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Nevada Bar No.: 1641
2 mbohn@bohnlawfirm.com
LAW OFFICES OF
3 MICHAEL F. BOHN, ESQ., LTD.
2260 Corporate Circle, Suite 480
4 Henderson, Nevada 89074
(702) 642-3113 / (702) 642-9766 FAX
5 Attorney for plaintiff/appellant
Saticoy Bay LLC Series 4641 Viareggio Ct
6

Electronically Filed
Jul 15 2021 09:39 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7
8 SUPREME COURT
9 STATE OF NEVADA

10
11 SATICOY BAY LLC SERIES 4641
VIAREGGIO CT,

CASE NO.: 82449

12 Appellant,

13 vs.

14 NATIONSTAR MORTGAGE LLC,

15
16 Respondent.
17

18 **APPELLANT'S APPENDIX VOLUME 12**
19
20

21 Michael F. Bohn, Esq.
Law Office of Michael F. Bohn, Esq., Ltd.
22 2260 Corporate Circle, Suite 140
Henderson, Nevada 89074
23 (702) 642-3113 / (702) 642-9766 FAX
Attorney for Appellant Saticoy Bay LLC
24 Series 4641 Viareggio Ct
25
26
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INDEX TO APPENDIX VOLUME 12

Volume	Date Filed	Document	Bates Stamp
12	11/09/20	Fourth Portion of Nationstar Mortgage LLC's Summary Judgment Motion	AA-001628 AA-001668

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1	10/16/13	Affidavit of Service for Monique Guillory	AA-000009
1	10/29/13	Affidavit of Service for Nationstar Mortgage, LLC	AA-000010
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1	09/25/13	Complaint	AA-000001- AA-000007
1	11/19/13	Default as to Monique Guillory	AA-000011
5	09/25/17	Default Judgment Against Defendant Monique Guillory	AA-000983- AA-000985
7	12/19/17	Defendant/Counterclaimant Nationstar Mortgage, LLC's Amended Opposition to Plaintiff's Motion for Summary Judgment	AA-001161- AA-001317
5	09/12/17	Findings of Fact, Conclusions of Law, and Judgment	AA-000955- AA-000967
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2	10	12/28/20	Notice of Entry of Order Denying	AA-001850- AA-001863
3			Saticoy Bay LLC Series 4641	
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5	10	01/05/21	Notice of Entry of Order Granting	AA-001874- AA-001887
6			Nationstar Mortgage LLC's Motion for	
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5	3	06/11/15	Reply Brief in Support of Motion to Dismiss Counterclaimant Nationstar Mortgage, LLC's Counterclaim as to Counter-Defendant/Third Party Defendant Naples Community Homeowners Association Only	AA-000448- AA-000453
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EXHIBIT C

AA001628

Assessor's/Tax ID No. 163-19-311-015

Recording Requested By:
AURORA LOAN SERVICESWhen Recorded Return To:
ASSIGNMENT PREP
AURORA LOAN SERVICES
P.O. Box 1706
Scottsbluff, NE 69363-1706

100777063

Inst #: 201102110002654

Fees: \$15.00

N/C Fee: \$0.00

02/11/2011 11:01:31 AM

Receipt #: 674859

Requestor:

LSI TITLE AGENCY INC.

Recorded By: SCA Pgs: 2

DEBBIE CONWAY

CLARK COUNTY RECORDER

CORPORATE ASSIGNMENT OF DEED OF TRUST

Clark, Nevada

SELLER'S SERVICING #:0040026742 "GUILLORY"

OLD SERVICING #: FC

MERS #: [REDACTED] 2414 VRU #: 1-888-679-6377

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THIS DOCUMENT SUBMITTED
FOR RECORDING DOES NOT CONTAIN PERSONAL INFORMATION ABOUT ANY
PERSON.

Date of Assignment: February 1st, 2011

Assignor: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE
FOR FIRST MAGNUS FINANCIAL CORPORATION, AN ARIZONA CORPORATION IT'S
SUCCESSORS AND ASSIGNS at 1901 E VOORHEES STREET, SUITE C, DANVILLE, IL
61834Assignee: AURORA LOAN SERVICES LLC at 2617 COLLEGE PARK, SCOTTSBLUFF, NE
69361Executed By: MONIQUE GUILLORY, A SINGLE WOMAN To: MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FIRST MAGNUS FINANCIAL
CORPORATION, AN ARIZONA CORPORATIONDate of Deed of Trust: 01/17/2007 Recorded: 01/25/2007 in Book: 20070125 as Instrument No.:
0003583 In the County of Clark, State of Nevada.

Assessor's/Tax ID No. 163-19-311-015

Property Address: 4641 VIAREGGIO COURT, LAS VEGAS, NV 89147

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of TEN and
NO/100ths DOLLARS and other good and valuable consideration, paid to the above named
Assignor, the receipt and sufficiency of which is hereby acknowledged, said Assignor hereby
assigns unto the above-named Assignee, the said Deed of Trust having an original principal sum
of with interest, secured thereby, with all moneys now owing or that may hereafter become due or
*RRG*RRGALSI*02/01/2011 07:59:51 AM* ALSI01ALSIA0000000000000000701648* NVCLARK*
0040026742 NVCLARK_TRUST_ASSIGN_ASSN * *RRGALSI*

AA001629

CORPORATE ASSIGNMENT OF DEED OF TRUST Page 2 of 2

owing in respect thereof, and the full benefit of all the powers and of all the covenants and provisos therein contained, and the said Assignor hereby grants and conveys unto the said Assignee, the Assignor's beneficial interest under the Deed of Trust.

