAR MORTGAGE, LLC,<br><br>Cross-Claimant,<br><br>v.<br><br>DAKOTA CONDOMINIUMS HOA; and NEVADA ASSOCIATION SERVICES, INC.,<br><br>Cross-Defendants. | |

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07-05-17 A10:2

Case Number: A-14-693956-C

AKERMAN LLP
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TEL.: (702) 634-5000 – FAX: (702) 380-8572

## FINDINGS OF FACT

1. On or about April 30, 2007, borrowers Heather and Dale Dowers entered into a loan agreement to borrow approximately $244,000.00 from Bank of America, NA, (**BANA**).

2. BANA secured the borrowers obligation under the loan with a senior deed of trust recorded as to the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada, 89144; APN 138-30-317-174.

3. The Federal Home Loan Mortgage Corporation (**Freddie Mac**), purchased the loan, thereby obtaining the property interest in the deed of trust on or about August 27, 2007.

4. Freddie Mac maintained that ownership at the time of the sale by Dakota Condominiums association (**HOA**) on or about December 14. 2012.

5. BANA remained the beneficiary of record on the deed of trust and Freddie Mac's servicer for the loan.

6. On or about September 6, 2008, pursuant to the Housing Economic Discovery Act (**HERA**), the Federal Housing and Finance Agency (**FHFA**), directly placed Freddie Mac into conservatorship, based on counsels' statements, it remains at the time of this ruling. Though the court has not independently verified the status of the conservatorship, all parties agree to Freddie Mac is still in conservatorship.

7. On April 30, 2012, Nevada Association Services, (**NAS**) as agent for the HOA, Dakota Condominiums, recorded a notice of delinquent assessment lien against the property.

8. The Notice stated that the total amount due was $1,596.00, which the notice stated included $881.00 of late fees, collection fees, and interest.

9. There was no evidence that the notice identified the superpriority amount parsed out in that notice of delinquent assessment.

10. At this time, the Court takes no position on whether acts conducted by NAS on behalf of the HOA fell outside the course of the agency between the two parties as there are no pending motions before the Court addressing the question. When the Court uses the term "agent" in its ruling, it means only that they were deemed to be an agent at that point.

11. On or about June 14, 2012, NAS recorded a Notice of Default and Election to Sell on the property. That notice stated the amount due was $2,748.00. Based on the exhibits entered at the time of trial, there was no evidence put forth that the notice distinguished the breakdown of the assessments between the collection costs, late fees, service charges, interest amounts or the super priority portion.

12. On November 15, 2012, NAS recorded a notice of foreclosure sale against the property. The notice, entered as an exhibit at trial, stated an amount of approximately $4,588.17 and set the foreclosure sale to commence in or about December 2012.

13. The Court declines to address any tender issues by either of the parties at this time as tender is not the subject of the Rule 52 motion before the court.

14. On December 19, 2012, a recorded deed upon foreclosure stating that the property had been sold to CSC Acquisition and Holdings for a purchase price of $5,500.00 was entered into evidence. That deed stated that it was without warrantee, express or implied.

15. On or About May 10, 2013, BANA assigned the deed of trust to Nationstar.

16. Nationstar is the beneficiary on record of the deed of trust as well as the servicer for the loan.

17. On May 23, 2013, a quitclaim was recorded saying that CSC conveyed the property to Platinum Realty Holdings on or about that same date.

18. Witnesses for Freddie Mac, Nationstar, and BANA presented testimony that at no time was there any consent by the FHFA, as conservator, to the HOA sale or any consent by FHFA to any extinguishing or foreclosing on Freddie Mac's interest in the property.

19. On January 3, 2014, Platinum filed the instant complaint.

20. On December 18, 2015 Nationstar filed its counterclaims against Platinum, HOA and NAS.

21. On January 26, 2017, trial commenced with and was held over a variety of days with all parties having full opportunity to present their witnesses and evidence.

22. Notwithstanding the scope of agency dispute between HOA and NAS, it is undisputed that at the time there was a contractual relationship between HOA and NAS, and NAS was acting pursuant

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to a contractual relationship. To the extent there is any dispute regarding scope of agency, it is not for the purpose of these rulings on the Rule 52 motions.

23. Despite Plaintiff's contentions otherwise, this court finds that there is no evidence todispute that Freddie Mac did own this loan at all relevant times.

24. Nationstar had appropriate standing to make the assertions in its motion pursuant *to In re Montierth*, 354 P.3d 648 (2015).

25. At the time of the HOA sale, BANA acted as Freddie Mac's authorized loan servicer and beneficiary of the record of deed of trust, consistent with *In re Montierth* and the Nevada Supreme Court.

26. In accordance with *In re Montierth*, BANA had the authority to foreclose on Freddie Mac's behalf, so therefore, even under Nevada law, Freddie Mac owned the deed of trust, thus it maintained the property interest and the underlying collateral at the time of the HOA sale in 2012.

26. The Court takes no position as to the issues presented in the brief submitted by the HOA.

27. The property purchased by Platinum Holdings is subject to the first deed of trust owned by Freddie Mac and subject to the federal foreclosure bar, 12 U.S.C. § 4617(j)(3).

28. It was uncontested that the protections in HERA were clearly intended to displace state law.

29. There were sufficient audit procedures to ensure that the electronic transfer of information to the servicers was accurate.

## CONCLUSIONS OF LAW

Pursuant to HERA, the federal foreclosure bar declares that no property of the agency shall be subject to levy, attachment, garnishment, foreclosure, or sale, and further that while Freddie Mac is in the conservatorship of the FHFA, none of this property "shall be subject to foreclosure…without the consent of the FHFA." 12 U.S.C. § 4617(j)(3).

The federal foreclosure bar, 12 U.S.C. § 4617(j)(3), directly preempts contrary state law because it automatically bars any nonconsensual extinguishment through foreclosure of any interest in the property held by Freddie Mac while in conservatorship. All of these adverse actions as asserted through the FHFA would be superior to any state law claims. Therefore, the Court finds that the federal foreclosure bar does apply.

