

CLERK OF THE COURT

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Tracie K. Lindeman
Clerk of Supreme Court

NOAS

DARREN T. BRENNER, ESQ.

Nevada Bar No. 8386

ALLISON R. SCHMIDT, ESQ.

Nevada Bar No. 10743

AKERMAN LLP

1160 Town Center Drive, Suite 330

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*Attorneys for Bank of America, N.A., as Successor
by Merger to BAC Home Loans Servicing, LP fka
Countrywide Home Loans, Inc., incorrectly sued
as Countrywide Home Loans, Inc. and Nationstar
Mortgage, LLC.*

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

IGNACIO GUTIERREZ, an individual,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC; NEVADA
ASSOCIATION SERVICES, INC.; HORIZON
HEIGHTS HOMEOWNERS ASSOCIATION;
KB HOME MORTGAGE COMPANY, a foreign
corporation; DOE Individuals I through X; ROE
Corporations and Organizations I through X,

Defendants.

Case No.: A-13-684715-C

Dept. No: XVII

NOTICE OF APPEAL

SFR INVESTMENTS POOL 1, LLC, Nevada
Limited Liability Company,

Counter-Claimant and Third Party Plaintiff,

vs.

IGNACIO GUTIERREZ, an individual;
NATIONSTAR MORTGAGE, LLC, a Delaware
limited liability company; COUNTRYWIDE
HOME LOANS, INC., a foreign corporation;
DOES I through X; and ROES 1-10, inclusive,

Counter-Defendant and Third Party Defendants.

AKERMAN LLP
1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 Nationstar Mortgage LLC, by and through its attorneys of record at Akerman LLP, submits
2 its Notice of Appeal to the Nevada Supreme Court of the Order Granting SFR Investments Pool 1,
3 LLC's Motion for Summary Judgment and Denying Bank of America, NA and Nationstar Mortgage,
4 LLC's Motion for Summary Judgment that was entered in this matter on November 10, 2015.

5 DATED this 9th day of December, 2015.

6 **AKERMAN LLP**

7 /s/ Allison R. Schmidt

8 DARREN T. BRENNER, ESQ.

9 Nevada Bar No. 8386

10 ALLISON R. SCHMIDT, ESQ.

11 Nevada Bar No. 10743

12 1160 Town Center Drive, Suite 330

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15 darren.brenner@akerman.com;

16 allison.schmidt@akerman.com

17 *Attorneys for Bank of America, N.A., as Successor*
18 *by Merger to BAC Home Loans Servicing, LP fka*
19 *Countrywide Home Loans, Inc., incorrectly sued*
20 *as Countrywide Home Loans, Inc. and Nationstar*
21 *Mortgage, LLC.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2015 and pursuant to NRCP 5(b), I served through this Court's electronic service notification system ("Wiznet") a true and correct copy of the foregoing **NOTICE OF APPEAL**, addressed to:

P. Sterling Kerr, Esq.
LAW OFFICES OF P. STERLING KERR
psklaw@aol.com

Richard J. Vilkin, Esq.
LAW OFFICES OF RICHARD J. VILKIN, P.C.
richard@vilkinlaw.com

Attorneys for Plaintiff and Counter Defendant

*Attorneys for Defendant and Counterclaimant
Nevada Association Services, Inc.*

Howard C. Kim, Esq.
Diana S. Cline, Esq.
HOWARD KIM & ASSOCIATES
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diana@hkimlaw.com
sarah@hkimlaw.com
tomas@hkimlaw.com

*Attorneys for Defendant and Counterclaimant
Nevada Association Services, Inc.*

CERTIFICATE OF SERVICE

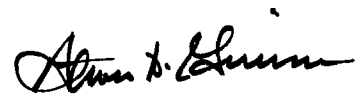
I HEREBY CERTIFY that on this 9th day of December, 2015 and pursuant to NRCP 5(b), I deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **NOTICE OF APPEAL**, postage prepaid and addressed to:

Anthony L. Ashby, Esq.
THE LAW OFFICES OF DAVID M. JONES
7455 Arroyo Crossing Parkway, Suite 200
Las Vegas, NV 89113

Attorney for Defendant Horizon Heights HOA

/s/ Lucille Chiusano

An employee of AKERMAN LLP



CLERK OF THE COURT

ASTA

DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386

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*Attorneys for Bank of America, N.A., as Successor
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EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

IGNACIO GUTIERREZ, an individual,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC; NEVADA
ASSOCIATION SERVICES, INC.; HORIZON
HEIGHTS HOMEOWNERS ASSOCIATION;
KB HOME MORTGAGE COMPANY, a foreign
corporation; DOE Individuals I through X; ROE
Corporations and Organizations I through X,

Defendants.

SFR INVESTMENTS POOL 1, LLC, Nevada
Limited Liability Company,

Counter-Claimant and Third Party Plaintiff,
vs.

IGNACIO GUTIERREZ, an individual;
NATIONSTAR MORTGAGE, LLC, a Delaware
limited liability company; COUNTRYWIDE
HOME LOANS, INC., a foreign corporation;
DOES I through X; and ROES 1-10, inclusive,

Counter-Defendant and Third Party Defendants.

Case No.: A-13-684715-C

Dept. No: XVII

CASE APPEAL STATEMENT

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 Nationstar Mortgage LLC (**Nationstar**), by and through its attorneys of record at Akerman
2 LLP, submit this Case Appeal Statement pursuant to NRAP 3(f)(3).

- 3 1. The appellant filing this case appeal statement is Nationstar.
- 4 2. The order appealed is the Order Granting SFR Investments Pool 1, LLC's Motion for
5 Summary Judgment and Denying Bank of America, NA and Nationstar Mortgage, LLC's
6 Motion for Summary Judgment, which was entered in the above-entitled matter on
7 November 10, 2015 by the Honorable James Bixler.
- 8 3. Counsel for appellant, Nationstar, are Ariel Stern, Darren Brenner and Allison Schmidt of
9 Akerman LLP, 1160 N. Town Center Drive, Suite 330, Las Vegas, Nevada 89144.
- 10 4. Counsel for SFR Investments Pool 1, LLC are Howard Kim, Diana Cline Ebron and
11 Jacqueline Gilbert of Howard Kim & Associates, 1055 Whitney Ranch Drive #110,
12 Henderson, Nevada 89014. Appellant is unaware of whether trial counsel will also act as
13 appellate counsel for respondent.
- 14 5. Counsel for appellant are licensed to practice law in Nevada. Counsel for respondent are
15 licensed to practice law in Nevada.
- 16 6. Appellant was represented by retained counsel in the district court.
- 17 7. Appellant is represented by retained counsel on appeal.
- 18 8. Appellant was not granted leave to proceed in forma pauperis by the district court.
- 19 9. The date proceedings commenced in the district court was July 8, 2013.
- 20 10. In this action, appellant, servicer of the subject loan on the Federal Home Loan Mortgage
21 Corporation's ("Freddie Mac") behalf and the beneficiary of record of the deed of trust,
22 contended that the homeowners' association foreclosure sale did not extinguish the deed of
23 trust, which at the time of the homeowners' association foreclosure sale, was owned by
24 Freddie Mac. Respondent contended the homeowners' association foreclosure sale
25 extinguished the deed of trust. The district court granted summary judgment in respondent's
26 favor. Appellant appeals the order granting summary judgment in respondent's favor and
27 denying summary judgment in appellant's favor.
28

1 11. This case has not previously been the subject of an appeal to or original writ proceeding in
2 the Supreme Court.

3 12. This appeal does not involve child custody or visitation.

4 13. This appeal does not involve the possibility of settlement.

