



Luke Busby <luke@lukeandrewbusbyltd.com>

# Motion to Dismiss/Objection of Pro Pony, LLC to Appeal of WSUP 2023-0029 by Jill Brandin

2 messages

**Luke Busby** <luke@lukeandrewbusbyltd.com>  
To: "Olander, Julee" <JOlander@washoecounty.gov>

Tue, Dec 12, 2023 at 3:31 PM

Hi Julee,

Attached is Pro Pony, LLC's Motion/Objection to Brandin's Appeal of WSUP 2023-0029.

Please include this in the record before the Commission.

Please let me know if you have any questions or concerns.

Cheers!

--  
Cheers!

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 **Motion Objection to Brandin Appeal FINAL.pdf**  
3929K

**Olander, Julee** <JOlander@washoecounty.gov>  
To: Luke Busby <luke@lukeandrewbusbyltd.com>

Wed, Dec 13, 2023 at 11:27 AM

Wil add it.



**Julee Olander, Planner**

[jolander@washoecounty.gov](mailto:jolander@washoecounty.gov) | Direct Line: 775.328.3627

My working hours: Monday-Friday 8:00am to 4:30pm

Visit us first online: [www.washoecounty.gov/csd](http://www.washoecounty.gov/csd)

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1001 East Ninth Street, Reno, NV 89512



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**From:** Luke Busby <[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)>

**Sent:** Tuesday, December 12, 2023 3:31 PM

**To:** Olander, Julee <[JOlander@washoecounty.gov](mailto:JOlander@washoecounty.gov)>

**Subject:** Motion to Dismiss/Objection of Pro Pony, LLC to Appeal of WSUP 2023-0029 by Jill Brandin

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[Quoted text hidden]

December 12, 2023

Re: Motion to Dismiss/Objection of Pro Pony, LLC to Appeal of WSUP 2023-0029 by Jill Brandin

### **Background**

On November 2, 2023, the Board of Adjustment made a motion to approve the Applicant Pro Pony LLC's ("Applicant") Special Use Permit ("SUP") to allow for the construction of an indoor arena covering an existing outdoor arena at a licensed commercial stable. The motion failed to pass as two members voted against the motion, resulting in a technical denial of the request.

The Applicant is applying for the SUP to bring the long existing licensed commercial stable at 3400 Holcomb Ranch Lane into conformance with Washoe County Code ("WCC") Section 110.226.18(b)(1) and to construct a 13,500 square foot indoor riding arena to enhance the experience for both the horses and the community members, and to ensure the safety of horses and riders during bad weather. The Application also includes a request to modify the requirement for paved parking surfaces to allow non-paved surfaces, as well as the waiver for landscape standards.

On November 16, 2023, Applicant filed an appeal of the Board of Adjustment decision to the Board of County Commissioners. On November 15, 2023, Jill Brandin (hereinafter "Brandin"), claiming to live "nearby" the Applicant, filed an appeal of the Board of Adjustment's decision as well. Jill Brandin is not an "aggrieved person" by the decision of the Board of Adjustment under the provisions of WCC 110.910.02. For this, and various other grounds explained below, the Commission should dismiss or otherwise disregard Brandin's appeal.

The Staff Report before the Board of Adjustment outlined Staff's recommendation for approval based on its ability to make all required SUP findings. Staff's discussion at the November 2, 2023 hearing, Staff noted that the Applicant's commercial stable is a legally established nonconforming use. The Applicant is currently licensed and allowed to operate subject to the limit on the number of horses boarded at the facility at 35.

Brandin claims, “Brandin and the Neighboring Property Owners support the Board of Adjustment's decision to deny the Application.” As argued below, as a matter of fact, Brandin is not aggrieved by the Board of County Commissioner’s decision. As such, Brandin’s appeal is a “fugitive document” and should be dismissed and disregarded by the Board of County Commissioners.

### **Brandin is not an “aggrieved person”**

In her Appeal, Brandin claims she “...who owns the immediately adjacent properties and lives nearby to 3400 Holcomb Ranch Lane (APN 040-670-12) (“Property”).” This is a misleading statement which makes it appear that Brandin lives directly next to the Applicant’s property. Brandin does not live “nearby,” and she does not directly own the immediately adjacent properties.

Brandin claims to reside at 2400 Diamond J Place. 2400 Diamond J Place, Washoe County, Nevada (APN 230-032-02) is owned by the Brandin/Pingree Revocable Trust dated September 26, 1991, as amended and restated (“Brandin Trust”). The Brandin Trust obtained 2400 Diamond J Place on September 15, 2020 from the Pingree Living Trust. At her deposition, Brandin estimated that this property is half a mile from Pro Pony’s facility as the crow flies. See Exhibit 1. At her deposition, Brandin was unable to explain how she splits time between the 2400 Diamond J Place property and another residence she owns in Incline Village. At her deposition, Ms. Brandin further admitted that the address on her driver's license is her home in Incline Village at 818 Toni Ct. – not the address where she claims to reside in her appeal to the Board of Commissioners. *Id.*

According to records from the Washoe County Assessor, Brandin Trust claims both 2400 Diamond J Place and 818 Toni Ct. in Incline Village as a “primary residence” for purposes of obtaining the 3% tax cap provided in NRS 361.471-361.4735. See Exhibit 2. Under NRS 361.4723(6)(a)(1-2), a “primary residence” is defined as a residence, “designated by the owner as ***the primary residence of the owner in this State, exclusive of any other residence*** of the owner in this State” and “is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence” [**emphasis added**]. Brandin is unlawfully claiming both properties as a primary residence, and this fact undermines Brandin’s claims that she “lives nearby” the Applicant’s property as a basis for her appeal, especially in light of Brandin’s admission that the address on her driver’s license is in Incline Village. According to NRS 483.290(1)(d), an application for a driver’s license must include the “...address of principal residence...” of the applicant.

