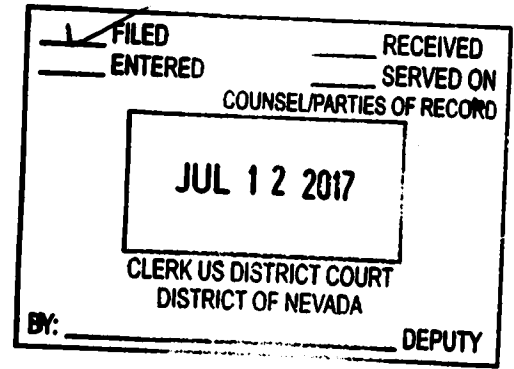


1 MELANIE D. MORGAN, ESQ.
 Nevada Bar No. 8215
 2 WILLIAM S. HABDAS, ESQ.
 Nevada Bar No. 13138
 3 AKERMAN LLP
 1160 Town Center Drive, Suite 330
 4 Las Vegas, NV 89144
 Telephone: (702) 634-5000
 5 Facsimile: (702) 380-8572
 Email: melanie.morgan@akerman.com
 6 Email: william.habdass@akerman.com



7 *Attorneys for Plaintiff The Bank of New*
York Mellon f/k/a The Bank of New York as
 8 *Trustee for the Benefit of the*
Certificateholders of the CWABS, Inc.,
 9 *Asset-Backed Certificates, Series 2004-2*

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 THE BANK OF NEW YORK MELLON FKA
 13 THE BANK OF NEW YORK AS TRUSTEE
 14 FOR THE BENEFIT OF THE
 15 CERTIFICATEHOLDERS OF THE CWABS,
 16 INC., ASSET-BACKED CERTIFICATES,
 17 SERIES 2004-2,

Case No.: 3:16-cv-00208-RJC-VPC
 [PROPOSED] FINAL JUDGMENT

18 Plaintiff,

19 vs.

20 TOWNHOUSE SOUTH ASSOCIATION, INC.;
 21 THUNDER PROPERTIES, INC.; and E. ALAN
 22 TIRAS, P.C.,

23 Defendants.

24 Pursuant to the Court's order dated May 23, 2017 [ECF. No. 66], the Court hereby enters
 25 final judgment in this case as follows:

26 1. This action concerns the real property commonly known as 580 Smithridge Park, Reno,
 27 Nevada 89502, APN 025-180-39 (the **Property**), more specifically described as:

28 Parcel 1:

Unit 580 of Smithridge Park Townhouses No. 4, Unit No. 1, according to the Map
 thereof, filed in the Office of the County Recorder of Washoe County, State of
 Nevada, on April 19, 1972, as Tract Map No. 1299.

Parcel 2:

AKERMAN LLP
 1160 TOWN CENTER DRIVE, SUITE 330
 LAS VEGAS, NEVADA 89144
 TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 An undivided 1/72nd interest in and to Lot 525 of Smithridge Park Townhouses No. 4,
2 No. 1, according to the map thereof, filed in the Office of the County Recorder of
Washoe County, State of Nevada, on April 19, 1972, as Tract Map No. 1299.

3 2. Plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Trustee for
4 the Benefit of the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2004-2
5 (BNYM) is the beneficiary of a senior deed of trust recorded against the real property at issue in this
6 case on December 23, 2003, as Instrument No. 2972594 (the **Senior Deed of Trust**), which secures
7 a loan in the original amount of \$104,310.00.

8 3. Townhouse South Association, Inc. (the **HOA**) foreclosed on the property on or about
9 August 8, 2013. A foreclosure deed upon sale in favor of Thunder Properties, Inc. (**Thunder**) was
10 recorded August 15, 2013, as Instrument No. 4269443.

11 **IT IS HEREBY ORDERED:**

12 1. The Court has granted summary judgment in BNYM's favor as to its first cause of
13 action for quiet title and declaratory judgment. Specifically, the Court finds the HOA's foreclosure
14 sale did not extinguish the Senior Deed of Trust held by BNYM. As a result, the title acquired by
15 Thunder at the foreclosure sale is subject to the Senior Deed of Trust.

16 2. The Senior Deed of Trust remains a valid superior lien against the property and is
17 superior to the interest held by Thunder;

18 3. As to the remaining claims — Breach of NRS 116.1113 (Second Cause of Action);
19 Wrongful Foreclosure (Third Cause of Action); and Injunctive Relief (Fourth Cause of Action) —
20 these claims are dismissed as moot. Accordingly, all claims in this case are resolved.

21 4. This is the final judgment of the Court, and no further order is required. Each side
22 will bear its own fees and costs.

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AKERMAN LLP
1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 - FAX: (702) 380-8572

ORDER

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED

July 12, 2017

Respectfully submitted by:

AKERMAN LLP

/s/ William S. Haldas

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

WILLIAM S. HABDAS, ESQ.

Nevada Bar No. 13138

1160 Town Center Drive, Suite 330

Las Vegas, Nevada 89144

Attorneys for Plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2004-2

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AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 Approved as to Form:

2 **ROGER P. CROTEAU & ASSOCIATES,
LTD.**

LAXALT & NOMURA, LTD.

3 **PROVIDED NO RESPONSE**
4 **ROGER P. CROTEAU, ESQ.**
5 Nevada Bar No. 4958
6 **TIMOTHY E. RHODA, ESQ.**
7 Nevada Bar No. 7878
8 9120 West Post Road, Suite 100
9 Las Vegas, Nevada 89148
10 (702) 254-7775
11 (702) 228-7719 (facsimile)
12 croteaulaw@croteaulaw.com

/s/ Holly S. Parker
13 **HOLLY S. PARKER, ESQ.**
14 Nevada Bar No. 10181
15 **JOSHUA M. HALEN, ESQ.**
16 Nevada Bar No. 13885
17 9600 Gateway Drive
18 Reno, Nevada 89521

Attorneys for Defendant E. Alan Tiras, P.C.

Attorneys for Defendant Thunder Properties

10 **BOYACK ORME & TAYLOR**

11 **By: /s/ Colli C. McKiever**
12 **EDWARD D. BOYACK, ESQ.**
13 Nevada Bar No. 5229
14 **COLLI C. MCKIEVER, ESQ.**
15 Nevada Bar No. 13724
16 401 N. Buffalo Drive #202
17 Las Vegas, Nevada 89145

Attorney for Defendant Townhouse South Association, Inc.

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 - FAX: (702) 380-8572