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Elizabeth A. Brown  
Clerk of Supreme Court

1 ALVERSON, TAYLOR,  
2 MORTENSEN & SANDERS  
3 KURT R. BONDS, ESQ.  
4 Nevada Bar #6228  
5 6605 Grand Montecito Parkway  
6 Suite 200  
7 Las Vegas, Nevada 89149  
8 (702) 384-7000  
9 efile@alversontaylor.com  
10 *Attorneys for Third-Party Defendant*  
11 *Copper Ridge Community Association*

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

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

12 Plaintiffs,

13 vs.

14 U.S. BANK, N.A., a national banking  
15 association as Trustee for the Certificate Holders  
16 of U.S. Bank Asset Securities Corporation,  
17 Mortgage Pass-Through Certificates, Series  
18 2006-AR4, a Nevada non-profit corporation and  
19 LUCIA PARKS, an individual; DOES I through  
20 X; and ROE CORPORATIONS I through X,  
21 inclusive,

22 Defendants.

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

25 Plaintiff,

26 vs.

27 U.S. BANK, N.A., a national banking  
28 association as Trustee for the Certificate Holders  
of U.S. Bank Asset Securities Corporation,  
Mortgage Pass-Through Certificates, Series  
2006-AR4; NV West Servicing, LLC, a Nevada  
limited liability company, as Trustee for  
NASHVILLE TRUST 2270; DOES I-X; and  
ROE CORPORATIONS I-X, inclusive,

Defendants.

Consolidated Case Nos.  
A-13-678814-C  
A-13-688734-C

Dept No.: XXXI

CASE APPEAL STATEMENT

1 U.S. BANK, N.A., a national association, as  
2 Trustee for the Certificate Holders of U.S. Bank  
3 Asset Securities Corporation, Mortgage Pass-  
Through Certificates, Series 2006-AR4,

4 Counterclaimant,

5 vs.

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

8 Counter Defendant.

9 U.S. BANK, N.A., a national association, as  
10 Trustee for the Certificate Holders of U.S. Bank  
11 Asset Securities Corporation, Mortgage Pass-  
Through Certificates, Series 2006-AR4,

12 Third-Party Plaintiff,

13 vs.

14 NEVADA ASSOCIATION SERVICES, INC., a  
15 Nevada corporation; COPPER RIDGE  
16 COMMUNITY ASSOCIATION, a Nevada non-  
profit corporation;

17 Third-Party Defendants.

18 **CASE APPEAL STATEMENT**

19 **1. Name of appellant filing this case appeal statement:**

20 Copper Ridge Community Association

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

22 The Honorable Joanna S. Kishner

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

24 Appellant: Copper Ridge Community Association

25 Counsel: Kurt Bonds, Esq.,  
26 Alverson Taylor Mortensen & Sanders  
27 6605 Grand Montecito Parkway, Suite 200  
Las Vegas, NV 89149

28 ///

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent:

Respondent: U.S. Bank, N.A., a national banking association as Trustee for the certificate Holders of Wells Fargo Asset securities Corporation, Mortgage Pass-Through Certificates, series 2006-AR4

Trial Counsel: John Delikanakis, Esq.  
Daniel S. Ivie, Esq.  
Snell & Wilmer LLP  
3883 Howard Hughes Parkway, Suite 110  
Las Vegas, NV 89169

Respondent: NV West, Servicing LLC, as Trustee for Nashville Trust 2270

Trial Counsel: Michael F. Bohn, Esq.  
Adam R. Tippiadi, Esq.  
Law Offices of Michael F. Bohn, Esq. Ltd.  
376 E Warm Springs Rd # 140  
Las Vegas, NV 89119

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:

N/A; All attorneys are licensed in the State of Nevada.

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

Appellant was represented by retained counsel in the District Court.

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

Appellant is represented by retained counsel on appeal.

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

Appellant is not proceeding in forma pauperis.

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

The original complaint was filed on March 22, 2013.

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

This case began as a quiet title following Plaintiff SFR Investments Pool 1, LLC's purchase of the subject property at a homeowner's association foreclosure conducted pursuant to NRS 116 et. seq. The Property in question is located within the Copper Ridge Community Association. Shortly after SFR obtained title to the Property the Bank sought to foreclose on its first deed of trust and SFR filed a complaint for quiet title, seeking injunctive relief to stop the Bank's sale. The district court entered an order denying the injunction, dismissing SFR's complaint, and expunging the lis pendens on the Property on June 10-11, 2013. The Bank had orally postponed its sale and before SFR appealed, the Bank foreclosed. The Nevada Supreme Court reversed the district court's dismissal. SFR brought a new action for quiet title and the two cases were consolidated.

The prior unit owner had filed bankruptcy. The association sale took place while the automatic stay was in place. However, US Bank, who knew about the foreclosure, did not object to the "violation" at the time or any time thereafter, until SFR sought retroactive annulment of the stay. The Bankruptcy Court granted the retroactive annulment, finding that equity law with SFR and not the Bank who failed to raise the violation during the bankruptcy case. The district court, despite the Order Granting Retroactive Annulment, ignored the effect of that order, and used the stay violation in balancing equities. Based on the price paid at auction, which was not influenced by the bankruptcy, and the stay violation, the court vacated the association sale and concluded the Bank's foreclosure sale was valid.

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

SFR Investments Pool 1, LLC v. U.S. Bank, N.A., as Trustee, Case No. 63614

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

No.

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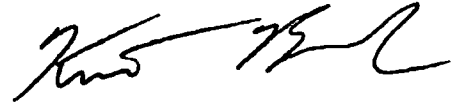
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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Unlikely. Copper Ridge is willing to address settlement but believes U.S. Bank would be unwilling. Copper Ridge is unsure of NV West Servicing's position.

DATED this 4<sup>th</sup> day of December, 2017.

ALVERSON, TAYLOR,  
MORTENSEN & SANDERS



KURT R. BONDS, ESQ.  
Nevada Bar #6228  
6605 Grand Montecito Parkway, Suite 200  
Las Vegas, Nevada 89149  
*Attorneys for Third-Party Defendant  
Copper Ridge Community Association*

**CERTIFICATE OF SERVICE VIA CM/ECF**


I hereby certify that on this 4<sup>th</sup> day of December, 2017, I did serve, via Case Management/Electronic Case Filing, a copy of the above **CASE APPEAL STATEMENT** and foregoing addressed to:

Richard C. Gordon, Esq.  
Robin E. Perkins, Esq.  
Daniel S. Ivie, Esq.  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Pkwy., Suite 1100  
Las Vegas, NV 89169  
Attorneys for U.S. Bank, N.A. as Trustee for the  
Certificate Holders of U.S. Bank Asset Securities  
Corporation, Mortgage Pass-Through Certificates,  
Series 2006-AR4

Edgar C. Smith, Esq.  
BUCKLEY MADOLE, P.C.  
1635 Village Center Circle  
Suite 130  
Las Vegas, NV 89134  
Attorneys for Defendant  
NV West Servicing LLC

Diane Cline Ebron, Esq.  
Jacqueline A. Gilbert, Esq.  
Karen L. Hanks, Esq.  
KIM GILBERT EBRON  
7625 Dean Martin Drive, Suite 110  
Las Vegas, NV 89139  
Attorneys for Plaintiff SFR Investments Pool 1, LLC

Gregory L. Wilde, Esq.  
TIFFANY & BOSCO, P.A.  
212 S. Jones Blvd.  
Las Vegas, NV 89107  
Attorneys for Third-Party  
Defendant National Default  
Servicing Corp.



An Employee of ALVERSON, TAYLOR,  
MORTENSEN & SANDERS