TO HAVE AND TO HOLD the said Deed of Trust, and the said property unto the said Assignee forever, subject to the terms contained in said Deed of Trust. IN WITNESS WHEREOF, the assignor has executed these presents the day and year first above written:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FIRST
MAGNUS FINANCIAL CORPORATION, AN ARIZONA CORPORATION ITS
SUCCESSORS AND ASSIGNS
On February 1st, 2011

By *JAN WALSH*
JAN WALSH, Vice-President

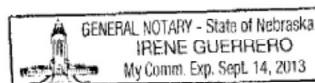


STATE OF Nebraska
COUNTY OF Scotts Bluff

ON February 1st, 2011, before me, IRENE GUERRERO, a Notary Public in and for the County of Scotts Bluff County, State of Nebraska, personally appeared JAN WALSH, Vice-President, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

IRENE GUERRERO
IRENE GUERRERO
Notary Expires: 09/14/2013



(This area for notarial seal)

Mail Tax Statements To: MONIQUE GUILLORY, 4641 VIAREGGIO COURT, LAS VEGAS,
NV 89147

*RRG*RRGALSI*02/01/2011 07:59:51 AM* ALSI01ALSI000000000000000701648* NVCLARK*
0040026742 NVCLARK_TRUST_ASSIGN_ASSN *RRGALSI*

AA001630

EXHIBIT D

AA001631

Inst #: 201210180000833

Fees: \$17.00

N/C Fee: \$25.00

10/18/2012 08:07:07 AM

Receipt #: 1348388

Requestor:

CASTLE STAWIARSKI, LLC - NE

Recorded By: GILKS Pgs: 1

DEBBIE CONWAY

CLARK COUNTY RECORDER

Requested and Prepared by:
The Cooper Castle Law FirmWhen Recorded Mail To:
Cooper Castle Law Firm, LLP
5275 S. Durango Drive
Las Vegas, NV 89113A.P.N.: 163-19-311-015
TS NO: 12-08-45830-NVProperty Address: 4641 Viareggio Court
Las Vegas, NV 89147

ASSIGNMENT OF DEED OF TRUST

For Value Received, the undersigned corporation hereby grants, assigns, and transfers to: Nationstar Mortgage, LLC all beneficial interest under that certain Deed of Trust dated: January 17, 2007 executed by Monique Guillory, a single woman, as Trustor(s), Great American Title as Trustee, and recorded as 20070125-0003583 on January 25, 2007 of Official Records, in the office of the County Recorder of Clark County, Nevada, with all moneys now owing or that may hereafter become due or owing in respect thereof and also all rights accrued or to accrue under said Deed of Trust.

Date of Execution: 10-8-12Nationstar Mortgage LLC, as attorney in fact for
Aurora Loan Services LLCBy: Sean McKenzie 10-8-12
Title: Assistant Secretary

Acknowledgement:

State of Texas
County of Denton

On 10/8/12 before me, Matthew J. Johnstone, personally appeared Sean McKenzie who provided to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Texas that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____



AA001632

EXHIBIT E

AA001633



20070730-0000902

Assessor Parcel Number: 163-19-311-015
File Number: R16253

Fee: \$14.00

N/C Fee: \$0.00

07/30/2007

09:46:43

T20070136428

Requestor:

NORTH AMERICAN TITLE COMPANY

Debbie Conway

DHG

Clark County Recorder

Pgs: 1

107

LIEN FOR DELINQUENT ASSESSMENTS

Red Rock Financial Services is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

NOTICE IS HERBY GIVEN: Red Rock Financial Services, a division of RMI Management LLC, officially assigned as agent by the Naples Community Homeowners Association, herein also called the Association, in accordance with Nevada Revised Statutes and outlined in the Association Covenants, Conditions, and Restrictions, herein also called CC&R's, recorded on 3/7/2000, in Book Number 20000307, as Instrument Number 00911 and including any and all Amendments and Annexations et. seq., of Official Records of Clark County, Nevada. Which have been supplied to and agreed upon by said owner.

Said Association imposes a Lien for Delinquent Assessments on the commonly known property:

4641 Viareggio Court, Las Vegas, NV 89147

CONQUISTADOR TOMPKINS- UNIT 2 PLAT BOOK 93 PAGE 1 LOT 70 BLOCK 1, in the County of Clark

Current Owner(s) of Record:

MONIQUE GUILLORY

The amount owing as of the date of preparation of this lien is **\$1,532.95.

This amount includes assessments, late fees, interest, fines/violations and collection fees and costs.

****The said amount will increase as assessments, late fees, interest, fines/violations, collection fees and costs and/or decrease as partial payments are applied to the account.**

Dated: July 25, 2007

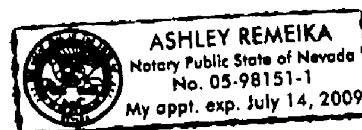
Prepared By Monique Washington, Red Rock Financial Services, on behalf of Naples Community Homeowners Association

STATE OF NEVADA)
COUNTY OF CLARK)

On July 25, 2007, before me, personally appeared Monique Washington, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

When Recorded Mail To: Red Rock Financial Services
6830 West Oquendo Road, Suite 201
Las Vegas, Nevada 89118
702-932-6887



AA001634

EXHIBIT F

AA001635


20071109-0001010

Assessor Parcel Number: 163-19-311-015
File Number: R16253

Fee: \$14.00
N/C Fee: \$0.00

11/09/2007 09:20:34
T20070198088

Requestor:
NORTH AMERICAN TITLE COMPANY

Debbie Conway DHG
Clark County Recorder Pgs: 1

RELEASE OF LIEN FOR DELINQUENT ASSESSMENTS

Red Rock Financial Services, a division of RMI Management LLC, is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.


NOTICE IS HERBY GIVEN: Red Rock Financial Services, a division of RMI Management LLC, officially assigned as agent by the Naples Community Homeowners Association which the Lien for Delinquent Assessments was executed and affecting the following described property situated in the County of Clark, State of Nevada, and more commonly known as:

4641 Viareggio Court, Las Vegas, NV 89147
CONQUISTADOR TOMPKINS- UNIT 2 PLAT BOOK 93 PAGE 1 LOT 70 BLOCK 1, recorded at the
Clark County, Nevada Records Office.

The owner(s) of record on said Lien: MONIQUE GUILLORY

The Lien for Delinquent Assessments recorded at the Clark County, Nevada Records Office on 7/30/2007 as Book Number 20070730, as Instrument Number 0000902, against above said property is hereby released and satisfied.

