

Electronically Filed
JUL 17 2013 01:19 p.m.
CLERK OF THE COURT
Tracie K. Lindeman
Clerk of Supreme Court

NOAS
HOWARD C. KIM, ESQ.
Nevada Bar No. 10386
E-mail: howard@hkimlaw.com
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Nevada Bar No. 10580
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HOWARD KIM & ASSOCIATES
400 N. Stephanie St, Suite 160
Henderson, Nevada 89014
Telephone: (702) 485-3300
Facsimile: (702) 485-3301
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

SFR INVESTMENTS POOL 1, LLC a
Nevada limited liability company,

Plaintiff,

vs.

U.S. BANK, N.A., a national banking
association as Trustee for the
Certificate Holders of Wells Fargo
Asset Securities Corporation, Mortgage
Pass-Through Certificates, Series 2006-
AR4, a Nevada non-profit corporation
and LUCIA PARKS, an individual,
DOES I through X; and ROE
CORPORATIONS I through X,
inclusive,

Defendants.

Case No.: A-13-678814-C

Dept. No.: XVIII

NOTICE OF APPEAL

Notice is hereby given that Plaintiff SFR Investment Pool I, LLC, by and
through its attorneys of record, Howard Kim & Associates, hereby appeals to the
Supreme Court of the State of Nevada from the following orders or judgments:

1. All judgements and orders in this case;

1 2. “Order Denying Plaintiff’s Motion for Preliminary Injunction”
2 entered on June 10, 2013, notice of entry of which was served on June 11, 2013;

3 3. “Order for Dismissal and Cancellation of Notice of Pendancy of
4 Action” entered on June 11, 2013, notice of entry of which was served on June 12,
5 2013.

6 3. All rulings and interlocutory orders made appealable by any of the
7 foregoing.

8 DATED this 11th day of July, 2013.
9
10

HOWARD KIM & ASSOCIATES

/s/ Jacqueline A. Gilbert

HOWARD C. KIM, ESQ.

Nevada Bar No. 10386

DIANA S. CLINE, ESQ.

Nevada Bar No. 10580

JACQUELINE A. GILBERT, ESQ.

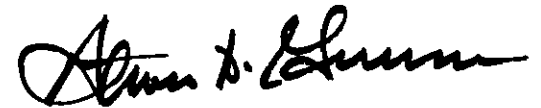
Nevada Bar No. 10593

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Henderson, Nevada 89014

Phone: (702) 485-3300

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CLERK OF THE COURT

ASTA

HOWARD C. KIM, ESQ.
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Henderson, Nevada 89014
Telephone: (702) 485-3300
Facsimile: (702) 485-3301
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

SFR INVESTMENTS POOL 1, LLC a
Nevada limited liability company,

Plaintiff,

vs.

U.S. BANK, N.A., a national banking
association as Trustee for the
Certificate Holders of Wells Fargo
Asset Securities Corporation, Mortgage
Pass-Through Certificates, Series 2006-
AR4, a Nevada non-profit corporation
and LUCIA PARKS, an individual,
DOES I through X; and ROE
CORPORATIONS I through X,
inclusive,

Defendants.

Case No.: A-13-678814-C

Dept. No.: XVIII

CASE APPEAL STATEMENT

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

PLAINTIFF SFR INVESTMENT POOL 1, LLC

2. Identify the judge issuing the decision, judgment, or order appealed from:

HOWARD KIM & ASSOCIATES

400 N. STEPHANIE ST, SUITE 160
HENDERSON, NEVADA 89014
(702) 485-3300 FAX (702) 485-3301

THE HONORABLE DAVID BARKER

3. Identify each appellant and the name and address of counsel for each appellant:

Attorneys for Appellant SFR Investment Pool 1, LLC

JACQUELINE A. GILBERT, ESQ.
HOWARD C. KIM, ESQ.
DIANA S. CLINE, ESQ.
HOWARD KIM & ASSOCIATES
400 N. Stephanie Street, Suite 160
Henderson, Nevada 89014
(702) 485-3300

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Appellate Counsel unknown
Trial Counsel for Respondent Wells Fargo Bank, N.A.

Chelsea A. Crowton, Esq.
WRIGHT, FINLAY & ZAK, LLP
5532 South Fort Apache Road, Suite 110
Las Vegas, NV 89148
Attorney for U.S. Bank, N.A.
(702) 475-7964

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court, e.g., date complaint, indictment, information, or petition was filed:

Complaint filed March 22, 2013

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This is an action to quiet title in real property and injunctive relief. Plaintiff SFR Investments Pool 1, LLC's ("SFR") complaint alleged declaratory relief and quiet title against Defendants U.S. Bank, N.A. as Trustee for Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4 ("US Bank") and Lucia Parks ("Parks") pursuant to NRS 30.010 and NRS 116.3116 et seq., for injunctive relief against US Bank to prevent a subsequent foreclosure of a first deed of trust and trustee's sale by US Bank after Plaintiff had obtained title by purchasing the property at an HOA foreclosure sale on the HOA's super priority lien or to otherwise sell, transfer or cloud title to the subject property, and, in the alternative, a claim for unjust enrichment against all defendants.

SFR filed an "Application for Temporary Restraining Order ["TRO"] on Order Shortening Time and Motion for Preliminary Injunction" on March 27, 2013 to stop an imminent foreclosure sale by US Bank. The Court heard the Application for TRO on March 28, 2013 and granted the TRO, setting the hearing for Preliminary Injunction on April 11, 2013. The Court continued the hearing because Defendant US Bank removed the case to Federal District Court on April 17, 2013 but remanded on April 17, 2013. Following remand, US Bank filed a motion to dismiss and motion to expunge lis pendens. Defendant Parks joined in both Plaintiff's motion for preliminary injunction and Defendant US Bank's motion to dismiss. On May 16, 2013, following full briefing, the District Court heard argument on Plaintiff's motion for preliminary injunction and Parks's joinder. The Court took the matter under advisement. US Bank asked that the hearing on the motion to expunge lis pendens and Parks's joinder be continued until June 4, 2013 at the time of the hearing on US Bank's motion to dismiss. Following full briefing on the motion to dismiss and motion to expunge lis pendens, the District Court heard argument on June 4, 2013.

The District Court denied the motion for preliminary injunction by order entered on June 10, 2013, notice of entry of which was served on June 11, 2013. The District Court entered an Order for Dismissal and Cancellation of Notice of Lis Pendancy of Action on June 11, 2013, notice of entry of which was served on June 12, 2013.

11. Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding.

N/A

12. Indicate whether this appeal involves child custody or visitation:

N/A

///

HOWARD KIM & ASSOCIATES

400 N. STEPHANIE ST, SUITE 160

HENDERSON, NEVADA 89014

(702) 485-3300 FAX (702) 485-3301

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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Plaintiff does not believe there is a possibility of settlement as this appeal involves an issue of law of first impression in the State of Nevada.

DATED this 11th day of July, 2013.

