

CLERK OF THE COURT

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Jul 11 2016 11:47 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**NOAS**

LUIS A. AYON, ESQ.  
Nevada Bar No. 9752  
MARGARET E. SCHMIDT, ESQ.  
Nevada Bar No. 12489

**MAIER GUTIERREZ AYON**  
400 South Seventh Street, Suite 400  
Las Vegas, Nevada 89101  
Telephone: (702) 629-7900  
Facsimile: (702) 629-7925  
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*Attorneys for Plaintiff/Counter-Defendant  
West Sunset 2050 Trust*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust  
  
Plaintiff,

vs.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE  
LLC, a Foreign Limited Liability Company,  
COOPER CASTLE LAW FIRM, LLP, a  
Nevada Limited Liability Partnership  
STEPHANIE TABLANTE, an individual,  
DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

AND ALL RELATED CLAIMS.

Case No.: A-13-691323-C  
Dept. No.: XXI

**NOTICE OF APPEAL**

Notice is hereby given that plaintiff West Sunset 2050 Trust ("Plaintiff"), by and through its attorneys of record, the law firm MAIER GUTIERREZ AYON, appeals to the Supreme Court of Nevada from an order granting defendant Nationstar Mortgage LLC's ("Nationstar") counter-motion for summary judgment, rendered by the Eighth Judicial District Court, Clark County, Nevada on February 8, 2016 and noticed on February 16, 2016, which is attached hereto as **Exhibit 1**.

Pursuant to Nevada Rule of Appellate Procedure 4(a)(4), the time to file a notice of appeal was tolled by Plaintiff's timely filed Rule 59 motion to alter or amend the judgment. The order denying Plaintiff's motion was entered on May 31, 2016 and noticed on June 3, 2016, a copy of which is attached hereto as **Exhibit 2**.

DATED this 1<sup>st</sup> day of July, 2016.

Respectfully submitted,

**MAIER GUTIERREZ AYON**

/s/ Luis A. Ayon

LUIS AYON, ESQ.  
Nevada Bar No. 9752  
MARGARET E. SCHMIDT, ESQ.  
Nevada Bar No. 12489  
400 South Seventh Street, Suite 400  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff/Counter-Defendant West  
Sunset 2050 Trust*

1 **CERTIFICATE OF SERVICE**

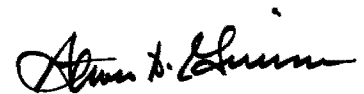
2 Pursuant to Administrative Order 14-2, a copy of the **NOTICE OF APPEAL** was  
3 electronically filed on the 1<sup>st</sup> day of July, 2016 and served through the Notice of Electronic Filing  
4 automatically generated by the Court's facilities to those parties listed on the Court's Master  
5 Service List and by depositing a true and correct copy of the same, enclosed in a sealed envelope  
6 upon which first class postage was fully prepaid, in the U.S. Mail at Las Vegas, Nevada, addressed  
7 as follows (*Note: All Parties Not Registered Pursuant to Administrative Order 14-2 Have Been*  
8 *Served By Mail.*):

9  
10 Ariel E. Stern, Esq.  
Allison R. Schmidt, Esq.  
AKERMAN LLP  
11 1160 Town Center Drive, Suite 330  
Las Vegas, Nevada 89144  
12 *Attorneys for Defendant Bank of America, N.A., and*  
13 *Defendant/Counterclaimant/Cross-Claimant Nationstar Mortgage LLC*  
14  
15

16 /s/ Charity Barber  
17 An Employee of MAIER GUTIERREZ AYON  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

# **EXHIBIT 1**



CLERK OF THE COURT

1 **NEOJ**  
2 ARIEL E. STERN, ESQ.  
3 Nevada Bar No. 8276  
4 ALLISON R. SCHMIDT, ESQ.  
5 Nevada Bar No. 10743  
6 AKERMAN LLP  
7 1160 Town Center Drive, Suite 330  
8 Las Vegas, NV 89144  
9 Telephone: (702) 634-5000  
10 Facsimile: (702) 380-8572  
11 Email: ariel.stern@akerman.com  
12 Email: allison.schmidt@akerman.com

13 *Attorneys for Defendant Nationstar Mortgage, LLC*

14 **EIGHTH JUDICIAL DISTRICT COURT**  
15 **CLARK COUNTY, NEVADA**

16 WEST SUNSET 2050 TRUST, a Nevada Trust,  
17  
18 Plaintiff,

Case No.: A-13-691323-C  
Dept.: XXI

19 v.

**NOTICE OF ENTRY OF ORDER**

20 NEW FREEDOM MORTGAGE  
21 CORPORATION, a Foreign Corporation;  
22 BANK OF AMERICA, N.A., a National  
23 Association; NATIONSTAR MORTGAGE,  
24 LLC, a Foreign Limited Liability Company;  
25 COOPER CASTLE LAW FIRM, LLP, a Nevada  
26 Limited Liability Partnership; STEPHANIE  
27 TABLANTE, an individual; DOES I through X;  
28 and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

29 NATIONSTAR MORTGAGE, LLC,  
30  
31 Counterclaimant,  
32  
33 v.  
34 WEST SUNSET 2050 TRUST, a Nevada Trust,  
35  
36 Counter-Defendant.

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.

6 PLEASE TAKE NOTICE that the Order has been entered on the 8<sup>th</sup> day of February, 2016,  
7 in the above-captioned matter. A copy of said Order is attached hereto as Exhibit A.

8 DATED this 16<sup>th</sup> day of February, 2016.

9 **AKERMAN LLP**

10 */s/ Allison R. Schmidt*

11 ARIEL E. STERN, ESQ.

12 Nevada Bar No. 8276

13 ALLISON R. SCHMIDT, ESQ.

14 Nevada Bar No. 10743

15 1160 Town Center Drive, Suite 330

16 Las Vegas, Nevada 89144

17 *Attorneys for Defendant Nationstar Mortgage, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of February, 2016 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 ENTRY OF ORDER** addressed to:

Luis A. Ayon, Esq.  
**MAIER GUTIERREZ AYON PLLC**  
[cmb@mgalaw.com](mailto:cmb@mgalaw.com)  
[djb@mgalaw.com](mailto:djb@mgalaw.com)  
[dtr@mgalaw.com](mailto:dtr@mgalaw.com)  
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[jag@mgalaw.com](mailto:jag@mgalaw.com)  
[laa@mgalaw.com](mailto:laa@mgalaw.com)  
[mes@mgalaw.com](mailto:mes@mgalaw.com)  
[ndv@mgalaw.com](mailto:ndv@mgalaw.com)  
*Attorneys for West Sunset 2050 Trust*

/s/ Brieanne Siriwan

An employee of AKERMAN LLP

# EXHIBIT A

# EXHIBIT A



  
CLERK OF THE COURT

**ORDER**

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
ALLISON R. SCHMIDT, ESQ.  
Nevada Bar No. 10743  
AKERMAN LLP  
1160 Town Center Drive, Suite 330  
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Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar  
Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

Case No.: A-13-691323-C  
Dept.: XXI

**ORDER GRANTING NATIONSTAR  
MORTGAGE LLC'S COUNTERMOTION  
FOR SUMMARY JUDGMENT AND  
DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.  
6

7 **ORDER GRANTING NATIONSTAR MORTGAGE LLC'S COUNTERMOTION FOR**  
8 **SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTION FOR SUMMARY**  
9 **JUDGMENT**

10 Nationstar Mortgage, LLC's (**Nationstar**) countermotion for summary judgment came on for  
11 hearing before this court on June 24, 2015. Allison R. Schmidt, Esq. appeared on behalf of  
12 Nationstar. Luis Ayon, Esq. appeared on behalf of Plaintiff, West Sunset 2050 Trust. The court,  
13 having reviewed the countermotion and opposition thereto, as well as Plaintiff's competing motion  
14 for summary judgment, the opposition thereto and reply, and good cause appearing hereby grants  
15 summary judgment in favor of Nationstar.

16 **FINDINGS OF FACT**

17 1. Stephanie Tablante (**Tablante**) purchased the property located at 7255 W. Sunset  
18 Road, Unit 2050, Las Vegas, Nevada on or about December 2, 2005.

19 2. To finance the purchase of the property, Tablante obtained a loan from New  
20 Freedom Mortgage Corporation in the amount of \$176,760.00, which was secured by a senior  
21 deed of trust recorded against the property.

