

Code: 1944

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Special Master

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

LAWRENCE GARVEY, AN INDIVIDUAL;
AND ROBERT PAYTON, AN INDIVIDUAL,

Plaintiff,

vs.

CLUB TAHOE RESORT OWNERS'
ASSOCIATION, INC., A NEVADA NON-
PROFIT CORPORATION; KEITH WILSON,
GLORIA DEALBA; DONALD WALL;
ROBERT VERMELTFOORT; CHRISTINA
BECKER; KEITH OGDEN AND MARK
PEARL (ASSOCIATION BOARD MEMBERS
SUED IN THEIR INDIVIDUAL
CAPACITIES); AND DOES 1 THROUGH 10,
INCLUSIVE AND ROE CORPORATIONS I
THROUGH X, INCLUSIVE,

Defendant

Case No.: CV25-02319

INITIAL REPORT OF SPECIAL MASTER,
E. ALAN TIRAS

INITIAL REPORT AND RECOMMENDATIONS OF THE SPECIAL MASTER

Pursuant to the Order Appointing Special Master entered on April 3, 2026 (the "Order"),
the undersigned, E. Alan Tiras, Esq., in his capacity as the Court-Appointed Special Master,
hereby submits this initial report (the "Report") regarding the status of the Club Tahoe Resort

Initial Report of Special Master E. Alan Tiras

1 Owners' Association (the "Association"), the management of its assets, and the proposed
2 procedures for the upcoming election of the Board of Directors.

3 4 **I. STATUS OF APPOINTMENT AND INITIAL ACTIONS**

- 5 1) Acceptance and Conflict Disclosure: The Special Master has filed the required affidavit
6 disclosing prior professional relationships with counsel for the parties and has confirmed
7 his ability to serve impartially.
- 8 2) Member Communication: On April 17, 2026, a letter was sent to all members of the
9 Association explaining the Special Master's role, the current lack of a duly serving
10 Board, and the intent to restore elected governance (the "April 17 Letter"). This Letter
11 was sent out to all known Member email addresses and mailing addresses along with
12 posting it on the Association's Community webpage. A copy of the April 17 Letter is
13 attached as Schedule 1 to this Report.
- 14 3) Operational Oversight: The Special Master met with the resort's onsite Property
15 Manager, Roman Garcia, and has met several times with representatives from Grand
16 Pacific Resorts ("GPR") to ensure operational continuity. The resort remains fully
17 operational, and no material changes to existing policies or vendor contracts have been
18 made.
- 19 4) Counsel Communication: The Special Master has had several meetings with counsel for
20 the above-named Plaintiffs and Defendants and all have worked together and have been
21 generally successful in developing consensus on the Rule and Court compliant
22 procedures to be used for the Association's upcoming Meeting and Election.

23 24 **II. FINANCIAL MANAGEMENT AND ASSET PRESERVATION**

- 25 1) Bank Account Control: It has been identified that certain Association bank accounts
26 remain under the signatory control of members of a prior Association Board. To ensure
27 the Association can meet its financial obligations and avoid "governance paralysis," the
28 Special Master moves the Court to take direct control of these accounts and transfer
signatory authority from former board members to the Special Master's office for the
duration of this appointment.

Initial Report of Special Master E. Alan Tiras

1 that the upcoming Member Meeting be designated as an Annual Meeting so that proxies
2 may be used to establish a quorum and to encourage maximum engagement of the
3 Association members.

4 5) Nomination Process: A formal nomination period will be established. Candidates will be
5 required to submit a one-page biography and statement to be included in the official
6 election packet sent to members.

7 6) Term of Office: As the entire board is to be elected at the upcoming meeting, the board
8 members shall be elected for staggered terms. Here, 2, 3 or 4 board members will serve
9 for “2 years” and 1, 2 or 3, as the case may be, based on item III(3), above, will serve for
10 “1-year.” As the proposed election date is October 17, 2026, and the next Annual
11 meeting is scheduled for April 24, 2027 (the “2027 Annual Meeting”), the board
12 members elected for the “1-year term” would only be serving for approximately 6 months
13 and the board members elected for the “2-year term” would only be serving for
14 approximately 18 months before the April 29, 2028 Annual Meeting (the “2028 Annual
15 Meeting”). Alternatively, if the Court decides, those board members elected for the “1-
16 year term” could serve until the 2028 Annual Meeting and those board members elected
17 for the “2-year term” could serve until the Annual Meeting on April 28, 2029 (the “2029
18 Annual Meeting”). It is notable that major policy decisions impacting the Association are
19 expected over the next couple of years. The Special Master recommends that the “1-year
20 term” expire at the 2028 Annual Meeting and the “2-year term” expire at the 2029
21 Annual Meeting and hereby requests the Court rule on the length of the terms for the
22 board members being elected in October.

