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 9 *Association and Wells Fargo*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 US BANK NATIONAL ASSOCIATION, AS
 13 TRUSTEE, SUCCESSOR IN INTEREST TO
 WACHOVIA BANK, NATIONAL
 14 ASSOCIATION AS TRUSTEE FOR WELLS
 FARGO ASSET SECURITIES
 15 CORPORATION, MORTGAGE PASS-
 THROUGH CERTIFICATES, SERIES 2005-
 16 AR2 AT 4801 FREDERICA STREET,
 OWENSBORO, KY 42301, a national
 17 association; WELLS FARGO BANK, N.A., a
 national association;

18 Plaintiffs,

19 vs.

20 VILLA VECCHIO CT. TRUST, a Nevada
 21 trust; ABSOLUTE COLLECTION
 SERVICES, LLC, a Nevada limited-liability
 22 company; THE FOOTHILLS AT SOUTHERN
 HIGHLANDS HOMEOWNERS
 23 ASSOCIATION, a Nevada non-profit
 corporation;

24 Defendants.

Case No. 2:17-cv-00143-MMD-VCF

**STIPULATION AND ORDER TO
 DISMISS ABSOLUTE COLLECTION
 SERVICES, LLC AND THE
 FOOTHILLS AT SOUTHERN
 HIGHLANDS HOMEOWNERS
 ASSOCIATION WITHOUT
 PREJUDICE**

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 26 US Bank National Association, as Trustee, Successor in Interest to Wachovia Bank,
 27 National Association as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-
 28 Through Certificates, Series 2005-AR2 at 4801 Frederica Street, Owensboro, KY 42301 and

1 Wells Fargo Bank, N.A. (together with US Bank, “Plaintiffs”), Absolute Collection Services,
2 LLC (“Absolute”), and The Foothills at Southern Highlands Homeowners Association (the
3 “Foothills HOA”) (together with Plaintiffs and Absolute the “Parties”), hereby stipulate and agree
4 as follows:

5 WHEREAS, the above-captioned action concerns an NRS 116 foreclosure sale
6 involving that real property in Clark County, Nevada with APN 176-36-514-048, commonly
7 known as 5147 Villa Vecchio Ct., Las Vegas, Nevada 89141 (the “Property”);

8 WHEREAS, Plaintiffs filed their Complaint on January 17, 2017, alleging several causes
9 of action against Absolute and Foothills HOA; and

10 WHEREAS, Foothills HOA and Absolute disclaim any ownership interest in the
11 Property.

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

13 1. The Complaint is dismissed without prejudice as to Foothills HOA and
14 Absolute only, with each party to bear its own fees/costs.

15 2. Foothills HOA and Absolute shall be bound by any non-monetary final order,
16 judgment or decree as to the disposition of the Property and the validity of the NRS 116
17 foreclosure sale of the Property.

18 3. Any statute of limitations for the causes of action asserted against Foothills HOA
19 and Absolute in the Complaint shall be tolled from the date this Stipulation is signed by the
20 parties until the litigation is fully and finally concluded.

21 4. Foothills HOA and Absolute agree to produce their files related to this
22 Property. Plaintiffs reserve their rights under the Federal Rules of Civil Procedure to serve
23 Foothills HOA and Absolute with a subpoena for any additional documents or information.

24 5. Foothills HOA and Absolute agree to produce to Plaintiffs’ attorneys of record a
25 knowledgeable witness for deposition regarding the facts and circumstances in this case at a
26 mutually convenient time and location and without the need for a subpoena. Foothills HOA and
27 Absolute will also produce a similar witness for trial, if necessary.
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6. Upon filing of this Stipulation, Foothills HOA's and Absolute's Motion to Dismiss (ECF No. 43) shall be deemed withdrawn.

7. The above filing shall be subject to re-filing (even if amended based upon new factual or legal authority) if Foothills HOA or Absolute remains or again become a party to this action or any other action pertaining the HOA foreclosure sale at issue in this matter.

Wherefore, the undersigned request this Court enter an Order granting the above stipulation.

DATED this 12th day of October, 2018.

DATED this 12th day of October, 2018.

ABSOLUTE COLLECTION SERVICES, LLC

SNELL & WILMER L.L.P.

By: /s/ Shane D. Cox

By: /s/ Wayne Klomp

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IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: October 15, 2018