22 3. Tablante contacted Bank of America in 2011 in hopes of obtaining a deed in lieu  
23 of foreclosure on her property, but never obtained approval from Bank of America for the deed  
24 in lieu.

25 4. Tablante, through her attorney, unilaterally recorded a false deed in lieu to New  
26 Freedom Mortgage Corporation.

27 5. According to the Utah Secretary of State, New Freedom Mortgage Corporation  
28 no longer existed after 2008, having merged into iFreedom Direct Corporation.

6. The deed in lieu that was recorded by Tablante is not signed by either New Freedom Mortgage Corporation or Bank of America, NA.

7. The cover page of the deed in lieu recorded by Tablante indicated the documents was to be returned to the offices of John Peter Lee, Esq. upon recording.

8. Red Rock Financial Services (RRFS) recorded a notice of delinquent assessment lien on April 4, 2012.

9. Later, RRFS recorded a Notice of Default on May 29, 2013.

10. RRFS did not provide any foreclosure notices to Bank of America, which was the record beneficiary of the senior deed of trust.

11. Prior to the foreclosure sale, the senior deed of trust was assigned to Nationstar.

12. A foreclosure sale was held by United Legal Services on June 22, 2013, where the property was sold to Plaintiff for \$7,800.

13. The declaration of value recorded with the trustee's deed lists the value of the property at the time of the sale as \$63,280.00.

#### CONCLUSIONS OF LAW

1. Under Nev. R. Civ. P. 56, a motion for summary judgment should be granted "when the pleadings and other evidence on file demonstrate that no 'genuine issue as to any material fact [remains] and that the moving party is entitled to judgment as a matter of law.'" *Wood v. Safeway*, (2005) 121 Nev. 724, 729; 121 P.3d 1026, 1029; NRCp 56(c).

2. Materiality is dependent on the underlying substantive law, and includes only those factual disputes that could change the ultimate outcome of a case. *Id.* All evidence and inferences are viewed in a light most favorable to the non-moving party on a summary judgment motion. *Id.*

3. Nationstar and its predecessor in interest, Bank of America, was entitled to receive the foreclosure notices as the senior deed of trust could be effected by the foreclosure sale. NRS 116.31168, NRS 116.31163(2); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S.Ct. 652, 94 L.Ed. 865 (1950).

4. Tablante's recording of a false deed in lieu of foreclosure did not strip the beneficiary of the senior deed of trust of its property rights.

1           5.       RRFS failed to provide any foreclosure notices to the beneficiary of the senior deed  
2 of trust. As a result, the beneficiary had no opportunity to cure the delinquency in assessment  
3 payments.

4           6.       Because of the failure to provide the required notices to the beneficiary of the senior  
5 deed of trust, the foreclosure sale did not extinguish the senior deed of trust.

6                               ORDER


7           IT IS HEREBY ORDERED that Nationstar's Countermotion for Summary Judgment is  
8 GRANTED;

9           IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment is DENIED.

10          DATED this 4<sup>th</sup> day of February, 2016.

11                               Valerie Adams  
12                               District Court Judge       *akw*

13          Submitted by:

14                               

15          ARIEN E. STERN, ESQ.

16          Nevada Bar No. 8276

17          ALLISON R. SCHMIDT, ESQ.

18          Nevada Bar No. 10743

19          1160 Town Center Drive, Suite 330

20          Las Vegas, Nevada 89144

21          Attorneys for Defendant Nationstar Mortgage, LLC

22          Approved as to form and content:

23          (provided to plaintiff's counsel but did not sign)

24          Luis A. Ayon, Esq.

25          Margaret E. Schmidt, Esq.

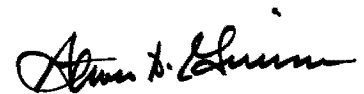
26          2500 W. Sahara Ave., Ste. 106

27          Las Vegas, NV 89102

28          Attorneys for Plaintiff

# **EXHIBIT 2**

# **EXHIBIT 2**



CLERK OF THE COURT

1 **NEOJ**  
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3 Nevada Bar No. 8276  
4 ALLISON R. SCHMIDT, ESQ.  
5 Nevada Bar No. 10743  
6 AKERMAN LLP  
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12 Email: allison.schmidt@akerman.com

13 *Attorneys for Defendant Nationstar Mortgage, LLC*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 WEST SUNSET 2050 TRUST, a Nevada Trust,  
17  
18 Plaintiff,

19 v.

20 NEW FREEDOM MORTGAGE  
21 CORPORATION, a Foreign Corporation;  
22 BANK OF AMERICA, N.A., a National  
23 Association; NATIONSTAR MORTGAGE,  
24 LLC, a Foreign Limited Liability Company;  
25 COOPER CASTLE LAW FIRM, LLP, a Nevada  
26 Limited Liability Partnership; STEPHANIE  
27 TABLANTE, an individual; DOES I through X;  
28 and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

Case No.: A-13-691323-C  
Dept.: XXI

**NOTICE OF ENTRY OF ORDER  
DENYING PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND TO ALTER  
AND AMEND ORDER GRANTING  
NATIONSTAR MORTGAGE LLC AND  
BANK OF AMERICA, N.A'S MOTION FOR  
SUMMARY JUDGMENT.**

NATIONSTAR MORTGAGE, LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.

6  
7 PLEASE TAKE NOTICE that the **ORDER DENYING PLAINTIFF'S MOTION FOR**  
8 **RECONSIDERATION AND TO ALTER AND AMEND ORDER GRANTING**  
9 **NATIONSTAR MORTGAGE LLC AND BANK OF AMERICA, N.A'S MOTION FOR**  
10 **SUMMARY JUDGMENT** has been entered on the 31st day of May, 2016, in the above-captioned  
11 matter. A copy of said Order is attached hereto as Exhibit A.

12 DATED this 3rd day of June, 2016.

13 **AKERMAN LLP**

14 */s/ Allison R. Schmidt*

15 ARIEL E. STERN, ESQ.

16 Nevada Bar No. 8276

17 ALLISON R. SCHMIDT, ESQ.

18 Nevada Bar No. 10743

19 1160 Town Center Drive, Suite 330

20 Las Vegas, Nevada 89144

21 *Attorneys for Nationalstar Mortgage LLC*  
22 *and Bank of America, NA*  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of June, 2016 and pursuant to NRCP 5(b), I served through this Court's electronic service notification system ("Wiznet") and/or deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND TO ALTER AND AMEND ORDER GRANTING NATIONSTAR MORTGAGE LLC AND BANK OF AMERICA, N.A'S MOTION FOR SUMMARY JUDGMENT** postage prepaid and addressed to:

Charity Barber  
Danielle Barraza  
Darren T. Rodriguez  
Jason Maier  
Joseph Gutierrez  
Luis Ayon  
Margaret E. Schmidt  
Natalie D. Vazquez  
[cmb@mgalaw.com](mailto:cmb@mgalaw.com)  
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[mes@mgalaw.com](mailto:mes@mgalaw.com)  
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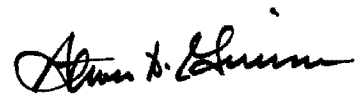
/s/ Doug J. Layne

An employee of AKERMAN LLP



# EXHIBIT A

# EXHIBIT A



CLERK OF THE COURT

**ORDR**

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
ALLISON R. SCHMIDT, ESQ.  
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Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,  
Counterclaimant,  
v.  
WEST SUNSET 2050 TRUST, a Nevada Trust,  
Counter-Defendant.

Case No.: A-13-691323-C  
Dept.: XXI

**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION AND  
TO ALTER AND AMEND ORDER  
GRANTING NATIONSTAR MORTGAGE  
LLC AND BANK OF AMERICA, N.A.'S  
MOTION FOR SUMMARY JUDGMENT**

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

1 NATIONSTAR MORTGAGE, LLC,  
2  
3 Cross-Claimant,  
4 v.  
5 STEPHANIE TABLANTE,  
6 Cross-Defendant.

7 On March 4, 2016, plaintiff West Sunset 2050 trust filed a motion to reconsider and amend  
8 this court's order granting summary judgment in favor of Nationstar Mortgage, LLC and denying  
9 plaintiff's motion for summary judgment. Nationstar filed an opposition on March 22, 2016.


