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The Bank of New York as Successor in Interest to
JPMorgan Chase Bank, N.A. as Trustee for
Structured Asset Mortgage Investments II Trust
2006-AR6, Mortgage Pass-Through Certificates
Series 2006-AR6

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS SUCCESSOR
IN INTEREST TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR
STRUCTURED ASSET MORTGAGE
INVESTMENTS II TRUST 2006-AR6,
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2006-AR6,

Plaintiff,

v.

TRAMONTO VILLAGGIO HOMEOWNERS
ASSOCIATION; DAISY TRUST; and ALESSI
& KOENIG, LLC,

Defendants.

DAISY TRUST

Counter-Claimant,

v.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS SUCCESSOR
IN INTEREST TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR
STRUCTURED ASSET MORTGAGE
INVESTMENTS II TRUST 2006-AR6,
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2006-AR6,

Counter-Defendant.

Case No.: 2:16-cv-01897-KJD-GWF

**STIPULATION TO DISMISS TRAMONTO
VILLAGGIO HOMEOWNERS
ASSOCIATION**

1 Plaintiff and counter-defendant The Bank of New York Mellon fka The Bank of New York
2 as Successor in Interest to JPMorgan Chase Bank, N.A. as Trustee for Structured Asset Mortgage
3 Investments II Trust 2006-AR6, Mortgage Pass-Through Certificates Series 2006-AR6 (**BoNYM**)
4 and defendant Tramonto Villaggio Homeowners Association (**Tramonto**) stipulate as follows:

5 1. This matter relates to real property located at 9576 Trattoria Street, Las Vegas,
6 Nevada 89178-8261, APN No. 17621811012, described as:

7 PARCEL I:

8 LOT TWELVE (12) OF FINAL MAP OF MOUNTAINS EDGE 116 (A COMMON
9 INTEREST COMMUNITY), AS SHOWN BY MAP THEREOF ON FILE IN
10 BOOK 120, OF PLATS, PAGE 39 IN THE OFFICE OF THE COUNTY
11 RECORDER OR CLARK COUNTY, NEVADA.

12 PARCEL II:

13 A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND ENJOYMENT
14 IN AND TO THE COMMON ELEMENTS AS DELINEATED ON SAID MAP
15 REFERRED TO ABOVE AND AS FURTHER DESCRIBED IN THE
16 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
17 TRAMONTO VILLAGIO RECORDED JANUARY 4, 2005 IN BOOK 20050104
18 AS DOCUMENT NO. 01524 AS OFFICIAL RECORDS.

19 (the **property**).

20 2. BoNYM is the beneficiary of record of a deed of trust encumbering the property
21 recorded with the Clark County Recorder on June 21, 2006, as Instrument No. 20060621-0001036.

22 3. On September 25, 2012, Alessi & Koenig, LLC recorded a trustee's deed upon sale
23 with the Clark County Recorder, as Instrument No. 201209250000454, reflecting defendant Daisy
24 Trust purchased the property at a foreclosure sale of the property held on September 19, 2012 (the
25 **foreclosure deed**).

26 4. BoNYM and Tramonto have entered into a confidential settlement agreement in
27 which they have settled all claims between them in this case.

28 5. Among other things in the settlement agreement, Tramonto agrees it no longer has an
interest in the property for purposes of this action vis a vis the deed of trust. This disclaimer of
interest does not apply to the continuing encumbrance of Tramonto's declaration of covenants,
conditions and restrictions, and any governing documents adopted thereunder, easements, servitudes,
or other rights and interests in the property as governed by NRS chapter 116. Tramonto further

1 agrees it will take no position in this action or in any subsequent action regarding whether the deed
2 of trust survived Tramonto's foreclosure sale.

3 6. BoNYM and Tramonto further stipulate and agree that all claims in this matter
4 asserted by BoNYM against Tramonto are dismissed in their entirety with prejudice, with each party
5 to bear its own attorneys' fees and costs.

6 7. BoNYM and Tramonto request the court enter an order approving this stipulation.

7 DATED July 9, 2019.

8 **AKERMAN LLP**

BOYACK ORME & ANTHONY

9
10 /s/ Patricia Larsen
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Chase Bank, N.A. as Trustee for Structured
Asset Mortgage Investments II Trust 2006-AR6,
Mortgage Pass-Through Certificates Series
2006-AR6

19 **IT IS SO ORDERED.**

20 
21 **UNITED STATES DISTRICT COURT JUDGE**
22 Case No.: 2:16-cv-01897-KJD-GWF

23 DATED: July 11, 2019