

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 ADAMS LAW ASSOCIATES, LTD.
ADAMS LAW GROUP, LTD.
2 JAMES R. ADAMS, ESQ.
Nevada Bar No. 6874
3 ASSLY SAYYAR, ESQ.
Nevada Bar No. 9178
4 8330 W. Sahara Ave. Suite 290
Las Vegas, Nevada 89117
5 (702) 838-7200
(702) 838-3636 Fax
6 james@adamslawnevada.com
assly@adamslawnevada.com
7 Attorneys for Claimants

PUOY K. PREMSRIRUT, ESQ., INC.
Puoy K. Premsrirut, Esq.
Nevada Bar No. 7141
520 S. Fourth Street, 2nd Floor
Las Vegas, NV 89101
(702) 384-5563
(702)-385-1752 Fax
ppremsrirut@brownlawlv.com
Attorneys for Claimants

8 **STATE OF NEVADA**
9 **DEPARTMENT OF BUSINESS & INDUSTRY**
10 **REAL ESTATE DIVISION**
11 **OFFICE OF THE OMBUDSMAN FOR OWNERS IN**
12 **COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS**

Alternative Dispute Resolution Case No. _____

12 HIGHER GROUND, LLC, a Nevada limited liability company;
13 RRR HOMES, LLC, a Nevada limited liability company;
14 TRIPLE BRAIDED CORD, LLC, a Nevada limited liability
company; EQUISOURCE, LLC, a Nevada limited liability
15 company; EQUISOURCE HOLDINGS, LLC, a Nevada limited
liability company; APPLETON PROPERTIES, LLC, a Nevada
16 limited liability company; CBRIS, LLC, a Florida limited
liability company; METROPOLITAN EQUITY GROWTH
ACQUISITION PROPERTIES, LLC, a Florida limited liability
17 company (aka MEGA PROPERTIES); SOUTHERN NEVADA
ACQUISITIONS, LLC, a Nevada limited liability company,
18 VESTEDSPEC, INC., a Nevada corporation; CUSTOM
ESTATES, LLC, a Nevada limited liability company; JSW
19 REAL ESTATE INVESTMENTS, LLC., a Nevada limited
liability company; KINGFUTT'S PFM LLC, a Nevada limited
20 liability company (aka KING FUTTS PFM LLC SERIES LV
PROPERTIES); THORNTON & ASSOCIATES, LLC, a
21 Nevada limited liability company; WINGBROOK CAPITAL
LLC, a Nevada limited liability company; ELSINORE, LLC, a
22 Nevada limited liability company; KECJ, LLC a Nevada
limited liability company; MONTESA, LLC, a Nevada limited
23 liability company; EKNV, LLC, a Nevada limited liability
company; EK NEVADA, INC., a Nevada corporation; JAWA,
24 LLC., a Nevada limited liability company; HODAKA, LLC., a
Nevada limited liability company; HOMEOWNER BENEFITS,
25 LLC.; a Nevada limited liability company; MAYFAIR
PROPERTY, LLC., a Nevada limited liability company,
26 QUANTUM HOMES, LLC., a Nevada limited liability
company, IKON HOLDINGS, LLC, a Nevada limited liability
27 company, on behalf of themselves and as representatives of the
class herein defined,

28 Claimants,

1 vs.
2 ADAGIO HOMEOWNERS' ASSOCIATION;
3 ALEXANDER STATION COMMUNITY ASSOCIATION;
4 ALIANTE COVE HOMEOWNERS ASSOCIATION;
5 ALIANTE MASTER ASSOCIATION;
6 ALLURE I TOWNHOMES HOMEOWNERS'
7 ASSOCIATION;
8 ALONDRA HOMEOWNERS' ASSOCIATION;
9 AMBER HILLS III HOMEOWNERS' ASSOCIATION, INC.;
10 AMBER RIDGE COMMUNITY ASSOCIATION;
11 AMERICAN WEST VILLAGE OWNERS ASSOCIATION;
12 ANGEL COURT HOMEOWNERS ASSOCIATION;
13 ANTELOPE HOMEOWNERS' ASSOCIATION;
14 ANTHEM HIGHLANDS COMMUNITY ASSOCIATION;
15 APPALOOSA CANYON/QUARTERHORSE FALLS
16 HOMEOWNERS ASSOCIATION;
17 ARLINGTON RANCH ESTATES HOMEOWNERS
18 ASSOCIATION;
19 ARLINGTON RANCH LANDSCAPE MAINTENANCE
20 ASSOCIATION;
21 ARLINGTON RANCH MANOR HOMEOWNERS
22 ASSOCIATION;
23 ARLINGTON RANCH NORTH MASTER ASSOCIATION;
24 ARROYO GRANDE LANDSCAPE MAINTENANCE
25 ASSOCIATION, INC;
26 ASCENTE HOMEOWNERS ASSOCIATION
27 ASPEN HILLS II ASSOCIATION;
28 ASPEN MEADOWS HOMEOWNERS ASSOCIATION;
ASTORIA TRAILS SOUTH HOMEOWNERS
ASSOCIATION;
AUTUMN GLEN HOMEOWNERS ASSOCIATION;
AUTUMN RIDGE AT ALIANTE COMMUNITY
ASSOCIATION;
AVALON CONDOMINIUMS AT SEVEN HILLS
HOMEOWNERS' ASSOCIATION;
AVENTINE-TRAMONTI HOMEOWNERS ASSOCIATION;
AZURE ESTATES OWNERS ASSOCIATION, INC;
BACARA RIDGE ASSOCIATION;
BELCREST HOMEOWNERS ASSOCIATION;
BERKSHIRE ESTATES HOMEOWNERS ASSOCIATION;
BLACK HAWK HOMEOWNERS ASSOCIATION;
BLACK MOUNTAIN VISTAS MASTER ASSOCIATION;
BLUE DIAMOND SPRINGS LANDSCAPE MAINTENANCE
ASSOCIATION, INC.;
BLUFFS COMMUNITY ASSOCIATION;
BONITA HILLS ASSOCIATION;
BORDEAUX HOMEOWNERS ASSOCIATION, INC;
BOULDER COURT HOMEOWNERS ASSOCIATION;
BOULDER LANDING VILLAGE HOMEOWNERS'
ASSOCIATION, INC.
BOULDER RANCH MASTER ASSOCIATION;
BRADFORD PLACE COMMUNITY ASSOCIATION, INC.;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 BRAEWOOD HERITAGE ASSOCIATION, INC.;
- BRIAR HILL PARK HOME OWNERS ASSOCIATION
- 2 BRIARWOOD HOMEOWNERS ASSOCIATION;
- BRIGHTON MAINTENANCE CORPORATION;
- 3 CABRILLO TERRACE OWNERS ASSOCIATION
- CACTUS COURT HOMEOWNERS ASSOCIATION;
- 4 CACTUS SPRINGS AT FAIRFAX VILLAGE
- HOMEOWNERS' ASSOCIATION;
- 5 CACTUS SPRINGS COMMUNITY ASSOCIATION;
- CALIMESA HOMEOWNERS ASSOCIATION;
- 6 CAMBRIA COLINAS HOMEOWNERS ASSOCIATION;
- CAMBRIDGE CROSSING COMMUNITY ASSOCIATION;
- 7 CAMBRIDGE HEIGHTS COMMUNITY ASSOCIATION;
- CAMBRIDGE HOMEOWNERS ASSOCIATION;
- 8 CANYON WILLOW OWNERS' ASSOCIATION;
- CANYON WILLOW TROP OWNERS' ASSOCIATION;
- 9 CANYON WILLOW WEST OWNERS' ASSOCIATION;
- CARMEL CANYON HOMEOWNERS' ASSOCIATION;
- 10 CARMEL RIDGE ASSOCIATION;
- CARRIAGE PARK COMMUNITY ASSOCIATION;
- 11 CASA MESA CONDOMINIUMS HOMEOWNERS
- ASSOCIATION;
- 12 CASTLE ROCK ESTATES ASSOCIATION;
- CASTLERIDGE ESTATES AT TRAIL CANYON
- 13 OWNERS ASSOCIATION, INC.;
- CEDAR SPRINGS HOMEOWNERS ASSOCIATION;
- 14 CELEBRITY HOMEOWNERS' ASSOCIATION;
- CENTENNIAL PARK HOMEOWNERS ASSOCIATION;
- 15 CENTENNIAL POINT COMMUNITY ASSOCIATION;
- CHAMPION VILLAGE MASTER ASSOCIATION;
- 16 CHAMPION VILLAGE RESIDENTIAL HOMEOWNERS
- ASSOCIATION;
- 17 CHARLEMONT CONDOMINIUM HOMEOWNERS
- ASSOCIATION;
- 18 CHARLESTON HEIGHTS 44-E TOWNHOUSE OWNERS
- ASSOCIATION, INC.;
- 19 CHARLESTON VILLAGE HOMES HOMEOWNERS
- ASSOCIATION;
- 20 CHATEAU NOUVEAU CONDOMINIUM
- UNIT-OWNERS' ASSOCIATION, INC.;
- 21 CHATEAU VERSAILLES CONDOMINIUM
- UNIT-OWNERS' ASSOCIATION, INC.;
- 22 CHEYENNE AT SOUTHFORK HOMEOWNERS
- ASSOCIATION, INC.;
- 23 CHEYENNE GARDENS OWNERS' ASSOCIATION;
- CHEYENNE HILLS AT SOUTHFORK OWNERS
- 24 ASSOCIATION, INC.;
- CHRISTOPHER COMMUNITIES AT SOUTHERN
- 25 HIGHLANDS GOLF CLUB HOMEOWNERS
- ASSOCIATION;
- 26 CIMARRON RIDGE ASSOCIATION;
- CIMARRON SPRINGS OWNERS ASSOCIATION, INC.;
- 27

28

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 CIMARRON VILLAGE NORTH HOMEOWNERS ASSOCIATION;
- 2 CITRUS GARDENS HOMEOWNERS ASSOCIATION;
- 3 CITY LIGHTS ESTATES HOMEOWNERS ASSOCIATION;
- 4 CIVANO HOMEOWNERS ASSOCIATION;
- 5 CLASSICS AT IRON MOUNTAIN RANCH COMMUNITY ASSOCIATION;
- 6 CLASSICS/ESTATES AT CENTENNIAL RANCH HOMEOWNERS ASSOCIATION;
- 7 CLEARWATER CANYON PROPERTY OWNERS ASSOCIATION;
- 8 CLEARWATER COVE HOMEOWNERS ASSOCIATION;
- 9 CLIFF SHADOWS HOMEOWNERS ASSOCIATION;
- 10 CLUB ALIANTE HOMEOWNER'S ASSOCIATION, INC.;
- 11 COBBLESTONE HOMEOWNERS ASSOCIATION;
- 12 COBBLESTONE RIDGE HOMEOWNERS ASSOCIATION;
- 13 CONDOMINIUMS AT THE DISTRICT UNIT-OWNERS' ASSOCIATION, INC.;
- 14 COPPER CREEK HOMEOWNERS ASSOCIATION;
- 15 COPPER PALMS HOMEOWNERS ASSOCIATION, INC.;
- 16 COPPER RIDGE COMMUNITY ASSOCIATION;
- 17 COPPERHEAD TRAILS STREET AND LANDSCAPE MAINTENANCE CORPORATION;
- 18 CORAL CREST III HOMEOWNERS ASSOCIATION;
- 19 CORAL PALMS UNIT-OWNERS' ASSOCIATION;
- 20 CORONADO PALMS HOMEOWNERS' ASSOCIATION;
- 21 CORONADO RANCH III LANDSCAPE MAINTENANCE CORPORATION;
- 22 CORONADO RANCH LANDSCAPE MAINTENANCE CORPORATION;
- 23 CORONADO RANCH STREET AND LANDSCAPE MAINTENANCE CORPORATION;
- 24 CORTEZ HEIGHTS HOMEOWNERS ASSOCIATION;
- 25 COTTONWOOD ON ALEXANDER HOMEOWNERS ASSOCIATION;
- 26 COTTONWOOD TERRACE COMMUNITY ASSOCIATION;
- 27 COUNTRY GARDEN OWNERS' ASSOCIATION;
- 28 COUNTRY HILLS HOMEOWNERS ASSOCIATION;
- 29 COUNTRY RIDGE III HOMEOWNERS ASSOCIATION;
- 30 COUNTRYSIDE HOMEOWNERS ASSOCIATION;
- 31 COURT AT ALIANTE HOMEOWNERS ASSOCIATION;
- 32 CREEKSIDE II HOMEOWNERS ASSOCIATION;
- 33 CRESCENDO AT SILVER SPRINGS HOMEOWNERS ASSOCIATION;
- 34 CRYSTAL SPRINGS NEIGHBORHOOD HOMEOWNERS ASSOCIATION;
- 35 DAYSRING PROPERTY OWNERS ASSOCIATION, INC.;
- 36 DEER MEADOWS HOMEOWNERS ASSOCIATION;
- 37 DESERT BLOOM HOMEOWNERS ASSOCIATION;
- 38 DESERT CREEK OWNERS ASSOCIATION, INC.;
- 39 DESERT CREST HOMEOWNERS' ASSOCIATION;
- 40 DESERT GREENS HOMEOWNERS ASSOCIATION;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 DESERT SANDS VILLAS HOMEOWNERS'
ASSOCIATION;
2 DESERT SHORES COMMUNITY ASSOCIATION;
DESERT SHORES VILLAS CONDOMINIUM
3 UNIT-OWNERS' ASSOCIATION, INC;
DIAMOND CREEK HOMEOWNERS' ASSOCIATION;
4 DOUBLE DIAMOND RANCH HOMEOWNERS
ASSOCIATION, INC.;;
5 DOVE CANYON HOMEOWNERS ASSOCIATION;
DURANGO SPRINGS LANDSCAPE MAINTENANCE
6 ASSOCIATION;
EAGLE HEIGHTS AT ELKHORN SPRINGS
7 HOMEOWNERS ASSOCIATION, INC.;;
ECHO BAY CONDOMINIUMS OWNERS ASSOCIATION;
8 EDNA GARDENS OWNERS' ASSOCIATION;
ELAN OWNERS' ASSOCIATION;
9 EL CAPITAN RANCH LANDSCAPE MAINTENANCE
ASSOCIATION;
10 ELDORADO NEIGHBORHOOD FIRST HOMEOWNER
ASSOCIATION;
11 ELDORADO NEIGHBORHOOD SECOND HOMEOWNERS
ASSOCIATION;
12 ELDORADO THIRD COMMUNITY ASSOCIATION;
ELKHORN COMMUNITY ASSOCIATION, A NEVADA
13 NON-PROFIT CORPORATION;
ELKRIDGE HOMEOWNER'S ASSOCIATION, INC;
14 EMERALD RIDGE LANDSCAPE MAINTENANCE
ASSOCIATION;
15 ENCANTADA COMMUNITY ASSOCIATION;
ESCONDIDO ESTATES, INC;
16 ESPLANADE HOMEOWNERS ASSOCIATION;
ESTATES AT STALLION MOUNTAIN HOMEOWNERS'
17 ASSOCIATION;
FALLEN LEAF HOMEOWNERS' ASSOCIATION;
18 FALLS AT HIDDEN CANYON HOMEOWNERS'
ASSOCIATION;
19 FIFTH AND FARM COMMUNITY ASSOCIATION;
FIORE HOMEOWNERS ASSOCIATION;
20 FIRETHORNE III HOMEOWNERS ASSOCIATION;
FIRST LIGHT AT OLD VEGAS RANCH HOMEOWNERS
21 ASSOCIATION;
FIRST LIGHT AT ARLINGTON RANCH HOMEOWNERS
22 ASSOCIATION;
FIRST LIGHT HOMEOWNERS ASSOCIATION;
23 FOOTHILLS HOMEOWNERS ASSOCIATION;
FOREST HILLS HOMEOWNER'S ASSOCIATION, INC.;;
24 FOUR TURNBERRY PLACE CONDOMINIUM
ASSOCIATION;
25 FOX RIDGE PROPERTY OWNERS ASSOCIATION;
GALLERIA VILLAS CONDOMINIUMS ASSOCIATION;
26 GALLERY AT THE GRAND LEGACY PROPERTY
OWNERS ASSOCIATION;
27 GARDEN TERRACE HOMEOWNERS ASSOCIATION;

