

DOC # 809550
09/21/2012 02:52PM Deputy: AR
OFFICIAL RECORD
Requested By:
LSI Title Agency Inc.
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 7 Fee: \$20.00
BK-912 PG-5188 RPTT: EX#003



RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:
National Default Servicing Corporation
2525 East Camelback Road, Suite 200
Phoenix, AZ 85016

TS No. : 09-40659-WFR-NV
Loan No. : 0152038006
TSG No. : 090071793

APN No. : 1318-10-416-044

**RESCISSION OF
TRUSTEE'S DEED UPON SALE**

NOTICE IS HEREBY GIVEN : That National Default Servicing Corporation is the duly appointed Trustee under the following described Deed of Trust:

TRUSTOR : MICHAEL E. WONDKA, AN UNMARRIED MAN

ORIGINAL BENEFICIARY : MERS - NOMINEE FOR PACIFIC CREST SAVINGS BANK

BENEFICIARY OF RECORD: US Bank National Association, as successor Trustee to Bank of America, National Association, successor by merger to LaSalle Bank National Association, as Trustee for Thornburg Mortgage Securities Trust 2006-5

Said Deed of Trust recorded on 04/18/2006 as Instrument No. 0672948 BK-0406 PG-5977 (or Book, Page) of the Official Records of DOUGLAS County, State of NV, described the land therein:

Lot 4, in Block 7, of plat of Second addition to Zephyr Heights Subdivision No. 2, according to the map thereof, filed in the Office of the County Recorder of Douglas County, Nevada on July 6, 1948 as Document No. 6530.

Said land is commonly designated as : 617 ALMA WAY
ZEPHYR COVE, NV 89448

WHEREAS: the Beneficiary under that certain Deed of Trust hereinabove described, heretofore delivered to the Trustee thereunder written Declaration of Default and Demand for Sale; and

WHEREAS: Notice was heretofore given by the Beneficiary, of breach of the obligations for which said Deed of Trust is secured and of election to cause to be sold the property therein described; and

WHEREAS: a Notice of Default and Election to Sell under Deed of Trust was recorded 02/03/09 as Document No. 737041 BK-209 PG-678 of Official Records in the Office of the Recorder of DOUGLAS County, State of NV; and



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Rescission of Trustee's Deed Upon Sale
TS No. : 09-40659-WFR-NV

WHEREAS: a Trustee's Deed Upon Sale was recorded on 5/13/2011 as Instrument No. 783193 of Official records in the Office of the Recorder of DOUGLAS County, State of NV.

Said Trustee's Deed Upon Sale is invalid because sale is null and void. Please see the attached Court Order marked Exhibit "A".

NOW THEREFORE: Notice is hereby given that the Trustee, does hereby rescind, cancel and withdraw said Trustee's Deed Upon Sale; it being understood however, that this rescission shall not in any manner be construed as waiving or affecting any breach or default past, present, future, under said Deed of Trust, or as impairing any right or remedy thereunder, but is and shall be deemed to be, only an election, without prejudice, to cause the removal of said Trustee's Deed Upon Sale, and shall in no way jeopardize or impair any right, remedy or privilege secured to the Beneficiary and/or Trustee, under said Deed of Trust, and Notice of Default, Notice of Trustee's Sale, nor modify nor alter, in any of the terms, covenants, conditions or obligations thereof, and said Deed of Trust, Notice of Default, previously given shall remain in force the same as if said Trustee's Deed Upon Sale had not been made and given.