10 This matter came before the court on April 4, 2016 in chambers. Having reviewed the papers  
11 filed by both parties, and good cause appearing:

12 IT IS HEREBY ORDERED that plaintiff's motion for Reconsideration and to Alter and Amend  
13 Order Granting Nationstar Mortgage LLC and Bank of America, N.A.'s Motion For Summary  
14 Judgment is DENIED.


15 DATED this 23<sup>rd</sup> day of May, 2016

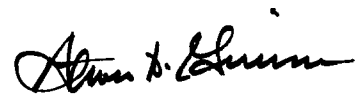
16   
17 DISTRICT COURT JUDGE 

18 Submitted by:  
19 **AKERMAN LLP**

20   
21 **ALLISON R. SCHMIDT, ESQ.**  
22 Nevada Bar No. 10743  
23 1160 Town Center Drive, Suite 330  
24 Las Vegas, Nevada 89144  
25 *Attorneys for Nationstar Mortgage LLC*  
26 *and Bank of America, NA*

27 Approved as to form and content, all rights reserved:  
28 **MAIER GUTIERREZ AYON**

29  #12489 for  
30 **LUIS A. AYON, ESQ.**  
31 2500 W. Sahara Ave., Ste. 106  
32 Las Vegas, NV 89102  
33 *Attorneys for Plaintiff*



CLERK OF THE COURT

1 **ASTA**  
LUIS A. AYON, ESQ.  
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3 Nevada Bar No. 12489  
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[mes@mgalaw.com](mailto:mes@mgalaw.com)

7  
8 *Attorneys for Plaintiff/Counter-defendant*  
9 *West Sunset 2050 Trust*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 WEST SUNSET 2050 TRUST, a Nevada Trust  
13 Plaintiff,

14 vs.

15 NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
16 BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE  
17 LLC, a Foreign Limited Liability Company,  
COOPER CASTLE LAW FIRM, LLP, a  
18 Nevada Limited Liability Partnership  
STEPHANIE TABLANTE, an individual,  
19 DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,  
20

21 Defendants.

22 AND ALL RELATED CLAIMS.  
23

Case No.: A-13-691323-C  
Dept. No.: XXI

**CASE APPEAL STATEMENT**

24 1. Name of appellant filing this case appeal statement:

25 The appellant filing this case appeal statement is plaintiff/counter-defendant West Sunset  
26 2050 Trust (hereinafter referred to as "the Trust").

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

28 ///

The Honorable Valerie Adair, Department XXI, Eighth Judicial District Court, Clark County, Nevada.

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

The only appellant in this matter is the Trust. The Trust is represented by Luis A. Ayon, Esq. and Margaret E. Schmidt, Esq. of the law firm MAIER GUTIERREZ AYON, 400 South Seventh Street, Suite 400, Las Vegas, Nevada 89101.

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 for respondent Nationstar Mortgage LLC (hereinafter referred to as "Nationstar") is unknown at this time. Nationstar's trial counsel was Ariel E. Stern, Esq. and Allison R. Schmidt, Esq., of the law firm AKERMAN LLP, 1160 Town Center Drive, Suite 330, Las Vegas, Nevada 89144.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to 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):

Not applicable. All attorneys identified in response to questions 3 and 4 are licensed to practice law in Nevada.

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

The Trust was represented by retained counsel in the district court.

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

The Trust is represented by retained counsel on appeal.

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:

Not applicable. The Trust did not apply for and was not granted leave to proceed in forma pauperis in the district court.

///

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

3 The complaint was filed in the district court on November 6, 2013.

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

6 This action involves the non-judicial foreclosure of a homeowners association (HOA) lien  
7 and a previously recorded deed in lieu of foreclosure. New Freedom Mortgage Corporation ("New  
8 Freedom") was the originating lender under a deed of trust recorded against the subject property on  
9 December 7, 2005. On March 3, 2011, a deed in lieu of foreclosure was recorded purporting to  
10 transfer ownership of the property from the borrower under the deed of trust to New Freedom in  
11 "full satisfaction of all obligations secured by the Deed of Trust." Nationstar claims to be the  
12 current beneficiary under the deed of trust via an assignment recorded on March 20, 2013.

13 The Trust purchased the subject property at the publicly held and noticed HOA foreclosure  
14 sale on June 22, 2013 and commenced the instant action on November 6, 2013, seeking to quiet title  
15 to the property in its favor and to enjoin the defendants named therein from initiating or undertaking  
16 any foreclosure action that would affect title to the property. On May 20, 2014, Nationstar  
17 counterclaimed against the Trust for quiet title, declaratory relief, and unjust enrichment.

18 Following the close of discovery, the Trust moved for summary judgment on May 22, 2015  
19 based on its argument that the deed of trust was extinguished through the deed in lieu of foreclosure  
20 and New Freedom's title to the property vested in the Trust through the HOA foreclosure sale.  
21 Nationstar filed its opposition and countermotion for summary judgment on June 10, 2015, arguing  
22 that the deed of trust beneficiary was never provided notice of default under the HOA lien, the HOA  
23 sale was invalid, NRS 116's foreclosure scheme violated Nationstar's due process rights, and the  
24 sale was commercially unreasonable.

25 A hearing on the matter was held on June 24, 2015, wherein the district court denied the  
26 Trust's motion for summary judgment and granted Nationstar's countermotion for summary  
27 judgment. The order appealed from was entered on February 8, 2016 and noticed on February 16,  
28 2016. Pursuant to this order, the district court's decision was based on the following findings of fact

1 and conclusions of law: (1) the deed in lieu of foreclosure was a false recording and did not strip the  
2 beneficiary of the senior deed of trust of its property rights; (2) the HOA's trustee failed to provide  
3 any foreclosure notices to the beneficiary of the senior deed of trust; and (3) absent the requisite  
4 notices, the foreclosure sale did not extinguish the senior deed of trust.

5 On March 4, 2016, the Trust filed a motion for reconsideration of the district court's order  
6 pursuant to Nev. R. Civ. P. 59(e). After being taken under advisement, the district court denied the  
7 Trust's motion on April 25, 2016. The order was subsequently entered on May 31, 2016 and  
8 noticed on June 3, 2016.

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

12 Not applicable.

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

14 Not applicable.

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

16 The Trust is not opposed to settlement discussions; however, it has not been discussed by the  
17 parties previously and the possibility of settlement seems unlikely.

18 DATED this 1<sup>st</sup> day of July, 2016.

19 Respectfully submitted,

20 **MAIER GUTIERREZ AYON**

21 /s/ Luis A. Ayon

22 LUIS AYON, ESQ.  
23 Nevada Bar No. 9752  
24 MARGARET E. SCHMIDT, ESQ.  
25 Nevada Bar No. 12489  
26 400 South Seventh Street, Suite 400  
27 Las Vegas, Nevada 89101  
28 *Attorneys for Plaintiff/Counter-Defendant West  
Sunset 2050 Trust*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Administrative Order 14-2, a copy of the **CASE APPEAL**  
3 **STATEMENT** was electronically filed on the 1<sup>st</sup> day of July, 2016 and served through the  
4 Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed  
5 on the Court's Master Service List and by depositing a true and correct copy of the same, enclosed  
6 in a sealed envelope upon which first class postage was fully prepaid, in the U.S. Mail at Las Vegas,  
7 Nevada, addressed as follows (*Note: All Parties Not Registered Pursuant to Administrative*  
8 *Order 14-2 Have Been Served By Mail.*):

9  
10 Ariel E. Stern, Esq.  
Allison R. Schmidt, Esq.  
AKERMAN LLP  
11 1160 Town Center Drive, Suite 330  
Las Vegas, Nevada 89144  
12 *Attorneys for Defendant Bank of America, N.A., and*  
13 *Defendant/Counterclaimant/Cross-Claimant Nationstar Mortgage LLC*  
14  
15

16 /s/ Charity Barber  
17 An Employee of MAIER GUTIERREZ AYON  
18  
19  
20  
21  
22  
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26  
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28



DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-13-691323-C**

**West Sunset 2050 Trust, Plaintiff(s)**  
**vs.**  
**New Freedom Mortgage Corporation, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 21**  
Judicial Officer: **Adair, Valerie**  
Filed on: **11/06/2013**  
Cross-Reference Case Number: **A691323**

CASE INFORMATION

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-13-691323-C
Court	Department 21
Date Assigned	11/06/2013
Judicial Officer	Adair, Valerie