Further, according to records obtained from the Washoe County Registrar of Voters, attached hereto as Exhibit 3, Brandin claims to reside at her home in at 818 Toni Ct. in Incline Village, and has voted in elections as a resident of Incline Village from 1992 to 2022. Under NRS 293.486(1), “Determination of Actual Residence,” “...the address at which the person actually resides is the street address assigned to the location at which the person actually resides.”

The properties across the street from the Applicants Property at 8790 Lakeside Drive, Washoe County, Nevada (APNs 040-650-44, 040-650-46, 040-650-47, 040-650-48, 040-650-49) (“Flying Diamond Ranch”) are owned by Flying Diamond Ranch, LLC, a Nevada limited liability company. Brandin owns this company but does not reside at 8790 Lakeside Drive. At her Deposition, Ms. Brandin testified that Flying Diamond Ranch is mostly used for grazing cattle, some of which are owned by Ms. Brandin. Brandin’s appeal, filed on November 15, 2023, was not filed in the name of Flying Diamond Ranch, LLC. Flying Diamond Ranch, LLC is not named as an “aggrieved person” in Brandin’s appeal. As such any appeal based on a claim that Brandin is an “aggrieved person” based on property owned by Flying Diamond Ranch, LLC is unlawful and should not be permitted by the Commission. The real party in interest is Flying Diamond Ranch, LLC, a land holding company, not Brandin personally – and Flying Diamond LLC is not named as a party in Brandin’s appeal. Brandin does not own Flying Diamond Ranch in her own name, and she is not a real party interest in this proceeding before the Commission based on any alleged injury to Flying Diamond Ranch, LLC that would result from the County’s approval of the SUP. Limited Liability Companies are separate “persons” under the law. In Nevada, the initiation of legal proceedings is reserved for the real party in interest. This term refers to an individual or entity that holds the actual right to enforce the claim in question and has a substantial stake in the outcome of the legal proceedings. A litigant is only entitled to argue on behalf of their *own rights and is not permitted to advocate for the legal claims of a third party who is not present* before the court. See *High Noon at Arlington Ranch Homeowners Ass'n v. Eighth Judicial Dist. Court of Nev.*, 133 Nev. 500, 500, 402 P.3d 639, 641 (2017).

Pursuant to WCC Section 110.810.25(a)(3)(i), notice of Pro Pony’s Application was required to be sent to all real property owners who are within a 500-foot radius of the property under consideration for the SUP. As shown in Exhibit 4, Brandin’s claimed residence at 2400 Diamond J Place is a whopping 3200 feet away from the Applicant’s property, which is more than **five times** the distance required for notice of the SUP Permit application. As a practical matter, any claim that Brandin’s is aggrieved based on her allegedly residing at 2400 Diamond J Place, more than a half mile away from the Applicant’s property, is nonsensical.

**The Washoe County Code does not permit an appeal of a Board of Adjustment Decision from a person not aggrieved.**

Brandin argues in her appeal that “the Nevada Supreme Court has consistently held that judicial review of land use actions may only be preserved when the prevailing party at the planning commission level has appealed such favorable decisions to the applicable governing body.” This is a misstatement of the law. Brandin cites *Kay v. Nunez*, 122 Nev. 1100, 1104, 146 P.3d 801, 804-05 (2006) in support of this argument. But, this is not what the *Kay v. Nunez* court held. In *Kay v. Nunez*, appellant lost at the planning-commission level, and had appealed to the governing body.

The *Kay v. Nunez* Court held that a party was required to demonstrate that they are an “aggrieved person,” in order to have standing to challenge a land use decision. “[We] have defined an ‘aggrieved party’ for general appellate purposes as one whose personal or property right has been ‘adversely and substantially affected,’ the Legislature has substituted its own definition of “aggrieved” for purposes of local zoning and land use planning decisions.” *Id.* at 1106.

Brandin also cites *Holt-Still v. Washoe Cnty. Bd. of Cnty. Commissioners*, 136 Nev. 822, 466 P.3d 937 (2020)(unpub) in support of its argument that a party who succeeds in initial land use decisions, like those made by the Board of Adjustment, is permitted to submit an appeal in order to maintain their right to seek judicial review. The *Holt-Still* case says nothing of the sort. To the contrary, it did find as follows:

If only a party who lost at both levels had any remedy whatsoever, the statute's plain meaning would probably be absurd. But as appellants are aware, a party who wins at the planning-commission level but loses at the governing-body level **may petition for extraordinary relief. [emphasis added]**

*Id.* at 2.

By its terms, *Holt-Still v. Washoe Cnty* undermines Brandin’s argument that she may file an appeal of the Board of Adjustment’s decision, despite the fact she is not an “aggrieved person.” Such an appeal is **not-necessary** to preserve the right to sue Washoe County should it decide to grant the Applicant’s SUP, which Brandin has indicated she intends to do, because Brandin may petition for extraordinary relief from the Courts.

NRS 278.3195(1) mandates that every governing body (including Washoe County) must establish an ordinance allowing individuals who aggrieved by decisions made by various administrative bodies or officials related to land use

(such as planning commissions, boards of adjustment, hearing examiners, or other appointed individuals) to appeal those decisions to Washoe County itself. Brandin, **by her own admission**, in no way meets the definition of an aggrieved person as defined in the Washoe County Code:

Pursuant to NRS 278.3195(1), under WCC 110.910.02, Washoe County has defined “Aggrieved Person” as follows:

“Aggrieved person” means a person or entity who has **suffered a substantial grievance** (not merely a party who is dissatisfied with a decision) in the form of either: (a) **The denial of or substantial injury to a personal or property right**, or (b) **The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.**

**[emphasis added]**

Washoe County’s definition of an “aggrieved person” applies to Brandin’s Appeal of the Board of Adjustment’s decision as a matter of law. As Brandin admits in her appeal, Brandin **“support[s] the Board of Adjustment’s decision to deny the Application” [emphasis added]**. Brandin further states in the cover page for her appeal that, “This is an appeal of a favorable decision of the Board of Adjustment, **filed to preserve right to judicial review**” **[emphasis added]**. Per the *Holt-Still* case cited above, these admissions undermine Brandin’s standing to appeal as a matter of law. Brandin makes no argument or claim that she is an “aggrieved person,” which is a required precondition to the filing of an appeal of the Board of Adjustment’s decision in WCC 110.912.20(a)(1). Only a “..person aggrieved by a decision of the Board of Adjustment....may appeal the decision to the Board of County Commissioners.”

