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*HIGHLAND RANCH HOMEOWNERS ASSOCIATION*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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

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

**ORDER FOR**  
**DISMISSAL WITH PREJUDICE**

Plaintiff,

vs.

HIGHLAND RANCH HOMEOWNERS  
ASSOCIATION; KERN & ASSOCIATES,  
LTD; TBR 1, LLC; AIRMOTIVE  
INVESTMENTS LLC; DOE INDIVIDUALS I-  
X inclusive, and ROE CORPORATIONS I-X,  
inclusive,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders CWALT, Inc. Alternative Loan Trust 2005-3CB Mortgage Pass Through Certificates, Series 2005-3CB (“BoNYM”) and Defendant Highland Ranch Homeowners Association (“Highland Ranch”), by and through their respective counsel, that all claims as between BoNYM and Highland Ranch shall be dismissed with prejudice. <sup>1</sup>

<sup>1</sup> The claims asserted by BoNYM against Kern & Associates, Ltd. and against TBR I, LLC were previously dismissed. See ECF Nos. 17 and 89. Likewise, the claims by BoNYM against Airmotive Investments LLC were resolved by the Court’s Order addressing the Parties’ competing motions for summary judgment. See ECF No. 116. As such, this stipulation effectively resolves all remaining claims that are now pending before this Court.

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Each party to this stipulation shall bear its own fees and costs.

DATED this 15<sup>th</sup> day of January, 2021.

DATED this 15<sup>th</sup> day of January, 2021.

**AKERMAN LLP**

**LAXALT & NOMURA, LTD.**

/s/ Nicholas Belay

/s/ Ryan W. Leary

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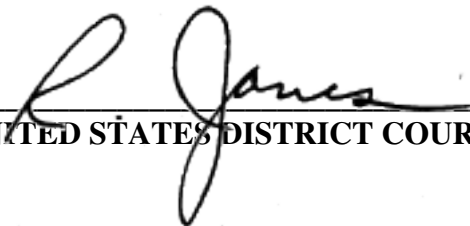
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*Attorneys for The Bank of New York Mellon  
fka The Bank of New York as Trustee for the  
Certificateholders CWALT, Inc., Alternative  
Loan Trust 2005-3CB Mortgage Pass-Through  
Certificates, Series 2005-3CB*

*Attorneys for Highland Ranch  
Homeowners Association*

**ORDER**

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT COURT JUDGE

DATED: January 21, 2021.