PARTY INFORMATION

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>West Sunset 2050 Trust</b>	<b>Ayon, Luis A</b> <i>Retained</i> 702-792-3773(W)
<b>Defendant</b>	<b>Bank of America</b>	<b>Stern, Ariel E.</b> <i>Retained</i> 702-634-5000(W)
	<b>Cooper Castle Law Firm LLP</b> Removed: 02/03/2014 Dismissed	<b>Peck, Jason M, ESQ</b> <i>Retained</i> 702-363-4190(W)
	<b>Nationstar Mortgage LLC</b>	<b>Schmidt, Allison</b> <i>Retained</i> 702-634-5000(W)
	<b>New Freedom Mortgage Corporation</b>	
	<b>Tablante, Stephanie</b>	
<b>Counter Claimant</b>	<b>Nationstar Mortgage LLC</b>	<b>Schmidt, Allison</b> <i>Retained</i> 702-634-5000(W)
<b>Counter Defendant</b>	<b>West Sunset 2050 Trust</b>	<b>Ayon, Luis A</b> <i>Retained</i> 702-792-3773(W)
<b>Cross Claimant</b>	<b>Nationstar Mortgage LLC</b>	<b>Schmidt, Allison</b> <i>Retained</i> 702-634-5000(W)
<b>Cross Defendant</b>	<b>Tablante, Stephanie</b>	

DATE

EVENTS & ORDERS OF THE COURT














INDEX

11/06/2013














Complaint

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-13-691323-C**


	Filed By: Counter Defendant West Sunset 2050 Trust <i>Complaint</i>
11/06/2013	 Initial Appearance Fee Disclosure Filed By: Counter Defendant West Sunset 2050 Trust <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
11/06/2013	Case Opened
12/09/2013	 Affidavit of Service Filed By: Counter Defendant West Sunset 2050 Trust <i>Affidavit of Service-Nationstar Mortgage LLC co CSC Services of Nevada</i>
12/09/2013	 Affidavit of Service Filed By: Counter Defendant West Sunset 2050 Trust <i>Affidavit of Service-Bank of America NA</i>
12/09/2013	 Affidavit of Service Filed By: Counter Defendant West Sunset 2050 Trust <i>Affidavit of Service- Cooper Castle Law Firm LLP</i>
12/10/2013	 Motion to Dismiss Filed By: Defendant Cooper Castle Law Firm LLP <i>Motion to Dismiss</i>
12/10/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Cooper Castle Law Firm LLP <i>Initial Appearance Fee Disclosure</i>
12/11/2013	 Affidavit of Service Filed By: Counter Defendant West Sunset 2050 Trust <i>Affidavit of Service-New Freedom Mortgage Corporation</i>
12/12/2013	 Amended Certificate of Service Party: Defendant Cooper Castle Law Firm LLP <i>Amended Certificate of Service</i>
12/16/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Bank of America <i>Initial Appearance Fee Disclosure</i>
12/16/2013	 Notice of Appearance Party: Defendant Bank of America <i>Notice of Appearance</i>
12/19/2013	 Answer to Complaint Filed by: Defendant Bank of America <i>Answer to Complaint</i>
12/24/2013	 Notice of Change of Address Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Change of Address of Attorney</i>
01/07/2014	 Opposition to Motion to Dismiss

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-13-691323-C**

	Filed By: Counter Defendant West Sunset 2050 Trust <i>Plaintiff's Opposition to Motion to Dismiss; Countermotion for Leave to Amend Complaint</i>
01/08/2014	 Certificate of Service Filed by: Counter Defendant West Sunset 2050 Trust <i>Certificate of Service</i>
01/13/2014	 Opposition Filed By: Defendant Bank of America <i>Bank of America's Opposition to Plaintiff's Countermotion for Leave to Amend Complaint</i>
01/14/2014	 Reply Filed by: Defendant Cooper Castle Law Firm LLP <i>The Cooper Castle Law Firm, LLP's Reply in Support of Motion to Dismiss and Opposition to Countermotion to Amend the Complaint</i>
01/15/2014	 Stipulation and Order Filed by: Counter Defendant West Sunset 2050 Trust <i>Stipulation and Order</i>
01/15/2014	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Defendant, The Cooper Castle Law Firm's, LLP, Motion to Dismiss</i>
01/15/2014	<b>Opposition and Countermotion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Plaintiff's Opposition to Motion to Dismiss; Countermotion for Leave to Amend Complaint</i>
01/15/2014	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie)
01/17/2014	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Entry of Stipulation and Order</i>
01/31/2014	 Order Filed By: Defendant Bank of America <i>Order</i>
02/03/2014	 Notice of Entry of Order Filed By: Defendant Bank of America <i>Notice of Entry of Order</i>
02/03/2014	 Order of Dismissal Filed By: Defendant Cooper Castle Law Firm LLP <i>Order Granting Dismissal of The Cooper Castle Law Firm, LLP</i>
02/03/2014	<b>Order of Dismissal</b> (Judicial Officer: Adair, Valerie) Debtors: West Sunset 2050 Trust (Plaintiff) Creditors: Cooper Castle Law Firm LLP (Defendant) Judgment: 02/03/2014, Docketed: 02/11/2014
02/04/2014	 Notice of Entry of Order Filed By: Defendant Cooper Castle Law Firm LLP <i>Notice of Entry of Order</i>
02/28/2014	 Ex Parte Filed By: Counter Defendant West Sunset 2050 Trust

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-13-691323-C**

*Plaintiff's Ex Parte Application for Enlargement of Time to Serve Defendant Stephanie Tablante Only*

03/20/2014	 Order Granting Filed By: Counter Defendant West Sunset 2050 Trust <i>Order Granting Plaintiff's Ex Parte Application for Enlargement of Time to Serve Defendant Stephanie Tablante Only</i>
03/25/2014	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Nationstar Mortgage LLC <i>Initial Appearance Fee Disclosure (Chapter NRS 19)</i>
03/25/2014	 Notice of Appearance Party: Cross Claimant Nationstar Mortgage LLC <i>Notice of Appearance of Counsel</i>
03/27/2014	 Notice of Entry of Order Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Entry of Order</i>
04/18/2014	 Substitution of Attorney Filed by: Defendant Bank of America <i>Substitution of Counsel</i>
05/20/2014	 Answer and Crossclaim Filed By: Cross Claimant Nationstar Mortgage LLC <i>Nationstar Mortgage, LLC'S Answer, Counterclaim Against West Sunset 2050 Trust and Cross-Claim Against Stephanie Tablante</i>
06/12/2014	 Amended Certificate of Service Party: Cross Claimant Nationstar Mortgage LLC <i>Amended Certificate of Service</i>
06/18/2014	 Answer to Counterclaim Filed By: Counter Defendant West Sunset 2050 Trust <i>Answer to Counterclaim</i>
07/02/2014	 Notice of Early Case Conference Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Early Case Conference</i>
08/07/2014	 Ex Parte Application Party: Counter Defendant West Sunset 2050 Trust <i>West Sunset 2050 Trust's Ex Parte Application for Service by Publication on Defendant Stephanie Tablante and for Enlargement of Time to Serve Defendant Stephanie Tablante</i>
09/09/2014	 Notice of Entry of Order Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Entry of Order</i>
09/09/2014	 Notice of Entry of Order Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Entry of Order</i>
09/09/2014	

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-13-691323-C**

	 Certificate of Service Filed by: Counter Defendant West Sunset 2050 Trust <i>Certificate of Service</i>
09/09/2014	 Order for Service by Publication Filed By: Counter Defendant West Sunset 2050 Trust <i>Order for Service by Publication on Defendant Stephanie Tablante</i>
09/09/2014	 Order Granting Filed By: Counter Defendant West Sunset 2050 Trust <i>Order Granting Plaintiff's Ex Parte Application for Enlargement of Time to Serve Defendant Stephanie Tablante Only</i>
09/19/2014	 Joint Case Conference Report Filed By: Counter Defendant West Sunset 2050 Trust <i>Joint Case Conference Report</i>
09/24/2014	 Scheduling Order <i>Scheduling Order</i>
09/26/2014	 Order Setting Civil Bench Trial <i>Order Setting Civil Bench Trial</i>
10/08/2014	 Affidavit of Publication of Summons Filed By: Counter Defendant West Sunset 2050 Trust <i>Affidavit of Publication of Summons</i>
04/01/2015	 Deposition Subpoena Filed By: Cross Claimant Nationstar Mortgage LLC <i>Notice of Deposition Subpoenas</i>
05/22/2015	 Motion for Summary Judgment Filed By: Counter Defendant West Sunset 2050 Trust <i>West Sunset 2050 Trust's Motion for Summary Judgment</i>
05/22/2015	 Request for Judicial Notice Filed By: Counter Defendant West Sunset 2050 Trust <i>West Sunset 2050 Trust's Request for Judicial Notice in Support of Motion for Summary Judgment</i>
06/10/2015	 Countermotion For Summary Judgment Filed By: Cross Claimant Nationstar Mortgage LLC <i>Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
06/17/2015	 Certificate of Service Filed by: Cross Claimant Nationstar Mortgage LLC <i>Affidavit of Service</i>
06/18/2015	 Reply Filed by: Counter Defendant West Sunset 2050 Trust <i>West Sunset 2050 Trust's Reply in Support of Motion for Summary Judgment and Opposition to Countermotion for Summary Judgment</i>
06/24/2015	<b>Motion for Summary Judgment (9:30 AM)</b> (Judicial Officer: Adair, Valerie)

