

1 BEFORE THE COMMISSION FOR COMMON-INTEREST
2 COMMUNITIES AND CONDOMINIUM HOTELS
3 STATE OF NEVADA
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5 Sharath Chandra, Administrator,
6 Real Estate Division, Department of Business &
7 Industry, State of Nevada

8 Petitioner,

9 vs.

10 Belcourt Owners Association, Angela Berliner,
11 Marcia Creamer, Jesse Zambrano and John Carter,

12 Respondents.

CASE NO. 2018-172

FILED

OCT 05 2020

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kelly Valadez

13 **RESPONDENTS' ANSWER TO PETITIONER'S COMPLAINT**

14 COMES NOW Respondents BELCOURT OWNERS ASSOCIATION, ANGELA
15 BERLINER, MARCIA CREAMER, JESSA ZAMBRANO and JOHN CARTER, by and
16 through their attorneys of record, THORNDAL, ARMSTRONG, DELK, BALKENBUSH &
17 EISINGER, and for their answer to Petitioner's Complaint on file herein, admits, denies and
alleges as follows:

18 **JURISDICTION**

- 19 1. Answering Paragraph 1, Respondents admit the allegations contained therein.
20 2. Answering Paragraph 2, the allegations contained therein state legal conclusions
21 to which no answer is required. Insofar as an answer to these allegations is deemed required,
22 Respondents deny the allegations on information and belief.

23 **FACTUAL ALLEGATIONS**

- 24 3. Answering Paragraph 3, Respondents admit that at all times pertinent to the
25 Complaint Belcourt was a self-managed, planned community consisting of 101 units.
26 4. Answering Paragraph 4, Respondents admit that at all times pertinent to the
27 Complaint Belcourt's annual budget was \$19,695.00.

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5. Answering Paragraphs 5, 6, 7, 8, 9, 14, 15, 20, 24 and 30, Respondents admit the allegations contained therein.

6. Answering Paragraph 10, Respondents admit that the Board confirmed that meetings were not being held every 100 days. Respondents deny the rest and remainder of each and every allegation contained therein.

7. Answering Paragraphs 11, 12, 13, 17, 18, 19, 22, 23, 27, 28, 29, 31 and 32, Respondents state that they are 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.

8. Answering Paragraphs 16 and 26, Respondents deny each and every allegation contained therein.

9. Answering Paragraph 21, Respondents admit Marcia Creamer provided a response. Respondents deny the rest and remainder of each and every allegation contained therein.

10. Answering Paragraph 25, Respondents deny the allegations, in that they had three Board members, and either one or two at large Board members over the pertinent time frame.

VIOLATIONS

11. Answering Paragraphs 33, 36 and 41, Respondents admit the allegations contained therein.

12. Answering Paragraphs 34, 35, 37, 38, 39, 40, 42, 43, 44, 45, 46 and 47, Respondents deny each and every allegation contained therein.

FIRST AFFIRMATIVE DEFENSE

The Respondents at all times acted in good faith and in the best interest of the Association.

SECOND AFFIRMATIVE DEFENSE

Any violations of statutes or codes were inadvertent or based on mistake.

THIRD AFFIRMATIVE DEFENSE

None of the claimed violations by Respondents were done knowingly.

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FOURTH AFFIRMATIVE DEFENSE

None of the claimed violations by Respondents were done willfully.

FIFTH AFFIRMATIVE DEFENSE

There is no evidence of knowing or willful violations on the part of the Respondents.

SIXTH AFFIRMATIVE DEFENSE

Respondents volunteered their time on behalf of the Association, and utilized their best efforts to manage and oversee the Association.

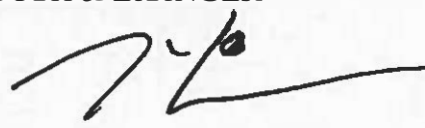
SEVENTH AFFIRMATIVE DEFENSE

Respondents are entitled to legal fees and costs for having to defend this matter.

WHEREFORE, Respondents pray that Petitioner take nothing by way of the Complaint on file herein, and that these Respondents be awarded their costs and reasonable attorney's fees.

DATED this 30th day of Sept., 2020.

THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

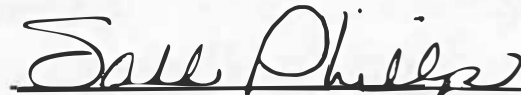


By: _____
KEVIN DIAMOND, ESQ.
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Las Vegas, NV 89101-5315
Attorney for Respondents

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), on Oct. 2, 2020, service of RESPONDENTS' ANSWER TO PETITIONER'S CONMPLAINT was made upon each of the parties, listed below, via email and U.S. Mail.

Michelle D. Briggs, Esq.
Senior Deputy Attorney General
555 E. Washington Avenue, Ste. 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division


An Employee of Thorndal, Armstrong, Delk,
Balkenbush & Eisinger