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7 *Attorneys for Plaintiff/Counter-Defendant Ditech*
8 *Financial LLC*

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

11 DITECH FINANCIAL LLC, a Delaware
12 corporation,

13 Plaintiff,

14 vs.

15 SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability Company;
16 MONTENEGRO ESTATES, a Nevada Non-
Profit Corporation, and NEVADA
ASSOCIATION SERVICES, INC., a Nevada
17 Limited Liability Company.

18 Defendants.

Case No. 2:16-cv-01880-JAD-EJY

**STIPULATION TO SUBSTITUTE REAL
PARTY IN INTEREST IN PLACE OF
CURRENT DEFENDANT/COUNTER
CLAIMANT AND TO AMEND
CAPTION**

19 SFR INVESTMENTS POOL 1, LLC, a
20 Nevada Limited Liability Company,

21 Counter-Claimant,

22 vs.

23 DITECH FINANCIAL, LLC, a Delaware
Corporation; THE BANK OF NEW YORK
24 MELLON FKA THE BANK OF NEW YORK
AS TRUSTEE, FOR THE BENEFIT OF THE
25 CERTIFICATEHOLDER, CWABS, INC.
ASSET-BACKED CERTIFICATES, SERIES
26 2007-BC1; JOSEPH GROSS, an individual;
TONI ANN VITTA GROSS, an individual;

27 Counter-Defendants.
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1 Plaintiff/Counter-Defendant Ditech Financial LLC (“Ditech”), Defendant/
2 Counterclaimant SFR Investments Pool 1, LLC (“SFR”), and Defendant Montenegro Estates (the
3 “HOA”) (collectively, the “Parties”¹) hereby stipulate that The Bank of New York Mellon fka
4 The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed
5 Certificates, Series 2007-BC1 (“BNYM”) may be substituted as Plaintiff and Counter-Defendant
6 in place of Ditech.

7 STIPULATION

8 **I. STATEMENT OF RELEVANT FACTS**

9 This matter concerns the real property located at 165 Lemongold Street, Henderson,
10 Nevada, 89012, APN #178-24-618-016 (the “Property”). On or about July 20, 2006, Counter-
11 Defendants Joseph Gross and Toni Ann Vitta Gross (the “Borrowers”) executed a grant, bargain,
12 and sale deed, which was recorded in the Office of the Clark County Recorder on July 25, 2006.
13 On or about July 20, 2006, the Borrowers executed a deed of trust in the amount \$270,750.00, in
14 favor of Mortgage Electronic Registration Systems (“MERS”) as the beneficiary. (“Deed of
15 Trust”). The Deed of Trust was recorded by the Recorder’s Office on July 25, 2006.

16 On November 9, 2010, an Assignment of Deed of Trust was recorded, assigning the Deed
17 of Trust to BNYM. On October 2, 2015, an Assignment of Deed of Trust was recorded,
18 assigning the Deed of Trust to Green Tree Servicing, LLC. In August 2015, Green Tree
19 Servicing merged with Ditech Financial LLC, under the name Ditech Financial LLC.

20 On January 7, 2013, Defendant Nevada Association Services, Inc. (“NAS”) recorded a
21 notice of delinquent assessment (lien) on behalf of Defendant Montenegro Estates (“the HOA”).
22 On March 11, 2013, NAS recorded a notice of default and election to sell on behalf of the HOA.
23 On July 16, 2013, NAS recorded a notice of foreclosure sale on behalf of the HOA. (“Notice of
24 Foreclosure Sale”). On August 19, 2013, NAS recorded a foreclosure deed on behalf of the
25 HOA. (“Foreclosure Deed”). The foreclosure deed upon sale indicated that SFR purchased a
26 deed to the Property for \$17,000.00 at public auction on August 9, 2013.

27 ¹ Defendant Nevada Association Services, Inc., Counter-Defendant Joseph Gross, and Counter-Defendant
28 Toni Ann Vitta Gross have not appeared in this action and are not parties to this stipulation.

1 On or about November 7, 2017, Ditech assigned the Deed of Trust back to BNYM, and as
2 of that date, BNYM is the real party in interest as Plaintiff and Counter-Defendant for this case.
3 A true and correct copy of the Assignment of Deed of Trust is attached hereto as **Exhibit 1**.

