

1 MELANIE D. MORGAN, ESQ.
 Nevada Bar No. 8215
 2 REX D. GARNER, ESQ.
 Nevada Bar. No. 9401
 3 **AKERMAN LLP**
 4 1635 Village Center Circle, Ste. 200
 Las Vegas, Nevada 89134
 5 Telephone: (702) 634-5000
 Facsimile: (702) 380-8572
 6 Email: melanie.morgan@akerman.com
 7 Email: rex.garner@akerman.com

8 Attorneys for The Bank of New York Mellon f/k/a
 The Bank of New York Successor Trustee to
 9 JPMorgan Chase Bank, N.A., as Trustee for the
 Structured Asset Mortgage Investments II Trust,
 10 Mortgage Pass-Through Certificates, Series 2006-
 11 AR3

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

14 THE BANK OF NEW YORK MELLON F/K/A
 15 THE BANK OF NEW YORK SUCCESSOR
 TRUSTEE TO JPMORGAN CHASE BANK,
 16 N.A., AS TRUSTEE FOR THE STRUCTURED
 ASSET MORTGAGE INVESTMENTS II
 17 TRUST, MORTGAGE PASS-THROUGH
 CERTIFICATES, SERIES 2006-AR3, a
 18 Delaware corporation

Case No.: 2:16-cv-02894-RFB-EJY

**STIPULATION AND ORDER
 DISMISSING CLAIMS AGAINST
 CANYON WILLOW TROPICANA
 (CANYON WILLOW EAST UNIT 1)**

19 Plaintiff,

20 vs.

21
 22 NEVADA NEW BUILDS, LLC, a Nevada
 limited liability company; AFFLUENT REAL
 23 ESTATE INVESTORS, LLC, a domestic limited
 company; CANYON WILLOW TROPICANA
 24 (CANYON WILLOW EAST UNIT 1), a Nevada
 non-profit company; and EQUITY HOLDING
 25 CORP., as Trustee for THE EAST TROPICANA
 AVENUE TRUST NO. 15115151 DATED
 26 12/01/2015, a California Trust,

27 Defendants.
 28

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
 LAS VEGAS, NEVADA 89134
 TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 EQUITY HOLDING CORP., as Trustee for THE
2 EAST TROPICANA AVENUE TRUST NO.
3 15115151 DATED 12/01/2015, a California
Trust,

4 Counterclaimant,

5 vs.

6 THE BANK OF NEW YORK MELLON F/K/A
7 THE BANK OF NEW YORK SUCCESSOR
8 TRUSTEE TO JPMORGAN CHASE BANK,
9 N.A., AS TRUSTEE FOR THE STRUCTURED
10 ASSET MORTGAGE INVESTMENTS II
TRUST, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-AR3, a
Delaware corporation; DOES 1 through 10; and
ROE CORPORATIONS 1 through 10, inclusive,

11 Counterdefendants.
12

13 The Bank of New York Mellon f/k/a The Bank of New York Successor Trustee to JPMorgan
14 Chase Bank, N.A., as Trustee for the Structured Asset Mortgage Investments II Trust, Mortgage
15 Pass-Through Certificates, Series 2006-AR3 (**BoNYM**) and Canyon Willow Tropicana (Canyon
16 Willow East Unit 1) (**Canyon Willow**), stipulate as follows:

17 1. This matter relates to real property located at 5710 East Tropicana Avenue #1075,
18 Las Vegas, Nevada 89122, APN 161-21-813-065 (the **Property**).

19 2. BoNYM is the beneficiary of record of a deed of trust recorded against the Property
20 with the Clark County Recorder on November 23, 2005, as Instrument No. 20051123-0002376 (the
21 **Deed of Trust**), executed by Nancy L. Hines to secure a promissory note in the principal amount of
22 \$140,500.

23 3. On August 26, 2013, Canyon Willow recorded a foreclosure deed with the Clark
24 County Recorder, as Instrument No. 201308260001618 (the **HOA Foreclosure Deed**), reflecting
25 that Nevada New Builds LLC (**NNB**) acquired the Property at a foreclosure sale of the Property held
26 on August 23, 2013 (the **HOA Foreclosure Sale**).

27 4. On December 14, 2016, BoNYM initiated a quiet title action related to the Property in
28 the United States District Court for the District of Nevada, Case No. 2:16-cv-02894-RFB-GWF (the

1 **Quiet Title Action).**

2 5. BoNYM and Canyon Willow have entered into a confidential settlement agreement in
3 which they have settled all claims between them in this case.

4 6. BoNYM and Canyon Willow stipulate and agree all claims between them are
5 dismissed with prejudice, with each party to bear its own attorney's fees and costs. This dismissal
6 does not affect any other claims or parties.

7 DATED: June 8, 2020

9 **AKERMAN LLP**

LIPSON NEILSON P.C.


11 /s/ Rex D. Garner
12 MELANIE D. MORGAN, ESQ.
13 Nevada Bar No. 8215
14 REX D. GARNER, ESQ.
15 Nevada Bar. No. 9401
16 1635 Village Center Circle, Suite 200
17 Las Vegas, Nevada 89134

/s/ Megan H. Hummel
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
MEGAN H. HUMMEL, ESQ.
Nevada Bar No. 12404
990 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

15 Attorneys for The Bank of New York Mellon
16 f/k/a The Bank of New York Successor Trustee
17 to JPMorgan Chase Bank, N.A., as Trustee for
18 the Structured Asset Mortgage Investments II
Trust, Mortgage Pass-Through Certificates,
Series 2006-AR3

Attorneys for defendant Canyon Willow
Tropicana (Canyon Willow East Unit 1)

20 **IT IS SO ORDERED.**

21 
22 _____
23 RICHARD F. BOULWARE, II
24 UNITED STATES DISTRICT JUDGE

25 DATED this 9th day of June, 2020.