

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAULINE LAMOYA,
Appellant,
vs.
CHASE BANK A/K/A WASHINGTON
MUTUAL,
Respondent.

No. 57804

FILED

MAY 10 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order denying a petition for judicial review in a foreclosure mediation program (FMP) matter. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


This court reviews a district court's factual determinations deferentially, Ogawa v. Ogawa, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009) (explaining that a "district court's factual findings . . . are given deference and will be upheld if not clearly erroneous and if supported by substantial evidence"), and its legal determinations de novo. Clark County v. Sun State Properties, 119 Nev. 329, 334, 72 P.3d 954, 957 (2003). Absent factual or legal error, the choice of sanction in an FMP judicial review proceeding is committed to the sound discretion of the district court. Pasillas v. HSBC Bank USA, 127 Nev. ___, ___, 255 P.3d 1281, 1287 (2011).

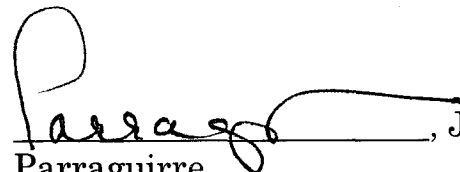
To obtain a foreclosure certificate, a deed of trust beneficiary must strictly comply with four requirements: (1) attend the mediation; (2) participate in good faith; (3) bring the required documents; and (4) if attending through a representative, have a person present with authority to modify the loan or access to such a person. NRS 107.086(4) and (5); Leyva v. National Default Servicing Corp., 127 Nev. ___, ___, 255 P.3d 1275, 1279 (2011) (concluding that strict compliance with these requirements is necessary).

Having reviewed the briefs and appendices, we conclude that the district court did not abuse its discretion in denying the petition for judicial review and ordering a foreclosure certificate to issue. Appellant argues on appeal that respondent failed to provide necessary documents concerning the potential amount of a deficiency judgment, all proper assignments, and the amount paid for those alleged assignments. Appellant also raises a vague argument regarding predatory lending. These issues were not adequately raised below and are therefore improperly raised on appeal. See Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal."). Appellant also contends that respondent failed to attend the mediation with an authorized representative or to participate in the mediation in good faith. The district court fully addressed these arguments in two different hearings. We conclude that the district court properly determined that respondent met its obligations under the foreclosure mediation rules. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

_____, J.
Pickering

_____, J.
Gibbons

_____, J.
Parraguirre

¹We have determined that this appeal should be submitted for decision on the briefs and appellate record without oral argument. See NRAP 34(f)(1).

cc: Hon. Patrick Flanagan, District Judge
Linton & Associates, P.C.
Mark L. Mausert
Smith Larsen & Wixom
Washoe District Court Clerk