4 The Parties now wish to substitute BNYM as the real party in interest in place and stead of
5 the current Plaintiff and Counter-Defendant, Ditech.

6 **II. LEGAL BASIS FOR SUBSTITUTION OF PARTIES**

7 Federal Rule of Civil Procedure (“FRCP”) 17(a)(1) requires that every action be
8 prosecuted and maintained by the real party in interest. If the real party in interest is no longer
9 involved in the pending action, FRCP 17(a)(3) provides parties with adequate time to file a
10 substitution for the real party in interest. Under FRCP 25(c), a party may bring a motion to
11 substitute the real party in interest when there is a transfer of interest during the course of the
12 litigation.

13 When BNYM acquired an interest in the Deed of Trust in November 2017, it became the
14 real party in interest as Plaintiff and Counter-Defendant in this litigation. Accordingly, the
15 Parties ask the Court to allow the substitution of BNYM as Plaintiff and Counter-Defendant, in
16 place of Ditech, pursuant to FRCP 17(a) and 25(c).

17 **IT IS THEREFORE STIPULATED AMONG THE PARTIES HERETO THAT:**

18 1. The current Plaintiff and Counter-Defendant Ditech Financial LLC shall be
19 removed as Plaintiff and Counter-Defendant in this case, and The Bank of New York Mellon fka
20 The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed
21 Certificates, Series 2007-BC1, as the real party in interest, shall be substituted in its place as
22 Plaintiff and Counter-Defendant; and

23 2. The caption of this matter shall be altered to reflect that change, to wit, it shall
24 hereafter read as follows:

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Case No. 2:16-cv-01880-JAD-GWF

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATE HOLDERS OF
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-BC1, a Trust,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability Company;
MONTENEGRO ESTATES, a Nevada Non-
Profit Corporation, and NEVADA
ASSOCIATION SERVICES, INC., a Nevada
Limited Liability Company.

Defendants.

SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability Company,

Counter-Claimant,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATE HOLDERS OF
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-BC1;
JOSEPH GROSS, an individual; TONI ANN
VITTA GROSS, an individual;

Counter-Defendants.

SIGNATURES CONTINUED ON NEXT PAGE

1 **IT IS SO STIPULATED.**

2 DATED this 31st day of January 2020.

DATED this 31st day of January 2020.

3
4 SNELL & WILMER L.L.P.

KIM GILBERT EBRON

5 /s/ Bradley Austin
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12 *Attorneys for Plaintiff/Counter-Defendant Ditech
13 Financial LLC*

*Attorneys for Defendant/Counterclaimant SFR
14 Investments Pool 1, LLC*

15 DATED this 31st day of January 2020.

DATED this 31st day of January 2020.

16 SNELL & WILMER L.L.P.

LEACH KERN GRUCHOW ANDERSON
17 SONG

18 /s/ Bradley Austin
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25 *Attorneys for The Bank of New York Mellon fka
26 The Bank of New York as Trustee for the
27 Certificateholders of CWABS, Inc., Asset-Backed
28 Certificates, Series 2007-BC1*

Attorneys for Defendant Montenegro Estates

ORDER

Based upon the stipulation of the Parties, including the real party in interest,

IT IS ORDERED that the current Plaintiff and Counter-Defendant Ditech Financial LLC shall be removed as Plaintiff and Counter-Defendant in this case, and The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-

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Backed Certificates, Series 2007-BC1, as the real party in interest, shall be substituted in its place as Plaintiff and Counter-Defendant.

IT IS FURTHER ORDERED that the caption of this matter shall be altered to reflect that change, to wit, the case shall hereafter read as follows:

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATE HOLDERS OF
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-BC1, a Trust,
Plaintiff,

Case No. 2:16-cv-01880-JAD-GWF

vs.

SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability Company;
MONTENEGRO ESTATES, a Nevada Non-
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Defendants.

SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability Company,
Counter-Claimant,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATE HOLDERS OF
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-BC1;
JOSEPH GROSS, an individual; TONI ANN
VITTA GROSS, an individual;

Counter-Defendants.

IT IS SO ORDERED.

Dated: February 3, 2020


UNITED STATES MAGISTRATE JUDGE