Dated: September 20, 2012

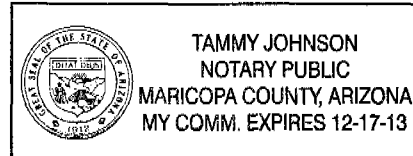
National Default Servicing Corporation,
an Arizona Corporation

HEATHER COE, TRUSTEE SALES OFFICER

State of Arizona
County of Maricopa

On September 20, 2012, before me, Tammy Johnson, a Notary Public for said State, personally appeared Heather Coe personally known to me be (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 she executed the same in her authorized capacity, and that by her 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



1 Aaron D. Ford, Esq. (Nevada Bar No. 7704)
2 Karl O. Riley, Esq. (Nevada Bar No. 12077)
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6 *Attorneys for Defendants Wells Fargo Bank, N.A., fka Wells*
7 *Fargo Home Mortgage Inc. fka Norwest Mortgage Inc.,*
8 *Mortgage Electronic Registration Systems, Inc., and U.S. Bank*
9 *National Association*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 MICHAEL E. WONDKA,

Case No. 3:11-cv-00292-RCJ-VPC

13 Plaintiff,

14 vs.

**STIPULATION TO DISMISS THIS ACTION
AND RESCIND MAY 4, 2011 TRUSTEE'S
SALE**

15 PACIFIC CREST SAVINGS BANK;
16 WESTERN TITLE; MORTGAGE
ELECTRONIC REGISTRATION
17 SYSTEMS, INC. [MERS]; NATIONAL
DEFAULT SERVICING CORPORATION;
18 WELLS FARGO BANK, N.A. FKA
WELLS FARGO HOME MORTGAGE
19 INC. F/K/A NORWEST MORTGAGE INC.;
US BANK NATIONAL ASSOCIATION,
20 AS TRUSTEE, SUCCESSOR-IN-
INTEREST TO BANK OF AMERICA,
21 NATIONAL ASSOCIATION AS
TRUSTEE, SUCCESSOR BY MERGER TO
22 LASSALLE BANK NATIONAL
ASSOCIATION AS TRUSTEE FOR
23 THORNBURG MORTGAGE SECURITIES
TRUST 2006-5 BY IT ATTORNEY IN
24 FACT WELLS FARGO BANK, N.A.
SUCCESSOR BY MERGER TO WELLS
25 FARGO HOME MORTGAGE; LSI TITLE
COMPANY; ANSELMO
26 AGKALIWANGAN; and DOES 1-25
CORPORATIONS, DOES and ROES 1-25
27 Individuals, Partnerships, or anyone claiming
any interest to the property described in the
action,

28 Defendants.

Snell & Wilmer

LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200



1 IT IS HEREBY STIPULATED by and between Plaintiff Michael E. Wondka
2 (“Plaintiff”), and Defendants Wells Fargo Bank, N.A. (“Wells Fargo”), Mortgage Electronic
3 Registration Systems, Inc. (“MERS”) and U. S. Bank National Association (“U.S. Bank”)
4 (together with Wells Fargo and MERS are collectively referred to as “Defendants”), that:

- 5 1. The Parties stipulate to dismiss without prejudice Plaintiff’s two remaining claims of
6 wrongful foreclosure and quiet title asserted against any and all named Defendants within
7 the Complaint, with each party to bear its own costs and attorney’s fees;
- 8 2. The Parties further stipulate that all previously-dismissed claims against any and all
9 Defendants in this action are dismissed with prejudice;
- 10 3. The Parties further stipulate that all pending deadlines and hearings shall be vacated;
- 11 4. The Parties agree that the Trustee’s Sale held May 4, 2011 regarding property 617 Alma
12 Way, Zephyr Cove, APN: 1318-10-416-044, Douglas County, Nevada (“Subject
13 Property”) shall be rescinded.
- 14 5. The Parties further stipulate that the following recorded documents are to be rescinded and
15 expunged and the foreclosure process re-commenced pursuant to NRS 107.080:
 - 16 a. Notice of Default and Election to Sell Under Deed of Trust Important Notice,
17 recorded February 3, 2009 as Doc. No. 737041;
 - 18 b. Notice of Trustee’s Sale, recorded May 5, 2009 as Doc. No. 742542;
 - 19 c. Notice of Trustee’s Sale, recorded November 5, 2009 as Doc. No. 753417;
 - 20 d. Notice of Trustee’s Sale, recorded January 21, 2011 as Doc. No. 777344;
 - 21 e. Notice of Trustee’s Sale, recorded June 14, 2010 as Doc. No. 765217; and
 - 22 f. Trustee’s Deed Upon Sale, recorded May 13, 2011 as Doc. No. 783193;
- 23 6. The Parties further stipulate to release and expunge the Notice of Pendency of Action
24 recorded by Plaintiff against the Subject Property and recorded with the Douglas County
25 Recorder on April 15, 2010, as document number 762092, and the First Amended Notice
26 of Lis Pendens recorded by Plaintiff against the Subject Property and recorded with the
27 Douglas County Recorder on February 23, 2011, as document number 778964.

