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6 *Attorneys for Defendants Countrywide Home Loans*  
*Inc., ReconTrust Company, N.A., Countrywide*  
 7 *Financial Corp., MERS, Bank of America Corporation,*  
*N.A., and Merscorp, Inc.*  
 8

9 UNITED STATES DISTRICT COURT  
 10 FOR THE DISTRICT OF NEVADA

11 SABRINA M. CAFFEE,

Case: 3:09-cv-00641-PMP-VPC

12 Plaintiff,

13 vs.

14 FIRST NATIONAL BANK OF NEVADA, a  
 National Bank Association; BRIGITTE  
 15 AMOUROUX, individually; SONJA  
 WILLIMS, individually; COUNTRYWIDE  
 16 HOME LOANS, INC., a New York  
 corporation; COUNTRYWIDE FINANCIAL  
 17 CORP., a Delaware corporation; MERSCORP,  
 INC., a Virginia corporation; MORTGAGE  
 18 ELECTRONIC REGISTRATION SYSTEMS,  
 INC., a subsidiary of MERSCORP, INC., a  
 19 Delaware corporation [MERS]; BANK OF  
 AMERICA CORPORATION, N.A.;  
 20 RECONTRUST COMPANY, N.A.; et al.,

**Order**

21 Defendants.

22  
 23 On May 19, 2011, Defendants Countrywide Home Loans, Inc., ReconTrust Company,  
 N.A. ("ReconTrust"), Countrywide Financial Corp., Mortgage Electronic Registration Systems,  
 24 Inc. ("MERS"), Bank of America, N.A. (erroneously named "Bank of America Corporation,  
 25 N.A.") and Merscorp, Inc. (collectively, "Defendants"), filed a Motion to Dismiss Plaintiff's First  
 26 Amended Complaint ("Motion").

27  
 28 A telephonic hearing was conducted on September 6, 2005; following a review of the  
 pleadings and after consideration of the arguments of counsel;

1 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's First Amended  
2 Complaint [Dkt. #48] is granted, with prejudice; and


3 The Court further finds that Plaintiff recorded a Notice of Pendency of Action ("Lis  
4 Pendens") on or about September 23, 2009 in the real property records maintained by the Lyon  
5 County Recorder, identified as APN# 022-161-09. A copy of the Lis Pendens is attached hereto  
6 as Exhibit "A."

7 UPON CONSIDERATION of Defendants' request to cancel the Lis Pendens, and good  
8 cause appearing therefore, the Court hereby grants Defendants their requested relief and rules as  
9 follows:

10 1. IT IS ORDERED, ADJUDGED, and DECREED that the Lis Pendens is hereby  
11 cancelled, released, and expunged.

12 2. IT IS FURTHER ORDERED, ADJUDGED and DECREED that this order  
13 canceling the Lis Pendens has the same effect as an expungement of the original Lis Pendens.

14 3. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants  
15 record a properly certified copy of this cancellation order in the real property records of Lyon  
16 County, Nevada within a reasonable amount of time from the date of this order's issue.

17  
18   
19 U.S. DISTRICT COURT JUDGE  
20 DATED: September 14, 2011.

21 Respectfully submitted by:

22 LEWIS AND ROCA LLP

23  
24 By   
25 J. CHRISTOPHER JORGENSEN, ESQ.  
26 Attorneys for Defendants  
27  
28

# EXHIBIT A

APN# 022-161-09

Recording Requested by:

Name LAW OFFICE RICK LAWTON

Address 5435 Reno Hwy

City/State/Zip Fallon NV 89406

Mail Tax Statements to:

Name \_\_\_\_\_

Address N/A

City/State/Zip \_\_\_\_\_

DOC # 448665

09/23/2009 09:42 AM

Official Record

Requested By  
RICK LAWTON ESQ

Lyon County - NV  
Mary C Milligan - Recorder

Page 1 of 3 Fee \$16.00

Recorded By AT RPTT



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UNOFFICIAL COPY

BY Plaintiff of Pendency of Action

Title of Document  
(Required Field)

