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13 *Company, as Trustee for First Franklin Mortgage Loan*
14 *Trust 2006-FF11*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 DEUTSCHE BANK NATIONAL TRUST
12 COMPANY, AS TRUSTEE FOR FIRST
13 FRANKLIN MORTGAGE LOAN TRUST
14 2006-FF11;

Case No. 2:17-cv-01513-MMD-VCF

14 Plaintiff,

15 vs.

**STIPULATION AND ORDER TO
DISMISS LITIGATION WITH
PREJUDICE AND FOR JUDGMENT
THAT DEED OF TRUST
SURVIVED HOA SALE**

16 LEE FAMILY PROPERTIES, LLC; LP
17 HOMEOWNERS ASSOCIATION AKA LAS
18 PALMERAS HOMEOWNERS
19 ASSOCIATION; and ALESSI & KOENIG,
20 LLC;

19 Defendants.

20 AND RELATED COUNTERCLAIMS
21

22 Pursuant to Federal Rule of Civil Procedure 41(a)(2), it is hereby stipulated and agreed
23 between Plaintiff/Counterdefendant DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
24 TRUSTEE FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF11 (“Deutsche
25 Bank”), Defendant LP HOMEOWNERS ASSOCIATION AKA LAS PALMERAS
26 HOMEOWNERS ASSOCIATION (the “HOA”) and Defendant/Counterclaimant LEE FAMILY
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1 PROPERTIES, LLC (“Lee Family”) (collectively, the “Parties”¹), by and through their respective
2 counsel, that:

3 1. Except as to Deutsche Bank’s counterclaim for quiet title in part for which this
4 Court enters Judgment, this action, is dismissed in its entirety, with prejudice;

5 2. All outstanding hearings and deadlines shall be vacated;

6 3. The Parties shall bear their own attorneys’ fees and costs associated with this
7 action;

8 4. This lawsuit related to the real property located at 646 Roberta Alecia Avenue,
9 North Las Vegas, Nevada 89031, APN 124-34-111-003 (the “Property”);

10 5. A Deed of Trust (“Deed of Trust”) was recorded against the Property in the
11 Official Records of Clark County, Nevada, as Document No. 20060601-0001091, on June 1,
12 2006;

13 6. An assignment of the Deed of Trust to Deutsche Bank was recorded on June 29,
14 2009;

15 7. On or about May 28, 2014, the HOA foreclosed a lien for delinquent homeowners’
16 assessments, transferring an interest in the Property to Lee Family (“HOA Foreclosure Sale”);

17 8. Judgment may be entered on Deutsche Bank’s quiet title claim stating that the
18 Deed of Trust survived the homeowners’ association foreclosure sale and continues to encumber
19 the Property. The Property is more specifically described as follows:

20
21 Parcel One:

22 Lot Thirty-two (32) in Block One (1) of Las Palmeras, Phase II, as
23 shown by map thereof on file in Book 73 of Plats, Page 79 in the
24 Office of the County Recorder, Clark County, Nevada and amended
25 by that certain Certificate of Amendment recorded August 13, 1996
26 in Book 960813 as Document No. 01949 of official records.

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¹ Alessi & Koenig, LLC has not appeared in this litigation.

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Parcel Two:

Together with an easement for ingress, egress and use in and to the common elements and private drives as shown on the final map of Las Palmeras Phase II.

9. All Notices of Lis Pendens recorded against the Property, including but not limited to the Notice of Lis Pendens recorded on June 16, 2017, as Document No. 20170616-0001032, shall be cancelled and expunged of record.

DATED: March 10, 2020

DATED: March 10, 2020

LEE, LANDRUM & CARLSON, APC

SNELL & WILMER L.L.P.

/s/ Elizabeth C. Spaur

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Attorneys for Lee Family Properties, LLC

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*Attorneys for Deutsche Bank National Trust
Company, as Trustee for First Franklin
Mortgage Loan Trust 2006-FF11*

SIGNATURES AND ORDER CONTINUED ON NEXT PAGE

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DATED: March 10, 2020

TYSON & MENDES, LLC

/s/ Margaret Schmidt
MARGARET SCHMIDT, ESQ.
3960 Howard Hughes Pkwy, Ste 600
Las Vegas, Nevada 89169
*Attorneys for LP Homeowners Association aka
Las Palmeras Homeowners Association*

ORDER

IT IS HEREBY ORDERED that the foregoing *Stipulation and Order to Dismiss Litigation With Prejudice and For Judgment that Deed of Trust Survived HOA Sale* by and among the Parties is approved.

IT IS SO ORDERED.

DATED: March 11, 2020



U.S. DISTRICT COURT JUDGE