

KIMGILBERT EBRON
7625 DEAN MARTIN DRIVE, SUITE 110
LAS VEGAS, NEVADA 89139
(702) 485-3300 FAX (702) 485-3301

1 DIANA CLINE EBRON, ESQ.
Nevada Bar No. 10580
2 E-Mail: diana@kgelegal.com
JACQUELINE A. GILBERT, ESQ.
3 Nevada Bar No. 10593
E-Mail: jackie@kgelegal.com
4 KAREN L. HANKS, ESQ.
Nevada Bar No. 9578
5 E-Mail: karen@kgelegal.com
KIM GILBERT EBRON
6 7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139-5974
7 Telephone: (702) 485-3300
Facsimile: (702) 485-3301
8 Attorney for Defendant,
SFR Investments Pool 1, LLC
9

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR
13 NOMURA ASSET ACCEPTANCE
CORPORATION, MORTGAGE PASS-
14 THROUGH CERTIFICATES, SERIES 2006-
AR3 AKA HSBC BANK USA, NATIONAL
15 ASSOCIATION AS TRUSTEE FOR NAAC
2006-AR3, a national banking association,

16
17 Plaintiff,

18 vs.

19 SFR INVESTMENTS POOL 1, LLC, a
Nevada limited-liability company;
20 SOUTHERN HIGHLANDS COMMUNITY
ASSOCIATION, a Nevada non-profit
21 corporation; ALESSI & KOENIG, LLC, a
Nevada limited-liability company,

22 Defendants.

Case No.: 2:17-cv-01497-RFB-PAL

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)

25 Defendant SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that Plaintiff
26 HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET
27 ACCEPTANCE CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
28 2006-AR3 AKA HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NAAC

1 2006-AR3 (“HSBC BANK” or “Bank”), an out-of-state resident, post a cost bond pursuant to
2 NRS 18.130(1).

3 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the
4 Bank, “security for the costs and charges which may be awarded against such plaintiff may be
5 required by defendant, by the filing and service on plaintiff of a written demand therefor within
6 the time limited for answering the complaint.” NRS 18.130(1). When a defendant demands a
7 cost bond, “all proceedings in the action shall be stayed” until plaintiff files “an undertaking,
8 executed by two or more persons, to be filed with the clerk, to the effect that they will pay such
9 costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the
10 action” or “in lieu of such undertaking, the plaintiff may deposit \$500, lawful money, with the
11 clerk of the court.” Id. “After the lapse of 30 days from the service of notice that security is
12 required, or of an order for new or additional security, upon proof thereof, and that no
13 undertaking as required has been filed, the court or judge may order the action to be dismissed.”
14 NRS 18.130(4).

15 “It is the policy of the United States District Court for the District of Nevada to enforce
16 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
17 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
18 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)).

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1 Here HSBC BANK is not a Nevada citizen, but rather a national banking association
2 organized under the laws of the United States, with its main office located in New York.
3 Accordingly, SFR demands that the Bank post a \$500 cost bond within thirty (30) days and that
4 the proceedings be stayed until such cost bond is posted. Should the Bank fail to comply with the
5 requirements of NRS 18.130 within thirty (30) days, SFR requests this action be dismissed.

6 DATED this 20th day of June, 2017.


8 **KIM GILBERT EBRON**

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10 By: /s/ Diana Cline Ebron
11 DIANA CLINE EBRON, ESQ.
12 Nevada Bar No. 10580
13 E-Mail: diana@kgelegal.com
14 JACQUELINE A. GILBERT, ESQ.
15 Nevada Bar No. 10593
16 E-Mail: jackie@kgelegal.com
17 KAREN L. HANKS, ESQ.
18 Nevada Bar No. 9578
19 E-Mail: karen@kgelegal.com
20 KIM GILBERT EBRON
21 7625 Dean Martin Drive, Suite 110
22 Las Vegas, Nevada 89139-5974
23 Telephone: (702) 485-3300
24 Facsimile: (702) 485-3301
25 Attorney for Defendant,
26 SFR Investments Pool 1, LLC

19 Having reviewed and considered the matter, and defendant having advised the
20 court that it has no objection (see ECF No. 15),

21 **IT IS SO ORDERED.**

22 Dated this 31st day of October, 2017.

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24 
25 Peggy A. Zeen
26 United States Magistrate Judge

KIM GILBERT EBRON
7625 DEAN MARTIN DRIVE, SUITE 110
LAS VEGAS, NEVADA 89139
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2017, pursuant to FRCP 5(b)(2)(E), I caused service of a true and correct copy of the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)** to be made electronically via the U.S. District Court's Case Management/Electronic Case Files (CM/ECF) system upon the following parties at the e-mail addresses listed below:

Kelly H. Dove, Esq.
Michael Paretto, Esq.
Snell & Wilmer LLP
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169-0965
E-Mail: kdove@swlaw.com
mparetto@swlaw.com
Attorney for Plaintiff,
HSBC Bank USA, National Association as Trustee for Nomura Asset Acceptance Corporation, Mortgage Pass-Through Certificates, Series 2006-AR3 aka HSBC Bank USA, National Association as Trustee for NAAC 2006-AR3

/s/ Michael L. Sturm
MICHAEL L. STURM, an employee of
KIM GILBERT EBRON

I hereby certify that on the 20th day of June, 2017, pursuant to FRCP 5(b)(2)(C), I caused service of a true and correct copy of the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)** to be made via U.S. Mail, postage prepaid, upon the following parties listed below:

Alessi & Koenig, LLC
c/o Robert A. Koenig
9500 West Flamingo Road, Suite 101
Las Vegas, Nevada 89147-5720
Registered Agent for Defendant,
Alessi & Koenig, LLC

Southern Highlands Community Association
c/o Olympia Management Services, LLC
11411 Southern Highlands Parkway, Suite 100
Las Vegas, Nevada 89141-3265
Registered Agent for Defendant,
Southern Highlands Community Association

/s/ Sierra Stepp
SIERRA STEPP, an employee of
KIM GILBERT EBRON