

IN THE SUPREME COURT OF NEVADA

SATICOY BAY, LLC 34
INNISBROOK,
Appellant,

vs.

THORNBURG MORTGAGE
SECURITIES TRUST 2007-3;
FRANK TIMPA; MADELAINE
TIMPA; TIMPA TRUST; RED ROCK
FINANCIAL SERVICES, LLC;
SPANISH TRAIL MASTER
ASSOCIATION; REPUBLIC
SERVICES; AND LAS VEGAS
VALLEY WATER DISTRICT,
Respondents.

CASE NO. 80111

Electronically Filed
Mar 15 2021 02:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**THORNBURG
SECURITIES TRUST 2007-3'S
UNOPPOSED MOTION TO
EXTEND TIME TO FILE
ANSWERING BRIEF**

Thornburg Mortgage Securities Trust 2007-3 respectfully moves this court, pursuant to NRAP 31(b)(3), to extend time to file its answering brief. Thornburg requests a 30-day extension, up to and including April 15, 2021.

Pursuant to NRAP 31(b)(3)(A), Thornburg submits the following information:

- i. The answering brief is currently due on March 15, 2021.
- ii. This court granted non-party SFR Investment Pool 1, LLC's motion to file an amicus brief on March 11, 2021. This court ordered respondents to address issues raised in the amicus brief in their answering briefs, if deemed necessary.

iii. Thornburg obtained a telephonic extension of the answering brief deadline on February 25, 2021, which set the deadline for the answering brief for March 15, 2021.

iv. This is Thornburg's first motion request.

v. No requests for extension of time have been denied.

vi. Counsel for Appellant Saticoy Bay, LLC Series 34 Innisbrook does not oppose this extension request.

vii. Good cause exists to extend time to file the answering brief. First, there are multiple issues of first impression, including distribution of excess process following an HOA foreclosure sale as between a loan servicer and a defaulted borrower and whether an HOA sale purchaser is entitled to set aside a sale based on equity. Second, the novel issues and amount of excess process at stake in this litigation—approximately \$1.2 million—required Thornburg to spend considerable time drafting the answering brief. Third, and most importantly, SFR raised additional arguments in its amicus brief that this court permitted just days ago on March 11, 2021. SFR seeks to disturb a stipulation between Thornburg and Saticoy that the deed of trust survived the HOA's foreclosure sale as a result of pre-sale tender. *See* Stipulation (filed Aug. 3, 2020); *see also* Order (filed August 12, 2020). This last-minute argument, among other issues SFR raised, requires Thornburg to revise its already-drafted brief. Thornburg needs additional time to do so.

Thornburg respectfully requests a 30-day extension, up to and including April 15, 2021, to file its answering brief.¹ This request is made in good faith and not intended to cause delay or prejudice to any party.

DATED this 15th day of March, 2021.

AKERMAN LLP

/s/ Scott R. Lachman

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Attorneys for Thornburg

¹ Spanish Trail Master Association also filed an unopposed extension motion. All respondents should be given the same answering brief deadline, April 15, 2021.

CERTIFICATE OF SERVICE

In accordance with NRAP 25, I certify that I electronically filed on March 15, 2021, the foregoing **THORNBURG MORTGAGE SECURITIES TRUST 2007-3'S UNOPPOSED MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF** with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic file and serve system. I further certify that all parties of record to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List.

I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Carla Llarena

An Employee of AKERMAN LLP