

CLERK OF THE COURT

Electronically Filed
Apr 16 2014 09:37 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
LUIS A. AYON, ESQ.
2 Nevada Bar No. 9752
MARGARET E. SCHMIDT, ESQ.
3 Nevada Bar No. 12489
MAIER GUTIERREZ AYON
4 400 South Seventh Street, Suite 400
Las Vegas, Nevada 89101
5 Telephone: (702) 629-7900
Facsimile: (702) 629-7925
6 E-mail: laa@mgalaw.com
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7
8 *Attorneys for Sandy and John Whitehouse
and S&J Investments, LLC*

9
10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 SANDY WHITEHOUSE; an individual JOHN
13 WHITEHOUSE, an individual, S&J
14 INVESTMENTS, LLC, a Nevada Limited
Liability Company,

15 Plaintiff,

16 vs.

17 WELLS FARGO BANK, N.A., a National
18 Association; QUALITY LOAN SERVICE
CORPORATION, a foreign corporation;
19 FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a National Association;
20 DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

21 Defendants.

Case No.: A-14-694641-C
Dept. No.: XXX

NOTICE OF APPEAL

22
23 Notice is hereby given that plaintiffs Sandy Whitehouse, John Whitehouse and S&J
24 Investments, LLC, by and through their attorneys of record, the law firm MAIER GUTIERREZ AYON,
25 hereby appeals to the Nevada Supreme Court from an order dismissing the plaintiff's complaint,
26 rendered by the Eighth Judicial District Court, Clark County Nevada and entered into this action on

27 ///

28 ///

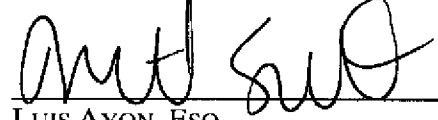
M-G-A MAIER GUTIERREZ AYON PLLC
ATTORNEYS AT LAW

1 March 10, 2014 attached hereto as Exhibit "1."

2 DATED this 9th day of April, 2014.

3 Respectfully submitted,

4 MAIER GUTIERREZ AYON

5 

6 LUIS AYON, ESQ.

7 Nevada Bar No. 9752

8 MARGARET E. SCHMIDT, ESQ.

9 Nevada Bar No. 12489

10 400 South Seventh Street, Suite 400

11 Las Vegas, Nevada 89101

12 *Attorneys for Plaintiffs Sandy and John*
13 *Whitehouse and S&J Investments, LLC*

14 MAIER GUTIERREZ AYON PLLC
15 ATTORNEYS AT LAW



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1 **CERTIFICATE OF SERVICE**

2 I do hereby certify that on the 9th day of April, 2014, I served a copy of the foregoing
3 **NOTICE OF APPEAL** by mailing in a scaled, first class postage-prepaid envelope, deposited with
4 the United States Postal Service in Las Vegas, Nevada, addressed to the following:

5 Richard C. Gordon, Esq.
6 Bradley T. Austin, Esq.
7 SNELL & WILMER LLP
8 3883 Howard Hughes Parkway
9 Suite 1100
10 Las Vegas, Nevada 89169
11 *Attorneys for Defendants Wells Fargo Bank, N.A.*
12 *and Federal National Mortgage Association*

13 Kristin A. Schuler-Hintz, Esq.
14 Janice Jacovino, Esq.
15 MCCARTHY & HOLTHUS, LLP
16 9510 W. Sahara Avenue
17 Suite 200
18 Las Vegas, Nevada 89117
19 *Attorneys for Defendant Quality Loan Service Corporation*

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An Employee of MAIER GUTIERREZ AYON

EXHIBIT 1

EXHIBIT 1

CLERK OF THE COURT

1 RICHARD C. GORDON, ESQ.
Nevada Bar No. 9036
2 BRADLEY T. AUSTIN, ESQ.
Nevada Bar No. 13064
3 SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
4 Las Vegas, NV 89169
Telephone: (702) 784-5200
5 Facsimile: (702) 784-5252
Email: rgordon@swlaw.com
6 baustin@swlaw.com

7 *Attorneys for Wells Fargo Bank, N.A.*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 SANDY WHITEHOUSE; an individual
11 JOHN WHITEHOUSE, an individual, S&J
INVESTMENTS, LLC, a Nevada Limited
Liability Company,

12 Plaintiffs,

13 vs.

14 WELLS FARGO BANK, N.A., a National
15 Association; QUALITY LOAN SERVICE
CORPORATION, a foreign corporation;
16 FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a National Association;
17 DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

18 Defendants.

CASE NO. A-14-694641-C
DEPT. NO. XXX

NOTICE OF ENTRY OF ORDER

20 PLEASE TAKE NOTICE that the ORDER GRANTING WELLS FARGO BANK,
21 N.A.'S COUNTERMOTION TO DISMISS was entered with this Court on March 7, 2014, a
22 copy of which is attached hereto.

23 DATED: March ^{7th} 2014

SNELL & WILMER L.L.P.

24 By:

25 Richard C. Gordon, Esq. (Bar No. 9036)
Bradley T. Austin, Esq. (Bar No. 13064)
26 3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

27 *Attorneys for Wells Fargo Bank, N.A.*

Snell & Wilmer

LAW OFFICE
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
702.784.5200

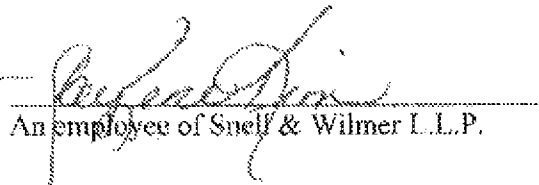
1 CERTIFICATE OF SERVICE

2 I hereby certify I am employed in Clark County, where this mailing occurs. My business
3 address is 3883 Howard Hughes Parkway, Suite 1100, Las Vegas, Nevada 89169. I am over the
4 age of 18 years and not a party to the within cause. On March 10, 2014, following ordinary
5 business practice, I served the foregoing document described as follows: ORDER GRANTING
6 WELLS FARGO BANK, N.A.'S COUNTERMOTION TO DISMISS

- 7
- 8 **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set
9 forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed
10 transmission record is attached to the file copy of this document(s).
- 11 **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage
12 thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth
13 below.
- 14 **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email address(es) of
15 the individual(s) listed below.
- 16 **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic
17 filing and service upon the Court's Service List for the above-referenced case.

