

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

NOAS
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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.: XI

**NATIONSTAR MORTGAGE LLC'S
NOTICE OF APPEAL**

NATIONSTAR MORTGAGE LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

NATIONSTAR MORTGAGE LLC,

Cross-Claimant,

v.

STEPHANIE TABLANTE,

Cross-Defendant.

TO: ALL PARTIES OF RECORD AND THEIR COUNSEL:

Notice is hereby given that Defendant Nationstar Mortgage LLC appeals to the Supreme Court of Nevada from this Court’s Findings of Fact and Conclusions of Law, for which a notice of entry of which was entered on July 17, 2019, and all interlocutory orders incorporated therein.

DATED July 22nd, 2019.

AKERMAN LLP

/s/ Donna M. Wittig

ARIEL E. STERN, ESQ.

Nevada Bar No. 8276

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Defendant Nationstar Mortgage LLC

CERTIFICATE OF SERVICE

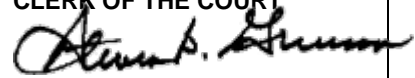
I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 22nd day of July, 2019, I caused to be served a true and correct copy of the foregoing **NATIONSTAR MORTGAGE LLC'S NOTICE OF APPEAL**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List as follows:

Luis A. Ayon, Esq. AYON LAW, PLLC 8716 Spanish Ridge Ave., #115 Las Vegas, NV 89148 <i>Attorneys for West Sunset 2050 Trust</i>	
---	--

/s/ Jill Sallade

An employee of AKERMAN LLP



1 **ASTA**
2 ARIEL E. STERN, ESQ.
3 Nevada Bar No. 8276
4 MELANIE D. MORGAN, ESQ.
5 Nevada Bar No. 8215
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15 Email: donna.wittig@akerman.com

16 *Attorneys for Defendant Nationstar Mortgage LLC*

17 **EIGHTH JUDICIAL DISTRICT COURT**

18 **CLARK COUNTY, NEVADA**

19 WEST SUNSET 2050 TRUST, a Nevada Trust,

20 Plaintiff,

21 v.

22 NEW FREEDOM MORTGAGE
23 CORPORATION, a Foreign Corporation;
24 BANK OF AMERICA, N.A., a National
25 Association; NATIONSTAR MORTGAGE,
26 LLC, a Foreign Limited Liability Company;
27 COOPER CASTLE LAW FIRM, LLP, a Nevada
28 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.: XI

**NATIONSTAR MORTGAGE LLC'S CASE
APPEAL STATEMENT**

NATIONSTAR MORTGAGE LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

NATIONSTAR MORTGAGE LLC,
Cross-Claimant,
v.
STEPHANIE TABLANTE,
Cross-Defendant.

Defendant Nationstar Mortgage LLC submits its Case Appeal Statement pursuant to NRAP 3(f)(3).

1. The appellant filing this case appeal statement is Nationstar Mortgage LLC (**Appellant**).

2. The order appealed is the Findings of Fact and Conclusions of Law. A Notice of Entry of Order was entered on July 17, 2019.

3. Counsel for Appellant are Ariel E. Stern, Esq., Melanie D. Morgan, Esq., and Donna M. Wittig, Esq. of AKERMAN LLP, 1635 Village Center Circle, Suite 200, Las Vegas, Nevada 89134.

4. Counsel for Respondent West Sunset 2050 Trust (**Respondent**) is Luis A. Ayon, Esq. of AYON LAW, PLLC, 8716 Spanish Ridge Ave., Suite 115, Las Vegas, Nevada 89148.

5. Counsel for Appellant is licensed to practice law in Nevada. Counsel for Respondent is licensed to practice law in Nevada.

6. Appellant is represented by retained counsel in the district court.

7. Appellant is represented by retained counsel on appeal.

8. Appellant was not granted leave to proceed in forma pauperis by the district court.

9. The date proceedings commenced in the district court was November 6, 2013.

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1 10. In this action, Appellant alleges that its Deed of Trust on the property located at 7255
2 West Sunset Road #2050, Las Vegas, Nevada 89113, Assessor Parcel No. 176-03-510-102 (the
3 **Property**) was not extinguished by the HOA sale. Respondent alleges that it owns the property free
4 and clear of all liens as a result of the HOA foreclosure sale. On July 16, 2019, the District Court
5 entered Findings of Fact and Conclusions of Law, granting judgment in Respondents' favor
6 following a bench trial.

7 11. This case has previously been the subject of an appeal to or original writ proceeding
8 in the Supreme Court: *West Sunset 2050 Trust v. Nationstar Mortgage LLC*, Case No. 70754. The
9 Nevada Supreme Court reversed and remanded after finding "Nationstar's rights were not prejudiced
10 by the HOA's failure to serve the Notice of Default upon Bank of America, the district court erred in
11 holding that defective notice Nationstar's deed of trust to survive the HOA foreclosure sale," and
12 remanded for further proceedings. Order of Reversal and remand filed June 28, 2018.

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

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

15 DATED July 22nd, 2019.

16 **AKERMAN LLP**

17 /s/Donna M. Wittig

18 ARIEL E. STERN, ESQ.

19 Nevada Bar No. 8276

20 MELANIE D. MORGAN, ESQ.

21 Nevada Bar No. 8215

22 DONNA M. WITTIG, ESQ.

23 Nevada Bar No. 11015

24 1635 Village Center Circle, Suite 200

25 Las Vegas, Nevada 89134

26 Attorneys for Defendant Nationstar Mortgage LLC
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 22nd day of July, 2019, I caused to be served a true and correct copy of the foregoing **NATIONSTAR MORTGAGE LLC'S CASE APPEAL STATEMENT**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List as follows:

Luis A. Ayon, Esq. AYON LAW, PLLC 8716 Spanish Ridge Ave., #115 Las Vegas, NV 89148 <i>Attorneys for West Sunset 2050 Trust</i>	
---	--

/s/Jill Sallade

An employee of AKERMAN LLP

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-13-691323-C

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

§
§
§
§
§
§

Location: **Department 11**
 Judicial Officer: **Gonzalez, Elizabeth**
 Filed on: **11/06/2013**
 Case Number History:
 Cross-Reference Case Number: **A691323**
 Supreme Court No.: **70754**

CASE INFORMATION

Statistical Closures

07/16/2019 Judgment Reached (bench trial)

Case Type: **Title to Property**

Subtype: **Quiet Title**

Case Status: **07/16/2019 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-13-691323-C
 Court Department 11
 Date Assigned 07/02/2018
 Judicial Officer Gonzalez, Elizabeth

PARTY INFORMATION











		<i>Lead Attorneys</i>
Plaintiff	West Sunset 2050 Trust	Ayon, Luis A <i>Retained</i> 702-600-3200(W)
Defendant	Bank of America Removed: 06/30/2017 Dismissed	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)
	Bank of America, N.A.	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)
	Cooper Castle Law Firm LLP Removed: 02/03/2014 Dismissed	Peck, Jason M, ESQ <i>Retained</i> 702-228-3176(W)
	Nationstar Mortgage LLC	Schmidt, Allison <i>Retained</i> 702-634-5000(W)
	New Freedom Mortgage Corporation	
	Tablante, Stephanie Removed: 07/17/2019 Dismissed	
Counter Claimant	Nationstar Mortgage LLC	Schmidt, Allison <i>Retained</i> 702-634-5000(W)
Counter Defendant	West Sunset 2050 Trust	Ayon, Luis A <i>Retained</i> 702-600-3200(W)
Cross Claimant	Nationstar Mortgage LLC Removed: 07/15/2019	Schmidt, Allison <i>Retained</i>

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

Dismissed







702-634-5000(W)

Cross Defendant **Tablante, Stephanie**
 Removed: 07/22/2019
 Dismissed

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
11/06/2013	 Complaint 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>	

CASE SUMMARY

CASE NO. A-13-691323-C

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 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>
01/17/2014	 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>
02/04/2014	 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 <i>Plaintiff's Ex Parte Application for Enlargement of Time to Serve Defendant Stephanie Tablante Only</i>


CASE SUMMARY

CASE NO. A-13-691323-C

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: Counter Claimant Nationstar Mortgage LLC <i>Initial Appearance Fee Disclosure (Chapter NRS 19)</i>
03/25/2014	 Notice of Appearance Party: Counter 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: Counter 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: Counter 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	 Certificate of Service Filed by: Counter Defendant West Sunset 2050 Trust <i>Certificate of Service</i>

CASE SUMMARY

CASE NO. A-13-691323-C

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: Counter 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: Counter 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: Counter 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>
07/29/2015	 Default Filed By: Counter Defendant West Sunset 2050 Trust <i>Default Against Stephanie Tablante</i>

CASE SUMMARY

CASE NO. A-13-691323-C

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>
02/08/2016	 Order Granting Filed By: Counter Claimant Nationstar Mortgage LLC <i>Order Granting Nationstar Mortgage, LLC's Countermotion For Summary Judgment and Denying Plaintiff's Motion For Summary Judgment</i>
02/16/2016	 Notice of Entry of Order Filed By: Counter 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: Counter Claimant Nationstar Mortgage LLC <i>Opposition To 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</i>
03/28/2016	 Reply Filed by: Counter Defendant West Sunset 2050 Trust <i>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</i>
05/31/2016	 Order Denying Motion Filed By: Counter Claimant Nationstar Mortgage LLC <i>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</i>
06/03/2016	 Notice of Entry of Order Filed By: Counter Claimant Nationstar Mortgage LLC <i>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.</i>
07/01/2016	 Notice of Appeal Filed By: Counter Defendant West Sunset 2050 Trust <i>Notice of Appeal</i>
07/01/2016	 Case Appeal Statement Filed By: Counter Defendant West Sunset 2050 Trust