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Congress created the protections in HERA to displace state law. *Skylights v. Byron*, 112 F.Supp.3d. 1145 (Nev. 2015). Since it was the intent of the federal foreclosure bar to completely take the entirety of the actions with regard to this area, the federal foreclosure bar does preempt Nevada foreclosure statutes under the conflict preemption because the state law is naturally preempted to the extent of any conflict with federal statute. *Valle Del So v. Whiting*, 732 F.3d 1006 (9th Cir. 2016), citing *Crosby v. Nat'l Foreign Trade Council,* 530 U.S. 363 (2000).

Under the Supremacy Clause, Article Six, Clause 2 of the United States Constitution, any state law, however clearly within the state's acknowledged power, which interferes with, or is contrary to a federal law must yield. The Court finds in this case the state law must yield to congress' clear intent in enacting the federal foreclosure bar. Because there is clear preemption, analysis of the various state court aspects would not be applicable. The Court finds that protections of the federal foreclosure bar extend to Freddie Mac in the instant case because the conservator has succeeded by law to Freddie Mac's rights, titles, powers and privileges. If neither Freddie Mac nor Fannie May could assert the protections of the federal foreclosure bar, there would be no substance to it and there would be nothing that could be prevented by it.

There is a variety of case law, including *Edelstein v. Bank of New York Mellon,* 286 P.3d 249 (2012), *and In re Montierth*, that state the fact that the ultimate owner of the federal entity not appearing on the underlying documents does not preclude what the ultimate relationship is. The Court believes that the Nevada Supreme Court has made the distinction between holder and owner.

In this case, the Court takes notice that the standard of proof the parties must meet to prove their claims and affirmative defenses is by a preponderance of the evidence. Under Nevada law, the term preponderance of the evidence means such evidence as, when weighed with that opposed to it, has a more convincing force, and from which appears that the greater probability of truth lies therein.

Under the provision of NRCP 52, the standard has been met by the movant Nationstar, and the Court, in evaluating its rulings has taken no distinction between the circumstantial and direct evidence, as *Deveroux v. State*, 96 Nev. 388 (1980), tells the Court that it need not take a distinction between the two. The Court grants the motion for Rule 52 relief on behalf of Nationstar. Based on the analysis just noted by the Court, it denies the motion under Rule 52 filed by Platinum Holdings.

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**JUDGMENT**

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Nationstar is granted.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Platinum Holdings is denied.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the HOA foreclosure sale did not extinguish the deed of trust on the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada, 89144; APN 138-30-317-174.

The Court does not reach the remaining claims or defenses among and between the parties, other than as stated in this order.

DATED this 3 day of July, 2017.

JOANNA S. KISHNER
DISTRICT JUDGE

Submitted this 30th day of June, 2017.

AKERMAN LLP

ARIEL E. STERN, ESQ.
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IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the Rule 52 motion submitted by Platinum Holdings is denied.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the HOA foreclosure sale did not extinguish the deed of trust on the property located at 821 Peachy Canyon, Unit 204, Las Vegas, Nevada, 89144; APN 138-30-317-174.

The Court does not reach the remaining claims or defenses among and between the parties, other than as stated in this order.

DATED this ____ day of _____, 2017.

_____
DISTRICT JUDGE

Submitted this 30th day of June, 2017.

AKERMAN LLP

/s/Ariel E. Stern
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THE LAW OFFICE OF MIKE BEEDE, PLLC

/s/Michael N. Beede
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**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 13, 2014** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 13, 2014** **9:30 AM** **Motion to Dismiss**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Infuso, Michael | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- Matter argued and submitted. Court stated its findings and ORDERED, Defendant Nationstar Mortgage LLC's Motion to Dismiss Complaint With Prejudice For Failure to State a Claim Upon Which Relief Can Be Granted is DENIED WITHOUT PREJUDICE. Plaintiff's counsel to prepare the Order, circulating to opposing counsel for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

3/28/14 STATUS CHECK: ORDER (CHAMBERS)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **June 04, 2015** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**June 04, 2015** **9:00 AM** **Motion**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:** Scaturro, Tenesa S. Attorney
Takos Esq, Zachary P.

**JOURNAL ENTRIES**

- THE LAW FIRM OF GREEN AND INFUSO'S MOTION TO ADJUDICATE ATTORNEY LIEN

Court noted there is no recovery yet. Statements by Mr. Takos. Court noted it cannot adjudicate today. Upon Court's inquiry, Mr. Takos states he does not know whether asserting a charging lien or retaining lien. Mr. Takos requests matter be continued; COURT SO ORDERED.

CONTINUED TO: 6/11/15 @ 9:00 AM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **June 11, 2015** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**June 11, 2015** **9:00 AM** **Motion**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:** Takos Esq, Zachary P.
Winslow, Natalie L Attorney

**JOURNAL ENTRIES**

- Court noted no corpus, no settlement agreement on which to attach a sum certain. Mr. Takos requests Court grant attorney's lien so that any subsequent purchaser would know of lien. Mr. Takos requests similar wording in order in A678022 (motion to withdraw and adjudicate attorney's lien 10/14) without a sum certain. Upon Court's inquiry, Ms. Winslow states she takes no position. COURT ORDERED, The Law Firm of Green and Infuso's Motion to Adjudicate Attorney Lien is GRANTED to the extent that what is only being sought is to assert that there is a sum certain which can attach to a future judgment; Court is not granting a judgment at this time. Mr. Takos to prepare the Order, circulating to Ms. Winslow for approval as to form and content, after which the Court will review the language in the Order. Matter SET for Status Check regarding receipt of proposed order.