28

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 GENEVIEVE COURT HOMEOWNERS ASSOCIATION, INC.;
- 2 GEYSER PEAK HOMEOWNERS ASSOCIATION;
- 3 GIAVANNA HOMEOWNERS ASSOCIATION;
- 4 GLENEAGLES HOMEOWNER ASSOCIATION;
- 5 GLENWOOD VILLAGE COMMUNITY ASSOCIATION;
- 6 GRANADA POINTE LIMITED HOMEOWNERS ASSOCIATION;
- 7 GRAND TETON VILLAGE COMMUNITY ASSOCIATION;
- 8 GREEN VALLEY NEIGHBORHOOD HOMEOWNERS ASSOCIATION;
- 9 GREEN VALLEY RANCH COMMUNITY ASSOCIATION, INC.;
- 10 GREEN VALLEY SOUTH OWNERS ASSOCIATION NO. 1;
- 11 GREENWAY CROSSING HOMEOWNERS ASSOCIATION;
- 12 GREENWAY VILLAGE COMMUNITY ASSOCIATION;
- 13 HARMONY HOMEOWNERS ASSOCIATION;
- 14 HERITAGE ESTATES HOMEOWNERS ASSOCIATION;
- 15 HERITAGE SQUARE SOUTH HOMEOWNERS' ASSOCIATION, INC.;
- 16 HIDDENCREST/PARKHURST COMMUNITY ASSOCIATION;
- 17 HIGHLAND GLEN HOMEOWNERS ASSOCIATION;
- 18 HIGHLAND HILLS HOMEOWNERS ASSOCIATION, INC.;
- 19 HIGHLAND SPRINGS HOMEOWNERS' ASSOCIATION;
- 20 HIGHLANDS MAINTENANCE CORPORATION;
- 21 HIGHLANDS RANCH NORTH LANDSCAPE MAINTENANCE CORPORATION, A NEVADA NON-PROFIT CORPORATION;
- 22 HILLPOINTE PARK MAINTENANCE DISTRICT;
- 23 HILLSBORO HEIGHTS HOME OWNERS ASSOCIATION, INC.;
- 24 HILLSTONE ESTATES II HOMEOWNERS ASSOCIATION;
- 25 HOLLYWOOD HIGHLANDS EAST LANDSCAPE MAINTENANCE ASSOCIATION, INC.;
- 26 HOMETOWN ENCORE OWNERS ASSOCIATION, INC.;
- 27 HOMETOWN WEST II HOMEOWNERS ASSOCIATION;
- 28 HORIZONS AT SEVEN HILLS HOMEOWNERS ASSOCIATION;
- HUNTINGTON HOMEOWNERS ASSOCIATION, INC.;
- IMAGES - FIESTA! MASTER ASSOCIATION;
- IMAGES HOMEOWNERS ASSOCIATION;
- INDEPENDENCE II HOMEOWNERS' ASSOCIATION;
- INDIAN HILLS HOMEOWNERS ASSOCIATION;
- INDIAN WELLS HOMEOWNERS ASSOCIATION;
- INSPIRATION AT GREEN VALLEY RANCH HOMEOWNERS ASSOCIATION;
- INTERLUDE AT SOUTHERN HIGHLANDS OWNERS ASSOCIATION;
- IRON MOUNTAIN RANCH LANDSCAPE MAINTENANCE ASSOCIATION, INC.;
- IRONWOOD HOMEOWNERS ASSOCIATION;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 ISLA AT SOUTH SHORES HOMEOWNERS ASSOCIATION;
- 2 JONATHAN'S GLEN III HOMEOWNERS' ASSOCIATION;
- 3 KENSINGTON OWNERS ASSOCIATION, INC.;
- 4 LA CUESTA HOMEOWNERS ASSOCIATION, INC.;
- 5 LADERA PARK HOMEOWNER'S ASSOCIATION;
- 6 LAKE MEAD COURT HOMEOWNERS ASSOCIATION;
- 7 LAKE MEAD VIEW ESTATES OWNERS ASSOCIATION;
- 8 LAMPLIGHT COTTAGES @ CORONADO RANCH HOMEOWNERS' ASSOCIATION;
- 9 LAMPLIGHT COTTAGES @ SANTOLI HOMEOWNERS' ASSOCIATION;
- 10 LAMPLIGHT GARDENS @ CORONADO RANCH HOMEOWNERS ASSOCIATION;
- 11 LAMPLIGHT GARDENS AT SILVERADO RANCH HOMEOWNERS' ASSOCIATION;
- 12 LAMPLIGHT SQUARE @ SILVERADO RANCH HOMEOWNERS' ASSOCIATION;
- 13 LAMPLIGHT VILLAGE @ CENTENNIAL SPRINGS HOMEOWNERS ASSOCIATION;
- 14 LAMPLIGHT VILLAGE AT SILVERADO RANCH HOMEOWNERS' ASSOCIATION;
- 15 LAS HADAS HOMEOWNERS' ASSOCIATION;
- 16 LATIGO CONDOMINIUM UNIT-OWNERS' ASSOCIATION, INC.;
- 17 LAUREL CANYON HOMEOWNERS ASSOCIATION;
- 18 LEGACY CONDOMINIUM ASSOCIATION;
- 19 LEGACY VILLAGE PROPERTY OWNERS ASSOCIATION;
- 20 LEGENDS MAINTENANCE CORPORATION;
- 21 LEXINGTON/CONCORDE COMMUNITY ASSOCIATION;
- 22 LIBERTY AT MAYFIELD COMMUNITY ASSOCIATION;
- 23 LIBERTY AT PARADISE COMMUNITY ASSOCIATION;
- 24 LIBERTY AT SILVERADO RANCH COMMUNITY ASSOCIATION;
- 25 LIBERTY AT THE ORCHARDS COMMUNITY ASSOCIATION;
- 26 LIBERTY AT TIERRA LINDA COMMUNITY ASSOCIATION;
- 27 LONE MOUNTAIN HEIGHTS COMMUNITY ASSOCIATION;
- 28 LONE MOUNTAIN TERRACE ASSOCIATION;
- 29 LYNBROOK MASTER ASSOCIATION;
- 30 MADEIRA CANYON HOMEOWNERS' ASSOCIATION;
- 31 MADISON ESTATES HOMEOWNERS ASSOCIATION;
- 32 MAJESTIC HILLS COMMUNITY ASSOCIATION;
- 33 MANHATTAN HOMEOWNERS' ASSOCIATION;
- 34 MANZANITA HOMEOWNERS' ASSOCIATION;
- 35 MARAVILLA HOMEOWNERS ASSOCIATION;
- 36 MARIE ANTOINETTE HOMEOWNERS ASSOCIATION, INC.;
- 37 MARIPOSA PLACE HOMEOWNERS ASSOCIATION;
- 38 MARYLAND PEBBLE AT SILVERADO HOMEOWNERS ASSOCIATION;

1 MAYFIELD ESTATES LANDSCAPE MAINTENANCE
ASSOCIATION, INC;
2 MEADOWBROOK HOMEOWNERS ASSOCIATION;
MEADOW RIDGE II HOMEOWNERS ASSOCIATION;
3 MEADOWS CONDOMINIUMS UNIT OWNERS
ASSOCIATION;
4 MERIDIAN PARK 5 COMMUNITY ASSOCIATION;
MERIDIAN PRIVATE RESIDENCES HOMEOWNERS
5 ASSOCIATION;
MESA AND VALLA AT MOUNTAINS EDGE
6 HOMEOWNERS ASSOCIATION;
MESA HOMEOWNERS ASSOCIATION;
7 MESA VERDE BY RICHMOND HOMEOWNERS
ASSOCIATION;
8 MESA VERDE HOMEOWNERS ASSOCIATION;
MESQUITE VISTAS COMMUNITY ASSOCIATION;
9 MISSION DEL REY HOMEOWNERS ASSOCIATION;
MISSION POINTE HOMEOWNERS ASSOCIATION;
10 MONACO LANDSCAPE MAINTENANCE ASSOCIATION,
INC;
11 MONARCH ESTATES HOMEOWNERS ASSOCIATION;
MONTANA HOMEOWNERS' ASSOCIATION;
12 MONTECITO HOMEOWNERS ASSOCIATION;
MONTEROSSO VINTAGE HOMEOWNERS
13 ASSOCIATION;
MONUMENT AT LONE MOUNTAIN HOMEOWNERS
14 ASSOCIATION, INC.;
MOONDANCE/SUNCHASE COMMUNITY ASSOCIATION;
15 MOUNTAIN'S EDGE MASTER ASSOCIATION;
MOUNTAINSIDE MANOR HOMEOWNERS
16 ASSOCIATION;
MYSTIC VALLEY ASSOCIATION;
17 NEVADA TRAILS II COMMUNITY ASSOCIATION;
NEWBURY HOMEOWNERS ASSOCIATION;
18 NEWPORT COVE CONDOMINIUM UNIT-OWNERS'
ASSOCIATION, INC.;
19 NEWPORT TOWNHOMES OWNERS ASSOCIATION;
NORTH CANYON ESTATES OWNERS ASSOCIATION,
20 INC;
NORTHBROOK HOMEOWNERS ASSOCIATION, INC.;
21 NORTHRIDGE ESTATES PROPERTY OWNERS
ASSOCIATION;
22 NORTHRIDGE GARDENS HOMEOWNERS
ASSOCIATION, INC.;
23 OAK FOREST VILLAS HOMEOWNERS ASSOCIATION,
INC;
24 PACIFIC LEGENDS EAST CONDOMINIUM ASSOCIATES;
PAINTED DESERT COMMUNITY ASSOCIATION;
25 PALERMO WEST HOMEOWNERS ASSOCIATION;
PALM CANYON HOMEOWNERS' ASSOCIATION;
26 PALMILLA HOMEOWNER'S ASSOCIATION;
PALOMA HOMEOWNERS;
27

- 1 PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'
ASSOCIATION, INC;
- 2 PARADISE COURT HOMEOWNERS ASSOCIATION;
PARADISE ISLAND HOMEOWNER'S ASSOCIATION;
- 3 PARADISE MEADOWS HOMEOWNERS ASSOCIATION;
PARCEL 48C HOMEOWNERS ASSOCIATION;
- 4 PARK 1 AT SUMMERLINGATE HOMEOWNERS'
ASSOCIATION;
- 5 PARK AVENUE HOMEOWNERS' ASSOCIATION;
PARK BONANZA EAST TOWNHOUSE OWNERS
- 6 ASSOCIATION, INC.;
- 7 PARK VILLAGE HOMEOWNERS ASSOCIATION, INC;
PARKWAY VILLAS OWNERS ASSOCIATION;
- 8 PASEO VERDE TWILIGHT HOMEOWNERS
ASSOCIATION;
- 9 PEBBLE CANYON HOMEOWNERS ASSOCIATION;
PEBBLE CREEK VILLAGE HOMEOWNERS'
- 10 ASSOCIATION;
- 11 PECCOLE RANCH COMMUNITY ASSOCIATION;
PECOS CREEK HOMEOWNERS ASSOCIATION;
- 12 PECOS-PARK SUNFLOWER HOMEOWNERS
ASSOCIATION;
- 13 PINE GROVE CONDOMINIUM ASSOCIATION;
PINE MEADOWS COMMUNITY ASSOCIATION;
- 14 PLUM CREEK AT SPANISH TRAIL ASSOCIATION;
PORTICO COMMUNITY ASSOCIATION;
- 15 PRAIRIE ROSE HOMEOWNERS ASSOCIATION;
PROVIDENCE AT WESTLAKE ASSOCIATION;
- 16 PROVIDENCE MASTER HOMEOWNERS ASSOCIATION;
RAINBOW VILLAS CONDOMINIUM ASSOCIATION;
- 17 RAINTREE WEST HOMEOWNERS ASSOCIATION;
RANCHO BEL AIR PROPERTY OWNERS' ASSOCIATION
- 18 UNIT 1, INC;
- 19 RANCHO LAKE CONDOMINIUM UNIT-OWNERS'
ASSOCIATION, INC;
- 20 RANCHO LAS PALMAS NEIGHBORHOOD
HOMEOWNERS ASSOCIATION;
- 21 RANCHO LAS VEGAS ESTATES ASSOCIATION, INC.;
- 22 RED HILLS HOMEOWNERS ASSOCIATION;
REGATTA POINTE HOMEOWNERS ASSOCIATION;
- 23 RENAISSANCE AT TIERRA DE LAS PALMAS
HOMEOWNERS ASSOCIATION;
- 24 RHODES RANCH ASSOCIATION, INC;
- 25 RIDGE COURT HOMEOWNERS ASSOCIATION;
- 26 RIDGEGATE LANDSCAPE MAINTENANCE
ASSOCIATION;
- 27 RIO VISTA HOMEOWNERS ASSOCIATION;
RIVERWALK RANCH MASTER HOMEOWNERS
- 28 ASSOCIATION;
- ROBINDALE VILLAS HOMEOWNERS ASSOCIATION;
- ROCK CREEK MANOR HOMEOWNERS ASSOCIATION;
- ROCK SPRINGS ELDORA NO. 10 OWNERS'
ASSOCIATION;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 ROCK SPRINGS HOMEOWNERS ASSOCIATION;
- 2 ROCK SPRINGS MESQUITE 2 OWNERS' ASSOCIATION;
- 3 ROCK SPRINGS VISTA 3 HOMEOWNERS ASSOCIATION;
- 4 ROSABELLA AT ALEXANDER ESTATES
5 HOMEOWNERS' ASSOCIATION;
- 6 ROYAL ESTATES HOMEOWNERS ASSOCIATION;
- 7 ROYAL HIGHLANDS STREET AND LANDSCAPE
8 MAINTENANCE CORPORATION;
- 9 SADDLERIDGE HOMEOWNERS ASSOCIATION;
- 10 SAFARI HOMEOWNERS ASSOCIATION;
- 11 SAGECREEK HOMEOWNERS ASSOCIATION;
- 12 SAHARA MOUNTAIN VISTA HOMEOWNERS
13 ASSOCIATION;
- 14 SAHARA SUNRISE HOMEOWNERS ASSOCIATION;
- 15 SAN MARINO PROPERTY OWNERS ASSOCIATION;
- 16 SAN MARINO CIRCLE HOMEOWNERS ASSOCIATION,
17 A NEVADA NON-PROFIT CORPORATION;
- 18 SAN NICCOLO AT SOUTHERN HIGHLANDS
19 HOMEOWNERS ASSOCIATION;
- 20 SAN REMO HOME OWNERS' ASSOCIATION;
- 21 SANDPIPER GOLF VILLAS HOMEOWNERS
22 ASSOCIATION;
- 23 SANTA BELLA HOMEOWNERS ASSOCIATION;
- 24 SANTA FE HOMEOWNERS' ASSOCIATION;
- 25 SAVALLIESTATES HOMEOWNERS' ASSOCIATION, INC;
- 26 SBH 1 HOMEOWNERS' ASSOCIATION;
- 27 SBH 4 HOMEOWNERS' ASSOCIATION;
- 28 SBH 3 HOMEOWNERS' ASSOCIATION;
- 29 SCOTTSDALE PLACE HOMEOWNERS ASSOCIATION;
- 30 SCOTTSDALE VALLEY HOMEOWNERS ASSOCIATION;
- 31 SEDONA CONDOMINIUM HOMEOWNERS
32 ASSOCIATION, INC;
- 33 SCENIC VIEW TOWNHOMES OWNERS' ASSOCIATION;
- 34 SEASONS AT ALIANTE COMMUNITY ASSOCIATION;
- 35 SEVEN HILLS MASTER COMMUNITY ASSOCIATION;
- 36 SEVILLE ETAGE HOMEOWNERS ASSOCIATION;
- 37 SHADOW CROSSINGS HOMEOWNERS ASSOCIATION;
- 38 SHADOW MOUNTAIN RANCH COMMUNITY
39 ASSOCIATION;
- 40 SHADOW MOUNTAIN RANCH LANDSCAPE
41 MAINTENANCE CORPORATION;
- 42 SHADOW SPRINGS COMMUNITY ASSOCIATION;
- 43 SHADOW CROSSINGS HOMEOWNERS ASSOCIATION;
- 44 SHADOW HILLS MASTER ASSOCIATION;
- 45 SHENANDOAH OWNERS ASSOCIATION, INC;
- 46 SHORELINE CONDOMINIUM ASSOCIATION;
- 47 SIENA COMMUNITY ASSOCIATION;
- 48 SIERRA RANCH HOMEOWNERS ASSOCIATION;
- 49 SILVER CREEK HOMEOWNERS ASSOCIATION;
- 50 SILVER CROSSING HOMEOWNERS ASSOCIATION;
- 51 SILVER OAK/SILVER POINTES LANDSCAPE
52 MAINTENANCE ASSOCIATION;
- 53
- 54