CASE SUMMARY

CASE NO. A-13-691323-C

Case Appeal Statement

07/06/2016



Bond

Filed By: Counter Defendant West Sunset 2050 Trust
Cost Bond on Appeal

07/13/2016



Notice of Change of Address

Filed By: Counter Defendant West Sunset 2050 Trust
Notice of Change of Address of Attorney

10/11/2016



Motion

Filed By: Counter Defendant West Sunset 2050 Trust
Motion for Final Judgment Pursuant to Rule 54(b) and to Stay Remaining Claims Pending Conclusions of Appeal on an Order Shortening Time

10/13/2016



Receipt of Copy

Filed by: Counter Defendant West Sunset 2050 Trust
Receipt of Copy

11/09/2016



Order Granting Motion

Filed By: Counter Defendant West Sunset 2050 Trust
Order Granting Motion for Final Judgment Pursuant to Rule 54(b) and to Stay Remaining Claims Pending Conclusion of Appeal

11/10/2016



Notice of Entry of Order

Filed By: Counter Defendant West Sunset 2050 Trust
Notice of Entry of Order Granting Motion for Final Judgment Pursuant to Rule 54(b) and to Stay Remaining Claims Pending Conclusion of Appeal

12/20/2016



Request

Filed by: Counter Defendant West Sunset 2050 Trust
Request for Transcript of Proceedings

01/10/2017



Recorders Transcript of Hearing

Recorder's Transcript January 15, 2014

01/18/2017



Recorders Transcript of Hearing

Recorder's Transcript Re: West Sunset 2050 Trust's Motion For Summary Judgment; Opposition To Motion For Summary Judgment And Countermotion For Summary Judgment June 24, 2015

02/03/2017



Recorders Transcript of Hearing

Recorder's Transcript Re: Calendar Call July 13, 2015

02/13/2017



Recorders Transcript of Hearing

Recorder's Transcript Re: Plaintiff/Counter Defendant, West Sunset 2050 Trust's Motion for Final Judgment Pursuant to Rule 54(b) and to Stay Remaining Claims Pending Conclusions of Appeal on an Order Shortening Time October 26, 2016

05/09/2017



Substitution of Attorney

Filed by: Counter Defendant West Sunset 2050 Trust
Substitution of Attorneys

06/30/2017



Stipulation and Order for Dismissal

Filed by: Defendant Bank of America

CASE SUMMARY

CASE NO. A-13-691323-C

Stipulation and Order for Disclaimer of Interest and Dismissal of Bank of America, N.A.

07/01/2017	Case Reassigned to Department 7 <i>Civil Case Reassignment to Judge Linda Marie Bell</i>
07/03/2017	 Notice of Entry of Order Filed By: Counter Claimant Nationstar Mortgage LLC <i>Notice of Entry of Stipulation and Order for Disclaimer of Interest and Dismissal of Bank of America, N.A.</i>
12/20/2017	 Association of Counsel Filed By: Counter Claimant Nationstar Mortgage LLC <i>Association of Counsel</i>
01/18/2018	 Notice of Change of Address Filed By: Counter Claimant Nationstar Mortgage LLC <i>Notice Of Change Of Address</i>
01/30/2018	 Notice of Association of Counsel Filed By: Defendant Bank of America, N.A. <i>Notice of Association of Counsel for Bank of America, N.A.</i>
07/02/2018	Case Reassigned to Department 11 <i>Reassigned From Judge Bell - Dept 7</i>
07/27/2018	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
10/17/2018	 Order Setting Civil Bench Trial <i>1st Amended Order Setting Civil Bench Trial and Calendar Call</i>
11/02/2018	 Notice Filed By: Counter Claimant Nationstar Mortgage LLC <i>Notice of Disassociation of Counsel</i>
02/07/2019	 Notice of Lis Pendens Filed by: Defendant Bank of America, N.A. <i>Notice of Lis Pendens</i>
03/19/2019	 Order
04/26/2019	 Pre-Trial Disclosure Party: Counter Defendant West Sunset 2050 Trust <i>Plaintiff West Sunset 2050 Trust's Pre-Trial Disclosures</i>
04/26/2019	 Pre-Trial Disclosure Party: Counter Claimant Nationstar Mortgage LLC <i>Nationstar Mortgage LLC's First Amended Pretrial Disclosures</i>
05/01/2019	 Objection Filed By: Counter Defendant West Sunset 2050 Trust <i>Plaintiff, West Sunset 2050 Trust's Objections to Defendant Nationstar Mortgage LLC's First Amended Pretrial Disclosures</i>

CASE SUMMARY


CASE NO. A-13-691323-C


05/03/2019	 Pre-Trial Disclosure Party: Counter Claimant Nationstar Mortgage LLC <i>Nationstar Mortgage LLC's Second Amended Pretrial Disclosures</i>
05/06/2019	 Objection Filed By: Counter Defendant West Sunset 2050 Trust <i>Plaintiff West Sunset 2050 Trust's Objections to Defendant Nationstar Mortgage LLC's Second Amended Pretrial Disclosures</i>
05/14/2019	 Motion in Limine Filed By: Counter Claimant Nationstar Mortgage LLC <i>Nationstar Mortgage LLC's Motion in Limine to Introduce into Evidence at Trial Documents Disclosed After the Close of Discovery on Order Shortening Time</i>
05/22/2019	 Joint Pre-Trial Memorandum Filed By: Counter Claimant Nationstar Mortgage LLC <i>Joint Pretrial Memorandum</i>
05/23/2019	 Opposition to Motion in Limine Filed By: Counter Defendant West Sunset 2050 Trust <i>Plaintiff's Opposition to Motion in Limine</i>
05/31/2019	 Trial Brief Filed By: Counter Defendant West Sunset 2050 Trust <i>Plaintiff's Trial Brief</i>
06/25/2019	 Notice of Appearance Party: Counter Defendant West Sunset 2050 Trust <i>Notice of Appearance</i>
07/15/2019	 Notice of Voluntary Dismissal Without Prejudice Filed by: Counter Claimant Nationstar Mortgage LLC <i>Nationstar Mortgage LLC's Notice of Voluntary Dismissal of Claims Against Stephanie Tablante Without Prejudice</i>
07/16/2019	 Findings of Fact, Conclusions of Law and Judgment <i>Findings of Fact and Conclusions of Law</i>
07/17/2019	 Notice Filed By: Counter Claimant Nationstar Mortgage LLC <i>Nationstar Mortgage LLC's Notice of Filing of Proposed Supplemental Findings of Fact, Conclusions of Law and Judgment</i>
07/17/2019	 Voluntary Dismissal Filed by: Counter Defendant West Sunset 2050 Trust <i>Notice of Voluntary Dismissal of Defendant New Freedom Mortgage Corporation without Prejudice</i>
07/17/2019	 Voluntary Dismissal Filed by: Counter Defendant West Sunset 2050 Trust <i>Notice of Voluntary Dismissal of Defendant Stephanie Tablante without Prejudice</i>
07/17/2019	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Counter Claimant Nationstar Mortgage LLC


CASE SUMMARY

CASE NO. A-13-691323-C

Notice Of Entry Of Findings Of Fact And Conclusion Of Law

07/22/2019  Memorandum of Costs and Disbursements
Filed By: Counter Defendant West Sunset 2050 Trust
Memorandum of Costs and Disbursements

07/22/2019  Notice of Appeal
Filed By: Counter Claimant Nationstar Mortgage LLC
Nationstar Mortgage LLC's Notice of Appeal

07/22/2019  Case Appeal Statement
Filed By: Counter Claimant Nationstar Mortgage LLC
Nationstar Mortgage LLC's Case Appeal Statement

DISPOSITIONS

02/03/2014 **Order of Dismissal** (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

02/08/2016 **Summary Judgment** (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

06/30/2017 **Order of Dismissal** (Judicial Officer: Bell, Linda Marie)
Debtors: West Sunset 2050 Trust (Plaintiff)
Creditors: Bank of America (Defendant)
Judgment: 06/30/2017, Docketed: 07/03/2017

07/27/2018 **Clerk's Certificate** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Nationstar Mortgage LLC (Defendant)
Creditors: West Sunset 2050 Trust (Plaintiff)
Judgment: 07/27/2018, Docketed: 08/03/2018
Comment: Supreme Court No. 70754 " Appeal Reversed and Remanded"

07/15/2019 **Dismissal Pursuant to NRCP 41** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Stephanie Tablante (Cross Defendant)
Creditors: Nationstar Mortgage LLC (Cross Claimant)
Judgment: 07/15/2019, Docketed: 07/22/2019

07/16/2019 **Judgment** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Nationstar Mortgage LLC (Defendant)
Creditors: West Sunset 2050 Trust (Plaintiff)
Judgment: 07/16/2019, Docketed: 07/23/2019
Comment: Quiet Title

07/17/2019 **Dismissal Pursuant to NRCP 41** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Stephanie Tablante (Defendant)
Creditors: West Sunset 2050 Trust (Plaintiff)
Judgment: 07/17/2019, Docketed: 07/22/2019

