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Attorneys for Plaintiff, Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-M1

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-M1,

Plaintiff,

vs.

SHADOW SPRINGS COMMUNITY ASSOCIATION; RED ROCK FINANCIAL SERVICES, LLC,

Defendants.

Case No.: 2:17-cv-02442-JCM-VCF

STIPULATION AND ORDER TO DISMISS DEFENDANT RED ROCK FINANCIAL SERVICES, LLC

Plaintiff, Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-M1 (hereinafter “Deutsche Bank”) and Defendant, Red Rock Financial Services, LLC (hereinafter “Red Rock”), by and through their respective attorneys of record, hereby stipulate and agree as follows:

WHEREAS:

1. The real property which is the subject of this civil action consists of a residence commonly known as 6217 Capehart Falls Street, North Las Vegas, Nevada 89081; APN 124-25-513-075 (hereinafter “Property”), and is part of Shadow Springs Community Association (hereinafter “HOA”);

1 **2.** Deutsche Bank is the holder of a first Deed of Trust securing a loan in the amount
2 of \$267,468.00 made on or about April 19, 2006 (“Note”) by Lashia D. Macauley (“Borrower”)
3 and recorded on April 26, 2006 in the Official Records of Clark County, Nevada as Book and
4 Instrument Number 20060426-0002435 (“Deed of Trust”);

5 **3.** On December 15, 2008, a Notice of Delinquent Assessment Lien was recorded
6 against the Property by Red Rock, as agent for HOA;

7 **4.** On June 18, 2009, a Notice of Default and Election to Sell Under Homeowners
8 Association Lien was recorded against the Property by Red Rock, as agent for HOA;

9 **5.** On May 6, 2013, a Notice of Sale was recorded against the Property by Red Rock,
10 as agent for HOA;

11 **6.** Pursuant to that Notice of Sale, a non-judicial foreclosure sale occurred on May
12 30, 2013 (hereinafter the “HOA Sale”);

13 **7.** On July 3, 2013, a Foreclosure Deed was recorded wherein Underwood Partners
14 LLC is named as the grantee, and the purchase price is listed as \$13,000.00;

15 **8.** On October 18, 2013, a Grant Bargain Sale Deed was recorded wherein NV
16 Eagles LLC is named as the grantee, and the purchase price is listed as \$10.00;

17 **9.** On September 18, 2017, Deutsche Bank filed a Complaint for
18 Wrongful/Defective Foreclosure, among other claims, against Red Rock in Case Number 2:17-
19 cv-02442-JCM-VCF;

20 **10.** On January 3, 2018, Red Rock filed its MOTION TO DISMISS UNDER FRCP
21 12(b)(6), OR, IN THE ALTERNATIVE, UNDER FRCP 12(b)(7) [ECF No. 6];

22 **11.** The undersigned Parties have now come to a resolution regarding their
23 respective claims and interest in the Property;

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12. All claims asserted by or against any of the undersigned Parties hereto shall be dismissed with prejudice;

13. Nothing in this Stipulation should be construed as intended to benefit any other party not identified as the undersigned Parties hereto, and in particular, shall not constitute a waiver or relinquishment of any claims by Deutsche Bank against the HOA or Borrowers; and

14. Each Party shall bear its own fees and costs incurred in this litigation and settlement.

IT IS HEREBY STIPULATED AND AGREED that Defendant, Red Rock Financial Services, LLC is hereby dismissed, with prejudice;

IT IS FURTHER STIPULATED AND AGREED that nothing in this Stipulation and Order is intended to be, or will be, construed as an admission of the claims or defenses of the Parties;

IT IS FURTHER STIPULATED AND AGREED that this Stipulation and Order is in no way intended to impair the rights of Deutsche Bank (or any of its authorized agents, investors, affiliates, predecessors, successors, and assigns) to pursue any and all remedies against the HOA as to proceedings related to the HOA Sale or against the Borrower, as defined in the Note, that Deutsche Bank (or any of its authorized servicers, agents, investors, affiliates, predecessors, successors, and assigns) may have relating to the Note, including the right to sue the Borrower for any deficiency;

IT IS FURTHER STIPULATED AND AGREED that the pending RED ROCK FINANCIAL SERVICES, LLC'S MOTION TO DISMISS UNDER FRCP 12(b)(6), OR, IN

1 THE ALTERNATIVE, UNDER FRCP 12(b)(7) [ECF No. 6], filed on January 3, 2018, shall be
2 denied as moot;

3 **IT IS FURTHER STIPULATED AND AGREED** that Red Rock shall disburse the
4 excess proceeds from the May 30, 2013 sale of the real property which is the subject of this civil
5 action, commonly known as 6217 Capehart Falls Street, North Las Vegas, Nevada 89081; APN
6 124-25-513-075, in the amount of \$2,752.91, to Deutsche Bank, pursuant to NRS
7 116.31164(7)(b)(4);
8

9 **IT IS FURTHER STIPULATED AND AGREED** that each Party shall bear its own
10 attorney's fees and costs incurred in this litigation and settlement.

11 **IT IS SO STIPULATED.**

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13 Dated this 16th day of March, 2018.

Dated this 16th day of March, 2018.

14 WRIGHT, FINLAY & ZAK, LLP

KOCH & SCOW LLC

15 /s/ Paterno C. Jurani, Esq.

/s/ Steven B. Scow, Esq.

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21 Securities Inc., Asset-Backed Pass-Through

11500 S. Eastern Ave., Suite 210

22 Certificates, Series 2006-M1

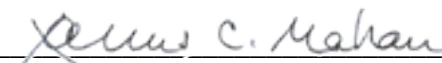
Henderson, Nevada 89052

23 Attorneys for Defendant, Red Rock Financial
24 Services, LLC

25 **ORDER**

26 **IT IS SO ORDERED.**

27 Dated March 20, 2018.

28 
UNITED STATES DISTRICT COURT JUDGE