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7 *Attorneys for The Bank of New York Mellon*
fka The Bank of New York as Trustee for the
 8 *Certificateholders CWALT, Inc., Alternative*
Loan Trust 2005-3CB Mortgage Pass-Through
 9 *Certificates, Series 2005-3CB*

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

13 THE BANK OF NEW YORK MELLON FKA
 14 THE BANK OF NEW YORK AS TRUSTEE
 FOR THE CERTIFICATEHOLDERS CWALT,
 15 INC., ALTERNATIVE LOAN TRUST 2005-
 3CB MORTGAGE PASS-THROUGH
 16 CERTIFICATES, SERIES 2005-3CB,

Case No. 3:16-cv-00436-RCJ-WGC

17 Plaintiff,

**ORDER REGARDING EXCESS
 PROCEEDS**

18 v.

19 HIGHLAND RANCH HOMEOWNERS
 ASSOCIATION; KERN & ASSOCIATES,
 LTD; TBR I, LLC; AIRMOTIVE
 20 INVESTMENTS LLC; DOE INDIVIDUALS I-
 X, inclusive, and ROE CORPORATIONS I-X,
 21 inclusive,

22 Defendants.

23 The Bank of New York Mellon fka The Bank of New York as Trustee for the
 24 Certificateholders CWALT, Inc., Alternative Loan Trust 2005-3CB Mortgage Pass-Through
 25 Certificates, Series 2005-3CB (**BoNYM**), Highland Ranch Homeowners Association (**Highland**
 26 **Ranch**), and Airmotive Investments, LLC (**Airmotive**), hereby stipulate and agree that the excess
 27 proceeds from the HOA foreclosure sale, which the parties understand is being held by the State of
 28 California as unclaimed property in the amount of \$22,893.92 be handled as follows:

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1 1. BoNYM's counsel shall request the excess proceeds from the unclaimed property
 2 division on behalf of BoNYM, to be held in trust by BoNYM's counsel pending resolution of the
 3 underlying claims.

4 2. The parties agree they do not waive any defenses by BoNYM recovering the excess
 5 proceeds from the State of California, and that by obtaining the excess proceeds BoNYM does not
 6 concede either that its deed of trust survived or did not survive the sale. Rather, the parties believe it
 7 is beneficial to all parties involved that the excess proceeds be preserved until a final determination
 8 is made in this action.

9 DATED this 24th day of August, 2020.

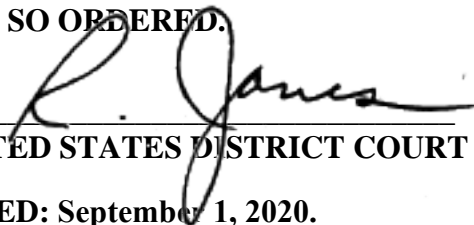
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<p>10 AKERMAN LLP</p> <p>11 <u>/s/ Natalie L. Winslow</u></p> <p>12 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125</p> <p>13 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175</p> <p>14 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134</p> <p>15 <i>Attorneys for BoNYM</i></p>	<p>10 LAXALT & NOMURA, LTD.</p> <p>11 <u>/s/ Ryan W. Leary</u></p> <p>12 HOLLY S. PARKER, ESQ. Nevada Bar No. 10181</p> <p>13 RYAN W. LEARY, ESQ. Nevada Bar No. 11630</p> <p>14 9790 Gateway Drive, Suite 200 Reno, NV 89511</p> <p>15 <i>Attorneys for Highland Ranch Homeowners Association</i></p>
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<p>18 ROGER P. CROTEAU & ASSOCIATES, LTD.</p> <p>19 <u>/s/ Timothy E. Rhoda</u></p> <p>20 ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958</p> <p>21 TIMOTHY E. RHODA, ESQ. Nevada Bar No. 7878</p> <p>22 2810 W. Charleston Boulevard, Suite 75 Las Vegas, NV 89102</p> <p>23 <i>Attorneys for Airmotive Investments LLC</i></p>

24 IT IS SO ORDERED.



25
 26 UNITED STATES DISTRICT COURT JUDGE

27 DATED: September 1, 2020.