18 Luis A. Ayon, Esq.
 19 Margaret E. Schmidt, Esq.
 20 MAIER GUTIERREZ AYON
 400 South Seventh Street, Suite 400
 Las Vegas, Nevada 89101
 Telephone: (702) 629-7900
 Facsimile: (702) 629-7925
 Email: laa@mgalaw.com
mes@mgalaw.com

21 *Attorneys for Plaintiff*

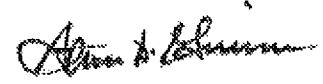
22 

23 An employee of Snell & Wilmer L.L.P.

Snell & Wilmer

3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
TEL: 702.629.7900

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CLERK OF THE COURT

1 OGM
2 RICHARD C. GORDON, ESQ.
3 Nevada Bar No. 9036
4 BRADLEY T. AUSTIN, ESQ.
5 Nevada Bar No. 13064
6 SNELL & WILMER L.L.P.
7 3883 Howard Hughes Parkway, Suite 1100
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9 Telephone: (702) 784-5200
10 Facsimile: (702) 784-5252
11 Email: rgordon@swlaw.com
12 baustin@swlaw.com

13 *Attorneys for Wells Fargo Bank, N.A.
14 and Federal National Mortgage Association*

15 DISTRICT COURT

16 CLARK COUNTY, NEVADA

17 SANDY WHITEHOUSE, an individual
18 JOHN WHITEHOUSE, an individual, S&J
19 INVESTMENTS, LLC, a Nevada Limited
20 Liability Company,

21 Plaintiffs,

22 vs.

23 WELLS FARGO BANK, N.A., a National
24 Association; QUALITY LOAN SERVICE
25 CORPORATION, a foreign corporation;
26 FEDERAL NATIONAL MORTGAGE
27 ASSOCIATION, a National Association;
28 DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. A-14-694641-C
DEPT. NO. XXX

ORDER GRANTING WELLS FARGO
BANK, N.A.'S COUNTERMOTION TO
DISMISS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

23 This matter concerning Plaintiffs' Motion for Preliminary Injunction and Defendant's
24 Counter-motion to Dismiss came on for hearing on the 13th day of February, 2014 at the hour of
25 9:00 a.m. before Department XXX of the Eighth Judicial District Court, in and for Clark County,
26 Nevada, with JUDGE JERRY WIESE presiding; Plaintiffs SANDY WHITEHOUSE, JOHN
27 WHITEHOUSE and S&J INVESTMENTS, LLC appeared by and through their attorney
28 MARGARET E. SCHMIDT, ESQ. of the law firm, MAIER GUTIERREZ AYON; Defendant

Maier Gutierrez Ayon
Attorneys at Law
1000 Las Vegas Blvd. S., Suite 1000
Las Vegas, NV 89101
Tel: 702.734.1100
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Snell & Wilmer

1000 ...
1000 ...
1000 ...

1 WELLS FARGO BANK, N.A. appeared by and through its attorney, RICHARD C. GORDON,
2 ESQ. of the law firm SNELL & WILMER, LLP, and Defendant QUALITY LOAN SERVICE
3 CORPORATION appeared by and through its attorney, GARY FINK, ESQ. of the law firm
4 MCCARTHY & HOLTHUS. Having reviewed the papers and pleadings on file herein and heard
5 oral arguments of counsel, this Court makes the following Findings of Fact and Conclusions of
6 Law:

7 1. At the hearing on February 13, 2014, counsel for Wells Fargo advised the Court
8 that the Honorable Judge Susan Johnson of Department XXII ruled on an identical case involving
9 the same property, requesting the same relief, and addressing the same legal issues in Case No. A-
10 13-691390-C (the "First Action").

11 2. The First Action was fully and finally adjudicated on January 7, 2014, and the case
12 was dismissed on the merits and in its entirety (the "Original Dismissal Order").

13 3. A Notice of Entry of the Original Dismissal Order was filed and served on
14 February 4, 2014.

15 4. Because the issues decided in the First Action are identical to the issues presented
16 in the pending litigation, involved the same property, involved the same parties or their privies,
17 and was fully and finally adjudicated on the merits, the doctrines of issue and claim preclusion
18 bar the pending action. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054-55 (2008).

19 5. Pursuant to these findings, IT IS ORDERED, ADJUDGED, AND DECREED that
20 Plaintiff's Motion for Preliminary Injunction is DENIED.

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6. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Wells Fargo's
Countermotion to Dismiss is GRANTED without prejudice.

DATED this 26 day of February 2014.



DISTRICT COURT JUDGE

Submitted by:
SNELL & WILMER L.L.P.

Richard C. Gordon, Esq.
Nevada Bar No. 9936
Bradley T. Austin, Esq.
Nevada Bar No. 13064
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Wells Fargo Bank, N.A.
and Federal National Mortgage Association*

Approved as to form and content:



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Margaret E. Schmidt, Esq.
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Attorneys for Plaintiffs

Kristin A. Schuler-Hintz, Esq.
Christopher M. Hunter, Esq.
Janice Jacobino, Esq.
Gary Pink, Esq.
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*Attorneys for Quality Loan Service
Corporation*

13767859.3

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CLERK OF THE COURT

1 **ASTA**
 LUIS A. AYON, ESQ.
 2 Nevada Bar No. 9752
 MARGARET E. SCHMIDT, ESQ.
 3 Nevada Bar No. 12489
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 6 E-mail: laa@mgalaw.com
mes@mgalaw.com
 7 *Attorneys for Appellants Sandy and John*
Whitehouse and S&J Investments, LLC

8
 9 **DISTRICT COURT**
 10 **CLARK COUNTY, NEVADA**

11 SANDY WHITEHOUSE; an individual JOHN
 12 WHITEHOUSE, an individual, S&J
 INVESTMENTS, LLC, a Nevada Limited
 13 Liability Company,

Case No.: A-14-694641-C
 Dept. No.: XXX

CASE APPEAL STATEMENT

14 Plaintiff,

15 vs.