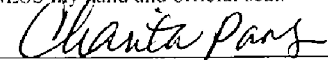
Dated: November 7, 2007


Prepared By Stacy Dominguez, with Red Rock Financial Services, on behalf of Naples Community Homeowners Association

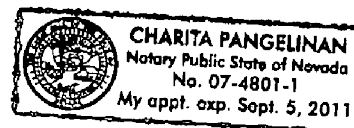
STATE OF NEVADA)
COUNTY OF CLARK)

On November 7, 2007, before me, personally appeared Stacy Dominguez, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



When Recorded Mail To: Red Rock Financial Services
6830 West Oquendo Road, Suite 201
Las Vegas, Nevada 89118



AA001636

EXHIBIT G

AA001637

Inst #: 201108180002904

Fees: \$15.00

N/C Fee: \$0.00

08/18/2011 02:30:03 PM

Receipt #: 884554

Requestor:

LEACH JOHNSON SONG & GRUCHOW

Recorded By: MGM Pgs: 2

DEBBIE CONWAY

CLARK COUNTY RECORDER

When Recorded, Mail To:

JOHN E. LEACH, ESQ.
LEACH JOHNSON SONG & GRUCHOW
8945 W. Russell Road, Suite 330
Las Vegas, Nevada 89148

APN No.: 163-19-311-015

NOTICE OF DELINQUENT ASSESSMENT LIEN

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of the Nevada Revised Statutes, NAPLES COMMUNITY HOMEOWNERS ASSOCIATION claims a lien upon the real property and buildings, improvements or structures thereon, described in Paragraph 2 below, and states the following:

1. The amount of the assessment, late charge, interest, costs and penalties is \$1,288.86, as of August 17, 2011, and currently increases at the rate of \$40.00 per month for regular assessments, plus late charges for each late payment, plus interest on any delinquent amount, as well as additional attorney fees and fees of the agent for the management body, including such fees incurred in connection with preparation, recording and foreclosure of this lien and/or which may thereafter accrue.

2. The property against which the assessment is assessed is described as follows:


Lot Seventy (70) in Block One (1) of Conquistador/Tompkins – Unit 2, as shown by map thereof on file in Book 93 of Plats, Page 1, all in the Office of the County Recorder of Clark County, Nevada, more commonly known as: 4641 Viareggio Court, Las Vegas, Nevada 89147.

AA001638

3. The name of the record owner(s) is: Monique Guillory, a single woman, as evidenced by a Grant, Bargain, Sale Deed, recorded January 25, 2007, in Book No. 20070125, as Instrument No. 0003582.

DATED this 17th day of August, 2011.

NAPLES COMMUNITY HOMEOWNERS
ASSOCIATION

By 
JOHN E. LEACH, ESQ., as
Authorized Agent for Naples Community
Homeowners Association

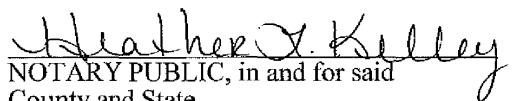
STATE OF NEVADA)
)
COUNTY OF CLARK) ss.

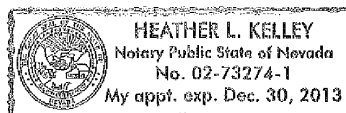
JOHN E. LEACH, ESQ., being first duly sworn, deposes and says:

That I am the Authorized Agent for NAPLES COMMUNITY HOMEOWNERS ASSOCIATION in the above-entitled matter; that I have read the foregoing, **Notice of Delinquent Assessment Lien**, and know the contents thereof, and that the same is true to the best of my knowledge, except as to those matters therein stated on information and belief, and as to those matters, I believe them to be true.


JOHN E. LEACH, ESQ.

SUBSCRIBED and SWORN to before me
this 17th day of August, 2011.


NOTARY PUBLIC, in and for said
County and State
Notary Appointment No.: 02-73274-1
Notary Seal Expiration: December 30, 2013



AA001639

EXHIBIT H

AA001640

Inst #: 201201240000764

Fees: \$18.00

N/C Fee: \$0.00

01/24/2012 09:27:49 AM

Receipt #: 1044083

Requestor:

LEACH JOHNSON SONG & GRUCHOW

Recorded By: LEX Pgs: 2

DEBBIE CONWAY

CLARK COUNTY RECORDER

When Recorded, Mail To:

KIRBY C. GRUCHOW, JR., ESQ.
LEACH JOHNSON SONG & GRUCHOW
8945 West Russell Road, Suite 330
Las Vegas, Nevada 89148

APN No.: 163-19-311-015

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

NOTICE OF DEFAULT AND ELECTION TO SELL
REAL PROPERTY TO SATISFY NOTICE OF DELINQUENT ASSESSMENT LIEN

NOTICE IS HEREBY GIVEN that Naples Community Homeowners Association is the lienholder and beneficiary under a Notice of Delinquent Assessment Lien, executed by Kirby C. Gruchow, Jr., Esq., as Authorized Agent for Naples Community Homeowners Association, to secure certain obligations of Monique Guillory, record owner of the Property, in favor of Naples Community Homeowners Association, and recorded on August 18, 2011, in Book No. 20110818, as Instrument No. 0002904, of the Official Records in the Office of the Recorder of Clark County, Nevada, describing land therein as:

All that certain real property situated in the County of Clark, State of Nevada, described as follows:

Lot Seventy (70) in Block One (1) of Conquistador/Tompkins – Unit 2, as shown by map thereof on file in Book 93 of Plats, Page 1, all in the Office of the County Recorder of Clark County, Nevada, more commonly known as: 4641 Viareggio Court, Las Vegas, Nevada 89147.

Said obligations being in the amount of \$2,361.35, as of January 11, 2012, plus assessments, late charges, interest, costs, attorney fees, and fees of the agent for the management body, that have accrued since January 12, 2012, that the beneficial interest under such Notice of Delinquent Assessment Lien and the obligations secured thereby are presently held by the undersigned; that a breach of, and default in, the obligations for which such Notice of Delinquent Assessment Lien is security has occurred in that payment has not been made in the above-referenced amounts and the

AA001641

account has not been brought current; that by reason thereof, the present beneficiary under such Notice of Delinquent Assessment Lien has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the property to be sold to satisfy the obligations secured thereby.