5 DATED this 9th day of December, 2015.

6 **AKERMAN LLP**

7 /s/ Allison R. Schmidt

8 DARREN T. BRENNER, ESQ.

9 Nevada Bar No. 8386

10 ALLISON R. SCHMIDT, ESQ.

11 Nevada Bar No. 10743

12 1160 Town Center Drive, Suite 330

13 Las Vegas, NV 89144

14 Tel: (702) 634-5000; Fax: 380-8572

15 darren.brenner@akerman.com;

16 allison.schmidt@akerman.com

17 *Attorneys for Bank of America, N.A., as Successor*
18 *by Merger to BAC Home Loans Servicing, LP fka*
19 *Countrywide Home Loans, Inc., incorrectly sued*
20 *as Countrywide Home Loans, Inc. and Nationstar*
21 *Mortgage, LLC.*
22
23
24
25
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27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2015 and pursuant to NRCP 5(b), I served through this Court's electronic service notification system ("Wiznet") a true and correct copy of the foregoing **CASE APPEAL STATEMENT**, addressed to:

P. Sterling Kerr, Esq.
LAW OFFICES OF P. STERLING KERR
psklaw@aol.com

Richard J. Vilkin, Esq.
LAW OFFICES OF RICHARD J. VILKIN, P.C.
richard@vilkinlaw.com

Attorneys for Plaintiff and Counter Defendant

*Attorneys for Defendant and Counterclaimant
Nevada Association Services, Inc.*

Howard C. Kim, Esq.
Diana S. Cline, Esq.
HOWARD KIM & ASSOCIATES
eservice@hkimlaw.com
diana@hkimlaw.com
sarah@hkimlaw.com
tomas@hkimlaw.com

*Attorneys for Defendant and Counterclaimant
Nevada Association Services, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2015 and pursuant to NRCP 5(b), I deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **CASE APPEAL STATEMENT**, postage prepaid and addressed to:

Anthony L. Ashby, Esq.
THE LAW OFFICES OF DAVID M. JONES
7455 Arroyo Crossing Parkway, Suite 200
Las Vegas, NV 89113

Attorney for Defendant Horizon Heights HOA

/s/ Lucille Chiusano
An employee of AKERMAN LLP

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C

Ignacio Gutierrez, Plaintiff(s)
vs.
SFR Investments Pool 1 LLC, Defendant(s)

§
§
§
§
§

Location: **Department 17**
Judicial Officer: **Villani, Michael**
Filed on: **07/08/2013**
Cross-Reference Case Number: **A684715**

CASE INFORMATION

Statistical Closures
05/09/2014 Stipulated Dismissal

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-13-684715-C
Court	Department 17
Date Assigned	07/08/2013
Judicial Officer	Villani, Michael

PARTY INFORMATION














		<i>Lead Attorneys</i>
Plaintiff	Gutierrez, Ignacio	Kerr, Preston S. <i>Retained</i> 702-451-2055(W)
Defendant	Horizon Heights Homeowners Association Removed: 02/14/2014 Dismissed	Ashby, Anthony L <i>Retained</i> 702-408-3800(W)
	KB Home Mortgage Company	
	Nevada Association Services, Inc. Removed: 02/14/2014 Dismissed	Vilkin, Richard J. <i>Retained</i> 702-476-3211(W)
	SFR Investments Pool 1 LLC	Kim, Howard C. <i>Retained</i> 702-485-3300(W)
Counter Claimant	Nevada Association Services, Inc.	Vilkin, Richard J. <i>Retained</i> 702-476-3211(W)
	SFR Investments Pool 1 LLC	Kim, Howard C. <i>Retained</i> 702-485-3300(W)
Counter Defendant	Countrywide Home Loans Inc	Brenner, Darren T. <i>Retained</i> 702-634-5000(W)
	Gutierrez, Ignacio Removed: 05/09/2014 Dismissed	Kerr, Preston S. <i>Retained</i> 702-451-2055(W)
	Nationstar Mortgage LLC	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)

CASE SUMMARY**CASE NO. A-13-684715-C****Third Party
Defendant****Countrywide Home Loans Inc****Brenner, Darren T.**
Retained
702-634-5000(W)**Nationstar Mortgage LLC****Stern, Ariel E.**
Retained
702-634-5000(W)**Third Party
Plaintiff****SFR Investments Pool 1 LLC****Kim, Howard C.**
Retained
702-485-3300(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
07/08/2013	 Complaint Filed By: Plaintiff Gutierrez, Ignacio <i>Complaint</i>	
07/08/2013	Case Opened	
07/12/2013	 Notice of Service Party: Plaintiff Gutierrez, Ignacio <i>Notice of Filing Affidavit of Service</i>	
07/12/2013	 Notice of Service Party: Plaintiff Gutierrez, Ignacio <i>Notice of Filing Affidavit of Service - Nevada Association Services Inc</i>	
07/12/2013	 Notice of Service Party: Plaintiff Gutierrez, Ignacio <i>Notice of Filing Affidavit of Service - Horizon Heights Homeowners Association</i>	
08/01/2013	 Notice of Lis Pendens Filed by: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Notice of Lis Pendens</i>	
08/02/2013	 Answer and Counterclaim Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Answer, Counterclaim and Third Party Complaint for Quiet Title and Injunctive Relief</i>	
08/05/2013	 Initial Appearance Fee Disclosure Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Initial Appearance Fee Disclosure</i>	
08/06/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Horizon Heights Homeowners Association <i>Initial Appearance Fee Disclosure</i>	
08/06/2013	 Motion to Dismiss Filed By: Defendant Horizon Heights Homeowners Association <i>Horizon Heights HOA's Motion to Dismiss Plaintiff's Complaint</i>	
08/07/2013	 Application for Entry of Default Filed By: Plaintiff Gutierrez, Ignacio <i>Application for Entry of Default</i>	
08/08/2013	 Certificate of Service	

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C

Filed by: Plaintiff Gutierrez, Ignacio
Certificate of Service







08/12/2013	 Answer and Counterclaim Filed By: Counter Claimant Nevada Association Services, Inc. <i>Answer Of Defendant Nevada Association Services, Inc. And Counterclaim</i>
08/15/2013	 Answer Filed By: Plaintiff Gutierrez, Ignacio <i>Answer to Defendant Nevada Association Services, Inc. And Counterclaim</i>
08/15/2013	 Opposition Filed By: Plaintiff Gutierrez, Ignacio <i>Opposition to Defendant Horizon Heights HOA's Motion to Dismiss Plaintiffs Complaint</i>
08/19/2013	 Answer and Counterclaim Filed By: Plaintiff Gutierrez, Ignacio <i>Answer to Defendant SFR Investment Pool 1, LLC's Counterclaim and Third Party Complaint</i>
08/21/2013	 Affidavit of Service Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Affidavit of Service - Countrywide Home Loans, Inc.</i>
08/26/2013	 Default Filed By: Plaintiff Gutierrez, Ignacio <i>Default</i>
08/26/2013	 Joinder to Opposition to Motion Filed by: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Limited Joinder to Plaintiff's Opposition to Horizon Heights Homeowner's Association's Motion to Dismiss.</i>
08/27/2013	 Notice of Entry of Default Party: Plaintiff Gutierrez, Ignacio <i>Notice of Entry of Default</i>
08/27/2013	 Certificate of Service Filed by: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Certificate of Service</i>
08/29/2013	 Notice of Appearance Party: Counter Defendant Nationstar Mortgage LLC <i>Notice of Appearance</i>
08/29/2013	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Nationstar Mortgage LLC <i>Initial Appearance Fee Disclosure</i>
09/05/2013	 Affidavit of Service Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Affidavit of Service</i>
09/11/2013	 Motion to Dismiss (8:30 AM) (Judicial Officer: Villani, Michael) Events: 08/06/2013 Motion to Dismiss

