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6 *Attorneys for Plaintiff:*  
*Federal National Mortgage Association*

8 **DISTRICT COURT**

9 **UNITED STATES DISTRICT COURT**

10 FEDERAL NATIONAL MORTGAGE  
 ASSOCIATION,

11 Plaintiff,

12 v.

14 GARDEN TERRACE HOMEOWNERS  
 ASSOCIATION,

15 Defendant.

Case No. 2:17-cv-02499-MMD-NJK

**STIPULATION AND ORDER FOR FINAL  
 JUDGMENT**

18 COME NOW Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION (“Fannie  
 19 Mae”) and GARDEN TERRACE HOMEOWNERS ASSOCIATION (“Garden Terrace”), by  
 20 and through their respective counsels of record, and hereby stipulate and agree as follows:

21 **WHEREAS**, this action involves real property located at 10809 Garden Mist Drive, Unit  
 22 2058, Las Vegas, Nevada 89135, APN 164-13-217-052 (“Property”). The Property is legal  
 23 described as:

24 UNIT 2058 IN BUILDING 11 OF GARDEN TERRACE CONDOMINIUMS IN  
 25 SUMMERLIN, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 102 OF  
 26 PLATS, PAGE 71 IN THE OFFICE OF THE COUNTY RECORDER OF  
 CLARK COUNTY, NEVADA

27 **WHEREAS**, Fannie Mae is the owner and record beneficiary of a certain deed of trust  
 28 (“Deed of Trust”) encumbering the Property. The Deed of Trust secures a promissory note

1 executed by Joseph A. Albano and Debra M. Albano in the original amount of \$146,461.00. The  
2 Deed of Trust was recorded in Official Records of Clark County, Nevada on January 31, 2008 as  
3 Instrument No. 200801310000482;

4 **WHEREAS**, the Property is located within the Garden Terrace, and all properties located  
5 within the association owe certain duties to Garden Terrace including the payment of regular  
6 assessments and other charges;

7 **WHEREAS**, on December 30, 2009, a Lien for Delinquent Assessments (“HOA Lien”)  
8 was recorded against the Property in the official Records of Clark County, Nevada as Instrument  
9 No. 200912300001880;

10 **WHEREAS**, on March 9, 2010, a Notice of Default and Election to Sell Pursuant to the  
11 Lien for Delinquent Assessments was recorded in the Recorder’s Office as Instrument No.  
12 201003090001179 (“Notice of Default”);

13 **WHEREAS**, a Notice of Foreclosure Sale (“Notice of Sale” and collectively with the  
14 HOA Lien and Notice of Default “Foreclosure Notices”) was recorded against the Property on  
15 November 5, 2012 in the Official Records of Clark County, Nevada as Instrument No.  
16 201211050001479;

17 **WHEREAS**, as a foreclosure deed (“Foreclosure Deed”) was recorded against the  
18 Property on December 21, 2012 claiming that the Property was sold to Garden Terrace at a  
19 foreclosure sale conducted on November 28, 2012 (“HOA Sale”);

20 **WHEREAS** Garden Terrace has not transferred its interest in the Property and is still the  
21 title holder of record;

22 **WHEREAS**, Fannie Mae initiated the instant lawsuit to determine the status of title to  
23 the Property;

24 **WHEREAS**, the Parties have entered a settlement agreement in which they have settled  
25 all claims by and between them.

26 **ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED**, pursuant to the  
27 settlement agreement entered into by the Parties, that Fannie Mae is the current owner and record  
28 beneficiary of the Deed of Trust;

1           **IT IS HEREBY FURTHER STIPULATED** that the HOA Sale did not extinguish the  
2 Deed of Trust, and the Deed of Trust continues to encumber the Property;

3           **IT IS HEREBY FURTHER STIPULATED** that Garden Terrace is the owner of the  
4 Property, subject to Fannie Mae's Deed of Trust;

5           **IT IS HEREBY FURTHER STIPULATED** that this order quieting title to the Property  
6 may be recorded in the Official Records of Clark County, Nevada;

7           **IT IS HEREBY FURTHER STIPULATED** that this Stipulation and Order constitutes  
8 the Final Judgment of this Court, resolving all claims, counterclaims, and crossclaims in this  
9 case, with prejudice;

10           **IT IS HEREBY FURTHER STIPULATED** that each party shall bear its own fees and  
11 costs as against each other.

12           **IT IS SO STIPULATED.**

13  
14 DATED this 19<sup>th</sup> day of November, 2018.

DATED this 19<sup>th</sup> day of November, 2018.

15 ALDRIDGE PITE, LLP

ALVERSON TAYLOR & SANDERS

16 /s/ Anthony R. Sassi  
17 LAUREL I. HANDLEY, ESQ.  
18 ANTHONY R. SASSI, ESQ.  
Attorneys for FEDERAL NATIONAL  
MORTGAGE ASSOCIATION

/s/ Adam R. Knecht  
KURT. R. BONDS, ESQ.  
ADAM R. KNECHT, ESQ.  
Attorneys for GARDEN TERRACE  
HOMEOWNERS ASSOCIATION

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**ORDER AND JUDGMENT**

By Stipulation of the parties and good cause appearing therefor,

**IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

**IT IS HEREBY ORDERED** that Fannie Mae is the current owner and record beneficiary of the Deed of Trust;

**IT IS FURTHER ORDERED** that the HOA Sale did not extinguish the Deed of Trust, and the Deed of Trust continues to encumber the Property;

**IT IS FURTHER ORDERED** that Garden Terrace is the owner of the Property, subject to Fannie Mae's Deed of Trust;

**IT IS FURTHER ORDERED** that this order quieting title to the Property may be recorded in the Official Records of Clark County, Nevada;

**IT IS FURTHER ORDERED** that this Order constitutes the Final Judgment of this Court, resolving all claims, counterclaims, and crossclaims in this case, with prejudice;

**IT IS FURTHER ORDERED** that each party shall bear its own fees and costs as against each other.

**IT IS SO ORDERED.**



UNITED STATES DISTRICT JUDGE

DATED: November 21, 2018