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KAREN ELLISON, RECORDER

Minden Lawyers, LLC
Post Office Box 2860
Minden, NV 89423

FOR RECORDER'S USE ONLY

ORDER GRANTING PLAINTIFF/COUNTERDEFENDANT ROCHELLE
ALTRINGER'S MOTION FOR SUMMARY JUDGMENT

TITLE OF DOCUMENT

____ 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. (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

Neal C. Falk, Esq.
Print Name & Title

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1 Case No. 2021-CV-00244 APR 27 2022

2 Dept. I Douglas County
3 District Court Clerk

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DOLENE R. WILLIAMS
CLERK

4 The undersigned hereby affirms this document
5 does not contain personal information

BY *[Signature]*
DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

8 ROCHELLE ALTRINGER,
9

10 Plaintiff,

11 v.

12 NATALIE A. PRIDDY and all persons
13 unknown, claiming any legal or equitable right,
14 title, estate, lien or interest in the property
15 described in the complaint named as DOES 1
16 through 99,

17 Defendants.

ORDER GRANTING
PLAINTIFF/COUNTERDEFENDANT
ROCHELLE ALTRINGER'S
MOTION FOR SUMMARY JUDGMENT

18 THIS MATTER came before the Court upon Plaintiff/Counter-Defendant Rochelle
19 Altringer's ("SHELLI") Motion for Summary Judgment as to Counts I (Declaratory Judgment)
20 and II (Quiet Title) of her Complaint and Count II (Declaratory Relief) of Defendant/Counter-
21 Plaintiff Natalie A. Priddy's ("NATALIE") Amended Counterclaim. The matter has been fully
22 briefed and the Court has considered the positions asserted by both parties. Having been fully
23 advised in the premises, it is hereby ORDERED and ADJUDGED as follows:
24

25 SHELLI'S Motion for Summary Judgment is GRANTED. There is no genuine dispute as
26 to any material fact concerning SHELLI'S title and interest in real property located at 667 Long
27 Valley Road, Gardnerville, Nevada 89460 and otherwise known as APN 1220-22-310-144
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1 ("REAL PROPERTY"). In this Court's prior Order dated April 5, 2022, it expressly found the
2 following facts to be true:

- 3 • NATALIE, her mother Angela Hudson ("ANGIE"), and ANGIE'S husband Wilhelm
4 Schneider ("WILHELM") all held title to the REAL PROPERTY as joint tenants with
5 right of survivorship.
- 6 • WILHELM passed away and ANGIE subsequently executed a Quitclaim Deed conveying
7 her interest to SHELLI.
8

9
10 See April 5, 2022 Order, Page 3, Lines 1-6 and 12-13.

11 It is a well-settled principle of law that each joint tenant with right of survivorship has "the
12 indisputable right and power to convey his or her interest in the estate, without the knowledge or
13 consent of the other joint tenant, thereby terminating the joint tenancy." Smolen v. Smolen, 114
14 Nev. 342, 956 P.2d 128, 130 (1998). Pursuant to Smolen, this Court held on April 5, 2022 as
15 follows:

16 As a matter of law, ANGIE had an indisputable right and power to convey her
17 interest to SHELLI, thereby divesting herself and terminating her joint tenancy
18 with NATALIE. ANGIE'S conveyance to SHELLI was proper and lawful.

19 See April 5, 2022 Order, Page 3, Lines 10-13. ANGIE'S conveyance to SHELLI created a
20 tenancy in common between SHELLI and NATALIE. See Smolen, 956 P.2d at 130

21 In opposing a motion for summary judgment, the non-moving party "is not entitled to build
22 a case on the gossamer threads of whimsy, speculation, and conjecture." Wood v. Safeway, Inc.,
23 121 Nev. 724, 121 P.3d 1026, 1030-1031 (2005); Pegasus v. Reno Newspapers, Inc., 118 Nev.
24 706, 713-14, 57 P.3d 82, 87 (2002) (quoting Posadas v. City of Reno, 109 Nev. 448, 452, 851 P.2d
25 438, 442 (1993) (quoting Collins v. Union Fed. Savings & Loan, 99 Nev. 284, 302, 662 P.2d 610,
26 621 (1983))); Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992)
27 (quoting Collins, 99 Nev. at 302, 662 P.2d at 621). Nevada's summary judgment standard mirrors
28

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1 that of Matsushita Electric Industrial Co. v. Zenith Radio, 475 U.S. 574, 588, 106 S.Ct. 1348, 89
2 L.Ed. 2d 538 (1986), to wit:

3
4 When the moving party has carried its burden under Rule 56(c), its opponent must
5 do more than simply show that there is some metaphysical doubt as to the material
6 facts. In the language of the Rule, the nonmoving party must come forward with
7 "specific facts showing that there is a *genuine issue for trial*." Where the record
taken as a whole could not lead a rational trier of fact to find for the nonmoving
party, there is no "genuine issue for trial."

8 A dispute is not "genuine" if the evidence presented in the opposing affidavits is of
9 insufficient caliber or quantity to allow a rational fact finder, applying the applicable quantum of
10 proof, to find for the non-moving party. Wood, 121 P.3d at 1031.

11 NATALIE'S opposition to SHELLI'S tenancy in common is entirely premised upon
12 "gossamer threads of whimsy, speculation, and conjecture." This Court's April 25, 2022 Order has
13 already found that NATALIE'S opposition is "unsupported by credible legal authority." See April
14 5, 2022 Order, Page 3, Lines 14-20.

15 Following entry of this Court's April 5, 2022 Order, SHELLI attempted to resolve this
16 matter in its entirety with NATALIE, whereby the parties would stipulate to the tenancy in
17 common, restore SHELLI's title, and remove any cloud upon same. NATALIE refused. As a
18 result, SHELLI continues to incur legal fees and costs to prosecute her Complaint and defend
19 against NATALIE'S Amended Counterclaim.

20 Pursuant to NRS 18.010(2)(b), all of SHELLI'S attorney's fees and costs are awarded
21 against NATALIE. NRS 18.010(2)(b) allows this Court to award attorney's fees to a prevailing
22 party:

23 Without regard to the recovery sought, when the court finds that the claim,
24 counterclaim, cross-claim or third-party complaint or defense of the opposing party
25 was brought or maintained without reasonable ground or to harass the prevailing
26 party. *The court shall liberally construe the provisions of this paragraph in favor*
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of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public. (Emphasis added).


NATALIE continues to oppose SHELLI'S title and interest in the REAL PROPERTY despite this Court's April 5, 2022 Order. NATALIE'S opposition is without reasonable ground and frivolous. This Court also awards SHELLI her fees because she has not yet recovered against NATALIE more than \$20,000.00 in damages. See NRS 18.010(2)(a). SHELLI, through counsel, is ordered to file with this Court her Brunzell affidavit in accordance with the law.

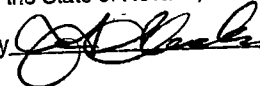
This Court finds that SHELLI and NATALIE hold title as tenants in common to the real property located at 667 Long Valley Road, Gardnerville, Nevada 89460 and otherwise known as APN 1220-22-310-144.

NATALIE's "Confirmation Grant Deed" which she previously recorded with the Douglas County Recorder's Office, identified as document number 2019-930631, is hereby vacated.

NATALIE'S title and interest in the real property located at 667 Long Valley Road, Gardnerville, Nevada 89460 and otherwise known as APN 1220-22-310-144 shall not take precedence or priority to SHELLI'S interest. Each holds title to said real property as tenants in common.

DATED this 9 day of June 2022.


NATHAN TOD YOUNG
District Judge

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 November 10, 2022
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By  Deputy