16 WELLS FARGO BANK, N.A., a National
 Association; QUALITY LOAN SERVICE
 17 CORPORATION, a foreign corporation;
 FEDERAL NATIONAL MORTGAGE
 18 ASSOCIATION, a National Association;
 DOES I through X; and ROE
 19 CORPORATIONS I through X, inclusive,

20 Defendants.

21
 22 **1. Name of appellant filing this case appeal statement:**

23 Sandy Whitehouse, John Whitehouse and S&J Investments, LLC.

24 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

25 The Honorable Judge Jerry A. Wiese II, Eighth Judicial District Court, Clark County,
 26 Nevada.

27 **3. Identify each appellant and the name and address of counsel for appellant:**

28 Appellants Sandy Whitehouse, John Whitehouse and S&J Investments, LLC ("Appellants")

1 are represented by Luis A. Ayon, Esq., of the law firm MAIER GUTIERREZ AYON, 400 South
2 Seventh Street, Suite 400, Las Vegas, Nevada 89101, (702) 629-7900.

3 **4. Identify each respondent and the name and address of appellate counsel, if known, for**
4 **each respondent (if the name of a respondent's appellate counsel is unknown, indicate**
5 **as much and provide the name and address of that respondent's trial counsel):**

6 Respondents Wells Fargo Bank, N.A. ("Wells Fargo") and Federal National Mortgage
7 Association ("Fannie Mae") are represented by Richard C. Gordon, Esq. and Bradley T. Austin,
8 Esq., of the law firm SNELL & WILMER LLP, 3883 Howard Hughes Parkway, Suite 1100, Las
9 Vegas, Nevada 89169, (702) 784-5200.

10 Respondent Quality Loan Service Corporation ("Quality Loan") is represented by Kristin
11 A. Schuler-Hintz, Esq. and Janice Jacovino, Esq., of the law firm MCCARTHY & HOLTHUS, LLP,
12 9510 W. Sahara Avenue, Suite 200, Las Vegas, Nevada 89117, (702) 685-0329.

13 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
14 **licensed to practice law in Nevada, and if so, whether the district court granted that**
15 **attorney permission to appear under SCR 42 (attach a copy of any district court order**
16 **granting such permission):**

17 Not applicable.

18 **6. Indicate whether appellant was represented by appointed or retained counsel in the**
19 **district court:**

20 Retained counsel.

21 **7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

22 Retained counsel.

23 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the**
24 **date of entry of the district court order granting such leave:**

25 Not applicable.

26 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
27 **complaint, indictment, information, or petition was filed):**

28 Appellants' complaint was filed on January 16, 2014.

1 **10. Provide a brief description of the nature of the action and result in the district court,**
2 **including the type of judgment or order being appealed and the relief granted by the**
3 **district court:**

4 Appellant in the underlying action purchased the subject property at a homeowners
5 association foreclosure sale conducted pursuant to NRS 116.3116 *et seq.* NRS 116.3116 provides
6 an association with a statutory lien against the unit owners' unit. *See* NRS 116.3116(1). Sections
7 116.31162 through 116.31168 of the NRS describe the enforcement of an association lien through
8 non-judicial foreclosure. While an association's lien is generally subordinate to a first deed of trust,
9 NRS 116.3116(2) provides for a portion of the association's lien (the "super-priority" lien) to be
10 prior to a first deed of trust upon foreclosure of the unit. Accordingly, when an association
11 forecloses its lien that contains super-priority amounts, any first deed of trust is extinguished, along
12 with any junior security interest.

13 Thus, Appellants' initiated a lawsuit for quiet title and injunctive relief on November 7, 2013
14 against Wells Fargo and National Default. However, following the court's denial of Appellants'
15 motion for preliminary injunction, on December 5, 2013, Wells Fargo and National Default
16 foreclosed on the subject property and sold it to Fannie Mae. An order was never entered from
17 which Appellants could appeal. Thereafter, the court granted Quality Loan's motion to dismiss and
18 Respondent's case was dismissed. An appeal followed (Case No. 65169).

19 Because the purchaser of the subject property, Fannie Mae, is not a party to the original
20 lawsuit, any relief granted by the Nevada Supreme Court on appeal would not enjoin it.
21 Accordingly, Appellants initiated the instant lawsuit for wrongful foreclosure and injunctive relief
22 on January 16, 2014 against Fannie Mae, Wells Fargo and National Default. On January 17, 2014,
23 Appellants filed a motion for preliminary injunction in order to enjoin Respondents from
24 transferring the property to yet another party. and interfering with Appellant's enjoyment of the
25 property. On February 10, 2014, just three days prior to the hearing, Wells Fargo filed an
26 opposition thereto as well as a countermotion to dismiss. On February 13, 2014, Judge Wiese
27 denied Appellant's motion for preliminary injunction and granted Wells Fargo's countermotion to
28

1 dismiss based on principles of res judicata. The order granting Wells Fargo's counter-motion was
2 entered on March 7, 2014.

3 In Nevada, "res judicata precludes parties or those in privity with them from relitigating a
4 cause of action or an issue which has been finally determined by a court of competent jurisdiction"
5 (*University of Nevada v. Tarkanian*, 110 Nev. 581, 598, 879 P.2d 1180, 1191 (1994)) and applies
6 when the following requirements are met: (1) the issue decided in the prior litigation must be
7 identical to the issue presented in the current action; (2) the initial ruling must have been on the
8 merits and have become final; and (3) the party against whom the judgment is asserted must have
9 been a party or in privity with a party to the prior litigation. *Id.*

10 However, the instant lawsuit appealed from included a different cause of action (wrongful
11 foreclosure) and a different party (Fannie Mae). Accordingly, this appeal followed.

