

1 Abran E. Vigil
 Nevada Bar No. 7548
 2 Sylvia O. Semper
 Nevada Bar No. 12863
 3 Matthew D. Lamb
 Nevada Bar No. 12991
 4 BALLARD SPAHR LLP
 100 North City Parkway, Suite 1750
 5 Las Vegas, Nevada 89106
 Telephone: (702) 471-7000
 6 Facsimile: (702) 471-7070
 vigila@ballardspahr.com
 7 sempers@ballardspahr.com
 lambm@ballardspahr.com
 8 *Attorneys for Citibank, N.A. as Trustee*
for Structured Asset Mortgage Investments II Trust
 9 *2007-AR7 Mortgage Pass-Through Certificates 2007-AR7*

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

12 LN MANAGEMENT, LLC SERIES 5664
 13 DIVOT,

14 Plaintiff,

15 vs.

16 KIT DANSKER and JPMORGAN
 CHASE BANK, NA

17 Defendants,
 18

Case No. 2:13-cv-01420-RCJ-GWF

**STIPULATION AND ORDER TO
 MODIFY COURT'S NOVEMBER 19,
 2013 ORDER [Doc. 18]**

19
 20 Plaintiff LN Management LLC Series 5664 Divot and Defendant JPMorgan
 21 Chase Bank, National Association ("Chase" and together with Plaintiff, the
 22 "Parties") stipulate as follows:

23 1. This is a quiet title action involving property at 5664 Divot Place, Las
 24 Vegas, Nevada 89130 (the "Property").

25 2. The Los Prados Community Association purportedly foreclosed against
 26 the Property on March 15, 2013 pursuant to a lien for delinquent assessments.

27 3. As the highest bidder at the sale, Plaintiff claims it acquired title to
 28 the Property free and clear of Chase's first deed of trust.

1 4. Plaintiff initiated this quiet title action against Chase and borrower
2 Kit Dansker in the Eighth Judicial District Court of Nevada on May 31, 2013.
3 Chase removed the case to this Court on the basis of diversity jurisdiction on
4 August 8, 2013. [Doc. 1].¹

5 5. Plaintiff moved to remand the case to state court on September 5,
6 2013. [Doc. 9].

7 6. Chase moved to dismiss Plaintiff's complaint and to expunge Plaintiff's
8 notice of lis pendens against the Property on September 13, 2013. [Doc. 13]. Chase
9 argued that, under Nevada law, the foreclosure of an HOA lien never extinguishes a
10 first deed of trust because an HOA lien is junior in priority to a first deed of trust.

11 7. In an order filed November 19, 2013 [Doc. 18], this Court denied
12 Plaintiff's motion to remand and granted Chase's motion to dismiss and to expunge
13 the notice of lis pendens. The Court held that, as a matter of lien priority, a Nevada
14 HOA foreclosure never extinguishes a first deed of trust.

15 8. The Court entered a final judgment on November 20, 2013. [Doc. 19].

16 9. Plaintiff filed a notice of appeal on December 17, 2013. [Doc. 20].

17 10. On September 18, 2014, the Nevada Supreme Court issued its opinion
18 in SFR Investments Pool 1, LLC v. U.S. Bank, N.A., 130 Nev. Adv. Op. 75, 334 P.3d
19 408.

20 11. SFR Investments holds that the proper foreclosure of an HOA lien
21 entitled to a "super-priority" under NRS 116.3116(2) may extinguish a first deed of
22 trust.

23 12. On February 24, 2015, the Parties moved to dismiss the appeal
24 without prejudice to reinstatement. [App. Doc. 21].

25 13. On February 25, 2015, the Ninth Circuit Court of Appeals entered an
26 order dismissing the appeal without prejudice to reinstatement. [App. Doc. 22].
27

28 ¹ "Doc." references to district court filings and "App. Doc." references to appellate court filings.