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C

Horizon Heights HOA's Motion to Dismiss Plaintiff's Complaint













09/18/2013	 Motion to Dismiss Filed By: Counter Defendant Nationstar Mortgage LLC <i>Motion to Dismiss Third Party Complaint</i>
09/19/2013	 Notice of Change of Address Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Notice of Change of Address and Notice of Change of Attorney</i>
09/19/2013	 Certificate of Service Filed by: Counter Defendant Nationstar Mortgage LLC <i>Certificate of Service</i>
10/09/2013	 Opposition to Motion to Dismiss Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Opposition to Nationstar Mortgage, LLC's Motion to Dismiss Third Party Complaint</i>
10/14/2013	 Certificate of Service Filed by: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Certificate of Service</i>
10/16/2013	 Reply in Support Filed By: Counter Defendant Nationstar Mortgage LLC <i>Reply in Support of Motion to Dismiss Third Party Complaint</i>
10/23/2013	 Motion to Dismiss (8:30 AM) (Judicial Officer: Villani, Michael) <i>Third Party Defendant Nationstar Mortgage LLC's Motion to Dismiss Third Party Complaint</i>
11/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Third Party Defendant Nationstar Mortgage LLC'S Moton to Dismiss Third Party Complaint October 23, 2013</i>
11/07/2013	 Notice of Change of Firm Name Filed By: Counter Defendant Nationstar Mortgage LLC <i>Notice of Change of Firm Name</i>
11/12/2013	 Order for Dismissal With Prejudice Filed By: Counter Defendant Nationstar Mortgage LLC <i>(Vacated 11/25/14) Order Granting Nationstar Mortgage LLC's Motion to Dismiss Third Party Complaint</i>
11/13/2013	 Notice of Entry of Order Filed By: Counter Defendant Nationstar Mortgage LLC <i>Notice of Entry of Order</i>
11/22/2013	 Certificate of Mailing Filed By: Counter Claimant Nevada Association Services, Inc. <i>Certificate Of Mailing</i>
11/22/2013	 Motion to Dismiss Filed By: Counter Claimant Nevada Association Services, Inc. <i>Motion By Defendant Nevada Association Services, Inc. To Dismiss Plaintiff's Complaint And For Attorneys Fees And Costs</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C














01/02/2014	 Joinder Filed By: Defendant Horizon Heights Homeowners Association <i>Defendant Horizon Heights Homeowners Association's Joinder to Nevada Associations Motion to Dismiss</i>
01/08/2014	Motion to Dismiss (8:30 AM) (Judicial Officer: Villani, Michael) Events: 11/22/2013 Motion to Dismiss <i>Motion By Defendant Nevada Association Services, Inc. To Dismiss Plaintiff's Complaint And For Attorneys Fees And Costs</i>
01/08/2014	Joinder (8:30 AM) (Judicial Officer: Villani, Michael) Events: 01/02/2014 Joinder <i>Defendant Horizon Heights Homeowners Association's Joinder to Nevada Associations Motion to Dismiss</i>
01/08/2014	 All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) <i>Nevada Accosiation Services' Motion to Dismiss Plaintiff's Complant and for Attorney's Fees and Costs . . . Horizon Heights Homeowners Association's Joinder</i>
01/17/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Third Party Defendant Nationstar Mortgage LLC'S Motion to Dismiss Third Party Complaint 10/23/13</i>
02/14/2014	 Order Granting Motion Filed By: Counter Claimant Nevada Association Services, Inc. <i>Order Granting Motion By Defendants Nevada Association Services, Inc. And Horizon Heights Homeowners Association To Dismiss Plaintiff's Complaint</i>
02/14/2014	Order of Dismissal Without Prejudice (Judicial Officer: Villani, Michael) Debtors: Ignacio Gutierrez (Plaintiff) Creditors: Horizon Heights Homeowners Association (Defendant), Nevada Association Services, Inc. (Defendant) Judgment: 02/14/2014, Docketed: 02/24/2014
02/14/2014	Judgment for Attorney's Fees (Judicial Officer: Villani, Michael) Debtors: Ignacio Gutierrez (Plaintiff) Creditors: Nevada Association Services, Inc. (Defendant) Judgment: 02/14/2014, Docketed: 02/24/2014 Total Judgment: 1,650.56
02/15/2014	 Notice of Entry of Order Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Notice Of Entry Of Order</i>
03/28/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: All Pending Motions January 8, 2014</i>
05/09/2014	 Stipulation and Order for Dismissal Without Prejudice Filed By: Plaintiff Gutierrez, Ignacio <i>Stipulation and Order Dismissing Ignacio Gutierrez without Prejudice</i>
05/09/2014	Order of Dismissal Without Prejudice (Judicial Officer: Villani, Michael) Debtors: SFR Investments Pool 1 LLC (Defendant) Creditors: Ignacio Gutierrez (Plaintiff) Judgment: 05/09/2014, Docketed: 12/08/2014 Debtors: SFR Investments Pool 1 LLC (Counter Claimant) Creditors: Ignacio Gutierrez (Counter Defendant)

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C








Judgment: 05/09/2014, Docketed: 12/08/2014

05/12/2014	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Notice of Entry of Stipulation and Order</i>
10/08/2014	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Countrywide Home Loans Inc <i>Initial Appearance Fee Disclosure</i>
10/08/2014	 Notice of Appearance Party: Counter Defendant Countrywide Home Loans Inc <i>Notice of Appearance</i>
10/08/2014	 Answer to Third Party Complaint Filed By: Counter Defendant Countrywide Home Loans Inc
11/25/2014	 Stipulation and Order Filed by: Counter Defendant Nationstar Mortgage LLC <i>Stipulation and Order Vacating Order Granting Nationstar Mortgage, LLC's Motion To Dismiss with Prejudice and Entering an Order Denying the Motion To Dismiss</i>
11/25/2014	Amended Judgment Vacated (Judicial Officer: Villani, Michael) Debtors: SFR Investments Pool 1 LLC (Third Party Plaintiff) Creditors: Nationstar Mortgage LLC (Third Party Defendant), Countrywide Home Loans Inc (Third Party Defendant) Judgment: 11/25/2014, Docketed: 11/19/2013
11/26/2014	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Countrywide Home Loans Inc <i>Notice of Entry of Stipulation and Order</i>
12/22/2014	 Joint Case Conference Report Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Joint Case Conference Report</i>
12/31/2014	 Scheduling Order <i>Scheduling Order</i>
01/12/2015	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial</i>
06/15/2015	 Designation of Expert Witness Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>SFR Investments Pool 1, LLC's Rebuttal Expert Witness Disclosure</i>
07/21/2015	 Answer to Third Party Complaint Filed By: Counter Defendant Nationstar Mortgage LLC <i>Nationstar Mortgage, LLC's Answer To SFR Investments Pool 1, LLC's Third-Party Complaint</i>
07/27/2015	 Motion Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Motion for Pre-Trial Coordination on Order Shortening Time</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C

