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National Mortgage Association

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

12 DITECH FINANCIAL LLC FKA GREEN TREE
 13 SERVICING, LLC and FEDERAL NATIONAL
 14 MORTGAGE ASSOCIATION, a government
 sponsored enterprise;
 15
 Plaintiff,
 16 vs.
 17 STARFIRE CONDOMINIUM OWNERS'
 ASSOCIATION; CHANGE YOUR LIFE, LLC;
 and ALESSI & KOENIG, LLC;
 18
 Defendants.

Case No.: 2:16-cv-02758-JAD-CWH

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

ECF No. 48

19
 20 Plaintiffs Federal National Mortgage Association ("Fannie Mae") and Ditech Financial LLC f/k/a
 21 Green Tree Servicing, LLC ("Ditech") and defendants Starfire Condominium Owners Association
 22 ("Starfire) and Change Your Life, LLC ("CYL"), being the only remaining parties to have appeared in
 23 this action, through their counsel of record, stipulate as follows:

24 1. This matter relates to real property located 8725 West Flamingo Road, Unit 133, Las
 25 Veagas, Nevada 89147, APN 163-20-513-065 (the "Property"). The Property is more specifically
 26 described as:
 27
 28

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1 A Condominium Composed of:

2 Parcel I (Common Elements):

3 One (1) allocated interest (except Association Property) as tenant-in-common
4 in the Common Elements within Phase 4 of Starfire Luxury Condominiums
5 1. as shown by map "Plat" thereof on file recorded on June 27, 1997 in Book
6 80 of Plats, Page 35, Clark County, Nevada Records, and amended by Map
7 thereof filed on April 09, 1999, in Book 89, Page 33, Clark County, Nevada
8 Records, and further amended by Map thereof filed on August 24, 1999, in
9 book 91, Page 2, Clark County, Nevada Recorder, hereinafter "Plat." As
Phases are annexed, the Allocated Interest for each Unit will always be a
fraction, the numerator of which will be One (1), the unit and the
denominator, of which will be the total of all Units in all Phases that become
subject to the Declaration.

10 EXCEPTING THEREFROM the following:

11 All Living Units and Association Property in Phase 4 of the Plat.

12 AND RESERVING THEREFROM:

13 The right to possession of all those areas designated as Limited Common
14 Elements as shown upon the Plat referred to above;

15 AND FURTHER RESERVING THEREFROM for the benefit of the Owners
16 of Condominiums in subsequent phases when annexed, non-exclusive
17 easements for ingress, egress, and recreational use on, over, and across the
Common Elements shown upon the Plat.

18 Parcel II (Living Unit):

19 Living Unit 133 in Building 7 as shown upon the Plat.

20 Parcel III (Limited Common Elements/Special Covenant):

21 The exclusive right to use, possession and occupancy of those portions of the
22 Limited Common Elements described upon the Plat as patios, balconies,
23 stairways/entry, storage areas and assigned Parking Space No. XXX or
Garage No. XXX (Limited Common Elements), which are appurtenant to and
for the exclusive use of Parcel II.

24 Parcel IV (Common Elements):

25 A non-exclusive easement on and over the Common Elements (as defined in
26 the Declaration) for access, use, ingress, egress and the use of the amenities
27 located thereon, subject to the terms and provisions of the Declaration. This
28 easement is appurtenant to Parcels I, II and III above described. The Common
Elements are for the use of Owners and guests of the Units and are subject to

1 the Declaration, rules and regulations of the Association and are not for the
2 use of the general public.

3 Parcel V (Phased Areas):

4 A non-exclusive easement for ingress, egress and recreational use on and over
5 the Common Elements of subsequent phases, which easement is appurtenant
6 to Parcels I, II and III described above. This easement shall be effective only
7 until recordation prior to expiration of right to annex of the Declaration of
8 Annexation declaring non-annexed phase to be subject to the Declaration.