Brandin’s appeal is an attempt to hijack the process to make it appear that Brandin has the right as a matter of law to challenge the Applicant’s appeal on the same footing as the Applicant before Commission. Brandin’s admission in her appeal that she is not aggrieved by the Board of Adjustment’s decision is fatal to her appeal, and the Board of County Commissioners should dismiss her appeal outright. Brandin is not a “party” to the appeal process under WCC 110.912.20(b)(5)(ii).

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For the foregoing reasons, Brandin's appeal should be dismissed, and Brandin should be permitted to provide 3 minutes of public comment on Pro Pony's LLC's Application, but nothing further.

Respectfully submitted,

/s/ Luke Busby, Esq.

#### Exhibit List

1. Excerpts of March 14, 2023, Deposition of Jill Brandin
2. Assessor Records re Tax Cap
3. Registrar of Voters Records re Brandin Residence
4. Declaration of Clark Stoner and Maps See Attachment D.



Exhibit 1

Exhibit 1

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
AND FOR THE COUNTY OF WASHOE

JILL BRANDIN, an individual; PETER )  
LAZETICH, an individual; and NANCY )  
FLANIGAN, ) Case No.: CV22-01722  
Plaintiffs, ) Dept. No. 15  
PRO PONY LLC, a Nevada Limited Liability )  
Company; PAIR OF ACES STABLES INC., a )  
Nevada Corporation; and DOES 1-10, )  
inclusive. )  
Defendants. )  
\_\_\_\_\_ )

RECORDED DEPOSITION OF JILL BRANDIN

Taken on March 14, 2023

At 10:06 a.m.

750 Sandhill Road, Suite 120.

Reno, Nevada 89512

1 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
2 AND FOR THE COUNTY OF WASHOE

3  
4  
5

6 JILL BRANDIN, an individual; PETER )  
7 LAZETICH, an individual; and NANCY )  
8 FLANIGAN, ) Case No.: CV22-01722  
9 Plaintiffs, ) Dept. No. 15  
10 PRO PONY LLC, a Nevada Limited Liability )  
11 Company; PAIR OF ACES STABLES INC., a )  
12 Nevada Corporation; and DOES 1-10, )  
13 inclusive. )  
14 Defendants. )  
15 \_\_\_\_\_)

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24  
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RECORDED DEPOSITION OF JILL BRANDIN  
Taken on March 14, 2023  
At 10:06 a.m.  
750 Sandhill Road, Suite 120.  
Reno, Nevada 89512

1 APPEARANCES:

2 For the Plaintiff:

3 MICHAELA G. DAVIES, ESQ.

4 KENT R. ROBISON, ESQ.

5 Robison, Sharp, Sullivan & Brust

6 71 Washington Street

7 Reno, Nevada 89503

8

9

10

11

12

13 For the Defendants:

14 LUKE A. BUSBY, ESQ.

15 316 California Ave

16 Reno, Nevada 89509

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1 Stables.

2 Q. Okay. Where do you currently reside?

3 A. 2400 Diamond J Place.

4 Q. Okay. Is that the same address that's on  
5 your driver's license?

6 A. No.

7 Q. Okay. What address is on your driver's  
8 license?

9 A. 818 Tony Court; Incline Village, Nevada.

10 Q. Okay, so do you also reside in Incline  
11 Village, Nevada?

12 A. Yes.

13 Q. Okay. Can you tell me how you split your  
14 time between your two residences?

15 A. It varies greatly. I'd say the preponderance  
16 of the time is at 2400 Diamond J Place.

17 Q. Okay. Are there particular seasons that you  
18 reside in the residence?

19 A. Not necessarily.

20 Q. Okay. Do you ski?

21 A. Yes.

22 Q. Okay. Where do you like to ski?

23 A. I like to ski at Mount Rose and Squaw Valley.

24 Q. It's a good year for that, huh?

1 A. It's a great year for that.

2 Q. Okay. Do you -- are you a cyclist?

3 A. No.

4 Q. Okay. All right. And besides the property  
5 in Incline that you described and the property --  
6 Diamond J Place, I believe it is, do you have any other  
7 interests in any -- any other properties?

8 A. Yes.

9 Q. Okay. Can you describe what those are and  
10 what your interest is?

11 A. I am a trustee of the Brandin Pangree  
12 Revocable Trust that owns an LLC, Flying Diamond Ranch,  
13 and I'm -- same trust and same trustee relationship  
14 owns the Flying J Ranch.

15 Q. Okay. All right. I'm going to show you some  
16 documents. I want this to be marked as Exhibit 1. You  
17 guys mind sharing?

18 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

19 MS. JONES: No, that's fine.

20 MR. ROBISON: Actually, I do.

21 MR. BUSBY: Actually, I have --. Here you  
22 go.

23 MS. JONES: Thank you.

24 MR. ROBISON: I'm only kidding. No, go

1 ahead. I've got an extra one. All right.

2 MR. BUSBY: I think We're okay.

3 THE WITNESS: Do I have to give this back to  
4 you?

5 DEPOSITION OFFICER: Yes.

6 THE WITNESS: Okay.

7 BY MR. BUSBY:

8 Q. Ms. Brandin, do you recognize the document  
9 that I just handed to you?

10 A. Yes.

11 Q. Okay. And what is it?

12 A. It's the complaint filed by Jill Brandin,  
13 Peter Lazetich and Nancy Flanigan as Plaintiffs.

14 Q. Okay. Okay, so you've read this complaint  
15 before?

16 A. I have.

17 Q. Are you familiar with the facts stated in the  
18 complaint?

19 A. To the best of my recollection, yes.

20 Q. Okay. Did you review it before it was filed?

21 A. Yes.

22 Q. Okay. Do you affirm today that the facts  
23 asserted in the complaint are true to the best of your  
24 knowledge?

1 A. To the best of my knowledge, they are true.

2 Q. Okay. All right. And you're the -- one of  
3 the Plaintiffs identified in this complaint, right?

4 A. Correct.

5 Q. Okay, so I'd like you to turn to Paragraph  
6 number 1, as it continues on Page 2. Do you see where  
7 Paragraph 1 states, "Plaintiff Jill Brandin is a  
8 resident of Washoe County, is the trustee of the  
9 Brandin Pangree Revocable Trust, which owns real  
10 property and residence located at 2400 Diamond J Place  
11 in Washoe County?" Is that right?

12 A. Yes.

13 Q. Okay. So can you tell me approximately how  
14 much of the year you -- you live at Diamond J Place, as  
15 opposed to your place in Incline Village?

16 A. As I said, it varies greatly.

17 Q. Can you tell me how it varies?

18 A. How it varies? Depends on my husband's  
19 health. Depends on circumstances like this lawsuit.

20 Q. Okay. How about 2022? Did you live at  
21 Diamond J or in Incline Village in January of 2022?

22 A. 2022, I believe January would have been at  
23 Diamond J.

24 Q. Okay. How about February?



1           A.     February as well.

2           **Q.     March?**

3           A.     March as well.

4           **Q.     April?**

5           A.     April as well.

6           **Q.     May?**

7           A.     May as well.

8           **Q.     June?**

9           A.     Could have varied between the two.

10          **Q.     July?**

11          A.     Varied between the two.

12          **Q.     August?**

13          A.     Varied between the two.

14          **Q.     September?**

15          A.     Mostly Diamond J.

16          **Q.     Okay.   October?**

17          A.     Varied.

18          **Q.     November?**

19          A.     Mostly Diamond J.

20          **Q.     And December?**

21          A.     Don't recall exactly.   Mostly varied.

22          **Q.     Okay.   So it sounds to me that you -- well,**

23   do you think it would be fair to say that you spent

24   most of your time in 2022, when it was cold out, in

1 **Reno or in -- at your property in Washoe County?**

2 A. When it was cold, when the winter -- because  
3 that was part of this hearing, we would've been here in  
4 Reno.

5 Q. Okay. So as a general pattern, though, do  
6 you spend most of the time that you spend in Incline up  
7 there when it's -- the weather is nice?

8 A. No.

9 Q. Okay.

10 A. Varies.

11 Q. All right. So when did you first acquired  
12 the property on Diamond J Place?

13 A. I -- best of my recollection, it was in 2001.

14 Q. Okay. I'd like to show you and have  
15 something marked as Exhibit 2.

16 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

17 MR. ROBISON: Got it.

18 MR. BUSBY: There. There you go.

19 MR. ROBISON: Thank you.

20 THE WITNESS: Thank you.

21 BY MR. BUSBY:

22 Q. All right. Ms. Brandin, do you recognize  
23 this document?

24 A. Yes.

1 this document?

2 A. Yes.

3 Q. Okay. So tell me what your understanding of  
4 the circumstances of this transfer are?

5 A. This was a transfer for our estate purposes.

6 Q. Are you a trustee of the Durian D Pangree  
7 Trust?

8 A. I'm not.

9 Q. Okay, but you're a trustee of the  
10 Brandin/Pangree Revocable Trust, right?

11 A. Correct.

12 Q. Okay. Do you have any interest in the Durian  
13 D Pangree Revocable Trust?

14 A. I do not.

15 Q. Are you the beneficiary of that trust?

16 A. I don't believe that trust exists.

17 Q. Okay. At the time you executed this  
18 document, were you a beneficiary of that trust?

19 A. I believe I would have been. I'm not -- I  
20 don't recall.

21 Q. Okay. All right. -- All right, Ms. Brandin,  
22 do you recognize this document?

23 A. Let me take a minute. Yes.

24 Q. Okay. What is this document?

1 Q. Okay. And it's on -- down there at the  
2 bottom right corner of this -- this map, right?

3 A. Correct.

4 Q. Okay. All right. And do you live there with  
5 your husband only or did -- does anybody else live  
6 there?

7 A. My husband and I.

8 Q. All right. All right. And how far away from  
9 the property labeled on this map -- which I'll  
10 represent to you is my client's, Pro Pony LLC's  
11 property. How far away is the Brandin residence as  
12 identified from this map from the property?

13 A. I don't know.

14 Q. Okay. Can you give me a -- I don't want you  
15 to guess, but I'd like to -- you to give me your best  
16 estimate, if you could.

17 A. I would -- my best estimate is probably half  
18 a mile.

19 Q. Okay. Is that as the crow flies or by road?

20 A. As the crow flies.

21 Q. Okay. Okay. And this -- this Flying Diamond  
22 property that's located right above my client's  
23 property, that's also property that's subject to this  
24 suit, right?

1 A. Subject to this suit in what respect?

2 Q. All right. Let's take a look at Page 2,  
3 Paragraph 1 again with the sentence beginning in,  
4 "Additionally." Okay? You can just read that  
5 paragraph to yourself and I'll ask you questions about  
6 it. Okay. So this states that you're the manager of  
7 the Flying Diamond Ranch LLC, right?

