

ROGER P. CROTEAU & ASSOCIATES, LTD.

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8 Attorneys for Defendant Saticoy Bay LLC
Series 3665 Remington Grove

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 *****

13 WELLS FARGO BANK, N.A., AS
14 TRUSTEE FOR BANC OF AMERICA
ALTERNATIVE LOAN TRUST 2006-5
15 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-5,
16 Plaintiff,

CASE NO.: 2:17-cv-02677-RFB-GWF

17 **[PROPOSED] JOINT PRE-TRIAL
ORDER**

17 vs.

18 GIAVANNA HOMEOWNERS
19 ASSOCIATION; SATICOY BAY LLC-
20 SERIES 3665 REMINGTON GROVE,
ABSOLUTE COLLECTION SERVICES,
21 LLC,
22 Defendants.

25 Following pretrial proceedings in this case,
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IT IS ORDERED:

I. NATURE OF THE ACTION:

This is a quiet title matter following an HOA foreclosure involving Plaintiff Wells Fargo Bank, N.A., as trustee for Banc of America Alternative Loan Trust 2006-5 Mortgage Pass-Through Certificates, Series (“Wells Fargo”), Defendant Giavanna Homeowners Association (“Giavanna HOA”), Defendant Absolute Collection Services (“ACS”) and Defendant Saticoy Bay LLC Series 3665 Remington Grove, a series Nevada limited liability company managed by Bay Harbor Trust, a Nevada trust, with Resources Group LLC as trustee, with Eddie Haddad as manager of Resources Group LLC, (“Saticoy”), regarding real property located at 3665 Remington Grove Ave., North Las Vegas, Nevada 89081, APN: 123-31-112-099 (hereinafter, the “Property”).

II. STATEMENT OF JURISDICTION:

This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332. The diversity of citizenship requirement is met. Wells Fargo certifies it is not a citizen of Nevada, and on information and belief, all of the defendants are citizens of Nevada. The amount in controversy requirement is also met. The amount in controversy exceeds \$75,000.00.

III. THE FOLLOWING FACTS ARE ADMITTED BY THE PARTIES AND REQUIRE NO PROOF:

1. This matter concerns real property commonly known as 3665 Remington Grove Ave., North Las Vegas, Nevada (“the “Property”).
2. The Property is located within and governed by a common interest community known as Giavanna Homeowners Association (“Giavanna HOA”).

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3. John Porto and Cynthia Cruz-Porto (“Portos”) purchased the Property in or around March 2006.
4. The Portos obtained a loan in the amount of \$235,176.00 from Bank of America, N.A., as evidenced by a note and secured by a deed of trust recorded (“First Deed of Trust”) on March 27, 2006, as Instrument No. 20060327-0001867, with the Clark County Recorder.
5. The senior deed of trust was assigned to Wells Fargo via a corporation assignment of deed of trust recorded August 23, 2010, as Instrument No. 201008230003707.
6. Bank of America re-recorded the assignment of the First Deed of Trust to Wells Fargo on December 20, 2011, as Instrument No. 20111220-0001961.
7. The Portos obtained a second loan from Bank of America in connection with their purchase of the Property.
8. The loan was evidenced by a second position deed of trust recorded on March 26, 2007, as Instrument No. 20070326-0000644, with the Clark County Recorder (“Second Deed of Trust”).
9. On May 31, 2012, the Portos conveyed the property to Bank of America to satisfy the Second Deed of Trust.
10. On September 30, 2010, Giavanna, through its agent, Absolute Collection Services, LLC (“Absolute” or “HOA Trustee”), recorded a notice of delinquent assessment lien with the Clark County Recorder 20100930-0002067, for unpaid assessments (“NODAL”).
11. On April 25, 2011, Giavanna, through its agent Absolute, recorded a notice of default and election to sell under homeowners’ association lien with the Clark County Recorder as Instrument No. 20110425-0000605 (“NOD”).