9 APN: 163-20-513-065

10 2. Ditech, on Fannie Mae's behalf, is the beneficiary of record of a Deed of Trust that
11 encumbers the Property and was recorded on October 17, 2003, as Document Number 20031017-02284
12 in the Official Records of Clark County, Nevada (the "Deed of Trust").

13 3. On April 5, 2012, Starfire recorded a Trustee's Deed Upon Sale as Instrument Number
14 20120405-0003239 of the Official Records of Clark County, Nevada (the "HOA Foreclosure Deed"),
15 reflecting that Starfire purchased the Property at a foreclosure sale of the Property held March 14, 2012
16 (the "HOA Sale").

17 4. Starfire transferred its interest in the Property to CYL by Quit Claim Deed recorded in the
18 Clark County recorder's office on April 8, 2015 as Instrument No. 20150408-0000429, and by
19 Corrective Quit Claim Deed recorded in the Clark County recorder's office on January 13, 2016 as
20 Instrument No. 20160113-0000253;

21 5. On December 12, 2016, Fannie Mae and Ditech initiated an action for quiet title and
22 damages against Starfire, CYL, and Alessi & Koenig, LLC in the United States District Court, District
23 of Nevada, Case No. 2:16-cv-02758 (the "Quiet Title Action").

24 6. The Parties have entered a settlement agreement in which Fannie Mae and Ditech have
25 resolved all claims against Starfire, CYL, and Alessi & Koenig, LLC.

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1 7. The parties have agreed as part of their settlement agreement, and the Court incorporates
2 that agreement and its provision, that the Deed of Trust survived and was not extinguished in any
3 capacity by the HOA Sale, the recording of the HOA Foreclosure Deed, or the recording of the Quit
4 Claim Deeds to CYL. The Deed of Trust remains a valid encumbrance against the Property following
5 the recording of the HOA Foreclosure Deed, and CYL's interest in the Property is subject to the Deed
6 of Trust. This stipulation is made for purposes of this action only and is not a waiver by any Party of its
7 legal position in any other case or an admission of liability in this or any other action.

8 DATED this May 8, 2019.

9
10 **AKERMAN LLP**

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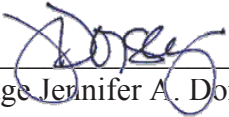
ORDER

1 Based on the above stipulation between plaintiffs Federal National Mortgage Association
2 ("Fannie Mae") and Ditech Financial LLC f/k/a Green Tree Servicing, LLC ("Ditech") and defendants
3 Starfire Condominium Owners Association ("Starfire) and Change Your Life, LLC ("CYL"), the Parties'
4 agreement, and good cause appearing therefore,
5

6 IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County,
7 Nevada against the real property located at 8725 West Flamingo Road, Unit 133, Las Vegas, Nevada
8 89147, APN 163-20-513-065 (the "Property") on October 17, 2003, as Instrument No. 20031017-02284
9 was not extinguished, impaired, or otherwise affected by the foreclosure sale conducted by Starfire on
10 March 14, 2012 or the recording of the Trustee's Deed Upon Sale in the Official Records of Clark
11 County, Nevada, on April 5, 2012, as Instrument No. 20120405-0003239, reflecting that Starfire
12 purchased the Property at the foreclosure sale, or the recording of the Quit Claim Deed in the Official
13 Records of Clark County, Nevada on April 8, 2015 as Instrument No. 20150408-0000429 and the
14 Corrective Quit Claim Deed on January 13, 2016 as Instrument No. 20160113-0000253, reflecting that
15 Starfire transferred its interest in the Property to CYL. CYL's interest in the Property is subject to the
16 Deed of Trust.

17 IT IS FURTHER ORDERED that Fannie Mae and Ditech shall be entitled to record this
18 STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF
19 TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's
20 Office.

21 IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court,
22 resolving all claims in this case with prejudice, each party to bear its own fees and costs, and the Clerk
23 of Court is directed to ENTER FINAL JUDGMENT accordingly and CLOSE THIS CASE.

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26 U.S. District Judge Jennifer A. Dorsey
27 Dated: May 8, 2019
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