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ANS CAROLYN M. BROUSSARD, ESQ.

State Bar No. 004545

LAW OFFICES OF STACEY UPSON

7455 Arroyo Crossing Parkway, Suite 200

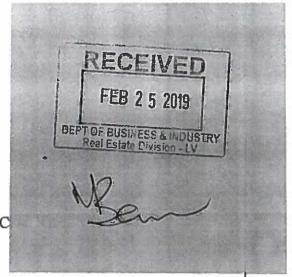
Las Vegas, NV 89113

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Attorney for Respondent, TERRA LINDA TOWNHOUSE ASSOC

(hereinafter referred to as "Terra Linda" or "Respondent")



BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND

CONDOMINIUM HOTELS STATE OF NEVADA

Sharath Chandra, Administrator, Real Estate Division, Department of Business and Industry, State of Nevada,

Petitioner,

VS.

Terra Linda Townhouse Homeowners Association,

Respondent.

Case No.: 2018-892

TERRA LINDA TOWNHOUSE HOMEOWNERS ASSOCIATION'S ANSWER TO COMPLAINT FO DISCIPLINARY ACTION

COMES NOW, Terra Linda Townhouse Homeowners Association ("Terra Linda HOA" or "Respondent"), by and through their attorney of record, CAROLYN M. BROUSSARD, ESQ., of the LAW OFFICES OF STACEY UPSON, and answers Petitioner's Complaint, as follows:

JURISDICTION AND NOTICE

- Answering Paragraph 1 of Petitioner's Complaint (Jurisdiction and Notice), Respondent admits it is a domestic nonprofit coop, without stock, in the State of Nevada.
- 2. Answering Paragraph 2 of Petitioner's Complaint (Jurisdiction and Notice), Respondent objects to the allegations contained therein as the allegations therein call for legal conclusions. Without waiving said objections, Respondent states it is without sufficient knowledge or information necessary

to form a belief as to the truth or falsity of the allegations contained therein, and therefore, denies the same.

FACTUAL ALLEGATIONS

3. Answering Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, of Petitioner's Complaint (Factual Allegations), Respondent objects to the allegations contained therein on the grounds that they are vague and ambiguous. Respondent further objects, as the allegations therein call for legal conclusions. Without waiving said objections, Respondent states it is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of the allegations contained therein, and therefore, denies the same.

VIOLATIONS OF LAW

4. Answering Paragraphs 15, and 16, of Petitioner's Complaint (Violations of Law), Respondent objects to the allegations contained therein on the grounds that they are vague and ambiguous. Respondent further objects, as the allegations therein call for legal conclusions. Without waiving said objections, Respondent states it is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of the allegations contained therein, and therefore, denies the same.

DISCIPLINE AUTHORIZED

- 5. Answering Paragraphs 1, 2, 3, 4, 5, 6, 7, and 8, of Petitioner's Complaint (Discipline Authorized), Respondent objects to the allegations therein call for legal conclusions. Without waiving said objections, Respondent states it is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of the allegations contained therein, and therefore, denies the same.
- As to those matters, if any, not herein answered, Respondent expressly denies any and all allegations relating thereto.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Petitioner's Complaint on file herein fails to state a claim against Respondent upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Respondent alleges that the injuries, if any, suffered by the Petitioner as set forth in the Petitioner's Complaint were caused in whole or in part by the negligent and/or willful conduct of a third party over which Respondent had no control.

THIRD AFFIRMATIVE DEFENSE

Answering Respondent alleges it performed no acts or omissions relevant to the subject matter of the Petitioner's Complaint on file herein such as would create any liability or duty whatsoever on the part of the answering Respondent.

FOURTH AFFIRMATIVE DEFENSE

Answering Respondent alleges that Petitioner has waived any right of recovery from the answering Respondent.

FIFTH AFFIRMATIVE DEFENSE

Answering Respondent alleges that Petitioner is estopped from pursuing any claim against the answering Respondent.

SIXTH AFFIRMATIVE DEFENSE

The claims alleged by the Petitioner are barred by the applicable Nevada statutes of limitations and/or repose.

SEVENTH AFFIRMATIVE DEFENSE

Answering Respondent is informed, believes and thereon alleges that the Petitioner has failed to join a party pursuant to NRCP 19 necessary for just adjudication of the claims at issue in this action.

EIGHTH AFFIRMATIVE DEFENSE

The Respondent has acted honestly, reasonably and in compliance with all applicable statutes and law with respect to any and all allegations contained in the Petitioner's complaint.

NINTH AFFIRMATIVE DEFENSE

Petitioner failed to plead with sufficient specificity any violation of codes, ordinances, regulations, statutes or other laws.

TENTH AFFIRMATIVE DEFENSE

The Answering Respondent acted in good faith with respect to all claims and causes of action as alleged in Petitioner's Complaint.

ELEVENTH AFFIRMATIVE DEFENSE

The Respondent's actions and/or communications, which allegedly give rise to the alleged violations are protected by privilege and the business judgment rule.

TWELFTH AFFIRMATIVE DEFENSE

Laches applies and acts to bar the institution of this action, and therefore the claims of Petitioner should be dismissed with prejudice.

THIRTEENTH AFFIRMATIVE DEFENSE

Petitioner, and those whose rights they pursue, failed to mitigate their alleged damages.

FOURTEENTH AFFIRMATIVE DEFENSE

Pursuant to Rule 11 of NRCP as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts are not available after reasonable inquiry from the filing of Petitioner's Complaint, and therefore, Respondent reserves the right to amend its Answer to allege additional affirmative defenses, delete or change the same as subsequent investigation warrants.

FIFTEENTH AFFIRMATIVE DEFENSE

Respondent incorporates by reference each and every affirmative defense set forth in NRCP 8(c) as if fully set forth herein.

WHEREFORE, Answering Respondent prays for relief as follows:

- 1. That Petitioner take nothing by way of their Complaint on file herein;
- That Answering Respondent be dismissed with costs incurred and reasonable attorney fees; and,
- 3. For such other and further relief as the Court deems just and proper in the premises.

DATED: February 22, 2019

BY:

CAROLYN M. BROUSSARD, ESQ. Attorney for Respondent, Terra Linda.

| 2 | CERTIFICATE OF SERVICE | |
|----|---|----|
| 3 | Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, I certify that I am an employee of | ,f |
| 4 | and that on the22 day of February, 2019, I served a true and correct copy of the above an | ď |
| -5 | foregoing RESPONDENT TERRA LINDA HOA'S ANSWER TO PETITIONER'S COMPLAINT | Г |
| 6 | on the parties addressed as shown below: | |
| 7 | | |
| 8 | xVia Hand Delivery to NRED | |
| 9 | | |
| 10 | Sharath Chandra, Administrator Real Estate Division, Dept. of Business & Industry State of Nevada | |
| 11 | 3300 W. Sahara Avenue #350 Las Vegas, NV 89102 | |
| 12 | Phone: (702) 486-4033 | |
| 13 | Michelle D. Briggs, | |
| 14 | Senior Deputy Attorney General 555 E. Washington Avenue #3900 | |
| 15 | Las Vegas, NV 89101 Phone: (702) 486-3420 | |
| 16 | Attorneys for the Real Estate Division | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | An Employee of the Law Offices of Stacey Upson | |
| 22 | | |
| 23 | | |