

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200  
LAS VEGAS, NEVADA 89134  
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
2 VATANA LAY, ESQ.  
Nevada Bar No. 12993  
3 AKERMAN LLP  
1635 Village Center Circle, Suite 200  
4 Las Vegas, NV 89134  
Telephone: (702) 634-5000  
5 Facsimile: (702) 380-8572  
Email: ariel.stern@akerman.com  
6 Email: vatana.lay@akerman.com

7 Attorneys for plaintiff Bank of America, N.A.  
and Federal National Mortgage Association

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 BANK OF AMERICA, N.A., SUCCESSOR BY  
12 MERGER TO BAC HOME LOANS  
SERVICING, LP FKA COUNTRYWIDE  
13 HOME LOANS SERVICING, LP, AND  
FEDERAL NATIONAL MORTGAGE  
14 ASSOCIATION,

15 Plaintiff,

16 vs.

17 DECATUR MOUNTAIN VILLAS  
HOMEOWNERS' ASSOCIATION, INC. AND  
18 G.J.L., INCORPORATED D/B/A PRO FORMA  
LIEN & FORECLOSURE SERVICES.

19 Defendants.

Case No.: 2:16-cv-02765-APG-NJK

**STIPULATION AND ORDER OF FINAL  
JUDGMENT CONFIRMING EXISTENCE  
AND VALIDITY OF DEED OF TRUST**

21 Plaintiffs Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, fka  
22 Countrywide Home Loans Servicing, LP (**BANA**) and Federal National Mortgage Association  
23 (**Fannie Mae**) and defendant Decatur Mountain Villas Homeowners Association (**Decatur**), through  
24 their counsel of record, being the only parties to have appeared in this action, stipulate as follows:

25 1. This matter relates to real property located 4852 Partegus Street, North Las Vegas,  
26 Nevada, 89031, APN 124-31-415-001 (the **Property**). The Property is more specifically described  
27 as:  
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APN 124-31-415-001  
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Parcel One (1):

An undivided 1/50th interest (except Association Property) in the Common Elements, sometimes Common Areas, within Phase 1 of Decatur Mountain Villas (A Condominium Development and Common Interest Community), as shown by map thereof on file in Book 107 of Plats, Page 59, in the Office of the County Recorder, Clark County, Nevada.

Excepting Therefrom all Living Units and Association Property in Phase 1 of Decatur Mountain Villas, (A Condominium Development and Common Interest Community).

And Reserving Therefrom the right to possession of all those areas designated as Limited Common Elements, sometimes Exclusive Use Areas, within the Common Elements, as shown on the Condominium Plat referred to above.

And Further Reserving Therefrom for the benefit of the Owners of Condominiums in subsequent phases, a non-exclusive easement on, over and across the Private Drive and Recreational Areas as defined and shown upon the Plat referred to above for ingress, egress and recreational use, subject to the Declaration of Covenants, Conditions and Restrictions for Decatur Mountain Villas Homeowners Association recorded April 22, 2003 in Book 20030422 as Document No. 01346 and Amended and Restated Declaration of Covenants, Conditions and Restrictions for Decatur Mountain Villa, recorded July 17, 2003 in Book 20030717 as Document No. 00855 of Official Records, to which reference is hereafter made.

Parcel Two (2):

Living Unit A in Building 1 of Decatur. Mountain Villa (A Condominium Development and Common Interest Community),.as shown by map referred to above.

Parcel Three (3):

The exclusive right to use, possession and occupancy of those portions of the Limited Common Elements, sometimes Exclusive Use Areas, within the Common Elements, described upon the plat and as referred to in Section 9.6(b) of the Declaration, which are appurtenant to and for the exclusive use of Parcel I & II.

Parcel Four (4):

A non-exclusive easement in ingress, egress and recreational use on and over the Private Drives and Recreational Areas of Horizon Hills, as shown by map referred to above, and future units, which easement is appurtenant to Parcel One (1), Two (2) and Three (3) described above.

