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8 Attorneys for CitiMortgage, Inc.

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 CITIMORTGAGE, INC.,

Case No.: 2:16-cv-00610-JCM-CWH

12 Plaintiff,

13 v.

**STIPULATION AND ORDER OF FINAL
JUDGMENT AND QUIET TITLE; AND
FOR DISMISSAL WITH PREJUDICE**

14 TIERRA DE LAS PALMAS OWNERS
15 ASSOCIATION; RICARDO FOJAS; and
16 ABSOLUTE COLLECTION SERVICES, LLC;

17 Defendants.

AKERMAN LLP

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18 CitiMortgage, Inc. (**CMI**), Tierra de las Palmas Owners Association, Ricardo Fojas, and
19 Absolute Collection Services, LLC stipulate as follows:

20 1. This matter relates to real property located at 5143 Marshall Island Court, North Las
21 Vegas, Nevada 89031, APN 124-32-712-007 (**property**). The property is more specifically
22 described as:

23 Lot Seven (7) in Block One (1) of Tierra de las Palmas Village 3 – Unit 1, as shown by map
24 thereof on file in Book 84 of Plats, Page 18 in the Office of the County Recorder of Clark
County, Nevada.

25 2. CMI is the beneficiary of record of a deed of trust encumbering the property that was
26 recorded on May 15, 2006, as instrument number 20060515-0003840 with the Clark County
27 Recorder (**deed of trust**).

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1 3. On May 16, 2013, Tierra recorded a trustee's deed upon sale as instrument number
2 201305160003891 with the Clark County Recorder (**HOA foreclosure deed**), reflecting Marshall
3 Family Trust purchased the property at a foreclosure sale of an HOA lien held on May 14, 2013 (the
4 **HOA sale**).

5 4. Fojas was at the time and remains the sole beneficiary of the Marshall Family Trust.

6 5. Marshall Family Trust, through Fojas, conveyed his interest in the property to Ricardo
7 Fojas as reflected by the deed recorded in the Clark County Recorder's Office on September 22,
8 2017, as Instrument No. 20170922-0003383, and corrective deed recorded September 25, 2017 as
9 Instrument No. 20170925-0001799.

10 6. On March 18, 2016, CMI filed a quiet title action against Tierra, Marshall Family
11 Trust, and Absolute in the United States District Court, District of Nevada, Case No. 2:16-cv-00610
12 asserting Tierra's foreclosure of its lien as reflected by the HOA foreclosure deed did not extinguish
13 the deed of trust.

14 7. CMI, Tierra, Fojas, and Absolute entered a settlement agreement in which they have
15 settled all claims between them in this case.

16 8. Among other things, Fojas has transferred all interest it acquired, individually and as
17 trustee of the Marshall Family Trust, as a result of the HOA sale, HOA foreclosure deed, and its
18 subsequent conveyance to CMI.

19 9. Among other things, the parties agree that title to the property is quieted in favor of
20 Citibank, N.A. Fojas disclaims all right, title, or interest in the property as a result of the HOA sale
21 and the HOA foreclosure deed (including the September 25, 2017 conveyance to himself).

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1 10. The complaint is dismissed with prejudice, with each party to bear their own fees and
2 costs.

3 Wherefore, the undersigned request this Court enter an Order granting the above stipulation.
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6 Dated this 30th day of August, 2018.

Dated this 30th day of August, 2018.

7 **AKERMAN LLP**

PENGILLY LAW FIRM

8 /s/ Jared M. Sechrist
9 **DARREN T. BRENNER, ESQ.**
10 Nevada Bar No. 8386
11 **REBEKKAH BODOFF, ESQ.**
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/s/ Elizabeth B. Lowell
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1995 Village Center Cir., Suite 190
Las Vegas, Nevada 89134
Attorney for Tierra de las Palmas Owners
Association

18 Dated this 30th day of August, 2018.

Dated this 30th day of August, 2018.


19 **RICARDO FOJAS**

ABSOLUTE COLLECTION SERVICES, LLC

20 /s/ Ricardo Fojas
21 **RICARDO FOJAS**
22 P.O. BOX 400683
23 Las Vegas, Nevada 89140
24 Pro se

/s/ Shane D. Cox
SHANE D. COX, ESQ.
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Attorney for Absolute Collection Services, LLC

25 **IT IS SO ORDERED.**

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27 
28 UNITED STATES DISTRICT JUDGE

DATED: September 6, 2018