8 A. Yes.

9 Q. And the Flying Diamond Ranch owns five  
10 distinct parcels and there's APN numbers listed there,  
11 right?

12 A. Correct.

13 Q. Okay. Is that the same Flying Diamond  
14 property that's on the map --

15 A. Yes.

16 Q. -- in the red box? Okay. All right. Do you  
17 live there?

18 A. I do not.

19 Q. Okay. Does anybody live there?

20 A. Yes.

21 Q. Okay. Who lives there?

22 A. Friends of mine.

23 Q. And what's their names?

24 A. Ray and Dora Lozano.

1 Q. Okay. Okay. And is this property used for  
2 anything other than as a residence for the Lozanos?

3 A. It's used mostly as grazing pasture for  
4 cattle.

5 Q. Okay. Do you know how many cattle on the  
6 property at any given time?

7 A. It varies greatly depending upon the season  
8 and what the land can sustain.

9 Q. Okay. Are you the one that manages the  
10 cattle on the land?

11 A. In what respect?

12 Q. Do you -- are they your cows?

13 A. I believe -- depends on the time. One to two  
14 of them are my pets.

15 Q. Oh, okay. Are there -- are there other cows  
16 on the property as well?

17 A. Yes.

18 Q. Okay. Who owns those cows?

19 A. All the Lazetiches.

20 Q. Okay. And do you know how many cows are on  
21 the property right now?

22 A. Right now, I don't know exactly.

23 Q. Okay. Can you give me an estimate?

24 A. I would estimate 12.

1 Q. Okay. How about -- I'll -- I'll -- does the  
2 number of cows on the property -- property vary by  
3 season?

4 A. Yes.

5 Q. Okay. And I assume that varies by the  
6 availability of hay for the cows to eat, right?

7 A. That and the sustainability of the land to  
8 absorb them and --

9 Q. Okay.

10 A. -- provide.

11 Q. Okay. So there's 12 on the property right  
12 now. How many are on the -- can you estimate how many  
13 would be on the property during the peak season when  
14 there's the most to eat for cows on the land?

15 A. I would estimate between 17 and 19.

16 Q. Okay. Do you have records of how many cows  
17 are on the property at -- at any given time?

18 A. I do not.

19 Q. Okay. Are you paid to allow cows on the  
20 property if you let other people's cows graze there?

21 A. No.

22 Q. Okay. It kind of helps the property, right,  
23 by maintaining the grass. Is that why you do that for  
24 free?

Exhibit 2

Exhibit 2





\*R-127103-06\*

APN: 125-142-01  
BRANDIN, JILL F

Please completely FILL IN ALL the appropriate oval(s) below regarding the property located at:

818 TONI CT

Please see reverse side for instructions.

- This property is my **primary residence**.
  - This property is a **mobile home on land that is owned by someone else**.
  - This property is a **mobile home on land that I own**.
  - A **family member** lives in this property and does not pay rent.
- This property is **NOT** my primary residence.
  - This property is a **rental**. Please provide the following information:

Bedrooms	Number of Units	Maximum Monthly Rent Charged In the Last 12 Months	Are Gas & Electric Included?
Studio (0)			
1 bedroom			
2 bedrooms			
3 bedrooms			
4 bedrooms			
5 bedrooms			
Mobile Home Space			

- This property is a **vacation home** and I:
  - Own another home in Nevada.
  - Do not own another home in Nevada.
  - Rent it out when I am not using it.  
Number of days per year property is rented \_\_\_\_\_
- This property is **unoccupied and up for sale**.
- This property is **neither my primary residence nor a rental**.
- I also own an additional parcel of land that **adjoins** this parcel.  
Please provide the parcel number(s) of the adjoining parcel(s): \_\_\_\_\_
- This home is **abandoned** and no longer usable as a dwelling.
- This property is owned by a developer/builder.
- I **no longer own** this property.

I hereby swear and affirm that the above information is true and accurate.

Signed J Brandin, Jill F Date 5/31/06 Daytime Phone # \_\_\_\_\_

You will not receive the lower tax cap unless signed.

This section is for use by the Washoe County Assessor's Office only.

RQ

RDQ

I, LORA ZIMMER,  
Washoe County Deputy Assessor, do  
hereby certify that this is a true and  
accurate copy of the records of the  
Washoe County Assessor's Office.

L. Zimmer 11/09/23  
Signature Date

APN: 230-032-02  
PINGREE, DURIAN



\*R-144601-06\*

Please completely FILL IN ALL the appropriate oval(s) below regarding the property located at:

2400 DIAMOND J

Please see reverse side for instructions.

- This property is my **primary residence**.
  - This property is a **mobile home on land that is owned by someone else**.
  - This property is a **mobile home on land that I own**.
  - A **family member** lives in this property and does not pay rent.
- This property is **NOT** my primary residence.
  - This property is a **rental**. Please provide the following information:

Bedrooms	Number of Units	Maximum Monthly Rent Charged In the Last 12 Months	Are Gas & Electric Included?
Studio (0)			
1 bedroom			
2 bedrooms			
3 bedrooms			
4 bedrooms			
5 bedrooms			
Mobile Home Space			

- This property is a **vacation home** and I:
  - Own another home in Nevada.
  - Do not own another home in Nevada.
  - Rent it out when I am not using it.  
Number of days per year property is rented \_\_\_\_\_
- This property is **unoccupied and up for sale**.
- This property is **neither my primary residence nor a rental**.
- I also own an additional parcel of land that **adjoins** this parcel.  
Please provide the parcel number(s) of the adjoining parcel(s): \_\_\_\_\_
- This home is **abandoned** and no longer usable as a dwelling.
- This property is owned by a developer/builder.
- I **no longer own** this property.

I hereby swear and affirm that the above information is true and accurate.