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 SILVERADO COURT LANDSCAPE MAINTENANCE CORPORATION;
- 2 SILVERADO COURTYARDS ASSOCIATION;
- 3 SILVERADO PINES LANDSCAPE MAINTENANCE ASSOCIATION, INC.;
- 4 SILVERADO PLACE HOMEOWNERS' ASSOCIATION;
- 5 SILVERADO RANCH II LANDSCAPE MAINTENANCE CORPORATION;
- 6 SILVERADO RANCH III LANDSCAPE MAINTENANCE CORPORATION;
- 7 SILVERADO RANCH LANDSCAPE MAINTENANCE CORPORATION;
- 8 SILVERADO SOUTH HOMEOWNERS ASSOCIATION;
- 9 SILVERLYN HEIGHTS COMMUNITY ASSOCIATION;
- 10 SILVERSTONE RANCH COMMUNITY ASSOCIATION;
- 11 SKY LAS VEGAS CONDOMINIUM UNIT OWNERS' ASSOCIATION;
- 12 SMOKE RANCH VILLAS HOMEOWNERS ASSOCIATION;
- 13 SOLANA HOMEOWNERS ASSOCIATION;
- 14 SOLANA TERRACE HOMEOWNERS ASSOCIATION;
- 15 SOLERA AT ANTHEM COMMUNITY ASSOCIATION, INC.;
- 16 SOMERSET HOMEOWNERS ASSOCIATION;
- 17 SOUTH SHORES COMMUNITY ASSOCIATION;
- 18 SOUTH VALLEY RANCH COMMUNITY ASSOCIATION;
- 19 SOUTHERN HIGHLANDS COMMUNITY ASSOCIATION;
- 20 SOUTHERN TERRACE HOMEOWNERS ASSOCIATION;
- 21 SOUTHFORK HOMEOWNERS ASSOCIATION, INC.;
- 22 SOUTHPARK CONDOMINIUM ASSOCIATION;
- 23 SOUTHWEST RANCH HOMEOWNERS ASSOCIATION;
- 24 S.P. HOMEOWNERS' ASSOCIATION, INC.;
- 25 SPRING MOUNTAIN RANCH MASTER ASSOCIATION;
- 26 SPRING OAKS III HOMEOWNERS ASSOCIATION;
- 27 SPRING VALLEY NEIGHBORHOOD HOMEOWNERS' ASSOCIATION;
- 28 SPRINGFIELD PROPERTY OWNERS ASSOCIATION;
- 29 SPRINGS AT CENTENNIAL RANCH HOMEOWNERS ASSOCIATION;
- 30 SQUIRE VILLAGE AT SILVER SPRINGS COMMUNITY ASSOCIATION;
- 31 STALLION MOUNTAIN COMMUNITY ASSOCIATION;
- 32 STARFIRE ESTATES III HOMEOWNERS ASSOCIATION;
- 33 STARFIRE HOMEOWNERS ASSOCIATION;
- 34 STEPHANIE 130 HOMEOWNERS ASSOCIATION;
- 35 STEPHANIE COURT HOMEOWNERS ASSOCIATION;
- 36 STERLING COURT HOMEOWNERS ASSOCIATION;
- 37 STONE CANYON HOMEOWNERS ASSOCIATION, INC.;
- 38 STONECLIFF HOMEOWNERS ASSOCIATION;
- 39 STONECREEK HOMEOWNERS ASSOCIATION;
- 40 STONE RIDGE CONDOMINIUM ASSOCIATION;
- 41 STONERIDGE HOMEOWNERS' ASSOCIATION;
- 42 STRATFORD HOMEOWNERS ASSOCIATION;
- 43 STURBRIDGE HOMEOWNERS ASSOCIATION;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 SUMMERFIELD VILLAGE HOMEOWNERS ASSOCIATION;
- 2 SUMMER RIDGE HOMEOWNERS ASSOCIATION;
- 3 SUMMERLIN NORTH COMMUNITY ASSOCIATION;
- 4 SUMMERLIN SOUTH COMMUNITY ASSOCIATION;
- 5 SUMMERLIN WEST COMMUNITY ASSOCIATION;
- 6 SUMMIT HILLS HOMEOWNERS ASSOCIATION;
- 7 SUN CITY ALIANTE COMMUNITY ASSOCIATION;
- 8 SUN CITY ANTHEM COMMUNITY ASSOCIATION, INC;
- 9 SUN CITY MACDONALD RANCH COMMUNITY ASSOCIATION, INC;
- 10 SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC;
- 11 SUN CITY SUMMERLIN NEIGHBORHOOD MAINTENANCE ASSOCIATION, INC;
- 12 SUNCREST HOMEOWNERS ASSOCIATION;
- 13 SUNDANCE AT THE SHADOWS HOMEOWNERS' ASSOCIATION;
- 14 SUNRIDGE AT MACDONALD RANCH COMMUNITY ASSOCIATION, INC;
- 15 SUNRIDGE ESTATES HOMEOWNERS ASSOCIATION;
- 16 SUNRIDGE HEIGHTS HOMEOWNERS ASSOCIATION;
- 17 SUNRISE CANYON COMMUNITY ASSOCIATION;
- 18 SUNRISE RIDGE HOMEOWNERS ASSOCIATION;
- 19 SUNRISE VILLAS II AND III HOMEOWNER'S ASSOCIATION;
- 20 SUNRISE VILLAS VIII HOMEOWNERS ASSOCIATION;
- 21 SUNSET CLIFFS HOMEOWNERS' ASSOCIATION;
- 22 SUNSET COURTYARDS ASSOCIATION;
- 23 SUNSET PASS HOMEOWNERS ASSOCIATION;
- 24 SUNSET RIDGE LIMITED HOMEOWNERS ASSOCIATION;
- 25 SUNSET TRAILS HOMEOWNERS' ASSOCIATION;
- 26 SUTTER CREEK HOMEOWNERS ASSOCIATION;
- 27 SWEETWATER CANYON HOMEOWNERS ASSOCIATION;
- 28 SYMPHONY HOMEOWNERS' ASSOCIATION;
- TAHOE II HOMEOWNERS ASSOCIATION;
- TALASERA AND VICANTO HOMEOWNERS' ASSOCIATION;
- TANGLEWOOD HOMEOWNERS ASSOCIATION;
- TANTARA UNIT OWNERS' ASSOCIATION;
- TAOS ESTATES I HOMEOWNERS' ASSOCIATION;
- TAHOE PROPERTY OWNERS ASSOCIATION;
- TAPATIO II HOMEOWNERS ASSOCIATION;
- TAPESTRY AT TOWN CENTER HOMEOWNERS ASSOCIATION;
- TEMPO HOMEOWNERS ASSOCIATION, INC;
- TEN OAKS ESTATES ASSOCIATION;
- TERRA COTTA II HOMEOWNERS ASSOCIATION;
- TERRA LINDA TOWNHOUSE HOMEOWNERS ASSOCIATION;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 TERRASANTA CONDOMINIUM OWNERS ASSOCIATION, INC;
- 2 TERRACES AT ROSE LAKE HOMEOWNERS ASSOCIATION;
- 3 TERRACINA TERRASOL HOMEOWNERS' ASSOCIATION;
- 4 TERRAZZO AT MACDONALD RANCH COMMUNITY ASSOCIATION;
- 5 THE BLUFFS DUPLEXES-ENCORE ADDITION HOMEOWNERS ASSOCIATION;
- 6 THE COTTAGES HOMEOWNERS ASSOCIATION, INC;
- 7 THE COURTYARDS HOMEOWNERS ASSOCIATION;
- 8 THE COVES HOMEOWNERS ASSOCIATION;
- 9 THE ENCLAVE HOMEOWNERS ASSOCIATION;
- 10 THE ESTATES AT SEVEN HILLS OWNERS ASSOCIATION;
- 11 THE FALLS AT RHODES RANCH CONDOMINIUM OWNERS ASSOCIATION, INC.;
- 12 THE GRANADA PALOMAR COMMUNITY ASSOCIATION;
- 13 THE GREENBRIAR TOWNHOUSE OWNER'S ASSOCIATION, INC;
- 14 THE GREENS HOME OWNERS ASSOCIATION, INC.;
- 15 THE HEATHERS HOMEOWNERS ASSOCIATION;
- 16 THE ISLANDS AT SPANISH TRAIL ASSOCIATION;
- 17 THE MASTER SERIES AT THE LEGACY COMMUNITY ASSOCIATION;
- 18 THE MEADOWS AT ELKHORN SPRINGS HOMEOWNERS ASSOCIATION, INC;
- 19 THE PARKS HOMEOWNERS ASSOCIATION;
- 20 THE PEAKS HOMEOWNERS' ASSOCIATION;
- 21 THE RANCHES HOMEOWNERS ASSOCIATION;
- 22 THE REGENT AT TOWN CENTRE HOMEOWNERS' ASSOCIATION;
- 23 THE RESIDENCE AT CANYON GATE HOMEOWNERS ASSOCIATION, INC.;
- 24 THE SEASONS HOMEOWNERS ASSOCIATION;
- 25 THE SECTION SEVEN COMMUNITY ASSOCIATION;
- 26 THE SPANISH SPRINGS VALLEY RANCHES PROPERTY OWNERS' ASSOCIATION;
- 27 THE STONEGATE HOMEOWNERS ASSOCIATION;
- 28 THE SUMMIT AT MOUNTAINS EDGE HOMEOWNERS ASSOCIATION;
- 29 THE SUNRISE MOUNTAIN TOWN HOMES HOMEOWNERS ASSOCIATION, INC;
- 30 THE VILLAGE OF SILVER SPRINGS COMMUNITY ASSOCIATION;
- 31 THE WHITNEY RANCH OWNERS ASSOCIATION;
- 32 TIBURON ESTATES HOMEOWNERS ASSOCIATION, INC.;
- 33 TIDES I HOMEOWNERS ASSOCIATION;
- 34 TIDES II HOMEOWNERS ASSOCIATION;
- 35 TIERRA BELLA HOMEOWNERS' ASSOCIATION;

1 TIERRA DE LAS PALMAS OWNERS ASSOCIATION;
TIERRA LINDA LANDSCAPE MAINTENANCE
2 ASSOCIATION, INC;
TIERRA MESA ASSOCIATION;
3 TIMBER CREEK HOMEOWNERS' ASSOCIATION;
TOWN CENTER ESTATES COMMUNITY ASSOCIATION;
4 TOWN CENTER VILLAGE COMMUNITY ASSOCIATION;
TRADITIONS HOMEOWNERS ASSOCIATION;
5 TRAMONTO VILLAGIO HOMEOWNERS ASSOCIATION;
TRAVERSE POINT CONDOMINIUMS UNIT-OWNERS'
6 ASSOCIATION, INC.;
TRAVERSE POINT LANDSCAPE MAINTENANCE
7 ASSOCIATION, INC.;
TREC NORTH AND SOUTH HOMEOWNERS'
8 ASSOCIATION;
TRIANA HOMEOWNERS ASSOCIATION;
9 TRIPOLY AT WARM SPRINGS SOUTH HOMEOWNERS
ASSOCIATION;
10 TROPICAL BREEZE V OWNERS ASSOCIATION;
TROPICANA SQUARE HOMES ASSOCIATION;
11 TROPICANA VILLAS HOMES ASSOCIATION;
TROVARE HOMEOWNERS ASSOCIATION;
12 TURNBERRY TOWERS COMMUNITY ASSOCIATION;
TURTLE CREEK ESTATES HOMEOWNERS
13 ASSOCIATION;
TUSCANO HOMEOWNERS' ASSOCIATION;
14 TWILIGHT AT OLD VEGAS RANCH HOMEOWNERS
ASSOCIATION;
15 TWILIGHT NORTH HOMEOWNERS ASSOCIATION;
VENTANA AT SIERRA MONTANA HOMEOWNERS'
16 ASSOCIATION;
VERDE VIEJO OWNERS' ASSOCIATION;
17 VICTORY OVATION HOMEOWNERS ASSOCIATION;
VILLA DEL ORO OWNERS ASSOCIATION;
18 VILLA DEL SOL HOMEOWNERS ASSOCIATION;
VILLA SEDONA COMMUNITY ORGANIZATION;
19 VILLAGE 2 COMMUNITY ASSOCIATION;
VILLAGE AT CRAIG RANCH HOMEOWNER'S
20 ASSOCIATION;
VILLAGIO COMMUNITY ASSOCIATION;
21 VILLAGIO PROPERTY OWNERS ASSOCIATION;
VILLAS AT BLUE DIAMOND SPRINGS COMMUNITY
22 ASSOCIATION;
VILLAS AT FLAMINGO HOMEOWNERS ASSOCIATION,
23 INC.;

24 VILLAS AT FORT APACHE HOMEOWNERS
ASSOCIATION;
VILLAS AT HUNTINGTON HOMEOWNERS
25 ASSOCIATION;
VILLAS AT SILVERADO HOMEOWNERS ASSOCIATION;
26 VIZCAYA AT THE TRAILS CONDOMINIUM UNIT
OWNERS ASSOCIATION;
27 VISCAYA HOMEOWNERS ASSOCIATION;

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

- 1 VISTA RIDGE HOMEOWNERS ASSOCIATION;
- 2 VISTANA CONDOMINIUM OWNERS ASSOCIATION,
- 3 INC;
- 4 WAKEFIELD HOMEOWNERS ASSOCIATION;
- 5 WARM SPRINGS RESERVE OWNERS ASSOCIATION;
- 6 WATERFALL HOMEOWNERS ASSOCIATION;
- 7 WEST SAHARA COMMUNITY ASSOCIATION;
- 8 WESTCHESTER MANOR HOME OWNERS
- 9 ASSOCIATION;
- 10 WESTWIND LIMITED HOMEOWNERS ASSOCIATION;
- 11 WHISPER ROCK ASSOCIATION;
- 12 WHISPERING TIMBERS HOMEOWNERS ASSOCIATION;
- 13 WHITE HORSE ESTATES HOMEOWNERS
- 14 ASSOCIATION;
- 15 WIMBLEDON TENNIS CLUB HOMEOWNERS
- 16 ASSOCIATION;
- 17 WINGFIELD SPRINGS COMMUNITY ASSOCIATION;
- 18 WINTERWOOD RANCH UNIT NO. ONE;
- 19 WOODCREST HOMEOWNERS ASSOCIATION

Respondents

Comes now, Claimants, on their own behalf and on behalf of a class of all those similarly situated persons described below, by their undersigned counsel JAMES R. ADAMS, ESQ., of ADAMS LAW ASSOCIATES, LTD., and PUOY K. PREMSRIRUT, ESQ., of PUOY K. PREMSRIRUT, ESQ., INC., as and for their Complaint against Respondents in this action, aver as follows, with knowledge of their own actions and conduct and events occurring in their presence, and upon information and belief as to all other matters:

NATURE OF THE CASE

- 1. This is a proposed class action.
- 2. Sub-Class A of the proposed class consists of all persons and entities who own or have owned residential real property in Respondents homeowners' associations ("Respondents") and who have received collection demands, notices or communications from Respondents, or agents of the Respondents ("**Agents**"), and/or who have had liens maintained against their property for collection fees, costs or interest not actually incurred by Respondents or permitted by law and, therefore, not chargeable nor due by Claimants or the proposed class members. These collection fees, costs or interest, which were not incurred by Respondents or permitted by law, but demanded from Claimants

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 and the proposed class members, include, without limitation, collection fees, interest, filing fees,
2 recording fees, fees related to the preparation, recording or delivery of a lien or lien rescissions, title
3 search fees, bankruptcy search fees, referral fees, fees for postage or delivery, and other fees or costs
4 for the investigation, enforcement or collection of past due assessments or other obligations (**“Non-**
5 **Incurred Collection Charges”**). Sub-Class A is more particularly described in Paragraph 60, *infra*.

6 3. Sub-Class B of the proposed class consists of all persons or entities who own, or owned
7 residential real property located within Respondents and who had recorded against them by
8 Respondents or Agents a Notice of Delinquent Assessment Lien and who paid money to Respondents
9 or Agents for the drafting and/or recordation of the Notice of Delinquent Assessment Lien and/or paid
10 money for the release of the Notice of Delinquent Assessment Lien (**“False Lien Payments”**). Sub-
11 Class A is more particularly described in Paragraph 60, *infra*.

