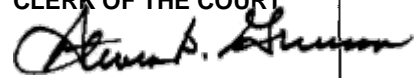


# EXHIBIT A

# EXHIBIT A



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10 *Defendant JPMorgan Chase Bank,*  
*N.A.*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JPMORGAN CHASE BANK, NATIONAL  
14 ASSOCIATION, a national association,

15 Plaintiff,

16 vs.

17 SFR INVESTMENTS POOL 1, LLC, a  
18 Nevada Limited Liability company; DOES  
19 1 through 10; and ROE BUSINESS  
20 ENTITIES 1 through 10, inclusive;

21 Defendants.

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

24 Counter-Claimant,

25 vs.

26 JPMORGAN CHASE BANK N.A.,  
27 NATIONAL ASSOCIATION, a national  
28 association; ROBERT M. HAWKINS, an  
individual; CHRISTINE V. HAWKINS, an  
individual; DOES 1 10; and ROE  
BUSINESS ENTITIES 1 through 10,  
inclusive;

Counter-Defendants.

CASE NO. A-13-692304-C

DEPT. NO. XXIV

1        **STIPULATION REQUESTING RECONSIDERATION AND CERTIFICATION**

2        Plaintiff/Counter-Defendant JPMorgan Chase Bank, National Association  
3        ("Chase") and Defendant/Counter-Claimant SFR Investments Pool 1, LLC ("SFR" and  
4        together with Chase, the "Parties") stipulate as follows:

5            1.        This is a quiet title action arising from a foreclosure sale of a residential  
6        property at 3263 Morning Springs Drive, Henderson, Nevada 89074 (the "Property").

7            2.        Chase seeks a declaration that a Deed of Trust recorded against the  
8        Property as Instrument 20060612-0003526 survived an HOA foreclosure sale of the  
9        Property held on March 1, 2013. SFR seeks a declaration that the Deed of Trust was  
10        extinguished.

11           3.        SFR filed a Motion for Summary Judgment on July 7, 2016. Chase filed  
12        an opposition on July 26, 2016 and SFR filed a reply on August 1, 2016.

13           4.        Chase argued that, at the time of the foreclosure sale, it was servicing  
14        the loan secured by the Deed of Trust on behalf of the Federal Home Loan Mortgage  
15        Corporation ("Freddie Mac"), which owned the loan. Chase further argued that 12  
16        U.S.C. § 4617(j)(3) preempted Nevada law to the extent that Nevada law would allow  
17        an HOA foreclosure sale to extinguish a Deed of Trust securing a loan owned by  
18        Freddie Mac or the Federal National Mortgage Association ("Fannie Mae").

19           5.        SFR argued, among other things, that Chase lacked standing to assert  
20        that 12 U.S.C. § 4617(j)(3) preempted Nevada law.

21           6.        The Court granted SFR's Motion for Summary Judgment in an order  
22        filed August 23, 2016.

23           7.        Chase filed a notice of appeal on September 16, 2016. The appeal  
24        remains pending before the Nevada Supreme Court.

25           8.        On June 22, 2017, the Nevada Supreme Court issued its opinion in  
26        Nationstar Mortg., LLC v. SFR Invs. Pool 1, LLC, 133 Nev. Adv. Op. 34, 396 P.3d 754  
27        (2017), holding that a loan servicer has standing to argue that 12 U.S.C. § 4617(j)(3)  
28        preempts Nevada law. The Supreme Court remanded the matter without addressing

1 whether 12 U.S.C. § 4617(j)(3) preempts Nevada law, as the district court in  
2 Nationstar had not considered the issue.

3 9. The Supreme Court remanded the Nationstar case to allow the district  
4 court to consider whether 12 U.S.C. § 4617(j)(3) preempts Nevada law, whether  
5 Freddie Mac owned the loan in question, and whether the servicer in Nationstar was  
6 servicing the loan at the time of the sale.

7 10. The Parties agree that the summary judgment in this case should also  
8 be vacated so the Court may determine (1) whether 12 U.S.C. § 4617(j)(3) preempts  
9 Nevada law when the Federal Housing Finance Administration ("FHFA") is acting as  
10 conservator over Freddie Mac, (2) whether, at the time of the HOA foreclosure sale,  
11 Freddie Mac had a valid and enforceable property interest; and (3) whether Chase  
12 had a servicing agreement with Freddie Mac or FHFA with regard to the subject loan  
13 at the time of the sale.

14 11. The Parties agree that the other aspects of the Court's summary  
15 judgment will remain in place, provided that the Parties will retain the right to  
16 challenge all aspects of the summary judgment in any future appeal.

17 12. The Parties agree that, if the Nevada Supreme Court remands the case,  
18 the Parties will submit a stipulation to this Court within 7 days of the Nevada  
19 Supreme Court's remand order with proposed deadlines for dispositive motions  
20 addressing the issues listed in Paragraph 10.

21 13. Although Chase's appeal divested the Court of jurisdiction over the  
22 summary judgment, the Court may certify its intent to vacate the summary judgment  
23 to the Nevada Supreme Court. Thereafter, the Supreme Court may remand the case  
24 to allow this Court to vacate the summary judgment. See Foster v. Dingwall, 126  
25 Nev. Adv. Op. 5, 228 P.3d 453, 454-55 (2010); Huneycutt v. Huneycutt, 94 Nev. 79,  
26 575 P.2d 585 (1978).

27 ///

28 ///

1 14. Accordingly, the Parties ask the Court to certify its intent to vacate the  
2 August 23, 2016 summary judgment for the purpose of deciding the issues listed in  
3 Paragraph 10.

