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OFFICIAL RECORDS

Requested By  
**GAYLE A KERN ESQ**

APN: 1121-05-510-015

WHEN RECORDED, RETURN TO:

DOUGLAS COUNTY RECORDERS  
Karen Ellison - Recorder

Page: 1 Of 7 Fee: \$ 20.00  
Bk: 1013 Pg: 3287



Deputy. ar

✓ Gayle A. Kern, Esq.  
Kern & Associates, Ltd.  
5421 Kietzke Lane, Suite 200  
Reno, NV 89511

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

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)

Gayle A. Kern Attorney  
Signature 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.



BK : 10 13  
PG : 3288  
10/16/2013

1 GAYLE A. KERN, ESQ.  
2 Nevada Bar No. 1620  
3 KERN & ASSOCIATES, LTD.  
4 5421 Kietzke Lane, Suite 200  
5 Reno, Nevada 89511  
6 Telephone (775) 324-5930  
7 Facsimile (775) 324-6173  
8 gaylekern@kernltd.com  
9 Attorneys for Pine View Estates Homeowners Association

I certify that this is a true copy:

Attest: October 15, 2013  
Deputy Clerk, U.S. Bankruptcy Court  
*Jawana M. Stacy*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

Case No. BK-N-13-51116-btb

LOIS CORDEIRO,

Chapter 7

Debtor.

**NOTICE OF PERFECTION OF  
ASSESSMENT LIEN AND NOTICE OF  
DELINQUENT ASSESSMENT AND CLAIM  
OF HOMEOWNERS ASSOCIATION LIEN  
(NO HEARING NECESSARY)**

Pursuant to 11 U.S.C. § 506(b) and § 546(b), Pine View Estates Homeowners Association, a non-profit corporation (the "Association"), hereby gives notice of its perfection of assessment lien with respect to the property located at: 230 Mark Street, Gardnerville, Nevada. On information and belief, this property is part of Debtor's estate.

Section 506(b) reads, in pertinent part, as follows:

To the extent that an allowed secured claim is secured by property the value of which, after any recovery under subsection (c) of this section, is greater than the amount of such claim, there shall be allowed to the holder of such claim, interest on such claim and any reasonable fees, costs, or charges provided for under the agreement or State statute under which such claim arose.

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

1 not been commenced before the date of the filing of the petition, such  
2 interest in such property shall be perfected by notice within the time  
3 fixed by such law for such seizure or commencement.

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

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

9 Nevada law provides, in pertinent part, as follows:

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

13 See N.R.S. § 116.3116(1).

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

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

18 See N.R.S. § 116.3116(4).

19 These provisions, when read together, clearly state that the Association's assessment lien is  
20 deemed to relate back to the recordation of the declaration. Thus, the association has a lien against  
21 the property from the date of recordation of the declaration for any unpaid assessments as provided  
22 in the COVENANTS, CONDITIONS AND RESTRICTIONS, recorded 10/13/1997, as Document  
23 No. 0423883 of Official Records of Douglas County, State of Nevada, and any supplements or  
24 amendment thereto, and which have been supplied to and agreed to by said owner(s) or reputed  
25 owner(s). That the Association has made demand for payment of the total amount due and owing  
26 but said sum has not been paid.

27 Based on the foregoing, notice is hereby given that pursuant to the provisions of the Nevada  
28

1 Revised Statutes, the Association claims and hereby perfects its lien upon the real property and  
2 buildings, improvements or structures thereon, and states the following:

3 As of October 4, 2013, the amount of the assessments, late charges,  
4 fines, attorney's fees and costs due is One Thousand Four Hundred  
5 Twenty Three Dollars and 00/100 Cents (\$1,423.00) and continuing  
6 amounts that may become due including, but not limited to, monthly  
7 assessments commencing on the 1<sup>st</sup> day of November, 2013 in the  
8 amount of Eighty Nine Dollars and 00/100 Cents (\$89.00) and every  
9 month thereafter, plus interest, cost of recording, attorney's fees,  
10 foreclosure fees and other penalties thereto and fines that may be  
11 assessed from time to time.

12 A Lien for amounts due and owing is claimed by Association against the following described  
13 property located in the County of Douglas State of Nevada, commonly known as 230 Mark Street  
14 more particularly described as follows:

15 Written lease dated April 28, 1997, as modified on June 9, 1997 between Leon Mark  
16 Kizer (hereinafter called "Kizer", as Lessor, and Lessor herein, as Lessee, which  
17 lease was recorded May 15, 1997, as document no. 672-007-97 of the Land Titles  
18 and Records bureau of Indian Affairs, Albuquerque, New Mexico and the  
19 modification recorded June 13, 1997, as document no. 672-001-97 of the Land Titles  
20 and Records Bureau of Indian Affairs, Albuquerque, New Mexico, which lease is  
21 herein referred to as "the Master Lease". Leasehold estate as created by that certain  
22 lease dated July 14, 2004, made between Ruth Brown, an unmarried woman, as  
23 Lessor, and Ruth Brown, an unmarried woman, Robert S. Hoyt and Layra Hoyt,  
24 husband and wife, as Lessee, for the term and upon the terms and conditions  
25 contained in said lease recorded January 5, 2006, in Book 0105, Page 1326, as  
26 Document No. 633730 in the following:

27 Lot 15, as set forth on Amended Record Survey for PINEVIEW DEVELOPMENT,  
28 UNIT NO. 1, being filed for record with the Douglas County Recorder on October  
13, 1997, in Book 1097, Page 2348, as Document No. 423881.

and also identified as assessor's parcel number 1121-05-510-015. The names of the record owners  
of the property are Lois Cordeiro and/or Ruth Brown, Robert S. Hoyt and Laura Hoyt, and/or Leon  
Mark Kizer.

WHEREFORE, the Association, this lien claimant, claims the benefit of laws relating to liens  
upon said property and buildings and other improvements thereon, as above described, upon the land  
which the same is erected, together with convenient space above the same as may be and for the

1 costs of preparation and recordation of this claim of lien, the whole of said property being  
2 reasonably necessary for the proper use and occupancy of said buildings and other improvements  
3 situated thereon.

4 DATED this 4<sup>th</sup> day of October, 2013.

6 KERN & ASSOCIATES, LTD.

8 /s/ Gayle A. Kern

9 GAYLE A. KERN, ESQ.

10 Attorneys for Pine View Estates Homeowners  
11 Association

**CERTIFICATE OF SERVICE**

1  
2 1. On October 4, 2013, I served the following document(s) (*specify*)

3 **NOTICE OF PERFECTION OF ASSESSMENT LIEN AND NOTICE OF**  
4 **DELINQUENT ASSESSMENT AND CLAIM OF HOMEOWNERS**  
5 **ASSOCIATION LIEN**

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

8 ■ **a. ECF System**

9 Allen M. Dutra, Trustee  
10 59 Damonte Ranch Pkwy, Suite B299  
11 Reno, NV 89521

12 U.S. Trustee - RN - 7  
13 300 Booth Street, Ste. 2129  
14 Reno, NV 89509

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

16 Lois Cordeiro  
17 230 Mark Street  
18 Gardnerville, NV 89410

19 Bank of America, N.A.  
20 7105 Corporate Drive  
21 Plano, TX 75024

22 □ **c. Personal Service**

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

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

□ 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.

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**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: October 4, 2013.

NICOLE MILTON  
(NAME OF DECLARANT)

/s/ Nicole Milton  
(SIGNATURE OF DECLARANT)