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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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THE BANK OF NEY YORK MELLON FK  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
THE CWALT, INC. ALTERNATIVE LOAN  
TRUST 2006-33CF, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES  
2006-33CB,  
  
Plaintiff,  
  
v.  
  
BRAEWOOD HERITAGE ASSOCIATION,  
INC., NYLA G. CARSON, MARIAN L.  
HAMMOND, DOE Individuals I-X, inclusive,  
and ROE Corporations I-X, inclusive,  
  
Defendants.

Case No. 2:17-cv-00336-MMD-CWH

ORDER

**I. SUMMARY**

Before the Court is Plaintiff Bank of New York Mellon’s (“Plaintiff”) motion for default judgment (“Motion”) against Defendant Marian L. Hammond (“Hammond”). (ECF No. 42.) Plaintiff seeks default judgment on its judicial foreclosure claim against Hammond. For the reasons discussed herein, the Motion is granted.

**II. RELEVANT BACKGROUND**

The following facts are taken from the Complaint. (ECF No. 1.)  
On July 27, 2006, Hammond financed the purchase of property located at 3378 Clandara Avenue in Las Vegas, Nevada (“the Property”) through a loan evidenced by a note and deed of trust recorded on August 1, 2006 (“DOT”). The DOT was later assigned to Plaintiff.

1 The Property is located within the Braewood Heritage Association. Because  
2 Hammond failed to pay Braewood HOA assessments and other fees owed, Braewood  
3 ultimately foreclosed on the HOA lien on February 13, 2014. Defendant Nyla G. Carson  
4 acquired the Property at the foreclosure sale.

5 Plaintiff asserts a claim for quiet title/declaratory relief, challenging the  
6 constitutionality of the state statute governing the HOA foreclosure sale (NRS Ch. 116),  
7 and other state law claims. The Court has resolved these claims. (ECF No. 28.) Plaintiff  
8 now seeks default judgment against Hammond as the sole remaining Defendant.


9 **III. DISCUSSION**

10 Plaintiff seeks default judgment against Hammond on its judicial foreclosure claim.  
11 The Court finds that default judgment is proper. Plaintiff has satisfied the procedural  
12 requirements for default judgment pursuant to Fed. R. Civ. P. 55(b). The Clerk properly  
13 entered a default against Hammond pursuant to Fed. R. Civ. P. 55(a) because Hammond  
14 failed to appear after having been properly served on February 10, 2017. (ECF Nos. 10,  
15 18.) Plaintiff has also satisfied the factors for obtaining default judgment articulated in  
16 Eitel v. McCool, 782 F.2d 1470, 1471 (9th Cir. 1986). The Court thus grants Plaintiff's  
17 motion for default judgment (ECF No. 42).

18 **V. CONCLUSION**

19 It is therefore ordered that Plaintiff's motion for default judgment against Marian L.  
20 Hammond (ECF No. 42) is granted. Plaintiff is directed to submit a proposed order in  
21 accordance with this order within ten (10) days.

22 DATED THIS 28<sup>th</sup> day of September 2018.

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26 MIRANDA M. DU  
27 UNITED STATES DISTRICT JUDGE  
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