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- 12. In response to the notice of default, Bank of America, retained Miles, Bauer, Bergstrom & Winters, LLP (“Miles Bauer”) to contact Giavanna.
- 13. Miles Bauer, on behalf of the senior deed of trust beneficiary, sent a letter to Absolute on or about May 17, 2011, seeking to determine the nine-month superpriority lien amount and "offer[ing] to pay that sum upon presentation of adequate proof of the same by the HOA."
- 14. Absolute responded with a letter on June 11, 2011.
- 15. Absolute, on behalf of Giavanna, appeared to continue the foreclosure process by recording a notice of delinquent violation lien as instrument No. 20120808-000000073 on August 8, 2012 (“Second NODAL”).
- 16. On October 3, 2012, Absolute recorded a third notice of delinquent assessment lien as Instrument No. 20121003-0002573 (“Third NODAL”).
- 17. On January 4, 2013, Giavanna, through its agent Absolute, recorded a second notice of default and election to sell with the Clark County Recorder as Instrument No. 20130104-0000906 (“Second NOD”).
- 18. On April 30, 2014, Giavanna, through Absolute, recorded a notice of sale with the Clark County Recorder as Instrument No. 20140430-0000918 (“First NOS”).
- 19. On August 29, 2014, Giavanna, through Absolute, recorded a new notice of sale with the Clark County Recorder as Instrument No. 20140829-0005266 (“Second NOS”).
- 20. Giavanna, through Absolute, foreclosed on or about October 21, 2014.
- 21. A foreclosure deed in favor of Saticoy was recorded on October 23, 2014, with the Clark County Recorder as Instrument No. 20141023-0001134 (“Foreclosure Deed”).

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IV. The following facts, though not admitted, will not be contested as trial by evidence to the contrary:

None.

V. The following are the issues of fact to be tried and determined at trial.

[Each issue of fact must be stated separately and in specific terms.]

1. Whether Wells Fargo ever tendered any amount to Giavanna or Giavanna’s collection company, Absolute Collection Services.
2. Whether Absolute Collection Services or Giavanna had a policy of rejecting checks intended to tender the superpriority portion of HOA liens sent to them by the holders of first deeds of trust or their agents and trustees if those checks were for less than the total amount of the subject lien during the time Absolute Collection Services acted as Giavanna’s collection agent in regards to the subject property.
3. Whether Wells Fargo or its agents and trustees had any knowledge of Absolute Collection Services or Giavanna’s policy of rejecting checks intended to tender the superpriority portion of HOA liens sent to them by the holders of first deeds of trust or their agents and trustees if those checks were for less than the total amount of the subject lien during the time Absolute Collection Services acted as Giavanna’s collection agent in regards to the subject property.
4. Whether Giavanna or its agents or trustees ever communicated an intent to foreclosure on the subpriority portion of Giavanna’s lien on the subject property prior to foreclosure.

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5. Whether Absolute Collection Services or Giavanna refused to provide the amount of Giavanna’s superpriority lien to Wells Fargo or its agents and trustees.

VI. The following are the issues of law to be tried and determined at trial.

[Each issue of fact must be stated separately and in specific terms.]

1. Whether Wells Fargo’s Deed of Trust was extinguished by the HOA Sale.
2. Whether tender of the super priority portion of Giavanna’s lien by Wells Fargo was excused.
3. Whether Wells Fargo ever tendered any amount to Giavanna or Giavanna’s collection company, Absolute Collection Services.
4. Whether Absolute Collection Services statements misled Wells Fargo regarding the amount or character of the lien.
5. Whether Giavanna foreclosed on the subpriority portion of its lien on the subject property.
6. Whether the foreclosure sale should be set aside as commercially unreasonable.

VII. Exhibits

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the Clerk:

The parties stipulate to all exhibits not objected to below.

(b) As to the following exhibits, the party against whom the same will be offered objects to their admission on the grounds stated:

(1) Wells Fargo's Exhibits

<i>Bates Number</i>	<i>Document Disclosed</i>	<i>Title</i>	<i>Objection</i>
WELLSFARGO000001- WELLSFARGO000069	Wells Fargo	Declaration Of Covenants, Conditions And Restrictions For Giavanna Homeowners Association	
WELLSFARGO000070- WELLSFARGO000072	Wells Fargo	Notice Of Completion	
WELLSFARGO000073- WELLSFARGO000075	Wells Fargo	Grant, Bargain, Sale Deed	
WELLSFARGO000076- WELLSFARGO000095	Wells Fargo	Deed Of Trust	
WELLSFARGO000096- WELLSFARGO000108	Wells Fargo	Deed Of Trust	
WELLSFARGO000109- WELLSFARGO000112	Wells Fargo	First Amendment Declaration Of Covenants, Conditions And Restrictions For Giavanna Homeowners Association	
WELLSFARGO000113- WELLSFARGO000114	Wells Fargo	Notice Of Default/Election To Sell Under Deed Of Trust	

