

APN# 1121-05-516-044



KAREN ELLISON, RECORDER

Recording Requested by/Mail to:

Name: Law Office of Kelly R. Chase

Address: PO Box 2800

City/State/Zip: Minden, NV 89423

Mail Tax Statements to:

Name: Kirk & Gina Johnson

Address: PO Box 2435

City/State/Zip: Gardnerville, NV 89440

Judgment of Dismissal with Prejudice and Quieting Title to Real Property

Title of Document (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording contains personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Signature

Printed Name

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CLERK

D. HECIMOVICH

1 Case No. 14-CV-0001

2 Dept. II

3 This document does not contain
4 personal information of any person.

5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE BANK OF NEW YORK MELLON F/K/A THE
10 BANK OF NEW YORK, AS TRUSTEE FOR THE
11 HOLDERS OF THE CERTIFICATES, FIRST
12 HORIZON MORTGAGE PASS-THROUGH
13 CERTIFICATES SERIES FHAMS 2006-AA7, BY
14 FIRST HORIZON HOME LOANS, A DIVISION OF
15 FIRST TENNESSEE BANK NATIONAL
16 ASSOCIATION, MASTER SERVICER, IN ITS
17 CAPACITY AS AGENT FOR THE TRUSTEE
18 UNDER THE POOLING AND SERVICING
19 AGREEMENT,

JUDGMENT OF DISMISSAL
WITH PREJUDICE
AND QUIETING TITLE TO
REAL PROPERTY

20 Plaintiff,

21 vs.

22 KIRK JOHNSON; GINA JOHNSON; DOES I-X; and
23 ROES 1-10 inclusive,

24 Defendants.
25
26

27 This matter comes before the Court on the separate Motions to Dismiss filed March 24, 2016
28 by Defendants KIRK JOHNSON and GINA JOHNSON, in this and two other related cases pending in
this Court, Case No. 14-CV-0002 and Case No. 14-CV-0003. These three actions were joined by the
Court pursuant to NJDCR 2 as all three matters are subject to the Defendants' Motion to Dismiss and
have identical parties and claims for judicial foreclosure.

A joint hearing on the three Motions to Dismiss was held June 22, 2016. After considering all
of the pleadings and papers on file, and hearing argument of counsel, the Court found and concluded

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1 that good cause exists to grant Defendants' motion to dismiss pursuant to NRC 41(e) for lack of
2 diligence in prosecuting the three cases as set forth in the Court's "Findings of Fact, Conclusions of
3 Law, and Judgment of Dismissal with Prejudice" entered concurrently herewith. As part of that
4 judgment, this Court ordered that the encumbrances of record against the subject real property held by
5 Plaintiff shall be quieted and expunged as a result of the dismissal of Plaintiff's claims. This judgment
6 is entered separately for purposes of recording in the Douglas County Official Records.

7 The subject real property of this Action (the "Property") is a residential parcel located in
8 Douglas County, Nevada, specifically described as follows:

9 All of that certain lot, piece or parcel of land situate in Douglas County, State of
10 Nevada, described as follows:

11 A Leasehold estate as created by that certain lease dated March 3, 2006, made by and
12 between, PTP Inc., as lessor and JOHNSON DEVELOPMENT, LLC, a Nevada Limited
13 Liability Company, as lessee, for the term and upon the terms and conditions contained
14 in said lease recorded April 4, 2006, in Book 0406, Page 1605, as Document No.
15 672127, Official Records of Douglas County, Nevada, assigned to KIRK JOHNSON
16 and GINA JOHNSON by document recorded August 24, 2006, in Book 0806, Page
17 9541, as Document No. 682993, and assigned to KIRK ALAN JOHNSON and GINA
18 LEE JOHNSON, Trustees of the KIRK AND GINA JOHNSON FAMILY TRUST,
19 dated December 6, 2004 by document recorded September 8, 2006, in Book 0906, Page
20 2576, as Document No. 0684142, Official Records of Douglas County, Nevada.

21 Lot 200, as set forth on the Record of Survey for PINEVIEW DEVELOPMENT, UNIT
22 NO.6, filed for record in the office of the Douglas County Recorder on September 26,
23 2005, in Book 0905, Page 9644, as Document No. 655937.

24 **APN: 1121-05-516-044**
25 270 Mark Street
26 Gardnerville NV

27 Based on the findings of fact and conclusions of law entered herein, and good cause appearing,
28 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants' Motion to
Dismiss pursuant to NRC 41(e) is hereby GRANTED, and that this action shall be and is hereby
dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court hereby enters
judgment quieting title of the subject Property described above from the encumbrance of the deed of
trust securing the alleged debt assigned to and claimed by Plaintiff as the basis of its judicial foreclosure
action, which is hereby entered as a separate judgment for recording purposes. The deed of trust
expunged hereby is described as:

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1 The "Deed of Trust" recorded August 31, 2006, as Document No. 0683409, in
2 Book 0806, at Page 11509, Douglas County Official Records, and as assigned by that
3 document entitled "Assignment of Deed of Trust" recorded October 3, 2011, as
4 Document No. 790417, in Book 1011, at Page 50, Douglas County Official Records (as
5 to APN 1121-05-516-044).

6 The deed of trust referenced above and as may be amended or assigned shall be, and is hereby,
7 extinguished and expunged from the title of and shall have no further force or effect as to Defendants'
8 Property described above.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Notice of Pendency of
10 Action (Lis Pendens) filed herein and recorded January 21, 2014, as Document 0837108, in Book 0114,
11 at Page 3307, Official Records of the Douglas County Recorder, shall be and is hereby extinguished and
12 expunged and of no further force or effect.

13 DATED this 14th day of July, 2016.

14 
15 DISTRICT COURT JUDGE


16 Submitted by:
17 KELLY R. CHASE, ESQ.
18 Nevada Bar #937
19 P.O. Box 2800
20 Minden NV 89423
21 (775) 782-3099
22 Attorney for Defendants Kirk and Gina Johnson

23 **CERTIFIED COPY**

24 The document to which this certificate is attached is a
25 full, true and correct copy of the original in file and of
26 record in my office.

27 DATE August 12, 2016

28 BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas,

By  Deputy