

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT ELLIS LINCICOME, JR.
AND VICENTA LINCICOME,

Appellant,

vs.

SABLES, LLC, A NEVADA LIMITED LIABILITY COMPANY, AS TRUSTEE OF THE DEED OF TRUST GIVEN BY VICENTA LINCICOME AND DATED 5/23/2007; FAY SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SUBSIDIARY OF FAY FINANCIAL, 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, A UTAH LIMITED LIABILITY COMPANY; NEWREZ, LLC, D/B/A SHELLPOINT MORTGAGE SERVICING, LLC; 1900 CAPITAL TRUST II, BY U.S. BANK NATIONAL ASSOCIATION; AND MCM-2018-NPL2,

Respondents.

Supreme Court Case No. 84238

District Court Case No. 18-CV-01332

Electronically Filed

Mar 24 2022 10:36 a.m.

Elizabeth A. Brown

Clerk of Supreme Court

**BANK OF AMERICA, N.A.'S
RESPONSE TO DOCKETING
STATEMENT**

Bank of America, N.A. (**BANA**) responds to the Lincicomes' docketing statement pursuant to NRAP 14(f).

This court partially dismissed Case. No. 83261 as to Breckenridge Property Fund 2016, LLC on January 19, 2021. This dismissal resulted in two appeals concerning the same underlying case: this appeal (Case No. 84238) and Case No. 83261. BANA strongly disagrees with the Lincicomes' statement of the case and issues on appeal since this appeal has *nothing to do* with BANA. Rather the facts and issues in this appeal involve Breckenridge and post-2019 foreclosure activity.

BANA has not been the loan servicer since 2015 and had no role in the foreclosure. All facts and issues surrounding BANA's role in the loan are on appeal in Case No. 83261. BANA moved to extend the March 18, 2022, deadline for its answering brief in Case No. 83261. The court has not yet issued an order on BANA's extension motion. BANA should not have to file a second answering brief or participate in this appeal. BANA requests the court issue an order clarifying the scope of this appeal.

DATED this 24th day of March, 2022.

AKERMAN LLP

/s/ Scott R. Lachman

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CERTIFICATE OF SERVICE

I certify that I electronically filed on the 24th day of March, 2022, the foregoing **BANK OF AMERICA, N.A.'S RESPONSE TO DOCKETING STATEMENT**, with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF system. I further certify that all parties of record to this appeal either are registered with the CM/ECF or have consented to electronic service.

☐ By placing a true copy enclosed in sealed envelope(s) addressed as follows:

☒ (By Electronic Service) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's CM/ECF system.

☒ (Nevada) 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