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

15 PENNYMAC LOAN SERVICES, LLC

16 Case No.: 2:15-cv-02072-JCM-CWH

17 Plaintiff,

18 vs.
19 GIAVANNA HOMEOWNERS ASSOCIATION,
20 DOE INDIVIDUALS I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

21 **STIPULATION AND ORDER OF FINAL
22 JUDGMENT CONFIRMING NON-
23 EXTINGUISHMENT OF DEED OF
24 TRUST**

25 Defendants.

26 GIAVANNA HOMEOWNERS ASSOCIATION,

27 Third party plaintiff,

28 vs.

29 NEVADA ASSOCIATION SERVICES, INC.,

30 Third party defendant.

31 Plaintiff PennyMac Loan Services, LLC, by and through its attorneys of record Akerman
32 LLP, Defendant/Third-Party Plaintiff Giovanna Homeowners Association, by and through its
33 attorneys of record Boyack Orme & Anthony and Nevada Association Services, Inc. by and through
34 its counsel Brandon Wood, Esq. hereby stipulate as follows:

35 1. This matter relates to real property located 3525 Discovery Downs Court, North Las
36 Vegas, Nevada 89081 (the **Property**). The Property is more specifically described as:

**LOT 99, OF FINAL MAP OF RUNVEE HOBART UNIT 1A, AS SHOWN BY
MAP THEREOF ON FILE IN BOOK 124 OF PLATS, PAGE 10, IN THE
OFFICE OF THE COUNTY RECORDED OF CLARK COUNTY, NEVADA;
APN 123-31-111-033**

2. PennyMac is the beneficiary of record of a Deed of Trust that encumbers the Property and was recorded against the Property in the Clark County Recorder's office on March 21, 2008, as Instrument No. 20080321-0004668 (the **Deed of Trust**), to secure a promissory note in the original amount of \$236,476.00 executed by Antwane Scott.

3. On April 5, 2012, a foreclosure deed was recorded as Instrument No. 201204050000673 of the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**), reflecting that Giavanna credit bid on the Property at a foreclosure sale of the Property conducted on March 30, 2012 (the **HOA Sale**). Giavanna has not transferred its interest in the Property and is still the title holder of record.

4. The parties have entered a confidential settlement agreement in which they have settled all claims between them in this case. This stipulation and order applies to the matters addressed in this particular case only and has no relevance to any other matter.

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1 5. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale
2 or the HOA Foreclosure Deed. The Deed of Trust remains a valid encumbrance against the Property
3 following the recording of the HOA Foreclosure Deed, and Giavanna's interest in the Property is
4 subject to the Deed of Trust.

<p>5 Dated: October 10, 2017 6 AKERMAN LLP 7 _____ 8 /s/ <u>Tenesa S. Scaturro</u> 9 ARIEL E. STERN, ESQ. 10 Nevada Bar No. 8276 11 TENESA S. SCATURRO 12 Nevada Bar No. 12488 13 1160 Town Center Drive, Suite 330 14 Las Vegas, NV 89144 15 Attorneys for Plaintiff 16 PennyMac Loan Services, LLC</p>	<p>5 Dated: October 10, 2017 6 BOYACK, ORME & ANTHONY 7 _____ 8 /s/ <u>Christopher Anthony</u> 9 CHRISTOPHER ANTHONY 10 Nevada Bar No. 9748 11 401 N. Buffalo Drive #202 12 Las Vegas, Nevada 89145 13 Attorneys for Defendant/Third-Party Plaintiff 14 Giavanna Homeowners Association</p>
<p>13 Dated: October 10, 2017 14 NEVADA ASSOCIATION SERVICES, INC. 15 _____ 16 /s/ <u>Brandon Wood</u> 17 BRANDON WOOD, ESQ. 18 Nevada Bar No. 19 6224 West Desert Inn Road 20 Las Vegas, NV 89146 21 Attorney for Third-Party Defendant 22 Nevada Association Services, Inc.</p>	

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1 PennyMac Loan Services, LLC v. Giavanna Homeowners Association
2 2:15-cv-02072-JCM-CWH

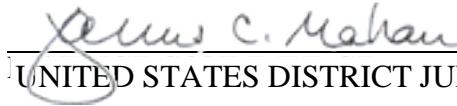
2 **ORDER**

3 Based on the above stipulation of the parties, and good cause appearing therefore,
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5 IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County,
6 Nevada against the real property located 3525 Discovery Downs Court, North Las Vegas, Nevada
7 89081 on March 21, 2008, as Instrument No. 20080321-0004668 was not extinguished, impaired, or
8 otherwise affected by the foreclosure sale of the Property conducted by Giavanna on March 30, 2012
9 or the recording of the HOA Foreclosure Deed in the Official Records of Clark County, Nevada, on
10 April 5, 2012, as Instrument No. 201204050000673, reflecting that Giavanna acquired the Property
11 at the foreclosure sale. Giavanna's ownership interest in the Property is subject to the Deed of Trust.

12 IT IS FURTHER ORDERED that PennyMac shall be entitled to record this Stipulation and
13 Order Confirming Validity of Deed of Trust in the Official Records of Clark County, Nevada in
14 accordance with the rules of the Recorder's Office.

15 IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court,
16 resolving all claims in this case with prejudice, each party to bear its own fees and costs.

17 DATED this 16th day of October, 2017.
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19 UNITED STATES DISTRICT JUDGE
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