HOWARD KIM & ASSOCIATES

/s/ Jacqueline A. Gilbert
HOWARD C. KIM, ESQ.
Nevada Bar No. 10386
DIANA S. CLINE, ESQ.
Nevada Bar No. 10580
JACQUELINE A. GILBERT, ESQ.
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DEPARTMENT 18
CASE SUMMARY
CASE NO. A-13-678814-C

SFR Investments Pool 1, LLC, Plaintiff(s)
vs.
US Bank, Defendant(s)

§
§
§
§
§

Location: **Department 18**
Judicial Officer: **Barker, David**
Filed on: **03/22/2013**
Conversion Case Number: **A678814**

CASE INFORMATION

Statistical Closures

06/18/2013 Motion to Dismiss (By Defendant)

Case Type: **Title to Property**

Subtype: **Quiet Title**

Case Flags: **Appealed to Supreme Court**
Automatically Exempt from Arbitration

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-13-678814-C
Court	Department 18
Date Assigned	03/22/2013
Judicial Officer	Barker, David

PARTY INFORMATION

Plaintiff

SFR Investments Pool 1, LLC

Lead Attorneys

Howard, Kim C.
Retained
702-485-3300(W)

Defendant

Parks, Lucia

Albright, D. Chris
Retained
7023847111(W)

US Bank


Crowton, Chelsea A., ESQ
Retained
702-475-7969(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX


03/22/2013

 Notice of Lis Pendens
Filed by: Plaintiff SFR Investments Pool 1, LLC
Notice of Lis Pendens


03/22/2013

Case Opened


03/22/2013

 Complaint
Filed By: Plaintiff SFR Investments Pool 1, LLC
Complaint for Quiet Title and Injunctive Relief

03/27/2013

 Motion for Temporary Restraining Order
Filed By: Plaintiff SFR Investments Pool 1, LLC
Application for Temporary Restraining Order on Order Shortening Time and Motion for Preliminary Injunction




03/28/2013

 Notice of Posting Bond
Filed By: Defendant US Bank
Notice of Posting and Acceptance of Bond

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-13-678814-C



03/28/2013	 Motion for Preliminary Injunction (8:15 AM) (Judicial Officer: Barker, David) Events: 03/27/2013 Motion for Temporary Restraining Order <i>Plaintiff's Application for Temporary Restraining Order on Order Shortening Time and Motion for Preliminary Injunction</i>
03/28/2013	 Temporary Restraining Order Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Temporary Restraining Order Enjoining Sale and Order Setting Briefing Schedule for Preliminary Injunction</i>
03/29/2013	 Notice of Posting Bond Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Notice of Posting and Acceptance of Bond</i>
04/01/2013	 Summons Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Summons - Lucia Parks</i>
04/01/2013	 Summons Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Summons - U.S. Bank, N.A.</i>
04/01/2013	 Affidavit of Service Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Affidavit of Service - US Bank</i>
04/01/2013	 Affidavit of Service Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Affidavit of Service</i>
04/03/2013	 Affidavit of Service Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Affidavit of Service - U.S. Bank</i>
04/10/2013	 Notice of Appearance Party: Defendant US Bank <i>Notice of Appearance</i>
04/10/2013	 Initial Appearance Fee Disclosure Filed By: Defendant US Bank <i>Initial Appearance Fee Disclosure</i>
04/10/2013	 Notice of Removal Filed By: Defendant US Bank <i>Notice of Petition for Removal</i>
04/11/2013	 Motion for Preliminary Injunction (8:15 AM) (Judicial Officer: Barker, David) 04/11/2013, 05/16/2013 Events: 03/28/2013 Temporary Restraining Order <i>Plaintiff's Motion for Preliminary Injunction</i>
04/17/2013	 Notice Filed By: Defendant US Bank <i>Notice of Remand</i>

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-13-678814-C










04/19/2013	 Answer to Complaint Filed by: Defendant Parks, Lucia <i>Answer to Complaint for Quiet Title and Injunctive Relief</i>
04/25/2013	 Response Filed by: Defendant US Bank <i>Defendant, U.S. Bank, N.A.'s, Response to the Motion for Preliminary Injunction</i>
04/25/2013	 Request for Judicial Notice Filed By: Defendant US Bank <i>Defendant, U.S. Bank, N.A.'s, Request for Judicial Notice in Support of the Response to the Plaintiff's Motion for Preliminary Injunction</i>
04/29/2013	 Affidavit of Service Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Affidavit of Service - Lucia Parks</i>
04/30/2013	 Motion to Dismiss Filed By: Defendant US Bank <i>Defendant, U.S. Bank, N.A.'s, Motion to Dismiss with Prejudice the Plaintiff's Complaint</i>
04/30/2013	 Motion to Expunge Lis Pendens Filed By: Defendant US Bank <i>Defendant US Bank's Motion to Expunge Lis Pendens</i>
05/02/2013	 Certificate of Mailing Filed By: Defendant US Bank <i>Certificate of Mailing</i>
05/03/2013	 Notice of Entry of Order Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Notice of Entry of Order</i>
05/09/2013	 Exhibits Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Exhibits in Support of Application for Temporary Restraining Order on Order Shortening Time and Motion for Preliminary Injunction</i>
05/14/2013	 Certificate of Service Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Certificate of Service</i>
05/14/2013	 Notice Filed By: Defendant Parks, Lucia <i>Notice of Joinder in Defendant U.S. Bank N.A.'s Motion to Expunge Lis Pendens</i>
05/14/2013	 Notice Filed By: Defendant Parks, Lucia <i>Notice of Joinder in Defendant U.S. Bank N.A.'s Motion to Dismiss with Prejudice the Plaintiff's Complaint</i>
05/14/2013	 Notice Filed By: Defendant Parks, Lucia

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-13-678814-C



Notice of Joinder in Plaintiff's Motion for Preliminary Injunction

05/14/2013	 Reply in Support Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Reply in Support of Motion for Preliminary Injunction</i>
05/15/2013	 Opposition to Motion Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Opposition to Motion to Expunge Lis Pendens</i>
05/16/2013	Motion to Expunge Lis Pendens (8:15 AM) (Judicial Officer: Barker, David) 05/16/2013, 06/04/2013 Events: 04/30/2013 Motion to Expunge Lis Pendens <i>Defendant US Bank's Motion to Expunge Lis Pendens</i>
05/16/2013	Joinder (8:15 AM) (Judicial Officer: Barker, David) <i>Defendant Lucia Parks' Notice of Joinder in Plaintiff's Motion for Preliminary Injunction</i>
05/16/2013	Joinder (8:15 AM) (Judicial Officer: Barker, David) 05/16/2013, 06/04/2013 Events: 05/14/2013 Notice <i>Defendant Lucia Parks' Notice of Joinder in Defendant U.S. Bank N.A.'s Motion to Expunge Lis Pendens</i>
05/16/2013	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
05/16/2013	 Notice Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Notice of Receipt of Funds Being Held in Trust</i>
05/17/2013	 Decision (8:33 AM) (Judicial Officer: Barker, David) <i>Decision: Pltf's Motion for Preliminary Injunction & Deft. Lucia Parks' Notice of Joinder in Pltf's Motion for Preliminary Injunction</i>
05/23/2013	 Reply in Support Filed By: Defendant US Bank <i>Reply in Support of Defendant, U.S. Bank, N.A.'s, Motion to Expunge Lis Pendens</i>
05/24/2013	 Opposition to Motion to Dismiss Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Opposition to U.S. Bank's Motion to Dismiss</i>
05/28/2013	 Certificate of Service Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Certificate of Service</i>
05/29/2013	 Reporters Transcript <i>Transcript of Proceedings: Motions, heard May 16, 2013</i>
05/29/2013	 Reply in Support Filed By: Defendant US Bank <i>Defendant, U.S. Bank, N.A.'s, Reply in Support of the Motion to Dismiss with Prejudice the Plaintiff's Complaint</i>
05/30/2013	 Certificate of Mailing