12 4. Sub-Class C of the proposed class consists of all persons and entities who obtained title
13 to residential real property located within Respondents through foreclosure auctions held by the first
14 security interest holders of said residential real property and who have paid or are being demanded to
15 pay amounts of money to Respondents, the obligation of which having been extinguished by the
16 trustee's sale of the first mortgage lender pursuant Nevada Revised Statutes §116.3116 (**“Unlawful**
17 **Lien Amounts”**). Sub-Class C is more particularly described in Paragraph 60, *infra*.

18 5. Sub-Class D of the proposed class consists of all persons and entities who obtained title
19 to residential real property located within Respondents through foreclosure auctions held by the first
20 security interest holders of said residential real property and who have paid or are being demanded to
21 pay amounts of money to Respondents which exceed that amount permitted pursuant to the recorded
22 covenants, conditions and restrictions (**“CC&R’s”**) of the Respondents (**“Excessive CC&R**
23 **Amounts”**). Sub-Class D is more particularly described in Paragraph 60, *infra*.

24 6. Respondents are Nevada common interest communities who have made, and are
25 making improper, inaccurate and/or excessive demands, through themselves or by their Agents, upon
26 Claimants and the proposed class members for claimed collection fees and costs which Respondents
27 did not actually incur nor were liable for at the time of the lien or demand, and for claimed lien

28

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 amounts which have been extinguished by law, extinguished by the CC&R's, or are otherwise
2 unlawful or improper.

3 7. As a result of Respondents' practices, Respondents by their own acts or through their
4 Agents acting within the course and scope of the agency, have demanded or received the monies of
5 Claimants and the proposed class members to which Respondents and Agents have no legal
6 entitlement. By and through the principle of *respondeat superior*, Respondents are liable for, and are
7 being sued by this Complaint for all acts as described herein, whether performed by Respondents, or
8 performed by Agents.

9 **THE PARTIES**

10 8. At all times material hereto, Respondents were Nevada common interest community
11 associations and unit owners' associations as defined in NRS §116.011, also commonly known as a
12 homeowners' associations.

13 9. Respondents is are entities organized and existing under the laws of the State of Nevada
14 or other states and transact business in the State of Nevada.

15 10. Respondents are bound by the provisions of NRS §116, are bound by their recorded
16 CC&R's, and are bound by the provisions of that chapter of the Nevada Revised Statutes under which
17 they are incorporated.

18 11. The true names and capacities, whether individual, corporate, or otherwise, of
19 Respondents herein designated as DOES 1 through 10 and ROE ENTITIES 1 through 10 inclusive,
20 are unknown to Claimants at this time, who therefore sue said Respondents by such fictitious names.
21 Claimants are informed and believe and thereupon allege that each of said Respondents are responsible
22 in some manner for the events and happenings alleged herein and proximately caused the injuries and
23 damages herein alleged. Claimants will seek leave to amend this Complaint to allege their true names
24 and capacities as they are ascertained.

25 12. The demand, collection and filing of the Non-Incurred Collection Charges, Unlawful
26 Lien Amounts, Excessive CC&R Amounts and False Lien Payments by Respondents or Agents

27
28

1 constitute violations of the Nevada Revised Statutes, violations of the CC&R's, and violations of the
2 common laws of the State of Nevada.

3 **JURISDICTION**

4 13. This action is brought in accordance with NRS 38.310, NRS 32.231, *Green Tree*
5 *Financial Corp. v. Bazzle*, 539 U.S. 444, 123 S.Ct. 2402 (2003) and *Howsam v. Dean Witter Reynolds,*
6 *Inc.*, 537 U.S. 79, 123 S.Ct. 588 (2002).

7 14. NRS 32.231 states that an arbitrator may conduct an arbitration in such manner as the
8 arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. In *Green Tree*
9 *Financial Corp. v. Bazzle*, 539 U.S. 444, 123 S.Ct. 2402 (2003) and *Howsam v. Dean Witter Reynolds,*
10 *Inc.*, 537 U.S. 79, 123 S.Ct. 588 (2002), the Supreme Court of the United States held that arbitrators,
11 and not courts, should determine whether class arbitration is permissible where no arbitration clause
12 addresses the issue and, in the absence of an agreement to the contrary, issues of procedural
13 arbitrability are for the arbitrators to decide.

14 15. This action is brought in accordance with Rule 23 of the Nevada Rules of Civil
15 Procedure. The classes represented by the named Claimants in this action are described in Paragraph
16 60 of this Complaint. These persons and entities constitute classes that are so numerous that joinder
17 is impracticable. Since the named Respondents acted similarly in connection with one or more of the
18 proposed classes, there exists questions of law or fact which are common to all members of the classes,
19 and which predominate over questions of law and fact which affect only individual members of the
20 classes. Since Claimants have interests in this action coincident with and not adverse to the classes
21 they represent, and have a substantial financial interest in this action, Claimants will adequately protect
22 the interests of the classes they represent.

23 16. By maintaining this action as a class action, savings in time, effort, and expense will
24 be achieved by both the arbitrator/mediator/court and parties to this action. One of the advantages of
25 maintaining this action as a class action is that persons and entities who are members of the class, and
26 who have claims which might not otherwise warrant individual actions, will be provided with a
27 method for the redress of their claims.

1 24. Nevada Revised Statutes §116.3102(k) permits only Respondents to impose charges
2 for late payment of assessments against Claimants and the Proposed Sub-Class A Members.

3 25. Further, Nevada Revised Statutes §116.310313(1) permits only Respondents to charge
4 Claimants and the Proposed Sub-Class A Members reasonable fees to cover the costs of collecting any
5 past due obligation.

6 26. Nevada Revised Statutes §116.310313(3)(a) defines “costs of collecting” as any fee,
7 charge or cost, by whatever name, including, without limitation, any collection fee, filing fee,
8 recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title
9 search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost
10 that an association charges a unit’s owner for the enforcement or collection of a past due obligation.

11 27. There is no provision at law which permits Respondents to authorize the Debt Collector
12 to unilaterally assess and charge to Claimants and the Proposed Sub-Class A Members any and all fees
13 and costs that the Debt Collector wishes to charge in the collection of past due obligations.

14 28. Irrespective of the fact that Respondents never actually incurred any collection fees or
15 costs, Respondents and Agents have sent, and continue to send to Claimants and the Proposed Sub-
16 Class A Members hundreds of collection demands, notices, and other communications wherein
17 Respondents or Agents falsely represent that Respondents have incurred (and that, therefore,
18 Claimants and the Proposed Sub-Class A Members owe to Respondents) collection fees, interest, filing
19 fees, recording fees, fees related to the preparation, recording or delivery of a lien or lien rescissions,
20 title search fees, bankruptcy search fees, referral fees, fees for postage or delivery, and other fees or
21 costs for the investigation, enforcement or collection of past due assessments or other obligations.

22 29. Further, Respondents have maintained hundreds of alleged “liens” against the real
23 property of Claimants and the Proposed Sub-Class A Members based in whole or in part upon these
24 Non-Incurred Collection Charges.

25 30. All demands, notices, liens and other communications requesting the Non-Incurred
26 Collection Charges misrepresent the true fact that no such collection costs are permitted or have been
27

1 incurred by the Respondents nor were chargeable to Claimants and the Proposed Sub-Class A
2 Members.

3 31. However, on hundreds of occasions, Claimants and the Proposed Sub-Class A Members
4 have relied upon Respondents' misrepresentations and have paid to Respondents or Agents monies
5 demanded through the Non-Incurred Collection Charges.

6 **Allegations Regarding Proposed Sub-Class B Members**

7 32. Further, Respondents or Agents have recorded against Claimants and the Proposed Sub-
8 Class B Members a fugitive document called a Notice of Delinquent Assessment Lien.

9 33. However, there is no provision at law which recognizes the existence of such a
10 document, nor is there any provision at law which permits the public recording or publishing of a
11 Notice of Delinquent Assessment Lien, nor did Claimants or the Proposed Sub-Class B Members ever
12 authorize such recording.

13 34. Indeed, pursuant to NRS 116.3116(4), "Recording of the declaration constitutes record
14 notice and perfection of the lien. No further recordation of any claim of lien for assessment under this
15 section is required."

16 35. Thus, what Respondents and Agents represented as a "lien" (the Notice of Delinquent
17 Assessment Lien) was, in fact, not a lien, but merely a notice pursuant to NRS 116.31162 which
18 merely authorizes the mailing of a "notice" of delinquent assessment to the delinquent homeowner.

19 36. However, Respondents and Agents misrepresented the fact that the "Notice of
20 Delinquent Assessment Lien" was a legal lien, misrepresented the fact that the Nevada Revised
21 Statutes authorized the recording of such a document, and misrepresented the fact the they were
22 entitled to record such a document, all in order to coerce Claimants and the Proposed Sub-Class B
23 Members into paying fees and/or assessments which they did not owe.

24 37. Further, Respondents and Respondents' Agent improperly charged Claimants and the
25 Proposed Sub-Class B Members several hundred dollars for the drafting and recording of the Notice
26 of Delinquent Assessment Lien, even though said document does not exist as a matter of law and there
27 is no provision in law which authorizes the filing of such document.

1 38. Moreover, even though there is no provision at law which authorizes the drafting and
2 recording of a Notice of Delinquent Assessment Lien, and even though Claimants and the Proposed
3 Sub-Class B Members never authorized the recording of such a document, Respondents and
4 Respondents' Agent improperly charged Claimants and the Proposed Sub-Class B Members money
5 to "release" the phantom "lien".

6 39. In addition, the amounts due noted in the Notice of Delinquent Assessment Lien were
7 false as they included amounts which were not properly imposed by Respondents, not actually incurred
8 by the Respondents, not permitted by the CC&RS, and not authorized by law.

9 **Allegations Regarding Proposed Sub-Class C Members**

10 40. Nevada Revised Statutes §116.3116 governs liens against property located within
11 Respondents and generally states as follows:

- 12 a. Respondents have a statutory lien on any unit of real property located with
13 their associations for any assessment imposed against a unit or fine imposed
14 against the unit's owner from the time the assessment or fine became due;
- 15 b. However, Respondents' lien is junior to the first security interest of the unit's
16 first mortgage lender except for a certain, limited and specified portion of the
17 lien as defined in Nevada Revised Statutes §116.3116 which remains senior to
18 the first security interest of the unit's first mortgage lender, provided that
19 Respondents had instituted an "action" to enforce their liens **(the "Super
20 Priority Lien")**.

21 41. On and after October 1, 2009, the statutory formula for calculating the Super Priority
22 Lien was as follows: the lien is prior to the first security interest on the unit to the extent of any
23 charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the
24 assessments for common expenses based on the periodic budget adopted by the association pursuant
25 to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months
26 immediately preceding institution of an action to enforce the lien unless federal regulations adopted

1 by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association
2 require a shorter period of priority for the lien.

3 42. Before October 1, 2009, the 9 month time frame cited above, was limited to only 6
4 months.

5 43. The Unlawful Lien Amounts are those amounts having been, and being demanded and
6 collected by Respondents and Agents, that pursuant to NRS §116.3116, have been legally extinguished
7 by the trustee's sale of the first mortgage lender, leaving only the Super Priority Lien, if any, as the
8 lawful amount to be demanded and collected by Respondents from Claimants and the Proposed Sub-
9 Class C Members.

10 44. Upon information and belief, and as may be discovered during this litigation, after the
11 date upon which Claimants and the Proposed Sub-Class C Members became the legal owners of the
12 real property (i.e., the date of the trustee's sale of first mortgage lender) on each of hundreds of
13 instances over the last several years, Respondents and Agents have improperly demanded and obtained
14 monies from Claimants and the Proposed Sub-Class C Members in the following manner:

- 15 a. Homeowners, owning a unit of real property within the Respondents become
16 delinquent ("**Delinquent Homeowners**") in the payment of their association
17 assessments and other fees and charges ("**Homeowners' Past Due**
18 **Obligations**") and also default on their first mortgages;
- 19 b. The Homeowners' Past Due Obligations constitute a statutory lien on the
20 Delinquent Homeowners' unit pursuant to NRS §116.3116;
- 21 c. Due to the Delinquent Homeowners' inability to pay their first mortgages, the
22 Delinquent Homeowners' first mortgage lenders foreclosed on the Delinquent
23 Homeowners' unit;
- 24 d. At the foreclosure auction, the Delinquent Homeowners' first mortgage lender,
25 Claimants, or an investor, or other person or entity, took title to the subject unit
26 via a trustee's sale deed;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- e. At the moment the foreclosure auction concluded on a subject unit, pursuant to NRS §116.3116, the Respondents' statutory lien against the unit for the Homeowners' Past Due Obligations became extinguished, but for the Super Priority Lien, if any;
- f. Instead of informing Claimants and the Proposed Sub-Class C Members (who are the transferees of the auctioned units) that Respondents' liens had been extinguished due to the foreclosure auction, and that only the Super Priority Lien was due (if any), Respondents or Agents issued inaccurate written or oral demands to Claimants and the Proposed Sub-Class C Members for hundreds or thousands of dollars in excess of any amount permitted under NRS 116.3116, often including all those amounts owed by the original Delinquent Homeowner (i.e., the Unlawful Lien Amounts);
- g. Respondents or Agents made inaccurate representations to Claimants and the Proposed Sub-Class C Members which included that the Respondents or Agents had the legal right to collect and receive from Claimants and the Proposed Sub-Class C Members the Unlawful Lien Amounts when, as a matter of law, they did not;
- h. Such demands and representations were inaccurate because Claimants and the Proposed Sub-Class C Members did not owe the Unlawful Lien Amounts. The statutory lien amounts which comprised the Homeowners' Past Due Obligations were extinguished as against Claimants and the Proposed Sub-Class C Members and the units as a matter of law (NRS §116.3116) as a result of the first mortgage lender's foreclosure auction, but for the Super Priority Lien, if any;
- i. Respondents or Agents failed and refused to correct their inaccurate representations and demands;

1 k. Under unlawful threat of the continuing clouds on their title and/or issuance of
2 inaccurate demands and/or institution of wrongful foreclosure proceedings by
3 Respondents or Agents, Claimants and the Proposed Sub-Class C Members
4 were forced to pay the Unlawful Lien Amounts.

5 45. By repeatedly employing this very scheme hundreds of times over the last several years,
6 Respondents and Agents have collected monies from Claimants and the Proposed Sub-Class C
7 Members that was not owed and to which Respondents had no legal entitlement.

8 46. Respondents have demanded and collected the Unlawful Lien Amounts in violation of
9 NRS §116.3116 and the common laws of the State of Nevada.

10 47. Further, pursuant to NRS §116.3116, before any amounts comprising the Super Priority
11 Lien may become due, Respondents are required to file a civil action to enforce collection of their lien.
12 However, in many or all instances above described, the Super Priority Lien did not exist because
13 Respondents failed to file a civil action to enforce their lien.

14 48. Nonetheless, on hundreds of separate occasions, Respondents improperly demanded
15 and received from Claimants and the Proposed Sub-Class C Members monies to which neither
16 Respondents nor Agents were entitled.

17 49. Through the demanding and collecting of the Unlawful Lien Amounts from Claimants
18 and the Proposed Sub-Class C Members, and the misrepresentations related thereto, Respondents are
19 in violation of NRS §116, NRS §598 and the common laws of the State of Nevada and are responsible
20 for the violations of NRS §649 committed by their Agents.

21 **Allegations Regarding Proposed Sub-Class D Members**

22 50. Respondents' CC&R's contain provisions ("**Mortgage Protection Provisions**")
23 whereby the Respondents' assessment liens are subordinate to the first mortgage lender and are
24 extinguished by the foreclosure of a first mortgage lender but for a limited number of monthly
25 assessments, if any.

26
27
28

1 51. The “Excessive CC&R Amounts” are those amounts having been, and being demanded
2 and collected by Respondents or Agents that, pursuant to the Mortgagee Protection Provisions, have
3 been extinguished by the trustee’s sale of the first mortgage lender.

4 52. Upon information and belief, and as may be discovered during this litigation, after
5 transfer to Claimants and the Proposed Sub-Class D Members of the residential units at foreclosure,
6 Respondents or Agents, on each of hundreds of instances over the last several years, have improperly
7 demanded and obtained monies from Claimants and the Proposed Sub-Class D Members by
8 demanding and collecting the Excessive CC&R Amounts.