6/26/15 STATUS CHECK: ORDER (CHAMBERS)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **June 26, 2015** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

| | | | |
|---|---|---|---|
| **June 26, 2015** | **3:00 AM** | **Status Check** | **Status Check: Order 6/11/15** |

**HEARD BY:** Kishner, Joanna S. **COURTROOM:**

**COURT CLERK:** Andrea Natali

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Status Check held, order received.

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **July 14, 2015** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**July 14, 2015** **9:00 AM** **Status Check**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Morgan, Melanie D. | Attorney |
| Schmidt, Margaret E, ESQ | Attorney |

**JOURNAL ENTRIES**

- STATUS CHECK

Counsel estimate 2-3 days for trial. Ms. Morgan states there may be a material change in the case, have been informed that Freddie Mac/Fannie Mae may be seeking to intervene and insert the Herrera defense. Ms. Morgan states generally out-of-state counsel. Court noted as of now, trial going forward as scheduled. Ms. Morgan further states she and counsel for Plaintiff have discussed another short discovery extension, 30(b)(6) witness deposition of opposing party did not go as planned, witness was not ready. Ms. Schmidt states her client appeared at the deposition but did not feel comfortable and wanted it continued to another date. Upon Court's inquiry, both counsel state a settlement conference would not be helpful.

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **November 17, 2015** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**November 17, 2015 9:00 AM Motion for Leave**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:** Stern, Ariel E. Attorney

**JOURNAL ENTRIES**

- Statements by Mr. Stern. There being no opposition, COURT ORDERED, Defendant Nationstar Mortgage, LLC's Motion for Leave to Amend Answer to Add Affirmative Defenses, to Assert Counterclaims Against Plaintiff, and to Join as Parties to Assert Claims Against Nevada Association Services, Inc. and Dakota Condominiums is GRANTED pursuant to EDCR 2.20 and on the merits; Ten (10) days from Notice of Entry of Order to Amend. Mr. Stern to prepare the Order, circulating to all parties for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

12/4/15 STATUS CHECK: ORDER (CHAMBERS)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **January 26, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**January 26, 2016** **9:30 AM** **Status Check**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Boyack, Edward D. | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- STATUS CHECK

Plaintiff's counsel not present. Ms. Winslow states Mr. Boyack was present but had to leave to attend another hearing in another department, NAS and Dakota Condominiums HOA just brought into case, no objection to re-opening discovery and continuing trial.
Matter trailed to await other counsel.
Matter recalled (9:47am).
Plaintiff's counsel not present. Mr. Boyack now present. Court noted no notification provided regarding any non-appearance this date for Mandatory Court Ordered Status Check pursuant to the Trial Order. Mr. Boyack states his client was just recently brought into this case, requests to continue the trial just long enough to allow to prepare for, through discovery, any dispositive motions and prepare for trial. Ms. Winslow states no opposition to Mr. Boyack's request. COURT DEFERS RULING on Mr. Boyack's Oral Motion. COURT ORDERED, Order to Show will Issue for counsels non-appearance at Mandatory Court Ordered Status Check and Potential Sanctions as to Plaintiff's counsel and counsel for Nevada Association Services Inc. Court notes it will address Mr. Boyack's request at the time of the Show Cause Hearing.

2/4/16 9:00 AM SHOW CAUSE HEARING / CONTINUED STATUS CHECK

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **February 04, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**February 04, 2016** **9:00 AM** **All Pending Motions**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Wittig, Donna | Attorney |
| Yergensen, Christopher V. | Attorney |

**JOURNAL ENTRIES**

- SHOW CAUSE HEARING: NON-APPEARANCE AT COURT ORDERED STATUS CHECK / POTENTIAL SANCTIONS...STATUS CHECK

Mr. Beede apologized to the Court, was stuck in other hearings at the time of the Status Check. Mr. Yergensen states he failed to look at the docket and apologized to the Court. All counsel now wish to move forward with the continued Status Check. Mr. Beede estimates 2-3 days for trial. Mr. Van Luven states concern regarding April 2016 trial, was just brought into the case, time needed to conduct discovery, just filed responsive pleading. Mr. Yergensen states no objection. Mr. Van Luven states he was just assigned to this matter 4 days ago, needs to review file and may need to conduct discovery. Upon Court's inquiry, Ms. Wittig states she has not provided Mr. Van Luven with any discovery as it was not requested. Ms. Wittig states no objection to pushing out discovery and trial date. Mr. Beede states no objection but requests it be limited to a short amount of time, suggests 6 week discovery period. Further statements by Mr. Van Luven. COURT ORDERED, Pre Trial Conference, Calendar Call and Trial Date VACATED and RESET. All counsel agree they will stipulate to new dates. Stipulation to be submitted by 2/12/16. COURT FURTHER ORDERED, good cause has been provided, and therefore, Order to Show Cause is VACATED.

5/26/16 10:15 AM PRE TRIAL CONFERENCE

6/21/16 9:00 AM CALENDAR CALL

6/27/16 9:00 AM BENCH TRIAL (STACK)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **May 26, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**May 26, 2016** **10:15 AM** **Pre Trial Conference**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- PRE TRIAL CONFERENCE

Mr. Beede states parties have stipulated to continue. Mr. Orme states he drafted the stipulation and it was signed by Commissioner Bulla last week and confirmed that with her office yesterday. Discovery states it was placed in outbox but runner has checked daily and cannot be located, will be resubmitting. Upon Court's inquiry, Mr. Orme states he has a copy without Commissioner's signature. Mr. Beede states the Discovery Commissioner has represented to them that the stipulation was signed and placed in its outbox, runner has checked daily, appears document has been lost, was confirmed by the Commissioner that it was signed. Court noted it does not have signed stipulation and is less than a month before trial. Court noted is will investigate but will move forward and set trial today. Counsel estimate 4-5 days for trial. COURT ORDERED, matter SET for Trial. Pre trial memo now due 7/5/16.