23 7) Quorum: Article III, Section 2 of the Association Bylaws define a quorum for purposes
24 of the upcoming Member Meeting to be a “majority of the Interval Unit Owners” in
25 person or by proxy (e.g., >50%) and, in the “absence of a quorum at a members’
26 meeting,” the meeting may be adjourned for not less than five (5) days and not more than
27 thirty (30) days from the original meeting date and “[t]he quorum for such an adjourned
28 meeting shall be twenty-five (25%) percent . . .” Based on records provided, the
ownership of the interval weeks is as follows:

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Club Tahoe Interval Status for Quorum

4/14/26

Status	# of Intervals	Total
HOA Owned	372	372
Delinquent		
2+ Years	580	
Did not pay 2025	277	
Did not pay 2026	385	
Total Delinquent > 1 year		857
Total Delinquent		1,242
Owners In Good Standing		
Future Balance for 2026	1,712	
Paid in Full for 2026	1,366	
Total Owners In Good Standing		3,078
GRAND TOTAL		5,549

	Number of Intervals Present for Quorum	
Quorum Scenarios	50%	25%
All Intervals	2,775	1,387
No Delinquent >1 year Only	2,346	1,173
No Delinquent Total Only	2,154	1,077
No HOA Owned Only	2,589	1,294
No Delinquent >1 year or HOA Owned	2,160	1,080
No Delinquent Total or HOA Owned	1,968	984

Notes:	Delinquent is defined as balance of \$50 or more
	Delinquent - 2+ Years Delinquent - Balances include amounts from 2024 and prior
	Delinquent - Did not pay 2025 - Any 2025 balance of \$50 or more
	Delinquent - > 1 year outstanding
	Delinquent - Unpaid for 2026 - Past due 2026 dues
	Owner in Good Standing - Future Balance for 2026: 2026 Dues are not yet due
	Owner in Good Standing - Paid in Full for 2026: Owner has paid 2026 and has \$0 balance
	If Delinquent intervals aren't counted toward quorum, but HOA owned intervals are (and assuming they are treated as "present"), 1,353 additional intervals would need to be present for a 50% quorum and 677 intervals would need to be present for a 25% quorum

	Recommendation by Special Master
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1
2 An issue has been presented as to whether Association Owned Units and/or Delinquent
3 Interval Owners should be counted for quorum purposes and, if so, whether those Owners
4 should be entitled to vote.

5 The Association took ownership of approximately 372 interval weeks and, the Special
6 Master believes that, as an Owner, the Association should be treated similarly to any
7 other Interval owner for quorum and voting purposes. That notwithstanding, it is the
8 Special Master's intention to refrain from actually voting those intervals at the upcoming
9 election.

10 Further, pursuant to Article III, Section 5 of the Bylaws, all Interval Owners "delinquent
11 in the payment of any assessment for a period in excess of one year" shall have their
12 voting rights suspended. Although the governance documents are silent on how to count
13 these Interval Weeks for quorum purposes, NRS 119A.526(1) provides some guidance:

14 NRS 119A.526

15 1. Unless the bylaws of an association specify a larger percentage, a quorum
16 is present throughout any meeting of the association if persons entitled to cast 10
17 percent *of the votes that may be cast* are present in person or proxy at the
18 beginning of the meeting. (*Emphasis Added*)

19 Based on the foregoing, it is the Special Master's opinion that, the Delinquent Interval
20 Owners are not entitled vote and, accordingly, those interval weeks should be not be
21 counted for quorum purposes.

- 22 8) Meeting Appearance: A meeting packet will be sent to all Association Members to their
23 address of record and the Special Master believes that setting a record date (e.g., the date
24 on which Members must own their interval week to be eligible to attend the meeting and
25 to vote) thirty-five (35) days prior to the meeting date is an appropriate date. The
26 meeting packet will provide the meeting notice, proxy form, election form, candidate
27 biography, instructions for submitting their votes in advance of the Members Meeting
28 either via paper/mail or electronically and other required documentation. Logistically,
Members may attend in person, virtually or via proxy although it is believed that it may

Initial Report of Special Master E. Alan Tiras

1 be most convenient for most Members who wish to attend on the day of the meeting to
2 attend virtually. Virtual attendance will also provide a cost saving by avoiding
3 potentially renting space to accommodate Members appearing in person. Based on the
4 foregoing, it is recommended that the Meeting be held virtually only (allowing for
5 Members to “appear” via proxy to place their votes in advance). The Special Master will
6 personally be present in Incline Village, Washoe County, Nevada and asks the Court for a
7 determination that all Members appearing virtually or who submitted their votes
8 electronically and/or via proxy at or in advance of the meeting be treated as attending the
9 Member Meeting in Washoe County, Nevada consistent with Article IV, Section 1 of the
Bylaws.

- 10 9) Election of Board Members: As there are presently unresolved variables involved in the
11 number of board members being elected and the term of each, the Special Master
12 recommends that the board positions be filled as follows:

13 a) Depending on the number of board members being elected (please see,
14 Section III(3), above), the top vote getters at the upcoming election will be elected
15 first to fill the available “2-year” positions and then to fill the “1-year” positions.
16 By way of example, it is recommended that, should there be a seven-member
17 board, the top 4 vote getters would be elected to serve the 4 “2-year” positions
18 and the next 3 highest vote getters would be elected into the 3 “1-year positions.
19 The same process would be used for a 5-person or 3-person board but with
election only of the top 5 vote getters or top 3 vote getters, respectively.

- 20 10) Other Business: Any other business to come before the association will be addressed at
21 the Member Meeting.

- 22 11) Election of Officers: Pursuant to Article VII of the Association Bylaws, a President, a
23 Vice-President, a Secretary and a Treasurer shall all be elected by the newly elected
24 Board of Directors at a Board of Directors’ meeting immediately following the Members
25 Meeting.

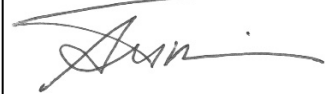
26
27 Initial Report of Special Master E. Alan Tiras

1 **IV. RECOMMENDATIONS TO THE COURT**

2 The Special Master respectfully recommends that the Court:

- 3 1) Approve the proposed election timeline and the inclusion of the "Board Size" vote on the
4 ballot to resolve underlying governance disputes.
- 5 2) Ratify the Special Master's transition of signatory authority over all Association bank
6 accounts to ensure the uninterrupted payment of staff, vendors, and maintenance
7 obligations.
- 8 3) Order that the designation of the upcoming Member meeting be an "Annual Meeting" as
9 described in the Association Bylaws.
- 10 4) Order the persons being elected to a "1-year term" to either serve to the 2027 Annual
11 Meeting OR to the 2028 Annual Meeting and for those persons being elected to a "2-year
12 term" to either serve to the 2028 Annual Meeting OR to the 2029 Annual Meeting.
- 13 5) Order that all eligible voting Members be allowed to appear and participate in the
14 Member Meeting virtually or via proxy at or in advance of the Member Meeting and that
15 all such appearances be deemed to take place in Washoe County, Nevada pursuant to
16 Article IV, Section 1 of the Association's Bylaws.
- 17 6) Order that the process of election of the board members provide that the top vote getters
18 are elected to the board where the highest are elected into 2-year positions and then the
19 balance (up to the number of board members being elected) are elected into the 1-year
20 positions.
- 21 7) Encourage a status conference if the underlying litigation requires further clarification on
22 candidate eligibility or quorum requirements under Nevada law.

23 Respectfully submitted this 6th day of May, 2026.

24 

25 E. Alan Tiras, Esq.
26 Special Master, Club Tahoe Resort Owners' Association, Inc.
27 937 Tahoe Boulevard, Suite 130-B
28 Incline Village, Nevada 89451

Initial Report of Special Master E. Alan Tiras

Schedule 1
April 17, 2026 Letter to Association Membership
[ATTACHED]

Initial Report of Special Master E. Alan Tiras

E. ALAN TIRAS, ESQ.
Special Master – Club Tahoe Resort Owners’ Association
937 Tahoe Boulevard, Suite 130-B
Incline Village, Nevada 89451

April 17, 2026

TO ALL MEMBERS OF CLUB TAHOE RESORT OWNERS’ ASSOCIATION

RE: Court-Appointed Special Master – Important Notice Regarding Association Governance

Dear Members of Club Tahoe Resort Owners’ Association:

I am writing to you in my capacity as Court-Appointed Special Master for Club Tahoe Resort Owners’ Association, Inc. (the “Association”). This letter is intended to inform you of recent legal proceedings directly affecting the governance of the Club Tahoe Resort Owners’ Association (the “Association”), the current status of the Board of Directors, and the steps that will be taken to replace me with member-elected leadership as quickly as possible.