07/17/2019 **Dismissal Pursuant to NRCP 41** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: New Freedom Mortgage Corporation (Defendant)
Creditors: West Sunset 2050 Trust (Plaintiff)
Judgment: 07/17/2019, Docketed: 07/22/2019

CASE SUMMARY






CASE NO. A-13-691323-C

HEARINGS

01/15/2014	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Defendant, The Cooper Castle Law Firm's, LLP, Motion to Dismiss</i> Motion Granted;</p>
01/15/2014	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Plaintiff's Opposition to Motion to Dismiss; Countermotion for Leave to Amend Complaint</i> Denied Without Prejudice;</p>
01/15/2014	<p> All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie) Matter Heard; Journal Entry Details: <i>DEFENDANT, THE COOPER CASTLE LAW FIRM'S, LLP, MOTION TO DISMISS ... PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS; COUNTERMOTION FOR LEAVE TO AMEND COMPLAINT</i> Court disclosed its Law Clerk used to work in Cooper Castle when he was a law school student. Colloquy between the Court and counsel regarding the obligations of the bank. Court NOTED, Plaintiff's intended to make all parties be aware of the current litigation. Mr. Peck indicated there are various impacts to Cooper Castle because of the current pending litigations. Upon Court's inquiry, Ms. Schmidt stated she does not object to dismissing Cooper Castle without prejudice if Cooper Castle is bound by the Preliminary Injunction. COURT ORDERED, Defendant, The Cooper Castle Law Firm's, LLP, Motion to Dismiss is GRANTED. Mr. Peck to prepare a proposed Order. Colloquy between the Court and counsel as to the allegations regarding Bank of America. COURT ORDERED, Plaintiff's Countermotion for Leave to Amend Complaint is DENIED WITHOUT PREJUDICE. Mr. Jorgensen to prepare a proposed Order. ;</p>
06/24/2015	<p>Motion for Summary Judgment (9:30 AM) (Judicial Officer: Adair, Valerie) <i>West Sunset 2050 Trust's Motion for Summary Judgment</i> Denied;</p>
06/24/2015	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i> Granted;</p>
06/24/2015	<p> All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie) Decision Made; Journal Entry Details: <i>WEST SUNSET 2050 TRUST'S MOTION FOR SUMMARY JUDGMENT...OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT</i> Ms. Schmidt stated the plaintiffs are trying to make this a HOA case and it is not. Discovery has closed; they have to prove every element of affirmative offense. Mr. Ayon stated there is no priority in this case. The Court noted that if there is appropriate notice, there is due process; there is a question regarding service to Bank of America and Nationstar. COURT ORDERED, CONTINUED for decision. 6/29/15 IN-CHAMBERS DECISION: WEST SUNSET 2050 TRUST'S MOTION FOR SUMMARY JUDGMENT...OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT ;</p>
07/13/2015	<p> Calendar Call (9:00 AM) (Judicial Officer: Adair, Valerie) Trial Date Set; Journal Entry Details: <i>Court noted it had something under advisement that it had not yet ruled on. Ms. M. Schmidt advised there was no Pretrial Memorandum submitted yet because she was waiting on the Court's decision. Court indicated it had a 5-7 day medical malpractice case beginning next week. Colloquy regarding trial availability. Ms. A. Schmidt advised Mr. Stern would be in Bulgaria for the month of August. Ms. M. Schmidt advised they wouldn't need more than two days. Ms. A. Schmidt stated they were looking at July 29th. Court indicated if the motion was granted, that would solve the trial setting issue. COURT ORDERED, Bench Trial VACATED and RESET. Court advised that, if Mr. Stern was not available on July 29th, opposing counsel should be informed; if the motion was granted, the 7/29/15 date would be vacated. Court further advised if the medical malpractice case would be 10 days it would contact the parties to let them know. 7/29/15 - 9:30 AM - BENCH TRIAL ;</i></p>

CASE SUMMARY

CASE NO. A-13-691323-C

07/20/2015	CANCELED Bench Trial (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Judge</i>
07/24/2015	 Decision (1:00 PM) (Judicial Officer: Adair, Valerie) MINUTES Granted in Part; W. Sunset 2050 Trust's Motion for Summary Judgment...Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment Journal Entry Details: <i>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) ;</i>
07/29/2015	CANCELED Bench Trial (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i>
04/04/2016	 Motion to Reconsider (3:00 AM) (Judicial Officer: Adair, Valerie) <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 Under Advisement;</i> Journal Entry Details: <i>COURT ORDERED, matter is taken UNDER ADVISEMENT.;</i>
04/25/2016	 Decision (3:00 AM) (Judicial Officer: Adair, Valerie) <i>Motion to Reconsider</i> Motion Denied; Journal Entry Details: <i>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;</i>
10/26/2016	 Motion (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Plaintiff/Counter Defendant, West Sunset 2050 Trust's Motion for Final Judgment Pursuant to Rule 54(b) and to Stay Remaining Claims Pending Conclusions of Appeal on an Order Shortening Time</i> Granted; Journal Entry Details: <i>Court GRANTED Motion as UNOPPOSED.;</i>
05/15/2017	 Status Check (3:00 AM) (Judicial Officer: Bell, Linda Marie) 05/15/2017, 09/19/2017 <i>Status Check: Stay</i> Matter Continued; Matter Continued; Status Check: Stay On in error - sdg Journal Entry Details: <i>Mr. Habdas stated confusion as to the caption of today's hearing as it is set for a status check: stay but the case is on appeal. Colloquy regarding the status of the case as Court advised the appellate record is briefed and waiting for a conference. Upon the Court's inquiry, Mr. Habdas advised a certification was granted last October leaving the HOA and trustee claims. COURT ORDERED, status check SET. If a decision is reached, parties may come together at a sooner date. 3/20/17 9:00 AM STATUS CHECK: STATUS OF CASE;</i> Matter Continued;

CASE SUMMARY

CASE NO. A-13-691323-C

03/20/2018

Matter Continued; Status Check: Stay
On in error - sdp
Journal Entry Details:
COURT CONTINUED MATTER. ;



Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

03/20/2018, 06/19/2018, 10/15/2018

Status Check: Status of Case

Matter Continued;

Matter Continued;

Trial Date Set; trial setting order to issue.

Journal Entry Details:

Ms. Wittig not present at call of case. Mr. Ayon advised he and Ms. Wittig discussed a briefing schedule and agreed to submit motions for summary judgment 60 days from today; they do not need additional discovery. Mr. Maurice stated he was not included in those discussions but will defer to the Akerman firm on the stipulations to a briefing schedule. Court inquired as to why the parties are not on its trial schedule. Mr. Ayon responded they just came back from a remand. Court stated it will not allow 60 more days. Matter TRALED for Ms. Wittig's appearance. Matter recalled. Ms. Wittig present. Court inquired as to why they need 60 more days. Mr. Ayon advised he has a lot of appellate briefs due in November; secondly, there were a lot of documents produced at the time of the hearing on the motion for summary judgment which were not produced at the time of the disclosures, so he is planning a motion to strike those documents; he does not want additional discovery but the discovery that should have been done previously. Following further discussion, all counsel agreed they need 120 more days of discovery. COURT ORDERED as follows: Discovery cut-off SET for February 22, 2019; Motions DUE April 5, 2019; Bench Trial SET on the stack that begins on May 28, 2019. New Trial Setting Order will ISSUE.;

Matter Continued;

Matter Continued;

Trial Date Set; trial setting order to issue.

Journal Entry Details:

Tenesa Scaturro, Esq. present for Nationstar Mortgage LLC. Ms. Scaturro advised the matter is on appeal with the Supreme Court. COURT ORDERED, matter CONTINUED for 120 days. CONTINUED TO: 10/16/18 9:00 AM;

Matter Continued;

Matter Continued;

Trial Date Set; trial setting order to issue.

Journal Entry Details:

Donna Wittig, Esq., present. Court noted the case was submitted to the Supreme Court after oral argument on February 26, 2018 and we are still waiting; therefore, COURT ORDERED, matter CONTINUED 90 days. CONTINUED TO: 06/19/18 9:00 AM;

08/29/2018



Minute Order (10:27 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Resetting Status Check

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, status check currently set on Tuesday, October 16, RESET on Monday, October 15, 2018. 10-15-18 9:00 AM STATUS CHECK: STATUS OF CASE CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service list. / dr 8-29-18;

02/28/2019



Minute Order (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Advancing Calendar Call

Minute Order - No Hearing Held;

Journal Entry Details:

Due to the Court's unavailability on May 21, 2019, Calendar Call is ADVANCED to Tuesday, May 14, 2019. 5-14-19 9:30 AM CALENDAR CALL 5-28-19 1:30 PM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed to the parties via electronic mail. / dr 2-28-19;

02/28/2019



Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

CASE SUMMARY

CASE NO. A-13-691323-C

Journal Entry Details:

Plaintiff's counsel not present. Upon Court's inquiry, Ms. Wittig advised that to her knowledge there is no discovery that has not been done and everything is on track. Court noted this is the oldest case on the stack and directed Ms. Wittig to tell Plaintiff's counsel his absence today is noted but the Court plans to proceed to trial. 5-21-19 9:30 AM CALENDAR CALL 5-28-19 1:30 PM BENCH TRIAL;