12 **11. Indicate whether the case has previously been the subject of an appeal to or original**
13 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
14 **docket number of the prior proceeding:**

15 Not applicable.

16 **12. Indicate whether this appeal involves child custody or visitation:**

17 Not applicable.

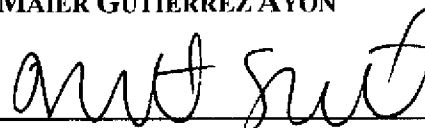
18 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

19 The parties have discussed the possibility of settlement in this case.

20 DATED this 9th day of April, 2014.

21 Respectfully submitted,

22 MAIER GUTIERREZ AYON

23 

24 LUIS AYON, ESQ.
25 Nevada Bar No. 9752
26 MARGARET E. SCHMIDT, ESQ.
27 Nevada Bar No. 12489
28 400 South Seventh Street, Suite 400
Las Vegas, Nevada 89101
*Attorneys for Appellants Sandy and John
Whitehouse and S&J Investments, LLC*

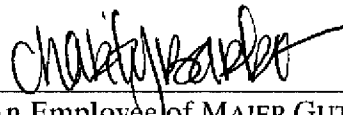
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CERTIFICATE OF SERVICE

I do hereby certify that on the 9th day of April, 2014, I served a copy of the foregoing **CASE APPEAL STATEMENT** by mailing in a sealed, first class postage-prepaid envelope, deposited with the United States Postal Service in Las Vegas, Nevada, addressed to the following:

Richard C. Gordon, Esq.
Bradley T. Austin, Esq.
SNELL & WILMER LLP
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Defendant Wells Fargo Bank, N.A.
and Federal National Mortgage Association*

Kristin A. Schuler-Hintz, Esq.
Janice Jacobino, Esq.
MCCARTHY & HOLTHUS, LLP
9510 W. Sahara Avenue
Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendant Quality Loan Service Corporation



An Employee of MAIER GUTIERREZ AYON

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-14-694641-C

Sandy Whitehouse, Plaintiff(s)
vs.
Wells Fargo Bank NA, Defendant(s)

§
§
§
§

Location: **Department 30**
Judicial Officer: **Wiese, Jerry A**
Filed on: **01/16/2014**
Cross-Reference Case Number: **A694641**

CASE INFORMATION

Case Type: **Title to Property**
Subtype: **Foreclosure**
Case Flags: **Appealed to Supreme Court**

DATE	CASE ASSIGNMENT
------	-----------------




Current Case Assignment

Case Number	A-14-694641-C
Court	Department 30
Date Assigned	01/16/2014
Judicial Officer	Wiese, Jerry A












PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	S and J Investments LLC	Ayon, Luis A. <i>Retained</i> 702-629-7900(W)
	Whitehouse, John	Ayon, Luis A. <i>Retained</i> 702-629-7900(W)
	Whitehouse, Sandy	Ayon, Luis A. <i>Retained</i> 702-629-7900(W)
Defendant	Federal National Mortgage Association	
	Quality Loan Service Corporation	Schuler-Hintz, Kristin A., ESQ <i>Retained</i> 702-685-0329(W)
	Wells Fargo Bank NA	Gordon, Richard C. <i>Retained</i> 7027845252(W)






DATE	EVENTS & ORDERS OF THE COURT	INDEX
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01/16/2014	 Complaint Filed By: Plaintiff Whitehouse, Sandy <i>Complaint</i>	
01/16/2014	 Initial Appearance Fee Disclosure Filed By: Plaintiff Whitehouse, Sandy <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
01/16/2014	Case Opened	
01/17/2014	 Motion for Preliminary Injunction Filed By: Plaintiff Whitehouse, Sandy <i>Plaintiff's Motion for Preliminary Injunction</i>	

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-14-694641-C

- 01/17/2014  Ex Parte
Filed By: Plaintiff Whitehouse, Sandy
Plaintiff's Ex Parte Application for Temporary Restraining Order
- 01/17/2014  Notice of Lis Pendens
Filed by: Plaintiff Whitehouse, Sandy
Notice of Lis Pendens
- 01/29/2014  Affidavit of Service
Filed By: Plaintiff Whitehouse, Sandy
Affidavit of Service
- 01/31/2014  Affidavit of Service
Filed By: Plaintiff Whitehouse, Sandy
Affidavit of Process Server
- 02/03/2014  Affidavit of Service
Filed By: Plaintiff Whitehouse, Sandy
Affidavit of Service
- 02/10/2014  Opposition and Counter-motion
Filed By: Defendant Wells Fargo Bank NA
Defendant Wells Fargo Bank, N.A.'s Opposition to Plaintiffs' Motion for Preliminary Injunction and Counter-motion to Dismiss
- 02/11/2014  Notice of Hearing
Filed By: Defendant Wells Fargo Bank NA
Notice of Hearing of Wells Fargo Bank, N.A.'s Counter-motion to Dismiss
- 02/11/2014  Initial Appearance Fee Disclosure
Filed By: Defendant Wells Fargo Bank NA
Defendant Wells Fargo Bank, N.A.'s Initial Appearance Fee Disclosure
- 02/12/2014  Joinder To Motion
Filed By: Defendant Quality Loan Service Corporation
Joinder of Defendant Wells Fargo Bank, N.A.'s Opposition to Plaintiff's Motion for Preliminary Injunction and Counter-motion to Dismiss
- 02/12/2014  Initial Appearance Fee Disclosure
Filed By: Defendant Quality Loan Service Corporation
Initial Appearance Fee Disclosure
- 02/12/2014  Notice
Filed By: Defendant Wells Fargo Bank NA
Notice to Vacate March 18, 2014 Hearing on Wells Fargo Bank, N.A.'s Counter-motion to Dismiss
- 02/13/2014 **Motion for Preliminary Injunction** (9:00 AM) (Judicial Officer: Wiese, Jerry A)
Plaintiff's Motion for Preliminary Injunction
- 02/13/2014 **Opposition and Counter-motion** (9:00 AM) (Judicial Officer: Wiese, Jerry A)
Defendant Wells Fargo Bank, N.A.'s Opposition to Plaintiffs' Motion for Preliminary Injunction and Counter-motion to Dismiss

