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 10 FEDERAL NATIONAL MORTGAGE ASSOCIATION

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

13 FEDERAL NATIONAL MORTGAGE  
 14 ASSOCIATION,  
 15  
 16 Plaintiff,  
 17  
 18 v.  
 19  
 20 OPERTURE, INC.,  
 21  
 22 Defendant.

Case No. 2:17-cv-01732-MMD-VCF

**DEFAULT JUDGMENT**

23 The Court after review and consideration of Plaintiff FEDERAL NATIONAL  
 24 MORTGAGE ASSOCIATION’s (“Fannie Mae”) Application for Default Judgment (ECF No.  
 25 15), the pleadings and papers on file herein, and good cause appearing, hereby enters Default  
 26 Judgment in favor of Fannie Mae and against Defendant OPERTURE, INC. (“Operture”) on the  
 27 declaratory relief and quiet title causes of action or claims for relief under 12 U.S.C. § 4617(j)(3)  
 28 as follows:

THE COURT FINDS that 12 U.S.C. § 4617(j)(3) preempts NRS 116.3116 to the extent  
 that an NRS 116 foreclosure sale can extinguish Fannie Mae’s property interest while Fannie  
 Mae is under the conservatorship of the Federal Housing Finance Agency (“FHFA”).

THE COURT FURTHER FINDS that Fannie Mae had a protected property interest under  
 12 U.S.C. § 4617(j)(3) and that FHFA did not consent to foreclosure or extinguishment of Fannie  
 Mae’s protected property interest.

NOW WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that  
 Fannie Mae’s Deed of Trust recorded on August 15, 2005 in the Office of the Clark County,

1 Nevada Recorder as Instrument Number 20050815-0003472 (the “Deed of Trust”), and against  
2 the property located at 5191 Pioneer Ave #102 Las Vegas, Nevada 89146, APN 163-13-513-  
3 055, which is legally described in the Deed of Trust (hereinafter the “Property”), was not  
4 extinguished by that NRS 116 foreclosure sale reflected in that Foreclosure Deed recorded on  
5 February 23, 2015 in the Office of the Clark County, Nevada Recorder as Instrument Number  
6 20150223-0001580.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Deed of Trust  
8 continues to remain a valid encumbrance against the Property and that any interest acquired by  
9 Operture, and/or its successors or assigns, remains subject to the Deed of Trust.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this shall be a final  
11 judgment of this Court.

12 IT IS SO ORDERED, ADJUDGED AND DECREED.

13  
14 DATED: June 11, 2018



UNITED STATES DISTRICT JUDGE