05/14/2019



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

Colloquy regarding potential witness issue and OST signed for motion submitted yesterday. COURT ORDERED, bench trial set to COMMENCE on Thursday, June 6, 2019. Non-jury trial hand-outs distributed. If trial is not done within a day it will be continued to another day for completion. Mr. Ayon noted the 5th and 14th of June will not work for him but any other day will. 5-28-19 9:00 AM NATIONSTAR MORTGAGE LLC'S MOTION IN LIMINE TO INTRODUCE INTO EVIDENCE AT TRIAL DOCUMENTS DISCLOSED AFTER THE CLOSE OF DISCOVERY 6-6-19 10:00 AM BENCH TRIAL;

05/28/2019



Motion in Limine (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Nationstar Mortgage LLC's Motion in Limine to Introduce into Evidence at Trial Documents Disclosed After the Close of Discovery

Denied;

Journal Entry Details:

Following arguments by counsel, COURT ORDERED, given the fact that information has been within the control of the servicer for the entire history of the litigation, the Court will DENY the request to admit this late disclosed information, as opposed to late discovered where substantial justification is the standard. Upon Court's inquiry, Mr. Stern stated they would prefer to keep the current trial date due to witness issues. COURT SO ORDERED, noting that it may start earlier than 10 am depending on how light the motion calendar is. 6-6-19 10:00 AM BENCH TRIAL;

06/06/2019



Bench Trial (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

MINUTES

Trial Continues; conference call set for 6/10/19

Journal Entry Details:

DAY 1 COURT ORDERED, Proposed Joint Exhibits 1 through 16, 19, and 20 ADMITTED pursuant to the parties' stipulation. Opening statements WAIVED. Testimony and exhibits presented. (See worksheet.) COURT ORDERED, matter SET for a telephonic conference on June 10, 2019 to schedule resumption of trial. Counsel advised they have 3 witnesses left plus closing arguments. RECESS. 6-10-19 1:00 PM TELEPHONIC CONFERENCE RE: RESUMPTION OF TRIAL;

06/10/2019



Telephonic Conference (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference re: Resumption of Trial

Matter Heard; continued calendar call set for 6/25/19.

Journal Entry Details:

Court inquired about resuming trial on June 14, 2019. Ms. Morgan advised her witness from Nationstar has court appearances until June 22nd, but she can call her witness to see if any of those have changed. Mr. Ayon advised he will be in Omaha on the 13th for his son's game. COURT ORDERED, matter SET for continued calendar call on June 25, 2019. Counsel to bring the schedule of any of their witnesses who may disrupt the trial schedule. 6-25-19 9:30 AM CONTINUED CALENDAR CALL;

06/25/2019



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Continued Calendar Call

MINUTES

Trial Date Set;



Journal Entry Details:

COURT ORDERED, matter SET for trial; hearing for argument SET. 7/3/19 9:30 AM BENCH TRIAL 7/12/19 9:30 AM ARGUMENT;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-13-691323-C

	SCHEDULED HEARINGS
	 Bench Trial (07/03/2019 at 9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/03/2019, 07/12/2019
07/03/2019	 Bench Trial (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/03/2019, 07/12/2019 Decision Made; Journal Entry Details: <i>DAY 3 Closing arguments. Court noted there are two Defendants who have not appeared, Stephanie Tablante and New Freedom Mortgage Corporation, and inquired whether the Plaintiff will be issuing defaults or voluntarily dismissing them. Mr. Ayon stated he will voluntarily dismiss them. Mr. Stern stated he will voluntarily dismiss his Cross Defendant, Stephanie Tablante. COURT ORDERED, voluntary dismissals as to those parties GRANTED; counsel to submit orders. COURT FURTHER ORDERED, matter taken UNDER ADVISEMENT. Status check SET on the Court's decision in two weeks. 7-26-19 CHAMBERS STATUS CHECK: COURT'S DECISION;</i>
07/26/2019	CANCELED Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Status Check: Court's Decision</i>

DATE	FINANCIAL INFORMATION
	Defendant Bank of America Total Charges 244.00 Total Payments and Credits 244.00 Balance Due as of 7/25/2019 0.00
	Defendant Cooper Castle Law Firm LLP Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 7/25/2019 0.00
	Counter Claimant Nationstar Mortgage LLC Total Charges 447.00 Total Payments and Credits 447.00 Balance Due as of 7/25/2019 0.00
	Counter Defendant West Sunset 2050 Trust Total Charges 494.00 Total Payments and Credits 494.00 Balance Due as of 7/25/2019 0.00
	Counter Claimant Nationstar Mortgage LLC Appeal Bond Balance as of 7/25/2019 500.00
	Counter Defendant West Sunset 2050 Trust Appeal Bond Balance as of 7/25/2019 500.00

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"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

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

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

November 6, 2013

Date

Signature of initiating party or representative

See other side for family-related case filings.

Steven D. Grierson

1 FFCL

2
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 WEST SUNSET 2050 TRUST, a Nevada
6 Trust,
7 Plaintiff,

Case No.: A-13-691323-C

8 v.

Dept.: XI

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

19 Defendants.

20 NATIONSTAR MORTGAGE LLC,

21 Counterclaimant,

22 v.

23 WEST SUNSET 2050 TRUST, a Nevada
24 Trust,

25 Counter-Defendant

26 NATIONSTAR MORTGAGE LLC,

27 Cross-claimant,

28 v.

STEPHANIE TABLANTE

Cross-defendants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez

RECEIVED

JUL 16 2019

CLERK OF THE COURT

☐ Jury
☐ Disposed After Trial Start
☐ Jury
☐ Verdict Reached
☐ Other -

☐ Non-Jury
☐ Disposed After Trial Start
☒ Non-Jury
☐ Judgment Reached
☐ Transferred before Trial

beginning on June 6, 2019, and continuing day to day, until its completion on July 12, 2019; Luis Ayon, Esq. appeared on behalf of Plaintiff, West Sunset 2050 Trust; Ariel Stern, Esq. and Melanie Morgan, Esq. of Akerman LLP appeared on behalf of Defendant, Nationstar Mortgage, LLC.; the Court having read and considered the pleadings filed by the parties;¹ having reviewed the evidence admitted during the trial; having heard and carefully considered the testimony of the witnesses called to testify; having considered the oral and written arguments of counsel, and with the intent of rendering a decision on all remaining claims before the Court, pursuant to NRCP 52(a) and 58; the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The property at issue in this case is commonly known as 7255 W. Sunset Road, Unit 2050, Las Vegas, Nevada 89113 and bears APN 176-03-510-102 (the "Property").

2. The Property is located within a common-interest community governed by Tuscano Homeowners Association ("HOA") which is governed by certain covenants, conditions and restrictions ("CC&Rs") recorded April 5, 2005.

3. The CC&Rs include the requirement that members of the HOA pay periodic assessments to benefit the common-interest community.

4. At all relevant times, the HOA charged monthly assessments of \$164.

5. On or about November 29, 2005, Stephanie Tablante financed the purchase of the property at 7255 West Sunset Road #2050, Las Vegas, Nevada 89113, APN 176-03-510-102 through a \$176,760 loan from New Freedom Mortgage Company ("the Loan"). A Deed of Trust securing the Loan for such purchase was recorded on December 7, 2005 as Instrument No.

¹ At the closing arguments, the remaining claims against New Freedom Mortgage and Stephanie Tablante were voluntarily dismissed.

20051207-0002367 and identified New Freedom Mortgage Corporation ("New Freedom") as the lender, and Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee-beneficiary.

6. On March 1, 2011, Tablante transferred the Property to New Freedom in "full satisfaction of all obligations secured by the Deed of Trust" by executing a Deed in Lieu of Foreclosure, which was recorded as Instrument No. 201103030003444.²

7. Notwithstanding the fact that all obligations secured by the Deed of Trust had been satisfied and the Deed of Trust consequently extinguished by virtue of the merger doctrine, on or about July 29, 2011, MERS purportedly assigned the Deed of Trust to BAC Home Loans Servicing, LP ("BANA").

8. New Freedom, the record owner of the Property, failed to pay the HOA assessments, and as a result, on April 4, 2012, the HOA recorded a Lien for Delinquent Assessments ("Lien").

9. The Lien stated the amount of the assessments due and other sums due; described the Property against which the lien was imposed, named the record owner of the Property, and was mailed to New Freedom.

10. More than thirty (30) days later, on May 29, 2012, Red Rock, on behalf of the HOA,³ recorded a Notice of Default and Election to Sell Pursuant to the Lien for Delinquent Assessments ("NOD") stating New Freedom Mortgage owed \$4,018.40.

11. The NOD stated the amount of assessments and other sums due; it described the deficiency in payment; described the Property against which the Lien was imposed; named the

² Issues related to the validity of this Deed in Lieu have been raised; however, no credible explanation for the Court to disregard this recorded document was presented.

³ The on site manager for the HOA testified that after 60 days, Red Rock, who had access to the computer database, took over for collection purposes and the amount disappeared from his record; he waited for the money to come in; and started a fresh account record. This is not evidence that the superpriority portion of the lien was satisfied.

1 recorded owner of the Property; stated the name and address of the person authorized by the HOA
2 to enforce the Lien by sale; and contained language in 14-point bold type as follows:

3 **“WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU**
4 **COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!”**

5
6 12. In March of 2013, the HOA contracted to sell its right to future payment on a
7 number of liens, including its lien in this case, to First 100, LLC (“Agreement”).

8 13. The Agreement required First 100 to pay the HOA \$1,476 for the rights.

9 14. On March 20, 2013, BANA purportedly assigned its interest, if any, in the Deed of
10 Trust to Nationstar.