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-13-678814-C

	Filed By: Defendant US Bank <i>Certificate of Mailing</i>
05/31/2013	 Supplemental Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Supplement to Opposition to Motion to Dismiss</i>
05/31/2013	 Certificate of Service Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Certificate of Service</i>
06/04/2013	Motion to Dismiss (8:15 AM) (Judicial Officer: Barker, David) Events: 04/30/2013 Motion to Dismiss <i>Defendant, U.S. Bank, N.A.'s, Motion to Dismiss with Prejudice the Plaintiff's Complaint</i>
06/04/2013	Joinder (8:15 AM) (Judicial Officer: Barker, David) <i>Defendant Lucia Parks' Joinder in Defendant U.S. Bank N.A.'s Motion to Dismiss with Prejudice the Plaintiff's Complaint</i>
06/04/2013	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
06/10/2013	 Order Denying Motion Filed By: Defendant US Bank <i>Order Denying Plaintiff's Motion for Preliminary Injunction</i>
06/11/2013	 Order for Dismissal Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Order for Dismissal and Cancellation of Notice of Pendency of Action</i>
06/11/2013	 Notice of Entry of Order Filed By: Defendant US Bank
06/11/2013	Order of Dismissal With Prejudice (Judicial Officer: Barker, David) Debtors: SFR Investments Pool 1, LLC (Plaintiff) Creditors: US Bank (Defendant), Lucia Parks (Defendant) Judgment: 06/11/2013, Docketed: 06/18/2013
06/12/2013	 Notice of Entry of Order
06/17/2013	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
06/26/2013	 Motion to Amend Judgment Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Motion to Alter or Amend Judgment</i>
06/27/2013	 Certificate of Service Filed by: Plaintiff SFR Investments Pool 1, LLC <i>Certificate of Service</i>
07/09/2013	CANCELED Decision (3:00 AM) (Judicial Officer: Barker, David) <i>Vacated - Moot</i> <i>Decision Re: Defendant Lucia Parks' Joinder in Defendant U.S. Bank's Motion to Dismiss with Prejudice Plaintiff's Complaint ... Defendant U.S. Bank's Motion to Expunge Lis Pendens ... Defendant Lucia Parks' Joinder to Defendant U.S. Bank's Motion to Expunge Lis Pendens ... Defendant U.S. Bank's Motion to Dismiss with Prejudice Plaintiff's Complaint</i>

DEPARTMENT 18
CASE SUMMARY
CASE No. A-13-678814-C

07/12/2013	 Notice of Appeal Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Notice of Appeal</i>	
07/12/2013	 Case Appeal Statement Filed By: Plaintiff SFR Investments Pool 1, LLC <i>Case Appeal Statement</i>	
07/30/2013	Motion to Amend Judgment (8:15 AM) (Judicial Officer: Barker, David) <i>Motion to Alter or Amend Judgment</i>	

DATE	FINANCIAL INFORMATION
	Defendant Parks, Lucia Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 07/16/2013 0.00
	Defendant US Bank Total Charges 258.00 Total Payments and Credits 258.00 Balance Due as of 07/16/2013 0.00
	Plaintiff SFR Investments Pool 1, LLC Total Charges 297.00 Total Payments and Credits 297.00 Balance Due as of 07/16/2013 0.00
	Plaintiff SFR Investments Pool 1, LLC TEMPORARY RESTRAINING ORDER Balance as of 07/16/2013 500.00
	Plaintiff SFR Investments Pool 1, LLC APPEAL BOND Balance as of 07/16/2013 500.00

I. Party Information

Plaintiff(s) (name/address/phone): SFR INVESTMENTS POOL1, LLC	Defendant(s) (name/address/phone): US BANK, N.A., a national banking association as Trustee for the Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass- Through Certificates, Series 2006-AR4 and LUCIA PARKS, an individual, DOES I through X; and ROE CORPORATIONS I through X, inclusive
Attorney (name/address/phone): Howard C. Kim, Esq. and Diana S. Cline, Esq., Howard Kim and Associates, 400 North Stephanie St., Suite 160, Henderson , Nevada 89014; (702) 485-3300	Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and
applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases		
Real Property	Torts	
<div><input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer</div> <div><input checked="" type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance</div> <div><input type="checkbox"/> Condemnation/Eminent Domain</div> <div><input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning</div>	<div>Negligence</div> <div><input type="checkbox"/> Negligence – Auto</div> <div><input type="checkbox"/> Negligence – Medical/Dental</div> <div><input type="checkbox"/> Negligence – Premises Liability (Slip/Fall)</div> <div><input type="checkbox"/> Negligence – Other</div>	<div><input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability</div> <div><input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights</div> <div><input type="checkbox"/> Employment Torts (Wrongful termination)</div> <div><input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition</div>
Probate	Other Civil Filing Types	
<div>Estimated Estate Value: _____</div> <div><input type="checkbox"/> Summary Administration</div> <div><input type="checkbox"/> General Administration</div> <div><input type="checkbox"/> Special Administration</div> <div><input type="checkbox"/> Set Aside Estates</div> <div><input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee</div> <div><input type="checkbox"/> Other Probate</div>	<div><input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General</div> <div><input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code</div> <div><input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker’s Compensation Appeal</div>	<div><input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal</div> <div><input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding</div> <div><input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor’s Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters</div>

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

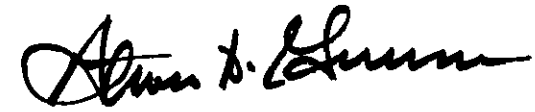
<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104 Art. 8)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	

03/22/13

Date

/s/ Diana S. Cline

Signature of initiating party or representative



CLERK OF THE COURT

ORDER

WRIGHT, FINLAY & ZAK, LLP

Chelsea A. Crowton, Esq.

Nevada Bar No. 11547

5532 South Fort Apache Road, Suite 110

Las Vegas, NV 89148

(702) 475-7964; Fax: (702) 946-1345

ccrowton@wrightlegal.net

Attorney for Defendant,

U.S. Bank, N.A., as Trustee for the Certificate Holders of Wells Fargo Asset Securities

Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4

DISTRICT COURT
CLARK COUNTY, NEVADA

SFR INVESTMENTS POOL 1, LLC, a Nevada
limited liability company

Plaintiff,

vs.

US BANK, N.A., a national banking association
as Trustee for the Certificate Holders of Wells
Fargo Asset Securities Corporation, Mortgage
Pass-Through Certificates, Series 2006-AR4,
and LUCIA PARKS, an individual; DOES I
through X, and ROE CORPORATIONS I
through X, inclusive.

Defendants.