7/12/16 9:00 AM CALENDAR CALL

7/18/16 9:00 AM BENCH TRIAL #3

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **September 13, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**September 13, 2016 9:00 AM Status Check**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Orme, Patrick A. | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- STATUS CHECK PURSUANT TO TRIAL ORDER

Counsel for Nevada Association Services not present at Court Ordered Status Check pursuant to the Trial Order. No notification provided regarding counsel's non-appearance. Court notes case shows long list of parties still remaining in this case. Upon Court's inquiry, Mr. Beede states Defendants Heather Dowers and Dale Dowers have been defaulted, no default judgment yet. As to status of Defendant RCB Bank, Mr. Beede states he will review and follow up. As to Nevada Association Services, Ms. Winslow states they have been served and are in the case. Court to evaluate and may issue Order to Show Cause for Mr. Yergensen's non-appearance this date. As to Greene Infuso, LLP, Ms. Winslow states they were prior counsel for Platinum Realty and Holdings, they filed a motion to adjudicate a attorney's lien and that is why they are showing active in this case, there are no claims against Greene Infuso. Counsel estimate 3-5 days for trial. Mr. Beede states the parties have discussed staying the matter pending the outcome of Saticoy Bay and Bourne Valley. Discussion. Court directs case to go forward. Mr. Beede requests matter be continued to next stack. Court finds no good cause, although Court may accommodate toward end of current stack.

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **October 13, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**October 13, 2016** **10:15 AM** **Pre Trial Conference**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |
| Yergensen, Christopher V. | Attorney |

**JOURNAL ENTRIES**

- PRE TRIAL CONFERENCE

Counsel estimate 4-5 days for Trial. Colloquy. COURT ORDERED, matter SET for Trial. Pre trial memo now due 11/29/16.

12/6/16 9:00 AM CALENDAR CALL

12/12/16 9:00 AM BENCH TRIAL #5

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **November 03, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**November 03, 2016 9:30 AM All Pending Motions**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Habdas, William S. | Attorney |
| Orme, Patrick A. | Attorney |

**JOURNAL ENTRIES**

- PLAINTIFF PLATINUM REALTY AND HOLDINGS, LLC'S MOTION FOR SUMMARY JUDGMENT...DAKOTA CONDOMINIUM HOA'S JOINDER TO MOTION FOR SUMMARY JUDGMENT FILED BY PLAINTIFF PLATINUM REALTY AND HOLDINGS...DEFENDANT NATIONSTAR MORTGAGE, LLC'S MOTION FOR SUMMARY JUDGMENT

Matter argued and submitted. RULING DEFERRED. Court to further review and a Decision will issue from Chambers.

CONTINUED FOR DECISION: 11/18/16 (CHAMBERS)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **November 04, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**November 04, 2016 3:00 AM All Pending Motions**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** Chambers

**COURT CLERK:** Sandra Harrell

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- PLAINTIFF PLATINUM REALTY AND HOLDINGS, LLC'S MOTION FOR SUMMARY JUDGMENT...DAKOTA CONDOMINIUM HOA'S JOINDER TO MOTION FOR SUMMARY JUDGMENT FILED BY PLAINTIFF PLATINUM REALTY AND HOLDINGS... DEFENDANT NATIONSTAR MORTGAGE, LLC'S MOTION FOR SUMMARY JUDGMENT

This matter came before the Court on the following matters: 1) Plaintiff Platinum Realty and Holdings, LLC's Motion for Summary Judgment filed on September 30, 2016, and 2) Defendant Nationstar Mortgage, LLC's Motion for Summary Judgment, filed on September 27, 2016 and 3) Dakota Condominium HOA's Joinder to Platinum Realty and Holdings LLC's Opposition to Nationstar's Motion for Summary Judgment filed on October 21, 2016, these Motions and Joinder thereto, were set for hearing on Department XXXI's hearing calendar on Thursday, November 3, 2016.

At the hearing, Michael Beede appeared on behalf of Plaintiff, Platinum Realty and Holdiings, LLC, and William Habdas appeared on behalf of Nationstar Mortgage, LLC and Patrick Orme appeared on behalf of Dakota Condominium HOA, this matter was continued to Department XXXI's Chamber's Calendar for decision.

Summary Judgment is appropriate when the moving party is entitled to judgment as a matter of law.

"A party against whom a claim, counterclaim, or cross-claim is asserted or declaratory judgment is sought may, at any time; move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof." NRCP 56 (b). In addition, a court may enter a partial summary judgment on any point of law or as to particular cause of action and still retain jurisdiction to determine other issues. NRCP 56 (d) and Brown v. Capanna, 105 Nev. 665, 782, P.2d 1299 (1989).

A party opposing such motion for summary judgment must set forth specific facts showing that there is genuine issue for trial and that it can produce evidence at the trial to support its claim. Boland v. Nevada Rock & Sand Co., 111 Nev. 608, 894 P.2d 988 (1995). "A genuine issue of material fact is one where the evidence of such that a reasonable jury could return a verdict of the non-moving party." Posadas v. City of Reno, 109 Nev. 448, 452, 851 P.2d 438,441-42 (1993). The burden of establishing the non-existence of any genuine issue of fact is on the moving party. Pacific Pool Const. Co. v. McClain s Concrete Inc., 101 Nev. 557, 559, 706 P.2d 849, 851 (1985). "The burden is discharged by demonstrating that there is an absence of evidence supporting one or more of the prima facie elements of the non-moving party's case." NGA #2 Limited Liability Co. v. Rains, 113 Nev. 1151, 1156, 946 P.2d 163, 167 (1997).

While facts must be construed in the light most favorable to the non-moving party in opposition to a motion for summary judgment, the non-moving party must: "set forth specific facts demonstrating the existence of a genuine issue for trial or have summary judgment entered against them." Bulbman, Inc. v. Nevada Bail, 108 Nev. 105, 110, 825 P.2d 588, 592 (1992). In addition, the non-moving party cannot have summary judgment motion denied on the mere hope that at trial he will be able to discredit the movant's evidence. Hickman v. Meadow Wood Reno, 96 Nev. 782, 617 P.2d 871 (1980). The Nevada Supreme Court has made it clear that the non-moving party, in attempting to defeat a motion, may not rely on "the gossamer threads of whimsy, speculation and conjecture." Wood v. Safeway, Inc., 121 Nev. 724, 121 P.3d 1026 (2005) (quoting Collins v. Union Fed. Savings & Loan, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983)).