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DATED this 23rd day of August 2012.

DATED this 23rd day of August 2012.

LAW OFFICES OF RICK LAWTON, ESQ.

SNELL & WILMER L.L.P.

By: /s/ Rick Lawton

By: /s/ Karl O. Riley

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*Attorneys for Defendants Wells Fargo
Bank, N.A., fka Wells Fargo Home
Mortgage Inc. fka Norwest Mortgage Inc.,
Mortgage Electronic Registration Systems,
Inc., and U.S. Bank, National Association*

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ORDER

1
2 IT IS ORDERED THAT Plaintiff's two remaining claims of wrongful foreclosure and
3 quiet title asserted against any and all named Defendants within the Complaint, with each party to
4 bear its own costs and attorney's fees;

5 IT IS FURTHER ORDERED THAT all previously dismissed claims asserted against any
6 and all Defendants in this action are dismissed with prejudice;

7 IT IS FURTHER ORDERED THAT all pending deadlines and hearings shall be vacated;

8 IT IS FURTHER ORDERED THAT the Trustee's Sale held May 4, 2011 regarding
9 property 617 Alm a Way, Zephyr Cove, AP N: 1318-10-416-044, Douglas County, Nevada
10 ("Subject Property") be rescinded;

11 IT IS FURTHER ORDERED THAT the Notice of Default and Election to Sell Under
12 Deed of Trust Important Notice, recorded February 3, 2009 as Doc. No. 737041 is rescinded and
13 expunged;

14 IT IS FURTHER ORDERED THAT the Notice of Trustee's Sale, recorded May 5, 2009
15 as Doc. No. 742542 is rescinded and expunged;

16 IT IS FURTHER ORDERED THAT the Notice of Trustee's Sale, recorded November 5,
17 2009 as Doc. No. 753417 is rescinded and expunged;

18 IT IS FURTHER ORDERED THAT the Notice of Trustee's Sale, recorded January 21,
19 2011 as Doc. No. 777344 is rescinded and expunged;

20 IT IS FURTHER ORDERED THAT the Notice of Trustee's Sale, recorded June 14, 2010
21 as Doc. No. 765217 is rescinded and expunged;

22 IT IS FURTHER ORDERED THAT the Trustee's Deed Upon Sale, recorded May 13,
23 2011 as Doc. No. 783193 is rescinded and expunged;


24 IT IS FURTHER ORDERED THAT the Notice of Pendency of Action recorded by
25 Plaintiff against the Subject Property and recorded with the Douglas County Recorder on April
26 15, 2010, as document number 0762092, and the First Amended Notice of Lis Pendens recorded
27 by Plaintiff against the Subject Property and recorded with the Douglas County Recorder on
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February 23, 2011, as document number 0778964, be CANCELLED, and this cancellation has the same effect as an expungement.

DATED this 19th day of September, 2012.


DISTRICT COURT JUDGE

SUBMITTED BY:

SNELL & WILMER L.L.P.

By: /s/ Karl O. Riley
Aaron D. Ford, Esq. (Nevada Bar No. 7704)
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Registration Systems, Inc., and U.S. Bank
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