Case No.: A-13-678814-C

Dept. No.: XVIII

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION

The Plaintiff's Motion for Preliminary Injunction having come on for hearing in the
above-entitled Court on May ¹⁶17, 2013 at the hour of ^{8:15}8:30 A.M. The Plaintiff, SFR Investments
Pool 1, LLC, appearing by and through its counsel of record, Diana S. Cline, Esq., of Howard
Kim & Associates; the Defendant, U.S. Bank, N.A., as Trustee for the Certificate Holders of
Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2006-
AR4, appearing by and through its counsel of record, Chelsea A. Crowton, Esq., of Wright,
Finlay & Zak, LLP, and the Court having considered all arguments presented, the pleadings on
///

1 file herein, and determining that good cause appearing, hereby rules as follows:

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion
3 for Preliminary injunction is hereby denied.

4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that a stay of thirty (30)
5 days is imposed from the date of service of the Notice of Entry of the Order Denying Plaintiff's
6 Motion for Preliminary Injunction, during which time Defendant, U.S. Bank, N.A., as Trustee
7 for the Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass-Through
8 Certificates, Series 2006-AR4, its successors, assigns, and agents, are restrained and enjoined
9 from foreclosing on, selling, transferring, or otherwise conveying the real property commonly
10 known as 2270 Nashville Avenue, Henderson, Nevada 89052, Parcel No. 178-19-712-012.

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1 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Defendant, Lucia
2 Park's, Notice of Joinder is hereby granted.

3 **IT IS SO ORDERED.**

4 Dated this _____ day of May, 2013.

5
6 
7 _____
8 DISTRICT COURT JUDGE

8 Respectfully Submitted by:

9
10 
11 WRIGHT, FINLAY & ZAK, LLP

12 Chelsea A. Crowton, Esq.

13 Nevada Bar No. 11547

14 5532 South Fort Apache Road, Suite 110

15 Las Vegas, NV 89148

16 Attorney for Defendant, U.S. Bank, N.A.,

17 as Trustee for the Certificate Holders of

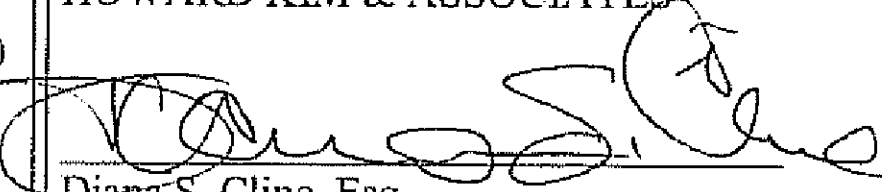
18 Wells Fargo Asset Securities Corporation,

19 Mortgage Pass-Through Certificates,

20 Series 2006-AR4

21 Reviewed by:

22 HOWARD KIM & ASSOCIATES

23 
24 Diana S. Cline, Esq.

25 Nevada Bar No. 10580

26 400 N. Stephanie St, Suite 160

27 Henderson, Nevada 89014

28 Attorney for Plaintiff,

 SFR Investments Pool 1, LLC

 Approved by:

 ALBRIGHT, STODDARD, WARNICK &
 ALBRIGHT


 D. Chris Albright, Esq.

 Nevada Bar No. 4904

 801 South Rancho Drive, Suite D-4

 Las Vegas, NV 89106


 Attorney for Defendant, Lucia Parks

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IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant, Lucia
Park's, Notice of Joinder is hereby granted.


IT IS SO ORDERED.

Dated this 17th day of June, 2013.



DISTRICT COURT JUDGE 73

Respectfully Submitted by:



WRIGHT FINLAY & ZAK, LLP
Chelsea A. Crowton, Esq.
Nevada Bar No. 11547
5532 South Fort Apache Road, Suite 110
Las Vegas, NV 89148
*Attorney for Defendant, U.S. Bank, N.A.,
as Trustee for the Certificate Holders of
Wells Fargo Asset Securities Corporation,
Mortgage Pass-Through Certificates,
Series 2006-AR4*


Reviewed by:

HOWARD KIM & ASSOCIATES

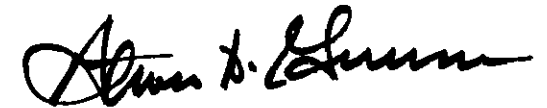
Diana S. Cline, Esq.
Nevada Bar No. 10580
400 N. Stephanie St, Suite 160
Henderson, Nevada 89014
*Attorney for Plaintiff,
SFR Investments Pool I, LLC*

Approved by:

ALBRIGHT, STODDARD, WARNICK &
ALBRIGHT



D. Chris Albright, Esq.
Nevada Bar No. 4904
801 South Rancho Drive, Suite D-4
Las Vegas, NV 89106
Attorney for Defendant, Lucia Parks



CLERK OF THE COURT

1 **NEOJ**
2 **WRIGHT, FINLAY & ZAK, LLP**
3 Chelsea A. Crowton, Esq.
4 Nevada Bar No. 11547
5 5532 South Fort Apache Road, Suite 110
6 Las Vegas, NV 89148
7 (702) 475-7964; Fax: (702) 946-1345
8 ccrowton@wrightlegal.net
9 *Attorney for Defendant,*
10 *U.S. Bank, N.A., as Trustee for the Certificate Holders of Wells Fargo Asset Securities*
11 *Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **SFR INVESTMENTS POOL, LLC, a Nevada**
11 **limited liability company**

Case No.: A-13-678814-C

Dept. No.: XVIII

12 **Plaintiff,**

NOTICE OF ENTRY OF ORDER

13 **vs.**

14 **US BANK, N.A., a national banking association**
15 **as Trustee for the Certificate Holders of Wells**
16 **Fargo Asset Securities Corporation, Mortgage**
17 **Pass-Through Certificates, Series 2006-AR4,**
18 **and LUCIA PARKS, an individual; DOES I**
19 **through X, and ROE CORPORATIONS I**
20 **through X, inclusive.**

21 **Defendants.**

22 **TO ALL INTERESTED PARTIES:**

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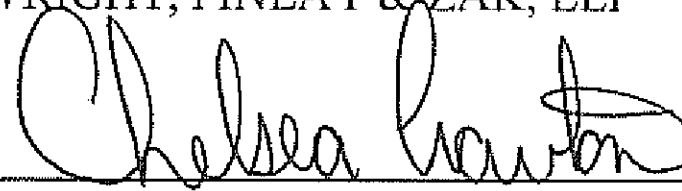
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1 PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion for Preliminary
2 Injunction was entered in the above-entitled Court on the 10th day of June, 2013, a copy of which
3 is attached hereto.

4 DATED this 10th day of June, 2013.
5

6 WRIGHT, FINLAY & ZAK, LLP

7 

8 Chelsea A. Crowton, Esq.

9 Nevada Bar No. 11547

10 5532 South Fort Apache Road, Suite 110

11 Las Vegas, NV 89148

12 *Attorney for Defendant, U.S. Bank, N.A., as Trustee*
13 *for the Certificate Holders of Wells Fargo Asset*
14 *Securities Corporation, Mortgage Pass-Through*
15 *Certificates, Series 2006-AR4*

14 **AFFIRMATION**

15 Pursuant to N.R.S. 239B.030

16 The undersigned does hereby affirm that the preceding **NOTICE OF ENTRY OF**
17 **ORDER** filed in Case No. A-13-678814-C **does not** contain the social security number of any
18 person.

