

IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY, LLC SERIES 34
INNISBROOK,

Appellant,

v.

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.

Electronically Filed
Nov 04 2021 12:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 80111

APPEAL

From the Eighth Judicial District Court, Department XXVI
The Honorable Gloria Sturman, District Judge
District Court Case No. A-14-710161-C

**MOTION TO WITHDRAW AS COUNSEL
FOR THORNBURG MORTGAGE SECURITIES TRUST 2007-3**

ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
SCOTT R. LACHMAN, ESQ.
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Attorneys for Thornburg Mortgage Securities Trust 2007-3

Akerman LLP moves to withdraw as counsel for Thornburg Mortgage Securities Trust 2007-3 pursuant to Nevada Rule of Professional Conduct 1.16 and Nevada Supreme Court Rule 46(2), Nevada Rule of Appellate Procedure 46(e)(3), and the attached declaration of counsel.

Thornburg, through the loan servicer Nationstar Mortgage LLC, knowingly and freely discharged Akerman as counsel. RPC 1.16(a)(3); *see In re Kaufman*, 93 Nev. 456, 568 P.2d 959 (1977) (a party may discharge his or her attorney). Akerman anticipates Thornburg through Nationstar will retain new counsel in short order, however new counsel has not yet made an appearance or requested consent for substitution. Akerman will serve a copy of the motion on Thornburg through Nationstar and all parties of record. RPC 1.16(c). Akerman will also provide a copy of the pleadings and other case documents to Thornburg through Nationstar in accordance with any legal, ethical, and contractual obligations. RPC 1.16(d). Akerman provides the court and other parties with contact information for Nationstar: Nationstar Mortgage LLC dba Mr. Cooper, 8950 Cypress Waters Blvd., Coppel, TX 75019, (833) 685-2565.

Good cause exists to allow Akerman's withdrawal as a result of the discharge. RPC 1.16(a)(3). Withdrawal can be accomplished without material adverse effect to Thornburg since (1) appellate briefing is complete, (2) Thornburg and Saticoy Bay stipulated that the deed of trust survived the HOA's sale, and (3)

Thornburg is retaining new counsel. This motion is not meant to delay adjudication of the appeal. Akerman does not anticipate any party will object to the withdrawal under the circumstances described herein.

Akerman respectfully requests this court grant its withdraw as counsel for Thornburg.

DATED this 4th day of November, 2021.

AKERMAN LLP

/s/ Scott R. Lachman

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*Attorneys for Thornburg Mortgage Securities
Trust 2007-3*

DECLARATION OF SCOTT R. LACHMAN, ESQ.

I, Scott R. Lachman, Esq., declare and state, under penalty of perjury, as follows:

1. I am an attorney admitted to practice before all courts in Nevada.
2. I am an associate with the law firm of Akerman LLP in its Las Vegas, Nevada office.
3. I have personal knowledge of the facts and circumstances set forth in this declaration as specified and would competently testify to these facts and circumstances in a court of law.
4. I represent Thornburg Mortgage Securities Trust 2007-3 in this matter.
5. I make this declaration in support of Akerman's motion to withdraw as counsel.
6. Thornburg through the loan servicer Nationstar Mortgage LLC discharged Akerman as counsel.
7. Nationstar informed Akerman that it is retaining new counsel in short order, however new counsel has not made an appearance or requested consent for substitution to date.
8. Good cause exists for withdraw as a result of the discharge and intention to retain new counsel. Good cause also exists since this withdraw will

not materially prejudice Thornburg or Nationstar because appellate briefing is complete, and Thornburg and Saticoy Bay stipulated that the deed of trust survived the HOA's sale.

9. I will serve a copy of the motion on Thornburg through Nationstar and all parties of record.

9. I will provide a copy of the pleadings and other case documents to Thornburg through Nationstar in accordance with any legal, ethical, and contractual obligations.

10. I will forward of a copy of the court's disposition to Thornburg through Nationstar should the issuance of the disposition proceed an order granting the motion to withdraw.

10. I declare under penalty of perjury the foregoing is true and accurate to the best of my ability.

DATED November 4, 2021.

/s/ Scott R. Lachman
SCOTT R. LACHMAN, ESQ.

CERTIFICATE OF SERVICE

I certify that I electronically filed on November 4, 2021, the foregoing **MOTION TO WITHDRAW AS COUNSEL FOR THORNBURG MORTGAGE SECURITIES TRUST 2007-3** 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.

For those Parties not registered in the Court's Master Service List, service was made in the following manner:

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed below at their last-known mailing addresses, on the date above written as follows:

Nationstar Mortgage LLC
8950 Cypress Waters Blvd.
Coppell, TX 75019

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