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WELLSFARGO000115	Wells Fargo	Corporation Assignment Of Deed Of Trust	
WELLSFARGO000116- WELLSFARGO000117	Wells Fargo	Substitution of Trustee	
WELLSFARGO000118- WELLSFARGO000119	Wells Fargo	Notice Of Delinquent Assessment Lien	
WELLSFARGO000120	Wells Fargo	Certificate Foreclosure Mediation	
WELLSFARGO000121- WELLSFARGO000122	Wells Fargo	Notice Of Trustee's Sale	
WELLSFARGO000123- WELLSFARGO000125	Wells Fargo	Notice Of Default And Election To Sell Under Homeowners Association Lien	
WELLSFARGO000126- WELLSFARGO000127	Wells Fargo	Notice Of Trustee's Sale	
WELLSFARGO000128- WELLSFARGO000129	Wells Fargo	Notice Of Trustee's Sale	
WELLSFARGO000130- WELLSFARGO000131	Wells Fargo	Assignment Of Deed Of Trust	
WELLSFARGO000132- WELLSFARGO000133	Wells Fargo	Notice Of Lien	
WELLSFARGO000134- WELLSFARGO000136	Wells Fargo	Grant, Bargain And Sale Deed	
WELLSFARGO000137- WELLSFARGO000138	Wells Fargo	Notice Of Delinquent Violation Lien	
WELLSFARGO000139- WELLSFARGO000140	Wells Fargo	Notice Of Delinquent Assessment Lien	

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WELLSFARGO000141	Wells Fargo	Substitution of Trustee & Full Reconveyance	
WELLSFARGO000142- WELLSFARGO000143	Wells Fargo	Rescission Of Election To Declare Default	
WELLSFARGO000144- WELLSFARGO000146	Wells Fargo	Notice Of Default And Election To Sell Under Homeowners Association Lien	
WELLSFARGO000147	Wells Fargo	Notice Of Claim Of Lien	
WELLSFARGO000148- WELLSFARGO000149	Wells Fargo	Notice Of Sale	
WELLSFARGO000150- WELLSFARGO000151	Wells Fargo	Notice Of Default And Election To Sell	
WELLSFARGO000152- WELLSFARGO000153	Wells Fargo	Notice Of Sale	
WELLSFARGO000154- WELLSFARGO000157	Wells Fargo	Foreclosure Deed	
WELLSFARGO000158	Wells Fargo	Release Of Lien	
WELLSFARGO000159	Wells Fargo	Release Of Lien	
WELLSFARGO000160	Wells Fargo	Request For Notice	
WELLSFARGO000161- WELLSFARGO000162	Wells Fargo	Notice Of Release Of Lien	
WELLSFARGO000163- WELLSFARGO000165	Wells Fargo	Substitution Of Trustee	
WELLSFARGO000166- WELLSFARGO000168	Wells Fargo	Lis Pendens	

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WELLSFARGO000169- WELLSFARGO000174	Wells Fargo	Executed Service Transfer Documents from Wells Fargo Bank, National Association, Successor by Merger to Wells Fargo Bank Minnesota, National Association to Nationstar Mortgage LLC	
WELLSFARGO000175- WELLSFARGO000186	Wells Fargo	Deposition Transcript of Eddie Haddad Dated March 15, 2016, Case No. A-14- 694747-C, LN Management LLC Series 3422 Flats vs. James Barr	Saticoy objects on the basis of relevance, as this involves a different property, with a likelihood of confusion
WELLSFARGO000187- WELLSFARGO000301	Wells Fargo	Trial Transcript Dated October 29, 2014, Case No. A-13- 687041-C, Telegraph Rd Trust vs. Bank of America (Testimony of Iyad W. "Eddie" Haddad and Kevin Partin	Saticoy objects on the basis of relevance, as this involves a different property, with a likelihood of confusion
WELLSFARGO000302- WELLSFARGO000305	Wells Fargo	Notice Of Default And Election To Sell	

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		Under Homeowners Association Lien	
WELLSFARGO000306	Wells Fargo	Notice from Bank of America Regarding the Service Transfer of the Loan from BAC Home Loans Servicing to Bank of America, N.A.	
WELLSFARGO000307- WELLSFARGO000310	Wells Fargo	Notice from Bank of America Dated August 12, 2013 Regarding the Service Transfer of the Loan to Nationstar Mortgage LLC	
WELLSFARGO000311	Wells Fargo	Notice from Bank of America Dated September 9, 2013 Regarding the Service Transfer of the Loan to Nationstar Mortgage LLC	
WELLSFARGO000312- WELLSFARGO000316	Wells Fargo	Notice from Nationstar Mortgage LLC Dated September 12, 2013 Regarding the	

