

Snell & Wilmer  
LLP  
LAW OFFICES  
50 West Liberty Street, Suite 510  
Reno, Nevada 89501  
775-785-5440

1 Jeffrey Willis, Esq. (Nevada Bar No. 4797)  
2 Nathan G. Kanute, Esq. (Nevada Bar No. 12413)  
3 SNELL & WILMER L.L.P.  
4 50 West Liberty Street, Suite 510  
5 Reno, Nevada 89501-1961  
6 Telephone: 775-785-5440  
7 Facsimile: 775-785-5441  
8 Email: jwillis@swlaw.com  
9 nkanute@swlaw.com

10 *Attorneys for Plaintiff HSBC*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 HSBC BANK USA, NATIONAL  
14 ASSOCIATION AS TRUSTEE FOR ACE  
15 SECURITIES CORP. HOME EQUITY LOAN  
16 TRUST, SERIES 2005-HE7, ASSET  
17 BACKED PASS-THROUGH  
18 CERTIFICATES;

19 Plaintiff,

20 vs.

21 VELEZ FAMILY TRUST; MARTIN  
22 CENTENO, an individual; RED ROCK  
23 FINANCIAL SERVICES, LLC, a Nevada  
24 limited-liability company; FIRST LIGHT AT  
25 OLD VEGAS RANCH HOMEOWNERS  
26 ASSOCIATION, a Nevada non-profit  
27 corporation;

28 Defendants.

Case No. 2:17-cv-00819-JAD-VCF

**STIPULATION AND ORDER FOR  
DISMISSAL WITHOUT PREJUDICE  
OF FIRST LIGHT AT OLD VEGAS  
RANCH HOMEOWNERS  
ASSOCIATION**

ECF No. 35

**STIPULATION**

23 This *Stipulation and Order for Dismissal without Prejudice of First Light at Old Vegas*  
24 *Ranch Homeowners Association* (“Stipulation”) is entered into as of the date below by and  
25 between HSBC Bank USA, National Association as Trustee for Ace Securities Corp. Home  
26 Equity Loan Trust, Series 2005-HE7, Asset Backed Pass-Through Certificates (“HSBC or  
27 Plaintiff”), by and through counsel of record, and Defendant First Light at Old Vegas Ranch  
28 Homeowners Association (“First Light”) (HSBC and collectively with First Light, the “Parties”).

1 The parties hereby stipulate and agree as follows:

2 WHEREAS, the above-captioned action concerns an NRS 116 foreclosure sale involving  
3 that real property in Clark County, Nevada with APN 179-34-615-084, commonly known as  
4 2556 Velez Valley Way, Henderson, Nevada 89002 (the “Property”);

5 WHEREAS, the Plaintiff filed this action on March 20, 2017 and alleges several causes  
6 of action against First Light;

7 WHEREAS, First Light filed a Joinder to Defendant Red Rock Financial Services, LLC’s  
8 Motion to Dismiss on June 8, 2017; and

9 WHEREAS, First Light disclaims any interest in the Property other than potential  
10 interests, created pursuant to NRS Chapter 116 and the applicable Covenants, Conditions and  
11 Restrictions, that may have arisen after the foreclosure sale that is the subject of this litigation.

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

13 1. The Complaint is dismissed without prejudice as to First Light only, with each  
14 party to bear their own fees/costs, and the Motion to Dismiss is deemed withdrawn.

15 2. Any statute of limitations for the causes of action asserted against First Light,  
16 which First Light may allege have expired since the Complaint was filed on March 20, 2017 to  
17 the date of this Stipulation, shall be tolled until further agreement of the Parties.

18 3. Within 20 days after entry of this Stipulation and Order, First Light shall provide  
19 to Plaintiff’s counsel of record in this matter First Light’s records concerning its NRS Chapter  
20 116 assessment lien foreclosure on the Property along with an affidavit of the Custodian of  
21 Records for First Light.

22 4. Upon proper notice by Plaintiff in accord with the Federal Rules of Civil  
23 Procedure, First Light shall make available a knowledgeable witness for deposition and trial. The  
24 deposition will be limited to First Light’s assessment lien foreclosure sale of the Property, and  
25 subject to any and all applicable objections. First Light shall be provided 30 days’ notice of the  
26 deposition, and an opportunity to coordinate with Plaintiff’s counsel, a mutually convenient time,  
27 date and location of such deposition.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. The Parties reserve any and all rights, privileges, and defenses under applicable law.

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

DATED this 26<sup>th</sup> day of July, 2017.

DATED this 26<sup>th</sup> day of July, 2017.

PENGILLY LAW FIRM

SNELL & WILMER L.L.P.

By: /s/ Elizabeth Lowell (with permission)


By: /s/ Nathan G. Kanute

James W. Pengilly, Esq.  
Nevada Bar No. 6085  
Elizabeth Lowell, Esq.  
Nevada Bar No. 8551  
1995 Village Center Cir., Suite 190  
Las Vegas, Nevada 89134  
*Attorneys for First Light at Old Vegas  
Ranch Homeowners Association*

Jeffrey Willis, Esq.  
Nevada Bar No. 4797  
Nathan G. Kanute, Esq.  
Nevada Bar No. 12413  
50 West Liberty Street, Suite 510  
Reno, Nevada 89501  
*Attorneys for HSBC*

**ORDER**

**IT IS SO ORDERED.** The Motion to Dismiss [23] is deemed WITHDRAWN, and plaintiff's claims against First Light at Old Vegas Ranch Homeowners Association are DISMISSED without prejudice.

  
\_\_\_\_\_  
U.S. District Judge Jennifer Dorsey  
7-27-17