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-13-691323-C**

*West Sunset 2050 Trust's Motion for Summary Judgment*

06/24/2015	<b>Opposition and Countermotion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
06/24/2015	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie)
07/13/2015	 <b>Calendar Call</b> (9:00 AM) (Judicial Officer: Adair, Valerie)
07/20/2015	<b>CANCELED Bench Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Judge</i>
07/24/2015	 <b>Decision</b> (1:00 PM) (Judicial Officer: Adair, Valerie)
07/29/2015	 Default Filed By: Counter Defendant West Sunset 2050 Trust <i>Default Against Stephanie Tablante</i>
07/29/2015	 Default Filed By: Counter Defendant West Sunset 2050 Trust <i>Default Against New Freedom Mortgage Corporation</i>
07/29/2015	 Notice of Entry of Default Party: Counter Defendant West Sunset 2050 Trust <i>Notice of Entry of Default</i>
07/29/2015	 Notice of Entry of Default Party: Counter Defendant West Sunset 2050 Trust <i>Notice of Entry of Default</i>
07/29/2015	<b>CANCELED Bench Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i>
02/08/2016	 Order Granting Filed By: Cross Claimant Nationstar Mortgage LLC <i>Order Granting Nationstar Mortgage, LLC's Countermotion For Summary Judgment and Denying Plaintiff's Motion For Summary Judgment</i>
02/08/2016	<b>Summary Judgment</b> (Judicial Officer: Adair, Valerie) Debtors: West Sunset 2050 Trust (Counter Defendant), Stephanie Tablante (Cross Defendant) Creditors: Nationstar Mortgage LLC (Cross Claimant, Counter Claimant) Judgment: 02/08/2016, Docketed: 02/17/2016
02/16/2016	 Notice of Entry of Order Filed By: Cross Claimant Nationstar Mortgage LLC <i>Notice of Entry of Order</i>
03/04/2016	 Motion to Reconsider Filed By: Counter Defendant West Sunset 2050 Trust <i>Plaintiff's Motion for Reconsideration and to Alter and Amend Order Granting Defendants Nationstar Mortgage LLC and Bank of America, N.A.'s Countermotion for Summary Judgment</i>
03/22/2016	 Opposition Filed By: Cross Claimant Nationstar Mortgage LLC <i>Opposition To Plaintiff's Motion For Reconsideration And To Alter And Amend Order</i>

**CASE SUMMARY**  
**CASE NO. A-13-691323-C**

*Granting Nationstar Mortgage LLC And Bank Of America, N.A.'s Motion For Summary Judgment*

03/28/2016



Reply

Filed by: Counter Defendant West Sunset 2050 Trust  
*Plaintiff's Reply in Support of Motion for Reconsideration and to Alter and Amend Order Granting Defendants Nationstar Mortgage LLC and Bank of America, N.A.'s Countermotion for Summary Judgment*

04/04/2016



**Motion to Reconsider** (3:00 AM) (Judicial Officer: Adair, Valerie)

*Plaintiff's Motion for Reconsideration and to Alter and Amend Order Granting Defendants Nationstar Mortgage LLC and Bank of America, N.A.'s Countermotion for Summary Judgment*

04/25/2016



**Decision** (3:00 AM) (Judicial Officer: Adair, Valerie)

*Motion to Reconsider*

05/31/2016



Order Denying Motion

Filed By: Cross Claimant Nationstar Mortgage LLC  
*Order Denying Plaintiff's Motion For Reconsidering And To Alter And Amend Order Granting Nationstar Mortgage LLC And Bank of America, N.A.'s Motion For Summary Judgment*

06/03/2016



Notice of Entry of Order

Filed By: Cross Claimant Nationstar Mortgage LLC  
*Notice Of Entry Of Order Denying Plaintiff's Motion For Reconsideration And To Alter And Amend Order Granting Nationstar Mortgage Llc And Bank Of America, N.A.'s Motion For Summary Judgment.*

07/01/2016



Notice of Appeal

Filed By: Counter Defendant West Sunset 2050 Trust  
*Notice of Appeal*

07/01/2016



Case Appeal Statement

Filed By: Counter Defendant West Sunset 2050 Trust  
*Case Appeal Statement*

## CIVIL COVER SHEET

A- 13- 691323- C

Clark County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

XXI

**I. Party Information**

Plaintiff(s) (name/address/phone): WEST SUNSET 2050 TRUST, a Nevada Trust

Attorney (name/address/phone):

Luis A. Ayon, Esq., Margaret E. Schmidt, Esq., Maier Gutierrez Ayon, 2500 W. Sahara Avenue, Suite 106, Las Vegas, NV 89102 (702) 629-7900

Defendant(s) (name/address/phone): NEW FREEDOM MORTGAGE CORPORATION, a Foreign Corporation; BANK OF AMERICA, N.A., a National Association; NATIONSTAR MORTGAGE LLC, a Foreign Limited Liability Company, COOPER CASTLE LAW FIRM, LLP, a Nevada Limited Liability Partnership STEPHANIE TABLANTE, an individual, DOES I through X; and ROE CORPORATIONS I through X, inclusive

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	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <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"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <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	
<b>Estimated Estate Value:</b> _____ <input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Trust/Conservatorships</b> <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <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"/> <b>Civil Petition for Judicial Review</b> <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"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <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)               |   |

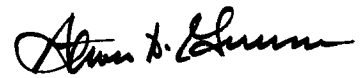
November 6, 2013

Date

Signature of initiating party or representative

See other side for family-related case filings.





CLERK OF THE COURT

**ORDR**

ARIEL E. STERN, ESQ.

Nevada Bar No. 8276

ALLISON R. SCHMIDT, ESQ.

Nevada Bar No. 10743

AKERMAN LLP

1160 Town Center Drive, Suite 330

Las Vegas, NV 89144

Telephone: (702) 634-5000

Facsimile: (702) 380-8572

Email: ariel.stern@akerman.com

Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar  
Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,

Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

Case No.: A-13-691323-C

Dept.: XXI

**ORDER GRANTING NATIONSTAR  
MORTGAGE LLC'S COUNTERMOTION  
FOR SUMMARY JUDGMENT AND  
DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.  
6

7 **ORDER GRANTING NATIONSTAR MORTGAGE LLC'S COUNTERMOTION FOR**  
8 **SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTION FOR SUMMARY**  
9 **JUDGMENT**

10 Nationstar Mortgage, LLC's (**Nationstar**) countermotion for summary judgment came on for  
11 hearing before this court on June 24, 2015. Allison R. Schmidt, Esq. appeared on behalf of  
12 Nationstar. Luis Ayon, Esq. appeared on behalf of Plaintiff, West Sunset 2050 Trust. The court,  
13 having reviewed the countermotion and opposition thereto, as well as Plaintiff's competing motion  
14 for summary judgment, the opposition thereto and reply, and good cause appearing hereby grants  
15 summary judgment in favor of Nationstar.

16 **FINDINGS OF FACT**

17 1. Stephanie Tablante (**Tablante**) purchased the property located at 7255 W. Sunset  
18 Road, Unit 2050, Las Vegas, Nevada on or about December 2, 2005.

19 2. To finance the purchase of the property, Tablante obtained a loan from New  
20 Freedom Mortgage Corporation in the amount of \$176,760.00, which was secured by a senior  
21 deed of trust recorded against the property.

22 3. Tablante contacted Bank of America in 2011 in hopes of obtaining a deed in lieu  
23 of foreclosure on her property, but never obtained approval from Bank of America for the deed  
24 in lieu.