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-14-694641-C

02/13/2014	 All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A)
03/07/2014	 Order Granting Filed By: Defendant Wells Fargo Bank NA <i>Order Granting Wells Fargo Bank, N.A.'s Countermotion to Dismiss</i>
03/07/2014	Order of Dismissal Without Prejudice (Judicial Officer: Wiese, Jerry A) Debtors: Sandy Whitehouse (Plaintiff), John Whitehouse (Plaintiff), S and J Investments I.L.C (Plaintiff) Creditors: Wells Fargo Bank NA (Defendant) Judgment: 03/07/2014, Docketed: 03/14/2014
03/10/2014	 Notice of Entry of Order Filed By: Defendant Wells Fargo Bank NA <i>Notice of Entry of Order</i>
04/09/2014	 Notice of Appeal Filed By: Plaintiff Whitehouse, Sandy <i>Notice of Appeal</i>
04/09/2014	 Case Appeal Statement Filed By: Plaintiff Whitehouse, Sandy <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
------	-----------------------

Defendant Quality Loan Service Corporation	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 4/11/2014	0.00
Defendant Wells Fargo Bank NA	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 4/11/2014	0.00
Plaintiff S and J Investments LLC	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/11/2014	0.00
Plaintiff Whitehouse, John	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/11/2014	0.00
Plaintiff Whitehouse, Sandy	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 4/11/2014	0.00

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

I. Party Information

Plaintiff(s) (name/address/phone): SANDY WHITEHOUSE; an individual JOHN WHITEHOUSE, an individual, S&J INVESTMENTS, LLC, a Nevada Limited Liability Company

Attorney (name/address/phone): Luis A. Ayon, Esq., Margaret E. Schmidt, Esq., MAIER GUTIERREZ AYON, 400 South Seventh Street, Suite 400, Las Vegas, Nevada 89101 (702) 629-7900

Defendant(s) (name/address/phone): WELLS FARGO BANK, N.A., a National Association; QUALITY LOAN SERVICE CORPORATION, a foreign corporation; FEDERAL NATIONAL MORTGAGE ASSOCIATION, a National Association; DOES I through X; and ROE CORPORATIONS I through X, inclusive,

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases

<p>Real Property</p> <p><input type="checkbox"/> Landlord/Tenant</p> <p style="padding-left: 20px;"><input type="checkbox"/> Unlawful Detainer</p> <p><input checked="" type="checkbox"/> Title to Property</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Foreclosure</p> <p style="padding-left: 20px;"><input type="checkbox"/> Liens</p> <p style="padding-left: 20px;"><input type="checkbox"/> Quiet Title</p> <p style="padding-left: 20px;"><input type="checkbox"/> Specific Performance</p> <p><input type="checkbox"/> Condemnation/Eminent Domain</p> <p><input type="checkbox"/> Other Real Property</p> <p style="padding-left: 20px;"><input type="checkbox"/> Partition</p> <p style="padding-left: 20px;"><input type="checkbox"/> Planning/Zoning</p>	<p>Torts</p> <p style="text-align: center;">Negligence</p> <p><input type="checkbox"/> Negligence – Auto</p> <p><input type="checkbox"/> Negligence – Medical/Dental</p> <p><input type="checkbox"/> Negligence – Premises Liability (Slip/Fall)</p> <p><input type="checkbox"/> Negligence – Other</p>	<p><input type="checkbox"/> Product Liability</p> <p style="padding-left: 20px;"><input type="checkbox"/> Product Liability/Motor Vehicle</p> <p style="padding-left: 20px;"><input type="checkbox"/> Other Torts/Product Liability</p> <p><input type="checkbox"/> Intentional Misconduct</p> <p style="padding-left: 20px;"><input type="checkbox"/> Torts/Defamation (Libel/Slander)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Interfere with Contract Rights</p> <p><input type="checkbox"/> Employment Torts (Wrongful termination)</p> <p><input type="checkbox"/> Other Torts</p> <p style="padding-left: 20px;"><input type="checkbox"/> Anti-trust</p> <p style="padding-left: 20px;"><input type="checkbox"/> Fraud/Misrepresentation</p> <p style="padding-left: 20px;"><input type="checkbox"/> Insurance</p> <p style="padding-left: 20px;"><input type="checkbox"/> Legal Tort</p> <p style="padding-left: 20px;"><input type="checkbox"/> Unfair Competition</p>
<p>Probate</p> <p>Estimated Estate Value: _____</p> <p><input type="checkbox"/> Summary Administration</p> <p><input type="checkbox"/> General Administration</p> <p><input type="checkbox"/> Special Administration</p> <p><input type="checkbox"/> Set Aside Estates</p> <p><input type="checkbox"/> Trust/Conservatorships</p> <p style="padding-left: 20px;"><input type="checkbox"/> Individual Trustee</p> <p style="padding-left: 20px;"><input type="checkbox"/> Corporate Trustee</p> <p><input type="checkbox"/> Other Probate</p>	<p>Other Civil Filing Types</p> <p><input type="checkbox"/> Construction Defect</p> <p style="padding-left: 20px;"><input type="checkbox"/> Chapter 40</p> <p style="padding-left: 20px;"><input type="checkbox"/> General</p> <p><input type="checkbox"/> Breach of Contract</p> <p style="padding-left: 20px;"><input type="checkbox"/> Building & Construction</p> <p style="padding-left: 20px;"><input type="checkbox"/> Insurance Carrier</p> <p style="padding-left: 20px;"><input type="checkbox"/> Commercial Instrument</p> <p style="padding-left: 20px;"><input type="checkbox"/> Other Contracts/Acct/Judgment</p> <p style="padding-left: 20px;"><input type="checkbox"/> Collection of Actions</p> <p style="padding-left: 20px;"><input type="checkbox"/> Employment Contract</p> <p style="padding-left: 20px;"><input type="checkbox"/> Guarantee</p> <p style="padding-left: 20px;"><input type="checkbox"/> Sale Contract</p> <p style="padding-left: 20px;"><input type="checkbox"/> Uniform Commercial Code</p> <p><input type="checkbox"/> Civil Petition for Judicial Review</p> <p style="padding-left: 20px;"><input type="checkbox"/> Foreclosure Mediation</p> <p style="padding-left: 20px;"><input type="checkbox"/> Other Administrative Law</p> <p style="padding-left: 20px;"><input type="checkbox"/> Department of Motor Vehicles</p> <p style="padding-left: 20px;"><input type="checkbox"/> Worker's Compensation Appeal</p>	