08/07/2015	 Opposition to Motion Filed By: Counter Defendant Countrywide Home Loans Inc <i>Nationstar Mortgage, LLC and Countrywide Home Loans, Inc. 's Response in Opposition to SFR Investment Pool 1, LLC's Motion for Pre-Trial Coordination on Order Shortening Time</i>
08/11/2015	 Motion to Coordinate (10:30 AM) (Judicial Officer: Bare, Rob) <i>Defendant's Motion for Pre-Trial Coordination on Order Shortening Time</i>
08/25/2015	 Document Filed Filed by: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Proposed Case Management Order</i>
08/26/2015	 Affidavit of Due Diligence Filed By: Counter Defendant Countrywide Home Loans Inc <i>Affidavit Of Due Diligence</i>
08/26/2015	 Affidavit of Service Filed By: Counter Defendant Countrywide Home Loans Inc <i>Affidavit Of Service</i>
09/08/2015	 Motion for Summary Judgment Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>SFR Investments Pool 1, LLC's Motion for Summary Judgment</i>
09/21/2015	 Motion in Limine Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>SFR Investments Pool 1, LLC's Motion in Limine to Strike Bank's Expert</i>
09/28/2015	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Countrywide Home Loans Inc <i>Bank of America, NA and Nationstar Mortgage, LLC's Opposition to Motion for Summary Judgment</i>
09/28/2015	 Countermotion For Summary Judgment Filed By: Counter Defendant Countrywide Home Loans Inc <i>Bank of America, N.A., as Successor By Merger To BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc. and Nationstar Mortgage, LLC's Countermotion For Summary Judgment</i>
10/01/2015	 Joinder to Opposition to Motion Filed by: Counter Defendant Countrywide Home Loans Inc <i>Joinder To Opposition and Notice of Opposition To SFR Investment Pool 1, LLC's Motion For Pre-Trial Coordination on Order Shortening Time</i>
10/08/2015	 Opposition to Motion in Limine Filed By: Counter Defendant Countrywide Home Loans Inc <i>Opposition to SFR Investments Pool 1, LLC's Motion in Limine to Exclude Expert</i>
10/14/2015	 Reply in Support Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>SFR Investments Pool 1, LLC's Reply in Support of Motion for Summary Judgment, Motion to Strike Countermotion for Summaary Judgment, and Opposition to Countermotion for summary judgment</i>
10/15/2015	 Reply in Support

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C

	<i>Bank of America, NA AND Nationstar Mortgage, LLC's Reply in Support of Countermotion for Summary Judgment and Opposition to Motion to Strike</i>
10/16/2015	 Pre-Trial Disclosure Party: Third Party Plaintiff SFR Investments Pool 1 LLC <i>SFR Investments Pool 1, LLC's Pre-Trial Disclosures</i>
10/21/2015	Motion for Summary Judgment (8:30 AM) (Judicial Officer: Bixler, James) <i>SFR Investments Pool 1, LLC's Motion for Summary Judgment</i>
10/21/2015	Countermotion (8:30 AM) (Judicial Officer: Bixler, James) <i>Bank of America, N.A., as Successor By Merger To BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc. and Nationstar Mortgage, LLC's Countermotion For Summary Judgment</i>
10/21/2015	 All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James)
10/28/2015	CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Bixler, James) <i>Vacated</i> <i>SFR Investments Pool 1, LLC's Motion in Limine to Strike Bank's Expert</i>
10/29/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re All Pending Motions October 21, 2015</i>
11/04/2015	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Law Clerk</i>
11/10/2015	 Order Granting Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Order Granting SFR Investments Pool 1, LLC's Motion for Summary Judgment and Denying Bank of America, N.A. and Nationstar Mortgage, LLC's Countermotion for Summary Judgment</i>
11/10/2015	 Notice of Entry of Order Filed By: Third Party Plaintiff SFR Investments Pool 1 LLC <i>Notice of Entry of Order Granting SFR Investments Pool 1, LLC's Motion for Summary Judgment and Denying Bank of America, N.A. and Nationstar Mortgage, LLC's Countermotion for Summary Judgment</i>
11/16/2015	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Law Clerk</i>
12/09/2015	 Notice of Appeal Filed By: Counter Defendant Nationstar Mortgage LLC <i>Notice of Appeal</i>
12/09/2015	 Case Appeal Statement Filed By: Counter Defendant Nationstar Mortgage LLC <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	Defendant Horizon Heights Homeowners Association
	Total Charges 223.00
	Total Payments and Credits 223.00
	Balance Due as of 12/11/2015 0.00
	Counter Claimant Nevada Association Services, Inc.
	Total Charges 223.00

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-13-684715-C

Total Payments and Credits	223.00
Balance Due as of 12/11/2015	0.00
 Third Party Plaintiff SFR Investments Pool 1 LLC	
Total Charges	558.00
Total Payments and Credits	558.00
Balance Due as of 12/11/2015	0.00
 Counter Defendant Countrywide Home Loans Inc	
Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 12/11/2015	0.00
 Counter Defendant Nationstar Mortgage LLC	
Total Charges	247.00
Total Payments and Credits	247.00
Balance Due as of 12/11/2015	0.00
 Plaintiff Gutierrez, Ignacio	
Total Charges	270.00
Total Payments and Credits	270.00
Balance Due as of 12/11/2015	0.00

CIVIL COVER SHEET

A - 13 - 684715 - C

Clark County, Nevada

XVII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

Ignacio Gutierrez

Attorney (name/address/phone):

Law Offices of P. Sterling Kerr

2450 St. Rose Parkway #120

Henderson, NV 89074

Defendant(s) (name/address/phone): SFR INVESTMENTS POOL 1, LLC

Attorney (name/address/phone):

Howard C. Kim, Esq.

400 N. Stephanie St, Suite 160

Henderson, NV 89014

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <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 <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <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

Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <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 <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	<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 <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <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

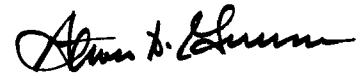
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <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) | |

7/8/13

Date

Signature of initiating party or representative



CLERK OF THE COURT

ORDR

HOWARD C. KIM, ESQ.
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HOWARD KIM & ASSOCIATES
1055 Whitney Ranch Drive, Suite 110
Henderson, Nevada 89014
Telephone: (702) 485-3300
Facsimile: (702) 485-3301
Attorneys for SFR Investments Pool 1, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

IGNACIO GUTIERREZ, an individual,

Case No. A-13-684715-C

Plaintiff,

Dept. No. XVII

vs.

SFR INVESTMENTS POOL 1, LLC;
NEVADA ASSOCIATION SERVICES, INC.;
HORIZON HEIGHTS HOMEOWNERS
ASSOCIATION; KB HOME MORTGAGE
COMPANY, a foreign corporation, DOE
Individuals I through X, ROE Corporations and
Organizations I through X,

**ORDER GRANTING SFR INVESTMENTS
POOL 1, LLC'S MOTION FOR
SUMMARY JUDGMENT AND DENYING
BANK OF AMERICA, N.A. AND
NATIONSTAR MORTGAGE, LLC'S
COUNTERMOTION FOR SUMMARY
JUDGMENT**

Defendants.

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

Counter-Claimant and Third Party Plaintiff,
vs.

IGNACIO GUTIERREZ, an individual;
NATIONSTAR MORTGAGE, LLC, a
Delaware limited liability company;
COUNTRYWIDE HOME LOANS, INC., A
FOREIGN CORPORATION; DOES I-X; and
ROES 1-10, inclusive,

Counter-Defendant/ Third Party Defendants.

This matter came before the Court on SFR Investments Pool 1, LLC's Motion for

Summary Judgment ("SFR MSJ"), filed on September 8, 2015, and Bank of America, N.A., as

HOWARD KIM & ASSOCIATES
1055 WHITNEY RANCH DRIVE, SUITE 110
HENDERSON, NEVADA 89014
(702) 485-3300 FAX (702) 485-3301

**RECEIVED BY
DEPT 17 ON
OCT 29 2015**

1 Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc.
2 ("BANA") and Nationstar Mortgage, LLC's ("Nationstar")(collectively, with BANA, the
3 "Bank") Countermotion for Summary Judgment ("Bank MSJ"), filed on September 28, 2015.
4 The Bank filed an Opposition to the SFR MSJ on September 28, 2015. SFR filed its Reply in
5 Support of its Motion for Summary Judgment, Motion to Strike Countermotion for Summary
6 Judgment as being Untimely, and Opposition to the Bank's MSJ on October 14, 2015. This
7 Court heard arguments on the SFR MSJ and the Bank MSJ on October 21, 2015 at 8:30 a.m.
8 Jacqueline A. Gilbert, Esq. and Karen L. Hanks, Esq. appeared on behalf of SFR. Ariel Stern,
9 Esq. appeared on behalf of the Bank.