Here, the Court finds that there are genuine issues of material fact, which preclude the Court from granting either of the Motions or the Joinder to Platinum Realty's Motion. Therefore, the Court, hereby, DENIES the Motions and Joinder thereto without prejudice.

This Decision sets forth the Court's intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument.

Counsel for Platinum Realty Holdings, LLC and Nationstar Mortgage, LLC to prepare the Orders on their respective motions and circulate to all parties to sign as to form and content before submitting to Chambers for consideration within ten (10) days in accordance with EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Michael Beede, Esq., William Habdas, Esq. and Patrick Orme, Esq.\sjh 11-4-16

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **December 06, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**December 06, 2016 9:00 AM Calendar Call**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Boyack, Edward D. | Attorney |
| Scaturro, Tenesa S. | Attorney |
| Stern, Ariel E. | Attorney |
| Yergensen, Christopher V. | Attorney |

**JOURNAL ENTRIES**

- CALENDAR CALL

Court notes pre trial memo is non-compliant. Statements by Ms. Scaturro.
Matter trailed.
Matter recalled.
Further discussion regarding late, non-compliant pre trial memo.
Matter trailed.
Matter recalled.
Joint request of the parties for a telephonic conference this afternoon regarding the outstanding issues. COURT ORDERED, matter CONTINUED for a Telephonic Conference at 3:00 pm today. Counsel to provide a call-in number to Chambers.

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **December 06, 2016** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**December 06, 2016 3:00 PM Telephonic Conference**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Boyack, Edward D. | Attorney |
| Orme, Patrick A. | Attorney |
| Scaturro, Tenesa S. | Attorney |
| Stern, Ariel E. | Attorney |
| Yergensen, Christopher V. | Attorney |

**JOURNAL ENTRIES**

- TELEPHONIC CONFERENCE

Court notes trial in first position is going forward, therefore, this case must be reset for trial. Discussion. Mr. Beede advised parties are rapidly approaching a settlement in this case. Statements by Mr. Stern, limited availability of witnesses. Mr. Yergensen and Mr. Orme take no position. COURT ORDERED, Calendar Call and Trial Date VACATED and RESET. No dates being reopened. Mr. Beede requests to bring motions if ruling comes down from the Supreme Court. All counsel state they are ok with that and are in agreement. Mr. Beede requested to be placed toward end of stack due to his current trial schedule. Mr. Beede to remind the Court at the time of the Pre Trial Conference.

1/5/17 10:15 AM PRE TRIAL CONFERENCE

1/31/17 9:00 AM CALENDAR CALL

2/6/17 9:00 AM BENCH TRIAL (STACK)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **January 05, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**January 05, 2017** **10:15 AM** **Pre Trial Conference**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael, ESQ | Attorney |
| Boyack, Edward D. | Attorney |
| Scaturro, Tenesa S. | Attorney |
| Yergensen, Christopher V. | Attorney |

**JOURNAL ENTRIES**

- PRE TRIAL CONFERENCE

Counsel estimate 3-4 days for trial. Trial dates discussed, end of stack requested. COURT ORDERED, matter SET for Trial. If parties choose, amended pre trial memo would be due 2/15/17. Court notes trial will need to be broken up, trial dates 2/27/17, 2/28/17 - break - 3/6/17, 3/7/17 to finish up (if preferential prior setting goes forward).

2/21/17 9:00 AM CALENDAR CALL

2/27/17 9:00 AM BENCH TRIAL #1

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **February 21, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**February 21, 2017** **9:00 AM** **Calendar Call**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- Attorney Winslow advised her client has active claims against the plaintiff and expects them to be present as a party. Further Attorney Winslow's client is not seeking any type of sanctions at this time. Attorney Winslow plans on doing opening statements regarding trial. Colloquy between the parties regarding NAS being under Subpoena Power. Attorney Beede advised he has not issued a subpoena upon NAS as of yet. However, counsel is more than willing to get the document executed today. Attorney Winslow advised the court that her case in fact subpoenaed NAS as a witness in this matter. Court advised the order to show cause, and the cross claim should not be stricken for NAS. The proposed findings of facts and conclusion of law are to be provided by noon on February 23, 2017. COURT ORDERED, an ORDER TO SHOW CAUSE hearing as to NAS will be held on the second day of trial at 10:30 A.M. for non participation. A total of 5 depositions were turned in by Attorney Winslow to the clerk today.

2/28/17 10:30 A.M. ORDER TO SHOW CAUSE HEARING AS TO NAS (DEPT. 31)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **February 27, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**February 27, 2017** **9:15 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Boyack, Edward D. | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL BEGINS

EXCLUSIONARY RULE INVOKED.

Caption discussed. Mr. Beede states Defendants Dale and Heather Dowers have been served, clerk's default has been issued, intends to seek default judgment at the conclusion of this proceeding. Mr. Beede further states that Defendant RCB Bank has been served, clerk's default has been entered, intends to seek default judgement at the end of this proceeding. All counsel agrees all DOES have been stipulated out.

Court finds no counsel present on behalf of Nevada Association Services, Inc.. Marshal states witness, Susan Moses, for NAS is waiting in the hallway. Court notes order to show case for NAS is currently set for tomorrow 2/28/17 at 10:30 am. Mr. Stern states order to show cause witness is Mr. Yergensen, not Ms. Moses. Susan Moses now present in the Courtroom. Upon Court's inquiry, Ms.