19 DATED this 10th day of June, 2013.
20

21 WRIGHT, FINLAY & ZAK, LLP

22 

23 Chelsea A. Crowton, Esq.

24 Nevada Bar No. 11547

25 5532 South Fort Apache Road, Suite 110

26 Las Vegas, NV 89148

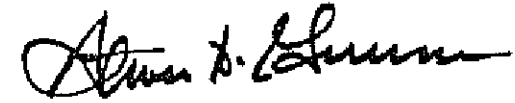
27 *Attorney for Defendant, U.S. Bank, N.A., as Trustee*
28 *for the Certificate Holders of Wells Fargo Asset*
Securities Corporation, Mortgage Pass-Through
Certificates, Series 2006-AR4

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I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY & ZAK, LLP; that service of the foregoing NOTICE OF ENTRY OF ORDER was made on the **10th** day of June, 2013, by depositing a true copy of same in the United States Mail, at Las Vegas, Nevada, addressed as follows:

Howard C. Kim, Esq.
Diana S. Cline, Esq.
Victoria L. Hightower, Esq.
HOWARD KIM & ASSOCIATES
400 N. Stephanie St., Suite 160
Henderson, NV 89014
Attorneys for Plaintiff

/s/ Ashley Renteria
An Employee of WRIGHT, FINLAY & ZAK, LLP



CLERK OF THE COURT

1 **ORDER**

2 WRIGHT, FINLAY & ZAK, LLP

3 Chelsea A. Crowton, Esq.

4 Nevada Bar No. 11547

5 5532 South Fort Apache Road, Suite 110

6 Las Vegas, NV 89148

7 (702) 475-7964; Fax: (702) 946-1345

8 ccrowton@wrightlegal.net

9 *Attorney for Defendant,*

10 *U.S. Bank, N.A., as Trustee for the Certificate Holders of Wells Fargo Asset Securities*

11 *Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4*

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 SFR INVESTMENTS POOL 1, LLC, a Nevada
15 limited liability company

16 Plaintiff,

17 vs.

18 US BANK, N.A., a national banking association
19 as Trustee for the Certificate Holders of Wells
20 Fargo Asset Securities Corporation, Mortgage
21 Pass-Through Certificates, Series 2006-AR4,
22 and LUCIA PARKS, an individual; DOES I
23 through X, and ROE CORPORATIONS I
24 through X, inclusive.

25 Defendants.

Case No.: A-13-678814-C

Dept. No.: XVIII

26 **ORDER DENYING PLAINTIFF'S**
27 **MOTION FOR PRELIMINARY**
28 **INJUNCTION**

21 The Plaintiff's Motion for Preliminary Injunction having come on for hearing in the
22 above-entitled Court on May ¹⁶7, 2013 at the hour of ^{8:15}8:30 A.M. The Plaintiff, SFR Investments
23 Pool 1, LLC, appearing by and through its counsel of record, Diana S. Cline, Esq., of Howard
24 Kim & Associates; the Defendant, U.S. Bank, N.A., as Trustee for the Certificate Holders of
25 Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2006-
26 AR4, appearing by and through its counsel of record, Chelsea A. Crowton, Esq., of Wright,
27 Finlay & Zak, LLP, and the Court having considered all arguments presented, the pleadings on
28 ///

1 file herein, and determining that good cause appearing, hereby rules as follows:

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion
3 for Preliminary injunction is hereby denied.

4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that a stay of thirty (30)
5 days is imposed from the date of service of the Notice of Entry of the Order Denying Plaintiff's
6 Motion for Preliminary Injunction, during which time Defendant, U.S. Bank, N.A., as Trustee
7 for the Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass-Through
8 Certificates, Series 2006-AR4, its successors, assigns, and agents, are restrained and enjoined
9 from foreclosing on, selling, transferring, or otherwise conveying the real property commonly
10 known as 2270 Nashville Avenue, Henderson, Nevada 89052, Parcel No. 178-19-712-012.

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IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant, Lucia Park's, Notice of Joinder is hereby granted.

IT IS SO ORDERED.

Dated this _____ day of May, 2013.

DISTRICT COURT JUDGE

Respectfully Submitted by:

WRIGHT, FINLAY & ZAK, LLP

Chelsea A. Crowton, Esq.

Nevada Bar No. 11547

5532 South Fort Apache Road, Suite 110

Las Vegas, NV 89148

Attorney for Defendant, U.S. Bank, N.A.,

as Trustee for the Certificate Holders of

Wells Fargo Asset Securities Corporation,

Mortgage Pass-Through Certificates.

Series 2006-AR4

Reviewed by:

HOWARD KIM & ASSOCIATES

Approved by:

ALBRIGHT, STODDARD, WARNICK &
ALBRIGHT /

Diana S. Cline, Esq.

Nevada Bar No. 10580

400 N. Stephanie St, Suite 160

Henderson, Nevada 89014

Attorney for Plaintiff,

SFR Investments Pool 1, LLC

D. Chris Albright, Esq.

Nevada Bar No. 4904

801 South Rancho Drive, Suite D-4

Las Vegas, NV 89106

Attorney for Defendant, Lucia Parks

1 IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant, Lucia
2 Park's, Notice of Joinder is hereby granted.

3 IT IS SO ORDERED.

4 Dated this 7th day of June ~~May~~, 2013.

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DISTRICT COURT JUDGE

Respectfully Submitted by:

WRIGHT FINLAY & ZACK, LLP

Chelsea A. Crowton, Esq.

Nevada Bar No. 11547

5532 South Fort Apache Road, Suite 110

Las Vegas, NV 89148

*Attorney for Defendant, U.S. Bank, N.A.,
as Trustee for the Certificate Holders of
Wells Fargo Asset Securities Corporation,
Mortgage Pass-Through Certificates,
Series 2006-AR4*

Reviewed by:

HOWARD KIM & ASSOCIATES

Diana S. Cline, Esq.

Nevada Bar No. 10580

400 N. Stephanie St, Suite 160

Henderson, Nevada 89014

Attorney for Plaintiff,

SFR Investments Pool 1, LLC

Approved by:

ALBRIGHT, STODDARD, WARNICK &
ALBRIGHT



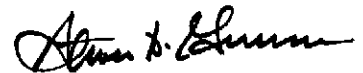
D. Chris Albright, Esq.

Nevada Bar No. 4904

801 South Rancho Drive, Suite D-4

Las Vegas, NV 89106

Attorney for Defendant, Lucia Parks



CLERK OF THE COURT

1 **ORDM**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 SFR INVESTMENTS POOL 1, LLC,

7 Plaintiff,

8 vs.

9 U.S. BANK, N.A., LUCIA PARKS,

10 Defendants.

CASE NO. A-13-678814-C
DEPT NO. XVIII

ORDER FOR DISMISSAL
AND CANCELLATION OF NOTICE
OF PENDENCY OF ACTION

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12
13 Defendant U.S. Bank N.A.'s Motion to Dismiss with Prejudice Plaintiff's
14 Complaint, and Motion to Expunge Lis Pendens, and Defendant Lucia Parks' Joinders
15 thereto came on for a hearing before the above-entitled Court on June 4, 2013, with Judge
16 David Barker presiding. The Court, having considered all of the pleadings on file herein,
17 and having considered the arguments of counsel, hereby finds as follows:

18 1. This matter concerns property commonly known as 2270 Nashville Avenue,
19 Henderson, Nevada, 89052, Parcel No. 178-19-712-012 (the "Property").

