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9 Attorneys for Plaintiff

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **IN THE DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON FKA
 13 THE BANK OF NEW YORK, AS TRUSTEE
 14 FOR THE CERTIFICATEHOLDERS OF THE
 15 CWABS INC ASSET-BACKED
 16 CERTIFICATES, SERIES 2005-16

Case No. 2:17-cv-01145-RFB-VCF

17 Plaintiff,

18 v.

19 **STIPULATED JUDGMENT QUIETING**
 20 **TITLE IN THE NAME OF THE BANK**
 21 **OF NEW YORK AND DISMISSING**
 22 **THE COMPLAINT WITH PREJUDICE**

23 YORKSHIRE MANOR ASSOCIATION; a
 24 Nevada Domestic Non Profit Corporation
 25 ALYSSE V. CAMPAIGNE, an individual,
 26 JEFFREY B. CAMPAIGNE, an individual, DOE
 27 INDIVIDUALS 1-X and ROE
 28 CORPORATIONS X-XX;

Defendants.

1 Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS
 2 TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED
 3 CERTIFICATES, SERIES 2005-16 (“BONY”), by and through its attorney of record Thomas N.
 4 Beckom, Esq. and Kristin A. Shuler-Hintz, Esq. of the law firm of McCarthy & Holthus, LLP and
 5 YORKSHIRE MANOR ASSOCIATION (“YORKSHIRE), by and through its attorney of record
 6 Karen M. Ayarbe, Esq. of the law firm of Kern & Associates Ltd hereby agree, stipulate, and
 7 authorize entry of quiet title judgment and dismissal with prejudice as follows:

8 /.../.../

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1. Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES, SERIES 2005-16 is a Delaware corporation with its primary place of business in New York City, New York.
2. On October 26, 2005; Co-Defendants Jeffrey and Alysee Campaigne granted a security interest in the form of a Deed of trust in Real Property Commonly known as 1691 London Circle, Sparks, Nevada 89431 (APN: 027-480-22)(hereinafter the “Property”). Ultimately this Deed of Trust was assigned to BONY
3. Due to nonpayment of Homeowners Association dues, Yorkshire conducted its assessment lien foreclosure sale on the Property in accord with the governing documents and NRS 116.3116 *et seq* and acquired the Property by credit bid on July 10, 2012, which was memorialized by a Deed in Foreclosure of Assessment Lien recorded as Instrument No. 4130493, Washoe County Recorder’s Office, State of Nevada.
4. On April 25, 2017; BONY filed its Complaint seeking declaratory relief and to quiet title against Yorkshire based on the statutory noticing scheme in NRS 116.3116 *et seq* being facially unconstitutional pursuant to the 9th Circuit’s holding in *Bourne Valley Court Tr. V. Wells Fargo Bank N.A.* 832 F.3d 1154 (9th Cir. 2016) as well as the sale being for an insufficient purchase price. Yorkshire generally denies the allegations of the Complaint and asserts various affirmative defenses thereto.
5. BONY and Yorkshire have since resolved the dispute between them to avoid the uncertainty and expenses of litigation, without admission of liability or fault.
6. THEREFORE, IT IS STIPULATED AND AGREED BETWEEN Yorkshire and BONY that Judgment be entered in favor of BONY on its Quiet Title and Declaratory Relief claims and furthermore that title in this Property should be vested in the name of THE BANK OF

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NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES, SERIES 2005-16 free and clear of any ownership interest held by Yorkshire Manor Association asserted prior to the date of the entry of this order. This Stipulation and entry of quiet title Judgment in favor of BONY has no affect on Yorkshire’s ongoing lien rights and remedies on the Property, or any other property within Yorkshire, under its governing documents, NRS Chapter 116, and applicable Nevada law.

7. Specifically, this Stipulated Judgment and Order shall constitute the full resolution and termination of the instant action between Yorkshire and BONY and each party’s remaining claims, counterclaims, cross-claims, and causes of actions arising from the sale of the Property are hereby dismissed with prejudice.

8. Any *lis pendens* regarding this action having been recorded against the Property shall be removed forthright and are otherwise expunged.

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9. The Parties stipulate that each party shall bear their own attorney's fees and costs.

DATED this 17TH DECEMBER day of ~~September~~, 2018. DATED this 17TH DECEMBER day of ~~September~~, 2018.

KERN & ASSOCIATES, LTD.

MCCARTHY & HOLTHUS, LLP

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Attorneys for Plaintiff
The Bank of New York Mellon

ORDER

Based on the foregoing, this Honorable Court hereby **ORDERS** that title to 1691 London Circle, Sparks, Nevada 89431 (APN: 027-480-22) is hereby Quieted in the name of THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES, SERIES 2005-16. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES, SERIES 2005-16 is hereby decreed to have title to 1691 London Circle, Sparks, Nevada 89431 free and clear of any ownership interest of Yorkshire Manor Association. Yorkshire Manor Association's ongoing lien rights and remedies on the Property, or any other Property, under its governing documents, NRS Chapter 116 and applicable Nevada law are not affected by entry of this quiet title Judgment.

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IT IS FURTHER ORDERED that any remaining claims herein are dismissed with prejudice,
with each party to bear its own fees and costs.

IT IS SO ORDERED.

DATED this 18th day of December, 2018.



RICHARD F. BOULWARE, II
United States District Judge

Respectfully Submitted By:

McCarthy & Holthus, LLP

/s/Kristin A. Schuler-Hintz _____

KRISTIN A. SCHULER-HINTZ, ESQ.
Attorneys for Defendant Bank of New York

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