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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 BANK OF AMERICA, N.A., successor by
 merger TO BAC HOME LOANS
 13 SERVICING, LP, FKA COUNTRYWIDE
 HOME LOANS SERVICING, LP,
 14
 Plaintiff,
 15
 vs.
 16 SUNSET RIDGE LIMITED HOMEOWNERS
 ASSOCIATION; SFR INVESTMENTS POOL
 17 1, LLC; TERRA WEST COLLECTIONS
 GROUP, LLC DBA ASSESSMENT
 MANAGEMENT SERVICES,
 18
 Defendants.

Case No. 2:16-cv-00797-GMN-NJK
**SFR INVESTMENTS POOL 1, LLC'S
 DEMAND FOR SECURITY OF COSTS
 PURSUANT TO NRS 18.130(1)**

19 SFR INVESTMENTS POOL 1, LLC (“SFR”) hereby demands that plaintiff BANK OF
 20 AMERICA, N.A., successor by merger to BAC HOME LOANS SERVICING, LP, FKA
 21 COUNTRYWIDE HOME LOANS SERVICING, LP, (“BANA” or “Bank”), an out-of-state
 22 resident, post a cost bond pursuant to NRS 18.130(1).

23 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank,
 24 “security for the costs and charges which may be awarded against such plaintiff may be required
 25 by defendant, by the filing and service on plaintiff of a written demand within the time limited for
 26 answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all
 27 proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or
 28

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1 more persons, to the effect that they will pay such costs and charges as may be awarded against
2 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with
3 the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is
4 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
5 as required has been filed, the court or judge may order the action to be dismissed.” NRS
6 18.130(4).

7 “It is the policy of the United States District Court for the District of Nevada to enforce
8 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
9 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
10 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

11 Here, BANA, a subsidiary of Bank of America Corporation, a Delaware registered
12 corporation, is not a citizen of Nevada, but rather a national banking association with its
13 headquarters in North Carolina. Accordingly, SFR demands that the Bank post a \$500 cost bond
14 within 30 days and that the proceedings be stayed until such cost bond is posted. Should the
15 Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
16 action be dismissed.

17 DATED May 2, 2016.

KIM GILBERT EBRON

/s/ Diana Cline Ebron
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19 GRANTED. Plaintiff shall post a
20 security bond by no later than June
21 28, 2016. IT IS SO ORDERED.
Dated: June 22, 2016

22
23 
24 United States Magistrate Judge