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OFFICIAL RECORD  
Requested By:  
GAYLE A KERN LTD

APN: 1318-15-111-016

Recording Requested by:  
Gayle A. Kern, Esq.  
Gayle A. Kern, Ltd.  
5421 Kietzke Lane, Suite 200  
Reno, NV 89511

Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 7 Fee: 20.00  
BK-0410 PG- 4587 RPTT: 0.00

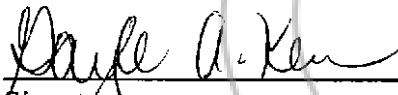


When Recorded Mail to:  
Gayle A. Kern, Esq.  
Gayle A. Kern, Ltd.  
5421 Kietzke Lane, Suite 200  
Reno, NV 89511

**NOTICE OF PERFECTION OF ASSESSMENT LIEN AND NOTICE OF DELINQUENT ASSESSMENT AND CLAIM OF LIEN HOMEOWNERS ASSOCIATION**

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by law: \_\_\_\_\_ (state specific law)

  
Signature

Attorney  
Title

Gayle A. Kern, Esq.

this page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030, Section 4.

This cover page must be typed or printed in black ink.

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Attorneys for Pinewild Condominium Homeowners Association

E-Filed April 9, 2010

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re: Case No. 10-24567  
JOHN W. KRUEGER and Chapter 7  
PENELOPE KRUEGER,  
Debtors.

**NOTICE OF PERFECTION OF  
ASSESSMENT LIEN AND NOTICE OF  
DELINQUENT ASSESSMENT AND CLAIM  
OF HOMEOWNERS ASSOCIATION LIEN**

Pursuant to 11 U.S.C. § 546(b), Pinewild Condominium Homeowners Association, a nonprofit corporation (the "Association"), hereby gives notice of its perfection of assessment lien with respect to the property located at: 600 E Highway 50 Unit # 67. On information and belief, this property is part of Debtors' estate.

Section 546(b) reads, in pertinent part, as follows:

The rights and powers of a trustee . . . are subject to any generally applicable law that permits perfection of an interest in property to be effective against an entity that acquires rights in such property before the date of such perfection. If such law requires seizure of such property or commencement of an action to accomplish such perfection, and such property has not been seized or such action has not been commenced before the date of the filing of the petition, such interest in such property shall be perfected by notice within the time fixed by such law for such seizure or commencement.

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This provision allows for the notice of perfection of a homeowners association assessment lien, which accrued after Debtors having filed the bankruptcy petition, and the balance of which accrues on a quarterly basis after the filing of the petition.

Nevada Revised Statutes, Chapter 116, govern common-interest communities, including homeowners associations, and assessment liens obtained by the associations.

Nevada law provides, in pertinent part, as follows:

The association has a lien on a unit for any assessment levied against that unit or fines imposed against the unit's owner from the time the assessment or fine becomes due.

See N.R.S. § 116.3116(1).

Further, the law provides, in pertinent part, as follows:

Recording of the declaration constitutes recorded notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

See N.R.S. § 116.3116(4).

These provisions, when read together, clearly state that the Association's assessment lien is deemed to relate back to the recordation of the declaration. Thus, the association has a lien against the property from the date of recordation of the declaration for any unpaid assessments.

Based on the foregoing, notice is hereby given that pursuant to the provisions of the Nevada Revised Statutes, the Association claims and hereby perfects its lien upon the real property and buildings, improvements or structures thereon, and states the following:

As of April 7, 2010, the amount of the assessments, late charges, fines, attorney's fees and costs due is ELEVEN THOUSAND FIVE HUNDRED SEVENTY SIX Dollars and 18/100 Cents (\$11,576.18) and continuing amounts that may become due including, but not limited to, quarterly assessments commencing on the 1st day of July,

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2010 in the amount of TWO THOUSAND FIFTY Dollars and 00/100 Cents (\$2,050.00) and every quarter thereafter, plus interest, cost of recording, attorney's fees, foreclosure fees and other penalties thereto and fines that may be assessed from time to time.

The property against which the assessment is assessed is described as follows:

Parcel No. 1:

Lot 67, as shown on the official plat of PINEWILD UNIT NO. 2, a Condominium, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on October 23, 1973, as Document No. 69660.

Parcel No. 2:

The exclusive right to the use and possession of those certain patio areas adjacent to said units designated as "Restricted Common Area" on the Subdivision Map referred to in Parcel No. 1 above.

Parcel No. 3:

An undivided interest as tenants in common as such interest is set forth in Book 377, at Page 417 thru 421 of real property described on the Subdivision Map referred to in Parcel No. 1 above, defined in the Amended Declaration of Covenants, Conditions and Restrictions of Pinewild, a Condominium project, recorded March 11, 1974, in Book 374 of Official Records at page 193 and Supplement to Amended Declaration of Covenants, Conditions and Restrictions of Pinewild, a Condominium project, recorded March 9, 1977, in Book 377 of Official Records at page 411, as Limited Common Area and thereby allocated to the unit described in Parcel No. 1 above, and excepting non-exclusive easements for ingress and egress, utility services, support encroachments, maintenance and repair, over the Common Areas as defined and set forth in said Declaration of Covenants, Conditions.

Parcel No. 4:

Non-exclusive easements appurtenant to Parcel No. 1 above, for ingress and egress, utility services, support encroachments, maintenance and repairs over the Common Area as defined and set forth in the Declaration of Covenants, Conditions and Restrictions of

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Pinewild, more particularly described in the description of Parcel No.  
3 above.

and also identified as assessor's parcel number 1318-15-111-016. The names of the record owners  
of the property are John W. Krueger and Penelope M. Krueger Revocable Living Trust, according  
to the Deed of Realty Trust recorded on January 12, 2009 as Document Number 0735619 in the  
Office of the Douglas County Recorder.

DATED this 9<sup>th</sup> day of April, 2010.

GAYLE A. KERN, LTD.

/s/ Gayle A. Kern  
GAYLE A. KERN, ESQ.  
Attorneys for Pinewild Condominium Homeowners  
Association

**CERTIFICATE OF SERVICE**

1. On April 9, 2010, I served the following document(s) *(specify)*

**NOTICE OF PERFECTION OF ASSESSMENT LIEN AND NOTICE OF DELINQUENT ASSESSMENT AND CLAIM OF HOMEOWNERS ASSOCIATION LIEN**

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System**

John A. Tosney, Esq.  
331 J. Street #200  
Sacramento, CA 95814

Michael F. Burkart, Trustee  
5150 Fair Oaks Blvd. #101-185  
Carmichael, CA 95608

Office of the U.S. Trustee  
Robert T. Matsui United States Courthouse  
501 I Street, Room 7-500  
Sacramento, CA 95814

■ b. **United States mail, postage fully prepaid**

Penny Krueger  
7918 Indian Springs Way  
Orangevale, CA 95662

Certified Mail No. 7007 2560 0000 4221 9128  
and Regular Mail

■ c. **Personal Service**

I personally delivered the document(s) to the persons at these addresses:

- For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

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For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

**d. By direct email (as opposed to through the ECF System)**

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**e. By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

**f. By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on: April 9, 2010.

TERESA A. GEARHART  
(NAME OF DECLARANT)

/s/ Teresa A. Gearhart  
(SIGNATURE OF DECLARANT)



This is to certify that this is a true and correct copy of the original 6 page(s) filed on 4-9-10 in the office of the Clerk, U.S. Bankruptcy Court.

**RICHARD G. HELTZEL**  
U.S. Bankruptcy Court

By C. Janner  
Deputy Clerk