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

12 BANK OF AMERICA, NATIONAL  
 ASSOCIATION; and FEDERAL NATIONAL  
 13 MORTGAGE ASSOCIATION, a government  
 sponsored enterprise,

14 Plaintiffs,

15 vs.

16 GIAVANNA HOMEOWNERS ASSOCIATION  
 AKA THE GIAVANNA; and NEVADA  
 17 ASSOCIATION SERVICES, INC.;

18 Defendants.

Case No.: 2:16-cv-02763-APG-EJY

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

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19 Plaintiffs Bank of America, N.A. (**BANA**) and Federal National Mortgage Association  
 20 (**Fannie Mae**) and defendant Giavanna Homeowners Association aka the Giavanna (**Giavanna**), the  
 21 only parties to have appeared in this matter, through their counsel of record, stipulate as follows:

22 1. This matter relates to real property located at 3648 Lakeside Villas Avenue, North Las  
 23 Vegas, Nevada, 89081, APN 123-31-112-061 (the **Property**). The Property is more specifically  
 24 described as:

25 LOT 236 OF FINAL MAP OF RUNVEE HOBART UNIT 2A, AS SHOWN BY MAP  
 26 THEREOF ON FILE IN BOOK 124 OF PLATS, PAGE 11, IN THE OFFICE OF THE  
 27 COUNTY RECORDER OF CLARK COUNTY, NEVADA

28 APN 123-31-112-061

1           2.       BANA, on Fannie Mae's behalf, is the beneficiary of record of a Deed of Trust that  
2 encumbers the Property and was recorded on August 31, 2007, as Instrument No. 20070831-0003807  
3 (the **Deed of Trust**).

4           3.       On April 15, 2011, Giavanna recorded a Foreclosure Deed as Instrument No.  
5 201104150000243 (the **HOA Foreclosure Deed**), reflecting that Giavanna purchased the Property at  
6 a foreclosure sale of the Property held on April 1, 2011 (the **HOA Sale**).

7           4.       Giavanna has not transferred its interest and is currently the title holder of record.

8           5.       On December 2, 2016, BANA and Fannie Mae initiated an action for quiet title and  
9 damages against Giavanna and Nevada Association Services, Inc. (**NAS**) in the United States District  
10 Court, District of Nevada, Case No. 2:16-cv-02763-APG-EJY.

11          6.       BANA, Fannie Mae, and Giavanna have agreed to a resolution of all claims against  
12 Giavanna and NAS.

13          7.       The parties have agreed as part of their settlement that the Deed of Trust survived and  
14 was not extinguished in any capacity by the HOA Sale or the recording of the HOA Foreclosure Deed.  
15 The Deed of Trust remains a valid encumbrance against the Property following the recording of the  
16 HOA Foreclosure Deed, and Giavanna's interest in the Property is subject to the Deed of Trust. This  
17 stipulation is made for purposes of this action only and is not a waiver by any Party of its legal position  
18 in any other case or an admission of liability in this or any other action.

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1           8.       Based on this stipulation, BANA stipulates to dismissing its breach of NRS 116.1113  
2 and wrongful foreclosure claims against Giavanna and NAS with prejudice.

3 DATED: December 11, 2019.

4  
5       **AKERMAN LLP**

5       **BOYACK ORME & ANTHONY**

6       /s/ Nicholas E. Belay, Esq.

6       /s/ Colli C. McKiever, Esq.

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14     Federal National Mortgage Association

13     Attorneys for Giavanna Homeowners  
14     Association

**ORDER**

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2 Based on the above stipulation between plaintiffs Bank of America, N.A. (**BANA**) and Federal

3 National Mortgage Association (**Fannie Mae**) and defendant Giavanna Homeowners Association aka

4 the Giavanna (**Giavanna**), the Parties' agreement, and good cause appearing therefore,

5 IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County,

6 Nevada against the real property located at 3648 Lakeside Villas Avenue, North Las Vegas, Nevada,

7 89081, APN 123-31-112-061 (the **Property**) on August 31, 2007, as Instrument No. 20070831-

8 0003807 (**Deed of Trust**) was not extinguished, impaired, or otherwise affected by the foreclosure

9 sale conducted by Giavanna on April 1, 2011, or the recording of the Foreclosure Deed in the Official

10 Records of Clark County, Nevada on April 15, 2011, as Instrument No. 201104150000243, reflecting

11 that Giavanna purchased the Property at the HOA Foreclosure Sale. Giavanna's interest in the Property

12 is subject to the Deed of Trust.

13 IT IS FURTHER ORDERED that BANA and Fannie Mae shall be entitled to record this

14 STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF

15 TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's

16 Office.

17 IT IS FURTHER ORDERED BANA's breach of NRS 116.1113 and wrongful foreclosure

18 claims against Giavanna and Nevada Association Services, Inc., are dismissed with prejudice.

19 IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court,

20 resolving all claims in this case with prejudice, each party to bear its own fees and costs.

21 Dated: December 16, 2019.

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24 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE

25 Case No. 2:16-cv-02763-APG-EJY

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