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		Service Transfer of the Loan	
WELLSFARGO000317- WELLSFARGO000318	Wells Fargo	Notice from Nationstar Mortgage LLC Dated September 11, 2013 Regarding the Service Transfer of the Loan (per Bankruptcy Status)	
WELLSFARGO000319- WELLSFARGO000320	Wells Fargo	Letter Dated August 4, 2011 from Giavanna Homeowners Association to Recontrust Co.	
WELLSFARGO000321- WELLSFARGO000324	Wells Fargo	Letter Dated December 5, 2012 from Absolute Collection Services, LLC to Bank of America	
WELLSFARGO000325- WELLSFARGO000329	Wells Fargo	Title Policy	
WELLSFARGO000330- WELLSFARGO000334	Wells Fargo	Miles Bauer Letter To Borrower (Dated May 17, 2011)	
WELLSFARGO000335- WELLSFARGO000336	Wells Fargo	Miles Bauer Letter To HOA (Dated May 17, 2011)	

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WELLSFARGO000337	Wells Fargo	ACS Letter To Miles Bauer (Dated June 11, 2011)	
WELLSFARGO000338	Wells Fargo	Screenshot Of Events Tab For Loan File	
WELLSFARGO000339- WELLSFARGO000348	Wells Fargo	Miles Bauer Affidavit	
WELLSFARGO000349- WELLSFARGO000359	Wells Fargo	Miles Bauer Borrower Affidavit	
WELLSFARGO000360- WELLSFARGO000370	Wells Fargo	Foreclosure Notices and HOA Letter To Deed Of Trust Trustee About Tender	
WELLSFARGO000371- WELLSFARGO000389	Wells Fargo	Foreclosure Notices Received By PRLAP, Inc., Bank Of America, N.A., BAC Home Loans Servicing, LP and Jacksonville Post Closing	
WELLSFARGO000390- WELLSFARGO000392	Wells Fargo	ReconTrust Company Letter To HOA Regarding Borrowers (August 4, 2011)	
WELLSFARGO000393	Wells Fargo	Nationstar Letter To Borrower (February 8, 2016)	
WELLSFARGO000394	Wells Fargo	Absolute Collection Services, LLC's Post Foreclosure	

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		Timeline	
WELLSFARGO000395- WELLSFARGO000417	Wells Fargo	Senate Committee On Commerce And Labor, Minutes Of The Seventy Second Session (February 20, 2003)	
WELLSFARGO000418	Wells Fargo	Correspondence Between Michael Bohn And Heather Oliver Regarding Revision Of Trustee's Deed Upon Sale (March 28, 2013)	
WELLSFARGO000395- WELLSFARGO000643	Wells Fargo	Transcript Of Proceedings, Bench Trial – Day 1; Eighth Judicial District Court, Clark County Case No A-13-679171-C, Saticoy Bay LLC Series 10371 Calypso Cave v. Amalgamated Bank et al. (April 26, 2017)	Saticoy objects on the basis of relevance, as this involves a different property, with a likelihood of confusion
WELLSFARGO000644- WELLSFARGO000686	Wells Fargo	Deposition Of Eddie Haddad, 30(B)(6) Representative	Saticoy objects on the basis of relevance, as this

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		<p>For Saticoy Bay LLC Series 10777 Vestone St.; United States District Court, District Of Nevada Case No 2:16-cv-03009-RFB-CWH, U.S. Bank National Association v. Caparola At Southern Highlands Homeowners Association et al. (July 27, 2017)</p>	<p>involves a different property, with a likelihood of confusion</p>
<p>WELLSFARGO000687- WELLSFARGO000924</p>	<p>Wells Fargo</p>	<p>Recorder's Transcript Of Bench Trial – Day 1; Eighth Judicial District Court, Clark County Case No A-14-707392-C, Paradise Harbor Trust Place v. US National Bank Association et al. (November 15, 2017)</p>	<p>Saticoy objects on the basis of relevance, as this involves a different property, with a likelihood of confusion</p>
		<p>Deposition Transcript Of Kelly Mitchell, 30(B)(6)</p>	

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		Representative For Absolute Collection Services, LLC (March 1, 2018) *** Available For Inspection At Law Offices Of Michael F. Bohn, Esq. Ltd.***	
WELLSFARGO000925- WELLSFARGO000927	Wells Fargo	Promissory Note	
WELLSFARGO000928- WELLSFARGO000930	Wells Fargo	Payoff Statement	
ACS0001	ACS	October 2014 Sales Results	
ACS0002	ACS	Notice of Sale Received	
ACS0003	ACS	ACS Invoice	
ACS0004-0006	ACS	ACS email re: account with HOA	
ACS0007-0011	ACS	Affidavits of Publication/Posting	
ACS0012	ACS	Attorney Email re: bankruptcy	
ACS0013	ACS	Lien Release — Bank of America	
ACS0014-0017	ACS	Email from Bank of America	
ACS0018-0021	ACS	Attorney Email re: bankruptcy	

