

1 DIANA S. EBRON, ESQ.  
 Nevada Bar No. 10580  
 2 E-mail: diana@KGElegal.com  
 JACQUELINE A. GILBERT, ESQ.  
 3 Nevada Bar No. 10593  
 E-mail: jackie@KGElegal.com  
 4 KAREN L. HANKS, ESQ.  
 Nevada Bar No. 9578  
 5 E-mail: karen@KGElegal.com  
 KIM GILBERT EBRON  
 6 7625 Dean Martin Drive, Suite 110  
 Las Vegas, Nevada 89139  
 7 Telephone: (702) 485-3300  
 Facsimile: (702) 485-3301  
 8 Attorneys for SFR Investments Pool 1, LLC

**KIM GILBERT EBRON**  
 7625 DEAN MARTIN DRIVE, SUITE 110  
 LAS VEGAS, NV 89139  
 (702) 485-3300 FAX (702) 485-3301

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 U.S. BANK NATIONAL ASSOCIATION, AS  
 SUCCESSOR TRUSTEE TO BANK OF  
 AMERICA, N.A. AS SUCCESSOR BY  
 13 MERGER TO LASALLE BANK, N.A., AS  
 TRUSTEE FOR MERRILL LYNCH FIRST  
 14 FRANKLIN MORTGAGE LOAN TRUST,  
 MORTGAGE LOAN ASSET-BACKED  
 15 CERTIFICATES, SERIES 2007-5,

Case No. 2:16-cv-00844-RFB-BNW

**ORDER GRANTING MOTION TO SERVE  
 JOHN FOLEY BY PUBLICATION**

-and-

**ORDER GRANTING MOTION TO  
 ENLARGE TIME TO SERVE SUMMONS  
 AND CROSS-CLAIM**

16 Plaintiff,

17 vs.

18 WARM SPRINGS RESERVE OWNERS  
 ASSOCIATION; SFR INVESTMENTS POOL  
 1, LLC; ALESSI & KOENIG, LLC,

19 Defendants.

20  
 21 \_\_\_\_\_  
 22 SFR INVESTMENTS POOL 1, LLC, a  
 Nevada limited liability company,

23 Counterclaimant,

24 vs.

25 U.S. BANK NATIONAL ASSOCIATION, AS  
 SUCCESSOR TRUSTEE TO BANK OF  
 26 AMERICA, N.A. AS SUCCESSOR BY  
 MERGER TO LASALLE BANK, N.A., AS  
 27 TRUSTEE FOR MERRILL LYNCH FIRST  
 FRANKLIN MORTGAGE LOAN TRUST,  
 28 MORTGAGE LOAN ASSET-BACKED

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LAS VEGAS, NV 89139  
(702) 485-3300 FAX (702) 485-3301

1 CERTIFICATES, SERIES 2007-5; JOHN  
2 FOLEY, an individual,

3 Counter/Cross Defendants.

4 Upon reading the Affidavit of Due Diligence [ECF No. 47]; it appearing that an Answer,  
5 Counterclaim, and Cross-Claim (ECF No. 42) has been filed; that a Summons directed to Cross-  
6 Defendant, JOHN FOLEY has been issued [ECF No. 45]; that Cross-Defendant is a necessary  
7 party; and that Cross-Defendant cannot be found to be personally served in the State of Nevada,  
8 and good cause appearing therefore,

9 **IT IS HEREBY ORDERED** that since the Cross-Defendant, JOHN FOLEY, cannot now  
10 be found so as to be personally served, he may be served by publication of the Summons at least  
11 once a week for four (4) weeks in the Nevada Legal News, a newspaper of general circulation and  
12 a newspaper of general circulation in Clark County, Nevada.

13 **IT IS FURTHER ORDERED** that a copy of the Summons and Answer, Counterclaim,  
14 and Cross-Claim shall be mailed forthwith to Cross-Defendant JOHN FOLEY, first class mail,  
15 postage prepaid, addressed to the Cross-Defendant's last known address.

16 **IT IS FURTHER ORDERED** that SFR's Motion to Enlarge Time to Serve is GRANTED  
17 and the time for service is extended by an additional 60 days from the date of this order is entered  
18 to allow SFR Investments Pool 1, LLC ("SFR") to effectuate service by publication.

19  
20 Dated this 20th day of June, 2019.

21  
22   
23 UNITED STATES MAGISTRATE JUDGE

24 Submitted by:

25 **KIM GILBERT EBRON**

26 /s/ Diana S. Ebron  
27 Diana S. Ebron, Esq.  
28 Nevada Bar No. 10580  
7625 Dean Martin Drive, Suite 110  
Las Vegas, Nevada 89139  
Phone: (702) 485-3300  
Fax: (702) 485-3301  
Attorneys for SFR Investments Pool 1, LLC