BACKGROUND AND LEGAL PROCEEDINGS

As many of you are aware, a dispute arose regarding the validity of the Association’s most recent Board of Directors election, the composition of the Board, and certain actions taken by or on behalf of the Board. That dispute resulted in litigation filed in the Second Judicial District Court of the State of Nevada, Washoe County, Case No. CV25-02319 (the “Litigation”).

On April 3, 2026, the Honorable District Court Judge Scott Freeman issued an Order Appointing Special Master (the “Order”) in the Litigation. A copy of that Order is enclosed with this letter for your review.

CURRENT STATUS OF THE BOARD OF DIRECTORS

I must inform you plainly: there is currently no duly serving Board of Directors for the Association.

The Court found that the governance dispute, including the contested Board election procedures and the resulting uncertainty over who is lawfully authorized to act on behalf of the Association, has created an emergency condition in which the Association cannot function properly without a valid and properly constituted Board in place. Both parties to the Litigation agreed before the Court that appointment of a Special Master was an appropriate and necessary step to address this situation.

Until a new Board of Directors has been duly elected and fully established in their roles and responsibilities, I, as Special Master, am authorized by the Court’s Order to perform the functions of the Board and to manage, supervise, and maintain the Association and its operations. In practical terms, this means that I am currently serving in the role that your elected Board would otherwise occupy.

I want to be clear that my role is not to take sides in the underlying Litigation, nor to make permanent policy decisions for the Association. My mandate from the Court is to be a neutral

officer, to keep the Association operating, to protect its assets and physical premises, and to facilitate a fair and orderly election so that the members of this Association can elect the leadership of their choice.

THE SPECIAL MASTER'S ROLE AND AUTHORITY

The Court's Order grants me the following authority and responsibilities during the period of my appointment:

- **Day-to-Day Management of the Association.** I am authorized to manage and supervise the Association's ongoing operations, maintenance of the physical premises, and preservation of Association assets. The Association's staff and vendors will continue their normal functions, and I will oversee those relationships to ensure continuity of services to members.
- **Financial Oversight.** I will exercise oversight over the Association's finances to ensure that funds are appropriately managed and that the Association's financial obligations are met. No extraordinary expenditures will be made without appropriate consideration of the Association's best interests.
- **Preservation of the Status Quo.** Unless required by the operational needs of the Association, I will not make material changes to existing policies, rules, contracts, or programs. My role is to maintain, not to transform, – the Association pending the election of a new Board.
- **Oversight of the Board Election.** Most importantly, I am charged by the Court with promptly scheduling and overseeing an election for the Board of Directors in full compliance with the Association's governing documents and applicable Nevada law. A more detailed description of the election process is set forth below.
- **Reporting to the Court.** I will file reports and recommendations with the Court as required by the Order. The Court retains ultimate oversight of my activities and decisions, and any party may seek Court review of my actions.
- **Dispute Resolution.** I will endeavor to resolve any issues that arise in the course of my duties as quickly and inexpensively as possible, and I will avoid disputes wherever practicable.

THE UPCOMING BOARD OF DIRECTORS ELECTION

My primary mission is to restore elected, member-controlled governance to this Association as soon as practicable. To that end, I will be taking the following steps to organize and conduct a new Board of Directors election in accordance with the Association's governing documents and Nevada law:

1. **Review of Governing Documents.** I will promptly review the Association's CC&Rs, Bylaws, and any applicable election rules to confirm the precise procedural requirements for a valid Board election, including the number of seats to be filled, eligibility criteria for candidates, notice requirements, quorum requirements, and voting procedures.

2. Member Record Verification. I will work with Association management to verify and update the current membership roster to ensure that all members in good standing are identified and that election notices and ballots reach every eligible voter possible.

