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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,  
  
Plaintiff,  
  
vs.  
  
EVA ARRIBA; and PECOS ESTATES  
HOMEOWNERS ASSOCIATION,  
  
Defendants.

Case No.: 2:18-cv-00399-JCM-CWH  
  
**STIPULATION AND ORDER FOR  
FINAL JUDGMENT AND DISMISSAL**

COME NOW Plaintiff Federal National Mortgage Association (“Fannie Mae”), by and through its counsel of record, Dana Jonathon Nitz, Esq. and Christina V. Miller, Esq., of the law firm Wright, Finlay & Zak, LLP, and Defendant Pecos Estates Homeowners Association (the “HOA”), by and through its counsel of record, Thomas E. McGrath, Esq. and Christopher A. Lund, Esq., of the law firm Tyson & Mendes LLP, and hereby stipulate and agree as follows:

WHEREAS, March 5, 2018, Fannie Mae filed its Complaint against Defendant Eva Arriba (“Arriba”) and the HOA, asserting the following causes of action: (1) Declaratory Relief Under 12 U.S.C. § 4617(j)(3) (against Arriba only); (2) Quiet Title Under 12 U.S.C. § 4617(j)(3) (against Arriba only); (3) Declaratory Relief Under Amendments V and XIV to the United States Constitution (against Arriba only); (4) Quiet Title Under Amendments V and XIV to the United States Constitution (against Arriba and the HOA); (5) Permanent and Preliminary Injunction (against Arriba only); (6) Unjust Enrichment (against Arriba and the HOA); (7)

1 Wrongful/Defective Foreclosure (against the HOA only); (8) Negligence (against the HOA  
2 only); (9) Negligence Per Se (against the HOA only); (10) Breach of Contract (against the HOA  
3 only); (11) Misrepresentation (against the HOA only); and (12) Breach of the Covenant of Good  
4 Faith and Fair Dealing (against the HOA only).

5 WHEREAS, Arriba failed to answer or otherwise respond to the Complaint. On  
6 September 12, 2018, Default was entered against Arriba [ECF No. 24] and, on December 17,  
7 2018, Default Judgment was entered against Arriba. ECF No. 30.

8 WHEREAS, on May 29, 2018, the HOA filed a Motion to Dismiss [ECF No. 10], which  
9 was subsequently granted, and Fannie Mae's seventh, eighth, ninth, tenth, eleventh and twelfth  
10 causes of action were dismissed against the HOA.

11 WHEREAS, Fannie Mae's fourth and sixth causes of action remain pending against the  
12 HOA.

13 IT IS HEREBY STIPULATED AND AGREED that the Deed of Trust recorded against  
14 the Property on June 26, 2003, in the official records of the Clark County Recorder's Office as  
15 Instrument Number 20030626-0003187 ("Deed of Trust"), was not extinguished by the  
16 homeowner's association foreclosure sale on March 5, 2014, but remains a valid encumbrance  
17 against the Property and Arriba's interest in the Property remains subject to that Deed of Trust.

18 IT IS FURTHER STIPULATED AND AGREED that the HOA shall not challenge any  
19 foreclosure pursuant to the Deed of Trust and shall not take any action to delay and/or enjoin  
20 such foreclosure.

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IT IS FURTHER STIPULATED AND AGREED that Fannie Mae hereby dismisses its remaining causes of action against the HOA, with each party to bear its own fees and costs.

DATED this 21<sup>st</sup> day of December, 2018.  
WRIGHT, FINLAY & ZAK, LLP


DATED this 21<sup>st</sup> day of December, 2018.  
TYSON & MENDES, LLP

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Homeowners Association

**IT IS SO ORDERED.**

DATED December 27, 2018.

  
UNITED STATES DISTRICT JUDGE