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13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 WILLISTON INVESTMENT GROUP, LLC,  
 16 Plaintiff,

Case No. 2:14-cv-02038-GMN-PAL

17 vs.

**AMENDED STIPULATION TO  
 DISMISS REMAINING CLAIMS**

18 JPMORGAN CHASE BANK NATIONAL  
 ASSOCIATION; MORTGAGE  
 ELECTRONIC REGISTRATION  
 19 SYSTEMS, INC.; MTC FINANCIAL, INC.;  
 FEDERAL HOME LOAN MORTGAGE  
 20 CORPORATION; ROBERT WAKEFIELD;  
 DOES I through X; and ROE  
 21 CORPORATIONS I through X,

22 Defendants,

23 and

24 FEDERAL HOUSING FINANCE AGENCY,

25 Intervenor.

1 JPMORGAN CHASE BANK NATIONAL  
2 ASSOCIATION; MORTGAGE  
3 ELECTRONIC REGISTRATION  
4 SYSTEMS, INC.; and FEDERAL HOME  
5 LOAN MORTGAGE CORPORATION;

6 Counter-claimants,

7 vs.

8 WILLISTON INVESTMENT GROUP,  
9 LLC and DESERT LINN  
10 CONDOMINIUMS,

11 Counter-defendants.

12 FEDERAL HOUSING FINANCE  
13 AGENCY,

14 Counter-claimant,

15 vs.

16 WILLISTON INVESTMENT GROUP,  
17 LLC and DESERT LINN  
18 CONDOMINIUMS,

19 Counter-defendants.

20 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Williston Investment Group, LLC  
21 (“Williston”); JPMorgan Chase Bank N.A. (“Chase”); Mortgage Electronic  
22 Registration Systems, Inc. (“MERS”); the Federal Home Loan Mortgage Corporation  
23 (“Freddie Mac”); MTC Financial, Inc. (“MTC”); the Desert Linn Condominiums  
24 (“HOA”); and the Federal Housing Finance Agency, as Conservator for Freddie Mac  
25 (“FHFA”) (collectively, the “Stipulating Parties”) stipulate as follows:

26 1. This is a quiet title action involving the residential property at 1519  
27 Lake Placid Terrace, Henderson, Nevada 89014 (the “Property”).

28 2. On July 12, 2005, Robert Wakefield obtained a loan for \$153,000 (the  
“Loan”) from Washington Mutual Bank, FA. The Loan was evidenced by a Note and  
secured by a Deed of Trust recorded against the Property on July 18, 2005.

3. On or about August 23, 2005, Freddie Mac purchased the Loan,  
including the Note and Deed of Trust.

1           4.       On March 15, 2013, the HOA conducted a foreclosure sale of the  
2 Property. Williston was the highest bidder at the sale.

3           5.       On June 16, 2014, a formal assignment of the Deed of Trust to Freddie  
4 Mac was executed. The assignment was later recorded on July 15, 2014.

5           6.       On July 11, 2014, MTC conducted a trustee's sale under the Deed of  
6 Trust. Freddie Mac was the highest bidder at the sale.

7           7.       Williston initiated this case on October 21, 2014 by filing a complaint in  
8 the Eighth Judicial District Court of Nevada. ECF No. 1-1. The complaint included  
9 the following claims:

- 10           a.       Wrongful foreclosure against Chase and MTC;
- 11           b.       Declaratory relief/quiet title against Chase, MERS, MTC, Freddie  
12 Mac, and Wakefield;
- 13           c.       Slander of title against Chase, MTC, and Freddie Mac; and
- 14           d.       Injunctive relief against Freddie Mac.

15           8.       The case was removed to this Court on December 4, 2014. ECF No. 1.

16           9.       On December 22, 2014, Chase, MERS, and Freddie Mac filed the  
17 following counterclaims (ECF No. 13):

- 18           a.       Declaratory relief against Williston and the HOA;
- 19           b.       Quiet title against Williston; and
- 20           c.       Unjust enrichment claim against Williston.

21           10.      On February 9, 2015, after intervening as a defendant, FHFA filed the  
22 following counterclaims (ECF No. 41):

- 23           a.       Declaratory judgment against Williston and the HOA; and
- 24           b.       Quiet title against Williston.

25           11.      On February 25, 2015, FHFA and Freddie Mac filed a motion for  
26 summary judgment arguing that (1) 12 U.S.C. § 4617(j)(3) preempts any Nevada law  
27 that would otherwise permit an HOA foreclosure sale to extinguish a property  
28 interest of Freddie Mac while it is under FHFA's conservatorship; and (2) the HOA

1 foreclosure sale did not extinguish Freddie Mac's interest in the Property, and thus  
2 Williston took an interest in the Property, if any, that was subject to Freddie Mac's  
3 Deed of Trust. ECF No. 44. On May 7, 2015, Chase and MERS filed a joinder to the  
4 motion. ECF No. 58. On July 13, 2015, the Court granted the motion, holding that  
5 Freddie Mac's Deed of Trust survived the HOA foreclosure sale. ECF No. 75.

6 12. The Court's order effectively entered summary judgment in favor of  
7 FHFA, Freddie Mac, Chase, and MERS on their claims for declaratory relief and quiet  
8 title. The order also effectively entered summary judgment against Williston on its  
9 claim for quiet title.

10 13. The Court's order did not explicitly resolve Williston's claims for  
11 wrongful foreclosure, slander of title, and injunctive relief. It also did not explicitly  
12 resolve the claims of Freddie Mac, Chase, and MERS for unjust enrichment.

13 14. Because Williston wished to file an immediate appeal of the Court's  
14 summary judgment ruling, and because the outcome of the remaining claims would  
15 largely depend on the outcome of the appeal, the parties stipulated to entry of a final  
16 judgment with respect to their quiet title and declaratory relief claims. ECF No. 96.

17 15. The Ninth Circuit has now affirmed this Court's order holding that  
18 Freddie Mac's Deed of Trust survived the HOA foreclosure sale. ECF No. 107.

19 16. As a result, Williston's claims for wrongful foreclosure, slander of title,  
20 and injunctive relief necessarily fail because they were premised on the argument  
21 that Freddie Mac's Deed of Trust was extinguished.

22 17. Further, the alternative claim of Freddie Mac, Chase, and MERS for  
23 unjust enrichment is now moot because this claim would only be raised if the Court  
24 held that Freddie Mac's Deed of Trust was extinguished.

25 18. Accordingly, the Stipulating Parties agree that these claims should be  
26 dismissed.

27 19. The requested dismissal will resolve all remaining claims and will result  
28 in a final judgment.

1 20. Because defendant Robert Wakefield has not appeared, his consent to  
2 the requested dismissal is not required.

3 21. Each of the Stipulating Parties will bear its own fees and costs.

4 Dated: January 2, 2018.

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23 **ORDER**

24 **IT IS HEREBY ORDERED** that the Stipulation to Dismiss Remaining Claims, (ECF  
25 Nos. 113, 115), is **GRANTED**.

26 **DATED** this 3 day of January, 2019.

27   
28 \_\_\_\_\_  
Gloria M. Navarro, Chief Judge  
UNITED STATES DISTRICT COURT