Moses states she is not an attorney, is here as a witness under subpoena, and states NAS is not participating in the trial. Mr. Stern requests a default of NAS. Mr. Beede states no objection. Mr. Orme states no objection. Mr. Beede requests that the subpoena of Mr. Yergensen still be enforced. Court will address request at the time of the order to show cause tomorrow. Mr. Beede states Mr. Yergensen is scheduled as a witness today. Upon Court's inquiry, all counsel state no objection if Mr. Yergensen (when he arrives) wants the order to show cause held today.

Opening statements by Mr. Beede, Ms. Winslow and Mr. Orme.

Testimony and exhibits presented. (See worksheets)

Lunch break.

Testimony resumes.

Mr. Yergensen made an appearance and states he would like to address the Order to Show Cause today instead of tomorrow. All counsel present state no objection.

Court advanced the Order to Show Cause and will be heard this date.

ORDER TO SHOW CAUSE: Re non-appearance of NAS at the pre trial conference as well as the calendar call pursuant to the trial order.

Mr. Stern re-stated his oral motion for default of NAS. Mr. Yergensen states NAS takes no position regarding the oral motion for default, NAS has decided to not proceed in defending certain actions that it has before it, decision was made recently. Mr. Yergensen apologized to the Court regarding NAS's business decision, failed to give notice to the Court or other counsel of this decision which was the cause of the OSC for failure to appear. Statements by Mr. Beede and Mr. Stern. COURT ORDERED, Nationstar's Oral Motion for Default is GRANTED. Mr. Yergensen waived as to the Court ruling today instead of at the end of the case, as a convenience. Court finds appropriate to STRIKE the Answer of NAS because of its non-participation. Mr. Stern to prepare the Order.

CONTINUED TO: 2/28/17 10:30 AM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **February 28, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**February 28, 2017** **10:30 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See Worksheets)

Lunch break.

Testimony continues.

CONTINUES TO: 3/1/17 9:15 AM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 01, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 01, 2017** **9:15 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |
| Winslow, Natalie L | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Mr. Beede requested a brief continuance of the trial due to health issue. All counsel present state no objection. Parties agreed upon 3/7/17 at 1:00 pm, 3/9/17 at 1:00 pm, 3/10/17 at 8:30 am until noon, 3/13/17 at 8:30 am, 3/14/17 at 1:00 pm, 3/15/17 at 1:00 pm. Parties also agreed to witnesses being called out of order. Any trial briefs under 2.67 now due by end of day on 3/14/17. All in agreement.

CONTINUED TO: 3/7/17 1:00 PM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 07, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 07, 2017** **1:00 PM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See worksheets)

CONTINUED TO: 3/9/17 1:00 PM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 09, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 09, 2017** **1:00 PM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Boyack, Edward D. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See worksheets)

CONTINUED TO: 3/10/17 8:30 AM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 10, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 10, 2017** **8:30 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See worksheets)

Mr. Stern states the Nationstar's witness (Keith Kovalic) is at a mediation at JAMS, he is about a half an hour away, wanted to start with the Bank of America witness but there is an objection by Mr. Beede because the witness is not the person listed on the pre trial memo, pre trial stated Jessica Woodbridge or another corporate representative, . Mr. Beede stated his objections, Mr. Kovalic is under subpoena to be present today, in violation, requests that witnesses for both Nationstar and Bank of America be prevented from testifying. Mr. Orme takes no position. Argument by Mr. Stern. Argument by Mr. Beede. Court finds appropriate for Mr. Kovalic to testify. Court finds Ms. Woodbridge needs to be present as witness, no substitution. No sanctions.

Mr. Beede requested to brief the issue of witness Wong-Culotta's sealed portion of her testimony. Court will allow simultaious briefing, due 3/13/17 by 11:59 pm (filed, served, courtesy copy to the Court). Court ORDERED briefs to be filed under seal. Court will hear the matter at 1:00 pm on

3/15/17 prior to the start of testimony.

Further testimony.

EVENING RECESS

CONTINUED TO: 3/13/17 9:00 AM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 13, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 13, 2017** **9:00 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See worksheets)

Lunch break.

Court notes its JEA received a phonecall from Mr. Orme who stated he was in traffic and requested that counsel proceed without him. Mr. Stern states that Mr. Orme did not have anymore questions for this witness and would like to proceed. Mr. Beede requests to wait another five minutes.

Matter trailed.

Matter recalled. Mr. Orme now present.

Further testimony.

Plaintiff rested, subject to the recall of Mr. Brunson as rebuttal witness to Nationstar's expert and subject to the Court's ruling with regard to Ms. Wong-Culotta.

Mr. Stern made an oral motion for Rule 52, requests for two rulings, quiet title and on the claim against NAS. Arguments by counsel. Court stated its findings, and ORDERED, motion DENIED WITHOUT PREJUDICE.

Testimony continues.

EVENING RECESS

CONTINUED TO: 3/14/17 1:00 PM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 14, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 14, 2017** **1:00 PM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Blatnik, Kelley | Attorney |
| Boyack, Edward D. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See worksheets)

Oral arguments and ruling of the Court made UNDER SEAL. (various briefs)

Further testimony.

Mr. Beede states it is unlikely that the trial will be concluded tomorrow. Mr. Beede made an oral request, that if trial does conclude tomorrow, requests trial memos not be due until 9:00 am the following day. Mr. Boyack states trial will not conclude tomorrow. Court GRANTS Mr. Beede's request, only if finished tomorrow.

EVENING RECESS

CONTINUED TO: 3/15/17 1:00 PM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 15, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 15, 2017** **1:00 PM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Testimony and exhibits presented. (See worksheets)

Mr. Stern argued Mr. Brunson's prior opinion is inadmissible; oral motion to strike the testimony and to exclude, for any purpose, Mr. Brunson's testimony or other material, such as his opinion, if that is ever offered and/or his written report, if it is ever offered. Arguments by counsel. COURT ORDERED, motion GRANTED IN PART, in light of his designation, the Court can't consider any of his testimony for an affirmative opinion because he was only designated in a rebuttal context; Denied as to the testimony that takes into account when he was appropriately designated. Mr. Stern to prepare the Order.

