

1 Michael V. Infuso, Esq., Nevada Bar No. 7388
 2 Zachary P. Takos, Esq., Nevada Bar No. 11293
 3 **GREENE INFUSO, LLP**
 4 3030 South Jones Boulevard, Suite 101
 5 Las Vegas, Nevada 89146
 6 Telephone: (702) 570-6000
 7 Facsimile: (702) 463-8401
 8 E-mail: minfuso@greeneinfusolaw.com
 9 ztakos@greeneinfusolaw.com

Attorneys for Ke Aloha Holdings, LLC

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 JAMES W. PENGILLY, a Nevada resident,
 10
 11 Plaintiff,

2:14-cv-01463-RFB-NJK

(Removed from Eighth Judicial District
 Court, Clark County, Nevada, Case No.
 A-14-695263-C)

12 v.

13 NEVADA ASSOCIATION SERVICES,
 14 INC., a Nevada corporation; MARK A.
 15 STUHMER, a Nevada resident; DOUGLAS
 16 L. CROOK, a Nevada resident; BILL
 17 BLANCHARD, a Nevada resident;
 18 KENNETH R. SAILLEY, a Nevada
 19 resident; ERIKA GEISER, a Nevada
 20 resident; KE ALOHA HOLDINGS, LLC, a
 21 Nevada Limited Liability Company; DOES I
 22 through X, inclusive; and ROE
 23 CORPORATIONS I through X inclusive;

**STIPULATION AND ORDER FOR
 PARTIAL RELEASE OF CASH BOND**

Defendant.

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1 KE ALOHA HOLDINGS, LLC, a Nevada
limited liability company,

2 Counterclaimant,

3 v.

4 JAMES W. PENGILLY, an individual;
5 AMANDA M. PENGILLY, an individual;
6 JAMES W. PENGILLY and AMANDA M.
7 PENGILLY, as trustees of the James W.
8 Pengilly Trust, dated September 22, 2003;
9 GREEN TREE SERVICING, LLC, a
10 Delaware limited liability company;
11 UNITED STATES INTERNAL REVENUE
SERVICE; BANK OF AMERICA, National
Association; and any and all other persons
unknown claiming any right, title, estate, lien
or interest in the Property adverse to the
Plaintiff's ownership, or any cloud upon
Plaintiff's title thereto (DOES 1 through 10,
inclusive);

12 Counterdefendants.

13 GREEN TREE SERVICING LLC, a
14 Delaware limited liability company,

15 Counterclaimant and Crossclaimant,

16 v.

17 KE ALOHA HOLDINGS, LLC; NEVADA
18 ASSOCIATION SERVICES, INC., a
19 Nevada Corporation; WEST
20 CHARLESTON LOFTS OWNERS
ASSOCIATION, a domestic non-profit
corporation; and DOES I through X,
inclusive,

21 Counterdefendants and
22 Crossdefendants.

23 Ke Aloha Holdings, LLC, a Nevada limited liability company ("Ke Aloha") by and
24 through its counsel of record, the firm of Greene Infuso, LLP; James W. Pengilly and Amanda M.
25 Pengilly ("Pengilly") by and through their counsel of record, Pengilly Law Firm; Green Tree
26 Servicing, LLC ("Green Tree") by and through its counsel of record, the firm of Brooks Hubley,
27 LLP; United States Internal Revenue Service ("IRS") by and through the Department of Justice;

1 and Nevada Association Services, Inc., a Nevada corporation, Douglas L. Crook, Erika Geiser,
2 Mark A. Stuhmer (collectively "HOA Parties"), by an through their counsel of record, the firm of
3 Leach Johnson Song & Gruchow, hereby stipulate as follows:

4 WHEREAS, the Allerton Park Homeowners Association has a lien against the property at
5 dispute in this litigation commonly known as 11441 Allerton Park Drive, #411, Las Vegas,
6 Nevada 89135; APN 164-02-113-031 (the "Property") in the amount of \$4,529.33;

7 WHEREAS, the Allerton Park Homeowners Association, by and through its agent Nevada
8 Association Services, Inc. recorded a Notice of Foreclosure Sale of the Property on or June 9,
9 2015;

10 WHEREAS, the Property is set to be sold at public auction on or about August 14, 2015;

11 WHEREAS, on or about July 22, 2015, Pengilly deposited a cash bond with the Court in
12 the amount of \$10,800.00 in compliance with the Court's July 21, 2015 Order;

13 WHEREAS, the parties wish to avoid the Property being sold at public auction until such
14 time this litigation can be resolved; and

15 THEREFORE, the parties hereby agree and stipulate to the partial release of the cash bond
16 in the amount of \$4,529.33 to the Greene Infuso, LLP IOLTA Trust for the fees assessed by to be
17 paid and to stop the Property from being sold at public auction.

18 Dated: August _10, 2015.

Dated: August 10, 2015.

19 Greene Infuso, LLP

Pengilly Robbins

20 /s/ Michael V. Infuso
21 Michael V. Infuso, Esq., Nevada Bar No. 7388
22 Zachary P. Takos, Esq., Nevada Bar No. 11293
23 3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146

/s/ David M. Gardner
David M. Gardner, Esq.
Nevada Bar No. 12375
1995 Village Center Circle
Suite 155
Las Vegas, Nevada 89134

24 Attorneys for Ke Aloha Holdings, LLC

Attorneys for James W. Pengilly and
Amanda M. Pengilly

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ORDER

IT IS HEREBY ORDERED that the Clerk of this Court shall release the cash bond deposited by James W. Pengilly in the amount of \$4,529.33 to Greene Infuso, LLP IOLTA Trust.

IT IS FURTHER ORDERED that upon receipt of the proceeds of the case bond from the Clerk of this Court that Greene Infuso, LLP pay the fees due on the Property to the Allerton Park Homeowners Association in the amount of \$4,529.33.

IT IS FURTHER ORDERED that the Court's Order dated July 21, 2015, shall remain in effect.

DATED this 2nd day of September, 2015.



RICHARD F. BOULWARE, II
United States District Judge

Submitted by:

Greene Infuso, LLP

/s/ Michael V. Infuso

Michael V. Infuso, Esq., Nevada Bar No. 7388
Zachary P. Takos, Esq., Nevada Bar No. 11293
3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146

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