

1 MICHAEL F. BOHN, ESQ.
 Nevada Bar No.: 1641
 2 mbohn@bohnlawfirm.com
 ADAM R. TRIPPIEDI, ESQ.
 3 Nevada Bar No.: 12294
 atrippiedi@bohnlawfirm.com
 4 LAW OFFICES OF
 MICHAEL F. BOHN, ESQ., LTD.
 5 376 East Warm Springs Road, Ste. 140
 Las Vegas, Nevada 89119
 6 (702) 642-3113/ (702) 642-9766 FAX

7 Attorney for defendant
 Saticoy Bay LLC Series 8891 Sanibel Shore Avenue

8
 9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

11 DITECH FINANCIAL LLC a Delaware
 Corporation,
 12
 13 Plaintiff,

14 vs.

15 CLEARWATER COVE HOMEOWNERS
 ASSOCIATION, a Nevada non-profit
 16 corporation; SATICOY BAY LLC SERIES
 8891 SANIBEL SHORE AVENUE, a Nevada
 17 corporation, RED ROCK FINANCIAL
 SERVICES, a Nevada corporation,
 18 Defendant.

CASE NO.: 2:18-cv-00250-RFB-BNW

19
 20 **ORDER ON MOTION FOR SUMMARY JUDGMENT**

21 The motion of defendant Saticoy Bay LLC Series 8891 Sanibel Shores Avenue for summary
 22 judgment (ECF No. 37), and the joinder of Clearwater Cove Homeowners Association (ECF No. 40)
 23 having come before the court on the 25th day of July 2019, Andrew A. Bao, Esq. appearing on behalf of
 24 plaintiff Ditech Financial, LLC, Michael F. Bohn, Esq. appearing on behalf of defendant Saticoy Bay
 25 LLC Series 8891 Sanibel Shores Avenue, and Margaret E. Schmidt, Esq. appearing on behalf of
 26 defendant Clearwater Cove Homeowners Association, and the court having reviewed the motions for
 27 summary judgment, joinder, oppositions to the motion, and reply and having heard the arguments of

1 counsel, finds as follows.

2 **FINDINGS OF FACT**

3 1. The property in issue in this case is the residential real property commonly known as 8891
4 Sanibel Shore Avenue, Las Vegas, Nevada and further identified by Assessor's Parcel Number 163-17-
5 719-059. (hereinafter referred to as the "Property").

6 2. The Property is encumbered by CC&R's in favor of defendant Clearwater Cove Homeowners
7 Association.

8 3. Plaintiff Ditech Financial is the beneficiary of a deed of trust which was recorded as an
9 encumbrance to the Property.

10 4. The former owner of the Property is Joshua C. Cheng.

11 5. Joshua C. Cheng became delinquent in the assessments owed to defendant Clearwater Cove
12 Homeowners Association.

13 6. Red Rock Financial Services was the collection agent acting on behalf of Clearwater Cove
14 Homeowners Association.

15 7. Red Rock Financial Services acting on behalf of Clearwater Cove Homeowners Association
16 began foreclosure proceedings against the property pursuant to NRS Chapter 116.

17 8. On December 14, 2017 the foreclosure sale was conducted, and the property was purchased
18 by Saticoy Bay LLC Series 8891 Sanibel Shore Avenue for the total sum of \$90,100.00.

19 9. A certificate of sale was recorded with the Clark County Records office on December 19,
20 2017.

21 10. The 60 day period to redeem the property pursuant to NRS 116.31163(3) ended on Monday,
22 February 12, 2018.

23 11. The first communication that was made by plaintiff Ditech regarding redemption of the
24 property was on Thursday February 8, 2018, only two working days before the expiration of the
25 redemption period.

26 12. On Friday, February 9, 2018, counsel for Ditech emailed counsel for Saticoy Bay LLC
27 requesting an extension of the 60 day redemption period.

ORDER

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BASED ON THE FOREGOING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the motion for summary judgment on behalf of Saticoy Bay LLC Series 8891 Sanibel Shore is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of defendants on all of plaintiff Ditech Financial's claims and Saticoy Bay LLC Series 8891 Sanibel Shore's counterclaims.

IT IS FURTHER ORDERED that defendants Clearwater Cove Homeowners Association and/or its collection agent, Red Rock Financial Services may issue an appropriate foreclosure deed to defendant Saticoy Bay LLC Series 8891 Sanibel Shore Avenue.

DATED this 26th day of September, 2019



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:
LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

Reviewed by:
TYSON & MENDES LLP

By: /s/ /Michael F. Bohn, Esq./
Michael F. Bohn, Esq.
2260 Corporate Circle, Suite 480
Henderson, Nevada 89074
Attorney for defendant Saticoy Bay LLC

By: /s/ /Margaret E. Schmidt, Esq./
Margaret E. Schmidt, Esq.
3960 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Attorneys for defendant Clearwater Cove Homeowners Association

Reviewed by:
WOLFE & WYMAN, LLP

By: /s/ /Andrew A. Bao, Esq./
Andrew A. Bao, Esq.
6757 Spencer Street
Las Vegas, NV 89119
Attorney for plaintiff Ditech Financial, LLC