20 2. On or about January 5, 2006, Defendant Lucia Parks obtained title to the
21 Property through a Grant Bargain Sale Deed from Albert Brandelli and Mary Brandelli
22 which was recorded in the Clark County Recorder's Office. Parks executed a Deed of
23 Trust and Note whereby Wells Fargo Bank, N.A. was stated as the Lender and United Title
24 of Nevada as the Trustee under the Deed of Trust.

25 3. On or about February 24, 2010, a Notice of Default and Election to Sell
26 under Deed of Trust was recorded in the Clark County Recorder's Office.

27 4. On or about May 24, 2012, a Notice of Delinquent Assessment Lien was
28 recorded in the Clark County Recorder's Office.

1 5. On or about June 7, 2012, Wells Fargo Bank, N.A. recorded an Assignment
2 of Deed of Trust against the Property to U.S. Bank National Association ("U.S. Bank,
3 N.A."), as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through,
4 Certificates Series 2006-AR4 in the Clark County Recorder's Office.

5 6. On or about February 7, 2013, Nevada Association Services, Inc., agent for
6 Copper Ridge Community Homeowners Association ("HOA") recorded a Notice of
7 Trustee's Sale in the Clark County Recorder's Office.

8 7. On or about March 6, 2013, Plaintiff acquired the Property in a foreclosure
9 sale and the Foreclosure Deed was recorded in the Clark County Recorder's Office.

10 8. NRS 116.3116 governs homeowners' association liens. It states in part that
11 an assessment lien by a homeowners' association "is prior to all other liens and
12 encumbrances on a unit except...(b) A first security interest on the unit recorded before the
13 date on which the assessment sought to be enforced became delinquent..." NRS
14 116.3116(2)(b).

15 9. Here the first security interest Deed of Trust was first in time and prior to the
16 assessment lien of the homeowner's association.

17 10. While NRS 116.3116 provides that the assessment lien is prior to the first
18 security interest Deed "to the extent of any charges incurred by the association on a unit
19 pursuant to NRS 116.310312 and to the extent of the assessments for common expenses
20 based on the periodic budget adopted by the association pursuant to NRS 116.3115 which
21 would have become due in the absence of acceleration during the 9 months immediately
22 preceding institution of an action to enforce the lien," this provision refers to a judicial
23 foreclosure "action" and is not applicable when the HOA foreclosed its lien under NRS
24 116.31162-NRS 116.31168, the nonjudicial foreclosure statutes.

25 11. The HOA may have a priority for payment of its lien, but the first security
26 interest Deed was not extinguished by the foreclosure sale conducted by the HOA.
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12. Plaintiff cannot quiet title or obtain declaratory relief seeking to extinguish the first security interest Deed.

13. Plaintiff has not presented a viable basis upon which the Court could grant a preliminary or permanent injunction.

14. Plaintiff has not presented a viable claim for Unjust Enrichment.

IT IS THEREFORE ORDERED that Defendant U.S. Bank, N.A.'s Motion to Dismiss With Prejudice Plaintiff's Complaint is GRANTED. And, it is further

ORDERED, that Defendant Lucia Parks' Joinder in Defendant U.S. Bank, N.A.'s Motion to Dismiss With Prejudice Plaintiff's Complaint is GRANTED. And it is further

ORDERED, that Defendant U.S. Bank, N.A.'s Motion to Expunge Lis Pendens, joined by Defendant Lucia Parks, is GRANTED. And, it is further

ORDERED, that the notice of pendency of action is hereby cancelled, and this cancellation has the same effect as an expungement of the original notice. And it is further

ORDERED, that Plaintiff shall record with the Clark County Recorder a copy of this order of cancellation of the notice of pendency of action. And, it is further

ORDERED, that this case is dismissed in its entirety.

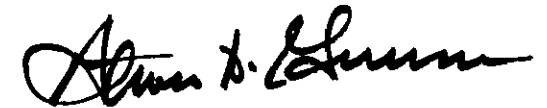
DATED this 11th day of June, 2013

DISTRICT JUDGE

I hereby certify that on the date filed, I mailed or placed a copy of this Order in the Attorney's folder in the Clerk's Office to:

Chelsea Crowton, Esq. (Wright, Finlay & Zak)
Diana Cline, Esq. (Howard Kim & Associates)
D. Chris Albright, Esq. (Albright, Stoddard, Warnick & Albright)

Diane Sanzo
DIANE SANZO, Judicial Assistant



CLERK OF THE COURT

1 **NEOJ**
2 **WRIGHT, FINLAY & ZAK, LLP**

3 Chelsea A. Crowton, Esq.

4 Nevada Bar No. 11547

5 5532 South Fort Apache Road, Suite 110

6 Las Vegas, NV 89148

7 (702) 475-7964; Fax: (702) 946-1345

8 ccrowton@wrightlegal.net

9 *Attorney for Defendant,*

10 *U.S. Bank, N.A., as Trustee for the Certificate Holders of Wells Fargo Asset Securities*

11 *Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **SFR INVESTMENTS POOL, LLC, a Nevada**
15 **limited liability company**

16 **Plaintiff,**

17 **vs.**

18 **US BANK, N.A., a national banking association**
19 **as Trustee for the Certificate Holders of Wells**
20 **Fargo Asset Securities Corporation, Mortgage**
21 **Pass-Through Certificates, Series 2006-AR4,**
22 **and LUCIA PARKS, an individual; DOES I**
23 **through X, and ROE CORPORATIONS I**
24 **through X, inclusive.**

25 **Defendants.**

Case No.: A-13-678814-C

Dept. No.: XVIII

26 **NOTICE OF ENTRY OF ORDER**

27 **TO ALL INTERESTED PARTIES:**

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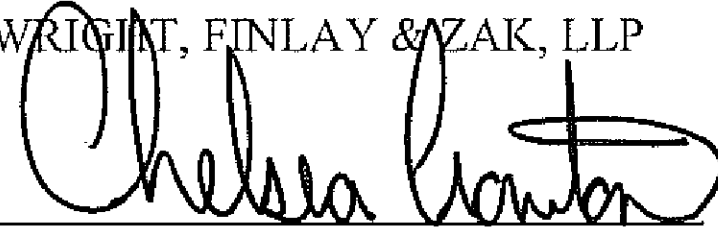
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1 PLEASE TAKE NOTICE that an Order for Dismissal and Cancellation of Notice of
2 Pendency of Action was entered in the above-entitled Court on the 11th day of June, 2013, a copy
3 of which is attached hereto.