9 53. Instead of informing Claimants and the Proposed Sub-Class D Members (who are
10 transferees of the auctioned units) that only a limited number of monthly assessments were due, if any,
11 pursuant to the Mortgage Protection Provisions of the CC&R’s, Respondents or Agents issued
12 inaccurate written or oral demands to Claimants and the Proposed Sub-Class D Members, or their
13 escrow companies or representatives for hundreds or thousands of dollars in excess of any amount
14 permitted under the CC&R’s.

15 54. Respondents or Agents misrepresented to Claimants and the Proposed Sub-Class D
16 Members that Respondents have the legal right to demand, collect and receive from Claimants and the
17 Proposed Sub-Class D Members the Excessive CC&R Amounts when, pursuant to the Mortgagee
18 Protection Provisions of the CC&R’s, they did not.

19 55. Excessive CC&R Amounts were extinguished as against Claimants and the Proposed
20 Sub-Class D Members pursuant to the Mortgagee Protection Provisions of the CC&R’s at foreclosure
21 and were not due and owing from Claimants and the Proposed Sub-Class D Members.

22 56. Under unlawful threat of the continuing clouds on their title and/or issuance of
23 inaccurate demands and/or institution of wrongful foreclosure proceedings by Respondents or Agents,
24 Claimants and the Proposed Sub-Class D Members are, and have been, forced to pay the Excessive
25 CC&R Amounts to the Respondents or Agents.

26 57. By repeatedly employing this very scheme hundreds of times over the last several years,
27 Respondents or Agents have obtained monies which Claimants and the Proposed Sub-Class D
28

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 Members did not owe, and to which Respondents were not legally entitled.

2 58. Thus, Respondents' demand and collection of Excessive CC&R Amounts violated the
3 CC&R's and the common and statutory laws of the State of Nevada.

4 59. Respondents' misrepresentations that amounts were owed in excess of what is
5 permitted by the CC&RS violated the CC&R's, NRS §116, NRS §598, and the common laws of the
6 State of Nevada.

7 **CLASS ACTION ALLEGATIONS**

8 60. Claimants brings this action on behalf of themselves and a class of persons initially
9 defined as follows:

10 Sub-Class A - The "Non-Incurred Collection Charges"
11 all persons and entities who own residential real
12 property, or have owned residential real property in
13 Respondents and who have received or have had
14 maintained against their real property inaccurate
15 collection demands, notices, liens or other
16 communications from Respondents or Agents for the
17 Non-Incurred Collection Charges, i.e., charges that were
18 never incurred by Respondents nor therefore chargeable
19 to, nor due by said persons or entities

20 Sub-Class B - The "False Lien Payments"
21 all persons or entities who own, or owned residential
22 real property located within Respondents and who had
23 recorded against them by Respondents or Agents a
24 Notice of Delinquent Assessment Lien and who paid
25 money to Respondents or Agents for the drafting and/or
26 recordation of the Notice of Delinquent Assessment
27 Lien and/or paid money for the release of the Notice of
28 Delinquent Assessment Lien

Sub-Class C - The "Unlawful Lien Amounts"
owners and former owners of residential real property
located within Respondents who obtained title to their
real property through a trustee's sale instituted by the
first security interest holder of said real property and
who, upon information and belief and as may be
discovered during this litigation, have paid or are being
demanded to pay amounts of money to Respondents,
the obligation of which having been extinguished by the
trustee's sale of the first mortgage lender and Nevada
Revised Statutes §116.3116

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Sub-Class D - The "Excessive CC&R Amounts"
owners and former owners of residential real property
located within Respondents who obtained title to their
real property through a trustee's sale instituted by the
first security interest holder of said real property and
who, upon information and belief and as may be
discovered during this litigation, have paid or are being
demanded to pay amounts of money to Respondents,
the obligation of which having been extinguished by the
trustee's sale of the first mortgage lender and the
CC&R's Mortgagee Protection Provisions

Collectively, the "Proposed Class Members" or the "Classes"

61. Excluded from the Classes are Respondents; any affiliate, parent, or subsidiary of Respondents; any entity in which Respondents have a controlling interest; any officer, director, or employee of Respondents; any successor or assign of Respondents; anyone employed by counsel for Claimants in this action; any mediator/arbitrator/judge to whom this case is assigned as well as his or her immediate family and staff.

62. This action has been brought and may properly be maintained on behalf of the Classes proposed above under the criteria of Nevada Rule of Civil Procedure Rule 23.

63. Numerosity. Members of the Classes are so numerous that their individual joinder herein is impracticable. Hundreds of members comprising Sub-Class A have received, or have had maintained against their property the Non-Incurred Collection Charges. In addition, hundreds of members comprising Sub-Class B have had recorded against them by Respondents or Agents a Notice of Delinquent Assessment Lien and have paid money to Respondents or Agents for the drafting and/or recordation of the Notice of Delinquent Assessment Lien and/or paid money for the release of the Notice of Delinquent Assessment Lien. Further, hundreds of units of real property have been sold through a trustee's sale to hundreds of natural persons or entities comprising Sub-Class C and Sub-Class D wherein Respondents have demanded the Unlawful Lien Amounts or Excessive CC&R Amounts respectively. Members of the Classes may be notified of the pendency of this action by mail, supplemented (if deemed necessary or appropriate by the Court) by published notice.

64. Existence and predominance of common questions Common questions of law and fact exist as to all Proposed Sub-Class A, Sub-Class B, Sub-Class C and Sub-Class D Members,

1 respectively, and predominate over questions affecting only individual members of the Classes.

2 Regarding Sub-Class A Members, these common questions include the following:

- 3 a. Whether the Respondents or Agents had sent or had maintained against the
4 Proposed Sub-Class A Members hundreds of collection demands, notices, liens
5 and other communications wherein Respondents or Agents falsely represented
6 that Respondents have incurred (and that the Proposed Sub-Class A Members
7 owed to Respondents) the Non-Incurred Collection Charges;
- 8 b. Whether at the time Respondents or Agents made, sent, maintained or filed
9 these demands, liens, notices and communications, or at anytime thereafter,
10 Respondents had actually incurred the Non-Incurred Collection Charges.
- 11 c. Whether at the time Respondents or Agents made, sent, maintained or filed
12 these demands, liens, notices and communications, or at any time thereafter, the
13 Non-Incurred Collection Charges were chargeable to and owed by Claimants
14 and the Proposed Sub-Class A Members.
- 15 d. Whether such collection demands, notices, liens and other communications
16 wherein Respondents or Agents represented that Respondents had incurred, and
17 that the Proposed Sub-Class A Members owed the Non-Incurred Collection
18 Charges were false and misrepresented the true fact that no such charges had
19 been incurred by the Respondents or were chargeable to or owed by Claimants
20 and the Proposed Sub-Class A Members.

21 Regarding Sub-Class B, these common questions include the following:

- 22 a. Whether the Respondents or Agents had sent or had recorded against Claimants
23 and the Proposed Sub-Class B Members a Notice of Delinquent Assessment
24 Lien;
- 25 b. Whether there is any provision at law which recognizes the existence of such
26 a Notice of Delinquent Assessment Lien, or any provision at law which permits
27 the public recording or publishing of a Notice of Delinquent Assessment Lien;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- c. Whether Claimants or the Proposed Sub-Class B Members ever authorized the recording of the Notice of Delinquent Assessment Lien;
- d. Whether, pursuant to NRS 116.3116(4), "Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required."
- e. Whether what Respondents and Agents represented as a "lien" was, in fact, not a lien, but merely a notice pursuant to NRS 116.31162;
- f. Whether Respondents and Respondents' Agent improperly charged Claimants and the Proposed Sub-Class B Members several hundred dollars for the drafting and recording of the Notice of Delinquent Assessment Lien;
- g. Whether Respondents and Respondents' Agent improperly charged Claimants and the Proposed Sub-Class B Members money to "release" the Notice of Delinquent Assessment Lien.

Regarding Sub-Class C, these common questions include the following:

- a. Whether Proposed Sub-Class C Members obtained their real property as a result of a foreclosure auction by the first security interest holder of the real property;
- b. Whether as a result of the foreclosure auction, pursuant to NRS §116.3116, the Respondents' statutory lien against the real property became extinguished, but for the Super Priority Lien amount, if any;
- c. Whether any Super Priority Lien even existed due to Respondents' failure to file a "civil action" to enforce the lien;
- d. Whether, instead of informing the Proposed Sub-Class C Members that the statutory lien against the real property had been extinguished due to the foreclosure auction and that nothing was owed by the Proposed Sub-Class C Members but for the Super Priority Lien, if any, the Respondents or Agents issued inaccurate demands to the Proposed Sub-Class C Members for hundreds

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

or thousands of dollars in excess of any Super Priority Lien amount, if any (i.e., the Unlawful Lien Amounts);

e. Whether such demands and representations were inaccurate because the Proposed Sub-Class C Members did not owe the Unlawful Lien Amounts due to said amounts being extinguished through foreclosure auction;

Regarding Sub-Class D, these common questions include the following:

a. Whether the Proposed Sub-Class D Members obtained their real property as a result of a foreclosure auction by the first security interest holder of the real property;

b. Whether as a result of the foreclosure auction and the CC&R's Mortgagee Protection Provisions, amounts claimed by the Respondents or Agents due to pre-foreclosure delinquencies of the former owners of the real property became extinguished, but for any amounts permitted by the CC&R's Mortgagee Protection Provisions;

c. Whether, instead of informing the Proposed Sub-Class D Members that the claimed lien against the real property had been extinguished due to the foreclosure auction and that nothing was owed by the Proposed Sub-Class D Members but for amounts, if any, permitted by the CC&R's Mortgagee Protection Provisions, the Respondents or Agents issued inaccurate demands to the Proposed Sub-Class D Members for hundreds or thousands of dollars in excess of any amounts permitted by the CC&R's (i.e., the Excessive CC&R Amounts);

d. Whether such demands and representations were inaccurate because the Proposed Sub-Class D Members did not owe the Excessive CC&R Amounts due to the Mortgagee Protection Provisions of the Respondents' CC&R's;

65. Typicality. Claimants's claims are typical of the claims of the Proposed Sub-Class A Members because, among other things, Claimants own or has owned residential real property in

1 Respondents and have received or have had recorded against their real property inaccurate collection
2 demands, liens, notices or other communications from Respondents for the Non-Incurred Collection
3 Charges, i.e., charges that were never incurred by Respondents and for which Respondents were not
4 liable. Claimants' claims are typical of the claims of the Proposed Sub-Class B Members because,
5 among other things Claimants had recorded against them by Respondents or Agents a Notice of
6 Delinquent Assessment Lien and paid money to Respondents or Agents for the drafting and/or
7 recordation of the Notice of Delinquent Assessment Lien and/or paid money for the release of the
8 Notice of Delinquent Assessment Lien. Claimants' claims are typical of the claims of the Proposed
9 Sub-Class C Members because, among other things, Claimants obtained title to their real property
10 through a trustee's sale instituted by the first security interest holder of said real property and have paid
11 or are being demanded to pay amounts of money to Respondents, the obligation of which having been
12 extinguished by the trustee's sale of the first mortgage lender pursuant Nevada Revised Statutes
13 §116.3116. Claimants' claims are typical of the claims of the Proposed Sub-Class D Members
14 because, among other things, Claimants obtained title to their real property through a trustee's sale
15 instituted by the first security interest holder of said real property and have paid or are being demanded
16 to pay amounts of money to Respondents, the obligation of which having been extinguished by the
17 trustee's sale of the first mortgage lender and the Mortgagee Protection Provisions of the Respondents'
18 CC&R's.

19 66. Adequacy. Claimants are adequate representatives of the members of the Classes
20 because their interests do not conflict with the interests of the members of the Classes they seek to
21 represent and Claimants intend to prosecute this action vigorously. The interests of members of the
22 Classes will be fairly and adequately protected by Claimants, and their counsel.

23 67. Superiority. The class action is superior to other available means for the fair and
24 efficient adjudication of this dispute. The injury suffered by each member of the Classes, while
25 meaningful on an individual basis, is not of such magnitude as to make the prosecution of individual
26 actions against Respondents economically feasible. Even if the members of the Classes, themselves,
27 could afford such individualized litigation, the court system could not. In addition to the burden and
28

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration
2 of rights, status or other legal relations thereunder.

3 72. Claimants', the Proposed Sub-Class A Members' and Respondents' rights, status and
4 legal relations are affected by Respondents' CC&R's, Nevada Revised Statutes §116.3102(k), Nevada
5 Revised Statutes §116.310313(1), and Nevada Revised Statutes §116.310313(3)(a).

6 73. Therefore, Claimants and the Proposed Sub-Class A Members seek a declaration of
7 rights from this Mediator/Arbitrator/Court which declares that:

- 8 a. Pursuant to provisions of the Respondents' CC&R's, Respondents may assess
9 and collect from Claimants and Proposed Sub-Class A Members charges and
10 other costs actually incurred by Respondents related to the collection of any
11 past due assessments;
- 12 b. Nevada Revised Statutes §116.3102(k) permits only Respondents to impose
13 charges for late payment of assessments against Claimants and the Proposed
14 Sub-Class A Members;
- 15 c. Further, Nevada Revised Statutes §116.310313(1) permits only Respondents
16 to charge Claimants and the Proposed Sub-Class A Members reasonable fees
17 to cover the costs of collecting any past due obligation;
- 18 d. Nevada Revised Statutes §116.310313(3)(a) defines "costs of collecting" as
19 any fee, charge or cost, by whatever name, including, without limitation, any
20 collection fee, filing fee, recording fee, fee related to the preparation, recording
21 or delivery of a lien or lien rescission, title search lien fee, bankruptcy search
22 fee, referral fee, fee for postage or delivery and any other fee or cost that an
23 association charges a unit's owner for the enforcement or collection of a past
24 due obligation;
- 25 e. There is no provision at law which permits Respondents to authorize the Debt
26 Collector to unilaterally assess and charge to Claimants and the Proposed Sub-
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Class A Members any and all fees and costs not incurred by Respondents that the Debt Collector wishes to charge in the collection of past due obligations;
- f. Pursuant to the Collection Agreement, the past practices of Respondents and the Debt Collector, the CC&R's and the aforementioned Nevada Revised Statutes, at no time did Respondents ever actually *incur* the Non-Incurred Collection Charges;
 - g. Therefore, at no time were the Non-Incurred Collection Charges chargeable or owed to Respondents by Claimants and the Proposed Sub-Class A Members;
 - h. Respondents' or Agents' acts of demanding and collecting the Non-Incurred Collection Charges, and other acts as described herein, constitute a breach of the CC&R's by Respondents and a violation of NRS 116;
 - i. Respondents' or Agents' acts of filing and maintaining liens and other recorded notices for the Non-Incurred Collection Charges on the real property of Claimants and the Proposed Sub-Class A Members constitute a breach of the CC&R's by Respondents and a violation of NRS 116;
 - j. As a result of Respondents' actions as herein described, Claimants and the Proposed Sub-Class A Members have suffered damages and are entitled to recompense thereby and are entitled to reasonable attorneys' fees and costs.

74. Claimants', the Proposed Sub-Class A Members' and Respondents' rights, status and legal relations are affected by Nevada Revised Statutes §598.0915 through 598.0925 (Deceptive Trade Practices Act).

74. Therefore, Claimants, and the Proposed Sub-Class A Members described herein seek a declaration of rights from this Mediate/Arbitrator/Court which declares that:

- a. Pursuant to NRS 41.600, "consumer fraud" means, a deceptive trade practice as defined in NRS 598.0915 to 598.0925;
- b. The following Nevada Revised Statutes fall within the definition of "deceptive trade practice," constitute "consumer fraud," and apply to Respondents:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- NRS 598.0915(15) “Deceptive trade practice” defined. A person engages in a “deceptive trade practice” if, in the course of his or her business or occupation, he or she knowingly makes any false representation in a transaction. By knowingly engaging in the conduct as more particularly described in the Section titled, “Allegations Regarding Proposed Sub-Class A Members,” Respondents violated NRS 598.0915(15);
 - NRS 598.092(8) “Deceptive trade practice” defined. A person engages in a “deceptive trade practice” when in the course of his or her business or occupation he or she knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction. By knowingly engaging in the conduct as more particularly described in in the Section titled, “Allegations Regarding Proposed Sub-Class A Members,” Respondents violated NRS 598.092(8);
 - NRS 598.0923(2), (3) and (4) “Deceptive trade practice” defined. A person engages in a “deceptive trade practice” when in the course of his or her business or occupation he or she knowingly fails to disclose a material fact in connection with the sale or lease of goods or services, violates a state or federal statute or regulation relating to the sale or lease of goods or services, and uses coercion, duress or intimidation in a transaction. By knowingly engaging in the conduct as more particularly described in in the Section titled, “Allegations Regarding Proposed Sub-Class A Members,” Respondents violated NRS 598.0923(2), (3) and (4);
- c. If Respondents or Agents violated NRS §598.0915 through 598.0925 as described *supra*, Claimants and the Proposed Sub-Class A Members have

1 standing to maintain an action for consumer fraud against Respondents
2 pursuant to NRS 41.600;

3 d. By violating NRS 598 and by the actions of Respondents and Agents as herein
4 described, Claimants and the Proposed Sub-Class A Members have been
5 victims of consumer fraud giving rise, therefore, to all remedies at law and
6 equity; and

7 e. Claimants and the Proposed Sub-Class A Members are entitled to all attorney's
8 fees as special damages.