PURSUANT TO NEVADA REVISED STATUTES, a sale will be held if the obligations to the lienholder and beneficiary are not completely satisfied and paid within ninety (90) days from the date of recording of this Notice, on the real property described hereinabove.

DATED this 23rd day of January, 2012.

NAPLES COMMUNITY HOMEOWNERS ASSOCIATION

By

KIRBY C. GRUCHOW, JR., ESQ., as Authorized
Agent for Naples Community Homeowners
Association

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

KIRBY C. GRUCHOW, JR., ESQ., being first duly sworn, deposes and says:

That I am the Authorized Agent for Naples Community Homeowners Association in the above-entitled matter; that I have read the foregoing, **Notice of Default and Election to Sell Real Property to Satisfy Notice of Delinquent Assessment Lien**, and know the contents thereof, and that the same is true to the best of my knowledge, except as to those matters therein stated on information and belief, and as to those matters, I believe them to be true.

KIRBY C. GRUCHOW, JR., ESQ.

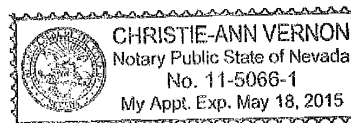
SUBSCRIBED and SWORN to before me
this 23rd day of January, 2012.

Christie Ann Vernon

NOTARY PUBLIC, in and for said
County and State

Notary Appointment No.: 11-5066-1

Notary Seal Expiration: May 18, 2015



AA001642

EXHIBIT I

AA001643

3

A P N: 163-19-311-015

Inst #: 201207300001448

Fees: \$19.00

N/C Fee: \$0.00

07/30/2012 01:36:24 PM

Receipt #: 1251958

Requestor:

NATIONAL SEARCH SOLUTIONS

Recorded By: SAO Pgs: 3

DEBBIE CONWAY

CLARK COUNTY RECORDER

NOTICE OF FORECLOSURE SALE
UNDER NOTICE OF DELINQUENT
ASSESSMENT LIEN

Recording Requested by:

Pro Forma Lien & Foreclosure Services

Return to:

Pro Forma Lien & Foreclosure Services

P.O. Box 96807

Las Vegas, NV 89193

AA001644

NOTICE OF FORECLOSURE SALE
UNDER NOTICE OF DELINQUENT ASSESSMENT LIEN

TS# 1079.005KCG

APN: 163-19-311-015

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL PRO FORMA LIEN & FORECLOSURE SERVICES AT 702-736-4237 OR KIRBY C. GRUCHOW, JR., ESQ., THE ATTORNEY FOR THE ASSOCIATION, AT 702-538-9074. IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT 1-877-829-9907 IMMEDIATELY.

YOU ARE IN DEFAULT UNDER A NOTICE OF DELINQUENT ASSESSMENT LIEN RECORDED AUGUST 18, 2011 IN BOOK NO. 20110818, INSTRUMENT NO. 02904 OF THE OFFICIAL RECORDS OF CLARK COUNTY, NEVADA. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

NOTICE IS HEREBY GIVEN that real property situated in Clark County, Nevada, known as 4641 Viareggio Ct., Las Vegas, Nevada, and described as: Lot 70 in Block 1 of Conquistador/Tompkins – Unit 2, as shown in Plat Book 93, Page 1 of the records of the County Recorder of Clark County, Nevada, **WILL BE SOLD** at public auction **at the front entrance to the Nevada Legal News, 930 South Fourth Street, Las Vegas, Nevada, 89101 on October 18, 2012** at 10:00 a.m. to the highest bidder for cash or cashier's checks drawn on a savings association, or savings bank authorized to do business in Nevada, in the amount of \$3,647.16 as of June 21, 2012, including the total amount of unpaid balance and reasonably estimated costs, expenses and advances including the initial publication of this notice, **plus** any subsequent Association Dues, fees charges, expenses, and advances, if any, of the Homeowners Association and its Agent, under the terms of the Assessment Lien. ****The amount due as stated hereinabove does not include unpaid violations totaling \$350 as of June 1, 2012, which continue to accrue, and will be collected upon sale from any third-party bidder. The homeowner is entitled to cure the account without paying the violations, although the violations will continue to be assessed, and will remain as a debt against the property.***

AA001645

The sale will be made without covenant or warranty express or implied, regarding title, possession or encumbrance, against all right, title and interest of the owner, without equity or right of redemption to satisfy the indebtedness secured by said Lien, with interest thereon, as provided in the Declaration of Covenants, Conditions and Restrictions, recorded March 7, 2000, in Book 20000307 as Instrument No. 0911 Official Records of Clark County, Nevada, and any subsequent modifications, amendments or updates of the said Declaration of Covenants, Conditions and Restrictions.

The Notice of Default and Election to Sell Real Property to Satisfy Assessment Lien was recorded on January 24, 2012, in Book No. 20120124, Instrument No. 00764 in the Official Records of Clark County, Nevada. The purported owner(s): Monique Guillory

Dated: 6/29/12

NAPLES COMMUNITY HOMEOWNERS ASSOCIATION

By KIRBY C. GRUCHOW, JR., ESQ., Authorized Agent

For payoff or redemption information call: 702-736-4237 Ref: Naples/Guillory
For sale information access www.priorityposting.com TS# 1079.005KCG

AA001646

EXHIBIT J

AA001647

When recorded return to, and
Mail Tax Statements to:

Saticoy Bay LLC Series 4641 Viareggio Ct.
900 S. Las Vegas Blvd., Suite 810
Las Vegas, NV 89101

Inst #: 201309060000930
Fees: \$18.00 N/C Fee: \$25.00
RPTT: \$640.05 Ex: #
09/06/2013 09:03:24 AM
Receipt #: 1761079
Requestor:
RESOURCES GROUP
Recorded By: LEX Pgs: 3
DEBBIE CONWAY
CLARK COUNTY RECORDER