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

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

January 16, 2014

Date

Signature of initiating party or representative

See other side for family-related case filings.

CLERK OF THE COURT

1 OGM
2 RICHARD C. GORDON, ESQ.
3 Nevada Bar No. 9036
4 BRADLEY T. AUSTIN, ESQ.
5 Nevada Bar No. 13064
6 SNELL & WILMER L.L.P.
7 3883 Howard Hughes Parkway, Suite 1100
8 Las Vegas, NV 89169
9 Telephone: (702) 784-5200
10 Facsimile: (702) 784-5252
11 Email: rgordon@swlaw.com
12 baustin@swlaw.com

13 *Attorneys for Wells Fargo Bank, N.A.*
14 *and Federal National Mortgage Association*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 SANDY WHITEHOUSE; an individual
18 JOHN WHITEHOUSE, an individual, S&J
19 INVESTMENTS, LLC, a Nevada Limited
20 Liability Company,

21 Plaintiffs,

22 vs.

23 WELLS FARGO BANK, N.A., a National
24 Association; QUALITY LOAN SERVICE
25 CORPORATION, a foreign corporation;
26 FEDERAL NATIONAL MORTGAGE
27 ASSOCIATION, a National Association;
28 DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. A-14-694641-C
DEPT. NO. XXX

**ORDER GRANTING WELLS FARGO
BANK, N.A.'S COUNTERMOTION TO
DISMISS**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

23 This matter concerning Plaintiffs' Motion for Preliminary Injunction and Defendant's
24 Counter-motion to Dismiss came on for hearing on the 13th day of February, 2014 at the hour of
25 9:00 a.m. before Department XXX of the Eighth Judicial District Court, in and for Clark County,
26 Nevada, with JUDGE JERRY WIESE presiding; Plaintiffs SANDY WHITEHOUSE, JOHN
27 WHITEHOUSE and S&J INVESTMENTS, LLC appeared by and through their attorney
28 MARGARET E. SCHMIDT, ESQ. of the law firm, MAIER GUTIERREZ AYON; Defendant

Snell & Wilmer
L.L.P.

LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 784-5200

1 WELLS FARGO BANK, N.A. appeared by and through its attorney, RICHARD C. GORDON,
2 ESQ. of the law firm SNELL & WILMER, LLP; and Defendant QUALITY LOAN SERVICE
3 CORPORATION appeared by and through its attorney, GARY FINK, ESQ. of the law firm
4 MCCARTHY & HOUTHUS. Having reviewed the papers and pleadings on file herein and heard
5 oral arguments of counsel, this Court makes the following Findings of Fact and Conclusions of
6 Law:

7 1. At the hearing on February 13, 2014, counsel for Wells Fargo advised the Court
8 that the Honorable Judge Susan Johnson of Department XXII ruled on an identical case involving
9 the same property, requesting the same relief, and addressing the same legal issues in Case No. A-
10 13-691390-C (the "First Action").

11 2. The First Action was fully and finally adjudicated on January 7, 2014, and the case
12 was dismissed on the merits and in its entirety (the "Original Dismissal Order").

13 3. A Notice of Entry of the Original Dismissal Order was filed and served on
14 February 4, 2014.

15 4. Because the issues decided in the First Action are identical to the issues presented
16 in the pending litigation, involved the same property, involved the same parties or their privies,
17 and was fully and finally adjudicated on the merits, the doctrines of issue and claim preclusion
18 bar the pending action. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054-55 (2008).

19 5. Pursuant to these findings, IT IS ORDERED, ADJUDGED, AND DECREED that
20 Plaintiff's Motion for Preliminary Injunction is DENIED.

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6. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Wells Fargo's
Countermotion to Dismiss is GRANTED without prejudice.

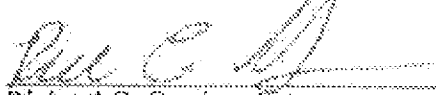
DATED this 16th day of February 2014.

DISTRICT COURT JUDGE



Submitted by:

SNELL & WILMER L.L.P.



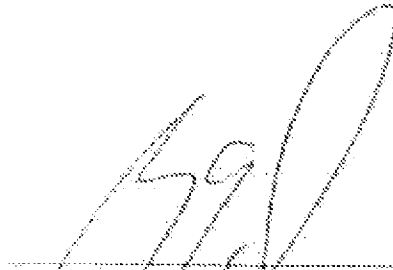
Richard C. Gordon, Esq.
Nevada Bar No. 9036
Bradley T. Austin, Esq.
Nevada Bar No. 13064
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169

*Attorneys for Wells Fargo Bank, N.A.
and Federal National Mortgage Association*

Approved as to form and content:

Luis A. Ayon, Esq.
Margaret E. Schmidt, Esq.
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Telephone: (702) 629-7900
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mes@mgalaw.com

Attorneys for Plaintiffs



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Christopher M. Hunter, Esq.
Janice Jacobino, Esq.
Gary Fink, Esq.
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*Attorneys for Quality Loan Service
Corporation*

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6. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Wells Fargo's
Counter-motion to Dismiss is GRANTED without prejudice.

