

APN 1420-33-111-012  
1318-03-211-016

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KAREN ELLISON, RECORDER

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ORDER CANCELLING LIS PENDENS

1 CASE NO.: 18-PB-0163

2 DEPT NO II

3 This document does NOT contain the Social Security  
4 Number of any individual

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JAN 09 2019

Douglas County  
District Court Clerk

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2019 JAN -9 AM 8:30

BOBBER WILLIAMS  
CLERK

D. GOELZ  
DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

9 In the Matter of:

10 The Dee Orville Noble Taylor and Barbara Ann  
11 Taylor Revocable Trust, dated August 30, 1999,  
12 The Barbara Ann Taylor Revocable Trust, dated  
13 November 15, 1991; and Christopher Noble Taylor  
Trust, dated August 2, 2018,

**ORDER CANCELLING LIS PENDENS**

14 This matter came on for hearing before this court on the 31<sup>st</sup> day of December, 2018. Petitioner's  
15 counsel, Danielle Christensen of Heritage Law Group P C , was present in Court Respondents' counsel  
16 James R Hales of Alling and Jillson, Ltd , representing Christopher Taylor and Lisa Taylor, was present  
17 in court Christopher Taylor was also present in court

18 On November 26, 2018, Petitioner Todd Taylor filed a verified petition with this court asking it  
19 to assume jurisdiction of various trusts pursuant to the provisions in Chapter 164 of the Nevada Revised  
20 Statutes Petitioner also sought relief under other statutory provisions Petitioner sought and obtained  
21 an order to show cause as to why the court should not assume jurisdiction Respondents' have moved  
22 to dismiss the Petition That motion is not yet ripe for decision

23 Simultaneously with filing the Petition, Todd Taylor also filed, *ex parte*, a petition for the court  
24 to either issue a preliminary restraining order or to authorize the Petitioner to file (or more accurately to  
25 record) a *lis pendens* On November 30, 2018 this court signed its Citation to Appear and Show Cause  
26 and scheduled a hearing for December 31, 2018

27 On December 21, 2018 Respondents Christopher Taylor and Lisa Taylor filed a motion to cancel  
28 the *lis pendens* They also requested an accelerated hearing pursuant to NRS 14.015 Petitioner had

1 originally scheduled a hearing on his order to show cause for December 31, 2018 Respondents requested  
2 that this court consider their motion to cancel the *lis pendens* at the December 31, 2018 hearing NRS  
3 14 015 requires a district court judge to hold the hearing "as soon as practicable, taking precedence over  
4 all other civil matters except a motion for a preliminary injunction " No objection was raised by  
5 Petitioner to the consideration of the Motion to Cancel *Lis Pendens* at the December 31, 2018

6 At the hearing the Petitioner relied on the Verified Petition and the exhibits attached to the  
7 Petition, in support for continuing the *lis pendens* As allowed under Nevada Statutes, Respondents  
8 supported their motion to cancel the *lis pendens* through the declarations of three persons: Petitioner  
9 Christopher Taylor, Ronald D Alling, Esq , and Richard Lee, Esq Having received the evidence  
10 presented by both parties, and having heard the arguments of counsel, this Court finds that Petitioner has  
11 failed to meet his burden to support related to the *lis pendens* The statutory basis relied upon by the  
12 Petitioner does not apply and the factual basis relied on by the Petitioner does not support the recording  
13 of a *lis pendens*

14 NRS 14 010 specifically identifies the filing of a complaint as the precursor to recording a notice  
15 of pendency of action This proceeding was brought by petition and not by complaint, accordingly  
16 recording of a *lis pendens* is not legally allowable

17 Additionally, even if a filing of a *lis pendens* were appropriate in a petition action, the provisions  
18 of NRS 14 015 have not been met The Petition, as filed, does not involve the foreclosure of real  
19 property Nether does it affect the title or possession of the real property described in the notice The  
20 uncontroverted evidence presented to the Court is that the trusts in question never had title or possession  
21 of either of the two properties described in the recorded *lis pendens* That finding alone supports the  
22 motion to cancel the *lis pendens*

23 The Court additionally finds that the Petitioner has failed to show that he would be injured by the  
24 transfer of an interest in either of the two parcels, if the transfer were to occur before the conclusion of  
25 this action See NRS 14 015(1)(d) Additionally Petitioner has failed to establish under 14 015(3) that  
26 he has a fair chance of success on the merits and that the injury that he would sustained would be greater  
27 than the hardship on the Respondents, together with showing that if he prevailed he would be entitled to  
28 ///

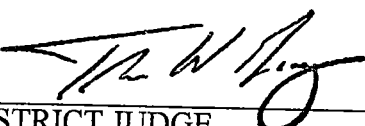
1 relief affecting title or possession of property Based on what was presented during the hearing it is clear  
2 that Petitioner does not seek title to, or possession of, the real property

3 Petitioner also failed to meet the burden imposed upon him under NRS 143 165 which was the  
4 alternative basis for seeking pre-judgment relief That statute is under Title 12 of the Nevada Revised  
5 Statutes and deals with Wills and Estates Chapter 143 is entitled "Powers and Duties of Personal  
6 Representatives " NRS 143.165 is entitled "Temporary Order to Restrain Personal Representative from  
7 Performing Administration, Disbursement or Distribution of Estate Issuance, Hearing " That statutes  
8 applies specifically to Personal Representatives and not to Trustees. Accordingly that statute is  
9 inapplicable

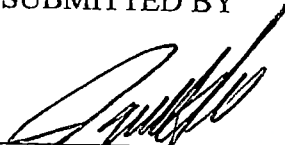
10 Based on the forgoing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the *lis*  
11 *pendens*, as recorded on both properties, is hereby cancelled Specifically, the order authorizing the filing  
12 of the *lis pendens* recorded in Douglas County as Document 2018-923065 on November 30, 2018 is  
13 vacated The *lis pendens* recorded as Document 2018-923066 with the Douglas County Recorders on  
14 the parcel with APN 1420-33-111-012 is hereby cancelled The *lis pendens* recorded as Document 2018-  
15 923067 with the Douglas County Recorders office on the parcel with APN 1318-03-211 016 is hereby  
16 canceled. These cancellations have the same effect as an expungement of the original notice on both  
17 parcels.

18 The Petitioner is ordered to promptly record this order with Douglas County Recorder

19 DATED this 9 day of January, ~~2018~~  
20 2019

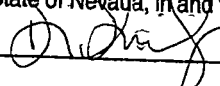
21   
22 DISTRICT JUDGE

23 SUBMITTED BY

24   
25 James R. Hales,  
26 ALLING & JILLSON  
27 Attorney for Respondents  
28 276 Kingsbury Grade, Suite 2000  
Lake Tahoe, Nevada, 89449  
[jhales@ajattorneys.com](mailto:jhales@ajattorneys.com)  
(775) 588-6676

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office

DATE January 9, 2019  
BOBBIE R. WILLIAMS Clerk of Court  
of the State of Nevada, in and for the County of Douglas,  
By  Deputy