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ACS0022	ACS	Cancelled File Escrow	
ACS0023	ACS	Declaration of Value	
ACS0024-0026	ACS	Deed	
AC00029-0043	ACS	File Review Documents for Sale	
ACS0044-0048	ACS	Intake Documents	
ACS0049-0052	ACS	Ledgers from HOA	
ACS0053-0054	ACS	Lien September 2010	
ACS0055-0056	ACS	Lien October 2012	
ACS0057	ACS	Lien Release — Former Homeowner	
ACS0058-0060	ACS	Management Email re: fees	
ACS0061-0062	ACS	Miles Bauer Letter	
ACS0063-0065	ACS	Notice of Default — January 2013	
ACS0066-0068	ACS	Notice of Default — April 2011	
ACS0069-0072	ACS	Notice of Default — May 2014	
ACS0073-0083	ACS	Email from Title Company re: TSG	
ACS0084-0085	ACS	Notice of Sale April 2014	
ACS0086-0087	ACS	Notice of Sale August 2014	
ACS0088-0094	ACS	Order Granting Relief of Stay	

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ACS0095-0104	ACS	Preliminary Title Report	
ACS0105-0113	ACS	Proof Before Lien October 2012	
ACS0114-0124	ACS	Proof Before Lien 2010	
ACS0125-0144	ACS	Proof Before NOD 2011	
ACS0145-0152	ACS	Proof Before Pre-NOD December 2012	
ACS0153-0163	ACS	Proof Before Pre-NOD March 2011	
ACS0164-0173	ACS	Proof of Claim December 2011	
ACS0174-0176	ACS	Public Posting of NOS — May 2014	
ACS0177-0179	ACS	Email from Recontrust	
ACS0180-0182	ACS	Returned Mail	
ACS0183	ACS	Sale Approval Letter	
ACS0184-0194	ACS	Sale Day Documents	
ACS0195-0197	ACS	Signed Authorizations to Publish	
ACS0198	ACS	Signed Payment Plan	
ACS0199-0200	ACS	Statement Request — July 2011	
ACS0201-0203	ACS	Supporting Documents to Sale	
ACS0204-0213	ACS	TRI Report	

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ACS0214-0216	ACS	Account Notes/Status Report	
ACS0217-0220	ACS	Authorization to Publish Requests	
ACS0221-0242	ACS	Giavanna Contracts	
ACS0243	ACS	Miles Bauer Response Letter	
ACS0244-0252	ACS	NOD Mailing Info	
ACS0253-0262	ACS	NOS Mailing Info	
ACS0263	ACS	Payment Plan Agreement	
ACS0264-0269	ACS	Statements of Account	
ACS0270-0276	ACS	TSG w/ legal issue	
	ACS	ACS' response to Wells Fargo's first set of interrogatories	
	ACS	ACS' response to Wells Fargo's first set of requests for admission	
	ACS	ACS' response to Wells Fargo's first set of requests for production	
	Saticoy	Saticoy's response to Wells Fargo's first set of interrogatories	
	Saticoy	Saticoy's response to Wells Fargo's first set	

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		of requests for admission	
	Saticoy	Saticoy's response to Wells Fargo's first set of requests for production	
	Giavanna	Giavanna's response to Wells Fargo's first set of interrogatories	
	Giavanna	Giavanna's response to Wells Fargo's first set of requests for admission	
	Giavanna	Giavanna's response to Wells Fargo's first set of requests for production	
	Giavanna	Giavanna's response to Wells Fargo's first set of interrogatories	

(2) Saticoy's Exhibits

<i>Bates Number</i>	<i>Document Disclosed</i>	<i>Title</i>	<i>Objection</i>
RG000001 - RG000003	Saticoy	Grant, Bargain, Sale Deed	
RG000004 - RG000023	Saticoy	Deed of Trust	
RG000024 - RG000025	Saticoy	Notice of Default	