Further testimony.

All parties agree to a telephonic conference to discuss future dates for the continuation of the trial.

CONTINUED TO: DATE TO BE DETERMINED

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 23, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 23, 2017** **1:00 PM** **Telephonic Conference**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- TELEPHONIC CONFERENCE

Continuance of Bench Trial and dates of availability discussed. COURT ORDERED, Bench Trial will resume on 3/29/17 at 10:00 am.

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **March 29, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**March 29, 2017** **10:00 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- BENCH TRIAL CONTINUES

Court notes it received a request for audio visual transmission of potential witness Mr. Miles and an objection.

Mr. Beede moved, based on his previous objection to the use of unadmitted documents that were not disclosed during discovery, to strike the testimony of the representative for Freddie Mac who relied on unadmitted documents to refresh his recollection, all of that testimony should be stricken. Mr. Orme takes no position. Argument by Mr. Stern. Further argument by Mr. Beede. Court notes clarity needed. Mr. Beede requests to provide a written brief by Friday. Court notes trial was to conclude today.
Arguments regarding the request for audio visual testimony of Mr. Miles. Court stated its findings and will allow the audio visual testimony of Mr. Miles.

Testimony and exhibits presented. (See worksheets)

Mr. Beede made an oral motion to strike the testimony of Mr. Jurani.

Lunch break.

Arguments by counsel regarding Plaintiff's oral motion to strike the testimony of Mr. Jurani. Court stated its findings and DENIED WITHOUT PREJUDICE the oral motion to strike.

Testimony continues.

Defendant Nationstar Mortgage rests.

Mr. Beede made an oral motion for directed verdict on all claims. Arguments. Mr. Stern renewed his Rule 52 motion. Court finds more practical to allowing briefing. Further arguments.

Break.

Mr. Stern states parties have discussed and would like to do simultaneous briefing regarding the Plaintiffs' rule 52 motion, the Plaintiff's motion to strike portions of the testimony of Mr. Meyer, and Nationstar's Rule 52 motion, with page limitations. Counsel estimate oral argument will take 15-20 minutes per side. Court notes initial briefs due 4/24/17 by 5:00 pm (filed, served, courtesy copy to the Court); replies due 5/8/17 by 5:00 pm; will be heard on 5/18/17 at 10:00 am.

Counsel estimate 1/2 day for closings.

All counsel agree that all testimony is concluded.

Court notes closing arguments will commence on 5/23/17 at 1:00 pm.

CONTINUED TO: 5/18/17 10:00 AM

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **May 18, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**May 18, 2017** **10:00 AM** **Bench Trial**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Aja Brown

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Beede, Michael | Attorney |
| Orme, Patrick A. | Attorney |
| Stern, Ariel E. | Attorney |

**JOURNAL ENTRIES**

- Arguments by Counsel. COURT STATED ITS FINDINGS and ORDERED, Motion under Rule 52 GRANTED for Nationstar Mortgage and DENIED as to Platinum Realty and Holdings, LLC. Based on the agreement of the parties, COURT FURTHER ORDERED, closing arguments scheduled for May 23, 2017 VACATED. Court directed Mr. Stern to prepare the order within 40 days of the Court's ruling. COURT ORDERED, matter SET for hearing.

6/30/17 STATUS CHECK: PROPOSED ORDER (CHAMBERS CALENDAR)

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

| **Title to Property** | **COURT MINUTES** | **June 30, 2017** |
|---|---|---|

A-14-693956-C Platinum Realty and Holdings, LLC, Plaintiff(s)
vs.
Heather Dowers, Defendant(s)

**June 30, 2017** **3:00 AM** **Status Check**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** Chambers

**COURT CLERK:** Kory Schlitz

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- COURT advised they have not received a proposed Order and Judgment, and ORDERED matter SET for in person Status Check.

7/27/17 9:00 A.M. STATUS CHECK: PROPOSED ORDER

CLERK'S NOTE: Counsel is to ensure a copy of the foregoing minute order is distribute to all interested parties; additionally, a copy of the foregoing minute order was electronically served to all registered parties. (6-30-17 ks)

JOINT TRIAL EXHIBITS CASE NO: A693956

**PLATINUM REALTY AND HOLDINGS, LLC vs. HEATHER A. DOWERS**

| # | DESCRIPTION | DATE OFFERED | OBJECTION | DATE ADMITTED |
|---|---|---|---|---|
| 1 | Deed of Trust recorded May 1, 2007, inst. #0000774 (NSM000087-NSM000106) | 2-28 | Stip | 2-28 |
| 2 | Notice of Delinquent Assessment Lien recorded April 30, 2012, instrument #0003508, (NSM000121) | 2-27 | Stip | 2-27 |
| 3 | Notice of Foreclosure Sale recorded November 15, 2012, instrument #0002278, (NSM000122-NSM000123) | 2-27 | Stip | 2-27 |
| 4 | Notice of Delinquent Assessment Lien recorded December 4, 2012, instrument #0002140, (NSM000124-NSM000125) | 2-28 | Stip | 2-28 |
| 5 | Foreclosure Deed recorded December 19, 2012, instrument #0001149, (NSM000126-NSM000128) | ↓ | ↓ | ↓ |
| 6 | Corporate Assignment of Deed of Trust recorded May 10, 2013, instrument #0001395, (NSM000130-NSM000131) | | | |
| 7 | Quitclaim Deed recorded May 23, 2013, instrument #0004299, (NSM000133-NSM000134) | | | |
| 8 | Notice of Delinquent Assessment Lien (NSM000135) | ↓ | ↓ | ↓ |
| 9 | DOT Notice of Default (NSM000136-NSM000140) | | X | |
| 10 | Notice of Default (NSM000141-NSM000142) | | X | |
| 11 | Treasurer's Certificate of Redemption (NSM000143) | | X | |
| 12 | Release of Notice of Delinquent Assessment Lien (NSM000144) | | X | |
| 13 | Notice of Rescission (NSM000145) | | X | |
| 14 | Notice of Lis Pendens recorded January 16, 2014, instrument #0002292, (NSM000146-NSM000148) | 2-28 | Stip | 2-28 |
| 15 | Supplemental Declaration of Covenants, Conditions & Restrictions and Reservation of Easements for Dakota Condominiums recorded September 29, 1997, instrument #02018, (NSM000149-NSM000256) | ↓ | ↓ | ↓ |
| 16 | First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Dakota Condominiums recorded March 31, 1998, instrument #02817, (NSM000257-NSM000259) | | | |
| 17 | Documents received from Nevada Association Services pursuant to subpoena, (NSM000260-NSM000469, PRH0291, Exhibit C to Susan Moses Deposition Transcript/Court Exhibit 1) | | | |
| 18 | Documents received from Dakota Community Management pursuant to subpoena, (NSM000470-NSM000499) | ↓ | ↓ | ↓ |
| 19 | Correspondence between Miles Bauer Bergstrom & Winters, LLP and Nevada Association Services, Inc. and the borrowers, | 3-9-17 | XY | 3-9-17 |

