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ECALIFIC WILLIAMS



IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

RAYMOND MARK SIDNEY,

Plaintiff,

vs.

TERESA DICKERSON,

Defendant.

ORDER SETTING ASIDE AMENDED JUDGMENT

This Matter came before the Court upon the Defendant Teresa Dickerson's Motion Setting Aside Amended Judgment and Closure of Case (hereinafter "Motion") filed on August 14, 2020. On September 1, 2020, Plaintiff Raymond Mark Sidney filed his Notice of Stipulation therein informing the Court that the parties had reached an agreement regarding Defendant's Motion. Thereafter on December 1, 2020, Defendant Teresa Dickerson filed her Request to Submit therein submitting her proposed Order upon the Motion and also informing the Court that Plaintiff has chosen not to move forward and honor the parties agreement to resolve the Motion.

The Court finding that this matter is ripe for determination, hereby makes the following Findings of Facts and Conclusions of Law:

- 1. That the Court entered a Judgment in this matter against Teresa Dickerson and in favor of Raymond Mark Sidney on April 20, 2011;
- 2. That on September 20, 2016, Plaintiff filed an *Affidavit of Reneral* seeking to renew his April 20, 2011 Judgment;

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ORDER SETTING ASIDE AMENDED JUDGMENT

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- 3. That Plaintiff's *Affidavit of Renewal* was filed 212 days prior to the Judgment's expiration, which expiration was to occur April 20, 2017;
- 4. That NRS 17.214(1)(a) requires that an Affidavit of Renewal be filed within 90 days of a judgment's expiration;
- 5. That the Nevada Supreme Court's decision in the case *Leven v. Frey*, 123 Nev. 399, 168 P.3d 712 (2007), makes it clear that the timing requirements set forth in NRS 17.214 are to be strictly complied with;
- 6. That Plaintiff's Affidavit of Renewal was filed more than 90 days before the expiration of the judgment, and was therefore not a valid renewal of the judgment;
  - 7. That no timely Affidavit of Renewal was filed by Plaintiff in this matter;
  - 8. That Plaintiff's April 20, 2011 Judgment lapsed on April 20, 2017;
- 9. That because Plaintiff's judgment had lapsed on April 20, 2017, the Court was without jurisdiction to enter its October 9, 2018 Order Granting Motion to Correct Clerical Mistake in Judgment and its October 9, 2018 Amended Default Judgment.

NOW THEREFORE, GOOD CAUSE APPEARING, the COURT hereby enters the following Orders:

- That Plaintiff Raymond Mark Sidney's Judgment expired on April 20, 2017;
- 2. That the Court's October 9, 2018 Order Granting Motion to Correct Clerical Mistake in Judgment and the Amended Default Judgment are hereby set aside;
- 3. That as a result of the expiration of the Judgment, the Judgment is no longer enforceable and the recording thereof in any county in the State of Nevada shall no longer serve as a judgment lien upon any real or personal property; and
  - That this matter having reached its final conclusion shall be closed.

IT IS SO ORDERED this 3 Day of December, 2021.

District Judge

