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13 f/k/a Green Tree Servicing LLC and Federal
14 National Mortgage Association

15
16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 DITECH FINANCIAL LLC F/K/A GREEN
19 TREE SERVICING LLC; FEDERAL
20 NATIONAL MORTGAGE ASSOCIATION,

21 Plaintiffs,

22 vs.
23 DECATUR MOUNTAIN VILLAS
24 HOMEOWNERS' ASSOCIATION and G.J.L.,
25 INCORPORATED D/B/A PRO FORMA LIEN
& FORECLOSURE SERVICES,

26 Defendants.

27 Case No.: 2:17-cv-00317-JCM-PAL

28 **STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST**

29 Plaintiffs Ditech Financial LLC f/k/a Green Tree Servicing LLC (**Ditech**) and Federal National
30 Mortgage Association (**Fannie Mae**) and defendant Decatur Mountain Villas Homeowners
31 Association (**Decatur**), through their counsel of record, being the only parties to have appeared in this
32 action, stipulate as follows:

33 1. This matter relates to real property located 4863 Marco Polo Street, North Las Vegas,
34 Nevada, 89031, APN 124-31-415-035 (the **Property**). The Property is more specifically described as:

35 //

36 //

1 **Parcel One (1):**

2 **An Undivided 1/50th Interest (Except Association Property) in The Common**
3 **Elements, sometimes common areas, within Phase I of Decatur Mountain Villas (A**
4 **Condominium Development and Common Interest Community, as shown by map**
5 **thereof on file in Book 107 of Plats, Page 59, In the Office of The County Recorder**
6 **of Clark County, Nevada.**

7 **Excepting therefrom all living units and Association property in Phase I of**
8 **Decatur Mountain Villas (A Condominium Development and Common Interest**
9 **Community.**

8 **And Reserving Therefrom The Right to Possession of all those areas designated as**
9 **Limited Common Elements, Sometimes Exclusive use areas, within the Common**
10 **Elements, as shown on The Condominium Plat Referred to Above.**

10 **And Further Reserving for the Benefit of The Owners of Condominiums in**
11 **Subsequent phases, a non-exclusive easement on, over, and across the Private**
12 **Drives and Recreational Areas as defined and shown upon the plat referred to**
13 **above for ingress, egress, and Recreational Use, subject to the Declaration of**
14 **Covenants, Conditions and Restrictions for Decatur Mountain Villas Homeowners**
15 **Association Recorded April 22, 2003 in Book 20030422 as Document No. 01346**
16 **and Amended and Restated Declaration of Covenants, Conditions and**
17 **Restrictions for Decatur Mountain Villas, Recorded July 17, 2003 in**
18 **Book 20030717 as Document No. 00855 of Official Records, To which Reference is**
19 **hereafter Made.**

16 **Parcel Two (2):**

17 **Living Unit A in Building Eighteen (18) of Decatur Mountain Villas (A**
18 **Condominium Development and Common Interest Community, as shown by map**
19 **thereof referred to above.**

20 **Parcel Three (3):**

21 **The Exclusive right to use, possession and occupancy of those portions of the**
22 **Limited Common Elements, sometimes exclusive use areas, within the common**
23 **elements, described upon plat and referred to in Section 9.6 (b) of The**
24 **Declaration, which are appurtenant to and for the exclusive use of Parcel I and II.**

25 **Parcel Four (4):**

26 **A Non-exclusive easement for ingress, egress and recreational use on and over the**
27 **Private Drives and Recreational Areas of Horizon Hills, as shown by The Map**
28 **referred to above, and future units, which easement is appurtenant to Parcels**
29 **One (I), Two (II) and Three (III) described above.**

1 2. Ditech, as servicer for Fannie Mae, is the beneficiary of record of a Deed of Trust that
 2 encumbers the Property and was recorded on August 28, 2006, as Document Number 20060828-
 3 0002733, in the Official Records of Clark County, Nevada (the **Deed of Trust**).

4 3. On December 10, 2012, Decatur recorded a Foreclosure Deed as Document
 5 Number 201212100003837 of the Official Records of Clark County, Nevada (the **HOA Foreclosure**
 6 **Deed**), reflecting that Decatur purchased the Property at its foreclosure sale of the Property conducted
 7 on November 15, 2012 (the **HOA Sale**). Decatur has not transferred its interest in the Property and is
 8 still the title holder of record.

9 4. On February 1, 2017, Ditech and Fannie Mae initiated a quiet title action against Decatur
 10 in the United States District Court, District of Nevada, Case No. 2:17-cv-00317-JCM-PAL (the **Quiet**
 11 **Title Action**).

12 5. Fannie Mae, Ditech, and Decatur have entered a confidential settlement agreement in
 13 which they have settled all claims between them in this case. This stipulation and order applies to the
 14 matters addressed in this particular case only and has no relevance to any other matter.

15 6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale.
 16 The Deed of Trust remains a valid encumbrance against the Property following the recording of the
 17 HOA Foreclosure Deed, and Decatur's interest in the Property is subject to the Deed of Trust.

18 Dated: January 5th, 2018.

19 Dated: January 4th, 2018.

20 AKERMAN LLP

21 LIPSON NEILSON COLE SELTZER & GARIN, P.C.

22 /s/ Vatana Lay

23 /s/ Karen Kao

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41 Attorney for Decatur Mountain Villas

42 Attorneys for Plaintiffs Ditech Financial

43 LLC and Federal National Mortgage

44 Association

45 Homeowners Association

ORDER

Based on the above stipulation between plaintiffs Ditech Financial LLC (**Ditech**) Federal National Mortgage Association (**Fannie Mae**) and defendant Decatur Mountain Villas Homeowners Association (**Decatur**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located 4863 Marco Polo Street, North Las Vegas, Nevada, 89031, APN 124-31-415-035 (the **Property**) on August 28, 2006, as Document Number 20060826-0002733, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Decatur on November 15, 2012 or the recording of the HOA Foreclosure Deed in the Official Records of Clark County, Nevada, on December 10, 2012, as Document Number 201212100003837, reflecting that Decatur purchased the Property at the foreclosure sale. Decatur's ownership interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that Plaintiffs shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

DATED January 8, 2018.

Glenn C. Mahan
UNITED STATES DISTRICT JUDGE

1 Respectfully submitted by:

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3 /s/ Vatana Lay

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