APN: 163-19-311-015

FORECLOSURE DEED

NAPLES COMMUNITY HOMEOWNERS ASSOCIATION ("Naples"), pursuant to NRS 116.31164(3), does hereby grant and convey, but without covenant or warranty, express or implied regarding title, possession or encumbrances, to SATICOY BAY LLC SERIES 4641 VIAREGGIO CT. (herein called Grantee), the real property in the County of Clark, State of Nevada, described as follows:

Lot 70 in Block 1 of Conquistador/Tompkins – Unit 2, as shown by map thereof on file in Plat Book 93, Page 1, of the records of the County Recorder of Clark County, NV, more commonly known as:
4641 Viareggio Ct., Las Vegas, NV

This conveyance is made pursuant to the authority and powers vested to Naples by Chapter 116 of Nevada Revised Statutes and the provisions of the Declaration of Covenants, Conditions and Restrictions, recorded May 7, 2000 in Book 20000507 as Instrument No. 00911, in the Official Records of Clark County, Nevada, and any subsequent modifications, amendments or updates of the said Declaration of Covenants, Conditions and Restrictions, and Naples having complied with all applicable statutory requirements of the State of Nevada, and performed all duties required by such Declaration of Covenants, Conditions and Restrictions.

A Notice of Delinquent Assessment Lien was recorded on August 18, 2011 in Book 20110818, Instrument No. 02904 of the Official Records of the Clark County Recorder, Nevada, said Notice having been mailed by certified mail to the owners of record; a Notice of Default and Election to Sell Real Property to Satisfy Assessment Lien was recorded on January 24, 2012 in Book 20120124, Instrument No. 00764 in the Official Records, Clark County, Nevada, said document having been mailed by certified mail to the owner of record

AA001648

and all parties of interest, and more than ninety (90) days having elapsed from the mailing of said Notice of Default, a Notice of Sale was published once a week for three consecutive weeks commencing on September 20, 2012, in the Nevada Legal News, a legal newspaper. Said Notice of Sale was recorded on July 30, 2012 in Book 20120730 as Instrument 01448 of the Official Records of the Clark County Recorder, Nevada, and at least twenty days before the date fixed therein for the sale, a true and correct copy of said Notice of Sale was posted in three of the most public places in Clark County, Nevada, and in a conspicuous place on the property located at 4641 Viareggio Ct., Las Vegas, NV

On August 22, 2013 at 10:00 a.m. of said day, at Nevada Legal News, a Nevada Corporation, Front Entrance Lobby, 930 South 4th Street, Las Vegas, Nevada, 89101, Naples, by and through its Agent, exercised its power of sale and did sell the above described property at public auction. Grantee, being the highest bidder at said sale, became the purchaser and owner of said property for the sum of FIVE THOUSAND FIVE HUNDRED SIXTY THREE (\$5,563.00) Dollars, cash, lawful money of the United States, in full satisfaction of the indebtedness secured by the lien of Naples.

IN WITNESS WHEREOF, NAPLES COMMUNITY HOMEOWNERS ASSOCIATION caused its corporate name to be affixed hereto, and this instrument to be executed by its authorized agent.

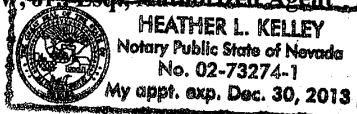
Dated 8/27/13

NAPLES COMMUNITY HOMEOWNERS ASSOCIATION

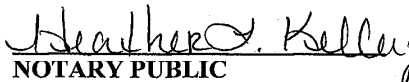
By: 

Kirby C. Gruchow, Jr., Esq., Authorized Agent

STATE OF NEVADA)
COUNTY OF CLARK)



On 8/27/13, before me, the undersigned, a Notary Public in and for said State, personally appeared KIRBY C. GRUCHOW, JR., known (or proven) to me to be the authorized agent of NAPLES COMMUNITY HOMEOWNERS ASSOCIATION, and executed the within Foreclosure Deed on behalf of the corporation therein named.


NOTARY PUBLIC

AA001649

**STATE OF NEVADA
DECLARATION OF VALUE**

1. Assessor Parcel Number(s)

a. 163-19-311-015

b. _____

c. _____

d. _____

2. Type of Property:

- a. ☐ Vacant Land b. ☒ Single Fam. Res.
c. ☐ Condo/Twnhse d. ☐ 2-4 Plex
e. ☐ Apt. Bldg f. ☐ Comm'l/Ind'l
g. ☐ Agricultural h. ☐ Mobile Home
i. ☐ Other

FOR RECORDERS OPTIONAL USE ONLY

Book _____ Page: _____

Date of Recording: _____

Notes: _____

3.a. Total Value/Sales Price of Property

\$ 125,052.00

b. Deed in Lieu of Foreclosure Only (value of property) _____

c. Transfer Tax Value:

\$ 125,052.00

d. Real Property Transfer Tax Due

\$ 640.05


4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature  8/27/13
Kirby K. Gruchow, Jr., Esq.

Capacity: Agent for Seller

Signature _____

Capacity: Agent for Buyer

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: Naples Community HOA

Address: c/o Leach Johnson Song & Gruchow

City: 8945 W. Russel Rd., Suite 330

State: Las Vegas, NV Zip: 89148

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: SATICOY BAY LLC

Address: Series 4641 Viareggio Ct.

City: 900 S. Las Vegas Blvd., #810

State: Las Vegas, NV Zip: 89101

COMPANY/PERSON REQUESTING RECORDING (Required if not seller or buyer)

Print Name: SATICOY BAY LLC SERIES 4641

Escrow # _____

Address: 900 S. Las Vegas Blvd. #810 Viareggio Ct

City: L.V.

State: NV Zip: 89101

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

AA001650

EXHIBIT K

AA001651



Statement

Statement on HOA Super-Priority Lien Foreclosures

FOR IMMEDIATE RELEASE

4/21/2015

Title 12 United States Code Section 4617(j)(3) states that, while the Federal Housing Finance Agency acts as Conservator, “[no] property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency.” This law precludes involuntary extinguishment of Fannie Mae or Freddie Mac liens while they are operating in conservatorships and preempts any state law that purports to allow holders of homeownership association (HOA) liens to extinguish a Fannie Mae or Freddie Mac lien, security interest, or other property interest.