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RG000026	Saticoy	Corporation Assignment of DOT	
RG000027 - RG000028	Saticoy	Substitution of Trustee	
RG000029	Saticoy	Foreclosure Mediation Program	
RG000030 - RG000035	Saticoy	Notices of Trustee's Sale	
RG000036 - RG000037	Saticoy	Assignment of DOT	
RG000038 - RG000039	Saticoy	Rescission of Election to Declare Default	
RG000040	Saticoy	Request for Notice	
RG000041 - RG000043	Saticoy	Substitution of Trustee	
RG000044 - RG000045	Saticoy	Notice of Delinquent Assessment Lien	
RG000046 - RG000048	Saticoy	Notice of Default	
RG000049	Saticoy	Release of Lien	
RG000050 - RG000052	Saticoy	Grant, Bargain and Sale Deed	
RG000053 - RG000054	Saticoy	Notice of Delinquent Violation Lien	
RG000055 - RG000056	Saticoy	Notice of Delinquent Assessment Lien	
RG000057 - RG000059	Saticoy	Notice of Default	
RG000060 - RG000061	Saticoy	Notice of Sale	

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RG000062 - RG000063	Saticoy	Notice of Default	
RG000064 - RG000065	Saticoy	Notice of Sale	
RG000066 RG000067	Saticoy	Release of Lien Notice of Claim of Lien	
RG000068 - RG000071	Saticoy	Foreclosure Deed	
RG000072 - RG000074	Saticoy	Lis Pendens,	
	Wells Fargo	Wells Fargo's Responses to Saticoy Bay's First Set of Requests for Production of Documents	
	Wells Fargo	Wells Fargo's Responses to Saticoy Bay's First Set of Interrogatories	
	Wells Fargo	Wells Fargo's Responses to Saticoy Bay's First Set of Requests for Admissions	
GHOA00001-74	Giavanna	HOA CC&Rs	
GHOA00075-101	Giavanna	HOA Bylaws	
GHOA00102-107	Giavanna	HOA Articles	

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GHOA00108-120	Giavanna	HOA Architectural Guidelines	
GHOA00121-133	Giavanna	HOA Rules and Regulations	
GHOA00134-139	Giavanna	HOA Minutes	
GHOA00140-148	Giavanna	HOA List of Officers	
GHOA00149-162	Giavanna	Ombudsman	
GHOA00163-169	Giavanna	Secretary of State	
GHOA00170-405	Giavanna	ACS Collection File	
GHOA00406-417	Giavanna	HOA Collection File	
ACS0001	Absolute	October 2014 Sales Results	
ACS0002	Absolute	Notice of Sale Received	
ACS0003	Absolute	ACS Invoice	
ACS0004-0006	Absolute	ACS email re: account with HOA	
ACS0007-0011	Absolute	Affidavits of Publication/Posting	
ACS0012	Absolute	Attorney Email re: bankruptcy	
ACS0013	Absolute	Lien Release - Bank of America	
ACS0014-0017	Absolute	Email from Bank of America	
ACS0018-0021	Absolute	Attorney Email re: bankruptcy	
ACS0022	Absolute	Cancelled File Escrow	
ACS0023	Absolute	Declaration of Value	
ACS0024-0026	Absolute	Deed	

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ACS0027-0028	Absolute	Fax Response to Miles Bauer	
AC00029-0043	Absolute	File Review Documents for Sale	
ACS0044-0048	Absolute	Intake Documents	
ACS0049-0052	Absolute	Ledgers from HOA	
ACS0053-0054	Absolute	Lien September 2010	
ACS0055-0056	Absolute	Lien October 2012	
ACS0057	Absolute	Lien Release - Former Homeowner	
ACS0058-0060	Absolute	Management Email re: fees	
ACS0061-0062	Absolute	Miles Bauer Letter	
ACS0063-0065	Absolute	Notice of Default- January 2013	
ACS0066-0068	Absolute	Notice of Default- April 2011	
ACS0069-0072	Absolute	Notice of Default-May 2014	
ACS0073-0083	Absolute	Email from Title Company re: TSG	
ACS0084-0085	Absolute	Notice of Sale April 2014	
ACS0086-0087	Absolute	Notice of Sale August 2014	
ACS0088-0094	Absolute	Order Granting Relief of Stay	
ACS0095-0104	Absolute	Preliminary Title Report	

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ACS0105-0113	Absolute	Proof Before Lien October 2012	
ACS0114-0124	Absolute	Proof Before Lien 2010	
ACS0125-0144	Absolute	Proof Before NOD 2011	
ACS0145-0152	Absolute	Proof Before Pre-NOD December 2012	
ACS0153-0163	Absolute	Proof Before Pre-NOD March 2011	
ACS0164-0173	Absolute	Proof of Claim December 2011	
ACS0174-0176	Absolute	Public Posting of NOS -May 2014	
ACS0177-0179	Absolute	Email from Recontrust	
ACS0180-0182	Absolute	Returned Mail	
ACS0183	Absolute	Sale Approval Letter	
ACS0184-0194	Absolute	Sale Day Documents	
ACS0195-0197	Absolute	Signed Authorizations to Publish	
ACS0198	Absolute	Signed Payment Plan	
ACS0199-0200	Absolute	Statement Request - July 2011	
ACS0201-0203	Absolute	Supporting Documents to Sale	
ACS0204-0213	Absolute	TRI Report	
ACS0214-0216	Absolute	Account Notes/Status Report	
ACS0217-0220	Absolute	Authorization to Publish Requests	

