

APN# 1220-14-010-006



SHAWNYNE GARREN, RECORDER

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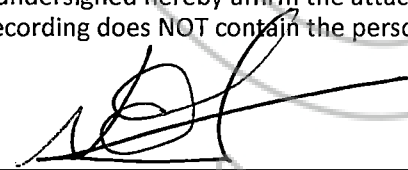
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The undersigned hereby affirms that the document submitted for recording
DOES contain personal information as required by law: (check applicable)

- Affidavit of Death** – NRS 440.380 (1)(A) & NRS 40.525 (5)
- Military Discharge** – NRS 419.020 (2)
- Other NRS** _____ (state specific law)

-OR-

I the undersigned hereby affirm the attached document, including any exhibits, hereby submitted for recording does NOT contain the personal information of any person(s). (Per NRS 239B.030)



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Neal Falk

Printed Name

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Case No. 2022-CV-00151

Douglas County
District Court Clerk

2023 SEP 18 PM 1:43

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The undersigned hereby affirms this document
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BOBBIE R. WILLIAMS
CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

ROBERT A. ELIZONDO,

Plaintiff,

vs.

CHRISTINA MAST, Trustee of the Hanne
Elizondo 2010 Revocable Living Trust dated
November 8, 2010, and CHRISTINA MAST,
an individual,

Defendants.

**ORDER GRANTING MOTION FOR
PAYMENT OF PREVAILING PARTY
ATTORNEY'S FEES AND COSTS;
PARTIAL JUDGMENT**

AND RELATED Counterclaim

THIS MATTER came before the court upon Plaintiff/Counter-Defendant Robert Elizondo's ("ROBERT") Motion for Payment of Prevailing Party Attorney's Fees and Costs ("Motion"). Having reviewed the Motion and all responsive pleadings thereto and being otherwise fully advised in the premises, it is hereby ORDERED and ADJUDGED as follows:

1. ROBERT'S Motion is GRANTED.
2. Partial Judgment is hereby entered against Defendant/Counter-Plaintiff Christina Mast ("CHRISTINA") for payment of ROBERT'S prevailing party attorney's fees in the amount of \$11,074.50 and costs of \$900.74 for a total of \$11,974.74.
3. The Court has reviewed ROBERT'S Brunzell application and supporting affidavits and finds the attorney's fees and costs reasonable.

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1 4. ROBERT's entitlement to fees and costs arises from a prior Decree dated September
2 23, 2010 ("DECREE") which adopts, ratifies and incorporates ROBERT'S prior Marital Settlement
3 Agreement ("MSA"). CHRISTINA is a party in privity to the DECREE. The DECREE states: "In
4 the event that either party fails or refuses to comply with the provisions of this agreement, the failing
5 party shall reimburse the other party for all loses [sic] and expenses including, but not limited to,
6 attorney's fees and all costs incurred as a result of such failure." DECREE at ¶ 13, MSA Section
7 12 ("Further Assurances").

8 5. ROBERT's entitlement also arises from NRS 18.010, which states:

9 **NRS 18.010 Award of attorney's fees.**

- 10 1. The compensation of an attorney and counselor for his or her services is
11 governed by agreement, express or implied, which is not restrained by law.
12 2. In addition to the cases where an allowance is authorized by specific statute,
13 the court may make an allowance of attorney's fees to a prevailing party:
14 (a) When the prevailing party has not recovered more than \$20,000; or
15 (b) Without regard to the recovery sought, when the court finds that the
16 claim, counterclaim, cross-claim or third-party complaint or defense of the
17 opposing party was brought or maintained without reasonable ground or to
18 harass the prevailing party. The court shall liberally construe the provisions
19 of this paragraph in favor of awarding attorney's fees in all appropriate
20 situations. It is the intent of the Legislature that the court award attorney's
21 fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of
22 the Nevada Rules of Civil Procedure in all appropriate situations to punish
23 for and deter frivolous or vexatious claims and defenses because such claims
24 and defenses overburden limited judicial resources, hinder the timely
25 resolution of meritorious claims and increase the costs of engaging in
26 business and providing professional services to the public.
27 3. In awarding attorney's fees, the court may pronounce its decision on the fees
28 at the conclusion of the trial or special proceeding without written motion and
with or without presentation of additional evidence.
 4. Subsections 2 and 3 do not apply to any action arising out of a written
instrument or agreement which entitles the prevailing party to an award of
reasonable attorney's fees.

 6. Here, CHRISTINA maintained a counterclaim for partition and denied personal
liability for debts owed without reasonable ground and/or otherwise maintained claims to harass
ROBERT. Specifically, CHRISTINA sought partition to force the sale of real property in which

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ROBERT resides despite the DECREE'S express language to the contrary. During the hearing on ROBERT'S Motion for Summary Judgment, CHRISTINA sought to subvert the DECREE based on unsubstantiated and unsupported theories of restraint on alienation and the Rule Against Perpetuities. CHRISTINA'S reliance on alienation caselaw was entirely misplaced. She failed to cite any caselaw in relation to the Rule Against Perpetuities. Additionally, she failed to oppose or even address the issue of her personal liability under NRS 164.025.

7. Under these circumstances, an award to ROBERT for his reasonable attorney's fees and costs is warranted pursuant to the terms of the DECREE and NRS 18.010(2)(b).

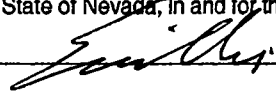
IT IS SO ORDERED.

Dated this 18 day of September, 2023.


DISTRICT COURT JUDGE

Submitted by:

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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 12-14-2023
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By  Deputy