DATED this 26 day of February 2014.



DISTRICT COURT JUDGE

Submitted by:
SNELL & WILMER L.L.P.

Richard C. Gordon, Esq.
Nevada Bar No. 9036
Bradley T. Austin, Esq.
Nevada Bar No. 13064
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Wells Fargo Bank, N.A.
and Federal National Mortgage Association*

Approved as to form and content:

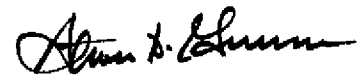


Luis A. Ayon, Esq.
Margaret E. Schmidt, Esq.
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Christopher M. Hunter, Esq.
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Facsimile: (866) 339-5691
Email: KHintz@mccarthymholthus.com

*Attorneys for Quality Loan Service
Corporation*



CLERK OF THE COURT

1 RICHARD C. GORDON, ESQ.
Nevada Bar No. 9036
2 BRADLEY T. AUSTIN, ESQ.
Nevada Bar No. 13064
3 SNELL & WILMER L.L.P.
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4 Las Vegas, NV 89169
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5 Facsimile: (702) 784-5252
Email: rgordon@swlaw.com
6 baustin@swlaw.com

7 *Attorneys for Wells Fargo Bank, N.A.*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 SANDY WHITEHOUSE; an individual
11 JOHN WHITEHOUSE, an individual, S&J
INVESTMENTS, LLC, a Nevada Limited
Liability Company,

12 Plaintiffs,

13 vs.

14 WELLS FARGO BANK, N.A., a National
15 Association; QUALITY LOAN SERVICE
CORPORATION, a foreign corporation;
16 FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a National Association;
17 DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

18 Defendants.
19

CASE NO. A-14-694641-C
DEPT. NO. XXX

NOTICE OF ENTRY OF ORDER

20 PLEASE TAKE NOTICE that the ORDER GRANTING WELLS FARGO BANK,
21 N.A.'S COUNTERMOTION TO DISMISS was entered with this Court on March 7, 2014, a
22 copy of which is attached hereto.

23 DATED: March ¹⁰~~6~~, 2014

SNELL & WILMER L.L.P.

24 By: 

Richard C. Gordon, Esq. (Bar No. 9036)
Bradley T. Austin, Esq. (Bar No. 13064)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

Attorneys for Wells Fargo Bank, N.A.

Snell & Wilmer

LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 784-5200

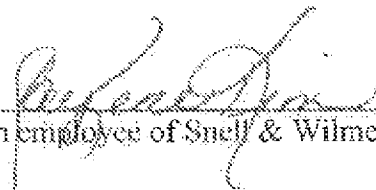
1 CERTIFICATE OF SERVICE

2 I hereby certify I am employed in Clark County, where this mailing occurs. My business
3 address is 3883 Howard Hughes Parkway, Suite 1100, Las Vegas, Nevada 89169. I am over the
4 age of 18 years and not a party to the within cause. On March 10, 2014, following ordinary
5 business practice, I served the foregoing document described as follows: ORDER GRANTING
6 WELLS FARGO BANK, N.A.'S COUNTERMOTION TO DISMISS
7

- 8 **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set
9 forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed
10 transmission record is attached to the file copy of this document(s).
- 11 **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage
12 thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth
13 below.
- 14 **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email address(es) of
15 the individual(s) listed below.
- 16 **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic
17 filing and service upon the Court's Service List for the above-referenced case.

18 Luis A. Ayon, Esq.
19 Margaret E. Schmidt, Esq.
20 MAIER GUTIERREZ AYON
21 400 South Seventh Street, Suite 400
22 Las Vegas, Nevada 89101
23 Telephone: (702) 629-7900
24 Facsimile: (702) 629-7925
25 Email: laa@mgalaw.com
26 mes@mgalaw.com

27 *Attorneys for Plaintiff*

28 
An employee of Snell & Wilmer L.L.P.

Snell & Wilmer

L.L.P.
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 629-7900


CLERK OF THE COURT

1 OGM
2 RICHARD C. GORDON, ESQ.
3 Nevada Bar No. 9036
4 BRADLEY T. AUSTIN, ESQ.
5 Nevada Bar No. 13064
6 SNELL & WILMER, L.L.P.
7 3883 Howard Hughes Parkway, Suite 1100
8 Las Vegas, NV 89169
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10 Facsimile: (702) 784-5252
11 Email: rgordon@swlaw.com
12 baustin@swlaw.com

13 *Attorneys for Wells Fargo Bank, N.A.*
14 *and Federal National Mortgage Association*

15 DISTRICT COURT

16 CLARK COUNTY, NEVADA

17 SANDY WHITEHOUSE; an individual
18 JOHN WHITEHOUSE, an individual, S&J
19 INVESTMENTS, LLC, a Nevada Limited
20 Liability Company,

21 Plaintiffs,

22 vs.