1           2.       BANA, as servicer for Fannie Mae, is the beneficiary of record of a Deed of Trust that  
2 encumbers the Property and was recorded on November 16, 2004, as Document Number 20041116-  
3 0004693, in the Official Records of Clark County, Nevada (the **Deed of Trust**).

4           3.       On September 26, 2012, Decatur recorded a Foreclosure Deed as Document  
5 Number 201209260003385 of the Official Records of Clark County, Nevada (the **HOA Foreclosure**  
6 **Deed**), reflecting that Decatur purchased the Property at its foreclosure sale of the Property conducted  
7 on September 13, 2012 (the **HOA Sale**). Decatur has not transferred its interest in the Property and is  
8 still the title holder of record.

9           4.       On December 2, 2016, BANA and Fannie Mae initiated a quiet title action against  
10 Decatur in the United States District Court, District of Nevada, Case No. 2:17-cv-02765 (the **Quiet**  
11 **Title Action**).

12           5.       Fannie Mae, BANA, and Decatur have entered a confidential settlement agreement in  
13 which they have settled all claims between them in this case. This stipulation and order applies to the  
14 matters addressed in this particular case only and has no relevance to any other matter.

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1           6.       The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale.  
2 The Deed of Trust remains a valid encumbrance against the Property following the recording of the  
3 HOA Foreclosure Deed, and Decatur's interest in the Property is subject to the Deed of Trust.

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5 Dated: March 29, 2018.

Dated: March 29, 2018.

6 AKERMAN LLP

LIPSON NEILSON COLE SELTZER & GARIN, P.C.

7 /s/ Vatana Lay

/s/ Karen Kao

8 Ariel E. Stern, Esq.  
9 Nevada Bar No. 8276  
10 Vatana Lay, Esq.  
11 Nevada Bar No. 12993  
12 1635 Village Center Circle, Suite 200  
13 Las Vegas, Nevada 89134  
14 Telephone: (702) 634-5000  
15 Facsimile: (702) 380-8572  
16 Email: ariel.stern@akerman.com  
17 Email: vatana.lay@akerman.com  
18 Attorneys for Plaintiffs Bank of America,  
19 N.A. and Federal National Mortgage  
20 Association

Karen Kao, Esq.  
Nevada Bar No. 14386  
9900 Covington Cross Drive, Suite 120  
Las Vegas, NV 89144  
Telephone: (702) 382-1500  
Facsimile: (702) 382-1512  
Attorneys for Decatur Mountain Villas  
Homeowners Association

**ORDER**

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2 Based on the above stipulation between plaintiffs Bank of America, N.A. (**BANA**) Federal  
3 National Mortgage Association (**Fannie Mae**) and defendant Decatur Mountain Villas Homeowners  
4 Association (**Decatur**), the Parties' agreement, and good cause appearing therefore,

5 IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County,  
6 Nevada against the real property located 4852 Partegus Street, North Las Vegas, Nevada, 89031, APN  
7 124-31-415-001 (the **Property**) on November 16, 2004, as Document Number 20041116-0004693,  
8 was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted  
9 by Decatur on September 13, 2012 or the recording of the HOA Foreclosure Deed in the Official  
10 Records of Clark County, Nevada, on September 26, 2012, as Document Number 201209260003385,  
11 reflecting that Decatur purchased the Property at the foreclosure sale. Decatur's ownership interest in  
12 the Property is subject to the Deed of Trust.

13 IT IS FURTHER ORDERED that Plaintiffs shall be entitled to record this STIPULATION  
14 AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark  
15 County, Nevada in accordance with the rules of the Recorder's Office.

16 IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court,  
17 resolving all claims in this case with prejudice, each party to bear its own fees and costs.

18 Dated: March 30, 2018.

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UNITED STATES DISTRICT COURT JUDGE

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1 Respectfully submitted by:

2 AKERMAN LLP

3 /s/ Vatana Lay

4 Ariel E. Stern, Esq.

5 Nevada Bar No. 8276

6 Vatana Lay, Esq.

7 Nevada Bar No. 12993

8 1635 Village Center Circle, Suite 200

9 Las Vegas, Nevada 89134

10 Telephone: (702) 634-5000

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12 ariel.stern@akerman.com

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