As noted in our December 22, 2014 statement on certain super-priority liens, FHFA has an obligation to protect Fannie Mae's and Freddie Mac's rights, and will aggressively do so by bringing or supporting actions to contest HOA foreclosures that purport to extinguish Enterprise property interests in a manner that contravenes federal law. Consequently, FHFA confirms that it has not consented, and will not consent in the future, to the foreclosure or other extinguishment of any Fannie Mae or Freddie Mac lien or other property interest in connection with HOA foreclosures of super-priority liens.

12/22/2014: [Statement of the Federal Housing Finance Agency on Certain Super-Priority Liens](#)

###

The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 12 Federal Home Loan Banks. These government-sponsored enterprises provide more than \$5.6 trillion in funding for the U.S. mortgage markets and financial institutions. Additional information is available at www.FHFA.gov, on Twitter [@FHFA](#)

, [YouTube](#) and [LinkedIn](#) .

AA001652

Contacts:

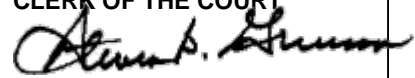
Media: Corinne Russell (202) 649-3032 / Stefanie Johnson (202) 649-3030

Consumers: [Consumer Communications](#) or (202) 649-3811

AA001653

EXHIBIT L

AA001654



NEFF
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG
Nevada Bar No. 11015
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
Email: donna.wittig@akerman.com

Attorneys for Defendant/Counterclaimant Nationstar Mortgage LLC

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 4641
VIAREGGIO CT,

Plaintiffs,

v.

NATIONSTAR MORTGAGE LLC, COOPER
CASTLE LAW FIRM, LLP; and MONIQUE
CUILLORY,

Defendants.

Case No.: A-13-689240-C

Dept.: XIV

**NOTICE OF ENTRY OF NATIONSTAR
MORTGAGE LLC'S FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND
JUDGMENT**

NATIONSTAR MORTGAGE LLC,

Counterclaimant,

v.

SATICOY BAY LLC SERIES 4641
VIAREGGIO CT; NAPLES COMMUNITY
HOMEOWNERS ASSOCIATION; LEACH
JOHNSON SONG & GRUCHOW; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Counter-Defendants.

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

AA001655

PLEASE TAKE NOTICE that NATIONSTAR MORTGAGE LLC'S FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND JUDGMENT has been entered by this Court on the 11th

day of December, 2018, in the above-captioned matter. A copy of said Order is attached hereto as
Exhibit A.

DATED this 14th day of December, 2018.

AKERMAN LLP

/s/ Donna M. Wittig

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Nationstar Mortgage LLC

AA001656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 14th day of December, 2018, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF NATIONSTAR MORTGAGE LLC'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT**, 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:

LAW OFFICES OF MICHAEL F. BOHN, ESQ., LTD.

Eserve Contact	office@bohnlawfirm.com
Michael F Bohn Esq	mbohn@bohnlawfirm.com

/s/ Carla Llarena

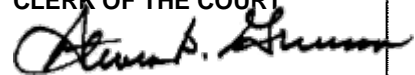
An employee of AKERMAN LLP

AA001657

EXHIBIT A

EXHIBIT A

AA001658



FFCL
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG
Nevada Bar No. 11015
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
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Email: melanie.morgan@akerman.com
Email: donna.wittig@akerman.com

Attorneys for Defendant/Counterclaimant Nationstar Mortgage LLC

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 4641
VIAREGGIO CT,

Plaintiffs,

v.

NATIONSTAR MORTGAGE LLC, COOPER
CASTLE LAW FIRM, LLP; and MONIQUE
CUILLORY,

Defendants.

Case No.: A-13-689240-C

Dept.: XIV

**NATIONSTAR MORTGAGE LLC'S
FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND JUDGMENT**

NATIONSTAR MORTGAGE LLC,

Counterclaimant,

v.

SATICOY BAY LLC SERIES 4641
VIAREGGIO CT; NAPLES COMMUNITY
HOMEOWNERS ASSOCIATION; LEACH
JOHNSON SONG & GRUCHOW; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Counter-Defendants.

On February 25, 2018, this Court heard plaintiff/counter-defendant Saticoy Bay LLC Series
AA001659
4641 Viareggio Ct's motion for summary judgment. Defendant/counterclaimant Nationstar
Mortgage LLC opposed the motion. Michael F. Bohn of the Law Offices of Michael F. Bohn, Esq.,

AKERMAN LLP

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

☐ Motion to Dismiss by Def(s)
☐ Voluntary Dismissal
☐ Involuntary Dismissal
☐ Stipulated Dismissal
☒ Summary Judgment
☐ Default Judgment
☐ Judgment of Arbitration

1 Ltd. appeared on behalf of plaintiff. Regina A. Habermas of Wright, Finlay & Zak, LLP appeared
2 on behalf of Nationstar. The Court having reviewed the pleadings and heard arguments hereby
3 makes findings of facts, conclusions of law, and orders as follows:

4 **FINDINGS OF FACT**

5 1. Saticoy Bay is the owner of the real property commonly known as 4641 Viareggio
6 Court, Las Vegas, Nevada.

7 2. Saticoy Bay acquired its interest in the property at foreclosure sale which occurred on
8 August 22, 2013 as evidenced by the foreclosure deed recorded on September 6, 2013.

9 3. Monique Guillory is the former owner of the property.

10 4. The property is encumbered by a Declaration of Covenants, Conditions and
11 Restrictions and Reservation of Easements (CC&Rs) in favor of the Naples Community
12 Homeowners Association (HOA).

13 5. The foreclosure deed arose from a delinquency in assessments due from the former
14 owner Guillory to the HOA pursuant to NRS Chapter 116.

15 6. Guillory executed a promissory note and obtain a loan in the original principal
16 amount of \$58,400 loan from First Magnus Financial Corporation.

17 7. Guillory also executed a first-lien deed of trust, which secured the loan and
18 encumbered the property. The deed of trust identified First Magnus as the lender, and Mortgage
19 Electronic Registration Systems, Inc. (MERS) as nominee for lender and lender's successors and
20 assigns as the beneficiary.