9 **SUB-CLASS A - SECOND CAUSE OF ACTION**

10 **Breach of Contract**

11 75. The allegations of paragraphs 1 through 74 above are hereby re-alleged and
12 incorporated herein by this reference.

13 76. Respondents, Claimants and the Proposed Sub-Class A Members are bound by all
14 provisions of Respondents' CC&R's.

15 77. Pursuant to provisions of the Respondents' CC&R's, Respondents may assess and
16 collect from Claimants and Proposed Sub-Class A Members charges and other costs and fees *actually*
17 *incurred* by Respondents related to the collection of any past due assessments.

18 78. However, at no time did Respondents ever *incur* the Non-Incurred Collection Charges.

19 79. Therefore, at no time were the Non-Incurred Collection Charges chargeable to or owed
20 by Claimants and the Proposed Sub-Class A Members.

21 80. Respondents' or Agents' acts of demanding and collecting the Non-Incurred Collection
22 Charges, and other acts as described herein, constitutes a breach of the CC&R's by Respondents.

23 81. Respondents' or Agents' acts of filing and maintaining liens and other recorded notices
24 for the Non-Incurred Collection Charges on the real property of Claimants and the Proposed Sub-Class
25 A Members constitutes a breach of the CC&R's by Respondents.

26 82. As a result of Respondents' actions as herein described, Claimants and the Proposed
27 Sub-Class A Members have suffered damages in excess of \$10,000.00.

1 93. As described herein, Respondents, by themselves or through Agents, violated NRS
2 598.092(8) by misrepresenting the legal rights, obligations or remedies of a party to a transaction.

3 94. As described herein, Respondents, by themselves or through Agents violated NRS
4 598.0923(2) through (4) by failing to disclose a material fact in connection with the sale or lease of
5 goods or services, violating a state or federal statute or regulation relating to the sale or lease of goods
6 or services, and using coercion, duress or intimidation in a transaction.

7 95. As a result of Respondents' or Agents' actions as herein described, Claimants and the
8 Proposed Sub-Class A Members have suffered damages in excess of \$10,000.00.

9 96. As a result of Respondents' or Agents' actions as herein described, Claimants and
10 members of the proposed Sub-Class A have been forced to incur costs and fees in the prosecution of
11 this action and have been required to hire an attorney and incur attorney fees and costs to which
12 Claimants and the Proposed Sub-Class A Members hereby make claim and to which Claimants and
13 the Proposed Sub-Class A Members are entitled.

14 **SUB-CLASS A - FIFTH CAUSE OF ACTION**

15 **Violation of NRS 116**

16 97. The allegations of paragraphs 1 through 96 above are hereby re-alleged and
17 incorporated herein by this reference.

18 98. Together with Respondents' unlawful and improper receipt and retention of Claimants'
19 and the Proposed Sub-Class A Members' monies, Respondents' unlawful collection demands and
20 activities constitute a breach of Nevada Revised Statutes §116.

21 99. Pursuant to Nevada Revised Statutes §116.4117, Claimants and the Proposed Sub-Class
22 A Members have a civil action for damages against Respondents which includes punitive damages for
23 Respondents' willful and material failure to comply with Nevada Revised Statutes §116 and the
24 CC&R's.

25 100. As described above, Respondents, by themselves or through Agents, willfully and
26 materially failed to comply with Nevada Revised Statutes §116, including but not limited to NRS
27 §116.3102(k), NRS §116.310313(1), NRS §116.310313(3), and NRS §116.3116.

1 Class A Members are entitled.

2 **SUB-CLASS A - SEVENTH CAUSE OF ACTION**

3 **Negligent Misrepresentation**

4 109. The allegations of paragraphs 1 through 108 above are hereby re-alleged and
5 incorporated herein by this reference.

6 110. Respondents or Agents claimed a pecuniary interest in the Non-Incurred Collection
7 Charges upon which demands against the real property of Claimants and the Proposed Sub-Class A
8 Members were maintained through statutory liens, collection demands, and various publicly recorded
9 documents.

10 111. Respondents or Agents demanded, claimed and collected monies from Claimants and
11 the Proposed Sub-Class A Members pursuant to the Non-Incurred Collection Charges in the course
12 of Respondents' business as Nevada homeowners' associations by representing that Claimants and the
13 Proposed Sub-Class A Members owed the Non-Incurred Collection Charges to Respondents and that
14 Respondents or Agents had the legal or contractual right to collect, claim, demand and receive the
15 Non-Incurred Collection Charges.

16 112. Respondents' or Agents' representations and demands of Non-Incurred Collection
17 Charges were wholly inaccurate statements of the true amounts, if any, owed by Claimants and the
18 Proposed Sub-Class A Members.

19 113. Through Respondents' multiple, repeated and improper demands upon Claimants and
20 the Proposed Sub-Class A Members to satisfy the Non-Incurred Collection Charges, and through
21 Respondents' or Agents receipt and retention of the Non-Incurred Collection Charges, Respondents
22 supplied false information to Claimants and the Proposed Sub-Class A Members.

23 114. Respondents failed to exercise reasonable care or competence in the obtaining and
24 communicating said information.

25 115. Claimants and the Proposed Sub-Class A Members, under threat of cloud on title to
26 their property, justifiably relied upon Respondents' representations regarding the Non-Incurred
27 Collection Charges and paid to Respondents monies as a result of said representations.

28

1 116. As a result of Respondents' or Agents' actions as herein described, Claimants and the
2 Proposed Sub-Class A Members have suffered damages well in excess of \$10,000.00.

3 117. As a result of Respondents' or Agents' actions as herein described, Claimants and
4 Proposed Sub-Class A Members have been forced to incur costs and fees in the prosecution of this
5 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
6 and the Proposed Sub-Class A Members hereby make claim and to which Claimants and the Proposed
7 Sub-Class A Members are entitled.

8 **SUB-CLASS A - EIGHTH CAUSE OF ACTION**

9 **Conversion**

10 118. The allegations of paragraphs 1 through 117 above are hereby re-alleged and
11 incorporated herein by this reference.

12 119. As above described, Respondents or Agents unlawfully took possession and control
13 over the monies of Claimants and the Proposed Sub-Class A Members and committed distinct acts of
14 dominion wrongfully exerted over such monies, said acts being in denial of or inconsistent with
15 Claimants' and the Proposed Sub-Class A Members' right and title therein, or in derogation, exclusion
16 or defiance of such rights and title therein.

17 120. As a result of Respondents' or Agents' actions as above described, Claimants and the
18 Proposed Sub-Class A Members have suffered damages in excess of \$10,000.00.

19 121. As a result of Respondents' or Agents' actions as herein described, Claimants and the
20 Proposed Sub-Class A Members have been forced to incur costs and fees in the prosecution of this
21 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
22 and the Proposed Sub-Class A Members hereby make claim and to which Claimants and the Proposed
23 Sub-Class A Members are entitled.

24 **SUB-CLASS A - NINTH CAUSE OF ACTION**

25 **Breach of Fiduciary Duty**

26 122. The allegations of paragraphs 1 through 121 above are hereby re-alleged and
27 incorporated herein by this reference.

1 140. Claimants', the Proposed Sub-Class B Members' and Respondents' rights, status and
2 legal relations are affected by Respondents' CC&R's and NRS 116.3116.

3 141. Therefore, Claimants and the Proposed Sub-Class B Members seek a declaration of
4 rights from this Mediator/Arbitrator/Court which declares that:

- 5 a. There is no provision under Nevada law or the CC&R's which recognizes the
6 existence of a "Notice of Delinquent Assessment Lien";
- 7 b. There is no provision under Nevada law or the CC&R's which permits the
8 public recording or publishing of a "Notice of Delinquent Assessment Lien";
- 9 c. Pursuant to NRS 116.3116(4), "Recording of the declaration constitutes record
10 notice and perfection of the lien. No further recordation of any claim of lien for
11 assessment under this section is required";
- 12 d. What Respondents and Agents represented as a "lien" (the Notice of
13 Delinquent Assessment Lien) was, in fact, not a lien, but merely a notice
14 pursuant to NRS 116.31162;
- 15 e. Respondents and Respondents' Agent improperly charged Claimants and the
16 Proposed Sub-Class B Members several hundred dollars for the drafting and
17 recording of the Notice of Delinquent Assessment Lien, even though said
18 document does not exist as a matter of law and there is no provision in law and
19 under the CC&R's which authorizes the filing of such document;
- 20 f. There is no provision under Nevada law requires or permits the filing of a
21 "release" of a Notice of Delinquent Assessment Lien;
- 22 g. Respondents and the Agent improperly charged Claimants and the Proposed
23 Sub-Class B Members money to "release" the "Notice of Delinquent
24 Assessment Lien".

25
26
27
28

SUB-CLASS B - SECOND CAUSE OF ACTION

Breach of Contract

1
2
3 142. The allegations of paragraphs 1 through 141 above are hereby re-alleged and
4 incorporated herein by this reference.

5 143. Respondents, Claimants and the Proposed Sub-Class A Members are bound by all
6 provisions of Respondents' CC&R's.

7 144. Pursuant to provisions of the Respondents' CC&R's, Respondents may assess and
8 collect from Claimants and Proposed Sub-Class A Members charges and other costs and fees incurred
9 by Respondents related to the collection of any past due assessments.

10 145. However, at no time was Respondents ever permitted by the CC&R's to charge to
11 Claimants and the Proposed Sub-Class B Members costs related to the filing of or the release of a
12 "Notice of Delinquent Assessment Lien" as pursuant to NRS 116.3116(4), "Recording of the
13 declaration constitutes record notice and perfection of the lien. No further recordation of any claim of
14 lien for assessment under this section is required".

15 146. What Respondents and Agents represented as a "lien" (the Notice of Delinquent
16 Assessment Lien) was, in fact, not a lien, but merely a notice pursuant to NRS 116.31162 and there
17 is no provision in the CC&R's which permits the recording any such notice.

18 147. In violation of the CC&R's, Respondents and the Agent improperly charged Claimants
19 and the Proposed Sub-Class B Members several hundred dollars for the drafting, recording and release
20 of the Notice of Delinquent Assessment Lien, even though said document does not exist as a matter
21 of law and there is no provision in law and under the CC&R's which authorizes the filing of such
22 document.

23 148. At no time were the False Lien Payments chargeable to or owed by Claimants and the
24 Proposed Sub-Class B Members.

25 149. Respondents' or Agents' acts of demanding and collecting the False Lien Payments,
26 and other acts as described herein, constitute a breach of the CC&R's by Respondents.

1 150. Respondents' or Agents' acts of filing and maintaining liens and other recorded notices
2 for the False Lien Payments on the real property of Claimants and the Proposed Sub-Class B Members
3 constitutes a breach of the CC&R's by Respondents.

4 151. As a result of Respondents' actions as herein described, Claimants and the Proposed
5 Sub-Class B Members have suffered damages in excess of \$10,000.00.

6 152. As a result of Respondents' actions as herein described, Claimants and the Proposed
7 Sub-Class B Members have been forced to incur costs and fees in the prosecution of this action and
8 have been required to hire an attorney and incur attorney fees and costs to which Claimants and the
9 Proposed Sub-Class B Members hereby make claim and to which Claimants and the Proposed Sub-
10 Class B Members are entitled.

11 **SUB-CLASS B - THIRD CAUSE OF ACTION**

12 **Breach of Implied Covenant of Good Faith and Fair Dealing**

13 153. The allegations of paragraphs 1 through 152 above are hereby re-alleged and
14 incorporated herein by this reference.

15 154. A covenant of good faith and fair dealing is implied in the CC&R's.

16 155. Respondents, through their actions and omissions as above described, frustrated
17 Claimants' and the Proposed Sub-Class B Members' reasonable and justified expectations with
18 respect to their real property and the CC&R's.

19 156. Respondents breached the covenant of good faith and fair dealing contained in the
20 CC&R's by performing in a manner that was unfaithful to the purpose of the CC&R's as above
21 described.

22 157. As a result of Respondents' or Agents' actions as herein described, Claimants and the
23 Proposed Sub-Class B Members have suffered damages in excess of \$10,000.00.

24 158. As a result of Respondents' or Agents actions as herein described, Claimants and the
25 Proposed Sub-Class B Members have been forced to incur costs and fees in the prosecution of this
26 action and have been required to hire an attorney and incur attorney fees and costs to which Wells
27 Fargo and the Proposed Sub-Class B Members hereby make claim and to which Claimants and the

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 Proposed Sub-Class B Members are entitled.

2 **SUB-CLASS B - FOURTH CAUSE OF ACTION**

3 **Violation of NRS 598 - Deceptive Trade Practices Act**

4 159. The allegations of paragraphs 1 through 158 above are hereby re-alleged and
5 incorporated herein by this reference.

6 160. By all their acts as above described, including but not limited to those averments
7 contained in the section of this Complaint titled, "Allegations Regarding Proposed Sub-Class B
8 Members," including but not limited to:

- 9 a. Recording against Claimants and the Proposed Sub-Class B Members a
10 fugitive document called a Notice of Delinquent Assessment Lien in order to
11 trick Claimants and the Proposed Sub-Class B Members into paying fees and
12 costs that were not permitted by law or contract;
- 13 b. Misrepresenting to Claimants and the Proposed Sub-Class B Members the fact
14 that the "Notice of Delinquent Assessment Lien" was a legal lien when it was
15 merely a notice, misrepresenting the fact that the Nevada Revised Statutes
16 authorized the recording of such a document when they do not,
17 misrepresenting the fact that Respondents or Agents were entitled to record
18 such a document when they were not, and misrepresenting that the Notice of
19 Delinquent Assessment Lien could be "released" when the document was not
20 a lien that needed or could be "released";
- 21 c. Improperly charging Claimants and the Proposed Sub-Class B Members
22 several hundred dollars for the drafting and recording of the Notice of
23 Delinquent Assessment Lien, even though said document does not exist as a
24 matter of law and there is no provision in law which authorizes the filing of
25 such document;
- 26 d. Improperly charging Claimants and the Proposed Sub-Class B Members money
27 to "release" the "Notice of Delinquent Assessment Lien"

1 e. Stating an amount due in the Notice of Delinquent Assessment Lien that was
2 false as it included amounts which were not properly imposed by Respondents,
3 not actually incurred by the Respondents, not permitted by the CC&RS, and
4 not authorized by law,

5 Respondents have violated NRS 598, the Nevada Deceptive Trade Practices Act, including but not
6 limited to §598.0915, §598.092 and §598.0923.

7 161. As described herein, Respondents, by themselves or through Agents, violated NRS
8 598.0915(15) by knowingly making false representations in a transaction.

9 162. As described herein, Respondents, by themselves or through Agents, violated NRS
10 598.092(8) by misrepresenting the legal rights, obligations or remedies of a party to a transaction.

11 163. As described herein, Respondents, by themselves or through Agents violated NRS
12 598.0923(2) through (4) by failing to disclose a material fact in connection with the sale or lease of
13 goods or services, violating a state or federal statute or regulation relating to the sale or lease of goods
14 or services, and using coercion, duress or intimidation in a transaction.

15 164. As a result of Respondents' or Agents' actions as herein described, Claimants and the
16 Proposed Sub-Class B Members have suffered damages in excess of \$10,000.00.

17 165. As a result of Respondents' or Agents' actions as herein described, Claimants and
18 members of the proposed Sub-Class B have been forced to incur costs and fees in the prosecution of
19 this action and have been required to hire an attorney and incur attorney fees and costs to which
20 Claimants and the Proposed Sub-Class B Members hereby make claim and to which Claimants and
21 the Proposed Sub-Class B Members are entitled.