11 15. After at least 90 days had elapsed from the date of mailing of the Notice of
12 Default, United Legal Services, Inc. (“ULS”) on the HOA's behalf, recorded a Notice of
13 Foreclosure Sale on May 29, 2013 (“NOS”) stating New Freedom Mortgage owed \$7,806.42 to
14 the HOA. The NOS included the amount necessary to satisfy the Lien; gave the time and place of
15 the sale; and contained the following warning in 14-point bold type:

16
17 **WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY**
18 **THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU**
19 **COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST**
20 **ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL**
21 **UNITED LEGAL SERVICES INC. AT (702) 617-3263. IF YOU NEED ASSISTANCE,**
22 **PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN’S OFFICE,**
23 **NEVADA REAL ESTATE DIVISION, AT 1-877-829-9907 IMMEDIATELY.**

24 16. The NOS was mailed to New Freedom, BANA, Nationstar and the Ombudsman,
25 among others. The NOS was posted in three public places, posted on the Property, and published
26 in a newspaper for three consecutive weeks.

27 17. The NOS states the sale would be made "without covenant or warranty, expressed
28 or implied regarding, but not limited to, title or possession, or encumbrances, or obligations to
satisfy any secured or unsecured liens."

- 1 18. The NOS did not indicate whether it was a superpriority sale.
- 2 19. The NOS did not list the superpriority payoff amount.
- 3 20. There was no evidence introduced showing nuisance abatement or maintenance
- 4 charges on the account throughout the period.
- 5 21. On June 22, 2013,⁴ the HOA sale took place, and at the sale, Plaintiff placed the
- 6 highest cash bid of \$7,800.⁵
- 7
- 8 22. At the time of the purchase Plaintiff was unaware of the Agreement.
- 9 23. Plaintiff was a bona fide purchaser for value.
- 10 24. The HOA foreclosure sale was conducted pursuant to the NOS. The HOA Lien
- 11 contained super-priority amounts.
- 12 25. A Foreclosure Deed conveying title to the Property to Plaintiff was recorded on
- 13 June 24, 2013. As recited in the Foreclosure Deed, “[a]ll requirements of law have been
- 14 complied with, including, but not limited to, the elapsing of 90 days, mailing of copies of notice
- 15 of Lien of Delinquent Assessment and Notice of Default, and the mailing, posting and publication
- 16 of the Notice of Foreclosure Sale.”
- 17
- 18 26. Prior to the sale, no entity paid the super-priority portion of the HOA’s lien.
- 19 27. At the time of the sale, the property had an undisputed fair market value of
- 20 \$63,280.
- 21
- 22 28. The Foreclosure Deed Upon Sale was recorded on June 24, 2013. The deed
- 23 identifies the property value as \$63,280 at the time of the sale.
- 24

25 ⁴ Mr. Atkinson testified he conducts the sales on Saturday so bidders will not be present at

26 his law office during business hours. Conducting a sale on Saturday in and of itself is not

27 unreasonable.

28 ⁵ A representative from First 100 was an unsuccessful bidder at the auction.

29. At the time of the HOA's foreclosure sale, Nationstar serviced the remaining interest in the loan, if any.⁶

30. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

CONCLUSIONS OF LAW

1. The HOA, through its agents, recorded and mailed, in compliance with and pursuant to NRS Chapter 116 and all applicable Nevada law, the following notices related to the Property; Notice of Delinquent Assessment Lien on April 4, 2012; Notice of Default and Election to Sell Under Homeowners Association Lien on May 29, 2012; and Notice of Foreclosure Sale on May 29, 2013.

2. The recitals as contained in the Foreclosure Deed serve as conclusive proof that the statutory requirements have been complied with as to the notice provisions of NRS 116.31162 through 116.31168, which concern the occurrence of default, notice, and publication of the foreclosure sale. The conclusiveness of the recitals as contained in the Foreclosure Deed can only be challenged via post-sale equitable claims supported by a finding of unfairness of the sale.

3. The only portion of the HOA's lien that is prior to the first deed of trust's interest is that amount for nine months of assessments.

4. First 100's payment to the HOA for the creditor's rights under the Agreement did not satisfy the superpriority portion of the HOA's lien.

5. In an action for quiet title, the Court must determine who holds superior title to real property.

⁶ As a result of a very late disclosure of the identity of the true owner of the property, the Court denied the motion filed by Defendants to permit them to raise all issues related to a Freddie Mac ownership interest. While the Court recognizes additional defenses which might have been brought may have been case determinative, the Defendants failure to make this disclosure for five years and after close of the discovery period after remand is a textbook example of laches.

1 6. When considering a quiet title claim, the record title is presumed valid.

2 7. Here, Plaintiff met its burden by producing the Foreclosure Deed. Nationstar did
3 not meet its burden and failed to rebut the validity of the Foreclosure Deed and the foreclosure
4 sale. Plaintiff holds superior title because the Deed in Lieu of Foreclosure extinguished the
5 interests of Tablante and New Freedom under the merger doctrine.
6

7 8. Merger may occur when the fee interest and a charge, such as a deed of trust
8 encumbrance, vest in the possession of one person.

9 9. Here, by virtue of the Deed in Lieu of Foreclosure, New Freedom became both the
10 fee simple owner of the Property and holder of the Deed of Trust. As such, the Deed of Trust was
11 extinguished by way of merger.

12 10. Even without the merger doctrine, the Deed of Trust was extinguished by the
13 foreclosure sale. The undisputed evidence establishes the HOA complied in all respects with NRS
14 Chapter 116, and at the time of the foreclosure, the Lien contained amounts with super-priority
15 status.
16

17 11. If any Conclusions of Law are properly Findings of Fact, they shall be treated as
18 though appropriately identified and designated.

19 Based upon the foregoing Findings of Fact and Conclusions of Law IT IS HEREBY
20 ORDERED, ADJUDGED AND DECREED as follows:
21

22 1. IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Deed of
23 Trust was extinguished by the Deed in Lieu of Foreclosure under the merger doctrine.

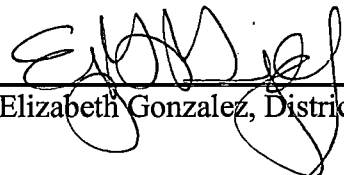
24 2. IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Deed of
25 Trust was extinguished by the HOA's non-judicial foreclosure sale.

26 3. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that title to real
27 property located at 7255 W. Sunset Road, Unit 2050, Las Vegas, Nevada 89113 and bears APN
28

1 176-03-510-102 is quieted in favor of West Sunset 2050 Trust.

2 4. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Nationstar, its
3 assigns, successors, agents or any entity acting on its behalf, is permanently enjoined from any
4 and all actions that would interfere or affect West Sunset 2050 Trust's title to the Property.

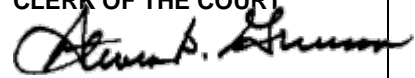
5 DATED this 16th day of July, 2019.

6
7
8 
9 Elizabeth Gonzalez, District Court Judge

10 Certificate of Service

11 I hereby certify that on the date filed, this Order was electronically served, pursuant to
12 N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing
13 Program.

14 
15 Dan Kutinac
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28



NEFF
ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG, ESQ.
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Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
Email: melanie.morgan@akerman.com
Email: donna.wittig@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.: XI

**NOTICE OF ENTRY OF FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

NATIONSTAR MORTGAGE LLC,

Counterclaimant,

v.

WEST SUNSET 2050 TRUST, a Nevada Trust,

Counter-Defendant.

NATIONSTAR MORTGAGE LLC,

Cross-Claimant,

v.

STEPHANIE TABLANTE,

Cross-Defendant.

TO: ALL PARTIES OF RECORD AND THEIR COUNSEL:

PLEASE TAKE NOTICE that the Findings Of Fact And Conclusions Of Law has been entered on July 16, 2019, a copy of which is attached hereto.

DATED July 17, 2019.

AKERMAN LLP

/s/ Donna M. Wittig, Esq.

ARIEL E. STERN, ESQ.

Nevada Bar No. 8276

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Defendant Nationstar Mortgage LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this ____ day of July, 2019, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List as follows:

Luis A. Ayon, Esq. AYON LAW, PLLC 8716 Spanish Ridge Ave., #115 Las Vegas, NV 89148 <i>Attorneys for West Sunset 2050 Trust</i>	
---	--

/s/ Allen G. Stephens

An employee of AKERMAN LLP

EXHIBIT A

EXHIBIT A

Steven D. Grierson

1 FFCL

2
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 WEST SUNSET 2050 TRUST, a Nevada
6 Trust,
7 Plaintiff,

Case No.: A-13-691323-C

8 v.

Dept.: XI

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

19 Defendants.

20 NATIONSTAR MORTGAGE LLC,

21 Counterclaimant,

22 v.

23 WEST SUNSET 2050 TRUST, a Nevada
24 Trust,

25 Counter-Defendant

26 NATIONSTAR MORTGAGE LLC,

27 Cross-claimant,

28 v.

