

BALLARD SPAHR LLP
1980 FESTIVAL PLAZA DRIVE, SUITE 900
LAS VEGAS, NEVADA 89135
(702) 471-7000 FAX (702) 471-7070

1 Abran E. Vigil
Nevada Bar No. 7548
2 Joel E. Tasca
Nevada Bar No. 14124
3 Justin A. Shiroff
Nevada Bar No. 12869
4 BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
5 Las Vegas, Nevada 89135
Telephone: (702) 471-7000
6 Facsimile: (702) 471-7070
vigila@ballardspahr.com
7 tasca@ballardspahr.com
shiroffj@ballardspahr.com

8 *Attorneys for Plaintiff U.S. Bank N.A.,
9 successor trustee to Bank of America,
N.A., successor in interest to LaSalle
10 Bank N.A., as trustee, on behalf of the
holders of the Washington Mutual
11 Mortgage Pass-Through Certificates,
WMALT Series 2005-10*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 U.S. BANK N.A., SUCCESSOR TRUSTEE
15 TO BANK OF AMERICA, N.A.,
SUCCESSOR IN INTEREST TO LASALLE
16 BANK N.A., AS TRUSTEE, ON BEHALF
OF THE HOLDERS OF THE
17 WASHINGTON MUTUAL MORTGAGE
PASS-THROUGH CERTIFICATES,
18 WMALT SERIES 2005-10,

19 Plaintiff,

20 vs.

21 SFR INVESTMENTS POOL 1 LLC, a
Nevada limited liability company;
22 SHERMAN OAKS ESTATES OWNERS
ASSOCIATION, a Nevada non-profit
23 corporation.

24 Defendants.

Case No. 2:16-cv-02801-JCM-GWF

**STIPULATION AND ORDER
TO DISMISS WITH
PREJUDICE CLAIMS
BETWEEN U.S. BANK, N.A.,
SFR INVESTMENTS POOL 1,
LLC, AND SHERMAN OAKS
ESTATES OWNERS
ASSOCIATION**

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1 SFR INVESTMENTS POOL 1, LLC, a
2 Nevada limited liability company,

3 Counter/Cross-claimant,

4 vs.

5 U.S. BANK N.A., SUCCESSOR TRUSTEE
6 TO BANK OF AMERICA, N.A.,
7 SUCCESSOR IN INTEREST TO LASALLE
8 BANK N.A., AS TRUSTEE, ON BEHALF
9 OF THE HOLDERS OF THE
WASHINGTON MUTUAL MORTGAGE
PASS-THROUGH CERTIFICATES,
WMALT SERIES 2005-10; DAVID L.
MCCOY, an individual; PAMELA MCCOY,
an individual,

10 Counter/Cross-defendants.

11 Pursuant to Local Rules LR IA 6-1 and LR 26-4, Plaintiff/Counter-Defendant
12 U.S. Bank N.A., successor trustee to Bank of America, N.A., successor in interest to
13 LaSalle Bank N.A., as trustee, on behalf of the holders of the Washington Mutual
14 Mortgage Pass-Through Certificates, WMALT Series 2005-10 (“U.S. Bank”),
15 Defendant/Counterclaimant SFR Investment Pools 1, LLC (“SFR”), and Defendant
16 Sherman Oaks Estates Owners Association (the “Association”) (collectively, the
17 “Parties”) hereby stipulate as follows:

18 1. This action concerns title to real property commonly known as 4779
19 Laurel Canyon St., Las Vegas, Nevada 89129 (“Property”) following a homeowner’s
20 association foreclosure sale conducted on January 22, 2014, with respect to the
21 Property.

22 2. As it relates to the Parties, a dispute arose regarding that certain Deed
23 of Trust recorded against the Property in the Official Records of Clark County,
24 Nevada as Instrument Number 20050914-0001431 (“Deed of Trust”), and in
25 particular, whether the Deed of Trust continues to encumber the Property.

26 3. With respect to this dispute, the Parties have entered into a confidential
27 settlement agreement pursuant to which U.S. Bank shall record a full reconveyance
28

1 of the Deed of Trust in the Official Records of Clark County, Nevada, constituting a
2 full release and discharge of the Deed of Trust.

3 4. The Parties to this Stipulation have settled and agreed to release their
4 respective claims, and further agreed that the claims between them, including the
5 Complaint and Counterclaim, shall be DISMISSED with prejudice.

6 5. This Stipulation in no way affects SFR's cross-claim against David L.
7 McCoy and Pamela McCoy (the "McCoys").

8 6. The Parties further stipulate and agree that the Lis Pendens recorded
9 against the Property in the Official Records of Clark County, Nevada, as Instruments
10 Number 20170119-0002774 be, and the same hereby is, EXPUNGED.

11 7. The Parties further stipulate and agree that the \$500 in security costs
12 posted by Chase on January 17, 2017 pursuant to this Court's Order [ECF No. 11]
13 shall be discharged and released to the Ballard Spahr LLP Trust Account.

14 9. The Parties further stipulate and agree that a copy of this Stipulation
15 and Order may be recorded with the Clark County Recorder;

16 10. This case shall remain open until such time as SFR resolves its pending
17 cross-claim against the McCoys; and

18 *(Remainder of Page Intentionally Left Blank)*

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1 12. Each party in this case number 2:16-cv-02801-JCM-GWF shall bear its
2 own attorneys' fees and costs.

3 **IT IS SO STIPULATED.**

4 Dated: December 13, 2018

5 BALLARD SPAHR LLP

KIM GILBERT EBRON

6 By: /s/ Justin A. Shiroff
7 Abran E. Vigil, Esq.
8 Nevada Bar No. 7548
9 Joel E. Tasca, Esq.
10 Nevada Bar No. 14124
11 Justin A. Shiroff, Esq.
12 Nevada Bar No. 12869
13 1980 Festival Plaza Drive, Suite 900
14 Las Vegas, Nevada 89135

By: /s/ Jacqueline A. Gilbert
Diana S. Ebron, Esq.
Nevada Bar No. 10580
Jacqueline A. Gilbert, Esq.
Nevada Bar No. 10593
Karen L. Hanks, Esq.
Nevada Bar No. 9578
7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139

11 *Attorneys for Plaintiff/Counter-*
12 *Defendant U.S. Bank, N.A. as Trustee*

Attorneys for SFR Investments Pool 1,
LLC

13 DENNETT WINSPEAR, LLP

14 By: /s/ Matthew A. Sarnoski
15 Gina Gilbert Winspear, Esq.
16 Nevada Bar No. 5552
17 Matthew A. Sarnoski, Esq.
18 Nevada Bar No. 9176
19 3301 N. Buffalo Drive, Suite 195
20 Las Vegas, NV 89129

21 *Attorneys for Sherman Oaks Estates*
22 *Owners Association*

23 **IT IS SO ORDERED.**

24 
25 _____
26 UNITED STATES DISTRICT JUDGE

27 December 18, 2018
28 DATED: _____