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 6 **THE BANK OF NEW YORK MELLON**
FKA THE BANK OF NEW YORK AS
 7 **TRUSTEE FOR THE**
CERTIFICATEHOLDERS OF THE
 8 **CWABS, INC. ASSET-BACKED**
CERTIFICATES, SERIES 2005-17

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON FKA
 THE BANK OF NEW YORK AS TRUSTEE FOR
 13 THE CERTIFICATEHOLDERS OF THE
 CWABS, INC. ASSET-BACKED
 14 CERTIFICATES, SERIES 2005-17,

CASE NO. 2:17-cv-00210-JCM-CWH

**STIPULATION AND ORDER TO DISMISS
 WITH PREJUDICE**

15 Plaintiff,

16 v.

17 SFR INVESTMENTS POOL 1, LLC, ALIANTE
 MASTER ASSOCIATION,

18 Defendants.

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

20 Counter/Cross Claimant,

21 v.

22
 23 THE BANK OF NEW YORK MELLON FKA
 THE BANK OF NEW YORK AS TRUSTEE FOR
 24 THE CERTIFICATEHOLDERS OF THE
 CWABS, INC. ASSET-BACKED
 CERTIFICATES, SERIES 2005-17;
 25 COUNTRYWIDE HOME LOANS, INC.;
 RODERICK SMITH, an individual; MELINDA
 26 SMITH, an individual,

27 Counter/Cross Defendants.



1 Pursuant to Fed. R. Civ. P. 41(a) and LR IA 6-2, Plaintiff THE BANK OF NEW YORK
2 MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE
3 CERTIFICATEHOLDERS OF THE CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES
4 2005-17 (“Plaintiff”) and Defendant, SFR INVESTMENT POOL 1, LLC (“SFR”) (collectively the
5 “Parties”) by and through their respective undersigned counsel of record, hereby stipulate to and
6 agree, as follows:

- 7 1. This action concerns title to real property commonly known as 4108 Erinbird Avenue,
8 North Las Vegas, Nevada (“Property”) following a homeowner’s association foreclosure
9 sale conducted on January 31, 2014, with respect to the Property.
- 10 2. As it related to the Parties, a dispute arose regarding that Deed of Trust recorded against
11 the Property in the Official Records of Clark County, Nevada as Instrument Number
12 20051130-0007844 (“Deed of Trust”), and in particular, whether the Deed of Trust
13 continues to encumber the Property.
- 14 3. This Stipulation and Order is the result of a compromise resolution of this action and
15 shall not constitute or be construed as an admission of facts or legal conclusions at issue
16 in this action, or an admission as to the validity of the allegations in future actions.
- 17 4. With respect to this dispute, the Parties have entered into a confidential settlement
18 agreement pursuant to which Plaintiff shall record a reconveyance of the Deed of Trust in
19 the real property records of Clark County, Nevada.
- 20 5. Plaintiff expressly reserved all rights and interests in the loan secured by the Deed of
21 Trust, as well as its claims against MELINDA SMITH including but not limited to, any
22 actions to seek a deficiency judgment.
- 23 6. Plaintiff further expressly reserves all rights and interest in any excess proceeds from the
24 foreclosure sale of the Property.
- 25 7. The Parties have resolved all of their claims and disputes, and stipulate and agree to the
26 dismissal of all claims among them with prejudice, with each party to bear its own costs
27 and attorneys’ fees.

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- 1 8. The Lis Pendens recorded on January 30, 2017 in the official records of the Clark County
2 Recorder as Instrument No. 20170130-001105 shall be expunged.
3 9. The Lis Pendens recorded on March 9, 2017 in the official records of the Clark County
4 Recorder as Instrument No. 20170309-0000364 shall also be expunged.
5 10. The Parties further stipulate and agree that a copy of this Stipulation and Order may be
6 recorded with the Clark County Recorder.

7 **IT IS SO STIPULATED.**

8 DATED this 7th day of November, 2018

DATED this 7th day of November, 2018

9 WOLFE & WYMAN LLP

KIM GILBERT EBRON

10
11 By: /s/ Colt B. Dodrill

By: /s/ Diana S. Ebron

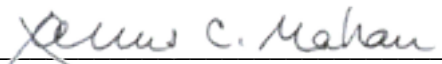
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SFR INVESTMENTS POOL 1, LLC

18
19 **ORDER**

20 **IT IS SO ORDERED.**

21 DATED November 15, 2018.

22
23 
24 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

On November 7, 2018, I served **STIPULATION AND ORDER TO DISMISS WITH PREJUDICE** by the following means to the persons as listed below:

 X a. ECF System (you must attach the “Notice of Electronic Filing”, or list all persons and addresses and attach additional paper if necessary):

Diana S. Ebron, Esq.
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Attorney for Defendant
SFR INVESTMENTS POOL 1, LLC

Attorneys for Defendant
ALIANTE MASTER ASSOCIATION

_____ b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

By: Jamie C. Soquena
Jamie C. Soquena, an employee of
Wolfe & Wyman LLP



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