3. Notice to Members. Proper advance notice of the election will be provided to all members in the manner required by the governing documents and Nevada law. This notice will include information about the election date, candidate nomination procedures, and voting instructions.

4. Candidate Nomination Process. I will establish and announce a nomination period during which any eligible member may submit their candidacy for a position on the Board of Directors. All nominations will be processed in a transparent and non-discriminatory manner consistent with the governing documents.

5. Conduct of the Election. The election will be conducted in strict compliance with the Association's governing documents and Nevada law. I will take all reasonable steps to ensure that the election is fair, transparent, and that every eligible member has a meaningful opportunity to vote.

6. Certification and Transition. Once the election has been completed and the results certified, I will facilitate the transition of governance to the newly elected Board of Directors, ensuring that they have full access to all Association records, accounts, and operational information. Upon the new Board's full establishment in their roles, my appointment as Special Master will be concluded.

I intend to move forward with these steps as expeditiously as possible. You will receive further written notice in advance of the nomination period and election date.

QUESTIONS AND COMMUNICATIONS

I recognize that this is an unusual and potentially unsettling situation, and I welcome your questions. Please note, however, that the Court's Order requires that communications between members and the Special Master be conducted appropriately. Members wishing to contact me regarding Association operational matters may do so in writing at the address listed in this letterhead. My apologies, but no phone calls or personal meetings will be allowed.

Please be advised that the underlying Litigation between the named parties continues before the Court. Members who are not parties to the Litigation should not attempt to contact the Court directly, and members who are parties to the Litigation must continue to communicate through their counsel of record.

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Letter to
Club Tahoe Resort Owners' Association Membership
April 17, 2026
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I am committed to serving all members of this Association fairly and impartially, and to returning governance of the Association to you, through your elected representatives, as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Alan Tiras", with a horizontal line extending from the end of the signature.

E. Alan Tiras, Esq.

Special Master

Club Tahoe Resort Owners' Association, Inc.

Appointed by Order of the Second Judicial District Court,
Washoe County, Nevada, Case No. CV25-02319

Enclosure: Order Appointing Special Master, dated April 3, 2026

Code: 3370

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

LAWRENCE GARVEY, an individual; and
ROBERT PAYTON, an individual,

Plaintiffs,

v.

CLUB TAHOE RESORT OWNERS'
ASSOCIATION, INC., a Nevada non-profit
corporation; KEITH WILSON, GLORIA DEALBA;
DONALD WALL; ROBERT VERMELTFOORT;
CHRISTINA BECKER ; KEITH OGDEN AND
MARK PEARL (Association Board Members Sued
In Their Individual Capacities); and DOES 1 through
10, inclusive and ROE CORPORATIONS I through
X, inclusive,

Defendants.

Case No.: CV25-02319

Dept. No.: 9

ORDER APPOINTING SPECIAL MASTER

This matter came before this Court for oral arguments on April 1, 2026. At the time of the hearing the Court was in receipt of Defendants CLUB TAHOE RESORT OWNERS' ASSOCIATION, INC. (hereafter "The Association") and its BOARD OF DIRECTORS, DEFENDANTS KEITH WILSON, GLORIA DEALBA, DONALD WALL, MARC PEARL, AND ROBERT VERMELTFOORT (hereafter the "Board") (collectively "the Defendants") *Motion for Preliminary Injunction* filed January 27, 2026; Plaintiffs LAWRENCE GARVEY and ROBERT PAYTON's (hereafter the "Plaintiffs") *Opposition to Motion for Preliminary Injunction* filed February 17, 2026, Plaintiffs' *Opposition to Defendants' Request for Submission* filed February 19,

2026; and Defendants’ *Reply in Support of Motion for Preliminary Injunction* filed February 24, 2026.

The Court was also in receipt of Defendants’ *Motion for Order Shortening Time* filed January 27, 2026; Plaintiffs’ *Opposition to Motion for Order Shortening Time* filed January 28, 2026; Defendants’ *Reply in Support of Motion for Order Shortening Time* filed February 4, 2026.¹

Finally, the Court was also in receipt of the Plaintiffs’ *Motion for Preliminary Injunction Against Defendants* filed February 17, 2026; Defendants’ *Opposition to Countermotion for Preliminary Injunction* filed March 3, 2026; and Plaintiffs’ *Reply in Support of Motion for Preliminary Injunction Against Defendants* filed March 10, 2026.

