

1 ARIEL E. STERN, ESQ.  
 Nevada Bar No. 8276  
 2 CHRISTINE M. PARVAN, ESQ.  
 Nevada Bar No. 10711  
 3 AKERMAN SENTERFITT LLP  
 400 South Fourth Street, Suite 450  
 4 Las Vegas, Nevada 89101  
 Telephone: (702) 634-5000  
 5 Facsimile: (702) 380-8572  
 Email: ariel.stern@akerman.com  
 6 Email: christine.parvan@akerman.com

7 *Attorneys for Defendants*  
*BAC Home Loans Servicing, LP, as named*  
 8 *and also improperly named as Bank of*  
*America Home Loans, Bank of America, NA,*  
 9 *as Successor by Merger to BAC Home*  
*Loans Servicing, LP, and MERS*

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**

13 JAMES L. POTTER and CHARLENE E.  
 14 POTTER

Case No.: 2:10-cv-02095-GMN-LRL

15 Plaintiffs,

16 vs.

**ORDER CANCELING LIS PENDENS**

17 BANK OF AMERICA HOME LOANS, BANK  
 OF AMERICA, N.A., BAC HOME LOANS  
 18 SERVICING, LP, and MERS (MORTGAGE  
 ELECTRONIC REGISTRATION SYSTEMS),

19 Defendants.

20 This Court issued an Order granting Defendants BAC Home Loans Servicing, LP (as named  
 21 and also improperly named as "Bank of America Home Loans"), Bank of America, NA, as  
 22 Successor by Merger to BAC Home Loans Servicing, LP, and Mortgage Electronic Registration  
 23 Systems' (collectively "Defendants") Motion to Dismiss on July 20, 2011 [Dkt. 25].

24 Defendants request that the lis pendens Plaintiffs James L. Potter and Charlene E. Potter  
 25 recorded against the subject property be canceled.

26 The Court finds that Plaintiffs James L. Potter and Charlene E. Potter recorded a Notice of  
 27 Pending Action ("Lis Pendens") on or about November 8, 2010, as Instrument No. 20101108-  
 28 0001241 in the real property records maintained by the Clark County Recorder. A copy of the Lis

AKERMAN SENTERFITT LLP  
 400 SOUTH FOURTH STREET, SUITE 450  
 LAS VEGAS, NEVADA 89101  
 TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 Pendens is attached hereto at **Exhibit A** and fully incorporated by reference.

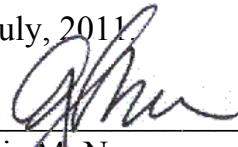
2 Upon consideration of Defendants' request to cancel the above referenced Lis Pendens, and  
3 good cause appearing therefore, the Court hereby grants Defendants their requested relief and rules  
4 as follows:

5 1. It is ordered, adjudged and decreed that the above referenced Lis Pendens is hereby  
6 cancelled, released, and expunged.

7 2. It is further ordered, adjudged and decreed that this Order canceling the above  
8 referenced Lis Pendens has the same effect as an expungement of the original Lis Pendens.

9 3. It is further ordered, adjudged and decreed that Defendants record a properly certified  
10 copy of this Cancellation Order in the real property records of Clark County, Nevada within a  
11 reasonable amount of time from the date of this Order's issue.

12 **IT IS SO ORDERED** this 27th day of July, 2011.



13  
14 Gloria M. Navarro  
15 United States District Judge

16 Submitted by:

17 **AKERMAN SENTERFITT LLP**

18 /s/ Christine M. Parvan  
19 ARIEL E. STERN, ESQ.  
20 Nevada Bar No. 8276  
21 CHRISTINE M. PARVAN, ESQ.  
22 Nevada Bar No. 10711  
23 400 South Fourth Street, Suite 450  
24 Las Vegas, Nevada 89101

25 *Attorneys for Defendants*  
26 *BAC Home Loans Servicing, LP, improperly*  
27 *named as Bank of America Home Loans,*  
28 *Bank of America, NA, as Successor by*  
*Merger to BAC Home Loans Servicing, LP,*  
*and MERS*

**EXHIBIT "A"**

**EXHIBIT "A"**

APN# 125-25-414-004

3

Inst #: 201011080001241  
Fees: \$16.00  
N/C Fee: \$0.00  
11/08/2010 11:04:02 AM  
Receipt #: 570003  
Requestor:  
JAMES POTTER  
Recorded By: GWC Pgs: 3  
DEBBIE CONWAY  
CLARK COUNTY RECORDER

NOTICE OF PENDENCY OF ACTION  
(LIS PENDENS)

---

**Type of Document**

**Recording Request By:**

James L. Potter and Charlene E. Potter

**Return Documents To:**

**Name** James L. Potter and Charlene E. Potter  
**Address** 5721 Tropic Mist Street  
**City/State/Zip** Las Vegas, NV 89130

This page added to provide additional information required by NRS 111.312 Section 1-2

(An additional recording fee of \$1.00 will apply)

This cover page must be typed or printed clearly in black ink only.

**APN: 125-25-414-004**

Recording requested by and mail documents to:

James L. Potter and Charlene E. Potter  
5721 Tropic Mist Street  
Las Vegas, NV 89130

James L. Potter and Charlene E. Potter  
Plaintiffs  
vs.  
Bank of America Home Loans  
Defendant

United States District Court  
District of Nevada

Case No. A-10-628505-C

**NOTICE OF PENDENCY OF ACTION (LIS PENDENS)**

NOTICE IS GIVEN that the above entitled action was filed in the above entitled court on November 2, 2010 by James L. Potter and Charlene E. Potter, Plaintiffs, against Bank of America Home Loans, Defendant. The action affects the alleged mortgage and title to the specific property as further identified in the Complaint.

The real property affected by this action is situated in the City of Las Vegas, County of CLARK, State of NEVADA and is described as follows:

**COMMONLY KNOWN ADDRESS:** 5721 Tropic Mist Street, Las Vegas, Nevada 89130

**LEGAL DESCRIPTION:**

**LOT Ten(10) IN BLOCK ONE (1) OF SUNSET HILLS PHASE 4, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 66 OF PLATS, PAGE 92 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.**

Dated November 2, 2010

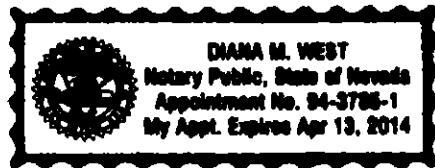
James L. Potter  
James L. Potter  
Plaintiff

Charlene E. Potter  
Charlene E. Potter  
Plaintiff

STATE OF NEVADA )  
COUNTY OF CLARK )

Subscribed and sworn to before me this 2nd day of November, 2010.

Diana M. West  
Diana M. West  
Notary



94-3785-1