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ACS0221-0242	Absolute	Giavanna Contracts	
ACS0243	Absolute	Miles Bauer Response Letter	
ACS0244-0252	Absolute	NOD Mailing Info	
ACS0253-0262	Absolute	NOS Mailing Info	
ACS0263	Absolute	Payment Plan Agreement	
ACS0264-0269	Absolute	Statements of Account	
ACS0270-0276	Absolute	TSG w/ legal issue	
	Absolute	Absolutes's Responses to Requests for Admissions	
	Giavanna	Giavanna's Responses to Requests for Admissions	

(3) Giavanna HOA's Exhibits

<i>Bates Number</i>	<i>Document Disclosed</i>	<i>Title</i>	<i>Objection</i>
GHOA00001-74	Giavanna	HOA CC&Rs	
GHOA00075-101	Giavanna	HOA Bylaws	
GHOA00102-107	Giavanna	HOA Articles	
GHOA00108-120	Giavanna	HOA Architectural Guidelines	
GHOA00121-133	Giavanna	HOA Rules and Regulations	
GHOA00134-139	Giavanna	HOA Minutes	
GHOA00140-148	Giavanna	HOA List of Officers	
GHOA00149-162	Giavanna	Ombudsman	
GHOA00163-169	Giavanna	Secretary of State	
GHOA00170-405	Giavanna	ACS Collection File	

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GHOA00406-417	Giavanna	HOA Collection File	
ACS0001	Absolute	October 2014 Sales Results	
ACS0002	Absolute	Notice of Sale Received	
ACS0003	Absolute	ACS Invoice	
ACS0004-0006	Absolute	ACS email re: account with HOA	
ACS0007-0011	Absolute	Affidavits of Publication/Posting	
ACS0012	Absolute	Attorney Email re: bankruptcy	
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ACS0027-0028	Absolute	Fax Response to Miles Bauer	
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ACS0044-0048	Absolute	Intake Documents	
ACS0049-0052	Absolute	Ledgers from HOA	
ACS0053-0054	Absolute	Lien September 2010	
ACS0055-0056	Absolute	Lien October 2012	

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ACS0057	Absolute	Lien Release - Former Homeowner	
ACS0058-0060	Absolute	Management Email re: fees	
ACS0061-0062	Absolute	Miles Bauer Letter	
ACS0063-0065	Absolute	Notice of Default- January 2013	
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ACS0180-0182	Absolute	Returned Mail	
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ACS0253-0262	Absolute	NOS Mailing Info	
ACS0263	Absolute	Payment Plan Agreement	
ACS0264-0269	Absolute	Statements of Account	

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ACS0270-0276	Absolute	TSG w/ legal issue	
	Absolute	Absolutes's Responses to Requests for Admissions	
	Giavanna	Giavanna's Responses to Requests for Admissions	

(c) Electronic evidence: None.

(d) Depositions:

a. Wells Fargo will offer the following depositions:

i. Deposition of Kelly Mitchell of Absolute Collection Services, LLC.

b. Saticoy will offer the following depositions:

i. Deposition of Kelly Mitchell of Absolute Collection Services, LLC.

c. Giavanna HOA will offer the following depositions:

i.

(e) Objections to Depositions: None.

VIII. Witness

The following witnesses may be called by the parties at trial:

1. Saticoy's Witnesses

Eddie Haddad, Person most Knowledgeable for Saticoy
 c/o Roger P. Croteau & Associates, Ltd.
 2810 West Charleston Blvd. Suite 75
 Las Vegas, NV 89102

Person Most Knowledgeable

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Absolute Collection Services, LLC
8440 W. Lake Mead Blvd., Suite 210
Las Vegas, NV 89128

Person Most Knowledgeable
Giavanna Homeowners Association
c/o Boyack Orme Anthony & McKeiver
7432 W. Sahara Avenue, Suite 101
Las Vegas, NV 89117

Board Members of Giavanna Homeowners Association
Vinnay Verma
Dean White
Robert Miller
c/o Boyack Orme & Anthony
7432 W. Sahara Avenue, Suite 101
Las Vegas, NV 89117