The Court is also in receipt Defendants’ *Motion to Strike Fugitive Document* filed February 23, 2026; Plaintiffs’ *Opposition to Motion to Strike Fugitive Document* filed February 26, 2026; and Defendants’ *Reply in Support of Motion to Strike Fugitive Document* filed March 2, 2026.

During the hearing Plaintiff further developed at the Court’s invitation, their alternative request for the appointment of a special master pursuant to NRCP 53. *See Plaintiff’s Motion for TRO*, pg. 21:8-28. After hearing arguments, reviewing the pleadings and papers on file herein, and having considered the factors set forth in NRCP 53, the Court granted that request and ORDERED that a Special Master be appointed in this case.

STANDARD OF REVIEW

The Legislature has repeatedly allowed Courts to exercise its authority in appointing a special mater by enacting laws permitting masters to act as referees in district courts. *Matter of L.L.S.*, 137 Nev. 241, 244, 487 P.3d 791, 795 (2021) (*citing Henry v. Nev. Comm’n on Judicial Discipline*, 135

¹ The Court notes that the matter for the order shortening time is now moot due to the passage of time and the numerous other conflicting motions that were filed by the parties collectively throughout this matter. The Court notes for the parties that due to there being two conflicting motions for a temporary restraining order the Court used its discretion to reserve its ruling on each motion so that they could collectively be heard together along with any other outstanding motions. Such a decision is within this Court’s discretion to control its docket in order to resolve these matters in a fair and expeditious manner. *See Johnson v. State*, 135 Nev. 667 (Nev. App. 2019); *see also Maheu v. Eighth Judicial Dist. Court*, 89 Nev. 214, 217, 510 P.2d 627, 629 (1973) (recognizing the court’s inherent power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants”); *Yong v. Immigration and Naturalization Service*, 208 F.3d 1116, 1119 (9th Cir.2000) (holding that a court has the inherent authority to control its own docket and calendar)). Moreover, this Court notes that the modern rules of procedure “*are recognized as being intended to allow the court to reach the merits, as opposed to disposition on technical niceties.*” *Costello v. Casler*, 127 Nev. 436, 441 (2011) (*citing Schmidt v. Sadri*, 95 Nev. 702, 705 (1979) (holding “The [L]egislature envisioned that [the Nevada Rules of Civil Procedure] would serve to simplify existing judicial procedures and promote the speedy determination of litigation upon its merits.”)) (emphasis added).

1 Nev. 34, 36, 435 P.3d 659, 661 (2019) (recognizing the Legislature's constitutional authorization to
2 provide for masters)).

3 Under NRCP 53(a)(2), the court may appoint a master to (1) perform duties consented to by
4 the parties; (2) address pretrial or posttrial matters that cannot be effectively and timely addressed by
5 an available judge; or (3) in actions to be decided without a jury, hold trial proceedings and
6 recommend findings of fact, conclusions of law, and a judgment, if appointment is warranted by (a)
7 some exceptional condition; or (b) the need to perform an accounting or resolve a difficult
8 computation of damages. *See* NRCP 53(a)(2). Additionally, NRCP 53(b)(2) provides that “[a]ny
9 party may move to have a master appointed, or the court may issue an order to show cause.”

10 In actions not before a jury, NRCP 53(b) authorizes referral to a special master for “matters
11 of account and of difficult computation of damages” or “upon a showing that some exceptional
12 condition requires it.” *Venetian Casino Resort, LLC v. Eighth Jud. Dist. Ct. of State ex rel. Cnty. of*
13 *Clark*, 118 Nev. 124, 128, 41 P.3d 327, 329 (2002). Where matters of account are involved, referral
14 to a special master is only warranted if the matters are “beyond the competence of a court,” which
15 has been found to matters that are “not simple, would reach substantial proportions, or would consume
16 an inordinate amount of judicial resources.” *Id.* “In all cases, referral to a special master is only
17 warranted when it is necessary, not merely when it is desirable.” *Id.*

18 Additionally, special masters may only exercise limited authority. The Supreme Court has
19 explained that “[m]asters are appointed ‘to aid judges in the performance of specific judicial duties,
20 as they may arise in the progress of a cause,’ and not to place the trial judge into a position of a
21 reviewing court.” *Id.* The district court, not the special master, is primarily responsible for
22 determining the rights of the parties. *Id.*