Signed [Signature] Date 5/31/06 Daytime Phone # (775)

You will not receive the lower tax cap unless signed.

This section is for use by the Washoe County Assessor's Office only.

RQ  RDQ

I, LORA ZIMMER,  
Washoe County Deputy Assessor, do  
hereby certify that this is a true and  
accurate copy of the records of the  
Washoe County Assessor's Office.  
L Zimmer 11/29/23  
Signature Date

Please provide further explanation below if the uses of the property below are incorrect. If any of the properties listed below are a rental property, please supply the number of bedrooms at that residence, the maximum amount of rent charged between April 1, 2012 through March 31, 2013 and whether heat & electric are included in that rent amount.

Property qualified for 3% Primary Residence abatement (Tax Cap):

*QUC*  
APN 230-032-02 Location Durian Pingree Revocable Trust is owner  
2400 DIAMOND J PL  
Use of Property: Primary Residence of Durian Pingree

Properties qualified for ~~General Abatement (Tax Cap)~~ *3% Primary Residence abatement*

*QUC*  
APN 125-142-01 Location Brandin/Pingree Revocable Trust is owner  
818 TONI CT  
Use of Property: Primary Residence of Jill Brandin

I, LORA ZIMMER,  
Washoe County Deputy Assessor, do  
hereby certify that this is a true and  
accurate copy of the records of the  
Washoe County Assessor's Office.  
L. Zimmer 11/29/13  
Signature Date

I affirm and certify under penalties pursuant to law that I am the owner of the properties *See above re: ownership* the above information is true and accurate, and I will notify the Assessor's Office if this property is no longer used as described above.

Signed *R. Pingree*

Date: 12/6/13

Daytime phone: (775)



**WASHOE COUNTY ASSESSOR**  
**MICHAEL E. CLARK**  
 1001 E. 9TH ST BLDG D  
 RENO, NV 89512  
 (775) 328-2277

# 2021 / 2022 PROPERTY TAX CAP CLAIM FORM

FILE BY June 15, 2021  
 FILE ONLINE AT  
[www.washoecounty.us/assessor/epat](http://www.washoecounty.us/assessor/epat)  
 ONLINE ACCESS CODE: 32JFEW

10142069-6117-1 1 1 6117 1 AV 0.398 20



BRANDIN/PINGREE TRUST  
 818 TONI CT  
 INCLINE VILLAGE NV 89451-8511



WASHOE COUNTY ASSESSOR  
 1001 EAST 9TH STREET  
 RENO NV 89512-2845

**ASSESSOR PARCEL NUMBER:** 230-032-02      **PROPERTY LOCATION:** 2400 DIAMOND J PL



**PRIMARY RESIDENCE:**

Check this box if, as of July 1, 2021, this property will be the primary residence of one or more of the owners of this property.

If you own an additional parcel(s) of vacant land that connects with and is used in conjunction with this property please list the parcel number(s): \_\_\_\_\_



**VACATION HOME (NOT RENTED):**

Check this box if, as of July 1, 2021, this property will be a vacation home that is not rented or leased out at any time during the year **and** is the **only** residential property you own in Nevada.



**FAMILY MEMBER:**

Check this box if, as of July 1, 2021, this property will be the primary residence of a family member, not on the deed, that does **not** pay rent or the mortgage. (You do not need to check this box if you checked the Primary Residence box)



**RENTAL:**

Check this box if this property is a rental and was rented or leased out any time between **April 1, 2020** and **March 31, 2021** and complete the rental information below. (If the property was not rented out during these dates, see next check box)

**YOU MUST PROVIDE RENTAL INFORMATION BELOW TO DETERMINE QUALIFICATION OR HIGH TAX CAP WILL BE APPLIED**  
 (Attach sheet if necessary for multi-unit residential properties to provide bedroom count and rent amount)

Number of Bedrooms: \_\_\_\_\_

**Monthly** Rent Amount: \_\_\_\_\_

(Please provide the highest amount of monthly rent charged between April 1, 2020 and March 31, 2021)

Is Heat/Electric included in monthly rent (circle one):      **YES**      **NO**

Please check here if this is a rental property but it was not leased or rented between April 1, 2020 and March 31, 2021.

I affirm and certify under penalties pursuant to law that I am the owner of this property, or authorized Power of Attorney or Administrator, that the above information is true and accurate and I will notify the Assessor's office if this property is no longer used as described above.

**SIGNATURE**

*[Handwritten Signature]*

Date 5/2/21 Daytime Phone # 775

**See Reverse Side for Answers to Frequently Asked Questions**

If none of the options above apply to the use or occupancy of this property as of July 1, 2021 the property does not qualify for the Low Tax Cap & you do not need to file this claim form.

For Assessors Office Use Only:  POQ     VOQ     RTQ     RTD     Power of Attorney    002866

11094PACF 9/17/20 CMYK

I, LORA ZIMMER,  
Washoe County Deputy Assessor, do  
hereby certify that this is a true and  
accurate copy of the records of the  
Washoe County Assessor's Office.