25 4. Tablante, through her attorney, unilaterally recorded a false deed in lieu to New  
26 Freedom Mortgage Corporation.

27 5. According to the Utah Secretary of State, New Freedom Mortgage Corporation  
28 no longer existed after 2008, having merged into iFreedom Direct Corporation.

6. The deed in lieu that was recorded by Tablante is not signed by either New Freedom Mortgage Corporation or Bank of America, NA.

7. The cover page of the deed in lieu recorded by Tablante indicated the documents was to be returned to the offices of John Peter Lee, Esq. upon recording.

8. Red Rock Financial Services (RRFS) recorded a notice of delinquent assessment lien on April 4, 2012.

9. Later, RRFS recorded a Notice of Default on May 29, 2013.

10. RRFS did not provide any foreclosure notices to Bank of America, which was the record beneficiary of the senior deed of trust.

11. Prior to the foreclosure sale, the senior deed of trust was assigned to Nationstar.

12. A foreclosure sale was held by United Legal Services on June 22, 2013, where the property was sold to Plaintiff for \$7,800.

13. The declaration of value recorded with the trustee's deed lists the value of the property at the time of the sale as \$63,280.00.

### CONCLUSIONS OF LAW

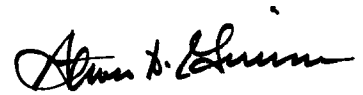
1. Under Nev. R. Civ. P. 56, a motion for summary judgment should be granted "when the pleadings and other evidence on file demonstrate that no 'genuine issue as to any material fact [remains] and that the moving party is entitled to judgment as a matter of law.'" *Wood v. Safeway*, (2005) 121 Nev. 724, 729; 121 P.3d 1026, 1029; NRCP 56(c).

2. Materiality is dependent on the underlying substantive law, and includes only those factual disputes that could change the ultimate outcome of a case. *Id.* All evidence and inferences are viewed in a light most favorable to the non-moving party on a summary judgment motion. *Id.*

3. Nationstar and its predecessor in interest, Bank of America, was entitled to receive the foreclosure notices as the senior deed of trust could be effected by the foreclosure sale. NRS 116.31168, NRS 116.31163(2); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S.Ct. 652, 94 L.Ed. 865 (1950).

4. Tablante's recording of a false deed in lieu of foreclosure did not strip the beneficiary of the senior deed of trust of its property rights.

4



CLERK OF THE COURT

1 **NEOJ**  
2 ARIEL E. STERN, ESQ.  
3 Nevada Bar No. 8276  
4 ALLISON R. SCHMIDT, ESQ.  
5 Nevada Bar No. 10743  
6 AKERMAN LLP  
7 1160 Town Center Drive, Suite 330  
8 Las Vegas, NV 89144  
9 Telephone: (702) 634-5000  
10 Facsimile: (702) 380-8572  
11 Email: ariel.stern@akerman.com  
12 Email: allison.schmidt@akerman.com

13 *Attorneys for Defendant Nationstar Mortgage, LLC*

14 **EIGHTH JUDICIAL DISTRICT COURT**  
15 **CLARK COUNTY, NEVADA**

16 WEST SUNSET 2050 TRUST, a Nevada Trust,  
17  
18 Plaintiff,

Case No.: A-13-691323-C  
Dept.: XXI

19 v.

**NOTICE OF ENTRY OF ORDER**

20 NEW FREEDOM MORTGAGE  
21 CORPORATION, a Foreign Corporation;  
22 BANK OF AMERICA, N.A., a National  
23 Association; NATIONSTAR MORTGAGE,  
24 LLC, a Foreign Limited Liability Company;  
25 COOPER CASTLE LAW FIRM, LLP, a Nevada  
26 Limited Liability Partnership; STEPHANIE  
27 TABLANTE, an individual; DOES I through X;  
28 and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

29 NATIONSTAR MORTGAGE, LLC,  
30  
31 Counterclaimant,  
32  
33 v.  
34 WEST SUNSET 2050 TRUST, a Nevada Trust,  
35  
36 Counter-Defendant.

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.

6 PLEASE TAKE NOTICE that the Order has been entered on the 8<sup>th</sup> day of February, 2016,  
7 in the above-captioned matter. A copy of said Order is attached hereto as Exhibit A.

8 DATED this 16<sup>th</sup> day of February, 2016.

9 **AKERMAN LLP**

10 */s/ Allison R. Schmidt*

11 ARIEL E. STERN, ESQ.

12 Nevada Bar No. 8276

13 ALLISON R. SCHMIDT, ESQ.

14 Nevada Bar No. 10743

15 1160 Town Center Drive, Suite 330

16 Las Vegas, Nevada 89144

17 *Attorneys for Defendant Nationstar Mortgage, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of February, 2016 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 ENTRY OF ORDER** addressed to:

Luis A. Ayon, Esq.  
**MAIER GUTIERREZ AYON PLLC**  
[cmb@mgalaw.com](mailto:cmb@mgalaw.com)  
[djb@mgalaw.com](mailto:djb@mgalaw.com)  
[dtr@mgalaw.com](mailto:dtr@mgalaw.com)  
[jrm@mgalaw.com](mailto:jrm@mgalaw.com)  
[jag@mgalaw.com](mailto:jag@mgalaw.com)  
[laa@mgalaw.com](mailto:laa@mgalaw.com)  
[mes@mgalaw.com](mailto:mes@mgalaw.com)  
[ndv@mgalaw.com](mailto:ndv@mgalaw.com)  
*Attorneys for West Sunset 2050 Trust*

/s/ Brienne Siriwan

An employee of AKERMAN LLP

# EXHIBIT A

# EXHIBIT A



  
CLERK OF THE COURT

**ORDR**

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
ALLISON R. SCHMIDT, ESQ.  
Nevada Bar No. 10743  
AKERMAN LLP  
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Email: ariel.stern@akerman.com  
Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar  
Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

Case No.: A-13-691323-C  
Dept.: XXI

**ORDER GRANTING NATIONSTAR  
MORTGAGE LLC'S COUNTERMOTION  
FOR SUMMARY JUDGMENT AND  
DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.  
6

7 **ORDER GRANTING NATIONSTAR MORTGAGE LLC'S COUNTERMOTION FOR**  
8 **SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTION FOR SUMMARY**  
9 **JUDGMENT**

10 Nationstar Mortgage, LLC's (**Nationstar**) countermotion for summary judgment came on for  
11 hearing before this court on June 24, 2015. Allison R. Schmidt, Esq. appeared on behalf of  
12 Nationstar. Luis Ayon, Esq. appeared on behalf of Plaintiff, West Sunset 2050 Trust. The court,  
13 having reviewed the countermotion and opposition thereto, as well as Plaintiff's competing motion  
14 for summary judgment, the opposition thereto and reply, and good cause appearing hereby grants  
15 summary judgment in favor of Nationstar.

16 **FINDINGS OF FACT**

17 1. Stephanie Tablante (**Tablante**) purchased the property located at 7255 W. Sunset  
18 Road, Unit 2050, Las Vegas, Nevada on or about December 2, 2005.

19 2. To finance the purchase of the property, Tablante obtained a loan from New  
20 Freedom Mortgage Corporation in the amount of \$176,760.00, which was secured by a senior  
21 deed of trust recorded against the property.

22 3. Tablante contacted Bank of America in 2011 in hopes of obtaining a deed in lieu  
23 of foreclosure on her property, but never obtained approval from Bank of America for the deed  
24 in lieu.

25 4. Tablante, through her attorney, unilaterally recorded a false deed in lieu to New  
26 Freedom Mortgage Corporation.

27 5. According to the Utah Secretary of Staten, New Freedom Mortgage Corporation  
28 no longer existed after 2008, having merged into iFreedom Direct Corporation.

6. The deed in lieu that was recorded by Tablante is not signed by either New Freedom Mortgage Corporation or Bank of America, NA.

7. The cover page of the deed in lieu recorded by Tablante indicated the documents was to be returned to the offices of John Peter Lee, Esq. upon recording.

8. Red Rock Financial Services (RRFS) recorded a notice of delinquent assessment lien on April 4, 2012.

9. Later, RRFS recorded a Notice of Default on May 29, 2013.

10. RRFS did not provide any foreclosure notices to Bank of America, which was the record beneficiary of the senior deed of trust.