21 8. The deed of trust was initially assigned from MERS as nominee to Aurora Loan
22 Services LLC in an assignment on February 11, 2011.

23 9. The deed of trust was subsequently assigned from Aurora to Nationstar in an
24 assignment recorded on October 18, 2012.

25 10. The HOA retained the law firm of Leach Johnson Song & Gruchow as the foreclosure
26 agent to collect the unpaid assessments due on the subject property.

AA001660

27 11. On August 18, 2011, the foreclosure agent sent the former owner a copy of the notice
28 of delinquent assessment lien.

12. On August 18, 2011, the foreclosure agent recorded the notice of lien.

13. On January 24, 2012, the foreclosure agent recorded the notice of default and election to sell. The notice of default was mailed to the former owner Guillory, MERS, and Aurora.

14. On July 30, 2012, the foreclosure agent recorded a notice of foreclosure sale.

15. The foreclosure agent also mailed a copy of the notice of sale to the former owner Guillory, MERS, and Aurora.

16. The notice of foreclosure sale under the lien for delinquent assessments was also served upon the unit owner by posting a copy of the notice in a conspicuous place on the property.

17. The Notice of Sale was also posted in three locations within the county.

18. The foreclosure agent also published the notice of sale in Nevada Legal News on three dates.

19. As reflected by the recitals in the foreclosure deed, Saticoy Bay appeared at the public auction conducted on August 22, 2013, and entered the high bid of \$5,563.00 to purchase the Property.

20. The HOA foreclosure agent issued a deed upon sale which was recorded on September 6, 2013, and contains the following recitals:

This conveyance is made pursuant to the authority and powers vested to Naples by Chapter 116 of Nevada Revised Statutes and the provisions of the Declaration of Covenants, Conditions and Restrictions, recorded May 7, 2000 in Book 20000507 as Instrument No. 00911, in the Official Records of Clark County, Nevada, and any subsequent modifications, amendments or updates of the said Declaration of Covenants, Conditions and Restrictions, and Naples having complied with all applicable statutory requirements of the State of Nevada, and performed all duties required by such Declaration of Covenants, Conditions and Restrictions.

A Notice of Delinquent Assessment Lien was recorded on August 18, 2011 in Book 20110818, Instrument No. 02904 of the Official Records of the Clark County Recorder, Nevada, said Notice having been mailed by certified mail to the owners of record; a Notice of Default and Election to Sell Real Property to Satisfy Assessment Lien was recorded on January 24, 2012 in Book 20120124, Instrument No. 00764 in the Official Records, Clark County, Nevada, said document having been mailed by certified mail to the owner of record and all parties of interest, and more than ninety (90) days having elapsed from the mailing of said Notice of Default, a Notice of Sale was published once a week for three consecutive weeks commencing on September 20, 2012, in the Nevada Legal News, a legal newspaper. Said Notice of Sale was recorded on July 30, 2012 in Book 20120730 as Instrument 01448 of the Official Records of the Clark County Recorder, Nevada, and at least twenty days before the date fixed therein for the sale, a

1 true and correct copy of said Notice of Sale was posted in three of the most
2 public places in Clark County, Nevada, and in a conspicuous place on the
property located at 4641 Viareggio Ct., Las Vegas , NV.

3 On August 22, 2013 at 10:00 a.m. of said day, at Nevada Legal News, a
4 Nevada Corporation, Front Entrance Lobby, 930 South 4th Street, Las
Vegas, Nevada, 89101, Naples, by and through its Agent, exercised its
5 power of sale and did sell the above described property at public auction.
Grantee, being the highest bidder at said sale, became the purchaser and
6 owner of said property for the sum of FIVE THOUSAND FIVE
HUNDRED SIXTY THREE (\$5,563.00) Dollars, cash, lawful money of the
7 United States, in full satisfaction of the indebtedness secured by the lien of
Naples.

8 21. Federal Home Loan Mortgage Corporation's (**Freddie Mac**) business records and
9 testimony of a Freddie Mac employee state that Freddie Mac purchased the loan, including both the
10 note and the deed of trust, on March 29, 2007 and continued to own the loan at the time of the HOA
11 sale.

12 22. Nationstar was servicing the loan on behalf of Freddie Mac at the time of the HOA
13 sale.

14 CONCLUSIONS OF LAW

15 1. The Court finds Saticoy Bay has sufficiently established that, absent flaws in the
16 HOA foreclosure sale or potential equitable reasons for setting aside the sale, Saticoy Bay is entitled
17 to judgment as a matter of law on its quiet title claim.

18 2. The Court finds that Nationstar has not met its burden of establishing a genuine issue
19 of material fact as to whether Saticoy Bays claim is preempted by the federal foreclosure bar, 12
20 U.S.C. § 4617(j)(3).

21 3. The Court agrees that, if the federal foreclosure bar applies, the HOA's foreclosure
22 could not affect FHFA's interest in the deed of trust, and thus that the property would still be
23 encumbered by the deed of trust. However, this requires a finding that FHFA in fact owned a legally
24 cognizable interest in the deed of trust. In Nevada, a security interest is only effective against a third
25 party once it is recorded. *See In re Montierth*, 354 P.3d 648, 650 (Nev. 2015).

26 4. Nationstar has not disputed the fact that no recorded document reflects any Federal
27 Housing Finance Agency (**FHFA**) interest in the deed of trust, much less that any recorded
28 document makes any mention of Freddie Mac having an interest in the deed of trust. The only

1 evidence that Nationstar has provided in an effort to prove Freddie Mac's ownership are business
2 records of Freddie Mac, coupled with an affidavit stating that Freddie Mac's business records reflect
3 ownership of the subject loan at the time of the HOA sale. However, even if this information is
4 sufficient to show that Freddie Mac believed it had ownership of the loan, this evidence would
5 conflict with the judicially noticeable public record.

6 5. Because no interest of Freddie Mac or FHFA was recorded, there is no such interest
7 that would be effective as against the HOA or Saticoy Bay. Thus, the federal foreclosure bar does
8 not apply here.

