

APN 003-074-08; and
APN 003-074-05

DEFAULT JUDGMENT

Title of Document

Affirmation Statement

 X I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does not contain** the social security number, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of any person or persons. (Per NRS 239B.030)

 I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does contain** the social security number, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of a person or persons as required by law: _____

(State specific law)

Stacey Grata / Paralegal
Signature Title

Stacey L. Grata
Print

September 17, 2024
Date

When Recorded Mail to:

Tiffany & Bosco, PA
10100 W. Charleston Blvd., Suite 220
Las Vegas, Nevada 89135

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2024 AUG -9 AM 8:19

LISA C. LLOYD
LINCOLN COUNTY CLERK

UDD

1 KRISTA J. NIELSON, ESQ.
Nevada Bar No. 10698
2 KEVIN S. SODERSTROM, ESQ.
Nevada Bar No. 10235
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4 10100 W. Charleston Blvd., Ste. 220
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6 Attorneys for Plaintiff

7 TB #21-71128

8 **SEVENTH JUDICIAL DISTRICT COURT**
9 **LINCOLN COUNTY, NEVADA**

10
11 U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
12 CAPACITY BUT SOLELY AS OWNER
TRUSTEE FOR RCF 2 ACQUISITION
13 TRUST,

Case No.: CV0902223
Dept. No.: 2

14 Plaintiff,

15 vs.

16
17 DAVID D. SMITH, an individual; DARLA R.
SMITH, an individual; DOES 1 through 10
18 and ROE BUSINESS ENTITIES 1 through 10,
inclusive;

19 Defendants.

20
21 **DEFAULT JUDGMENT**

22 The Court, having considered the Application for Default Judgment filed by Plaintiff
23 U.S. Bank Trust National Association, not in its individual capacity but solely as Owner
24 Trustee for RCF 2 Acquisition Trust ("Plaintiff"), the Affidavit in Support of Application for
25 Default Judgment, and the papers and pleadings on file herein, and good cause appearing
26 therefor;

27 THE COURT FINDS that Defendants David D. Smith and Darla R. Smith (collectively
28 "Defendants") acquired ownership of the real property commonly known as 70 Tennille Street,

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1 Caliente, NV 89008, Assessor's Parcel Numbers 003-074-05 and 003-074-08 (the "Property")
2 through grant, bargain, sale deeds recorded with the Lincoln County Recorder on December
3 30, 2005 as Doc. #2005-125725 and March 7, 2011 as Doc. #2011-138000.

4 THE COURT FURTHER FINDS that on or about February 28, 2013, Defendants
5 executed a promissory note in favor of Quicken Loans Inc. whereby Defendants agreed to
6 repay a home loan in the original amount of \$138,675.00 in relation to the Property.

7 THE COURT FURTHER FINDS that along with executing the promissory note in
8 favor of Quicken Loans Inc., Defendants executed a deed of trust (the "Deed of Trust") against
9 the Property to secure their obligations under the loan agreement.

10 THE COURT FURTHER FINDS that the Deed of Trust was recorded against the
11 Property with the Lincoln County Recorder on March 20, 2013 as Doc. #2013-142853.

12 THE COURT FURTHER FINDS that due to mistake or inadvertence, not all pages of
13 the Deed of Trust were recorded when the Deed of Trust was recorded with the Lincoln County
14 Recorder on March 20, 2013 as Doc. #2013-142853, and only 13 of 18 pages of the Deed of
15 Trust were recorded.

16 THE COURT FURTHER FINDS that Mortgage Electronic Registration Systems, Inc.
17 ("MERS"), acting solely as a nominee for the lender and the lender's successors and assigns,
18 was listed as the beneficiary in the Deed of Trust.

19 THE COURT FURTHER FINDS that on March 11, 2019, an assignment of the Deed
20 of Trust was recorded with the Lincoln County Recorder as Doc. #2019-155960 whereby the
21 Deed of Trust was transferred by MERS, as nominee, to Ditech Financial LLC.

22 THE COURT FURTHER FINDS that on December 13, 2019, an assignment of the
23 Deed of Trust was recorded with the Lincoln County Recorder as Doc. #2019-157874 whereby
24 the Deed of Trust was transferred by Ditech Financial LLC to New Residential Mortgage LLC.

25 THE COURT FURTHER FINDS that on April 2, 2020, an assignment of the Deed of
26 Trust was recorded with the Lincoln County Recorder as Doc. #2020-158230 whereby the
27 Deed of Trust was transferred by New Residential Mortgage LLC to NewRez LLC d/b/a
28 Shellpoint Mortgage Servicing.

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1 THE COURT FURTHER FINDS that on August 11, 2022, an assignment of the Deed
2 of Trust was recorded with the Lincoln County Recorder as Doc. #2022-162892 whereby the
3 Deed of Trust was transferred by NewRez LLC f/k/a New Penn Financial, LLC d/b/a
4 Shellpoint Mortgage Servicing to Plaintiff.

5 THE COURT FURTHER FINDS that Plaintiff is the current beneficiary of the Deed of
6 Trust.

7 THE COURT FURTHER FINDS that it was the intention of both Plaintiff's
8 predecessor-in-interest and Defendants that the 2013 loan to Defendants be secured by the
9 Property, that the Deed of Trust encumber the Property in its entirety, and that all pages of the
10 Deed of Trust be recorded at the time the loan to Defendants was made in 2013.

11 Good cause appearing therefor;

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that judgment be and
13 hereby is entered in favor of Plaintiff and against Defendants David D. Smith and Darla R.
14 Smith for declaratory relief, quiet title, and reformation.

15 IT IS FURTHER ORDERED that the Deed of Trust recorded with the Lincoln County
16 Recorder on March 20, 2013 as Doc. #0142853 against the real property commonly known as
17 70 Tennille Street, Caliente, NV 89008, Assessor's Parcel Numbers 003-074-05 and 003-074-
18 08 shall be reformed to include all 18 pages as shown by Exhibit 4 attached to Plaintiff's
19 Complaint filed on September 21, 2023 in this action.

20 IT IS FURTHER ORDERED that the Deed of Trust encumbers the Property in its
21 entirety notwithstanding the fact that certain pages were omitted at the time of recording of the
22 Deed of Trust on March 20, 2013.

23 IT IS FURTHER ORDERED that the lien priority of the Deed of Trust shall be the
24 same as if no pages were omitted at the time of recording on March 20, 2013.

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1 IT IS FURTHER ORDERED that Plaintiff or its successor-in-interest may re-record,
2 with all pages, the Deed of Trust which was recorded with the Lincoln County Recorder on
3 March 20, 2013 as Doc. #0142853.

August 9, 2024


DISTRICT COURT JUDGE

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6
7 Respectfully submitted by:

8 **TIFFANY & BOSCO, P.A.**

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11 
12 Kevin S. Soderstrom, Esq.
13 Nevada Bar No. 10235
14 Attorneys for Plaintiff

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24 In document to which this certificate is attached
25 is a full, true and correct copy of the original, on
26 file in the County Clerk's Office, Pioche,
27 Nevada. In witness whereof, I have hereunto
28 set my hand and affixed the seal of the
Seventh Judicial District Court in and for
the County of Lincoln, State of Nevada, this

26 day of August, 2024

Clerk/Deputy Clerk