

SMITH LARSEN & WIXOM
 ATTORNEYS
 HILLS CENTER BUSINESS PARK
 1935 VILLAGE CENTER CIRCLE
 LAS VEGAS, NEVADA 89134
 (702) 252-5002 • (702) 252-5006

1 Kent F. Larsen, Esq.
 Nevada Bar No. 3463
 2 Christopher L. Benner, Esq.
 Nevada Bar No. 8963
 3 SMITH LARSEN & WIXOM
 Hills Center Business Park
 4 1935 Village Center Circle
 Las Vegas, Nevada 89134
 5 Tel: (702) 252-5002
 6 Fax: (702) 252-5006
 Email: kfl@slwlaw.com
 7 clb@slwlaw.com
 8 Attorneys for Plaintiffs
 JPMorgan Chase Bank, N.A. and
 9 Federal National Mortgage Association

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

12 JPMORGAN CHASE BANK, N.A., and
 13 FEDERAL NATIONAL MORTGAGE
 ASSOCIATION,
 14
 Plaintiffs,
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 vs.
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 17 ALLURE HOMEOWNERS’
 ASSOCIATION, INC., a Nevada non-profit
 18 corporation,
 19
 Defendant.

CASE NO: 2:17-cv-01652-KJD-PAL

**STIPULATION AND [PROPOSED]
 ORDER OF FINAL JUDGMENT
 CONFIRMING EXISTENCE AND
 VALIDITY OF DEED OF TRUST**

21 Plaintiffs JPMorgan Chase Bank, N.A., and Federal National Mortgage Association
 22 (“Plaintiffs”) and Defendant Allure Homeowners’ Association (the “Association”),
 23 (collectively, the “Plaintiffs”) and Defendant Allure Homeowners’ Association, Inc.,
 24 (“Allure”) (Allure and Plaintiffs are collectively referred to as the “Parties”) by and through
 25 their respective counsel of record, hereby stipulate and agree as follows:

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 27 1. This matter relates to real property located at 200 W. Sahara Avenue, #812, Las
 28 Vegas, Nevada 89119; Parcel No. 162-04-815-067 (the “Property”). The Property

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is more specifically described as:

Parcel One (1): Unit No. 306, located on Floor 3 of Allure Condominiums as shown by map thereof on file in Book 138 of Plats, Page 16 in the Office of the County Recorder of Clark County, Nevada (the "Condominium Plat") and as defined and set forth in and subject to that certain Declaration of Condominium for Allure Condominiums, recorded on October 4, 2007, in Book 20071004 as instrument 0004147, of the Official Records of the County Recorder, Clark County, Nevada (the "Declaration").

Parcel Two (2): ; An undivided fractional interest in the Common Elements, as more fully provided in Section 5.1 of the Declaration, and shown on the Condominium Plat.

Parcel Three (3): A non-exclusive easement for ingress, egress and recreational use on, over and under the Common Elements shown on the Condominium Plat and subject to the terms, conditions and restrictions of such use under the terms of the Declaration, which easement is appurtenant to Parcels One (1) and Two (2) above. EXCEPTING THEREFROM all Units and Limited Common Elements not appurtenant to the Unit being conveyed by this deed as shown on the Condominium Plat and more particularly described in the Declaration. AND FURTHER EXCEPTING THEREFROM for the benefit of owners in future development, non-exclusive easements on, over and under the Common Elements as shown on the Condominium Plat for ingress, egress and use, but subject to the terms and conditions of the Declaration.

Parcel Four (4): The exclusive right to use the following Limited Common Elements: (a) Parking Space(s) 281; all as described as such in the Declaration and appurtenant to Parcels One (1) and Two (2) described above.

2. Chase is the beneficiary of record of a Deed of Trust that encumbers the Property and was recorded on February 19, 2008, as Instrument Number 20080219-0003233 in the Official Records of Clark County, Nevada (the "Deed of Trust").
3. On December 24, 2013, Allure recorded a Foreclosure Deed as Instrument Number 20131224-0000929 in the Official Records of Clark County, Nevada (the "HOA Foreclosure Deed"), reflecting that the Association purchase the Property at a foreclosure sale of the Property held on November 26, 2013.
4. On June 14, 2017, Plaintiffs initiated a quiet title action against George in the

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United States District Court, District of Nevada (the “Quiet Title Action”).

5. The Parties have entered a confidential settlement agreement in which they have settled all claims between them in this case.
6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale or the recording of the HOA Foreclosure Deed. The Deed of Trust remains a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed, and Allure’s interest in the Property is subject to the Deed of Trust.
7. Each party is to bear their own fees and costs.

Dated this February 22, 2019

Dated February 22, 2019

SMITH LARSEN & WIXOM

LEACH KERN GRUCHOW ANDERSON
& SONG

/s/ Christopher L. Benner
Kent F. Larsen, Esq.
Nevada Bar No. 3463
Christopher L. Benner, Esq.
Nevada Bar No. 8963
Preston S. Mathews, Esq.
Nevada Bar No. 13720
1935 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Plaintiffs
JPMorgan Chase Bank, N.A. and
Federal National Mortgage Association

/s/ T. Chase Pittsenbarger
Sean L. Anderson, Esq.
Nevada Bar No. 7259
T. Chase Pittsenbarger, Esq.
Nevada Bar No. 13740
2525 Box Canyon Drive
Las Vegas, Nevada 89128
Attorneys for Defendant
Allure Homeowners’ Association

ORDER

Based on the above stipulation between Plaintiffs and Defendant Allure, the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 200 W. Sahara Avenue, #812, Las Vegas, Nevada 89119; Parcel No. 162-04-815-067 (the “Property”) on February 19, 2008, as

1 Instrument Number 20080219-0003233 was not extinguished, impaired, or otherwise affected
2 by the foreclosure sale conducted by the Allure Homeowners' Association (the "Association")
3 on November 26, 2013 or the recording of the Foreclosure Deed in the Official Records of
4 Clark County, Nevada, on December 24, 2013, as Instrument Number 20131224-0000929,
5 reflecting that the Association purchased the Property at the foreclosure sale. Allure's interest
6 in the Property is subject to the Deed of Trust.
7

8 **IT IS FURTHER ORDERED** that Plaintiffs shall be entitled to record this
9 STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING EXISTENCE AND
10 VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in
11 accordance with the rules of the Recorder's Office.
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13 **IT IS FURTHER ORDERED** that this order constitutes the final judgment of this
14 Court, resolving all claims in this case with prejudice, each party to bear its own fees and
15 costs.
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18 _____
19 UNITED STATES JUDGE

20 DATED: February 25, 2019

21 Respectfully submitted:
22 SMITH LARSON & WIXOM
23 /s/ Christopher L. Benner
24 Christopher L. Benner, Esq.
25 Nevada Bar No. 8963
26 Hills Center Business Park
27 1935 Village Center Circle
28 Las Vegas, Nevada 89134
Attorneys for Plaintiffs
JPMorgan Chase Bank, N.A. and
Federal National Mortgage Association