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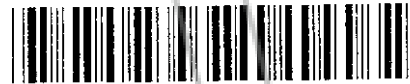
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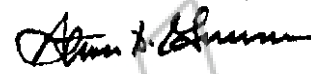
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APN# None found11 digit number may be obtained at:  
<http://sandgate.co.clark.nv.us/cicsAssessor/owner.htm>**ORDER**Order Granting Wells Fargo Bank N.A.'S  
Motion To Set Aside Default Judgment**Type of Document**

(Example: Declaration of Homestead, Quit Claim Deed, etc.)

**Recording requested by:**Cynthia Alexander, Esq.**Return to: CYNTHIA ALEXANDER, ESQ.****Name** Snell & Wilmer L.L.P.**Address** 3883 Howard Hughes Parkway, Suite 1100**City/State/Zip** Las Vegas, NV 89169This page added to provide additional information required by NRS 111.312 Sections 1-2  
(An additional recording fee of \$1.00 will apply.)

This cover page must be typed or printed clearly in black ink only.

  
CLERK OF THE COURT

1 **ORDR**

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20 *Attorneys for Defendant Wells Fargo Bank, N.A.*

21  
22 **DISTRICT COURT**  
23 **CLARK COUNTY, NEVADA**

24 **JOSEPH NASCIMENTO, an individual,**  
25 **Plaintiff,**

26 **vs.**

27 **WELLS FARGO BANK, NA and Does 1-**  
28 **10,**  
**Defendant.**

**CASE NO. A-10-622150-C**

**DEPT. XVII 26**

**ORDER GRANTING WELLS FARGO  
BANK, N.A.'S MOTION TO SET ASIDE  
DEFAULT JUDGMENT**

29 Defendant Wells Fargo Bank, N.A.'s Motion to Set Aside Default Judgment on an Order  
30 Shortening Time ("Motion"), coming on for oral argument November 15, 2010, at 8:30 a.m., with  
31 appearances from Benjamin B. Childs for Plaintiff and Cynthia L. Alexander and Justin R.  
32 Cochran for Defendant, considering Plaintiff's Opposition thereto and Defendant's Reply, taking  
33 notice that the Court Certified its Intention to Set Aside the Default Judgment on January 6, 2011,  
34 and the Nevada Supreme Court's Order remanding the appeal on May 12, 2011 to this Court for

13058433.1

**Snell & Wilmer**

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(702) 784-5200



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1 further proceedings consistent with its certification, and good cause showing, the Court decides as  
2 follows:

3 The Motion is based upon, *inter alia*, Rule 60(c) of the Nevada Rules of Civil Procedure.  
4 In the Motion, Wells Fargo asserts that service was improper and thus pursuant to Rule 60(c), the  
5 Court should vacate its Judgment. This Court agrees.

6 Nevada Rule of Civil Procedure 4 requires that service upon an entity or association  
7 registered to do business in Nevada shall be made "to the registered agent thereof." Wells Fargo  
8 Bank, N.A. is registered with the Secretary of State and has appointed a registered agent in  
9 Nevada. Plaintiff admits that service of the summons and complaint was made upon a local  
10 branch manager here in Las Vegas, Nevada, rather than on Wells Fargo's registered agent. In  
11 order for Wells Fargo to have been properly served pursuant to NRCP Rule 4, service of process  
12 needed to be made on Wells Fargo's registered resident agent. Wells Fargo has brought this  
13 motion in a timely manner after receiving notice of the default judgment, and it appears that  
14 Wells Fargo has a meritorious defense to the claims contained in the Complaint.

15 As set forth in Nevada Rules of Civil Procedure, this Court may vacate a default judgment  
16 when taken against a party "who was not personally served with summons and complaint . . . ."  
17 NRCP 60(c). The record and oral argument demonstrate that Wells Fargo was not personally  
18 served as envisioned under the Nevada Rules of Civil Procedure and timely sought relief from the  
19 default judgment.

20 Accordingly,

21 **IT IS HEREBY ORDERED**, that Wells Fargo Bank, N.A.'s Motion to Set Aside Default  
22 Judgment is granted;

23 ///

24 ///

25 ///

26 ///

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28 ///

13058433.1

Snell & Wilmer

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(702) 744-2100

1 IT IS FURTHER ORDERED, that the Default entered on August 25, 2010, and the  
2 Default Judgment entered on September 1, 2010, is vacated.

3  
4  
5 IT IS SO ORDERED this 7 day of June 2011.

6  
7   
DISTRICT COURT JUDGE

8 Submitted by:

9 SNELL & WILMER L.L.P.

10 By: 

11 Cynthia L. Alexander, Esq. (Nev. Bar No. 6718)

12 Michael Stein, Esq. (Nev. Bar No. 4760)

13 Cassie R. Stratford, Esq. (Nev. Bar No. 11288)

14 Justin R. Cochran, Esq. (Nev. Bar No. 11939)

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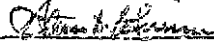
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