LZimmer 11/29/23  
Signature Date

Exhibit 3

Exhibit 3



# VOTER INFORMATION REPORT

JILL FELDMANN BRANDIN

PRINTED ON: 12/7/2023

VOTER ID:



NAME:

JILL FELDMANN BRANDIN

RESIDENCE:

818 TONI CT

CITY/STATE/ZIP:

INCLINE VILLAGE, NV 89451

CARE OF:

STREET/BX:

MAIL CITY:

MAIL STATE/ZIP:

COUNTRY:

PHONE NUMBER:

(775)



BIRTH DATE:



STATUS:

ACTIVE

PARTY:

REPUBLICAN PARTY

REG DATE:

11/03/2022

PRECINCT:

810600.00

PRECINCT NAME:

INCLINE VILLAGE 8106

POLLING PLACE:

THE CHATEAU

955 FAIRWAY BLVD

SIGNATURE:

# VOTER INFORMATION REPORT

JILL FELDMANN BRANDIN

PRINTED ON: 12/7/2023

## VOTER'S VOTING HISTORY

<u>DATE</u>	<u>TITLE</u>	<u>PARTY</u>	<u>AV</u>	<u>DATE</u>	<u>TITLE</u>	<u>PARTY</u>	<u>AV</u>
11/08/2022	GENERAL ELECTION		AV	11/03/1992	GENERAL ELECTION TO BE		
06/14/2022	PRIMARY ELECTION	REP	AV				
11/03/2020	GENERAL ELECTION		AV				
11/06/2018	GENERAL ELECTION		AV				
11/08/2016	GENERAL ELECTION		AV				
11/04/2014	GENERAL ELECTION		AV				
11/06/2012	GENERAL ELECTION		AV				
06/12/2012	PRIMARY ELECTION	REP	AV				
09/13/2011	SPECIAL ELECTION						
11/02/2010	GENERAL ELECTION		AV				
06/08/2010	PRIMARY ELECTION	REP	AV				
11/04/2008	GENERAL ELECTION		AV				
11/07/2006	GENERAL ELECTION		AV				
08/15/2006	PRIMARY ELECTION	REP	AV				
11/02/2004	GENERAL ELECTION		AV				
09/07/2004	PRIMARY ELECTION	REP	AV				
11/05/2002	GENERAL ELECTION		AV				
11/07/2000	GENERAL ELECTION		AV				
09/01/1998	PRIMARY ELECTION						
11/05/1996	WASHOE COUNTY GENERA		AV				

Exhibit 4

Exhibit 4

**DECLARATION OF CLARK STONER**

I, CLARK STONER, P.E., declare that the assertions in this Declaration are true and correct, based upon my personal knowledge, and that I am competent to testify to the facts stated below:

- 1. I am a Professional Engineer and Land Surveyor licensed to practice in the State of Nevada;
- 2. I have reviewed the map on page 3 of the Complaint in Case No. CV22-01722 and was asked to measure the approximate distances between several properties involved in the dispute in that case;
- 3. On March 22, 2023, I measured the approximate distances between the properties identified in the Complaint as Lazetich Residence, the Lazetich Ranch, the Flanigan Residence, and the Brandin Residence to "The Property," which is the Silver Circle Ranch using Washoe County's Geographical Information System ("GIS") website;
- 4. Maps showing my measurements are attached hereto as follows: Attachment A - Lazetich Residence to the Property — 2560 feet; Attachment B - Lazetich Ranch to the Property — 700 feet; Attachment C - Flanigan Residence to the Property — 1540 feet; Attachment D - Brandin Residence to the Property — 3200 feet.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on: 27 March 2023 in Sonoma, CA

By: 

Clark Stoner, P.E.