23 WELLS FARGO BANK, N.A., a National
24 Association; QUALITY LOAN SERVICE
25 CORPORATION, a foreign corporation;
26 FEDERAL NATIONAL MORTGAGE
27 ASSOCIATION, a National Association;
28 DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. A-14-694641-C
DEPT. NO. XXX

ORDER GRANTING WELLS FARGO
BANK, N.A.'S COUNTERMOTION TO
DISMISS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

23 This matter concerning Plaintiffs' Motion for Preliminary Injunction and Defendant's
24 Counteraction to Dismiss came on for hearing on the 13th day of February, 2014 at the hour of
25 9:00 a.m. before Department XXX of the Eighth Judicial District Court, in and for Clark County,
26 Nevada, with JUDGE JERRY WIESE presiding; Plaintiffs SANDY WHITEHOUSE, JOHN
27 WHITEHOUSE and S&J INVESTMENTS, LLC appeared by and through their attorney
28 MARGARET E. SCHMIDT, ESQ. of the law firm, MAIER GUTIERREZ AYON; Defendant

Snell & Wilmer

3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rgordon@swlaw.com
baustin@swlaw.com

1 WELLS FARGO BANK, N.A. appeared by and through its attorney, RICHARD C. GORDON,
2 ESQ, of the law firm SNELL & WILMER, LLP; and Defendant QUALITY LOAN SERVICE
3 CORPORATION appeared by and through its attorney, GARY FINK, ESQ. of the law firm
4 MCCARTHY & HOLTHUS. Having reviewed the papers and pleadings on file herein and heard
5 oral arguments of counsel, this Court makes the following Findings of Fact and Conclusions of
6 Law:

7 1. At the hearing on February 13, 2014, counsel for Wells Fargo advised the Court
8 that the Honorable Judge Susan Johnson of Department XXII ruled on an identical case involving
9 the same property, requesting the same relief, and addressing the same legal issues in Case No. A-
10 13-691390-C (the "First Action").

11 2. The First Action was fully and finally adjudicated on January 7, 2014, and the case
12 was dismissed on the merits and in its entirety (the "Original Dismissal Order").

13 3. A Notice of Entry of the Original Dismissal Order was filed and served on
14 February 4, 2014.

15 4. Because the issues decided in the First Action are identical to the issues presented
16 in the pending litigation, involved the same property, involved the same parties or their privies,
17 and was fully and finally adjudicated on the merits, the doctrines of issue and claim preclusion
18 bar the pending action. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054-55 (2008).

19 5. Pursuant to these findings, IT IS ORDERED, ADJUDGED, AND DECREED that
20 Plaintiff's Motion for Preliminary Injunction is DENIED.

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6. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Wells Fargo's
Countermotion to Dismiss is GRANTED without prejudice.

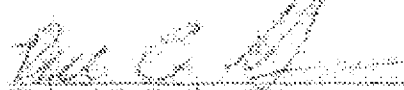
DATED this 6th day of February 2014.

DISTRICT COURT JUDGE

9A

Submitted by:

SNELL & WILMER LLP



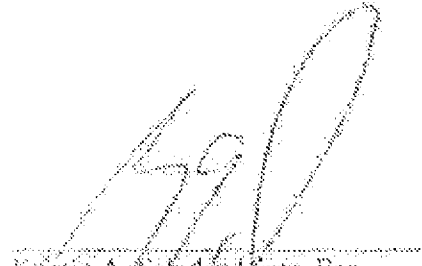
Richard C. Gordon, Esq.
Nevada Bar No. 9036
Bradley T. Austin, Esq.
Nevada Bar No. 13064
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Las Vegas, Nevada 89169

*Attorneys for Wells Fargo Bank, N.A.
and Federal National Mortgage Association*

Approved as to form and content:

Luis A. Ayon, Esq.
Margaret E. Schmidt, Esq.
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Las Vegas, Nevada 89101
Telephone: (702) 629-7900
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Email: lga@mgalaxy.com
mgs@mgalaxy.com

Attorneys for Plaintiff



Kristin A. Schuler-Hintz, Esq.
Christopher M. Hunter, Esq.
Janice Jacovino, Esq.
Gary Fink, Esq.
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Facsimile: (855) 339-5691
Email: KHintz@mccarthyholthus.com

*Attorneys for Quality Loan Service
Corporation*

12797852.1

Snell & Wilmer

www.snell-wilmer.com
312 West Main Street, Suite 2000
Salt Lake City, Utah 84111
Tel: 801.462.1000

DISTRICT COURT
CLARK COUNTY, NEVADA

Title to Property

COURT MINUTES

February 13, 2014

A-14-694641-C Sandy Whitehouse, Plaintiff(s)
vs.
Wells Fargo Bank NA, Defendant(s)

February 13, 2014 9:00 AM All Pending Motions

HEARD BY: Wiese, Jerry A COURTROOM: RJC Courtroom 14A

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT: Fink, Gary Attorney
Gordon, Richard C. Attorney
Schmidt, Margaret E, ESQ Attorney

JOURNAL ENTRIES

- Defendant Wells Fargo Bank, N.A.'s Opposition to Plaintiffs' Motion for Preliminary Injunction and Countermotion to Dismiss...Plaintiffs' Motion for Preliminary Injunction

Argument regarding wrongful foreclosure action; valid deed of trust; and removal of Fannie Mae as a party by Ms. Schmidt. Opposition and Countermotion by Mr. Gordon and Mr. Fink. COURT ORDERED, Plaintiffs' Motion for Preliminary Injunction, DENIED; Countermotion to Dismiss, res judicata GRANTED WITHOUT PREJUDICE; Nunc Pro Tunc does not apply; fees not awarded. Mr. Gordon to prepare the order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

LUIS A. AYON, ESQ.
400 S. SEVENTH ST., SUITE 400
LAS VEGAS, NV 89101

DATE: April 11, 2014
CASE: A694641

RE CASE: SANDY WHITEHOUSE; JOHN WHITEHOUSE; S&J INVESTMENTS, LLC vs. WELLS FARGO BANK, N.A.; QUALITY LOAN SERVICE CORPORATION; FEDERAL NATIONAL MORTGAGE ASSOCIATION

NOTICE OF APPEAL FILED: April 9, 2014

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee**
 - 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

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):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING WELLS FARGO BANK, N.A.'S COUNTERMOTION TO DISMISS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SANDY WHITEHOUSE; JOHN
WHITEHOUSE; S&J INVESTMENTS, LLC,

Plaintiff(s),

vs.

WELLS FARGO BANK, N.A.; QUALITY
LOAN SERVICE CORPORATION; FEDERAL
NATIONAL MORTGAGE ASSOCIATION,

Defendant(s),

Case No: A694641
Dept No: XXX

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 11 day of April 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk