

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SNAVELY, AN
INDIVIDUAL,
Appellant,
vs.

ONE NEVADA CREDIT UNION F/K/A
NEVADA FEDERAL CREDIT UNION, A
NEVADA NON-PROFIT COOP
CORPORATION,
Respondent.

No. 61374

FILED

DEC 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *D. Malone*
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. Eighth Judicial District Court, Clark County; Charles M. McGee, Judge.

In an appeal from a district court order granting or denying judicial review in an FMP matter, this court defers to the district court's factual determinations and reviews de novo the district court's legal determinations. *Edelstein v. Bank of N.Y. Mellon*, 128 Nev. ___, ___, 286 P.3d 249, 260 (2012). To obtain an FMP certificate, a deed of trust beneficiary must: (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 person. NRS 107.086(4) and (5) (2011); *Leyva v. Nat'l Default Servicing Corp.*, 127 Nev. ___, ___, 255 P.3d 1275, 1278-79 (2011).

Appellant contends that the district court erred in finding that respondent mediated in good faith. Specifically, appellant contends that it was bad faith for respondent to not offer a viable loan modification until it

reviewed appellant's father's current financial information.¹ Based on the arguments and information presented to the district court, we conclude that the district court was well within its discretion when it found that respondent mediated in good faith. *Edelstein*, 128 Nev. at ___, 286 P.3d at 260 (recognizing that this court defers to the district court's factual determinations). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

cc: Chief Judge, The Eighth Judicial District Court
Hon. Charles M. McGee, Senior Judge
Cogburn Law Offices
Reade & Associates
Eighth District Court Clerk

¹Appellant similarly suggests that it was bad faith for respondent to refuse to discuss modification options at the mediation without appellant's father being present. This suggestion is without merit. Not only does appellant's petition for judicial review recount a modification offer that respondent made at the mediation, but respondent agreed to continue the post-mediation judicial review proceeding so that appellant could obtain his father's financial information in an effort to come to an agreement.