22 **SUB-CLASS B - FIFTH CAUSE OF ACTION**

23 **Violation of NRS 116**

24 166. The allegations of paragraphs 1 through 165 above are hereby re-alleged and
25 incorporated herein by this reference.

26 167. Together with Respondents' unlawful and improper receipt and retention of Claimants
27 and the Proposed Sub-Class B Members' monies for the False Lien Payments, Respondents, by
28

1 themselves or through Agents, willfully and materially failed to comply with Nevada Revised Statutes
2 §116, including but not limited to NRS §116.3102(k), NRS §116.310313(1), NRS §116.310313(3),
3 NRS §116.3116 and the CC&R's.

4 168. Pursuant to Nevada Revised Statutes §116.4117, Claimants and the Proposed Sub-Class
5 B Members have a civil action for damages against Respondents which includes punitive damages for
6 Respondents' willful and material failure to comply with Nevada Revised Statutes §116 and the
7 CC&R's.

8 169. As more particularly described above, including the section of this Complaint titled,
9 "Allegations Regarding Proposed Sub-Class B Members," Respondents, by themselves or through
10 Agents, willfully and materially failed to comply with Nevada Revised Statutes §116.

11 170. As a result of Respondents' or Agents' actions as herein described, Claimants and the
12 Proposed Sub-Class B Members have suffered damages in excess of \$10,000.00.

13 171. As a result of Respondents' or Agents' actions as herein described, Claimants and the
14 Proposed Sub-Class B Members have been forced to incur costs and fees in the prosecution of this
15 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
16 and the Proposed Sub-Class B Members hereby make claim and to which Claimants and the Proposed
17 Sub-Class B Members are entitled.

18 **SUB-CLASS B - SIXTH CAUSE OF ACTION**

19 **Negligence (Per Se)**

20 172. The allegations of paragraphs 1 through 171 above are hereby re-alleged and
21 incorporated herein by this reference.

22 173. Claimants and the Proposed Sub-Class B Members, as owners of real property located
23 within Respondents, and as alleged debtors and payors of False Lien Payments belong to a class of
24 persons that Nevada Revised Statutes §598, §116 and §649 were intended to protect.

25 174. By their actions as above described, or the acts of their authorized Agents, including
26 the demand and retention and maintaining of liens against the subject residential units for the False
27 Lien Payments, Respondents have violated Nevada Revised Statutes, including but not limited to NRS

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 §116.3102(k), NRS §116.310313(1), NRS §116.310313(3), NRS §116.3116, NRS §598.0915, NRS
2 §598.092, NRS §598.0923 and NRS §649.375.

3 175. Each such violation by Respondents caused Claimants and the Proposed Sub-Class B
4 Members to pay more money to the Respondents than required by the Nevada Revised Statutes, said
5 overpayment comprising Claimants' and the Proposed Sub-Class B Members' injuries.

6 176. As a result of Respondents' or Agents' actions as above described, Claimants and the
7 Proposed Sub-Class B Members have suffered damages in excess of \$10,000.00.

8 177. As a result of Respondents' or Agents' actions as herein described, Claimants and the
9 Proposed Sub-Class B Members have been forced to incur costs and fees in the prosecution of this
10 action and have been required to hire an attorney and incur fees and costs to which Claimants and the
11 Proposed Sub-Class B Members hereby make claim and to which Claimants and the Proposed Sub-
12 Class B Members are entitled.

13 **SUB-CLASS B - SEVENTH CAUSE OF ACTION**

14 **Negligent Misrepresentation**

15 178. The allegations of paragraphs 1 through 177 above are hereby re-alleged and
16 incorporated herein by this reference.

17 179. Respondents or Agents claimed a pecuniary interest in the False Lien Payments upon
18 which demands against the real property of Claimants and the Proposed Sub-Class B Members were
19 maintained through statutory liens, collection demands, and various publicly recorded documents.

20 180. Respondents or Agents demanded, claimed and collected monies from Claimants and
21 the Proposed Sub-Class B Members pursuant to the False Lien Payments in the course of
22 Respondents' business as a Nevada homeowners' association by representing that Claimants and the
23 Proposed Sub-Class B Members owed the False Lien Payments to Respondents and that Respondents
24 or Agents had the legal or contractual right to collect, claim, demand and receive the False Lien
25 Payments.

26
27
28

1 Claimants' and the Proposed Sub-Class B Members' right and title therein, or in derogation, exclusion
2 or defiance of such rights and title therein.

3 189. As a result of Respondents' or Agents' actions as above described, Claimants and the
4 Proposed Sub-Class B Members have suffered damages in excess of \$10,000.00.

5 190. As a result of Respondents' or Agents' actions as herein described, Claimants and the
6 Proposed Sub-Class B Members have been forced to incur costs and fees in the prosecution of this
7 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
8 and the Proposed Sub-Class B Members hereby make claim and to which Claimants and the Proposed
9 Sub-Class B Members are entitled.

10 **SUB-CLASS B - NINTH CAUSE OF ACTION**

11 **Breach of Fiduciary Duty**

12 191. The allegations of paragraphs 1 through 190 above are hereby re-alleged and
13 incorporated herein by this reference.

14 192. In their capacity as statutory homeowners' associations with all the rights, duties and
15 obligations imposed upon it by law and contract, Respondents owed a fiduciary duty to Claimants and
16 the Proposed Sub-Class B Members, as owners of units located within the common interest
17 community of the Respondents, and as members of the Respondents. Thus, Claimants and the
18 Proposed Sub-Class B Members had the right to expect trust and confidence in the integrity and
19 fidelity of Respondents, such that Respondents owed to Claimants and the Proposed Sub-Class B
20 Members a fiduciary duty.

21 193. Respondents' or Agents' actions as described above, including but not limited to their
22 multiple, repeated, inaccurate and improper demanding of Claimants and the Proposed Sub-Class B
23 Members to satisfy demands for the False Lien Payments, Respondents' or Agents' receipt and
24 retention of the False Lien Payments, Respondents' or Agents' clouding of Claimants' and the
25 Proposed Sub-Class B Members' title to their real property via inaccurate liens relating to the False
26 Lien Payments, the hiring and retention of collection agencies which regularly violated NRS 116, NRS
27 649, and NRS 598 in the collection of the False Lien Payments and Respondents' violations of NRS

1 116 and the CC&R's as above described constitute of breach of the fiduciary duty which Respondents
2 owed to Claimants and the Proposed Sub-Class B Members.

3 194. As a result of Respondents' actions as herein described, Claimants and the Proposed
4 Sub-Class B Members have suffered damages in excess of \$10,000.00.

5 195. As a result of Respondents' actions as herein described, Claimants and the Proposed
6 Sub-Class B Members have been forced to incur costs and fees in the prosecution of this action and
7 have been required to hire an attorney and incur attorney fees and costs to which Claimants and the
8 Proposed Sub-Class B Members hereby make claim and to which Claimants and the Proposed Sub-
9 Class B Members are entitled.

10 **SUB-CLASS B - TENTH CAUSE OF ACTION**

11 **Unjust Enrichment**

12 196. The allegations of paragraphs 1 through 195 above are hereby re-alleged and
13 incorporated herein by this reference.

14 197. Based upon the conduct of Respondents and Agents as above described, the
15 Respondents have received undeserved monetary benefits from Claimants and the Proposed Sub-Class
16 B Members through imposition of the False Lien Payments and the wrongful collection and retention,
17 by themselves or through Agents, of Claimants' and the Proposed Sub-Class B Members' monies.

18 198. By their demanding and receiving, by themselves or through Agents, of Claimants' and
19 the Proposed Sub-Class B Members' monies which were not owed to Respondents, the Respondents
20 have been, therefore, unjustly enriched at the expense of the Claimants and the Proposed Sub-Class
21 B Members giving rise to a legal and equitable duty to repay the Claimants and the Proposed Sub-
22 Class B Members for all sums.

23 199. As a result of Respondents' or Agents' actions as herein described, Claimants and the
24 Proposed Sub-Class B Members have suffered special damages in excess of \$10,000.00.

25 200. As a result of Respondents' or Agents' actions as herein described, Claimants and the
26 Proposed Sub-Class B Members have been forced to incur costs and fees in the prosecution of this
27 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
28

1 and the Proposed Sub-Class B Members hereby make claim and to which Claimants and the Proposed
2 Sub-Class B Members are entitled.

3 **SUB-CLASS B - ELEVENTH CAUSE OF ACTION**

4 **Accounting**

5 201. The allegations of paragraphs 1 through 200 above are hereby re-alleged and
6 incorporated herein by this reference.

7 202. Respondents and Agents have acted wrongfully in a manner designed to improperly
8 take Claimants' and the Proposed Sub-Class B Members' monies to which Respondents have no legal
9 entitlement.

10 203. By imposing, claiming and receiving the False Lien Payments, Respondents and Agents
11 have improperly received substantial monies at Claimants' and the Proposed Sub-Class B Members'
12 expense.

13 204. Respondents have been unjustly enriched from their wrongful conduct, and should
14 therefore account to Claimants and the Proposed Sub-Class B Members for the monies improperly
15 taken from Claimants and the Proposed Sub-Class B Members.

16 **SUB-CLASS B - TWELFTH CAUSE OF ACTION**

17 **Injunctive Relief**

18 205. The allegations of paragraphs 1 through 204 above are hereby re-alleged and
19 incorporated herein by this reference.

20 206. Claimants and the Proposed Sub-Class B Members seek injunctive relief against
21 Respondents to enjoin them from filing, claiming, or asserting any demands for the False Lien
22 Payments or any unlawful or improper amounts related thereto, or from filing, claiming, or asserting
23 liens, encumbrances or other notices against the subject real properties for the False Lien Payments
24 or any unlawful or improper amounts related thereto, or from instituting or assisting in the instituting
25 of any process in furtherance of the foreclosure of liens based in whole or in part on the False Lien
26 Payments against the real property of Claimants and the Proposed Sub-Class B Members, or from
27

1 unlawfully or improperly interfering with or obstructing the business, if any, of Claimants and the
2 Proposed Sub-Class B Members.

3 **SUB-CLASS C - FIRST CAUSE OF ACTION**

4 **Declaratory Relief**

5 207. The allegations of paragraphs 1 through 206 above are hereby re-alleged and
6 incorporated herein by this reference.

7 208. Nevada has adopted the Uniform Declaratory Judgments Act (the "Act").

8 209. The Act permits persons whose rights, status or other legal relations affected by a
9 statute or municipal ordinance to have determined by a court of competent jurisdiction any question
10 of construction or validity arising under the statute or ordinance and obtain a declaration of rights,
11 status or other legal relations thereunder.

12 210. Claimants', the Proposed Sub-Class C Members', and Respondents' rights, status and
13 legal relations are affected by Nevada Revised Statutes §116.3116.

14 211. Therefore, Claimants and the Proposed Sub-Class C Members described herein seek
15 a declaration of rights from this Arbitrator/Mediator/Court which declares that:

- 16 a. Pursuant to Nevada Revised Statutes §116.3116, Respondents have a lien for
17 any assessment or fine levied against Delinquent Homeowners' units within the
18 Respondents associations from the time the Delinquent Homeowners'
19 assessment or fine became due; and
- 20 b. Respondents' lien was junior to the first security interest of the Delinquent
21 Homeowners' units' first mortgage lender except for a certain, limited and
22 specified portion of the lien as defined in Nevada Revised Statutes §116.3116
23 which remained senior to the first security interest of the Delinquent
24 Homeowners' units' first mortgage lender, provided that Respondents have
25 instituted an "action" to enforce their lien (the "**Super Priority Lien**"); and
- 26 c. On and after October 1, 2009, the statutory formula for calculating the Super
27 Priority Lien was as follows: the lien is prior to the first security interest on the
28

1 unit only to the extent of any charges incurred by the Associations on the unit
2 pursuant to NRS 116.310312 and only to the extent of the assessments for
3 common expenses which are based on the periodic budget adopted by the
4 Associations pursuant to NRS 116.3115 which would have become due in the
5 absence of acceleration during the 9 months immediately preceding institution
6 of an action to enforce the lien unless federal regulations adopted by the
7 Federal Home Loan Mortgage Corporation or the Federal National Mortgage
8 Association require a shorter period of priority for the lien; and

9 d. Before October 1, 2009, the 9 month time frame cited above, was limited to
10 only 6 months; and

11 e. Pursuant to Nevada Revised Statutes §116.3116, if no “action” as defined by
12 Nevada Rules of Civil Procedure 2 and 3 to be a “civil action,” was instituted
13 by Respondents to enforce said liens, no Super Priority Lien existed against
14 Claimants and the Proposed Sub-Class C Members, yet Respondents
15 represented that such Super Priority Lien was legally due, and demanded and
16 received from Claimants Super Priority Lien amounts which must be returned
17 to Claimants and the Proposed Sub-Class C Members forthwith; and

18 f. Respondents, in contravention of Nevada Revised Statutes §116.3116, have
19 demanded and received monies from Claimants and the Proposed Sub-Class C
20 Members in order to satisfy Respondents’ claimed liens or demands, said
21 monies exceeding the Super Priority Lien, if any, of 6 times the monthly
22 assessment amount which was adopted by the Associations’ budget
23 immediately preceding institution of an action to enforce said liens (9 times
24 said monthly assessment amount after October 1, 2009) unless federal
25 regulations adopted by the Federal Home Loan Mortgage Corporation or the
26 Federal National Mortgage Association require a shorter period of priority for
27 the lien and, therefore, said monies have been improperly demanded and
28

1 collected by Respondents and must be returned to Claimants and the Proposed
2 Sub-Class C Members forthwith, and
3 g. Claimants and the Proposed Sub-Class C Members are entitled to all attorney's
4 fees as special damages.

5 **SUB-CLASS C - SECOND CAUSE OF ACTION**

6 **Breach of NRS 116.3116**

7 212. The allegations of paragraphs 1 through 211 above are hereby re-alleged and
8 incorporated herein by this reference.

9 213. Respondents' actions as described above, including the improper demanding of
10 Claimants and the Proposed Sub-Class C Members to satisfy the Unlawful Lien Amounts, and
11 Respondents' receipt of the Unlawful Lien Amounts constitute a breach of Nevada Revised Statutes
12 §116.3116.

13 214. Pursuant to Nevada Revised Statutes §116.4117, Claimants and the Proposed Sub-Class
14 C Members have a civil action for damages against Respondents which includes punitive damages for
15 Respondents' willful and material failure to comply with Nevada Revised Statutes §116.3116 and the
16 CC&R's.

17 215. As more particularly described above, including the section of this Complaint titled,
18 "Allegations Regarding Proposed Sub-Class C Members," Respondents or Agents acting within the
19 course and scope of the agency, willfully and materially failed to comply with Nevada Revised
20 Statutes §116.3116 and the CC&R's.

21 216. As a result of Respondents' actions as herein described, Claimants and the Proposed
22 Sub-Class C Members have suffered damages in excess of \$10,000.00.

23 217. As a result of Respondents' actions as herein described, Claimants and the Proposed
24 Sub-Class C Members have been forced to incur costs and fees in the prosecution of this action and
25 have been required to hire an attorney and incur attorney fees and costs to which Claimants and the
26 Proposed Sub-Class C Members hereby make claim and to which Claimants and the Proposed Sub-
27 Class C Members are entitled.

1 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
2 and the Proposed Sub-Class C Members hereby make claim and to which Claimants and the Proposed
3 Sub-Class C Members are entitled.

4 **SUB-CLASS C - FOURTH CAUSE OF ACTION**

5 **Negligent Misrepresentation**

6 225. The allegations of paragraphs 1 through 224 above are hereby re-alleged and
7 incorporated herein by this reference.

8 226. Respondents claimed a pecuniary interest in the Unlawful Lien Amounts and in
9 Claimants' and the Proposed Sub-Class C Members' real property through statutory liens, demands,
10 and various publicly recorded documents.

11 227. Respondents demanded, claimed and collected monies from Claimants and the
12 Proposed Sub-Class C Members pursuant to the Unlawful Lien Amounts in the course of Respondents'
13 business as homeowners' associations and misrepresented to Claimants and the Proposed Sub-Class
14 C Members that Claimants and the Proposed Sub-Class C Members owed Respondents the Unlawful
15 Lien Amounts and/or misrepresented to Claimants and the Proposed Sub-Class C Members that
16 Respondents have the legal right to claim and receive the Unlawful Lien Amounts.

17 228. The representations and demands for Unlawful Lien Amounts were wholly inaccurate
18 statements of the true amounts, if any, owed by Claimants and the Proposed Sub-Class C Members
19 to Respondents.