23 **FINDING OF FACT AND CONCLUSION OF LAW APPOINTING SPECIAL MASTER**

24 The Court finds that upon hearing arguments on this matter, the governance dispute in this
25 case presents exceptional conditions that warrant the appointment of a special master. The Court finds
26 that the technical nature of the Governing Documents, the complex factual and legal history of the
27 association Board election procedures that have been asserted and challenged, and the emergency
28 situation where the Association cannot function properly without a valid and proper board of directors
in place, all support such an appointment. Additionally, both parties averred during the April 1, 2026,

1 hearing that they are agreeable that this matter be oversaw by a special master appointed by this Court.
2 Therefore, the Court finds that the appointment of a master will provide an efficient resolution to the
3 governance dispute, minimize the period of the current governance paralysis affecting the
4 Association, and ensure the just and expeditious resolution of this matter while ensuring that all
5 interests of the parties are properly considered while maintaining the status quo until the resolution
6 of this matter.

7 THEREFORE, IT IS HEREBY ORDRED as follows:

8 ***1. Appointment.***

9 The Court hereby appoints the E. Alan Tiras, Esq. of E. Alan Tiras P.C., 937 Tahoe
10 Boulevard, Suite 130-B, Incline Village, Nevada 89451 as Special Master in this action (hereafter
11 referred to as “Special Master”).

12 ***2. Special Master's Duties and Authority.***

13 The Special Master is appointed pursuant to NRCP 53(a)(2)(B) to manage, supervise, and
14 resolve the issues listed at the beginning of this Order and considered during the hearing on April 1,
15 2026.

16 The Special Master shall promptly schedule and oversee an election for the Board of
17 Directors for the Association in compliance with the Association’s governing documents and Nevada
18 law. Additionally, the Special Master shall manage, supervise, and maintain the Association up and
19 until a new Board of Directors has been elected and fully established within their roles and
20 corresponding responsibilities. The Special Master may use his discretion when considering how best
21 to maintain the Association, its assets, physical premise, and any related matter so long as he acts in
22 the best interest of the Association.

23 The Special Master may also perform any additional duties the parties consent to in writing
24 through a stipulation and order. The Special Master shall proceed with all reasonable diligence to
25 undertake these responsibilities with a view to avoiding disputes wherever possible and, where
26 disputes arise, to resolve them as quickly and inexpensively as possible. The Special Master shall
27 have the authority provided to masters as set forth in NRCP 53(d), unless otherwise provided herein.
28

3. Report and Recommendations.

The Special Master shall have the duties charged to masters related to reports and recommendations as set forth in NRCP 53(e), except that the Special Master shall not be required to comply with NRCP 53(e)(1)(D) by filing the original exhibits and a transcript of the proceedings and evidence with any report and recommendations.

(a) Objection to or Modification of Report and Recommendations.

Any party that objects to or wishes to seek a modification of the Special Master's report and recommendation on any matter shall file an objection or request to modify within fourteen (14) days of service of the report and recommendation, specifying the grounds therefore. Any party may file an opposition to the objection or request to modify within fourteen (14) days of service of the objection or request to modify, and a reply to any opposition shall be filed within seven (7) days of any opposition.

(b) District Court's Standard and Method of Review.

In reviewing a Special Master's report and recommendations and in ruling on any objection or request to modify a report and recommendations, the District Court shall review legal determinations and findings de novo and factual determinations and findings for abuse of discretion. The Court may set the objection or request to modify for hearing or may rule on the pleadings and papers on file.

(c) *Failure to object.*

If no party has filed a timely objection or request to modify the Special Master's findings of fact and conclusions of law, the Court will adopt the Special Master's report and recommendations by court order and may do so without a hearing.

4. *Ex Parte Communications.*

(a) *With the Court.*

The Special Master may have ex parte communications with the Court regarding (1) the scope of the Special Master's duties; (2) assisting the Court with procedural matters, such as apprising the Court regarding logistics, the nature of the Special Master's activities, and management of the litigation; (3) any matter upon which the parties or their counsel have consented; (4) the application of NRC 53; and (5) any matter, the subject of which is initiated by the Court.

1 (b) *With the Parties and Counsel.*

2 The parties shall not engage in any ex parte communications with the Special Master, and
3 the Special Master shall not engage in any ex parte communications with any of the parties, unless
4 otherwise agreed by the parties, confirmed in writing (or by email).