10 FINDINGS OF FACT¹

11 1. A Deed of Trust listing Ignacio A. Gutierrez as the borrower, KB Home Mortgage
12 Company (**KB**) as the lender, Mortgage Electronic Registration Systems, Inc. (**MERS**) as the
13 beneficiary and nominee of the lender and lender's successors and assigns, and First American
14 Title Company of Nevada as trustee, was recorded on July 20, 2005. The Deed of Trust granted
15 KB a security interest in real property known as 668 Moonlight Stroll Street, Henderson, Nevada
16 89015 (the "Property") to secure the repayment of a loan in the original amount of \$271,638.00
17 to borrower Ignacio A. Gutierrez (the "Deed of Trust").

18 2. On April 23, 2012, an Assignment of Deed of Trust was recorded, pursuant to
19 which MERS assigned its beneficial interest in the Deed of Trust to BANA on or about April 17,
20 2012.

21 3. On November 28, 2012, an Assignment of Deed of Trust was recorded, pursuant
22 to which BANA assigned its beneficial interest in the Deed of Trust to Nationstar on or about
23 November 21, 2012.

24 4. On April 5, 2013, SFR purchased the Property at a public non-judicial foreclosure
25 auction held by Nevada Association Services, Inc., on behalf of Horizon Heights ("Association
26 Foreclosure Sale").

27
28 ¹ Any finding of fact that should be a conclusion of law is deemed a conclusion of law.

1 5. On April 8, 2013, SFR recorded its Foreclosure Deed against the Property in the
2 Official Records of the Clark County Recorder as Instrument No. 201304080001036
3 (“Foreclosure Deed”).

4 6. The Foreclosure Deed contains the following recitals:

5 Nevada Association Services, Inc. has complied with all requirements of law
6 including, but not limited to, the elapsing of 90 days, mailing of copies of Notice
7 of Delinquent Assessment and Notice of Default and the posting and publication
8 of the Notice of Sale.

9 7. Prior to the Association Foreclosure Sale, Nationstar was the beneficiary of
10 record of the Deed of Trust on the Property.

11 8. On September 18, 2014, the Nevada Supreme Court issued its opinion in *SFR*
12 *Investments Pool 1 v. U.S. Bank* (hereinafter the “SFR Decision”), concluding that NRS
13 116.3116(2) gives associations a true super-priority lien, a properly conducted non-judicial
14 foreclosure of which extinguishes a first deed of trust. *SFR Investments Pool 1 v. U.S. Bank*,
15 130 Nev. ___, ___, 334 P.3d 408, 419 (2014), reh’g denied (Oct. 16, 2014).

16 9. The Association Foreclosure Sale was conducted pursuant to Horizon Heights’
17 (“Association”) lien, which contained super-priority amounts.

18 10. SFR argued that it should be granted summary judgment as: (1) all notices
19 required by NRS 116 were mailed to the proper parties; (2) Nationstar, who was the beneficiary
20 of record of the Deed of Trust, did nothing to protect its interest in the Property; (3) the
21 Association Foreclosure Sale extinguished Nationstar’s interest in the Property pursuant to the
22 SFR Decision; (4) SFR can rely on the recitals in the Foreclosure Deed as conclusive proof that
23 Nationstar was given notice of the Association Foreclosure Sale and failed to protect its interest;
24 and (5) NRS 116.3116(1) and (2) do not apply against homeowners who are foreclosed in a
25 manner that violates NRS 116.31162 through NRS 116.31168.

26 The Bank argued that summary judgment should be entered in its favor because: (1)
27 Nevada Association Services, Inc., on behalf of the Association, failed to provide notice of the
28 foreclosure sale to Nationstar; (2) Federal Home Loan Mortgage Corporation (“Freddie Mac”)

1 was the owner of the first deed of trust at the time of the Association Foreclosure Sale; (3) that
2 12 U.S.C. § 4617(j)(3), which provides that while Freddie Mac is under the conservatorship of
3 the Federal Housing and Finance Agency ("FHFA"), none of Freddie Mac's property, including
4 any lien owned by Freddie Mac, "shall be subject to . . . foreclosure . . . without the consent of
5 [FHFA]" and that FHFA did not consent in this case, therefore the Association Foreclosure Sale
6 did not extinguish the First Deed of Trust, as determined by three United States District Court
7 judges, see see Skylights v. Byron, No. 2:15-cv-0043-GMN-VCF, 2015 WL 3887061 (D. Nev.
8 June 24, 2015); Elmer v. Fed. Home Loan Mortg. Corp., No. 2:14-cv-01999-GMN-NJK, 2015
9 WL 4393051 (D. Nev. July 14, 2015); Premier One Holdings, Inc. v. Fed. Nat'l Mortg. Ass'n,
10 No. 2:14-cv-02128-GMN-NJK, 2015 WL 4276169 (D. Nev. July 14, 2015); Williston Investment
11 Grp., LLC v. JP Morgan Chase Bank, NA, No. 2:14-cv-02038-GMN-PAL, 2015 WL 4276144
12 (D. Nev. July 14, 2015); My Global Village, LLC v. Federal Nat'l Mortg. Assoc., No. 2:15-cv-
13 00211-RCJ-NJK, 2015 WL 4523501 (D. Nev. July 27, 2015); 1597 Ashfield Valley Trust v.
14 Fannie Mae, No. 2:14-cv-02123, 2015 WL 4581220 (D. Nev. July 28, 2015), and (4) the
15 Association Foreclosure Sale was commercially unreasonable and not made in good faith, given
16 the price paid for the Property. The Bank also argued applying NRS 116.31166 in the manner
17 advocated by SFR would lead to absurd and harsh results in cases where homeowners are
18 foreclosed improperly by HOAs.

19 11. At the hearing, the Bank also argued that it was an agent of Freddie Mac, but this
20 was raised late and without sufficient facts to support the claim. Neither Freddie Mac nor the
21 Federal Housing Finance Agency ("FHFA") are parties to the litigation.

22 12. SFR disputed that Freddie Mac or FHFA had an interest in the Deed of Trust or
23 loan at the time of the Association Foreclosure Sale and argued that, even if they did, Nationstar
24 is not the proper party to raise any defenses on behalf of Freddie Mac or FHFA because FHFA
25 has exclusive authority to enforce 4617(j)(3) as set forth in FHFA's regulations, 12 C.F.R. §
26 1237.3(a)(7).

27 13. At the hearing, this Court made its oral ruling, at which time the Bank made an
28 oral motion to stay entry of judgment based on the alleged interests of non-parties Freddie Mac

and FHFA, and those non-parties' potential preference to litigate their interests in federal court.

14. On September 21, 2015, SFR filed a Motion in Limine to Strike the Bank's Expert. The Motion in Limine is currently scheduled to be heard on October 28, 2015 at 8:30 a.m.

CONCLUSIONS OF LAW²

A. As recognized in the SFR Decision, "[a] trustee's deed reciting compliance with the notice provisions of NRS 116.31162 through NRS 116.31168 'is conclusive' as to the recitals 'against the unit's former owner, his or her heirs and assigns, and all other persons.'" SFR Decision, 334 P.3d at 411-412 (quoting NRS 116.31166(2)). NRS 116.3116 states:

1. The recitals in a deed made pursuant to NRS 116.31164 of:
 - (a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;
 - (b) The elapsing of the 90 days; and
 - (c) The giving of notice of sale,
 Are conclusive proof of the matters recited.
2. Such a deed containing those recitals is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.
3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.

B. The Bank cannot introduce evidence to negate the recitals set forth in the Foreclosure Deed as to a purchaser at a homeowners association foreclosure sale, such as SFR. Commercial reasonableness is not at issue here, as price alone is not enough to set aside a sale as being commercially unreasonable and the alleged lack of notice of sale to Nationstar does not rise to the level of fraud, oppression, or unfairness required under a commercial reasonable analysis.

