

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

BANK OF AMERICA, N.A.,  
SUCCESSOR BY MERGER TO BAC  
HOME LOANS SERVICING, LP FKA  
COUNTRYWIDE HOME LOANS  
SERVICING, LP, a National  
Association,

Appellant,

vs.

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

Respondent.

Electronically Filed  
Oct 30 2018 09:56 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 70501

**APPEAL**

from the Eighth Judicial District Court, Department XXI  
The Honorable Valerie Adair, District Judge  
District Court Case No. A-13-684501-C

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**MOTION TO FILE *AMICUS* BRIEF IN SUPPORT OF BANK OF  
AMERICA, N.A.'S RESPONSE TO PETITION FOR REHEARING**

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## **NRAP 26.1 DISCLOSURE**

The following are persons and entities as described in NRAP 26.1(a), and must be disclosed:

- Shellpoint Mortgage Servicing
- New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing
- Shellpoint Partners LLC
- NRM Acquisition LLC
- NRM Acquisition II LLC
- New Residential Mortgage LLC
- New Residential Investment Corporation
- New Residential Investment Corporation
- Akerman LLP

## **MOTION TO FILE *AMICUS* BRIEF**

Shellpoint Mortgage Servicing requests leave to file an *amicus curiae* brief in support of Bank of America, N.A.'s response to SFR Investments Pool 1, LLC's petition for rehearing. The motion is timely because it is filed seven days after Bank of America filed its response to SFR's petition for rehearing. Shellpoint's proposed amicus brief responds to the *amicus* briefs filed by Saticoy Bay, LLC, and TRP Fund IV, LLC.

Shellpoint has an interest in the outcome of the rehearing petition. Shellpoint is in the business of servicing residential mortgage loans. Shellpoint's servicing portfolio includes loans secured by real property in Nevada. Shellpoint services numerous loans that are currently in litigation over the impact of a Chapter 116 foreclosure sale. Many of these litigated loans include pre-sale tenders that were not recorded in the county recorders' offices. The outcome of SFR's rehearing petition will affect all of these loans.

An *amicus* brief is desirable to respond to the two *amicus* briefs filed in support of SFR's rehearing petition. Shellpoint's proposed *amicus* brief does not duplicate Bank of America's arguments. Instead, it responds solely to the arguments Saticoy Bay and TRP Fund made regarding equitable subrogation under the Restatement (Third) of Property: *Mortgages* § 6.4 (1997). SFR did not argue for equitable subrogation, and Bank of America did not directly respond to the

*amicus* briefs. Having allowed Saticoy Bay and TRP Fund to present their subrogation argument as *amicus* parties, the Court would benefit from allowing Shellpoint to respond via its proposed *amicus* brief.

DATED this 29th day of October, 2018.

**AKERMAN LLP**

/s/ Ariel Stern

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*Attorneys for Shellpoint Mortgage Servicing*

### **CERTIFICATE OF SERVICE**

I certify that I electronically filed on the 29th day of October, 2018, the foregoing **MOTION TO FILE *AMICUS* BRIEF IN SUPPORT OF BANK OF AMERICA, N.A.'S RESPONSE TO PETITION FOR REHEARING** with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF system. I further certify that all parties of record to this appeal either are registered with the CM/ECF or have consented to electronic service.

[ ] By placing a true copy enclosed in sealed envelope(s) addressed as follows:

[X] (By Electronic Service) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's CM/ECF system.

[X] (Nevada) I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Allen G. Stephens  
An employee of Akerman LLP