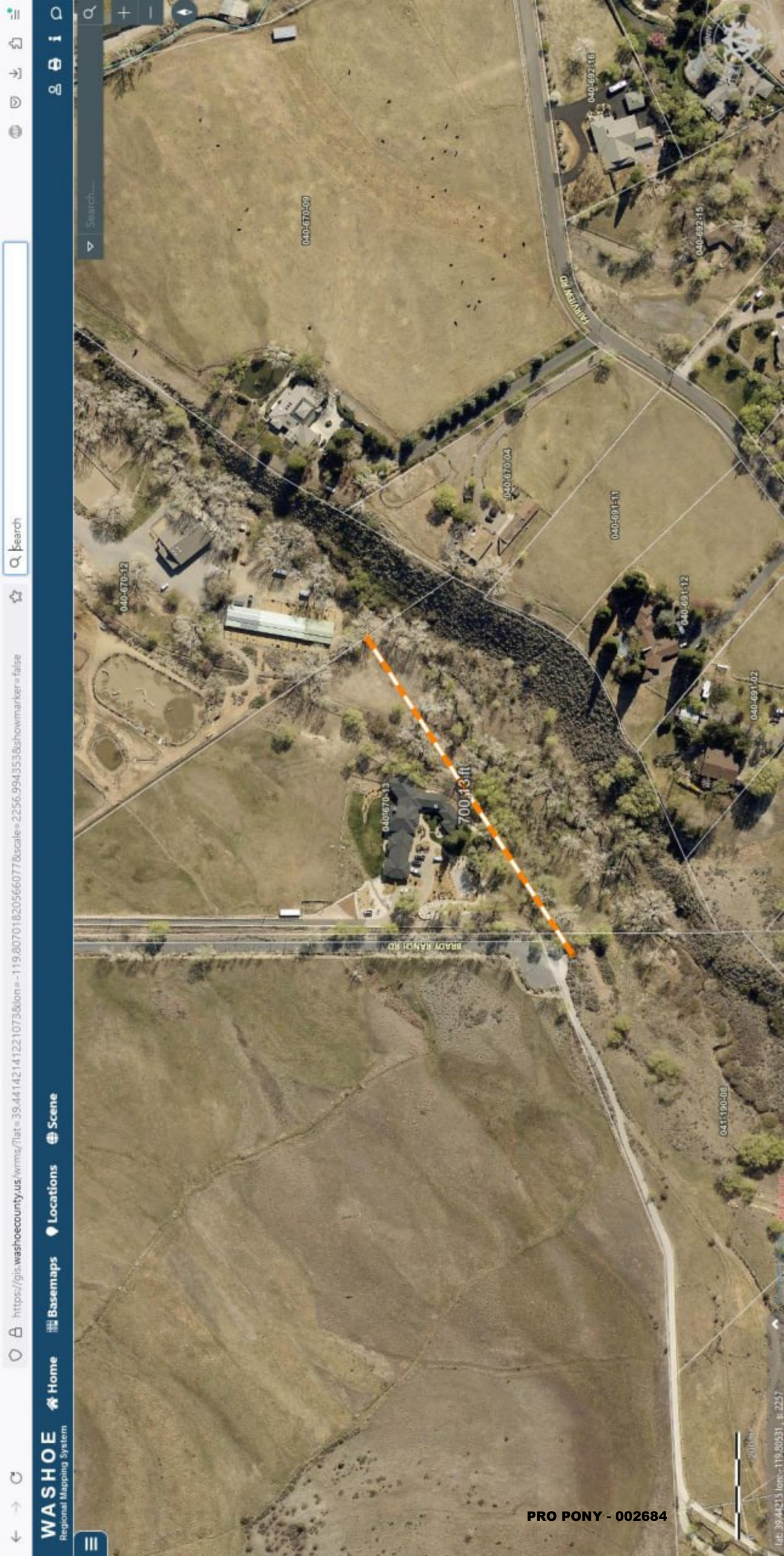
# Attachment A

# Attachment A



# Attachment B

# Attachment B



700.13 ft

BRADY RANDI RD

PRO PONY - 002684

200 ft

lat: 39.44213 lon: -119.80031 | # 2257



# Attachment C

# Attachment C



https://gis.washoecounty.us/wrms/?lat=39.44166583717349&lon=-119.802228678895836&scale=4513.988705&showmarker=false

Map Layers

Tools

Measure by: **Draw** **Select**

Unit

Feet (US)

Distance 1,542.11 ft

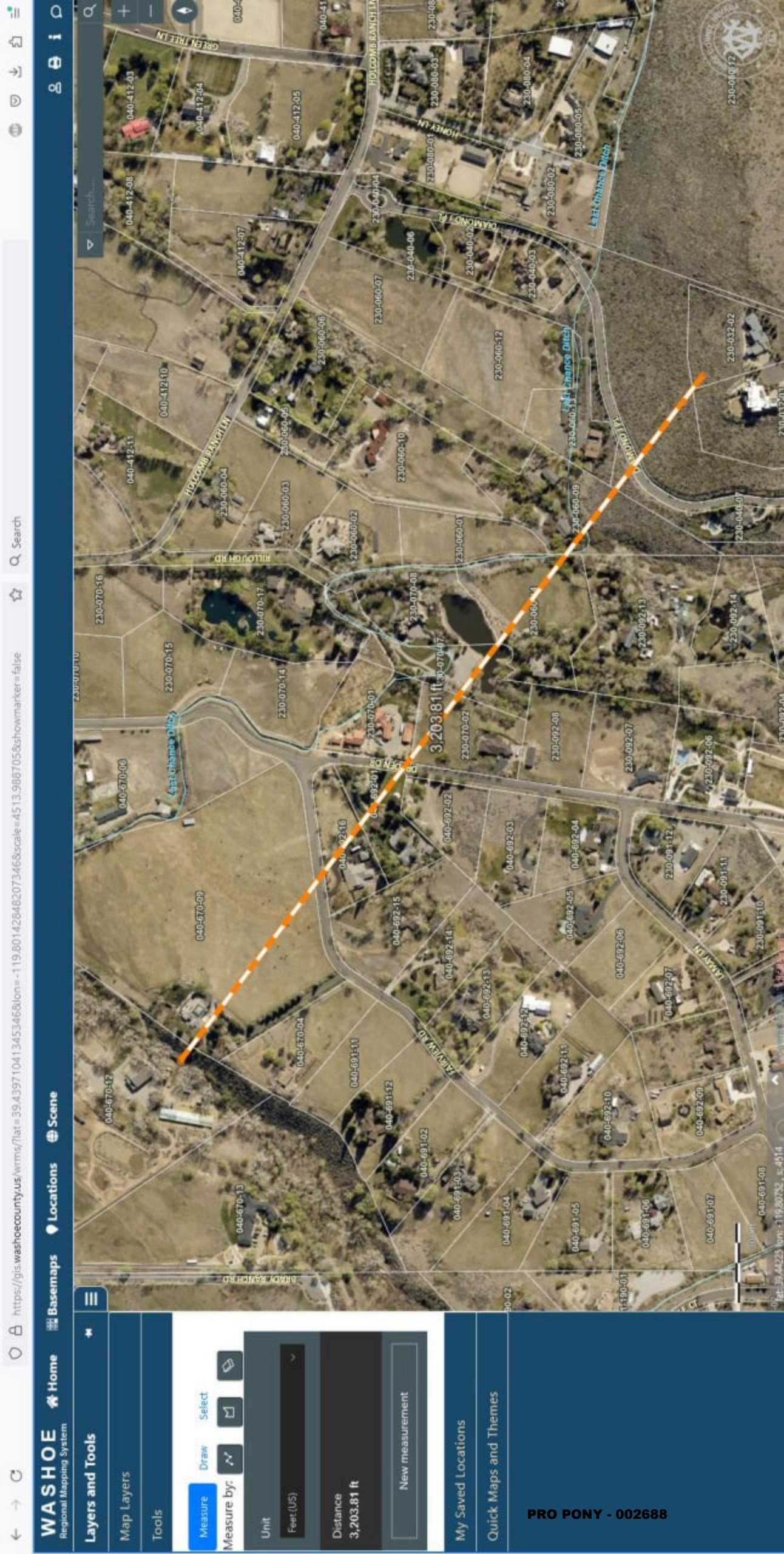
New measurement

My Saved Locations

Quick Maps and Themes

# Attachment D

# Attachment D



https://gis.washoecounty.us/wrms/?lat=39.43971041345346&lon=-119.80142648207346&scale=4513.988705&showmarker=false

Layers and Tools

Map Layers

Tools

Measure

Draw

Select

Measure by:

Unit

Feet (US)

Distance

3,203.81 ft

New measurement

My Saved Locations

Quick Maps and Themes

PRO PONY - 002688