C. While there is a dispute as to whether Freddie Mac or FHFA have an interest in the Deed of Trust, it does not change the outcome because, the Bank lacks standing to assert any

² Any conclusion of law that should be a finding of fact is deemed a finding of fact.

1 claims or defenses on behalf of Freddie Mac or FHFA, when neither Freddie Mac or FHFA is a
2 party to this action. Nothing herein shall be construed to prohibit Freddie Mac or FHFA from
3 asserting in an appropriate action that 12 U.S.C. § 4617(j)(3) preempts NRS 116 to the extent
4 NRS 116 would, under certain circumstances, otherwise allow Freddie Mac's Deed of Trust to
5 be extinguished via the Association Foreclosure Sale without FHFA's consent.

6 D. Nationstar's interest in the Property was extinguished by the Association
7 Foreclosure Sale.

8 **ORDER**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that SFR Investments Pool
10 1, LLC's Motion for Summary Judgment is GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Bank of America,
12 N.A., as Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home
13 Loans, Inc. and Nationstar Mortgage, LLC's Countermotion for Summary Judgment is DENIED.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the hearing on SFR's
15 Motion in Limine to Strike the Bank's Expert, currently set to be heard on October 28, 2015 at
16 8:30 a.m., is VACATED as MOOT.


17 ///

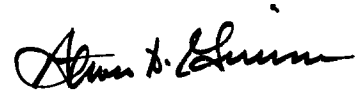
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that cross-defendants' oral motion to stay entry of judgment is hereby DENIED.

IT IS SO ORDERED.

Dated this 5 day of Nov, 2015.


DISTRICT COURT JUDGE
js

Respectfully submitted by: HOWARD KIM & ASSOCIATES  Jacqueline A. Gilbert, Esq. Nevada Bar No. 10593 Karen L. Hanks, Esq. Nevada Bar No. 9578 1055 Whitney Ranch Drive, Suite 110 Henderson, Nevada 89014 <i>Attorney for SFR Investments Pool 1, LLC</i>	Approved as to Form and Content: AKERMAN LLP Ariel Stern, Esq. Nevada Bar No. 8276 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144 <i>Attorney for Bank of America, N.A., as Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc. and Nationstar Mortgage, LLC</i>
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CLERK OF THE COURT

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E-mail: diana@hkimlaw.com
JACQUELINE A. GILBERT, ESQ.
Nevada Bar No. 10593
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HOWARD KIM & ASSOCIATES
1055 Whitney Ranch Drive, Suite 110
Henderson, Nevada 89014
Telephone: (702) 485-3300
Facsimile: (702) 485-3301
Attorneys for SFR Investments Pool 1, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

IGNACIO GUTIERREZ, an individual,

Case No. A-13-684715-C

Plaintiff,

Dept. No. XVII

vs.

SFR INVESTMENTS POOL 1, LLC;
NEVADA ASSOCIATION SERVICES, INC.;
HORIZON HEIGHTS HOMEOWNERS
ASSOCIATION; KB HOME MORTGAGE
COMPANY, a foreign corporation, DOE
Individuals I through X, ROE Corporations and
Organizations I through X,

**NOTICE OF ENTRY OF ORDER
GRANTING SFR INVESTMENTS POOL
1, LLC'S MOTION FOR SUMMARY
JUDGMENT AND DENYING BANK OF
AMERICA, N.A. AND NATIONSTAR
MORTGAGE, LLC'S
COUNTERMOTION FOR SUMMARY
JUDGMENT**

Defendants.

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

Counter-Claimant and Third Party Plaintiff,
vs.

IGNACIO GUTIERREZ, an individual;
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Delaware limited liability company;
COUNTRYWIDE HOME LOANS, INC., A
FOREIGN CORPORATION; DOES I-X; and
ROES 1-10, inclusive,

Counter-Defendant/ Third Party Defendants.

HOWARD KIM & ASSOCIATES

1055 WHITNEY RANCH DRIVE, SUITE 110
HENDERSON, NEVADA 89014
(702) 485-3300 FAX (702) 485-3301

1 PLEASE TAKE NOTICE that an **Order Granting SFR Investments Pool 1, LLC's**
2 **Motion for Summary Judgment and Denying Bank of America, N.A. and Nationstar**
3 **Mortgage, LLC's Countermotion for Summary Judgment** was entered by this court on
4 November 10th, 2015. A copy of said Order is attached hereto.

5
6 DATED this 10th day of November, 2015

HOWARD KIM & ASSOCIATES

/s/Diana S. Cline Ebron

DIANA CLINE EBRON, ESQ.

Nevada Bar No. 10580

JACQUELINE A. GILBERT, ESQ.

Nevada Bar No. 10593

KAREN L. HANKS, ESQ.

Nevada Bar No. 9578

1055 Whitney Ranch Drive, Suite 110

Henderson, Nevada 89014

Attorneys for SFR Investments Pool 1, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2015, pursuant to NRCP 5(b), I served the following parties listed below via Eighth Judicial District Court electronic service, a true and correct copy of the foregoing **NOTICE OF ENTRY ORDER GRANTING SFR INVESTMENTS POOL 1, LLC'S MOTION FOR SUMMARY JUDGMENT AND DENYING BANK OF AMERICA, N.A. AND NATIONSTAR MORTGAGE, LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT** addressed to:

Akerman LLP

Contact

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Darren T. Brenner, Esq.

Email

akermanlas@akerman.com
allison.schmidt@akerman.com
darren.brenner@akerman.com

Law Offices of P. Sterling Kerr

Contact

P. Sterling Kerr

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psklaw@aol.com

Law Offices of Richard Vilkin, P.C.

Contact

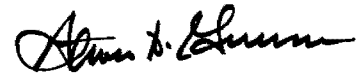
Richard J. Vilkin

Email

richard@vilkinlaw.com

/s/ Tomas Valerio

Employee of Howard Kim & Associates



CLERK OF THE COURT

ORDR

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JACQUELINE A. GILBERT, ESQ.
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Attorneys for SFR Investments Pool 1, LLC

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IGNACIO GUTIERREZ, an individual,

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vs.

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Dept. No. XVII

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**ORDER GRANTING SFR INVESTMENTS
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SUMMARY JUDGMENT AND DENYING
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**RECEIVED BY
DEPT 17 ON
OCT 29 2015**

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2 ("BANA") and Nationstar Mortgage, LLC's ("Nationstar")(collectively, with BANA, the
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12 Company (**KB**) as the lender, Mortgage Electronic Registration Systems, Inc. (**MERS**) as the
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14 Title Company of Nevada as trustee, was recorded on July 20, 2005. The Deed of Trust granted
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26 Foreclosure Sale").

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6. The Foreclosure Deed contains the following recitals:

Nevada Association Services, Inc. has complied with all requirements of law including, but not limited to, the elapsing of 90 days, mailing of copies of Notice of Delinquent Assessment and Notice of Default and the posting and publication of the Notice of Sale.

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/

8. On September 18, 2014, the Nevada Supreme Court issued its opinion in *SFR Investments Pool 1 v. U.S. Bank* (hereinafter the "SFR Decision"), concluding that NRS 116.3116(2) gives associations a true super-priority lien, a properly conducted non-judicial foreclosure of which extinguishes a first deed of trust. *SFR Investments Pool 1 v. U.S. Bank*, 130 Nev. ___, ___, 334 P.3d 408, 419 (2014), reh'g denied (Oct. 16, 2014).

9. The Association Foreclosure Sale was conducted pursuant to Horizon Heights' ("Association") lien, which contained super-priority amounts.