Person(s) Most Knowledgeable
Wells Fargo Bank, N.A. as Trustee for Bank of America Alternative Loan
Trust 2006-5 Mortgage Pass-Through Certificates, Series 2006-5
C/o Troutman Pepper Hamilton Sanders, LLP
600 Peachtree Street, NE, Suite 2000
Atlanta, GA 30308

All witnesses listed by any party in this matter

2. Wells Fargo's Witnesses

Corporate representative for Absolute Collection Services, LLC
c/o Shane D. Cox, Esq.
Absolute Collection Services, LLC
8440 West Lake Mead Boulevard, Suite 210
Las Vegas, Nevada 89128

John Porto
Contact information currently unknown

Rock Jung
Wright Finlay & Zak LLP
7785 W. Sahara Avenue, Suite. 200
Las Vegas, NV 89117
Telephone: (702) 475-7694

Doug Miles
f/k/a Miles, Bauer Bergstrom & Winters, LLP

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1231 E. Dyer Road, Suite 100
Santa Ana, California 92705

Kelly Mitchell, Manager/Owner, Absolute Collection Services, LLC
c/o Shane D. Cox, Esq.
8440 W. Lake Mead Ste. 210
Las Vegas, NV 89128

Richard Kaye, General Manager, Absolute Collection Services, LLC
c/o Shane D. Cox, Esq.
8440 W. Lake Mead Ste. 210
Las Vegas, NV 89128
Matt Mitchell
Compass Realty, LLC
500 N. Rainbow #300
Las Vegas, NV 89107

All witnesses listed by any party in this matter

3. Giavanna HOA's Witnesses

Eddie Haddad, Person most Knowledgeable for Saticoy
c/o Roger P. Croteau & Associates, Ltd.
2810 West Charleston Blvd. Suite 75
Las Vegas, NV 89102

Person Most Knowledgeable
Absolute Collection Services, LLC
8440 W. Lake Mead Blvd., Suite 210
Las Vegas, NV 89128

Person Most Knowledgeable
Giavanna Homeowners Association
c/o Boyack Orme Anthony & McKeiver
7432 W. Sahara Avenue, Suite 101
Las Vegas, NV 89117

Board Members of Giavanna Homeowners Association
Vinnay Verma
Dean White
Robert Miller
c/o Boyack Orme & Anthony
7432 W. Sahara Avenue, Suite 101
Las Vegas, NV 89117

Person(s) Most Knowledgeable

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Wells Fargo Bank, N.A. as Trustee for Banc of America Alternative Loan
Trust 2006-5 Mortgage Pass-Through Certificates, Series 2006-5
C/o Kravitz Schnitzer Johnson Watson & Zeppenfeld Chtd
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123

Person(s) Most Knowledgeable
Wells Fargo Bank, N.A. as Trustee for Banc of America Alternative Loan
Trust 2006-5 Mortgage Pass-Through Certificates, Series 2006-5
C/o Troutman Pepper Hamilton Sanders, LLP
600 Peachtree Street, NE, Suite 2000
Atlanta, GA 30308

All witnesses listed by any party in this matter

IX. Trial Dates:

The attorneys or parties have met and jointly offer these three trial dates:

November 30, 2022 December 7, 2022 December 14, 2022

It is expressly understood by the undersigned that the court will set the trial of this matter
on one of the agreed upon dates if possible; if not, the trial will be set at the convenience of the
court's calendar.

IX. Trial Length: It is estimated the trial will take 2-3 days.

TROUTMAN PEPPER HAMILTON
SANDERS LLP.

/s/ Brody R. Wight
BRODY R. WIGHT, ESQ.
Nevada Bar No. 11731
600 Peachtree Street, ne, Suite 3000
Atlanta ga 30308
(470) 832-5562
Attorneys for Wells Fargo

BOYACK ORME ANTHONY &
MCKEIVER

/s/ Patrick A. Orme
PATRICK A. ORME, ESQ
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Las Vegas, Nevada 89117
(702) 562-3415

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/s/ Christopher L. Benner
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Nevada Bar No. 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
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croteaulaw@croteaulaw.com
chris@croteaulaw.com
Attorneys for Defendants Saticoy Bay LLC
Series 3665 Remington Grove

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Attorneys for Defendant Giavanna HOA

ORDER
Action By the Court:

This case is set for court/jury trial on the fixed/stacked calendar on August 7, 2023 at 8:00 AM in
7C.
Calendar call will be held on August 1, 2023 at 11:00 AM in 7C.

DATED: March 30, 2023



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE