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7 Attorneys for Plaintiff DITECH FINANCIAL  
LLC and THE BANK OF NEW YORK  
8 MELLON CORPORATION as Trustee for the  
Certificateholders of the CWABS, Inc. Asset-  
9 backed Certificates Series 2005-17

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 \* \* \*

15 DITECH FINANCIAL LLC,  
16 Plaintiff,

CASE NO. 2:16-cv-00127-GMN-NJK

17 vs.

**STIPULATION AND ORDER TO  
DISMISS WITH PREJUDICE ALL  
CLAIMS BY DITECH FINANCIAL,  
LLC AGAINST TWILIGHT  
HOMEOWNERS ASSOCIATION**

18 SFR INVESTMENTS POOL I, LLC;  
19 BOULDER RANCH MASTER  
ASSOCIATION; TWILIGHT  
20 HOMEOWNERS ASSOCIATION;  
HOMEOWNERS ASSOCIATION SERVICES,  
21 INC.; HARMESH SINGH; KULJIT KAUR;  
DOES 1-20, Inclusive,  
22 Defendants.

23 SFR INVESTMENTS POOL 1, LLC,  
24 Counterclaimant,

25 vs.

26 DITECH FINANCIAL, LLC,  
27 Counter-Defendant.  
28

1 SFR INVESTMENTS POOL 1, LLC,  
 2 Cross-Claimant,  
 3 vs.  
 4 DITECH FINANCIAL LLC; BANK OF NEW  
 5 YORK MELLON, FKA THE BANK OF NEW  
 6 YORK as Trustee for the  
 7 CERTIFICATEHOLDERS CWABS, INC.,  
 8 ALTERNATIVE LOAN TRUST 2005-J12  
 9 ASSET-BACKED CERTIFICATES SERIES  
 10 2005-17; HOUSEHOLD FINANCE REALTY  
 CORPORATION OF NEVADA; HARMESH  
 SINGH, an individual; and KULJIT KAUR, an  
 individual,  
 Cross-Defendants.

11 This *Stipulation to Dismiss With Prejudice All Claims by Ditech Financial, LLC Against*  
 12 *Twilight Homeowners Association* (the “Stipulation”) is made by and among Plaintiff/Counter-  
 13 Defendant/Cross-Defendant Ditech Financial, LLC (“Ditech”), Cross-Defendant The Bank of  
 14 New York Mellon Corporation as Trustee for the Certificateholders of the CWABS, Inc. Asset-  
 15 backed Certificates Series 2005-17 (“BONY Mellon” and with Ditech, “Lenders”), and  
 16 Defendant Twilight Homeowners Association (“Twilight HOA”), and is based on the following  
 17 facts:

**RECITALS**

18  
 19 **1.** On January 22, 2016, Ditech commenced this action by filing its *Complaint for*  
 20 *Declaratory Relief and Quiet Title to Real Property* [ECF No. 1] (the “Complaint”) naming as  
 21 Defendants SFR Investments Pool 1, LLC (“SFR”), Boulder Ranch Master Association  
 22 (“Boulder Ranch”), Twilight HOA, Homeowners Association Services, Inc. (“HAS”), Harmesh  
 23 Singh (“Singh”) and Kuljit Kaur (“Kaur”).

24 **2.** In its Complaint, Ditech alleged, among other things, that as a result of a series of  
 25 assignments, Ditech was the beneficiary of a certain deed of trust (the “Deed of Trust”) recorded  
 26 in the Clark County Recorder’s Office, Clark County, Nevada, as Instrument No. 20051130-  
 27 0005884, naming Countrywide Home Loans, Inc. (“Countrywide”) as the lender and Mortgage  
 28 Electronic Registration Systems, Inc. (“MERS”) as the beneficiary.

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1           **3.**       The Deed of Trust encumbers certain real property commonly described as 5929  
2 Crumbling Ridge, Henderson, Nevada 89011 (“Property”).

3           **4.**       The Deed of Trust secures a promissory note (“Note”) signed by Harmesh Singh  
4 and Kuljit Kaur, husband and wife as joint tenants (“Borrowers”), on November 22, 2005, stating  
5 that Borrowers owe Countrywide \$276,250.00 plus interest.

6           **5.**       The Property is located in a common-interest community in which Boulder Ranch  
7 is the master association and Twilight HOA is a sub-association.

8           **6.**       On or about July 7, 2009, HAS, acting as collection agent for Boulder Ranch  
9 HOA, recorded a *Notice of Claim of Lien-Homeowner Assessment* (the “Boulder Ranch Lien”)   
10 against the Property in the Clark County Recorder’s Office, Clark County, Nevada, as Instrument  
11 No. 200907070001893.

12           **7.**       On or about October 21, 2009, HAS, acting as collection agent for Boulder  
13 Ranch, recorded a *Notice of Default and Election to Sell* in the Clark County Recorder’s Office,  
14 Clark County, Nevada, as Instrument No. 200910210001899.

15           **8.**       On or about July 24, 2012, HAS, acting as collection agent for Twilight HOA,  
16 recorded a *Notice of Claim of Lien-Homeowner Assessment* (the "Twilight Lien") against the  
17 Property in the Clark County Recorder’s Office, Clark County, Nevada, as Instrument No.  
18 201207240001224.

19           **9.**       On or about February 24, 2014, HAS, acting as collection agent for Boulder  
20 Ranch, recorded a *Notice of Sale* in the Clark County Recorder’s Office, Clark County, Nevada,  
21 as Instrument No. 201402240001318, scheduling a foreclosure sale of the Property to occur on  
22 March 13, 2014.

23           **10.**      On July 10, 2014, HAS, as designated agent of Boulder Ranch HOA, executed a  
24 certain *Foreclosure Deed Upon Sale* (the “Foreclosure Deed”) conveying an interest in the  
25 Property, without covenant, or warranty, to SFR. The Foreclosure Deed was recorded on August  
26 14, 2014 as Instrument No. 201408140001068.

27       / / /

28       / / /



- 1 B. The Parties shall each bear their own attorneys' fees and costs.  
2 C. The dismissal of Twilight HOA as a party shall not affect the rights or arguments  
3 that may be presented by the remaining Parties during any trial in this matter, all of which are  
4 expressly reserved.  
5 D. Depositions of Twilight HOA's employees, officers and agents may be used at the  
6 time of trial pursuant to Fed. R. Civ. P. 32 even though Twilight HOA is hereby dismissed as an  
7 "adverse party."

8 Dated: April 2, 2018

Dated: April 2, 2018

9 **KOLESAR & LEATHAM**

**LIPSON, NEILSON, COLE, SELTZER &  
GARIN, P.C.**

11 /s/ Scott D. Fleming, Esq.  
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17 MELLON CORPORATION as Trustee for the  
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backed Certificates Series 2005-17*

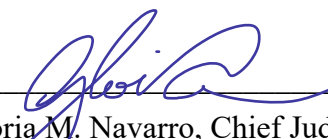
*Attorneys for Defendant  
Twilight Homeowners Association*

20 **ORDER**

21 Based on the parties' stipulation and good cause appearing, **IT IS HEREBY**  
22 **ORDERED** that Defendant Twilight Homeowners Association is **DISMISSED with prejudice.**

23 **IT IS FURTHER ORDERED** that Defendant Twilight Homeowners Association's  
24 Motions, (ECF Nos. 112, 114), are **DENIED as moot.**

25  
26 Dated this 2 day of April, 2018.

27   
28 Gloria M. Navarro, Chief Judge  
UNITED STATES DISTRICT JUDGE