STEPHANIE TABLANTE

Cross-defendants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez

RECEIVED

JUL 16 2019

CLERK OF THE COURT

☐ Jury
☐ Disposed After Trial Start
☐ Jury
☐ Verdict Reached
☐ Other -

☐ Non-Jury
☐ Disposed After Trial Start
☒ Non-Jury
☐ Judgment Reached
☐ Transferred before Trial

beginning on June 6, 2019, and continuing day to day, until its completion on July 12, 2019; Luis Ayon, Esq. appeared on behalf of Plaintiff, West Sunset 2050 Trust; Ariel Stern, Esq. and Melanie Morgan, Esq. of Akerman LLP appeared on behalf of Defendant, Nationstar Mortgage, LLC.; the Court having read and considered the pleadings filed by the parties;¹ having reviewed the evidence admitted during the trial; having heard and carefully considered the testimony of the witnesses called to testify; having considered the oral and written arguments of counsel, and with the intent of rendering a decision on all remaining claims before the Court, pursuant to NRCP 52(a) and 58; the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The property at issue in this case is commonly known as 7255 W. Sunset Road, Unit 2050, Las Vegas, Nevada 89113 and bears APN 176-03-510-102 (the "Property").

2. The Property is located within a common-interest community governed by Tuscano Homeowners Association ("HOA") which is governed by certain covenants, conditions and restrictions ("CC&Rs") recorded April 5, 2005.

3. The CC&Rs include the requirement that members of the HOA pay periodic assessments to benefit the common-interest community.

4. At all relevant times, the HOA charged monthly assessments of \$164.

5. On or about November 29, 2005, Stephanie Tablante financed the purchase of the property at 7255 West Sunset Road #2050, Las Vegas, Nevada 89113, APN 176-03-510-102 through a \$176,760 loan from New Freedom Mortgage Company ("the Loan"). A Deed of Trust securing the Loan for such purchase was recorded on December 7, 2005 as Instrument No.

¹ At the closing arguments, the remaining claims against New Freedom Mortgage and Stephanie Tablante were voluntarily dismissed.

20051207-0002367 and identified New Freedom Mortgage Corporation ("New Freedom") as the lender, and Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee-beneficiary.

6. On March 1, 2011, Tablante transferred the Property to New Freedom in "full satisfaction of all obligations secured by the Deed of Trust" by executing a Deed in Lieu of Foreclosure, which was recorded as Instrument No. 201103030003444.²

7. Notwithstanding the fact that all obligations secured by the Deed of Trust had been satisfied and the Deed of Trust consequently extinguished by virtue of the merger doctrine, on or about July 29, 2011, MERS purportedly assigned the Deed of Trust to BAC Home Loans Servicing, LP ("BANA").

8. New Freedom, the record owner of the Property, failed to pay the HOA assessments, and as a result, on April 4, 2012, the HOA recorded a Lien for Delinquent Assessments ("Lien").

9. The Lien stated the amount of the assessments due and other sums due; described the Property against which the lien was imposed, named the record owner of the Property, and was mailed to New Freedom.

10. More than thirty (30) days later, on May 29, 2012, Red Rock, on behalf of the HOA,³ recorded a Notice of Default and Election to Sell Pursuant to the Lien for Delinquent Assessments ("NOD") stating New Freedom Mortgage owed \$4,018.40.

11. The NOD stated the amount of assessments and other sums due; it described the deficiency in payment; described the Property against which the Lien was imposed; named the

² Issues related to the validity of this Deed in Lieu have been raised; however, no credible explanation for the Court to disregard this recorded document was presented.

³ The on site manager for the HOA testified that after 60 days, Red Rock, who had access to the computer database, took over for collection purposes and the amount disappeared from his record; he waited for the money to come in; and started a fresh account record. This is not evidence that the superpriority portion of the lien was satisfied.

1 recorded owner of the Property; stated the name and address of the person authorized by the HOA
2 to enforce the Lien by sale; and contained language in 14-point bold type as follows:

3 **“WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU**
4 **COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!”**

5
6 12. In March of 2013, the HOA contracted to sell its right to future payment on a
7 number of liens, including its lien in this case, to First 100, LLC (“Agreement”).

8 13. The Agreement required First 100 to pay the HOA \$1,476 for the rights.

9 14. On March 20, 2013, BANA purportedly assigned its interest, if any, in the Deed of
10 Trust to Nationstar.

11 15. After at least 90 days had elapsed from the date of mailing of the Notice of
12 Default, United Legal Services, Inc. (“ULS”) on the HOA's behalf, recorded a Notice of
13 Foreclosure Sale on May 29, 2013 (“NOS”) stating New Freedom Mortgage owed \$7,806.42 to
14 the HOA. The NOS included the amount necessary to satisfy the Lien; gave the time and place of
15 the sale; and contained the following warning in 14-point bold type:

16
17 **WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY**
18 **THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU**
19 **COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST**
20 **ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL**
21 **UNITED LEGAL SERVICES INC. AT (702) 617-3263. IF YOU NEED ASSISTANCE,**
22 **PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN’S OFFICE,**
23 **NEVADA REAL ESTATE DIVISION, AT 1-877-829-9907 IMMEDIATELY.**

24 16. The NOS was mailed to New Freedom, BANA, Nationstar and the Ombudsman,
25 among others. The NOS was posted in three public places, posted on the Property, and published
26 in a newspaper for three consecutive weeks.

27 17. The NOS states the sale would be made "without covenant or warranty, expressed
28 or implied regarding, but not limited to, title or possession, or encumbrances, or obligations to
satisfy any secured or unsecured liens."

- 1 18. The NOS did not indicate whether it was a superpriority sale.
- 2 19. The NOS did not list the superpriority payoff amount.
- 3 20. There was no evidence introduced showing nuisance abatement or maintenance
- 4 charges on the account throughout the period.
- 5 21. On June 22, 2013,⁴ the HOA sale took place, and at the sale, Plaintiff placed the
- 6 highest cash bid of \$7,800.⁵
- 7
- 8 22. At the time of the purchase Plaintiff was unaware of the Agreement.
- 9 23. Plaintiff was a bona fide purchaser for value.
- 10 24. The HOA foreclosure sale was conducted pursuant to the NOS. The HOA Lien
- 11 contained super-priority amounts.
- 12 25. A Foreclosure Deed conveying title to the Property to Plaintiff was recorded on
- 13 June 24, 2013. As recited in the Foreclosure Deed, “[a]ll requirements of law have been
- 14 complied with, including, but not limited to, the elapsing of 90 days, mailing of copies of notice
- 15 of Lien of Delinquent Assessment and Notice of Default, and the mailing, posting and publication
- 16 of the Notice of Foreclosure Sale.”
- 17
- 18 26. Prior to the sale, no entity paid the super-priority portion of the HOA’s lien.
- 19 27. At the time of the sale, the property had an undisputed fair market value of
- 20 \$63,280.
- 21
- 22 28. The Foreclosure Deed Upon Sale was recorded on June 24, 2013. The deed
- 23 identifies the property value as \$63,280 at the time of the sale.
- 24

25 ⁴ Mr. Atkinson testified he conducts the sales on Saturday so bidders will not be present at

26 his law office during business hours. Conducting a sale on Saturday in and of itself is not

27 unreasonable.

28 ⁵ A representative from First 100 was an unsuccessful bidder at the auction.

29. At the time of the HOA's foreclosure sale, Nationstar serviced the remaining interest in the loan, if any.⁶

30. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

CONCLUSIONS OF LAW

1. The HOA, through its agents, recorded and mailed, in compliance with and pursuant to NRS Chapter 116 and all applicable Nevada law, the following notices related to the Property; Notice of Delinquent Assessment Lien on April 4, 2012; Notice of Default and Election to Sell Under Homeowners Association Lien on May 29, 2012; and Notice of Foreclosure Sale on May 29, 2013.

2. The recitals as contained in the Foreclosure Deed serve as conclusive proof that the statutory requirements have been complied with as to the notice provisions of NRS 116.31162 through 116.31168, which concern the occurrence of default, notice, and publication of the foreclosure sale. The conclusiveness of the recitals as contained in the Foreclosure Deed can only be challenged via post-sale equitable claims supported by a finding of unfairness of the sale.

3. The only portion of the HOA's lien that is prior to the first deed of trust's interest is that amount for nine months of assessments.

4. First 100's payment to the HOA for the creditor's rights under the Agreement did not satisfy the superpriority portion of the HOA's lien.

5. In an action for quiet title, the Court must determine who holds superior title to real property.

⁶ As a result of a very late disclosure of the identity of the true owner of the property, the Court denied the motion filed by Defendants to permit them to raise all issues related to a Freddie Mac ownership interest. While the Court recognizes additional defenses which might have been brought may have been case determinative, the Defendants failure to make this disclosure for five years and after close of the discovery period after remand is a textbook example of laches.

1 6. When considering a quiet title claim, the record title is presumed valid.

2 7. Here, Plaintiff met its burden by producing the Foreclosure Deed. Nationstar did
3 not meet its burden and failed to rebut the validity of the Foreclosure Deed and the foreclosure
4 sale. Plaintiff holds superior title because the Deed in Lieu of Foreclosure extinguished the
5 interests of Tablante and New Freedom under the merger doctrine.
6

7 8. Merger may occur when the fee interest and a charge, such as a deed of trust
8 encumbrance, vest in the possession of one person.

9 9. Here, by virtue of the Deed in Lieu of Foreclosure, New Freedom became both the
10 fee simple owner of the Property and holder of the Deed of Trust. As such, the Deed of Trust was
11 extinguished by way of merger.

12 10. Even without the merger doctrine, the Deed of Trust was extinguished by the
13 foreclosure sale. The undisputed evidence establishes the HOA complied in all respects with NRS
14 Chapter 116, and at the time of the foreclosure, the Lien contained amounts with super-priority
15 status.
16

17 11. If any Conclusions of Law are properly Findings of Fact, they shall be treated as
18 though appropriately identified and designated.

