



## Bank of America, N.A. v. Sunrise Ridge Master Homeowners Association et al

2019 | Cited 0 times | D. Nevada | July 22, 2019

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff, vs. SUNRISE RIDGE MASTER HOMEOWNERS ASSOCIATION; DAISEY TRUST; and  
NEVADA ASSOCIATION SERVICES, INC.,

Defendants.

Case No.: 2:16-cv-00467-MMD-CWH

STIPULATION AND ORDER

DISMISSING CLAIMS AGAINST SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION

DAISEY TRUST,

Counterclaimant, vs. BANK OF AMERICA, N.A.,

Counterdefendant.

1. Plaintiff Bank of America, N.A. (BANA) and defendant Sunrise Ridge Master Homeowners Association's ( Sunrise Ridge) by and through their undersigned counsel, stipulate as follows:

2. This matter relates to real property located at 3883 Winter Whitetail Street, Las Vegas, Nevada 89122, APN 161-15-811-066 (the "Property"). The Property is more specifically described as: ///

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PARCEL ONE (1): Lot One Hundred Forty-Six (146) in Block Eight (8) of DESERT INN MASTER PLAN PARCEL C as shown by map thereof on file in Book 113 of Plats, Page 83 and Amended by Certificate of Amendment recorded January 5, 2004 in Book 20040105 as Document No. 01034, in the Office of the County Recorder of Clark County, Nevada. Reserving therefrom a non-exclusive easement for ingress, egress, use and enjoyment and public utility purposes, on, over and across the private streets and common areas on the map referenced hereinabove. PARCEL TWO (2): A non-exclusive easement for ingress, egress, use and enjoyment and public utility purposes on, over and across the private streets and common areas on the map referenced hereinabove, which easement is appurtenant to PARCEL ONE (1). APN 161-15-811-066 3. BANA is the beneficiary of record of a deed of trust recorded against the Property in the Clark County Recorder's Office on January 28, 2005 as Document No. 20050128-0000639 (the Deed of Trust), which was executed by Michael Delapaz, Carolyn Delapaz, and Ludivina Catacutan to secure a promissory note in the original amount of \$220,864.00.

4. On August 30, 2012, Sunrise Ridge recorded a Foreclosure Deed as Instrument Number 201208300003537 of the Official Records of Clark County, Nevada (the HOA Foreclosure Deed), reflecting that Daisey Trust acquired the Property at the foreclosure sale of the Property held August 24, 2012 (the HOA Foreclosure Sale).

5. On March 3, 2016, BANA initiated a quiet title action related to the Property in the United States District Court, District of Nevada, Case No. 2:16-cv-00467 (the Quiet Title Action).

6. BANA and Sunrise Ridge have entered into a confidential settlement agreement in which they have settled all claims between them in this case.

7. Among other things in the settlement agreement, Sunrise Ridge agrees it no longer has an interest in the Property for purposes of the Quiet Title Action vis a vis the Deed of Trust. This disclaimer of interest does not apply to the continuing encumbrance of Sunrise Ridge's declaration of covenants, conditions and restrictions, any governing documents adopted thereunder, easements,

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servitudes, or other rights and interests on the Property as governed by NRS Chapter 116. Sunrise



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Ridge further agrees it will take no position in this action or in any subsequent action regarding whether the Deed of Trust survived Sunrise Ridge's foreclosure sale.

8. Among other things in the settlement agreement, BANA and Sunrise Ridge agree that BANA does not waive its right to seek relief against the non-settling Parties, including but not limited to Daisey Trust, related to its remaining claims in the Quiet Title Action. BANA does not admit the Deed of Trust was extinguished, and any consideration exchanged in exchange for the dismissal of the claims against Sunrise Ridge is not intended to be compensation for any loss of the Deed of Trust. Instead they compensate BANA for fees and costs incurred litigating the propriety and effect of Sunrise Ridge's sale and related conduct.

9. BANA and Sunrise Ridge further stipulate and agree that all claims in this matter asserted by BANA against Sunrise Ridge are dismissed in their entirety with prejudice, with each party to bear its own attorney's fees and costs.

DATED this 19th day of July, 2019.

AKERMAN LLP /s/ Scott R. Lachman DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 SCOTT R. LACHMAN, ESQ. Nevada Bar No. 12016 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 Attorneys for Bank of America, N.A.

LIPSON NEILSON P.C. /s/ Megan H. Hummel J. WILLIAM EBERT, ESQ. Nevada Bar No. 2697 MEGAN H. HUMMEL, ESQ. Nevada Bar No. 12404 9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144 Attorneys for Sunrise Ridge Master Homeowners Association IT IS SO ORDERED.

\_\_\_\_\_ UNITED STATES DISTRICT JUDGE DATED:  
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