

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Leslie Bryan Hart, Esq. (SBN 4932)
John D. Tennert, Esq. (SBN 11728)
FENNEMORE CRAIG, P.C.
300 E. Second St., Suite 1510
Reno, Nevada 89501
Tel: 775-788-2228 Fax: 775-788-2229
lhart@fclaw.com; jtennert@fclaw.com

*Attorneys for Plaintiff/Counter-Defendant
Federal Housing Finance Agency*

Jeffrey Willis, Esq. (SBN 4797)
Wayne Klomp, Esq. (SBN 10109)
Blakeley E. Griffith, Esq. (SBN 12386)
SNELL & WILMER L.L.P.
50 West Liberty Street, Suite 510
Reno, NV 89501-1961
Tel: 775-785-5440 Fax: 775-785-5441
jwillis@swlaw.com; wklomp@swlaw.com;
bgriffith@swlaw.com

*Attorneys for Plaintiffs/Counter-Defendants
Wells Fargo Bank, N.A. and Federal
National Mortgage Association*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A.; FEDERAL
NATIONAL MORTGAGE ASSOCIATION;
and FEDERAL HOUSING FINANCE
AGENCY,

Plaintiffs,

vs.

MEADOWRIDGE HOMEOWNERS
ASSOCIATION; PHIL FRINK AND
ASSOCIATES, INC.; and NADINA
BEVERLY, as Trustee of the Beverly Blair
Meadowridge Trust,

Defendants.

NADINA BEVERLY, Trustee for the Beverly-
Blair Trust No. 7,

Counterclaimant,

vs.

WELLS FARGO BANK, N.A.; FEDERAL
NATIONAL MORTGAGE ASSOCIATION, a
government sponsored enterprise; FEDERAL
HOUSING FINANCE AGENCY, as
Conservator of Federal National Mortgage
Association,

Counter-Defendants.

MEADOWRIDGE HOMEOWNERS
ASSOCIATION,

Cross-Complainant,

vs.

PHIL FRINK AND ASSOCIATES, INC.,
Cross-Defendant.

CASE NO. 3:15-cv-00601-RCJ-VPC

[PROPOSED] FINAL JUDGMENT

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>JUL 12 2017</p> </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

1 Final judgment is hereby entered in favor of Plaintiffs Wells Fargo Bank, N.A., the
2 Federal National Mortgage Association, and the Federal Housing Finance Agency. Plaintiffs are
3 entitled to summary judgment on their quiet title claim pursuant to *Bourne Valley Court Trust v.*
4 *Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), which holds that NRS Chapter 116's
5 opt-in notice scheme for homeowners' association foreclosure sales is facially unconstitutional
6 under the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

7 The homeowners' association foreclosure sale at issue here did not affect or extinguish
8 the deed of trust encumbering real property located at 6369 Meadow Crest Circle, Reno, Nevada
9 89509, recorded on October 11, 2004 as Doc. # 3110677 in the Washoe County Recorder's
10 Office (the "Deed of Trust"). Accordingly, the Deed of Trust survived the homeowners'
11 association foreclosure sale. Any interest in this property obtained by Nadina Beverly, as
12 Trustee of the Beverly Blair Meadowridge Trust, was subject to the Deed of Trust until the Deed
13 of Trust foreclosure sale on December 16, 2013, at which Federal National Mortgage
14 Association was the highest bidder. Title is quieted in favor of Federal National Mortgage
15 Association.

16 The remainder of Plaintiffs' claims are dismissed without prejudice.

17
18 **ORDER**

19 **IT IS SO ORDERED AND ADJUDGED**

20 
21 _____
22 UNITED STATES DISTRICT COURT JUDGE

23 DATED: July 12, 2017
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on June 28, 2017, a true and correct copy of the **[PROPOSED] FINAL JUDGMENT**, was transmitted electronically through the Court's e-filing electronic notice system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

David E Adkins david@algnv.com

Elizabeth B Lowell elowell@pengillylawfirm.com

Gayle A. Kern gakltd@kernltd.com

James W Pengilly jpengilly@pengillylawfirm.com

Karen M. Ayarbe karenayarbe@kernltd.com

/s/ Pamela Carmon
An Employee of Fennemore Craig, P.C.