19 Based upon the foregoing Findings of Fact and Conclusions of Law IT IS HEREBY
20 ORDERED, ADJUDGED AND DECREED as follows:
21

22 1. IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Deed of
23 Trust was extinguished by the Deed in Lieu of Foreclosure under the merger doctrine.


24 2. IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Deed of
25 Trust was extinguished by the HOA's non-judicial foreclosure sale.

26 3. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that title to real
27 property located at 7255 W. Sunset Road, Unit 2050, Las Vegas, Nevada 89113 and bears APN
28

1 176-03-510-102 is quieted in favor of West Sunset 2050 Trust.

2 4. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Nationstar, its
3 assigns, successors, agents or any entity acting on its behalf, is permanently enjoined from any
4 and all actions that would interfere or affect West Sunset 2050 Trust's title to the Property.

5 DATED this 16th day of July, 2019.

6
7
8 
9 Elizabeth Gonzalez, District Court Judge

10 **Certificate of Service**

11 I hereby certify that on the date filed, this Order was electronically served, pursuant to
12 N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing
13 Program.

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15 Dan Kutinac
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

January 15, 2014

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

January 15, 2014 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Ying Pan

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT: Jorgensen, J. C. Attorney
 Peck, Jason M, ESQ Attorney
 Schmidt, Margaret E, ESQ Attorney

JOURNAL ENTRIES

- DEFENDANT, THE COOPER CASTLE LAW FIRM'S, LLP, MOTION TO DISMISS ... PLAINTIFF'S
OPPOSITION TO MOTION TO DISMISS; COUNTERMOTION FOR LEAVE TO AMEND
COMPLAINT

Court disclosed its Law Clerk used to work in Cooper Castle when he was a law school student. Colloquy between the Court and counsel regarding the obligations of the bank. Court NOTED, Plaintiff's intended to make all parties be aware of the current litigation. Mr. Peck indicated there are various impacts to Cooper Castle because of the current pending litigations. Upon Court's inquiry, Ms. Schmidt stated she does not object to dismissing Cooper Castle without prejudice if Cooper Castle is bound by the Preliminary Injunction. COURT ORDERED, Defendant, The Cooper Castle Law Firm's, LLP, Motion to Dismiss is GRANTED. Mr. Peck to prepare a proposed Order.

Colloquy between the Court and counsel as to the allegations regarding Bank of America. COURT ORDERED, Plaintiff's Countermotion for Leave to Amend Complaint is DENIED WITHOUT PREJUDICE. Mr. Jorgensen to prepare a proposed Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 24, 2015

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

June 24, 2015

9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Ayon, Luis A
Stern, Ariel E.

Attorney
Attorney

JOURNAL ENTRIES

- WEST SUNSET 2050 TRUST'S MOTION FOR SUMMARY JUDGMENT...OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT

Ms. Schmidt stated the plaintiffs are trying to make this a HOA case and it is not. Discovery has closed; they have to prove every element of affirmative offense. Mr. Ayon stated there is no priority in this case. The Court noted that if there is appropriate notice, there is due process; there is a question regarding service to Bank of America and Nationstar. COURT ORDERED, CONTINUED for decision.

6/29/15 IN-CHAMBERS DECISION: WEST SUNSET 2050 TRUST'S MOTION FOR SUMMARY
JUDGMENT...OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION
FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 13, 2015

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

July 13, 2015 9:00 AM Calendar Call

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Keri Cromer

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Schmidt, Allison Attorney
 Schmidt, Margaret E, ESQ Attorney

JOURNAL ENTRIES

- Court noted it had something under advisement that it had not yet ruled on. Ms. M. Schmidt advised there was no Pretrial Memorandum submitted yet because she was waiting on the Court's decision. Court indicated it had a 5-7 day medical malpractice case beginning next week. Colloquy regarding trial availability. Ms. A. Schmidt advised Mr. Stern would be in Bulgaria for the month of August. Ms. M. Schmidt advised they wouldn't need more than two days. Ms. A. Schmidt stated they were looking at July 29th. Court indicated if the motion was granted, that would solve the trial setting issue. COURT ORDERED, Bench Trial VACATED and RESET. Court advised that, if Mr. Stern was not available on July 29th, opposing counsel should be informed; if the motion was granted, the 7/29/15 date would be vacated. Court further advised if the medical malpractice case would be 10 days it would contact the parties to let them know.

7/29/15 - 9:30 AM - BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****July 24, 2015**

A-13-691323-C

West Sunset 2050 Trust, Plaintiff(s)

vs.

New Freedom Mortgage Corporation, Defendant(s)

July 24, 2015**1:00 PM****Decision**

**W. Sunset 2050
Trust's Motion for
Summary
Judgment...Oppositio
n to Motion for
Summary Judgment
and Countermotion
for Summary
Judgment**

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)

PRINT DATE:

07/25/2019

Page 4 of 23

Minutes Date:

January 15, 2014

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)
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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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

October 26, 2016

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

October 26, 2016 9:30 AM Motion

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Schmidt, Margaret E. Attorney

JOURNAL ENTRIES

- Court GRANTED Motion as UNOPPOSED.

May 15, 2017

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT CONTINUED MATTER.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 19, 2017

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

September 19, 2017 9:00 AM

Status Check

Status Check: Stay

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Mr. Habdas stated confusion as to the caption of today's hearing as it is set for a status check: stay but the case is on appeal. Colloquy regarding the status of the case as Court advised the appellate record is briefed and waiting for a conference. Upon the Court's inquiry, Mr. Habdas advised a certification was granted last October leaving the HOA and trustee claims. COURT ORDERED, status check SET. If a decision is reached, parties may come together at a sooner date.

3/20/17 9:00 AM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

March 20, 2018

A-13-691323-C	West Sunset 2050 Trust, Plaintiff(s) vs. New Freedom Mortgage Corporation, Defendant(s)
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March 20, 2018 9:00 AM Status Check

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Haly Pannullo

RECORDER: Renee Vincent

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Donna Wittig, Esq., present.

Court noted the case was submitted to the Supreme Court after oral argument on February 26, 2018 and we are still waiting; therefore, COURT ORDERED, matter CONTINUED 90 days.

CONTINUED TO: 06/19/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 19, 2018

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

June 19, 2018

9:00 AM

Status Check

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK:

Lauren Kidd

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Tenesa Scaturro, Esq. present for Nationstar Mortgage LLC. Ms. Scaturro advised the matter is on appeal with the Supreme Court. COURT ORDERED, matter CONTINUED for 120 days.

CONTINUED TO: 10/16/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

August 29, 2018

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

August 29, 2018 10:27 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, status check currently set on Tuesday, October 16, RESET on Monday, October 15, 2018.

10-15-18 9:00 AM STATUS CHECK: STATUS OF CASE

CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service list. /
dr 8-29-18

October 15, 2018

PRINT DATE: 07/25/2019 Page 14 of 23 Minutes Date: January 15, 2014

Discovery cut-off SET for February 22, 2019;

Motions DUE April 5, 2019;

Bench Trial SET on the stack that begins on May 28, 2019.

New Trial Setting Order will ISSUE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 28, 2019

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

February 28, 2019 9:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Wittig, Donna Attorney

JOURNAL ENTRIES

- Plaintiff's counsel not present.

Upon Court's inquiry, Ms. Wittig advised that to her knowledge there is no discovery that has not been done and everything is on track. Court noted this is the oldest case on the stack and directed Ms. Wittig to tell Plaintiff's counsel his absence today is noted but the Court plans to proceed to trial.

5-21-19 9:30 AM CALENDAR CALL

5-28-19 1:30 PM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

February 28, 2019

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

February 28, 2019 9:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Due to the Court's unavailability on May 21, 2019, Calendar Call is ADVANCED to Tuesday, May 14, 2019.

5-14-19 9:30 AM CALENDAR CALL

5-28-19 1:30 PM BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed to the parties via electronic mail. / dr 2-28-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 14, 2019

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

May 14, 2019 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ayon, Luis A Attorney
Stern, Ariel E. Attorney

JOURNAL ENTRIES

- Colloquy regarding potential witness issue and OST signed for motion submitted yesterday.
COURT ORDERED, bench trial set to COMMENCE on Thursday, June 6, 2019. Non-jury trial hand-
outs distributed. If trial is not done within a day it will be continued to another day for completion.
Mr. Ayon noted the 5th and 14th of June will not work for him but any other day will.

5-28-19 9:00 AM NATIONSTAR MORTGAGE LLC'S MOTION IN LIMINE TO INTRODUCE
INTO EVIDENCE AT TRIAL DOCUMENTS DISCLOSED AFTER THE CLOSE OF DISCOVERY

6-6-19 10:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

May 28, 2019

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

May 28, 2019

9:00 AM

Motion in Limine

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

Ayon, Luis A
Stern, Ariel E.

Attorney
Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, given the fact that information has been within the control of the servicer for the entire history of the litigation, the Court will DENY the request to admit this late disclosed information, as opposed to late discovered where substantial justification is the standard.

Upon Court's inquiry, Mr. Stern stated they would prefer to keep the current trial date due to witness issues. COURT SO ORDERED, noting that it may start earlier than 10 am depending on how light the motion calendar is.

6-6-19

10:00 AM

BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 06, 2019

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

**June 06, 2019 10:00 AM Bench Trial conference call set for
6/10/19**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ayon, Luis A Attorney
Morgan, Melanie D. Attorney
Stern, Ariel E. Attorney

JOURNAL ENTRIES

- DAY 1

COURT ORDERED, Proposed Joint Exhibits 1 through 16, 19, and 20 ADMITTED pursuant to the parties' stipulation.