4 DATED this 12th day of June, 2013.

6 WRIGHT, FINLAY & ZAK, LLP

7 

8 Chelsea A. Crowton, Esq.

9 Nevada Bar No. 11547

10 5532 South Fort Apache Road, Suite 110

11 Las Vegas, NV 89148

12 *Attorney for Defendant, U.S. Bank, N.A., as Trustee*
13 *for the Certificate Holders of Wells Fargo Asset*
14 *Securities Corporation, Mortgage Pass-Through*
15 *Certificates, Series 2006-AR4*

14 **AFFIRMATION**

15 Pursuant to N.R.S. 239B.030

16 The undersigned does hereby affirm that the preceding **NOTICE OF ENTRY OF**
17 **ORDER** filed in Case No. A-13-678814-C **does not** contain the social security number of any
18 person.

19 DATED this 12th day of June, 2013.

21 WRIGHT, FINLAY & ZAK, LLP

22 

23 Chelsea A. Crowton, Esq.

24 Nevada Bar No. 11547

25 5532 South Fort Apache Road, Suite 110

26 Las Vegas, NV 89148

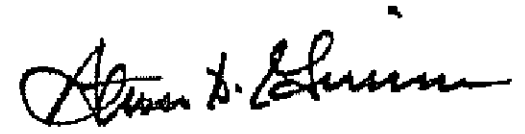
27 *Attorney for Defendant, U.S. Bank, N.A., as Trustee*
28 *for the Certificate Holders of Wells Fargo Asset*
Securities Corporation, Mortgage Pass-Through
Certificates, Series 2006-AR4

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I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY & ZAK, LLP; that service of the foregoing **NOTICE OF ENTRY OF ORDER** was made on the 12th day of June, 2013, by depositing a true copy of same in the United States Mail, at Las Vegas, Nevada, addressed as follows:

Howard C. Kim, Esq.
Diana S. Cline, Esq.
Victoria L. Hightower, Esq.
HOWARD KIM & ASSOCIATES
400 N. Stephanie St., Suite 160
Henderson, NV 89014
Attorneys for Plaintiff

/s/ Ashley Renteria
An Employee of WRIGHT, FINLAY & ZAK, LLP



CLERK OF THE COURT

1 ORDM

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 SFR INVESTMENTS POOL 1, LLC,

7 Plaintiff,

8 vs.

9 U.S. BANK, N.A., LUCIA PARKS,

10 Defendants.

CASE NO. A-13-678814-C
DEPT NO. XVIII

**ORDER FOR DISMISSAL
AND CANCELLATION OF NOTICE
OF PENDENCY OF ACTION**

11
12
13 Defendant U.S. Bank N.A.'s Motion to Dismiss with Prejudice Plaintiff's
14 Complaint, and Motion to Expunge Lis Pendens, and Defendant Lucia Parks' Joinders
15 thereto came on for a hearing before the above-entitled Court on June 4, 2013, with Judge
16 David Barker presiding. The Court, having considered all of the pleadings on file herein,
17 and having considered the arguments of counsel, hereby finds as follows:

- 18 1. This matter concerns property commonly known as 2270 Nashville Avenue,
19 Henderson, Nevada, 89052, Parcel No. 178-19-712-012 (the "Property").
- 20 2. On or about January 5, 2006, Defendant Lucia Parks obtained title to the
21 Property through a Grant Bargain Sale Deed from Albert Brandelli and Mary Brandelli
22 which was recorded in the Clark County Recorder's Office. Parks executed a Deed of
23 Trust and Note whereby Wells Fargo Bank, N.A. was stated as the Lender and United Title
24 of Nevada as the Trustee under the Deed of Trust.
- 25 3. On or about February 24, 2010, a Notice of Default and Election to Sell
26 under Deed of Trust was recorded in the Clark County Recorder's Office.
- 27 4. On or about May 24, 2012, a Notice of Delinquent Assessment Lien was
28 recorded in the Clark County Recorder's Office.

1 5. On or about June 7, 2012, Wells Fargo Bank, N.A. recorded an Assignment
2 of Deed of Trust against the Property to U.S. Bank National Association ("U.S. Bank,
3 N.A."), as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through,
4 Certificates Series 2006-AR4 in the Clark County Recorder's Office.

5 6. On or about February 7, 2013, Nevada Association Services, Inc., agent for
6 Copper Ridge Community Homeowners Association ("HOA") recorded a Notice of
7 Trustee's Sale in the Clark County Recorder's Office.

8 7. On or about March 6, 2013, Plaintiff acquired the Property in a foreclosure
9 sale and the Foreclosure Deed was recorded in the Clark County Recorder's Office.

10 8. NRS 116.3116 governs homeowners' association liens. It states in part that
11 an assessment lien by a homeowners' association "is prior to all other liens and
12 encumbrances on a unit except...(b) A first security interest on the unit recorded before the
13 date on which the assessment sought to be enforced became delinquent..." NRS
14 116.3116(2)(b).

15 9. Here the first security interest Deed of Trust was first in time and prior to the
16 assessment lien of the homeowner's association.

17 10. While NRS 116.3116 provides that the assessment lien is prior to the first
18 security interest Deed "to the extent of any charges incurred by the association on a unit
19 pursuant to NRS 116.310312 and to the extent of the assessments for common expenses
20 based on the periodic budget adopted by the association pursuant to NRS 116.3115 which
21 would have become due in the absence of acceleration during the 9 months immediately
22 preceding institution of an action to enforce the lien," this provision refers to a judicial
23 foreclosure "action" and is not applicable when the HOA foreclosed its lien under NRS
24 116.31162-NRS 116.31168, the nonjudicial foreclosure statutes.

25 11. The HOA may have a priority for payment of its lien, but the first security
26 interest Deed was not extinguished by the foreclosure sale conducted by the HOA.
27
28

12. Plaintiff cannot quiet title or obtain declaratory relief seeking to extinguish the first security interest Deed.

13. Plaintiff has not presented a viable basis upon which the Court could grant a preliminary or permanent injunction.

14. Plaintiff has not presented a viable claim for Unjust Enrichment.

IT IS THEREFORE ORDERED that Defendant U.S. Bank, N.A.'s Motion to Dismiss With Prejudice Plaintiff's Complaint is GRANTED. And, it is further

ORDERED, that Defendant Lucia Parks' Joinder in Defendant U.S. Bank, N.A.'s Motion to Dismiss With Prejudice Plaintiff's Complaint is GRANTED. And it is further

ORDERED, that Defendant U.S. Bank, N.A.'s Motion to Expunge Lis Pendens, joined by Defendant Lucia Parks, is GRANTED. And, it is further

ORDERED, that the notice of pendency of action is hereby cancelled, and this cancellation has the same effect as an expungement of the original notice. And it is further

ORDERED, that Plaintiff shall record with the Clark County Recorder a copy of this order of cancellation of the notice of pendency of action. And, it is further

ORDERED, that this case is dismissed in its entirety.

DATED this 11th day of June, 2013

DISTRICT JUDGE

I hereby certify that on the date filed, I mailed or placed a copy of this Order in the Attorney's folder in the Clerk's Office to:

Chelsea Crowton, Esq.

Diana Cline, Esq.