FILL IN ALL THAT APPLY

The Undersigned Hereby Affirms That The Document Submitted For Recording Contains Personal Information As Required By Law

Specify Law\* \_\_\_\_\_ Signature \_\_\_\_\_

Specify Law\* \_\_\_\_\_ Print Name \_\_\_\_\_ Title \_\_\_\_\_

\*If there is no applicable State or Federal Law, Personal Information must be removed prior to recording

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Document # \_\_\_\_\_ recorded \_\_\_\_\_ (date) in the

Lyon County Recorder's Office

-OR-

If prepared by a surveyor, provide name and address

\_\_\_\_\_

\_\_\_\_\_

\*Personal information\* means a natural person's first name or first initial and last name in combination with any one or more of the following data elements

- 1 Social security number
- 2 Driver's license number or identification card number
- 3 Account number, credit card number or debit card number, in combination with any required security code, access code or password



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1 Case No CL20334

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2 Dept No II

2009 SEP 23 AM 9:11

3 The undersigned hereby affirms that this  
4 Document does not contain a social security no

NIKKIA BRYAN  
LYON COUNTY CLERK

Andrea Andersen  
DEPUTY

5 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF LYON

7  
8 SABRINA M. CAFFREY  
9 Plaintiff,

10 vs

11  
12 FIRST NATIONAL BANK OF NEVADA A  
13 NATIONAL BANK ASSOCIATION, BRITTIE  
14 AMOUROUX, individually, SONJA WALLIS,  
15 individually COUNTRYWIDE HOME LOANS,  
16 INC a New York corporation, COUNTRYWIDE  
17 FINANCIAL CORP, a Delaware corporation  
18 MERSCORP, INC a Virginia corporation,  
19 MORTGAGE ELECTRONIC REGISTRATION  
20 SYSTEM, INC, a subsidiary of MERSCORP,  
21 INC, a Delaware corporation, [MERS], BANK  
22 OF AMERICA CORPORATION, N.A.;  
23 RECONTRUST COMPANY, N A, and  
24 DOES 1-25 CORPORATIONS, DOES and  
25 ROES 1-25 Individuals, [Partnerships, or  
26 anyone claiming any interest to the property  
described in the action

Defendants

NOTICE BY PLAINTIFF  
OF PENDENCY OF ACTION

NOTICE IS HEREBY GIVEN that an action has been commenced

TO QUIET TITLE in the above-entitled Court by the 'above-named Plaintiffs' against  
the above-named Defendant to quiet the title for the premises and real estate in the

COPY

KICK LAWTON S LAW OFFICE



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1 Complaint in said action, and hereinafter described, and to determine all and every  
2 claim, estate or interest therein of said Defendant, adverse to said Plaintiff, and the  
3 premises affected by this suit are situated in the County of Lyon, State of Nevada, and  
4 are more particularly described as follows

5 The action pertains to the following described property

6  
7 Real property with improvements thereon, located in City of Fernley, County of  
8 Lyon, State of Nevada bounded and described as follows

9 Lot 76, as shown on the Final Map of ENNOR EAST  
10 SUBDIVISION PHASE 1 (dba COTTONWOOD ESTATES),  
11 recorded in the office of the County Recorder of Lyon County,  
12 Nevada, on August 20, 2004, as Document No 329041

12 APN 022-161-09

13  
14 DATED This 17 day of September, 2009

15 RICK LAWTON, ESQUIRE  
16 Attorney at Law  
17 5435 Reno Hwy  
18 Fallon, Nevada 89406

19 By [Signature]  
20 RICK LAWTON, Esquire

21 **CERTIFIED COPY**

22 The document to which this certificate is  
23 attached is a full, true and correct copy of the  
24 original on file and of record in my office

25 DATE: September 23, 2009  
26 Nikki A. Bryan, County Clerk and Clerk of  
the Third Judicial District Court of the State  
of Nevada, in and for Lyon County.

By [Signature]  
Deputy

Rick Lawton's Law Office