

**IN THE SUPREME COURT OF NEVADA**

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**Case No. 79324**

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**DANIEL LAKES,**  
Appellant,

Electronically Filed  
Jul 02 2021 03:53 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

vs.

**U.S. BANK TRUST, TRUSTEE FOR LSF9  
MASTER PARTICIPATION TRUST,**  
Respondent.

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Appeal from the Eighth Judicial District Court, Clark County,  
The Honorable Ronald J. Israel, District Judge  
District Court Case No. A-17-759016-C

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**MOTION OF FEDERAL HOME LOAN MORTGAGE CORPORATION  
TO APPEAR AS AMICUS CURIAE AND  
FILE A BRIEF IN SUPPORT OF RESPONDENT**

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Leslie Bryan Hart, Esq. (SBN 4932)  
John D. Tennert III, Esq. (SBN 11728)  
FENNEMORE CRAIG, P.C.  
7800 Rancharra Parkway  
Reno, NV 89511  
Tel: (775) 788-2228  
Fax: (775) 788-2229  
*lhart@fennemorelaw.com*  
*jtennert@fennemorelaw.com*

*Attorneys for Proposed Amicus Curiae*  
**FEDERAL HOME LOAN MORTGAGE CORPORATION**

Pursuant to Rule 29(c) of the Nevada Rules of Appellate Procedure, the Federal Home Loan Mortgage Corporation (“Freddie Mac”) hereby moves for leave to file a brief as *amicus curiae* in support of Respondent U.S. Bank Trust, Trustee for LSF9 Master Participation Trust. N.A. The proposed brief is filed conditionally with this Motion.

### **Statement of Interest**

Freddie Mac is a federally chartered entity that Congress created to enhance the nation’s housing-finance market. It owns millions of mortgages nationwide, including hundreds of thousands in Nevada.

Most importantly with respect to filing this amicus brief, the issues raised in the Court’s Order Directing Supplemental Briefing could directly affect the interests of Freddie Mac. Freddie Mac has an interest in the issues addressed in the supplemental briefing because they could, but need not, be resolved in a way that would implicate the Court’s well-established precedent that when a contractually authorized servicer or nominee of Freddie Mac appears as the beneficiary of record of a deed of trust, (1) Nevada’s recording statutes do not require that “any assignment to [Freddie Mac] needed to be recorded” for Freddie Mac’s interest to be valid against third parties (citing NRS 106.210 and 111.325); and (2) a “deed of trust d[oes] not have to be ‘assigned’ or ‘conveyed’ to [Freddie Mac] in order for [Freddie Mac] to own the secured loan.” *Daisy Trust v. Wells Fargo, N.A.*, 445

P.3d 846, 847-49 (Nev. 2019) (en banc). The Court’s decision in this case can avoid any resolution that would disturb that authority, and Freddie Mac urges the Court to do so. Otherwise, the Court’s decision would significantly hinder Freddie Mac’s ability to fulfill its statutory missions by calling into question its property interests in thousands of mortgage loans in Nevada.

### **Reasons Why an Amicus Brief is Desirable**

To be clear, while Freddie Mac did, previously, have an interest in the subject loan, the questions posed by the Court in the Order Directing Supplemental Briefing have no bearing on that now divested interest. Rather, Freddie Mac’s interest is in the impact this Court’s decision might have on *other* secured interests, and Freddie Mac files this brief to clarify that nothing in the analysis necessary to answer those two questions requires this Court to deviate from its holding in *Daisy Trust* and related precedents.

By filing this proposed *amicus curiae* brief, Freddie Mac seeks to clarify for the Court as to why this case does not implicate this Court’s prior holdings that where a note owner has a contractually authorized relationship with the record beneficiary of the corresponding deed of trust—such as the relationship between Freddie Mac and its servicers—the loan owner maintains a “valid and enforceable” interest under Nevada law, notwithstanding that the loan owner’s name does not appear in the public property records. Additionally, the proposed brief will argue that the Court

should not deviate from these prior holdings.

For these reasons, the proposed *amicus curiae* requests that the Court grant its Motion.

DATED: July 2, 2021.

FENNEMORE CRAIG, P.C.

By: /s/ Leslie Bryan Hart

Leslie Bryan Hart, Esq. (SBN 4932)

John D. Tennert, Esq. (SBN 11728)

7800 Rancharrah Parkway

Reno, Nevada 89511

Tel: (775) 788-2228

Fax: (775) 788-2229

[lhart@fennemorelaw.com](mailto:lhart@fennemorelaw.com);

[jtennert@fennemorelaw.com](mailto:jtennert@fennemorelaw.com)

*Attorneys for Proposed Amicus Curiae*

*Federal Home Loan Mortgage Corporation*

## **CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9(b)(d)(e), I certify that on July 2, 2021, a true and correct copy of the MOTION OF FEDERAL HOME LOAN MORTGAGE CORPORATION TO APPEAR AS AMICUS CURIAE AND FILE A BRIEF IN SUPPORT OF RESPONDENT, was transmitted electronically through the Court's e-filing system to the attorney(s) associated with this case.

<b>Role</b>	<b>Party Name</b>	<b>Represented By</b>
Appellant	Daniel Lakes	Doreen M. Spears Hartwell (Hartwell Thalacker, Ltd.) Laura J. Thalacker (Hartwell Thalacker, Ltd.)
Respondent	U.S. Bank Trust	Gilbert Charles Dickey (McGuire Woods LLP) Maria A. Gall (Ballard Spahr LLP/Las Vegas) Stephanie J. Peel (McGuire Woods LLP) Joel E. Tasca (Ballard Spahr LLP/Las Vegas)

/s/ Shawna Braselton  
An Employee of Fennemore Craig, P.C.