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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 BANK OF AMERICA, N.A.,  
11 Plaintiff,

12 vs.

13 RAINBOW BEND HOMEOWNERS  
ASSOCIATION; NIDA MIR, an individual;  
14 LAIQ MIR an individual; JUSTIN M.  
BRANSON an individual; ERICA V.  
15 BRANSON an individual; and PHIL FRINK &  
ASSOCIATES, INC.

16 Defendants.  
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Case No.: 3:15-cv-00291-MMD-WGC

**STIPULATION AND ORDER FOR  
DISMISSAL OF ALL CLAIMS**

18 All parties appearing, including Bank of America, N.A. (**BANA**); Laiq and Nida Mir (the  
19 **Mirs**); and Rainbow Bend Homeowners Association (**Rainbow Bend**), hereby stipulate to dismiss all  
20 claims against all parties as follows:

21 1. This matter relates to real property located at 176 Avenue De La Couleurs, Sparks,  
22 Nevada 89434 (the "Property").

23 2. BANA is the beneficiary of a senior deed of trust encumbering the Property, which was  
24 recorded on or about April 11, 2008 as document number 0108839 in the official records of Storey  
25 County, Nevada, which secures a promissory note in the original principal amount of \$147,910.00.

26 3. BANA is the servicer of a junior deed of trust encumbering the Property, which was  
27 recorded on or about April 11, 2008 as document number 0108840 in the official records of Storey  
28 County, Nevada, which secures a promissory note in the original principal amount of \$10,000.

1           4.       On or about October 18, 2012, Rainbow Bend Homeowners Association (the **HOA**),  
2 through its agent Phil Frink & Associates, Inc. (**Frink**), recorded a deed in foreclosure of assessment  
3 as document number 117507 in the official records of Storey County, Nevada, reflecting that the HOA  
4 purchased the property at the foreclosure sale on or about October 2, 2012.

5           5.       The Mirs acquired title to the property from the HOA via quitclaim deed recorded as  
6 document number 0121395 in the official records of Storey County, Nevada.

7           6.       On June 2, 2015, BANA initiated this lawsuit against the HOA, Frink, the Mirs, and  
8 Justin M. Branson and Erica V. Branson in the United States District Court, District of Nevada, case  
9 number 3:15-cv-00291-MMD-WGC.

10          7.       Frink has been previously dismissed from this action. [ECF #70].

11          8.       Justin M. Branson and Erica V. Branson have not appeared herein and shall be  
12 voluntarily dismissed without prejudice.

13          9.       BANA, the Mirs and Rainbow Bend have agreed upon an amicable resolution of this  
14 matter in order to avoid the uncertainty and expense of litigation and for no other reason.

15          10.       Accordingly, BANA, the Mirs, and Rainbow Bend agree and stipulate the claims  
16 against the Mirs and Rainbow Bend should be dismissed with prejudice, with each party bearing its  
17 own costs and attorney fees.

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1 11. As consideration for the dismissal of the action and the agreement that each party shall  
2 bear its own fees and costs, BANA agrees to execute and record a release and reconveyance of the  
3 senior deed of trust, document number 0108839, referenced above in paragraph 2, and the junior deed  
4 of trust, document number 0108840, referenced above in paragraph 3.

5 **IT IS SO STIPULATED.**

6 DATED this 23rd day of August, 2018.

<p>7 <b>AKERMAN LLP</b></p> <p>8 <u>/s/ Jared M. Sechrist, Esq.</u></p> <p>9 DARREN BRENNER, ESQ. Nevada Bar No. 8386</p> <p>10 JARED M. SECHRIST, ESQ. Nevada Bar No. 10439</p> <p>11 1635 Village Center Circle, Suite 200 12 Las Vegas, Nevada 89134</p> <p>13 Attorneys for Bank of America, N.A.</p>	<p>7 <b>ROGER P. CROTEAU &amp; ASSOCIATES, LTD.</b></p> <p>8 <u>/s/ Timothy Rhoda, Esq.</u></p> <p>9 ROGER P. CROTEAU, ESQ. Nevada Bar No.4958</p> <p>10 TIMOTHY E. RHODA, ESQ. Nevada Bar No. 7878</p> <p>11 9120 West Post Road, Suite 100 12 Las Vegas, NV 89148</p> <p>13 Attorneys for Nida Mir and Laiq Mir</p>
<p>15 <b>LIPSON NEILSON COLE SELTZER &amp; GARIN, P.C.</b></p> <p>16 <u>/s/ Peter E. Dunkley, Esq.</u></p> <p>17 KALEB D. ANDERSON, ESQ. Nevada Bar No. 7582</p> <p>18 PETER E. DUNKLEY, ESQ. Nevada Bar No. 11110</p> <p>19 JOSEPH P. GARIN, ESQ. Nevada Bar No. 6653</p> <p>20 9900 Covington Cross Drive, Suite 120 21 Las Vegas, NV 89144</p> <p>22 Attorneys for Rainbow Bend 23 Homeowners Association</p>	

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**ORDER**

In accordance with the above, it is hereby ORDERED that all claims are dismissed with prejudice, the lis pendens against the property shall be released, and BANA shall execute and record a release and reconveyance of the senior deed of trust, document number 0108839, and the junior deed of trust, document number 0108840 within 45 days after entry of this Order.

DATED this 23rd day of August, 2018

  
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DISTRICT COURT JUDGE

**AKERMAN LLP**

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