9 6. An HOA sale cannot be held commercially unreasonable based on price alone, as this
10 conclusion requires a finding of fraud, unfairness, or oppression that brings about and causes a low
11 sale price. *Nationstar Mortgage v. Saticoy Bay LLC Series 2227 Shadow Canyon*, 405 P.3d 641
12 (Nev. 2017).

13 7. Nationstar contends that fraud, unfairness, or oppression are shown by the existence
14 of a mortgage protection clause in the HOA's CC&Rs, by the HOA's failure to try to get the best
15 price possible at foreclosure, and by the HOA's inclusion of fees and costs in its calculation of its
16 lien. The Court finds that none of these issues presents evidence of fraud, unfairness, or oppression.

17 8. A clause such as the one in the relevant CC&Rs here, which states that the HOA's
18 foreclosure cannot extinguish a mortgage deed of trust, is void under NRS 116.1104, as held in *SFR*
19 *Investments Pool 1 v. U.S. Bank*, 334 P.3d 408 (Nev. 2014), and thus the HOA's act of foreclosing is
20 not rendered fraudulent, unfair, or oppressive due to the clause's presence in the CC&Rs.

21 9. NRS Chapter 116 imposes no duty on an HOA to get the best price possible at
22 foreclosure, as affirmed in *Nationstar Mortgage, LLC v. SFR Investments Pool 1, LLC*, 396 P.3d 754
23 (Nev. 2017), where the Nevada Supreme Court rejected the argument that an HOA has the burden of
24 establishing that it took all steps possible to obtain the highest sales price it could.

25 10. An HOA lien is not invalid for including fines, as addressed in the recent *Shadow*
26 *Canyon* case. The Nevada Supreme Court rejected this argument, finding that such an interpretation
27 is untenable, and that the legislature apparently intended to prevent foreclosure on a lien that is
28 comprised solely of fines, but not a lien that includes both delinquent assessments and fines.

AA001663

11. Nationstar has identified no evidence of fraud, unfairness, or oppression, so the HOA sale cannot be held commercially unreasonable.

12. Nationstar's remaining arguments do not impact the Court's decision. The Nevada Supreme Court has conclusively held that NRS 116 does not violate due process, in *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage*, 388 P.3d 970 (Nev. 2017).

13. Because Nationstar has not presented any meritorious reason for setting aside the sale, Plaintiff's potential status as a bona fide purchaser is not a necessary determination.

14. Nationstar has not met its burden in resisting summary judgment, and the Court finds judgment as a matter of law in Saticoy Bay's favor is appropriate.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the motion of plaintiff/counter-defendant Saticoy Bay LLC Series 4641 Viareggio Ct's motion for summary judgment is granted as to its quiet title claim.

IT IS FURTHER ORDERED that judgment is entered on behalf of plaintiff/counter-defendant Saticoy Bay LLC Series 4641 Viareggio Ct against defendant/counter-claimant Nationstar Mortgage LLC as to the quiet title claim.

DATED December 6, 2018.


DISTRICT COURT JUDGE

Respectfully submitted:


AKERMAN LLP

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Nationstar Mortgage LLC

AA001664

EXHIBIT M

AA001665

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATIONSTAR MORTGAGE LLC,
Appellant,
vs.
SATICOY BAY LLC SERIES 4641
VIAREGGIO CT.,
Respondent.

No. 77874-COA

FILED

APR 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER VACATING AND REMANDING

Nationstar Mortgage LLC (Nationstar), appeals from a district court order granting a motion for summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

The original owner of the subject property failed to make periodic payments to her homeowners' association (HOA). The HOA recorded a notice of delinquent assessment lien and later a notice of default and election to sell to collect on the past due assessments and other fees pursuant to NRS Chapter 116. Respondent Saticoy Bay LLC Series 4641 Viareggio Ct. (Saticoy Bay) purchased the property at the resulting foreclosure sale and filed the underlying action seeking to quiet title against Nationstar, the beneficiary of the first deed of trust on the property. Saticoy Bay moved for summary judgment, and Nationstar opposed, arguing that the Federal Home Loan Mortgage Corporation (Freddie Mac) owned the underlying loan at the time of the foreclosure sale such that 12 U.S.C. § 4617(j)(3) (the Federal Foreclosure Bar) prevented the sale from extinguishing Nationstar's deed of trust. The district court ruled in favor of Saticoy Bay, concluding that Freddie Mac's supposed interest was not

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recorded and that Nationstar therefore failed to prove its existence. This appeal followed.

This court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence must be viewed in a light most favorable to the nonmoving party. *Id.* General allegations and conclusory statements do not create genuine issues of fact. *Id.* at 731, 121 P.3d at 1030-31.

Here, we note that the district court did not have the benefit of the Nevada Supreme Court's recent decision in *Daisy Trust v. Wells Fargo Bank, N.A.*, which held that a deed of trust need not be assigned to a regulated entity like Freddie Mac in order for it to own the secured loan—meaning that Nevada's recording statutes are not implicated—where the deed of trust beneficiary is an agent of the note holder. 135 Nev. 230, 233-34, 445 P.3d 846, 849 (2019). Accordingly, the district court erred in concluding that Freddie Mac's interest needed to be recorded in order for the Federal Foreclosure Bar to apply. *See id.* Although Nationstar requests in its reply brief that this court remand for entry of judgment in its favor pursuant to *Daisy Trust*, it did not file a countermotion for summary judgment below; it merely opposed Saticoy Bay's motion. *Cf. SFR Invs. Pool I, LLC v. U.S. Bank, N.A.*, 135 Nev., Adv. Op. 45, 449 P.3d 461, 466 (2019) (reversing an order granting one party summary judgment and directing entry of judgment on the opposing party's countermotion for summary judgment). Consequently, we

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ORDER the judgment of the district court VACATED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Adriana Escobar, District Judge
Law Offices of Michael F. Bohn, Ltd.
Akerman LLP/Las Vegas
Fennemore Craig P.C./Reno
Eighth District Court Clerk

¹Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal. AA001668