10. SFR argued that it should be granted summary judgment as: (1) all notices required by NRS 116 were mailed to the proper parties; (2) Nationstar, who was the beneficiary of record of the Deed of Trust, did nothing to protect its interest in the Property; (3) the Association Foreclosure Sale extinguished Nationstar's interest in the Property pursuant to the SFR Decision; (4) SFR can rely on the recitals in the Foreclosure Deed as conclusive proof that Nationstar was given notice of the Association Foreclosure Sale and failed to protect its interest; and (5) NRS 116.3116(1) and (2) do not apply against homeowners who are foreclosed in a manner that violates NRS 116.31162 through NRS 116.31168.

The Bank argued that summary judgment should be entered in its favor because: (1) Nevada Association Services, Inc., on behalf of the Association, failed to provide notice of the foreclosure sale to Nationstar; (2) Federal Home Loan Mortgage Corporation ("Freddie Mac")

1 was the owner of the first deed of trust at the time of the Association Foreclosure Sale; (3) that
2 12 U.S.C. § 4617(j)(3), which provides that while Freddie Mac is under the conservatorship of
3 the Federal Housing and Finance Agency ("FHFA"), none of Freddie Mac's property, including
4 any lien owned by Freddie Mac, "shall be subject to . . . foreclosure . . . without the consent of
5 [FHFA]" and that FHFA did not consent in this case, therefore the Association Foreclosure Sale
6 did not extinguish the First Deed of Trust, as determined by three United States District Court
7 judges, see see Skylights v. Byron, No. 2:15-cv-0043-GMN-VCF, 2015 WL 3887061 (D. Nev.
8 June 24, 2015); Elmer v. Fed. Home Loan Mortg. Corp., No. 2:14-cv-01999-GMN-NJK, 2015
9 WL 4393051 (D. Nev. July 14, 2015); Premier One Holdings, Inc. v. Fed. Nat'l Mortg. Ass'n,
10 No. 2:14-cv-02128-GMN-NJK, 2015 WL 4276169 (D. Nev. July 14, 2015); Williston Investment
11 Grp., LLC v. JP Morgan Chase Bank, NA, No. 2:14-cv-02038-GMN-PAL, 2015 WL 4276144
12 (D. Nev. July 14, 2015); My Global Village, LLC v. Federal Nat'l Mortg. Assoc., No. 2:15-cv-
13 00211-RCJ-NJK, 2015 WL 4523501 (D. Nev. July 27, 2015); 1597 Ashfield Valley Trust v.
14 Fannie Mae, No. 2:14-cv-02123, 2015 WL 4581220 (D. Nev. July 28, 2015), and (4) the
15 Association Foreclosure Sale was commercially unreasonable and not made in good faith, given
16 the price paid for the Property. The Bank also argued applying NRS 116.31166 in the manner
17 advocated by SFR would lead to absurd and harsh results in cases where homeowners are
18 foreclosed improperly by HOAs.

19 11. At the hearing, the Bank also argued that it was an agent of Freddie Mac, but this
20 was raised late and without sufficient facts to support the claim. Neither Freddie Mac nor the
21 Federal Housing Finance Agency ("FHFA") are parties to the litigation.

22 12. SFR disputed that Freddie Mac or FHFA had an interest in the Deed of Trust or
23 loan at the time of the Association Foreclosure Sale and argued that, even if they did, Nationstar
24 is not the proper party to raise any defenses on behalf of Freddie Mac or FHFA because FHFA
25 has exclusive authority to enforce 4617(j)(3) as set forth in FHFA's regulations, 12 C.F.R. §
26 1237.3(a)(7).

27 13. At the hearing, this Court made its oral ruling, at which time the Bank made an
28 oral motion to stay entry of judgment based on the alleged interests of non-parties Freddie Mac

and FHFA, and those non-parties' potential preference to litigate their interests in federal court.

14. On September 21, 2015, SFR filed a Motion in Limine to Strike the Bank's Expert. The Motion in Limine is currently scheduled to be heard on October 28, 2015 at 8:30 a.m.

CONCLUSIONS OF LAW²

A. As recognized in the SFR Decision, "[a] trustee's deed reciting compliance with the notice provisions of NRS 116.31162 through NRS 116.31168 'is conclusive' as to the recitals 'against the unit's former owner, his or her heirs and assigns, and all other persons.'" SFR Decision, 334 P.3d at 411-412 (quoting NRS 116.31166(2)). NRS 116.3116 states:

1. The recitals in a deed made pursuant to NRS 116.31164 of:
 - (a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;
 - (b) The elapsing of the 90 days; and
 - (c) The giving of notice of sale,Are conclusive proof of the matters recited.
2. Such a deed containing those recitals is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.
3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.

B. The Bank cannot introduce evidence to negate the recitals set forth in the Foreclosure Deed as to a purchaser at a homeowners association foreclosure sale, such as SFR. Commercial reasonableness is not at issue here, as price alone is not enough to set aside a sale as being commercially unreasonable and the alleged lack of notice of sale to Nationstar does not rise to the level of fraud, oppression, or unfairness required under a commercial reasonable analysis.

C. While there is a dispute as to whether Freddie Mac or FHFA have an interest in the Deed of Trust, it does not change the outcome because, the Bank lacks standing to assert any

² Any conclusion of law that should be a finding of fact is deemed a finding of fact.

1 claims or defenses on behalf of Freddie Mac or FHFA, when neither Freddie Mac or FHFA is a
2 party to this action. Nothing herein shall be construed to prohibit Freddie Mac or FHFA from
3 asserting in an appropriate action that 12 U.S.C. § 4617(j)(3) preempts NRS 116 to the extent
4 NRS 116 would, under certain circumstances, otherwise allow Freddie Mac's Deed of Trust to
5 be extinguished via the Association Foreclosure Sale without FHFA's consent.

6 D. Nationstar's interest in the Property was extinguished by the Association
7 Foreclosure Sale.

8 **ORDER**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that SFR Investments Pool
10 1, LLC's Motion for Summary Judgment is GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Bank of America,
12 N.A., as Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home
13 Loans, Inc. and Nationstar Mortgage, LLC's Countermotion for Summary Judgment is DENIED.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the hearing on SFR's
15 Motion in Limine to Strike the Bank's Expert, currently set to be heard on October 28, 2015 at
16 8:30 a.m., is VACATED as MOOT.


17 ///

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that cross-defendants' oral motion to stay entry of judgment is hereby DENIED.

IT IS SO ORDERED.

Dated this 5 day of Nov, 2015.


DISTRICT COURT JUDGE

Respectfully submitted by: HOWARD KIM & ASSOCIATES  Jacqueline A. Gilbert, Esq. Nevada Bar No. 10593 Karen L. Hanks, Esq. Nevada Bar No. 9578 1055 Whitney Ranch Drive, Suite 110 Henderson, Nevada 89014 <i>Attorney for SFR Investments Pool 1, LLC</i>	Approved as to Form and Content: AKERMAN LLP Ariel Stern, Esq. Nevada Bar No. 8276 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144 <i>Attorney for Bank of America, N.A., as Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc. and Nationstar Mortgage, LLC</i>
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 11, 2013

A-13-684715-C Ignacio Gutierrez, Plaintiff(s)
vs.
SFR Investments Pool 1 LLC, Defendant(s)

**September 11, 2013 8:30 AM Motion to Dismiss Horizon Heights
HOA's Motion to
Dismiss Plaintiff's
Complaint**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Ashby, Anthony L Attorney

JOURNAL ENTRIES

- Mr. Ashby advised this matter is set for hearing on his client's Motion to Dismiss; however, he spoke with Preston Kerr, Esq., counsel for Plaintiff, and he has agreed to dismiss the case. Mr. Ashby will be preparing and circulating a Stipulation based on those representations. COURT ORDERED, matter OFF CALENDAR.

