

AKERMAN SENTERFITT LLP

400 SOUTH FOURTH STREET, SUITE 450
LAS VEGAS, NEVADA 89101
TEL.: (702) 634-5000 - FAX: (702) 380-8572

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COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>JAN 14 2011</p> </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Neil M. Johnson, individually,
Plaintiff,

Case No.: 3:09-CV-00587-RCJ-LRL

vs.

ORDER CANCELING LIS PENDENS

Truckee River Highlands HOA, LLC; Incline Property Management, LLC; Don Glenn; Janet Krauststrunk; Truckee River Hghlands HOA; William Frey; Alan Clark; Confort Residential Partners, LLC; David Stromquist, Martin Hudler, Charles Markley, Jeff Richards WHilliam Thale, Matt Bereron, Gayle A. Kern, Ltd., Gayle A. Kern; Phil Frink & Associates, Phill Frink, Linda Frink, Christine McBride, Praetgitzer Holdings, Inc.,

Defendants.

Doc. 188

This Court issued an Order granting Intervener Bank of America Home Loans Servicing, LP's ("Bank of America") Motion to Set Aside Lis Pendens on November 29, 2010 [Dkt. No. 176].

Bank of America further requests that the lis pendens currently recorded against the subject property by Plaintiff Neil M. Johnson ("Plaintiff") be canceled.

The Court finds that Plaintiff recorded a Notice of Lis Pendens Affecting Real Property ("Lis Pendens") on or about October 7, 2009, as Document No. 3809557 in the real property records maintained by the Washoe County Recorder. A copy of the Lis Pendens is attached hereto at **Exhibit A** and fully incorporated by reference.

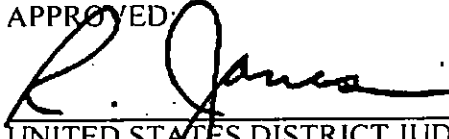
1 UPON CONSIDERATION of Bank of America's request to cancel the Lis Pendens, and
2 good cause appearing therefore, the Court hereby grants Bank of America's the requested relief and
3 rules as follows:

4 1. IT IS ORDERED, ADJUDGED, and DECREED that the Lis Pendens is hereby
5 cancelled, released, and expunged.

6 2. IT IS FURTHER ORDERED, ADJUDGED and DECREED that this order canceling
7 the Lis Pendens has the same effect as an expungement of the original Lis Pendens.

8 3. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Bank of America
9 record a properly certified copy of this cancellation order in the real property records of Washoe
10 County, Nevada within a reasonable amount of time from the date of this order's issue.

11 APPROVED:

12 

13 UNITED STATES DISTRICT JUDGE

14 Dated January 14, 2011

15 Submitted by:
16 AKERMAN SENTERFITT LLP

17
18 /s/ Ariel E. Stern
19 ARIEL E. STERN, ESQ.
20 Nevada Bar No. 8276
21 JACOB D. BUNDICK, ESQ.
22 Nevada Bar No. 9772
23 400 South Fourth Street, Suite 450
24 Las Vegas, Nevada 89101

25 *Attorneys for Intervener*
26 *Bank of America Home Loans Servicing, LP*
27
28

AKERMAN SENTERFITT LLP

400 SOUTH FOURTH STREET, SUITE 450
LAS VEGAS, NEVADA 89101
TEL.: (702) 634-5000 - FAX: (702) 380-8572

Exhibit A

Exhibit A

DOC # 3809557

10/07/2009 03:58:26 PM

Requested By
NEIL M JOHNSON
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$17.00 RPTT: \$0.00
Page 1 of 4

APN: 212-033-03
LIS PENDENS
TS#: 2008-97830

When recorded mail to:
NEIL M. JOHNSON
8080 Highland Flume Circle
Reno, NV 89523



(Space Above for Recorder's Use Only)

LIS PENDENS

KNOW ALL MEN BY THESE PRESENTS:

Notice is hereby given that an action affecting certain real property has been commenced as Case No. 3:09-cv-587, filed in THE UNITED STATES DISTRICT COURT-DISTRICT OF NEVADA, CITY OF RENO, COUNTY OF WASHOE, STATE OF NEVADA, 400 S. Virginia Street, Reno, NV 89501 (775) 686-5800. Filed on October 2, 2009.