11. Prior to the foreclosure sale, the senior deed of trust was assigned to Nationstar.

12. A foreclosure sale was held by United Legal Services on June 22, 2013, where the property was sold to Plaintiff for \$7,800.

13. The declaration of value recorded with the trustee's deed lists the value of the property at the time of the sale as \$63,280.00.

#### CONCLUSIONS OF LAW

1. Under Nev. R. Civ. P. 56, a motion for summary judgment should be granted "when the pleadings and other evidence on file demonstrate that no 'genuine issue as to any material fact [remains] and that the moving party is entitled to judgment as a matter of law.'" *Wood v. Safeway*, (2005) 121 Nev. 724, 729; 121 P.3d 1026, 1029; NRCp 56(c).

2. Materiality is dependent on the underlying substantive law, and includes only those factual disputes that could change the ultimate outcome of a case. *Id.* All evidence and inferences are viewed in a light most favorable to the non-moving party on a summary judgment motion. *Id.*

3. Nationstar and its predecessor in interest, Bank of America, was entitled to receive the foreclosure notices as the senior deed of trust could be effected by the foreclosure sale. NRS 116.31168, NRS 116.31163(2); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S.Ct. 652, 94 L.Ed. 865 (1950).

4. Tablante's recording of a false deed in lieu of foreclosure did not strip the beneficiary of the senior deed of trust of its property rights.

1 5. RRFs failed to provide any foreclosure notices to the beneficiary of the senior deed  
2 of trust. As a result, the beneficiary had no opportunity to cure the delinquency in assessment  
3 payments.

4 6. Because of the failure to provide the required notices to the beneficiary of the senior  
5 deed of trust, the foreclosure sale did not extinguish the senior deed of trust.

6 **ORDER**

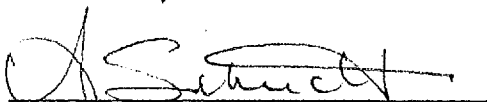
7 IT IS HEREBY ORDERED that Nationstar's Countermotion for Summary Judgment is  
8 GRANTED;

9 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment is DENIED.

10 DATED this 4<sup>th</sup> day of February, 2016.

11   
12 District Court Judge *akw*

13 Submitted by:

14   
15 ARIEN E. STERN, ESQ.

16 Nevada Bar No. 8276

17 ALLISON R. SCHMIDT, ESQ.

18 Nevada Bar No. 10743

19 1160 Town Center Drive, Suite 330

20 Las Vegas, Nevada 89144

21 Attorneys for Defendant Nationstar Mortgage, LLC

22 Approved as to form and content:

23 (provided to plaintiff's counsel but did not sign)

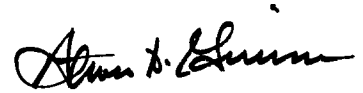
24 Luis A. Ayon, Esq.

25 Margaret E. Schmidt, Esq.

26 2500 W. Sahara Ave., Ste. 106

27 Las Vegas, NV 89102

28 Attorneys for Plaintiff



CLERK OF THE COURT

**ORDR**

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
ALLISON R. SCHMIDT, ESQ.  
Nevada Bar No. 10743  
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Email: ariel.stern@akerman.com  
Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,  
Counterclaimant,  
v.  
WEST SUNSET 2050 TRUST, a Nevada Trust,  
Counter-Defendant.

Case No.: A-13-691323-C  
Dept.: XXI

**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION AND  
TO ALTER AND AMEND ORDER  
GRANTING NATIONSTAR MORTGAGE  
LLC AND BANK OF AMERICA, N.A.'S  
MOTION FOR SUMMARY JUDGMENT**

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2  
3 Cross-Claimant,  
4 v.  
5 STEPHANIE TABLANTE,  
6 Cross-Defendant.

7 On March 4, 2016, plaintiff West Sunset 2050 trust filed a motion to reconsider and amend  
8 this court's order granting summary judgment in favor of Nationstar Mortgage, LLC and denying  
9 plaintiff's motion for summary judgment. Nationstar filed an opposition on March 22, 2016.


10 This matter came before the court on April 4, 2016 in chambers. Having reviewed the papers  
11 filed by both parties, and good cause appearing:

12 IT IS HEREBY ORDERED that plaintiff's motion for Reconsideration and to Alter and Amend  
13 Order Granting Nationstar Mortgage LLC and Bank of America, N.A.'s Motion For Summary  
14 Judgment is DENIED.

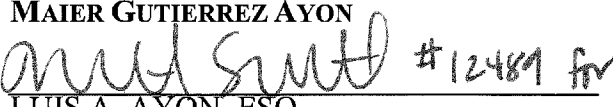
15 DATED this 23<sup>rd</sup> day of May, 2016

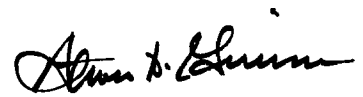
16   
17 DISTRICT COURT JUDGE 

18 Submitted by:  
19 **AKERMAN LLP**

20   
21 ALLISON R. SCHMIDT, ESQ.  
22 Nevada Bar No. 10743  
23 1160 Town Center Drive, Suite 330  
24 Las Vegas, Nevada 89144  
25 *Attorneys for Nationstar Mortgage LLC*  
26 *and Bank of America, NA*

27 Approved as to form and content, all rights reserved:  
28 **MAIER GUTIERREZ AYON**

29  #12489 for  
30 LUIS A. AYON, ESQ.  
31 2500 W. Sahara Ave., Ste. 106  
32 Las Vegas, NV 89102  
33 *Attorneys for Plaintiff*



CLERK OF THE COURT

**NEOJ**  
ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
ALLISON R. SCHMIDT, ESQ.  
Nevada Bar No. 10743  
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Email: ariel.stern@akerman.com  
Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

Case No.: A-13-691323-C  
Dept.: XXI

**NOTICE OF ENTRY OF ORDER  
DENYING PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND TO ALTER  
AND AMEND ORDER GRANTING  
NATIONSTAR MORTGAGE LLC AND  
BANK OF AMERICA, N.A'S MOTION FOR  
SUMMARY JUDGMENT.**

NATIONSTAR MORTGAGE, LLC,  
Counterclaimant,  
v.  
WEST SUNSET 2050 TRUST, a Nevada Trust,  
Counter-Defendant.

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2 Cross-Claimant,  
3 v.  
4 STEPHANIE TABLANTE,  
5 Cross-Defendant.

6  
7 PLEASE TAKE NOTICE that the **ORDER DENYING PLAINTIFF'S MOTION FOR**  
8 **RECONSIDERATION AND TO ALTER AND AMEND ORDER GRANTING**  
9 **NATIONSTAR MORTGAGE LLC AND BANK OF AMERICA, N.A'S MOTION FOR**  
10 **SUMMARY JUDGMENT** has been entered on the 31st day of May, 2016, in the above-captioned  
11 matter. A copy of said Order is attached hereto as Exhibit A.

12 DATED this 3rd day of June, 2016.

13 **AKERMAN LLP**

14 */s/ Allison R. Schmidt*

15 ARIEL E. STERN, ESQ.

16 Nevada Bar No. 8276

17 ALLISON R. SCHMIDT, ESQ.

18 Nevada Bar No. 10743

19 1160 Town Center Drive, Suite 330

20 Las Vegas, Nevada 89144

21 *Attorneys for Nationalstar Mortgage LLC*  
22 *and Bank of America, NA*  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of June, 2016 and pursuant to NRCP 5(b), I served through this Court's electronic service notification system ("Wiznet") and/or deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND TO ALTER AND AMEND ORDER GRANTING NATIONSTAR MORTGAGE LLC AND BANK OF AMERICA, N.A'S MOTION FOR SUMMARY JUDGMENT** postage prepaid and addressed to:

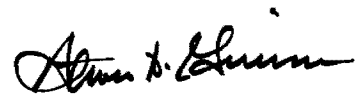
Charity Barber  
Danielle Barraza  
Darren T. Rodriguez  
Jason Maier  
Joseph Gutierrez  
Luis Ayon  
Margaret E. Schmidt  
Natalie D. Vazquez  
[cmb@mgalaw.com](mailto:cmb@mgalaw.com)  
[djb@mgalaw.com](mailto:djb@mgalaw.com)  
[dtr@mgalaw.com](mailto:dtr@mgalaw.com)  
[jrm@mgalaw.com](mailto:jrm@mgalaw.com)  
[jag@mgalaw.com](mailto:jag@mgalaw.com)  
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[mes@mgalaw.com](mailto:mes@mgalaw.com)  
[ndv@mgalaw.com](mailto:ndv@mgalaw.com)

/s/ Doug J. Layne

An employee of AKERMAN LLP

# EXHIBIT A

# EXHIBIT A



CLERK OF THE COURT

**ORDR**

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
ALLISON R. SCHMIDT, ESQ.  
Nevada Bar No. 10743  
AKERMAN LLP  
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Las Vegas, NV 89144  
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Email: ariel.stern@akerman.com  
Email: allison.schmidt@akerman.com

*Attorneys for Defendant Nationstar Mortgage, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Plaintiff,

v.