20 229. Respondents' multiple, repeated and improper demands upon Claimants and the
21 Proposed Sub-Class C Members to satisfy the Unlawful Lien Amounts and Respondents' receipt and
22 retention of the Unlawful Lien Amounts constitute false information supplied to Claimants and the
23 Proposed Sub-Class C Members.

24 230. Respondents or Agents failed to exercise reasonable care or competence in obtaining
25 and communicating said information.

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1 the Unlawful Lien Amounts constitute of breach of the fiduciary duty which Respondents owed to
2 Claimants and the Proposed Sub-Class C Members.

3 237. As a result of Respondents' actions as herein described, Claimants and the Proposed
4 Sub-Class C Members have suffered damages in excess of \$10,000.00.

5 238. As a result of Respondents' actions as herein described, Claimants and the Proposed
6 Sub-Class C Members have been forced to incur costs and fees in the prosecution of this action and
7 have been required to hire an attorney and incur attorney fees and costs to which Claimants and the
8 Proposed Sub-Class C Members hereby make claim and to which Claimants is entitled.

9 **SUB-CLASS C - SIXTH CAUSE OF ACTION**

10 **Unjust Enrichment**

11 239. The allegations of paragraphs 1 through 238 above are hereby re-alleged and
12 incorporated herein by this reference.

13 240. Respondents have received undeserved monetary benefits from Claimants and the
14 Proposed Sub-Class C Members through imposition of the Unlawful Lien Amounts and the wrongful
15 collection and retention of Claimants' and the Proposed Sub-Class C Members' monies.

16 241. By demanding and receiving from Claimants' and the Proposed Sub-Class C Members'
17 monies which were not owed, Respondents have been, therefore, unjustly enriched at the expense of
18 the Claimants and the Proposed Sub-Class C Members giving rise to a legal and equitable duty to
19 repay the Claimants and the Proposed Sub-Class C Members for all sums.

20 242. As a result of Respondents' or Agents' actions as herein described, Claimants and the
21 Proposed Sub-Class C Members have suffered special damages in excess of \$10,000.00.

22 243. As a result of Respondents' or Agents' actions as herein described, Claimants and the
23 Proposed Sub-Class C Members have been forced to incur costs and fees in the prosecution of this
24 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
25 and the Proposed Sub-Class C Members hereby make claim and to which Claimants and the Proposed
26 Sub-Class C Members are entitled.

ADAMS LAW ASSOCIATES, LTD.
8330 W. SAHARA AVENUE, SUITE 290
LAS VEGAS, NEVADA 89117
TELEPHONE (702) 838-7200
FACSIMILE (702) 838-3636

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUB-CLASS C - SEVENTH CAUSE OF ACTION

Accounting

244. The allegations of paragraphs 1 through 243 above are hereby re-alleged and incorporated herein by this reference.

245. Respondents have acted wrongfully in a manner designed to improperly take Claimants' and the Proposed Sub-Class C Members' monies to which Respondents have no legal entitlement.

246. By imposing, claiming and transmitting the Unlawful Lien Amounts and documents related thereto, Respondents have improperly received substantial monies at Claimants' and the Proposed Sub-Class C Members' expense.

247. Respondents have been unjustly enriched from their wrongful conduct, and should therefore account to Claimants and the Proposed Sub-Class C Members for the monies improperly taken from Claimants and the Proposed Sub-Class C Members.

SUB-CLASS C - EIGHTH CAUSE OF ACTION

Injunctive Relief

248. The allegations of paragraphs 1 through 247 above are hereby re-alleged and incorporated herein by this reference.

249. Claimants and the Proposed Sub-Class C Members seek injunctive relief against Respondents to enjoin them from filing, claiming, or asserting any demands for Unlawful Lien Amounts or any unlawful or improper amounts related thereto, or from filing, claiming, or asserting liens, encumbrances or other notices against the subject real property for Unlawful Lien Amounts or any unlawful or improper amounts related thereto, or from instituting or assisting in the instituting of any process in furtherance of the foreclosure of homeowners' association liens against the real property of Claimants and the Proposed Sub-Class C Members which are based, in whole or in part, upon the Unlawful Lien Amounts, or from unlawfully or improperly interfering with or obstructing the business of Claimants and the Proposed Sub-Class C Members.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. Pursuant to Mortgagee Protection Provisions of the Respondents' CC&R's, Respondents' assessment lien was junior to the first security interest of the Delinquent Homeowners' units' first mortgage lender except for a certain, limited and specified portion of the lien as defined in the Mortgagee Protection Provisions of the Respondents' CC&R's, and
- b. Respondents, in contravention of the Mortgagee Protection Provisions of the Respondents' CC&R's have demanded and received monies from Claimants and the Proposed Sub-Class D Members in order to satisfy Respondents' claimed liens or demands, said monies constituting the Excess CC&R Amounts and, therefore, said monies have been improperly demanded and collected by Respondents and must be returned to Claimants and the Proposed Sub-Class D Members forthwith, and
- c. Claimants and the Proposed Sub-Class D Members are entitled to all attorney's fees as special damages.

SUB-CLASS D - SECOND CAUSE OF ACTION

Breach of Contract

266. The allegations of paragraphs 1 through 265 above are hereby re-alleged and incorporated herein by this reference.

267. Respondents, Claimants and the Proposed Sub-Class D Members were bound by all provisions of Respondents' CC&R's.

268. Pursuant to Mortgagee Protection Provisions of the Respondents' CC&R's, Respondents' assessment lien was junior to the first security interest of the Delinquent Homeowners' units' first mortgage lender except for a certain, limited and specified portion of the lien as defined in the Mortgagee Protection Provisions of the Respondents' CC&R's.

269. Respondents, in contravention of the Mortgagee Protection Provisions of the Respondents' CC&R's has demanded and received monies from Claimants and the Proposed Sub-Class D Members in order to satisfy Respondents' claimed liens or demands, said monies constituting

1 the Excess CC&R Amounts and, therefore, said monies have been improperly demanded and collected
2 by Respondents in violation of the terms of Respondents' CC&R's.

3 270. As more particularly described above, including the section of this Complaint titled,
4 "Allegations Regarding Proposed Sub-Class D Members," Respondents, or Agents acting within the
5 course and scope of the agency, willfully and materially failed to comply with Respondents' CC&R's.

6 271. As a result of Respondents' actions as herein described, Claimants and the Proposed
7 Sub-Class D Members have suffered damages in excess of \$10,000.00.

8 272. As a result of Respondents' actions as herein described, Claimants and the Proposed
9 Sub-Class D Members have been forced to incur costs and fees in the prosecution of this action and
10 have been required to hire an attorney and incur attorney fees and costs to which Claimants and the
11 Proposed Sub-Class D Members hereby make claim and to which Claimants and the Proposed Sub-
12 Class D Members are entitled.

13 **SUB-CLASS D - THIRD CAUSE OF ACTION**

14 **Breach of Implied Covenant of Good Faith and Fair Dealing**

15 273. The allegations of paragraphs 1 through 272 above are hereby re-alleged and
16 incorporated herein by this reference.

17 274. A covenant of good faith and fair dealing is implied in the CC&R's.

18 275. Respondents, through their actions and omissions as above described, frustrated
19 Claimants and the Proposed Sub-Class D Members' reasonable expectations with respect to their real
20 property and the CC&R's.

21 276. Respondents breached the covenants of good faith and fair dealing contained in the
22 CC&R's by performing in a manner that was unfaithful to the purpose of the CC&R's as above
23 described.

24 277. As a result of Respondents' or Agents' actions as herein described, Claimants and the
25 Proposed Sub-Class D Members have suffered damages in excess of \$10,000.00.

26 278. As a result of Respondents' or Agents' actions as herein described, Claimants and the
27 Proposed Sub-Class D Members have been forced to incur costs and fees in the prosecution of this
28

1 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
2 and the Proposed Sub-Class D Members hereby make claim and to which Claimants and the Proposed
3 Sub-Class D Members are entitled.

4 **SUB-CLASS D - FOURTH CAUSE OF ACTION**

5 **Negligent Misrepresentation**

6 279. The allegations of paragraphs 1 through 278 above are hereby re-alleged and
7 incorporated herein by this reference.

8 280. Respondents claimed a pecuniary interest in the Excessive CC&R Amounts and in the
9 Claimants' and the Proposed Sub-Class D Members' real property through claimed liens, demands,
10 and various publicly recorded documents.

11 281. Respondents or Agents demanded, claimed and collected monies from Claimants and
12 the Proposed Sub-Class D Members in the course of Respondents' business as homeowners'
13 associations and misrepresented to Claimants and the Proposed Sub-Class D Members that Claimants
14 and the Proposed Sub-Class D Members owed Respondents the Excessive CC&R Amounts and/or
15 misrepresented to Claimants and the Proposed Sub-Class D Members that Respondents have the legal
16 right to claim and receive the Excessive CC&R Amounts.

17 282. Respondents' or Agents' demands and representations relating to the Excessive CC&R
18 Amounts were wholly inaccurate statements of the true amounts, if any, owed by Claimants and the
19 Proposed Sub-Class D Members to Respondents.

20 283. Respondents repeated and improper demands upon Claimants and the Proposed Sub-
21 Class D Members to satisfy the Excessive CC&R Amounts and Respondents' receipt and retention
22 of the Excessive CC&R Amounts constitute false information supplied to Claimants and the Proposed
23 Sub-Class D Members.

24 284. Respondents or Agents, by the actions above described, failed to exercise reasonable
25 care or competence in the obtaining and communicating of said information.

1 the Excessive CC&R Amounts constitute a breach of the fiduciary duty which Respondents owed to
2 Claimants and the Proposed Sub-Class D Members.

3 291. As a result of Respondents' actions as herein described, Claimants and the Proposed
4 Sub-Class D Members have suffered damages in excess of \$10,000.00.

5 292. As a result of Respondents' actions as herein described, Claimants and the Proposed
6 Sub-Class D Members have been forced to incur costs and fees in the prosecution of this action and
7 have been required to hire an attorney and incur attorney fees and costs to which Claimants and the
8 Proposed Sub-Class D Members hereby make claim and to which Claimants is entitled.

9 **SUB-CLASS D - SIXTH CAUSE OF ACTION**

10 **Unjust Enrichment**

11 293. The allegations of paragraphs 1 through 292 above are hereby re-alleged and
12 incorporated herein by this reference.

13 294. Based upon the conduct of Respondents as above described, the Respondents have
14 received undeserved monetary benefits from Claimants and the Proposed Sub-Class D Members
15 through imposition of the Excessive CC&R Amounts and the wrongful collection and retention of
16 Claimants' and the Proposed Sub-Class D Members' monies.

17 295. By their demanding and receiving of Claimants' and the Proposed Sub-Class D
18 Members' monies which were not owed to Respondents, the Respondents have been, therefore,
19 unjustly enriched at the expense of the Claimants and the Proposed Sub-Class D Members giving rise
20 to a legal and equitable duty to repay the Claimants and the Proposed Sub-Class D Members for all
21 Excessive CC&R sums.

22 296. As a result of Respondents' or Agents' actions as herein described, Claimants and the
23 Proposed Sub-Class D Members have suffered special damages in excess of \$10,000.00.

24 297. As a result of Respondents' or Agents' actions as herein described, Claimants and the
25 Proposed Sub-Class D Members have been forced to incur costs and fees in the prosecution of this
26 action and have been required to hire an attorney and incur attorney fees and costs to which Claimants
27

1 and the Proposed Sub-Class D Members hereby make claim and to which Claimants and the Proposed
2 Sub-Class D Members are entitled.

3 **SUB-CLASS D - SEVENTH CAUSE OF ACTION**

4 **Accounting**

5 298. The allegations of paragraphs 1 through 297 above are hereby re-alleged and
6 incorporated herein by this reference.

7 299. Respondents have acted wrongfully in a manner designed to improperly take
8 Claimants' and the Proposed Sub-Class D Members' monies to which Respondents have no legal
9 entitlement.

10 300. By imposing, claiming and transmitting the Excessive CC&R Amounts and documents
11 related thereto, Respondents have improperly received substantial monies at Claimants' and the
12 Proposed Sub-Class D Members' expense.

13 301. Respondents have been unjustly enriched from their wrongful conduct, and should
14 therefore account to Claimants and the Proposed Sub-Class D Members for the monies improperly
15 taken from Claimants and the Proposed Sub-Class D Members.

16 **SUB-CLASS D - EIGHTH CAUSE OF ACTION**

17 **Injunctive Relief**

18 302. The allegations of paragraphs 1 through 301 above are hereby re-alleged and
19 incorporated herein by this reference.

20 303. Claimants and the Proposed Sub-Class D Members seek injunctive relief against
21 Respondents to enjoin them from filing, claiming, or asserting any demands for Excessive CC&R
22 Amounts or any unlawful or improper amounts related thereto, or from filing, claiming, or asserting
23 liens, encumbrances or other notices against the subject real property for Excessive CC&R Amounts
24 or any unlawful or improper amounts related thereto, or from instituting or assisting in the instituting
25 of any process in furtherance of the foreclosure of homeowners' association liens against the real
26 property of Claimants and the Proposed Sub-Class D Members which are based, in whole or in part,

27

28

1 upon the Unlawful Lien Amounts, or from unlawfully or improperly interfering with or obstructing
2 the business of Claimants and the Proposed Sub-Class D Members.

3 **SUB-CLASS D - NINTH CAUSE OF ACTION**

4 **Violation of NRS 598 - Deceptive Trade Practices Act**

5 304. The allegations of paragraphs 1 through 303 above are hereby re-alleged and
6 incorporated herein by this reference.

7 305. By all their acts as above described, including but not limited to those averments
8 contained in the section of this Complaint titled, "Allegations Regarding Proposed Sub-Class D
9 Members" Respondents have violated NRS 598, the Nevada Deceptive Trade Practices Act,
10 including but not limited to §598.0915, §598.092 and §598.0923.

11 306. As described herein, Respondents, by themselves or through Agents, violated NRS
12 598.0915(15) by knowingly making false representations in a transaction.

13 307. As described herein, Respondents, by themselves or through Agents, violated NRS
14 598.092(8) by misrepresenting the legal rights, obligations or remedies of a party to a transaction.

15 308. As described herein, Respondents, by themselves or through Agents violated NRS
16 598.0923(2) through (4) by failing to disclose a material fact in connection with the sale or lease of
17 goods or services, violating a state or federal statute or regulation relating to the sale or lease of
18 goods or services, and using coercion, duress or intimidation in a transaction.

19 309. As a result of Respondents' or Agents' actions as herein described, Claimants and
20 members of the proposed Sub-Class D have suffered damages in excess of \$10,000.00.

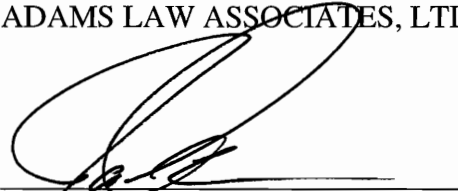
21 310. As a result of Respondents' or Agents' actions as herein described, Claimants and
22 members of the proposed Sub-Class D have been forced to incur costs and fees in the prosecution
23 of this action and have been required to hire an attorney and incur attorney fees and costs to which
24 Claimants and members of the proposed Sub-Class D hereby make claim and to which Claimants
25 and members of the proposed Sub-Class D are entitled.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- under applicable statutes and/or as special damages in excess of \$10,000.00;
- F. For pre and post judgement interest at the statutory rate as may be applicable;
- G. For punitive and trebled damages;
- H. For an accounting of monies improperly taken from Claimants and the members of Sub-Classes A, B C and D, respectively; and
- I. For any further legal and equitable relief that this Arbitrator may deem just and equitable.

Dated this 25 day of May, 2011.

ADAMS LAW ASSOCIATES, LTD.



JAMES R. ADAMS, ESQ.
Nevada Bar No. 6874
ASSLY SAYYAR, ESQ.
Nevada Bar No. 9178
8330 W. Sahara Ave. Suite 290
Las Vegas, Nevada 89117
(702) 838-7200
(702) 838-3636 Fax
james@adamslawnevada.com
assly@adamslawnevada.com
Attorneys for Claimants

PUOY K. PREMSRIRUT, ESQ., INC.
Puoy K. Premsrirut, Esq.
Nevada Bar No. 7141
520 S. Fourth Street, 2nd Floor
Las Vegas, NV 89101
(702) 384-5563
(702)-385-1752 Fax
ppremsrirut@brownlawlv.com
Attorneys for Claimants