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7 Attorneys for High Noon at Arlington Ranch
8 Homeowners Association

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 THE BANK OF NEW YORK MELLON FKA THE)
12 BAN OF NEW YORK AS TRUSTEE FOR THE)
13 CERTIFICATEHOLDERS OF THE CWALT, INC.,)
14 ALTERNATIVE LOAN TRUST 2005-44,)
MORTGAGE PASS-THROUGH CERTIFICATES,)
SERIES 2005-44,)

15 Plaintiff,)

16 vs.)

17 HIGH NOON AT ARLINGTON RANCH)
18 HOMEOWNER'S ASSOCIATION; and SFR)
INVESTMENTS POOL 1, LLC,)

19 Defendants.)

20 SFR INVESTMENTS POOL 1, LLC,)

21 Counter/Cross-Claimant,)

22 vs.)

23 THE BANK OF NEW YORK MELLON FKA THE)
24 BAN OF NEW YORK AS TRUSTEE FOR THE)
CERTIFICATEHOLDERS OF THE CWALT, INC.,)
25 ALTERNATIVE LOAN TRUST 2005-44,)
MORTGAGE PASS-THROUGH CERTIFICATES,)
26 SERIES 2005-44; and LES TAYLOR, an individual,)

27 Counter/Cross-Defendant.)
28

Case No.: 2:17-CV-00332-GMN-GWF

**STIPULATION AND ORDER FOR
DISMISSAL WITHOUT
PREJUDICE**

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1 Plaintiff The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for the
2 Certificateholders CWALT, Inc., Alternative Loan Trust 2005-44, Mortgage Pass-Through
3 Certificates, Series 2005-44 (“BNYM”), by and through its attorney of record Ariel L. Stern,
4 Esq. and Tenesa Powell, Esq., with the law office of AKERMAN LLP and Defendant High
5 Noon at Arlington Ranch Homeowners Association (“HOA”) by and through its attorneys Robert
6 S. Larsen, Esq, and Brian K. Walters, Esq., with the law office of GORDON REES SCULLY
7 MANSUKHANI, LLP, hereby stipulate and agree as follows:

8 1. On February 2, 2017, BNYM filed a complaint in which it asserted causes of
9 action against HOA for Quiet Title/ Declaratory Judgment; Breach of NRS 116; and Wrongful
10 Foreclosure [ECF No. 1];

11 2. On April 24, 2019, BNYM filed a Motion for Summary Judgment [ECF No. 43];

12 3. On April 24, 2019, HOA filed a Motion for Summary Judgment [ECF No. 44];

13 4. BNYM and HOA now stipulate and agree as follows:

14 a. BNYM hereby dismisses its Complaint [ECF No. 1] and all causes of
15 action alleged against HOA therein against HOA without prejudice;

16 b. HOA contends that BNYM’s causes of action for Breach of NRS 116 and
17 Wrongful Foreclosure are time barred [ECF No. 44]; BNYM contends that said causes of action
18 were timely;

19 c. HOA agrees that any applicable statutes of limitation and/or repose related
20 to BNYM's causes of action for Breach of NRS 116 and Wrongful Foreclosure are tolled to the
21 extent said causes of action were previously filed within the applicable statute of limitations
22 and/or repose. This stipulation is not to be construed in any way as a renewal of any claims that
23 were or are already time barred;

24 d. HOA agrees to be bound by the judgment of the Court as it relates to
25 BNYM’s cause of action for Quiet Title/ Declaratory Judgment.

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5. This stipulation is intended to resolve all of the claims between BNYM and HOA without prejudice. Each party agrees to bear its own fees and costs incurred in this matter.

IT IS SO STIPULATED.

DATED this 10th day of June, 2019.

AKERMAN, LLP

/s/ Tenesa S. Powell
Ariel E. Stern, Esq.
Nevada Bar No. 8276
Tenesa S. Powell, Esq.
Nevada Bar No. 12488
1635 Village Center Circle, Suite 200
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Attorneys for Plaintiff

DATED this 10th day of June, 2019

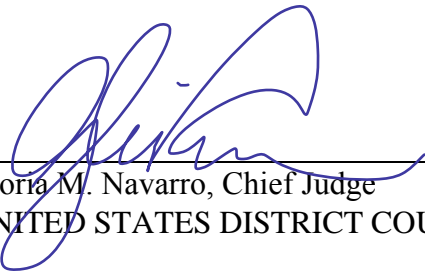
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/s/ Brian K. Walters
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Las Vegas, Nevada 89101
Attorneys for High Noon at Arlington Ranch
Homeowners Association

ORDER

IT IS SO ORDERED.

DATED this 20 day of June, 2019.


Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT