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 Mellon fka the Bank of New York as Trustee  
 8 for the Certificateholders of the CWABS, Inc.,  
 Asset-Backed Certificates, Series 2006-4  
 9

10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON FKA  
 THE BANK OF NEW YORK, AS  
 13 SUCCESSOR TRUSTEE TO JPMORGAN  
 CHASE BANK, N.A., AS TRUSTEE FOR  
 14 HOLDERS OF SAMI II TRUST 2006-AR2,  
 MORTGAGE PASS-THROUGH  
 15 CERTIFICATES, SERIES 2006-AR2

Case No.: 2:16 cv 02576 -JCM-GWF

**STIPULATION AND ORDER OF FINAL  
 JUDGMENT CONFIRMING  
 EXISTENCE AND VALIDITY OF DEED  
 OF TRUST**

16 Plaintiff,  
 17 vs.

18 AMBER HILLS II HOMEOWNERS  
 ASSOCIATION; MARK DESISTO; ALESSI &  
 19 KOENIG,

20 Defendants.

21 Plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Successor Trustee to  
 22 JPMorgan Chase Bank, N.A., as Trustee for Holders of SAMI II Trust 2006-AR2, Mortgage Pass-  
 23 Through Certificates, Series 2006-AR2 (**BoNYM**), Amber Hills II Homeowners Association's  
 24 (**Amber Hills**), and Mark Desisto (**Desisto**) stipulate as follows:

25 1. This matter relates to real property located 9580 W. Reno Avenue, #116, Las Vegas,  
 26 Nevada 89148, APN 163-30-519-028. The property is more specifically described as:

27  
 28 APN: 163-30-519-028  
 46070670;2

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1           **PARCEL I (Common Area)**

2           **One (I) allocated interest as tenants-in-common in and to the Common Area of each**  
3 **phase of final map of AMBER HILLS II, a Common Interest Condominium**  
4 **Development, as shown by map thereof on file in Book 107 of Plats, Page 12 in the**  
5 **Office of the County Recorder, Clark County, Nevada. Said allocated interest to be**  
6 **a fraction, the numerator of which shall be one (1), and the denominator which shall**  
7 **be the number of Units in the Community which shall become subject to the**  
8 **Declaration of Restrictions recorded April 12, 2002 in Book 20020412 as Document**  
9 **No. 01791, Official Records.**

10           **Excepting therefrom all units and buildings located within the above referenced**  
11 **plat.**

12           **Reserving therefrom the right to possession of all those areas delineated as "Limited**  
13 **Common Elements" upon final map of AMBER HILLS 11, a Common Interest**  
14 **Condominium Development as defined in the Declaration.**

15           **Further reserving therefrom for the benefit of the Owners of all units within final**  
16 **map of AMBER HILLS 11, a Common Interest Condominium Development,**  
17 **(except the unit referred to In Parcel II, herein) non-exclusive easements for ingress,**  
18 **egress and recreational use on, over and across the Common Elements, as provided**  
19 **for in and subject to the Declaration.**

20           **PARCEL II (Living Unit)**

21           **Unit No. One Hundred Sixteen (116) in Building Four (4), as shown upon the above**  
22 **referenced Plat.**

23           **PARCEL III (Limited Common Elements)**

24           **The exclusive right of use, possession, and occupancy of those portions the project**  
25 **designated as those "Limited Common Elements" (including but not limited to**  
26 **patio(s), balconies, porch/landing, and parking space(s) as defined in and subject to**  
27 **the Declaration), which are appurtenant to Parcels I and II described above.**

28           **PARCEL IV (Appurtenant Easements)**

**A non-exclusive easement for ingress, egress and recreational use on, over and**  
          **across those portions of final map of AMBER HILLS II, a Common Interest**  
          **Condominium Development, delineated as "Private Drives", "Recreational**  
          **Facilities" and "Common Elements", as defined in amid subject to the Declaration,**  
          **which easement is appurtenant to Parcels 1 and II.**

**APN 163-30-519-028**

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1           2.       BoNYM is the beneficiary of record of a deed of trust that encumbers the Property and  
2 was recorded on January 10, 2006, as Instrument No. 20060110-0004422, in the Official Records of  
3 Clark County, Nevada (the **Deed of Trust**).

4           3.       On December 7, 2010, Desisto recorded a foreclosure deed as Instrument No. 20121207-  
5 0003222 in the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**), reflecting  
6 that Desisto purchased the property at a foreclosure sale of the property conducted by Amber Hills  
7 and Alessi on August 15, 2012 (the **HOA Sale**). Desisto has not transferred its interest in the property  
8 and is still the title holder of record.

9           4.       On November 7, 2016, BoNYM initiated a quiet title action against Desisto, Amber Hills,  
10 and Alessi in the United States District Court, District of Nevada, Case No. 2:16-cv-02576.

11           5.       BoNYM, Amber Hills, and Desisto have entered a confidential settlement agreement in  
12 which they have settled all claims between them in this case. This stipulation and order applies to the  
13 matters addressed in this particular case only and has no relevance to any other matter.

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16 ///





1 Respectfully submitted by:

2 **AKERMAN LLP**

3 /s/ Vatana Lay, Esq.

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