MATTER RECALLED: Only Diana Cline, Esq., is present. Court informed Ms. Cline that Mr. Ashby was present and he represented that the Plaintiff had agreed to dismiss the Complaint; a Stipulation and Order is being prepared. Ms. Cline inquired as to whether the whole case was being dismissed or just the association; colloquy. Court directed Ms. Cline to contact Mr. Ashby and if any problems arise, to put the matter back on calendar.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 23, 2013

A-13-684715-C Ignacio Gutierrez, Plaintiff(s)
vs.
SFR Investments Pool 1 LLC, Defendant(s)

**October 23, 2013 8:30 AM Motion to Dismiss Third Party
Defendant Nationstar
Mortgage LLC's
Motion to Dismiss
Third Party
Complaint**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Cline, Diana S. Attorney
Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- Counsel submitted the matter on their pleadings. COURT ORDERED, Motion GRANTED

COURT FINDS, that the Statute in question sets forth the priority for repayment on the HOA lien, it does not extinguish the prior recorded security interest.

Ms. Schmidt to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property	COURT MINUTES	January 08, 2014
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A-13-684715-C	Ignacio Gutierrez, Plaintiff(s) vs. SFR Investments Pool 1 LLC, Defendant(s)
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January 08, 2014 8:30 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Vilkin, Richard J. Attorney

JOURNAL ENTRIES

- This is the time set for hearing on the Motion by Defendant Nevada Association Services, Inc., to Dismiss Plaintiff's Complaint and for Attorney's Fees and Costs. Defendant Horizon Heights Homeowners Association filed a JOINDER.

Mr. Vilkin advised that he received no opposition so he spoke to Plaintiff's counsel, Sterling Kerr, last night; he represented that he was not opposing said motion. COURT ORDERED, Motion and Joinder GRANTED. Mr. Vilkin to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 11, 2015

A-13-684715-C	Ignacio Gutierrez, Plaintiff(s)
	vs.
	SFR Investments Pool 1 LLC, Defendant(s)

August 11, 2015 10:30 AM Motion to Coordinate

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Billie Jo Craig

RECORDER: Carrie Hansen

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR PRE-TRIAL COORDINATION ON ORDER SHORTENING TIME

Attorneys Edgar Smith, Richard Vilkin, Diana Cline, Karen Hanks present.
Sign-up sheets Left Side Filed in A662394: Robert Anderlik, Taylor Anello, Thomas N. Beckom, Jonathan D. Blum, Darren Brenner, Michael Brooks, Diana Cline, Britannica Collins, Chelsea Crowton, Peter Dunkley, Jessica Friedman, Charles Geisendorf, David Gluth, Karen Hanks, Joshua O. Igeleke, Michael Li, Steven Loizzi Jr., Elizabeth Lowell, Erica D. Loyd, Matthew McAlonis, David J. Merrill, Patrick Orme, Robin Perkins, Benjamin Petiprin (appeared telephonically), Edgar C. Smith, Kevin S. Soderstrom, Ashlie Surer, Abe Vigil, Richard Vilkin, Shawn Walkenshaw, David Winterton.

Upon inquiry of the Court, Ms. Hanks advised the Motion was filed and heard in this Court as this Court had the lowest case number. Colloquy regarding coordinating the HOA cases as to Discovery, Trials, and witness availability. Counsel suggested a more specific Case Management Plan for a Special Discovery Master to deal with these cases as the various District Court Judges thoughts vary. Court noted he talked briefly with Chief Judge David Barker and Chief Civil Judge Betsy Gonzalez. The Court noted Court Administration would be interested in addressing this issue. Court inquired if Ms. Hanks would be the point of contact, and she advised she would. She provided her E-mail address:

Karen@hkimlaw.com

Statement by Mr. Vilkin regarding having a meeting first to determine what counsel will agree on as to the Case Management Plan.

Statements from Attorney Surur regarding coordination for Discovery procedures and noted her two cases where one was Dismissed and the other was pending a Motion to Dismiss where the Court had no jurisdiction.

Statements from Attorney Brooks, who had multiple cases, regarding setting deadlines for counsel to submit a plan to in-house counsel, which may take 2 to 3 weeks.

Attorney Brenner advised a Case Management Plan would first be needed as there are 10 different banks and in-house counsel. He would then be in a position to respond.

COURT ORDERED, Ms. Hanks to submit a Proposed Case Management Plan to counsel by 8/25/15. Counsel to respond by 9/29/15. Matter SET for Status Check: Proposed Case Management Plan to determine when a Continued Hearing on this Motion to Coordinate to be heard.

9/1/15 10:30 AM STATUS CHECK: PROPOSED CASE MANAGEMENT PLAN
(IN A662394 ONLY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****October 21, 2015**

A-13-684715-C Ignacio Gutierrez, Plaintiff(s)
 vs.
 SFR Investments Pool 1 LLC, Defendant(s)

October 21, 2015 8:30 AM All Pending Motions

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Louisa Garcia

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Gilbert, Jacqueline Attorney
 Hanks, Karen Attorney
 Stern, Ariel E. Attorney

JOURNAL ENTRIES

- Mr. Stern stated the issue was the first deed of trust noting Nationstar had the first deed. Statement by Court regarding Supreme Court decision. Colloquy regarding recitals. Mr. Stern argued parties were required to provide proper notice of sale; the sale was not proper because the interested party did not receive notice. The Defendant's claim was Bank of America received notice and signed attorney of fact; it does not mean that Nationstar received notice. Upon Court's inquiry regarding issue of fact, Ms. Gilbert argued it was not disputed because conclusive recitals were just that; they do not know other than from the recitals that the collection company did not mail it. Further argued the statute does not require you actually receive it just that notice of sale be given. As a purchaser they have to rely on the recital deed; counsel does not get to look behind the recitals and say it was not done properly. Ms. Gilbert stated if counsel wants to allege it was not done properly their relief is under NRS 21.140. Counsel stated they were the purchaser and had nothing to do with the foreclosure sale; they have to go after the trustee. Statement by Court regarding remedy. Mr. Stern cited relief under 116. Further argument regarding trust deed recital, Freddie Mac loan and federal statute. Colloquy regarding Judge Pro's opinion. Colloquy regarding late filing of motion. Ms. Gilbert requested motion be stricken. COURT ORDERED, Motion for Summary Judgment GRANTED; Countermotion DENIED. At the request of Ms. Gilbert, FURTHER ORDERED, Motion

to Strike Experts MOOT. Mr. Stern requested oral Motion to Stay. Upon Court's Inquiry, Mr. Stern requested Stay to allow FHFA to intervene. Court advised counsel he may appeal the matter. Ms. Gilbert to prepare Order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

DARREN T. BRENNER, ESQ.
1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NV 89144

DATE: December 11, 2015
CASE: A684715

RE CASE: IGNACIO GUTIERREZ vs. KB HOME MORTGAGE COMPANY

NOTICE OF APPEAL FILED: December 9, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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 GRANTING SFR INVESTMENTS POOL 1, LLC'S MOTION FOR SUMMARY JUDGMENT AND DENYING BANK OF AMERICA, N.A. AND NATIONSTAR MORTGAGE, LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY ORDER GRANTING SFR INVESTMENTS POOL 1, LLC'S MOTION FOR SUMMARY JUDGMENT AND DENYING BANK OF AMERICA, N.A. AND NATIONSTAR MORTGAGE, LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

IGNACIO GUTIERREZ,

Plaintiff(s),

vs.

KB HOME MORTGAGE COMPANY,

Defendant(s),

SFR INVESTMENTS POOL 1, LLC,

Counter-Claimant and Third Party Plaintiff(s),

vs.

NATIONSTAR MORTGAGE, LLC;
COUNTRYWIDE HOME LOANS, INC.,

Counter-Defendant and Third Party Defendant(s),

Case No: A684715

Dept No: XVII

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 11 day of December 2015.

Steven D. Grierson, Clerk of the Court

Mary Kielty

Mary Kielty, Deputy Clerk