

1 MELANIE D. MORGAN, ESQ.
 Nevada Bar No. 8215
 2 DONNA M. WITTIG, ESQ.
 Nevada Bar. No. 11015
 3 **AKERMAN LLP**
 1635 Village Center Circle, Ste. 200
 4 Las Vegas, Nevada 89134
 Telephone: (702) 634-5000
 5 Facsimile: (702) 380-8572
 Email: melanie.morgan@akerman.com
 6 Email: donna.wittig@akerman.com

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

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

AKERMAN LLP

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

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

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

**SUPPLEMENTAL ORDER
 GRANTING SUMMARY JUDGMENT**

17 Plaintiff,

18 vs.

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

24 Defendants.
 25
 26
 27
 28

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

5 Counterclaimant,

6 vs.

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

16 Counterdefendants.

17 This Court, pursuant to its oral ruling March 15, 2021 and minutes entered March 16, 2021,
18 finds the HOA foreclosure sale conducted by Canyon Willow Tropicana (Canyon Willow East Unit
19 1) on August 23, 2013, was a sub-priority sale only. The deed of trust recorded with the Clark
20 County Recorder November 23, 2005 as instrument number 20051123-0002376 (deed of trust),
21 remains a valid, secured encumbrance against the property located at 5710 East Tropicana Ave,
22 #1075, Las Vegas, Nevada 89122, APN 161-21-813-065. All persons or entities who were granted
23 title or an interest in the property through the HOA foreclosure sale took such title or interest subject
24 to the deed of trust. This lis pendens recorded December 15, 2016, as instrument number 20161215-
25 0001357 with the Clark County recorder is expunged.

26 This order may be recorded.

27 **IT IS SO ORDERED.**



28 UNITED STATES DISTRICT COURT JUDGE
Case No.: 2:16-cv-02894-RFB-EJY

November 20, 2023

DATED