WHEREIN, NEIL M. JOHNSON, plaintiff, individually, on behalf of a class of similarly situated class, and TRUCKEE RIVER HIGHLANDS HOA, LLC., a Nevada corporation; INCLINE PROPERTY MANAGEMENT, a Nevada corporation; PRAETGITZER HOLDINGS, INC., a Washington corporation; COMFORT RESIDENTIAL PARTNERS, LLC, a Nevada corporation and a subsidiary of PRAETGITZER HOLDINGS, INC., a Washington corporation; GAYLE A. KERN, LTD., a Nevada corporation; Phil Frink and Associates, a Nevada corporation and subsidiary of GAYLE A. KERN, LTD.; Dave Stromquist, both as individual and Board Director; William Thale, both as individual and Board Member; Matt Bergeron, both as individual and principal of Reno Management, LLC and Praetgitzer Holdings, Inc.; Martin Hudler, both as individual and Board Member; Charles Markley both as individual and Board Member; Jeff Richards, both as individual and Board Member; William Frey, both as individual and Board Director; Alan Clark, both as individual and as Board Member; Phil Frink;

Linda Frink; Christine McBride; and Gayle A. Kern are Defendants in an action for: 1) Violation of 18 U.S.C. § 1952, et seq.; 2) Violation of 18 U.S.C. § 1691, et seq.; 3) Violation of 18 U.S.C. § 1344, et seq.; 4) Violation of 18 U.S.C. § 1513, et seq.; 5) Violation of 15 U.S.C. § 1692e; 6) Violation of 15 U.S.C. § 1692f, et seq.; 7) Violation of 18 U.S.C. § 1341, et seq.; Violation of 8) 42 U.S.C. § 3601; 9) Conspiracy to Commit Fraud and Conversion; 10) Unjust enrichment; 11) Intentional Infliction of Emotional Distress; and 12) Fraud in the Inducement.

This notice is made pursuant to and for the purposes enumerated in NRS 14.010; the subject property is located in Washoe County, State of Nevada, and is more fully described as follows:

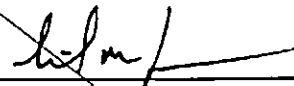
Legal description:

PARCEL 1

Lot 209, as shown on the Map of TRUCKEE RIVER HIGHLANDS, Tract Map No. 4252, filed in the office of the County Recorder of Washoe County, State of Nevada on September 03, 2003 as File No. 2915339 of Official Records.


More commonly known as 8080 Highland Flume Circle, Reno, Nevada, 89523.

DATED: October 6, 2009


NEIL M JOHNSON Pro Per
BY: /s/ Neil M. Johnson
NEIL M JOHNSON
Plaintiff Pro Per

State of Nevada)
)SS.

County of Washoe
Appeared before me this 6th day of October
2009, and of his free will and volition,
Signed the above document freely
And voluntarily.



Notary

C Hutchins
NOTARY PUBLIC STATE OF NEVADA
My Appointment Expires 02/01/2012
Appointment No. 92-0415-2

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Code:
NEIL M. JOHNSON,
IN PRO PER
8080 Highland Flume Circle
Reno, NV 89523
Telephone: 775/ 846-2321

COPY

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
OCT - 2 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEIL M. JOHNSON, individually
Plaintiff,

3:09-CV-587

vs.

COMPLAINT

1. Injunctive Relief
2. Declaratory Relief
3. Punitive Damages
4. Conspiracy to Commit Fraud and Conversion
5. Unjust Enrichment
6. Intentional Infliction of Emotional Distress.
7. Fraud in the Inducement.

Truckee River Highlands HOA, LLC;
Incline Property Management LLC; Don
Glenn; Janet Krautstrunk; Truckee River
Highlands HOA; William Frey; Alan Clark;
Comfort Residential Partners, LLC; Dave
Stromquist, Martin Hudler, Charles Markley,
Jeff Richards, William Thale, Matt Bergeron,
Gayle A. Kern, Ltd., Gayle A. Kern; Phil
Frink & Associates, Phil Frink, Linda Frink,
Christine McBride, Praetgitzer Holdings, Inc.

Defendants.

Plaintiff, NEIL M JOHNSON, individually, on behalf of a class of similarly
situated class whose home is in the process of being illegally foreclosed upon and
purchased by the Defendant, a developer in charge of a declarant controlled Truckee
River Highlands HOA by Defendant, Comfort Residential Partners with the Defendants
retaining the homes; individually, on behalf of a class of similarly situated individuals



WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER
KATHRYN L. BURKE, RECORDER

1001 E. NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.



Signature

10/7/09

Date

NEIL M JOHNSON

Printed Name