500-501-502-503 only

| | | | | |
|---|---|---|---|---|
| | (NSM000500-NSM000507) | | | |
| 20 | Notice of Default, (NSM000508-NSM000509) | 2-27-17 | | 2-27-17 |
| 21 | Miles Bauer Affidavits, (NSM000510-NSM000533) 524, 525, 526, [redacted] | 3-7-17 | X Y | 3-15-17 |
| 22 | Screen shots from Bank of America regarding investor information, (NSM000543-NSM000546) | 3-13-17 | X Y | 3-13-17 |
| 23 | FHFA statement at http://www.fhfa.gov/Media/PublicAffairs/PublicAffairsDocuments/Authorized-Enterprise-Servicers-Reliance.pdf | 3-14-17 | X Y | |
| 24 | Nevada Association Services, LLC 2010 Newsletter, (NSM000547-NSM000548) | | X | |
| 25 | Freddie Mac Screenshots, (NSM000549-NSM000551) ~~550 only~~ Catalog | 3-14-17 | X Y | 3-14-17 all |
| 26 | 2011 Freddie Mac Single Family Seller/Servicing Guide, (NSM000552-NSM003609) | 3-14-17 | X Y | |
| 27 | 2016 Freddie Mac Single Family Seller/Servicing Guide, (NSM003610-NSM005621) | 3-14-17 | X Y | |
| 28 | Nationstar Screenshot, (NSM005622) | | X | |
| 29 | Supplemental Documents provided by Freddie Mac, (NSM005623-NSM005678) | | X | |
| 30 | The note for the underlying loan for the deed of trust (to be produced subject to a stipulated or court-ordered protective order) | | X | |
| 31 | Plaintiff's Responses to Written Discovery | | X | |
| 32 | Expert Report of Scott Dugan, (NSMDugan00001- NSM Dugan00037) | | X | |
| 33 | Declaration of Tiffany E. Barnfield, Exhibit E to Motion for Summary Judgment | | X | |
| 34 | Expert Report of Michael Brunson | 2-28 | X Y | |
| 35 | Nationstar's Responses to Written Discovery | | X | |
| 36 | Collection Policy for Dakota Condominiums | | X | |
| 37 | Insurance Declaration Sheet for Dakota Condominiums | | X | |
| 38 | Collection Policy for Dakota Condominiums | | X | |

# EXHIBIT(S) LIST

**Case No.:** A693956 **Hearing / Trial Date:** 2/27/17

**Dept. No.:** 31 **Judge:** JOANNA KISHNER

**Court Clerk:** SANDRA HARRELL

**Plaintiff:** PLATINUM REALTY AND HOLDINGS LLC **Recorder / Reporter:** RACHELLE HAMILTON

**Counsel for Plaintiff:** MICHAEL BEEDE

vs.

**Defendant:** HEATHER DOWERS **Counsel for Defendant:** A. STERN/N. WINSLOW (NATIONSTAR)
P. ORME/E. BOYACK (DAKOTA)

## TRIAL BEFORE THE COURT

**COURT'S EXHIBITS**

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|
| 1. | NOTICE FROM NEVADA ASSOCIATION SERVICES | 2/27/17 | N/A | 2/27/17 |
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**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**

# NOTICE OF DEFICIENCY

**ON APPEAL TO NEVADA SUPREME COURT**

**MICHAEL BEEDE, ESQ.**
**2470 ST. ROSE PKWY., SUITE 201**
**HENDERSON, NV 89074**

**DATE: August 22, 2017**
**CASE: A-14-693956-C**

**RE CASE:** PLATINUM REALTY AND HOLDINGS, LLC vs. HEATHER A. DOWERS; DALE DOWERS; NATIONSTAR MORTGAGE, LLC; RCB BANK, AS SUCCESSOR TO HOME NATIONAL BANK

NOTICE OF APPEAL FILED: August 18, 2017

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies*.

---

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

**State of Nevada**
**County of Clark** } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

PLAINTIFF, PLATINUM REALTY AND HOLDINGS, LLC'S NOTICE OF APPEAL; PLAINTIFF PLATINUM REALTY AND HOLDINGS, LLC'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, AND CONCLUSIONS OF LAW AND JUDGMENT; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

PLATINUM REALTY AND HOLDINGS, LLC,

Plaintiff(s),

vs.

HEATHER A. DOWERS; DALE DOWERS; NATIONSTAR MORTGAGE, LLC; RCB BANK, AS SUCCESSOR TO HOME NATIONAL BANK,

Defendant(s),

Case No: A-14-693956-C

Dept No: XXXI

now on file and of record in this office.

**IN WITNESS THEREOF,** I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 22 day of August 2017.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk