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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHRISTIANA TRUST, A DIVISION OF  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, NOT IN ITS INDIVIDUAL CAPACITY  
BUT AS TRUSTEE OF ARLP TRUST 3,  
  
Plaintiff,  
  
vs.  
  
SKYPOINTE UNIT OWNERS'  
ASSOCIATION, *et al.*,  
  
Defendants.

Case No. 2:17-cv-01953-RFB-GWF

**ORDER**

This matter is before the Court on Plaintiff’s Motion for Extension of Time to Serve and For Service by Publication (ECF No. 11), filed on October 16, 2017.

Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is held are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic standard for determining what is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999). N.R.C.P. 4(e)(1)(ii) further states that service by publication is valid for “ any action which relates to, or the subject of which is, real or personal property.”

Plaintiff argues that it has shown due diligence because it has made several unsuccessful attempts at serving Defendant Pham Indiana Realty, LLC (“Pham”). Specifically, Plaintiff states that it initially attempted service on Pham’s registered agent in Dover, Delaware. Plaintiff was

1 informed that Pham was “cancelled for failure to pay taxes on June 1, 2016.” *Motion* (ECF No. 11),  
2 ¶ 4. Thereafter, Plaintiff’s process server performed a skip trace on Pham, which revealed an  
3 address for Pham’s principal/owner as 10015 Prairie Dove Avenue Las Vegas, NV 89117. *Id.* at ¶  
4 5. Plaintiff’s process server attempted service at that address on three separate occasions, all of  
5 which were unsuccessful. *Id.* at ¶ 6; *see* Exhibit 3, Affidavit of Due Diligence. Based on the  
6 foregoing, the Court finds that Plaintiff has demonstrated due diligence in attempting service on  
7 Defendant Pham Indiana Realty, LLC that would warrant permitting service by publication.  
8 Moreover, the subject of the litigation is real property. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Extension of Time to Serve and  
10 For Service by Publication (ECF No. 11) is **granted**. Defendant Pham Indiana Realty, LLC may be  
11 served by Plaintiff through publication of the summons and complaint in this case at least once a  
12 week for four (4) consecutive weeks in the Nevada Legal News, which is a newspaper of general  
13 circulation published in Las Vegas, Nevada.

14 **IT IS FURTHER ORDERED** that Plaintiff shall deposit a copy of the summons and  
15 complaint in the post office via first class certified mail, directed to Defendant Pham Indiana Realty,  
16 LLC’s last known physical addresses: 1) 28 Old Rudnik Lane, Dover, DE 19901 and 2) 10015  
17 Prairie Dov Avenue, Las Vegas, NV 89117.

18 **IT IS FURTHER ORDERED** that Plaintiff shall have until **December 18, 2017**, to  
19 complete service upon Defendant Pham Indiana Realty, LLC.

20 DATED this 23rd day of October, 2017.

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23 GEORGE FOLEY, JR.  
24 United States Magistrate Judge  
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