1 MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 2 JAMIE K. COMBS, ESQ. Nevada Bar No. 13088 3 AKERMAN LLP 1635 Village Center Circle, Suite 200 4 Las Vegas, NV 89134 Telephone: (702) 634-5000 5 Facsimile: (702) 380-8572 Email: melanie.morgan@akerman.com 6 Email: jamie.combs@akerman.com 7 Attorneys for Plaintiffs Bank of America, N.A. and Federal National Mortgage 8 Association 9 10 11

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BANK OF AMERICA, N.A; and FEDERAL NATIONAL MORTGAGE ASSOCIATION,

Plaintiff,

VS.

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SIERRA VIEW CONDOMINIUM ASSOCIATION; and RED ROCK FINANCIAL SERVICES, LLC,

Defendants.

Case No.: 3:17-cv-00384

STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING EXISTENCE AND VALIDITY OF DEED OF TRUST

Plaintiff Bank of America, N.A. (BANA) and defendants Sierra View Condominium Association (Sierra) and Red Rock Financial Services, LLC (Red Rock) through their counsel of record, stipulate as follows:

1. This matter relates to real property located 3000 Green Drive, Carson City, Nevada, 89701, APN 008-601-09 (the **Property**). The Property is more specifically described as:

Unit 9 as shown on the map of Park Terrace Subdivision Unit No. 2-A, filed in the Office of the Carson City Recorder, on January 11, 1973 in Book 2 of Maps, Page 392 as File No. 15467.

With the Appurtenances Thereto.

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- 2. BANA, as servicer for Fannie Mae, is the beneficiary of record of a Deed of Trust that encumbers the Property and was recorded on December 7, 2007, as File No. 374619, in the Official Records of Carson City, Nevada (the **Deed of Trust**).
- 3. On January 15, 2014, Sierra View recorded a Foreclosure Deed as File No. 441639 of the Official Records of Carson City, Nevada (the **HOA Foreclosure Deed**), reflecting that Sierra View purchased the Property at its foreclosure sale of the Property conducted on December 5, 2013 (the **HOA Sale**). Sierra View has not transferred its interest in the Property and is still the title holder of record.
- 4. On June 20, 2017, BANA and Fannie Mae initiated a quiet title action against Sierra View in the United States District Court, District of Nevada, Case No. 3:17-cv-00384 (the Quiet Title Action).
- 5. Fannie Mae, BANA, and Sierra View have entered a confidential settlement agreement in which they have settled all claims between them in this case. This stipulation and order applies to the matters addressed in this particular case only and has no relevance to any other matter.

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6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale. The Deed of Trust remains a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed, and Sierra View's interest in the Property is subject to the Deed of Trust.

DATED this 11th day of May, 2018.

#### AKERMAN LLP

# /s/ Jamie K. Combs MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 JAMIE K. COMBS, ESQ. Nevada Bar No. 13088 AKERMAN LLP 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134

Attorneys for Bank of America

#### KOCH & SCOW, LLP

/s/ Steven B. Scow STEVEN B. SCOW, ESQ. Nevada Bar No. 9906 BRODY R. WIGHT, ESQ. Nevada Bar No. 13615 11500 South Eastern Avenue, Suite 210 Henderson, Nevada 89052

Attorneys for Red Rock Financial Services

#### TYSON & MENDES LLP

/s/ Christopher A. Lund THOMAS E. MCGRATH, ESQ. Nevada Bar No. 7086 CHRISTOPHER A. LUND, ESQ. Nevada Bar No. 12435 8275 South Eastern Ave., Ste 115 Las Vegas, NV 89123

Attorneys for Sierra View Condominuim Association

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1635 Village Center Circle, Suite 200 LAS VEGAS, NEVADA 89134 TEL.: (702) 634-5000 – FAX: (702) 380-8572 13 14 15

**AKERMAN LLP** 

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**ORDER** 

Based on the above stipulation between plaintiffs Bank of America, N.A. (BANA) and Federal National Mortgage Association (Fannie Mae) and defendants Sierra View Condominium Homeowners Association (Sierra View) and Red Rock Financial Services, LLC (Red Rock), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Carson City, Nevada against the real property located at 3000 Green Drive, Carson City, Nevada, 89701, APN 008-601-09 (the **Property**) on December 7, 2007, as File No. 374619, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Sierra View and Red Rock on December 5, 2013 or the recording of the HOA Foreclosure Deed in the Official Records of Carson City, Nevada, on January 15, 2014, as File No. 441639, reflecting that Sierra View purchased the Property at the HOA Sale. Sierra View's ownership interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that Plaintiffs shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Carson City, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

DATED this 14th day of May

DISTRICT COURT JUDGE

Respectfully submitted by:

AKERMAN LLP

/s/ Jamie K. Combs

Melanie D. Morgan, Esq.

Jamie K. Combs, Esq.

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Telephone: (702) 634-5000

Facsimile: (702) 380-8572

melanie.morgan@akerman.com jamie.combs@akerman.com

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