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7 *Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 JPMORGAN CHASE BANK, N.A.

11 Plaintiff,

13 vs.

14 SFR INVESTMENTS POOL 1, LLC, a
 Nevada limited liability company;
 15 MOUNTAIN'S EDGE MASTER
 ASSOCIATION, a Nevada non-profit
 16 corporation; and DIAMOND CREEK
 COMMUNITY ASSOCIATION, a
 17 Nevada non-profit corporation.

18 Defendants.

19 SFR INVESTMENTS POOL 1, LLC., a
 20 Nevada limited liability company,

21 Counter-Claimant,

23 vs.

24 JPMORGAN CHASE BANK, N.A.

25 Counter-Defendant.

26 SFR INVESTMENTS POOL 1, LLC., a
 Nevada limited liability company,

27 Cross-Claimant,
28

Case No. 2:16-cv-02779-JCM-GWF

**STIPULATION AND ORDER OF
 DISMISSAL**

Ballard Spahr LLP
 100 North City Parkway, Suite 1750
 Las Vegas, Nevada 89106-4617
 (702) 471-7000

1 vs.
2 SIU MING PANG, an individual,
3 Cross-Defendant.
4

5 **STIPULATION AND ORDER FOR DISMISSAL**

6 Pursuant to Fed. R. Civ. P. 41(a), Plaintiff/counterdefendant JPMorgan Chase
7 Bank, N.A. (“Chase”) and Defendant Diamond Creek Community Association
8 (“Diamond Creek CA”), through their counsel of record, stipulate as follows:

9 1. On December 5, 2016, Chase filed a complaint, naming the Diamond
10 Creek CA as a necessary party.

11 2. Diamond Creek CA takes the position that it did not conduct the
12 association foreclosure sale giving rise to this lawsuit, notwithstanding the fact that
13 it is the homeowners’ association identified in the relevant recorded documents.

14 3. Diamond Creek CA takes the position that current non-party Diamond
15 Creek Homeowners’ Association conducted the relevant association foreclosure sale.

16 4. At this time, Chase takes no position on which association conducted
17 the sale.

18 5. Chase agrees to dismiss Diamond Creek CA without prejudice.

19 6. The parties agree that Diamond Creek CA, although no longer a party
20 to this case, shall be bound by and cooperate in the enforcement of any final
21 judgment that this Court enters regarding the determination of which association
22 conducted the sale, quieting title, and declaratory relief as between the remaining
23 parties and any other party regarding priority of the respective interests in title to
24 the subject property.

25 7. Diamond Creek CA agrees that it will participate in third-party
26 discovery in compliance with the Federal Rules of Civil Procedure should the need
27 arise for any remaining party to conduct discovery on Diamond Creek CA.

28 ///

1 8. Diamond Creek CA and Chase shall each bear its own fees and costs
2 incurred in this matter.

3 Dated: April 14, 2017	Dated: April 14, 2017
4 Ballard Spahr LLP	Boyack, Orme & Anthony
5 By: <u>/s/ Russell J. Burke</u>	By: <u>/s/ Colli C. McKiever</u>
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Las Vegas, NV 89106	<i>Community Association</i>
9 <i>Attorneys for JPMorgan Chase Bank,</i>	
<i>N.A.</i>	

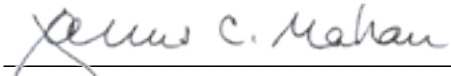
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11 **ORDER**

12 Based on the above stipulation between Chase and Diamond Creek CA and
13 good cause appearing therefore,

14 **IT IS ORDERED** that Diamond Creek CA only shall be dismissed from this
15 litigation without prejudice.

16 **IT IS FURTHER ORDERED** that each party shall bear all of its own fees and
17 costs.

18 **IT IS FURTHER ORDERED** that the Diamond Creek CA shall be bound by
19 and cooperate in the enforcement of any final judgment that this Court enters
20 regarding the association that conducted the foreclosure sale, quieting title and
21 declaratory relief as between the remaining parties and any other party, regarding
22 priority of the respective interests in title to the Subject Property.

23 
24 _____
UNITED STATES DISTRICT JUDGE

25 Dated: April 19, 2017
26
27
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