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Mellon FKA The Bank of New York as Trustee
 8 *for the Certificate Holders CWALT, Inc.*
Alternative Loan Trust 2005-45 Mortgage Pass-
 9 *Through Certificates, Series 2005-45*

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 THE BANK OF NEW YORK MELLON FKA
 13 THE BANK OF NEW YORK AS TRUSTEE
 14 FOR THE CERTIFICATE HOLDERS CWALT,
 INC. ALTERNATIVE LOAN TRUST 2005-45
 15 MORTGAGE PASS-THROUGH
 CERTIFICATES, SERIES 2005-45,

Case No. 2:16-cv-00360-JAD-PAL

**STIPULATION AND ORDER OF FINAL
 JUDGMENT CONFIRMING EXISTENCE
 AND VALIDITY OF DEED OF TRUST**

16 Plaintiff,

ECF No. 30

17 v.

18 MONTAGNE MARRON COMMUNITY
 19 ASSOCIATION; and ALESSI & KOENIG ,
 LLC,

20 Defendants.

22 Plaintiff The Bank of New York Mellon FKA The Bank of New York as Trustee for the
 23 Certificate Holders CWALT, Inc. Alternative Loan Trust 2005-45 Mortgage Pass-Through
 24 Certificates, Series 2005-45 (**BNYM**) and defendant Montagne Marron Community Association
 25 (**Montagne Marron**) through their counsel of record, stipulate as follows:

26 1. This matter relates to real property located 10962 Ampus Place, Las Vegas, Nevada
 27 89141, APN 176-36-313-030 (the "Property"). The Property is more specifically described as:
 28

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1 PARCEL I

2 LOT ONE HUNDRED TWENTY-TWO (122) IN BLOCK ONE (1) OF
3 MONTAGNE MARRON AT SOUTHERN HIGHLANDS PHASE — 2B
4 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 94 OF PLATS,
5 PAGE 24, AND AMENDED BY THAT CERTIFICATE OF
6 AMENDMENT RECORDED MAY 15, 2000 IN BOOK 20000515 AS
7 DOCUMENT NO. 00624, AND JUNE 28, 2000 IN BOOK 20000628 AS
8 DOCUMENT NO. 01023 IN THE OFFICE OF THE COUNTY
9 RECORDER OF CLARK COUNTY, NEVADA.

10 PARCEL II

11 A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND
12 ENJOYMENT UPON AND OVER THAT PORTION OF SAID
13 SUBDIVISION DELINEATED ON THE PLAT AS "PRIVATE STREET
14 AND P.U.E. AND COMMON ELEMENT LOTS" AND FURTHER
15 DESCRIBED IN THE COVENANTS, CONDITIONS AND
16 RESTRICTION RECORDED MAY 18, 2000 IN BOOK 20000518 AS
17 DOCUMENT NO. 00972 OF OFFICIAL RECORDS, IN THE OFFICE
18 OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

19 APN: 176-36-313-030

20 2. BNYM is the beneficiary of record of a Deed of Trust that encumbers the Property and
21 was recorded on June 21, 2005, as Document Number 20050621-0005124 in the Official Records of
22 Clark County, Nevada (the "Deed of Trust").

23 3. On February 6, 2012, Montagne Marron recorded a Trustee's Deed Upon Sale as
24 Instrument Number 20120206-0001213 of the Official Records of Clark County, Nevada (the "HOA
25 Foreclosure Deed"), reflecting that Montagne Marron purchased the Property at a foreclosure sale of
26 the Property held February 1, 2011 (the "HOA Sale").

27 4. On February 23, 2016, BNYM initiated an action for quiet title and damages against
28 Montagne Marron and Alessi & Koenig, LLC (**Alessi**) in the United States District Court, District of
Nevada, Case No. 2:16-cv-00360-JAD-PAL (the "Quiet Title Action").

The Parties have entered a settlement agreement in which BNYM has resolved all
claims against Montagne Marron and Alessi.

6. The parties agree as part of their settlement agreement, and the Court incorporates that
agreement and its provision, that the Deed of Trust survived and was not extinguished in any
capacity by the HOA Sale or the recording of the HOA Foreclosure Deed. The Deed of Trust

1 remains a valid encumbrance against the Property following the recording of the HOA Foreclosure
2 Deed, and its interest in the Property following the HOA Sale was subject to the Deed of Trust.

3 DATED this 6th day of March, 2018.

4 **AKERMAN LLP**

BOYACK BECK & TAYLOR

5 /s/ William S. Habdas

/s/ Colli McKiever

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12 *Certificate Holders CWALT, Inc. Alternative*
13 *Loan Trust 2005-45 Mortgage Pass-Through*
14 *Certificates, Series 2005-45*

Attorneys for Montagne Marron Community
Association

14 **ORDER**

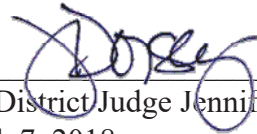
15 Based on the above stipulation between The Bank of New York Mellon FKA The Bank of
16 New York as Trustee for the Certificate Holders CWALT, Inc. Alternative Loan Trust 2005-45
17 Mortgage Pass-Through Certificates, Series 2005-45 (**BNYM**) and defendant Montagne Marron
18 Community Association (**Montagne Marron**), the Parties' agreement, and good cause appearing
19 therefore,

20 IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County,
21 Nevada against the real property located 10962 Ampus Place, Las Vegas, Nevada 89141, APN 176-
22 36-313-030 (the "Property") on June 21, 2005, as Document Number 20050621-0005124 was not
23 extinguished, impaired, or otherwise affected by the foreclosure sale conducted by Montagne
24 Marron on February 1, 2011 or the recording of the Foreclosure Deed in the Official Records of
25 Clark County, Nevada, on February 6, 2012, as Document Number 20120206-0001213, reflecting
26 that Montagne Marron purchased the Property at the foreclosure sale. Montagne Marron's interest
27 in the Property after the foreclosure sale was subject to the Deed of Trust.

1 IT IS FURTHER ORDERED that BNYM shall be entitled to record this STIPULATION
2 AND ORDER OF FINAL JUDGMENT CONFIRMING EXISTENCE AND VALIDITY OF DEED
3 OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the
4 Recorder's Office.

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

7 The Clerk of Court is directed to ENTER JUDGMENT ACCORDINGLY and CLOSE THIS
8 CASE.

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U.S. District Judge Jennifer Dorsey
March 7, 2018

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