

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT ELLIS LINCICOME, JR. AND
VICENTA LINCICOME,

Appellants,

vs.

SABLES, LLC, AS TRUSTEE OF THE
DEED OF TRUST GIVEN BY
VICENTA LINCICOME AND DATED
5/23/2007; FAY SERVICING, LLC;
PROF-2013 M4 LEGAL TITLE TRUST
BY U.S. BANK N.A., AS LEGAL TITLE
TRUSTEE; BANK OF AMERICA, N.A.;
BRECKENRIDGE PROPERTY FUND
2016, LLC; NEWREZ, LLC, D/B/A
SHELLPOINT MORTGAGE
SERVICING, LLC; 1900 CAPITAL
TRUST II, BY U.S. BANK TRUST
NATIONAL ASSOCIATION; AND
MCM-2018-NPL2

Respondents.

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Case No. 83261 Clerk of Supreme Court
Related Case Nos. 79125, 79152-
COA, 83261

APPEAL

From the Third Judicial District Court, Department II
The Honorable Leon Aberasturi, District Judge

**BANK OF AMERICA, N.A.'S JOINDER
TO ANSWER TO PETITION FOR REHEARING**

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Bank of America, N.A. (**BANA**) joins the answer for the petition for rehearing filed by respondents Prof-2013 M4-Legal Title Trust, by U.S. Bank, National Association, as Legal Title Trustee, Fay Servicing LLC, and NewRez, LLC, d/b/a Shellpoint Mortgage Servicing, LLC.

BANA adds that the order directing an answer did not pertain to any allegations against BANA. BANA recorded an assignment to U.S. Bank in November 2015, 14 AA 3302-03, and was not involved with the subsequent foreclosure mediation or deed in lieu of foreclosure. For this reason, and because the order was addressed to a singular "respondent," BANA does not substantively answer the petition. If BANA misunderstood the order, then it requests an opportunity to address the recycled allegations against BANA.

BANA respectfully requests this court deny the petition for rehearing. *See* NRAP 40(c)(1) (matters presented in the briefs may not be reargued on rehearing).

DATED this 14th day of March, 2023.

AKERMAN LLP

/s/ Paige L. Magaster

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CERTIFICATE OF SERVICE

I certify that I electronically filed on March 14, 2023, the foregoing **BANK OF AMERICA, N.A.'S JOINDER TO ANSWER TO PETITION FOR REHEARING** 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/ Patricia Larsen

An employee of AKERMAN LLP