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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

10 Case No. 2:16-cv-01239-RFB-CWH

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**SFR INVESTMENTS POOL 1, LLC'S  
DEMAND FOR SECURITY OF COSTS  
PURSUANT TO NRS 18.130(1)**

10 THE BANK OF NEW YORK MELLON FKA  
11 THE BANK OF NEW YORK, AS TRUSTEE  
12 FOR THE CERTIFICATEHOLDERS OF  
13 THE CWALT, INC., ALTERNATIVE LOAN  
14 TRUST 2007-HY7C MORTGAGE PASS-  
15 THROUGH CERTIFICATES SERIES 2007-  
16 HY7C,

17 Plaintiff,  
18 vs.

19 MESA HOMEOWNERS ASSOCIATION;  
20 SFR INVESTMENTS POOL 1, LLC;  
21 NEVADA ASSOCIATION SERVICES, Inc.;  
22 ALESSI & KOENIG, LLC,

23 Defendants.

24 SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff, THE BANK  
25 OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE  
26 CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2007-  
27 HY7C MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY7C ("BNY Mellon"  
28 or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank,  
"security for the costs and charges which may be awarded against such plaintiff may be required  
by defendant, by the filing and service on plaintiff of a written demand within the time limited for

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1       answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all  
2       proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or  
3       more persons, to the effect that they will pay such costs and charges as may be awarded against  
4       the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with  
5       the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is  
6       required, or of an order for new or additional security, upon proof thereof, and that no undertaking  
7       as required has been filed, the court or judge may order the action to be dismissed.” NRS  
8       18.130(4).

9           “It is the policy of the United States District Court for the District of Nevada to enforce  
10       the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL  
11       925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*  
12       *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

13           Here, BNY Mellon is not a Nevada citizen, but rather a Delaware corporation with its  
14       corporate headquarters in New York. Accordingly, SFR demands that the Bank post a \$500 cost  
15       bond within 30 days and that the proceedings be stayed until such cost bond is posted. Should  
16       the Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this  
17       action be dismissed.

18           DATED June 30, 2016.

**KIM GILBERT EBRON**

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21           **IT IS SO ORDERED:**



23           RICHARD F. BOULWARE, II  
United States District Judge

24           DATED this 10th day of October, 2016.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of June 2016, pursuant to FRCP 5, I served via the CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following parties:

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