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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Case No. 2:16-cv-02764-RFB-EJY

Plaintiff,

ORDER

v.

HIDDEN CANYON HOMEOWNERS
ASSOCIATION, *et al.*,

Defendants.

Plaintiff BANA filed the Complaint in this action on December 2, 2016, seeking declaratory relief from this Court that a nonjudicial foreclosure sale conducted in 2013 under Chapter 116 of the Nevada Revised Statutes did not extinguish the Deed of Trust encumbering a Las Vegas property. ECF No. 1. On March 24, 2017, the Court stayed the case pending resolution of pertinent Ninth Circuit and Nevada Supreme Court cases. ECF No. 20. The Court lifted the stay on April 10, 2019. ECF No. 34.

Defendant SFR filed its motion to dismiss on May 29, 2019. ECF No. 38. BANA moved for summary judgment on June 21, 2019. ECF No. 42. Defendant Hidden Canyon Owners Association moved for summary judgment on July 16, 2019. ECF No. 48. Defendant SFR also moved for summary judgment on July 16, 2019. On March 31, 2020, this Court denied SFR's motion to dismiss, ECF No. 38, and BANA's Motion for Partial Summary Judgment, ECF No. 42, without prejudice. This Court also granted Hidden Canyon Owners Association's Motion for Summary Judgment, ECF No. 48. Additionally, this Court ordered BANA to submit supplemental briefing on whether the Court has subject matter jurisdiction over this case. ECF No. 71. On May 6, 2020, BANA filed its supplemental briefing and renewed motion for summary judgment, ECF

1 Nos 81, 82. After briefing was complete by the parties, SFR filed a motion to stay on February 12,
2 2021. ECF No. 90. On February 25, 2021 the court granted the motion to stay, ECF No. 91,
3 pending writ of certiorari regarding M&T Bank et al v. SFR Investments Pool 1, LLC et al, No.
4 18-17395. On May 17, 2021, BANA filed a notice that the petition for writ of certiorari was denied
5 and renewed its motions for summary judgment. ECF No. 95. On June 7, 2021 SFR filed its
6 Countermotion for Rule 56(d) Relief. ECF No. 97.

7 On March 29, 2022, the Court held a hearing on Plaintiff's renewed motions for summary
8 judgment and Defendant SFR's Countermotion for Rule 56(d) Relief. ECF No. 107. The Court
9 granted the motions for summary judgment and denied Defendant's countermotion on the record.
10 Id. The Court instructed the parties to meet and confer and to submit a proposed order to be filed
11 with county officials pursuant to the Court's instruction on the record. That proposed order was
12 filed on April 12, 2022. ECF No. 112.

13 For the reasons stated on the record at the Court's March 29 hearing, **IT IS ORDERED**
14 that the deed of trust, instrument number 20040726-0004623 recorded with the Clark County
15 Recorder, was not extinguished by the HOA's foreclosure sale.

16 **IT IS FURTHER ORDERED** that the deed of trust, instrument number 20040726-
17 0004623 with the Clark County Recorder, remains a valid, first-position lien encumbering the
18 property located at 1526 Woodward Heights Way, North Las Vegas, Nevada 89032, assessor's
19 parcel no. 250-139-09-310-010.

20 **IT IS FURTHER ORDERED** that the *lis pendens*, ECF No. 3, recorded in the official
21 records of the Clark County Recorder on December 20, 2016 as Instrument no. 20161220-0001229
22 is released.

23 The Clerk of the Court is instructed to enter judgment accordingly and close the case.

24 DATED THIS 16th day of May, 2022

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26 

27 RICHARD F. BOULWARE, II
28 UNITED STATES DISTRICT JUDGE