4 Dated: September 8, 2017

Dated: September 8, 2017

5 BALLARD SPAHR LLP

KIM GILBERT EBRON

6 By: Julie K. Ketter 14124  
7 Abran E. Vigil  
8 Nevada Bar No. 7548  
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*Attorneys for Plaintiff/Counter-  
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National Association*

*Attorneys for Defendant/Counter-  
Claimant SFR Investments Pool 1,  
LLC*

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**CERTIFICATION OF INTENT TO VACATE ORDER GRANTING SFR INVESTMENTS POOL 1, LLC'S MOTION FOR SUMMARY JUDGMENT**

Based on the foregoing stipulation between plaintiff/counter-defendant JPMorgan Chase Bank, National Association ("Chase") and defendant/counter-claimant SFR Investments Pool 1, LLC ("SFR"), and good cause appearing,

THE COURT CERTIFIES that if the case on appeal is remanded, it will vacate the August 23, 2016 *Order Granting SFR Investments Pool 1, LLC's Motion for Summary Judgment* for the purpose of deciding the following issues:

- 1) Whether 12 U.S.C. § 4617(j)(3) preempts Nevada law to the extent that Nevada law would permit an HOA foreclosure sale to extinguish a deed of trust securing a loan owned by the Federal Home Loan Mortgage Corporation ("Freddie Mac") while the Federal Housing Finance Administration ("FHFA") is acting as conservator of Freddie Mac;
- 2) Whether, at the time of the HOA foreclosure sale, Freddie Mac had a valid and enforceable property interest; and
- 3) Whether Chase had a servicing agreement with Freddie Mac or FHFA with respect to the subject loan at the time of the sale.

Dated September 14, 2017.

  
DISTRICT COURT JUDGE

Submitted by:

BALLARD SPAHR LLP

By:  for 14124

Matthew D. Lamb  
Nevada Bar No. 12991  
100 N. City Parkway, Suite 1750  
Las Vegas, Nevada 89106

*Attorneys for Plaintiff/Counter-Defendant JPMorgan Chase Bank, National Association*

**IN THE SUPREME COURT OF NEVADA**

JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION, a  
national association,

Appellant,

v.

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

Respondent.

Supreme Court No. 71337

Electronically Filed  
Sep 19 2017 11:10 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**STIPULATION TO REMAND**

Appellant JPMorgan Chase Bank, National Association (“Chase”) and respondent SFR Investments Pool 1, LLC (“SFR” and together with Chase, the “Parties”) stipulate as follows:

1. This appeal arises from a quiet title action involving property at 3263 Morning Springs Drive, Henderson, Nevada 89074 (the “Property”).
2. The Pebble Canyon Homeowners Association purportedly foreclosed against the Property on March 1, 2013 pursuant to a lien for delinquent assessments.
3. Chase seeks a declaration that a Deed of Trust recorded against the Property survived the foreclosure sale. SFR seeks a declaration that the Deed of Trust was extinguished.

4. Before the district court, Chase argued (among other things) that it was servicing the loan secured by the Deed of Trust on behalf of the Federal Home Loan Mortgage Corporation (“Freddie Mac”), which owned the loan. Chase further argued that 12 U.S.C. § 4617(j)(3) preempted Nevada law to the extent that Nevada law would allow an HOA foreclosure sale to extinguish a Deed of Trust securing a loan owned by Freddie Mac.

5. SFR argued (among other things) that Chase lacked standing to assert that § 4617(j)(3) preempted Nevada law. The district court entered summary judgment for SFR, and Chase appealed to this Court.

6. The district did not consider whether 12 U.S.C. § 4617(j)(3) preempts Nevada law, whether Freddie Mac owned the loan at the time of the sale, or whether Chase was servicing the loan at the time of the sale.

7. On June 22, 2017, this Court issued its opinion in Nationstar Mortg., LLC v. SFR Invs. Pool 1, LLC, 133 Nev. Adv. Op. 34, 396 P.3d 754 (2017), holding that a loan servicer has standing to argue that 12 U.S.C. § 4617(j)(3) preempts Nevada law.

8. Although Chase’s appeal divested the district court of jurisdiction over the summary judgment order, the district court may certify its intent to vacate the order. Thereafter, this Court may remand the case to allow the district court to



vacate the order. See Foster v. Dingwall, 126 Nev. 56, 228 P.3d 453 (2010); Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

9. Attached hereto as Exhibit A is a *Stipulation Requesting Reconsideration and Certification* that the Parties filed with the district court, together with the district court's *Certification of Intent to Vacate Order Granting SFR Investments Pool 1, LLC's Motion for Summary Judgment*.

10. The Parties agree that this appeal should be dismissed without prejudice and that the case should be remanded for proceedings consistent with the district court's certification.

11. The Parties further agree that Chase may reinstate this appeal if the district court fails to vacate the summary judgment order.

12. The Parties further agree they will each bear their own fees and costs for this appeal.

Dated: September 19, 2017.

Dated: September 19, 2017.

BALLARD SPAHR LLP

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*Attorneys for Respondent*

*Attorneys for Appellant*

**CERTIFICATE OF SERVICE**

I certify that on September 19, 2017, I filed the foregoing *Stipulation to Remand*. The following participants will be served electronically:

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Las Vegas, NV 89139

*Counsel for Respondent*

/s/ Sarah Walton  
\_\_\_\_\_  
An employee of Ballard Spahr LLP