D. Chris Albright, Esq.

(Wright, Finlay & Zak)

(Howard Kim & Associates)

(Albright, Stoddard, Warnick & Albright)

DIANE SANZO
DIANE SANZO, Judicial Assistant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 28, 2013

A-13-678814-C SFR Investments Pool 1, LLC, Plaintiff(s)
vs.
US Bank, Defendant(s)

**March 28, 2013 8:15 AM Motion for Preliminary
Injunction**

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT: Cline, Diana S. Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED IN PART; Temporary Restraining Order (TRO) ENTERED, bond SET in the amount of \$500.00 and Motion for Preliminary Hearing CONTINUED.

4/11/13 8:14 AM MOTION FOR PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

April 11, 2013

A-13-678814-C SFR Investments Pool 1, LLC, Plaintiff(s)
vs.
US Bank, Defendant(s)

**April 11, 2013 8:15 AM Motion for Preliminary
Injunction**

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Cline, Diana S.	Attorney
	Hightower Esq, Victoria	Attorney
	Jereza, Raymond	Attorney

JOURNAL ENTRIES

- Ms. Cline advised matter was removed to Federal Court yesterday and yesterday afternoon parties stipulated to have it remanded back to this Court. Further, counsel requested matter be continued, advised Deft's counsel will have to weeks to file opposition, Pltf. will have one week to reply and matter set thereafter for hearing. Additionally, Ms. Cline requested that the TRO stand. There being no opposition, COURT ORDERED, matter CONTINUED and TRO STANDS.

CONTINUED TO: 5/16/13 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 16, 2013

A-13-678814-C SFR Investments Pool 1, LLC, Plaintiff(s)
vs.
US Bank, Defendant(s)

May 16, 2013 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Cline, Diana S.	Attorney
	Crowton, Chelsea A., ESQ	Attorney
	Gilbert, Jacqueline	Attorney

JOURNAL ENTRIES

- PLTF'S MOTION FOR PRELIMINARY INJUNCTION...DEFT. LUCIA PARKS' NOTICE OF JOINDER IN PLTF'S MOTION FOR PRELIMINARY INJUNCTION:

Ms. Cline stated Pltf. purchased property from a foreclosure HOA sale which is now facing foreclosure by the first deed of trust which according to NRS 116.3116 was extinguished at the time of the HOA foreclosure sale. NRS 116.3116 creates a lien that the HOA has on a property that is perfected, noticed at time the declaration of CCR's recorded on the property and in this case that was before the deed of trust was recorded on the property. Colloquy. Further, Ms. Cline argued it is a significant departure but it is something that has been around since 1980 because HOA are similar to taxing agencies. Additionally, this is a limited amount first security has to pay and there are several exceptions. One of the exceptions are for tax liens and the other exception is for anything that was recorded before the CCR's were formed. Ms. Cline further stated bank has to pay nine months of assessments and also any charges for abatement. As to abatement provisions adopted in 2009, they way they were incorporated into NRS 116.3116, it is clear when HOA has super priority, can foreclose non judicially and anything that is junior including first security interest can be extinguished by the foreclosure. Ms. Crowton argued Pltf. fails to address 2(b) at all and no refute from the Pltf. that 2(b)

PRINT DATE: 07/16/2013

Page 3 of 7

Minutes Date: March 28, 2013

has been met by US Bank. There is a December 2005, deed of trust recorded in the Clark County Records Office over six years after that the recording of notice of delinquent assessment lien by the HOA. Additional argument by Ms. Cline. COURT ORDERED, matter UNDER ADVISEMENT and the Court will enter order this afternoon.

DEFT. US BANK'S MOTION TO EXPUNGE LIS PENDENS...DEFT. LUCIA PARKS' NOTICE OF JOINDER IN DEFT. US BANK N.A.'S MOTION TO EXPUNGE LIS PENDENS:

Ms. Crowton advised there is a pending motion to dismiss and requested these matters be continued to that date. COURT ORDERED, motion and joinder CONTINUED.

CONTINUED TO: 6/4/13 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 17, 2013

A-13-678814-C SFR Investments Pool 1, LLC, Plaintiff(s)
vs.
US Bank, Defendant(s)

May 17, 2013

8:33 AM

Decision

**Decision: Pltf's
Motion for
Preliminary
Injunction & Deft.
Lucia Parks' Notice of
Joinder in Pltf's
Motion for
Preliminary
Injunction**

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court FINDS that the Plaintiff has not established a likelihood of success on the merits in this action, therefore it is hereby ORDERED that the Plaintiff s Motion for a Preliminary Injunction is DENIED.

The Court FURTHER ORDERS a STAY of this determination for THIRTY (30) days from the notice of entry of order, during which time Defendant U.S. Bank, its successors, assigns and agents are restrained and enjoined from foreclosing on, selling, transferring, or otherwise conveying the real property commonly known as 2270 Nashville Avenue, Henderson, Nevada 89052, Parcel No. 178-19-712-012.

FURTHER ORDERED, Deft. Lucia Parks' Notice of Joinder GRANTED.

PRINT DATE: 07/16/2013

Page 5 of 7

Minutes Date:

March 28, 2013

Defendant U.S. Bank is to prepare and submit an order consistent with this determination.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Diana S. Cline, Esq., (Kim & Assoc); Chelsea A. Crowton, Esq., (Wright F & Z) and D. Chris Albright, Esq., (Albright S W & A). aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 04, 2013

A-13-678814-C SFR Investments Pool 1, LLC, Plaintiff(s)
vs.
US Bank, Defendant(s)

June 04, 2013

8:15 AM

All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tia Everett

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT: Albright, D. Chris Attorney
 Cline, Diana S. Attorney
 Crowton, Chelsea A., ESQ Attorney

JOURNAL ENTRIES

- DEFENDANT LUCIA PARKS' JOINDER IN DEFENDANT U.S. BANK N.A'S MOTION TO DISMISS WITH PREJUDICE THE PLAINTIFF'S COMPLAINT ... DEFENDANT U.S. BANK'S MOTION TO EXPUNGE LIS PENDENS ... DEFENDANT LUCIA PARKS' JOINDER TO DEFENDANT U.S. BANK'S MOTION TO EXPUNGE LIS PENDENS ... DEFENDANT U.S. BANK'S MOTION TO DISMISS WITH PREJUDICE PLAINTIFF'S COMPLAINT

Following arguments by counsel, COURT ORDERED, matters CONTINUED to Chamber Calendar for Decision.

7/09/2013 DECISION (CHAMBER CALENDAR)

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION; NOTICE OF ENTRY OF ORDER; ORDER FOR DISMISSAL AND CANCELLATION OF NOTICE OF PENDENCY OF ACTION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

SFR INVESTMENTS POOL 1, LLC ,

Plaintiff(s),

vs.

U.S. BANK, N.A., a national banking association as Trustee for the Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4; LUCIA PARKS,

Defendant(s),

Case No: A678814

Dept No: XVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 16 day of July 2013.

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk

SFR INVESTMENTS POOL, LLC

4471 DEAN MARTIN DR UNIT 2105
LAS VEGAS, NV 89103-4242

2176

94-7074/3212 6795
1099654376

DATE

7/15/13

PAY
TO THE
ORDER OF

Supreme Court Clerk

\$ 250.00

TWO Hundred Fifty and 00/100 * * * * DOLLARS



Wells Fargo Bank, N.A.
Nevada
wellsfargo.com

FOR Nashville A1678814 NVA & CAS



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