NEW FREEDOM MORTGAGE  
CORPORATION, a Foreign Corporation;  
BANK OF AMERICA, N.A., a National  
Association; NATIONSTAR MORTGAGE,  
LLC, a Foreign Limited Liability Company;  
COOPER CASTLE LAW FIRM, LLP, a Nevada  
Limited Liability Partnership; STEPHANIE  
TABLANTE, an individual; DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,  
Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,  
Counter-Defendant.

Case No.: A-13-691323-C  
Dept.: XXI

**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION AND  
TO ALTER AND AMEND ORDER  
GRANTING NATIONSTAR MORTGAGE  
LLC AND BANK OF AMERICA, N.A.'S  
MOTION FOR SUMMARY JUDGMENT**

AKERMAN LLP

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

1 NATIONSTAR MORTGAGE, LLC,  
2  
3 Cross-Claimant,  
4 v.  
5 STEPHANIE TABLANTE,  
6 Cross-Defendant.

7 On March 4, 2016, plaintiff West Sunset 2050 trust filed a motion to reconsider and amend  
8 this court's order granting summary judgment in favor of Nationstar Mortgage, LLC and denying  
9 plaintiff's motion for summary judgment. Nationstar filed an opposition on March 22, 2016.


10 This matter came before the court on April 4, 2016 in chambers. Having reviewed the papers  
11 filed by both parties, and good cause appearing:

12 IT IS HEREBY ORDERED that plaintiff's motion for Reconsideration and to Alter and Amend  
13 Order Granting Nationstar Mortgage LLC and Bank of America, N.A.'s Motion For Summary  
14 Judgment is DENIED.

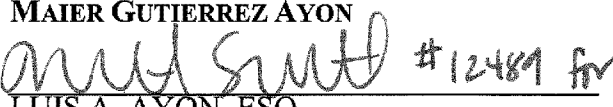
15 DATED this 23<sup>rd</sup> day of May, 2016

16   
17 DISTRICT COURT JUDGE 

18 Submitted by:  
19 **AKERMAN LLP**

20   
21 ALLISON R. SCHMIDT, ESQ.  
22 Nevada Bar No. 10743  
23 1160 Town Center Drive, Suite 330  
24 Las Vegas, Nevada 89144  
25 *Attorneys for Nationstar Mortgage LLC*  
26 *and Bank of America, NA*

27 Approved as to form and content, all rights reserved:  
28 **MAIER GUTIERREZ AYON**

29  #12489 for  
30 LUIS A. AYON, ESQ.  
31 2500 W. Sahara Ave., Ste. 106  
32 Las Vegas, NV 89102  
33 *Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Title to Property</b>	<b>COURT MINUTES</b>	<b>July 24, 2015</b>
--------------------------	----------------------	----------------------

A-13-691323-C	West Sunset 2050 Trust, Plaintiff(s) vs. New Freedom Mortgage Corporation, Defendant(s)
---------------	---

---

<b>July 24, 2015</b>	<b>1:00 PM</b>	<b>Decision</b>	<b>W. Sunset 2050 Trust's Motion for Summary Judgment...Oppositio n to Motion for Summary Judgment and Countermotion for Summary Judgment</b>
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**HEARD BY:** Adair, Valerie

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Denise Husted

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Plaintiff's Motion for Summary Judgment is DENIED; Nation Star's Countermotion for Summary Judgment is GRANTED as it appears from the record that Nation Star, the legitimate holder of the First Deed of Trust did not receive notice of the HOA delinquency. The rogue filing of a Deed in Lieu of Foreclosure to New Freedom did not divest Nation Star of its interest in the property. Accordingly the Plaintiff purchased the property subject to the first Deed of Trust. Nation Star to prepare a detailed Finding of Fact and Decision of Order.

CLERK'S NOTE: Copies of this minute order placed in the attorney folders of:

Luis Ayon (MAIER GUTIERREZ AYON)

Allison Schmidt (ACKERMAN LLP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**April 04, 2016**

---

A-13-691323-C	West Sunset 2050 Trust, Plaintiff(s)
	vs.
	New Freedom Mortgage Corporation, Defendant(s)

---

**April 04, 2016**

**3:00 AM**

**Motion to Reconsider**

**HEARD BY:** Adair, Valerie

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Denise Husted

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter is taken UNDER ADVISEMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Title to Property**

**COURT MINUTES**

**April 25, 2016**

---

A-13-691323-C	West Sunset 2050 Trust, Plaintiff(s) vs. New Freedom Mortgage Corporation, Defendant(s)
---------------	---

---

**April 25, 2016**

**3:00 AM**

**Decision**

**HEARD BY:** Adair, Valerie

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Cynthia Moleres

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Plaintiff's Motion to Reconsider is DENIED. Nationstar to prepare the order.

CLERK'S NOTE: A copy of this Minute Order was placed in the Clerk's Office Attorney Folder of: Luis A. Ayon, Esq./Margaret E. Schmidt, Esq., Ariel E. Stern, Esq./Allison Schmidt, Esq., Jason M. Peck, Esq. clm 4-25-16



# 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 NATIONSTAR MORTGAGE LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND TO ALTER AND AMEND ORDER GRANTING NATIONSTAR MORTGAGE LLC AND BANK OF AMERICA, N.A.'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND TO ALTER AND AMEND ORDER GRANTING NATIONSTAR MORTGAGE LLC AND BANK OF AMERICA, N.A.'S MOTION FOR SUMMARY JUDGMENT DISTRICT COURT MINUTES

WEST SUNSET 2050 TRUST,

Plaintiff(s),

vs.

NEW FREEDOM MORTGAGE  
CORPORATION; BANK OF AMERICA, N.A.;  
NATIONSTAR MORTGAGE LLC;  
STEPHANIE TABLANTE,

Defendant(s),

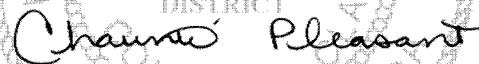
Case No: A-13-691323-C

Dept No: XXI

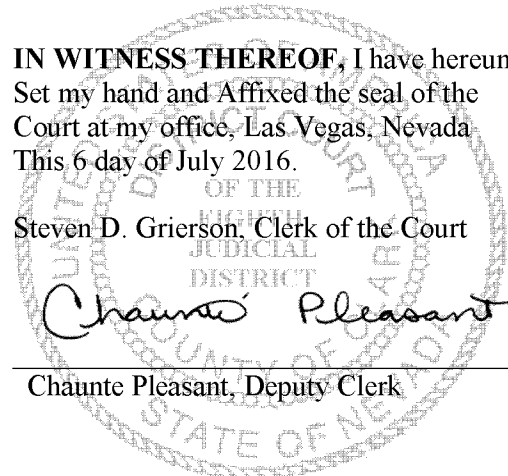
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 6 day of July 2016.

Steven D. Grierson, Clerk of the Court



Chaunte Pleasant, Deputy Clerk



**MAIER GUTIERREZ AYON PLLC**  
 OPERATING ACCOUNT  
 400 S. SEVENTH STREET, SUITE 400  
 LAS VEGAS, NEVADA 89101  
 702 628 7900

**BANK OF NEVADA**  
 94-17711224

12090

7/1/2016

PAY TO THE ORDER OF Clerk of the Nevada Supreme Court

\$ \*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\* DOLLARS

PROTECTED AGAINST FRAUD

Clerk of the Nevada Supreme Court

MEMO

200174/Berberich, Mr. Kenneth /A-13-691323-C

⑈012090⑈ ⑆122401778⑆ 7502366555⑈

MAIER GUTIERREZ AYON PLLC

Clerk of the Nevada Supreme Court

7/1/2016

200174/Berberich, Mr. Kenneth /A-13-691323-C

12090

250.00

Operating Account      200174/Berberich, Mr. Kenneth /A-13-691323-C

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