5 ***5. Material to be Preserved and Filed as the Record of the Special Master's Activities.***

6 All orders, reports, and recommendations of the Special Master shall be filed with the Court,
7 unless the parties or their counsel have agreed otherwise. It shall be the duty of the parties and counsel,
8 not the Special Master, to provide for any record of proceedings with the Special Master. The Special
9 Master shall not be responsible for maintaining any records of the Special Master's activities other
10 than billing records. In the event of any hearing where evidence is taken, it shall be the duty of the
11 parties and counsel to preserve any exhibits tendered or rejected at the hearing and to provide the
12 Special Master with a copy of all transcripts. Materials provided to the Special Master shall be filed,
13 kept, and where applicable, subject to any stipulated protective order.

14 ***6. Compensation.***

15 The Special Master shall be compensated at a rate which is his standard billable rate and shall
16 be reimbursed for all reasonable expenses and costs incurred in the performance of his duties.

17 (a) *Allocation of Fees and Costs.*

18 The Special Master's fees and costs shall initially be shared evenly between the parties
19 subject to further order. Any fees and costs paid by a party may be reallocated by the Court in its
20 discretion, and an award of costs at the conclusion of the case may include an award of all fees and
21 costs incurred with the Special Master.

22 (b) *Prompt Payment to the Special Master.*

23 The Special Master shall bill the parties monthly for fees and disbursements, with invoices
24 that provide sufficient description to understand the work performed and costs incurred. The parties
25 shall promptly pay the Special Master upon receipt of the Special Master's invoice.

26 ***7. Special Master's Affidavit.***

27 The Special Master shall file an Affidavit required by NRCP 53(b)(4) disclosing whether
28 there is any ground for his disqualification under Rule 2.11 of the Revised Nevada Code of Judicial
Conduct.

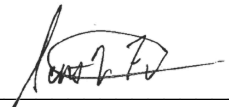
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8. First Meeting With the Special Master.

Pursuant to NRCp 53(d)(2)(B), the Special Master shall set a time and place for the first meeting of the Parties to be held within 21 days after the date of this Order.

IT IS SO ORDERED.

DATED this 3rd day of April 2026.


DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
3 of the State of Nevada, County of Washoe, and I electronically filed the foregoing with the Clerk of
4 the Court electronic filing system, which will send notice of electronic filing to the following:
5

6 RICHARD HASKIN, ESQ. for LAWRENCE GARVEY, ROBERT PAYTON
7 JORGE PADILLA, ESQ. for GLORIA DEALBA, MARC PEARL, DONALD WALL, CLUB
8 TAHOE RESORT OWNERS ASSOCIATION, ROBERT VERMELTOORT, KEITH WILSON
9 WHITNEY SELERT, ESQ. for GLORIA DEALBA, MARC PEARL, DONALD WALL, CLUB
TAHOE RESORT OWNERS ASSOCIATION, ROBERT VERMELTOORT, KEITH WILSON

10
11 Further, I deposited in the County mailing system for postage and mailing with the United
12 States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

13 MADISON G. WEDDERSPOON, ESQ.
14 Gibbs Giden Locher Turner
15 7251 W. Lake Mead Blvd., Suite 450
16 Las Vegas, NV 89128

17
18 DATED this 3rd day of April 2026.

19
20
21 

22 _____
Judicial Assistant

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA**

LAWRENCE GARVEY, an individual; and ROBERT PAYTON, an individual,
Plaintiffs,

v.

CLUB TAHOE RESORT OWNERS' ASSOCIATION, INC., a Nevada non-profit corporation; KEITH WILSON, GLORIA DEALBA; DONALD WALL; ROBERT VERMELTFOORT; CHRISTINA BECKER; KEITH OGDEN AND MARK PEARL (Association Board Members Sued In Their Individual Capacities); and DOES 1 through 10, inclusive and ROE CORPORATIONS I through X, inclusive,
Defendants.

Case No.: CV25-02319

Dept. No.: 9

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document,

Initial Report of Special Master E. Alan Tiras, Esq.

filed in case number: **CV25-02319**



Document does not contain the personal information of any person.

—OR—

☐ Document contains the personal information of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

☐ For the administration of a public program

☐ For an application for a federal or state grant

☐ Confidential Family Court Information Sheet (NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: May 6, 2026



(Signature)

E. Alan Tiras, Esq.

(Print Name)

Special Master

(Title / Capacity)