Opening statements WAIVED.

Testimony and exhibits presented. (See worksheet.)

COURT ORDERED, matter SET for a telephonic conference on June 10, 2019 to schedule resumption of trial. Counsel advised they have 3 witnesses left plus closing arguments.

RECESS.

6-10-19 1:00 PM TELEPHONIC CONFERENCE RE: RESUMPTION OF TRIAL

PRINT DATE: 07/25/2019 Page 20 of 23 Minutes Date: January 15, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property**COURT MINUTES****June 10, 2019**

A-13-691323-C

West Sunset 2050 Trust, Plaintiff(s)

vs.

New Freedom Mortgage Corporation, Defendant(s)

June 10, 2019**1:00 PM****Telephonic Conference****continued calendar
call set for 6/25/19.****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Ayon, Luis A

Attorney

Morgan, Melanie D.

Attorney

JOURNAL ENTRIES

- Court inquired about resuming trial on June 14, 2019. Ms. Morgan advised her witness from Nationstar has court appearances until June 22nd, but she can call her witness to see if any of those have changed. Mr. Ayon advised he will be in Omaha on the 13th for his son's game. COURT ORDERED, matter SET for continued calendar call on June 25, 2019. Counsel to bring the schedule of any of their witnesses who may disrupt the trial schedule.

6-25-19

9:30 AM

CONTINUED CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

June 25, 2019

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

June 25, 2019 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ayon, Luis A Attorney
Stern, Ariel E. Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter SET for trial; hearing for argument SET.

7/3/19 9:30 AM BENCH TRIAL

7/12/19 9:30 AM ARGUMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

July 12, 2019

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

July 12, 2019 8:30 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ayon, Luis A Attorney
Stern, Ariel E. Attorney

JOURNAL ENTRIES

- DAY 3

Closing arguments.

Court noted there are two Defendants who have not appeared, Stephanie Tablante and New Freedom Mortgage Corporation, and inquired whether the Plaintiff will be issuing defaults or voluntarily dismissing them. Mr. Ayon stated he will voluntarily dismiss them. Mr. Stern stated he will voluntarily dismiss his Cross Defendant, Stephanie Tablante. COURT ORDERED, voluntary dismissals as to those parties GRANTED; counsel to submit orders.

COURT FURTHER ORDERED, matter taken UNDER ADVISEMENT. Status check SET on the Court's decision in two weeks.

7-26-19 CHAMBERS STATUS CHECK: COURT'S DECISION

JOINT EXHIBIT LIST

CASE NO: A-13-691323-C	TRIAL DATE: June 6, 2019
DEPT. NO XI	JUDGE : Honorable Elizabeth Gonzalez
Plaintiff: West Sunset 2050 Trust, a Nevada Trust	Counsel for Plaintiff: Luis Ayon
vs.	
Defendant: Nationstar Mortgage LLC	Counsel for Defendant: Ariel E. Stern, Melanie D. Morgan

TRIAL BEFORE THE COURT

Exhibit #	Description	Date Offered	Objection	Date Admitted	
1.	Grant, Bargain and Sale Deed and DOV, instrument no. 200512070002366, Bates No. NSM00001 – NSM00004	6-6-19	NO	6-6-19	wt
2.	Deed of Trust, instrument no 200512070002367, Bates No. NSM00005 – NSM00023				wt
3.	Deed in Lieu of Foreclosure instrument no. 201103030003444, Bates No. NSM00025 – NSM00029				wt
4.	Deed in Lieu of Foreclosure (re-recorded) instrument no. 201106210002567, Bates No. NSM00030 – NSM00035				wt
5.	Assignment of Deed of Trust, instrument no. 201107290000895, Bates No. NSM00036 – NSM00037				wt
6.	Substitution of Trustee, instrument no. 201202020000943, Bates No. NSM00038				wt
7.	Lien for Delinquent Assessments, instrument number 201204040001017, Bates No. NSM00039	6-6-19	NO	6-6-19	wt

Exhibit #	Description	Date Offered	Objection	Date Admitted	
8.	Notice of Default and Election to Sell Pursuant to the Lien for Delinquent Assessments, instrument no. 201205290001690, Bates No. NSM00040	6-6-19	NO	6-6-19	WA
9.	Corporation Assignment of Deed of Trust, instrument number 201303200000887, Bates No. NSM00041 – NSM00042				WA
10.	Notice of Foreclosure Sale (HOA Lien), instrument no. 201305290000306, Bates No. NSM00043				WA
11.	Foreclosure Deed Upon Sale instrument no. 201306240003127, Bates No. NSM00044 – NSM00046				WA
12.	Notice of Breach and Election to Cause Sale of Real Property Under Deed of Trust, instrument no. 201309180002103, Bates No. NSM00047 – NSM00051				WA
13.	Documents Brought to deposition by Robert Atkinson as NRCP 30(B)(6) designee for United Legal Services Bates No. NSM000126 – NSM000152				WA
14.	Documents from prior collections agency (Red Rock) produced during Deposition of Robert Atkinson as NRCP 30(B)(6) designee for United Legal Services, Bates No. NSM000180 – NSM000232				WA
15.	Contracts with HOA and First 100 Bates No. NSM000286 – NSM000325				WA
16.	ULS Auction Results Bates No. NSM000366 – NSM000367	6-6-19	NO	6-6-19	WA
17.	Emails produced during Deposition of Robert Atkinson as NRCP 30(B)(6) designee for United Legal Services, Bates No. NSM000370 – NSM000412				WA
18.	Affidavit and documents produced responsive to subpoena duces tecum served upon John Peter Lee, Ltd., Bates No. NSM000456 – NSM000489	7/3/19	NO		WA
19.	Policy of Title Insurance issued by First American Title Insurance Company, Bates No. NSM000490 – NSM000505	6-6-19	NO	6-6-19	WA

Exhibit #	Description	Date Offered	Objection	Date Admitted	
20.	Affidavit and documents produced responsive to subpoena duces tecum served upon Red Rock Financial Services, Bates No. NSM000506 – NSM000552	6-6-19	NO	6-6-19	WA
21.	Declaration Of Julia Thompson In Support Of Red Rock Financial Services, LLC's Limited Opposition To Motion For Summary Judgment; Eighth Judicial District Court Case A-14-704704-C, <i>KAL-MOR-USA, LLC v. Green Tree Servicing LLC et al.</i> (Filed January 12, 2017), Bates No. NSM000553 – NSM000558	6-6-19	OBJ	6-6-19	WA
22.	Transcript Of Proceedings – Bench Trial; Eighth Judicial District Court Case A-13-676349-C, <i>SFR Investments Pool 1, LLC v. Nationstar Mortgage LLC et al.</i> (June 26, 2017), Bates No. NSM000559 – NSM000684				WA
23.	First 100, LLC Marketing Brochure, Bates No. NSM000685 – NSM000692				WA
24.	Declaration Of Covenants, Conditions, And Restrictions And Grant And Reservation of Easements For Tuscano Townhomes (Instrument No. 20050405-0002422, Recorded April 5, 2005), Bates No. NSM000693 – NSM000747				WA
25.	Affidavit and documents produced responsive to subpoena duces tecum served upon Tuscano Homeowners Association, Bates No. NSM000748 – NSM000824				WA
26.	Nationstar Mortgage LLC LSAMS business records Bates No. NSM000825 – NSM000826				WA
27.	Bank of America, N.A. servicing transfer letter, Bates No. NSM000827 – NSM000830	7/3/19	YES	7/3/19	WA
28.	Nationstar Mortgage LLC welcome letter, Bates No. NSM000831 – NSM000835	7/3/19	YES		WA
29.	Email correspondence dated July 9, 2013; See Bates Stamped Nos. WS0052 – WS0053				WA
30.	Standard Residential Lease Agreement dated July 8, 2014; See Bates Stamped Nos. WS0054 – WS0062	6-6-19	NO	6-6-19	WA

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):

NATIONSTAR MORTGAGE LLC'S NOTICE OF APPEAL; NATIONSTAR MORTGAGE LLC'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW; DISTRICT COURT MINUTES; EXHIBITS LIST

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: XI

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 25 day of July 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

July 25, 2019

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: WEST SUNSET 2050 TRUST vs. NEW FREEDOM MORTGAGE CORPORATION; BANK OF
AMERICA, N.A.; NATIONSTAR MORTGAGE, LLC; STEPHANIE TABLANTE
D.C. CASE: A-13-691323-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed July 22, 2019. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

July 3, 2019

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Amanda Hampton".

Amanda Hampton, Deputy Clerk

AKERMAN LLP

495 N KELLER ROAD
SUITE 300
MAITLAND, FL 32751
PHONE (407)254-2397

Las Vegas, NV

26001607

83-216
631

DATE 07/23/19

A-13-691323-C

AMOUNT OF CHECK

\$250.00*****

PAY TWO HUNDRED FIFTY AND 00/100 Dollars

OPERATING ACCOUNT
VOID AFTER 90 DAYS

TO THE
ORDER OF

**CLERK SUPREME COURT OF NEVADA
201 S CARSON ST
STE 201
CARSON CITY, NV 89701**

Julie B. Henning
CHECKS OVER \$1,000 REQUIRE TWO SIGNATURES

⑈ 26001607⑈ ⑆063107513⑆ 2009032043949⑈