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

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 11 BANK OF AMERICA, N.A.,
 12
 Plaintiff,
 13
 vs.
 14 TOWNHOUSE GREENS ASSOCIATION, INC.
 15 and THUNDER PROPERTIES, INC.,
 16
 Defendants.
 17

Case No.: 3:17-cv-00087-MMD-WGC

**ORDER GRANTING BANK OF
 AMERICA, N.A.'S MOTION FOR
 PARTIAL SUMMARY JUDGMENT
 [ECF NO. 40]**

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 19 Plaintiff Bank of America, N.A. (**BANA**)'s motion for partial summary judgment, ECF No.
 20 40, came on for hearing on February 4, 2020. For the reasons stated on the record, the court
 21 GRANTS BANA summary judgment on its first claim for quiet title/declaratory relief against
 22 defendant Thunder Properties, Inc. The court finds Thunder's title to the property is subject to the
 23 deed of trust executed by Mario Rojas-Becerril and Josefina Rojas, dated July 24, 2009 and recorded
 24 with the Washoe County Recorder on July 30, 2009, as Instrument No. 3786603 (the **deed of trust**).
 25 The deed of trust continues to encumber the property and is superior to any right, title, interest, lien,
 26 equity or estate of Thunder, and was not extinguished by defendant Townhouse Greens Association,
 27 Inc.'s foreclosure sale.

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1 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED Thunder's title to the
2 property located at 336 Smithridge Park, Reno, Nevada 89502, and more particularly described as:

3 PARCEL 1:

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5 LOT 336, OF SMITHRIDGE PARK TOWNHOUSES NO. 3, UNIT NO. 2,
6 ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE
7 COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON JULY
8 31, 1970.

9 PARCEL 2:

10 AN UNDIVIDED 1/32ND INTEREST IN AND TO LOT 313, THE "COMMON
11 AREA" OF SMITHRIDGE PARK TOWNHOUSES NO. 3, UNIT NO. 2,
12 ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE
13 COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA ON JULY
14 31, 1970.

15 TOGETHER WITH ALL AND SINGULAR THE TENEMENTS,
16 HEREDITAMENTS AND APPURTENANCES THEREUNTO BELONGING OR
17 IN ANYWISE APPERTAINING,

18 APN: 025-130-23, remains encumbered by the deed of trust.

19 Because the court finds the deed of trust was not extinguished by Townhouse Greens'
20 foreclosure sale, the court dismisses all BANA's remaining claims as moot.

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1 The court further orders the lis pendens recorded against the property related to this action,
2 recorded with the Washoe County Recorder on February 22, 2017, as Instrument No. 4681775, is
3 released.

4 Dated February 11, 2020.



5
6 UNITED STATES DISTRICT COURT JUDGE
7 Case No.: 3:17-cv-00087-MMD-WGC
8

9 Submitted by:

10 **AKERMAN LLP**

11 /s/ Holly E. Walker, Esq.

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